
Request for Amendment

**Request for Amendment No. 1 to
the Site Certificate for the
Leaning Juniper II
Wind Power Facility**

Prepared for
Oregon Energy Facility Siting Council

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Prepared by
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SECTION 1

Introduction

Leaning Juniper Wind Power II, LLC (LJWP) obtained a site certificate (SC) on September 21, 2007, to construct the Leaning Juniper II Wind Power Facility (LJF) in Gilliam County, Oregon, with up to 133 turbines and a generating capacity of up to 279 megawatts (MW). LJWP is preparing to construct forty-three (43) 2.1-MW turbines with a generating capacity of 90.3 MW in 2009 under the authority of the SC. This first phase of construction is referred to as Leaning Juniper IIA (LJIIA). LJIIA will be constructed on both the Leaning Juniper II North and South properties described in the Final Order for LJF (September 2007).

1.1 Purpose of Proposed Amendment

LJWP requests an amendment to the SC to expand the LJF site boundary farther to the south to minimize wake impacts from existing nearby wind projects and optimize the use of the wind resource. Figure 1 in Attachment 1 shows the LJF site boundary as currently permitted along with the proposed addition to the site boundary. The purpose of the addition is to construct one or more subsequent phases on land immediately southeast of the originally permitted area. The subsequent phase of construction is referred to as Leaning Juniper IIB (LJIIB). LJIIB will consist of up to 90 turbines with a generating capacity of up to 188.7 MW.

1.2 Summary of Modifications

This amendment request does not seek to change the range of turbine types or sizes, maximum number of turbines, or maximum generating capacity of LJF from what was originally authorized in the SC. The total number of turbines at LJF will not exceed 133 and the total MW will not exceed 279. Turbines will not exceed 3.0 MW. The turbine hub-height will not exceed 100 meters (328 feet), and the turbine blade tip height will not exceed 150 meters (492 feet).

The turbine vendor, size, number, and actual generating capacity of LJIIB have not yet been determined. Like the original Application for Site Certificate (ASC) (September 2006), this amendment analyzes impacts for two turbine types. The turbine types represent a range that encompasses the scale and impacts of the turbines potentially used at LJIIB. The minimum turbine layout for LJIIB is 62 3.0-MW turbines. The maximum turbine layout is 90 1.5-MW turbines. The final layout will have 62 to 90 turbines, with any combination of turbines ranging in size up to 3.0 MW and a generating capacity of up to 188.7 MW. The total number of acres within the proposed amended LJF site boundary (including both LJIIA and LJIIB) is approximately 14,366. Please refer to Figures 2 and 3 (Attachment 1) for maps of the proposed amended LJF site boundary and the LJIIB components.

Like the first phase of construction (LJIIA), the LJIIB phase will connect to the Federal Columbia River Transmission System (the regional transmission grid) at Bonneville Power Administration's (BPA) existing Jones Canyon Switching Station (see Figure 4). Energy

generated at the turbines located in the proposed amended site boundary will be collected via collector cables to either the approved collector substation to be constructed as part of the first phase, which is located within Lot 4 near the Jones Canyon Switching Station, or to a new additional collector substation located within the proposed amended site boundary closer to the LJIIB turbines. If the energy from the LJIIB turbines is collected and transferred to the first collector substation, a 34.5-kV overhead collector system will be constructed between the LJIIB turbines and the collector substation. If engineering analysis determines that it is more efficient to construct an additional collector substation near the LJIIB turbines, a 230-kV overhead transmission line will be constructed between the new collector substation and the first substation constructed. In either case, the overhead line will be a maximum of approximately 7 miles in length.

1.3 Regulatory Framework for This Request

This request is organized in accordance with Oregon Administrative Rules (OARs) 345-027-0030, -0050, -0060, and -0070, which set forth the required contents of a request to amend a site certificate, as well as additional considerations for the Council in deciding whether to grant an amended site certificate. The following sections of this request provide the information required by OAR 345-027-0030, 345-027-0050(1), OAR 345-027-0060, and OAR 345-027-0070(10).

SECTION 2

Information Required Pursuant to OAR 345-027-0030

(1) The certificate holder may request an amendment to extend the deadlines for beginning or completing construction of the facility that the Council has specified in a site certificate or an amended site certificate. The certificate holder shall submit a request that conforms to the requirements of 345-027-0060 no later than six months before the date of the applicable deadline, or, if the certificate holder demonstrates good cause for the delay in submitting the request, no later than the applicable deadline.

Response: The SC specifies that LJWP shall begin construction of LJF within 3 years after the effective date of the SC or by September 2010, and shall complete construction of the facility within 4 years after the effective date of the SC or by September 2011.

LJWP does not seek to extend the deadline for beginning construction. Rather, LJWP seeks to extend the deadline for completing construction from September 2011 to September 2013. The request for extension is to allow sufficient time to complete construction in the LJIB area, taking into account the time needed to complete the SC amendment process and prepare the modified design for LJIB.

LJWP is preparing to begin construction of the first-phase LJIA, consisting of 43 turbines and a generating capacity of up to 90.3 MW, in winter 2009-2010. With this amendment, LJWP requests to expand the LJF site boundary to allow construction of one or more subsequent phases for the remaining 188.7 MW. LJWP plans to start construction of the LJIB additional layout, consisting of up to 90 turbines with a generating capacity of up to 188.7 MW, in one phase immediately following construction of LJIA. Completion of both phases of construction is planned for the end of 2010. Given that construction could conceivably be delayed by weather or other unforeseen circumstances such as market changes, LJWP would like the flexibility to build LJIB in one or more phases. Therefore, LJWP requests that the original construction completion deadline specified in the Final Order be extended to 6 years from the effective date of the original SC or September 2013.

(3) The Council shall review the request for amendment as described in OAR 345-027-0070.

Response: The information required by OAR 345-027-0070(10) is set forth in Section 7 of this amendment request.

(4) If the Council grants an amendment under this rule, the Council shall specify new deadlines for beginning or completing construction that are not more than two years from the deadlines in effect before the Council grants the amendment.

Response: LJWP requests to extend the construction completion deadline from September 2011 to September 2013, not more than 2 years from the completion deadline currently in effect.

(5) To grant an amendment extending the deadline for beginning or completing construction of an energy facility subject to OAR 345-024-0550, OAR 345-024-0590, or OAR 345-024-0620, the Council must find that the facility complies with the carbon dioxide standard in effect at the time of the Council's order on the amendment.

Response: This rule is not applicable to the LJF.

SECTION 3

Information Required Pursuant to OAR 345-027-0050(1)

(1) Except as allowed under sections (2) and (6), the certificate holder must submit a request to amend the site certificate to design, construct or operate a facility in a manner different from the description in the site certificate if the proposed change:

(a) Could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource protected by Council standards;

Response: The proposed changes will add landowners and expand the site boundary to minimize wake impacts from existing nearby wind projects and optimize use of the wind resource. Therefore, an amendment to the SC is required.

Locating a portion of the currently approved turbines within the proposed amended site boundary will require the following modifications to major facilities and related or supporting facilities, as follows:

- The existing site boundary will be expanded to include approximately 7,962 additional acres to the southeast of the current approved site boundary. Construction of 43 turbines within the current approved site boundary will occur as part of a first phase, known as LJIIA. The second phase, known as LJIB, will include the remaining approved turbine numbers and production capacity within the proposed amended site boundary.
- Power generated from LJIB will be transferred to the approved collector substation located near BPA's Jones Canyon Switching Station using either of the following methods:
 - Constructing an overhead collector system consisting of two double-circuit 34.5-kV parallel lines from LJIB to the approved collector substation
 - Constructing an additional collector substation near the LJIB turbines, and constructing a 230-kV overhead transmission line between the new collector substation and the first substation constructed

In either case, the overhead line will be a maximum of approximately 7 miles in length.

- An additional collector substation will be required if the engineering analysis determines that it is more effective to use 230-kV overhead transmission lines between LJIB and the approved collector substation to be constructed as part of the first phase.
- Approximately 25.5 miles of collector lines will be installed as part of the central collector system. Up to 30 percent (7.7 miles) of these collector lines may be installed as overhead lines.
- A supervisory, control and data acquisition (SCADA) system will be installed in the proposed amended site boundary to collect operating and performance data from the

LJIIB turbines, and provide remote operation of the wind turbines. For LJIIB, the length of the SCADA fiber optic cables is equal to the length of the collector line system plus the length of the 34.5-kV or 230-kV lines between LJIIB and the approved collector substation. If a 230-kV transmission line is constructed, a total of up to 32.5 miles of SCADA will be constructed, including 25.5 miles along the central collector system and 7 miles along the transmission line. Of this amount, up to 14.7 miles of SCADA may be installed above ground, including up to 7.7 miles of the central collector system and 7 miles along the transmission line. If a 34.5-kV collector line is constructed from the LJIIB turbines to the approved collector substation, a total of up to 39.5 miles of SCADA will be constructed, including 25.5 miles along the central collector system and 14 miles along the overhead 34.5 kV line to the collector substation (one SCADA cable along each double-circuit line). Of this amount, up to 21.7 miles of SCADA may be installed aboveground, including up to 7.7 miles of the central collector system and 14 miles along the overhead collector system to the approved collector substation.

- Constructing the LJIIB turbines will require improving approximately 5.5 miles of existing County roads and 1.7 miles of existing private roads, and constructing approximately 20.3 miles of new gravel roads to provide access for construction vehicles.
- Based on the maximum turbine layout, approximately seven 2.5-acre staging areas will be located adjacent to each proposed turbine string within LJIIB, with two centrally located, 10-acre staging areas.
- Up to two permanent meteorological (met) towers already authorized under the existing SC will be relocated near the LJIIB turbines.

“(b) Could impair the certificate holder’s ability to comply with a site certificate condition; or”

Response: LJWP is able to comply with all existing SC conditions (except as identified in Section 4 of this amendment request and Attachment 2, Redline Site Certificate).

“(c) Could require a new condition or change to a condition in the site certificate.”

Response: Modifications to several SC conditions will be required to allow construction in the amended site boundary. These conditions are detailed in Section 4 and Attachment 2 (Redline Site Certificate).

SECTION 4

Information Required Pursuant to OAR 345-027-0060(1)

4.1 OAR 345-027-0060(1)(a) Name and Mailing Address

(1) To request an amendment of a site certificate, the certificate holder shall submit a written request to the Department of Energy that includes the information described in section (2) and the following:

(a) The name and mailing address of the certificate holder and the name, mailing address and phone number of the individual responsible for submitting the request.

Name and Address of Certificate Holder:

Leaning Juniper Wind Power II, LLC
1125 NW Couch Street, Suite 700
Portland, OR 97209

Name, Mailing Address, and Phone Number of Individual Responsible for Submitting the Request:

Sara McMahon Parsons
Iberdrola Renewables, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
(503) 796-7732

4.2 OAR 345-027-0060(1)(b) Description of Facility

(b) A description of the facility including its location and other information relevant to the proposed change.

Response: The LJF is described in Exhibits B and C of the ASC (September 2006) and Section III of the Final Order. LJWP is proposing to alter LJF in the manner described in this amendment request. Figure 1 in Attachment 1 shows the LJF site boundary as currently permitted, including one change request submitted by LJWP for which the Department has confirmed that no SC amendment is required (LJIIA). As originally authorized under the SC, the LJF will have a generating capacity of up to 279 MW and an average generating capacity of approximately 93 MW. The LJIIB components will be located on private land for which LJWP has negotiated long-term wind energy leases and has or will negotiate additional easements as required. The overhead collector or transmission line from the LJIIB turbines to the approved collector substation near the Jones Canyon Switching Station will also cross the Palouse River and Coulee City Railroad. LJWP will obtain a private license agreement with the Railroad to perform this crossing. LJWP successfully obtained license

agreements from the Railroad for the Railroad crossing at Stone Lane needed for LJIIA, and will enter into a license agreement with Palouse River and Coulee City Railroad for the LJIIB crossing.

The LJIIB lease boundary is shown on Figure 2. Iberdrola Renewables, Inc., or its affiliates also lease the majority of the adjacent property on either side of the proposed amended site boundary. Another wind energy company leases the majority of the property to the south.

4.3 OAR 345-027-0060(1)(c) Proposed Changes to the Permitted Facility

(c) A detailed description of the proposed change and the certificate holder's analysis of the proposed change under the criteria of OAR 345-027-0050(1).

Response:

4.3.1 Proposed Changes to Major Facilities

This amendment request does not seek to change the range of turbine sizes or types, maximum number of turbines, or maximum generating capacity of LJF from what was originally authorized in the SC. The total number of turbines at LJF will not exceed 133 and the total MW will not exceed 279. Turbines will not exceed 3.0 MW. The turbine hub-height will not exceed 100 meters (328 feet), and the turbine blade tip height will not exceed 150 meters (492 feet).

Specifically, LJIIB will consist of up to 90 turbines with a generating capacity of up to 188.7 MW. The turbine vendor, size, number, and actual generating capacity have not yet been determined. Like the original ASC, this amendment analyzes impacts for two turbine types. The turbine types represent a range that encompasses the scale and impacts of the turbines that could potentially be used at LJIIB. The minimum turbine layout for LJIIB is 62 3.0-MW turbines. The maximum turbine layout is 90 1.5-MW turbines. The final layout will have 62 to 90 turbines, with any combination of turbines ranging in size up to 3.0 MW and a generating capacity of up to 188.7 MW. The total number of acres within the proposed amended LJF site boundary is approximately 14,366. Please refer to Figures 2 and 3 for maps of the proposed amended LJF site boundary and the LJIIB components.

4.3.2 Proposed Changes to Related or Supporting Facilities

Related or supporting facilities for the LJF consist of the operations and maintenance (O&M) building, power collection system, up to two collector substations, interconnection to the existing Jones Canyon Switching Station, SCADA system, transportation and access roads, construction staging areas, and meteorological towers. This amendment request seeks to add power collection system, a substation, SCADA, access roads and staging areas to what was originally authorized in the SC. Related or supporting facilities not described here remain unchanged from those facilities authorized in the SC. In addition, the dimensions of the major facility structures have not changed from what is described in the SC and Final Order, except as described below or in the impact tables provided in Attachment 3.

Central Power Collection System

As described in the SC, a network of collection power cables will be installed along and between the turbine strings to collect power generated by the individual wind turbines. The preliminary collection system for LJIIB is depicted on Figures 2 and 3.

Energy generated at the LJIIB turbines located in the proposed amended site boundary will be collected via collector cables and connected to either the approved collector substation to be constructed as part of the first phase, which is located within Lot 4 near the Jones Canyon Switching Station, or to a new additional collector substation located closer to the LJIIB turbines. These facilities are displayed on Figures 2 and 3.

The majority of the collector system will be buried in the soil approximately 3 feet below the ground surface. However, where site-specific considerations require, the collector system may be aboveground. Using aboveground structures allows the collector cables to “span” canyons and intermittent streams and thus to reduce environmental impacts. The overhead pole structures will generally be about 80 to 100 feet tall, depending on terrain. Support structure diagrams for the collector cables were provided in the ASC.

Based on the maximum turbine layout, approximately 25.5 miles of collector cables will be installed for LJIIB. The maximum length installed aboveground under the worst-case situation will be at most 30 percent of the collector system (approximately 17.8 miles of collector cables installed underground and approximately 7.7 miles of cables installed on overhead pole structures). Examples of specific conditions that will make it environmentally or economically advantageous to run portions of the collection system aboveground are as follows:

- Steep terrain where the use of backhoes and trenching machines is infeasible or unsafe
- Stream and wetland crossings where an aboveground line avoids or minimizes environmental impacts
- Soil with low thermal conductivity preventing adequate heat dissipation from the conductor, and rocky conditions that significantly increase trenching costs
- Highway and railroad crossings

Because detailed geotechnical studies have not yet been completed for the LJIIB area, it is not possible to determine the precise locations where aboveground collector cables may be necessary. Geotechnical studies may show that more cables are needed aboveground than originally planned in the preliminary layout. Therefore, in order for the Department to evaluate the potential impact of aboveground collector cables, LJWP proposes that no more than 30 percent (approximately 7.7 miles) of the collector system be aboveground.

Proposed Additional Collector Substation

The LJIIB collector cables will connect to either the approved collector substation to be constructed as part of the first phase, which is located within Lot 4 near the Jones Canyon Switching Station, or to a new additional collector substation located closer to the LJIIB turbines. The preferred and alternate locations of the collector substation in the latter scenario are shown on Figures 2 and 3. If engineering analysis determines that it is more efficient to construct an additional collector substation, the substation site will be

surrounded by a graveled, fenced area with transformer and switching equipment and an area to park utility vehicles.

Interconnection to the Switching Station

Like the first phase of construction, electricity generated from the turbines located in the proposed amended site boundary will be connected to BPA's existing Jones Canyon Switching Station. Energy from the LJIIB turbines will be collected via collector cables to either the approved collector substation to be constructed as part of the first phase, which is located within Lot 4 near the Jones Canyon Switching Station, or to a new additional collector substation located closer to the LJIIB turbines (see Figures 2 and 3). If the energy from the LJIIB turbines is collected and transferred to the first collector substation, a 34.5-kV overhead collector system will be constructed between the LJIIB turbines and the collector substation. The overhead collector system will consist of two double-circuit 34.5-kV lines running parallel to each other. Support structure diagrams for the collector cables were provided in the ASC. LJWP is proposing a preferred and an alternate route, and both are shown on Figures 2 and 3.

If engineering analysis determines that it is more efficient to construct an additional collector substation near the LJIIB turbines, a 230-kV overhead transmission line will be constructed between the new collector substation and the first substation constructed. The support structures for the 230-kV transmission line will be constructed as shown on Figures 5 through 7. The 230-kV overhead transmission line route would follow the same preferred or alternate route described for the 34.5-kV overhead line described above.

Both the preferred and alternate routes terminate at the approved collector substation to be constructed as part of the first phase, which is located within Lot 4 near the Jones Canyon Switching Station, as shown on the same figures and on Figure 4. In either case, the overhead line will be a maximum of approximately 7 miles in length (alternate route), as shown on Figures 2 and 3, and will be located entirely in Gilliam County.

SCADA System

A SCADA system will be installed in the proposed amended site boundary to collect operating and performance data from the LJIIB turbines, and provide remote operation of the wind turbines. The SCADA system consists of fiber optic cables that collect operating and performance data from each wind turbine and carry that information back to a master panel at the collector substation and then from the collector substation to the operator's terminal controls at the existing O&M building. Where the collector lines are installed underground, the fiber optic SCADA cables will be installed in the collector cable trenches above the underground collector lines. Where the collector lines are installed on aboveground structures, the fiber optic SCADA cables will be installed on the overhead structures above the collector line cables.

Based on the maximum turbine layout, approximately 25.5 miles of SCADA fiber optic cables will be installed along the central collector system for LJIIB. Of this amount, up to 30 percent of the central collection system will be installed aboveground, resulting in approximately 7.7 miles of fiber optic cables installed on overhead pole structures.

The LJIIB SCADA system also consists of lightning shield communication wires from the collector substation to the interconnection station along the length of the 230-kV transmission line. The lightning shield or optical ground wires run above the power conductors on the 230-kV line. The lightning shield wire is shown in position TM-F1 on Figure 5, TM-6S on Figure 6, and TM-4E on Figure 7. The maximum length of the transmission line is approximately 7 miles, so the maximum length of the lightning shield wire will also be approximately 7 miles.

If the engineering analysis determines that it is more efficient to run overhead 34.5-kV lines from the LJIIB turbines to the first collector substation located near the Jones Canyon Switching Station, then lightning shield communication cables will parallel each of the double-circuit 34.5-kV lines along the preferred or alternate route (Figures 2 and 3), for a total of up to 14 miles of lightning shield communication wires along these 34.5-kV lines.

Transportation and Access Roads

Transportation to and from the proposed amended site boundary will follow a route that includes access via Interstate, State, and County roads. This route is the same as the route submitted in the LJII ASC. Constructing the LJIIB turbines will require improving some existing County and private roads, and constructing new gravel roads to provide access for construction vehicles. The new construction roads may continue to be used during LJIIB operations. Roads will be designed under the direction of a licensed engineer and compacted to meet equipment load requirements. Based on the maximum turbine layout, approximately 20.3 miles of new roads will be constructed for LJIIB. In addition, a maximum of approximately 5.5 miles of existing County roads and approximately 1.7 miles of existing private roads will be improved (see Figures 2, 3, and 8).

Three existing County roads will be improved by widening, grading, and graveling. County roads are typically 16 feet wide, and will need to be widened to up to 60 feet during construction and up to 30 feet during operations.

In addition, some existing private roads will need to be improved by widening, grading, and graveling. Typical existing roads are 8 to 12 feet wide, and will need to be widened to up to 80 feet during construction and up to 20 feet during operations. Where necessary, existing cattle guards will be replaced with wider cattle guards to accommodate the wider roads.

Figures 2 and 3 show the locations of existing private and County roads that will need improvement.

In areas where existing roads do not provide access to wind turbine locations, and along the length of turbine strings, new gravel roads will be constructed. Generally, these new roads will be up to 20 feet wide (with up to an additional 60 feet temporarily disturbed for crane paths¹ during construction).

¹The cranes required to erect turbines will temporarily disturb a corridor up to 60 feet wide during transport between turbine locations. This 60-foot corridor will parallel the access road corridor where possible, and will allow for the irregular path made by the 30-foot-wide crane, and up to 10 feet on either side of the crane for support vehicles. Where vegetation needs to be cleared (i.e., vegetation too large for the crane to walk over), the vegetative spoils will be pushed beyond the 50-foot path for up to 5 feet on either side, for a maximum disturbance width of 60 feet. In locations where the crane paths do not parallel access roads, temporary crane paths will be 55 feet in width instead of the 35 feet reflected in the original calculations.

Additional Construction Staging Areas

During construction of the LJIIB turbines and associated facilities, staging areas will be used to stage construction and store supplies and equipment. Based on the maximum turbine layout, approximately one 2.5-acre staging area will be located adjacent to each proposed turbine string (a total of seven 2.5-acre staging areas) with two centrally located, 10-acre staging areas. The locations of these staging areas are illustrated on Figures 2 and 3.

The additional staging areas will consist of a crushed gravel surface that will be removed following construction. The disturbed area will be restored to preconstruction conditions as required by the SC and the Revegetation Plan included as Attachment B to the Final Order.

Meteorological Towers

The SC authorizes up to four permanent meteorological (met) towers. LJWP will be constructing two met towers at LJIIA as part of the first phase of construction. Up to two permanent meteorological (met) towers will be located within the proposed amended site boundary near the LJIIB turbines for the collection of meteorological data, as shown on Figures 2 and 3. No additional met towers beyond the four authorized in the SC are requested as part of this amendment.

Operations and Maintenance Buildings

This amendment request does not seek to change the O&M buildings from what was originally authorized in the SC. The SC authorizes up to two O&M buildings, each up to 8,000 square feet, and each located on a 10-acre site. LJWP will be constructing one O&M building equal to or less than 8,000 square feet on a 10-acre site at LJIIA as part of the first phase of construction. This O&M building will be used for LJIIB as well. The second O&M building authorized as part of the SC may still be constructed as authorized by the SC but is not currently planned for construction as part of LJIIB. No additional O&M buildings are proposed.

4.3.3 Micrositing Corridor Locations of Energy Facility Site and Related and Supporting Facilities

Additions to the approved site boundary for LJIIB are described in Table 1 and Figure 9.

TABLE 1
Micrositing Corridors for Proposed Amended Site Boundary

Point ID	Latitude	Longitude	Description	Approximate Length (feet)
1 (Start)	45° 38' 25.152" N	120° 9' 33.922" W		
			Property Line	3965
2	45° 38' 25.116" N	120° 8' 38.449" W		
			Property Line	2607
3	45° 38' 25.029" N	120° 8' 1.449" W		
			Property Line	7911
4	45° 37' 6.951" N	120° 8' 1.651" W		
			Property Line	1329
5	45° 37' 6.667" N	120° 7' 42.962" W		
			East line of the NW1/4 NE1/4 Sec 36 T2N R21E W.M.	1297

TABLE 1
Micrositing Corridors for Proposed Amended Site Boundary

Point ID	Latitude	Longitude	Description	Approximate Length (feet)
6	45° 36' 53.864" N	120° 7' 43.127" W		
			North 88° 53' 32" East	1322
7	45° 36' 54.056" N	120° 7' 24.540" W		
			Property Line	3093
8	45° 36' 40.932" N	120° 6' 59.985" W		
			South 1° 52' 53" West	5288
9	45° 36' 27.840" N	120° 7' 0.686" W		
			South 0° 7' 30" East	5288
10	45° 36' 1.687" N	120° 7' 0.781" W		
			South 1° 15' 46" West	5288
11	45° 35' 48.748" N	120° 7' 1.275" W		
			Property Line	5627
12	45° 35' 9.647" N	120° 7' 24.901" W		
			North 89° 39' 23" West	2670
13	45° 35' 9.926" N	120° 8' 2.430" W		
			South 0° 51' 57" West	3940
14	45° 34' 31.050" N	120° 8' 3.517" W		
			Property Line	7957
15	45° 34' 31.323" N	120° 8' 40.233" W		
			North 0° 7' 59" East	2619
16	45° 34' 57.171" N	120° 8' 39.986" W		
			North 89° 49' 5" West	1324
17	45° 34' 57.270" N	120° 8' 58.602" W		
			North 0° 2' 43" East	3961
18	45° 35' 36.370" N	120° 8' 58.316" W		
			North 45° 5' 13" West	1871
19	45° 35' 49.464" N	120° 9' 16.863" W		
			South 45° 5' 29" West	1869
20	45° 35' 36.496" N	120° 9' 35.553" W		
			South 0° 1' 41" West	1034
21	45° 35' 26.290" N	120° 9' 35.621" W		
			Eastern edge of pavement of Oregon Highway 19	1176
22	45° 35' 15.095" N	120° 9' 31.326" W		
			Centerline of existing farm road	3359
23	45° 35' 0.788" N	120° 10' 12.907" W		
			South 0° 3' 14" West	5629
24	45° 34' 5.224" N	120° 10' 13.304" W		
			Property Line	5091
25	45° 34' 16.724" N	120° 11' 8.160" W		
			Property Line	3500
26	45° 34' 19.244" N	120° 11' 55.936" W		
			North 1° 49' 47" East	37
27	45° 34' 19.611" N	120° 11' 55.918" W		
			Centerline of existing farm road	7610

TABLE 1
 Micrositing Corridors for Proposed Amended Site Boundary

Point ID	Latitude	Longitude	Description	Approximate Length (feet)
28	45° 35' 22.575" N	120° 11' 39.862" W		
			North 33° 24' 26" East	128
29	45° 35' 23.628" N	120° 11' 38.864" W		
			Property Line	862
30	45° 35' 23.577" N	120° 11' 26.740" W		
			North 0° 10' 32" West	3949
31	45° 36' 2.558" N	120° 11' 26.697" W		
			North 89° 53' 2" West	1321
32	45° 36' 2.634" N	120° 11' 45.275" W		
			South 0° 11' 44" East	1317
33	45° 35' 49.633" N	120° 11' 45.282" W		
			South 45° 3' 0" West	32
34	45° 35' 49.412" N	120° 11' 45.601" W		
			Property Line	6396
35	45° 36' 0.645" N	120° 12' 53.900" W		
			North 80° 8' 31" West	16
36	45° 36' 0.673" N	120° 12' 54.122" W		
			Western ROW of Berthold Road	5525
37	45° 36' 41.047" N	120° 12' 8.090" W		
			Centerline of Cedar Springs Lane ROW	58
38	45° 36' 41.181" N	120° 12' 7.297" W		
			Eastern ROW of Berthold Road	5225
39	45° 36' 3.362" N	120° 12' 51.128" W		
			Property Line	3420
40	45° 36' 16.101" N	120° 12' 21.459" W		
			Property Line	330
41	45° 36' 19.358" N	120° 12' 21.362" W		
			Property Line	932
42	45° 36' 28.553" N	120° 12' 21.031" W		
			North 89° 56' 4" East	5200
43	45° 36' 28.418" N	120° 11' 7.894" W		
			North 0° 30' 41" East	1320
44	45° 36' 41.448" N	120° 11' 7.656" W		
			North 3° 53' 17" East	1261
45	45° 36' 53.867" N	120° 11' 6.384" W		
			North 42° 20' 6" East	1870
46	45° 37' 7.461" N	120° 10' 48.597" W		
			North 0° 3' 18" East	1316
47	45° 37' 20.450" N	120° 10' 48.505" W		
			North 26° 9' 56" West	1435
48	45° 37' 33.187" N	120° 10' 57.335" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	4986
49	45° 37' 30.735" N	120° 10' 36.793" W		
			South 42° 34' 49" East	162

TABLE 1
Micrositing Corridors for Proposed Amended Site Boundary

Point ID	Latitude	Longitude	Description	Approximate Length (feet)
50	45° 37' 29.553" N	120° 10' 35.257" W		
			Property Line	569
51	45° 37' 32.904" N	120° 10' 29.170" W		
			South 45° 6' 2" East	1795
52	45° 37' 20.347" N	120° 10' 11.357" W		
			North 89° 59' 37" East	1320
53	45° 37' 20.295" N	120° 9' 52.782" W		
			South 0° 20' 58" West	3949
54	45° 36' 41.319" N	120° 9' 53.352" W		
			North 89° 57' 21" East	1316
55	45° 36' 41.274" N	120° 9' 34.842" W		
			North 0° 18' 55" East	3946
56	45° 37' 20.226" N	120° 9' 34.302" W		
			South 89° 56' 13" East	2144
57	45° 37' 20.113" N	120° 9' 4.147" W		
			Western ROW of Montague Lane	3541
58	45° 37' 36.934" N	120° 9' 46.191" W		
			Centerline of Oregon Highway 19 ROW	61
59	45° 37' 37.529" N	120° 9' 46.302" W		
			Eastern ROW of Montague Lane	3649
60	45° 37' 20.109" N	120° 9' 3.106" W		
			South 89° 56' 18" East	410
61	45° 37' 20.087" N	120° 8' 57.342" W		
			North 0° 12' 16" East	2631
62	45° 37' 46.052" N	120° 8' 57.049" W		
			North 89° 58' 3" West	2635
63	45° 37' 46.178" N	120° 9' 34.122" W		
			North 0° 2' 8" West	3957
1 (End)	45° 38' 25.152" N	120° 9' 33.922" W		

65 (Start)	45° 37' 38.798" N	120° 11' 1.744" W		
			North 29° 5' 52" West	700
66	45° 37' 44.849" N	120° 11' 6.501" W		
			Property Line	664
67	45° 37' 51.403" N	120° 11' 6.447" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	592
68	45° 37' 54.798" N	120° 10' 59.662" W		
			Property Line	255
69	45° 37' 54.710" N	120° 10' 56.081" W		
			South 25° 40' 54" East	731
70	45° 37' 48.190" N	120° 10' 51.657" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	1220
65 (End)	45° 37' 38.798" N	120° 11' 1.744" W		

TABLE 1
 Micrositing Corridors for Proposed Amended Site Boundary

Point ID	Latitude	Longitude	Description	Approximate Length (feet)
71 (Start)	45° 37' 54.573" N	120° 11' 7.711" W		
			North 25° 17' 35" West	3897
72	45° 38' 29.412" N	120° 11' 30.946" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	200
73	45° 38' 30.323" N	120° 11' 28.446" W		
			South 25° 17' 35" East	3883
74	45° 37' 55.610" N	120° 11' 5.295" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	201
71 (End)	45° 37' 54.573" N	120° 11' 7.711" W		
75 (Start)	45° 38' 32.276" N	120° 11' 32.856" W		
			North 25° 17' 35" West	4287
76	45° 39' 10.607" N	120° 11' 58.431" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	657
77	45° 39' 17.040" N	120° 11' 59.615" W		
			South 25° 17' 35" East	4905
78	45° 38' 33.187" N	120° 11' 30.356" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	200
75 (End)	45° 38' 32.276" N	120° 11' 32.856" W		
79 (Start)	45° 39' 18.242" N	120° 12' 3.526" W		
			North 25° 17' 35" West	3092
80	45° 39' 45.888" N	120° 12' 21.979" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	234
81	45° 39' 45.634" N	120° 12' 18.701" W		
			South 25° 17' 35" East	2344
82	45° 39' 24.675" N	120° 12' 4.710" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	657
79 (End)	45° 39' 18.242" N	120° 12' 3.526" W		
83 (Start)	45° 39' 48.607" N	120° 12' 23.794" W		
			North 25° 17' 35" West	1723
84	45° 40' 4.009" N	120° 12' 34.078" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	1365

TABLE 1
Micrositing Corridors for Proposed Amended Site Boundary

Point ID	Latitude	Longitude	Description	Approximate Length (feet)
85	45° 39' 52.799" N	120° 12' 23.484" W		
			South 25° 17' 35" East	495
86	45° 39' 48.378" N	120° 12' 20.533" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	233
83 (End)	45° 39' 48.607" N	120° 12' 23.794" W		
87 (Start)	45° 40' 9.912" N	120° 12' 33.017" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	2767
88	45° 40' 25.480" N	120° 12' 20.433" W		
			Property Line	1561
89	45° 40' 10.084" N	120° 12' 19.714" W		
			Property Line	945
87 (End)	45° 40' 9.912" N	120° 12' 33.017" W		
90 (Start)	45° 40' 36.385" N	120° 12' 45.322" W		
			Property Line	1748
91	45° 40' 35.954" N	120° 12' 20.750" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	3180
90 (End)	45° 40' 36.385" N	120° 12' 45.322" W		
92 (Start)	45° 40' 22.810" N	120° 11' 48.747" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	5215
93	45° 40' 6.765" N	120° 11' 9.645" W		
			Property Line	3218
92 (End)	45° 40' 22.810" N	120° 11' 48.747" W		
94 (Start)	45° 40' 4.726" N	120° 11' 4.678" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	1480
95	45° 39' 59.490" N	120° 10' 59.834" W		
			North 58° 58' 14" West	406
96	45° 40' 1.570" N	120° 11' 4.722" W		
			Property Line	320
94 (End)	45° 40' 4.726" N	120° 11' 4.678" W		
97 (Start)	45° 39' 56.928" N	120° 10' 53.814" W		
			Existing EFSC Site Boundary as defined in the LJII Final Order (Attachment D) and Change Request #1	2043

TABLE 1
Micrositing Corridors for Proposed Amended Site Boundary

Point ID	Latitude	Longitude	Description	Approximate Length (feet)
98	45° 39' 53.285" N	120° 10' 45.253" W		
			North 58° 58' 14" West	711
97 (End)	45° 39' 56.928" N	120° 10' 53.814" W		

Exclusions

Point ID	Latitude	Longitude	Description	Approximate Length (feet)
64 (Start)	45° 36' 41.183" N	120° 8' 57.821" W		
			NE1/4 SE1/4 Sec 35 T2N R21E W.M.	5259
64 (Start)	45° 36' 41.183" N	120° 8' 57.821" W		

4.3.4 Land Area of LJIB Facility and Related and Supporting Facilities

Additions to the approved impacts are described in Attachment 3, Addendum to Temporary and Permanent Impact Calculations.

4.4 OAR 345-027-0060(1)(d) Proposed Changes to Site Certificate

(d) The specific language of the site certificate, including affected conditions, that the certificate holder proposes to change, add or delete by an amendment.

Response: Attachment 2 to this amendment request is a “redline” version of the SC, showing the proposed changes.

4.5 Relevant Council Standards

(e) A list of the Council standards relevant to the proposed change.

Response: Council standards relevant to the proposed change include Division 22 (General Standards for Siting Facilities) and Division 24 (Specific Standards for Siting Facilities). The requirements of each of these standards are outlined below, along with LJWP’s responses.

4.5.1 OAR 345-022

The following Division 22 standards are addressed:

- OAR 345-022-0010 Organizational Expertise
- OAR 345-022-0020 Structural Standard
- OAR 345-022-0022 Soil Protection
- OAR 345-022-0030 Land Use
- OAR 345-022-0040 Protected Areas
- OAR 345-022-0050 Retirement and Financial Assurance
- OAR 345-022-0060 Fish and Wildlife Habitat
- OAR 345-022-0070 Threatened and Endangered Species

- OAR 345-022-0080 Scenic Resources
- OAR 345-022-0090 Historic, Cultural and Archaeological Resources
- OAR 345-022-0100 Recreation
- OAR 345-022-0110 Public Services
- OAR 345-022-0120 Waste Minimization

OAR 345-022-0010 Organizational Expertise

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

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

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

(4) If the applicant relies on a permit or approval issued to a third party and the third party does not have the necessary permit or approval at the time the Council issues the site certificate, the Council may issue the site certificate subject to the condition that the certificate holder shall not commence construction or operation as appropriate until the third party has obtained the necessary permit or approval and the applicant has a contract or other arrangement for access to the resource or service secured by that permit or approval.

Response:

A. Certificate Holder's Expertise

As described in the Final Order, the Certificate Holder is Leaning Juniper Wind Power II, LLC (LJWP). The Final Order also noted that PPM Energy, Inc. (PPM) was the parent of LJWP and that PPM, by way of several other entities, was ultimately owned by Iberdrola SA. Since the Final Order, PPM changed its name to Iberdrola Renewables, Inc. (IBR), and the corporate organization above LJWP has been modified. However, IBR continues to be the parent of LJWP, and IBR continues to be a part of Iberdrola Renovables, S.A., a Spanish company that is the world leader in the renewable energy sector operating in 19 countries. Further, IBR continues to be a leader in the renewable industry in the United States and is also the parent owner of the Klondike III Wind Project operating under a site certificate issued by the Council. Within its power business, IBR is focused on the development and

marketing of clean fuel sources, including wind as well as solar, biomass, and natural gas-fired generation.

IBR will provide the organizational, managerial, and technical expertise to construct and operate the amended LJF. The organizational, managerial, and technical expertise of PPM (now IBR) is described in the Final Order. Through direct ownership or power purchase agreements, IBR controls more than 2,000 MW of wind generation currently in operation and then integrates and markets the output from these projects into the wholesale power market.

In the Final Order, the Council found that PPM would provide its expertise to LJWP. The Council concluded that LJWP demonstrated that it has the organizational expertise to construct and operate the LJF. Other than the change in corporate structure and company name, there have been no changes that would affect the Council's previous findings under this standard.

The business address is as follows:

Iberdrola Renewables, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209

B. Third-Party Permits

LJWP does not rely on any state or local government permit issued to a third party.

Conclusions

This amendment request does not affect LJWP's ability to comply with the SC. Therefore, OAR 345-022-0010 (1) through (4) is met.

OAR 345-022-0020 Structural Standard

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

(a) The applicant, through appropriate site-specific study, has adequately characterized the site as to Maximum Considered Earthquake Ground Motion identified at International Building Code (2003 edition) Section 1615 and maximum probable ground motion, taking into account ground failure and amplification for the site specific soil profile under the maximum credible and maximum probable seismic events; and

(b) The applicant can design, engineer, and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from maximum probable ground motion events. As used in this rule "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement, and subsidence;

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

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

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

Response: LJWP conducted a site-specific study of the proposed amended LJF site boundary for LJIB (LJIB area), as described in Attachment 4. Based on the literature review and site reconnaissance, there was no evidence of recent (historical) slope instability, faulting, or ground rupture within the LJIB area. The study characterized the seismic, geologic, and soil hazards of the LJIB area and determined that the potential for ground rupture, earthquake-induced landslides and slope instability, lateral spreading, liquefaction, and settlement or subsidence within the LJIB area is low, and LJWP can design, engineer, and construct the amended LJF to avoid dangers to human safety presented by such hazards.

The LJIB area is characterized by little or no soil overlying a relatively deep stratum of weakly cemented sedimentary rock (which primarily consists of gravel and interbedded weakly cemented sands and silts). No basalt is anticipated to be encountered for any of the wind turbine foundations. These subsurface conditions are based on a literature review of existing geologic mapping, and by observations made during a site reconnaissance of the LJIB area in May of 2009 (see Attachment 4). Deformations in the form of medium to very large prehistoric landslides were observed in the vicinity of the LJIB area. These features are no longer anticipated to be active, and are interpreted to have been triggered by Pleistocene floods. However, apparently stable landslides can sometimes become reactivated by human activity, or by a record rainfall or large seismic event. Attachment 4 provides further description of these features.

This amendment request does not change the information presented in the Final Order or LJWP's ability to comply with the SC, and therefore, OAR 345-022-0020(1) is met.

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

Response: This rule is not applicable.

OAR 345-022-0022 Soil Protection

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

Response: Soils and soil types at LJF were described in Exhibit I of the ASC. A soil survey conducted for the LJIB area identified one new soil type, the Licksillet series, which was not identified during the surveys of the original site boundary. A detailed description of this series is provided in Attachment 4. The Licksillet series consists of shallow, well-drained stoney and gravelly loams that formed in hill slopes. The surface consists of a thin layer of very stoney loam that is less than 12 inches thick. The clay content increases below

12 inches, and the typical depth to rock beneath this layer is between 12 and 20 inches. For a description of rock types in the area, refer to Attachment 4. Within the LJIIB area, Licksillet soils are found on south- and west-facing slopes near the crest of sloping areas at elevations between 500 and 1,000 feet mean sea level, with slopes of 7 to 40 percent. Permeability is high with high runoff. Water erosion potential is high but wind erosion potential is not. The principle land use is farming and rangeland. Native vegetation is mainly bunchgrass, forbes, and shrubs, although some areas are dominated by juniper trees.

Attachment 3 summarizes the number of acres that will be temporarily disturbed by LJIIB construction or occupied by permanent facilities during LJIIB operation.

A. Impacts During Construction

Overall impacts on soils during construction of the amended LJF will be the same as those described in the Final Order for LJF.

B. Impacts During Operation

As described in the Final Order, operation of the LJF will have little impact on soils. There will be no additional impact to soils from construction of the amended LJF beyond the description provided in the Final Order.

C. Mitigation Measures

Mitigation measures for the amended LJF will be the same as those described in the Final Order.

This amendment request does not change the mitigation measures presented in the Final Order or LJWP's ability to comply with the SC, and therefore, OAR 345-022-0022 is met.

OAR 345-022-0030 Land Use

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

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

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

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

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

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

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

Response: Under OAR 345-027-0070(10), the Council must consider whether the facility complies with the land use standard for areas that will be affected by construction and operation of the amended LJF. As demonstrated below, the amended LJF complies with the applicable substantive criteria of Gilliam County and all directly applicable provisions of the Land Conservation and Development Commission (LCDC) administrative rules.

Pursuant to ORS 469.504(1)(b), the Council found in Section IV.3(a) of the Final Order for LJF (September 2007) that the LJF complies with OAR 345-022-0030(2)(b), with authorization of an exception to Statewide Planning Goal 3 and the imposition of SC conditions 36 through 44. The proposed land use types, applicable Gilliam County zoning district, and applicable substantive criteria for LJIIB have not changed from what was already approved by the Council for LJF. Therefore, this amendment request does not affect the LJWP's ability to comply with ORS 469.504(1)(b), OAR 345-022-0030(2)(b), the Statewide Planning Goals, the applicable substantive criteria from the *Gilliam County Comprehensive Plan* (GCCP) and Gilliam County Zoning Ordinance (GCZO), or SC conditions 36 through 44.

As described in more detail in the response to OAR 345-022-0030(3), directly below, the amended site boundary for LJIIB includes only the types of land uses (e.g., wind turbines, collector cables, access roads) and construction and operation activities originally authorized as part of LJF. In addition, the land uses, amended site boundary and half-mile analysis area proposed with this amendment request are on land in the same Gilliam County zone (Exclusive Farm Use [EFU]) authorized for LJF. Finally, the applicable substantive criteria in the GCCP and GCZO have not changed from what was last updated by Gilliam County on October 25, 2000 (Anderson, pers. comm., 2009).

LJWP requests that the Goal 3 exception authorized for LJF be modified to include both the amended site boundary and facilities for LJIIB. LJWP also submits this analysis in response to the new LCDC administrative rule OAR 660-033-0130(37), effective January 2, 2009. The response to OAR 345-022-0030(4), directly below, provides additional justification for this modification request.

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

Response: The applicable substantive criteria in the GCCP and GCZO have not changed from the criteria that were (1) last updated by Gilliam County on October 25, 2000 (Anderson, pers. comm., 2009); (2) identified as applicable to LJF by the special advisory group (SAG)²; and (3) addressed in Section IV.3(a) of the Final Order for LJF. The land uses,

² The Council appointed the Gilliam County Court on January 28, 2006, as the SAG in review of the ASC for LJF.

amended site boundary, and half-mile analysis area proposed with this amendment request are on privately owned land in the same Gilliam County zone (EFU) as the uses and site already authorized in the Final Order. Figure 10 provides an aerial photograph to demonstrate the pattern of existing land uses within the amended site boundary for LJIB and adjacent property. Figure 11 shows the GCCP designations and land use zones.

This amendment request includes only the land use types and construction and operation activities originally authorized for LJF. Therefore, the land use types proposed for the LJIB facilities are within the same categories specified in the GCZO [see GCZO Sections 4.020(D)(14), 4.020(D)(24), 4.020(D)(25), 4.020(D)(29), and 4.020(D)(34)] and described on pages 29 and 30, Section IV.3(a)(A) of the Final Order. These land use types include commercial utility facilities for the purpose of generating power for public sale [4.020(D)(14)]; improvements of public roads and highways [4.020(D)(24)]; transportation improvements on rural lands [4.020(D)(25)]; utility facilities necessary for public service [4.020(D)(29)]; and wind power generation facilities [4.020(D)(34)]. Therefore, the applicable substantive criteria for the amended LJF remain consistent with previous recommendations made by the SAG as described on pages 27 and 28, Section IV.3(a)(A) of the Final Order.

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

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

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

(c) The following standards are met:

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

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

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

Response: For the reasons discussed above and set forth in Section IV.3(a)(A) of the Final Order, the amended LJF complies with the applicable substantive criteria recommended to the Council by Gilliam County except GCZO Section 4.020(D)(14), which limits the area that a “commercial utility facility” may occupy as a conditional use in the EFU zone. Because the proposed LJIB facilities do not comply with all applicable local land use criteria (specifically GCZO 4.020(D)(14)), the Council must determine whether, under ORS 469.504(1)(b)(B), the proposed facilities “otherwise comply with the applicable statewide planning goals.” For a use located within an EFU zone, the “applicable statewide

planning goal” is Goal 3. OAR chapter 660, division 33 contains LCDC administrative rules for implementing the requirements for agricultural land as defined by Goal 3. OAR 660-033-0120 (Table 1) lists the “commercial utility facility” use as a type “R” use (“use may be approved, after required review”). Prior to the effective date of OAR 660-033-0130(37), the standards found in OAR 660-033-0130(5) and (22) applied to wind power facilities proposed to be located on non-high-value farmland and OAR 660-033-0130(5) and (17) applied to such facilities proposed to be located on high-value farmland.

However, OAR 660-033-0130(37) (effective January 9, 2009) amended OAR 660-003-0120 (Table 1) to (1) list “wind power generation facility” as a type “R” use, and (2) add OAR 660-033-0130(37), which lists new requirements for wind energy facilities on agricultural lands. The effect of these amendments was to eliminate the 12-acre and 20-acre restrictions on wind energy facilities by excluding wind energy facilities from the definition of “commercial utility facility” subject to OAR 660-033-0130(17) and (22). Instead, the amendments imposed new restrictions on wind energy facilities, as set forth in OAR 660-033-0130(37). The applicability of OAR 660-033-0130(5) (implementing ORS 215.296) does not change.

Gilliam County has yet to amend the GCZO to incorporate OAR 660-033-0130(37) and therefore, GCZO 4.020(D)(14) still requires a commercial utility facility to obtain a Goal 3 exception pursuant to OAR 660-033-0130(17) or (22) if it exceeds the 12-acre or 20-acre threshold. Thus, the following sections demonstrate that in addition to meeting the new requirements in OAR 660-033-0130(37), the proposed facility complies with Goal 3 and is authorized under OAR 345-022-0030(4)(c).

Exception to Goal 3 under ORS 469.504(2)

As shown in Table 2, the proposed LJIIB components will occupy approximately 21 acres of high-value farmland. In addition, the proposed LJIIB components will occupy approximately 51 acres of non-high-value farmland. The proposed LJIIB components do not comply with OAR 660-033-0130(17) or (22), which triggers the need for a Goal 3 exception under the old rules.

TABLE 2
Areas Occupied by LJIIB Components

Structure	Total Permanent Impacts (acres)	High-Value Farmland Impacts (acres) ¹	Non-High-Value Farmland Impacts (acres) ²
Principal Use			
Turbine towers, including pad areas	3.431	1.333	2.098
Meteorological towers	0.041	0.021	0.021
Overhead 34.5-kV Collector Line Structures (Home Run)	0.100	0.000	0.100
Overhead 230-kV Transmission Line Structures (Home Run)	0.067	0.000	0.067
LJIIB Collector Substation	3.000	0.000	3.000
<i>Subtotal</i>	<i>6.640</i>	<i>1.354</i>	<i>5.286</i>
Access Roads	66.153	19.992	46.136

TABLE 2
Areas Occupied by LJIIB Components

Structure	Total Permanent Impacts (acres)	High-Value Farmland Impacts (acres) ¹	Non-High-Value Farmland Impacts (acres) ²
Total³	72.793	21.345	51.422

Notes:

This table is based on the worst-case (maximum turbine layout) locations for LJIIB components as shown on Figure 2 in Attachment 1 and Figure 3 in Attachment 3.

Some specific soil types found within the amended site boundary (e.g., soil types 32A, 32B, 40B, and 55B) are NRCS Class II soils (i.e., defined as high-value farmland) if irrigated and Class III soils (i.e., defined as non-high-value farmland) if not irrigated. Thus, the calculations of impact to high-value and non-high-value farmland provided in this table are based on a conservative methodology assuming that these soil types are all irrigated or high-value farmland.

¹ OAR 660-033-0020(8)(a) defines high-value farmland as a tract composed predominately of soils that are irrigated or not irrigated and classified prime, unique, Class I or II by the NRCS and also include other specific soils listed in the OARs. Thus, impacts to Class I and II soils are high-value farmland impacts.

² OAR 660-033-00020(1)(a)(A) defines agricultural land as NRCS Soil Classes I-VI in Eastern Oregon and OAR 660-033-00020(8)(a) defines high-value as NRCS Soil Classes I and II. Thus, non-high-value farmland consists of those areas in NRCS Soil Classes III-VI.

³ In addition to the areas listed, the worst-case scenario will also result in 0.026 acre of impact to Class VII soil, which is neither high-value nor non-high-value farmland.

In Section IV.3(a)(C) of the Final Order, the Council found that a Goal 3 exception was justified under ORS 469.504(2)(c) for LJF, and although this Amendment Request seeks to amend the LJF site boundary farther to the south to minimize wake impacts from existing nearby wind projects and optimize the use of the wind resource, the exceptions analysis and findings set forth in Section IV.3(a)(C) of the Final Order support a Goal 3 exception for this Amendment Request. Those findings can be summarized (in bold) as follows:

Reasons Supporting the Exception

1. **Although the amended site boundary for LJIIB will include approximately 7,962 acres of EFU farmland, the LJIIB components will permanently occupy approximately 21 acres of high-value farmland, or 0.26 percent of the EFU farmland within the amended site boundary.** It is significant to note that the wind facility structures will not occupy a single, continuous area within which no farming activities could occur. Rather, the spacing of turbines and turbine strings will allow farm use to continue efficiently on most of the land currently used for dryland wheat farming or other cultivated farm activities.

2. **The LJIIB access roads will be available to landowners for use in farm operations.** As shown in Table 2, of the approximately 21 acres of high-value farmland occupied by the LJIIB components, the access roads will occupy approximately 20 acres. The roads will be available to the landowners for farming or ranching and livestock grazing. Facility access roads will be the minimum size necessary for safe operation and will be located to minimize conflict with farm uses on surrounding land.

3. **The facility is compatible with farm use, will not seriously interfere with accepted farm practices on adjacent land and will not materially alter the overall land use pattern**

of the area. This Amendment Request does not propose any new types of related or supporting facilities.

4. **Approval of the proposed facility furthers the state policy embodied in Goal 13 (Energy Conservation).** EFU land is particularly well suited to the utilization of wind energy, which requires open land with unobstructed access to consistently strong winds. The areas within Gilliam County that have sufficient open space and strong winds are within EFU zones and the LJF will be sited on EFU land and produce renewable energy.

5. **The use of farmland for the location of the facility provides efficient access to the regional transmission system.** Less than 8 miles of new transmission line will be needed to connect the proposed LJIB components to existing regional power lines.

Accordingly, these reasons justify why the policy embodied in Goal 3 should not apply and thus ORS 469.504(2)(c)(A) and OAR 345-022-0030(4)(c)(A) are met.

Significant environmental, economic, social and energy consequences

The facility will meet all applicable Council standards. The Council's standards address the environmental, economic, social, and energy (EESA) consequences of the LJF with the proposed LJIB components. In Section IV.3(a)(C) of the Final Order, the Council determined that the LJF will have no significant adverse EESA consequences. The reasons and justifications supporting findings of no significant adverse EESA consequences in Section IV.3(a)(C) also support a finding of no significant adverse EESA consequences for the proposed LJIB components. Further, as demonstrated in this Amendment Request, the amended site boundary will also comply with all applicable Council rules.

The significant EESA consequences have been identified and to the extent necessary, adverse impacts will be mitigated in accordance with the Council rules applicable to the siting of the proposed facility; accordingly, ORS 469.504(2)(c)(B) and OAR 345-022-0030(4)(c)(B) are met.

Compatibility with adjacent uses

The facility is compatible with farm use, will not seriously interfere with accepted farm practices on adjacent land and will not materially alter the overall land use pattern of the area. Section IV.3(a)(C) of the Final Order describes the adjacent land uses to include farming (dryland wheat cultivation and cattle grazing) and the operation of the region's largest landfill, and no new uses are identified as a part of this amendment request. The LJIB components are compatible with farm uses for the reasons discussed in reference to GCZO 7.010, and the amended site boundary for LJIB will not force a significant change in accepted farm practices on surrounding lands and will not significantly increase the cost of farm practices. The findings and justifications in Section IV.3(a)(C) supporting a finding of compatibility for LJF also support a finding that the amended LJF is compatible with adjacent uses and meets ORS 469.504(2)(c)(C).

Analysis Under OAR 660-033-0130(37)

(a) *For high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:*

(A) *Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary*

for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

- (i) Technical and engineering feasibility;*
- (ii) Availability of existing rights of way; and*
- (iii) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph (37)(a)(B) of this subsection.*

Response: LJWP proposes to extend the LJF site boundary farther to the south to minimize wake impacts from existing nearby wind projects and optimize the use of the wind resource. The proposed land use is an optimization of an existing wind power generation facility (approved before the new rules were adopted by LCDC). The proposed LJIIB components are part of an amendment to a SC to optimize the layout of the LJF. It would be unreasonable to require the certificate holder to locate the LJIIB components at a distant location remote from the first phase of construction. Therefore, for an amendment that optimizes the site of an existing facility, a “reasonable alternative” must be on non-high-value farmland where there is a substantially similar wind resource, and must be either be contiguous with, or sufficiently close to, the existing facility to ensure that operation of the entire facility is practicable. If both prongs of the test cannot be satisfied, then there is no “reasonable alternative” and the analysis under OAR 660-033-0130(37)(a)(A) ends.

Here, Figure 12 provides information on the soil characteristics that exist within and near the amended site boundary for LJIIB. Soil maps of the area, based on data from the NRCS, show a mosaic of soil types, with high-value farmland soils (Class I and II) interspersed with non-high-value farmland soils. The soil mosaic is typical of this area of Gilliam County, as shown on Figure 13. From Figures 12 and 13, it is evident that there are few areas in which high-value farmland soils will not be affected to some extent and still meet the project needs.

As mentioned above, LJWP proposes to amend the LJF site boundary to minimize wake impacts from existing nearby wind projects and optimize the use of the wind resource. LJWP is preparing to begin the first phase of construction (LJIIA) within the authorized site boundary, and plans to construct one or more subsequent phases (LJIIB) within the amended site boundary on land immediately southeast of the originally permitted area. Both phases will connect to the Jones Canyon Switching Station and will operate as one facility. For these reasons, the proposed LJIIB components must be sited in reasonable proximity to the first phase of construction. The location of the amended site boundary for LJIIB was determined based on this need to optimize the use of wind resources for the LJF, and is also

constrained by the existing wind projects in the area and by land leased or otherwise committed to other wind power generation facilities.

In addition to the mosaic of high- and non-high-value farmland soils, the amended site boundary for LJIIB allows for efficient use of existing transmission infrastructure and the use of existing points of interconnection with the regional power grid. The amended site boundary for LJIIB includes approximately 7,962 acres. Although the proposed LJIIB components will permanently occupy less than 73 acres, a larger area is necessary to allow sufficient flexibility for micrositing considerations in the final design of the facility.

Given the diverse mosaic of soil types on the area of Gilliam County that is near or contiguous to the LJF and potentially available for the amended site boundary, there are no “reasonable alternatives” to locating components of the LJIIB components entirely or partially on high-value farmland soils. Any alternative configuration to the proposed LJIIB components will likely affect high-value farmland soils to some extent and the EESE consequences of alternative configurations will be substantially the same as the proposed configuration. Siting the proposed LJIIB components partially on high-value farmland soils is necessary for the facility to function properly and that siting portions of the road system and turbine strings on high-value farmland is necessary to achieve a reasonably direct route. For these reasons, OAR 660-033-0130(37)(a)(A) is satisfied.

- (B) *The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any component thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils.*

Response: The test required under OAR 660-033-0130(37)(a)(B) is similar to the test required by ORS 469.504(2)(c)(B), which is analyzed above to justify a “reasons” exception to Goal 3. The EESE consequences have been considered above as a part of the Goal 3 exception analysis, and for the reasons addressed there, the consequences for siting the proposed LJIIB components on high-value farmland are not significantly more adverse than would typically result from locating the components on non-high-value farmland. Accordingly, OAR 660-033-0130(37)(a)(B) is satisfied.

- (C) *Costs associated with any of the factors listed in paragraph (A) of this subsection may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary.*

Response: Costs are not the only consideration in the proposed location for the LJIIB components and therefore this criterion is met.

- (D) *The owner of a wind power generation facility approved under OAR 660-033-0130(37)(a) shall be responsible for restoring, as nearly as possible, to its former condition any siting, maintenance, repair or reconstruction of the facility. Nothing in*

this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

Response: The certificate holder must restore all areas disturbed by the construction, including farmland, according to the Revegetation Plan (included as Attachment B to the Final Order) and Condition 74 of the Final Order. This Amendment Request does not impact the certificate holder’s ability to comply with the Revegetation Plan and Condition 74. Therefore, OAR 660-033-0130(37)(a)(D) is met.

(E) *The criteria in OAR 660-033-0130(37)(b) are satisfied.*

Response: As discussed below, the criteria in OAR 660-033-0130(37)(b) are met, and therefore the facility complies with OAR 660-033-0130(a)(E).

(b) *For arable land, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:*

(A) *The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices; and*

Response: This requirement is substantially similar to the analysis under GCZO 7.010 and ORS 469.504(2)(c)(C). As discussed above and in Section IV.3(a)(C) of the Final Order, the amended LJF will not create unnecessary negative impacts on agricultural operations conducted within the site boundary. OAR 660-033-0130(37)(b)(A) is met.

(B) *The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;*

Response: LJWP will conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required by the National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge General Permit 1200-C (Condition 70 of the Final Order). Attachment 5 contains LJWP’s proposed ESCP. The amended LJF will be included in the ESCP and governed under the NPDES Permit 1200-C. Further, this request for amendment demonstrates that the amended LJF meets the Council’s Soil Protection Standard. For these reasons, the construction and operation of the amended LJF will not result in unnecessary soil erosion and OAR 660-033-0130(37)(b)(B) is met.

- (C) *Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and*

Response: The certificate holder is obligated to decommission and restore the facility site under the Council's Retirement and Financial Assurance Standard, which includes restoring the site to pre-construction conditions suitable for agricultural use (see, e.g., Condition 75 of Final Order). This Amendment Request addresses the certificate holder's ability to meet the Council's Retirement and Financial Assurance Standard. For the reasons discussed there, and subject to SC conditions, the construction and operation of the amended LJF will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. OAR 660-033-0130(37)(b)(C) is met.

- (D) *Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.*

Response: During construction and operation of the facility, the certificate holder must implement a plan to control the introduction and spread of noxious weeds (Condition 82 of the Final Order). The amended LJF will be subject to the plan, and therefore construction or maintenance of the amended LJF will not result in the unabated introduction or spread of noxious weeds or other undesirable weed species. OAR 660-033-0130(37)(b)(D) is met.

- (c) *For nonarable lands, meaning lands that are not suitable for cultivation, the governing body or its designate must find that the requirements of OAR 660-033-0130(37)(b)(D) are satisfied.*

Response: This criterion is not applicable. Regardless, as discussed above, OAR 660-033-0130(37)(b)(D) is met.

- (d) *In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in OAR 660-033-0130(37)(b) and (c) the approval criteria of OAR 660-033-0130(37)(b) shall apply to the entire project.*

Response: All criteria under OAR 660-033-0130(37)(b) are met.

Conclusion

For the foregoing reasons, a Goal 3 exception for the amended LJF is justified and all requirements of OAR 660-033-0130(37) are met. Therefore, the facility complies with OAR 345-022-0030(4).

(5) If the Council finds that applicable substantive local criteria and applicable statutes and state administrative rules would impose conflicting requirements, the Council shall resolve the conflict

consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.

Response: Section IV.3(a) of the Final Order for LJF does not indicate that any of the applicable substantive local criteria recommended by the SAG impose conflicting requirements when compared against applicable state statutes and administrative rules. The land use types and amendment to the site boundary proposed with this amendment request are within the same jurisdiction and land use zone as the uses and site already approved in the SC for LJF. The amended site boundary for LJIB is proposed entirely within the Gilliam County EFU zone. The SAG recommended substantive criteria from the GCZO as described on pages 27-28, Section IV.3(a), of the Final Order. Gilliam County has not revised or updated the GCZO since it was applied to the review of LJF (Anderson, pers. comm., 2009). In addition, the amended LJF includes only the land use types and construction and operation activities originally authorized for LJF. Therefore, the applicable substantive criteria used to assess LJF have not changed from what was recommended for LJF and do not conflict with applicable state statutes and administrative rules. Accordingly, OAR 345-022-0030(5) is met.

(6) If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(10)(a)(C) to (E) or for a related or supporting facility that does not pass through more than one local government jurisdiction or more than three zones in any one jurisdiction, the Council shall apply the criteria recommended by the special advisory group. If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(10)(a)(C) to (E) or a related or supporting facility that passes through more than one jurisdiction or more than three zones in any one jurisdiction, the Council shall review the recommended criteria and decide whether to evaluate the proposed facility against the applicable substantive criteria recommended by the special advisory group, against the statewide planning goals or against a combination of the applicable substantive criteria and statewide planning goals. In making the decision, the Council shall consult with the special advisory group, and shall consider:

(a) The number of jurisdictions and zones in question;

(b) The degree to which the applicable substantive criteria reflect local government consideration of energy facilities in the planning process; and

(c) The level of consistence of the applicable substantive criteria from the various zones and jurisdictions.

Response: The land use types and amendment to the site boundary proposed with this amendment request are within the same jurisdiction and land use zone as the uses and site already approved in the SC for LJF. The amended site boundary for LJIB is proposed entirely within the Gilliam County EFU zone. The SAG recommended substantive criteria from the GCZO as described on pages 27 and 28, Section IV.3(a) of the Final Order. Gilliam County has not revised or updated the GCZO since it was applied to the review of LJF (Anderson, pers. comm., 2009). In addition, the amended LJF includes only the land use types and construction and operation activities originally authorized for LJF. Therefore, the substantive criteria have not changed from what was recommended for LJF and OAR 345-022-0030(6) is met.

OAR 345-022-0040 Protected Areas

(1) Except as provided in sections (2) and (3), the Council shall not issue a site certificate for a proposed facility located in the areas listed below. To issue a site certificate for a proposed facility located outside the areas listed below, the Council must find that, taking into account mitigation, the design, construction and operation of the facility are not likely to result in significant adverse impact to the areas listed below. References in this rule to protected areas designated under federal or state statutes or regulations are to the designations in effect as of May 11, 2007:

(a) National parks, including but not limited to Crater Lake National Park and Fort Clatsop National Memorial;

(b) National monuments, including but not limited to John Day Fossil Bed National Monument, Newberry National Volcanic Monument and Oregon Caves National Monument;

(c) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782;

(d) National and state wildlife refuges, including but not limited to Ankeny, Bandon Marsh, Baskett Slough, Bear Valley, Cape Meares, Cold Springs, Deer Flat, Hart Mountain, Julia Butler Hansen, Klamath Forest, Lewis and Clark, Lower Klamath, Malheur, McKay Creek, Oregon Islands, Sheldon, Three Arch Rocks, Umatilla, Upper Klamath, and William L. Finley;

(e) National coordination areas, including but not limited to Government Island, Ochoco and Summer Lake;

(f) National and state fish hatcheries, including but not limited to Eagle Creek and Warm Springs;

(g) National recreation and scenic areas, including but not limited to Oregon Dunes National Recreation Area, Hell's Canyon National Recreation Area, and the Oregon Cascades Recreation Area, and Columbia River Gorge National Scenic Area;

(h) State parks and waysides as listed by the Oregon Department of Parks and Recreation and the Willamette River Greenway;

(i) State natural heritage areas listed in the Oregon Register of Natural Heritage Areas pursuant to ORS 273.581;

(j) State estuarine sanctuaries, including but not limited to South Slough Estuarine Sanctuary, OAR chapter 142;

(k) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;

(l) Experimental areas established by the Rangeland Resources Program, College of Agriculture, Oregon State University: the Prineville site, the Burns (Squaw Butte) site, the Starkey site and the Union site;

(m) *Agricultural experimental stations established by the College of Agriculture, Oregon State University...*

(n) *Research forests established by the College of Forestry, Oregon State University, including but not limited to McDonald Forest, Paul M. Dunn Forest, the Blodgett Tract in Columbia County, the Spaulding Tract in the Mary's Peak area and the Marchel Tract;*

(o) *Bureau of Land Management areas of critical environmental concern, outstanding natural areas and research natural areas;*

(p) *State wildlife areas and management areas identified in OAR chapter 635, division 8.*

Response:

LJWP conducted an analysis of significant potential impacts on protected areas as described above in (a) through (p) for an analysis area extending 20 miles from the proposed amended site boundary for LJIIA and LJIIB [in accordance with OAR 345-001-0010(2) and -57(e)], including areas outside the state. Two Zone of Visual Influence (ZVI) maps were developed for the analysis area, one for the maximum turbine layout (see Figure 14) and one for the minimum turbine layout (see Figure 15). Both maps show the locations of the protected areas that have been identified within the analysis area. In addition, the maps include a ZVI analysis to show the areas from which LJIIA and LJIIB wind turbines potentially will be visible.

In the Final Order for LJF, four protected areas were within 20 miles of the Facility, but the LJF was not located within any protected area. No protected areas lie within the proposed amended LJF site boundary. There are no additional protected areas within the 20-mile analysis area beyond the four identified in Section IV.3(c), Table 6, of the Final Order. These four areas are shown on Figures 14 and 15 and summarized in Table 3.

TABLE 3
Protected Areas within 20-Mile Analysis Area

Protected Area	Rule Reference	Approximate Distance from Nearest LJIIA or LJIIB Turbine (Miles)	Direction from LJIIA and LJIIB	State
John Day Wildlife Refuge	(d)	6 (LJIIA)	W	Oregon
John Day Federal Wild and Scenic River	(k)	6 (LJIIA)	W	Oregon
John Day State Scenic Waterway	(k)	6 (LJIIA)	W	Oregon
Horn Butte Area of Critical Environmental Concern (ACEC)	(o)	3 (LJIIB)	E	Oregon

Note:

John Day Dam, Columbia Southern Railroad Passenger Station and Warehouse, and JS Burrese State Park are not protected areas pursuant to OAR 345-022-0040(1) for the reasons described in Footnote 81, Page 55, of the Final Order for LJF.

The design, construction, and operation of the amended LJF will not result in noise, traffic, water, or wastewater impacts on any of the protected areas listed in Table 3 for the reasons described on pages 55 and 56 of the Final Order for LJF and supplemented by information in this amendment request (see responses to OAR 340-035-0035, Noise; OAR 345-022-0110,

Public Services; and OAR 345-022-0120, Waste Minimization). This finding is consistent with OAR 345-021-0010(1)(L)(C)(i-iv).

Supplemental analysis was conducted to determine the extent to which LJIIA and LJIIIB turbines will be visible from the protected areas, and where visible, to assess the nature and degree of potential impacts on the existing scenic qualities of the protected areas. Review of the ZVI analysis presented on Figures 14 and 15 indicates that the nearest LJIIA or LJIIIB turbine will be approximately 6 miles away and will not be visible from the portion of the John Day River designated as a Federal Wild and Scenic River and State Scenic Waterway. Therefore, no significant adverse impacts to either of these protected areas will occur, as described on pages 56 and 57 of the Final Order for LJF and supplemented by information in this amendment request (see response to OAR 345-022-0080).

The John Day Wildlife Refuge is approximately 6 miles from the nearest LJIIA or LJIIIB turbine. The refuge is protected for wildlife habitat. It is not managed for its scenic views. The ZVI shows that a few turbines might be visible from some isolated areas of the refuge approximately ¼-mile from the river bank. No significant adverse impacts to this protected area will occur, as described on pages 56 and 57 of the Final Order for LJF and supplemented by information in this amendment request (see response to OAR 345-022-0080).

Review of the ZVI analysis presented on Figures 14 and 15 indicates that LJIIA and LJIIIB turbines will be visible from the Horn Butte Area of Critical Environmental Concern (ACEC). This protected area is managed for wildlife and wildlife habitat and not for scenic quality. In addition, existing views from the majority of the Horn Butte ACEC already include wind turbines, various transmission lines, highways and roads, and other human-made features. Accordingly, the limited views of LJIIA and LJIIIB turbines will not constitute a significant adverse impact on this protected area.

Although this request for amendment proposes to expand the LJF site boundary to the southeast of the originally permitted area, the impact on protected areas from the amended LJF does not change from what is described in Section IV.3(c) of the Final Order for LJF. The design, construction, and operation of the amended LJF will not occur within, nor will it result in any significant adverse impacts to the protected areas listed. Accordingly, LJWP demonstrates that the Project can be designed, constructed, and operated in accordance with OAR 345-022-0040(1).

(2) Notwithstanding section (1), the Council may issue a site certificate for a transmission line or a natural gas pipeline or for a facility located outside a protected area that includes a transmission line or natural gas or water pipeline as a related or supporting facility located in a protected area identified in section (1), if other alternative routes or sites have been studied and determined by the Council to have greater impacts. Notwithstanding section (1), the Council may issue a site certificate for surface facilities related to an underground gas storage reservoir that have pipelines and injection, withdrawal or monitoring wells and individual wellhead equipment and pumps located in a protected area, if other alternative routes or sites have been studied and determined by the Council to be unsuitable.

Response: This rule is not applicable because the amendment request for LJIIIB does not include any related or supporting facilities in a protected area identified in OAR 345-022-0040(1).

(3) The provisions of section (1) do not apply to transmission lines or natural gas pipelines routed within 500 feet of an existing utility right-of-way containing at least one transmission line with a voltage rating of 115 kilovolts or higher or containing at least one natural gas pipeline of 8 inches or greater diameter that is operated at a pressure of 125 psig.

Response: This rule is not applicable because the amendment request for LJIIB does not include a transmission line or natural gas pipeline routed within 500 feet of an existing utility right-of-way containing at least one transmission line with a voltage rating of 115 kilovolts (kV) or higher or containing at least one natural gas pipeline of 8 inches or greater diameter that is operated at a pressure of 125 pounds per square inch gauge (psig).

OAR 345-022-0050 Retirement and Financial Assurance

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

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

Response:

The amendment request includes an increase in the area occupied by access roads and other facilities and additional area of estimated site restoration. However, this amendment request does not change the information presented in the Final Order regarding the process or methods for retiring (decommissioning) the site following permanent cessation of construction or operation of the LJF, or LJWP's ability to comply with the SC. The methodology used for decommissioning and site restoration the amended site boundary to include the LJIIB components will not change from the methodology described in the Final Order. LJIIB can be retired (decommissioned) and the site restored adequately to a useful, nonhazardous condition that allows continued use for agriculture. Accordingly, this amendment request does not change LJWP's ability to meet OAR 345-022-0050 and the Council may find under OAR 345-027-0070(10) that the retirement and financial assurance standard is met.

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

Response:

As described in the Final Order, LJWP demonstrated a reasonable likelihood of obtaining a bond or letter of credit in the amount of \$8.847 million in 2006 dollars to retire the 279-MW LJF site to a useful, nonhazardous condition. LJWP is preparing to construct 43 2.1-MW turbines with a generating capacity of 90.3 MW in 2009 under the authority of the SC, and will submit an adjusted bond or letter of credit based on the 90.3-MW layout prior to construction as required by the SC.

This amendment request does not seek to change the range of turbine types or sizes, maximum number of turbines, or maximum generating capacity of LJF from what was originally authorized in the SC. While construction of LJIIB will result in additional area of restoration and retirement of additional roads and transmission facilities, the total number of turbines at LJF will not exceed 133 and the total MW will not exceed 279. LJWP has demonstrated a reasonable likelihood of obtaining a bond or letter of credit to retire a

facility with up to 133 turbines and up to 279 MW, and the SC allows for the adjustment of the bond or letter of credit prior to construction. As will be done for LJIIA, LJWP will submit an adjusted bond or letter of credit based on the final LJIIB layout prior to construction.

Attachment 6 to this amendment request contains a cost estimate for restoration of the LJIIB portion of LJF. Based on the maximum turbine layout, the total estimated cost (including contingencies, general costs, performance bonds, administration and project management, and maximum lengths of components) for restoration of this portion of LJF is 8.6 million in 2nd Quarter 2009 dollars. This cost estimate is conservative because it is based on using the more costly of the two interconnection options; the 230-kV transmission line was considered in this estimate rather than the two 34.5-kV double-circuit lines, and the maximum lengths were used. Should LJWP elect to construct less than the maximum length of the 230-kV transmission line, or should LJWP elect to construct the 34.5-kV collector lines to connect with the approved collector substation to be constructed as part of the first phase, the estimate for restoring the LJIIB facility will be less than the estimated cost provided in Attachment 6.

The cost estimate is based on the Department's estimates of cost removal and does not include scrap value. However, LJWP respectfully requests that the Council recognize the costs of said decommissioning security and reserves the right to argue that the Council take into account the following when establishing the amount and timing of said security:

- The risk of the LJIIB facility ceasing operations in the first 10 years is extremely low.
- The wind turbines will have a significant resale value in the early years of facility life.
- The salvage value of the turbines and towers warrants consideration.
- The landowner leases require LJWP to decommission the facility.

LJWP prefers that the decommissioning security requirement become effective in the later years of the LJIIB facility's life (e.g., in year 15). At that point, the facility will still have substantial commercial value, but decommissioning could be expected after another 15 to 20 years. In order to reflect the phased construction of the proposed amended LJF, Condition 30 will be modified as follows:

30. Before beginning construction **of each respective phase of the facility**, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is \$8.847 million (in 2006 dollars) **for LJIIA**, adjusted to the date of issuance as described in (b), or the amount determined as described in (a). **The supplemental bond or letter of credit amount is \$8.6 million (in 2nd quarter 2009 dollars) for LJIIB, adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The** certificate holder shall adjust the amount of the **bonds** or **letters** of credit on an annual basis thereafter as described in (b).
 - a. The certificate holder may adjust the amount of the **bonds** or **letters** of credit based on the final design configuration of the facility by applying the unit costs and general costs illustrated in Table 2 and Table 3 of the Final Order on the Application to the final design and calculating the

financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department.

- b. The certificate holder shall adjust the amount of the bonds or letters of credit, using the following calculation and subject to approval by the Department:
 - i. Adjust the gross cost component of the bond or letter of credit amount (expressed in 2006 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency (the "Index") and using the annual average index value for 2006 dollars and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust 2006 dollars to present value.
 - ii. Add 1 percent of the adjusted gross cost (i) for the adjusted performance bond amount, 10 percent of the adjusted gross cost for the adjusted administration and project management costs and 10 percent of the adjusted gross cost for the adjusted future developments contingency.
 - iii. Add the adjusted gross cost (i) to the sum of the percentages (ii) and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount.
- c. The certificate holder shall use a form of bond or letter of credit approved by the Council.
- d. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.
- e. The certificate holder shall describe the status of the bonds or letters of credit in the annual report submitted to the Council under Condition 21.
- f. The bonds or letters of credit shall not be subject to revocation or reduction before retirement of the facility site.

For the reasons above, and subject to the proposed condition, LJF, as amended, meets OAR 345-022-0050 and the Council may find under OAR 345-027-0070(10) that the retirement and financial assurance standard is met.

OAR 345-022-0060, Fish and Wildlife Habitat

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025 in effect as of September 1, 2000.

OAR 635-415-0025 Requirements (Implementation of Department Habitat Mitigation Recommendations):³

(1) *“Habitat Category 1” is irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage.*

(a) The mitigation goal for Category 1 habitat is no loss of either habitat quantity or quality. ***

(2) *“Habitat Category 2” is essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage.*

(a) The mitigation goal if impacts are unavoidable, is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality. ***

(3) *“Habitat Category 3” is essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population.*

(a) The mitigation goal is no net loss of either habitat quantity or quality. ***

(4) *“Habitat Category 4” is important habitat for fish and wildlife species.*

(a) The mitigation goal is no net loss in either existing habitat quantity or quality. ***

(5) *“Habitat Category 5” is habitat for fish and wildlife having high potential to become either essential or important habitat.*

(a) The mitigation goal, if impacts are unavoidable, is to provide a net benefit in habitat quantity or quality. ***

(6) *“Habitat Category 6” is habitat that has low potential to become essential or important habitat for fish and wildlife.*

(a) The mitigation goal is to minimize impacts. ***

Response: All of the fish and wildlife habitats within the addition to the site boundary for LJIIB were identified and categorized according to Oregon Department of Fish and Wildlife (ODFW) policy, as described in Attachments 3 and 7. No Category 1 habitat will be impacted by the amended LJF. Approximately 54 percent of the amended site boundary for LJIIB is located in agricultural croplands and CRP grasslands. During final design, the LJIIB components will be microsited to avoid impacts to Category 1 habitat, and to avoid and minimize both temporary and permanent impacts to high-quality native habitat where practicable. The area of impact for the LJIIB components within each affected habitat category and the corresponding mitigation area for each category are calculated as follows, based on worst-case estimates that represent maximum potential impacts:

- Category 1
 - All impacts will be avoided.

³ The provisions cited under OAR 635-415-0025 are included only in part, rather than in their entirety, for purposes of brevity.

- Category 2
 - Footprint impacts: 19.9 acres
 - Temporary impacts to SSA (shrub-grass; sagebrush-rabbitbrush-snakeweed/bunchgrass-annual grass) or SSE (bitterbrush-buckwheat-bunchgrass-annual grass) 11.9 acres
 - Mitigation area requirement: $[19.9 \text{ acres (footprint)} \times 2] + [11.9 \text{ (temporary impacts) acres} \times 0.5] = 45.8 \text{ acres}$
- Category 3
 - Footprint impacts: 15.2 acres
 - Temporary impacts to SSA or SSE: 0.4 acre
 - Mitigation area requirement: $15.2(\text{footprint}) \text{ acres} + [0.2 \text{ (temporary impacts)} \times 0.5] = 15.3 \text{ acres}$
- Category 4
 - Footprint impacts: 2.8 acres
 - Mitigation area requirement: 2.8 acres
- Category 5
 - Footprint impacts: 0 acre
 - Mitigation area: 0 acre
- **Total mitigation area (rounded to nearest whole acre): 64 acres**

Temporary habitat impacts will be mitigated consistent with ODFW standards as described in the Revegetation Plan included as Attachment B to the Final Order. Permanent impacts and temporary impacts to SSA and SSE that cannot be avoided will be mitigated consistent with ODFW standards as described in the Habitat Mitigation Plan included as Attachment C to the Final Order. As described in Attachment C, LJWP identified a 440-acre parcel in a relatively remote setting where habitat protection and enhancement are feasible and sufficient land area is available to accommodate the size of the mitigation area, based on a worst-case estimate. LJWP has executed an Option for Conservation Easements with the landowner for 280 acres, which is sufficient to accommodate the size of the mitigation area calculated for both LJIIA and LJIIB facilities.

This amendment request does not change LJWP's ability to comply with the Final Order. There is sufficient evidence upon which the Energy Facility Siting Council may find that the design, construction, and operation of LJIIB, taking into account the proposed mitigation measures, are consistent with the fish and wildlife mitigation goals and standards of OAR 635-415-0025 and that LJWP has demonstrated compliance with OAR 345-022-0060.

OAR 345-022-0070, Threatened and Endangered Species

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

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

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

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

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

Response:

The 2008-2009 Supplemental Study to the 2005 Leaning Juniper Wildlife Baseline Study is provided as Attachment 7 to this amendment request. One population of a plant species, Laurent's milk-vetch (*Astragalus collinus* var. *laurentii*), listed as threatened under ORS 564.105(2), has been identified within the analysis area. No other plants listed as threatened or endangered ORS 564.105(2) were documented within the analysis area. One state-listed endangered species, the Washington ground squirrel (WGS), is located within the site boundary, and one state-listed threatened species, the bald eagle, might travel through the area, but neither they nor their habitat will be significantly affected by the amended LJF. Avoidance and mitigation measures built into the LJF location and design, the SC, and attachments to the Final Order, will reduce the potential for impacts to insignificant levels.

This amendment request does not change LJWP's ability to comply with the Final Order. With regard to Condition 88 of the SC, LJWP will consult with ODFW and the Department regarding an amendment to the current Incidental Take Permit letter to reflect the revised layout for the amended LJF. Therefore, based on the information provided in this amendment request, there is sufficient evidence upon which the Council may find that LJIIIB, taking into account the proposed mitigation measures, is not likely to cause a significant reduction in the likelihood of survival or recovery of threatened or endangered plant or wildlife species within the analysis area, and that LJWP demonstrates compliance with OAR 345-022-0070.

OAR 345-022-0080 Scenic Resources

(1) Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified as significant or important in local land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area described in the project order.

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

Response: Under OAR 345-027-0070(10), the Council must consider whether the facility complies with the scenic resource standard for areas that will be affected by construction and operation of the amended LJF. As demonstrated below, the design, construction, and operation of the amended LJF will not result in significant adverse impacts to scenic resources and values identified as significant or important in local land use plans, tribal land management plans, or federal management plans for any land located within the 10-mile analysis area measured from the overall amended site boundary (including both LJIIA and LJIIB).

A. Visual Features of the Site and the Proposed Facility

LJWP is preparing to construct 43 2.1-MW turbines with a generating capacity of 90.3 MW in 2009 under the authority of the SC within the approved site boundary. This first phase of construction is referred to as LJIIA. LJWP requests an amendment to the SC to extend the LJF site boundary farther to the south to minimize wake impacts from existing nearby wind projects and optimize the use of the wind resource. The subsequent phase(s) of construction within the amended site boundary is referred to as LJIIB, and will consist of up to 90 turbines with a generating capacity of up to 188.7 MW. This amendment request does not seek to change the maximum number of turbines, the maximum generating capacity, or the range of turbine types or sizes originally authorized under the SC.

The primary visual features of the amended LJF (the wind turbines, meteorological towers, and O&M building), will be the same as those described in the Final Order. Modifications to visual features include the aboveground 230-kV transmission line or 34.5-kV collector system from the LJIIB turbines to the approved collector substation located near the Jones Canyon Switching Station and the potential for a second collector substation, as described in Section 4.3 of this amendment request.

B. Effect on Identified Scenic Values

LJWP conducted an analysis of the amended LJF and significant potential impacts on scenic resources and values identified as significant or important in applicable land use and land management plans. The purpose of the analysis was to determine potential visual impacts from the proposed amended LJF, including potential combined impacts from LJIIA and LJIIB.

Analysis Methodology

The visual analysis was conducted using the Zones of Visual Influence (ZVI) methodology described for LJF in Sections R.1.1 and R.1.2 of Exhibit R from the original ASC (September 2006). The original analysis area for LJF was 30 miles, in accordance with the analysis area specified by state regulation at the time the ASC was prepared. Since then, the relevant OAR (OAR 345-001-0010(2) and (57)) has been amended to reduce the analysis area for OAR 345-022-0080 to a 10-mile analysis area. Thus, to fully assess impacts from the proposed amended site boundary, the visibility of facilities associated with both LJIIA and LJIIB was

modeled using the new 10-mile analysis area measured from the overall amended site boundary (including both LJIIA and LJIIB).

The ZVI data were overlaid on maps of the analysis area to evaluate potentially significant impacts. Four ZVI maps of the analysis area (Figures 16 through 19) were developed. Figure 16 depicts the maximum turbine layout,⁴ and Figure 17 depicts the minimum turbine layout.⁵ Figures 16 and 17 show the areas from which both the LJIIA and LJIIB wind turbines will potentially be visible. Figures 18 and 19 depict the ZVI for the electrical line connecting the LJIIB turbines to the approved collector substation located near the Jones Canyon Switching Station; the ZVI assumes this line will be a 230-kV overhead transmission line from a new collector substation near the LJIIB turbines rather than a 34.5-kV overhead collector system, because the 230-kV structures would be taller and more visible than the 34.5-kV structures. Figure 18 indicates areas where the preferred LJIIB transmission line route will potentially be visible and Figure 19 depicts areas where the alternative transmission line route will potentially be visible.⁶

A comparison of the ZVI from the wind turbines (Figures 16 and 17) with the ZVI from the transmission line routes (Figures 18 and 19) demonstrates that the turbines will be more visible than the transmission lines, and that the visibility of either transmission line route would be less than the visibility of the turbines. Therefore, the analysis of the potential visibility of LJIIA and LJIIB focuses on the wind turbines. In addition, because there is little to no difference in the potential visibility of the maximum and minimum turbine layouts from identified scenic resources within the 10-mile analysis zone, the analysis assumes that both ZVI scenarios will have the same potential visual impacts.

In addition to the ZVI analysis, a site visit was conducted by CH2M HILL on April 27, 2009, to confirm and document the existing visual conditions of the analysis area. Photographs from various locations within the analysis area were taken to depict the landscape character and existing conditions. Photographs showing the typical conditions within the analysis area are included as Figures 20 through 23.

Applicable Local, Tribal, and Federal Plans

The reduced analysis area from 30 to 10 miles resulted in a smaller number of applicable land use and land management plans compared to those listed in Table 7, Section IV.3(d)(B) of the Final Order. The applicable planning areas include Sherman County, Oregon; Gilliam County, Oregon; Morrow County, Oregon; City of Arlington, Oregon; Klickitat County, Washington; John Day River; and Oregon Trail. Based on a review of the ZVI, the amended LJF is potentially visible from each of these planning areas. The applicable planning areas include one not analyzed in Section IV.3(d)(B) of the Final Order -- the City of Arlington is

⁴ For Figure 16, maximum turbine layout, the LJIIB towers were assumed to be 80 meters (262 feet), the rotors were assumed to be 77 meters (253 feet) in diameter, and the distance from the ground to the tip of the blade was assumed to be 118.5 meters (389 feet). The LJIIA towers were assumed to be 79 meters (259 feet), the rotors were assumed to be 88 meters (289 feet) in diameter, and the distance from the ground to the tip of the blade was assumed to be 123 meters (403 feet). This is consistent with the methodology used in the original ASC.

⁵ For Figure 17, the minimum turbine layout, the LJIIB towers for the minimum turbine layout were assumed to be 100 meters (328 feet) tall, the rotors were assumed to be 100 meters (328 feet) in diameter, and the distance from the ground to the tip of the blade was assumed to be 150 meters (492 feet). The LJIIA towers were assumed to be 79 meters (259 feet), the rotors were assumed to be 88 meters (289 feet) in diameter, and the distance from the ground to the tip of the blade was assumed to be 123 meters (403 feet). This is consistent with the methodology used in the original ASC.

⁶ For Figures 18 and 19, the analysis assumed the tops of the transmission line structures to be 30.5 meters (100 feet) high.

within the 10-mile analysis area. The ZVI shows that the proposed amended LJF (including both LJIIA and LJIIB) will potentially be visible from this jurisdiction. Therefore, the *City of Arlington Comprehensive Plan* (July 2003) was added to the analysis of potentially significant impacts on scenic resources and values for the LJF amendment.

Identification, Description, and Potential Impacts on Scenic Resources and Values Identified as Significant or Important

Section IV.3(d)(B) of the Final Order includes descriptions of significant or important scenic resources and values specifically identified in applicable land use and land management plans. The analysis below addresses only information that has changed since issuance of the SC, new information introduced since issuance of the SC, or differences in the analysis area due to the proposed amended site boundary.

The LJF turbine strings will be located on the tops of ridges in sparsely populated, open country near other existing wind projects. As evidenced in the ZVI depicted on Figures 16 and 17, topography such as canyons and slopes will prevent views of the turbines from many areas including John Day River, Rock Creek, Fourmile Canyon, and Willow Creek. These areas are the only locations within the 10-mile analysis area that were identified as scenic or important scenic resources in applicable land use and land management plans (see discussions below). In addition, turbines will not be visible from most areas along the Columbia River and Interstate-84. As illustrated on Figures 18 and 19, the preferred and alternate transmission line routes will be less visible than the wind turbines.

Both LJIIA and LJIIB will be lighted in accordance with FAA regulations to minimize aviation risks. Because the flashing lights are most noticeable only at night within approximately 1 mile of them, the visual impacts of the turbine lights will be low. Accordingly, FAA lights associated with the turbines will not have significant adverse impacts on any scenic resources or values.

Table 4 lists the planning areas shown on Figures 16 and 17 from which the amended LJF turbines might be visible.

TABLE 4
Land Management Areas

Area	Management	Location	Approximate Distance from Nearest LJIIA or LJIIB Turbine (Miles)
Oregon National Historic Trail	Federal	Oregon	0.07 (LJIIB)
John Day River	Federal/State	Oregon	6 (LJIIA)
Morrow County	County	Oregon	6 (LJIIB)
Klickitat County	County	Washington	2 (LJIIA)
Sherman County	County	Oregon	6 (LJIIA)
Gilliam County	County	Oregon	0
City of Arlington	City	Oregon	1 (LJIIA)

Oregon National Historic Trail

The Oregon National Historic Trail passes through six states and covers 2,130 miles. The applicable federal land management plan is the Comprehensive Management and Use Plan (CMP) adopted by the National Park Service in 1999. As described in the CMP, the purposes of the Oregon National Historic Trail are "to identify, preserve, and interpret sites, route, and history of the Oregon Trail" and "to commemorate the westward movement of emigrants to the Oregon country as an important chapter of our national heritage." Accordingly, the Oregon Trail is managed for historical significance and not primarily as a scenic resource. This conclusion is consistent with the Council's findings in Section IV.3(d) of the Final Order on the Shepherds Flat Wind Farm, dated July 25, 2008.

The Oregon Trail is designated as an historic trail under the National Trails System Act (Act), and under the Act, portions of the trail are identified as "high-potential" segments or sites. These segments or sites provide an opportunity to interpret the historic significance of the trail. Criteria for selection of a high-potential segment or site include "historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion." Within the 10-mile analysis area there are two high-potential historic sites. The *Two Rivers Resource Management Plan and Record of Decision* (1986) and the *Comprehensive Management and Use Plan Update: Final Environmental Impact Statement, Oregon National Historic Trail and Mormon Pioneer National Historic Trail* (U.S. National Park Service, 1999) identify John Day River Crossing (McDonald Crossing) and Fourmile Canyon as "high-potential" sites with scenic qualities. In addition, the Oregon Trail Management Plan (1993) was prepared by the BLM Prineville District to manage the Fourmile Canyon site.

McDonald Crossing and Fourmile Canyon are located within the analysis area as shown on Figures 16 and 17. The ZVI analysis (Figures 16 through 19) shows that the amended LJF turbines will not be visible from McDonald Crossing on the John Day River. Thus, significant adverse impacts to the McDonald Crossing's visual setting will not occur. The ZVI analysis shows that Fourmile Canyon is on the edge of an area where turbines could be potentially visible, although line-of-sight views to turbines from this area will be unlikely or limited due to topography. To the limited extent turbines could be seen in this area, they will appear as small objects in the background of the view. In addition, the BLM Prineville District's management plan proposes a "protective corridor extending ¼-mile either side of the main trail ruts...dependent on the amount of public land surrounding the individual trail segments," to protect the visual qualities of the Fourmile Canyon site. The nearest proposed wind turbine is on private land approximately 4 miles from the Fourmile Canyon site. The important scenic value connected with Fourmile Canyon is the view of the visible remnants of the Oregon Trail and the immediate surroundings on public land. An interpretive wayside is located within the canyon itself where the topography would likely block the line-of-sight to the amended LJF. Therefore, construction of the amended LJF will not affect the Council's conclusion in the Final Order that, if visible at all, LJF is unlikely to result in significant adverse impact to the scenic values associated with the Fourmile Canyon historic site.

John Day River

A segment of the John Day River is within the 10-mile analysis area as shown on Figures 16 and 17. This segment of the John Day River is federally designated as a "recreational river"

under the federal Wild and Scenic River Act and by Oregon as a State Scenic Waterway under the State Scenic Waterway Act. The applicable federal management plans include the *Two Rivers Resource Management Plan and Record of Decision* (1986) as amended by the *Record of Decision John Day River Management Plan, Two Rivers, John Day and Baker Resource Management Plan Amendment* (2001).

The ZVI depicted on Figures 16 and 17 shows that the amended LJF will be visible to a very limited degree from areas surrounding the segment of the John Day River within the 10-mile analysis area. Because the amended site boundary is further from the river than the originally approved site boundary, the amended LJF turbines will be less potentially visible in and around the John Day River than the original turbine locations described in the SC. As described in the Final Order, there would be few, if any, potential line-of-sight views between the river and the LJF turbines. Thus, consistent with the findings of the Final Order, visual impacts to the John Day River from construction of the amended LJF will not result in significant adverse impact to the significant or important scenic values within the John Day River area as a result of this amendment request.

Morrow County

No specific scenic resources are identified in the *Morrow County Comprehensive Plan* as significant or important. Consequently, no further analysis of the Morrow County, Oregon, land use and land management plans is required. The findings and conclusions with respect to this plan in Section IV.3(d)(B) of the Final Order apply to the amended LJF.

Klickitat County

The amended site boundary for LJIB is located farther from Klickitat County than the original site boundary. The Final Order states that no significant potential adverse impacts will occur to scenic resources or values that are identified in the Klickitat County Comprehensive Plan. Because the amended site boundary for LJIB is even farther from Klickitat County, the amended LJF will also have no significant potential adverse impacts to scenic resources or values in Klickitat County. Consequently, no further analysis of the Klickitat County, Washington, land use and land management plans is required. The findings and conclusions with respect to this plan in Section IV.3(d)(B) of the Final Order apply to the amended LJF.

Sherman County

The 10-mile analysis area covers a small piece of Sherman County on the west side of the John Day River. The *Sherman County Comprehensive Plan* was updated in 2007 after issuance of the SC. However, the updated Comprehensive Plan altered only the organization of the Comprehensive Plan and not the content with respect to scenic resources and values. The updated Comprehensive Plan does not identify any new scenic resources or values not already addressed in Section IV.3(d)(B) of the Final Order. Additionally, the amended LJF site boundary is located the same or greater distance from Sherman County than the original site boundary. Therefore, the amended LJF will not result in significant potential adverse impacts to scenic resources or values identified in the *Sherman County Comprehensive Plan*.

Gilliam County

The 10-mile analysis area encompasses a large portion of Gilliam County. Therefore, the specific provisions applicable to scenic resources and values from Part Five of the *Gilliam County Comprehensive Plan* (October 25, 2000) still apply, and were described in Section IV.3(d)(B) of the Final Order.

The *Gilliam County Comprehensive Plan* includes a general reference to rock outcroppings as important characteristics of the Gilliam County landscape (Finding 2 of Part 5). However, no specific rock outcroppings are identified in the amended site boundary. The only basalt exposures observed within the proposed amended site boundary were in the slopes along the Alkali Canyon creek bed that parallels Oregon Highway 19 (also known as John Day Highway), approximately 1 mile north of the intersection with Montague Lane. Rock outcroppings in Finding 2 are connected to walls and steep canyon slopes. The ZVI shows that the amended LJF will not be visible from within canyons (especially the steepest canyons) located in Gilliam County, where views of rock outcroppings are most significant. These canyons include the John Day River, Rock Creek, Fourmile Canyon, and Willow Creek. Thus, the turbines will not be within the view of rock outcroppings from the most significant canyons in Gilliam County. The *Gilliam County Comprehensive Plan* includes the two provisions listed above related to the John Day River. Analysis of the John Day River is included above and demonstrates compliance with the applicable federal land management plans. Therefore, the amended LJF will not result in significant potential adverse impacts to scenic resources or values identified in the *Gilliam County Comprehensive Plan*.

City of Arlington

The *City of Arlington Comprehensive Plan* was not included in Section IV.3(d)(B) of the Final Order. The *City of Arlington Comprehensive Plan* (July 2003) includes only one reference to scenic resources or values. The reference is as follows:

Goal 5. Open Space, Scenic and Historic Areas, and Natural Resources

F. Outstanding Scenic View and Sites

The views outside the City to the east, west, and north are considered scenic views and the topography of the City tends to protect those views as development occurs.

LJF is located due south of the City of Arlington. This reference from the *City of Arlington Comprehensive Plan* shows the City of Arlington values the views toward the Columbia River and away from LJF (i.e., east, west, and north). Therefore, construction and operation of the proposed amended LJF will not result in significant potential adverse impacts to scenic resources or values identified in the *City of Arlington Comprehensive Plan*.

C. Conclusions

In accordance with the Final Order and the discussion above, the design, construction, and operation of the amended LJF will not result in significant adverse impacts to scenic resources and values identified as significant or important in local land use plans, tribal land management plans, and federal land management plans for any lands within the applicable analysis area. Accordingly, LJWP demonstrates that the proposed amended LJF can be designed, constructed, and operated in accordance with OAR 345-022-0080.

OAR 345-022-0090 Historic, Cultural and Archaeological Resources

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

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

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

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

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

Response: Under OAR 345-027-0070(10), the Council must find that all applicable standards are satisfied before approving a site certificate amendment request. As discussed below, the amended LJF will not result in significant adverse impacts to historic, cultural, or archeological resources, and thus, although not required under OAR 345-022-0090(2), the Council may find that the amended LJF satisfies OAR 345-022-0090 and thus is allowed under OAR 345-027-0070(10).

LJWP conducted cultural resource investigations for the proposed amended site boundary for LJIB in February, April, and May 2009. In February 2009, CH2M HILL on behalf of LJWP conducted a literature search at the Oregon State Historic Preservation Office (SHPO). CH2M HILL also contacted SHPO and the Oregon Historic Trail Advisory Council (OHTAC) regarding the Oregon Trail (OHTAC, pers. comm., 2009). On May 26, 2009, OHTAC responded to Mr. McClintock of CH2M HILL and in response, LJWP will be providing OHTAC with additional information and is coordinating future discussions as needed.

Field investigations of potential cultural resources were conducted in April and May 2009. Field surveys were conducted within and near the amended site boundary, as shown on Figure 24. Detailed results of this survey are provided in Attachment 8, *Addendum to the Cultural Resources Survey Report for the Leaning Juniper II Wind Power Facility*.

A. Field Survey Results

The baseline field survey identified six historic sites, six historic isolates, one prehistoric isolate, and two standing structures. The six historic sites consist of the following:

- **LJ-H-1:** A widely dispersed scatter of crushed cans and historic debris. There are an estimated 250 crushed cans dispersed across the site. Other notable artifacts include a metal windshield frame from a pre-1930s era vehicle, and several bottle fragments manufactured as early as 1902 and as late as 1954.
- **LJ-4/7/09-1:** A number of automobiles, bicycles, and agricultural equipment pieces that have been deposited for long- or short-term storage or abandoned.

- **LJ-4/9/09-9:** A historic debris scatter containing fewer than 100 artifacts and including stoneware and ceramic shards, a few crushed tin cans, and glass fragments. The site is a surface deposit and appears to be the result of a single dumping event.
- **LJ-4/10/09-6:** An array of artifacts likely dating to 1910-1935 based on historic artifact types. The debris scatter consists mainly of chunks of terra-cotta colored clay pipe and sanitary cans.
- **LJ-4/10/09-7:** A narrow array of fewer than 30 artifacts, including a 1940s vintage washing machine, metal panels of an early automobile, and barrel hoops.
- **LJ-4/10/09-8:** A large farmstead complex with multiple features dating to ca. 1900-1945. The site contains a location where a two-story house used to be, a hand-dug well, a dugout cellar, a garden/chicken coop area, at least two depressions, and an array of mostly metal and brick artifacts.

The two standing structures consist of the following:

- **Berthold Road Garage and Barn:** Berthold Road Garage and Barn are ca. 1930s vintage buildings currently in use as storage facilities that are remnants of a former farmstead.

Isolates, except in rare cases, are generally considered insignificant cultural properties and do not require evaluation, protection, or mitigation. None of the isolates discovered during the field investigations is considered significant or require further evaluation, protection, or mitigation. The six historic isolates and one prehistoric isolate are described in Attachment 8, *Addendum to the Cultural Resources Survey Report for the Leaning Juniper II Wind Power Facility*.

Based on the findings and conclusions of the field investigations, only the farmstead complex above (LJ-4/10/09-8) is potentially eligible for listing on the NRHP. As such, it will be protected from all LJF construction and operation activities by a surrounding 50-foot buffer, as described in the proposed modification to Condition 50 of the Final Order. The site will be marked on construction drawings as a no entry area and will be flagged or staked during construction. Given that the other sites have no historic, archaeological, or cultural resource value, no further work is recommended for these sites.

Oregon Trail

The Oregon Trail is a designated historic trail under both federal and Oregon statutes. The approximate alignment of the Oregon Trail route, as mapped on USGS maps, is presumed to cross the northern portion of the amended site boundary for LJIIB, as shown on Figure 24. Field surveys identified no intact portions of the approximate Oregon Trail route within the amended site boundary. The only visibly intact (hereafter referred to as intact) stretch of the Oregon Trail near the LJIIB area was observed outside the amended site boundary. The intact segment of the trail was mapped using a handheld GPS Trimble device, and runs approximately between Oregon Highway 19 and Montague Lane, as further described in Attachment 8. The intact portion of the trail starts approximately 200 feet or more to the east of Oregon Highway 19 and disappears approximately 200 feet or more before reaching Montague Lane. Consequently, the intact segment of the trail is not visible from public roads or other publicly accessible locations. However, there is an existing monument on the

west side of Oregon Highway 19 as well as an Oregon/California Trail Association marker on the east side in the road right-of-way. Both these signs are located near where the approximate alignment of the Oregon Trail intersects with Oregon Highway 19, on the border of the amended site boundary and within the road right-of-way.

It appears that livestock have used the intact portion of the trail route and created numerous parallel trails. The intact portion of the trail is also incised across the slope and shows small switchbacks across the small rises. Additionally, some modern vehicle use of the intact portion of the trail has likely occurred given the relatively easy access and proximity to Oregon Highway 19 and Montague Lane.

Given that the small intact portion of the Oregon Trail in the vicinity of LJIIB is outside the amended site boundary, no LJIIB components will be constructed in the area and there will be no disturbance to the intact portion of the trail. Within the amended site boundary for LJIIB, the approximate alignment of the Oregon Trail route, as mapped by the USGS, will be intersected in four locations by LJIIB components: the "JJ" turbine string; the new access road just south of Montague Lane; the underground collector line crossing Montague Lane; and a 230-kV transmission or 34.5-kV collector cable west of Oregon Highway 19. However, field investigations identified no visually intact segments of the trail in these locations and therefore construction of the LJIIB components will have no adverse impact on the Oregon Trail. If any intact physical evidence of the Oregon Trail is discovered near the presumed alignment route during construction, any disturbance of the intact segments will be avoided as set forth in proposed Condition 50.

Accordingly, for these reasons there is sufficient basis upon which the Council may find that the construction and operation of the amended LJF has no significant adverse impact on the Oregon Trail under OAR 345-022-0090.

B. Conclusions

For the reasons stated above, LJWP demonstrates that the amended LJF, including the LJIIB components, can be designed, constructed, and operated in accordance with OAR 345-022-0090, subject to existing Conditions 45 through 48 of the Final Order (as modified in Attachment 2) and proposed Condition 50.

OAR 345-022-0100 Recreation

(1) Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities in the analysis area as described in the project order. The Council shall consider the following factors in judging the importance of a recreational opportunity:

- (a) Any special designation or management of the location;*
- (b) The degree of demand;*
- (c) Outstanding or unusual qualities;*
- (d) Availability or rareness;*
- (e) Irreplaceability or irretrievability of the opportunity.*

Response:

A. Recreational Opportunities in the Analysis Area

Recreational opportunities within the 5-mile analysis area for the amended LJF include camping, hiking, upland bird and big game hunting, boating, fishing, sightseeing, nature and wildlife photography, wind surfing, and bicycling. Many other locations exist outside the analysis area for these opportunities. Thus, these recreational opportunities within the analysis area may be considered common and replaceable.

The surrounding landscape is used primarily for cultivation of wheat. The approximate alignment of the Oregon National Historic Trail crosses the analysis area, and is presumed to cross the northern portion of the amended site boundary for LJIIB. However, agriculture, modern roadways, and other modern developments have obliterated physical traces of the Oregon Trail along most of its approximate alignment or route. No intact portions of the Oregon Trail are visible from county roads or public viewing areas. A field investigation did reveal a small portion of intact Oregon Trail within the 5-mile analysis area (outside the amended site boundary), but this visual portion of the Oregon Trail is located on private property and is only visible from private property. Consequently, the intact segment of the Oregon Trail is not visible from areas the public can access like Oregon Highway 19 or Montague Lane.

The recreational opportunity associated with the historic trail alignments is limited to visiting and viewing the approximate historic alignments from public roads, like Oregon Highway 19 where there is a monument marking the approximate alignment of the trail.

B. Potential Impact on Important Recreational Opportunities

Design, construction, and operation of the amended LJF will have no adverse effect on the recreational opportunities listed above, taking into account mitigation measures required by the SC. The project will not affect intact segments of the Oregon Trail because there are no intact segments of the trail within the amended site boundary, nor will the project affect any publicly accessible locations where the Oregon Trail may be viewed because there are none. Accordingly, the Project can be designed, constructed, and operated in accordance with OAR 345-022-0100(1).

OAR 345-022-0110 Public Services

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area described in the project order to provide: sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.

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

Response: This amendment request does not change the maximum number of turbines, maximum generating capacity of LJF, or potential adverse impacts on public services from what was originally authorized in the SC, nor affect LJWP's ability to comply with the SC.

A. Sewage, Stormwater, and Solid Waste

There will be no change to impacts on sewers, sewage treatment, or solid waste during construction or operations. During construction, LJWP will maintain portable toilets, stormwater drainage will continue to be subject to National Pollutant Discharge Elimination System (NPDES) permit requirements, and LJWP will implement a waste management plan as described in the SC. The existing 1200-C NPDES construction stormwater permit will be amended to include the LJIIB Erosion and Sediment Control Plan, which is provided as Attachment 5 to this request. During operations, sewage from the O&M building will be disposed of in onsite septic systems, appropriate measures will be used to avoid or reduce erosion from stormwater runoff during operations, and LJWP will continue to implement the waste management plan.

B. Water

Water use during construction of LJIIA will be a maximum of approximately 17.0 million gallons, as presented in Table 5. LJIIB water use will be a maximum of approximately 17.7 million gallons, as presented in Table 6. Water required for construction will be obtained from the City of Arlington, as described in the Final Order. The City of Arlington has previously provided a statement of water availability for up to 35 million gallons of water to construct the LJII wind facility. Water usage during construction of LJIIA and LJIIB will be approximately 34.7 million gallons.

This amendment request does not significantly change the quantity of water used during construction or operations, or the quantity of wastewater or stormwater from what was originally authorized in the SC. Water for operations will come from new onsite well(s) at the O&M building. Because LJIIB will use the O&M building that has already been authorized in the Final Order, and the total number of turbines and generating capacity of the overall project will not change from the existing LJII SC, water use during operation will not exceed 5,000 gallons per day, as described in the Final Order. In addition, there are no changes to the blade-washing described in the Final Order.

TABLE 5
Water Use During Construction of LJIIA Based on 43 2.1-MW Turbines

Material	Foundations	Material Per Foundation (Approximate)	Total (Approximate)	Ultimate Disposition
Water Use for Concrete Mixing				
Water for concrete mixing (30 gallons water per cubic yard of concrete)	43	12,780 gallons of water per foundation	549,540 gallons of water	Incorporated into concrete
Water Use for Dust Control and Road Compaction				
Material	Days	Water Use Gallons/ Day	Total Water Use	Ultimate Disposition
Road watering during road construction	72	120,000 gallons/day	8,640,000 gallons	Absorbed or evaporated
Road watering during foundation construction	60	80,000 gallons/day	4,800,000	
Road watering during erection	60	50,000 gallons/day	3,000,000	
Total Gallons	Approximately 192 days		16,440,000	
Total Maximum Water Usage			16,989,540	

TABLE 6
Water Use During Construction of LJII B Based on 90 GE 1.5-MW Turbines or 62 Vestas 3.0-MW Turbines

Material	Foundations	Material Per Foundation (Approximate)	Total (Approximate)	Ultimate Disposition
Water Use for Concrete Mixing				
Water for concrete mixing (30 gallons water per cubic yard of concrete)	62 to 90	8,300 to 21,000 gallons of water per foundation	747,000 to 1,302,000 gallons of water	Incorporated into concrete
Ranges are provided based on construction of up to 90 GE 1.5-MW turbines or up to 62 Vestas 3.0-MW turbines.				
Water Use for Dust Control and Road Compaction				
Material	Days	Water Use Gallons/ Day	Total Water Use	Ultimate Disposition
Road watering during road construction	72	120,000 gallons/day	8,640,000 gallons	Absorbed or evaporated
Road watering during foundation construction	60	80,000 gallons/day	4,800,000	
Road watering during erection	60	50,000 gallons/day	3,000,000	
Total Gallons	Approximately 192 days		16,440,000	
Total Maximum Water Usage			17,742,000	

C. Housing, Police and Fire Protection, Health Care and Schools

This amendment request does not affect the impacts described in the Final Order to the socioeconomic and demographic characteristics of the local populations. The amendment request extends the period of time that construction workers would be needed for LJF, and although the increased period of construction might extend the duration of some types of fire risk, it would not add a significant new adverse impact to or burden on local emergency response services. This amendment request does not change the previous analysis of the ability of the service providers to provide services, as the proposed changes are not significant and will fall within the same service provider boundaries previously analyzed.

D. Traffic Safety

As described in the response to OAR 345-027-0060(1)(c), Proposed Changes, transportation to and from the proposed amended site boundary will follow the same major transporter routes that were included in the LJII ASC. Constructing the LJIIIB turbines will require improving three existing County roads: Berthold Road, Weatherford Road, and Montague Lane. These County roads will be improved by widening, grading, and graveling. Figures 8 and 25 provide a detailed view of the major transporter routes proposed for use during LJIIIB construction and operation.

To access LJIIIB from Oregon Highway 19, LJWP would approach the highway via two County roads, Weatherford Road and Montague Lane, and two new private access roads. The Oregon Department of Transportation (ODOT) issued a permit for Leaning Juniper and determined that no further access procedure or construction was required for access off Oregon Highway 19 from either Rattlesnake Road or Stone Lane for Leaning Juniper II. Depending on guidance from ODOT, LJWP may need to obtain a new Approach Permit for Weatherford Road, Montague Lane, and the two new private access roads. To obtain an Approach Permit, LJWP will provide ODOT with relevant property information (e.g., tax lot ID, milepost), proof of insurance, and design specifications of the new approach (width, angle, turning radius, paving limit, and proposed surface). After the new approach has been approved and constructed, LJWP or its primary road construction contractor will inspect the approach to ensure that gravel and mud are not tracked onto the state road, in accordance with proposed Condition 37.

This amendment request will not significantly increase traffic volume on nearby roads during construction or operation compared to traffic volumes without the amendment. Impacts to the Gilliam County Roads Department and ODOT are described as follows:

- State, county, or local roadways may be temporarily affected by traffic increases resulting from construction vehicles accessing the site. However, any traffic delays will be short-term and temporary. Local roadways currently have very low use.
- Potential construction and operational impacts to traffic safety or maintenance on state highways from LJIIIB are anticipated to be inconsequential as the state highway system (Interstate 84 and Oregon Highway 19) is constructed to sufficient design, safety, and load-bearing standards. These roadways are able to accommodate vehicles at the legal load limit, thereby reducing the potential for significant traffic safety and maintenance impacts.

- Potential construction impacts to county and local roadways are anticipated to be inconsequential as these roads will safely accommodate LJWP construction traffic. LJWP will work with local transportation officials to conduct improvements such as widening, grading, and graveling where necessary to accommodate construction traffic. LJWP will evaluate the condition of County roads before construction and again after completing construction, and repair the road to preconstruction conditions or better as required by the SC. LJWP will also ensure that no equipment or machinery is parked or stored on any county road except while in use.

The only condition in the SC that requires modification for this amendment request is Condition 37(e) of the Final Order, which requires the certificate holder to implement measures to reduce traffic impacts, including maintaining at least one travel lane at all times so that roads will not be closed to traffic because of construction vehicles. For construction pursuant to this amendment request, there are areas, especially at turns, where turbine component trucks may need to occupy both lanes. When this occurs, these areas will have both signage and flaggers, consistent with Condition 37(b) and (c). Thus, LJWP would propose that Condition 37(e) be revised as follows (with proposed additional text underlined):

“37 During construction, the certificate holder shall implement measures to reduce traffic impacts, including:

“(e) Maintaining at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles.”

E. Additional Service Providers

Other than the proposed modification to Condition 37(e) above, this amendment request does not change LJWP’s ability to comply with the SC. Given the existing requirements in Condition 37(b) and (c), this amendment request, including the proposed modification to Condition 37(e), meets OAR 345-022-0110.

OAR 345-022-0120 Waste Minimization

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

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

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

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

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

Response: The types of waste generated from LJIIB, and the methodology for handling, storing, disposing of, transporting, and minimizing waste during construction and operation of LJIIB, do not change the information presented in the Final Order or LJWP's ability to comply with the SC. Therefore, OAR 345-022020 is met.

4.5.2 OAR 345-024

The following Division 24 standards are addressed:

- OAR 345-024-0010 Public Health and Safety Standards for Wind Energy Facilities
- OAR 345-024-0015 Siting Standards for Wind Energy Facilities
- OAR 345-024-0090 Transmission Lines

OAR 345-024-0010, Public Health and Safety Standards for Wind Energy Facilities

To issue a site certificate for a proposed wind energy facility, the Council must find that the applicant:

(1) Can design, construct and operate the facility to exclude members of the public from close proximity to the turbine blades and electrical equipment.

Response: Exclusion of the public from proximity to turbines and electrical equipment was addressed in Section IV.3(f) of the Final Order for LJF. This amendment request does not change the information presented in the Final Order or LJWP's ability to comply with the SC. Nevertheless, to reflect new safety standards being implemented at other facilities, LJWP is proposing to modify Condition 39 of the Final Order, with the modified Condition applicable to both LJIA and LJIIB. Currently, Condition 39 requires a setback from residences and public roads (except Rattlesnake Road and Stone Lane)⁷ equal to the maximum blade tip height plus 50 feet. As shown in the redline Site Certificate (Attachment 2), LJWP proposes a revised condition that represents a greater setback from residences (1,320 feet, measured from the centerline of the turbine tower to the center of the nearest residence existing at the time of tower construction), and from roads (110 percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest edge of any public road right-of-way). In addition, LJWP proposes to maintain a minimum distance of 110 percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest boundary of LJWP's lease area. Accordingly, LJWP demonstrates that the amended LJF can be designed, constructed, and operated in accordance with OAR 345-024-0010(1).

(2) Can design, construct and operate the facility to preclude structural failure of the tower or blades that could endanger the public safety and to have adequate safety devices and testing procedures designed to warn of impending failure and to minimize the consequences of such failure.

Response: The SC contains conditions pertaining to design, construction, and operation of the facility to preclude structural failure and to warn of impending failure and minimize the consequences of such failure. This amendment request does not affect the information

⁷ Please note that Stone Lane is a private road rather than a public road. This was an error in the original ASC and Final Order.

presented in the Final Order or LJWP's ability to comply with the SC. Therefore, OAR 345-024-0010(2) is met.

OAR 345-024-0015 Siting Standards for Wind Energy Facilities

To issue a site certificate for a proposed wind energy facility, the Council must find that the applicant can design and construct the facility to reduce cumulative adverse environmental effects in the vicinity by practicable measures including, but not limited to, the following:

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

Response: LJWP considered and analyzed potential adverse environmental impacts in locating the proposed new access roads. Constructing the LJIIB turbines will require improving some existing private roads and constructing new gravel roads to provide access for construction vehicles. The construction of new gravel roads will be limited to locations within the lease boundary. New gravel roads will be constructed in areas where existing roads do not provide access to wind turbine locations, and along the length of turbine strings. In addition, improvements will be made to some existing public roads within the County right-of-way (ROW), including grading and graveling. A detailed description of the improved and new roads is provided in the response to OAR 345-022-0110 (Public Services). Road construction and improvement will not significantly affect wetlands, other waters of the state, or fish and wildlife habitat. The changes proposed in this request for amendment do not affect LJWP's ability to comply with the SC. For these reasons, OAR 345-024-0015(1) is met.

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

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

Response: As with LJIIA, the 34.5-kV collector lines that collect the power generated by individual wind turbines will be predominantly underground, although some portions of the central collection system may be placed aboveground where necessary due to terrain or other considerations, as described in Section 4.3.2. Up to 30 percent (7.7 miles) of the central collector system will be constructed aboveground.

Energy generated at the LJIIB turbines will be collected via collector cables to either the approved collector substation to be constructed as part of the first phase, which is located within Lot 4 near the Jones Canyon Switching Station, or to a new additional collector substation located closer to the LJIIB turbines. If the energy from the LJIIB turbines is collected and transferred to the first collector substation, a single project substation will serve the LJWF, reducing the need for additional substations. If engineering analysis determines that it is more efficient to construct an additional collector substation near the LJIIB turbines, a 230-kV overhead transmission line will be constructed between the new collector substation and the first substation constructed. In either case, the 34.5-kV line or 230-kV line connecting LJIIB to the Jones Canyon Switching Station will be constructed aboveground, with a maximum length of approximately 7 miles. Both the preferred and alternate routes for the 34.5-kV or 230-kV route are direct routes needed to interconnect LJIIB to existing transmission lines serving the regional power grid. Transmission lines and

substations for LJIIB are described in Section 4.3 of this amendment request as part of the response to OAR 345-027-0060(1)(c), Proposed Changes.

Condition 78 of the Final Order limits the total length of aboveground segments of the collector system to no more than 9.9 miles for LJIIA. LJWP proposes modifying Condition 78 to limit the length of the aboveground segments of the collector system for LJIIB to no more than 14.7 miles.

For the reasons stated above, and with the proposed condition, the requirements in OAR 345-024-0015(2) and (3) are satisfied.

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

Response: The amended LJF will be designed to reduce the risk of injury to raptors or other vulnerable wildlife in areas near turbines or electrical equipment. The creation of artificial habitat for raptors or raptor prey will be avoided. Pad-mounted transformers at each turbine will be designed to avoid use by raptors or prey species as artificial habitat. Turbine pad areas will be graveled to reduce the potential for erosion and weed infestation. The turbines will be mounted on smooth tubular towers rather than lattice towers to avoid creating horizontal perching opportunities. Transmission support poles will conform to raptor protection guidelines recommended by the Avian Power Line Interaction Committee (APLIC). Meteorological towers will be freestanding 80-meter pole structures with no guy wires. The Final Order describes measures required to reduce risk of injury to raptors or other vulnerable wildlife. This amendment request does not change the information presented in the Final Order or LJWP's ability to comply with the SC. Therefore, OAR 345-024-0015(4) is met.

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

Response: The wind turbines will be mounted on tubular steel towers of uniform height. The towers will be uniformly painted white or a shade of white. This amendment request does not change the information presented in the Final Order or LJWP's ability to comply with the SC. Therefore, OAR 345024-0015(5) is satisfied.

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

Response: As stated in the Final Order, turbines will have the minimum lighting required by the FAA or conforming to FAA guidelines. This amendment request does not change the information presented in the Final Order or LJWP's ability to comply with the SC. Therefore, OAR 345-024-0015(6) is met.

OAR 345-024-0090 Transmission Lines

To issue a site certificate for a facility that includes any transmission line under Council jurisdiction, the Council must find that the applicant:

(1) Can design, construct and operate the proposed transmission line so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public;

(2) Can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.

Response:

Central Power Collection System—Underground and Aboveground 34.5-kV Collector Lines

As described in Section 4.3 in the response to OAR 345-027-0060, a network of collection power cables will be installed along and between the turbine strings to collect power generated by the individual wind turbines. The energy generated at the LJIIB turbines will be collected via overhead and underground 34.5-kV single-circuit and double-circuit collector lines. This amendment request does not change the information presented in the Final Order on the rated voltage, load carrying capacity, type of current, and structure dimensions of the 34.5-kV collector lines, or LJWP's ability to comply with safety measures in the SC that limit electric fields to 9 kV per meter at 1 meter above the ground surface in areas accessible to the public and require induced voltages are as low as reasonably achievable.

The majority of the collector system will be buried underground. However, some portions of the collector system will be aboveground. SC Condition 78 of the Final Order has been modified to limit the length of the aboveground segments for LJIIB to no more than 14.7 miles, including 7.7 miles of the central collector system and 7 miles for the interconnection to the switching station.

The electric and magnetic field modeling for the 34.5-kV central collector system lines was conducted for two configurations: one 34.5-kV single-circuit monopole line and one 34.5-kV double-circuit monopole line, as described in Exhibit AA of the original ASC. The central collector system for the LJIIB turbines will consist of the same two configurations. Therefore, no additional modeling was conducted for the central collector system.

Interconnection to the Switching Station—Aboveground 34.5 kV or 230-kV Transmission Line

Energy generated at the LJIIB turbines will be collected via collector cables to either the approved collector substation to be constructed as part of the first phase (LJIIA), which is located near the Jones Canyon Switching Station, or to a new, additional collector substation located closer to the LJIIB turbines. If the energy from the LJIIB turbines is collected and transferred to the first collector substation located near the Jones Canyon Switching Station, two parallel 34.5-kV double-circuit lines will be constructed between the LJIIB turbines and the first collector substation. Two parallel double-circuit lines were not modeled in the original ASC and are analyzed in Attachment 9, *Addendum to Leaning Juniper II Wind Power Facility Exhibit AA Electromagnetic Fields Analysis*. For modeling purposes, a distance of 75 feet between the centerlines of each 34.5-kV double-circuit line was conservatively assumed. If engineering analysis determines that it is more efficient to construct an additional collector substation near the LJIIB turbines, a 230-kV overhead transmission line will be constructed between the new collector substation and the first substation constructed. In either case, the 34.5-kV line or 230-kV line connecting LJIIB to the approved collector substation located near the Jones Canyon Switching Station will be constructed aboveground, with a maximum length of approximately 7 miles.

Modeling was conducted to calculate the estimated electric and magnetic fields for both the overhead 34.5-kV line (consisting of two parallel 34.5-kV double-circuit lines) and the 230-kV line because they were not evaluated as part of the original ASC Exhibit AA or described in the Final Order. The results of this modeling are presented in Attachment 9. Appendix A to Attachment 9 contains modeling results for the 34.5-kV overhead collector line and Appendix B to Attachment 9 contains modeling results for the 230-kV overhead transmission line.

To estimate the maximum electric and magnetic fields, calculations are performed at midspan where the conductor has sagged to its lowest point between structures (the estimated maximum sag point). The proposed 34.5-kV lines were modeled with a minimum clearance of 7.6 meters (25 feet) from the ground at midspan. The proposed 230-kV line was modeled with a minimum clearance of 9.1 meters (30 feet) from the ground at midspan. The electric and magnetic fields were computed for a height of 1 meter (3.3 feet) above the ground on the proposed options.

The electric fields on the corridor containing either the proposed two double-circuit 34.5-kV overhead collector lines or one single-circuit 230-kV overhead transmission line do not exceed 9 kV per meter at any location (see Figures 5, 7, and 9 in Attachment 9 to this amendment request). These figures demonstrate that the electric field estimated at the center of the right-of-way for either option is less than 2.5 kV per meter. Based on these results, the proposed 34.5-kV overhead collector lines or 230-kV overhead transmission line will comply with the 9-kV-per-meter standard set forth in OAR 345-024-0090(1) and Condition 80 of the Final Order.

LJWP has designed the proposed double-circuit 34.5-kV lines of the 34.5-kV overhead collector system and the 230-kV single-circuit line overhead transmission line so that induced voltage and current resulting from the lines and related or supporting facilities will be as low as reasonably achievable. An analysis of the risk of induced currents from the proposed transmission lines is provided in Attachment 9.

Accordingly, LJWP demonstrates that LJIIB can be designed, constructed, and operated in accordance with OAR 345-024-0090.

4.6 OAR 345-027-0060(1)(f) Other Applicable Requirements

(f) An analysis of whether the facility, with the proposed change, would comply with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances if the Council amends the site certificate as requested. For the purpose of this rule, a law, rule or ordinance is "applicable" if the Council would apply or consider the law, rule or ordinance under OAR 345-027-0070(10).

Response: Rules and laws applicable under this section include the Department of Environmental Quality's (DEQ) noise control regulations; regulations adopted by the Department of State Lands (DSL) for removing, filling, or altering material within "waters of the state"; Oregon State laws pertaining to groundwater appropriation; and Oregon Revised Statute (ORS) 469.310 pertaining to the protection of public health and safety. These regulations and LJWP's responses are explained further below. Regulations are summarized for brevity.

To summarize the results of the following analysis, under this amendment request LJWP would comply with applicable DEQ noise control regulations, DSL fill-removal regulations, Oregon laws pertaining to groundwater appropriation, and ORS 469.310. This amendment request does not change LJWP's ability to comply with the SC.

1. DEQ Noise Control Regulations – OAR 340-035-0035

DEQ noise regulations for industrial and commercial noise sources are established under OAR 340-035-0035. More specifically, OAR 340-035-0035(1)(b)(B)(iii) establishes the noise standards for noise levels generated by a wind energy facility. In Section V.1(a) of the Final Order, the Council found that LJF would meet applicable DEQ noise standards, subject to conditions of approval (Conditions 93 through 95).

CH2M HILL prepared the *Addendum to Leaning Juniper II Wind Power Facility Noise Analysis*, included as Attachment 10 to this amendment request, which demonstrates compliance with the DEQ noise regulations for the proposed amended facility (LJIJA and LJIIB). Accordingly, LJWP demonstrates that the Project can be designed, constructed, and operated in accordance with OAR 340-035-0035.

2. Department of State Lands (DSL) Removal/Fill Regulations – ORS 196.795 to .990, OAR 141-085-0500 to -0785, and Section 404 of the Clean Water Act

The Oregon Removal-Fill Law (ORS 196.795 to .990) and regulations (OAR 141-085-0500 to -0785) adopted by DSL require a Removal/Fill Permit if 50 cubic yards or more of material is removed, filled, or altered within any "waters of the state" at the proposed site. The Council must determine whether a permit is needed. In addition to the DSL regulations, the U.S. Army Corps of Engineers (Corps) administers Section 404 of the Clean Water Act, which regulates the discharge of fill into waters of the United States (including wetlands). Under Section 404, a federal Nationwide or Individual fill permit may be required if waters of the United States are affected by project construction or operation.

As described in the Final Order, LJWP submitted a Joint Permit Application to DSL and the Corps for anticipated impacts to two drainages, and DSL indicated that a Removal/Fill Permit would be needed for one of those crossings: the crossing of S27, China Ditch. The Council approved issuance of the Removal/Fill Permit, and LJWP received confirmation from the Corps on January 24, 2008 that the crossings are authorized under Nationwide Permit 12. CH2M HILL completed a wetland delineation report for the locations of the proposed LJIIB facility (*Addendum to Leaning Juniper II Wind Power Facility Wetlands and Waters Delineation Report*), which was submitted to DSL for review and approval on June 8, 2009. CH2M HILL has prepared a letter to the Corps requesting concurrence that the project is authorized under NWP 12 and 14. The Addendum is included as Attachment 11, and the January 24, 2008, Corps authorization letter is provided following the Addendum.

Following is a summary of findings from the wetland delineation:

- One potential playa lake/wetland area identified as W8 was delineated approximately 50 feet south of the preferred transmission line route. W8 is potentially jurisdictional under the Removal-Fill Law and Clean Water Act. No impacts will occur to W8 because it is outside the preferred transmission line route and will not be disturbed by construction activities.

- Six ephemeral stream channels, identified as streams S28 through S33, were delineated within the amended site boundary for LJIIB. The ephemeral streams drain to Alkali Canyon where they end; they are not tributaries of any other streams. All six of the ephemeral stream channels are potentially not jurisdictional under the state Removal-Fill Law because ephemeral streams are not included in the definition of waters of the state. Two new road crossings are proposed for new access roads across streams S28 and S31. Proposed improvements to Montague Lane may impact Stream S33. Five underground collector line stream crossings are proposed: one at Stream S29, one at Stream S30, two at Stream S31, and one at Stream S32.
- While the six ephemeral stream channels could be subject to regulation by the Corps, ephemeral streams are not waters of the state by definition, and thus are not subject to the permit requirements of the Removal-Fill Law. Even if the streams were considered intermittent, they would still not be jurisdictional because they do not provide spawning, rearing, or food-producing areas for food and game fish. No fish populations use the ephemeral streams. The streams do not flow into any downstream waters and are not tributaries to downstream waters that do support fish.

In addition to approving issuance of the Removal/Fill Permit, the Final Order included Condition 72 to require pre-construction surveys for any areas not previously investigated for potentially jurisdictional waters and measures to ensure that construction of the LJF would have no impact on any jurisdictional water identified in the preconstruction surveys. LJWP requests the modification of Condition 72(b) as follows to reflect the presence of the wetland identified as W8 in the delineation report (provided as Attachment 11):

(b) The certificate holder shall avoid any disturbance to the six wetland areas identified as "W1" through "W6" on Figure J-1 of the Site Certificate Application **and the wetland area identified as "W8" on Figure 6 of the Addendum to Leaning Juniper II Wind Power Facility Wetlands and Waters Delineation Report (CH2M HILL, June 3, 2009).**

This amendment request does not add to the DSL jurisdictional drainage crossings presented in the Final Order, or affect LJWP's ability to comply with the SC. Therefore, OARs 141-085-0500 through -0785 are met.

3. Groundwater Act of 1955 – ORS 537.505 to .796, and OAR Chapter 690

Through the provisions of the Groundwater Act (GWA) of 1955, ORS 537.505 to .796, and OAR Chapter 690, the Oregon Water Resources Commission administers the rights of appropriation and use of the groundwater resources of the state. Under OAR 345-022-0000(1), the Council must determine whether the facility complies with these statutes and administrative rules.

Section V.1(c) of the Final Order finds that LJWP's proposed use of groundwater would be consistent with (1) the GWA and Oregon Water Resources Department (OWRD) statutes, (2) administration regarding rights of appropriation, and (3) the uses of state groundwater resources. As described in the response to OAR 345-022-0110 (Public Services), the amendment request does not significantly change the quantity of water used during construction or operations, or the quantity of wastewater or stormwater from what was originally authorized in the SC. Water for operations will come from new onsite well(s) at

the O&M building. Because LJIB will use the O&M building that has already been authorized in the Final Order, and the total number of turbines and generating capacity of the overall project will not change from the existing LJII SC, water use during operation will not exceed 5,000 gallons per day, as described in the Final Order.

This amendment request does not affect LJWP's ability to comply with the SC, and therefore, the conditions of OAR Chapter 690 are met.

4. State Highway Access and Crossings – OAR Chapter 734, Divisions 51 and 55

Under OAR Chapter 734, Division 51, ODOT regulates highway approaches and access control. In particular, pursuant to OAR 734-051-0070, an Approach Permit is required for a new approach (permanent or temporary) to a state highway. As described in the Final Order, Oregon Highway 19 runs along the eastern boundary of LJIIA and through the expanded site boundary for LJIB. ODOT issued a permit for Leaning Juniper and determined that no further access procedure or construction was required for access off Oregon Highway 19 for either Rattlesnake Road or Stone Lane for Leaning Juniper II.

Additional state highway road approach permits may be needed from ODOT for the expanded site boundary. To access LJIB from Oregon Highway 19, LJWP will approach the highway via two County roads, Weatherford Road and Montague Lane, and two new private access roads, as described further in the Response to OAR 345-022-0110 (Public Services) (see also Figures 8 and 25 in Attachment 1). Depending on guidance from ODOT, LJWP may need to obtain a new Approach Permit for Weatherford Road, Montague Lane, and the two new private access roads. To obtain an Approach Permit, LJWP will provide ODOT with relevant property information (e.g., tax lot ID, milepost), proof of insurance, and design specifications of the new approach (width, angle, turning radius, paving limit, and proposed surface). After the new approach has been approved and constructed, LJWP or primary road construction contractor will inspect the approach to ensure that gravel and mud are not tracked onto the state road, in accordance with proposed Condition 37.

Under OAR Chapter 734, Division 55, ODOT regulates the location, installation, construction, maintenance, and use of utility structures, including buried cables, within state highway right-of-way. Thus, in addition to the Approach Permits, state highway utility Crossing Permits may be needed from ODOT for the proposed amended site boundary for collector cables or transmission line crossings of Oregon Highway 19 (see Figure 25). LJWP will provide ODOT with an Application and Permit to Occupy or Perform Operations Upon a State Highway (Crossing Permit) for installation of the overhead line (either 230-kV or 34.5-kV) crossing Oregon Highway 19, which will span from the amended site boundary around the LJIB turbines to the approved collector substation located near the Jones Canyon Switching Station. LJWP will also obtain Crossing Permits for the underground 34.5-kV collection cables connecting the turbine strings, which also cross Oregon Highway 19.

Assuming ODOT confirms that Approach Permits or Crossing Permits are in fact required, LJWP proposes the following condition language to address the issuance of the Approach Permits and Crossing Permits (see proposed Condition 37):

“Before beginning construction of a new highway approach or approaches authorized by the Final Order on Amendment #1, the certificate

holder shall obtain a permit or permits from ODOT after submitting the necessary application or applications in a form satisfactory to ODOT and the Department and subject to conditions required under OAR chapter 734, division 51, authorizing the location, construction and maintenance of an approach or approaches to State Highway 19 for access to the site. Before construction of collector cables or transmission lines crossing Highway 19 authorized by the Final Order on Amendment #1, the certificate holder shall obtain a permit or permits from ODOT after submitting the necessary application or applications in a form satisfactory to ODOT and the Department and subject to conditions required by OAR chapter 734, division 55, authorizing the location, construction, and maintenance of collector cables or transmission lines crossing Highway 19.” [Amendment No. 1]

This amendment request does not change LJWP’s ability to comply with the SC. Given that the permit conditions for approach roads for highway access are defined by OAR Chapter 734, Division 51, and that permit conditions for utility crossings are defined by OAR Chapter 734, Division 55, LJWP will be capable of complying with those permit conditions ultimately imposed by ODOT, which will be decided once detailed utility design decisions have been made. Consistent with the proposed condition language above, OAR Chapter 734, Divisions 51 and 55 are met.

5. Public Health and Safety – ORS 469.310

Under ORS 469.310, the Council must ensure that the “siting, construction and operation of energy facilities shall be accomplished in a manner consistent with protection of the public health and safety” The state siting statute also provides that “the site certificate shall contain conditions for the protection of the public health and safety” In Section V.1(e) of the Final Order, the Council imposed conditions of approval to address public health and safety issues with respect to fire protection (Conditions 58 and 60 through 66), electric and magnetic fields (Condition 81), and coordination with the Public Utilities Commission (PUC) on design and specifications for transmission lines (Condition 79). Electric and magnetic fields and transmission line requirements are addressed in the response to OAR 345-024-0090 and in Attachment 9 of this request for amendment. Specific public health and safety requirements for wind facilities are addressed in the response to OAR 345-024-0010.

This amendment request does not change the information presented in the Final Order or LJWP’s ability to comply with the SC. Nevertheless, to reflect new safety standards being implemented at other facilities, LJWP proposes to modify Condition 39, with the modified Condition applicable to both LJIIA and LJIIB, to increase safety setbacks, as described in the response to OAR 345-024-0010 (Public Health and Safety Standards for Wind Energy Facilities). Therefore, ORS 469.310 is met.

4.7 OAR 345-027-0060(1)(g) Landowners Within or Adjacent to the Facility

(g) If the amendment would change the site boundary, extend the deadlines for beginning or completing construction or change the legal description of the facility, an updated list of the owners

of property located within or adjacent to the site of the facility, as described in OAR 345-021-0010(1)(f).

*OAR 345-021-0010(1)(f) **Exhibit F**. A list of the names and mailing addresses of all owners of record, as shown on the most recent property tax assessment roll, of property located within or adjacent to the site boundary as defined in OAR 345-001-0010. The applicant shall submit an updated list of property owners as requested by the Department before the Department issues notice of any public hearing on the application for a site certificate as described in OAR 345-015-0220. In addition to incorporating the list in the application for a site certificate, the applicant shall submit the list to the Department in electronic format acceptable to the Department for the production of mailing labels. Property adjacent to the site boundary means property that is:*

(A) Within 100 feet of the site boundary where the site, corridor or micrositing corridor is within an urban growth boundary;

*(B) Within 250 feet of the site boundary where the site, corridor or micrositing corridor is outside an urban growth boundary and not within a farm or forest zone;
and*

(C) Within 500 feet of the site boundary where the site, corridor or micrositing corridor is within a farm or forest zone;

Response: An updated list of the owners of property, consistent with OAR 345-021-0010(1)(f)(C), is contained in Attachment 12 to this amendment request. A second, identical list formatted for label printing is provided, as well.

SECTION 5

Information Described in Applicable Exhibits and Incorporation of Previous Information by Reference, Pursuant to OAR 345-027-0060(2)

OAR 345-027-0060(2) In a request to amend a site certificate, the certificate holder shall provide the information described in applicable subsections of OAR 345-021-0010(1). The certificate holder may incorporate by reference relevant information that the certificate holder has previously submitted to the Department or that is otherwise included in the Department's administrative record on the facility.

Response: All exhibits of the ASC are hereby incorporated by reference.

SECTION 6

Information Described in Applicable Exhibits and Incorporation of Previous Information by Reference, Pursuant to OAR 345-027-0060(3), and (4)

OAR 345-027-0060(3) Before submitting a request to amend a site certificate, the certificate holder may prepare a draft request and may confer with the Department about the content of the request. Although the Council does not require the certificate holder to prepare a draft request and confer with the Department, the Council recommends that the certificate holder follow this procedure.

Response: LJWP met with the Department on May 5, 2009, to confer about the nature of the proposed changes to LJF, and to discuss the content of this request for amendment. At this time, an outline of the amendment request was provided to the Department. During this conversation, it was determined that a draft request would not be needed (John White, Pers. Comm., May 5, 2009). Recommendations made by the Department during the May 5 meeting have been incorporated into this amendment request.

OAR 345-027-0060(4) The certificate holder shall submit an original and ten copies of the amendment request to the Department. In addition to the printed copies, the certificate holder shall submit the text (including appendices and graphical information to the extent practical) of the amendment request in a non-copy-protected electronic format acceptable to the Department. The certificate holder shall provide additional copies of the amendment request to the Department upon request and copies or access to copies to any person requesting copies. If requested by the Department, the certificate holder shall send copies of the request to persons on a mailing list provided by the Department.

Response: LJWP will comply with this requirement.

SECTION 7

Information Required Pursuant to OAR 345-027-0070(10)

OAR 345-027-0070(10) *In making a decision to grant or deny issuance of an amended site certificate, the Council shall apply the applicable substantive criteria, as described in OAR 345-022-0030, in effect on the date the certificate holder submitted the request for amendment and all other state statutes, administrative rules, and local government ordinances in effect on the date the Council makes its decision. The Council shall consider the following:*

(a) For an amendment that would change the site boundary or the legal description of the site, the Council shall consider, for the area added to the site by the amendment, whether the facility complies with all Council standards;

Response: The site boundary and legal description have been modified as described in Section 4.3 of this amendment request. Council standards relevant to these changes are addressed in Section 4.5.

(b) For an amendment that extends the deadlines for beginning or completing construction, the Council shall consider:

(A) Whether the Council has previously granted an extension of the deadline;

Response: The Council has not previously granted an extension of the deadline.

(B) Whether there has been any change of circumstances that affects a previous Council finding that was required for issuance of a site certificate or amended site certificate; and

Response:

The SC specifies that LJWP shall begin construction of the facility within 3 years after the effective date of the SC or by September 2010, and shall complete construction of the facility within 4 years after the effective date of the SC or by September 2011.

LJWP is preparing to begin construction of the first phase LJIIA, consisting of 43 turbines and a generating capacity of up to 90.3 MW, in the winter of 2009-2010. With this amendment, LJWP requests to amend the LJF site boundary to allow LJWP to construct one or more subsequent phases for the remaining 188.7 MW. LJWP currently plans to start construction of the LJIIIB amended layout, consisting of up to 90 turbines with a generating capacity of up to 188.7 MW, in one phase immediately following construction of LJIIA. Completion of both phases of construction originally had been planned for the end of 2010.

However, given that construction could conceivably be delayed by weather or other unforeseen circumstances such as market changes, LJWP would like the flexibility to build LJIIIB in one or more phases, and requests the original construction completion deadline specified in the Final Order be extended to 6 years from the effective date of the original SC or September 2013.

(C) Whether the facility complies with all Council standards, except that the Council may choose not to apply a standard if the Council finds that:

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

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

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

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

Response: The amended LJF complies with all Council standards as set forth herein.

(c) For any amendment not described above, the Council shall consider whether the amendment would affect any finding made by the Council in an earlier order.

Response: Section 4 of this amendment request addresses the compliance of proposed changes with the applicable Council standards for issuance of a SC.

(d) For all amendments, the Council shall consider whether the amount of the bond or letter of credit required under OAR 345-022-0050 is adequate.

Response: It is LJWP's position that the discussion in Section 4.5.1 of this amendment request, responding to OAR 345-022-0050, reflects a conservative approach to determining the amount of the bond or letter of credit to be required.

SECTION 8

Works Cited

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