**WHEATRIDGE RENEWABLE ENERGY FACILITY EAST – PROPOSED ORDER ON REQUEST FOR SITE CERTIFICATE AMENDMENT 2**

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|---|---|
| **To:** | Oregon Energy Facility Siting Council |
| **From:** | Sarah Esterson, Senior Policy Advisor |
| **Date:** | July 2, 2026 |
| **Re:** | Proposed Order on Request for Site Certificate Amendment 2 of Wheatridge Renewable Energy Facility East |

| | |
|---|---|
| **Certificate Holder:** | Wheatridge East Wind, LLC, a wholly owned indirect subsidiary of NextEra Energy Resources, LLC. |
| **Approved Facility (portions in operation):** | The Wheatridge Renewable Energy Facility East is an operational 200 megawatt (MW) wind power generation facility in Morrow County. |
| **Proposed Amendment:** | The certificate holder requests the Energy Facility Siting Council's approval to: to extend the construction completion deadline for the unbuilt components (36 wind turbines with 100 MW of generating capacity); split the approved facility into two facilities, each with their own site certificate and certificate holders; and, amend several conditions consistent with the site certificate split. |
| **Facility Site Location:** | Morrow and Umatilla counties, approximately 6 miles northeast of the City of Heppner. |

**Staff Recommendation:** The Oregon Department of Energy (Department) recommends that the Energy Facility Siting Council (EFSC or Council) find the certificate holder has demonstrated that the preponderance of evidence on the record supports the conclusion that the facility, with the changes proposed in Request for Amendment 2, complies with all laws and Council standards applicable to an original site certificate application.

A public comment period is now open on the Proposed Order and complete amendment request. The comment deadline for written comments to be submitted to the Department is Friday, July 31, 2026. Section II, *Council Review Process for Amendments*, of this order contains additional information regarding the site certificate amendment review process. The Public Notice associated with the release of this Proposed Order also contains additional information regarding the comment period and next steps in the EFSC review process.

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

| | | |
|---|---|---|
| In the Matter of Request for Amendment 2 of Wheatridge Renewable Energy Facility East Site Certificate | ) ) ) ) | PROPOSED ORDER |

July 2, 2026

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**ATTACHMENTS**

***Wheatridge Renewable Energy Facility East***

Attachment A-1: Draft Second Amended Site Certificate (red-line)

***Wheatridge Renewable Energy Facility Northeast***

Attachment A-2: Draft Site Certificate
Attachment B: Draft Habitat Mitigation Plan
Attachment C: Draft Noxious Weed Plan
Attachment D: Draft Revegetation Plan
Attachment E: Wildlife Monitoring and Mitigation Plan
Attachment F-1: Draft Construction Wildfire Mitigation Plan
Attachment F-2: Draft Operational Wildfire Mitigation Plan
Attachment G: Decommissioning Cost Estimate and Assumptions

**ABBREVIATIONS AND ACRONYMS**

| | |
|---|---|
| ADT | average daily trips |
| ASC | Application for Site Certificate |
| BESS | battery energy storage system |
| BLM | Bureau of Land Management |
| BMP | best management practice |
| BPA | Bonneville Power Administration |
| Certificate holder | Wheatridge East Wind, LLC, |
| Council or EFSC | Energy Facility Siting Council |
| CTUIR | Confederated Tribes of the Umatilla Indian Reservation |
| CTWSRO | Confederated Tribes of Warm Springs Reservation of Oregon |
| CWPP | Community Wildfire Protection Plan |
| dBA | A-weighted decibels |
| Department | Oregon Department of Energy |
| DOGAMI | Department of Oregon Geology and Mineral Industries |
| DSL | Department of State Lands |
| EFU | Exclusive Farm Use |
| ESCP | Erosion and Sediment Control Plan |
| facility | Wheatridge Solar Energy Facility III |
| HMA | Habitat Mitigation Area |
| HMP | Habitat Mitigation Plan |
| kV | kilovolt |
| MCZO | Morrow County Zoning Ordinance |
| NEER | NextEra Energy Resources, LLC (Certificate Holder owner) |
| NPDES | National Pollutant Discharge & Elimination System |
| NRHP | National Register of Historic Places |
| NSR | noise-sensitive receptor |
| OAR | Oregon Administrative Rule |
| ODAg | Oregon Department of Agriculture |
| ODEQ | Oregon Department of Environmental Quality |
| ODSL | Oregon Department of State Lands |
| ODFW | Oregon Department of Fish and Wildlife |
| ODOE | Oregon Department of Energy |
| ORBIC | Oregon Biodiversity Information Center |
| ORS | Oregon Revised Statutes |
| pRFA | Preliminary Request for Amendment |
| PV | Photovoltaic |
| RFA2 | Request for Amendment 2 |
| RFPA | Rural Fire Protection Association |
| SAG | Special Advisory Group |
| SCADA | Supervisory, Control and Data Acquisition |
| SHPO | State Historic Preservation Office |
| SPCC | Spill Prevention Control and Countermeasure |

**ABBREVIATIONS AND ACRONYMS**

| | |
|---|---|
| T&E | Threatened and Endangered |
| THPO | Tribal Historic Preservation Office |
| UCDC | Umatilla County Development Code |
| WOS | Waters of the State |
| WMMP | Wildlife Monitoring and Mitigation Plan |
| WWEF | Wheatridge Wind Energy Facility |
| WREFI | Wheatridge Renewable Energy Facility I |
| WREFII | Wheatridge Renewable Energy Facility II |
| WREFIII | Wheatridge Renewable Energy Facility III |
| WREFE | Wheatridge Renewable Energy Facility East |
| WREFNE | Wheatridge Renewable Energy Facility Northeast |

## I. INTRODUCTION

On June 3, 2026, Wheatridge East Wind, LLC (certificate holder) filed Request for Amendment 2 (Request or RFA2) of the Wheatridge Renewable Energy Facility East Site Certificate (WREFE).

WREFE is an operating 200 megawatt (MW) wind power generation facility, including 71 wind turbines, located in Morrow County. It lies within an approved 78,985 acre site boundary in Morrow and Umatilla counties, approximately 6 miles northeast of Heppner, Oregon. (More information regarding the existing facility operations is provided in Section I.B.). The site certificate authorizes up to an additional 36 wind turbines with 100 MW of maximum nameplate generation and related or supporting facilities, including a 30 MW Battery Energy Storage System (BESS).

As discussed in Section I.D. of this Order, RFA2 seeks approval from the Energy Facility Siting Council (EFSC or Council) to extend the construction completion deadline for the unbuilt portions of the approved facility; and split the site certificate into two separate site certificates covering two facilities. One facility would consist of the operational, 200 MW facility (WREFE) and continue to be owned and operated by the current certificate holder, Wheatridge East Wind, LLC. The second facility, to be known as Wheatridge Renewable Energy Facility Northeast (WREFNE), would consist of a portion of the WREFE facility that Council previously approved but has not yet been built and be owned and operated by a new certificate holder, Wheatridge Northeast Wind, LLC. NextEra Energy Resources, LLC, the parent company of the existing certificate holder is also the parent company of the proposed new certificate holder.

The proposed splitting of the site certificate would not result in changes to any of the substantive requirements of site certificate conditions, however it would require some administrative changes to conditions. As discussed further below, to approve RFA2, in an amended site certificate for WREFE some conditions would be removed, conditions specific to Umatilla County (because WREFE is located only in Morrow County) and conditions addressing the BESS (because WREFE will not have a BESS). Other conditions would be updated to reflect the facility split and shared use of certain components. A new site certificate for WREFNE would use the WREFE First Amended Site Certificate as the base document, maintaining virtually all the existing conditions while amending them as needed to reflect the facility split. The certificate holder's proposed Second Amended Site Certificate for WREFE is included here as Attachment A-1 and its' proposed Site Certificate for WREFNE is included as Attachment A-2.

In accordance with OAR 345-027-0365, the Oregon Department of Energy (Department), as staff to the Council, issues this Proposed Order recommending approval of the Request, subject to the existing site certificate conditions and recommended amended site certificate conditions set forth in this Proposed Order. This Proposed Order, and the analysis and recommendations contained herein do not constitute a final determination by the Council.

## I.A. SITE CERTIFICATE PROCEDURAL HISTORY

WREFE was initially the Wheatridge East portion of the permitted Wheatridge Wind Energy Facility (WWEF) and then the WREFE portion of Wheatridge Renewable Energy Facility II (WREFII). The current WREFE project resulted from a Site Certificate and facility division approved in the Final Order on the Request for Amendment 1 to the Site Certificate for WREFII.

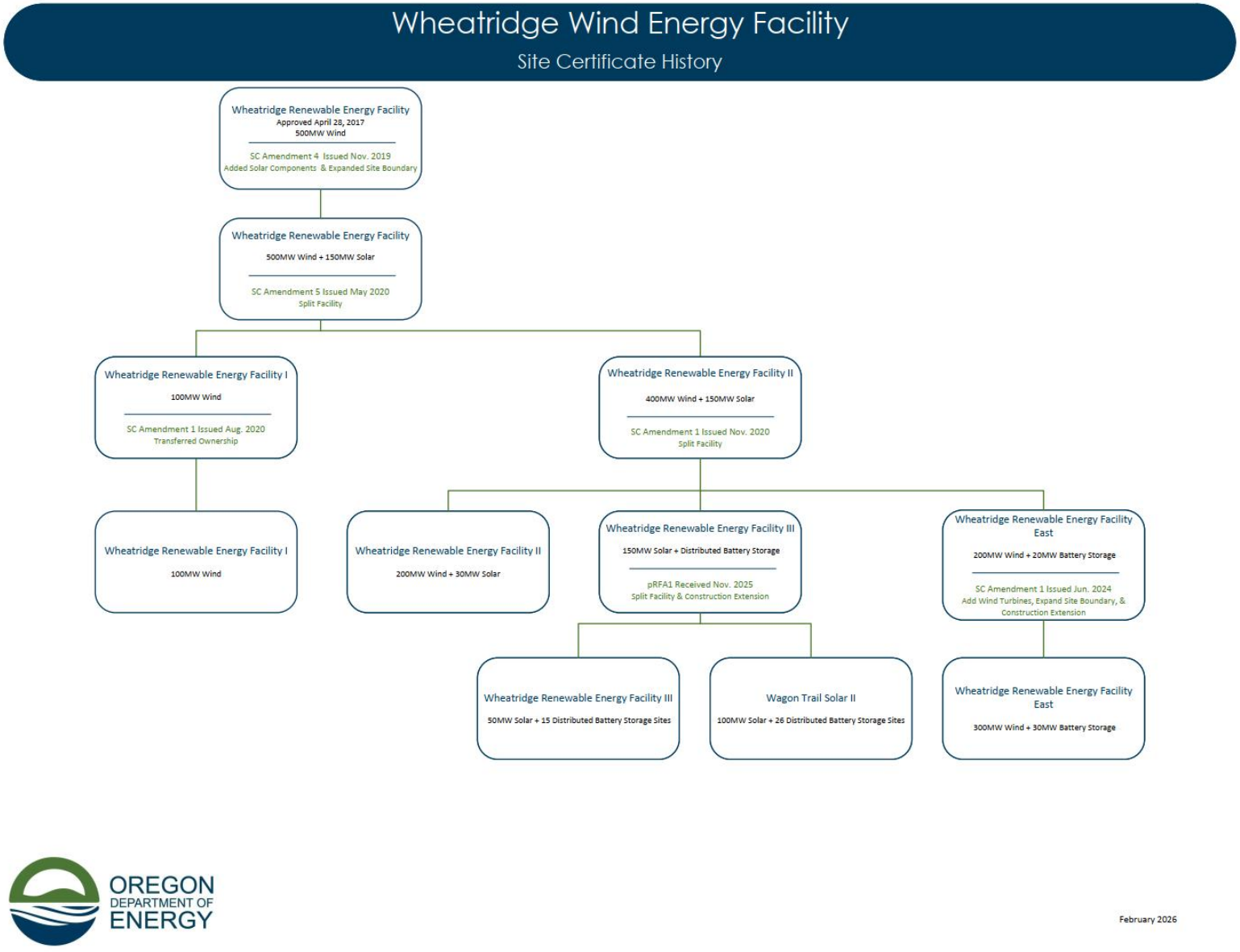
The Site Certificate for WWEF was issued in April 2017 and became effective May 24, 2017. On May 17, 2017, the Certificate Holder provided notice, pursuant to Oregon Administrative Rules (OAR) 345-027-0100(2), to the Oregon Department of Energy (ODOE) of a transfer of ownership of the Certificate Holder. On June 14, 2017, the Certificate Holder filed a Request for Transfer of ownership of the Site Certificate; this was the First Request for Amendment to WWEF.

Following is a summary of amendments to the Site Certificate.

- The First Amended Site Certificate for WWEF was approved in July 2017 and became effective August 11, 2017.
- The Second Request for Amendment to add energy storage for WWEF was submitted concurrently to the Third Request for Amendment, to increase the maximum turbine blade tip height. The Second Amended Site Certificate was issued November 16, 2018 and became effective November 29, 2018. The Third Amended Site Certificate was issued December 14, 2018 and became effective February 7, 2019.
- The purpose of the Fourth Request for Amendment was to add a solar facility. The Fourth Amended Site Certificate became effective November 22, 2019.
- The Fifth Request for Amendment split WWEF into WREFI and WREFII. The Fifth Amended Site Certificate for WWEF (and the first Site Certificate for WREFII) became effective May 22, 2020.
- WREFII was then split into three facilities, each with their own Site Certificate: WREFII, Wheatridge Renewable Energy Facility III (WREFIII), and WREFE. The Council issued the original Site Certificate for WREFE/the Facility on November 19, 2020; this Site Certificate for WREFE is the subject of this RFA 2.
- Council approved the First Amended Site Certificate for the Facility/WREFE to amend the approved Site Boundary and micrositing corridors to accommodate up to 107 wind turbines (300 MW) on June 4, 2024 and it became effective June 5, 2024.

The following Figure 1 summarizes the relevant Site Certificate history.

**Figure 1: Wheatridge Wind Energy Facility Site Certificate History**



## I.B. APPROVED FACILITY DESCRIPTION

### I.B.1. Energy Facility

The First Amended Site Certificate for the Facility/WREFE authorizes the certificate holder to construct up to 107 wind turbines (300 MW) and a BESS in Morrow and Umatilla Counties.

### I.B.2. Related or Supported Facilities

The First Amended Site Certificate authorizes the certificate holder to construct and operate the following related or supporting facilities:

- Up to 107 Generator Step-Up (GSU) Transformers
- Electrical collection system including up to 95 miles of underground 34.5-kV collector lines)
- Up to two collector substations
- Up to 27 miles of up to two overhead, parallel 230 kV transmission lines
- Up to 5 permanent meteorological (met) towers
- Communication and Supervisory Control and Data Acquisition (SCADA) System
- Up to 76 miles of new access roads, including up to 61 miles of permanent roads and 15 miles of temporary roads.
- One primary temporary construction yard and up to four auxiliary construction yards.
- A Battery Energy Storage System (30 MW total and Interconnection Facilities

These components are presented in Table 1 below, which represents the highest-impact design scenario for the facility. The split of the built and remaining unbuilt facility components into two facilities, each with its own site certificate, is described in Section I.D. *Requested Amendment*, of this order. The allocation of facility components between the two facilities is provided in Table 2.

**Table 1: Facility Component Summary**

| Description | No. of Facility Components/Specification | Unit |
|---|---|---|
| **Site Boundary/Micrositing Corridor** | | |
| Site Boundary | 78,985 | acres |
| Micrositing Corridor | 14,640 | acres |
| **Turbine Components** | | |
| **Turbines** | | |
| Approx. total capacity | 300 | MW |
| Approx. total number | 107 | Turbines |

**Table 1: Facility Component Summary**

| Description | No. of Facility Components/Specification | Unit |
|---|---|---|
| **Generator Step Up Transformer Units** | | |
| Approx. total number | 107 | each |
| Noise Level | 108.5 | dBA |
| Transformer oil-containing capacity | 462 | gallons |
| **Related or Supporting Facility Components** | | |
| **34.5 kV Collection System** | | |
| Collector line length, belowground | 95 | miles |
| Collector line length, overhead (OH) | N/A | miles |
| Wood Monopoles (max estimate for OH) | N/A | each |
| **Transmission Line** | | |
| Transmission line length, overhead (OH) | 27 | miles |
| H-frame or Monopoles (max estimate for OH) | 197 | each |
| **Collector Substations** | | |
| Substations w SCADA; Generator step-up transformers, each | 2 substations | each |
| Site Size - Permanent Footprint | 7, 6.5 each | acres |
| Transformer noise level | 98.4 | dBA |
| **Battery Energy Storage System (Lithium-ion)** | | |
| Approx. total of battery containers on foundations with HVAC and fire suppression systems; SCADA | 38 | each |
| Approx. total capacity | 30 | MW |
| Site Size - Permanent Footprint | 5 | acres |
| Noise Level | 102.7 | dBA |
| Approx. container dimensions | 9 X 8 X 20 | H x W x L; feet |
| Approx. building dimensions (if selected instead) | 20 X 100 X 80 | H x W x L; feet |
| **O&M Building** | | |
| Quantity | Shares with WREFII, not a related or supporting facility for WREFE or WREFNE | each |
| Site Size - Permanent Footprint | N/A | acres |
| Height | N/A | feet |
| Appurtenances | | N/A |
| **Facility Roads** | | |

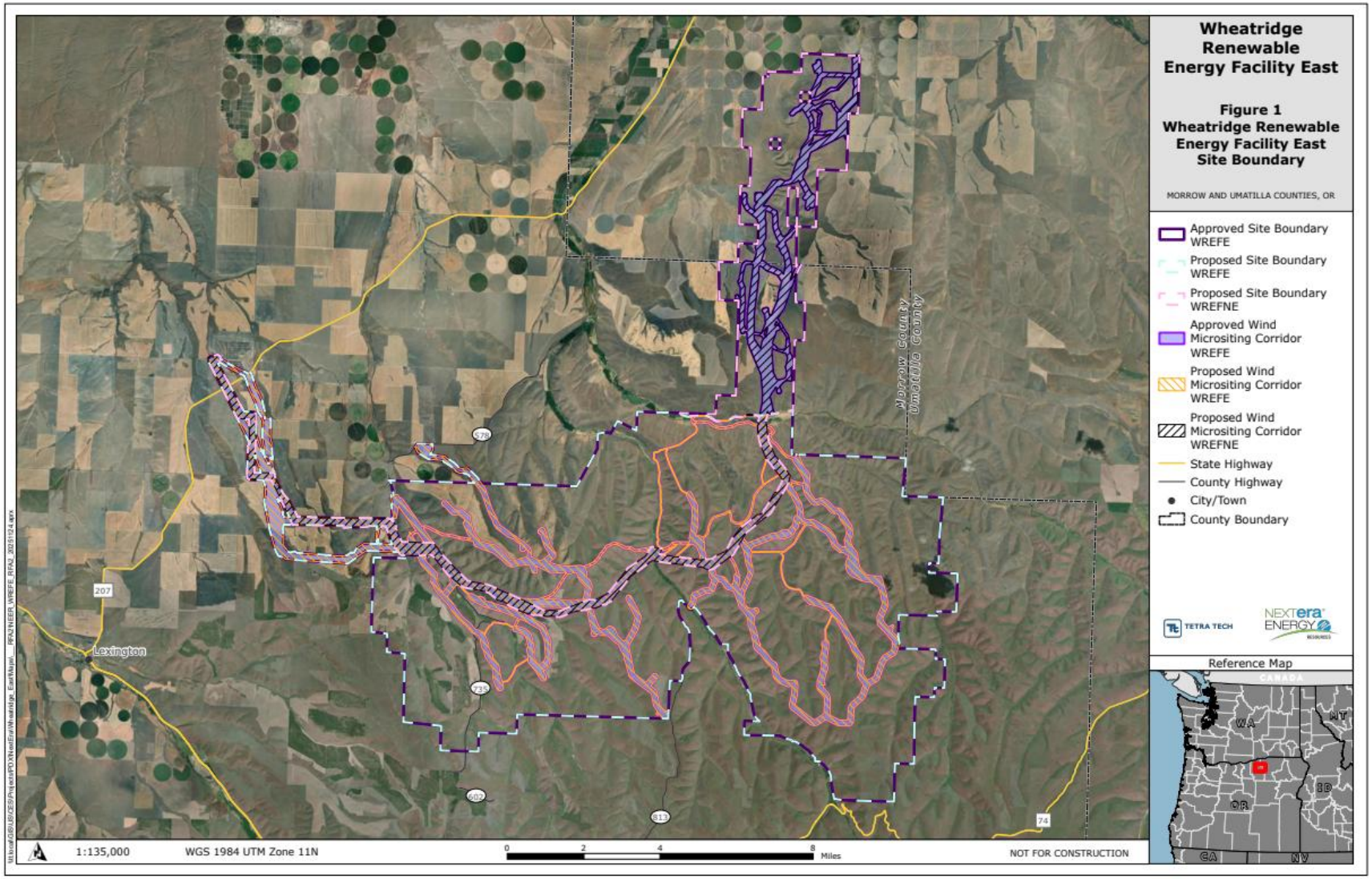
**Table 1: Facility Component Summary**

| Description | No. of Facility Components/Specification | Unit |
|---|---|---|
| Length | 76, 15 for temporary tline roads | miles |
| Width | 16 | feet |
| **Meteorological Towers** | | |
| Quantity | 5 | each |
| Site Size – Permanent Footprint | 0.02 each (32-foot diameter area) | acres |
| **Temporary Construction Yards** | | |
| Quantity | 5, Shares with WREFII, not related or supporting facilities for WREFE or WREFNE | each |
| Site Size - Temporary Disturbance | One 60-acre yard, up to 4 additional 20-acre yards | acres |
| Description | Includes one or more temporary concrete batch plants, one 1,000-gallon diesel and one 500-gallon gasoline above-ground fuel tank | |
| Acronyms: dBA = A-weighted decibels; HVAC = heating, ventilation and air conditioning; kV = kilovolt; OH = overhead; OCM = operations and maintenance; SCADA = supervisory, control and data acquisition | | |

## I.C. APPROVED SITE BOUNDARY AND MICROSITING CORRIDOR

The approved site boundary (authorized by Council in the First Amended Site Certificate) is shown in Figure 1 in Section I.D. below; it encompasses approximately 78,985 acres of private land including approximately 14,640 acres designated as micrositing corridors for facility components. The site also includes a corridor for a 230 kV transmission line that connects the energy facility site to the Blue Ridge Substation. Portions of the transmission corridor overlap with the site boundaries of WREFI, WREFII, and WREFIII.

**Figure 2: Approved and Proposed Amended Site Boundaries**

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## I.D. REQUESTED AMENDMENT

RFA2 seeks approval from the Energy Facility Siting Council (EFSC or Council) to extend the construction completion deadline for the unbuilt portions of the approved facility; and split the site certificate into two separate site certificates covering two facilities. One facility would consist of the operational, 200 MW facility (WREFE) and continue to be owned and operated by the current certificate holder, Wheatridge East Wind, LLC. The second facility, to be known as Wheatridge Renewable Energy Facility Northeast (WREFNE), would consist of a portion of the WREFE facility that Council previously approved but has not yet been built and be owned and operated by a new certificate holder, Wheatridge Northeast Wind, LLC. NextEra Energy Resources, LLC, the parent company of the existing certificate holder is also the parent company of the proposed new certificate holder.

The allocation of facility components between the two facilities is provided in Table 2.

**Table 2: Approved Facility Component Allocation (WREFE and WREFNE)**

| Component and Design Standard | Unit | Approved Facility | Proposed WREFE (as constructed) | Proposed WREFNE | All RFA2 Facilities |
|---|---|---|---|---|---|
| **Site Boundary/Micrositing Corridor** | | | | | |
| Site Boundary | acres | 78,985 | 67,367 | 14,722 | 78,985 |
| Micrositing Corridor | acres | 14,640 | 11,342 | 6,403 | 14,640 |
| **Turbine Components** | | | | | |
| **Turbines** | | | | | |
| Approx. total capacity | MW | 300 | 200 | 100 | 300 |
| Approx. total number | Turbines | 107 | 71 | 36 | 107 |
| **Generator Step Up Transformer Units** | | | | | |
| Approx. total number | each | 107 | 71 | 36 | 107 |
| Noise Level | dBA | 108.5 | | | |
| Transformer oil-containing capacity | gallons | 462 | | | |
| **Related or Supporting Facility Components** | | | | | |
| **34.5 kV Collection System** | | | | | |
| Collector line length, belowground | miles | 95 | 73 | 22 | 95 |

**Table 2: Approved Facility Component Allocation (WREFE and WREFNE)**

| Component and Design Standard | Unit | Approved Facility | Proposed WREFE (as constructed) | Proposed WREFNE | All RFA2 Facilities |
|---|---|---|---|---|---|
| Collector line length, overhead (OH) | miles | N/A | N/A | N/A | N/A |
| Wood Monopoles (max estimate for OH) | each | N/A | N/A | N/A | N/A |
| **Transmission Line** | | | | | |
| Transmission line length, overhead (OH) | miles | 27 | 17, to be shared with WREFNE | 10, to be shared with WREFE | 27, shared intraconnection corridor |
| H-frame or Monopoles (max estimate for OH) | each | 197 | 109 | 88 | 197 |
| **Collector Substations** | | | | | |
| Substations w SCADA; Generator step-up transformers, each | each | 2 substations | 1, to be shared with WREFNE | 1, to share/interconnect to WREFE sub | 2 subs, shared/ interconnect WREFE/WREFNE |
| Site Size - Permanent Footprint | acres | 7, 6.5 each | 7 | 6.5 | 7, 6.5 each |
| Transformer oil-containing capacity | gallons/each | Not previously defined | 14,300 | 10,400 | 10,400-14,300 |
| Transformer noise level | dBA | 98.4 | | | |
| **Battery Energy Storage System (Lithium-ion)** | | | | | |
| Approx. total of battery containers on foundations with | each | 38 | N/A | 38 | 38 |

**Table 2: Approved Facility Component Allocation (WREFE and WREFNE)**

| Component and Design Standard | Unit | Approved Facility | Proposed WREFE (as constructed) | Proposed WREFNE | All RFA2 Facilities |
|---|---|---|---|---|---|
| HVAC and fire suppression systems; SCADA | | | | | |
| Approx. total capacity | MW | 30 | N/A | 30 | 30 |
| Site Size - Permanent Footprint | acres | 5 | N/A | 5 | 5 |
| Noise Level | dBA | 102.7 | | | |
| Approx. container dimensions | H x W x L; feet | 9 X 8 X 20 | | | |
| Approx. building dimensions (if selected instead) | H x W x L; feet | 20 X 100 X 80 | | | |
| **OGM Building** | | | | | |
| Quantity | each | Shares with WREFII, not a related or supporting facility for WREFE or WREFNE | | | |
| Site Size - Permanent Footprint | acres | N/A | | | |
| Height | feet | N/A | | | |
| Appurtenances | | N/A | | | |
| **Facility Roads** | | | | | |
| Length | miles | 76, 15 for temporary tline roads | 60, 15 for temporary tline roads, some to be shared with WREFNE | 16, some to be shared with WREFE | 76, 15 for temporary tline roads, some to be shared between WREFE/WREFNE |
| Width | feet | 16 | | | |
| **Meteorological Towers** | | | | | |
| Quantity | each | 5 | 1 | 4 | 5 |
| Site Size – Permanent Footprint | acres | 0.02 each (32-foot | 0.02 | 0.02 each | 0.02 each (32-foot diameter area) |

**Table 2: Approved Facility Component Allocation (WREFE and WREFNE)**

| Component and Design Standard | Unit | Approved Facility | Proposed WREFE (as constructed) | Proposed WREFNE | All RFA2 Facilities |
|---|---|---|---|---|---|
| | | diameter area) | | | |
| **Temporary Construction Yards** | | | | | |
| Quantity | each | 5, Shares with WREFII, not related or supporting facilities for WREFE or WREFNE | 1, Shares with WREFII, not related or supporting facilities for WREFE | 4, Shares with WREFII, not related or supporting facilities for WREFNE | 5, Shares with WREFII, not related or supporting facilities for WREFE/WREFNE |
| Site Size - Temporary Disturbance | acres | One 60-acre yard, up to 4 additional 20-acre yards | 60 | 20 each | One 60-acre yard, up to 4 additional 20-acre yards |
| Description | | Includes one or more temporary concrete batch plants, one 1,000-gallon diesel and one 500-gallon gasoline above-ground fuel tank | | | |
| Acronyms: dBA = A-weighted decibels; HVAC = heating, ventilation and air conditioning; kV = kilovolt; OH = overhead; OCM = operations and maintenance; SCADA = supervisory, control and data acquisition | | | | | |

The certificate holder's proposed condition modifications and the Department's recommendations to Council are described in detail in the subsequent sections of this Order. Recommended changes to conditions are also presented in Attachments A-1 and A-2 of this order.

### I.D.1. Proposed Site Boundary, Micrositing Corridor, and Facility Components

Figure 2 depicts how the site boundary for the currently operating WREFE facility would be configured per the certificate holder's proposal in RFA2.

**Figure 2: Proposed Amended WREFE Site Boundary**

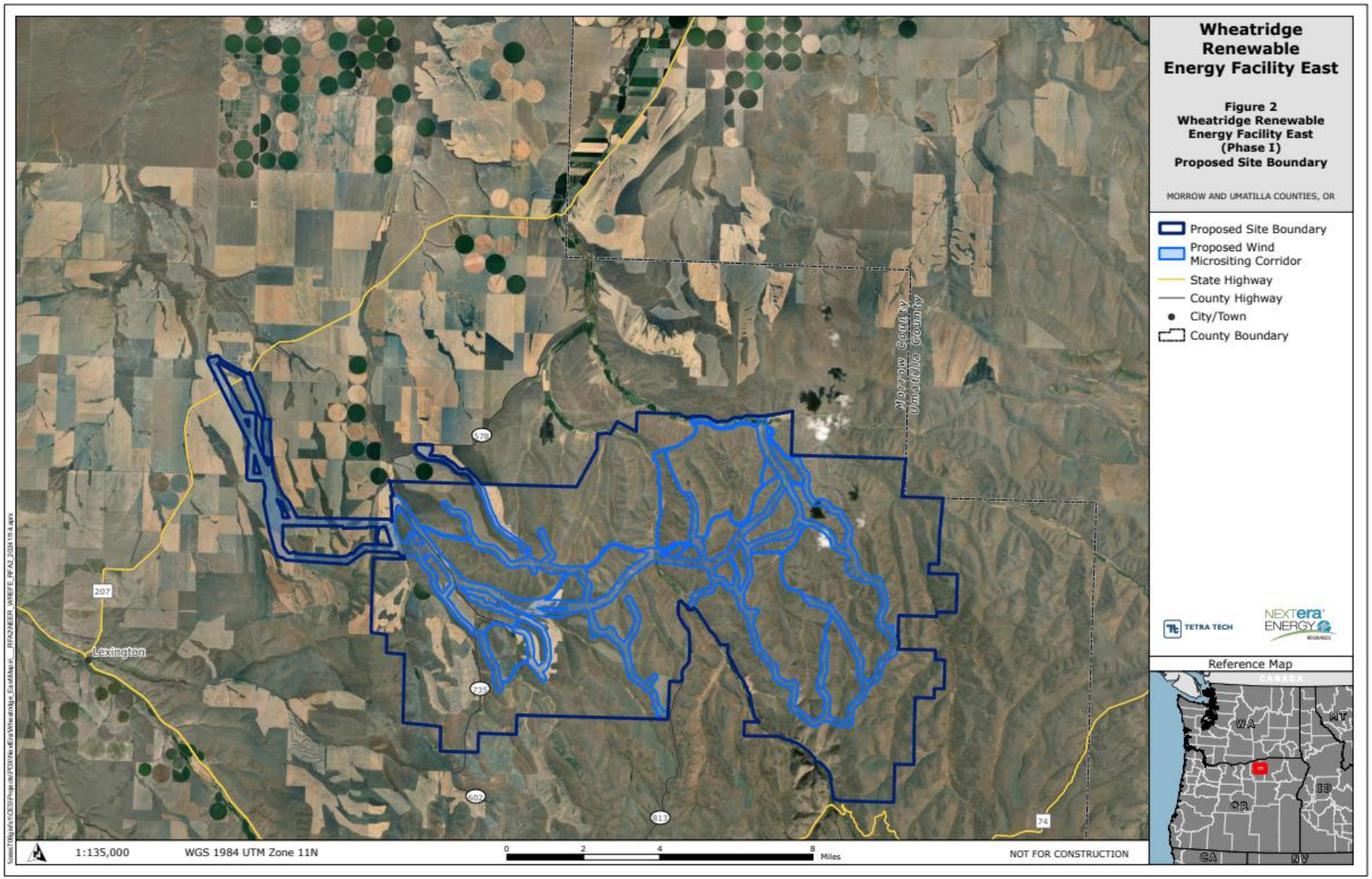
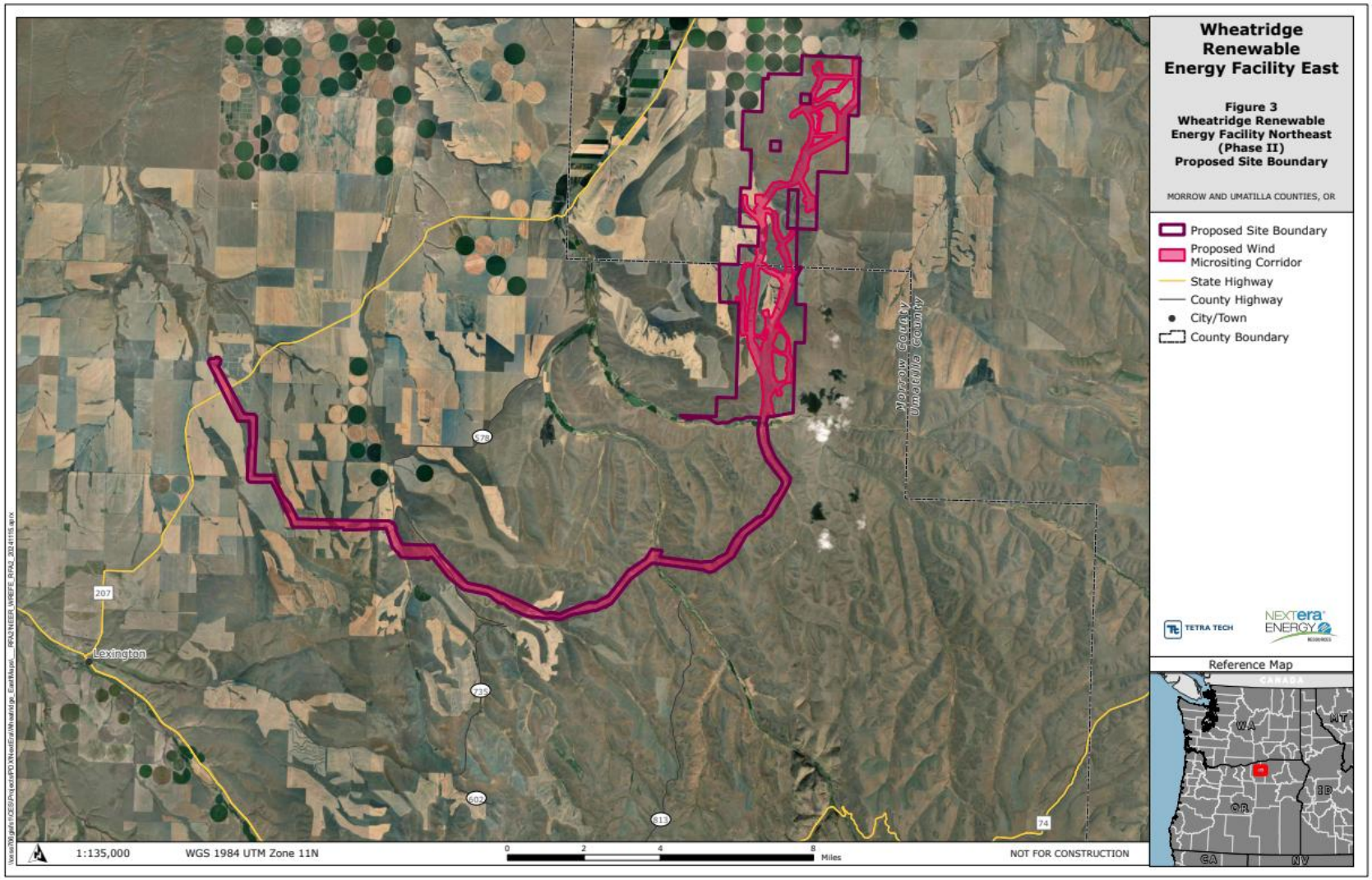


Figure 3 presents the proposed site boundary for the approved, but yet to be built facility that would be known as Wheatridge Renewable Energy Facility Northeast.

**Figure 3: Proposed WREFNE Site Boundary**



## II. COUNCIL REVIEW PROCESS FOR AMENDMENT PROCESS

A site certificate amendment is necessary under OAR 345-027-0350(3) because the certificate holder requests to extend the construction completion deadline. Additionally, OAR 345-027-0385 imposes specific requirements relating to a request for amendment to extend construction deadlines and OAR 345-027-0375 sets the scope of Council's review, as presented below.

### II.A. SCOPE OF COUNCIL REVIEW: OAR 345-027-0375

*(1) In making a decision to grant or deny issuance of an amended site certificate, the Council must apply the applicable laws and Council standards required under section (2) of this rule and in effect on the dates described in section (3) of this rule.*

*(2) To issue an amended site certificate, the Council must determine that the preponderance of evidence on the record supports the following conclusions:*

*(a) The facility as amended complies with all applicable laws and Council standards;*

*(b) For a request for amendment to extend the deadlines for beginning or completing construction, after considering any changes in facts or law relevant to the proposed amendment since the date the current site certificate was executed, the facility complies with all laws and Council standards applicable to an original site certificate application. However, for requests to extend completion deadlines, the Council need not find compliance with an applicable law or Council standard if the Council finds that:*

*(A) The certificate holder has spent more than 50 percent of the budgeted costs on construction of the facility;*

*(B) The inability of the certificate holder to complete the construction of the facility by the deadline in effect before the amendment is the result of unforeseen circumstances that are outside the control of the certificate holder;*

*(C) The standard, if applied, would result in an unreasonable financial burden on the certificate holder; and*

*(D) The Council does not need to apply the standard to avoid a significant threat to the public health, safety or the environment;*

*****

*(3) In making findings under section (2) of this rule, the Council must apply the applicable laws and Council standards in effect on the following dates, regardless of when the site certificate was previously approved or amended:*

*(a) For the applicable substantive criteria under the Council's land use standard, as described in OAR 345-022-0030, the date the request for amendment was submitted; and*

*(b) For all other applicable laws and Council standards, the date the Council issues its final order on the request for amendment.*[1]

OAR 345-027-0375(2)(b) provides that an amendment, which seeks a timeline extension, must be evaluated "after considering any changes in facts or law since the date the current site certificate was executed." The Council interprets OAR 345-027-0375(2)(b) as requiring the review of changes to the existing environment, baseline information and changes in law.

The request to extend the construction completion deadline does not apply to the operating facility to be governed by the amended WREFE Site Certificate. Proposed changes to the operating facility are limited to an administrative split and update of the facility description. Therefore, changes in fact or law are not relevant and not evaluated for the portions of the operational facility to be covered under the amended WREFE Site Certificate.

## II.B. AMENDMENT PROCESS

### II.B.1. Request for Amendment

On March 11, 2026, Wheatridge East Wind, LLC (certificate holder) submitted preliminary Request for Amendment 2 (pRFA2). On March 25, 2026, the Department issued a Public Notice of Receipt of pRFA2 as required by OAR 345-027-0360(2).

On April 23, 2026 the Department notified the certificate holder that pRFA2 was incomplete and issued requests for additional information (RAIs) related to standards potentially impacted by the changes proposed in pRFA2.

On June 2, 2026, the Department notified the certificate holder that pRFA2 was complete. On June 3, 2026, the certificate holder filed a complete RFA2 under OAR 345-027-0363(6) that included all revisions to pRFA2 and all additional information requested by the Department. On July 2, 2026 the Department issued Public Notice of the Proposed Order and Complete Request for Amendment as required by OAR 345-027-0365 and -0367.

[1] Permanent Administrative Order EFSC 5-2025, amend filed 10/24/2025, effective 10/24/2025.

### II.B.2. Proposed Order

A Public Notice of the complete RFA2, Proposed Order, and Public Hearing was issued concurrently with this Order and sent via mail or email to individuals identified in OAR 345-027-0367(4).[2] The Public Notice of the Proposed Order initiates a public comment period on RFA2 and the Proposed Order, as presented in the table below.

**Table 3: Proposed Order Public Comment Process and Deadlines**

| Process Step | Explanation | Deadline[1] |
|---|---|---|
| Comment Period | Opportunity to provide comments with sufficient specificity.[2] | July 2 – July 31, 2026 |
| Certificate holder/Department responses | Opportunity for certificate holder and Department to identify whether comments were raised with sufficient specificity, and to respond with explanation of deficiencies or additional information, evaluation and proposed conditions. | August 5, 2026 |
| Commenter Reply | Opportunity for commenter to supplement their initial comments or determine whether the issue is resolved by the certificate holder or Department's additional information, evaluation or proposed conditions. | August 14, 2026 |
| Certificate holder/Department sur-replies | Final opportunity for certificate holder and Department to resolve issues raised, based on any clarification or supplemental information provided in commenter replies. | August 19, 2026 |

Notes:
1. If no comments are received by the July 31, 2026 deadline, the subsequent process steps and deadlines will not apply.
2. OAR 345-027-0367(7) explains that to provide comments with "sufficient specificity," comments should reference recommended findings of fact, conclusions of law or conditions of approval identified in the Proposed Order to which you object; identify the Council standard or other applicable state and local requirements on which your objection is based; and/or, present facts or statements supporting your objection.

### II.B.3. Draft Final Order

No later than 21 days after the deadline for sur-replies, or if no comments are received, no later than 21 days after the close of the record of the Proposed Order, the Department must issue a draft of the Final Order (draft Final Order).[3] The draft Final Order will include written analysis of any comments on the Proposed Order, including analysis of any responses, replies, and sur-

[2](A) All persons on the Council's general mailing list as defined in OAR 345-011-0020;
(B) All persons on any special mailing list established for the facility;
(C) The reviewing agencies for the facility, as defined in OAR 345-001-0010(52); and
(D) The property owners on the list provided under OAR 345-027-0360.

[3] The Department may issue the draft of the final order at a later date, but the Department must post an update of the date by which it will issue the draft of the Final Order on the Department's webpage for the facility. OAR 345-027-0371(2).

replies, and indicate whether it recommends any changes to the Proposed Order.[4] If the Department recommends any changes, it will include them in a draft Final Order.

Concurrent with issuing the draft Final Order, the Department will issue a Notice of the draft Final Order which will be mailed or emailed to all persons, agencies, or organizations who commented during the public comment period.[5] The Department will post an announcement of the draft Final Order on the Department's webpage for the facility. The Notice of the Draft Final Order will include the date of Council's review.

### II.B.4. Final Order

At the meeting designated in the Notice of the draft Final Order, Council will review the draft Final Order including all related comments, responses, replies, sur-replies, and the Department's analysis, if applicable. During Council's review of the draft Final Order, the Department may summarize the analysis it conducted to produce the order.[6] During its review, Council, at its discretion, may pose questions to the Department, the Department of Justice, persons who commented on the Proposed Order, and/or the certificate holder.[7]

After reviewing the written analysis of the comments, responses, replies, and sur-replies, along with the draft Final Order, the Council, based on the considerations described in OAR 345-027-0375,[8] must either grant or deny issuance of an amended site certificate in a written Final Order. The Council's Final Order may adopt, modify or reject the Department's draft Final Order. If the Council grants issuance of an amended site certificate, the Council must then issue an amended site certificate, which is effective upon execution by the Council Chair and by the certificate holder.[9]

## III. EVALUATION OF COUNCIL STANDARDS

As discussed in Section II.A., to issue an amended site certificate the Council must determine that the preponderance of evidence on the record supports the conclusion that the facility, as amended, complies with all applicable laws and Council standards in effect on the dates described in section OAR 345-027-0375(3).

This Order includes the Department's analysis of whether the certificate holder and facility, with RFA2 changes, would continue to meet each applicable Council standard, with mitigation and subject to compliance with existing and recommended new and amended conditions, as

[4] OAR 345-027-0371(1).
[5] OAR 345-027-0371(3).
[6] OAR 345-027-0371(5).
[7] OAR 345-027-0371(6).
[8] See Section II.A., *Scope of Council Review*, in this Order.
[9] OAR 345-027-0371(7).

applicable. The following Section III analyzes each of the applicable standards and recommends changes to site certificate conditions as needed to support Council findings of compliance.

## III.A. GENERAL STANDARD OF REVIEW: OAR 345-022-0000

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

*(a) The facility complies with the requirements of the Oregon Energy Facility Siting statutes, ORS 469.300 to 469.570 and 469.590 to 469.619, and the standards adopted by the Council pursuant to 469.501 or the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standards the facility does not meet as described in section (2);*

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

******

*(4) In making determinations regarding compliance with statutes, rules and ordinances normally administered by other agencies or compliance with requirements of the Council statutes if other agencies have special expertise, the Department of Energy shall consult with such other agencies during the notice of intent, site certificate application and site certificate amendment processes. Nothing in these rules is intended to interfere with the state's implementation of programs delegated to it by the federal government.* [10]

*****[11]

### III.A.1. Findings of Fact

[10] OAR 345-022-0040, effective April 2, 2025.

[11] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

OAR 345-022-0000 provides the Council's General Standard of Review and requires the Council to find that a preponderance of evidence on the record supports the conclusion that the portion of the facility where the proposed construction completion deadline extension is requested (WREFNE Facility), would continue to comply with the requirements of EFSC statutes, siting standards adopted by the Council, all other Oregon statutes and administrative rules applicable to the issuance of a new site certificate.

*Construction Deadlines*

RFA2 seeks to extend the construction completion deadline established in Condition GEN-GS-02 for the unbuilt portions of the facility to be included in the WREFE Site Certificate from May 24, 2026 to May 24, 2029.

OAR 345-027-0385(3) limits the duration of the extension that may be granted to no more than three years from the deadline in effect. Consistent with this provision, the Department recommends Council extend the construction completion deadline by three years, as presented below:

> **WREFNE Recommended Amended Condition GEN-GS-02:** The certificate holder shall complete construction of the facility ~~components by the following dates:~~ by May 24, 2029. ~~6:. All facility components approved in the Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility (i.e. facility components in the portion of the site north of Butter Creek and the 230-kV transmission line), as applicable based on final design.~~ The certificate holder shall promptly notify the Department of the date of completion of construction.
>
> ~~a. Within 3 years of the date of construction commencement: All facility components located in areas added to the site by the Final Order on Amendment 1 (i.e. all facility components within micrositing siting areas located south of Butter Creek, except the 230-kV transmission line). The certificate holder shall promptly notify the Department of the date of completion of construction.~~

*Mandatory Conditions in Site Certificates - OAR 345-025-0006*[12]

In the First Amended Site Certificate, Council imposed several conditions under the General Standard of Review, including GEN-GS-13, which authorizes the certificate holder to share the O&M Building with Wheatridge Renewable Energy Facility II and requires the certificate holder to provide evidence it has entered into an agreement to share its use.

In RFA2, the certificate holder proposes to update condition GEN-GS-13 to allow for the expanded use of shared facilities between WREFE, WREFNE and WREFII, as described in RFA2 and the above Section I.D. To support splitting the approved site certificate into two site

[12] Council's updates to OAR 345-025-0006(5) related to construction rights have been incorporated into Condition GEN-GS-04 as presented in Attachment A-2 of this order.

certificates, the Department recommends Council include these representations in Condition GEN-GS-13, as presented below:

**WREFE: Recommended Amended Condition GEN-GS-13:** The certificate holder may share ~~utilize~~ the temporary Baseline Lane construction yard and O&M Building, constructed and operated under the site certificate for Wheatridge Renewable Energy Facility II, as well as share the following related or supporting facilities with WREFNE: the intraconnection transmission line, substation, SCADA system, and access roads, subject to the following:

a. Within 30 days of use by certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities. The Shared Use Agreements must allow operation and maintenance personnel and contractors access to the shared facilities.
b. ~~If WREFII proposes to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Condition PRE-RF-02.~~
c. ~~Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Condition PRE-RF-02, for the operational facility, if facilities are decommissioned at different times.~~

**WREFNE: Recommended Amended Condition GEN-GS-13:** The certificate holder may share ~~utilize~~ the temporary Baseline Lane construction yard and O&M Building, constructed and operated under the site certificate for Wheatridge Renewable Energy Facility II, as well as share the following related or supporting facilities with WREFE: the intraconnection transmission line, substation, SCADA system, and access roads, subject to the following:

a. Within 30 days of use by certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities. The Shared Use Agreements must allow operation and maintenance personnel and contractors access to the shared facilities.
b. ~~If WREFII proposes to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Condition PRE-RF-02.~~

c. ~~Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Condition PRE-RF-02, for the operational facility, if facilities are decommissioned at different times.~~
[General Standard Condition 1, Final Order on AMD1 (2024); AMD2 (2026]

RFA2 also proposed to remove (b) and (c) of the above condition, which requires that changes or decommissioning of shared facilities be evaluated by each certificate holder through the Council's Amendment Determination Request process. The Department recommends Council agree to remove sub(b) and (c) of the condition because while the facility components may be shared, the compliance and decommissioning obligations are not shared – these responsibilities have been allocated within individual site certificates. Therefore, there is no need to have each certificate holder evaluate changes in shared facilities.

*Specific Council Standards (OAR Chapter 345, Division 024)*

The Council has adopted specific standards for the siting of wind energy facilities and transmission lines under OAR chapter 345, division 024, including the Public Health and Safety Standards for Wind Energy Facilities under OAR 345-024-0010, the Cumulative Effects Standard for Wind Energy Facilities under OAR 345-024-0015, and the Siting Standards for Transmission Lines under OAR 345-024-0090. As discussed in Section III.P and III.Q. of this Order, the proposal to split the facility into two facilities under separate site certificates does not impact Council's prior analysis of those standards. Therefore, the Department recommends Council find that, subject to compliance with existing and recommended amended conditions of approval, the WREFE and WREFNE facilities, with the changes proposed in RFA2, would comply with Council's specific standards for the siting of wind energy facilities and transmission lines under OAR chapter 345, division 024.

*III.A.1.2. Compliance with other State Statutes and Administrative Rules*

In addition to determining compliance with its own standards, per OAR 345-022-0000(1)(b), the Council must determine compliance with all other Oregon statutes and administrative rules identified in the project order, as amended, as applicable to the issuance of a site certificate for the proposed facility. As discussed in the Council's Final Order on Request for Amendment 1 to the WREFE site certificate, the project order identifies the Noise Regulations for Industry and Commerce under OAR 340- 41 035-0035, laws and rules regulating Removal-Fill activities in Waters of the State under ORS chapter 196 and OAR chapter 141, and the regulation of groundwater and surface water under ORS chapter 537 and OAR chapter 690 as applicable to the siting of the proposed facility.[13] In the Council's Final Order on Request for Amendment 1 the Council found that, subject to compliance with amended and existing site certificate

[13] WRWNOIDOc022 Project Order 2013-05-22, p. 10, 15, 21.

conditions the facility would comply with these regulations. The changes proposed in RFA2 do not require Council to revisit its finding of compliance with those regulations.

### III.A.2. Conclusions of Law

Based on the foregoing analysis, recommended findings of fact, conclusions of law, and subject to compliance with existing and recommended new and amended site certificate conditions described above, and in sections III through IV, the Department recommends that the Council find that the facility, with proposed RFA2 changes, complies with all applicable laws and Council standards, and would continue to comply with the Council's General Standard of Review.

## III.B. ORGANIZATIONAL EXPERTISE: OAR 345-022-0010

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

*(2) The Council may base its findings under section (1) on a rebuttable presumption that an applicant has organizational, managerial and technical expertise, if the applicant has an ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program.*

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

*(4) If the applicant relies on a permit or approval issued to a third party and the third party does not have the necessary permit or approval at the time the*

*Council issues the site certificate, the Council may issue the site certificate subject to the condition that the certificate holder shall not commence construction or operation as appropriate until the third party has obtained the necessary permit or approval and the applicant has a contract or other arrangement for access to the resource or service secured by that permit or approval.* [14]

*** [15]

### III.B.1. Findings of Fact

Subsections (1) and (2) of the Council's Organizational Expertise standard require that the proposed new certificate holder demonstrate its ability to design, construct operate and retire portions of the unbuilt facility (WREFNE) in compliance with Council standards and all site certificate conditions, and in a manner that protects public health and safety, as well as its ability to restore the site to a useful, non-hazardous condition. In determining compliance with the Council's Organizational Expertise standard, Council may consider the proposed certificate holders' experience and past performance in constructing, operating and retiring other facilities.

*Relevant Experience and Access to Technical Expertise*

The current certificate holder of the WREFE facility is Wheatridge East Wind, LLC, which is not proposed to change. RFA2 proposes a new certificate holder, Wheatridge Northeast Wind, LLC for the proposed WREFNE facility. Wheatridge Northeast Wind, LLC is a project-specific LLC wholly owned by NextEra Energy Resources, LLC (NEER, new certificate holder owner), and relies upon the organizational expertise and experience of its parent company to meet the standard. NEER is the same parent company of the existing certificate holder. NEER will retain ownership of and support the organizational expertise of both the existing and new certificate holders, and respective Site Certificates.

NEER is a regionally diversified company with approximately 5,100 employees dedicated to the production of approximately 34,000 MW, from 189 facilities in 41 states and four Canadian provinces. With more than 10,000 wind turbines in its fleet, NEER's wind generation capacity totals more than 19,000 MW. NEER is also capable of generating more than 1,800 MW of electricity from natural gas facilities, operates three nuclear power plants with a capacity of more than 1,200 MW, and operates more than 8,000 MW of solar energy. Within Oregon, NEER subsidiaries own and operate Stateline 1 and 2 wind energy facilities; the Vansycle II Wind Energy Facility; and Wheatridge Renewable Energy Facility II, III, and East.

[14] OAR 345-022-0040, effective April 2, 2025.

[15] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

The Vice President of NEER affirmed that, "Wheatridge Northeast Wind, LLC, will have access to sufficient resources and expertise to construct, own, operate, and maintain the Facility, which resources and expertise may be obtained as services provided by NextEra Energy Resources, LLC."[16]

*Compliance with Council Standards and Site Certificate Conditions*

NEER's Oregon subsidiaries (certificate holders) have received two recorded citations within the last three years.[17] Specifically, in 2023, Vansycle II, LLC received an Oregon Department of Environmental Quality (ODEQ) Pre-Enforcement Notice 2023-PEN-7580 for erosion and sediment control issues at the Vansycle II Wind Repower Project. Corrective actions were undertaken site wide, and as of June 2024, resolution to the non-compliance issue was confirmed by the Department.

In 2025, Wheatridge Solar Energy Center, LLC received an ODEQ Pre-Enforcement Notice 2025-PEN-9727 associated with erosion and sediment control issues at the WREFIII Facility.[18] To return the site to a compliant state, the certificate holder is implementing corrective actions and best management practices. Controls have been installed including compacting berms and maintaining berm height, consistent with the approved ESCP and the 1200-C BMP manual. Corrective actions including implementation of an updated Erosion and Sediment Control Plan; a Site-Specific Stabilization Plan incorporating perimeter and source control measures, soil stabilization, seeding, weed control, and monitoring; and commitment to additional site specific measures are currently being applied at the facility.

Given the above compliance history and the new certificate holder's reliance on the parent company, the Department recommends that the Council supplement site certificate conditions to authorize the Department and Council to adjust the facility decommissioning estimate and the associated amount of financial assurance the certificate holder must provide, should non-compliance and operability issues lead to a circumstance where the certificate holder is unable to fulfil its obligation to decommission the facility based on a Council approved retirement plan and set of EFSC site certificate conditions.

The process of designing, constructing and operating a facility in compliance with an EFSC issued Site Certificate is costly. Resolving compliance issues is costly. Decommissioning the WREFNE facility and restoring the site to a useful, nonhazardous condition is estimated at approximately $11.3 million.

To protect the State from risk that $11.3 million is no longer adequate to decommission the facility and restore the site due to failure to comply and or operate the facility in a manner that

[16] WREFEAMD2 Request for Amendment 2 2026-04-11. Cover Letter, dated Feb 12, 2026.

[17] WREFIIIRFA1 Request for Amendment 1 2026-02-27; Section 6.1.2.6, p. 26

[18] WREFIIIRFA1 Request for Amendment 1 2026-02-27; Section 6.1.2.6, p. 27

protects public health and safety, the Department recommends that the Council amend Organizational Expertise Condition 6 (GEN-OE-02), as presented below:[19]

**Recommended Amended Organizational Expertise Condition 6 (GEN):** ~~In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the Department.~~
The certificate holder shall:

a. Within 72 hours of discovery, report incidents or circumstances that may violate the terms or conditions of the site certificate to the Department. In the report to the Department, the certificate holder shall provide all pertinent facts including an estimate of how long the conditions or circumstances existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit;
b. A soon as reasonably possible after discovery, initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence;
c. Within 30 days of discovery, submit a written report to the Department. The report must contain:
    i. A discussion of the cause of the reported conditions or circumstances;
    ii. The date of discovery of the conditions or circumstances by the responsible party;
    iii. A description of immediate actions taken to correct the reported conditions or circumstances;
    iv. A description of actions taken or planned to minimize the possibility of recurrence; and
    v. For conditions or circumstances that may violate the terms or conditions of a site certificate, an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported conditions or circumstances.
d. Upon receipt of the written report in sub(c) of this condition, the Department may review the facility record for incidents or circumstances reported or reportable under sub(a) related to public health and safety, the environment, or other resources protected under Council standards. If these incidences are determined by the Department to impact the adequacy of the facility decommissioning cost, the Department or Council may adjust the contingencies identified in Final Order on RFA2 Table XX and request that the certificate holder promptly provide an updated bond or letter of credit in the adjusted amount.

As presented in Section III.G., *Retirement and Financial Assurance*, the Department recommends Council also amend Retirement and Financial Assurance Condition 5 to provide

the Department and Council authority to adjust the contingencies applied to the retirement estimate, consistent with amended Organizational Expertise Condition 5(d) above.

### III.B.2. Conclusions of Law

Based on the foregoing findings of fact, and subject to compliance with the existing and recommended amended conditions presented above, the Department recommends Council finds that the existing and proposed certificate holders would continue to satisfy the requirements of the Council's Organizational Expertise standard.

## III.C. STRUCTURAL STANDARD: OAR 345-022-0020

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

*(a) The applicant, through appropriate site-specific study, has adequately characterized the seismic hazard risk of the site; and*

*(b) The applicant can design, engineer, and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site, as identified in subsection (1)(a);*

*(c) The applicant, through appropriate site-specific study, has adequately characterized the potential geological and soils hazards of the site and its vicinity that could, in the absence of a seismic event, adversely affect, or be aggravated by, the construction and operation of the proposed facility; and*

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

*(2) The Council may not impose the Structural Standard in section (1) to approve or deny an application for an energy facility that would produce power from wind, solar or geothermal energy. However, the Council may, to the extent it determines appropriate, apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*

*(3) The Council may not impose the Structural Standard in section (1) to deny an application for a special criteria facility under OAR 345-015-0310. However, the Council may, to the extent it determines appropriate, apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.* [20]

[20] OAR 345-022-0040, effective April 2, 2025.

***[21]

### III.C.1. Findings of Fact

The analysis area for the review of seismic and geologic hazards evaluated under the Council's Structural Standard, is the area within the proposed WREFNE site boundary.[22] To inform the evaluation of seismicity within the site, the certificate holder also assessed earthquakes within 50-miles of the site boundary, and faults outside of the site boundary.

For amendments requesting to extend construction deadlines, the Department and Council evaluate whether there have been "changes in fact or law" since the site certificate was issued to determine whether, based on changes in fact or law, the facility would continue to satisfy requirements of the standard.

In October 2020, a Site-Specific Geotechnical Investigation was completed at the site by Barr Engineering Co., and authorized by registered professional engineer, Joel E. Bahma (PE: 75488).

The site is located in a moderately active seismic region, with hazards including moderate to strong shaking and limited risk of soil collapse. Soils include Loess (loose to medium dense) and Alkali Canyon Formation (dense to very dense).

The Department consulted with DOGAMI in February 2026, where DOGAMI confirmed that the October 2020 Geotechnical Investigation provides geotechnical analyses and recommendations that can be applied to both the WREFE facility and WREFNE facility.

Council previously imposed Structural Standard Condition 1 (PRE-SS-01), Structural Standard Condition 3 (PRE-SS-02), Structural Standard Condition 4 (PRE-SS-03), and Structural Standard Condition 5 (PRE-SS-04). Structural Standard Conditions 1 - 4 (PRE-SS-01 - 04) require that, prior to construction, the certificate holder obtain approval of a geotechnical investigation protocol from the Department; conduct the site-specific geotechnical investigation based on the protocol; and submit the final report to the Department.

Structural Standard Condition 2 (GEN-SS-01) establishes general parameters for the certificate holder to design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction. The certificate holder represents that "all previously imposed Structural Standard] conditions or portions of the conditions are applicable to one or both facilities as proposed."

[21] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.
[22] OAR 345-001-0010(35)(c)(C)(ii).

The Department recommends that the Council finds that compliance with the aforementioned Structural Standard conditions 1 through 5 (GEN-SS-01, PRE-SS-01 through PRE-SS-04), and compliance with General Standard conditions GEN-GS-08, GEN-GS-09, and GEN-GS-10, will ensure seismic and geologic hazards at the WTIIS site are adequately characterized and that the facility is designed, engineered and constructed to avoid dangers to human safety and the environment presented by those hazards. Additionally, the Council imposes Soil Protection Conditions 11 and 12, further discussed in Section III.D *Soil Protection* of this order, which require that the certificate holder conduct all construction activities in compliance with best management practices as provided in the Vegetation and Soil Management Plan required under Condition PRE-SP-05.

### III.C.2. Conclusions of Law

Based on the foregoing recommended finding of fact, and in compliance with OAR 345-022-0220(2), the Department recommends Council continues to apply previously imposed conditions in the site certificate to address the Structural Standard.

## III.D. SOIL PROTECTION: OAR 345-022-0022

> *To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in a significant adverse impact to soils including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills.* [23]
> ***** [24]

### III.D.1. Findings of Fact

The analysis area for the Soil Protection standard is the area within the proposed WREFNE site boundary. Soils and their characteristics, within the analysis area, were identified based on data from the 2025 NRCS USDA Web Soil Survey database and map viewer. The main soil types are Willis silt loam and Ritzville silt loam, with moderate to severe erosion potential. The K factor (erosion factor) for these soils ranges from 0.15 to 0.55, indicating moderate to high susceptibility to erosion. There are no changes in soil characteristics or facility design that would impact Council's prior evaluation of impacts under the standard.

*Construction*

[23] OAR 345-022-0040, effective April 2, 2025.

[24] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

WREFNE construction activities include clearing, grading, excavating, and filling, which disturb soils and increase erosion risk. Heavy machinery can compact soils, reducing infiltration and impeding revegetation.

Council previously imposed Soil Protection Condition 1 (CON-SP-01) requiring the certificate holder to conduct all work during construction in compliance with the NPDES 1200-C construction permit and ESCP; to minimize impacts from erosion to waters of the state during construction. Council previously imposed Soil Protection Condition 3 (PRE-SP-01), requiring a Spill Prevention Control and Countermeasures (SPCC) Plan be implemented to protect soils from spill related impacts.

*Operation*

Previously-imposed Soil Protection Condition 5 (OPR-SP-01) requires inspection and maintenance of roads and other facility components to manage erosion and sediment control, restricts vehicle use to constructed access roads, and requires that if certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction.

### III.D.2. Conclusions of Law

Subject to compliance with the existing site certificate conditions described above, the Department recommends the Council finds that the facility, with proposed construction completion deadline extension, is not likely to result in a significant adverse impact to soils.

## III.E. LAND USE: OAR 345-022-0030

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

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

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

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

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

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

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

*(3) As used in this rule, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.*

*(4) The Council may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the exception process, the Council may take an exception to a goal if the Council finds:*

*(a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;*

*(b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or*

*(c) The following standards are met:*

*(A) Reasons justify why the state policy embodied in the applicable goal should not apply;*

*(B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility; and*

*(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.* [25] ***** [26]

### III.E.1. Findings of Fact

The analysis area for potential land use impacts is the area within and extending one-half mile from the proposed site boundary of WREFE. [27]

The WREFE site is in Morrow County, entirely within Exclusive Farm Use (EFU) zoned land. The WREFNE site boundary is in both Morrow and Umatilla counties. For the purpose of the Land Use standard, the WREFE facility is evaluated as Commercial Utility Facilities for the Purpose of Generating Power for Public Use by Sale.

*Local Applicable Substantive Criteria*

For amendments requesting to extend construction deadlines, the Department and Council evaluate whether there have been "changes in fact or law" since the site certificate was issued or most recently amended to determine whether, based on changes in fact or law, the facility (WREFNE facility) would continue to satisfy requirements of the standard. Changes in the Morrow County Zoning Ordinance (MCZO) and Umatilla County Development Code (UCDC) have occurred between the date Request for Amendment 2 of the Wheatridge Renewable Energy Facility East Site Certificate was submitted (December 19, 2022) and the date the preliminary RFA2 currently under review (March 11, 2026) was submitted.[28] However, none of these changes substantively affect the applicable substantive criteria for the WREFNE facility. Because there are no proposed changes to the site or facility that would affect the facilities

[25] OAR 345-022-0040, effective April 2, 2025.

[26] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

[27] OAR 345-001-0010(35)(c)(C)(ii).

[28] Under the Council's Land Use standard at OAR 345-022-0030, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. For Council review of a request for amendment, pursuant to OAR 345-027-0375(3)(a) the Council shall apply the applicable substantive criteria under the Land Use standard in effect on the date the certificate holder submitted the request for amendment.

compliance with the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use ordinance that are required by the statewide planning goals, and because there have been no significant changes to the applicable substantive criteria enacted since the issuance of the First Amended Site Certificate of the Wheatridge Renewable Energy Facility East, the Department recommends that the Council continue to rely on its previous findings and conditions with regard to the requirements of the Morrow County Comprehensive Plan and Zoning Ordinance.

*Directly Applicable State Rules and Statutes*

Under OAR 345-027-0375(3)(b), any administrative rules and goals adopted by the Land Conservation and Development Commission (LCDC) and any land use statutes directly applicable to the facility under ORS 197.646(3) that are in effect as of the date the Council makes its final decision are applicable to the review of RFA2.

On December 6, 2024, LCDC adopted rules that, among other things, supplement OAR 660-033-0130(5) to describe the steps needed to provide a sufficient analysis under the "farm impacts test" required under ORS 215.296 and OAR 660-033-0130(5). The new rules, set forth in OAR 660-033-0130(5)(c), became effective on January 1, 2025. The intent of the rule change was to incorporate case law guidance from the courts about how to conduct a sufficient farm impacts test analysis. While that common law was in effect at the time the Council issued the Final Order on AMD1, because LCDC has since placed these criteria in rule, the Department evaluates the new provisions in OAR 660-033-0130(5)(c) as directly applicable standards under ORS 197.646(3).

**OAR 660-033-0130**

* * * * *

*(5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:*

*(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and*

*(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

The above provisions have often been referred to as the "farm impacts test." MCZO Section 6.025.A(1) and (2) and UCDC Section 152.059(K)(10) incorporate this test by requiring a demonstration that a proposed use would not force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands. Therefore, Council previously analyzed the farm impacts test criteria in its analysis of those local ordinances. Council noted that potential impacts to accepted farm practices from construction and operation of the facility include noxious weed dispersal, topsoil

loss, erosion, compaction and dust generation, reviewed the certificate holder's analysis of these potential impacts and found that the facility would not significantly change the accepted farming practices or significantly increase the cost of accepted farming practices within the surrounding area, and therefore would comply with MCZO Section 6.025.A(1) and (2) and UCDC Section 152.059(K)(10).

As noted above, LCDC has now supplemented its rules to include the following subsection (c) describing the steps needed to provide a sufficient analysis under the farm impacts test. Because local governments have not yet incorporated the new rules in their land use ordinances, they need to be analyzed here, as part of the Council's evaluation of directly applicable state rules and statutes.

> *(c) For purposes of subsection (a) and (b), a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:*
>
> *(A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;*
>
> *(B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and*
>
> *(C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.*
>
> *(D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.*
>
> *(E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsections (a) and (b).*
>
> *(F) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept*

*payment to compensate for the significant changes or significant increases in costs described in subsection (a) and (b).*

Per OAR 660-033-0130(5)(c)(A) and (B), when assessing whether an activity will force a significant change in accepted farm or forest practices on surrounding lands, the surrounding lands must be identified and the individual impacts to each farm and forest practice on those lands assessed.

In RFA2, the certificate holder identified the accepted farming practices on surrounding lands as cultivated crop production of dryland winter wheat. The certificate holder then identified the potential adverse impacts arising from availability of irrigation water, increased traffic, increased dust, and spread of invasive weed species, the same impacts previously identified and evaluated by Council in the Final Order on the ASC for Wheatridge Wind Energy Facility and Request for Amendment 1 of the Wheatridge Renewable Energy Facility East. The certificate holder then evaluated whether these potential adverse impacts would be considered serious interference with accepted farming practices. As described throughout this Order, the Council previously imposed Land Use Condition 6 (PRE-LU-03), Land Use Condition 11 (GEN-LU-04) and Land Use Condition 8 (CON-LU-01), requiring the certificate holder to minimize unnecessary impacts on agricultural operations by identifying and treating/controlling noxious weeds, using the minimum land area necessary for safe construction and operation, siting facilities to minimize disturbance of farm practices, and using existing roads where possible. In addition, the Council imposed Land Use Condition 12 (PRE-LU-05) requiring the certificate holder to consult with surrounding landowners on measures to reduce avoid impacts on farming practices.

To address erosion, the Council previously imposed Soil Protection Condition 1 and 2 (CON-SP-01 and CON-SP-02), requiring the certificate holder to conduct work in compliance with an Erosion and Sediment Control Plan (ESCP) required as part of the DEQ's 1200-C National Pollutant Discharge Elimination System Construction Stormwater Discharge Permit.

The accepted farm practices on agricultural lands surrounding the site identified in RFA2 are the same as previously evaluated by Council. Therefore, the Department recommends that the Council continue to rely on its previously imposed conditions, as summarized above, to find that the facility, with proposed construction completion deadline extension, would not significantly affect surrounding farm practices.

In RFA2, the certificate holder requests to amend Land Use Condition 6 (PRE-LU-03) to clarify the extent of the area covered by the Noxious Weed Control Plan. The area would be within the permitted micrositing corridors and a 50-foot buffer around the disturbed area within the micrositing corridors. The same changes are presented in the draft Noxious Weed Plan.[29] The Department recommends that the Council concur with the certificate holder's proposed noxious weed control area because it represents a reasonable distance extending from the

[29] WREFEAMD2 Request for Amendment 2. 2026-06-03. Attachment 9.

disturbance area. These changes are presented in the Draft Noxious Weed Plan provided in Attachment C of this order.

The Department recommends that the Council find that the updated requirements of OAR 660-033-0130(5) have been satisfied because RFA2 identifies and describes the accepted farm practices on agricultural lands surrounding the site, assesses the potential impacts the construction and operation of the facility could have on those uses, and explains why those impacts will not force a significant change in accepted farm or forest practices on surrounding lands nor significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. Further, the existing site certificate imposes conditions on the certificate holder that will serve to minimize impacts to and ensure that any farm practices will not be significantly affected.

### III.E.2. Conclusions of Law

Based on the foregoing recommended findings and the evidence in the record, and subject to compliance with existing and recommended amended site certificate conditions, the Department recommends that the Council find that the facility, with proposed construction completion deadline extension, continues to comply with the Land Use standard.

## III.F. PROTECTED AREAS: OAR 345-022-0040

*(1) To issue a site certificate, the Council must find:*

*(a) The proposed facility will not be located within the boundaries of a protected area designated on or before the date the application for site certificate or request for amendment was determined to be complete under OAR 345-015-0190 or 345-027-0363;*

*(b) The design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to a protected area designated on or before the date the application for site certificate or request for amendment was determined to be complete under OAR 345-015-0190 or 345-027-0363.*

*(2) Notwithstanding section (1)(a), the Council may issue a site certificate for:*
*(a) A facility that includes a transmission line, natural gas pipeline, or water pipeline located in a protected area, if the Council determines that other reasonable alternative routes or sites have been studied and that the proposed route or site is likely to result in fewer adverse impacts to resources or interests protected by Council standards; or*

*(b) Surface facilities related to an underground gas storage reservoir that have pipelines and injection, withdrawal or monitoring wells and individual wellhead equipment and pumps located in a protected area, if the Council determines that other alternative routes or sites have been studied and are unsuitable.*

*(3) The provisions of section (1) do not apply to:*

*(a) A transmission line routed within 500 feet of an existing utility right-of-way containing at least one transmission line with a voltage rating of 115 kilovolts or higher; or*

*(b) A natural gas pipeline routed within 500 feet of an existing utility right of way containing at least one natural gas pipeline of 8 inches or greater diameter that is operated at a pressure of 125 psig.*

*(4) The Council shall apply the version of this rule adopted under Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the review of any Application for Site Certificate or Request for Amendment that was determined to be complete under OAR 345-015-0190 or 345-027-0363 before the effective date of this rule. Nothing in this section waives the obligations of the certificate holder and Council to abide by local ordinances, state law, and other rules of the Council for the construction and operation of energy facilities in effect on the date the site certificate or amended site certificate is executed.* [30]

***** [31]

### III.F.1. Findings of Fact

The analysis area for protected areas is within and extending 20 miles from the proposed site boundary of WREFNE. [32]

*Protected Areas in the Analysis Area*

There are 16 protected areas in the analysis area, all of which were previously evaluated by Council.

[30] OAR 345-022-0040, effective April 2, 2025.

[31] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

[32] OAR 345-027-0360(1)(c)(C)(ii)

**Table 4: Protected Areas within the Analysis Area**

| Protected Area (OAR Reference) | Distance from Proposed Amended Site Boundaries (in miles) | Direction | Would wind turbines be visible? (Yes/No) | Would operational noise be audible? (Yes/No) |
|---|---|---|---|---|
| Oregon Trail Area of Environmental Concern (ACEC), Echo Meadows Interpretive Site (OAR 345-001-0010(26)(i)) | 3.17 | N | Yes | No |
| Lindsay Prairie Preserve (OAR 345-001-0010(26)(l)) | 9.4 | W | Yes | Yes |
| Oregon State University Agriculture Research and Extension Center, Hermiston OAR 345-001-0010(26)(q)) | 9.6 | N | Yes | No |
| Cold Springs National Wildlife Refuge (345-001-0010(26)(e)) | 13.3 | NE | Yes | No |
| Boardman Grasslands Managed Area (OAR 345-001-0010(26)(i)) | 14.11 | W | Yes | No |
| Three Mile Adult Hold Fish Hatchery (345-001-0010(26)(9)) | 14.2 | N | Yes | No |
| Power City Wildlife Management Area (345-001-0010(26)(o)) | 15.0 | N | Yes | No |
| Boardman/Willow Creek Research Natural Area (RNA) (345-001-0010(26)(i)) | 15.12 | W | Yes | No |
| Irrigon Wildlife Management Area (345-001-0010(26)(o)) | 16.7 | N | Yes | No |
| Hat Rock State Park (345-001-0010(26)(i)) | 17.2 | NE | Yes | No |
| Battle Mountain Forest State Scenic Corridor (345-001-0010(26)(i)) | 17.7 | SE | Yes | No |
| Irrigon Hatchery (345-001-0010(26)(p)) | 18.4 | N | Yes | No |
| Umatilla National Wildlife Refuge (345-001-0010(26)(e)) | 18.5 | N | Yes | No |
| McNary National Wildlife Refuge (345-001-0010(26)(e)) | 18.8 | NE | Yes | No |

**Table 4: Protected Areas within the Analysis Area**

| Protected Area (OAR Reference) | Distance from Proposed Amended Site Boundaries (in miles) | Direction | Would wind turbines be visible? (Yes/No) | Would operational noise be audible? (Yes/No) |
|---|---|---|---|---|
| Coyote Springs Wildlife Management Area (345-001-0010(26)(o)) | 19.5 | NW | Yes | No |
| Horn Butte ACEC (OAR 345-001-0010(26)(i)) | 26.70 | W | Yes | No |
| Source: RFA1 Exhibit L Table L-1 WREFEAMD1Doc19-10 RFA1 Exhibit L Protected Areas 2024-01-30. | | | | |

Potential Impacts on Protected Areas

Council previously evaluated the potential impacts of the facility on protected areas in the Final Order on the ASC and Final Order on RFA1 and found that no significant impacts to Protected Areas.

There are no new protected areas within the analysis area. RFA2 does not propose any changes to the facility or components from what has already been approved by Council. Therefore, the Department recommends that the Council continue to rely on its previous findings of fact and analysis.

### III.F.2. Conclusions of Law

Based on the foregoing analysis, the Department recommends that the Council find that the design, construction and operation of the facility, with proposed construction completion deadline extension, are not likely to result in significant adverse impact to any protected areas.

## III.G. RETIREMENT AND FINANCIAL ASSURANCE: OAR 345-022-0050

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

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

*(2) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.* [33]

***** [34]

### III.G.1. Findings of Fact

*Restoration of the Site Following Cessation of Construction or* Operation

RFA2 does not include changes that would alter the design, construction, or operation of the WREFNE facility, nor result in any changes to the tasks and actions previously determined adequate to restore the site following cessation of construction or operation.

The decommissioning tasks and actions previously reviewed by Council for the WREFE facility include the following:

- Dismantle aboveground structures (such as wind turbines, towers, met towers, pad transformers, battery components, substations, aboveground transmission lines). Remove components from site for recycle, sale[35] or disposal.
    - Electrical components including substations, collector lines, and transmission lines, along with their support structures would be dismantled.
    - Subsurface features including underground collector lines and concrete foundations would be removed to a minimum of 3 feet below ground surface or as agreed with the landowner, to allow continued use of the land for agricultural or other purposes deemed appropriate at the time of decommissioning purposes.
- Access roads would be reclaimed by regrading and removal of road surfaces, and surface soils restored to original conditions, based on landowner consultation. If the landowner prefers to retain roads, they would be left in place. Reclamation procedures would be based on site specific requirements and techniques commonly employed at the time the area is to be reclaimed. As appropriate and based on intended use of the land following decommissioning, the land would be reseeded in accordance with a Revegetation and Noxious Weed Plan.

RFA2 Attachment 6 provides an updated decommissioning cost estimate for the WREFNE facility. The decommissioning cost estimate was prepared by TetraTech, the certificate holder's consultant using the same methods and assumptions as reviewed and approved by Council in the Final Order on the ASC for the Wheatridge Wind Energy Facility and Request for

[33] OAR 345-022-0040, effective April 2, 2025.

[34] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

[35] While decommissioned parts may be sold, the Council's policy under this standard is that no credit or offsetting may be applied to the decommissioning cost estimate.

Amendment 1 of the Wheatridge Renewable Energy Facility East. Labor and equipment rates were obtained based on U.S. Department of Labor wage determinations and are based on rates as of 4th Quarter 2025.

*Estimated Costs of Site Restoration*

RFA2 Attachment 9 presents the decommissioning cost estimate for the WREFNE facility, including contractor and Department contingencies, at $11.3 million in first quarter 2026 dollars (Q1 2026). The estimate is also provided as Attachment G of this order. Contingencies including 10 percent for administrative and management expenses have been included in the estimate. The contingencies cover direct costs that would be borne by the State in the course of managing site restoration and would include the preparation and approval of a final retirement plan, obtaining legal permission to proceed with demolition of the facility, legal expenses for protecting the State's interest, preparing specification bid documents and contracts for demolition work, managing the bidding process, negotiations of contracts, and other tasks.

*Ability of the Certificate Holder to Obtain a Bond or Letter of Credit*

As described in Section III.B, *Organizational Expertise*, NextEra Energy Resources, LLC (NEER), is the parent company of both Wheatridge East Wind, LLC and Wheatridge Northeast Wind, LLC.

RFA2 Attachment 8 includes a financial assurance letter with a Travelers Casualty and Surety Company of America and its affiliates (Travelers) letterhead dated February 2, 2026. The letter indicates that Travelers, a Council-approved financial institution,[36] has represented NextEra Energy Resources for its surety bonding for over 10 years. Over that time Travelers has worked with NEER in bonding approximately $100,000,000 in projects. Travelers indicate that Wheatridge Northwest Wind, LLC is qualified to perform for the project, and it would be favorable to providing the bond with an estimated value of approximately $10,000,000. The letter includes a Power of Attorney granted to the signatory of the letter, Bryce Grissom, designating him as Senior Vice President to sign, execute, seal and acknowledge any and all bonds, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business. The financial assurance from a Council-approved financial institution supports a finding that the proposed new certificate holder has a likely ability to obtain a bond or letter of credit in the amount estimated to retire the WREFNE facility to a useful, non-hazardous condition.

Under OAR 345-25-0006(8), the Council must impose a condition in each site certificate requiring the certificate holder to submit and maintain a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. To meet this requirement, Council imposed Retirement and Financial Assurance Conditions 4 and 5 (PRE-RF-01 and PRE-RF-02) in the Final Orders for Wheatridge Wind Facility and Final Order on WREFE AMD1. The Department recommends that Council remove and replace these conditions

[36] 2025 EFSC Approved Financial Institution List.

with the below conditions because the previously-imposed conditions apply to preconstruction, construction, and operation of the facility and to support implementation and compliance with the retirement bonding and adjusting. The Department recommends that the Council impose separate conditions for each phase, as described below.

**Recommended Amended Retirement and Financial Assurance Condition 5 (PRE)**: Prior to construction of the facility, facility component, or phase, the certificate holder shall:

a. Submit to the Department Table XX (Retirement Table with tasks/unit/unit costs) of the Final Order on AMD2, updated based on final design and phased construction, if applicable. Certificate holder may not make changes to the unit cost without review and approval by the Department. Certificate holder must also request that the Department confirm the present-day inflation adjusted decommissioning estimate, rounded to the nearest $1,000, to be reflected in the bond or letter of credit in sub c of this condition.
b. Incorporate any additional decommissioning costs for facility changes which have been determined by t
c. Department not to require a site certificate amendment.
d. Submit to the Department a bond or letter of credit, in the amount affirmed by the Department under (a), based on the Council's current pre-approved financial institution list and form.

**Recommended Retirement and Financial Assurance Condition 7 (CON)**: If construction of the facility, facility component, or phase extends more than 12 months, the certificate holder shall:

a. Annually adjust the amount of the bond or letter of credit to present dollar value, as determined by the Department.
b. Incorporate any additional decommissioning costs for facility changes which have been determined by the Department not to require a site certificate amendment.
c. The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to ensure that costs to restore the site are adequate to maintain health and safety of the public and environment.

**Recommended Retirement and Financial Assurance Condition 8 (OPR)**: During operation, the certificate holder shall:

a. Annually adjust the amount of the bond or letter of credit to present dollar value, as determined by the Department.
b. Incorporate any additional decommissioning costs for facility changes which have been determined by the Department not to require a site certificate amendment.
c. The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to protect public health and safety or the environment and ensure the certificate holder's bond or letter of credit is sufficient to restore the site to a useful, non-hazardous condition.

The Department recommends that Council include subsection (c) above in Retirement and Financial Assurance Conditions applicable to construction and operation, which designates that

the Department and Council have "the right to adjust the contingencies, as appropriate and necessary to ensure that costs to restore the site are adequate to maintain health and safety of the public and environment." The intent of this clause is to provide the Council the ability to adjust contingencies in the event the established decommissioning estimate may no longer be sufficient for site restoration (e.g., because the facility is not operated in compliance with the terms and conditions of the site certificate). To ensure that the certificate holder has the ability to restore the site to a useful, nonhazardous condition, the Council authorizes review and adjustment of contingencies applied to the decommissioning estimate, based on the Department's ongoing review of site certificate compliance and the decommissioning estimate. The circumstances that would merit the Department or Council adjusting the contingencies would be if the Department learns of circumstances that demonstrate the existing contingency estimates may not be enough to restore the site to a useful, non-hazardous condition, such as recurring, ongoing, and/or compliance issues related to facility operation that may impact the underlying and/or surrounding land, or issues with health and safety of the public or the environment.

The Council previously imposed the following conditions that relate to the certificate holder's ability to restore the facility site to a useful, non-hazardous condition following permanent cessation of construction or operation. Because these conditions apply to operation and retirement, they continue to apply to both the WREFE and WREFNE facilities.

- Land Use Condition 27 (OPR-LU-06) requires the certificate holder to follow specific site restoration activities in its retirement plan including removing and restoring private access roads unless the landowners directs otherwise, following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses, and providing landowner letters if landowners would like to retain specific facility components such as roads, pads, etc.
- Retirement and Financial Assurance Condition 1 (GEN-RF-01) requires the certificate holder to prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition.
- Retirement and Financial Assurance Condition 2 (RET-RF-01) requires the certificate holder to retire the facility in accordance with a retirement plan approved by the Council.
- Retirement and Financial Assurance Condition 3 (RET-RF-02) outlines requirements and a process to follow if Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan.
- Retirement and Financial Assurance Condition 6 (OPR-RF-01) requires the certificate holder to conduct monthly inspections of the BESS and provide evidence of insurance coverage in its annual report.

### III.G.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing and recommended new and amened site certificate conditions described above, the Department recommends that the Council find that the amount of the bond or letter of credit is sufficient to adequately restore the site to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility, and that the new certificate holder has a reasonable likelihood of obtaining a bond or letter of credit.

## III.H. FISH AND WILDLIFE HABITAT: OAR 345-022-0060

*To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are consistent with:*

*(1) The general fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017, and*

*(2) For energy facilities that impact sage-grouse habitat, the sage-grouse specific habitat mitigation requirements of the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-0000 through -0025 in effect as of February 24, 2017.*[37]

*****[38]

### III.H.1. Findings of Fact

The analysis area for fish and wildlife habitat is the area within the proposed site boundary of the proposed WREFNE.[39]

*Fish and Wildlife Habitat within the Analysis Area*

Habitat categorization surveys of the area within the proposed amended WREFNE site boundary were conducted in 2022 and 2023 to inform Request for Amendment 1 of the Wheatridge Renewable Energy Facility East.[40] All mapped Mule Deer Winter Range within the proposed amended site boundary is considered Category 2 habitat, except for cultivated cropland and developed land, which is considered Category 6 habitat. In addition, a 785-foot buffer around all known WAGs colonies was considered Category 1 habitat and a 4,136 buffer

[37] OAR 345-022-0040, effective April 2, 2025.

[38] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

[39] OAR 345-001-0010(35)(c)(C)(ii).

[40] WREFEAMD1Doc19-13 RFA1 Exhibit P Fish and Wildlife 2024-01-30, Section 4.2., 4.2.1.

around all Category 1 WAGS habitat was considered Category 2 habitat, except where hard barriers would prevent dispersal.

*Fish and Wildlife Habitat Impacts within the Analysis Area*

Construction and operation of the WREFNE facility impact Category 2, 3, 4 and 6 habitat. As presented in Table 4 below, the WREFNE facility would temporarily disturb approximately 154 of Category 2, 11 acres of Category 3, 45 acres of Category 4 and 73 acres of Category 6 habitat. The WREFNE facility would permanently disturb approximately 11 of Category 2, 0.8 acres of Category 3, 6 acres of Category 4 and 15 acres of Category 6 habitat. Impacts to Category 6 habitat do not require compensatory mitigation under the Council's Fish and Wildlife Habitat standard.

**Table 5: Estimated Permanent and Temporary Habitat Impacts from WREFNE Facility**

| Habitat Category | Habitat Type-Subtype | Impact (acres) | |
|---|---|---|---|
| | | Perm. | Temp. |
| 2 | Grassland-Exotic Annual | 6.4 | 76.5 |
| | Grassland-Native Perennial | 4.7 | 71.0 |
| | Shrub-steppe-Rabbitbrush/Snakeweed | <0.1 | 6.1 |
| | Riparian Forest and Natural Shrubland Complexes-Eastside (Interior) Riparian | <0.1 | <0.1 |
| | Open Water – Lakes, Rivers, Streams-Intermittent or Ephemeral Streams | <0.1 | 0.1 |
| | Wetlands – Riverine | <0.1 | 0.2 |
| **Total** | | **11.1** | **153.8** |
| 3 | Grassland-Native Perennial | 0.3 | 5.6 |
| | Shrub-steppe-Basin Big Sagebrush | 0.5 | 5.1 |
| **Total** | | **0.8** | **10.7** |
| 4 | Grassland-Exotic Annual | 5.7 | 44.3 |
| | Shrub-steppe-Rabbitbrush/Snakeweed | - | 0.1 |
| | Open Water – Lakes, Rivers, Streams-Intermittent or Ephemeral Streams | <0.1 | <0.1 |
| **Total** | | **5.7** | **44.5** |
| 6 | Developed-Dryland Wheat | 14.4 | 60.6 |
| | Developed-Irrigated Agriculture | <0.1 | 0.9 |
| | Developed-Other | <0.1 | 11.2 |
| | **Total** | **14.5** | **72.7** |
| | **Grand Total** | **32.0** | **281.7** |

Note: Totals in this table may not sum correctly due to rounding; "-" means no impact while <0.1 means greater than zero but less than 0.05 acres impact. Impacts are based on the Facility layout and habitat mapping as of January 2024.

The Council previously imposed Condition PRE-FW-04 requiring that, prior to construction, the certificate holder finalize a Habitat Mitigation Plan (HMP); and requiring that the certificate holder implement and adhere to the requirements of the final HMP throughout facility

operations. The Department recommends that the Council amend the draft HMP to include Section 2.0, as presented in Attachment B of this order, to clarify the scope of finalization and preconstruction tasks and actions that must be completed to finalize the HMP. Specifically, the finalization of the draft HMP includes determining final estimated permanent habitat disturbance based on final facility design or phase, by habitat type and category; finalization of the management plan to be implemented at the HMA; and execution of the legal instrument required to secure the HMA. The legal mechanism must provide assurance of durability for the life of the proposed facility to ensure the mitigation property will remain habitat if the landowner ceases to own or manage the land prior to facility decommissioning. The legal instrument shall also contain an assurance that the land covered under the agreement will not be used to satisfy any other mitigation obligations other than those pertaining to this facility.

A draft HMP is provided in Attachment B to this order. The draft HMP identifies a mitigation area of approximately 80 acres of suitable in-kind and in-proximity habitat, available for mitigation of WREFNE impacts, located on private land within the Columbia Basin Ecoregion. The HMP includes:

- Preservation and enhancement of native perennial grassland and shrub-steppe mosaic.
- Grazing management, weed control, seeding/planting of native species, fire response planning, and boundary fencing.
- Annual monitoring and reporting for the first five years, with adaptive management if success criteria are not met.
- Success criteria for shrub and grass establishment, weed control, and habitat function.

The Department recommends that the Council find that the mitigation and enhancement actions proposed are consistent with the mitigation goals by category.

The Council previously imposed PRE-FW-02 and PRE-TE-02 requiring the certificate holder finalize and implement a Wildlife Monitoring and Mitigation Plan (WMMP). As part of preconstruction of the existing WREFE, the WMMP was finalized. These conditions do not need to be re-satisfied and/or re-evaluated. As presented in Attachment A-2, draft WREFNE Site Certificate, the Department recommends that the Council delete PRE-FW-02 and PRE-TE-02 because they have already been satisfied, but for clarity, the Department recommends that the Council impose condition OPR-FW-01 requiring that the certificate holder implement and adhere to the requirements of the WMMP, as provided in Attachment E of this order.[41]

### III.H.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing and recommended new conditions described above, the Department recommends Council find that the design, construction, and operation of the facility, with the requested extension of the construction

[41] The track-changes presented in Attachment E represent changes reviewed and approved by the Department and ODFW during the preconstruction review and finalization of the WMMP for the WREFE facility, which should apply and be acknowledged for WREFNE.

completion deadline, will continue to be consistent with the mitigation goals and requirements of ODFW's Fish and Wildlife Habitat Mitigation Policy under OAR 635-415-0025.

## III.I. THREATENED AND ENDANGERED SPECIES: OAR 345-022-0070

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

*(1) For plant species that the Oregon Department of Agriculture has listed as threatened or endangered under ORS 564.105(2), the design, construction and operation of the proposed facility, taking into account mitigation:*

*(a) Are consistent with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3); or*

*(b) If the Oregon Department of Agriculture has not adopted a protection and conservation program, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species; and*

*(2) For wildlife species that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction and operation of the proposed facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.*[42]

*****[43]

### III.I.1. Findings of Fact

The analysis area for threatened or endangered (T&E) plant and wildlife species is the area within and extending 5 miles from the proposed site boundary of the WREFNE facility.[44]

*Threatened and Endangered Species with Potential to Occur within the Analysis Area*

One listed T&E mammal, the Washington Ground Squirrel (WAGS), and one listed T&E plant species, Lawrence's milkvetch (*Astragalus collinus var. laurentii*) were previously identified as having the potential to occur within the analysis area. There have been no changes to the threatened and endangered species expected to occur within the analysis area since the Council's Final Order on Request for Amendment 1 of Wheatridge Renewable Energy Facility East.

[42] OAR 345-022-0040, effective April 2, 2025.

[43] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

[44] OAR 345-001-0010(35)(c)(C)(ii).

*Washington Ground Squirrel*

Washington Ground Squirrel (WAGS) are a small ground squirrel associated with shrub-steppe habitats of the Columbia Basin ecoregion. In Oregon, the WAGS range extends from Umatilla County, west through Gilliam and Morrow counties, to the John Day River.

As discussed in Section III.H. *Fish and Wildlife Habitat*, a special status vertebrate wildlife species survey was conducted in 2024, within the WREFNE site boundary. Additional WAGS surveys were conducted during WREFE preconstruction, to satisfy the requirements of Threatened and Endangered Species Condition 1 (PRE-TE-01) in 2020. WAGS activity was not observed. This condition will apply to the WREFNE facility.

*Lawrence's milkvetch*

Lawrence's milkvetch is a state-listed threatened plant species under ORS 564.105. Lawrence's milkvetch is a perennial in the pea (Fabaceae) family. It occupies sandy or rocky soils overlying basalt on dry slopes of the Columbia Plateau in northern Oregon.

Potential impacts from construction and operation of the WREFNE facility were evaluated in WREFE RFA1 Exhibit Q including botanical surveys conducted in 2024 within the analysis area. Threatened and Endangered Species Condition 3 (PRE-TE-03) requires a preconstruction plant survey for Lawrence's milkvetch within 100-feet of temporary and permanent disturbance from all facility components, unless extent of survey area within suitable habitat from temporary and permanent disturbance is otherwise agreed upon by the Department on consultation with the Oregon Department of Agriculture.

To address impacts to milkvetch after avoidance and minimization, the Council previously imposed Threatened and Endangered Species Condition 4 (PRE-TE-04) to provide funding to the Oregon Department of Agriculture to implement additional mitigation measures including seed collection, seed banking and long-term storage, plant re-establishment and associated research. The mitigation would result in the replacement of at least some plants destroyed or impacted by the construction and operation of the facility, would establish or augment populations on protected land, and would improve knowledge and viability for long-term recovery efforts. In RFA2, the certificate holder seeks to amend the condition, removing a maximum limit of permanent and temporary disturbance (of 5 and 43 acres, respectively). The basis provided is to allow more flexibility in micrositing. The Department disagrees that sufficient explanation and justification have been provided to support this change and recommends that the Council not incorporate the requested Threatened and Endangered Species Condition 4 (PRE-TE-04) changes.

### III.I.2. Conclusions of Law

Based on the foregoing recommended findings of fact and conclusions, and subject to compliance with the existing site certificate conditions, the Department recommends that the Council finds that the facility, with the requested extension of the construction completion deadline, would continue to comply with the Council's Threatened and Endangered Species standard.

## III.J. SCENIC RESOURCES: OAR 345-022-0080

*(1) To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse visual impacts to significant or important scenic resources.*

*(2) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). In issuing such a site certificate, the Council may impose conditions of approval to minimize the potential significant adverse visual impacts from the design, construction, and operation of the facility on significant or important scenic resources.*

*(3) A scenic resource is considered to be significant or important if it is identified as significant or important in a current land use management plan adopted by one or more local, tribal, state, regional, or federal government or agency.*

*(4) The Council shall apply the version of this rule adopted under Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the review of any Application for Site Certificate or Request for Amendment that was determined to be complete under OAR 345-015-0190 or 345-027-0363 before the effective date of this rule. Nothing in this section waives the obligations of the certificate holder and Council to abide by local ordinances, state law, and other rules of the Council for the construction and operation of energy facilities in effect on the date the site certificate or amended site certificate is executed.* [45]

***** [46]

### III.J.1. Findings of Fact

*Scenic Resources in the Analysis Area*

[45] OAR 345-022-0040, effective April 2, 2025.

[46] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

The analysis area for the Scenic Resources standard includes the area within and extending 10 miles from the proposed site boundary of the WREFNE facility. [47]

For amendments requesting to extend construction deadlines, the Department and Council evaluate whether there have been "changes in fact or law" since the site certificate was issued to determine whether, based on changes in fact or law, the facility would continue to satisfy requirements of the standard. The evaluation provided in RFA1 Exhibit R and Council's previous findings and conclusions provided in the Final Order on RFA1, were the basis of the evaluation provided in RFA2.

As summarized in Table 6 below, no new significant or important scenic resources were identified as a result of RFA2. Table 6 identifies the land use management plans evaluated for RFA2, and whether any significant or important scenic resource was identified in the plan.

**Table 6: Land Use Management Plans reviewed for Scenic Resource Designation**

| Reviewed Plan | Scenic Resources Identified in Plan | Scenic Resources Identified in Analysis Area |
|---|---|---|
| **Local** | | |
| Morrow County Comprehensive Plan (2019) | No | N/A |
| Umatilla County Comprehensive Plan (2025) | Yes | No |
| City of Lexington Comprehensive Plan (1979) | No | N/A |
| City Heppner Comprehensive Plan (2024) | No | N/A |
| City of Hermiston Comprehensive Plan (2024) | No | N/A |
| City of Stanfield Comprehensive Plan (2023) | No | N/A |
| City of Echo Comprehensive Plan (2025) | No | N/A |
| **State** | | |
| Oregon Department of State Lands, Real Estate Asset Management Plan (2021) | Yes | No |
| Oregon Parks and Recreation Department, Oregon Natural Areas Plan (2015) | No* | N/A |
| Oregon Department of Transportation, Oregon Highway Plan (1999) | Yes | Blue Mountain Scenic Byway |
| **Federal** | | |
| US Navy Integrated Natural Resource Management Plan for the Boardman Bombing Range (2012) | No | N/A |
| Bureau of Land Management - Baker Resource Management Plan (1989) | Yes | Echo Meadows Interpretive Site |

[47] OAR 345-027-0360(1)(c)(C)(ii)

**Table 6: Land Use Management Plans reviewed for Scenic Resource Designation**

| Reviewed Plan | Scenic Resources Identified in Plan | Scenic Resources Identified in Analysis Area |
|---|---|---|
| National Parks Service - Comprehensive Management and Use Plan Final Environmental Impact Statement, California National Historic Trail, Pony Express National Historic Trail; Management and Use Plan Update Final Environmental Impact Statement, Oregon National Historic Trail, Mormon Pioneer Trail (1999) | Yes | ONHT High Potential Sites and Segments |
| US Forest Service Blue Mountain Scenic Byway Interpretive Guide | Yes | Blue Mountain Scenic Byway |
| * The Oregon Natural Areas Plan identifies areas with high-quality native ecosystems, rare plant and animal species, and unique geologic formations. The plan includes areas that are designated in other plans as significant or important scenic resources but does not specifically address scenic resources itself. | | |

Based upon review of the applicable land management plans presented in Table 6, there are no new important or significant scenic resources within the RFA2 analysis area.

Council previously found that potential visibility of the facility would not be likely to result in a significant, visual impact to any of the important or significant resources listed in Table 6 above.

### III.J.2. Conclusions of Law

Based on the foregoing recommended findings of fact, the Department recommends that the Council find that the that the design, construction and operation of the facility, with the requested extension of the construction completion deadline, are not likely to result in significant adverse visual impacts to significant or important scenic resources.

## III.K. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES: OAR 345-022-0090

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

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

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

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

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

*(3) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.* [48]

***** [49]

### III.K.1. Findings of Fact

The analysis area for the Historic, Cultural and Archaeological Resources standard includes the area within the proposed site boundary of the WREFNE facility. [50]

No new surveys or cultural resources have been documented within the analysis area since the Council prior review in 2024 through the Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility East or preconstruction surveys. Because RFA2 does not change the location or size of the previously approved site boundary, and the entire site boundary was previously surveyed, the Department recommends that the Council find that it is appropriate to rely on previously recorded surveys and that it is not likely that there is a change on the ground that would necessitate any additional surveys.

Historic, Cultural and Archaeological Resources Conditions 1 (PRE-HC-01) and 2 (PRE-HC-02) are associated with CON-HC-01 and require the submission of maps and buffer area marking prior to construction. Historic, Cultural, and Archeological Resources Condition 5 (CON-HC-02) requires that all ground-disturbing activities in the immediate area of any archeological or cultural resources found during construction of the facility be halted until a qualified archeologist can evaluate the significance of the find.

Historic, Cultural, and Archeological Resources Condition 4 (PRE-HC-03) requires that construction personnel are trained by a qualified archaeologist to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites.

[48] OAR 345-022-0040, effective April 2, 2025.

[49] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

[50] OAR 345-027-0360(1)(c)(C)(ii).

### III.K.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing site certificate conditions described above, the Department recommends that the Council find that the construction and operation of the facility, with the requested extension of the construction completion deadline, are not likely to result in significant adverse impacts to historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places or other archaeological objects or sites identified under OAR 345-022-0090.

## III.L. RECREATION: OAR 345-022-0100

*(1) To issue a site certificate, the Council must find that the design, construction and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities.*

*(2) The Council must consider the following factors in judging the importance of a recreational opportunity:*

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

*(b) The degree of demand;*

*(c) Outstanding or unusual qualities;*

*(d) Availability or rareness;*

*(e) Irreplaceability or irretrievability of the opportunity.*

*(3) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). In issuing such a site certificate, the Council may impose conditions of approval to minimize the potential significant adverse impacts from the design, construction, and operation of the facility on important recreational opportunities.*

*(4) The Council must apply the version of this rule adopted under Administrative Order EFSC 1-2002, filed and effective April 3, 2002, to the review of any Application for Site Certificate or Request for Amendment that was determined to be complete under OAR 345-015-0190 or 345-027-0363 before the effective date of this rule. Nothing in this section waives the*

*obligations of the certificate holder and Council to abide by local ordinances, state law, and other rules of the Council for the construction and operation of energy facilities in effect on the date the site certificate or amended site certificate is executed.* [51]
*** [52]

### III.L.1. Findings of Fact

The analysis area for the Recreation Standard is 5 miles from the proposed site boundary of the WREFNE facility. [53]

*Recreational opportunities within the Analysis Area*

In the Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility East, the Council evaluated recreational opportunities, and determined five would be considered important under OAR 345-022-0100(2), including:

- Oregon National Historic Trail High-Potential Segment (2.5 miles from site boundary)
- Echo Meadows Site/Oregon Trail Area of Critical Environmental Concern (2.5 miles from site boundary)
- Blue Mountain State Scenic Byway (OR-74) (4.2 miles from site boundary)
- Morrow County Fairgrounds (4.6 miles from site boundary)
- Willow Creek Water Park (4.8 miles from site boundary)[54]

Neither the certificate holder nor the Department identified any new or previously unevaluated recreational opportunities in the 5-mile analysis area since the Council's prior evaluation.

*Potential Impacts to Important Recreation Opportunities*

In the Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility East, the Council found that the construction and operation of the RFA1 facility components would not be expected to result in any potentially significant impacts to important recreational opportunities. The Department recommends that the Council rely upon and incorporate by reference its evaluation as presented in Section III.M of the 2024 Final Order on RFA1.

[51] OAR 345-022-0040, effective April 2, 2025.
[52] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.
[53] OAR 345-027-0360(1)(c)(C)(ii)
[54] WRWAPPDoc196. Final Order on ASC. 2016-05-24. In the Final Order on ASC, the Council disagreed with the certificate holder's representation that Willow Creek Water Park met the criteria for an "important" recreational opportunity. However, the Council included an evaluation of potential impacts to this recreational opportunity.

### III.L.2. Conclusions of Law

Based on the foregoing analysis, the Department recommends that the Council find that the design, construction and operation of the facility, with the requested extension of the construction completion deadline, are not likely to result in a significant adverse impact to important recreational opportunities.

## III.M. PUBLIC SERVICES: OAR 345-022-0110

> *(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area described in the project order to provide: sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.*
>
> *(2) The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*
>
> *(3) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.* [55]
>
> ***** [56]

### III.M.1. Findings of Fact

The analysis area for potential impacts to public services is the area within and extending 10-miles from the proposed site boundary of the WREFNE facility. [57] The analysis area includes the cities of Lexington and Heppner, as well as portions of unincorporated Morrow and Umatilla counties. Other communities within the vicinity of the site including, but not limited to Ione and Heppner, could be affected by increased demand for housing and traffic impacts associated with the construction and operation of the WREFNE facility.

Impact Assessment Assumptions

[55] OAR 345-022-0040, effective April 2, 2025.

[56] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

[57] OAR 345-027-0360(1)(c).

In RFA2, the certificate holder relies on its analysis and assumptions conducted for WREFE RFA1 and maintains that its maximum impact analysis done for RFA1 remains applicable for construction of WREFNE.

*Sewers and Sewage Treatment*

During construction, portable toilets will be provided by a licensed subcontractor, who will be responsible for servicing the toilets at regular intervals and dispose of wastewater in accordance with local jurisdictional regulations.

The O&M building would have an on-site septic system which would be serviced by licensed companies. The facility would not require sewage treatment, nor require construction or expansion of public stormwater drainage facilities.

Therefore, construction and operation of the WREFNE facility would not impact public and private providers of sewer, sewage treatment or stormwater drainage.

*Water Supply*

No developed water systems serve the site.[58] Approximately 42.9 million gallons of water will be needed for the construction of the facility and has provided evidence that the required amount of water could be obtained from permitted municipal sources with existing water rights.[59]

To confirm the source for construction-related water and to ensure that impacts to public or private water sources are not impacted by construction of the WREFNE facility, the Department recommends that the Council impose Public Services Condition 24, below. Public Services Condition 24 requires the certificate holder to confirm the final water demand based on final facility build out and requires the certificate holder to provide evidence that the final water sources for construction-related water are adequate, and have been legally secured under existing water rights or third-party permits:

> **Recommended Public Services Condition 24 (GEN)**: Prior to and during facility construction, as applicable, the certificate holder shall:
> a. Identify all water-related needs and estimate daily and annual water demand for facility construction.
> b. Provide evidence such as a contract or purchase agreement demonstrating that adequate water supply to meet facility construction demand has been secured and that water for all construction activities will be legally obtained by service providers or third-party permits.

[58] WREFEAMD1Doc19-19 RFA1 Exhibit U Public Services 2024-01-30, Section 4.3.2.
[59] WREFEAMD2 Request for Amendment 2. 2026-06-03. Attachment 10.

As discussed in Section III.A., *General Standard of Review*, WREFE and WREFNE would share the O&M building with WREFII. Operational water use at the O&M building(s) would be served by onsite, permit-exempt wells and would not result in impacts on the ability of public or private providers of water to deliver services.

Subject to the conditions described above, the Department recommends that the Council find that the construction and operation of the WREFNE facility are not likely to result in significant adverse impact to the ability of any public or private water providers to provide services.

*Stormwater Drainage*

No drainage district or developed stormwater drainage facilities serve the site except those associated with public roads maintained by Morrow and Umatilla counties. Because the WREFNE facility will not connect to any developed stormwater drainage system and will not be located within the boundaries of a drainage district, the Department recommends that the Council find that the WRENE facility is not likely to result in adverse impacts on the ability of any community to provide stormwater drainage services.

*Solid Waste Management*

Morrow County provides solid waste disposal and recycling services through franchise agreements with various private providers. General solid wastes from the facility would likely be disposed of at the Finley Butte Regional landfill, which is located approximately 10 miles south of Boardman.[60]

As discussed in Section III.O, the certificate holder estimates that the construction of the facility is expected to generate approximately 13,500 cubic yards of solid waste for offsite disposal. The certificate holder estimates that an additional 8 cubic yards of solid waste would be generated each month during operation of the facility, or approximately. An additional 15,000 cubic yards of solid waste would be generated during decommissioning of the facility. The certificate holder provided correspondence with the operator of the Finley Butte Landfill indicating that the landfill had adequate capacity to accept the volume of waste generated by the facility.[61]

The Council previously imposed site certificate conditions GEN-OE-04, PRE-WM-01, PRE-WM-02, CON-PS-01, CON-WM-01, and OPR-PS-03, requiring the certificate holder to develop and implement waste management plans with provisions to ensure that the generation of solid waste is minimized and waste materials are reused or recycled to a reasonable extent, and to ensure that any universal or hazardous wastes, including battery wastes, are segregated from the solid waste stream and handled, transported, and disposed of properly. These conditions also ensure that waste is handled in accordance with the Morrow County Solid Waste Management Ordinance and other state and federal law.

[60] WREFEAMD1Doc19-19 RFA1 Exhibit U Public Services 2024-01-30, Section 4.3.4.

[61] WREFEAMD1Doc19-19 RFA1 Exhibit U Public Services 2024-01-30, Attachment U-1.

Because local waste disposal facilities have adequate capacity to accept solid wastes generated by the construction, operation, and decommissioning of the facility, and because existing and recommended amended site certificate conditions will ensure wastes are transported and disposed of in accordance with local, state, and federal law, the Department recommends the Council find the construction, operation, and decommissioning of the facility are not likely to have a significant adverse impact on solid waste management services in the analysis area.

*Traffic Safety*

The primary transportation routes used for construction are I-84 and OR-207, and the following major county roads would convey significant amounts of construction traffic: Bombing Range Road, Big Butter Creek Road, Little Butter Creek Road, Baseline Road, Juniper Lane, Strawberry Lane, and Sand Hollow Road in Morrow County.

Council previously imposed Public Services Condition 6 (PRE-PS-01) requiring that, prior to construction, the certificate holder coordinate with ODOT and county road officials to develop and implement a Traffic Management Plan, as approved by the Department, that would include best management practices (BMP's) to minimize potential construction-related traffic impacts. BMP's include maintaining emergency vehicle access to private property, using chase vehicles if required by ODOT, and notifying nearby landowners prior to the start of construction.

Public Services Condition 7 (PRE-PS-02) requires the certificate holder to enter into road use agreements with counties that will outline, at a minimum, a pre-construction assessment of road surfaces, construction monitoring, and post-construction inspection and repair. Council previously imposed Public Services Condition 8 (PRE-PS-03), which requires new road construction to be compliant with the applicable county road design standards.

Based on the recommended findings presented here and compliance with previously imposed conditions, the Department recommends that the Council find that the construction of WREFNE facility would not be likely to result in a significant adverse impact to the ability of public or private providers of traffic safety.

*Air Traffic*

As shown in Table 7 below, there are two public and two private airports located within 10 miles of the proposed amended site boundary.

**Table 7: Airports within Analysis Area**

| Airport | Ownership | Distance from Amended Site Boundary (miles) | Direction from Amended Site Boundary |
|---|---|---|---|
| West Butter Creek Airport | Private | 2.1 | N |

**Table 7: Airports within Analysis Area**

| Airport | Ownership | Distance from Amended Site Boundary (miles) | Direction from Amended Site Boundary |
|---|---|---|---|
| Lexington Airport | Public | 5.2 | SW |
| K2 Airport | Private | 6.0 | N |
| Hermiston Municipal Airport | Public | 9.9 | N |
| Source: Ex. U, S. 4.3.6.5. | | | |

The WREFNE would include up to 37 wind turbines with a maximum blade tip height of 500 feet. The Council previously imposed site certificate condition PRE-PS-04 requiring the certificate holder to submit a Notice of Proposed Construction or Alteration (FAA Form 7460-1) to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation and provide the results of the subsequent Oregon Department of Aviation aeronautical study and determination.

The FAA only makes determinations with regards to potential hazards to public and military airports and air navigation facilities and does not determine whether private airfields such as the West Butter Creek Airport and K2 Airport will be impacted by the proposed facility. The Oregon Department of Aviation similarly does not provide regulatory oversight of private airports but indicated that it did not expect the West Butter Creek Airport to be affected by facility wind turbines during the proceedings on Request for Amendment 3 of the site certificate for the Wheatridge Wind Facility.[62] While the proposed site boundary would be closer to the West Butter Creek and K2 Airports, the wind micrositing corridors are the same distance or more from these private airports as evaluated in that proceeding.

The Department recommends the Council find that subject to compliance with site certificate condition PRE-PS-04, the facility, with proposed deadline extension, is not expected to have a significant adverse impact on air navigation or air traffic safety.

*Fire and Police Providers*

Fire protection providers for the facility are the Boardman Fire Rescue District (BFRD) location approximately 18 miles away in Boardman, Oregon and Echo Rural Fire Protection District (Echo RFPD) located approximately 23 miles from the facility. RFA2 Attachment 10 includes correspondence from the Fire Chief at BFRD indicating that BFRD would continue to provide emergency services and fire response in conjunction with other local fire agencies for the facility. RFA2 Attachment 10 also includes a letter from Echo RFPD stating that the RDPD does not have any concerns with the facility, and they will respond to any fires or initial emergency response at the site. They continue by stating that a 100-foot vegetative-free area must be maintained around structures.

[62] WRWAMD3Doc21 Final Order on Request for Amendment 3 (Wind Turbines) 2018-11-16, Attachment B.

As discussed in Section III.N., *Wildfire Prevention and Risk Mitigation*, the Council's Wildfire Prevention and Risk Mitigation standard is applicable to the WREFNE facility during construction and operation of the facility. Construction and operational Wildfire Mitigation Plans (WMPs) are attached to this order as Attachments F-1 and F-2 and are imposed under Wildfire Prevention and Risk Mitigation Conditions 1 through 4. The WMPs include steps to finalize the plans prior to construction and operation of the facility where facility design features would be finalized, including vegetative-free areas around electrical equipment which would reduce wildfire risk from and to the facility. The WMP's include pre-construction and operational trainings, with invitation provided to local fire departments and emergency service providers.

The Department recommends that the WMPs for facility construction and operation would reduce potential impacts to fire service providers.

RFA2 Attachment 10 includes a letter from the Morrow County Sheriff's Office indicating that they are the agency that provides primary law enforcement to the facility. The Sheriff states that they will response to any complaints from the facility and that they do not expect the facility to impact their staff workload.

Previously imposed Public Services Condition 18 (GEN-PS-03) requires that, prior to construction and operation, the certificate holder provide employee fire prevention and response training for facility fire hazards, fire safety, emergency notification procedures, and the use of fire safety equipment. The condition cites to the agencies identified in the Emergency Management Plan developed under Public Services Condition 13. Public Services Condition 13 (PRE-PS-05) is coded as a pre-construction condition, requiring the finalization of an Emergency Management Plan which includes coordination with local fire protection districts; however, the condition also states that the plan shall be maintained onsite and implemented throughout construction and operation of the facility. Similarly, Public Services Condition 20 (PRE-PS-06) is coded for pre-construction and requires the development and implementation of a site health and safety plan that would be applicable to construction, while also stating that the site health and safety plan must be updated on an annual basis, maintained throughout the construction and operation of the facility. The health and safety plan includes information about first aid techniques, what to do in case of an emergency, important telephone numbers, the locations of onsite fire extinguishers, contact information of nearby hospitals, and training on these items. The Department recommends that the Council impose separate conditions that would be applicable during construction and operation of the facility, because the safety and fire risks differ during each phase; this also facilitates implementation and compliance with the conditions. As described above, Public Services Conditions 18, 13, and 20 have related and overlapping information training requirements.

Previously imposed Public Services Condition 21 (PRE-PS-07) and Public Services Condition 22 (PRO-PS-03) require that all construction and operational workers are certified in first aid, cardiopulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED),

and that an AED is available at all times during construction and operation of the facility. Because this is a typical requirement that appears in contractor and certificate holder emergency and safety management plans, the Department recommends that the Council remove Public Services Condition 21 (PRE-PS-07) and Public Services Condition 22 (PRO-PS-03), adding the same requirements to the Construction and Operational Emergency and Safety Management plans addressed below:

**Recommended Amended Public Services Condition 13 (PRE)**: Prior to construction, the certificate holder shall submit ~~prepare~~ an Emergency and Safety Management Plan to the Department for review and approval. The Construction Emergency and Safety Management Plan may be the certificate holder or contractors corporate Plan but must include, at a minimum: ~~that includes the procedures and actions described in this order and in ASC Exhibit U. The certificate holder shall submit the plan to ODOE for review and approval in consultation with the appropriate local fire protection districts (including the City of Heppner Volunteer Fire Department and Ione Rural Fire Protection District) prior to construction. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. Any updates to the plan shall be provided to the department within 30 days. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility. Additional information that shall be included in the plan:~~

a. ~~Current c~~Contact information of ~~at least two~~ facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). ~~An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information.~~

~~b. Identification of agencies that participated in developing the plan;~~

c. Identification of agencies and fire protection associations, with contact information, that are designated as first response agencies and ~~or~~ are included in any mutual aid agreements with the facility;

~~d. A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility;~~

~~e. Contact information for each agency listed above~~;

f. ~~Communication p~~Protocols for both routine and emergency events and the incident command and notification system to be used in the event of an ~~fire~~ emergency response by multiple agencies is needed at the facility;

~~g. Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place;~~

h. The designated meeting location in case of evacuation;

i. Location(s) of automated external defibrillator (AED) that must be available on site.
j. Staff and contractor training requirements~~;~~ and frequency of trainings;
~~k. Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.~~

***

**Recommended Public Services Condition 26 (CON)**: During construction, the certificate holder and its contractor must implement and adhere to the Construction Emergency and Safety Management Plan finalized in Public Services Condition 13 (PRE-PS-05). The following must be submitted in the semi-annual construction progress report:

a. Training attendance rosters and copies of trainings materials;
b. Any changes to the Construction Emergency and Safety Management Plan.

**Recommended Deleted Public Services Condition 20 (PRE)**: ~~Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan will include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the facility, and available upon request by the department.~~ Deleted in Final Order on Amendment 2 (2026).

**Recommended Deleted Public Services Condition 18 (GEN)**: ~~Prior to construction and operation of the facility, , the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Public Services Condition 13 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request.~~ Deleted in Final Order on Amendment 2 (2026).

As described above, Public Services Conditions 18, 13, and 20 included requirements for these measures and blended the applicability of the conditions to construction and operation. The Department recommends that the Council impose Public Services Conditions 27 and 28, below, requiring the finalization and implementation of an Operational Emergency and Safety Management Plan, which would include the substantive requirements from the previously-imposed conditions.

**Recommended Public Services Condition 27 (PRO)**: Prior to operation, the certificate holder shall submit an Operational Emergency and Safety Management Plan / Emergency Action Plan (the most current version of Attachment E of the Final Order on RFA1) to the Department for review and approval. The Operational Emergency and Safety Management may be the certificate holder's corporate Plan but must include, at a minimum:

a. Contact information of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s).
b. Identification of agencies and fire protection associations, with contact information, that are designated as first response agencies and are included in any mutual aid agreements with the facility;
    i. Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.
c. Protocols for both routine and emergency events and the incident command and notification system to be used in the event of an ~~fire~~ emergency response by multiple agencies is needed at the facility;
d. The designated meeting location in case of evacuation;
e. Location(s) of automated external defibrillator (AED) that must be available on site;
f. Staff and contractor training requirements~~;~~ and frequency of trainings;
    i. Personnel shall be trained on the measures described in the Emergency and Safety Management Plan and in first aid, cardio pulmonary resuscitation (CPR), and the use of an AED.
    ii. First aid techniques and locations of first aid kits and AED.
    iii. Training attendance rosters and training materials must be maintained.

**Recommended Public Services Condition 28 (OPR)**: During operation, the certificate holder must implement and adhere to the Operational Emergency and Safety Management Plan / Emergency Action Plan finalized in Public Services Condition 27 (PRO-PS-04). The following must be submitted in the annual report:

c. Training attendance rosters and copies of trainings materials;
d. The most current version of the corporate or applicable Emergency and Safety Management Plan / Emergency Action Plan.

**Recommended Deleted Public Services Condition 22 (PRO)**: ~~Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that operations and maintenance personnel are at the facility.~~ Deleted in Final Order on Amendment 2 (2026).

The following conditions remain applicable to the facilities:

- Public Services Condition 10 (CON-PS-02): during construction certificate holder must provide 24-hour on-site security and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office.
- Public Services Condition 12 (OPR-PS-04): during operation, the certificate holder must ensure that law enforcement agencies have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site.

The Department recommends that the Council find that compliance with the proposed, deleted and amended conditions would continue to minimize potential adverse impacts from construction and operation of the facility, with proposed changes, to public and private providers of fire and police protection services.

*Housing*

In RFA2, the certificate holder relies on the housing analysis done for RFA1, which relies on 2024 US Census and 2024 US Census Estimates for housing occupancy rates and data. The certificate holder maintains that construction workers who are not residents of the area typically stay in temporary accommodations such as hotels or motels, apartments, short-term rental homes, campgrounds, or other areas where workers can park mobile housing (e.g., trailers or recreational vehicles).

During operations, the certificate holder estimates that approximately two additional staff would be necessary to operate the solar facilities. These staffing additions are not expected to significantly impact housing services within the analysis area.

Based upon the discussion provided above, the Department recommends that the Council find that the construction and operation of the facility are not likely to result in significant adverse impacts to the ability of public and private housing providers to deliver housing.

*Schools and Healthcare*

Healthcare service providers nearest to the facilities include:

- Pioneer Memorial Hospital (Heppner, OR)
- Good Shepherd Medical Center (Hermiston, OR)
- Mid-Columbia Medical Center (Level III trauma center, the Dalles, OR)
- Oregon Health & Science University Hospital and Legacy Emmanuel Medical Center (for serious injuries needing Life Flight)

The ambulance service provider that services the area is Morrow County Health District's Emergency Medical Services as well as nearby fire districts that have first responder vehicles.

As discussed in the above section, the Department recommends that the Council consolidate previously-imposed site certificate conditions requiring a safety and health plan and emergency management plan, as well as conditions requiring first aid and CPR training, into amended Public Services Condition 13, 26, and 27 requiring a Construction and Operational Emergency and Safety Management plans. The finalization and implementation of these plans would ensure that safety and health measures are established and maintained onsite, which would reduce the need for emergency services at the site.

Two school districts are located within the analysis area, Morrow County School District No 1 and Echo School District No. 5 in Umatilla County. Most construction workers would be local residents. Workers from outside the area that are hired for construction are unlikely to relocate with their families, considering the short-term duration solar facility construction. Construction will be temporary, with most of the peak work period will occur during the summer months when school is not in session.

During operations, the certificate holder estimates that approximately two additional staff would be necessary to operate the facilities; these staffing additions are not expected to significantly impact schools within the analysis area.

Based on the discussion provided above and compliance with existing, recommended new, and amended certificate conditions described in this section, the Department recommends Council find that the construction and operation of the WREFNE facility is not likely to result in significant adverse impacts to the ability of public and private emergency service and educational service providers.

### III.M.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing, new, and recommended removed, amended, and new site certificate conditions described above, the Department recommends the Council find that construction and operation of the facility, with the requested extension of the construction completion deadline, are not likely to result in significant adverse impacts to the ability of public and private providers to provide the services listed in OAR 345-022-0110.

## III.N. WILDFIRE PREVENTION AND RISK MITIGATION: OAR 345-022-0115

*(1) To issue a site certificate, the Council must find that:*

*(a) The applicant has adequately characterized wildfire risk within the analysis area using current data from reputable sources, by identifying:*

*(A) Baseline wildfire risk, based on factors that are expected to remain fixed for multiple years, including but not limited to topography, vegetation, existing infrastructure, and climate;*

*(B) Seasonal wildfire risk, based on factors that are expected to remain fixed for multiple months but may be dynamic throughout the year, including but not limited to, cumulative precipitation and fuel moisture content;*

*(C) Areas subject to a heightened risk of wildfire, based on the information provided under paragraphs (A) and (B) of this subsection;*

*(D) High-fire consequence areas, including but not limited to areas containing residences, critical infrastructure, recreation opportunities, timber and agricultural resources, and fire-sensitive wildlife habitat; and*

*(E) All data sources and methods used to model and identify risks and areas under paragraphs (A) through (D) of this subsection.*

*(b) That the proposed facility will be designed, constructed, and operated in compliance with a Wildfire Mitigation Plan approved by the Council. The Wildfire Mitigation Plan must, at a minimum:*

*(A) Identify areas within the site boundary that are subject to a heightened risk of wildfire, using current data from reputable sources, and discuss data and methods used in the analysis;*

*(B) Describe the procedures, standards, and time frames that the applicant will use to inspect facility components and manage vegetation in the areas identified under subsection (a) of this section;*

*(C) Identify preventative actions and programs that the applicant will carry out to minimize the risk of facility components causing wildfire, including procedures that will be used to adjust operations during periods of heightened wildfire risk;*

*(D) Identify procedures to minimize risks to public health and safety, the health and safety of responders, and damages to resources protected by Council standards in the event that a wildfire occurs at the facility site, regardless of ignition source; and*

*(E) Describe methods the applicant will use to ensure that updates of the plan incorporate best practices and emerging technologies to minimize and mitigate wildfire risk.*

*(2) The Council may issue a site certificate without making the findings under section (1) if it finds that the facility is subject to a Wildfire Protection Plan that has been approved in compliance with OAR chapter 860, division 300.**[63] ***[64]*

### III.N.1. Findings of Fact

The Wildfire Prevention and Risk Mitigation standard requires the Council to find the applicant has adequately characterized wildfire risk associated with a proposed facility using reputable data sources; and under OAR 345-022-0115(1)(b), that the proposed facility would be operated in compliance with a Council-approved wildfire mitigation plan. As discussed in Section II.A., *Scope of Review*, under OAR 345-027-0375(2)(b), to issue an amended site certificate for a request for amendment to extend the deadlines for beginning or completing construction, the Council must determine that the preponderance of evidence on the record supports the conclusion that, after considering any changes in facts or law relevant to the proposed amendment since the date the current site certificate was executed, the facility complies with all laws and Council standards applicable to an original site certificate application.

The analysis area to evaluate potential wildfire risks is the site boundary and one-half mile from the proposed WREFNE site boundary.[65] As described above, the wildfire standard is applied to the WREFNE facility that has yet to be constructed.

Based on the certificate holder and Department's assessment of wildfire risk at the site and within the analysis area, as described in the RFA2 and this order, the Department recommends that the Council find that wildfire fire is moderate during winter (seasonally wetter) months and high during the summer months, during fire season.

*Wildfire Risk Analysis*

Under OAR 345-022-0115(1)(a), a certificate holder must adequately characterize the wildfire risk within the analysis area using reputable sources to describe Baseline Wildfire Risk, Seasonal Wildfire Risk, Areas Subject to Heightened Risk of Wildfire, and High-fire Consequence Areas. Each of these are discussed in detail in this section with a description of the data source, as necessary to support the findings and conclusions. The data sources used to evaluate wildfire risk are listed in RFA1 and RFA2 Section 7.1.15 and include but are not limited to:

- Community Wildfire Protection Plan Planning (CWPP), 2025a Tool Oregon Explorer;
- 2025 National Interagency Fire Center WFIGS Interagency Fire Perimeters;
- National Oceanic and Atmospheric Administration (NOAA) 2025b. U.S. Climate Normals Quick Access. Station: Condon station;

[63] OAR 345-022-0040, effective April 2, 2025.

[64] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

[65] OAR 345-001-0010(35)(c) and YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

- 2018 USFS, Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results;
- Conservation Biology Institute 2020 data;
- 2024 National Wildfire Coordinating Group, Fuels: Surface Fuel Model Descriptions
- 2019 Morrow County Community Wildfire Protection Plan (CWPP)[66]

Baseline and Seasonal Wildfire Risk

The majority of the site is grassland, with smaller areas of shrub-steppe and cultivated lands. The Oregon CWPP Planning Tool data indicate that burn probability throughout the analysis area is moderate to high, and fuel modelling suggests that, in the event of a wildfire, 4- to 8-foot flames of moderate intensity would be expected in the semi-arid grasslands in the analysis area.[67] Figure 11 shows the estimated hazard to hypothetical structures within the analysis area based on the modeled vegetation, climate, and topography of the analysis area. The majority of the analysis area is considered to have moderate to high hazard to structures, with small areas of very high hazard interspersed within. Approximately 35 percent of the analysis area has low or very low hazard to structures, with low hazard areas more concentrated in the northern and western portions of the site.

Data from the NRCS National Weather and Climate Center indicates that median precipitation in the vicinity of the site was approximately 12.7 inches between 1991 and 2020. During the summer months of July, August, and September, the area received less than one inch of precipitation per month (0.15, 0.16, 0.30 inches, respectively). During these drier months, fire risk is expected to increase, and Red Flag Warnings may become more likely.[68]

Areas Subject to Heightened Risk of Wildfire and High-Fire Consequence Areas

High-fire consequence areas include areas containing residences, critical infrastructure, recreation opportunities, timber and agricultural resources, and fire-sensitive wildlife habitat.

Less than one percent of the WREFNE site is developed, with residences, agricultural buildings, and other infrastructure concentrated around roads and waterways including Big Butter Creek Road, Little Butter Creek Road, Milk Canyon, and OR-207. Additional cultivated areas and crop stubble mapped as having low overall risk are concentrated along the western portion of the transmission corridor.[69]

Overall Wildfire Risk at the Site

[66] https://www.morrowcountyor.gov/sites/default/files/fileattachments/planning/page/15251/2019_cwpp_final.pdf accessed 12-29-2025.

[67] WREFEAMD1Doc19-19 RFA1 Exhibit V Wildfire 2024-01-30, Section 3.1.

[68] WREFEAMD1Doc19-19 RFA1 Exhibit V Wildfire 2024-01-30, Section 3.4.

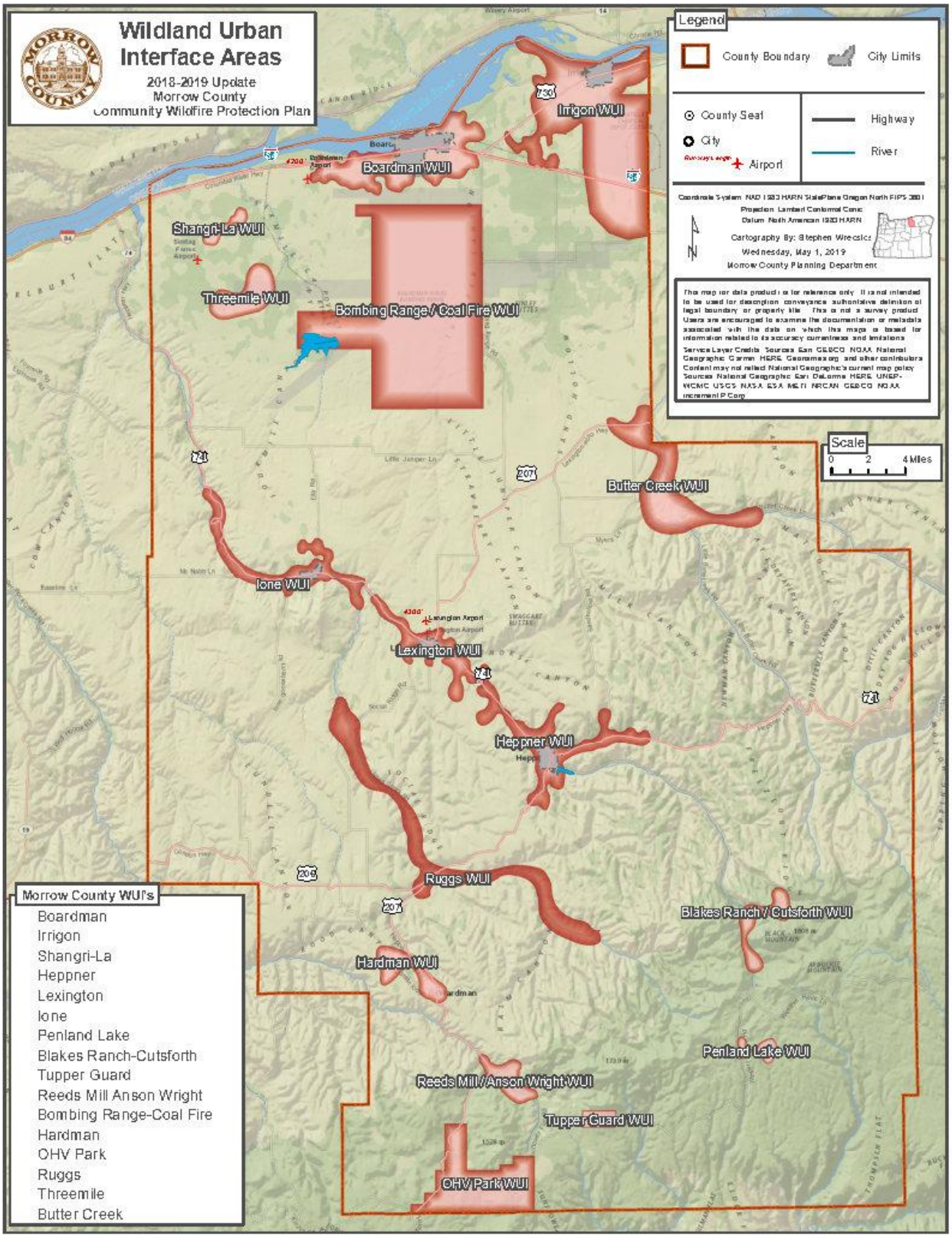
[69] WREFEAMD1Doc19-19 RFA1 Exhibit V Wildfire 2024-01-30, Section 3.5.

Based on the information described above, the Department recommends the Council find the certificate holder has adequately characterized wildfire risk within the analysis area using current data from reputable sources. In general, the data from the Oregon CWPP Planning Tool indicate that the likelihood of a wildfire event occurring at the site is moderate to high, and the topography, semi-arid climate and widespread presence of fuels associated with the grassland and shrub-steppe habitats that make up most of the site may make wildfire difficult to contain. Accordingly, the overall level of wildfire hazard at the site is moderate to high. While the hazard is relatively high, there is limited development within the analysis area and, except for areas of heightened fire risk near residences, agricultural structures, and other infrastructure concentrated near roads and waterways. Because there are few vulnerable assets within the site, the overall wildfire risk to public health and safety at the site is moderate to low.

The 2019 Morrow County Community Wildfire Protection Plan (Morrow County CWPP) describes the agencies and local jurisdictions responsible for wildfire protection in Morrow County and explains the pertinent programs and laws associated with wildfire issues and offers action Items designed to reduce the wildfire risk for Morrow County as a whole, as well as specific zones and communities. The Morrow County CWPP identifies wildland urban interface areas (WUIs) which are based on the actual distribution of structures and communities adjacent to or intermixed with wildland fuels. The management objective in the wildland-urban interface zone is to enhance fire suppression capabilities by modifying fire behavior inside the zone and providing a safe and effective area for fire suppression activities.[70] Figure 3 below shows WUIs in Morrow County; the proposed facility site boundaries are directly adjacent to the Bombing Range / Coal Fire WUI, which is a federally owned land which hosts the Naval Weapons Systems Training Facility Boardman, is managed for wildfire conservation, and is not populated with civilian communities.

[70] https://www.morrowcountyor.gov/sites/default/files/fileattachments/planning/page/15251/2019_cwpp_final.pdf P. 16.

**Figure 3: Morrow County WUIs**




1

Based on the certificate holder's and Department's assessment of wildfire risk at the site and within the analysis area, as described in RFA2 and this order, the Department recommends that the Council finds that wildfire fire is high during the summer months and fire season and is moderate during the winter and wetter seasons.

*Wildfire Mitigation Plans*

Under OAR 345-022-0115(1)(b), Council must find that the facility will be designed, constructed, and operated in compliance with a Wildfire Mitigation Plan (WMP) approved by Council. The certificate holder provides a Construction and Operational WMP for WREFNE in RFA2 as Attachment 9. These are incorporated and attached to this order as Attachment F-1 and F-2.

*Facility Design*

Facility design standards and measures that would minimize wildfire risk include but are not limited to the following:

- Up to 16-foot-wide service and access roads, graveled or paved.
- Site access points (total number to be determined prior to construction).
- Fenced areas around the operations and maintenance (O&M) building, collector substation, and battery energy storage system (BESS) will be graveled, with no vegetation present.
- Smoke/fire detectors will be placed around the site that will be tied to the supervisory control and data acquisition (SCADA) system and will contact local firefighting services.
- O&M building will have basic firefighting equipment for use on site during maintenance activities, such as shovels, beaters, portable water for hand sprayers, fire extinguishers, and other equipment.
- Fire sensors, alarms, and aerosol fire extinguishing systems in every battery container.
- The perimeter fencing will have vehicle and pedestrian access gates, including two 16-foot-wide gates and one 4-foot-wide gate.

*Construction and Operational WMP Finalization, Wildfire Risk Minimization Preventative Actions, Programs, and Procedures*

The following measures are the same for both the WTSII Construction and Operational WMPs and therefore are discussed together in this subsection. Construction and operational-specific measures are provided below this section, in advance of their respective conditions. The Construction and Operational WMP are attached to this order as Attachment E-1 and Attachment E-2 and the areas that are highlighted in yellow are the areas that would be updated prior to construction and operation.

The draft Construction and Operational WMPs would be finalized prior to construction and operation.[71] Finalization of the WMPs includes updating wildfire risk at the site and submitting site maps that identify access details and the location of fire protection equipment, and updated emergency contact information to emergency agencies. Both the Construction and Operational WMPs include pre-construction/pre-operational onsite trainings with contractors, local fire departments, the Department, emergency service professionals, and the applicant. Also designated in the WMPs, annual training would be held during construction and operation that will provide emergency response and fire training to local first responders.

Additionally, prior to construction and operation, the certificate holder must mail a letter to residences within the 0.5-mile wildfire analysis area which would provide the facility contact information and encourage individuals to sign up for the county's emergency notification system.

Section 3.6 of the Construction WMP and Section 3.5 of the Operational WMP include definitions for fire precaution levels and associated restrictions during fire season. The fire precaution levels include non-fire season, fire season, fire weather watch, and red flag weather warning, where the red flag weather warning would be the most restrictive for activities that may increase the risk of wildfire. Examples of fire season restrictions include maintaining a fire watch, driving and parking only on gravel surfaces, and limitations on hot work. The certificate holder will maintain a log of when construction and operational activities are impacted by the fire season restrictions.

Section 3.3 of the Construction and Operational WMP outlines the specifications for fire protection equipment that is maintained on site, which include fire extinguishers, hand tools, pails and drip cans. During fire season, on site water source(s), such as water trucks mist be on site and equipment with a pump, hose and nozzle. All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor.

Construction

The preventative actions, programs and procedures that manage vegetation and minimize wildfire risk during construction activities in the draft WMP include:

- Fire season, Red Flag Warnings and weather conditions that produce an increased risk of fire danger will be monitored and communicated to staff.

[71] Although both the construction and operational WMPs must be finalized prior to construction and operation, the Recommended Wildfire Prevention and Risk Mitigation Conditions do not label the WMPs as "Final". This is because, as designated in the WMP's, the WMP's may be updated and amended to address changes in wildfire risk at the site over time, therefore, there may be several iterations of the WMPs during construction and the life of the facility.

- Best management practices (BMPs) that minimize fire risk from vehicle travel, equipment use, and fueling activities will be implemented such as vegetation wetting, no idling vehicles and limited off-road travel.
- Vegetation will be limited to a height of 10-12 inches and will be mowed in advance of fire season or according to any fire restrictions.
- Vegetation buildup in the fence line(s), shall be removed.
- Personnel will be trained in the RACE (Remove, Alarm, Confine and Extinguish or Evacuate) and the use of fire protection equipment.

During facility construction, in the semi-annual construction progress report, the certificate holder will provide updates of the performance of the WMP including any changes of wildfire risk at the site, facility contact information, and training logs. The log of any changes in construction activities due to Fire Season Restrictions, as designated in Section 3.6, will be provided to the Department during onsite or remote inspections, or upon request.

Operation

The procedures, standards, timeframes for facility component inspections and vegetation management in the operational WMP will be finalized based on the final facility design and based on manufacture recommendations the applicant will provide an updated Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*. Table 2 of the operational WMP is a template that will be filled out including details about the facility components, inspection procedures, inspection frequency, the standard of inspection/maintenance, and the maintenance schedule. As described in the WMP Section 4.0, this table, or a version with similar information would be provided annually during operations and would also include the date and personnel who completed the inspection and maintenance, inspection/maintenance results.

During operations, the certificate holder or its contractor will conduct vegetation management inspections twice a year; once prior to the summer months when fire risk is heightened. During these inspections, the technician will ensure vegetation setbacks from installed equipment are adequate and will enact vegetation control measures if needed. Vegetation control includes:

- Vegetation will be limited to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment;
- At no point shall vegetation come in contact with electrical equipment;
- Vegetation buildup in the fence line(s), shall be removed;
- Any vegetation removed from the site will be disposed of and not stored onsite. The applicant and contractors will prevent the accumulation of combustible “burn piles” on site.

Annual reporting requirements and amendments to the WMP are addressed in Section 4.0 of the WMP. Reporting requirements listed above will be provided in the annual report submitted to the Department. This information may be used by the Department and certificate holder to

establish the performance of the WMP. The certificate holder will also evaluate the WMP annually to determine if updates to the WMP are necessary to address wildfire risk.

### III.N.2. Conclusions of Law

The Department recommends Council find that, based on the foregoing findings of fact and analysis, and subject to compliance with site certificate conditions as set forth above, the certificate holder has adequately characterized wildfire risk within the analysis area and that the WREFNE facility will be designed, constructed, and operated in compliance with a Wildfire Mitigation Plan in compliance with the requirements Council's Wildfire Prevention and Risk Mitigation standard, OAR 345-022-0115.

## III.O. WASTE MINIMIZATION: OAR 345-022-0120

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

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

*(b) The applicant's plans to manage the accumulation, storage, disposal and transportation of waste generated by the construction and operation of the facility are likely to result in minimal adverse impact on surrounding and adjacent areas.*

*(2) The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*
*(3) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.* [72]
***** [73]

### III.O.1. Findings of Fact

The Department recommends the Council find that, subject to compliance with existing and recommended site certificate conditions PRE-WM-01, PRE-WM-02, CON-PS-01, CON-WM-01,

[72] OAR 345-022-0040, effective April 2, 2025.

[73] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

OPR-PS-03, RET-RF-01 GEN-OE-04, the certificate holder's waste management plans are likely to minimize generation of solid waste during construction and operation of the facility, to result in recycling and reuse of the wastes to a reasonable extent, and to ensure that the accumulation, storage, disposal, and transportation of the wastes will result in minimal adverse impact on surrounding and adjacent areas.

### III.O.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing site certificate conditions described above, the Department recommends that the Council find that the certificate holder's solid waste and wastewater plans are likely to minimize generation of solid waste and wastewater in the construction and operation of the facility, with the requested extension of the construction completion deadline, result in recycling and reuse of such wastes, and will manage the accumulation, storage, disposal and transportation of wastes in a manner that will result in minimal adverse impacts to surrounding and adjacent areas.

## III.P. Public Health and Safety Standards for Wind Energy Facilities: OAR 345-024-0010

> *To issue a site certificate for a proposed wind energy facility, the Council must find that the applicant:*
>
> *(1) Can design, construct and operate the facility to exclude members of the public from close proximity to the turbine blades and electrical equipment.*
>
> *(2) Can design, construct and operate the facility to preclude structural failure of the tower or blades that could endanger the public safety and to have adequate safety devices and testing procedures designed to warn of impending failure and to minimize the consequences of such failure.*[74]

### III.P.1. Findings of Fact

Potential public safety hazards from the construction and operation of the facility include electrocution from contact with electrical equipment, and structural failure risks such as collapsed turbine towers, falling objects, or thrown blades. Tower failure during facility operations may occur due to faulty construction, material defects, or improper design, where other turbine failures can occur from improper maintenance or early material degradation.[75] Additional public health and safety impacts from the construction and operation of electrical equipment including substations and pad-mounted transformers could occur if the public is impacted by spills or leaks, electrical fires, or equipment failure that would impact the

[74] OAR 345-024-0010, effective May 15, 2007.

[75] WREFEAMD1Doc19-25 RFA1 Exhibit DD Specific Standards 2024-01-30, Section 3.2.

operation of the wind turbines. Measures to avoid and minimize risks to public health and safety are discussed further in the section below.

*Measures to Exclude Public from Proximity to Turbine Blades and Electrical Equipment*

The existing site is located entirely on private property, and aside from public road rights-of-way, is generally not accessible to the public. The Council previously imposed site certificate condition PRE-LU-08, requiring the certificate holder to install gates and no trespassing signs at all facility access roads if requested by the underlying landowner, further restricting public access.

The Council previously imposed site certificate condition GEN-PS-03 requiring the certificate holder to ensure that turbine towers are constructed with no exterior ladders or access and to ensure that tower doors are locked at all times personnel are not present, and site certificate condition CON-WF-01, requiring the GSU transformers to be enclosed in steel boxes designed to protect the public from electrical hazards, and site certificate condition OPR-WF-01, requiring substations and battery energy storage system to be fenced with locked gates.

The Department recommends the Council find that these conditions are adequate to ensure the public is excluded from proximity to turbine blades and electrical equipment at the facility, with the changes proposed in RFA1.

*Potential Impacts from Structural Failure of Tower or Blades and Safety Devices and Testing Procedures*

As discussed in Section III.C, the Council previously imposed site certificate conditions PRE-SS-01, PRE-SS-02, PRE-SS-03, PRE-SS-04 requiring the certificate holder to conduct a site-specific geological and geotechnical investigation before beginning construction and report its findings to the Department and DOGAMI. The site-specific geotechnical investigation and report will inform final facility foundation design and layout.[76] While the Council does not have the authority to determine compliance with building codes or engineering standards, the Department recommends the Council find that, subject to compliance with these conditions, the facility, with the changes proposed in RFA1, can be constructed in a manner that avoids or mitigates seismic and geologic hazards at the site that may contribute to structural failure.

The Council previously imposed site certificate conditions GEN-LU-01 and GEN-LU-06, requiring turbines to be setback from local roads and non-participating residences. The Department recommends the Council find these conditions are adequate to minimize hazards to public safety in the event a catastrophic structural failure occurs.

The Council previously imposed site certificate condition CON-WF-02, requiring the certificate holder to submit an operational safety monitoring program that includes a blade and tower inspection and reporting requirements. The condition also requires the certificate holder to

[76] WREFEAMD1Doc19-25 RFA1 Exhibit DD Specific Standards 2024-01-30, Section 3.2.

document inspections and maintenance activities including but not limited to date, turbine number, inspection type (regular or other), turbine tower and blade condition, maintenance requirements, and wind turbine operating status.

The certificate holder is required to maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire. Finally, the condition requires that a Supervisory Control and Data Acquisition (SCADA) system be installed and maintained. The SCADA system serves as the "nerve center" of the facility by connecting individual turbines, BESS, substations, and meteorological towers to a central computer housed in the shared/existing O&M building. The system would allow for real-time monitoring of each facility component and if an issue with a turbine arises, O&M staff are alerted so that the component can be shut down to minimize a failure's consequences and potential safety risks to the public.

The Council also imposed site certificate condition GEN-WF-01, requiring the certificate holder to follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components. The Department recommends the Council find that this condition is adequate to protect the public from minor structural failures by minimizing the likelihood of turbine component failure that results in falling objects, leaks, or other hazardous conditions.

Finally, the Council previously imposed site certificate condition GEN-WF-02, requiring the certificate holder to notify the department, the Morrow County Planning Department and the Umatilla County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns.

### III.P.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing site certificate conditions GEN-LU-01, GEN-LU-06. GEN-PS-03, GEN-WF-01, GEN-WF-02, PRE-LU-08, PRE-SS-01, PRE-SS-02, PRE-SS-03, PRE-SS-04, CON-WF-01, CON-WF-02, and OPR-WF-01, the Department recommends the Council find that the certificate holder can design, construct and operate the facility, with the changes proposed in RFA2, to exclude members of the public from close proximity to the turbine blades and electrical equipment; to preclude structural failure of the tower or blades that could endanger the public safety; and to have adequate safety devices and testing procedures designed to warn of impending failure and to minimize the consequences of such failure.

## III.Q. Cumulative Effects Standard for Wind Energy Facilities: OAR 345-024-0015

*To issue a site certificate for a proposed wind energy facility, the Council must find that the applicant can design and construct the facility to reduce*

*cumulative adverse environmental effects in the vicinity by practicable measures including, but not limited to, the following:*

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

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

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

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

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

*(6) Using the minimum lighting necessary for safety and security purposes and using techniques to prevent casting glare from the site, except as otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation.*[77]

### III.Q.1. Findings of Fact

*Access Roads*

As discussed in Section III.D, the Council previously imposed site certificate condition CON-SP-01, requiring all work, including road construction, to be conducted in compliance with an Erosion and Sediment Control Plan as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C. The Department recommends the Council amend site certificate condition CON-SP-01, as well as site certificate conditions GEN-LU-08, OPR-SP-01, and OPR-LU-06, to ensure requiring the certificate holder to maintain erosion best management practices on access roads through operation and retirement of the facility to minimize environmental. As discussed in Section III.E, the Council previously imposed site certificate conditions PRE-LU-03, GEN-LU-02, GEN-LU-08, PRE-PS-03, requiring the certificate holder to locate roads in a manner that minimizes impacts to agriculture.

Council previously imposed the following conditions: GEN-LU-02, GEN-LU-08, GEN-SR-01, GEN-SR-02, GEN-CE-01, PRE-LU-03, PRE-FW-02, PRE-PS-03, CON-SP-01, OPR-SP-01, OPR-LU-06, the to reduce cumulative adverse environmental effects in the vicinity of the site.

[77] OAR 345-024-0015, effective May 15, 2012.

### III.Q.1. Conclusions of Law

Based on the foregoing findings of fact, and subject to compliance with the existing and site certificate conditions, the Department recommends the Council find that the certificate can design and construct the facility, with the changes proposed in RFA2, to reduce cumulative adverse environmental effects in the vicinity of the site.

## III.R. SITING STANDARDS FOR TRANSMISSION LINES: OAR 345-024-0090

> *To issue a site certificate for a facility that includes any transmission line under Council jurisdiction, the Council must find that the applicant:*
>
> *(1) Can design, construct and operate the proposed transmission line so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public;*
>
> *(2) Can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.* [78]
> ***** [79]

### III.R.1. Findings of Fact

The Siting Standard for Transmission Lines under OAR 345-024-0090(1) establishes a limit for electric fields from transmission lines of not more than 9-kV per meter at one meter above the ground surface *in areas that are accessible to the public* [Emphasis added]. Section (2) of the rule requires implementation of measures to reduce the risk of induced current.

RFA2 does not propose to expand the approved site boundary, micrositing corridor, or physical components.

*Electro-magnetic fields*

In the Final Order on RFA1 of the WREFE, Council found that subject to Siting Standards for Transmission Lines Condition 1 (CON-TL-01), and Siting Standards for Transmission Lines Condition 2 (PRE-TL-01), the facility could be designed, constructed, and operated so that alternating current electric fields do not exceed 9-kV per meter at one meter above the ground surface in areas accessible to the public.

[78] OAR 345-022-0040, effective April 2, 2025.

[79] The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

Condition CON-TL-01 requires the certificate holder to implement safety protocol during construction to reduce or manage human exposure to electromagnetic fields. Condition PRE-TL-01 requires the certificate holder to prior to construction, schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities.

Council previously adopted Siting Standards for Transmission Lines Condition 3 (OPR-TL-01) requiring the certificate holder to provide ongoing updates during facility operations to OPUC staff about compliance with OAR Chapter 860, Division 024; ORS 758.013 filings to the Public Utility Commission; and providing OPUC maps, drawings and plans of transmission lines and routes and installation of electrical supply lines.

Based on the scope of RFA2 and continued compliance with conditions PRE-TL-01, CON-TL-01 and OPR-TL-01, the Department recommends that the Council maintains its previous findings pertaining to electro-magnetic fields.

### III.R.2. Conclusions of Law

Based on the foregoing analysis and the existing site certificate conditions listed above, the Council finds that the certificate holder can design, construct, and operate the facility, with the requested extension of the construction completion deadline, so that alternating current electric fields do not exceed 9-kV per meter at one meter above the ground surface in areas accessible to the public and that induced currents resulting from transmission lines will be as low as reasonably achievable.

## IV. EVALUATION OF OTHER APPLICABLE REGULATORY REQUIREMENTS

### IV.A. Noise Control Regulations: OAR 340-035-0035

*(1) Standards and Regulations:*

** * * * **

*(b) New Noise Sources*

*(B) New Sources Located on Previously Unused Site:*

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

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

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

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

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

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

*(3) Measurement:*

*(a) Sound measurements procedures shall conform to those procedures which are adopted by the Commission and set forth in Sound Measurement Procedures Manual (NPCS-1), or to such other procedures as are approved in writing by the Department;*

*(b) Unless otherwise specified, the appropriate measurement point shall be that point on the noise sensitive property, described below, which is further from the noise source:*

*A. 25 feet (7.6 meters) toward the noise source from that point on the noise sensitive building nearest the noise source;*

*B. That point on the noise sensitive property line nearest the noise source.*

** * * * **

*(5) Exemptions: Except as otherwise provided in subparagraph (1)(b)(B)(ii) of this rule, the rules in section (1) of this rule shall not apply to:*

** * **

*(c) Sounds created by the tires or motor used to propel any road vehicle complying with the noise standards for road vehicles;*

** * **

*(g) Sounds that originate on construction sites.*

*****

*(k) Sounds created by the operation of road vehicle auxiliary equipment complying with the noise rules for such equipment as specified in OAR 340-035-0030(1)(e);*

** * **

Council has the authority to interpret and implement other state agency and Commission rules and statutes that are relevant to the siting of an energy facility,[80] including noise rules adopted by the Environmental Quality Commission and previously administered by the Department of Environmental Quality (DEQ).[81, 82]

### IV.A.1. Findings of Fact

RFA2 does not propose to expand the approved site boundary, micrositing corridor, or physical components. As presented in RFA2, there are new noise sensitive receptors not previously

[80] See ORS 469.310 (stating that the legislative policy behind EFSC was to establish "a comprehensive system for the siting, monitoring and regulating of the location, construction and operation of all energy facilities in this state") and ORS 469.401(3) (giving EFSC the authority to bind other state agencies as to the approval of a facility).
[81] The Environmental Quality Commission and the DEQ suspended their own administration of the noise program because in 1991 the state legislature withdrew all funding for implementing and administering the program. A July 2003 DEQ Management Directive provides information on DEQ's former Noise Control Program and how DEQ staff should respond to noise inquiries and complaints. The Directive states (among other items) that the Energy Facility Siting Council (EFSC), under the Department of Energy, is authorized to approve the siting of large energy facilities in the State and that EFSC staff review applications to ensure that proposed facilities meet the State noise regulations.
[82] "We (the Oregon Supreme Court) conclude that EFSC had the authority to grant (1) an exception to the noise standards under OAR 340-035-0035(6)(a), and (2) a variance under OAR 340-035-0100 and ORS 467.060." B2HAPPDoc7 Supreme Court Decision Stop B2H Coalition v. Dept, of Energy 2023-03-09, pp 805-807.

analyzed within the analysis area. Therefore, the Department recommends that the Council rely on its previous findings and conditions, as briefly summarized below.

Under OAR 345-035-0035(1)(b)(B)(i), a new industrial or commercial noise source located on a previously unused industrial or commercial site may not increase ambient statistical noise levels L10 or L50 by more than 10 dBA, or exceed the levels provided in Table 8 below.

**Table 8: Statistical Noise Limits for Industrial and Commercial Noise Sources**

| Statistical Descriptor | Maximum Permissible Hourly Statistical Noise Levels (dBA) | |
|---|---|---|
| | Daytime (7:00 AM – 10:00 PM) | Nighttime (10:00 PM to 7:00 AM) |
| L50 | 55 | 50 |
| L10 | 60 | 55 |
| L1 | 75 | 60 |

Note: The hourly L50, L10, and L1 noise levels are defined as the noise levels equaled or exceeded 50 percent, 10 percent, and 1 percent of the hour, respectively.
Source: OAR 345-035-0035, Table 8.

Under OAR 340-035-0035(1)(b)(B)(iii), the increase in ambient statistical noise levels that result from a wind energy facility may be based on actual measurements or may be based on an assumed ambient background level of 26 dBA. The rule also allows for exceedances of the standards described above if the person who owns the noise sensitive property where the exceedance occurs a legally effective easement or real covenant that benefits the property on which the wind energy facility is located. For noise sources other than a wind energy facility, the rules require actual measurements to be used to determine ambient background levels and no easements are contemplated.

*Operational Noise*

The Council previously imposed site certificate conditions PRE-NC-01, OPR-NC-01, OPR-NC-02, and OPR-NC-03 to ensure that operational noise would comply with the noise control regulations. Site certificate condition PRE-NC-01 requires the certificate holder to provide an updated noise assessment based on the final facility design. The condition requires the certificate holder to provide copies of the copy of an easement or real covenant for each noise sensitive receptor at which facility noise would increase ambient noise levels by more than 10 dBA ($L_{10}$ or $L_{50}$), as under OAR 340-035-0035(1)(b)(B)(iii)(III). The condition also requires the certificate holder to identify the Noise Reduction Operation (NRO) mode approach that would be used to ensure compliance with the 50 dBA ($L_{50}$) maximum threshold established under OAR 340-035-0035(1)(b)(B)(i). site certificate condition OPR-NC-01 would require the NRO mode to be implemented as needed to ensure compliance. site certificate conditions OPR-NC-02 and OPR-NC-03 would require the certificate holder to maintain systems to monitor and address noise complaints during operation of the facility.

### IV.A.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing site certificate condition described above, the Department recommends that the Council finds that the facility, with the requested extension of the construction completion deadline, will comply with the applicable Noise Control Regulations in OAR 340-035-0035.

## V. PROPOSED CONCLUSIONS AND ORDER

Based on the recommended findings of fact and conclusions of law included in this order, under OAR 345-027-0375, the Department recommends that the Council find that the preponderance of evidence on the record, including the record of RFA2, and the record of the *Final Order on Request for Amendment 2*, supports the following conclusions:

1. The facility as amended, complies with the requirements of the Energy Facility Siting Statutes ORS 469.300 to 469.520.

2. The facility, as amended, complies with all applicable standards adopted by Council pursuant to ORS 469.501, in effect on the date Council issues its Final Order on the Amendment.

3. The facility, as amended, complies with all laws and Council standards applicable to an original site certificate application.

4. The facility as amended, complies with the applicable substantive criteria under the Council's Land Use standard, as described in OAR 345-022-0030, from the date RFA2 was submitted.

Accordingly, the Department recommends that the Council find that the facility, as amended, complies with the General Standard of Review OAR 345-022-0000 and OAR 345-027-0375. The Department recommends that the Council find that based on a preponderance of the evidence on the record, that the site certificate may be amended as requested.

The Department recommends that the Council therefore approve Request for Amendment 2 of the Wheatridge Renewable Energy Facility East Site Certificate and issue the Second Amended Site Certificate for Wheatridge Renewable Energy Facility East and new site certificate for Wheatridge Renewable Energy Facility Northeast, as included as Attachment A-1 and A-2 to this Order.

Issued July 2, 2026

OREGON DEPARTMENT OF ENERGY

Todd Cornett

_____

Todd Cornett, Siting Division Administrator

**ATTACHMENTS**

***Wheatridge Renewable Energy Facility East***

Attachment A-1: Draft Second Amended Site Certificate (red-line)

***Wheatridge Renewable Energy Facility Northeast***

Attachment A-2: Draft Site Certificate
Attachment B: Draft Habitat Mitigation Plan
Attachment C: Draft Noxious Weed Plan
Attachment D: Draft Revegetation Plan
Attachment E: Wildlife Monitoring and Mitigation Plan
Attachment F-1: Draft Construction Wildfire Mitigation Plan
Attachment F-2: Draft Operational Wildfire Mitigation Plan
Attachment G: Decommissioning Cost Estimate and Assumptions

## ATTACHMENTS

***Wheatridge Renewable Energy Facility East***

Attachment A-1: Draft Second Amended Site Certificate (red-line)

***Wheatridge Renewable Energy Facility Northeast***

Attachment A-2: Draft Site Certificate
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Attachment D: Draft Revegetation Plan
Attachment E: Wildlife Monitoring and Mitigation Plan
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Attachment F-2: Draft Operational Wildfire Mitigation Plan
Attachment G: Decommissioning Cost Estimate and Assumptions

***Wheatridge Renewable Energy Facility East***

Attachment A-1: Draft Second Amended Site Certificate (red-line)

# ENERGY FACILITY SITING COUNCIL

# OF THE

# STATE OF OREGON

## Second~~First~~ Amended Site Certificate for the Wheatridge Renewable Energy Facility East

**Issuance Dates**

| | |
|---|---|
| Site Certificate | November 19, 2020 |
| First Amended Site Certificate | June 4, 2024 |

**Issuance Date History under Wheatridge Wind Energy Facility**

| | |
|---|---|
| Site Certificate | April 28, 2017 |
| First Amended Site Certificate | July 27, 2017 |
| Second Amended Site Certificate | November 16, 2018 |
| Third Amended Site Certificate | December 14, 2018 |
| Fourth Amended Site Certificate | November 22, 2019 |
| Fifth Amended Site Certificate | May 22, 2020 |

**Issuance Date History under Wheatridge Renewable Energy Facility II**

| | |
|---|---|
| Site Certificate | May 22, 2020 |
| First Amended Site Certificate | November 19, 2020 |

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**Attachments**

Attachment A Facility Site Boundary Map

**Acronyms and Abbreviations**

| | |
|---|---|
| ASC | Application for Site Certificate |
| BMP | Best Management Practice |
| Council or EFSC | Oregon Energy Facility Siting Council |
| Department or ODOE | Oregon Department of Energy |
| DOGAMI | Oregon Department of Geology and Mineral Industries |
| ESCP | Erosion and Sediment Control Plan |
| HMP | Habitat Mitigation Plan |
| NEER | NextEra Energy Resources, LLC |
| NPDES | National Pollutant Discharge Elimination System |
| O&M | Operations and Maintenance |
| OAR | Oregon Administrative Rule |
| ODFW | Oregon Department of Fish and Wildlife |
| ORS | Oregon Revised Statute |
| NRHP | National Register of Historic Places |
| WGS | Washington Ground Squirrel |
| WMMP | Wildlife Monitoring and Mitigation Plan |
| WREFI | Wheatridge Renewable Energy Facility I |
| WREFII | Wheatridge Renewable Energy Facility II |
| WREFIII | Wheatridge Renewable Energy Facility III |
| WREFE | Wheatridge Renewable Energy Facility East |

## 1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Wheatridge East Wind, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (NEER, certificate holder owner). As authorized under Oregon Revised Statue (ORS) Chapter 469, the Council issues this site certificate authorizing certificate holder to construct, operate and retire the Wheatridge Renewable Energy Facility East (facility) at the below described site within Morrow County~~and Umatilla counties~~, subject to the conditions set forth herein.

Both the State and certificate holder must abide by local ordinances, state law and the rules of the Council in effect on the date this site certificate is executed. However, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules (ORS 469.401(2)).

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) *Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility* issued on April 28, 2017 (hereafter, *Final Order on the Application*); (b) *Final Order on Request for Transfer of the Wheatridge Wind Energy Facility Site Certificate* issued on July 27, 2017; *Final Order on Request for Amendment 3 of the Wheatridge Wind Energy Facility Site Certificate* issued on November 16, 2018; *Final Order on Request for Amendment 2 of the Wheatridge Wind Energy Facility Site Certificate* issued on December 14, 2018; *Final Order on Request for Amendment 4 of the Wheatridge Wind Energy Facility Site Certificate* issued on November 22, 2019; *Final Order on Request for Amendment 5 of the Wheatridge Wind Energy Facility Site Certificate* issued May 22, 2020; *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility II* (WREFII) *Site Certificate* issued November 19, 2020; ~~and the~~ *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility East* issued on June 4, 2024; and the *Final Order on Request for Amendment 2 of the Wheatridge Renewable Energy Facility East* issued on XX.~~and the Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility East issued on June 4, 2024.~~

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) *Final Order on Request for Amendment 2 of the Wheatridge Renewable Energy Facility Site Certificate*; (2) *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility East Site Certificate* (~~2~~3) *Final Order on Request for Amendment 1 of the WREFII Site Certificate;* (~~2~~4) *Final Order on Request for Amendment 5 of the Wheatridge Wind Energy Facility Site Certificate* (~~3~~5) *Final Order on Request for Amendment 4 of the Wheatridge Wind Energy Facility Site Certificate* (~~4~~6) *Final Order on Request for Amendment 2 of the Wheatridge Wind Energy Facility Site Certificate*; (~~5~~7) *Final Order on Request for Amendment 3 of the Wheatridge Wind Energy Facility Site Certificate*; (~~6~~8) *Final Order on Request for Amendment 1 of the Wheatridge Wind Energy Facility Site Certificate*; (~~7~~9) *Final Order on the Application*, and (~~8~~10) the record of the proceedings that led to the above referenced orders. ~~Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility East Site Certificate (2) *Final Order on Request for Amendment 1 of the WREFII Site Certificate;*~~
~~(2) *Final Order on Request for Amendment 5 of the Wheatridge Wind Energy Facility Site Certificate* (3) *Final Order on Request for Amendment 4 of the Wheatridge Wind Energy Facility Site Certificate* (4) *Final Order on Request for Amendment 2 of the Wheatridge Wind Energy Facility Site Certificate;* (5) *Final Order on Request for Amendment 3 of the Wheatridge Wind Energy Facility Site Certificate;* (6)~~

~~*Final Order on Request for Amendment 1 of the Wheatridge Wind Energy Facility Site Certificate*; (7) *Final Order on the Application*, and (8) the record of the proceedings that led to the above referenced orders.~~

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other

design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

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

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0110 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

## 2.0 Facility Location

The site is located approximately 6 miles northeast of the City of Heppner and includes lands within

Morrow County~~and Umatilla counties~~. The approved site boundary encompasses approximately 67,367~~78,985~~ acres of private land including approximately 11,342~~14,640~~ acres designated as micrositing corridors for facility components. The site also includes a corridor for a 230kV transmission line that connects the energy facility site to the Blue Ridge Substation. Portions of the transmission corridor overlap with the site boundaries of WREFI, WREFII, ~~and~~ WREFIII, and WREFNE.

## 2.1 Site Boundary

The site boundary encompasses approximately 67,367~~78,985~~ acres of privately owned land in Morrow County~~and Umatilla counties~~. Table 1 identifies the location of lands within the Site Boundary by Township, Range, and Section. As provided in Condition OPR-GS-01 of this Site Certificate, the certificate holder must provide a legal description of the Site within 90 days after the facility begins commercial operation.

**Table 1. Location of Site Boundary by Township, Range and Section**

| Township | Range | Proposed Amended Site Boundary Sections |
|---|---|---|
| ~~2N~~ | ~~28E~~ | ~~2, 3, 4, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 23, 27, 28, 29, 32, 33, 34~~ |
| 1N | 25E | ~~13,~~ 24 |
| 1N | 26E | 18, 19, 20, ~~24,~~ 25, 29, 30, 31, 32, 35, 36 |
| 1N | 27E | 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36 |
| 1N | 28E | ~~3, 4, 5, 6, 8, 9, 10, 16, 17, 19, 20,~~ 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 |
| 1N | 29E | ~~30,~~ 31 |
| 1S | 26E | 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 24, 25, 36 |
| 1S | 27E | 1-36 |
| 1S | 28E | 1-31; 33-36 |
| 1S | 29E | 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 28, 29, 30, 31, 32 |
| 2S | 26E | 1 |
| 2S | 27E | ~~1,~~ 4, 5, 6 |
| 2S | 28E | 1, 2, 3, 4, ~~6,~~ 11, 12 |
| 2S | 29E | 5, 6, 7 |

## 2.2 Micrositing Corridors

Except for the 230-kV transmission line, the certificate holder is authorized to locate facility components anywhere within approximately the approximately 11,342~~14,640~~ acres of approved micrositing corridors within the site boundary. The micrositing corridors are intended to allow flexibility in the siting of specific components while establishing outer boundaries of potential construction.

Micrositing corridors are approximately 660 feet wide around turbines, and wider in some locations. Micrositing corridors around site access roads and electrical collection lines (collector lines) are

between 200 feet and 500 feet wide.

### 2.3 Transmission Line Corridors

The certificate holder is authorized to construct and operate a 230-kV overhead transmission line within the approved corridor described in this section. The corridor is approximately 1,000 feet wide and 17~~27~~ miles long and connects the energy facility site with the Blue Ridge Substation constructed as part of Wheatridge I and II. The transmission corridor is located entirely within Morrow County.

As shown in Attachment A, the corridor begins at the alternate collector substation site and then travels south across Big Butter Creek Road and Butter Creek. The corridor then travels south and southwest to a crossing with Little Butter Creek Road and Little Butter Creek where the corridor joins with the proposed collector substation site. From the proposed collector substation, the proposed corridor travels southwest and west to Milk Canyon and Spur Loop Road. From Spur Loop Road, the proposed corridor route would run west for approximately 4 miles, then northwest and north to the existing Blue Ridge Substation.

## 3.0 Facility Description

The facility includes a wind energy facility and related and supporting facilities. The certificate holder is authorized to construct up to 71~~107~~ wind turbines with a combined maximum nameplate generation capacity of 23~~00~~ MW and related and supporting facilities.

Facility components are further described in Section 3.1 and 3.2 of this site certificate.

### 3.1 Wind Energy Facility Components

The certificate holder is authorized to construct and operate up to 71~~107~~ wind turbines with a total generating capacity up to 23~~00~~ MW. Wind turbines each consist of a nacelle, a three-bladed rotor, a tubular steel turbine tower, concrete foundation, and an engineered earth and gravel pad. All wind turbines constructed at the site must comply with the maximum approved dimensions provided in Table 2.

**Table 2: Approved Wind Turbine Dimensions**

| Specification | Maximum (ft) |
|---|---|
| Blade Length | 204.1 |
| Hub Height | 290.7 |
| Rotor Diameter | 416.7 |
| Total Height (tower height plus blade length) | 499.0 |
| Aboveground Blade-Tip Clearance | 82.3 |
| Turbine Pad Diameter | 65 |
| *Wind turbine types with the maximum dimension specifications shall be equipped with Low Noise Trailing Edge blades.* | |

### 3.2 Related or Supporting Facilities

In addition to the wind energy facility, the certificate holder is authorized to construct and operate the following related and supporting facilities:

- Up to 71~~107~~ Generator Step-Up (GSU) Transformers
- Electrical collection system including up to 73~~95~~ miles of underground 34.5-kV collector lines)
- Up to one~~two~~ collector substation~~s~~
- Up to 17~~27~~ miles of up to two overhead, parallel 230 kV transmission lines
- Up to 1~~5~~ permanent meteorological (met) towers
- Communication and Supervisory Control and Data Acquisition (SCADA) System
- Up to 75~~6~~ miles of new access roads, including up to 60~~61~~ miles of permanent roads and 15 miles of temporary roads.
- One primary temporary construction yard~~and up to four auxiliary construction yards~~.
- ~~A Battery Energy Storage System (30 MW total and Interconnection Facilities~~

*Generator Step-Up GSU Transformers*

A generator step-up (GSU) transformer would be installed within the engineered pad at the base of each turbine to increase the voltage of the turbine output to 34.5 kV power. Each GSU transformer would be constructed on an 8-inch concrete pad foundation within the engineered earth and gravel pad above the turbine foundation.

*Electrical Collection System*

The certificate holder is authorized to install up to 73~~95~~ miles of underground 34.5-kV collector lines to connect the GSU transformers to the collector substations. Electrical connections may be located underground or in enclosed junction boxes between the turbine and the GSU transformer.

All collector lines must be buried. Trenches may be up to three-feet wide and should be at least three-feet deep wherever feasible. Where land use and soil conditions make a buried depth of three-feet infeasible, collector lines may be buried at a depth of less than three feet as long as compliance with applicable National Electrical Safety Code (NESC) standards is maintained.

*Collector Substations*

The certificate holder is authorized to construct one~~two~~ collector substation~~s~~ consisting of transformers, transmission line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and other equipment. The ~~primary~~ collector substation may occupy up to 7 acres ~~and the alternate substation and Battery Energy Storage System may occupy up to 6.5 acres.~~

Prior to construction, the substation site~~s~~ will be cleared and graded, with a bed of crushed rock applied for a durable surface. The~~Each~~ collector substation must be enclosed by a locked fence.

*230-kV Transmission Line*

The certificate holder is authorized to construct and operate a 17~~27~~ mile overhead 230-kV overhead transmission line within the transmission line corridor shown within Attachment A.

The transmission line may be constructed in either single or double circuit configuration. If the transmission line is a single circuit, then one set of H-frame or monopole transmission line structures

will be constructed. If the transmission line is two circuits, then either one or two sets of monopole structures will be constructed. Support structures may be constructed of either wood or steel. The structures will be approximately 60 to 150 feet tall and spaced approximately 400 to 800 feet apart depending on the terrain. Each transmission line route requires acquisition of an approximately 150-foot-wide right-of-way from private landowners.

*Meteorological Towers*

The certificate holder is authorized to construct up to one~~five~~ met tower~~s~~. The~~Each~~ met tower must have a free-standing, non-guyed design and may not exceed approximately 328 feet (100 meters) in height. An approximately 32-feet (10-meter) diameter circle of permanent land disturbance is expected around the ~~each~~ tower. Permanent met towers are fitted with safety lighting and paint as required by the Federal Aviation Administration (FAA). The certificate holder may install temporary met towers during construction after obtaining any necessary permits from the affected local government.

*Communication and SCADA System*

The facility includes a communication system, consisting of fiber optic and copper communication lines that connect the turbines, met tower~~s~~, and substation~~s~~ to the shared O&M building at Wheatridge II. A SCADA system is installed in the shared O&M building~~s~~ to enable remote operation to collect operating data for each wind turbine, and to archive wind and performance data. SCADA system wires are collocated with the electrical collector lines described above.

*O&M Buildings*

The certificate holder is authorized to utilize the O&M building constructed at Wheatridge II.

*Access Roads*

The certificate holder is authorized to construct up to 60~~76~~ miles of permanent access roads to access facility components. The certificate holder must grade and gravel all newly constructed and improved site access roads to meet load requirements for heavy construction equipment, as necessary. Following turbine construction, the certificate holder will narrow the site access roads for use during operations and maintenance. The additional disturbed width required during construction will be restored following the completion of construction by removing gravel surfacing, restoring appropriate contours with erosion and stormwater control best management practices (BMPs), decompacting as needed, and revegetating the area appropriately.

The certificate holder is authorized to construct up to 15 miles of temporary access roads to facilitate the construction of the 230-kV overhead transmission line. The temporary access roads must be removed and restored following the completion of construction.

No improvements to existing public roads are anticipated to accommodate facility construction. If specific improvements are identified during consultation with the appropriate county road master prior to construction, any required permits will be obtained from the appropriate local government.

*Additional Construction Yards*

The certificate holder is authorized to construct one 60-acre temporary construction yard. ~~The certificate holder may utilize up to four additional 20-acre temporary construction yards located~~

~~within the approved micrositing corridors to facilitate the delivery and assembly of material and equipment.~~ The primary construction yard may include one 1,000-gallon diesel and one 500-gallon gasoline above-ground fuel tank, within designated secondary containments areas.

The certificate holder is required to restore all construction yards to pre-construction conditions following completion of construction unless an agreement with the landowner leads to some or all of the construction yards being retained after construction.

In addition, the certificate holder may utilize one or more temporary concrete batch plant areas, located within the construction yard area. The temporary concrete batch plants must be permitted by the selected contractor in accordance with state and local law.

~~*Battery Storage Systems and Interconnection Facilities (DC Coupled)*~~

~~The certificate holder is authorized to construct a 30-MW battery storage system. The BESS may be located in modular containers or a building. Modular containers would be approximately 8 feet wide, 20 feet long and 9 feet tall. A building would be approximately 80 feet long, 100 feet wide and 20 feet tall. Under either option, the system would include:~~

- ~~Lithium-ion batteries within battery modules placed in anchored racks.~~
- ~~Approximately eighteen 2.7 mega-voltampere (MVA) inverters with associated step-up transformers with a combined footprint approximately 8 feet by 4 feet.~~
- ~~A gas pressured deluge fire suppression system, independent smoke detection system, and external fire water tank~~
- ~~A cooling system comprised of a bank of four power conditioning system fan units with motor.~~
- ~~A control house, approximately 16 feet by 11 feet, with an external heating, ventilation and air conditioning unit (HVAC)~~
- ~~A protective device; skid-mounted power transformer; and bi-directional inverter~~

~~Battery and inverter equipment may be electrically connected via a combination of aboveground cable trays, underground conduit, and covered cable trenches. Site surfacing would remain primarily gravel. The battery storage systems would interconnect with facility substations via feeder lines.~~

*Shared (WREFE and WREFNE) Related or Supporting Facilities*

The certificate holder is authorized to share related or supporting facilities between the WREFE and WREFNE facilities, including the WREFII Baseline Lane laydown yard/O&M building, intraconnection transmission line, substation, SCADA system, and access roads. These related or supporting facilities are split accordingly between WREFE and WREFNE, as demonstrated in their associated site certificates. Similarly, compliance with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities are also split accordingly between WREFE's and WREFNE's site certificates and certificate holders. In accordance with Condition GEN-GS-13, if either certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, the applicable/relevant certificate holder is obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a "Common Facilities Agreement" or similarly legally binding agreement has been fully executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

## 4.0 Site Certificate Conditions

### 4.1 Condition Format

The conditions in Sections 4.2 through 4.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.)[1]. The table below presents a "key" for phase of implementation:

| Key | Type of Conditions/Phase of Implementation |
|---|---|
| GEN | General Conditions: Design, Construction and Operation |
| PRE | Pre-Construction Conditions |
| CON | Construction Conditions |
| PRO | Pre-Operational Conditions |
| OPR | Operational Conditions |
| RET | Retirement Conditions |

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as "GS"; the Soil Protection standard is represented in the condition numbering as "SP" and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council's General Standard of Review, and is condition number 1.

This site certificate contains conditions initially imposed in the Wheatridge Wind Energy Facility site certificate, as approved in April 2017, and amended in July 2017 (AMD1), November (AMD2) and December 2018 (AMD3), November 2019 (AMD4), and May 2020 (AMD5). Site certificate conditions include a bracketed citation (e.g. [Final Order on ASC (2017), AMD2 (2018), AMD4 (2019)]) which provides reference to the Council order imposing or amending the condition. Bracketed citations dated 2017 through May 2020 represent conditions imposed or amended under the Wheatridge Wind Energy Facility site certificate; bracketed citations dated after May 2020 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility II site certificate, and bracketed citations dated after 2024 represent conditions imposed or amended under the Wheatidge Renewable Energy Facility East site certificate.

[1] The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

## 4.2 General Conditions (GEN): Design, Construction and Operations

| Condition Number | General (GEN) Conditions |
|---|---|
| ***STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]*** | |
| GEN-GS-01 | The certificate holder shall begin construction of all facility components located in areas added to the site by the Final Order on Request for Amendment 1 (i.e. all facility components within micrositing siting areas located south of Butter Creek, except the 230-kV transmission line) on or before May 31, 2027. The certificate holder shall provide written notification to the Department that it has met the construction commencement deadline.<br>[Final Order on ASC (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019); AMD1 (2020)]; AMD1 (2024)]<br>[Mandatory Condition OAR 345-025-0006(4)] |
| GEN-GS-02 | The certificate holder shall complete construction of facility components by the following dates:<br>a. May 24, 2026: All facility components approved in the Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility (i.e. facility components in the portion of the site north of Butter Creek and the 230-kV transmission line), as applicable based on final design. The certificate holder shall promptly notify the Department of the date of completion of construction.<br>b. Within 3 years of the date of construction commencement: All facility components located in areas added to the site by the Final Order on Amendment 1 (i.e. all facility components within micrositing siting areas located south of Butter Creek, except the 230-kV transmission line). The certificate holder shall promptly notify the Department of the date of completion of construction.<br>[Final Order on ASC (2017), General Standard Condition 2; AMD2 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2024)]<br>[Mandatory Condition OAR 345-025-0006(4)] |
| GEN-GS-03 | The certificate holder shall design, construct, operate, and retire the facility:<br>a. Substantially as described in the site certificate;<br>b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and<br>c. In compliance with all applicable permit requirements of other state agencies.<br>[Final Order on ASC (2017), Mandatory Condition 2] [OAR 345-025-0006(3) AMD1 (2024)] |
| GEN-GS-04 | a. Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities.<br>b. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:<br>1. The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or |

| | |
|---|---|
| | 2. The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built.<br>[Final Order on ASC (2017), Mandatory Condition 3] [OAR 345-025-0006(5)] |
| GEN-GS-05 | If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the department describing the impact on the facility and any affected site certificate conditions.<br>[Final Order on ASC (2017), Mandatory Condition 6] [OAR 345-025-0000(6)] |
| GEN-GS-06 | The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant.<br>[Final Order on ASC (2017), Mandatory Condition 5] [OAR 345-025-0006(10)] |
| GEN-GS-07 | Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.<br>[Final Order on ASC (2017), Mandatory Condition 6] [OAR 345--025-0006(11)] |
| GEN-GS-08 | The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced coastal subsidence.<br>[Final Order on ASC (2017), Mandatory Condition 7] [OAR 345-025-0006(12)] |
| GEN-GS-09 | The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions.<br>[Final Order on ASC (2017), Mandatory Condition 8] [OAR 345-025-0006(13)] |
| GEN-GS-10 | The certificate holder shall notify the department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.<br>[Final Order on ASC (2017), Mandatory Condition 9] [OAR 345-025-0006(14)] |
| GEN-GS-11 | Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the department of the proposed new owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate.<br>[Final Order on ASC (2017), Mandatory Condition 10] [OAR 345-025-0006(15)] |
| GEN-GS-12 | The certificate holder is authorized to construct the 230-kV transmission line anywhere within the approved corridor described in Section 2.3 of the site certificate, and presented in Attachment A.<br>[Final Order on ASC (2017), Site Specific Condition 1] [OAR 345-025-0010(5)] AMD1(2024)] |

| | |
|---|---|
| GEN-GS-13 | The certificate holder may operationally share~~utilize~~ the temporary Baseline Lane construction yard and O&M Building, constructed and operated under the site certificate for Wheatridge Renewable Energy Facility II, as well as share the following related or supporting facilities with WREFNE: the intraconnection transmission line, substation, SCADA system, and access roads (as approved in Final Order on Amendment 1 to WREFE), subject to the following:<br>a. Within 30 days of use by ~~both~~ certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities. The Share Use Agreements must allow operation and maintenance personnel and contractors access to the shared facilities of WREFII, WREFE, and WREFNE.<br>~~b. If WREFII proposes to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Condition PRE-RF-02.~~<br>~~c. Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Condition PRE-RF-02, for the operational facility, if facilities are decommissioned at different times.~~<br>[Final Order on AMD1 (2024)] |
| ***STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]*** | |
| GEN-OE-01 | Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder.<br>[Final Order on ASC (2017), Organizational Expertise Condition 5] |
| GEN-OE-02 | In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the department.<br>[Final Order on ASC (2017), Organizational Expertise Condition 6] |
| GEN-OE-03 | During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, NextEra Energy Resources, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of NextEra Energy Resources, LLC and demonstrate how it will timely replace any loss of access to such resources, expertise and personnel with other resources, expertise and personnel sufficient to ensure ongoing compliance with site certificate terms and conditions.<br>[Final Order on AMD1 (2017), Organizational Expertise Condition 9, AMD1 (2024)] |

| | |
|---|---|
| ~~GEN-OE-04~~ | ~~The certificate holder shall:~~<br>~~a. Prior to and during construction, as applicable, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185.~~<br>~~b. Prior to transporting and disposing of battery and battery waste during facility operations, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185.~~<br>~~[Final Order on AMD2 (2018), Organizational Expertise Condition 10]~~ |
| GEN-OE-05 | *Deleted in Final Order on Amendment 1*<br>[Final Order on AMD5 (2020); Organizational Expertise Condition 11; AMD1 (2020)] |
| ***STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]*** | |
| GEN-SS-01 | The certificate holder shall design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction.<br>[Final Order on ASC (2017), Structural Standard Condition 2] |
| ***STANDARD: LAND USE (LU) [OAR 345-022-0030]*** | |
| GEN-LU-01 | a. Wind turbines located in Morrow County shall be setback at least:<br>1. 110 percent of maximum blade tip height from the property line of any abutting property of any non-participating property owners.<br>2. 100 feet from all property boundaries, including participant property boundaries within the site boundary, if practicable.<br>3. 110 percent of the overall tower-to-blade tip height from the boundary right-of-way of county roads, state and interstate highways.<br>b. Wind turbine foundations in Morrow County shall not be located on any property boundary, including participant property boundaries within the site boundary.<br>[Final Order on ASC (2017), Land Use Condition 1; AMD3 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020), AMD1 (2024)] |
| GEN-LU-02 | During design and construction of the facility, the certificate holder shall:<br>a. Obtain an access permit for changes in access on Morrow County roads; and<br>b. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards.<br>[Final Order on ASC (2017), Land Use Condition 4] |
| GEN-LU-03 | During design and construction, the certificate holder shall implement the following actions on the~~all~~ meteorological tower~~s~~ approved through the site certificate:<br>a. Paint the tower~~s~~ in alternating bands of white and red or aviation orange; or<br>b. Install aviation lighting as recommended by the Federal Aviation Administration.<br>[Final Order on ASC (2017), Land Use Condition 9] |

| | |
|---|---|
| GEN-LU-04 | The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall:<br>a. Locate access roads and temporary ~~construction yards and~~ laydown yard~~areas~~ to minimize disturbance of farming practices. Construction laydown yard~~s and laydown areas~~ shall be located within the future footprint of permanent structures to the extent practicable;<br>b. Locate turbines and transmission lines along the margins of cultivated areas to reduce the potential for conflict with farm operations, where feasible.<br>c. Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible.<br>[Final Order on ASC (2017), Land Use Condition 11; AMD4 (2019); AMD1 (2020), AMD1 (2024)] |
| GEN-LU-05 | During design and construction of the facility, the certificate holder shall ensure that fencing and landscaping at facility components within Morrow County blend with the nature of the surrounding area.<br>[Final Order on ASC (2017), Land Use Condition 14; AMD1(2024)] |
| ~~GEN-LU-06~~ | ~~Wind turbines located within Umatilla County shall be setback at least:~~<br>~~a. 110 percent of the overall tower-to-blade tip height from the boundary right-of-way of county roads and state and interstate highways in Umatilla County.~~<br>~~b. 2 miles from turbine towers to any urban growth boundary.~~<br>~~c. 1 mile from turbine towers to land within Umatilla County's Unincorporated Community Zone.~~<br>~~d. 2 miles from turbine towers to any rural residence within Umatilla County, unless the rural residence is owned by a participating landowner.~~ |

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| | ~~e. 164 feet (50 meters) from tower and facility components to known archeological, historical, or cultural sites, including cultural sites of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).~~<br>~~[Final Order on ASC (2017), Land Use Condition 16; AMD3 (2018), AMD1 (2024)]~~ |
| GEN-LU-07 | Deleted.[Final Order on ASC (2017), Land Use Condition 20; AMD1(2024)] |
| ~~GEN-LU-08~~ | ~~During facility design and construction of new access roads, the certificate holder shall implement best management practices after consultation with the Umatilla County Soil and Water Conservation district. The new and improved road designs must be reviewed and certified by a civil engineer.~~<br>~~[Final Order on ASC (2017), Land Use Condition 22, AMD1 (2024)]~~ |
| ~~GEN-LU-09~~ | ~~Before beginning electrical production, the certificate holder shall provide GIS data showing the location of each facility component located in Umatilla County to the department and Umatilla County in a format suitable for GPS mapping.~~<br>~~[Final Order on ASC (2017), Land Use Condition 24; AMD1 (2024)]~~ |
| ~~GEN-LU-10~~ | ~~During construction and operation of the facility, the certificate holder shall deliver a copy of the annual report required under OAR 345-026-0080 to the Umatilla County Planning Commission on an annual basis.~~<br>~~[Final Order on ASC (2017), Land Use Condition 28]~~ |
| ***STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]*** | |
| GEN-RF-01 | The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.<br>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 1]<br>[Mandatory Condition OAR 345-025-0006(7)] |
| ***STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]*** | |
| GEN-FW-01 | During construction and operation of the facility, the certificate holder shall impose a 20 mile per hour speed limit on all private access roads within the site.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 2, AMD1 (2024)] |
| GEN-FW-02 | The certificate holder shall construct all overhead transmission lines in accordance with the latest Avian Power Line Interaction Committee design standards, and shall only install permanent meteorological towers that are unguyed.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 6, AMD1 (2024)] |
| ***STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]*** | |
| GEN-SR-01 | Outdoor night lighting at the collector substation~~s and battery storage systems~~ must be:<br>a. The minimum number and intensity required for safety and security;<br>b. Directed downward and inward within the facility to minimize backscatter and offsite light trespass; and<br>c. Have motion sensors and switches to keep lights turned off when not needed.<br>[Final Order on ASC (2017), Scenic Resources Condition 1, AMD2 (2018), AMD1 (2024)] |
| GEN-SR-02 | The certificate holder shall:<br>~~a. Design and construct battery storage systems to be generally consistent with the character of agricultural buildings used by farmers or ranchers in the area, and the buildings shall be finished in a neutral color to blend with the surrounding landscape;~~<br>b. Paint or otherwise finish turbine towers in a grey, white, or off-white, low reflectivity coating to minimize reflection and contrast with the sky, unless required otherwise by the local code applicable to the structure location.<br>c. Design and construct support towers for the intraconnection transmission lines using either wood or steel structures and utilize finish with a low reflectivity coating; |

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| | d. Finish substation structures ~~and battery storage systems~~ utilizing neutral colors to blend with the surrounding landscape;<br>e. Minimize use of lighting and design lighting to prevent offsite glare;<br>f. Not display advertising or commercial signage on any part of the proposed facility;<br>g. Limit vegetation clearing and ground disturbance to the minimum area necessary to safely and efficiently install the facility equipment;<br>h. Water access roads and other areas of ground disturbance during construction, as needed, to avoid the generation of airborne dust; and<br>i. Restore and revegetate temporary impact areas as soon as practicable following completion of construction.<br>[Final Order on ASC (2017), Scenic Resources Condition 2, AMD2 (2018), AMD1 (2024)] |
| ***STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]*** | |
| GEN-PS-01 | During construction and operation, the certificate holder shall coordinate with its solid waste handler to provide the information solicited through the Oregon Department of Environmental Quality's Recycling Collector Survey to the Morrow County waste shed representative on an annual basis.<br>[Final Order on ASC (2017), Public Services Condition 5] |
| GEN-PS-02 | The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. Tower access doors shall be locked at all times authorized personnel are not present.<br>[Final Order on ASC (2017), Public Services Condition 11, AMD1 (2024)] |
| GEN-PS-03 | Prior to construction and operation of the facility, the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Condition PRE-PS-05 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request.<br>[Final Order on ASC (2017), Public Services Condition 18, AMD1 (2024)] |
| GEN-PS-04 | The certificate holder shall maintain ~~the battery storage systems and~~ substation components within a 100foot vegetation free zone.<br>[Final Order on AMD2 (2018), Public Services Condition 23, AMD1 (2024)] |
| ***STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]*** | |
| GEN-WF-01 | During construction and operation, the certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components.<br>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 3] |
| GEN-WF-02 | The certificate holder shall notify the department, the Morrow County Planning Department ~~and the Umatilla County Planning Department~~ within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns.<br>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 5] |
| ***STANDARD: CUMULATIVE EFFECTS STANDARD FOR WIND ENERGY FACILITIES (CE) [OAR 345-024-0015]*** | |
| GEN-CE-01 | All wind turbines shall be setback at least the following distances from the active raptor nest locations identified in pre-construction raptor nest surveys required under Condition PRE-FW-01:<br>a. 0.25 miles from active Swainson's hawk nest locations;<br>b. 0.5 miles from active ferruginous hawk nest locations; and |

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| | c. 2 miles from active eagle nest locations.<br>d. At least 0.8 miles from Butter Creek and Little Butter Creek.<br>[AMD1 (2024)] |

### 4.3 Pre-Construction (PRE) Conditions

| Condition Number | Pre-Construction (PRE) Conditions |
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| ***STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]*** | |
| PRE-OE-01 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity, qualifications, and past regulatory performance of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall not select contractors that have a history of non-compliance with state laws, rules or license requirements. The certificate holder shall report to the department any changes of major contractors.<br>[Final Order on ASC (2017), Organizational Expertise Condition 1, AMD1 (2020), AMD1 (2024)] |
| PRE-OE-02 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity and qualifications of the construction manager to demonstrate that the construction manager is qualified in environmental compliance and has the capability to ensure compliance with all site certificate conditions.<br>[Final Order on ASC (2017), Organizational Expertise Condition 2; AMD1 (2020)] |
| PRE-OE-03 | Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.<br>[Final Order on ASC (2017), Organizational Expertise Condition 3, AMD1 (2020)] |
| PRE-OE-04 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department before conducting any work on the site that does not qualify as surveying, exploration, or other activities to define or characterize the site. The notice must include a description of the work and evidence that the certificate holder has satisfied all pre-construction conditions that are applicable to the facility, facility component, or phase.<br>[Final Order on ASC (2017), Organizational Expertise Condition 4, AMD1 (2020), AMD1 (2024)] |
| PRE-OE-05 | Prior to construction of the facility, facility component or phase, as applicable, the certificate holder must provide the department and ~~Umatilla and~~ Morrow County~~ies~~ with the name(s) and location(s) of the aggregate source and evidence of the source's county permit(s).<br>[Final Order on ASC (2017), Organizational Expertise Condition 7, AMD1 (2020)] |
| PRE-OE-06 | Deleted.<br>[Final Order on ASC (2017), Organizational Expertise Condition 8; AMD4 (2019); AMD5 (2020); AMD1 (2020); AMD1 (2024)] |
| PRE-OE-07 | a. Before beginning construction of the facility, facility component, or phase, as applicable, the certificate holder shall provide, to the Department:<br>1. A list of all state and local permits and approvals that may be necessary for construction of the facility, indicating whether the permit will be obtained by the certificate holder or by a third party;<br>2. Copies of all listed permits, or evidence demonstrating that the permits are not necessary; and |

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| | 3. Proof of agreements between the certificate holder and the third-party regarding access to the resources or services secured by any permits or approvals issued to a third party.<br>b. During construction of the facility, the certificate holder shall notify the Department of any violation, Notice of Violation, or allegation of a violation of the terms or conditions of any permits and approvals for the construction and operation of the facility.-<br>[AMD1 (2024)] |
| ***STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]*** | |
| PRE-SS-01 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder must:<br>a. Submit a protocol to the Department and Oregon Department of Geology & Mineral Industries (DOGAMI), for review, with the applicable codes, standards, and guidelines to be used, and proposed geotechnical work to be conducted for the site-specific geotechnical investigation report.<br>b. Following receipt and review of Department and DOGAMI comments on the protocol per (a), the certificate holder shall conduct a site-specific geological and geotechnical investigation, and shall report its findings to DOGAMI and the department. The report shall be used by the certificate holder in final facility layout and design. The department shall review, in consultation with DOGAMI, and confirm that the investigation report includes an adequate assessment of the following information:<br>1. Subsurface soil and geologic conditions of the site boundary<br>2. Define and delineate geological and geotechnical hazards, and means to mitigate these hazards<br>3. Geotechnical design criteria and data for the turbine foundations, foundations of the substation~~s~~, ~~battery storage systems,~~ roads, and other related and supporting facilities<br>4. Design data for installation of underground collector lines and overhead transmission lines<br>5. Investigation of specific areas with potential for slope instability and landslide hazards. Landslide hazard evaluation shall be conducted by LIDAR and field work, as recommended by DOGAMI<br>6. Investigations of the swell and collapse potential of loess soils within the site boundary.<br>[Final Order on ASC (2017), Structural Standard Condition 1; AMD2 (2018); AMD1 (2020), AMD1 (2024)] |
| PRE-SS-02 | Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of all potentially active faults within the site boundary. The investigation shall include a description of the potentially active faults, their potential risk to the facility, and any additional mitigation that will be undertaken by the certificate holder to ensure safe design, construction, and operation of the facility.<br>[Final Order on ASC (2017), Structural Standard Condition 3; AMD5 (2020), AMD1 (2020)] |
| PRE-SS-03 | Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1 an investigation of specific areas with potential for slope instability and shall site turbine strings appropriate to avoid potential hazards. The landslide hazards shall be investigated and mapped before final facility layout and design. The landslide hazard evaluation shall be conducted by a combination of LIDAR and field work. |

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| | [Final Order on ASC (2017), Structural Standard Condition 4, AMD1 (2020)] |
| PRE-SS-04 | Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the certificate holder shall include mitigation measures including, as necessary, over-excavating and replacing loess soil with structural fill, wetting and compacting, deep foundations, or avoidance of specific areas.<br>[Final Order on ASC (2017), Structural Standard Condition 5, AMD1 (2020)] |
| ***STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]*** | |
| PRE-SP-01 | Prior to construction of the facility, facility component, or phase, as applicable, the certificate holder shall provide a copy of a Spill Prevention Control and Countermeasures (SPCC) plan that meets the requirements of 40 CFR part 112, to be implemented by the certificate holder or its contractor during facility construction.<br>[Final Order on ASC (2017), Soil Protection Condition 3, AMD1 (2024)] |
| PRE-SP-02 | The final Revegetation Plan required under Condition PRE-FW-05 shall include a program to protect and restore soils temporarily disturbed during facility construction. All soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced.<br>[Final Order on ASC (2017), Soil Protection Condition 4, AMD1 (2020), AMD1 (2024)] |
| PRE-SP-03 | Deleted.<br>[Final Order on ASC (2017), Soil Protection Condition 7; AMD1 (2024)] |
| ***STANDARD: LAND USE (LU) [OAR 345-022-0030]*** | |
| PRE-LU-01 | Before beginning construction of the facility, facility component or phase, as applicable, in Morrow County the certificate holder shall complete the following:<br>a. Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and<br>b. Obtain all other necessary local permits, including building permits.<br>c. Provide the county with a building permit application, a third party technical report which includes:<br>1. Evaluates fire hazards and;<br>~~2. Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems.~~<br>d. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department.<br>[Final Order on ASC (2017), Land Use Condition 3; AMD2 (2018), AMD1 (2020), AMD1 (2024)] |
| PRE-LU-02 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall pay the requisite fee and obtain a Conditional Use Permit as required under Morrow County Zoning Ordinance Article 6 Section 6.015.<br>[Final Order on ASC (2017), Land Use Condition 5, AMD1 (2020)] |
| PRE-LU-03 | a. At least 30 days before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall submit to the Department for review and approval, a Weed Control Plan that is consistent with the draft plan provided in the Attachment F of the *Final Order on Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility East* (June 2024).<br>b. The Department shall consult with Morrow ~~and Umatilla~~ County~~ies~~ and ODFW during review of the draft plan and may impose additional requirements as needed to ensure compliance with the requirements of those jurisdictions and the Revegetation Plan required under Condition PRE-FW-05. |

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| | c. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.<br>[Final Order on ASC (2017), Land Use Condition 6; AMD5 (2020); AMD1 (2020), AMD1 (2024)] |
| PRE-LU-04 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland.<br>[Final Order on ASC (2017), Land Use Condition 7, AMD1 (2020)] |
| PRE-LU-05 | Prior to beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall consult with surrounding landowners and lessees and shall consider proposed measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs during construction and operation of the facility. Prior to beginning construction, the certificate holder shall provide evidence of this consultation to the department~~,~~ and Morrow County~~, and Umatilla County~~.<br>[Final Order on ASC (2017), Land Use Condition 12; AMD5 (2020), AMD1 (2020)] |
| PRE-LU-06 | Deleted.<br>[Final Order on ASC (2017), Land Use Condition 13, AMD1 (2020), AMD1 (2024)] |
| ~~PRE-LU-07~~ | ~~Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder must:~~<br>~~a. Pay the requisite fee(s) and obtain a Zoning Permit(s) from Umatilla County for facility components sited within Umatilla County.~~<br>~~b. Provide the Department and county with a building permit application that includes a third party technical report which:~~<br>~~1. Evaluates fire hazards, and~~<br>~~2. Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems.~~<br>~~c. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department.~~<br>~~[Final Order on ASC (2017), Land Use Condition 15; AMD2 (2018), AMD1 (2020), AMD1 (2024)]~~ |
| PRE-LU-08 | Prior to facility construction of the facility, facility component or phase, as applicable, the certificate holder shall install gates and no trespassing signs at all private access roads established or improved for the purpose of facility construction and operation if requested by the underlying landowner.<br>[Final Order on ASC (2017), Land Use Condition 18; AMD4 (2019), AMD1 (2020)] |
| ~~PRE-LU-09~~ | ~~Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall record in the real property records of Umatilla County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland.~~<br>~~[Final Order on ASC (2017), Land Use Condition 21, AMD1 (2020)]~~ |
| PRE-LU-10 | Prior to beginning construction of the 230-kV transmission line, the certificate holder shall submit evidence that all owners in the transmission line corridor have been consulted as required by ORS 215.276.<br>[AMD1 (2024)] |
| ***STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]*** | |
| PRE-RF-01 | Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility. |

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| | [Final Order on ASC (2017), Retirement and Financial Assurance Condition 4]<br>[Mandatory Condition OAR 345-025-0006(8)] |
| PRE-RF-02 | Before beginning construction of the wind energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for wind facility components is $17.9~~28.4~~ million dollars (Q2~~4~~ 2024~~3~~ dollars), to be adjusted to the date of issuance , and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition:<br>a. The initial bond or letter of credit amount may be adjusted based on the final design configuration of the facility and the line items and unit costs presented in Attachment C of the Final Order on Amendment 1. Any revision to the restoration costs should be adjusted to the date of issuance as described in (b) and subject to review and approval by the Council.<br>b. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation:<br>1. Adjust the amount of the bond or letter of credit (expressed in Q2~~4~~ 2024~~3~~ dollars to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the second~~fourth~~ quarter 2024~~3~~ index value and the quarterly index value for the date of issuance of the<br>new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust second~~fourth~~ quarter 2024~~3~~ dollars to present value.<br>2. Round the result total to the nearest $1,000 to determine the financial assurance amount.<br>c. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.<br>d. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.<br>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 5; AMD2 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020); AMD1(2024)] |
| ***STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]*** | |

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| PRE-FW-01 | a. Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. Areas within mapped Mule Deer Winter Range may be assumed to be Category 2 habitat; however, the boundaries of any areas of developed agriculture within Mule Deer Winter Range shall be surveyed to confirm changes. The survey shall be planned in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW.<br>b. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources. The report shall also include tabular showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction survey shall be used to complete final design, facility layout, and micrositing of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage |
| | for each transmission structure, wind turbine, access road, and all other facility components. If the construction laydown yard~~s are~~is to be retained post construction, due to a landowner request or otherwise, the construction laydown yard~~s~~ must be calculated as permanent impacts, not temporary.<br>c. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW.<br>d. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 1, AMD1 (2024)] |
| PRE-FW-02 | Prior to operation, the certificate holder shall finalize the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-2 of the *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate* (November 2020), by updating the thresholds of concern in Section 3.6 of the WMMP in consultation with the Department and ODFW. The WMMP may be amended from time to time by agreement of the certificate holder and the Council. Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020), AMD1 (2024)] |
| PRE-FW-03 | Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to areas with sensitive or protected plant species, including candidate species, wetlands and waterways that are not authorized for construction impacts, areas with seasonal restrictions, and active state sensitive species bird nests.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 8, AMD1 (2020)] |

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| PRE-FW-04 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare and receive approval from the Department of a final Habitat Mitigation Plan (HMP), substantially as presented in Attachment E of the *Final Order on Amendment 1 of the Site Certificate for Wheatridge Renewable Energy Facility East* (June 2024). The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP.<br>a. The final Habitat Mitigation Plan and the department's approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.<br>b. The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Condition PRE-FW-01.<br>c. The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final HMP.<br>d. The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map and available acres by habitat category and subtype in tabular format.<br>e. The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP:<br>i. Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction.<br>ii. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction.<br>f. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area.<br>g. The final HMP shall include mitigation in compliance with the Council's Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity.<br>h. The final HMP may be amended from time to time by agreement of the certificate holder and the Council. Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 10, AMD1 (2020), AMD1 (2024)] |

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| PRE-FW-05 | Before beginning construction of the facility, facility component, or phase, as applicable, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment D of the *Final Order on Amendment 1 of the Site Certificate for Wheatridge Renewable Energy Facility East* (June 2024), from the Department, in consultation with ~~Umatilla and~~ Morrow County~~counties~~ and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 11; AMD5 (2020), AMD1 (2024)] |
| ***STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]*** | |
| PRE-TE-01 | a. Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall determine the boundaries of Category 1 Washington ground squirrel habitat. The certificate holder shall hire a qualified professional biologist who has experience in detection of Washington ground squirrel to conduct pre-construction surveys using a survey protocol approved by the department in consultation with ODFW. The biologist shall survey all areas of suitable habitat within 1,000 feet of any ground disturbing activity. Ground disturbing activity refers to any potential impact, whether permanent or temporary. The protocol surveys shall be conducted in the active squirrel season (March 1 to May 31). The protocol survey is valid for three years.<br>b. If construction begins within three years of conducting the protocol survey, the certificate holder shall conduct a pre-construction survey of all suitable Washington ground squirrel habitat within 1,000 feet of previously identified Washington ground squirrel colonies where ground disturbing activity would occur.<br>c. The certificate holder shall provide written reports of the surveys to the department and to ODFW and shall identify the boundaries of Category 1 Washington ground squirrel (WGS) habitat. The certificate holder shall not begin construction within suitable habitat until the |
| | identified boundaries of Category 1 WGS habitat have been approved by the department, in consultation with ODFW.<br>d. The certificate holder shall avoid any permanent or temporary disturbance in all Category 1 WGS habitat. The certificate holder shall ensure that these sensitive areas are correctly marked with exclusion flagging and avoided during construction as required under Condition PRE-FW-03.<br>[Final Order on ASC (2017), Threatened and Endangered Species Condition 1, AMD1 (2020), AMD1 (2024)] |
| PRE-TE-02 | Prior to beginning operation, in accordance with Condition PRE-FW-02, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment G of the *Final Order on Amendment 1 of the Site Certificate for Wheatridge Renewable Energy Facility East* (June 2024), based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities.<br>[Final Order on ASC (2017), Threatened and Endangered Species Condition 2, AMD1 (2024)] |

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| PRE-TE-03 | a. Before beginning construction of the facility, facility component, or phase, as applicable, the certificate holder must conduct preconstruction plant surveys for Lawrence's milkvetch in all areas within 100-feet of temporary and permanent disturbance from all facility components, unless extent of survey area within suitable habitat from temporary and permanent disturbance is otherwise agreed upon by the Department on consultation with Oregon Department of Agriculture.<br>b. Except as provided in section e, the certificate holder must install protection flagging at least 100 feet from the outer boundaries of all Lawrence's milkvetch occurrences that fall within the preconstruction survey area established under section a. The certificate holder must avoid any ground disturbance within the flagged zone.<br>c. All plant protection zones shall be included on construction plans showing the final design locations.<br>d. If herbicides are used to control weeds at the site, the certificate holder shall follow the manufacturer's guidelines in establishing a buffer area around confirmed occurrences of Lawrence's milkvetch. Herbicides must not be used within the established buffers.<br>e. The certificate holder may not conduct ground disturbing activities within 100-feet of any Lawrence's milkvetch occurrence until a final Lawrence's milkvetch mitigation plan has been approved in accordance with Condition PRE-TE-04.<br>[Final Order on ASC (2017), Threatened and Endangered Species Condition 3; AMD3 (2018); AMD4 (2019), AMD1 (2024)] |
| PRE-TE-04 | a. Before beginning construction of the facility, facility component, or phase of construction, as applicable, the certificate holder shall submit a final Lawrence's milkvetch mitigation plan to the Department for review and approval. The final plan must:<br>1. Identify the amount of occupied Lawrence's milkvetch habitat that will be impacted by the construction and operation of the facility, based on final facility design and layout, including areas of permanent and temporary disturbance and estimate the total number of individual plants likely to be impacted. Construction and operation of the facility may not result in the permanent disturbance of more than 5 acres, or temporary disturbance of more than 43 acres, of occupied Lawrence's milkvetch habitat. |
| | 2. Identify the mitigation measures that will be taken to address the impacts identified under section a.1. Mitigation measures may include:<br>i. Seed collection from the plants and populations impacted;<br>ii. Seed banking and long-term storage of seeds at a regional conservation seed bank;<br>iii. Research to assess wild-produced seed quality and viability;<br>iv. Plant reestablishment through seed or transplant introductions;<br>v. Research to assess plant reestablishment methods and success rates; and<br>vi. Other measures approved or proposed by the Oregon Department of Agriculture's Native Plant Conservation Program. |

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| | 3. Identify the implementation schedule, monitoring activities, and success criteria for the mitigation measures under subsection a.2.<br>b. The Department shall review the final mitigation plan in consultation with the Oregon Department of Agriculture's Native Plant Conservation Program. If the Department determines that the mitigation measures, implementation schedule, monitoring activities, and success criteria identified in the final mitigation plan are consistent with those in the plan included as Attachment G to the *Final Order on Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility East (June 2024)*, the Department may approve the plan. If the Department determines that the mitigation measures, implementation schedule, monitoring activities, and success criteria identified in the final mitigation plan are not consistent with those in the plan included as Attachment G to the *Final Order on Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility East (June 2024)*, the Department shall present the plan to the Council for the Council's review with a recommendation of approval, denial, or modification of the plan. To approve the plan, the Council must find that the plan contains sufficient measures to ensure that the construction and operation of the facility are not likely to cause a significant reduction in the likelihood of survival or recovery of Lawrence's milkvetch populations.<br>c. The certificate holder may propose amendments to the final mitigation plan at any time. The proposed amendments shall be subject to review under section b. of this condition.<br>AMD1 (2024) |
| ***STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]*** | |
| PRE-HC-01 | Before beginning construction within areas that have not been surveyed for historic, cultural, or archaeological resources, the certificate holder shall:<br>a. Submit to the Department and SHPO a research design consistent with SHPO's archeological guidelines, for Department review and approval.<br>b. Complete archeological field investigations in accordance with the approved research design. Any new resources and management recommendations identified must be evaluated under OAR 345-027-0357 to determine whether a site certificate amendment is required.<br>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 1, AMD1 (2024)] |
| PRE-HC-02 | Before beginning construction of the facility, facility component, or phase, as applicable, the certificate holder shall flag or otherwise mark 200-foot avoidance buffers for all historic, cultural, or archaeological resource sites identified as eligible to listed on the National Register of Historic Places, or unevaluated for eligibility in RFA1 Exhibit S, Attachment S-1. The avoidance areas must be marked on construction maps and drawings as "no entry" areas. A copy of current maps and drawings must be maintained onsite during construction and made available to the department upon request.<br>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 2, AMD1 (2024)] |

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| PRE-HC-03 | Before beginning construction, the certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-0070, trains construction contractors on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the department upon request.<br>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 4] |
| PRE-HC-04 | Prior to beginning construction of wind facility components within the viewshed of likely NRHP eligible historic properties Vey Ranch, Kenny Ranch, or the Bartholomew-Meyers Farm, the certificate holder must submit to the Department and the State Historic Preservation Office a complete Section 106 Documentation Form. |
| ***STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]*** | |
| PRE-PS-01 | a. Prior to construction of the facility, facility component, or phase, as applicable, the certificate holder shall prepare a Traffic Management Plan that includes procedures and policies for:<br>1. Providing advance notice to all affected local jurisdictions essential and emergency service providers, and adjacent landowners of construction deliveries, road closures, and oversize load movements, and the potential for heavy traffic on local roads;<br>2. Notifying and consulting with adjacent landowners and essential service providers prior to the start of construction to minimize disruptions to public services and agricultural operations.<br>3. Using signage and traffic control measures to ensure safety and to minimize localized traffic congestion at locations where trucks enter or exit highways frequently.<br>4. Including traffic control procedures in contract specifications for construction of the facility;<br>5. Maintaining at least one open travel lane during road closures to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles, and maintaining emergency vehicle access at all times;<br>6. Ensuring that no equipment or machinery is parked or stored on any county road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within county rights-of-way with the approval of the Morrow County ~~and Umatilla County~~ Public Works Department~~s~~;<br>7. Encouraging and promoting carpooling for the construction workforce; and<br>8. Keeping state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points.<br>b. The plan shall be submitted to the Department for review and approval in consultation with Morrow County ~~and Umatilla County~~. The certificate holder may not begin construction until the plan has been approved in writing.<br>c. The approved plan shall be implemented throughout construction of the facility, facility component, or phase.<br>[Final Order on ASC (2017), Public Services Condition 6, AMD1 (2024)] |
| PRE-PS-02 | a. Before beginning construction of the facility, facility component, or phase of construction, as applicable, the certificate holder must enter into Road Use Agreements with the Morrow County ~~and Umatilla County~~ Public Works Department~~s~~. The Agreements must include, at a minimum, a pre-construction assessment of road surfaces under Morrow County ~~and Umatilla County~~ jurisdiction, construction monitoring, and post-construction inspection and repair.<br>b. A copy of the Road Use Agreements with Morrow County ~~and Umatilla County~~ must be submitted to the department before beginning construction. If required by Morrow County ~~or Umatilla County~~, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility.<br>[Final Order on ASC (2017), Public Services Condition 7, AMD1 (2024)] |

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| PRE-PS-03 | The certificate holder shall design and construct new access roads and private road improvements to standards approved by ~~Umatilla County or~~ Morrow County. Where modifications of county roads are necessary, the certificate holder shall construct the modifications entirely within the county road rights-of-way and in conformance with county road design standards subject to the approval of the ~~Umatilla County and~~ Morrow County Public Works Department~~s~~.<br>[Final Order on ASC (2017), Public Services Condition 8] |
| PRE-PS-04 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall submit to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration for each turbine. Before beginning construction, the certificate holder shall submit to the department the results of the Oregon Department of Aviation aeronautical study and determination. If the department, in consultation with the Oregon Department of Aviation, determines that any turbine would adversely impact an airport's ability to provide service by obstructing the airport's primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction.<br>[Final Order on ASC (2017), Public Services Condition 9, AMD1 (2020)] |
| PRE-PS-05 | a. Prior to construction of the facility, facility component, or phase, as applicable, the certificate holder shall submit an Emergency Management Plan based on consultation with local rural fire protection districts, and county emergency management agencies providing fire protection services for the area. The draft final plan shall be submitted to the Department for review and approval, including evidence of consultation with local rural fire protection districts and county emergency management agencies and shall include at a minimum:<br>1. Current contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information.<br>2. Identification of all Rural Fire Protection Districts, emergency service providers, and other agencies that will provide fire protection or respond to emergencies at the site;<br>3. Identification of any agencies or entities that would assist in fire protection or emergency response activities at the site through mutual aid agreements;<br>4. Identification of facility personnel or a contracted entity that will provide high-angle rescue and confined space rescue at the site;<br>5. Contact information for each agency listed above;<br>6. Communication protocols for both routine and emergency events and the incident command system to be used in the event a fire response by multiple agencies is needed at the facility;<br>7. Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place;<br>8. Protocols for wildfire suppression or response activities such as establishing fire breaks and containing fires, including protocols for protecting sensitive resources, including but not limited to, residences and infrastructure, agricultural operations, fish and wildlife habitat and special status species, and cultural resources during wildfire suppression or response activities. |

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| | 9. The designated meeting location in case of evacuation;<br>10. Staff training requirements; and<br>11. Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.<br>b. During construction and operation, the plan, as approved in sub(a) of this condition shall be adhered to and maintained onsite. The plan shall be updated if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department to address hazards to public health and safety. Any Department required revisions shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address the hazard. Any updates to the plan shall be provided to the Department within 30 days.<br>c. During construction and operation, all onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility as required by Condition GEN-PS-03.<br>[Final Order on ASC (2017), Public Services Condition 13; AMD1 (2020), AMD1 (2024)] |
| PRE-PS-06 | a. Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan shall, at a minimum:<br>1. Include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, first aid kits, and automated external defibrillators; and the names, locations and contact information of nearby hospitals.<br>2. Designate the workers that will be certified in first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators, in sufficient numbers to ensure that emergency care can be provided in a timely fashion. The certificate holder must retain records of the certifications and provide them to the Department upon request.<br>3. Establish adequate training in safety and emergency response for all workers.<br>b. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the facility, and available upon request by the department.<br>[Final Order on ASC (2017), Public Services Condition 20, AMD1 (2024)] |
| PRE-PS-07 | Deleted.<br>[Final Order on ASC (2017), Public Services Condition 21, AMD1 (2024)] |
| ***STANDARD: Wildfire Prevention and Risk Mitigation (WP) [OAR 345-022-0115]*** | |
| PRE-WP-01 | Prior to construction of the facility, facility component, or phase, the certificate holder shall finalize the draft Wildfire Mitigation Plan as provided in Final Order on Amendment 1 Attachment I, based on current available information, as applicable, and consultation with local rural fire protection districts, and county emergency management agencies providing fire protection services for the area. The final plan shall be submitted to the Department for review and approval, including evidence of consultation with local rural fire protection districts and county emergency management agencies. |
| ***STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]*** | |
| PRE-WM-01 | Prior to construction, the certificate holder shall develop a construction waste management plan, which includes at a minimum:<br>a. Specification of the number and types of waste containers to be maintained at construction sites and construction yards.<br>b. A description of methods for segregating and recycling steel and metal scrap, wood waste, and packaging waste such as paper and cardboard. |

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| | c. Names and locations of appropriate recycling and waste disposal facilities, and waste haulers, as well as the collection requirements, and hauling requirements to be used during construction.<br>d. Methods for segregating all hazardous and universal wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.<br>[Final Order on ASC (2017), Waste Minimization Condition 2, AMD1 (2024)] |
| PRE-WM-02 | Deleted.<br>[Final Order on ASC (2017), Waste Minimization Condition 3, AMD1 (2024)] |
| ***STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]*** | |
| PRE-TL-01 | Prior to construction, the certificate holder shall schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities.<br>[Final Order on ASC (2017), Siting Standard Condition 2] |
| ***STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]*** | |
| PRE-NC-01 | Prior to construction, the certificate holder shall provide to the department:<br>a. Information that identifies the final design locations of all facility components to be built at the facility;<br>b. The maximum sound power level for the facility components and the maximum sound power level and octave band data for the turbine type(s), transformers (substation), invertors~~, AC- and DC-coupled battery storage cooling system~~ selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the department;<br>c. The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the department that the total noise generated by the facility (including turbines, transformers, invertors~~, AC- and DC-coupled battery storage cooling systems)~~ would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below. If applicable, the analysis must also identify the noise mitigation that will be used during facility operation and include a figure that depicts the turbines and other equipment, that will implement noise mitigation and the associated dBA reduction level; if required to meet the maximum allowable decibel threshold of 50 dBA; and,<br>d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels $L_{10}$ and $L_{50}$ by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the wind energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.<br>[Final Order on ASC (2017), Noise Control Condition 2; AMD3 (2018); AMD1 (2020), AMD1 (2024)] |

### 4.4 Construction (CON) Conditions

| Condition Number | Construction (CON) Conditions |
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| ***STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]*** | |
| CON-SP-01 | During construction, the certificate holder shall conduct all work in compliance with an Erosion and Sediment Control Plan (ESCP), and revised ESCPs, as applicable. The ESCP shall be revised if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department. Any Department-required ESCP-revisions shall be implemented within 14-days, unless otherwise agreed to by the Department based on a good faith effort to address erosion issues.<br>[Final Order on ASC (2017), Soil Protection Condition 1, AMD1 (2024)] |
| CON-SP-02 | Deleted.<br>[Final Order on ASC (2017), Soil Protection Condition 2, AMD1 (2024)] |
| ***STANDARD: LAND USE (LU) [OAR 345-022-0030]*** | |
| CON-LU-01 | During construction, the certificate holder shall comply with the following requirements:<br>a. Construction vehicles shall use previously disturbed areas including existing roadways and tracks.<br>b. New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards.<br>[Final Order on ASC (2017), Land Use Condition 8, AMD1 (2024)] |
| CON-LU-02 | During construction, the certificate holder shall install smooth turbine tower structures and turbine nacelles that lack perching or nesting opportunities for birds.<br>[Final Order on ASC (2017), Land Use Condition 17] |
| CON-LU-03 | During construction, the certificate holder shall install the electrical cable collector system underground, where practicable. In agricultural areas, the collector system lines must be installed at a depth of 3 feet or deeper as necessary to prevent adverse impacts on agriculture operations. In all other areas, the collector system lines must be installed a minimum of 3 feet where practicable.<br>[Final Order on ASC (2017), Land Use Condition 19] |
| ***STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]*** | |
| CON-FW-01 | No construction shall occur in mule deer winter range during winter, defined as December 1 to March 31. Mule deer winter range is based on data to be provided by ODFW at the time of construction. Upon request by the certificate holder, the Department may provide exceptions to this restriction. The certificate holder's request must include a justification for the request including any actions the certificate holder will take to avoid, minimize or mitigate impacts to mule deer winter range during winter in the relevant area. The Department will consult with ODFW on any request made under this condition.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 3; AMD4] |
| CON-FW-02 | a. Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities will not occur within the buffer zones established in section b for previously identified active nest sites during the sensitive nesting and breeding season.<br>b. During construction within the time periods listed below, the certificate holder shall implement buffer zones around active nest sites of the species listed below. Active nest sites shall be identified based on the pre-construction raptor nest survey required under |

Condition PRE-FW-01 and previous surveys and be monitored during construction by a biological monitor, both of which shall be based on a protocol approved by the Department in consultation with ODFW- specifying methodology and frequency of monitoring. No ground-disturbing activities within the buffer zone shall occur during the seasonal restrictions unless a qualified biologist determines the active nest site is unoccupied for the season on or after May 31. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid ground-disturbing activity within the buffer zone during construction activities.

| Sensitive Status Species | Buffer Size (Radius Around Nest Site): | Sensitive Nesting and Breeding Season: |
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| Western burrowing owl | 0.25 mile | April 1 to August 15 |
| Ferruginous hawk | 0.5 mile | March 5 to August 15 |
| Swainson's hawk | 0.25 mile | April 1 to August 15 |

c. If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance.

[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 5; AMD3 (2018); AMD4 (2019), AMD1 (2024)]

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| CON-FW-03 | During construction, the certificate holder shall employ a qualified environmental professional to provide environmental training to all personnel prior to working onsite, related to sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. All personnel shall be given clear maps showing areas that are off-limits for construction, and shall be prohibited from working outside of the areas in the site boundary that have been surveyed and approved for construction. The certificate holder shall instruct construction personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager. Records of completed training shall be maintained onsite and made available to the department upon request.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 7] |
| CON-FW-04 | During construction, the certificate holder shall employ at a minimum one environmental inspector to be onsite daily while ground-disturbing activities are ongoing. The environmental inspector shall oversee permit compliance and construction, and ensure that known sensitive environmental resources are protected. The environmental inspector shall prepare a weekly report during construction, documenting permit compliance and documenting any corrective actions taken. Reports shall be kept on file and available for inspection by the department upon request.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 9] |

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| ***STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]*** | |
| CON-HC-01 | a. During construction of the facility, facility component, or phase, as applicable, the certificate holder shall prohibit disturbance within the 200-foot buffer zones for all likely eligible and unevaluated historic, cultural, or archaeological resource sites as identified in RFA1 Exhibit S Attachment S-1 unless:<br>1. The resources are determined by a qualified archaeologist not eligible for NRHP listing and concurred by the State Historic Preservation Office (SHPO) review; or,<br>2. A Historic, Cultural, and Archaeological Resources Monitoring and Mitigation plan has been submitted to and accepted by the Department in consultation with CTUIR and SHPO. The plan must include for a Tribal Monitor or Qualified Archaeologist to be present during any construction activities within the buffer, and for appropriate mitigation of any impacts to resources, such as: additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with CTUIR and SHPO.<br>b. The no-entry restriction does not apply to public road rights-of-way within buffer areas.<br>c. Flagging or marking must be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected.<br>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 3; AMD4 (2019), AMD1 (2024)] |
| CON-HC-02 | a. During construction, the certificate holder shall implement an Inadvertent Discovery Plan approved by the Department in consultation with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Oregon State Historic Preservation Office (SHPO). The plan shall ensure that:<br>1. Construction personnel cease all ground-disturbing activities in the immediate area if any archeological or cultural remains are found during construction of the facility until a qualified archeologist can evaluate the significance of the find.<br>2. The certificate holder notifies the Department, the CTUIR, and the Oregon State Historic Preservation Office (SHPO) of the find.<br>3. If the Department, in consultation with the CTUIR and SHPO, determines that the resource meets the definition of a cultural or archaeological site or object that is eligible or likely to be eligible for listing on the National Register of Historic Places), the certificate holder shall implement 200-ft avoidance buffers as provided in Condition CON-HC-01.<br>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 5, AMD1 (2024)] |
| ***STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]*** | |
| CON-PS-01 | a. During construction, the certificate holder shall implement the construction waste management plan required by Condition PRE-WM-01:<br>b. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured.<br>c. The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).<br>[Final Order on ASC (2017), Public Services Condition 3, AMD1 (2024)] |

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| CON-PS-02 | During construction of the facility, the certificate holder shall provide for 24-hour on-site security, and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office ~~and Umatilla County Sheriff's Office~~.<br>[Final Order on ASC (2017), Public Services Condition 10] |
| CON-PS-03 | During construction of the facility, the certificate holder shall ensure that turbine construction personnel are trained and equipped for fall protection, high angle, and confined space rescue. The certificate holder must retain records of the training and provide them to the department upon request.<br>[Final Order on ASC (2017), Public Services Condition 14] |
| CON-PS-04 | All wind turbines shall be constructed with a minimum of 10 feet of nonflammable and non-erosive ground cover on all sides. The certificate holder shall cover turbine pad areas with nonflammable, non-erosive material immediately following exposure during construction and shall maintain the pad area covering during facility operation.<br>[Final Order on ASC (2017), Public Services Condition 16, AMD1 (2024)] |
| CON-PS-05 | Deleted.<br>[Final Order on ASC (2017), Public Services Condition 17, AMD1 (2024)] |
| ***STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WP) [OAR 345-022-0115]*** | |
| CON-WP-01 | During construction of the facility, the certificate holder shall implement and require all onsite contractors and employees to adhere to the Wildfire Mitigation Plan required under Condition PRE-WP-01. Updates to the Wildfire Mitigation Plan may be required if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department to address wildfire hazard to public health and safety. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard. |
| ***STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]*** | |
| CON-WM-01 | a. During construction, the certificate holder shall require construction contractors to complete the following for any disposal of excess soil outside of construction disturbance areas:<br>1. Obtain and provide the certificate holder with a signed consent agreement between contractor and the party receiving the earth materials authorizing the acceptance and disposal of the excess soil; and,<br>2. Confirm that all disposal sites have been inspected and approved by the certificate holder's environmental personnel to ensure that sensitive environmental resources, such as wetlands or high quality habitats, would not be impacted.<br>b. The certificate holder shall maintain copies of all signed consent agreements and disposal site inspection and approvals onsite and shall provide to the department in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).<br>[Final Order on ASC (2017), Waste Minimization Condition 1, AMD1 (2024)] |
| ***STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]*** | |
| CON-WF-01 | During construction, the certificate holder shall install pad-mounted step-up transformers at the base of each tower in steel boxes designed to protect the public from electrical hazards.<br>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 1] |
| CON-WF-02 | Prior to and during operations the certificate holder shall:<br>a. Install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, connected to a fault annunciation panel or supervisory control and data acquisition (SCADA) system to alert operators to potentially dangerous conditions. |

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| | b. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire. The certificate holder shall immediately remedy any dangerous conditions.<br>c. Submit to the Department materials or other documentation demonstrating the facility's operational safety-monitoring program and cause analysis program, for review and approval. The program shall, at a minimum, include requirements for regular turbine blade and turbine tower component inspections and maintenance, based on wind turbine manufacturer recommended frequency.<br>d. The certificate holder shall document inspection and maintenance activities including but not limited to date, turbine number, inspection type (regular or other), turbine tower and blade condition, maintenance requirements (i.e. equipment used, component repair or replacement description, impacted area location and size), and wind turbine operating status. This information shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility's annual compliance report.<br>e. In the event of blade or tower failure, the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 90-days of blade or tower failure event, submit a cause analysis to the Department for its compliance evaluation.<br>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 4; AMD3 (2018)] |
| ***STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]*** | |
| CON-TL-01 | During construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields and submit verification to the Department, including:<br>a. Constructing all aboveground collector and transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.<br>b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground.<br>c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground.<br>d. Developing and implementing a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, irrigation systems, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line (OAR 345-025-0010(4)).<br>e. Providing to landowners a map of underground, with any applicable NESC demarking for underground facilities, and overhead transmission lines on their property and advising landowners of possible health and safety risks from induced currents caused by electric and magnetic fields.<br>f. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.<br>g. Increasing the intraconnection transmission line height, shielding the electric field, or installing access barriers, if needed, to prevent induced current and nuisance shock of mobile vehicles.<br>h. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable. |

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| | i. Designing, constructing and operating the transmission line in accordance with the requirements of the version of the National Electrical Safety Code that is most current at the time that final engineering of each of these components is completed (OAR 345-025-0010(4)).<br>j. Implement a safety protocol to ensure adherence to NESC grounding requirements.<br>[Final Order on ASC (2017), Siting Standard Condition 1; AMD4 (2019)] |
| ***STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]*** | |
| CON-NC-01 | During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall:<br>a. Establish and enforce construction site and access road speed limits;<br>b. Utilize electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible;<br>c. Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties;<br>d. Utilize noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only;<br>e. Equip all noise-producing construction equipment and vehicles using internal combustion engines with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and,<br>f. Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request.<br>[Final Order on ASC (2017), Noise Control Condition 1] |

### 4.5 Pre-Operational (PRO) Conditions

| Condition Number | Pre-Operational (PRO) Conditions |
|---|---|
| ***STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]*** | |
| PRO-SP-01 | Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan that meets the requirements of 40 CFR part 112, if required. If an SPCC plan is not required, the certificate holder shall prepare and submit to the Department for review and approval an operational Spill Prevention and Management plan. The Spill Prevention and Management Plan shall include at a minimum the following procedures and BMPs:<br>a. Procedures for oil and hazardous material emergency response consistent with OAR 340, Division 100-122 and 142<br>b. Procedures demonstrating compliance with all applicable local, state, and federal environmental laws and regulations for handling hazardous materials used onsite in a manner that protects public health, safety, and the environment<br>c. Current inventory (type and quantity) of all hazardous materials stored onsite, specifying the amounts at the~~each~~ substation ~~and battery storage system location~~<br>d. Restriction limiting onsite storage of diesel fuel or gasoline<br>e. Requirement to store lubricating and dielectric oils in quantities equal to or greater than 55-gallons in qualified oil-filled equipment<br>f. Preventative measures and procedures to avoid spills<br>1. Procedures for chemical storage<br>2. Procedures for chemical transfer<br>3. Procedures for chemical transportation<br>4. Procedures for fueling and maintenance of equipment and vehicles<br>5. Employee training and education<br>g. Clean-up and response procedures, in case of an accidental spill or release<br>h. Proper storage procedures<br>i. Reporting procedures in case of an accidental spill or release<br>[Final Order on ASC (2017), Soil Protection Condition 5; AMD2 (2017), AMD1 (2024)] |
| ***STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]*** | |
| PRO-PS-01 | Prior to operation of the facility, the certificate holder shall ensure that operations personnel are trained and equipped for fall protection and tower rescue, including high angle and confined space rescue. Refresher training in high angle and confined space rescue must be provided to operations personnel on an annual basis throughout the operational life of the facility. The certificate holder must retain records of the training and provide them to the department upon request.<br>[Final Order on ASC (2017), Public Services Condition 15] |
| PRO-PS-02 | Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first-responders included in the Emergency Management Plan required under Condition PRE-PS-05. The certificate holder must indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate holder shall provide an updated site plan if additional turbines or other structures are later added to the facility.<br>[Final Order on ASC (2017), Public Services Condition 19, AMD1 (2024)] |
| PRO-PS-03 | Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. The |

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| | certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that operations and maintenance personnel are at the facility.<br>[Final Order on ASC (2017), Public Services Condition 22] |
| ***STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WP) [OAR 345-022-0115]*** | |
| PRO-WP-01 | Prior to beginning operation, the certificate holder shall update and submit to the Department the Wildfire Mitigation Plan (WMP) required under Condition PRE-WP-01 to address wildfire risk at the site based on final facility design and layout. The updated Wildfire Mitigation Plan is subject to Department review and approval.<br>[AMD1 (2024)] |

### 4.6 Operational (OPR) Conditions

| Condition Number | Operational (OPR) Conditions |
|---|---|
| ***STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]*** | |
| OPR-GS-01 | The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility.<br>[Final Order on ASC (2017), Mandatory Condition 1] [OAR 345-025-0006(2)]] |
| ***STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]*** | |
| OPR-SP-01 | During facility operation, the certificate holder shall:<br>a. Inspect and maintain all facility components including roads, pads, and other facility components at least once every calendar quarter and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion. The certificate holder must maintain records of inspections and repairs and make the records available to the Department for inspection upon request.<br>b. Restrict vehicles to constructed access roads and ensure material laydown or other maintenance activities occur within graveled areas to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility.<br>c. If in order to serve the operational needs of the energy facility, or related or supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction.<br>[Final Order on ASC (2017), Soil Protection Condition 6, AMD1 (2024)] |
| ***STANDARD: LAND USE (LU) [OAR 345-022-0030]*** | |
| OPR-LU-01 | Within one month of commencement of commercial operation, the certificate holder shall submit an as-built survey for each construction phase that demonstrates compliance with the setback requirements in Land Use Condition 1 to the department and Morrow County.<br>[Final Order on ASC (2017), Land Use Condition 2] |
| OPR-LU-02 | During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the final Revegetation Plan referenced in Condition PRE-FW-05.<br>[Final Order on ASC (2017), Land Use Condition 10] |
| OPR-LU-03 | Before beginning decommissioning activities, the certificate holder must provide a copy of the final retirement plan to Morrow County ~~and Umatilla County~~.<br>[Final Order on ASC (2017), Land Use Condition 23] |
| OPR-LU-04 | Before beginning electrical production, the certificate holder shall prepare an Operating and Facility Maintenance Plan (Plan) and submit the Plan to the department for approval in consultation with ~~Umatilla and~~ Morrow County~~Counties~~.<br>[Final Order on ASC (2017), Land Use Condition 25] |

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| ~~OPR-LU-05~~ | ~~Within 90 days of the commencement of electrical service from Wheatridge East, the certificate holder shall provide a summary of as-built changes to the department and Umatilla County. [Final Order on ASC (2017), Land Use Condition 26]~~ |
| OPR-LU-06 | Prior to facility retirement, the certificate holder must submit a proposed final retirement plan to the Council as required by OAR 345-027-0110(4).<br>a. The proposed final retirement plan must provide for the following restoration activities:<br>1. Dismantle turbines, towers, pad mounted transformers, meteorological tower~~s~~ and related aboveground equipment, and remove concrete pads to a depth of at least three feet below the surface grade.<br>2. Remove underground collection and communication cables that are buried less than three feet in depth and are deemed by Council to be a hazard or a source of interference with surface resource uses.<br>3. Remove gravel from areas surrounding turbine pads.<br>4. Remove and restore private access roads unless the landowners direct otherwise.<br>5. Following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses.<br>6. Revegetate disturbed areas in consultation with the landowner and in a manner consistent with the final Revegetation Plan required under Condition PRE-FW-05.<br>7. If the landowner wishes to retain certain facilities, provide a letter from the landowner that identifies the roads, cleared pads, fences, gates and other improvements to be retained and a commitment from the landowner to maintain the identified facilities for farm or other purposes permitted under the applicable zone.<br>b. Following review and approval of the final retirement plan, the certificate holder must conduct all work associated with restoration activities in compliance with a final Erosion and Sediment Control Plan (ESCP) that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C.<br>[Final Order on ASC (2017), Land Use Condition 27, AMD1 (2024)] |
| ***STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]*** | |
| OPR-RF-01 | During facility operation, the certificate holder shall:<br>~~a. Conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall submit copies of inspection documentation in its annual report to the Department.~~<br>b. Provide evidence in its annual report to the Department of active property coverage under its commercial business insurance from high loss-catastrophic events, including but not limited to onsite fire or explosion.<br>[Final Order on AMD2 (2018), Retirement and Financial Assurance Condition 6] |
| ***STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]*** | |
| OPR-PS-01 | Deleted.<br>[Final Order on ASC (2017), Public Services Condition 1; AMD1(2024)] |
| OPR-PS-02 | Deleted.<br>[Final Order on ASC (2017), Public Services Condition 2; AMD1(2024)] |

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| OPR-PS-03 | a. Prior to operation, the certificate holder shall submit to the Department for approval an Operational Waste Management Plan that includes at a minimum:<br>~~1. Onsite handling procedure for operational replacement of damaged, defective or recalled lithium-ion batteries. The procedure shall identify applicable 49 CFR 173.185 provisions and address, at a minimum, onsite handling, packaging, interim storage, and segregation requirements.~~<br>~~2. Training employees to handle, replace, and store damaged, defective or recalled lithium-ion batteries; minimize and recycle solid waste.~~<br>3. A description of the methods for segregating and recycling paper products, metals, glass, and plastics and other recyclable materials.<br>4. A description of the methods for safely handling, storing and recycling used oil and hydraulic fluid.<br>5. A description of the methods and vendors for the packaging, transport, and recycling or reuse of wind turbine blades, or an explanation of why no reasonable option for the recycling or reuse of wind turbine blades is available.<br>6. Procedures for collecting and transporting non-recyclable waste to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance.<br>7. Segregating all hazardous and universal, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights, ~~lithium-ion batteries,~~ lead-acid and nickel-cadmium batteries~~, and replaced, damaged, defective or recalled lithium-ion batteries~~ for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.<br>b. During operation, the certificate holder shall implement the approved Operational Waste Management Plan.<br>[Final Order on ASC (2017), Public Services Condition 4; AMD2 (2018), AMD1 (2024)] |
| OPR-PS-04 | During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site.<br>[Final Order on ASC (2017), Public Services Condition 12] |
| ***STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WP) [OAR 345-022-0115]*** | |
| OPR-WP-01 | During operation of the facility, the certificate holder shall implement the Operational Wildfire Mitigation Plan, as finalized in Condition PRO-WP-01. During every year of operation, the plan shall be updated to account for changes in local fire protection agency personnel or capabilities, wildfire risk at the site, and changes in best practices for minimizing and mitigating fire risk. The updated plan shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility's annual compliance report and is subject to Department review and approval.<br>[AMD1 (2024)] |
| ***STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]*** | |
| OPR-WF-01 | During operation, the certificate holder shall ensure ~~each~~ facility substation ~~and battery storage systems are~~is enclosed with appropriate fencing and locked gates to protect the public from electrical hazards.<br>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 2; AMD2 (2018)] |
| ***STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]*** | |
| OPR-TL-01 | During operation, the certificate holder shall: |

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| | a. Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement.<br>b. File the following required information with the Commission:<br>• 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission's authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS 757.035 must provide the commission with the following information before January 2 of each even-numbered year:<br>• The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; and<br>• The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public.<br>• In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line changes, the person who engages in the operation of the electric power line must notify the commission of the change as soon as practicable, but no later than within 90 days.<br>• If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3]<br>c. Provide OPUC Safety Staff with:<br>• Maps and Drawings of routes and installation of electrical supply lines showing:<br>• Transmission lines and structures (over 50,000 Volts)<br>• Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts)<br>• Substation~~s~~, roads and highways<br>• Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer).<br>[Final Order on ASC (2017), Siting Standard Condition 3] |
| ***STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]*** | |
| OPR-NC-01 | During operation of the facility, if required to meet the maximum allowable decibel threshold of 50 dBA, the certificate holder shall only operate the facility with the noise mitigation that is identified prior to construction pursuant to Condition PRE-NC-01. After beginning operation of the facility, the certificate holder shall include documentation in its annual Compliance Report confirming that the noise mitigation measures implemented at the turbines and other equipment identified in the preconstruction analysis required by Condition PRE-NC-01 are at or below the identified dBA reduction level.<br>[Final Order on ASC (2017), Noise Control Condition 3; AMD1 (2024)] |
| OPR-NC-02 | During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint, |

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| | the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint.<br>[Final Order on ASC (2017), Noise Control Condition 4] |
| OPR-NC-03 | During operation, in response to a complaint from the owner of a noise sensitive property regarding noise levels from the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder.<br>[Final Order on ASC (2017), Noise Control Condition 5] |

### 4.7 Retirement Conditions (RET)

| Condition Number | Retirement (RET) Conditions |
|---|---|
| ***STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]*** | |
| RET-RF-01 | The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-025-0006(9). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site.<br>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 2]<br>[Mandatory Condition OAR 345-025-0006(9)] |
| RET-RF-02 | If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-025-0006(9), the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council's approval.<br>Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in section (8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.<br>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 3]<br>[Mandatory Condition OAR 345-025-0006(16)] |

## 5.0 Successors and Assigns

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

## 6.0 Severability and Construction

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

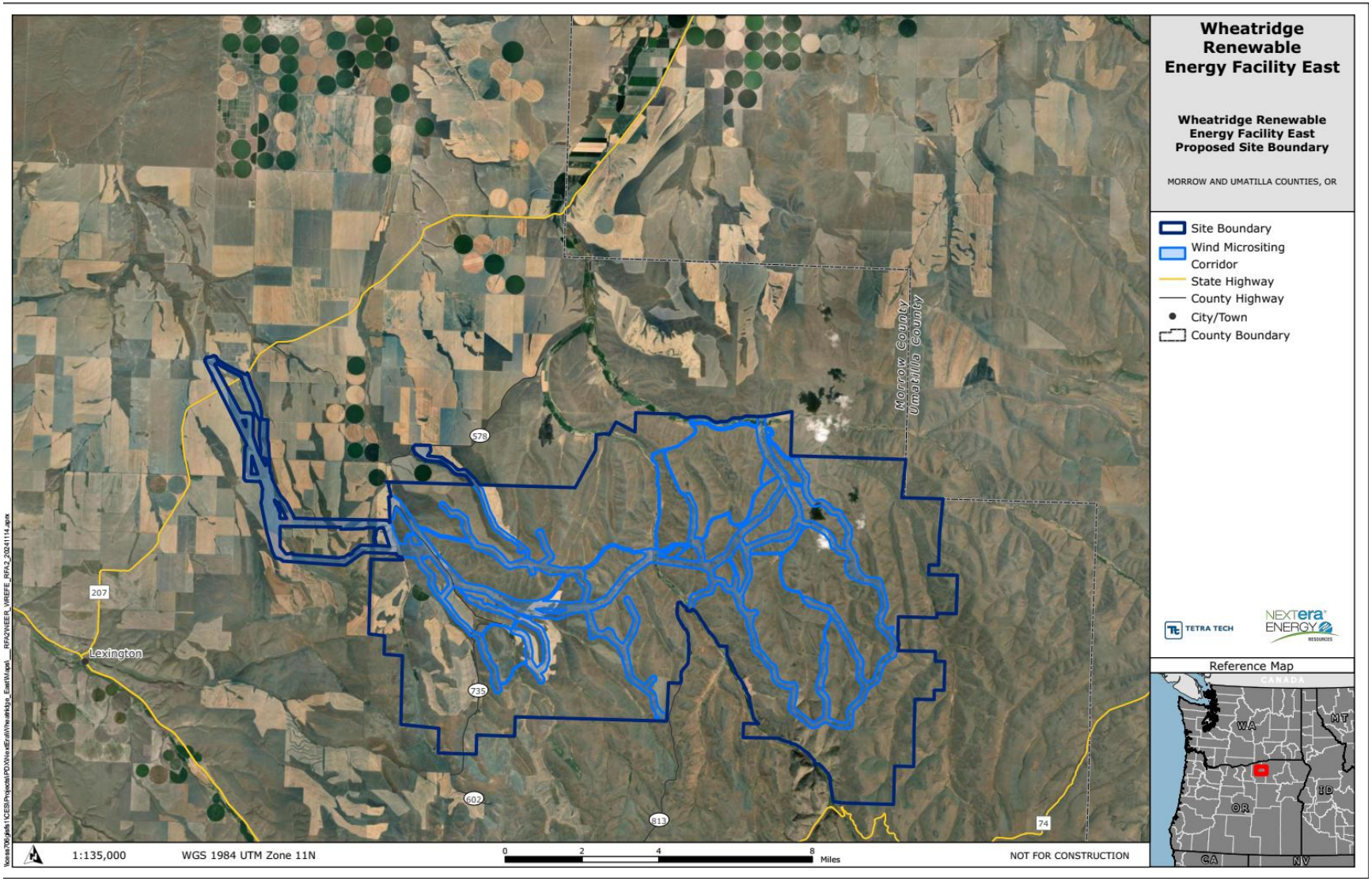
## 7.0 Execution

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

**IN WITNESS THEREOF**, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Wheatridge East, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (certificate holder/certificate holder owner).

| **ENERGY FACILITY SITING COUNCIL** | **WHEATRIDGE EAST WIND, LLC** |
|---|---|
| By: _____ | By: _____ |
| Date: _____ | Date: _____ |

# Attachment A
# WREFE Site Boundary Map


Wheatridge Renewable Energy Facility East
Wheatridge Renewable Energy Facility East Proposed Site Boundary
MORROW AND UMATILLA COUNTIES, OR
Site Boundary
Wind Micrositing Corridor
State Highway
County Highway
City/Town
County Boundary
Morrow County
Umatilla County
Lexington
207
578
735
602
813
74
TETRA TECH
NEXTera ENERGY RESOURCES
Reference Map
CANADA
WA
MT
ID
OR
CA
NV
1:135,000
WGS 1984 UTM Zone 11N
0 2 4 8
Miles
NOT FOR CONSTRUCTION

***Wheatridge Renewable Energy Facility Northeast***

Attachment A-2: Draft Site Certificate

# ENERGY FACILITY SITING COUNCIL

# OF THE

# STATE OF OREGON

## ~~First Amended~~ Site Certificate for the

## Wheatridge Renewable Energy Facility North East

**Issuance Dates**

| | |
|---|---|
| Site Certificate | ~~November 19, 2020~~TBD |
| ~~First Amended Site Certificate~~ | ~~June 4, 2024~~ |

**Issuance Date History under Wheatridge Wind Energy Facility**

| | |
|---|---|
| Site Certificate | April 28, 2017 |
| First Amended Site Certificate | July 27, 2017 |
| Second Amended Site Certificate | November 16, 2018 |
| Third Amended Site Certificate | December 14, 2018 |
| Fourth Amended Site Certificate | November 22, 2019 |
| Fifth Amended Site Certificate | May 22, 2020 |

**Issuance Date History under Wheatridge Renewable Energy Facility II**

| | |
|---|---|
| Site Certificate | May 22, 2020 |
| First Amended Site Certificate | November 19, 2020 |

**Issuance Date History under Wheatridge Renewable Energy Facility East**

| | |
|---|---|
| First Amended Site Certificate | June 4, 2024 |

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**Attachments**

Attachment A Facility Site Boundary Map

**Acronyms and Abbreviations**

| | |
|---|---|
| ASC | Application for Site Certificate |
| BMP | Best Management Practice |
| Council or EFSC | Oregon Energy Facility Siting Council |
| Department or ODOE | Oregon Department of Energy |
| DOGAMI | Oregon Department of Geology and Mineral Industries |
| ESCP | Erosion and Sediment Control Plan |
| HMP | Habitat Mitigation Plan |
| NEER | NextEra Energy Resources, LLC |
| NPDES | National Pollutant Discharge Elimination System |
| O&M | Operations and Maintenance |
| OAR | Oregon Administrative Rule |
| ODFW | Oregon Department of Fish and Wildlife |
| ORS | Oregon Revised Statute |
| NRHP | National Register of Historic Places |
| WGS | Washington Ground Squirrel |
| WMMP | Wildlife Monitoring and Mitigation Plan |
| WREFI | Wheatridge Renewable Energy Facility I |
| WREFII | Wheatridge Renewable Energy Facility II |
| WREFIII | Wheatridge Renewable Energy Facility III |
| WREFE | Wheatridge Renewable Energy Facility East |

## 1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Wheatridge Northe~~E~~ast Wind, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (NEER, certificate holder owner). As authorized under Oregon Revised Statue (ORS) Chapter 469, the Council issues this site certificate authorizing certificate holder to construct, operate and retire the Wheatridge Renewable Energy Facility Northe~~E~~ast (facility) at the below described site within Morrow and Umatilla counties, subject to the conditions set forth herein.

Both the State and certificate holder must abide by local ordinances, state law and the rules of the Council in effect on the date this site certificate is executed. However, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules (ORS 469.401(2)).

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) *Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility* issued on April 28, 2017 (hereafter, *Final Order on the Application*); (b) *Final Order on Request for Transfer of the Wheatridge Wind Energy Facility Site Certificate* issued on July 27, 2017; *Final Order on Request for Amendment 3 of the Wheatridge Wind Energy Facility Site Certificate* issued on November 16, 2018; *Final Order on Request for Amendment 2 of the Wheatridge Wind Energy Facility Site Certificate* issued on December 14, 2018; *Final Order on Request for Amendment 4 of the Wheatridge Wind Energy Facility Site Certificate* issued on November 22, 2019; *Final Order on Request for Amendment 5 of the Wheatridge Wind Energy Facility Site Certificate* issued May 22, 2020; *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility II* (WREFII) *Site Certificate* issued November 19, 2020; ~~and the~~ *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility East* issued on June 4, 2024; and the *Final Order on Request for Amendment 2 of the Wheatridge Renewable Energy Facility East* issued on XX.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) *Final Order on Request for Amendment 2 of the Wheatridge Renewable Energy Facility Site Certificate;* (2) *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility East Site Certificate* (~~2~~3) *Final Order on Request for Amendment 1 of the WREFII Site Certificate;* (~~2~~4) *Final Order on Request for Amendment 5 of the Wheatridge Wind Energy Facility Site Certificate* (~~3~~5) *Final Order on Request for Amendment 4 of the Wheatridge Wind Energy Facility Site Certificate* (~~4~~6) *Final Order on Request for Amendment 2 of the Wheatridge Wind Energy Facility Site Certificate*; (~~5~~7) *Final Order on Request for Amendment 3 of the Wheatridge Wind Energy Facility Site Certificate*; (~~6~~8) *Final Order on Request for Amendment 1 of the Wheatridge Wind Energy Facility Site Certificate*; (~~7~~9) *Final Order on the Application*, and (~~8~~10) the record of the proceedings that led to the above referenced orders.

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site

certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

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

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0110 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

## 2.0 Facility Location

The site is located approximately 6 miles northeast of the City of Heppner and includes lands within Morrow and Umatilla counties. The approved site boundary encompasses approximately ~~78,985~~14,722 acres of private land including approximately ~~14,640~~6,403 acres designated as micrositing corridors for facility components. The site also includes a corridor for a 230 kV transmission line that connects the energy facility site to the Blue Ridge Substation. Portions of the transmission corridor overlap with the site boundaries of WREFI, WREFII, ~~and~~ WREFIII and WREFE.

### 2.1 Site Boundary

The site boundary encompasses approximately ~~78,985~~14,722 acres of privately owned land in Morrow and Umatilla counties. Table 1 identifies the location of lands within the Site Boundary by Township, Range, and Section. ~~-~~As provided in Condition OPR-GS-01 of this Site Certificate, the certificate holder must provide a legal description of the Site within 90 days after the facility begins commercial operation.

**Table 1. Location of Site Boundary by Township, Range and Section**

| Township | Range | Proposed Amended Site Boundary Sections |
|---|---|---|
| 2N | 28E | 2, 3, 4, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 23, 27, 28, 29, 32, 33, 34 |
| 1N | 25E | 13, 24 |
| 1N | 26E | 18, 19, ~~20, 24, 25,~~ 29, 30, 31, 32~~, 35, 36~~ |
| ~~1N~~ | ~~27E~~ | ~~23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36~~ |
| 1N | 28E | 3, 4, 5, 6, 8, 9, 10, 16, 17, 19, 20, 21, ~~25, 26, 27,~~ 28, 29, 30, ~~31, 32,~~ 33~~, 34, 35, 36~~ |
| ~~1N~~ | ~~29E~~ | ~~30, 31~~ |
| 1S | 26E | 1, 2, 3, 4, 5, 9, 10, 11, 12~~, 13, 14, 15, 16, 24, 25, 36~~ |
| 1S | 27E | ~~1-36~~7, 8, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24 |
| 1S | 28E | ~~1-31; 33-36~~3, 4, 7, 8, 9, 16, 17, 18 |
| ~~1S~~ | ~~29E~~ | ~~5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 28, 29, 30, 31, 32~~ |
| ~~2S~~ | ~~26E~~ | ~~1~~ |
| ~~2S~~ | ~~27E~~ | ~~1, 4, 5, 6~~ |
| ~~2S~~ | ~~28E~~ | ~~1, 2, 3, 4, 6, 11, 12~~ |
| ~~2S~~ | ~~29E~~ | ~~5, 6, 7~~ |

### 2.2 Micrositing Corridors

Except for the 230-kV transmission line, the certificate holder is authorized to locate facility components anywhere within approximately the approximately ~~14,640~~6,403 acres of approved micrositing corridors within the site boundary. The micrositing corridors are intended to allow flexibility in the siting of specific components while establishing outer boundaries of potential

construction.

Micrositing corridors are approximately 660 feet wide around turbines, and wider in some locations. Micrositing corridors around site access roads and electrical collection lines (collector lines) are between 200 feet and 500 feet wide.

### 2.3 Transmission Line Corridors

The certificate holder is authorized to construct and operate a 230-kV overhead transmission line within the approved corridor described in this section. The corridor is approximately 1,000 feet wide and ~~27~~ 17 miles long and connects the energy facility site with the Blue Ridge Substation constructed as part of Wheatridge I and II. The transmission corridor is located entirely within Morrow County.

As shown in Attachment A, the corridor begins at the alternate collector substation site and then travels south across Big Butter Creek Road and Butter Creek. The corridor then travels south and southwest to a crossing with Little Butter Creek Road and Little Butter Creek where the corridor joins with the proposed collector substation site. From the proposed collector substation, the proposed corridor travels southwest and west to Milk Canyon and Spur Loop Road. From Spur Loop Road, the proposed corridor route would run west for approximately 4 miles, then northwest and north to the existing Blue Ridge Substation.

## 3.0 Facility Description

The facility includes a wind energy facility and related and supporting facilities. The certificate holder is authorized to construct up to ~~107~~ 36 wind turbines with a combined maximum nameplate generation capacity of ~~3~~100 MW and related and supporting facilities.

Facility components are further described in Section 3.1 and 3.2 of this site certificate.

### 3.1 Wind Energy Facility Components

The certificate holder is authorized to construct and operate up to ~~107~~ 36 wind turbines with a total generating capacity up to ~~3~~100 MW. Wind turbines each consist of a nacelle, a three-bladed rotor, a tubular steel turbine tower, concrete foundation, and an engineered earth and gravel pad. All wind turbines constructed at the site must comply with the maximum approved dimensions provided in Table 2.

**Table 2: Approved Wind Turbine Dimensions**

| Specification | Maximum (ft) |
|---|---|
| Blade Length | 204.1 |
| Hub Height | 290.7 |
| Rotor Diameter | 416.7 |
| Total Height (tower height plus blade length) | 499.0 |
| Aboveground Blade-Tip Clearance | 82.3 |
| Turbine Pad Diameter | 65 |
| *Wind turbine types with the maximum dimension specifications* | |

**Table 2: Approved Wind Turbine Dimensions**

| Specification | Maximum (ft) |
|---|---|
| *shall be equipped with Low Noise Trailing Edge blades.* | |

### 3.2 Related or Supporting Facilities

In addition to the wind energy facility, the certificate holder is authorized to construct and operate the following related and supporting facilities:

- Up to ~~107~~ 36 Generator Step-Up (GSU) Transformers
- Electrical collection system including up to ~~95~~ 22 miles of underground 34.5-kV collector lines)
- ~~Up to two~~One collector substations
- Up to ~~27~~ 10 miles of up to two overhead, parallel 230 kV transmission lines
- Up to ~~45~~ permanent meteorological (met) towers
- Communication and Supervisory Control and Data Acquisition (SCADA) System
- Up to ~~76~~ 16 miles of permanent new access roads~~, including up to 61 miles of permanent roads and 15 miles of temporary roads~~.
- ~~One primary temporary construction yard and up~~Up to four auxiliary construction yards.
- A Battery Energy Storage System (30 MW total) and Interconnection Facilities

*Generator Step-Up GSU Transformers*

A generator step-up (GSU) transformer would be installed within the engineered pad at the base of each turbine to increase the voltage of the turbine output to 34.5 kV power. Each GSU transformer would be constructed on an 8-inch concrete pad foundation within the engineered earth and gravel pad above the turbine foundation.

*Electrical Collection System*

The certificate holder is authorized to install up to ~~95~~ 22 miles of underground 34.5-kV collector lines to connect the GSU transformers to the collector. substations. Electrical connections may be located underground or in enclosed junction boxes between the turbine and the GSU transformer.

All collector lines must be buried. Trenches may be up to three-feet wide and should be at least three-feet deep wherever feasible. Where land use and soil conditions make a buried depth of three-feet infeasible, collector lines may be buried at a depth of less than three feet as long as compliance with applicable National Electrical Safety Code (NESC) standards is maintained.

*Collector Substations*

The certificate holder is authorized to construct ~~two~~ one collector substation~~s~~ consisting of transformers, transmission line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and other equipment. The ~~primary collector substation may occupy up to 7 acres and the alternate~~ substation and Battery Energy Storage System may occupy up to 6.5 acres.

Prior to construction, the substation site~~s~~ will be cleared and graded, with a bed of crushed rock applied for a durable surface. ~~Each~~ The collector substation must be enclosed by a locked fence.

*230-kV Transmission Line*

The certificate holder is authorized to construct and operate a ~~27~~10-mile overhead 230-kV overhead transmission line within the transmission line corridor shown within Attachment A.

The transmission line may be constructed in either single or double circuit configuration. If the transmission line is a single circuit, then one set of H-frame or monopole transmission line structures will be constructed. If the transmission line is two circuits, then either one or two sets of monopole structures will be constructed. Support structures may be constructed of either wood or steel. The structures will be approximately 60 to 150 feet tall and spaced approximately 400 to 800 feet apart depending on the terrain. Each transmission line route requires acquisition of an approximately 150-foot-wide right-of-way from private landowners.

*Meteorological Towers*

The certificate holder is authorized to construct up to ~~five~~ four met towers. Each met tower must have a free-standing, non-guyed design and may not exceed approximately 328 feet (100 meters) in height. An approximately 32-feet (10-meter) diameter circle of permanent land disturbance is expected around each tower. Permanent met towers are fitted with safety lighting and paint as required by the Federal Aviation Administration (FAA). The certificate holder may install temporary met towers during construction after obtaining any necessary permits from the affected local government.

*Communication and SCADA System*

The facility includes a communication system, consisting of fiber optic and copper communication lines that connect the turbines, met towers, and substations to the shared O&M building at Wheatridge II. A SCADA system is installed in the shared O&M buildings to enable remote operation to collect operating data for each wind turbine, and to archive wind and performance data. SCADA system wires are collocated with the electrical collector lines described above.

*O&M Buildings*

The certificate holder is authorized to utilize the O&M building constructed at Wheatridge II.

*Access Roads*

The certificate holder is authorized to construct up to ~~76~~ 16 miles of permanent access roads to access facility components. The certificate holder must grade and gravel all newly constructed and improved site access roads to meet load requirements for heavy construction equipment, as necessary. Following turbine construction, the certificate holder will narrow the site access roads for use during operations and maintenance. The additional disturbed width required during construction will be restored following the completion of construction by removing gravel surfacing, restoring appropriate contours with erosion and stormwater control best management practices (BMPs), decompacting as needed, and revegetating the area appropriately.

~~The certificate holder is authorized to construct up to 15 miles of temporary access roads to facilitate the construction of the 230-kV overhead transmission line. The temporary access roads must be removed and restored following the completion of construction.~~

No improvements to existing public roads are anticipated to accommodate facility construction. If specific improvements are identified during consultation with the appropriate county road master prior to construction, any required permits will be obtained from the appropriate local government.

*Additional Construction Yards*

The certificate holder is authorized to construct ~~one 60-acre temporary construction yard. The certificate holder may utilize~~ up to four ~~additional~~ 20-acre temporary construction yards located within the approved micrositing corridors to facilitate the delivery and assembly of material and equipment. The primary construction yard may include one 1,000-gallon diesel and one 500-gallon gasoline above-ground fuel tank, within designated secondary containments areas.

The certificate holder is required to restore all construction yards to pre-construction conditions following completion of construction unless an agreement with the landowner leads to some or all of the construction yards being retained after construction.

In addition, the certificate holder may utilize one or more temporary concrete batch plant areas, located within the construction yard area. The temporary concrete batch plants must be permitted by the selected contractor in accordance with state and local law.

*Battery Storage Systems and Interconnection Facilities (DC Coupled)*

The certificate holder is authorized to construct a 30-MW battery storage system. The BESS may be located in modular containers or a building. Modular containers would be approximately 8 feet wide, 20 feet long and 9 feet tall. A building would be approximately 80 feet long, 100 feet wide and 20 feet tall. Under either option, the system would include:

- Lithium-ion batteries within battery modules placed in anchored racks.
- Approximately eighteen 2.7 mega-voltampere (MVA) inverters with associated step-up transformers with a combined footprint approximately 8 feet by 4 feet.
- A gas pressured deluge fire suppression system, independent smoke detection system, and external fire water tank
- A cooling system comprised of a bank of four power conditioning system fan units with motor.
- A control house, approximately 16 feet by 11 feet, with an external heating, ventilation and air conditioning unit (HVAC)
- A protective device; skid-mounted power transformer; and bi-directional inverter

Battery and inverter equipment may be electrically connected via a combination of aboveground cable trays, underground conduit, and covered cable trenches. Site surfacing would remain primarily gravel. The battery storage systems would interconnect with facility substations via feeder lines.

*Shared (WREFE and WREFNE) Related or Supporting Facilities*

Previously approved facility components that are shared between WREFE and WREFNE facilities, including the WREFII Baseline Lane Laydown yard/O&M building, intraconnection transmission line, substation, SCADA system and access roads, all of which are reflected in both WREFE and WREFNE site certificates. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC

process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under the relevant/applicable site certificates, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

Compliance with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities is split accordingly between certificate holders and their associated site certificates. In accordance with General Standard Condition 1 (GEN-GS-13), if either certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, the applicable/relevant certificate holder is obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a "Common Facilities Agreement" or similarly legally binding agreement has been fully executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

## 4.0 Site Certificate Conditions

### 4.1 Condition Format

The conditions in Sections 4.2 through 4.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.)[1]. The table below presents a "key" for phase of implementation:

| Key | Type of Conditions/Phase of Implementation |
|---|---|
| GEN | General Conditions: Design, Construction and Operation |
| PRE | Pre-Construction Conditions |
| CON | Construction Conditions |
| PRO | Pre-Operational Conditions |
| OPR | Operational Conditions |
| RET | Retirement Conditions |

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as "GS"; the Soil Protection standard is represented in the condition numbering as "SP" and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council's General Standard of Review, and is condition number 1.

This site certificate contains conditions initially imposed in the Wheatridge Wind Energy Facility site certificate, as approved in April 2017, and amended in July 2017 (AMD1), November (AMD2) and December 2018 (AMD3), November 2019 (AMD4), and May 2020 (AMD5). Site certificate conditions include a bracketed citation (e.g. [Final Order on ASC (2017), AMD2 (2018), AMD4 (2019)]) which provides reference to the Council order imposing or amending the condition. Bracketed citations dated 2017 through May 2020 represent conditions imposed or amended under the Wheatridge Wind Energy Facility site certificate; bracketed citations dated after May 2020 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility II site certificate, and bracketed citations dated after 2024 represent conditions imposed or amended under the Wheatidge Renewable Energy Facility East site certificate.

[1] The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

## 4.2 General Conditions (GEN): Design, Construction and Operations

| Condition Number | General (GEN) Conditions |
|---|---|
| ***STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]*** | |
| GEN-GS-01 | The certificate holder shall begin construction of all facility components located in areas added to the site by the Final Order on Request for Amendment 1 (i.e. all facility components within micrositing siting areas located south of Butter Creek, except the 230-kV transmission line) on or before May 31, 2027. The certificate holder shall provide written notification to the Department that it has met the construction commencement deadline.<br>[Final Order on ASC (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019); AMD1 (2020)]; AMD1 (2024)]<br>[Mandatory Condition OAR 345-025-0006(4)] |
| GEN-GS-02 | The certificate holder shall complete construction of the facility by~~components by the following dates:~~<br>~~a.~~ May 24, ~~2026~~2029~~: All facility components approved in the Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility (i.e. facility components in the portion of the site north of Butter Creek and the 230-kV transmission line), as applicable based on final design. The certificate holder shall promptly notify the Department of the date of completion of construction.~~<br>~~b.~~a. ~~Within 3 years of the date of construction commencement: All facility components located in areas added to the site by the Final Order on Amendment 1 (i.e. all facility components within micrositing siting areas located south of Butter Creek, except the 230-kV transmission line).~~ The certificate holder shall promptly notify the Department of the date of completion of construction.<br>[Final Order on ASC (2017), General Standard Condition 2; AMD2 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2024); AMD2 (2026)]<br>[Mandatory Condition OAR 345-025-0006(4)] |
| GEN-GS-03 | The certificate holder shall design, construct, operate, and retire the facility:<br>a. Substantially as described in the site certificate;<br>b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and<br>c. In compliance with all applicable permit requirements of other state agencies.<br>[Final Order on ASC (2017), Mandatory Condition 2] [OAR 345-025-0006(3) AMD1 (2024)] |
| GEN-GS-04 | ~~a.~~ For all energy facilities, regardless of whether the certificate holder has construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site, is in compliance with the site certificate conditions applicable to that part of the site, and: ~~Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities.~~<br>~~b. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin~~ |

| | |
|---|---|
| | ~~construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:~~<br>1. The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or<br>2. The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built.<br>[Final Order on ASC (2017), Mandatory Condition 3, AMD2 (2026)] [OAR 345-025-0006(5)] |
| GEN-GS-05 | If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the department describing the impact on the facility and any affected site certificate conditions.<br>[Final Order on ASC (2017), Mandatory Condition 6] [OAR 345-025-0000(6)] |
| GEN-GS-06 | The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant.<br>[Final Order on ASC (2017), Mandatory Condition 5] [OAR 345-025-0006(10)] |
| GEN-GS-07 | Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.<br>[Final Order on ASC (2017), Mandatory Condition 6] [OAR 345--025-0006(11)] |
| GEN-GS-08 | The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced coastal subsidence.<br>[Final Order on ASC (2017), Mandatory Condition 7] [OAR 345-025-0006(12)] |
| GEN-GS-09 | The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions.<br>[Final Order on ASC (2017), Mandatory Condition 8] [OAR 345-025-0006(13)] |
| GEN-GS-10 | The certificate holder shall notify the department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.<br>[Final Order on ASC (2017), Mandatory Condition 9] [OAR 345-025-0006(14)] |
| GEN-GS-11 | Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the department of the proposed new owners. The requirements of |

| | |
|---|---|
| | OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate.<br>[Final Order on ASC (2017), Mandatory Condition 10] [OAR 345-025-0006(15)] |
| GEN-GS-12 | The certificate holder is authorized to construct the 230-kV transmission line anywhere within the approved corridor described in Section 2.3 of the site certificate, and presented in Attachment A.<br>[Final Order on ASC (2017), Site Specific Condition 1] [OAR 345-025-0010(5)] AMD1(2024)] |
| GEN-GS-13 | The certificate holder may share ~~utilize~~ the temporary Baseline Land construction yard and~~,~~ O&M Building constructed and operated under the site certificate for Wheatridge Renewable Energy Facility II, and share the following related or supporting facilities with WREFE: intraconnection transmission line, substation, SCADA system and access roads subject to the following:<br>a. Within 30 days of use by ~~both~~ certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities. The Shared Use Agreements must allow operation and maintenance personal and contractors access to the shared facilities<br>~~b. If WREFII proposes to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Condition PRE-RF-02.~~<br>~~c. Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Condition PRE-RF-02, for the operational facility, if facilities are decommissioned at different times.~~<br>[General Standard Condition 1, Final Order on AMD1 (2024); AMD2 (2026)] |
| ***STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]*** | |
| GEN-OE-01 | Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder.<br>[Final Order on ASC (2017), Organizational Expertise Condition 5] |
| GEN-OE-02 | ~~In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the department.~~<br>The certificate holder shall:<br>a. Within 72 hours of discovery, report incidents or circumstances that may violate the terms or conditions of the site certificate to the Department. In the report to the Department, the certificate holder shall provide all pertinent facts including an estimate of how long the conditions or circumstances existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit;<br>b. A soon as reasonably possible after discovery, initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence;<br>c. Within 30 days of discovery, submit a written report to the Department. The report must contain:<br>i. A discussion of the cause of the reported conditions or circumstances;<br>ii. The date of discovery of the conditions or circumstances by the responsible party; |

| | |
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| | iii. A description of immediate actions taken to correct the reported conditions or circumstances;<br>iv. A description of actions taken or planned to minimize the possibility of recurrence; and<br>v. For conditions or circumstances that may violate the terms or conditions of a site certificate, an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported conditions or circumstances.<br>d. Upon receipt of the written report in sub(c) of this condition, the Department may review the facility record for incidents or circumstances reported or reportable under sub(a) related to public health and safety, the environment, or other resources protected under Council standards. If these incidences are determined by the Department to impact the adequacy of the facility decommissioning cost, the Department or Council may adjust the contingencies identified in Final Order on RFA2 Table XX and request that the certificate holder promptly provide an updated bond or letter of credit in the adjusted amount.-<br>[Final Order on ASC (2017), AMD2 (2026), Organizational Expertise Condition 6] |
| GEN-OE-03 | During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, NextEra Energy Resources, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of NextEra Energy Resources, LLC and demonstrate how it will timely replace any loss of access to such resources, expertise and personnel with other resources, expertise and personnel sufficient to ensure ongoing compliance with site certificate terms and conditions.<br>[Final Order on AMD1 (2017), Organizational Expertise Condition 9, AMD1 (2024)] |
| GEN-OE-04 | The certificate holder shall:<br>a. Prior to and during construction, as applicable, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185.<br>b. Prior to transporting and disposing of battery and battery waste during facility operations, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185.<br>[Final Order on AMD2 (2018), Organizational Expertise Condition 10] |
| GEN-OE-05 | *Deleted in Final Order on Amendment 1*<br>[Final Order on AMD5 (2020); Organizational Expertise Condition 11; AMD1 (2020)] |

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| ***STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]*** | |
| GEN-SS-01 | The certificate holder shall design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction.<br>[Final Order on ASC (2017), Structural Standard Condition 2] |
| ***STANDARD: LAND USE (LU) [OAR 345-022-0030]*** | |
| GEN-LU-01 | a. Wind turbines located in Morrow County shall be setback at least:<br>1. 110 percent of maximum blade tip height from the property line of any abutting property of any non-participating property owners.<br>2. 100 feet from all property boundaries, including participant property boundaries within the site boundary, if practicable.<br>3. 110 percent of the overall tower-to-blade tip height from the boundary right-of-way of county roads, state and interstate highways.<br>b. Wind turbine foundations in Morrow County shall not be located on any property boundary, including participant property boundaries within the site boundary.<br>[Final Order on ASC (2017), Land Use Condition 1; AMD3 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020), AMD1 (2024)] |
| GEN-LU-02 | During design and construction of the facility, the certificate holder shall:<br>a. Obtain an access permit for changes in access on Morrow County roads; and<br>b. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards.<br>[Final Order on ASC (2017), Land Use Condition 4] |
| GEN-LU-03 | During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate:<br>a. Paint the towers in alternating bands of white and red or aviation orange; or<br>b. Install aviation lighting as recommended by the Federal Aviation Administration.<br>[Final Order on ASC (2017), Land Use Condition 9] |
| GEN-LU-04 | The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall:<br>a. Locate access roads and temporary construction yards and laydown areas to minimize disturbance of farming practices. Construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable;<br>b. Locate turbines and transmission lines along the margins of cultivated areas to reduce the potential for conflict with farm operations, where feasible.<br>c. Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible.<br>[Final Order on ASC (2017), Land Use Condition 11; AMD4 (2019); AMD1 (2020), AMD1 (2024)] |
| GEN-LU-05 | During design and construction of the facility, the certificate holder shall ensure that fencing and landscaping at facility components within Morrow County blend with the nature of the surrounding area.<br>[Final Order on ASC (2017), Land Use Condition 14; AMD1(2024)] |
| GEN-LU-06 | Wind turbines located within Umatilla County shall be setback at least:<br>a. 110 percent of the overall tower-to-blade tip height from the boundary right-of-way of county roads and state and interstate highways in Umatilla County.<br>b. 2 miles from turbine towers to any urban growth boundary.<br>c. 1 mile from turbine towers to land within Umatilla County's Unincorporated Community Zone.<br>d. 2 miles from turbine towers to any rural residence within Umatilla County, unless the rural residence is owned by a participating landowner. |

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| | e. 164 feet (50 meters) from tower and facility components to known archeological, historical, or cultural sites, including cultural sites of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).<br>[Final Order on ASC (2017), Land Use Condition 16; AMD3 (2018), AMD1 (2024)] |
| GEN-LU-07 | Deleted.<br>[Final Order on ASC (2017), Land Use Condition 20; AMD1(2024)] |
| GEN-LU-08 | During facility design and construction of new access roads, the certificate holder shall implement best management practices after consultation with the Umatilla County Soil and Water Conservation district. The new and improved road designs must be reviewed and certified by a civil engineer.<br>[Final Order on ASC (2017), Land Use Condition 22, AMD1 (2024)] |
| GEN-LU-09 | Before beginning electrical production, the certificate holder shall provide GIS data showing the location of each facility component located in Umatilla County to the department and Umatilla County in a format suitable for GPS mapping.<br>[Final Order on ASC (2017), Land Use Condition 24; AMD1 (2024)] |
| GEN-LU-10 | During construction and operation of the facility, the certificate holder shall deliver a copy of the annual report required under OAR 345-026-0080 to the Umatilla County Planning Commission on an annual basis.<br>[Final Order on ASC (2017), Land Use Condition 28] |
| ***STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]*** | |
| GEN-RF-01 | The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.<br>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 1]<br>[Mandatory Condition OAR 345-025-0006(7)] |
| ***STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]*** | |
| GEN-FW-01 | During construction and operation of the facility, the certificate holder shall impose a 20 mile per hour speed limit on all private access roads within the site.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 2, AMD1 (2024)] |
| GEN-FW-02 | The certificate holder shall construct all overhead transmission lines in accordance with the latest Avian Power Line Interaction Committee design standards, and shall only install permanent meteorological towers that are unguyed.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 6, AMD1 (2024)] |
| ***STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]*** | |
| GEN-SR-01 | Outdoor night lighting at the collector substations and battery storage systems must be:<br>a. The minimum number and intensity required for safety and security;<br>b. Directed downward and inward within the facility to minimize backscatter and offsite light trespass; and<br>c. Have motion sensors and switches to keep lights turned off when not needed.<br>[Final Order on ASC (2017), Scenic Resources Condition 1, AMD2 (2018), AMD1 (2024)] |
| GEN-SR-02 | The certificate holder shall:<br>a. Design and construct battery storage systems to be generally consistent with the character of agricultural buildings used by farmers or ranchers in the area, and the buildings shall be finished in a neutral color to blend with the surrounding landscape;<br>b. Paint or otherwise finish turbine towers in a grey, white, or off-white, low reflectivity coating to minimize reflection and contrast with the sky, unless required otherwise by the local code applicable to the structure location.<br>c. Design and construct support towers for the intraconnection transmission lines using either wood or steel structures and utilize finish with a low reflectivity coating; |

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| | d. Finish substation structures and battery storage systems utilizing neutral colors to blend with the surrounding landscape;<br>e. Minimize use of lighting and design lighting to prevent offsite glare;<br>f. Not display advertising or commercial signage on any part of the proposed facility;<br>g. Limit vegetation clearing and ground disturbance to the minimum area necessary to safely and efficiently install the facility equipment;<br>h. Water access roads and other areas of ground disturbance during construction, as needed, to avoid the generation of airborne dust; and<br>i. Restore and revegetate temporary impact areas as soon as practicable following completion of construction.<br>[Final Order on ASC (2017), Scenic Resources Condition 2, AMD2 (2018), AMD1 (2024)] |
| ***STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]*** | |
| GEN-PS-01 | During construction and operation, the certificate holder shall coordinate with its solid waste handler to provide the information solicited through the Oregon Department of Environmental Quality's Recycling Collector Survey to the Morrow County waste shed representative on an annual basis.<br>[Final Order on ASC (2017), Public Services Condition 5] |
| GEN-PS-02 | The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. Tower access doors shall be locked at all times authorized personnel are not present.<br>[Final Order on ASC (2017), Public Services Condition 11, AMD1 (2024)] |
| GEN-PS-03 | ~~Prior to construction and operation of the facility, the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Condition PRE-PS-05 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request.~~<br>[Deleted Final Order on AMD2 (2026), Final Order on ASC (2017), Public Services Condition 18, AMD1 (2024)] |
| GEN-PS-04 | The certificate holder shall maintain the battery storage systems and substation components within a 100foot vegetation free zone.<br>[Final Order on AMD2 (2018), Public Services Condition 23, AMD1 (2024)] |
| ***STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]*** | |
| GEN-WF-01 | During construction and operation, the certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components.<br>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 3] |
| GEN-WF-02 | The certificate holder shall notify the department, the Morrow County Planning Department and the Umatilla County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns.<br>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 5] |
| ***STANDARD: CUMULATIVE EFFECTS STANDARD FOR WIND ENERGY FACILITIES (CE) [OAR 345-024-0015]*** | |
| GEN-CE-01 | All wind turbines shall be setback at least the following distances from the active raptor nest locations identified in pre-construction raptor nest surveys required under Condition PRE-FW-01:<br>a. 0.25 miles from active Swainson's hawk nest locations; |

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| | b. 0.5 miles from active ferruginous hawk nest locations; and<br>c. 2 miles from active eagle nest locations.<br>d. At least 0.8 miles from Butter Creek and Little Butter Creek.<br>[AMD1 (2024)] |

### 4.3 Pre-Construction (PRE) Conditions

| Condition Number | Pre-Construction (PRE) Conditions |
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| ***STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]*** | |
| PRE-OE-01 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity, qualifications, and past regulatory performance of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall not select contractors that have a history of non-compliance with state laws, rules or license requirements. The certificate holder shall report to the department any changes of major contractors.<br>[Final Order on ASC (2017), Organizational Expertise Condition 1, AMD1 (2020), AMD1 (2024)] |
| PRE-OE-02 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity and qualifications of the construction manager to demonstrate that the construction manager is qualified in environmental compliance and has the capability to ensure compliance with all site certificate conditions.<br>[Final Order on ASC (2017), Organizational Expertise Condition 2; AMD1 (2020] |
| PRE-OE-03 | Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.<br>[Final Order on ASC (2017), Organizational Expertise Condition 3, AMD1 (2020)] |
| PRE-OE-04 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department before conducting any work on the site that does not qualify as surveying, exploration, or other activities to define or characterize the site. The notice must include a description of the work and evidence that the certificate holder has satisfied all pre-construction conditions that are applicable to the facility, facility component, or phase.<br>[Final Order on ASC (2017), Organizational Expertise Condition 4, AMD1 (2020), AMD1 (2024)] |
| PRE-OE-05 | Prior to construction of the facility, facility component or phase, as applicable, the certificate holder must provide the department and Umatilla and Morrow Counties with the name(s) and location(s) of the aggregate source and evidence of the source's county permit(s).<br>[Final Order on ASC (2017), Organizational Expertise Condition 7, AMD1 (2020)] |
| PRE-OE-06 | Deleted.<br>[Final Order on ASC (2017), Organizational Expertise Condition 8; AMD4 (2019); AMD5 (2020); AMD1 (2020); AMD1 (2024)] |
| PRE-OE-07 | a. Before beginning construction of the facility, facility component, or phase, as applicable, the certificate holder shall provide, to the Department:<br>1. A list of all state and local permits and approvals that may be necessary for construction of the facility, indicating whether the permit will be obtained by the certificate holder or by a third party;<br>2. Copies of all listed permits, or evidence demonstrating that the permits are not necessary; and |

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| | 3. Proof of agreements between the certificate holder and the third-party regarding access to the resources or services secured by any permits or approvals issued to a third party.<br>b. During construction of the facility, the certificate holder shall notify the Department of any violation, Notice of Violation, or allegation of a violation of the terms or conditions of any permits and approvals for the construction and operation of the facility.-<br>[AMD1 (2024)] |
| ***STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]*** | |
| PRE-SS-01 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder must:<br>a. Submit a protocol to the Department and Oregon Department of Geology & Mineral Industries (DOGAMI), for review, with the applicable codes, standards, and guidelines to be used, and proposed geotechnical work to be conducted for the site-specific geotechnical investigation report.<br>b. Following receipt and review of Department and DOGAMI comments on the protocol per (a), the certificate holder shall conduct a site-specific geological and geotechnical investigation, and shall report its findings to DOGAMI and the department. The report shall be used by the certificate holder in final facility layout and design. The department shall review, in consultation with DOGAMI, and confirm that the investigation report includes an adequate assessment of the following information:<br>1. Subsurface soil and geologic conditions of the site boundary<br>2. Define and delineate geological and geotechnical hazards, and means to mitigate these hazards<br>3. Geotechnical design criteria and data for the turbine foundations, foundations of the substation~~s~~, ~~-~~battery storage systems, roads, and other related and supporting facilities<br>4. Design data for installation of underground collector lines and overhead transmission lines<br>5. Investigation of specific areas with potential for slope instability and landslide hazards. Landslide hazard evaluation shall be conducted by LIDAR and field work, as recommended by DOGAMI<br>6. Investigations of the swell and collapse potential of loess soils within the site boundary.<br>[Final Order on ASC (2017), Structural Standard Condition 1; AMD2 (2018); AMD1 (2020), AMD1 (2024)] |
| PRE-SS-02 | Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of all potentially active faults within the site boundary. The investigation shall include a description of the potentially active faults, their potential risk to the facility, and any additional mitigation that will be undertaken by the certificate holder to ensure safe design, construction, and operation of the facility.<br>[Final Order on ASC (2017), Structural Standard Condition 3; AMD5 (2020), AMD1 (2020)] |
| PRE-SS-03 | Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1 an investigation of specific areas with potential for slope instability and shall site turbine strings appropriate to avoid potential hazards. The landslide hazards shall be investigated and mapped before final facility layout and design. The landslide hazard evaluation shall be conducted by a combination of LIDAR and field work.<br>[Final Order on ASC (2017), Structural Standard Condition 4, AMD1 (2020)] |

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| PRE-SS-04 | Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the certificate holder shall include mitigation measures including, as necessary, over-excavating and replacing loess soil with structural fill, wetting and compacting, deep foundations, or avoidance of specific areas.<br>[Final Order on ASC (2017), Structural Standard Condition 5, AMD1 (2020)] |
| ***STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]*** | |
| PRE-SP-01 | Prior to construction of the facility, facility component, or phase, as applicable, the certificate holder shall provide a copy of a Spill Prevention Control and Countermeasures (SPCC) plan that meets the requirements of 40 CFR part 112, to be implemented by the certificate holder or its contractor during facility construction.<br>[Final Order on ASC (2017), Soil Protection Condition 3, AMD1 (2024)] |
| PRE-SP-02 | The final Revegetation Plan required under Condition PRE-FW-05 shall include a program to protect and restore soils temporarily disturbed during facility construction. All soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced.<br>[Final Order on ASC (2017), Soil Protection Condition 4, AMD1 (2020), AMD1 (2024)] |
| PRE-SP-03 | Deleted.<br>[Final Order on ASC (2017), Soil Protection Condition 7; AMD1 (2024)] |
| ***STANDARD: LAND USE (LU) [OAR 345-022-0030]*** | |
| PRE-LU-01 | Before beginning construction of the facility, facility component or phase, as applicable, in Morrow County the certificate holder shall complete the following:<br>a. Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and<br>b. Obtain all other necessary local permits, including building permits.<br>c. Provide the county with a building permit application, a third party technical report which includes:<br>1. Evaluates fire hazards and;<br>2. Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems.<br>d. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department.<br>[Final Order on ASC (2017), Land Use Condition 3; AMD2 (2018), AMD1 (2020), AMD1 (2024)] |
| PRE-LU-02 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall pay the requisite fee and obtain a Conditional Use Permit as required under Morrow County Zoning Ordinance Article 6 Section 6.015.<br>[Final Order on ASC (2017), Land Use Condition 5, AMD1 (2020)] |
| PRE-LU-03 | a. At least 30 days before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall submit to the Department for review and approval, a Weed Control Plan that is consistent with the draft plan provided in the Attachment ~~F~~ C of the *Final Order on Amendment ~~1~~ 2 of the Site Certificate for the Wheatridge Renewable Energy Facility East* (~~June 2024~~DATE).<br>b. The Department shall consult with Morrow and Umatilla Counties and ODFW during review of the draft plan and may impose additional requirements as needed to ensure compliance with the requirements of those jurisdictions and the Revegetation Plan required under Condition PRE-FW-05.<br>c. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. |

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| | [Final Order on ASC (2017), Land Use Condition 6; AMD5 (2020); AMD1 (2020), AMD1 (2024); AMD2 (2026)] |
| PRE-LU-04 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland.<br>[Final Order on ASC (2017), Land Use Condition 7, AMD1 (2020)] |
| PRE-LU-05 | Prior to beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall consult with surrounding landowners and lessees and shall consider proposed measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs during construction and operation of the facility. Prior to beginning construction, the certificate holder shall provide evidence of this consultation to the department, Morrow County, and Umatilla County.<br>[Final Order on ASC (2017), Land Use Condition 12; AMD5 (2020), AMD1 (2020)] |
| PRE-LU-06 | Deleted.<br>[Final Order on ASC (2017), Land Use Condition 13, AMD1 (2020), AMD1 (2024)] |
| PRE-LU-07 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder must:<br>a. Pay the requisite fee(s) and obtain a Zoning Permit(s) from Umatilla County for facility components sited within Umatilla County.<br>b. Provide the Department and county with a building permit application that includes a third party technical report which:<br>1. Evaluates fire hazards, and<br>2. Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems.<br>c. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department.<br>[Final Order on ASC (2017), Land Use Condition 15; AMD2 (2018), AMD1 (2020), AMD1 (2024)] |
| PRE-LU-08 | Prior to facility construction of the facility, facility component or phase, as applicable, the certificate holder shall install gates and no trespassing signs at all private access roads established or improved for the purpose of facility construction and operation if requested by the underlying landowner.<br>[Final Order on ASC (2017), Land Use Condition 18; AMD4 (2019), AMD1 (2020)] |
| PRE-LU-09 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall record in the real property records of Umatilla County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland.<br>[Final Order on ASC (2017), Land Use Condition 21, AMD1 (2020)] |
| PRE-LU-10 | Prior to beginning construction of the 230-kV transmission line, the certificate holder shall submit evidence that all owners in the transmission line corridor have been consulted as required by ORS 215.276.<br>[AMD1 (2024)] |
| ***STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]*** | |
| PRE-RF-01 | Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility.<br>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 4]<br>[Mandatory Condition OAR 345-025-0006(8)] |

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| PRE-RF-02 | Prior to construction of the facility, facility component, or phase, the certificate holder shall:<br>a. Submit to the Department Table 8 (Retirement Table with tasks/unit/unit costs) of the Final Order on AMD2, updated based on final design and phased construction, if applicable. Certificate holder may not make changes to the unit cost without review and approval by the Department. Certificate holder must also request that the Department confirm the present-day inflation adjusted decommissioning estimate, rounded to the nearest $1,000, to be reflected in the bond or letter of credit in sub c of this condition.<br>b. Incorporate any additional decommissioning costs for facility changes which have been determined by the Department not to require a site certificate amendment.<br>c. Submit to the Department a bond or letter of credit, in the amount affirmed by the Department under (a), based on the Council's current pre-approved financial institution list and form.<br>~~Before beginning construction of the wind energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for wind facility components is $28.4~~11.2 million dollars (Q4 Q1 ~~2023~~ 2026 dollars), to be adjusted to the date of issuance , and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition:<br>~~a. The initial bond or letter of credit amount may be adjusted based on the final design configuration of the facility and the line items and unit costs presented in Attachment C of the Final Order on Amendment 1. Any revision to the restoration costs should be adjusted to the date of issuance as described in (b) and subject to review and approval by the Council.~~<br>~~b. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation:~~<br>~~1. Adjust the amount of the bond or letter of credit (expressed in Q4 Q1 2023 2026 dollars to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the fourth first quarter 2023 2026 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust fourth first quarter 2026~~3 dollars to present value.<br>~~2. Round the result total to the nearest $1,000 to determine the financial assurance amount.~~<br>~~c. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.~~<br>~~d. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.~~<br>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 5; AMD2 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020); AMD1(2024); AMD2 (2026)] |
| ***STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]*** | |
| PRE-FW-01 | a. Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. Areas within mapped Mule Deer Winter Range may be assumed to be Category 2 habitat; however, the boundaries of any areas of developed agriculture within Mule Deer Winter Range shall be surveyed to confirm changes. The survey shall be planned |

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| | in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW.<br>b. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources. The report shall also include tabular showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction survey shall be used to complete final design, facility layout, and micrositing of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for each transmission structure, wind turbine, access road, and all other facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary.<br>c. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW.<br>d. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 1, AMD1 (2024)] |
| PRE-FW-02 | ~~Prior to operation, the certificate holder shall finalize the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-2 of the *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate* (November 2020), by updating the thresholds of concern in Section 3.6 of the WMMP in consultation with the Department and ODFW. The WMMP may be amended from time to time by agreement of the certificate holder and the Council. Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department.~~[Deleted Final Order on AMD2 (2026]<br>~~[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020), AMD1 (2024); AMD2 (2026)]~~ |
| PRE-FW-03 | Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to areas with sensitive or protected plant species, including candidate species, wetlands and waterways that are not authorized for construction impacts, areas with seasonal restrictions, and active state sensitive species bird nests.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 8, AMD1 (2020)] |
| PRE-FW-04 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare and receive approval from the Department of a final Habitat Mitigation Plan (HMP), substantially as presented in Attachment ~~E~~ B of the *Final Order on Amendment ~~1~~ 2 of the Site Certificate for Wheatridge Renewable Energy Facility East* (~~June 2024~~DATE). The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP.<br>a. The final Habitat Mitigation Plan and the department's approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The |

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| | certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.<br>b. The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Condition PRE-FW-01.<br>c. The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final HMP.<br>d. The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map and available acres by habitat category and subtype in tabular format.<br>e. The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP:<br>i. Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction.<br>ii. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction.<br>f. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area.<br>g. The final HMP shall include mitigation in compliance with the Council's Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity.<br>h. The final HMP may be amended from time to time by agreement of the certificate holder and the Council. Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 10, AMD1 (2020), AMD1 (2024)] |
| PRE-FW-05 | Before beginning construction of the facility, facility component, or phase, as applicable, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment D of the *Final Order on Amendment ~~1~~ 2 of the Site Certificate for Wheatridge Renewable Energy Facility East* (~~June 2024~~DATE), from the Department, in consultation with Umatilla and Morrow counties and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 11; AMD5 (2020), AMD1 (2024)] |

| *STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]* | |
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| PRE-TE-01 | a. Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall determine the boundaries of Category 1 Washington ground squirrel habitat. The certificate holder shall hire a qualified professional biologist who has experience in detection of Washington ground squirrel to conduct pre-construction surveys using a survey protocol approved by the department in consultation with ODFW. The biologist shall survey all areas of suitable habitat within 1,000 feet of any ground disturbing activity. Ground disturbing activity refers to any potential impact, whether permanent or temporary. The protocol surveys shall be conducted in the active squirrel season (March 1 to May 31). The protocol survey is valid for three years.<br>b. If construction begins within three years of conducting the protocol survey, the certificate holder shall conduct a pre-construction survey of all suitable Washington ground squirrel habitat within 1,000 feet of previously identified Washington ground squirrel colonies where ground disturbing activity would occur.<br>c. The certificate holder shall provide written reports of the surveys to the department and to ODFW and shall identify the boundaries of Category 1 Washington ground squirrel (WGS) habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the department, in consultation with ODFW.<br>d. The certificate holder shall avoid any permanent or temporary disturbance in all Category 1 WGS habitat. The certificate holder shall ensure that these sensitive areas are correctly marked with exclusion flagging and avoided during construction as required under Condition PRE-FW-03.<br>[Final Order on ASC (2017), Threatened and Endangered Species Condition 1, AMD1 (2020), AMD1 (2024)] |
| PRE-TE-02 | ~~Prior to beginning operation, in accordance with Condition PRE-FW-02, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment G of the *Final Order on Amendment 1 of the Site Certificate for Wheatridge Renewable Energy Facility East* (June 2024), based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities.~~<br>[Deleted Final Order on AMD2 (2026)]<br>~~[Final Order on ASC (2017), Threatened and Endangered Species Condition 2, AMD1 (2024)]~~ |
| PRE-TE-03 | a. Before beginning construction of the facility, facility component, or phase, as applicable, the certificate holder must conduct preconstruction plant surveys for Lawrence's milkvetch in all areas within 100-feet of temporary and permanent disturbance from all facility components, unless extent of survey area within suitable habitat from temporary and permanent disturbance is otherwise agreed upon by the Department on consultation with Oregon Department of Agriculture.<br>b. Except as provided in section e, the certificate holder must install protection flagging at least 100 feet from the outer boundaries of all Lawrence's milkvetch-occurrences that fall within |

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| | the preconstruction survey area established under section a. The certificate holder must avoid any ground disturbance within the flagged zone.<br>c. All plant protection zones shall be included on construction plans showing the final design locations.<br>d. If herbicides are used to control weeds at the site, the certificate holder shall follow the manufacturer's guidelines in establishing a buffer area around confirmed occurrences of Lawrence's milkvetch. Herbicides must not be used within the established buffers.<br>e. The certificate holder may not conduct ground disturbing activities within 100-feet of any Lawrence's milkvetch occurrence until a final Lawrence's milkvetch mitigation plan has been approved in accordance with Condition PRE-TE-04.<br>[Final Order on ASC (2017), Threatened and Endangered Species Condition 3; AMD3 (2018); AMD4 (2019), AMD1 (2024)] |
| PRE-TE-04 | a. Before beginning construction of the facility, facility component, or phase of construction, as applicable, the certificate holder shall submit a final Lawrence's milkvetch mitigation plan to the Department for review and approval. The final plan must:<br>1. Identify the amount of occupied Lawrence's milkvetch habitat that will be impacted by the construction and operation of the facility, based on final facility design and layout, including areas of permanent and temporary disturbance and estimate the total number of individual plants likely to be impacted. Construction and operation of the facility may not result in the permanent disturbance of more than 5 acres, or temporary disturbance of more than 43 acres, of occupied Lawrence's milkvetch habitat.<br>2. Identify the mitigation measures that will be taken to address the impacts identified under section a.1. Mitigation measures may include:<br>i. Seed collection from the plants and populations impacted;<br>ii. Seed banking and long-term storage of seeds at a regional conservation seed bank;<br>iii. Research to assess wild-produced seed quality and viability;<br>iv. Plant reestablishment through seed or transplant introductions;<br>v. Research to assess plant reestablishment methods and success rates; and<br>vi. Other measures approved or proposed by the Oregon Department of Agriculture's Native Plant Conservation Program.<br>3. Identify the implementation schedule, monitoring activities, and success criteria for the mitigation measures under subsection a.2.<br>b. The Department shall review the final mitigation plan in consultation with the Oregon Department of Agriculture's Native Plant Conservation Program. If the Department determines that the mitigation measures, implementation schedule, monitoring activities, and success criteria identified in the final mitigation plan are consistent with those in the plan included as Attachment G to the *Final Order on Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility East (June 2024)*, the Department may approve the plan. If the Department determines that the mitigation measures, implementation schedule, monitoring activities, and success criteria identified in the final mitigation plan are not consistent with those in the plan included as Attachment G to the *Final Order on Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility East (June 2024)*, the Department shall present the plan to the Council for the Council's review with a recommendation of approval, denial, or modification of the plan. To approve the plan, the Council must find that the plan contains sufficient measures to ensure that the construction and operation of the facility are not likely to cause a significant reduction in the likelihood of survival or recovery of Lawrence's milkvetch populations.<br>c. The certificate holder may propose amendments to the final mitigation plan at any time. The proposed amendments shall be subject to review under section b. of this condition. |

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| | AMD1 (2024) |
| ***STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]*** | |
| PRE-HC-01 | Before beginning construction within areas that have not been surveyed for historic, cultural, or archaeological resources, the certificate holder shall:<br>a. Submit to the Department and SHPO a research design consistent with SHPO's archeological guidelines, for Department review and approval.<br>b. Complete archeological field investigations in accordance with the approved research design. Any new resources and management recommendations identified must be evaluated under OAR 345-027-0357 to determine whether a site certificate amendment is required.<br>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 1, AMD1 (2024)] |
| PRE-HC-02 | Before beginning construction of the facility, facility component, or phase, as applicable, the certificate holder shall flag or otherwise mark 200-foot avoidance buffers for all historic, cultural, or archaeological resource sites identified as eligible to listed on the National Register of Historic Places, or unevaluated for eligibility in RFA1 Exhibit S, Attachment S-1. The avoidance areas must be marked on construction maps and drawings as "no entry" areas. A copy of current maps and drawings must be maintained onsite during construction and made available to the department upon request.<br>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 2, AMD1 (2024)] |
| PRE-HC-03 | Before beginning construction, the certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-0070, trains construction contractors on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the department upon request.<br>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 4] |
| PRE-HC-04 | Prior to beginning construction of wind facility components within the viewshed of likely NRHP eligible historic properties Vey Ranch, Kenny Ranch, or the Bartholomew-Meyers Farm, the certificate holder must submit to the Department and the State Historic Preservation Office a complete Section 106 Documentation Form. |
| ***STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]*** | |
| PRE-PS-01 | a. Prior to construction of the facility, facility component, or phase, as applicable, the certificate holder shall prepare a Traffic Management Plan that includes procedures and policies for:<br>1. Providing advance notice to all affected local jurisdictions essential and emergency service providers, and adjacent landowners of construction deliveries, road closures, and oversize load movements, and the potential for heavy traffic on local roads;<br>2. Notifying and consulting with adjacent landowners and essential service providers prior to the start of construction to minimize disruptions to public services and agricultural operations.<br>3. Using signage and traffic control measures to ensure safety and to minimize localized traffic congestion at locations where trucks enter or exit highways frequently.<br>4. Including traffic control procedures in contract specifications for construction of the facility;<br>5. Maintaining at least one open travel lane during road closures to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles, and maintaining emergency vehicle access at all times;<br>6. Ensuring that no equipment or machinery is parked or stored on any county road whether inside or outside the site boundary. The certificate holder may temporarily park |

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| | equipment off the road but within county rights-of-way with the approval of the Morrow County and Umatilla County Public Works Departments;<br>7. Encouraging and promoting carpooling for the construction workforce; and<br>8. Keeping state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points.<br>b. The plan shall be submitted to the Department for review and approval in consultation with Morrow County and Umatilla County. The certificate holder may not begin construction until the plan has been approved in writing.<br>c. The approved plan shall be implemented throughout construction of the facility, facility component, or phase.<br>[Final Order on ASC (2017), Public Services Condition 6, AMD1 (2024)] |
| PRE-PS-02 | a. Before beginning construction of the facility, facility component, or phase of construction, as applicable, the certificate holder must enter into Road Use Agreements with the Morrow County and Umatilla County Public Works Departments. The Agreements must include, at a minimum, a pre-construction assessment of road surfaces under Morrow County and Umatilla County jurisdiction, construction monitoring, and post-construction inspection and repair.<br>b. A copy of the Road Use Agreements with Morrow County and Umatilla County must be submitted to the department before beginning construction. If required by Morrow County or Umatilla County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility.<br>[Final Order on ASC (2017), Public Services Condition 7, AMD1 (2024)] |
| PRE-PS-03 | The certificate holder shall design and construct new access roads and private road improvements to standards approved by Umatilla County or Morrow County. Where modifications of county roads are necessary, the certificate holder shall construct the modifications entirely within the county road rights-of-way and in conformance with county road design standards subject to the approval of the Umatilla County and Morrow County Public Works Departments.<br>[Final Order on ASC (2017), Public Services Condition 8] |
| PRE-PS-04 | Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall submit to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration for each turbine. Before beginning construction, the certificate holder shall submit to the department the results of the Oregon Department of Aviation aeronautical study and determination. If the department, in consultation with the Oregon Department of Aviation, determines that any turbine would adversely impact an airport's ability to provide service by obstructing the airport's primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction.<br>[Final Order on ASC (2017), Public Services Condition 9, AMD1 (2020)] |
| PRE-PS-05 | a. Prior to construction of the facility, facility component, or phase, as applicable, the certificate holder shall submit an Emergency and Safety Management Plan to the Department for review and approval. The Construction Emergency and Safety Management Plan may be the certificate holder or contractors' corporate Plan but must include, at a minimum ~~based on consultation with local rural fire protection districts, and county emergency management agencies providing fire protection services for the area. The draft final plan shall be submitted to the Department for review and approval, including evidence of consultation with local rural fire protection districts and county emergency management agencies and shall include at a minimum~~:<br>1. ~~Current c~~Contact information of ~~at least two~~ facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed |

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| | contact(s). ~~An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information.~~<br>2. Identification of all Rural Fire Protection Districts, emergency service providers, and other agencies, and contact information, that will provide fire protection or respond to emergencies at the site;<br>3. Identification of any agencies, ~~or~~ entities and fire protection associations, that would assist in fire protection or emergency response activities at the site through mutual aid agreements;<br>4. Identification of facility personnel or a contracted entity that will provide high-angle rescue and confined space rescue at the site;<br>~~5. Contact information for each agency listed above;~~<br>~~6.~~5. Communication protocols for both routine and emergency events and the incident command system to be used in the event a fire response by multiple agencies is needed at the facility;<br>~~7.~~6. Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place;<br>~~8.~~7. Protocols for wildfire suppression or response activities such as establishing fire breaks and containing fires, including protocols for protecting sensitive resources, including but not limited to, residences and infrastructure, agricultural operations, fish and wildlife habitat and special status species, and cultural resources during wildfire suppression or response activities.<br>~~9.~~8. The designated meeting location in case of evacuation;<br>~~10.~~9. Staff and contractor training requirements and frequency of trainings; and<br>~~11. Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.~~<br>b. During construction and operation, the plan, as approved in sub(a) of this condition shall be adhered to and maintained onsite. The plan shall be updated if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department to address hazards to public health and safety. Any Department required revisions shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address the hazard. Any updates to the plan shall be provided to the Department within 30 days.<br>c. During construction and operation, all onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility as required by Condition GEN-PS-03.<br>[Final Order on ASC (2017), Public Services Condition 13; AMD1 (2020), AMD1 (2024)] |
| PRE-PS-06 | ~~a. Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan shall, at a minimum:~~<br>~~1. Include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, first aid kits, and automated external defibrillators; and the names, locations and contact information of nearby hospitals.~~<br>~~2. Designate the workers that will be certified in first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators, in sufficient numbers to ensure~~ |

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| | ~~that emergency care can be provided in a timely fashion. The certificate holder must retain records of the certifications and provide them to the Department upon request.~~<br>~~3. Establish adequate training in safety and emergency response for all workers.~~<br>~~b. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the facility, and available upon request by the department.~~<br>[Deleted in Final Order on RFA2 (2026), Final Order on ASC (2017), Public Services Condition 20, AMD1 (2024)] |
| PRE-PS-07 | Deleted.<br>[Final Order on ASC (2017), Public Services Condition 21, AMD1 (2024)] |
| PRE-PS-08 | Prior to and during facility construction, as applicable, the certificate holder shall:<br>a. Identify all water-related needs and estimate daily and annual water demand for facility construction.<br>~~a.~~b. Provide evidence such as a contract or purchase agreement demonstrating that adequate water supply to meet facility construction demand has been secured and that water for all construction activities will be legally obtained by service providers or third-party permits. |
| ***STANDARD: Wildfire Prevention and Risk Mitigation (WP) [OAR 345-022-0115]*** | |
| PRE-WP-01 | Prior to construction of the facility, facility component, or phase, the certificate holder shall finalize the draft Wildfire Mitigation Plan as provided in Final Order on Amendment ~~1~~ 3 Attachment F-I, based on current available information, as applicable, and consultation with local rural fire protection districts, and county emergency management agencies providing fire protection services for the area. The final plan shall be submitted to the Department for review and approval, including evidence of consultation with local rural fire protection districts and county emergency management agencies.<br>[Final Order on Amendment 1 (2024), Wildfire Prevention and Risk Mitigation Condition 1] |
| ***STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]*** | |
| PRE-WM-01 | Prior to construction, the certificate holder shall develop a construction waste management plan, which includes at a minimum:<br>a. Specification of the number and types of waste containers to be maintained at construction sites and construction yards.<br>b. A description of methods for segregating and recycling steel and metal scrap, wood waste, and packaging waste such as paper and cardboard.<br>c. Names and locations of appropriate recycling and waste disposal facilities, and waste haulers, as well as the collection requirements, and hauling requirements to be used during construction.<br>d. Methods for segregating all hazardous and universal wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.<br>[Final Order on ASC (2017), Waste Minimization Condition 2, AMD1 (2024)] |
| PRE-WM-02 | Deleted.<br>[Final Order on ASC (2017), Waste Minimization Condition 3, AMD1 (2024)] |
| ***STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]*** | |
| PRE-TL-01 | Prior to construction, the certificate holder shall schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities.<br>[Final Order on ASC (2017), Siting Standard Condition 2] |
| ***STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]*** | |
| PRE-NC-01 | Prior to construction, the certificate holder shall provide to the department: |

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| | a. Information that identifies the final design locations of all facility components to be built at the facility;<br>b. The maximum sound power level for the facility components and the maximum sound power level and octave band data for the turbine type(s), transformers (substation), invertors, AC- and DC-coupled battery storage cooling system selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the department;<br>c. The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the department that the total noise generated by the facility (including turbines, transformers, invertors, AC- and DC-coupled battery storage cooling systems) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below. If applicable, the analysis must also identify the noise mitigation that will be used during facility operation and include a figure that depicts the turbines and other equipment, that will implement noise mitigation and the associated dBA reduction level; if required to meet the maximum allowable decibel threshold of 50 dBA; and,<br>d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels $L_{10}$ and $L_{50}$ by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the wind energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.<br>[Final Order on ASC (2017), Noise Control Condition 2; AMD3 (2018); AMD1 (2020), AMD1 (2024)] |

### 4.4 Construction (CON) Conditions

| Condition Number | Construction (CON) Conditions |
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| ***STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]*** | |
| CON-SP-01 | During construction, the certificate holder shall conduct all work in compliance with an Erosion and Sediment Control Plan (ESCP), and revised ESCPs, as applicable. The ESCP shall be revised if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department. Any Department-required ESCP-revisions shall be implemented within 14-days, unless otherwise agreed to by the Department based on a good faith effort to address erosion issues.<br>[Final Order on ASC (2017), Soil Protection Condition 1, AMD1 (2024)] |
| CON-SP-02 | Deleted.<br>[Final Order on ASC (2017), Soil Protection Condition 2, AMD1 (2024)] |
| ***STANDARD: LAND USE (LU) [OAR 345-022-0030]*** | |
| CON-LU-01 | During construction, the certificate holder shall comply with the following requirements:<br>a. Construction vehicles shall use previously disturbed areas including existing roadways and tracks.<br>b. New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards.<br>[Final Order on ASC (2017), Land Use Condition 8, AMD1 (2024)] |
| CON-LU-02 | During construction, the certificate holder shall install smooth turbine tower structures and turbine nacelles that lack perching or nesting opportunities for birds.<br>[Final Order on ASC (2017), Land Use Condition 17] |
| CON-LU-03 | During construction, the certificate holder shall install the electrical cable collector system underground, where practicable. In agricultural areas, the collector system lines must be installed at a depth of 3 feet or deeper as necessary to prevent adverse impacts on agriculture operations. In all other areas, the collector system lines must be installed a minimum of 3 feet where practicable.<br>[Final Order on ASC (2017), Land Use Condition 19] |
| ***STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]*** | |
| CON-RF-01 | If construction of the facility, facility component, or phase extends more than 12 months, the certificate holder shall:<br>a. Annually adjust the amount of the bond or letter of credit to present dollar value, as determined by the Department.<br>b. Incorporate any additional decommissioning costs for facility changes which have been determined by the Department not to require a site certificate amendment.<br>c. The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to ensure that costs to restore the site are adequate to maintain health and safety of the public and environment.<br>[Final Order on AMD2 (2026] |
| ***STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]*** | |
| CON-FW-01 | No construction shall occur in mule deer winter range during winter, defined as December 1 to March 31. Mule deer winter range is based on data to be provided by ODFW at the time of construction. Upon request by the certificate holder, the Department may provide exceptions to this restriction. The certificate holder's request must include a justification for the request |

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<tr><td></td><td>including any actions the certificate holder will take to avoid, minimize or mitigate impacts to mule deer winter range during winter in the relevant area. The Department will consult with ODFW on any request made under this condition.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 3; AMD4]</td></tr>
<tr><td>CON-FW-02</td><td>a. Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities will not occur within the buffer zones established in section b for previously identified active nest sites during the sensitive nesting and breeding season.<br>b. During construction within the time periods listed below, the certificate holder shall implement buffer zones around active nest sites of the species listed below. Active nest sites shall be identified based on the pre-construction raptor nest survey required under Condition PRE-FW-01 and previous surveys and be monitored during construction by a biological monitor, both of which shall be based on a protocol approved by the Department in consultation with ODFW- specifying methodology and frequency of monitoring. No ground-disturbing activities within the buffer zone shall occur during the seasonal restrictions unless a qualified biologist determines the active nest site is unoccupied for the season on or after May 31. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid ground-disturbing activity within the buffer zone during construction activities.<br><table><tr><th>Sensitive Status Species</th><th>Buffer Size (Radius Around Nest Site):</th><th>Sensitive Nesting and Breeding Season:</th></tr><tr><td>Western burrowing owl</td><td>0.25 mile</td><td>April 1 to August 15</td></tr><tr><td>Ferruginous hawk</td><td>0.5 mile</td><td>March 5 to August 15</td></tr><tr><td>Swainson’s hawk</td><td>0.25 mile</td><td>April 1 to August 15</td></tr></table><br>c. If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 5; AMD3 (2018); AMD4 (2019), AMD1 (2024)]</td></tr>
<tr><td>CON-FW-03</td><td>During construction, the certificate holder shall employ a qualified environmental professional to provide environmental training to all personnel prior to working onsite, related to sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. All personnel shall be given clear maps showing areas that are off-limits for construction, and shall be prohibited from working outside of the areas in the site boundary that have been surveyed and approved for construction. The certificate holder shall instruct construction personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager. Records of completed training shall be maintained onsite and made available to the department upon request.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 7]</td></tr>
<tr><td>CON-FW-04</td><td>During construction, the certificate holder shall employ at a minimum one environmental inspector to be onsite daily while ground-disturbing activities are ongoing. The environmental inspector shall oversee permit compliance and construction, and ensure that known sensitive environmental resources are protected. The environmental inspector shall prepare a weekly</td></tr>
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| | report during construction, documenting permit compliance and documenting any corrective actions taken. Reports shall be kept on file and available for inspection by the department upon request.<br>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 9] |
| ***STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]*** | |
| CON-HC-01 | a. During construction of the facility, facility component, or phase, as applicable, the certificate holder shall prohibit disturbance within the 200-foot buffer zones for all likely eligible and unevaluated historic, cultural, or archaeological resource sites as identified in RFA1 Exhibit S Attachment S-1 unless:<br>1. The resources are determined by a qualified archaeologist not eligible for NRHP listing and concurred by the State Historic Preservation Office (SHPO) review; or,<br>2. A Historic, Cultural, and Archaeological Resources Monitoring and Mitigation plan has been submitted to and accepted by the Department in consultation with CTUIR and SHPO. The plan must include for a Tribal Monitor or Qualified Archaeologist to be present during any construction activities within the buffer, and for appropriate mitigation of any impacts to resources, such as: additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with CTUIR and SHPO.<br>b. The no-entry restriction does not apply to public road rights-of-way within buffer areas.<br>c. Flagging or marking must be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected.<br>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 3; AMD4 (2019), AMD1 (2024)] |
| CON-HC-02 | a. During construction, the certificate holder shall implement an Inadvertent Discovery Plan approved by the Department in consultation with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Oregon State Historic Preservation Office (SHPO). The plan shall ensure that:<br>1. Construction personnel cease all ground-disturbing activities in the immediate area if any archeological or cultural remains are found during construction of the facility until a qualified archeologist can evaluate the significance of the find.<br>2. The certificate holder notifies the Department, the CTUIR, and the Oregon State Historic Preservation Office (SHPO) of the find.<br>3. If the Department, in consultation with the CTUIR and SHPO, determines that the resource meets the definition of a cultural or archaeological site or objectthat is eligible or likely to be eligible for listing on the National Register of Historic Places), the certificate holder shall implement 200-ft avoidance buffers as provided in Condition CON-HC-01.<br>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 5, AMD1 (2024)] |
| ***STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]*** | |
| CON-PS-01 | a. During construction, the certificate holder shall implement the construction waste management plan required by Condition PRE-WM-01:<br>b. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured. |

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| | c. The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).<br>[Final Order on ASC (2017), Public Services Condition 3, AMD1 (2024)] |
| CON-PS-02 | During construction of the facility, the certificate holder shall provide for 24-hour on-site security, and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office and Umatilla County Sheriff's Office.<br>[Final Order on ASC (2017), Public Services Condition 10] |
| CON-PS-03 | During construction of the facility, the certificate holder shall ensure that turbine construction personnel are trained and equipped for fall protection, high angle, and confined space rescue. The certificate holder must retain records of the training and provide them to the department upon request.<br>[Final Order on ASC (2017), Public Services Condition 14] |
| CON-PS-04 | All wind turbines shall be constructed with a minimum of 10 feet of nonflammable and non-erosive ground cover on all sides. The certificate holder shall cover turbine pad areas with nonflammable, non-erosive material immediately following exposure during construction and shall maintain the pad area covering during facility operation.<br>[Final Order on ASC (2017), Public Services Condition 16, AMD1 (2024)] |
| CON-PS-05 | Deleted.<br>[Final Order on ASC (2017), Public Services Condition 17, AMD1 (2024)] |
| CON-PS-06 | During construction, the certificate holder and its contractor must implement and adhere to the Construction Emergency and Safety Management Plan finalized in Public Services Condition 13 (PRE-PS-05). The following must be submitted in the semi-annual construction progress report:<br>a. Training attendance rosters and copies of trainings materials;<br>b. Any changes to the Construction Emergency and Safety Management Plan.<br>[Final Order on AMD2 (2026)] |
| ***STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WP) [OAR 345-022-0115]*** | |
| CON-WP-01 | During construction of the facility, the certificate holder shall implement and require all onsite contractors and employees to adhere to the Wildfire Mitigation Plan required under Condition PRE-WP-01. Updates to the Wildfire Mitigation Plan may be required if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department to address wildfire hazard to public health and safety. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.<br>[Final Order on Amendment 1 (2024), Wildfire Prevention and Risk Mitigation Condition 2] |
| ***STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]*** | |
| CON-WM-01 | a. During construction, the certificate holder shall require construction contractors to complete the following for any disposal of excess soil outside of construction disturbance areas:<br>1. Obtain and provide the certificate holder with a signed consent agreement between contractor and the party receiving the earth materials authorizing the acceptance and disposal of the excess soil; and,<br>2. Confirm that all disposal sites have been inspected and approved by the certificate holder's environmental personnel to ensure that sensitive environmental resources, such as wetlands or high quality habitats, would not be impacted. |

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| | b. The certificate holder shall maintain copies of all signed consent agreements and disposal site inspection and approvals onsite and shall provide to the department in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).<br>[Final Order on ASC (2017), Waste Minimization Condition 1, AMD1 (2024)] |
| ***STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]*** | |
| CON-WF-01 | During construction, the certificate holder shall install pad-mounted step-up transformers at the base of each tower in steel boxes designed to protect the public from electrical hazards.<br>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 1] |
| CON-WF-02 | Prior to and during operations the certificate holder shall:<br>a. Install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, connected to a fault annunciation panel or supervisory control and data acquisition (SCADA) system to alert operators to potentially dangerous conditions.<br>b. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire. The certificate holder shall immediately remedy any dangerous conditions.<br>c. Submit to the Department materials or other documentation demonstrating the facility's operational safety-monitoring program and cause analysis program, for review and approval. The program shall, at a minimum, include requirements for regular turbine blade and turbine tower component inspections and maintenance, based on wind turbine manufacturer recommended frequency.<br>d. The certificate holder shall document inspection and maintenance activities including but not limited to date, turbine number, inspection type (regular or other), turbine tower and blade condition, maintenance requirements (i.e. equipment used, component repair or replacement description, impacted area location and size), and wind turbine operating status. This information shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility's annual compliance report.<br>e. In the event of blade or tower failure, the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 90-days of blade or tower failure event, submit a cause analysis to the Department for its compliance evaluation.<br>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 4; AMD3 (2018)] |
| ***STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]*** | |
| CON-TL-01 | During construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields and submit verification to the Department, including:<br>a. Constructing all aboveground collector and transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.<br>b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground.<br>c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground.<br>d. Developing and implementing a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, irrigation systems, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line (OAR 345-025-0010(4)). |

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| | e. Providing to landowners a map of underground, with any applicable NESC demarking for underground facilities, and overhead transmission lines on their property and advising landowners of possible health and safety risks from induced currents caused by electric and magnetic fields.<br>f. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.<br>g. Increasing the intraconnection transmission line height, shielding the electric field, or installing access barriers, if needed, to prevent induced current and nuisance shock of mobile vehicles.<br>h. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.<br>i. Designing, constructing and operating the transmission line in accordance with the requirements of the version of the National Electrical Safety Code that is most current at the time that final engineering of each of these components is completed (OAR 345-025-0010(4)).<br>j. Implement a safety protocol to ensure adherence to NESC grounding requirements.<br>[Final Order on ASC (2017), Siting Standard Condition 1; AMD4 (2019)] |
| ***STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]*** | |
| CON-NC-01 | During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall:<br>a. Establish and enforce construction site and access road speed limits;<br>b. Utilize electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible;<br>c. Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties;<br>d. Utilize noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only;<br>e. Equip all noise-producing construction equipment and vehicles using internal combustion engines with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and,<br>f. Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request.<br>[Final Order on ASC (2017), Noise Control Condition 1] |

### 4.5 Pre-Operational (PRO) Conditions

| Condition Number | Pre-Operational (PRO) Conditions |
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| ***STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]*** | |
| PRO-SP-01 | Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan that meets the requirements of 40 CFR part 112, if required. If an SPCC plan is not required, the certificate holder shall prepare and submit to the Department for review and approval an operational Spill Prevention and Management plan. The Spill Prevention and Management Plan shall include at a minimum the following procedures and BMPs:<br>a. Procedures for oil and hazardous material emergency response consistent with OAR 340, Division 100-122 and 142<br>b. Procedures demonstrating compliance with all applicable local, state, and federal environmental laws and regulations for handling hazardous materials used onsite in a manner that protects public health, safety, and the environment<br>c. Current inventory (type and quantity) of all hazardous materials stored onsite, specifying the amounts at ~~each~~ the substation and battery storage system location<br>d. Restriction limiting onsite storage of diesel fuel or gasoline<br>e. Requirement to store lubricating and dielectric oils in quantities equal to or greater than 55-gallons in qualified oil-filled equipment<br>f. Preventative measures and procedures to avoid spills<br>1. Procedures for chemical storage<br>2. Procedures for chemical transfer<br>3. Procedures for chemical transportation<br>4. Procedures for fueling and maintenance of equipment and vehicles<br>5. Employee training and education<br>g. Clean-up and response procedures, in case of an accidental spill or release<br>h. Proper storage procedures<br>i. Reporting procedures in case of an accidental spill or release<br>[Final Order on ASC (2017), Soil Protection Condition 5; AMD2 (2017), AMD1 (2024)] |
| ***STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]*** | |
| PRO-PS-01 | Prior to operation of the facility, the certificate holder shall ensure that operations personnel are trained and equipped for fall protection and tower rescue, including high angle and confined space rescue. Refresher training in high angle and confined space rescue must be provided to operations personnel on an annual basis throughout the operational life of the facility. The certificate holder must retain records of the training and provide them to the department upon request.<br>[Final Order on ASC (2017), Public Services Condition 15] |
| PRO-PS-02 | Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first-responders included in the Emergency Management Plan required under Condition PRE-PS-05. The certificate holder must indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate holder shall provide an updated site plan if additional turbines or other structures are later added to the facility.<br>[Final Order on ASC (2017), Public Services Condition 19, AMD1 (2024)] |
| PRO-PS-03 | ~~Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. The~~ |

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| | ~~certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that operations and maintenance personnel are at the facility.~~<br>[Deleted in Final Order on Amendment 2 (2026), Final Order on ASC (2017), Public Services Condition 22] |
| CON-PS-04 | Prior to operation, the certificate holder shall submit an Operational Emergency and Safety Management Plan / Emergency Action Plan (the most current version of Attachment E of the Final Order on RFA1) to the Department for review and approval. The Operational Emergency and Safety Management may be the certificate holder's corporate Plan but must include, at a minimum:<br>a. Contact information of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s).<br>b. Identification of agencies and fire protection associations, with contact information, that are designated as first response agencies and are included in any mutual aid agreements with the facility;<br>i. Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.<br>~~b.~~c. Protocols for both routine and emergency events and the incident command and notification system to be used in the event of an ~~fire~~ emergency response by multiple agencies is needed at the facility;<br>~~c.~~d. The designated meeting location in case of evacuation;<br>~~d.~~e. Location(s) of automated external defibrillator (AED) that must be available on site;<br>f. Staff and contractor training requirements~~;~~ and frequency of trainings;<br>i. Personnel shall be trained on the measures described in the Emergency and Safety Management Plan and in first aid, cardio pulmonary resuscitation (CPR), and the use of an AED.<br>ii. First aid techniques and locations of first aid kits and AED.<br>iii. Training attendance rosters and training materials must be maintained. |
| ***STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WP) [OAR 345-022-0115]*** | |
| PRO-WP-01 | Prior to beginning operation, the certificate holder shall update and submit to the Department the Wildfire Mitigation Plan (WMP) required under Condition PRE-WP-01 to address wildfire risk at the site based on final facility design and layout. The updated Wildfire Mitigation Plan is subject to Department review and approval.<br>[[Final Order on Amendment 1 (2024), Wildfire Prevention and Risk Mitigation Condition 3]~~AMD1 (2024)]~~ |

### 4.6 Operational (OPR) Conditions

| Condition Number | Operational (OPR) Conditions |
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| ***STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]*** | |
| OPR-GS-01 | The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility.<br>[Final Order on ASC (2017), Mandatory Condition 1] [OAR 345-025-0006(2)]] |
| ***STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]*** | |
| OPR-SP-01 | During facility operation, the certificate holder shall:<br>a. Inspect and maintain all facility components including roads, pads, and other facility components at least once every calendar quarter and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion. The certificate holder must maintain records of inspections and repairs and make the records available to the Department for inspection upon request.<br>b. Restrict vehicles to constructed access roads and ensure material laydown or other maintenance activities occur within graveled areas to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility.<br>c. If in order to serve the operational needs of the energy facility, or related or supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction.<br>[Final Order on ASC (2017), Soil Protection Condition 6, AMD1 (2024)] |
| ***STANDARD: LAND USE (LU) [OAR 345-022-0030]*** | |
| OPR-LU-01 | Within one month of commencement of commercial operation, the certificate holder shall submit an as-built survey for each construction phase that demonstrates compliance with the setback requirements in Land Use Condition 1 to the department and Morrow County.<br>[Final Order on ASC (2017), Land Use Condition 2] |
| OPR-LU-02 | During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the final Revegetation Plan referenced in Condition PRE-FW-05.<br>[Final Order on ASC (2017), Land Use Condition 10] |
| OPR-LU-03 | Before beginning decommissioning activities, the certificate holder must provide a copy of the final retirement plan to Morrow County and Umatilla County.<br>[Final Order on ASC (2017), Land Use Condition 23] |
| OPR-LU-04 | Before beginning electrical production, the certificate holder shall prepare an Operating and Facility Maintenance Plan (Plan) and submit the Plan to the department for approval in consultation with Umatilla and Morrow Counties.<br>[Final Order on ASC (2017), Land Use Condition 25] |

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| OPR-LU-05 | Within 90 days of the commencement of electrical service from Wheatridge East, the certificate holder shall provide a summary of as-built changes to the department and Umatilla County. [Final Order on ASC (2017), Land Use Condition 26] |
| OPR-LU-06 | Prior to facility retirement, the certificate holder must submit a proposed final retirement plan to the Council as required by OAR 345-027-0110(4).<br>a. The proposed final retirement plan must provide for the following restoration activities:<br>1. Dismantle turbines, towers, pad mounted transformers, meteorological towers and related aboveground equipment, and remove concrete pads to a depth of at least three feet below the surface grade.<br>2. Remove underground collection and communication cables that are buried less than three feet in depth and are deemed by Council to be a hazard or a source of interference with surface resource uses.<br>3. Remove gravel from areas surrounding turbine pads.<br>4. Remove and restore private access roads unless the landowners direct otherwise.<br>5. Following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses.<br>6. Revegetate disturbed areas in consultation with the landowner and in a manner consistent with the final Revegetation Plan required under Condition PRE-FW-05.<br>7. If the landowner wishes to retain certain facilities, provide a letter from the landowner that identifies the roads, cleared pads, fences, gates and other improvements to be retained and a commitment from the landowner to maintain the identified facilities for farm or other purposes permitted under the applicable zone.<br>b. Following review and approval of the final retirement plan, the certificate holder must conduct all work associated with restoration activities in compliance with a final Erosion and Sediment Control Plan (ESCP) that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C.<br>[Final Order on ASC (2017), Land Use Condition 27, AMD1 (2024)] |
| ***STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]*** | |
| OPR-RF-01 | During facility operation, the certificate holder shall:<br>a. Conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall submit copies of inspection documentation in its annual report to the Department.<br>b. Provide evidence in its annual report to the Department of active property coverage under its commercial business insurance from high loss-catastrophic events, including but not limited to onsite fire or explosion.<br>[Final Order on AMD2 (2018), Retirement and Financial Assurance Condition 6] |
| OPR-RF-02 | During operation, the certificate holder shall:<br>a. Annually adjust the amount of the bond or letter of credit to present dollar value, as determined by the Department.<br>b. Incorporate any additional decommissioning costs for facility changes which have been determined by the Department not to require a site certificate amendment.<br>c. The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to protect public health and safety or the environment and ensure the |

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| | certificate holder's bond or letter of credit is sufficient to restore the site to a useful, non-hazardous condition.<br>[Final Order on AMD2 (2026] |
| ***STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]*** | |
| OPR-FW-01 | During facility operation, the certificate holder shall implement the requirements of the Wildlife Monitoring and Mitigation Plan as provided in Attachment E of the Final Order on Amendment 2.<br>[Final Order on AMD2 (2026)] |
| ***STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]*** | |
| OPR-PS-01 | Deleted.<br>[Final Order on ASC (2017), Public Services Condition 1; AMD1(2024)] |
| OPR-PS-02 | Deleted.<br>[Final Order on ASC (2017), Public Services Condition 2; AMD1(2024)] |
| OPR-PS-03 | a. Prior to operation, the certificate holder shall submit to the Department for approval an Operational Waste Management Plan that includes at a minimum:<br>1. Onsite handling procedure for operational replacement of damaged, defective or recalled lithium-ion batteries. The procedure shall identify applicable 49 CFR 173.185 provisions and address, at a minimum, onsite handling, packaging, interim storage, and segregation requirements.<br>2. Training employees to handle, replace, and store damaged, defective or recalled lithium-ion batteries; minimize and recycle solid waste.<br>3. A description of the methods for segregating and recycling paper products, metals, glass, and plastics and other recyclable materials.<br>4. A description of the methods for safely handling, storing and recycling used oil and hydraulic fluid.<br>5. A description of the methods and vendors for the packaging, transport, and recycling or reuse of wind turbine blades, or an explanation of why no reasonable option for the recycling or reuse of wind turbine blades is available.<br>6. Procedures for collecting and transporting non-recyclable waste to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance.<br>7. Segregating all hazardous and universal, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights, lithium-ion batteries, lead-acid and nickel-cadmium batteries, and replaced, damaged, defective or recalled lithium-ion batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.<br>b. During operation, the certificate holder shall implement the approved Operational Waste Management Plan.<br>[Final Order on ASC (2017), Public Services Condition 4; AMD2 (2018), AMD1 (2024)] |
| OPR-PS-04 | During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site.<br>[Final Order on ASC (2017), Public Services Condition 12] |
| OPR-PS-05 | During operation, the certificate holder must implement and adhere to the Operational Emergency and Safety Management Plan / Emergency Action Plan finalized in Public Services Condition 27 (PRO-PS-04). The following must be submitted in the annual report:<br>a. Training attendance rosters and copies of trainings materials; |

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| | b. The most current version of the corporate or applicable Emergency and Safety Management Plan / Emergency Action Plan. |
| ***STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WP) [OAR 345-022-0115]*** | |
| OPR-WP-01 | During operation of the facility, the certificate holder shall implement the Operational Wildfire Mitigation Plan, as finalized in Condition PRO-WP-01. During every year of operation, the plan shall be updated to account for changes in local fire protection agency personnel or capabilities, wildfire risk at the site, and changes in best practices for minimizing and mitigating fire risk. The updated plan shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility's annual compliance report and is subject to Department review and approval.<br>[[Final Order on Amendment 1 (2024), Wildfire Prevention and Risk Mitigation Condition 4~~AMD1 (2024)~~] |
| ***STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]*** | |
| OPR-WF-01 | During operation, the certificate holder shall ensure ~~each~~ the facility substation and battery storage systems are enclosed with appropriate fencing and locked gates to protect the public from electrical hazards.<br>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 2; AMD2 (2018)] |
| ***STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]*** | |
| OPR-TL-01 | During operation, the certificate holder shall:<br>a. Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement.<br>b. File the following required information with the Commission:<br>• 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission's authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS 757.035 must provide the commission with the following information before January 2 of each even-numbered year:<br>• The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; and<br>• The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public.<br>• In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line changes, the person who engages in the operation of the electric power line must notify the commission of the change as soon as practicable, but no later than within 90 days.<br>• If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3]<br>c. Provide OPUC Safety Staff with:<br>• Maps and Drawings of routes and installation of electrical supply lines showing:<br>• Transmission lines and structures (over 50,000 Volts) |

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| | • Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts)<br>• Substation~~s~~, roads and highways<br>• Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer).<br>[Final Order on ASC (2017), Siting Standard Condition 3] |
| ***STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]*** | |
| OPR-NC-01 | During operation of the facility, if required to meet the maximum allowable decibel threshold of 50 dBA, the certificate holder shall only operate the facility with the noise mitigation that is identified prior to construction pursuant to Condition PRE-NC-01. After beginning operation of the facility, the certificate holder shall include documentation in its annual Compliance Report confirming that the noise mitigation measures implemented at the turbines and other equipment identified in the preconstruction analysis required by Condition PRE-NC-01 are at or below the identified dBA reduction level.<br>[Final Order on ASC (2017), Noise Control Condition 3; AMD1 (2024)] |
| OPR-NC-02 | During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint.<br>[Final Order on ASC (2017), Noise Control Condition 4] |
| OPR-NC-03 | During operation, in response to a complaint from the owner of a noise sensitive property regarding noise levels from the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder.<br>[Final Order on ASC (2017), Noise Control Condition 5] |

### 4.7 Retirement Conditions (RET)

| Condition Number | Retirement (RET) Conditions |
|---|---|
| ***STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]*** | |
| RET-RF-01 | The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-025-0006(9). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site.<br>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 2]<br>[Mandatory Condition OAR 345-025-0006(9)] |
| RET-RF-02 | If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-025-0006(9), the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council's approval.<br>Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in section (8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.<br>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 3]<br>[Mandatory Condition OAR 345-025-0006(16)] |

## 5.0 Successors and Assigns

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

## 6.0 Severability and Construction

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

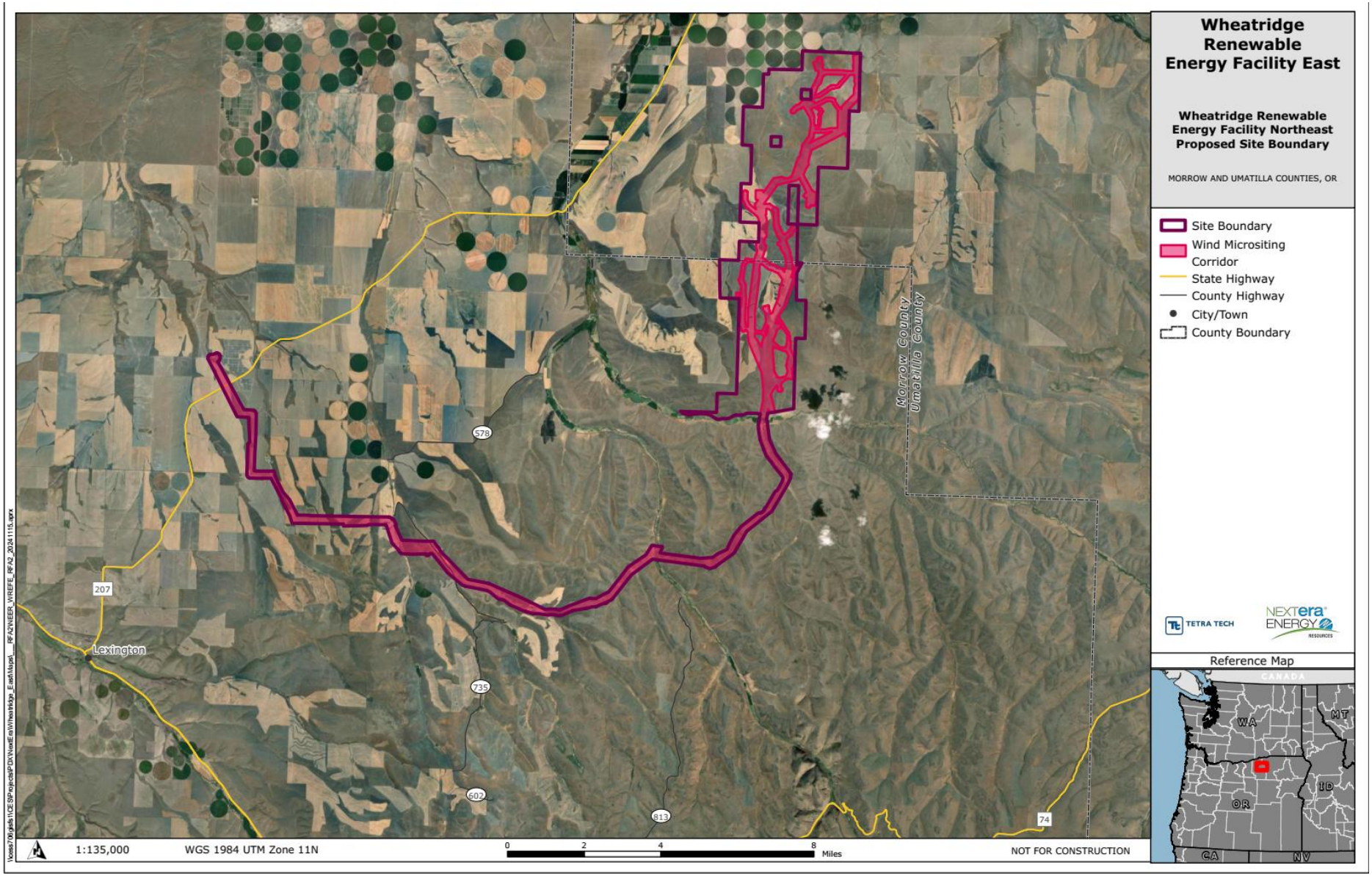
## 7.0 Execution

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

**IN WITNESS THEREOF**, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Wheatridge Northe~~E~~ast, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (certificate holder/certificate holder owner).

| **ENERGY FACILITY SITING COUNCIL** | **WHEATRIDGE NORTHEAST WIND, LLC** |
|---|---|
| By: _____ | By: _____ |
| Date: _____ | Date: _____ |

# Attachment A
# WREFNE Site Boundary Map


Wheatridge Renewable Energy Facility East
Wheatridge Renewable Energy Facility Northeast Proposed Site Boundary
MORROW AND UMATILLA COUNTIES, OR
Site Boundary
Wind Micrositing Corridor
State Highway
County Highway
City/Town
County Boundary
Morrow County
Umatilla County
Lexington
207
578
735
602
813
74
TETRA TECH
NEXTera ENERGY RESOURCES
Reference Map
CANADA
WA
MT
ID
OR
CA
NV
1:135,000
WGS 1984 UTM Zone 11N
0 2 4 8
Miles
NOT FOR CONSTRUCTION

***Wheatridge Renewable Energy Facility Northeast***

Attachment B: Draft Habitat Mitigation Plan

# Wheatridge Renewable Energy Facility
# NortheEast

# Draft Habitat Mitigation Plan

**Prepared for**
**Wheatridge NortheEast Wind, LLC**

**Prepared by**

TETRA TECH

**Q1January 202665**

[With Revisions recommended by the Department]

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Figure 2. Habitat Mitigation Plan - Full 2100-Acre Parcel

~~Figure 3. WGS Modeled Habitat and Area Available for Habitat Mitigation Areas (HMA)~~ **~~(Confidential– provided under separate cover)~~**

~~Figure 4. Soil Types and Area Available for Habitat Mitigation Areas (HMA)~~ **~~(Confidential– provided under separate cover)~~**

~~Figure 5. Washington Ground Squirrel Habitat and Area Available for Habitat Mitigation Areas (HMA)~~ **~~(Confidential– provided under separate cover)~~**

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Appendix A. Wildlife Observed at the Project

Appendix B. Annual Monitoring Report Outline

# 1.0 Introduction

The Wheatridge Renewable Energy Facility East (Facility) is an approved wind energy generation facility with the capacity to generate up to 300 megawatts (MW). As approved, the Facility has up to 107 wind turbines with associated supporting facilities, and is located within an approved Site Boundary of approximately 78,985 acres across Morrow and Umatilla counties, Oregon.

The northeastern portion of the approved Facility (located in both Umatilla and Morrow counties) has yet to begin construction, and the Certificate Holder proposes to split this area from the remainder of the Facility currently under construction. Request for Amendment 2 (RFA 2) seeks to divide the Facility into two separate facilities within the approved Site Boundary.

1. **Wheatridge Renewable Energy Facility East (WREFE)** – Wind energy facility in Morrow County including 71 wind turbines and related or supporting facilities, with a total generating capacity up to 200 MW. The Certificate Holder and Certificate Holder Owner will remain the same.
2. **Wheatridge Renewable Energy Facility Northeast (WREFNE)** – Wind energy facility in Morrow and Umatilla counties including 36 wind turbines and related or supporting facilities, with a total generating capacity up to 100 MW. The Certificate Holder will be changed to Wheatridge Northeast Wind, LLC. NextEra Energy Resources will remain the Certificate Holder Owner.

Once the amendment process is complete, each facility will be a stand-alone Facility but may share related or supporting facilities with one another similar to other projects approved by the Energy Facility Siting Council (EFSC). This includes splitting the Site Boundary and micrositing corridors. This Habitat Mitigation Plan (HMP) has been prepared for WREFNE, to support the Facility's RFA 2.

This Draft HMP provides a path forward for meeting the habitat mitigation needs of the WREFNE portion of the Facility. The Certificate Holder has conducted habitat categorization surveys and other biological studies that inform habitat categorization in accordance with the Oregon Department of Fish and Wildlife's (ODFW) Fish and Wildlife Habitat Mitigation Policy, Oregon Administrative Rules (OAR) 635-415-0000 through 0025. The Certificate Holder has also identified potential mitigation opportunities and potential habitat enhancement actions.

The Certificate Holder's goal is to preserve and maintain in-kind habitat in the Columbia Basin Ecoregion to achieve a net benefit to Category 2 habitat, and no net loss of Categories 3 and 4 through the measures described in this Draft HMP. The proposed concepts were discussed with personnel from the ODFW on August 20, 2012 and on July 11, 2014. The February 2020 version of this document was approved at the March 13, 2020 ~~Council~~ meeting, through request by the Certificate Holder to amend the previously finalized HMP for the Wheatridge Wind Energy Facility. The January 2024 version was updated to accompany Request for Amendment (RFA 1). This ~~January 2025~~2026 version was updated to accompany RFA 2, as described above. The actual acres

of temporary and permanent impacts and the associated mitigation requirements will be determined based on the final design and included in a final HMP prior to construction.

# 2.0 Plan Finalization Requirements

## 2.1 Legal Instrument

Prior to construction and as part of plan finalization, the certificate holder shall provide a draft of the legal instrument to ODOE for review and approval, in consultation with ODFW. ODOE and ODFW review will ensure, at a minimum, that the legal instrument demonstrates or includes the following:

- References and is consistent with the HMP;
- A map and description of all existing structures, impervious surfaces, and access road networks within the HMA;
- Identification of and restrictions on conflicting uses within the HMA, including, but not limited to new roads and associated infrastructure, transmission lines and energy development, land division, and establishment of a feedlot;
- Identification of allowable uses that demonstrate consistency with the HMP wildlife habitat goals;
- Specifies that ODOE has authority to conduct inspections pursuant to OAR 345-026-0050 to ensure that habitat mitigation area(s) are being managed consistent with the HMP, with reasonable written notice to the property owner and Applicant; and
- Includes a term specifying the duration of the agreement which shall extend for the operational lifetime of the facility and through completion of facility decommissioning, consistent with the duration of the facility's permanent habitat impacts.

## 2.2 Pre-construction HMP Finalization

As required by Fish and Wildlife Habitat Condition 10 (PRE-FW-04), prior to construction, this draft HMP will be finalized based on the following:

- Provide ODOE and ODFW with a map of the HMA, including the latitude and longitude, township, range, section, quartersection, and county;
- Submit a habitat assessment conducted at the HMA
- Designate the location(s) of where the physical and operational Enhancement actions are to occur; and

# ~~2.0~~3.0 Habitat Categories and Habitat Types

In compliance with Condition PRE-FW-01, a pre-construction habitat survey was conducted to verify habitat subtypes and habitat categories of all areas to be affected by the Facility. The ODFW Fish and Wildlife Habitat Mitigation Policy provides a framework to categorize habitats based on type, quality, availability, and usefulness/importance to wildlife, and establishes mitigation goals and implementation standards for each. Table 1 defines each of the six habitat category types as presented in the ODFW Habitat Mitigation Policy.

**Table 1. Habitat Categorization Types**

| Category Type | Definition[1] | Mitigation Goal |
|---|---|---|
| 1 | Irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage. | The mitigation goal for Category 1 habitat is no loss of either habitat quantity or quality. |
| 2 | Essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage. | The mitigation goal if impacts are unavoidable is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality. |
| 3 | Essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population. | The mitigation goal is no net loss of either habitat quantity or quality. |
| 4 | Important habitat for fish and wildlife species. | The mitigation goal is no net loss of either habitat quantity or quality. |
| 5 | Habitat for fish and wildlife having high potential to become either essential or important habitat. | The mitigation goal, if impacts are unavoidable, is to provide a net benefit in habitat quantity or quality. |
| 6 | Habitat that has low potential to become essential or important habitat for fish and wildlife. | The mitigation goal is to minimize impacts. |
| 1. Source: OAR 635-415-0025. | | |

# ~~3.0~~4.0 Temporary and Permanent Impacts

Impacts may be permanent or temporary. Permanent impacts are defined as those impacts that will exist for the life of the Facility. Temporary impacts are those impacts that will last for a time less than the life of the Facility. The duration of temporary impacts to habitat will vary by habitat subtype. For example, the recovery period for agricultural areas that were temporarily disturbed could be as short as 1 to 3 years, grasslands generally recover within 3 to 7 years, and shrublands may require 10 to 50 years to recover (with the longer recovery periods associated with disturbances in mature sagebrush [*Artemisia* sp.] habitats). The Certificate Holder will restore temporary impacts consistent with the Revegetation Plan.

As described in Exhibit P, Category 1 habitat includes habitat within 785 feet of documented Washington ground squirrel (*Urocitellus washingtoni*; WAGS) colonies. Category 1 habitat occurs within the WREFNE portion of the Site Boundary, but the Facility is designed and microsited to avoid Category 1 habitat. Therefore, there are no impacts to Category 1 habitat. Category 2 habitat occurs in the WREFNE Site Boundary and will be impacted by the Facility. Category 2 habitat is associated with ODFW Mule Deer Winter Range (ODFW 2013), areas of potential WAGS use, areas of high quality sagebrush shrub-steppe, and streams with resident and migratory native fish. Areas of potential WAGS use are adjacent to and within 4,921 feet (1.5 kilometers [km]) of WAGS colonies, excluding the 785-feet of Category 1 habitat. Areas of potential WAGS use are not occupied by any squirrels either for burrowing or foraging, but contain similar habitat type and quality as the adjacent WAGS Category 1 habitat. Category 3, 4, and 6 habitat will also be impacted by the Facility, while Category 5 habitat is not identified in the WREFNE Site Boundary. Table 2 shows the acres of permanent and temporary impacts in each habitat category by habitat subtype for the Facility.

**Table 2. Temporary and Permanent Impacts by Habitat Category and Habitat Subtype**

| Habitat Category | Habitat Type-Subtype | Impact (acres) | |
|---|---|---|---|
| | | Perm. | Temp. |
| 2 | Grassland-Exotic Annual | 6.4 | 76.5 |
| | Grassland-Native Perennial | 4.7 | 71.0 |
| | Shrub-steppe-Rabbitbrush/Snakeweed | <0.1 | 6.1 |
| | Riparian Forest and Natural Shrubland Complexes-Eastside (Interior) Riparian | <0.1 | <0.1 |
| | Open Water – Lakes, Rivers, Streams-Intermittent or Ephemeral Streams | <0.1 | 0.1 |
| | Wetlands – Riverine | <0.1 | 0.2 |
| **Total** | | **11.1** | **153.8** |
| 3 | Grassland-Native Perennial | 0.3 | 5.6 |
| | Shrub-steppe-Basin Big Sagebrush | 0.5 | 5.1 |

| Habitat Category | Habitat Type-Subtype | Impact (acres) | |
|---|---|---|---|
| | | Perm. | Temp. |
| **Total** | | **0.8** | **10.7** |
| 4 | Grassland-Exotic Annual | 5.7 | 44.3 |
| | Shrub-steppe-Rabbitbrush/Snakeweed | - | 0.1 |
| | Open Water – Lakes, Rivers, Streams-Intermittent or Ephemeral Streams | <0.1 | <0.1 |
| **Total** | | **5.7** | **44.5** |
| 6 | Developed-Dryland Wheat | 14.4 | 60.6 |
| | Developed-Irrigated Agriculture | <0.1 | 0.9 |
| | Developed-Other | <0.1 | 11.2 |
| **Total** | | **14.5** | **72.7** |
| **Grand Total** | | **32.0** | **281.7** |
| Note: Totals in this table may not sum correctly due to rounding; "-" means no impact while <0.1 means greater than zero but less than 0.05 acres impact. Impacts are based on the Facility layout and habitat mapping as of January 2024. | | | |

## ~~4.0~~5.0 Methods for Calculating Mitigation

Table 3 shows the methods for calculating mitigation for permanent impacts. Table 4 shows the methods for calculating mitigation for temporary impacts, including the results of slight departures in methods from the February 2020 version of this document based on subsequent coordination with ODFW and the Oregon Department of Energy (ODOE) during pre-construction compliance for the adjacent Wheatridge Renewable Energy Facility I and Wheatridge Renewable Energy Facility II. The Certificate Holder is not proposing compensatory mitigation under the ODFW Fish and Wildlife Habitat Mitigation Policy for impacts to Category 6 habitat.

**Table 3. Calculating Mitigation for Permanent Impacts**

| Habitat Category | Impact Acres | Mitigation Ratio[1] | Mitigation Need | Mitigation Description |
|---|---|---|---|---|
| Category 2 | 11.1 | 2:1 | 22.2 | The mitigation goal for Category 2 habitat is "no net loss" and "net benefit." Accordingly, mitigation for permanent impacts on Category 2 habitat needs to demonstrate a net benefit in quality or quantity. |
| Category 3 and Category 4 | 6.5 | 1:1 | 6.5 | The mitigation goal for Category 3 & 4 habitat is "no net loss" in quantity or quality. |
| Category 6 | 14.5 | 0:1 | 0 | The mitigation goal for impacts on Category 6 habitat is minimization; no compensatory mitigation proposed. |
| **Grand Total** | 32.0 | -- | 28.7 | -- |
| 1. Acres mitigation per acres impacted.<br>Note: Totals in this table may not sum correctly due to rounding. | | | | |

**Table 4. Calculating Mitigation for Temporary Impacts**

| Habitat Category | Habitat Subtype | Impact Acres | Mitigation Ratio[1] | Mitigation Needs | Mitigation Description |
|---|---|---|---|---|---|
| Category 2 | Grassland-Exotic Annual, Grassland-Native Perennial, Open Water – Lakes, Rivers, Streams – Intermittent or Ephemeral Streams, Riparian Forest and Natural Shrubland Complexes – Eastside (Interior) Riparian, Wetlands – Riverine Wetlands | 147.7 | 0:1 | 0.0 | The mitigation goal for Category 2 habitat is "no net loss" and "net benefit." Accordingly, mitigation for temporary impacts on Category 2 habitat needs to demonstrate a net benefit in quality or quantity. Mitigation would be an equal or greater amount of acreage than what is impacted by the Facility for areas with longer recovery periods (i.e., shrub-steppe). All areas of temporary disturbance would be restored at the site of impact. The proposed mitigation ratio would meet the "net benefit" requirement and would account for the temporary loss of habitat function during restoration. |
| | Shrub-steppe Rabbitbrush/Snakeweed | 6.1 | 1:1 | 6.1 | |
| Category 3 | Grassland – Native Perennial | 5.6 | 0:1 | 0 | The mitigation goal for Category 3 and 4 habitat is "no net loss" in quantity or quality. The proposed mitigation ratio would result in a lesser amount of acreage of mitigation than what is impacted by the Facility. Combined with restoration of temporary disturbances. |
| | Shrub-Steppe Basin Big Sagebrush | 5.1 | 1:1 | 5.1 | |
| Category 4 | Grassland – Exotic Annual, Open Water - Lakes, Rivers, Streams – Intermittent or Ephemeral Streams | 44.3 | 0:1 | 0 | |

| Habitat Category | Habitat Subtype | Impact Acres | Mitigation Ratio[1] | Mitigation Needs | Mitigation Description |
|---|---|---|---|---|---|
| | Shrub-steppe Rabbitbrush/Snakeweed | 0.1 | 0.5:1 | 0.07 | the proposed mitigation ratio is intended to account for the temporary loss of habitat functionality and meet the "no net loss" goal. Temporary disturbances to Category 3 and Category 4 Grasslands are not mitigated beyond restoration. |
| Category 6 | Developed-Dryland Wheat, Developed - Irrigated Agriculture, Developed-Other | 72.7 | 0:1 | 0 | The mitigation goal for Category 6 habitat is minimization; no compensatory mitigation is proposed. |
| **Grand Total** | – | **281.7** | – | **11.3** | |

1. Mitigation ratios adapted from the February 2020 HMP Wheatridge Wind Energy Project Habitat Mitigation Plan, available here: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-03-13-WRW-Amended-HMP.pdf

As proposed in RFA 2, Facility impacts would result in the need for WREFNE mitigation to include 28.7 acres of mitigation for permanent impacts and 11.3 acres of mitigation for temporary impacts, or approximately 40 acres total mitigation. As described above, the actual acres of temporary and permanent impacts and the associated mitigation requirements will be determined based on the final design and included in a final HMP prior to construction.

Prior to construction, the Certificate Holder shall provide an estimate, in tabular format, of the acres of temporary and permanent impacts shown in Table 2 with the mitigation ratios shown in Table 3 and Table 4 to provide an updated estimate of mitigation requirements.

As a commitment to ensuring no loss of habitat quality for temporary disturbances to wildlife habitat, the Certificate Holder may provide additional compensatory habitat mitigation for temporary disturbances to Grassland-Native Perennial habitat and other habitats with intact native plant communities that do not recover within five years of disturbance. Grassland habitats are typically assumed to be able to recover within five years of disturbance. Therefore, the Certificate Holder will work with ODFW to develop and implement an adaptive management plan to address mitigation shortfalls in areas where revegetation does not meet success criteria within five years. However, the Certificate Holder is hopeful that with appropriate oversight of revegetation contractors, the restoration of habitats will be successful within the five-year period and no adaptive management or additional mitigation would be required.

# ~~5.0~~6.0 Habitat Mitigation Area

The Habitat Mitigation Area (HMA) is the area where the Certificate Holder is proposing to perform enhancement and preservation actions that are in addition to the revegetation of areas of temporary disturbance associated with the Facility. The HMA must be large enough and have the characteristics to meet the standards set in OAR 635-415-0025.

According to ODFW standards, areas appropriate for mitigation of Category 2 and Category 3 habitat impacts must provide "in-kind" mitigation which creates similar structure and function to that being disturbed and also be "in-proximity" to the Facility and have potential for habitat enhancement. The Certificate Holder identified privately-owned land that contains native and revegetated uplands of interest and importance for conservation. The Certificate Holder also looked for land that is within designated mule deer winter range. The Certificate Holder identified up to ~~80.0~~79.6 acres that are available as mitigation for WREFNE, where the HMA will be located (Figure 1). The Certificate Holder has a previously executed conservation easement for 460 acres, of which 380 acres has been accounted for across four different HMAs (Figure 1). Therefore, the Certificate Holder has approximately 80~~.0~~ acres remaining in the executed conservation easement to use as an HMA to fulfill other mitigation requirements in part or whole.

## ~~5.1~~6.1 Habitat Assessment and Mitigation Accounting

The Certificate Holder has identified approximately 80~~.0~~ acres of suitable in-kind and in-proximity habitat that is available for mitigation for WREFNE impacts on 2,100 acres of private land (see Table 5; i.e., within the Olex Property Boundary depicted in Figure 1) along Rock Creek in Gilliam County within which they will establish an HMA for this Facility, alongside HMAs established for the Wheatridge Renewable Energy Facility I, II, and III projects, and WREFE of the Facility (Figure 1). The entire 2,100 acres are within Category 2 mule deer winter range. The primary habitat subtypes within the available ~~80.0~~79.6 acres consist primarily of Category 2 Native Perennial Grassland and Shrub-steppe Mosaic. The total number of acres to be set aside in the HMA will be determined and updated prior to construction when the layout and mitigation needs are finalized.

**Table 5. Habitat Category and Habitat Subtypes within the HMA**

| Habitat Category | Habitat Subtype | Area (Acres) |
|---|---|---|
| 2 | Native Perennial Grassland and Shrub-steppe Mosaic | 77.1 |
| | Old Field | 2.5 |
| | Developed | 0.1 |
| | **TOTAL** | 79.6 |

Wildlife species usage of the approximately 2,100-acre property in which the HMA lies has been recorded for the past 11 years and is similar to what has been recorded during surveys of the Facility. There are 152 bird species recorded from the property containing the HMA. This includes

special status nesting bird species such as grasshopper sparrow. Several species of raptors, including golden eagle and ferruginous hawk, have been documented hunting on the property containing the HMA and some species nest onsite or in the general area. Mule deer and occasionally elk are observed wintering in the HMA and nearby. Appendix A includes a list of wildlife species observed at the property. Wind-blown ridges and south-facing slopes provide for early green-up big game forage. Other long-term conserved habitat (approximately 324 acres) consisting of Native Perennial Grassland and Shrub-steppe Mosaic, cliffs and escarpments along canyons is nearby (Figure 2). The property supports documented WAGS use areas and habitat. With the addition of this HMA, a larger more contiguous tract of preserved habitat will be available for wildlife that provides important functionality and connectivity along Rock Creek in the Columbia Plateau.

~~Based on the acreage of preliminary permanent impacts to WAGS habitat included in the preliminary RFA 1 submittal to ODOE, ODOE requested additional evidence to support mitigation of permanent impacts to Category 2 WGS habitat. This proposed acreage of permanent impacts to WAGS habitat has been reduced and the description here provides the requested evidence. The previously approved HMP provided mitigation for impacts to Category 2 WAGS habitat and was developed in coordination with ODFW (ODOE 2020). This updated HMP, submitted as part of RFA 1, continues to provide mitigation for impacts to Category 2 WAGS habitat, as the areas available for mitigation 1) contain suitable WAGS habitat (e.g., native perennial grassland and shrub-steppe mosaic within soil types suitable for WAGS and overlapping with WAGS modelled habitat), and 2) are located within the range of WAGS (and the same ecoregion as the Facility). Additionally, this HMP describes enhancement actions that would benefit WAGS through habitat improvements (e.g., noxious weed control, seeding and planting of native plants, fire response and control, and strategic removal of WAGS mammalian predators; see Section 5.2). Additional evidence to support how the proposed mitigation will satisfy requirements for in-kind, in-proximity mitigation of impacts to Category 2 WAGS habitat is provided in the description below and in Figures 3, 4, and 5.~~

### ~~*5.1.1 WAGS Habitat Suitability*~~

~~The areas available for mitigation contain WAGS habitat suitable for in-kind mitigation. The majority of the areas available for mitigation were modeled by the Washington Wildlife Habitat Connectivity Working Group (WHCWG 2012) as WAGS habitat concentration areas with very high connectivity, and by the Institute for Natural Resources (INR 2011) as good quality habitat for WAGS (Figure 3). WAGS are most common in shrub-steppe habitats with deep sandy, or silt-loam soils that support the creation of burrows (Betts 1990, Yensen and Sherman 2003).~~

~~The habitat types mapped within these areas include habitat types typically identified as suitable for WAGS (i.e., Native Perennial Grassland and Shrub-steppe Mosaic), as well as habitat types where WAGS can occur and where there is opportunity to improve habitat quality for WAGS (e.g., Revegetated or Other Planted Grassland; see Figure 1). These areas available for mitigation include silt loam soil types that support the deep burrowing required by WAGS, including Mikkalo silt loam and Ritzville silt loam (Figure 4). Mikkalo soils consist of moderately deep, well drained soils on canyons, hills, plateaus, and ridges from 300 to 2,800 feet. Ritzville soils consist of very deep and~~

~~deep to duripan, well drained soils typically found on upland plateaus and benches from 700 to 3,000 feet.~~

~~Although comprehensive WAGS surveys within the Olex Property Boundary have not been conducted, WAGS have been documented incidentally within the Olex Property Boundary and the Category 2 habitat associated with the known colony extends into the area available for mitigation (Figure 5). The soils where the known WAGS colony is located within the Olex Property Boundary consist of Ritzville Silt Loam and Mikkalo Silt Loam, which also occur within the areas available for mitigation, indicating the areas available for mitigation also contain suitable habitat for WAGS (Figure 4). Based on the known presence of WAGS within the Olex Property Boundary and the suitability of the areas available for mitigation for WAGS, conserving and uplifting habitat as proposed in the HMP could provide WAGS habitat connectivity at a large scale to support the species' dispersal, as well as WAGS breeding and foraging.~~

### ~~*5.1.2 WAGS In-Proximity Mitigation*~~

~~The areas available for mitigation are located within the Columbia Plateau Ecoregion and are suitable for in-proximity WAGS mitigation. Ecoregions are the basis for ODFW's Oregon Conservation Strategy (OCS) and are areas with similar climate and vegetation (OCS 2016). The OCS describes shared characteristics, conservation issues and priorities, limiting factors, and recommended approaches for each ecoregion, including the Columbia Plateau Ecoregion. Both the Facility and the areas available for mitigation are located within the Columbia Plateau Ecoregion as well as within the range of WAGS, and therefore the areas available for mitigation are suitable for in-proximity WAGS mitigation. Furthermore, the OCS (2016) identifies Conservation Opportunity Areas as places where broad fish and wildlife conservation goals would best be met and to guide conservation actions. The areas available for mitigation are located within the Rock Creek – Butter Creek Grasslands Conservation Opportunity Area, which stretches between the Olex Property Boundary and the Facility, indicating that the areas available for mitigation are both desirable for conservation and connected to the Facility by this Conservation Opportunity Area, which contains intact grassland habitat (OCS 2016).~~

## ~~5.2~~6.2 Habitat Enhancement Actions

Habitat designated for mitigation will be conserved and uplifted for the life of the Facility. Final detailed enhancement actions and monitoring procedures will be designed in consultation with the ODFW and biologists familiar with the HMA. Besides such legal protection to ensure no development, potential enhancement actions for the HMA include the following.

- Grazing practices compatible with conservation. Wildlife habitat values have priority and livestock grazing will be reduced or restricted from the HMA to ensure that habitat is maximally useful to wildlife, livestock grazing can be used as a wildlife habitat enhancement tool.

- The Certificate Holder will work with the landowner to monitor and control or eradicate any State or County-designated noxious weeds impacting wildlife habitat quality. A Weed Plan will be prepared.
- Seeding and planting with native plants—sagebrush and bunch grasses—will occur in reasonable proportion to the acres of functional sagebrush and native grassland habitats lost through Facility construction. Sagebrush seeding and/or planting will provide future cover and browse for wintering mule deer. Specific details for amount and extent to be determined after final Facility impacts are known. Native grassland plugs and young shrubs can be planted in sensitive areas where seeding is not appropriate.
- A plan for fire response and control will be in place and applied to the HMA, similar to the fire response planning that has been conducted for the adjacent HMAs associated with the Wheatridge Renewable Energy Facility I, II, and III projects and WREFE of the Facility. Fire planning primarily consists of providing a map of strategic access routes to the HMA and contact information to the North/South Gilliam County Rural Fire Protection District and checking with the District for any updated information annually before the fire season. ~~It will include fire prevention measures, methods to detect fires, and a protocol for fire response and suppression.~~
- ~~Wildlife Projects:~~
    - ~~Where old barbed wire fence on the HMA presents potential problems for big game and other wildlife, the Certificate Holder will work with the landowner to remove such fencing.~~
    - ~~Wildlife guzzler as a watering source for wildlife, if the wildlife guzzlers currently present are insufficient.~~
    - ~~Install burrowing owl artificial burrows. Burrows would be paired, and pairs separated by 0.25 mile.~~
    - ~~Install artificial raptor nest platforms (target species is Ferruginous hawk).~~
    - ~~Strategic removal of WAGS mammalian predators. An example would be to live-trap and transplant badgers that are disturbing ground squirrel natal sites in the fall and winter.~~
- Boundary fence repair and replacement. Where the HMA adjoins other private land or public roads, the fenceline will be repaired to be functional as needed (e.g., where burned in 2008 and not repaired or replaced) to deter people and cattle from entering the HMA.
- Habitat protection will involve restricting any uses of the mitigation area that would be inconsistent with the goals of no net loss of habitats in Categories 2, 3, and 4 and a net benefit to Category 2 habitat quantity or quality.

Enhancement activities will be performed on an appropriate portion of the HMA to meet the required mitigation goals.

## ~~5.3~~6.3 HMA Monitoring

The Certificate Holder will hire a qualified, independent investigator (wildlife biologist, botanist, or revegetation specialist) to conduct monitoring at the HMA and the success of its protection and (within applicable acres) enhancements. Monitoring duration is for the life of the Facility, with annual monitoring occurring over the first ~~five~~ 5 years. After Year 5, a long-term monitoring plan will be developed in consultation with ODOE and ODFW. At a minimum, annual monitoring for the first five years will include assessments of:

- Description of the amount and quality of vegetation at the HMA.
- Description of the year-to-date climate data;
- Description of any grazing that has occurred since the previous monitoring;
- Success of weed control measures;
- Degree of recovery of native grasses and forbs following disturbances such as habitat enhancement actions, fire, or erosion;
- Success of sagebrush plantings, if applicable;
- Documentation of removal of any problematic barbed wire fence;
- Wildlife observed and notes on special status species (wildlife and plants) encountered during routine monitoring; and
- Observations of wintering mule deer will be recorded as observed from a distance (so disturbance is kept at a minimum).

Methods and results of monitoring will be reported to ODOE and ODFW, along with a report of the mitigation/enhancement measures undertaken since the last monitoring report. An annual monitoring report outline is included as Appendix B. This outline is subject to change based on actual impacts and mitigation.

## ~~5.4~~6.4 HMA Success Criteria

The goal of the habitat mitigation described herein is to protect and enhance a sufficient quantity of habitat to meet ODFW standards of no net loss of habitat Category 3 and Category 4 and a net benefit of habitat quantity and quality of Category 2. Habitat protection alone—apart from enhancement—is not sufficient to meet the net-benefit criterion for Category 2 habitat. The entire HMA is within Category 2 mule deer winter range, so modifying the category through habitat enhancement actions is not possible. However, habitat enhancement actions will be implemented, and progress can be monitored against baseline conditions to determine success. Table 6~~5~~ shows the success criteria for the habitat enhancement actions proposed in Section 5.2.

**Table 6. HMA Success Criteria**

| Habitat Enhancement Action | Success Criteria |
|---|---|
| Grazing practices compatible with conservation | The Easement terms state that grazing, nature study, and other land uses are permitted provided that conservation and wildlife habitat values and wildlife use shall take precedence and priority where such uses are or may be deemed incompatible.<br>Under the current ownership, no livestock grazing is expected. If grazing is used in the future, monitoring of shrub recruitment and recruitment of other desirable shrub-steppe species can occur through photo point monitoring and qualitative observations. |
| Weed control | Control of noxious weeds at the HMA. Photo point monitoring will show that known sites of noxious weeds are not expanding or have been reduced or eliminated. Chemical control is the most likely method to be used; however, mechanical control methods may also be used depending on site-specific conditions. |
| Planting of sagebrush. | Successful establishment of sagebrush on an appropriate acreage to be determined prior to construction. Photo point and transect monitoring will show successful shrub establishment where planted. Plantings will generally be considered successful if shrub density is equal to or greater than 40 percent of the planting density after 4 years. |
| Fire response plan | Prepare a Plan for HMA Management use and deliver a map of suggested access routes to the HMA and other priority areas and provide HMA manager/landowner contact information to the North/South Gilliam County Rural Fire Protection District. |
| Modification of winter human activities | Minimize human disturbance on the HMA from December 1 to March 31. Schedule routine ranch activities to be performed during other times of the year. There are no public roads or access points in or adjacent to the HMA. Ensure that signage where public roads intersect with access points to the property within which the HMA is located are clearly marked as private property with no trespassing. |
| Removal of problematic barbed wire fences | Removal and disposal of problematic barbed wire fencing will be deemed successful through photographic documentation. |

# ~~6.0~~7.0 Implementation Schedule

As required by condition PRE-FW-04(e), Table ~~7~~6 includes a schedule for implementation of all mitigation actions, including those covered in other pre-construction compliance plans.

**Table ~~7~~6. Mitigation Implementation Schedule**

| Mitigation Action | Schedule | Associated Plan |
|---|---|---|
| Restoration and revegetation of temporary construction-related impacts at the Facility. | As soon as possible following construction. Late fall seeding, just before the soil freezes, is typical when seeding grasses in the Columbia basin shrub-steppe ecoregion. Seeding can occur through early spring. | Revegetation Plan |
| Monitoring revegetation success at the Facility. | Annually for the first 5 years. Annual monitoring is anticipated to occur in the fall, with the annual monitoring report being provided the following spring.<br><br>The Certificate Holder will consult with ODOE and ODFW to design a long-term monitoring schedule. | Revegetation Plan |
| Monitoring weed control in the Facility revegetation areas. | Annually for the first five years. Early detection is paramount for successful weed control. Therefore, monitoring may occur earlier in the growing season and again during revegetation monitoring. Reporting on noxious weeds will be included in the revegetation annual monitoring report.<br>The Certificate Holder will consult with ODOE and ODFW to design a long-term monitoring schedule. | Noxious Weed Control Plan |
| Securing the conservation easement establishing the HMA, where not already established. | Prior to commencing construction. | Habitat Mitigation Plan |
| Performing habitat enhancement actions at the HMA. | Concurrently with construction. | Habitat Mitigation Plan |

| Mitigation Action | Schedule | Associated Plan |
|---|---|---|
| Monitoring habitat enhancement actions at the HMA. | Annually for the first 5 years. Annual monitoring is anticipated to occur in the fall, with the annual monitoring report being provided the following spring.<br>Then the Certificate Holder will consult with ODOE and ODFW to design a long-term monitoring schedule. | Habitat Mitigation Plan |

## ~~7.0~~8.0 Amendment of the HMP

The final HMP may be amended from time to time by agreement of the Certificate Holder and EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this plan. ODOE shall notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this plan agreed to by ODOE.

## ~~8.0~~9.0 References

~~Betts, B.J. 1990. Geographical distribution and habitat preferences of Washington ground squirrels (*Spermophilus washingtoni*). Northwestern Naturalist 71:27-37.~~

~~INR (Institute for Natural Resources). 2011. Washington Ground Squirrel (*Spermophilus washingtoni*), Predicted habitat within occupied watersheds, 01/2008, updated 07/2011. Oregon Wildlife Explorer, Oregon Explorer, Institute to Natural Resources and Oregon State University. Accessed April 26, 2017. Available online at oe.oregonexplorer.info/Wildlife/ExternalContent/SpeciesDistributionMaps/AMAFB05020.pdf.~~

~~OCS (Oregon Conservation Strategy). 2016. Oregon Department of Fish and Wildlife, Salem, Oregon.~~

ODFW (Oregon Department of Fish and Wildlife). 2013. ODFW Winter Range for Eastern Oregon. Available online at: https://nrimp.dfw.state.or.us/DataClearinghouse/default.aspx?p=202&XMLname=885.xml

~~ODOE (Oregon Department of Energy). 2020. Final Order on Request for Amendment 1 to the Site Certificate for Wheatridge Renewable Energy Facility II. November 19, 2020. Attachment C-2: Wheatridge Renewable Energy Facility East Draft Habitat Mitigation Plan. Approved at March 13, 2020 EFSC Meeting as part of the WREFII Site Certificate.~~

~~WHCWG (Washington Wildlife Habitat Connectivity Working Group). 2012. Washington Connected Landscapes Facility: Analysis of the Columbia Plateau Ecoregion. Washington Department of Fish and Wildlife, and Washington Department of Transportation, Olympia, WA.~~

~~Yensen, E., and P.W. Sherman. 2003. Ground-dwelling Squirrels of the Pacific Northwest. U.S Fish and Wildlife Service and BLM, Boise, ID. 28 pp. + maps.~~

# Figures

(Figures 1 is confidential and is provided under separate cover)

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# Appendix A. Wildlife Observed at the Project

# Wheatridge Habitat Mitigation Area and Surrounding Area Comprehensive List of all Vertebrate Wildlife Observed 2008–2019

(listed alphabetically within wildlife groups and classes)

| Common Name | *Scientific Name* |
|---|---|
| **Birds - 152** | |
| ***Waterfowl - 11*** | |
| American white pelican | *Pelecanus erythrorhynchos* |
| Blue-winged teal | *Anas discors* |
| Canada goose | *Branta canadensis* |
| Cinnamon teal | *Anas cyanoptera* |
| Common merganser | *Mergus merganser* |
| Greater white-fronted goose | *Anser albifrons* |
| Green-winged teal | *Anas crecca* |
| Mallard | *Anas platyrhynchos* |
| Northern pintail | *Anas acuta* |
| Northern shoveler | *Anas clypeata* |
| Snow goose | *Chen caerulescens* |
| ***Raptors - 21*** | |
| Cooper's hawk | *Accipiter cooperii* |
| Sharp-shinned hawk | *Accipiter striatus* |
| Ferruginous hawk[1] | *Buteo regalis* |
| Red-tailed hawk | *Buteo jamaicensis* |
| Rough-legged hawk | *Buteo lagopus* |
| Swainson's hawk[1] | *Buteo swainsoni* |
| Bald eagle | *Haliaeetus leucocepahlus* |
| Golden eagle | *Aquila chrysaetos* |
| American kestrel | *Falco sparverius* |
| Merlin | *Falco columbarius* |
| Peregrine falcon | *Falco peregrinus* |
| Prairie falcon | *Falco mexicanus* |
| Northern harrier | *Circus cyaneus* |
| Osprey | *Pandion haliaetus* |
| Barn owl | *Tyto alba* |
| Barred Owl | *Strix varia* |
| Great horned owl | *Bubo virginianus* |
| Northern saw-whet owl | *Aegolius acadicus* |
| Short-eared owl | *Asio flammeus* |
| Western screech owl | *Megascops kennicottii* |

| Common Name | *Scientific Name* |
|---|---|
| Turkey vulture | *Cathartes aura* |
| ***Crane - 1*** | |
| Sandhill crane | *Antigone canadensis* |
| ***Dove - 3*** | |
| Eurasian collared-dove | *Streptopelia decaocta* |
| Mourning dove | *Zenaida macroura* |
| Rock pigeon | *Columba livia* |
| ***Gamebird - 5*** | |
| California quail | *Callipepla californica* |
| Chukar | *Alectoris chukar* |
| Gray partridge | *Perdix perdix* |
| Ring-necked pheasant | *Phasianus colchicus* |
| Wild turkey | *Meleagris gallopavo* |
| ***Goatsucker - 2*** | |
| Common nighthawk[1] | *Chordeiles minor* |
| Common poorwill | *Phalaenoptilus nuttallii* |
| ***Gull - 2*** | |
| Franklin's gull | *Larus pipixcan* |
| Western gull | *Larus occidentalis* |
| ***Hummingbird - 4*** | |
| Anna's hummingbird | *Calypte anna* |
| Black-chinned hummingbird | *Archilochus alexandri* |
| Calliope hummingbird | *Stellula calliope* |
| Rufous hummingbird | *Selasphorus rufus* |
| ***Kingfisher - 1*** | |
| Belted kingfisher | *Megaceryle alcyon* |
| ***Shorebird - 5*** | |
| Greater yellowlegs | *Tringa melanoleuca* |
| Killdeer | *Charadrius vociferous* |
| Long-billed curlew[1] | *Numenius americanus* |
| Spotted sandpiper | *Actitis macularius* |
| Wilson's snipe | *Gallinago delicata* |
| ***Swift - 1*** | |
| Vaux's swift | *Chaetura vauxi* |
| ***Wading Bird - 5*** | |
| American bittern | *Botaurus lentiginosus* |
| American coot | *Fulica americana* |

| Common Name | *Scientific Name* |
|---|---|
| Black-crowned night-heron | *Nycticorax nycticorax* |
| Great blue heron | *Ardea herodias* |
| Virginia rail | *Rallus limicola* |
| ***Woodpecker - 5*** | |
| Downy woodpecker | *Picoides pubescens* |
| Hairy woodpecker | *Picoides villosus* |
| Lewis' woodpecker[1] | *Melanerpes lewis* |
| Northern flicker | *Colaptes auratus* |
| Red-naped sapsucker | *Sphyrapicus nuchalis* |
| ***Passerine - 81*** | |
| American goldfinch | *Spinus tristis* |
| American pipit | *Anthus rubescens* |
| American robin | *Turdus migratorius* |
| American tree sparrow | *Spizelloides arborea* |
| Ash-throated flycatcher | *Myiarchus cinerascens* |
| Bank swallow | *Riparia riparia* |
| Barn swallow | *Hirundo rustica* |
| Bewick's wren | *Thryomanes bewickii* |
| Black-capped chickadee | *Poecile atricapillus* |
| Black-headed grosbeak | *Pheucticus melanocephalus* |
| Black-throated gray warbler | *Dendroica nigrescens* |
| Brewer’s blackbird | *Euphagus cyanocephalus* |
| Brown creeper | *Certhia americana* |
| Brown-headed cowbird | *Molothrus ater* |
| Bullock’s oriole | *Icterus bullockii* |
| Bushtit | *Psaltriparus minimus* |
| Canyon wren | *Catherpes mexicanus* |
| Cassin’s finch | *Carpodacus cassinii* |
| Cassin's vireo | *Vireo cassinii* |
| Cedar waxwing | *Bombycilla cedrorum* |
| Chipping sparrow | *Spizella passerina* |
| Cliff swallow | *Hirundo pyrrhonota* |
| Common redpoll | *Acanthis flammea* |
| Common yellowthroat | *Geothlypis trichas* |
| Dark-eyed junco | *Junco hyemalis* |
| Eastern kingbird | *Tyrannus tyrannus* |
| European starling | *Sturnus vulgaris* |

| Common Name | *Scientific Name* |
|---|---|
| Evening grosbeak | *Coccothraustes vespertinus* |
| Fox sparrow | *Passerella iliaca* |
| Golden-crowned kinglet | *Regulus satrapa* |
| Golden-crowned sparrow | *Zonotrichia atricapilla* |
| Grasshopper sparrow[1] | *Ammodramus savannarum perpallidus* |
| Gray flycatcher | *Empidonax wrightii* |
| Hammond's flycatcher | *Empidonax hammondii* |
| Harris's sparrow | *Zonotrichia querula* |
| Hermit thrush | *Catharus guttatus* |
| Horned lark | *Eremophila alpestris* |
| House finch | *Carpodacus mexicanus* |
| House sparrow | *Passer domesticus* |
| House wren | *Troglodytes aedon* |
| Lark sparrow | *Chondestes grammacus* |
| Lazuli bunting | *Passerina amoena* |
| Lesser goldfinch | *Carduelis psaltria* |
| Loggerhead shrike[1] | *Lanius ludovicianus* |
| MacGillivray's warbler | *Oporornis tolmiei* |
| Mountain chickadee | *Poecile gambeli* |
| Northern rough-winged swallow | *Stelgidopteryx serripennis* |
| Northern shrike | *Lanius excubitor* |
| Olive-sided flycatcher | *Contopus cooperi* |
| Orange-crowned warbler | *Oreothlypis celata* |
| Pacific wren | *Troglodytes pacificus* |
| Pine siskin | *Carduelis pinus* |
| Purple finch | *Carpodacus purpureus* |
| Red crossbill | *Loxia curvirostra* |
| Red-breasted nuthatch | *Sitta canadensis* |
| Red-winged blackbird | *Agelaius phoeniceus* |
| Rock wren | *Salpinctes obsoletus* |
| Rose-breasted grosbeak | *Pheucticus ludovicianus* |
| Ruby-crowned kinglet | *Regulus calendula* |
| Savannah sparrow | *Passerculus sandwichensis* |
| Say’s phoebe | *Sayornis saya* |
| Song sparrow | *Melospiza melodia* |
| Spotted towhee | *Pipilo maculatus* |
| Townsend's solitaire | *Myadestes townsendi* |

| Common Name | *Scientific Name* |
|---|---|
| Townsend's warbler | *Dendroica townsendi* |
| Tree swallow | *Tachycineta bicolor* |
| Varied thrush | *Ixoreus naevius* |
| Vesper sparrow | *Pooecetes gramineus* |
| Violet-green swallow | *Tachycineta thalassina* |
| Warbling vireo | *Vireo gilvus* |
| Western kingbird | *Tyrannus verticalis* |
| Western tanager | *Piranga ludoviciana* |
| Western wood-peewee | *Contopus sordidulus* |
| White-breasted nuthatch | *Sitta carolinensis* |
| White-crowned sparrow | *Zonotrichia leucophrys* |
| White-throated sparrow | *Zonotrichia albicollis* |
| Willow flycatcher | *Empidonax traillii* |
| Wilson's warbler | *Wilsonia pusilla* |
| Yellow warbler | *Setophaga petechia* |
| Yellow-breasted chat | *Icteria virens* |
| Yellow-rumped warbler | *Dendroica coronata* |
| ***Corvid - 5*** | |
| American crow | *Corvus brachyrhynchos* |
| Black-billed magpie | *Pica hudsonia* |
| Common raven | *Corvus corax* |
| Steller's jay | *Cyanocitta stelleri* |
| Western scrub-jay | *Aphelocoma californica* |
| **Mammals – 40** | |
| American badger | *Taxidea taxus* |
| American mink | *Neovison vison* |
| Beaver | *Castor canadensis* |
| Belding’s ground squirrel | *Urocitellus beldingi* |
| Big-brown bat | *Eptesicus fuscus* |
| Bobcat | *Lynx rufus* |
| Bushy-tailed woodrat | *Neotoma cinerea* |
| California myotis | *Myotis californicus* |
| Canyon bat | *Parastrellus hesperus* |
| Porcupine | *Erethizon dorsatum* |
| Raccoon | *Procyon lotor* |
| Cougar | *Puma concolor* |
| Coyote | *Canis latrans* |

| Common Name | *Scientific Name* |
|---|---|
| Deer mouse | *Peromyscus maniculatus* |
| Elk | *Cervus elaphus* |
| Fringed myotis | *Myotis thysanodes* |
| Hoary bat[1] | *Lasiurus cinereus* |
| House mouse | *Mus musculus* |
| Little brown myotis | *Myotis lucifugus* |
| Long-eared myotis | *Myotis evotis* |
| Long-legged myotis | *Myotis volans* |
| Long-tailed weasel | *Mustela frenata* |
| Montane vole | *Microtus montanus* |
| Mountain cottontail | *Sylvilagus nuttallii* |
| Mule deer | *Odocoileus hemionus* |
| Northern pocket gopher | *Thomomys talpoides* |
| Ord's kangaroo rat | *Dipodomys ordii* |
| Pallid bat[1] | *Antrozous pallidus pacificus* |
| Pronghorn | *Antilocarpa americana* |
| Red fox | *Vulpes vulpes* |
| River otter | *Lutra canadensis* |
| Silver-haired bat[1] | *Lasionycteris noctivagans* |
| Striped skunk | *Mephitis mephitis* |
| Townsend's big-eared bat[1] | *Corynorhinus townsendii* |
| Virginia opossum | *Didelphis virginiana* |
| Washington ground squirrel[2] | *Urocitellus washingtoni* |
| Western small-footed myotis | *Myotis ciliolabrum* |
| White-tailed deer | *Odocoileus virginianus* |
| White-tailed jackrabbit | *Lepus townsendii* |
| Yellow-bellied marmot | *Marmota flaviventris* |
| **Amphibians and Reptiles - 14** | |
| Common garter snake | *Thamnophis sirtalis* |
| Gopher snake | *Pituophis catenifer* |
| Great Basin spadefoot | *Elgaria coerulea* |
| Long-toed salamander | *Ambystoma macrodactylum* |
| Northern alligator lizard | *Spea intermontana* |
| Northern sagebrush lizard[1] | *Sceloporus graciosus graciosus* |
| Night snake | *Hypsiglena torquata* |
| Pacific chorus frog | *Pseudacris regilla* |
| Side-blotched lizard | Uta *stansburiana* |

| Common Name | *Scientific Name* |
|---|---|
| Racer | *Coluber constrictor* |
| Western fence lizard | *Sceloporus occidentalis* |
| Western rattlesnake | *Crotalus viridis* |
| Western skink | *Eumeces skiltonianus* |
| Western toad | *Bufo boreas* |
| 1. Denotes ODFW Sensitive Species in the Columbia Plateau Ecoregion (ODFW 2021a).[1]<br>2. Denotes ODFW Endangered Species (ODFW 2021b).[2] | |

[1] ODFW. 2021a. Oregon Department of Fish and Wildlife Sensitive Species List. Available online at: https://www.dfw.state.or.us//wildlife/diversity/species/docs/Sensitive_Species_List.pdf

[2] ODFW. 2021b. Threatened, Endangered, and Candidate Fish and Wildlife Species in Oregon. Available online at: https://www.dfw.state.or.us/wildlife/diversity/species/docs/Threatened_and_Endangered_Species.pdf

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# Appendix B. Annual Monitoring Report Outline

# Wheatridge Wind Energy Facility's Habitat Mitigation Area Annual Reporting Outline

## 1.0 Background

- Project statement.
- Identify the monitoring report's timeframe and reference to previous monitoring reports.
- General description of the amount and quality of vegetation at the HMA and discuss if/how it has changed year/year.
- Discuss annual climate data and any disturbances that have occurred on the HMA such as fire, flooding, or erosion.

## 2.0 Enhancement Actions Implemented

- Discussion of enhancement actions performed during this report's monitoring timeframe.

## 3.0 Monitoring of Enhancement Actions

Discussion of monitoring efforts for previous years' enhancement actions

1. Sagebrush plantings
    a. Native shrub density estimates
    b. Native shrub diversity estimates
2. Weed control
    a. Discussion of previous years' treatments
    b. Photo point monitoring of treated areas
3. Guzzler
    a. Discussion of installation and operation
    b. Discussion of maintenance performed
    c. Discussion of weed control and native plant recruitment in areas disturbed during installation.
4. Barbed wire removal

a. Discuss this effort in year that this action is performed, otherwise no monitoring once performed.

## 4.0 Recommendations for Next Year

1. Make recommendations for any adaptive management at sagebrush plantings
2. Make recommendations for weed control efforts

# Appendix A. Sagebrush Monitoring Plot Belt Transect Forms

# Appendix B. Photo Point Monitoring

***Wheatridge Renewable Energy Facility Northeast***

Attachment C: Draft Noxious Weed Plan

# Wheatridge Renewable Energy Facility NortheEast

# Draft Noxious Weed Control Plan

**Prepared for**
**Wheatridge NortheEast Wind, LLC**

**Prepared by**

TETRA TECH

**Q1January 2026**4

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# Appendices

Appendix A. Oregon State Noxious Weed List

Appendix B. Noxious Weed Lists for Morrow and Umatilla Counties

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# 1.0 Introduction

The Wheatridge Renewable Energy Facility East (Facility) is an approved wind energy generation facility with the capacity to generate up to 300 megawatts (MW). As approved, the Facility has up to 107 wind turbines with associated supporting facilities, and is located within an approved Site Boundary of approximately 78,985 acres across Morrow and Umatilla counties, Oregon.

The northeastern portion of the approved Facility (located in both Umatilla and Morrow counties) has yet to begin construction, and the Certificate Holder proposes to split this area from the remainder of the Facility currently under construction. Request for Amendment 2 (RFA 2) seeks to divide the Facility into two separate facilities within the approved Site Boundary.

1. **Wheatridge Renewable Energy Facility East (WREFE)** – Wind energy facility in Morrow County, including 71 wind turbines and related or supporting facilities, with a total generating capacity up to 200 MW. The Certificate Holder and Certificate Holder Owner will remain the same.
2. **Wheatridge Renewable Energy Facility Northeast (WREFNE)** – Wind energy facility in Morrow and Umatilla counties, including 36 wind turbines and related or supporting facilities, with a total generating capacity up to 100 MW. The Certificate Holder will be changed to Wheatridge Northeast Wind, LLC. NextEra Energy Resources will remain the Certificate Holder Owner.

Once the amendment process is complete, each facility will be a stand-alone Facility, but may share related or supporting facilities with one another similar to other projects approved by the Energy Facility Siting Council (EFSC). This includes splitting the Site Boundary and micrositing corridors. This Noxious Weed Control Plan (Plan) has been prepared for WREFNE, to support the Facility's RFA 2.

~~This Draft Noxious Weed Plan (Plan) has been prepared for the Facility.~~ Noxious weed species can adversely affect the structure, composition, and success of revegetation efforts associated with construction-related temporary disturbances. The intent of this Plan is to provide clear methods to prevent the introduction and spread of state and county-designated noxious weeds from the construction and operation of the Facility, to control existing populations of noxious weeds within construction areas, and to monitor efforts to prevent and control noxious weeds. The Certificate Holder and its contractors will be responsible for implementing the methods detailed in this Plan.

This Plan will be finalized based on the following:

1. ~~1.~~ Update Section 2.0 based on location of Facility, at final design.
2. ~~2.~~ Update Appendix A and B based if updated state and county noxious weed lists are available.
3. ~~3.~~ Finalize Appendix C, timing and control methods, based on consultation with the Department, Morrow and Umatilla counties as applicable, for construction and operations.

4. ~~4.~~ Update Section 7.0 with Facility contact names and contact information.

Sections 5.0 and 6.0 includes requirements that apply prior to construction, during construction and for the duration of operations.

**Facility Area of Implementation**

The Facility approved micrositing corridors are located within the Site Boundary, which establishes the locations of turbine strings and encompasses all permanent and temporary Facility infrastructure. Implementation of this Plan applies to designated weed management areas defined as all areas of ground disturbance (i.e., areas disturbed with temporary or permanent impacts or otherwise affected by construction) for Facility infrastructure within the permitted micrositing corridors and a 50-foot buffer around the disturbed area within the micrositing corridors.

# 2.0 Regulatory Framework

## 2.1 State of Oregon

In Oregon, noxious weeds are defined under Oregon Revised Statutes (ORS) 569.175 as "terrestrial, aquatic, or marine plants designated by the Oregon State Weed Board (OSWB) under ORS 569.615 as among those representing the greatest public menace and as a top priority for action by weed control programs." Noxious weeds have been declared by ORS 569.350 as a menace to public welfare, and control of these plants is the responsibility of private landowners and operators, as well as county, state, and federal governments.

The OSWB was created in the Oregon Department of Agriculture (ODA) under ORS 569.600. It provides direction to control noxious weeds at the state level and develops and maintains the Oregon State Noxious Weed List (Appendix A). The OSWB and the ODA classify noxious weeds in Oregon in accordance with the ODA Noxious Weed Classification System (ODA 2025~~4~~). There are three designations under the State's system:

- **Class A State Listed Noxious Weed:** A weed of known economic importance which occurs in small enough infestations to make eradication or containment possible; or is not known to occur, but its presence in neighboring states makes future occurrence in Oregon seem imminent.
    - **Recommended Action:** Focus on prevention of new infestations through vector control, certification programs, education, outreach and surveys. New and existing infestations are prioritized for eradication or intensive control when and where found. Regionally focused, species-specific Statewide Management Strategies for A-listed weeds may be developed as necessary.
- **Class B State Listed Noxious Weed:** A weed of economic importance that is regionally abundant but may have limited distribution in some counties.

- **Recommended Action:** Limited to intensive control at the state, county, or regional level as determined on a site-specific, case-by-case basis. Where implementation of a fully integrated statewide management plan is not feasible, biological control (when available) shall be the primary control method.

- **Class T-Designated State Noxious Weeds:** A designated group of weed species selected from the B list as a focus for prevention and control by the Noxious Weed Control Program. T-designated noxious weeds are determined by the OSWB and management actions are prioritized and informed by species-specific T-List Statewide Management Strategies created and maintained by the ODA. Action against these weeds will receive priority in accordance with the recommendations of the Statewide Management Strategy (ODA 2025~~4~~).

## 2.2 Morrow County

The Morrow County Code Enforcement Ordinance establishes procedures for enforcing Morrow County Code through the authority granted to general law counties by ORS Chapter 203. Section 11 of the county Code Enforcement Ordinance, updated on July 5, 2021, establishes Morrow County as a weed control district, defines what is considered a noxious weed or weed of economic importance, identifies the responsibility of private landowners to control weeds, and outlines the authority of the weed control district and Morrow County Weed Coordinator/Inspector to administer and enforce weed control in the ordinance (Morrow County 2021).

Morrow County has its own weed classification system that differs from the state. Morrow County defines two classifications of weeds:

- **Morrow County A List:** Noxious Weeds. Any plant that is determined by the county weed advisory board, and so declared by the County Board of Commissioners to be injurious to public health, crops, livestock, land, or property under provisions of Oregon State Statute and thus mandated for control.

- **Morrow County B List:** Weeds of economic importance. Weeds of limited distribution in the county and subject to intensive control or eradication where feasible.

## 2.3 Umatilla County

The Umatilla County Weed Control Board, as part of the Umatilla County Road Department, carries out the State Noxious Weed Laws in ORS Chapter 569 – Weed Control. The Board assists landowners and managers in being responsible stewards of the land and resources by protecting and conserving agricultural lands, recreational areas, and natural resources from the degrading impact of exotic, invasive noxious weeds.

The County Code Enforcement Ordinance establishes procedures for enforcing Umatilla County Code through the authority granted to general law counties by ORS Chapter 203. The Weed Control Ordinance, Chapter 97 of the County Code Enforcement Ordinance, passed on May 17, 2000, establishes Umatilla County as a weed control district, defines what is considered a noxious weed,

identifies the responsibility of landowners to control weeds, and outlines the authority of the weed inspector or any employee of the Umatilla County Weed Control office to enforce the ordinance (Umatilla County 2000).

Umatilla County has its own weed classification system that differs from the State noxious weed classification (Umatilla County 20264). Umatilla County defines two classifications of weeds:

- **Umatilla County "A" Designated Weed List:** These "A" designated weeds are of known economic importance which occur in the state/county in small enough infestations to make eradication/containment possible; or is not known to occur, but its presence in neighboring states/county make future occurrence in Oregon seem imminent. These weeds have been found as single plants or in limited populations in the county. Prevention, early detection, and eradication is high priority. Infestations are subject to intensive control when and where found.
- **Umatilla County "B" Designated Weed List:** These "B" designated weeds are of known economic importance and are regionally abundant, but which may have limited distribution in some counties. Where implementation of a fully integrated statewide management plan is feasible, biological control shall be the main control approach for species which biological agents are available; noted by asterisk. Limited to intensive control at state or county level as determined on a case-by case basis.

# 3.0 State and County Weed Lists

The ODA lists 46 Class A species and 88 Class B species for the state of Oregon (ODA 2024; Appendix A; ODA 2025). Of these 134 Class A and Class B species, 19 species are also Class T-designated noxious weeds. Morrow County specifically recognizes 36 species of noxious weeds (Appendix B; Morrow County 20264). The Umatilla County Weed Board specifically recognizes 39 species of noxious weeds, which have also been approved by the Umatilla County Board of Commissioners (Appendix B; Umatilla County 20264). Although not all of the Morrow and Umatilla county-recognized noxious weeds noted in Appendix B occur in the vicinity of the Facility, the Certificate Holder and its contractors should be aware of the entire list, as well as the ODA list, while monitoring and controlling weeds. Noxious weeds known to occur in the vicinity of the WREFNE portion of the Site Boundary are discussed in Section 4.0.

# 4.0 Noxious Weeds Identified at the Facility

The Certificate Holder conducted botanical surveys within the Facility micrositing corridors in 2022 and 2023, omitting agricultural fields. Botanical surveys consisted of surveys for the state listed threatened plant species Laurence's milkvetch (*Astragalus collinus* var. *laurentii*) as well as documenting observations of state and county listed noxious weeds. Field surveys were conducted within the micrositing corridors in July 2022 and from mid-June to mid-August 2023 (see RFA 1

Exhibits P and Q; Tetra Tech 2023a; Fields and Thompson 2023). Approximately 330 acres within the micrositing corridors were not surveyed in 2022 or 2023, primarily (i.e., 259 acres) in areas associated with transmission line routes no longer under consideration. The Certificate Holder will continue to conduct surveys as needed prior to ground disturbance in areas that have not been surveyed.

The Certificate Holder recorded 21 listed noxious weed species within the micrositing corridors of WREFNE only, including 21 ODA listed noxious weed species, 16 Morrow County listed weeds, and 14 Umatilla County listed weeds. Table 1~~Table 1~~ identifies the state and county listed noxious weed species observed during these surveys at WREFNE, their noxious weed designations, and their estimated frequency of occurrence. Locations of noxious weed observations are shown in Figure 1. Although the noxious weed infestation sizes were recorded during field survey observations, the sizes of noxious weed infestations are not displayed in Figure 1. Noxious weeds were most abundant along roadsides and cow paths, as well as in and around current and former agricultural fields and structures such as field sheds, water troughs, and fence lines. They were also prevalent near waterways, including drainages, streams, and wetlands.

Surveys in 2022 and 2023 documented ODA, Morrow County, and Umatilla County A- and B-listed noxious weeds if present, while surveys in 2023 documented ODA A-listed noxious weeds and Morrow County and Umatilla County A- and B-listed noxious weeds if present. Surveys in 2023 identified one potential ODA A-listed noxious weed (hawkweed spp. [*Hieracium* spp.]) although the observation was not identified to species. Further review of photos and supplemental taxonomic keys identified the hawkweed observed was likely the native Scouler's hawkweed (*Hieracium scouleri*); however, this hawkweed species is retained in Table 1~~, below,~~ and in Figure 1 for field verification prior to any noxious weed treatment.

**Table 1. Noxious Weeds Identified at WREFNE~~the Facility~~**

| Scientific Name | Common Name | State Status (ODA)[1] | Morrow County Status [1] | Umatilla County Status [1] | Frequency |
|---|---|---|---|---|---|
| *Aegilops cylindrica* | jointed goatgrass | **B** | **B** | **B**** | Rare (5 observations) |
| *Bassia scoparia* | kochia | **B** | **B** | **B**** | Common (>50 observations); Several small- to medium-sized patches in the southeastern portion of the site. |
| *Centaurea diffusa* | diffuse knapweed | **B** | **B** | **B**** | Abundant (>300 observations) |
| *Centaurea repens (Acroptilon repens)* | Russian knapweed | **B** | **B** | **B**** | Common (>20 observations) |

| Scientific Name | Common Name | State Status (ODA)[1] | Morrow County Status [1] | Umatilla County Status [1] | Frequency |
|---|---|---|---|---|---|
| *Centaurea solstitialis* | yellow starthistle | **B*** | **A** | **B**** | Common (>20 observations); Occasional patches. |
| *Centaurea stoebe* | spotted knapweed | **B*/T** | **B** | **A**** | Rare (<5 observations) |
| *Chondrilla juncea* | rush skeletonweed | **B*/T** | **A** | **A** | Common (>20 observations); Several small to medium-sized patches. |
| *Cirsium vulgare* | bull thistle | **B*** | **-** | ** | Rare (<5 observations); Few small patches. |
| *Conium maculatum* | poison hemlock | **B*** | **B** | **B** | Rare (1 population observed) |
| *Convolvulus arvensis* | field bindweed | **B*** | **B** | **-** | Common (>50 observations); Several small to medium patches. |
| *Crupina vulgaris* | common crupina | **B*** | **A** | **A** | Rare (1 population observed) |
| *Cuscuta indecora* | bigseed dodder | **B** | **-** | **-** | Rare (1 population observed) |
| *Dipascus laciniatus* | cutleaf teasel | **B** | **-** | **-** | Rare (1 population observed) |
| *Hemizonia pungens* | spikeweed | **B** | **A** | **A** | Common (>20 observations) |
| *Hieracium* spp.[2] | hawkweed spp. | **A*** | **-** | **-** | Rare (1 population observed) |
| *Hypericum perforatum* | St. John's wort | **B*** | **B** | **B** | Rare (1 population observed) |
| *Onopordum acanthium* | Scotch thistle | **B** | **A** | **B**** | Abundant (>150 observations) |
| *Phragmites australis* | common reed | **B** | **-** | **-** | Rare (1 population observed) |
| *Secale cereale* | cereal rye | **-** | **B** | **B** | Rare (<5 observations) |
| *Taeniatherum caput-medusae* | medusahead rye | **B** | **B** | **-** | Common (>10 observations); Populations contained many individuals. |
| *Tribulus terrestris* | puncturevine | **B*** | **B** | **B** | Common (>10 observations); Few small- to large-sized patches, especially along roadways. |

Sources: ODA 20254. Morrow County 20264, Umatilla County 20264.

1. Definitions for state and county noxious weed status are provided in Section 2.0.

2. Observations of hawkweed plants were not identifiable to species and thus were conservatively assumed to potentially be the ODA A-List species targeted for biocontrol king devil hawkweed (*Hieracium piloselloides*). Post-field review of photos and supplemental

| Scientific Name | Common Name | State Status (ODA)[1] | Morrow County Status [1] | Umatilla County Status [1] | Frequency |
|---|---|---|---|---|---|
| taxonomic keys identified the hawkweed observed was likely the native, not noxious, Scouler's hawkweed (*Hieracium scouleri*); however, this hawkweed species is retained here and in Figure 1 for field verification prior to any noxious weed treatment.<br>* indicates species is identified for biocontrol by the ODA.<br>** indicates species is included in a Umatilla County enforcement emphasis group. These groups of invasive plants have been targeted for additional enforcement throughout the county according to the land types and corresponding agricultural uses associated. Three land-use types have been identified and weed lists developed for each; they are:<br>- Dry Land Annual Cropping Areas: Emphasis Weeds, Canada Thistle, Scotch Thistle, Yellow Starthistle, Goatgrass, and Kochia.<br>- Irrigated Crops and Pastures: Emphasis Weeds, Canada Thistle, Scotch Thistle, Bull Thistle, Musk Thistle, Yellow Starthistle, Diffuse Knapweed.<br>- Dryland Range/Pasture/Timber: Scotch Thistle, Bull Thistle, Canada Thistle, Spotted Knapweed, Diffuse Knapweed, Russian Knapweed. | | | | | |

Scotch thistle (*Onopordum acanthium*) and diffuse knapweed (*Centaurea diffusa*) were abundant throughout the WREFNE micrositing corridors, with more than 150 observations throughout the site. Scotch thistle was scattered throughout the micrositing corridors in small to large patches along roadsides, drainages, and within grassland habitat. Large populations of well over 1,000 individuals were observed in fallow fields and drainages. Diffuse knapweed was found throughout the micrositing corridors in varying densities, with several populations exceeding 5 acres in size. Populations were densest near roads and fallow agricultural fields, although some hillslopes also exhibited dominance by the species, with over 1,000 individuals observed forming a dense layer across the hillside.

Many additional species were common throughout the site, containing at least 20 to approximately 60 observations sitewide. Kochia (*Bassia scoparia*) was commonly observed along roadsides and wetlands, as well as in farm fields within the southeastern portion of the site. Russian knapweed (*Centaurea repens*) was observed along fences, roads, and the edges of plowed fields. The Certificate Holder primarily documented yellow starthistle (*Centaurea solstitialis*) and puncturevine (*Tribulus terrestris*) along roads and in drainages. Rush skeletonweed (*Chondrilla juncea*) was observed commonly, but was generally in small populations of just a few plants. Surveyors observed field bindweed (*Convolvulus arvensis*) in small to medium patches of variable density along roads and drainages, as well as along grassland hillside slopes. Common spikeweed (*Centromadia pungens)* was observed with moderate frequency and density. Some large patches were observed along stream and wetland areas as well as hillslopes and roadsides where other invasives were common. Medusahead (*Taeniatherum caput-medusae*) was abundant to dominant in valley areas and scattered throughout disturbed grasslands.

Some noxious weed species were rarer, with five or fewer observations throughout the site. Jointed goatgrass (*Aegilops cylindrica*) was observed in five locations, generally near roadsides and adjacent to agricultural fields. Spotted knapweed (*Centaurea stoebe* ssp. *micranthos* [*C. maculosa*]) was observed in three populations, two of which were single plants. Bull thistle (*Cirsium vulgare*) was observed in a few small patches with moderate to high population density in open, sunny, and

disturbed areas. Three observations of cereal rye (*Secale cereale*) were identified near the base of hillslopes in abundant populations. One population of poison hemlock (*Conium maculatum*) was observed along a creek bank. Bigseed dodder (*Cuscuta indecora*), common crupina (*Crupina vulgaris*), cutleaf teasel (*Dipascus laciniatus*), common St. John's wort (*Hypericum perforatum*), common reed (*Phragmites australis*), and hawkweed (*Heiracium spp.*) were also each only observed once throughout the site. Abundance of these and other weeds may be higher but could have been missed due to inconspicuous morphology at the time of survey.

Nearly all observed noxious weed species, except for cereal rye, are classified as state B-listed weeds. This designation indicates that they are economically significant and regionally abundant, though they may have limited distribution in certain counties (ODA 20254). Two species, rush skeletonweed and spotted knapweed, are also T-designated weeds, meaning that ODA has targeted this species for prevention and control (ODA 20254). One state A-listed species was potentially observed (hawkweed spp.), although the observation was not identified to species. ODA A-listed populations are subject to eradication or intensive control when and where found (Section 2.1, ODA 20254). Additionally, five of the species observed are on the Morrow County A List (yellow starthistle, rush skeletonweed, common spikeweed, common crupina, and Scotch thistle) and four species are on the Umatilla County A List (common spikeweed, common crupina, rush skeletonweed, and spotted knapweed). In Morrow County, A-listed species include "[a]ny plant that is determined by the weed advisory board, and so declared by the County Board of Commissioners to be injurious to public health, crops, livestock, land or property under provisions of Oregon State Statute and thus mandated for control" (Morrow County 20264). For Umatilla County, A-designated weeds are those that "have been found as single plants or in very limited populations in the county. Prevention, early detection, and eradication is high priority" (Umatilla County 20264).

# 5.0 Weed Management

This section describes the steps the Certificate Holder will take to prevent and control the establishment and spread of noxious weed species within weed management areas during both construction and operation of the Facility.

The management of noxious weeds will be considered throughout all stages of construction and operation of the Facility and will include:

- **Education and Personnel Requirements:** Educating all construction personnel regarding known locations of noxious weed infestations, identification of noxious weed species, and the importance of preventive measures and treatment methods.
- **Prevention:** Implementing measures to prevent the spread of noxious weeds during construction, operation, and maintenance activities.
- **Control:** Treating noxious weed infestations with appropriate control methods within the most effective timeframe.

For species listed by the state or counties as Class A weeds, the Certificate Holder's objective is to prevent the introduction of new weed populations and to eradicate existing weed populations (identified prior to construction) within weed management areas. For other species, the Certificate Holder's objective is to prevent the introduction of new weed populations and the spread of existing noxious weed populations (identified prior to construction) within weed management areas. The methods described below will be implemented to minimize the spread of noxious weeds in weed management areas during construction activities. New noxious weeds detected within weed management areas during post-construction revegetation will be considered a result of construction activities and will be controlled accordingly.~~The Certificate Holder's objective is to prevent the introduction of new weed populations and the spread of existing noxious weed populations. The methods described below will be implemented to minimize the spread of noxious weeds during construction activities. New noxious weeds detected during post-construction revegetation will be considered a result of construction activities and will be controlled accordingly.~~

## 5.1 Education and Personnel Requirements

Prior to construction, all construction personnel will be instructed on the importance of controlling noxious weeds. As part of start-up activities, and to help facilitate the avoidance of existing infestations and identification of new infestations, the Certificate Holder or their construction contractor will provide information and training to all construction personnel regarding noxious weed identification and management. Operations and maintenance personnel will be similarly informed. The importance of preventing the spread of noxious weeds in areas not currently infested and controlling the proliferation of noxious weeds already present within ~~or near the Facility~~weed management areas will be emphasized.

## 5.2 Prevention

Implementation of the following best management practices are intended to prevent the spread of noxious weeds during construction activities, revegetation efforts, and operation and maintenance activities.

- Flagging areas of noxious weed infestations prior to construction to alert construction personnel;
- Limiting vehicle access to designated routes, whether existing roads or newly constructed roads, and the outer limits of construction disturbances per the final design for the Facility;
- Limiting vehicle traffic in noxious weed-infested areas;
- Cleaning construction vehicles prior to entering the Facility for the first time and upon completion of work at the Facility at a wash station located within at an onsite location, or at a public car wash in the vicinity of the Facility;

- Cleaning vehicles and equipment associated with ground disturbance and movement of topsoil utilizing a mobile wash station after performing work in noxious weed-infested areas and prior to performing work in non-infested areas;
- Topsoil and other soils from noxious weed-infested areas will not be moved outside of the infested areas and will be returned to its previous location during reclamation activities;
- Treating soils from infested areas with a pre-emergent herbicide prior to initiation of revegetation efforts, depending on site-specific conditions;
- Limiting movement of topsoil and other soils from non-infested areas to eliminate the transport of weed seeds, roots, or rhizomes;
- Providing information regarding target noxious weed species at the operations and maintenance building;
- Treating noxious weeds via mechanical or chemical control (see Section 5.3);
- Preventing conditions favorable for noxious weed germination and spread by revegetating temporarily disturbed areas as soon as possible;
- Monitoring areas of disturbance for noxious weeds after construction (see Section 6.0), during the normal course of revegetation maintenance of temporary workspaces, and implementing control measures as appropriate;
- Revegetating the site with appropriate, local native seed or native plants; when these are not available, non-invasive, and non-persistent non-native species may be used;
- Inspecting and certifying that the seed and straw mulch used for site rehabilitation and revegetation are free of noxious weed seed and propagules; and
- Utilizing a mobile wash station placed in proximity to the main access points to Laurence's milkvetch habitat to minimize the introduction of noxious weeds or other invasive plant species by construction vehicles to occupied Laurence's milkvetch habitat. Vehicles will be washed prior to entering these areas.

## 5.3 Control Methods

Control of noxious weeds within weed management areas will be implemented through mechanical or chemical control measures. The Certificate Holder will be responsible for hiring a qualified contractor to implement the treatment of noxious weeds. The Certificate Holder will ensure that noxious weed management actions will be conducted by specialists with the following qualifications:

- Experience in native plant, non-native and invasive plants, and noxious weed identification;
- Experience in noxious weed mapping;

- If chemical control is used, specialists must possess a Commercial or Public Pesticide Applicator License from the ODA or possess an Immediately Supervised Pesticide Trainee License and be supervised by a licensed applicator;
- Training in noxious weed management or Integrated Pest Management with an emphasis in noxious weeds; and
- Experience in coordination with agency and private landowners.

The weed control contractor will employ mechanical and/or chemical methods as described in Sections 5.3.1 and 5.3.2. The control method will be selected based on the noxious weed species, infestation extent, and site conditions (e.g., presence of sensitive habitats).

Existing noxious weed populations should be prevented from expanding in size and density and should not be spread to new sites. Within the Facility rights-of-way such as around Facility disturbances, facilities, and access roads, existing populations of noxious weeds should be eradicated. If it is determined that noxious weeds have invaded areas immediately adjacent to the Facility (e.g., areas visible just beyond the outer limits of construction disturbances associated with the Facility or along access roads) as a result of construction, the Certificate Holder will contact the landowner and seek approval to treat those noxious weed populations.

Long-term weed control methods will be described in a long-term monitoring plan as described in Section 6.0. The main factor in long-term weed control is successful revegetation with non-weedy species as described in the updates to the Revegetation Plan prepared for the Facility (Tetra Tech 2026~~3b~~). As noted above, short-term noxious weed control will be done through mechanical or chemical treatment. However, it will be important to ensure that the short-term treatment does not affect the establishment of the native perennial cover that will help provide the long-term control. Additionally, early detection and control of small noxious weed populations before they can expand into larger populations is extremely important for successful weed control efforts.

### *5.3.1 Mechanical Treatment*

Mechanical control methods rely on removal of plants, seed heads, and/or cutting roots with a shovel or other hand tools or equipment that can be used to remove, mow, or disc noxious weed populations. Hand removal of plants is also included under this treatment method. Mechanical methods are useful for smaller, isolated populations of noxious weeds in areas of sensitive habitats such as around known populations of Laurence's milkvetch (Figure 1). Some rhizomatous plants can spread by discing or tillage; therefore, implementation of discing will be species specific. If such a method is used in areas to be reclaimed, subsequent seeding will be conducted to re-establish desirable vegetative cover that will stabilize the soils and slow the potential re-invasion of noxious weeds. Discing or other mechanical treatments that disturb the soil surface within native habitats will be avoided in favor of herbicide application (see Section 5.3.2), which is an effective means of reducing the size of noxious weed populations as well as preventing the establishment of new infestations.

### *5.3.2 Chemical Treatments*

Chemical control can effectively remove noxious weeds through use of selective herbicides. The recommended chemical treatment and timing of chemical application for common and abundant noxious weeds identified at the Facility are provided in Appendix C. The herbicides used and the timing of application will differ depending on whether the species are (1) perennial, broad-leaved, or dicot weeds (e.g., thistles and knapweeds, field bindweed) or (2) annual grasses or monocots (e.g., medusahead), as appropriate herbicides differ substantially between dicots and monocots.

All herbicides included in Appendix C are currently approved for use by the U.S. Environmental Protection Agency (EPA) and ODA; however, the status of herbicide approval should be checked annually. Prior to construction and every fall season during Facility operation, the Certificate Holder or its contractor shall consult with the Morrow County Weed Program Manager and Umatilla County Noxious Weed Department Supervisor on timing, method, and application rates for each identified weed species of concern, to allow for adaptive weed management given changes in weed control effectiveness from noxious weed species tolerance to herbicide treatment over time. Results of the consultation shall be reported in the Certificate Holder's annual weed monitoring report. Any alternative control methods can be proposed by the Certificate Holder or its contractors after consulting with the Morrow County Weed Program Manager and Umatilla County Noxious Weed Department Supervisor and included in the Certificate Holder's annual weed monitoring report.

Herbicides will be applied to identified, treatable, noxious weed infestations. The Certificate Holder or their contractors will coordinate with the Morrow County Weed Program Manager and Umatilla County Noxious Weed Department Supervisor to determine which populations are treatable and will notify landowners of proposed herbicide use on their lands prior to application. If a noxious weed population is deemed to be untreatable (e.g., too widespread and established in an area to successfully control), the Certificate Holder will implement the prevention measures discussed in Section 5.2, except for treatment with herbicides.

#### *5.3.2.1 Herbicide Application and Handling*

Herbicide application will adhere to EPA and ODA standards. Only those herbicides that are approved by the EPA and ODA will be used. In general, application of herbicides will not occur when the following conditions exists:

- Wind velocity exceeds 15 miles per hour for granular application, or exceeds 10 miles per hour for liquid applications;
- Snow or ice covers the foliage of target species; or
- Adverse weather conditions are forecasted within the next few days.

Hand application methods (e.g., backpack spraying) may be used in roadless areas or in rough terrain. Vehicle-mounted sprayers (e.g., handgun, boom, and injector) will be used mainly in open areas that are readily accessible by vehicle. Calibration checks of equipment will be conducted prior

to spraying activities, as well as periodically throughout use, to ensure that appropriate application rates are achieved.

Herbicides will be transported to the Facility daily with the following stipulations:

- Only the quantity needed for that day's work will be transported.
- Concentrate will be transported in approved containers only, and in a manner that will prevent spilling, stored separately from food, clothing, and safety equipment.
- Mixing will be done off site and at a distance greater than 200 feet from open or flowing water, wetlands, or other sensitive species' habitat. No herbicides will be applied at these areas unless authorized by the appropriate regulatory agencies.
- All herbicide equipment and containers will be inspected daily for leaks.
- Herbicides use will be in accordance with all manufacturers' label recommendations and warnings.

#### *5.3.2.2 Herbicide Spills and Cleanups*

All appropriate precautions will be taken to avoid herbicide spills. In the event of a spill, cleanup will be immediate. Contractors will keep spill kits in their vehicles and in an appropriate storage shed to allow for quick and effective response to spills. Items included in the spill kit will be:

- Protective clothing and gloves;
- Adsorptive clay, "kitty litter," or other commercial adsorbent;
- Plastic bags and a bucket;
- A shovel;
- A fiber brush and screw-in handle;
- A dustpan;
- Caution tape;
- Highway flares (use on existing hard-top roads only); and
- Detergent.

Response to an herbicide spill will vary with the size and location of the spill, but general procedures include:

- Stopping the leak;
- Containing the spilled material;
- Traffic control;
- Dressing the clean-up team in protective clothing;

- Cleaning up and removing the spilled herbicide, as well as the contaminated adsorptive material and soil; and
- Transporting the spilled herbicide and contaminated material to an authorized disposal site.

#### *5.3.2.3 Herbicide Spill Reporting*

All herbicide contractors will have readily available copies of the appropriate material safety data sheets for the herbicides used at their disposal and will keep copies of the material safety data sheets in the application vehicle. All herbicide spills will be reported in accordance with applicable laws and requirements. If a spill occurs, the appropriate agency and spill coordinators will be notified promptly. In case of a spill into wetlands and waterbodies, the appropriate federal, state, and county agencies will be notified immediately.

#### *5.3.2.4 Special Considerations*

The Certificate Holder will provide special consideration to perennial, intermittent, and ephemeral streams/draws during treatment activities. No herbicide will be sprayed where the drift can enter standing water or saturated soil. It will be the herbicide applicators' responsibility to ensure that no herbicide or drift enters standing water, regardless of the season when the herbicide is applied. Similar considerations will be made when in proximity to agricultural fields and Laurence's milkvetch populations (Figure 1). The Facility's staff and qualified herbicide applicators will consult with ODA regarding weed treatment in areas in proximity to occurrences of Laurence's milkvetch prior to any treatment.

# 6.0 Monitoring

A qualified investigator will be employed to assess noxious weed growth in the weed management areas during the first ~~five~~ 5 years following construction and to make recommendations on noxious weed control measures. Monitoring for noxious weed infestations will enable the Certificate Holder to respond to new noxious weed infestations within the weed management areas in a timely manner and ensure the success of the site's revegetation. Noxious weed inspections will occur across the ~~entire Facility~~weed management areas through visual inspection of the site while driving and/or walking. These inspections will be used to inform ongoing noxious weed control efforts.

Noxious weed inspections will occur according to the example monitoring schedule provided in Table 2 ~~below~~.

**Table 2. Example Noxious Weed Monitoring Schedule**

| Schedule | Frequency | Task |
|---|---|---|
| March-April | Once | Conduct a noxious weed survey of the weed management areas to identify areas for treatment during operations. Work with Certificate Holder Site Manager and Weed Management Contractor on a post-emergent chemical and mechanical treatment plan. |

| Schedule | Frequency | Task |
|---|---|---|
| | | Monitor and report on previous treatments effectiveness, as applicable. |
| April-September | Monthly or as needed | Monitor treated areas for effectiveness, identify and map new noxious weed populations, make recommendations for chemical retreatment or mechanical controls to manage new or small populations. |
| June-August | Once | Monitor and collect data on noxious weed populations in revegetated areas (i.e., weed management areas; see Revegetation Plan; Tetra Tech ~~2023b~~2026) within the weed management areas. |
| September-October | Once | Conduct a noxious weed survey within the weed management areas to monitor treated areas during operations (otherwise within weed management areas during construction), identify new noxious weed populations, make recommendations for chemical retreatment or mechanical controls and plan for pre-emergent chemical applications in fall or winter when conditions are appropriate. |

Monitoring will assess the success of noxious weed treatments and will document any new noxious weed infestations observed within the weed management areas. These results will be summarized in annual monitoring reports that describe the noxious weeds identified, treatments implemented, and treatment success, and will make recommendations to improve treatment success (if necessary) and note any new target noxious weed species or emergence. Reports will be submitted to the Oregon Department of Energy (ODOE), ODA, Oregon Department of Fish and Wildlife (ODFW), Morrow County, and Umatilla County annually.

Based on the success of control efforts after the fifth year of monitoring, the Certificate Holder will consult with ODOE, ODFW, ODA, Morrow County, and Umatilla County to design a long-term weed control plan. The Certificate Holder will maintain ongoing communication with individual landowners, the Morrow County Weed Program Manager, the Umatilla County Weed Control Supervisor, and ODOE regarding noxious weeds within the Facility. Landowners may also contact the Certificate Holder directly to report the presence of noxious weeds related to Facility activity. The Certificate Holder will control the noxious weeds on a case-by-case basis and prepare a summary of measures taken for that landowner. During the operational period of the Facility, the Certificate Holder will control noxious weeds as described in Section 5.3 in all revegetation areas.

The following contact information for the Morrow County Weed Program Manager will be used and updated as needed:

Corey Sweeney, Weed Program Manager

Morrow County Public Works

365 West Highway 74

Lexington, OR 97839

(541) 989.9502

mcweed@co.morrow.or.us

The following contact information for the Umatilla County Weed Control Supervisor will be used and updated as needed:

Theodore Orr, Umatilla County Noxious Weed Department Supervisor

Umatilla County Road Department

3920 Westgate Street

Pendleton, OR 97801

(541) 278.5462

# 7.0 Roles and Responsibilities

The Certificate Holder is the overall responsible party for construction and operation of the Facility and implementation of the noxious weed management activities in the weed management areas described in this Plan. However, the Certificate Holder may use contractors to complete tasks associated with noxious weed management and monitoring. Example responsible parties and their roles may include:

**Monitoring Contractor**

- Perform site visits (4-8 times annually as needed) to document noxious weed occurrences.
- Provide summary memo after each visit to Certificate Holder's Site Manager outlining findings and treatment recommendations.
- Communicate directly with Weed Management Contractor and provide maps, and photos of noxious weed species locations to Weed Management Contractor.
- Communicate with Morrow County Weed Program Manager, Umatilla County Weed Department Supervisor, and ODA about noxious weed survey findings and treatment plans.
- Prepare annual report for the Facility describing noxious weed monitoring findings and treatments.
- Organize and attend quarterly calls with the Certificate Holder Site Manager and Weed Management Contractor.
- Attend calls with ODOE, ODA, Umatilla County, and Morrow County as needed.

**Certificate Holder Site Manager**

- Communicate findings and recommendations from Monitoring Contractor to the Weed Management Contractor.

- Document the work performed by the Weed Management Contractor and provide documentation to Monitoring Contractor. Documentation should include type and quantity of herbicides applied, dates applied, and any associated EPA/U.S. Department of Environmental Quality licensing/documentation of chemicals used.
- Reviews annual reports to ensure all treatments performed by the Weed Management Contractor are documented.
- Maintain landowner communications, providing guidance to the Monitoring Contractor and Weed Management Contractor regarding landowner restrictions/requests for performing noxious weed monitoring/treatment on their properties.
- Attend quarterly calls with Monitoring Contractor and the Weed Management Contractor.
- Attend calls with ODOE, ODA, Umatilla County, and Morrow County as needed.

**Weed Management Contractor**

- Review Monitoring Contractor memos describing noxious weed occurrences and recommendations and plan appropriate treatment to address those issues.
- Communicate treatment plan to the Certificate Holder Site Manager.
- Maintain records of when, where, and what type of noxious weed treatments are being performed.
- Maintain all appropriate documentation of chemicals applied. Shares documentation during the quarterly calls with the Certificate Holder Site Manager and Monitoring Contractor, and prior to Annual Report preparation.
- Attend quarterly calls with Monitoring Contractor and Certificate Holder Site Manager.

**Morrow County and Umatilla County**

- Review Monitoring Contractor memos describing weed occurrences and recommendations.
- Attend quarterly calls and provide recommendations.
- If and when a Morrow County Weed Coordinator position is filled, the staff in this new position will assist with the implementation of this Plan, including monitoring and advising on treatment timing over the first 3 years of Plan implementation.

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# Figure

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# Appendix A. Oregon State Noxious Weed List

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# Appendix B. Noxious Weed Lists for Morrow and Umatilla Counties

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# Appendix C. Recommended Timing and Control Methods

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# Appendix A. Oregon State Noxious Weed List

OREGON
DEPARTMENT OF
AGRICULTURE

# Noxious Weed Policy and Classification 2025

## Noxious Weed Control Program

**Address:** 635 Capitol Street NE, Salem, Oregon 97301

**Phone:** (503) 986-4625 **Fax:** (503) 986-4786

www.oregon.gov/ODA/programs/Weeds/Pages/AboutWeeds.aspx

## Mission Statement

To protect Oregon's natural resources and agricultural economy from the invasion and proliferation of invasive noxious weeds.

## Program Overview

The Oregon Department of Agriculture (ODA) Noxious Weed Control Program provides statewide leadership for coordination and management of state listed noxious weeds. The state program focuses on noxious weed control efforts by implementing early detection and rapid response projects for new invasive noxious weeds, implementing biological control, implementing statewide inventory and survey, assisting the public and cooperators through technology transfer and noxious weed education, maintaining noxious weed data and maps for priority listed noxious weeds, and assisting land managers and cooperators with integrated weed management projects. The Noxious Weed Control Program also supports the Oregon State Weed Board (OSWB) with administration of the OSWB Grant Program, developing statewide management objectives, developing weed risk assessments, and maintaining the state noxious weed list.

Troy Abercrombie
Program Manager
troy.abercrombie@oda.oregon.gov
(503) 986-4625

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# Noxious Weed Control Policy and Classification System

## Definition

"Noxious weed" means a terrestrial, aquatic or marine plant designated by the Oregon State Weed Board under ORS 569.615 as among those representing the greatest public menace and as a top priority for action by weed control programs.

Noxious weeds have become so thoroughly established and are spreading so rapidly on private, state, county, and federally owned lands, that they have been declared by ORS 569.350 to be a menace to public welfare. Steps leading to eradication, where possible, and intensive control are necessary. It is further recognized that the responsibility for eradication and intensive control rests not only on the private landowner and operator, but also on the county, state, and federal governments.

## Weed Control Policy

Therefore, it shall be the policy of ODA to:

1. Assess non-native plants through risk assessment processes and make recommendations to the Oregon State Weed Board for potential listing.
2. Rate and classify weeds at the state level.
3. Prevent the establishment and spread of listed noxious weeds.
4. Encourage and implement the control or containment of infestations of listed noxious weed species and, if possible, eradicate them.
5. Develop and manage a biological weed control program.
6. Increase awareness of potential economic losses and other undesirable effects of existing and newly invading noxious weeds, and to act as a resource center for the dissemination of information.
7. Encourage and assist in the organization and operation of noxious weed control programs with government agencies and other weed management entities.
8. Develop partnerships with county weed control districts, universities, and other cooperators in the development of control methods.
9. Conduct statewide noxious weed surveys and weed control efficacy studies.

### Weed Classification System

The purpose of this Classification System is to:

1. Act as the ODA's official guideline for prioritizing and implementing noxious weed control projects.
2. Assist the ODA in the distribution of available funds through the Oregon State Weed Board to assist county weed programs, cooperative weed management groups, private landowners, and other weed management entities.
3. Serve as a model for private and public sectors in developing noxious weed classification systems that aid in setting effective noxious weed control strategies.

## Criteria for Determining Economic and Environmental Significance

### Detrimental Effects

1. A plant species that causes or has the potential to cause severe negative impacts to Oregon's agricultural economy and natural resources.
2. A plant species that has the potential to or does endanger native flora and fauna by its encroachment into forest, range, aquatic and conservation areas.
3. A plant species that has the potential or does hamper the full utilization and enjoyment of recreational areas.
4. A plant species that is poisonous, injurious, or otherwise harmful to humans and/or animals.

### Plant Reproduction

1. A plant that reproduces by seed capable of being dispersed over wide areas or that is long-lived, or produced in large numbers.
2. A plant species that reproduces and spreads by tubers, creeping roots, stolons, rhizomes, or other natural vegetative means.

**Distribution**

1. A weed of known economic importance which occurs in Oregon in small enough infestations to make eradication/containment possible; or not known to occur, but its presence in neighboring states makes future occurrence seem imminent.
2. A weed of economic or ecological importance and of limited distribution in Oregon.
3. A weed that has not infested the full extent of its potential habitat in Oregon.

**Difficulty of Control**

A plant species that is not easily controlled with current management practices such as chemical, cultural, biological, and physical methods.

## Noxious Weed Classification Definitions

Noxious weeds, for the purpose of this system, shall be listed as either A or B, and may also be designated as T, which are priority targets for control, as directed by the Oregon State Weed Board.

**A-Listed Noxious Weed:**

A weed of known economic importance which occurs in the state in small enough infestations to make eradication or containment possible; or is not known to occur, but its presence in neighboring states make future occurrence in Oregon seem imminent (Table I).

*Recommended action:* Focus on prevention of new infestations through vector control, certification programs, education, outreach and surveys. New and existing infestations are prioritized for eradication or intensive control when and where found. Regionally focused, species-specific Statewide Management Strategies for A-listed weeds may be developed as necessary.

**B-Listed Noxious Weed:**

A weed of economic importance which is regionally abundant, but which may have limited distribution in some counties (Table II).

*Recommended action:* Limited to intensive control at the state, county or regional level as determined on a site specific, case-by-case basis. Where implementation of a fully integrated statewide management plan is not feasible, biological control (when available) shall be the primary control method.

**T-Designation (T):**

A designated group of weed species selected from the B list as a focus for prevention and control by the Noxious Weed Control Program. T-designated noxious weeds are determined by the Oregon State Weed Board and management actions are prioritized and informed by species-specific T-List Statewide Management Strategies created and maintained by the ODA. Action against these weeds will receive priority in accordance with the recommendations of the Statewide Management Strategy.

## Weed Biological Control

Oregon implements biological control, or "biocontrol" as part of its integrated pest management approach to managing noxious weeds. This is the practice of using host-specific natural enemies such as insects or pathogens to control noxious weeds. The Oregon Department of Agriculture Noxious Weed Program has adopted the International Code of Best Practices for biological control of weeds. Only safe, effective, and federally- approved natural enemies will be used for biocontrol.

# Table I: A-Listed Weeds

| Common Name | Scientific Name |
|---|---|
| African rue | *Peganum harmala* |
| Camelthorn | *Alhagi pseudalhagi* |
| Cape-ivy | *Delairea odorata* |
| Coltsfoot | *Tussilago farfara* |
| Common frogbit | *Hydrocharis morsus-ranae* |
| Cordgrass<br>Common<br>Dense-flowered<br>Saltmeadow<br>Smooth | <br>*Spartina anglica*<br>*Spartina densiflora*<br>*Spartina patens*<br>*Spartina alterniflora* |
| Delta arrowhead | *Sagittaria platyphyla* |
| European water chestnut | *Trapa natans* |
| Flowering rush | *Butomus umbellatus* |
| Garden yellow loosestrife | *Lysimachia vulgaris* |
| Giant hogweed | *Heracleum mantegazzianum* |
| Goatgrass<br>Barbed<br>Ovate | <br>*Aegilops triuncialis*<br>*Aegilops ovata* |
| Goatsrue | *Galega officinalis* |
| Hawkweed<br>King-devil<br>Mouse-ear<br>Orange<br>Yellow | <br>*Hieracium piloselloides*<br>*Hieracium pilosella*<br>*Hieracium aurantiacum*<br>*Hieracium floribundum* |
| Hoary alyssum | *Berteroa incana* |
| Hydrilla | *Hydrilla verticillata* |
| Japanese dodder | *Cuscuta japonica* |
| Kudzu | *Pueraria lobata* |

## (Continued) Table I: A-Listed Weeds

| Common Name | Scientific Name |
|---|---|
| Matgrass | *Nardus stricta* |
| Oblong spurge | *Euphorbia oblongata* |
| Palmer amaranth | *Amaranthus palmeri* |
| Paterson's curse | *Echium plantagineum* |
| Purple nutsedge | *Cyperus rotundus* |
| Ravennagrass | *Saccharum ravennae* |
| Roundleaf bittersweet | *Celastrus orbiculatus* |
| Smooth frogbit (W. Indian spongeplant) | *Limnobium laevigatum* |
| Squarrose knapweed | *Centaurea virgata* |
| Starthistle<br>Iberian<br>Purple | <br>*Centaurea Iberica*<br>*Centaurea calcitrapa* |
| Stinkwort (stinkweed) | *Dittrichia graveolens* |
| Thistle<br>Plumeless<br>Smooth distaff<br>Taurian<br>Turkish<br>Welted (curly plumeless)<br>Woolly distaff | <br>*Carduus acanthoides*<br>*Carthamus baeticus*<br>*Onopordum tauricum*<br>*Carduus cinereus*<br>*Carduus crispus*<br>*Carthamus lanatus* |
| Water soldiers | *Stratiotes aloides* |
| White bryonia | *Bryonia alba* |
| Yellow floating heart | *Nymphoides peltata* |
| Yellowtuft | *Alyssum murale, A. corsicum* |

# Table II: B-Listed Weeds

| Common Name | Scientific Name |
|---|---|
| Armenian (Himalayan) blackberry | *Rubus armeniacus (R. procerus, R. discolor)* |
| Biddy-biddy | *Acaena novae-zelandiae* |
| Broom | |
| French* | *Genista monspessulana* |
| Portuguese (T) | *Cytisus striatus* |
| Scotch* | *Cytisus scoparius* |
| Spanish | *Spartium junceum* |
| Butterfly bush | *Buddleja davidii (B. variabilis)* |
| Common bugloss (T) | *Anchusa officinalis* |
| Common crupina (T) | *Crupina vulgaris* |
| Common reed | *Phragmities australis ssp. australis* |
| Cutleaf teasel | *Dipsacus laciniatus* |
| Dyer's woad (T) | *Isatis tinctoria* |
| English hawthorn | *Crataegus monogyna* |
| Eurasian watermilfoil | *Myriophyllum spicatum* |
| False brome | *Brachypodium sylvaticum* |
| Field bindweed | *Convolvulus arvensis* |
| Garlic mustard (T) | *Alliaria petiolata* |
| Geranium | |
| Herb Robert | *Geranium robertianum* |
| Shiny leaf | *Geranium lucidum* |
| Giant reed (T) | *Arundo donax* |
| Gorse* (T) | *Ulex europaeus* |
| Halogeton | *Halogeton glomeratus* |
| Houndstongue | *Cynoglossum officinale* |

* Biocontrol (See page 4)

(T) T-Designated Weed (See page 4)

## (Continued) Table II: B Listed Weeds

| Common Name | Scientific Name |
|---|---|
| Indigo bush | *Amorpha fruticosa* |
| Ivy<br>Atlantic<br>English | <br>*Hedera hibernica*<br>*Hedera helix* |
| Jointed goatgrass | *Aegilops cylindrica* |
| Jubata grass | *Cortaderia jubata* |
| Knapweed<br>Diffuse*<br>Meadow*<br>Russian*<br>Spotted* | <br>*Centaurea diffusa*<br>*Centaurea pratensis*<br>*Acroptilon repens*<br>*Centaurea stoebe (C. maculosa)* |
| Knotweed<br>Bohemian*<br>Giant*<br>Himalayan<br>Japanese* | <br>*Fallopia x bohemica*<br>*Fallopia sachalinensis (Polygonum)*<br>*Polygonum polystachyum*<br>*Fallopia japonica (Polygonum)* |
| Kochia | *Kochia scoparia* |
| Lesser celandine | *Ranunculus ficaria* |
| Meadow hawkweed (T) | *Pilosella caespitosum (Hieracium)* |
| Mediterranean sage* | *Salvia aethiopis* |
| Medusahead rye | *Taeniatherum caput-medusae* |
| Old man's beard | *Clematis vitalba* |
| Parrot feather | *Myriophyllum aquaticum* |
| Perennial peavine | *Lathyrus latifolius* |
| Perennial pepperweed (T) | *Lepidium latifolium* |
| Pheasant's eye | *Adonis aestivalis* |

* Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

## (Continued) Table II: B Listed Weeds

| Common Name | Scientific Name |
|---|---|
| Pine echium (T) | *Echium pininana* |
| Poison hemlock* | *Conium maculatum* |
| Policeman's helmet | *Impatiens glandulifera* |
| Primrose-willow<br>Large-flower (T)<br>Water primrose (T)<br>Floating (T) | <br>*Ludwigia grandiflora*<br>*Ludwigia hexapetala*<br>*Ludwigia peploides* |
| Puncturevine* | *Tribulus terrestris* |
| Purple loosestrife* | *Lythrum salicaria* |
| Ribbongrass (T) | *Phalaris arundinacea var. Picta* |
| Rose<br>Dog<br>Sweetbriar | <br>*Rosa canina*<br>*Rosa rubiginosa* |
| Rush skeletonweed* (T) | *Chondrilla juncea* |
| Saltcedar* (T) | *Tamarix ramosissima* |
| Small broomrape | *Orabanche minor* |
| South American waterweed | *Egeria densa (Elodea)* |
| Spanish heath | *Erica lusitanica* |
| Spurge laurel | *Daphne laureola* |
| Spurge<br>Leafy* (T)<br>Myrtle | <br>*Euphorbia esula*<br>*Euphorbia myrsinites* |
| St. Johnswort | *Hypericum perforatum* |
| Sulfur cinquefoil | *Potentilla recta* |

* Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

## (Continued) Table II: B Listed Weeds

| Common Name | Scientific Name |
|---|---|
| Swainsonpea | *Sphaerophysa salsula* |
| Tansy ragwort* (T) | *Senecio jacobaea (Jacobaea vulgaris)* |
| Thistle | |
| Bull | *Cirsium vulgare* |
| Canada* | *Cirsium arvense* |
| Italian | *Carduus pycnocephalus* |
| Milk | *Silybum marianum* |
| Musk | *Carduus nutans* |
| Scotch | *Onopordum acanthium* |
| Slender-flowered | *Carduus tenuiflorus* |
| Toadflax | |
| Dalmatian* | *Linaria dalmatica* |
| Yellow* | *Linaria vulgaris* |
| Tree of heaven | *Ailanthus altissima* |
| Ventenata grass | *Ventenata dubia* |
| Viper's bugloss (T) | *Echium vulgare* |
| Whitetop | |
| Hairy | *Lepidium pubescens* |
| Lens-podded | *Lepidium chalepensis* |
| Whitetop (hoary cress)* | *Lepidium draba* |
| Yellow archangel | *Lamiastrum galeobdolon* |
| Yellow bush lupine | *Lupinus arboreus* |
| Yellow flag iris | *Iris pseudacorus* |
| Yellow nutsedge | *Cyperus esculentus* |
| Yellow starthistle* | *Centaurea solstitialis* |

* Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

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# Appendix B. Noxious Weed Lists for Morrow and Umatilla Counties

## Morrow County Weed List:

### NOXIOUS WEEDS

Noxious Weeds – "A" List" – Any plant that is determined by the weed advisory board, and so declared by the County Board of Commissioners to be injurious to public health, crops, livestock, land or property under provisions of Oregon State Statute and thus mandated for control.

Rush Skeletonweed

Yellow Starthistle

Tansy Ragwort

Yellow Toadflax

Dalmatian Toadflax

Mediterranean Sage

Leafy Spurge

Spikeweed

Musk Thistle

Scotch Thistle

Purple Loosestrife

Common Crupina

Whitetop (Hoary Cress)

Houndstongue

Flowering Rush

Yellow Flag Iris

Plumeless Thistle

**WEEDS OF ECONOMIC IMPORTANCE**

Weeds of Economic Importance – "B" List – Weeds of limited distribution in the county and subject to intensive control or eradication where feasible.

Poison Hemlock

Canada Thistle

Jointed Goatgrass

St. Johnswort

Perennial Sowthistle

Field Bindweed

Cereal Rye

Johnsongrass

Russian Knapweed

Diffuse Knapweed

Spotted Knapweed

Field Dodder

Water Hemlock

Medusahead Rye

Puncturevine

Kochia

Perennial Pepperweed

Myrtle Spurge

Ventenata

Downloaded January 2026 from the Morrow County Weed Department website:

https://www.morrowcountyor.gov/publicworks/page/weed-department

## Umatilla County Weed List:

**"A" Designated Weed List**

- Camelthorn (Alhagi pseudalhagi)
- Common Bugloss (Anchusa officinalis)
- Common Crupina (Cupina vulgaris)
- Creeping Yellow Cress (Roripa sylvestris)
- Flowering Rush (Botomus umbellatus)
- Garlic Mustard (Alliaria petiolata)
- Japanese Knotweeds [fleece flower] (Polygonum cuspidatum [Fallopia japonica])
- Leafy Spurge (Euphorbia esula)
- Marijuana (Cannabis sativa)
- Meadow Knapweed (Centaurea jacea XC. Nigra)
- Myrtyle Spurge (Euphorbia myrsinites)
- Purple Loosestrife (Lythrum salicaria)
- Purple Starthistle (Centaurea calcitrapa)
- Rush Skeletonweed (Chondrilla juncea)
- Spike Weed (Hemizonia pungens)
- Spotted Knapweed (Centaurea maculosa)
- Tansy ragwort (Senecio jacobaea)
- Viper’s bugloss (Echiuin vulgare)
- Yellow flag iris (Iris pseudacorus)

**"B" Designated Weed List**

- Austrian Peaweed (Sphaerophysa salsula)
- Canada Thistle (Circium arvense)
- Cereal Rye (Secale cereale)
- Dalmation Toadflax (Linaria dalmatica)
- Dodder (Cuscuta pentagona)
- Diffuse Knapweed (Cuscuta pentagona)
- Hoary Cress (Cardaria draba)
- Johnsongrass (Sorghum halepense)
- Jointed Goatgrass (Aegilopscylindrica)
- Kochia (Kochia scoparia)
- Mediterranean Sage (Salvia aethiopis)
- Musk Thistle (Carduus nutans)
- Puncturevine (Tribulus terrestris)
- Poison hemlock (Coium maculatum)
- Quackgrass (Agropyron repens)
- Ragweed (Ambrosia artemisiifolia)
- Russian Knapweed (Acroptilion repens)
- Scotch Thistle (Onopordum acanthium)
- St. Johswort (Hypericum perforatum)
- Yellow Starthistle (Centaurea solstitialis)

Downloaded January 2026 from the Umatilla County Weed Department website:

https://www.co.umatilla.or.us/road/departments/road/weed/noxious-weed-control-list

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# Appendix C. Recommended Timing and Control Methods

| Noxious Weed Species | Method and Timing of Control |
|---|---|
| *Bassia scoparia* (Kochia) | **Aminocyclopyrachlor + chlorsulfuron** – Apply either pre-emergence (late winter/early spring) or post-emergence. Postemergence is most effective on seedlings.<br>• Rate: 4.75 to 8 oz/a[1]<br>**Chlorsulfuron –** Apply pre-emergence (late winter/early spring), or post-emergence from seedling to bolting stage of growth.<br>• Rate: 0.75 oz ai/a (1 oz/a)[1]<br>**Dicamba –** Apply in spring when seedlings are actively growing.<br>• Rate: 0.25 to 1 lb ae/a (0.5 to 2 pints/a)[1]<br>**Fluroxypyr** – Apply in spring from seedling to bolting stage of growth.<br>• Rate: 2.1 to 7.7 oz ae/a (6 to 22 o/a)[1]<br>**Glyphosate** – Apply in spring from seedling to flowering stage of growth.<br>• Rate: 1.1 to 1.7 lb ae/a[1]<br>**Hexazinone –** Apply pre-emergence in the early spring.<br>• Rate: 0.5 to 1.5 lb ai/a (2 to 6 pints/a)[1]<br>**Imazapyr –** Apply pre-emergence (late winter/early spring) or post-emergence to actively growing kochia.<br>• Rate: 0.5 to 1.5 lb ae/a (2 to 4 pints/a)[1]<br>**Metsulfuron –** Apply in spring from seedling to flowering stage of growth.<br>• Rate: 0.6 to 1.2 oz ai/a (1 to 2 oz/a)[1]<br>**Rimsulfuron –** Apply pre-emergence (late winter/early spring) or post-emergence to kochia seedlings.<br>• Rate: 1 oz ai/a (4 oz/a)[1] |
| *Centaurea diffusa* (diffuse knapweed) | **2,4-D –** Apply at the early stage of flower stem elongation (late April to early May).<br>• Rate: 1 to 2 lb ae/a[1]<br>**Aminocyclopyrachlor + chlorsulfuron** – Apply to actively growing plants in spring.<br>• Rate: 1.8 to 3.2 oz/a aminocyclopyrachlor + 0.7 to1.3 oz/a chlorsulfuron (4.5 to 8 oz/a of product)[1]<br>**Aminopyralid** – Consult label for optimum timing. Diffuse and spotted knapweed: apply to actively growing plants in fall or in spring from rosette to bolting growth stages.<br>• Rate: 1 to 1.75 oz ae/a[1]<br>**Clopyralid –** Up to the bud stage of knapweeds.<br>• Rate: 0.25 to 0.5 lb ae/a (0.66 to 1.33 pints/a)[1]<br>**Clopyralid + 2,4-D amine (Curtail) –** Apply after most rosettes emerge but before flower stem elongates.<br>• Rate: 2 to 4 quarts/a Curtail[1]<br>**Diflufenzopyr + dicamba –** Apply to rosettes.<br>• Rate: 0.26 to 0.35 lb ae/a[1]<br>**Glyphosate –** Apply to actively growing knapweed when most plants are at bud stage.<br>• Rate: 3 lb ae/a[1]<br>**Picloram –** Apply in late spring before or during flower stem elongation.<br>• Rate: 0.25 to 0.5 lb ae/a[1]<br>**Triclopyr + clopyralid –** Apply from rosette to early bolt stage when weeds are actively growing.<br>• Rate: 1.5 to 2 pints/a[1] |

| Noxious Weed Species | Method and Timing of Control |
|---|---|
| *Centaurea repens* (Russian knapweed) | **2,4-D –** Apply at the early stage of flower stem elongation (late April to early May).<br>• Rate: 1 to 2 lb ae/a[1]<br>**Aminocyclopyrachlor + chlorsulfuron** – Apply to actively growing plants in spring.<br>• Rate: 1.8 to 3.2 oz/a aminocyclopyrachlor + 0.7 to1.3 oz/a chlorsulfuron (4.5 to 8 oz/a of product)[1]<br>**Aminopyralid** – Spring or fall when rosettes are present.<br>• Rate: 1.75 oz ae/a (7 fluid oz/a Milestone)[1]<br>**Clopyralid –** apply before the bud stage of knapweeds.<br>• Rate 0.25 to 0.5 lb ae/A (0.66 to 1.33 pints/A). Labeled rates vary with crops.<br>**Clopyralid + 2,4-D amine –** Apply after most rosettes emerge but before flower stem elongates.<br>• Rate: 2 to 4 quarts/A Curtail<br>**Diflufenzopyr + dicamba –** Apply to rosettes<br>• Rate: 0.26 to 0.35 lb ae/A (6 to 8 oz/A)<br>**Glyphosate -** Apply to actively growing knapweed when most plants are at bud stage.<br>• Rate: 3 lb ae/A<br>**Imazapic -** Apply in fall or early winter after Russian knapweed has grown old.<br>• Rate: 0.188 lb ai/A for Russian knapweed<br>**Picloram -** Apply in late spring before or during flower stem elongation.<br>• Rate: 0.25 to 0.5 lb ae/A (1 lb ae/A for Russian knapweed)<br>**Triclopyr + clopyralid -** Apply from rosette to early bolt stage when weeds are actively growing. Russian knapweed should be in early bud to early flower growth stage.<br>• Rate: 1.5 to 2 pints/A (2.5 to 4 pints/A for Russian knapweed) |
| *Centaurea solstitialis* (yellow starthistle) | **2,4-D LV ester or 2,4-D amine –** Apply before flowering.<br>• Rate: 1 lb ae/a[1] in 50 gallons of water<br>**Aminocyclopyrachlor + chlorsulfuron –** Apply to actively growing plants.<br>• Rate: 1.2 to 1.8 oz/a[1] aminocyclopyrachlor + 0.5 to 0.7 oz/a chlorsulfuron (3 to 4.5 oz/a of product)<br>**Aminopyralid (Milestone) –** Apply to plants at the rosette through bolting stages.<br>• Rate: 0.75 to 1.25 oz ae/a (3 to 5 fluid oz/a Milestone)[1]<br>**Chlorsulfuron –** For best results apply to young, actively growing plants.<br>• Rate: 1.125 oz ai/a (1.5 oz/a)[1]<br>**Clopyralid –** After most rosettes have emerged but before bud formation.<br>• Rate: 0.09 to 0.375 lb ae/a (0.25 to 1 pint/a)[1]<br>**Clopyralid + 2,4-D amine (Curtail) –** Apply after most rosettes have emerged but before bud formation.<br>• Rate: 1 to 5 quarts/a Curtail[1]<br>**Dicamba –** Apply when plants are still in rosettes but before flower stems elongate.<br>• Rate: 1 to 2 lb ae/a[1]<br>**Diflufenzopyr + dicamba –** Apply to seedlings or rosettes.<br>• Rate: 0.26 to 0.35 lb ae/a (6 to 8 oz/a)[1]<br>**Picloram –** In spring, to plants still in rosette through bud formation.<br>• Rate: 0.25 to 0.375 lb ae/a[1]<br>**Triclopyr + clopyralid –** Apply from rosette to early bolt stage when starthistle is actively growing. |

| Noxious Weed Species | Method and Timing of Control |
|---|---|
| | • Rate: 1.5 to 2.5 pints/a[1] |
| *Chondrilla juncea* (rush skeletonweed) | **2,4-D or MCPA –** Apply to rosettes in the spring immediately before or during bolting.<br>• Rate: 2 lb ae/a[1]<br>**Aminocyclopyrachlor + chlorsulfuron –** Apply to actively growing plants in spring.<br>• Rate: 1.8 to 3.2 oz/a1 aminocyclopyrachlor + 0.7 to 1.3 oz/a chlorsulfuron (4.5 to 8 oz/a of product)<br>**Aminopyralid (Milestone) –** Spring or fall when rosettes are present.<br>• Rate: 1.75 oz ae/a (7 fluid oz/a Milestone)[1]<br>**Clopyralid –** Apply to rosettes in fall or up to early bolting in spring.<br>• Rate: 0.25 to 0.375 lb ae/a (0.66 to 1 pint/a)[1]<br>**Picloram –** Apply from late fall to early spring. For best results, apply just before or during bolting.<br>• Rate: 1 lb ae/a[1] |
| *Convolvulus arvensis* (field bindweed) | **2,4-D (for suppression) amine –** Apply at bud growth stage or at summer fallow in early August.<br>• Rate: 2 to 3 lb ae/a[1]<br>**Aminocyclopyrachlor + chlorsulfuron –** Apply to broadleaf weeds in spring.<br>• Rate: 1.8 to 3.2 oz/a[1] aminocyclopyrachlor + 0.7 to 1.3 oz/a chlorsulfuron (4.5 to 8 oz/a of product)[1]<br>**Dicamba or dicamba + 2,4-D (for suppression) –** Apply during fallow, before planting and when plants are actively growing.<br>• Rate: 0.5 to 1 lb ae/a dicamba; or 0.5 to 1 lb ae/a dicamba + 1 to 2 lb ae/a 2,4-D[1] **Dicamba or dicamba + 2,4-D (for control) –** Apply in late summer or fall before killing frost.<br>• Rate: 1 to 2 lb ae/a dicamba; or 1 to 2 lb ae/a dicamba + 1 to 2 lb ae/a 2,4-D[1] **Glyphosate –** Apply at full bloom to early seed stage of maturity. Application on fall regrowth may provide some control.<br>• Rate: 3 to 3.75 lb ae/a[1]<br>**Glyphosate + 2,4-D (Landmaster BW)–** Apply to bindweed runners that are at least 10 inches long. Use 1% solution to spot treat with high-volume, spray-to-wet applications. Tilling after treatment may improve control.<br>• Rate: 0.378 to 0.67 lb ae/a (54 oz/a Landmaster)[1]<br>**Glyphosate + dicamba –** Apply mid- to late-bloom but before seed matures. Applying to fall regrowth may give some control.<br>• Rate: 1.5 lb ae/a glyphosate + 0.5 lb ae/a dicamba[1]<br>**Imazapic –** Apply after 25% bloom through fall to actively growing bindweed.<br>• Rate: 0.125 to 0.188 lb ai/a[1]<br>**Metsulfuron –** Apply to actively growing bindweed in bloom stage.<br>• Rate: 0.6 to 1.2 oz ai/a (1 to 2 oz/a)[1]<br>**Picloram –** Apply in the growing season on non-cropland when bindweed is visible. Timing is not critical, but results are most consistent if bindweed is in early bud to full bloom.<br>• Rate: 1 lb ae/a[1] |

| Noxious Weed Species | Method and Timing of Control |
|---|---|
| | **Quinclorac –** Apply in fall before frost to actively growing bindweed with stems at least 4 inches long.<br>• Rate: 6 oz ai/a (8 oz/a)[1] |
| *Hemizonia pungens* (common spikeweed) | **2,4-D –** Apply postemergence when plants are in rosette stage in winter or early spring. Application during cool weather allows for the use of ester formulations of 2,4-D, which may have better absorption into the glandular leaves.<br>• Rate: 1.5 qt product/acre (1.4 lb a.e./acre)<br>**Aminocyclopyrachlor + chlorsulfuron (Perspective) –** Apply preemergence or early postemergence before bolting.<br>• Rate: 1.75 to 2.75 ounces product/acres<br>**Dicamba** – Apply postemergence when target plants are small and rapidly growing.<br>• Rate: 1 to 2 pt product/acre (0.5 to 1 lb a.e./acre)<br>**Chlorsulfuron –** Apply preemergence or postemergence to plants in rosette stage.<br>• Rate: 0.5 to 1 oz product/acre (0.375 to 0.75 oz a.i./acre) |
| *Onopordum acanthium* (Scotch thistle) | **2,4-D –** spring or fall.<br>• Rate: 1.5 to 2 lb ae/a[1]<br>**Aminocyclopyrachlor + chlorsulfuron (Perspective) –** Apply to actively growing plants in spring.<br>• Rate: 1.8 to 3.2 oz/a aminocyclopyrachlor + 0.7 to 1.3 oz/a chlorsulfuron (4.5 to 8 oz/a of product)[1]<br>**Aminopyralid (Milestone)** – Apply in spring or early summer to rosettes or bolting plants or in fall to seedlings and rosettes.<br>• Rate: 0.75 to 1.25 oz ae/a (3 to 5 fl oz/a Milestone)[1]<br>**Chlorsulfuron –** Apply to young, actively growing plants.<br>• Rate: 0.75 oz ai/a (1 oz/a)[1]<br>**Clopyralid + 2,4-D amine (Curtail) –** Apply to actively growing thistle after most basal leaves emerge but before bud stage.<br>• Rate: 1 to 5 quarts/a Curtail1<br>**Clopyralid –** Apply up to the bud stage.<br>• Rate: 0.09 to 0.375 lb ae/a (0.25 to 1 pint/a)[1]<br>**Dicamba –** Apply before flower stalk lengthens on established plants and for seedling control. Spray fall applications to control rosettes.<br>• Rate: 0.5 to 1 lb ae/a[1]<br>**Diflufenzopyr + dicamba –** Apply to the rosettes.<br>• Rate: 0.175 to 0.35 lb ae/a (4 to 8 oz/a)[1]<br>**Glyphosate + 2,4-D –** Apply to plants in rosette stage of growth in spring or before freeze- up in fall.<br>• Rate: Broadcast: 16 to 32 fl oz/a[1]. Spot treatment: 1 to 2% solution.<br>**Metsulfuron (Escort and others) –** Apply post-emergence to actively growing plants.<br>• Rate: Escort: 0.6 oz ai/a (1 oz/a)[1]<br>**Picloram –** Apply in the fall before thistle bolts.<br>• Rate: 0.25 lb ae/a[1]<br>**Triclopyr + clopyralid –** Apply to actively growing thistle from rosette to early bolt stage.<br>• Rate: 1.5 to 2 pints/a[1] |

| Noxious Weed Species | Method and Timing of Control |
|---|---|
| *Taeniatherum caput-medusae* (medusahead) | Consult with Morrow County and Umatilla County Weed Supervisors.<br>**Aminopyralid –** Apply preemergence in fall.<br>• Rate: 7 to 14 oz product/acre (1.75 to 3.5 ox a.e./acre)<br>**Glyphosate –** For selective control in shrubland, apply post-emergence in spring after all seedlings are up and before heading; the tillering stage is ideal. For late-season, non- selective control, apply to rapidly growing plants before seeds are produced.<br>• Rate: 0.75 to 1 pint product /a (0.42 to 0.56 lb a.e./acre) for early-season selective control in shrubland or other perennial systems; 1 to 2 quarts product (Roundup ProMax)/acre (1.1 to 2.25 lb a.e./a)1 for late-season, non-selective control.<br>**Imazapic –** Fall or spring. In warm-winter areas, fall applications may be most effective. In colder climates, spring applications after snow melt is better.<br>• Rate: 4 to 12 fluid oz product/a (1 to 3 oz ae/a)1<br>**Rimsulfuron –** Apply pre-emergence (fall) to early post-emergence (early spring)<br>• Rate: 4 oz product/a (1 oz active ingredient (ai)/a)1<br>**Sulfometuron –** Pre-emergence to early post-emergence. Pre-emergence (fall) applications are generally more effective.<br>• Rate: 0.75 to 1.5 oz product/a (0.56 to 1.13 oz ai/a)1<br>**Sulfometuron + chlorsulfuron –** Pre-emergence in fall or after soil thaws in spring.<br>• Rate: 1.5 to 2.25 oz product/a1 |
| *Tribulus terrestris* (puncturevine) | **2,4-D amine or 2,4-D LV ester–** Apply every 3 weeks during growing season or when new seedlings appear.<br>• Rate: 1 to 2 lb ae in 10 to 20 gal water for spot treatments<br>**Aminocyclopyrachlor + chlorsulfuron–** Apply to actively growing plants in spring<br>• Rate: 1.8 to 3.2 oz/A aminocyclopyrachlor + 0.7 to 1.3 oz/A chlorsulfuron (4.5 to 8 oz/A of product)<br>**Bentazon (Basagran) + imazamox (Raptor)–** Apply to small, actively growing puncturevine<br>• Rate: 0.75 to 1 lb ai/A bentazon + 0.031 lb ai/A imazamox (4 oz/A Raptor)<br>**Bromacil + diuron–** Apply before weeds emerge.<br>• Rate: 8 lb ai/A (10 lb/A)[1]<br>**Chlorsulfuron–** Apply late fall or late winter preemergence to growth. Needs moisture to activate.<br>• Rate: 1 oz ai/A (1.5 oz/A)[1]<br>**Fomesafen –** Apply pre- and postemergence, depending on crop.<br>• Rate: 1 to 2 pints/A (0.25 to 0.5 lb ai/A)[1]<br>**Imazapic –** Apply early postemergence when plants are cracking.<br>• Rate: 0.125 to 0.188 lb ai/a[1]<br>**Indaziflam –** Apply at least several weeks prior to expected germination of puncture vine Apply to dry soils when rain is not expected for at least 48 hr. Can be successfully applied several months in advance of weed germination.<br>• Rate: Grazed areas 0.046 to 0.065 lb ai/A (3.5 to 5 oz/A Rejuvra); areas not grazed or cut for hay 0.046 to 0.09 lb ai/A (3.5 to 7 oz/A Rejuvra). Use lower rates only where weed pressure is light and shorter period of residual activity is desired.f |

| Noxious Weed Species | Method and Timing of Control |
|---|---|
| | **Norflurazon –** Apply in fall to spring, before puncture vine emerges.<br>• Rate: Refer to label. Adjust rates depending on soil texture and organic matter<br>**Paraquat –** Apply as a postemergence spray to puncture vine foliage<br>• Rate: 0.38 to 0.49 lb ai/A[1] |
| Sources: DiTomaso e al. 2013; Kyser et al. 2014, Prather and Peachey 2022.<br>[1]a = acre; ae = acid equivalent; ai = active ingredient; lb= pound; oz = ounces | |

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***Wheatridge Renewable Energy Facility Northeast***

Attachment D: Draft Revegetation Plan

# Wheatridge Renewable Energy Facility
# NortheEast

# Draft Revegetation Plan

**Prepared for**
**Wheatridge NortheEast Wind, LLC**

**Prepared by**

TETRA TECH

**Q1January 20242026**

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# 1.0 Introduction

The Wheatridge Renewable Energy Facility East (Facility) is an approved wind energy generation facility with the capacity to generate up to 300 megawatts (MW). As approved, the Facility has up to 107 wind turbines with associated supporting facilities, and is located within an approved Site Boundary of approximately 78,985 acres across Morrow and Umatilla counties, Oregon.

The northeastern portion of the approved Facility (located in both Umatilla and Morrow counties) has yet to begin construction, and the Certificate Holder proposes to split this area from the remainder of the Facility currently under construction. Request for Amendment 2 (RFA 2) seeks to divide the Facility into two separate facilities within the approved Site Boundary.

1. **Wheatridge Renewable Energy Facility East (WREFE)** – Wind energy facility in Morrow County, including 71 wind turbines and related or supporting facilities, with a total generating capacity up to 200 MW. The Certificate Holder and Certificate Holder Owner will remain the same.
2. **Wheatridge Renewable Energy Facility Northeast (WREFNE)** – Wind energy facility in Morrow and Umatilla counties, including 36 wind turbines and related or supporting facilities, with a total generating capacity up to 100 MW. The Certificate Holder will be changed to Wheatridge Northeast Wind, LLC. NextEra Energy Resources will remain the Certificate Holder Owner.

Once the amendment process is complete, each facility will be a stand-alone Facility, but may share related or supporting facilities with one another similar to other projects approved by the Energy Facility Siting Council (EFSC). This includes splitting the Site Boundary and micrositing corridors. This Revegetation Plan (Plan) has been prepared for WREFNE, to support the Facility's RFA 2.

The details of this Plan were developed based on previous consultations for the approved site certificate and on other projects by the Certificate Holder's parent company in the region. The details of this Plan will be finalized in consultation with personnel from the Oregon Department of Fish and Wildlife (ODFW), the Oregon Department of Energy (ODOE), and the Morrow and Umatilla County ~~Weed~~ weed ~~Control~~ control ~~Departments~~departments. ~~A stand-alone Draft Noxious Weed Control Plan has also been prepared (see Attachment 7 of RFA 2).~~ Information on Morrow and Umatilla ~~County~~county-listed noxious weeds, noxious weeds observed during surveys, and treatment and monitoring of noxious weeds are included in the Draft Noxious Weed Control Plan (see Attachment 7 of RFA 2). Throughout construction and revegetation activities, the Certificate Holder will take appropriate actions to prevent the spread of noxious weeds (see Attachment 7 of RFA 2). Where appropriate, and pursuant to consultation with the Morrow and Umatilla ~~County~~ county ~~Weed~~ weed ~~Control~~ control ~~Supervisors~~supervisors, monitoring of noxious weeds and the effectiveness of weed control/eradication efforts will be performed concurrently with the revegetation monitoring described in this document.

The Certificate Holder will consult with Oregon Department of Agriculture (ODA) on revegetation, weed treatment, and restoration for areas in proximity to occurrences of Laurence's milkvetch (*Astragalus collinus* var. *laurentii*).

This Plan will also be used to evaluate soils in areas of temporary disturbance and inform the final assessment of temporarily impacted soils including erosion, compaction impact potential, and reclamation measures. The analysis of soils includes soil classification and description of soil properties, existing vegetation cover, historic and current land use, and seasonal precipitation conditions. Based on the soil analysis, the Certificate Holder shall develop quantitative reclamation criteria that will be used to measure successful reclamation of disturbed soils. This Plan, including the soil reclamation criteria, will be submitted to ODOE for review and approval in consultation with the Umatilla Soil and Water Conservation District, the Morrow Soil & Water Conservation District, ODA, the Natural Resources Conservation Service (NRCS), or a designated third-party consultant with expertise in soils.

# 2.0 Site Description

The Facility is located in Oregon's Umatilla and Morrow counties. It lies within the Columbia Plateau Ecoregion. The ~~at~~ elevations within the WREFNE portion of the Site Boundary ~~ranging~~ range from 761 to ~~3,225~~ 2,572 feet above mean sea level. The Facility is sited entirely on private land and includes agricultural land used for cultivation of primarily wheat and grazing of livestock. Native vegetation has been modified not only through agricultural conversion, but also through historical and current livestock grazing, by changes in fire regimes, and by the presence of exotic grasses and other vegetation, although large tracts of relatively intact native perennial grassland are present.

## 2.1 Soil Types

The WREFNE portion of the Site Boundary is zoned Exclusive Farm Use by Morrow County ~~(see Exhibit K of RFA 1)~~. WREFNE is located on private agricultural land, generally used for dryland wheat production or as rangeland. There are 51 major soil types (soil units) in the WREFNE portion of the Site Boundary ~~(see Exhibit I of RFA 1: Table I-1 and Figure I-1)~~. The four soil units that make up 5 percent or more of the WREFNE portion of the Site Boundary are described in Table 1.

Historic and current land uses within the WREFNE portion of the Site Boundary primarily consist of land use categories "non-irrigated agriculture" (approximately 27 percent) and "habitat lands" (approximately 73 percent). ~~For further details, see descriptions of land use categories in Exhibit K of RFA 1.~~ The WREFNE portion of the Site Boundary includes some areas with soils defined as High Value Farmland by the ~~Natural Resources Conservation Service~~NRCS (NRCS 2021).

**Table 1. Soil Units Making Up Five Percent or More of the WREFNE Site Boundary**

| Soil Type | Soil Description | Approximate Thickness (~~feet~~cm) | Formation Setting | Permeability | Runoff | Hazard for Erosion | Wind Erosion Rating[1] | K-factor[2] | Percent of Site Boundary |
|---|---|---|---|---|---|---|---|---|---|
| Lickskillet Very Stony Loam (7–40% slopes) | These are shallow, well-drained soils formed in stony colluvium. They are composed of loess, rock fragments and residuum weathered from basalt and rhyolite. Lickskillet soils are on uplands, about 1.4 inches thick. The erosion hazard is moderate. Most slopes in the WREFNE Site Boundary are between 7 and 40 percent. The soil has low permeability and high runoff. | 43 | loess mixed with colluvium from basalt | Low | High | Moderate | 7 | (0.37-0.43) | 10~~20~~ |
| ~~Lickskillet-Rock Outcrop Complex (40–70% slopes)~~ | ~~These are shallow, well-drained soils composed of loess and colluvium from basalt. Lickskillet soils are on uplands, less than 1.4 inches thick. The erosion hazard is severe. Most slopes in the Amended Site Boundary are between 40 and 70 percent. The soil has low permeability and high runoff.~~ | ~~0~~ | ~~loess mixed with colluvium from basalt~~ | ~~Low~~ | ~~High~~ | ~~Severe~~ | ~~7~~ | ~~(0.37-0.43)~~ | ~~10~~ |
| ~~Morrow Silt Loam (20–35% north slopes)~~ | ~~These are shallow, well-drained soils of silt loam and silty clay loam. Morrow soils are about 26 inches thick. The erosion hazard is severe. Most slopes in the Amended Site Boundary are between 20 and 35 percent. The soil has moderate permeability and moderately high runoff.~~ | ~~66~~ | ~~loess~~ | ~~Moderate~~ | ~~Moderately High~~ | ~~Severe~~ | ~~6~~ | ~~(0.43-0.55)~~ | ~~5~~ |
| ~~Bakeoven-Morrow Complex (2–20% slopes)~~ | ~~These are shallow, well-drained soils formed in loess mixed with residuum weathered from basalt. The soil is very cobbly loam and extremely cobbly loam. Bakeoven-Morrow complex soils are on uplands, about 7 inches thick. The erosion hazard is moderate. Most slopes in the Amended Site Boundary are between 2 and 20 percent. The soil has low permeability and high runoff.~~ | ~~18~~ | ~~loess; loess mixed with residuum weathered from basalt~~ | ~~Low~~ | ~~High~~ | ~~Moderate~~ | ~~6~~ | ~~(0.37-0.55)~~ | ~~7~~ |
| ~~Rhea Silt Loam (20–35% slopes)~~ | ~~These are well-drained soils formed in loess mixed with small amounts of volcanic ash. The soil is silt loam. Rhea silt loam soils are on uplands, more than 76 inches thick. The erosion hazard is severe. Most slopes in the Amended Site Boundary are between 20 and 35 percent. The soil has high permeability and moderately low runoff.~~ | ~~> 7~~ | ~~loess mixed with small amounts of volcanic ash~~ | ~~High~~ | ~~Moderately Low~~ | ~~Severe~~ | ~~6~~ | ~~(0.43-0.49)~~ | ~~6~~ |
| ~~Rhea Silt Loam (35–50% slopes)~~ | ~~These are deep, well-drained soils formed in loess mixed with small amounts of volcanic ash. The soil is silt loam. Rhea silt loam soils are on uplands, more than 76 inches thick. The erosion hazard is severe. Most slopes in the Amended Site Boundary are between 35 and 50 percent. The soil has high permeability and moderately low runoff.~~ | ~~> 7~~ | ~~loess mixed with small amounts of volcanic ash~~ | ~~High~~ | ~~Moderately Low~~ | ~~Severe~~ | ~~6~~ | ~~(0.43-0.49)~~ | ~~7~~ |
| ~~Bakeoven-Valby Complex (2–20% slopes)~~ | ~~These are shallow, well-drained soils formed in loess over basalt and loess mixed with residuum weathered from basalt. The soil is silt loam, very cobbly loam, and extremely cobbly loam. Bakeoven-Valby complex soils are on uplands, between 7 and 30 inches thick. The erosion hazard is moderate. Most slopes in the Amended Site Boundary are between 2 and 20 percent. The soil has low permeability and high runoff.~~ | ~~18~~ | ~~loess mixed with residuum weathered from basalt; loess over basalt~~ | ~~Low~~ | ~~High~~ | ~~Moderate~~ | ~~6~~ | ~~(0.37-0.55)~~ | ~~5~~ |
| Shano Silt Loam (2 – 7% slopes) | These are deep, well-drained soils formed in loess over calcareous, lacustrine deposits. Shano silt loam soils are hillslopes about 65 inches thick. The erosion hazard is severe. Slopes within the site are 2 to 7 percent and the soils have high permeability and moderately high runoff. | >200 | loess over calcareous, lacustrine deposits | High | Moderately Low | Moderate | 5 | (0.55 - 0.64) | 15 |
| Valby Silt Loam (7-12~~–20~~% ~~north~~ slopes) | These are shallow, well-drained soils formed in loess over basalt and consisting of silt loam. Valby silt loam soils are on hillslopes, about 30 | 76 | loess over basalt | Moderate | Moderately High | Severe | 5 | (0.43-0.55) | 10~~6~~ |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | inches thick. The erosion hazard is severe. Most slopes in the WREFNE Site Boundary are between 12 and 20 percent. The soil has moderate permeability and moderately high runoff. | | | | | | | | |
| Shano Silt Loam (7 – 12% slopes | These are deep, well-drained soils formed in loess over calcareous, lacustrine deposits. Shano silt loam soils are hillslopes about 65 inches thick. The erosion hazard is severe. Slopes within the site are 7 to 12 percent and the soils have high permeability and moderately high runoff. | >200 | loess over calcareous, lacustrine deposits | High | Moderately Low | Severe | 5 | (0.55 – 0.64) | 8 |

1. A wind erodibility group consists of soils that have similar properties affecting their susceptibility to wind erosion in cultivated areas. The soils assigned to group 1 are the most susceptible to wind erosion, and those assigned to group 8 are the least susceptible.

2. Erosion factor K (Kw for the whole soil) indicates the susceptibility of a soil to sheet and rill erosion by water. Factor K is one of six factors used in the Universal Soil Loss Equation and the Revised Universal Soil Loss Equation to predict the average annual rate of soil loss by sheet and rill erosion in tons per acre per year. The estimates are based primarily on silt, sand, and organic matter percentage and on soil structure and saturated hydraulic conductivity. Values of K range from 0.02 to 0.69. Other factors being equal, the higher the value, the more susceptible the soil is to sheet and rill erosion by water.

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## 2.2 Existing Habitat

Habitat subtypes within the WREFNE Site Boundary primarily consist of Exotic Annual Grassland (34 percent; Grassland habitat type), Native Perennial Grassland (29 percent; Grassland habitat type), Dryland Wheat (26 percent; Developed habitat type), Rabbitbrush/Snakeweed Shrub-steppe (6 percent; Shrub-steppe habitat type), ~~Exotic Annual Grassland (34 percent; Grassland habitat type),~~ Revegetated/Other Planted Grassland (2 percent; Developed habitat type) and Basin Big Sagebrush (2 percent; Shrub-steppe habitat type) ~~Rabbitbrush/Snakeweed Shrub-steppe (6 percent; Shrub-steppe habitat type)~~. Other habitat subtypes make up less than 1 percent ~~or less~~ of the WREFNE Site Boundary. ~~Exhibit P of RFA 1 details each habitat subtype and category that will be temporarily and permanently disturbed during construction and operation of the Facility.~~

The ~~very~~ southern ~~parcels~~ portion of the WREFNE Site Boundary overlaps with ODFW-designated Mule Deer Winter Range and is therefore classified as Category 2, which is considered essential and limited habitat~~,~~ where it is not cultivated or developed (i.e., Category 6). The WREFNE Site Boundary also overlaps with the locations of Washington ground squirrel (*Urocitellus washingtoni*; state endangered) colonies, which have associated Category 1 (essential, limited, and irreplaceable habitat) ~~as well as~~and Category 2 wildlife habitat, where it is not cultivated or developed. Outside of Mule Deer Winter Range and Category 1 and 2 habitat, the Facility includes Category 3 (essential habitat, or important and limited habitat) and Category 4 (important habitat) wildlife habitat. Agricultural and developed land is classified as Category 6, which is considered habitat that has low potential to become essential or important habitat. Two of the three Category 6 habitat subtypes (Developed-Dryland Wheat and Developed-Irrigated Agriculture) are grouped together as cropland for the purposes of revegetation. The Developed-Other habitat subtype includes farm and ranch homes and related infrastructure, roads, quarries, livestock facilities, and other areas associated with human activity. All other habitat subtypes are collectively referred to as wildlife habitat for the purposes of revegetation (Table 2).

**Table 2. Habitat Types and Revegetation Classes in the WREFNE Site Boundary**

| Revegetation Class | Habitat Type and Subtype |
|---|---|
| Cropland and Developed Land | Developed-Dryland Wheat |
| | Developed-Irrigated Agriculture |
| | Developed-Other |
| Wildlife Habitat | Grassland-Exotic Annual |
| | Grassland-Native Perennial |
| | Shrub-steppe-Basin Big Sagebrush |
| | Shrub-steppe-Rabbitbrush/Snakeweed |
| | Riparian Forest and Natural Shrubland Complexes-Eastside (Interior) Riparian |
| | Open Water – Lakes, Rivers, Streams-Permanent Ponds/Lakes |
| | Wetlands-Riverine Wetlands |

## 2.3 Existing Agricultural Practices

Agricultural land within the WREFNE Site Boundary includes two types of crops (dryland and irrigated), as well as grazed rangeland. Dryland crops are on the majority of the hillsides within the WREFNE Site Boundary. There are two pivot circles with irrigated crops in the valley bottom at the northern end of the WREFNE Site Boundary. The rangeland covers the hillsides in the ~~verysouthern~~ southernmost part of the WREFNE Site Boundary.

Approximately 26 percent of the land in the WREFNE micrositing corridor is in a 2-year dryland winter wheat/fallow crop rotation (land use category "Agriculture, non-irrigated" in Exhibit K, Table K-3 of RFA 1). Dryland wheat is planted in the fall and harvested in early summer. After harvest the farmer will leave standing stubble over the next year until planting in the late fall of year two of the crop rotation. That fallow period allows for the collection of moisture in the soil; leaving the standing stubble reduces wind and water erosion on cropland. Herbicides are applied during the fallow year to kill off any vegetation that will use moisture present in the soil profile. Some farmers will seed directly into the standing stubble (no-till farming) while others will till the stubble and then seed (conservation tillage). The conventional method of tilling after harvest is no longer commonly used in the inland Northwest because of the loss of topsoil to wind and water erosion during the fallow year.

Less than 1 percent of the WREFNE Site Boundary contains irrigated cropland (Table K-3 and on Figure K-3 of Exhibit K, RFA 1). Irrigated crops within the Facility include alfalfa (five- to six-year rotation), seed corn (annual crop), and sorghum (annual crop). These crops are planted in the spring with herbicides applied on an as-needed basis.

Approximately 73 percent of the WREFNE Site Boundary contains rangeland ~~(Table K-3 of Exhibit K, RFA 1, labeled as Habitat Lands)~~. Rangeland within the WREFNE Site Boundary is a mix of grassland (Exotic Annual and Native Perennial); Riparian; Shrub-steppe; Cliffs/Caves/Talus; and occasional streams and wetlands (Table 2). Management is minimal in the rangeland and mostly consists of maintenance of the two-track roads and livestock watering facilities.

# 3.0 Temporary Impacts

## 3.1 Temporary Impacts to Cropland

Temporary disturbance to areas identified as Cropland (Developed-Dryland Wheat, Developed-Irrigated Agriculture, and Developed-Other habitat subtypes) are shown in Table 3. Restoration of Developed-Other habitat subtypes will be determined on a case-by-case basis and is not covered further in this Plan. Temporary disturbances to Developed-Dryland Wheat and Developed-Irrigated Agriculture will be restored as described in Section 4.4.

**Table 3. Summary of Temporary Impacts to Cropland**

| Habitat Category and Habitat Type-Subtype | Temporary Impact (acres)[1] |
|---|---|
| **Category 6** | |

| Habitat Category and Habitat Type-Subtype | Temporary Impact (acres)[1] |
|---|---|
| Developed-Dryland Wheat | ~~178.2~~ 260.6 |
| Developed-Irrigated Agriculture | 0.9 |
| Developed-Other | ~~16.7~~ 11.2 |
| **Subtotal Category 6** | **~~195.8~~72.7** |
| 1. Totals in this table may not be precise due to rounding. | |

## 3.2 Temporary Impacts to Wildlife Habitat

Temporary disturbance to areas identified as wildlife habitat are shown in Table 4. These temporary disturbances will be restored as described in Section 4.5.

**Table 4. Summary of Temporary Impacts to Wildlife Habitat**

| Habitat Category and Habitat Subtype | Temporary Impact (acres)[1] |
|---|---|
| **Category 2** | |
| Grassland-Exotic Annual | ~~120.1~~ 76.5 |
| Grassland-Native Perennial | ~~603.6~~ 71.0 |
| ~~Shrub-steppe-Basin Big Sagebrush~~ | ~~8.8~~ |
| Shrub-steppe-Rabbitbrush/Snakeweed | ~~34.8~~ 6.1 |
| Riparian Forest and Natural Shrubland Complexes-Eastside (Interior) Riparian | ~~0.6~~ <0.1 |
| ~~Developed-Revegetated or Other Planted Grassland~~ | ~~70.3~~ |
| Open Water – Lakes, Rivers, Streams-Intermittent or Ephemeral Streams | ~~0.2~~ <0.1 |
| Wetlands-Riverine Wetlands | ~~0.5~~ 0.2 |
| ~~Wetlands-Emergent Wetlands~~ | ~~0.1~~ |
| **Subtotal Category 2** | **~~838.8~~ 153.8** |
| **Category 3** | |
| Grassland-Native Perennial | ~~18.4~~ 5.6 |
| Shrub-steppe-Basin Big Sagebrush | ~~5.3~~ 5.1 |
| ~~Developed-Revegetated or Other Planted Grassland~~ | ~~<0.1~~ |
| ~~Wetlands-Emergent Wetlands~~ | ~~<0.1~~ |
| **Subtotal Category 3** | **~~23.8~~ 10.7** |
| **Category 4** | |
| Grassland-Exotic Annual | ~~51.4~~ 44.3 |
| Shrub-steppe - Rabbitbrush/Snakeweed | ~~11.3~~ 0.1 |
| Open Water – Lakes, Rivers, Streams-Intermittent or Ephemeral Streams | <0.1 |
| **Subtotal Category 4** | **~~62.7~~44.5** |

| Habitat Category and Habitat Subtype | Temporary Impact (acres)[1] |
|---|---|
| **Grand Total** | ~~925.4~~ 208.9 |
| Note: Totals in this table may not sum correctly due to rounding; <0.1 means greater than zero but less than 0.05 acres of impact. | |

# 4.0 Revegetation Methods

This Plan addresses revegetation methods for cropland (Dryland Wheat, Irrigated Agriculture) and wildlife habitat. Revegetation will begin as soon as feasible after construction completes. Seeding and planting will be done in a timely manner and in the appropriate season. Restoration of Dryland Wheat and Irrigated Agriculture will be designed in consultation with the landowner.

## 4.1 Roles and Responsibilities

The construction contractor will be responsible for implementing the measures in the National Pollutant Discharge Elimination System (NPDES) 1200-C permit, as well as the revegetation activities discussed herein during and immediately after construction. A qualified botanist or revegetation specialist will be responsible for monitoring and reporting on revegetation success. Remedial revegetation actions, if needed during the operation phase, will be performed by a qualified contractor. The Certificate Holder will be responsible for ensuring that all contractors perform work in accordance with permit requirements and all agreed upon methods for revegetation. Additionally, for areas in proximity to occurrences of Laurence's milkvetch, the Certificate Holder will consult with ODA on revegetation, weed treatment, and restoration.

Revegetation is challenging in the arid conditions in the vicinity of the Facility. Other energy facilities in the region have struggled to meet revegetation success criteria. This Revegetation Plan incorporates the Certificate Holder's "lessons learned" from previous projects, with the goal of implementing effective revegetation actions. Key lessons learned have included the need for seeding and planting within narrow, site-specific windows based on weather and soil moisture levels, and the importance of closely managing revegetation contractor methods and procedures.

To increase the probability of revegetation success and ensure no loss of habitat quality for temporary disturbances to wildlife habitat, the Certificate Holder will ensure that the contractor selected for the revegetation of temporary impact areas will be a qualified restoration and seeding contractor with demonstrated experience in the Columbia Plateau. Options the Certificate Holder is considering for contracting and managing this work include:

- Having their construction contractor subcontract the revegetation of temporary impact areas out to a qualified restoration and seeding contractor. The contract will stipulate the Certificate Holder's right to dictate the timing, methods, and management of seeding.
- Contracting directly with the qualified restoration and seeding contractor, with the power to contractually enforce seed timing and methods.

- Having their environmental contractor (e.g., Tetra Tech) contract with the qualified restoration and seeding contractor, with the power to contractually enforce seed timing and methods.

The restoration and seeding contractor's qualifications will be provided as a submittal to ODOE prior to construction. Additionally, staff from either the Certificate Holder or their environmental contractor (e.g., Tetra Tech) will field-verify seeding method and timing requirements are followed appropriately, and will document any variances and the justifications for those variances. Monitoring and follow-up will be provided, as described in Section 5.0, to ensure oversight and increase the probability of revegetation success.

## 4.2 Site Preparation

In areas where soil is removed during construction, the following measures will be taken where appropriate:

- The topsoil will be stockpiled separately from the subsurface soils.
- Mineral soils will be decompacted where needed, i.e., reclaimed crane paths, laydown yards, and temporary roads.
- The conserved soil will be put back in place as topsoil prior to revegetation activities.
- Prior to seeding and/or planting of revegetation areas, soils will be prepared to facilitate revegetation success.
- Soil preparation will involve standard, commonly used methods, and will take into account all relevant site-specific factors, including slope, size of area, and erosion potential.
- Topsoil and other soils from noxious weed infested areas will not be moved outside of the infested areas and will be returned to its previous location during reclamation activities;
- Soils from weed infested areas may be treated with a pre-emergent herbicide prior to initiation of revegetation efforts, depending on site-specific conditions;
- Movement of topsoil and other soils from non-infested areas will be limited to eliminate the transport of weed seeds, roots, or rhizomes.
- In general, the soil will be prepared into a firm, fine-textured seedbed that is relatively free of debris before seeding or planting. Shallow tilling with a disc, followed by a harrow or drag if necessary, can typically achieve this. If replaced soil is too soft, then seeds may be buried too deep to properly germinate; a roller or culti-packer should be used to pack down the soil.
- In non-cropland areas, site complexity will be considered during soil preparation. For instance, it may be desirable to purposely create an uneven, patchy site that allows for depressions and other microsites that result in small variations in aspect and moisture holding to promote complexity.

- The construction contractor will use mulching and other appropriate practices, as required by the NPDES 1200-C permit, to control erosion and sediment during construction and revegetation work.

## 4.3 Soil Reclamation

Successful vegetative reclamation of disturbed areas depends on productive soils. Therefore, soil reclamation is included and addressed as part of this Plan.

### *4.3.1 Soil Quantitative Reclamation Criteria*

For the purposes of this Facility, adverse impacts will be considered as a change from the current conditions of the soils within the construction areas. A quantitative assessment of the physical and chemical soil characteristics including the following will be used to determine if the impacted soils are measurably different (more than 10 percent different) from the surrounding undisturbed soils:

- **Soil physical observations and estimations**. These tests involve describing the soils physical characteristics and include describing the soil profile and determining aggregate size. Soil pits up to 36 inches will be dug in the sampling area. Soils will then be described by their topsoil depths, Munsell Color, and aggregate size. Topsoil depth is important for water storage and nutrient supply for plant growth. Generally, removal of the topsoil will result in loss of soil fertility, water-holding capacity, soil organic carbon content, and productivity. Soil structure is the arrangement and organization of particles in the soil. Soil structure affects the retention and transmission of water and air in the soil as well as the mechanical proper ties of the soil. This test only needs to be done once at the start of the site monitoring efforts as these characteristics will not change unless there are additional disturbances to the soil.
- **Infiltration rate test**. Infiltration is the process of water entering the soil. The rate at which water enters the soil is the infiltration rate, which is dependent on the soil type; soil structure, or amount of aggregation; and the soil water content (Lowery et al. 1996). This test will show the effects of compaction from construction in each site. Compacted soils will have less pore space, resulting in lower infiltration rates. Lower infiltration rates will result in more runoff (creating erosion issues) and less available water for plants.
- **Nutrient test that includes organic matter content and pH.** A nutrient test will show the plant available nutrients in the soil which is an indicator for plant productivity. The organic matter content measurement gives the amount of stored nutrients, including organic carbon, in the soils that can be made available to plants based on the health of the soil microorganisms. Soil pH is a measure of the acidity or alkalinity of a soil, which affects the availability of plant nutrients, activity of microorganisms, and the solubility of soil minerals. This test will show the available nutrients in the soils.

If any of the above criteria have changed more than 10 percent from the surrounding undisturbed soils or baseline conditions, mitigation measures such as further decompaction of the impacted soils, additional nutrients or minerals to adjust pH, or the addition of composted organic matter will

be taken. The areas having negative impacts to soil conditions will be monitored and mitigated for using adaptive management techniques.

## 4.4 Restoration of Cropland

Croplands will be reseeded with the appropriate crop or maintained as fallow in consultation with the landowner or farm operator. The construction contractor will also consult with the landowner or farm operator to determine seed mix, application methods, and rates for seed and fertilizer. Each cropland type (i.e., dryland vs. irrigated) will require a different restoration management regime. This section discusses the restoration of dryland crops and irrigated agriculture; rangeland restoration is discussed in Section 4.5.

Dryland croplands will be reseeded to match the timing of the crop rotation on adjacent cropland in order to facilitate easy harvest and re-establish the appropriate crop rotation on that land. Dryland cropland that will be seeded in the year that construction is complete can be temporarily hydromulched or otherwise stabilized until seeding can occur in the fall; dryland cropland that will be fallow for a year (i.e., fallow rather than reseeded the year construction is complete) will be planted with spring wheat (dependent on timing of construction closeout) or have continued stabilization with hydromulch or other best management practices (BMPs) through the fallow year.

If terraces within the dryland croplands are disturbed during construction, they will be rebuilt to the ~~Natural Resource Conservation Service's~~NRCS's specification upon which they were installed by the farmers. These features, while beneficial for conservation, can impede the movement of construction crews through the area due to their uneven surfaces and potential obstruction of equipment.

Irrigated crops will be planted with a short-term cover crop until the timing is right to seed the desired crop or temporarily stabilized with hydromulch or other BMPs. Fast-growing cover crops can protect the soil from erosion, enhance organic matter content, and improve nutrient cycling during fallow periods. This BMP will be dependent on the water rights and soil conditions of the farmer, and the Certificate Holder will work with farmers to establish which technique will work best on their land.

Soil compaction as a result of construction activity is another concern for restoring agricultural soils to their pre-construction productivity. During construction of temporary facilities, the Certificate Holder will excavate and store soils by soil horizon, so that soils are replaced and restored appropriately, including replacing topsoil. During post-construction restoration of temporary impacts to agricultural areas, the Certificate Holder will loosen agricultural soil by mechanical scarification (tilling or ripping the soil) to an appropriate depth to reduce the potential effects of compaction. Soil amendment, by addition of organic matter (compost), may also be necessary to alleviate compaction. The measures outlined in Section 4.2 will be performed in cropland where applicable.

## 4.5 Restoration of Wildlife Habitat

All wildlife habitats will be reseeded with either 1) a mix of native or non-invasive, non-persistent non-native grasses; or 2) a mix of native or non-invasive, non-persistent non-native grasses, forbs, and shrubs. ~~The seed mixes and application rates described in Section 4.6 were determined in consultation with ODFW for the adjacent Wheatridge Renewable Energy Facility II (WREFII), and included consideration of the soil types, erosion potential, and growing conditions found near the Facility.~~ The seed mixes will be approved by ODFW prior to application and seeds will be obtained from a reputable supplier in compliance with ~~the Oregon Seed Law (~~Oregon Administrative Rule chapter 603, division ~~-~~ 056~~)~~.

The methods used and timing of planting will be appropriate to the seed mixes, weather conditions, and site conditions (including area size, slope, and erosion potential) based upon consultation with ODFW and the Morrow and Umatilla County Weed Control Supervisors. Preparation of disturbed ground may include replacing lost topsoil, or chemical or mechanical weed control per the Draft Noxious Weed Control Plan (see Attachment 7 of RFA 2). Following soil preparation (Section 4.2), seed mixes in non-cropland areas will be applied through broadcast, drill, or hydroseeding.

During construction, the construction contractor will implement site stabilization measures, including seeding of temporarily disturbed areas according to the Certificate Holder's NPDES 1200-C permit. Approximately 6 months prior to commercial operation, the Certificate Holder and construction contractor will meet with ODFW, ODOE, and the Morrow and Umatilla County Weed Control Authority personnel to review the actual extent and conditions of temporarily impacted areas, confirm the revegetation methods to be implemented, and to revisit reference areas, as necessary.

### *4.5.1 Broadcast Seeding*

Broadcast seeding will be chosen based on the type of seed, disturbance level, soil type, terrain, and precipitation levels for the area to be revegetated. For example, the best time to seed big sagebrush is late fall, and one of the best methods of successful revegetation of big sagebrush is broadcast seeding followed by raking or harrowing (Lambert 2005). In this method, the seed mix will be broadcast at a rate of 20-24 pounds per acre; however, the rate may be adjusted depending on the recommendations of the actual seed supplier. Broadcasting should not be utilized when winds exceed 5 miles per hour. If feasible, half of the seed mix will be broadcast in one direction, with the other half broadcast perpendicular to the first half. A tracking dye may be added to facilitate uniform application. Unsuccessful broadcast seeding is often due to lack of seed-to-soil contact. Therefore, broadcast seeding will be applied to the surface of the soil and then covered by 0.5 to 1 inch of soil by raking or harrowing to ensure soil-to-seed contact and improve success (Pyke et al. 2018).

### *4.5.2 Drill Seeding*

Drill seeding will be chosen based on the type of seed, disturbance level, soil type, and precipitation levels for the area to be revegetated. For example, drill seeding is often used on slopes less than 30

percent or flat areas that allow mechanical equipment and where soils are not stony (Pyke et al. 2018). Drill seeding is often a preferred method of seeding on erodible soils and as it plants seeds at a uniform depth favorable for successful germination, not too shallow, or too deep. Drill seeding plants seeds at a rate of 12-14 pounds per acre using an agricultural or range seed drill; however, the rate may be adjusted depending on the recommendations of the actual seed supplier.

### *4.5.3 Hydroseeding*

Hydroseeding is most applicable for areas where drill or broadcast seeding machinery cannot access, including steeper sloped or narrow terrain, or where the simultaneous application of mulch is desired for soil stabilization. Seeding rates typically increase by 30 to 50 percent above broadcast seeding rates for single applications per consultation with the seed supplier.

### *4.5.4 Mulching and Soil Stabilization*

Mulching, erosion control fabric and/or other appropriate practices will be implemented to control erosion and sediment during revegetation work. Temporary stabilization of seeded areas shall be accomplished by application of seedless, certified weed-free hydromulch containing a tackifier. Alternate methods for application of mulch may be proposed by the revegetation contractor but will require prior written approval and must provide demonstrated success in sites with similar wind and soil conditions. In addition, this Plan assumes that imported topsoil, if required, will be demonstrated to be suitable for vegetative success. If soils are not suitable, soil amendments may be required.

## 4.6 Seed Mixes and Shrub Plantings

Based on the 2022 botanical survey report for the Facility (Tetra Tech 2023a), the primary perennial grass species observed in the grasslands include bluebunch wheatgrass (*Pseudoroegneria spicata*), Idaho fescue (*Festuca idahoensis*), bulbous bluegrass (*Poa bulbosa*), and Sandberg bluegrass (*Poa secunda*). A commercially available grassland mix from a regional restoration company will be used for the seed mixes for revegetation of grasslands, such as the Columbia Plateau Seed Mix from BFI Native Seeds (BFI Native Seeds 2023), which contains three native species observed in grasslands (Table 5). The Columbia Plateau Mix, or a similar commercially available seed mix from a regional restoration company, is proposed for revegetation efforts at the Facility and contains only native grasses. Bulbous bluegrass is not native and is not in any of the seed mixes provided by BFI Native Seeds. The Certificate Holder assumes that reasonable substitutions can be made to the seed mix included in Table 5, with approval from ODOE, based on seed availability at the time of procurement. As this Columbia Plateau Seed Mix is commercially and regionally available, the process for seed mix ordering is not included in this Plan, as orders for the Columbia Plateau Seed Mix can be made directly with BFI Native Seeds.

~~Additionally, planting of shrubs is being proposed for revegetation of temporarily disturbed shrub-steppe habitats. Similarly, the Certificate Holder assumes that seeding of shrub species can occur if plant stock is unavailable or too costly.~~

**Table 5. Columbia Plateau Seed Mix**

| Common Name | Scientific Name | Percent of Mix |
|---|---|---|
| Bluebunch wheatgrass | *Pseudoroegneria spicata* | 50 |
| Bottlebrush squirreltail | *Elymus elymoides* | 15 |
| Sandberg's bluegrass | *Poa secunda* | 15 |
| Thickspike wheatgrass | *Elymus lanceolatus* | 20 |

Additionally, planting of shrubs is being proposed for revegetation of temporarily disturbed shrub-steppe habitats. Similarly, the Certificate Holder assumes that seeding of shrub species can occur if plant stock is unavailable or too costly.

ODFW discussed a preference for shrub plantings instead of including them in seed mixes at the adjacent WREFII. It is likely ODFW will have a preference for shrub plantings in areas of shrub-steppe habitat for the Facility as well. In the approximately ~~22.7~~11.3 acres of temporarily disturbed shrub-steppe habitat (Table 4), the Certificate Holder will prioritize plantings of basin big sagebrush and rabbitbrush. If plantings are not feasible due to availability of plant stock or cost, the Certificate Holder will notify ODOE, and shrub seeds would be added to ~~High Desert~~Columbia Plateau Seed Mix at the seeding rates noted in Table 6.

**Table 6. Shrub Seeding Rates to Supplement ~~High Desert~~Columbia Plateau Seed Mix**

| Common Name | Scientific Name | Minimum Pounds/Acre Pure Live Seeds |
|---|---|---|
| Big sagebrush | *Artemisia tridentata* | 0.1 to 0.2 |
| Gray rabbitbrush | *Ericameria nauseosa* | 0.1 |
| Green rabbitbrush | *Chrysothamnus viscidiflorus* | 0.1 |

In addition to initial shrub planting and grass seeding, the Certificate Holder will conduct supplemental seeding in select areas with a forb mix on or after Year 3, after initial weed treatments have been performed and if deemed appropriate by the Morrow or Umatilla ~~C~~county ~~W~~weed p~~P~~rogram m~~M~~anagers, as applicable. Areas targeted for forb seeding will include areas that would benefit from increased forb diversity (e.g., located within relatively intact habitat) and where ongoing weed control is not anticipated (e.g., not along roads and in other areas subject to ongoing disturbance). These limited areas for forb seeding will be selected based on several factors including proximity to ongoing disturbance and weed seed sources, natural regeneration of forbs following construction, and based on proximity to higher quality/intact habitat.

# 5.0 Monitoring

## 5.1 Revegetation Record

Records will be kept of revegetation efforts, both for cropland and for wildlife habitat. Records will include:

- Date construction was completed;
- Description of the affected area;
- Date revegetation was initiated; and
- Description of the revegetation effort including maps of seeding locations and amount of seed applied (exact boundaries/mixes could change depending on field conditions).

The Certificate Holder will update these records periodically as revegetation work occurs, and will provide ODOE with copies of these records along with submission of the monitoring report that is required by the site certificate.

## 5.2 Habitat Reference and Monitoring Sites

In order to determine if the revegetation efforts are meeting success criteria, paired monitoring and reference sites will be established. Monitoring and reference sites will be located in each of the following wildlife habitat subtypes that will be temporarily disturbed by construction of the Facility:

- Wildlife Habitat (Habitat Category 2):
  - ~~Open Water – Lakes, Rivers, Streams-Intermittent or Ephemeral Streams,~~
  - ~~Shrub-steppe-Basin Big Sagebrush,~~
  - ~~Wetlands-Riverine Wetlands (Big Game Winter Range overlay),~~
  - ~~Wetlands-Emergent Wetlands (Big Game Winter Range overlay),~~
  - Grassland-Exotic Annual (Big Game Winter Range overlay; WAGS habitat),
  - Grassland-Native Perennial (Big Game Winter Range overlay; WAGS habitat),
  - Riparian Forest and Natural Shrubland Complexes-Eastside (Interior) Riparian (Big Game Winter Range overlay; WAGS habitat), and

    ~~Shrub-steppe-Basin Big Sagebrush,~~
  - ~~Shrub-steppe-Rabbitbrush/Snakeweed (Big Game Winter Range overlay; WAGS habitat),;~~
  - ~~Riparian Forest and Natural Shrubland Complexes-Eastside (Interior) Riparian (Big Game Winter Range overlay), and~~

- ~~Developed-Revegetated or Other Planted Grassland (Big Game Winter Range overlay);~~

- Wildlife Habitat (Habitat Category 3):
  - ~~Wetlands-Emergent Wetlands,~~
  - Grassland-Native Perennial, and
  - Shrub-steppe-Basin Big Sagebrush~~, and~~;
  - ~~Developed-Revegetated or Other Planted Grassland;~~
- Wildlife Habitat (Habitat Category 4):
  - Grassland-Exotic Annual, and
  - ~~Open Water – Lakes, Rivers, Streams-Intermittent or Ephemeral Streams, and~~
  - Shrub-steppe-Rabbitbrush/Snakeweed.

Reference sites are intended to represent target conditions for the revegetation effort. ~~Paired reference sites will be used for any habitat subtype with greater than 0.5 acres of temporary impacts.~~ Vegetation within monitoring plots in revegetation areas will be compared with those in the associated reference sites to measure success of the required revegetation activities.

### *5.2.1 Habitat Reference Sites*

Prior to operation, reference sites—areas of habitat quality similar to those found prior to disturbance at the areas to be revegetated—will be identified in consultation with ODOE and ODFW. Reference sites will be chosen with consideration to land use patterns, soil types, terrain, and presence of noxious weeds. Alternate reference sites may be chosen in consultation with ODOE and ODFW if land use changes, wildfire, or other disturbance makes a chosen reference site no longer representative of target conditions. One reference site will be chosen for each wildlife habitat subtype and category, unless there is a reason to include more than one reference site such as different conditions or suite of species in one area compared to another but mapped as the same subtype and category.

Proposed reference sites will be chosen based on review of:

- Aerial imagery (Google Earth ~~2022~~2024);
- Information from previous vegetation surveys conducted for the approved Site Boundary between 2011 and 2023 (see Table P-1 in Exhibit P of RFA 1; Fields and Thompson 2023, Tetra Tech 2022, Tetra Tech 2023a, Tetra Tech 2023b);
- Local knowledge of the site by biologists who have conducted surveys within the Facility's boundaries; and
- Soil survey data (NRCS ~~2021~~2024).

Final selection of proposed reference sites will include a site visit that will be conducted at the appropriate time to evaluate baseline conditions within these reference sites. These site visits will document the following:

- Vascular plant species present;
- Native/non-native status of species present;
- Approximate percent cover of ~~dominant~~ all species;
- Approximate percent cover of state and county-listed noxious weeds; and
- Evidence of ongoing, recent, or past disturbance.

In each of the reference sites, a permanent 50-meter long transect ~~by 100-foot sample plot~~ will be established. A modified version of the Daubenmire method (NRCS and BLM 1999) tailored to address the Facility's monitoring goals will be used to assess vegetative cover and species composition along each transect. A 0.5-meter by 0.5-meter quadrat will be placed every 5 meters along the transect, and the percent cover of each plant species, as well as bare soil, litter, and biotic crust within each quadrat, will be recorded using Daubenmire cover classes.~~Three 50-foot transects will be established within each of these permanent sample plots, perpendicular to the long side of the plot. For the grassland plots, the line-point intersect method will be used to document vegetation at 1-foot intervals along the transect line. For the shrub-steppe plots, 6-foot-wide belt transects will be established, 3 feet on each side of the transect line. All shrubs and herbaceous species occurring within these transects will be recorded and percent cover of the dominant species will be estimated.~~

### *5.2.2 Habitat Monitoring Sites*

To determine if revegetation efforts are meeting the success criteria outlined in Section 5.5, monitoring plots will be established in each of the wildlife habitat subtypes and category combinations that will be temporarily disturbed by construction. Twelve monitoring plots will be established and monitored. Table 7~~Table 7~~ presents the number of monitoring plots that will be established within each habitat subtype and category that will be temporarily disturbed. The number of monitoring plots was based on the extent of planned temporary disturbance as follows:

- Less than 0.5 acres of temporary disturbance = 0 sites
- 0.6 to 10 acres of temporary disturbance = 1 site
- 11 to 35 acres of temporary disturbance = 2 sites
- For each additional 25 acres of impacts, one additional site will be added (e.g., 36-60 acres of impact = 3 sites, 61-85 acres = 4 sites, etc.)

This approach for calculating the number of monitoring plots differs from the methods previously proposed by the Certificate Holder to allow for more monitoring plots (i.e., more than 10, as applicable) in habitats that ~~Category 2 Grassland - Native Perennial habitat, which~~ constitute~~s~~ the majority of temporary impacts to non-agricultural habitat~~ due to the Facility's overlap with ODFW~~

~~Big Game Winter Range~~, and to remove the requirement to place monitoring plots in habitat subtype and category combinations with less than 0.5 acres of impact, which in many cases may have a smaller area impacted than covered by a single plot (e.g., Category 2 ~~Emergent Wetlands~~Intermittent or Ephemeral Streams).

**Table 7. Number of Habitat Monitoring Sites to be Established within each Temporarily Disturbed Habitat Subtype**

| Habitat Category | Habitat Subtype | Acres of Temporary Disturbance[1] | Number of Monitoring Sites |
|---|---|---|---|
| 2 | Grassland - Exotic Annual | 76.5 | 3 |
| | Grassland - Native Perennial | 71.0 | 3 |
| | Open Water – Lakes, Rivers, Streams - Intermittent or Ephemeral Streams | <0.1 | 0 |
| | Riparian Forest and Natural Shrubland Complexes - Eastside (interior) Riparian | 0.1 | 0 |
| | Shrub-steppe - Rabbitbrush/Snakeweed | 6.1 | 1 |
| | Wetlands - Riverine Wetlands | 0.2 | 0 |
| 3 | Grassland - Native Perennial | 5.6 | 1 |
| | Shrub-steppe - Basin Big Sagebrush | 5.1 | 1 |
| 4 | Grassland - Exotic Annual | 44.3 | 3 |
| | Shrub-steppe - Rabbitbrush/Snakeweed | 0.1 | 0 |
| | Open Water – Lakes, Rivers, Streams - Intermittent or Ephemeral Streams | <0.1 | 0 |
| **TOTAL** | | | **12** |

1. Total may not appear to sum correctly due to rounding.

~~Per ODFW recommendations at the adjacent WREFII, a minimum of one monitoring plot will be located within habitats where temporary disturbances will be less than 5 acres in size. For habitats where the impacts will be greater than 5 acres, the number of monitoring plots will be chosen to represent five percent of the total temporary disturbance area by habitat subtype and category, or a maximum of 10 monitoring plots.~~

~~The number of monitoring plots for habitat subtypes where impacts will be greater than 5 acres will be determined first by multiplying the impact acreage by five 5 percent and then converting the acreages into square feet. This square footage will then be divided by 5,000, which represents the number of square feet within a proposed sample plot (50 feet by 100 feet). The final Revegetation Plan will present, in tabular format, the number of monitoring plots that will be established within each habitat subtype and category of temporary disturbance.~~

Monitoring sites within each habitat subtype and category will be selected randomly utilizing existing habitat mapping. The transect locations may need to be adjusted to account for the numerous linear features associated with the Facility whose disturbance footprint may be too

narrow to meaningfully place a transect. ~~The monitoring plot dimensions and transect spacing may need to be adjusted to account for the numerous linear features associated with the Facility whose disturbance footprint may be less than 50 feet wide.~~ These detailed considerations for monitoring methods will be determined in consultation with ODOE and ODFW prior to implementation of monitoring.

## 5.3 Soil Monitoring Sites

Paired monitoring will also occur in each distinct soil type making up more than 5 percent of the impacted soil units. Sample sites will be paired within each soil unit impacted with one sample site in the impacted area and one sample site in the adjacent non-impacted soil. Paired plots will be compared per the quantitative reclamation criteria described in Section 4.3.1 above, and recommendations will be developed to address any differences in the impacted soils versus the adjacent soils via the addition of nutrients, decompaction, or other methods.

### *5.3.1 Soil Monitoring Plots*

The soil assessments listed in Section 4.3.1 above will be performed on paired plots throughout the WREFNE Site Boundary following construction until successful soil reclamation. The soils will be considered reclaimed when the soil conditions in the disturbed and undisturbed areas are less than 10 percent different. A summary of the proposed soil quality metrics and timing is shown in- Table 8~~Table 7~~. There are 51 major soil types in the WREFNE Site Boundary~~,~~ and four soil types that make up 5 percent or more of the total area. Construction would temporarily disturb up to 281.7~~40.3~~ acres in the WREFNE Site Boundary. Sample sites will be paired within each of the four impacted soil types that makes up more than 5 percent of the total WREFNE Site Boundary with one sample site in the impacted area and one sample site in the adjacent non-impacted soil.

**Table 887. Proposed Soil Quality Metrics and Timing**

| Soil Measurement | Timing of Collection | Number of Data Points |
|---|---|---|
| Soil profile description and aggregate sizing | Soil profiles will be described one time in the first year of the study. | One soil pit per each sample. |
| Soil infiltration rates | Infiltration measurements will be taken annually at each site for 5 years unless there is less than 10 percent difference in disturbed versus undisturbed, preferably during mid-growing season. | One infiltration test per sample site per year. |
| Compaction | Compaction measurements will be taken annually at each site for 5 years unless there is less than 10 percent difference in disturbed versus undisturbed. | One compaction measurement per sample site per year. |
| Soil chemistry testing | Lab tests for total organic matter content and pH levels will be taken at the same time as the infiltration and compaction measurements at each site for 5 years unless there is less than 10 percent difference in disturbed versus undisturbed. | Three tests per sample site. |

## 5.4 Monitoring Procedures

Monitoring of the revegetation effort will be conducted by a qualified botanist or revegetation specialist; this monitoring will be done annually for 5 years, starting on the first growing season after seeding/planting.

During each assessment, revegetated areas will be compared to reference sites with regard to:

- Presence and percent cover of noxious and non-native ~~density of noxious~~ weeds;
- Degree of erosion;
- Vegetative density;
- Percent cover and p~~P~~roportion of perennial native and desirable (i.e., species included in seed mixes) introduced plant species; and
- Species diversity ~~and structural stage~~ of perennial native and desirable introduced plant species.

Monitoring will not be required for areas that have been converted by the landowner to land uses that preclude meeting revegetation success criteria.

### *5.4.1 Noxious Weed Control*

A qualified investigator will be employed to assess noxious weed presence during the first 5 years of revegetation work and to make recommendations on noxious weed control measures. Checks for noxious weed infestations will enable the Certificate Holder to respond to new noxious weeds infestations in a timely manner and ensure the success of the Revegetation Plan. Reports will be submitted to ODOE and to ODFW annually. Details regarding known noxious weed occurrence at the Facility, proposed noxious weed monitoring, and control of noxious weeds are available in a separate Draft Noxious Weed Control Plan (see Attachment 7 of RFA 2).

### *5.4.2 Wildlife Habitat Recovery*

~~In the first growing season after planting in revegetation areas, a~~A qualified botanist or revegetation specialist will inspect each wildlife habitat revegetation area to assess the success of revegetation measures, anticipated to occur at a minimum, biannually. ~~These assessments will be annually for the first 5 years.~~ Monitoring reports will be submitted to the Certificate Holder, ODOE, and ODFW. Assessments will address whether, based on evaluation of monitoring and reference sites, each wildlife habitat revegetation area is trending toward meeting the success criteria described below.

Based on the ~~fifth annual~~ assessments, the Certificate Holder will consult with ODOE and ODFW to design an action plan for subsequent years. The Certificate Holder is obligated to revegetate and implement weed control measures in disturbed areas regardless of its ability to meet success criteria; nonetheless, the Certificate Holder may propose remedial actions and/or additional monitoring for areas that have been determined by ODOE, in consultation with ODFW, not to have met the success criteria. Revegetation efforts may in some cases be deemed to have failed, and additional mitigation may be proposed in such cases to compensate for loss of wildlife habitat; revegetation and weed control would continue to apply with success criteria described in Section 5.5.

### *5.4.3 Soil Reclamation*

A qualified investigator will be employed to annually collect samples (Table 7) in paired soil unit plots to assess soil quality during the first 5 years of reclamation work to make recommendations on soil reclamation. Reports will be submitted to ODOE and to ODFW following each annual soil sampling and analysis.

## 5.5 Success Criteria

Each monitoring report will involve assessing the progress of each area of wildlife habitat disturbed during construction toward meeting revegetation objectives. Habitat quality shall be evaluated based on the success criteria listed below. Final determination of whether the Certificate Holder has met the revegetation obligations will be made by ODOE, in consultation with ODFW.

- **Native Forbs:** Forb success will be assessed in Years 4 and 5, following anticipated forb seeding in select areas in Year 3. For monitoring plots located in areas seeded with forbs, the average density of native forbs should be a minimum of 75 percent of the reference site in Year 5. Richness of forbs on applicable monitoring sites should at least equal the richness measured on the reference site in Year 5. ~~Based on ODFW input on other projects by the Certificate Holder's parent company in the region, no success criteria are applied to this Facility because forbs were not included in the ODFW-approved revegetation seed mix due to concerns regarding noxious weed control.~~ [1]
- **Native Shrubs:** The average percent cover of the shrub component should be at least 50 percent of the reference site within 5 years. At least 15 percent of the shrub density should be the dominant species found on the reference site. The richness of shrub species and the shrub density within the revegetated areas should at least equal the shrub species richness and density measured on the reference site. ~~The average density or frequency of the shrub component should be at least 50 percent of the reference site within 5 years. At least 15 percent of the shrub density or frequency should be the dominant species found on the reference site. The diversity of shrub species within the revegetated areas should at least equal the shrub species diversity measured on the reference site.~~
- **Native Grasses:** Revegetated sites should maintain grass species richness (i.e., number of unique species) and cover ~~diversity and density~~ that is at least 85 percent similar to reference sites. Native bunchgrasses should be given preference. Native grasses are to be planted at rates sufficient to achieve abundance and diversity characteristics of the grass component at the reference site.
- **Non-Native Weeds:** Every attempt should be made to prevent and control all species listed on county, state, and federal noxious weed lists. Revegetation sites ~~should~~ will not contain a higher percentage of non-native weed cover than the reference site, or within 10 percent similar non-native weed cover of the reference site. All state and federal laws pertaining to noxious weeds must be followed. Highly competitive invasive species such as cheatgrass and other weedy brome grasses are prohibited in seed mixtures and should be actively controlled if any are found in the reclaimed areas.
- **Soil Testing:** The soil assessments listed in Section 5.3.1 above will be performed on paired plots throughout the WREFNE Site Boundary. The soil reclamation and monitoring will continue until the impacted soil is within 10 percent of non-impacted paired sample point's soil quality criteria described in Section 5.3.1. If soil testing shows that soils were either not impacted or were reclaimed to within 10 percent of pre-disturbance conditions, then monitoring could be discontinued.

~~[1] ODFW's recommended success criterion for native forbs is that the average density or frequency of desirable forbs (typically native, with some site-specific exceptions) should be a minimum of 75 percent of the reference site within 5 years. Diversity of forbs on a reclaimed site should at least equal the diversity measured on the reference site within 5 years.~~

Success of cropland revegetation will have been achieved when production of the revegetated area is comparable to that of adjacent, non-disturbed croplands of the same type. Success determination will involve consultation with the landowner or farm operator, and the Certificate Holder will report to ODOE on the success of cropland restoration efforts. Noxious weed control is necessary for successful revegetation of croplands and will be implemented per the methods described in the Draft Noxious Weed Control Plan (see Attachment 7 of RFA 2).

### 5.6 Remedial Action

Remedial action options will be identified in cases where success criteria are not met, whether due to wildfire subsequent to construction or because of lower than expected rates of germination or survival. Remedial actions may include reseeding or other measures. The investigator will make recommendations for remedial actions after each monitoring visit, and the Certificate Holder will take appropriate measures to meet the restoration objectives. The Certificate Holder will include the investigator's recommendations for remedial actions and the measures taken in that year's monitoring report. ODOE may require reseeding or other remedial actions in cases where revegetation objectives have not been met.

As a commitment to ensuring no loss of habitat quality for temporary disturbances to wildlife habitat, the Certificate Holder may provide additional compensatory habitat mitigation for temporary disturbances to Grassland-Native Perennial habitat and other habitats with intact native plant communities that do not recover within five years of disturbance. Grassland habitats are typically assumed to be able to recover within five years of disturbance. Therefore, the Certificate Holder will work with ODFW to develop and implement an adaptive management plan to address mitigation shortfalls in areas where revegetation does not meet success criteria within five years. However, the Certificate Holder is hopeful that with appropriate oversight of revegetation contractors, the restoration of habitats will be successful within the five-year period and no adaptive management or additional mitigation would be required.

## 6.0 Plan Amendment

This Plan may be amended by agreement of the Certificate Holder and ~~the Oregon Energy Facility Siting Council (~~EFSC~~)~~. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE shall notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

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***Wheatridge Renewable Energy Facility Northeast***

Attachment E: Wildlife Monitoring and Mitigation Plan

# Wheatridge Renewable Energy Facility Northeast

# Draft Wildlife Monitoring and Mitigation Plan

~~(Approved at August 19-20, 2020 EFSC Meeting as part of the WREFII Site Certificate)~~

**Prepared for**
**Wheatridge Northe~~E~~ast Wind, LLC**

**Prepared by**

TETRA TECH

~~October 2020~~Q2 2026

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# 1.0 Introduction

The Wheatridge Renewable Energy Facility East (Facility) is an approved wind energy generation facility with the capacity to generate up to 300 megawatts (MW). As approved, the Facility has up to 107 wind turbines with associated supporting facilities, and is located within an approved Site Boundary of approximately 78,985 acres across Morrow and Umatilla counties, Oregon.

The northeastern portion of the approved Facility (located in both Umatilla and Morrow counties) has yet to begin construction, and the Certificate Holder proposes to split this area from the remainder of the Facility currently under construction. Request for Amendment 2 (RFA 2) seeks to divide the Facility into two separate facilities within the approved Site Boundary.

1. **Wheatridge Renewable Energy Facility East (WREFE)** – Wind energy facility in Morrow County, including 71 wind turbines and related or supporting facilities, with a total generating capacity up to 200 MW. The Certificate Holder and Certificate Holder Owner will remain the same.
2. **Wheatridge Renewable Energy Facility Northeast (WREFNE)** – Wind energy facility in Morrow and Umatilla counties, including 36 wind turbines and related or supporting facilities, with a total generating capacity up to 100 MW. The Certificate Holder will be changed to Wheatridge Northeast Wind, LLC. NextEra Energy Resources will remain the Certificate Holder Owner.

Once the amendment process is complete, each facility will be a stand-alone Facility, but may share related or supporting facilities with one another similar to other projects approved by the Energy Facility Siting Council (EFSC). This includes splitting the Site Boundary and micrositing corridors. This Wildlife Monitoring and Mitigation Plan (Plan or WMMP) has been prepared for WREFNE, to support the Facility's RFA 2; this WMMP describes wildlife monitoring that the Certificate Holder will conduct during operation of WREFNE.

~~This Wildlife Monitoring and Mitigation Plan (WMMP) has been prepared for Wheatridge Renewable Energy Facility East (WREFE, or Facility), an approved 200-megawatt (MW) wind facility, with components approved to be located within Morrow and Umatilla counties. Wheatridge East Wind, LLC (Certificate Holder) holds the site certificate for WREFE. This WMMP describes wildlife monitoring that the Certificate Holder will conduct during operation of WREFE.~~

~~WREFE was originally permitted as part of a larger facility, the Wheatridge Wind Energy Facility (WRW). The WRW site certificate was issued by the Oregon Department of Energy's (ODOE) Energy Facility Siting Council (EFSC) on April 28, 2017 (EFSC 2017a). Following the 2017 site certificate issuance, the certificate holder received approval of five site certificate amendments from 2017 through 2020, where the fifth amendment split previously approved facility components into two original site certificates for facilities named Wheatridge Renewable Energy Facility I (WREFI) and WREFII. In November 2020, EFSC approved Amendment 1 of the WREFII site certificate, further splitting WREFII into three site certificates including an amended WREFII (200 MW wind),~~

~~Wheatridge Renewable Energy Facility III (WREFIII, 150 MW solar) and WREFE (200 MW wind). This WMMP applies to the WREFE site certificate.~~

This WMMP has the following components:

1. Fatality monitoring program, including:
    a. Standardized carcass searches;
    b. Carcass persistence trials;
    c. Searcher efficiency trials; and
    d. Data analysis and fatality estimation.
2. Wildlife Response and Reporting System (WRRS);
3. Raptor nesting surveys;
4. Washington ground squirrel (*Urocitellus washingtoni*; WAGS) monitoring; and
5. Data reporting.

Based on the results of the monitoring program, mitigation of significant impacts may be required. The selection of the mitigation actions should allow for flexibility in creating appropriate and proportional responses to monitoring results that cannot be known in advance. If Oregon Department of Energy (ODOE) determines that mitigation is needed, the Certificate Holder will propose appropriate mitigation actions to ODOE and will carry out mitigation actions approved by ODOE, subject to review by the EFSC.

# 2.0 EFSC Compliance

The WMMP addresses the following site certificate conditions for the Facility (EFSC 2024)~~WREFII (EFSC 2020)~~:

> ***PRE-FW-02*** *Prior to operation, the certificate holder shall finalize the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-2 of the Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate (November 2020), by updating the thresholds of concern in Section 3.6 of the WMMP in consultation with the Department and ODFW. The WMMP may be amended from time to time by agreement of the certificate holder and the Council. Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department.~~*~~Prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of the Final Order on Request for Amendment 5, based on the final facility design, as approved by the department in consultation with ODFW.~~*

~~*a. The final WMMP must be submitted and ODOE's concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility.*~~

~~*b. The WMMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department.*~~

***PRE-TE-02*** *Prior to beginning operation, in accordance with Condition PRE-FW-02, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment G of the Final Order on Amendment 1 of the Site Certificate for Wheatridge Renewable Energy Facility East (June 2024), based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities.*~~*In accordance with Fish and Wildlife Habitat Condition 4, prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of the Final Order on Amendment 5, based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities.*~~

# 3.0 Fatality Monitoring ~~– Wind Facility~~

The objective of fatality monitoring is to estimate the number of bird and bat fatalities that are attributable to Facility operation. The Certificate Holder will employ qualified and properly trained personnel (investigators) to perform fatality monitoring. The program will include standardized carcass searches to detect fatalities, methods to adjust for sources of bias inherent in fatality detection, and the estimation of annual fatality rates attributable to ~~f~~Facility operation based on these data. Sources of bias will be measured through (1) carcass persistence trials to estimate the mean length of time that a carcass persists and is therefore available for detection; (2) searcher efficiency trials to estimate the proportion of available carcasses detected by investigators; and (3) estimation of the portion of the carcass fall distribution searched. Methods and results of all components of the fatality monitoring program will be reported to ODOE on an annual basis (Section 7.0).

If an investigator determines that a carcass found at the Facility (during searches or incidentally) is a state or federally threatened or endangered species, reporting timelines specified in Section 7.0 will be followed.

## 3.1 Standardized Carcass Searches

The objective of standardized carcass searches is to systematically search Facility turbines for bat, small bird, and ~~bat~~large bird fatalities that occur in proximity to Facility infrastructure. Bird size criteria will be in accordance with the American Wind Wildlife Information Center (AWWIC) database determination of small birds, defined as total length ≤ 30 centimeter (AWWI 2020).

### *3.1.1 Search Plot Size and Configuration*

This mortality monitoring effort focuses on three size classes of fatalities: bats, small birds, and large birds. Turbine-related fatalities are distributed non-uniformly around a turbine (carcass fall distribution). As a result, carcass density is not the same at all distances from a turbine, but typically rises over a short distance and eventually decreases to zero (Huso et al. 2016; Dalthorp 2020). The fall distribution depends on a number of factors including species' size and body mass (e.g., larger, heavier carcasses tend to land farther from turbines than lighter carcasses; Hull and Muir 2010; Huso et al. 2016; Choi et al. 2020), components of a turbine's size (e.g., ground clearance; Garvin et al. 2024), ~~the maximum blade tip height of a turbine~~ and operational speed of the turbines. Therefore, search plot size and configuration selected for standardized carcass searches is intended to minimize bias in fatality estimation by maximizing (1) the spatial coverage of Facility turbines, (2) the visibility of smaller carcasses (Good et al. 2012; Maurer 2017), and (3) the proportion of the fall distribution searched for taxonomic groups of interest. ~~for large birds (Hull and Muir 2010; Hallingstad et al. 2018).~~ Three~~wo~~ types of search plots, and their corresponding ~~search~~ methods, will be utilized at ~~each~~ turbines across the Facility to~~, one that~~ minimize~~s~~ detection bias from any single method ~~for small carcasses and one that does so for large~~

bird carcasses. The search plots described here are each based on a 100-meter distance from the turbine base.

The first search plot type, "road and pad plots," will focus on detecting bats and small birds. ; large birds will also be recorded within the road and pad plot if found. The Rroad and pad plots includes the gravel pad surrounding the turbine, portions of all access roads that are within 100 meters of the turbine, and edges of the vegetation along the roadside. Ninety-nine percent of fatalities of small birds and bats are predicted to occur within 100 meters from the base of Facility turbines (based on modeling for large turbines by Hull and Muir [2010]).

The second search plot type, "large birdbinocular scan plots," will focus on detecting large birds. Binocular scan plots include a circular plot centered on the turbine with a radius of 1020 meters extending from the turbine. Approximately 85 percent of fatalities of large birds are predicted to occur within 120 meters from the base of Facility turbines (based on modeling for large turbines by Hull and Muir [2010]).

The third search plot type, "transect plots," will be used to search for all three size classes. Transect plots include a circular plot centered on the turbine with a radius of 100 meters extending from the turbine. The entirety of this radius will be searched using transects spaced at 6-meter intervals to ensure robust coverage of the plot.

These three search plot sizes and configurations are anticipated to provide coverage of the majority of carcass distribution densities for all target class sizes (i.e., bats, small birds, and large birds; Garvin et al. 2024). The level of effort proposed in this study design has been increased compared to the level of effort historically conducted at projects in the region with the goal of minimizing uncertainty (and thus reducing the need to conduct additional years of monitoring to resolve any uncertainty in the fatality monitoring results).

To ensure a statistically robust sampling design that is representative of the various habitat conditions and turbine types at the Facility, 75 percent of turbines (5327 turbines) will be searched utilizing concurrent road and pad and binocular scan plots, while 25 percent of Facility turbines (189 turbines) will be searched using transect plots during spring, summer, and fall. The 25 percent of turbines in which transect plots will be used will be selected during study setup using a stratified random sample method in which all turbines are stratified by habitat to ensure habitats are sampled in proportion to their occurrence at the Facility. These proportions will be used in spring, summer, and fall when the target taxonomic groups are anticipated to be present. In winter, 100 percent of Facility turbines (7136 turbines) will be searched utilizing both types of search plotsconcurrent road and pad and binocular scan plots. Thus, between all plot types, 100 percent of Facility turbines will be searched with a method intended to maximize detection probability for each size class.

### *3.1.2 Search Schedule and Interval*

Fatality monitoring will begin within six months of just prior to the start of the first full season following commencement of commercial operation of the Facility. Fatality monitoring will

commence with a "clearance search." The clearance search serves to identify fatalities that occurred prior to the initiation of the fatality monitoring program and for which the time period of occurrence cannot be assigned (see Section 3.4). After tThe initial clearance search will immediately precede the, standardized carcass searches which will begin the first week of the first full season following the commencement of commercial operation.

Standardized carcass searches will occur in each season, be conducted biweekly (every 14 days)weekly in both all three search plot types during the spring, summer, and fall seasons to capture migration and breeding seasons of birds and bats. In winter, Tthe frequency and methods used for of standardized carcass searches will be reducedchange to a monthly schedule (once every 28 days) using just road and pad and binocular scans based on anticipated taxonomic group risk in that seasonin both plot types during winter. Over the course of one monitoring year, the investigators will conduct a total of 38 22 standardized carcass searches (excluding the clearance search) in road and pad plots and 22 standardized carcass searches (excluding the clearance search) in large bird plotsacross plot types. Seasonal timeframes and frequency of searches by season and search plot type are shown in Table 1.

**Table 1. Post-Construction Fatality Monitoring Standardized Carcass Search Parameters**

| Season | Dates[1] | Search Interval[2] | Search Plot Parameters | Target Size Class | Search Strategy | Number of Survey Periods per Season |
|---|---|---|---|---|---|---|
| Spring | March 16 to May 31 | 14 Days | Road and pad plot out to 100 meters | Bats/small birds and large birds | Walk | 6 |
| | | 14 Days | 120-meter radius centered on turbine | Large birds | Binocular Scans from turbine base | 6 |
| Summer | June 1 to August 15 | 14 Days | Road and pads plot out to 100 meters | Bats/small birds and large birds | Walk | 5 |
| | | 14 Days | 120-meter radius centered on turbine | Large birds | Binocular Scans from turbine base | 5 |
| Fall | August 16 to November 15 | 14 Days | Road and pad plot out to 100 meters | Bats/small birds and large birds | Walk | 7 |
| | | 14 Days | 120-meter radius centered on turbine | Large birds | Binocular Scans from turbine base | 7 |
| Winter | | 28 Days | Road and pad plot out to 100 meters | Bats/small birds and large birds | Walk | 4 |

| ~~Season~~ | ~~Dates[1]~~ | ~~Search Interval[2]~~ | ~~Search Plot Parameters~~ | ~~Target Size Class~~ | ~~Search Strategy~~ | ~~Number of Survey Periods per Season~~ |
|---|---|---|---|---|---|---|
| | ~~November 16 to March 15~~ | ~~28 Days~~ | ~~120-meter radius centered on turbine~~ | ~~Large birds~~ | ~~Binocular Scans from turbine base~~ | ~~4~~ |

~~1. Seasonal demarcation dates may be shifted slightly to accommodate a full search interval in any given season.~~

~~2. Search interval for 28 days based on carcass persistence data for the Northern Rockies avifauna biome (in which the project is located) (AWWI 2019).~~

The Certificate Holder, in consultation with the Oregon Department of Fish and Wildlife (ODFW) and ODOE, may adjust the frequency of these searches to reflect considerations for specific species of concern and conditions at the Facility (e.g., probability of a carcass persisting from one search to the next).

### *3.1.3 Search Strategy and Fatality Documentation*

Searching road and pad plots involves walking the turbine and the gravel area around the turbine base and walking along the extent of access roads that occurs within 100 meters of the turbine. Investigators will search for fatalities by walking along one side of all access roads within 100 meters of the turbine, searching the road and bare ground to the vegetation line, walking toward the turbine, searching around the turbine pad, and returning to the starting location on the opposite side of the access road (Good et al. 2012; Maurer et al. 2017). This search strategy covers a portion of the carcass fall distribution around the turbine; a correction factor is applied during fatality estimation to account for the unsearched area (Section 3.5). When conducting road and pad plot searches, small bird and bat fatalities detected outside of the road and pad search area will be considered incidental.

## Table 1. Standardized Carcass Search Parameters

| Season | Dates | Search Interval | Search Method and Plot Parameters | Target Size Class | Number of Turbines | Number of Survey Periods | Searcher Efficiency Trial Carcasses | Carcass Persistence Trial Carcasses |
|---|---|---|---|---|---|---|---|---|
| Spring | March 16 to May 31 | 7 Days | Walk road and pad out to 100 meters | Bats/small birds | ~~53~~27 | 11 | 12 small bird, 12 bat | 10 small bird, 10 bat, 10 large bird |
| | | | Binocular scans in 100-meter radius circular plot around turbine (includes road and pad) | Large birds | ~~53~~27 | | 12 large bird | |
| | | | Transects spaced 6 meters apart in 100-meter radius circular plots | All classes | ~~18~~9 | | 12 small bird, 12 bat, 12 large bird | |
| Summer | June 1 to Aug. 15 | 7 Days | Walk road and pad out to 100 meters | Bats/small birds | ~~53~~27 | 11 | 12 small bird, 12 bat | 10 small bird, 10 bat, 10 large bird |
| | | | Binocular scans in 100-meter radius circular plot around turbine (includes road and pad) | Large birds | ~~53~~27 | | 12 large bird | |
| | | | Transects spaced 6 meters apart in 100-meter radius circular plots | All classes | ~~18~~9 | | 12 small bird, 12 bat, 12 large bird | |
| Fall | Aug. 16 to Oct. 31 | 7 Days | Walk road and pad out to 100 meters | Bats/small birds | ~~53~~27 | 11 | 12 small bird, 12 bat | 10 small bird, 10 bat, 10 large bird |
| | | | Binocular scans in 100-meter radius circular plot around turbine (includes road and pad) | Large birds | ~~53~~27 | | 12 large bird | |
| | | | Transects spaced 6 meters apart in 100-meter radius circular plots | All classes | ~~18~~9 | | 12 small bird, 12 bat, 12 large bird | |
| Winter | Nov. 1 to March 15 | 28 Days | Walk road and pad out to 100 meters | Small birds | ~~71~~36 | 5 | 12 small bird | 10 small bird, 10 large bird |
| | | | Binocular scans in 100-meter radius circular plot around turbine (includes road and pad) | Large birds | ~~71~~36 | | 12 large bird | |

~~Searches in large bird~~Binocular scan plot searches will involve binocular scans ~~made~~ from the turbine base and one to three topographical high points within the search plot, as appropriate. From the turbine base, the investigators will scan 90 degrees from each of the four cardinal directions out to the extent of the 1~~2~~00-meter circular search plot. Additionally, to address any portions of the large bird plot that are not visible from the base of the turbine due to topographical or other features, investigators will walk out to points in the plot where those areas become visible. Areas within the search plot that cannot be searched will be mapped as unsearchable areas (Hallingstad et al. 2018). Examples of unsearchable areas may include a wetland, cliff face, ~~high~~ barbed wire fence, tall or dense vegetation~~, private property boundary~~, or any area that precludes visibility through the binocular scan method. Searchable areas and time spent scanning may be adjusted for habitat types and search methods after evaluation of the first searcher efficiency trial (see Section 3.3). As previously noted, binocular scans will occur during the same turbine visit as the road and pad plot search. All large birds discovered within 100 meters of the turbine will be attributed to binocular scan plots, regardless of how or where it was found within the plot (i.e., while searching road and pads, or while scanning with binoculars). Small bird and bat fatalities detected within the binocular scan search area but outside of the road and pad search area will be considered incidental.

Searches in transect plots will involve walking 6-meter spaced transects within the 100-meter search radius centered on the turbine. Areas within the transect plot that cannot be searched will be mapped as unsearchable areas (Huso and Dalthorp 2014). Examples of unsearchable areas may include a wetland, cliff face, barbed wire fencing, tall or dense vegetation or any circumstance within an area that precludes a searcher from safely conducting their search. Any carcass found outside the transect plots will be considered incidental.

Investigators will flag all bird and bat carcasses discovered. Carcasses are defined as a complete carcass or body part, three or more primary flight feathers, five or more tail feathers, or 10 or more feathers of any type concentrated together in an area 3 meters square or smaller. When parts of carcasses and feathers from the same species are found within a search plot, investigators will make note of the relative positions and assess whether these are from the same fatality.

All carcasses (bird and bat) found during the standardized carcass searches will be photographed, recorded, and labeled with a unique number. Investigators will record the location of the carcass using a global positioning system (GPS)-enabled device. Data collected per carcass found will include the date; the turbine number; the distance from and bearing from the nearest turbine; the species, age, and sex of the carcass when possible; the extent to which the carcass is intact; the estimated time since death; the habitat in which the carcass was found; whether the carcass was collected or left in place; and whether the carcass was found during a standardized carcass search or incidentally. Additional measurements may be required to identify the species of bat carcasses. Investigators will describe all evidence that might assist in determination of cause of death, such as evidence of electrocution, vehicular strike, wire strike, predation, or disease. If the necessary collection permits are not acquired by the Certificate Holder (U.S. Fish and Wildlife Service [USFWS] Special Purpose Utility Permit), by the third-party monitor (ODFW Wildlife Scientific Taking

Permit), or some combination herein, all carcasses will be discreetly marked so as to avoid double counting and will be left in place.

### *3.1.4 Duration*

The investigators will perform one full year of fatality monitoring starting in the first year of facility operation (Year 1). When Year 1 of monitoring at the Facility has been completed, the raw data will be compiled by the investigators and the Certificate Holder in a comprehensive report, which will include fatality estimates (see Section 7.0). The results will be compared with ~~other~~ comparable wind energy facilities in the region ~~(including WREFII)~~. If fatality rates for the first year of monitoring at the Facility exceed any of the thresholds of concern (see Section 3.6) ~~or the range of fatality rates found at other wind power facilities in the region (as available)~~, the Certificate Holder will consult with ODOE and ODFW regarding potential mitigation. If mitigation is deemed appropriate, the Certificate Holder will propose appropriate mitigation for ODOE and ODFW review within 6 months after reporting the fatality rates to the ODOE. ~~Alternatively, the Certificate Holder may opt to conduct a second year of fatality monitoring consecutive to the first year if the Certificate Holder believes that the results of Year 1 monitoring were anomalous.~~ The investigators will perform an additional year of monitoring in the fifth year of operations (Year 5) focused on specific taxa, as needed, based on the results of the Year 1 study ~~regardless of the results of the Year 1 study~~.

## 3.2 Carcass Persistence Trials

Carcass persistence is defined as probability that a carcass will persist in the study area for a given amount of time (e.g., until the next survey), and accounts for carcass removal bias. Carcasses may be removed from the survey plot due to scavenging or other means (e.g., decomposition, farming practices). Carcass persistence is measured by the number of days a carcass remains within the search plot before it is no longer detectable by an investigator within a given search interval. It is assumed that carcass removal occurs at a constant rate and does not depend on the time since death of the organism. The objective of carcass persistence trials is to estimate the length of time bird and bat carcasses remain within the search area and available to be detected by investigators. Estimates of carcass persistence will be used to adjust raw carcass counts for removal bias.

The investigators will conduct a carcass persistence trial within each season defined in Table 1 during a fatality monitoring year. A minimum of 10 each of large bird, small bird, and bat surrogate trial carcasses will be placed ~~each season~~ spring, summer, and fall; however, in winter, when bats are not anticipated to be at risk of collision, a minimum of 10 large and small birds only (i.e., no bats) will be placed. ~~The investigators will select species with the same coloration and size attributes as species expected to occur at or near the Facility, if possible.~~ Trial carcass species may include legally obtained domestic species (e.g., ring-necked pheasants, ~~juvenile Japanese quail~~chukar), legally obtained raptor species to the extent available, unprotected species (e.g. European starling, house sparrows) and dark mice as a surrogate for bats if insufficient bat carcasses are available. Additionally, as gamebirds often make for poor raptor surrogates

(Hallingstad et al. 2023), detected raptor fatalities that are fully intact and estimated to be less than 5 days old will be used as opportunistic trial carcasses, with the initial check date set to correlate with the estimated time of death of the carcass. Trial carcasses will be marked discreetly for recognition by investigators and other personnel. Carcasses will be placed at randomly generated locations within the search plots. Small birds and bat surrogates will be placed within the road and pad and transect plots, and large bird carcasses will be placed within the ~~large bird~~binocular scan plots on day 0 of the trial.

To minimize overseeding the site with carcasses available to scavengers or creating an unnatural attractant to potential scavengers, the Certificate Holder will use the results from large bird carcasses placed within the binocular scan plots as correction for all large bird fatalities detected, regardless of plot type. Random carcass locations will be stratified to include placement within all plot types as binocular scan plots encompass the configuration of each of the other plot types.

Trial carcasses will be left in place until the end of the carcass persistence trial. An approximate schedule for assessing removal status is once daily for the first 4 days, and on days 7, 10, 14, 21, 28, and 35. This check schedule may be extended to include the possibility of longer persistence times after initial placement (e.g., 60 or 90 days) to capture potentially longer large bird persistence times. This check schedule may also be adjusted depending on actual carcass persistence rates, weather conditions, and coordination with the other survey work. The condition of scavenged carcasses will be documented during each assessment, and at the end of the trial all traces of the carcasses will be removed from the site. Scavenger or other activity could result in complete removal of all traces of a carcass in a location or distribution of feathers and carcass parts to several locations. This feather distribution will not constitute complete carcass removal if evidence of the carcass remains within an area similar in size to a search plot and if the evidence would be detectable to a searcher during a normal survey.

## 3.3 Searcher Efficiency Trials

Searcher efficiency is defined as the probability that investigators will find a carcass that is available to be found within the search plot. Several factors influence searcher efficiency, including investigator experience, vegetation conditions within a search plot, and characteristics of individual carcasses (e.g., size, color). The objective of searcher efficiency trials is to estimate the percentage of bird and bat fatalities that investigators ~~are able to~~can find.

Searcher efficiency will be tested for each search method utilized and for each targeted size class. A trained Searcher Efficiency Proctor will conduct searcher efficiency trials within each of the seasons defined in Table 1 during the year~~s~~ in which the fatality monitoring occurs. Within the road and pad plots, a minimum of 12 each of small bird and bat surrogate trial carcasses will be placed in the spring, summer, and fall seasons. In these three seasons, a minimum of 12 large birds will be placed in the binocular scan plots which encompass the road and pad search areas. In the transect plots, a minimum of 12 of each size class will be placed in spring, summer, and fall.

~~A minimum of 12 each of large bird, small bird, and bat surrogate trial carcasses will be placed in the spring, summer, and fall seasons within the road and pad plots, while a minimum of an~~

~~additional 12 large birds will be placed just in the large bird plots in the spring, summer, and fall seasons.~~ In winter, when bat fatalities are not anticipated, a minimum of 12 ~~each of large bird and~~ small bird carcasses will be placed in road and pad plots, and ~~while~~ a minimum of 12 large birds will be placed in ~~large bird~~binocular scan plots (i.e., no bats will be placed).

Investigators will not be notified of carcass placement or test dates. The Searcher Efficiency Proctor will place trial ~~vary the number of trial~~carcasses throughout ~~per~~a season to capture seasonal variation in site conditions that may affect the ability to detect fatalities, and the number of carcasses per trial so that the investigators will not know the total number of trial carcasses being used in any trial. Similar to carcass persistence trials, searcher efficiency trial carcass species may include legally obtained domestic species (e.g., ring-necked pheasants, ~~juvenile Japanese quail~~chukar), unprotected species (e.g. European starling, house sparrows), raptor carcasses (as necessary collection permits allow), and dark mice as a surrogate for bats if insufficient bat carcasses are available.

The Searcher Efficiency Proctor will mark the trial carcasses to differentiate them from other carcasses that might be found within the search plot and in a manner that does not increase carcass visibility. On the day of a standardized carcass search before the beginning of the search, the Searcher Efficiency Proctor will place trial carcasses at randomly generated locations within search plots (one to three trial carcasses per search plot). The number and location of trial carcasses found during the standardized carcass search will be recorded. The number of efficiency trial carcasses available for detection during each trial will be determined immediately after the trial by the Searcher Efficiency Proctor. Following the standardized carcass search, all traces of searcher efficiency trial carcasses will be removed from the site. If new investigators are brought into the search team, additional searcher efficiency trials will be conducted to ensure that detection rates incorporate investigator differences. The Certificate Holder will include a discussion of any changes in investigators and any additional detection trials in the reporting required under Section 7.0 of this plan.

~~Before beginning searcher efficiency trials for any subsequent year of fatality monitoring, the Certificate Holder will report the results of the first-year searcher efficiency trials to ODOE and ODFW. In the report, the Certificate Holder will analyze whether the searcher efficiency trials as described above provide sufficient data to accurately estimate adjustment factors for searcher efficiency. The number of searcher efficiency trials for any subsequent year of fatality monitoring may be adjusted up, subject to the approval of ODOE.~~

## 3.4 Incidental Finds and Injured ~~Birds~~Wildlife

Incidental finds are carcasses that are detected outside the parameters of standardized carcass searches. Investigators may discover carcasses in areas surrounding the turbines but outside of the road and pad, ~~or large bird~~binocular scan, or transect plots, while completing carcass persistence checks, or while moving through the Facility. Additionally, carcasses detected during clearance surveys do not have an associated timeframe for fatality occurrence and therefore are considered incidental finds. For each incidental find, the searcher will identify, photograph, record data, and

collect the carcass as would be done for carcasses detected during standardized carcass searches. If the incidental find is located in a search plot within a reasonable timeframe from when that plot was to be searched (e.g., while placing searcher efficiency carcasses on the same day as the search), the fatality data will be included in the calculation of fatality rates. If the incidental find is found outside a ~~formal~~ designated search plot or search time, the data will be reported separately and excluded from statistical analysis.

The Certificate Holder will contact a qualified wildlife rehabilitation specialist approved by ODOE[1] to respond to injured wildlife. The Certificate Holder will pay costs, if any, charged for time and expenses related to care and rehabilitation of injured native birds and bats found on the site~~, unless the cause of injury is clearly demonstrated to be unrelated to the Facility operations~~. Injured birds and bats found during standardized searches will be considered fatalities for the purposes of data analysis and fatality estimation unless the cause of injury is clearly demonstrated to be unrelated to the Facility operations.

## 3.5 Fatality Estimation

Estimated annual fatality rates for the Facility will be calculated at the end of ~~each~~the monitoring year. Annual fatality rates will be estimated by adjusting raw fatality counts for sources of bias including carcass persistence, searcher efficiency, and the proportion of the fall distribution that was searched for each size class (Huso and Dalthorp 2014).

A correction factor (density weighted proportion; DWP) will be used to adjust for the proportion of the fall distribution that was searched for ~~each size class~~small birds and bats within the road and pad search plot, for large birds ~~search plots and for large birds~~ within the ~~large bird search~~binocular scan plot, and for all three size classes within the transect search plots. F~~Therefore, f~~or ~~both~~ each individual search plot type~~s~~, the DWP will be calculated as the product of the percentage of a 10-meter annulus that is covered by the searched area within the plot and the proportion of the fall distribution of a given size class that overlaps that 10-meter annulus. The product of these values for each 10-meter annulus that overlaps the search plot will be summed to calculate the overall proportion of the fall distribution searched for each size class within the respective search plot type. Calculations will utilize the Dalthorp et al. (2024) DWP program as allowed by sample size, the ballistic modeling results presented in Hull and Muir (2010), or fit carcass densities (Garvin et al., 2024) for small birds and bats, and Hallingstad (2018) for large birds. Other peer-reviewed models that update the state of the science may be utilized if they become available within the duration of the monitoring period.

Annual fatality rates will be estimated for nine categories, provided a sufficient sample size (n≥3) has been reached to allow estimation. The nine categories are:

1. All birds;

[1] Approved specialists include ~~of~~ Blue Mountain Wildlife, a wildlife rehabilitation center in Pendleton, and the Bird Alliance of Oregon (formerly Audubon) ~~Bird~~Wildlife Care Center in Portland. The Certificate Holder must obtain ODOE approval before using other specialists.

2. Small birds;
3. Large birds;
4. All bats;
5. Migratory tree-dwelling bats;
6. Raptors;
7. Raptor species of special concern;
8. Grassland species; and
9. State and federally listed threatened and endangered species and State Sensitive Species listed under Oregon Administrative Rules (OAR) 635-100-0040.

~~In 2018, the U.S. Geological Survey released a fatality estimator program, GenEst (Dalthorp et al. 2018).~~ GenEst estimation software provides the most current state-of-the-science software for fatality estimation by minimizing biases associated with fatality estimation and allowing users to select the most appropriate methods and assumptions for project-specific circumstances. Rigorous testing of the performance of GenEst compared to other estimators using simulated data has shown GenEst to be the least biased, enabling more precise fatality estimation and reliable comparison of fatality estimates among projects (Simonis et al. 2018). Additionally, GenEst allows for fatality estimates to be split into subcategories which allows for estimates to be parsed by parameters such as season, year, or turbine type.

The estimation of annual fatality rates will account for:

1. The search interval;
2. The number of carcasses detected during standardized carcass searches within the monitoring period where the cause of death is assumed to be the operation of the Facility;
3. Carcass persistence expressed as the probability that a carcass remains in the study area (persists) and is available for detection by the investigators during persistence tri~~a~~ils;
4. Searcher efficiency expressed as the probability that an available trial carcass is found by investigators during searcher efficiency trials; and
5. The portion of the fall distribution that was searched at the Facility (DWP) for the given size class and search plot type.

## 3.6 Mitigation

The Certificate Holder will use best available science to resolve any uncertainty in the fatality monitoring results and to determine whether the results indicate that additional mitigation should be considered. ODOE may require additional, targeted monitoring if the data indicate the potential for significant impacts that cannot be addressed by analysis and appropriate mitigation.

Mitigation may be appropriate if fatality rates exceed a "threshold of concern" (Table 2). The Certificate Holder understands that as of the preparation date of this WMMP, a Technical Advisory

Committee has been established to assess the historic thresholds presented in Table 2, and that updated thresholds may be available prior to the analysis of the monitoring data. Therefore, the Certificate Holder will consider the option to utilize new "thresholds of concern" as available and meaningful to the monitoring effort described in this WMMP.

For the purpose of determining whether a threshold has been exceeded, the Certificate Holder will determine the median~~an~~ estimated annual fatality rate for species groups after each year of monitoring (provided three or more detections within any of the species groups listed in Table 2 are available to accurately determine estimates for these groups). Based on current knowledge of the species that are likely to use the habitat in the area of the Facility, the thresholds of concern established by EFSC (Table 2) will be used (with additional context provided by the~~in conjunction with~~ most current regional fatality rates) ~~published by the American Wind and Wildlife Institute~~ to evaluate the fatality rates associated with the Facility and guide discussions on appropriate mitigation.

**Table 2. Fatality Thresholds of Concern by Species Group**

| Species Group | Threshold of Concern[1,2] (Fatalities per MW) |
|---|---|
| Raptors[2]<br>(All eagles, hawks, falcons and owls, including burrowing owls.) | 0.09 |
| Raptor species of special concern<br>(Swainson's hawk, ferruginous hawk, peregrine falcon, golden eagle, bald eagle, burrowing owl.) | 0.06 |
| Grassland species<br>(All native bird species that rely on grassland habitat and are either resident species occurring year-round or species that nest in the area, excluding horned lark, burrowing owl and northern harrier.) | 0.59 |
| State sensitive avian species listed under OAR 635-100-0040 (Excluding raptors listed above.) | 0.20 |
| Bats[3] | 2.50 |

1. EFSC adopted the concept of "thresholds of concern" for raptors, grassland species, and state sensitive avian species in the Final Order on the Application for the Klondike III Wind Project (June 30, 2006) and for bats in the Final Order on the Application for the Biglow Canyon Wind Farm (June 30, 2006). The exceeding of a threshold, by itself, would not be a scientific indicator that operation of the Facility would result in range-wide population-level declines of any of the species affected.

2. Following pre-operational consultation required under Condition PRE-FW-02, Certificate Holder, ODOE, and ODFW agreed to maintain historic thresholds of concern. (Email communication from Christoher Clark to Julie Garvin, June 5, 2025.)

~~2. Regionally, the median fatality rate for all raptors in the Northern Rockies avifaunal biome (includes eastern Oregon; 22 studies) was 0.10 birds/MW/year (AWWI 2019). 75 percent of studies in the Northern Rockies reporting raptor estimates reported approximately 0.12 birds/MW/year.~~

~~3. Regionally, the USFWS Pacific Region (includes Oregon; 35 studies) had a range of 0.0 to 4.2 bat/MW/year, with a median of 0.7 bats/MW/year (AWWI 2018).~~

If the data from ~~a given y~~Year 1 of monitoring show that a threshold of concern for a species group or individual state sensitive bird species (assuming a minimum sample size of three individuals) has been exceeded, the Certificate Holder will consult with ODOE and ODFW to determine if mitigation is appropriate based on analysis of the data and consideration of any other significant information available at the time. ODFW, ODOE, and the Certificate Holder may review fatality data on a per turbine basis to aid in discussions. If mitigation is determined to be necessary, the Certificate Holder will propose mitigation measures designed to benefit the affected species or species group. ODOE may recommend additional, targeted data collection if the need for mitigation is unclear based on the information available at the time. If, following consultation and any such additional data collection, ODOE determines that mitigation is required, the Certificate Holder will propose mitigation measures designed to benefit the affected species or species group, commensurate with the level of impact.

Acceptable mitigation may include, but is not limited to, contributions to wildlife rehabilitators, conducting or ~~making a~~ contributi~~o~~ng to research that will aid in understanding more about the affected species or species group and its conservation needs in the region, improving wildfire response, constructing and maintaining artificial nest structures for raptors, or habitat mitigation.

Habitat mitigation may include, but is not limited to, protection of nesting, foraging, or roosting habitat for the affected species or group of native species through a conservation easement or similar agreement. Tracts of land that are intact and functional for wildlife are preferable to degraded habitat areas. Preference should be given to protection of land that would otherwise be subject to development or use that would diminish the wildlife value of the land. In addition, habitat mitigation measures might include enhancement of the protected tract by weed removal and control; increasing the diversity of native grasses and forbs; and planting sagebrush or other shrubs. This may take into consideration whether the mitigation required or provided in other Facility plans would also benefit the affected species.

# 4.0 Wildlife Response and Reporting System

The Certificate Holder has voluntarily developed a Wildlife Response and Reporting System (WRRS) as a proactive method of monitoring and recording birds and bats that are impacted by turbines at its facilities. This system has a specific set of processes, procedures, and training for monitoring, responding to, and reporting bird and bat injuries and fatalities at wind turbines that are tailored to each facility. The Certificate Holder has developed a WRRS Manual, which gives details of the program, and will be the manual by which operations personnel implement the WRRS program. The manual's purpose is to standardize the actions in response to any wildlife fatalities and/or injuries found within the Certificate Holder's facilities, regardless of their cause. The main points of the system are as follows:

- Any livestock or wildlife injury or fatality discovered within the Facility boundaries will be reported to the site manager within 24 hours.
- An incident report will be completed and include photographs.
- The Certificate Holder's wildlife program manager will be notified, and further actions may be taken based on the species and circumstances surrounding the incident.
- If a federally endangered or threatened species is found dead or injured at the site, the Certificate Holder will ~~immediately~~ notify the ~~U.S. Fish and Wildlife Service (~~USFWS~~)~~ Region 1 Field Office of the discovery within 48 hours of identification.
- If a state endangered or threatened species is found dead or injured at the site, the Certificate Holder will ~~immediately~~ notify ODFW of the discovery within 48 hours of identification.

# 5.0 Raptor Nest Surveys

The objectives of raptor nest surveys are: (1) to count raptor nests on the ground or aboveground in trees or other aboveground nest locations in the vicinity of the Facility; and (2) to determine whether there are noticeable changes in nesting activity or nesting success in the local populations

of the following raptor species: Swainson's hawk (*Buteo swainsoni*), golden eagle (*Aquila chrysaetos*), and ferruginous hawk (*Buteo regalis*).

The Certificate Holder will conduct short-term and long-term monitoring. The investigators will use aerial and ground surveys to evaluate nest success by gathering data on active nests, on nests with young, and on young fledged. The Certificate Holder will hire independent third-party investigators to perform raptor nest surveys.

## 5.1 Short-Term Monitoring

Short-term monitoring will be done in two monitoring seasons. The first monitoring season will be in the first full raptor nesting season after completion of construction of the Facility. The second monitoring season will be in the fourth year after construction is completed. The Certificate Holder will provide a summary of the first-year results in the monitoring report described in Section 7.0. After the second monitoring season, the investigators will analyze two years of data compared to the baseline data.

During each monitoring season, the investigators will conduct a minimum of one aerial and one ground survey for raptor nests in late May or early June and additional surveys as described in this section. The survey area is the area within the Facility site (i.e., turbine locations) and a 2-mile buffer zone around the site. For the ground surveys while checking for nesting success (conducted within the Facility site and up to a maximum of 0.5 miles from the Facility site), nests outside of parcels that are under a lease agreement with the Certificate Holder will be checked from public roads, if feasible.

All nests discovered during pre-construction surveys and any nests discovered during post-construction surveys, whether active or inactive, will be given identification numbers. GPS coordinates will be recorded for each nest. Locations of inactive nests will be recorded because they could become occupied during future years.

Determining nest occupancy may require one or two visits to each nest. Aerial surveys for nest occupancy will be conducted within the Facility site and a 2-mile buffer. For occupied nests, the Certificate Holder will determine nesting success by a minimum of one ground visit to determine the species, number of young and young fledged within the Facility site and up to 0.5 miles from the ~~f~~Facility site. "Nesting success" means that the young have successfully fledged (i.e., the young are independent of the core nest site).

## 5.2 Long-Term Monitoring

In addition to the two years of post-construction short-term raptor nest surveys described in Section 5.1, the investigators will conduct long-term raptor nest surveys at 5-year intervals for the life of the F~~f~~acility.[2] Investigators will conduct a ~~the first~~ long-term raptor nest survey in the raptor nesting season every 5 years after the second short-term monitoring season in years ~~of the ninth~~

[2] As used in this plan, "life of the facility" means continuously until the facility site is restored and the site certificate is terminated in accordance with OAR 345-027-0110.

~~year after construction is completed and will repeat the survey at 5-year intervals thereafter~~divisible by five. This may result in a greater than 5-year period between the second short-term monitoring season and the first long-term monitoring season. In conducting long-term surveys, the investigators will follow the same survey protocols as described in Section 5.1 unless the investigators propose alternative protocols that are approved by ODOE. In developing an alternative protocol, the investigators will consult with ODFW and will take into consideration other raptor nest monitoring conducted in adjacent areas. The investigators will analyze the data—as a way of determining trends in the number of raptor breeding attempts the ~~facility~~ Facility supports and the success of those attempts—and will submit a report after each year of long-term raptor nest surveys.

# 6.0 Washington Ground Squirrel Monitoring

In compliance with the pre-construction condition PRE-TE-02, ~~Washington ground squirrel~~WAGS ~~(*Urocitellus washingtoni*)~~ pre-construction surveys will be performed to determine construction constraints and operations monitoring requirements. ~~No Washington ground squirrel~~WAGS colonies ~~were~~ have been identified during ~~pre-construction~~ surveys for the Facility; therefore, ~~the no monitoring is planned at this time.~~ Certificate Holder shall conduct long-term post-construction WAGS monitoring in compliance with condition PRE-TE-02. Monitoring shall be of any known colonies within 1,000 feet of Facility ground disturbance and shall be completed on the same schedule as the raptor nest monitoring for the Facility, described above in Section 5.0. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location, a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities within 1,000 feet of Facility ground disturbance, such as during raptor nest monitoring surveys, shall be documented and the extent of those colonies will be delineated if required. These newly discovered colonies shall also be included in any future WAGS monitoring activities.~~However, if new colonies are located during other monitoring activities or incidentally during operations, the Certificate Holder will document and delineate the colonies, and will amend the WMMP with a Washington ground squirrel monitoring program in consultation with ODOE. Observations of Washington ground squirrels in agricultural habitat will be reported to ODOE, but such observations do not warrant mitigation or monitoring.~~

# 7.0 Data Reporting

The Certificate Holder will report wildlife monitoring data and analysis to ODOE for each calendar year in which wildlife monitoring occurs. Monitoring data include fatality monitoring program data, WRRS data, ~~and~~ raptor nest survey data, and WAGS monitoring data. The Certificate Holder may include the reporting of wildlife monitoring data and analysis in the annual report required under

OAR 345-026-0080 or submit this information as a separate document at the same time the annual report is submitted. In addition, the Certificate Holder will provide to ODOE any data or record generated in carrying out this monitoring plan upon request by ODOE.

The Certificate Holder will notify USFWS and ODFW, respectively, if any federal or state endangered or threatened species are killed or injured on the Facility site within 24 hours of species identification.

# 8.0 Amendment of the Plan

This WMMP may be amended by agreement of the Certificate Holder and EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this plan and to mitigation actions that may be required under this plan. ODOE will notify EFSC of all amendments and mitigation actions, and EFSC retains the authority to approve, reject or modify any amendment of this plan or mitigation action agreed to by ODOE.

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***Wheatridge Renewable Energy Facility Northeast***

Attachment F-1: Draft Construction Wildfire Mitigation Plan

# Wheatridge Renewable Energy Facility Northeast

# Draft Construction Wildfire Mitigation Plan ~~and Draft Operational Wildfire Mitigation Plan~~

**Prepared for**

**Prepared by**

~~September 2024~~Q1 2026

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# 1.0 Introduction

The Wheatridge Renewable Energy Facility East (Facility) is an approved wind energy generation facility with the capacity to generate up to 300 megawatts (MW). As approved, the Facility has up to 107 wind turbines with associated supporting facilities, and is located within an approved Site Boundary of approximately 78,985 acres across Morrow and Umatilla counties, Oregon.

The northeastern portion of the approved Facility (located in both Umatilla and Morrow counties) has yet to begin construction, and the Certificate Holder proposes to split this area from the remainder of the Facility currently under construction. Request for Amendment 2 (RFA 2) seeks to divide the Facility into two separate facilities within the approved Site Boundary.

1. **Wheatridge Renewable Energy Facility East (WREFE)** – Wind energy facility in Morrow County, including 71 wind turbines and related or supporting facilities, with a total generating capacity up to 200 MW. The Certificate Holder and Certificate Holder Owner will remain the same.
2. **Wheatridge Renewable Energy Facility Northeast (WREFNE)** – Wind energy facility in Morrow and Umatilla counties, including 36 wind turbines and related or supporting facilities, with a total generating capacity up to 100 MW. The Certificate Holder will be changed to Wheatridge Northeast Wind, LLC. NextEra Energy Resources will remain the Certificate Holder Owner.

Once the amendment process is complete, each facility will be a stand-alone Facility, but may share related or supporting facilities with one another similar to other projects approved by the Energy Facility Siting Council (EFSC). This includes splitting the Site Boundary and micrositing corridors. This Construction Wildfire Mitigation Plan (Plan) has been prepared for WREFNE, to support the Facility's RFA 2.

This ~~Wildfire Mitigation Plan (~~Plan~~)~~ is provided to satisfy the approval standards under Oregon Administrative Rules (OAR) 345-022-0115(1)(b), which requires the Plan to:

> *(A) Identify areas within the site boundary that are subject to a heightened risk of wildfire, using current data from reputable sources, and discuss data and methods used in the analysis;*
>
> *(B) Describe the procedures, standards, and time frames that the applicant will use to inspect facility components and manage vegetation in the areas identified under subsection (a) of this section;*
>
> *(C) Identify preventative actions and programs that the applicant will carry out to minimize the risk of facility components causing wildfire, including procedures that will be used to adjust operations during periods of heightened wildfire risk;*
>
> *(D) Identify procedures to minimize risks to public health and safety, the health and safety of responders, and damages to resources protected by Council standards in the event that a wildfire occurs at the facility site, regardless of ignition source; and*

*(E) Describe methods the applicant will use to ensure that updates of the plan incorporate best practices and emerging technologies to minimize and mitigate wildfire risk.*

~~Sections 2.0 and 3.1 are applicable to construction of the Wheatridge Renewable Energy Facility East (Facility) and considered final.~~

~~Section 3.2 and 3.3 are applicable to the operational facility. Finalization of the operational Wildfire Mitigation Plan includes updating these sections.~~

# 2.0 Wildfire Risk at the Site

## 2.1 Areas of Heightened Risk

Areas of heightened risk are described using the Oregon Community Wildfire Protection Plan (CWPP) wildfire risk to assets data and overall wildfire risk (CWPP 2022) (see Exhibit V, Table V-2 and Table V-3, which is inclusive of WREFNE). The CWPP provides a clearinghouse of fire behavior and fire effects data to aid decision makers in charge of reducing wildfire risk in their communities. Supplemental information was also sourced from Morrow County's and Umatilla County's Natural Hazard Mitigation Plans as appropriate, both reviewed by the Federal Emergency Management Agency (Morrow County 2016, Umatilla County 2021). This data was analyzed within the WREFNE Site Boundary with a half-mile buffer around the perimeter (Analysis Area). Thi~~ese~~s data considers the likelihood of fire in areas with valuable assets such as critical infrastructure, housing and developed recreation areas and vulnerability of assets in relation to fire paths and the likelihood of that asset being harmed (see Exhibit V, Figure V-2 and Figure V-3, resubmitted and attached and is inclusive of WREFNE). Overall wildfire risk is the product of the likelihood and consequence of wildfire on all mapped highly valued resources and assets combined: critical infrastructure, developed recreation, housing unit density, seed orchards, sawmills, historic structures, timber, municipal watersheds, vegetation condition, and terrestrial and aquatic wildlife habitat (CBI 2020).

Most of the Analysis Area is classified as no risk to assets due to lack of mapping of assets. Less than~~Only~~ 1 percent of the Analysis Area is mapped as having a risk to assets, which includes less than 0.6 percent as moderate risk and 0.4 percent as low risk, which are primarily along Oregon Route 207 (OR-207) in the northwesternmost portion of the Analysis Area (see Exhibit V, Table V-2 and Figure V-2, resubmitted and attached, which is inclusive of WREFNE). When assets are added to a landscape, wildfire risk to assets will increase. With the addition of infrastructure that will result from Facility construction, it is expected that more of the area would fall into moderate to high category for wildfire risk to assets.

The percent of the Analysis Area that falls into each wildfire risk rating appears in Exhibit V, Table V-3 and is displayed on Figure V-3 (resubmitted and attached, which is inclusive of WREFNE). Of the mapped areas of overall wildfire risk, low overall fire risk covers the largest area (over 2.3 percent) of the Analysis Area. Most of the Analysis Area has no overall wildfire risk data (over 96.7 percent), which indicates there are no highly valued resources or assets mapped in the area or simulated wildfires did not burn the area due to low historical occurrence/absence of burnable fuel

(CBI 2020). High and moderate overall wildfire risk areas are centered around farm and ranch buildings and infrastructure. Big Butter Creek Road ~~and Little Butter Creek Road are~~is the main corridor~~s~~ where moderate to high overall risk w~~as~~~~ere~~ modeled in the Analysis Area (see Exhibit V, Figure V-3, resubmitted and attached, which is inclusive of WREFNE). The Morrow County Natural Hazards Mitigation Plan further describes the northern third portion of the County as having the lowest potential for fire (as compared to the rest of the County), where the Facility is proposed (Morrow County 2016). The Umatilla County Natural Hazards Mitigation Plan indicates a higher potential for fire, but outside the portion of the Facility within Umatilla County (Umatilla County 2021).

See Exhibit V for assessment of baseline fire risk, seasonal fire risk, and high fire consequence areas (associated figures resubmitted and attached, which is inclusive of WREFNE).

# 3.0 Wildfire Mitigation Measures

This section provides an analysis of areas within the Facility that may have heightened wildfire risk, and describes facility-wide mitigation measures that will be implemented during construction ~~and operation~~ to reduce the risk of wildfire per OAR 345-022-0115(1)(b).

The Certificate Holder has consulted with local fire districts to receive and incorporate input into the final ~~Wildfire Mitigation~~ Plan, as appropriate, about the location and types of temporary fire breaks needed in the event of a fire on or off site. See below based on feedback from the various RFPDs and Fire Districts regarding response times (see Table 1; including Facility staff) and fire break protocols applicable during ~~both~~ construction ~~and operations~~:

**Table 1. Fire District Contact Information and Response Times**

| Fire District | Response Time | Contact Name | Email | Phone |
|---|---|---|---|---|
| Wheatridge East Staff | 25 minutes | Charles Thomsen (Site Manager) | charles.thomsen@nexteraenergy.com | 509-386-4308 |
| Heppner FD | 40 minutes | Steven Rhea | srhea0512@gmail.com | 541-676-5534 |
| Ione RFPD | 40 minutes | Virgil Morgan | virbiemorgan@netscape.net | 541-422-7303 |
| ~~Pendleton FD~~ | ~~12 to 15 minutes~~ | ~~Anthony Pierotti~~ | ~~anthony.pierotti@pendletonor.gov~~ | ~~541-429-0804~~ |
| Echo RFPD | 40 minutes | Delbert Gehrke | dgehrke@eotnet.net | 541-376-8580 |
| Boardman FRD | 10 to 20 minutes depending from which station | Marty Broadbent | MBroadbent@boardmanfd.com | 541-561-3826 |
| Pendleton FD | Secondary Responder | Anthony Pierotti | anthony.pierotti@pendletonor.gov | 541-429-0804 |
| Irrigon RFPD | Secondary Responder | Thomas Roberts | irfpd2011@gmail.com | 541-922-3133 |
| Lexington FD | Secondary Responder | Charlie Sumner | cncsumner@centurytel.net | 541-989-8515 |

## Communication

The senior firefighter responding will be designated the point of contact and determine the need and location of fire breaks. The site manager will establish communication with the point of contact and direct facility employees. Facility employees will communicate with issued radios as a primary means and cell phones as a back-up. Emergency responders will establish communications in accordance with their operating procedures.

## Construction of Fire Breaks

During the construction phase of the project, construction equipment may be used for the creation of fire breaks. ~~During the operation phase of the facility, fire breaks will be created by any available means at the direction of the point of contact.~~

## Location of Fire Breaks

The location of the fire breaks will be dependent on each unique wildfire event. The key factors that will be considered are:

1. Topography: Fire tends to move quickly uphill, while slower downhill due to the pre-heating effect. The terrain and existing infrastructure such as roads and two-tracks will be used when positioning firebreaks, targeting ridge tops.
2. Wind Patterns: Local wind patterns can significantly impact the speed and direction of wildfires. Knowing these patterns can help predict the path of a fire, which in turn can determine the most effective placement of firebreaks. The wind is predominantly from the Southwest for the boundary of the Facility.
3. Types and Density of Vegetation: Areas with dense vegetation provide more fuel for wildfires to grow rapidly. Identifying these areas and intervening early with firebreaks can help curtail a fire's spread. Also, consider the flammability of local plant species.
4. Accessibility: Firebreaks should ideally be accessible for firefighting resources and personnel for monitoring. They can also serve as a base for launching firefighting operations.
5. Proximity to Adjacent Farms: Firebreaks can serve as protective barriers for cultivated fields and critical structures. Therefore, these areas should be considered when selecting firebreak location.

During construction, the Certificate Holder will continue to work directly with local emergency responders to compile and maintain a current list of adjacent landowners/property owners with contact information. The final ~~Wildfire Mitigation~~ Plan will identify the best notification procedures of adjacent landowners/property owners to provide to local and regional emergency services for emergency notifications, in the event of an ignition or fire at the facility.

## 3.1 Construction

The facility will be deenergized for most of the construction period, only during the final commissioning stage is it expected to be connected to grid. During construction, the contractor(s) will follow all relevant Occupational Safety and Health Administration and National Fire Protection Association requirements related to fire hazards including a no smoking policy, fire permit requirement, hazardous material and combustible storage areas, pre-task planning to assess fire risks, relevant fire awareness training, lockout-tagout requirement, hazardous materials documentation, appropriate management, and disposal.

### *3.1.1 Fire Watch and Hot Work*

~~A Fire Weather Watch indicates the potential for weather conducive to large fire spread in the next 12 to 72 hours. A Red Flag Warning is issued when current weather conditions are conducive to large fire growth in the next 24 hours. Personnel monitoring these conditions must halt construction or overland vehicle travel in high-risk locations or employ the additional mitigation measures described above. High risk locations include areas of extremely combustible material such as grass, brush, or timber. Mitigation measures during a Red Flag Warning include, but are not limited to, communicating to on-site staff of the Red Flag Warning, communicating with local fire protection agency personnel of on-going conditions, driving or parking on roads to avoid sparking a fire in grass or brush, and halting construction activities that may increase fire risk such as hot work. All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on road or turbine pad surfaces that are cleared of vegetation, and an onsite Fire Safety Supervisor will be notified prior to the work, and that fire suppression equipment will be immediately available during hot work activities. Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.~~

**Definitions:**

**Non-Fire Season** – Approximately October - May

**Fire Season** – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

**Fire Weather Watch** – A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of criteria. Intent of a fire weather watch is to alert forecast users at least a day in advance for the purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.

**Red Flag Weather Warning** – A red flag warning is used to warn of impending or

occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.

**Hot Work:** Any cutting, grinding, welding, or other activity that creates spark or open flame

**Fire Watch Service:**

Fire watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the operation on which activity occurred during the day.

Upon discovery of a fire, fire watch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

**Fire Prevention Measures and Restrictions Associated with Fire Season:**

The Certificate Holder shall maintain a log or checklist when construction activities are impacted by Fire Restrictions during Fire Season as designed in this Section, or otherwise for compliance tracking. The log/checklist may include:

- The date;
- Fire Precaution Level;
- Description of actions taken, including if any measures were taken to reduce wildfire risk that are not identified in this Plan.

**Non-Fire Season**

- All hot work must be conducted on roads or on non-combustible surfaces.
- Smoking in designated areas only.

**Fire Season**

- Before the start of each daily shift, at approximately 07:00 a.m. local time, a designated individual will check the fire danger posting by the National Weather Service for any Red Flag Warnings for that day.
- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces.
- Water source meeting specifications in this Plan will be on site during fire season.
- Following the completion of hot work, the Certificate Holder or contractor(s) must maintain

a fire watch for 60 minutes to monitor for potential ignition.

- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- Smoking in designated areas only.

### Fire Weather Watch

- No hot work permitted.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

### Red Flag Weather Warning

- No hot work permitted.
- On-site personnel must be aware of Red Flag Warning.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

In general, see Table 2 for fire prevention measures that should be following during fire season as applicable.

**Table 2. Fire Prevention Measures During Fire Season Summary**

| Requirement | Non-Fire Season | Fire Season | Fire Weather Watch | Red Flag Warning |
|---|---|---|---|---|
| Fire weather advisory | Not required | Check for fire weather advisory daily before work begins. | Check for fire weather advisory daily before work begins. | Check for fire weather advisory daily before work begins. On-site personnel must be aware of Red Flag Warning. |
| On-site water source | N/A | As specified in Section 3.1 | As specified in Section 3.1 | As specified in Section 3.1 |

| Requirement | Non-Fire Season | Fire Season | Fire Weather Watch | Red Flag Warning |
|---|---|---|---|---|
| Hot work | Only permitted on roads or on non-combustible surfaces | Only permitted on roads or on non-combustible surfaces; fire watch required for 60 minutes after completion | Not Permitted | Not Permitted |
| Fire Watch Service | Not required | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day |
| Driving and Parking | As described in Section 3.1 | As described in Section 3.1 | Only permitted on roads or on non-combustible surfaces and Section 3.1 | Only permitted on roads or on non-combustible surfaces and Section 3.1 |
| Smoking | Designated areas only | Designated areas only | Not permitted | Not permitted |

### *3.1.2 Vegetation Management*

The Certificate Holder and contractor(s) will maintain vegetation within the Site Boundary and will also maintain a defensible space clearance along Facility features. Defensible space will be free of combustible vegetation or other materials. The movement of vehicles will be planned and managed to minimize fire risk. Roads and parking areas will be maintained to be free of vegetation tall enough to contact the undercarriage of the vehicle. Travel off road or parking in vegetated areas will be restricted during fire season; No off-road vehicle travel will be permitted while working alone. Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation; Stuck vehicles will be pulled out rather than "rocked" free and the area will be inspected again after the vehicle has been moved. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1a.

### *3.1.3 Minimizing Fire Risk from Construction Activities*

The following best management practices to minimize fire risk from vehicle travel and fueling activities would be implemented at the site during construction:~~. Additional measures identified in~~

~~the Application for Site Certificate, Exhibit U and Request for Amendment 1 (RFA1) Exhibit U may be required by the Oregon Department of Energy.~~

- The movement of vehicles will be planned and managed to minimize fire risk.
- The contractor(s) will be responsible for identifying and marking paths for all off-road vehicle travel. All off-road vehicle travel will be required to stay on the identified paths. No off-road vehicle travel will be permitted while working alone.
- Areas with grass that are as tall or taller than the exhaust system of a vehicle must be wetted before vehicles travel through it.
- Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than "rocked" free and the area will be inspected again after the vehicle has been moved.
- The contractor(s) will designate a location for field fueling operations at the temporary construction yards. Any fueling of generators, pumps, etc. shall take place at this location only.
- Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in the vehicles that exit the right-of-way except the five-gallon container that is required for the water truck pump.
- Smoking shall only be allowed in designated smoking areas at the Facility.

### *3.1.4 Emergency Response*

During all phases of the facility, the Certificate Holder will work directly with local emergency responders to compile and maintain a current list of adjacent landowners/property owners with contact information. For immediate notification, the Facility staff will notify property owners and adjacent landowners, as directed by the site manager/assistant site manager. Additional information will be distributed via email so that coordinates and maps can be shared as necessary. This notification process is intended to avoid impacting emergency responder's resources.

Emergency response is outlined in the Wheatridge Emergency Action Plan. Additionally, an Emergency Management Plan (per Site Certificate Condition PRE-PS-05) and Site Health and Safety Plan (per Site Certificate Condition PRE-PS-06) will be implemented during construction. Personnel will be trained on the RACE (i.e., Remove, Alarm, Confine and Extinguish or Evacuate) procedure to implement in the event of a fire start. RACE procedure includes:

- Rescue anyone in danger (if safe to do so);
- Alarm – call the control room, who will then determine if 911 should be alerted;
- Contain the fire (if safe to do so); and
- Extinguish the incipient fire stage (if safe to do so).

Contact of 911 will occur in the event of:

- A fire or emergency on-site that cannot be addressed by personnel on-site and requires the assistance of fire or emergency medical personnel;
- A fire ignition on-site that spreads out of the fence line;
- Any fire off-site that does not have emergency responders on site.
    - To the extent that construction personnel can safely assist and/or provide equipment to help extinguish off-site fires until emergency responders are on site, it is encouraged to do so to assist in the spread of the fire, loss of life, property and damage to the environment.

Personnel on site will carry fire suppression equipment during the fire season in their vehicles. This equipment shall include, at a minimum:

- Fire Extinguisher: Dry chemical. 2.5 or 2.8 pound. 1A-10B: C U/L rating, properly mounted or secured;
- Pulaski Hand Shovel: Round point. 26 to 28 inch "D" Handle, blade - 12 inches long and 10 inches wide; and
- Collapsible Pail ~~or Backpack Pump~~: 5-gallon capacity.~~; and~~
- ~~Drip Can: 5-gallon capacity.~~

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor; and must be kept in good operating condition. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1. All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

Personnel will receive training on use of suppression equipment. Prior to construction ~~and operation~~ of the Facility, the Certificate Holder will provide employee fire prevention and response training that shall include instruction on Facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. Equivalent training shall be provided to new employees or subcontractors working on site that are hired after the start of construction (per Site Certificate Conditions GEN-PS-03 and PRE-PS-05). All personnel shall also be equipped with communication equipment capable of reaching the control room from all locations within the Site Boundary.

~~The Certificate Holder will work directly with local emergency responders to compile and maintain a current list of adjacent landowners/property owners with contact information. For immediate notification, the Facility's land team will notify property owners and adjacent landowners, as applicable. Additional information will be distributed via email so that coordinates and maps can be shared as necessary. This notification process is intended to avoid impacting emergency responder's resources.~~

## ~~3.2 Operations~~

### ~~*3.2.1 Wildfire Mitigation Through Facility Design*~~

~~The Facility's components, and overall project design, will meet National Electrical Code and Institute of Electrical and Electronics Engineers standards and will not pose a significant fire risk. The 230-kv transmission line will be designed and constructed in accordance with Avian Power Line Interaction Committee Standards. All wind turbines will be equipped with safety features to shut down operation in the event of mechanical failure that could cause fire and will be equipped with internal fire suppression systems and lightning protection systems to reduce the potential for structural fires.~~

~~During operation, the Certificate Holder and contractor(s) will follow all relevant Occupational Safety and Health Administration and National Fire Protection Association requirements related to fire hazards including: no smoking policy, fire permit requirement, hazardous material and combustible storage areas, pre task planning to assess fire risks, relevant fire awareness training, lockout-tagout requirement, hazardous materials documentation, appropriate management, and disposal.~~

~~The Certificate Holder will design the Facility to maintain a defensible space clearance along Facility features. Defensible space will be free of combustible vegetation or other materials. Roads and parking areas will be maintained to be free of vegetation tall enough to contact the undercarriage of the vehicle. Travel off road or parking in vegetated areas will be restricted during fire season. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1a.~~

~~Vegetation within the fence line will be managed as needed to reduce fuels for fire. Facility access roads will be sufficiently sized for emergency vehicle access, in accordance with local building code and local fire department requirements. The fenced areas around Facility infrastructure will be graveled, with no vegetation present. Smoke/fire detectors will be placed around the site that will be tied to the supervisory control and data acquisition system and will contact local firefighting services. The limited vegetation present within the Site Boundary during operations will also help to minimize spread of fire. Any potential fires inside the Site Boundary will be controlled by trained staff who will be able to access the Facility around the clock. These measures will help keep external fires out or internal fires in.~~

~~Before beginning operation of the facility, the Certificate Holder will provide a final site plan to all fire protection districts and first responders identified in the Emergency Management Plan required under Condition PRE-PS-05 (per site certificate condition PRO-PS-02). Site plan will include the identification number assigned to each turbine and the actual location of all facility structures, The site plan will identify fire breaks, access roads, and other relevant features, as well as high hazard areas, including but not limited to, residences, croplands and agricultural operations, that will be prioritized for protection during fire suppression activities. The site plan should also identify disturbance constraints where possible without disclosing confidential information such as~~

the location of cultural resources or threatened and endangered species habitat. The Certificate Holder shall provide an updated site plan if additional turbines or other structures are later added to the facility.

### *3.2.2 Inspection of Facility Components*

The Certificate Holder shall update this section prior to operation, subject to Oregon Department of Energy approval. The Facility components that could cause electrical fires are the wind turbines, substations, overhead electrical lines, and the battery energy storage systems (BESS). During operations, the Certificate Holder will conduct inspections for maintaining a Facility that minimizes the risk of fire; see Table 1.

**Table 2. Operational Inspections for Electrical Components**

| Inspection | Procedure | Standard | Time Frame |
|---|---|---|---|
| Turbines | Visual inspection of turbine components and foundations as well as the surrounding area. In addition, Supervisory Control and Data Acquisition (SCADA) data is observed to determine how the turbine's structural components are withstanding stresses. | SPCC Plan[1]<br>Manufacturer's maintenance recommendations | Quarterly<br>Annual |
| Substations | Visual inspection of MPT, Avian Power Line Interaction Committee (APLIC) measures, and surrounding area. | Manufacturer's maintenance recommendations<br>APLIC[2] | Monthly<br>Quarterly |
| Overhead electrical lines | Visual inspection of components, grounding, APLIC measures, vertical clearance distance between conductor and vegetation. | National Energy Reliability Corporation (NERC)[3]<br>APLIC | Annual |
| BESS | Visual inspection of BESS, PCS, and surrounding areas | SPCC Plan<br>Manufacturer's maintenance recommendations | Monthly |

1. The Operational Spill Prevention, Control, and Countermeasure Plan for the Facility will require these components to be inspected monthly for spills. During these inspections, Operational Staff will also visually inspect the component and surrounding area.
2. The Certificate Holder will develop an inspection checklist and program of electrical equipment based on manufacturer's recommendations for individual components.
3. Vegetation maintenance standard FAC-003-0.

Specifically, monthly inspections during operations will involve the following:

- Proper maintenance of equipment to prevent sources of combustible materials;
- Prevention of combustible materials accumulation;

- ~~Proper disposal of combustible waste;~~
- ~~Assurance of property flammable chemical storage (i.e., within a flammable cabinet);~~
- ~~Proper treatment of any leaks;~~
    - ~~For leaks that cannot immediately be stopped, they will be contained, reported, and cleaned to mitigate any fire hazard. All leaks will be reported to the Site Operations Manager and in turn, NextEra's Environmental Health and Safety Department.~~
- ~~Proper maintenance of all heat-producing equipment to prevent accidental ignition of combustible materials, in accordance with applicable equipment guidelines and manuals;~~
- ~~Visual inspection of portable fire extinguishers; and~~
- ~~Visual inspections of the BESS, substations, and surrounding areas, as well as completion of applicable APLIC inspection forms.~~

~~Additionally, quarterly inspections will generally include:~~

- ~~Visual inspections of the turbines, substations, and surrounding areas, as well as completion of applicable APLIC inspection forms.~~

~~Lastly, for annual inspections during operations, the following will be completed:~~

- ~~Testing of fire equipment in compliance with manufacturer specifications and National Fire Protection Association guidelines:~~
    - ~~Portable dry fire extinguishers will have an annual maintenance check and hydrostatic test every 12 years.~~
    - ~~Carbon dioxide extinguishers will have an annual maintenance check and hydrostatic test every 5 years.~~
    - ~~Extinguishers will also be tested after use.~~
    - ~~A qualified contractor will perform all inspections.~~
- ~~Internal inspections of wind turbines, including checking for cleanliness and fire hazards;~~
- ~~Cleaning and inspecting wind turbines in compliance with the Oregon Department of Emergency Management requirements;~~
- ~~Assessment of SCADA data and applicable equipment performance;~~
- ~~Visual inspections of overhead electrical lines and completion of applicable APLIC inspection forms; and~~
- ~~Routine inspections and maintenance of turbine foundation anchor bolts (minimum of 10 percent for each foundation); bolts will be re-tightened if any bolt fails the tension check.~~

~~In addition to regularly scheduled inspections, the Supervisory Control and Data Acquisition (SCADA) system allows for real-time monitoring of each Facility component, 24 hours a day, 7 days a week. As described in the Division 27 document, the SCADA system will serve as the "nerve center" of the Facility by connecting individual turbines, BESS, substations, and meteorological towers to a central computer housed in the shared/existing O&M building (per Condition CON-WF-02). If an issue with Facility infrastructure arises, O&M staff are alerted so that the component can be shut down to minimize a failure's consequences and potential safety risks.~~

~~For any discrepancies that are identified in the inspections listed, remedial actions will be taken immediately and reported to the Site Operations Manager. If the issue cannot be resolved by the technician, the Site Operations Manager will ensure that the appropriate remedial actions are scheduled and monitoring of the issue is conducted until the issue is resolved.~~

### ~~*3.2.3 Vegetation Management*~~

~~The Certificate Holder will maintain vegetation within the Site Boundary and will also maintain a defensible space clearance along Facility features. Defensible space will be free of combustible vegetation or other materials. Roads and parking areas will be maintained to be free of vegetation tall enough to contact the undercarriage of the vehicle. Travel off road or parking in vegetated areas will be restricted during fire season. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1a.~~

~~Each spring, prior to the summer months, a physical vegetation survey assessment of the area will be completed at least once annually to monitor for vegetation clearances around electrical equipment, maintenance of fire breaks, and monitor for wildfire hazards. This survey will focus on areas of heightened risk and high fire consequences as described in Sections 2.5 and 2.6 respectively, and displayed in Figures V-2, V-3 and V-4 (see Exhibit V). The initial vegetation survey assessments will occur in May or June, prior to the start of the dry season, a time when wildfire risk is usually heightened due to low fuel moisture and high temperature. The vegetation survey assessment will be conducted by the Site Operations Manager and will be used to assess the frequency of upcoming vegetation maintenance and identify areas that may need additional attention. The Site Operations Manager will visually assess and document vegetation height, abundance, and areas where vegetation should not be present such as crushed rock bed around collector substations. The vegetation survey assessment will determine that clearances and fire breaks (vegetative clearance areas and areas determined to remain clear to act as permanent fire breaks or areas where temporary fire breaks may be deployed in the event of a fire) are satisfactory, and if not, the mitigation procedures will be implemented (e.g., vegetation management) to ensure clearances and fire breaks are satisfactory.~~

~~The vegetation survey will document:~~

- ~~Location of wildfire hazards;~~
- ~~Species;~~
- ~~Estimated growth rate;~~
- ~~Abundance;~~
- ~~Vegetation clearance/setbacks;~~
- ~~Risk of fire hazard; and~~
- ~~Mitigation and removal measures~~

Criteria that will be used to determine that clearances and fire breaks are satisfactory include a 5-foot noncombustible, defensible space around Facility structures (e.g., substations, operations and maintenance [O&M] building), a 5-foot minimum vegetation clearance from conductors, no vegetation in graveled areas or crushed rock areas around facility structures (e.g., O&M buildings, substations, and BESS, 100-foot vegetation-free zone to be applied specifically around the substation and BESS), and height of vegetation within transmission line corridors managed to appropriate height requirements (Table 1).

To reduce the availability of fuels for wildfire near electrical components, the Certificate Holder will install a non-flammable gravel base around wind turbines, substations, and BESS as described in the RFA 1's Division 27 document (*Request for Amendment #1 for the Wheatridge Renewable Energy Facility East*) and implement ongoing vegetation management outlined in Table 1 to ensure that vegetation does not grow in these graveled areas.

**Table 3. Vegetation Management Procedures by Facility Component**

| Vegetation Management | Procedure | Standard | Time Frame |
|---|---|---|---|
| Turbine | Herbicide application on gravel pad surrounding turbines. Highly compacted gravel foundations of turbines are not suitable for vegetation. | IEEE 80[1]<br>NFPA 70[2] | Yearly, depending on vegetation condition. |
| Substations | Herbicide application on substation gravel pads. Highly compacted gravel foundations of the substations are not suitable for vegetation. | IEEE 80[1]<br>NEC 70[2] | Yearly, depending on vegetation condition. |
| Battery energy storage system | Herbicide application on gravel pad surrounding the BESS. Highly compacted gravel foundations of the BESS are not suitable for vegetation. | IEEE 80[1]<br>NEC 70[2] | Yearly, depending on vegetation condition. |
| Overhead electrical lines | Mow vegetation to achieve clearance requirements between conductor and ground. | North American Electric Reliability Corporation (NERC)[3] | Yearly, depending on vegetation condition. |

1. IEEE (2015)
2. NFPA (2023)
3. NERC (2009)

Additional vegetation surveys may be required throughout the season based on seasonally heightened fire risk. Vegetation control will begin following the surveys and employ best management practices and techniques that are most appropriate for the local environment. In areas where vegetation is present and could pose a fire risk, vegetation management and removal measures (mowing, vegetation removal, herbicide, etc.) shall be implemented prior to fire season (mid-late summer).

~~Physical vegetation control, such as mowing or the introduction of non-invasive species that are low growing as described in Exhibit P and the Habitat Mitigation Plan (HMP; Attachment P-2), and the Revegetation Plan (Attachment P-4). Depending on the location, soil type, and HMP or Revegetation Plan criteria, the vegetation may either be mowed or managed through low-growing species in a seed mix. For example, vegetation under overhead electrical lines may be mowed to achieve clearance requirements between conductor and ground (Table 1). Habitat subtypes within the Site Boundary primarily consist of Native Perennial Grassland, Dryland Wheat, Revegetated/Other Planted Grassland, and Rabbitbrush/Snakeweed Shrub-steppe. Based on the HMP and Revegetation Plan, the appropriate non-invasive, low-growing species for physical vegetation control can be included in seed mixes for the restoration of habitat with either 1) a mix of native or non-invasive, non-persistent non-native grasses; or 2) a mix of native or non-invasive, non-persistent non-native grasses, forbs, and shrubs.~~

~~In rare circumstances where it is necessary to use herbicides, an effort will be made to minimize use and only apply bio-degradable, U.S. Environmental Protection Agency-registered, organic solutions that are non-toxic to wildlife. Any herbicides used for vegetation management the site will be selected and used in a manner that fully complies with all applicable laws and regulations. Noxious weeds within the Site Boundary will be controlled in accordance with the Noxious Weed Control Plan (see Exhibit P, Attachment P-3).~~

### ~~*3.2.4 Fire Weather Monitoring*~~

~~Burn probability, expected flame length, and overall risk may increase during periods of the fire season. Personnel on site will monitor Fire Weather Watches and Red Flag Warnings issued by the National Weather Service. A Fire Weather Watch indicates the potential for weather conducive to large fire spread in the next 12 to 72 hours. A Red Flag Warning is issued when current weather conditions are conducive to large fire growth in the next 24 hours. During operation, personnel monitoring these conditions must halt Facility operations, work at the site or overland vehicle travel in high risk locations or employ additional mitigation measures. High risk locations include areas of extremely combustible material such as grass, brush, or timber. Mitigation measures during a Red Flag Warning include, but are not limited to, communicating to on-site staff of the Red Flag Warning, communicating with local fire protection agency personnel of on-going conditions, driving or parking on roads to avoid sparking a fire in grass or brush, and halting operational activities that may increase fire risk. If maintenance activities need to occur at the Facility during times of heightened fire risk, the Certificate Holder will implement the following measures to prevent wildfires:~~

- ~~If regrowth around Facility infrastructure occurs, the Site Operations Manager will enact mechanical or chemical measures to control the vegetation, depending on the species.~~
- ~~Activities will require a Hot Work Permit to be issued by the Site Operations Manager, which outlines the relevant fire risk of the proposed maintenance activity and provides any necessary precautions. All hot work must be conducted on road or turbine pad surfaces that are cleared of vegetation, and an onsite Fire Safety Supervisor will be notified prior to the~~

work, and that fire suppression equipment will be immediately available during hot work activities. Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.

- When possible, maintenance tasks that involve spark risk will be rescheduled.
- If maintenance tasks cannot be postponed, the Site Operations Manager will implement fire risk prevention procedures to ensure continued operation of the Facility. An additional contractor will be hired to monitor fire risk at the Facility, equipped with a water truck to oversee all maintenance as activities.

### *3.2.5 Emergency Response*

During all phases of the facility, the Certificate Holder will work directly with local emergency responders to compile and maintain a current list of adjacent landowners/property owners with contact information. For immediate notification, the Facility staff will notify property owners and adjacent landowners, as directed by the site manager/assistant site manager. Additional information will be distributed via email so that coordinates and maps can be shared as necessary. This notification process is intended to avoid impacting emergency responder's resources.

Emergency response is outlined in the Wheatridge Emergency Action Plan. Additionally, the aforementioned Emergency Management Plan (per Site Certificate Condition PRE-PS-05) and Site Health and Safety Plan (per Site Certificate Condition PRE-PS-06) will be updated as applicable and implemented during operations. Personnel will be trained on the RACE (i.e., Remove, Alarm, Confine and Extinguish or Evacuate) procedure to implement in the event of a fire start. RACE procedure includes:

- Rescue anyone in danger (if safe to do so);
- Alarm – call the control room, who will then determine if 911 should be alerted;
- Contain the fire (if safe to do so); and
- Extinguish the incipient fire stage (if safe to do so).

Personnel on site will carry fire suppression equipment during the fire season in their vehicles. This equipment shall include, at a minimum:

- Fire Extinguisher: Dry chemical. 2.5 or 2.8 pound. 1A-10B: C U/L rating, properly mounted or secured;
- Pulaski Hand Shovel: Round point. 26 to 28 inch "D" Handle, blade - 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

~~Personnel will receive training on use of suppression equipment. All personnel shall also be equipped with communication equipment capable of reaching the control room from all locations within the Site Boundary. Additionally, all operations staff will undergo regular trainings including:~~

- ~~Annual employee fire prevention and response training that shall include instruction on Facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations (per Site Certificate Conditions GEN-PS-03 and PRE-OS-05).~~
  - ~~Equivalent training shall also be provided to new employees or subcontractors working on site that are hired during after the start of operations.~~
  - ~~Training will be implemented by the Certificate Holder in coordination with the first-response agencies listed in the Emergency Management Plan (Site Certificate Condition PRE-PS-05), to be submitted prior to construction initiation.~~

## ~~3.3~~3.2 Updates to the Construction Wildfire Mitigation Plan

The ~~Wildfire Mitigation~~ Plan will be a living document that will be updated in order to meet the objectives and to respond to changing conditions within the Site Boundary. The ~~Mitigation~~ Plan will be updated semiannually during construction to account for changes such as~~in~~ local fire protection agency personnel, landowner information, and wildfire risk at the site~~, and changes in best practices for minimizing and mitigating fire risk (see Table 3 below)~~. The Certificate Holder shall document and report semiannually to the Oregon Department of Energy (pursuant to OAR 345-022-0080(1~~2~~):

- Any changes in wildfire risk at the site or changes in facility components or preventative features.
- Any changes in local fire protection agency personnel and operational managers.
- Any changes in analysis area residence/landowner addresses or contact information.
- A copy of the log or checklist for monitoring compliance.

Information from the semi-annual construction reporting may be used to establish the performance of the Plan. If determined by certificate holder or ODOE, adjustments or improvements must be proposed to ensure the Plan provides wildfire mitigation. Any ODOE required updates shall be implemented within 14 days, unless otherwise agreed to by the ODOE based on a good faith effort to address wildfire hazard.

This Plan may be amended from time to time by agreement of the Certificate Holder and the EFSC or ODOE, acting within its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

- ~~Whether wildfire risk has changed significantly at the site.~~

- Whether the industry groups and applicable design standards outlined in Table 2 have changed or been updated to result in new future technologies or best practices that could be implemented at the Facility. The Plan shall be updated based on changes in best practices or technologies deemed necessary and appropriate at the site, or as needed at the site based on changes in site conditions and modeled wildfire risk.
- Any significant changes in vegetation management.

The Certificate Holder shall update Table 3 prior to operation, subject to Oregon Department of Energy approval. Emerging technologies will likely contribute to increased knowledge of wildfire risk and wildfire mitigation. Improvements in wildfire modeling and detection will be monitored and integrated into the plan. Specifically, this document will be updated if wildfire models cited in this report are updated.

**Table 4. Resources for Future Best Practices**

| Reference | Description | Method |
|---|---|---|
| American Clean Power (ACP) | ACP establishes best practices for renewable energy projects. | The Certificate Holder's parent company is a member of ACP and participates in best practice development.[1] |
| North American Electric Reliability Corporation (NERC) | NERC develops electrical standards for large energy facilities. | The Certificate Holder will follow NERC Standard FAC-003-0 for its vegetation management program of transmission lines, or updates to this standard as approved by NERC.[2] |
| Oregon Specialty Building Codes (OSBC) | OSBC designs building codes applicable to inhabitable spaces, substation enclosures. | Remodeling of the substation enclosures that requires permits will follow any updates to the OSBC at that time. |
| Avian Power Line Interaction Committee (APLIC) | APLIC develops avian protection methods for electrical facilities to minimize fire risk to bird/mammal nests on electrical equipment. | The Certificate Holder's parent company is a member of APLIC.[3] An operational wildlife monitoring program will inspect for wildlife nesting on facilities that could cause fire, and take actions following applicable laws (for example, the Migratory Bird Treaty Act). |

1. Link to ACP Standards & Practices: https://cleanpower.org/resources/types/standards-and-practices/.

2. NERC FAC-003-0: https://www.nerc.com/pa/Stand/Reliability%20Standards/FAC-003-0.pdf.

3. Link to APLIC member organization: https://www.aplic.org/member_websites.php.

# 4.0 References

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# Attachment 1. WREFE RFA1 Exhibit V Figures

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# Wheatridge Renewable Energy Facility East

## Figure V-1
## Hazard to Potential Structures

**MORROW AND UMATILLA COUNTIES, OR**

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- State Highway
- County Highway

Potential Impact to Structures

- Very High
- High
- Moderate
- Low
- Non-burnable/Very Low

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

Morrow County

Umatilla County

578

207

Lexington

735

602

813

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WGS 1984 UTM Zone 11N

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NOT FOR CONSTRUCTION

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# Wheatridge Renewable Energy Facility East

## Figure V-2
## Wildfire Risk to Assets

**MORROW AND UMATILLA COUNTIES, OR**

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- State Highway
- County Highway

Wildfire Risk to Assets

- Very High
- High
- Moderate
- Low

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

Morrow County

Umatilla County

578

207

Lexington

735

602

813

74

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WGS 1984 UTM Zone 11N

0 1 2 4 6 8 Miles

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# Wheatridge Renewable Energy Facility East

## Figure V-3
## Overall Wildfire Risk

**MORROW AND UMATILLA COUNTIES, OR**

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- State Highway
- County Highway

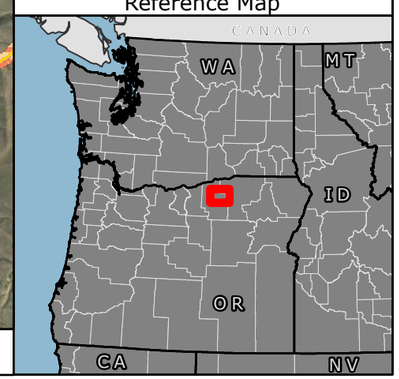
Overall Wildfire Risk

- Very high
- High
- Moderate
- Low
- Low benefit
- Benefit

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

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WGS 1984 UTM Zone 11N

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# Wheatridge Renewable Energy Facility East

## Figure V-4
## Wildfire Potential Impacts to People and Property

**MORROW AND UMATILLA COUNTIES, OR**

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- State Highway
- County Highway

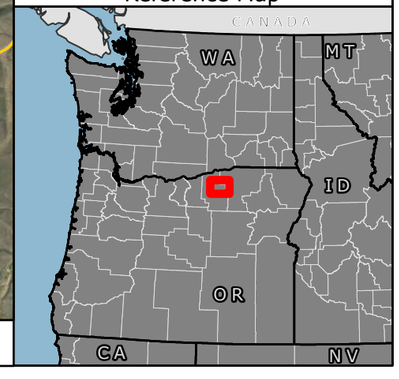
Potential Impact to People and Property

- Very High
- High
- Moderate
- Low

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

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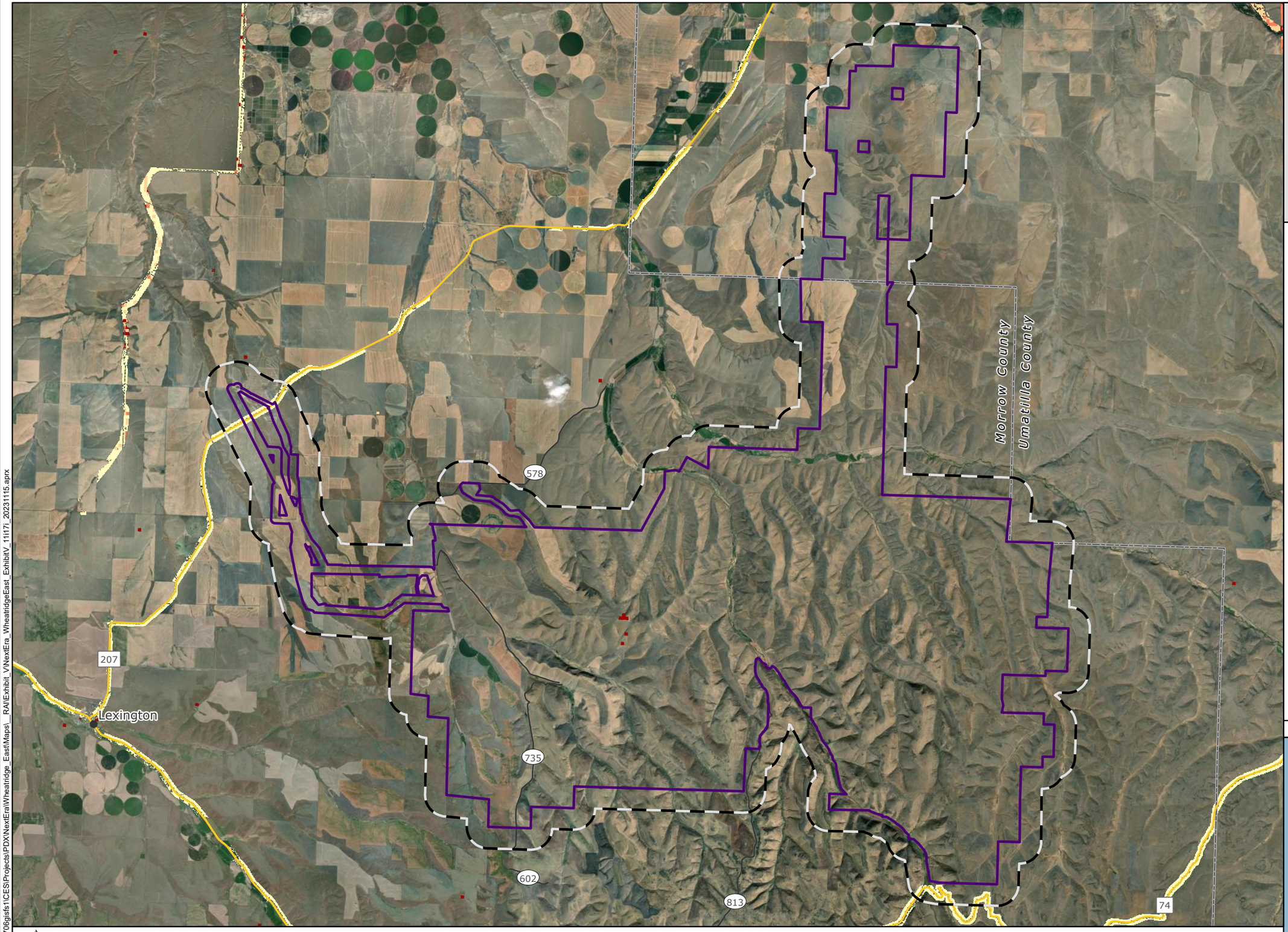
# Wheatridge Renewable Energy Facility East

## Figure V-5
## Wildfire Potential Impacts to Infrastructure

**MORROW AND UMATILLA COUNTIES, OR**




- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- State Highway
- County Highway

Potential Impact to Infrastructure

- Very High
- High
- Moderate
- Low

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

1:135,000 WGS 1984 UTM Zone 11N

0 1 2 4 6 8 Miles

NOT FOR CONSTRUCTION

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# Wheatridge Renewable Energy Facility East

## Figure V-6
## Overall Potential Impact

**MORROW AND UMATILLA COUNTIES, OR**

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- State Highway
- County Highway

Overall Potential Impact

- Very High (>95th)
- High (80-95th)
- Moderate (50-80th)
- Low (30-50th)
- Low Benefit (15-30th)
- Benefit (0-15th)

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

Morrow County

Umatilla County

Lexington

207

578

735

602

813

74

1:135,000

WGS 1984 UTM Zone 11N

0 1 2 4 6 8 Miles

NOT FOR CONSTRUCTION

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***Wheatridge Renewable Energy Facility Northeast***

Attachment F-2: Draft Operational Wildfire Mitigation Plan

# Wheatridge Renewable Energy Facility
# NortheEast

# Draft Operational Wildfire Mitigation Plan

**Prepared for**

NEXTera ENERGY RESOURCES

**Prepared by**

TETRA TECH

~~June 2025~~Q1 2026

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# 1.0 Introduction

The Wheatridge Renewable Energy Facility East (Facility) is an approved wind energy generation facility with the capacity to generate up to 300 megawatts (MW). As approved, the Facility has up to 107 wind turbines with associated supporting facilities, and is located within an approved Site Boundary of approximately 78,985 acres across Morrow and Umatilla counties, Oregon.

The northeastern portion of the approved Facility (located in both Umatilla and Morrow counties) has yet to begin construction, and the Certificate Holder proposes to split this area from the remainder of the Facility currently under construction. Request for Amendment 2 (RFA 2) seeks to divide the Facility into two separate facilities within the approved Site Boundary.

1. **Wheatridge Renewable Energy Facility East (WREFE)** – Wind energy facility in Morrow County, including 71 wind turbines and related or supporting facilities, with a total generating capacity up to 200 MW. The Certificate Holder and Certificate Holder Owner will remain the same.
2. **Wheatridge Renewable Energy Facility Northeast (WREFNE)** – Wind energy facility in Morrow and Umatilla counties, including 36 wind turbines and related or supporting facilities, with a total generating capacity up to 100 MW. The Certificate Holder will be changed to Wheatridge Northeast Wind, LLC. NextEra Energy Resources will remain the Certificate Holder Owner.

Once the amendment process is complete, each facility will be a stand-alone Facility, but may share related or supporting facilities with one another similar to other projects approved by the Energy Facility Siting Council (EFSC). This includes splitting the Site Boundary and micrositing corridors. This Operations Wildfire Mitigation Plan (Plan) has been prepared for WREFNE, to support the Facility's RFA 2.

This ~~Wildfire Mitigation Plan (~~Plan~~)~~ is provided to satisfy the approval standards under Oregon Administrative Rules (OAR) 345-022-0115(1)(b), which requires the Plan to:

> *(A) Identify areas within the site boundary that are subject to a heightened risk of wildfire, using current data from reputable sources, and discuss data and methods used in the analysis;*
>
> *(B) Describe the procedures, standards, and time frames that the applicant will use to inspect facility components and manage vegetation in the areas identified under subsection (a) of this section;*
>
> *(C) Identify preventative actions and programs that the applicant will carry out to minimize the risk of facility components causing wildfire, including procedures that will be used to adjust operations during periods of heightened wildfire risk;*
>
> *(D) Identify procedures to minimize risks to public health and safety, the health and safety of responders, and damages to resources protected by Council standards in the event that a wildfire occurs at the facility site, regardless of ignition source; and*

*(E) Describe methods the applicant will use to ensure that updates of the plan incorporate best practices and emerging technologies to minimize and mitigate wildfire risk.*

Additionally, this plan is submitted in adherence to the following Site Certificate Condition:

*PRO-WP-01: Prior to beginning operation, the certificate holder shall update and submit to the Department the Wildfire Mitigation Plan (WMP) required under Condition PRE-WP-01 to address wildfire risk at the site based on final facility design and layout. The updated Wildfire Mitigation Plan is subject to Department review and approval.*

# 2.0 Wildfire Risk at the Site

## 2.1 Areas of Heightened Risk

Areas of heightened risk are described using the Oregon Community Wildfire Protection Plan (CWPP) wildfire risk to assets data and overall wildfire risk (CWPP 2022) (see Exhibit V, Table V-2 and Table V-3, which is inclusive of WREFNE). The CWPP provides a clearinghouse of fire behavior and fire effects data to aid decision makers in charge of reducing wildfire risk in their communities. Supplemental information was also sourced from Morrow County's and Umatilla County's Natural Hazard Mitigation Plans as appropriate, both reviewed by the Federal Emergency Management Agency (Morrow County 2016, Umatilla County 2021). This data was analyzed within the WREFNE Site Boundary with a half-mile buffer around the perimeter (Analysis Area). Thisese data considers the likelihood of fire in areas with valuable assets such as critical infrastructure, housing and developed recreation areas and vulnerability of assets in relation to fire paths and the likelihood of that asset being harmed (see Exhibit V, Figure V-2 and Figure V-3, resubmitted and attached, which still apply to the operational Facility and is inclusive of WREFNE). Overall wildfire risk is the product of the likelihood and consequence of wildfire on all mapped highly valued resources and assets combined: critical infrastructure, developed recreation, housing unit density, seed orchards, sawmills, historic structures, timber, municipal watersheds, vegetation condition, and terrestrial and aquatic wildlife habitat (CBI 2020).

Most of the Analysis Area is classified as no risk to assets due to lack of mapping of assets. Less thanOnly 1 percent of the Analysis Area is mapped as having a risk to assets, which includes less than 0.6 percent as moderate risk and 0.4 percent as low risk, which are primarily along Oregon Route 207 (OR-207) in the northwesternmost portion of the Analysis Area (see Exhibit V, Table V-2 and Figure V-2, resubmitted and attached, which is inclusive of WREFNE). When assets are added to a landscape, wildfire risk to assets will increase. With the addition of infrastructure that will result from Facility construction, it is expected that more of the area would fall into moderate to high category for wildfire risk to assets.

The percent of the Analysis Area that falls into each wildfire risk rating appears in Exhibit V, Table V-3 and is displayed on Figure V-3 (resubmitted and attached, which is inclusive of WREFNE). Of the mapped areas of overall wildfire risk, low overall fire risk covers the largest area (over 2.3 percent) of the Analysis Area. Most of the Analysis Area has no overall wildfire risk data (over 96.7

percent), which indicates there are no highly valued resources or assets mapped in the area or simulated wildfires did not burn the area due to low historical occurrence/absence of burnable fuel (CBI 2020). High and moderate overall wildfire risk areas are centered around farm and ranch buildings and infrastructure. Big Butter Creek Road ~~and Little Butter Creek Road are~~is the main corridor~~s~~ where moderate to high overall risk was~~ere~~ modeled in the Analysis Area (see Exhibit V, Figure V-3, resubmitted and attached, which is inclusive of WREFNE). The Morrow County Natural Hazards Mitigation Plan further describes the northern third portion of the County as having the lowest potential for fire (as compared to the rest of the County), where the Facility is proposed (Morrow County 2016). The Umatilla County Natural Hazards Mitigation Plan indicates a higher potential for fire, but outside the portion of the Facility within Umatilla County (Umatilla County 2021).

See Exhibit V for assessment of baseline fire risk, seasonal fire risk, and high fire consequence areas, which still applies to the operational phase of the Facility (associated figures resubmitted and attached, which is inclusive of WREFNE).

# 3.0 Wildfire Mitigation Measures

This section provides an analysis of areas within the Facility that may have heightened wildfire risk, and describes facility-wide mitigation measures that will be implemented during operation to reduce the risk of wildfire per OAR 345-022-0115(1)(b).

The Certificate Holder has consulted with local fire districts to receive and incorporate input into the final ~~Wildfire Mitigation~~ Plan, as appropriate, about the location and types of temporary fire breaks needed in the event of a fire on or off site. See below based on feedback from the various RFPDs and Fire Districts regarding response times (see Table 1; including Facility staff) and fire break protocols applicable during operations:

**Table 1. Fire District Contact Information and Response Times**

| Fire District | Response Time | Contact Name | Email | Phone |
|---|---|---|---|---|
| Wheatridge East Staff | 25 minutes | Charles Thomsen (Site Manager) | charles.thomsen@nexteraenergy.com | 509-386-4308 |
| Heppner FD | 40 minutes | Steven Rhea | srhea0512@gmail.com | 541-676-5534 |
| Ione RFPD | 40 minutes | Virgil Morgan | virbiemorgan@netscape.net | 541-422-7303 |
| ~~Pendleton FD~~ | ~~12 to 15 minutes~~ | ~~Anthony Pierotti~~ | ~~anthony.pierotti@pendletonor.gov~~ | ~~541-429-0804~~ |
| Echo RFPD | 40 minutes | Delbert Gehrke | dgehrke@eotnet.net | 541-376-8580<br>541-571-2747 |
| Boardman FRD | 10 to 20 minutes depending from which station | Marty Broadbent | MBroadbent@boardmanfd.com | 541-561-3826<br>541-481-3473 |

| Fire District | Response Time | Contact Name | Email | Phone |
|---|---|---|---|---|
| Pendleton FD | Secondary Responder | Anthony Pierotti | anthony.pierotti@pendletonor.gov | 541-429-0804 |
| Irrigon RFPD | Secondary Responder | Thomas Roberts | irfpd2011@gmail.com<br>TRoberts@IRFPD.org | 541-922-3133 |
| Lexington FD | Secondary Responder | Charlie Sumner | cncsumner@centurytel.net | 541-989-8515 |

## Communication

The senior firefighter responding will be designated the point of contact and determine the need and location of fire breaks. The site manager will establish communication with the point of contact and direct facility employees. Facility employees will communicate with issued radios as a primary means and cell phones as a back-up. Emergency responders will establish communications in accordance with their operating procedures.

## Construction of Fire Breaks

During the operation phase of the facility, fire breaks will be created by any available means at the direction of the point of contact.

## Location of Fire Breaks

The location of the fire breaks will be dependent on each unique wildfire event. The key factors that will be considered are:

1. Topography: Fire tends to move quickly uphill, while slower downhill due to the pre-heating effect. The terrain and existing infrastructure such as roads and two-tracks will be used when positioning firebreaks, targeting ridge tops.
2. Wind Patterns: Local wind patterns can significantly impact the speed and direction of wildfires. Knowing these patterns can help predict the path of a fire, which in turn can determine the most effective placement of firebreaks. The wind is predominantly from the Southwest for the boundary of the Facility.
3. Types and Density of Vegetation: Areas with dense vegetation provide more fuel for wildfires to grow rapidly. Identifying these areas and intervening early with firebreaks can help curtail a fire's spread. Also, consider the flammability of local plant species.
4. Accessibility: Firebreaks should ideally be accessible for firefighting resources and personnel for monitoring. They can also serve as a base for launching firefighting operations.
5. Proximity to Adjacent Farms: Firebreaks can serve as protective barriers for cultivated fields and critical structures. Therefore, these areas should be considered when selecting firebreak location.

## 3.1 Operations

### *3.1.1 Wildfire Mitigation Through Facility Design*

The Facility's components, and overall project design, meets National Electrical Code and Institute of Electrical and Electronics Engineers standards and will not pose a significant fire risk. The 230-kv transmission line has been be designed and constructed in accordance with Avian Power Line Interaction Committee Standards. All wind turbines have been equipped with safety features to shut down operation in the event of mechanical failure that could cause fire and have been equipped with internal fire suppression systems and lightning protection systems to reduce the potential for structural fires.

During operation, the Certificate Holder and contractor(s) will follow all relevant Occupational Safety and Health Administration and National Fire Protection Association requirements related to fire hazards including: no smoking policy, fire permit requirement, hazardous material and combustible storage areas, pre task planning to assess fire risks, relevant fire awareness training, lockout-tagout requirement, hazardous materials documentation, appropriate management, and disposal.

The Certificate Holder has designed the Facility to maintain a defensible space clearance along Facility features (see Section 3.1.3, Vegetation Management, for defined defensible spaces). Defensible space will be free of combustible vegetation or other materials. Roads and parking areas will be maintained to be free of vegetation tall enough to contact the undercarriage of the vehicle. Travel off road or parking in vegetated areas will be restricted during fire season. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1a.

Vegetation within the fence line will be managed as needed to reduce fuels for fire. Facility access roads have been sufficiently sized for emergency vehicle access, in accordance with local building code and local fire department requirements. The fenced areas around Facility infrastructure have been graveled, with no vegetation present. The supervisory control and data acquisition (SCADA) system will be constantly monitoring for indications of fire or equipment fault around the site that will notify the Renewable Operations Control Center to contact local firefighting services in case of a fire or emergency (see Sections 3.1.4 and 3.1.5 for further information regarding fire detection and response). The limited vegetation present within the Site Boundary during operations will also help to minimize spread of fire. Fire suppression equipment during the fire season will be kept in all staff vehicles (see Section 3.1.5 for additional information regarding fire protection equipment and suppression). Any potential fires inside the Site Boundary will be controlled by trained staff who will be able to access the Facility around the clock. These measures will help keep external fires out or internal fires in.

Before beginning operation of the facility, the Certificate Holder provided a final site plan to all fire protection districts and first responders identified in the Emergency Management Plan required under Condition PRE-PS-05 (per site certificate condition PRO-PS-02) and the Oregon Department

of Energy. The site plan includes the Facility infrastructure (and incorporates any associated fire prevention features such as fire breaks), including the identification number assigned to each turbine and the actual location of all facility structures. The site plan identifies access roads, entries/exits, and other relevant features. The Certificate Holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. As-built information will be provided within one month of beginning operations in compliance with OPR-GS-01, OPR-LU-01, and OPR-LU-05.

### *3.1.2 Inspection of Facility Components*

The Facility components that could cause electrical fires (and are thus subject to higher wildfire risk) are the wind turbines, substations, ~~and~~ overhead electrical lines, and battery energy storage system (BESS). During operations, the Certificate Holder will conduct inspections for maintaining a Facility that minimizes the risk of fire; see Table 2.

**Table 2. Operational Inspections for Electrical Components**

| Inspection | Procedure | Standard | Time Frame |
|---|---|---|---|
| Turbines | Visual inspection of turbine components and foundations as well as the surrounding area. In addition, Supervisory Control and Data Acquisition (SCADA) data is observed to determine how the turbine's structural components are withstanding stresses. | SPCC Plan[1]<br>Manufacturer's maintenance recommendations | Quarterly<br>Annual |
| Substations | Visual inspection of MPT, Avian Power Line Interaction Committee (APLIC) measures, and surrounding area. | Manufacturer's maintenance recommendations<br>APLIC[2] | Monthly<br>Quarterly |
| Overhead electrical lines | Visual inspection of components, grounding, APLIC measures, vertical clearance distance between conductor and vegetation. | National Energy Reliability Corporation (NERC)[3]<br>APLIC | Annual |
| Battery energy storage system | Visual inspection of BESS, PCS, and surrounding areas | SPCC Plan<br>Manufacturer's maintenance recommendations | Monthly |

1. The Operational Spill Prevention, Control, and Countermeasure Plan for the Facility will require these components to be inspected monthly for spills. During these inspections, Operational Staff will also visually inspect the component and surrounding area.

2. The Certificate Holder will develop an inspection checklist and program of electrical equipment based on manufacturer's recommendations for individual components.

3. Vegetation maintenance standard FAC-003-0.

Specifically, quarterly inspections during operations will involve the following:

- Proper maintenance of equipment to prevent sources of combustible materials;
- Prevention of combustible materials accumulation;

- Proper disposal of combustible waste;
- Assurance of property flammable chemical storage (i.e., within a flammable cabinet);
- Proper treatment of any leaks;
    - For leaks that cannot immediately be stopped, they will be contained, reported, and cleaned to mitigate any fire hazard. All leaks will be reported to the Site Operations Manager and in turn, NextEra's Environmental Health and Safety Department.
- Proper maintenance of all heat-producing equipment to prevent accidental ignition of combustible materials, in accordance with applicable equipment guidelines and manuals;
- Visual inspection of portable fire extinguishers; and
- Visual inspections of the substations, BESS, and surrounding areas, as well as completion of applicable APLIC inspection forms.

Additionally, quarterly inspections will generally include:

- Visual inspections of the turbines, substations, and surrounding areas, as well as completion of applicable APLIC inspection forms.

Lastly, for annual inspections during operations, the following will be completed:

- Testing of fire equipment in compliance with manufacturer specifications and National Fire Protection Association guidelines:
    - Portable dry fire extinguishers will have an annual maintenance check and hydrostatic test every 12 years.
    - Carbon dioxide extinguishers will have an annual maintenance check and hydrostatic test every 5 years.
    - Extinguishers will also be tested after use.
    - A qualified contractor will perform all inspections.
- Internal inspections of wind turbines, including checking for cleanliness and fire hazards;
- Cleaning and inspecting wind turbines in compliance with the Oregon Department of Emergency Management requirements;
- Assessment of SCADA data and applicable equipment performance;
- Visual inspections of overhead electrical lines and completion of applicable APLIC inspection forms; and

Inspections and maintenance of turbine foundation anchor bolts will occur every three years (minimum of 10 percent for each foundation); bolts will be re-tightened if any bolt fails the tension check.

In addition to regularly scheduled inspections, the SCADA system allows for real-time monitoring of each Facility component, 24 hours a day, 7 days a week. As described in the Division 27 document, the SCADA system will serve as the "nerve center" of the Facility by connecting individual turbines, substations, BESS, and meteorological towers to a central computer housed in the shared/existing O&M building (per Condition CON-WF-02). If an issue with Facility infrastructure arises, O&M staff are alerted so that the component can be shut down to minimize a failure's consequences and potential safety risks.

For any discrepancies that are identified in the inspections listed, remedial actions will be taken immediately and reported to the Site Operations Manager. If the issue cannot be resolved by the technician, the Site Operations Manager will ensure that the appropriate remedial actions are scheduled and monitoring of the issue is conducted until the issue is resolved.

### *3.1.3 Vegetation Management*

The Certificate Holder will maintain vegetation within the Site Boundary and will also maintain a defensible space clearance along Facility features. Defensible space will be free of combustible vegetation or other materials. The movement of vehicles will be planned and managed to minimize fire risk. Roads and parking areas will be maintained to be free of vegetation tall enough to contact the undercarriage of the vehicle. Travel off road or parking in vegetated areas will be restricted during fire season; No off-road vehicle travel will be permitted while working alone. Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation; Stuck vehicles will be pulled out rather than "rocked" free and the area will be inspected again after the vehicle has been moved. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1a.

Each spring, prior to the summer months, a physical vegetation survey assessment of the area will be completed at least once annually to monitor for vegetation clearances around electrical equipment, maintenance of fire breaks, and monitor for wildfire hazards. This survey will focus on areas of heightened risk and high fire consequences as described in Sections 2.5 and 2.6 respectively, and displayed in Figures V-2, V-3 and V-4 (see Exhibit V, resubmitted and attached, which is inclusive of WREFNE). The initial vegetation survey assessments will occur in May or June, prior to the start of the dry season, a time when wildfire risk is usually heightened due to low fuel moisture and high temperature. The vegetation survey assessment will be conducted by the Site Operations Manager and will be used to assess the frequency of upcoming vegetation maintenance and identify areas that may need additional attention. The Site Operations Manager will visually assess and document vegetation height, abundance, and areas where vegetation should not be present such as crushed rock bed around collector substations and the BESS. The vegetation survey assessment will determine that clearances and fire breaks (vegetative clearance areas and areas determined to remain clear to act as permanent fire breaks or areas where temporary fire breaks may be deployed in the event of a fire) are satisfactory, and if not, the mitigation procedures will be implemented (e.g., vegetation management) to ensure clearances and fire breaks are satisfactory.

The vegetation survey will document:

- Location of wildfire hazards;
- Species;
- Estimated growth rate;
- Abundance;

- Vegetation clearance/setbacks;
- Risk of fire hazard; and
- Mitigation and removal measures

Criteria that will be used to determine that clearances and fire breaks are satisfactory include a 5-foot noncombustible, defensible space around Facility structures (e.g., substations, operations and maintenance [O&M] building), a 5-foot minimum vegetation clearance from conductors, no vegetation in graveled areas or crushed rock areas around facility structures (e.g., O&M buildings, ~~and~~ substations, and BESS, 100-foot vegetation-free zone to be applied specifically around the substation and BESS), and height of vegetation within transmission line corridors managed to appropriate height requirements (Table 3).

To reduce the availability of fuels for wildfire near electrical components, the Certificate Holder has installed a non-flammable gravel base around wind turbines, ~~and~~ substations, and BESS, as described in the RFA 1's Division 27 document (*Request for Amendment #1 for the Wheatridge Renewable Energy Facility East*) and shall implement ongoing vegetation management outlined in Table 3 to ensure that vegetation does not grow in these graveled areas.

**Table 3. Vegetation Management Procedures by Facility Component**

| Vegetation Management | Procedure | Standard | Time Frame |
|---|---|---|---|
| Turbine | Herbicide application on gravel pad surrounding turbines. Highly compacted gravel foundations of turbines are not suitable for vegetation. | IEEE 80[1]<br>NFPA 70[2] | Yearly, depending on vegetation condition. |
| Substations | Herbicide application on substation gravel pads. Highly compacted gravel foundations of the substations are not suitable for vegetation. | IEEE 80[1]<br>NEC 70[2] | Yearly, depending on vegetation condition. |
| Overhead electrical lines | Mow vegetation to achieve clearance requirements between conductor and ground. | North American Electric Reliability Corporation (NERC)[3] | Yearly, depending on vegetation condition. |
| Battery energy storage system | Herbicide application on gravel pad surrounding the BESS. Highly compacted gravel foundations of the BESS are not suitable for vegetation. | IEEE 80[1]<br>NEC 70[2] | Yearly, depending on vegetation condition. |

1. IEEE (2015)
2. NFPA (2026~~3~~)
3. NERC (2020~~09~~)

Additional vegetation surveys may be required throughout the season based on seasonally heightened fire risk, vegetation growth, or observations from O&M staff. The survey(s) will be

conducted by a vegetation specialist and will be used to assess the frequency of upcoming vegetation maintenance and will assess and document the following:

- Location;
- Species;
- Height;
- Proximity to facility components;
- Estimated growth rate;
- Abundance;
- Clearance/setbacks; and
- Risk of fire hazard.

Vegetation control will begin following the surveys and employ best management practices and techniques that are most appropriate for the local environment. In areas where vegetation is present and could pose a fire risk, vegetation management and removal measures (mowing, vegetation removal, herbicide, etc.) shall be implemented prior to fire season (mid-late summer) and in accordance with any fire restrictions. At no point shall vegetation come in contact with electrical equipment and any vegetation caught in the fence line(s), shall be removed. Any vegetation removed from the site will be disposed of and not stored onsite. The Certificate Holder and contractors will prevent the accumulation of combustible "burn piles" on site.

Physical vegetation control, such as mowing or the introduction of non-invasive species that are low growing as described in ~~Exhibit P and~~ the Habitat Mitigation Plan (HMP~~; Attachment P-2~~), and the Revegetation Plan ~~(Attachment P-4)~~. Depending on the location, soil type, and HMP or Revegetation Plan criteria, the vegetation may either be mowed or managed through low-growing species in a seed mix. For example, vegetation under overhead electrical lines may be mowed to achieve clearance requirements between conductor and ground (Table 3). Habitat subtypes within the Site Boundary primarily consist of Native Perennial Grassland, Dryland Wheat, Revegetated/Other Planted Grassland, and Rabbitbrush/Snakeweed Shrub-steppe. Based on the HMP and Revegetation Plan, the appropriate non-invasive, low-growing species for physical vegetation control can be included in seed mixes for the restoration of habitat with either 1) a mix of native or non-invasive, non-persistent non-native grasses; or 2) a mix of native or non-invasive, non-persistent non-native grasses, forbs, and shrubs.

In rare circumstances where it is necessary to use herbicides, an effort will be made to minimize use and only apply bio-degradable, U.S. Environmental Protection Agency-registered, organic solutions that are non-toxic to wildlife. Any herbicides used for vegetation management the site will be selected and used in a manner that fully complies with all applicable laws and regulations. Noxious weeds within the Site Boundary will be controlled in accordance with the Noxious Weed Control Plan ~~(see Exhibit P, Attachment P-3)~~.

### *3.1.4 Fire Weather Monitoring*

**Definitions:**

**Non-Fire Season** – Approximately October - May

**Fire Season** – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

**Fire Weather Watch** – A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of criteria. Intent of a fire weather watch is to alert forecast users at least a day in advance for the purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.

**Red Flag Weather Warning** – A red flag warning is used to warn of impending or occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.

**Hot Work:** Any cutting, grinding, welding, or other activity that creates spark or open flame

**Fire Watch Service:**

Fire watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the operation on which activity occurred during the day.

Burn probability, expected flame length, and overall risk may increase during periods of the fire season. Personnel on site will monitor Fire Weather Watches and Red Flag Warnings issued by the National Weather Service. A Fire Weather Watch indicates the potential for weather conducive to large fire spread in the next 18 to 96 hours. A Red Flag Warning is issued when current weather conditions are conducive to large fire growth in the next 48 hours. During operation, personnel monitoring these conditions must halt Facility operations, work at the site or overland vehicle travel in high risk locations or employ additional mitigation measures. High risk locations include areas of extremely combustible material such as grass, brush, or timber. Mitigation measures during a Red Flag Warning include, but are not limited to, communicating to on-site staff of the Red Flag Warning, communicating with local fire protection agency personnel of on-going conditions/summon any necessary firefighting assistance, driving or parking on roads to avoid sparking a fire in grass or brush, determine a safety zone/escape route as applicable, and halting operational activities that may increase fire risk. If maintenance activities need to occur at the Facility during times of heightened fire risk, the Certificate Holder will implement the following measures to prevent wildfires:

- If regrowth around Facility infrastructure occurs, the Site Operations Manager will enact mechanical or chemical measures to control the vegetation, depending on the species.
- Activities will require a Hot Work Permit to be issued by the Site Operations Manager, which outlines the relevant fire risk of the proposed maintenance activity and provides any necessary precautions. All hot work must be conducted on road or turbine pad surfaces that are cleared of vegetation, and an onsite Fire Safety Supervisor will be notified prior to the work, and that fire suppression equipment will be immediately available during hot work activities. Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.
- When possible, maintenance tasks that involve spark risk will be rescheduled.
- If maintenance tasks cannot be postponed, the Site Operations Manager will implement fire risk prevention procedures to ensure continued operation of the Facility. An additional contractor will be hired to monitor fire risk at the Facility, equipped with a water truck to oversee all maintenance as activities.

In general, see Table 4 for fire prevention measures that should be following during fire season as applicable.

**Table 4. Fire Prevention Measures During Fire Season Summary**

| Requirement | Non-Fire Season | Fire Season | Fire Weather Watch | Red Flag Warning |
|---|---|---|---|---|
| Fire weather advisory | Not required | Not required | Not required | On-site personnel must be aware of Red Flag Warning |
| On-site water source | N/A | As specified in Section 3.1~~.5~~ | As specified in Section 3.1~~.5~~ | As specified in Section 3.1~~.5~~ |
| Hot work | Only permitted on roads or on non-combustible surfaces | Only permitted on roads or on non-combustible surfaces; fire watch required for 60 minutes after completion | Not Permitted | Not Permitted |
| Fire Watch Service | Not required | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day |

| Requirement | Non-Fire Season | Fire Season | Fire Weather Watch | Red Flag Warning |
|---|---|---|---|---|
| Driving and Parking | As described in Section 3.1.~~3~~ | As described in Section 3.1.~~3~~ | Only permitted on roads or on non-combustible surfaces and Section 3.1.~~3~~ | Only permitted on roads or on non-combustible surfaces and Section 3.1.~~3~~ |
| Smoking | Designated areas only | Designated areas only | Not permitted | Not permitted |

### *3.1.5 Emergency Response*

During all phases of the facility, the Certificate Holder will work directly with local emergency responders to compile and maintain a current list of adjacent landowners/property owners with contact information. For immediate notification, the Facility staff will notify property owners and adjacent landowners, as directed by the site manager/assistant site manager. Additional information will be distributed via email so that coordinates and maps can be shared as necessary. This notification process is intended to avoid impacting emergency responder's resources.

Emergency response is outlined in the Wheatridge Emergency Action Plan. Additionally, the aforementioned Emergency Management Plan (per Site Certificate Condition PRE-PS-05) and Site Health and Safety Plan (per Site Certificate Condition PRE-PS-06) will be updated as applicable and implemented during operations. Personnel will be trained on the RACE (i.e., Remove, Alarm, Confine and Extinguish or Evacuate) procedure to implement in the event of a fire start. RACE procedure includes:

- Rescue anyone in danger (if safe to do so);
- Alarm – call the control room, who will then determine if 911 should be alerted;
- Contain the fire (if safe to do so); and
- Extinguish the incipient fire stage (if safe to do so).

Contact of 911 will occur in the event of:

- A fire or emergency on-site that cannot be addressed by personnel on-site and requires the assistance of fire or emergency medical personnel;
- A fire ignition on-site that spreads out of the fence line;
- Any fire off-site that does not have emergency responders on site.
    - To the extent that operational personnel can safely assist and/or provide equipment to help extinguish off-site fires until emergency responders are on site, it is

encouraged to do so to assist in the spread of the fire, loss of life, property and damage to the environment.

Personnel on site will carry fire suppression equipment during the fire season in their vehicles. This equipment shall include, at a minimum:

- Fire Extinguisher: Dry chemical. 2.5 or 2.8 pound. 1A-10B: C U/L rating, properly mounted or secured;
- Pulaski Hand Shovel: Round point. 26 to 28 inch "D" Handle, blade - 12 inches long and 10 inches wide; and
- Collapsible Pail: 5-gallon capacity.

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor; and must be kept in good operating condition. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1. All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

Personnel will receive training on use of suppression equipment. All personnel shall also be equipped with communication equipment capable of reaching the control room from all locations within the Site Boundary. Additionally, all operations staff will undergo regular trainings including:

- Annual employee fire prevention and response training that shall include instruction on Facility fire hazards, fire/electrical safety, emergency notification procedures, use of fire safety equipment, specific hazards of the facility, and fire safety rules and regulations (per Site Certificate Conditions GEN-PS-03 and PRE-OS-05).
    - Equivalent training shall also be provided to new employees or subcontractors working on site that are hired after the start of operations.
    - Training will be implemented by the Certificate Holder in coordination with the first-response agencies listed in the Emergency Management Plan (Site Certificate Condition PRE-PS-05), as submitted prior to construction initiation.

## 3.2 Updates to the Operational Wildfire Mitigation Plan

The ~~Wildfire Mitigation~~ Plan will be a living document that will be updated as needed in order to meet the objectives and to respond to changing conditions within the Site Boundary. The ~~Mitigation~~ Plan will be updated annually to account for changes in local fire protection agency personnel, wildfire risk at the site, and changes in best practices for minimizing and mitigating fire risk (see Table 5 below). The Certificate Holder shall document and report annually to the Oregon Department of Energy (pursuant to OAR 345-026~~2~~-0080(2):

- Whether wildfire risk has changed significantly at the site.
- Any changes in local fire protection agency personnel and operational managers.
- Whether the industry groups and applicable design standards outlined in Table 2 have changed or been updated to result in new future technologies or best practices that could be

implemented at the Facility. The Plan shall be updated based on changes in best practices or technologies deemed necessary and appropriate at the site, or as needed at the site based on changes in site conditions and modeled wildfire risk.

- Any significant changes in vegetation management.

Emerging technologies will likely contribute to increased knowledge of wildfire risk and wildfire mitigation. Improvements in wildfire modeling and detection will be monitored and integrated into the plan. Specifically, this document will be updated if wildfire models cited in this report are updated.

**Table 5. Resources for Future Best Practices**

| Reference | Description | Method |
|---|---|---|
| American Clean Power (ACP) | ACP establishes best practices for renewable energy projects. | The Certificate Holder's parent company is a member of ACP and participates in best practice development.[1] |
| North American Electric Reliability Corporation (NERC) | NERC develops electrical standards for large energy facilities. | The Certificate Holder will follow NERC Standard FAC-003-0 for its vegetation management program of transmission lines, or updates to this standard as approved by NERC.[2] |
| Oregon Specialty Building Codes (OSBC) | OSBC designs building codes applicable to inhabitable spaces, substation enclosures. | Remodeling of the substation enclosures that requires permits will follow any updates to the OSBC at that time. |
| Oregon Fire Code | The Oregon State Fire Marshal adopts the Oregon Fire Code, establishing minimum fire prevention and protection systems requirements applicable to certain structures, including but not limited to, energy systems. | The Certificate Holder will adhere to any applicable standards of the Oregon Fire Code and has incorporated features necessary to meet those standards into the design of the facility. The Certificate Holder will annually review and apply applicable standards that may apply to an operational facility. |
| The National Fire Protection Association (NFPA) Codes and Standards | The NFPA publishes codes and standards intended to minimize the possibility and effects of fire and other risks. | The Certificate Holder will identify and adhere to any applicable codes and standards and has incorporated features necessary to meet those standards into the design of the facility. The Certificate Holder will annually review and apply applicable standards that may apply to an operational facility. |
| Avian Power Line Interaction Committee (APLIC) | APLIC develops avian protection methods for electrical facilities to | The Certificate Holder's parent company is a member of APLIC.[3] An operational wildlife monitoring |

| | | |
|---|---|---|
| | minimize fire risk to bird/mammal nests on electrical equipment. | program will inspect for wildlife nesting on facilities that could cause fire, and take actions following applicable laws (for example, the Migratory Bird Treaty Act). |
| OAR Chapter 860, Division 024 | Safety standards for transmission lines adopted by Oregon Public Utility Commission. | The Certificate Holder will maintain consistency with any applicable vegetation clearance requirements, pruning standards, and high fire risk zone safety standards and will provide a summary of standards that are updated and implemented at the facility. |
| 1. Link to ACP Standards & Practices: https://cleanpower.org/resources/types/standards-and-practices/.<br>2. NERC FAC-003-0: https://www.nerc.com/pa/Stand/Reliability%20Standards/FAC-003-0.pdf.<br>3. Link to APLIC member organization: https://www.aplic.org/member_websites.php. | | |

# 4.0 References

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CWPP (Oregon Community Wildfire Planning Tool). 2022. https://tools.oregonexplorer.info/oe_htmlviewer/index.html?viewer=wildfireplanning.

IEEE (Institute of Electrical and Electronics Engineers). 2015. IEEE Guide for Safety in AC Substation Grounding. Std 80-2013 (Revision of IEEE Std 80-2000/ Incorporates IEEE Std 80-2013/Cor 1-2015). https://doi.org/10.1109/IEEESTD.2015.7109078.

Morrow County. 2016. Morrow County Oregon Multi-Jurisdictional Natural Hazard Mitigation Plan. December 2016. https://www.morrowcountyor.gov/sites/default/files/fileattachments/emergency_management/page/16294/nhmp_2016_-_final_adoption.pdf.

NERC (North American Electric Reliability Corporation). 20202009. Transmission Vegetation Management NERC Standard FAC-003-52 Technical Reference. ~~NERC Standard FAC-003-2 Technical Reference.~~ Prepared by the North American Electric Reliability Corporation Vegetation Management Standard Drafting Team, North American Electric Reliability Corporation, Princeton, New Jersey. https://www.nerc.com/globalassets/standards/projects/2015-09/2015-09_fac-003-5---clean.pdf~~https://www.nerc.com/pa/Stand/Reliability%20Standards/FAC-003-2.pdf~~.

NFPA (National Fire Protection Association). 2026~~3~~. NFPA 70: National Electrical Code (NEC). 2026~~3~~ Edition. National Fire Protection Association, Quincy, Massachusetts.

Umatilla County. 2021. Umatilla County Multi-Jurisdictional Natural Hazards Mitigation Plan. Effective August 12, 2021 through August 11, 2026. https://www.co.umatilla.or.us/fileadmin/user_upload/Planning/Umatilla_County_MJNHMP_FINAL_8-24-21Reduced.pdf.

# Attachment 1. WREFE RFA1 Exhibit V Figures

# Wheatridge Renewable Energy Facility East

## Figure V-1
## Hazard to Potential Structures

**MORROW AND UMATILLA COUNTIES, OR**

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- State Highway
- County Highway

Potential Impact to Structures

- Very High
- High
- Moderate
- Low
- Non-burnable/Very Low

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

Morrow County

Umatilla County

578

207

Lexington

735

602

813

74

1:135,000

WGS 1984 UTM Zone 11N

0 1 2 4 6 8 Miles

NOT FOR CONSTRUCTION

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# Wheatridge Renewable Energy Facility East

## Figure V-2
## Wildfire Risk to Assets

**MORROW AND UMATILLA COUNTIES, OR**

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- State Highway
- County Highway

Wildfire Risk to Assets

- Very High
- High
- Moderate
- Low

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

Morrow County

Umatilla County

578

207

Lexington

735

602

813

74

1:135,000

WGS 1984 UTM Zone 11N

0 1 2 4 6 8 Miles

NOT FOR CONSTRUCTION

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# Wheatridge Renewable Energy Facility East

## Figure V-3
## Overall Wildfire Risk

**MORROW AND UMATILLA COUNTIES, OR**

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- State Highway
- County Highway

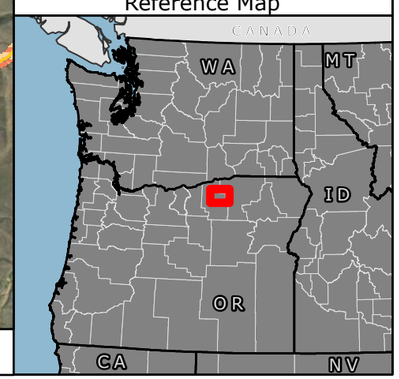
Overall Wildfire Risk

- Very high
- High
- Moderate
- Low
- Low benefit
- Benefit

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

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WGS 1984 UTM Zone 11N

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# Wheatridge Renewable Energy Facility East

## Figure V-4
## Wildfire Potential Impacts to People and Property

**MORROW AND UMATILLA COUNTIES, OR**

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- State Highway
- County Highway

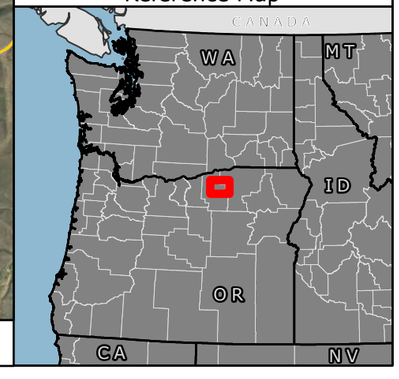
Potential Impact to People and Property

- Very High
- High
- Moderate
- Low

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

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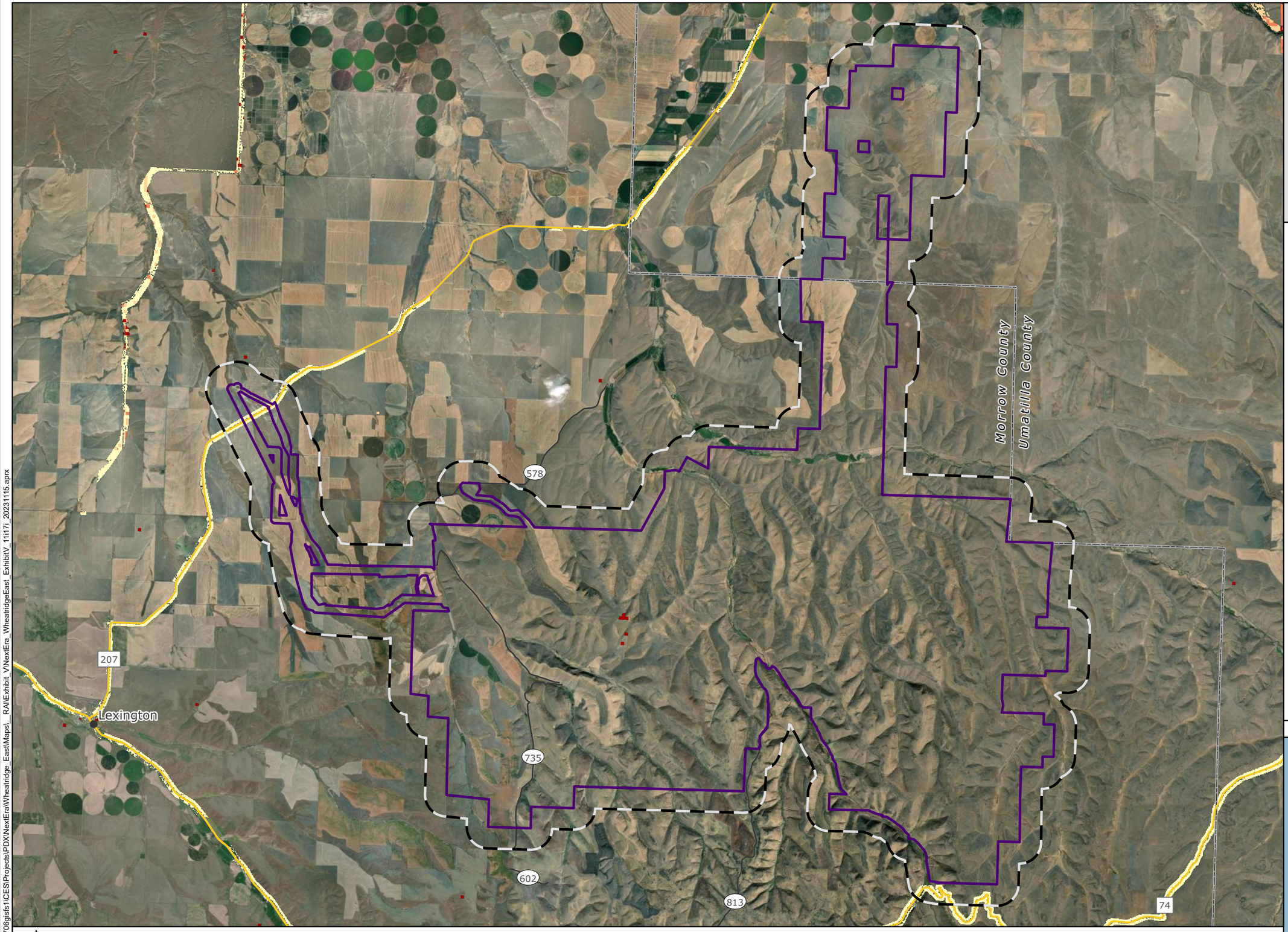
# Wheatridge Renewable Energy Facility East

## Figure V-5
## Wildfire Potential Impacts to Infrastructure

**MORROW AND UMATILLA COUNTIES, OR**




- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- State Highway
- County Highway

Potential Impact to Infrastructure

- Very High
- High
- Moderate
- Low

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

1:135,000 WGS 1984 UTM Zone 11N

0 1 2 4 6 8 Miles

NOT FOR CONSTRUCTION

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# Wheatridge Renewable Energy Facility East

## Figure V-6
## Overall Potential Impact

**MORROW AND UMATILLA COUNTIES, OR**

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- State Highway
- County Highway

Overall Potential Impact

- Very High (>95th)
- High (80-95th)
- Moderate (50-80th)
- Low (30-50th)
- Low Benefit (15-30th)
- Benefit (0-15th)

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

Morrow County

Umatilla County

Lexington

207

578

735

602

813

74

1:135,000

WGS 1984 UTM Zone 11N

0 1 2 4 6 8 Miles

NOT FOR CONSTRUCTION

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***Wheatridge Renewable Energy Facility Northeast***

Attachment G: Decommissioning Cost Estimate and Assumptions

| CBS Position Code | Quantity | UM | Description | Cost Item UM/Day | Cost Source | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|---|
| L010101 | OPERATOR | | 10.00 | 1.00 Each (hourly) | U.S. Dollar | | 81.48 | 814.79 |
| L060100 | GENERAL LABORER | | 10.00 | 1.00 Each (hourly) | U.S. Dollar | | 57.70 | 576.98 |
| RBACKH09 | Deere 710J BACKHOE, 1.62CY | | 10.00 | 1.00 Each (hourly) | U.S. Dollar | | 43.41 | 434.10 |
| 1.3.2 | 2.00 | Each | Transformer Removal | 0.17 | Detail | U.S. Dollar | 102,330.54 | 204,661.09 |
| 1.3.2.1 | 2.00 | Each | Oil Removal & Disposal | 1.00 | Detail | U.S. Dollar | 58,553.97 | 117,107.94 |
| 1.3.2.1.1 | 2.00 | Each | Oil Removal | 1.00 | Detail | U.S. Dollar | 1,153.97 | 2,307.94 |
| **Resource Code** | **Description** | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| L060100 | GENERAL LABORER | | 40.00 | 2.00 Each (hourly) | U.S. Dollar | | 57.70 | 2,307.94 |
| 1.3.2.1.2 | 28,000.00 | Gallon | Oil Disposal | 0.00 | Detail | U.S. Dollar | 4.00 | 112,000.00 |
| **Resource Code** | **Description** | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| USDISPOSAL | Disposal Fee's | | | 112,000.00 Each | U.S. Dollar | | 1.00 | 112,000.00 |
| 1.3.2.1.3 | 2.00 | Each | Trucking - Per Load | 0.00 | Detail | U.S. Dollar | 1,400.00 | 2,800.00 |
| **Resource Code** | **Description** | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| USTRUCKING | Trucking Sub | | | 2,800.00 Each | U.S. Dollar | | 1.00 | 2,800.00 |
| 1.3.2.2 | 2.00 | Each | Dismantle & Loadout Transformer | 0.20 | Detail | U.S. Dollar | 43,776.58 | 87,553.15 |
| 1.3.2.2.1 | 2.00 | Each | Dismantle, Cut & Size | 0.20 | Detail | U.S. Dollar | 37,776.58 | 75,553.15 |
| **Resource Code** | **Description** | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| L060100 | GENERAL LABORER | | 400.00 | 4.00 Each (hourly) | U.S. Dollar | | 57.70 | 23,079.36 |
| L010101 | OPERATOR | | 200.00 | 2.00 Each (hourly) | U.S. Dollar | | 81.48 | 16,295.79 |
| *REXCAV06A | Excav 100K w/ Bucket & Grapple | | 100.00 | 1.00 Each (hourly) | U.S. Dollar | | 150.41 | 15,041.00 |
| *REXCAV06E | Excav 100K w/ Shear | | 100.00 | 1.00 Each (hourly) | U.S. Dollar | | 211.37 | 21,137.00 |
| 1.3.2.2.2 | 8.00 | Each | Trucking - Per Load | 0.00 | Detail | U.S. Dollar | 1,500.00 | 12,000.00 |
| **Resource Code** | **Description** | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| USTRUCKING | Trucking Sub | | | 12,000.00 Each | U.S. Dollar | | 1.00 | 12,000.00 |
| 1.3.3 | 1.00 | Each | Remove Control Building | 2.00 | Detail | U.S. Dollar | 2,947.94 | 2,947.94 |
| 1.3.3.1 | 1.00 | Each | Demo | 2.00 | Detail | U.S. Dollar | 1,447.94 | 1,447.94 |
| **Resource Code** | **Description** | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| L060100 | GENERAL LABORER | | 5.00 | 1.00 Each (hourly) | U.S. Dollar | | 57.70 | 288.49 |
| L010101 | OPERATOR | | 5.00 | 1.00 Each (hourly) | U.S. Dollar | | 81.48 | 407.39 |
| *REXCAV06A | Excav 100K w/ Bucket & Grapple | | 5.00 | 1.00 Each (hourly) | U.S. Dollar | | 150.41 | 752.05 |
| 1.3.3.2 | 1.00 | Each | Trucking - Per Load | 0.00 | Detail | U.S. Dollar | 1,500.00 | 1,500.00 |
| **Resource Code** | **Description** | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| USTRUCKING | Trucking Sub | | | 1,500.00 Each | U.S. Dollar | | 1.00 | 1,500.00 |
| 1.3.4 | 2.00 | Day | UG Utility & Ground Removal | 1.00 | Detail | U.S. Dollar | 1,825.87 | 3,651.75 |
| **Resource Code** | **Description** | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| L010101 | OPERATOR | | 20.00 | 1.00 Each (hourly) | U.S. Dollar | | 81.48 | 1,629.58 |
| L060100 | GENERAL LABORER | | 20.00 | 1.00 Each (hourly) | U.S. Dollar | | 57.70 | 1,153.97 |
| RBACKH09 | Deere 710J BACKHOE, 1.62CY | | 20.00 | 1.00 Each (hourly) | U.S. Dollar | | 43.41 | 868.20 |
| 1.3.5 | 500.00 | Cubic Yard | Remove Foundations To Subgrade | 73.68 | Detail | U.S. Dollar | 36.37 | 18,183.88 |


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| CBS Position Code | Quantity | UM | Description | UM/Day | Cost Source | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|---|
| 1.3.5.1 | 500.00 | Cubic Yard | Excavate / Remove Foundation - Various Depth | 280.00 | Detail | U.S. Dollar | 19.93 | 9,962.61 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L060100 | GENERAL LABORER | 17.86 | 1.00 | Each (hourly) | U.S. Dollar | 57.70 | 1,030.33 |
| L010101 | OPERATOR | 35.71 | 2.00 | Each (hourly) | U.S. Dollar | 81.48 | 2,909.96 |
| *REXCAV06C | Excav 100K w/ Hammer | 17.86 | 1.00 | Each (hourly) | U.S. Dollar | 186.84 | 3,336.43 |
| *REXCAV06A | Excav 100K w/ Bucket & Grapple | 17.86 | 1.00 | Each (hourly) | U.S. Dollar | 150.41 | 2,685.89 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.3.5.2 | 500.00 | Cubic Yard | Concrete Transport Offsite | 100.00 | Detail | U.S. Dollar | 16.44 | 8,221.27 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| RDUTRK06 | CAT D350D, 18CY-24CY | 50.00 | 1.00 | Each (hourly) | U.S. Dollar | 86.39 | 4,319.50 |
| L080940 | TEAMSTER | 50.00 | 1.00 | Each (hourly) | U.S. Dollar | 78.04 | 3,901.77 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.3.6 | 1.00 | Lump Sum | Misc. Material Disposal | 0.00 | Detail | U.S. Dollar | 2,150.00 | 2,150.00 |
| 1.3.6.1 | 1.00 | Each | Trucking - Per Load | 0.00 | Detail | U.S. Dollar | 1,400.00 | 1,400.00 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| USTRUCKING | Trucking Sub | | 1,400.00 | Each | U.S. Dollar | 1.00 | 1,400.00 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.3.6.2 | 10.00 | Ton | Disposal Cost | 0.00 | Detail | U.S. Dollar | 75.00 | 750.00 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| USDISPOSAL | Disposal Fee's | | 750.00 | Each | U.S. Dollar | 1.00 | 750.00 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.3.7 | 1.00 | Lump Sum | Restore Yard | 0.13 | Detail | U.S. Dollar | 16,293.36 | 16,293.36 |
| 1.3.7.1 | 2.00 | Acre | Backfill / Regrade | 2.00 | Detail | U.S. Dollar | 2,037.38 | 4,074.76 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L060100 | GENERAL LABORER | 40.00 | 4.00 | Each (hourly) | U.S. Dollar | 57.70 | 2,307.94 |
| L010101 | OPERATOR | 10.00 | 1.00 | Each (hourly) | U.S. Dollar | 81.48 | 814.79 |
| REXCAV06B | Gradall - Excavator | 10.00 | 1.00 | Each (hourly) | U.S. Dollar | 95.20 | 952.04 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.3.7.2 | 1,000.00 | Cubic Yard | Stockpiled Topsoil Placement | 150.00 | Detail | U.S. Dollar | 10.22 | 10,218.60 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L010101 | OPERATOR | 66.67 | 1.00 | Each (hourly) | U.S. Dollar | 81.48 | 5,431.93 |
| RDOZER08 | CAT D6N XL | 66.67 | 1.00 | Each (hourly) | U.S. Dollar | 71.80 | 4,786.67 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.3.7.3 | 2.00 | Acre | Re-Seed With Native Vegetation | 0.00 | Detail | U.S. Dollar | 1,000.00 | 2,000.00 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| USLANDSCAPE | Landscape Sub | | 2.00 | Acre | U.S. Dollar | 1,000.00 | 2,000.00 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.4 | 1.00 | Lump Sum | Transmission Line Retirement | 0.00 | Detail | U.S. Dollar | 1,713,360.19 | 1,713,360.19 |
| 1.4.1 | 10.00 | Mile | Conductor Removal | 0.17 | Detail | U.S. Dollar | 39,418.89 | 394,188.91 |
| 1.4.1.1 | 10.00 | Mile | Cut / Lower Cable, Size & Loadout | 0.17 | Detail | U.S. Dollar | 36,418.89 | 364,188.91 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L060100 | GENERAL LABORER | 2,400.00 | 4.00 | Each (hourly) | U.S. Dollar | 57.70 | 138,476.16 |
| L010101 | OPERATOR | 1,200.00 | 2.00 | Each (hourly) | U.S. Dollar | 81.48 | 97,774.75 |
| *RXMISC14 | MAN LIFT GAS 125ft | 600.00 | 1.00 | Each (hourly) | U.S. Dollar | 60.32 | 36,192.00 |
| RLIFTS05 | JCB 508C, 8,000lbs FRKLFT | 600.00 | 1.00 | Each (hourly) | U.S. Dollar | 28.22 | 16,932.00 |
| *RXMISC19 | Material Handler | 600.00 | 1.00 | Each (hourly) | U.S. Dollar | 124.69 | 74,814.00 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.4.1.2 | 20.00 | Each | Trucking - Per Load | 0.00 | Detail | U.S. Dollar | 1,500.00 | 30,000.00 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| USTRUCKING | Trucking Sub | | 30,000.00 | Each | U.S. Dollar | 1.00 | 30,000.00 |


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| CBS Position Code | Quantity | UM | Description | Cost Item UM/Day | Cost Source | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|---|

**Notes:** **********
Total weight for cable, 40 ton per mile
Assume 20 ton per load for trucking
**********

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1.4.2 | 88.00 | Each | Structure Removal | 1.00 | Detail | U.S. Dollar | 5,947.91 | 523,416.04 |
| 1.4.2.1 | 88.00 | Each | Cut / Lower Structure | 2.00 | Detail | U.S. Dollar | 2,461.26 | 216,591.13 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L060100 | GENERAL LABORER | 1,760.00 | 4.00 | Each (hourly) | U.S. Dollar | 57.70 | 101,549.18 |
| L010101 | OPERATOR | 440.00 | 1.00 | Each (hourly) | U.S. Dollar | 81.48 | 35,850.74 |
| *RXMISC14 | MAN LIFT GAS 125ft | 440.00 | 1.00 | Each (hourly) | U.S. Dollar | 60.32 | 26,540.80 |
| *RXMISC23 | GROVE RT 200 TON | 440.00 | 1.00 | Each (hourly) | U.S. Dollar | 119.66 | 52,650.40 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1.4.2.2 | 88.00 | Each | Cut / Size Structure & Loadout | 2.00 | Detail | U.S. Dollar | 2,736.65 | 240,824.92 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L060100 | GENERAL LABORER | 2,640.00 | 6.00 | Each (hourly) | U.S. Dollar | 57.70 | 152,323.78 |
| L010101 | OPERATOR | 440.00 | 1.00 | Each (hourly) | U.S. Dollar | 81.48 | 35,850.74 |
| *RXMISC23 | GROVE RT 200 TON | 440.00 | 1.00 | Each (hourly) | U.S. Dollar | 119.66 | 52,650.40 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1.4.2.3 | 44.00 | Each | Trucking - Per Load | 0.00 | Detail | U.S. Dollar | 1,500.00 | 66,000.00 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| USTRUCKING | Trucking Sub | | 66,000.00 | Each | U.S. Dollar | 1.00 | 66,000.00 |

**Notes:** **********
Assume 20 ton per load for trucking, 9 ton per structure
**********

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1.4.3 | 88.00 | Each | Remove Foundations To Subgrade | 0.98 | Detail | U.S. Dollar | 6,191.48 | 544,850.37 |
| 1.4.3.1 | 88.00 | Each | Excavate / Remove Foundation - Various Depth | 1.00 | Detail | U.S. Dollar | 6,156.05 | 541,732.15 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L060100 | GENERAL LABORER | 1,760.00 | 2.00 | Each (hourly) | U.S. Dollar | 57.70 | 101,549.18 |
| L010101 | OPERATOR | 1,760.00 | 2.00 | Each (hourly) | U.S. Dollar | 81.48 | 143,402.97 |
| *REXCAV06C | Excav 100K w/ Hammer | 880.00 | 1.00 | Each (hourly) | U.S. Dollar | 186.84 | 164,419.20 |
| *REXCAV06A | Excav 100K w/ Bucket & Grapple | 880.00 | 1.00 | Each (hourly) | U.S. Dollar | 150.41 | 132,360.80 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1.4.3.2 | 142.23 | Cubic Yard | Concrete Transport Offsite | 75.00 | Detail | U.S. Dollar | 21.92 | 3,118.22 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| RDUTRK06 | CAT D350D, 18CY-24CY | 18.96 | 1.00 | Each (hourly) | U.S. Dollar | 86.39 | 1,638.33 |
| L080940 | TEAMSTER | 18.96 | 1.00 | Each (hourly) | U.S. Dollar | 78.04 | 1,479.89 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1.4.4 | 88.00 | Each | Restore Structure Location Work Areas & Roads | 1.03 | Detail | U.S. Dollar | 2,851.19 | 250,904.86 |
| 1.4.4.1 | 53.00 | Acre | Backfill / Regrade | 2.00 | Detail | U.S. Dollar | 2,037.38 | 107,981.20 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L060100 | GENERAL LABORER | 1,060.00 | 4.00 | Each (hourly) | U.S. Dollar | 57.70 | 61,160.30 |
| L010101 | OPERATOR | 265.00 | 1.00 | Each (hourly) | U.S. Dollar | 81.48 | 21,591.92 |
| REXCAV06B | Gradall - Excavator | 265.00 | 1.00 | Each (hourly) | U.S. Dollar | 95.20 | 25,228.98 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1.4.4.2 | 8,800.00 | Cubic Yard | Stockpiled Topsoil Placement | 150.00 | Detail | U.S. Dollar | 10.22 | 89,923.66 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L010101 | OPERATOR | 586.67 | 1.00 | Each (hourly) | U.S. Dollar | 81.48 | 47,800.99 |
| RDOZER08 | CAT D6N XL | 586.67 | 1.00 | Each (hourly) | U.S. Dollar | 71.80 | 42,122.67 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1.4.4.3 | 53.00 | Acre | Re-Seed With Native Vegetation | 0.00 | Detail | U.S. Dollar | 1,000.00 | 53,000.00 |


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| CBS Position Code | Quantity | UM | Description | Cost Item UM/Day | Cost Source | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|---|
| **Resource Code** | **Description** | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| USLANDSCAPE | Landscape Sub | | | 53.00 | Acre | U.S. Dollar | 1,000.00 | 53,000.00 |
| 1.5 | 30.00 | MW | 30 MW Energy Storage System | 0.68 | Detail | U.S. Dollar | 6,361.40 | 190,841.99 |
| 1.5.1 | 30.00 | MW | Battery Removal & Disposal | 2.31 | Detail | U.S. Dollar | 2,559.53 | 76,785.97 |
| 1.5.1.1 | 13.00 | Day | Remove Batteries, Load For Transport | 1.00 | Detail | U.S. Dollar | 2,590.14 | 33,671.77 |
| **Resource Code** | **Description** | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| L060100 | GENERAL LABORER | | 520.00 | 4.00 | Each (hourly) | U.S. Dollar | 57.70 | 30,003.17 |
| RLIFTS05 | JCB 508C, 8,000lbs FRKLFT | | 130.00 | 1.00 | Each (hourly) | U.S. Dollar | 28.22 | 3,668.60 |
| 1.5.1.2 | 7.00 | Each | Transport Batteries | 0.00 | Detail | U.S. Dollar | 1,480.60 | 10,364.20 |
| 1.5.1.2.1 | 7.00 | Each | Roll Off Liners | 0.00 | Detail | U.S. Dollar | 105.60 | 739.20 |
| **Resource Code** | **Description** | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| UODCLINER | Rolloff Liner | | | 7.00 | Each | U.S. Dollar | 105.60 | 739.20 |
| 1.5.1.2.2 | 7.00 | Each | Trucking - Per Load | 0.00 | Detail | U.S. Dollar | 1,375.00 | 9,625.00 |
| **Resource Code** | **Description** | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| USTRUCKING | Trucking Sub | | | 9,625.00 | Each | U.S. Dollar | 1.00 | 9,625.00 |
| 1.5.1.3 | 131.00 | Ton | Disposal Fee's | 0.00 | Detail | U.S. Dollar | 250.00 | 32,750.00 |
| **Resource Code** | **Description** | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| USDISPOSAL | Disposal Fee's | | | 32,750.00 | Each | U.S. Dollar | 1.00 | 32,750.00 |

**Notes:** **********
12 modules per 163.7 KW, for a total of 2199 modules.
Each module is 119 lbs, for a total of 131 tons of modules.
**********

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1.5.2 | 30.00 | MW | Structure & Components Removal | 10.00 | Detail | U.S. Dollar | 1,112.63 | 33,379.04 |
| 1.5.2.1 | 130.00 | Ton | Structure Demo | 43.33 | Detail | U.S. Dollar | 147.72 | 19,204.04 |
| **Resource Code** | **Description** | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| *REXCAV06A | Excav 100K w/ Bucket & Grapple | | 30.00 | 1.00 | Each (hourly) | U.S. Dollar | 150.41 | 4,512.30 |
| *REXCAV06E | Excav 100K w/ Shear | | 30.00 | 1.00 | Each (hourly) | U.S. Dollar | 211.37 | 6,341.10 |
| L010101 | OPERATOR | | 60.00 | 2.00 | Each (hourly) | U.S. Dollar | 81.48 | 4,888.74 |
| L060100 | GENERAL LABORER | | 60.00 | 2.00 | Each (hourly) | U.S. Dollar | 57.70 | 3,461.90 |
| 1.5.2.2 | 7.00 | Each | Trucking - Per Load | 0.00 | Detail | U.S. Dollar | 1,375.00 | 9,625.00 |
| **Resource Code** | **Description** | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| USTRUCKING | Trucking Sub | | | 9,625.00 | Each | U.S. Dollar | 1.00 | 9,625.00 |
| 1.5.2.3 | 65.00 | Ton | Disposal Cost | 0.00 | Detail | U.S. Dollar | 70.00 | 4,550.00 |
| **Resource Code** | **Description** | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| USDISPOSAL | Disposal Fee's | | | 4,550.00 | Each | U.S. Dollar | 1.00 | 4,550.00 |
| 1.5.3 | 260.00 | Cubic Yard | Concrete Breaking & Excavation | 86.67 | Detail | U.S. Dollar | 63.97 | 16,631.84 |
| **Resource Code** | **Description** | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| *REXCAV06C | Excav 100K w/ Hammer | | 30.00 | 1.00 | Each (hourly) | U.S. Dollar | 186.84 | 5,605.20 |
| *RFELWH08C | CAT 980 LOADER | | 30.00 | 1.00 | Each (hourly) | U.S. Dollar | 89.20 | 2,676.00 |
| L010101 | OPERATOR | | 60.00 | 2.00 | Each (hourly) | U.S. Dollar | 81.48 | 4,888.74 |
| L060100 | GENERAL LABORER | | 60.00 | 2.00 | Each (hourly) | U.S. Dollar | 57.70 | 3,461.90 |
| 1.5.4 | 260.00 | Cubic Yard | Concrete Transport Offsite | 17.33 | Detail | U.S. Dollar | 94.86 | 24,663.80 |


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| CBS Position Code | Quantity | UM | Description | Cost Item UM/Day | Cost Source | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|---|

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| RDUTRK06 | CAT D350D, 18CY-24CY | 150.00 | 1.00 | Each (hourly) | U.S. Dollar | 86.39 | 12,958.50 |
| L080940 | TEAMSTER | 150.00 | 1.00 | Each (hourly) | U.S. Dollar | 78.04 | 11,705.30 |

| 1.5.5 | 3.00 | Day | UG Utility Removal | 1.00 | Detail | U.S. Dollar | 1,825.87 | 5,477.62 |
|---|---|---|---|---|---|---|---|---|

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L010101 | OPERATOR | 30.00 | 1.00 | Each (hourly) | U.S. Dollar | 81.48 | 2,444.37 |
| L060100 | GENERAL LABORER | 30.00 | 1.00 | Each (hourly) | U.S. Dollar | 57.70 | 1,730.95 |
| RBACKH09 | Deere 710J BACKHOE, 1.62CY | 30.00 | 1.00 | Each (hourly) | U.S. Dollar | 43.41 | 1,302.30 |

| 1.5.6 | 1.00 | Cubic Yard | Restoration | 0.14 | Detail | U.S. Dollar | 33,903.72 | 33,903.72 |
|---|---|---|---|---|---|---|---|---|

| 1.5.6.1 | 1.00 | Lump Sum | Gravel Removal | 0.33 | Detail | U.S. Dollar | 22,772.56 | 22,772.56 |
|---|---|---|---|---|---|---|---|---|

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L010101 | OPERATOR | 60.00 | 2.00 | Each (hourly) | U.S. Dollar | 81.48 | 4,888.74 |
| L060100 | GENERAL LABORER | 60.00 | 2.00 | Each (hourly) | U.S. Dollar | 57.70 | 3,461.90 |
| L080940 | TEAMSTER | 60.00 | 2.00 | Each (hourly) | U.S. Dollar | 78.04 | 4,682.12 |
| RDUTRK06 | CAT D350D, 18CY-24CY | 60.00 | 2.00 | Each (hourly) | U.S. Dollar | 86.39 | 5,183.40 |
| RFELWH09 | CAT 966F LOADER, 4.25CY | 30.00 | 1.00 | Each (hourly) | U.S. Dollar | 81.12 | 2,433.60 |
| *RDOZER08 | CAT D6 LGP Dozer | 30.00 | 1.00 | Each (hourly) | U.S. Dollar | 70.76 | 2,122.80 |

**Notes:** **********
Assume topsoil removed during original construction
is available for restoration
**********

| 1.5.6.2 | 1.00 | Lump Sum | Stockpiled Topsoil Placement | 0.25 | Detail | U.S. Dollar | 6,131.16 | 6,131.16 |
|---|---|---|---|---|---|---|---|---|

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L010101 | OPERATOR | 40.00 | 1.00 | Each (hourly) | U.S. Dollar | 81.48 | 3,259.16 |
| RDOZER08 | CAT D6N XL | 40.00 | 1.00 | Each (hourly) | U.S. Dollar | 71.80 | 2,872.00 |

| 1.5.6.3 | 5.00 | Acre | Re-Seed With Native Vegetation | 0.00 | Detail | U.S. Dollar | 1,000.00 | 5,000.00 |
|---|---|---|---|---|---|---|---|---|

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| USLANDSCAPE | Landscape Sub | | 5.00 | Acre | U.S. Dollar | 1,000.00 | 5,000.00 |

| 1.6 | 36.00 | Each | Construct & Remove Temporary Crane Pads | 0.75 | Detail | U.S. Dollar | 9,295.61 | 334,642.01 |
|---|---|---|---|---|---|---|---|---|

**Notes:** **********
60' x 40' Temporary Crane Pad
**********

| 1.6.1 | 3,600.00 | Ton | Crane Pad 4" Stone 8" Depth | 200.00 | Detail | U.S. Dollar | 41.17 | 148,213.61 |
|---|---|---|---|---|---|---|---|---|

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| M4"STONE | 4" Stone | | 3,600.00 | Ton | U.S. Dollar | 17.00 | 61,200.00 |
| RDOZER06 | CAT D5H XL | 180.00 | 1.00 | Each (hourly) | U.S. Dollar | 54.76 | 9,855.90 |
| RROLLR06 | CP-563C 84" SMOOTH DRUM | 180.00 | 1.00 | Each (hourly) | U.S. Dollar | 65.70 | 11,825.28 |
| L010101 | OPERATOR | 360.00 | 2.00 | Each (hourly) | U.S. Dollar | 81.48 | 29,332.43 |
| USSTONETRK | Sub-Trucking of Stone | | 3,600.00 | Ton | U.S. Dollar | 10.00 | 36,000.00 |

| 1.6.2 | 2,700.00 | Ton | Crane Pad 2" Stone 6" Depth | 150.00 | Detail | U.S. Dollar | 45.89 | 123,913.61 |
|---|---|---|---|---|---|---|---|---|

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| USSTONETRK | Sub-Trucking of Stone | | 2,700.00 | Ton | U.S. Dollar | 10.00 | 27,000.00 |
| L010101 | OPERATOR | 360.00 | 2.00 | Each (hourly) | U.S. Dollar | 81.48 | 29,332.43 |
| RDOZER06 | CAT D5H XL | 180.00 | 1.00 | Each (hourly) | U.S. Dollar | 54.76 | 9,855.90 |
| RROLLR06 | CP-563C 84" SMOOTH DRUM | 180.00 | 1.00 | Each (hourly) | U.S. Dollar | 65.70 | 11,825.28 |
| M2"STONE | Material - 2" Stone | | 2,700.00 | Ton | U.S. Dollar | 17.00 | 45,900.00 |

| 1.6.3 | 36.00 | Each | Remove Crane Pad | 3.00 | Detail | U.S. Dollar | 1,736.52 | 62,514.80 |
|---|---|---|---|---|---|---|---|---|


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| CBS Position Code | Quantity | UM | Description | Cost Item UM/Day | Cost Source | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|---|
| **Resource Code** | **Description** | | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| RDOZER06 | CAT D5H XL | | | 120.00 | 1.00 | Each (hourly) | U.S. Dollar | 54.76 | 6,570.60 |
| RFELWH09 | CAT 966F LOADER, 4.25CY | | | 120.00 | 1.00 | Each (hourly) | U.S. Dollar | 81.12 | 9,734.40 |
| L010101 | OPERATOR | | | 240.00 | 2.00 | Each (hourly) | U.S. Dollar | 81.48 | 19,554.95 |
| L060100 | GENERAL LABORER | | | 120.00 | 1.00 | Each (hourly) | U.S. Dollar | 57.70 | 6,923.81 |
| RDUTRK06 | CAT D350D, 18CY-24CY | | | 120.00 | 1.00 | Each (hourly) | U.S. Dollar | 86.39 | 10,366.80 |
| L080940 | TEAMSTER | | | 120.00 | 1.00 | Each (hourly) | U.S. Dollar | 78.04 | 9,364.24 |
| 1.7 | 36.00 | Each | WTG Removal | | 0.00 | Detail | U.S. Dollar | 33,000.00 | 1,188,000.00 |
| 1.7.1 | 36.00 | Each | Remove Top,Nacell, Rotor | | 0.00 | Detail | U.S. Dollar | 22,000.00 | 792,000.00 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| USERECT1 | Sub-Top, Nacelle, Rotor | | | | 36.00 | Each | U.S. Dollar | 22,000.00 | 792,000.00 |
| 1.7.2 | 36.00 | Each | Remove Base & Mid | | 0.00 | Detail | U.S. Dollar | 11,000.00 | 396,000.00 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| USERECT | Erection Sub - Base/Mid | | | | 36.00 | Each | U.S. Dollar | 11,000.00 | 396,000.00 |
| 1.8 | 36.00 | Each | WTG Sizing & Loadout | | 0.58 | Detail | U.S. Dollar | 55,975.78 | 2,015,128.18 |
| 1.8.1 | 36.00 | Each | Oil Removal & Disposal | | 5.00 | Detail | U.S. Dollar | 419.96 | 15,118.65 |
| 1.8.1.1 | 36.00 | Each | Oil Removal | | 5.00 | Detail | U.S. Dollar | 261.07 | 9,398.65 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| L060100 | GENERAL LABORER | | | 144.00 | 2.00 | Each (hourly) | U.S. Dollar | 57.70 | 8,308.57 |
| RPUTRK05 | F-250 4X4 3/4 TON PICKUP | | | 72.00 | 1.00 | Each (hourly) | U.S. Dollar | 15.14 | 1,090.08 |
| 1.8.1.2 | 720.00 | Gallon | Oil Disposal | | 0.00 | Detail | U.S. Dollar | 6.00 | 4,320.00 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| USDISPOSAL | Disposal Fee's | | | | 4,320.00 | Each | U.S. Dollar | 1.00 | 4,320.00 |
| 1.8.1.3 | 1.00 | Each | Trucking - Per Load | | 0.00 | Detail | U.S. Dollar | 1,400.00 | 1,400.00 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| USTRUCKING | Trucking Sub | | | | 1,400.00 | Each | U.S. Dollar | 1.00 | 1,400.00 |
| 1.8.2 | 15,768.00 | Ton | Demo & Prepare For Shipment Offsite | | 286.00 | Detail | U.S. Dollar | 40.54 | 639,209.54 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| *RXMISC19 | Material Handler | | | 551.33 | 1.00 | Each (hourly) | U.S. Dollar | 124.69 | 68,745.17 |
| *REXCAV08 | Excav 240K w/ Shear | | | 551.33 | 1.00 | Each (hourly) | U.S. Dollar | 525.56 | 289,756.30 |
| L010101 | OPERATOR | | | 1,102.66 | 2.00 | Each (hourly) | U.S. Dollar | 81.48 | 89,843.37 |
| L060100 | GENERAL LABORER | | | 3,307.97 | 6.00 | Each (hourly) | U.S. Dollar | 57.70 | 190,864.69 |
| 1.8.3 | 1,188.00 | Ton | Blade T&D | | 0.00 | Detail | U.S. Dollar | 150.00 | 178,200.00 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| USTRUCKING | Trucking Sub | | | | 89,100.00 | Each | U.S. Dollar | 1.00 | 89,100.00 |
| USDISPOSAL | Disposal Fee's | | | | 89,100.00 | Each | U.S. Dollar | 1.00 | 89,100.00 |
| 1.8.4 | 15,768.00 | Ton | Scrap Trucking Cost | | 0.00 | Detail | U.S. Dollar | 75.00 | 1,182,600.00 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| USTRUCKING | Trucking Sub | | | | 1,182,600.00 | Each | U.S. Dollar | 1.00 | 1,182,600.00 |
| 1.9 | 36.00 | Each | WTG Foundation Removal | | 1.58 | Detail | U.S. Dollar | 3,557.06 | 128,054.30 |
| 1.9.1 | 1,692.00 | Cubic Yard | Remove Cylindrical Pedestal | | 150.00 | Detail | U.S. Dollar | 58.93 | 99,706.59 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity** | **UM** | **Currency** | **Unit Cost** | **Total Cost** |
| L060100 | GENERAL LABORER | | | 225.60 | 2.00 | Each (hourly) | U.S. Dollar | 57.70 | 13,016.76 |


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| CBS Position Code | Quantity | UM | Description | Cost Item | UM/Day | Cost Source | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|---|---|
| L010101 | OPERATOR | | | 338.40 | 3.00 Each (hourly) | U.S. Dollar | | 81.48 | 27,572.48 |
| *REXCAV06C | Excav 100K w/ Hammer | | | 225.60 | 2.00 Each (hourly) | U.S. Dollar | | 186.84 | 42,151.10 |
| *REXCAV06A | Excav 100K w/ Bucket & Grapple | | | 112.80 | 1.00 Each (hourly) | U.S. Dollar | | 150.41 | 16,966.25 |
| 1.9.2 | 1,692.00 | Cubic Yard | Concrete Transport Offsite | | 146.67 | Detail | U.S. Dollar | 16.75 | 28,347.71 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| RDUTRK06 | CAT D350D, 18CY-24CY | | | 115.36 | 1.00 Each (hourly) | U.S. Dollar | | 86.39 | 9,966.26 |
| L080940 | TEAMSTER | | | 115.36 | 1.00 Each (hourly) | U.S. Dollar | | 78.04 | 9,002.44 |
| L010101 | OPERATOR | | | 57.68 | 0.50 Each (hourly) | U.S. Dollar | | 81.48 | 4,699.85 |
| RFELWH09 | CAT 966F LOADER, 4.25CY | | | 57.68 | 0.50 Each (hourly) | U.S. Dollar | | 81.12 | 4,679.15 |
| 1.10 | 36.00 | Each | Pad Mount Transformer Removal | | 2.31 | Detail | U.S. Dollar | 2,777.80 | 100,000.86 |
| 1.10.1 | 36.00 | Each | Oil Removal & Disposal | | 5.00 | Detail | U.S. Dollar | 1,423.45 | 51,244.36 |
| 1.10.1.1 | 36.00 | Each | Oil Removal | | 5.00 | Detail | U.S. Dollar | 145.68 | 5,244.36 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| L060100 | GENERAL LABORER | | | 72.00 | 1.00 Each (hourly) | U.S. Dollar | | 57.70 | 4,154.28 |
| RPUTRK05 | F-250 4X4 3/4 TON PICKUP | | | 72.00 | 1.00 Each (hourly) | U.S. Dollar | | 15.14 | 1,090.08 |
| 1.10.1.2 | 7,200.00 | Gallon | Oil Disposal | | 0.00 | Detail | U.S. Dollar | 6.00 | 43,200.00 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| USDISPOSAL | Disposal Fee's | | | | 43,200.00 Each | U.S. Dollar | | 1.00 | 43,200.00 |
| 1.10.1.3 | 2.00 | Each | Trucking - Per Load | | 0.00 | Detail | U.S. Dollar | 1,400.00 | 2,800.00 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| USTRUCKING | Trucking Sub | | | | 2,800.00 Each | U.S. Dollar | | 1.00 | 2,800.00 |
| 1.10.2 | 36.00 | Each | Remove & Loadout Transformer | | 20.00 | Detail | U.S. Dollar | 144.79 | 5,212.57 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| *REXCAV06A | Excav 100K w/ Bucket & Grapple | | | 18.00 | 1.00 Each (hourly) | U.S. Dollar | | 150.41 | 2,707.38 |
| L010101 | OPERATOR | | | 18.00 | 1.00 Each (hourly) | U.S. Dollar | | 81.48 | 1,466.62 |
| L060100 | GENERAL LABORER | | | 18.00 | 1.00 Each (hourly) | U.S. Dollar | | 57.70 | 1,038.57 |
| 1.10.3 | 288.00 | Ton | Scrap Trucking Cost | | 0.00 | Detail | U.S. Dollar | 75.00 | 21,600.00 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| USTRUCKING | Trucking Sub | | | | 21,600.00 Each | U.S. Dollar | | 1.00 | 21,600.00 |
| 1.10.4 | 468.00 | Cubic Yard | Remove Foundations To Subgrade | | 71.43 | Detail | U.S. Dollar | 46.89 | 21,943.93 |
| 1.10.4.1 | 468.00 | Cubic Yard | Excavate / Remove Foundation - Various Depth | | 250.00 | Detail | U.S. Dollar | 22.32 | 10,444.01 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |
| L060100 | GENERAL LABORER | | | 18.72 | 1.00 Each (hourly) | U.S. Dollar | | 57.70 | 1,080.11 |
| L010101 | OPERATOR | | | 37.44 | 2.00 Each (hourly) | U.S. Dollar | | 81.48 | 3,050.57 |
| *REXCAV06C | Excav 100K w/ Hammer | | | 18.72 | 1.00 Each (hourly) | U.S. Dollar | | 186.84 | 3,497.64 |
| *REXCAV06A | Excav 100K w/ Bucket & Grapple | | | 18.72 | 1.00 Each (hourly) | U.S. Dollar | | 150.41 | 2,815.68 |

**Notes:** **********
10.5' X 10.5' X 3' Foundation
**********

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1.10.4.2 | 468.00 | Cubic Yard | Concrete Transport Offsite | | 100.00 | Detail | U.S. Dollar | 24.57 | 11,499.92 |
| **Resource Code** | **Description** | | | **Hours** | **Quantity UM** | **Currency** | | **Unit Cost** | **Total Cost** |


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| CBS Position Code | Quantity | UM | Description | Hours | UM/Day | Cost Source | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|---|---|
| RDUTRK06 | CAT D350D, 18CY-24CY | | | 46.80 | 1.00 Each (hourly) | U.S. Dollar | | 86.39 | 4,043.05 |
| L080940 | TEAMSTER | | | 46.80 | 1.00 Each (hourly) | U.S. Dollar | | 78.04 | 3,652.05 |
| L010101 | OPERATOR | | | 23.40 | 0.50 Each (hourly) | U.S. Dollar | | 81.48 | 1,906.61 |
| RFELWH09 | CAT 966F LOADER, 4.25CY | | | 23.40 | 0.50 Each (hourly) | U.S. Dollar | | 81.12 | 1,898.21 |
| 1.11 | 4.00 | Each | MET Tower Removal | | 1.42 | Detail | U.S. Dollar | 4,960.12 | 19,840.50 |
| 1.11.1 | 4.00 | Each | Structure Demo | | 2.00 | Detail | U.S. Dollar | 3,200.67 | 12,802.69 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| *REXCAV06A | Excav 100K w/ Bucket & Grapple | 20.00 | 1.00 | Each (hourly) | U.S. Dollar | 150.41 | 3,008.20 |
| *REXCAV06E | Excav 100K w/ Shear | 20.00 | 1.00 | Each (hourly) | U.S. Dollar | 211.37 | 4,227.40 |
| L010101 | OPERATOR | 40.00 | 2.00 | Each (hourly) | U.S. Dollar | 81.48 | 3,259.16 |
| L060100 | GENERAL LABORER | 40.00 | 2.00 | Each (hourly) | U.S. Dollar | 57.70 | 2,307.94 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1.11.2 | 60.00 | Cubic Yard | Remove Foundation | | 146.00 | Detail | U.S. Dollar | 60.54 | 3,632.56 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L060100 | GENERAL LABORER | 8.22 | 2.00 | Each (hourly) | U.S. Dollar | 57.70 | 474.23 |
| L010101 | OPERATOR | 12.33 | 3.00 | Each (hourly) | U.S. Dollar | 81.48 | 1,004.54 |
| *REXCAV06C | Excav 100K w/ Hammer | 8.22 | 2.00 | Each (hourly) | U.S. Dollar | 186.84 | 1,535.67 |
| *REXCAV06A | Excav 100K w/ Bucket & Grapple | 4.11 | 1.00 | Each (hourly) | U.S. Dollar | 150.41 | 618.12 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1.11.3 | 60.00 | Cubic Yard | Concrete Transport Offsite | | 146.67 | Detail | U.S. Dollar | 16.75 | 1,005.24 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| RDUTRK06 | CAT D350D, 18CY-24CY | 4.09 | 1.00 | Each (hourly) | U.S. Dollar | 86.39 | 353.41 |
| L080940 | TEAMSTER | 4.09 | 1.00 | Each (hourly) | U.S. Dollar | 78.04 | 319.24 |
| L010101 | OPERATOR | 2.05 | 0.50 | Each (hourly) | U.S. Dollar | 81.48 | 166.66 |
| RFELWH09 | CAT 966F LOADER, 4.25CY | 2.05 | 0.50 | Each (hourly) | U.S. Dollar | 81.12 | 165.93 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1.11.4 | 32.00 | Ton | Scrap Trucking Cost | | 0.00 | Detail | U.S. Dollar | 75.00 | 2,400.00 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| USTRUCKING | Trucking Sub | | 2,400.00 | Each | U.S. Dollar | 1.00 | 2,400.00 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1.12 | 1.00 | Lump Sum | Site Restoration - Partial Site Seeding | | 0.01 | Detail | U.S. Dollar | 396,209.60 | 396,209.60 |
| 1.12.1 | 36.00 | Each | Restore Turbine Locations | | 0.50 | Detail | U.S. Dollar | 5,065.58 | 182,360.85 |
| 1.12.1.1 | 72.00 | Acre | Stockpiled Topsoil Placement at Turbine Locations | | 1.00 | Detail | U.S. Dollar | 1,532.79 | 110,360.85 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L010101 | OPERATOR | 720.00 | 1.00 | Each (hourly) | U.S. Dollar | 81.48 | 58,664.85 |
| RDOZER08 | CAT D6N XL | 720.00 | 1.00 | Each (hourly) | U.S. Dollar | 71.80 | 51,696.00 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1.12.1.2 | 72.00 | Acre | Re-Seed Turbine Locations | | 0.00 | Detail | U.S. Dollar | 1,000.00 | 72,000.00 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| USLANDSCAPE | Landscape Sub | | 72.00 | Acre | U.S. Dollar | 1,000.00 | 72,000.00 |

**Notes:** **********
Re-Seed 2 acres per turbine location
**********

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1.12.2 | 16.00 | Mile | Road Removal | | 0.37 | Detail | U.S. Dollar | 13,365.55 | 213,848.75 |

**Notes:** **********
Assume topsoil removed during original construction
is available for restoration
**********

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1.12.2.1 | 16.00 | Mile | Road Removal | | 2.00 | Detail | U.S. Dollar | 7,825.07 | 125,201.11 |


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| CBS Position Code | Quantity | UM | Description | Cost Item UM/Day | Cost Source | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|---|

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L010101 | OPERATOR | 320.00 | 4.00 | Each (hourly) | U.S. Dollar | 81.48 | 26,073.27 |
| L060100 | GENERAL LABORER | 160.00 | 2.00 | Each (hourly) | U.S. Dollar | 57.70 | 9,231.74 |
| L080940 | TEAMSTER | 320.00 | 4.00 | Each (hourly) | U.S. Dollar | 78.04 | 24,971.30 |
| RDUTRK06 | CAT D350D, 18CY-24CY | 320.00 | 4.00 | Each (hourly) | U.S. Dollar | 86.39 | 27,644.80 |
| RFELWH09 | CAT 966F LOADER, 4.25CY | 320.00 | 4.00 | Each (hourly) | U.S. Dollar | 81.12 | 25,958.40 |
| *RDOZER08 | CAT D6 LGP Dozer | 160.00 | 2.00 | Each (hourly) | U.S. Dollar | 70.76 | 11,321.60 |

**Notes:** **********
Assume topsoil removed during original construction
is available for restoration
**********

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.12.2.2 | 35.00 Acre | Stockpiled Topsoil Placement at Turbine Locations | 1.00 | Detail | U.S. Dollar | 1,532.79 | 53,647.64 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| L010101 | OPERATOR | 350.00 | 1.00 | Each (hourly) | U.S. Dollar | 81.48 | 28,517.64 |
| RDOZER08 | CAT D6N XL | 350.00 | 1.00 | Each (hourly) | U.S. Dollar | 71.80 | 25,130.00 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.12.2.3 | 35.00 Acre | Re-Seed Road Corridor | 0.00 | Detail | U.S. Dollar | 1,000.00 | 35,000.00 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| USLANDSCAPE | Landscape Sub | | 35.00 | Acre | U.S. Dollar | 1,000.00 | 35,000.00 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.13 | 1.00 Lump Sum | Contractor Markups | 0.00 | Detail | U.S. Dollar | 1,457,122.39 | 1,457,122.39 |
| 1.13.1 | 1.00 Lump Sum | Home Office, Project Management (5% Of Cost) | 0.00 | Detail | U.S. Dollar | 390,649.45 | 390,649.45 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| USMARKUP5 | 5% Markup | | 7,812,989.00 | Each | U.S. Dollar | 0.05 | 390,649.45 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.13.2 | 1.00 Lump Sum | Contractor OH & Fee (13% Of Cost) | 0.00 | Detail | U.S. Dollar | 1,066,472.94 | 1,066,472.94 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| USMARKUP | 13% Markup | | 8,203,638.00 | Each | U.S. Dollar | 0.13 | 1,066,472.94 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.14 | 1.00 Lump Sum | ODOE Mandated Contingencies | 0.00 | Detail | U.S. Dollar | 1,984,891.71 | 1,984,891.71 |
| 1.14.1 | 1.00 Lump Sum | 20% Contingency on BESS | 0.00 | Detail | U.S. Dollar | 38,168.40 | 38,168.40 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| UODCBESS | 20% ODOE Mandated Contingency | | 190,842.00 | Each | U.S. Dollar | 0.20 | 38,168.40 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.14.2 | 1.00 Lump Sum | 1% Performance Bond | 0.00 | Detail | U.S. Dollar | 92,701.11 | 92,701.11 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| UODOE1 | ODOE 1% Markup | | 9,270,111.00 | Each | U.S. Dollar | 0.01 | 92,701.11 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.14.3 | 1.00 Lump Sum | 10% Administrative and Project Management | 0.00 | Detail | U.S. Dollar | 927,011.10 | 927,011.10 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| UODOE2 | ODOE 10% Markup | | 9,270,111.00 | Each | U.S. Dollar | 0.10 | 927,011.10 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1.14.4 | 1.00 Lump Sum | 10% Future Development Contingency | 0.00 | Detail | U.S. Dollar | 927,011.10 | 927,011.10 |

| Resource Code | Description | Hours | Quantity | UM | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|
| UODOE2 | ODOE 10% Markup | | 9,270,111.00 | Each | U.S. Dollar | 0.10 | 927,011.10 |

| | |
|---|---|
| Report Total: | 11,255,002.66 |


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| CBS Position Code | Quantity | UM | Description | Cost Item UM/Day | Cost Source | Currency | Unit Cost | Total Cost |
|---|---|---|---|---|---|---|---|---|
| **Category** | | | | | | | | **Total** |
| Labor | | | | | | | | 2,255,306.66 |
| Rented Equipment | | | | | | | | 1,469,892.70 |
| Supplies | | | | | | | | 2,869.20 |
| Materials | | | | | | | | 107,100.00 |
| Subcontract | | | | | | | | 5,432,742.39 |
| ODCs | | | | | | | | 1,987,091.71 |


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