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ATTACHMENTS

Attachment A: Public Notice of Request for Amendment 5 to Transfer

Attachment B: Fifth Amended Site Certificate

1 **I. INTRODUCTION**

2
3 The Energy Facility Siting Council (Council) issues this order in accordance with Oregon Revised
4 Statute (ORS) 469.405 and Oregon Administrative Rule (OAR) 345-027-0400 for Request for
5 Amendment 5 to Transfer Ownership of the Certificate Holder of the Summit Ridge Wind Farm
6 Site Certificate (Request for Amendment to Transfer or RFA5). This order addresses a change in
7 the certificate holder owner; the existing certificate holder, Summit Ridge Wind, LLC, would be
8 maintained. Specifically, this order addresses a request to transfer certificate holder ownership
9 from Pattern Renewables 2 LP (certificate holder owner and parent company) to Aypa Power
10 LLC (new owner).

11
12 Pursuant to OAR 345-027-0400(1), “A request for amendment to a site certificate to transfer
13 the site certificate is required for a transaction that results in a change in the ownership,
14 possession or control of the facility or the certificate holder. A “new owner” refers to the
15 person or entity that will gain ownership, possession or control of the facility or the certificate
16 holder.”

17
18 **I.A. Name and Address of Certificate Holder**

19
20 The certificate holder, certificate holder owner and contact names, as represented in the
21 existing site certificate, are as follows:

22
23 *Certificate Holder*

24
25 Steve Ostrowski (contact)
26 Summit Ridge Wind, LLC
27 c/o Pattern Renewables 2 LP
28 Pier 1, Bay 3
29 San Francisco, CA 94111

30
31 *Certificate Holder Owner*

32
33 Kevin Wetzel (contact)
34 Pattern Renewables 2 LP
35 a subsidiary of Pattern Energy Group 2 LP
36 Pier 1, Bay 3
37 San Francisco, CA 94111

38
39
40

1 I.B. Name and Address of New Owner

2

3 The new owner and contact name is as follows:

4

5 Mohammad Haj-Abed (contact)

6 Aypa Power LLC

7 50 Fountain Plaza, Suite 1400, PMB #327

8 Buffalo, NY 14202

9

10 I.C. Description of the Approved Facility and Location

11

12 The Summit Ridge Wind Farm (facility) is an approved wind energy generation facility with a
13 peak generating capacity of up to 194.4 megawatts (MW) of electricity. Construction of the
14 facility commenced in August 2020 including substantial modifications to an existing road to be
15 used to access wind turbine strings (i.e., a related or supporting facility).¹ The facility is
16 approved to include up to 72 wind turbines (maximum blade-tip height of 499 feet; minimum
17 blade tip height of 59 feet) as well as related or supporting facilities including: up to 49 miles of
18 above and belowground 34.5 kilovolt (kV) collector lines (power collection system), a step-up
19 collector substation, an approximately 8-mile 230 kV transmission line on wooden H-frame
20 structures extending up to 70 feet in height, a Supervisory Control and Data Acquisition system,
21 an Operation and Maintenance building, up to 3 meteorological towers, access roads,
22 temporary roadway modifications, and additional temporary construction areas.

23

24 The facility site is located approximately 17 miles southeast of The Dalles and 8 miles east of
25 Dufur, Oregon. The facility site boundary includes 25,000 acres of privately-owned land in the
26 Exclusive Farm Use zone in Wasco County, Oregon, as presented in Figure 1: *Regional Location*
27 *of Facility Site Boundary*.² Within the site boundary, the certificate holder has approval to site
28 facility components within 11,000 acres of micro-siting corridor area.³

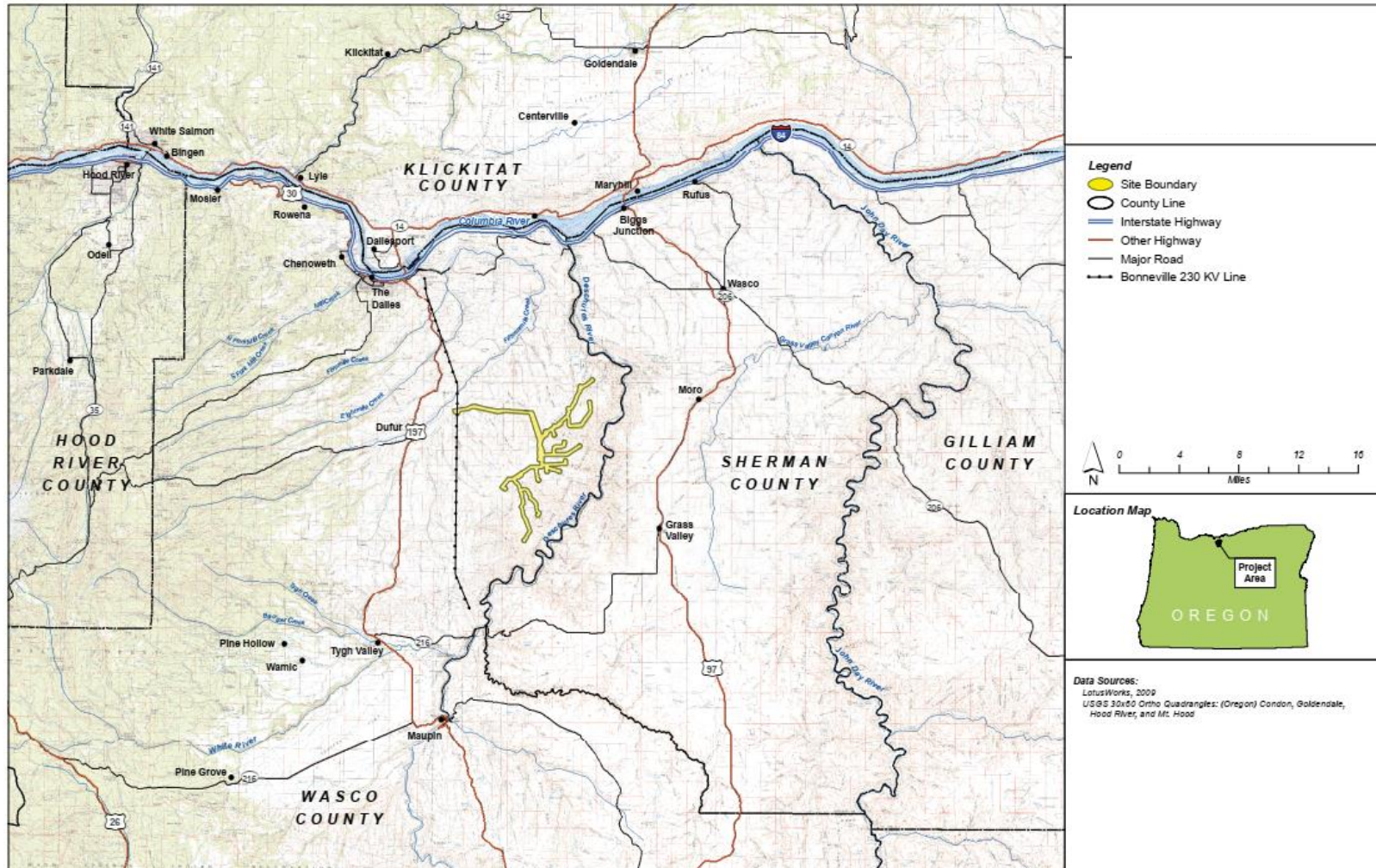
¹ Related or supporting facilities are “as defined in ORS 469.300.” ORS 469.300 states that related or supporting facilities means “any structure, proposed by the applicant, to be constructed or substantially modified in connection with the construction of an energy facility, including associated transmission lines, reservoirs, storage facilities, intake structure, road and rail access, pipelines, barge basins, office or public buildings, and commercial and industrial structures.” (OAR 345-001-0010(50))

² Site boundary means, “the perimeter of the site of a proposed energy facility, its related or supporting facilities, all temporary laydown and staging areas and all corridors and micro-siting corridors proposed by the applicant.” (OAR 345-001-0010(54))

³ Micro-siting corridor means, “a continuous area of land within which construction of facility components may occur, subject to site certificate conditions.” (OAR 345-001-0010(32))

Figure 1: Regional Location of Facility Site Boundary

1



1 I.D. Site Certificate History
2

3 The Council issued its *Final Order on the ASC* and granted a site certificate for the Summit Ridge
4 Wind Farm on August 19, 2011. The Council issued its *Final Order on Amendment 1* and granted
5 an amended site certificate on August 7, 2015, which approved a construction timeline
6 extension and allowed flexibility in turbine layout and design. The Council issued its *Final Order*
7 *on Amendment 2* and granted a second amended site certificate on November 4, 2016, which
8 approved a transfer of certificate holder ownership, a construction timeline extension,
9 flexibility in turbine layout and design, and authorized a variance to a road setback requirement
10 for 17 wind turbines. The Council issued its *Final Order on Amendment 3* and granted a third
11 amended site certificate on December 15, 2017, which approved a transfer of certificate holder
12 ownership to the current certificate holder owner and parent company, Pattern Renewables 2
13 LP. The Council issued its *Final Order on Amendment 4* and granted a fourth amended site
14 certificate on August 23, 2019, which approved a construction timeline extension.
15

16 **II. THE TRANSFER PROCESS**
17

18 II.A. Description of the Transfer Request
19

20 In Request for Amendment 5 to Transfer Certificate Holder Ownership, the certificate holder
21 and new owner request a site certificate transfer to reflect the change in certificate holder
22 ownership from Pattern Renewables 2 LP to Aypa Power LLC, a subsidiary of Blackstone Energy
23 Partners. Request for Amendment 5 represents the third request to transfer certificate holder
24 ownership requested by the certificate holder.
25

26 II.B. Procedural History
27

28 On July 8, 2020, prior to transfer of certificate holder ownership, a conference call was
29 conducted with the Oregon Department of Energy (Department) and representatives of Aypa
30 Power LLC and Summit Ridge Wind, LLC to discuss the potential sale and transfer of ownership
31 of the certificate holder, in accordance with Condition 2.10 (OAR 345-025-0006(15)).⁴ On
32 August 21, 2020, prior to receipt of Request for Amendment 5 to Transfer, the Department
33 received notice from Aypa Power LLC Chief Executive Officer Mohammad Haj-Abed of an
34 August 3, 2020 sale of Summit Ridge Wind Farm, including the sale of ownership of all
35 membership interests in Summit Ridge Wind, LLC to Aypa Power LLC.⁵ On September 14, 2020,
36 the certificate holder and new owner jointly submitted Request for Amendment 5 to Transfer,
37 seeking Council approval of a change in certificate holder ownership for the Summit Ridge Wind
38 Farm Site Certificate.
39

⁴ SRWAMD5 Staff Confirmation of Transfer Notification on July 8, 2020 2020-08-26.

⁵ Condition 2.10 of the site certificate requires that the certificate holder, prior to any transfer of ownership of the facility or ownership of the certificate holder, inform the Department of the proposed new owners.

1 On September 30, 2020, the Department issued Public Notice of Request for Amendment 5 to
2 Transfer to all persons on the Council’s general mailing list, the special mailing list established
3 for the facility, an updated list of property owners supplied by the new owner, and reviewing
4 agencies as defined in OAR 345-001-0010(52). The notice initiated a comment period on the
5 transfer request and provided a date and time of the Transfer Hearing, as required for site
6 certificate transfers pursuant to OAR 345-027-0400(7). The notice provided an “anticipated”
7 deadline for submission of comments and date of transfer hearing of November 20, 2020, later
8 updated to November 19, 2020 based on finalization of the November 19-20, 2020 Council
9 meeting agenda. The Department provided notice of the updated comment deadline and
10 transfer hearing date on October 30, 2020 via the Department’s project webpage for the
11 Summit Ridge Wind Farm, as indicated in the notice, and on November 9, 2020 via distribution
12 and website posting of the Council meeting agenda.⁶

13
14 The comment period ran from September 30 through November 19, 2020. On November 19,
15 Friends of the Columbia Gorge, Oregon Wild and Central Oregon LandWatch (Commenters)
16 provided written comments. During its November 19, 2020 meeting, Council conducted a
17 Transfer Hearing on the Request for Transfer for the Summit Ridge Wind Farm Site Certificate
18 where oral comments were received from Commenters and Ms. Irene Gilbert. Following the
19 Transfer Hearing, Council received a staff presentation on the details of the transfer request,
20 including the Department’s recommendations as presented in a November 16, 2020 staff
21 report (presented in the format of a draft order) and, based on the extent and timing of
22 comments received, continued their review to the next regularly scheduled Council meeting.

23
24 Review of the request for amendment to transfer was continued to the December 18, 2020
25 Council meeting. At that meeting, Council received a staff presentation on issues raised in
26 written and oral comments received during the comment period, which are further evaluated
27 in Section II.C. *Comments on the Transfer Request* below. Following review of the transfer
28 request and comments received, Council approved the Final Order on the Request for Transfer
29 and granted issuance of a fifth amended site certificate.

30
31 **II.C. Comments on the Transfer Request**

32
33 Commenters raised four discrete issues, which are evaluated below.
34

⁶ On the record of the November 19, 2020 Transfer Hearing, Ms. Gilbert expressed concerns that the September 30, 2020 Public Notice identified a November 20, 2020 comment deadline and transfer hearing date, which was not accurately reflected in the staff reports to Council for Agenda Item B (i.e. materials provided to Council in support of their review at the November 19-20, 2020 Council meeting of the Summit Ridge Wind Farm Request for Amendment 5 to Transfer). This order describes the language of the notice, includes a copy of the notice as Attachment A and describes the Department’s process and timing of finalizing the comment deadline and transfer hearing date. SRWAMD5 EFSC Meeting Audio File Day 1 mp3. 2020-11-19-20.

- 1 1. The RFA5 is incomplete and must be denied because Aypa failed to include in the RFA5
2 “the expected date of the transaction” for the transfer of the parent ownership from
3 Pattern to Aypa, as required by OAR 345-027-0400(4).

4
5 Commenters assert that because RFA5 does not include “the expected date of the transaction,”
6 Council must deny the request to transfer ownership of the certificate holder from Pattern
7 Renewables 2 LP to Aypa Power LLC.

8
9 OAR 345-027-0400(4) requires that the new owner “submit a written request” that includes, “if
10 known, the expected date of transaction.” In this instance, the transaction occurred on August
11 3, 2020, prior to submittal of RFA5, as documented in RFA5 Attachment 3 in letters of written
12 consent executed by Aypa Power LLC. The Department was informed of the expected
13 transaction on July 8, 2020, via conference call, and on August 21, 2020, received written notice
14 from Aypa Power LLC Chief Executive Officer Mohammad Haj-Abed of an August 3, 2020 sale of
15 Summit Ridge Wind Farm, including the sale of ownership of all membership interests in
16 Summit Ridge Wind, LLC to Aypa Power LLC. Council recognizes that the September 14, 2020
17 cover letter to RFA5 does not specifically state that the date of transaction was August 3, 2020,
18 but considers that the information provided in RFA5 Attachment 3 can reasonably be used to
19 inform the reader that the transaction occurred on August 3, 2020. Council rejects
20 Commenters’ recommendation that the transfer be denied on the basis that RFA5 did not
21 expressly state the date of transaction because that omission does not preclude Council from
22 making the findings required by OAR 345-027-0400(8) to approve the request for amendment
23 to transfer the site certificate.

- 24
25 2. Because Aypa was prohibited by OAR 345-027-0400(3) from constructing the Project
26 before an amended site certificate approving the proposed transfer becomes effective,
27 construction of the Project could not have been, and was not, lawfully commenced. As a
28 result, the Site Certificate has expired and must be terminated.

29
30 Commenters assert that because the transfer occurred on August 3, 2020 and construction is
31 documented as having commenced on August 6, 2020, that the new owner fails to comply with
32 OAR 345-027-0400(3), which states, “The new owner may not construct or operate the facility
33 until an amended site certificate as described in section (10) of this rule or a temporary
34 amended site certificate as described in section (11) of this rule becomes effective.”
35 Commenters assert that therefore the site certificate has expired and must be terminated.

36
37 At the transfer hearing, in response to this issue, the certificate holder’s Special Counsel, Sarah
38 Stauffer-Curtiss of Stoel Rives LLP described that the transfer request is specific to a change in
39 certificate holder owner, not the certificate holder, and confirmed that for this facility, it is the
40 certificate holder that commenced construction (as documented by the contract provided to
41 the Department between Summit Ridge Wind LLC and Crestline, the contractor contracted for
42 Phase 1 construction). Ms. Stauffer-Curtiss confirmed that the existing certificate holder owner,
43 Pattern Renewables 2LP, remains responsible as certificate holder owner, until the transfer

1 request is approved by Council. Ms. Stauffer-Curtiss also referred to OAR 345-027-0400(3),
2 which states that, “a transaction that would require a transfer of the site certificate. . . does not
3 terminate the transferor’s duties and obligations under the site certificate until the Council
4 approves a request for amendment to transfer.”

5
6 In addition, documentation related to facility construction commencement activities was
7 submitted by Steve Ostrowski, certificate holder contact, and when external individuals were
8 included on emails, included Kevin Wetzel, certificate holder owner contact for Pattern
9 Renewables 2 LP. The Council finds that construction has and is being conducted by the existing
10 certificate holder, Summit Ridge Wind LLC, and has continued to include the existing certificate
11 holder owner, Pattern Renewables 2 LP, in the process. Pattern Renewables 2 LP remains the
12 certificate holder owner for purposes of the site certificate until approved otherwise by Council.
13 For these reasons, Council rejects Commenters’ recommendation that the site certificate be
14 terminated.

- 15
16 3. Because Aypa has failed to demonstrate “a reasonable likelihood of obtaining a bond or
17 letter of credit in a form and amount satisfactory to the Council to restore the site to a
18 useful, non-hazardous condition,” as required by OAR 345-022-0050(2), the RFA5 must
19 be denied.

20
21 Commenters assert that the new owner’s financial assurance letter obtained from Royal Bank
22 of Canada does not provide sufficient evidence because it does not address, or make specific
23 reference to, an agreement to utilize Council’s preapproved letter of credit or bond forms.
24 Commenters also assert that the financial assurance letter references \$12.019 million dollars
25 but makes no reference to the quarter and year of the calculated decommissioning amount and
26 therefore, based on inflationary increases, from 4th Qtr 2018 to current dollars, is not sufficient
27 for representing a reasonable likelihood of the new owner’s ability to secure a bond or letter of
28 credit in an amount and form satisfactory to Council. Commenters contend that, due to these
29 circumstances, there is not sufficient evidence of compliance with OAR 345-022-0050(2) and
30 Council must, therefore, deny RFA5.

31
32 As is typical in Council review, letters from financial institutions provided as supportive
33 evidence for Council to find that a certificate holder or new owner demonstrates a reasonable
34 likelihood of securing a bond or letter of credit under the Retirement and Financial Assurance
35 standard are comfort letters. There are no specific statements that have to be included in the
36 comfort letters, such as an affirmation to use a preapproved form. Comfort letters are often
37 provided and referenced in support of Council findings of compliance, but are not the sole or
38 primary basis for findings of compliance. Additionally, Council does not consider the fact that
39 the Royal Bank of Canada letter provided in RFA5 Attachment 6 references only the bond
40 amount, without reference to 4th Qtr 2018 dollars, to represent a significant deficiency because,
41 based on the Department’s analysis, the inflated value of \$12.019 million in 4th Qtr 2020 dollars
42 is approximately \$12.355 million in 4th Qtr 2020, equivalent to an approximately 3 percent

1 increase. This difference is hardly one that would nullify the evidence represented by the
2 comfort letter.

3
4 In addition to the comfort letter, RFA5 Attachment 1 provides a certification that following the
5 upstream change in its direct ownership from Pattern Renewables 2 LP to Aypa Power LLC the
6 certificate holder will continue to abide by all terms and conditions of the site certificate
7 currently in effect. Council's mandatory condition under OAR 345-025-0006(8) requires that a
8 certificate holder submit a bond or letter of credit in a form and amount satisfactory to Council.
9 This mandatory condition is reflected in Condition 14.1 of the Summit Ridge Wind Farm Site
10 Certificate, which requires that the certificate holder submit a bond or letter of credit based on
11 an approved amount of \$12.019 (4th Qtr 2018 dollars) or adjusted based on final design by
12 applying previously approved units and general costs, further adjusted for inflation. Based on
13 the comfort letter and the certification to abide by all terms and conditions of the site
14 certificate, Council rejects Commenters recommendation that the transfer be denied.

- 15
16 4. The Council is prohibited by OAR 345-027-0400(9) from adopting the Draft Final Order
17 and from approving the Draft Fifth Amended Site Certificate

18
19 Commenters assert that Council is prohibited under OAR 345-027-0400(9) from amending site
20 certificate conditions through the amendment to transfer process, and asserts that the
21 Department's proposed condition amendments as presented in a November 16, 2020 draft
22 Final Order are beyond the scope of the transfer process. Council agrees that OAR 345-027-
23 0400(9) prohibits Council from changing site certificate conditions through the transfer process.
24 The Council believes the majority of the language previously recommended by the Department
25 constituted clarifications rather than changes to existing conditions relevant to Council's
26 Organizational Expertise Standard (345-022-0010), but does not believe those clarifications
27 were necessary to approve the requested transfer. Council does agree that some of the
28 Department's recommended condition language was not directly related to the standards the
29 Council reviews when analyzing a transfer request and therefore should not be included.

30
31 As presented in Section III of this order, the Council finds that the new owner has provided
32 sufficient evidence to support approval of the transfer under OAR 345-027-0400(8)(a) (i.e., that
33 the new owner complies with 345-022-0010, 345-022-0050) without including any of the
34 condition language the Department suggested prior to the November Council meeting. Council
35 also affirms that if changes to conditions were necessary to make the findings required under
36 OAR 345-027-0400(8), the appropriate process for review would be the Type A or B
37 amendment process.

38 39 **III. EVALUATION OF TRANSFER REQUEST AND APPLICABLE COUNCIL STANDARDS**

40
41 Under OAR 345-027-0400(8), the Council may approve a transfer of the site certificate if the
42 Council finds that:

- 1 (a) *The new owner complies with the Council standards described in OAR 345-022-0010,*
2 *345-022-0050 and, if applicable, OAR 345-024-0710(1); and*
3 (b) *The new owner is or will be lawfully entitled to possession or control of the site or the*
4 *facility described in the site certificate.*

5
6 The evaluation of OAR 345-027-0400(8)(a) is presented in Section III.A. *Organizational Expertise*
7 and III.B. *Retirement and Financial Assurance* of this order; OAR 345-024-0710(1), *Monetary*
8 *Path Payment Requirement* is related to the Carbon Standard and does not apply to wind
9 energy generation facilities and therefore is not evaluated in this order.

10
11 *Possession or Control of the Site, Facility or Certificate Holder [OAR 345-027-0400(8)(b)]*

12
13 To approve a transfer of the site certificate, the Council must find that the new owner is
14 lawfully entitled to possession or control of the site or the facility described in the site
15 certificate. To evaluate whether the new owner is lawfully entitled to possession or control of
16 the site or facility, OAR 345-027-0400(5) states, “The Department may require the new owner
17 to submit a written statement from the current certificate holder..verifying the new owner’s
18 right, subject to the provisions of ORS Chapter 469 and the rules of this chapter, to possession
19 or control of the site or the facility.

20
21 Request for Amendment 5, Attachment 3 (“Letter of Authorization”) includes an Action by
22 Consent, dated August 3, 2020, , which states the Company (Summit Ridge Wind, LLC) is party
23 to an Amended and Restated Site Lease Agreement granting it the exclusive right to use the
24 Property for the Wind Project Attachment 5 also provides a legal opinion letter dated
25 September 11, 2020 from the certificate holder’s special counsel, Stoel Rives LLP. The legal
26 opinion indicates that certified copies of the Articles of Organization of Summit Ridge Wind, LLC
27 as certificate holder, as amended as of September 10, 2020, and a copy of the Third Amended
28 and Restated Operating Agreement of Certificate Holder, dated as of August 3, 2020, were
29 examined (referred to as “Documents”).⁷ Based on examination of these Documents, Stoel
30 Rives LLP states that “subject to the Certificate Holder’s meeting all the requirements of any
31 applicable federal, state and local laws (including all the rules and regulations promulgated
32 thereunder), the Certificate Holder has the legal authority to construct and operate the Summit
33 Ridge Project without violating the Documents.” Based on the Letter of Authorization, Legal
34 Opinion letter and information in RFA5 regarding Aypa Power LLC direct ownership of Summit
35 Ridge Wind, LLC, the Council finds that the new owner is lawfully entitled to possession or
36 control of the site and Summit Ridge Wind Farm facility.

37
38 *Certification [OAR 345-027-0400(4)]*

39 To request an amendment to transfer a site certificate, the new owner must provide a
40 certification that it agrees to abide by all the terms and conditions of the site certificate to be

⁷ SRWAMD5. Request for Amendment to Transfer Attachment 2 Articles of Incorporation. 2020-09-14.

1 transferred. Request for Amendment 5 to Transfer Attachment 1 includes a certification
2 executed on September 13, 2020 by Aypa Power LLC Chief Executive Officer Mohammad Haj-
3 Abed stating that following the upstream change in its direct ownership from Pattern
4 Renewables 2 LP to Aypa Power LLC, Summit Ridge would continue to abide by all of the terms
5 and conditions of the Site Certificate.
6

7 **III.A. Organizational Expertise [OAR 345-022-0010]**
8

- 9 *(1) To issue a site certificate, the Council must find that the applicant has the*
10 *organizational expertise to construct, operate and retire the proposed facility in*
11 *compliance with Council standards and conditions of the site certificate. To conclude*
12 *that the applicant has this expertise, the Council must find that the applicant has*
13 *demonstrated the ability to design, construct and operate the proposed facility in*
14 *compliance with site certificate conditions and in a manner that protects public*
15 *health and safety and has demonstrated the ability to restore the site to a useful,*
16 *non-hazardous condition. The Council may consider the applicant's experience, the*
17 *applicant's access to technical expertise and the applicant's past performance in*
18 *constructing, operating and retiring other facilities, including, but not limited to, the*
19 *number and severity of regulatory citations issued to the applicant.*
20
21 *(2) The Council may base its findings under section (1) on a rebuttable presumption that*
22 *an applicant has organizational, managerial and technical expertise, if the applicant*
23 *has an ISO 9000 or ISO 14000 certified program and proposes to design, construct*
24 *and operate the facility according to that program.*
25
26 *(3) If the applicant does not itself obtain a state or local government permit or approval*
27 *for which the Council would ordinarily determine compliance but instead relies on a*
28 *permit or approval issued to a third party, the Council, to issue a site certificate, must*
29 *find that the third party has, or has a reasonable likelihood of obtaining, the*
30 *necessary permit or approval, and that the applicant has, or has a reasonable*
31 *likelihood of entering into, a contractual or other arrangement with the third party*
32 *for access to the resource or service secured by that permit or approval.*
33
34 *(4) If the applicant relies on a permit or approval issued to a third party and the third*
35 *party does not have the necessary permit or approval at the time the Council issues*
36 *the site certificate, the Council may issue the site certificate subject to the condition*
37 *that the certificate holder shall not commence construction or operation as*
38 *appropriate until the third party has obtained the necessary permit or approval and*
39 *the applicant has a contract or other arrangement for access to the resource or*
40 *service secured by that permit or approval.*
41

1 **Findings of Fact**

2 Subsections (1) and (2) of the Council’s Organizational Expertise standard require that the
3 certificate holder demonstrate its ability to design, construct, operate and retire the facility in
4 compliance with Council standards and all site certificate conditions, in a manner that protects
5 public health and safety, as well as its ability to restore the site to a useful, non-hazardous
6 condition. Subsections (3) and (4) address third party permits; in Request for Amendment 5 to
7 Transfer, new or different third party permits necessary for construction or operation were not
8 identified. However, the section below includes an evaluation of the new owners’ ability to
9 comply with conditions previously imposed related to securing permits, including third-party
10 permits, necessary for facility construction and operation.

11
12 The certificate holder, Summit Ridge Wind, LLC, is a project-specific limited liability corporation
13 (LLC), originally incorporated on August 4, 2008 in the State of Oregon, and has historically
14 relied upon the organizational expertise of its owner or family of owner companies (parent
15 company) to satisfy the requirements of the standard.⁸ The new owner, Aypa Power LLC, is a
16 portfolio company – an entity established for investment purposes - owned by Blackstone
17 Energy Partners L.P. Blackstone Energy Partners is an energy-focused private equity
18 fund/investment firm which is part of The Blackstone Group Inc. In Request for Amendment 5
19 to Transfer, the certificate holder requests that Council consider the experience and past
20 performance in constructing, operating and retiring other facilities of personnel employed with
21 Aypa Power LLC, Aypa Power Canada LP - an affiliate (sister) company, and Blackstone Energy
22 Partners (Blackstone) in determining compliance with the Council’s Organizational Expertise
23 standard. Aypa Power LLC and Aypa Power Canada LP are both owned by Blackstone.

24
25 *Relevant Experience in Wind Facility Construction and Operation*

26
27 As described above, the certificate holder and new owner represent and rely on personnel
28 experience, rather than specific experience of Aypa Power LLC or Blackstone to satisfy the
29 standard. Council has historically evaluated experience of the certificate holder or certificate
30 holder owner as an entity or organization, rather than individual personnel. The Council
31 considers personnel experience relevant to the evaluation of whether the certificate holder and
32 owner have the ability to identify and hire qualified individuals for the construction, operation
33 and retirement of an energy facility. However, due to potential for staff turnover and
34 subsequent lack of security in personnel retention, the Council relies on the experience of
35 entity or parent company in combination with individual personnel experience in its evaluation
36 of compliance with the standard.⁹

37

⁸ SRWAMD5 Request for Amendment 5 Attachment 2 provides the original Articles of Incorporation and 2016 amendment. 2020-09-14.

⁹ SRWAMD5 Request for Amendment 5 describes the experience of several people, including, Aypa Power LLC Senior Vice President of Development, Scott Koziar. On September 23, 2020, certificate holder’s consultant, Tetra Tech, notified the Department that Scott Koziar was no longer employed with Aypa Power LLC.

1 The new owner is not represented as having specific experience in design, construction,
2 operation and retirement of energy facilities. The new owner's parent company, Blackstone, is
3 represented as having more than 12 years of experience in utility scale wind development
4 including commitment of over \$2 billion of equity to global greenfield power; development of
5 288 MWs of offshore wind power in Germany (Meerwind Project); and financing, constructing
6 and commissioning of 252 MWs of onshore wind power in Latin America (Ventika Wind Farm).

7
8 The certificate holder provides details of Blackstone's experience in development of the
9 Meerwind Project, a 288 MW offshore wind project (80 3.6 MW wind turbines) in the German
10 Bite in the North Sea approximately 14 miles north of the island of Helgoland (Meerwind
11 Project). For this project, Blackstone partnered with another entity, Windland
12 Energieerzeugungs GmbH to establish a specific entity - WindMW GmbH - for project
13 development. As a joint venture, WindMW GmbH developed the project from 2008 through
14 2014, including an 18-month construction period from September 2012 through April 2014. The
15 certificate holder describes that the project included significant engineering and construction
16 challenges and environmental requirements that were successfully managed by WindMW
17 GmbH. Construction was completed in April 2014; in 2016, Blackstone sold its interests in the
18 project to another entity.

19
20 The certificate holder also provides details of Blackstone's experience in development of the
21 Ventika Wind Farm, a 252 MW wind project (84 3 MW wind turbines) in the State of Nuevo
22 Leon in Mexico. For this project, Blackstone became involved after development through 70
23 percent ownership interest and with one of its subsidiaries, Fistera Energy, completed
24 development, long-term contracting, financing, construction, commissioning and early
25 operation in April 2016. In December 2016, Blackstone sold its interests in the project to
26 another entity.

27
28 Personnel experience includes the experience of Mr. Steve Ostrowski. Mr. Ostrowski received a
29 Bachelor of Science Degree in Business Management from Elmhurst University in Elmhurst,
30 Illinois and has 25 year of relevant experience. He has been involved with the facility and site
31 certificate since Council's original 2011 approval. Mr. Ostrowski gained relevant experience in
32 pre-construction management, construction management, accounting, and site inspection
33 within Oregon, Washington, and Pennsylvania. As explained in the transfer request, his project
34 experience in Oregon includes acquiring a 200-MW wind farm in Wasco County and managing
35 construction contractors for the 100-MW Elkhorn Wind Project in La Grande. His experience in
36 Washington includes project and budget management, and pre-construction and construction
37 management for wind facilities ranging from 100 to 205 MW (Harvest Wind Project, White
38 Creek Wind Project, and Wild Horse Wind Project).

39
40 Mr. Ostrowski would lead the construction engineering team with Aypa Power LLC's Chief
41 Technology Officer Swaraj Jammalamadaka, who would provide engineering oversight and
42 supervision. Mr. Jammalamadaka holds a Master of Science in Power and Control Systems from
43 the Illinois Institute of Technology and a Bachelor of Engineering with Honors in Electrical and

1 Electronics Engineering from the Birla Institute of Technology and Science, Pilani, India. Mr.
2 Jammalamadaka has over 12 years of experience in the power and utilities sector and has
3 participated in the development, engineering, financing and construction of over 3,000 MW of
4 energy projects. Mr. Jammalamadaka has worked on wind energy projects in Minnesota, South
5 Dakota, Iowa, Michigan, Texas, Ohio, Virginia, Illinois, Oklahoma, Kansas, and Colorado.

6
7 Aypa Power LLC's Chief Development Officer Kim Oster is an executive leader with over 30
8 years of experience in the power industry, including as Vice President of First Solar where she
9 lead the development of a 550 MW solar facility in California, co-founder of Point Reyes Energy
10 Partners, a solar and storage development and advisory company, and experience as the Chief
11 Strategy Officer at Cypress Creek Renewables. Ms. Oster graduated from Williams College and
12 received an MBA and a Master's in Environmental Studies from Yale University. In addition,
13 Aypa Power LLC's Executive Vice President and Managing Director of Power Marketing.

14
15 John Marchand has over 22 years in the energy industry and has helped construct 5,200 MW of
16 wind energy projects which range across 23 states in the United States and Alberta, Ontario and
17 New Brunswick, Canada. In Oregon specifically, Mr. Marchand was involved in two Portland
18 General Electric solar projects and Horizon's Rattlesnake Ridge project, in which he completed
19 wind firming and a banking transaction between Portland General Electric and Horizon Wind
20 (now EDP). Mr. Marchand is a graduate of Trinity College and holds an MBA from the Columbia
21 Graduate School of Business

22
23 The Council finds that reliance on the experience and expertise of the new owner's parent
24 company, Blackstone, is consistent with previous Council decisions for the facility and other
25 facilities where the certificate holder and owner are project - or investment-specific LLCs. The
26 Council finds that the professional experience of individuals currently employed at Aypa Power
27 LLC in combination with Blackstone's experience demonstrate an ability to design, construct
28 and operate wind facilities. Council considers that previously imposed conditions are sufficient
29 to ensure that the transfer of certificate holder ownership would not impact the certificate
30 holder's ability to comply, as referenced below.

31
32 **Condition 5.1:** Before beginning construction, the certificate holder shall notify the
33 Department of the identity and qualifications of the major design, engineering and
34 construction contractor(s) for the facility. The certificate holder shall select contractors that
35 have substantial experience in the design, engineering and construction of similar facilities.
36 The certificate holder shall report to the Department any change of major contractors. [Final
37 Order IV.B.2.1]

38
39 **Condition 5.2:** The certificate holder shall contractually require all construction contractors
40 and subcontractors involved in the construction of the facility to comply with all applicable
41 laws and regulations and with the terms and conditions of the site certificate. Such

1 contractual provisions shall not operate to relieve the certificate holder of responsibility
2 under the site certificate. [Final Order IV.B.2.2]

3
4 **Condition 6.1:** The certificate holder shall:

5 (a) Prior to construction, notify the Department of the identity, telephone number, e-mail
6 address and qualifications of the full-time, on-site construction manager. Qualifications
7 shall demonstrate that the construction manager has experience in managing permit
8 and regulatory compliance requirements and is qualified to manage a wind facility
9 construction project.

10 (b) Prior to operation, notify the Department of the identity, telephone number, e-mail
11 address and qualifications of the full-time, on-site operations manager. Qualifications
12 shall demonstrate that the operations manager has experience in managing permit and
13 regulatory compliance requirements and is qualified to manage operation of a wind
14 facility.

15 (c) Prior to facility retirement, notify the Department of the identity, telephone number, e-
16 mail address and qualifications of the personnel or entity responsible for facility
17 decommissioning and restoration activities. Qualifications shall demonstrate that the
18 identified personnel have experience in managing permit and regulatory compliance
19 requirements and are qualified to decommission a wind facility.

20 (d) The certificate holder shall notify the Department within 72-hours upon any change in
21 personnel or contact information provided to satisfy Condition 6.1(a) through (c).
22 [AMD3]

23
24 Due to the certificate holder's previous reliance on the organizational expertise of its parent
25 company to satisfy the requirements of OAR 345-022-0010(1), Council previously imposed
26 Condition 6.31 in the site certificate, requiring that the certificate holder notify the Department
27 within 7 days of any change in the corporate structure of its parent company and of any
28 changes in access to the resources of its parent company. This condition allows the Department
29 the ability to review whether the changes result in, or are considered, a transfer of ownership
30 necessitating a site certificate amendment under OAR 345-027-0400. Due to the new owner's
31 reliance on the organizational expertise of its personnel, affiliate and parent company, the
32 Council finds that this condition would continue to apply and administratively amends
33 Condition 6.31 to reflect the change in certificate holder ownership as follows:

34
35 **Condition 6.31, As Amended:** During facility construction and operation, the certificate
36 holder shall report to the Department, within 7 days, any change in the corporate structure
37 of Aypa Power LLC, Aypa Power Canada LP or Blackstone Energy Partners Pattern
38 Renewables 2 LP, Pattern Energy Group 2 LP (the sole limited partner), and Pattern Energy
39 Group LP. The certificate holder shall report promptly to the Department any change in its
40 access to the resources, expertise, and personnel of Aypa Power LLC, Aypa Power Canada LP
41 or Blackstone Energy Partners Pattern Renewables 2 LP, Pattern Energy Group 2 LP (the sole
42 limited partner), and Pattern Energy Group LP. [Final Order on Amendment 3 AMD3; AMD5]

1 Council previously found that compliance with Conditions 2.11, 2.12, 5.2, 5.4, 5.8, 5.10, 6.8,
2 6.10, 6.11, 6.13, 6.14, 7.1 through 7.7, and 8.1 through 8.9 of the site certificate would ensure
3 that the facility is designed, constructed, and operated in a manner that protects public health
4 and safety, as referenced below. Previously imposed conditions are presented in Attachment 1
5 (Amended Site Certificate) of this order.
6

7 **Condition 2.11:** Any matter of non-compliance under the site certificate shall be the
8 responsibility of the certificate holder. Any notice of violation issued under the site
9 certificate shall be issued to the certificate holder. Any civil penalties assessed under the site
10 certificate shall be levied on the certificate holder.

11 [Final Order IV.B.2.5]
12

13 **Condition 2.12:** Within 72 hours after discovery of conditions or circumstances that may
14 violate the terms or conditions of the site certificate, the certificate holder shall report the
15 conditions or circumstances to the Department.

16 [Final Order IV.B.2.7]
17

18 **Condition 5.2:** The certificate holder shall contractually require all construction contractors
19 and subcontractors involved in the construction of the facility to comply with all applicable
20 laws and regulations and with the terms and conditions of the site certificate. Such
21 contractual provisions shall not operate to relieve the certificate holder of responsibility
22 under the site certificate.

23 [Final Order IV.B.2.2]
24

25 **Condition 5.4:** Before beginning construction of wind turbines and meteorological towers,
26 the certificate holder shall submit a Notice of Proposed Construction or Alteration to the
27 Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying
28 the proposed final locations of turbine towers and meteorological towers, and shall provide
29 to the Department copies of a Determination of No Hazard for all turbine towers and
30 meteorological towers or an equivalent determination to confirm that the structures
31 comply with applicable FAA and Oregon Department of Aviation air hazard rules. The
32 certificate holder shall promptly notify the Department of the responses from the FAA and
33 Oregon Department of Aviation.

34 [Amended Final Order on Amendment 1 IV.K.2.4]
35

36 To evaluate whether transfer of the site certificate would impact the new owner's ability to
37 comply with Council standards and site certificate conditions, the Council evaluates whether
38 the new owner has received any regulatory citations for its facilities and the outcome of such
39 citations. In Request for Amendment 5 to Transfer, the certificate holder and new owner affirm
40 that neither have received regulatory citations or complaints which resulted in enforcement
41 action; however, because neither certificate holder or new owner currently own or operate any
42 energy facilities the applicability of this particular criteria is limited.
43

1 *ISO 9000 or ISO 14000 Certified Program*

2

3 OAR 345-022-0010(2) is not applicable because the certificate holder and new owner have not
4 proposed to design, construct or operate the facility according to an ISO 9000 or ISO 14000
5 certified program.

6

7 *Third-Party Permits*

8

9 OAR 345-022-0010(3) addresses the requirements for potential third-party permits. The
10 certificate holder has not identified any third-party permits necessary for facility construction
11 or operation.

12

13 Council previously imposed Condition 4.6 requiring that the certificate holder and its
14 contractors obtain all necessary federal, state and local permits, as referenced below.

15

16 **Condition 4.6:** The certificate holder shall obtain all necessary federal, state, and local permits or
17 approvals required for construction, operation, and retirement of the facility or ensure that its
18 contractors obtain the necessary federal, state, and local permits or approvals.

19 [Final Order IV.B.2.4]

20

21 Based on compliance with existing certificate conditions, the Council finds that the existing
22 certificate holder and new owner have the experience and qualifications necessary to design,
23 construct, operate and retire the facility in a manner that complies with applicable
24 requirements and protects public health and safety. Because the existing certificate holder and
25 new owner would be subject to the same conditions and has certified that it would abide by all
26 requirements of the site certificate, the Council finds that the new owner and certificate holder
27 have the ability to design, construct, and operate the facility in a manner that protects public
28 health and safety.

29

30 *Relevant Experience in Habitat Mitigation*

31

32 Under the standard, the Council evaluates the new owner's experience with mitigation projects
33 and the qualifications and experience of personnel upon whom new owner would rely on for
34 implementation, to the extent that the identities of such persons are known at the time of
35 transfer request, to determine whether the new owner can successfully complete mitigation
36 necessary to satisfy site certificate requirements.

37

38 The new owner would be required to obtain and secure a habitat mitigation area (HMA) to
39 satisfy the Council's Fish and Wildlife Habitat standard, as well as conduct associated habitat
40 uplift and mitigation actions at the HMA. In Request for Amendment 5 to Transfer, the new
41 owner explains that it does not have previous experience to demonstrate the expertise needed
42 to successfully complete such mitigation. However, the new owner commits to hiring specialist
43 consultants to support in preparation of the fish and wildlife habitat assessment and associated

1 documentation. These specialists include professionals from Tetra Tech, David Evans Associates
2 and Northwest Wildlife Consultants, Inc. (NWC). To ensure successful implementation of the
3 HMA and final Habitat Mitigation Plan, Council previously imposed Condition 10.4, as presented
4 below, which specifies that prior to construction the certificate holder provide to the
5 Department the qualifications of the specialists identified to implement and manage the HMA.
6

7 **Condition 10.4:** Prior to construction, the certificate holder shall:

- 8 (a) Select qualified specialists (wildlife biologist/botanist) that have substantial experience
9 in creating, enhancing, maintaining, and protecting habitat mitigation areas within
10 Oregon;
11 (b) Notify the Department of the identity and qualifications of the personnel or contractors
12 selected to implement and manage the habitat mitigation area;
13 (c) Acquire the legal right to create, enhance, maintain and protect a habitat mitigation
14 area, as long as the site certificate is in effect, by means of an outright purchase,
15 conservation easement or similar conveyance;
16 (d) Develop and submit a final Habitat Mitigation Plan (HMP) for approval by the
17 Department in consultation with ODFW, based upon the draft amended HMP included
18 as Attachment G of the *Final Order on Amendment #2*. The Council retains authority to
19 approve, reject or modify the final HMP and any future amendments; and,
20 (e) Improve the habitat quality, within the habitat mitigation area, as described in the final
21 HMP and as amended from time to time.

22 [Final Order on ASC]
23

24 Based on compliance with the above-referenced condition, and the use of qualified biologists
25 and management by the existing certificate holder, the Council finds that the new owner has
26 the experience and qualifications necessary to satisfy the requirements under the standard for
27 mitigation.
28

29 *Ability to Restore the Facility Site to a Useful, Non-hazardous Condition*
30

31 The new owners' ability to retire the facility to a useful, non-hazardous condition is evaluated in
32 Section III.B., *Retirement and Financial Assurance* of this order, in which the Council finds the
33 new owner would comply with the Retirement and Financial Assurance standard.
34

35 **Conclusions of Law**
36

37 Based on the foregoing findings of fact, and based upon compliance with existing site certificate
38 conditions, the Council finds that the transfer of ownership of the certificate owner from
39 Pattern Renewables 2 LP to Aypa Power LLC continues to satisfy the requirements of the
40 Council's Organizational Expertise standard.
41
42

1 **III.B. Retirement and Financial Assurance [OAR 345-022-0050]**
2

3 *To issue a site certificate, the Council must find that:*
4

5 (1) *The site, taking into account mitigation, can be restored adequately to a useful, non-*
6 *hazardous condition following permanent cessation of construction or operation of*
7 *the facility.*
8

9 (2) *The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a*
10 *form and amount satisfactory to the Council to restore the site to a useful, non-*
11 *hazardous condition.*
12

13 **Findings of Fact**

14 The Retirement and Financial Assurance standard requires a finding that the facility site, taking
15 into account mitigation, can be restored to a useful, non-hazardous condition at the end of the
16 facility’s useful life, should either the new owner stop construction or should the facility cease
17 to operate.¹⁰ In addition, it requires a demonstration that the new owner can obtain a bond or
18 letter of credit to restore the site to a useful, non-hazardous condition.
19

20 *Restoration of the Site Following Cessation of Construction or Operation*
21

22 OAR 345-022-0050(1) requires the Council to find that the facility site can be restored to a
23 useful non-hazardous condition at the end of the facility’s useful life. The facility is located
24 entirely on exclusive farm use (EFU) zoned land in Wasco County, Oregon. Therefore, to satisfy
25 this standard, the new owner must show that the site can be restored to a non-hazardous
26 condition suitable for EFU-zoned lands. In the ASC, the facility’s useful life was represented as
27 50 years.
28

29 In Request for Amendment 5 to Transfer, there are no changes to the methods, tasks or actions
30 previously evaluated by Council for facility decommissioning. Therefore, the initial discussion of
31 facility decommissioning is provided for reference, based upon Council’s review and approval in
32 the *Final Order on the ASC* (August 2011). Restoring the site to a useful, non-hazardous
33 condition upon cessation of construction or operations (or upon retirement) would involve
34 removal of all turbine components,¹¹ meteorological towers, aboveground electrical
35 components, transformers and other substation equipment. In the ASC, the certificate holder
36 stated that O&M buildings would be demolished and disposed of at an appropriate facility, or
37 converted to agricultural buildings for use by the landowners. As explained in ASC Exhibit W,
38 concrete foundations would be removed to a minimum depth of three feet below grade.

¹⁰ OAR 345-022-0050(1).

¹¹ As explained in ASC Exhibit W, hazardous materials associated with the proposed facility would largely be limited to oils in turbine gearboxes and transformers; these materials would be pumped out by a specialized vehicle for recycling prior to equipment removal.

1 Underground cables that are at least three feet below grade would be left in place. Gravel
2 surfacing material would be removed, the impacted area would be decompacted as needed,
3 the area regraded to appropriate contours and topsoil replaced, and the area would be
4 revegetated unless the landowner indicates a desire to leave the new or expanded roads in
5 place.¹²
6

7 In the *Final Order on the ASC* (August 2011), the Council found that, pursuant to OAR 345-022-
8 0050(1), the current certificate holder could restore the site to a useful, non-hazardous
9 condition.¹³ To ensure the certificate holder met its obligations, the Council adopted Conditions
10 14.3 through 14.5 in the site certificate. These conditions require the certificate holder to
11 prevent the development of any condition on-site that would preclude restoration of the site to
12 a useful, non-hazardous condition (Condition 14.3) and require the certificate holder to submit
13 a final retirement plan that describes the activities necessary to restore the site to a useful,
14 non-hazardous condition for Council approval (Condition 14.4). Condition 14.5 requires that the
15 certificate holder retire the facility according to the approved retirement plan.
16

17 In the *Final Order on the ASC* (August 2011), the Council also found that, pursuant to OAR 345-
18 022-0050(2), the current certificate holder had a reasonable likelihood of obtaining a bond or
19 letter of credit, in a form and amount satisfactory to the Council, to restore the site to a useful,
20 non-hazardous condition. In the *Final Order on Amendment 4*, Council found that the initial
21 value of the financial assurance bond or letter of credit for restoring the site was \$12.019
22 million (in 4th quarter 2018 dollars). To ensure the certificate holder met its obligations, the
23 Council adopted Conditions 14.1 and 14.2 in the site certificate. Condition 14.1 requires the
24 certificate holder to maintain a bond or letter of credit in the amount of \$12.019 million, to be
25 adjusted for inflation to the date of issuance and final design configuration, which ensures
26 funds are available to the Council to restore the site if the certificate holder does not retire the
27 facility as required by Conditions 14.4 and 14.5. Condition 14.2 requires that if the certificate
28 holder elects to use a bond to meet the requirements of Condition 14.1, the certificate holder
29 would ensure that the bond complies with all applicable rules and statutes.
30

31 In Request for Amendment 5 to Transfer, the new owner provides a letter from RBC Royal Bank,
32 a financial institution previously reviewed and approved by Council, which states that there is a
33 reasonable likelihood that the bank would provide a Project Letter of Credit up to \$12.019
34 million to Aypa Canada, as an affiliate of Aypa Power LLC, should it be requested.¹⁴ Therefore,

¹² ASC, Exhibit W, p.2.

¹³ *Final Order on the Application* at 88

¹⁴ In comments on the record of the Request for Amendment to Transfer, Commenters expressed concern that the RBC Royal Bank letter was not sufficient as evidence that the new owner could obtain a bond or letter of credit in an amount satisfactory to Council because the letter did not acknowledge that the bond amount was in 4th Quarter 2018 dollars, and therefore not sufficient to demonstrate an ability to provide a bond in an amount adjusted for inflation to current dollars, and that the letter did not agree or commit to using a form preapproved by Council. Council reviewed these comments at the December 18, 2020 Council meeting and determined, based on above-

1 the Council relies on the RBC Royal Bank letter of assurance and compliance with existing site
2 certificate condition to conclude that the new owner has demonstrated a reasonable likelihood
3 of obtaining a bond or letter of credit in the amount specified for restoration costs.

4
5 **Conclusions of Law**

6
7 Based on the foregoing findings of fact, and subject to the existing site certificate conditions,
8 the Council finds that the new owner continues to comply with the Council’s Retirement and
9 Financial Assurance standard.

10
11 **IV. GENERAL CONCLUSIONS**

12
13 The Council finds that the request to transfer ownership of the certificate holder owner from
14 Pattern Renewables 2 LP to Aypa Power LLC is consistent with current Council rules and the
15 terms and conditions of the site certificate.

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describing reasoning and analysis, that the bank letter, in conjunction with the existing site certificate condition and the certificate holder’s certification agreeing to abide by the terms and conditions of the site certificate, that the certificate holder and new owner demonstrated and ability to satisfy the standard.

1 **V. FINAL ORDER**

2

3 Based on the above findings of fact, reasoning, and conclusions of law, the Council approves
4 Request for Amendment 5 to Transfer the Summit Ridge Wind Farm Site Certificate,
5 transferring ownership of the certificate holder from Pattern Renewables 2 LP to Aypa Power
6 LLC. The Council Chair executes the Site Certificate amendment in the form of the “Fifth
7 Amended Site Certificate for Summit Ridge Wind Farm.”

Issued this 18th day of December 2020

The OREGON ENERGY FACILITY SITING COUNCIL

Marcia L. Grail

By: [Marcia L. Grail \(Jan 15, 2021 19:00 PST\)](#)

Marcia L. Grail, Chair
Oregon Energy Facility Siting Council

8 **ATTACHMENTS**

9 Attachment A: Public Notice of Request for Amendment 5 to Transfer

10 Attachment B: Fifth Amended Site Certificate

11










Summit Ridge Transfer AMD5 Final Order Sig Page 2020-12-18

Final Audit Report

2021-01-16

| | |
|-----------------|---|
| Created: | 2021-01-14 |
| By: | Energy Siting (Energy.Siting@Oregon.gov) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAhOVQnoAmYx19i9kS9AleiU7DU3wKJBF |

"Summit Ridge Transfer AMD5 Final Order Sig Page 2020-12-18" History


-  Document created by Energy Siting (Energy.Siting@Oregon.gov)
2021-01-14 - 3:31:37 PM GMT- IP address: 70.122.116.171
-  Document emailed to mary.grail@efsc.oregon.gov for signature
2021-01-14 - 3:32:04 PM GMT
-  Email sent to mary.grail@efsc.oregon.gov bounced and could not be delivered
2021-01-14 - 3:32:21 PM GMT
-  Energy Siting (Energy.Siting@Oregon.gov) replaced signer mary.grail@efsc.oregon.gov with Marcy@ibew125.com
2021-01-14 - 3:32:51 PM GMT- IP address: 70.122.116.171
-  Document emailed to Marcy@ibew125.com for signature
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2021-01-14 - 6:23:06 PM GMT

 Email viewed by Marcia L. Grail (marcy.grail@efsc.oregon.gov)

2021-01-16 - 3:00:10 AM GMT- IP address: 71.34.75.140

 Document e-signed by Marcia L. Grail (marcy.grail@efsc.oregon.gov)

Signature Date: 2021-01-16 - 3:00:43 AM GMT - Time Source: server- IP address: 71.34.75.140

 Agreement completed.

2021-01-16 - 3:00:43 AM GMT

Attachment A: Public Notice of Request for Amendment to Transfer

PUBLIC NOTICE



Summit Ridge Wind Farm

Request for Comments on Request to Transfer Certificate Holder Ownership and Notice of Transfer Hearing

Summary:

Date Notice Issued: September 30, 2020

Request: Amend site certificate to authorize transfer of certificate holder ownership

Facility Location: Wasco County

Anticipated Transfer Hearing:*

Date: November 20, 2020

Time: 8:30 a.m.

Location: Energy Facility Siting Council Meeting

*Transfer hearing details will be determined at least 20 days prior to the hearing date. Please visit the Department's project webpage or signup to receive electronic notification of Council meeting agendas (see More Information section below) before October 30, 2020 to ensure you receive the transfer hearing date, time and location information

Anticipated Deadline for Comments: November 20, 2020 (9 a.m. or close of Transfer Hearing)

Introduction: The Oregon Department of Energy (ODOE), staff to the Energy Facility Siting Council, received Request for Amendment 5 (RFA5) to transfer ownership of the Summit Ridge Wind Farm certificate holder from Pattern Renewables 2 LP to Aypa Power LLC, a subsidiary of Blackstone Energy Partners. Summit Ridge Wind, LLC would remain as the certificate holder.

Description of the Facility: Summit Ridge Wind Farm is a 194.4 megawatt (MW) wind energy generation facility, to be constructed in phases. The initial construction phase includes modifications to an existing access road, completed in August 2020. The remaining construction phases, including up to 72 wind turbines and related or supporting facilities, must be completed by August 2023.

Facility Location: The Summit Ridge Wind Farm site boundary is located within Gilliam County, 17 miles southeast of The Dalles and eight miles east of Dufur. A map of the facility site boundary is

included in this notice. For detailed maps, please visit our online mapping tool at <https://tinyurl.com/EFSCmap>.

Site Certificate Transfer Process: To approve a Request for Amendment to Transfer, EFSC must find that the proposed new certificate holder owner, Aypa Power LLC, complies with the Council's Organizational Expertise (OAR 345-022-0010) and Retirement and Financial Assurance (OAR 345-022-0050) standards. EFSC must also find that Aypa Power LLC is or will be lawfully entitled to possession or control of the site or facility prior to approval of the transfer.

ODOE will provide recommended findings of facts regarding compliance with the above standards, including an evaluation of any comments received prior to the transfer hearing, in a staff report to Council at least 20 days prior to the transfer hearing. The staff report, to include a draft Final Order, will be available on the Council's webpage and the Department's project webpage.

Prior to Council's review of the draft Final Order, Council will hold a transfer hearing. The transfer hearing is not a contested case hearing. At the conclusion of the transfer hearing, the Council will review the draft Final Order and take action to either approve or deny the final order; and, will either issue or deny issuance of an amended site certificate.

Transfer Hearing and Comment Period: A Transfer Hearing is anticipated to be held at 8:30 a.m. on Friday, November 20, 2020 during the Council's regularly scheduled meeting but could occur at a later date; WebEx details and physical address, if in-person option is available, will be provided via the Department's project webpage at least 20 days prior to the transfer hearing and will also be noticed via Council agenda.

Written comments are due no later than the close of the Transfer Hearing. Department staff will be

available to answer questions related to the EFSC transfer process and the facility.

Written or oral comments may be submitted prior to the transfer hearing (anticipated to be November 20, 2020, 8:30 a.m.) by mail, e-mail, hand-delivery or fax. Please send comments to:

Sarah Esterson, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301
E-mail: sarah.esterson@oregon.gov
Phone: 503-385-6128

Written or oral comments may also be provided at the transfer hearing. The Council will not accept comments on Request for Amendment to Transfer after the close of the record of the transfer hearing.

Receipt of this Notice: Please note that you may be receiving this notice for multiple reasons:

1. You own property within or adjacent to (within 500 feet) the property on which the facility is located. You will automatically receive all future notices on this facility.
2. You have requested to receive paper notices on the Summit Ridge Wind Farm. If you wish to be removed from these mailing lists, please contact Sarah Esterson.
3. You have previously signed up via GovDelivery/ClickDimensions or by contacting ODOE to receive notices related to the Summit Ridge Wind Farm or all EFSC project-related notices. You will automatically receive all future notices per your request, unless you unsubscribe via ClickDimensions or by contacting ODOE.

More Information

Please contact Sarah Esterson, Senior Siting Analyst, at the listed e-mail address, phone number, or mailing address. More information about the facility and updates on the review process is available using any of the options below.

1) ODOE's webpage

More details on Summit Ridge Farm including the Request for Amendment to Transfer are available online on at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/SRW.aspx>

Additional resources to help you participate in the state siting process can be found at:

<http://www.oregon.gov/energy/facilities-safety/facilities/pages/default.aspx>

2) Updates by e-mail

Subscribe to ClickDimensions for e-mail updates on Summit Ridge Wind Farm, other energy facilities under EFSC jurisdiction, or Council meetings. ClickDimensions is an automated e-mail system that allows interested members of the public to manage subscriptions to information received about ODOE projects and events. For more information, please visit:

<https://tinyurl.com/ODOE-EFSC>.

3) In hardcopy

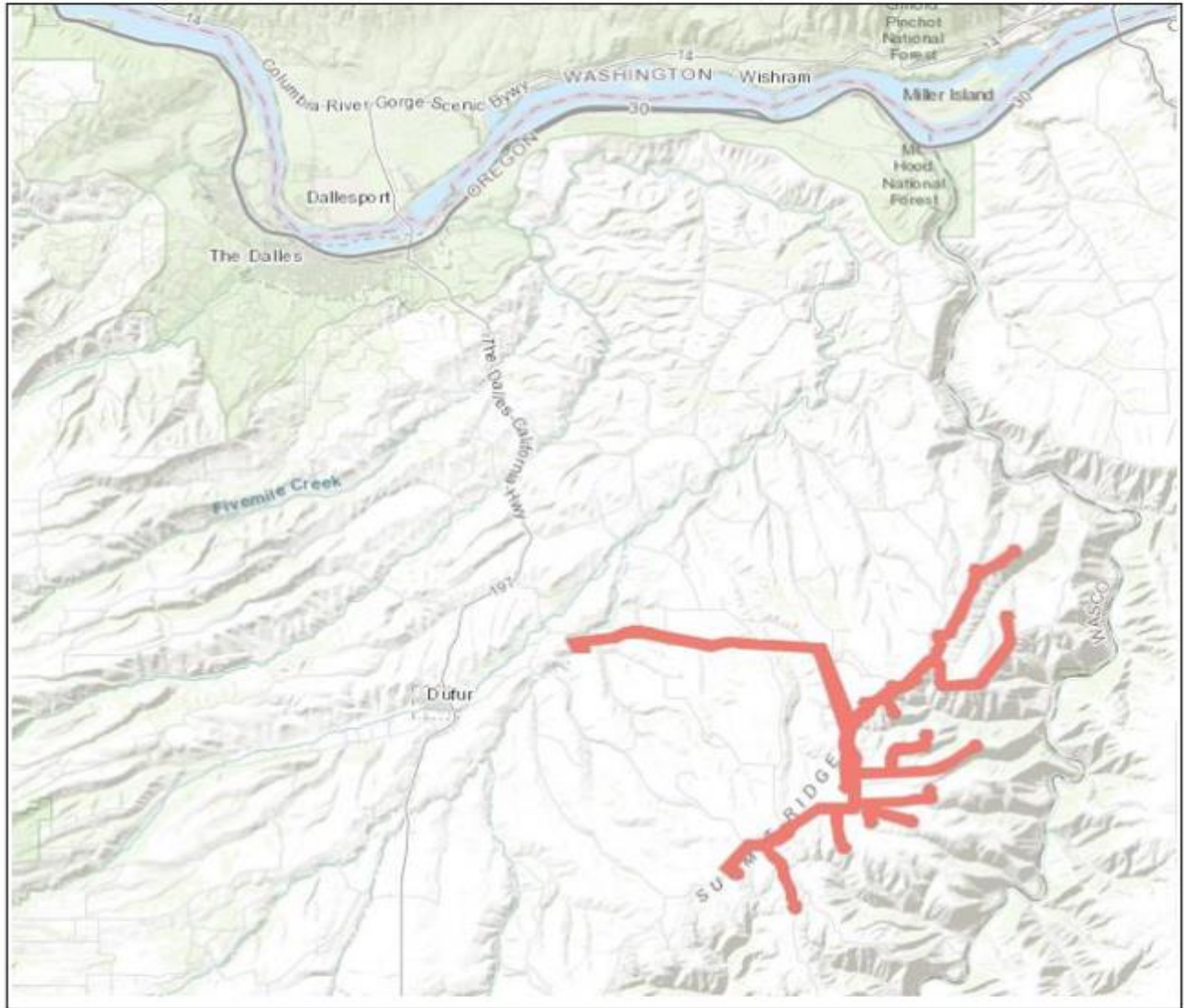
Copies of Request for Amendment to Transfer are available for public inspection at:

Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

Please contact Sarah Esterson if you wish to arrange a time to inspect the request to transfer.

Accessibility information: The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Michiko Mata at 503-378-3895, toll-free in Oregon at 800-221-8035, or email to michiko.mata@oregon.gov

Figure 1: Summit Ridge Wind Farm – Regional Location/Facility Site Boundary



Attachment B: Amended Site Certificate

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FIFTH AMENDED SITE CERTIFICATE
FOR THE
SUMMIT RIDGE WIND FARM

Issued December 2020
by

OREGON ENERGY FACILITY SITING COUNCIL
550 Capitol Street NE
Salem, OR 97301-2567

PHONE: 503-378-4040
FAX: 503-373-7806

ISSUANCE DATES

| | |
|---------------------------------|-------------------|
| Site Certificate | August 19, 2011 |
| First Amended Site Certificate | August 7, 2015 |
| Second Amended Site Certificate | November 4, 2016 |
| Third Amended Site Certificate | January 8, 2018 |
| Fourth Amended Site Certificate | August 23, 2019 |
| Fifth Amended Site Certificate | December 18, 2020 |

**SUMMIT RIDGE WIND FARM SITE CERTIFICATE
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Acronyms and Abbreviations

| | |
|------------|---|
| Council | Oregon Energy Facility Siting Council |
| Department | Oregon Department of Energy |
| DOGAMI | Oregon Department of Geology and Mineral Industries |
| DPO | Draft Proposed Order |
| ESCP | Erosion and Sediment Control Plan |
| FAA | Federal Aviation Administration |
| NPDES | National Pollutant Discharge Elimination System |
| O&M | Operations and Maintenance |
| OAR | Oregon Administrative Rule |
| ODFW | Oregon Department of Fish and Wildlife |
| ORS | Oregon Revised Statute |
| WCLUDO | Wasco County Land Use and Development Ordinance |

1 **1.0. INTRODUCTION**

2
3 The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Summit
4 Ridge Wind Farm (Summit Ridge or the facility) in the manner authorized under Oregon Revised
5 Statute (ORS) Chapter 469. This site certificate is a binding agreement between the State of
6 Oregon (State), acting through the Council, and Summit Ridge Wind, LLC (certificate holder),
7 which is a wholly owned subsidiary of Aypa Power LLC (Aypa or owner), a subsidiary of
8 Blackstone Energy Partners. The Council issues this site certificate authorizing the certificate
9 holder to construct, operate, and retire the facility in Wasco County, subject to the conditions set
10 forth herein.

11
12 The findings of fact, reasoning, and conclusions of law underlying the terms and conditions of
13 this site certificate are set forth in the Council’s *Final Order in the Matter of the Application for a*
14 *Site Certificate for the Summit Ridge Wind Farm* (Final Order on ASC) issued on August 19,
15 2011, the Council’s *Amended Final Order in the Matter of the Request for Amendment #1*
16 (Amended Final Order on Amendment 1) issued on August 7, 2015, the Council’s *Final Order*
17 *on the Request for Contested Case, Amendment #2 and Request for Transfer of the Site*
18 *Certificate* (Final Order on Amendment 2) issued on November 4, 2016, the Council’s *Final*
19 *Order on Request for Transfer* (Final Order on Amendment 3) issued on December 15, 2017,
20 the Council’s *Final Order on Request for Amendment 4* (Final Order on Amendment 4), the
21 Council’s *Final Order on Request for Amendment 5* (Final Order on Amendment 5) issued on
22 December 18, 2020 and incorporated herein by this reference. In interpreting this site certificate,
23 any ambiguity will be clarified by reference to and the record of the proceedings that led to the
24 following, in order of priority: (1) this Amended Site Certificate, (2) Final Order on Amendment
25 5; (3) Final Order on Amendment 4; (4) Final Order on Amendment 3, (5) the Final Order on
26 Amendment 2, (6) the Amended Final Order on Amendment 1, and (7) the Final Order on ASC.

27
28 This amended site certificate does not address, and is not binding with respect to, matters that
29 were not addressed in the Council’s Final Order on ASC, Amended Final Order on Amendment
30 1, Final Order on Amendment 2, Final Order on Amendment 3, Final Order on Amendment 4, and
31 Final Order on Amendment 5. Such matters include, but are not limited to: building code
32 compliance; wage; hour; and other labor regulations; local government fees and charges; other
33 design or operational issues that do not relate to siting the facility [ORS 469.401(4)]; and permits
34 issued under statutes and rules for which the decision on compliance has been delegated by the
35 federal government to a state agency other than the Council. ORS 469.503(3).

36
37 The obligation of the certificate holder to report information to the Oregon Department of Energy
38 (Department) or the Council under the conditions listed in this amended site certificate is subject
39 to the provisions of ORS 192.502 *et seq.* and ORS 469.560. To the extent permitted by law, the
40 Department and the Council will not publicly disclose information that may be exempt from
41 public disclosure if the certificate holder has clearly labeled such information and stated the basis
42 for the exemption at the time of submitting the information to the Department or the Council. If
43 the Council or the Department receives a request for the disclosure of the information, the
44 Council or the Department, as appropriate, will make a reasonable attempt to notify the certificate
45 holder and will refer the matter to the Attorney General for a determination of whether the
46 exemption is applicable, pursuant to ORS 192.450.

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

5
6 The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this site
7 certificate, except where otherwise stated, or where the context clearly indicates otherwise.
8

9 **2.0. SITE CERTIFICATION**

10
11 2.1. To the extent authorized by state law and subject to the conditions set forth herein, the
12 State authorizes the certificate holder to construct, operate, and retire a wind energy
13 facility, together with certain related or supporting facilities, at the site in Wasco
14 County, Oregon, as described in Section 3.0 of this site certificate.
15 [ORS 469.401(1)]
16

17 2.2. This site certificate is effective until 1) it is terminated under OAR 345-027-0110 or the
18 rules in effect on the date that termination is sought; or 2) until the site certificate is
19 revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect
20 on the date that revocation is ordered.
21 [ORS 469.401(1)]
22

23 2.3. Both the State and the certificate holder shall abide by local ordinances, state law, and
24 the rules of the Council in effect on the date this site certificate is executed. ORS
25 469.401(2). In addition, upon a clear showing of a significant threat to public health,
26 safety, or the environment that requires application of later-adopted laws or rules, the
27 Council may require compliance with such later-adopted laws or rules.
28 [ORS 469.401(2)]
29

30 2.4. For a permit, license, or other approval addressed in and governed by this site
31 certificate, the certificate holder shall comply with applicable state and federal laws
32 adopted in the future to the extent that such compliance is required under the respective
33 state agency statutes and rules.
34 [ORS 469.401(2)]
35

36 2.5. Subject to the conditions herein, this site certificate binds the State and all counties,
37 cities, and political subdivisions in Oregon as to the approval of the site and the
38 construction, operation, and retirement of the facility as to matters that are addressed in
39 and governed by this site certificate.
40 [ORS 469.401(3)]
41
42
43
44
45
46

- 1 2.6. Each affected state agency, county, city, and political subdivision in Oregon with
2 authority to issue a permit, license, or other approval addressed in or governed by this
3 site certificate shall, upon submission of the proper application and payment of the
4 proper fees, but without hearings or other proceedings, issue such permit, license, or
5 other approval subject only to conditions set forth in this site certificate.
6 [ORS 469.401(3)]
7
- 8 2.7. After issuance of this site certificate, each state agency or local government agency that
9 issues a permit, license, or other approval for the facility shall continue to exercise
10 enforcement authority over such permit, license, or other approval.
11 [ORS 469.401(3)]
12
- 13 2.8. After issuance of this site certificate, the Council shall have continuing authority over
14 the site and may inspect, or direct the Oregon Department of Energy (Department) to
15 inspect, or request another state agency or local government to inspect, the site at any
16 time in order to ensure that the facility is being operated consistently with the terms and
17 conditions of this site certificate.
18 [ORS 469.430]
19
- 20 2.9. [DELETED] [Final Order III.D.7; AMD2; AMD4] [Mandatory Condition OAR 345-
21 025-0006 (3)]
22
- 23 2.10. Before any transfer of ownership of the facility or ownership of the site certificate
24 holder, the certificate holder shall inform the Department of the proposed new owners.
25 The requirements of OAR 345-027-0400 apply to any transfer of ownership that
26 requires a transfer of the site certificate.
27 [Final Order IV.B.2.8; AMD5] [Mandatory Condition OAR 345-025-0006 (15)]
28
- 29 2.11. Any matter of non-compliance under the site certificate shall be the responsibility of the
30 certificate holder. Any notice of violation issued under the site certificate shall be issued
31 to the certificate holder. Any civil penalties assessed under the site certificate shall be
32 levied on the certificate holder.
33 [Final Order IV.B.2.5]
34
- 35 2.12. Within 72 hours after discovery of conditions or circumstances that may violate the
36 terms or conditions of the site certificate, the certificate holder shall report the
37 conditions or circumstances to the Department.
38 [Final Order IV.B.2.7]
39
- 40 2.13. The Council shall not change the conditions of this site certificate except as provided
41 for in OAR Chapter 345, Division 27.
42 [Final Order VII.1] [Mandatory Condition OAR 345-025-0006 (1)]
43
44
45
46

1 2.14. Following the completion of surveys required by this site certificate, the Department
2 will present the results of those surveys and required consultations at the next regularly
3 scheduled Council meeting.

4 [Added at the August 7, 2015 Energy Facility Siting Council Meeting]

5

1 **3.0 DESCRIPTION OF FACILITY**

2
3 **LOCATION AND SITE BOUNDARY**

4
5 Summit Ridge is located in Wasco County, Oregon approximately 17 miles southeast of The
6 Dalles, and eight miles east of Dufur, Oregon.

7
8 As defined by OAR 345-001-0010, the “site boundary” is the perimeter of the site of the energy
9 facility, its related or supporting facilities, all temporary laydown and staging areas and all
10 corridors and micrositing corridors. The facility site boundary encompasses approximately
11 11,000 acres on private land subject to long-term wind energy leases with the landowners.

12
13 As defined in OAR 345-001-0010, a “micrositing corridor” means a continuous area of land
14 within which construction of facility components may occur, subject to site certificate
15 conditions.¹ Micrositing corridors are intended to allow some flexibility in specific component
16 locations and design in response to site-specific conditions and engineering requirements to be
17 determined prior to construction. The approved micrositing corridor includes approximately
18 1,300-foot around locations of temporary and permanent disturbance. In order to utilize the
19 approved micrositing corridor, the certificate holder is obligated to satisfy pre-construction
20 survey requirements imposed in the site certificate (Conditions 10.7, 11.3).

21
22 **THE ENERGY FACILITY**

23
24 The facility is approved to consist of up to 72 wind turbine generators.

25
26 Turbines will be mounted on tubular steel towers no greater than 91 meters (299 feet) tall at the
27 turbine hub, with a maximum blade tip height no greater than 152 meters (499 feet) and a
28 minimum blade tip clearance of no less than 18 meters (59 feet) above the ground. Turbines
29 include a nacelle that houses the generator and gearbox, and supports the rotor and blades at the
30 hub. A gravel turbine pad area would surround the base of each concrete turbine foundation. A
31 step-up transformer increases the output voltage of each wind turbine generator to the voltage of
32 the power collection system. The step-up transformer will be installed on its own concrete pad at
33 the base of each wind turbine tower, or located in the nacelle, depending on the final turbine
34 model selected.

35
36 Summit Ridge includes the following related or supporting facilities described below and in
37 greater detail in the *Final Order on ASC*, and the *Final Order on Amendment 3*:

- 38
39
- 40 ● Power collection system
 - 41 ● Collector substation
 - 42 ● 230-kV transmission line
 - 43 ● Supervisory Control and Data Acquisition (SCADA) System
 - 44 ● Operations and maintenance (O&M) facility
 - 45 ● Meteorological (met) towers
 - Access roads

¹ OAR 345-001-0010(32)

- Temporary roadway modifications
- Additional temporary construction areas (including laydown areas, crane paths, and a concrete batch plant)

POWER COLLECTION SYSTEM

Power from each turbine will be transmitted via the approximately 49-mile collection line system to the collector substation. The new 34.5-kV collection lines will be constructed underground to the extent possible, although up to 10% of the collector lines may be placed aboveground due to site-specific geotechnical or environmental considerations. Aboveground segments would be supported by H-frame wood poles approximately 55 feet in height.

COLLECTOR SUBSTATION

The 34.5 kV collector line system will link each turbine to the facility collector substation, which will step up the power from 34.5 kV to 230 kV. The centrally-located collector substation will occupy approximately five acres, surrounded by a graveled, fenced area.

230 KV TRANSMISSION LINE

A new overhead 230 kV transmission feeder line approximately eight miles in length connects the facility's collector substation to the regional grid at a substation operated by the Bonneville Power Administration (BPA). The 230 kV transmission line runs northwest from the collector substation for approximately two miles, then almost due west for another six miles to the BPA substation, connecting with BPA's 500 kV "Big Eddy to Maupin-Redmond" transmission line.

The Summit Ridge transmission line will be supported on wooden H-frame poles that are 70 feet in height and spaced approximately 800 feet apart. The right-of-way for the transmission line is approximately 150 feet wide.

BPA will be responsible for the operation and maintenance of the interconnection facility. If the Summit Ridge facility ceases operation and a decommissioning/retirement plan is implemented, the transmission system operator is not obliged under this site certificate to dismantle the interconnection station, which will also be used to serve other customers.

SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM

A SCADA system will be installed at the facility to enable remote operation and collect operating data for each wind turbine, and archive wind and performance data. The SCADA system will be linked via fiber optic cables or other means of communication to a central computer in the O&M building. SCADA system wires will be installed in the collector line underground trenches, or overhead as necessary with the collector line.

OPERATIONS AND MAINTENANCE (O&M) FACILITY

One permanent O&M facility will be located within the five-acre facility collector substation site,

1 and will include up to 10,000 square feet of enclosed space for office and workshop areas, a
2 control room, and kitchen and sanitary facilities. The O&M facility will have an adjacent
3 graveled parking area and an approximately 300-foot by 300-foot fenced storage area. The
4 Facility will also include an on-site well and septic system. Domestic water needs for the O&M
5 facility will be served by an on-site well and septic system.

6 7 **METEOROLOGICAL TOWERS**

8
9 A maximum of three permanent un-guyed meteorological towers will be placed within the site
10 boundary to collect wind resource data (these towers will replace seven existing temporary
11 towers). The met towers will be the same height as the hub of the turbines, approximately 80
12 meters (263 feet) tall. Met tower foundations may be constructed as deep as 40 feet, depending
13 on soil conditions and geotechnical engineering requirements.

14 15 **ACCESS ROADS**

16
17 Approximately 19 miles of new roads will be constructed within the site boundary to provide
18 access to the turbines and other facility components. Access roads will be designed to be 20- foot
19 wide graveled surfaces with 10-foot compacted shoulders to accommodate construction cranes.
20 After the completion of construction, all new roads within the site boundary will be restored to a
21 total width of 20 feet for general use during facility operation.

22 23 **TEMPORARY ROADWAY MODIFICATIONS**

24
25 Approximately six miles of existing private roads will be upgraded to accommodate construction
26 and operation of the facility. Where needed, existing roads will be improved to 20-foot wide
27 graveled surfaces with 10-foot compacted shoulders to accommodate construction equipment and
28 cranes. After the completion of construction, improved roads within the site boundary will be
29 restored to a total width of 20-feet for general use during facility operation.

30 31 **ADDITIONAL CONSTRUCTION AREAS**

32
33 During construction, up to six temporary laydown areas will be used for the delivery and staging
34 of wind turbine components and other equipment and materials, as well as the staging of
35 construction trailers for the construction crews. Five of the six temporary laydown areas will be
36 located on approximately four acres, covered with gravel, which will be removed following
37 completion of facility construction. The sixth temporary laydown area will encompass the
38 permanent five-acre collector substation and O&M site. Concrete for construction of the facility
39 would be obtained from an on-site concrete batch plant to be located on a graveled 2-acre site
40 within the site boundary.

1 **4.0. GENERAL ADMINISTRATIVE CONDITIONS**

- 2
- 3 4.1. The certificate holder shall begin construction of the facility by August 19, 2020. The
4 Council may grant an extension of the deadline to begin construction in accordance
5 with OAR 345-027- 0385or any successor rule in effect at the time the request for
6 extension is submitted.
7 [Final Order on Amendment 2; AMD4] [Mandatory Condition OAR 345-025-0006 (4)]
8
- 9 4.2. The certificate holder shall complete construction of the facility by August 19, 2023.
10 Construction is complete when: 1) the facility is substantially complete as defined by
11 the certificate holder’s construction contract documents, 2) acceptance testing has been
12 satisfactorily completed; and 3) the energy facility is ready to begin continuous
13 operation consistent with the site certificate. The certificate holder shall promptly notify
14 the Department of the date of completion of construction. The Council may grant an
15 extension of the deadline for completing construction in accordance with OAR 345-
16 027-0385 or any successor rule in effect at the time the request for extension is
17 submitted.
18 [Final Order III.D.2; AMD2; AMD4] [Mandatory Condition OAR 345-025-0006 (4)]
19
- 20 4.3. The certificate holder shall submit a legal description of the site to the Department of
21 Energy within 90 days after beginning operation of the facility. The legal description
22 required by this rule means a description of metes and bounds or a description of the
23 site by reference to a map and geographic data that clearly and specifically identifies the
24 outer boundaries that contain all parts of the facility.
25 [Final Order III.D.3] [Mandatory Condition OAR 345-025-0006 (2)]
26
- 27 4.4. The certificate holder shall design, construct, operate and retire the facility:
28 a. Substantially as described in the site certificate;
29 b. In compliance with the requirements of ORS Chapter 469, applicable Council rules,
30 and applicable state and local laws, rules and ordinances in effect at the time the site
31 certificate is issued; and
32 c. In compliance with all applicable permit requirements of other state agencies.
33 [Final Order III.D.4] [Mandatory Condition OAR 345-025-0006 (3)]
34
- 35 4.5. The certificate holder shall construct the 230 kV transmission line within a 1,300 foot
36 corridor , as represented on Figure 1 of the site certificate, subject to the conditions of
37 this site certificate.
38 [Final Order III.D.8; AMD4] [Mandatory Condition OAR 345-025-0010(5)]
39
- 40 4.6. The certificate holder shall obtain all necessary federal, state, and local permits or
41 approvals required for construction, operation, and retirement of the facility or ensure
42 that its contractors obtain the necessary federal, state, and local permits or approvals.
43 [Final Order IV.B.2.4]
44

1 **5.0. PRE-CONSTRUCTION REQUIREMENTS**
2

3 In addition to pre-construction requirements contained elsewhere in this site certificate, the
4 certificate holder must meet the following requirements:
5

6 5.1. Before beginning construction, the certificate holder shall notify the Department of the
7 identity and qualifications of the major design, engineering and construction
8 contractor(s) for the facility. The certificate holder shall select contractors that have
9 substantial experience in the design, engineering and construction of similar facilities.
10 The certificate holder shall report to the Department any change of major contractors.
11 [Final Order IV.B.2.1]
12

13 5.2. The certificate holder shall contractually require all construction contractors and
14 subcontractors involved in the construction of the facility to comply with all applicable
15 laws and regulations and with the terms and conditions of the site certificate. Such
16 contractual provisions shall not operate to relieve the certificate holder of responsibility
17 under the site certificate.
18 [Final Order IV.B.2.2]
19

20 5.3. Before beginning construction, the certificate holder shall ensure that participating
21 landowners obtain a Farm-Forest Management Easement. The landowner is required to
22 sign and record in the deed records for the county a document binding the landowner,
23 and the landowner’s successors in interest, prohibiting them from pursuing a claim for
24 relief or case of action alleging injury from farming or forest practices for which no
25 action or claim is allowed under ORS 30.936 or 30.937.
26 [Final Order IV.D.2.4] [WCLUDO section 3.210(H)]
27

28 5.4. Before beginning construction, the certificate holder shall submit a Notice of Proposed
29 Construction or Alteration to the Federal Aviation Administration (FAA) and the
30 Oregon Department of Aviation identifying the proposed final locations of turbine
31 towers and meteorological towers, and shall provide to the Department copies of a
32 Determination of No Hazard for all turbine towers and meteorological towers or an
33 equivalent determination to confirm that the structures comply with applicable FAA
34 and Oregon Department of Aviation air hazard rules. The certificate holder shall
35 promptly notify the Department of the responses from the FAA and Oregon Department
36 of Aviation.
37 [Amended Final Order on Amendment 1 IV.K.2.4]
38

39 5.5. Before beginning construction, the certificate holder shall provide to the Department a
40 description of the turbine types selected for the facility demonstrating compliance with
41 this condition. The certificate holder may select turbines of any type, subject to the
42 following restrictions and compliance with all other site certificate conditions:
43 a. The total number of turbines at the facility must not exceed 72 turbines.
44 b. The turbine hub height must not exceed 91 meters, the maximum blade tip height
45 must not exceed 152 meters, and the rotor diameter must not exceed 132 meters.
46 c. The minimum blade tip clearance must be 18 meters above ground.

1 [Final Order on Amendment 2; AMD4] [Mandatory Condition OAR 345-025-0006 (3)]

2
3 5.6. Before beginning construction the certificate holder shall obtain approval of a final
4 Revegetation and Weed Control Plan [based upon the draft plan included as Attachment
5 E of the *Final Order on Amendment 4*] from the Department, in consultation with the
6 Wasco County Weed Department and ODFW, to control the introduction and spread of
7 noxious weeds, and shall implement that approved plan during all phases of
8 construction and operation of the facility.

9 [Final Order on ASC; AMD2; AMD4] [WCLUDO Section 3.210(J)(17)(5)]

10
11 5.7. Except as necessary for the initial survey or as otherwise allowed for wind energy
12 facilities, transmission lines or pipelines under OAR 345-027-0020, the certificate
13 holder shall not begin construction, as defined in OAR 345-001-0010, or create a
14 clearing on any part of the site until the certificate holder has construction rights on all
15 parts of the site. For the purpose of this rule, “construction rights” means the legal right
16 to engage in construction activities. For wind energy facilities, transmission lines or
17 pipelines, if the certificate holder does not have construction rights on all parts of the
18 site, the certificate holder may nevertheless begin construction, as defined in OAR 345-
19 001-0010, or create a clearing on a part of the site if the certificate holder has
20 construction rights on that part of the site and:

21 a. The certificate holder would construct and operate part of the facility on that part of
22 the site even if a change in the planned route of the transmission line or pipeline
23 occurs during the certificate holder’s negotiations to acquire construction rights on
24 another part of the site; or

25 b. The certificate holder would construct and operate part of a wind energy facility on
26 that part of the site even if other parts of the facility were modified by amendment of
27 the site certificate or were not built.

28 [Final Order III.D.6] [Mandatory Condition OAR 345-025-0006 (5)]

29
30 5.8. Before beginning construction, the certificate holder shall conduct a site-specific
31 geotechnical investigation and shall report its findings to the Oregon Department of
32 Geology & Mineral Industries (DOGAMI) and the Department. The report must be
33 submitted to the Department and DOGAMI at least 90 days prior to beginning
34 construction unless otherwise agreed upon by the Department. The certificate holder
35 shall conduct the geotechnical investigation in general accordance with current
36 DOGAMI guidelines for engineering geologic reports and site-specific seismic hazard
37 reports. The geotechnical report must, at a minimum, include geotechnical
38 investigations at all wind turbine locations, transmission line dead-end and turning
39 structures, substation(s), and the operations and maintenance building.

40 [Final Order V.A.2.1; AMD4]

41
42 5.9. Before beginning construction of any new State Highway approaches or utility
43 crossings, the certificate holder shall obtain all required permits from the Oregon
44 Department of Transportation (ODOT) subject to the applicable conditions required by
45 OAR Chapter 734, Divisions 51 and 55. The certificate holder shall submit the
46 necessary application or applications in a form satisfactory to ODOT and the

1 Department for the location, construction and maintenance of approaches to State
2 Highway 197 for access to the site. The certificate holder shall submit the necessary
3 application or applications in a form satisfactory to ODOT and the Department for the
4 location, construction and maintenance of collector cables or transmission lines
5 crossing Highway 197.
6 [Final Order V.C.2.12]
7

8 5.10. Before beginning construction, the certificate holder shall notify the Department in
9 advance of any work on the site that does not meet the definition of “construction” in
10 ORS 469.300 (excluding surveying, exploration, or other activities to define or
11 characterize the site) and shall provide to the Department a description of the work and
12 evidence that its value is less than \$250,000.
13 [Final Order IV.B.2.6]
14

15 5.11. Prior to the beginning of construction a Road Impact Assessment/Geotechnical Report
16 for roads to be used by the project shall be submitted to the Department and Wasco
17 County. Said report should include an analysis of project-related traffic routes to be
18 used during phases of construction, project operation and decommissioning. These
19 reports shall be incorporated into a Road Use Agreement with the County.
20 [Amended Final Order on Amendment 1 V.C.2.17]
21

22 5.12. Prior to beginning construction of new access roads, the certificate holder shall obtain
23 any Road Approach Permit(s) that may be required by the Wasco County Public
24 Works Department.
25 [Final Order on Amendment 2]
26

27 5.13. Prior to beginning construction, the certificate holder shall obtain any Utility Permit(s)
28 that may be required by the Wasco County Public Works Department.
29 [Final Order on Amendment 2]
30

31 5.14. Before beginning construction, the certificate holder shall provide to the Department
32 evidence demonstrating that the certificate holder has obtained a guarantee from the
33 turbine manufacturer for those turbines located within one mile of the boundaries of the
34 Deschutes Federal Wild and Scenic River and the Deschutes State Scenic Waterway
35 that the maximum sound power of those turbines would not exceed 109 dBA plus 2 dB
36 uncertainty when measured according to IEC (International Electrotechnical
37 Commission) 61400-11:2002 ed. 2. No turbine shall be located closer than 0.72 miles
38 from any protected area.
39

40 **6.0. DESIGN, CONSTRUCTION, AND OPERATIONS**

41

42 6.1. The certificate holder shall:

43 a. Prior to construction, notify the Department of the identity, telephone number, e-mail
44 address and qualifications of the full-time, on-site construction manager. Qualifications
45 shall demonstrate that the construction manager has experience in managing permit and
46 regulatory compliance requirements and is qualified to manage a wind facility

1 construction project.

2 b. Prior to operation, notify the Department of the identity, telephone number, e-mail
3 address and qualifications of the full-time, on-site operations manager. Qualifications
4 shall demonstrate that the operations manager has experience in managing permit and
5 regulatory compliance requirements and is qualified to manage operation of a wind
6 facility.

7 c. Prior to facility retirement, notify the Department of the identity, telephone number,
8 e-mail address and qualifications of the personnel or entity responsible for facility
9 decommissioning and restoration activities. Qualifications shall demonstrate that the
10 identified personnel have experience in managing permit and regulatory compliance
11 requirements and are qualified to decommission a wind facility.

12 d. The certificate holder shall notify the Department within 72-hours upon any change
13 in personnel or contact information provided to satisfy Condition 6.1(a) through (c).
14 [Final Order on Amendment 3]
15

16 6.2. The certificate holder shall provide portable toilets for on-site sewage handling during
17 construction and shall ensure that they are pumped and cleaned regularly by a licensed
18 contractor who is qualified to pump and clean portable toilet facilities.
19 [Final Order V.C.2.1]
20

21 6.3. The certificate holder shall implement a waste management plan during construction
22 that includes but is not limited to the following measures:
23 a. Recycling steel and other metal scrap.
24 b. Recycling wood waste.
25 c. Recycling packaging wastes such as paper and cardboard.
26 d. Collecting non-recyclable waste for transport to a local landfill by a licensed water
27 hauler.
28 e. Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
29 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for
30 disposal by a licensed firm specializing in the proper recycling or disposal of
31 hazardous wastes.
32 f. Confining concrete delivery truck rinse-out to a designated wash-out area and burying
33 other concrete waste as part of backfilling.
34 [Final Order V.D.2.1]
35

36 6.4. The certificate holder shall install the 34.5-kV collector system underground to the
37 extent practical. The certificate holder shall install underground lines at a minimum
38 depth of three feet. Based on geotechnical conditions or other engineering
39 considerations, the certificate holder may install segments of the collector system
40 aboveground, but the total length of aboveground segments must not exceed five miles.
41 [Final Order VI.D.2.1]
42
43
44
45
46

- 1 6.5. In advance of, and during, preparation of detailed design drawings and specifications
2 for the 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with
3 the Utility Safety and Reliability Section of the Oregon Public Utility Commission to
4 ensure that the designs and specifications are consistent with applicable codes and
5 standards.
6 [Final Order VI.D.2.3]
7
- 8 6.6. [DELETED] [AMD2; AMD4] [Mandatory Condition OAR 345-025-0006 (4)(a)]
9
- 10 6.7. The certificate holder shall consult with the Wasco Electric Cooperative during the
11 design, construction, and operation of the Summit Ridge Wind Farm to ensure that the
12 integrity and reliability of the power grid in Wasco County is maintained.
13 [Final Order VI.D.2.4]
14
- 15 6.8. The certificate holder shall design and construct the facility in accordance with
16 requirements set forth by the Oregon Building Codes Division and any other applicable
17 codes and design procedures.
18 [Final Order V.A.2.4]
19
- 20 6.9. To protect wetlands and waterways, the certificate holder shall construct the proposed
21 facility substantially as described in the Final Order. Specifically, the certificate holder
22 shall not remove material from waters of the State or add new fill material to waters of
23 the State such that the total volume of removal and fill exceeds 50 cubic yards for the
24 project as a whole.
25 [Final Order VI.B.2.1]
26
- 27 6.10. The certificate holder shall design, engineer and construct the facility to avoid dangers
28 to human safety presented by non-seismic hazards. As used in this condition, “non-
29 seismic hazards” include settlement, landslides, flooding and erosion.
30 [Final Order V.A.2.5]
31
- 32 6.11. The certificate holder shall design, engineer and construct the facility to avoid dangers
33 to human safety and the environment presented by seismic hazards affecting the site
34 that are expected to result from all maximum probable seismic events. “Seismic hazard”
35 includes ground shaking, ground failure, landslide, liquefaction triggering and
36 consequences (including flow failure, settlement buoyancy, and lateral spreading),
37 cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure
38 interaction.
39 [Final Order V.A.2.6; AMD4] [Mandatory Condition OAR 345-025-0006 (12)]
- 40 6.12. The certificate holder shall design and construct the facility using the minimum land
41 area necessary for safe construction and operation. The certificate holder shall locate
42 access roads and temporary construction laydown and staging areas to minimize
43 disturbance of farming practices and, wherever feasible, shall place turbines and
44 transmission interconnection lines along the margins of cultivated areas to reduce the
45 potential for conflict with farm operations.
46 [Final Order IV.D.2.7] [WCLUDO Section 3.210(J)(17)(5)]

1
2 6.13. The certificate holder shall notify the Department, the State Building Codes Division
3 and the Department of Geology and Mineral Industries promptly if site investigations
4 or trenching reveal that conditions in the foundation rocks differ significantly from
5 those described in the application for a site certificate. After the Department receives
6 the notice, the Council may require the certificate holder to consult with the DOGAMI
7 and the Building Codes Division and to propose and implement corrective or mitigation
8 actions.

9 [Final Order V.A.2.2; AMD4] [Mandatory Condition OAR 345-025-0006 (13)]
10

11 6.14. The certificate holder shall notify the Department, the State Building Codes Division
12 and DOGAMI promptly if shear zones, artesian aquifers, deformations or clastic dikes
13 are found at or in the vicinity of the site. After the Department receives notice, the
14 Council may require the certificate holder to consult with the Department of Geology
15 and Mineral Industries and Building Codes Division to propose and implement
16 corrective or mitigation actions.

17 [Final Order V.A.2.3; AMD4] [Mandatory Condition OAR 345-025-0006 (14)]
18

19 6.15. To reduce the visual impact of the facility, the certificate holder shall:

20 a. Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity,
21 neutral gray, white, or off-white color.

22 b. Paint the substation structures in a low-reflectivity neutral color to blend with the
23 surrounding landscape.

24 c. Not allow any advertising to be used on any part of the facility.

25 d. Use only those signs required for facility safety, required by law or otherwise
26 required by this site certificate, except that the certificate holder may erect a sign
27 near the O&M building to identify the facility, may paint turbine numbers on each
28 tower and may allow unobtrusive manufacturers' logos on turbine nacelles.

29 e. Maintain any signs allowed under this condition in good repair.

30 [Final Order IV.I.2.1]
31

32 6.16. The certificate holder shall design and construct the O&M building to be generally
33 consistent with the character of similar buildings used by commercial farmers or
34 ranchers in the area and shall paint the building in a low-reflectivity, neutral color to
35 blend with the surrounding landscape.

36 [Final Order IV.I.2.2]
37

38 6.17. The certificate holder shall design and construct new access roads and private road
39 improvements to standards approved by the Wasco County Road Department. Where
40 modifications of County roads are necessary, the certificate holder shall construct the
41 modifications entirely within the County road rights-of-way and in conformance with
42 County road design standards subject to the approval of the Wasco County Road
43 Department. Where modifications of State roads or highways are necessary, the
44 certificate holder shall construct the modifications entirely within the public road rights-
45 of-way and in conformance with ODOT standards subject to the approval of ODOT.

46 [Final Order V.C.2.13]

1
2 6.18. The certificate holder shall cooperate with the Wasco County Public Works
3 Department to ensure that any unusual damage or wear to county roads that is caused
4 by construction of the facility is repaired by the certificate holder. Upon completion of
5 construction, the certificate holder shall restore public roads to pre-construction
6 condition or better to the satisfaction of the applicable county departments.
7 [Final Order V.C.2.14]
8

9 6.19. During construction of the facility, the certificate holder shall implement measures to
10 reduce traffic impacts, including:
11 a. Providing notice to adjacent landowners when heavy construction traffic is
12 anticipated.
13 b. Providing appropriate traffic safety signage and warnings.
14 c. Requiring flaggers to be at appropriate locations at appropriate times during
15 construction to direct traffic reduce accident risks.
16 d. Using traffic diversion equipment (such as advance signage and pilot cars) when
17 slow or oversize construction loads are anticipated.
18 e. Maintaining at least one travel lane at all times to the extent reasonably possible so
19 that roads will not be closed to traffic because of construction vehicles.
20 f. Encouraging carpooling for the construction workforce.
21 g. Including traffic control procedures in contract specifications for construction of the
22 facility.
23 h. Keeping Highway 197 free of gravel that tracks out onto the highway at facility
24 access points.
25 [Final Order V.C.2.15]
26

27 6.20. The certificate holder shall ensure that no equipment or machinery is parked or stored
28 on any County road whether inside or outside the site boundary. The certificate holder
29 may temporarily park equipment off the road but within County rights-of-way with the
30 approval of the County Roadmaster.
31 [Final Order V.C.2.16]
32

33 6.21. The height of the proposed Operations and Maintenance building shall not exceed 35
34 feet in height.
35 [Final Order IV.D.2.1] [WCLUDO Section 3.210(F)(2)]
36

37 6.22. Signage for the proposed facility shall conform to the following requirements:
38 a. The certificate holder shall install the following signs at the facility:
39 i. “No Trespassing” signs shall be attached to any perimeter fence;
40 ii. “Danger” signs shall be posted at the height of five feet on turbine towers and
41 accessory structures;
42 iii. A sign shall be posted on the tower showing an emergency telephone
43 number; and
44 iv. Manual electrical and/or overspeed shutdown disconnect switch(es) shall be
45 clearly labeled.
46 [Final Order IV.D.2.2] [WCLUDO Section 19.030(C)(7)]

- 1 b. Signage installed in accordance with Condition 6.22.a shall meet the following
2 requirements:
3 i. Permanent signs shall not project beyond the property line.
4 ii. Signs shall not be illuminated or capable of movement.
5 iii. Permanent signs shall describe only uses permitted and conducted on the
6 property on which the sign is located.
7 iv. Freestanding signs shall be limited to twelve square feet in area and 8 feet in
8 height measured from natural grade. Signs on buildings are permitted in a
9 ratio of one square foot of sign area to each linear foot of building frontage
10 but in no event shall exceed 32 square feet and shall not project above the
11 building.
12 v. Freestanding signs shall be limited to one at the entrance of the property. Up
13 to one additional sign may be placed in each direction of vehicular traffic
14 running parallel to the property if they are more than 750 feet from the
15 entrance of the property.
16 vi. Signs on buildings shall be limited to one per building and only allowed on
17 buildings conducting the use being advertised.

18 [Final Order IV.D.2.2] [WCLUDO Section 3.210(F)(4)]
19

- 20 6.23. Except as necessary to meet the requirements of the Federal Aviation Administration to
21 warn aircraft of obstructions, the certificate holder shall design and implement a
22 lighting plan to ensure that all outdoor lighting is directed downward, limited in
23 intensity, and is shielded and hooded to prevent light from projecting onto adjacent
24 properties, roadways, and waterways. Shielding and hooding materials shall be
25 composed of nonreflective, opaque materials.

26 [Final Order IV.D.2.3] [WCLUDO section 3.210(F)(4)]
27

- 28 6.24. The certificate holder shall be responsible for restoring, as nearly as possible, to its
29 former condition any agricultural land and associated improvements that are damaged
30 or otherwise disturbed by the siting, maintenance, repair or reconstruction of the
31 facility.

32 [Final Order IV.D.2.5] [WCLUDO Section 3.210(J)(8)(c)]
33

- 34 6.25. The certificate holder shall consult with area landowners and lessees during
35 construction and operation of the facility and shall implement measures to reduce or
36 avoid any adverse impacts to farm practices on surrounding lands and to avoid any
37 increase in farming costs.

38 [Final Order IV.D.2.6] [WCLUDO Sections 5.020(J) and 5.020(K)]
39

- 40 6.26. The certificate holder shall not use exterior nighttime lighting except:

- 41 a. The minimum turbine tower lighting required or recommended by the Federal
42 Aviation Administration.
43 b. Safety and security lighting at the O&M facility and substation, if such lighting is
44 shielded or downward-directed to reduce offsite glare.

45 [Final Order IV.I.2.3]
46

1 6.27. The certificate holder shall design, construct and operate the facility in a manner to
2 ensure that the facility avoids any material signal interference with communication
3 systems such as, but not limited to, radio, telephone, television, satellite, microwave or
4 emergency communication systems. Should any material interference occur, the
5 certificate holder must develop and implement a mitigation plan in consultation with the
6 Department.
7 [Amended Final Order on Amendment 1 IV.D.2.9]
8

9 6.28. During facility design and construction, the certificate holder shall comply with the
10 following turbine setback distances, as measured from the centerline of the turbine to
11 the edge of the dwelling, as set forth below.
12 a. Except as provided in subsection (b) of this condition, wind turbines shall be set back
13 from the property line of any abutting property not part of the project (non-project
14 boundaries), the right-of-way of any dedicated road, and any above ground major
15 utility facility line a minimum of 1.5 times the blade tip height of the wind turbine
16 tower. Wind turbines shall be set back from any above ground minor utility facility
17 line a minimum of 1.1 times the blade tip height of the wind turbine tower.
18 b. Wind turbine tower numbers 21, 22, 23, 24, 26, 27, 28, 29, 30, 54, 55, 56, 57, 58, 59,
19 60, and 61 shall be set back a minimum of 1.1 times the blade tip height of the wind
20 turbine tower from the right-of-way of any dedicated road within the site boundary.
21 c. Wind turbines must be setback a minimum of 1 mile (5,280 feet) from all non-
22 resource zoned property boundaries located outside of urban growth boundaries or
23 urban reserves (as measured from the centerline of the turbine to the edge of the
24 property boundary zoned for non-resource purposes, e.g. rural residential).
25 [Final Order on Amendment 2]
26

27 6.29. The certificate holder must maintain all access roads for all-weather use to assure
28 adequate, safe and efficient emergency vehicle and maintenance vehicle access to the
29 site.
30 [Amended Final Order on Amendment 1 V.C.2.18]
31

32 6.30. The certificate holder shall submit a legal description of the site to the Wasco County
33 GIS Department upon the beginning operation of the facility. This information shall
34 include the actual latitude and longitude or Oregon State Plane North American Datum
35 1983 (NAD83) High Accuracy Reference Network (HARN) coordinates of each turbine
36 tower, support structures for the 34.5-kV collector lines and 230-kV transmission line,
37 and other related and supporting facilities. The certificate holder may provide the
38 information in a GIS layer based on the geospatial data that includes all characteristics
39 of spatial features of the facility site boundary. The certificate holder shall confer with
40 the Department prior to submittal of GIS-based information.
41 [Amended Final Order on Amendment 1 IV.D.2.11]
42

43 6.31. During facility construction and operation, the certificate holder shall report to the
44 Department, within 7 days, any change in the corporate structure of such as changes
45 within Board of Directors, President or Chief Executive Officer of Aypa Power LLC,
46 Aypa Power Canada LP or Blackstone Energy Partners. The certificate holder shall

1 report promptly to the Department any change in its access to the resources, expertise,
2 and personnel of Aypa Power LLC, Aypa Power Canada LP or Blackstone Energy
3 Partners.

4 [AMD3; AMD5]
5

6 6.32 During facility design and construction, the certificate holder shall ensure that the
7 foundations of the turbines, substation, and operations and maintenance building are set
8 back a minimum of 100 feet from any waterbodies designated as fish-bearing, 50 feet
9 from any waterbodies designated as non-fish bearing, and 25 feet from all waterbodies
10 (seasonal or permanent) not identified on any federal, state, or local inventory.

11 [Final Order on Amendment 2]
12

13 6.33 During facility design and construction, the certificate holder shall ensure that facility
14 components are not developed within the Environmental Protection District 4 as
15 designated by Wasco County.

16 [Final Order on Amendment 2]
17

18 6.34 During facility design and construction, the certificate holder shall ensure that facility
19 components are sited to avoid direct impacts to wetlands and waterways.

20 [Final Order on Amendment 2]
21
22

1 **7.0. PUBLIC HEALTH AND SAFETY**

2
3 7.1. The certificate holder shall construct turbine towers with no exterior ladders or access
4 to the turbine blades and shall install locked tower access doors. The certificate holder
5 shall keep tower access doors locked at all times, except when authorized personnel are
6 present.
7 [Final Order IV.K.2.1]

8
9 7.2. For turbine types having pad-mounted step-up transformers, the certificate holder shall
10 install the transformers at the base of each tower in locked cabinets designed to protect
11 the public from electrical hazards and to avoid creation of artificial habitat for raptor
12 prey.
13 [Final Order IV.K.2.2]

14
15 7.3. To protect the public from electrical hazards, the certificate holder shall enclose the
16 facility substation with appropriate fencing and locked gates.
17 [Final Order IV.K.2.3]

18
19 7.4. The certificate holder shall follow manufacturers’ recommended handling instructions
20 and procedures to prevent damage to turbine or turbine tower components that could
21 lead to failure. In the compliance plan required per OAR 345-026-0048, the certificate
22 holder shall describe the process or protocol to be implemented to ensure that
23 manufacturer’s handling instruction and procedures are followed during equipment
24 delivery.
25 [Final Order IV.K.2.5; AMD4]

26
27 7.5. Prior to operation, the certificate holder shall:
28 a. Submit to the Department, for review and approval, an operational safety-monitoring
29 program that includes a cause analysis program. The safety monitoring program shall
30 include, at a minimum, requirements for regular turbine blade and turbine tower
31 component inspections and maintenance, based on wind turbine manufacturer
32 recommended frequency.
33 b. Document the inspection of and maintenance activities of all turbine and turbine tower
34 components on a regular basis. The inspection documentation must include, but is not
35 limited to, the date, turbine number, inspection type (regular or other), turbine tower
36 and blade condition, maintenance requirements (i.e. equipment used, component repair
37 or replacement description, impacted area location and size), and wind turbine
38 operating status. This information shall be submitted to the Department pursuant to
39 OAR 345-026-0080 in the facility’s annual compliance report.
40 c. In the event of blade or tower failure, the certificate holder shall report the incident to
41 the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall,
42 within 90 days of a blade or tower failure event, submit a root cause analysis to the
43 Department for compliance evaluation.
44 [Final Order IV.K.2.6; AMD4]

1 7.6. The certificate holder shall install and maintain self-monitoring devices on each turbine,
2 linked to sensors at the operations and maintenance building, to alert operators to
3 potentially dangerous conditions, and the certificate holder shall immediately remedy
4 any dangerous conditions. The certificate holder shall maintain automatic equipment
5 protection features in each turbine that would shut down the turbine and reduce the
6 chance of a mechanical problem causing a fire.

7 [Final Order IV.K.2.7]
8

9 7.7. The certificate holder shall notify the Department of Energy and Wasco County within
10 72 hours of any occurrence involving the facility if:

- 11 a. There is an attempt by anyone to interfere with its safe operation;
- 12 b. A natural event such as an earthquake, flood, tsunami or tornado, or a human- caused
13 event such as a fire or explosion affects or threatens to affect the public health and
14 safety or the environment;
- 15 c. There is a mechanical failure or accident on the site associated with construction or
16 operation of the facility that may result in public health and safety concerns; or
- 17 d. There is any fatal injury at the facility.

18 [Final Order IV.K.2.8 and OAR 345-026-017]
19

20 7.8. During operation, the certificate holder shall discharge sanitary wastewater generated at
21 the Operations and Maintenance building to a licensed on-site septic system in
22 compliance with State of Oregon permit requirements. The certificate holder shall
23 design the septic systems for a discharge capacity of less than 5,000 gallons per day.

24 [Final Order V.C.2.2]
25

26 7.9. The certificate holder shall take reasonable steps to reduce or manage human exposure
27 to electromagnetic fields, including but not limited to:

- 28 a. Constructing all aboveground transmission lines at least 200 feet from any residence
29 or other occupied structure, measured from the centerline of the transmission line.
- 30 b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance
31 of 20 feet from the ground.
- 32 c. Constructing all aboveground 230-kV transmission lines with a minimum clearance
33 of 25 feet from the ground
- 34 d. Providing to landowners a map of underground and overhead transmission lines on
35 their property and advising landowners of possible health risks from electric and
36 magnetic fields.
- 37 e. Designing and maintaining all transmission lines so that alternating current electric
38 fields do not exceed 9-kV per meter at one meter above the ground surface in areas
39 accessible to the public.
- 40 f. Designing and maintaining all transmission lines so that induced voltages during
41 operation are as low as reasonably achievable.

42 [Final Order VI.D.2.2]
43
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46

- 1 7.10. The certificate holder must develop and implement a program that provides reasonable
2 assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a
3 permanent nature that could become inadvertently charged with electricity are grounded
4 or bonded throughout the life of the line.
5 [Final Order IV.M.2.2] [Site Specific Condition OAR 345-027-0023(4)]
6
- 7 7.11. A current copy of the electrical protection plan developed in compliance with Condition
8 7.10 must be available at the O&M building and provided upon request by ODOE staff.
9 [Final Order IV.M.2.3]
10
- 11 7.12 Prior to construction, the certificate holder shall schedule a time to brief the OPUC
12 Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with
13 OAR Chapter 860, Division 024 during design, construction, operations, and
14 maintenance of the facilities.
15 [Final Order on Amendment 2]
16
- 17 7.13 During operation, the certificate holder shall:
18 a. Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter
19 860, Division 024 on an ongoing basis considering future operations, maintenance,
20 emergency response, and alterations until facility retirement.
21 b. File the following required information with the Commission:
22 i. Each person who is subject to the Public Utility Commission’s authority under
23 ORS 757.035 and who engages in the operation of an electric power line as
24 described in ORS 757.035 must provide the commission with the following
25 information before January 2 of each even-numbered year:
26 a. The name and contact information of the person that is responsible for
27 the operation and maintenance of the electric power line, and for
28 ensuring that the electric power line is safe, on an ongoing basis; and
29 b. The name and contact information of the person who is responsible for
30 responding to conditions that present an imminent threat to the safety
31 of employees, customers and the public.
32 ii. In the event that the contact information described in subsection (a) of this
33 condition changes or that ownership of the electric power line changes, the
34 person who engages in the operation of the electric power line must notify the
35 commission of the change as soon as practicable, but no later than within 90
36 days.
37 iii. If the person described in subsection (a) of this condition is not the public
38 utility, as defined in ORS 757.005, in whose service territory the electric
39 power line is located, the commission shall make the information provided to
40 the commission under subsection (1) of this section available to the public
41 utility in whose service territory the electric power line is located. [2013
42 c.235 §3]
43 c. Provide OPUC Safety Staff with:
44 i. Maps and Drawings of routes and installation of electrical supply lines
45 showing:
46 • Transmission lines and structures (over 50,000 Volts)

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- Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts)
 - Substations, roads and highways
- ii. Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer).
- [Final Order on Amendment 2]

1 **8.0. ON-SITE SAFETY AND SECURITY**

2
3 8.1. During construction and operation of the facility, the certificate holder shall provide for
4 on-site security and shall establish good communications between on-site security
5 personnel and the Wasco County Sheriff’s Office. During operation, the certificate
6 holder shall ensure that appropriate law enforcement agency personnel have an up-to-
7 date list of the names and telephone numbers of facility personnel available to respond
8 on a 24-hour basis in case of an emergency on the facility site.
9 [Final Order V.C.2.3]

10
11 8.2. Prior to construction, the certificate holder shall require that all on-site construction
12 contractors develop a site health and safety plan to be implemented during facility
13 construction that informs workers and others on-site about first aid techniques and what
14 to do in case of an emergency and that includes important telephone numbers and the
15 locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall
16 ensure that construction contractors have personnel on-site who are trained and
17 equipped for tower rescue and who are first aid and CPR certified.
18 [Final Order on Amendment 2]

19
20 8.3. Prior to commencing operation, the certificate holder shall develop a site health and
21 safety plan to be implemented during facility operation that informs employees and
22 others on-site about first aid techniques and what to do in case of an emergency and that
23 includes important telephone numbers and the locations of on-site fire extinguishers and
24 nearby hospitals. The certificate holder shall ensure that operations personnel are
25 trained and equipped for tower rescue. The facility must maintain training records and
26 have a current copy of the site health and safety plan on-site and available upon request
27 by the Department of Energy.
28 [Final Order on Amendment 2]

29
30 8.4. Prior to construction, the certificate holder shall develop fire safety plans in
31 consultation with the Columbia Rural Fire District to minimize the risk of fire and to
32 respond appropriately to any fires that occur on the facility site. The plans shall be
33 maintained onsite and implemented throughout construction and operation of the
34 facility. In developing the fire safety plans, the certificate holder shall take into account
35 the dry nature of the region and shall address risks on a seasonal basis. The certificate
36 holder shall meet annually with local fire protection agency personnel to discuss
37 emergency planning and shall invite local fire protection agency personnel to observe
38 any emergency drill or tower rescue training conducted at the facility.
39 [Final Order on Amendment 2]

- 1 8.5. Upon the beginning of operation of the facility, the certificate holder shall provide a site
2 plan to the Columbia Rural Fire District. The certificate holder shall indicate on the site
3 plan the identification number assigned to each turbine and the actual location of all
4 facility structures. The certificate holder shall provide an updated site plan if additional
5 turbines or other structures are later added to the facility. During operation, the
6 certificate holder shall ensure that appropriate fire protection agency personnel have an
7 up-to-date list of the names and telephone numbers of facility personnel available to
8 respond on a 24-hour basis in case of an emergency on the facility site.
9 [Final Order V.C.2.7]
10
- 11 8.6. The certificate holder shall construct turbines and pad-mounted transformers on
12 concrete foundations and shall cover the ground within a 15-foot radius with non-
13 flammable material. The certificate holder shall maintain the non-flammable pad area
14 covering during operation of the facility.
15 [Final Order V.C.2.8]
16
- 17 8.7. During construction and operation of the facility, the certificate holder shall ensure that
18 the O&M building and all service vehicles are equipped with shovels and portable fire
19 extinguishers of a 4A50BC or equivalent rating.
20 [Final Order V.C.2.9]
21
- 22 8.8. During construction, the certificate holder shall ensure that construction vehicles and
23 equipment are operated on graveled areas to the extent possible and that open flames,
24 such as cutting torches, are kept away from dry grass areas.
25 [Final Order V.C.2.10]
26
- 27 8.9. During operation, the certificate holder shall ensure that all on-site employees receive
28 annual fire prevention and response training by qualified instructors or members of the
29 local fire districts. The certificate holder shall ensure that all employees are instructed to
30 keep vehicles on roads and off dry grassland, except when off-road operation is
31 required for emergency purposes.
32 [Final Order V.C.2.11]
33
34

1 **9.0. PROTECTION OF SOIL**

2
3 9.1. The certificate holder shall conduct all construction work in compliance with an
4 Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of
5 Environmental Quality and as required under the National Pollutant Discharge
6 Elimination System (NPDES) Storm Water Discharge General Permit #1200-C. The
7 certificate holder shall include in the ESCP any procedures necessary to meet local
8 erosion and sediment control requirements or storm water management requirement.
9 [Final Order IV.C.2.1]

10
11 9.2. During construction, the certificate holder shall limit truck traffic to improved road
12 surfaces to avoid soil compaction and wind erosion on dirt roads, to the extent
13 practicable.
14 [Final Order IV.C.2.2]

15
16 9.3. During construction, the certificate holder shall implement best management practices
17 to control any dust generated by construction activities, such as applying water to roads
18 and disturbed soil areas.
19 [Final Order IV.C.2.3]

20
21 9.4. The certificate holder shall handle hazardous materials used on the site in a manner that
22 protects public health, safety and the environment and shall comply with all applicable
23 local, state and federal environmental laws and regulations. The certificate holder shall
24 not store diesel fuel or gasoline on the facility site.
25 [Final Order IV.C.2.4]

26
27 9.5. If a spill or release of hazardous material occurs during construction or operation of the
28 facility, the certificate holder shall notify the Department within 72 hours and shall
29 clean up the spill or release and dispose of any contaminated soil or other materials
30 according to applicable regulations. The certificate holder shall make sure that spill kits
31 containing items such as absorbent pads are located on equipment and at the O&M
32 building. The certificate holder shall instruct employees about proper handling, storage
33 and cleanup of hazardous materials.
34 [Final Order IV.C.2.5]

35
36 9.6. Upon completion of construction, the certificate holder shall restore vegetation to the
37 extent practicable and shall landscape all areas disturbed by construction in a manner
38 compatible with the surroundings and proposed use and in compliance with the
39 Revegetation and Weed Control Plan (Exhibit 1 to the Final Order). Upon completion
40 of construction, the certificate holder shall remove all temporary structures not required
41 for facility operation and dispose of all timber, brush, refuse and flammable or
42 combustible material resulting from clearing of land and construction of the facility.
43 [Final Order IV.C.2.6] [Mandatory Condition OAR 345-025-0006 (11)]

1 9.7. During operation of the facility, the certificate holder shall restore areas that are
2 temporarily disturbed during facility maintenance or repair activities using the same
3 methods and monitoring procedures described in the Revegetation and Weed Control
4 Plan.
5 [Final Order IV.C.2.7]

6
7 9.8. During facility operation, the certificate holder shall routinely inspect and maintain all
8 transmission line corridors, roads, pads and trenched areas and, as necessary, maintain
9 or repair erosion and sediment control measures and control the introduction and spread
10 of noxious weeds.
11 [Final Order IV.C.2.8]

12
13

1 **10.0. PROTECTION OF NATURAL RESOURCES**
2

3 10.1. Before beginning construction, the certificate holder shall provide to the Department, to
4 the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of
5 Wasco County detailed maps of the facility site, showing the final locations where the
6 certificate holder proposes to build facility components, and a table showing the acres
7 of temporary habitat impact by habitat category and subtype and the acres of permanent
8 habitat impact by habitat category and subtype. The detailed maps of the facility site
9 shall indicate the habitat categories of all areas that would be affected during
10 construction. In classifying the affected habitat into habitat categories, the certificate
11 holder shall consult with ODFW. The certificate holder shall not begin ground
12 disturbance in an affected area until the habitat assessment has been approved by the
13 Department. The Department may employ a qualified contractor to confirm the habitat
14 assessment by on-site inspection.
15 [Final Order IV.G.2.1]
16

17 10.2. The certificate holder shall incorporate the design elements listed below into the final
18 facility design to avoid or mitigate impacts to sensitive wildlife habitat:
19 a. Where practicable, facility components and construction areas shall be located to
20 avoid or minimize temporary and permanent impacts to high quality native habitat
21 and to retain habitat cover in the general landscape.
22 b. No facility components may be constructed within areas of Category 1 habitat and
23 temporary disturbance of Category 1 habitat shall be avoided.
24 c. The design of the facility and areas of temporary and permanent disturbance shall
25 avoid impacts to any Category 1 habitat, to any State-listed threatened or endangered
26 plant or wildlife species, and to any State Candidate plant species.
27 [Final Order IV.G.2.2]
28

29 10.3. The certificate holder shall implement measures to avoid or mitigate impacts to
30 sensitive wildlife habitat during construction including, but not limited to, the
31 following:
32 a. Preparing and distributing maps to employees and contractors to show areas that are
33 off-limits to construction personnel, such as nesting or denning areas for sensitive
34 wildlife species;
35 b. Avoiding unnecessary road construction, temporary disturbance and vehicle use;
36 c. Limiting construction work to approved and surveyed areas shown on facility
37 constraint maps; and
38 d. Ensuring that all construction personnel are instructed to avoid driving cross- country
39 or taking short-cuts within the site boundary or otherwise disturbing areas outside of
40 the approved and surveyed construction areas.
41 [Final Order IV.G.2.3]
42
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46

- 1 10.4. Prior to construction, the certificate holder shall:
2 a. Select qualified specialists (wildlife biologist/botanist) that have substantial
3 experience in creating, enhancing, and protecting habitat mitigation areas within
4 Oregon;
5 b. Notify the Department of the identity and qualifications of the personnel or
6 contractors selected to implement and manage the habitat mitigation area;
7 c. Acquire the legal right to create, enhance, maintain and protect a habitat mitigation
8 area, as long as the site certificate is in effect, by means of an outright purchase,
9 conservation easement or similar conveyance;
10 d. Conduct a field-based habitat assessment of the habitat mitigation sites, based on a
11 protocol approved by the Department in consultation with ODFW, which includes
12 methodology, habitat map, and available acres by habitat category and subtype in
13 tabular format.
14 e. Develop and submit a final Habitat Mitigation Plan (HMP) for approval by the
15 Department in consultation with ODFW, based upon the draft amended HMP
16 included as Attachment D of the Final Order on Amendment #4. The Council retains
17 the authority to approve, reject or modify the final HMP and any future amendments;
18 and,
19 f. Improve the habitat quality, within the habitat mitigation area, as described in the
20 final HMP, and as amended.
21 [Final Order on Amendment 2; AMD4]

- 22
23 10.5. Prior to construction, the certificate holder shall finalize the Wildlife Monitoring and
24 Mitigation Plan (WMMP), based on the draft WMMP included as Attachment F of the
25 *Final Order on Amendment 4*, as approved by the Department in consultation with
26 ODFW. The certificate holder shall conduct wildlife monitoring as described in the
27 final WMMP, as amended from time to time. The final WMMP shall specify that the
28 first long-term raptor nest survey will be conducted in the first raptor nesting season
29 that is at least 5 years after the completion of construction and is in a year that is
30 divisible by five (i.e., 2020, 2025, 2030); the certificate holder shall repeat the survey at
31 5-year intervals thereafter. The final WMMP must include a requirement that the
32 certificate holder consult with the Department and ODFW after concluding the required
33 two-year operational avian fatality monitoring. If the results of the two-year operational
34 avian fatality monitoring exceed thresholds of concern established in the WMMP, the
35 certificate holder must provide additional mitigation in a form and amount agreed upon
36 by the Department, in consultation with ODFW. If the two-year operational avian
37 fatality monitoring results exceed thresholds of concern established in the WMMP, in
38 addition to the mitigation that must be provided per this condition, the certificate holder
39 must conduct an additional two-years of avian fatality monitoring, and report those
40 results to the Department and ODFW for review and if necessary, further mitigation as
41 agreed upon by the Department in consultation with ODFW. The results of the avian
42 fatality monitoring must be posted to the Department website and presented to EFSC by
43 Department and ODFW staff.
44 [Final Order on Amendment 2; AMD4]

1 10.6. The certificate holder shall hire a qualified environmental professional to provide
2 environmental training during construction and operation. Environmental training
3 includes information on the sensitive species present onsite, precautions to avoid
4 injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit
5 requirements and other environmental issues. The certificate holder shall instruct
6 construction and operations personnel to report any injured or dead wildlife detected
7 while on the site to the appropriate onsite environmental manager.
8 [Final Order IV.G.2.6]
9

10 10.7. Before beginning construction, the certificate holder shall:

- 11 a) Consider micrositeing factors designed to minimize bird and bat collision risk
12 including but not limited to locating wind turbines away from saddles in long
13 ridges and locating wind turbines on the top of or slightly downwind of distinct
14 ridges and set back from the prevailing upwind side. The certificate holder shall
15 provide a map, to the Department and ODFW, showing the final design
16 locations of all facility components and the areas of potential disturbance, and
17 that identifies geographic and micrositeing factors considered in final design.
- 18 b) Hire a qualified professional biologist to conduct a pre-construction habitat
19 survey (Condition 10.7) and Threatened and Endangered (T&E) plant survey
20 (Condition 10.13). The surveys shall be conducted concurrently and in
21 accordance with the survey protocol set forth in the Survey Protocol provided
22 in Attachment G of the Final Order on Amendment 4 (for T&E plants and
23 raptors), and in accordance with a survey protocol reviewed and approved by
24 ODFW for habitat categorization. The survey area will include all areas within
25 the micrositeing corridor. The pre construction habitat and T&E plant survey
26 shall be planned in consultation with the Department and ODFW, and shall
27 include both desktop and field surveys to be confirmed with the Department
28 and ODFW. The desktop survey shall evaluate habitat within ½ mile from the
29 site boundary (analysis area). Field surveys shall be conducted the entirety of
30 the micrositeing corridor in areas that are not active agriculture (Category 6
31 habitat).
- 32 c) Following completion of the habitat and T&E plant surveys, and final layout
33 design and engineering, the certificate holder shall provide the Department and
34 ODFW a report containing the results of the survey, showing expected final
35 location of all facility components, the habitat categories of all areas that will
36 be affected by facility components, and the locations of any sensitive resources.
37 The report shall present in tabular format the acres of expected temporary and
38 permanent impacts to each habitat category, type, and sub-type. The pre-
39 construction habitat survey shall be used to complete final design, facility
40 layout, and any additional micrositeing adjustment of facility components. Based
41 on the field survey report, the Department in consultation with ODFW shall
42 verify that the final facility layout, design, and construction timing minimizes
43 impacts to non-Category 6 habitat, state-listed sensitive species, and state-listed
44 threatened and endangered species. The report must be posted to the
45 Department website. The results of the survey must be presented to EFSC at a
46 future EFSC meeting by both the Department and ODFW staff. As part of the

1 report, the certificate holder shall include its impact assessment methodology
2 and calculations, including assumed temporary and permanent impact acreage
3 for each transmission structure, wind turbine, access road, and all other facility
4 components. If construction laydown yards are to be retained post construction,
5 due to a landowner request or otherwise, the construction laydown yards must
6 be calculated as permanent impacts, not temporary.

7 [Final Order on Amendment 2; AMD4]
8

9 10.8. The certificate holder shall reduce the risk of injuries to avian species by:

- 10 a. Installing turbine towers that are smooth steel structures that lack features that would
11 allow avian perching.
12 b. Installing meteorological towers that are non-guyed structures to eliminate the risk of
13 avian collision with guy-wires.
14 c. Designing and installing all aboveground transmission line support structures
15 following the most current suggested practices for avian protection on power lines
16 published by the Avian Power Line Interaction Committee.

17 [Final Order IV.H.2.1]
18

19 10.9. During facility operation, the certificate holder shall obtain water for on-site uses from
20 an on-site well located near the O&M building. The certificate holder shall construct the
21 on-site well subject to compliance with the provisions of ORS 537.765 relating to
22 keeping a well log. The certificate holder shall not use more than 5,000 gallons of water
23 per day from the on-site well. The certificate holder may use other sources of water for
24 on-site uses subject to prior approval by the Department.

25 [Final Order VI.C.2.1]
26

27 10.10. During facility operation, if equipment washing becomes necessary, the certificate
28 holder shall ensure that there is no runoff of wash water from the site or discharges to
29 surface waters, storm sewers or dry wells. The certificate holder shall not use acids,
30 bases or metal brighteners with the wash water. The certificate holder may use
31 biodegradable, phosphate-free cleaners sparingly.

32 [Final Order VI.C.2.2]
33

34 10.11. The certificate holder shall implement a waste management plan during operation that
35 includes but is not limited to the following measures:

- 36 a. Training employees to minimize and recycle solid waste.
37 b. Recycling paper products, metals, glass and plastics.
38 c. Recycling used oil and hydraulic fluid.
39 d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste
40 hauler.
41 e. Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
42 absorbent materials, mercury-containing lights and lead-acid and nickel- cadmium
43 batteries for disposal by a licensed firm specializing in the proper recycling or
44 disposal of hazardous wastes.

45 [Final Order V.D.2.2]
46

1 10.12 The certificate holder shall not conduct any construction activities on land mapped as
2 Big Game Winter Range by the Oregon Department of Fish and Wildlife between
3 December 1 and April 15. Upon request by the certificate holder, the Department may
4 provide exceptions to this restriction. The certificate holder's request must include a
5 justification for the request, including any actions the certificate holder will take to
6 avoid, minimize, or mitigate impacts to big game and big game habitat in the relevant
7 area. The Department will consult with ODFW on any request made under this
8 condition.

9 [Amended Final Order on Amendment 1 IV.G.2.2; AMD4]

10
11 10.13. Prior to the beginning of construction of the facility the certificate holder shall perform
12 new field surveys for threatened and endangered species following the survey protocol
13 set forth in the Northwest Wildlife Consultants Memorandum regarding Endangered
14 and Threatened Plant Species and Raptor Nest Surveys dated October 17, 2014. The
15 certificate holder shall report the results of the field surveys to the Department, ODA
16 and ODFW. If the surveys identify the presence of threatened or endangered species
17 within the survey area, the certificate holder shall implement appropriate measures to
18 avoid a significant reduction in the likelihood of survival or recovery of the species, as
19 approved by the Department, in consultation with ODA and ODFW.

20 [Amended Final Order on Amendment 1 IV.H.2.2]

21
22 10.14. The certificate holder shall conduct two (2) seasons of raptor nest surveys with at least
23 one (1) season of the surveys occurring prior to the beginning of construction. The
24 raptor nest surveys shall be conducted following the instructions set forth in the Raptor
25 Nest Survey Protocol for Summit Ridge Wind Farm included as Attachment G to the
26 Final Order on Amendment 4. The certificate holder shall report the results of the field
27 surveys to the Department and ODFW. If the surveys identify the presence of raptor
28 nests within the survey area, the certificate holder shall implement appropriate measures
29 to assure that the design, construction and operation of the facility are consistent with
30 the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025, as
31 approved by the Department, in consultation with ODFW.

32 [Final Order on ASC, Condition IV.G.2.8; AMD1; AMD4]

1 10.15. During construction the certificate holder shall observe the raptor nest avoidance
2 guidelines shown in the following table around known raptor nests in the vicinity of
3 ground-disturbing construction activities, unless the nest fledges young, the nest fails
4 (i.e., is abandoned), or the Department in consultation with ODFW approves an
5 alternative plan.
6

| Species | Disturbance Buffer | Nesting Season – Avoidance Period |
|---------------------------|---------------------------|--|
| Golden eagle | 0.25 mile | Feb 1 - Aug 31 |
| Red-tailed hawk | 500 feet | Mar 1 - Aug 31 |
| Ferruginous hawk | 0.25 mile | Mar 15 - Aug 15 |
| Swainson’s hawk | 0.25 mile | April 1 - Aug 15 |
| Prairie Falcon | 0.25 mile | Jan 1 - Jul 31 |
| American peregrine falcon | 0.5 mile | Mar 15 - Jul 15 |
| American kestrel | 0.25 mile | Mar 1 - Jul 31 |

7
8 [Final Order on Amendment 2]
9
10

1 **11.0. PROTECTION OF HISTORIC, CULTURAL AND ARCHAEOLOGICAL**
2 **RESOURCES**

3
4 11.1. Before beginning construction, the certificate holder shall label all identified historic,
5 cultural or archaeological resource sites on construction maps and drawings as “no
6 entry” areas. The applicant shall implement a 200 foot buffer for all rock alignment and
7 cairn sites, and shall implement a 100 foot buffer for all other archaeological sites. The
8 certificate holder may use existing private roads within the buffer areas but may not
9 widen or improve private roads within the buffer areas. The no-entry restriction does
10 not apply to public road rights-of-way within the buffer areas.

11 [Final Order Section V.B.2.1]
12

13 11.2. Before beginning construction, the certificate holder shall provide to the Department a
14 map showing the final design locations of all components of the facility, the areas that
15 would be temporarily disturbed during construction and the areas that were previously
16 surveyed as described in the Application for Site Certificate.

17 [Final Order V.B.2.2]
18

19 11.3. The certificate holder shall hire qualified personnel to conduct field investigation of all
20 areas to be disturbed during construction that lie outside the previously-surveyed areas.
21 The certificate holder shall provide a written report of the field investigation to the
22 Department and to the Oregon State Historic Preservation Office (SHPO). If any
23 potentially significant historic, cultural or archaeological resource sites are found during
24 the field investigation, the certificate holder shall instruct all construction personnel to
25 avoid the identified sites and shall implement appropriate measures to protect the sites,
26 including the measures described in Condition 11.5 and in accordance with the
27 Archaeological Monitoring Plan required per Condition 11.6.

28 [Final Order V.B.2.3]
29

30 11.4. The certificate holder shall ensure that a qualified archaeologist, as defined in OAR
31 736-051-0070, instructs construction personnel in the identification of cultural materials
32 and avoidance of accidental damage to identified resource sites. Records of such
33 training shall be maintained at the Operations and Maintenance Building and made
34 available to authorized representatives of the Oregon Department of Energy upon
35 request.

36 [Final Order V.B.2.4]
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- 1 11.5. The certificate holder shall ensure that construction personnel cease all ground-
2 disturbing activities in the immediate area if any archaeological or cultural resources are
3 found during construction of the facility until a qualified archeologist can evaluate the
4 significance of the find. The certificate holder shall notify the Department and SHPO of
5 the find. If the SHPO determines that the resource is significant, the certificate holder
6 shall make recommendations to the Council for mitigation, including avoidance, field
7 documentation and data recovery, in consultation with the Department, SHPO,
8 interested tribes and other appropriate parties. The certificate holder shall not restart
9 work in the affected area until the certificate holder has demonstrated to the Department
10 and the SHPO that it has complied with archaeological resource protection regulations.
11 [Final Order V.B.2.5]
12
- 13 11.6. The certificate holder shall prepare and implement an Archaeological Monitoring Plan
14 for construction and maintenance activities to address and mitigate impacts from
15 exposure of unanticipated or previously unidentified cultural properties that may be
16 exposed during construction or operation of the facility. A current copy of the plan must
17 be maintained at the Operations and Maintenance Building and made available to
18 authorized representatives of the Oregon Department of Energy upon request.
19 [Final Order V.B.2.6]
20

1 **12.0. NOISE CONTROL AND NOISE COMPLAINT RESPONSE**

- 2
- 3 12.1. To reduce construction noise impacts at nearby residences, the certificate holder shall:
- 4 a. Confine the noisiest operation of heavy construction equipment to the daylight hours.
- 5 b. Require contractors to install and maintain exhaust mufflers on all combustion
- 6 engine-powered equipment; and
- 7 c. Establish a complaint response system at the construction manager’s office to address
- 8 noise complaints. Records of noise complaints during construction must be made
- 9 available to authorized representatives of the Department of Energy upon request.

10 [Final Order VI.A.2.1]

- 11
- 12 12.2. Before beginning construction, the certificate holder shall provide to the Department:
- 13 a. Information that identifies the final design locations of all turbines to be built at the
- 14 facility;
- 15 b. The maximum sound power level for the substation transformers and the maximum
- 16 sound power level and octave band data for the turbine type(s) selected for the
- 17 facility based on manufacturers’ warranties or confirmed by other means acceptable
- 18 to the Department;
- 19 c. The results of the noise analysis of the final facility design performed in a manner
- 20 consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI).
- 21 The analysis must demonstrate to the satisfaction of the Department that the total
- 22 noise generated by the facility (including the noise from turbines and substation
- 23 transformers) will not exceed the maximum allowable noise level at any potentially-
- 24 affected noise receptor. The analysis must also demonstrate that the facility would
- 25 meet the ambient degradation test at the appropriate measurement point for
- 26 potentially-affected noise sensitive properties, or that the certificate holder has
- 27 obtained the noise waiver described in Condition 12.2.d for each noise-sensitive
- 28 property where the ambient degradation standard cannot be met.
- 29 d. For each noise-sensitive property where the certificate holder relies on a noise waiver
- 30 to demonstrate compliance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the
- 31 a legally effective easement or real covenant pursuant to which the owner of the
- 32 property authorizes the certificate holder’s operation of the facility to increase
- 33 ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate
- 34 measurement point. The legally-effective easement or real covenant must meet all of
- 35 the following criteria:
- 36 i. Include a legal description of the burdened property (the noise sensitive
- 37 property);
- 38 ii. Be recorded in the real property records of the county;
- 39 iii. Expressly benefit the certificate holder;
- 40 iv. Expressly run with the land and bind all future owners, lessees or holders of
- 41 any interest in the burdened property; and
- 42 v. Not be subject to revocation without the certificate holder’s written approval.

43 [Final Order VI.A.2.2]

1 12.3. During operation, the certificate holder shall maintain a complaint response system to
2 address noise complaints. The certificate holder shall notify the Department within 15
3 days of receiving a complaint about noise from the facility. The notification should
4 include, but is not limited to, the date the complaint was received, the nature of the
5 complaint, the complainant's contact information, the location of the affected property,
6 and any actions taken, or planned to be taken, by the certificate holder to address the
7 complaint.

8 [Final Order VI.A.2.3]
9

10 12.4. During operations, the certificate holder shall:

11 a. Upon written notification from the Department, monitor and record the actual statistical
12 noise levels to verify that the facility is in compliance with the noise control
13 regulations. The monitoring plan must be reviewed and approved by the Department
14 prior to implementation. The cost of such monitoring, if required, will be borne by the
15 certificate holder.

16 b. If the results of the pre-construction final noise analysis submitted per Condition 12.2
17 identify that modeled noise levels are predicted to be within 1 dBA of the ambient
18 degradation threshold (10 dBA) for noise sensitive properties that have not agreed to a
19 noise waiver with the certificate holder, or within 1 dBA of the maximum allowable
20 noise level (50 dBA) for any noise sensitive property, the certificate holder shall
21 monitor and record actual statistical noise levels during Year 1 of operations to verify
22 that the certificate holder is operating the facility in compliance with the noise control
23 regulations. The monitoring plan must be reviewed and approved by the Department
24 prior to implementation.

25 c. If the ambient degradation threshold (10 dBA) at noise sensitive properties that have
26 not agreed to a noise waiver with the certificate holder, or maximum allowable noise
27 level (50 dBA) at any noise sensitive property is measured at any noise sensitive
28 property during monitoring conducted to satisfy (a) or (b) of this condition, the
29 certificate holder shall submit to the Department its mitigation proposal demonstrating
30 the measures to be utilized to lower noise levels and achieve compliance with the
31 applicable noise standard. The mitigation proposal shall be reviewed and approved by
32 the Department.

33 [Final Order VI.A.2.4; AMD4]
34

1 **13.0. MONITORING AND REPORTING REQUIREMENTS - GENERAL**
2

3 13.1. In addition to monitoring and reporting requirements elsewhere in this Site Certificate,
4 the certificate holder shall also report according to the following requirements:

5 a. General reporting obligation for energy facilities under construction or operating:

- 6 i. Within six months after beginning construction, and every six months
7 thereafter during construction of the energy facility and related or supporting
8 facilities, the certificate holder shall submit a semiannual construction
9 progress report to the Department of Energy. In each construction progress
10 report, the certificate holder shall describe any significant changes to major
11 milestones for construction. The certificate holder shall include such
12 information related to construction as specified in the site certificate. When
13 the reporting date coincides, the certificate holder may include the
14 construction progress report within the annual report described in Condition
15 13.1.b.
- 16 ii. By April 30 of each year after beginning construction, the certificate holder
17 shall submit an annual report to the Department addressing the subjects listed
18 in Condition 13.1.b. The Council Secretary and the certificate holder may, by
19 mutual agreement, change the reporting date.
- 20 iii. To the extent that information required by Condition 13.1.b is contained in
21 reports the certificate holder submits to other state, federal or local agencies,
22 the certificate holder may submit excerpts from such other reports to satisfy
23 this rule. The Council reserves the right to request full copies of such
24 excerpted reports.

25 [Final Order VII.4.a] [OAR 345-026-0080(1)]

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

- 28 i. Facility Status: An overview of site conditions, the status of facilities under
29 construction, and a summary of the operating experience of facilities that are
30 in operation. In this section of the annual report, the certificate holder shall
31 describe any unusual events, such as earthquakes, extraordinary windstorms,
32 major accidents or the like that occurred during the year and that had a
33 significant adverse impact on the facility.
- 34 ii. Reliability and Efficiency of Power Production: For electric power plants, the
35 plant availability and capacity factors for the reporting year. The certificate
36 holder shall describe any equipment failures or plant breakdowns that had a
37 significant impact on those factors and shall describe any actions taken to
38 prevent the recurrence of such problems.
- 39 iii. Status of Surety Information: Documentation demonstrating that bonds or
40 letters of credit as described in the site certificate are in full force and effect
41 and will remain in full force and effect for the term of the next reporting
42 period.
- 43 iv. Monitoring Report: A list and description of all significant monitoring and
44 mitigation activities performed during the previous year in accordance with
45 site certificate terms and conditions, a summary of the results of those
46 activities and a discussion of any significant changes to any monitoring or

1 mitigation program, including the reason for any such changes.

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

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

9 [Final Order VII.4.b] [OAR 345-026-0080(b)]

10
11 13.2. The certificate holder and the Department of Energy shall exchange copies of all
12 correspondence or summaries of correspondence related to compliance with statutes,
13 rules and local ordinances on which the Council determined compliance, except for
14 material withheld from public disclosure under state or federal law or under Council
15 rules. The certificate holder may submit abstracts of reports in place of full reports;
16 however, the certificate holder shall provide full copies of abstracted reports and any
17 summarized correspondence at the request of the Department.

18 [Final Order VII.5] [OAR 345-026-0105]

19
20 13.3. The following general monitoring conditions apply:

21 a. The certificate holder shall consult with affected state agencies, local governments
22 and tribes and shall develop specific monitoring programs for impacts to resources
23 protected by the standards of Divisions 22 and 24 of OAR Chapter 345 and resources
24 addressed by applicable statutes, administrative rules and local ordinances. The
25 certificate holder must submit the monitoring programs to the Department of Energy
26 and receive Department approval before beginning construction or, as appropriate,
27 operation of the facility.

28 b. The certificate holder shall implement the approved monitoring programs described
29 in Condition 13.3.a and monitoring programs required by permitting agencies and
30 local governments.

31 c. For each monitoring program described in Conditions 13.3.a and 13.3.b, the
32 certificate holder shall have quality assurance measures approved by the Department
33 before beginning construction or, as appropriate, before beginning commercial
34 operation.

35 d. If the certificate holder becomes aware of a significant environmental change or
36 impact attributable to the facility, the certificate holder shall, as soon as possible,
37 submit a written report to the Department describing the impact on the facility and
38 any affected site certificate conditions.

39 [Final Order VII.2] [Mandatory Condition OAR 345-025-0006 (6)]

1 **14.0. RETIREMENT AND FINANCIAL ASSURANCE**
2

3 14.1. Before beginning construction, the certificate holder shall submit to the State of Oregon
4 through the Council a bond or letter of credit in the amount described herein naming the
5 State of Oregon, acting by and through the Council, as beneficiary or payee. The initial
6 bond or letter of credit amount is either \$ 12.019 million (in 4th Quarter 2018 dollars),
7 to be adjusted to the date of issuance as described in (b), or the amount determined as
8 described in Condition 14.1.a below. The certificate holder shall adjust the amount of
9 the bond or letter of credit on an annual basis thereafter as described in Condition
10 14.1.b.

- 11 a. The certificate holder may adjust the amount of the bond or letter of credit based on
12 the final design configuration of the facility and turbine types selected, by applying
13 the unit costs and general costs presented in Table 3 of the Final Order on Amendment
14 4. Any revision to the restoration costs should be adjusted to the date of issuance as
15 described in Condition 14.1.b, and is subject to review and approval by the
16 Department.
- 17 b. The certificate holder shall adjust the amount of the bond or letter of credit, using the
18 following calculation and subject to approval by the Department:
- 19 i. Adjust the Subtotal component of the bond or letter of credit amount
20 (expressed in 4th Quarter 2018 dollars) to present value, using the U.S. Gross
21 Domestic Product Implicit Price Deflator, Chain-Weight, as published in the
22 Oregon Department of Administrative Services “Oregon Economic and
23 Revenue Forecast” or by any successor agency (the “Index”) and using the
24 4th Quarter 2018 index value and the quarterly index value for the date of
25 issuance of the new bond or letter of credit. If at any time the Index is no
26 longer published, the Council shall select a comparable calculation to adjust
27 4th Quarter 2018 dollars to present value.
 - 28 ii. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond
29 amount to determine the adjusted Gross Cost.
 - 30 iii. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration
31 and project management costs and 10 percent of the adjusted Gross Cost (ii)
32 for the adjusted future developments contingency.
 - 33 iv. Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round
34 the resulting total to the nearest \$1,000 to determine the adjusted financial
35 assurance amount.
- 36 c. The certificate holder shall use a form of bond or letter of credit approved by the
37 Council.
- 38 d. The certificate holder shall use an issuer of the bond or letter of credit approved by
39 the Council.
- 40 e. The certificate holder shall describe the status of the bond or letter of credit in the
41 annual report submitted to the Council required by Condition 13.1.b.
- 42 f. The bond or letter of credit shall not be subject to revocation or reduction before
43 retirement of the facility site.
- 44 [Final Order IV.F.2.1; AMD4] [Mandatory Condition OAR 345-025-0006 (8)]
45
46

- 1 14.2. If the certificate holder elects to use a bond to meet the requirements of Condition 14.1,
2 the certificate holder shall ensure that the surety is obligated to comply with the
3 requirements of applicable statutes, Council rules and this site certificate when the
4 surety exercises any legal or contractual right it may have to assume construction,
5 operation or retirement of the energy facility. The certificate holder shall also ensure
6 that the surety is obligated to notify the Council that it is exercising such rights and to
7 obtain any Council approvals required by applicable statutes, Council rules and this site
8 certificate before the surety commences any activity to complete construction, operate
9 or retire the energy facility.
10 [Final Order IV.F.2.2]
11
- 12 14.3. The certificate holder shall prevent the development of any conditions on the site that
13 would preclude restoration of the site to a useful, non-hazardous condition to the extent
14 that prevention of such site conditions is within the control of the certificate holder.
15 [Final Order IV.F.2.3] [Mandatory Condition OAR 345-025-0006 (7)]
16
- 17 14.4. The certificate holder must retire the facility in accordance with a retirement plan
18 approved by the Council if the certificate holder permanently ceases construction or
19 operation of the facility. The retirement plan must describe the activities necessary to
20 restore the site to a useful, non-hazardous condition, as described in OAR 345-027-
21 0110(5). After Council approval of the plan, the certificate holder must obtain the
22 necessary authorization from the appropriate regulatory agencies to proceed with
23 restoration of the site.
24 [Final Order IV.F.2.4] [Mandatory Condition OAR 345-025-0006 (9)]
25
- 26 14.5. The certificate holder is obligated to retire the facility upon permanent cessation of
27 construction or operation. If the Council finds that the certificate holder has
28 permanently ceased construction or operation of the facility without retiring the facility
29 according to a final retirement plan approved by the Council, as described in OAR 345-
30 027-0110, the Council shall notify the certificate holder and request that the certificate
31 holder submit a proposed final retirement plan to the Department within a reasonable
32 time not to exceed 90 days. If the certificate holder does not submit a proposed final
33 retirement plan by the specified date, the Council may direct the Department to prepare
34 a proposed final retirement plan for the Council's approval.
35 [Final Order IV.F.2.5] [Mandatory Condition OAR 345-025-0006 (16)]
36
- 37 14.6. Upon the Council's approval of the final retirement plan, the Council may draw on the
38 bond or letter of credit submitted per the requirements of Condition 6.1 to restore the
39 site to a useful, non-hazardous condition according to the final retirement plan, in
40 addition to any penalties the Council may impose under OAR Chapter 345, Division 29.
41 If the amount of the bond or letter of credit is insufficient to pay the actual cost of
42 retirement, the certificate holder shall pay any additional cost necessary to restore the
43 site to a useful, non-hazardous condition. After completion of site restoration, the
44 Council shall issue an order to terminate the site certificate if the Council finds that the
45 facility has been retired according to the approved final retirement plan.
46 [Final Order IV.F.2.6] [Mandatory Condition OAR 345-025-0006 (16)]

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14.7. At least 90 days prior to beginning construction (unless otherwise agreed to by the Department), the certificate holder shall submit to the Department, a compliance plan that documents and demonstrates completed actions or actions to be completed to satisfy the requirements of all terms and conditions of the amended site certificate and applicable statutes and rules. The certificate holder shall implement the plan that verifies compliance with all site certificate terms and conditions and applicable statutes and rules. As a part of the compliance plan, to verify compliance with the requirement to begin construction by the date specified in the site certificate, the certificate holder shall report promptly to the Department of Energy when construction begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of construction, the certificate holder shall describe all work on the site performed before beginning construction, including work performed before the Council issued the site certificate, and shall state the cost of that work. For the purpose of this exhibit, “work on the site” means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor. The certificate holder shall document the compliance plan and maintain it for inspection by the Department or the Council.
[Final Order VII.3; AMD4] [OAR 345-026-0048]

1 **15.0. SUCCESSORS AND ASSIGNS**

2
3 To transfer this amended site certificate or any portion thereof or to assign or dispose of it in any
4 other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.
5

6 **16.0. SEVERABILITY AND CONSTRUCTION**

7
8 If any provision of this agreement and amended site certificate is declared by a court to be illegal
9 or in conflict with any law, the validity of the remaining terms and conditions shall not be
10 affected, and the rights and obligations of the parties shall be construed and enforced as if the
11 agreement and certificate did not contain the particular provision held to be invalid.
12

13 **17.0. GOVERNING LAW AND FORUM**

14
15 This amended site certificate shall be governed by the laws of the State of Oregon. Any litigation
16 or arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.
17

18 **18.0. EXECUTION**

19
20 This amended site certificate may be executed in counterparts and will become effective upon
21 signature by the Chair of the Energy Facility Siting Council and the authorized representative of
22 the certificate holder.
23

24 **IN WITNESS THEREOF**, this amended site certificate has been executed by the State of
25 Oregon, acting by and through its Energy Facility Siting Council, and by Summit Ridge Wind,
26 LLC.
27

28 Energy Facility Siting Council

Certificate Holder

29
30 Marcia L. Grail
31 By: [Marcia L. Grail \(Jan 15, 2021 19:01 PST\)](#)

Christie Kneteman
By: [Christie Kneteman \(Jan 20, 2021 20:36 EST\)](#)

32
33 Marcia L. Grail, Chair
34 Oregon Energy Facility Siting Council

Summit Ridge Wind, LLC

35
36 Date: Jan 15, 2021

Date: Jan 20, 2021










Summit Ridge Transfer AMD5 Amended Site Certificate Sig Page 2020-12-18

Final Audit Report

2021-01-21


| | |
|-----------------|--|
| Created: | 2021-01-14 |
| By: | Energy Siting (Energy.Siting@Oregon.gov) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAvengPKapykwYiFJJEhiY9fE5T-N-ZVn_ |

"Summit Ridge Transfer AMD5 Amended Site Certificate Sig Page 2020-12-18" History

-  Document created by Energy Siting (Energy.Siting@Oregon.gov)
2021-01-14 - 3:36:09 PM GMT- IP address: 70.122.116.171
-  Document emailed to mary.grail@efsc.oregon.gov for signature
2021-01-14 - 3:37:00 PM GMT
-  Energy Siting (Energy.Siting@Oregon.gov) replaced signer mary.grail@efsc.oregon.gov with Marcy@ibew125.com
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-  Document emailed to Marcy@ibew125.com for signature
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-  Email sent to mary.grail@efsc.oregon.gov bounced and could not be delivered
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2021-01-14 - 3:37:36 PM GMT
-  Energy Siting (Energy.Siting@Oregon.gov) replaced signer mary.grail@efsc.oregon.gov with Marcia L. Grail (marcy.grail@efsc.oregon.gov)
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-  Document emailed to Marcia L. Grail (marcy.grail@efsc.oregon.gov) for signature
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Signature Date: 2021-01-16 - 3:01:41 AM GMT - Time Source: server- IP address: 71.34.75.140

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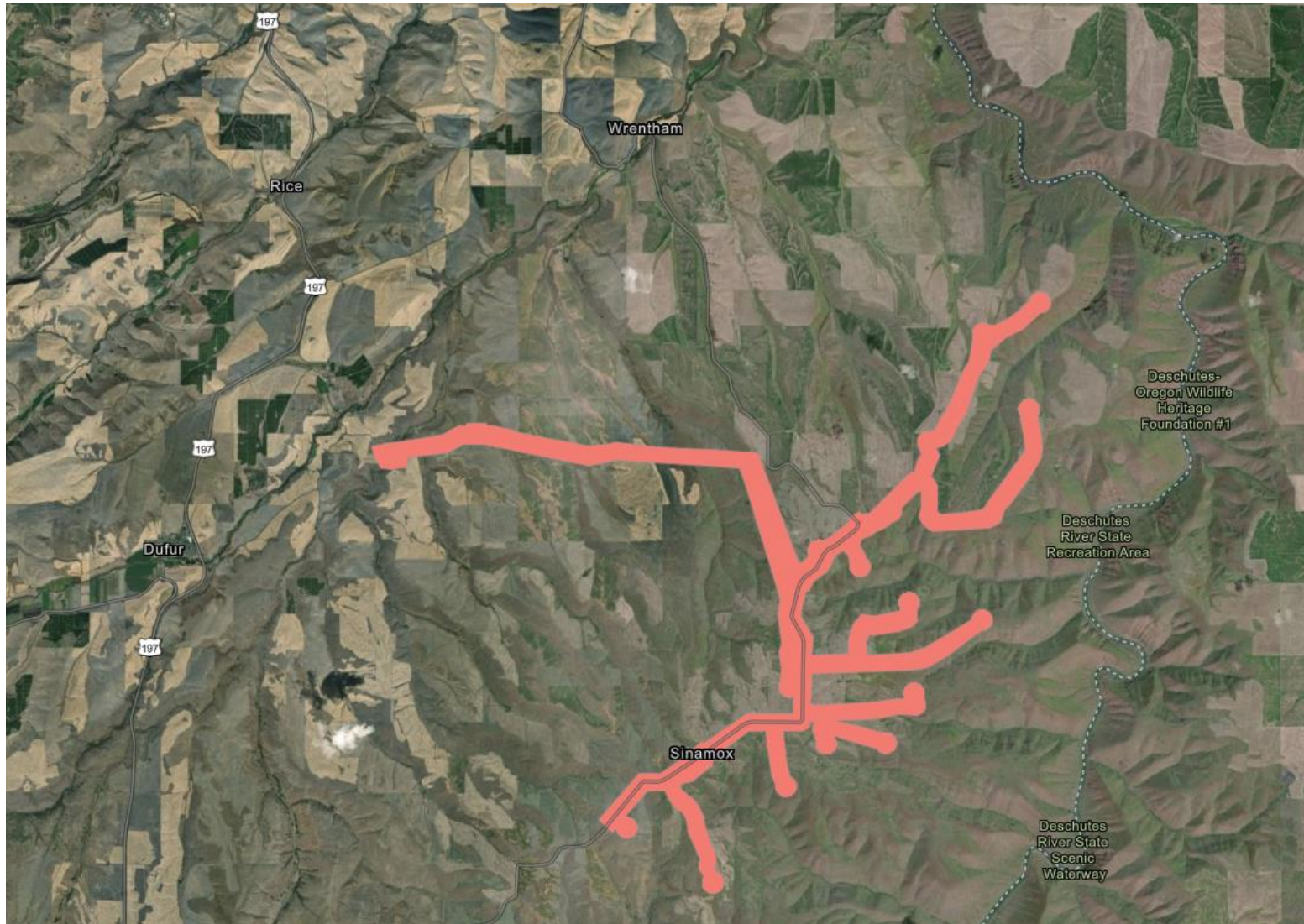
Signature Date: 2021-01-21 - 1:36:01 AM GMT - Time Source: server- IP address: 99.230.132.220

 Agreement completed.

2021-01-21 - 1:36:01 AM GMT

1 **Figure 1: Facility Site Boundary**

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