

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

**Second Amended Site Certificate
for the
Klondike III Wind Project**

July 27, 2007

The Oregon Energy Facility Siting Council
SECOND AMENDED SITE CERTIFICATE FOR THE
KLONDIKE III WIND PROJECT

I. INTRODUCTION

1 The Oregon Energy Facility Siting Council (Council) issues this site certificate for the
2 Klondike III Wind Project (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 Klondike Wind Power III LLC (certificate holder) authorizing the certificate holder
5 to construct and operate the Klondike III Wind Project in Sherman 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 following documents related to the facility,
8 which are incorporated herein by this reference: (a) the Council's Final Order on the Application
9 and (b) the Council's Final Orders on Amendments #1 and #2. In interpreting this site certificate,
10 any ambiguity will be clarified by reference to the following, in order of priority: (1) this Second
11 Amended Site Certificate, (2) the Final Order on Amendment #2, (3) the Final Order on
12 Amendment #1, (4) the Final Order on the Application and (5) the record of the proceedings that
13 led to the Final Orders on the Application, Amendment #1 and Amendment #2. [Amendments #1
14 and #2]

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

II. SITE CERTIFICATION

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

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

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

22 The energy facility is an electric power generating plant with an average electric
23 generating capacity of approximately 95 megawatts and a peak generating capacity of not more
24 than 285 megawatts that produces power from wind energy. The facility consists of not more
25 than 165 wind turbines, each with a peak generating capacity of not more than 2.4 megawatts.
26 Turbines are mounted on tubular steel towers. The turbine towers are about 263 feet tall at the
27 turbine hub and have an overall height of not more than 415 feet including the radius swept by
28 the turbine blades. The energy facility is described further in the Final Orders on Amendments
29 #1 and #2. [Amendments #1 and #2]

(b) Related or Supporting Facilities

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

- 32 • Power collection system
- 33 • Substations and interconnection system
- 34 • Meteorological towers
- 35 • Operations and maintenance building
- 36 • Control system
- 37 • Access roads

- Temporary construction areas

[Amendment #1]

Power Collection System

A power collection system operating at 34.5 kilovolts (kV) transports power from each turbine to a collector substation. Most of the collection system is in underground segments but may include aboveground segments, not exceeding 12 miles in combined length, mounted on monopole support structures. Power from the eastern section of the facility is transmitted to a substation near Schoolhouse underground and aboveground 34.5-kV collector lines. [Amendment #1]

Substations and Interconnection System

The facility includes one substation located near existing Klondike I and II “Schoolhouse” facilities. The power generated by the facility interconnects with the regional transmission grid at that location. [Amendment #1]

Meteorological Towers

The facility includes three permanent meteorological (met) towers. The met towers are non-guyed steel towers approximately 80 meters in height.

Operations and Maintenance Building

The facility includes an operations and maintenance (O&M) building of approximately 5,000 square feet.

Control System

A fiber optic communications network links the wind turbines to a central computer at the O&M building. A “supervisory, control and data acquisition” (SCADA) system collects operating and performance data from each wind turbine and the project as a whole and provides remote operation of the wind turbines.

Access Roads

The facility includes access roads to provide access to the turbine strings. Access roads connect to graveled turbine turn-out and pad areas at the base of each wind turbine. The roads are approximately 20 feet wide and constructed with crushed gravel.

Temporary Construction Areas

During construction, the facility includes temporary laydown areas used to stage construction and store supplies and equipment during construction and temporary crane paths for efficient movement of cranes between turbine strings. [Amendment #1]

2. Location of the Proposed Facility

The facility is located approximately 4 miles east of Wasco, in Sherman County, Oregon, about 5 miles south of the Columbia River. The site is in Townships 1 and 2 North and Ranges 17, 18 and 19 East Sections. The facility is located on land subject to lease agreements with several landowners.

IV. CONDITIONS REQUIRED BY COUNCIL RULES

1 This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in
2 Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028
3 (Monitoring Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules
4 for Facilities). These conditions should be read together with the specific facility conditions
5 listed in Section 0 to ensure compliance with the siting standards of OAR Chapter 345, Divisions
6 22 and 24, and to protect the public health and safety. In these conditions, "Office of Energy"
7 means the Oregon Department of Energy, and the other definitions in OAR 345-001-0010 apply.

8 The obligation of the certificate holder to report information to the Department or the
9 Council under the conditions listed in this section and in Section 0 is subject to the provisions of
10 OAR 345-001-0040, which addresses information that may be exempt under the Oregon Public
11 Records Law. To the extent permitted by law, the Department and the Council will not publicly
12 disclose information that may be exempt from public disclosure under ORS 192.502 *et seq.* or
13 ORS 469.560 if the certificate holder has clearly labeled such information and stated the basis for
14 the exemption at the time of submitting the information to the Department or the Council. If the
15 Council or the Department receives a request for the disclosure of the information, the Council or
16 the Department, as appropriate, will make a reasonable attempt to notify the certificate holder
17 and will refer the matter to the Attorney General for a determination of whether the exemption is
18 applicable, pursuant to ORS 192.450.

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

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

- 28 (1) OAR 345-027-0020(1): The Council shall not change the conditions of the site certificate
29 except as provided for in OAR Chapter 345, Division 27.
- 30 (2) OAR 345-027-0020(2): The certificate holder shall submit a legal description of the site to
31 the Department of Energy within 90 days after beginning operation of the facility. The legal
32 description required by this rule means a description of metes and bounds or a description
33 of the site by reference to a map and geographic data that clearly and specifically identifies
34 the outer boundaries that contain all parts of the facility. [Amendment #2]
- 35 (3) OAR 345-027-0020(3): The certificate holder shall design, construct, operate and retire the
36 facility:
- 37 (a) Substantially as described in the site certificate;
 - 38 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules,
39 and applicable state and local laws, rules and ordinances in effect at the time the site
40 certificate is issued; and
 - 41 (c) In compliance with all applicable permit requirements of other state agencies.

- 1 (4) OAR 345-027-0020(4): The certificate holder shall begin and complete construction of the
2 facility by the dates specified in the site certificate. (*See conditions (26) and (27).*)
- 3 (5) OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise allowed
4 for wind energy facilities, transmission lines or pipelines under this section, the certificate
5 holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing
6 on any part of the site until the certificate holder has construction rights on all parts of the
7 site. For the purpose of this rule, “construction rights” means the legal right to engage in
8 construction activities. For wind energy facilities, transmission lines or pipelines, if the
9 certificate holder does not have construction rights on all parts of the site, the certificate
10 holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a
11 clearing on a part of the site if the certificate holder has construction rights on that part of
12 the site and:
13 (a) The certificate holder would construct and operate part of the facility on that part of
14 the site even if a change in the planned route of a transmission line or pipeline occurs
15 during the certificate holder’s negotiations to acquire construction rights on another part of
16 the site; or
17 (b) The certificate holder would construct and operate part of a wind energy facility on
18 that part of the site even if other parts of the facility were modified by amendment of the
19 site certificate or were not built.
- 20 [Amendment #2]
- 21 (6) OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative finding
22 under any standards of Division 22 or Division 24 of this chapter, the certificate holder
23 shall consult with affected state agencies and local governments designated by the Council
24 and shall develop specific mitigation plans consistent with Council findings under the
25 relevant standards. The certificate holder must submit the mitigation plans to the Office and
26 receive Office approval before beginning construction or, as appropriate, operation of the
27 facility.
- 28 (7) OAR 345-027-0020(7): The certificate holder shall prevent the development of any
29 conditions on the site that would preclude restoration of the site to a useful, non-hazardous
30 condition to the extent that prevention of such site conditions is within the control of the
31 certificate holder.
- 32 (8) OAR 345-027-0020(8): Before beginning construction of the facility, the certificate holder
33 shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form
34 and amount satisfactory to the Council to restore the site to a useful, non-hazardous
35 condition. The certificate holder shall maintain a bond or letter of credit in effect at all
36 times until the facility has been retired. The Council may specify different amounts for the
37 bond or letter of credit during construction and during operation of the facility. (*See*
38 *Condition Error! Reference source not found.*) [Amendment #2]
- 39 (9) OAR 345-027-0020(9): The certificate holder shall retire the facility if the certificate holder
40 permanently ceases construction or operation of the facility. The certificate holder shall
41 retire the facility according to a final retirement plan approved by the Council, as described
42 in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a
43 useful, non-hazardous condition at the time of retirement, notwithstanding the Council’s
44 approval in the site certificate of an estimated amount required to restore the site.

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

1 terminate the site certificate if the Council finds that the facility has been retired according
2 to the approved final retirement plan. [Amendment #2]

3 (17) [Condition removed by Amendment #2]

4 (18) OAR 345-027-0023(4): If the facility includes any transmission line under Council
5 jurisdiction:

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

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

13 [Amendment #2]

14 (19) OAR 345-027-0023(5): If the proposed energy facility is a pipeline or a transmission line or
15 has, as a related or supporting facility, a pipeline or transmission line, the Council shall
16 specify an approved corridor in the site certificate and shall allow the certificate holder to
17 construct the pipeline or transmission line anywhere within the corridor, subject to the
18 conditions of the site certificate. If the applicant has analyzed more than one corridor in its
19 application for a site certificate, the Council may, subject to the Council's standards,
20 approve more than one corridor. [Amendment #2]

21 (20) OAR 345-027-0028: The following general monitoring conditions apply:

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

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

31 (c) For each monitoring program described in sections (a) and (b), the certificate holder
32 shall have quality assurance measures approved by the Department before beginning
33 construction or, as appropriate, before beginning commercial operation.

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

38 [Amendment #2]

39 (21) OAR 345-026-0048: Following receipt of a site certificate or an amended site certificate,
40 the certificate holder shall implement a plan that verifies compliance with all site certificate
41 terms and conditions and applicable statutes and rules. As a part of the compliance plan, to
42 verify compliance with the requirement to begin construction by the date specified in the
43 site certificate, the certificate holder shall report promptly to the Department of Energy
44 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. [Amendment #2]

8 (22) 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 this rule.

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 this rule. The
21 Council Secretary and the certificate holder may, by mutual agreement, change the
22 reporting date.

23 (iii) To the extent that information required by this rule is contained in reports the
24 certificate holder submits to other state, federal or local agencies, the certificate holder may
25 submit excerpts from such other reports to satisfy this rule. The Council reserves the right
26 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. In
31 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 [Amendment #2]

20 (23) [Condition removed by Amendment #2]

21 (24) OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange
22 copies of all correspondence or summaries of correspondence related to compliance with
23 statutes, rules and local ordinances on which the Council determined compliance, except for
24 material withheld from public disclosure under state or federal law or under Council rules.
25 The certificate holder may submit abstracts of reports in place of full reports; however, the
26 certificate holder shall provide full copies of abstracted reports and any summarized
27 correspondence at the request of the Department. [Amendment #2]

28 (25) OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72
29 hours of any occurrence involving the facility if:

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

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

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

35 [Amendment #2]

36 **V. SPECIFIC FACILITY CONDITIONS**

37 The conditions listed in this section include conditions based on representations in the
38 site certificate application and supporting record. The Council deems these representations to be
39 binding commitments made by the applicant. These conditions are required under OAR 345-027-
40 0020(10). The certificate holder must comply with these conditions in addition to the conditions
41 listed in Section IV. This section includes other specific facility conditions the Council finds
42 necessary to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and
24, and to protect the public health and safety. For conditions that require subsequent review and

1 approval of a future action, ORS 469.402 authorizes the Council to delegate the future review
2 and approval to the Department if, in the Council’s discretion, the delegation is warranted under
3 the circumstances of the case.

1. Certificate Administration Conditions

4 (26) The certificate holder shall begin construction of the facility within three years after the
5 effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is
6 effective upon execution by the Council Chair and the applicant. The Council may grant an
7 extension of the deadline to begin construction in accordance with OAR 345-027-0030 or
8 any successor rule in effect at the time the request for extension is submitted.

9 (27) The certificate holder shall complete construction of the facility within five years after the
10 effective date of the site certificate. Construction is complete when: 1) the facility is
11 substantially complete as defined by the certificate holder’s construction contract
12 documents, 2) acceptance testing has been satisfactorily completed and 3) the energy
13 facility is ready to begin continuous operation consistent with the site certificate. The
14 certificate holder shall promptly notify the Department of the date of completion of
15 construction. The Council may grant an extension of the deadline for completing
16 construction in accordance with OAR 345-027-0030 or any successor rule in effect at the
17 time the request for extension is submitted.

18 (28) The certificate holder shall construct a facility that includes up to 165 wind turbines
19 substantially as described in the site certificate, subject to the following restrictions on
20 turbine selection:

21 (a) For any turbine string, the certificate holder may select any combination of GE 1.5-
22 megawatt or Vestas V82 1.65-megawatt wind turbines.

23 (b) For turbine strings K, L, M, N, R, S, U, V, W and X as identified in Table 1 of the
24 Final Order on Amendment #1, in addition to the turbine types listed in (a), the certificate
25 holder may select any turbine type such that the hub height does not exceed 80 meters, the
26 rotor diameter does not exceed 92.5 meters, the peak generating capacity does not exceed
27 2.4 megawatts and the maximum sound power level does not exceed 107 dBA.

28 (c) Notwithstanding the restriction described in (b) and in addition to the turbine types
29 listed in (a), the certificate holder may select any turbine type for locations K-02 as shown
30 on Figure B-1 as described in the Final Order on Amendment #1 or MHI-1 as described in
31 the Final Order on Amendment #2, such that the hub height does not exceed 80 meters, the
32 rotor diameter does not exceed 92.5 meters, the peak generating capacity does not exceed
33 2.4 megawatts and the maximum sound power level does not exceed 110 dBA.

34 (d) Before beginning construction, the certificate holder shall identify all turbine types
35 selected for the project and provide evidence satisfactory to the Department that the
36 selected turbine types comply with this condition.

37 [Amendments #1 and #2]

38 (29) The certificate holder shall obtain all necessary state and local permits or approvals
39 required for construction, operation and retirement of the facility or ensure that its
40 contractors obtain the necessary state and local permits or approvals.

41 (30) Before beginning construction, the certificate holder shall notify the Department in advance
42 of any work on the site that does not meet the definition of “construction” in OAR 345-001-

1 0010 or ORS 469.300 and shall provide to the Department a description of the work and
2 evidence that its value is less than \$250,000.

3 (31) Before beginning construction and after considering all micrositing factors, the certificate
4 holder shall provide to the Department a detailed map of the proposed facility, showing the
5 final locations where facility components are proposed to be built in relation to the 300-foot
6 and 900-foot corridors having centerlines defined by the endpoints shown on Table 1 of the
7 Final Order on Amendment #1. In accordance with Condition (2), the certificate holder
8 must submit a legal description of the site to the Department. For the purposes of this site
9 certificate, the term “legal description” means a description of location by reference to a
10 map and geographic data that clearly and specifically identifies the physical location of all
11 parts of the facility. Notwithstanding OAR 345-027-0020(2), for the purposes of this site
12 certificate, construction of parts of a wind facility within micrositing corridors is
13 comparable to construction of pipelines or transmission lines within Council-approved
14 corridors as described in OAR 345-027-0023(6). Before beginning operation of the facility,
15 the certificate holder shall submit to the Department a legal description for those parts of
16 the facility constructed within micrositing corridors. The final site of the facility includes
17 the final turbine site corridors and other facility components as described in the Final Order
18 on Amendment #1 and in this site certificate. [Amendment #1]

19 (32) Within 60 days following the effective date of the Second Amended Site Certificate, the
20 certificate holder shall submit to the State of Oregon through the Council an amended or
21 replacement bond or letter of credit in the amount described herein naming the State of
22 Oregon, acting by and through the Council, as beneficiary or payee. The amended or
23 replacement bond or letter of credit amount is \$7.825 million (2006 dollars), to be adjusted
24 to the date of issuance as described in (b), or the amount determined as described in (a).
25 The certificate holder shall adjust the amount of the bond or letter of credit on an annual
26 basis thereafter as described in (b).-

27 (a) The certificate holder may adjust the amount of the bond or letter of credit based on
28 the final design configuration of the facility by applying the unit costs and general costs
29 shown in Table 2 of the Final Order on Amendment #2 to the final design and calculating
30 the financial assurance amount as described in that order, adjusted to the date of issuance as
31 described in (b) and subject to approval by the Department.

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

34 (i) Adjust the gross cost component of the bond or letter of credit amount (expressed
35 in 2006 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price
36 Deflator, Chain-Weight, as published in the Oregon Department of Administrative
37 Services’ “Oregon Economic and Revenue Forecast” or by any successor agency (the
38 “Index”) and using the annual average index value for 2006 dollars and the quarterly index
39 value for the date of issuance of the new bond or letter of credit. If at any time the Index is
40 no longer published, the Council shall select a comparable calculation to adjust 2006 dollars
41 to present value.

42 (ii) Add 1 percent of the adjusted gross cost (i) for the adjusted performance bond
43 amount, 10 percent of the adjusted gross cost for the adjusted administration and project
44 management costs, and 10 percent of the adjusted gross cost for the adjusted future
45 developments contingency.

1 (iii) Add the adjusted gross cost (i) to the sum of the percentages (ii) and round the
2 resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount.

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

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

7 (e) The certificate holder shall describe the status of the bond or letter of credit in the
8 annual report submitted to the Council under Condition 22.

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

11 [Amendments #1 and #2]

12 (33) If the certificate holder elects to use a bond to meet the requirements of Condition **Error!**
13 **Reference source not found.**, the certificate holder shall ensure that the surety is obligated
14 to comply with the requirements of applicable statutes, Council rules and this site certificate
15 when the surety exercises any legal or contractual right it may have to assume construction,
16 operation or retirement of the energy facility. The certificate holder shall also ensure that
17 the surety is obligated to notify the Council that it is exercising such rights and to obtain
18 any Council approvals required by applicable statutes, Council rules and this site certificate
19 before the surety commences any activity to complete construction, operate or retire the
20 energy facility.

21 (34) Before beginning construction, the certificate holder shall notify the Department of the
22 identity and qualifications of the engineering, procurement and construction (“EPC”)
23 contractor(s) for specific portions of the work. The certificate holder shall select EPC
24 contractors that have substantial experience in the design and construction of similar
25 facilities. The certificate holder shall report to the Department any change of major
26 construction contractors.

27 (35) The certificate holder shall contractually require all construction contractors and
28 subcontractors involved in the construction of the facility to comply with all applicable
29 laws and regulations and with the terms and conditions of the site certificate. Such
30 contractual provisions shall not operate to relieve the certificate holder of responsibility
31 under the site certificate.

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

39 (37) Within 72 hours after discovery of conditions or circumstances that may violate the terms
40 or conditions of the site certificate, the certificate holder shall report the conditions or
41 circumstances to the Department.

42 (38) Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is required if
43 the proposed change would increase the electrical generation capacity of the facility and
44 would increase the number of wind turbines or the dimensions of existing wind turbines.

2. Land Use Conditions

- 1 (39) The certificate holder shall construct the public road improvements described in the site
2 certificate application to meet or exceed road standards for the road classifications in the
3 County's Transportation System Plan and Zoning Ordinance because roads will require a
4 more substantial section to bear the weight of the vehicles and turbine components than
5 would usually be constructed by the County.
- 6 (40) The certificate holder shall cooperate with the Sherman County Road Department to ensure
7 that any unusual damage or wear caused by construction of the facility is repaired by the
8 certificate holder. Upon completion of construction, the certificate holder shall restore the
9 county roads to at least their pre-project condition, to the satisfaction of the county public
10 works department.
- 11 (41) The certificate holder shall ensure that no equipment or machinery is parked or stored on
12 any county road except while in use.
- 13 (42) The certificate holder shall not locate any aboveground facility structure (including wind
14 turbines, O&M building, substations and meteorological towers but not including
15 aboveground transmission lines and junction boxes) within 30 feet from any property line
16 or within 50 feet from the right-of-way of any arterial or major collector road or street and
17 shall not allow any architectural feature, as described in Sherman County Zoning Ordinance
18 Section 4.2, to project into these required setbacks by more than 2 feet.
- 19 (43) The certificate holder shall locate aboveground transmission lines, junction boxes, access
20 roads and temporary construction laydown and staging areas to minimize disturbance with
21 farming practices and, wherever feasible, shall place turbines and transmission
22 interconnection lines along the margins of cultivated areas to reduce the potential for
23 conflict with farm operations. The certificate holder shall place aboveground transmission
24 lines and junction boxes along public road rights-of-way to the extent practicable. The
25 certificate holder shall place underground transmission lines and supervisory, control and
26 data acquisition (SCADA) system cables at least 36 inches below the surface of the ground.
27 [Amendment #1]
- 28 (44) The certificate holder shall include traffic control procedures in contract specifications for
29 construction of the facility. The certificate holder shall require flaggers to be at appropriate
30 locations at appropriate times during construction to direct traffic and to ensure minimal
31 conflicts between harvest and construction vehicles. The certificate holder shall submit a
32 final transportation plan to Sherman County before beginning construction.
- 33 (45) Before beginning construction of the facility, the certificate holder shall record Farm
34 Management Easements on the properties on which the certificate holder locates wind
35 power generation facilities. The certificate holder shall record these easements in the real
36 property records of Sherman County and shall file copies of the recorded easements with
37 the Sherman County Planning Director.
- 38 (46) The certificate holder shall remove from Special Farm Assessment the properties on which
39 it locates the facility and shall pay all property taxes due and payable after the Special Farm
40 Assessment is removed from such properties.
- 41 (47) During operation, the certificate holder shall avoid impact on cultivated land to the extent
42 reasonably possible when performing facility repair and maintenance activities.

3. Cultural Resource Conditions

- 1 (48) Before beginning construction, the certificate holder shall provide to the Department a map
2 showing the final design locations of all components of the facility and areas that would be
3 temporarily disturbed during construction and also showing the areas that Archaeological
4 Investigations Northwest, Inc. (AINW) surveyed in 2005 and 2006, as described in the site
5 certificate application and the Request for Amendment #1. If the final design of the facility
6 could result in ground disturbance at specific resource sites or within high-probability areas
7 identified by AINW in the June 2006 report, the certificate holder shall hire qualified
8 personnel to conduct the resurvey or test excavations recommended by AINW in that
9 report. In addition, the certificate holder shall hire qualified personnel to conduct field
10 investigation of all areas of permanent or temporary disturbance that AINW did not
11 previously survey. The certificate holder shall provide a written report of the surveys,
12 excavations and field investigation to the Department and to the State Historic Preservation
13 Office (SHPO). If any historic, cultural or archaeological resources are found and are
14 determined significant by the SHPO, the certificate holder shall ensure that construction
15 and operation of the facility will have no impact on the resources. The certificate holder
16 shall instruct all construction personnel to avoid the areas where the resources were found
17 and shall implement other appropriate measures to protect the resources. [Amendment #1]
- 18 (49) The certificate holder shall ensure that a qualified person instructs construction personnel in
19 the identification of cultural materials.
- 20 (50) The certificate holder shall ensure that construction personnel cease all ground-disturbing
21 activities in the immediate area if any archaeological or cultural resources are found during
22 construction of the facility until a qualified archaeologist can evaluate the significance of
23 the find. The certificate holder shall notify the Department and the State Historic
24 Preservation Office (SHPO) of the find. If the archaeologist determines that the resource is
25 significant, the certificate holder shall make recommendations to the Council for mitigation,
26 including avoidance or data recovery, in consultation with the Department, SHPO and other
27 appropriate parties. The certificate holder shall not restart work in the affected area until the
28 certificate holder has demonstrated to the Department that it has complied with the
29 archaeological permit requirements administered by SHPO.
- 30 (51) The certificate holder shall ensure that construction personnel proceed carefully in the
31 vicinity of the mapped alignment of the Oregon Trail. If any intact physical evidence of the
32 trail is discovered, the certificate holder shall avoid any disturbance to the intact segments,
33 by redesign, re-engineering or restricting the area of construction activity. The certificate
34 holder shall promptly notify the Department and the State Historic Preservation Office
35 (SHPO) of the discovery. The certificate holder shall consult with the Department and with
36 SHPO to determine appropriate mitigation measures.
- 37 (52) To offset adverse visual effects to the setting of the Oregon Trail alignment, the certificate
38 holder shall:
- 39 (a) Document the pre-construction setting of the Oregon Trail alignment from the John
40 Day River canyon to Biggs through photographs and videotape; and
- 41 (b) Enhance the existing Oregon Trail historical marker off I-84 at Biggs with an
42 additional educational and interpretive display in cooperation with the Sherman County
43 Development League and the Sherman County Historical Society.

4. Geotechnical Conditions

- 1 (53) 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). The certificate holder shall conduct the
4 geotechnical investigation after consultation with DOGAMI and in general accordance with
5 the site-specific seismic hazard report and the engineering geologic report guidelines that
6 have been adopted by the Oregon Board of Geologist Examiners. The guidelines are
7 available through the Board and in the DOGAMI publication O-00-04 (2000).
- 8 (54) The certificate holder shall design and construct the facility in accordance with
9 requirements set forth by the State of Oregon’s Building Code Division and any other
10 applicable codes and design procedures.
- 11 (55) The certificate holder shall design, engineer and construct the facility to avoid dangers to
12 human safety presented by non-seismic hazards. As used in this condition, “non-seismic
13 hazards” include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

- 14 (56) The certificate holder shall notify the Department within 72 hours of any accidents
15 including mechanical failures on the site associated with construction or operation of the
16 facility that may result in public health and safety concerns.
- 17 (57) Before beginning construction, the certificate holder shall submit a Notice of Proposed
18 Construction or Alteration to the Federal Aviation Administration (FAA) identifying the
19 proposed final locations of the turbines and related or supporting facilities. The certificate
20 holder shall notify the Department of the FAA’s response as soon as it has been received.
- 21 (58) To protect the public from electrical hazards, the certificate holder shall enclose the facility
22 substations with appropriate fencing and locked gates.
- 23 (59) The certificate holder shall not locate turbine towers within 450 feet of any residence or
24 public road.
- 25 (60) The certificate holder shall construct turbine towers that are smooth steel structures with no
26 exterior ladders or access to the turbine blades and shall install locked access doors
27 accessible only to authorized personnel.
- 28 (61) The certificate holder shall follow manufacturers’ recommended handling instructions and
29 procedures to prevent damage to towers or blades that could lead to failure.
- 30 (62) The certificate holder shall have an operational safety monitoring program and shall inspect
31 turbine blades on a regular basis for signs of wear. The certificate holder shall repair turbine
32 blades as necessary to protect public safety.
- 33 (63) The certificate holder shall install and maintain self-monitoring devices on each turbine,
34 connected to a fault annunciation panel or supervisory, control and data acquisition
35 (SCADA) system at the operations and maintenance building, to alert operators to
36 potentially dangerous conditions, and the certificate holder shall immediately remedy any
37 dangerous conditions. The certificate holder shall maintain automatic equipment protection
38 features in each turbine that would shut down the turbine and reduce the chance of a
39 mechanical problem causing a fire.

- 1 (64) The certificate holder shall install generator step-up transformers at the base of each tower
2 in locked cabinets designed to protect the public from electrical hazards and to avoid
3 creation of artificial habitat for raptor prey.
- 4 (65) The certificate holder shall construct turbines on concrete foundations and shall cover the
5 ground within a minimum 10-foot radius with non-flammable material. The certificate
6 holder shall maintain the non-flammable pad area covering during operation of the facility.
- 7 (66) During construction and operation of the facility, the certificate holder shall develop and
8 implement fire management plans in consultation with local fire control authorities to
9 minimize the risk of fire and to respond appropriately to any fires that occur on the facility
10 site. In developing the fire management plans, the certificate holder should take into
11 account the dry nature of the region and should address risks on a seasonal basis.
- 12 (67) During construction and operation of the facility, the certificate holder shall ensure that
13 service vehicles are equipped with a shovel and portable fire extinguisher of a 4A50BC or
14 equivalent rating.
- 15 (68) During construction, the certificate holder shall ensure that construction vehicles and
16 equipment are operated on graveled areas to the extent possible and that open flames, such
17 as cutting torches, are kept away from dry grass areas.
- 18 (69) Upon the beginning of operation of the facility, the certificate holder shall provide to the
19 North Sherman County Rural Fire Protection District and to the Moro Rural Fire Protection
20 District copies of the approved site plan indicating the identification number assigned to
21 each turbine and the location of all facility structures. During operation of the facility, the
22 certificate holder shall provide to the North Sherman County Rural Fire Protection District
23 and to the Moro Rural Fire Protection District the names and telephone numbers of facility
24 personnel available to respond on a 24-hour basis in case of an emergency on the facility
25 site.
- 26 (70) During operation, the certificate holder shall ensure that all on-site employees receive
27 annual fire prevention and response training by qualified instructors or members of the
28 local fire department and that all employees are instructed to keep vehicles on roads and off
29 dry grassland, except when off-road operation is required for emergency purposes.
- 30 (71) During construction, the certificate holder shall require that all on-site construction
31 contractors develop and implement a site health and safety plan that informs workers and
32 others on-site what to do in case of an emergency and that includes the locations of fire
33 extinguishers and nearby hospitals, important telephone numbers and first aid techniques.
- 34 (72) During operation, the certificate holder shall develop and implement a site health and safety
35 plan that informs employees and others on-site what to do in case of an emergency and that
36 includes the locations of fire extinguishers and nearby hospitals, important telephone
37 numbers and first aid techniques.
- 38 (73) The certificate holder shall use hazardous materials in a manner that protects public health,
39 safety and the environment and shall comply with all applicable local, state and federal
40 environmental laws and regulations.
- 41 (74) If a spill or release of hazardous materials occurs during construction or operation of the
42 facility, the certificate holder shall notify the Department within 72 hours and shall clean up

1 the spill or release and dispose of any contaminated soil or other materials according to
2 applicable regulations. The certificate holder shall make sure that spill kits containing items
3 such as absorbent pads are located on equipment and storage facilities to respond to
4 accidental spills and shall instruct employees handling hazardous materials in the proper
5 handling, storage and cleanup of these materials.

- 6 (75) Before beginning construction, the certificate holder shall cooperate with the Oregon
7 Department of Transportation to implement public safety improvements to the shoulders of
8 State Highway 206 by bearing the cost of constructing two viewpoint turn-offs (one on each
9 side of the highway) within the highway right-of-way in suitable locations from where the
10 public may safely view the wind turbines without entering private property or interfering
11 with facility operations.

6. Water, Soils, Streams & Wetlands Conditions

- 12 (76) The certificate holder shall conduct all construction work in compliance with an Erosion
13 and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of
14 Environmental Quality and as required under the National Pollutant Discharge Elimination
15 System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder
16 shall include in the ESCP any procedures necessary to meet local erosion and sediment
17 control requirements and storm water management requirements.
- 18 (77) During construction, the certificate holder shall limit truck traffic to designated existing and
19 improved road surfaces to avoid soil compaction, to the extent possible.
- 20 (78) The certificate holder shall cover turbine pad areas with gravel or other non-erosive
21 material immediately following exposure during construction and shall maintain the pad
22 area covering during operation of the facility.
- 23 (79) During construction, the certificate holder shall avoid impacts to waters of the state in the
24 following manner:
- 25 (a) The certificate holder shall bore under the intermittent drainage channel identified in
26 Appendix J-1 of the site certificate application in any location where the underground
27 collector system would cross the channel.
- 28 (b) The certificate holder shall locate transmission line support structures outside of the
29 drainage channel and the wetland identified in Appendix J-1 of the site certificate
30 application in any location where an aboveground transmission line crosses over the
31 channel or the wetland area.
- 32 (c) After the final turbine design locations have been identified, if construction would
33 occur in any locations not previously investigated as described in Appendix J-1 of the
34 application, the certificate holder shall conduct a pre-construction investigation to
35 determine whether any jurisdictional waters of the state exist in those locations. The
36 certificate holder shall submit a written report on the pre-construction investigation to the
37 Department of Energy and to the Department of State Lands for approval before beginning
38 construction and shall ensure that construction of the facility would have no impact on any
39 jurisdictional water identified in the pre-construction investigation.
- 40 (80) During construction, the certificate holder shall ensure that the wash down of concrete
41 trucks occurs only at a contractor-owned batch plant or at tower foundation locations. If
42 such wash down occurs at tower foundation locations, then the certificate holder shall

1 ensure that wash down wastewater does not run off the construction site into otherwise
2 undisturbed areas and that the wastewater is disposed of on backfill piles and buried
3 underground with the backfill over the tower foundation.

4 (81) The certificate holder shall restore areas that are temporarily disturbed during construction
5 according to the methods, monitoring procedures and success criteria described in the
6 Revegetation Plan that is incorporated in the Final Order on the Application as Attachment
7 B and as amended from time to time. During operation, the certificate holder shall restore
8 areas that are temporarily disturbed during facility maintenance or repairs according to the
9 same methods and monitoring procedures.

10 (82) During facility operation, the certificate holder shall routinely inspect and maintain all
11 roads, pads and trenched areas and, as necessary, maintain or repair erosion control
12 measures.

13 (83) During operation, the certificate holder shall not use any water or chemicals for washing
14 turbine blades unless the certificate holder demonstrates to the satisfaction of the
15 Department before any blade-washing begins that:

16 (a) Oregon Department of Environmental Quality (DEQ) regulations do not require a
17 permit for the proposed blade-washing activity or, if a permit is required, that the proposed
18 blade-washing activity is authorized under a general permit issued by DEQ; and

19 (b) In conducting blade-washing activities, the certificate will use water only from its
20 approved on-site well and that the use of water will not exceed 5,000 gallons per day.

7. Transmission Line & EMF Conditions

21 (84) The certificate holder shall install the 34.5-kV collector system underground to the extent
22 practical. Where geotechnical conditions or other engineering considerations require, the
23 certificate holder may install segments of the collector system aboveground in developed or
24 agricultural areas that are Category 6 habitat, but the total length of aboveground segments
25 must not exceed 12 miles. The certificate holder shall construct aboveground segments of
26 the collector system using single or double circuit monopole design as described in the site
27 certificate application and shall not locate any aboveground segments within 200 feet of
28 any existing residence. [Amendment #1]

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

33 (86) Before beginning construction, the certificate holder shall obtain a permit, substantially in
34 the form of the draft permit incorporated in the Final Order on the Application as
35 Attachment D, from the Oregon Department of Transportation authorizing the location,
36 installation, construction, maintenance and use of buried cables within the right-of-way of
37 State Highway 206.

38 (87) To protect public safety, the certificate holder shall design and maintain the transmission
39 lines so that:

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

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

1 (88) The certificate holder shall take reasonable steps to reduce or manage human exposure to
2 electromagnetic fields, including but not limited to:

3 (a) Constructing aboveground segments of the 34.5-kV transmission line to ensure that
4 conductors have a minimum clearance of 25 feet from the ground at mid-span under
5 maximum sag conditions.

6 (b) Constructing underground segments of the 34.5-kV transmission line at least 36-
7 inches below the surface of the ground.

8 (c) Providing to landowners a map of underground and overhead transmission lines on
9 their property and advising landowners of possible health risks.

10 [Amendment #1]

8. Plants, Wildlife & Habitat Protection Conditions

11 (89) During construction and operation of the facility, the certificate holder shall implement a
12 plan to control the introduction and spread of noxious weeds. The certificate shall develop
13 the weed control plan in consultation with the Sherman County Weed Control Manager.

14 (90) The certificate holder shall design all aboveground transmission line support structures
15 following the practices suggested by the Avian Powerline Interaction Committee (APLIC
16 1996, referenced in the site certificate application, p. P-33) and shall install anti-perching
17 devices on transmission pole tops and cross arms where the poles are located within ½ mile
18 of turbines.

19 (91) If construction begins after 2006, the certificate holder shall review the ONHIC and
20 USFWS databases and consult with Frank Isaacs, Oregon State University Cooperative
21 Wildlife Unit (or other expert designated by ODFW) on an annual basis before beginning
22 construction to determine whether bald eagles or peregrine falcons have been observed in
23 or near the site of the facility. The certificate holder shall report the results of the database
24 review and consultation to the Department and to ODFW and, if there have been new
25 observations of bald eagles or peregrine falcons in the area, the certificate holder shall
26 implement appropriate measures to protect the species from adverse impact, as approved by
27 the Department and ODFW.

28 (92) The certificate holder may construct turbines and other facility components within 900-foot
29 corridors having centerlines defined by the endpoints shown on Table 1 of the Final Order
30 on Amendment #1 or within the MHI-1 microsite area described in the Final Order on
31 Amendment #2, subject to the following requirements addressing potential habitat impact
32 and subject to the requirements of Condition 102:

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

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

37 (c) To the extent possible, the certificate holder shall construct facility components in the
38 locations shown on Figure C-2 of the site certificate application.

39 (d) If the certificate holder must change the layout of facility components from what is
40 shown on Figure C-2 due to microsite considerations, the certificate holder shall, to the
41 extent possible, construct facility components within 300-foot corridors having centerlines
42 defined by the endpoints shown on Table 1 of the Final Order on Amendment #1 or within
43 the MHI-1 microsite area described in the Final Order on Amendment #2.

(e) The certificate holder may construct facility components outside the 300-foot corridors if necessary due to micrositing considerations, except that the certificate holder shall not construct any facility components outside the areas within the 900-foot corridors having centerlines defined by the endpoints shown on Table 1 of the Final Order on Amendment #1 or the MHI-1 micrositing area described in the Final Order on Amendment #2 or cause any temporary disturbance outside those areas.

[Amendments #1 and #2]

(93) The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:

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

(b) Ensuring that a qualified person instructs construction personnel to be aware of wildlife in the area and to take precautions to avoid injuring or destroying wildlife or significant wildlife habitat.

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

(94) During construction, the certificate holder shall protect the area within a 1300-foot buffer around active nests of the following species during the sensitive period, as provided in this condition:

Species	Sensitive Period	Early Release Date
Swainson's hawk	April 1 to August 15	May 31
Golden eagle	February 1 to August 31	May 31
Ferruginous hawk	March 15 to August 15	May 31
Burrowing owl	April 1 to August 15	July 15

During the year in which construction occurs, the certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether there are any active nests of these species within a half-mile of any areas that would be disturbed during construction. If a nest is occupied by any of these species after the beginning of the sensitive period, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) or allow high levels of construction traffic within 1300 feet of the nest site. In addition, the certificate holder will flag the boundaries of the 1300-foot buffer area and shall instruct construction personnel to avoid any unnecessary activity within the buffer area. The certificate holder shall hire an independent biological monitor to observe the active nest sites during the sensitive period for signs of disturbance and to notify the Department of any non-compliance with this condition. If the monitor observes nest site abandonment or other adverse impact to nesting activity, the certificate holder shall implement appropriate mitigation, in consultation with ODFW and subject to the approval of the Department, unless the adverse impact is clearly shown to have a cause other than construction activity. The certificate holder may begin or resume high-impact construction activities before the ending day of the sensitive period if any known nest site is not occupied by the early release date. If a nest site is occupied, then the certificate holder may begin or resume high-impact construction before the ending day of the sensitive period with the approval of ODFW, after the young are fledged. The certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (the young are independent of the core nest site).

- 1 (95) The certificate holder shall conduct wildlife monitoring as described in the Wildlife
2 Monitoring and Mitigation Plan that is incorporated in the Final Order on the Application as
3 Attachment A and as amended from time to time.
- 4 (96) To mitigate for potential adverse impacts to bat species, the certificate holder shall
5 contribute \$10,000 per year for three years, beginning in the first year of operation, to fund
6 research toward better understanding wind facility impacts to bats and to develop mitigation
7 solutions. In consultation with the Oregon Department of Energy and the Oregon
8 Department of Fish and Wildlife, the certificate holder shall select an appropriate bat
9 conservation organization to receive this funding.
- 10 (97) Before beginning construction of the facility, the certificate holder shall acquire the legal
11 right to create, maintain and protect a habitat mitigation area for the life of the facility by
12 means of an outright purchase, conservation easement or similar conveyance and shall
13 provide a copy of the documentation to the Department. Within the habitat mitigation area,
14 the certificate holder shall improve the habitat quality as described in the Habitat Mitigation
15 Plan that is incorporated in the Final Order on the Application as Attachment C and as
16 amended from time to time.

9. Visual Effects Conditions

- 17 (98) To reduce the visual impact of the facility, the certificate holder shall:
18 (a) Mount nacelles on smooth, hollow steel towers, approximately 20 feet in diameter at
19 the base.
20 (b) Paint all towers uniformly in a neutral white or light gray color.
21 (c) Paint the substation buildings in a neutral color to blend with the surrounding
22 landscape.
23 (d) Not allow any advertising to be used on any part of the facility or on any signs posted
24 at the facility, except that the turbine manufacturer's logo may appear on turbine nacelles.
25 (e) Use only those signs required for facility safety or required by law, except that the
26 certificate holder may erect a sign near the operations and maintenance building to identify
27 the wind energy facility.
28 (f) Maintain any signs allowed under this condition in good repair.
- 29 (99) The certificate holder shall design and construct the operation and maintenance building to
30 be generally consistent with the character of similar buildings used by commercial farmers
31 or ranchers in the area and shall paint the building in a neutral color to blend with the
32 surrounding landscape.
- 33 (100) The certificate holder shall not use exterior nighttime lighting except:
34 (a) The minimum turbine tower lighting required by the Federal Aviation Administration.
35 (b) Security lighting at the operations and maintenance building and at the substations,
36 provided that such lighting is shielded or downward-directed to reduce glare.
37 (c) Minimum lighting necessary for repairs or emergencies.

10. Noise Control Conditions

- 38 (101) To reduce noise impacts at nearby residential areas, the certificate holder shall:
39 (a) Confine the noisiest operation of heavy construction equipment to the daylight hours.

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

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

5 (102) Before beginning construction, the certificate holder shall present information
6 demonstrating to the satisfaction of the Department that the requirements of (a), (b) or (c)
7 have been met at property R5 (as shown on the Noise Buffer and Receptor Locations map
8 in the Application Supplement, Tab X, Item vi):

9 (a) The certificate holder has obtained a legally effective easement or real covenant
10 pursuant to which the owner of the property authorizes the certificate holder's operation of
11 the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at
12 the appropriate measurement point. A legally effective easement or real covenant shall:
13 include a legal description of the burdened property (the noise sensitive property); be
14 recorded in the real property records of the county; expressly benefit the certificate holder;
15 expressly run with the land and bind all future owners, lessees or holders of any interest in
16 the burdened property; and not be subject to revocation without the certificate holder's
17 written approval.

18 (b) If the certificate holder has not obtained a legally effective easement or real covenant
19 as described in (a) and has not met the requirements of (c), the certificate holder shall not
20 construct turbines F-05, F-06, F-07, F-08 and J-01 as shown on Figure B-1 described in the
21 Final Order on Amendment #1, shall construct turbines F-01, F-02, F-03 and F-04 within
22 the approved micrositing corridor at least 7,990 feet away from R5 and shall construct
23 turbines J-02 through J-13 in the locations specified in Table 7 of the Final Order on
24 Amendment #1.

25 (c) If the certificate holder has not obtained a legally effective easement or real covenant
26 as described in (a), the certificate holder may, instead of meeting the requirements of (b),
27 identify the final design locations of all turbines to be built in the F and J strings and
28 perform a noise analysis, in accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV),
29 demonstrating that the total noise generated by the facility would meet the ambient
30 degradation test at the appropriate measurement point when all turbines are placed in their
31 final design locations. The certificate holder shall perform the noise analysis using the
32 Sound Propagation Model for Outdoor Noise Sources (SPM 9613, Version 2) and shall
33 assume the following input parameters:

34 (i) The maximum sound power level guaranteed by the manufacturer.

35 (ii) Temperature of 52° F (11° C).

36 (iii) Relative humidity of 70 percent.

37 (iv) No ground effect.

38 (v) No barrier effects.

39 [Amendment #1]

11. Waste Management Conditions

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

1 (104) During operation, the certificate holder shall discharge sanitary wastewater generated at the
2 O&M building to a licensed on-site septic system in compliance with county permit
3 requirements. The certificate holder shall design the septic system design with a capacity
4 that is less than 2,500 gallons per day.

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

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

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

10 (c) Recycling steel and other metal scrap.

11 (d) Recycling wood waste.

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

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

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

18 (106) The certificate holder may dispose of waste concrete on site with the permission of the
19 landowner and in accordance with OAR 340-093-0080 and other applicable regulations.
20 The certificate holder shall dispose of waste concrete on site by placing the material in an
21 excavated hole, covering it with at least three feet of topsoil and grading the area to match
22 existing contours. If the waste concrete is not disposed of on site, the certificate holder shall
23 arrange for proper disposal in a landfill.

24 (107) The certificate holder shall implement a waste management plan during operation that
25 includes but is not limited to the following measures:

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

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

28 (c) Collecting non-recyclable waste for transport to a landfill by a licensed waste hauler.

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

33 VI. SUCCESSORS AND ASSIGNS

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

36 VII. SEVERABILITY AND CONSTRUCTION

37 If any provision of this agreement and certificate is declared by a court to be illegal or in
38 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.

VIII. GOVERNING LAW AND FORUM

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

IX. EXECUTION

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

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

ENERGY FACILITY SITING COUNCIL

KLONDIKE WIND POWER III LLC

By: _____
David Ripma, Chair
Oregon Energy Facility Siting Council

By: _____
Print: _____

Date: _____

Date: _____