

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

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

November 16, 2007

The Oregon Energy Facility Siting Council
THIRD 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, #2 and #3. In interpreting this site
10 certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1)
11 this Third Amended Site Certificate, (2) the Final Order on Amendment #3, (3) the Final Order
12 on Amendment #2, (4) the Final Order on Amendment #1, (5) the Final Order on the Application
13 and (6) the record of the proceedings that led to the Final Orders on the Application, Amendment
14 #1, Amendment #2 and Amendment #3. [Amendments #1, #2 and #3]

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, #2 and #3.
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, #2 and #3]
- 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 125 megawatts and a peak generating capacity of not more
24 than 375 megawatts that produces power from wind energy. The facility consists of not more
25 than 208 wind turbines. The energy facility is described further in the Final Orders on
26 Amendments #1, #2 and #3. [Amendments #1, #2 and #3]

(b) Related or Supporting Facilities

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

- 29 • Power collection system
- 30 • Substations and interconnection system
- 31 • Meteorological towers
- 32 • Operations and maintenance building
- 33 • Control system
- 34 • Access roads
- 35 • Temporary construction areas

36 [Amendment #1]

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. Most of the collection system is in underground segments but
4 may include aboveground segments, not exceeding 12 miles in combined length, mounted on
5 monopole support structures. Power from the eastern section of the facility is transmitted to a
6 substation near Schoolhouse underground and aboveground 34.5-kV collector lines. [Amendment
7 #1]

8 **Substations and Interconnection System**

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

12 **Meteorological Towers**

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

15 **Operations and Maintenance Building**

16 The facility includes two operations and maintenance (O&M) buildings, one of
17 approximately 5,000 square feet and one of approximately 15,000 square feet. [Amendment #3]

18 **Control System**

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

23 **Access Roads**

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

27 **Temporary Construction Areas**

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

2. Location of the Proposed Facility

31 The facility is located approximately 4 miles east of Wasco, in Sherman County, Oregon,
32 about 5 miles south of the Columbia River. The site is in Townships 1 and 2 North and Ranges
33 17, 18 and 19 East Sections. The facility is located on land subject to lease agreements with
34 several landowners.

IV. CONDITIONS REQUIRED BY COUNCIL RULES

35 This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in
36 Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028
37 (Monitoring Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules
38 for Facilities). These conditions should be read together with the specific facility conditions

1 listed in Section V to ensure compliance with the siting standards of OAR Chapter 345,
2 Divisions 22 and 24, and to protect the public health and safety. In these conditions, “Office of
3 Energy” means the Oregon Department of Energy, and the other definitions in OAR 345-001-
4 0010 apply. [Amendment #3]

5 The obligation of the certificate holder to report information to the Department or the
6 Council under the conditions listed in this section and in Section V is subject to the provisions of
7 ORS 192.502 et seq. and ORS 469.560. To the extent permitted by law, the Department and the
8 Council will not publicly disclose information that may be exempt from public disclosure if the
9 certificate holder has clearly labeled such information and stated the basis for the exemption at
10 the time of submitting the information to the Department or the Council. If the Council or the
11 Department receives a request for the disclosure of the information, the Council or the
12 Department, as appropriate, will make a reasonable attempt to notify the certificate holder and
13 will refer the matter to the Attorney General for a determination of whether the exemption is
14 applicable, pursuant to ORS 192.450. [Amendment #3]

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

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

- 24 (1) OAR 345-027-0020(1): The Council shall not change the conditions of the site certificate
25 except as provided for in OAR Chapter 345, Division 27.
- 26 (2) OAR 345-027-0020(2): The certificate holder shall submit a legal description of the site to
27 the Department of Energy within 90 days after beginning operation of the facility. The legal
28 description required by this rule means a description of metes and bounds or a description
29 of the site by reference to a map and geographic data that clearly and specifically identifies
30 the outer boundaries that contain all parts of the facility. [Amendment #2]
- 31 (3) OAR 345-027-0020(3): The certificate holder shall design, construct, operate and retire the
32 facility:
33 (a) Substantially as described in the site certificate;
34 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules,
35 and applicable state and local laws, rules and ordinances in effect at the time the site
36 certificate is issued; and
37 (c) In compliance with all applicable permit requirements of other state agencies.
- 38 (4) OAR 345-027-0020(4): The certificate holder shall begin and complete construction of the
39 facility by the dates specified in the site certificate. (*See conditions (26) and (27).*)
- 40 (5) OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise allowed
41 for wind energy facilities, transmission lines or pipelines under this section, the certificate
42 holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing
43 on any part of the site until the certificate holder has construction rights on all parts of the

1 site. For the purpose of this rule, “construction rights” means the legal right to engage in
2 construction activities. For wind energy facilities, transmission lines or pipelines, if the
3 certificate holder does not have construction rights on all parts of the site, the certificate
4 holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a
5 clearing on a part of the site if the certificate holder has construction rights on that part of
6 the site and:

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

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

14 [Amendment #2]

- 15 (6) OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative finding
16 under any standards of Division 22 or Division 24 of this chapter, the certificate holder
17 shall consult with affected state agencies and local governments designated by the Council
18 and shall develop specific mitigation plans consistent with Council findings under the
19 relevant standards. The certificate holder must submit the mitigation plans to the Office and
20 receive Office approval before beginning construction or, as appropriate, operation of the
21 facility.
- 22 (7) OAR 345-027-0020(7): The certificate holder shall prevent the development of any
23 conditions on the site that would preclude restoration of the site to a useful, non-hazardous
24 condition to the extent that prevention of such site conditions is within the control of the
25 certificate holder.
- 26 (8) OAR 345-027-0020(8): Before beginning construction of the facility, the certificate holder
27 shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form
28 and amount satisfactory to the Council to restore the site to a useful, non-hazardous
29 condition. The certificate holder shall maintain a bond or letter of credit in effect at all
30 times until the facility has been retired. The Council may specify different amounts for the
31 bond or letter of credit during construction and during operation of the facility. (*See*
32 *Condition (32)*.) [Amendments #2 and #3]
- 33 (9) OAR 345-027-0020(9): The certificate holder shall retire the facility if the certificate holder
34 permanently ceases construction or operation of the facility. The certificate holder shall
35 retire the facility according to a final retirement plan approved by the Council, as described
36 in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a
37 useful, non-hazardous condition at the time of retirement, notwithstanding the Council’s
38 approval in the site certificate of an estimated amount required to restore the site.
- 39 (10) OAR 345-027-0020(10): The Council shall include as conditions in the site certificate all
40 representations in the site certificate application and supporting record the Council deems to
41 be binding commitments made by the applicant.
- 42 (11) OAR 345-027-0020(11): Upon completion of construction, the certificate holder shall
43 restore vegetation to the extent practicable and shall landscape all areas disturbed by
44 construction in a manner compatible with the surroundings and proposed use. Upon

1 completion of construction, the certificate holder shall remove all temporary structures not
2 required for facility operation and dispose of all timber, brush, refuse and flammable or
3 combustible material resulting from clearing of land and construction of the facility.

4 [Amendment #2]

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

10 (13) OAR 345-027-0020(13): The certificate holder shall notify the Department, the State
11 Building Codes Division and the Department of Geology and Mineral Industries promptly
12 if site investigations or trenching reveal that conditions in the foundation rocks differ
13 significantly from those described in the application for a site certificate. After the
14 Department receives the notice, the Council may require the certificate holder to consult
15 with the Department of Geology and Mineral Industries and the Building Codes Division
16 and to propose mitigation actions. [Amendment #2]

17 (14) OAR 345-027-0020(14): The certificate holder shall notify the Department, the State
18 Building Codes Division and the Department of Geology and Mineral Industries promptly
19 if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity
20 of the site. [Amendment #2]

21 (15) OAR 345-027-0020(15): Before any transfer of ownership of the facility or ownership of
22 the site certificate holder, the certificate holder shall inform the Department of the proposed
23 new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership
24 that requires a transfer of the site certificate. [Amendment #2]

25 (16) OAR 345-027-0020(16): If the Council finds that the certificate holder has permanently
26 ceased construction or operation of the facility without retiring the facility according to a
27 final retirement plan approved by the Council, as described in OAR 345-027-0110, the
28 Council shall notify the certificate holder and request that the certificate holder submit a
29 proposed final retirement plan to the Office within a reasonable time not to exceed 90 days.
30 If the certificate holder does not submit a proposed final retirement plan by the specified
31 date, the Council may direct the Department to prepare a proposed a final retirement plan
32 for the Council’s approval. Upon the Council’s approval of the final retirement plan, the
33 Council may draw on the bond or letter of credit described in section (8) to restore the site
34 to a useful, non-hazardous condition according to the final retirement plan, in addition to
35 any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount
36 of the bond or letter of credit is insufficient to pay the actual cost of retirement, the
37 certificate holder shall pay any additional cost necessary to restore the site to a useful, non-
38 hazardous condition. After completion of site restoration, the Council shall issue an order to
39 terminate the site certificate if the Council finds that the facility has been retired according
40 to the approved final retirement plan. [Amendment #2]

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

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

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

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

8 [Amendment #2]

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

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

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

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

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

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

33 [Amendment #2]

34 (21) OAR 345-026-0048: Following receipt of a site certificate or an amended site certificate,
35 the certificate holder shall implement a plan that verifies compliance with all site certificate
36 terms and conditions and applicable statutes and rules. As a part of the compliance plan, to
37 verify compliance with the requirement to begin construction by the date specified in the
38 site certificate, the certificate holder shall report promptly to the Department of Energy
39 when construction begins. Construction is defined in OAR 345-001-0010. In reporting the
40 beginning of construction, the certificate holder shall describe all work on the site
41 performed before beginning construction, including work performed before the Council
42 issued the site certificate, and shall state the cost of that work. For the purpose of this
43 exhibit, "work on the site" means any work within a site or corridor, other than surveying,
44 exploration or other activities to define or characterize the site or corridor. The certificate

1 holder shall document the compliance plan and maintain it for inspection by the
2 Department or the Council. [Amendment #2]

3 (22) OAR 345-026-0080: The certificate holder shall report according to the following
4 requirements:

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

6 (i) Within six months after beginning construction, and every six months thereafter
7 during construction of the energy facility and related or supporting facilities, the certificate
8 holder shall submit a semiannual construction progress report to the Department of Energy.
9 In each construction progress report, the certificate holder shall describe any significant
10 changes to major milestones for construction. The certificate holder shall include such
11 information related to construction as specified in the site certificate. When the reporting
12 date coincides, the certificate holder may include the construction progress report within the
13 annual report described in this rule.

14 (ii) By April 30 of each year after beginning construction, the certificate holder shall
15 submit an annual report to the Department addressing the subjects listed in this rule. The
16 Council Secretary and the certificate holder may, by mutual agreement, change the
17 reporting date.

18 (iii) To the extent that information required by this rule is contained in reports the
19 certificate holder submits to other state, federal or local agencies, the certificate holder may
20 submit excerpts from such other reports to satisfy this rule. The Council reserves the right
21 to request full copies of such excerpted reports.

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

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

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

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

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

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

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

44 (v) Monitoring Report: A list and description of all significant monitoring and
45 mitigation activities performed during the previous year in accordance with site certificate
46 terms and conditions, a summary of the results of those activities and a discussion of any

1 significant changes to any monitoring or mitigation program, including the reason for any
2 such changes.

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

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

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

13 [Amendment #2]

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

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

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

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

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

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

29 [Amendment #2]

30 **V. SPECIFIC FACILITY CONDITIONS**

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

1. Certificate Administration Conditions

1 (26) The certificate holder shall begin construction of the facility by July 12, 2009. Under OAR
2 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the
3 applicant. The Council may grant an extension of the deadline to begin construction in
4 accordance with OAR 345-027-0030 or any successor rule in effect at the time the request
5 for extension is submitted. [Amendment #3]

6 (27) The certificate holder shall complete construction of the facility, including components
7 authorized under Amendments #1 through #3, by July 12, 2011. Construction is complete
8 when: 1) the facility is substantially complete as defined by the certificate holder's
9 construction contract documents, 2) acceptance testing has been satisfactorily completed
10 and 3) the energy facility is ready to begin continuous operation consistent with the site
11 certificate. The certificate holder shall promptly notify the Department of the date of
12 completion of construction. The Council may grant an extension of the deadline for
13 completing construction in accordance with OAR 345-027-0030 or any successor rule in
14 effect at the time the request for extension is submitted. [Amendment #3]

15 (28) The certificate holder shall construct a facility that includes up to 208 wind turbines
16 substantially as described in the site certificate, subject to the following restrictions on
17 turbine selection and subject to the requirements of Condition 102:

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

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

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

33 (d) For turbine strings N, U, Y, Z, AA and BB as shown on Figure 1 as described in the
34 Final Order on Amendment #3, the certificate holder may select any turbine type such that
35 the hub height does not exceed 100 meters, the rotor diameter does not exceed 100 meters,
36 the peak generating capacity does not exceed 3.0 megawatts and the maximum sound
37 power level does not exceed 110 dBA, including uncertainty, subject to the requirements of
38 Condition 102.

39 (e) Before beginning construction of turbines, the certificate holder shall identify the
40 turbine types selected for construction and provide evidence satisfactory to the Department
41 that the selected turbine types comply with this condition.

42 [Amendments #1, #2 and #3]

- 1 (29) The certificate holder shall obtain all necessary state and local permits or approvals
2 required for construction, operation and retirement of the facility or ensure that its
3 contractors obtain the necessary state and local permits or approvals.
- 4 (30) Before beginning construction, the certificate holder shall notify the Department in advance
5 of any work on the site that does not meet the definition of “construction” in OAR 345-001-
6 0010 or ORS 469.300 and shall provide to the Department a description of the work and
7 evidence that its value is less than \$250,000.
- 8 (31) Before beginning construction and after considering all micrositing factors, the certificate
9 holder shall provide to the Department a detailed map of the proposed facility, showing the
10 final locations where facility components are proposed to be built in relation to the 300-foot
11 and 900-foot corridors having centerlines defined by the endpoints shown on Table 1 of the
12 Final Order on Amendment #1. [Amendments #1 and #3]
- 13 (32) Within 60 days following the effective date of the Third Amended Site Certificate, the
14 certificate holder shall submit to the State of Oregon through the Council an amended or
15 replacement bond or letter of credit in the amount described herein naming the State of
16 Oregon, acting by and through the Council, as beneficiary or payee. This bond or letter of
17 credit will replace or amend the financial assurance required under the Second Amended
18 Site Certificate. The amended or replacement bond or letter of credit amount is either
19 \$10.412 million (2006 dollars), to be adjusted to the date of issuance as described in (b), or
20 the amount determined as described in (a). The certificate holder shall adjust the amount of
21 the bond or letter of credit on an annual basis thereafter as described in (b).
- 22 (a) The certificate holder may adjust the amount of the bond or letter of credit based on
23 the final design configuration of the facility by applying the unit costs and general costs
24 shown in Table 1 of the Final Order on Amendment #3 to the final design and calculating
25 the financial assurance amount as described in that order, adjusted to the date of issuance as
26 described in (b) and subject to approval by the Department.
- 27 (b) The certificate holder shall adjust the amount of the bond or letter of credit, using the
28 following calculation and subject to approval by the Department:
- 29 (i) Adjust the Subtotal component of the bond or letter of credit amount (expressed in
30 2006 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price
31 Deflator, Chain-Weight, as published in the Oregon Department of Administrative
32 Services’ “Oregon Economic and Revenue Forecast” or by any successor agency (the
33 “Index”) and using the annual average index value for 2006 dollars and the quarterly index
34 value for the date of issuance of the new bond or letter of credit. If at any time the Index is
35 no longer published, the Council shall select a comparable calculation to adjust 2006 dollars
36 to present value.
- 37 (ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond
38 amount to determine the adjusted Gross Cost.
- 39 (iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and
40 project management costs and 10 percent of the adjusted Gross Cost for the adjusted future
41 developments contingency.
- 42 (iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round the
43 resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount.
- 44 (c) The certificate holder shall use a form of bond or letter of credit approved by the
45 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 22.

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

7 [Amendments #1, #2 and #3]

8 (33) If the certificate holder elects to use a bond to meet the requirements of Condition 32, the
9 certificate holder shall ensure that the surety is obligated to comply with the requirements
10 of applicable statutes, Council rules and this site certificate when the surety exercises any
11 legal or contractual right it may have to assume construction, operation or retirement of the
12 energy facility. The certificate holder shall also ensure that the surety is obligated to notify
13 the Council that it is exercising such rights and to obtain any Council approvals required by
14 applicable statutes, Council rules and this site certificate before the surety commences any
15 activity to complete construction, operate or retire the energy facility. [Amendment #3]

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

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

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

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

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

2. Land Use Conditions

40 (39) The certificate holder shall construct the public road improvements described in the site
41 certificate application to meet or exceed road standards for the road classifications in the

1 County's Transportation System Plan and Zoning Ordinance because roads will require a
2 more substantial section to bear the weight of the vehicles and turbine components than
3 would usually be constructed by the County.

4 (40) The certificate holder shall cooperate with the Sherman County Road Department to ensure
5 that any unusual damage or wear caused by construction of the facility is repaired by the
6 certificate holder. Upon completion of construction, the certificate holder shall restore the
7 county roads to at least their pre-project condition, to the satisfaction of the county public
8 works department.

9 (41) The certificate holder shall ensure that no equipment or machinery is parked or stored on
10 any county road except while in use.

11 (42) The certificate holder shall not locate any aboveground facility structure (including wind
12 turbines, O&M building, substations and meteorological towers but not including
13 aboveground transmission lines and junction boxes) within 30 feet from any property line
14 or within 50 feet from the right-of-way of any arterial or major collector road or street and
15 shall not allow any architectural feature, as described in Sherman County Zoning Ordinance
16 Section 4.2, to project into these required setbacks by more than 2 feet.

17 (43) The certificate holder shall locate aboveground transmission lines, junction boxes, access
18 roads and temporary construction laydown and staging areas to minimize disturbance with
19 farming practices and, wherever feasible, shall place turbines and transmission
20 interconnection lines along the margins of cultivated areas to reduce the potential for
21 conflict with farm operations. The certificate holder shall place aboveground transmission
22 lines and junction boxes along public road rights-of-way to the extent practicable. The
23 certificate holder shall place underground transmission lines and supervisory, control and
24 data acquisition (SCADA) system cables at least 36 inches below the surface of the ground.
25 [Amendment #1]

26 (44) The certificate holder shall include traffic control procedures in contract specifications for
27 construction of the facility. The certificate holder shall require flaggers to be at appropriate
28 locations at appropriate times during construction to direct traffic and to ensure minimal
29 conflicts between harvest and construction vehicles. The certificate holder shall submit a
30 final transportation plan to Sherman County before beginning construction.

31 (45) Before beginning construction of the facility, the certificate holder shall record Farm
32 Management Easements on the properties on which the certificate holder locates wind
33 power generation facilities. The certificate holder shall record these easements in the real
34 property records of Sherman County and shall file copies of the recorded easements with
35 the Sherman County Planning Director.

36 (46) The certificate holder shall remove from Special Farm Assessment the properties on which
37 it locates the facility and shall pay all property taxes due and payable after the Special Farm
38 Assessment is removed from such properties.

39 (47) During operation, the certificate holder shall avoid impact on cultivated land to the extent
40 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, 2006 and 2007, as described in
5 the site certificate application and the Requests for Amendments #1, #2 and #3. In addition,
6 the certificate holder shall comply with the following requirements:

7 (a) If the final design of the facility could result in ground disturbance at specific resource
8 sites or within high-probability areas identified by AINW in the June 2006 survey, the
9 certificate holder shall hire qualified personnel to conduct the resurvey or test excavations
10 recommended by AINW in the report on that survey.

11 (b) The certificate holder shall hire qualified personnel to conduct field investigation of
12 all areas of permanent or temporary disturbance that AINW did not previously survey.

13 (c) The certificate holder shall provide written reports of the surveys, excavations and
14 field investigations required under (a) and (b) to the Department and to the State Historic
15 Preservation Office (SHPO). If any historic, cultural or archaeological resources are found
16 and are determined significant by the SHPO, the certificate holder shall ensure that
17 construction and operation of the facility will have no impact on the resources. The
18 certificate holder shall instruct all construction personnel to avoid the areas where the
19 resources were found and shall implement other appropriate measures to protect the
20 resources.

21 (d) The certificate holder shall avoid impacts within a 30-meter buffer area around the 15
22 archaeological resources recommended for avoidance in the June 2007 AINW report. If
23 avoidance is not feasible, the certificate holder shall hire qualified personnel to conduct
24 systematic test excavations to assess the significance of the resources affected.

25 (e) The certificate holder shall avoid impacts to the area of the historic homestead
26 recommended as eligible for listing in the National Register of Historic Places in the 2007
27 AINW report.

28 [Amendments #1 and #3]

29 (49) The certificate holder shall ensure that a qualified person instructs construction personnel in
30 the identification of cultural materials.

31 (50) The certificate holder shall ensure that construction personnel cease all ground-disturbing
32 activities in the immediate area if any archaeological or cultural resources are found during
33 construction of the facility until a qualified archaeologist can evaluate the significance of
34 the find. The certificate holder shall notify the Department and the State Historic
35 Preservation Office (SHPO) of the find. If the archaeologist determines that the resource is
36 significant, the certificate holder shall make recommendations to the Council for mitigation,
37 including avoidance or data recovery, in consultation with the Department, SHPO and other
38 appropriate parties. The certificate holder shall not restart work in the affected area until the
39 certificate holder has demonstrated to the Department that it has complied with the
40 archaeological permit requirements administered by SHPO.

41 (51) The certificate holder shall ensure that construction personnel proceed carefully in the
42 vicinity of the mapped alignment of the Oregon Trail. If any intact physical evidence of the
43 trail is discovered, the certificate holder shall avoid any disturbance to the intact segments,

1 by redesign, re-engineering or restricting the area of construction activity. The certificate
2 holder shall promptly notify the Department and the State Historic Preservation Office
3 (SHPO) of the discovery. The certificate holder shall consult with the Department and with
4 SHPO to determine appropriate mitigation measures.

5 (52) To offset adverse visual effects to the setting of the Oregon Trail alignment, the certificate
6 holder shall:

7 (a) Document the pre-construction setting of the Oregon Trail alignment from the John
8 Day River canyon to Biggs through photographs and videotape; and

9 (b) Enhance the existing Oregon Trail historical marker off I-84 at Biggs with an
10 additional educational and interpretive display in cooperation with the Sherman County
11 Development League and the Sherman County Historical Society.

4. Geotechnical Conditions

12 (53) Before beginning construction, the certificate holder shall submit a description of site-
13 specific geotechnical work that will be performed before construction. The certificate
14 holder shall conduct the pre-construction site-specific geotechnical investigation and shall
15 report its findings to the Oregon Department of Geology & Mineral Industries (DOGAMI).
16 The certificate holder shall conduct the geotechnical investigation after consultation with
17 DOGAMI and shall submit a geologic report meeting the guidance contained in the
18 DOGAMI Open File 00-04 (2000) "Guidelines for Engineering Geologic Reports and Site-
19 Specific Seismic Hazard Reports." [Amendment #3]

20 (54) The certificate holder shall design and construct the facility in accordance with
21 requirements set forth by the State of Oregon's Building Code Division and any other
22 applicable codes and design procedures.

23 (55) The certificate holder shall design, engineer and construct the facility to avoid dangers to
24 human safety presented by non-seismic hazards. As used in this condition, "non-seismic
25 hazards" include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

26 (56) The certificate holder shall notify the Department within 72 hours of any accidents
27 including mechanical failures on the site associated with construction or operation of the
28 facility that may result in public health and safety concerns.

29 (57) Before beginning construction, the certificate holder shall submit a Notice of Proposed
30 Construction or Alteration to the Federal Aviation Administration (FAA) identifying the
31 proposed final locations of the turbines and related or supporting facilities. The certificate
32 holder shall notify the Department of the FAA's response as soon as it has been received.

33 (58) To protect the public from electrical hazards, the certificate holder shall enclose the facility
34 substations with appropriate fencing and locked gates.

35 (59) For those turbines constructed as of November 16, 2007, the certificate holder shall
36 maintain a minimum distance of 450 feet between the centerline of the turbine tower and
37 the centerline of any public road. For those turbines constructed after November 16, 2007,
38 the certificate holder shall maintain a minimum distance of 450 feet or 110-percent of the
39 maximum blade tip height of the nearest turbine, whichever is greater, between the

- 1 centerline of the turbine towers and the centerline of any public road. The certificate holder
2 shall maintain a minimum distance of 1,250 feet between the nearest turbine tower and any
3 residence existing at the time of construction, measured from the centerline of the turbine
4 tower to the center of the house. [Amendment #3]
- 5 (60) The certificate holder shall construct turbine towers that are smooth steel structures with no
6 exterior ladders or access to the turbine blades and shall install locked access doors
7 accessible only to authorized personnel.
- 8 (61) The certificate holder shall follow manufacturers' recommended handling instructions and
9 procedures to prevent damage to towers or blades that could lead to failure.
- 10 (62) The certificate holder shall have an operational safety monitoring program and shall inspect
11 turbine blades on a regular basis for signs of wear. The certificate holder shall repair turbine
12 blades as necessary to protect public safety.
- 13 (63) The certificate holder shall install and maintain self-monitoring devices on each turbine,
14 connected to a fault annunciation panel or supervisory, control and data acquisition
15 (SCADA) system at the operations and maintenance building, to alert operators to
16 potentially dangerous conditions, and the certificate holder shall immediately remedy any
17 dangerous conditions. The certificate holder shall maintain automatic equipment protection
18 features in each turbine that would shut down the turbine and reduce the chance of a
19 mechanical problem causing a fire.
- 20 (64) The certificate holder shall install generator step-up transformers at the base of each tower
21 in locked cabinets designed to protect the public from electrical hazards and to avoid
22 creation of artificial habitat for raptor prey.
- 23 (65) The certificate holder shall construct turbines on concrete foundations and shall cover the
24 ground within a minimum 10-foot radius with non-flammable material. The certificate
25 holder shall maintain the non-flammable pad area covering during operation of the facility.
- 26 (66) During construction and operation of the facility, the certificate holder shall develop and
27 implement fire management plans in consultation with local fire control authorities to
28 minimize the risk of fire and to respond appropriately to any fires that occur on the facility
29 site. In developing the fire management plans, the certificate holder should take into
30 account the dry nature of the region and should address risks on a seasonal basis.
- 31 (67) During construction and operation of the facility, the certificate holder shall ensure that
32 service vehicles are equipped with a shovel and portable fire extinguisher of a 4A50BC or
33 equivalent rating.
- 34 (68) During construction, the certificate holder shall ensure that construction vehicles and
35 equipment are operated on graveled areas to the extent possible and that open flames, such
36 as cutting torches, are kept away from dry grass areas.
- 37 (69) Upon the beginning of operation of the facility, the certificate holder shall provide to the
38 North Sherman County Rural Fire Protection District and to the Moro Rural Fire Protection
39 District copies of the approved site plan indicating the identification number assigned to
40 each turbine and the location of all facility structures. During operation of the facility, the
41 certificate holder shall provide to the North Sherman County Rural Fire Protection District
42 and to the Moro Rural Fire Protection District the names and telephone numbers of facility

- 1 personnel available to respond on a 24-hour basis in case of an emergency on the facility
2 site.
- 3 (70) During operation, the certificate holder shall ensure that all on-site employees receive
4 annual fire prevention and response training by qualified instructors or members of the
5 local fire department and that all employees are instructed to keep vehicles on roads and off
6 dry grassland, except when off-road operation is required for emergency purposes.
- 7 (71) During construction, the certificate holder shall require that all on-site construction
8 contractors develop and implement a site health and safety plan that informs workers and
9 others on-site what to do in case of an emergency and that includes the locations of fire
10 extinguishers and nearby hospitals, important telephone numbers and first aid techniques.
- 11 (72) During operation, the certificate holder shall develop and implement a site health and safety
12 plan that informs employees and others on-site what to do in case of an emergency and that
13 includes the locations of fire extinguishers and nearby hospitals, important telephone
14 numbers and first aid techniques.
- 15 (73) The certificate holder shall use hazardous materials in a manner that protects public health,
16 safety and the environment and shall comply with all applicable local, state and federal
17 environmental laws and regulations.
- 18 (74) If a spill or release of hazardous materials occurs during construction or operation of the
19 facility, the certificate holder shall notify the Department within 72 hours and shall clean up
20 the spill or release and dispose of any contaminated soil or other materials according to
21 applicable regulations. The certificate holder shall make sure that spill kits containing items
22 such as absorbent pads are located on equipment and storage facilities to respond to
23 accidental spills and shall instruct employees handling hazardous materials in the proper
24 handling, storage and cleanup of these materials.
- 25 (75) Before beginning construction, the certificate holder shall cooperate with the Oregon
26 Department of Transportation to implement public safety improvements to the shoulders of
27 State Highway 206 by bearing the cost of constructing two viewpoint turn-offs (one on each
28 side of the highway) within the highway right-of-way in suitable locations from where the
29 public may safely view the wind turbines without entering private property or interfering
30 with facility operations.

6. Water, Soils, Streams & Wetlands Conditions

- 31 (76) The certificate holder shall conduct all construction work in compliance with an Erosion
32 and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of
33 Environmental Quality and as required under the National Pollutant Discharge Elimination
34 System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder
35 shall include in the ESCP any procedures necessary to meet local erosion and sediment
36 control requirements and storm water management requirements.
- 37 (77) During construction, the certificate holder shall limit truck traffic to designated existing and
38 improved road surfaces to avoid soil compaction, to the extent possible.
- 39 (78) The certificate holder shall cover turbine pad areas with gravel or other non-erosive
40 material immediately following exposure during construction and shall maintain the pad
41 area covering during operation of the facility.

- 1 (79) During construction, the certificate holder shall avoid impacts to waters of the state in the
2 following manner:
- 3 (a) The certificate holder shall bore under the intermittent drainage channel identified in
4 Appendix J-1 of the site certificate application in any location where the underground
5 collector system would cross the channel.
- 6 (b) The certificate holder shall locate transmission line support structures outside of the
7 drainage channel and the wetland identified in Appendix J-1 of the site certificate
8 application in any location where an aboveground transmission line crosses over the
9 channel or the wetland area.
- 10 (c) After the final turbine design locations have been identified, if construction would
11 occur in any locations not previously investigated as described in Appendix J-1 of the
12 application, the certificate holder shall conduct a pre-construction investigation to
13 determine whether any jurisdictional waters of the state exist in those locations. The
14 certificate holder shall submit a written report on the pre-construction investigation to the
15 Department of Energy and to the Department of State Lands for approval before beginning
16 construction and shall ensure that construction of the facility would have no impact on any
17 jurisdictional water identified in the pre-construction investigation.
- 18 (80) During construction, the certificate holder shall ensure that the wash down of concrete
19 trucks occurs only at a contractor-owned batch plant or at tower foundation locations. If
20 such wash down occurs at tower foundation locations, then the certificate holder shall
21 ensure that wash down wastewater does not run off the construction site into otherwise
22 undisturbed areas and that the wastewater is disposed of on backfill piles and buried
23 underground with the backfill over the tower foundation.
- 24 (81) The certificate holder shall restore areas that are temporarily disturbed during construction
25 according to the methods, monitoring procedures and success criteria described in the
26 Revegetation Plan that is incorporated in the Final Order on the Application as Attachment
27 B and as amended from time to time. During operation, the certificate holder shall restore
28 areas that are temporarily disturbed during facility maintenance or repairs according to the
29 same methods and monitoring procedures.
- 30 (82) During facility operation, the certificate holder shall routinely inspect and maintain all
31 roads, pads and trenched areas and, as necessary, maintain or repair erosion control
32 measures.
- 33 (83) During operation, the certificate holder shall not use more than a combined total of 5,000
34 gallons of water per day from the facility's on-site wells. The certificate holder shall not use
35 any water or chemicals for washing turbine blades unless the certificate holder
36 demonstrates to the satisfaction of the Department before any blade-washing begins that:
- 37 (a) Oregon Department of Environmental Quality (DEQ) regulations do not require a
38 permit for the proposed blade-washing activity or, if a permit is required, that the proposed
39 blade-washing activity is authorized under a general permit issued by DEQ; and
- 40 (b) In conducting blade-washing activities, the certificate holder will use water only from
41 its approved on-site wells.
- 42 [Amendment #3]

7. Transmission Line & EMF Conditions

- 1 (84) The certificate holder shall install the 34.5-kV collector system underground to the extent
2 practical. Where geotechnical conditions or other engineering considerations require, the
3 certificate holder may install segments of the collector system aboveground in developed or
4 agricultural areas that are Category 6 habitat, but the total length of aboveground segments
5 must not exceed 12 miles. The certificate holder shall construct aboveground segments of
6 the collector system using single or double circuit monopole design as described in the site
7 certificate application and shall not locate any aboveground segments within 200 feet of
8 any existing residence. [Amendment #1]
- 9 (85) At least 30 days before beginning preparation of detailed design and specifications for the
10 electrical transmission lines, the certificate holder shall consult with the Oregon Public
11 Utility Commission staff to ensure that transmission line designs and specifications are
12 consistent with applicable codes and standards.
- 13 (86) Before beginning construction of facility components authorized by the Final Order on the
14 Application, the certificate holder shall obtain a permit, substantially in the form of the draft
15 permit incorporated in the Final Order on the Application as Attachment D, from the
16 Oregon Department of Transportation (ODOT) authorizing the location, installation,
17 construction, maintenance and use of buried cables within the right-of-way of State
18 Highway 206. Before beginning construction of facility transmission or distribution lines
19 crossing Highway 206 authorized by the Final Order on Amendment #3, the certificate
20 holder shall obtain a permit or permits from ODOT after submitting the necessary
21 applications in a form satisfactory to ODOT and the Department and subject to conditions
22 required under OAR 734 Chapter 55, authorizing the location, installation, construction,
23 maintenance and use of buried or aboveground transmission or distribution lines crossing
24 Highway 206. Before beginning construction of a new highway approach authorized by the
25 Final Order on Amendment #3, the certificate holder shall obtain a permit or permits from
26 ODOT after submitting the necessary applications in a form satisfactory to ODOT and the
27 Department and subject to conditions required under OAR 734 Chapter 51, authorizing the
28 location, construction and maintenance of an approach to State Highway 206 for access to
29 turbines located west of the highway. [Amendment #3]
- 30 (87) To protect public safety, the certificate holder shall design and maintain the transmission
31 lines so that:
32 (a) Alternating current electric fields during operation do not exceed 9 kV per meter at
33 one meter above the ground surface in areas accessible to the public.
34 (b) Induced voltages during operation are as low as reasonably achievable.
- 35 (88) The certificate holder shall take reasonable steps to reduce or manage human exposure to
36 electromagnetic fields, including but not limited to:
37 (a) Constructing aboveground segments of the 34.5-kV transmission line to ensure that
38 conductors have a minimum clearance of 25 feet from the ground at mid-span under
39 maximum sag conditions.
40 (b) Constructing underground segments of the 34.5-kV transmission line at least 36-
41 inches below the surface of the ground.
42 (c) Providing to landowners a map of underground and overhead transmission lines on
43 their property and advising landowners of possible health risks.

2 **8. Plants, Wildlife & Habitat Protection Conditions**

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

6 (90) The certificate holder shall design all aboveground transmission line support structures
7 following the practices suggested by the Avian Powerline Interaction Committee (APLIC
8 1996, referenced in the site certificate application, p. P-33) and shall install anti-perching
9 devices on transmission pole tops and cross arms where the poles are located within ½ mile
10 of turbines.

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

20 (92) The certificate holder may construct turbines and other facility components within 900-foot
21 corridors having centerlines defined by the endpoints shown on Table 1 of the Final Order
22 on Amendment #1, within the MHI-1 micrositing area described in the Final Order on
23 Amendment #2 and within the micrositing areas for turbine strings N, U, Y, Z, AA and BB
24 as described in the Final Order on Amendment #3, subject to the following requirements
25 addressing potential habitat impact and subject to the requirements of Condition 102:

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

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

30 (c) To the extent possible, the certificate holder shall construct facility components, not
31 including components authorized by the Final Order on Amendment #3, in the locations
32 shown on Figure C-2 of the site certificate application.

33 (d) If the certificate holder must change the layout of facility components, not including
34 components authorized by the Final Order on Amendment #3, from what is shown on
35 Figure C-2 due to micrositing considerations, the certificate holder shall, to the extent
36 possible, construct facility components within 300-foot corridors having centerlines defined
37 by the endpoints shown on Table 1 of the Final Order on Amendment #1 or within the
38 MHI-1 micrositing area described in the Final Order on Amendment #2.

39 (e) The certificate holder may construct facility components outside the 300-foot
40 corridors if necessary due to micrositing considerations, except that the certificate holder
41 shall not construct any facility components, not including components authorized by the
42 Final Order on Amendment #3, 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 #1 or the MHI-1 microsite area described in the Final Order on Amendment #2 or cause
2 any temporary disturbance outside those areas.

3 [Amendments #1, #2 and #3]

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

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

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

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

12 (94) During construction, the certificate holder shall protect the area within a 1300-foot buffer
13 around active nests of the following species during the sensitive period, as provided in this
14 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 |

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

37 (95) The certificate holder shall conduct wildlife monitoring as described in the Wildlife
38 Monitoring and Mitigation Plan that is incorporated in the Final Order on the Application as
39 Attachment A and as amended from time to time.

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

9. Visual Effects Conditions

- 14 (98) To reduce the visual impact of the facility, the certificate holder shall:
15 (a) Mount nacelles on smooth, hollow steel towers, approximately 20 feet in diameter at
16 the base.
17 (b) Paint all towers uniformly in a neutral white or light gray color.
18 (c) Paint the substation buildings in a neutral color to blend with the surrounding
19 landscape.
20 (d) Not allow any advertising to be used on any part of the facility or on any signs posted
21 at the facility, except that the turbine manufacturer's logo may appear on turbine nacelles.
22 (e) Use only those signs required for facility safety or required by law, except that the
23 certificate holder may erect a sign near each operations and maintenance building to
24 identify the wind energy facility.
25 (f) Maintain any signs allowed under this condition in good repair.

26 [Amendment #3]

- 27 (99) The certificate holder shall design and construct the operation and maintenance building to
28 be generally consistent with the character of similar buildings used by commercial farmers
29 or ranchers in the area and shall paint the buildings in a neutral color to blend with the
30 surrounding landscape. [Amendment #3]

- 31 (100) The certificate holder shall not use exterior nighttime lighting except:
32 (a) The minimum turbine tower lighting required by the Federal Aviation Administration.
33 (b) Security lighting at the operations and maintenance buildings and at the substations,
34 provided that such lighting is shielded or downward-directed to reduce glare.
35 (c) Minimum lighting necessary for repairs or emergencies.

36 [Amendment #3]

10. Noise Control Conditions

- 37 (101) To reduce noise impacts at nearby residential areas, the certificate holder shall:
38 (a) Confine the noisiest operation of heavy construction equipment to the daylight hours.
39 (b) Require contractors to install and maintain exhaust mufflers on all combustion
40 engine-powered equipment; and

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

3 (102) The certificate holder shall present information demonstrating to the satisfaction of the
4 Department that the requirements of (a), (b) and (c) have been met.

5 (a) Before beginning construction of turbines F-05, F-06, F-07, F-08 and J-01 as shown
6 on Figure B-1 described in the Final Order on Amendment #1, the certificate holder must
7 obtain a legally effective easement or real covenant from the owner of property R3 (as
8 identified in the Final Order on Amendment #3) pursuant to which the owner of the
9 property authorizes the certificate holder's operation of the facility to increase ambient
10 statistical noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement
11 point. A legally effective easement or real covenant shall: include a legal description of the
12 burdened property (the noise sensitive property); be recorded in the real property records of
13 the county; expressly benefit the certificate holder; expressly run with the land and bind all
14 future owners, lessees or holders of any interest in the burdened property; and not be
15 subject to revocation without the certificate holder's written approval. If the certificate
16 holder cannot obtain the legally effective easement or real covenant described above, the
17 certificate holder must identify the turbine type and the final design locations of all turbines
18 to be built in the F and J strings and perform a noise analysis, in accordance with OAR 340-
19 035-0035(1)(b)(B)(iii)(IV) and using input parameters approved by the Department,
20 demonstrating to the satisfaction of the Department that the total noise generated by the
21 facility would meet the ambient degradation test at the appropriate measurement point when
22 all turbines are placed in their final design locations.

23 (b) Before installing a turbine tower in the MHI-1 micro siting area (as identified in the
24 Final Order on Amendment #2), the certificate holder must obtain a legally effective
25 easement or real covenant (as described in (a)) from the owner of property R8 (as identified
26 in the Final Order on Amendment #3) pursuant to which the owner of the property
27 authorizes the certificate holder's operation of the facility to increase ambient statistical
28 noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. If the
29 certificate holder cannot obtain the legally effective easement or real covenant described
30 above, the certificate holder must identify the turbine type and the final design location of
31 the turbine to be built in the MHI-1 micro siting area and perform a noise analysis, in
32 accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV) and using input parameters approved
33 by the Department, demonstrating to the satisfaction of the Department that the total noise
34 generated by the facility would meet the ambient degradation test at the appropriate
35 measurement point when all turbines are placed in their final design locations.

36 (c) The certificate holder shall not install turbines that have a maximum sound power
37 level greater than 106 dBA, including uncertainty, in strings N, U, Y, Z, AA and BB,
38 except as allowed in this condition. The certificate holder shall locate the turbines within
39 these strings according to the "Proposed GE Turbine Layout" (as described in the Final
40 Order on Amendment #3). Before beginning construction of turbines in these strings, the
41 certificate holder must obtain a legally effective easement or real covenant (as described in
42 (a)) from the owners of properties R6, R7, R8 and R14 (as identified in the Final Order on
43 Amendment #3) pursuant to which the owners of the properties authorize the certificate
44 holder's operation of the facility to increase ambient statistical noise levels L_{10} and L_{50} by
45 more than 10 dBA at the appropriate measurement points. If the certificate holder cannot
46 obtain the legally effective easements or real covenants described above or if the certificate

1 holder elects to use turbines that have a maximum sound power level greater than 106 dBA
2 or to deviate from the “Proposed GE Turbine Layout,” the certificate holder must identify
3 the turbine type and the final design location of the turbines to be built in strings N, U, Y,
4 Z, AA and BB and perform a noise analysis, in accordance with OAR 340-035-
5 0035(1)(b)(B)(iii)(IV) and using input parameters approved by the Department,
6 demonstrating to the satisfaction of the Department that the total noise generated by the
7 facility would meet the ambient degradation test at the appropriate measurement points
8 when all turbines are placed in their final design locations.

9 [Amendments #1 and #3]

11. Waste Management Conditions

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

13 (104) During operation, the certificate holder shall discharge sanitary wastewater generated at the
14 O&M buildings to licensed on-site septic systems in compliance with county permit
15 requirements. The certificate holder shall design the septic systems for a capacity of less
16 than 2,500 gallons per day at each O&M building. [Amendment #3]

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

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

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

22 (c) Recycling steel and other metal scrap.

23 (d) Recycling wood waste.

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

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

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

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

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

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

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

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

41 (d) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
42 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for

1 disposal by a licensed firm specializing in the proper recycling or disposal of hazardous
2 wastes.

VI. SUCCESSORS AND ASSIGNS

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

VII. SEVERABILITY AND CONSTRUCTION

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

VIII. GOVERNING LAW AND FORUM

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

IX. EXECUTION

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

14 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting
15 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: _____