

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

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

July 31, 2009

The Oregon Energy Facility Siting Council
SITE CERTIFICATE FOR THE HELIX WIND POWER FACILITY

I. INTRODUCTION

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

6 The findings of fact, reasoning and conclusions of law underlying the terms and
7 conditions of this site certificate are set forth in the Council's *Final Order on the Application* for
8 the facility issued on July 31, 2009, and incorporated herein by this reference. In interpreting this
9 site certificate, any ambiguity will be clarified by reference to the following, in order of priority:
10 (1) this Site Certificate, (2) the *Final Order on the Application* and (3) the record of the
11 proceedings that led to the *Final Order on the Application*.

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

II. SITE CERTIFICATION

- 14 1. To the extent authorized by state law and subject to the conditions set forth herein, the State
15 authorizes the certificate holder to construct, operate and retire a wind energy facility,
16 together with certain related or supporting facilities, at the site in Umatilla County, Oregon,
17 as described in Section III of this site certificate. ORS 469.401(1).
- 18 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in
19 effect on the date that termination is sought or until the site certificate is revoked under ORS
20 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation
21 is ordered. ORS 469.401(1).
- 22 3. This site certificate does not address, and is not binding with respect to, matters that were not
23 addressed in the Council's *Final Order on the Application* for the facility. Such matters
24 include, but are not limited to: building code compliance, wage, hour and other labor
25 regulations, local government fees and charges and other design or operational issues that do
26 not relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and rules
27 for which the decision on compliance has been delegated by the federal government to a state
28 agency other than the Council. 469.503(3).
- 29 4. Both the State and the certificate holder shall abide by local ordinances, state law and the
30 rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In
31 addition, upon a clear showing of a significant threat to public health, safety or the
32 environment that requires application of later-adopted laws or rules, the Council may require
33 compliance with such later-adopted laws or rules. ORS 469.401(2).
- 34 5. For a permit, license or other approval addressed in and governed by this site certificate, the
35 certificate holder shall comply with applicable state and federal laws adopted in the future to

1 the extent that such compliance is required under the respective state agency statutes and
2 rules. ORS 469.401(2).

- 3 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities and
4 political subdivisions in Oregon as to the approval of the site and the construction, operation
5 and retirement of the facility as to matters that are addressed in and governed by this site
6 certificate. ORS 469.401(3).
- 7 7. Each affected state agency, county, city and political subdivision in Oregon with authority to
8 issue a permit, license or other approval addressed in or governed by this site certificate shall,
9 upon submission of the proper application and payment of the proper fees, but without
10 hearings or other proceedings, issue such permit, license or other approval subject only to
11 conditions set forth in this site certificate. ORS 469.401(3).
- 12 8. After issuance of this site certificate, each state agency or local government agency that
13 issues a permit, license or other approval for the facility shall continue to exercise
14 enforcement authority over such permit, license or other approval. ORS 469.401(3).
- 15 9. After issuance of this site certificate, the Council shall have continuing authority over the site
16 and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or
17 request another state agency or local government to inspect, the site at any time in order to
18 ensure that the facility is being operated consistently with the terms and conditions of this
19 site certificate. ORS 469.430.

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

20 The energy facility is an electric power generating facility with an average electric
21 generating capacity of up to 34 megawatts and a peak generating capacity of not more than 102
22 megawatts that produces power from wind energy. The facility consists of not more than 60 wind
23 turbines. The energy facility is described further in the *Final Order on the Application*.

(b) Related or Supporting Facilities

24 The facility includes the following related or supporting facilities described below and in
25 greater detail in the *Final Order on the Application*:

- 26 • Power collection system
- 27 • Control system
- 28 • Collector substation
- 29 • 230-kV transmission line
- 30 • Meteorological (met) towers
- 31 • Operations and maintenance (O&M) facility
- 32 • Access roads
- 33 • Transporter route roadway modifications
- 34 • Additional construction areas (including crane paths, gravel quarries and batch plant)

1 **Power Collection System**

2 A power collection system operating at 34.5 kilovolts (kV) transports power from each
3 turbine to a collector substation. To the extent practicable, the collection system is installed
4 underground at a depth of at least three feet. Segments of the collector system are aboveground.
5 Aboveground segments would be supported by H-frame or monopole support structures.

6 **Control System**

7 A fiber optic communications network links the control panels within each wind turbine
8 to a host computer at the O&M facility. The Supervisory, Control and Data Acquisition
9 (SCADA) system at the O&M facility collects operating and performance data from the facility's
10 turbines and met towers. SCADA communication lines would be installed mostly underground.

11 **Substation and 230-kV Transmission Line**

12 The power collection system would link each turbine to the proposed Helix Substation.
13 The substation transformer would convert the 34.5-kV power from the collection system to 230-
14 kV. An aboveground, single-circuit 230-kV transmission line up to 15 miles in length would
15 connect the Helix Substation to an interconnection station. The 230-kV line would be supported
16 by H-frame structures with two galvanized steel or wood poles or by galvanized steel or wood
17 monopole structures. The power generated by the facility would connect to the regional
18 transmission grid through either the existing 230-kV transmission line owned by PacifiCorp or
19 the existing 500-kV transmission line owned by the Bonneville Power Administration (BPA).

20 **Meteorological Towers**

21 The facility includes up to two permanent meteorological (met) towers.

22 **O&M Facility**

23 The Operations and Maintenance (O&M) facility occupies a 3-acre site, including a
24 fenced and graveled area for parking and storage. Including fenced areas, the field workshop in
25 the northern project area occupies about 1.6 acres, and the field workshop in the southern project
26 area occupies about 1.4 acres.

27 **Access Roads**

28 The facility includes up to 16.2 miles of new roads that provide access to the turbine
29 strings. The access roads connect to graveled turbine turnouts at the base of each turbine.

30 **Temporary Roadway Modifications**

31 The certificate holder may construct temporary roadway modifications necessary to
32 enable safe transportation of turbine blades, tower segments and other components and
33 equipment during facility construction.

34 **Additional Construction Areas, Crane Paths, Batch Plant and Gravel Quarries**

35 During construction, a 5-acre staging area may be located adjacent to the O&M facility
36 site or in an alternate location, and separate 2-acre staging areas may be located near each turbine
37 string. The temporary staging areas are used to stage construction and store supplies and
38 equipment. The facility includes construction crane paths to move construction cranes between
39 turbine strings. The certificate holder may obtain gravel and concrete during construction from
40 up to two new gravel quarries and an on-site concrete batch plant. The batch plant would occupy
41 up to 3 acres; each gravel quarry would occupy up to 5 acres.

2. Location of the Facility

1 The facility is located in Umatilla County approximately 9 miles northwest of Helix,
2 Oregon, in Townships 5 and 6 North and Ranges 31, 32 and 33 East. The facility is located
3 entirely on private land subject to long-term wind energy leases.

IV. CONDITIONS REQUIRED BY COUNCIL RULES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 8 OAR 345-027-0020(8): Before beginning construction of the facility, the certificate holder
36 shall submit to the State of Oregon, through the Council, a bond or letter of credit, in a form
37 and amount satisfactory to the Council to restore the site to a useful, non-hazardous
38 condition. The certificate holder shall maintain a bond or letter of credit in effect at all
39 times until the facility has been retired. The Council may specify different amounts for the
40 bond or letter of credit during construction and during operation of the facility. (*See*
41 *Condition 31.*)

42 9 OAR 345-027-0020(9): The certificate holder shall retire the facility if the certificate holder
43 permanently ceases construction or operation of the facility. The certificate holder shall
44 retire the facility according to a final retirement plan approved by the Council, as described

1 in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a
2 useful, non-hazardous condition at the time of retirement, notwithstanding the Council's
3 approval in the site certificate of an estimated amount required to restore the site.

4 10 OAR 345-027-0020(10): The Council shall include as conditions in the site certificate all
5 representations in the site certificate application and supporting record the Council deems to
6 be binding commitments made by the applicant.

7 11 OAR 345-027-0020(11): Upon completion of construction, the certificate holder shall
8 restore vegetation to the extent practicable and shall landscape all areas disturbed by
9 construction in a manner compatible with the surroundings and proposed use. Upon
10 completion of construction, the certificate holder shall remove all temporary structures not
11 required for facility operation and dispose of all timber, brush, refuse and flammable or
12 combustible material resulting from clearing of land and construction of the facility.

13 12 OAR 345-027-0020(12): The certificate holder shall design, engineer and construct the
14 facility to avoid dangers to human safety presented by seismic hazards affecting the site that
15 are expected to result from all maximum probable seismic events. As used in this rule
16 "seismic hazard" includes ground shaking, landslide, liquefaction, lateral spreading,
17 tsunami inundation, fault displacement and subsidence.

18 13 OAR 345-027-0020(13): The certificate holder shall notify the Department, the State
19 Building Codes Division and the Department of Geology and Mineral Industries promptly
20 if site investigations or trenching reveal that conditions in the foundation rocks differ
21 significantly from those described in the application for a site certificate. After the
22 Department receives the notice, the Council may require the certificate holder to consult
23 with the Department of Geology and Mineral Industries and the Building Codes Division
24 and to propose mitigation actions.

25 14 OAR 345-027-0020(14): The certificate holder shall notify the Department, the State
26 Building Codes Division and the Department of Geology and Mineral Industries promptly
27 if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity
28 of the site.

29 15 OAR 345-027-0020(15): Before any transfer of ownership of the facility or ownership of
30 the site certificate holder, the certificate holder shall inform the Department of the proposed
31 new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership
32 that requires a transfer of the site certificate.

33 16 OAR 345-027-0020(16): If the Council finds that the certificate holder has permanently
34 ceased construction or operation of the facility without retiring the facility according to a
35 final retirement plan approved by the Council, as described in OAR 345-027-0110, the
36 Council shall notify the certificate holder and request that the certificate holder submit a
37 proposed final retirement plan to the Department within a reasonable time not to exceed 90
38 days. If the certificate holder does not submit a proposed final retirement plan by the
39 specified date, the Council may direct the Department to prepare a proposed final
40 retirement plan for the Council's approval. Upon the Council's approval of the final
41 retirement plan, the Council may draw on the bond or letter of credit described in OAR
42 345-027-0020(8) to restore the site to a useful, non-hazardous condition according to the
43 final retirement plan, in addition to any penalties the Council may impose under OAR

1 Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay
2 the actual cost of retirement, the certificate holder shall pay any additional cost necessary to
3 restore the site to a useful, non-hazardous condition. After completion of site restoration,
4 the Council shall issue an order to terminate the site certificate if the Council finds that the
5 facility has been retired according to the approved final retirement plan.

6 17 OAR 345-027-0023(4): If the facility includes any transmission line under Council
7 jurisdiction:

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

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

15 18 OAR 345-027-0023(5): If the proposed energy facility is a pipeline or a transmission line or
16 has, as a related or supporting facility, a pipeline or transmission line, the Council shall
17 specify an approved corridor in the site certificate and shall allow the certificate holder to
18 construct the pipeline or transmission line anywhere within the corridor, subject to the
19 conditions of the site certificate. If the applicant has analyzed more than one corridor in its
20 application for a site certificate, the Council may, subject to the Council's standards,
21 approve more than one corridor.

22 19 OAR 345-027-0028: The following general monitoring conditions apply:

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

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

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

36 (d) If the certificate holder becomes aware of a significant environmental change or
37 impact attributable to the facility, the certificate holder shall, as soon as possible, submit a
38 written report to the Department describing the impact on the facility and any affected site
39 certificate conditions.

40 20 OAR 345-026-0048: Following receipt of the site certificate or an amended site certificate,
41 the certificate holder shall implement a plan that verifies compliance with all site certificate
42 terms and conditions and applicable statutes and rules. As a part of the compliance plan, to
43 verify compliance with the requirement to begin construction by the date specified in the
44 site certificate, the certificate holder shall report promptly to the Department of Energy
45 when construction begins. Construction is defined in OAR 345-001-0010. In reporting the

1 beginning of construction, the certificate holder shall describe all work on the site
2 performed before beginning construction, including work performed before the Council
3 issued the site certificate, and shall state the cost of that work. For the purpose of this
4 exhibit, “work on the site” means any work within a site or corridor, other than surveying,
5 exploration or other activities to define or characterize the site or corridor. The certificate
6 holder shall document the compliance plan and maintain it for inspection by the
7 Department or the Council.

8 21 OAR 345-026-0080: The certificate holder shall report according to the following
9 requirements:

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

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

19 (ii) By April 30 of each year after beginning construction, the certificate holder shall
20 submit an annual report to the Department addressing the subjects listed in OAR 345-026-
21 0080. The Council Secretary and the certificate holder may, by mutual agreement, change
22 the reporting date.

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

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

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

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

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

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

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

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

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

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

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

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

19 22 OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange
20 copies of all correspondence or summaries of correspondence related to compliance with
21 statutes, rules and local ordinances on which the Council determined compliance, except for
22 material withheld from public disclosure under state or federal law or under Council rules.
23 The certificate holder may submit abstracts of reports in place of full reports; however, the
24 certificate holder shall provide full copies of abstracted reports and any summarized
25 correspondence at the request of the Department.

26 23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72
27 hours of any occurrence involving the facility if:

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

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

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

V. SPECIFIC FACILITY CONDITIONS

33 The conditions listed in this section include conditions based on representations in the
34 site certificate application and supporting record. These conditions are required under OAR 345-
35 027-0020(10). The certificate holder must comply with these conditions in addition to the
36 conditions listed in Section IV. This section includes other specific facility conditions the
37 Council finds necessary to ensure compliance with the siting standards of OAR Chapter 345,
38 Divisions 22 and 24, and to protect the public health and safety. For conditions that require
39 subsequent review and approval of a future action, ORS 469.402 authorizes the Council to
40 delegate the future review and approval to the Department if, in the Council's discretion, the
41 delegation is warranted under the circumstances of the case.

1. Certificate Administration Conditions

- 1 24 The certificate holder shall begin construction of the facility within three years after the
2 effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is
3 effective upon execution by the Council Chair and the applicant. The Council may grant an
4 extension of the deadline to begin construction in accordance with OAR 345-027-0030 or
5 any successor rule in effect at the time the request for extension is submitted.
- 6 25 The certificate holder shall complete construction of the facility within six years after the
7 effective date of the site certificate. Construction is complete when: 1) the facility is
8 substantially complete as defined by the certificate holder's construction contract
9 documents, 2) acceptance testing has been satisfactorily completed and 3) the energy
10 facility is ready to begin continuous operation consistent with the site certificate. The
11 certificate holder shall promptly notify the Department of the date of completion of
12 construction. The Council may grant an extension of the deadline for completing
13 construction in accordance with OAR 345-027-0030 or any successor rule in effect at the
14 time the request for extension is submitted.
- 15 26 The certificate holder shall construct a facility substantially as described in the site
16 certificate and may select turbines of any type, subject to the following restrictions and
17 compliance with all other site certificate conditions. Before beginning construction, the
18 certificate holder shall provide to the Department a description of the turbine types selected
19 for the facility demonstrating compliance with this condition.
- 20 (a) The total number of turbines at the facility must not exceed 60 turbines.
- 21 (b) The combined peak generating capacity of the facility must not exceed 102
22 megawatts and the peak generating capacity of any individual turbine must not exceed 3.0
23 megawatts.
- 24 (c) The turbine hub height must not exceed 100 meters and the maximum blade tip height
25 must not exceed 150 meters.
- 26 (d) The minimum blade tip clearance must be 41 meters above ground.
- 27 (e) The certificate holder shall request an amendment of the site certificate to increase the
28 combined peak generating capacity of the facility beyond 102 megawatts, to increase the
29 number of wind turbines to more than 60 wind turbines or to install wind turbines with a
30 hub height greater than 100 meters, a blade tip height greater than 150 meters or a blade tip
31 clearance less than 41 meters above ground.
- 32 27 The certificate holder shall obtain all necessary federal, state and local permits or approvals
33 required for construction, operation and retirement of the facility or ensure that its
34 contractors obtain the necessary federal, state and local permits or approvals.
- 35 28 Before beginning construction, the certificate holder shall provide confirmation to the
36 Department that the construction contractor or other third party has obtained the necessary
37 permits or approvals and shall provide to the Department proof of agreements between the
38 certificate holder and the third party regarding access to the resources or services secured
39 by the permits or approvals.
- 40 29 Before beginning construction, the certificate holder shall notify the Department in advance
41 of any work on the site that does not meet the definition of "construction" in ORS 469.300,
42 excluding surveying, exploration or other activities to define or characterize the site, and

1 shall provide to the Department a description of the work and evidence that its value is less
2 than \$250,000.

3 30 Before beginning construction and after considering all micrositing factors, the certificate
4 holder shall provide to the Department, to the Oregon Department of Fish and Wildlife
5 (ODFW) and to the Planning Director of Umatilla County detailed maps of the facility site,
6 showing the final locations where the certificate holder proposes to build facility
7 components, and a table showing the acres of temporary and permanent habitat impact by
8 habitat category and subtype, similar to Table 9 in the *Final Order on the Application*. The
9 detailed maps of the facility site shall indicate the habitat categories of all areas that would
10 be affected during construction (similar to Figures P-9 and P-10 in the site certificate
11 application). In classifying the affected habitat into habitat categories, the certificate holder
12 shall consult with the ODFW. The certificate holder shall not begin ground disturbance in
13 an affected area until the habitat assessment has been approved by the Department. The
14 Department may employ a qualified contractor to confirm the habitat assessment by on-site
15 inspection.

16 31 Before beginning construction, the certificate holder shall submit to the State of Oregon
17 through the Council a bond or letter of credit in the amount described herein naming the
18 State of Oregon, acting by and through the Council, as beneficiary or payee. The initial
19 bond or letter of credit amount is either \$6.119 million (in 2nd Quarter 2009 dollars), to be
20 adjusted to the date of issuance as described in (b), or the amount determined as described
21 in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an
22 annual basis thereafter as described in (b).

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

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

30 (i) Adjust the Subtotal component of the bond or letter of credit amount (expressed in
31 2nd Quarter 2009 dollars) to present value, using the U.S. Gross Domestic Product Implicit
32 Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative
33 Services' "Oregon Economic and Revenue Forecast" or by any successor agency (the
34 "Index") and using the 2nd Quarter 2009 index value and the quarterly index value for the
35 date of issuance of the new bond or letter of credit. If at any time the Index is no longer
36 published, the Council shall select a comparable calculation to adjust 2nd Quarter 2009
37 dollars to present value.

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

40 (iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and
41 project management costs and 10 percent of the adjusted Gross Cost (ii) for the adjusted
42 future developments contingency.

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

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

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

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

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

7 32 If the certificate holder elects to use a bond to meet the requirements of Condition 31, the
8 certificate holder shall ensure that the surety is obligated to comply with the requirements
9 of applicable statutes, Council rules and this site certificate when the surety exercises any
10 legal or contractual right it may have to assume construction, operation or retirement of the
11 energy facility. The certificate holder shall also ensure that the surety is obligated to notify
12 the Council that it is exercising such rights and to obtain any Council approvals required by
13 applicable statutes, Council rules and this site certificate before the surety commences any
14 activity to complete construction, operate or retire the energy facility.

15 33 Before beginning construction, the certificate holder shall notify the Department of the
16 identity and qualifications of the major design, engineering and construction contractor(s)
17 for the facility. The certificate holder shall select contractors that have substantial
18 experience in the design, engineering and construction of similar facilities. The certificate
19 holder shall report to the Department any change of major contractors.

20 34 The certificate holder shall contractually require all construction contractors and
21 subcontractors involved in the construction of the facility to comply with all applicable
22 laws and regulations and with the terms and conditions of the site certificate. Such
23 contractual provisions shall not operate to relieve the certificate holder of responsibility
24 under the site certificate.

25 35 During construction, the certificate holder shall have a full-time, on-site assistant
26 construction manager who is qualified in environmental compliance to ensure compliance
27 with all site certificate conditions. The certificate holder shall notify the Department of the
28 name, telephone number and e-mail address of this person.

29 36 Within 72 hours after discovery of conditions or circumstances that may violate the terms
30 or conditions of the site certificate, the certificate holder shall report the conditions or
31 circumstances to the Department.

2. Land Use Conditions

32 37 The certificate holder shall consult with area landowners and lessees during construction
33 and operation of the facility and shall implement measures to reduce or avoid any adverse
34 impacts to farm practices on surrounding lands and to avoid any increase in farming costs.

35 38 The certificate holder shall design and construct the facility using the minimum land area
36 necessary for safe construction and operation. The certificate holder shall locate access
37 roads and temporary construction laydown and staging areas to minimize disturbance of
38 farming practices and, wherever feasible, shall place turbines and transmission
39 interconnection lines along the margins of cultivated areas to reduce the potential for
40 conflict with farm operations.

- 1 39 The certificate holder shall design and construct the facility in compliance with the County
2 design requirements as described in Umatilla County Development Code Sections 152.010,
3 152.011, 152.015, 152.018, 152.063(E) and 152.616(HHH)(5)(F) in effect as of the date the
4 site certificate application was submitted (August 12, 2008).
- 5 40 The certificate holder shall design and construct new access roads and road improvements
6 to standards approved by the Umatilla County Public Works Director. The certificate holder
7 shall design new roads and road improvements to minimize alteration of natural drainage
8 and shall install culverts, water bars or other measures as necessary to reduce erosion. The
9 certificate holder shall consult with the Oregon Department of Fish and Wildlife and with
10 the local Soil and Water Conservation District for any minor drainage improvements
11 necessary to ensure effective drainage on surrounding agricultural lands.
- 12 41 To construct any of the transporter route road modifications as described in the *Final Order*
13 *on the Application*, the certificate holder must obtain approval from the Umatilla County
14 Public Works Director or the appropriate official of the City of Helix, as applicable,
15 including approval of design specifications and any required building permit. For any
16 modifications that affect private property, the certificate holder must obtain the consent of
17 the landowner and provide the Department with written documentation to verify the
18 landowner's consent. Upon completion of construction of the facility, the certificate holder
19 shall restore the areas affected by any road modifications to a condition approved by the
20 affected landowner and subject to any requirements of the applicable local government.
- 21 42 Before beginning construction of the facility, the certificate holder shall record in the real
22 property records of Umatilla County a Covenant Not to Sue with regard to generally
23 accepted farming practices on adjacent farmland consistent with Umatilla County Zoning
24 Ordinance Section 152.616(HHH)(2)(E).
- 25 43 The certificate holder shall construct all facility components in compliance with the
26 following setback requirements:
27 (a) All facility components must be at least 3,520 feet from the property line of properties
28 zoned residential use or designated in the Umatilla County Comprehensive Plan as
29 residential.
30 (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of
31 110-percent of maximum blade tip height, measured from the centerline of the turbine
32 tower to the nearest edge of any public road right-of-way. The certificate holder shall
33 assume a minimum right-of-way width of 60 feet.
34 (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of
35 1,320 feet, measured from the centerline of the turbine tower to the center of the nearest
36 residence existing at the time of tower construction.
37 (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of
38 110-percent of maximum blade tip height, measured from the centerline of the turbine
39 tower to the nearest boundary of the certificate holder's lease area.
- 40 44 During construction and operation of the facility, the certificate holder shall implement a
41 weed control plan approved by appropriate Umatilla County officials to control the
42 introduction and spread of noxious weeds.

- 1 45 During operation of the facility, the certificate holder shall restore areas that are temporarily
2 disturbed during facility maintenance or repair activities using the same methods and
3 monitoring procedures described in the Revegetation Plan referenced in Condition 89.
- 4 46 Within 90 days after beginning operation, the certificate holder shall provide to the
5 Department and to the Umatilla County Planning Department the actual latitude and
6 longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting
7 lines and transmission lines and a summary of as-built changes in the facility compared to
8 the original plan.
- 9 47 The certificate holder shall deliver a copy of the annual report required under Condition 21
10 to the Umatilla County Planning Commission on an annual basis unless specifically
11 discontinued by the County.

3. Cultural Resource Conditions

- 12 48 Before beginning construction, the certificate holder shall label all identified historic,
13 cultural or archaeological resource sites on construction maps and drawings as “no entry”
14 areas, and if construction activities will occur within 200 feet of an identified site, the
15 certificate holder shall flag a 50-foot buffer around the site.
- 16 49 Before beginning construction, the certificate holder shall provide to the Department a map
17 showing the final design locations of all components of the facility, the areas that would be
18 temporarily disturbed during construction and the areas that were surveyed in 2008 as
19 described in the *Final Order on the Application*. The certificate holder shall hire qualified
20 personnel to conduct field investigation of all areas to be disturbed during construction that
21 lie outside the previously-surveyed areas. The certificate holder shall provide a written
22 report of the field investigation to the Department and to the Oregon State Historic
23 Preservation Office (SHPO). If any potentially significant historic, cultural, or
24 archaeological resource sites are found during the field investigation, the certificate holder
25 shall instruct all construction personnel to avoid the identified sites and shall implement
26 appropriate measures to protect the sites, including the measures described in Condition 48.
- 27 50 The certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-
28 0070, instructs construction personnel in the identification of cultural materials and
29 avoidance of accidental damage to identified resource sites.
- 30 51 The certificate holder shall ensure that construction personnel cease all ground-disturbing
31 activities in the immediate area if any archaeological or cultural resources are found during
32 construction of the facility until a qualified archeologist can evaluate the significance of the
33 find. The certificate holder shall notify the Department and the Oregon State Historic
34 Preservation Office (SHPO) of the find. If the SHPO determines that the resource is
35 significant, the certificate holder shall make recommendations to the Council for mitigation,
36 including avoidance, field documentation and data recovery, in consultation with the
37 Department, SHPO, interested tribes and other appropriate parties. The certificate holder
38 shall not restart work in the affected area until the certificate holder has demonstrated to the
39 Department and the SHPO that it has complied with archaeological resource protection
40 regulations.

4. Geotechnical Conditions

- 1 52 Before beginning construction, the certificate holder shall conduct a site-specific
2 geotechnical investigation and shall report its findings to the Oregon Department of
3 Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall
4 conduct the geotechnical investigation after consultation with DOGAMI and in general
5 accordance with DOGAMI open file report 00-04 “Guidelines for Engineering Geologic
6 Reports and Site-Specific Seismic Hazard Reports.”
- 7 53 The certificate holder shall design and construct the facility in accordance with
8 requirements of the Oregon Structural Specialty Code (OSSC 2007) and the 2006
9 International Building Code.
- 10 54 The certificate holder shall design, engineer and construct the facility to avoid dangers to
11 human safety presented by non-seismic hazards. As used in this condition, “non-seismic
12 hazards” include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

- 13 55 The certificate holder shall handle hazardous materials used on the site in a manner that
14 protects public health, safety and the environment and shall comply with all applicable
15 local, state and federal environmental laws and regulations. The certificate holder shall not
16 store diesel fuel or gasoline on the facility site.
- 17 56 If a spill or release of hazardous material occurs during construction or operation of the
18 facility, the certificate holder shall notify the Department within 72 hours and shall clean up
19 the spill or release and dispose of any contaminated soil or other materials according to
20 applicable regulations. The certificate holder shall make sure that spill kits containing items
21 such as absorbent pads are located on equipment and at the O&M building. The certificate
22 holder shall instruct employees about proper handling, storage and cleanup of hazardous
23 materials.
- 24 57 The certificate holder shall construct turbines and pad-mounted transformers on concrete
25 foundations and shall cover the ground within a 10-foot radius with non-flammable
26 material. The certificate holder shall maintain the non-flammable pad area covering during
27 operation of the facility.
- 28 58 The certificate holder shall install and maintain self-monitoring devices on each turbine,
29 linked to sensors at the operations and maintenance building, to alert operators to
30 potentially dangerous conditions, and the certificate holder shall immediately remedy any
31 dangerous conditions. The certificate holder shall maintain automatic equipment protection
32 features in each turbine that would shut down the turbine and reduce the chance of a
33 mechanical problem causing a fire.
- 34 59 During construction and operation of the facility, the certificate holder shall ensure that the
35 O&M facility and all service vehicles are equipped with shovels and portable fire
36 extinguishers of a 4A50BC or equivalent rating.
- 37 60 During construction and operation of the facility, the certificate holder shall develop and
38 implement fire safety plans in consultation with the Milton-Freewater Rural Fire
39 Department to minimize the risk of fire and to respond appropriately to any fires that occur
40 on the facility site. In developing the fire safety plans, the certificate holder shall take into

1 account the dry nature of the region and shall address risks on a seasonal basis. The
2 certificate holder shall meet annually with local fire protection agency personnel to discuss
3 emergency planning and shall invite local fire protection agency personnel to observe any
4 emergency drill or tower rescue training conducted at the facility.

5 61 Upon the beginning of operation of the facility, the certificate holder shall provide a site
6 plan to the Milton-Freewater Rural Fire Department. The certificate holder shall indicate on
7 the site plan the identification number assigned to each turbine and the actual location of all
8 facility structures. The certificate holder shall provide an updated site plan if additional
9 turbines or other structures are later added to the facility. During operation, the certificate
10 holder shall ensure that appropriate fire protection agency personnel have an up-to-date list
11 of the names and telephone numbers of facility personnel available to respond on a 24-hour
12 basis in case of an emergency on the facility site.

13 62 During construction, the certificate holder shall ensure that construction vehicles and
14 equipment are operated on graveled areas to the extent possible and that open flames, such
15 as cutting torches, are kept away from dry grass areas.

16 63 During operation, the certificate holder shall ensure that all on-site employees receive
17 annual fire prevention and response training by qualified instructors or members of the
18 local fire districts. The certificate holder shall ensure that all employees are instructed to
19 keep vehicles on roads and off dry grassland, except when off-road operation is required for
20 emergency purposes.

21 64 Before beginning construction, the certificate holder shall submit a Notice of Proposed
22 Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon
23 Department of Aviation identifying the proposed final locations of turbine towers and
24 meteorological towers. The certificate holder shall promptly notify the Department of the
25 responses from the FAA and the Oregon Department of Aviation.

26 65 The certificate holder shall follow manufacturers' recommended handling instructions and
27 procedures to prevent damage to turbine or turbine tower components that could lead to
28 failure.

29 66 The certificate holder shall construct turbine towers with no exterior ladders or access to the
30 turbine blades and shall install locked tower access doors. The certificate holder shall keep
31 tower access doors locked at all times, except when authorized personnel are present.

32 67 The certificate holder shall have an operational safety-monitoring program and shall inspect
33 all turbine and turbine tower components on a regular basis. The certificate holder shall
34 maintain or repair turbine and turbine tower components as necessary to protect public
35 safety.

36 68 For turbine types having pad-mounted step-up transformers, the certificate holder shall
37 install the transformers at the base of each tower in locked cabinets designed to protect the
38 public from electrical hazards and to avoid creation of artificial habitat for raptor prey.

39 69 To protect the public from electrical hazards, the certificate holder shall enclose the facility
40 substation with appropriate fencing and locked gates.

- 1 70 The certificate holder shall construct access roads with a finished width of approximately
2 20 feet wide, designed under the direction of a licensed engineer and compacted to meet
3 equipment load requirements.
- 4 71 During construction of the facility, the certificate holder shall implement measures to
5 reduce traffic impacts, including:
6 (a) The certificate holder shall include traffic control measures in contract specifications
7 for construction of the facility.
8 (b) The certificate holder shall provide notices to adjacent landowners when construction
9 takes place to help minimize access disruptions.
10 (c) The certificate holder shall use road signage and flaggers at appropriate locations at
11 appropriate times during construction to direct traffic and to ensure minimal conflicts
12 between construction vehicles and harvest vehicles.
13 (d) Before beginning construction, the certificate holder shall submit to the Umatilla
14 County Public Works Department, to the City of Helix and to the Department a final
15 transportation plan that addresses traffic safety.
- 16 72 The certificate holder shall cooperate with the Umatilla County Public Works Department
17 and the appropriate officials of the City of Helix to ensure that any unusual damage or wear
18 to county or City roads that is caused by construction of the facility is repaired by the
19 certificate holder. Upon completion of construction, the certificate holder shall restore
20 public roads to pre-construction condition or better to the satisfaction of the Umatilla
21 County Public Works Department and City of Helix officials.
- 22 73 During construction, the certificate holder shall require that all on-site construction
23 contractors develop and implement a site health and safety plan that informs workers and
24 others on-site what to do in case of an emergency and that includes the locations of fire
25 extinguishers and nearby hospitals, important telephone numbers and first aid techniques.
26 The certificate holder shall ensure that construction contractors have personnel on-site who
27 are trained and equipped for tower rescue and who are first aid and CPR certified.
- 28 74 During operation, the certificate holder shall develop and implement a site health and safety
29 plan that informs employees and others on-site what to do in case of an emergency and that
30 includes the locations of fire extinguishers and nearby hospitals, important telephone
31 numbers and first aid techniques.
- 32 75 During construction and operation of the facility, the certificate holder shall provide for on-
33 site security and shall establish good communications between on-site security personnel
34 and the Umatilla County Sheriff's Office. During operation, the certificate holder shall
35 ensure that appropriate law enforcement agency personnel have an up-to-date list of the
36 names and telephone numbers of facility personnel available to respond on a 24-hour basis
37 in case of an emergency on the facility site.
- 38 76 The certificate holder shall notify the Department of Energy and the Umatilla County
39 Planning Department within 72 hours of any accidents including mechanical failures on the
40 site associated with construction or operation of the facility that may result in public health
41 and safety concerns.

6. Water, Soils, Streams & Wetlands Conditions

- 1 77 The certificate holder shall conduct all construction work in compliance with an Erosion
2 and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of
3 Environmental Quality and as required under the National Pollutant Discharge Elimination
4 System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder
5 shall include in the ESCP any procedures necessary to meet local erosion and sediment
6 control requirements or storm water management requirements.
- 7 78 During construction, the certificate holder shall limit truck traffic to improved road surfaces
8 to avoid soil compaction, to the extent practicable.
- 9 79 During construction, the certificate holder shall implement best management practices to
10 control any dust generated by construction activities, such as applying water to roads and
11 disturbed soil areas.
- 12 80 Before beginning construction, the certificate holder shall provide to the Department a map
13 showing the final design locations of all components of the facility and the areas that would
14 be disturbed during construction and showing the wetlands and stream channels previously
15 surveyed by CH2M HILL as described in the *Final Order on the Application*. For areas to
16 be disturbed during construction that lie outside of the previously-surveyed areas, the
17 certificate holder shall hire qualified personnel to conduct a pre-construction investigation
18 to determine whether any jurisdictional waters of the State exist in those locations. The
19 certificate holder shall provide a written report on the pre-construction investigation to the
20 Department and the Department of State Lands for approval before beginning construction.
21 The certificate holder shall ensure that construction and operation of the facility will have
22 no impact on any jurisdictional water identified in the pre-construction investigation.
- 23 81 The certificate holder shall construct stream crossings substantially as described in the
24 *Final Order on the Application*. In particular, the certificate holder shall not remove
25 material from waters of the State or add new fill material to waters of the State such that the
26 total volume of removal and fill exceeds 50 cubic yards for the project as a whole.
- 27 82 During facility operation, the certificate holder shall routinely inspect and maintain all
28 roads, pads and trenched areas and, as necessary, maintain or repair erosion and sediment
29 control measures.
- 30 83 During facility operation, the certificate holder shall obtain water for on-site uses from an
31 on-site well located near the O&M building. The certificate holder shall construct the on-
32 site well subject to compliance with the provisions of ORS 537.765 relating to keeping a
33 well log. The certificate holder shall not use more than 5,000 gallons of water per day from
34 the on-site well. The certificate holder may use other sources of water for on-site uses
35 subject to prior approval by the Department.
- 36 84 During facility operation, if blade-washing becomes necessary, the certificate holder shall
37 ensure that there is no runoff of wash water from the site or discharges to surface waters,
38 storm sewers or dry wells. The certificate holder shall not use acids, bases or metal
39 brighteners with the wash water. The certificate holder may use biodegradable, phosphate-
40 free cleaners sparingly.

7. Transmission Line & EMF Conditions

- 1 85 The certificate holder shall install the 34.5-kV collector system underground to the extent
2 practical. The certificate holder shall install underground lines at a minimum depth of three
3 feet. Based on geotechnical conditions or other engineering considerations, the certificate
4 holder may install segments of the collector system aboveground, but the total length of
5 aboveground segments must not exceed 30 percent of the total length of the collector
6 system.
- 7 86 The certificate holder shall take reasonable steps to reduce or manage human exposure to
8 electromagnetic fields, including but not limited to:
- 9 (a) Constructing all aboveground transmission lines at least 200 feet from any residence
10 or other occupied structure, measured from the centerline of the transmission line.
- 11 (b) Constructing all aboveground 34.5-kV transmission lines with a minimum clearance
12 of 25 feet from the ground.
- 13 (c) Constructing all aboveground 230-kV transmission lines with a minimum clearance of
14 30 feet from the ground.
- 15 (d) Fencing the areas around the facility substation to ensure that substation equipment is
16 not accessible to the public.
- 17 (e) Providing to landowners a map of underground and overhead transmission lines on
18 their property and advising landowners of possible health risks.
- 19 (f) Designing and maintaining all transmission lines so that alternating current electric
20 fields do not exceed 9 kV per meter at one meter above the ground surface in areas
21 accessible to the public.
- 22 87 In advance of, and during, preparation of detailed design drawings and specifications for
23 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with the Utility
24 Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the
25 designs and specifications are consistent with applicable codes and standards.

8. Plants, Wildlife & Habitat Protection Conditions

- 26 88 The certificate holder shall conduct wildlife monitoring as described in the *Wildlife*
27 *Monitoring and Mitigation Plan* that is incorporated in the *Final Order on the Application*
28 as Attachment A and as amended from time to time.
- 29 89 The certificate holder shall restore areas disturbed by facility construction but not occupied
30 by permanent facility structures according to the methods and monitoring procedures
31 described in the *Revegetation Plan* that is incorporated in the *Final Order on the*
32 *Application* as Attachment B and as amended from time to time.
- 33 90 The certificate holder shall acquire the legal right to create, enhance, maintain and protect a
34 habitat mitigation area as long as the site certificate is in effect by means of an outright
35 purchase, conservation easement or similar conveyance and shall provide a copy of the
36 documentation to the Department. Within the habitat mitigation area, the certificate holder
37 shall improve the habitat quality as described in the *Habitat Mitigation Plan* that is
38 incorporated in the *Final Order on the Application* as Attachment C and as amended from
39 time to time.

1 91 The certificate holder may construct turbines and other facility components within the site
2 boundary as described in the *Final Order on the Application*, subject to the following
3 requirements addressing potential habitat impact:

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

6 (b) Before beginning construction, the certificate holder shall provide to the Department a
7 map showing the final design locations of all components of the facility, the areas that
8 would be disturbed during construction and the areas that were surveyed in 2008 as
9 described in the site certificate application. The certificate holder shall hire a qualified
10 professional biologist to conduct a pre-construction biological investigation of all areas to
11 be disturbed during construction that lie outside of the areas surveyed in 2008. The
12 certificate holder shall provide a written report of the investigation to the Department and to
13 the Oregon Department of Fish and Wildlife (ODFW). Based on consultation with the
14 Department and ODFW, the certificate holder shall implement appropriate measures to
15 avoid impacts to any Category 1 habitat or to any State-listed plant or wildlife species
16 found during the investigation.

17 (c) Before beginning construction, the certificate holder's qualified professional biologist
18 shall survey the edge of the previously-identified Washington ground squirrel colony to
19 ensure that the sensitive use area is correctly marked with exclusion flagging and avoided
20 during construction. The certificate holder shall maintain the exclusion markings until
21 construction has been completed.

22 (d) After the certificate holder has determined the final design route of the 230-kV
23 transmission line, the certificate holder shall hire a qualified professional biologist to
24 conduct a pre-construction raptor nest survey within a half-mile buffer of the final route in
25 all areas that were not previously surveyed in 2008 as described in the site certificate
26 application. The purpose of the survey is to identify any sensitive raptor nests near the final
27 transmission line route and to provide baseline information on raptor nest use for analysis
28 as described in the *Wildlife Monitoring and Mitigation Plan* referenced in Condition 88.

29 (e) In the final design layout of the facility, the certificate holder shall locate facility
30 components to avoid or minimize temporary and permanent impacts to high quality native
31 habitat and to retain habitat cover in the general landscape where practicable.

32 92 During construction, the certificate holder shall avoid all construction activities within a
33 1,300-foot buffer around potentially-active nest sites of the following species during the
34 sensitive period, as provided in this condition:

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

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

41 If any nest site is determined to be unoccupied by the early release date (May 31), then
42 unrestricted construction activities may occur within 1,300 feet of the nest site after that

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

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

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

20 93 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive
21 wildlife habitat during construction including, but not limited to, the following:

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

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

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

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

30 94 The certificate holder shall reduce the risk of injuries to avian species by:

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

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

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

38 95 The certificate holder shall hire a qualified environmental professional to provide
39 environmental training during construction and operation. Environmental training includes
40 information on the sensitive species present onsite, precautions to avoid injuring or
41 destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and
42 other environmental issues. The certificate holder shall instruct construction and operations
43 personnel to report any injured or dead wildlife detected while on the site to the biological
44 monitor during construction or appropriate onsite manager during operations.

1 96 The certificate holder shall impose and enforce a construction and operation speed limit of
2 20 miles per hour throughout the facility site and a speed limit of 10 miles per hour from
3 one hour before sunset to one hour after sunrise on the access road near the known
4 Washington ground squirrel (WGS) colony. The certificate holder shall ensure that all
5 construction and operations personnel are instructed to watch out for WGS and other
6 wildlife while driving through the project area.

9. Visual Effects Conditions

7 97 To reduce the visual impact of the facility, the certificate holder shall:

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

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

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

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

17 (e) Design signs in accordance with Umatilla County design requirements for signs as
18 described in UCDC Sections 152.545 through 152.548.

19 (f) Maintain any signs allowed under this condition in good repair.

20 98 The certificate holder shall design and construct the O&M building to be generally
21 consistent with the character of similar buildings used by commercial farmers or ranchers in
22 the area and shall paint the building in a low-reflectivity, neutral color to blend with the
23 surrounding landscape.

24 99 The certificate holder shall not use exterior nighttime lighting except:

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

27 (b) Safety and security lighting at the O&M facility and substation, if such lighting is
28 shielded or downward-directed to reduce offsite glare.

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

10. Noise Control Conditions

30 100 To reduce construction noise impacts at nearby residences, the certificate holder shall:

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

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

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

36 101 Before beginning construction, the certificate holder shall provide to the Department:

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

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

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

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

17 102 During operation, the certificate holder shall maintain a complaint response system to
18 address noise complaints. The certificate holder shall promptly notify the Department of
19 any complaints received regarding facility noise and of any actions taken by the certificate
20 holder to address those complaints. In response to a complaint from the owner of a noise
21 sensitive property regarding noise levels during operation of the facility, the Council may
22 require the certificate holder to monitor and record the statistical noise levels to verify that
23 the certificate holder is operating the facility in compliance with the noise control
24 regulations.

11. Waste Management Conditions

25 103 The certificate holder shall provide portable toilets for on-site sewage handling during
26 construction and shall ensure that they are pumped and cleaned regularly by a licensed
27 contractor who is qualified to pump and clean portable toilet facilities.

28 104 During operation, the certificate holder shall discharge sanitary wastewater generated at the
29 O&M building to a licensed on-site septic system in compliance with State and County
30 permit requirements. The certificate holder shall design the septic system for a discharge
31 capacity of less than 2,500 gallons per day.

32 105 The certificate holder shall implement a waste management plan during construction that
33 includes but is not limited to the following measures:

34 (a) Recycling steel and other metal scrap.

35 (b) Recycling wood waste.

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

37 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste
38 hauler or by using facility equipment and personnel to haul the waste.

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

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

4 106 The certificate holder shall implement a waste management plan during operation that
5 includes but is not limited to the following measures:

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

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

8 (c) Recycling used oil and hydraulic fluid.

9 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste
10 hauler or by using facility equipment and personnel to haul the waste.

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

VI. SUCCESSORS AND ASSIGNS

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

VII. SEVERABILITY AND CONSTRUCTION

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

VIII. GOVERNING LAW AND FORUM

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

IX. EXECUTION

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

4 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting
5 by and through its Energy Facility Siting Council, and by Iberdrola Renewables, Inc.

ENERGY FACILITY SITING COUNCIL

IBERDROLA RENEWABLES, INC.

By: _____
Robert Shiprack, Chair
Oregon Energy Facility Siting Council

By: _____
Print: _____

Date: _____

Date: _____