

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

---

**Seventh 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

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**Oregon Energy Facility Siting Council**

**SEVENTH 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 (“FPL Vansycle”) and FPL Energy Stateline II, Inc. (“FPL Stateline”). 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), and (h) the Council’s Final Order in the Matter of the Request for Amendment #7 (“Final Order on Amendment #7). [Amendments #1, #2, 3, #4, #5, #6, and #7]

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: this Seventh Amended Site Certificate, 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]

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 Vansycle to construct, operate and retire Stateline 1&2 and authorizes FPL Stateline 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]
2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in effect on the date that termination is sought or until the site certificate is revoked under ORS 469.440 and

1 OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. ORS  
2 469.401(1). [Amendment #5, #6, #7]

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

43

44 **III. DESCRIPTIONS AND DIVIDED RESPONSIBILITY**

45

46 **1. Stateline 1&2**

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7  
**(i) Major Structures**

Stateline 1&2 consists of 186 Vestas V47-660-kilowatt (kW) wind turbines, each having a peak generating capacity of 0.66 MW.<sup>1</sup> Each wind turbine is connected to a 34.5-kilovolt (kV) collector system. The wind turbines are grouped in “strings” of turbines, each turbine spaced approximately 250 feet from the next, generally slightly downwind of the crest of ridges. Major facility structures are further as described in the Final Orders on the Application and Amendments #1 and #2. [Amendments #1, #2 and #4]

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**(ii) Related or Supporting Facilities**

Stateline 1&2 includes the following related or supporting facilities described below and in greater detail in the Final Order on Amendment #4:

- Access roads to reach each turbine for construction and maintenance
- Underground collector cables that transmit the electrical output of the wind turbines to a substation in Washington [Amendment #2]
- Meteorological towers
- A satellite operations and maintenance building

18  
19  
Access Roads

20  
21  
22  
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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. Access roads are further as described in the Final Orders on the Application and Amendments #1 and #2. [Amendments #1 and #2]

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28  
29  
Collector System

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35  
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. Overhead transmission lines, located entirely within Washington, connect the Washington substation to a BPA 115-kV transmission line north of the Walla Walla River and to a PacifiCorp substation just north of Highway 12. [Amendments #1, #2 and #4]

36  
37  
Meteorological Towers

38  
39  
40  
Stateline 1&2 includes up to six permanent meteorological (met) towers to measure wind conditions. The met towers are unguyed towers. [Amendments #1, #2 and #4]

41  
42  
Satellite O&M Building

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<sup>1</sup> The site certificate authorizes up to 187 turbines, but the certificate holder chose to build 186.

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

## 5 **2. Vansycle II<sup>2</sup>**

### **(i) Major Structures**

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

#### Wind Turbine Repower

10  
11 Wind turbine repowering includes removal and replacement of wind turbine hub (blade and rotor) and  
12 gearbox (nacelles). Haul trucks, boom trucks and cranes are used to support repowering activities. A  
13 crane is mobilized and new gearboxes, blades and hub are delivered onsite. A boom truck or telehandler  
14 is used to unload and assemble new turbine blades and hub into a complete rotor. Gearboxes and  
15 assembled hubs are set up on the access road adjacent to the wind turbine. The crane is used to lower  
16 rotors and gearbox, which is then be place next to the crane; and, then used to pick up and set the new  
17 rotor. Either a boom truck or telehandler is used to disassemble the replaced rotor (blade and hub);  
18 materials are then transported offsite for proper disposal at a licensed disposal or recycling facility.  
19 Facility modifications approved in the Sixth Amended Site Certificate include repowering (replacing  
20 blades and nacelles) of 43 existing wind turbines, replacing up to 4 wind turbines and constructing up to  
21 2 new wind turbines, but any variation in these options would not result in more than 45 repowered,  
22 replaced and/or new wind turbines within the Vansycle II unit. The wind turbine changes would result in  
23 increased per turbine capacity, from 2.3 to 2.66 MW; increased maximum blade-tip height from 440 to  
24 499 feet, reduced minimum aboveground blade-tip clearance from 59 to 50 feet, and increased hub  
25 height from 295 to 315 feet. [Amendment #5, #6, #7]

### **(ii) Related or Supporting Facilities**

26 Vansycle II includes the following related or supporting facilities described below and in greater  
27 detail in the Final Order on Amendment #4, and Final Order on Amendment #6:  
28

- 29 ▪ Access roads to reach each turbine for construction and maintenance
  - 30 ▪ Underground collector cables that transmit the electrical output of the wind turbines to  
31 a substation
  - 32 ▪ A substation
  - 33 ▪ A 230-kV transmission line
  - 34 ▪ Meteorological towers
  - 35 ▪ An operations and maintenance building
  - 36 ▪ Temporary laydown areas and access roads
  - 37 ▪ 50 MW battery energy storage system
- 38 [Amendment #4, #5, #6]  
39

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

1           Access Roads

2  
3           County roads that extend south from Highway 12 in Washington (e.g., Hatch Grade Road and  
4 Butler Grade Road) and north from Oregon Highway 11 (e.g., Vansycle Canyon Road and Butler Grade  
5 Road) are the primary routes of access to the facility site. From the county roads, a web of private farm  
6 roads provides access to most of the ridges upon which the facility is located. Additional access roads  
7 are located along the length of each turbine string and connecting each turbine string to the next.  
8 [Amendment #4]

9  
10           Collector System, Substation and Transmission Line

11  
12           The wind turbines generate power at 690 volts. A transformer adjacent to each tower  
13 transforms the power to 34.5 kV. From the turbines, power is transmitted via an underground 34.5-kV  
14 collector system to a substation located in Township 5 North, Range 34 East. Approximately 16 miles of  
15 aboveground 230-kV transmission line (13 miles in Oregon) connects the Vansycle II substation to  
16 existing major transmission lines in Washington. [Amendment #4]

17  
18           Meteorological Towers

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

21  
22           O&M Building

23  
24           Vansycle II includes an O&M building near the intersection of Wayland Road and Gerking Flat  
25 Road north of Helix. [Amendment #4]

26  
27           Temporary and Permanent Disturbance

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

33  
34           The total permanent disturbance is estimated at 12 acres, including 0.08 acres for 2 new wind  
35 turbine foundations; 0.09 acres for new access roads; and 11 acres for the BESS.

36  
37           Battery Energy Storage System (BESS)

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

- 40           • Batteries - Lithium-ion system would require regular change out of batteries as they degrade  
41           over time at a rate depending on usage. It is conservatively assumed the battery would need  
42           to be replaced every 15-20 years, or 1-2 times over the operational life of the repowered  
43           facility, which is assumed to be approximately 30 years.
- 44           • Approximately 72 steel containers, each approximately 20 feet in length by 9 feet in width.



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

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

*Spill and fire prevention measures of the BESS*

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

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

**3. Location of the Facility**

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

#### 7 **4. Responsibility for Stateline 1&2 and Vansycle II**

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

#### 19 **IV. CONDITIONS REQUIRED BY COUNCIL RULES**

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

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

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

37 In applying the conditions in this section, “certificate holder” means FPL Vansycle with regard to  
38 Stateline 1&2 and FPL Stateline with regard to Vansycle II. [Amendment #4]  
39

#### 40 **1. General Conditions**

41 **(1)** The Council may not change the conditions of the site certificate except as provided for in OAR  
42 Chapter 345, Division 27. (OAR 345-025-0006(1)) [Amendment #6]

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

- 1  
2 **(2)** The certificate holder shall design, construct, operate and retire the facility:  
3 (a) Substantially as described in the site certificate;  
4 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and  
5 applicable state and local laws, rules and ordinances in effect at the time the site certificate  
6 is issued; and  
7 (c) In compliance with all applicable permit requirements of other state agencies.  
8 (OAR 345-025-0006(3)) [Amendment #6]  
9  
10 **(3)** The certificate holder shall begin and complete construction of the facility by the dates specified in  
11 the site certificate. (345-025-0006(4)) See conditions (24), (97) and (106). [Amendment #4, #6]  
12  
13 **(4)** The certificate holder shall prevent the development of any conditions on the site that would  
14 preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention  
15 of such site conditions is within the control of the certificate holder. (345-025-0006(7))  
16 [Amendment #6]  
17  
18 **(5)** The Council shall include as conditions in the site certificate all representations in the site  
19 certificate application and supporting record the Council deems to be binding commitments made  
20 by the applicant. (OAR 345-025-0006(10)) [Amendment #6]  
21  
22 **(6)** For the related or supporting transmission lines:  
23 (a) The certificate holder shall design, construct and operate the transmission line in accordance  
24 with the requirements of the National Electrical Safety Code (American National Standards  
25 Institute, Section C2, 1997 Edition); and  
26 (b) The certificate holder shall develop and implement a program that provides reasonable  
27 assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a  
28 permanent nature that could become inadvertently charged with electricity are grounded or  
29 bonded throughout the life of the line. (OAR 345-025-0010(4)) [Amendment #4, #6]  
30  
31 **(7)** The following general monitoring conditions apply:  
32 (a) The certificate holder shall consult with affected state agencies, local governments and tribes  
33 and shall develop specific monitoring programs for impacts to resources protected by the  
34 standards of divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable  
35 statutes, administrative rules and local ordinances. The certificate holder must submit the  
36 monitoring programs to the Department of Energy and receive Department approval before  
37 beginning construction or, as appropriate, operation of the facility.  
38 (b) The certificate holder shall implement the approved monitoring programs described in  
39 section (a) and monitoring programs required by permitting agencies and local  
40 governments.  
41 (c) For each monitoring program described in sections (a) and (b), the certificate holder shall  
42 have quality assurance measures approved by the Department before beginning  
43 construction or, as appropriate, before beginning commercial operation.  
44 (d) If the certificate holder becomes aware of a significant environmental change or impact  
45 attributable to the facility, the certificate holder shall, as soon as possible, submit a written  
46 report to the Department describing the impact on the facility and any affected site  
47 certificate conditions.

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2  
3 **(8)** The certificate holder shall report according to the following requirements:

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

- 1 (vi) Compliance Report: A description of all instances of noncompliance with a site  
2 certificate condition. For ease of review, the certificate holder shall, in this section of the  
3 report, use numbered subparagraphs corresponding to the applicable sections of the  
4 site certificate.
- 5 (vii) Facility Modification Report: A summary of changes to the facility that the certificate  
6 holder has determined do not require a site certificate amendment in accordance with  
7 OAR 345-027-0050.
- 8 (viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that  
9 emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of  
10 operation of the carbon dioxide emitting equipment as described in OAR 345-024-  
11 0630(4).  
12 (OAR 345-026-0080) [Amendment #4]  
13

14 **(9)** [Condition removed by Amendment #4]  
15

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

## 24 **2. Conditions That Must Be Met Before Construction Begins** 25

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

- 35 (a) The certificate holder would construct and operate part of the facility on that part of the site  
36 even if a change in the planned route of the transmission line or pipeline occurs during the  
37 certificate holder's negotiations to acquire construction rights on another part of the site; or  
38 (b) The certificate holder would construct and operate part of a wind facility on that part of the  
39 site even if other parts of the facility were modified by amendment of the site certificate or  
40 were not built.

41 (OAR 345-025-0006(5)) [Amendment #4, #6]  
42

43 **(12)** Following receipt of a site certificate or an amended site certificate, the certificate holder shall  
44 implement a plan that verifies compliance with all site certificate terms and conditions and  
45 applicable statutes and rules. As a part of the compliance plan, to verify compliance with the  
46 requirement to begin construction by the date specified in the site certificate, the certificate  
47 holder shall report promptly to the Department of Energy when construction begins. Construction

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

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

15 **(14)** If the Council requires mitigation based on an affirmative finding under any standards of Division  
16 22 or Division 24 of this chapter, the certificate holder shall consult with affected state agencies  
17 and local governments designated by the Council and shall develop specific mitigation plans  
18 consistent with Council findings under the relevant standards. The certificate holder must submit  
19 the mitigation plans to the Office and receive Office approval before beginning construction or, as  
20 appropriate, operation of the facility. (OAR 345-027-0020(6))  
21

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

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

30  
31 **(16)** The certificate holder shall design, engineer and construct the facility to avoid dangers to human  
32 safety presented by seismic hazards affecting the site that are expected to result from all  
33 maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking,  
34 landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence.  
35 (OAR 345-025-0006(12)) [Amendment #6]  
36

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

45 **(18)** The certificate holder shall notify the Department, the State Building Codes Division and the  
46 Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers,

1 deformations or clastic dikes are found at or in the vicinity of the site. (OAR 345-025-0006(14))  
2 [Amendment #4, #6]  
3

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

5

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

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

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

#### 27 **5. Conditions That Must Be Met During Operation**

28

29 **(22)** [Condition removed by Amendment #4]  
30

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

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

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

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

38 (OAR 345-026-0170) [Amendment #4]  
39

#### 40 **V. SPECIFIC FACILITY CONDITIONS**

41

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

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

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

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

## 12 **1. General Conditions**

13  
14 **(24)** This condition applies to Stateline 1 only. The certificate holder shall begin construction of  
15 Stateline 1 within one year after the effective date of the site certificate. The certificate holder  
16 shall complete construction of Stateline 1 on or before two years from the effective date of the  
17 site certificate. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the  
18 Council Chair and the applicant. Completion of construction occurs upon the date commercial  
19 operation of Stateline 1 begins. The Council may grant an extension of the construction beginning  
20 or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at  
21 the time the request for extension is submitted. [Amendment #4]  
22 See condition (3).  
23

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

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

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

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

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

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

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



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

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<sup>4</sup> 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  $S_D$  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  $30^\circ$ , 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 to ensure that construction workers stay away from the vicinity of  
28 the 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 crossing  
8 of Vansycle Canyon at a time when the stream is dry. The certificate holder shall remove no more  
9 than approximately 7.5 cubic yards of material from the streambed crossing and shall replace a like  
10 amount of fill material after the cable has been laid, restoring the area similar to the original  
11 contours of the streambed. (Linehan, July 23 letter, 3) [Amendment #4, #7<sup>5</sup>]  
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 (1<sup>st</sup> 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 (1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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.

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<sup>5</sup> 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 sand bags, 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 Vansycle with regard to Stateline  
31 1&2 and FPL Stateline with regard to Vansycle II. [Amendment #4, #7]  
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 L<sub>10</sub> and L<sub>50</sub> 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 FPL Stateline. [Amendment #4, #7]  
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 4<sup>th</sup> 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 4<sup>th</sup> 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 4<sup>th</sup> 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 FPL Stateline. In applying the conditions in this  
3 section, “certificate holder” means FPL Vansycle with regard to Stateline 1&2 and FPL Stateline with  
4 regard to Vansycle II. [Amendment #4, #7]  
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, or #7 the conditions contained in this amended site  
28 certificate shall control. [Amendment #1, #5, #6, #7]  
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.

DI

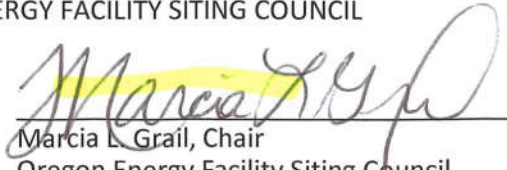
1 **XIV. EXECUTION**

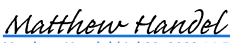
2  
3 This site certificate may be executed in counterparts and will become effective upon signature  
4 by the Chair of the Energy Facility Siting Council and the authorized representatives of the certificate  
5 holders. [Amendment #1]  
6

7 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting by and  
8 through its Energy Facility Siting Council, by FPL Energy Vansycle LLC and by FPL Energy Stateline II, Inc.  
9

ENERGY FACILITY SITING COUNCIL

FPL ENERGY VANSYCLE LLC

By:   
Marcia L. Graff, Chair  
Oregon Energy Facility Siting Council

By:   
Matthew Handel (Jul 29, 2022 14:59 EDT)

Print: Matthew Handel

Date: 6-24-2022

Date: 29-Jul-2022

FPL ENERGY STATELINE II, INC.

By:   
Matthew Handel (Jul 29, 2022 14:59 EDT)

Print: Matthew Handel

Date: 29-Jul-2022