

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

**Third Amended Site Certificate
for the
Stateline Wind Project**

June 20, 2005

Oregon Energy Facility Siting Council

THIRD AMENDED SITE CERTIFICATE FOR THE STATELINE WIND PROJECT

1 I. INTRODUCTION

2 The Energy Facility Siting Council (“Council”) issues this site certificate for the Stateline Wind
3 Project in the manner authorized under ORS Chapter 469. This site certificate is a binding
4 agreement between the State of Oregon (“State”), acting through the Council, and FPL Energy
5 Vansycle LLC (“FPL” or “certificate holder”) authorizing the FPL to construct and operate the
6 Stateline Wind Project in Umatilla County, Oregon.

7 The findings of fact, reasoning and conclusions of law underlying the terms and conditions of
8 this site certificate are set forth in the following documents, incorporated herein by this
9 reference: (a) the Council’s Final Order in the Matter of the Application for a Site Certificate for
10 the Stateline Wind Project (“Final Order on the Application”), issued on September 14, 2001, (b)
11 the Council’s Final Order in the Matter of the Request for Amendment #1 of the Site Certificate
12 for the Stateline Wind Project (“Final Order on Amendment #1”), (c) the Council’s Final Order
13 in the Matter of the Request for Amendment #2 of the Site Certificate for the Stateline Wind
14 Project (“Final Order on Amendment #2”), and (d) the Council’s Final Order in the Matter of the
15 Request for Amendment #3 of the Site Certificate for the Stateline Wind Project (“Final Order
16 on Amendment #3).” [Amendments #1, #2, and #3]

17 Where this site certificate refers to attachments “to the final order,” the applicable final orders
18 are as follows:

- 19 • Attachment A: Final Order on Amendment #3
- 20 • Attachment B: Final Order on Amendment #2
- 21 • Attachment C: Final Order on Amendment #2 [Amendment #3]

22 In interpreting this site certificate, any ambiguity will be clarified by reference to the following,
23 in order of priority: this Third Amended Site Certificate, the Final Order on Amendment #3, the
24 Final Order on Amendment #2, the Final Order on Amendment #1, the Final Order on the
25 Application and the record of the proceedings that led to the Final Orders on the Application and
26 Amendments #1 and #2. [Amendments #1, #2, and #3]

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

29 II. SITE CERTIFICATION

- 30 1. To the extent authorized by state law and subject to the conditions set forth herein, the State
31 authorizes FPL to construct, operate and retire a wind energy facility, together with certain
32 related or supporting facilities, at the site in Umatilla County, Oregon, as described in
33 Section III of this site certificate. ORS 469.401(1).
- 34 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in
35 effect on the date that termination is sought or until the site certificate is revoked under ORS
36 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation
37 is ordered. ORS 469.401(1).

- 1 3. This site certificate does not address, and is not binding with respect to, matters that were not
2 addressed in the Council’s Final Orders on the Application and Amendments #1, #2 and #3.
3 These matters include, but are not limited to: building code compliance, wage, hour and other
4 labor regulations, local government fees and charges and other design or operational issues
5 that do not relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and
6 rules for which the decision on compliance has been delegated by the federal government to
7 a state agency other than the Council. 469.503(3). [Amendments #1, #2, and #3]
- 8 4. Both the State and the certificate holder shall abide by local ordinances, state law and the
9 rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In
10 addition, upon a clear showing of a significant threat to public health, safety or the
11 environment that requires application of later-adopted laws or rules, the Council may require
12 compliance with such later-adopted laws or rules. ORS 469.401(2).
- 13 5. For a permit, license or other approval addressed in and governed by this site certificate, the
14 certificate holder shall comply with applicable state and federal laws adopted in the future to
15 the extent that such compliance is required under the respective state agency statutes and
16 rules. ORS 469.401(2).
- 17 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities and
18 political subdivisions in Oregon as to the approval of the site and the construction, operation
19 and retirement of the facility as to matters that are addressed in and governed by this site
20 certificate. ORS 469.401(3).
- 21 7. Each affected state agency, county, city and political subdivision in Oregon with authority to
22 issue a permit, license or other approval addressed in or governed by this site certificate shall,
23 upon submission of the proper application and payment of the proper fees, but without
24 hearings or other proceedings, issue such permit, license or other approval subject only to
25 conditions set forth in this site certificate. ORS 469.401(3).
- 26 8. After issuance of this site certificate, each state agency or local government agency that
27 issues a permit, license or other approval for the facility shall continue to exercise
28 enforcement authority over such permit, license or other approval. ORS 469.401(3).
- 29 9. After issuance of this site certificate, the Council shall have continuing authority over the site
30 and may inspect, or direct the Oregon Office of Energy (“Office”) to inspect, or request
31 another state agency or local government to inspect, the site at any time in order to assure
32 that the facility is being operated consistently with the terms and conditions of this site
33 certificate. ORS 469.430.

34 **III. DESCRIPTIONS**

35 **1. The Facility**

36 (i) Major Structures

37 The Stateline Wind Project (“facility”) consists of:

- 38 • **Stateline 1:** No more than 127 Vestas V47-660-kilowatt (kW) wind turbines
39 authorized for construction, of which 126 were built, having a total a nominal electric
40 generating capacity of 83.2 megawatts (MW) (126 turbines, each with a capacity of
41 0.66 MW) as described further in the Final Order on the Application.

- 1 • **Stateline 2:** No more than 60 Vestas V47-660-kW wind turbines with a total a
2 nominal electric generating capacity of 39.6 MW (60 turbines, each with a capacity of
3 0.66 MW) as described further in the Final Order on Amendment #1.
- 4 • **Stateline 3:** No more than 279 Vestas V47-660-kW wind turbines with a total
5 nominal electric generating capacity of 184.1 MW (279 turbines, each with a capacity
6 of 0.66 MW) as described further in the Final Order on Amendment #2.

7 Each wind turbine is connected to a 34.5-kilovolt (kV) collector system. The wind turbines are
8 grouped in “strings” of turbines, each turbine spaced approximately 250 feet from the next,
9 generally slightly downwind of the crest of ridges. Major facility structures are further as
10 described in the Final Orders on the Application and Amendments #1 and #2. [Amendments #1 and
11 #2]

12 (ii) Related or Supporting Facilities

13 The facility includes the following related or supporting facilities:

- 14 ▪ Access roads to reach each turbine for construction and maintenance
- 15 ▪ Underground and aboveground collector cables that transmit the electrical output
16 of the wind turbines to substations in Oregon and Washington [Amendment #2]
- 17 ▪ A substation [Amendment #2]
- 18 ▪ A 115-kV or 230 -kV transmission line [Amendment #2]
- 19 ▪ Meteorological towers
- 20 ▪ A satellite operations and maintenance building

21 Access Roads

22 County roads that extend south from Highway 12 in Washington (e.g., Hatch Grade Road and
23 Butler Grade Road) and north from Oregon Highway 11 (e.g., Vansycle Canyon Road and Butler
24 Grade Road) are the primary routes of access to the facility site. From the county roads, a web of
25 private farm roads provides access to most of the ridges upon which the facility is located.
26 Additional access roads are located along the length of each turbine string and connecting each
27 turbine string to the next. Access roads are further as described in the Final Orders on the
28 Application and Amendments #1 and #2. [Amendments #1 and #2]

29 Collector System, Substation and Transmission Line

30 The proposed wind turbines generate power at 690 volts. A transformer adjacent to each tower
31 transforms the power to 34.5 kV. From the turbines in Range 32 E, power is transmitted via
32 underground 34.5-kV electric cables buried directly in the soil approximately 3 to 4 feet below
33 the ground surface to a substation in Washington. In some cases, trenches run from the end of
34 one turbine string to the end of an adjacent turbine string to link the turbines via the underground
35 network. From most of the turbines in Range 33 E, aboveground 34.5-kV transmission
36 lines transmit power to a substation in Township 6 N, Range 33 E, Section 1 (tentatively called
37 “North Star Substation”). Overhead transmission lines, located entirely within Washington,
38 connect the Washington substation to a BPA 115-kV transmission line north of the Walla Walla
39 River and to a PacifiCorp substation just north of Highway 12. An 8.5-mile aboveground 115-kV
40 or 230-kV transmission line connects the North Star Substation to existing major transmission
41 lines in Washington. The collector system is further as described in the Final Orders on the
42 Application and Amendments #1 and #2. [Amendments #1 and #2]

1 Meteorological Towers

2 The facility includes nineteen permanent meteorological (met) towers to measure wind
3 conditions. The met towers may be guyed or unguyed towers. The met towers are otherwise as
4 described in the Final Orders on the Application and Amendments #1 and #2. [Amendments #1 and
5 #2]

6 Satellite O&M Building

7 The facility includes an operation and maintenance (O&M) facility, which is a satellite to the
8 primary O&M facility located in Washington. The satellite O&M facility is located along Butler
9 Grade Road south of Gardena and just south of the state line in Oregon. It is further as described
10 in the final order.

11 **2. Location of the Proposed Facility**

12 The facility is located in Umatilla County, north and east of Helix, Oregon. The towns closest to
13 the facility are Helix, Oregon, and Touchet, Washington. The wind turbines would be located on
14 ridges east of the Columbia River and south of the Walla Walla River. The location of the
15 facility is further as described in the Final Orders on the Application and Amendments #1 and
16 #2. [Amendments #1 and #2]

17 **IV. CONDITIONS FOR STATELINE 1 REQUIRED BY COUNCIL RULES**

18 This section lists conditions specifically required by OAR 345-027-0020 (Mandatory Conditions
19 in Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028
20 (Monitoring Conditions) and in OAR Chapter 345, Division 26 (Construction and Operation
21 Rules for Facilities). These conditions should be read together with the additional specific
22 facility conditions in section V to ensure compliance with the siting standards of OAR Chapter
23 345, Divisions 22 and 24 and to protect the public health and safety. These conditions apply to
24 Stateline 1. [Amendment #1]

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

28 Citation to the sources of, or basis for, the conditions are shown in parentheses.¹ Conditions are
29 numbered continuously throughout sections IV and V of this site certificate.

30 **1. General Conditions**

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

33 (2) The certificate holder shall design, construct, operate and retire the facility:

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

¹ References to the site certificate application are to the application as modified by the supplement and later revisions, abbreviated as “App.”

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

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

5 (OAR 345-027-0020(3))

6 (3) The certificate holder shall begin and complete construction of the facility by the dates
7 specified in the site certificate. (345-027-0020(4))

8 See condition (24).

9 (4) The certificate holder shall prevent the development of any conditions on the site that would
10 preclude restoration of the site to a useful, non-hazardous condition to the extent that
11 prevention of such site conditions is within the control of the certificate holder. (345-027-
12 0020(7))

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

16 (6) For the related or supporting transmission lines:

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

20 (b) The certificate holder shall develop and implement a program that provides
21 reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or
22 structures of a permanent nature that could become inadvertently charged with electricity
23 are grounded or bonded throughout the life of the line. (OAR 345-027-0023(5))

24 (7) The following general monitoring conditions apply:

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

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

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

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

41 (OAR 345-027-0028)

42 (8) The certificate holder shall report according to the following requirements:

1 (a) General reporting obligation for non-nuclear facilities under construction or
2 operating:

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

11 (ii) The certificate holder shall, within 120 days after the end of each calendar year
12 after beginning construction, submit an annual report to the Council addressing the subjects
13 listed in this rule. The Council secretary and the certificate holder may, by mutual
14 agreement, change the reporting date.

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

19 (b) In the annual report, the certificate holder shall include the following:

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

25 (ii) Reliability and Efficiency of Power Production: For electric power plants,

26 (A) The plant availability and capacity factors for the reporting year. If equipment
27 failures or plant breakdowns had a significant impact on those factors, the certificate holder
28 shall describe them and its plans to minimize or eliminate their recurrence;

29 (B) The efficiency with which the power plant converts fuel into electric energy.
30 If the fuel chargeable to power heat rate was evaluated when the facility was sited, the
31 certificate holder shall calculate efficiency using the same formula and assumptions, but
32 using actual data; and

33 (C) The facility's annual hours of operation by fuel type and, every five years
34 after beginning operation, a summary of the annual hours of operation by fuel type as
35 described in OAR 345-024-0590(5);

36 (iii) Status of Surety Information: Documentation demonstrating that the bond or
37 other security described in OAR 345-027-0020(8) or the financial mechanism or instrument
38 described in OAR 345-027-0020(9) is in full force and effect and will remain in full force
39 and effect for the term of the next reporting period;

40 (iv) Industry Trends: A discussion of any significant industry trends that may affect
41 the operations of the facility;

42 (v) Monitoring Report: A list and description of all significant monitoring and
43 mitigation activities performed during the previous year in accordance with site certificate
44 terms and conditions, a summary of the results of those activities, and a discussion of any
45 significant changes to any monitoring or mitigation program, including the reason for any
46 such changes;

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

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

8 (OAR 345-026-0080)

9 (9) The certificate holder shall promptly notify the Office of Energy of any changes in major
10 milestones for construction, decommissioning, operation or retirement schedules. Major
11 milestones are those identified by the certificate holder in its construction, retirement or
12 decommissioning plan. (OAR 345-026-0100)

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

20 **2. Conditions That Must Be Met Before Construction Begins**

21 (11) Except as necessary for the initial survey or as otherwise allowed for transmission lines or
22 pipelines under this section, the certificate holder shall not begin construction, as defined in
23 OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder
24 has construction rights on all parts of the site. For the purpose of this rule, “construction
25 rights” means the legal right to engage in construction activities. For transmission lines or
26 pipelines, if the certificate holder does not have construction rights on all parts of the site,
27 the certificate holder may nevertheless begin construction, as defined in OAR
28 345-001-0010, or create a clearing on a part of the site if:

29 (a) The certificate holder has construction rights on that part of the site; and

30 (b) The certificate holder would construct and operate part of the facility on that part of
31 the site even if a change in the planned route of the transmission line or pipeline occurs
32 during the certificate holder's negotiations to acquire construction rights on another part of
33 the site.

34 (OAR 345-027-0020(5))

35 (12) Following receipt of the site certificate, the certificate holder shall implement a plan that
36 verifies compliance with all site certificate terms and conditions and applicable statutes and
37 rules. As a part of the compliance plan, to verify compliance with the requirement to begin
38 construction by the date specified in the site certificate, the certificate holder shall report
39 promptly to the Office of Energy when construction begins. Construction is defined in OAR
40 345-001-0010. In reporting the beginning of construction, the certificate holder shall
41 describe all work on the site performed before beginning construction, including work
42 performed before the Council issued the site certificate, and shall state the cost of that work.
43 For the purpose of this exhibit, “work on the site” means any work within a site or corridor,

1 other than surveying, exploration or other activities to define or characterize the site or
2 corridor. The certificate holder shall document the compliance plan and maintain it for
3 inspection by the Office of Energy or the Council. (OAR 345-026-0048)

- 4 (13) Except as provided in OAR 345-027-0023(6), before beginning construction, the certificate
5 holder shall submit to the Office of Energy a legal description of the site. The Office shall
6 append the legal description to the site certificate. (OAR 345-027-0020(2))

7 See Condition (84).

- 8 (14) If the Council requires mitigation based on an affirmative finding under any standards of
9 Division 22 or Division 24 of this chapter, the certificate holder shall consult with affected
10 state agencies and local governments designated by the Council and shall develop specific
11 mitigation plans consistent with Council findings under the relevant standards. The
12 certificate holder must submit the mitigation plans to the Office and receive Office approval
13 before beginning construction or, as appropriate, operation of the facility. (OAR 345-027-
14 0020(6))

- 15 (15) Before beginning construction of the facility, the certificate holder shall submit to the State
16 of Oregon, through the Council, a bond or comparable security, satisfactory to the Council,
17 in an amount specified in the site certificate. The Council shall specify an amount adequate
18 to restore the site to a useful, non-hazardous condition if the certificate holder either begins
19 but does not complete construction of the facility or permanently closes the facility before
20 establishing the financial mechanism or instrument described in section OAR 345-027-
21 0020(9). The certificate holder shall maintain the bond or comparable security in effect
22 until the certificate holder has established that financial mechanism or instrument. (OAR
23 345-027-0020(8))

24 See Condition (43).

25 **3. Conditions That Apply During Construction**

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

- 31 (17) The certificate holder shall notify the Office of Energy, the State Building Codes Division
32 and the Department of Geology and Mineral Industries promptly if site investigations or
33 trenching reveal that conditions in the foundation rocks differ significantly from those
34 described in the application for a site certificate. After the Office receives the notice, the
35 Council may require the certificate holder to consult with the Department of Geology and
36 Mineral Industries and the Building Codes Division and to propose mitigation actions.
37 (OAR 345-027-0020(13))

- 38 (18) The certificate holder shall notify the Office, the State Building Codes Division and the
39 Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers,
40 deformations or clastic dikes are found at or in the vicinity of the site. (OAR 345-027-
41 0020(14))

1 **4. Conditions That Must Be Met Before Operation Begins**

2 (19) Before beginning operation of the facility, the certificate holder shall establish a financial
3 mechanism or instrument, satisfactory to the Council, assuring the availability of adequate
4 funds throughout the life of the facility to retire the facility and restore the site to a useful,
5 non-hazardous condition as described in OAR 345-022-0130. The certificate holder shall
6 retire the facility according to an approved final retirement plan, as described in OAR 345-
7 027-0110. (OAR 345-027-0020(9))

8 See Condition (80).

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

15 (21) If the proposed energy facility is a pipeline or a transmission line or has, as a related or
16 supporting facility, a pipeline or transmission line, the Council shall specify an approved
17 corridor in the site certificate and shall allow the certificate holder to construct the pipeline
18 or transmission line anywhere within the corridor, subject to the conditions of the site
19 certificate. If the applicant has analyzed more than one corridor in its application for a site
20 certificate, the Council may, subject to the Council’s standards, approve more than one
21 corridor. Before beginning operation of the facility, the certificate holder shall submit to the
22 Office a legal description of the permanent right-of-way where the applicant has built the
23 pipeline or transmission line within an approved corridor. The Office shall append the legal
24 description to the site certificate. The site of the pipeline or transmission line subject to the
25 site certificate is the area within the permanent right-of-way. (OAR 345-027-0023(6))

26 **5. Conditions That Must Be Met During Operation**

27 (22) For the related or supporting transmission lines, the certificate holder shall restore the
28 reception of radio and television at residences and commercial establishments in the
29 primary reception area to the level present prior to operations of the transmission line, at no
30 cost to residents experiencing interference resulting from the transmission line. (OAR 345-
31 027-0023(4))

32 (23) The certificate holder shall notify the Office of Energy within 72 hours of any occurrence
33 involving the facility if:

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

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

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

39 (OAR 345-026-0170)

1 **V. SPECIFIC FACILITY CONDITIONS FOR STATELINE 1**

2 The conditions listed in this section include conditions based on representations in the site
3 certificate application and supporting record. The Council deems these representations to be
4 binding commitments made by the applicant. These conditions are required under OAR 345-027-
5 0020(10). These conditions apply to Stateline 1. [Amendment #1]

6 This section includes other specific facility conditions the Council finds necessary to ensure
7 compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect
8 the public health and safety.

9 Citation to the sources of, or basis for, the conditions are shown in parentheses. Conditions are
10 numbered continuously throughout sections IV and V of this site certificate.

11 **1. General Conditions**

12 (24) The certificate holder shall begin construction of the facility within one year after the
13 effective date of the site certificate. The certificate holder shall complete construction of the
14 facility on or before two years from the effective date of the site certificate. Under OAR
15 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the
16 applicant. Completion of construction occurs upon the date commercial operation of the
17 facility begins. The Council may grant an extension of the construction beginning or
18 completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect
19 at the time the request for extension is submitted.

20 See condition (3).

21 (25) Within 72 hours of discovery of conditions or circumstances that may violate the terms or
22 conditions of the site certificate, the certificate holder shall report the conditions or
23 circumstances to the Office of Energy. (OAR 345-027-0020(3))

24 (26) Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is required if
25 the proposed change would increase the electrical generation capacity of the facility and
26 would increase the number of wind turbines or the dimensions of existing wind turbines.
27 (OAR 345-027-0020(3))

28 (27) The certificate holder shall restore the site to a useful, nonhazardous condition if the
29 certificate holder either begins but does not complete construction of the facility or
30 permanently closes the facility after construction is complete. (OAR 345-027-0020(3))

31 (28) The certificate holder shall report promptly to the Office of Energy any change in its
32 corporate relationship with FPL Energy LLC. The certificate holder shall report promptly to
33 the Office of Energy any change in its access to the resources, expertise and personnel of
34 FPL Energy LLC. (App A-3, D-2, OAR 345-022-0010)

35 (29) The certificate holder shall inspect and maintain all roads, pads and trenched areas to
36 minimize erosion. (App B-11)

37 (30) The certificate holder shall carry out weed control and reseeding as necessary for the life of
38 the facility, in consultation with the weed control board of Umatilla County. (App B-11)

39 (31) The certificate holder shall not store fuel or chemicals in Oregon. (App B-12)

- 1 (32) The certificate holder shall use hazardous materials in a manner that is protective of human
2 health and the environment and shall comply with all applicable local, state, and federal
3 environmental laws and regulations. The certificate holder shall make sure that accidental
4 releases of hazardous materials will be prevented or minimized through the proper
5 containment of these substances during transportation and use on the site. The certificate
6 holder shall make sure that any oily waste, rags or dirty or hazardous solid waste will be
7 collected in sealable drums and removed for recycling or disposal by a licensed contractor.
8 The certificate holder shall have spill kits containing items such as absorbent pads on
9 equipment and in storage facilities to respond to accidental spills. If an accidental hazardous
10 materials spill or release occurs, the certificate holder shall clean up the spill or release and
11 shall treat or dispose of contaminated soil or other materials according to applicable
12 regulations. (App G-2, V-3)
- 13 (33) The certificate holder shall provide to the Office of Energy a copy of the contract with the
14 Milton-Freewater Rural Fire Department for fire protection services during construction
15 and operation of the facility before beginning construction. (App U-25)
- 16 (34) During construction and operation of the facility, the certificate holder shall have water-
17 carrying trailers (“water buffaloes”) at appropriate locations around the facility. The
18 certificate holder shall bring a water buffalo to any job site where there is a substantial risk
19 of fire. The certificate holder shall coordinate with the fire chiefs of the Helix and Milton-
20 Freewater Rural Fire Departments as to the number, capacity and location of the water
21 buffaloes. The certificate holder shall make sure that each water buffalo has a minimum
22 capacity of 350 gallons with sufficient pump and hose equipment, as approved by the local
23 fire chiefs. The certificate holder shall have service trucks and pickup trucks capable of
24 towing water buffaloes available in sufficient numbers at all times during construction and
25 operation of the facility. (App B-12)
- 26 (35) The certificate holder shall take steps to protect the facility and property from unauthorized
27 access and to reduce the risk of accidental injury during construction and operations by
28 (App U-25, 26) [Amendment #3]:
- 29 (a) Maintaining access gates on private access roads to Stateline 3 facilities in accordance
30 with Umatilla County Development Code § 152.616(HHH)(5)(e), unless Umatilla County
31 has allowed a waiver upon a request by the landowner, and otherwise maintaining fencing
32 and access gates around dangerous equipment or portions of the site as feasible [Amendment
33 #3]
- 34 (b) Posting warning signs near high-voltage equipment
- 35 (c) Requiring construction contractors to provide specific job-related training to
36 employees, including cardiopulmonary resuscitation, first aid, tower climbing, rescue
37 techniques and safety equipment inspection
- 38 (d) Requiring each worker to be familiar with site safety
- 39 (e) Assigning safety officers to monitor construction activities and methods during each
40 work shift
- 41 (f) Ensuring that workers on each shift are certified in first aid
- 42 (g) Ensuring a well-stocked first-aid supply kit is accessible on-site at all times and that
43 each worker knows its location
- 44 (h) Conducting periodic safety meetings for construction and maintenance staff

- 1 (36) The certificate holder shall notify the Office of Energy and the Umatilla County Planning
2 Department of any accidents including mechanical failures on the site associated with the
3 operation of the wind power facility that may result in public health and safety concerns.
4 (ORS 469.310)
- 5 (37) To reduce the visual impact of the facility, the certificate holder shall:
6 (a) Design, construct and operate a facility consisting of:
7 (i) Stateline 1: No more than 127 Vestas V47-660-kilowatt (kW) wind turbines (App
8 B-2, Table B-3) [Amendments #1 and #2]
9 (ii) Stateline 2: No more than 60 Vestas V47-660-kW wind turbines [Amendments #1
10 and #2]
11 (iii) Stateline 3: No more than 279 Vestas V47-660-kW wind turbines [Amendment #2]
12 (b) Group the turbines in strings of 2 to 37 turbines, each spaced approximately 250 feet
13 from the next [Amendments #1 and #2]
14 (c) Construct each turbine to be approximately 165 feet tall at the turbine hub and with a
15 total height of approximately 242 feet with the nacelle and blades mounted (App B-5)
16 (d) Mount nacelles on smooth, hollow steel towers, approximately 14 feet in diameter at
17 the base (App B-5)
18 (e) Paint all towers west of Butler Grade Road uniformly in a neutral light gray color.
19 Paint towers east of Butler Grade Road a neutral white color to blend in with the color of
20 the towers in the Vansycle Project. [Amendment #2]
21 (f) Not allow any advertising to be used on any part of the facility or on any signs posted
22 at the facility, except that the turbine manufacturer's logo may appear on turbine nacelles
23 (App BB-2)
24 (g) Use only the minimum lighting on its turbine strings required by the Federal Aviation
25 Administration, except:
26 (i) The satellite operations and maintenance building may have a small amount of
27 low-impact exterior lighting for security purposes (App BB-2);
28 (ii) Low-impact lighting may be used for occasional nighttime repairs, operations or
29 maintenance at the substation (at other times this lighting would be turned off). [Amendment
30 #2]
31 (h) Use only those signs required for facility safety or required by law (App BB-2)
32 (i) Design and construct the operation and maintenance building to be generally
33 consistent with the character of similar buildings used by commercial farmers or ranchers.
34 Upon retirement of the energy facility, the operations and maintenance building must be
35 removed or converted to farm use, in accordance with Condition 98. [Amendment #3]
- 36 (38) To restrict public access to turbine towers, the certificate holder shall install locked access
37 doors accessible only to authorized project staff. (App BB-3)
- 38 (39) If any state-listed threatened, endangered or candidate plant species are found during the
39 pre-construction surveys described in condition (55), the certificate holder shall use
40 appropriate measures to protect the species and mitigate for impacts from construction,
41 operation and retirement of the facility.
- 42 See condition (55).
- 43 (40) In constructing and operating the facility, the certificate holder shall make reasonable
44 efforts not to disturb the farming and ranching activities on adjacent lands. (App K-6)

1 (41) If the certificate holder elects to use a bond to meet the requirements of Conditions (43),
2 (80), (102) or (109), the certificate holder shall ensure that the surety is obligated to comply
3 with the requirements of applicable statutes, Council rules and this site certificate when the
4 surety exercises any legal or contractual right it may have to assume construction, operation
5 or retirement of the energy facility. The certificate holder shall also assure that the surety is
6 obligated to notify the Council that it is exercising such rights and to obtain any Council
7 approvals required by applicable statutes, Council rules and this site certificate before the
8 surety commences any activity to complete construction, operate or retire the energy
9 facility. [Amendments #1 and #2]

10 See Condition (2).

11 **2. Conditions That Must Be Met Before Construction Begins**

12 (42) The certificate holder shall notify the Office of Energy in advance of any initial road
13 improvement work that does not meet the definition of “construction” in OAR 345-001-
14 0010(10) or ORS 469.300(6) and shall provide to the Office of Energy plans of the work
15 and evidence that its value is less than \$250,000. (App B-21)

16 (43) The certificate holder shall submit to the State of Oregon through the Council a bond or
17 letter of credit in the amount of \$1,459,000 (in 2001 dollars) naming the State of Oregon,
18 acting by and through the Council, as beneficiary or payee.

19 (a) The calculation of 2001 dollars shall be made using the U.S. Gross Domestic Product
20 Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of
21 Administrative Services’ “Oregon Economic and Revenue Forecast,” or by any successor
22 agency (the “Index”). The amount of the bond or letter of credit account shall increase
23 annually by the percentage increase in the Index and shall be pro-rated within the year to
24 the date of retirement. If at any time the Index is no longer published, the Council shall
25 select a comparable calculation of 2001 dollars. [Amendment #2]

26 (b) The certificate holder shall use a form of bond or letter of credit approved by the
27 Council.

28 (c) The certificate holder shall use an issuer of the bond or letter of credit approved by
29 the Council.

30 (d) The bond or letter of credit shall not be subject to revocation or reduction before the
31 certificate holder’s satisfaction of Condition (19).

32 (e) The certificate holder may satisfy Sections IV.2(15) and V.2(43) of this site certificate
33 by delivering to the Council a facsimile of the duly issued letter of credit along with a
34 certification from the issuing bank. The bank's certification shall state that the original of
35 the letter of credit has been deposited with a reputable mail carrier for delivery to the
36 Council and shall provide the mail carrier's tracking number for the letter of credit. To
37 maintain the certificate holder's compliance with Sections IV.2(15) and V.2(43) of this site
38 certificate, the original of the letter of credit must be received by the Council within five
39 business days after the facsimile transmission. The parties have agreed to this condition in
40 light of unique circumstances affecting air travel and mail delivery and it is not intended by
41 the Council to have any precedential effect.

42 See Conditions (15) and (41).

- 1 (44) The certificate holder shall locate roads to minimize disturbance and maximize
2 transportation efficiency and to avoid sensitive resources and unsuitable topography. The
3 certificate holder shall use existing county roads and private farm roads to the maximum
4 extent feasible. The certificate holder shall coordinate farm road improvements with
5 landowners to minimize crop impacts and to assure that the final road provides useful
6 access, where possible, to the landowners' fields. (App B-6)
- 7 (45) The certificate holder shall videotape all Umatilla County roads used as access to the
8 facility and shall require construction contractors to enter into a written agreement with
9 Umatilla County stating that all roads used by the contractor will be restored to as good or
10 better condition than they were before construction. (App U-24)
- 11 (46) The certificate holder shall notify the Office of Energy of the identity and qualifications of
12 major construction contractors for the facility. The certificate holder shall select major
13 construction contractors based on a proven record of environmental compliance and
14 stewardship, a clean record in terms of other regulatory obligations and other appropriate
15 factors. (App D-3, 4)
- 16 (47) The certificate holder shall contractually require all construction contractors and
17 subcontractors involved in the construction of the facility to comply with all applicable
18 laws and regulations and with the terms and conditions of the site certificate. Such
19 contractual provisions shall not operate to relieve the certificate holder of responsibility
20 under the site certificate.
- 21 See condition (2).
- 22 (48) The certificate holder shall require that all on-site construction contractors prepare a site
23 health and safety plan before beginning construction activities. The certificate holder shall
24 ensure that the plan informs employees and others onsite what to do in case of emergencies
25 and includes the locations of fire extinguishers and nearby hospitals, important telephone
26 numbers and first aid techniques. (App U-25)
- 27 (49) The certificate holder shall design the facility in accordance with seismic design provisions
28 given in the Oregon Building Code. The certificate holder shall identify localized areas of
29 S_C and S_D soil types and assure that any structures to be built in those areas are designed
30 according to the code. (App H-7, 13)
- 31 (50) The certificate holder shall provide the Office with design specifications showing the
32 locations of turbines and type of foundations to be employed and demonstrating that the
33 following conditions have been satisfied (OAR 345-022-0020):
- 34 (a) If a turbine is located within 50 feet of a slope steeper than 30° , the stability of the
35 slope has been reviewed by the foundation designer to confirm that either (i) the slope has a
36 safety factor of at least 1.1 during the maximum probable seismic event or (ii) the safety
37 factor is less than 1.1, but ground displacements will not adversely affect the stability of the
38 wind turbine. Slopes shall be evaluated in the field for each proposed turbine location.
- 39 (b) The foundation designer's review of slope displacement during a seismic event has
40 been made using a pseudo-static horizontal coefficient of 0.13g and, if the safety factor is
41 less than 1.1, the foundation designer has shown that (i) the movement will not intersect the
42 turbine, (ii) the movement will intersect the turbine but will not affect its stability, or (iii)

1 additional stabilization measures, such as anchor tie-downs or ground support systems, will
2 be employed to maintain stability.

3 (c) If a turbine is located where power generating or other requirements preclude
4 sufficient setback distances to avoid intersection of a moving slope with the turbine
5 foundation, the foundation designer has demonstrated that the turbine foundation will
6 withstand loads from the moving soil or has been equipped with ground support systems
7 that will withstand loads from moving soil.

8 (d) The foundation designer has confirmed that the turbines and conduit can tolerate
9 some movement without instability or breakage if a mapped fault were to rupture.

10 (51) In modifying slope angles for roads or other facilities, the certificate holder shall assure that
11 the foundation designer has achieved a factor of safety of 1.5 or greater for permanent
12 structures and a factor of safety of 1.3 or greater for temporary structures. (OAR 345-022-
13 0020)

14 (52) The certificate holder shall design the facility to avoid or minimize adverse impacts to
15 wildlife by measures including but not limited to the following (App P-41):

16 (a) Siting the turbines on ridges outside of migration flyways

17 (b) Siting turbines to avoid placing turbines in saddle locations along ridges (where bird
18 use is typically higher)

19 (c) Avoiding the use of overhead collector lines, except in Stateline 3 areas where
20 limitations in carrying capacity of underground lines make the use of overhead collector
21 lines unavoidable [Amendment #2]

22 (53) The certificate holder shall survey the status of known Swainson's hawk nests within the
23 vicinity of proposed construction before the projected date for construction to begin. If
24 active nests are found, and construction is scheduled to begin before the end of the sensitive
25 nesting and breeding season (June 1 to August 31), the certificate holder shall develop a no-
26 construction buffer in consultation with ODFW and shall not engage in construction
27 activities within the buffer until the sensitive season has ended. If construction continues
28 into the sensitive nesting and breeding season for the following year, the certificate holder
29 shall not engage in construction activities within the buffer around active nests until the
30 sensitive season has ended. [Amendment #2]

31 (54) The certificate holder shall conduct appropriate pre-construction nest surveys for burrowing
32 owls if construction is scheduled to occur during the sensitive period (March 15 to August
33 30). The certificate holder shall leave a no-construction buffer, developed in consultation
34 with ODFW, around any active nests during the sensitive period. [Amendment #2]

35 (55) The certificate holder shall conduct pre-construction surveys for state-listed threatened,
36 endangered or candidate plant species in all areas not included in earlier botanical surveys
37 of the analysis area. If any listed plants are found, FPL will notify the Office of Energy and
38 consult with the Oregon Department of Agriculture regarding appropriate measures to
39 protect the species and mitigate for impacts from construction, operation and retirement of
40 the facility. (App Q-7)

41 (56) The certificate holder shall conduct appropriate pre-construction surveys for the presence of
42 Washington ground squirrels in construction zones that have suitable habitat. Construction
43 zones include the areas of permanent and temporary disturbance and a 175-foot surrounding
44 buffer in which there may be incidental construction impacts. If squirrel activity is found,

1 the certificate holder shall notify the Office of Energy and develop an appropriate no-
2 construction buffer and other appropriate mitigation measures in consultation with the
3 Office and ODFW. In addition, the certificate holder shall map and stake sensitive areas to
4 be avoided during construction as required by Condition (63). [Amendment #2]

5 **3. Conditions That Apply During Construction**

6 (57) The certificate holder shall report to the Council any change of major construction
7 contractors.

8 See condition (8).

9 (58) The certificate holder shall take steps to prevent fires during construction including but not
10 limited to (App U-25):

11 (a) Establishing roads before accessing the site to allow vehicles to stay away from grass

12 (b) Using diesel vehicles whenever possible to prevent potential ignition by catalytic
13 converters

14 (c) Avoiding idling vehicles in grassy areas

15 (d) Keeping cutting torches and similar equipment away from grass

16 (e) Making sure that all construction personnel receive appropriate fire-safety instruction
17 from qualified local fire departments or qualified fire-fighting trainers on the job site

18 (f) Making sure that fire-fighting equipment is available at all active parts of the job site.

19 (59) The certificate holder shall require the foundation designer to inspect excavations during
20 construction of foundations for the turbines and other facilities to confirm that geologic
21 conditions are appropriate for supporting the turbines during gravity, seismic and wind
22 loading. (OAR 345-022-0020)

23 (60) The certificate holder shall conduct all construction work in compliance with an Erosion
24 and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of
25 Environmental Quality and as required under the facility's National Pollutant Discharge
26 Elimination System (NPDES) Construction Stormwater Permit. The certificate holder shall
27 include in the ESCP any procedures necessary to meet local erosion and sediment control
28 requirements or stormwater management requirements. (App B-7, 13, E-3, P-41)

29 (61) The certificate holder shall mitigate potential adverse impacts to soils from erosion and
30 compaction by measures including but not limited to the following (App H-17, I-4, 5):

31 (a) Maintaining vegetative buffer strips between the areas impacted by construction
32 activities and any receiving waters

33 (b) Installing sediment fence/straw bale barriers at locations shown on the plans

34 (c) Wherever feasible, constructing roadways so that surface drainage continues along
35 natural drainage patterns with minimal diversions through ditches and culverts

36 (d) Working with the Umatilla County Public Works Department and the local Natural
37 Resources Conservation Service office to design water bars and other management
38 practices to slow the flow of water on newly constructed repaired roads

39 (e) Straw mulching and discing at locations adjacent to the road that have been impacted

40 (f) Providing temporary sediment traps downstream of intermittent stream crossings

41 (g) Providing sediment type mats downstream of perennial stream crossings

42 (h) Planting designated seed mixes at impacted areas adjacent to the roads

- 1 (i) Installing sediment fencing along the downslope side of construction equipment
2 staging areas
- 3 (j) Seeding all areas that are impacted by construction and reseeded as necessary to
4 establish a healthy cover crop
- 5 (k) Leaving sediment fencing, check dams and other erosion control measures in place
6 until the impacted areas are well vegetated and the risk of erosion has been eliminated
- 7 (l) Limiting truck and heavy equipment traffic, to the extent possible, to improved road
8 surfaces, and thereby limiting soil compaction and disturbances
- 9 (m) Scarifying and reseeded compacted areas after construction is completed
- 10 (n) Using appropriate erosion control methods to limit soil loss due to water and wind
11 action
- 12 (o) Covering roads and turbine pads with gravel immediately following exposures,
13 thereby limiting the time for wind or water erosion (App I-2, 3)
- 14 (p) Using water for dust suppression during construction (App O-1)
- 15 (62) The certificate holder shall place underground electrical and communications cables at a
16 minimum depth of three feet below grade in trenches along the length of each turbine string
17 corridor and in some cases in trenches from the end of one turbine string to the end of an
18 adjacent turbine string. The certificate holder shall excavate trenches and segregate the
19 topsoil from subsoil. After installing the electrical or communications cables and within
20 two weeks of trenching, the certificate holder shall backfill the trenches and replace topsoil
21 on top. The certificate holder shall reseed the area with native grasses or other plants
22 appropriate to the location. (App B-8, I-2, W-2)
- 23 (63) The certificate holder shall mitigate possible impacts to wildlife by measures including but
24 not limited to the following (App P-42 through 45, Q-10, 11):
- 25 (a) Preparing maps to show sensitive areas that are off-limits during the construction
26 phase, distributing the maps to construction staff and having a biologist flag sensitive areas
27 as needed
- 28 (b) Minimizing road construction and vehicle use where possible
- 29 (c) Posting speed limit signs throughout the construction zone
- 30 (d) Instructing construction personnel (including all construction contractors and their
31 personnel) on sensitive wildlife of the area and on required precautions to avoid injuring or
32 destroying wildlife
- 33 (e) Instructing construction personnel (including all construction contractors and their
34 personnel) to watch out for wildlife while driving through the project area, to maintain
35 reasonable driving speeds so as not to harass or accidentally strike wildlife and to be
36 particularly cautious and drive at slower speeds in a period from one hour before sunset to
37 one hour after sunrise when some wildlife species are the most active
- 38 (f) Requiring all construction personnel to report any injured or dead wildlife detected at
39 the facility site
- 40 (g) Requiring all construction personnel to respect all staked wildlife areas and associated
41 no-construction buffer areas
- 42 (64) To avoid creating habitat for raptor prey near turbine towers, the certificate holder shall
43 spread gravel on all above ground portions of the turbine pads to reduce the potential for
44 weed infestation. (App BB-5)

- 1 (65) The certificate holder shall mitigate possible impacts to fish and wildlife habitat by
2 measures including but not limited to the following (App P-42 through 45, Q-10, 11):
3 (a) Avoiding vegetation removal wherever possible
4 (b) Limiting construction activities to within public road right-of-ways where possible
5 (c) Using best management practices to prevent erosion of soil into stream channels
6 (d) Controlling invasive, weedy plant species during maintenance of project facilities
7 (e) Restoring temporarily disturbed sites to pre-construction condition or better with
8 native seed mixes as described for temporarily disturbed habitats in the Revegetation Plan
9 included in the final order as Attachment B and as revised from time to time. [Amendment #1]
10 (f) Developing re-vegetation plant mixes and habitat enhancement locations in
11 consultation with ODFW and the Umatilla County weed control board
12 (g) Monitoring re-vegetated areas to ensure successful establishment of new vegetation
13 (h) Monitoring turbine strings, roads and other disturbed areas regularly to prevent the
14 spread of noxious weeds
15 (i) Developing measures to reduce the potential spread of noxious weeds in consultation
16 with the weed control board of Umatilla County.
- 17 (66) To mitigate for the permanent elimination of one-half acre of Category 2 habitat, the
18 certificate holder shall control weeds and enhance habitat of one acre of weed-infested
19 upland habitat with native plants. The certificate holder shall carry out enhancement
20 activities as described for habitat improvement areas in the Revegetation Plan included in
21 the final order as Attachment B and as revised from time to time. The certificate holder
22 shall acquire the legal right to create and maintain the enhancement area for the life of the
23 facility by means of an outright purchase, conservation easement or similar conveyance and
24 shall provide a copy of the documentation to the Office of Energy. The certificate holder
25 shall determine the location of this habitat enhancement area in consultation with ODFW
26 and landowners. (App P-44) [Amendment #1]
- 27 (67) To mitigate for the permanent elimination of approximately 48 acres of Category 3 habitat,
28 the certificate holder shall control weeds and enhance habitat on an equal area of weed-
29 infested land in the project vicinity. The certificate holder shall carry out enhancement
30 activities as described for habitat improvement areas in the Revegetation Plan included in
31 the final order as Attachment B and as revised from time to time. The certificate holder
32 shall acquire the legal right to create and maintain the enhancement area for the life of the
33 facility by means of an outright purchase, conservation easement or similar conveyance and
34 shall provide a copy of the documentation to the Office of Energy. The certificate holder
35 shall determine the location of this habitat enhancement area in consultation with ODFW
36 and landowners. (App P-44) [Amendment #1]
- 37 (68) To minimize impacts to temporarily disturbed Category 6 habitat areas, the certificate
38 holder shall use measures including but not limited to the following (App P-45):
39 (a) Replacing agricultural topsoil to its pre-construction condition
40 (b) Using best management practices to prevent loss of topsoil during construction
41 (c) Reseeding native habitats with a native seed mix that includes at least some seed
42 collected from the area as described for temporarily disturbed habitats in the Revegetation
43 Plan included in the final order as Attachment B and as revised from time to time.
44 [Amendment #1]
45 (d) Controlling noxious weeds in areas disturbed by construction activities

- 1 (69) The certificate holder shall not place any part of the facility within any Washington ground
2 squirrel colony or on potential Washington ground squirrel burrows, except as allowed for
3 Stateline 3 facilities under the *Resource Impact Avoidance and Mitigation Plan*, included in
4 the final order as Attachment C and as revised from time to time. The certificate holder
5 shall limit permanent road widening and other improvements and shall locate temporary
6 roads and laydown areas to minimize impacts to potential Washington ground squirrel
7 habitat. [Amendment #2]
- 8 (70) To reduce potential injury or fatality of migratory birds, the certificate holder shall (App Q-
9 10):
- 10 (a) Locate turbines away from saddles in long ridges
 - 11 (b) Locate turbines on the top or slightly downwind side of distinct ridges and set back
12 from the upwind (prevailing) side
 - 13 (c) Use monopole design for all turbine and meteorological towers
- 14 (71) The certificate holder shall implement a waste management plan during construction that
15 includes but is not limited to the following measures (App V-2):
- 16 (a) Collecting steel scrap and transporting it to a recycling facility
 - 17 (b) Recycling wood waste to the greatest extent feasible, depending on size and quantity
18 of scrap or leftover materials
 - 19 (c) Using concrete waste as fill on-site or at another site or, if no reuse option is
20 available, transporting it to a local landfill
 - 21 (d) Recycling packaging wastes (such as paper and cardboard)
 - 22 (e) Collecting non-recyclable waste and transporting it to a local landfill
- 23 (72) The certificate holder shall require that disposal of waste concrete on-site is conducted in
24 accordance with OAR 340-093-0080, other applicable regulations and this condition. The
25 construction contractor may bury waste concrete on-site with the permission of the
26 landowner in the following manner: by placing the waste concrete in an excavated hole,
27 covering it with at least three feet of topsoil and grading the area to match existing contours
28 so that all buried concrete is at least three feet below grade. (App V-3, 4).
- 29 (73) The certificate holder shall provide portable toilets for onsite sewage handling during
30 construction and make sure that they are pumped and cleaned regularly by a licensed
31 pumper who is qualified to pump and clean portable toilet facilities. The certificate holder
32 shall minimize the generation of wastes from construction through detailed estimating of
33 materials needs and through efficient construction practices. The certificate holder shall
34 recycle any wastes generated during construction as much as feasible and shall collect any
35 non-recyclable wastes and transport such wastes to a local landfill. (App B-13, G-3, V-2)
- 36 (74) The certificate holder shall have a full-time on-site assistant construction manager, qualified
37 in environmental compliance and familiar with all site certificate conditions, to observe
38 contractor waste management practices and to assure compliance with applicable
39 regulations and construction site policy. (App V-4)
- 40 (75) The certificate holder shall post no-entry barriers by staking or flagging to ensure that
41 construction workers stay away from the vicinity of the cultural sites. The certificate holder
42 shall locate barriers to create a buffer with a minimum width of 50 feet between the cultural
43 sites and construction activities. The certificate holder shall have a qualified cultural
44 resource expert, chosen by the Confederated Tribes of the Umatilla Indian Reservation,

1 present during construction in the immediate vicinity of the sites to ensure that construction
2 crews respect the buffers. (App S-4)

3 (76) If previously unidentified cultural resources are encountered during construction, the
4 certificate holder shall halt earth-disturbing activities in the immediate vicinity of the find,
5 in accordance with Oregon state law (ORS 97.745 and 358.920), and shall notify the Office
6 of Energy, the Oregon State Historic Preservation Officer (SHPO) and the Confederated
7 Tribes of the Umatilla Indian Reservation (CTUIR). The certificate holder shall have a
8 qualified archaeologist evaluate the discovery and recommend subsequent courses of action
9 in consultation with the CTUIR and the SHPO. (App S-5, 6)

10 (77) The certificate holder shall include traffic control procedures in contract specifications for
11 construction of the facility. The certificate holder shall require flaggers to be at appropriate
12 locations at appropriate times during construction to direct traffic and to ensure minimal
13 conflicts between harvest and construction vehicles. (App U-24)

14 (78) The certificate holder shall confine the noisiest construction activities to the daylight hours.
15 (App X-8)

16 (79) The certificate holder shall construct the cable crossing of Vansycle Canyon at a time when
17 the stream is dry. The certificate holder shall remove no more than approximately 7.5 cubic
18 yards of material from the streambed crossing and shall replace a like amount of fill
19 material after the cable has been laid, restoring the area similar to the original contours of
20 the streambed. (Linehan, July 23 letter, 3)

21 **4. Conditions That Must Be Met Before Operation Begins**

22 (80) The certificate holder shall submit to the State of Oregon through the Council a bond or
23 letter of credit in the amount of \$1,161,120 (in 2001 dollars) naming the State of Oregon,
24 acting by and through the Council, as beneficiary or payee (the “retirement fund”).

25 (a) The calculation of 2001 dollars shall be made using the Index described in Condition
26 (43).

27 (b) The certificate holder shall use a form of retirement fund approved by the Council.

28 (c) The certificate holder shall use an issuer of the bond or letter of credit approved by
29 the Council.

30 (d) The retirement fund shall not be subject to revocation or reduction before retirement
31 of the energy facility.

32 (e) The certificate holder shall describe the status of the retirement fund in the annual
33 report submitted to the Council under Condition (8).

34 See Conditions (19) and (41).

35 (81) After construction is complete, the certificate holder shall restore the county roads to at
36 least their pre-project condition, to the satisfaction of the county public works department.
37 (App B-6, 9)

38 (82) The certificate holder shall grade and reseed laydown areas to wheat or native grasses as
39 necessary to restore those areas to their pre-construction condition (App B-10).

40 (83) For any materials disposed of as fill on site, the certificate holder shall conduct such
41 disposal with the approval of the landowner and in accordance with OAR 340-093-0080
42 and other applicable regulations. (App G-3, V-3)

1 (84) For the purposes of this site certificate, the term “legal description” means a description of
2 location by reference to a map and geographic information system (GIS) data that clearly
3 and specifically identifies the physical location of all parts of the facility, including but not
4 limited to turbine towers, meteorological towers, roads and underground collection cables.
5 Notwithstanding OAR 345-027-0020(2), for the purposes of this site certificate, wind
6 turbine tower locations are analogous to location of permanent rights-of-way for pipelines
7 or transmission lines as described in OAR 345-027-0023(6). The Council approves the
8 corridor described in the final order for construction of turbine strings. Before beginning
9 operation of the facility, the certificate holder shall submit to the Office of Energy a legal
10 description of the location where the certificate holder has built turbine towers and other
11 parts of the facility. Before beginning operation of any turbines that are added to the facility
12 by amendment of the site certificate, the certificate holder shall submit to the Office of
13 Energy a legal description of the location of any additional turbine towers and related or
14 supporting facilities allowed by the amendment. The site of the facility is the area identified
15 by the legal descriptions required by this condition. By means of the legal descriptions, the
16 certificate holder shall provide to the Office of Energy and the Umatilla County Planning
17 Department the actual location of each turbine and all connecting lines. (OAR 345-027-
18 0020(3)) [Amendment #1]

19 See Condition (13).

20 **5. Conditions That Must Be Met During Operation**

21 (85) The certificate holder shall prepare and maintain a site health and safety plan that informs
22 employees and others onsite what to do in case of emergencies and includes the locations of
23 fire extinguishers and nearby hospitals, important telephone numbers and first aid
24 techniques. (App U-25)

25 (86) The certificate holder shall recycle solid waste generated during operation of the facility as
26 much as feasible and shall collect non-recyclable waste and transport it to a local landfill.
27 (App V-2)

28 (87) The certificate holder shall provide portable toilets for use at the satellite O&M building
29 and shall make sure that they are pumped and cleaned regularly by a licensed pumper who
30 is qualified to pump and clean portable toilet facilities. The certificate holder must contact
31 the Oregon Department of Environmental Quality if the on-site septic system is to be used.
32 (App O-2)

33 (88) If the turbine blades need to be washed, the certificate holder shall use no more than 500
34 gallons of water per turbine, trucked to the site by a contractor and purchased from a source
35 with a valid water right. The certificate holder shall use high-pressure cold water only and
36 shall not use chemicals or additives in the wash water. (App O-2) [Amendment #1]

37 (89) If any new nesting or denning sites for wildlife species of concern are located, the
38 certificate holder shall prepare maps indicating off-limit areas. In addition, the certificate
39 holder shall minimize road construction and vehicle use where possible. (P-42)

- 1 (90) The certificate holder shall mitigate possible impacts to wildlife by measures including but
2 not limited to the following (App P-43, Q-10):
3 (a) Instructing all personnel on sensitive wildlife of the area and on required precautions
4 to avoid injuring or destroying wildlife
5 (b) Instructing all personnel to watch out for wildlife while driving through the project
6 area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife
7 and to be particularly cautious and drive at slower speeds in a period from one hour before
8 sunset to one hour after sunrise when some wildlife species are the most active
9 (c) Requiring all personnel to report any injured or dead wildlife detected at the facility
10 site
- 11 (91) The certificate holder shall mitigate possible impacts to fish and wildlife habitat by
12 measures including but not limited to the following (App P-43, Q-10):
13 (a) Using best management practices to prevent erosion of soil into stream channels
14 (b) Controlling invasive, weedy plant species during maintenance of project facilities
15 (c) Monitoring re-vegetated areas to ensure successful establishment of new vegetation
- 16 (92) The certificate holder shall mitigate potential adverse impacts to soils from erosion by
17 measures including but not limited to the following (App I-3 through 5):
18 (a) Using drainage collection procedures to capture surface water that collects on, and
19 drains from, gravel surfaces or structures as a result of precipitation and routing the water to
20 drainage ditches lined with quarry stone or other similar materials
21 (b) Using sand bags, straw bales and silt fences as needed to reduce erosion from
22 precipitation during repair of underground cables or other soil-disturbing repairs
23 (c) If areas of erosion are observed during operation, implementing mitigation and
24 reclamation measures
- 25 (93) The certificate holder shall conduct wildlife monitoring as described in the Oregon Wildlife
26 Monitoring Plan, included in the final order as Attachment A and as revised from time to
27 time. Subject to approval by the Office of Energy as to professional qualifications, the
28 certificate holder shall hire qualified wildlife consultants to carry out the monitoring. (OAR
29 345-022-0060) [Amendment #1]
- 30 (94) If analysis of monitoring data indicates impacts to wildlife or wildlife habitat that the
31 certificate holder has not adequately addressed by mitigation and if these impacts result in a
32 loss of habitat quantity or quality, the certificate holder shall mitigate for the loss of habitat
33 quality by measures approved by the Oregon Office of Energy. (OAR 345-022-0060)
- 34 (95) The certificate holder shall inspect turbine blades on a regular basis for signs of wear or
35 potential failure. (App BB-1)
- 36 (96) The certificate holder shall make sure that all on-site employees receive annual fire
37 prevention and response training by a professional fire-safety training firm. The certificate
38 holder shall prohibit employees from smoking outside of company vehicles during dry
39 summer months and shall require employees to keep vehicles on roads and off dry
40 grassland during the dry months unless necessary for work purposes. The certificate holder
41 shall not engage in welding, cutting, grinding or other flame or spark-producing operations
42 near the turbines. The certificate holder shall equip each company vehicle on site with a fire
43 extinguisher, water spray can, shovel, Emergency Response procedures book and a two-
44 way radio for immediate communications with the O&M facility. The certificate holder

1 shall have staff in the local area on call at all times to respond in case of fire or other
2 emergency. The certificate holder shall supply all local fire departments with maps of and
3 gate keys to the facility. (App B-12)

4 **VI. SPECIFIC FACILITY CONDITIONS FOR STATELINE 2** [This section added by
5 Amendment #1]

6 The conditions listed in this section include conditions based on representations in the request for
7 Amendment #1 and supporting record. The Council deems these representations to be binding
8 commitments made by the applicant. These conditions are required under OAR 345-027-
9 0020(10). These conditions apply to Stateline 2. Conditions (98), (99), (100) and (103) also
10 apply to Stateline 1.

11 In addition to the conditions listed in this section, all conditions in sections IV and V also apply
12 to Stateline 2, except Conditions (11), (15), (19), (24), (27), (39), (42), (43), (53), (54), (55),
13 (56), (66) and (80).

14 **1. General Conditions**

- 15 (97) The certificate holder shall begin construction of Stateline 2 within six months after the
16 effective date of the First Amended Site Certificate. The certificate holder shall complete
17 construction of Stateline 2 before March 1, 2005. Under OAR 345-027-0070, an amended
18 site certificate is effective upon execution by the Council Chair and the applicant.
19 Completion of construction occurs upon the date commercial operation of the facility
20 begins. The Council may grant an extension of the construction beginning or completion
21 deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time
22 the request for extension is submitted. [Amendment #2]
- 23 (98) The certificate holder shall retire the facility if the certificate holder permanently ceases
24 construction or operation of the facility. The certificate holder shall retire the facility
25 according to a final retirement plan approved by the Council, as described in OAR 345-
26 027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, non-
27 hazardous condition at the time of retirement, notwithstanding the Council's approval in the
28 site certificate of an estimated amount required to restore the site.
- 29 (99) Before any transfer of ownership of the facility or ownership of the site certificate holder,
30 the certificate holder shall inform the Office of Energy of the proposed new owners. The
31 requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a
32 transfer of the site certificate.
- 33 (100) If the Council finds that the certificate holder has permanently ceased construction or
34 operation of the facility without retiring the facility according to a final retirement plan
35 approved by the Council, as described in OAR 345-027-0110, the Council shall notify the
36 certificate holder and request that the certificate holder submit a proposed final retirement
37 plan to the Office within a reasonable time not to exceed 90 days. If the certificate holder
38 does not submit a proposed final retirement plan by the specified date, the Council may
39 direct the Office to prepare a proposed a final retirement plan for the Council's approval.
40 Upon the Council's approval of the final retirement plan, the Council may draw on the bond
41 or letter of credit described in section (8) to restore the site to a useful, non-hazardous
42 condition according to the final retirement plan, in addition to any penalties the Council

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

7 **2. Conditions That Must Be Met Before Construction Begins**

8 (101) The certificate holder shall not engage in construction activities for Stateline 2 facilities,
9 including the movement of heavy trucks and equipment, within a ¼-mile buffer around an
10 identified ferruginous hawk nest tree during the sensitive period of the nesting season
11 (March 20 to August 15), except as provided in this condition. The certificate holder shall
12 use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to
13 determine whether the nest is occupied. The certificate holder may begin construction
14 activities before August 15 if the nest is not occupied. If the nest is occupied, the certificate
15 holder shall use a protocol approved by ODFW to determine when the young are fledged
16 (independent of the core nest site). With the approval of ODFW, the certificate holder may
17 begin construction before August 15 if the young are fledged. During the specified nesting
18 season, the certificate holder may use the road into the site with vehicles that are one ton in
19 capacity or smaller; conduct turbine, turbine tower, blade or met tower construction
20 activities that are not visible above the horizon from the vantage point of the ferruginous
21 hawk nest; and use the road one time to transport heavy equipment off the site. [Amendment
22 #2]

23 (102) In addition to the requirements of Condition (80), the certificate holder shall submit to the
24 State of Oregon through the Council a bond or letter of credit in the amount of \$899,200 (in
25 2002 dollars) naming the State of Oregon, acting by and through the Council, as beneficiary
26 or payee. In lieu of submitting a separate bond or letter of credit in the amount required
27 under this condition, the certificate holder may submit a bond or letter of credit that
28 includes the amount required under this condition and the amount required under Condition
29 (80).

30 (a) The calculation of 2002 dollars shall be made using the U.S. Gross Domestic Product
31 Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of
32 Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor
33 agency (the "Index"). The amount of the bond or letter of credit account shall increase
34 annually by the percentage increase in the Index and shall be pro-rated within the year to
35 the date of retirement. If at any time the Index is no longer published, the Council shall
36 select a comparable calculation of 2002 dollars. [Amendment #2]

37 (b) The certificate holder shall use a form of bond or letter of credit approved by the
38 Council.

39 (c) The certificate holder shall use an issuer of the bond or letter of credit approved by
40 the Council.

41 (d) The certificate holder shall describe the status of the bond or letter of credit in the
42 annual report submitted to the Council, as required by Condition (8).

43 (e) After restoration of the temporary laydown and staging areas, as required by
44 Conditions (20) and (68), the certificate holder may reduce the amount of the bond or letter
45 of credit required under this condition to \$559,920 (in 2002 dollars).

1 (f) The bond or letter of credit shall not be subject to revocation or reduction, except as
2 allowed by paragraph (e), before retirement of the Stateline 2 site.

3 **3. Conditions That Apply During Construction**

- 4 (103) To minimize the risk of fire, the certificate holder shall:
5 (a) Construct turbines, towers and pads of fire retardant materials
6 (b) Bury electrical cables
7 (c) Use enclosed, locked pad-mounted transformer structures
8 (d) Include built-in fire prevention measures in turbines
9 (e) Not store combustible materials at the Stateline site.
- 10 (104) To mitigate for the permanent elimination of approximately 1 acre of Category 3 and 4
11 habitat, the certificate holder shall enlarge the habitat enhancement area described in
12 Condition (67) by 1 acre (making a total area of 49 acres).

13 **4. Conditions That Must Be Met During Operation**

- 14 (105) The certificate holder shall enter into an agreement with the landowner of a property
15 identified as 84301 Stockman Road, Helix, Oregon, requiring that the structure remain
16 uninhabited during construction. The certificate holder shall continue the no-occupation
17 agreement until retirement of the facility unless the certificate holder demonstrates to the
18 satisfaction of the Department that the facility complies with the applicable noise control
19 regulations under OAR 340-035-0035. The certificate holder may demonstrate compliance
20 with the regulations as to the increase in ambient statistical noise levels by entering into a
21 legally effective easement or real covenant with the owner of the property identified as
22 84301 Stockman Road, Helix, Oregon, pursuant to which the owner authorizes the
23 certificate holder's operation of the facility to increase ambient statistical noise levels L₁₀
24 and L₅₀ by more than 10 dBA at the appropriate measurement point. A legally effective
25 easement or real covenant shall: include a legal description of the burdened property (the
26 noise sensitive property); be recorded in the real property records of the county; expressly
27 benefit the certificate holder; expressly run with the land and bind all future owners, lessees
28 or holders of any interest in the burdened property; and not be subject to revocation without
29 the certificate holder's written approval. If such easement or real covenant is not in effect,
30 then the certificate holder shall demonstrate to the satisfaction of the Department, based on
31 modeling or measurements performed in compliance with OAR 340-035-0035, that an
32 easement or real covenant is not necessary to comply with those regulations. [Amendment #3].

33 **VII. SPECIFIC FACILITY CONDITIONS FOR STATELINE 3** [This section added by
34 Amendment #2]

35 The conditions listed in this section include conditions based on representations in the request for
36 Amendment #2 and supporting record. The Council deems these representations to be binding
37 commitments made by the applicant. These conditions are required under OAR 345-027-
38 0020(10). These conditions apply to Stateline 3.

39 In addition to the conditions listed in this section, all conditions in sections IV, V and VI also
40 apply to Stateline 3, except Conditions (11), (15), (19), (24), (42), (43), (66), (67), (79), (80),
41 (97), (101), (102), (104) and (105).

1 **1. General Conditions**

2 (106) The certificate holder shall begin construction of Stateline 3 by June 23, 2007. The
3 certificate holder shall complete construction of Stateline 3 before December 31, 2007.
4 Under OAR 345-027-0070, an amended site certificate is effective upon execution by the
5 Council Chair and the applicant. Completion of construction occurs upon the date
6 commercial operation of the facility begins. The Council may grant an extension of the
7 construction beginning or completion deadlines in accordance with OAR 345-027-0030 or
8 any successor rule in effect at the time the request for extension is submitted. [Amendment #3]

9 (107) To reduce and mitigate the impacts to Category 1 habitat, the certificate holder shall
10 implement the measures described in the Resource Impact Avoidance and Mitigation Plan,
11 included in the final order as Attachment C and as revised from time to time.

12 (108) The certificate holder shall take reasonable steps to reduce or manage human exposure to
13 electromagnetic fields, including but not limited to:

14 (a) Designing and operating the transmission lines so that maximum current (amps per
15 conductor) would not exceed the following levels: For 34.5-kV underground lines, 343
16 amps; for 34.5-kV aboveground lines, 1,200 amps; for 115-kV transmission lines, 1,064
17 amps; and for 230-kV transmission lines, 535 amps.

18 (b) Providing to landowners a map of underground and overhead transmission lines on
19 their property and advising landowners of possible health risks.

20 **2. Conditions That Must Be Met Before Construction Begins**

21 (109) In addition to the requirements of Conditions (80) and (102), the certificate holder shall
22 submit to the State of Oregon through the Council a bond or letter of credit in the amount of
23 **\$3,322,900** (in 2002 dollars) naming the State of Oregon, acting by and through the
24 Council, as beneficiary or payee. However, the Council authorizes the Office of Energy
25 staff to adjust the amount if the certificate holder constructs fewer than 279 turbines. For
26 calculating any such adjustments, the Office shall use the methodology and cost estimates
27 approved in the Final Order on Amendment #2. In lieu of submitting a separate bond or
28 letter of credit in the amount required under this condition, the certificate holder may
29 submit a bond or letter of credit that includes the amount required under this condition and
30 the amount required under Conditions (80) and (102).

31 (a) The calculation of 2002 dollars shall be made using the U.S. Gross Domestic Product
32 Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of
33 Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor
34 agency (the "Index"). The amount of the bond or letter of credit account shall increase
35 annually by the percentage increase in the Index and shall be pro-rated within the year to
36 the date of retirement. If at any time the Index is no longer published, the Council shall
37 select a comparable calculation of 2002 dollars.

38 (b) The certificate holder shall use a form of bond or letter of credit approved by the
39 Council.

40 (c) The certificate holder shall use an issuer of the bond or letter of credit approved by
41 the Council.

42 (d) The certificate holder shall describe the status of the bond or letter of credit in the
43 annual report submitted to the Council, as required by Condition (8).

1 (e) After restoration of the temporary laydown and staging areas, as required by
2 Conditions (20) and (68), the certificate holder shall increase the amount of the bond or
3 letter of credit required under this condition to **\$3,392,900** (in 2002 dollars), or to a lesser
4 proportionate amount as determined by the Office of Energy staff in the event less than 279
5 turbines are built as discussed above.

6 (f) After construction is complete, the bond or letter of credit shall not be subject to
7 revocation or reduction before retirement of the Stateline 3 site.

8 (110) At least 30 days before beginning preparation of detailed design and specifications for the
9 electrical transmission lines, the certificate holder shall consult with the Oregon Public
10 Utility Commission staff to ensure that its designs and specifications are consistent with
11 applicable codes and standards.

12 (111) The certificate holder shall perform field surveys for rare plant species during the
13 appropriate season in 2003 in those Stateline 3 areas that were not previously surveyed. The
14 certificate holder shall report the results of these surveys to the Office of Energy.

15 **3. Conditions That Apply During Construction**

16 (112) To mitigate for the Stateline 3 impacts to Category 2, 3 and 5 habitat, the certificate
17 holder shall control weeds and enhance habitat on 35 acres of weed-infested land in the
18 project vicinity. The certificate holder shall carry out enhancement activities as described
19 for habitat improvement areas in the Revegetation Plan included in the final order as
20 Attachment B and as revised from time to time. The certificate holder shall acquire the legal
21 right to create and maintain the enhancement area for the life of the facility by means of an
22 outright purchase, conservation easement or similar conveyance and shall provide a copy of
23 the documentation to the Office of Energy. The certificate holder shall determine the
24 location of this habitat enhancement area in consultation with ODFW and landowners.

25 (113) To protect the public from electrical hazards including electric and magnetic field
26 exposure, the certificate holder shall:

27 (a) Enclose the substation with a seven-foot-tall chain link fence with barbed wire at the
28 top pointing out at a 45-degree angle.

29 (b) Attach the 34.5-kV aboveground collector lines to single-pole wood structures that
30 are typically 42 feet high and with minimum design ground clearance of 25 feet to the
31 lowest conductor as described in the Request for Amendment #2.

32 (c) Attach the 115-kV or 230-kV aboveground transmission lines to H-frame structures
33 that consist of two wooden poles connected by cross-members with a typical overall height
34 of 70 feet and a minimum design ground clearance of 30 feet to the lowest conductor as
35 described in the Request for Amendment #2.

36 (d) Design and construct the transmission lines so that:

37 (i) Alternating current electric fields during operation do not exceed 9 kV per meter
38 at one meter above the ground surface in areas accessible to the public, and

39 (ii) Induced voltages during operation are as low as reasonably achievable.

40 (114) To deter raptors from perching on transmission support structures near the wind turbines,
41 the certificate holder shall install anti-perching devices on all proposed single-pole and
42 double pole structures within one mile of any turbine. Wherever feasible, the certificate
43 holder shall use “spike-type” devices instead of “triangle-type” devices.

1 (115) To protect raptors, the certificate holder shall design structures for aboveground 34.5-kV,
2 115-kV and 230-kV transmission lines so that electrical conductors are spaced far enough
3 apart to reduce the risk of bird electrocution.

4 (116) Except as required for known burrowing owl nest sites under Condition (54), the
5 certificate holder may engage in construction activities within construction zones during the
6 sensitive grasshopper sparrow and other ground-nesting wildlife season (April 15 to June
7 30) subject to the requirements of this condition. Construction zones include the areas of
8 permanent and temporary disturbance and a 175-foot surrounding buffer in which there
9 may be incidental construction impacts. Construction is allowed during the sensitive period
10 only if the certificate holder has removed vegetation in the construction zone (excluding the
11 175-foot surrounding buffer) before April 15 of the year in which the construction occurs.

12 (117) The certificate holder shall not engage in construction activities for Stateline 3 facilities,
13 including the movement of heavy trucks and equipment, within a ¼-mile buffer around
14 known ferruginous hawk nests during the sensitive period of the nesting season from
15 (March 20 to August 15), except as provided in this condition. The certificate holder shall
16 use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to
17 determine whether the nest is occupied. The certificate holder may begin construction
18 activities before August 15, if the nest is not occupied. If the nest is occupied, the certificate
19 holder shall use a protocol approved by ODFW to determine when the young are fledged
20 (independent of the core nest site). With the approval of ODFW, the certificate holder may
21 begin construction before August 15, if the young are fledged.

22 (118) The certificate holder shall construct stream crossings substantially as described in the
23 Request for Amendment #2, Exhibit 21. In particular, the certificate holder shall not use
24 more than 50 cubic yards of new fill material in total for all stream crossings combined.

25 **4. Conditions That Must Be Met During Operation**

26 (119) The certificate holder shall perform frequent maintenance to keep the substation
27 transformer in good repair and in reliable operating condition.

28 (120) The certificate holder shall verify that the actual sound power level output of the Vestas
29 V47-660-kW wind turbines meets the manufacturer's warranty. This verification may
30 consist of field measurement or other means of verification satisfactory to the Office of
31 Energy. The certificate holder shall include the verification in the first annual report
32 following construction of any Stateline 3 turbines.

33 **VIII. CONDITIONS ADDED BY AMENDMENT #3**

34 The conditions in this section apply to the facility as a whole. [Amendment #3]

35 (121) The certificate holder shall not construct any Stateline 3 facilities in areas identified as
36 Category 1 habitat in the Final Order on Amendment #2 or otherwise disturb that habitat
37 unless the Council specifically authorizes such construction or other disturbance in a future
38 site certificate amendment proceeding. In a future proceeding, the Council may consider
39 proposed changes in the location of Stateline 3 facilities in the affected area, may re-
40 evaluate whether some or all of the affected area qualifies as Category 1 habitat and, if
41 appropriate, may apply its balancing authority under OAR 345-022-0000(2). [Amendment #3]

1 (122) Prior to constructing any turbine within 5,000 feet of the property identified as 81876
2 Gerking Flat Road, Athena, Oregon, the certificate holder shall enter into a legally effective
3 easement or real covenant pursuant to which the owner of the property authorizes the
4 certificate holder's operation of the facility to increase ambient statistical noise levels L₁₀
5 and L₅₀ by more than 10 dBA at the appropriate measurement point. The 5,000-foot
6 distance shall be measured from the appropriate measurement point as determined pursuant
7 to OAR 340-035-0035. A legally effective easement or real covenant shall: include a legal
8 description of the burdened property (the noise sensitive property); be recorded in the real
9 property records of the county; expressly benefit the certificate holder; expressly run with
10 the land and bind all future owners, lessees or holders of any interest in the burdened
11 property; and not be subject to revocation without the certificate holder's written approval.
12 If such easement or real covenant is not in effect, then the certificate holder shall
13 demonstrate to the satisfaction of the Department, based on modeling or measurements
14 performed in compliance with OAR 340-035-0035, that an easement or real covenant is not
15 necessary to comply with those regulations. [Amendment #3]

16 **IX. SUCCESSORS AND ASSIGNS**

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

19 **X. SEVERABILITY AND CONSTRUCTION**

20 If any provision of this agreement and certificate is declared by a court to be illegal or in conflict
21 with any law, the validity of the remaining terms and conditions shall not be affected, and the
22 rights and obligations of the parties shall be construed and enforced as if the agreement and
23 certificate did not contain the particular provision held to be invalid. In the event of a conflict
24 between the conditions contained in the site certificate and the Council's final order or the Final
25 Order on Amendment #1, the conditions contained in this site certificate shall control. [Amendment
26 #1]

27 **XI. GOVERNING LAW AND FORUM**

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

1 **XII. EXECUTION**

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

5 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting
6 by and through its Energy Facility Siting Council, and by FPL Energy Vansycle LLC.

ENERGY FACILITY SITING COUNCIL

FPL ENERGY VANSYCLE LLC

By: _____
Karen H. Green, Chair
Oregon Energy Facility Siting Council

By: _____

Print: _____

Date: _____

Date: _____