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**SECOND AMENDED SITE CERTIFICATE**

**FOR THE**

**GOLDEN HILLS WIND PROJECT**

Issued by

OREGON ENERGY FACILITY SITING COUNCIL  
625 Marion Street NE  
Salem, OR 97301-3737

*PHONE: 503-378-4040*

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Amending the  
Site Certificate for the Golden Hills Wind Project  
of May 18, 2012

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1 delegated by the federal government to a State agency other than the Council. ORS  
2 469.503(3).

- 3
- 4 4. Both the State and the certificate holder shall abide by local ordinances and State law and  
5 the rules of the Council in effect on the date this site certificate is executed. ORS  
6 469.401(2). In addition, upon a clear showing of a significant threat to the public health,  
7 safety or the environment that requires application of later-adopted laws or rules, the  
8 Council may require compliance with such later-adopted laws or rules. ORS 469.401(2).  
9
- 10 5. For a permit, license or other approval addressed in and governed by this site certificate,  
11 the certificate holder shall comply with applicable State and federal laws adopted in the  
12 future to the extent that such compliance is required under the respective State agency  
13 statutes and rules. ORS 469.401(2).  
14
- 15 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities  
16 and political subdivisions in Oregon as to the approval of the site and the construction,  
17 operation and retirement of the facility as to matters that are addressed in and governed  
18 by this site certificate. ORS 469.401(3).  
19
- 20 7. Each affected State agency, county, city and political subdivision in Oregon with  
21 authority to issue a permit, license or other approval addressed in or governed by this site  
22 certificate shall, upon submission of the proper application and payment of the proper  
23 fees, but without hearings or other proceedings, issue such permit, license or other  
24 approval subject only to conditions set forth in this site certificate. ORS 469.401(3).  
25
- 26 8. After issuance of this site certificate, each State agency or local government agency that  
27 issues a permit, license or other approval for the facility shall continue to exercise  
28 enforcement authority over such permit, license or other approval. ORS 469.401(3).  
29
- 30 9. After issuance of this site certificate, the Council shall have continuing authority over the  
31 site and may inspect, or direct the Oregon Department of Energy (“ODOE” or the  
32 “Department”) to inspect, or request another State agency or local government to inspect,  
33 the site at any time in order to ensure that the facility is being operated consistently with  
34 the terms and conditions of this site certificate. ORS 469.430.  
35

### 36 **III. DESCRIPTION**

#### 37 **A. THE FACILITY**

##### 38 **1. The Energy Facility**

39  
40  
41  
42 ORS 469.300(11)(a)(J) defines the “energy facility” in this case as “[a]n electric power  
43 generating plant with an average electric generating capacity of 35 megawatts or more if the  
44 power is produced from ... wind energy at a single energy facility.” The proposed “electric  
45 power generating plant” would consist of up to 267 wind turbine locations, each consisting of a  
46 turbine tower and foundation, turbine pad area, nacelle, rotor and blade assembly, and step-up

1 transformer. Wind turbines would be placed in survey corridors as shown in the Application for a  
2 Site Certificate. Golden Hills would have a peak electric generating capacity of up to 400 MW  
3 and an average electric generating capacity of about 133 MW.  
4

5 GHWF has not yet selected the wind turbine model or models that would be installed in  
6 the facility. GHWF is requesting a site certificate that would allow the installation of up to 267  
7 GE sle 1.5-MW turbines or any combination of turbines subject to specific restrictions. Under  
8 maximum conditions, turbine towers would measure up to 80 meters (263 feet) at the rotor hub,  
9 and the diameter of the rotor-swept area would be 96 meters (315 feet).  
10

11 A wind turbine features a nacelle mounted on a tubular steel tower. The nacelle houses  
12 the generator and gearbox and supports the rotor and blades at the hub. The turbine tower  
13 supports and provides access to the nacelle. Each turbine unit sits on a concrete pad that  
14 accommodates the turbine pedestal, a step-up transformer and a turnout area for service vehicles.  
15 The purpose of the step-up transformer is to increase the output voltage of the wind turbine to the  
16 voltage of the power collection system. Underlying the pad would be a deep concrete turbine  
17 foundation with a surface area dependent upon the type and size of wind turbine selected.  
18

## 19 **2. Related or Supporting Facilities**

20

21 GHWF proposes to construct the following related or supporting facilities:

- 22 • Power collection system
  - 23 • Substations
  - 24 • 230-kV transmission line
  - 25 • 500-kV transmission line
  - 26 • Meteorological towers
  - 27 • Supervisory Control and Data Acquisition (“SCADA”) System
  - 28 • O&M facility
  - 29 • Access roads
  - 30 • Temporary laydown areas
- 31

32 **Power Collection System.** About 62 miles of power collection system, operating at 34.5  
33 kV, would transport the power from the wind turbines to the substations. Some portion of the  
34 power collection system may be installed above ground to avoid impacts or to accommodate  
35 unforeseen geotechnical conditions.  
36

37 **Substations.** The proposed facility would include two substations, one in the eastern  
38 section of the Golden Hills site and another in the western section of the Golden Hills site. Each  
39 substation would occupy a graveled and fenced area about 2 acres in size to facilitate a  
40 transformer, switching equipment and a parking area.  
41

42 **230-kV Transmission Line.** The substation in the eastern section of the Golden Hills site  
43 would interconnect with an existing PPM Energy transmission line by means of an aboveground  
44 0.7-mile 230-kV transmission line.  
45

1           **500-kV Transmission Line.** The substation in the western section of the Golden Hills  
2 site would interconnect with the existing BPA John Day Substation by means of an aboveground  
3 500-kV transmission line about 11 miles long.  
4

5           **Meteorological Towers.** GHWF proposes to install up to six permanent meteorological  
6 towers (“met towers”). The met towers would be unguyed tubular structures about 85 meters  
7 (279 feet) tall and set in concrete foundations.  
8

9           **SCADA System.** A fiber optic communications network would link the wind turbines to  
10 a central computer at the O&M facility. The SCADA system would collect operating and  
11 performance data from each wind turbine and Golden Hills as a whole and provide for remote  
12 operation of the wind turbines.  
13

14           **O&M Facility.** A 5,000-square-foot operations and maintenance (“O&M”) building  
15 would be constructed at one or the other of two locations proposed by GHWF. The O&M  
16 building would house office and workshop areas, a control room for the SCADA system, and a  
17 kitchen, bathroom and shower. The five-acre O&M facility site would include parking for  
18 vehicles. Domestic water use would not exceed 5,000 gallons per day, and domestic water would  
19 be obtained from an on-site well. Domestic wastewater would be drained into an on-site septic  
20 system.  
21

22           **Access Roads.** Approximately 50 miles of new roads would be constructed to provide  
23 access to the turbine strings and other facility components. Access roads would connect to  
24 graveled turbine pad areas at the base of each wind turbine. The roads would be 20 feet wide and  
25 constructed with crushed gravel. In addition, GHWF would improve and widen some existing  
26 county and farm roads.  
27

28           **Temporary Laydown Areas.** Up to seven principal, temporary laydown areas would be  
29 used to stage construction and store supplies and equipment during construction. In addition,  
30 temporary laydown areas would be required at the base of each proposed wind turbine. The  
31 laydown areas would be covered with gravel, and the gravel would be removed and the areas  
32 would be restored to their pre-construction conditions following completion of construction.  
33

34           The certificate holder shall satisfy the following administrative condition:  
35

- 36 (III.A.1)       The certificate holder shall construct a facility substantially as described in the  
37 site certificate and may select GE sle 1.5-megawatt or some combination of other  
38 turbines, subject to the following restrictions and compliance with other site  
39 certificate conditions. Before beginning construction, the certificate holder shall  
40 provide to the Department a description of the turbine types selected for the  
41 facility demonstrating compliance with this condition.
- 42           (a)       The total number of turbines at the facility must not exceed 267 turbines.
  - 43           (b)       The combined peak generating capacity of the facility must not exceed  
44                   400 megawatts.
  - 45           (c)       The turbine hub height must not exceed 80 meters and the maximum blade  
46                   tip height must not exceed 128 meters.

- 1 (d) The minimum blade tip clearance must be 32 meters above ground.  
2 (e) The maximum combined weight of metals in the tower (including ladders  
3 and platforms) and nacelle must not exceed 324 U.S. tons per turbine.  
4 (f) The certificate holder shall request an amendment of the site certificate to  
5 increase the combined peak generating capacity of the facility beyond 400  
6 megawatts, to increase the number of wind turbines to more than 267  
7 turbines, to install wind turbines with a hub height greater than 80 meters  
8 or a blade tip height greater than 128 meters, or to install turbines with a  
9 maximum combined weight of metals in the tower (including ladders and  
10 platforms) and nacelle greater than 324 U.S. tons per turbine.  
11

## 12 **B. LOCATION OF THE FACILITY**

13

14 The facility will occupy about 30,000 acres and be located near Wasco in Sherman  
15 County, Oregon. More particularly, the site would occupy portions of Sections 9, 10, 14-16, 22-  
16 26 and 34-36, Township 2 North, Range 16 East; Sections 29-32, Township 2 North, Range 17  
17 East; Sections 1-3, 13, 24, 25 and 36, Township 1 North, Range 16 East; Sections 5-8, 14-22, 25  
18 and 27-36, Township 1 North, Range 17 East; Sections 1-14, 16 and 17, Township 1 South,  
19 Range 17 East; and Sections 6-8, Township 1 South, Range 18 East, Willamette Meridian,  
20 Sherman County, Oregon.  
21

## 22 **C. THE SITE AND SITE BOUNDARY**

23

24 The certificate holder shall satisfy the following administrative condition:

- 25  
26 (III.C.1) Before beginning construction and after considering all micro-siting factors, the  
27 certificate holder shall provide to the Department, the Oregon Department of Fish  
28 and Wildlife (“ODFW”) and the Planning Director of Sherman County detailed  
29 maps of the facility site, showing the final locations where the certificate holder  
30 proposes to build facility components and a table showing the acres of temporary  
31 and permanent habitat impact by habitat category and subtype. The maps shall  
32 include the locations of temporary laydown areas and areas of temporary ground  
33 disturbance associated with the construction of all transmission lines. The detailed  
34 maps of the facility site shall indicate the habitat categories of all areas that would  
35 be affected during construction. In classifying the affected habitat into habitat  
36 categories, the certificate holder shall consult with ODFW. The certificate holder  
37 shall not begin ground disturbance in an affected area until the habitat assessment  
38 has been approved by the Department. The Department may employ a qualified  
39 contractor to confirm the habitat assessment by on-site inspection.  
40

## 41 **D. CONSTRUCTION DEADLINES**

42

43 The certificate holder shall satisfy the following administrative conditions:

- 44  
45 (III.D.1) The certificate holder shall begin construction of the facility within by June 18,  
46 2016. Under OAR 345-015-0085(9), an amended site certificate is effective upon

1 execution by the Council Chair and the applicant. The Council may grant an  
2 extension of the deadline to begin construction in accordance with OAR 345-027-  
3 0030 or any successor rule in effect at the time the request for extension is  
4 submitted. [Amendment 2]  
5

6 (III.D.2) The certificate holder shall complete construction of the facility by June 18, 2019.  
7 Construction is complete when (1) the facility is substantially complete as defined  
8 by the certificate holder’s construction contract documents; (2) acceptance testing  
9 has been satisfactorily completed; and (3) the energy facility is ready to begin  
10 continuous operation consistent with the site certificate. The certificate holder  
11 shall promptly notify the Department of the date of completion of construction.  
12 The Council may grant an extension of the deadline for completing construction  
13 in accordance with OAR 345-027-0030 or any successor rule in effect at the time  
14 the request for extension is submitted. [Amendment 2]  
15

16 (III.D.3) Before beginning construction, the certificate holder shall notify the Department  
17 in advance of any work on the site that does not meet the definition of  
18 “construction” in ORS 469.300(6), excluding surveying, exploration or other  
19 activities to define or characterize the site, and shall provide to the Department a  
20 description of the work and evidence that its value is less than \$250,000.  
21

22 **IV. SPECIFIC FACILITY CONDITIONS**  
23

24 The conditions listed in this section include conditions based on representations in the  
25 Application for a Site Certificate and supporting record. These conditions are required under  
26 OAR 345-027-0020(10). The certificate holder must comply with these conditions in addition to  
27 the conditions listed in Sections III, V, VI and VII. This section includes other specific facility  
28 conditions the Council finds necessary to ensure compliance with the siting standards of OAR  
29 Chapter 345, Divisions 22 and 24, and to protect the public health and safety. For conditions that  
30 require subsequent review and approval of a future action, ORS 469.402 authorizes the Council  
31 to delegate the future review and approval to the Department if, in the Council’s discretion, the  
32 delegation is warranted under the circumstances of the case.  
33

34 **A. [PLACEHOLDER]**  
35

36 **B. ORGANIZATIONAL EXPERTISE**  
37

38 (IV.B.1) The certificate holder shall report promptly to the Department any change in its  
39 corporate relationship with Orion Renewable Energy Group LLC. The certificate  
40 holder shall report promptly to the Department any change in its access to the  
41 resources, expertise and personnel of Orion Renewable Energy Group LLC.  
42

43 (IV.B.2) Before beginning construction, the certificate holder shall notify the Department  
44 of the identity and qualifications of the major design, engineering and  
45 construction contractor(s) for the facility. The certificate holder shall select  
46 contractors that have substantial experience in the design, engineering and



1 construction of similar facilities. The certificate holder shall report to the  
2 Department any change of major contractors.

3  
4 (IV.B.3) If the certificate holder chooses a third-party contractor to operate the facility, the  
5 certificate holder shall submit to the Council the identity of the contractor so the  
6 Council may review the qualifications and capability of the contractor to meet the  
7 standards of OAR 345-022-0010. If the Council finds that a new contractor meets  
8 these standards, the Council shall not require an amendment to the site certificate  
9 for the certificate holder to hire the contractor.

10  
11 (IV.B.4) Any matter of noncompliance under the site certificate shall be the responsibility  
12 of the certificate holder. Any notice of violation issued under the site certificate  
13 shall be issued to the certificate holder. Any civil penalties assessed under the site  
14 certificate shall be levied on the certificate holder.

15  
16 (IV.B.5) The certificate holder shall contractually require the engineering and procurement  
17 contractor and all independent contractors and subcontractors involved in the  
18 construction and operation of the facility to comply with all applicable laws and  
19 regulations and with the terms and conditions of the site certificate. Such  
20 contractual provision shall not operate to relieve the certificate holder of  
21 responsibility under the site certificate.

22  
23 (IV.B.6) The certificate holder shall obtain, or shall ensure that its contractors obtain,  
24 necessary federal, State and local permits or approvals required for the  
25 construction, operation and retirement of the facility. The certificate holder shall  
26 work with local and State fire officials to ensure compliance with all fire code  
27 regulations regarding public buildings.

28  
29 (IV.B.7) During construction, the certificate holder shall have an on-site assistant  
30 construction manager who is qualified in environmental compliance to ensure  
31 compliance with all construction-related site certificate conditions. During  
32 operation, the certificate holder shall have a facility manager who is qualified in  
33 environmental compliance to ensure compliance with all ongoing site certificate  
34 conditions. The certificate holder shall notify the Department of the name,  
35 telephone number, fax number and e-mail address of these managers and shall  
36 keep the Department informed of any change in this information.

37  
38 (IV.B.8) Within 72 hours after discovery of conditions or circumstances that may violate  
39 the terms or conditions of the site certificate, the certificate holder shall report the  
40 conditions or circumstances to the Department.

41  
42 **C. RETIREMENT AND FINANCIAL ASSURANCE**

43  
44 (IV.C.1) The certificate holder shall retire the facility if the certificate holder permanently  
45 ceases construction or operation of the facility. The certificate holder shall retire

1 the facility according to a final retirement plan approved by the Council, as  
2 described in OAR 345-027-0110, and prepared pursuant to Condition (IV.C.2).

3  
4 (IV.C.2) Two years before closure of the energy facility, the certificate holder shall submit  
5 to the Department a proposed final retirement plan for the facility and site,  
6 pursuant to OAR 345-027-0110, including:

7 (a) A plan for retirement that provides for completion of retirement within  
8 two years after permanent cessation of operation of the energy facility and  
9 that protects the public health and safety and the environment;

10 (b) A description of actions the certificate holder proposes to take to restore  
11 the site to a useful, non-hazardous condition suitable for agricultural use;  
12 and

13 (c) A detailed cost estimate, a comparison of that estimate with the dollar  
14 amount secured by a bond or letter of credit and any amount contained in a  
15 retirement fund, and a plan for assuring the availability of adequate funds  
16 for completion of retirement.

17  
18 (IV.C.3) The certificate holder shall prevent the development of any conditions on the site  
19 that would preclude restoration of the site to a useful, non-hazardous condition to  
20 the extent that prevention of such site conditions is within the control of the  
21 certificate holder.  
22

23 (IV.C.4) Before beginning construction, the certificate holder shall submit to the State  
24 through the Council a bond or letter of credit in the amount described herein  
25 naming the State, acting by and through the Council, as beneficiary or payee. If  
26 the certificate holder elects to build the facility in a single phase, the initial bond  
27 or letter of credit amount is \$16,491,000 (in 2008 dollars), adjusted to the date of  
28 issuance as described in (b), or the amount determined as described in (a). If the  
29 certificate holder elects to build the facility in more than one phase, the amount of  
30 the initial bond or letter of credit for each phase of construction shall be the  
31 amount determined as described in (a). The certificate holder shall adjust the  
32 amount of each bond or letter of credit on an annual basis thereafter as described  
33 in (b).

34 (a) The certificate holder may adjust the amount of each bond or letter of  
35 credit based on the final design configuration of the facility by applying  
36 the unit costs and general costs illustrated in Table IV.C.1 of the Final  
37 Order on the Application to the final design and calculating the financial  
38 assurance amount as described in that order, adjusted to the date of  
39 issuance as described in (b) and subject to approval by the Department.

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

43 (i) Adjust the subtotal component of the bond or letter of credit  
44 amount (expressed in 2008 dollars) to present value, using the U.S.  
45 Gross Domestic Product Implicit Price Deflator, Chain-Weight, as  
46 published in the Oregon Department of Administrative Services'

1 “Oregon Economic and Revenue Forecast” or by any successor  
2 agency (the “Index”) and using the annual average index value for  
3 2008 dollars and the quarterly index value for the date of issuance  
4 of the new bond or letter of credit. If at any time the Index is no  
5 longer published, the Council shall select a comparable calculation  
6 to adjust 2008 dollars to present value.

- 7 (ii) Calculate the adjusted performance bond amount as 1 percent of  
8 the new subtotal (i).
- 9 (iii) Add the subtotal (i) to the adjusted performance bond amount (ii)  
10 for the adjusted gross cost.
- 11 (iv) Calculate the adjusted administration and project management  
12 costs as 10 percent of the adjusted gross cost (iii).
- 13 (v) Calculate the adjusted future developments contingency as 10  
14 percent of the adjusted gross cost (iii).
- 15 (vi) Add the adjusted gross cost (iii) to the sum of adjusted  
16 administration and project management costs (iv) and the adjusted  
17 future developments contingency (v) and round the resulting total  
18 to the nearest \$1,000 to determine the adjusted financial assurance  
19 amount.

- 20 (c) The certificate holder shall use a form of bond or letter of credit approved  
21 by the Council.
- 22 (d) The certificate holder shall use an issuer of the bond or letter of credit  
23 approved by the Council.
- 24 (e) The certificate holder shall describe the status of the bond or letter of  
25 credit in the annual report submitted to the Council under Condition  
26 (VII.21.a.ii).
- 27 (f) The bond or letter of credit shall not be subject to revocation or reduction  
28 before retirement of the facility site.

29  
30 (IV.C.5) If the certificate holder elects to use a bond to meet the requirements of Condition  
31 (IV.C.4), the certificate holder shall ensure that the surety is obligated to comply  
32 with the requirements of applicable statutes, Council rules and this site certificate  
33 when the surety exercises any legal or contractual right it may have to assume  
34 construction, operation or retirement of the energy facility. The certificate holder  
35 shall also ensure that the surety is obligated to notify the Council that it is  
36 exercising such rights and to obtain any Council approvals required by applicable  
37 statutes, Council rules and this site certificate before the surety commences any  
38 activity to complete construction, operate or retire the energy facility.

39  
40 (IV.C.6) The certificate holder shall report to the Department any release of hazardous  
41 substances, pursuant to Oregon Department of Environmental Quality (“DEQ”)  
42 regulations, within one working day after the discovery of such release. This  
43 obligation shall be in addition to any other reporting requirements applicable to  
44 such a release.

45

- 1 (IV.C.7) If the certificate holder has not remedied a release consistent with applicable  
2 Oregon DEQ standards within six months after the date of the release, the  
3 certificate holder shall submit to the Council for its approval an independently  
4 prepared estimate of the additional cost of remediation or correction within such  
5 six-month period.
- 6 (a) Upon approval of an estimate by the Council, the certificate holder shall  
7 increase the amount of its bond or letter of credit by the amount of the  
8 estimate.
- 9 (b) In no event, however, shall the certificate holder be relieved of its  
10 obligation to exercise all due diligence in remedying a release of  
11 hazardous substances.
- 12
- 13 (IV.C.8) All funds received by the certificate holder from the salvage of equipment and  
14 buildings shall be committed to the restoration of the energy facility site to the  
15 extent necessary to fund the approved site restoration and remediation.
- 16
- 17 (IV.C.9) The certificate holder shall pay the actual cost to restore the site to a useful, non-  
18 hazardous condition at the time of retirement, notwithstanding the Council's  
19 approval in the site certificate of an estimated amount required to restore the site.
- 20
- 21 (IV.C.10) If the Council finds that the certificate holder has permanently ceased  
22 construction or operation of the facility without retiring the facility according to a  
23 final retirement plan approved by the Council, as described in OAR 345-027-0110  
24 and prepared pursuant to Condition (IV.C.2), the Council shall notify the  
25 certificate holder and request that the certificate holder submit a proposed final  
26 retirement plan to the Department within a reasonable time not to exceed 90 days.
- 27 (a) If the certificate holder does not submit a proposed final retirement plan  
28 by the specified date or if the Council rejects the retirement plan that the  
29 certificate holder submits, the Council may direct the Department to  
30 prepare a proposed a final retirement plan for the Council's approval.
- 31 (b) Upon the Council's approval of the final retirement plan prepared pursuant  
32 to (a), the Council may draw on the bond or letter of credit described in  
33 Condition (IV.C.4) and shall use the funds to restore the site to a useful,  
34 non-hazardous condition according to the final retirement plan, in addition  
35 to any penalties the Council may impose under OAR Chapter 345,  
36 Division 29.
- 37 (c) If the amount of the bond or letter of credit is insufficient to pay the actual  
38 cost of retirement, the certificate holder shall pay any additional cost  
39 necessary to restore the site to a useful, non-hazardous condition.
- 40 (d) After completion of site restoration, the Council shall issue an order to  
41 terminate the site certificate if the Council finds that the facility has been  
42 retired according to the approved final retirement plan.
- 43

44 **D. LAND USE**

45

- 1 (IV.D.1) The certificate holder shall construct the public road improvements described in  
2 the Application for a Site Certificate to meet or exceed road standards for the road  
3 classifications in the County’s Transportation System Plan and Zoning Ordinance  
4 because roads will require a more substantial section to bear the weight of the  
5 vehicles and turbine components than would usually be constructed by the  
6 County.  
7
- 8 (IV.D.2) The certificate holder shall ensure that no equipment or machinery is parked or  
9 stored on any county road except while in use.  
10
- 11 (IV.D.3) The site certificate holder shall, in consultation with affected landowners, design  
12 and construct private access roads to minimize the division of existing farm units.  
13
- 14 (IV.D.4) The certificate holder shall not locate any aboveground facility structure  
15 (including wind turbines, O&M building, substations and met towers, but not  
16 including aboveground power collection and transmission lines and poles and  
17 junction boxes) within 50 feet from any property line or within 50 feet from the  
18 right of way of any arterial or major collector road.  
19
- 20 (IV.D.5) Aboveground transmission line structures shall not occupy areas that show gross  
21 indicators of landslide activity or marginal stability.  
22
- 23 (IV.D.6) Collector lines in the Natural Hazards Combining Zone (“NH zone”) shall be  
24 placed under ground except in instances where it is more practical to install  
25 aboveground power collection lines and provided that the aboveground power  
26 collection lines will be designed to minimize slope stability and other NH zone  
27 hazards. The site-specific geotechnical investigation required prior to construction  
28 shall address native soil and bedrock stability concerns at cuts, fills and culvert  
29 crossings, and shall include design and construction recommendations to  
30 minimize the potential for destabilizing marginally stable slopes and the potential  
31 for stream erosion.  
32
- 33 (IV.D.7) Prior to start of construction, the certificate holder shall submit for Sherman  
34 County Planning Department concurrence the plans and profiles described at  
35 SCZO 3.7.5(e).  
36
- 37 (IV.D.8) Construction staging areas shall be limited to areas outside the NH zone.  
38
- 39 (IV.D.9) Roads or streets in the NH zone shall be stabilized by planking, gravel or  
40 pavement as deemed necessary, and roadways shall be built without installation of  
41 excessive fill, diversion of water or excessive cuts unless the site investigation  
42 determines that such conditions will not be detrimental to the area or create  
43 unwarranted maintenance problems or additional hazards.  
44
- 45 (IV.D.10) The certificate holder shall locate access roads and temporary construction  
46 laydown and staging areas, including those associated with construction of

1 transmission lines or placement of conductors on third-party transmission lines, to  
2 minimize disturbance with farming practices and, wherever feasible, as  
3 determined in consultation with affected landowners, shall place turbines and  
4 transmission interconnection lines along the margins of cultivated areas to reduce  
5 the potential for conflict with farm operations. The certificate holder shall place  
6 aboveground transmission and collector lines and poles and junction boxes along  
7 property lines and public road rights-of-way to the extent practicable.  
8

9 (IV.D.11) During operation of the facility, the certificate holder, in cooperation with  
10 landowners, shall avoid impact on cultivated land to the extent reasonably  
11 possible when performing facility repair and maintenance activities.  
12

13 (IV.D.12) Where necessary and feasible, the certificate holder shall provide access across  
14 construction trenches to fields within the facility site and otherwise provide  
15 adequate and timely access to properties during critical periods in the farming  
16 cycle, such as harvest.  
17

18 (IV.D.13) Before beginning construction of the facility, the certificate holder shall record a  
19 Farm Management Easement covering the properties on which the certificate  
20 holder locates wind power generation facilities. The certificate holder shall record  
21 the easements in the real property records of Sherman County and shall file a  
22 copy of the recorded easement with the Sherman County Planning Director.  
23

24 (IV.D.14) The certificate holder shall remove from Special Farm Assessment the portions of  
25 parcels on which facilities are located and shall pay all property taxes due and  
26 payable after the Special Farm Assessment is removed from such properties.  
27

28 (IV.D.15) Within 90 days after beginning operation, the certificate holder shall provide to  
29 the Department and to the Sherman County Planning Director the actual latitude  
30 and longitude location or Stateplane NAD 83(91) coordinates of each turbine  
31 tower, connecting lines and transmission lines. In addition, the certificate holder  
32 shall provide to the Department and to the Sherman County Planning Director, a  
33 summary of as-built changes in the facility compared to the original plan, if any.  
34

35 (IV.D.16) The certificate holder shall work with the Sherman County Weed Control  
36 manager to take appropriate measures to prevent the invasion, during and after the  
37 facility's construction, of any weeds on the Sherman County noxious weed list.  
38

39 (IV.D.17) The certificate holder shall cooperate with the Sherman County Road Department  
40 to ensure that any unusual damage or wear caused by the use of the county's  
41 roads by the developer during the construction of the facility will be the  
42 responsibility of the developer. The Road Department will provide an assessment  
43 of road conditions in the facility area prior to the start of construction of the  
44 facility and an evaluation of the roads following completion of the facility to  
45 determine any significant change in condition. In addition, no equipment or

1 machinery of the developers shall be parked or stored on any county road except  
2 while in use.

3  
4 (IV.D.18) Prior to start of construction, the certificate holder shall, in consultation with  
5 Sherman County, assign a 9-1-1 5-digit rural address to every tower road that  
6 intersects a State or county road. The county will provide and install the signage  
7 for these addresses.

8  
9 (IV.D.19) Prior to beginning construction, the certificate holder will:  
10 (a) Designate a route or routes for the transport of wind turbine construction  
11 material (including water, aggregate, concrete, machinery and tower  
12 pieces), with the intention of minimizing damage to non-designated roads,  
13 and provide these designations to the County Road Master;  
14 (b) Provide to the County Road Master a written summary of possible  
15 anticipated road damage to the designated route or routes, and an estimate  
16 of the cost of repair to the designated route or routes;  
17 (c) Establish and maintain an escrow account for so long as construction is  
18 ongoing, funded in an amount equal to the estimated cost to repair the  
19 designated route or routes consistent with the estimate provided in (b); and  
20 (d) Conduct an inspection of the roads along the designated route or routes  
21 before and after construction with a representative of the Sherman County  
22 Road Department and an independent third party with the required  
23 expertise to inspect and evaluate paved and graveled roads. In the event a  
24 dispute arises, the third party shall be the final arbiter. The cost of the  
25 hiring of the third party shall be borne by the applicant.

26  
27 (IV.D.20) Before beginning construction of facility access roads, the certificate holder shall  
28 confer with the Sherman County Road Master regarding any utility permits  
29 needed for county road right-of-ways and obtain permits for construction of all  
30 approach roads onto county roads, all in accordance with Sherman County  
31 Ordinance No. 35-2007.

32  
33 (IV.D.21) The certificate holder shall comply with Sherman County Zoning Ordinance  
34 Section 4.14.4, Access Connection and Driveway Design, in connection with  
35 construction of the O&M facility and substations.

36  
37 (IV.D.22) Prior to construction, Certificate Holder shall demonstrate that the final location  
38 of turbines within the micrositing corridors approved by the Council will satisfy  
39 setback requirements prescribed by Section 4 of the Sherman County Wind  
40 Setback Ordinance (Ordinance No. 39-2007) unless the Council or Oregon  
41 Department of Energy has approved a variance to such setback for the turbine or  
42 the Certificate Holder has negotiated a setback agreement with the affected  
43 adjacent property owner or wind project developer. [Amendment #1]

44  
45 **E. SOIL PROTECTION**

- 1 (IV.E.1) The certificate holder shall conduct all construction work in compliance with an  
2 Erosion and Sediment Control Plan (the “ESCP”) satisfactory to the Oregon DEQ  
3 and as required under the National Pollutant Discharge Elimination System Storm  
4 Water Discharge General Permit #1200-C. The certificate holder shall include in  
5 the ESCP any procedures necessary to meet local erosion and sediment control  
6 requirements or storm water management requirements.  
7
- 8 (IV.E.2) Where temporary impacts will occur in cultivated areas, the certificate holder  
9 shall salvage approximately three feet of topsoil and stockpile this topsoil in  
10 windrows. The certificate holder shall protect the windrows with plastic sheeting  
11 or mulch. Upon removal of the temporary features, the certificate holder shall  
12 cultivate the subsoil to a depth of at least 12 inches (except where bedrock  
13 prohibits achieving this depth) and then redistribute the salvaged topsoil to match  
14 adjacent grades.  
15
- 16 (IV.E.3) During facility operation, the certificate holder shall routinely inspect and  
17 maintain all roads, pads and trenched areas and, as necessary, maintain or repair  
18 erosion control measures. The certificate holder shall restore areas that are  
19 temporarily disturbed during facility maintenance or repair activities to  
20 predisturbance condition or better.  
21
- 22 (IV.E.4) During construction and operation of the facility, the certificate holder shall  
23 implement a plan, developed in consultation with the Sherman County Weed  
24 Control manager, to control the introduction and spread of noxious weeds.  
25
- 26 (IV.E.5) During construction, the certificate holder shall ensure that the wash down of  
27 concrete trucks occurs only at a contractor-owned batch plant or at tower  
28 foundation locations. If such wash down occurs at tower foundation locations,  
29 then the certificate holder shall ensure that wash down wastewater does not run  
30 off the construction site into otherwise undisturbed areas and that the wastewater  
31 is disposed of on backfill piles and buried underground with the backfill over the  
32 tower foundation.  
33
- 34 (IV.E.6) During facility operation, if blade-washing becomes necessary, the certificate  
35 holder shall ensure that there is no runoff of wash water from the site or  
36 discharges to surface waters, storm sewers or dry wells. The certificate holder  
37 shall not use acids, bases or metal brighteners with the wash water. The certificate  
38 holder may use biodegradable, phosphate-free cleaners sparingly.  
39

40 **F. PROTECTED AREAS**

41 [No conditions]

42  
43 **G. SCENIC RESOURCES**

- 44  
45 (IV.G.1) To reduce the visual impact of the facility, the certificate holder shall:



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

(IV.G.2) The certificate holder shall design and construct the O&M facility to be generally consistent with the character of similar buildings used by commercial farmers or ranchers in the area and shall paint the building in a neutral color to blend with the surrounding landscape.

- (IV.G.3) During operation of the facility, the certificate holder shall not use exterior nighttime lighting except:
- (a) The minimum turbine tower lighting required or recommended by the Federal Aviation Administration (the “FAA”);
  - (b) Security lighting at the O&M facility and substations, provided that such lighting is shielded or directed downward to reduce glare;
  - (c) Minimum lighting necessary for repairs or emergencies; and
  - (d) As otherwise required by federal, State or local law.

**H. RECREATION**  
[No conditions]

**I. PUBLIC HEALTH AND SAFETY STANDARDS**

(IV.I.1) The certificate holder shall follow manufacturer’s recommended handling instructions and procedures to prevent damage to turbine or turbine tower components that could lead to failure.

(IV.I.2) The certificate holder shall install and maintain self-monitoring devices on each turbine, connected to a fault annunciation panel or SCADA system at the O&M facility to alert operators to potentially dangerous conditions. The certificate holder shall equip each turbine with vibration-sensing equipment that will shut down the turbine in the event of abnormal levels of vibration.

(IV.I.3) The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The certificate holder shall keep tower access doors locked at all times except when authorized personnel are present.

(IV.I.4) The certificate holder shall have an operational safety-monitoring program and shall inspect all turbines and turbine tower components on a regular basis. The

1 certificate holder shall maintain or repair turbine and turbine tower components as  
2 necessary to protect public safety.

3  
4 (IV.I.5) For turbine types having pad-mounted step-up transformers, the certificate holder  
5 shall install the transformers at the base of each tower in locked cabinets designed  
6 to protect the public from electrical hazards and to avoid creation of artificial  
7 habitat for raptor prey.

8  
9 (IV.I.6) To protect the public from electrical hazards, the certificate holder shall enclose  
10 the facility substations with appropriate fencing and locked gates.

11  
12 (IV.I.7) Before beginning construction, the certificate holder shall submit to the FAA and  
13 the Oregon Department of Aviation (“ODA”) a Notice of Proposed Construction  
14 or Alteration identifying the proposed final locations of the turbines and related or  
15 supporting facilities and shall provide a copy of this notice to the Department. The  
16 certificate holder shall notify the Department of the FAA’s and ODA’s responses  
17 as soon as they have been received.

18  
19 (IV.I.8) The certificate holder shall construct all facility components in compliance with  
20 the following setback requirements:  
21 (a) The certificate holder shall maintain a minimum distance of 110 percent of  
22 maximum blade tip height, measured from the centerline of the turbine  
23 tower to the nearest edge of any public road right-of-way. The certificate  
24 holder shall assume a minimum right-of-way width of 60 feet.  
25 (b) The certificate holder shall maintain a minimum distance of 1,320 feet,  
26 measured from the centerline of the turbine tower to the center of the  
27 nearest residence existing at the time of tower construction.  
28 (c) The certificate holder shall maintain a minimum distance of 110 percent of  
29 maximum blade tip height, measured from the centerline of the turbine  
30 tower to the nearest boundary of the certificate holder’s lease area.

31  
32 **J. SITING STANDARDS FOR WIND ENERGY FACILITIES**  
33 [No conditions]

34  
35 **K. SITING STANDARDS FOR TRANSMISSION LINES**

36  
37 (IV.K.1) The certificate holder shall install the underground segments of the 34.5-kV  
38 collector system at a minimum depth of three feet.

39  
40 **L. THREATENED AND ENDANGERED SPECIES**

41  
42 (IV.L.1) If construction of the facility begins after 2009, the certificate holder shall review  
43 the Oregon Natural Heritage Information Center and U.S. Fish and Wildlife  
44 Service databases and consult with an expert designated by ODFW on an annual  
45 basis before beginning construction to determine whether nesting bald eagles or  
46 peregrine falcons have been documented to occur within two miles of the facility.

1 The certificate holder shall report the results of the database review and  
2 consultation to the Department and to ODFW and, if there have been new  
3 documentations of nesting bald eagles or peregrine falcons within two miles of  
4 the facility, the certificate holder shall implement appropriate measures to protect  
5 the species from adverse impact, as approved by the Department and ODFW.  
6

- 7 (IV.L.2) The certificate holder shall implement measures to mitigate impacts to sensitive  
8 wildlife habitat during construction including, but not limited to, the following:  
9 (a) Preparing maps to show sensitive areas, such as nesting or denning areas  
10 for sensitive wildlife species, that are off limits to construction personnel;  
11 (b) Ensuring that a qualified person instructs construction personnel to be  
12 aware of wildlife in the area and to take precautions to avoid injuring or  
13 destroying wildlife or significant wildlife habitat; and  
14 (c) Avoiding unnecessary road construction, temporary disturbance and  
15 vehicle use.  
16

- 17 (IV.L.3) Prior to the beginning of construction of the facility the certificate holder shall  
18 perform new field surveys for threatened and endangered species following the  
19 survey protocol set forth in the Application for Site Certificate. The certificate  
20 holder shall report the results of the field surveys to the Department, ODFW, and  
21 the Oregon Department of Agriculture. If the surveys identify the presence of  
22 threatened or endangered species within the site boundary, the certificate holder  
23 shall implement appropriate measures to avoid a significant reduction in the  
24 likelihood of survival or recovery of the species, as approved by the Department,  
25 ODFW, and the Oregon Department of Agriculture.  
26  
27

## 28 **M. FISH AND WILDLIFE HABITAT**

- 29  
30 (IV.M.1) The certificate holder shall implement the Habitat Mitigation and Revegetation  
31 Plan submitted by the certificate holder in its August 2008 application supplement  
32 and attached to the Final Order as Attachment B, as amended from time to time.  
33 Prior to start of construction, the certificate holder shall acquire the legal right to  
34 create, enhance, maintain and protect a habitat mitigation area so long as the site  
35 certificate is in effect by means of outright purchase, conservation easement or  
36 similar conveyance and shall provide a copy of the documentation to the  
37 Department. The nominal lease term shall be at least 30 years, with an option to  
38 extend if the facility continues operations past year 30. The mitigation area shall  
39 be as shown in figures 1, 2 and 3 of Attachment B to the Final Order. Any  
40 different mitigation area shall require prior approval of the Department in  
41 consultation with ODFW.  
42

- 43 (IV.M.2) The certificate holder shall restore areas outside the permanent footprint that are  
44 disturbed during construction according to the methods and monitoring  
45 procedures described in the revegetation plan included in the Final Order as  
46 Attachment B and as amended from time to time. Mitigation and restoration

1 requirements in the plan shall apply to all laydown areas and other areas of  
2 temporary disturbance, including those associated with construction of  
3 transmission lines.  
4

5 (IV.M.3) Permanent met towers shall not have guy wires.  
6

7 (IV.M.4) The certificate holder shall survey the status of known raptor nests within 0.5  
8 miles before ground-disturbing activities begin. If an active nest is found, and  
9 ground-disturbing activities are scheduled to begin before the end of the sensitive  
10 nesting and breeding season (mid-April to mid-August), the certificate holder will  
11 not engage in ground-disturbing activities within a 0.25-mile buffer around the  
12 nest until the nest fledges young or the nest fails, unless ODFW approves an  
13 alternative plan. If ground-disturbing construction activities continue into the  
14 sensitive nesting and breeding season for the following year, the certificate holder  
15 will not engage in ground-disturbing activities within the 0.25-mile buffer if the  
16 nest site is found to be active until the nest fledges young or the nest fails, unless  
17 ODFW approves an alternate plan.  
18

19 (IV.M.5) The certificate holder will survey the status of known loggerhead shrikes nests  
20 and visit sites where non-nesting loggerhead shrikes were observed in order to  
21 determine old and new nest sites. Ground-disturbing activities will be sequenced  
22 with active raptor nests, using a 150-meter buffer.  
23

24 (IV.M.6) Trees in Category 3 upland tree habitat shall not be physically harmed or  
25 removed.  
26

27 (IV.M.7) The certificate holder shall conduct wildlife monitoring as described in the  
28 Wildlife Monitoring and Mitigation Plan that is included as Attachment A to the  
29 Final Order and as amended from time to time.  
30

31 (IV.M.8) The certificate holder shall design and construct all aboveground transmission line  
32 support structures following the practices suggested by the Avian Powerline  
33 Interaction Committee (APLIC 1996, referenced in the Application for a Site  
34 Certificate, at P-33) and shall install anti-perching devices on transmission pole  
35 tops and cross arms where the poles are within the site or are located within one-  
36 quarter mile of any wind turbine.  
37

38 (IV.M.9) The certificate holder may construct turbines and other facility components within  
39 the 900-foot corridors shown on Figures P-1 through P-10 of the Application for a  
40 Site Certificate and August 2008 supplement, subject to the following  
41 requirements addressing potential habitat impact:

- 42 (a) The certificate holder shall not construct any facility components within  
43 areas of Category 1 or Category 2 habitat and shall avoid temporary  
44 disturbance of Category 1 or Category 2 habitat, except for those acreages  
45 allowed in Table IV.M.1 in the Final Order.

1 (b) The certificate holder shall design and construct facility components that  
2 are the minimum size needed for safe operation of the energy facility.  
3

4 (IV.M.10) During construction, the certificate holder shall protect the area within a 1300-  
5 foot buffer around any active nests of the following species during the sensitive  
6 period, as provided in this condition:  
7

Species	Sensitive Period	Early Release Date
Swainson's hawk	April 1 to August 15	May 31
Golden eagle	February 1 to August 31	May 31
Ferruginous hawk	March 15 to August 15	May 31
Burrowing owl	April 1 to August 15	July 15

8  
9 The 1300-foot buffer may be reduced, with Department approval, if there is an  
10 adequate physical barrier between the nest site and the construction impacts such  
11 that a 1300-foot buffer proves to be excessive.  
12

13 During the year in which construction of any phase occurs, the certificate holder  
14 shall use a protocol approved by ODFW to determine whether there are any active  
15 nests of these species within a half-mile of any areas that would be disturbed  
16 during construction. If a nest is occupied by any of these species after the  
17 beginning of the sensitive period, the certificate holder shall not engage in high-  
18 impact construction activities (activities that involve blasting, grading or other  
19 major ground disturbance) or allow high levels of construction traffic within 1300  
20 feet of the nest site, or such lesser distance as may be approved by the Department  
21 in the event there is an adequate physical barrier between the nest site and the  
22 construction impacts.  
23

24 In addition, the certificate holder shall flag the boundaries of the 1300-foot buffer  
25 area, or such lesser distance as may be approved by the Department in the event  
26 there is an adequate physical barrier between the nest site and the construction  
27 impacts, and shall instruct construction personnel to avoid any unnecessary  
28 activity within the buffer area. The certificate holder shall direct a qualified  
29 independent third-party biological monitor, as approved by the Department, to  
30 observe the active nest sites during the sensitive period for signs of disturbance  
31 and to notify the Department of any noncompliance with this condition. If the  
32 monitor observes nest site abandonment or other adverse impact to nesting  
33 activity, the certificate holder shall implement appropriate mitigation, in  
34 consultation with ODFW and subject to the approval of the Department, unless  
35 the adverse impact is clearly shown to have a cause other than construction  
36 activity. The certificate holder may begin or resume high-impact construction  
37 activities before the ending day of the sensitive period if any known nest site is  
38 not occupied by the early release date. If a nest site is occupied, then the  
39 certificate holder may begin or resume high-impact construction before the ending  
40 day of the sensitive period with the approval of ODFW, but after the young are  
41 fledged. The certificate holder shall use a protocol approved by ODFW to

1 determine when the young are fledged (meaning the young are independent of the  
2 core nest site).

- 3  
4 (IV.M.11) The certificate holder shall conduct two (2) years of raptor nest surveys with at  
5 least one (1) year of the surveys occurring prior to the beginning of construction.  
6 The raptor nest surveys shall be conducted following the instructions set forth in  
7 the Raptor Nest Survey Protocol for Golden Hills Wind Project included as  
8 Attachment C to the Second Amended Site Certificate.  
9

10 **V. STANDARDS NOT APPLICABLE TO SITE CERTIFICATE ELIGIBILITY**

11  
12 Under ORS 469.501(4), the Council may issue a site certificate without making the  
13 findings required by the standards discussed in this section (Structural Standard; Historic,  
14 Cultural and Archaeological Resources Standard; Public Services Standard; and Waste  
15 Minimization Standard). Nevertheless, the Council may impose site certificate conditions based  
16 on the requirements of these standards.  
17

18 **A. STRUCTURAL STANDARD**

- 19  
20 (V.A.1) The certificate holder shall submit a site-specific geotechnical investigation report  
21 to the Oregon Department of Geology & Mineral Industries (“DOGAMI”). The  
22 investigation and report shall conform to the Oregon State Board of Geologist  
23 Examiners guidelines titled “Guidelines for Engineering Geologic Reports” and  
24 “Guidelines for Site-Specific Seismic Hazard Reports for Essential and  
25 Hazardous Facilities and Major and Special-Occupancy Structures in Oregon.”  
26 The certificate holder shall provide the Department with the report and with  
27 evidence of concurrence by DOGAMI prior to start of construction.  
28

- 29 (V.A.2) The certificate holder shall instruct the consulting geologist and engineer to study  
30 slope stability issues and include conclusions and recommendations about slope  
31 stability in the site-specific geotechnical report.  
32

- 33 (V.A.3) The certificate holder shall design and construct the facility in accordance with  
34 requirements set forth by the State’s Building Code Division and any other  
35 applicable codes and design procedures.  
36

- 37 (V.A.4) The certificate holder shall design, engineer and construct the facility to avoid  
38 dangers to human safety presented by non-seismic hazards. As used in this  
39 condition, “non-seismic hazards” include settlement, landslides, flooding and  
40 erosion.  
41

- 42 (V.A.5) The certificate holder shall ensure that wind turbine corridors and major structures  
43 are constructed with sufficient setbacks from all steeper slopes to minimize the  
44 potential for creating unstable or marginally stable conditions.  
45

1 **B. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES STANDARD**

2  
3 (V.B.1) The certificate holder shall design the facility to avoid impacts to sites 35SH217,  
4 35SH220, GH site 6 (above ground resource), 35SH219 and GH Isolate 6.

5  
6 (V.B.2) For sites 35SH215, 35SH216 and 35SH221, the certificate holder shall avoid  
7 impacts to these sites during construction and subsequent operations. The  
8 certificate holder shall develop a Cultural Resource Management Plan (the  
9 “CRMP”) that includes a 30-meter buffer area around these listed sites designated  
10 as a “no-work zone” for all ground-disturbing activities. The certificate holder  
11 shall submit the CRMP to the State Historic Preservation Office (the “SHPO”) for  
12 concurrence and shall provide to the Department documentation confirming  
13 SHPO concurrence prior to start of construction.

14  
15 (V.B.3) The certificate holder shall consult with the SHPO regarding the development of a  
16 CRMP that will address the protection of aboveground historic resources and  
17 belowground archeological resources. The CRMP shall include established  
18 protocol and procedures for unanticipated discoveries, such as the discovery of  
19 new archeological sites or Native American human remains during ground-  
20 disturbing activities, and shall document how these protocols will follow State  
21 laws and rules at ORS 358.905-961, ORS 390.235, OAR 736-051-0090 and ORS  
22 97.740-760 as in effect on the date of this site certificate.

23  
24 (V.B.4) Before beginning construction of any phase of the facility, the certificate holder  
25 shall provide to the Department a map showing the final design locations of all  
26 components of that phase of the facility and areas that would be temporarily  
27 disturbed during construction, and also showing the areas surveyed by Tetra Tech  
28 in preparing the Archeological Inventory for Golden Hills Wind Energy  
29 Development included in the Application for a Site Certificate as Attachment S-1.  
30 If there are any additional areas where ground-disturbing activities will occur that  
31 were not part of the original facility area, the certificate holder shall contact the  
32 SHPO to determine whether there will be additional impacts to cultural resources.

33  
34 (V.B.5) The certificate holder shall ensure that a qualified archaeologist instructs  
35 construction personnel on the identification of cultural resources

36  
37 (V.B.6) If any cultural resources are discovered during construction activities, all work at  
38 that location shall cease immediately and the certificate holder shall contact the  
39 SHPO to determine whether it is necessary to have an archeologist travel to the  
40 worksite and assess the discovery or monitor construction activities.

41  
42 (V.B.7) “No access” buffers shall be identified on construction plans and temporarily  
43 demarcated in the field before and during construction. The facility  
44 Environmental Inspector shall monitor flagged “no access” buffers around  
45 archeological sites during construction to prevent accidental damage to cultural  
46 resources. These flags or markers shall not be moved or removed during

1 construction activities, and construction personnel shall be advised of these  
2 restrictions.

3  
4 (V.B.8) The certificate holder shall ensure that construction personnel cease all ground-  
5 disturbing activities in the immediate area if any archaeological or cultural  
6 resources are found during construction of the facility until a qualified  
7 archaeologist can evaluate the significance of the find. No construction personnel  
8 will be allowed in the discovery area except for facility management in  
9 consultation with the SHPO. The certificate holder shall notify the Department  
10 and the SHPO of the find. If the SHPO determines that the resource is significant,  
11 the certificate holder shall make recommendations to the Council for mitigation,  
12 including avoidance or data recovery, in consultation with the Department, the  
13 SHPO, the appropriate Oregon tribes and other appropriate parties. The certificate  
14 holder shall not restart work in the affected area until the certificate holder has  
15 demonstrated to the Department that it has complied with State archaeological  
16 protection and archaeological permit laws in coordination with the SHPO.

17  
18 (V.B.9) The certificate holder shall ensure that construction personnel proceed carefully in  
19 the vicinity of the mapped alignment of the Oregon Trail. If any intact physical  
20 evidence of the trail is discovered, the certificate holder shall avoid any  
21 disturbance to the intact segments by redesign, reengineering or restricting the  
22 area of construction activity. The certificate holder shall promptly notify the  
23 Department and the SHPO of the discovery. The certificate holder shall consult  
24 with the Department and with the SHPO to determine appropriate mitigation  
25 measures.

26  
27 (V.B.10) Upon completion of construction, the certificate holder shall consult with the  
28 Oregon Historic Trails Advisory Council regarding the appropriate content of an  
29 interpretive sign. After such consultation, the certificate holder shall place in a  
30 publicly accessible location a sign giving notice of the historic background of the  
31 facility site and surrounding areas.

32  
33 **C. PUBLIC SERVICES STANDARD**

34  
35 (V.C.1) During operation of the facility, the certificate holder shall obtain water for on-  
36 site use from one well located at the O&M facility, subject to compliance with  
37 applicable permit requirements. During operation of the facility, the certificate  
38 holder shall not use more than 5,000 gallons of water per day from the on-site  
39 well.

40  
41 (V.C.2) During construction and operation of the facility, the certificate holder shall install  
42 on-site security and shall require on-site security personnel to establish a line of  
43 communication with the Sherman County Sheriff's Office to regularly report on  
44 the status of on-site security operations.



- 1 (V.C.3) Before beginning construction the certificate holder shall develop and implement  
2 a fire safety and response plan for both construction and operation phases in  
3 consultation with the Oregon State Fire Marshal, the Sherman County Emergency  
4 Services, North Sherman Fire and Rescue, Moro Rural Fire Protection District  
5 and other first-response agencies the facility will rely upon for fire protection  
6 services. A copy of the plan must be provided to the Department at least 30 days  
7 before beginning construction. The plan must be updated at least annually by the  
8 agencies identified in (a) below and a copy provided to the agencies identified in  
9 (a), (b), and (c) and to the Department within 30 days of the update. The fire  
10 safety and response plan shall address, at a minimum, the following:
- 11 a. Identification of agencies that participated in developing the plan;
  - 12 b. Identification of agencies that are designated as first response agencies or are  
13 included in any mutual aid agreements with the facility;
  - 14 c. A list of any other mutual aid agreements or fire protection associations in the  
15 vicinity of the facility;
  - 16 d. Complete contact information for each agency listed in (a), (b), and (c) above,  
17 including at least two facility contacts available on a 24-hour basis;
  - 18 e. Communication protocols for both routine and emergency events and the incident  
19 command system to be used in the event a fire response by multiple agencies is  
20 needed at the facility;
  - 21 f. Access and fire response at the facility site during construction and operations.  
22 Fire response plans during construction shall address regular and frequent  
23 communication amongst the agencies regarding the number and location of  
24 construction sites within the site boundary, access roads that are completed and  
25 those still under construction, location of water receptacles, and a temporary  
26 signage system until permanent addresses and signs are in place;
  - 27 g. The minimum designated time period of the fire season (i.e., May 1 through  
28 October 15) and the criteria to modify the designated fire season to respond to  
29 changing conditions;
  - 30 h. The number, size, and location of onsite water receptacles to be staged around the  
31 facility site for firefighting purposes during the fire season; and
  - 32 i. Training needs (both for facility personnel and for first responders).
  - 33 j. Copies of mutual aid, fire protection association, or other agreements entered into  
34 concerning fire protection at the facility site.
- 35
- 36 (V.C.4) During construction of the facility, the certificate holder shall ensure that  
37 construction vehicles and equipment are operated on graveled areas to the extent  
38 possible and that open flames, such as cutting torches, are kept away from grassy  
39 areas.
- 40
- 41 (V.C.5) During construction and operation of the facility, the certificate holder shall  
42 ensure that the O&M facility and all service vehicles are equipped with shovels  
43 and portable fire extinguishers of a 4A50BC or equivalent rating.
- 44
- 45 (V.C.6) During construction of the facility, the certificate holder shall maintain a water  
46 truck on site to respond to potential fire incidents.

- 1  
2 (V.C.7) The certificate holder shall construct turbines on concrete pads with a minimum  
3 of 10 feet of nonflammable and non-erosive ground cover on all sides. The  
4 certificate holder shall cover turbine pad areas with nonflammable, non-erosive  
5 material immediately following exposure during construction and shall maintain  
6 the pad area covering during operation of the facility.  
7
- 8 (V.C.8) During operation of the facility, the certificate holder shall ensure that all on-site  
9 employees receive annual fire prevention and response training, including tower  
10 rescue training, from qualified instructors or members of local fire districts and  
11 shall ensure that all employees are instructed to keep vehicles on roads and off dry  
12 grassland, except when off-road operation is required for emergency purposes.  
13
- 14 (V.C.9) Upon beginning operation of the facility, the certificate holder shall provide to  
15 North Sherman Fire Protection District and Moro Rural Fire Protection District a  
16 site plan indicating the identification number assigned to each turbine and the  
17 location of all facility structures. During operation of the facility, the certificate  
18 holder shall ensure that appropriate district personnel have an up-to-date list of the  
19 names and telephone numbers of facility personnel available to respond on a 24-  
20 hour basis in case of an emergency on the facility site.  
21
- 22 (V.C.10) Before and during beginning construction of the facility, the certificate holder  
23 shall develop and implement a construction-phase traffic management plan with  
24 all affected local jurisdictions.  
25
- 26 (V.C.11) During construction of the facility, the certificate holder shall implement  
27 measures to reduce traffic impacts, including:  
28 (a) Providing notice to all affected local jurisdictions in advance of deliveries;  
29 (b) Providing notice to adjacent landowners and residents of Biggs Junction in  
30 advance of deliveries; and  
31 (c) Requiring flaggers to be at appropriate locations at appropriate times  
32 during construction to direct traffic and reduce accident risks.  
33
- 34 (V.C.12) Prior to start of construction, the certificate holder shall obtain from the Sherman  
35 County Road Department an assessment of road conditions in the facility area  
36 prior to the start of construction of the facility. The certificate holder shall also  
37 obtain from the county road department an evaluation of the roads following  
38 completion of the facility to determine any significant change in condition. The  
39 certificate shall cooperate with the Sherman County Road Department to ensure  
40 that any unusual damage or wear caused by the use of the county's roads by the  
41 developer during the construction of the facility will be the responsibility of the  
42 developer. In addition, no equipment or machinery of the developers shall be  
43 parked or stored on any county road except while in use.  
44
- 45 (V.C.13) Prior to beginning construction, the certificate holder will

- 1 (a) Designate a route or routes for the transport of wind turbine construction
- 2 material (including water, aggregate, concrete, machinery and tower
- 3 pieces), with the intention of minimizing damage to non-designated roads,
- 4 and provide these designations to the County Road Master;
- 5 (b) Provide to the County Road Master a written summary of possible
- 6 anticipated road damage to the designated route or routes, and an estimate
- 7 of the cost of repair to the designated route or routes;
- 8 (c) Establish and maintain an escrow account for so long as construction is
- 9 ongoing funded in an amount equal to the estimated cost to repair the
- 10 designated route or routes consistent with the estimate provided in (b); and
- 11 (d) Conduct an inspection of the roads along the designated route or routes
- 12 before and after construction with a representative of the Sherman County
- 13 Road Department and an independent third party with the required
- 14 expertise to inspect and evaluate paved and graveled roads. In the event a
- 15 dispute arises, the third party shall be the final arbiter. The cost of the
- 16 hiring of the third party shall be borne by the certificate holder.

17  
 18 (V.C.14) The certificate holder shall work with Sherman County Emergency Manager to  
 19 assign a 9-1-1 5-digit rural address to every tower road that intersects a State or  
 20 county road. The county will provide and install the signage for these addresses.  
 21

22 **D. WASTE MINIMIZATION STANDARD**

23  
 24 (V.D.1) During construction, the certificate holder shall implement a waste management  
 25 plan that includes, but is not limited to, the following measures:  
 26 (a) Recycling steel and other metal scrap;  
 27 (b) Recycling wood waste;  
 28 (c) Recycling packaging wastes, such as paper and cardboard;  
 29 (d) Collecting non-recyclable waste for transport to a landfill; and  
 30 (e) Segregating all hazardous wastes, such as used oil, oily rags and oil-  
 31 absorbent materials, lubricant and cleaning solution containers, mercury-  
 32 containing lights, and lead-acid and nickel-cadmium batteries, for disposal  
 33 by a licensed firm specializing in the proper recycling or disposal of  
 34 hazardous wastes.  
 35

36 (V.D.2) During operation, the certificate holder shall implement a waste management plan  
 37 that includes, but is not limited to, the following measures:  
 38 (a) Training employees to minimize and recycle solid waste;  
 39 (b) Recycling paper products, metals, glass and plastics;  
 40 (c) Recycling used oil and hydraulic fluid;  
 41 (d) Collecting non-recyclable waste for transport to a landfill; and  
 42 (e) Segregating all hazardous wastes, such as used oil, oily rags and  
 43 oil-absorbent materials, oil and cleaning solution containers,  
 44 mercury-containing lights, and lead-acid and nickel-cadmium  
 45 batteries, for disposal by a licensed firm specializing in the proper  
 46 recycling or disposal of hazardous wastes.

1  
2 (V.D.3) During construction, the certificate holder shall provide portable toilets for on-site  
3 sewage handling and shall ensure that they are pumped and cleaned regularly by a  
4 licensed contractor.

5  
6 (V.D.4) During operation, the certificate holder shall discharge sanitary wastewater  
7 generated at the O&M facility to a licensed on-site septic system in compliance  
8 with county permit requirements. The certificate holder shall design the septic  
9 system with a discharge capacity of less than 5,000 gallons per day.

10  
11 **VI. OTHER APPLICABLE REGULATORY REQUIREMENTS**

12  
13 **A. REQUIREMENTS UNDER COUNCIL JURISDICTION**

14  
15 **1. NOISE CONTROL REGULATIONS**

16  
17 (VI.A.1.1) To reduce noise impacts at nearby residential areas, the certificate holder shall:

- 18 (a) Confine the noisiest operation of heavy construction equipment to the  
19 daylight hours;  
20 (b) Require contractors to install and maintain exhaust mufflers on all  
21 combustion engine-powered equipment; and  
22 (c) Establish a complaint response system at the construction manager's  
23 office to address noise complaints.  
24

25 (VI.A.1.2) The certificate holder shall submit, for Department approval prior to construction,  
26 a complete new noise analysis for the facility as designed and generate a new  
27 table listing each noise-sensitive property, as defined in OAR 340-035-0015(38),  
28 and the predicted maximum hourly L<sub>50</sub> noise level at each noise-sensitive  
29 property. In addition, the certificate holder shall provide the predicted sound  
30 levels contributed by each turbine at each noise-sensitive property that does not  
31 provide a waiver of the ambient noise rule. The certificate holder shall perform  
32 the analysis using the CADNA/A by DataKustik GmbH of Munich, Germany,  
33 and shall base the analysis on the final facility design including final choice of  
34 turbine and location of all facility components. The analysis shall demonstrate to  
35 the satisfaction of the Department that each of the following requirements have  
36 been met:

- 37 (a) For any noise-sensitive property, the certificate holder shall identify the  
38 final design locations of all turbines to be built and perform a noise  
39 analysis demonstrating, in accordance with OAR 340-035-  
40 0035(1)(b)(B)(iii)(IV), that the total hourly L<sub>50</sub> noise level generated by  
41 the facility would not exceed 50 dBA at the appropriate measurement  
42 point. The certificate holder shall assume the following input parameters:  
43 • The maximum sound power level warranted by the manufacturer or  
44 confirmed by other means acceptable to the Department;  
45 • The exact locations of the proposed turbines;

- Attenuation of sound due to absorption to be calculated using a methodology satisfactory to the Department;
- The use of 50° F temperature and 70 percent relative humidity in the analysis;
- A 2dB safety margin shall be added to turbine sound power levels;
- No credit for shielding of any residence by terrain; and
- All receptors treated as simultaneously downwind of all turbines.

(b) If the hourly L<sub>50</sub> noise levels caused by the facility at any noise-sensitive property would increase the ambient noise level at any noise-sensitive property over the full set of wind conditions ranging from cut in to full load by more than 10 dBA, the certificate holder shall obtain a legally effective easement or real covenant from that property owner pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L<sub>10</sub> and L<sub>50</sub> by more than 10 dBA at the appropriate measurement point. A legally effective easement or real covenant shall (i) include a legal description of the burdened property (the noise-sensitive property); (ii) be recorded in the real property records of the county; (iii) expressly benefit the certificate holder; (iv) expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and (v) not be subject to revocation without the certificate holder's written approval.

(c) If, for any noise-sensitive property where the hourly L<sub>50</sub> noise levels caused by the facility would increase by more than 10 dBA above the ambient level over the full range of wind conditions measured for that property and where the certificate holder has not obtained a legally effective easement or real covenant as described in (b), the certificate holder shall identify measures to reduce noise at that property either by eliminating or moving turbines, and shall perform the noise analysis again to demonstrate, in accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV), that the total noise generated by the facility would meet the ambient noise degradation test at the appropriate measurement point at that noise-sensitive property. The certificate holder shall obtain Department concurrence of the new analysis prior to start of construction.

(VI.A.1.3) During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall promptly notify the Department of any complaints received regarding facility noise and of any actions taken by the certificate holder to address those complaints. Prior to start of commercial operation, the certificate holder shall notify, in writing, the owners of potentially affected noise-sensitive properties identified in Exhibit X of the completed Application for a Site Certificate. The notice shall inform the property owners of the procedure and contact information for filing a complaint regarding the noise level from the facility once it is operating. The certificate holder shall document the issuance of this notice and provide that documentation to the Department.

1  
2 (VI.A.1.4) Prior to start of commercial operation, the certificate holder shall submit a plan  
3 for complaint-based operational noise monitoring to the Department. Commercial  
4 operation shall not commence until the Department has concurred in writing with  
5 the complaint-based noise monitoring protocol. The plan shall provide for testing  
6 at houses whose owners or occupants submit a complaint to the Council or the  
7 Department. The plan shall include a schedule for completion of required testing  
8 and a date certain by which written results shall be provided to the Council. If the  
9 owner of the property that filed the complaint refuses to grant access for the  
10 purpose of performing the noise test described in this condition after reasonable  
11 attempts are made by the certificate holder to receive permission for access, then  
12 the Department shall not require further corrective action.  
13

14 **2. REMOVAL FILL LAW**

15 [No conditions]  
16

17 **3. GROUND WATER ACT**

18 [No conditions]  
19

20 **4. PUBLIC HEALTH AND SAFETY**  
21

22 (VI.A.4.1) The certificate holder shall take reasonable steps to reduce or manage human  
23 exposure to electric and magnetic fields, including, but not limited to:  
24 (a) Constructing all aboveground transmission lines at least 200 feet from any  
25 residence or other occupied structure, measured from the centerline of the  
26 transmission line;  
27 (b) Fencing all areas near the facility substations to ensure that substation  
28 equipment is not accessible to the public;  
29 (c) Providing to landowners a map of underground and overhead transmission  
30 lines on their property and advising landowners of possible health risks;  
31 and  
32 (d) Designing and maintaining all transmission lines so that alternating  
33 current electric fields do not exceed 9 kV per meter at one meter above the  
34 ground surface in areas accessible to the public.  
35

36 (VI.A.4.2) In advance of, and during, preparation of detailed design drawings and  
37 specifications for 230-kV, 500-kV and 34.5-kV transmission lines, the certificate  
38 holder shall consult with the Utility Safety and Reliability Section of the Oregon  
39 Public Utility Commission to ensure that the designs and specifications are  
40 consistent with applicable codes and standards.  
41

42 (VI.A.4.3) Prior to start of construction, the certificate holder shall submit to ODOE a  
43 procedure for coordinating, with all affected local electric service utilities and  
44 transmission service providers, crane movements under electric transmission lines  
45 during construction and maintenance of the facility. The procedure shall address  
46 subjects including, but not limited to, minimum advance notification prior to any

1 crane movement under an electric transmission or distribution line, protocols for  
2 determining adequate line clearance and specific crane path locations. With the  
3 procedure, the certificate holder shall provide evidence of concurrence by each  
4 affected electric service utility or transmission service provider. The certificate  
5 holder shall ensure that all employees, construction contactors and subcontractors  
6 adhere to this procedure throughout construction and maintenance of the facility.  
7  
8  
9

## 10 **VII. CONDITIONS REQUIRED BY COUNCIL RULES**

11 This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in  
12 Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028  
13 (Monitoring Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules  
14 for Facilities). These conditions should be read together with the specific facility conditions  
15 listed in Sections III, IV, V and VI to ensure compliance with the siting standards of OAR  
16 Chapter 345, Divisions 22 and 24, and to protect the public health and safety. In these conditions,  
17 the definitions in OAR 345-001-0010 apply.  
18

19 The obligation of the certificate holder to report information to the Department or the  
20 Council under the conditions listed in this section and in Sections III, IV, V and VI is subject to  
21 the provisions of ORS 192.502 et seq. and ORS 469.560. To the extent permitted by law, the  
22 Department and the Council will not publicly disclose information that may be exempt from  
23 public disclosure if the certificate holder has clearly labeled such information and stated the basis  
24 for the exemption at the time of submitting the information to the Department or the Council. If  
25 the Department or the Council receives a request for the disclosure of the information, the  
26 Department or the Council, as appropriate, will make a reasonable attempt to notify the  
27 certificate holder and will refer the matter to the Attorney General for a determination of whether  
28 the exemption is applicable, pursuant to ORS 192.450.  
29

30 In addition to these conditions, the certificate holder is subject to all conditions and  
31 requirements contained in the rules of the Council and in local ordinances and State laws in  
32 effect on the date the site certificate is executed. Under ORS 469.401(2), upon a clear showing of  
33 a significant threat to the public health, safety or the environment that requires application of  
34 later-adopted laws or rules, the Council may require compliance with such later-adopted laws or  
35 rules.  
36

37 The Council recognizes that many specific tasks related to the design, construction,  
38 operation and retirement of the facility will be undertaken by the certificate holder's agents or  
39 contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all  
40 provisions of the site certificate.  
41

42 (VII.1) OAR 345-027-0020(1): The Council shall not change the conditions of the site  
43 certificate except as provided for in OAR Chapter 345, Division 27.  
44

45 (VII.2) OAR 345-027-0020(2): The certificate holder shall submit a legal description of  
46 the site to the Department of Energy within 90 days after beginning operation of

1 the facility. The legal description required by this rule means a description of  
2 metes and bounds or a description of the site by reference to a map and  
3 geographic data that clearly and specifically identifies the outer boundaries that  
4 contain all parts of the facility.  
5

6 (VII.3) OAR 345-027-0020(3): The certificate holder shall design, construct, operate and  
7 retire the facility:

- 8 (a) Substantially as described in the site certificate;
- 9 (b) In compliance with the requirements of ORS Chapter 469, applicable  
10 Council rules, and applicable state and local laws, rules and ordinances in  
11 effect at the time the site certificate is issued; and
- 12 (c) In compliance with all applicable permit requirements of other state  
13 agencies.

14  
15 (VII.4) OAR 345-027-0020(4): The certificate holder shall begin and complete  
16 construction of the facility by the dates specified in the site certificate. [*See*  
17 *Conditions (III.D.1) and (III.D.2).*]  
18

19 (VII.5) OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise  
20 allowed for wind energy facilities, transmission lines or pipelines under this  
21 section, the certificate holder shall not begin construction, as defined in OAR 345-  
22 001-0010, or create a clearing on any part of the site until the certificate holder  
23 has construction rights on all parts of the site. For the purpose of this rule,  
24 “construction rights” means the legal right to engage in construction activities.  
25 For wind energy facilities, transmission lines or pipelines, if the certificate holder  
26 does not have construction rights on all parts of the site, the certificate holder may  
27 nevertheless begin construction, as defined in OAR 345-001-0010, or create a  
28 clearing on a part of the site if the certificate holder has construction rights on that  
29 part of the site and:

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

37  
38 (VII.6) OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative  
39 finding under any standards of Division 22 or Division 24 of OAR Chapter 345,  
40 the certificate holder shall consult with affected state agencies and local  
41 governments designated by the Council and shall develop specific mitigation  
42 plans consistent with Council findings under the relevant standards. The  
43 certificate holder must submit the mitigation plans to the Office and receive  
44 Office approval before beginning construction or, as appropriate, operation of the  
45 facility.  
46



- 1 (VII.7) OAR 345-027-0020(7): The certificate holder shall prevent the development of  
2 any conditions on the site that would preclude restoration of the site to a useful,  
3 non-hazardous condition to the extent that prevention of such site conditions is  
4 within the control of the certificate holder.  
5
- 6 (VII.8) OAR 345-027-0020(8): Before beginning construction of the facility, the  
7 certificate holder shall submit to the State of Oregon, through the Council, a bond  
8 or letter of credit in a form and amount satisfactory to the Council to restore the  
9 site to a useful, non-hazardous condition. The certificate holder shall maintain a  
10 bond or letter of credit in effect at all times until the facility has been retired. The  
11 Council may specify different amounts for the bond or letter of credit during  
12 construction and during operation of the facility. [*See Condition IV.C.4.*]  
13
- 14 (VII.9) OAR 345-027-0020(9): The certificate holder shall retire the facility if the  
15 certificate holder permanently ceases construction or operation of the facility. The  
16 certificate holder shall retire the facility according to a final retirement plan  
17 approved by the Council, as described in OAR 345-027-0110. The certificate  
18 holder shall pay the actual cost to restore the site to a useful, non-hazardous  
19 condition at the time of retirement, notwithstanding the Council’s approval in the  
20 site certificate of an estimated amount required to restore the site.  
21
- 22 (VII.10) OAR 345-027-0020(10): The Council shall include as conditions in the site  
23 certificate all representations in the site certificate application and supporting  
24 record the Council deems to be binding commitments made by the applicant.  
25
- 26 (VII.11) OAR 345-027-0020(11): Upon completion of construction, the certificate holder  
27 shall restore vegetation to the extent practicable and shall landscape all areas  
28 disturbed by construction in a manner compatible with the surroundings and  
29 proposed use. Upon completion of construction, the certificate holder shall  
30 remove all temporary structures not required for facility operation and dispose of  
31 all timber, brush, refuse and flammable or combustible material resulting from  
32 clearing of land and construction of the facility.  
33
- 34 (VII.12) OAR 345-027-0020(12): The certificate holder shall design, engineer and  
35 construct the facility to avoid dangers to human safety presented by seismic  
36 hazards affecting the site that are expected to result from all maximum probable  
37 seismic events. As used in this rule “seismic hazard” includes ground shaking,  
38 landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement  
39 and subsidence.  
40
- 41 (VII.13) OAR 345-027-0020(13): The certificate holder shall notify the Department, the  
42 State Building Codes Division and the Department of Geology and Mineral  
43 Industries promptly if site investigations or trenching reveal that conditions in the  
44 foundation rocks differ significantly from those described in the application for a  
45 site certificate. After the Department receives the notice, the Council may require

1 the certificate holder to consult with the Department of Geology and Mineral  
2 Industries and the Building Codes Division and to propose mitigation actions.

3  
4 (VII.14) OAR 345-027-0020(14): The certificate holder shall notify the Department, the  
5 State Building Codes Division and the Department of Geology and Mineral  
6 Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes  
7 are found at or in the vicinity of the site.

8  
9 (VII.15) OAR 345-027-0020(15): Before any transfer of ownership of the facility or  
10 ownership of the site certificate holder, the certificate holder shall inform the  
11 Department of the proposed new owners. The requirements of OAR 345-027-  
12 0100 apply to any transfer of ownership that requires a transfer of the site  
13 certificate.

14  
15 (VII.16) OAR 345-027-0020(16): If the Council finds that the certificate holder has  
16 permanently ceased construction or operation of the facility without retiring the  
17 facility according to a final retirement plan approved by the Council, as described  
18 in OAR 345-027-0110, the Council shall notify the certificate holder and request  
19 that the certificate holder submit a proposed final retirement plan to the Office  
20 within a reasonable time not to exceed 90 days. If the certificate holder does not  
21 submit a proposed final retirement plan by the specified date, the Council may  
22 direct the Department to prepare a proposed a final retirement plan for the  
23 Council's approval. Upon the Council's approval of the final retirement plan, the  
24 Council may draw on the bond or letter of credit described in OAR 345-027-  
25 0020(8) to restore the site to a useful, non-hazardous condition according to the  
26 final retirement plan, in addition to any penalties the Council may impose under  
27 OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is  
28 insufficient to pay the actual cost of retirement, the certificate holder shall pay any  
29 additional cost necessary to restore the site to a useful, non-hazardous condition.  
30 After completion of site restoration, the Council shall issue an order to terminate  
31 the site certificate if the Council finds that the facility has been retired according  
32 to the approved final retirement plan.

33  
34 (VII.17) OAR 345-027-0023(4): If the facility includes any transmission line under  
35 Council jurisdiction:  
36 (a) The certificate holder shall design, construct and operate the transmission  
37 line in accordance with the requirements of the National Electrical Safety  
38 Code 2007 edition; and  
39 (b) The certificate holder shall develop and implement a program that  
40 provides reasonable assurance that all fences, gates, cattle guards, trailers,  
41 or other objects or structures of a permanent nature that could become  
42 inadvertently charged with electricity are grounded or bonded throughout  
43 the life of the line.

44  
45 (VII.18) OAR 345-027-0023(5): If the proposed energy facility is a pipeline or a  
46 transmission line or has, as a related or supporting facility, a pipeline or

1 transmission line, the Council shall specify an approved corridor in the site  
2 certificate and shall allow the certificate holder to construct the pipeline or  
3 transmission line anywhere within the corridor, subject to the conditions of the  
4 site certificate. If the applicant has analyzed more than one corridor in its  
5 application for a site certificate, the Council may, subject to the Council’s  
6 standards, approve more than one corridor.  
7

8 (VII.19) OAR 345-027-0028: The following general monitoring conditions apply:

- 9 (a) The certificate holder shall consult with affected state agencies, local  
10 governments and tribes and shall develop specific monitoring programs  
11 for impacts to resources protected by the standards of divisions 22 and 24  
12 of OAR Chapter 345 and resources addressed by applicable statutes,  
13 administrative rules and local ordinances. The certificate holder must  
14 submit the monitoring programs to the Department of Energy and receive  
15 Department approval before beginning construction or, as appropriate,  
16 operation of the facility.
- 17 (b) The certificate holder shall implement the approved monitoring programs  
18 described in OAR 345-027-0028(1) and monitoring programs required by  
19 permitting agencies and local governments.
- 20 (c) For each monitoring program described in OAR 345-027-0028(1) and (2),  
21 the certificate holder shall have quality assurance measures approved by  
22 the Department before beginning construction or, as appropriate, before  
23 beginning commercial operation.
- 24 (d) If the certificate holder becomes aware of a significant environmental  
25 change or impact attributable to the facility, the certificate holder shall, as  
26 soon as possible, submit a written report to the Department describing the  
27 impact on the facility and any affected site certificate conditions.  
28

29 (VII.20) OAR 345-026-0048: Following receipt of the site certificate or an amended site  
30 certificate, the certificate holder shall implement a plan that verifies compliance  
31 with all site certificate terms and conditions and applicable statutes and rules. As a  
32 part of the compliance plan, to verify compliance with the requirement to begin  
33 construction by the date specified in the site certificate, the certificate holder shall  
34 report promptly to the Department of Energy when construction begins.  
35 Construction is defined in OAR 345-001-0010. In reporting the beginning of  
36 construction, the certificate holder shall describe all work on the site performed  
37 before beginning construction, including work performed before the Council  
38 issued the site certificate, and shall state the cost of that work. For the purpose of  
39 this exhibit, “work on the site” means any work within a site or corridor, other  
40 than surveying, exploration or other activities to define or characterize the site or  
41 corridor. The certificate holder shall document the compliance plan and maintain  
42 it for inspection by the Department or the Council.

1  
2 (VII.21) OAR 345-026-0080: The certificate holder shall report according to the following  
3 requirements:

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

6 (i) Within six months after beginning construction, and every six  
7 months thereafter during construction of the energy facility and  
8 related or supporting facilities, the certificate holder shall submit a  
9 semiannual construction progress report to the Department of  
10 Energy. In each construction progress report, the certificate holder  
11 shall describe any significant changes to major milestones for  
12 construction. The certificate holder shall include such information  
13 related to construction as specified in the site certificate. When the  
14 reporting date coincides, the certificate holder may include the  
15 construction progress report within the annual report described in  
16 OAR 345-026-0080.

17 (ii) By April 30 of each year after beginning construction, the  
18 certificate holder shall submit an annual report to the Department  
19 addressing the subjects listed in OAR 345-026-0080. The Council  
20 Secretary and the certificate holder may, by mutual agreement,  
21 change the reporting date.

22 (iii) To the extent that information required by OAR 345-026-0080 is  
23 contained in reports the certificate holder submits to other state,  
24 federal or local agencies, the certificate holder may submit  
25 excerpts from such other reports to satisfy this rule. The Council  
26 reserves the right to request full copies of such excerpted reports.

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

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

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

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

43 (A) The efficiency with which the power plant converts fuel  
44 into electric energy. If the fuel chargeable to power heat  
45 rate was evaluated when the facility was sited, the

- 1 certificate holder shall calculate efficiency using the same  
2 formula and assumptions, but using actual data; and  
3 (B) The facility’s annual hours of operation by fuel type and,  
4 every five years after beginning operation, a summary of  
5 the annual hours of operation by fuel type as described in  
6 OAR 345-024-0590(5).
- 7 (iv) Status of Surety Information: Documentation demonstrating that  
8 bonds or letters of credit as described in the site certificate are in  
9 full force and effect and will remain in full force and effect for the  
10 term of the next reporting period.
- 11 (v) Monitoring Report: A list and description of all significant  
12 monitoring and mitigation activities performed during the previous  
13 year in accordance with site certificate terms and conditions, a  
14 summary of the results of those activities, and a discussion of any  
15 significant changes to any monitoring or mitigation program,  
16 including the reason for any such changes.
- 17 (vi) Compliance Report: A description of all instances of  
18 noncompliance with a site certificate condition. For ease of review,  
19 the certificate holder shall, in this section of the report, use  
20 numbered subparagraphs corresponding to the applicable sections  
21 of the site certificate.
- 22 (vii) Facility Modification Report: A summary of changes to the facility  
23 that the certificate holder has determined do not require a site  
24 certificate amendment in accordance with OAR 345-027-0050.
- 25 (viii) Nongenerating Facility Carbon Dioxide Emissions: For  
26 nongenerating facilities that emit carbon dioxide, a report of the  
27 annual fuel use by fuel type and annual hours of operation of the  
28 carbon dioxide emitting equipment as described in OAR 345-024-  
29 0630(4).
- 30
- 31 (VII.22) OAR 345-026-0105: The certificate holder and the Department of Energy shall  
32 exchange copies of all correspondence or summaries of correspondence related to  
33 compliance with statutes, rules and local ordinances on which the Council  
34 determined compliance, except for material withheld from public disclosure under  
35 state or federal law or under Council rules. The certificate holder may submit  
36 abstracts of reports in place of full reports; however, the certificate holder shall  
37 provide full copies of abstracted reports and any summarized correspondence at  
38 the request of the Department.
- 39
- 40 (VII.23) OAR 345-026-0170(1): The certificate holder shall notify the Department of  
41 Energy within 72 hours of any occurrence involving the facility if:  
42 (a) There is an attempt by anyone to interfere with its safe operation;  
43 (b) A natural event such as an earthquake, flood, tsunami or tornado, or a  
44 human-caused event such as a fire or explosion affects or threatens to  
45 affect the public health and safety or the environment; or  
46 (c) There is any fatal injury at the facility.

1  
2  
3 **VIII. SUCCESSORS AND ASSIGNS**  
4

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

8  
9 **IX. SEVERABILITY AND CONSTRUCTION**  
10

11 If any provision of this agreement and certificate is declared by a court to be illegal or in  
12 conflict with any law, the validity of the remaining terms and conditions shall not be affected,  
13 and the rights and obligations of the parties shall be construed and enforced as if the agreement  
14 and certificate did not contain the particular provision held to be invalid.  
15

16  
17 **X. GOVERNING LAW AND FORUM**  
18

19 This site certificate shall be governed by the laws of the State of Oregon. Any litigation  
20 or arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.  
21


22  
23 **XI. EXECUTION**  
24


25 This site certificate may be executed in counterparts and will become effective upon  
26 signature by the Chair of the Council and the authorized representative of the certificate holder.  
27

28 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting  
29 by and through its Energy Facility Siting Council, and by Golden Hills Wind Farm LLC.  
30

31 ENERGY FACILITY SITING COUNCIL

GOLDEN HILLS WIND FARM LLC

32  
33  
34 By:   
35 Barry Beyeler, Chair  
36 Oregon Energy Facility Siting Council  
37

By:   
Print: Reid M. Buckley  
38

39 Date: FEBRUARY 11, 2015  
40

Date: Feb. 4, 2015  
41