BEFORE THE
ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON

In the Matter of Request for Amendment 1 for the Wheatridge Renewable Energy Facility II Site Certificate	))))	FINAL ORDER ON REQUEST FOR AMENDMENT 1 TO THE SITE CERTIFICATE

November 19, 2020

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I. INTRODUCTION

The Oregon Energy Facility Siting Council (EFSC or Council) issues this order in accordance with Oregon Revised Statute (ORS) 469.405(1) and Oregon Administrative Rule (OAR) 345-027-0372, based on its review of Request for Amendment 1 (RFA1 or amendment request) to the Wheatridge Renewable Energy Facility II site certificate. The certificate holder for the facility is Wheatridge Wind II, LLC, a wholly owned indirect subsidiary of NextEra Energy Resources, LLC (NEER) (certificate holder owner).

Request for Amendment 1 to the Wheatridge Renewable Energy Facility II site certificate (RFA1 or amendment request) seeks Council approval of issuance of an amended and two original site certificates based entirely on the previously approved WREFII site certificate. The amendment request is limited to allocation of previously approved facility components into a first amended site certificate for WREFII and original site certificates for facilities named Wheatridge Renewable Energy Facility III (WREFIII) and Wheatridge Renewable Energy Facility East (WREFE). WREFII would include a 200 MW wind energy generation facility within a 7,850 acre site boundary in Morrow County - under existing certificate holder ownership; WREFIII would include 150 MW of solar photovoltaic energy generation components within a 2,294 acre site boundary in Morrow County - under new certificate holder ownership, Wheatridge Solar Energy Center, LLC; and, WREFE would include 200 MW wind energy generation within a 4,582 acre site boundary in Umatilla and Morrow counties - under new certificate holder ownership, Wheatridge East, LLC. The current certificate holder, Wheatridge Wind II, LLC and certificate holder owner, NextEra Energy Resources, LLC would be maintained for the amended WREFII site certificate. The new certificate holders for the WREFIII and WREFE site certificates are wholly-owned subsidiaries of the existing certificate holder owner, NextEra Energy Resources, LLC.

The certificate holder seeks approval of administrative amendments to previously imposed conditions; and requests to adjust the decommissioning amount based on splitting and sharing of previously approved facility components. The site certificates would contain all previously imposed conditions, unless otherwise evaluated in this order.

Based upon review of this amendment request, Council approves the amendment request and issues an amended WREFII site certificate and two original site certificates for WREFIII and WREFE based entirely on the WREFII site certificate, subject to the existing and amended conditions set forth in this order.

I.A. Certificate Holder and Owner Information

The current certificate holder for the WREFII site certificate is as follows:

Wheatridge Wind II, LLC
FEW/JB
700 Universe Blvd.
Juno Beach, FL 33408

Certificate Holder Owner/Certificate Holder

NextEra Energy Resources, LLC
FEW/JB
700 Universe Blvd.
Juno Beach, FL 33408

For the amended WREFII site certificate, the certificate holder and certificate holder owner would remain the same as presented above.

I.B. WREFIII and WREFE Certificate Holder and Owner Information

For the proposed original WREFIII site certificate, the certificate holder and certificate holder owner would be as follows:

Wheatridge Solar Energy Center, LLC
FEW/JB
700 Universe Blvd.
Juno Beach, FL 33408

WREFIII Certificate Holder Owner/Certificate Holder

NextEra Energy Resources, LLC
FEW/JB
700 Universe Blvd.
Juno Beach, FL 33408

For the proposed original WREFE site certificate, the certificate holder and certificate holder owner would be as follows:

Wheatridge East, LLC
FEW/JB
700 Universe Blvd.
Juno Beach, FL 33408

WREFE Certificate Holder Owner/Certificate Holder

NextEra Energy Resources, LLC
FEW/JB
700 Universe Blvd.
Juno Beach, FL 33408

I.C. Approved Facility Components, Site Boundary and Corridors

Approved Facility Components

The Wheatridge Renewable Energy Facility II (facility) site certificate, as approved in *Final Order on Amendment 5 of the Wheatridge Wind Energy Facility Site Certificate* (May 2020), authorizes construction and operation of a 550 megawatt (MW) wind and solar facility, to be located within both Morrow and Umatilla counties. The facility, as approved, would include up to 117 wind turbines and up to 900 acres of solar energy generation equipment. The wind turbines could include a range of technologies with varying dimensions. Wind turbine dimensions may not exceed 476 feet in maximum blade tip height (tower hub height plus blade length); 197 feet in maximum blade length; 278 feet in maximum hub height; and 393 feet in rotor diameter. The individual wind turbine generating capacity may not exceed 2.5 MW.

Related or supporting facilities to wind facility components, as approved, would include up to 32 miles of up to two parallel overhead 230 kilovolt (kV) intraconnection transmission lines that would traverse one of four approved routing options, as further described below. Related or supporting facilities, as approved, would also include an electrical collection system, up to two collector substations, up to 12 meteorological towers, supervisory control and data acquisition (SCADA) systems, up to two operations and maintenance (O&M) buildings, up to two battery storage systems (20 and 30 MW per system), up to 72 miles of new or improved access roads, and temporary construction areas.

Solar photovoltaic energy facility components could include up to two solar arrays located within Wheatridge West (further described below), entirely within Morrow County, on Exclusive Farm Use zoned land. The solar arrays consist of photovoltaic panels mounted onto tracking modules and arranged in strings within the solar micrositing corridors. Strings of modules are connected by electrical collector lines and inverters that convert the direct current power generated by panels to alternating current power. Transformers placed near the inverters step up power to 34.5 kV for transmission to the Wheatridge West substation. The maximum layout including total number of modules, configuration, dimensions, total energy generating capacity and mounting system of solar array components shall be substantially as approved in *Final Order on Amendment 4 of the Wheatridge Wind Energy Facility* (November 2019).

Related or supporting facilities to solar facility components, as approved, would include above- and belowground 34.5 kV electrical collection system; internal service roads, gates and

perimeter fencing; collector substation expansion; and, up to 41 distributed battery storage systems.

Approved Site Boundary

The facility site is located within a site boundary of approximately 12,432 acres, south of Interstate 84 and northeast of Lexington in Umatilla and Morrow counties. The facility site is divided into two groups, Wheatridge West and Wheatridge East. Wheatridge West is located entirely within Morrow County, bisected by Oregon Highway 207, approximately 5 miles northeast of Lexington and approximately 7 miles northwest of Heppner. Wheatridge East is located approximately 16 miles northeast of Heppner and includes land in both Morrow and Umatilla counties. Wheatridge West and Wheatridge East would be connected via a 230 kV transmission line or "intraconnection" transmission line (see Figure 1, *Approved Site Boundary/Micrositing Areas (Wind and Solar) and Facility Regional Location* below).

Approved Micrositing Corridors

Micrositing corridor means a continuous area of land within which construction of facility components may occur subject to site specific conditions.[1] Council authorizes micrositing corridors for wind facilities when a certificate holder has adequately studied the entire corridor and demonstrated compliance with Council standards based on impacts of facility components anywhere within the corridor. For this facility, the site boundary is equivalent to the micrositing corridor.

The site boundary contains two separate micrositing corridors, one for wind facility components and one for solar facility components. Micrositing corridors for wind turbines are a minimum of approximately 660 feet in width around turbines, and wider in some locations. The site boundary width around site access roads and electrical collection lines (collector lines) is narrower, between 200 feet and 500 feet in width. The micrositing corridor is wider for the area surrounding the substations, meteorological towers (met towers), the operation and maintenance (O&M) buildings, and construction yards.

Micrositing corridors for solar facility components include the area for Solar Array 1 and Solar Array 2, which includes private access roads, service roads, a 34.5 kV collection system, gates and perimeter security fence, as presented in Figure 1: *Approved Site Boundary/Micrositing Areas (Wind and Solar) and Facility Regional Location* below).

Approved Intraconnection Transmission Line Corridor

The certificate holder obtained approval of four routing options for the 230 kV intraconnection transmission line that interconnects Wheatridge West and Wheatridge East for the

[1] OAR 345-001-0010(32)

transmission of generated power. The intraconnection transmission line corridor is approximately 1,000-feet in width and ranges in length from 24.5 to 31.5 miles, based upon the four approved transmission line route options.

The approved 230 kV intraconnection transmission line route options, as presented in ASC Exhibit C (Figures C-4a through C-4d), are summarized below:

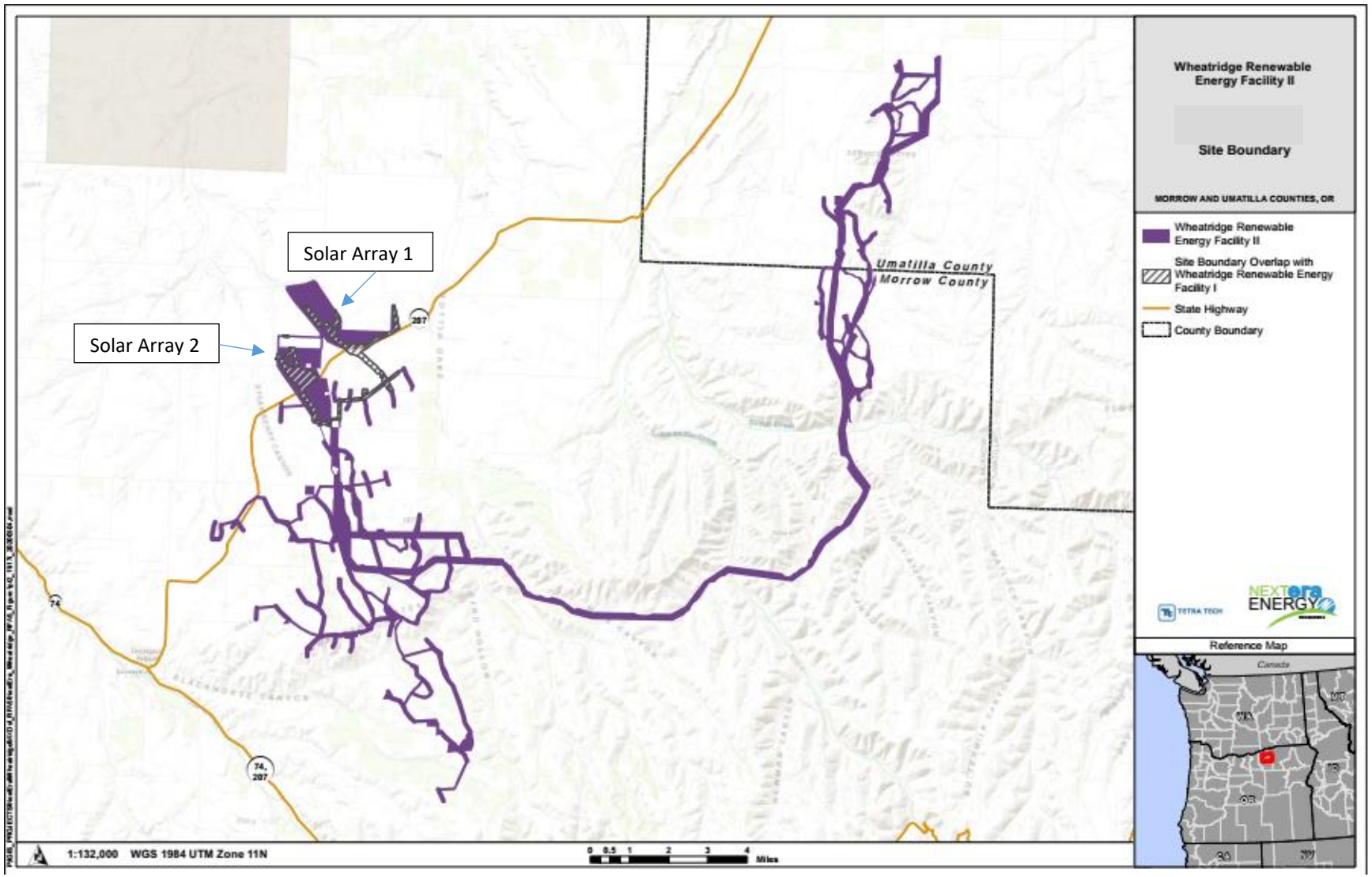
- Option 1: 31.5-mile 230 kV intraconnection transmission line extending from Wheatridge East Substation 3 to Wheatridge West Substation 1

- Option 2: 31.3-mile 230 kV intraconnection transmission line extending from Wheatridge East Substation 3 to Wheatridge West Substation 2b, and then to Wheatridge West Substation 2a (alternate)

- Option 3: 24.5-mile 230 kV intraconnection transmission line extending from Wheatridge West Substation 1 to Wheatridge East Substation 3

- Option 4: 27.8 mile 230 kV intraconnection transmission line extending from Wheatridge West Substation 2a to Wheatridge West Substation 2b, and then to Wheatridge East Substation 3

Figure 1: Approved Site Boundary/Micrositing Areas (Wind and Solar) and Facility Regional Location



I.D. Procedural History

The Wheatridge Renewable Energy Facility II (WREFII) Site Certificate was issued through Council's approval of the *Final Order on Amendment 5 of the Wheatridge Wind Energy Facility Site Certificate* (May 2020), which authorized a split of the Wheatridge Wind Energy Facility Site Certificate into two original site certificates for newly named facilities, WREFII and Wheatridge Renewable Energy Facility I.

The Wheatridge Wind Energy Facility Site Certificate was authorized under the *Final Order on the Application for Site Certificate* (Final Order on ASC) on April 28, 2017. The site certificate became effective on May 24, 2017. On June 14, 2017, Wheatridge Wind Energy, LLC and Swaggart Wind Power, LLC (certificate holder owner in 2017) submitted Request for Amendment 1 (RFA1) of the site certificate, requesting to transfer certificate holder ownership from Swaggart Wind Power, LLC to a new parent company, NextEra Energy Resources, LLC. The Council issued *Final Order on Amendment 1* and the first amended site certificate on July 27, 2017. The first amended site certificate became effective on August 17, 2017.

On May 18, 2018, the certificate holder submitted Request for Amendment 2 (RFA2) and Request for Amendment 3 (RFA3). RFA2 requested approval for construction and operation of two battery storage systems, to be located in Wheatridge East and one in Wheatridge West. RFA3 requested approval to modify wind turbine specifications for maximum blade-tip height. The Council issued *Final Order on RFA3* and second amended site certificate on November 16, 2018; Council issued the *Final Order on RFA2* and a third amended site certificate on December 14, 2018. On July 1, 2019 the certificate holder submitted Request for Amendment 4 (RFA4) seeking approval to add 1,527 acres to the site boundary for construction and operation of 150 MW of photovoltaic solar power generation equipment and up to 41 distributed energy storage (battery) systems. The Council approved *Final Order on RFA4* and issued the fourth amended site certificate on November 22, 2019.

On April 16, 2020 the certificate holder submitted Request for Amendment 5 (RFA5). RFA5 requested approval to amend the existing site certificate by creating two original site certificates based entirely on the existing Wheatridge Wind Energy Facility site certificate, but including only 40 of the previously approved 292 wind turbines (totaling approximately 100 MW capacity) into one site certificate, with all remaining facility components in another site certificate, with new facility names - Wheatridge Renewable Energy Facility I (WREFI) and Wheatridge Renewable Energy Facility II (WREFII). The certificate holder owner, NextEra Energy Resources, LLC was maintained for WREFI and WREFII. The Council approved *Final Order on RFA5* and issued two original site certificates on May 22, 2020.

II. AMENDMENT PROCESS

II.A. Requested Amendment

The certificate holder requests Council approval to allocate previously approved facility components and site certificate conditions into an amended and two original site certificates based entirely on the previously approved WREFII site certificate. The amendment request is limited solely to the allocation of previously approved facility components into a first amended site certificate for WREFII and original site certificates for facilities named Wheatridge Renewable Energy Facility III (WREFIII) and Wheatridge Renewable Energy Facility East (WREFE).

- WREFII would include 200 MW wind energy generation within a 7,850 acre site boundary in Morrow County - under existing certificate holder ownership;
- WREFIII would include 150 MW of solar photovoltaic energy generation within a 2,294 acre site boundary in Morrow County - under new certificate holder ownership, Wheatridge Solar Energy Center, LLC; and,
- WREFE would include 200 MW wind energy generation within a 4,582 acre site boundary in Umatilla and Morrow counties - under new certificate holder ownership, Wheatridge East, LLC.

The current certificate holder, Wheatridge Wind II, LLC and certificate holder owner, NextEra Energy Resources, LLC would be maintained for the amended WREFII site certificate. The new certificate holders for the WREFIII and WREFE site certificates are wholly-owned subsidiaries of the existing certificate holder owner, NextEra Energy Resources, LLC.

Previously approved facility components that would be shared between WREFII and WREFIII include a collector substation, access roads, temporary laydown areas and the O&M building, all of which would be reflected in both WREFII and WREFIII site certificates with the exception of the O&M building reflected only in the WREFII site certificate. WREFE would not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. The proposed amended site boundaries, including locations where related or supporting facilities would be shared and therefore site boundaries would overlap, are presented in Figures 2, 3 and 4 below.

The certificate holder seeks approval of administrative amendments to previously imposed conditions; and requests to adjust the decommissioning amount based on splitting and sharing of previously approved facility components. In RFA1 Attachments 7, 8 and 9, the certificate holder represents a reduction in the maximum number of facility components authorized in the existing WREFII site certificate. For example, the certificate holder represents that the maximum number of wind turbines in the amended WREFII site certificate would be 80 and original WREFE site certificate would be 66, totaling 146 wind turbines, where the existing WREFII site certificate authorizes up to 252. Similarly, the existing WREFII site certificate authorizes 12 metrological towers, which has been reduced to a total of 6 meteorological

towers, 1 to be included in the amended WREFII site certificate and 5 to be included in the original WREFE site certificate. The reduction in maximum number of authorized facility components is reflected in the facility decommissioning cost estimates for WREFII and WREFE in Table 1 *Facility Decommissioning Cost Estimate (Approved Facility, WREFII and WREFE)* of this order. The site certificates would contain all previously imposed conditions, unless otherwise evaluated in this order.[2]

[2] On the record of the DPO, certificate holder requested modifications to WREFIII site certificate Condition CON-HC-01 related to timing restrictions of NRHP eligibility review by SHPO. The change was erroneously recorded in Attachment A of the Proposed Order, but was not evaluated in the Proposed Order or at the November 19, 2020 Council meeting and therefore corrected in the final order. WREFIIAMD1 DPO Comments Certificate Holder. 2020-11-06.

Figure 2: Proposed Amended WREFII Site Boundary

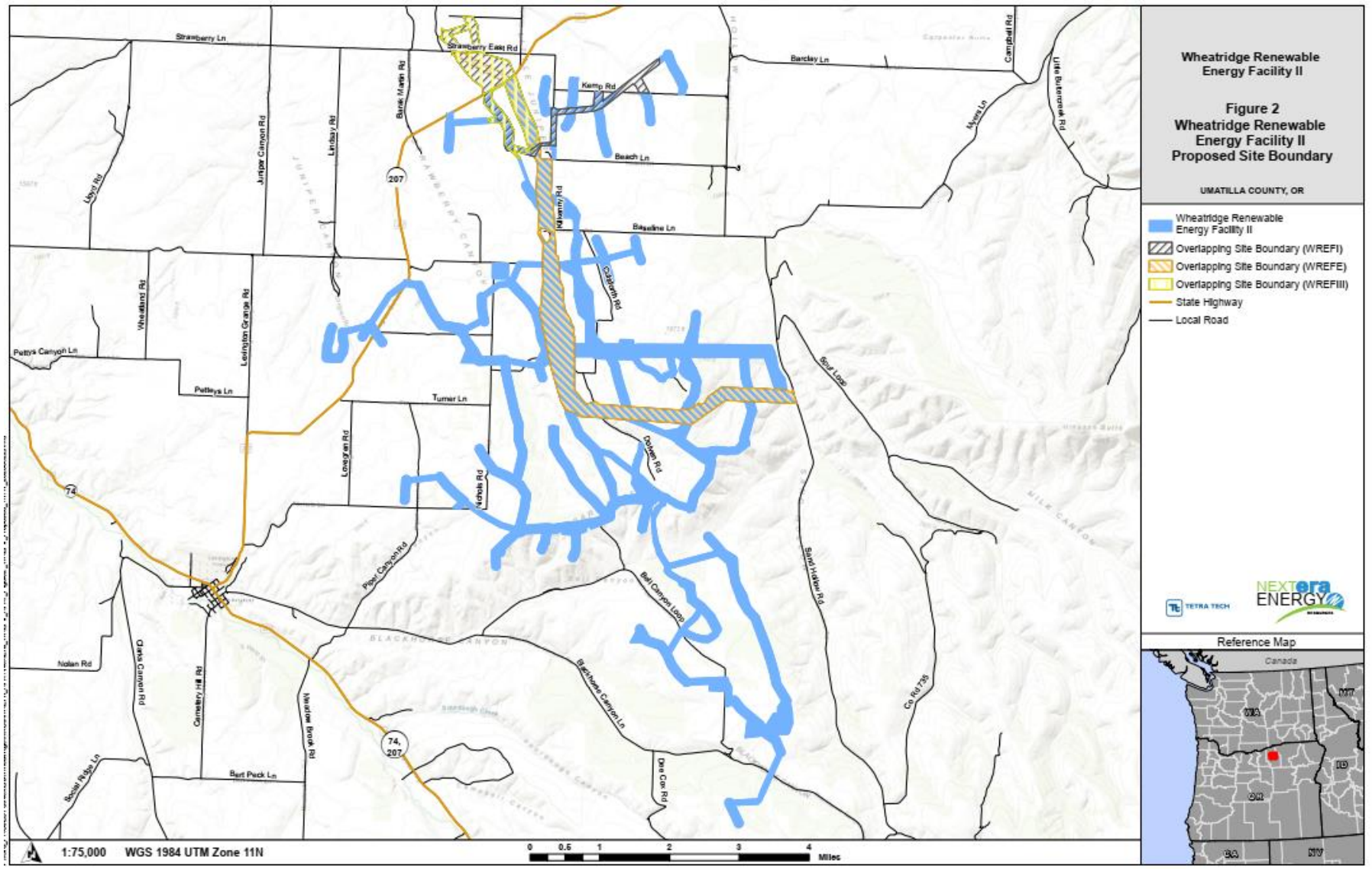


Figure 3: Proposed WREFIII Site Boundary

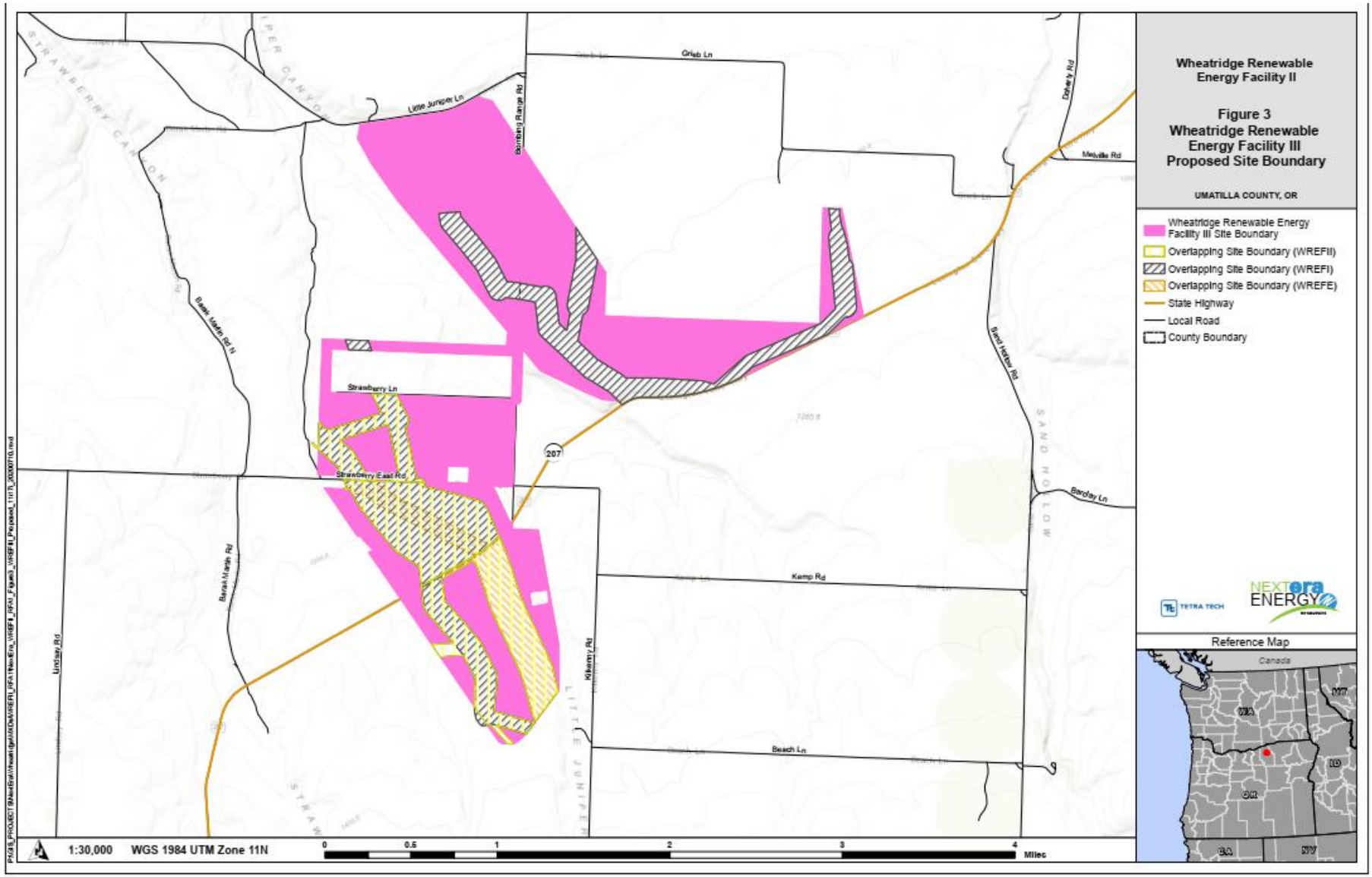
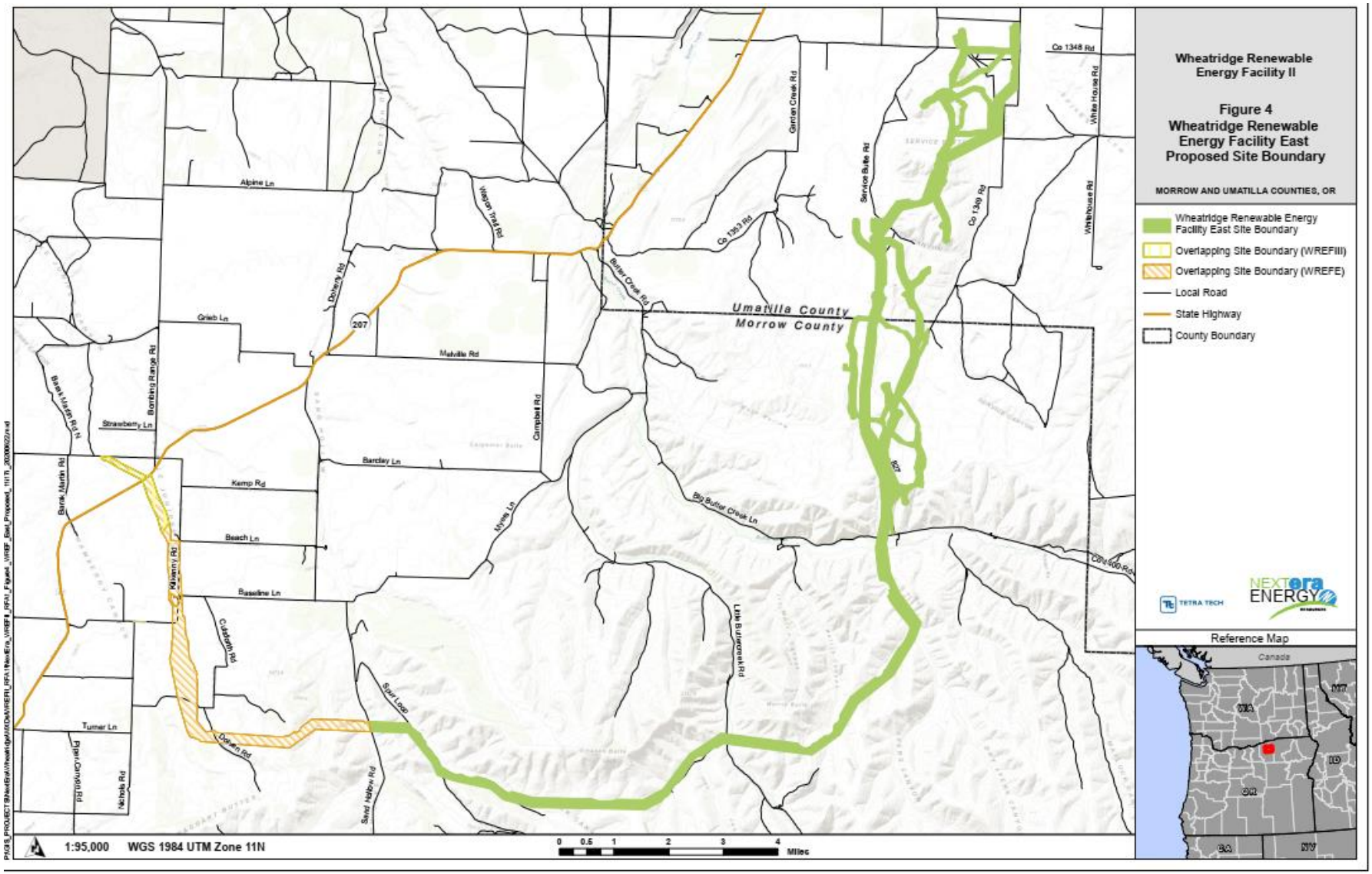


Figure 4: Proposed WREFE Site Boundary



II.B. Amendment Review Process

Council rules describe the processes for transfers, Type A, Type B, and Type C review of a request for amendment at OAR 345-027-0351. The Type A review is the standard or "default" site certificate amendment process for changes that require an amendment. Type C review process is associated with construction-related changes. The key procedural difference between the Type A and Type B review is that the Type A review includes a public hearing on the draft proposed order and an opportunity for a contested case proceeding. The primary timing differences between Type A and Type B review are the maximum allowed timelines for the Department's determination of completeness of the preliminary request for amendment, as well as the issuance of the draft proposed order, and proposed order. It is important to note that Council rules authorize the Department to adjust the timelines for these specific procedural requirements, if necessary.

A certificate holder may submit an amendment determination request to the Department for a written determination of whether a request for amendment justifies review under the Type B review process. The certificate holder has the burden of justifying the appropriateness of the Type B review process as described in OAR 345-027-0351(3). The Department may consider, but is not limited to, the factors identified in OAR 345-027-0357(8) when determining whether to process an amendment request under Type B review.

On August 3, 2020, the certificate holder submitted a Type B Review amendment determination request (Type B Review ADR), requesting the Department's review and determination of whether, based on evaluation of the OAR 345-027-0357(8) factors, the amendment request could be reviewed under the Type B review process. On August 18, 2020, the Department determined that Request for Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate justifies Type B review, based on the low level of complexity, the limited level of reviewing agency interest in the proposed changes anticipated by the Department, and the low likelihood of significant adverse impacts or additional mitigation from the proposed change.

Pursuant to OAR 345-027-0363(2), on October 12, 2020, the Department determined the preliminary amendment request to be complete and issued requests for additional information. On the same day, the Department posted the complete amendment request to the facility project website within an announcement notifying the public that the complete RFA had been received and is available for viewing.

II.C. Council Review Process

On October 12, 2020, the Department issued a draft proposed order, and a Public Notice of the Draft Proposed Order and Request for Amendment, initiating a 24-day comment period extending from October 12 through November 6, 2020. The notice was distributed to all persons on the Council's general mailing list, to the special mailing list established for the facility, to a current list of property owners supplied by the certificate holder in August 2020,

and to a list of reviewing agencies as defined in OAR 345-001-0010(52). To raise an issue on the record of the draft proposed order, a person must raise the issue in a written comment submitted after the date of the notice of the draft proposed order received by the Department before the written comment deadline.

On the record of the draft proposed order, the Department received comments from four local, state and Tribal Government agencies including the Confederated Tribes of Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Morrow County Board of Commissioners as the Special Advisory Group, Oregon Department of Fish and Wildlife; and the certificate holder. Certificate holder comments requested additional conditions be modified in the WREFIII site certificate based on facility component allocation across three site certificates, and further review of condition applicability based on components. Specifically, certificate holder requested deletion of GEN-PS-04 (100-ft vegetation free zone buffer for battery storage systems) and clarification language to PRE-PS-04 to allow a screening test to determine applicability of the 7460 process.

As presented at the November 19, 2020 meeting, Council concurred with the changes to GEN-PS-04 and PRE-PS-04, confirming that GEN-PS-04 was intended to apply to battery storage systems (20 and 30 MW) now reflected in the WREFII and WREFE site certificates, which are not the type and scale of battery storage systems included in the WREFIII site certificate; and that PRE-PS-04 may be modified to allow a screening test for 7460 applicability to WREFIII solar facility components, with changes recommended by the Oregon Department of Aviation, because the condition was originally imposed to apply to wind facility components, now reflected in WREFII and WREFE (Final Order on ASC, 2017).[3]

On November 18, 2020, the Department issued the proposed order, addressing comments received on the record of the draft proposed order (see Attachment B of this order for all DPO comments), along with a notice of proposed order issuance. The proposed order notice was distributed to all persons on the Council's general mailing list, to the special mailing list established for the facility and a current list of property owners supplied by the certificate holder. The proposed order recommended approval of an amended and two original site certificates.

At its November 19-20, 2020 meeting, in accordance with OAR 345-027-0372, Council reviewed and adopted the proposed order as the final order and granted an amended WREFII site certificate and two new site certificates for WREFIII and WREFE. Judicial review of the Council's final order shall be as provided in ORS 469.403.

[3] On the record of the DPO, certificate holder requested modifications to CON-HC-01 related to timing restrictions on NRHP eligibility review by SHPO. The proposed condition change was beyond the limited scope of review of RFA1; the change was not evaluated in the proposed order or by Council and therefore not included in the final order. It is noted that the condition change was erroneously recorded in Attachment A of the proposed order, which was corrected in the final order. WREFIIAMD1 DPO Comments Certificate Holder. 2020-11-06.

II.D. Applicable Division 27 Rule Requirements

A site certificate amendment is necessary under OAR 345-027-0350(4) because the certificate holder requests to design, construct, and operate the facility in a manner different from the description in the site certificate and would require modification to existing conditions in the site certificate.

The Type B amendment review process (consisting of rules OAR 345-027-0359, -0360, -0363, -0365, -0368, -0372, and -0375) shall apply to the Council's review of a request for amendment that the Department or the Council approves for Type B review under OAR 345-027-0357.

III. REVIEW OF THE REQUESTED AMENDMENT

Under ORS 469.310, the Council is charged with ensuring that the "siting, construction and operation of energy facilities shall be accomplished in a manner consistent with protection of the public health and safety." ORS 469.401(2) further provides that the Council must include in the amended site certificate "conditions for the protection of the public health and safety, for the time for completion of construction, and to ensure compliance with the standards, statutes and rules described in ORS 469.501 and ORS 469.503."[4] The Council implements this statutory framework by adopting findings of fact, conclusions of law, and conditions of approval concerning the amended facility's compliance with the Council's Standards for Siting Facilities at OAR 345, Divisions 22, 24, 26, and 27.

III.A. Standards Potentially Impacted by Request for Amendment 1

III.A.1 General Standard of Review: OAR 345-022-0000

(1) To issue a site certificate for a proposed facility or to amend a site certificate, the Council shall determine that the preponderance of evidence on the record supports the following conclusions:

(a) The facility complies with the requirements of the Oregon Energy Facility Siting statutes, ORS 469.300 to ORS 469.570 and 469.590 to 469.619, and the standards adopted by the Council pursuant to ORS 469.501 or the overall public benefits of the facility outweigh the damage to the resources protected by the standards the facility does not meet as described in section (2);

(b) Except as provided in OAR 345-022-0030 for land use compliance and except for those statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council, the facility complies with all other Oregon statutes and administrative rules identified in the project order, as amended, as applicable to the issuance of a site certificate for the

[4] ORS 469.401(2).

proposed facility. If the Council finds that applicable Oregon statutes and rules, other than those involving federally delegated programs, would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.

** * **

(4) In making determinations regarding compliance with statutes, rules and ordinances normally administered by other agencies or compliance with requirement of the Council statutes if other agencies have special expertise, the Department of Energy shall consult such other agencies during the notice of intent, site certificate application and site certificate amendment processes. Nothing in these rules is intended to interfere with the state's implementation of programs delegated to it by the federal government.

Findings of Fact

OAR 345-022-0000 provides the Council's General Standard of Review and requires the Council to find that a preponderance of evidence on the record supports the conclusion that the proposed changes would comply with the requirements of EFSC statutes and the siting standards adopted by the Council and that the proposed changes would comply with all other Oregon statutes and administrative rules applicable to the issuance of proposed two new site certificates.

OAR 345-022-0000(2) and (3) apply to RFAs where a certificate holder has shown that the proposed facility modifications cannot meet Council standards or has shown that there is no reasonable way to meet the Council standards through mitigation or avoidance of the damage to protected resources; and, for those instances, establish criteria for the Council to evaluate in making a balancing determination. In RFA1, the certificate holder has not represented that the proposed amendments cannot meet an applicable Council standard. Therefore, OAR 345-022-0000(2) and (3) would not apply to this review.

Certificate Expiration (OAR 345-027-0013)

ORS 469.370(12) requires the Council to "specify in the site certificate the date by which construction of the facility must begin." ORS 469.401(2) requires that the site certificate contain a condition "for the time for completion of construction." Under OAR 345-025-0006(4), the certificate holder must begin construction on the facility no later than the construction beginning date specified by Council in the site certificate. "Construction" is defined in ORS 469.300(6) and OAR 345-010-0010(12) to mean "work performed on a site, excluding surveying, exploration or other activities to define or characterize the site, the cost of which exceeds $250,000."

In the WREFII site certificate, General Standard Conditions 1 and 2 establish the construction commencement and completion deadlines for previously approved wind and solar facility components. In RFA1, the certificate holder requests Council amend General Standard Conditions 1 and 2 for the proposed amended WREFII and original WREFE site certificates to

remove reference to the deadline for solar facility components, and similarly, to remove reference to the deadline for wind facility components in the original WREFIII site certificate. Because RFA1 requests to allocate 200 MWs of wind facility components, each, to the amended WREFII and WREFE site certificate and 150 MW of solar facility components in the WREFIII original site certificate, the Council amends the conditions for the WREFII and WREFIII site certificates as follows:

WREFII and WREFE Site Certificates

Amended General Standard of Review Condition 1 (WREFII and WREFE): The certificate holder shall:

a. Begin construction of wind facility components and its related or supporting facilities, by May 24, 2020. On or before May 24, 2020, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010.
b. ~~Begin construction of solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate, by November 22, 2022). On or before November 22, 2022, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010.~~

Amended General Standard of Review Condition 2 (WREFII and WREFE): The certificate holder shall:

a. Complete construction of the wind facility components and its related or supporting facilities by May 24, 2023. The certificate holder shall promptly notify the Department of the date of completion of construction.
b. ~~Complete construction of solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate, by November 22, 2025. On or before November 22, 2025, the certificate holder shall promptly notify the Department of the date of completion of construction.~~

WREFIII Site Certificate

Amended General Standard of Review Condition 1 (WREFIII): The certificate holder shall:

a. ~~Begin construction of wind facility components and its related or supporting facilities, by May 24, 2020. On or before May 24, 2020, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010.~~
b. Begin construction of solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate, by November 22, 2022). On or before November 22, 2022, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010.

Amended General Standard of Review Condition 2 (WREFIII): The certificate holder shall:

~~a. Complete construction of the wind facility components and its related or supporting facilities by May 24, 2023. The certificate holder shall promptly notify the Department of the date of completion of construction.~~

b. Complete construction of solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate, by November 22, 2025. On or before November 22, 2025, the certificate holder shall promptly notify the Department of the date of completion of construction.

Site Specific Conditions [OAR 345-025-0010]

The Council rules include "site specific" conditions at OAR 345-025-0010 that the Council may include in the site certificate to address issues specific to certain facility types or proposed features of facilities.[5] Because WREFII previously included a 230 kV intraconnection transmission line, Council imposed Site Specific Condition 1 to establish the approved corridor for which construction and operation of the transmission line was authorized. The certificate holder requests that the condition be removed in the amended WREFII site certificate and original WREFIII site certificate because the 230 kV intraconnection transmission line, if constructed, would only be part of the WREFE facility. Because the certificate holder represents that WREFII and WREFIII would not include the 230 kV intraconnection transmission line, the Council amends the condition for the WREFII and WREFIII site certificate only, as follows:

Deleted Site Specific Condition 1 (WREFII and WREFIII): The ~~Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council's standards, approve more than one corridor.~~

~~The transmission line corridors approved by EFSC pursuant to this condition is described in Section 2.3 of the site certificate, and presented in the facility site map (see Attachment A of the site certificate.~~

Conclusions of Law

Based on the foregoing findings of fact and conclusions of law, and subject to compliance with the amended and deleted conditions for the amended WREFII site certificate and original

[5] Site-Specific Conditions at OAR 345-025-0010(1)-(3), and (6)-(7) do not apply to the proposed facility based on facility energy source/type (solar photovoltaic power generation facility with related and supporting facilities including a proposed 230 kV transmission line).

WREFIII site certificate, Council finds that the certificate holders would continue to satisfy the requirements of OAR 345-022-0000.

III.A.2 Organizational Expertise: OAR 345-022-0010

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

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

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

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

Findings of Fact

Subsections (1) and (2) of the Council's Organizational Expertise standard require that the applicant (certificate holder) demonstrate its ability to design, construct operate and retire the facility with proposed changes in compliance with Council standards and all site certificate conditions, and in a manner that protects public health and safety, as well as its ability to restore the site to a useful, non-hazardous condition. The Council may consider the certificate holder's experience and past performance in constructing, operating and retiring other facilities in determining compliance with the Council's Organizational Expertise standard. Subsections (3) and (4) address third party permits.

For this amendment request, the certificate holder owner for WREFII, WREFIII and WREFE would remain NextEra Energy Resources, LLC, an entity relied upon by the certificate holder, and determined by Council to, satisfy the Organizational Expertise standard (April 2017 Final Order on Amendment 1). The Council continues to rely on its previous findings that the organizational expertise of the certificate holder owner would satisfy the standard for the amended WREFII site certificate and two original site certificates for WREFIII and WREFE.

As described throughout this order, the amended WREFII site certificate and original WREFIII site certificate would share related or supporting facilities including a collector substation, O&M building, access roads and temporary laydown areas. Council previously imposed Organizational Expertise Condition 11, requiring that the certificate holder provide, prior to use of shared related or supporting facilities, a draft, confidential "Common Facilities Agreement," intended to be executed by the certificate holders for the sharing of the previously approved facility components. This condition would not apply under the WREFE site certificate because sharing of related or supporting facilities is not proposed, and is therefore deleted (see Attachment A-3 of this order); however, Council continues to rely upon this condition to support the evaluation of whether the WREFII and WREFIII certificate holders have demonstrated a likelihood of obtaining resources necessary for facility operation.

As described in Section I.B. *WREFIII and WREFE Certificate Holder and Owner Information* of this order, the certificate holder for the amended WREFII site certificate, Wheatridge Wind II, LLC, would be maintained. The proposed certificate holders for WREFIII and WREFE are wholly-owned subsidiaries of the existing certificate holder owner, NextEra Energy Resources, LLC, Wheatridge Solar Energy Center, LLC and Wheatridge Wind East, LLC, respectively. To demonstrate that the new certificate holders are lawfully entitled to possession or control of the site or the facility, RFA1 provides a legal opinion letter dated September 2, 2020 from Squire Patton Boggs (US) LLP for both Wheatridge Solar Energy Center, LLC (RFA1 Attachment 5) and Wheatridge East Wind, LLC (RFA1 Attachment 6). The legal opinion states that "subject to the Certificate Holder's meeting all of the requirements of any applicable federal, state and local laws (including all the rules and regulations promulgated pursuant thereunder), the Certificate Holder has the legal authority to construct and operate the facility without violating the Documents." RFA1 Attachments 1 and 2 provide the Articles of Incorporation for Wheatridge Solar Energy Center, LLC and Wheatridge East Wind, LLC. The articles of

incorporation have been authorized by the Secretary's Office of Delaware. Based on review of the information provided in RFA1 Attachments 1 and 2, the Council finds that the new certificate holders would be lawfully entitled to possession or control of the WREFIII and WREFE site and facility, as described in the site certificate.

Conclusions of Law

Based on the evidence in the record, and subject to compliance with the existing conditions, Council finds that the certificate holders would continue to satisfy the requirements of the Council's Organizational Expertise standard.

III.A.3 Land Use: OAR 345-022-0030

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

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

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

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

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

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

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

Findings of Fact

The Land Use standard requires the Council to find that the facility, with proposed changes, would continue to comply with local applicable land use substantive criteria, as well as the statewide planning goals adopted by the Land Conservation and Development Commission (LCDC).[6]

Council previously found that the certificate holder demonstrated compliance with the Land Use standard. Because there are no physical changes and no new geographic area proposed in this amendment request, the proposed changes would not impact Council's previous findings of compliance. The Department consulted with Morrow and Umatilla counties on the local permit process, given the proposed split of facility components into an amended and new site certificates, to inform any potential amendments to previously imposed Condition PRE-LU-01 (preconstruction requirement to obtain local permits). Based on consultation with the counties, for local permits already obtained, amendments to those permits would be required to match the projects and project boundary and Condition PRE-LU-01 would be required to be satisfied prior to construction of WREFIII or WREFE.[7]

Based on the administrative nature of the amendment request, Council relies on its previous findings and continue to find that the new certificate holders would maintain compliance with applicable land use requirements for the amended and new site certificates.

Conclusions of Law

Based on the foregoing findings and the evidence in the record, and subject to compliance with existing site certificate conditions, the Council finds that the facilities, with proposed changes, would continue to comply with the Land Use standard.

III.A.4 Retirement and Financial Assurance: OAR 345-022-0050

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

> *(1) The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.*
>
> *(2) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.*

[6] The Council must apply the Land Use standard in conformance with the requirements of ORS 469.504.
[7] WREFIIAMD1. Special Advisory Group Comment 2020-10-28.

Findings of Fact

The Retirement and Financial Assurance standard requires a finding that the facility site can be restored to a useful, non-hazardous condition at the end of the facility's useful life, should either the certificate holder stop construction or should the facility cease to operate.[8] In addition, it requires a demonstration that the certificate holder can obtain a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.

Council previously found that the certificate holder demonstrated compliance with the Retirement and Financial Assurance standard. The changes proposed in RFA1 would not result in changes in tasks or actions previously approved by Council as reasonable for facility decommissioning. Similarly, the changes proposed in RFA1 would not result in changes to the unit costs, as previously approved by Council, for decommissioning of the tasks and actions identified to restore the facility site to a useful, nonhazardous condition.

The changes proposed in RFA1 would result in allocation of previously approved facility components into three site certificates, including sharing of several facility components within the WREFII and WREFIII site certificates. Based on these changes, the certificate holder provides updated retirement cost estimates for WREFII and WREFE in RFA1 Attachment 10. The facility components to be included in the WREFIII site certificate represent those that were approved in the Council's *Final Order on Amendment 4* (November 2019). The retirement cost estimate for facility components covered in WREFIII would not change from the previously approved estimate, and methods, resulting in $9.4 million (Q4 2018 dollars), as imposed in Retirement and Financial Assurance Condition 5 (PRE-RF-02).

The Council's previously approved decommissioning amount for WREFII wind facility components totaled $16.3 million (Q3 2020 dollars) and has been allocated, using the previously approved tasks and unit costs, based on facility components to be included in the amended WREFII and original WREFE site certificates. As presented in Table 1: *Facility Decommissioning Cost Estimate (Approved Facility, WREFII and WREFE)* below, the total decommissioning amount for WREFII and WREFE is approximately $13.1 million (Q3 2020). The difference in the values ($16.3 million to $13.1 million) is based on the certificate holder's representation of fewer facility components than the maximum number previously approved (e.g. total wind turbines and wind turbine components reduced from 252 to 146; meteorological towers reduced from 12 to 6). The reduced number of facility components is reflected in Attachment A of this order (draft site certificates), and therefore accurately aligns with the reduced decommissioning estimate.

[8] OAR 345-022-0050(1).

Table 1: Facility Decommissioning Cost Estimate (Approved Facility, WREFII and WREFE)

Facility Component	Unit Cost	Approved Facility		WREFII (Amended)		WREFE	
		No. of Components	Total Cost	No. of Components	Total Cost	No. of Components	Total Cost
Wind Facility Components (Approved in 2017)							
Wind Turbines							
Disconnect electrical	$212	252	$53,424	80	$16,960	66	$13,992
Remove turbine blades, hubs and nacelles	$5,900	252	$1,486,800	80	$472,000	66	$389,400
Remove turbine towers (per ton of steel)	$82	44,168	$3,621,776	26,128	$2,142,496	11,568	$948,576
Remove turbine foundations	$52	7,132	$370,864	2,264	$117,728	1,868	$97,136
Remove pad transformers and foundations	$2,538	252	$639,576	80	$203,040	66	$167,508
Restore turbine site	$1,138	252	$286,776	80	$91,040	66	$75,108
Meteorological Towers							
Dismantle and dispose	$10,393	12	$124,716	1	$10,393	5	$51,965
O&M Facilities							
Dismantle and dispose	$62,886	2	$125,772	1	$62,886	1	$62,886
Substations							
Dismantle and dispose	$188,094	3	$564,282	.67	$125,383	1	$188,094
Transmission Lines							
Above-ground collector Lines (per mile)	$6,459	10.83	$69,951	0	0	18.68	$120,654
Transmission Lines (per mile)	$29,611	63	$1,865,493	0	0	63	$1,865,493
Junction Boxes (per unit)	$51	60	$3,060	0	0	60	$3,060
Access Roads							
Road removal, grading and seeding (per mile)	$23,555	73	$1,719,515	32.44	$764,124	13.63	$321,055
Restore Additional Areas Disturbed by Facility Removal							
Grading and seeding around access roads, met towers, O&M facilities and turbine turnouts (per acre)	$8,706	128.4	$1,117,850	40.76	$354,857	33.63	$292,783
Seeding around collector line structures, transmission lines, crane paths and temporary	$3,398	144.19	$489,958	0	0	144.19	$489,958

Table 1: Facility Decommissioning Cost Estimate (Approved Facility, WREFII and WREFE)

Facility Component	Unit Cost	Approved Facility				WREFII (Amended)		WREFE	
		No. of Components		Total Cost		No. of Components	Total Cost	No. of Components	Total Cost
laydown areas (per acre)									
General Costs									
Permits, mobilization, engineering, overhead	$465,536	--		$465,536		--	$147,789	--	$121,926
Wind Facility Components Subtotal									
Subtotal (Q3 2015) =				$13,005,349		--	$4,508,696	--	$5,209,594
Subtotal (Q2 2020) =				$15,218,995		--	$4,909,970	--	$5,673,248
Battery Storage Systems (Approved in 2018)									
		30MW	**20MW**	**30MW**	**20MW**	**30MW**		**20MW**	
Field Management (Per Day)	$1,341	15	10	$20,115	$13,410	15	$20,115	10	$13,410
Battery Removal (Per Day)	$1,482	13	9	$19,275	$13,338	13	$19,275	9	$13,338
Transport Batteries (Per Battery)	$1,487	7	5	$10,409	$7,435	7	$10,409	5	$7,435
Battery Disposal Fees (Per Ton)	$200	131	87	$26,200	$17,400	131	$26,200	87	$17,400
Structural Demolition (Per Ton)	$110	130	87	$14,257	$9,570	130	$14,257	87	$9,570
Transport of Demolition Waste (Per Load)	$1,375	7	5	$9,625	$6,875	7	$9,625	5	$6,875
Structural Demolition Waste Disposal Fees (Per Ton)	$30	130	87	$3,900	$2,600	130	$3,900	87	$2,600
Concrete Breaking and Excavation (Per Cubic Yard)	$46	260	173	$11,960	$7,958	260	$11,960	173	$7,958
Concrete Transport Offsite (Per Cubic Yard)	$63	260	173	$16,380	$10,899	260	$16,380	173	$10,899
Underground Utility Removal (Per Day)	$1,101	3	2	$3,303	$2,202	3	$3,303	2	$2,202
Restoration (Per Cubic Yard)	$33	300	200	$9,990	$6,600	300	$9,990	200	$6,600
Battery Storage Systems Subtotal									
Subtotal (Q3 2018) =				$145,414	$98,287	--	$145,414	--	$98,287
15% Subcontractor Markup =				$21,803	$14,745	--	$21,803	--	$14,745
Subtotal with Markup (Q3 2018) =				$167,226	$113,030	--	$167,226	--	$113,030
Subtotal (Q2 2020) =				$172,511	$114,595	--	$172,511	--	$114,595
Wind Facility Components and Battery Storage Systems – Summary Total (Q2 2020 Dollars)									
Wind Facility Components (Q2 2020) =							$4,909,970	--	$5,673,248
Battery Storage Systems (Q2 2020) =							$172,511	--	$114,595
Wind Facility Components and Battery Storage Systems (Q2 2020) (without ODOE Contingencies) =							**$5,082,481**	**--**	**$5,787,843**
ODOE Applied Contingencies									

Table 1: Facility Decommissioning Cost Estimate (Approved Facility, WREFII and WREFE)

Facility Component	Unit Cost	Approved Facility		WREFII (Amended)		WREFE	
		No. of Components	Total Cost	No. of Components	Total Cost	No. of Components	Total Cost
1% Performance Bond =					$50,825	--	$57,878
10% Project Management =					$508,248	--	$578,784
10% Future Development =					$508,248	--	$578,784
Wind Facility Components and Battery Storage Systems (Q2 2020) (with ODOE Contingencies)					$6,149,802	--	$7,003,290

Based on RFA1 Attachment 10 Retirement Cost Estimate, and represented in the table above, the full decommissioning amount for related or supporting facilities shared between WREFII and WREFII are fully reflected in the retirement estimate for WREFII.

Based on the requested facility component allocation, and analysis presented above, the Council amends previously imposed Retirement and Financial Assurance Condition 5 in the WREFII, WREFIII and WREFE site certificates to reflect the updated decommissioning amount for each facility, to be provided as a bond or letter of credit prior to construction, as presented below:

Amended Retirement and Financial Assurance Condition 5 (WREFII): Before beginning construction of the:

a. Wind energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the wind facility components is ~~$16.3~~ 6.2 million dollars (Q2~~3~~ 2020~~18~~ dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition:

~~b. Solar energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the solar facility components is $9.4 million dollars (Q4 2018 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition:~~

1. The certificate holder may adjust the amount of the initial bond or letter of credit based on the final design configuration of the facility. Any revision to the restoration costs should be adjusted to the date of issuance as described in (2) and subject to review and approval by the Council.
2. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation:
   i. Adjust the amount of the bond or letter of credit (expressed in Q2~~3~~ 2020~~18~~ dollars for wind facility ~~components and Q4 2018 dollars for solar facility components)~~) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the third quarter 2020~~18~~ index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust Q2~~3~~ 2020~~18~~ dollars to present value.
   ii. Round the result total to the nearest $1,000 to determine the financial assurance amount.
3. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.
4. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080.

The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

Amended Retirement and Financial Assurance Condition 5 (WREFIII): Before beginning construction of the:

~~a. Wind energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the wind facility components is $16.3 million dollars (Q2 2020 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition:~~

b. Solar energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the solar facility components is $9.4 million dollars (Q4 2018 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition:…

[*sub-paragraph 2 language would not change and therefore is not presented here for brevity; the language is the same as represented in sub-paragraph (2) of the WREFII condition above, or see Attachment A-2 for reference to specific condition language*]

Amended Retirement and Financial Assurance Condition 5 (WREFE): Before beginning construction of the:

a. Wind energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the wind facility components is $~~16.3~~ 7.0 million dollars (Q~~2~~3 2020~~18~~ dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition:…

[*sub-paragraph 2 language would not change and therefore is not presented here for brevity; the language is the same as represented in sub-paragraph (2) of the WREFII condition above, or see Attachment A-2 for reference to specific condition language*]

Conclusions of Law

Based on the foregoing findings of fact, and subject to compliance with the existing and amended Retirement and Financial Assurance conditions, the Council finds that the facilities, with proposed changes, would continue to comply with the Council's Retirement and Financial Assurance standard.

III.A.5 Fish and Wildlife Habitat: OAR 345-022-0060

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are consistent with:

*(1) The general fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017****

Findings of Fact

The EFSC Fish and Wildlife Habitat standard requires the Council to find that the design, construction and operation of a proposed facility, or facility with proposed changes, is consistent with the Oregon Department of Fish and Wildlife's (ODFW) habitat mitigation policy, goals, and standards, as set forth in OAR 635-415-0025. The ODFW Habitat Mitigation Policy and EFSC Fish and Wildlife Habitat standard create requirements to mitigate impacts to fish and wildlife habitat, based on the quantity and quality of the habitat as well as the nature, extent, and duration of the potential impacts to the habitat. The policy also establishes a habitat classification system based on value the habitat would provide to a species or group of species. There are six habitat categories; Category 1 being the most valuable and Category 6 the least valuable.

Council previously found that the certificate holder demonstrated compliance with the Fish and Wildlife Habitat standard. Because there are no physical changes and no new geographic area proposed in this amendment request, the proposed changes would not impact Council's previous findings of compliance. As proposed in RFA1, the proposed change includes allocation of previously approved facility components into an amended and two original site certificates, mirroring previously imposed conditions and mitigation plan requirements. To ensure that all previously approved mitigation plans are maintained, as applicable, based on the amended WREFII and original WREFIII and WREFE site certificates, the Council provides the following analysis.

As explained in this order, WREFII is currently under construction and therefore previously satisfied preconstruction requirements applicable to the finalization of the Habitat Mitigation Plan (Condition PRE-FW-04), Revegetation Plan (PRE-FW-05), Noxious Weed Control Plan (PRE-LU-03), and Wildlife Monitoring and Mitigation Plan (PRE-FW-02). The Department maintains copies of the final plans to be implemented by the certificate holder.

The original site certificate for WREFIII includes 150 MW of solar facility components on up to 900 acres of Exclusive Farm use zoned land, which represent facility components approved in the Council's *Final Order on Amendment 4* (November 2019). In the Council's *Final Order on Amendment 4*, Council approved a draft Habitat Mitigation Plan, draft Revegetation Plan, draft Noxious Weed Control Plan, and draft Wildlife Monitoring and Mitigation Plan, specific to solar photovoltaic energy generation components and associated habitat and wildlife impacts. These

plans are incorporated into this order and continue to apply, as previously approved, to WREFIII (Attachments C, D and F).

The mitigation plan requirements for WREFE, a facility to be comprised of previously approved wind facility components, mirror those previously approved for WREFII and have been updated to accurately reflect the facility description and location, and are provided as Attachments C-F of this order.[9]

Conclusions of Law

Based on the foregoing findings of fact and conclusions, and subject to compliance with existing site certificate conditions, the Council finds that the facilities, with proposed changes, would continue to comply with the Council's Fish and Wildlife Habitat standard.

III.B. Standards Not Likely to Be Impacted by Request for Amendment 1

RFA1, as described throughout this order, solely requests authorization to split, and share some, previously approved facility components within previously approved site boundary and micrositing corridors, but redefined based on specific facility components covered in an amended and two original site certificates. Based on the administrative scope of the amendment request, with the exception of substantive changes evaluated in Section III.A. *Standards Potentially Impacted by Request for Amendment 1* of this order, the Council finds that the standards listed below are not likely to be impacted by RFA1.

Sections III.B.1 through III.B.12 present the language of the identified standards and other applicable laws and regulations not likely to be impacted by RFA1, for reference purposes only.

III.B.1 Structural Standard: OAR 345-022-0020

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

(1) The applicant, through appropriate site-specific study, has adequately characterized the seismic hazard risk of the site;

(2) The applicant can design, engineer, and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site, as identified in subsection (1)(a);

[9] WREFIIAMD1. DPO Comments Reviewing Agency ODFW. In comments on the record of the draft proposed order, ODFW District Biologist Steve Cherry recommended that all previously imposed conditions and mitigation plans be maintained for the amended and two original site certificates under review in Request for Amendment 1. As described in the proposed order, all previously imposed conditions and mitigation plans would be maintained as a result of the amendment.

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

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

(2) The Council may not impose the Structural Standard in section (1) to approve or deny an application for an energy facility that would produce power from wind, solar or geothermal energy. However, the Council may, to the extent it determines appropriate, apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.

(3) The Council may not impose the Structural Standard in section (1) to deny an application for a special criteria facility under OAR 345-015-0310. However, the Council may, to the extent it determines appropriate, apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.

III.B.2 Soil Protection: OAR 345-022-0022

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

III.B.3 Protected Areas: OAR 345-022-0040

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) Agricultural experimental stations established by the College of Agriculture, Oregon State University, including but not limited to: Coastal Oregon Marine Experiment Station, Astoria Mid-Columbia Agriculture Research and Extension

Center, Hood River Agriculture Research and Extension Center, Hermiston Columbia Basin Agriculture Research Center, Pendleton Columbia Basin Agriculture Research Center, Moro North Willamette Research and Extension Center, Aurora East Oregon Agriculture Research Center, Union Malheur Experiment Station, Ontario Eastern Oregon Agriculture Research Center, Burns Eastern Oregon Agriculture Research Center, Squaw Butte Central Oregon Experiment Station, Madras Central Oregon Experiment Station, Powell Butte Central Oregon Experiment Station, Redmond Central Station, Corvallis Coastal Oregon Marine Experiment Station, Newport Southern Oregon Experiment Station, Medford Klamath Experiment Station, Klamath Falls;

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

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

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

*****

III.B.4 Threatened and Endangered Species: OAR 345-022-0070

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

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

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

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

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

III.B.5 Scenic Resources: OAR 345-022-0080

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

III.B.6 Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

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

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

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

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

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

III.B.7 Recreation: OAR 345-022-0100

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

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

III.B.8 Waste Minimization: OAR 345-022-0120

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

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

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

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

III.A.9 Public Services: OAR 345-022-0110

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

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

III.B.10 Division 23 Standards

The Division 23 standards apply only to "nongenerating facilities" as defined in ORS 469.503(2)(e)(K), except nongenerating facilities that are related or supporting facilities. The

facility, with proposed changes, would not be a nongenerating facility as defined in statute and therefore Division 23 is inapplicable to the facility, with proposed changes..

III.B.11 Division 24 Standards

The Council's Division 24 standards include specific standards for the siting of wind project, which is further evaluated below.

III.B.11.1 Siting Standards for Transmission Lines: OAR 345-024-0090

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

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

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

III.B.11.2 Public Health and Safety Standards for Wind Energy Facilities: OAR 345-024-0010

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

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

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

III.B.11.3 Cumulative Effects Standard for Wind Energy Facilities OAR 345-024-0015

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

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

(2) Using underground transmission lines and combining transmission routes.
(3) Connecting the facility to existing substations, or if new substations are needed, minimizing the number of new substations.
(4) Designing the facility to reduce the risk of injury to raptors or other vulnerable wildlife in areas near turbines or electrical equipment.
(5) Designing the components of the facility to minimize adverse visual features.
(6) Using the minimum lighting necessary for safety and security purposes and using techniques to prevent casting glare from the site, except as otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation.

III.B.12 Other Applicable Regulatory Requirements Under Council Jurisdiction

Under ORS 469.503(3) and under the Council's General Standard of Review (OAR 345-022-0000), the Council must determine whether the proposed facility complies with "all other Oregon statutes and administrative rules…as applicable to the issuance of a site certificate for the proposed facility." This section addresses the applicable Oregon statutes and administrative rules that are not otherwise addressed in Council standards, including the Oregon Department of State Lands' Removal Fill Law and Oregon Department of Water Resources' Water Rights Law.

III.B.12.1 Noise Control Regulations: OAR 340-035-0035

(1) Standards and Regulations:
*****
(b) New Noise Sources:

(B) New Sources Located on Previously Unused Site:

(i) No person owning or controlling a new industrial or commercial noise source located on a previously unused industrial or commercial site shall cause or permit the operation of that noise source if the noise levels generated or indirectly caused by that noise source increase the ambient statistical noise levels, L10 or L50, by more than 10 dBA in any one hour, or exceed the levels specified in Table 8, as measured at an appropriate measurement point, as specified in subsection (3)(b) of this rule, except as specified in subparagraph (1)(b)(B)(iii).
(ii) The ambient statistical noise level of a new industrial or commercial noise source on a previously unused industrial or commercial site shall include all noises generated or indirectly caused by or attributable to that source including all of its related activities. Sources exempted from the requirements of section (1) of this rule, which are identified in subsections (5)(b) - (f), (j), and (k) of this rule, shall not be excluded from this ambient measurement.
(iii) For noise levels generated or caused by a wind energy facility:

(i) The increase in ambient statistical noise levels is based on an assumed background L50 ambient noise level of 26 dBA or the actual ambient background level. The person owning the wind energy facility may conduct measurements to determine the actual ambient L10 and L50 background level.

(ii) The "actual ambient background level" is the measured noise level at the appropriate measurement point as specified in subsection (3)(b) of this rule using generally accepted noise engineering measurement practices. Background noise measurements shall be obtained at the appropriate measurement point, synchronized with windspeed measurements of hub height conditions at the nearest wind turbine location. "Actual ambient background level" does not include noise generated or caused by the wind energy facility.

(iii) The noise levels from a wind energy facility may increase the ambient statistical noise levels L10 and L50 by more than 10 dBA (but not above the limits specified in Table 8), if the person who owns the noise sensitive property executes a legally effective easement or real covenant that benefits the property on which the wind energy facility is located. The easement or covenant must authorize the wind energy facility to increase the ambient statistical noise levels, L10 or L50 on the sensitive property by more than 10 dBA at the appropriate measurement point.

(iv) For purposes of determining whether a proposed wind energy facility would satisfy the ambient noise standard where a landowner has not waived the standard, noise levels at the appropriate measurement point are predicted assuming that all of the proposed wind facility's turbines are operating between cut-in speed and the wind speed corresponding to the maximum sound power level established by IEC 61400-11 (version 2002-12). These predictions must be compared to the highest of either the assumed ambient noise level of 26 dBA or to the actual ambient background L10 and L50 noise level, if measured. The facility complies with the noise ambient background standard if this comparison shows that the increase in noise is not more than 10 dBA over this entire range of wind speeds.

(v) For purposes of determining whether an operating wind energy facility complies with the ambient noise standard where a landowner has not waived the standard, noise levels at the appropriate measurement point are measured when the facility's nearest wind turbine is operating over the entire range of wind speeds between cut-in speed and the windspeed corresponding to the maximum sound power level and no turbine that could contribute to the noise level is disabled. The facility complies with the noise ambient background standard if the increase in noise over either the assumed ambient noise level of 26 dBA or to the actual ambient background L10 and

L50 noise level, if measured, is not more than 10 dBA over this entire range of wind speeds.

(vi) For purposes of determining whether a proposed wind energy facility would satisfy the Table 8 standards, noise levels at the appropriate measurement point are predicted by using the turbine's maximum sound power level following procedures established by IEC 61400-11 (version 2002-12), and assuming that all of the proposed wind facility's turbines are operating at the maximum sound power level.

(vii) For purposes of determining whether an operating wind energy facility satisfies the Table 8 standards, noise generated by the energy facility is measured at the appropriate measurement point when the facility's nearest wind turbine is operating at the windspeed corresponding to the maximum sound power level and no turbine that could contribute to the noise level is disabled.

***

III.B.12.2 Removal-Fill

The Oregon Removal-Fill Law (ORS 196.795 through 196.990) and Department of State Lands (DSL) regulations (OAR 141-085-0500 through 141-085-0785) require a removal-fill permit if 50 cubic yards or more of material is removed, filled, or altered within any "waters of the state."[10] The Council, in consultation with DSL, must determine whether a removal-fill permit is needed and if so, whether a removal-fill permit should be issued.

III.B.12.3 Water Rights

Under ORS Chapters 537 and 540 and OAR Chapter 690, the Oregon Water Resources Department (OWRD) administers water rights for appropriation and use of the water resources of the state. Under OAR 345-022-0000(1)(b), the Council must determine whether the facility would comply with these statutes and administrative rules. OAR 345-021-0010(1)(o)(F) requires that if a facility needs a groundwater permit, surface water permit, or water right transfer, that a decision on authorizing such a permit rests with the Council.

[10] ORS 196.800(15) defines "Waters of this state." The term includes wetlands and certain other waterbodies.

V. CONCLUSIONS AND ORDER

Based on the findings and conclusions included in this order, the Council makes the following findings:

1. The proposed changes included in Request for Amendment 1 of the Wheatridge Renewable Energy Facility II site certificate complies with the requirements of the Oregon Energy Facility Siting Statutes, ORS 469.300 to 469.520.

2. The proposed changes included in Request for Amendment 1 of the Wheatridge Renewable Energy Facility II site certificate complies with the standards adopted by the Council pursuant to ORS 469.501.

3. The proposed changes included in Request for Amendment 1 of the Wheatridge Renewable Energy Facility II site certificate complies with all other Oregon statutes and administrative rules identified in the project order as applicable to the issuance of a site certificate for the facility.

Accordingly, the Council finds that the proposed changes included in Request for Amendment 1 of the Wheatridge Renewable Energy Facility II site certificate complies with the General Standard of Review (OAR 345-022-0000). The Council finds, based on a preponderance of the evidence on the record, that the site certificate may be amended as requested.

Final Order

The Council approves Amendment 1 of the Wheatridge Renewable Energy Facility II site certificate, subject to the terms and conditions included in the amended and two original site certificates.

Issued this 19th day of November 2020

The OREGON ENERGY FACILITY SITING COUNCIL

Hanley Jenkins, II

By: Hanley Jenkins, II (Dec 1, 2020 18:27 PST)

Hanley Jenkins, II, Chair
Oregon Energy Facility Siting Council

ATTACHMENTS

Attachment A: Amended/Original Site Certificates
Attachment B: Draft Proposed Order Comments/Index
Attachment C-1: Draft WREFIII Habitat Mitigation Plan
Attachment C-2: Draft WREFE Habitat Mitigation Plan
Attachment D-1: Draft WREFIII Revegetation Plan
Attachment D-2: Draft WREFE Revegetation Plan
Attachment E: Draft WREFE Noxious Weed Control Plan
Attachment F-1: Draft WREFIII Wildlife Monitoring and Mitigation Plan
Attachment F-2: Draft WREFE Wildlife Monitoring and Mitigation Plan

Attachment A: Draft Amended and Original Site Certificates

Attachment A-1: Amended WREFII Site Certificate

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

Site Certificate for the

Wheatridge Renewable Energy Facility II

ISSUANCE DATE

Site Certificate	**May 22, 2020**
First Amended Site Certificate	**November 19, 2020**

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Table of Contents

Attachments

Attachment A	Facility Site Boundary Map

Acronyms and Abbreviations

ASC	Application for Site Certificate
BMP	Best Management Practice
Council or EFSC	Oregon Energy Facility Siting Council
Department or ODOE	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
HMP	Habitat Mitigation Plan
NEER	NextEra Energy Resources, LLC
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
NRHP	National Register of Historic Places
WGS	Washington Ground Squirrel
WMMP	Wildlife Monitoring and Mitigation Plan
WREFI	Wheatridge Renewable Energy Facility I
WREFII	Wheatridge Renewable Energy Facility II
WREFIII	Wheatridge Renewable Energy Facility III
WREFE	Wheatridge Renewable Energy Facility East

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Wheatridge Wind II, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (NEER, certificate holder owner). As authorized under Oregon Revised Statue (ORS) Chapter 469, the Council issues this site certificate authorizing certificate holder to construct, operate and retire the Wheatridge Renewable Energy Facility II (facility) at the below described site within Morrow County, subject to the conditions set forth herein.

Both the State and certificate holder must abide by local ordinances, state law and the rules of the Council in effect on the date this site certificate is executed. However, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules (ORS 469.401(2)).

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents approved for the Wheatridge Wind Energy Facility, incorporated herein by this reference: (1) the *Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility* issued on April 28, 2017 (hereafter, *Final Order on the Application*); (2) *Final Order on Request for Transfer* issued on July 27, 2017; (3) *Final Order on Request for Amendment 3* issued on November 16, 2018; (4) *Final Order on Request for Amendment 2* issued on December 14, 2018; *Final Order on Request for Amendment 4* issued on November 22, 2019; and (5) *Final Order on Request for Amendment 5* issued May 22, 2020. In addition, the findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents approved for the Wheatridge Renewable Energy Facility II (WREFII), incorporated herein by this reference: (1) *Final Order on Request for Amendment 1* issued November 19, 2020.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following documents approved for the Wheatridge Wind Energy Facility, in order of priority: (1) *Final Order on Request for Amendment 1 of WREFII;* and, as approved under the Wheatridge Wind Energy Facility Site Certificate - (2) *Final Order on Request for Amendment 5;* (3) *Final Order on Request for Amendment 4;* (4) *Final Order on Request for Amendment 2*; (5) *Final Order on Request for Amendment 3*; (6) *Final Order on Request for Amendment 1*; (6) *Final Order on the Application*, and (7) the record of the proceedings that led to the above referenced orders.

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

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

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0410 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

2.0 Facility Location

The Wheatridge Renewable Energy Facility II (WREFII) and its related or supporting facilities are located within Morrow County. The site boundary, as defined in OAR 345-001-0010, encompasses approximately 7,850 acres of private land and includes previously approved facility components that are associated with this site certificate and the site certificates for Wheatridge Renewable Energy

Facility III (WREFIII) and Wheatridge Renewable Energy Facility East (WREFE). WREFII includes the wind energy facility site, its related or supporting facilities, temporary laydown and staging areas, and micrositing corridors proposed by the certificate holder, as approved by the Council.[1] Shared (WREFI, WREFII and WREFIII) Related or Supporting Facilities is discussed further in Section 3.3 below.

WREFII components are located entirely within Morrow County, bisected by Oregon Highway 207, approximately 5 miles northeast of Lexington and approximately 7 miles northwest of Heppner. Previously approved facility components that are shared between WREFII and WREFIII include a collector substation, access roads, temporary laydown areas and the O&M building, all of which are reflected in both WREFII and WREFIII site certificates with the exception of the O&M building reflected only in this site certificate. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. Portions of the 230-kV Intraconnection Line corridor overlap within the site boundaries of WREFI, WREFII and WREFIII.

2.1 Site Boundary

The site boundary encompasses a total of 7,850 acres of privately owned land. Table 1 identifies the Public Land Survey System sections in which the site boundary is located.

Table 1. Location of Site Boundary by Township, Range and Section

Township	Range	Section(s)
1N	25E	13
1N	26E	15, 16, 18, 19, 20, 21, 22, 28, 29, 30, 32, 33
1S	25E	1, 12
1S	26E	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 34, 35, 36
2S	26E	1, 12

For this facility, the certificate holder requested that the site boundary represent the "micrositing corridor" for the placement of facility components to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. The Council permits final siting flexibility within a micrositing corridor when the certificate holder demonstrates that requirements of all applicable standards have been satisfied by adequately evaluating the entire corridor and location of facility components anywhere within the corridor.

2.2 Micrositing Corridors

The certificate holder requested flexibility to locate components of the energy facility and its related or supporting facilities within a micrositing corridor to allow adjustment of the specific location of components, while establishing outer boundaries of potential construction for purposes of evaluating potential impacts.

Micrositing corridors for wind turbines are a minimum of approximately 660 feet in width around turbines, and wider in some locations. The site boundary width around site access roads and electrical

[1] Energy facility site, as defined in OAR 345-001-0010(54), means all land upon which an energy facility is located or proposed to be located.

collection lines (collector lines) is narrower, between 200 feet and 500 feet in width. The micrositing corridor is wider for the area surrounding the substations, meteorological tower (met tower), the operation and maintenance (O&M) buildings, and construction yards.

3.0 Facility Description

The facility includes wind generation components, each with related or supporting facilities. The energy generation capacity of the facility, at full build out by the specified construction completion deadlines is 200 MW. Wind energy facility components are further described in Section 3.1 and 3.1.1 of this site certificate.

As presented in the ASC, the facility will be constructed in phases. In accordance with ORS 469.300(6), preconstruction conditions may be satisfied for the applicable phase, facility component or for the facility, as applicable, based on final design and configuration.

3.1 Wind Energy Facility Components

The construction commencement deadline for the wind energy facility and its related or supporting facilities must begin by May 24, 2020 (under General Standard Condition 1 (GEN-GS-01) and construction of these components must be completed on or before May 24, 2023 (under General Standard Condition 2 (GEN-GS-02).

Wind energy generation components include up to 80 wind turbines with a total generating capacity up to 200 MW. Wind turbines each consist of a nacelle, a three-bladed rotor, turbine tower and foundation. The nacelle houses the equipment such as the gearbox, generator, brakes, and control systems for the turbine. The total height of the turbine tower and blades (tip-height) ranges between 431 and 499.7 feet, depending on the turbine model selected.

The base of each wind turbine tower foundation requires a cleared area (typically a gravel pad) up to 80 feet in diameter. The turbines are grouped in linear "strings" within the micrositing corridor and interconnect with a 34.5 kV electrical collection system (described below). Most wind turbine types include a generator step-up (GSU) transformer installed at the base of the tower that would be used to increase the voltage of the turbine to that of the electrical collection system. Table 2 shows the range of turbine specifications approved for use at the facility site.

Table 2: Approved Wind Turbine Dimensions

Specification	Maximum (ft)
Blade Length	204.1
Hub Height	291.3
Rotor Diameter	416.7
Total Height (tower height plus blade length)	499.7
Aboveground Blade-Tip Clearance	70.5
Wind turbine types with the maximum dimension specifications shall be equipped with Low Noise Trailing Edge blades.	

3.1.1 Related or Supporting Facilities to Wind Energy Facility Components

Related or supporting facilities to the wind energy facility components as described below must commence construction by May 24, 2020:

- Electrical collection system (includes up to 38 miles of mostly underground 34.5 kV collector lines)
- Up to two collector substations
- Up to 1 permanent meteorological (met) tower
- Communication and Supervisory Control and Data Acquisition (SCADA) System
- One operations and maintenance (O&M) buildings (with one shared with WREFI)
- Up to 33 miles of new or improved access roads
- Additional temporary construction areas (including staging areas and one or more temporary concrete batch plant areas)
- Battery Storage Systems (30 MW, each located on up to 5 acres) and Interconnection Facilities

Construction of these related or supporting facilities must be complete by May 24, 2023.

Electrical Collection System

The electrical collection system includes up to 38 miles of mostly underground 34.5 kV collector lines. Electrical connections are located underground or in enclosed junction boxes between the turbine and the pad-mounted GSU transformer. From the GSU transformer to the collector lines the connections are installed along and between the turbine strings to collect power generated by each wind turbine and to route the power to one of three collector substations, which step up the power from 34.5 kV to 230 kV.

The collector lines are underground, to the extent practicable, in trenches approximately three-feet wide and not less than two- to three-feet deep, generally alongside access roads, to minimize ground disturbance. Where land use and soil conditions make a buried depth of three-feet infeasible, collector lines may be buried at a depth of less than three feet, while still adhering to National Electrical Safety Code (NESC) standards.

Collector lines may be run overhead in situations where a buried cable would be infeasible or would create unnecessary impacts, such as at stream or canyon crossings. Overhead collector lines are supported by a wooden or steel pole structure. Each support pole has been buried approximately 6 feet in the ground and extends to a height of approximately 60 feet above ground, spaced 100 to 200 feet apart. Overhead collector lines are only anticipated in Wheatridge West. The facility includes up to 10.8 miles of overhead collector lines; however, the specific locations of overhead collector lines will not be known until site geotechnical work has been completed during pre-construction activities.

No more than 38 miles of collector lines would be needed for wind facility components.

Collector Substations

The facility includes up to two substations. However, Wheatridge has requested, and Council grants, the ability to microsite the final location and number (up to two) of substations within the micrositing corridor.

Prior to construction, substation sites will be cleared and graded, with a bed of crushed rock applied for a durable surface. Each collector substation is located on a two- to ten-acre site, enclosed by a locked eight-foot tall wire mesh fence. Each substation consists of transformers, transmission line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and other equipment.

Meteorological Towers

The facility includes up to 1 permanent met tower. Each met tower has a free-standing, non-guyed design and is approximately 328 feet (100 meters) in height. Installation of permanent met towers results in approximately 98-feet (30-meters) in diameter of temporary land disturbance per tower and approximately 32-feet (10-meter) in diameter of permanent land disturbance per tower. Permanent met towers are fitted with safety lighting and paint as required by the Federal Aviation Administration (FAA).

Communication and SCADA System

The facility includes a communication system, consisting of fiber optic and copper communication lines that connect the turbines, met towers, and substations to the O&M buildings. A SCADA system is installed in the O&M buildings to enable remote operation to collect operating data for each wind turbine, and to archive wind and performance data. SCADA system wires are collocated with the collector lines both in the underground trenches and overhead, if necessary.

O&M Buildings

The facility includes one O&M building, located on up to 1.1 acres, one O&M building is shared with WREFI. Each O&M building consists of a single-story, prefabricated structure approximately 6,000 to 9,000 square feet in size, and includes an office, break room, kitchen, lavatory with shower, utility room, covered vehicle parking, storage for maintenance supplies and equipment, and SCADA system. A permanent, fenced, graveled parking and storage area for employees, visitors, and equipment is located adjacent to each O&M building. Each building is served by an on-site well and septic system and power supplied by a local service provider using overhead and/or underground lines.

Access Roads

Primary access to the facility site is from Interstate 84 (I-84) via Bombing Range Road or Oregon Route 207 (OR-207). The certificate holder completed improvements to existing public roads to accommodate construction activities, including flattening crests or filling dips, widening sharp corners, or adding road base material; the certificate holder is required to consult with the appropriate county road master on specific improvements prior to construction. The certificate holder committed to completing upgrade to existing roads according to applicable state and county road standards and after consultation with Morrow County staff. The certificate holder is required to implement a road use agreement with each county to specify requirements, including that all existing public roads used to access the site would be left in as good or better condition than that which existed prior to the start of construction.

Access to the turbines, construction yards, substations, and O&M buildings is from a network of private access roads constructed or improved by the certificate holder. The certificate holder will

grade and gravel all newly constructed and improved site access roads to meet load requirements for heavy construction equipment, as necessary. Following turbine construction, the certificate holder will narrow the site access roads for use during operations and maintenance. The additional disturbed width required during construction will be restored following the completion of construction by removing gravel surfacing, restoring appropriate contours with erosion and stormwater control best management practices (BMPs), decompacting as needed, and revegetating the area appropriately.

In the maximum impact scenario, wind energy facility components will require up to 33 miles of access roads.

Additional Construction Yards

The facility includes up to two temporary construction yards located within the site boundary to facilitate the delivery and assembly of material and equipment. The construction yards are used for temporary storage of diesel and gasoline fuels, which are located in an above-ground 1,000-gallon diesel and 500-gallon gasoline tank, within designated secondary containments areas.

Each construction yard occupies between 15 and 20 acres, and was graded and gravel surfaced. The certificate holder is required to restore all construction yards to pre-construction conditions unless an agreement with the landowner leads to some or all of the construction yard being retained after construction.

In addition, the certificate holder may utilize one or more temporary concrete batch plant areas, located within the construction yard area. The temporary concrete batch plants are permitted and operated by the selected contractor.

Battery Storage Systems and Interconnection Facilities (DC Coupled)

The battery storage systems associated with wind energy facility components include the following:

- Series of modular containers or a building per system; approximately 190 feet long, 100 feet wide and 15-20 feet tall for the 30 MW system)
    - Each system would contain lithium-ion batteries within battery modules placed in anchored racks within containers or building.
    - Approximately eighteen 2.7 mega-voltampere (MVA) inverters with associated step up transformers with a combined footprint approximately 8 feet by 4 feet.
    - Each system would be equipped with a gas pressured deluge fire suppression system, independent smoke detection system, and external fire water tank
    - Each system would include a cooling system comprised of a bank of four power conditioning system fan units with motor
- Control house, approximately 16 feet by 11 feet, with an external heating, ventilation and air conditioning unit (HVAC)
- Protective device; skid-mounted power transformer; and bi-directional inverter

Battery and inverter equipment would be electrically connected via a combination of aboveground cable trays, underground conduit, and covered cable trenches. Site surfacing would remain primarily gravel. The battery storage systems would interconnect with facility substations via feeder lines.

3.2 Shared (WREFI, WREFII and WREFIII) Related or Supporting Facilities

The WREFI and Wheatridge Renewable Energy Facility II (WREFII) site certificates were originally approved as one site certificate for the Wheatridge Wind Energy Facility (April 2017). In May 2020, facility components were split or bifurcated into two separate site certificates, but identified that certain related or supporting facilities would be shared or used by both facilities. Previously approved facility components that are shared between WREFII and WREFIII include a collector substation, access roads, temporary laydown areas and the O&M building, all of which are reflected in both WREFII and WREFIII site certificates with the exception of the O&M building reflected only in this site certificate. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. Portions of the 230-kV Intraconnection Line corridor overlap with site boundaries of WREFI, WREFII, and WREFIII. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under both site certificates, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

The certificate holder is authorized to share related or supporting facilities between the WREFI and WREFII facilities, including the Wheatridge West collector substation, SCADA system, 20 MW battery storage system, temporary laydown areas, and access roads. These related or supporting facilities are included in both WREFI and WREFII site certificates. Compliance with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities are shared between WREFI and WREFII site certificates and certificate holders. In accordance with Organizational Expertise Condition 11, if either certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, both certificate holders are obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a “Common Facilities Agreement” or similarly legally binding agreement has been fully executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

4.0 Site Certificate Conditions

4.1 Condition Format

The conditions in Sections 4.2 through 4.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.)[2]. The table below presents a "key" for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as "GS"; the Soil Protection standard is represented in the condition numbering as "SP" and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council's General Standard of Review, and is condition number 1.

As is reflected in the record of the proceedings for this facility and site certificate, the facility may be constructed in phases. For any phase of construction, the certificate holder is only required to comply with the preconstruction conditions applicable to the phase. [ORS 469.300(6)]

This site certificate contains conditions initially imposed in the Wheatridge Wind Energy Facility site certificate, as approved in April 2017, and amended in July 2017 (AMD1), November (AMD2) and December 2018 (AMD3), November 2019 (AMD4), and May 2020 (AMD5). Site certificate conditions include a bracketed citation (e.g. [Final Order on ASC (2017), AMD2 (2018), AMD4 (2019)]) which provides reference to the Council order imposing or amending the condition. Bracketed citations dated 2017 through May 2020 represent conditions imposed or amended under the Wheatridge Wind Energy Facility site certificate; bracketed citations dated after May 2020 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility II site certificate

[2] The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

4.2 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	The certificate holder shall begin construction of wind facility components and its related or supporting facilities, by May 24, 2020. On or before May 24, 2020, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010. [Final Order on ASC (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019); AMD1 (2020)] [Mandatory Condition OAR 345-025-0006(4)]
GEN-GS-02	The certificate holder shall complete construction of the wind facility components and its related or supporting facilities by May 24, 2023. The certificate holder shall promptly notify the Department of the date of completion of construction. [Final Order on ASC (2017), General Standard Condition 2 (2018); AMD2 (2018); AMD4 (2019); AMD1 (2020)] [Mandatory Condition OAR 345-025-0006(4)]
GEN-GS-03	The certificate holder shall design, construct, operate, and retire the facility: a. Substantially as described in the site certificate; b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and c. In compliance with all applicable permit requirements of other state agencies. [Final Order on ASC (2017), Mandatory Condition 2] [OAR 345-025-0006(3)]
GEN-GS-04	Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and: a. The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or b. The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built. [Final Order on ASC (2017), Mandatory Condition 3] [OAR 345-025-0006(5)]
GEN-GS-05	If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the department describing the impact on the facility and any affected site certificate conditions. [Final Order on ASC (2017), Mandatory Condition 6] [OAR 345-025-0000(6)]
GEN-GS-06	The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant. [Final Order on ASC (2017), Mandatory Condition 5] [OAR 345-025-0006(10)]

GEN-GS-07	Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. [Final Order on ASC (2017), Mandatory Condition 6] [OAR 345--025-0006(11)]
GEN-GS-08	The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced coastal subsidence. [Final Order on ASC (2017), Mandatory Condition 7] [OAR 345-025-0006(12)]
GEN-GS-09	The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions. [Final Order on ASC (2017), Mandatory Condition 8] [OAR 345-025-0006(13)]
GEN-GS-10	The certificate holder shall notify the department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Final Order on ASC (2017), Mandatory Condition 9] [OAR 345-025-0006(14)]
GEN-GS-11	Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the department of the proposed new owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate. [Final Order on ASC (2017), Mandatory Condition 10] [OAR 345-025-0006(15)]
GEN-GS-12	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Site Specific Condition 1] [OAR 345-025-0010(5)]]
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
GEN-OE-01	Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder. [Final Order on ASC (2017), Organizational Expertise Condition 5]
GEN-OE-02	In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the department. [Final Order on ASC (2017), Organizational Expertise Condition 6]
GEN-OE-03	During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, NextEra Energy

	Resources, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of NextEra Energy Resources, LLC. [Final Order on AMD1 (2017), Organizational Expertise Condition 9]
GEN-OE-04	The certificate holder shall: a. Prior to and during construction, as applicable, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. b. Prior to transporting and disposing of battery and battery waste during facility operations, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. [Final Order on AMD2 (2018), Organizational Expertise Condition 10]
GEN-OE-05	The certificate holder is authorized to share related or supporting facilities including the Wheatridge West collector substation, SCADA system, access roads, temporary staging areas, and battery storage system (30 MW systems, as approved in Final Order on Amendment 2), all of which are governed under both WREFI and WREFII site certificates. a. Within 30 days of use by both certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities. b. If WREFI or WREFII propose to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Retirement and Financial Assurance Condition 5. c. Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Retirement and Financial Assurance Condition 5, for the operational facility, if facilities are decommissioned at different times. [Final Order on AMD5 (2020); Organizational Expertise Condition 11]

STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]	
GEN-SS-01	The certificate holder shall design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction. [Final Order on ASC (2017), Structural Standard Condition 2]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
GEN-LU-01	The certificate holder shall design the facility to comply with the following setback distances in Morrow County: a. Wind turbines shall be setback from the property line of any abutting property of any non-participant property owners a minimum of 110 percent of maximum blade tip height of the wind turbine tower. b. Wind turbines shall be setback 100 feet from all property boundaries, including participant property boundaries within the site boundary, if practicable. c. Wind turbine foundations shall not be located on any property boundary, including participant property boundaries within the site boundary. d. Wind turbines shall be setback 110% of the overall tower-to-blade tip height from the boundary right-of-way of county roads, state and interstate highways. e-g. Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Land Use Condition 1; AMD3 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020]
GEN-LU-02	During design and construction of the facility, the certificate holder shall: a. Obtain an access permit for changes in access on Morrow County roads; and b. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards. [Final Order on ASC (2017), Land Use Condition 4]
GEN-LU-03	During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate: a. Paint the towers in alternating bands of white and red or aviation orange; or b. Install aviation lighting as recommended by the Federal Aviation Administration. [Final Order on ASC (2017), Land Use Condition 9]
GEN-LU-04	The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall: a. Locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices; b. Place turbines and transmission intraconnection lines along the margins of cultivated areas to reduce the potential for conflict with farm operations, where feasible. c. Deleted in *Final Order on Amendment 1* dated November 2020. d. Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible. [Final Order on ASC (2017), Land Use Condition 11; AMD4 (2019); AMD1 (2020)]
GEN-LU-05	During design and construction of the facility, the certificate holder shall ensure that fencing and landscaping selected and used for the O&M building and similar facility components sited within Morrow County blend with the nature of the surrounding area. [Final Order on ASC (2017), Land Use Condition 14]
GEN-LU-06	During micrositing of the facility, the certificate holder shall ensure that wind turbines are sited based on a minimum setback of: a. 110% of the overall tower-to-blade tip height from the boundary right-of-way of county roads and state and interstate highways in Morrow County.

	b. 2 miles from turbine towers to a city urban growth boundary. c-d. Deleted in *Final Order on Amendment 1* dated November 2020. e. 164 feet (50 meters) from tower and facility components to known archeological, historical and cultural sites or CTUIR cultural site. [Final Order on ASC (2017), Land Use Condition 16; AMD3 (2018); AMD1 (2020)]
GEN-LU-07 - 10	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Land Use Condition 20, 22, 24 and 28]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
GEN-RF-01	The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 1] [Mandatory Condition OAR 345-025-0006(7)]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
GEN-FW-01	During construction and operation, the certificate holder shall impose a 20 mile per hour speed limit on new and improved private access roads, which have been approved as a related and supporting facility to the energy facility. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 2]
GEN-FW-02	The certificate holder shall construct all overhead collector and transmission intraconnection lines in accordance with the latest Avian Power Line Interaction Committee design standards, and shall only install permanent meteorological towers that are unguyed. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 6]
STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]	
GEN-SR-01	To reduce visual impacts associated with lighting facility structures, other than lighting on structures subject to the requirements of the Federal Aviation Administration or the Oregon Department of Aviation, the certificate holder shall implement the following measures: a. Outdoor night lighting at the collector substations, Operations and Maintenance Buildings, and battery storage systems, must be i. The minimum number and intensity required for safety and security; ii. Directed downward and inward within the facility to minimize backscatter and offsite light trespass; and iii. Have motion sensors and switches to keep lights turned off when not needed. [Final Order on ASC (2017), Scenic Resources Condition 1, AMD2 (2018)]
GEN-SR-02	The certificate holder shall: a. Design and construct the O&M buildings and battery storage systems to be generally consistent with the character of agricultural buildings used by farmers or ranchers in the area, and the buildings shall be finished in a neutral color to blend with the surrounding landscape; b. Paint or otherwise finish turbine structures in a grey, white, or off-white, low reflectivity coating to minimize reflection and contrast with the sky, unless required otherwise by the local code applicable to the structure location. c. Design and construct support towers for the intraconnection transmission lines using either wood or steel structures and utilize finish with a low reflectivity coating; d. Finish substation structures and battery storage systems utilizing neutral colors to blend with the surrounding landscape; e. Minimize use of lighting and design lighting to prevent offsite glare;

	f. Not display advertising or commercial signage on any part of the proposed facility; g. Limit vegetation clearing and ground disturbance to the minimum area necessary to safely and efficiently install the facility equipment; h. Water access roads and other areas of ground disturbance during construction, as needed, to avoid the generation of airborne dust; and i. Restore and revegetate temporary impact areas as soon as practicable following completion of construction. [Final Order on ASC (2017), Scenic Resources Condition 2, AMD2 (2018)]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
GEN-PS-01	During construction and operation, the certificate holder shall coordinate with its solid waste handler to provide the information solicited through the Oregon Department of Environmental Quality's Recycling Collector Survey to the Morrow County waste shed representative on an annual basis. [Final Order on ASC (2017), Public Services Condition 5]
GEN-PS-02	The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The O&M buildings shall be fenced. The certificate holder shall keep tower access doors and O&M buildings locked at all times, except when authorized personnel are present. [Final Order on ASC (2017), Public Services Condition 11]
GEN-PS-03	Prior to construction and operation of the facility, , the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Public Services Condition 13 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request. [Final Order on ASC (2017), Public Services Condition 18]
GEN-PS-04	The certificate holder shall design, construct and maintain the battery storage systems within a 100 foot vegetation free zone. [Final Order on AMD2 (2018), Public Services Condition 23]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
GEN-WF-01	During construction and operation, the certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 3]
GEN-WF-02	The certificate holder shall notify the department and the Morrow County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 5; AMD1 (2020)]

4.3 Pre-Construction (PRE) Conditions

Condition Number	Pre-Construction (PRE) Conditions
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
PRE-OE-01	Before beginning construction, the certificate holder shall notify the department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the department any changes of major contractors. [Final Order on ASC (2017), Organizational Expertise Condition 1]
PRE-OE-02	Before beginning construction, the certificate holder shall notify the department of the identity and qualifications of the construction manager to demonstrate that the construction manager is qualified in environmental compliance and has the capability to ensure compliance with all site certificate conditions. [Final Order on ASC (2017), Organizational Expertise Condition 2]
PRE-OE-03	Prior to construction, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. [Final Order on ASC (2017), Organizational Expertise Condition 3]
PRE-OE-04	Before beginning construction, the certificate holder shall notify the department before conducting any work on the site that does not qualify as surveying, exploration, or other activities to define or characterize the site. The notice must include a description of the work and evidence that its value is less than $250,000 or evidence that the certificate holder has satisfied all conditions that are required prior to beginning construction. [Final Order on ASC (2017), Organizational Expertise Condition 4]
PRE-OE-05	Prior to construction, the certificate holder must provide the department and Morrow County with the name(s) and location(s) of the aggregate source and evidence of the source's county permit(s). [Final Order on ASC (2017), Organizational Expertise Condition 7; AMD1 (2020)]
PRE-OE-06	The certificate holder must: a. Prior to construction of wind facility components, provide evidence to the department and Morrow County that the third party that will construct, own and operate the interconnection transmission line has obtained all necessary approvals and permits for that interconnection transmission line and that the certificate holder has a contract with the third party for use of the transmission line. b. Deleted in *Final Order on Amendment 1* dated November 2020. c. During construction and operation, promptly report to the Department if any third-party permits referenced in sub(b) of this condition have been cited for a Notice of Violation. [Final Order on ASC (2017), Organizational Expertise Condition 8; AMD4 (2019); AMD5 (2020); AMD1 (2020)]
STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]	
PRE-SS-01	Before beginning construction, the certificate holder must:

	a) Submit a protocol to the Department and Oregon Department of Geology & Mineral Industries (DOGAMI), for review, with the applicable codes, standards, and guidelines to be used, and proposed geotechnical work to be conducted for the site-specific geotechnical investigation report. b) Following receipt and review of Department and DOGAMI comments on the protocol per (a), the certificate holder shall conduct a site-specific geological and geotechnical investigation, and shall report its findings to DOGAMI and the department. The report shall be used by the certificate holder in final facility layout and design. The department shall review, in consultation with DOGAMI, and confirm that the investigation report includes an adequate assessment of the following information: • Subsurface soil and geologic conditions of the site boundary • Define and delineate geological and geotechnical hazards, and means to mitigate these hazards • Geotechnical design criteria and data for the turbine foundations, foundations of substations, O&M buildings, battery storage systems, roads, and other related and supporting facilities • Design data for installation of underground and overhead collector lines, and overhead transmission lines • Investigation of specific areas with potential for slope instability and landslide hazards. Landslide hazard evaluation shall be conducted by LIDAR and field work, as recommended by DOGAMI • Investigations of the swell and collapse potential of loess soils within the site boundary. [Final Order on ASC (2017), Structural Standard Condition 1; AMD2 (2018)]
PRE-SS-02	Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of all potentially active faults within the site boundary. The investigation shall include a description of the potentially active faults, their potential risk to the facility, and any additional mitigation that will be undertaken by the certificate holder to ensure safe design, construction, and operation of the facility. [Final Order on ASC (2017), Structural Standard Condition 3; AMD5 (2020); AMD1 (2020)]
PRE-SS-03	Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1 an investigation of specific areas with potential for slope instability and shall site turbine strings appropriate to avoid potential hazards. The landslide hazards shall be investigated and mapped before final facility layout and design. The landslide hazard evaluation shall be conducted by a combination of LIDAR and field work. [Final Order on ASC (2017), Structural Standard Condition 4]
PRE-SS-04	Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the certificate holder shall include mitigation measures including, as necessary, over-excavating and replacing loess soil with structural fill, wetting and compacting, deep foundations, or avoidance of specific areas. [Final Order on ASC (2017), Structural Standard Condition 5]

STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRE-SP-01	Prior to beginning construction, the certificate holder shall provide a copy of a DEQ-approved construction Spill Prevention Control and Countermeasures (SPCC) plan, to be implemented during facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate. [Final Order on ASC (2017), Soil Protection Condition 3]
PRE-SP-02	Prior to construction, the certificate holder shall ensure that the final Revegetation Plan includes a program to protect and restore agricultural soils temporarily disturbed during facility construction. As described in the final order, agriculture soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced. The Revegetation Plan shall be finalized pursuant to Fish and Wildlife Habitat Condition 11. [Final Order on ASC (2017), Soil Protection Condition 4]
PRE-SP-03	Prior to beginning construction of the O&M buildings, the certificate holder shall secure any necessary septic system permits from DEQ. Copies of the necessary permits must be provided to the department prior to beginning construction of the O&M buildings. [Final Order on ASC (2017), Soil Protection Condition 7]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
PRE-LU-01	Before beginning construction, the certificate holder shall complete the following: a. Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and b. Obtain all other necessary local permits, including building permits. c. Provide the county with a building permit application, a third party technical report which includes: 1. Evaluates fire hazards and; 2. Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems. d. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department. [Final Order on ASC (2017), Land Use Condition 3; AMD2 (2018)]
PRE-LU-02	Before beginning construction, the certificate holder shall pay the requisite fee and obtain a Conditional Use Permit as required under Morrow County Zoning Ordinance Article 6 Section 6.015. [Final Order on ASC (2017), Land Use Condition 5]
PRE-LU-03	Before beginning construction, the certificate holder shall prepare a Weed Control Plan that is consistent with Morrow County weed control requirements to be approved by the department. The department shall consult with Morrow County and ODFW. The final plan must be submitted to the department no less than 30 days prior to the beginning of construction. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. [Final Order on ASC (2017), Land Use Condition 6; AMD5 (2020); AMD1 (2020)]
PRE-LU-04	Before beginning construction, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland. [Final Order on ASC (2017), Land Use Condition 7]

PRE-LU-05	Prior to beginning construction, the certificate holder shall consult with surrounding landowners and lessees and shall consider proposed measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs during construction and operation of the facility. Prior to beginning construction, the certificate holder shall provide evidence of this consultation to the department and Morrow County. [Final Order on ASC (2017), Land Use Condition 12; AMD5 (2020); AMD1 (2020)]
PRE-LU-06	Before beginning construction, the certificate holder shall work with the Morrow County Road Department to identify specific construction traffic related concerns, and develop a traffic management plan that specifies necessary traffic control measures to mitigate the effects of the temporary increase in traffic. The certificate holder must provide a copy of the traffic management plan to the department and Morrow County, and must implement the traffic management plan during construction. [Final Order on ASC (2017), Land Use Condition 13]
PRE-LU-07	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Land Use Condition 15; AMD2 (2018)]
PRE-LU-08	Prior to facility construction, the certificate holder shall install gates and no trespassing signs at all private access roads established or improved for the purpose of facility construction and operation if requested by the underlying landowner. [Final Order on ASC (2017), Land Use Condition 18; AMD4 (2019)]
PRE-LU-09	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Land Use Condition 21]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
PRE-RF-01	Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 4] [Mandatory Condition OAR 345-025-0006(8)]
PRE-RF-02	Before beginning construction of the wind energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the wind facility components is $6.2 million dollars (Q2 2020 dollars, to be adjusted to the date of issuance based on the line items and unit costs presented in Table 1 in *Final Order on Amendment 1* dated November 2020), and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition: 1. The certificate holder may adjust the amount of the initial bond or letter of credit based on the final design configuration of the facility. Any revision to the restoration costs should be adjusted to the date of issuance as described in (2) and subject to review and approval by the Council. 2. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: i. Adjust the amount of the bond or letter of credit (expressed in Q2 2020 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the second quarter 2020 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust Q2 2020 dollars to present value.

	ii. Round the result total to the nearest $1,000 to determine the financial assurance amount. 3. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council. 4. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 5; AMD2 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020)]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
PRE-FW-01	Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. The survey shall be planned in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources. The report shall also include an updated version of Table FW-1 Potential Temporary and Permanent Impacts by Habitat Category and Type of the final order, showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction survey shall be used to complete final design, facility layout, and micrositing of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for each transmission structure, wind turbine, access road, and all other facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 1]
PRE-FW-02	Prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of the Final Order on Request for Amendment 5 (2020), based on the final facility design, as approved by the department in consultation with ODFW. a. The final WMMP must be submitted and ODOE's concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility. b. The WMMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020)]

PRE-FW-03	Prior to construction, the certificate holder shall flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to areas with sensitive or protected plant species, including candidate species, wetlands and waterways that are not authorized for construction impacts, areas with seasonal restrictions, and active state sensitive species bird nests. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 8]
PRE-FW-04	Before beginning construction the certificate holder shall prepare and receive approval from the department of a final Habitat Mitigation Plan. The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP. a. The final Habitat Mitigation Plan and the department's approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. b. The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Fish and Wildlife Habitat Condition 1. c. The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plan. d. The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map and available acres by habitat category and subtype in tabular format. e. The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP: i. Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction. ii. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction. f. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area. g. The final HMP shall include mitigation in compliance with the Council's Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity. h. The final HMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments,

	and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 10]
PRE-FW-05	Before beginning construction, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment D of the Final Order on Amendment 5 (2020), from the department, in consultation with Morrow County and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 11; AMD5 (2020); AMD1 (2020)]
STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]	
PRE-TE-01	Prior to construction, the certificate holder shall determine the boundaries of Category 1 Washington ground squirrel habitat. The certificate holder shall hire a qualified professional biologist who has experience in detection of Washington ground squirrel to conduct pre-construction surveys using a survey protocol approved by the department in consultation with ODFW. The biologist shall survey all areas of suitable habitat within 1,000 feet of any ground disturbing activity. Ground disturbing activity refers to any potential impact, whether permanent or temporary. The protocol surveys shall be conducted in the active squirrel season (March 1 to May 31) prior to construction commencement. The protocol survey is valid for three years. If construction begins within three years of conducting the protocol survey, but not within one year of the protocol survey, the certificate holder shall conduct a pre-construction survey only within areas of suitable Washington ground squirrel habitat where ground disturbing activity would occur. The certificate holder shall provide written reports of the surveys to the department and to ODFW and shall identify the boundaries of Category 1 Washington ground squirrel (WGS) habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the department, in consultation with ODFW. The certificate holder shall avoid any permanent or temporary disturbance in all Category 1 WGS habitat. The certificate holder shall ensure that these sensitive areas are correctly marked with exclusion flagging and avoided during construction. [Final Order on ASC (2017), Threatened and Endangered Species Condition 1]
PRE-TE-02	In accordance with Fish and Wildlife Habitat Condition 4, prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of the Final Order on Amendment 5 (2020), based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities. [Final Order on ASC (2017), Threatened and Endangered Species Condition 2]
PRE-TE-03	To avoid potential impacts to Laurent's milkvetch, the certificate holder must: i. Conduct preconstruction plant surveys for Laurent's milkvetch within 100-feet of temporary and permanent disturbance from all facility components, unless extent of survey area within suitable habitat from temporary and permanent disturbance is otherwise agreed upon by the Department on consultation with Oregon Department of Agriculture. If the species is

	found to occur, the certificate holder must install protection flagging around the plant population and avoid any ground disturbance within this zone. ii. Ensure that any plant protection zone established under (i) above is included on construction plans showing the final design locations. iii. If herbicides are used to control weeds, the certificate holder shall follow the manufacturer's guidelines in establishing a buffer area around confirmed populations of Laurent's milkvetch. Herbicides must not be used within the established buffers. iv. If avoidance cannot be maintained, the certificate holder may request that the Department consider an avoidance exception, authorized through Council concurrence as further described below. The exception request must include an impact assessment and mitigation plan for the affected species including but not be limited to: • Literature review and/or field studies that inform the current status of the species within the survey area or region, if survey area does not contain sufficient information to develop a statistically viable approach for determining impact significance; • A description of the individual(s) or population(s) identified within the survey area that would be avoided and impacted; • An evaluation of facility impacts on the survival or recovery of the species, in accordance with the Threatened and Endangered Species standard; • Proposed mitigation measures such as: funded studies that improve understanding of reproductive biology and pollination; development of seed germination, propagation, and transplanting protocols; and/or, compensatory mitigation project including conservation easement(s) and species propagation, protection, and habitat enhancement measures, and/or other proposed mitigation measures that would benefit the affected species. • The Department's review and determination of the exception request shall be conducted in consultation with the Oregon Department of Agriculture, or a third-party consultant. The Department's determination on the exception request must be concurred with by Council. Council retains authority to reject, modify or concur with the exception request. [Final Order on ASC (2017), Threatened and Endangered Species Condition 3; AMD3 (2018); AMD4 (2019)]
STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
PRE-HC-01	Before beginning construction, the certificate holder shall provide to the department a map showing the final design locations of all components of the facility, the areas that will be temporarily disturbed during construction and the areas that were surveyed in 2013-14 for historic, cultural, and archaeological resources. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 1]
PRE-HC-02	Before beginning construction, the certificate holder shall mark the buffer areas established under Historic, Cultural, and Archeological Resources Condition 3 for all identified historic, cultural, or archaeological resource sites (including those of unknown age) on construction maps and drawings as "no entry" areas. A copy of current maps and drawings must be maintained onsite during construction and made available to the department upon request. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 2]
PRE-HC-03	Before beginning construction, the certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-0070, trains construction contractors on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the department upon request.

	[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 4]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
PRE-PS-01	Prior to construction, the certificate holder shall prepare a Traffic Management Plan that includes the procedures and actions described in this order and the mitigation measures identified in ASC Exhibit U, Section 3.5.4. The plan shall be approved by the department in consultation with the appropriate transportation service providers. The plan shall be maintained onsite and implemented throughout construction of the facility. In addition, the certificate holder shall include the following information in the plan: a. Procedures to provide advance notice to all affected local jurisdictions and adjacent landowners of construction deliveries and the potential for heavy traffic on local roads; b. A policy of including traffic control procedures in contract specifications for construction of the facility; c. Procedures to maintain at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles; d. A policy of ensuring that no equipment or machinery is parked or stored on any county road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within county rights-of-way with the approval of the Morrow County Public Works Department; e. A policy to encourage and promote carpooling for the construction workforce; and f. Procedures to keep state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points. [Final Order on ASC (2017), Public Services Condition 6; AMD1 (2020)]
PRE-PS-02	Before beginning construction, the certificate holder must enter into Road Use Agreements with the Morrow County Public Works Departments. The Agreements must include, at a minimum, a pre-construction assessment of road surfaces under Morrow County jurisdiction, construction monitoring, and post-construction inspection and repair. A copy of the Road Use Agreements with Morrow County must be submitted to the department before beginning construction. If required by Morrow County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility. [Final Order on ASC (2017), Public Services Condition 7; AMD1 (2020)]
PRE-PS-03	The certificate holder shall design and construct new access roads and private road improvements to standards approved by Morrow County. Where modifications of county roads are necessary, the certificate holder shall construct the modifications entirely within the county road rights-of-way and in conformance with county road design standards subject to the approval of the Morrow County Public Works Departments. [Final Order on ASC (2017), Public Services Condition 8; AMD1 (2020)]
PRE-PS-04	Before beginning construction, the certificate holder shall submit to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration for each turbine. Before beginning construction, the certificate holder shall submit to the department the results of the Oregon Department of Aviation aeronautical study and determination. If the department, in consultation with the Oregon Department of Aviation, determines that any turbine would adversely impact an airport's ability to provide service by obstructing the airport's primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction. [Final Order on ASC (2017), Public Services Condition 9]
PRE-PS-05	Prior to construction, the certificate holder shall prepare an Emergency Management Plan that includes the procedures and actions described in this order and in ASC Exhibit U. The certificate holder shall submit the plan to ODOE for review and approval in consultation with the appropriate local fire protection districts (including the City of Heppner Volunteer Fire Department and Ione

	Rural Fire Protection District) prior to construction. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. Any updates to the plan shall be provided to the department within 30 days. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility. Additional information that shall be included in the plan: a. Current contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information. b. Identification of agencies that participated in developing the plan; c. Identification of agencies that are designated as first response agencies or are included in any mutual aid agreements with the facility; d. A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility; e. Contact information for each agency listed above; f. Communication protocols for both routine and emergency events and the incident command system to be used in the event a fire response by multiple agencies is needed at the facility; g. Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place; h. The designated meeting location in case of evacuation; i. Staff training requirements; and Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site. [Final Order on ASC (2017), Public Services Condition 13; AMD1 (2020)]
PRE-PS-06	Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan will include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the facility, and available upon request by the department. [Final Order on ASC (2017), Public Services Condition 20]
PRE-PS-07	Before beginning construction, the certificate holder shall ensure that all construction workers are certified in first aid, cardio pulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that construction activities are occurring. [Final Order on ASC (2017), Public Services Condition 21]
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
PRE-WM-01	Prior to construction, the certificate holder shall develop a construction waste management plan, to be implemented during all phases of facility construction, which includes at a minimum the following details:

	a. Specification of the number and types of waste containers to be maintained at construction sites and construction yards b. Description of waste segregation methods for recycling or disposal. c. Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements to be used during construction. The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a). [Final Order on ASC (2017), Waste Minimization Condition 2]
PRE-WM-02	Prior to construction, the certificate holder shall investigate and confirm that no surfaces waters, shallow groundwater, or drinking water sources will be adversely impacted by the usage of concrete washout water in the foundations of facility components, and shall submit an investigation report to the department. Prior to construction, the department, in consultation with DEQ, shall review the results of the investigation report and shall verify that the plan to dispose of concrete washout water in the foundations of facility components is unlikely to adversely impact surface waters, shallow groundwater, or drinking water sources. The applicant's investigation shall be based on the anticipated final facility layout and design. If the results of the investigation show that the proposed concrete washout water disposal method would cause adverse impacts to surface water, shallow groundwater, or drinking water sources, the applicant shall propose mitigation measures to reduce potential impacts, for review and approval by the department in consultation with DEQ, prior to construction. [Final Order on ASC (2017), Waste Minimization Condition 3]

STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
PRE-TL-01	Prior to construction, the certificate holder shall schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities. [Final Order on ASC (2017), Siting Standard Condition 2]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
PRE-NC-01	Prior to construction, the certificate holder shall provide to the department: a. Information that identifies the final design locations of all facility components to be built at the facility; b. The maximum sound power level for the facility components and the maximum sound power level and octave band data for the turbine type(s), transformers (substation), invertors, AC- and DC-coupled battery storage cooling system selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the department; c. The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the department that the total noise generated by the facility (including turbines, transformers, invertors, AC- and DC-coupled battery storage cooling systems) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below. The analysis must also identify the noise reduction operation (NRO) mode approach that will be used during facility operation and include a figure that depicts the turbines that will be operating in NRO mode and the associated dBA reduction level; if required to meet the maximum allowable decibel threshold of 50 dBA; and, d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the wind energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. [Final Order on ASC (2017), Noise Control Condition 2; AMD3 (2018); AMD1 (2020)]

4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
CON-SP-01	During construction, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan (ESCP) that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C. [Final Order on ASC (2017), Soil Protection Condition 1]
CON-SP-02	During construction, the erosion and sediment control best management practices and measures as described in ASC Exhibit I, Section 5.2 and listed in the final order approving the site certificate shall be included and implemented as part of the final ESCP. [Final Order on ASC (2017), Soil Protection Condition 2]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
CON-LU-01	During construction, the certificate holder shall comply with the following requirements: a. Construction vehicles shall use previously disturbed areas including existing roadways and tracks. b. Temporary construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable. c. New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards. d. Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable. [Final Order on ASC (2017), Land Use Condition 8]
CON-LU-02	During construction, the certificate holder shall install smooth turbine tower structures and turbine nacelles that lack perching or nesting opportunities for birds. [Final Order on ASC (2017), Land Use Condition 17]
CON-LU-03	During construction, the certificate holder shall install the electrical cable collector system underground, where practicable. In agricultural areas, the collector system lines must be installed at a depth of 3 feet or deeper as necessary to prevent adverse impacts on agriculture operations. In all other areas, the collector system lines must be installed a minimum of 3 feet where practicable. [Final Order on ASC (2017), Land Use Condition 19]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
CON-FW-01	No construction shall occur in mule deer winter range during winter, defined as December 1 to March 31. Mule deer winter range is based on data to be provided by ODFW at the time of construction. Upon request by the certificate holder, the Department may provide exceptions to this restriction. The certificate holder's request must include a justification for the request including any actions the certificate holder will take to avoid, minimize or mitigate impacts to mule deer winter range during winter in the relevant area. The Department will consult with ODFW on any request made under this condition. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 3; AMD4 (2019)]

<table>
<tr><td>CON-FW-02</td><td>Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities within 0.25-mile of previously identified active nest sites are scheduled to avoid the sensitive nesting and breeding season. Previously identified active nest sites are those identified through the pre-construction raptor nest survey as required through Condition PRE-FW-01 and may also include any previously identified active nest sites from previous surveys.

During construction within the time periods listed below, the certificate holder shall implement buffer zones around active nest sites of the species listed below. Active nest sites shall be identified based on the Condition PRE-FW-01 pre-construction nest survey and be monitored during construction by a biological monitor, both of which shall be based on a protocol approved by the Department in consultation with ODFW- specifying methodology and frequency of monitoring. No ground-disturbing activities within the buffer zone shall occur during the seasonal restrictions. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid ground-disturbing activity within the buffer zone during construction activities.

<table><tr><th>Sensitive Status Species</th><th>Buffer Size (Radius Around Nest Site):</th><th>Sensitive Nesting and Breeding Season :</th></tr><tr><td>Western burrowing owl</td><td>0.25 mile</td><td>April 1 to August 15</td></tr><tr><td>Ferruginous hawk</td><td>0.25 mile</td><td>March 15 to August 15</td></tr><tr><td>Swainson’s hawk</td><td>0.25 mile</td><td>April 1 to August 15</td></tr></table>
If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance.
[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 5; AMD3 (2018); AMD4 (2019)]</td></tr>
<tr><td>CON-FW-03</td><td>During construction, the certificate holder shall employ a qualified environmental professional to provide environmental training to all personnel prior to working onsite, related to sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. All personnel shall be given clear maps showing areas that are off-limits for construction, and shall be prohibited from working outside of the areas in the site boundary that have been surveyed and approved for construction. The certificate holder shall instruct construction personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager. Records of completed training shall be maintained onsite and made available to the department upon request.
[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 7]</td></tr>
<tr><td>CON-FW-04</td><td>During construction, the certificate holder shall employ at a minimum one environmental inspector to be onsite daily. The environmental inspector shall oversee permit compliance and construction, and ensure that known sensitive environmental resources are protected. The environmental inspector shall prepare a weekly report during construction, documenting permit compliance and documenting any corrective actions taken. Reports shall be kept on file and available for inspection by the department upon request.
[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 9]</td></tr>
</table>

STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
CON-HC-01	Prior to construction activities, the certificate holder must flag or otherwise mark a 200-foot avoidance buffer around historic archaeological sites, as identified by the maps and drawings prepared in accordance with Historic, Cultural, and Archeological Resources Conditions 1 and 2. No disturbance is allowed within the buffer zones, unless resources assumed likely NRHP eligible (e.g. 6B2H-MC-ISO-17, WRII-BB-IS-01, WRII-DM-04) are concurred not likely NRHP eligible through SHPO review; or, a Historic, Cultural, and Archaeological Resources mitigation plan is submitted and accepted by the Department and SHPO which includes measures such as: additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with SHPO. For historic archaeological sites, an archeological monitor must be present if construction activities are required within 200-feet of sites identified as potentially eligible for listing on the National Register of Historic Places (NRHP) unless otherwise agreed to by the Department and SHPO. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within buffer areas. Flagging or marking must be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 3; AMD4 (2019)]
CON-HC-02	During construction, the certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archeological or cultural resources are found during construction of the facility until a qualified archeologist can evaluate the significance of the find. The certificate holder shall notify the department and the Oregon State Historic Preservation Office (SHPO) of the find. If ODOE, in consultation with SHPO, determines that the resource meets the definition of an archaeological object, archaeological site, or is eligible or likely to be eligible for listing on the (NRHP), the certificate holder shall, in consultation with the department, SHPO, interested Tribes and other appropriate parties, make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery. The certificate holder shall not restart work in the affected area until the department, in consultation with SHPO, agree that the certificate holder has demonstrated that it has complied with archeological resources protection regulations. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 5]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
CON-PS-01	During construction, the certificate holder shall include the following additional measures in the construction waste management plan required by Waste Minimization Condition 2: a. Recycling steel and other metal scrap. b. Recycling wood waste. c. Recycling packaging wastes such as paper and cardboard. d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured. e. Segregating all hazardous and universal wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.

	f. Discharging concrete truck rinse-out within foundation holes, completing truck wash-down off-site, and burying other concrete waste as fill on-site whenever possible. [Final Order on ASC (2017), Public Services Condition 3]
CON-PS-02	During construction of the facility, the certificate holder shall provide for 24-hour on-site security, and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office. [Final Order on ASC (2017), Public Services Condition 10; AMD1 (2020)]
CON-PS-03	During construction of the facility, the certificate holder shall ensure that turbine construction personnel are trained and equipped for fall protection, high angle, and confined space rescue. The certificate holder must retain records of the training and provide them to the department upon request. [Final Order on ASC (2017), Public Services Condition 14]
CON-PS-04	During construction, the certificate holder shall design turbines to be constructed on concrete pads with a minimum of 10 feet of nonflammable and non-erosive ground cover on all sides. The certificate holder shall cover turbine pad areas with nonflammable, non-erosive material immediately following exposure during construction and shall maintain the pad area covering during facility operation. [Final Order on ASC (2017), Public Services Condition 16]
CON-PS-05	During construction the certificate holder must maintain an area clear of vegetation for fire prevention around construction sites, including turbines and towers and any areas where work includes welding, cutting, grinding, or other flame- or spark-producing operations. [Final Order on ASC (2017), Public Services Condition 17]
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
CON-WM-01	During construction, the certificate holder shall require construction contractors to complete the following for any off-site disposal of excess soil during construction activities: a. Obtain and provide the certificate holder with a signed consent agreement between contractor and the party receiving the earth materials authorizing the acceptance and disposal of the excess soil; and, b. Confirm that all disposal sites have been inspected and approved by the certificate holder's environmental personnel to ensure that sensitive environmental resources, such as wetlands or high quality habitats, would not be impacted. The certificate holder shall maintain copies of all signed consent agreements and disposal site inspection and approvals onsite and shall provide to the department in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a). [Final Order on ASC (2017), Waste Minimization Condition 1]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
CON-WF-01	During construction, the certificate holder shall install pad-mounted step-up transformers at the base of each tower in steel boxes designed to protect the public from electrical hazards. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 1]
CON-WF-02	Prior to and during operations the certificate holder shall: a. Install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, connected to a fault annunciation panel or supervisory control and data acquisition (SCADA) system to alert operators to potentially dangerous conditions. b. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical

	problem causing a fire. The certificate holder shall immediately remedy any dangerous conditions. c. Submit to the Department materials or other documentation demonstrating the facility's operational safety-monitoring program and cause analysis program, for review and approval. The program shall, at a minimum, include requirements for regular turbine blade and turbine tower component inspections and maintenance, based on wind turbine manufacturer recommended frequency. d. The certificate holder shall document inspection and maintenance activities including but not limited to date, turbine number, inspection type (regular or other), turbine tower and blade condition, maintenance requirements (i.e. equipment used, component repair or replacement description, impacted area location and size), and wind turbine operating status. This information shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility's annual compliance report. e. In the event of blade or tower failure, the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 90-days of blade or tower failure event, submit a cause analysis to the Department for its compliance evaluation. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 4; AMD3 (2018)]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
CON-TL-01	During construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields and submit verification to the Department, including: a. Constructing all aboveground collector and transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line. b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground. c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground. d. Developing and implementing a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, irrigation systems, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line (OAR 345-025-0010(4)). e. Providing to landowners a map of underground, with any applicable NESC demarking for underground facilities, and overhead transmission lines on their property and advising landowners of possible health and safety risks from induced currents caused by electric and magnetic fields. f. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public. g. Increasing the intraconnection transmission line height, shielding the electric field, or installing access barriers, if needed, to prevent induced current and nuisance shock of mobile vehicles. h. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable. i. Designing, constructing and operating the transmission line in accordance with the requirements of the version of the National Electrical Safety Code that is most current at

	the time that final engineering of each of these components is completed (OAR 345-025-0010(4)). j. Implement a safety protocol to ensure adherence to NESC grounding requirements [Final Order on ASC (2017), Siting Standard Condition 1; AMD4 (2019)]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
CON-NC-01	During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall: a. Establish and enforce construction site and access road speed limits; b. Utilize electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible; c. Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties; d. Utilize noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only; e. Equip all noise-producing construction equipment and vehicles using internal combustion engines with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and, f. Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request. [Final Order on ASC (2017), Noise Control Condition 1]

4.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	

PRO-SP-01	Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required per DEQ's Hazardous Waste Program. If an SPCC plan is not required, the certificate holder shall prepare and submit to the Department for review and approval an operational Spill Prevention and Management plan. The Spill Prevention and Management Plan shall include at a minimum the following procedures and BMPs:
	• Procedures for oil and hazardous material emergency response consistent with OAR 340, Division 100-122 and 142
	• Procedures demonstrating compliance with all applicable local, state, and federal environmental laws and regulations for handling hazardous materials used onsite in a manner that protects public health, safety, and the environment
	• Current inventory (type and quantity) of all hazardous materials stored onsite, specifying the amounts at each O&M building, substation and battery storage system components
	• Restriction limiting onsite storage of diesel fuel or gasoline
	• Requirement to store lubricating and dielectric oils in quantities equal to or greater than 55-gallons in qualified oil-filled equipment
	• Preventative measures and procedures to avoid spills
	  ○ Procedures for chemical storage
	  ○ Procedures for chemical transfer
	  ○ Procedures for chemical transportation
	  ○ Procedures for fueling and maintenance of equipment and vehicles
	  ○ Employee training and education
	• Clean-up and response procedures, in case of an accidental spill or release
	• Proper storage procedures
	• Reporting procedures in case of an accidental spill or release
	[Final Order on ASC (2017), Soil Protection Condition 5; AMD2 (2017)]

STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
PRO-PS-01	Prior to operation of the facility, the certificate holder shall ensure that operations personnel are trained and equipped for fall protection and tower rescue, including high angle and confined space rescue. Refresher training in high angle and confined space rescue must be provided to operations personnel on an annual basis throughout the operational life of the facility. The certificate holder must retain records of the training and provide them to the department upon request. [Final Order on ASC (2017), Public Services Condition 15]
PRO-PS-02	Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first-responders included in the Emergency Management Plan. The certificate holder must indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate

	holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. [Final Order on ASC (2017), Public Services Condition 19]
PRO-PS-03	Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that operations and maintenance personnel are at the facility. [Final Order on ASC (2017), Public Services Condition 22]

4.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
OPR-GS-01	The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility. [Final Order on ASC (2017), Mandatory Condition 1] [OAR 345-025-0006(2)]]
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
OPR-SP-01	During facility operation, the certificate holder shall: a. Routinely inspect and maintain all facility components including roads, pads, and other facility components and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion. b. Restrict vehicles to constructed access roads, and ensure material laydown or other maintenance activities occur within graveled areas or within the maintenance area of the O&M buildings to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility. c. If in order to serve the operational needs of the energy facility, or related and supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction. [Final Order on ASC (2017), Soil Protection Condition 6]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
OPR-LU-01	Within one month of commencement of commercial operation, the certificate holder shall submit an as-built survey for each construction phase that demonstrates compliance with the setback requirements in Land Use Condition 1 to the department and Morrow County. [Final Order on ASC (2017), Land Use Condition 2]
OPR-LU-02	During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11. [Final Order on ASC (2017), Land Use Condition 10]
OPR-LU-03	Before beginning decommissioning activities, the certificate holder must provide a copy of the final retirement plan to Morrow County. [Final Order on ASC (2017), Land Use Condition 23; AMD1 (2020)]
OPR-LU-04	Before beginning electrical production, the certificate holder shall prepare an Operating and Facility Maintenance Plan (Plan) and submit the Plan to the department for approval in consultation with Morrow County. [Final Order on ASC (2017), Land Use Condition 25; AMD1 (2020)]

OPR-LU-05	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Land Use Condition 26; AMD1 (2020)]
OPR-LU-06	Prior to facility retirement, the certificate holder must include the following minimum restoration activities in the proposed final retirement plan it submits to the Council pursuant to OAR 345-025-0006(9) or its equivalent: 1. Dismantle turbines, towers, pad mounted transformers, meteorological towers and related aboveground equipment, and remove concrete pads to a depth of at least three feet below the surface grade. 2. Remove underground collection and communication cables that are buried less than three feet in depth and are deemed by Council to be a hazard or a source of interference with surface resource uses. 3. Remove gravel from areas surrounding turbine pads. 4. Remove and restore private access roads unless the landowners directs otherwise. 5. Following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses. 6. Revegetate disturbed areas in consultation with the land owner and in a manner consistent with the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11. 7. If the landowner wishes to retain certain facilities, provide a letter from the land owner that identifies the roads, cleared pads, fences, gates and other improvements to be retained and a commitment from the land owner to maintain the identified facilities for farm or other purposes permitted under the applicable zone. [Final Order on ASC (2017), Land Use Condition 27]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
OPR-RF-01	During facility operation, the certificate holder shall: (a) Conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall submit copies of inspection documentation in its annual report to the Department. (b) Provide evidence in its annual report to the Department of active property coverage under its commercial business insurance from high loss-catastrophic events, including but not limited to, onsite fire or explosion. [Final Order on AMD2 (2018), Retirement and Financial Assurance Condition 6]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
OPR-PS-01	During operation of the facility, the certificate holder shall discharge sanitary wastewater generated at the O&M buildings to licensed on-site septic systems in compliance with State permit requirements. The certificate holder shall design each septic system for a discharge capacity of less than 2,500 gallons per day. [Final Order on ASC (2017), Public Services Condition 1]
OPR-PS-02	Except as provided in this condition, during facility operation, the certificate holder shall obtain water for on-site uses from on-site wells located near the O&M buildings. The certificate holder shall construct on-site wells subject to compliance with the provisions of ORS 537.765 relating to keeping a well log. The certificate holder shall not use more than 5,000 gallons of water per day from each of the two on-site wells. The certificate holder may obtain water from other sources for on-site uses subject to prior approval by the Department. [Final Order on ASC (2017), Public Services Condition 2]

OPR-PS-03	(a) Prior to operation, the certificate holder shall submit to the Department for approval its Operational Waste Management Plan that includes but is not limited to the following: 1. Onsite handling procedure for operational replacement of damaged, defective or recalled lithium-ion batteries. The procedure shall identify applicable 49 CFR 173.185 provisions and address, at a minimum, onsite handling, packaging, interim storage, and segregation requirements. 2. Training employees to handle, replace, and store damaged, defective or recalled lithium-ion batteries; minimize and recycle solid waste. 3. Recycling paper products, metals, glass, and plastics. 4. Recycling used oil and hydraulic fluid. 5. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, Section 5.000 Public Responsibilities, 5.010 Transportation of Solid Waste and 5.030 Responsibility for Propose Disposal of Hazardous Waste which requires that all loads be covered and secured and that operators be responsible for hazardous waste disposal in accordance with applicable regulatory requirements. 6. Segregating all hazardous and universal, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights, lithium-ion batteries, lead-acid and nickel-cadmium batteries, and replaced, damaged, defective or recalled lithium-ion batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes. (b) During operation, the certificate holder shall implement the approved Operational Waste Management Plan. [Final Order on ASC (2017), Public Services Condition 4; AMD2 (2018)]
OPR-PS-04	During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site. [Final Order on ASC (2017), Public Services Condition 12]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
OPR-WF-01	During operation, the certificate holder shall ensure each facility substation and battery storage systems are enclosed with appropriate fencing and locked gates to protect the public from electrical hazards. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 2; AMD2 (2018)]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
OPR-TL-01	During operation, the certificate holder shall: (1) Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement. (2) File the following required information with the Commission: a. 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission's authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS

	757.035 must provide the commission with the following information before January 2 of each even-numbered year: i. The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; and ii. The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public. iii. In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line changes, the person who engages in the operation of the electric power line must notify the commission of the change as soon as practicable, but no later than within 90 days. iv. If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3] (3) Provide OPUC Safety Staff with: a. Maps and Drawings of routes and installation of electrical supply lines showing: • Transmission lines and structures (over 50,000 Volts) • Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts) • Substations, roads and highways • Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer). [Final Order on ASC (2017), Siting Standard Condition 3]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
OPR-NC-01	During operation of the facility, if required to meet the maximum allowable decibel threshold of 50 dBA, the certificate holder shall only operate the facility in the NRO mode that is identified prior to construction pursuant to Noise Control Condition 2. After beginning operation of the facility, the certificate holder shall include a certification in its annual Compliance Report that the NRO mode turbines identified in the preconstruction analysis required by Noise Control Condition 2 are operating at or below the identified dBA reduction level. [Final Order on ASC (2017), Noise Control Condition 3]
OPR-NC-02	During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint. [Final Order on ASC (2017), Noise Control Condition 4]
OPR-NC-03	During operation, in response to a complaint from the owner of a noise sensitive property regarding noise levels from the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating in compliance with the noise control regulations. The monitoring plan must be reviewed and

	approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder. [Final Order on ASC (2017), Noise Control Condition 5]

4.7 Retirement Conditions (RET)

Condition Number	Retirement (RET) Conditions
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
RET-RF-01	The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-025-0006(9). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 2] [Mandatory Condition OAR 345-025-0006(9)]
RET-RF-02	If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-025-0006(9), the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council's approval. Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in section (8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 3] [Mandatory Condition OAR 345-025-0006(16)]

5.0 Successors and Assigns

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.

6.0 Severability and Construction

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

7.0 Execution

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

IN WITNESS THEREOF, this amended site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Wheatridge Wind II, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (certificate holder owner).

ENERGY FACILITY SITING COUNCIL

Hanley Jenkins, II

By: Hanley Jenkins, II (Dec 2, 2020 12:44 PST)

Hanley Jenkins, II, Chair

Oregon Energy Facility Siting Council

Date: Dec 2, 2020

WHEATRIDGE WIND II, LLC

By: _____

Matthew Handel, Vice President Development, NextEra Energy Resources, LLC on behalf of Wheatridge Wind II, LLC

Date: 12/10/2020

Attachment A
WREFII Site Boundary Map

Wheatridge Renewable Energy Facility II

Figure 2
Wheatridge Renewable Energy Facility II
Proposed Site Boundary

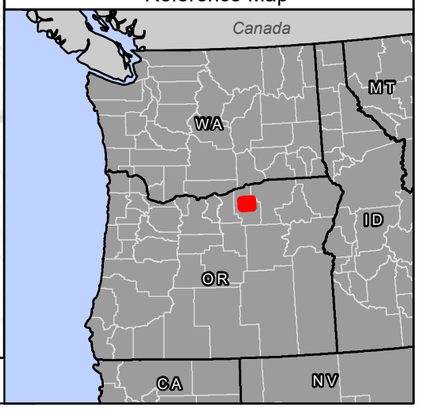
UMATILLA COUNTY, OR

- Wheatridge Renewable Energy Facility II
- Overlapping Site Boundary (WREFI)
- Overlapping Site Boundary (WREFE)
- Overlapping Site Boundary (WREFIII)
- State Highway
- Local Road

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map



1:75,000 WGS 1984 UTM Zone 11N

0 0.5 1 2 3 4 Miles

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Attachment A-2: WREFIII Site Certificate

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

Site Certificate for the

Wheatridge Renewable Energy Facility III

ISSUANCE DATE

Site Certificate **November 19, 2020**

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Table of Contents

Attachments

Attachment A	Facility Site Boundary Map

Acronyms and Abbreviations

ASC	Application for Site Certificate
BMP	Best Management Practice
Council or EFSC	Oregon Energy Facility Siting Council
Department or ODOE	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
HMP	Habitat Mitigation Plan
NEER	NextEra Energy Resources, LLC
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
NRHP	National Register of Historic Places
WGS	Washington Ground Squirrel
WMMP	Wildlife Monitoring and Mitigation Plan
WREFI	Wheatridge Renewable Energy Facility I
WREFII	Wheatridge Renewable Energy Facility II
WREFIII	Wheatridge Renewable Energy Facility III
WREFE	Wheatridge Renewable Energy Facility East

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Wheatridge Solar Energy Center, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (NEER, certificate holder owner). As authorized under Oregon Revised Statue (ORS) Chapter 469, the Council issues this site certificate authorizing certificate holder to construct, operate and retire the Wheatridge Renewable Energy Facility III (facility) at the below described site within Morrow County subject to the conditions set forth herein.

Both the State and certificate holder must abide by local ordinances, state law and the rules of the Council in effect on the date this site certificate is executed. However, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules (ORS 469.401(2)).

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents approved for the Wheatridge Wind Energy Facility, incorporated herein by this reference: (1) the *Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility* issued on April 28, 2017 (hereafter, *Final Order on the Application*); (2) *Final Order on Request for Transfer* issued on July 27, 2017; (3) *Final Order on Request for Amendment 3* issued on November 16, 2018; (4) *Final Order on Request for Amendment 2* issued on December 14, 2018; *Final Order on Request for Amendment 4* issued on November 22, 2019; and (5) *Final Order on Request for Amendment 5* issued May 22, 2020. In addition, the findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents approved for the Wheatridge Renewable Energy Facility II (WREFII), incorporated herein by this reference: (1) *Final Order on Request for Amendment 1* issued November 19, 2020.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following documents approved for WREFII, in order of priority: (1) *Final Order on Request for Amendment 1;* and for the Wheatridge Wind Energy Facility, in order of priority: (2) *Final Order on Request for Amendment 5;* (3) *Final Order on Request for Amendment 4;* (4) *Final Order on Request for Amendment 2*; (5) *Final Order on Request for Amendment 3*; (6) *Final Order on Request for Amendment 1*; (7) *Final Order on the Application*, and (6) the record of the proceedings that led to the above referenced orders.

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

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

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0410 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

2.0 Facility Location

The Wheatridge Renewable Energy Facility III (WREFIII), is a solar facility generating up to 150 MW of solar energy. The energy facility and its related or supporting facilities are located within Morrow County. The site boundary, as defined in OAR 345-001-0010, encompasses approximately 2,294 acres of private land and includes two solar array facilities and distributed energy storage within micrositing

corridors, related or supporting facilities, including 34.5 kV collector lines above or below ground within a perimeter fence and outside a fenced area in two routes, service roads, 5 acre substation, and 41 distributed battery storage sites for lithium-ion batteries proposed by the certificate holder, as approved by the Council.[1] Shared (WREFI, WREFII and WREFIII) Related or Supporting Facilities is discussed further in Section 3.3 below.

WREFIII components are located entirely within Morrow County, bisected by Oregon Highway 207, approximately 5 miles northeast of Lexington and approximately 7 miles northwest of Heppner. Previously approved facility components that are shared between WREFII and WREFIII include a collector substation, access roads, temporary laydown areas and the O&M building, all of which are reflected in both WREFII and WREFIII site certificates. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. Portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, and WREFIII.

2.1 Site Boundary

The site boundary encompasses a total of 2,294 acres of privately owned land. Table 1 identifies the Public Land Survey System sections in which the site boundary is located.

Table 1. Location of Site Boundary by Township, Range and Section

Township	Range	Section(s)
1N	25E	13, 24
1N	26E	6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 29, 30

For this facility, the certificate holder requested that the site boundary represent the "micrositing corridor" for the placement of facility components to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. The Council permits final siting flexibility within a micrositing corridor when the certificate holder demonstrates that requirements of all applicable standards have been satisfied by adequately evaluating the entire corridor and location of facility components anywhere within the corridor.

2.2 Micrositing Corridors

The certificate holder requested flexibility to locate components of the energy facility and its related or supporting facilities within a micrositing corridor to allow adjustment of the specific location of components, while establishing outer boundaries of potential construction for purposes of evaluating potential impacts.

Micrositing corridors for solar facility components, as presented in Figure 1 *Solar Micrositing Corridors* of this amended site certificate, include the area for Solar Array 1 and Solar Array 2, which includes private access roads, service roads, a 34.5 kV collection system, gates and perimeter security fence.

[1] Energy facility site, as defined in OAR 345-001-0010(54), means all land upon which an energy facility is located or proposed to be located.

3.0 Facility Description

The facility includes solar energy generation components, each with related or supporting facilities. The energy generation capacity of the facility at full build out by the specified construction completion deadlines is 150 MW. Solar energy facility components are further described in Section 3.2 and 3.2.1 of this site certificate.

As presented in the ASC, the facility will be constructed in phases. In accordance with ORS 469.300(6), preconstruction conditions may be satisfied for the applicable phase, facility component or for the facility, as applicable, based on final design and configuration.

3.1 Solar Energy Facility Components

The construction commencement deadline for the 150 MW solar energy facility and its related or supporting facilities must begin by November 22, 2022 (under General Standard Condition 1 (GEN-GS-01) and construction of these components must be completed on or before November 22, 2025 (under General Standard Condition 2 (GEN-GS-02).

Solar energy facility components include up to two solar arrays located within Wheatridge West, entirely within Morrow County, on Exclusive Farm Use zoned land. The solar arrays consist of photovoltaic panels mounted onto tracking modules and arranged in strings within the solar micrositing corridors. Strings of modules are connected by electrical collector lines and inverters that convert the direct current power generated by panels to alternating current power. Transformers placed near the inverters step up power to 34.5 kV for transmission to the Wheatridge West substation. The maximum layout including total number of modules, configuration, dimensions, total energy generating capacity and mounting system of solar array components shall be substantially as described in Request for Amendment 4.

Photovoltaic Modules and Racking

Each solar module is approximately 6 feet by 3 feet, placed on a nonspecular, galvanized steel rack. Each set of approximately 70 racked modules is mounted approximately 5 feet off the ground on a single-axis tracker that would rotate 60 degrees to the east and west. Each tracker is supported by steel posts; post depth varies depending on soil conditions, but the posts are typically placed 8 feet below the surface. The maximum of height of the modules at full tilt would be approximately 16 feet.

Combiner Boxes, Inverters and Transformers

The current produced by solar modules is in the form of direct current (DC). Within each module block, several DC electrical conduits (cables on the back of the modules) aggregate electricity produced from each of the modules into a combiner box. Approximately 18 combiner boxes are located throughout each module block for a total of approximately 740 combiner boxes. The photovoltaic modules are arranged into blocks, with each block connecting via collector lines to approximately 41 modular inverter enclosures. Inverters convert DC current into alternating current (AC) power to then be transmitted to the grid. The inverter AC output voltage (480 volts) is stepped up to a higher voltage (34.5 kilovolts [kV]) by approximately 41 pad-mounted transformers designed to integrate with the inverter.

3.1.1 Related or Supporting Facility to Solar Energy Facility Components

Related or supporting facilities associated with the solar facility must begin construction by the dates described in General Standard Condition 1 (GEN-GS-01) and construction must be completed, substantially as described below, by the deadline stabled in General Standard Condition 2 (GEN-GS-02).

Electrical Collection System

Electricity generated from the solar energy facility components are aggregated via underground 34.5 kV cables to an above- or belowground 34.5 kV collector line that interconnect to Wheatridge West collector substation. Underground AC electrical cables are buried to a minimum of 3 feet. Overhead collector lines are supported by a wooden or steel monopole structure, with foundations extending 6 feet in depth and structure height of approximately 60 feet above ground. The collection system also includes two 34.5 kV collector line routes outside of the perimeter fenceline; one route extends approximately 2.32 miles from Solar Array 1 to Wheatridge West collector substation. The second collector line interconnects Solar Array 1 to Solar Array 2 and extends approximately 0.66 miles along Bombing Range Road.

Service Roads, Gates, and Fencing

Service roads, approximately 16-feet wide, located within and around the perimeter of the proposed solar arrays, and within the solar micrositing corridors, to facilitate access for construction and maintenance purposes. Vegetation is cleared and maintained along perimeter roads to provide a vegetation clearance area extending 100-feet wide for fire safety. Internal roads are all-weather, compacted gravel and approximately 20 feet wide, with an internal turning radius of 28 feet. Vegetation maintenance along solar array interior roads includes mowing to a height no more than 3 inches.

The perimeter service road is bordered by a 7 or 8-foot-high chain-link security fence. There is also a locked security entrance gates to allow vehicle and pedestrian access.

Wheatridge West Collector Substation Expansion

Wheatridge West collector substation (by Strawberry Lane) includes 10 acres, 5 of which accommodate electrical equipment such as an additional transformer, switches, protective relay and metering equipment needed to handle the power generated by the solar energy facility components.

Battery Storage System Sites – Distributed Locations (AC Coupled)

Solar energy facility components include approximately 41 distributed sites of sites of lithium-ion batteries housed within concrete containers or similar containment throughout and within the solar array fencelines. Each container measures up to 12 feet wide, 36 feet long and 10 feet tall. Lithium-ion battery storage systems are modular systems. Each module contains multiple smaller battery cells, each measuring up to 3.2 by 7 centimeters. Modules are contained in anchored racks within the concrete containers; typically, each rack houses 12 battery modules along with a switchgear assembly. Cooling equipment is located either on top of the concrete containers or along the side.

3.2 Shared (WREFI, WREFII and WREFIII) Related or Supporting Facilities

Previously approved facility components that are shared between WREFII and WREFIII include a collector substation, access roads, temporary laydown areas and the O&M building, all of which are reflected in both WREFII and WREFIII site certificates. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. Portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, and WREFIII. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under both site certificates, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

The certificate holder is authorized to share related or supporting facilities with the WREFI and WREFII facilities, including the Wheatridge West collector substation, temporary laydown areas, and access roads. These related or supporting facilities are also included in both WREFI and WREFII site certificates. Compliance with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities are shared between certificate holders. In accordance with Organizational Expertise Condition 11, if either certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, both certificate holders are obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a “Common Facilities Agreement” or similarly legally binding agreement has been fully executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

4.0 Site Certificate Conditions

4.1 Condition Format

The conditions in Sections 4.2 through 4.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.)[2]. The table below presents a "key" for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as "GS"; the Soil Protection standard is represented in the condition numbering as "SP" and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council's General Standard of Review, and is condition number 1.

This site certificate contains conditions initially imposed in the Wheatridge Wind Energy Facility site certificate, as approved in April 2017, and amended in July 2017 (AMD1), November (AMD2) and December 2018 (AMD3), November 2019 (AMD4), and May 2020 (AMD5). Site certificate conditions include a bracketed citation (e.g. [Final Order on ASC (2017), AMD2 (2018), AMD4 (2019)]) which provides reference to the Council order imposing or amending the condition. Bracketed citations dated 2017 through May 2020 represent conditions imposed or amended under the Wheatridge Wind Energy Facility site certificate; bracketed citations dated after May 2020 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility II site certificate.

[2] The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

4.2 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	The certificate holder shall begin construction of solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate, by November 22, 2022). On or before November 22, 2022, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010. [Final Order on ASC (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019); AMD1 (2020)] [Mandatory Condition OAR 345-025-0006(4)]
GEN-GS-02	The certificate holder shall complete construction of solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate, by November 22, 2025. On or before November 22, 2025, the certificate holder shall promptly notify the Department of the date of completion of construction. [Final Order on ASC (2017), General Standard Condition 2 (2018); AMD2 (2018); AMD4 (2019); AMD1 (2020)] [Mandatory Condition OAR 345-025-0006(4)]
GEN-GS-03	The certificate holder shall design, construct, operate, and retire the facility: a. Substantially as described in the site certificate; b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and c. In compliance with all applicable permit requirements of other state agencies. [Final Order on ASC (2017), Mandatory Condition 2] [OAR 345-025-0006(3)]
GEN-GS-04	Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and: a. The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or b. The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built. [Final Order on ASC (2017), Mandatory Condition 3] [OAR 345-025-0006(5)]
GEN-GS-05	If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the department describing the impact on the facility and any affected site certificate conditions. [Final Order on ASC (2017), Mandatory Condition 6] [OAR 345-025-0000(6)]
GEN-GS-06	The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant.

	[Final Order on ASC (2017), Mandatory Condition 5] [OAR 345-025-0006(10)]
GEN-GS-07	Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. [Final Order on ASC (2017), Mandatory Condition 6] [OAR 345--025-0006(11)]
GEN-GS-08	The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced coastal subsidence. [Final Order on ASC (2017), Mandatory Condition 7] [OAR 345-025-0006(12)]
GEN-GS-09	The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions. [Final Order on ASC (2017), Mandatory Condition 8] [OAR 345-025-0006(13)]
GEN-GS-10	The certificate holder shall notify the department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Final Order on ASC (2017), Mandatory Condition 9] [OAR 345-025-0006(14)]
GEN-GS-11	Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the department of the proposed new owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate. [Final Order on ASC (2017), Mandatory Condition 10] [OAR 345-025-0006(15)]
GEN-GS-12	Deleted in *Final Order on Amendment 1* dated November 2020 [Final Order on ASC (2017), Site Specific Condition 1; AMD1 (2020)] [OAR 345-025-0010(5)]]
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
GEN-OE-01	Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder. [Final Order on ASC (2017), Organizational Expertise Condition 5]
GEN-OE-02	In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the department. [Final Order on ASC (2017), Organizational Expertise Condition 6]
GEN-OE-03	During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, NextEra Energy

	Resources, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of NextEra Energy Resources, LLC. [Final Order on AMD1 (2017), Organizational Expertise Condition 9]
GEN-OE-04	The certificate holder shall: a. Prior to and during construction, as applicable, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. b. Prior to transporting and disposing of battery and battery waste during facility operations, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. [Final Order on AMD2 (2018), Organizational Expertise Condition 10]
GEN-OE-05	The certificate holder is authorized to share related or supporting facilities including the Wheatridge West collector substation, access roads, temporary staging areas, all of which are governed under both WREFI and WREFII site certificates. a. Within 30 days of use by both certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities. b. If WREFI or WREFII propose to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Retirement and Financial Assurance Condition 5. c. Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Retirement and Financial Assurance Condition 5, for the operational facility, if facilities are decommissioned at different times. [Final Order on AMD5 (2020); Organizational Expertise Condition 11; AMD1 (2020)]

STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]	
GEN-SS-01	The certificate holder shall design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction. [Final Order on ASC (2017), Structural Standard Condition 2]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
GEN-LU-01	The certificate holder shall design the facility to comply with the following setback distances in Morrow County: a-d. Deleted in Final Order on Amendment 1 dated November 2020. e. Solar facility components shall be setback: 20 feet from property fronting on a local minor collector road rights of way; 30 feet from property fronting on a major collector road right of way; and 80 feet from an arterial road right of way, unless other provisions for combining access are provided and approved by the county. f. East and west sides of solar facility components shall be setback 20 feet from adjacent land uses except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet. g. North side of solar facility components shall be setback a minimum of 25 feet from any abutting property or taxlot. [Final Order on ASC (2017), Land Use Condition 1; AMD3 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020)]
GEN-LU-02	During design and construction of the facility, the certificate holder shall: a. Obtain an access permit for changes in access on Morrow County roads; and b. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards. [Final Order on ASC (2017), Land Use Condition 4]
GEN-LU-03	During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate: a. Paint the towers in alternating bands of white and red or aviation orange; or b. Install aviation lighting as recommended by the Federal Aviation Administration. [Final Order on ASC (2017), Land Use Condition 9]
GEN-LU-04	The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall: a. Locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices; b. Deleted in *Final Order on Amendment 1* dated November 2020. c. Site solar array collector lines, if aboveground, within or adjacent to an existing road, railroad or transmission line right-of-way; parallel to an existing transmission corridor; or co-located with existing transmission line or each other, unless not technically feasible due to lack of availability, geographic constraints, engineering limitations, or other reasons as agreed upon by the Department consistent with this condition. d. Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible. [Final Order on ASC (2017), Land Use Condition 11; AMD4 (2019); AMD1 (2020)]
GEN-LU-05 - 10	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Land Use Conditions 14, 16, 20, 22, 24 and 28]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	

GEN-RF-01	The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 1] [Mandatory Condition OAR 345-025-0006(7)]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
GEN-FW-01	During construction and operation, the certificate holder shall impose a 20 mile per hour speed limit on new and improved private access roads, which have been approved as a related and supporting facility to the energy facility. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 2]
GEN-FW-02	The certificate holder shall construct all overhead collector and transmission intraconnection lines in accordance with the latest Avian Power Line Interaction Committee design standards, and shall only install permanent meteorological towers that are unguyed. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 6]
STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]	
GEN-SR-01	To reduce visual impacts associated with lighting facility structures, other than lighting on structures subject to the requirements of the Federal Aviation Administration or the Oregon Department of Aviation, the certificate holder shall implement the following measures: a. Outdoor night lighting at the collector substations and battery storage systems must be i. The minimum number and intensity required for safety and security; ii. Directed downward and inward within the facility to minimize backscatter and offsite light trespass; and iii. Have motion sensors and switches to keep lights turned off when not needed. [Final Order on ASC (2017), Scenic Resources Condition 1, AMD2 (2018); AMD1 (2020)]
GEN-SR-02	The certificate holder shall: a. Design and construct the battery storage systems to be generally consistent with the character of agricultural buildings used by farmers or ranchers in the area, and the buildings shall be finished in a neutral color to blend with the surrounding landscape; b-c. Deleted in Final Order on Amendment 1 dated November 2020. d. Finish substation structures and battery storage systems utilizing neutral colors to blend with the surrounding landscape; e. Minimize use of lighting and design lighting to prevent offsite glare; f. Not display advertising or commercial signage on any part of the proposed facility; g. Limit vegetation clearing and ground disturbance to the minimum area necessary to safely and efficiently install the facility equipment; h. Water access roads and other areas of ground disturbance during construction, as needed, to avoid the generation of airborne dust; and i. Restore and revegetate temporary impact areas as soon as practicable following completion of construction. [Final Order on ASC (2017), Scenic Resources Condition 2, AMD2 (2018), AMD1 (2020)]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
GEN-PS-01	During construction and operation, the certificate holder shall coordinate with its solid waste handler to provide the information solicited through the Oregon Department of Environmental Quality's Recycling Collector Survey to the Morrow County waste shed representative on an annual basis. [Final Order on ASC (2017), Public Services Condition 5]

GEN-PS-02	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Public Services Condition 11]
GEN-PS-03	Prior to construction and operation of the facility, , the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Public Services Condition 13 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request. [Final Order on ASC (2017), Public Services Condition 18]
GEN-PS-04	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on AMD2 (2018), Public Services Condition 23]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
GEN-WF-01	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 3]
GEN-WF-02	The certificate holder shall notify the department and the Morrow County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 5; AMD1 (2020)]

4.3 Pre-Construction (PRE) Conditions

Condition Number	Pre-Construction (PRE) Conditions
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
PRE-OE-01	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the department any changes of major contractors. [Final Order on ASC (2017), Organizational Expertise Condition 1; AMD1 (2020)]
PRE-OE-02	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity and qualifications of the construction manager to demonstrate that the construction manager is qualified in environmental compliance and has the capability to ensure compliance with all site certificate conditions. [Final Order on ASC (2017), Organizational Expertise Condition 2, AMD1 (2020)]
PRE-OE-03	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. [Final Order on ASC (2017), Organizational Expertise Condition 3, AMD1 (2020)]
PRE-OE-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department before conducting any work on the site that does not qualify as surveying, exploration, or other activities to define or characterize the site. The notice must include a description of the work and evidence that its value is less than $250,000 or evidence that the certificate holder has satisfied all conditions that are required prior to beginning construction. [Final Order on ASC (2017), Organizational Expertise Condition 4, AMD1 (2020)]
PRE-OE-05	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder must provide the department and Morrow County with the name(s) and location(s) of the aggregate source and evidence of the source's county permit(s). [Final Order on ASC (2017), Organizational Expertise Condition 7, AMD1 (2020)]
PRE-OE-06	The certificate holder must: a. Prior to construction of solar facility components approved in the Fourth Amended Site Certificate, provide to the Department a list of all third-party permits that would normally be governed by the site certificate and that are necessary for construction and operation (e.g. Water Pollution Control Facilities Permit, Air Contaminant Discharge Permit, Limited Water Use License). Once obtained, the certificate holder shall provide copies of third-party permits to the Department. b. During construction and operation, promptly report to the Department if any third-party permits referenced in sub(b) of this condition have been cited for a Notice of Violation. [Final Order on ASC (2017), Organizational Expertise Condition 8; AMD4 (2019); AMD5 (2020), AMD1 (2020)]
STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]	

PRE-SS-01	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder must: a. Submit a protocol to the Department and Oregon Department of Geology & Mineral Industries (DOGAMI), for review, with the applicable codes, standards, and guidelines to be used, and proposed geotechnical work to be conducted for the site-specific geotechnical investigation report. b. Following receipt and review of Department and DOGAMI comments on the protocol per (a), the certificate holder shall conduct a site-specific geological and geotechnical investigation, and shall report its findings to DOGAMI and the department. The report shall be used by the certificate holder in final facility layout and design. The department shall review, in consultation with DOGAMI, and confirm that the investigation report includes an adequate assessment of the following information: • Subsurface soil and geologic conditions of the site boundary • Define and delineate geological and geotechnical hazards, and means to mitigate these hazards • Geotechnical design criteria and data for the foundations of substations, O&M buildings, battery storage systems, roads, and other related and supporting facilities • Design data for installation of underground and overhead collector lines, and overhead transmission lines • Investigation of specific areas with potential for slope instability and landslide hazards. Landslide hazard evaluation shall be conducted by LIDAR and field work, as recommended by DOGAMI • Investigations of the swell and collapse potential of loess soils within the site boundary. [Final Order on ASC (2017), Structural Standard Condition 1; AMD2 (2018), AMD1 (2020)]
PRE-SS-02	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of all potentially active faults within the site boundary. The investigation shall include a description of the potentially active faults, their potential risk to the facility, and any additional mitigation that will be undertaken by the certificate holder to ensure safe design, construction, and operation of the facility. [Final Order on ASC (2017), Structural Standard Condition 3; AMD5 (2020), AMD1 (2020)]
PRE-SS-03	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1 an investigation of specific areas with potential for slope instability and shall site solar arrays appropriate to avoid potential hazards. The landslide hazards shall be investigated and mapped before final facility layout and design. The landslide hazard evaluation shall be conducted by a combination of LIDAR and field work. [Final Order on ASC (2017), Structural Standard Condition 4, AMD1 (2020)]
PRE-SS-04	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the certificate holder shall include mitigation measures including, as necessary, over-excavating and replacing loess soil with structural fill, wetting and compacting, deep foundations, or avoidance of specific areas. [Final Order on ASC (2017), Structural Standard Condition 5, AMD1 (2020)]

STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRE-SP-01	Prior to beginning construction, the certificate holder shall provide a copy of a DEQ-approved construction Spill Prevention Control and Countermeasures (SPCC) plan, to be implemented during facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate. [Final Order on ASC (2017), Soil Protection Condition 3]
PRE-SP-02	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall ensure that the final Revegetation Plan includes a program to protect and restore agricultural soils temporarily disturbed during facility construction. As described in the final order, agriculture soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced. The Revegetation Plan shall be finalized pursuant to Fish and Wildlife Habitat Condition 11. [Final Order on ASC (2017), Soil Protection Condition 4, AMD1 (2020)]
PRE-SP-03	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Soil Protection Condition 7]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
PRE-LU-01	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall complete the following: a. Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and b. Obtain all other necessary local permits, including building permits. c. Provide the county with a building permit application, a third party technical report which includes: 1. Evaluates fire hazards and; 2. Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems. d. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department. [Final Order on ASC (2017), Land Use Condition 3; AMD2 (2018)]
PRE-LU-02	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall pay the requisite fee and obtain a Conditional Use Permit as required under Morrow County Zoning Ordinance Article 6 Section 6.015. [Final Order on ASC (2017), Land Use Condition 5, AMD1 (2020)]
PRE-LU-03	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare a Weed Control Plan that is consistent with Morrow County weed control requirements to be approved by the department. The department shall consult with Morrow County and ODFW. The final plan must be submitted to the department no less than 30 days prior to the beginning of construction. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. [Final Order on ASC (2017), Land Use Condition 6; AMD5 (2020), AMD1 (2020)]
PRE-LU-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland. [Final Order on ASC (2017), Land Use Condition 7, AMD1 (2020)]

PRE-LU-05	Prior to beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall consult with surrounding landowners and lessees and shall consider proposed measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs during construction and operation of the facility. Prior to beginning construction, the certificate holder shall provide evidence of this consultation to the department and Morrow County. [Final Order on ASC (2017), Land Use Condition 12; AMD5 (2020), AMD1 (2020)]
PRE-LU-06	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall work with the Morrow County Road Department to identify specific construction traffic related concerns, and develop a traffic management plan that specifies necessary traffic control measures to mitigate the effects of the temporary increase in traffic. The certificate holder must provide a copy of the traffic management plan to the department and Morrow County, and must implement the traffic management plan during construction. [Final Order on ASC (2017), Land Use Condition 13, AMD1 (2020)]
PRE-LU-07	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Land Use Condition 15; AMD2 (2018)]
PRE-LU-08	Prior to facility construction of the facility, facility component or phase, as applicable, the certificate holder shall install gates and no trespassing signs at all private access roads established or improved for the purpose of facility construction and operation if requested by the underlying landowner. [Final Order on ASC (2017), Land Use Condition 18; AMD4 (2019), AMD1 (2020)]
PRE-LU-09	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Land Use Condition 21]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
PRE-RF-01	Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 4, AMD1] [Mandatory Condition OAR 345-025-0006(8)]
PRE-RF-02	Before beginning construction of solar energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the solar facility components is $9.4 million dollars (Q4 2018 dollars), to be adjusted to the date of issuance based on the line items and unit costs presented in Table 4 of the *Final Order on Amendment 4* (November 2019), and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition: 1. The certificate holder may adjust the amount of the initial bond or letter of credit based on the final design configuration of the facility. Any revision to the restoration costs should be adjusted to the date of issuance as described in (2) and subject to review and approval by the Council. 2. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: i. Adjust the amount of the bond or letter of credit (expressed in Q4 2018 dollars for solar facility components)) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the fourth quarter 2018 index value and the quarterly index value for the date of

	issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust fourth quarter 2018 dollars to present value. ii. Round the result total to the nearest $1,000 to determine the financial assurance amount. 3. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council. 4. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 5; AMD2 (2018); AMD4 (2019); AMD5 (2020), AMD1 (2020)]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
PRE-FW-01	Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. The survey shall be planned in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources. The report shall also include an updated version of Table FW-1 Potential Temporary and Permanent Impacts by Habitat Category and Type of the final order, showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction survey shall be used to complete final design, facility layout, and micrositing of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for all facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 1, AMD1 (2020)]
PRE-FW-02	Prior to construction of the facility, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-1 of the *Final Order on Request for Amendment 1 of Wheatridge Renewable Energy Facility II Site Certificate* (November 2020), based on the final facility design, as approved by the department in consultation with ODFW. a. The final WMMP must be submitted and ODOE's concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility. b. The WMMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments,

	and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020), AMD1 (2020)]
PRE-FW-03	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to areas with sensitive or protected plant species, including candidate species, wetlands and waterways that are not authorized for construction impacts, areas with seasonal restrictions, and active state sensitive species bird nests. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 8, AMD1 (2020)]
PRE-FW-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare and receive approval from the department of a final Habitat Mitigation Plan, substantially as presented in Attachment C-1 of the *Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate* (November 2020). The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP. a. The final Habitat Mitigation Plan and the department's approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. b. The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Fish and Wildlife Habitat Condition 1. c. The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plan. d. The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map and available acres by habitat category and subtype in tabular format. e. The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP: i. Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction. ii. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction. f. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area. g. The final HMP shall include mitigation in compliance with the Council's Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation

	goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity. h. The final HMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 10, AMD1 (2020)]
PRE-FW-05	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment D-1 of the *Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate* (November 2020), from the Department, in consultation with Morrow County and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 11; AMD5 (2020), AMD1 (2020)]
STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]	
PRE-TE-01	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall determine the boundaries of Category 1 Washington ground squirrel habitat. The certificate holder shall hire a qualified professional biologist who has experience in detection of Washington ground squirrel to conduct pre-construction surveys using a survey protocol approved by the department in consultation with ODFW. The biologist shall survey all areas of suitable habitat within 1,000 feet of any ground disturbing activity. Ground disturbing activity refers to any potential impact, whether permanent or temporary. The protocol surveys shall be conducted in the active squirrel season (March 1 to May 31) prior to construction commencement. The protocol survey is valid for three years. If construction begins within three years of conducting the protocol survey, but not within one year of the protocol survey, the certificate holder shall conduct a pre-construction survey only within areas of suitable Washington ground squirrel habitat where ground disturbing activity would occur. The certificate holder shall provide written reports of the surveys to the department and to ODFW and shall identify the boundaries of Category 1 Washington ground squirrel (WGS) habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the department, in consultation with ODFW. The certificate holder shall avoid any permanent or temporary disturbance in all Category 1 WGS habitat. The certificate holder shall ensure that these sensitive areas are correctly marked with exclusion flagging and avoided during construction. [Final Order on ASC (2017), Threatened and Endangered Species Condition 1, AMD1 (2020)]
PRE-TE-02	In accordance with Fish and Wildlife Habitat Condition 4, prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-1 of the *Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate* (November 2020), based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as

	well. These newly discovered colonies shall also be included in any future WGS monitoring activities. [Final Order on ASC (2017), Threatened and Endangered Species Condition 2]
PRE-TE-03	To avoid potential impacts to Laurent's milkvetch, the certificate holder must: i. Conduct preconstruction plant surveys for Laurent's milkvetch within 100-feet of temporary and permanent disturbance from all facility components, unless extent of survey area within suitable habitat from temporary and permanent disturbance is otherwise agreed upon by the Department on consultation with Oregon Department of Agriculture. If the species is found to occur, the certificate holder must install protection flagging around the plant population and avoid any ground disturbance within this zone. ii. Ensure that any plant protection zone established under (i) above is included on construction plans showing the final design locations. iii. If herbicides are used to control weeds, the certificate holder shall follow the manufacturer's guidelines in establishing a buffer area around confirmed populations of Laurent's milkvetch. Herbicides must not be used within the established buffers. iv. If avoidance cannot be maintained, the certificate holder may request that the Department consider an avoidance exception, authorized through Council concurrence as further described below. The exception request must include an impact assessment and mitigation plan for the affected species including but not be limited to: • Literature review and/or field studies that inform the current status of the species within the survey area or region, if survey area does not contain sufficient information to develop a statistically viable approach for determining impact significance; • A description of the individual(s) or population(s) identified within the survey area that would be avoided and impacted; • An evaluation of facility impacts on the survival or recovery of the species, in accordance with the Threatened and Endangered Species standard; • Proposed mitigation measures such as: funded studies that improve understanding of reproductive biology and pollination; development of seed germination, propagation, and transplanting protocols; and/or, compensatory mitigation project including conservation easement(s) and species propagation, protection, and habitat enhancement measures, and/or other proposed mitigation measures that would benefit the affected species. • The Department's review and determination of the exception request shall be conducted in consultation with the Oregon Department of Agriculture, or a third-party consultant. The Department's determination on the exception request must be concurred with by Council. Council retains authority to reject, modify or concur with the exception request. [Final Order on ASC (2017), Threatened and Endangered Species Condition 3; AMD3 (2018); AMD4 (2019)]
STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
PRE-HC-01	Before beginning construction, the certificate holder shall provide to the department a map showing the final design locations of all components of the facility, the areas that will be temporarily disturbed during construction and the areas that were surveyed in 2018-2020 for historic, cultural, and archaeological resources. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 1, AMD1 (2020)]
PRE-HC-02	Before beginning construction, the certificate holder shall mark the buffer areas established under Historic, Cultural, and Archeological Resources Condition 3 for all identified historic, cultural, or archaeological resource sites (including those of unknown age) on construction maps and drawings

	as “no entry” areas. A copy of current maps and drawings must be maintained onsite during construction and made available to the department upon request. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 2, AMD1 (2020)]
PRE-HC-03	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-0070, trains construction contractors on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the department upon request. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 4, AMD1 (2020)]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
PRE-PS-01	Prior to construction, the certificate holder shall prepare a Traffic Management Plan that includes the procedures and actions described in this order and the mitigation measures identified in ASC Exhibit U, Section 3.5.4. The plan shall be approved by the department in consultation with the appropriate transportation service providers. The plan shall be maintained onsite and implemented throughout construction of the facility. In addition, the certificate holder shall include the following information in the plan: a. Procedures to provide advance notice to all affected local jurisdictions and adjacent landowners of construction deliveries and the potential for heavy traffic on local roads; b. A policy of including traffic control procedures in contract specifications for construction of the facility; c. Procedures to maintain at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles; d. A policy of ensuring that no equipment or machinery is parked or stored on any county road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within county rights-of-way with the approval of the Morrow County Public Works Department; e. A policy to encourage and promote carpooling for the construction workforce; and f. Procedures to keep state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points. [Final Order on ASC (2017), Public Services Condition 6, AMD1 (2020)]
PRE-PS-02	Before beginning construction, the certificate holder must enter into Road Use Agreements with the Morrow County Public Works Departments. The Agreements must include, at a minimum, a pre-construction assessment of road surfaces under Morrow County jurisdiction, construction monitoring, and post-construction inspection and repair. A copy of the Road Use Agreements with Morrow County must be submitted to the department before beginning construction. If required by Morrow County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility. [Final Order on ASC (2017), Public Services Condition 7, AMD1 (2020)]
PRE-PS-03	The certificate holder shall design and construct new access roads and private road improvements to standards approved by Morrow County. Where modifications of county roads are necessary, the certificate holder shall construct the modifications entirely within the county road rights-of-way and in conformance with county road design standards subject to the approval of the Morrow County Public Works Department. [Final Order on ASC (2017), Public Services Condition 8, AMD1 (2020)]
PRE-PS-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall:

	a. Complete the Federal Aviation Administration (FAA) Notice Criteria Tool for solar facility coordinates to determine applicability of the FAA 7460 filing. If the FAA Notice Criteria Tool requires FAA filing, the certificate holder will submit to the FAA and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration. b. Submit to the Oregon Department of Aviation the solar facility coordinates for purposes of an aeronautical study and determination. If the Department, in consultation with the Oregon Department of Aviation, determines that the facility would adversely impact an airport's ability to provide service by obstructing the airport's primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction. [Final Order on ASC (2017), Public Services Condition 9; AMD1 (2020)]
PRE-PS-05	Prior to construction, the certificate holder shall prepare an Emergency Management Plan that includes the procedures and actions described in this order and in ASC Exhibit U. The certificate holder shall submit the plan to ODOE for review and approval in consultation with the appropriate local fire protection districts (including the City of Heppner Volunteer Fire Department and Ione Rural Fire Protection District) prior to construction. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. Any updates to the plan shall be provided to the department within 30 days. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility. Additional information that shall be included in the plan: a. Current contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information. b. Identification of agencies that participated in developing the plan; c. Identification of agencies that are designated as first response agencies or are included in any mutual aid agreements with the facility; d. A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility; e. Contact information for each agency listed above; f. Communication protocols for both routine and emergency events and the incident command system to be used in the event a fire response by multiple agencies is needed at the facility; g. Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place; h. The designated meeting location in case of evacuation; i. Staff training requirements; and j. Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site. [Final Order on ASC (2017), Public Services Condition 13, AMD1 (2020)]

PRE-PS-06	Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan will include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the facility, and available upon request by the department. [Final Order on ASC (2017), Public Services Condition 20, AMD1 (2020)]
PRE-PS-07	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall ensure that all construction workers are certified in first aid, cardio pulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that construction activities are occurring. [Final Order on ASC (2017), Public Services Condition 21, AMD1 (2020)]
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
PRE-WM-01	Prior to construction, the certificate holder shall develop a construction waste management plan, to be implemented during all phases of facility construction, which includes at a minimum the following details: a. Specification of the number and types of waste containers to be maintained at construction sites and construction yards b. Description of waste segregation methods for recycling or disposal. c. Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements to be used during construction. The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a). [Final Order on ASC (2017), Waste Minimization Condition 2, AMD1 (2020)]
PRE-WM-02	Prior to construction, the certificate holder shall investigate and confirm that no surfaces waters, shallow groundwater, or drinking water sources will be adversely impacted by the usage of concrete washout water in the foundations of facility components, and shall submit an investigation report to the department. Prior to construction, the department, in consultation with DEQ, shall review the results of the investigation report and shall verify that the plan to dispose of concrete washout water in the foundations of facility components is unlikely to adversely impact surface waters, shallow groundwater, or drinking water sources. The applicant's investigation shall be based on the anticipated final facility layout and design. If the results of the investigation show that the proposed concrete washout water disposal method would cause adverse impacts to surface water, shallow groundwater, or drinking water sources, the applicant shall propose mitigation measures to reduce potential impacts, for review and approval by the department in consultation with DEQ, prior to construction. [Final Order on ASC (2017), Waste Minimization Condition 3, AMD1 (2020)]

STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
PRE-TL-01	Prior to construction, the certificate holder shall schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities. [Final Order on ASC (2017), Siting Standard Condition 2]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
PRE-NC-01	Prior to construction, the certificate holder shall provide to the department: a. Information that identifies the final design locations of all facility components to be built at the facility; b. The maximum sound power level for the facility components including transformers (substation and solar array), invertors, battery storage cooling system selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the department; c. The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the department that the total noise generated by the facility (including transformers, inverters and battery storage cooling systems) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below. d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the solar energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. [Final Order on ASC (2017), Noise Control Condition 2; AMD3 (2018), AMD1 (2020)]

4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
CON-SP-01	During construction, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan (ESCP) that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C. [Final Order on ASC (2017), Soil Protection Condition 1]
CON-SP-02	During construction, the erosion and sediment control best management practices and measures as described in ASC Exhibit I, Section 5.2 and listed in the final order approving the site certificate shall be included and implemented as part of the final ESCP. [Final Order on ASC (2017), Soil Protection Condition 2]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
CON-LU-01	During construction, the certificate holder shall comply with the following requirements: a. Construction vehicles shall use previously disturbed areas including existing roadways and tracks. b. Temporary construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable. c. New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards. d. Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable. [Final Order on ASC (2017), Land Use Condition 8]
CON-LU-02	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Land Use Condition 17]
CON-LU-03	During construction, the certificate holder shall install the electrical cable collector system underground, where practicable. In agricultural areas, the collector system lines must be installed at a depth of 3 feet or deeper as necessary to prevent adverse impacts on agriculture operations. In all other areas, the collector system lines must be installed a minimum of 3 feet where practicable. [Final Order on ASC (2017), Land Use Condition 19]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
CON-FW-01	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 3; AMD4]

<table>
<tr><td>CON-FW-02</td><td>Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities within 0.25-mile of previously identified active nest sites are scheduled to avoid the sensitive nesting and breeding season. Previously identified active nest sites are those identified through the pre-construction raptor nest survey as required through Condition PRE-FW-01 and may also include any previously identified active nest sites from previous surveys.

During construction within the time periods listed below, the certificate holder shall implement buffer zones around active nest sites of the species listed below. Active nest sites shall be identified based on the Condition PRE-FW-01 pre-construction nest survey and be monitored during construction by a biological monitor, both of which shall be based on a protocol approved by the Department in consultation with ODFW-specifying methodology and frequency of monitoring. No ground-disturbing activities within the buffer zone shall occur during the seasonal restrictions. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid ground-disturbing activity within the buffer zone during construction activities.

<table><tr><th>Sensitive Status Species</th><th>Buffer Size (Radius Around Nest Site):</th><th>Sensitive Nesting and Breeding Season :</th></tr><tr><td>Western burrowing owl</td><td>0.25 mile</td><td>April 1 to August 15</td></tr><tr><td>Ferruginous hawk</td><td>0.25 mile</td><td>March 15 to August 15</td></tr><tr><td>Swainson’s hawk</td><td>0.25 mile</td><td>April 1 to August 15</td></tr></table>
If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance.
[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 5; AMD3 (2018); AMD4 (2019)]</td></tr>
<tr><td>CON-FW-03</td><td>During construction, the certificate holder shall employ a qualified environmental professional to provide environmental training to all personnel prior to working onsite, related to sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. All personnel shall be given clear maps showing areas that are off-limits for construction, and shall be prohibited from working outside of the areas in the site boundary that have been surveyed and approved for construction. The certificate holder shall instruct construction personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager. Records of completed training shall be maintained onsite and made available to the department upon request.
[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 7]</td></tr>
<tr><td>CON-FW-04</td><td>During construction, the certificate holder shall employ at a minimum one environmental inspector to be onsite daily. The environmental inspector shall oversee permit compliance and construction, and ensure that known sensitive environmental resources are protected. The environmental inspector shall prepare a weekly report during construction, documenting permit compliance and documenting any corrective actions taken. Reports shall be kept on file and available for inspection by the department upon request.
[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 9]</td></tr>
</table>

STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
CON-HC-01	Prior to construction activities, the certificate holder must flag or otherwise mark a 200-foot avoidance buffer around historic archaeological sites, as identified by the maps and drawings prepared in accordance with Historic, Cultural, and Archeological Resources Conditions 1 and 2. No disturbance is allowed within the buffer zones unless resources assumed likely NRHP eligible (e.g. 6B2H-MC-ISO-17, WRII-BB-IS-01, WRII-DM-04) are concurred not likely National Register of Historic Places (NRHP) eligible through SHPO review or a Historic, Cultural, and Archaeological Resources mitigation plan is submitted and accepted by the Department and SHPO which includes measures such as: additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with SHPO. For historic archaeological sites, an archeological monitor must be present if construction activities are required within 200-feet of sites identified as potentially eligible for listing on the NRHP unless otherwise agreed to by the Department and SHPO. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within buffer areas. Flagging or marking must be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 3; AMD4 (2019)]
CON-HC-02	During construction, the certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archeological or cultural resources are found during construction of the facility until a qualified archeologist can evaluate the significance of the find. The certificate holder shall notify the department and the Oregon State Historic Preservation Office (SHPO) of the find. If ODOE, in consultation with SHPO, determines that the resource meets the definition of an archaeological object, archaeological site, or is eligible or likely to be eligible for listing on the (NRHP), the certificate holder shall, in consultation with the department, SHPO, interested Tribes and other appropriate parties, make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery. The certificate holder shall not restart work in the affected area until the department, in consultation with SHPO, agree that the certificate holder has demonstrated that it has complied with archeological resources protection regulations. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 5]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
CON-PS-01	During construction, the certificate holder shall include the following additional measures in the construction waste management plan required by Waste Minimization Condition 2: a. Recycling steel and other metal scrap. b. Recycling wood waste. c. Recycling packaging wastes such as paper and cardboard. d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured. e. Segregating all hazardous and universal wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.

	f. Discharging concrete truck rinse-out within foundation holes, completing truck wash-down off-site, and burying other concrete waste as fill on-site whenever possible. [Final Order on ASC (2017), Public Services Condition 3]
CON-PS-02	During construction of the facility, the certificate holder shall provide for 24-hour on-site security, and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office. [Final Order on ASC (2017), Public Services Condition 10, AMD1 (2020)]
CON-PS-03 - 04	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Public Services Conditions 14 and 16]
CON-PS-05	During construction the certificate holder must maintain an area clear of vegetation for fire prevention around construction sites, including towers and any areas where work includes welding, cutting, grinding, or other flame- or spark-producing operations. [Final Order on ASC (2017), Public Services Condition 17, AMD1 (2020)]
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
CON-WM-01	During construction, the certificate holder shall require construction contractors to complete the following for any off-site disposal of excess soil during construction activities: a. Obtain and provide the certificate holder with a signed consent agreement between contractor and the party receiving the earth materials authorizing the acceptance and disposal of the excess soil; and, b. Confirm that all disposal sites have been inspected and approved by the certificate holder's environmental personnel to ensure that sensitive environmental resources, such as wetlands or high quality habitats, would not be impacted. The certificate holder shall maintain copies of all signed consent agreements and disposal site inspection and approvals onsite and shall provide to the department in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a). [Final Order on ASC (2017), Waste Minimization Condition 1]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
CON-WF-01 and -02	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Conditions 1 and 4]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
CON-TL-01	During construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields and submit verification to the Department, including: a. Constructing all aboveground collector and transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line. b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground. c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground. d. Developing and implementing a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, irrigation systems, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line (OAR 345-025-0010(4)).

	e. Providing to landowners a map of underground, with any applicable NESC demarking for underground facilities, and overhead transmission lines on their property and advising landowners of possible health and safety risks from induced currents caused by electric and magnetic fields. f. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public. g. Deleted in *Final Order on Amendment 1* dated November 2020. h. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable. i. Designing, constructing and operating the transmission line in accordance with the requirements of the version of the National Electrical Safety Code that is most current at the time that final engineering of each of these components is completed (OAR 345-025-0010(4)). j. Implement a safety protocol to ensure adherence to NESC grounding requirements [Final Order on ASC (2017), Siting Standard Condition 1; AMD4 (2019), AMD1 (2020)]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
CON-NC-01	During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall: a. Establish and enforce construction site and access road speed limits; b. Utilize electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible; c. Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties; d. Utilize noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only; e. Equip all noise-producing construction equipment and vehicles using internal combustion engines with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and, f. Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request. [Final Order on ASC (2017), Noise Control Condition 1]

4.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	

PRO-SP-01	Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required per DEQ's Hazardous Waste Program. If an SPCC plan is not required, the certificate holder shall prepare and submit to the Department for review and approval an operational Spill Prevention and Management plan. The Spill Prevention and Management Plan shall include at a minimum the following procedures and BMPs:
	• Procedures for oil and hazardous material emergency response consistent with OAR 340, Division 100-122 and 142
	• Procedures demonstrating compliance with all applicable local, state, and federal environmental laws and regulations for handling hazardous materials used onsite in a manner that protects public health, safety, and the environment
	• Current inventory (type and quantity) of all hazardous materials stored onsite, specifying the amounts at each O&M building, substation and battery storage system components
	• Restriction limiting onsite storage of diesel fuel or gasoline
	• Requirement to store lubricating and dielectric oils in quantities equal to or greater than 55-gallons in qualified oil-filled equipment
	• Preventative measures and procedures to avoid spills
	  ○ Procedures for chemical storage
	  ○ Procedures for chemical transfer
	  ○ Procedures for chemical transportation
	  ○ Procedures for fueling and maintenance of equipment and vehicles
	  ○ Employee training and education
	• Clean-up and response procedures, in case of an accidental spill or release
	• Proper storage procedures
	• Reporting procedures in case of an accidental spill or release
	[Final Order on ASC (2017), Soil Protection Condition 5; AMD2 (2017)]

STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
PRO-PS-01	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Public Services Condition 15, AMD1 (2020)]
PRO-PS-02	Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first-responders included in the Emergency Management Plan. [Final Order on ASC (2017), Public Services Condition 19, AMD1 (2020)]
PRO-PS-03	Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that operations and maintenance personnel are at the facility. [Final Order on ASC (2017), Public Services Condition 22]

4.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
OPR-GS-01	The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility. [Final Order on ASC (2017), Mandatory Condition 1] [OAR 345-025-0006(2)]]
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
OPR-SP-01	During facility operation, the certificate holder shall: a. Routinely inspect and maintain all facility components including roads, pads, and other facility components and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion. b. Restrict vehicles to constructed access roads, and ensure material laydown or other maintenance activities occur within graveled areas to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility. c. If in order to serve the operational needs of the energy facility, or related and supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction. [Final Order on ASC (2017), Soil Protection Condition 6, AMD1 (2020)]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
OPR-LU-01	Within one month of commencement of commercial operation, the certificate holder shall submit an as-built survey for each construction phase that demonstrates compliance with the setback requirements in Land Use Condition 1 to the department and Morrow County. [Final Order on ASC (2017), Land Use Condition 2]
OPR-LU-02	During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11. [Final Order on ASC (2017), Land Use Condition 10]
OPR-LU-03	Before beginning decommissioning activities, the certificate holder must provide a copy of the final retirement plan to Morrow County. [Final Order on ASC (2017), Land Use Condition 23, AMD1 (2020)]
OPR-LU-04	Before beginning electrical production, the certificate holder shall prepare an Operating and Facility Maintenance Plan (Plan) and submit the Plan to the department for approval in consultation with Morrow County. [Final Order on ASC (2017), Land Use Condition 25, AMD1 (2020)]

OPR-LU-05	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Land Use Condition 26]
OPR-LU-06	Prior to facility retirement, the certificate holder must include the following minimum restoration activities in the proposed final retirement plan it submits to the Council pursuant to OAR 345-025-0006(9) or its equivalent: 1. Dismantle aboveground equipment and remove concrete pads to a depth of at least three feet below the surface grade. 2. Remove underground collection and communication cables that are buried less than three feet in depth and are deemed by Council to be a hazard or a source of interference with surface resource uses. 3. Deleted in *Final Order on Amendment 1* dated November 2020. 4. Remove and restore private access roads unless the landowners directs otherwise. 5. Following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses. 6. Revegetate disturbed areas in consultation with the land owner and in a manner consistent with the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11. 7. If the landowner wishes to retain certain facilities, provide a letter from the land owner that identifies the roads, cleared pads, fences, gates and other improvements to be retained and a commitment from the land owner to maintain the identified facilities for farm or other purposes permitted under the applicable zone. [Final Order on ASC (2017), Land Use Condition 27, AMD1 (2020)]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
OPR-RF-01	During facility operation, the certificate holder shall: a. Conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall submit copies of inspection documentation in its annual report to the Department. b. Provide evidence in its annual report to the Department of active property coverage under its commercial business insurance from high loss-catastrophic events, including but not limited to, onsite fire or explosion. [Final Order on AMD2 (2018), Retirement and Financial Assurance Condition 6]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
OPR-PS-01 - 02	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Public Services Conditions 1 and 2]
OPR-PS-03	a. Prior to operation, the certificate holder shall submit to the Department for approval its Operational Waste Management Plan that includes but is not limited to the following: 1. Onsite handling procedure for operational replacement of damaged, defective or recalled lithium-ion batteries. The procedure shall identify applicable 49 CFR 173.185 provisions and address, at a minimum, onsite handling, packaging, interim storage, and segregation requirements. 2. Training employees to handle, replace, and store damaged, defective or recalled lithium-ion batteries; minimize and recycle solid waste. 3. Recycling paper products, metals, glass, and plastics. 4. Recycling used oil and hydraulic fluid. 5. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by

	facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, Section 5.000 Public Responsibilities, 5.010 Transportation of Solid Waste and 5.030 Responsibility for Propose Disposal of Hazardous Waste which requires that all loads be covered and secured and that operators be responsible for hazardous waste disposal in accordance with applicable regulatory requirements. 6. Segregating all hazardous and universal, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights, lithium-ion batteries, lead-acid and nickel-cadmium batteries, and replaced, damaged, defective or recalled lithium-ion batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes. b. During operation, the certificate holder shall implement the approved Operational Waste Management Plan. [Final Order on ASC (2017), Public Services Condition 4; AMD2 (2018)]
OPR-PS-04	During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site. [Final Order on ASC (2017), Public Services Condition 12]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
OPR-WF-01	During operation, the certificate holder shall ensure each facility substation and battery storage systems are enclosed with appropriate fencing and locked gates to protect the public from electrical hazards. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 2; AMD2 (2018)]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
OPR-TL-01	During operation, the certificate holder shall: (1) Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement. (2) File the following required information with the Commission: a. 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission's authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS 757.035 must provide the commission with the following information before January 2 of each even-numbered year: i. The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; and ii. The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public. iii. In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line changes, the person who engages in the operation of the electric

	power line must notify the commission of the change as soon as practicable, but no later than within 90 days. iv. If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3] (3) Provide OPUC Safety Staff with: a. Maps and Drawings of routes and installation of electrical supply lines showing: • Transmission lines and structures (over 50,000 Volts) • Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts) • Substations, roads and highways • Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer). [Final Order on ASC (2017), Siting Standard Condition 3]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
OPR-NC-01	Deleted in *Final Order on Amendment 1* dated November 2020. [Final Order on ASC (2017), Noise Control Condition 3]
OPR-NC-02	During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint. [Final Order on ASC (2017), Noise Control Condition 4]
OPR-NC-03	During operation, in response to a complaint from the owner of a noise sensitive property regarding noise levels from the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder. [Final Order on ASC (2017), Noise Control Condition 5]

4.7 Retirement Conditions (RET)

Condition Number	Retirement (RET) Conditions
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
RET-RF-01	The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-025-0006(9). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 2] [Mandatory Condition OAR 345-025-0006(9)]
RET-RF-02	If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-025-0006(9), the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council's approval. Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in section (8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 3] [Mandatory Condition OAR 345-025-0006(16)]

5.0 Successors and Assigns

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.

6.0 Severability and Construction

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

7.0 Execution

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

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Wheatridge Solar Energy Center, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (certificate holder owner).

ENERGY FACILITY SITING COUNCIL

Hanley Jenkins, II

By: Hanley Jenkins, II (Dec 2, 2020 12:43 PST)

Hanley Jenkins, II, Chair

Oregon Energy Facility Siting Council

Date: Dec 2, 2020

WHEATRIDGE SOLAR ENERGY CENTER, LLC

By: _____

Matthew Handel, Vice President Development, NextEra Energy Resources, LLC on behalf of Wheatridge Solar Energy Center, LLC

Date: 12/10/2020

Attachment A
WREFIII Site Boundary Map

Wheatridge Renewable Energy Facility II

Figure 3
Wheatridge Renewable Energy Facility III Proposed Site Boundary

UMATILLA COUNTY, OR

- Wheatridge Renewable Energy Facility III Site Boundary
- Overlapping Site Boundary (WREFII)
- Overlapping Site Boundary (WREFI)
- Overlapping Site Boundary (WREFE)
- State Highway
- Local Road
- County Boundary

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map

1:30,000 WGS 1984 UTM Zone 11N

0 0.5 1 2 3 4 Miles

P:\GIS_PROJECTS\NextEra\Wheatridge\MXDs\WREFII_RFA1\NextEra_WREFII_RFA1_Figure3_WREFIII_Proposed_11i17i_20200710.mxd

Attachment A-3: WREFE Site Certificate

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

Site Certificate for the

Wheatridge Renewable Energy Facility East

ISSUANCE DATE

Site Certificate **November 19, 2020**

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Table of Contents

Attachments

Attachment A	Facility Site Boundary Map

Acronyms and Abbreviations

ASC	Application for Site Certificate
BMP	Best Management Practice
Council or EFSC	Oregon Energy Facility Siting Council
Department or ODOE	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
HMP	Habitat Mitigation Plan
NEER	NextEra Energy Resources, LLC
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
NRHP	National Register of Historic Places
WGS	Washington Ground Squirrel
WMMP	Wildlife Monitoring and Mitigation Plan
WREFI	Wheatridge Renewable Energy Facility I
WREFII	Wheatridge Renewable Energy Facility II
WREFIII	Wheatridge Renewable Energy Facility III
WREFE	Wheatridge Renewable Energy Facility East

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Wheatridge East Wind, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (NEER, certificate holder owner). As authorized under Oregon Revised Statue (ORS) Chapter 469, the Council issues this site certificate authorizing certificate holder to construct, operate and retire the Wheatridge Renewable Energy Facility II (facility) at the below described site within Morrow and Umatilla counties, subject to the conditions set forth herein.

Both the State and certificate holder must abide by local ordinances, state law and the rules of the Council in effect on the date this site certificate is executed. However, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules (ORS 469.401(2)).

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) *Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility* issued on April 28, 2017 (hereafter, *Final Order on the Application*); (b) *Final Order on Request for Transfer* issued on July 27, 2017; *Final Order on Request for Amendment 3* issued on November 16, 2018; *Final Order on Request for Amendment 2* issued on December 14, 2018; *Final Order on Request for Amendment 4* issued on November 22, 2019; *Final Order on Request for Amendment 5* issued May 22, 2020; and *Final Order on Request for Amendment 1* of the Wheatridge Renewable Energy Facility II (WREFII) issued November 19, 2020.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) *Final Order on Request for Amendment 1 of WREFII;* (2) *Final Order on Request for Amendment 5* (3) *Final Order on Request for Amendment 4* (4) *Final Order on Request for Amendment 2*; (5) *Final Order on Request for Amendment 3*; (6) *Final Order on Request for Amendment 1*; (7) *Final Order on the Application*, and (8) the record of the proceedings that led to the above referenced orders.

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

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

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0410 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

2.0 Facility Location

The Wheatridge Renewable Energy Facility East (WREFE) East energy facility and its related or supporting facilities are located within Morrow and Umatilla counties. The site boundary, as defined in OAR 345-001-0010, encompasses approximately 4,582 acres of private land and includes the 200 MW wind energy facility site, its related and supporting facilities, temporary laydown and staging areas and transmission corridors and micrositing corridors proposed by the certificate holder, as

approved by the Council.[1]

WREFE is located approximately 16 miles northeast of Heppner and includes land in both Morrow and Umatilla counties. Wheatridge East includes a 230 kV transmission line (see facility site boundary map provided in Attachment A). Previously approved facility components are shared between WREFII and WREFIII and are reflected in both WREFII and WREFIII site certificates. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however there are areas of overlapping site boundary, such as portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, and WREFIII.

2.1 Site Boundary

The site boundary encompasses a total of 4,582 acres of privately owned land. Table 1 identifies the Public Land Survey System sections in which the site boundary is located.

Table 1. Location of Site Boundary by Township, Range and Section

Township	Range	Section(s)
1N	26E	18, 19, 20, 21, 29, 32
1N	28E	4, 5, 8, 9, 16, 17, 21, 28, 33
2N	28E	2, 3, 9, 10, 11, 14, 15, 16, 21, 22, 27, 28, 29, 32, 33
Intraconnection Corridor		
1S	27E	7, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24
1S	28E	3, 4, 7, 8, 9, 16, 17, 18
1N	28E	28, 33

For this facility, the certificate holder requested that the site boundary represent the "micrositing corridor" for the placement of facility components to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. The Council permits final siting flexibility within a micrositing corridor when the certificate holder demonstrates that requirements of all applicable standards have been satisfied by adequately evaluating the entire corridor and location of facility components anywhere within the corridor.

2.2 Micrositing Corridors

The certificate holder requested flexibility to locate components of the energy facility and its related or supporting facilities within a micrositing corridor to allow adjustment of the specific location of components, while establishing outer boundaries of potential construction for purposes of evaluating potential impacts.

The micrositing corridors for wind turbines are a minimum of approximately 660 feet in width around turbines, and wider in some locations. The site boundary width around site access roads and electrical collection lines (collector lines) is narrower, between 200 feet and 500 feet in width. The micrositing corridor is wider for the area surrounding the substations, meteorological towers (met towers), the

[1] Energy facility site, as defined in OAR 345-001-0010(54), means all land upon which an energy facility is located or proposed to be located.

operation and maintenance (O&M) buildings, and construction yards.

2.3 Intraconnection Transmission Line Corridor for the Wind Facility

The certificate holder obtained approval of four routing options associated with the wind facility for the 230 kV intraconnection transmission line that interconnects WREFE for the transmission of generated power. The intraconnection transmission line corridor is approximately 1,000-feet in width and ranges in length from 24.5 to 31.5 miles, based upon the four approved transmission line route options.

The four approved transmission line route options range in length from 24.5 to 31.5 miles and would follow the same alignment for approximately 18 miles from the Wheatridge East substation to the crossing at Sand Hollow Road. For the remainder of the route, Options 1 and 3 traverse the same alignment, with Option 1 extending 7 miles longer than Option 3; Option 2 and 4 traverse the same alignment, with Option 2 extending 3.5 miles longer than Option 4. Option 1 and 2 differ for an approximately 4 mile segment located between Sand Hollow Road and the Wheatridge West substation (primary), with Option 2 traversing from Sand Hollow Road through the alternative (2b) Wheatridge West substation to the primary (1) Wheatridge West substation. The four approved routing options and associated transmission line corridors are presented in Attachment A of the site certificate (and are clearly delineated in figures provided in ASC Exhibit C).

3.0 Facility Description

The facility includes wind generation components, each with related or supporting facilities. The energy generation capacity of the facility at full build out by the specified construction completion deadlines is 200 MW. Wind energy facility components are further described in Section 3.1 and 3.1.1 of this site certificate.

As presented in the ASC, the facility will be constructed in phases. In accordance with ORS 469.300(6), preconstruction conditions may be satisfied for the applicable phase, facility component or for the facility, as applicable, based on final design and configuration.

3.1 Wind Energy Facility Components

The construction commencement deadline for the wind energy facility and its related or supporting facilities must begin by May 24, 2020 (under General Standard Condition 1 (GEN-GS-01) and construction of these components must be completed on or before May 24, 2023 (under General Standard Condition 2 (GEN-GS-02).

Wind energy generation components include up to 66 wind turbines with a total generating capacity up to 200 MW. Wind turbines each consist of a nacelle, a three-bladed rotor, turbine tower and foundation. The nacelle houses the equipment such as the gearbox, generator, brakes, and control systems for the turbine. The total height of the turbine tower and blades (tip-height) ranges between 431 and 499.7 feet, depending on the turbine model selected.

The base of each wind turbine tower foundation requires a cleared area (typically a gravel pad) up to 80 feet in diameter. The turbines are grouped in linear “strings” within the micrositing corridor and interconnect with a 34.5 kV electrical collection system (described below). Most wind turbine types include a generator step-up (GSU) transformer installed at the base of the tower that would be used

to increase the voltage of the turbine to that of the electrical collection system. Table 2 shows the range of turbine specifications approved for use at the facility site.

Table 2: Approved Wind Turbine Dimensions

Specification	Maximum (ft)
Blade Length	204.1
Hub Height	291.3
Rotor Diameter	416.7
Total Height (tower height plus blade length)	499.7
Aboveground Blade-Tip Clearance	70.5
Wind turbine types with the maximum dimension specifications shall be equipped with Low Noise Trailing Edge blades.	

3.1.1 Related or Supporting Facilities to Wind Energy Facility Components

Related or supporting facilities to the wind energy facility components are described below:

- Electrical collection system (includes up to 30 miles of mostly underground 34.5 kV collector lines)
- Up to one collector substations
- Up to 32 miles of up to two overhead, parallel 230 kV transmission lines
- Up to 5 permanent meteorological (met) towers
- Communication and Supervisory Control and Data Acquisition (SCADA) System
- One operations and maintenance (O&M) buildings
- Up to 14 miles of new or improved access roads
- Additional temporary construction areas (including staging areas and one or more temporary concrete batch plant areas)
- Battery Storage Systems (20 MW, located on up to 5 acres) and Interconnection Facilities

Construction of these related or supporting facilities must be complete by May 24, 2023.

Electrical Collection System

The electrical collection system includes up to 30 miles of mostly underground 34.5 kV collector lines. Electrical connections are located underground or in enclosed junction boxes between the turbine and the pad-mounted GSU transformer. From the GSU transformer to the collector lines the connections are installed along and between the turbine strings to collect power generated by each wind turbine and to route the power to one of three collector substations, which step up the power from 34.5 kV to 230 kV.

The collector lines are underground, to the extent practicable, in trenches approximately three-feet wide and not less than two- to three-feet deep, generally alongside access roads, to minimize ground disturbance. Where land use and soil conditions make a buried depth of three-feet infeasible, collector lines may be buried at a depth of less than three feet, while still adhering to National Electrical Safety Code (NESC) standards.

Collector lines may be run overhead in situations where a buried cable would be infeasible or would create unnecessary impacts, such as at stream or canyon crossings. Overhead collector lines are supported by a wooden or steel pole structure. Each support pole has been buried approximately 6 feet in the ground and extends to a height of approximately 60 feet above ground, spaced 100 to 200 feet apart. Overhead collector lines are only anticipated in Wheatridge West. The facility includes up to 10.8 miles of overhead collector lines; however, the specific locations of overhead collector lines will not be known until site geotechnical work has been completed during pre-construction activities.

No more than 30 miles of collector lines would be needed for wind facility components.

Collector Substations

The facility includes one substation within Wheatridge East. The proposed substation locations are presented in ASC Exhibit C. However, Wheatridge has requested, and Council grants, the ability to microsite the final location of the substation within the micrositing corridor.

Prior to construction, substation sites will be cleared and graded, with a bed of crushed rock applied for a durable surface. Each collector substation is located on a two- to ten-acre site, enclosed by a locked eight-foot tall wire mesh fence. Each substation consists of transformers, transmission line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and other equipment.

230 kV Intraconnection Transmission Line

The facility includes one or two parallel overhead 230 kV intraconnection transmission lines supported by H-frame or monopole structures constructed of either wood or steel that extends 24.5 to 31.5 miles in length, depending on the route option selected. The 230 kV overhead transmission line structures are approximately 60 to 150 feet tall and spaced approximately 400 to 800 feet apart depending on the terrain. Each transmission line route requires acquisition of an approximately 150-foot wide right-of-way from private landowners.

The four approved transmission line routing options and associated corridors for the intraconnection transmission line are described below (see Attachment A figure and figures contained in ASC Exhibit C):

- Option 1: Two Project Substations to Longhorn
    - This option runs from Substation 3 in Wheatridge East to Substation 1 in Wheatridge West and then to the proposed UEC/CB Strawberry substation, just to the west of Wheatridge West, for interconnection to a UEC or UEC/CB operated Gen-tie Line to the proposed BPA Longhorn substation. The intraconnection line route is 31.5 miles (50.5 kilometers) in length.
- Option 2: Three Project Substations to Longhorn (Final facility design with battery storage system would not include this routing option)
    - This option runs from Substation 3 in Wheatridge East to Substation 2b in Wheatridge West, then on to Substation 2a in Wheatridge West, and then to the proposed UEC/CB Strawberry substation, just west of Wheatridge West, for interconnection to

a UEC or UEC/CB operated Gen-tie Line to the proposed BPA Longhorn substation. The intraconnection line route is 31.3 miles (50.3 kilometers) in length.

- Option 3: Two Project Substations to Stanfield

    - This option runs from Substation 1 in Wheatridge West to Substation 3 in Wheatridge East for interconnection to a UEC operated Gen-tie Line to the proposed BPA Stanfield substation. The intraconnection line route is 24.5 miles (39.4 kilometers) in length.

- Option 4: Three Project Substations to Stanfield (Final facility design with battery storage system would not include this routing option)

    - This option runs from Substation 2a in Wheatridge West to Substation 2b in Wheatridge West, and then to Substation 3 in Wheatridge East for interconnection to a UEC operated Gen-tie Line to the proposed BPA Stanfield substation. The intraconnection line route is 27.8 miles (44.7 kilometers) in length.

Meteorological Towers

The facility includes up to five met towers are sited in WREFE. Each met tower has a free-standing, non-guyed design and is approximately 328 feet (100 meters) in height. Installation of permanent met towers results in approximately 98-feet (30-meters) in diameter of temporary land disturbance per tower and approximately 32-feet (10-meter) in diameter of permanent land disturbance per tower. Permanent met towers are fitted with safety lighting and paint as required by the Federal Aviation Administration (FAA).

Communication and SCADA System

The facility includes a communication system, consisting of fiber optic and copper communication lines that connect the turbines, met towers, and substations to the O&M buildings. A SCADA system is installed in the O&M buildings to enable remote operation to collect operating data for each wind turbine, and to archive wind and performance data. SCADA system wires are collocated with the collector lines both in the underground trenches and overhead, if necessary.

O&M Buildings

The facility one O&M building, each located on up to 1.1 acres, one within Wheatridge East and one within Wheatridge West. Each O&M building consists of a single-story, prefabricated structure approximately 6,000 to 9,000 square feet in size, and includes an office, break room, kitchen, lavatory with shower, utility room, covered vehicle parking, storage for maintenance supplies and equipment, and SCADA system. A permanent, fenced, graveled parking and storage area for employees, visitors, and equipment is located adjacent to each O&M building. Each building is served by an on-site well and septic system and power supplied by a local service provider using overhead and/or underground lines.

Access Roads

The certificate holder completed improvements to existing public roads to accommodate

construction activities, including flattening crests or filling dips, widening sharp corners, or adding road base material; the certificate holder is required to consult with the appropriate county road master on specific improvements prior to construction. The certificate holder committed to completing upgrade to existing roads according to applicable state and county road standards and after consultation with Morrow and Umatilla County staff. The certificate holder is required to implement a road use agreement with each county to specify requirements, including that all existing public roads used to access the site would be left in as good or better condition than that which existed prior to the start of construction.

Access to the turbines, construction yards, substations, and O&M buildings is from a network of private access roads constructed or improved by the certificate holder. The certificate holder will grade and gravel all newly constructed and improved site access roads to meet load requirements for heavy construction equipment, as necessary. Following turbine construction, the certificate holder will narrow the site access roads for use during operations and maintenance. The additional disturbed width required during construction will be restored following the completion of construction by removing gravel surfacing, restoring appropriate contours with erosion and stormwater control best management practices (BMPs), decompacting as needed, and revegetating the area appropriately.

Temporary access roads were needed for the construction of the intraconnection transmission line(s). The intraconnection transmission line(s) can be constructed and maintained using only large trucks rather than heavy construction cranes, and construction will occur during the dry time of year when the ground surface is hard enough to support those vehicles. Therefore, the interconnection transmission lines do not include permanent access roads. The total mileage of the temporary access roads needed for constructing the intraconnection transmission line(s) depends on the intraconnection line route option chosen. The shortest route would require approximately 22.8 miles of access roads, while the longest would require approximately 25.5 miles.

Additional Construction Yards

The facility includes up to four temporary construction yards located within the site boundary to facilitate the delivery and assembly of material and equipment. The construction yards are used for temporary storage of diesel and gasoline fuels, which are located in an above-ground 1,000-gallon diesel and 500-gallon gasoline tank, within designated secondary containments areas.

Each construction yard occupies between 15 and 20 acres, and was graded and gravel surfaced. The certificate holder is required to restore all construction yards to pre-construction conditions unless an agreement with the landowner leads to some or all of the construction yard being retained after construction.

In addition, the certificate holder may utilize one or more temporary concrete batch plant areas, located within the construction yard area. The temporary concrete batch plants are permitted and operated by the selected contractor.

Battery Storage Systems and Interconnection Facilities (DC Coupled)

The battery storage systems associated with wind energy facility components include the following:

- Series of modular containers or a building per system (approximately 80 feet long, 100 feet wide and 15-20 feet tall for the 20 MW system)

    - Each system would contain lithium-ion batteries within battery modules placed in anchored racks within containers or building.
    - Approximately eighteen 2.7 mega-voltampere (MVA) inverters with associated step up transformers with a combined footprint approximately 8 feet by 4 feet.
    - Each system would be equipped with a gas pressured deluge fire suppression system, independent smoke detection system, and external fire water tank
    - Each system would include a cooling system comprised of a bank of four power conditioning system fan units with motor
- Control house, approximately 16 feet by 11 feet, with an external heating, ventilation and air conditioning unit (HVAC)
- Protective device; skid-mounted power transformer; and bi-directional inverter

Battery and inverter equipment would be electrically connected via a combination of aboveground cable trays, underground conduit, and covered cable trenches. Site surfacing would remain primarily gravel. The battery storage systems would interconnect with facility substations via feeder lines.

4.0 Site Certificate Conditions

4.1 Condition Format

The conditions in Sections 4.2 through 4.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.)[2]. The table below presents a "key" for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as "GS"; the Soil Protection standard is represented in the condition numbering as "SP" and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council's General Standard of Review, and is condition number 1.

This site certificate contains conditions initially imposed in the Wheatridge Wind Energy Facility site certificate, as approved in April 2017, and amended in July 2017 (AMD1), November (AMD2) and December 2018 (AMD3), November 2019 (AMD4), and May 2020 (AMD5). Site certificate conditions include a bracketed citation (e.g. [Final Order on ASC (2017), AMD2 (2018), AMD4 (2019)]) which provides reference to the Council order imposing or amending the condition. Bracketed citations dated 2017 through May 2020 represent conditions imposed or amended under the Wheatridge Wind Energy Facility site certificate; bracketed citations dated after May 2020 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility II site certificate.

[2] The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

4.2 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	The certificate holder shall begin construction of wind facility components and its related or supporting facilities, by May 24, 2020. On or before May 24, 2020, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010. [Final Order on ASC (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019); AMD1 (2020)] [Mandatory Condition OAR 345-025-0006(4)]
GEN-GS-02	The certificate holder shall complete construction of the wind facility components and its related or supporting facilities by May 24, 2023. The certificate holder shall promptly notify the Department of the date of completion of construction. [Final Order on ASC (2017), General Standard Condition 2 (2018); AMD2 (2018); AMD4 (2019); AMD5 (2020)] [Mandatory Condition OAR 345-025-0006(4)]
GEN-GS-03	The certificate holder shall design, construct, operate, and retire the facility: a. Substantially as described in the site certificate; b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and c. In compliance with all applicable permit requirements of other state agencies. [Final Order on ASC (2017), Mandatory Condition 2] [OAR 345-025-0006(3)]
GEN-GS-04	Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and: a. The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or b. The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built. [Final Order on ASC (2017), Mandatory Condition 3] [OAR 345-025-0006(5)]
GEN-GS-05	If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the department describing the impact on the facility and any affected site certificate conditions. [Final Order on ASC (2017), Mandatory Condition 6] [OAR 345-025-0000(6)]
GEN-GS-06	The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant. [Final Order on ASC (2017), Mandatory Condition 5] [OAR 345-025-0006(10)]

GEN-GS-07	Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. [Final Order on ASC (2017), Mandatory Condition 6] [OAR 345--025-0006(11)]
GEN-GS-08	The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced coastal subsidence. [Final Order on ASC (2017), Mandatory Condition 7] [OAR 345-025-0006(12)]
GEN-GS-09	The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions. [Final Order on ASC (2017), Mandatory Condition 8] [OAR 345-025-0006(13)]
GEN-GS-10	The certificate holder shall notify the department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Final Order on ASC (2017), Mandatory Condition 9] [OAR 345-025-0006(14)]
GEN-GS-11	Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the department of the proposed new owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate. [Final Order on ASC (2017), Mandatory Condition 10] [OAR 345-025-0006(15)]
GEN-GS-12	The Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council's standards, approve more than one corridor. The transmission line corridors approved by EFSC pursuant to this condition is described in Section 2.3 of the site certificate, and presented in the facility site map (see Attachment A of the site certificate. [Final Order on ASC (2017), Site Specific Condition 1] [OAR 345-025-0010(5)]]
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
GEN-OE-01	Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder. [Final Order on ASC (2017), Organizational Expertise Condition 5]

GEN-OE-02	In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the department. [Final Order on ASC (2017), Organizational Expertise Condition 6]
GEN-OE-03	During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, NextEra Energy Resources, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of NextEra Energy Resources, LLC. [Final Order on AMD1 (2017), Organizational Expertise Condition 9]
GEN-OE-04	The certificate holder shall: a. Prior to and during construction, as applicable, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. b. Prior to transporting and disposing of battery and battery waste during facility operations, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. [Final Order on AMD2 (2018), Organizational Expertise Condition 10]
GEN-OE-05	*Deleted in Final Order on Amendment 1* [Final Order on AMD5 (2020); Organizational Expertise Condition 11; AMD1 (2020)]

STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]	
GEN-SS-01	The certificate holder shall design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction. [Final Order on ASC (2017), Structural Standard Condition 2]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
GEN-LU-01	The certificate holder shall design the facility to comply with the following setback distances in Morrow County: a. Wind turbines shall be setback from the property line of any abutting property of any non-participant property owners a minimum of 110 percent of maximum blade tip height of the wind turbine tower. b. Wind turbines shall be setback 100 feet from all property boundaries, including participant property boundaries within the site boundary, if practicable. c. Wind turbine foundations shall not be located on any property boundary, including participant property boundaries within the site boundary. d. Wind turbines shall be setback 110% of the overall tower-to-blade tip height from the boundary right-of-way of county roads, state and interstate highways. [Final Order on ASC (2017), Land Use Condition 1; AMD3 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020)]
GEN-LU-02	During design and construction of the facility, the certificate holder shall: a. Obtain an access permit for changes in access on Morrow County roads; and b. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards. [Final Order on ASC (2017), Land Use Condition 4]
GEN-LU-03	During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate: a. Paint the towers in alternating bands of white and red or aviation orange; or b. Install aviation lighting as recommended by the Federal Aviation Administration. [Final Order on ASC (2017), Land Use Condition 9]
GEN-LU-04	The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall: a. Locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices; b. Place turbines and transmission intraconnection lines along the margins of cultivated areas to reduce the potential for conflict with farm operations, where feasible. c. Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible. [Final Order on ASC (2017), Land Use Condition 11; AMD4 (2019); AMD1 (2020)]
GEN-LU-05	During design and construction of the facility, the certificate holder shall ensure that fencing and landscaping selected and used for the O&M building and similar facility components sited within Morrow County blend with the nature of the surrounding area. [Final Order on ASC (2017), Land Use Condition 14]
GEN-LU-06	During micrositing of the facility, the certificate holder shall ensure that wind turbines are sited based on a minimum setback of: a. 110% of the overall tower-to-blade tip height from the boundary right-of-way of county roads and state and interstate highways in Umatilla and Morrow counties. b. 2 miles from turbine towers to a city urban growth boundary.

	c. 1 mile from turbine towers to land within Umatilla County lands zoned Unincorporated Community. d. 2 miles from turbine towers to rural residences within Umatilla County. e. 164 feet (50 meters) from tower and facility components to known archeological, historical and cultural sites or CTUIR cultural site. [Final Order on ASC (2017), Land Use Condition 16; AMD3 (2018)]
GEN-LU-07	During design and construction, the certificate holder must ensure that the O&M building in Umatilla County is consistent with the character of similar agricultural buildings used by commercial farmers or ranchers in Umatilla County. [Final Order on ASC (2017), Land Use Condition 20]
GEN-LU-08	During facility design and construction of new access roads and road improvements, the certificate holder shall implement best management practices after consultation with the Umatilla County Soil Water Conservation district. The new and improved road designs must be reviewed and certified by a civil engineer. [Final Order on ASC (2017), Land Use Condition 22]
GEN-LU-09	Before beginning electrical production, the certificate hold shall provide the location of each turbine tower, electrical collecting lines, the O&M building, the substation, project access roads, and portion of the intraconnection transmission line located in Umatilla County to the department and Umatilla County in a format suitable for GPS mapping. [Final Order on ASC (2017), Land Use Condition 24]
GEN-LU-10	During construction and operation of the facility, the certificate holder shall deliver a copy of the annual report required under OAR 345-026-0080 to the Umatilla County Planning Commission on an annual basis. [Final Order on ASC (2017), Land Use Condition 28]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
GEN-RF-01	The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 1] [Mandatory Condition OAR 345-025-0006(7)]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
GEN-FW-01	During construction and operation, the certificate holder shall impose a 20 mile per hour speed limit on new and improved private access roads, which have been approved as a related and supporting facility to the energy facility. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 2]
GEN-FW-02	The certificate holder shall construct all overhead collector and transmission intraconnection lines in accordance with the latest Avian Power Line Interaction Committee design standards, and shall only install permanent meteorological towers that are unguyed. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 6]
STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]	
GEN-SR-01	To reduce visual impacts associated with lighting facility structures, other than lighting on structures subject to the requirements of the Federal Aviation Administration or the Oregon Department of Aviation, the certificate holder shall implement the following measures: a. Outdoor night lighting at the collector substations, Operations and Maintenance Buildings, and battery storage systems, must be i. The minimum number and intensity required for safety and security;

	ii. Directed downward and inward within the facility to minimize backscatter and offsite light trespass; and iii. Have motion sensors and switches to keep lights turned off when not needed. [Final Order on ASC (2017), Scenic Resources Condition 1, AMD2 (2018)]
GEN-SR-02	The certificate holder shall: a. Design and construct the O&M buildings and battery storage systems to be generally consistent with the character of agricultural buildings used by farmers or ranchers in the area, and the buildings shall be finished in a neutral color to blend with the surrounding landscape; b. Paint or otherwise finish turbine structures in a grey, white, or off-white, low reflectivity coating to minimize reflection and contrast with the sky, unless required otherwise by the local code applicable to the structure location. c. Design and construct support towers for the intraconnection transmission lines using either wood or steel structures and utilize finish with a low reflectivity coating; d. Finish substation structures and battery storage systems utilizing neutral colors to blend with the surrounding landscape; e. Minimize use of lighting and design lighting to prevent offsite glare; f. Not display advertising or commercial signage on any part of the proposed facility; g. Limit vegetation clearing and ground disturbance to the minimum area necessary to safely and efficiently install the facility equipment; h. Water access roads and other areas of ground disturbance during construction, as needed, to avoid the generation of airborne dust; and i. Restore and revegetate temporary impact areas as soon as practicable following completion of construction. [Final Order on ASC (2017), Scenic Resources Condition 2, AMD2 (2018)]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
GEN-PS-01	During construction and operation, the certificate holder shall coordinate with its solid waste handler to provide the information solicited through the Oregon Department of Environmental Quality's Recycling Collector Survey to the Morrow County waste shed representative on an annual basis. [Final Order on ASC (2017), Public Services Condition 5]
GEN-PS-02	The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The O&M buildings shall be fenced. The certificate holder shall keep tower access doors and O&M buildings locked at all times, except when authorized personnel are present. [Final Order on ASC (2017), Public Services Condition 11]
GEN-PS-03	Prior to construction and operation of the facility, , the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Public Services Condition 13 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request. [Final Order on ASC (2017), Public Services Condition 18]
GEN-PS-04	The certificate holder shall design, construct and maintain the battery storage systems within a 100 foot vegetation free zone.

	[Final Order on AMD2 (2018), Public Services Condition 23]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
GEN-WF-01	During construction and operation, the certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 3]
GEN-WF-02	The certificate holder shall notify the department, the Morrow County Planning Department and the Umatilla County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 5]

4.3 Pre-Construction (PRE) Conditions

Condition Number	Pre-Construction (PRE) Conditions
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
PRE-OE-01	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the department any changes of major contractors. [Final Order on ASC (2017), Organizational Expertise Condition 1, AMD1 (2020)]
PRE-OE-02	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity and qualifications of the construction manager to demonstrate that the construction manager is qualified in environmental compliance and has the capability to ensure compliance with all site certificate conditions. [Final Order on ASC (2017), Organizational Expertise Condition 2; AMD1 (2020)]
PRE-OE-03	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. [Final Order on ASC (2017), Organizational Expertise Condition 3, AMD1 (2020)]
PRE-OE-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department before conducting any work on the site that does not qualify as surveying, exploration, or other activities to define or characterize the site. The notice must include a description of the work and evidence that its value is less than $250,000 or evidence that the certificate holder has satisfied all conditions that are required prior to beginning construction. [Final Order on ASC (2017), Organizational Expertise Condition 4, AMD1 (2020)]
PRE-OE-05	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder must provide the department and Umatilla and Morrow Counties with the name(s) and location(s) of the aggregate source and evidence of the source's county permit(s). [Final Order on ASC (2017), Organizational Expertise Condition 7, AMD1 (2020)]
PRE-OE-06	The certificate holder must: a. Prior to construction of wind facility components, as applicable, provide evidence to the department and Umatilla County that the third party that will construct, own and operate the interconnection transmission line has obtained all necessary approvals and permits for that interconnection transmission line and that the certificate holder has a contract with the third party for use of the transmission line. b. During construction and operation, promptly report to the Department if any third-party permits referenced in sub(b) of this condition have been cited for a Notice of Violation. [Final Order on ASC (2017), Organizational Expertise Condition 8; AMD4 (2019); AMD5 (2020); AMD1 (2020)]
STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]	

PRE-SS-01	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder must: a) Submit a protocol to the Department and Oregon Department of Geology & Mineral Industries (DOGAMI), for review, with the applicable codes, standards, and guidelines to be used, and proposed geotechnical work to be conducted for the site-specific geotechnical investigation report. b) Following receipt and review of Department and DOGAMI comments on the protocol per (a), the certificate holder shall conduct a site-specific geological and geotechnical investigation, and shall report its findings to DOGAMI and the department. The report shall be used by the certificate holder in final facility layout and design. The department shall review, in consultation with DOGAMI, and confirm that the investigation report includes an adequate assessment of the following information: • Subsurface soil and geologic conditions of the site boundary • Define and delineate geological and geotechnical hazards, and means to mitigate these hazards • Geotechnical design criteria and data for the turbine foundations, foundations of substations, O&M buildings, battery storage systems, roads, and other related and supporting facilities • Design data for installation of underground and overhead collector lines, and overhead transmission lines • Investigation of specific areas with potential for slope instability and landslide hazards. Landslide hazard evaluation shall be conducted by LIDAR and field work, as recommended by DOGAMI • Investigations of the swell and collapse potential of loess soils within the site boundary. [Final Order on ASC (2017), Structural Standard Condition 1; AMD2 (2018); AMD1 (2020)]
PRE-SS-02	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of all potentially active faults within the site boundary, including the fault labeled as 2438 on Figures H-1 and H-2 of ASC Exhibit H. The investigation shall include a description of the potentially active faults, their potential risk to the facility, and any additional mitigation that will be undertaken by the certificate holder to ensure safe design, construction, and operation of the facility. [Final Order on ASC (2017), Structural Standard Condition 3; AMD5 (2020), AMD1 (2020)]
PRE-SS-03	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1 an investigation of specific areas with potential for slope instability and shall site turbine strings appropriate to avoid potential hazards. The landslide hazards shall be investigated and mapped before final facility layout and design. The landslide hazard evaluation shall be conducted by a combination of LIDAR and field work. [Final Order on ASC (2017), Structural Standard Condition 4, AMD1 (2020)]
PRE-SS-04	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the certificate holder shall include mitigation measures including, as necessary, over-excavating and replacing loess soil with structural fill, wetting and compacting, deep foundations, or avoidance of specific areas. [Final Order on ASC (2017), Structural Standard Condition 5, AMD1 (2020)]

STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRE-SP-01	Prior to beginning construction, the certificate holder shall provide a copy of a DEQ-approved construction Spill Prevention Control and Countermeasures (SPCC) plan, to be implemented during facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate. [Final Order on ASC (2017), Soil Protection Condition 3]
PRE-SP-02	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall ensure that the final Revegetation Plan includes a program to protect and restore agricultural soils temporarily disturbed during facility construction. As described in the final order, agriculture soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced. The Revegetation Plan shall be finalized pursuant to Fish and Wildlife Habitat Condition 11. [Final Order on ASC (2017), Soil Protection Condition 4, AMD1 (2020)]
PRE-SP-03	Prior to beginning construction of the O&M buildings, the certificate holder shall secure any necessary septic system permits from DEQ. Copies of the necessary permits must be provided to the department prior to beginning construction of the O&M buildings. [Final Order on ASC (2017), Soil Protection Condition 7]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
PRE-LU-01	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall complete the following: a. Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and b. Obtain all other necessary local permits, including building permits. c. Provide the county with a building permit application, a third party technical report which includes: 1. Evaluates fire hazards and; 2. Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems. d. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department. [Final Order on ASC (2017), Land Use Condition 3; AMD2 (2018), AMD1 (2020)]
PRE-LU-02	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall pay the requisite fee and obtain a Conditional Use Permit as required under Morrow County Zoning Ordinance Article 6 Section 6.015. [Final Order on ASC (2017), Land Use Condition 5, AMD1 (2020)]
PRE-LU-03	Before beginning construction, the certificate holder shall prepare a Weed Control Plan that is consistent with Morrow and Umatilla County weed control requirements to be approved by the department, substantially similar to the draft plan provided in the Attachment E of the *Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate* (November 2020). The department shall consult with Morrow and Umatilla counties and ODFW. The final plan must be submitted to the department no less than 30 days prior to the beginning of construction. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. [Final Order on ASC (2017), Land Use Condition 6; AMD5 (2020); AMD1 (2020)]
PRE-LU-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland. [Final Order on ASC (2017), Land Use Condition 7, AMD1 (2020)]

PRE-LU-05	Prior to beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall consult with surrounding landowners and lessees and shall consider proposed measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs during construction and operation of the facility. Prior to beginning construction, the certificate holder shall provide evidence of this consultation to the department, Morrow County, and Umatilla County. [Final Order on ASC (2017), Land Use Condition 12; AMD5 (2020), AMD1 (2020)]
PRE-LU-06	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall work with the Morrow County Road Department to identify specific construction traffic related concerns, and develop a traffic management plan that specifies necessary traffic control measures to mitigate the effects of the temporary increase in traffic. The certificate holder must provide a copy of the traffic management plan to the department and Morrow County, and must implement the traffic management plan during construction. [Final Order on ASC (2017), Land Use Condition 13, AMD1 (2020)]
PRE-LU-07	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder must: a. Pay the requisite fee(s) and obtain a Zoning Permit(s) from Umatilla County for facility components sited within Umatilla County, including, but not limited to, turbines, substation, O&M building, and the intraconnection line. b. Provide the Department and county with a building permit application that includes a third party technical report which: 1. Evaluates fire hazards, and 2. Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems. c. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department. [Final Order on ASC (2017), Land Use Condition 15; AMD2 (2018), AMD1 (2020)]
PRE-LU-08	Prior to facility construction of the facility, facility component or phase, as applicable, the certificate holder shall install gates and no trespassing signs at all private access roads established or improved for the purpose of facility construction and operation if requested by the underlying landowner. [Final Order on ASC (2017), Land Use Condition 18; AMD4 (2019), AMD1 (2020)]
PRE-LU-09	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall record in the real property records of Umatilla County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland. [Final Order on ASC (2017), Land Use Condition 21, AMD1 (2020)]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
PRE-RF-01	Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 4] [Mandatory Condition OAR 345-025-0006(8)]
PRE-RF-02	Before beginning construction of the wind energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for wind facility components is $7.0 million

	dollars (Q2 2020 dollars), to be adjusted to the date of issuance based on the line items and unit costs presented in Table 1 of the *Final Order on Amendment 1 for Wheatridge Renewable Energy Facility II Site Certificate* (November 2020), and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition: 1. The certificate holder may adjust the amount of the initial bond or letter of credit based on the final design configuration of the facility. Any revision to the restoration costs should be adjusted to the date of issuance as described in (2) and subject to review and approval by the Council. 2. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: i. Adjust the amount of the bond or letter of credit (expressed in Q2 2020 dollars to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the second quarter 2020 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust second quarter 2020 dollars to present value. ii. Round the result total to the nearest $1,000 to determine the financial assurance amount. 3. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council. 4. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 5; AMD2 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020)]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
PRE-FW-01	Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. The survey shall be planned in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources. The report shall also include an updated version of Table FW-1 Potential Temporary and Permanent Impacts by Habitat Category and Type of the final order, showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction survey shall be used to complete final design, facility layout, and micrositing of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for each transmission structure, wind turbine, access road, and all other facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW. The certificate holder shall not construct any facility

	components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 1]
PRE-FW-02	Prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-2 of the *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate* (November 2020), based on the final facility design, as approved by the department in consultation with ODFW. a. The final WMMP must be submitted and ODOE's concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility. b. The WMMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020)]
PRE-FW-03	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to areas with sensitive or protected plant species, including candidate species, wetlands and waterways that are not authorized for construction impacts, areas with seasonal restrictions, and active state sensitive species bird nests. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 8, AMD1 (2020)]
PRE-FW-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare and receive approval from the department of a final Habitat Mitigation Plan, substantially as presented in Attachment C-2 of the *Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate* (November 2020). The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP. a. The final Habitat Mitigation Plan and the department's approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. b. The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Fish and Wildlife Habitat Condition 1. c. The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plan. d. The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map and available acres by habitat category and subtype in tabular format. e. The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted areas, and monitoring.

	The mitigation actions shall be implemented according to the following schedule, as included in the HMP: i. Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction. ii. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction. f. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area. g. The final HMP shall include mitigation in compliance with the Council's Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity. h. The final HMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 10, AMD1 (2020)]
PRE-FW-05	Before beginning construction, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment D-2 of the *Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate* (November 2020), from the Department, in consultation with Umatilla and Morrow counties and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 11; AMD5 (2020)]
STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]	
PRE-TE-01	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall determine the boundaries of Category 1 Washington ground squirrel habitat. The certificate holder shall hire a qualified professional biologist who has experience in detection of Washington ground squirrel to conduct pre-construction surveys using a survey protocol approved by the department in consultation with ODFW. The biologist shall survey all areas of suitable habitat within 1,000 feet of any ground disturbing activity. Ground disturbing activity refers to any potential impact, whether permanent or temporary. The protocol surveys shall be conducted in the active squirrel season (March 1 to May 31) prior to construction commencement. The protocol survey is valid for three years. If construction begins within three years of conducting the protocol survey, but not within one year of the protocol survey, the certificate holder shall conduct a pre-construction survey only within areas of suitable Washington ground squirrel habitat where ground disturbing activity would occur. The certificate holder shall provide written reports of the surveys to the department and to ODFW and shall identify the boundaries of Category 1 Washington ground squirrel (WGS) habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the department, in consultation with ODFW. The certificate holder shall avoid any permanent or temporary disturbance in all Category 1 WGS habitat. The certificate holder shall ensure that these sensitive areas are correctly marked with exclusion flagging and avoided during construction. [Final Order on ASC (2017), Threatened and Endangered Species Condition 1, AMD1 (2020)]

PRE-TE-02	In accordance with Fish and Wildlife Habitat Condition 4, prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-2 of the *Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate* (November 2020), based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities. [Final Order on ASC (2017), Threatened and Endangered Species Condition 2]
PRE-TE-03	To avoid potential impacts to Laurent's milkvetch, the certificate holder must: i. Conduct preconstruction plant surveys for Laurent's milkvetch within 100-feet of temporary and permanent disturbance from all facility components, unless extent of survey area within suitable habitat from temporary and permanent disturbance is otherwise agreed upon by the Department on consultation with Oregon Department of Agriculture. If the species is found to occur, the certificate holder must install protection flagging around the plant population and avoid any ground disturbance within this zone. ii. Ensure that any plant protection zone established under (i) above is included on construction plans showing the final design locations. iii. If herbicides are used to control weeds, the certificate holder shall follow the manufacturer's guidelines in establishing a buffer area around confirmed populations of Laurent's milkvetch. Herbicides must not be used within the established buffers. iv. If avoidance cannot be maintained, the certificate holder may request that the Department consider an avoidance exception, authorized through Council concurrence as further described below. The exception request must include an impact assessment and mitigation plan for the affected species including but not be limited to: • Literature review and/or field studies that inform the current status of the species within the survey area or region, if survey area does not contain sufficient information to develop a statistically viable approach for determining impact significance; • A description of the individual(s) or population(s) identified within the survey area that would be avoided and impacted; • An evaluation of facility impacts on the survival or recovery of the species, in accordance with the Threatened and Endangered Species standard; • Proposed mitigation measures such as: funded studies that improve understanding of reproductive biology and pollination; development of seed germination, propagation, and transplanting protocols; and/or, compensatory mitigation project including conservation easement(s) and species propagation, protection, and habitat enhancement measures, and/or other proposed mitigation measures that would benefit the affected species. • The Department's review and determination of the exception request shall be conducted in consultation with the Oregon Department of Agriculture, or a third-party consultant. The Department's determination on the exception request must be concurred with by Council. Council retains authority to reject, modify or concur with the exception request.

	[Final Order on ASC (2017), Threatened and Endangered Species Condition 3; AMD3 (2018); AMD4 (2019)]
STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
PRE-HC-01	Before beginning construction, the certificate holder shall provide to the department a map showing the final design locations of all components of the facility, the areas that will be temporarily disturbed during construction and the areas that were surveyed in 2013-14 for historic, cultural, and archaeological resources. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 1]
PRE-HC-02	Before beginning construction, the certificate holder shall mark the buffer areas established under Historic, Cultural, and Archeological Resources Condition 3 for all identified historic, cultural, or archaeological resource sites (including those of unknown age) on construction maps and drawings as "no entry" areas. A copy of current maps and drawings must be maintained onsite during construction and made available to the department upon request. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 2]
PRE-HC-03	Before beginning construction, the certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-0070, trains construction contractors on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the department upon request. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 4]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
PRE-PS-01	Prior to construction, the certificate holder shall prepare a Traffic Management Plan that includes the procedures and actions described in this order and the mitigation measures identified in ASC Exhibit U, Section 3.5.4. The plan shall be approved by the department in consultation with the appropriate transportation service providers. The plan shall be maintained onsite and implemented throughout construction of the facility. In addition, the certificate holder shall include the following information in the plan: a. Procedures to provide advance notice to all affected local jurisdictions and adjacent landowners of construction deliveries and the potential for heavy traffic on local roads; b. A policy of including traffic control procedures in contract specifications for construction of the facility; c. Procedures to maintain at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles; d. A policy of ensuring that no equipment or machinery is parked or stored on any county road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within county rights-of-way with the approval of the Morrow County and Umatilla County Public Works Departments; e. A policy to encourage and promote carpooling for the construction workforce; and f. Procedures to keep state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points. [Final Order on ASC (2017), Public Services Condition 6]
PRE-PS-02	Before beginning construction, the certificate holder must enter into Road Use Agreements with the Morrow County and Umatilla County Public Works Departments. The Agreements must include, at a minimum, a pre-construction assessment of road surfaces under Morrow County and Umatilla County jurisdiction, construction monitoring, and post-construction inspection and repair. A copy of the Road Use Agreements with Morrow County and Umatilla County must be submitted to the department before beginning construction. If required by Morrow County or Umatilla County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility.

	[Final Order on ASC (2017), Public Services Condition 7]
PRE-PS-03	The certificate holder shall design and construct new access roads and private road improvements to standards approved by Umatilla County or Morrow County. Where modifications of county roads are necessary, the certificate holder shall construct the modifications entirely within the county road rights-of-way and in conformance with county road design standards subject to the approval of the Umatilla County and Morrow County Public Works Departments. [Final Order on ASC (2017), Public Services Condition 8]
PRE-PS-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall submit to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration for each turbine. Before beginning construction, the certificate holder shall submit to the department the results of the Oregon Department of Aviation aeronautical study and determination. If the department, in consultation with the Oregon Department of Aviation, determines that any turbine would adversely impact an airport's ability to provide service by obstructing the airport's primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction. [Final Order on ASC (2017), Public Services Condition 9, AMD1 (2020)]
PRE-PS-05	Prior to construction, the certificate holder shall prepare an Emergency Management Plan that includes the procedures and actions described in this order and in ASC Exhibit U. The certificate holder shall submit the plan to ODOE for review and approval in consultation with the appropriate local fire protection districts (including the City of Heppner Volunteer Fire Department and Echo Rural Fire Protection District) prior to construction. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. Any updates to the plan shall be provided to the department within 30 days. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility. Additional information that shall be included in the plan: a. Current contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information. b. Identification of agencies that participated in developing the plan; c. Identification of agencies that are designated as first response agencies or are included in any mutual aid agreements with the facility; d. A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility; e. Contact information for each agency listed above; f. Communication protocols for both routine and emergency events and the incident command system to be used in the event a fire response by multiple agencies is needed at the facility; g. Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place; h. The designated meeting location in case of evacuation; i. Staff training requirements; and Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.

	[Final Order on ASC (2017), Public Services Condition 13; AMD1 (2020)]
PRE-PS-06	Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan will include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the facility, and available upon request by the department. [Final Order on ASC (2017), Public Services Condition 20]
PRE-PS-07	Before beginning construction, the certificate holder shall ensure that all construction workers are certified in first aid, cardio pulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that construction activities are occurring. [Final Order on ASC (2017), Public Services Condition 21]
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
PRE-WM-01	Prior to construction, the certificate holder shall develop a construction waste management plan, to be implemented during all phases of facility construction, which includes at a minimum the following details: a. Specification of the number and types of waste containers to be maintained at construction sites and construction yards b. Description of waste segregation methods for recycling or disposal. c. Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements to be used during construction. The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a). [Final Order on ASC (2017), Waste Minimization Condition 2]
PRE-WM-02	Prior to construction, the certificate holder shall investigate and confirm that no surfaces waters, shallow groundwater, or drinking water sources will be adversely impacted by the usage of concrete washout water in the foundations of facility components, and shall submit an investigation report to the department. Prior to construction, the department, in consultation with DEQ, shall review the results of the investigation report and shall verify that the plan to dispose of concrete washout water in the foundations of facility components is unlikely to adversely impact surface waters, shallow groundwater, or drinking water sources. The applicant's investigation shall be based on the anticipated final facility layout and design. If the results of the investigation show that the proposed concrete washout water disposal method would cause adverse impacts to surface water, shallow groundwater, or drinking water sources, the applicant shall propose mitigation measures to reduce potential impacts, for review and approval by the department in consultation with DEQ, prior to construction. [Final Order on ASC (2017), Waste Minimization Condition 3]

STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
PRE-TL-01	Prior to construction, the certificate holder shall schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities. [Final Order on ASC (2017), Siting Standard Condition 2]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
PRE-NC-01	Prior to construction, the certificate holder shall provide to the department: a. Information that identifies the final design locations of all facility components to be built at the facility; b. The maximum sound power level for the facility components and the maximum sound power level and octave band data for the turbine type(s), transformers (substation), invertors, AC- and DC-coupled battery storage cooling system selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the department; c. The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the department that the total noise generated by the facility (including turbines, transformers, invertors, AC- and DC-coupled battery storage cooling systems) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below. The analysis must also identify the noise reduction operation (NRO) mode approach that will be used during facility operation and include a figure that depicts the turbines that will be operating in NRO mode and the associated dBA reduction level; if required to meet the maximum allowable decibel threshold of 50 dBA; and, d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the wind energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. [Final Order on ASC (2017), Noise Control Condition 2; AMD3 (2018); AMD1 (2020)]

4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
CON-SP-01	During construction, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan (ESCP) that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C. [Final Order on ASC (2017), Soil Protection Condition 1]
CON-SP-02	During construction, the erosion and sediment control best management practices and measures as described in ASC Exhibit I, Section 5.2 and listed in the final order approving the site certificate shall be included and implemented as part of the final ESCP. [Final Order on ASC (2017), Soil Protection Condition 2]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
CON-LU-01	During construction, the certificate holder shall comply with the following requirements: a. Construction vehicles shall use previously disturbed areas including existing roadways and tracks. b. Temporary construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable. c. New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards. d. Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable. [Final Order on ASC (2017), Land Use Condition 8]
CON-LU-02	During construction, the certificate holder shall install smooth turbine tower structures and turbine nacelles that lack perching or nesting opportunities for birds. [Final Order on ASC (2017), Land Use Condition 17]
CON-LU-03	During construction, the certificate holder shall install the electrical cable collector system underground, where practicable. In agricultural areas, the collector system lines must be installed at a depth of 3 feet or deeper as necessary to prevent adverse impacts on agriculture operations. In all other areas, the collector system lines must be installed a minimum of 3 feet where practicable. [Final Order on ASC (2017), Land Use Condition 19]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
CON-FW-01	No construction shall occur in mule deer winter range during winter, defined as December 1 to March 31. Mule deer winter range is based on data to be provided by ODFW at the time of construction. Upon request by the certificate holder, the Department may provide exceptions to this restriction. The certificate holder's request must include a justification for the request including any actions the certificate holder will take to avoid, minimize or mitigate impacts to mule deer winter range during winter in the relevant area. The Department will consult with ODFW on any request made under this condition. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 3; AMD4]

<table>
<tr><td>CON-FW-02</td><td>Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities within 0.25-mile of previously identified active nest sites are scheduled to avoid the sensitive nesting and breeding season. Previously identified active nest sites are those identified through the pre-construction raptor nest survey as required through Condition PRE-FW-01 and may also include any previously identified active nest sites from previous surveys.

During construction within the time periods listed below, the certificate holder shall implement buffer zones around active nest sites of the species listed below. Active nest sites shall be identified based on the Condition PRE-FW-01 pre-construction nest survey and be monitored during construction by a biological monitor, both of which shall be based on a protocol approved by the Department in consultation with ODFW- specifying methodology and frequency of monitoring. No ground-disturbing activities within the buffer zone shall occur during the seasonal restrictions. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid ground-disturbing activity within the buffer zone during construction activities.

<table><tr><th>Sensitive Status Species</th><th>Buffer Size (Radius Around Nest Site):</th><th>Sensitive Nesting and Breeding Season :</th></tr><tr><td>Western burrowing owl</td><td>0.25 mile</td><td>April 1 to August 15</td></tr><tr><td>Ferruginous hawk</td><td>0.25 mile</td><td>March 15 to August 15</td></tr><tr><td>Swainson’s hawk</td><td>0.25 mile</td><td>April 1 to August 15</td></tr></table>
If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance.
[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 5; AMD3 (2018); AMD4 (2019)]</td></tr>
<tr><td>CON-FW-03</td><td>During construction, the certificate holder shall employ a qualified environmental professional to provide environmental training to all personnel prior to working onsite, related to sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. All personnel shall be given clear maps showing areas that are off-limits for construction, and shall be prohibited from working outside of the areas in the site boundary that have been surveyed and approved for construction. The certificate holder shall instruct construction personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager. Records of completed training shall be maintained onsite and made available to the department upon request.
[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 7]</td></tr>
<tr><td>CON-FW-04</td><td>During construction, the certificate holder shall employ at a minimum one environmental inspector to be onsite daily. The environmental inspector shall oversee permit compliance and construction, and ensure that known sensitive environmental resources are protected. The environmental inspector shall prepare a weekly report during construction, documenting permit compliance and documenting any corrective actions taken. Reports shall be kept on file and available for inspection by the department upon request.
[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 9]</td></tr>
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STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
CON-HC-01	Prior to construction activities, the certificate holder must flag or otherwise mark a 200-foot avoidance buffer around historic archaeological sites, as identified by the maps and drawings prepared in accordance with Historic, Cultural, and Archeological Resources Conditions 1 and 2. No disturbance is allowed within the buffer zones, unless resources assumed likely NRHP eligible (e.g. 6B2H-MC-ISO-17, WRII-BB-IS-01, WRII-DM-04) are concurred not likely NRHP eligible through SHPO review; or, a Historic, Cultural, and Archaeological Resources mitigation plan is submitted and accepted by the Department and SHPO which includes measures such as: additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with SHPO. For historic archaeological sites, an archeological monitor must be present if construction activities are required within 200-feet of sites identified as potentially eligible for listing on the National Register of Historic Places (NRHP) unless otherwise agreed to by the Department and SHPO. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within buffer areas. Flagging or marking must be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 3; AMD4 (2019)]
CON-HC-02	During construction, the certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archeological or cultural resources are found during construction of the facility until a qualified archeologist can evaluate the significance of the find. The certificate holder shall notify the department and the Oregon State Historic Preservation Office (SHPO) of the find. If ODOE, in consultation with SHPO, determines that the resource meets the definition of an archaeological object, archaeological site, or is eligible or likely to be eligible for listing on the (NRHP), the certificate holder shall, in consultation with the department, SHPO, interested Tribes and other appropriate parties, make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery. The certificate holder shall not restart work in the affected area until the department, in consultation with SHPO, agree that the certificate holder has demonstrated that it has complied with archeological resources protection regulations. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 5]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
CON-PS-01	During construction, the certificate holder shall include the following additional measures in the construction waste management plan required by Waste Minimization Condition 2: a. Recycling steel and other metal scrap. b. Recycling wood waste. c. Recycling packaging wastes such as paper and cardboard. d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured. e. Segregating all hazardous and universal wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.

	f. Discharging concrete truck rinse-out within foundation holes, completing truck wash-down off-site, and burying other concrete waste as fill on-site whenever possible. [Final Order on ASC (2017), Public Services Condition 3]
CON-PS-02	During construction of the facility, the certificate holder shall provide for 24-hour on-site security, and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office and Umatilla County Sheriff's Office. [Final Order on ASC (2017), Public Services Condition 10]
CON-PS-03	During construction of the facility, the certificate holder shall ensure that turbine construction personnel are trained and equipped for fall protection, high angle, and confined space rescue. The certificate holder must retain records of the training and provide them to the department upon request. [Final Order on ASC (2017), Public Services Condition 14]
CON-PS-04	During construction, the certificate holder shall design turbines to be constructed on concrete pads with a minimum of 10 feet of nonflammable and non-erosive ground cover on all sides. The certificate holder shall cover turbine pad areas with nonflammable, non-erosive material immediately following exposure during construction and shall maintain the pad area covering during facility operation. [Final Order on ASC (2017), Public Services Condition 16]
CON-PS-05	During construction the certificate holder must maintain an area clear of vegetation for fire prevention around construction sites, including turbines and towers and any areas where work includes welding, cutting, grinding, or other flame- or spark-producing operations. [Final Order on ASC (2017), Public Services Condition 17]
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
CON-WM-01	During construction, the certificate holder shall require construction contractors to complete the following for any off-site disposal of excess soil during construction activities: a. Obtain and provide the certificate holder with a signed consent agreement between contractor and the party receiving the earth materials authorizing the acceptance and disposal of the excess soil; and, b. Confirm that all disposal sites have been inspected and approved by the certificate holder's environmental personnel to ensure that sensitive environmental resources, such as wetlands or high quality habitats, would not be impacted. The certificate holder shall maintain copies of all signed consent agreements and disposal site inspection and approvals onsite and shall provide to the department in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a). [Final Order on ASC (2017), Waste Minimization Condition 1]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
CON-WF-01	During construction, the certificate holder shall install pad-mounted step-up transformers at the base of each tower in steel boxes designed to protect the public from electrical hazards. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 1]
CON-WF-02	Prior to and during operations the certificate holder shall: a. Install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, connected to a fault annunciation panel or supervisory control and data acquisition (SCADA) system to alert operators to potentially dangerous conditions. b. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical

	problem causing a fire. The certificate holder shall immediately remedy any dangerous conditions. c. Submit to the Department materials or other documentation demonstrating the facility's operational safety-monitoring program and cause analysis program, for review and approval. The program shall, at a minimum, include requirements for regular turbine blade and turbine tower component inspections and maintenance, based on wind turbine manufacturer recommended frequency. d. The certificate holder shall document inspection and maintenance activities including but not limited to date, turbine number, inspection type (regular or other), turbine tower and blade condition, maintenance requirements (i.e. equipment used, component repair or replacement description, impacted area location and size), and wind turbine operating status. This information shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility's annual compliance report. e. In the event of blade or tower failure, the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 90-days of blade or tower failure event, submit a cause analysis to the Department for its compliance evaluation. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 4; AMD3 (2018)]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
CON-TL-01	During construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields and submit verification to the Department, including: a. Constructing all aboveground collector and transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line. b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground. c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground. d. Developing and implementing a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, irrigation systems, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line (OAR 345-025-0010(4)). e. Providing to landowners a map of underground, with any applicable NESC demarking for underground facilities, and overhead transmission lines on their property and advising landowners of possible health and safety risks from induced currents caused by electric and magnetic fields. f. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public. g. Increasing the intraconnection transmission line height, shielding the electric field, or installing access barriers, if needed, to prevent induced current and nuisance shock of mobile vehicles. h. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable. i. Designing, constructing and operating the transmission line in accordance with the requirements of the version of the National Electrical Safety Code that is most current at

	the time that final engineering of each of these components is completed (OAR 345-025-0010(4)). j. Implement a safety protocol to ensure adherence to NESC grounding requirements [Final Order on ASC (2017), Siting Standard Condition 1; AMD4 (2019)]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
CON-NC-01	During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall: a. Establish and enforce construction site and access road speed limits; b. Utilize electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible; c. Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties; d. Utilize noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only; e. Equip all noise-producing construction equipment and vehicles using internal combustion engines with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and, f. Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request. [Final Order on ASC (2017), Noise Control Condition 1]

4.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	

PRO-SP-01	Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required per DEQ's Hazardous Waste Program. If an SPCC plan is not required, the certificate holder shall prepare and submit to the Department for review and approval an operational Spill Prevention and Management plan. The Spill Prevention and Management Plan shall include at a minimum the following procedures and BMPs:
	• Procedures for oil and hazardous material emergency response consistent with OAR 340, Division 100-122 and 142
	• Procedures demonstrating compliance with all applicable local, state, and federal environmental laws and regulations for handling hazardous materials used onsite in a manner that protects public health, safety, and the environment
	• Current inventory (type and quantity) of all hazardous materials stored onsite, specifying the amounts at each O&M building, substation and battery storage system components
	• Restriction limiting onsite storage of diesel fuel or gasoline
	• Requirement to store lubricating and dielectric oils in quantities equal to or greater than 55-gallons in qualified oil-filled equipment
	• Preventative measures and procedures to avoid spills
	  ○ Procedures for chemical storage
	  ○ Procedures for chemical transfer
	  ○ Procedures for chemical transportation
	  ○ Procedures for fueling and maintenance of equipment and vehicles
	  ○ Employee training and education
	• Clean-up and response procedures, in case of an accidental spill or release
	• Proper storage procedures
	• Reporting procedures in case of an accidental spill or release
	[Final Order on ASC (2017), Soil Protection Condition 5; AMD2 (2017)]

STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
PRO-PS-01	Prior to operation of the facility, the certificate holder shall ensure that operations personnel are trained and equipped for fall protection and tower rescue, including high angle and confined space rescue. Refresher training in high angle and confined space rescue must be provided to operations personnel on an annual basis throughout the operational life of the facility. The certificate holder must retain records of the training and provide them to the department upon request. [Final Order on ASC (2017), Public Services Condition 15]
PRO-PS-02	Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first-responders included in the Emergency Management Plan. The certificate holder must indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate

	holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. [Final Order on ASC (2017), Public Services Condition 19]
PRO-PS-03	Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that operations and maintenance personnel are at the facility. [Final Order on ASC (2017), Public Services Condition 22]

4.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
OPR-GS-01	The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility. [Final Order on ASC (2017), Mandatory Condition 1] [OAR 345-025-0006(2)]]
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
OPR-SP-01	During facility operation, the certificate holder shall: a. Routinely inspect and maintain all facility components including roads, pads, and other facility components and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion. b. Restrict vehicles to constructed access roads, and ensure material laydown or other maintenance activities occur within graveled areas or within the maintenance area of the O&M buildings to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility. c. If in order to serve the operational needs of the energy facility, or related and supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction. [Final Order on ASC (2017), Soil Protection Condition 6]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
OPR-LU-01	Within one month of commencement of commercial operation, the certificate holder shall submit an as-built survey for each construction phase that demonstrates compliance with the setback requirements in Land Use Condition 1 to the department and Morrow County. [Final Order on ASC (2017), Land Use Condition 2]
OPR-LU-02	During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11. [Final Order on ASC (2017), Land Use Condition 10]
OPR-LU-03	Before beginning decommissioning activities, the certificate holder must provide a copy of the final retirement plan to Morrow County and Umatilla County. [Final Order on ASC (2017), Land Use Condition 23]
OPR-LU-04	Before beginning electrical production, the certificate holder shall prepare an Operating and Facility Maintenance Plan (Plan) and submit the Plan to the department for approval in consultation with Umatilla and Morrow Counties. [Final Order on ASC (2017), Land Use Condition 25]

OPR-LU-05	Within 90 days of the commencement of electrical service from Wheatridge East, the certificate holder shall provide a summary of as-built changes to the department and Umatilla County. [Final Order on ASC (2017), Land Use Condition 26]
OPR-LU-06	Prior to facility retirement, the certificate holder must include the following minimum restoration activities in the proposed final retirement plan it submits to the Council pursuant to OAR 345-025-0006(9) or its equivalent: 1. Dismantle turbines, towers, pad mounted transformers, meteorological towers and related aboveground equipment, and remove concrete pads to a depth of at least three feet below the surface grade. 2. Remove underground collection and communication cables that are buried less than three feet in depth and are deemed by Council to be a hazard or a source of interference with surface resource uses. 3. Remove gravel from areas surrounding turbine pads. 4. Remove and restore private access roads unless the landowners directs otherwise. 5. Following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses. 6. Revegetate disturbed areas in consultation with the land owner and in a manner consistent with the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11. 7. If the landowner wishes to retain certain facilities, provide a letter from the land owner that identifies the roads, cleared pads, fences, gates and other improvements to be retained and a commitment from the land owner to maintain the identified facilities for farm or other purposes permitted under the applicable zone. [Final Order on ASC (2017), Land Use Condition 27]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
OPR-RF-01	During facility operation, the certificate holder shall: (a) Conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall submit copies of inspection documentation in its annual report to the Department. (b) Provide evidence in its annual report to the Department of active property coverage under its commercial business insurance from high loss-catastrophic events, including but not limited to, onsite fire or explosion. [Final Order on AMD2 (2018), Retirement and Financial Assurance Condition 6]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
OPR-PS-01	During operation of the facility, the certificate holder shall discharge sanitary wastewater generated at the O&M buildings to licensed on-site septic systems in compliance with State permit requirements. The certificate holder shall design each septic system for a discharge capacity of less than 2,500 gallons per day. [Final Order on ASC (2017), Public Services Condition 1]
OPR-PS-02	Except as provided in this condition, during facility operation, the certificate holder shall obtain water for on-site uses from on-site wells located near the O&M buildings. The certificate holder shall construct on-site wells subject to compliance with the provisions of ORS 537.765 relating to keeping a well log. The certificate holder shall not use more than 5,000 gallons of water per day from each of the two on-site wells. The certificate holder may obtain water from other sources for on-site uses subject to prior approval by the Department. [Final Order on ASC (2017), Public Services Condition 2]

OPR-PS-03	(a) Prior to operation, the certificate holder shall submit to the Department for approval its Operational Waste Management Plan that includes but is not limited to the following: 1. Onsite handling procedure for operational replacement of damaged, defective or recalled lithium-ion batteries. The procedure shall identify applicable 49 CFR 173.185 provisions and address, at a minimum, onsite handling, packaging, interim storage, and segregation requirements. 2. Training employees to handle, replace, and store damaged, defective or recalled lithium-ion batteries; minimize and recycle solid waste. 3. Recycling paper products, metals, glass, and plastics. 4. Recycling used oil and hydraulic fluid. 5. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, Section 5.000 Public Responsibilities, 5.010 Transportation of Solid Waste and 5.030 Responsibility for Propose Disposal of Hazardous Waste which requires that all loads be covered and secured and that operators be responsible for hazardous waste disposal in accordance with applicable regulatory requirements. 6. Segregating all hazardous and universal, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights, lithium-ion batteries, lead-acid and nickel-cadmium batteries, and replaced, damaged, defective or recalled lithium-ion batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes. (b) During operation, the certificate holder shall implement the approved Operational Waste Management Plan. [Final Order on ASC (2017), Public Services Condition 4; AMD2 (2018)]
OPR-PS-04	During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site. [Final Order on ASC (2017), Public Services Condition 12]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
OPR-WF-01	During operation, the certificate holder shall ensure each facility substation and battery storage systems are enclosed with appropriate fencing and locked gates to protect the public from electrical hazards. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 2; AMD2 (2018)]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
OPR-TL-01	During operation, the certificate holder shall: (1) Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement. (2) File the following required information with the Commission: a. 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission's authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS

	757.035 must provide the commission with the following information before January 2 of each even-numbered year: i. The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; and ii. The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public. iii. In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line changes, the person who engages in the operation of the electric power line must notify the commission of the change as soon as practicable, but no later than within 90 days. iv. If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3] (3) Provide OPUC Safety Staff with: a. Maps and Drawings of routes and installation of electrical supply lines showing: • Transmission lines and structures (over 50,000 Volts) • Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts) • Substations, roads and highways • Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer). [Final Order on ASC (2017), Siting Standard Condition 3]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
OPR-NC-01	During operation of the facility, if required to meet the maximum allowable decibel threshold of 50 dBA, the certificate holder shall only operate the facility in the NRO mode that is identified prior to construction pursuant to Noise Control Condition 2. After beginning operation of the facility, the certificate holder shall include a certification in its annual Compliance Report that the NRO mode turbines identified in the preconstruction analysis required by Noise Control Condition 2 are operating at or below the identified dBA reduction level. [Final Order on ASC (2017), Noise Control Condition 3]
OPR-NC-02	During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint. [Final Order on ASC (2017), Noise Control Condition 4]
OPR-NC-03	During operation, in response to a complaint from the owner of a noise sensitive property regarding noise levels from the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating in compliance with the noise control regulations. The monitoring plan must be reviewed and

	approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder. [Final Order on ASC (2017), Noise Control Condition 5]

4.7 Retirement Conditions (RET)

Condition Number	Retirement (RET) Conditions
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
RET-RF-01	The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-025-0006(9). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 2] [Mandatory Condition OAR 345-025-0006(9)]
RET-RF-02	If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-025-0006(9), the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council's approval. Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in section (8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 3] [Mandatory Condition OAR 345-025-0006(16)]

5.0 Successors and Assigns

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.

6.0 Severability and Construction

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

7.0 Execution

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

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Wheatridge East Wind, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (certificate holder/certificate holder owner).

ENERGY FACILITY SITING COUNCIL

Hanley Jenkins, II

By: Hanley Jenkins, II (Dec 2, 2020 12:45 PST)

Hanley Jenkins, II, Chair

Oregon Energy Facility Siting Council

Date: Dec 2, 2020

WHEATRIDGE EAST WIND, LLC

By: _____

Matthew Handel, Vice President Development, NextEra Energy Resources, LLC on behalf of Wheatridge East Wind, LLC.

Date: 12/10/2020

Attachment A
WREFE Site Boundary Map

Wheatridge Renewable Energy Facility II

Figure 4
Wheatridge Renewable Energy Facility East Proposed Site Boundary

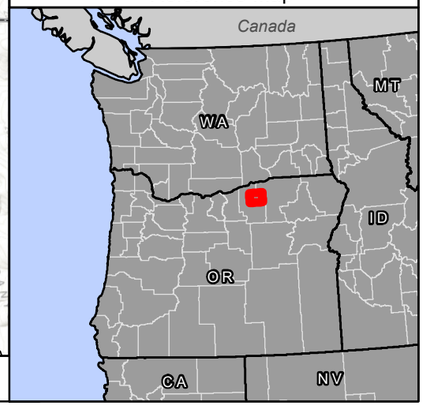
MORROW AND UMATILLA COUNTIES, OR

- Wheatridge Renewable Energy Facility East Site Boundary
- Overlapping Site Boundary (WREFIII)
- Overlapping Site Boundary (WREFE)
- Local Road
- State Highway
- County Boundary

TETRA TECH

NEXTera ENERGY RESOURCES

Reference Map



1:95,000 WGS 1984 UTM Zone 11N

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Attachment C-1 WREFIII Draft Habitat Mitigation Plan

Wheatridge Renewable Energy Facility III

Draft Habitat Mitigation Plan

Prepared for
Wheatridge Wind Energy, LLC
245 W. Main Street, Suite 200

Ione, Oregon 97843

Prepared by:

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Portland, Oregon 97201

February 2020

(Approved at March 13, 2020 EFSC Meeting as part of the WREFII Site Certificate)

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1.0 Introduction

The Wheatridge Renewable Energy Facility III (Facility) is an approved, but not yet constructed, 150 megawatt (MW) solar photovoltaic energy generation facility that would use or occupy up to 900 acres within an Approved Site Boundary of approximately 2,294 acres in Morrow county, Oregon.

This draft Habitat Mitigation Plan (HMP) provides concepts for meeting the habitat mitigation needs of the amended Facility. Northwest Wildlife Consultants (NWC) has conducted habitat categorization surveys and other biological studies that inform habitat categorization in accordance with the Oregon Department of Fish and Wildlife's (ODFW) Fish and Wildlife Habitat Mitigation Policy, Oregon Administrative Rule (OAR) 635-415-0000 through 0025. NWC has also identified potential mitigation opportunities and potential habitat enhancement actions.

The Certificate Holder's goal is to reduce and eliminate the impact of the Facility over time by preserving and maintaining in-kind habitat in the Columbia Basin Ecoregion to achieve a net benefit to Category 2 habitat, and no net loss of Categories 3 and 4 through the concepts proposed in this draft HMP. The proposed concepts were discussed with personnel from the ODFW on August 20, 2012 and on July 11, 2014. The March 30, 2015 HMP Draft Concepts included habitat impact acreages known as of early spring 2015. This February 2020 version was approved at the March 13, 2020 Council meeting, through request by certificate holder to amend the previously finalized HMP for Wheatridge Wind Energy Facility. The actual acres of temporary and permanent impacts and the associated mitigation requirements will be determined based on the final design and included in a final HMP prior to construction.

2.0 Pre-Construction Compliance

This draft HMP for the Facility will show compliance with Site Certificate condition PRE-FW-01 and PRE-FW-4, which read:

> ***PRE-FW-01*** *Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. The survey shall be planned in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources.*
>
> *The report shall also include an updated version of Table FW-1 Potential Temporary and Permanent Impacts by Habitat Category and Type of the final order, showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The*

preconstruction survey shall be used to complete final design, facility layout, and micrositing of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for each transmission structure, wind turbine, access road, and all other facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.

PRE-FW-04 *Before beginning construction the certificate holder shall prepare and receive approval from the department of a final Habitat Mitigation Plan. The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP.*

a. *The final Habitat Mitigation Plan and the department's approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.*

b. *The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Fish and Wildlife Condition 1.*

c. *The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plan.*

d. *The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map and available acres by habitat category and subtype in tabular format.*

e. *The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted*

areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP:

i. Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction.

ii. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction.

f. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area.

g. The final HMP shall include mitigation in compliance with the Council's Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity.

h. The final HMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department.

3.0 Habitat Categories and Habitat Types

In compliance with Condition PRE-FW-01, a pre-construction habitat survey will be conducted in to verify habitat subtypes and habitat categories of all areas to be affected by WREFIII facilities.

The ODFW Fish and Wildlife Habitat Mitigation Policy provides a framework to categorize habitats based on type, quality, availability, and usefulness/importance to wildlife, and establishes mitigation goals and implementation standards for each. Table 1 defines each of the six habitat category types as presented in the ODFW Habitat Mitigation Policy.

Table 1. Habitat Categorization Types

Category Type	Definition[1]	Mitigation Goal
1	Irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage.	The mitigation goal for Category 1 habitat is no loss of either habitat quantity or quality.
2	Essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage.	The mitigation goal if impacts are unavoidable is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality.
3	Essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population.	The mitigation goal is no net loss of either habitat quantity or quality.
4	Important habitat for fish and wildlife species.	The mitigation goal is no net loss of either habitat quantity or quality.
5	Habitat for fish and wildlife having high potential to become either essential or important habitat.	The mitigation goal, if impacts are unavoidable, is to provide a net benefit in habitat quantity or quality.
6	Habitat that has low potential to become essential or important habitat for fish and wildlife.	The mitigation goal is to minimize impacts.
1. Source: OAR 635-415-0025.		

4.0 Micrositing

Sensitive resources were avoided during development of the site boundary based on baseline surveys performed in support of the Application for Site Certificate (ASC; Wheatridge Wind Energy 2015). Pre-construction surveys will be performed to inform constraints mapping to be used by the Certificate Holder during micrositing within the approved site boundary.

Condition CON-FW-02 stipulates that no ground-disturbing activity should occur within 0.25 miles of state sensitive raptor nests during seasonal restrictions. Condition PRE-TE-03 states that the Certificate Holder will avoid ground disturbance where Laurent's milkvetch (*Astragalus collinus* var. *laurentii*) occurs.

5.0 Temporary and Permanent Impacts

Impacts may be permanent or temporary. Permanent impacts are defined as those impacts that will exist for the life of the Facility. Temporary impacts are those impacts that will last for a time less than the life of the Facility. The duration of temporary impacts to habitat will vary by habitat subtype. For example, the recovery period for agricultural areas that were temporarily disturbed

could be as short as 1 to 3 years, grasslands generally recover within 3 to 7 years, and shrublands may require 10 to 50 years to recover (with the longer recovery periods associated with disturbances in mature sagebrush habitats). The Certificate Holder will restore temporary impacts consistent with the Revegetation Plan.

As described in Exhibit P, Category 1 habitat includes habitat within 785 feet of documented Washington ground squirrel (*Urocitellus washingtoni*) colonies. Category 1 habitat occurs within the Site Boundary, but the Facility is designed and microsited to avoid Category 1 habitat. Therefore, there are no impacts to Category 1 habitat. Category 2 habitat occurs in the Site Boundary and will be impacted by the Facility. Category 2 habitat is associated with ODFW mule deer winter range (ODFW 2012) and areas of potential Washington ground squirrel use. Areas of potential ground squirrel use are adjacent to and within 4,921 feet (1.5 kilometers [km]) of ground squirrel Category 1 habitat, but not occupied by any squirrels either for burrowing or foraging, which is of similar habitat type and quality to the adjacent Washington ground squirrel Category 1 habitat. Category 3, 4, and 6 habitat will also be impacted by the Facility, while Category 5 habitat is not identified in the Site Boundary. Table 2 shows the acres of permanent and temporary impacts in each habitat category by habitat subtype for Wheatridge West, Wheatridge East, Transmission Intraconnection Line, and the Solar facilities.

Table 2. Temporary and Permanent Impacts by Habitat Category and Habitat Subtype

Habitat Category and Habitat Subtype	Impacts (acres)[1]	
	Temporary	Permanent
Solar Facilities		
Category 2		
Developed-Revegetated or Other Planted Grassland	0.7	0.0
Grassland-Exotic Annual	0.6	3.0
Grassland-Native Perennial	0.4	1.3
Shrub-steppe-Basin Big Sagebrush	0.0	0.0
Shrub-steppe-Rabbitbrush/Snakeweed	0.0	0.0
Subtotal Category 2	**1.7**	**4.3**
Category 3		
Developed-Revegetated or Other Planted Grassland	0.0	0.0
Grassland-Native Perennial	0.7	0.0
Shrub-steppe-Basin Big Sagebrush	0.0	0.0
Shrub-steppe-Rabbitbrush/Snakeweed	0.0	0.0
Subtotal Category 3	**0.7**	**0.0**
Category 4		
Grassland-Exotic Annual	0.3	76.0
Grassland-Native Perennial	0.0	0.0
Shrub-steppe-Rabbitbrush/Snakeweed	0.0	0.0
Subtotal Category 4	**0.3**	**76.0**

Habitat Category and Habitat Subtype		Impacts (acres)[1]	
		Temporary	Permanent
Category 6			
Developed-Dryland Wheat		4.6	812.6
Developed-Irrigated Agriculture		0.0	0.0
Developed-Other		1.4	0.2
Subtotal Category 6		**6.0**	**812.7**
Total for Solar Facilities	**901.8**	**8.7**	**893.1**
Grand Total	**2,270.4**	**1,206.2**	**1,064.3**
1. Totals in this table may not be precise due to rounding.			

6.0 Methods for Calculating Mitigation

Table 3 shows the methods for calculating mitigation for permanent impacts and Table 4 shows the methods for calculating mitigation for temporary impacts. The Certificate Holder is not proposing compensatory mitigation under the ODFW Fish and Wildlife Habitat Mitigation Policy for impacts to Category 6 habitat.

Table 3. Calculating Mitigation for Permanent Impacts

Habitat Category	Impact Acres	Mitigation Ratio	Mitigation Description
Category 2	1	2	The mitigation goal for Category 2 habitat is "no net loss" and "net benefit." Accordingly, mitigation for permanent impacts on Category 2 habitat needs to demonstrate a net benefit in quality or quantity.
Category 3 and Category 4	1	1	The mitigation goal for Category 3 & 4 habitat is "no net loss" in quantity or quality.
Category 6	1	0	The mitigation goal for impacts on Category 6 habitat is minimization; no compensatory mitigation proposed.

Table 4. Calculating Mitigation for Temporary Impacts

Habitat Category	Habitat Subtype	Impact Acres	Mitigation Ratio[1]	Mitigation Description
Category 2	Grassland-Native Perennial, Grassland-Exotic Annual, Developed-Revegetated or Other Planted Grassland	1	0	The mitigation goal for Category 2 habitat is "no net loss" and "net benefit." All areas of temporary disturbance would be restored at the site of impact to meet the "no net loss" requirement. The proposed mitigation ratio for permanent impacts (Table 6) to grasslands would meet the "net benefit" requirement for all impacts to Category 2 grasslands.
Category 3	Shrub-steppe-Basin Big Sagebrush	1	1	The mitigation goal for Category 3 and 4 habitat is "no net loss" in quantity or quality. Depending on the habitat subtype temporarily disturbed, the proposed mitigation ratio would result in an equal or lesser amount of acreage of mitigation than what is impacted by the project. Combined with restoration of temporary disturbances, the proposed mitigation ratio is intended to account for the temporary loss of habitat functionality and meet the "no net loss" goal. Temporary disturbances to Category 3 and Category 4 Grasslands are not mitigated beyond restoration.
	Shrub-steppe-Rabbitbrush/Snakeweed	1	0.5	
	Grassland-Native Perennial, Developed-Revegetated or Other Planted Grassland	1	0	
Category 4	Shrub-steppe-Rabbitbrush/ Snakeweed	1	0.5	
	Grassland-Exotic Annual	1	0	
Category 6	Developed-Dryland Wheat, Developed-Other	1	0	The mitigation goal for Category 6 habitat is minimization; no compensatory mitigation is proposed.

1. Mitigation ratios follow recommendations included in the August 27, 2019 comment letter from ODFW to ODOE regarding the Draft Proposed Order for RFA4.

7.0 Estimated Mitigation for the Facility

Prior to construction, the certificate holder shall provide an estimate, in tabular format, of the acres of temporary and permanent impacts shown in Table 2 with the mitigation ratios shown in Table 3 and Table 4 to estimate mitigation requirements.

8.0 Habitat Mitigation Area

The Habitat Mitigation Area (HMA) is the area where the Certificate Holder is proposing to perform enhancement and preservation actions that are in addition to the revegetation of areas of temporary disturbance associated with the Facility. The HMA must be large enough and have the characteristics to meet the standards set in OAR 635-415-0025.

According to ODFW standards, areas appropriate for mitigation of Category 2 and Category 3 habitat impacts must provide "in-kind" mitigation which creates similar structure and function to that being disturbed and also be "in-proximity" to the Project and have potential for habitat enhancement. The Certificate Holder identified privately-owned land that contains native and revegetated uplands of interest and importance for conservation. The Certificate Holder also looked for land that is within designated mule deer winter range. The Certificate Holder has secured an option agreement for up to 300 acres to be placed into a conservation easement where the HMA will be located. Once finalized, the executed conservation easement will be provided to ODOE.

8.1 Habitat Assessment and Mitigation Accounting

The Certificate Holder has identified a 187.9-acre parcel of suitable in-kind and in-proximity habitat on 2,100 acres of private land along Rock Creek in Gilliam County within which they will establish an HMA. The primary habitat subtypes within the 187.9-acre parcel that will contain the HMA correspond to Category 3 and Category 4 habitat subtype.

Wildlife species usage of the approximately 2,100-acre property in which the HMA lies has been recorded for the past 11 years and is similar to what has been recorded during surveys of Wheatridge West. There are 152 bird species recorded from the property containing the HMA. This includes special status nesting bird species such as grasshopper sparrow. Several species of raptors, including golden eagle and ferruginous hawk, have been documented hunting on the property containing the HMA and some species nest onsite or in the general area. Mule deer and occasionally elk are observed wintering in the HMA and nearby. Appendix C includes a list of wildlife species observed at the property. Wind-blown ridges and south-facing slopes provide for early green-up big game forage. Other long-term conserved habitat (approximately 324 acres) consisting of Native Perennial Grassland and Shrub-steppe Mosaic, cliffs and escarpments along canyons is nearby (Figure 2). The property supports documented Washington ground squirrel use areas and habitat. With the addition of this HMA, a larger more contiguous tract of preserved habitat will be available for wildlife that provides important functionality and connectivity along Rock Creek in the Columbia Plateau.

8.2 Habitat Enhancement Actions

Habitat designated for mitigation will be conserved and protected from alteration for the life of the Facility. Final detailed enhancement actions and monitoring procedures will be designed in consultation with the ODFW and biologists familiar with the HMA. Besides such legal protection to ensure no development, potential enhancement actions for the HMA include the following.

- Modification of grazing practices—wildlife habitat values have priority and livestock grazing will be reduced or restricted from the HMA to ensure that habitat is maximally useful to wildlife, livestock grazing can be used as a wildlife habitat enhancement tool.
- The Certificate Holder will work with the landowner to monitor and control or eradicate County-designated noxious weeds impacting wildlife habitat quality. A Weed Plan will be prepared.
- Seeing and planting with native plants—sagebrush and bunch grasses—will occur in reasonable proportion to the acres of functional sagebrush and native grassland habitats lost through Facility construction. Sagebrush seeding and/or planting will provide future cover and browse for wintering mule deer. Specific details for amount and extent to be determined after final Facility impacts are known. Native grassland plugs and young shrubs can be planted in sensitive areas where seeding is not appropriate.
- A plan for fire response and control will be in place and applied to the HMA. It will include fire prevention measures, methods to detect fires, and a protocol for fire response and suppression.
- Wildlife Projects:
    - Where old barbed wire fence on the HMA presents potential problems for big game and other wildlife, the Certificate Holder will work with the landowner to remove such fencing.

  - Wildlife guzzler as a watering source for wildlife.
  - Install burrowing owl artificial burrows. Burrows would be paired and pairs separated by 0.25 mile.
  - Install artificial raptor nest platforms (target species is Ferruginous hawk).
  - Strategic removal of Washington ground squirrel mammalian predators. An example would be to live-trap and transplant badgers that are disturbing ground squirrel natal sites in the fall and winter.
- Habitat protection will involve restricting any uses of the mitigation area that would be inconsistent with the goals of no net loss of habitats in Categories 2, 3, and 4 and a net benefit to Category 2 habitat quantity or quality.

Enhancement activities will be performed on an appropriate portion of the HMA to meet the required mitigation goals. The habitat within the HMA is currently of higher quality to most of the habitat to be impacted within mule deer winter range. In addition, the HMA and connected lands support Washington ground squirrel habitat.

8.3 HMA Monitoring

The Certificate Holder will hire a qualified, independent investigator (wildlife biologist, botanist, or revegetation specialist) to conduct monitoring at the HMA and the success of its protection and (within applicable acres) enhancements. Monitoring duration is for the life of the Facility, with annual monitoring occurring over the first 5 years. After Year 5, a long-term monitoring plan will be developed in consultation with ODOE and ODFW. At a minimum, annual monitoring for the first 5 years will include assessments of:

- Description of the amount and quality of vegetation at the HMA. Describe year-to-date climate data;
- Success of weed control measures;
- Degree of recovery of native grasses and forbs following disturbances such as habitat enhancement actions, fire, or erosion;
- Success of sagebrush plantings monitored in a 50- by 100-foot plot within each of the two planting areas (Figure 2). Three 50-foot transects will be established perpendicular to the long side of the plot. The transect monitoring will be of 6-foot wide belt transects with all shrubs occurring within the belt transect being recorded;
- Wildlife observed and notes on special status species (wildlife and plants) present;
- Observations of wintering mule deer will be recorded as observed from a distance (so disturbance is kept at a minimum); and
- Maintenance needs of guzzler.

Methods and results of all monitoring will be reported to ODOE and ODFW, along with a report of the mitigation/enhancement measures undertaken since the last monitoring report. An annual

monitoring report outline is included as Appendix D. This outline is subject to change based on actual executed easement.

8.4 HMA Success Criteria

The goal of the habitat mitigation described herein is to protect and enhance a sufficient quantity of habitat to meet ODFW standards of no net loss of habitat Category 3 and Category 4 and a net gain in habitat quantity and quality of Category 2. Habitat protection alone—apart from enhancement—is not sufficient to meet the net-benefit criterion for Category 2 habitat. The entire HMA is within Category 2 mule deer winter range, so modifying the category through habitat enhancement actions is not possible. However, habitat enhancement actions will be implemented, and progress can be monitored against baseline conditions to determine success. It is also assumed that the Category 2 habitat in the HMA is currently functioning at a higher quality than the Category 2 habitat being disturbed at the Facility because the HMA contains a greater acreage of contiguous native grassland and shrub-steppe mosaic compared to what is being impacted by the Facility (122 acres at the HMA versus approximately 60 acres impacted by the Facility). Table 5 shows the success criteria for the habitat enhancement actions proposed in Section 8.2.

Table 5. HMA Success Criteria

Habitat Enhancement Action	Success Criteria
Grazing practices compatible with conservation	The Easement terms state that grazing, nature study, and other land uses are permitted provided that conservation and wildlife habitat values and wildlife use shall take precedence and priority where such uses are or may be deemed incompatible. Under the current ownership, no grazing is expected. If grazing is used in the future, monitoring of shrub recruitment and recruitment of other desirable shrub-steppe species can occur through photo point monitoring and qualitative observations.
County-designated noxious weed control	Control of County-designated noxious weeds at the HMA. Photo point monitoring will show that known sites of noxious weeds are not expanding or have been reduced or eliminated. Chemical control is the most likely method to be used; however, mechanical control methods may also be used depending on site-specific conditions.
Planting of sagebrush.	Successful establishment of sagebrush on 1.9 acres of the HMA in two areas (Figure 2). Photo point monitoring will show successful shrub establishment where planted. The average density or frequency of the shrub component should be at least 50 percent of the reference site established at the Facility for revegetation monitoring.
Fire response plan	Deliver a plan for the HMA to the North Gilliam County Rural Fire Protection District
Modification of winter human activities	Minimize human disturbance on the HMA from December 1 to March 31. Schedule routine ranch activities to be performed during other times of the year. There are no public roads or access points in or adjacent to the HMA. Ensure that signage where public roads intersect with access points to the property within which the HMA is located are clearly marked as private property with no trespassing.
Removal of old barbed wire fences	Removal and disposal of approximately 0.25-miles of old barbed wire fencing will be deemed successful through photographic documentation.
Installation of a wildlife guzzler	This action will be deemed successful after installation is complete. Monitoring reports will confirm continued operation and describe any maintenance activities performed to keep the guzzler in operation.

9.0 Implementation Schedule

As required by condition PRE-FW-04 (e), Table 6 includes a schedule for implementation of all mitigation actions, including those covered in other pre-construction compliance plans.

Table 6. Mitigation Implementation Schedule

Mitigation Action	Schedule	Associated Plan
Restoration and revegetation of temporary construction-related impacts at the Facility.	As soon as possible following construction. Late fall seeding, just before the soil freezes, is typical when seeding grasses in the Columbia basin shrub-steppe ecoregion. Seeding can occur through early spring.	Revegetation Plan
Monitoring revegetation success at the Facility.	Annually for the first 5 years. Annual monitoring is anticipated to occur in the fall, with the annual monitoring report being provided the following spring. The Certificate Holder will consult with ODOE and ODFW to design a long-term monitoring schedule.	Revegetation Plan
Monitoring weed control in the Facility revegetation areas.	Annually for the first five years. Early detection is paramount for successful weed control. Therefore, monitoring may occur earlier in the growing season and again during revegetation monitoring. Reporting on noxious weeds will be included in the revegetation annual monitoring report. The Certificate Holder will consult with ODOE and ODFW to design a long-term monitoring schedule.	Noxious Weed Control Plan
Securing the conservation easement establishing the HMA.	Prior to commencing construction.	Habitat Mitigation Plan
Performing habitat enhancement actions at the HMA.	Concurrently with construction.	Habitat Mitigation Plan
Monitoring habitat enhancement actions at the HMA.	Annually for the first 5 years. Annual monitoring is anticipated to occur in the fall, with the annual monitoring report being provided the following spring. Then the Certificate Holder will consult with ODOE and ODFW to design a long-term monitoring schedule.	Habitat Mitigation Plan

10.0 Amendment of the HMP

The final HMP may be amended from time to time by agreement of the Certificate Holder and EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this plan. ODOE shall notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this plan agreed to by ODOE.

11.0 References

EFSC (Oregon Energy Facility Siting Council). 2017a. Final Order: In the Matter of the Application for a Site Certificate for the Wheatridge Wind Energy Facility. April 2017.

EFSC 2017b. Site Certificate for the Wheatridge Wind Energy Facility. April 27, 2017.

ODFW (Oregon Department of Fish and Wildlife). 2012. Elk and Deer Winter Range for Eastern Oregon, East of the Crest of the Cascades. GIS data files (2). Available online at: https://nrimp.dfw.state.or.us/DataClearinghouse/default.aspx?p=202&XMLname=885.xml

Attachment C-2: WREFE Draft Habitat Mitigation Plan

Wheatridge Renewable Energy Facility East

Draft Habitat Mitigation Plan

Prepared for
Wheatridge Wind Energy, LLC
245 W. Main Street, Suite 200

Ione, Oregon 97843

Prepared by:

Rick Gerhardt
Northwest Wildlife Consultants, Inc.
815 NW 4th St.

Pendleton, Oregon 97801

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February 2020

(Approved at March 13, 2020 EFSC Meeting as part of the WREFII Site Certificate)

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1.0 Introduction

The Wheatridge Renewable Energy Facility East (Facility) is an approved 200 megawatt (MW) wind energy generation facility located within a 4,582 acre site boundary expanding across Morrow and Umatilla counties in Oregon.

This draft Habitat Mitigation Plan (HMP) provides concepts for meeting the habitat mitigation needs of the amended Facility. Northwest Wildlife Consultants (NWC) has conducted habitat categorization surveys and other biological studies that inform habitat categorization in accordance with the Oregon Department of Fish and Wildlife's (ODFW) Fish and Wildlife Habitat Mitigation Policy, Oregon Administrative Rule (OAR) 635-415-0000 through 0025. NWC has also identified potential mitigation opportunities and potential habitat enhancement actions.

The Certificate Holder's goal is to reduce and eliminate the impact of the Facility over time by preserving and maintaining in-kind habitat in the Columbia Basin Ecoregion to achieve a net benefit to Category 2 habitat, and no net loss of Categories 3 and 4 through the concepts proposed in this draft HMP. The proposed concepts were discussed with personnel from the ODFW on August 20, 2012 and on July 11, 2014. The March 30, 2015 HMP Draft Concepts included habitat impact acreages known as of early spring 2015. This February 2020 version was approved at the March 13, 2020 Council meeting, through request by certificate holder to amend the previously finalized HMP for Wheatridge Wind Energy Facility. The actual acres of temporary and permanent impacts and the associated mitigation requirements will be determined based on the final design and included in a final HMP prior to construction.

2.0 Pre-Construction Compliance

This draft HMP for the Facility will show compliance with Site Certificate condition PRE-FW-01 and PRE-FW-4, which read:

> ***PRE-FW-01*** *Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. The survey shall be planned in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources.*
>
> *The report shall also include an updated version of Table FW-1 Potential Temporary and Permanent Impacts by Habitat Category and Type of the final order, showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The preconstruction survey shall be used to complete final design, facility layout, and micrositing*

of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for each transmission structure, wind turbine, access road, and all other facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.

PRE-FW-04 *Before beginning construction the certificate holder shall prepare and receive approval from the department of a final Habitat Mitigation Plan. The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP.*

a. *The final Habitat Mitigation Plan and the department's approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.*

b. *The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Fish and Wildlife Condition 1.*

c. *The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plan.*

d. *The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map and available acres by habitat category and subtype in tabular format.*

e. *The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP:*

i. Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction.

ii. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction.

f. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area.

g. The final HMP shall include mitigation in compliance with the Council's Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity.

h. The final HMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department.

3.0 Habitat Categories and Habitat Types

In compliance with Condition PRE-FW-01, a pre-construction habitat survey will be conducted in to verify habitat subtypes and habitat categories of all areas to be affected by WREFIII facilities.

The ODFW Fish and Wildlife Habitat Mitigation Policy provides a framework to categorize habitats based on type, quality, availability, and usefulness/importance to wildlife, and establishes mitigation goals and implementation standards for each. Table 1 defines each of the six habitat category types as presented in the ODFW Habitat Mitigation Policy.

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1	Irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage.	The mitigation goal for Category 1 habitat is no loss of either habitat quantity or quality.
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5	Habitat for fish and wildlife having high potential to become either essential or important habitat.	The mitigation goal, if impacts are unavoidable, is to provide a net benefit in habitat quantity or quality.
6	Habitat that has low potential to become essential or important habitat for fish and wildlife.	The mitigation goal is to minimize impacts.
1. Source: OAR 635-415-0025.		

4.0 Micrositing

Sensitive resources were avoided during development of the site boundary based on baseline surveys performed in support of the Application for Site Certificate (ASC; Wheatridge Wind Energy 2015). Pre-construction surveys will be performed to inform constraints mapping to be used by the Certificate Holder during micrositing within the approved site boundary.

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could be as short as 1 to 3 years, grasslands generally recover within 3 to 7 years, and shrublands may require 10 to 50 years to recover (with the longer recovery periods associated with disturbances in mature sagebrush habitats). The Certificate Holder will restore temporary impacts consistent with the Revegetation Plan.

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Grassland-Exotic Annual	0.3	76.0
Grassland-Native Perennial	0.0	0.0
Shrub-steppe-Rabbitbrush/Snakeweed	0.0	0.0
Subtotal Category 4	**0.3**	**76.0**

Habitat Category and Habitat Subtype		Impacts (acres)[1]	
		Temporary	Permanent
Category 6			
Developed-Dryland Wheat		4.6	812.6
Developed-Irrigated Agriculture		0.0	0.0
Developed-Other		1.4	0.2
Subtotal Category 6		**6.0**	**812.7**
Total for Solar Facilities	**901.8**	**8.7**	**893.1**
Grand Total	**2,270.4**	**1,206.2**	**1,064.3**
1. Totals in this table may not be precise due to rounding.			

6.0 Methods for Calculating Mitigation

Table 3 shows the methods for calculating mitigation for permanent impacts and Table 4 shows the methods for calculating mitigation for temporary impacts. The Certificate Holder is not proposing compensatory mitigation under the ODFW Fish and Wildlife Habitat Mitigation Policy for impacts to Category 6 habitat.

Table 3. Calculating Mitigation for Permanent Impacts

Habitat Category	Impact Acres	Mitigation Ratio	Mitigation Description
Category 2	1	2	The mitigation goal for Category 2 habitat is "no net loss" and "net benefit." Accordingly, mitigation for permanent impacts on Category 2 habitat needs to demonstrate a net benefit in quality or quantity.
Category 3 and Category 4	1	1	The mitigation goal for Category 3 & 4 habitat is "no net loss" in quantity or quality.
Category 6	1	0	The mitigation goal for impacts on Category 6 habitat is minimization; no compensatory mitigation proposed.

Table 4. Calculating Mitigation for Temporary Impacts

Habitat Category	Habitat Subtype	Impact Acres	Mitigation Ratio[1]	Mitigation Description
Category 2	Grassland-Native Perennial, Grassland-Exotic Annual, Developed-Revegetated or Other Planted Grassland	1	0	The mitigation goal for Category 2 habitat is "no net loss" and "net benefit." All areas of temporary disturbance would be restored at the site of impact to meet the "no net loss" requirement. The proposed mitigation ratio for permanent impacts (Table 6) to grasslands would meet the "net benefit" requirement for all impacts to Category 2 grasslands.
Category 3	Shrub-steppe-Basin Big Sagebrush	1	1	The mitigation goal for Category 3 and 4 habitat is "no net loss" in quantity or quality. Depending on the habitat subtype temporarily disturbed, the proposed mitigation ratio would result in an equal or lesser amount of acreage of mitigation than what is impacted by the project. Combined with restoration of temporary disturbances, the proposed mitigation ratio is intended to account for the temporary loss of habitat functionality and meet the "no net loss" goal. Temporary disturbances to Category 3 and Category 4 Grasslands are not mitigated beyond restoration.
	Shrub-steppe-Rabbitbrush/Snakeweed	1	0.5	
	Grassland-Native Perennial, Developed-Revegetated or Other Planted Grassland	1	0	
Category 4	Shrub-steppe-Rabbitbrush/ Snakeweed	1	0.5	
	Grassland-Exotic Annual	1	0	
Category 6	Developed-Dryland Wheat, Developed-Other	1	0	The mitigation goal for Category 6 habitat is minimization; no compensatory mitigation is proposed.

1. Mitigation ratios follow recommendations included in the August 27, 2019 comment letter from ODFW to ODOE regarding the Draft Proposed Order for RFA4.

7.0 Estimated Mitigation for the Facility

Prior to construction, the certificate holder shall provide an estimate, in tabular format, of the acres of temporary and permanent impacts shown in Table 2 with the mitigation ratios shown in Table 3 and Table 4 to estimate mitigation requirements.

8.0 Habitat Mitigation Area

The Habitat Mitigation Area (HMA) is the area where the Certificate Holder is proposing to perform enhancement and preservation actions that are in addition to the revegetation of areas of temporary disturbance associated with the Facility. The HMA must be large enough and have the characteristics to meet the standards set in OAR 635-415-0025.

According to ODFW standards, areas appropriate for mitigation of Category 2 and Category 3 habitat impacts must provide "in-kind" mitigation which creates similar structure and function to that being disturbed and also be "in-proximity" to the Project and have potential for habitat enhancement. The Certificate Holder identified privately-owned land that contains native and revegetated uplands of interest and importance for conservation. The Certificate Holder also looked for land that is within designated mule deer winter range. The Certificate Holder has secured an option agreement for up to 300 acres to be placed into a conservation easement where the HMA will be located. Once finalized, the executed conservation easement will be provided to ODOE.

8.1 Habitat Assessment and Mitigation Accounting

The Certificate Holder has identified a 187.9-acre parcel of suitable in-kind and in-proximity habitat on 2,100 acres of private land along Rock Creek in Gilliam County within which they will establish an HMA. The primary habitat subtypes within the 187.9-acre parcel that will contain the HMA correspond to Category 3 and Category 4 habitat subtype.

Wildlife species usage of the approximately 2,100-acre property in which the HMA lies has been recorded for the past 11 years and is similar to what has been recorded during surveys of Wheatridge West. There are 152 bird species recorded from the property containing the HMA. This includes special status nesting bird species such as grasshopper sparrow. Several species of raptors, including golden eagle and ferruginous hawk, have been documented hunting on the property containing the HMA and some species nest onsite or in the general area. Mule deer and occasionally elk are observed wintering in the HMA and nearby. Appendix C includes a list of wildlife species observed at the property. Wind-blown ridges and south-facing slopes provide for early green-up big game forage. Other long-term conserved habitat (approximately 324 acres) consisting of Native Perennial Grassland and Shrub-steppe Mosaic, cliffs and escarpments along canyons is nearby (Figure 2). The property supports documented Washington ground squirrel use areas and habitat. With the addition of this HMA, a larger more contiguous tract of preserved habitat will be available for wildlife that provides important functionality and connectivity along Rock Creek in the Columbia Plateau.

8.2 Habitat Enhancement Actions

Habitat designated for mitigation will be conserved and protected from alteration for the life of the Facility. Final detailed enhancement actions and monitoring procedures will be designed in consultation with the ODFW and biologists familiar with the HMA. Besides such legal protection to ensure no development, potential enhancement actions for the HMA include the following.

- Modification of grazing practices—wildlife habitat values have priority and livestock grazing will be reduced or restricted from the HMA to ensure that habitat is maximally useful to wildlife, livestock grazing can be used as a wildlife habitat enhancement tool.
- The Certificate Holder will work with the landowner to monitor and control or eradicate County-designated noxious weeds impacting wildlife habitat quality. A Weed Plan will be prepared.
- Seeing and planting with native plants—sagebrush and bunch grasses—will occur in reasonable proportion to the acres of functional sagebrush and native grassland habitats lost through Facility construction. Sagebrush seeding and/or planting will provide future cover and browse for wintering mule deer. Specific details for amount and extent to be determined after final Facility impacts are known. Native grassland plugs and young shrubs can be planted in sensitive areas where seeding is not appropriate.
- A plan for fire response and control will be in place and applied to the HMA. It will include fire prevention measures, methods to detect fires, and a protocol for fire response and suppression.
- Wildlife Projects:
    - Where old barbed wire fence on the HMA presents potential problems for big game and other wildlife, the Certificate Holder will work with the landowner to remove such fencing.

  - Wildlife guzzler as a watering source for wildlife.
  - Install burrowing owl artificial burrows. Burrows would be paired and pairs separated by 0.25 mile.
  - Install artificial raptor nest platforms (target species is Ferruginous hawk).
  - Strategic removal of Washington ground squirrel mammalian predators. An example would be to live-trap and transplant badgers that are disturbing ground squirrel natal sites in the fall and winter.
- Habitat protection will involve restricting any uses of the mitigation area that would be inconsistent with the goals of no net loss of habitats in Categories 2, 3, and 4 and a net benefit to Category 2 habitat quantity or quality.

Enhancement activities will be performed on an appropriate portion of the HMA to meet the required mitigation goals. The habitat within the HMA is currently of higher quality to most of the habitat to be impacted within mule deer winter range. In addition, the HMA and connected lands support Washington ground squirrel habitat.

8.3 HMA Monitoring

The Certificate Holder will hire a qualified, independent investigator (wildlife biologist, botanist, or revegetation specialist) to conduct monitoring at the HMA and the success of its protection and (within applicable acres) enhancements. Monitoring duration is for the life of the Facility, with annual monitoring occurring over the first 5 years. After Year 5, a long-term monitoring plan will be developed in consultation with ODOE and ODFW. At a minimum, annual monitoring for the first 5 years will include assessments of:

- Description of the amount and quality of vegetation at the HMA. Describe year-to-date climate data;
- Success of weed control measures;
- Degree of recovery of native grasses and forbs following disturbances such as habitat enhancement actions, fire, or erosion;
- Success of sagebrush plantings monitored in a 50- by 100-foot plot within each of the two planting areas (Figure 2). Three 50-foot transects will be established perpendicular to the long side of the plot. The transect monitoring will be of 6-foot wide belt transects with all shrubs occurring within the belt transect being recorded;
- Wildlife observed and notes on special status species (wildlife and plants) present;
- Observations of wintering mule deer will be recorded as observed from a distance (so disturbance is kept at a minimum); and
- Maintenance needs of guzzler.

Methods and results of all monitoring will be reported to ODOE and ODFW, along with a report of the mitigation/enhancement measures undertaken since the last monitoring report. An annual

monitoring report outline is included as Appendix D. This outline is subject to change based on actual executed easement.

8.4 HMA Success Criteria

The goal of the habitat mitigation described herein is to protect and enhance a sufficient quantity of habitat to meet ODFW standards of no net loss of habitat Category 3 and Category 4 and a net gain in habitat quantity and quality of Category 2. Habitat protection alone—apart from enhancement—is not sufficient to meet the net-benefit criterion for Category 2 habitat. The entire HMA is within Category 2 mule deer winter range, so modifying the category through habitat enhancement actions is not possible. However, habitat enhancement actions will be implemented, and progress can be monitored against baseline conditions to determine success. It is also assumed that the Category 2 habitat in the HMA is currently functioning at a higher quality than the Category 2 habitat being disturbed at the Facility because the HMA contains a greater acreage of contiguous native grassland and shrub-steppe mosaic compared to what is being impacted by the Facility (122 acres at the HMA versus approximately 60 acres impacted by the Facility). Table 5 shows the success criteria for the habitat enhancement actions proposed in Section 8.2.

Table 5. HMA Success Criteria

Habitat Enhancement Action	Success Criteria
Grazing practices compatible with conservation	The Easement terms state that grazing, nature study, and other land uses are permitted provided that conservation and wildlife habitat values and wildlife use shall take precedence and priority where such uses are or may be deemed incompatible. Under the current ownership, no grazing is expected. If grazing is used in the future, monitoring of shrub recruitment and recruitment of other desirable shrub-steppe species can occur through photo point monitoring and qualitative observations.
County-designated noxious weed control	Control of County-designated noxious weeds at the HMA. Photo point monitoring will show that known sites of noxious weeds are not expanding or have been reduced or eliminated. Chemical control is the most likely method to be used; however, mechanical control methods may also be used depending on site-specific conditions.
Planting of sagebrush.	Successful establishment of sagebrush on 1.9 acres of the HMA in two areas (Figure 2). Photo point monitoring will show successful shrub establishment where planted. The average density or frequency of the shrub component should be at least 50 percent of the reference site established at the Facility for revegetation monitoring.
Fire response plan	Deliver a plan for the HMA to the North Gilliam County Rural Fire Protection District
Modification of winter human activities	Minimize human disturbance on the HMA from December 1 to March 31. Schedule routine ranch activities to be performed during other times of the year. There are no public roads or access points in or adjacent to the HMA. Ensure that signage where public roads intersect with access points to the property within which the HMA is located are clearly marked as private property with no trespassing.
Removal of old barbed wire fences	Removal and disposal of approximately 0.25-miles of old barbed wire fencing will be deemed successful through photographic documentation.
Installation of a wildlife guzzler	This action will be deemed successful after installation is complete. Monitoring reports will confirm continued operation and describe any maintenance activities performed to keep the guzzler in operation.

9.0 Implementation Schedule

As required by condition PRE-FW-04 (e), Table 6 includes a schedule for implementation of all mitigation actions, including those covered in other pre-construction compliance plans.

Table 6. Mitigation Implementation Schedule

Mitigation Action	Schedule	Associated Plan
Restoration and revegetation of temporary construction-related impacts at the Facility.	As soon as possible following construction. Late fall seeding, just before the soil freezes, is typical when seeding grasses in the Columbia basin shrub-steppe ecoregion. Seeding can occur through early spring.	Revegetation Plan
Monitoring revegetation success at the Facility.	Annually for the first 5 years. Annual monitoring is anticipated to occur in the fall, with the annual monitoring report being provided the following spring. The Certificate Holder will consult with ODOE and ODFW to design a long-term monitoring schedule.	Revegetation Plan
Monitoring weed control in the Facility revegetation areas.	Annually for the first five years. Early detection is paramount for successful weed control. Therefore, monitoring may occur earlier in the growing season and again during revegetation monitoring. Reporting on noxious weeds will be included in the revegetation annual monitoring report. The Certificate Holder will consult with ODOE and ODFW to design a long-term monitoring schedule.	Noxious Weed Control Plan
Securing the conservation easement establishing the HMA.	Prior to commencing construction.	Habitat Mitigation Plan
Performing habitat enhancement actions at the HMA.	Concurrently with construction.	Habitat Mitigation Plan
Monitoring habitat enhancement actions at the HMA.	Annually for the first 5 years. Annual monitoring is anticipated to occur in the fall, with the annual monitoring report being provided the following spring. Then the Certificate Holder will consult with ODOE and ODFW to design a long-term monitoring schedule.	Habitat Mitigation Plan

10.0 Amendment of the HMP

The final HMP may be amended from time to time by agreement of the Certificate Holder and EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this plan. ODOE shall notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this plan agreed to by ODOE.

11.0 References

EFSC (Oregon Energy Facility Siting Council). 2017a. Final Order: In the Matter of the Application for a Site Certificate for the Wheatridge Wind Energy Facility. April 2017.

EFSC 2017b. Site Certificate for the Wheatridge Wind Energy Facility. April 27, 2017.

ODFW (Oregon Department of Fish and Wildlife). 2012. Elk and Deer Winter Range for Eastern Oregon, East of the Crest of the Cascades. GIS data files (2). Available online at: https://nrimp.dfw.state.or.us/DataClearinghouse/default.aspx?p=202&XMLname=885.xml

Attachment D-1: WREIII Draft Revegetation Plan

Wheatridge Renewable Energy Facility III
Draft Revegetation Plan

(Approved by ODOE on November 9, 2020 as part of WREFII Site Certificate; changes were presented at November 19-20, 2020 EFSC Meeting)

Prepared for
Wheatridge Solar Energy Center, LLC

Prepared by

TETRA TECH

November 2020

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List of Tables

1.0 Introduction

This Revegetation Plan (Plan) has been prepared for the Wheatridge Renewable Energy Facility III (WREFIII), a 150-megawatt (MW) solar energy facility in Morrow County. Wheatridge Solar Energy Center, LLC (Certificate Holder) holds the site certificate for WREFIII. WREFIII has areas of overlapping Site Boundary and shared related and supporting facilities with Wheatridge Renewable Energy Facility I and Wheatridge Renewable Energy Facility II (WREFI, Portland General Electric Company is the certificate holder; WREFII, Wheatridge Wind Energy, LLC is the certificate holder).

The three facilities were originally permitted as one facility, the Wheatridge Wind Energy Facility (WRW). WRW was granted approval of a site certificate by the Oregon Department of Energy's (ODOE) Energy Facility Siting Council (EFSC) on April 28, 2017 (EFSC 2017a) consisting of facilities in north Morrow (Wheatridge West) and Umatilla (Wheatridge East) counties[1]. Wheatridge West began construction in January 2020.

2.0 Pre-Construction Compliance

This plan addresses the following pre-construction conditions of the Fourth Amended Site Certificate for the WRW (EFSC 2019):

> ***PRE-SP-02*** *Prior to construction, the certificate holder shall ensure that the final Revegetation Plan includes a program to protect and restore agricultural soils temporarily disturbed during facility construction. As described in the final order, agriculture soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced. The Revegetation Plan shall be finalized pursuant to Fish and Wildlife Habitat Condition 11 (PRE-FW-05).*
>
> ***PRE-FW-05*** *Before beginning construction, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment C to this order, from the department, in consultation with Umatilla and Morrow counties and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.*

The details of this plan were developed in consultation with personnel from the Oregon Department of Fish and Wildlife (ODFW), ODOE, and Morrow County Weed Control Department. Throughout construction and revegetation activities, the Certificate Holder will take appropriate actions to prevent the spread of noxious weeds (as identified in the Morrow Count 2019). Where appropriate, and pursuant to consultation with the Morrow County Weed Control Supervisor,

[1] The site certificate for the WRW was amended five times, including the addition of solar energy generation and battery storage components and splitting the facility into WREFI and WREFII (EFSC 2017b, EFSC 2018a, EFSC 2018b, EFSC 2019). The WREFII site certificate was amended in November 2020, further splitting the facility into three more facilities including an amended WREFII, Wheatridge Renewable Energy Facility III (WREFIII) and Wheatridge Renewable Energy Facility East (WREFE).

monitoring of noxious weeds and the effectiveness of weed control/eradication efforts will be performed concurrently with the revegetation monitoring described in this document. A stand-alone Noxious Weed Control Plan has also been prepared for pre-construction compliance (Tetra Tech 2020a). Information on Morrow County-listed noxious weeds, noxious weeds observed during surveys, and treatment and monitoring of noxious weeds are included in the Noxious Weed Control Plan (Tetra Tech 2020a).

3.0 Site Description

WREFIII is located in Morrow County, Oregon. It lies within the Columbia Plateau Ecoregion at elevations from approximately 800 to 2,800 feet. WREFIII is sited entirely on private land and primarily in agricultural land used for growing dryland wheat. Native vegetation has been modified not only through agricultural conversion, but also through historical and current livestock grazing, by changes in fire regimes, and by the presence of exotic grasses and other vegetation.

Habitats within WREFIII boundary include Developed (subtypes include Dryland Wheat and Other Developed), Grassland (Exotic Annual, Revegetated Grassland, and Native Perennial), and Shrub-steppe (Basin Big Sagebrush and Snakeweed/Rabbitbrush). The Habitat Mitigation Plan (HMP; Tetra Tech 2020b) details the acres of each habitat subtype that will be temporarily and permanently disturbed during construction and operation of the WREFIII. For purposes of this plan, disturbance to Developed-Dryland Wheat and Developed-Other habitat subtypes are grouped together. Developed-Other habitat subtypes include farm and ranch homes and related infrastructure, roads, quarries, livestock facilities, and other areas associated with human activity. Disturbance to all other habitat subtypes are collectively referred to as wildlife habitat.

3.1 Temporary Disturbance to Dryland Wheat and Other

Temporary disturbance to areas identified as Developed-Dryland Wheat and Developed-Other habitat subtypes are shown in Table 1. Figures depicting the location of these temporary disturbances are available in the HMP (Tetra Tech 2020b). Restoration of Developed-Other habitat subtypes will be determined on a case-by-case basis and is not covered further in this plan. Temporary disturbances to Developed-Dryland Wheat will be restored as described in Section 4.3.

Table 1. Summary of Temporary Disturbances to Cropland

Habitat Subtype (Category 6 Habitat)	Temporary Disturbance (Acres)
Dryland Wheat	TBD
Developed-Other	TBD
TOTAL	**TBD**

3.2 Temporary Impacts to Wildlife Habitat

Temporary disturbance to areas identified as wildlife habitat are shown in Table 2. Figures depicting the locations of these temporary disturbances will be provided in the final HMP. These temporary disturbances will be restored as described in Section 4.4.

Table 2. Summary of Temporary Disturbances to Wildlife Habitat

Habitat Category	Habitat Subtype	Temporary Disturbance (Acres)
2	Revegetated or Other Planted Grassland	TBD
	Native Perennial Grassland	TBD
	Exotic Annual Grassland	TBD
3	Revegetated or Other Planted Grassland	TBD
	Native Perennial Grassland	TBD
4	Exotic Annual Grassland	TBD
	Shrub-steppe with Rabbitbrush/Snakeweed	TBD
TOTAL		TBD

4.0 Revegetation Methods

This plan addresses revegetation methods for both Dryland Wheat and wildlife habitat. Revegetation will begin as soon as feasible after construction completes. Seeding and planting will be done in a timely manner and in the appropriate season. Restoration of Dryland Wheat will be designed in consultation with the landowner.

4.1 Roles and Responsibilities

The construction contractor will be responsible for implementing the measures in the National Pollutant Discharge Elimination System (NPDES) 1200-C permit, as well as the revegetation activities discussed herein during and immediately after construction. A qualified botanist or revegetation specialist will be responsible for monitoring and reporting on revegetation success. Remedial revegetation actions, if needed during the operation phase, will be performed by a qualified contractor. The Certificate Holder will be responsible for ensuring that all contractors perform work in accordance with permit requirements and all agreed upon methods for revegetation.

4.2 Site Preparation

In areas where soil is removed during construction, the following measures will be taken where appropriate:

- The topsoil will be stockpiled separately from the subsurface soils.

- The conserved soil will be put back in place as topsoil prior to revegetation activities.
- Prior to seeding and/or planting of revegetation areas, soils will be prepared to facilitate revegetation success.
- Soil preparation will involve standard, commonly used methods, and will take into account all relevant site-specific factors, including slope, size of area, and erosion potential.
- Topsoil and other soils from noxious weed infested areas will not be moved outside of the infested areas and will be returned to its previous location during reclamation activities;
- Soils from weed infested areas may be treated with a pre-emergent herbicide prior to initiation of revegetation efforts, depending on site-specific conditions;
- Movement of topsoil and other soils from non-infested areas will be limited to eliminate the transport of weed seeds, roots, or rhizomes.
- In general, the soil needs to be prepared into a firm, fine-textured seedbed that is relatively free of debris before seeding or planting. Shallow tilling with a disc, followed by a harrow or drag if necessary, can typically achieve this. If replaced soil is too soft, then seeds may be buried too deep to properly germinate; a roller or culti-packer should be used to pack down the soil.
- In non-cropland areas, site complexity should be considered during soil preparation. For instance, it may be desirable to purposely create an uneven, patchy site that allows for depressions and other microsites that result in small variations in aspect and moisture holding to promote complexity.
- The construction contractor will use mulching and other appropriate practices, as required by the NPDES 1200-C permit, to control erosion and sediment during construction and revegetation work.

4.3 Restoration of Cropland

Croplands will be reseeded with the appropriate crop or maintained as fallow in consultation with the landowner or farm operator. The construction contractor will also consult with the landowner or farm operator to determine seed mix, application methods, and rates for seed and fertilizer. Success of cropland revegetation will have been achieved when production of the revegetated area is comparable to that of adjacent, non-disturbed croplands of the same type. Success determination will involve consultation with the landowner or farm operator, and the Certificate Holder will report to ODOE on the success of cropland restoration efforts. Noxious weed control is necessary for successful revegetation of croplands and will be implemented per the methods described in the Noxious Weed Control Plan (Tetra Tech 2020a).

Soil compaction is a concern for restoring agricultural soils to their pre-construction productivity. During construction of temporary facilities, the Certificate Holder would excavate and store soils by soil horizon, so that soils could be replaced and restored appropriately, including replacing topsoil. During post-construction restoration of temporary impacts to agricultural areas, the Certificate Holder would loosen agricultural soil by mechanical scarification (tilling or ripping the soil) to an appropriate depth to reduce the potential effects of compaction. Soil amendment, by addition of

organic matter (compost), may also be necessary to alleviate compaction. The measures outlined in Section 4.2 will be performed in cropland where applicable.

4.4 Restoration of Wildlife Habitat

All wildlife habitat will be reseeded with either 1) a mix of native or non-invasive, non-persistent non-native grasses; or 2) a mix of native or non-invasive, non-persistent non-native grasses, forbs, and shrubs. The seed mixes and application rates described in Section 4.5 have been determined in consultation with ODFW, and included consideration of the soil types, erosion potential, and growing conditions found near WREFIII. The seed mixes have been approved by ODFW (July 31, 2019) and seeds will be obtained from a reputable supplier in compliance with the Oregon Seed Law (Oregon Administrative Rule 603-056).

The methods used and timing of planting will be appropriate to the seed mixes, weather conditions, and site conditions (including area size, slope, and erosion potential) based upon consultation with ODFW and the Morrow County Weed Control Supervisor. Preparation of disturbed ground may include replacing lost topsoil, or chemical or mechanical weed control per the Noxious Weed Control Plan (Tetra Tech 2020a). Following soil preparation (Section 4.2), seed mixes in non-cropland areas will be applied through broadcast or drill seeding.

During construction, the construction contractor will implement site stabilization measures, including seeding of temporarily disturbed areas according to the Certificate Holder's NPDES 1200-C permit. Approximately 6 months prior to commercial operation, the Certificate Holder and construction contractor will meet with ODFW, ODOE, and Morrow County Weed Control Authority personnel to review the actual extent and conditions of temporarily impacted areas, confirm the revegetation methods to be implemented, and to revisit reference areas as necessary.

4.4.1 Broadcast Seeding

In this method, the seed mix will be broadcast at a rate of 20-24 pounds per acre, per discussions with a seed supplier and ODFW. The rate may be adjusted depending on the recommendations of the actual seed supplier. Broadcasting should not be utilized when winds exceed 5 miles per hour. If feasible, half of the seed mix will be broadcast in one direction, with the other half broadcast perpendicular to the first half. A tracking dye may be added to facilitate uniform application. Certified weed-free straw will be applied at a rate of approximately 2 tons per acre immediately after seeding. If certified weed-free straw is unavailable, the construction contractor will identify a local source of straw. The local source of the straw will be approved by the county weed master and ODFW prior to purchase. This straw will either be crimped into the ground or applied with a tackifier.

4.4.2 Drill Seeding

Drill seeding plants seeds using an agricultural or range seed drill at a rate of 12-14 pounds per acre, per discussions with a seed supplier and ODFW. The rate may be adjusted depending on the recommendations of the actual seed supplier.

4.5 Seed Mixes and Shrub Plantings

One grassland seed mix (Table 3) and one shrub mix (Table 4) are being proposed for revegetation efforts at WREFII. The Certificate Holder assumes that reasonable substitutions can be made to the seed mix included in Table 3 , with approval from ODOE, based on seed availability at the time of procurement. Additionally, planting of shrubs is being proposed for revegetation of temporarily disturbed shrub-steppe habitats. Similarly, the Certificate Holder assumes that seeding of shrub species can occur if plant stock is unavailable or too costly.

Grassland Seed Mix #1 is intended for use in revegetation efforts throughout WREFIII. It contains only grasses, as recommended by ODFW, in order to maximize flexibility for weed control.

Table 3. Grassland Seed Mix #1

Common Name	*Scientific Name*	Percent of Mix
Bluebunch wheatgrass	*Pseudoroegneria spicata*	40
Bottlebrush squirreltail	*Elymus elymoides*	15
Sandberg's bluegrass	*Poa secunda*	15
Thickspike wheatgrass	*Elymus lanceolatus*	20
Indian ricegrass[1]	*Oryzopsis hymenoides* var. *nezpar*	10
[1] An alternative to Indian ricegrass would be to use needle and thread grass (*Hesperostipa comata*)		

ODFW has discussed a preference for shrub plantings instead of including them in seed mixes. In the approximately 0.3 acres of temporarily disturbed Shrub-steppe habitat (Table 2), the Certificate Holder will prioritize plantings of basin big sagebrush and rabbitbrush. If plantings are not feasible due to availability of plant stock or cost, the Certificate Holder will notify ODOE, and shrub seeds would be added Seed Mix #1 at the seeding rates noted in Table 4.

Table 4. Shrub Seeding Rates to Supplement Grassland Seed Mix #1

Common Name	Scientific Name	Minimum Pounds/Acre Pure Live Seeds
Basin big sagebrush	*Artemisia tridentata* ssp. *tridentata*	0.1 to 0.2
Gray rabbitbrush	*Ericameria nauseosa*	0.1
Green rabbitbrush	*Chrysothamnus viscidiflorus*	0.1

5.0 Monitoring

5.1 Revegetation Record

Records will be kept of revegetation efforts, both for croplands and for wildlife habitat. Records will include:

- Date construction was completed;
- Description of the affected area;

- Date revegetation was initiated; and
- Description of the revegetation effort.

The Certificate Holder will update these records periodically as revegetation work occurs, and will provide ODOE with copies of these records along with submission of the monitoring report that is required by the site certificate.

5.2 Reference and Monitoring Sites

In order to determine if the revegetation efforts are meeting success criteria, paired monitoring and reference sites will be established. Monitoring and reference sites will be located in each of the following habitat subtypes that will be temporarily disturbed by construction of WREFIII:

- Revegetated or Other Planted Grassland;
- Native Perennial Grassland;
- Exotic Annual Grassland; and
- Shrub-steppe with Rabbitbrush/Snakeweed;

Reference sites are intended to represent target conditions for the revegetation effort. Vegetation within monitoring plots in revegetation areas will be compared with those in the associated reference sites to measure success of the required revegetation activities for WREFIII.

5.2.1 Reference Sites

Prior to operation, reference sites—areas of habitat quality similar to those found prior to disturbance at the areas to be revegetated—will be identified in consultation with ODOE and ODFW. Reference sites will be chosen with consideration to land use patterns, soil types, terrain, and presence of noxious weeds. Alternate reference sites may be chosen in consultation with ODOE and ODFW if land use changes, wildfire, or other disturbance makes a chosen reference site no longer representative of target conditions.

Proposed reference sites will be chosen based on review of:

- Aerial imagery (Google Earth 2019);
- Information from previous vegetation surveys conducted for WREFIII (NWC 2014, Tetra Tech 2019);
- Local knowledge of the site by biologists who have conducted surveys within WREFIII boundaries; and
- Soil survey data (NRCS 2019).

Final selection of proposed reference sites will include a site visit will be conducted at the appropriate time to evaluate baseline conditions within these reference sites. These site visits will document the following:

- Vascular plant species present;

- Native/non-native status of species present;
- Approximate percent cover of dominant species;
- Approximate percent cover of state and county-listed noxious weeds; and
- Evidence of ongoing, recent, or past disturbance.

In each of the reference sites, a permanent 50 by 100-foot sample plot will be established. Three 50-foot transects will be established within each of these permanent sample plots, perpendicular to the long side of the plot. For the grassland plots, the line-point intersect method will be used to document vegetation at 1-foot intervals along the transect line. For the shrub-steppe plots, 6-foot-wide belt transects will be established, 3 feet on each side of the transect line. All shrubs and herbaceous species occurring within these transects will be recorded and percent cover of the dominant species will be estimated.

5.2.2 Monitoring Sites

Per ODFW recommendations, a minimum of one monitoring plot will be located within habitats where temporary disturbances will be less than 5 acres in size. For habitats where the impacts will be greater than 5 acres, the number of monitoring plots will be chosen to represent five percent of the total temporary disturbance area by habitat subtype and category, or a maximum of 10 monitoring plots.

The number of monitoring plots for habitat subtypes where impacts will be greater than 5 acres was determined first by multiplying the impact acreage by five percent and then converting the acreages into square feet. This square footage was then divided by 5,000, which represents the number of square feet within a proposed sample plot (50 feet by 100 feet). The final revegetation plan will present, in tabular format, the number of monitoring plots that will be established within each habitat subtype and category of temporary disturbance.

Monitoring sites within each habitat subtype will be selected using a stratified randomization process utilizing existing habitat mapping. Mile points will be assigned to each habitat subtype within the construction corridor linearly from north to south in 0.1-mile increments (CH2M 2019). A random number generator will then be used to assign monitoring locations using the 0.1-mile increments. Additional monitoring locations will be chosen, through the stratified randomization process, as alternative locations in case one of the original monitoring locations is deemed unacceptable during the first revegetation monitoring effort. Data collected during the first year of monitoring will serve as pilot data to determine if the chosen number of monitoring sites will provide results that are statistically robust. Additional monitoring sites will be added if statistical analysis of the first year's data indicates additional monitoring plots are needed.

The monitoring plot dimensions and transect spacing may need to be adjusted to account for the numerous linear features associated with WREFIII whose disturbance footprint may be less than 50 feet wide. These detailed considerations for monitoring methods will be determined in consultation with ODOE and ODFW prior to implementation of monitoring.

5.3 Monitoring Procedures

Monitoring of the revegetation effort will be conducted by a qualified botanist or revegetation specialist; this monitoring will be done annually for 5 years, starting on the first growing season after seeding/planting.

During each assessment, revegetated areas will be compared to reference sites with regard to:

- Presence and density of noxious weeds;
- Degree of erosion;
- Vegetative density;
- Proportion of perennial native and desirable introduced plant species; and
- Species diversity and structural stage of perennial native and desirable introduced plant species.

Monitoring will not be required for areas that have been converted by the landowner to land uses that preclude meeting revegetation success criteria.

5.3.1 Noxious Weed Control

A qualified investigator will be employed to annually assess noxious weed presence during the first 5 years of revegetation work and to make recommendations on noxious weed control measures. Reports will be submitted to ODOE and to ODFW following each annual inspection. Details regarding known noxious weed occurrence at WREFIII, proposed noxious weed monitoring, and control of noxious weeds are available in a separate Noxious Weed Control Plan (Tetra Tech 2020b).

5.3.2 Wildlife Habitat Recovery

In the first growing season after planting in revegetation areas, a qualified botanist or revegetation specialist will inspect each wildlife habitat revegetation area to assess the success of revegetation measures. These assessments will be annually for the first 5 years. Monitoring reports will be submitted to the Certificate Holder, ODOE, and ODFW. Assessments will address whether, based on evaluation of monitoring and reference sites, each wildlife habitat revegetation area is trending toward meeting the success criteria described below.

Based on the fifth annual assessment, the Certificate Holder will consult with ODOE and ODFW to design an action plan for subsequent years. The Certificate Holder is obligated to revegetate and implement weed control measures in disturbed areas regardless of its ability to meet success criteria; nonetheless, the Certificate Holder may propose remedial actions and/or additional monitoring for areas that have been determined by ODOE, in consultation with ODFW, not to have met the success criteria. Revegetation efforts may in some cases be deemed to have failed, and additional mitigation may be proposed in such cases to compensate for loss of wildlife habitat,

while revegetation and weed control would continue to apply, but without application of success criteria.

5.4 Success Criteria

Each monitoring report will involve assessing the progress of each area of wildlife habitat disturbed during construction toward meeting revegetation objectives. Habitat quality shall be evaluated based on the success criteria listed below. Final determination of whether the Certificate Holder has met the revegetation obligations will be made by ODOE, in consultation with ODFW.

- **Native Forbs:** No success criteria are applied to this Facility because forbs were not included in the ODFW-approved revegetation seed mix due to concerns regarding noxious weed control. [2]
- **Native Shrubs:** The average density or frequency of the shrub component should be at least 50 percent of the reference site within 5 years. At least 15 percent of the shrub density or frequency should be the dominant species found on the reference site. The diversity of shrub species within the revegetated areas should at least equal the shrub species diversity measured on the reference site.
- **Native Grasses:** Revegetated sites should maintain grass species diversity and density that is at least 85 percent similar to reference sites. Native bunchgrasses should be given preference. Native grasses are to be planted at rates sufficient to achieve abundance and diversity characteristics of the grass component at the reference site.
- **Non-Native Weeds:** Every attempt should be made to prevent and control all species listed on county, state, and federal noxious weed lists. Revegetation sites should not contain a higher percentage of non-native weed cover than the reference site. All state and federal laws pertaining to noxious weeds must be followed. Highly competitive invasive species such as cheatgrass and other weedy brome grasses are prohibited in seed mixtures and should be actively controlled if any are found in the reclaimed areas.

5.5 Remedial Action

Remedial action options will be identified in cases where success criteria are not met, whether due to wildfire subsequent to construction or because of lower than expected rates of germination or survival. Remedial actions may include reseeding or other measures. The investigator will make recommendations for remedial actions after each monitoring visit, and the Certificate Holder will take appropriate measures to meet the restoration objectives. The Certificate Holder will include the investigator's recommendations for remedial actions and the measures taken in that year's

[2] ODFW's recommended success criterion for native forbs is that the average density or frequency of desirable forbs (typically native, with some site-specific exceptions) should be a minimum of 75 percent of the reference site within 5 years. Diversity of forbs on a reclaimed site should at least equal the diversity measured on the reference site within 5 years.

monitoring report. ODOE may require reseeding or other remedial actions in cases where revegetation objectives have not been met.

6.0 Plan Amendment

This Plan may be amended by agreement of the Certificate Holder and EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this plan. ODOE shall notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this plan agreed to by ODOE.

7.0 References

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Tetra Tech (Tetra Tech, Inc.). 2019. Wheatridge Wind Energy Facility 2019 Rare Plant Survey Report. September. Prepared for Wheatridge Wind Energy, LLC.

Tetra Tech. 2020a. Noxious Weed Control Plan for the Wheatridge Renewable Energy Facility II. Prepared for Wheatridge Wind II, LLC. Portland, OR.

Tetra Tech. 2020b. Habitat Mitigation Plan for the Wheatridge Wind Energy Facility. Prepared for Wheatridge Wind Energy, LLC and Wheatridge Wind II, LLC. Portland, OR.

Attachment D-2: WREFE Draft Revegetation Plan

Wheatridge Renewable Energy Facility East
Draft Revegetation Plan

(Approved by ODOE on November 9, 2020 as part of WREFII Site Certificate; changes were presented at November 19-20, 2020 EFSC Meeting)

Prepared for
Wheatridge East Wind, LLC

Prepared by

TETRA TECH

November 2020

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List of Tables

1.0 Introduction

This Revegetation Plan (Plan) has been prepared for the Wheatridge Renewable Energy Facility East (WREFE), a 200-megawatt (MW) wind energy facility within Morrow and Umatilla counties. Wheatridge East Wind, LLC (Certificate Holder) holds the site certificate for WREFE. WREFE has areas of overlapping Site Boundary with Wheatridge Renewable Energy Facility II (WREFII) and Wheatridge Renewable Energy Facility III (WREFIII) (WREFII, Wheatridge Wind Energy, LLC is the certificate holder; and WREFIII, Wheatridge Solar Energy Center, LLC is the certificate holder).

The three facilities were originally permitted as one facility, the Wheatridge Wind Energy Facility (WRW). WRW was granted approval of a site certificate by the Oregon Department of Energy's (ODOE) Energy Facility Siting Council (EFSC) on April 28, 2017 (EFSC 2017a) consisting of facilities in north Morrow (Wheatridge West) and Umatilla (Wheatridge East) counties[1].

2.0 Pre-Construction Compliance

This plan addresses the following pre-construction conditions of the Fourth Amended Site Certificate for the WRW (EFSC 2019):

> ***PRE-SP-02*** *Prior to construction, the certificate holder shall ensure that the final Revegetation Plan includes a program to protect and restore agricultural soils temporarily disturbed during facility construction. As described in the final order, agriculture soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced. The Revegetation Plan shall be finalized pursuant to Fish and Wildlife Habitat Condition 11 (PRE-FW-05).*
>
> ***PRE-FW-05*** *Before beginning construction, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment C to this order, from the department, in consultation with Umatilla and Morrow counties and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.*

The details of this plan were developed in consultation with personnel from the Oregon Department of Fish and Wildlife (ODFW), ODOE, and Morrow County Weed Control Department. Throughout construction and revegetation activities, the Certificate Holder will take appropriate actions to prevent the spread of noxious weeds (as identified in the Morrow Count 2019). Where appropriate, and pursuant to consultation with the Morrow County Weed Control Supervisor, monitoring of noxious weeds and the effectiveness of weed control/eradication efforts will be

[1] The site certificate for the WRW was amended five times, including the addition of solar energy generation and battery storage components and splitting the facility into WREFI and WREFII (EFSC 2017b, EFSC 2018a, EFSC 2018b, EFSC 2019). The WREFII site certificate was amended in November 2020, further splitting the facility into three more facilities including an amended WREFII, Wheatridge Renewable Energy Facility III (WREFIII) and Wheatridge Renewable Energy Facility East (WREFE).

performed concurrently with the revegetation monitoring described in this document. A stand-alone Noxious Weed Control Plan has also been prepared for pre-construction compliance (Tetra Tech 2020a). Information on Morrow County-listed noxious weeds, noxious weeds observed during surveys, and treatment and monitoring of noxious weeds are included in the Noxious Weed Control Plan (Tetra Tech 2020a).

3.0 Site Description

WREFE is located in Umatilla and Morrow counties, Oregon. It lies within the Columbia Plateau Ecoregion at elevations from approximately 800 to 2,800 feet. WREFE is sited entirely on private land and primarily in agricultural land used for growing dryland wheat. Native vegetation has been modified not only through agricultural conversion, but also through historical and current livestock grazing, by changes in fire regimes, and by the presence of exotic grasses and other vegetation.

Habitats within WREFE boundary include Developed (subtypes include Dryland Wheat and Other Developed), Grassland (Exotic Annual, Revegetated Grassland, and Native Perennial), and Shrub-steppe (Basin Big Sagebrush and Snakeweed/Rabbitbrush). The Habitat Mitigation Plan (HMP; Tetra Tech 2020b) details the acres of each habitat subtype that will be temporarily and permanently disturbed during construction and operation of the WREFE. For purposes of this plan, disturbance to Developed-Dryland Wheat and Developed-Other habitat subtypes are grouped together. Developed-Other habitat subtypes include farm and ranch homes and related infrastructure, roads, quarries, livestock facilities, and other areas associated with human activity. Disturbance to all other habitat subtypes are collectively referred to as wildlife habitat.

3.1 Temporary Disturbance to Dryland Wheat and Other

Temporary disturbance to areas identified as Developed-Dryland Wheat and Developed-Other habitat subtypes are shown in Table 1. Figures depicting the location of these temporary disturbances are available in the HMP (Tetra Tech 2020b). Restoration of Developed-Other habitat subtypes will be determined on a case-by-case basis and is not covered further in this plan. Temporary disturbances to Developed-Dryland Wheat will be restored as described in Section 4.3.

Table 1. Summary of Temporary Disturbances to Cropland

Habitat Subtype (Category 6 Habitat)	Temporary Disturbance (Acres)
Dryland Wheat	TBD
Developed-Other	TBD
TOTAL	**TBD**

3.2 Temporary Impacts to Wildlife Habitat

Temporary disturbance to areas identified as wildlife habitat are shown in Table 2. Figures depicting the locations of these temporary disturbances will be provided in the final HMP. These temporary disturbances will be restored as described in Section 4.4.

Table 2. Summary of Temporary Disturbances to Wildlife Habitat

Habitat Category	Habitat Subtype	Temporary Disturbance (Acres)
2	Revegetated or Other Planted Grassland	TBD
	Native Perennial Grassland	TBD
	Exotic Annual Grassland	TBD
3	Revegetated or Other Planted Grassland	TBD
	Native Perennial Grassland	TBD
4	Exotic Annual Grassland	TBD
	Shrub-steppe with Rabbitbrush/Snakeweed	TBD
TOTAL		TBD

4.0 Revegetation Methods

This plan addresses revegetation methods for both Dryland Wheat and wildlife habitat. Revegetation will begin as soon as feasible after construction completes. Seeding and planting will be done in a timely manner and in the appropriate season. Restoration of Dryland Wheat will be designed in consultation with the landowner.

4.1 Roles and Responsibilities

The construction contractor will be responsible for implementing the measures in the National Pollutant Discharge Elimination System (NPDES) 1200-C permit, as well as the revegetation activities discussed herein during and immediately after construction. A qualified botanist or revegetation specialist will be responsible for monitoring and reporting on revegetation success. Remedial revegetation actions, if needed during the operation phase, will be performed by a qualified contractor. The Certificate Holder will be responsible for ensuring that all contractors perform work in accordance with permit requirements and all agreed upon methods for revegetation.

4.2 Site Preparation

In areas where soil is removed during construction, the following measures will be taken where appropriate:

- The topsoil will be stockpiled separately from the subsurface soils.
- The conserved soil will be put back in place as topsoil prior to revegetation activities.
- Prior to seeding and/or planting of revegetation areas, soils will be prepared to facilitate revegetation success.

- Soil preparation will involve standard, commonly used methods, and will take into account all relevant site-specific factors, including slope, size of area, and erosion potential.
- Topsoil and other soils from noxious weed infested areas will not be moved outside of the infested areas and will be returned to its previous location during reclamation activities;
- Soils from weed infested areas may be treated with a pre-emergent herbicide prior to initiation of revegetation efforts, depending on site-specific conditions;
- Movement of topsoil and other soils from non-infested areas will be limited to eliminate the transport of weed seeds, roots, or rhizomes.
- In general, the soil needs to be prepared into a firm, fine-textured seedbed that is relatively free of debris before seeding or planting. Shallow tilling with a disc, followed by a harrow or drag if necessary, can typically achieve this. If replaced soil is too soft, then seeds may be buried too deep to properly germinate; a roller or culti-packer should be used to pack down the soil.
- In non-cropland areas, site complexity should be considered during soil preparation. For instance, it may be desirable to purposely create an uneven, patchy site that allows for depressions and other microsites that result in small variations in aspect and moisture holding to promote complexity.
- The construction contractor will use mulching and other appropriate practices, as required by the NPDES 1200-C permit, to control erosion and sediment during construction and revegetation work.

4.3 Restoration of Cropland

Croplands will be reseeded with the appropriate crop or maintained as fallow in consultation with the landowner or farm operator. The construction contractor will also consult with the landowner or farm operator to determine seed mix, application methods, and rates for seed and fertilizer. Success of cropland revegetation will have been achieved when production of the revegetated area is comparable to that of adjacent, non-disturbed croplands of the same type. Success determination will involve consultation with the landowner or farm operator, and the Certificate Holder will report to ODOE on the success of cropland restoration efforts. Noxious weed control is necessary for successful revegetation of croplands and will be implemented per the methods described in the Noxious Weed Control Plan (Tetra Tech 2020a).

Soil compaction is a concern for restoring agricultural soils to their pre-construction productivity. During construction of temporary facilities, the Certificate Holder would excavate and store soils by soil horizon, so that soils could be replaced and restored appropriately, including replacing topsoil. During post-construction restoration of temporary impacts to agricultural areas, the Certificate Holder would loosen agricultural soil by mechanical scarification (tilling or ripping the soil) to an appropriate depth to reduce the potential effects of compaction. Soil amendment, by addition of organic matter (compost), may also be necessary to alleviate compaction. The measures outlined in Section 4.2 will be performed in cropland where applicable.

4.4 Restoration of Wildlife Habitat

All wildlife habitat will be reseeded with either 1) a mix of native or non-invasive, non-persistent non-native grasses; or 2) a mix of native or non-invasive, non-persistent non-native grasses, forbs, and shrubs. The seed mixes and application rates described in Section 4.5 have been determined in consultation with ODFW, and included consideration of the soil types, erosion potential, and growing conditions found near WREFIII. The seed mixes have been approved by ODFW (July 31, 2019) and seeds will be obtained from a reputable supplier in compliance with the Oregon Seed Law (Oregon Administrative Rule 603-056).

The methods used and timing of planting will be appropriate to the seed mixes, weather conditions, and site conditions (including area size, slope, and erosion potential) based upon consultation with ODFW and the Morrow County Weed Control Supervisor. Preparation of disturbed ground may include replacing lost topsoil, or chemical or mechanical weed control per the Noxious Weed Control Plan (Tetra Tech 2020a). Following soil preparation (Section 4.2), seed mixes in non-cropland areas will be applied through broadcast or drill seeding.

During construction, the construction contractor will implement site stabilization measures, including seeding of temporarily disturbed areas according to the Certificate Holder's NPDES 1200-C permit. Approximately 6 months prior to commercial operation, the Certificate Holder and construction contractor will meet with ODFW, ODOE, and Morrow County Weed Control Authority personnel to review the actual extent and conditions of temporarily impacted areas, confirm the revegetation methods to be implemented, and to revisit reference areas as necessary.

4.4.1 Broadcast Seeding

In this method, the seed mix will be broadcast at a rate of 20-24 pounds per acre, per discussions with a seed supplier and ODFW. The rate may be adjusted depending on the recommendations of the actual seed supplier. Broadcasting should not be utilized when winds exceed 5 miles per hour. If feasible, half of the seed mix will be broadcast in one direction, with the other half broadcast perpendicular to the first half. A tracking dye may be added to facilitate uniform application. Certified weed-free straw will be applied at a rate of approximately 2 tons per acre immediately after seeding. If certified weed-free straw is unavailable, the construction contractor will identify a local source of straw. The local source of the straw will be approved by the county weed master and ODFW prior to purchase. This straw will either be crimped into the ground or applied with a tackifier.

4.4.2 Drill Seeding

Drill seeding plants seeds using an agricultural or range seed drill at a rate of 12-14 pounds per acre, per discussions with a seed supplier and ODFW. The rate may be adjusted depending on the recommendations of the actual seed supplier.

4.5 Seed Mixes and Shrub Plantings

One grassland seed mix (Table 3) and one shrub mix (Table 4) are being proposed for revegetation efforts at WREFII. The Certificate Holder assumes that reasonable substitutions can be made to the seed mix included in Table 3 , with approval from ODOE, based on seed availability at the time of procurement. Additionally, planting of shrubs is being proposed for revegetation of temporarily disturbed shrub-steppe habitats. Similarly, the Certificate Holder assumes that seeding of shrub species can occur if plant stock is unavailable or too costly.

Grassland Seed Mix #1 is intended for use in revegetation efforts throughout WREFIII. It contains only grasses, as recommended by ODFW, in order to maximize flexibility for weed control.

Table 3. Grassland Seed Mix #1

Common Name	*Scientific Name*	Percent of Mix
Bluebunch wheatgrass	*Pseudoroegneria spicata*	40
Bottlebrush squirreltail	*Elymus elymoides*	15
Sandberg's bluegrass	*Poa secunda*	15
Thickspike wheatgrass	*Elymus lanceolatus*	20
Indian ricegrass[1]	*Oryzopsis hymenoides* var. *nezpar*	10
[1] An alternative to Indian ricegrass would be to use needle and thread grass (*Hesperostipa comata*)		

ODFW has discussed a preference for shrub plantings instead of including them in seed mixes. In the approximately 0.3 acres of temporarily disturbed Shrub-steppe habitat (Table 2), the Certificate Holder will prioritize plantings of basin big sagebrush and rabbitbrush. If plantings are not feasible due to availability of plant stock or cost, the Certificate Holder will notify ODOE, and shrub seeds would be added Seed Mix #1 at the seeding rates noted in Table 4.

Table 4. Shrub Seeding Rates to Supplement Grassland Seed Mix #1

Common Name	Scientific Name	Minimum Pounds/Acre Pure Live Seeds
Basin big sagebrush	*Artemisia tridentata* ssp. *tridentata*	0.1 to 0.2
Gray rabbitbrush	*Ericameria nauseosa*	0.1
Green rabbitbrush	*Chrysothamnus viscidiflorus*	0.1

5.0 Monitoring

5.1 Revegetation Record

Records will be kept of revegetation efforts, both for croplands and for wildlife habitat. Records will include:

- Date construction was completed;
- Description of the affected area;

- Date revegetation was initiated; and
- Description of the revegetation effort.

The Certificate Holder will update these records periodically as revegetation work occurs, and will provide ODOE with copies of these records along with submission of the monitoring report that is required by the site certificate.

5.2 Reference and Monitoring Sites

In order to determine if the revegetation efforts are meeting success criteria, paired monitoring and reference sites will be established. Monitoring and reference sites will be located in each of the following habitat subtypes that will be temporarily disturbed by construction of WREFIII:

- Revegetated or Other Planted Grassland;
- Native Perennial Grassland;
- Exotic Annual Grassland; and
- Shrub-steppe with Rabbitbrush/Snakeweed;

Reference sites are intended to represent target conditions for the revegetation effort. Vegetation within monitoring plots in revegetation areas will be compared with those in the associated reference sites to measure success of the required revegetation activities for WREFIII.

5.2.1 Reference Sites

Prior to operation, reference sites—areas of habitat quality similar to those found prior to disturbance at the areas to be revegetated—will be identified in consultation with ODOE and ODFW. Reference sites will be chosen with consideration to land use patterns, soil types, terrain, and presence of noxious weeds. Alternate reference sites may be chosen in consultation with ODOE and ODFW if land use changes, wildfire, or other disturbance makes a chosen reference site no longer representative of target conditions.

Proposed reference sites will be chosen based on review of:

- Aerial imagery (Google Earth 2019);
- Information from previous vegetation surveys conducted for WREFIII (NWC 2014, Tetra Tech 2019);
- Local knowledge of the site by biologists who have conducted surveys within WREFIII boundaries; and
- Soil survey data (NRCS 2019).

Final selection of proposed reference sites will include a site visit will be conducted at the appropriate time to evaluate baseline conditions within these reference sites. These site visits will document the following:

- Vascular plant species present;

- Native/non-native status of species present;
- Approximate percent cover of dominant species;
- Approximate percent cover of state and county-listed noxious weeds; and
- Evidence of ongoing, recent, or past disturbance.

In each of the reference sites, a permanent 50 by 100-foot sample plot will be established. Three 50-foot transects will be established within each of these permanent sample plots, perpendicular to the long side of the plot. For the grassland plots, the line-point intersect method will be used to document vegetation at 1-foot intervals along the transect line. For the shrub-steppe plots, 6-foot-wide belt transects will be established, 3 feet on each side of the transect line. All shrubs and herbaceous species occurring within these transects will be recorded and percent cover of the dominant species will be estimated.

5.2.2 Monitoring Sites

Per ODFW recommendations, a minimum of one monitoring plot will be located within habitats where temporary disturbances will be less than 5 acres in size. For habitats where the impacts will be greater than 5 acres, the number of monitoring plots will be chosen to represent five percent of the total temporary disturbance area by habitat subtype and category, or a maximum of 10 monitoring plots.

The number of monitoring plots for habitat subtypes where impacts will be greater than 5 acres was determined first by multiplying the impact acreage by five percent and then converting the acreages into square feet. This square footage was then divided by 5,000, which represents the number of square feet within a proposed sample plot (50 feet by 100 feet). The final revegetation plan will present, in tabular format, the number of monitoring plots that will be established within each habitat subtype and category of temporary disturbance.

Monitoring sites within each habitat subtype will be selected using a stratified randomization process utilizing existing habitat mapping. Mile points will be assigned to each habitat subtype within the construction corridor linearly from north to south in 0.1-mile increments (CH2M 2019). A random number generator will then be used to assign monitoring locations using the 0.1-mile increments. Additional monitoring locations will be chosen, through the stratified randomization process, as alternative locations in case one of the original monitoring locations is deemed unacceptable during the first revegetation monitoring effort. Data collected during the first year of monitoring will serve as pilot data to determine if the chosen number of monitoring sites will provide results that are statistically robust. Additional monitoring sites will be added if statistical analysis of the first year's data indicates additional monitoring plots are needed.

The monitoring plot dimensions and transect spacing may need to be adjusted to account for the numerous linear features associated with WREFIII whose disturbance footprint may be less than 50 feet wide. These detailed considerations for monitoring methods will be determined in consultation with ODOE and ODFW prior to implementation of monitoring.

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During each assessment, revegetated areas will be compared to reference sites with regard to:

- Presence and density of noxious weeds;
- Degree of erosion;
- Vegetative density;
- Proportion of perennial native and desirable introduced plant species; and
- Species diversity and structural stage of perennial native and desirable introduced plant species.

Monitoring will not be required for areas that have been converted by the landowner to land uses that preclude meeting revegetation success criteria.

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A qualified investigator will be employed to annually assess noxious weed presence during the first 5 years of revegetation work and to make recommendations on noxious weed control measures. Reports will be submitted to ODOE and to ODFW following each annual inspection. Details regarding known noxious weed occurrence at WREFIII, proposed noxious weed monitoring, and control of noxious weeds are available in a separate Noxious Weed Control Plan (Tetra Tech 2020b).

5.3.2 Wildlife Habitat Recovery

In the first growing season after planting in revegetation areas, a qualified botanist or revegetation specialist will inspect each wildlife habitat revegetation area to assess the success of revegetation measures. These assessments will be annually for the first 5 years. Monitoring reports will be submitted to the Certificate Holder, ODOE, and ODFW. Assessments will address whether, based on evaluation of monitoring and reference sites, each wildlife habitat revegetation area is trending toward meeting the success criteria described below.

Based on the fifth annual assessment, the Certificate Holder will consult with ODOE and ODFW to design an action plan for subsequent years. The Certificate Holder is obligated to revegetate and implement weed control measures in disturbed areas regardless of its ability to meet success criteria; nonetheless, the Certificate Holder may propose remedial actions and/or additional monitoring for areas that have been determined by ODOE, in consultation with ODFW, not to have met the success criteria. Revegetation efforts may in some cases be deemed to have failed, and additional mitigation may be proposed in such cases to compensate for loss of wildlife habitat,

while revegetation and weed control would continue to apply, but without application of success criteria.

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- **Non-Native Weeds:** Every attempt should be made to prevent and control all species listed on county, state, and federal noxious weed lists. Revegetation sites should not contain a higher percentage of non-native weed cover than the reference site. All state and federal laws pertaining to noxious weeds must be followed. Highly competitive invasive species such as cheatgrass and other weedy brome grasses are prohibited in seed mixtures and should be actively controlled if any are found in the reclaimed areas.

5.5 Remedial Action

Remedial action options will be identified in cases where success criteria are not met, whether due to wildfire subsequent to construction or because of lower than expected rates of germination or survival. Remedial actions may include reseeding or other measures. The investigator will make recommendations for remedial actions after each monitoring visit, and the Certificate Holder will take appropriate measures to meet the restoration objectives. The Certificate Holder will include the investigator's recommendations for remedial actions and the measures taken in that year's

[2] ODFW's recommended success criterion for native forbs is that the average density or frequency of desirable forbs (typically native, with some site-specific exceptions) should be a minimum of 75 percent of the reference site within 5 years. Diversity of forbs on a reclaimed site should at least equal the diversity measured on the reference site within 5 years.

monitoring report. ODOE may require reseeding or other remedial actions in cases where revegetation objectives have not been met.

6.0 Plan Amendment

This Plan may be amended by agreement of the Certificate Holder and EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this plan. ODOE shall notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this plan agreed to by ODOE.

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Attachment E: WREFE Draft Noxious Weed Control Plan

Draft Noxious Weed Control Plan (template)

For the purposes of this weed control plan, the term "weed" refers to any species on the Morrow County weed list regardless of its "A" or "B" status. The Facility area includes cultivated or otherwise developed agricultural land (cropland) as well as areas of grassland, shrub-steppe habitat, and other habitat subtypes (wildlife habitat areas). Noxious weeds are present within the site boundary, and construction activities could spread these weeds. This plan outlines the measures the certificate holder will implement to control weeds within areas disturbed by Facility construction and operation. The Facility will temporarily disturb approximately XX acres of wildlife habitat and approximately XX acres of cropland during road, transmission line, and wind and solar facility components construction. Temporarily disturbed areas will be revegetated as described in the site revegetation plan.

Weed Control Goals

Weed species can adversely affect the structure and composition, and therefore the inherent values of the revegetation and habitat mitigation areas. Overarching goals of post-construction operations are prevention, identification, and control of weeds. Guidance and best management practices to accomplish these goals are provided in this plan.

Weed Species of Concern

The certificate holder will survey weed species during its pre-construction habitat and Special status species surveys to determine the weed inventory and pre-disturbance noxious weed conditions. The results of these preconstruction surveys will be used to develop maps identifying and marking weeds targeted for control and to determine the appropriate method of control, which would include herbicide spraying, biological control, mechanical control (ie mowing, cultivation) or cultural (burning).

The final Noxious Weed Control Plan will establish the best timing of control treatments and a schedule for interval ongoing control and monitoring measures, based on consultation with the Oregon Department of Energy, Oregon Department of Fish and Wildlife, Morrow and Umatilla County Weed Control Departments.

Long-Term Weed Control (Example language to be considered in final plan)

Long-term weed control will be accomplished through the seeding of perennial grasses known to compete well with noxious weeds, such as thickspike wheatgrass (*Elymus lanceolatus*) and Sherman big bluegrass (*Poa secunda*), or by maintaining the existing cover in the buffers. Short-term weed control will be through herbicide use. However, it will be important to ensure that the short-term herbicide use does not affect the establishment of the perennial grass cover intended to provide long-term control.

Early detection and management of small populations before they can expand into larger populations is extremely important for successful control.

Weed control will continue until the disturbed areas meet the success criteria described above with respect to the designated reference sites. Supplemental seeding may be needed to achieve this goal. Subsequent fertilizer application will be limited in areas treated for weeds, and the timing of the seeding will need to be coordinated with any herbicide applications.

The knapweeds, rush skeletonweed, field bindweed, whitetop, yellow starthistle, and medusahead rye are the species of primary concern ("target" species) as they were observed onsite during the preconstruction surveys. Treatment specifics will differ depending on the following variables:

- Disturbed area or buffer
- Proximity to biologically sensitive areas

The target species will be the same for all onsite areas, but the treatment implementation will vary slightly according to these parameters.

The herbicides used and the timing of application will differ depending on whether the species are (1) perennial, broad-leaved, or dicot weeds (knapweeds and thistles, field bindweed, whitetop), or (2) annual grasses or monocots (goatgrass and medusahead). Appropriate herbicides differ substantially between dicots and monocots.

Best Management Practices (Example language to be considered in final plan)

The certificate holder will implement best management practices during Facility construction and operation to help prevent the invasion and spread of noxious weeds onsite. These may include the following:

- Information regarding target weed species will be provided at the operations and maintenance building.
- Weed prevention and control measures, including Facility inspection and documentation, will be included in operations plans.
- Temporary ground-disturbing operations in weed-infested areas will be inspected and documented in accordance with Facility monitoring plan.
- Vehicles and equipment will be cleaned prior to entry into revegetation areas to help minimize introduction of noxious weed seeds to the site.
- To prevent conditions favoring weed establishment, temporarily disturbed areas will be revegetated soon as possible.
- The site will be revegetated with appropriate, locally collected native seed or native plants; when these are not available, noninvasive and nonpersistent, nonnative species may be used.
- Seed and straw mulch to be used for site rehabilitation will be inspected and certified free of weed seed and propagules.

Treatment (Example language to be considered in final plan)

Before the initial weed treatment begins, the herbicide applicator personnel will meet with a botanist for a ½-day session to review the target species and their identification, and to identify native species to be avoided, such as the native thistle (*Cirsium undulatum*) onsite. Following the initial meeting between the botanist and herbicide applicators, the applicators will be responsible for identifying and treating the target species.

Control will be accomplished through use of herbicides targeted to the individual weed species. The herbicide is to be applied by a licensed applicator, using appropriate best management practices.

Herbicide application will occur twice in year 1, in the spring (knapweeds, thistles, bindweed) and fall (other species), and once a year thereafter during the spring (mid to late May), if necessary, until the success criteria are met. Herbicide will be applied with a spreader sticker surfactant (e.g., Dynamic Green Concepts, Phase). Rush skeletonweed will be treated throughout the growing season as it occurs. Information on identification of this and other target weed species will be included in the environmental training materials to be provided to operations staff. If rush skeletonweed is observed during routine operations activities at any time during the growing season, the licensed applicator will be contacted to treat this species as soon after it is observed as practicable. Table 2 provides a summary of recommended treatment by target species.

Special Considerations (Example language to be considered in final plan)

During treatment activities, the certificate holder will consider the following sensitive areas:

- **Washington ground squirrel sites**. The Washington ground squirrel is sensitive to disturbance during the breeding season (generally January through March, sometimes lasting through April). The diet of the Washington ground squirrel consists mostly of herbaceous vegetation, as well as flowers, roots, bulbs, seeds, and insects. Therefore, no herbicides will be sprayed within 400 meters (1,200 feet) of identified Washington ground squirrel sites during the breeding season.
- **Ephemeral streams/draws**. No herbicide will be sprayed where the drift can enter standing water or saturated soil. This precaution will likely only be necessary during the spring. However, it will be the herbicide applicators' responsibility to ensure that no herbicide or drift enters standing water.

Monitoring (Example language to be considered in final plan)

Monitoring will be conducted on an annual basis by a qualified botanist for the first 5 years following initial seeding to assess weed growth and to recommend weed control measures. The weed monitoring will consist of two general components:

- Site survey to identify weed species that have established within the disturbed areas
- Inspections of treated areas to assess the success of the weed treatments

The site survey will be a pedestrian survey of disturbed areas in mid to late May. The survey will be scheduled to be initiated slightly before the herbicide application to identify any weed species. The focus will be on weed species observed prior to construction on the site (knapweed, starthistle, field bindweed, whitetop, jointed goatgrass, medusahead rye), as well as any other species on the Gilliam County weed list that might require different control methods.

The results of the site survey will be summarized in a short memorandum in which (1) any new weed species observed and treatment protocols are identified, (2) the location and weed species within the buffers are described, and (3) reference plot cover values are listed.

Subsequent monitoring results will be summarized in short memorandums in which the treatment success is described, any recommendations to improve treatment success (if necessary) are made, and any new weed species or emergence are noted. Following the initial five years of post-construction monitoring, the certificate holder shall consult with the Oregon Department of Energy, Oregon Department of Fish and Wildlife, Morrow and Umatilla County Weed Control Departments to determine the appropriate long-term weed management and control measures.

Attachment F-1: WREFIII WMMP

Wheatridge Renewable Energy Facility III
Wildlife Monitoring and Mitigation Plan

(Approved at August 19-20, 2020 EFSC Meeting as part of the WREFII Site Certificate)

Prepared for
Wheatridge Solar Energy Center, LLC

Prepared by

TETRA TECH

October 2020

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1.0 Introduction

This Wildlife Monitoring and Mitigation Plan (WMMP) has been prepared for Wheatridge Renewable Energy Facility III (WREFIII, or Facility), an approved 150-megawatt (MW) solar facility in Morrow County. Wheatridge Solar Energy Center, LLC (Certificate Holder) holds the site certificate for WREFIII. This WMMP describes wildlife monitoring that the Certificate Holder will conduct during operation of WREFIII.

WREFIII was originally permitted as part of a larger facility, the Wheatridge Wind Energy Facility (WRW). The WRW site certificate was issued by the Oregon Department of Energy's (ODOE) Energy Facility Siting Council (EFSC) on April 28, 2017 (EFSC 2017a). Following the 2017 site certificate issuance, the certificate holder received approval of five site certificate amendments from 2017 through 2020, where the fifth amendment split previously approved facility components into two original site certificates for facilities named Wheatridge Renewable Energy Facility I (WREFI) and WREFII. WREFI is a 100-MW wind energy facility within Wheatridge West. In November 2020, EFSC approved an amendment of the WREFII site certificate, further splitting previously approved facility components into three site certificates for WREFII, Wheatridge Renewable Energy Facility III (WREFIII) and Wheatridge Renewable Energy Facility East (WREFE). This WMMP applies to the WREFIII site certificate which includes 150 MW of solar facility components.

This WMMP has the following components:

1. Wildlife Response and Reporting System (WRRS);
2. Raptor nesting surveys;
3. Washington ground squirrel monitoring; and
4. Data reporting.

Based on the results of the monitoring program, mitigation of significant impacts may be required. The selection of the mitigation actions should allow for flexibility in creating appropriate responses to monitoring results that cannot be known in advance. If ODOE determines that mitigation is needed, the Certificate Holder will propose appropriate mitigation actions to ODOE and will carry out mitigation actions approved by ODOE, subject to review by the EFSC.

2.0 EFSC Compliance

The WMMP addresses the following site certificate conditions for WREFIII (EFSC 2020):

> ***PRE-FW-02*** *Prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of the Final Order on Request for Amendment 5, based on the final facility design, as approved by the department in consultation with ODFW.*

a. The final WMMP must be submitted and ODOE's concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility.

b. The WMMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department.

PRE-TE-02 *In accordance with Fish and Wildlife Habitat Condition 4, prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of the Final Order on Amendment 5, based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities.*

3.0 Wildlife Response and Reporting System

The Certificate Holder has voluntarily developed a Wildlife Response and Reporting System (WRRS) as a proactive method of monitoring and recording birds and bats that are impacted by turbines at its facilities. This system has a specific set of processes, procedures, and training for monitoring, responding to, and reporting bird and bat injuries and fatalities at wind turbines that are tailored to each facility. The Certificate Holder has developed a WRRS Manual, which gives details of the program, and will be the manual by which operations personnel implement the WRRS program. The manual's purpose is to standardize the actions in response to any wildlife fatalities and/or injuries found within the Certificate Holder's facilities, regardless of their cause. The main points of the system are as follows:

- Any livestock or wildlife injury or fatality discovered within the Facility boundaries will be reported within 24 hours.
- An incident report will be completed and include photographs.

- The Certificate Holder's wildlife program manager will be notified, and further actions may be taken based on the species and circumstances surrounding the incident.
- If a federally endangered or threatened species is found dead or injured at the site, the Certificate Holder will immediately notify the U.S. Fish and Wildlife Service (USFWS) Region 1 Field Office of the discovery.
- If a state endangered or threatened species is found dead or injured at the site, the Certificate Holder will immediately notify ODFW of the discovery.

4.0 Raptor Nest Surveys

The objectives of raptor nest surveys are: (1) to count raptor nests on the ground or aboveground in trees or other aboveground nest locations in the vicinity of the Facility; and (2) to determine whether there are noticeable changes in nesting activity or nesting success in the local populations of the following raptor species: Swainson's hawk (*Buteo swainsoni*), golden eagle (*Aquila chrysaetos*), and ferruginous hawk (*Buteo regalis*).

The Certificate Holder will conduct short-term and long-term monitoring. The investigators will use aerial and ground surveys to evaluate nest success by gathering data on active nests, on nests with young, and on young fledged. The Certificate Holder will hire independent third-party investigators to perform raptor nest surveys.

4.1 Short-Term Monitoring

Short-term monitoring will be done in two monitoring seasons. The first monitoring season will be in the first raptor nesting season after completion of construction of the Facility. The second monitoring season will be in the fourth year after construction is completed. The Certificate Holder will provide a summary of the first-year results in the monitoring report described in Section 7.0. After the second monitoring season, the investigators will analyze two years of data compared to the baseline data.

During each monitoring season, the investigators will conduct a minimum of one aerial and one ground survey for raptor nests in late May or early June and additional surveys as described in this section. The survey area is the area within the Facility site and a 2-mile buffer zone around the site. For the ground surveys while checking for nesting success (conducted within the Facility site and up to a maximum of 0.5 miles from the Facility site), nests outside of parcels that are under a lease agreement with the Certificate Holder will be checked from public roads, if feasible.

All nests discovered during pre-construction surveys and any nests discovered during post-construction surveys, whether active or inactive, will be given identification numbers. GPS coordinates will be recorded for each nest. Locations of inactive nests will be recorded because they could become occupied during future years.

Determining nest occupancy may require one or two visits to each nest. Aerial surveys for nest occupancy will be conducted within the Facility site and a 2-mile buffer. For occupied nests, the Certificate Holder will determine nesting success by a minimum of one ground visit to determine the species, number of young and young fledged within the Facility site and up to 0.5 miles from the facility site. "Nesting success" means that the young have successfully fledged (i.e., the young are independent of the core nest site).

4.2 Long-Term Monitoring

In addition to the two years of post-construction short-term raptor nest surveys described in Section 5.1, the investigators will conduct long-term raptor nest surveys at 5-year intervals for the life of the facility.[1] Investigators will conduct the first long-term raptor nest survey in the raptor nesting season of the ninth year after construction is completed and will repeat the survey at 5-year intervals thereafter. In conducting long-term surveys, the investigators will follow the same survey protocols as described in Section 5.1 unless the investigators propose alternative protocols that are approved by ODOE. In developing an alternative protocol, the investigators will consult with ODFW and will take into consideration other raptor nest monitoring conducted in adjacent areas. The investigators will analyze the data—as a way of determining trends in the number of raptor breeding attempts the facility supports and the success of those attempts—and will submit a report after each year of long-term raptor nest surveys.

5.0 Washington Ground Squirrel Monitoring

In compliance with the pre-construction condition PRE-TE-02, Washington ground squirrel (*Urocitellus washingtoni*) pre-construction surveys were performed to determine operations monitoring requirements. No Washington ground squirrel colonies were identified during pre-construction surveys; therefore, no monitoring is planned at this time. However, if new colonies are located during other monitoring activities or incidentally during operations, the Certificate Holder will document and delineate the colonies, and will amend the WMMP with a Washington ground squirrel monitoring program in consultation with ODOE. Observations of Washington ground squirrels in agricultural habitat will be reported to ODOE, but such observations do not warrant mitigation or monitoring.

6.0 Data Reporting

The Certificate Holder will report wildlife monitoring data and analysis to ODOE for each calendar year in which wildlife monitoring occurs. Monitoring data include fatality monitoring program data, WRRS data, and raptor nest survey data. The Certificate Holder may include the reporting of wildlife monitoring data and analysis in the annual report required under OAR 345-026-0080 or

[1] As used in this plan, "life of the facility" means continuously until the facility site is restored and the site certificate is terminated in accordance with OAR 345-027-0110.

submit this information as a separate document at the same time the annual report is submitted. In addition, the Certificate Holder will provide to ODOE any data or record generated in carrying out this monitoring plan upon request by ODOE.

The Certificate Holder will notify USFWS and ODFW if any federal or state endangered or threatened species are killed or injured on the Facility site within 24 hours of species identification.

7.0 Amendment of the Plan

This WMMP may be amended by agreement of the Certificate Holder and EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this plan and to mitigation actions that may be required under this plan. ODOE will notify EFSC of all amendments and mitigation actions, and EFSC retains the authority to approve, reject or modify any amendment of this plan or mitigation action agreed to by ODOE.

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Wheatridge Renewable Energy Facility East

Wildlife Monitoring and Mitigation Plan

(Approved at August 19-20, 2020 EFSC Meeting as part of the WREFII Site Certificate)

Prepared for
Wheatridge East Wind, LLC

Prepared by

TETRA TECH

October 2020

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1.0 Introduction

This Wildlife Monitoring and Mitigation Plan (WMMP) has been prepared for Wheatridge Renewable Energy Facility East (WREFE, or Facility), an approved 200-megawatt (MW) wind facility, with components approved to be located within Morrow and Umatilla counties. Wheatridge East Wind, LLC (Certificate Holder) holds the site certificate for WREFE. This WMMP describes wildlife monitoring that the Certificate Holder will conduct during operation of WREFE.

WREFE was originally permitted as part of a larger facility, the Wheatridge Wind Energy Facility (WRW). The WRW site certificate was issued by the Oregon Department of Energy's (ODOE) Energy Facility Siting Council (EFSC) on April 28, 2017 (EFSC 2017a). Following the 2017 site certificate issuance, the certificate holder received approval of five site certificate amendments from 2017 through 2020, where the fifth amendment split previously approved facility components into two original site certificates for facilities named Wheatridge Renewable Energy Facility I (WREFI) and WREFII. In November 2020, EFSC approved Amendment 1 of the WREFII site certificate, further splitting WREFII into three site certificates including an amended WREFII (200 MW wind), Wheatridge Renewable Energy Facility III (WREFIII, 150 MW solar) and WREFE (200 MW wind). This WMMP applies to the WREFE site certificate.

This WMMP has the following components:

1. Fatality monitoring program, including:
    a. Standardized carcass searches;
    b. Carcass persistence trials;
    c. Searcher efficiency trials; and
    d. Data analysis and fatality estimation.
2. Wildlife Response and Reporting System (WRRS);
3. Raptor nesting surveys;
4. Washington ground squirrel monitoring; and
5. Data reporting.

Based on the results of the monitoring program, mitigation of significant impacts may be required. The selection of the mitigation actions should allow for flexibility in creating appropriate responses to monitoring results that cannot be known in advance. If ODOE determines that mitigation is needed, the Certificate Holder will propose appropriate mitigation actions to ODOE and will carry out mitigation actions approved by ODOE, subject to review by the EFSC.

2.0 EFSC Compliance

The WMMP addresses the following site certificate conditions for WREFII (EFSC 2020):

> ***PRE-FW-02*** *Prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of the Final Order on Request for Amendment 5, based on the final facility design, as approved by the department in consultation with ODFW.*
>
> > *a. The final WMMP must be submitted and ODOE's concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility.*
> >
> > *b. The WMMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department.*
>
> ***PRE-TE-02*** *In accordance with Fish and Wildlife Habitat Condition 4, prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of the Final Order on Amendment 5, based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities.*

3.0 Fatality Monitoring – Wind Facility

The objective of fatality monitoring is to estimate the number of bird and bat fatalities that are attributable to Facility operation. The Certificate Holder will employ qualified and properly trained personnel (investigators) to perform fatality monitoring. The program will include standardized carcass searches to detect fatalities, methods to adjust for sources of bias inherent in fatality detection, and the estimation of annual fatality rates attributable to facility operation based on

these data. Sources of bias will be measured through (1) carcass persistence trials to estimate the mean length of time that a carcass persists and is therefore available for detection; (2) searcher efficiency trials to estimate the proportion of carcasses detected by investigators; and (3) estimation of the portion of the carcass fall distribution searched. Methods and results of all components of the fatality monitoring program will be reported to ODOE on an annual basis (Section 7.0).

If an investigator determines that a carcass found at the Facility (during searches or incidentally) is a state or federally threatened or endangered species, reporting timelines specified in Section 7.0 will be followed.

3.1 Standardized Carcass Searches

The objective of standardized carcass searches is to systematically search Facility turbines for bird and bat fatalities that occur in proximity to Facility infrastructure.

3.1.1 Search Plot Size and Configuration

This mortality monitoring effort focuses on three size classes of fatalities: bats, small birds, and large birds. Turbine-related fatalities are distributed non-uniformly around a turbine (fall distribution). As a result, carcass density is not the same at all distances from a turbine, but typically rises over a short distance and eventually decreases to zero (Huso et al. 2016; Dalthorp 2020). The fall distribution depends on a number of factors including species' size and body mass (e.g., larger, heavier carcasses tend to land farther from turbines than lighter carcasses; Hull and Muir 2010; Huso et al. 2016; Choi et al. 2020), the maximum blade tip height of a turbine and operational speed of the turbine. Therefore, search plot size and configuration selected for standardized carcass searches is intended to minimize bias in fatality estimation by maximizing (1) the spatial coverage of Facility turbines, (2) the visibility of smaller carcasses (Good et al. 2012; Maurer 2017), and (3) the proportion of the fall distribution searched for large birds (Hull and Muir 2010; Hallingstad et al. 2018). Two types of search plots and corresponding search methods will be utilized at each turbine, one that minimizes detection bias for small carcasses and one that does so for large bird carcasses.

The first search plot, "road and pad plots," will focus on detecting bats and small birds; large birds will also be recorded within the road and pad plot if found. The road and pad plot includes the gravel pad surrounding the turbine, portions of all access roads that are within 100 meters of the turbine, and edges of the vegetation along the roadside. Ninety-nine percent of fatalities of small birds and bats are predicted to occur within 100 meters from the base of Facility turbines (based on modeling for large turbines by Hull and Muir [2010]).

The second search plot, "large bird plots," will include a circular plot centered on the turbine with a radius of 120 meters extending from the turbine. Approximately 85 percent of fatalities of large birds are predicted to occur within 120 meters from the base of Facility turbines (based on modeling for large turbines by Hull and Muir [2010]).

To ensure a statistically robust sampling design that is representative of the various habitat conditions and turbine types at the Facility, 100 percent of Facility turbines will be searched utilizing both types of search plots.

3.1.2 Search Schedule and Interval

Fatality monitoring will begin just prior to the start of the first full season following commencement of commercial operation of the Facility. Fatality monitoring will commence with a "clearance search." The clearance search serves to identify fatalities that occurred prior to the initiation of the fatality monitoring program and for which the time period of occurrence cannot be assigned (see Section 3.4). After the initial clearance search, standardized carcass searches will begin the first week of the first full season following the commencement of commercial operation.

Standardized carcass searches will be conducted biweekly (every 14 days) in both search plot types during the spring, summer and fall seasons to capture migration and breeding seasons of birds and bats. The frequency of standardized carcass searches will be reduced to monthly (once every 28 days) in both plot types during winter. Over the course of one monitoring year, the investigators will conduct 22 standardized carcass searches (excluding the clearance search) in road and pad plots and 22 standardized carcass searches (excluding the clearance search) in large bird plots. Seasonal timeframes and frequency of searches by season and search plot type are shown in Table 1.

Table 1. Post-Construction Fatality Monitoring Standardized Carcass Search Parameters

Season	Dates[1]	Search Interval[2]	Search Plot Parameters	Target Size Class	Search Strategy	Number of Survey Periods per Season
Spring	March 16 to May 31	14 Days	Road and pad plot out to 100 meters	Bats/small birds and large birds	Walk	6
		14 Days	120-meter radius centered on turbine	Large birds	Binocular Scans from turbine base	6
Summer	June 1 to August 15	14 Days	Road and pads plot out to 100 meters	Bats/small birds and large birds	Walk	5
		14 Days	120-meter radius centered on turbine	Large birds	Binocular Scans from turbine base	5
Fall	August 16 to November 15	14 Days	Road and pad plot out to 100 meters	Bats/small birds and large birds	Walk	7
		14 Days	120-meter radius centered on turbine	Large birds	Binocular Scans from turbine base	7

Season	Dates[1]	Search Interval[2]	Search Plot Parameters	Target Size Class	Search Strategy	Number of Survey Periods per Season
Winter	November 16 to March 15	28 Days	Road and pad plot out to 100 meters	Bats/small birds and large birds	Walk	4
		28 Days	120-meter radius centered on turbine	Large birds	Binocular Scans from turbine base	4

1. Seasonal demarcation dates may be shifted slightly to accommodate a full search interval in any given season.
2. Search interval for 28 days based on carcass persistence data for the Northern Rockies avifauna biome (in which the project is located) (AWWI 2019).

The Certificate Holder, in consultation with the Oregon Department of Fish and Wildlife (ODFW) and ODOE, may adjust the frequency of these searches to reflect considerations for specific species of concern and conditions at the Facility (e.g., probability of a carcass persisting from one search to the next).

3.1.3 Search Strategy and Fatality Documentation

Searching road and pad plots involves walking the turbine and the gravel area around the turbine base and walking along the extent of access roads that occurs within 100 meters of the turbine. Investigators will search for fatalities by walking along one side of all access roads within 100 meters of the turbine, searching the road and bare ground to the vegetation line, walking toward the turbine, searching around the turbine pad, and returning to the starting location on the opposite side of the access road (Good et al. 2012; Maurer et al. 2017). This search strategy covers a portion of the carcass fall distribution around the turbine; a correction factor is applied during fatality estimation to account for the unsearched area (Section 3.5).

Searches in large bird plots will involve binocular scans made from the turbine base and one to three topographical high points within the search plot. From the turbine base, the investigators will scan 90 degrees from each of the four cardinal directions out to the extent of the 120-meter circular search plot. Additionally, to address any portions of the large bird plot that are not visible from the base of the turbine due to topographical or other features, investigators will walk out to points in the plot where those areas become visible. Areas within the search plot that cannot be searched will be mapped as unsearchable areas (Hallingstad et al. 2018). Examples of unsearchable areas may include a wetland, cliff face, high fence, private property boundary, or any area that precludes visibility through the binocular scan method. Searchable areas and time spent scanning may be adjusted for habitat types and search methods after evaluation of the first searcher efficiency trial (see Section 3.3).

Investigators will flag all bird and bat carcasses discovered. Carcasses are defined as a complete carcass or body part, three or more primary flight feathers, five or more tail feathers, or 10 or more feathers of any type concentrated together in an area 3 meters square or smaller. When parts of

carcasses and feathers from the same species are found within a search plot, investigators will make note of the relative positions and assess whether these are from the same fatality.

All carcasses (bird and bat) found during the standardized carcass searches will be photographed, recorded, and labeled with a unique number. Investigators will record the location of the carcass using a global positioning system (GPS)-enabled device. Data collected per carcass found will include the date; the turbine number; the distance from and bearing from the nearest turbine; the species, age, and sex of the carcass when possible; the extent to which the carcass is intact; the estimated time since death; the habitat in which the carcass was found; whether the carcass was collected or left in place; and whether the carcass was found during a standardized carcass search or incidentally. Additional measurements may be required to identify the species of bat carcasses. Investigators will describe all evidence that might assist in determination of cause of death, such as evidence of electrocution, vehicular strike, wire strike, predation, or disease. If the necessary collection permits are not acquired by the Certificate Holder, all carcasses will be discreetly marked so as to avoid double counting and will be left in place.

3.1.4 Duration

The investigators will perform one full year of fatality monitoring starting in the first year of facility operation (Year 1). When Year 1 of monitoring at the Facility has been completed, the raw data will be compiled by the investigators and the Certificate Holder in a comprehensive report, which will include fatality estimates (see Section 7.0). The results will be compared with other wind energy facilities in the region. If fatality rates for the first year of monitoring at the Facility exceed any of the thresholds of concern (see Section 3.6) or the range of fatality rates found at other wind power facilities in the region (as available), the Certificate Holder will consult with ODOE and ODFW regarding potential mitigation. If mitigation is deemed appropriate, the Certificate Holder will propose appropriate mitigation for ODOE and ODFW review within 6 months after reporting the fatality rates to the ODOE. Alternatively, the Certificate Holder may opt to conduct a second year of fatality monitoring consecutive to the first year if the Certificate Holder believes that the results of Year 1 monitoring were anomalous. The investigators will perform an additional year of monitoring in the fifth year of operations (Year 5) regardless of the results of the Year 1 study.

3.2 Carcass Persistence Trials

Carcass persistence is defined as probability that a carcass will persist in the study area for a given amount of time (e.g., until the next survey), and accounts for carcass removal bias. Carcasses may be removed from the survey plot due to scavenging or other means (e.g., decomposition, farming practices). Carcass persistence is measured by the number of days a carcass remains within the search plot before it is no longer detectable by an investigator within a given search interval. It is assumed that carcass removal occurs at a constant rate and does not depend on the time since death of the organism. The objective of carcass persistence trials is to estimate the length of time bird and bat carcasses remain within the search area and available to be detected by investigators. Estimates of carcass persistence will be used to adjust raw carcass counts for removal bias.

The investigators will conduct a carcass persistence trial within each season defined in Table 1 during a fatality monitoring year. A minimum of 10 each of large bird, small bird, and bat surrogate trial carcasses will be placed each season. The investigators will select species with the same coloration and size attributes as species expected to occur at or near the Facility, if possible. Trial carcass species may include legally obtained domestic species (e.g., ring-necked pheasants, juvenile Japanese quail), unprotected species (e.g. European starling, house sparrows) and dark mice as a surrogate for bats.

Trial carcasses will be marked discreetly for recognition by investigators and other personnel. Carcasses will be placed at randomly generated locations within the search plots. Small birds and bat surrogates will be placed within the road and pad plots and large bird carcasses will be placed within the large bird plots on day 0 of the trial. Trial carcasses will be left in place until the end of the carcass persistence trial. An approximate schedule for assessing removal status is once daily for the first 4 days, and on days 7, 10, 14, 21, 28, and 35. This check schedule may be extended to include the possibility of longer persistence times after initial placement (e.g., 60 or 90 days) to capture potentially longer large bird persistence times. This check schedule may also be adjusted depending on actual carcass persistence rates, weather conditions, and coordination with the other survey work. The condition of scavenged carcasses will be documented during each assessment, and at the end of the trial all traces of the carcasses will be removed from the site. Scavenger or other activity could result in complete removal of all traces of a carcass in a location or distribution of feathers and carcass parts to several locations. This feather distribution will not constitute complete carcass removal if evidence of the carcass remains within an area similar in size to a search plot and if the evidence would be detectable to a searcher during a normal survey.

3.3 Searcher Efficiency Trials

Searcher efficiency is defined as the probability that investigators will find a carcass that is available to be found within the search plot. Several factors influence searcher efficiency, including investigator experience, vegetation conditions within a search plot, and characteristics of individual carcasses (e.g., size, color). The objective of searcher efficiency trials is to estimate the percentage of bird and bat fatalities that investigators are able to find.

A trained Searcher Efficiency Proctor will conduct searcher efficiency trials within each of the seasons defined in Table 1 during the years in which the fatality monitoring occurs. A minimum of 12 each of large bird, small bird, and bat surrogate trial carcasses will be placed in the spring, summer, and fall seasons within the road and pad plots, while a minimum of an additional 12 large birds will be placed just in the large bird plots in the spring, summer, and fall seasons. In winter, when bat fatalities are not anticipated, a minimum of 12 each of large bird and small bird carcasses will be placed in road and pad plots, while a minimum of 12 large birds will be placed in large bird plots. Investigators will not be notified of carcass placement or test dates. The Searcher Efficiency Proctor will vary the number of trials per season to capture seasonal variation in site conditions that may affect the ability to detect fatalities, and the number of carcasses per trial so that the investigators will not know the total number of trial carcasses being used in any trial. Similar to carcass persistence trials, searcher efficiency trial carcass species may include legally obtained

domestic species (e.g., ring-necked pheasants, juvenile Japanese quail), unprotected species (e.g. European starling, house sparrows), and dark mice as a surrogate for bats.

The Searcher Efficiency Proctor will mark the trial carcasses to differentiate them from other carcasses that might be found within the search plot and in a manner that does not increase carcass visibility. On the day of a standardized carcass search before the beginning of the search, the Searcher Efficiency Proctor will place trial carcasses at randomly generated locations within search plots (one to three trial carcasses per search plot). The number and location of trial carcasses found during the standardized carcass search will be recorded. The number of efficiency trial carcasses available for detection during each trial will be determined immediately after the trial by the Searcher Efficiency Proctor. Following the standardized carcass search, all traces of searcher efficiency trial carcasses will be removed from the site. If new investigators are brought into the search team, additional searcher efficiency trials will be conducted to ensure that detection rates incorporate investigator differences. The Certificate Holder will include a discussion of any changes in investigators and any additional detection trials in the reporting required under Section 7.0 of this plan.

Before beginning searcher efficiency trials for any subsequent year of fatality monitoring, the Certificate Holder will report the results of the first-year searcher efficiency trials to ODOE and ODFW. In the report, the Certificate Holder will analyze whether the searcher efficiency trials as described above provide sufficient data to accurately estimate adjustment factors for searcher efficiency. The number of searcher efficiency trials for any subsequent year of fatality monitoring may be adjusted up, subject to the approval of ODOE.

3.4 Incidental Finds and Injured Birds

Incidental finds are carcasses that are detected outside the parameters of standardized carcass searches. Investigators may discover carcasses in areas surrounding the turbines but outside of the road and pad or large bird plots, while completing carcass persistence checks, or while moving through the Facility. Additionally, carcasses detected during clearance surveys do not have an associated timeframe for fatality occurrence and therefore are considered incidental finds. For each incidental find, the searcher will identify, photograph, record data, and collect the carcass as would be done for carcasses detected during standardized carcass searches. If the incidental find is located in a search plot within a reasonable timeframe from when that plot was to be searched (e.g., while placing searcher efficiency carcasses on the same day as the search), the fatality data will be included in the calculation of fatality rates. If the incidental find is found outside a formal search plot or search time, the data will be reported separately and excluded from statistical analysis.

The Certificate Holder will contact a qualified rehabilitation specialist approved by ODOE[1] to respond to injured wildlife. The Certificate Holder will pay costs, if any, charged for time and

[1] Approved specialists include of Blue Mountain Wildlife, a wildlife rehabilitation center in Pendleton, and the Audubon Bird Care Center in Portland. The Certificate Holder must obtain ODOE approval before using other specialists.

expenses related to care and rehabilitation of injured native birds found on the site, unless the cause of injury is clearly demonstrated to be unrelated to the Facility operations.

3.5 Fatality Estimation

Estimated annual fatality rates for the Facility will be calculated at the end of each monitoring year. Annual fatality rates will be estimated by adjusting raw fatality counts for sources of bias including carcass persistence, searcher efficiency, and the proportion of the fall distribution that was searched for each size class (Huso and Dalthorp 2014).

A correction factor (density weighted proportion; DWP) will be used to adjust for the proportion of the fall distribution that was searched for each size class within the road and pad search plots and for large birds within the large bird search plot. Therefore, for both search plot types, the DWP will be calculated as the product of the percentage of a 10-meter annulus that is covered by the searched area within the plot and the proportion of the fall distribution of a given size class that overlaps that 10-meter annulus. The product of these values for each 10-meter annulus that overlaps the search plot will be summed to calculate the overall proportion of the fall distribution searched for each size class within the respective search plot type. Calculations will utilize ballistic modeling results presented in Hull and Muir (2010) for small birds and bats, and Hallingstad (2018) for large birds. Other peer-reviewed models that update the state of the science may be utilized if they become available within the duration of the monitoring period.

Annual fatality rates will be estimated for nine categories, provided a sufficient sample size has been reached to allow estimation. The nine categories are:

1. All birds;
2. Small birds;
3. Large birds;
4. All bats;
5. Migratory tree-dwelling bats;
6. Raptors;
7. Raptor species of special concern;
8. Grassland species; and
9. State and federally listed threatened and endangered species and State Sensitive Species listed under Oregon Administrative Rules (OAR) 635-100-0040.

In 2018, the U.S. Geological Survey released a fatality estimator program, GenEst (Dalthorp et al. 2018). GenEst provides the most current state-of-the-science software for fatality estimation by minimizing biases associated with fatality estimation and allowing users to select the most appropriate methods and assumptions for project-specific circumstances. Rigorous testing of the performance of GenEst compared to other estimators using simulated data has shown GenEst to be the least biased, enabling more precise fatality estimation and reliable comparison of fatality

estimates among projects (Simonis et al. 2018). Additionally, GenEst allows for fatality estimates to be split into subcategories which allows for estimates to be parsed by parameters such as season, year, or turbine type.

The estimation of annual fatality rates will account for:

1. The search interval;
2. The number of carcasses detected during standardized carcass searches within the monitoring period where the cause of death is assumed to be the operation of the Facility;
3. Carcass persistence expressed as the probability that a carcass remains in the study area (persists) and is available for detection by the investigators during persistence trails;
4. Searcher efficiency expressed as the probability that a trial carcass is found by investigators during searcher efficiency trials; and
5. The portion of the fall distribution that was searched at the Facility (DWP) for the given size class and search plot type.

3.6 Mitigation

The Certificate Holder will use best available science to resolve any uncertainty in the fatality monitoring results and to determine whether the results indicate that additional mitigation should be considered. ODOE may require additional, targeted monitoring if the data indicate the potential for significant impacts that cannot be addressed by analysis and appropriate mitigation.

Mitigation may be appropriate if fatality rates exceed a "threshold of concern" (Table 2). For the purpose of determining whether a threshold has been exceeded, the Certificate Holder will determine the mean estimated annual fatality rate for species groups after each year of monitoring (provided three or more detections within any of the species groups listed in Table 2 are available to accurately determine estimates for these groups). Based on current knowledge of the species that are likely to use the habitat in the area of the Facility, the thresholds of concern established by EFSC (Table 2) will be used in conjunction with most current regional fatality rates published by the American Wind and Wildlife Institute to evaluate the fatality rates associated with the Facility and guide discussions on appropriate mitigation.

Table 2. Fatality Thresholds of Concern by Species Group

Species Group	Threshold of Concern[1] (Fatalities per MW)
Raptors[2] (All eagles, hawks, falcons and owls, including burrowing owls.)	0.09
Raptor species of special concern (Swainson's hawk, ferruginous hawk, peregrine falcon, golden eagle, bald eagle, burrowing owl.)	0.06
Grassland species (All native bird species that rely on grassland habitat and are either resident species occurring year-round or species that nest in the area, excluding horned lark, burrowing owl and northern harrier.)	0.59
State sensitive avian species listed under OAR 635-100-0040 (Excluding raptors listed above.)	0.20
Bats[3]	2.50

1. EFSC adopted the concept of "thresholds of concern" for raptors, grassland species, and state sensitive avian species in the Final Order on the Application for the Klondike III Wind Project (June 30, 2006) and for bats in the Final Order on the Application for the Biglow Canyon Wind Farm (June 30, 2006). The exceeding of a threshold, by itself, would not be a scientific indicator that operation of the Facility would result in range-wide population-level declines of any of the species affected.
2. Regionally, the median fatality rate for all raptors in the Northern Rockies avifaunal biome (includes eastern Oregon; 22 studies) was 0.10 birds/MW/year (AWWI 2019). 75 percent of studies in the Northern Rockies reporting raptor estimates reported approximately 0.12 birds/MW/year.
3. Regionally, the USFWS Pacific Region (includes Oregon; 35 studies) had a range of 0.0 to 4.2 bat/MW/year, with a median of 0.7 bats/MW/year (AWWI 2018).

If the data from a given year of monitoring show that a threshold of concern for a species group or individual state sensitive bird species has been exceeded, the Certificate Holder will consult with ODOE and ODFW to determine if mitigation is appropriate based on analysis of the data and consideration of any other significant information available at the time. ODFW, ODOE, and the Certificate Holder may review fatality data on a per turbine basis to aid in discussions. If mitigation is determined to be necessary, the Certificate Holder will propose mitigation measures designed to benefit the affected species or species group. ODOE may recommend additional, targeted data collection if the need for mitigation is unclear based on the information available at the time. If, following consultation and any such additional data collection, ODOE determines that mitigation is required, the Certificate Holder will propose mitigation measures designed to benefit the affected species or species group, commensurate with the level of impact.

Acceptable mitigation may include, but is not limited to, contributions to wildlife rehabilitators, conducting or making a contribution to research that will aid in understanding more about the affected species or species group and its conservation needs in the region, improving wildfire response, constructing and maintaining artificial nest structures for raptors, or habitat mitigation. Habitat mitigation may include, but is not limited to, protection of nesting, foraging, or roosting habitat for the affected species or group of native species through a conservation easement or

similar agreement. Tracts of land that are intact and functional for wildlife are preferable to degraded habitat areas. Preference should be given to protection of land that would otherwise be subject to development or use that would diminish the wildlife value of the land. In addition, habitat mitigation measures might include enhancement of the protected tract by weed removal and control; increasing the diversity of native grasses and forbs; and planting sagebrush or other shrubs. This may take into consideration whether the mitigation required or provided in other Facility plans would also benefit the affected species.

4.0 Wildlife Response and Reporting System

The Certificate Holder has voluntarily developed a Wildlife Response and Reporting System (WRRS) as a proactive method of monitoring and recording birds and bats that are impacted by turbines at its facilities. This system has a specific set of processes, procedures, and training for monitoring, responding to, and reporting bird and bat injuries and fatalities at wind turbines that are tailored to each facility. The Certificate Holder has developed a WRRS Manual, which gives details of the program, and will be the manual by which operations personnel implement the WRRS program. The manual's purpose is to standardize the actions in response to any wildlife fatalities and/or injuries found within the Certificate Holder's facilities, regardless of their cause. The main points of the system are as follows:

- Any livestock or wildlife injury or fatality discovered within the Facility boundaries will be reported within 24 hours.
- An incident report will be completed and include photographs.
- The Certificate Holder's wildlife program manager will be notified, and further actions may be taken based on the species and circumstances surrounding the incident.
- If a federally endangered or threatened species is found dead or injured at the site, the Certificate Holder will immediately notify the U.S. Fish and Wildlife Service (USFWS) Region 1 Field Office of the discovery.
- If a state endangered or threatened species is found dead or injured at the site, the Certificate Holder will immediately notify ODFW of the discovery.

5.0 Raptor Nest Surveys

The objectives of raptor nest surveys are: (1) to count raptor nests on the ground or aboveground in trees or other aboveground nest locations in the vicinity of the Facility; and (2) to determine whether there are noticeable changes in nesting activity or nesting success in the local populations of the following raptor species: Swainson's hawk (*Buteo swainsoni*), golden eagle (*Aquila chrysaetos*), and ferruginous hawk (*Buteo regalis*).

The Certificate Holder will conduct short-term and long-term monitoring. The investigators will use aerial and ground surveys to evaluate nest success by gathering data on active nests, on nests with young, and on young fledged. The Certificate Holder will hire independent third-party investigators to perform raptor nest surveys.

5.1 Short-Term Monitoring

Short-term monitoring will be done in two monitoring seasons. The first monitoring season will be in the first raptor nesting season after completion of construction of the Facility. The second monitoring season will be in the fourth year after construction is completed. The Certificate Holder will provide a summary of the first-year results in the monitoring report described in Section 7.0. After the second monitoring season, the investigators will analyze two years of data compared to the baseline data.

During each monitoring season, the investigators will conduct a minimum of one aerial and one ground survey for raptor nests in late May or early June and additional surveys as described in this section. The survey area is the area within the Facility site and a 2-mile buffer zone around the site. For the ground surveys while checking for nesting success (conducted within the Facility site and up to a maximum of 0.5 miles from the Facility site), nests outside of parcels that are under a lease agreement with the Certificate Holder will be checked from public roads, if feasible.

All nests discovered during pre-construction surveys and any nests discovered during post-construction surveys, whether active or inactive, will be given identification numbers. GPS coordinates will be recorded for each nest. Locations of inactive nests will be recorded because they could become occupied during future years.

Determining nest occupancy may require one or two visits to each nest. Aerial surveys for nest occupancy will be conducted within the Facility site and a 2-mile buffer. For occupied nests, the Certificate Holder will determine nesting success by a minimum of one ground visit to determine the species, number of young and young fledged within the Facility site and up to 0.5 miles from the facility site. “Nesting success” means that the young have successfully fledged (i.e., the young are independent of the core nest site).

5.2 Long-Term Monitoring

In addition to the two years of post-construction short-term raptor nest surveys described in Section 5.1, the investigators will conduct long-term raptor nest surveys at 5-year intervals for the life of the facility.[2] Investigators will conduct the first long-term raptor nest survey in the raptor nesting season of the ninth year after construction is completed and will repeat the survey at 5-year intervals thereafter. In conducting long-term surveys, the investigators will follow the same survey protocols as described in Section 5.1 unless the investigators propose alternative protocols that are approved by ODOE. In developing an alternative protocol, the investigators will consult with ODFW and will take into consideration other raptor nest monitoring conducted in adjacent areas. The

[2] As used in this plan, “life of the facility” means continuously until the facility site is restored and the site certificate is terminated in accordance with OAR 345-027-0110.

investigators will analyze the data—as a way of determining trends in the number of raptor breeding attempts the facility supports and the success of those attempts—and will submit a report after each year of long-term raptor nest surveys.

6.0 Washington Ground Squirrel Monitoring

In compliance with the pre-construction condition PRE-TE-02, Washington ground squirrel (*Urocitellus washingtoni*) pre-construction surveys were performed to determine operations monitoring requirements. No Washington ground squirrel colonies were identified during pre-construction surveys; therefore, no monitoring is planned at this time. However, if new colonies are located during other monitoring activities or incidentally during operations, the Certificate Holder will document and delineate the colonies, and will amend the WMMP with a Washington ground squirrel monitoring program in consultation with ODOE. Observations of Washington ground squirrels in agricultural habitat will be reported to ODOE, but such observations do not warrant mitigation or monitoring.

7.0 Data Reporting

The Certificate Holder will report wildlife monitoring data and analysis to ODOE for each calendar year in which wildlife monitoring occurs. Monitoring data include fatality monitoring program data, WRRS data, and raptor nest survey data. The Certificate Holder may include the reporting of wildlife monitoring data and analysis in the annual report required under OAR 345-026-0080 or submit this information as a separate document at the same time the annual report is submitted. In addition, the Certificate Holder will provide to ODOE any data or record generated in carrying out this monitoring plan upon request by ODOE.

The Certificate Holder will notify USFWS and ODFW if any federal or state endangered or threatened species are killed or injured on the Facility site within 24 hours of species identification.

8.0 Amendment of the Plan

This WMMP may be amended by agreement of the Certificate Holder and EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this plan and to mitigation actions that may be required under this plan. ODOE will notify EFSC of all amendments and mitigation actions, and EFSC retains the authority to approve, reject or modify any amendment of this plan or mitigation action agreed to by ODOE.

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