

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

**Site Certificate
for the
Leaning Juniper IIB Wind Power Facility**

June 21, 2013

The Oregon Energy Facility Siting Council

SITE CERTIFICATE

FOR THE LEANING JUNIPER IIB WIND POWER FACILITY

I. INTRODUCTION

1 The Oregon Energy Facility Siting Council (Council) issues this site certificate for the
2 Leaning Juniper IIB Wind Power Facility (the facility) in the manner authorized under ORS
3 Chapter 469. This site certificate is a binding agreement between the State of Oregon (State),
4 acting through the Council, and Leaning Juniper Wind Power II LLC (certificate holder)
5 authorizing the certificate holder to construct and operate the facility in Gilliam County,
6 Oregon. [Amendment #2 (LJF)]

7 The findings of fact, reasoning and conclusions of law underlying the terms and
8 conditions of this site certificate are set forth in the following documents, incorporated herein
9 by this reference: (a) the Council's *Final Order on the Application* for the facility issued on
10 September 21, 2007, (b) the Council's *Final Order on Amendment #1 for LJF*, and (c) the
11 Council's *Final Order on Amendment #2 for LJF*. In interpreting this site certificate, any
12 ambiguity will be clarified by reference to the following, in order of priority: (1) this Site
13 Certificate, (2) the *Final Order on Amendment #2 for LJF*, (3) the *Final Order on Amendment #1*
14 *for LJF*, (4) the *Final Order on the Application for LJF*, and (5) the record of the proceedings that
15 led to the Final Orders on the Application, Amendment #1, and Amendment #2 for LJF.
16 [Amendment #2 (LJF)]

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

19 II. SITE CERTIFICATION

- 20 1. To the extent authorized by state law and subject to the conditions set forth herein, the
21 State authorizes the certificate holder to construct, operate and retire a wind energy
22 facility, together with certain related or supporting facilities, at the site in Gilliam County,
23 Oregon, as described in Section III of this site certificate. ORS 469.401(1).
- 24 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules
25 in effect on the date that termination is sought or until the site certificate is revoked under
26 ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that
27 revocation is ordered. ORS 469.401(1).
- 28 3. This site certificate does not address, and is not binding with respect to, matters that were
29 not addressed in the Council's Final Orders on the Application and Amendment #1 for LJF
30 and Amendment #2 for LJF. Such matters include, but are not limited to: building code
31 compliance, wage, hour and other labor regulations, local government fees and charges
32 and other design or operational issues that do not relate to siting the facility (ORS
33 469.401(4)) and permits issued under statutes and rules for which the decision on
34 compliance has been delegated by the federal government to a state agency other than
35 the Council. 469.503(3). [Amendment #2 (LJF)]

- 1 4. Both the State and the certificate holder shall abide by local ordinances, state law and the
2 rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In
3 addition, upon a clear showing of a significant threat to public health, safety or the
4 environment that requires application of later-adopted laws or rules, the Council may
5 require compliance with such later-adopted laws or rules. ORS 469.401(2).
- 6 5. For a permit, license or other approval addressed in and governed by this site certificate,
7 the certificate holder shall comply with applicable state and federal laws adopted in the
8 future to the extent that such compliance is required under the respective state agency
9 statutes and rules. ORS 469.401(2).
- 10 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities
11 and political subdivisions in Oregon as to the approval of the site and the construction,
12 operation and retirement of the facility as to matters that are addressed in and governed
13 by this site certificate. ORS 469.401(3).
- 14 7. Each affected state agency, county, city and political subdivision in Oregon with authority
15 to issue a permit, license or other approval addressed in or governed by this site certificate
16 shall, upon submission of the proper application and payment of the proper fees, but
17 without hearings or other proceedings, issue such permit, license or other approval subject
18 only to conditions set forth in this site certificate. ORS 469.401(3).
- 19 8. After issuance of this site certificate, each state agency or local government agency that
20 issues a permit, license or other approval for the facility shall continue to exercise
21 enforcement authority over such permit, license or other approval. ORS 469.401(3).
- 22 9. After issuance of this site certificate, the Council shall have continuing authority over the
23 site and may inspect, or direct the Oregon Department of Energy (Department) to inspect,
24 or request another state agency or local government to inspect, the site at any time in
25 order to ensure that the facility is being operated consistently with the terms and
26 conditions of this site certificate. ORS 469.430.

III. DESCRIPTION

27 1. The Facility

28 (a) The Energy Facility

29 The energy facility is an operating electric power generating plant with an average
30 electric generating capacity of approximately 37 megawatts and a peak generating capacity of
31 not more than 111 megawatts that produces power from wind energy. The facility consists of
32 not more than 74 wind turbines. The maximum peak generating capacity of each turbine is not
33 more than 1.5 megawatts. The energy facility is described further in the Final Orders on the
34 Application and Amendment #1 for the LJF. [Amendment #2 (LJF)]

35 (b) Related or Supporting Facilities

36 The facility includes the following related or supporting facilities described below and in
37 greater detail in the Final Order on Amendment #2 for LJF:

- 1 • Power collection system
- 2 • Substations and interconnection system
- 3 • Meteorological towers
- 4 • Operations and maintenance facilities
- 5 • Control system
- 6 • Access roads
- 7 • [deleted Amendment #2(LJF)]

8 **Power Collection System**

9 A power collection system operating at 34.5 kilovolts (kV) transports power from each
10 turbine to a collector substation. To the extent practicable, the collection system is installed
11 underground at a depth of at least three feet. Not more than 30 percent of the collector system
12 is installed aboveground.

13 **Substations and Interconnection System**

14 The facility includes a centrally located collector substation located near the turbines.
15 An above ground 230-kV transmission line carries the power from the substation to the
16 Bonneville Power Administration (BPA) Jones Canyon Switching Station and an interconnection
17 with the regional transmission grid through BPA's McNary-Santiam 230-kV transmission line.
18 [Amendment #2 (LJF)]

19 **Meteorological Towers**

20 The facility includes two permanent meteorological (met) towers. The met towers are
21 non-guyed steel towers approximately 80 meters in height. [Amendment #2 (LJF)]

22 **Operations and Maintenance Facilities**

23 The facility includes one ~~or two~~ operations and maintenance (O&M) buildings with
24 approximately 1.5 acres of fenced, graveled parking and storage area adjacent to each building.
25 [Amendment #2 (LJF)]

26 **Control System**

27 A fiber optic communications network links the wind turbines to a central computer at
28 the O&M buildings. A "supervisory, control and data acquisition" (SCADA) system collects
29 operating and performance data from each wind turbine and from the project as a whole and
30 allows remote operation of the wind turbines.

31 **Access Roads**

32 The facility includes access roads to provide access to the turbine strings.

33 **Temporary Construction Areas**

34 [Deleted Amendment #2 (LJF)]

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

2 The facility is located southwest of Arlington, in Gilliam County, Oregon. The site is in
3 Townships 1 and 2 North and Ranges 21 and 22 East. The facility is located on land subject to
4 lease agreements with landowners. [Amendment #2 (LJF)]

5 **IV. CONDITIONS REQUIRED BY COUNCIL RULES**

6 This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in
7 Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028
8 (Monitoring Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules
9 for Facilities). These conditions should be read together with the specific facility conditions
10 listed in Section V to ensure compliance with the siting standards of OAR Chapter 345, Divisions
11 22 and 24, and to protect the public health and safety. In these conditions, "Office of Energy"
12 means the Oregon Department of Energy, and the other definitions in OAR 345-001-0010 apply.

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

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

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

33 1 **OAR 345-027-0020(1)**: The Council shall not change the conditions of the site certificate
34 except as provided for in OAR Chapter 345, Division 27.

35 2 **OAR 345-027-0020(2)**: The certificate holder shall submit a legal description of the site to
36 the Department of Energy within 90 days after beginning operation of the facility. The legal
37 description required by this rule means a description of metes and bounds or a description
38 of the site by reference to a map and geographic data that clearly and specifically identifies
39 the outer boundaries that contain all parts of the facility.

- 1 3 OAR 345-027-0020(3): The certificate holder shall design, construct, operate and retire the
2 facility:
- 3 (a) Substantially as described in the site certificate;
- 4 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules,
5 and applicable state and local laws, rules and ordinances in effect at the time the site
6 certificate is issued; and
- 7 (c) In compliance with all applicable permit requirements of other state agencies.
- 8 4 OAR 345-027-0020(4): The certificate holder shall begin and complete construction of the
9 facility by the dates specified in the site certificate. (*See conditions 25 and 26.*)
- 10 5 OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise allowed for
11 wind energy facilities, transmission lines or pipelines under this section, the certificate
12 holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing
13 on any part of the site until the certificate holder has construction rights on all parts of the
14 site. For the purpose of this rule, "construction rights" means the legal right to engage in
15 construction activities. For wind energy facilities, transmission lines or pipelines, if the
16 certificate holder does not have construction rights on all parts of the site, the certificate
17 holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a
18 clearing on a part of the site if the certificate holder has construction rights on that part of
19 the site and:
- 20 (a) The certificate holder would construct and operate part of the facility on that part
21 of the site even if a change in the planned route of a transmission line or pipeline occurs
22 during the certificate holder's negotiations to acquire construction rights on another part
23 of the site; or
- 24 (b) The certificate holder would construct and operate part of a wind energy facility on
25 that part of the site even if other parts of the facility were modified by amendment of the
26 site certificate or were not built.
- 27 6 OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative finding
28 under any standards of Division 22 or Division 24 of this chapter, the certificate holder
29 shall consult with affected state agencies and local governments designated by the Council
30 and shall develop specific mitigation plans consistent with Council findings under the
31 relevant standards. The certificate holder must submit the mitigation plans to the Office
32 and receive Office approval before beginning construction or, as appropriate, operation of
33 the facility.
- 34 7 OAR 345-027-0020(7): The certificate holder shall prevent the development of any
35 conditions on the site that would preclude restoration of the site to a useful, non-
36 hazardous condition to the extent that prevention of such site conditions is within the
37 control of the certificate holder.
- 38 8 OAR 345-027-0020(8): Before beginning construction of the facility, the certificate holder
39 shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form
40 and amount satisfactory to the Council to restore the site to a useful, non-hazardous
41 condition. The certificate holder shall maintain a bond or letter of credit in effect at all
42 times until the facility has been retired. The Council may specify different amounts for the

- 1 bond or letter of credit during construction and during operation of the facility. (See
2 *Condition 30.*)
- 3 9 OAR 345-027-0020(9): The certificate holder shall retire the facility if the certificate holder
4 permanently ceases construction or operation of the facility. The certificate holder shall
5 retire the facility according to a final retirement plan approved by the Council, as described
6 in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a
7 useful, non-hazardous condition at the time of retirement, notwithstanding the Council's
8 approval in the site certificate of an estimated amount required to restore the site.
- 9 10 OAR 345-027-0020(10): The Council shall include as conditions in the site certificate all
10 representations in the site certificate application and supporting record the Council deems
11 to be binding commitments made by the applicant.
- 12 11 OAR 345-027-0020(11): Upon completion of construction, the certificate holder shall
13 restore vegetation to the extent practicable and shall landscape all areas disturbed by
14 construction in a manner compatible with the surroundings and proposed use. Upon
15 completion of construction, the certificate holder shall remove all temporary structures not
16 required for facility operation and dispose of all timber, brush, refuse and flammable or
17 combustible material resulting from clearing of land and construction of the facility.
- 18 12 OAR 345-027-0020(12): The certificate holder shall design, engineer and construct the
19 facility to avoid dangers to human safety presented by seismic hazards affecting the site
20 that are expected to result from all maximum probable seismic events. As used in this rule
21 "seismic hazard" includes ground shaking, landslide, liquefaction, lateral spreading,
22 tsunami inundation, fault displacement and subsidence.
- 23 13 OAR 345-027-0020(13): The certificate holder shall notify the Department, the State
24 Building Codes Division and the Department of Geology and Mineral Industries promptly if
25 site investigations or trenching reveal that conditions in the foundation rocks differ
26 significantly from those described in the application for a site certificate. After the
27 Department receives the notice, the Council may require the certificate holder to consult
28 with the Department of Geology and Mineral Industries and the Building Codes Division
29 and to propose mitigation actions.
- 30 14 OAR 345-027-0020(14): The certificate holder shall notify the Department, the State
31 Building Codes Division and the Department of Geology and Mineral Industries promptly if
32 shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity
33 of the site.
- 34 15 OAR 345-027-0020(15): Before any transfer of ownership of the facility or ownership of the
35 site certificate holder, the certificate holder shall inform the Department of the proposed
36 new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership
37 that requires a transfer of the site certificate
- 38 16 OAR 345-027-0020(16): If the Council finds that the certificate holder has permanently
39 ceased construction or operation of the facility without retiring the facility according to a
40 final retirement plan approved by the Council, as described in OAR 345-027-0110, the

1 Council shall notify the certificate holder and request that the certificate holder submit a
2 proposed final retirement plan to the Office within a reasonable time not to exceed 90
3 days. If the certificate holder does not submit a proposed final retirement plan by the
4 specified date, the Council may direct the Department to prepare a proposed a final
5 retirement plan for the Council's approval. Upon the Council's approval of the final
6 retirement plan, the Council may draw on the bond or letter of credit described in section
7 (8) to restore the site to a useful, non-hazardous condition according to the final
8 retirement plan, in addition to any penalties the Council may impose under OAR Chapter
9 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the
10 actual cost of retirement, the certificate holder shall pay any additional cost necessary to
11 restore the site to a useful, non-hazardous condition. After completion of site restoration,
12 the Council shall issue an order to terminate the site certificate if the Council finds that the
13 facility has been retired according to the approved final retirement plan.

14 17 OAR 345-027-0023(4): If the facility includes any transmission line under Council
15 jurisdiction:

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

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

23 18 OAR 345-027-0023(5): If the proposed energy facility is a pipeline or a transmission line or
24 has, as a related or supporting facility, a pipeline or transmission line, the Council shall
25 specify an approved corridor in the site certificate and shall allow the certificate holder to
26 construct the pipeline or transmission line anywhere within the corridor, subject to the
27 conditions of the site certificate. If the applicant has analyzed more than one corridor in its
28 application for a site certificate, the Council may, subject to the Council's standards,
29 approve more than one corridor.

30 19 OAR 345-027-0028: The following general monitoring conditions apply:

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

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

41 (c) For each monitoring program described in sections (1) and (2), the certificate
42 holder shall have quality assurance measures approved by the Department before
43 beginning construction or, as appropriate, before beginning commercial operation.

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

5 20 OAR 345-026-0048: Following receipt of a site certificate or an amended site certificate,
6 the certificate holder shall implement a plan that verifies compliance with all site certificate
7 terms and conditions and applicable statutes and rules. As a part of the compliance plan, to
8 verify compliance with the requirement to begin construction by the date specified in the
9 site certificate, the certificate holder shall report promptly to the Department of Energy
10 when construction begins. Construction is defined in OAR 345-001-0010. In reporting the
11 beginning of construction, the certificate holder shall describe all work on the site
12 performed before beginning construction, including work performed before the Council
13 issued the site certificate, and shall state the cost of that work. For the purpose of this
14 exhibit, "work on the site" means any work within a site or corridor, other than surveying,
15 exploration or other activities to define or characterize the site or corridor. The certificate
16 holder shall document the compliance plan and maintain it for inspection by the
17 Department or the Council.

18 21 OAR 345-026-0080: The certificate holder shall report according to the following
19 requirements:

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

21 (i) Within six months after beginning construction, and every six months
22 thereafter during construction of the energy facility and related or supporting facilities,
23 the certificate holder shall submit a semiannual construction progress report to the
24 Department of Energy. In each construction progress report, the certificate holder shall
25 describe any significant changes to major milestones for construction. The certificate
26 holder shall include such information related to construction as specified in the site
27 certificate. When the reporting date coincides, the certificate holder may include the
28 construction progress report within the annual report described in this rule.

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

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

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

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

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

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

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

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

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

17 (v) Monitoring Report: A list and description of all significant monitoring and
18 mitigation activities performed during the previous year in accordance with site
19 certificate terms and conditions, a summary of the results of those activities and a
20 discussion of any significant changes to any monitoring or mitigation program, including
21 the reason for any such changes.

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

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

29 (viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities
30 that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of
31 operation of the carbon dioxide emitting equipment as described in OAR 345-024-
32 0630(4).

33 22 OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange
34 copies of all correspondence or summaries of correspondence related to compliance with
35 statutes, rules and local ordinances on which the Council determined compliance, except
36 for material withheld from public disclosure under state or federal law or under Council
37 rules. The certificate holder may submit abstracts of reports in place of full reports;
38 however, the certificate holder shall provide full copies of abstracted reports and any
39 summarized correspondence at the request of the Department.

40 23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72
41 hours of any occurrence involving the facility if:

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

- 1 (b) A natural event such as an earthquake, flood, tsunami or tornado, or a human-
2 caused event such as a fire or explosion affects or threatens to affect the public health and
3 safety or the environment; or
4 (c) There is any fatal injury at the facility.

V. SPECIFIC FACILITY CONDITIONS

5 The conditions listed in this section include conditions based on representations in the
6 site certificate application and supporting record. The Council deems these representations to
7 be binding commitments made by the applicant. These conditions are required under OAR 345-
8 027-0020(10). The certificate holder must comply with these conditions in addition to the
9 conditions listed in Section IV. This section includes other specific facility conditions the Council
10 finds necessary to ensure compliance with the siting standards of OAR Chapter 345, Divisions
11 22 and 24, and to protect public health and safety. For conditions that require subsequent
12 review and approval of a future action, ORS 469.402 authorizes the Council to delegate the
13 future review and approval to the Department if, in the Council's discretion, the delegation is
14 warranted under the circumstances of the case.

3. Certificate Administration Conditions

15 24 [Condition deleted by Amendment #2 (LJF)]

16 25 The certificate holder shall begin construction of the facility by September 24, 2010. Under
17 OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and
18 the applicant. The Council may grant an extension of the deadline to begin construction in
19 accordance with OAR 345-027-0030 or any successor rule in effect at the time the
20 request for extension is submitted. [Amendment #1 (LJF)]

21 26 The certificate holder shall complete construction of the facility by September 24, 2013.
22 Construction is complete when: 1) the facility is substantially complete as defined by the
23 certificate holder's construction contract documents, 2) acceptance testing has been
24 satisfactorily completed and 3) the energy facility is ready to begin continuous operation
25 consistent with the site certificate. The certificate holder shall promptly notify the
26 Department of the date of completion of construction. The Council may grant an extension
27 of the deadline for completing construction in accordance with OAR 345-027-0030 or any
28 successor rule in effect at the time the request for extension is submitted. [Amendment #1
29 (LJF)]

30 27 The certificate holder shall construct a facility substantially as described in the site
31 certificate and may select turbines of any type, subject to the following restrictions:

- 32 (a) The total number of turbines at the facility must not exceed 80 turbines.
33 (b) The peak generating capacity of each turbine must not exceed 3.0 megawatts.
34 (c) The combined peak generating capacity of the facility must not exceed 153
35 megawatts.
36 (d) The turbine hub height must not exceed 100 meters, and the turbine blade tip
37 height must not exceed 150 meters.
38 (e) The minimum blade tip clearance must be 30 meters above ground.

1 (f) The certificate holder shall request an amendment of the site certificate to
2 increase the combined peak generating capacity of the facility or to increase the number
3 of wind turbines or the dimensions of wind turbines at the facility. [Amendment #2 (LJF)]
4

5 28 The certificate holder shall obtain all necessary federal, state and local permits or approvals
6 required for construction, operation and retirement of the facility or ensure that its
7 contractors obtain the necessary federal, state and local permits or approvals.

8 29 Before beginning construction, the certificate holder shall notify the Department in
9 advance of any work on the site that does not meet the definition of "construction" in OAR
10 345-001-0010 or ORS 469.300 and shall provide to the Department a description of the
11 work and evidence that its value is less than \$250,000.

12 30 [Condition deleted by Amendment #2 (LJF)].
13

14 31 If the certificate holder elects to use a bond to meet the requirements of Condition 30 or
15 Condition 101, the certificate holder shall ensure that the surety is obligated to comply
16 with the requirements of applicable statutes, Council rules and this site certificate when
17 the surety exercises any legal or contractual right it may have to assume construction,
18 operation or retirement of the energy facility. The certificate holder shall also ensure that
19 the surety is obligated to notify the Council that it is exercising such rights and to obtain
20 any Council approvals required by applicable statutes, Council rules and this site certificate
21 before the surety commences any activity to complete construction, operate or retire the
22 energy facility. [Amendment #1]

23 32 Before beginning construction, the certificate holder shall notify the Department of the
24 identity and qualifications of major construction contractor(s) for specific portions of the
25 work. The certificate holder shall select contractors that have substantial experience in the
26 design and construction of similar facilities. The certificate holder shall report to the
27 Department any change of major construction contractors.

28 33 The certificate holder shall contractually require all construction contractors and
29 subcontractors involved in the construction of the facility to comply with all applicable laws
30 and regulations and with the terms and conditions of the site certificate. Such contractual
31 provisions shall not operate to relieve the certificate holder of responsibility under the site
32 certificate.

33 34 During construction, the certificate holder shall have an on-site assistant construction
34 manager who is qualified in environmental compliance to ensure compliance with all
35 construction-related site certificate conditions. During operation, the certificate holder
36 shall have a project manager who is qualified in environmental compliance to ensure
37 compliance with all ongoing site certificate conditions. The certificate holder shall notify
38 the Department of the name, telephone number, fax number and e-mail address of these
39 managers and shall keep the Department informed of any change in this information.

1 35 Within 72 hours after discovery of conditions or circumstances that may violate the terms
2 or conditions of the site certificate, the certificate holder shall report the conditions or
3 circumstances to the Department.

2. Land Use Conditions

4 36 The certificate holder shall cooperate with the Gilliam County Road Department to ensure
5 that any unusual damage or wear to county roads that is caused by construction of the facility is
6 repaired by the certificate holder. Upon completion of construction, the certificate holder shall
7 restore county roads to pre-construction condition or better, to the satisfaction of the County
8 Road Department.

9 37 During construction, the certificate holder shall implement measures to reduce traffic
10 impacts, including:

- 11 (a) Providing notice to adjacent landowners when heavy construction traffic is
12 anticipated.
- 13 (b) Providing appropriate traffic safety signage and warnings.
- 14 (c) Requiring flaggers to be at appropriate locations at appropriate times during
15 construction to direct traffic reduce accident risks.
- 16 (d) Using traffic diversion equipment (such as advanced signage and pilot cars) when
17 slow or oversize construction loads are anticipated.
- 18 (e) Maintaining at least one travel lane at all times to the extent reasonably possible
19 so that roads will not be closed to traffic because of construction vehicles. [Amendment
20 #1 (LJF)]
- 21 (f) Encouraging carpooling for the construction workforce.
- 22 (g) Including traffic control procedures in contract specifications for construction of
23 the facility.
- 24 (h) Keeping the access from Highway 19 free of gravel that tracks out onto the
25 highway.

26 38 The certificate holder shall ensure that no equipment or machinery is parked or stored on
27 any county road except while in use.

28 39 The certificate holder shall construct all facility components in compliance with the
29 following setback requirements:

- 30 (a) All facility components must be at least 3,520 feet from the property line of
31 properties zoned residential use or designated in the Gilliam County Comprehensive Plan
32 as residential.
- 33 (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance
34 of 110-percent of maximum blade tip height, measured from the centerline of the turbine
35 tower to the nearest edge of any public road right-of-way. The certificate holder shall
36 assume a minimum right-of-way width of 60 feet.
- 37 (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance
38 of 1,320 feet, measured from the centerline of the turbine tower to the center of the
39 nearest residence existing at the time of tower construction.

1 (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance
2 of 110-percent of maximum blade tip height, measured from the centerline of the turbine
3 tower to the nearest boundary of the certificate holder's lease area.

4 (e) The certificate holder shall maintain a minimum distance of 250 feet measured
5 from the center line of each turbine tower to the nearest edge of any railroad right-of-way
6 or electrical substation.

7 (f) The certificate holder shall maintain a minimum distance of 250 feet measured
8 from the center line of each meteorological tower to the nearest edge of any public road
9 right-of-way or railroad right-of-way, nearest boundary of the certificate holder's lease
10 area or nearest electrical substation.

11 (g) The certificate holder shall maintain a minimum distance of 50 feet measured from
12 any facility O&M building to the nearest edge of any public road right-of-way or railroad
13 right-of-way or the nearest boundary of the certificate holder's lease area.

14 (h) The certificate holder shall maintain a minimum distance of 50 feet measured from
15 any substation to the nearest edge of any public road right-of-way or railroad right-of-way
16 or the nearest boundary of the certificate holder's electrical substation easement or, if
17 there is no easement, the nearest boundary of the certificate holder's lease area.

18 [Amendment #1(LJF)]
19

20 40 The certificate holder shall consult with area landowners and lessees during construction
21 and operation of the facility and shall implement measures to reduce or avoid any adverse
22 impacts to farm practices on surrounding lands and to avoid any increase in farming costs.

23 41 The certificate holder shall locate access roads and temporary construction laydown and
24 staging areas to minimize disturbance with farming practices and, wherever feasible, shall
25 place turbines and transmission interconnection lines along the margins of cultivated areas
26 to reduce the potential for conflict with farm operations.

27 42 Before beginning construction of any phase of the facility, the certificate holder shall
28 record in the real property records of Gilliam County a Covenant Not to Sue with regard to
29 generally accepted farming practices on farmland adjacent to the construction area
30 consistent with Gilliam County Zoning Ordinance 7.020(T)(4)(a)(5). [Amendment #1 (LJF)]

31 43 The certificate holder shall install lockable gates at the substation and on private access
32 roads.

33 44 Within 90 days after beginning operation of any phase of the facility, the certificate
34 holder shall provide to the Department and to the Gilliam County Planning Director the
35 actual latitude and longitude location or Stateplane NA D 83(91) coordinates of each
36 turbine tower, connecting line and transmission line built in that phase. In addition, the
37 certificate holder shall provide to the Department and to the Gilliam County Planning
38 Director, a summary of as-built changes in the facility compared to the original plan, if
39 any. [Amendment #1 (LJF)]

3. Cultural Resource Conditions

40 38 [Condition deleted by Amendment #2 (LJF)]

1 46 The certificate holder shall ensure that a qualified person instructs construction personnel
2 in the identification of cultural materials and avoidance of accidental damage to identified
3 resource sites.

4 47 The certificate holder shall ensure that construction personnel cease all ground-disturbing
5 activities in the immediate area if any archaeological or cultural resources are found during
6 construction of the facility until a qualified archaeologist can evaluate the significance of
7 the find. The certificate holder shall notify the Department and the State Historic
8 Preservation Office (SHPO) of the find. If the archaeologist determines that the resource is
9 significant, the certificate holder shall make recommendations to the Council for
10 mitigation, including avoidance or data recovery, in consultation with the Department,
11 SHPO and other appropriate parties. The certificate holder shall not restart work in the
12 affected area until the certificate holder has demonstrated to the Department that it has
13 complied with the archaeological permit requirements administered by SHPO.

14 48 During construction of the LJIB components, the certificate holder shall label the site
15 identified as LJ-4/10/09-8 in the Request for Amendment #1 for LJF on construction maps
16 and drawings as a "no entry" area, and if construction will occur within 200 feet of the site,
17 the certificate holder shall flag a 50-foot buffer around the site. [Amendment #2 (LJF)]

4. Geotechnical Conditions

18 49 Before beginning construction of any phase of the facility, the certificate holder shall
19 conduct site-specific geotechnical investigation of that phase and shall report its findings to
20 the Oregon Department of Geology & Mineral Industries (DOGAMI). The certificate holder
21 shall conduct the geotechnical investigation after consultation with DOGAMI and in general
22 accordance with DOGAMI open file report 00-04 "Guidelines for Engineering Geologic
23 Reports and Site-Specific Seismic Hazard Reports." [Amendment #2 (LJF)]

24 50 The certificate holder shall design and construct the facility in accordance with
25 requirements set forth by the State of Oregon's Building Code Division and any other
26 applicable codes and design procedures. The certificate holder shall design all components
27 of the facility to meet or exceed the minimum standards required by the 2003 International
28 Building Code.

29 51 The certificate holder shall design, engineer and construct the facility to avoid dangers to
30 human safety presented by non-seismic hazards. As used in this condition, "non-seismic
31 hazards" include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

32 50 The certificate holder shall notify the Department within 72 hours of any accidents
33 including mechanical failures on the site associated with construction or operation of the
34 facility that may result in public health and safety concerns.

35 53 Before beginning construction of any phase of the facility, the certificate holder shall
36 submit Notices of Proposed Construction or Alteration to the Federal Aviation
37 Administration (FAA) and the Oregon Department of Aviation identifying the proposed final
38 locations of the turbines and related or supporting facilities in that phase of construction.

- 1 The certificate holder shall promptly notify the Department of the responses from the FAA
2 and the Oregon Department of Aviation. [Amendment #1 (LJF)]
- 3 54 To protect the public from electrical hazards, the certificate holder shall enclose the facility
4 substations with appropriate fencing and locked gates.
- 5 55 The certificate holder shall construct turbine towers that are smooth steel structures with
6 no exterior ladders or access to the turbine blades and shall install locked access doors
7 accessible only to authorized personnel.
- 8 56 The certificate holder shall follow manufacturers' recommended handling instructions and
9 procedures to prevent damage to towers or blades that could lead to failure.
- 10 57 The certificate holder shall have an operational safety monitoring program and shall
11 inspect turbine blades on a regular basis for signs of wear. The certificate holder shall
12 repair turbine blades as necessary to protect public safety.
- 13 58 The certificate holder shall install and maintain self-monitoring devices on each turbine,
14 linked to sensors at the operations and maintenance building, to alert operators to
15 potentially dangerous conditions, and the certificate holder shall immediately remedy any
16 dangerous conditions. The certificate holder shall maintain automatic equipment
17 protection features in each turbine that would shut down the turbine and reduce the
18 chance of a mechanical problem causing a fire.
- 19 59 The certificate holder shall install generator step-up transformers at the base of each tower
20 in locked cabinets designed to protect the public from electrical hazards and shall design
21 the cabinets to avoid creation of artificial habitat for raptor prey.
- 22 60 The certificate holder shall construct turbines on concrete pads with a minimum of 10 feet
23 of non-flammable and non-erosive ground cover on all sides. The certificate holder shall
24 cover turbine pad areas with non-erosive material immediately following exposure during
25 construction and shall maintain the pad area covering during operation of the facility.
- 26 61 During construction and operation of the facility, the certificate holder shall develop and
27 implement fire safety plans in consultation with the North Gilliam County Rural Fire
28 Protection District and the Arlington Fire Department to minimize the risk of fire and to
29 respond appropriately to any fires that occur on the facility site. In developing the fire
30 safety plans, the certificate holder should take into account the dry nature of the region
31 and should address risks on a seasonal basis. The certificate holder shall meet annually
32 with District and Fire Department personnel to discuss emergency planning and shall invite
33 District and Fire Department personnel to observe any emergency drill or tower rescue
34 training conducted at the facility.
- 35 62 During construction and operation of the facility, the certificate holder shall ensure that
36 the O&M buildings and all service vehicles are equipped with shovels and portable fire
37 extinguishers of a 4A50BC or equivalent rating.
- 38 63 During construction, the certificate holder shall ensure that construction vehicles and
39 equipment are operated on graveled areas to the extent possible and that open flames,
40 such as cutting torches, are kept away from dry grass areas.

- 1 64 Upon the beginning of operation of the facility, the certificate holder shall provide to North
2 Gilliam County Rural Fire Protection District and the Arlington Fire Department a site plan
3 indicating the identification number assigned to each turbine and the location of all facility
4 structures. During operation, the certificate holder will ensure that appropriate District and
5 Fire Department personnel have an up-to-date list of the names and telephone numbers of
6 facility personnel available to respond on a 24-hour basis in case of an emergency on the
7 facility site.
- 8 65 During operation, the certificate holder shall ensure that all on-site employees receive
9 annual fire prevention and response training, including tower rescue training, by qualified
10 instructors or members of the local fire department and that all employees are instructed
11 to keep vehicles on roads and off dry grassland, except when off-road operation is required
12 for emergency purposes.
- 13 66 During construction, the certificate holder shall require that all on-site construction
14 contractors develop and implement a site health and safety plan that informs workers and
15 others on-site what to do in case of an emergency and that includes the locations of fire
16 extinguishers and nearby hospitals, important telephone numbers and first aid techniques.
17 The certificate holder shall ensure that construction contractors have personnel on-site
18 who are trained and equipped for tower rescue and who are first aid and CPR certified.
- 19 67 During operation, the certificate holder shall develop and implement a site health and
20 safety plan that informs employees and others on-site what to do in case of an emergency
21 and that includes the locations of fire extinguishers and nearby hospitals, important
22 telephone numbers and first aid techniques.
- 23 68 The certificate holder shall handle any hazardous materials used on the site in a manner
24 that protects public health, safety and the environment and shall comply with all applicable
25 local, state and federal environmental laws and regulations.
- 26 69 If a reportable spill or release of hazardous materials occurs during construction or
27 operation of the facility, the certificate holder shall notify the Department within 72 hours
28 and shall clean up the spill or release and dispose of any contaminated soil or other
29 materials according to applicable regulations. The certificate holder shall make sure that
30 spill kits containing items such as absorbent pads are located on equipment and storage
31 facilities to respond to accidental spills and shall instruct employees handling hazardous
32 materials in the proper handling, storage and cleanup of these materials.

6. **Water, Soils, Streams & Wetlands Conditions**

- 33 70 The certificate holder shall conduct all construction work in compliance with an Erosion
34 and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental
35 Quality and as required under the National Pollutant Discharge Elimination System (NPDES)
36 Storm Water Discharge General Permit #1200-C. The certificate holder shall include in the
37 ESCP any procedures necessary to meet local erosion and sediment control requirements
38 and storm water management requirements.

- 1 71 During construction, the certificate holder shall limit truck traffic to designated existing and
2 improved road surfaces to avoid soil compaction, to the extent possible.
- 3 72 During construction, the certificate holder shall avoid impacts to waters of the state in the
4 following manner:
- 5 (a) [Condition deleted by Amendment #1 (LJF)]
- 6 (b) The certificate holder shall avoid any disturbance to the wetland area identified as
7 "W-8" in the Request for Amendment #1 for LJF, Attachment 11, Figure 6. [Amendment #2
8 (LJF)].
- 9 (c) [Condition deleted by Amendment #2 (LJF)]
- 10 (d) [Condition deleted by Amendment #2 (LJF)]
- 11 (e) Before beginning construction of any phase of the facility, the certificate holder
12 shall determine whether any construction disturbance in that phase would occur in
13 locations not previously investigated for potential jurisdictional waters as described in the
14 Final Orders on the Application and Amendment #1 for LJF. The certificate holder shall
15 conduct pre-construction investigations to determine whether any jurisdictional waters
16 exist in those locations. The certificate holder shall submit a written report on the pre-
17 construction investigation to the Department of Energy and to the Department of State
18 Lands for approval before beginning construction of any phase of the facility and shall
19 ensure that construction of that phase would have no impact on any jurisdictional water
20 identified in the report. [Amendment #2 (LJF)]
- 21 73 During construction, the certificate holder shall ensure that the wash down of concrete
22 trucks occurs only at a contractor-owned batch plant or at tower foundation locations. If
23 such wash down occurs at tower foundation locations, then the certificate holder shall
24 ensure that wash down wastewater does not run off the construction site into otherwise
25 undisturbed areas and that the wastewater is disposed of on backfill piles and buried
26 underground with the backfill over the tower foundation.
- 27 74 The certificate holder shall restore areas outside the permanent footprint that are
28 disturbed during construction according to the methods and monitoring procedures
29 described in the *Revegetation Plan* that is incorporated in the *Final Order on Amendment*
30 *#2 for LJF* as Attachment F and as amended from time to time. [Amendment #2 (LJF)]
- 31 75 During facility operation, the certificate holder shall routinely inspect and maintain all
32 roads, pads and trenched areas and, as necessary, maintain or repair erosion control
33 measures. The certificate holder shall restore areas that are temporarily disturbed during
34 facility maintenance or repair activities to pre-disturbance condition or better.
- 35 76 During facility operation, the certificate holder shall obtain water for on-site uses from one
36 or more on-site wells, subject to compliance with any applicable permit requirements, not
37 exceeding 5,000 gallons per day. The certificate holder shall not change the source of water
38 for on-site uses without prior Department approval.
- 39 77 During facility operation, if blade-washing becomes necessary, the certificate holder shall
40 ensure that there is no runoff of wash water from the site or discharges to surface waters,
41 storm sewers or dry wells. The certificate holder shall not use more than 50 gallons of
42 water per blade and shall not wash more than eight turbines (24 blades) per week. The

1 certificate holder shall not use acids, bases or metal brighteners with the wash water. The
2 certificate may use biodegradable, phosphate-free cleaners sparingly.

7. Transmission Line & EMF Conditions

3 78 The certificate holder shall install the 34.5-kV collector system underground to the extent
4 practical. The certificate holder shall install underground segments of the collector system
5 at a minimum depth of three feet. Where geotechnical conditions or other engineering
6 considerations require, the certificate holder may install segments of the collector system
7 aboveground, but the total length of aboveground segments must not exceed 30 percent
8 of the collector system. The certificate holder shall construct aboveground segments of the
9 collector system using single or double circuit monopole design as described in the site
10 certificate application. [Amendment #2 (LJF)]

11 79 At least 30 days before beginning preparation of detailed design and specifications for the
12 electrical transmission lines, the certificate holder shall consult with the Oregon Public
13 Utility Commission staff to ensure that transmission line designs and specifications are
14 consistent with applicable codes and standards.

15 80 To protect public safety, the certificate holder shall design and maintain the transmission
16 lines so that:

17 Alternating current electric fields during operation do not exceed 9 kV per meter at one
18 meter above the ground surface in areas accessible to the public.

19 Induced voltages during operation are as low as reasonably achievable.

20 81 The certificate holder shall take reasonable steps to reduce or manage human exposure to
21 electromagnetic fields, including but not limited to:

22 (a) Constructing all aboveground transmission lines at least 200 feet from any
23 residence or other occupied structure.

24 (b) Ensuring that the area near the facility substation is inaccessible to the public by
25 fencing the area.

26 (c) Constructing aboveground 34.5-kV transmission lines with a minimum clearance of
27 25 feet from the ground.

28 (d) Constructing all aboveground 230-kV transmission lines with a minimum clearance
29 of 30 feet from the ground.

30 (e) Providing to landowners a map of underground and overhead transmission lines on
31 their property and advising landowners of possible health risks.

32 [Amendment #1 (LJF)]

8. Plants, Wildlife & Habitat Protection Conditions

33 82 During construction and operation of the facility, the certificate holder shall implement a
34 plan to control the introduction and spread of noxious weeds. The certificate shall develop
35 the weed control plan in consultation with the Gilliam County Weed Control Board.

36 83 The certificate holder shall design all aboveground transmission line support structures
37 following the practices suggested by the Avian Powerline Interaction Committee (2006)

1 and shall install anti-perching devices on transmission pole tops and cross arms where the
2 poles are located within ½ mile of turbines. [Amendment #1 (LJF)]

3 84 The certificate holder may construct turbines and other facility components within the site
4 boundary as described in the Final Orders on the Application and Amendment #1 for LJF,
5 subject to the following requirements addressing potential habitat impact:

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

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

10 (c) In the final design of the facility within microsites areas, the certificate holder shall
11 reduce impact on essential or important habitat (Category 4 and above) to the extent
12 practical.

13 (d) As a protective measure during construction, the certificate holder shall install
14 exclusion fencing around confirmed populations of Laurent's milk-vetch (identified in the
15 Request for Amendment #1 for LJF, Attachment 7, p. 13) and sessile mousetail (identified
16 in Figure Q-3 of the site certificate application and Request for Amendment #1 for LJF,
17 Attachment 7, p. 14). The certificate holder shall not install facility components or cause
18 temporary disturbance within these areas. Before beginning construction, the certificate
19 holder shall verify the protected status of sessile mousetail and notify the Department. If
20 the species has been upgraded to threatened or endangered under State or federal law,
21 the certificate holder shall take appropriate mitigation actions, subject to Department
22 approval.

23 (e) If construction would affect locations within the microsites areas that were not
24 previously surveyed for the occurrence of State or federal threatened or endangered
25 species as described in the Final Orders on the Application and Amendment #1 for LJF, the
26 certificate holder shall conduct additional pre-construction surveys of those locations,
27 notify the Department of the findings and implement appropriate avoidance or mitigation
28 measures for any threatened or endangered species detected, subject to Department
29 approval. [Amendment #2 (LJF)]

30 85 The certificate holder shall implement measures to mitigate impacts to sensitive wildlife
31 habitat during construction and operation including, but not limited to, the following:

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

34 (b) Before beginning construction of any phase of the facility, the certificate holder
35 shall have a qualified biologist place exclusion markers around sensitive wildlife habitat
36 areas for that phase of construction, including Category 1 Washington ground squirrel
37 (WGS) areas and an appropriate buffer around these areas. The certificate holder shall
38 maintain the exclusion markings until that phase of construction has been completed.

39 (c) Ensuring that a qualified person instructs construction and operations personnel to
40 be aware of wildlife in the area and to take precautions to avoid injuring or destroying
41 wildlife or sensitive wildlife habitat.

42 (d) Avoiding unnecessary road construction, temporary disturbance and vehicle use.
43 Posting and maintaining speed limit signs (not to exceed 20 miles per hour) on access

1 roads throughout the site. The certificate holder shall ensure that all construction and
2 operations personnel are instructed to observe caution when driving in the facility area to
3 avoid injury or disturbance to wildlife enforce and for personal safety.

4 [Amendment #1 (LJF)]

5 86 During construction of any phase of the facility, the certificate holder shall protect the area
6 within a 1300-foot buffer around active nests of the following species during the sensitive
7 period, as provided in this condition:

<u>Species</u>	<u>Sensitive Period</u>	<u>Early Release Date</u>
Swainson's hawk	April 1 to August 15	May 31
Ferruginous hawk	March 15 to August 15	May 31
Burrowing owl	April 1 to August 15	July 15

8 During the year in which construction of any phase of the facility occurs, the certificate
9 holder shall use a protocol approved by the Oregon Department of Fish and Wildlife
10 (ODFW) to determine whether there are any active nests of these species within a half-mile
11 of any areas that would be disturbed during construction of that phase. If a nest is
12 occupied by any of these species after the beginning of the sensitive period, the certificate
13 holder shall not engage in high-impact construction activities (activities that involve
14 blasting, grading or other major ground disturbance) or allow high levels of construction
15 traffic within 1300 feet of the nest site. In addition, the certificate holder will flag the
16 boundaries of the 1300-foot buffer area and shall instruct construction personnel to avoid
17 any unnecessary activity within the buffer area. The certificate holder shall hire an
18 independent biological monitor to observe the active nest sites during the sensitive period
19 for signs of disturbance and to notify the Department of any non-compliance with this
20 condition. If the monitor observes nest site abandonment or other adverse impact to
21 nesting activity, the certificate holder shall implement appropriate mitigation, in
22 consultation with ODFW and subject to the approval of the Department, unless the adverse
23 impact is clearly shown to have a cause other than construction activity. The certificate
24 holder may begin or resume high-impact construction activities before the ending day of
25 the sensitive period if any known nest site is not occupied by the early release date. If a
26 nest site is occupied, then the certificate holder may begin or resume high-impact
27 construction before the ending day of the sensitive period with the approval of ODFW,
28 after the young are fledged. The certificate holder shall use a protocol approved by ODFW
29 to determine when the young are fledged (the young are independent of the core nest
30 site). [Amendment #1 (LJF)]

31 87 The certificate holder shall conduct wildlife monitoring as described in the *Wildlife*
32 *Monitoring and Mitigation Plan* that is incorporated in the *Final Order on Amendment #2*
33 *for LJF* as Attachment D and as amended from time to time. [Amendment #2 (LJF)]

34 88 [Condition deleted by Amendment #2 (LJF)]

1 89 The certificate holder shall acquire the legal right to create, enhance, maintain and protect
2 a habitat mitigation area as long as the site certificate is in effect by means of an outright
3 purchase, conservation easement or similar conveyance and shall provide a copy of the
4 documentation to the Department. Within the habitat mitigation area, the certificate
5 holder shall improve the habitat quality as described in the *Habitat Mitigation Plan* that is
6 incorporated in the *Final Order on Amendment #2 for LIF* as Attachment E and as amended
7 from time to time. [Amendment #2 (LIF)]

9. Visual Effects Conditions

8 90 To reduce the visual impact of the facility, the certificate holder shall:

- 9 (a) Mount nacelles on smooth steel towers, painted uniformly in a neutral white color.
- 10 (b) Paint substation structures in a neutral color to blend with the surrounding
11 landscape.
- 12 (c) Not allow any advertising on any part of the facility.
- 13 (d) Use only those signs required for facility safety or required by law, except that the
14 certificate holder may erect a sign to identify the facility.
- 15 (e) Maintain any signs allowed under this condition in good repair.

16 91 The certificate holder shall design and construct the operation and maintenance buildings
17 to be generally consistent with the character of similar buildings used by commercial
18 farmers or ranchers in the area and shall paint the building in a neutral color to blend with
19 the surrounding landscape.

20 92 The certificate holder shall not use exterior lighting at the facility except:

- 21 (a) The minimum turbine tower lighting required or recommended by the Federal
22 Aviation Administration.
- 23 (b) Security lighting at the operations and maintenance buildings and at the
24 substations, provided that such lighting is shielded or downward-directed to reduce glare.
- 25 (c) Minimum lighting necessary for repairs or emergencies.
- 26 (d) Minimum lighting necessary for construction directed to illuminate the work area
27 and shielded or downward-directed to reduce glare.

28 [Amendment #1 (LIF)]

10. Noise Control Conditions

29 93 To reduce noise impacts at nearby residential areas, the certificate holder shall:

- 30 (a) Confine the noisiest operation of heavy construction equipment to the daylight
31 hours.
- 32 (b) Require contractors to install and maintain exhaust mufflers on all combustion
33 engine-powered equipment; and
- 34 (c) Establish a complaint response system at the construction manager's office to
35 address noise complaints.

36 94 Before beginning construction of any phase of the facility, the certificate holder shall
37 provide to the Department:

1 (a) Information that identifies the final design locations of all turbines to be built in that
2 phase of construction.

3 (b) The maximum sound power level of the turbines and substation transformers based
4 on manufacturers' warranties or confirmed by other means acceptable to the
5 Department.

6 (c) The results of noise analysis of the facility to be built according to the final design
7 performed in a manner consistent with the requirements of OAR 340-035-
8 0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that the
9 total noise generated by the facility (including the noise from turbines and substation
10 transformers) would meet the ambient noise degradation test and maximum allowable
11 test at the appropriate measurement point for all potentially-affected noise sensitive
12 properties.

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

24 [Amendment #1 (LJF)]

25 95 During operation, the certificate holder shall maintain a complaint response system to
26 address noise complaints. The certificate holder shall promptly notify the Department of
27 any complaints received regarding facility noise and of any actions taken by the certificate
28 holder to address those complaints.

11. Waste Management Conditions

29 96 The certificate holder shall provide portable toilets for on-site sewage handling during
30 construction and shall ensure that they are pumped and cleaned regularly by a licensed
31 contractor who is qualified to pump and clean portable toilet facilities.

32 97 During operation, the certificate holder shall discharge sanitary wastewater generated at
33 the O&M building to a licensed on-site septic system in compliance with county permit
34 requirements. The certificate holder shall design the septic system design with a capacity
35 that is less than 2,500 gallons per day.

36 98 The certificate holder shall implement a waste management plan during construction that
37 includes but is not limited to the following measures:

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

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

- 1 (c) Recycling steel and other metal scrap.
- 2 (d) Recycling wood waste.
- 3 (e) Recycling packaging wastes such as paper and cardboard.
- 4 (f) Collecting non-recyclable waste for transport to a landfill by a licensed waste
- 5 hauler.
- 6 (g) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
- 7 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for
- 8 disposal by a licensed firm specializing in the proper recycling or disposal of hazardous
- 9 wastes.

10 99 The certificate holder may dispose of waste concrete on site with the permission of the
 11 landowner and in accordance with OAR 340-093-0080 and other applicable regulations.
 12 The certificate holder shall dispose of waste concrete on site by placing the material in an
 13 excavated hole, covering it with at least three feet of topsoil and grading the area to match
 14 existing contours. If the waste concrete is not disposed of on site, the certificate holder
 15 shall arrange for proper disposal in a landfill.

16 100 The certificate holder shall implement a waste management plan during operation that
 17 includes but is not limited to the following measures:

- 18 (a) Training employees to minimize and recycle solid waste.
- 19 (b) Recycling paper products, metals, glass and plastics.
- 20 (c) Recycling used oil and hydraulic fluid.
- 21 (d) Collecting non-recyclable waste for transport to a landfill by a licensed waste
- 22 hauler.
- 23 (e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
- 24 absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium
- 25 batteries for disposal by a licensed firm specializing in the proper recycling or disposal of
- 26 hazardous wastes.

27 **VI. CONDITIONS ADDED BY AMENDMENT #1 OF LIF**

28 101 Before beginning construction of the LJIB components as described in the *Final Order on*
 29 *Amendment #1 for LIF*, the certificate holder shall submit to the State of Oregon through
 30 the Council a bond or letter of credit in the amount described herein naming the State of
 31 Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or
 32 letter of credit amount is \$7.281 million (in 4th Quarter 2009 dollars), adjusted to the date
 33 of issuance as described in (b), or the amount determined as described in (a). The
 34 certificate holder shall adjust the amount of the bond or letter of credit on an annual basis
 35 thereafter as described in (b).

36 (a) The certificate holder may adjust the amount of the bond or letter of credit based
 37 on the final design configuration of the LJIB components by applying the unit costs and
 38 general costs illustrated in Table 2 of the *Final Order on Amendment #1 for LIF* to the final
 39 design and calculating the financial assurance amount as described in that order, adjusted
 40 to the date of issuance as described in (b) and subject to approval by the Department.

1 (b) The certificate holder shall adjust the amount of the bond or letter of credit, using
2 the following calculation and subject to approval by the Department:

3 (i) Adjust the Subtotal component of the bond or letter of credit amount
4 (expressed in 4th Quarter 2009 dollars) to present value, using the U.S. Gross Domestic
5 Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of
6 Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor
7 agency (the "Index") and using the index value for 4th Quarter 2009 dollars and the
8 quarterly index value for the date of issuance of the new bond or letter of credit. If at any
9 time the Index is no longer published, the Council shall select a comparable calculation to
10 adjust 4th Quarter 2009 dollars to present value.

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

13 (iii) Add 10 percent of the adjusted Gross Cost for the adjusted administration and
14 project management costs and 10 percent of the adjusted Gross Cost for the adjusted
15 future developments contingency.

16 (iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round
17 the resulting total to the nearest \$1,000 to determine the adjusted financial assurance
18 amount.

19 (c) The certificate holder shall use a form of bond or letter of credit approved by the
20 Council.

21 (d) The certificate holder shall use an issuer of the bond or letter of credit approved by
22 the Council.

23 (e) The certificate holder shall describe the status of the bond or letter of credit in the
24 annual report submitted to the Council under Condition 21.

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

27 [Amendment #2 (LJF)]

28 102 Before beginning construction of the LJIB components as described in the *Final Order on*
29 *Amendment #1 for LJF*, the certificate holder shall provide to the Department a map
30 *showing the final design locations of all LJIB components, the areas that would be*
31 *disturbed during construction and the areas that were surveyed in 2009 for historic, cultural*
32 *or archaeological resources as described in the Request for Amendment #1 for LJF. If areas*
33 *to be disturbed during construction lie outside of the previously surveyed areas, the*
34 *certificate holder shall hire qualified personnel to conduct field investigation of those areas.*
35 The certificate holder shall provide a written report of the field investigation to the
36 Department and to the Oregon State Historic Preservation Office (SHPO). If any potentially
37 significant historic, cultural or archaeological resource sites are found during the field
38 investigation, the certificate holder shall ensure that construction and operation of the
39 facility will have no impact on the resources. The certificate holder shall instruct all
40 construction personnel to avoid the areas where resources were identified in the 2009
41 surveys or were found during pre-construction investigations and shall implement other
42 appropriate measures to protect the resources.

1 [Amendment #2 (LJF)]

2 103 In reference to the approximate alignment of the Oregon Trail described in the Request for
3 Amendment #1 for LJF, the certificate holder shall comply with the following requirements:

4 (a) The certificate holder shall not locate facility components on visible remnants of the
5 Oregon Trail and shall avoid any construction disturbance to those remnants.

6 (b) The certificate holder shall not locate facility components on undeveloped land
7 where the trail alignment is marked by existing Oregon-California Trail Association
8 markers, as described in the Request for Amendment #1 for LJF.

9 (c) Before beginning construction of the LJIB components as described in the *Final*
10 *Order on Amendment #1 for LJF*, the certificate holder shall provide to the State Historic
11 Preservation Office (SHPO) and the Department photographic documentation of the
12 presumed Oregon Trail alignments within the site boundary.

13 (d) The certificate holder shall ensure that construction personnel proceed carefully in
14 the vicinity of the presumed alignments of the Oregon Trail. If any intact physical evidence
15 of the trail is discovered, the certificate holder shall avoid any disturbance to the intact
16 segments by redesign, re-engineering or restricting the area of construction activity. The
17 certificate holder shall promptly notify the SHPO and the Department of the discovery.
18 The certificate holder shall consult with the SHPO and the Department to determine
19 appropriate mitigation measures.

20 [Amendment #2 (LJF)]

21 104 Before beginning construction of any new State Highway approaches or utility crossing
22 authorized by the *Final Order on Amendment #1 for LJF*, the certificate holder shall obtain
23 all required permits from the Oregon Department of Transportation (ODOT) subject to the
24 applicable conditions required by OAR Chapter 734, Divisions 51 and 55. The certificate
25 holder shall submit the necessary application or applications in a form satisfactory to ODOT
26 and the Department for the location, construction and maintenance of approaches to State
27 Highway 19 for access to the site. The certificate holder shall submit the necessary
28 application or applications in a form satisfactory to ODOT and the Department for the
29 location, construction and maintenance of collector cables or transmission lines crossing
30 Highway 19.

31 [Amendment #2 (LJF)]

32 **VII. CONDITIONS ADDED BY AMENDMENT # 2 OF LJF**

33 105 The transfer of the LJIB site certificate from the certificate holder to Portland General
34 Electric (PGE), the transferee, shall not be effective until PGE executes in closing the form of site
35 certificate naming PGE the certificate holder, which is attached as Attachment C to the Final
36 Order on Amendment #2. Upon closing, the LJIB site certificate naming PGE as the certificate
37 holder shall be in full force and effect and the LJIB site certificate naming Leaning Juniper Wind
38 Power II, LLC as the certificate holder shall be considered rescinded and void in its entirety.

1 106 Should the closing contemplated in Condition 105 not occur within 18 months of the
2 effective date of the LJIB site certificate to LJWP, the Council's transfer approval within the Final
3 Order on Amendment #2 shall be void.

4 107 PGE must provide the Department a copy of the executed LJIB site certificate and
5 documentation of the asset purchase agreement within 7 days of closing.

6 **SUCCESSORS AND ASSIGNS**

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

SEVERABILITY AND CONSTRUCTION

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

GOVERNING LAW AND FORUM

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

16 **EXECUTION**

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

20

21 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting by
22 and through its Energy Facility Siting Council, and by Leaning Juniper Wind Power II, LL

ENERGY FACILITY SITING COUNCIL

LEANING JUNIPER WIND POWER II, LLC

By: W. Bryan Wolfe

W. Bryan Wolfe, Chair

Oregon Energy Facility Siting Council

By: Jesse Gronner



Print: Jesse Gronner
Authorized Representative

LEGAL
[Signature]

Date: _____

Date: 6/28/2013

and

By:  

Print: Scott Jacobson
Authorized Representative

Date: 6/28/2013