

ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON

Eighth Amended Site Certificate
for the
Stateline Wind Project

ISSUANCE DATES

Site Certificate	September 14, 2001
First Amended Site Certificate	May 24, 2002
Second Amended Site Certificate	June 6, 2003
Third Amended Site Certificate	June 20, 2005
Fourth Amended Site Certificate	March 27, 2009
Fifth Amended Site Certificate	May 17, 2019
Sixth Amended Site Certificate	January 28, 2022
Seventh Amended Site Certificate	June 24, 2022
Eighth Amended Site Certificate	December 16, 2022

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Oregon Energy Facility Siting Council

EIGHTH AMENDED SITE CERTIFICATE FOR THE STATELINE WIND PROJECT

I. INTRODUCTION

The Energy Facility Siting Council (“Council”) issues this amended site certificate for the Stateline Wind Project in the manner authorized under ORS Chapter 469. This site certificate is a binding agreement between the State of Oregon (“State”), acting through the Council, and the certificate holders. The certificate holders are FPL Energy Vansycle, LLC and Vansycle II Wind, LLC. This site certificate authorizes the certificate holders to construct and operate the Stateline Wind Project (the “facility”) in Umatilla County, Oregon.

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) the Council’s Final Order in the Matter of the Application for a Site Certificate for the Stateline Wind Project (“Final Order on the Application”), issued on September 14, 2001, (b) the Council’s Final Order in the Matter of the Request for Amendment #1 of the Site Certificate for the Stateline Wind Project (“Final Order on Amendment #1”), (c) the Council’s Final Order in the Matter of the Request for Amendment #2 of the Site Certificate for the Stateline Wind Project (“Final Order on Amendment #2”), (d) the Council’s Final Order in the Matter of the Request for Amendment #3 of the Site Certificate for the Stateline Wind Project (“Final Order on Amendment #3”), (e) the Council’s Final Order in the Matter of the Request for Amendment #4 of the Site Certificate for the Stateline Wind Project (“Final Order on Amendment #4”), (f) the Council’s Final Order in the Matter of the Request for Amendment #5 (“Final Order on Amendment #5), (g) the Council’s Final Order in the Matter of the Request for Amendment #6 (“Final Order on Amendment #6), (h) the Council’s Final Order in the Matter of the Request for Amendment #7 (“Final Order on Amendment #7) and the Council’s Final Order in the Matter of the Request for Amendment #8. [Amendments #1, #2, 3, #4, #5, #6, #7, and #8]

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: this Eighth Amended Site Certificate, Final Order on Amendment #8, Final Order on Amendment #7, Sixth Amended Site Certificate, Final Order on Amendment #6, Fifth Amended Site Certificate, Final Order on Amendment #5, Fourth Amended Site Certificate, Final Order on Amendment #4, the Final Order on Amendment #3, the Final Order on Amendment #2, the Final Order on Amendment #1, the Final Order on the Application and the record of the proceedings that led to the Final Orders on the Application and Amendments #1, #2, #3, #4, #5, #6, and #7. [Amendments #1, #2, #3, #4, #5, #6, #7, and #8]

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

II. SITE CERTIFICATION

1. To the extent authorized by state law and subject to the conditions set forth herein, the State authorizes FPL Energy Vansycle, LLC to construct, operate and retire Stateline 1&2 and authorizes Vansycle II Wind, LLC to construct, operate and retire Vansycle II as described in Section III of this site certificate. ORS 469.401(1). [Amendment #4, #5, #6, #7, and #8]

- 1 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in effect
2 on the date that termination is sought or until the site certificate is revoked under ORS 469.440 and
3 OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. ORS
4 469.401(1). [Amendment #5, #6, #7]
5
- 6 3. This site certificate does not address, and is not binding with respect to, matters that were not
7 addressed in the Council’s Final Orders on the Application and Amendments #1, #2, #3, #4, #5, #6,
8 #7, and #8. These matters include, but are not limited to: building code compliance, wage, hour and
9 other labor regulations, local government fees and charges and other design or operational issues
10 that do not relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and rules
11 for which the decision on compliance has been delegated by the federal government to a state
12 agency other than the Council. ORS 469.503(3). [Amendments #1, #2, #3, #4, #5, #6, #7, and #8]
13
- 14 4. The State and the certificate holders shall abide by local ordinances, state law and the rules of the
15 Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition, upon a
16 clear showing of a significant threat to public health, safety or the environment that requires
17 application of later-adopted laws or rules, the Council may require compliance with such
18 later-adopted laws or rules. ORS 469.401(2). [Amendment #4, #5, #6, #7]
19
- 20 5. For a permit, license or other approval addressed in and governed by this site certificate, the
21 certificate holders shall comply with applicable state and federal laws adopted in the future to the
22 extent that such compliance is required under the respective state agency statutes and rules. ORS
23 469.401(2). [Amendment #4, #5, #6, #7]
24
- 25 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities and
26 political subdivisions in Oregon as to the approval of the site and the construction, operation and
27 retirement of the facility as to matters that are addressed in and governed by this site certificate.
28 ORS 469.401(3). [Amendment #5, #6, #7]
29
- 30 7. Each affected state agency, county, city and political subdivision in Oregon with authority to issue a
31 permit, license or other approval addressed in or governed by this site certificate shall, upon
32 submission of the proper application and payment of the proper fees, but without hearings or other
33 proceedings, issue such permit, license or other approval subject only to conditions set forth in this
34 site certificate. ORS 469.401(3). [Amendment #5, #6, #7]
35
- 36 8. After issuance of this site certificate, each state agency or local government agency that issues a
37 permit, license or other approval for the facility shall continue to exercise enforcement authority
38 over such permit, license or other approval. ORS 469.401(3). [Amendment #5, #6, #7]
39
- 40 9. After issuance of this site certificate, the Council shall have continuing authority over the site and
41 may inspect, or direct the Oregon Department of Energy (“Department”) to inspect, or request
42 another state agency or local government to inspect, the site at any time in order to assure that the
43 facility is being operated consistently with the terms and conditions of this site certificate. ORS
44 469.430. [Amendment #5, #6, #7]
45

46 **III. DESCRIPTIONS AND DIVIDED RESPONSIBILITY**
47

1 Satellite O&M Building

2
3 Stateline 1&2 includes an operation and maintenance (O&M) facility, which is a satellite to the
4 primary O&M facility located in Washington. The satellite O&M facility is located along Butler Grade
5 Road south of Gardena and just south of the state line in Oregon. [Amendment #4]
6

7 **2. Vansycle II²**

(i) Major Structures

8 Vansycle II consists of up to 45 wind turbines. Vansycle II has a combined peak generating
9 capacity of up to 118.68 MW. Major facility structures are further as described in the Final Orders on
10 Amendments #4, #5, #6, and #7. [Amendment #4, #5, #6, #7]
11

12 Wind Turbine Repower

13
14 Wind turbine repowering includes removal and replacement of wind turbine hub (blade and rotor) and
15 gearbox (nacelles). Haul trucks, boom trucks and cranes are used to support repowering activities. A
16 crane is mobilized and new gearboxes, blades and hub are delivered onsite. A boom truck or telehandler
17 is used to unload and assemble new turbine blades and hub into a complete rotor. Gearboxes and
18 assembled hubs are set up on the access road adjacent to the wind turbine. The crane is used to lower
19 rotors and gearbox, which is then be place next to the crane; and, then used to pick up and set the new
20 rotor. Either a boom truck or telehandler is used to disassemble the replaced rotor (blade and hub);
21 materials are then transported offsite for proper disposal at a licensed disposal or recycling facility.
22 Facility modifications approved in the Sixth Amended Site Certificate include repowering (replacing
23 blades and nacelles) of 43 existing wind turbines, replacing up to 4 wind turbines and constructing up to
24 2 new wind turbines, but any variation in these options would not result in more than 45 repowered,
25 replaced and/or new wind turbines within the Vansycle II unit. The wind turbine changes would result in
26 increased per turbine capacity, from 2.3 to 2.66 MW; increased maximum blade-tip height from 440 to
27 499 feet, reduced minimum aboveground blade-tip clearance from 59 to 50 feet, and increased hub
28 height from 295 to 315 feet. [Amendment #5, #6, #7]

(ii) Related or Supporting Facilities

29 Vansycle II includes the following related or supporting facilities described below and in greater
30 detail in the Final Order on Amendment #4, and Final Order on Amendment #6:
31

- 32 ■ Access roads to reach each turbine for construction and maintenance
- 33 ■ Underground collector cables that transmit the electrical output of the wind turbines to
34 a substation
- 35 ■ A substation
- 36 ■ A 230-kV transmission line
- 37 ■ Meteorological towers
- 38 ■ An operations and maintenance building
- 39 ■ Temporary laydown areas and access roads

² Prior to the Fifth Amended Site Certificate, Vansycle II was referred to as Stateline 3.

- 50 MW battery energy storage system
[Amendment #4, #5, #6]

Access Roads

County roads that extend south from Highway 12 in Washington (e.g., Hatch Grade Road and Butler Grade Road) and north from Oregon Highway 11 (e.g., Vansycle Canyon Road and Butler Grade Road) are the primary routes of access to the facility site. From the county roads, a web of private farm roads provides access to most of the ridges upon which the facility is located. Additional access roads are located along the length of each turbine string and connecting each turbine string to the next.
[Amendment #4]

Collector System, Substation and Transmission Line

The wind turbines generate power at 690 volts. A transformer adjacent to each tower transforms the power to 34.5 kV. From the turbines, power is transmitted via an underground 34.5-kV collector system to a substation located in Township 5 North, Range 34 East. Approximately 16 miles of aboveground 230-kV transmission line (13 miles in Oregon) connects the Vansycle II substation to existing major transmission lines in Washington. [Amendment #4]

Meteorological Towers

Vansycle II includes two permanent meteorological (met) towers. The met towers are unguyed towers. [Amendment #4]

O&M Building

Vansycle II includes an O&M building near the intersection of Wayland Road and Gerking Flat Road north of Helix. [Amendment #4]

Temporary and Permanent Disturbance

The total temporary disturbance of RFA6 Facility modifications is estimated at approximately 212 acres. Temporary disturbance would result from a 20-acre staging area, 126 acres for rotor assembly areas (2.5 acres per turbine), and 68 acres from road widening and crane paths (16 to 38 feet for 15.7 miles). Temporary disturbance must be restored consistent with existing conditions and in accordance with revegetation and reclamation requirements of the final Revegetation Plan.

The total permanent disturbance is estimated at 12 acres, including 0.08 acres for 2 new wind turbine foundations; 0.09 acres for new access roads; and 11 acres for the BESS.

Battery Energy Storage System (BESS)

The battery energy storage system (BESS) would consist of lithium-ion batteries in a series of modular unoccupied containers, as described in more detail below:

- Batteries - Lithium-ion system would require regular change out of batteries as they degrade over time at a rate depending on usage. It is conservatively assumed the battery would need

1 to be replaced every 15-20 years, or 1-2 times over the operational life of the repowered
2 facility, which is assumed to be approximately 30 years.

- 3 • Approximately 72 steel containers, each approximately 20 feet in length by 9 feet in width.
- 4 • Approximately 18 inverters (four containers per inverter) with associated step up
5 transformers, each having a combined skid footprint approximately 30 feet by 10 feet and
6 power ratings for 3.43 mega-volt-ampere (MVA) and 3.55 MVA, respectively.
- 7 • Interconnection facilities including a control house, protective device, and power transformer.
- 8 • Battery and inverter equipment would connect via a combination of above ground cable trays,
9 underground conduit, direct-buried cable and/or covered cable trenches installed at a
10 minimum depth of 3-feet below grade.
- 11 • Battery containers and inverter skids would either be placed on an engineered grade or on
12 poured concrete foundations or utilize steel piles, depending on site conditions and Umatilla
13 County Building Department requirements.
- 14 • Utilize existing control house for communication equipment.
- 15 • Each container within the battery storage system would have its own skid-mounted power
16 transformer and bi-directional inverter as shown in Figure 2. The bi-directional inverter allows
17 energy to flow in or out of the battery to provide charge and discharge. Power switches and
18 relays would protect the system. No emergency generator or backup power system would be
19 provided, however local distribution could be used as a backup auxiliary source.
- 20 • Cooling units would be placed either on top of the building enclosure or containers or along
21 the side.
- 22 • Site surfacing would be primarily gravel, with a maximum of 7.2 acres of the energy storage
23 area graveled to a depth of 6 inches, using approximately 4,160 tons of gravel.

24
25 The total area of the battery storage site would be approximately 11 acres, and would include
26 approximately 3,000 linear feet of fence.

27
28 *Spill and fire prevention measures of the BESS*

29
30 The BESS would include the following design features to minimize fire and safety risks:

- 31 • The BESS would have a fire suppression system designed in accordance with applicable
32 standards specified by the Umatilla County building department through the permitting
33 process which would include the 2014 Oregon Structural Specialty Code et. seq.
- 34 • The BESS would have 350-gallon or greater water buffaloes located at the site (per Condition
35 34).
- 36 • The BESS would be stored in completely contained, leak-proof steel containers, serving as
37 secondary containment for the modules housing the battery cells.
- 38 • The 11-acre BESS site would be constructed and operated within a fenced area (per Condition
39 35).
- 40 • The BESS would be electronically monitored allowing for tracking and responding to issue of
41 battery malfunction.
- 42 • O&M staff would conduct monthly inspections according to the manufacturer's
43 recommendations.
- 44 • Requirements of Emergency Action Plan (per Conditions 48 and 85) would be adhered to,
45 including emergency (e.g., fire) response procedures.
46 [Amendment #6]

1 **3. Location of the Facility**

2
3 The facility is located in Umatilla County, north and east of Helix, Oregon. The towns closest to
4 the facility are Helix, Oregon, and Touchet, Washington. The wind turbines would be located on ridges
5 east of the Columbia River and south of the Walla Walla River. The location of the facility is further
6 described in the Final Orders on the Application and Amendments #1, #2, #4, #5, #6 and #7.
7 [Amendments #1, #2, #4, #5, #6, #7]

8
9 **4. Responsibility for Stateline 1&2 and Vansycle II**

10
11 FPL Energy Vansycle, LLC shall be individually responsible for compliance with all conditions
12 relating to Stateline 1&2, and Vansycle II Wind, LLC shall not be jointly responsible for such compliance.
13 Vansycle II Wind, LLC shall be individually responsible for compliance with all conditions relating to
14 Vansycle II and FPL Energy Vansycle, LLC shall not be jointly responsible for such compliance. If the
15 Council or the Oregon Department of Energy (“Department”) determines that a violation of the Site
16 Certificate or any Council order pertaining to the facility may have occurred, the Council or the
17 Department may direct appropriate inquiries to the responsible entity. If the Council or the Department
18 is unable to determine which entity is responsible, the Council or the Department may direct
19 appropriate inquiries to both entities. [Amendments #4, #5, #6, #7, and #8]

20
21 **IV. CONDITIONS REQUIRED BY COUNCIL RULES**

22
23 This section lists conditions specifically required by OAR 345-027-0020 (Mandatory Conditions in
24 Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028 (Monitoring
25 Conditions) and in OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities). These
26 conditions should be read together with the additional specific facility conditions in section V to ensure
27 compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24 and to protect the public
28 health and safety. [Amendments #1 and #4]

29
30 The Council recognizes that many specific tasks related to the design, construction, operation
31 and retirement of the facility will be undertaken by agents or contractors. However, FPL Energy
32 Vansycle, LLC is responsible for ensuring compliance with all provisions of the site certificate_pertaining
33 to Stateline 1&2, and Vansycle II Wind, LLC is responsible for ensuring compliance with all provisions of
34 the site certificate pertaining to Vansycle II. [Amendments #4 and #8].

35
36 Citation to the sources of, or basis for, certain conditions are shown in parentheses.³ Conditions
37 are numbered continuously throughout sections IV through IX of this site certificate. [Amendment #4]

38
39 In applying the conditions in this section, “certificate holder” means FPL Energy Vansycle, LLC
40 with regard to Stateline 1&2 and Vansycle II Wind, LLC with regard to Vansycle II. [Amendments #4 and
41 #8]

42
43 **1. General Conditions**

³ References to the site certificate application are to the application as modified by the supplement and later revisions, abbreviated as “App.”

- 1 **(1)** The Council may not change the conditions of the site certificate except as provided for in OAR
2 Chapter 345, Division 27. (OAR 345-025-0006(1)) [Amendment #6]
3
- 4 **(2)** The certificate holder shall design, construct, operate and retire the facility:
5 (a) Substantially as described in the site certificate;
6 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and
7 applicable state and local laws, rules and ordinances in effect at the time the site certificate
8 is issued; and
9 (c) In compliance with all applicable permit requirements of other state agencies.
10 (OAR 345-025-0006(3)) [Amendment #6]
11
- 12 **(3)** The certificate holder shall begin and complete construction of the facility by the dates specified in
13 the site certificate. (345-025-0006(4)) See conditions (24), (97) and (106). [Amendment #4, #6]
14
- 15 **(4)** The certificate holder shall prevent the development of any conditions on the site that would
16 preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention
17 of such site conditions is within the control of the certificate holder. (345-025-0006(7))
18 [Amendment #6]
19
- 20 **(5)** The Council shall include as conditions in the site certificate all representations in the site
21 certificate application and supporting record the Council deems to be binding commitments made
22 by the applicant. (OAR 345-025-0006(10)) [Amendment #6]
23
- 24 **(6)** For the related or supporting transmission lines:
25 (a) The certificate holder shall design, construct and operate the transmission line in accordance
26 with the requirements of the National Electrical Safety Code (American National Standards
27 Institute, Section C2, 1997 Edition); and
28 (b) The certificate holder shall develop and implement a program that provides reasonable
29 assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a
30 permanent nature that could become inadvertently charged with electricity are grounded or
31 bonded throughout the life of the line. (OAR 345-025-0010(4)) [Amendment #4, #6]
32
- 33 **(7)** The following general monitoring conditions apply:
34 (a) The certificate holder shall consult with affected state agencies, local governments and tribes
35 and shall develop specific monitoring programs for impacts to resources protected by the
36 standards of divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable
37 statutes, administrative rules and local ordinances. The certificate holder must submit the
38 monitoring programs to the Department of Energy and receive Department approval before
39 beginning construction or, as appropriate, operation of the facility.
40 (b) The certificate holder shall implement the approved monitoring programs described in
41 section (a) and monitoring programs required by permitting agencies and local
42 governments.
43 (c) For each monitoring program described in sections (a) and (b), the certificate holder shall
44 have quality assurance measures approved by the Department before beginning
45 construction or, as appropriate, before beginning commercial operation.
46 (d) If the certificate holder becomes aware of a significant environmental change or impact
47 attributable to the facility, the certificate holder shall, as soon as possible, submit a written

1 report to the Department describing the impact on the facility and any affected site
2 certificate conditions.
3 (OAR 345-027-0028) [Amendment #4]
4

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

- 6 (a) General reporting obligation for energy facilities under construction or operating:
- 7 (i) Within six months after beginning construction, and every six months thereafter during
8 construction of the energy facility and related or supporting facilities, the certificate
9 holder shall submit a semiannual construction progress report to the Department of
10 Energy. In each construction progress report, the certificate holder shall describe any
11 significant changes to major milestones for construction. The certificate holder shall
12 include such information related to construction as specified in the site certificate.
13 When the reporting date coincides, the certificate holder may include the construction
14 progress report within the annual report described in this rule;
- 15 (ii) By April 30 of each year after beginning construction, the certificate holder shall submit
16 an annual report to the Department addressing the subjects listed in this rule. The
17 Council Secretary and the certificate holder may, by mutual agreement, change the
18 reporting date.
- 19 (iii) To the extent that information required by this rule is contained in reports the
20 certificate holder submits to other state, federal or local agencies, the certificate holder
21 may submit excerpts from such other reports to satisfy this rule. The Council reserves
22 the right to request full copies of such excerpted reports.
- 23 (b) In the annual report, the certificate holder shall include the following information for the
24 calendar year preceding the date of the report:
- 25 (i) Facility Status: An overview of site conditions, the status of facilities under construction
26 and a summary of the operating experience of facilities that are in operation. In this
27 section of the annual report, the certificate holder shall describe any unusual events,
28 such as earthquakes, extraordinary windstorms, major accidents or the like that
29 occurred during the year and that had a significant adverse impact on the facility.
- 30 (ii) Reliability and Efficiency of Power Production: For electric power plants, the plant
31 availability and capacity factors for the reporting year. The certificate holder shall
32 describe any equipment failures or plant breakdowns that had a significant impact on
33 those factors and shall describe any actions taken to prevent the recurrence of such
34 problems.
- 35 (iii) Fuel Use: For thermal power plants:
- 36 (A) The efficiency with which the power plant converts fuel into electric energy. If the
37 fuel chargeable to power heat rate was evaluated when the facility was sited, the
38 certificate holder shall calculate efficiency using the same formula and assumptions,
39 but using actual data; and
- 40 (B) The facility's annual hours of operation by fuel type and, every five years after
41 beginning operation, a summary of the annual hours of operation by fuel type as
42 described in OAR 345-024-0590(5).
- 43 (iv) Status of Surety Information: Documentation demonstrating that the bonds or letters
44 of credit as described in the site certificate are in full force and effect and will remain in
45 full force and effect for the term of the next reporting period.
- 46 (v) Monitoring Report: A list and description of all significant monitoring and mitigation
47 activities performed during the previous year in accordance with site certificate terms
48 and conditions, a summary of the results of those activities, and a discussion of any

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

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

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

10 (viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that
11 emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of
12 operation of the carbon dioxide emitting equipment as described in OAR 345-024-
13 0630(4).

14 (OAR 345-026-0080) [Amendment #4]
15

16 **(9)** [Condition removed by Amendment #4]
17

18 **(10)** The certificate holder and the Department of Energy shall exchange copies of all correspondence
19 or summaries of correspondence related to compliance with statutes, rules and local ordinances
20 on which the Council determined compliance, except for material withheld from public disclosure
21 under state or federal law or under Council rules. The certificate holder may submit abstracts of
22 reports in place of full reports; however, the certificate holder shall provide full copies of
23 abstracted reports and any summarized correspondence at the request of the Department. (OAR
24 345-026-0105) [Amendment #4]
25

26 **2. Conditions That Must Be Met Before Construction Begins** 27

28 **(11)** Except as necessary for the initial survey or as otherwise allowed for wind energy facilities,
29 transmission lines or pipelines under OAR 345-027-0020(5), the certificate holder shall not begin
30 construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the
31 certificate holder has construction rights on all parts of the site. For the purpose of this rule,
32 “construction rights” means the legal right to engage in construction activities. For wind energy
33 facilities, transmission lines or pipelines, if the certificate holder does not have construction rights
34 on all parts of the site, the certificate holder may nevertheless begin construction, as defined in
35 OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has
36 construction rights on that part of the site and:

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

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

43 (OAR 345-025-0006(5)) [Amendment #4, #6]
44

45 **(12)** Following receipt of a site certificate or an amended site certificate, the certificate holder shall
46 implement a plan that verifies compliance with all site certificate terms and conditions and
47 applicable statutes and rules. As a part of the compliance plan, to verify compliance with the

1 requirement to begin construction by the date specified in the site certificate, the certificate
2 holder shall report promptly to the Department of Energy when construction begins. Construction
3 is defined in OAR 345-001-0010. In reporting the beginning of construction, the certificate holder
4 shall describe all work on the site performed before beginning construction, including work
5 performed before the Council issued the site certificate, and shall state the cost of that work. For
6 the purpose of this exhibit, "work on the site" means any work within a site or corridor, other than
7 surveying, exploration or other activities to define or characterize the site or corridor. The
8 certificate holder shall document the compliance plan and maintain it for inspection by the
9 Department or the Council. (OAR 345-026-0048) [Amendment #4, #6]

10
11 **(13)** The certificate holder shall submit a legal description of the site to the Department of Energy
12 within 90 days after beginning operation of the facility. The legal description required by this rule
13 means a description of metes and bounds or a description of the site by reference to a map and
14 geographic data that clearly and specifically identifies the outer boundaries that contain all parts
15 of the facility. (OAR 345-025-0006(2)) [Amendment #4, #6] See Condition (84).
16

17 **(14)** If the Council requires mitigation based on an affirmative finding under any standards of Division
18 22 or Division 24 of this chapter, the certificate holder shall consult with affected state agencies
19 and local governments designated by the Council and shall develop specific mitigation plans
20 consistent with Council findings under the relevant standards. The certificate holder must submit
21 the mitigation plans to the Office and receive Office approval before beginning construction or, as
22 appropriate, operation of the facility. (OAR 345-027-0020(6))
23

24 **(15)** Before beginning construction of the facility, the certificate holder shall submit to the State of
25 Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the
26 Council. The certificate holder shall maintain the bond or letter of credit in effect at all times until
27 the facility has been retired. The Council may specify different amounts for the bond or letter of
28 credit during construction and during operation of the facility. (OAR 345-025-0006(8))
29 See Conditions (80) and (109). [Amendment #4, #6]
30

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

32

33 **(16)** The certificate holder shall design, engineer and construct the facility to avoid dangers to human
34 safety presented by seismic hazards affecting the site that are expected to result from all
35 maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking,
36 landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence.
37 (OAR 345-025-0006(12)) [Amendment #6]
38

39 **(17)** The certificate holder shall notify the Department, the State Building Codes Division and the
40 Department of Geology and Mineral Industries promptly if site investigations or trenching reveal
41 that conditions in the foundation rocks differ significantly from those described in the application
42 for a site certificate. After the Department receives the notice, the Council may require the
43 certificate holder to consult with the Department of Geology and Mineral Industries and the
44 Building Codes Division and to propose mitigation actions. (OAR 345-025-0006(13)) [Amendment
45 #4, #6]
46

1 **(18)** The certificate holder shall notify the Department, the State Building Codes Division and the
2 Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers,
3 deformations or clastic dikes are found at or in the vicinity of the site. (OAR 345-025-0006(14))
4 [Amendment #4, #6]
5

6 **4. Conditions That Must Be Met Before Operation Begins** 7

8 **(19)** The certificate holder shall retire the facility if the certificate holder permanently ceases
9 construction or operation of the facility. The certificate holder shall retire the facility according to a
10 final retirement plan approved by the Council, as described in OAR 345-027-0410. The certificate
11 holder shall pay the actual cost to restore the site to a useful, non-hazardous condition at the time
12 of retirement, notwithstanding the Council's approval in the site certificate of an estimated
13 amount required to restore the site. (OAR 345-025-0006(9)) [Amendment #4, #6]
14

15 **(20)** Upon completion of construction, the certificate holder shall restore vegetation to the extent
16 practicable and shall landscape portions of the site disturbed by construction in a manner
17 compatible with the surroundings and proposed use. Upon completion of construction, the
18 certificate holder shall remove all temporary structures not required for facility operation and
19 dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing
20 of land and construction of the facility. (OAR 345-025-0006(11)) [Amendment #4, #6]
21

22 **(21)** If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting
23 facility, a pipeline or transmission line, the Council shall specify an approved corridor in the site
24 certificate and shall allow the certificate holder to construct the pipeline or transmission line
25 anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has
26 analyzed more than one corridor in its application for a site certificate, the Council may, subject to
27 the Council's standards, approve more than one corridor. (OAR 345-027-0023(5)) [Amendment #4]
28

29 **5. Conditions That Must Be Met During Operation** 30

31 **(22)** [Condition removed by Amendment #4]
32

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

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

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

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

40 (OAR 345-026-0170) [Amendment #4]
41

42 **V. SPECIFIC FACILITY CONDITIONS** 43

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

1
2 This section includes other specific facility conditions the Council finds necessary to ensure
3 compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect the public
4 health and safety.

5
6 Citation to the sources of, or basis for, certain conditions are shown in parentheses.
7 [Amendment #4]
8

9 Except as specifically noted, these conditions apply to all phases of the Stateline Wind Project. In
10 applying the conditions in this section, “certificate holder” means FPL Energy Vansycle, LLC with regard
11 to Stateline 1&2 and Vansycle II Wind, LLC with regard to Vansycle II. [Amendment #4 and #8]
12

13 **1. General Conditions**

14
15 **(24)** This condition applies to Stateline 1 only. The certificate holder shall begin construction of
16 Stateline 1 within one year after the effective date of the site certificate. The certificate holder
17 shall complete construction of Stateline 1 on or before two years from the effective date of the
18 site certificate. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the
19 Council Chair and the applicant. Completion of construction occurs upon the date commercial
20 operation of Stateline 1 begins. The Council may grant an extension of the construction beginning
21 or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at
22 the time the request for extension is submitted. [Amendment #4]
23 See condition (3).
24

25 **(25)** Within 72 hours of discovery of conditions or circumstances that may violate the terms or
26 conditions of the site certificate, the certificate holder shall report the conditions or circumstances
27 to the Department of Energy. (OAR 345-027-0020(3)) [Amendment #4]
28

29 **(26)** Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is required if the
30 proposed change would increase the electrical generation capacity of the facility and would
31 increase the number of wind turbines or the dimensions of existing wind turbines. (OAR 345-027-
32 0020(3))
33

34 **(27)** [Condition removed by Amendment #4]
35

36 **(28)** The certificate holder shall report promptly to the Department of Energy any change in its
37 corporate relationship with NextEra Energy Resources LLC. The certificate holder shall report
38 promptly to the Department any change in its access to the resources, expertise and personnel of
39 NextEra Energy Resources LLC. (App A-3, D-2, OAR 345-022-0010) [Amendment #4, #5]
40

41 **(29)** The certificate holder shall inspect and maintain all roads, pads and trenched areas to minimize
42 erosion. (App B-11) [Amendment #5]
43

44 **(30)** The certificate holder shall carry out weed control and reseeding as necessary for the life of the
45 facility, in consultation with the weed control board of Umatilla County. (App B-11) [Amendment
46 #5]
47

- 1 **(31)** The certificate holder shall not store fuel or chemicals in Oregon. (App B-12)
2
- 3 **(32)** The certificate holder shall use hazardous materials in a manner that is protective of human health
4 and the environment and shall comply with all applicable local, state, and federal environmental
5 laws and regulations. The certificate holder shall make sure that accidental releases of hazardous
6 materials will be prevented or minimized through the proper containment of these substances
7 during transportation and use on the site. The certificate holder shall make sure that any oily
8 waste, rags or dirty or hazardous solid waste will be collected in sealable drums and removed for
9 recycling or disposal by a licensed contractor. The certificate holder shall have spill kits containing
10 items such as absorbent pads on equipment and in storage facilities to respond to accidental spills.
11 If an accidental hazardous materials spill or release occurs, the certificate holder shall clean up the
12 spill or release and shall treat or dispose of contaminated soil or other materials according to
13 applicable regulations. (App G-2, V-3) [Amendment #5]
14
- 15 **(33)** The certificate holder shall provide to the Department of Energy a copy of the contract with the
16 Milton-Freewater Rural Fire Department for fire protection services during construction and
17 operation of the facility before beginning construction. (App U-25) [Amendment #4, #5]
18
- 19 **(34)** During construction and operation of the facility, the certificate holder shall have water-carrying
20 trailers (“water buffaloes”) at appropriate locations around the facility. The certificate holder shall
21 bring a water buffalo to any job site where there is a substantial risk of fire. The certificate holder
22 shall coordinate with the fire chiefs of the Helix and Milton-Freewater Rural Fire Departments as to
23 the number, capacity and location of the water buffaloes. The certificate holder shall make sure
24 that each water buffalo has a minimum capacity of 350 gallons with sufficient pump and hose
25 equipment, as approved by the local fire chiefs. The certificate holder shall have service trucks and
26 pickup trucks capable of towing water buffaloes available in sufficient numbers at all times during
27 construction and operation of the facility. (App B-12) [Amendment #5]
28
- 29 **(35)** The certificate holder shall take steps to protect the facility and property from unauthorized access
30 and to reduce the risk of accidental injury during construction and operations by (App U-25, 26)
31 [Amendment #3, #5]:
32 (a) Maintaining fencing and access gates around dangerous equipment or portions of the site as
33 feasible. [Amendments #3, and #4]
34 (b) Posting warning signs near high-voltage equipment.
35 (c) Requiring construction contractors to provide specific job-related training to employees,
36 including cardiopulmonary resuscitation, first aid, tower climbing, rescue techniques and
37 safety equipment inspection.
38 (d) Requiring each worker to be familiar with site safety.
39 (e) Assigning safety officers to monitor construction activities and methods during each work
40 shift.
41 (f) Ensuring that workers on each shift are certified in first aid.
42 (g) Ensuring a well-stocked first-aid supply kit is accessible on-site at all times and that each
43 worker knows its location.
44 (h) Conducting periodic safety meetings for construction and maintenance staff.
45
- 46 **(36)** The certificate holder shall notify the Department of Energy and the Umatilla County Planning
47 Department of any accidents including mechanical failures on the site associated with the

1 operation of the wind power facility that may result in public health and safety concerns. (ORS
2 469.310) [Amendment #4, #5]
3

4 **(37)** To reduce the visual impact of the facility, the certificate holder shall:

- 5 (a) Design, construct and operate a facility consisting of the major structures and related or
6 supporting facilities described in the Site Certificate. [Amendment #1, #2, #4]
- 7 (b) Group the turbines in strings of 2 to 37. [Amendment #1, #2, #4]
- 8 (c) Construct each turbine to be not more than 295 feet tall at the turbine hub and with a total
9 height of not more than 499 feet with the nacelle and blades mounted (App B-5)
10 [Amendment #4, #6]⁴
- 11 (d) Mount nacelles on smooth, hollow steel towers. [Amendment #4]
- 12 (e) Paint all towers uniformly in a neutral light gray or white color. [Amendment #2, #4]
- 13 (f) Not allow any advertising to be used on any part of the facility or on any signs posted at the
14 facility, except that the turbine manufacturer's logo may appear on turbine nacelles. (App
15 BB-2)
- 16 (g) Use only the minimum lighting on its turbine strings required by the Federal Aviation
17 Administration, except:
 - 18 (i) The Stateline 1&2 satellite operations and maintenance building may have a small
19 amount of low-impact exterior lighting for security purposes (App BB-2).
 - 20 (ii) Low-impact lighting may be used for occasional nighttime repairs, operations or
21 maintenance at the substation (at other times this lighting would be turned off).
 - 22 (iii) Security lighting may be used at the Vansycle II O&M building and substation if it is
23 shielded or downward-directed to reduce glare.
24 [Amendment #2, #4]
- 25 (h) Use only those signs required for facility safety or required by law and comply with Umatilla
26 County design requirements for signs as described in UCDC Sections 152.545 through
27 152.548. (App BB-2) [Amendment #4]
- 28 (i) Design and construct the operation and maintenance building to be generally consistent with
29 the character of similar buildings used by commercial farmers or ranchers. Upon retirement
30 of the energy facility, the operations and maintenance building must be removed or
31 converted to farm use, in accordance with Condition 19. [Amendment #3, #4]
32

33 **(38)** To restrict public access to turbine towers, the certificate holder shall install locked access doors
34 accessible only to authorized project staff. (App BB-3)
35

36 **(39)** If any state-listed threatened, endangered or candidate plant species are found during the pre-
37 construction surveys described in condition (55), the certificate holder shall use appropriate
38 measures to protect the species and mitigate for impacts from construction, operation and
39 retirement of the facility. See condition (55).
40

41 **(40)** In constructing and operating the facility, the certificate holder shall make reasonable efforts not
42 to disturb the farming and ranching activities on adjacent lands. (App K-6) [Amendment #5]
43

⁴ See also site certificate Condition 137.

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

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

12 **(42)** The certificate holder shall notify the Department of Energy in advance of any initial road
13 improvement work that does not meet the definition of “construction” in OAR 345-001-0010(10)
14 or ORS 469.300(6) and shall provide to the Department plans of the work and evidence that its
15 value is less than \$250,000. (App B-21) [Amendment #4, #5]
16

17 **(43)** [Condition removed by Amendment #4]
18

19 **(44)** The certificate holder shall locate roads to minimize disturbance and maximize transportation
20 efficiency and to avoid sensitive resources and unsuitable topography. The certificate holder shall
21 use existing county roads and private farm roads to the maximum extent feasible. The certificate
22 holder shall coordinate farm road improvements with landowners to minimize crop impacts and to
23 assure that the final road provides useful access, where possible, to the landowners’ fields. (App B-
24 6)
25

26 **(45)** The certificate holder shall videotape all Umatilla County roads used as access to the facility and
27 shall require construction contractors to enter into a written agreement with Umatilla County
28 stating that all roads used by the contractor will be restored to as good or better condition than
29 they were before construction. (App U-24)
30

31 **(46)** The certificate holder shall notify the Department of Energy of the identity and qualifications of
32 major construction contractors for the facility. The certificate holder shall select major
33 construction contractors based on a proven record of environmental compliance and stewardship,
34 a clean record in terms of other regulatory obligations and other appropriate factors. (App D-3, 4)
35 [Amendment #4, #5]
36

37 **(47)** The certificate holder shall contractually require all construction contractors and subcontractors
38 involved in the construction of the facility to comply with all applicable laws and regulations and
39 with the terms and conditions of the site certificate. Such contractual provisions shall not operate
40 to relieve the certificate holder of responsibility under the site certificate.
41 See condition (2). [Amendment #5]
42

43 **(48)** The certificate holder shall require that all on-site construction contractors prepare a site health
44 and safety plan before beginning construction activities. The certificate holder shall ensure that
45 the plan informs employees and others onsite what to do in case of emergencies and includes the
46 locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid
47 techniques. (App U-25) [Amendment #5]

1
2 **(49)** The certificate holder shall design the facility in accordance with seismic design provisions given in
3 the Oregon Building Code. The certificate holder shall identify localized areas of S_c and S_b soil types
4 and assure that any structures to be built in those areas are designed according to the code. The
5 certificate holder shall design all components constructed after 2008 to meet the current Oregon
6 Structural Specialty Code (OSSC 2007) and the 2006 International Building Code. [Amendment #4,
7 #5]
8

9 **(50)** The certificate holder shall provide the Department of Energy with design specifications showing
10 the locations of turbines and type of foundations to be employed and demonstrating that the
11 following conditions have been satisfied (OAR 345-022-0020):

12 (a) If a turbine is located within 50 feet of a slope steeper than 30° , the stability of the slope has
13 been reviewed by the foundation designer to confirm that either (i) the slope has a safety
14 factor of at least 1.1 during the maximum probable seismic event or (ii) the safety factor is
15 less than 1.1, but ground displacements will not adversely affect the stability of the wind
16 turbine. Slopes shall be evaluated in the field for each proposed turbine location.

17 (b) The foundation designer's review of slope displacement during a seismic event has been
18 made using a pseudo-static horizontal coefficient of 0.13g and, if the safety factor is less
19 than 1.1, the foundation designer has shown that (i) the movement will not intersect the
20 turbine, (ii) the movement will intersect the turbine but will not affect its stability, or (iii)
21 additional stabilization measures, such as anchor tie-downs or ground support systems, will
22 be employed to maintain stability.

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

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

30 [Amendment #4]
31

32 **(51)** In modifying slope angles for roads or other facilities, the certificate holder shall assure that the
33 foundation designer has achieved a factor of safety of 1.5 or greater for permanent structures and
34 a factor of safety of 1.3 or greater for temporary structures. (OAR 345-022-0020)
35

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

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

39 (b) Siting turbines to avoid placing turbines in saddle locations along ridges (where bird use is
40 typically higher).

41 (c) Avoiding the use of overhead collector lines. [Amendment #2, #4]
42

43 **(53)** This condition does not apply to Stateline 2. The certificate holder shall survey the status of known
44 Swainson's hawk nests within the vicinity of proposed construction before the projected date for
45 construction to begin. If active nests are found, and construction is scheduled to begin before the
46 end of the sensitive nesting and breeding season (June 1 to August 31), the certificate holder shall
47 develop a no-construction buffer in consultation with ODFW and shall not engage in construction

1 activities within the buffer until the sensitive season has ended. If construction continues into the
2 sensitive nesting and breeding season for the following year, the certificate holder shall not
3 engage in construction activities within the buffer around active nests until the sensitive season
4 has ended. [Amendments #2, #4, #5]
5

6 **(54)** This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-
7 construction nest surveys for burrowing owls if construction is scheduled to occur during the
8 sensitive period (March 15 to August 30). The certificate holder shall leave a no-construction
9 buffer, developed in consultation with ODFW, around any active nests during the sensitive period.
10 [Amendments #2, #4, #5]
11

12 **(55)** This condition does not apply to Stateline 2. The certificate holder shall conduct pre-construction
13 surveys for state-listed threatened, endangered or candidate plant species in all areas not included
14 in earlier botanical surveys of the analysis area. If any listed plants are found, the certificate holder
15 will notify the Department of Energy and consult with the Oregon Department of Agriculture
16 regarding appropriate measures to protect the species and mitigate for impacts from construction,
17 operation and retirement of the facility. (App Q-7) [Amendment #4, #5]
18

19 **(56)** This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-
20 construction surveys for the presence of Washington ground squirrels in construction zones that
21 have suitable habitat. Construction zones include the areas of permanent and temporary
22 disturbance and a 175-foot surrounding buffer in which there may be incidental construction
23 impacts. If squirrel activity is found, the certificate holder shall notify the Department of Energy
24 and develop an appropriate no-construction buffer and other appropriate mitigation measures in
25 consultation with the Department and ODFW. In addition, the certificate holder shall map and
26 stake sensitive areas to be avoided during construction as required by Condition (63).
27 [Amendments #2, #4, #5]
28

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

30
31 **(57)** The certificate holder shall report to the Council any change of major construction contractors.
32 See condition (8).
33

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

- 36 (a) Establishing roads before accessing the site to allow vehicles to stay away from grass.
- 37 (b) Using diesel vehicles whenever possible to prevent potential ignition by catalytic converters.
- 38 (c) Avoiding idling vehicles in grassy areas.
- 39 (d) Keeping cutting torches and similar equipment away from grass.
- 40 (e) Making sure that all construction personnel receive appropriate fire-safety instruction from
41 qualified local fire departments or qualified fire-fighting trainers on the job site.
- 42 (f) Making sure that fire-fighting equipment is available at all active parts of the job site.

43 [Amendment #5]
44

45 **(59)** The certificate holder shall require the foundation designer to inspect excavations during
46 construction of foundations for the turbines and other facilities to confirm that geologic conditions

1 are appropriate for supporting the turbines during gravity, seismic and wind loading. (OAR 345-
2 022-0020)
3

4 **(60)** The certificate holder shall conduct all construction work in compliance with an Erosion and
5 Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and
6 as required under the facility's National Pollutant Discharge Elimination System (NPDES)
7 Construction Stormwater Permit. The certificate holder shall include in the ESCP any procedures
8 necessary to meet local erosion and sediment control requirements or stormwater management
9 requirements. (App B-7, 13, E-3, P-41) [Amendment #5]
10

11 **(61)** The certificate holder shall mitigate potential adverse impacts to soils from erosion and
12 compaction by measures including but not limited to the following (App H-17, I-4, 5):
13 (a) Maintaining vegetative buffer strips between the areas impacted by construction activities
14 and any receiving waters.
15 (b) Installing sediment fence/straw bale barriers at locations shown on the plans.
16 (c) Wherever feasible, constructing roadways so that surface drainage continues along natural
17 drainage patterns with minimal diversions through ditches and culverts.
18 (d) Working with the Umatilla County Public Works Department and the local Natural Resources
19 Conservation Service office to design water bars and other management practices to slow
20 the flow of water on newly constructed repaired roads.
21 (e) Straw mulching and discing at locations adjacent to the road that have been impacted.
22 (f) Providing temporary sediment traps downstream of intermittent stream crossings.
23 (g) Providing sediment type mats downstream of perennial stream crossings.
24 (h) Planting designated seed mixes at impacted areas adjacent to the roads.
25 (i) Installing sediment fencing along the downslope side of construction equipment staging
26 areas.
27 (j) Seeding all areas that are impacted by construction and reseeding as necessary to establish a
28 healthy cover crop.
29 (k) Leaving sediment fencing, check dams and other erosion control measures in place until the
30 impacted areas are well vegetated and the risk of erosion has been eliminated.
31 (l) Limiting truck and heavy equipment traffic, to the extent possible, to improved road surfaces,
32 and thereby limiting soil compaction and disturbances.
33 (m) Scarifying and reseeding compacted areas after construction is completed.
34 (n) Using appropriate erosion control methods to limit soil loss due to water and wind action.
35 (o) Covering roads and turbine pads with gravel immediately following exposures, thereby
36 limiting the time for wind or water erosion. (App I-2, 3)
37 (p) Using water for dust suppression during construction. (App O-1)
38 [Amendment #5]
39

40 **(62)** The certificate holder shall place underground electrical and communications cables at a minimum
41 depth of three feet below grade in trenches along the length of each turbine string corridor and in
42 some cases in trenches from the end of one turbine string to the end of an adjacent turbine string.
43 The certificate holder shall excavate trenches and segregate the topsoil from subsoil. After
44 installing the electrical or communications cables and within two weeks of trenching, the
45 certificate holder shall backfill the trenches and replace topsoil on top. The certificate holder shall
46 reseed the area with native grasses or other plants appropriate to the location. (App B-8, I-2, W-2)
47

- 1 **(63)** The certificate holder shall mitigate possible impacts to wildlife by measures including but not
2 limited to the following (App P-42 through 45, Q-10, 11):
3 (a) Preparing maps to show sensitive areas that are off-limits during the construction phase,
4 distributing the maps to construction staff and having a biologist flag sensitive areas as
5 needed.
6 (b) Minimizing road construction and vehicle use where possible.
7 (c) Posting speed limit signs throughout the construction zone.
8 (d) Instructing construction personnel (including all construction contractors and their
9 personnel) on sensitive wildlife of the area and on required precautions to avoid injuring or
10 destroying wildlife.
11 (e) Instructing construction personnel (including all construction contractors and their
12 personnel) to watch out for wildlife while driving through the project area, to maintain
13 reasonable driving speeds so as not to harass or accidentally strike wildlife and to be
14 particularly cautious and drive at slower speeds in a period from one hour before sunset to
15 one hour after sunrise when some wildlife species are the most active.
16 (f) Requiring all construction personnel to report any injured or dead wildlife detected at the
17 facility site.
18 (g) Requiring all construction personnel to respect all staked wildlife areas and associated no-
19 construction buffer areas.

20 [Amendment #5]
21

- 22 **(64)** To avoid creating habitat for raptor prey near turbine towers, the certificate holder shall spread
23 gravel on all above ground portions of the turbine pads to reduce the potential for weed
24 infestation. (App BB-5)
25

- 26 **(65)** The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures
27 including but not limited to the following (App P-42 through 45, Q-10, 11):
28 (a) Avoiding vegetation removal wherever possible.
29 (b) Limiting construction activities to within public road right-of-ways where possible.
30 (c) Using best management practices to prevent erosion of soil into stream channels.
31 (d) Controlling invasive, weedy plant species during maintenance of project facilities.
32 (e) Restoring temporarily disturbed sites to pre-construction condition or better with native
33 seed mixes as described for temporarily disturbed areas in the *Revegetation Plan* included in
34 the Final Order on Amendment #4 as Attachment B and as revised from time to time.

35 [Amendments #1 and #4]

- 36 (f) Developing re-vegetation plant mixes and habitat enhancement locations in consultation
37 with ODFW and the Umatilla County weed control board.
38 (g) Monitoring re-vegetated areas to ensure successful establishment of new vegetation.
39 (h) Monitoring turbine strings, roads and other disturbed areas regularly to prevent the spread
40 of noxious weeds.
41 (i) Developing measures to reduce the potential spread of noxious weeds in consultation with
42 the weed control board of Umatilla County.

43 [Amendment #5]
44

- 45 **(66)** This condition applies to Stateline 1 only. To mitigate for the permanent elimination of one-half
46 acre of Category 2 habitat, the certificate holder shall control weeds and enhance habitat of one
47 acre of weed-infested upland habitat with native plants. The certificate holder shall carry out

1 enhancement activities as described for habitat enhancement areas in the *Revegetation Plan*
2 referenced in Condition 65. The certificate holder shall acquire the legal right to create and
3 maintain the enhancement area for the life of the facility by means of an outright purchase,
4 conservation easement or similar conveyance and shall provide a copy of the documentation to
5 the Department of Energy. The certificate holder shall determine the location of this habitat
6 enhancement area in consultation with ODFW and landowners. (App P-44) [Amendment #1, #4]
7

8 **(67)** This condition does not apply to Vansycle II. To mitigate for the permanent elimination of
9 approximately 48 acres of Category 3 habitat, the certificate holder shall control weeds and
10 enhance habitat on an equal area of weed-infested land in the project vicinity. The certificate
11 holder shall carry out enhancement activities as described for habitat enhancement areas in the
12 *Revegetation Plan* referenced in Condition 65. The certificate holder shall acquire the legal right to
13 create and maintain the enhancement area for the life of the facility by means of an outright
14 purchase, conservation easement or similar conveyance and shall provide a copy of the
15 documentation to the Department of Energy. The certificate holder shall determine the location of
16 this habitat enhancement area in consultation with ODFW and landowners. (App P-44)
17 [Amendment #1, #4, #6]
18

19 **(68)** To minimize impacts to temporarily disturbed Category 6 habitat areas, the certificate holder shall
20 use measures including but not limited to the following (App P-45):
21 (a) Replacing agricultural topsoil to its pre-construction condition.
22 (b) Using best management practices to prevent loss of topsoil during construction.
23 (c) Reseeding native habitats with a native seed mix that includes at least some seed collected
24 from the area as described for temporarily disturbed habitats in the *Revegetation Plan*
25 referenced in Condition 65. [Amendments #1 and #4]
26 (d) Controlling noxious weeds in areas disturbed by construction activities.
27 [Amendment #5]
28

29 **(69)** The certificate holder shall not place any part of the facility within any Washington ground squirrel
30 (WGS) colony or on potential Washington ground squirrel burrows. The certificate holder shall
31 have an on-site wildlife monitor who will flag habitat required for WGS survival (Category 1),
32 conduct pre-construction surveys to determine the distribution of WGS in the area and ensure that
33 construction personnel do not enter the area. The monitor shall conduct post construction
34 monitoring to document distribution of the WGS in the area. [Amendment #2, #4, #5]
35

36 **(70)** To reduce potential injury or fatality of migratory birds, the certificate holder shall (App Q-10):
37 (a) Locate turbines away from saddles in long ridges.
38 (b) Locate turbines on the top or slightly downwind side of distinct ridges and set back from the
39 upwind (prevailing) side.
40 (c) Use monopole design for all turbine and meteorological towers.
41

42 **(71)** The certificate holder shall implement a waste management plan during construction that includes
43 but is not limited to the following measures (App V-2):
44 (a) Collecting steel scrap and transporting it to a recycling facility.
45 (b) Recycling wood waste to the greatest extent feasible, depending on size and quantity of
46 scrap or leftover materials.

1 (c) Using concrete waste as fill on-site or at another site or, if no reuse option is available,
2 transporting it to a local landfill.

3 (d) Recycling packaging wastes (such as paper and cardboard).

4 (e) Collecting non-recyclable waste and transporting it to a local landfill.

5
6 **(72)** The certificate holder shall require that disposal of waste concrete on-site is conducted in
7 accordance with OAR 340-093-0080, other applicable regulations and this condition. The
8 construction contractor may bury waste concrete on-site with the permission of the landowner in
9 the following manner: by placing the waste concrete in an excavated hole, covering it with at least
10 three feet of topsoil and grading the area to match existing contours so that all buried concrete is
11 at least three feet below grade. (App V-3, 4).

12
13 **(73)** The certificate holder shall provide portable toilets for onsite sewage handling during construction
14 and make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified
15 to pump and clean portable toilet facilities. The certificate holder shall minimize the generation of
16 wastes from construction through detailed estimating of materials needs and through efficient
17 construction practices. The certificate holder shall recycle any wastes generated during
18 construction as much as feasible and shall collect any non-recyclable wastes and transport such
19 wastes to a local landfill. (App B-13, G-3, V-2) [Amendment #5]

20
21 **(74)** The certificate holder shall have a full-time on-site assistant construction manager, qualified in
22 environmental compliance and familiar with all site certificate conditions, to observe contractor
23 waste management practices and to assure compliance with applicable regulations and
24 construction site policy. (App V-4) [Amendment #5]

25
26 **(75)** The certificate holder shall post high-visibility no-entry barriers around recorded cultural and
27 archaeological sites and shall ensure that construction workers stay away from the vicinity of the
28 sites. The certificate holder shall locate barriers to create a buffer with a minimum width of 30
29 meters between the sites and construction activities. The certificate holder shall have a qualified
30 cultural resource expert to monitor the avoidance of the no-entry areas by construction workers
31 and to monitor ground disturbing activities. The certificate holder shall select a cultural resource
32 expert chosen by the Confederated Tribes of the Umatilla Indian Reservation, if available, or shall
33 select a qualified cultural resource expert, subject to Department approval, to conduct the
34 monitoring. [Amendment #4]

35
36 **(76)** If previously unidentified cultural resources are encountered during construction, the certificate
37 holder shall halt earth-disturbing activities in the immediate vicinity of the find, in accordance with
38 Oregon state law (ORS 97.745 and 358.920), and shall notify the Department of Energy, the
39 Oregon State Historic Preservation Officer (SHPO) and the Confederated Tribes of the Umatilla
40 Indian Reservation (CTUIR). The certificate holder shall have a qualified archaeologist evaluate the
41 discovery and recommend subsequent courses of action in consultation with the CTUIR and the
42 SHPO. If human remains are discovered, the certificate holder shall halt all construction activities
43 in the immediate area and shall notify the Department, SHPO, CTUIR, the County Medical
44 Examiner and the State Police. [Amendment #4]

45
46 **(77)** The certificate holder shall include traffic control procedures in contract specifications for
47 construction of the facility. The certificate holder shall require flaggers to be at appropriate

1 locations at appropriate times during construction to direct traffic and to ensure minimal conflicts
2 between harvest and construction vehicles. (App U-24) [Amendment #5]
3

4 **(78)** The certificate holder shall confine the noisiest construction activities to the daylight hours. (App
5 X-8) [Amendment #5]
6

7 **(79)** This condition does not apply to Vansycle II. The certificate holder shall construct the cable
8 crossing of Vansycle Canyon at a time when the stream is dry. The certificate holder shall remove
9 no more than approximately 7.5 cubic yards of material from the streambed crossing and shall
10 replace a like amount of fill material after the cable has been laid, restoring the area similar to the
11 original contours of the streambed. (Linehan, July 23 letter, 3) [Amendment #4, #7⁵]
12

13 **4. Conditions That Must Be Met Before Operation Begins** 14

15 **(80)** This condition applies to Stateline 1&2 only. Within 90 days after the effective date of the Fourth
16 Amended Site Certificate, the certificate holder shall submit to the State of Oregon through the
17 Council a bond or letter of credit in the amount of \$6.160 million (1st Quarter 2009 dollars), to be
18 adjusted to the date of issuance as described in (a), naming the State of Oregon, acting by and
19 through the Council, as beneficiary or payee.

20 (a) Subject to approval by the Department, the certificate holder shall adjust the amount of the
21 bond or letter of credit on an annual basis using the following calculation:

22 (i) Adjust the Subtotal (1st Quarter 2009 dollars) shown in Table 1 of the Final Order on
23 Amendment #4 to present value, using the U.S. Gross Domestic Product Implicit Price
24 Deflator, Chain-Weight, as published in the Oregon Department of Administrative
25 Services' "Oregon Economic and Revenue Forecast," or by any successor agency (the
26 "Index"), and using the index value for 1st Quarter 2009 dollars and the quarterly index
27 value for the date of issuance of the new bond or letter of credit. If at any time the
28 Index is no longer published, the Council shall select a comparable calculation to adjust
29 1st Quarter 2009 dollars to present value.

30 (ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to
31 determine the adjusted Gross Cost.

32 (iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and
33 project management costs and 10 percent of the adjusted Gross Cost (ii) for the
34 adjusted future developments contingency.

35 (iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the
36 adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the
37 adjusted financial assurance amount for the reporting year.

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

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

41 (d) The bond or letter of credit shall not be subject to revocation or reduction before retirement
42 of the energy facility.

⁵ Note that the Final Order on Amendment #5 to the Stateline Wind Project Site Certificate changed the name of "Stateline 3" to "Vansycle II". Any remaining reference in this Site Certificate (including condition references) of "Stateline 3" were changed to "Vansycle II" in the Seventh Amended Site Certificate.

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

3 See Conditions (19) and (41).

4 [Amendment #4]

5
6 **(81)** After construction is complete, the certificate holder shall restore the county roads to at least their
7 pre-project condition, to the satisfaction of the county public works department. (App B-6, 9)
8 [Amendment #5]

9
10 **(82)** The certificate holder shall grade and reseed laydown areas to wheat or native grasses as
11 necessary to restore those areas to their pre-construction condition (App B-10). [Amendment #5]

12
13 **(83)** For any materials disposed of as fill on site, the certificate holder shall conduct such disposal with
14 the approval of the landowner and in accordance with OAR 340-093-0080 and other applicable
15 regulations. (App G-3, V-3) [Amendment #5]

16
17 **(84)** For the purposes of this site certificate, wind turbine tower locations are analogous to location of
18 permanent rights-of-way for pipelines or transmission lines as described in OAR 345-027-0023(5).
19 The Council approves the corridor described in the final order for construction of turbine strings.
20 As required under OAR 345-027-0020(2) and Condition 13, the certificate holder shall submit to
21 the Department of Energy a legal description of the location where the certificate holder has built
22 turbine towers and other parts of the facility. Within 90 days after beginning operation of any
23 turbines that are added to the facility by amendment of the site certificate, the certificate holder
24 shall submit to the Department a legal description of the location of any additional turbine towers
25 and related or supporting facilities allowed by the amendment. The site of the facility is the area
26 identified by the legal descriptions required by this condition. Within 90 days after beginning
27 facility operation, the certificate holder shall provide to the Department and the Umatilla County
28 Planning Department the actual latitude and longitude location or Stateplane NAD 83(91)
29 coordinates of each turbine tower, connecting lines and transmission lines and a summary of as
30 built changes in the facility from the original plan. (OAR 345-027-0020(2) and (3)) [Amendment #1,
31 #4] See Condition (13).

32
33 **5. Conditions That Must Be Met During Operation**

34
35 **(85)** The certificate holder shall prepare and maintain a site health and safety plan that informs
36 employees and others onsite what to do in case of emergencies and includes the locations of fire
37 extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-
38 25)

39
40 **(86)** The certificate holder shall recycle solid waste generated during operation of the facility as much
41 as feasible and shall collect non-recyclable waste and transport it to a local landfill. (App V-2)

42
43 **(87)** This condition applies to Stateline 1&2 only. The certificate holder shall provide portable toilets for
44 use at the satellite O&M building and shall make sure that they are pumped and cleaned regularly
45 by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate
46 holder must contact the Oregon Department of Environmental Quality if the on-site septic system
47 is to be used. (App O-2) [Amendment #4]

1
2 **(88)** If the turbine blades need to be washed, the certificate holder shall use no more than 500 gallons
3 of water per turbine, trucked to the site by a contractor and purchased from a source with a valid
4 water right. The certificate holder shall use high-pressure cold water only and shall not use
5 chemicals or additives in the wash water. (App O-2) [Amendment #1]
6

7 **(89)** If any new nesting or denning sites for wildlife species of concern are located, the certificate
8 holder shall prepare maps indicating off-limit areas. In addition, the certificate holder shall
9 minimize road construction and vehicle use where possible. (P-42)
10

11 **(90)** The certificate holder shall mitigate possible impacts to wildlife by measures including but not
12 limited to the following (App P-43, Q-10):

13 (a) Instructing all personnel on sensitive wildlife of the area and on required precautions to
14 avoid injuring or destroying wildlife.

15 (b) Instructing all personnel to watch out for wildlife while driving through the project area, to
16 maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to
17 be particularly cautious and drive at slower speeds in a period from one hour before sunset
18 to one hour after sunrise when some wildlife species are the most active.

19 (c) Requiring all personnel to report any injured or dead wildlife detected at the facility site.
20

21 **(91)** The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures
22 including but not limited to the following (App P-43, Q-10):

23 (a) Using best management practices to prevent erosion of soil into stream channels.

24 (b) Controlling invasive, weedy plant species during maintenance of project facilities.

25 (c) Monitoring re-vegetated areas to ensure successful establishment of new vegetation.
26

27 **(92)** The certificate holder shall mitigate potential adverse impacts to soils from erosion by measures
28 including but not limited to the following (App I-3 through 5):

29 (a) Using drainage collection procedures to capture surface water that collects on, and drains
30 from, gravel surfaces or structures as a result of precipitation and routing the water to
31 drainage ditches lined with quarry stone or other similar materials.

32 (b) Using sandbags, straw bales and silt fences as needed to reduce erosion from precipitation
33 during repair of underground cables or other soil-disturbing repairs.

34 (c) If areas of erosion are observed during operation, implementing mitigation and reclamation
35 measures.
36

37 **(93)** The certificate holder shall conduct wildlife monitoring as described in the *Wildlife Monitoring and*
38 *Mitigation Plan (WMMP)*, included in the Final Order on Amendment #6 as Attachment F and as
39 revised from time to time. Subject to approval by the Department of Energy as to professional
40 qualifications, the certificate holder shall hire qualified wildlife consultants to carry out the
41 monitoring.

42 The certificate holder shall conduct 1-year of post-construction fatality monitoring in accordance
43 with the protocol included in the WMMP following completion of construction activities for the
44 Vansycle II facility modifications, as approved in the Final Order on Amendment #6. Additional
45 fatality monitoring studies and necessity of additional mitigation shall be determined based on the
46 results of the 1-year post construction fatality monitoring study.

47 (OAR 345-022-0060) [Amendment #1, #4, #5, #6]

1
2 **(94)** If analysis of monitoring data indicates impacts to wildlife or wildlife habitat that the certificate
3 holder has not adequately addressed by mitigation and if these impacts result in a loss of habitat
4 quantity or quality, the certificate holder shall mitigate for the loss of habitat quality by measures
5 approved by the Oregon Department of Energy. (OAR 345-022-0060) [Amendment #4, #5]
6

7 **(95)** The certificate holder shall inspect turbine blades on a regular basis for signs of wear or potential
8 failure. (App BB-1) [Amendment #5]
9

10 **(96)** The certificate holder shall make sure that all on-site employees receive annual fire prevention and
11 response training by a professional fire-safety training firm. The certificate holder shall prohibit
12 employees from smoking outside of company vehicles during dry summer months and shall
13 require employees to keep vehicles on roads and off dry grassland during the dry months unless
14 necessary for work purposes. The certificate holder shall not engage in welding, cutting, grinding
15 or other flame or spark-producing operations near the turbines. The certificate holder shall equip
16 each company vehicle on site with a fire extinguisher, water spray can, shovel, Emergency
17 Response procedures book and a two-way radio for immediate communications with the O&M
18 facility. The certificate holder shall have staff in the local area on call at all times to respond in case
19 of fire or other emergency. The certificate holder shall supply all local fire departments with maps
20 of and gate keys to the facility. (App B-12) [Amendment #5]
21

22 **VI. CONDITIONS ADDED BY AMENDMENT #1** [Amendment #1, #4] 23

24 The conditions listed in this section include conditions based on representations in the request
25 for Amendment #1 and supporting record. The Council deems these representations to be binding
26 commitments made by the applicant. These conditions are required under OAR 345-027-0020(10).
27 [Amendment #4]
28

29 Except as specifically noted, these conditions apply to all phases of the Stateline Wind Project. In
30 applying the conditions in this section, “certificate holder” means FPL Energy Vansycle, LLC with regard
31 to Stateline 1&2 and Vansycle II Wind, LLC with regard to Vansycle II. [Amendment #4, #7, and #8]
32

33 **1. General Conditions** 34

35 **(97)** This condition applies to Stateline 2 only. The certificate holder shall begin construction of
36 Stateline 2 within six months after the effective date of the First Amended Site Certificate. The
37 certificate holder shall complete construction of Stateline 2 before March 1, 2005. Under OAR 345-
38 027-0070, an amended site certificate is effective upon execution by the Council Chair and the
39 applicant. Completion of construction occurs upon the date commercial operation of Stateline 2
40 begins. The Council may grant an extension of the construction beginning or completion deadlines
41 in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for
42 extension is submitted. [Amendments #2, #4]
43

44 **(98)** [Condition removed by Amendment #4]
45

46 **(99)** Before any transfer of ownership of the facility or ownership of the site certificate holder, the
47 certificate holder shall inform the Department of the proposed new owners. The requirements of

OAR 345-027-0100 apply to any transfer of ownership that requires a transfer of the site certificate. (OAR 345-027-0020(15) [Amendment #4]

(100) 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 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department of Energy 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 a 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 OAR 345-027-0020(8) to restore the site to a useful, non-hazardous 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 shall pay any additional cost necessary to restore the site to a useful, non-hazardous condition. After completion of site restoration, the Council shall 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. (OAR 345-027-0020(16) [Amendment #4]

2. Conditions That Must Be Met Before Construction Begins

(101) This condition applies to Stateline 2 only. The certificate holder shall not engage in construction activities for Stateline 2 facilities, including the movement of heavy trucks and equipment, within a ¼-mile buffer around an identified ferruginous hawk nest tree during the sensitive period of the nesting season (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15 if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15 if the young are fledged. During the specified nesting season, the certificate holder may use the road into the site with vehicles that are one ton in capacity or smaller; conduct turbine, turbine tower, blade or met tower construction activities that are not visible above the horizon from the vantage point of the ferruginous hawk nest; and use the road one time to transport heavy equipment off the site. [Amendment #2, #4]

(102) [Condition removed by Amendment #4]

3. Conditions That Apply During Construction

(103) To minimize the risk of fire, the certificate holder shall:

- (a) Construct turbines, towers and pads of fire retardant materials.
- (b) Bury electrical cables.
- (c) Use enclosed, locked pad-mounted transformer structures.
- (d) Include built-in fire prevention measures in turbines.
- (e) Not store combustible materials at the Stateline site.

1 **(104)** This condition applies to Stateline 2 only. To mitigate for the permanent elimination of
2 approximately 1 acre of Category 3 and 4 habitat, the certificate holder shall enlarge the habitat
3 enhancement area described in Condition (67) by 1 acre. [Amendment #4]
4

5 **4. Conditions That Must Be Met During Operation**
6

7 **(105)** This condition applies to Stateline 2 only. The certificate holder shall enter into an agreement
8 with the landowner of a property identified as 84301 Stockman Road, Helix, Oregon, requiring that
9 the structure remain uninhabited during construction. The certificate holder shall continue the no-
10 occupation agreement until retirement of the facility unless the certificate holder demonstrates to
11 the satisfaction of the Department that the facility complies with the applicable noise control
12 regulations under OAR 340-035-0035. The certificate holder may demonstrate compliance with
13 the regulations as to the increase in ambient statistical noise levels by entering into a legally
14 effective easement or real covenant with the owner of the property identified as 84301 Stockman
15 Road, Helix, Oregon, pursuant to which the owner authorizes the certificate holder's operation of
16 the facility to increase ambient statistical noise levels L₁₀ and L₅₀ by more than 10 dBA at the
17 appropriate measurement point. A legally effective easement or real covenant shall: include a legal
18 description of the burdened property (the noise sensitive property); be recorded in the real
19 property records of the county; expressly benefit the certificate holder; expressly run with the land
20 and bind all future owners, lessees or holders of any interest in the burdened property; and not be
21 subject to revocation without the certificate holder's written approval. If such easement or real
22 covenant is not in effect, then the certificate holder shall demonstrate to the satisfaction of the
23 Department, based on modeling or measurements performed in compliance with OAR 340-035-
24 0035, that an easement or real covenant is not necessary to comply with those regulations.
25 [Amendment #3, #4].
26

27 **VII. CONDITIONS ADDED BY AMENDMENT #2** [Amendment #2, #4]
28

29 The conditions listed in this section include conditions based on representations in the request
30 for Amendment #2 and supporting record. The Council deems these representations to be binding
31 commitments made by the applicant. These conditions are required under OAR 345-027-0020(10).
32 These conditions apply to Vansycle II only. In applying the conditions in this section, "certificate holder"
33 means Vansycle II Wind, LLC. [Amendment #4, #7, and #8]
34

35 **1. General Conditions**
36

37 **(106)** The certificate holder shall begin construction of Vansycle II by October 1, 2009. The certificate
38 holder shall complete construction of Vansycle II before December 31, 2010. Under OAR 345-027-
39 0070, an amended site certificate is effective upon execution by the Council Chair and the
40 applicant. Completion of construction occurs upon the date commercial operation of Vansycle II
41 begins. The Council may grant an extension of the construction beginning or completion deadlines
42 in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for
43 extension is submitted. [Amendment #3, #4, #7]
44

45 **(107)** [Condition removed by Amendment #4]
46

- 1 **(108)** The certificate holder shall take reasonable steps to reduce or manage human exposure to
2 electromagnetic fields, including but not limited to:
3 (a) Designing and operating the transmission lines so that maximum current (amps per
4 conductor) would not exceed the following levels: For 34.5-kV underground lines, 560 amps
5 and for 230-kV transmission lines, 753 amps. [Amendment #4]
6 (b) Providing to landowners a map of underground and overhead transmission lines on their
7 property and advising landowners of possible health risks.
8

9 **2. Conditions That Must Be Met Before Construction Begins**
10

11 **(109)** Before beginning construction of facility modifications approved in the Final Order on
12 Amendment #6 and #7, the certificate holder shall submit to the State of Oregon through the
13 Council a bond or letter of credit in the amount described herein naming the State of Oregon,
14 acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit
15 amount for Vansycle II, with modifications approved in the Final Order on Amendment #6 and #7,
16 is \$6,906,000 million (in 4th Quarter 2021 dollars) to be adjusted to the date of issuance and
17 submitted within 60 days of execution of the Sixth Amended Site Certificate, and adjusted on an
18 annual basis thereafter, as described in sub-paragraph (a) of this Condition.

- 19 (a) The certificate holder may adjust the amount of the bond or letter of credit for Vansycle II,
20 with modifications approved in the Final Order on Amendment #6 and #7, by applying the
21 unit costs and general costs illustrated in Table 5 and Table 6 in the Final Order on
22 Amendment #6 and calculating the financial assurance amount as described in that order,
23 adjusted to the date of issuance as described in (b), subject to approval by the Department.
24 (b) Subject to approval by the Department, the certificate holder shall adjust the amount of the
25 bond or letter of credit on an annual basis using the following calculation:
26 (i) Adjust the Subtotal component of the initial bond or letter of credit amount (expressed in
27 4th Quarter 2021 dollars) to present value, using the U.S. Gross Domestic Product
28 Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of
29 Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor
30 agency (the "Index") and using the index value for 4th Quarter 2021 dollars and the
31 quarterly index value for the date of issuance of the new bond or letter of credit. If at
32 any time the Index is no longer published, the Council shall select a comparable
33 calculation to adjust 4th Quarter 2021 dollars to present value.
34 (ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to
35 determine the adjusted Gross Cost.
36 (iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and
37 project management costs, and 10 percent of the adjusted Gross Cost (ii) for the
38 adjusted future developments contingency, and 20 percent of the adjusted Gross Cost
39 (ii) for the adjusted future developments contingency for the battery storage system, if
40 constructed.
41 (iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the
42 adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the
43 adjusted financial assurance amount.
44 (c) The certificate holder shall use a form of bond or letter of credit approved by the Council.
45 (d) The certificate holder shall use an issuer of the bond or letter of credit approved by the
46 Council.
47 (e) The certificate holder shall describe the status of the bond or letter of credit in the annual
48 report submitted to the Council, as required by Condition 8.

1 (f) The bond or letter of credit shall not be subject to revocation or reduction before retirement
2 of Vansycle II.
3 [Amendment #4, #6, #7]
4

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

10 **(111)** [Condition removed by Amendment #4]
11

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

13

14 **(112)** Before beginning construction and after considering all micro-siting factors, the certificate holder
15 shall provide to the Department and to the Oregon Department of Fish and Wildlife (ODFW)
16 detailed maps of the facility site, showing the final design locations where the certificate holder
17 proposes to build facility components and the habitat categories of all areas that would be
18 affected during construction. In addition, the certificate holder shall provide a table showing the
19 acres of temporary and permanent habitat impact by habitat category and subtype, similar to
20 Table 8 in the Final Order on Amendment #4. In classifying the affected habitat into habitat
21 categories, the certificate holder shall consult with the ODFW. The certificate holder shall not
22 begin ground disturbance in an affected area until the habitat assessment has been approved by
23 the Department. The Department may employ a qualified contractor to confirm the habitat
24 assessment by on-site inspection. Based on the approved habitat assessment, the certificate
25 holder shall calculate the mitigation area requirement and shall carry out enhancement activities
26 as described in the *Vansycle II Habitat Mitigation Plan* included in the Final Order on Amendment
27 #4 as Attachment C and as revised from time to time. The certificate holder shall acquire the legal
28 right to create and maintain the enhancement area for the life of the facility by means of an
29 outright purchase, conservation easement or similar conveyance and shall provide a copy of the
30 documentation to the Department of Energy. The certificate holder shall determine the location of
31 this habitat enhancement area in consultation with ODFW and landowners. [Amendment #4, #7]
32

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

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

37 (b) Attach the 230-kV aboveground transmission lines to H-frame structures that consist of two
38 wooden poles connected by cross-members with a typical overall height of 61 feet and a
39 minimum design ground clearance of 25 feet to the lowest conductor as described in the
40 Request for Amendment #4.

41 (c) Design and construct the transmission lines so that:

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

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

45 [Amendment #4]
46

1 **(114)** To deter raptors from perching on transmission support structures near the wind turbines, the
2 certificate holder shall install anti-perching devices on all proposed support structures within one-
3 half mile of any turbine, unless the top of the support structure is below the base of the turbine
4 tower due to topography. Wherever feasible, the certificate holder shall use “spike-type” devices
5 instead of “triangle-type” devices. [Amendment #4]
6

7 **(115)** To protect raptors, the certificate holder shall design structures for 230-kV transmission lines to
8 conform to the guidelines of the Avian Power Line Interaction Committee so that electrical
9 conductors are spaced far enough apart to reduce the risk of bird electrocution. [Amendment #4]
10

11 **(116)** [Condition removed by Amendment #4]
12

13 **(117)** The certificate holder shall not engage in construction activities for Vansycle II facilities, including
14 the movement of heavy trucks and equipment, within a ¼-mile buffer around known ferruginous
15 hawk nests during the sensitive period of the nesting season from (March 20 to August 15), except
16 as provided in this condition. The certificate holder shall use a protocol approved by the Oregon
17 Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The
18 certificate holder may begin construction activities before August 15, if the nest is not occupied. If
19 the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine
20 when the young are fledged (independent of the core nest site). With the approval of ODFW, the
21 certificate holder may begin construction before August 15, if the young are fledged. [Amendment
22 #7]
23

24 **(118)** The certificate holder shall construct stream crossings substantially as described in the Final
25 Order on Amendment #4. In particular, the certificate holder shall not remove material from
26 waters of the state or add new fill material to waters of the state such that the total volume of
27 removal and fill exceeds 50 cubic yards for the project as a whole. [Amendment #4]
28

29 **4. Conditions That Must Be Met During Operation** 30

31 **(119)** The certificate holder shall perform frequent maintenance to keep the substation transformer in
32 good repair and in reliable operating condition.
33

34 **(120)** The certificate holder shall verify that the actual sound power level output of the wind turbines
35 constructed for Vansycle II meets the manufacturer’s warranty. This verification may consist of
36 field measurement or other means of verification satisfactory to the Department of Energy. The
37 certificate holder shall include the verification in the first annual report following construction of
38 any Vansycle II turbines. [Amendment #4, #7]
39

40 **VIII. CONDITIONS ADDED BY AMENDMENT #3** 41

42 **(121)** [Condition removed by Amendment #4]
43

44 **(122)** [Condition removed by Amendment #4]
45

46 **IX. CONDITIONS ADDED BY AMENDMENT #4** 47

1 Except as specifically noted, the conditions in this section apply to Vansycle II only. In applying
2 the conditions in this section, “certificate holder” means Vansycle II Wind, LLC. In applying the
3 conditions in this section, “certificate holder” means FPL Energy Vansycle, LLC with regard to Stateline
4 1&2 and Vansycle II Wind, LLC with regard to Vansycle II. [Amendment #4, #7 and #8]
5

6 **(123)** The certificate holder shall design and construct Vansycle II in compliance with the County design
7 requirements as described in Umatilla County Development Code Sections 152.010, 152.011,
8 152.015, 152.018, 152.063(E) and 152.616(HHH)(5)(F) in effect as of October 24, 2008.
9 [Amendment #4, #7]
10

11 **(124)** The certificate holder shall ensure that construction contractors use a transportation route
12 reviewed and approved by the Umatilla County Public Works Director for all oversized and heavy
13 load transport vehicles. [Amendment #4]
14

15 **(125)** The certificate holder shall record a Covenant Not to Sue with regard to generally accepted
16 farming practices as required by Umatilla County Development Code Section 152.616(HHH)(2)(E).
17 [Amendment #4]
18

19 **(126)** The certificate holder shall construct all Vansycle II components in compliance with the following
20 setback requirements:
21 (a) All facility components must be at least 3,520 feet from the property line of properties zoned
22 residential use or designated in the Umatilla County Comprehensive Plan as residential.
23 (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-
24 percent of maximum blade tip height, measured from the centerline of the turbine tower to
25 the nearest edge of any public road right-of-way. The certificate holder shall assume a
26 minimum right-of-way width of 60 feet.
27 (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320
28 feet, measured from the centerline of the turbine tower to the center of the nearest
29 residence existing at the time of tower construction.
30 (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-
31 percent of maximum blade tip height, measured from the centerline of the turbine tower to
32 the nearest boundary of the certificate holder’s lease area.
33 (e) The certificate holder shall not locate equipment associated with the temporary batch plant
34 within 50 feet of a public road, county road or utility right of way.
35 [Amendment #4, #7]
36

37 **(127)** The certificate holder shall deliver a copy of the annual report required under Condition 8 to the
38 Umatilla County Planning Commission on an annual basis unless specifically discontinued by the
39 County. [Amendment #4]
40

41 **(128)** During construction, the certificate holder shall position a 3,000-gallon water truck on-site while
42 personnel are present and actively working. [Amendment #4]
43

44 **(129)** During operation, the certificate holder shall discharge sanitary wastewater generated at the
45 Vansycle II O&M building to a licensed on-site septic system in compliance with county permit
46 requirements. The certificate holder shall locate the septic system more than 100 feet from any

1 streams, lakes or wetlands. The certificate holder shall design the septic system for a discharge
2 capacity of less than 2,500 gallons per day. [Amendment #4, #7]
3

4 **(130)** During operation, the certificate holder shall obtain water for on-site uses from a wells located at
5 the Vansycle II O&M building, subject to compliance with applicable permit requirements. The
6 certificate holder shall not use more than 5,000 gallons of water per day from the on-site well.
7 [Amendment #4]
8

9 **(131)** The certificate holder shall avoid permanent and temporary disturbance to all Category 1 and
10 Category 2 habitat within the Vansycle II site boundary. [Amendment #4, #7]
11

12 **(132)** Before beginning construction, the certificate holder shall conduct a site-specific geotechnical
13 investigation and shall report its findings to the Oregon Department of Geology & Mineral
14 Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical
15 investigation after consultation with DOGAMI and in general accordance with DOGAMI open file
16 report 00-04 "Guidelines for Engineering Geologic Reports and Site-Specific Seismic Hazard
17 Reports." [Amendment #4, #7]
18

19 **(133)** Before beginning construction, the certificate holder shall provide to the Department:

20 (a) Information that identifies the final design locations of all Vansycle II wind turbines to be
21 built.

22 (b) The maximum sound power level for the Vansycle II substation transformers and the
23 maximum sound power level and octave band data for the turbines selected for the
24 Vansycle II based on manufacturers' warranties or confirmed by other means acceptable to
25 the Department.

26 (c) The results of noise analysis of the facility, including the Vansycle II components to be built
27 according to the final design, performed in a manner consistent with the requirements of
28 OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the
29 Department that the total noise generated by the facility (including the noise from turbines
30 and substation transformers) would meet the ambient degradation test and maximum
31 allowable test at the appropriate measurement point for all potentially-affected noise
32 sensitive properties.

33 (d) For each noise-sensitive property where the certificate holder relies on a noise waiver to
34 demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(iii)(III), a copy of a
35 legally effective easement or real covenant pursuant to which the owner of the property
36 authorizes the certificate holder's operation of the facility to increase ambient statistical
37 noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. The
38 legally-effective easement or real covenant must: include a legal description of the
39 burdened property (the noise sensitive property); be recorded in the real property records
40 of the county; expressly benefit the certificate holder; expressly run with the land and bind
41 all future owners, lessees or holders of any interest in the burdened property; and not be
42 subject to revocation without the certificate holder's written approval.

43 [Amendment #4]
44

45 **(134)** During operation, the certificate holder shall maintain a complaint response system to address
46 noise complaints. The certificate holder shall promptly notify the Department of any complaints
47 received regarding facility noise and of any actions taken by the certificate holder to address those

1 complaints. In response to a complaint from the owner of a noise sensitive property regarding
2 noise levels during operation of the facility, the Council may require the certificate holder to
3 monitor and record the statistical noise levels to verify that the certificate holder is operating the
4 facility in compliance with the noise control regulations. [Amendment #4, #5]

5
6 **(135)** During construction, the certificate holder shall not install any transmission line support
7 structures within 800 feet of any active Swainson’s hawk nest identified in 2008 or later.
8 [Amendment #4]

9
10 **(136)** This condition applies to all phases of the Stateline Wind Project. When any third-party lien or
11 security interest in the facility’s wind turbines or turbine towers is created, the certificate holder
12 shall notify such third party in writing that the wind turbines and towers are components an
13 energy facility that is subject to the terms and conditions of a Site Certificate and subject to the
14 rules of the Oregon Energy Facility Siting Council. The certificate holder shall provide to the
15 Department a copy of each written notification required under this condition and the name and
16 contact information for each third party so notified. [Amendment #4]

17
18 **X. CONDITIONS APPLICABLE TO CHANGES APPROVED IN AMENDMENT #5, #6 AND #7 (Vansycle II)**

19
20 In accordance with ORS 469.300(6), preconstruction and construction conditions identified as
21 applicable to the facility modifications approved in the Final Order on Amendment #6 and #7 may be
22 satisfied, based on final design and configuration, of any given phase or facility component.

23
24 The conditions listed in this section are specific to the facility modifications approved in the Final
25 Order on Amendment #6 [Amendment #6] and Final Order on Amendment #7 [Amendment #7] solely
26 referred to as Vansycle II.

27
28 **(137)** The certificate holder shall construct the Vansycle II facility modifications, as approved in the
29 Final Orders on Amendment #6 and #7 and substantially as described in the amended site
30 certificate. Before beginning construction, the certificate holder shall provide to the Department
31 equipment specifications and a description of the wind turbine dimensions to demonstrate
32 compliance with this condition.
33 [Amendment #5, #6, #7]

34
35 **(138)** The certificate holder shall begin construction of the Vansycle II facility modifications, as
36 approved in the Final Order on Amendment #6 and #7, within three years after the effective
37 date of the amended site certificate [January 28, 2022]. The certificate holder shall notify the
38 Department when construction of the of the facility modifications, as approved in Request for
39 Amendment 6, commences. Under OAR 345-015-0085(8), the amended site certificate is
40 effective upon execution by the Council Chair and the certificate holder.
41 [Mandatory Condition OAR 345-025-0006(4); Amendment #5, #6, #7]

42
43 **(139)** The certificate holder shall complete construction of the Vansycle II facility modifications, as
44 approved in the Final Order on Amendment #6 and #7, within three years following the date of
45 construction commencement. The certificate holder shall promptly notify the Department of the
46 date of completion of construction of the Vansycle II facility modifications, as approved in the
47 Final Order on Amendment #6 and #7.

1 [Mandatory Condition OAR 345-025-0006(4); Amendment #5, #6, #7]
2

3 **(140)** For the facility modifications approved in the Final Order on Amendment #6 and #7, the
4 certificate holder shall:

- 5 (a) Prior to construction, provide the Department with the turbine foundation suitability
6 analysis, applicable to the 43 existing wind turbines, if repowered. An annual operational
7 inspection schedule and the results of the foundation suitability analysis, including any
8 necessary mitigation and/or remediation measures, shall be incorporated into an inspection
9 and maintenance plan, to then be implemented as part of facility operations. The plan shall
10 be provided to the Department for review and approval, in consultation with DOGAMI or a
11 third-party consultant.
12 (b) During operation of repowered wind turbines, adhere to the remediation, inspection and
13 monitoring requirements established in the approved plan per (a). Monitoring
14 documentation shall be provided to the Department in the annual report per OAR 345-026-
15 0080(1).
16 (c) If any mitigation or remediation is required per(a) of this condition, prior to the repower or
17 during repowered operations, submit in amendment determination request to the
18 Department per OAR 345-027-0357(2).
19 [Amendment #5, #6, #7]
20

21 **(141)** Prior to construction of facility modifications approved in the Final Order on Amendment #6 and
22 #7, the certificate holder shall:

- 23 (a) Provide the Department maps and tabular data demonstrating that the final design of new,
24 replacement and repowered wind turbines comply with the setback requirements to county
25 road rights of way pursuant to UCDC Section 152.616(HHH)(6)(a)(4), or that the certificate
26 holder has relocated or adjusted the county road right of way. Wind turbines not meeting the
27 setback requirements from county road rights-of-way are precluded from increasing the
28 maximum blade tip height from 440 to 499 feet through repower activities.
29 (b) If the certificate has relocated or adjusted a county road right of way, the certificate holder
30 shall provide to the Department written verification from Umatilla County that confirms the
31 county road rights of way have been adjusted.
32 [Amendment #5, #6, #7]
33

34 **(142)** During construction of Vansycle II facility modifications, as approved in the Final Order on
35 Amendment #6 and #7, the certificate holder shall:

- 36 (a) Ensure all construction personnel receive environmental awareness training from a qualified
37 professional on cultural resources and the inadvertent discovery protocols of the Inadvertent
38 Discovery Plan.
39 (b) Implement and adhere to Inadvertent Discovery Plan measures previously approved in
40 Condition 75 in the event previously unidentified cultural resources are encountered, as
41 referenced in (i) – (iv) of this condition.
42 (i) The Inadvertent Discovery Plan shall establish that earth-disturbing activities be halted in
43 the immediate vicinity of the find, in accordance with Oregon state law (ORS 97.745 and
44 358.920).
45 (ii) Within 24-hours of the find, the certificate holder shall notify the Department, SHPO and
46 the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).
47 (iii) The certificate holder shall have a qualified archaeologist evaluate the discovery and
48 recommend subsequent courses of action in consultation with the CTUIR and the SHPO.

1 If human remains are discovered, the certificate holder shall halt all construction
2 activities in the immediate area and shall notify the Department, SHPO, CTUIR, the
3 County Medical Examiner and the State Police.
4 [Amendment #5, #6, #7]
5

6 **(143)** During construction of the Vansycle II facility modifications, as approved in the Final Order on
7 Amendment #6 and #7, the certificate holder shall:

- 8 (a) Provide notice to adjacent landowners when repowering takes place to help minimize
9 access disruptions;
- 10 (b) Provide proper road signs and warnings, including "Oversized Load," "Truck Access," or
11 "Road Crossings;"
- 12 (c) Implement traffic diversion equipment, such as advance signs and pilot cars whenever
13 possible when slow or oversized loads are being hauled;
- 14 (d) Encourage carpooling for the workforce to reduce traffic volume;
- 15 (e) Employ flag persons as necessary to direct traffic when large equipment is exiting or
16 entering public roads to minimize risk of accidents; and
- 17 (f) Maintain at least one travel lane so that roadways will not be closed to traffic because of
18 vehicles entering or exiting public roads.

19 [Amendment #5, #6, #7]
20

21 **(144)** For facility modifications approved in the Final Order on Amendment #6 and #7, the certificate
22 holder shall:

- 23 (a) Prior to construction, provide evidence/documentation to the Department of consideration
24 and selection of a recycling facility capable and licensed to receive and process wind turbine
25 parts. The evidence/documentation shall include the total quantity (in tons) of
26 decommissioned wind turbine parts and the amount to be recycled based on contractual
27 agreement with a third-party or recycling facility.
- 28 (b) During construction, the certificate holder shall ensure its third-party contractors reuse or
29 recycle wind turbine blades, hubs and other removed wind turbine components to the
30 extent practicable. The certificate holder shall demonstrate that the recycling or disposal
31 facility selected to receive turbine parts is qualified and approved by an applicable
32 regulatory agency. The certificate holder shall report in its semi-annual report to the
33 Department the quantities of removed wind turbine components recycled, reused, sold for
34 scrap, and disposed of in a landfill. [Amendment #5, #6, #7]
35

36 **(145)** Prior to construction of facility modifications approved in the Final Order on Amendment #6 and
37 #7, the certificate holder shall submit a Notice of Proposed Construction or Alteration to the
38 Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the
39 change in maximum blade tip height of the wind turbines to be repowered. Determination of No
40 Hazards or other comments from FAA or Oregon Department of Aviation shall be provided to the
41 Department.

42 [Amendment #5, #6, #7]
43

44 **(146)** For the Vansycle II facility modifications, as approved in Final Order on Amendment #6 and #7,
45 the certificate holder shall:

- 46 (a) During design, select temporary staging areas based on a location with minimal noise impacts
47 and proximity to noise sensitive receptors.

1 (b) Prior to construction, provide notice to landowners within 1-mile of the site boundary to
2 inform of the construction start date, duration and description of activities and noise levels.
3 The notice shall include the name and phone number of the certificate holder's
4 representative which can be contacted to record construction-related noise complaints.
5 [Amendment #5, #6, #7]
6

7 **(147)** Prior to construction of Vansycle II facility modifications, as approved in the Final Order on
8 Amendment #6 and #7, the certificate holder shall provide to the Department:

- 9 (a) Information that identifies the as-built locations of all Vansycle II wind turbines.
10 (b) The maximum sound power level for the existing Vansycle II substation transformers and the
11 maximum sound power level and octave band data for the repowered Vansycle II wind based
12 on manufacturers' warranties or confirmed by other means acceptable to the Department.
13 (c) The results of noise analysis for the Vansycle II facility modifications, as approved in the Final
14 Order on Amendment #6, performed in a manner consistent with the requirements of OAR
15 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department
16 that the total noise generated (including the noise from repowered wind turbines and
17 existing substation transformers) would meet the ambient degradation test and maximum
18 allowable test at the appropriate measurement point for all potentially-affected noise
19 sensitive properties.
20 (d) For each noise-sensitive property where the certificate holder relies on a noise waiver to
21 demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(iii)(III), a copy of a
22 legally effective easement or real covenant pursuant to which the owner of the property
23 authorizes the certificate holder's operation of the facility to increase ambient statistical
24 noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. The
25 legally-effective easement or real covenant must: include a legal description of the burdened
26 property (the noise sensitive property); be recorded in the real property records of the
27 county; expressly benefit the certificate holder; expressly run with the land and bind all
28 future owners, lessees or holders of any interest in the burdened property; and not be
29 subject to revocation without the certificate holder's written approval.

30 [Amendment #5, #6, #7]
31

32 **(148)** During construction, operation, and retirement of the facility modifications approved in the Final
33 Order on Amendment #6, the certificate holder shall contractually require its third-party
34 contractor used to transport and dispose battery and battery waste to comply with all applicable
35 federal regulations and manufacturer recommendations related to the transport and handling of
36 battery related waste.

37 [Amendment #6, #7]
38

39 **(149)** For the Vansycle II facility modifications, as approved in the Final Order on Amendment #6 and
40 #7, the certificate holder shall:

- 41 (a) Provide to the Department a list of federal, state and local permits, including any third-party
42 permits related to facility siting; and a schedule for obtaining identified permits.
43 (b) Once obtained, provide copies of all permits, including third-party permits, required for
44 facility siting to the Department.

45 [Amendment #6, #7]
46

- 1 **(150)** For the Vansycle II facility modifications approved in the Final Order on Amendment #6 and
2 #7 that would result in ground-disturbance, the certificate holder shall:
3 (a) Prior to construction, provide a schedule to the Department that demonstrates ground-
4 disturbing activities are scheduled to avoid the rainy season (Spring), to the extent feasible.
5 (b) Prior to construction, ensure its contractors have contractually agreed to routinely check and
6 maintain tire pressure for all equipment used during construction activities.
7 (c) During construction, ensure contractors are regularly checking and maintaining tire pressure
8 of construction equipment prior to use.
9 (d) During construction, ensure contractors are minimizing compaction by limiting daily trips,
10 using established tracks and disturbance areas, and taking measures to limit unnecessary
11 trips and disturbance.

12 [Amendment #6, #7]
13

- 14 **(151)** Prior to construction of the Vansycle II facility modifications approved in the Final Order on
15 Amendment #6 and #7, the certificate holder shall develop and submit a Soil Reclamation Plan
16 specific to temporary disturbance areas, used to inform the final assessment of soil erosion and
17 compaction impact potential, and reclamation measures. The Soil Reclamation Plan shall be
18 incorporated and implemented as part of the Final Revegetation Plan (Condition 65).
19 (a) The Soil Reclamation Plan shall include updated soil classification maps with descriptions of
20 soils impacted and may consider information including but not limited to: (1) key soil
21 properties related to soil productivity such as bulk density, K-factor, the thickness and
22 organic carbon of the A and B horizons, porosity, permeability, and water-holding capacity of
23 the soils within disturbance areas; (2) existing vegetation cover type/invasive dominated
24 areas based on literature review and preconstruction field surveys; (3) historic and current
25 land use; and (4) seasonal precipitation conditions.
26 (b) Based on the soil productivity information provided in (a), the certificate holder shall develop
27 quantitative reclamation criteria that will be used to measure successful reclamation of
28 disturbed soils.
29 (c) The Soil Reclamation Plan must be submitted to the Department for review and approval, in
30 consultation with Umatilla Soil and Water Conservation District Oregon Department of
31 Agriculture, Natural Resource Conservation Service or a third-party consultant with expertise
32 in soils.

33 [Amendment #6, #7]
34

- 35 **(152)** For facility components approved in the Final Order on Amendment #6 and #7, the certificate
36 holder shall:
37 (a) Provide evidence to the Department of receipt of an amended conditional use permit from
38 the Umatilla County Planning Department for new wind turbines, changes to access roads
39 and/or access points, if constructed.
40 (b) Obtain a zoning permit, per affected tax lot, for any new or modified structure in accordance
41 with UCDC 152.025.

42 [Amendment #6, #7]
43

- 44 **(153)** The certificate holder shall develop emergency response plans per (a) and (b) in consultation with
45 local emergency and fire service providers and shall establish whether mutual aid agreements are
46 necessary to provide adequate services during construction and operation:

- 1 (a) Prior to and during construction of the facility modifications approved in the Final Order on
2 Amendment #6 and #7, as applicable, the certificate holder shall notify and provide copies of
3 the final health and safety plans and/or emergency response plans to be implemented during
4 construction activities to the Umatilla County Planning Department and the Department.
5 (b) Prior to and during operation of the facility modifications approved in the Final Order on
6 Amendment #6 and #7, as applicable, the certificate holder shall notify and provide copies of
7 the final Emergency Action Plan to be implemented during operations to the Umatilla County
8 Planning Department and the Department.
9 [Amendment #6, #7]

10
11 **(154)** Prior to construction of facility modifications approved in the Final Order on Amendment #6 and
12 #7, the certificate holder shall provide to the Department and Umatilla County Planning
13 Department final design/layout maps and GIS data demonstrating compliance of any new wind
14 turbines with the 2-mile rural residential setback, based on the UCDC 152.616(a)(3) definition of
15 rural residence. The certificate holder shall also provide in tabular format turbine identification
16 numbers and distance from nearest rural residence for any new turbines, as applicable, based on
17 final design.
18 [Amendment #6, #7]

19
20 **(155)** Prior to construction of the facility modifications approved in the Final Order on Amendment #6
21 and #7, the certificate holder shall provide to the Department evidence of landowner
22 consultation for properties to be impacted by temporary and permanent disturbance.
23 Consultation shall demonstrate that the certificate holder sought landowner input on extent and
24 timing of disturbance and considered, to the maximum extent feasible from a technological and
25 engineering perspective, methods to minimize unnecessary disturbance from construction and
26 operation. The certificate holder shall provide a final design map of facility components approved
27 in the Final Order on Amendment #6 and #7 and shall promptly notify the Department of any
28 changes in design that would impact any disturbance minimization measures identified after
29 landowner consultation.
30 [Amendment #6, #7]

31
32 **(156)** For facility modifications approved in the Final Order on Amendment #6, the certificate holder
33 shall:
34 (a) Prior to construction submit to the Department, a Noxious Weed Control Plan. The certificate
35 holder shall submit the plan to the Department for review and approval, in consultation with
36 the weed control board of Umatilla County. The Noxious Weed Control Plan shall include, as
37 pertinent, but not be limited to, identification of county-listed weeds of economic concern,
38 methods for evaluating weeds within impact area, results of weed assessment, and control
39 methods specific to weed control and timing, agency consultation protocol, and process for
40 evaluating success of weed control.
41 (b) During both construction and operation, adhere to the requirements of the Noxious Weed
42 Control Plan approved per (a).
43 (c) During construction and operation, report on the results of implementation and monitoring
44 of noxious weed control to the Department in the semi-annual and annual reports required
45 per OAR 345-026-0080.
46 [Amendment #6, #7]

1 **(157)** During ground-disturbance activities associated with the facility modifications approved in the
2 Final Order on Amendment #6 and #7, located within 30 meters of site 35UM 000343, the
3 certificate holder shall conduct monitoring by a qualified cultural resource expert, unless the site
4 is concurred by SHPO to be not likely NRHP-eligible. If additional archeological resources are
5 identified during ground disturbing activities within 30 meters of site 35UM 000343, the
6 certificate holder shall conduct stop-work, reporting and response procedures in accordance with
7 its Inadvertent Discovery Plan.
8 [Amendment #6, #7]
9

10 **(158)** Prior to construction of facility modifications approved in the Final Order on Amendment #6 and
11 #7, the certificate holder shall provide to the Department a copy of an agreement or similar
12 conveyance with a water service provider demonstrating agreement of water usage and service
13 at the site. Certificate holder shall provide documentation that the water provider has a valid
14 water right which allows for municipal water use within the place of use of the facility.
15 [Amendment #6, #7]
16

17 **XI. SUCCESSORS AND ASSIGNS**

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

20 **XII. SEVERABILITY AND CONSTRUCTION**

21
22 If any provision of this agreement and certificate is declared by a court to be illegal or in conflict
23 with any law, the validity of the remaining terms and conditions shall not be affected, and the rights and
24 obligations of the parties shall be construed and enforced as if the agreement and certificate did not
25 contain the particular provision held to be invalid. In the event of a conflict between the conditions
26 contained in the amended site certificate and the Council's Final Order on the Application, or the Final
27 Orders on Amendment #1, #2, #3, #4, #5, #6, #7 or #8 the conditions contained in this amended site
28 certificate shall control. [Amendment #1, #5, #6, #7, #8]
29

30 **XIII. GOVERNING LAW AND FORUM**

31
32 This site certificate shall be governed by the laws of the State of Oregon. Any litigation or
33 arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.

1 **XIV. EXECUTION**

2
3
4
5
6
7
8
9

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 representatives of the certificate holders. [Amendment #1]

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


ENERGY FACILITY SITING COUNCIL

By: 
Marcia L. Grail (Dec 19, 2022 08:43 PST)

Marcia L. Grail, Chair

Date: 19-Dec-2022


FPL ENERGY VANSYCLE LLC

By: 
Anthony Pedroni (Dec 19, 2022 10:50 EST)

Print: Anthony Pedroni

Date: 19-Dec-2022

VANSYCLE II WIND, LLC

By: 
Anthony Pedroni (Dec 19, 2022 10:50 EST)

Print: Anthony Pedroni

Date: 19-Dec-2022











SWPAMD8 Eighth Amended Site Certificate 2022-12-16

Final Audit Report

2022-12-19

Created:	2022-12-19
By:	Energy Siting (Energy.Siting@Oregon.gov)
Status:	Signed
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Signature Date: 2022-12-19 - 4:43:17 PM GMT - Time Source: server- IP address: 107.77.205.48
-  Agreement completed.
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