

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

**First Amended Site Certificate for the  
Wheatridge Renewable Energy Facility East**

**Issuance Dates**

Site Certificate	November 19, 2020
First Amended Site Certificate	June 4, 2024

**Issuance Date History under Wheatridge Wind Energy Facility**

Site Certificate	April 28, 2017
First Amended Site Certificate	July 27, 2017
Second Amended Site Certificate	November 16, 2018
Third Amended Site Certificate	December 14, 2018
Fourth Amended Site Certificate	November 22, 2019
Fifth Amended Site Certificate	May 22, 2020

**Issuance Date History under Wheatridge Renewable Energy Facility II**

Site Certificate	May 22, 2020
First Amended Site Certificate	November 19, 2020

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**Table of Contents**

1.0 Introduction and Site Certification ..... 1

2.0 Facility Location ..... 2

    2.1 Site Boundary ..... 3

    2.2 Micrositing Corridors..... 3

    2.3 Transmission Line Corridors ..... 4

3.0 Facility Description..... 4

    3.1 Wind Energy Facility Components ..... 4

    3.2 Related or Supporting Facilities ..... 4

4.0 Site Certificate Conditions..... 8

    4.1 Condition Format ..... 8

    4.2 General Conditions (GEN): Design, Construction and Operations ..... 9

    4.3 Pre-Construction (PRE) Conditions..... 16

    4.4 Construction (CON) Conditions ..... 29

    4.5 Pre-Operational (PRO) Conditions ..... 35

    4.6 Operational (OPR) Conditions ..... 37

    4.7 Retirement Conditions (RET) ..... 42

5.0 Successors and Assigns ..... 43

6.0 Severability and Construction ..... 43

7.0 Execution ..... 43

# WHEATRIDGE RENEWABLE ENERGY FACILITY EAST SITE CERTIFICATE

## Attachments

Attachment A Facility Site Boundary Map

## Acronyms and Abbreviations

ASC	Application for Site Certificate
BMP	Best Management Practice
Council or EFSC	Oregon Energy Facility Siting Council
Department or ODOE	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
HMP	Habitat Mitigation Plan
NEER	NextEra Energy Resources, LLC
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
NRHP	National Register of Historic Places
WGS	Washington Ground Squirrel
WMMP	Wildlife Monitoring and Mitigation Plan
WREFI	Wheatridge Renewable Energy Facility I
WREFII	Wheatridge Renewable Energy Facility II
WREFIII	Wheatridge Renewable Energy Facility III
WREFE	Wheatridge Renewable Energy Facility East

## 1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Wheatridge East Wind, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (NEER, certificate holder owner). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing certificate holder to construct, operate and retire the Wheatridge Renewable Energy Facility East (facility) at the below described site within Morrow and Umatilla counties, subject to the conditions set forth herein.

Both the State and certificate holder must abide by local ordinances, state law and the rules of the Council in effect on the date this site certificate is executed. However, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules (ORS 469.401(2)).

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) *Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility* issued on April 28, 2017 (hereafter, *Final Order on the Application*); (b) *Final Order on Request for Transfer of the Wheatridge Wind Energy Facility Site Certificate* issued on July 27, 2017; *Final Order on Request for Amendment 3 of the Wheatridge Wind Energy Facility Site Certificate* issued on November 16, 2018; *Final Order on Request for Amendment 2 of the Wheatridge Wind Energy Facility Site Certificate* issued on December 14, 2018; *Final Order on Request for Amendment 4 of the Wheatridge Wind Energy Facility Site Certificate* issued on November 22, 2019; *Final Order on Request for Amendment 5 of the Wheatridge Wind Energy Facility Site Certificate* issued May 22, 2020; *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility II (WREFII) Site Certificate* issued November 19, 2020; and the *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility East* issued on June 4, 2024.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility East Site Certificate* (2) *Final Order on Request for Amendment 1 of the WREFII Site Certificate*; (2) *Final Order on Request for Amendment 5 of the Wheatridge Wind Energy Facility Site Certificate* (3) *Final Order on Request for Amendment 4 of the Wheatridge Wind Energy Facility Site Certificate* (4) *Final Order on Request for Amendment 2 of the Wheatridge Wind Energy Facility Site Certificate*; (5) *Final Order on Request for Amendment 3 of the Wheatridge Wind Energy Facility Site Certificate*; (6) *Final Order on Request for Amendment 1 of the Wheatridge Wind Energy Facility Site Certificate*; (7) *Final Order on the Application*, and (8) the record of the proceedings that led to the above referenced orders.

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other

design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

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

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0110 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

## **2.0 Facility Location**

The site is located approximately 6 miles northeast of the City of Heppner and includes lands within

Morrow and Umatilla counties. The approved site boundary encompasses approximately 78,985 acres of private land including approximately 14,640 acres designated as micrositing corridors for facility components. The site also includes a corridor for a 230kV transmission line that connects the energy facility site to the Blue Ridge Substation. Portions of the transmission corridor overlap with the site boundaries of WREFI, WREFII, and WREFIII.

## 2.1 Site Boundary

The site boundary encompasses approximately 78,985 acres of privately owned land in Morrow and Umatilla counties. Table 1 identifies the location of lands within the Site Boundary by Township, Range, and Section. As provided in Condition OPR-GS-01 of this Site Certificate, the certificate holder must provide a legal description of the Site within 90 days after the facility begins commercial operation.

**Table 1. Location of Site Boundary by Township, Range and Section**

Township	Range	Proposed Amended Site Boundary Sections
2N	28E	2, 3, 4, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 23, 27, 28, 29, 32, 33, 34
1N	25E	13, 24
1N	26E	18, 19, 20, 24, 25, 29, 30, 31, 32, 35, 36
1N	27E	23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36
1N	28E	3, 4, 5, 6, 8, 9, 10, 16, 17, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
1N	29E	30, 31
1S	26E	1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 24, 25, 36
1S	27E	1-36
1S	28E	1-31; 33-36
1S	29E	5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 28, 29, 30, 31, 32
2S	26E	1
2S	27E	1, 4, 5, 6
2S	28E	1, 2, 3, 4, 6, 11, 12
2S	29E	5, 6, 7

## 2.2 Micrositing Corridors

Except for the 230-kV transmission line, the certificate holder is authorized to locate facility components anywhere within approximately the approximately 14,640 acres of approved micrositing corridors within the site boundary. The micrositing corridors are intended to allow flexibility in the siting of specific components while establishing outer boundaries of potential construction.

Micrositing corridors are approximately 660 feet wide around turbines, and wider in some locations. Micrositing corridors around site access roads and electrical collection lines (collector lines) are

between 200 feet and 500 feet wide.

### 2.3 Transmission Line Corridors

The certificate holder is authorized to construct and operate a 230-kV overhead transmission line within the approved corridor described in this section. The corridor is approximately 1,000 feet wide and 27 miles long and connects the energy facility site with the Blue Ridge Substation constructed as part of Wheatridge I and II. The transmission corridor is located entirely within Morrow County.

As shown in Attachment A, the corridor begins at the alternate collector substation site and then travels south across Big Butter Creek Road and Butter Creek. The corridor then travels south and southwest to a crossing with Little Butter Creek Road and Little Butter Creek where the corridor joins with the proposed collector substation site. From the proposed collector substation, the proposed corridor travels southwest and west to Milk Canyon and Spur Loop Road. From Spur Loop Road, the proposed corridor route would run west for approximately 4 miles, then northwest and north to the existing Blue Ridge Substation.

### 3.0 Facility Description

The facility includes a wind energy facility and related and supporting facilities. The certificate holder is authorized to construct up to 107 wind turbines with a combined maximum nameplate generation capacity of 300 MW and related and supporting facilities.

Facility components are further described in Section 3.1 and 3.2 of this site certificate.

#### 3.1 Wind Energy Facility Components

The certificate holder is authorized to construct and operate up to 107 wind turbines with a total generating capacity up to 300 MW. Wind turbines each consist of a nacelle, a three-bladed rotor, a tubular steel turbine tower, concrete foundation, and an engineered earth and gravel pad. All wind turbines constructed at the site must comply with the maximum approved dimensions provided in Table 2.

**Table 2: Approved Wind Turbine Dimensions**

<b>Specification</b>	<b>Maximum (ft)</b>
Blade Length	204.1
Hub Height	290.7
Rotor Diameter	416.7
Total Height (tower height plus blade length)	499.0
Aboveground Blade-Tip Clearance	82.3
Turbine Pad Diameter	65
<i>Wind turbine types with the maximum dimension specifications shall be equipped with Low Noise Trailing Edge blades.</i>	

#### 3.2 Related or Supporting Facilities



In addition to the wind energy facility, the certificate holder is authorized to construct and operate the following related and supporting facilities:

- Up to 107 Generator Step-Up (GSU) Transformers
- Electrical collection system including up to 95 miles of underground 34.5-kV collector lines)
- Up to two collector substations
- Up to 27 miles of up to two overhead, parallel 230 kV transmission lines
- Up to 5 permanent meteorological (met) towers
- Communication and Supervisory Control and Data Acquisition (SCADA) System
- Up to 76 miles of new access roads, including up to 61 miles of permanent roads and 15 miles of temporary roads.
- One primary temporary construction yard and up to four auxiliary construction yards.
- A Battery Energy Storage System (30 MW total and Interconnection Facilities

#### Generator Step-Up GSU Transformers

A generator step-up (GSU) transformer would be installed within the engineered pad at the base of each turbine to increase the voltage of the turbine output to 34.5 kV power. Each GSU transformer would be constructed on an 8-inch concrete pad foundation within the engineered earth and gravel pad above the turbine foundation.

#### Electrical Collection System

The certificate holder is authorized to install up to 95 miles of underground 34.5-kV collector lines to connect the GSU transformers to the collector. substations. Electrical connections may be located underground or in enclosed junction boxes between the turbine and the GSU transformer.

All collector lines must be buried. Trenches may be up to three-feet wide and should be at least three-feet deep wherever feasible. Where land use and soil conditions make a buried depth of three-feet infeasible, collector lines may be buried at a depth of less than three feet as long as compliance with applicable National Electrical Safety Code (NESC) standards is maintained.

#### Collector Substations

The certificate holder is authorized to construct two collector substations consisting of transformers, transmission line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and other equipment. The primary collector substation may occupy up to 7 acres and the alternate substation and Battery Energy Storage System may occupy up to 6.5 acres.

Prior to construction, substation sites will be cleared and graded, with a bed of crushed rock applied for a durable surface. Each collector substation must be enclosed by a locked fence.

#### 230-kV Transmission Line

The certificate holder is authorized to construct and operate a 27-mile overhead 230-kV overhead transmission line within the transmission line corridor shown within Attachment A.

The transmission line may be constructed in either single or double circuit configuration. If the transmission line is a single circuit, then one set of H-frame or monopole transmission line structures

will be constructed. If the transmission line is two circuits, then either one or two sets of monopole structures will be constructed. Support structures may be constructed of either wood or steel. The structures will be approximately 60 to 150 feet tall and spaced approximately 400 to 800 feet apart depending on the terrain. Each transmission line route requires acquisition of an approximately 150-foot-wide right-of-way from private landowners.

#### Meteorological Towers

The certificate holder is authorized to construct up to five met towers. Each met tower must have a free-standing, non-guyed design and may not exceed approximately 328 feet (100 meters) in height. An approximately 32-foot (10-meter) diameter circle of permanent land disturbance is expected around each tower. Permanent met towers are fitted with safety lighting and paint as required by the Federal Aviation Administration (FAA). The certificate holder may install temporary met towers during construction after obtaining any necessary permits from the affected local government.

#### Communication and SCADA System

The facility includes a communication system, consisting of fiber optic and copper communication lines that connect the turbines, met towers, and substations to the shared O&M building at Wheatridge II. A SCADA system is installed in the shared O&M buildings to enable remote operation to collect operating data for each wind turbine, and to archive wind and performance data. SCADA system wires are collocated with the electrical collector lines described above.

#### O&M Buildings

The certificate holder is authorized to utilize the O&M building constructed at Wheatridge II.

#### Access Roads

The certificate holder is authorized to construct up to 76 miles of permanent access roads to access facility components. The certificate holder must grade and gravel all newly constructed and improved site access roads to meet load requirements for heavy construction equipment, as necessary. Following turbine construction, the certificate holder will narrow the site access roads for use during operations and maintenance. The additional disturbed width required during construction will be restored following the completion of construction by removing gravel surfacing, restoring appropriate contours with erosion and stormwater control best management practices (BMPs), decompacting as needed, and revegetating the area appropriately.

The certificate holder is authorized to construct up to 15 miles of temporary access roads to facilitate the construction of the 230-kV overhead transmission line. The temporary access roads must be removed and restored following the completion of construction.

No improvements to existing public roads are anticipated to accommodate facility construction. If specific improvements are identified during consultation with the appropriate county road master prior to construction, any required permits will be obtained from the appropriate local government.

#### Additional Construction Yards

The certificate holder is authorized to construct one 60-acre temporary construction yard. The certificate holder may utilize up to four additional 20-acre temporary construction yards located

within the approved micrositing corridors to facilitate the delivery and assembly of material and equipment. The primary construction yard may include one 1,000-gallon diesel and one 500-gallon gasoline above-ground fuel tank, within designated secondary containments areas.

The certificate holder is required to restore all construction yards to pre-construction conditions following completion of construction unless an agreement with the landowner leads to some or all of the construction yards being retained after construction.

In addition, the certificate holder may utilize one or more temporary concrete batch plant areas, located within the construction yard area. The temporary concrete batch plants must be permitted by the selected contractor in accordance with state and local law.

#### *Battery Storage Systems and Interconnection Facilities (DC Coupled)*

The certificate holder is authorized to construct a 30-MW battery storage system. The BESS may be located in modular containers or a building. Modular containers would be approximately 8 feet wide, 20 feet long and 9 feet tall. A building would be approximately 80 feet long, 100 feet wide and 20 feet tall. Under either option, the system would include:

- Lithium-ion batteries within battery modules placed in anchored racks.
- Approximately eighteen 2.7 mega-voltampere (MVA) inverters with associated step-up transformers with a combined footprint approximately 8 feet by 4 feet.
- A gas pressured deluge fire suppression system, independent smoke detection system, and external fire water tank
- A cooling system comprised of a bank of four power conditioning system fan units with motor.
- A control house, approximately 16 feet by 11 feet, with an external heating, ventilation and air conditioning unit (HVAC)
- A protective device; skid-mounted power transformer; and bi-directional inverter

Battery and inverter equipment may be electrically connected via a combination of aboveground cable trays, underground conduit, and covered cable trenches. Site surfacing would remain primarily gravel. The battery storage systems would interconnect with facility substations via feeder lines.

## 4.0 Site Certificate Conditions

### 4.1 Condition Format

The conditions in Sections 4.2 through 4.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.)<sup>1</sup>. The table below presents a “key” for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as “GS”; the Soil Protection standard is represented in the condition numbering as “SP” and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council’s General Standard of Review, and is condition number 1.

This site certificate contains conditions initially imposed in the Wheatridge Wind Energy Facility site certificate, as approved in April 2017, and amended in July 2017 (AMD1), November (AMD2) and December 2018 (AMD3), November 2019 (AMD4), and May 2020 (AMD5). Site certificate conditions include a bracketed citation (e.g. [Final Order on ASC (2017), AMD2 (2018), AMD4 (2019)]) which provides reference to the Council order imposing or amending the condition. Bracketed citations dated 2017 through May 2020 represent conditions imposed or amended under the Wheatridge Wind Energy Facility site certificate; bracketed citations dated after May 2020 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility II site certificate, and bracketed citations dated after 2024 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility East site certificate.

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<sup>1</sup> The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

**4.2 General Conditions (GEN): Design, Construction and Operations**

Condition Number	General (GEN) Conditions
<b>STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]</b>	
GEN-GS-01	<p>The certificate holder shall begin construction of all facility components located in areas added to the site by the Final Order on Request for Amendment 1 (i.e. all facility components within micrositing siting areas located south of Butter Creek, except the 230-kV transmission line) on or before May 31, 2027. The certificate holder shall provide written notification to the Department that it has met the construction commencement deadline.</p> <p>[Final Order on ASC (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019); AMD1 (2020)]; AMD1 (2024)]</p> <p>[Mandatory Condition OAR 345-025-0006(4)]</p>
GEN-GS-02	<p>The certificate holder shall complete construction of facility components by the following dates:</p> <ol style="list-style-type: none"> <li>May 24, 2026: All facility components approved in the Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility (i.e. facility components in the portion of the site north of Butter Creek and the 230-kV transmission line), as applicable based on final design. The certificate holder shall promptly notify the Department of the date of completion of construction.</li> <li>Within 3 years of the date of construction commencement: All facility components located in areas added to the site by the Final Order on Amendment 1 (i.e. all facility components within micrositing siting areas located south of Butter Creek, except the 230-kV transmission line). The certificate holder shall promptly notify the Department of the date of completion of construction.</li> </ol> <p>[Final Order on ASC (2017), General Standard Condition 2; AMD2 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2024)]</p> <p>[Mandatory Condition OAR 345-025-0006(4)]</p>
GEN-GS-03	<p>The certificate holder shall design, construct, operate, and retire the facility:</p> <ol style="list-style-type: none"> <li>Substantially as described in the site certificate;</li> <li>In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and</li> <li>In compliance with all applicable permit requirements of other state agencies.</li> </ol> <p>[Final Order on ASC (2017), Mandatory Condition 2] [OAR 345-025-0006(3) AMD1 (2024)]</p>
GEN-GS-04	<ol style="list-style-type: none"> <li>Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities.</li> <li>For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:             <ol style="list-style-type: none"> <li>The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line or pipeline occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site; or</li> </ol> </li> </ol>

	<p>2. The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built.</p> <p>[Final Order on ASC (2017), Mandatory Condition 3] [OAR 345-025-0006(5)]</p>
GEN-GS-05	<p>If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the department describing the impact on the facility and any affected site certificate conditions.</p> <p>[Final Order on ASC (2017), Mandatory Condition 6] [OAR 345-025-0000(6)]</p>
GEN-GS-06	<p>The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant.</p> <p>[Final Order on ASC (2017), Mandatory Condition 5] [OAR 345-025-0006(10)]</p>
GEN-GS-07	<p>Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.</p> <p>[Final Order on ASC (2017), Mandatory Condition 6] [OAR 345--025-0006(11)]</p>
GEN-GS-08	<p>The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced coastal subsidence.</p> <p>[Final Order on ASC (2017), Mandatory Condition 7] [OAR 345-025-0006(12)]</p>
GEN-GS-09	<p>The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions.</p> <p>[Final Order on ASC (2017), Mandatory Condition 8] [OAR 345-025-0006(13)]</p>
GEN-GS-10	<p>The certificate holder shall notify the department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.</p> <p>[Final Order on ASC (2017), Mandatory Condition 9] [OAR 345-025-0006(14)]</p>
GEN-GS-11	<p>Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the department of the proposed new owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate.</p> <p>[Final Order on ASC (2017), Mandatory Condition 10] [OAR 345-025-0006(15)]</p>
GEN-GS-12	<p>The certificate holder is authorized to construct the 230-kV transmission line anywhere within the approved corridor described in Section 2.3 of the site certificate, and presented in Attachment A.</p> <p>[Final Order on ASC (2017), Site Specific Condition 1] [OAR 345-025-0010(5)] AMD1(2024)]</p>

GEN-GS-13	<p>The certificate holder may utilize the O&amp;M Building constructed and operated under the site certificate for Wheatridge Renewable Energy Facility II, subject to the following:</p> <ol style="list-style-type: none"> <li>a. Within 30 days of use by both certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities.</li> <li>b. If WREFII proposes to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Condition PRE-RF-02.</li> <li>c. Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Condition PRE-RF-02, for the operational facility, if facilities are decommissioned at different times.</li> </ol> <p>[Final Order on AMD1 (2024)]</p>
<b>STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]</b>	
GEN-OE-01	<p>Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 5]</p>
GEN-OE-02	<p>In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the department.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 6]</p>
GEN-OE-03	<p>During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, NextEra Energy Resources, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of NextEra Energy Resources, LLC and demonstrate how it will timely replace any loss of access to such resources, expertise and personnel with other resources, expertise and personnel sufficient to ensure ongoing compliance with site certificate terms and conditions.</p> <p>[Final Order on AMD1 (2017), Organizational Expertise Condition 9, AMD1 (2024)]</p>
GEN-OE-04	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Prior to and during construction, as applicable, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185.</li> <li>b. Prior to transporting and disposing of battery and battery waste during facility operations, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185.</li> </ol> <p>[Final Order on AMD2 (2018), Organizational Expertise Condition 10]</p>
GEN-OE-05	<p><i>Deleted in Final Order on Amendment 1</i></p> <p>[Final Order on AMD5 (2020); Organizational Expertise Condition 11; AMD1 (2020)]</p>

<b>STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]</b>	
GEN-SS-01	The certificate holder shall design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction. [Final Order on ASC (2017), Structural Standard Condition 2]
<b>STANDARD: LAND USE (LU) [OAR 345-022-0030]</b>	
GEN-LU-01	<p>a. Wind turbines located in Morrow County shall be setback at least:</p> <ol style="list-style-type: none"> <li>1. 110 percent of maximum blade tip height from the property line of any abutting property of any non-participating property owners.</li> <li>2. 100 feet from all property boundaries, including participant property boundaries within the site boundary, if practicable.</li> <li>3. 110 percent of the overall tower-to-blade tip height from the boundary right-of-way of county roads, state and interstate highways.</li> </ol> <p>b. Wind turbine foundations in Morrow County shall not be located on any property boundary, including participant property boundaries within the site boundary.</p> <p>[Final Order on ASC (2017), Land Use Condition 1; AMD3 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020), AMD1 (2024)]</p>
GEN-LU-02	<p>During design and construction of the facility, the certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Obtain an access permit for changes in access on Morrow County roads; and</li> <li>b. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 4]</p>
GEN-LU-03	<p>During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate:</p> <ol style="list-style-type: none"> <li>a. Paint the towers in alternating bands of white and red or aviation orange; or</li> <li>b. Install aviation lighting as recommended by the Federal Aviation Administration.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 9]</p>
GEN-LU-04	<p>The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Locate access roads and temporary construction yards and laydown areas to minimize disturbance of farming practices. Construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable;</li> <li>b. Locate turbines and transmission lines along the margins of cultivated areas to reduce the potential for conflict with farm operations, where feasible.</li> <li>c. Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 11; AMD4 (2019); AMD1 (2020), AMD1 (2024)]</p>
GEN-LU-05	<p>During design and construction of the facility, the certificate holder shall ensure that fencing and landscaping at facility components within Morrow County blend with the nature of the surrounding area.</p> <p>[Final Order on ASC (2017), Land Use Condition 14; AMD1(2024)]</p>
GEN-LU-06	<p>Wind turbines located within Umatilla County shall be setback at least:</p> <ol style="list-style-type: none"> <li>a. 110 percent of the overall tower-to-blade tip height from the boundary right-of-way of county roads and state and interstate highways in Umatilla County.</li> <li>b. 2 miles from turbine towers to any urban growth boundary.</li> <li>c. 1 mile from turbine towers to land within Umatilla County’s Unincorporated Community Zone.</li> <li>d. 2 miles from turbine towers to any rural residence within Umatilla County, unless the rural residence is owned by a participating landowner.</li> </ol>



	<p>e. 164 feet (50 meters) from tower and facility components to known archeological, historical, or cultural sites, including cultural sites of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).</p> <p>[Final Order on ASC (2017), Land Use Condition 16; AMD3 (2018), AMD1 (2024)]</p>
GEN-LU-07	Deleted.[Final Order on ASC (2017), Land Use Condition 20; AMD1(2024)]
GEN-LU-08	<p>During facility design and construction of new access roads, the certificate holder shall implement best management practices after consultation with the Umatilla County Soil and Water Conservation district. The new and improved road designs must be reviewed and certified by a civil engineer.</p> <p>[Final Order on ASC (2017), Land Use Condition 22, AMD1 (2024)]</p>
GEN-LU-09	<p>Before beginning electrical production, the certificate holder shall provide GIS data showing the location of each facility component located in Umatilla County to the department and Umatilla County in a format suitable for GPS mapping.</p> <p>[Final Order on ASC (2017), Land Use Condition 24; AMD1 (2024)]</p>
GEN-LU-10	<p>During construction and operation of the facility, the certificate holder shall deliver a copy of the annual report required under OAR 345-026-0080 to the Umatilla County Planning Commission on an annual basis.</p> <p>[Final Order on ASC (2017), Land Use Condition 28]</p>
<b>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</b>	
GEN-RF-01	<p>The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.</p> <p>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 1] [Mandatory Condition OAR 345-025-0006(7)]</p>
<b>STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]</b>	
GEN-FW-01	<p>During construction and operation of the facility, the certificate holder shall impose a 20 mile per hour speed limit on all private access roads within the site.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 2, AMD1 (2024)]</p>
GEN-FW-02	<p>The certificate holder shall construct all overhead transmission lines in accordance with the latest Avian Power Line Interaction Committee design standards, and shall only install permanent meteorological towers that are unguyed.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 6, AMD1 (2024)]</p>
<b>STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]</b>	
GEN-SR-01	<p>Outdoor night lighting at the collector substations and battery storage systems must be:</p> <ol style="list-style-type: none"> <li>The minimum number and intensity required for safety and security;</li> <li>Directed downward and inward within the facility to minimize backscatter and offsite light trespass; and</li> <li>Have motion sensors and switches to keep lights turned off when not needed.</li> </ol> <p>[Final Order on ASC (2017), Scenic Resources Condition 1, AMD2 (2018), AMD1 (2024)]</p>
GEN-SR-02	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> <li>Design and construct battery storage systems to be generally consistent with the character of agricultural buildings used by farmers or ranchers in the area, and the buildings shall be finished in a neutral color to blend with the surrounding landscape;</li> <li>Paint or otherwise finish turbine towers in a grey, white, or off-white, low reflectivity coating to minimize reflection and contrast with the sky, unless required otherwise by the local code applicable to the structure location.</li> <li>Design and construct support towers for the intraconnection transmission lines using either wood or steel structures and utilize finish with a low reflectivity coating;</li> </ol>

	<p>d. Finish substation structures and battery storage systems utilizing neutral colors to blend with the surrounding landscape;</p> <p>e. Minimize use of lighting and design lighting to prevent offsite glare;</p> <p>f. Not display advertising or commercial signage on any part of the proposed facility;</p> <p>g. Limit vegetation clearing and ground disturbance to the minimum area necessary to safely and efficiently install the facility equipment;</p> <p>h. Water access roads and other areas of ground disturbance during construction, as needed, to avoid the generation of airborne dust; and</p> <p>i. Restore and revegetate temporary impact areas as soon as practicable following completion of construction.</p> <p>[Final Order on ASC (2017), Scenic Resources Condition 2, AMD2 (2018), AMD1 (2024)]</p>
<b>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</b>	
GEN-PS-01	<p>During construction and operation, the certificate holder shall coordinate with its solid waste handler to provide the information solicited through the Oregon Department of Environmental Quality's Recycling Collector Survey to the Morrow County waste shed representative on an annual basis.</p> <p>[Final Order on ASC (2017), Public Services Condition 5]</p>
GEN-PS-02	<p>The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. Tower access doors shall be locked at all times authorized personnel are not present.</p> <p>[Final Order on ASC (2017), Public Services Condition 11, AMD1 (2024)]</p>
GEN-PS-03	<p>Prior to construction and operation of the facility, the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Condition PRE-PS-05 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request.</p> <p>[Final Order on ASC (2017), Public Services Condition 18, AMD1 (2024)]</p>
GEN-PS-04	<p>The certificate holder shall maintain the battery storage systems and substation components within a 100foot vegetation free zone.</p> <p>[Final Order on AMD2 (2018), Public Services Condition 23, AMD1 (2024)]</p>
<b>STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]</b>	
GEN-WF-01	<p>During construction and operation, the certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components.</p> <p>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 3]</p>
GEN-WF-02	<p>The certificate holder shall notify the department, the Morrow County Planning Department and the Umatilla County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns.</p> <p>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 5]</p>
<b>STANDARD: CUMULATIVE EFFECTS STANDARD FOR WIND ENERGY FACILITIES (CE) [OAR 345-024-0015]</b>	
GEN-CE-01	<p>All wind turbines shall be setback at least the following distances from the active raptor nest locations identified in pre-construction raptor nest surveys required under Condition PRE-FW-01:</p> <p>a. 0.25 miles from active Swainson's hawk nest locations;</p> <p>b. 0.5 miles from active ferruginous hawk nest locations; and</p>

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| c. 2 miles from active eagle nest locations.<br>d. At least 0.8 miles from Butter Creek and Little Butter Creek.<br>[AMD1 (2024)] |
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### 4.3 Pre-Construction (PRE) Conditions

Condition Number	Pre-Construction (PRE) Conditions
<b>STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]</b>	
PRE-OE-01	<p>Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity, qualifications, and past regulatory performance of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall not select contractors that have a history of non-compliance with state laws, rules or license requirements. The certificate holder shall report to the department any changes of major contractors.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 1, AMD1 (2020), AMD1 (2024)]</p>
PRE-OE-02	<p>Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity and qualifications of the construction manager to demonstrate that the construction manager is qualified in environmental compliance and has the capability to ensure compliance with all site certificate conditions.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 2; AMD1 (2020)]</p>
PRE-OE-03	<p>Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 3, AMD1 (2020)]</p>
PRE-OE-04	<p>Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department before conducting any work on the site that does not qualify as surveying, exploration, or other activities to define or characterize the site. The notice must include a description of the work and evidence that the certificate holder has satisfied all pre-construction conditions that are applicable to the facility, facility component, or phase.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 4, AMD1 (2020), AMD1 (2024)]</p>
PRE-OE-05	<p>Prior to construction of the facility, facility component or phase, as applicable, the certificate holder must provide the department and Umatilla and Morrow Counties with the name(s) and location(s) of the aggregate source and evidence of the source's county permit(s).</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 7, AMD1 (2020)]</p>
PRE-OE-06	<p>Deleted.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 8; AMD4 (2019); AMD5 (2020); AMD1 (2020); AMD1 (2024)]</p>
PRE-OE-07	<p>a. Before beginning construction of the facility, facility component, or phase, as applicable, the certificate holder shall provide, to the Department:</p> <ol style="list-style-type: none"> <li>1. A list of all state and local permits and approvals that may be necessary for construction of the facility, indicating whether the permit will be obtained by the certificate holder or by a third party;</li> <li>2. Copies of all listed permits, or evidence demonstrating that the permits are not necessary; and</li> </ol>

- 3. Proof of agreements between the certificate holder and the third-party regarding access to the resources or services secured by any permits or approvals issued to a third party.
  - b. During construction of the facility, the certificate holder shall notify the Department of any violation, Notice of Violation, or allegation of a violation of the terms or conditions of any permits and approvals for the construction and operation of the facility.-
- [AMD1 (2024)]

**STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]**

<p>PRE-SS-01</p>	<p>Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder must:</p> <ul style="list-style-type: none"> <li>a. Submit a protocol to the Department and Oregon Department of Geology &amp; Mineral Industries (DOGAMI), for review, with the applicable codes, standards, and guidelines to be used, and proposed geotechnical work to be conducted for the site-specific geotechnical investigation report.</li> <li>b. Following receipt and review of Department and DOGAMI comments on the protocol per (a), the certificate holder shall conduct a site-specific geological and geotechnical investigation, and shall report its findings to DOGAMI and the department. The report shall be used by the certificate holder in final facility layout and design. The department shall review, in consultation with DOGAMI, and confirm that the investigation report includes an adequate assessment of the following information: <ul style="list-style-type: none"> <li>1. Subsurface soil and geologic conditions of the site boundary</li> <li>2. Define and delineate geological and geotechnical hazards, and means to mitigate these hazards</li> <li>3. Geotechnical design criteria and data for the turbine foundations, foundations of substations, battery storage systems, roads, and other related and supporting facilities</li> <li>4. Design data for installation of underground collector lines and overhead transmission lines</li> <li>5. Investigation of specific areas with potential for slope instability and landslide hazards. Landslide hazard evaluation shall be conducted by LIDAR and field work, as recommended by DOGAMI</li> <li>6. Investigations of the swell and collapse potential of loess soils within the site boundary.</li> </ul> </li> </ul> <p>[Final Order on ASC (2017), Structural Standard Condition 1; AMD2 (2018); AMD1 (2020), AMD1 (2024)]</p>
<p>PRE-SS-02</p>	<p>Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of all potentially active faults within the site boundary. The investigation shall include a description of the potentially active faults, their potential risk to the facility, and any additional mitigation that will be undertaken by the certificate holder to ensure safe design, construction, and operation of the facility.</p> <p>[Final Order on ASC (2017), Structural Standard Condition 3; AMD5 (2020), AMD1 (2020)]</p>
<p>PRE-SS-03</p>	<p>Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1 an investigation of specific areas with potential for slope instability and shall site turbine strings appropriate to avoid potential hazards. The landslide hazards shall be investigated and mapped before final facility layout and design. The landslide hazard evaluation shall be conducted by a combination of LIDAR and field work.</p>

	[Final Order on ASC (2017), Structural Standard Condition 4, AMD1 (2020)]
PRE-SS-04	<p>Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the certificate holder shall include mitigation measures including, as necessary, over-excavating and replacing loess soil with structural fill, wetting and compacting, deep foundations, or avoidance of specific areas.</p> <p>[Final Order on ASC (2017), Structural Standard Condition 5, AMD1 (2020)]</p>
<b>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</b>	
PRE-SP-01	<p>Prior to construction of the facility, facility component, or phase, as applicable, the certificate holder shall provide a copy of a Spill Prevention Control and Countermeasures (SPCC) plan that meets the requirements of 40 CFR part 112, to be implemented by the certificate holder or its contractor during facility construction.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 3, AMD1 (2024)]</p>
PRE-SP-02	<p>The final Revegetation Plan required under Condition PRE-FW-05 shall include a program to protect and restore soils temporarily disturbed during facility construction. All soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 4, AMD1 (2020), AMD1 (2024)]</p>
PRE-SP-03	<p>Deleted.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 7; AMD1 (2024)]</p>
<b>STANDARD: LAND USE (LU) [OAR 345-022-0030]</b>	
PRE-LU-01	<p>Before beginning construction of the facility, facility component or phase, as applicable, in Morrow County the certificate holder shall complete the following:</p> <ol style="list-style-type: none"> <li>a. Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and</li> <li>b. Obtain all other necessary local permits, including building permits.</li> <li>c. Provide the county with a building permit application, a third party technical report which includes: <ol style="list-style-type: none"> <li>1. Evaluates fire hazards and;</li> <li>2. Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems.</li> </ol> </li> <li>d. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 3; AMD2 (2018), AMD1 (2020), AMD1 (2024)]</p>
PRE-LU-02	<p>Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall pay the requisite fee and obtain a Conditional Use Permit as required under Morrow County Zoning Ordinance Article 6 Section 6.015.</p> <p>[Final Order on ASC (2017), Land Use Condition 5, AMD1 (2020)]</p>
PRE-LU-03	<ol style="list-style-type: none"> <li>a. At least 30 days before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall submit to the Department for review and approval, a Weed Control Plan that is consistent with the draft plan provided in the Attachment F of the <i>Final Order on Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility East</i> (June 2024).</li> <li>b. The Department shall consult with Morrow and Umatilla Counties and ODFW during review of the draft plan and may impose additional requirements as needed to ensure compliance with the requirements of those jurisdictions and the Revegetation Plan required under Condition PRE-FW-05.</li> </ol>

	<p>c. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. [Final Order on ASC (2017), Land Use Condition 6; AMD5 (2020); AMD1 (2020), AMD1 (2024)]</p>
PRE-LU-04	<p>Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland. [Final Order on ASC (2017), Land Use Condition 7, AMD1 (2020)]</p>
PRE-LU-05	<p>Prior to beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall consult with surrounding landowners and lessees and shall consider proposed measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs during construction and operation of the facility. Prior to beginning construction, the certificate holder shall provide evidence of this consultation to the department, Morrow County, and Umatilla County. [Final Order on ASC (2017), Land Use Condition 12; AMD5 (2020), AMD1 (2020)]</p>
PRE-LU-06	<p>Deleted. [Final Order on ASC (2017), Land Use Condition 13, AMD1 (2020), AMD1 (2024)]</p>
PRE-LU-07	<p>Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder must:</p> <ol style="list-style-type: none"> <li>a. Pay the requisite fee(s) and obtain a Zoning Permit(s) from Umatilla County for facility components sited within Umatilla County.</li> <li>b. Provide the Department and county with a building permit application that includes a third party technical report which: <ol style="list-style-type: none"> <li>1. Evaluates fire hazards, and</li> <li>2. Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems.</li> </ol> </li> <li>c. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 15; AMD2 (2018), AMD1 (2020), AMD1 (2024)]</p>
PRE-LU-08	<p>Prior to facility construction of the facility, facility component or phase, as applicable, the certificate holder shall install gates and no trespassing signs at all private access roads established or improved for the purpose of facility construction and operation if requested by the underlying landowner. [Final Order on ASC (2017), Land Use Condition 18; AMD4 (2019), AMD1 (2020)]</p>
PRE-LU-09	<p>Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall record in the real property records of Umatilla County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland. [Final Order on ASC (2017), Land Use Condition 21, AMD1 (2020)]</p>
PRE-LU-10	<p>Prior to beginning construction of the 230-kV transmission line, the certificate holder shall submit evidence that all owners in the transmission line corridor have been consulted as required by ORS 215.276. [AMD1 (2024)]</p>
<b>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</b>	
PRE-RF-01	<p>Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility.</p>

	[Final Order on ASC (2017), Retirement and Financial Assurance Condition 4] [Mandatory Condition OAR 345-025-0006(8)]
PRE-RF-02	<p>Before beginning construction of the wind energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for wind facility components is \$28.4 million dollars (Q4 2023 dollars), to be adjusted to the date of issuance , and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition:</p> <ol style="list-style-type: none"> <li>a. The initial bond or letter of credit amount may be adjusted based on the final design configuration of the facility and the line items and unit costs presented in Attachment C of the Final Order on Amendment 1. Any revision to the restoration costs should be adjusted to the date of issuance as described in (b) and subject to review and approval by the Council.</li> <li>b. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: <ol style="list-style-type: none"> <li>1. Adjust the amount of the bond or letter of credit (expressed in Q4 2023 dollars to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services’ “Oregon Economic and Revenue Forecast” or by any successor agency and using the fourth quarter 2023 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust fourth 2023 dollars to present value.</li> <li>2. Round the result total to the nearest \$1,000 to determine the financial assurance amount.</li> </ol> </li> <li>c. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</li> <li>d. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.</li> </ol> <p>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 5; AMD2 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020); AMD1(2024)]</p>

**STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]**

PRE-FW-01	<ol style="list-style-type: none"> <li>a. Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. Areas within mapped Mule Deer Winter Range may be assumed to be Category 2 habitat; however, the boundaries of any areas of developed agriculture within Mule Deer Winter Range shall be surveyed to confirm changes. The survey shall be planned in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW.</li> <li>b. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources. The report shall also include tabular showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction survey shall be used to complete final design, facility layout, and micrositing of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage</li> </ol>
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	<p>for each transmission structure, wind turbine, access road, and all other facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary.</p> <p>c. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW.</p> <p>d. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 1, AMD1 (2024)]</p>
PRE-FW-02	<p>Prior to operation, the certificate holder shall finalize the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-2 of the <i>Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate</i> (November 2020), by updating the thresholds of concern in Section 3.6 of the WMMP in consultation with the Department and ODFW. The WMMP may be amended from time to time by agreement of the certificate holder and the Council. Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020), AMD1 (2024)]</p>
PRE-FW-03	<p>Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to areas with sensitive or protected plant species, including candidate species, wetlands and waterways that are not authorized for construction impacts, areas with seasonal restrictions, and active state sensitive species bird nests.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 8, AMD1 (2020)]</p>
PRE-FW-04	<p>Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare and receive approval from the Department of a final Habitat Mitigation Plan (HMP), substantially as presented in Attachment E of the <i>Final Order on Amendment 1 of the Site Certificate for Wheatridge Renewable Energy Facility East</i> (June 2024). The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP.</p> <p>a. The final Habitat Mitigation Plan and the department’s approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.</p> <p>b. The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Condition PRE-FW-01.</p> <p>c. The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final HMP.</p> <p>d. The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes</p>

	<p>methodology, habitat map and available acres by habitat category and subtype in tabular format.</p> <ul style="list-style-type: none"> <li>e. The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP: <ul style="list-style-type: none"> <li>i. Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction.</li> <li>ii. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction.</li> </ul> </li> <li>f. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area.</li> <li>g. The final HMP shall include mitigation in compliance with the Council’s Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity.</li> <li>h. The final HMP may be amended from time to time by agreement of the certificate holder and the Council. Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department.</li> </ul> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 10, AMD1 (2020), AMD1 (2024)]</p>
PRE-FW-05	<p>Before beginning construction of the facility, facility component, or phase, as applicable, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment D of the <i>Final Order on Amendment 1 of the Site Certificate for Wheatridge Renewable Energy Facility East</i> (June 2024), from the Department, in consultation with Umatilla and Morrow counties and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 11; AMD5 (2020), AMD1 (2024)]</p>
<b>STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]</b>	
PRE-TE-01	<ul style="list-style-type: none"> <li>a. Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall determine the boundaries of Category 1 Washington ground squirrel habitat. The certificate holder shall hire a qualified professional biologist who has experience in detection of Washington ground squirrel to conduct pre-construction surveys using a survey protocol approved by the department in consultation with ODFW. The biologist shall survey all areas of suitable habitat within 1,000 feet of any ground disturbing activity. Ground disturbing activity refers to any potential impact, whether permanent or temporary. The protocol surveys shall be conducted in the active squirrel season (March 1 to May 31). The protocol survey is valid for three years.</li> <li>b. If construction begins within three years of conducting the protocol survey, the certificate holder shall conduct a pre-construction survey of all suitable Washington ground squirrel habitat within 1,000 feet of previously identified Washington ground squirrel colonies where ground disturbing activity would occur.</li> <li>c. The certificate holder shall provide written reports of the surveys to the department and to ODFW and shall identify the boundaries of Category 1 Washington ground squirrel (WGS) habitat. The certificate holder shall not begin construction within suitable habitat until the</li> </ul>

	<p>identified boundaries of Category 1 WGS habitat have been approved by the department, in consultation with ODFW.</p> <p>d. The certificate holder shall avoid any permanent or temporary disturbance in all Category 1 WGS habitat. The certificate holder shall ensure that these sensitive areas are correctly marked with exclusion flagging and avoided during construction as required under Condition PRE-FW-03.</p> <p>[Final Order on ASC (2017), Threatened and Endangered Species Condition 1, AMD1 (2020), AMD1 (2024)]</p>
PRE-TE-02	<p>Prior to beginning operation, in accordance with Condition PRE-FW-02, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment G of the <i>Final Order on Amendment 1 of the Site Certificate for Wheatridge Renewable Energy Facility East</i> (June 2024), based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities.</p> <p>[Final Order on ASC (2017), Threatened and Endangered Species Condition 2, AMD1 (2024)]</p>
PRE-TE-03	<p>a. Before beginning construction of the facility, facility component, or phase, as applicable, the certificate holder must conduct preconstruction plant surveys for Lawrence’s milkvetch in all areas within 100-feet of temporary and permanent disturbance from all facility components, unless extent of survey area within suitable habitat from temporary and permanent disturbance is otherwise agreed upon by the Department on consultation with Oregon Department of Agriculture.</p> <p>b. Except as provided in section e, the certificate holder must install protection flagging at least 100 feet from the outer boundaries of all Lawrence’s milkvetch-occurrences that fall within the preconstruction survey area established under section a. The certificate holder must avoid any ground disturbance within the flagged zone.</p> <p>c. All plant protection zones shall be included on construction plans showing the final design locations.</p> <p>d. If herbicides are used to control weeds at the site, the certificate holder shall follow the manufacturer’s guidelines in establishing a buffer area around confirmed occurrences of Lawrence’s milkvetch. Herbicides must not be used within the established buffers.</p> <p>e. The certificate holder may not conduct ground disturbing activities within 100-feet of any Lawrence’s milkvetch occurrence until a final Lawrence’s milkvetch mitigation plan has been approved in accordance with Condition PRE-TE-04.</p> <p>[Final Order on ASC (2017), Threatened and Endangered Species Condition 3; AMD3 (2018); AMD4 (2019), AMD1 (2024)]</p>
PRE-TE-04	<p>a. Before beginning construction of the facility, facility component, or phase of construction, as applicable, the certificate holder shall submit a final Lawrence’s milkvetch mitigation plan to the Department for review and approval. The final plan must:</p> <ol style="list-style-type: none"> <li>1. Identify the amount of occupied Lawrence’s milkvetch habitat that will be impacted by the construction and operation of the facility, based on final facility design and layout, including areas of permanent and temporary disturbance and estimate the total number of individual plants likely to be impacted. Construction and operation of the facility may not result in the permanent disturbance of more than 5 acres, or temporary disturbance of more than 43 acres, of occupied Lawrence’s milkvetch habitat.</li> </ol>

2. Identify the mitigation measures that will be taken to address the impacts identified under section a.1. Mitigation measures may include:
    - i. Seed collection from the plants and populations impacted;
    - ii. Seed banking and long-term storage of seeds at a regional conservation seed bank;
    - iii. Research to assess wild-produced seed quality and viability;
    - iv. Plant reestablishment through seed or transplant introductions;
    - v. Research to assess plant reestablishment methods and success rates; and
    - vi. Other measures approved or proposed by the Oregon Department of Agriculture’s Native Plant Conservation Program.
  3. Identify the implementation schedule, monitoring activities, and success criteria for the mitigation measures under subsection a.2.
- b. The Department shall review the final mitigation plan in consultation with the Oregon Department of Agriculture’s Native Plant Conservation Program. If the Department determines that the mitigation measures, implementation schedule, monitoring activities, and success criteria identified in the final mitigation plan are consistent with those in the plan included as Attachment G to the *Final Order on Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility East (June 2024)*, the Department may approve the plan. If the Department determines that the mitigation measures, implementation schedule, monitoring activities, and success criteria identified in the final mitigation plan are not consistent with those in the plan included as Attachment G to the *Final Order on Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility East (June 2024)*, the Department shall present the plan to the Council for the Council’s review with a recommendation of approval, denial, or modification of the plan. To approve the plan, the Council must find that the plan contains sufficient measures to ensure that the construction and operation of the facility are not likely to cause a significant reduction in the likelihood of survival or recovery of Lawrence’s milkvetch populations.
- c. The certificate holder may propose amendments to the final mitigation plan at any time. The proposed amendments shall be subject to review under section b. of this condition.
- AMD1 (2024)

**STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]**

PRE-HC-01	<p>Before beginning construction within areas that have not been surveyed for historic, cultural, or archaeological resources, the certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Submit to the Department and SHPO a research design consistent with SHPO’s archeological guidelines, for Department review and approval.</li> <li>b. Complete archeological field investigations in accordance with the approved research design. Any new resources and management recommendations identified must be evaluated under OAR 345-027-0357 to determine whether a site certificate amendment is required.</li> </ol> <p>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 1, AMD1 (2024)]</p>
PRE-HC-02	<p>Before beginning construction of the facility, facility component, or phase, as applicable, the certificate holder shall flag or otherwise mark 200-foot avoidance buffers for all historic, cultural, or archaeological resource sites identified as eligible to listed on the National Register of Historic Places, or unevaluated for eligibility in RFA1 Exhibit S, Attachment S-1. The avoidance areas must be marked on construction maps and drawings as “no entry” areas. A copy of current maps and drawings must be maintained onsite during construction and made available to the department upon request.</p> <p>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 2, AMD1 (2024)]</p>

PRE-HC-03	<p>Before beginning construction, the certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-0070, trains construction contractors on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the department upon request.</p> <p>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 4]</p>
PRE-HC-04	<p>Prior to beginning construction of wind facility components within the viewshed of likely NRHP eligible historic properties Vey Ranch, Kenny Ranch, or the Bartholomew-Meyers Farm, the certificate holder must submit to the Department and the State Historic Preservation Office a complete Section 106 Documentation Form.</p>

**STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]**

PRE-PS-01	<p>a. Prior to construction of the facility, facility component, or phase, as applicable, the certificate holder shall prepare a Traffic Management Plan that includes procedures and policies for:</p> <ol style="list-style-type: none"> <li>1. Providing advance notice to all affected local jurisdictions essential and emergency service providers, and adjacent landowners of construction deliveries, road closures, and oversize load movements, and the potential for heavy traffic on local roads;</li> <li>2. Notifying and consulting with adjacent landowners and essential service providers prior to the start of construction to minimize disruptions to public services and agricultural operations.</li> <li>3. Using signage and traffic control measures to ensure safety and to minimize localized traffic congestion at locations where trucks enter or exit highways frequently.</li> <li>4. Including traffic control procedures in contract specifications for construction of the facility;</li> <li>5. Maintaining at least one open travel lane during road closures to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles, and maintaining emergency vehicle access at all times;</li> <li>6. Ensuring that no equipment or machinery is parked or stored on any county road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within county rights-of-way with the approval of the Morrow County and Umatilla County Public Works Departments;</li> <li>7. Encouraging and promoting carpooling for the construction workforce; and</li> <li>8. Keeping state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points.</li> </ol> <p>b. The plan shall be submitted to the Department for review and approval in consultation with Morrow County and Umatilla County. The certificate holder may not begin construction until the plan has been approved in writing.</p> <p>c. The approved plan shall be implemented throughout construction of the facility, facility component, or phase.</p> <p>[Final Order on ASC (2017), Public Services Condition 6, AMD1 (2024)]</p>
PRE-PS-02	<p>a. Before beginning construction of the facility, facility component, or phase of construction, as applicable, the certificate holder must enter into Road Use Agreements with the Morrow County and Umatilla County Public Works Departments. The Agreements must include, at a minimum, a pre-construction assessment of road surfaces under Morrow County and Umatilla County jurisdiction, construction monitoring, and post-construction inspection and repair.</p> <p>b. A copy of the Road Use Agreements with Morrow County and Umatilla County must be submitted to the department before beginning construction. If required by Morrow County or Umatilla County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility.</p> <p>[Final Order on ASC (2017), Public Services Condition 7, AMD1 (2024)]</p>

PRE-PS-03	<p>The certificate holder shall design and construct new access roads and private road improvements to standards approved by Umatilla County or Morrow County. Where modifications of county roads are necessary, the certificate holder shall construct the modifications entirely within the county road rights-of-way and in conformance with county road design standards subject to the approval of the Umatilla County and Morrow County Public Works Departments.</p> <p>[Final Order on ASC (2017), Public Services Condition 8]</p>
PRE-PS-04	<p>Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall submit to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration for each turbine. Before beginning construction, the certificate holder shall submit to the department the results of the Oregon Department of Aviation aeronautical study and determination. If the department, in consultation with the Oregon Department of Aviation, determines that any turbine would adversely impact an airport’s ability to provide service by obstructing the airport’s primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction.</p> <p>[Final Order on ASC (2017), Public Services Condition 9, AMD1 (2020)]</p>
PRE-PS-05	<p>a. Prior to construction of the facility, facility component, or phase, as applicable, the certificate holder shall submit an Emergency Management Plan based on consultation with local rural fire protection districts, and county emergency management agencies providing fire protection services for the area. The draft final plan shall be submitted to the Department for review and approval, including evidence of consultation with local rural fire protection districts and county emergency management agencies and shall include at a minimum:</p> <ol style="list-style-type: none"> <li>1. Current contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information.</li> <li>2. Identification of all Rural Fire Protection Districts, emergency service providers, and other agencies that will provide fire protection or respond to emergencies at the site;</li> <li>3. Identification of any agencies or entities that would assist in fire protection or emergency response activities at the site through mutual aid agreements;</li> <li>4. Identification of facility personnel or a contracted entity that will provide high-angle rescue and confined space rescue at the site;</li> <li>5. Contact information for each agency listed above;</li> <li>6. Communication protocols for both routine and emergency events and the incident command system to be used in the event a fire response by multiple agencies is needed at the facility;</li> <li>7. Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place;</li> <li>8. Protocols for wildfire suppression or response activities such as establishing fire breaks and containing fires, including protocols for protecting sensitive resources, including but not limited to, residences and infrastructure, agricultural operations, fish and wildlife habitat and special status species, and cultural resources during wildfire suppression or response activities.</li> </ol>

	<p>9. The designated meeting location in case of evacuation;</p> <p>10. Staff training requirements; and</p> <p>11. Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.</p> <p>b. During construction and operation, the plan, as approved in sub(a) of this condition shall be adhered to and maintained onsite. The plan shall be updated if determined necessary by the certificate holder, certificate holder’s contractor(s) or the Department to address hazards to public health and safety. Any Department required revisions shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address the hazard. Any updates to the plan shall be provided to the Department within 30 days.</p> <p>c. During construction and operation, all onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility as required by Condition GEN-PS-03.</p> <p>[Final Order on ASC (2017), Public Services Condition 13; AMD1 (2020), AMD1 (2024)]</p>
PRE-PS-06	<p>a. Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan shall, at a minimum:</p> <ol style="list-style-type: none"> <li>1. Include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, first aid kits, and automated external defibrillators; and the names, locations and contact information of nearby hospitals.</li> <li>2. Designate the workers that will be certified in first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators, in sufficient numbers to ensure that emergency care can be provided in a timely fashion. The certificate holder must retain records of the certifications and provide them to the Department upon request.</li> <li>3. Establish adequate training in safety and emergency response for all workers.</li> </ol> <p>b. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the facility, and available upon request by the department.</p> <p>[Final Order on ASC (2017), Public Services Condition 20, AMD1 (2024)]</p>
PRE-PS-07	<p>Deleted.</p> <p>[Final Order on ASC (2017), Public Services Condition 21, AMD1 (2024)]</p>
<b>STANDARD: Wildfire Prevention and Risk Mitigation (WP) [OAR 345-022-0115]</b>	
PRE-WP-01	<p>Prior to construction of the facility, facility component, or phase, the certificate holder shall finalize the draft Wildfire Mitigation Plan as provided in Final Order on Amendment 1 Attachment I, based on current available information, as applicable, and consultation with local rural fire protection districts, and county emergency management agencies providing fire protection services for the area. The final plan shall be submitted to the Department for review and approval, including evidence of consultation with local rural fire protection districts and county emergency management agencies.</p>
<b>STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]</b>	
PRE-WM-01	<p>Prior to construction, the certificate holder shall develop a construction waste management plan, which includes at a minimum:</p> <ol style="list-style-type: none"> <li>a. Specification of the number and types of waste containers to be maintained at construction sites and construction yards.</li> <li>b. A description of methods for segregating and recycling steel and metal scrap, wood waste, and packaging waste such as paper and cardboard.</li> </ol>

	<p>c. Names and locations of appropriate recycling and waste disposal facilities, and waste haulers, as well as the collection requirements, and hauling requirements to be used during construction.</p> <p>d. Methods for segregating all hazardous and universal wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.</p> <p>[Final Order on ASC (2017), Waste Minimization Condition 2, AMD1 (2024)]</p>
PRE-WM-02	<p>Deleted.</p> <p>[Final Order on ASC (2017), Waste Minimization Condition 3, AMD1 (2024)]</p>
<b>STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]</b>	
PRE-TL-01	<p>Prior to construction, the certificate holder shall schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities.</p> <p>[Final Order on ASC (2017), Siting Standard Condition 2]</p>
<b>STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]</b>	
PRE-NC-01	<p>Prior to construction, the certificate holder shall provide to the department:</p> <ol style="list-style-type: none"> <li>Information that identifies the final design locations of all facility components to be built at the facility;</li> <li>The maximum sound power level for the facility components and the maximum sound power level and octave band data for the turbine type(s), transformers (substation), invertors, AC- and DC-coupled battery storage cooling system selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the department;</li> <li>The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the department that the total noise generated by the facility (including turbines, transformers, invertors, AC- and DC-coupled battery storage cooling systems) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below. If applicable, the analysis must also identify the noise mitigation that will be used during facility operation and include a figure that depicts the turbines and other equipment, that will implement noise mitigation and the associated dBA reduction level; if required to meet the maximum allowable decibel threshold of 50 dBA; and,</li> <li>For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels <math>L_{10}</math> and <math>L_{50}</math> by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the wind energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.</li> </ol> <p>[Final Order on ASC (2017), Noise Control Condition 2; AMD3 (2018); AMD1 (2020), AMD1 (2024)]</p>



#### 4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
<b>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</b>	
CON-SP-01	<p>During construction, the certificate holder shall conduct all work in compliance with an Erosion and Sediment Control Plan (ESCP), and revised ESCPs, as applicable. The ESCP shall be revised if determined necessary by the certificate holder, certificate holder’s contractor(s) or the Department. Any Department-required ESCP-revisions shall be implemented within 14-days, unless otherwise agreed to by the Department based on a good faith effort to address erosion issues.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 1, AMD1 (2024)]</p>
CON-SP-02	<p>Deleted.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 2, AMD1 (2024)]</p>
<b>STANDARD: LAND USE (LU) [OAR 345-022-0030]</b>	
CON-LU-01	<p>During construction, the certificate holder shall comply with the following requirements:</p> <ol style="list-style-type: none"> <li>a. Construction vehicles shall use previously disturbed areas including existing roadways and tracks.</li> <li>b. New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 8, AMD1 (2024)]</p>
CON-LU-02	<p>During construction, the certificate holder shall install smooth turbine tower structures and turbine nacelles that lack perching or nesting opportunities for birds.</p> <p>[Final Order on ASC (2017), Land Use Condition 17]</p>
CON-LU-03	<p>During construction, the certificate holder shall install the electrical cable collector system underground, where practicable. In agricultural areas, the collector system lines must be installed at a depth of 3 feet or deeper as necessary to prevent adverse impacts on agriculture operations. In all other areas, the collector system lines must be installed a minimum of 3 feet where practicable.</p> <p>[Final Order on ASC (2017), Land Use Condition 19]</p>
<b>STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]</b>	
CON-FW-01	<p>No construction shall occur in mule deer winter range during winter, defined as December 1 to March 31. Mule deer winter range is based on data to be provided by ODFW at the time of construction. Upon request by the certificate holder, the Department may provide exceptions to this restriction. The certificate holder’s request must include a justification for the request including any actions the certificate holder will take to avoid, minimize or mitigate impacts to mule deer winter range during winter in the relevant area. The Department will consult with ODFW on any request made under this condition.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 3; AMD4]</p>
CON-FW-02	<ol style="list-style-type: none"> <li>a. Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities will not occur within the buffer zones established in section b for previously identified active nest sites during the sensitive nesting and breeding season.</li> <li>b. During construction within the time periods listed below, the certificate holder shall implement buffer zones around active nest sites of the species listed below. Active nest sites shall be identified based on the pre-construction raptor nest survey required under</li> </ol>

Condition PRE-FW-01 and previous surveys and be monitored during construction by a biological monitor, both of which shall be based on a protocol approved by the Department in consultation with ODFW- specifying methodology and frequency of monitoring. No ground-disturbing activities within the buffer zone shall occur during the seasonal restrictions unless a qualified biologist determines the active nest site is unoccupied for the season on or after May 31. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid ground-disturbing activity within the buffer zone during construction activities.

Sensitive Status Species	Buffer Size (Radius Around Nest Site):	Sensitive Nesting and Breeding Season:
Western burrowing owl	0.25 mile	April 1 to August 15
Ferruginous hawk	0.5 mile	March 5 to August 15
Swainson’s hawk	0.25 mile	April 1 to August 15

c. If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance.  
 [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 5; AMD3 (2018); AMD4 (2019), AMD1 (2024)]

CON-FW-03

During construction, the certificate holder shall employ a qualified environmental professional to provide environmental training to all personnel prior to working onsite, related to sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. All personnel shall be given clear maps showing areas that are off-limits for construction, and shall be prohibited from working outside of the areas in the site boundary that have been surveyed and approved for construction. The certificate holder shall instruct construction personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager. Records of completed training shall be maintained onsite and made available to the department upon request.  
 [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 7]

CON-FW-04

During construction, the certificate holder shall employ at a minimum one environmental inspector to be onsite daily while ground-disturbing activities are ongoing. The environmental inspector shall oversee permit compliance and construction, and ensure that known sensitive environmental resources are protected. The environmental inspector shall prepare a weekly report during construction, documenting permit compliance and documenting any corrective actions taken. Reports shall be kept on file and available for inspection by the department upon request.  
 [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 9]

**STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]**

CON-HC-01	<p>a. During construction of the facility, facility component, or phase, as applicable, the certificate holder shall prohibit disturbance within the 200-foot buffer zones for all likely eligible and unevaluated historic, cultural, or archaeological resource sites as identified in RFA1 Exhibit S Attachment S-1 unless:</p> <ol style="list-style-type: none"><li>1. The resources are determined by a qualified archaeologist not eligible for NRHP listing and concurred by the State Historic Preservation Office (SHPO) review; or,</li><li>2. A Historic, Cultural, and Archaeological Resources Monitoring and Mitigation plan has been submitted to and accepted by the Department in consultation with CTUIR and SHPO. The plan must include for a Tribal Monitor or Qualified Archaeologist to be present during any construction activities within the buffer, and for appropriate mitigation of any impacts to resources, such as: additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with CTUIR and SHPO.</li></ol> <p>b. The no-entry restriction does not apply to public road rights-of-way within buffer areas.</p> <p>c. Flagging or marking must be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected.</p> <p>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 3; AMD4 (2019), AMD1 (2024)]</p>
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CON-HC-02	<p>a. During construction, the certificate holder shall implement an Inadvertent Discovery Plan approved by the Department in consultation with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Oregon State Historic Preservation Office (SHPO). The plan shall ensure that:</p> <ol style="list-style-type: none"><li>1. Construction personnel cease all ground-disturbing activities in the immediate area if any archeological or cultural remains are found during construction of the facility until a qualified archeologist can evaluate the significance of the find.</li><li>2. The certificate holder notifies the Department, the CTUIR, and the Oregon State Historic Preservation Office (SHPO) of the find.</li><li>3. If the Department, in consultation with the CTUIR and SHPO, determines that the resource meets the definition of a cultural or archaeological site or object that is eligible or likely to be eligible for listing on the National Register of Historic Places), the certificate holder shall implement 200-ft avoidance buffers as provided in Condition CON-HC-01.</li></ol> <p>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 5, AMD1 (2024)]</p>
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**STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]**

CON-PS-01	<p>a. During construction, the certificate holder shall implement the construction waste management plan required by Condition PRE-WM-01:</p> <p>b. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured.</p> <p>c. The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).</p> <p>[Final Order on ASC (2017), Public Services Condition 3, AMD1 (2024)]</p>
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CON-PS-02	During construction of the facility, the certificate holder shall provide for 24-hour on-site security, and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office and Umatilla County Sheriff's Office. [Final Order on ASC (2017), Public Services Condition 10]
CON-PS-03	During construction of the facility, the certificate holder shall ensure that turbine construction personnel are trained and equipped for fall protection, high angle, and confined space rescue. The certificate holder must retain records of the training and provide them to the department upon request. [Final Order on ASC (2017), Public Services Condition 14]
CON-PS-04	All wind turbines shall be constructed with a minimum of 10 feet of nonflammable and non-erosive ground cover on all sides. The certificate holder shall cover turbine pad areas with nonflammable, non-erosive material immediately following exposure during construction and shall maintain the pad area covering during facility operation. [Final Order on ASC (2017), Public Services Condition 16, AMD1 (2024)]
CON-PS-05	Deleted. [Final Order on ASC (2017), Public Services Condition 17, AMD1 (2024)]
<b>STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WP) [OAR 345-022-0115]</b>	
CON-WP-01	During construction of the facility, the certificate holder shall implement and require all onsite contractors and employees to adhere to the Wildfire Mitigation Plan required under Condition PRE-WP-01. Updates to the Wildfire Mitigation Plan may be required if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department to address wildfire hazard to public health and safety. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.
<b>STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]</b>	
CON-WM-01	<ul style="list-style-type: none"> <li>a. During construction, the certificate holder shall require construction contractors to complete the following for any disposal of excess soil outside of construction disturbance areas: <ul style="list-style-type: none"> <li>1. Obtain and provide the certificate holder with a signed consent agreement between contractor and the party receiving the earth materials authorizing the acceptance and disposal of the excess soil; and,</li> <li>2. Confirm that all disposal sites have been inspected and approved by the certificate holder's environmental personnel to ensure that sensitive environmental resources, such as wetlands or high quality habitats, would not be impacted.</li> </ul> </li> <li>b. The certificate holder shall maintain copies of all signed consent agreements and disposal site inspection and approvals onsite and shall provide to the department in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).</li> </ul> [Final Order on ASC (2017), Waste Minimization Condition 1, AMD1 (2024)]
<b>STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]</b>	
CON-WF-01	During construction, the certificate holder shall install pad-mounted step-up transformers at the base of each tower in steel boxes designed to protect the public from electrical hazards. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 1]
CON-WF-02	Prior to and during operations the certificate holder shall: <ul style="list-style-type: none"> <li>a. Install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, connected to a fault annunciation panel or supervisory control and data acquisition (SCADA) system to alert operators to potentially dangerous conditions.</li> </ul>

	<ul style="list-style-type: none"> <li>b. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire. The certificate holder shall immediately remedy any dangerous conditions.</li> <li>c. Submit to the Department materials or other documentation demonstrating the facility’s operational safety-monitoring program and cause analysis program, for review and approval. The program shall, at a minimum, include requirements for regular turbine blade and turbine tower component inspections and maintenance, based on wind turbine manufacturer recommended frequency.</li> <li>d. The certificate holder shall document inspection and maintenance activities including but not limited to date, turbine number, inspection type (regular or other), turbine tower and blade condition, maintenance requirements (i.e. equipment used, component repair or replacement description, impacted area location and size), and wind turbine operating status. This information shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility’s annual compliance report.</li> <li>e. In the event of blade or tower failure, the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 90-days of blade or tower failure event, submit a cause analysis to the Department for its compliance evaluation.</li> </ul> <p>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 4; AMD3 (2018)]</p>
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**STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]**

<p>CON-TL-01</p>	<p>During construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields and submit verification to the Department, including:</p> <ul style="list-style-type: none"> <li>a. Constructing all aboveground collector and transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.</li> <li>b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground.</li> <li>c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground.</li> <li>d. Developing and implementing a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, irrigation systems, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line (OAR 345-025-0010(4)).</li> <li>e. Providing to landowners a map of underground, with any applicable NESC demarking for underground facilities, and overhead transmission lines on their property and advising landowners of possible health and safety risks from induced currents caused by electric and magnetic fields.</li> <li>f. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.</li> <li>g. Increasing the intraconnection transmission line height, shielding the electric field, or installing access barriers, if needed, to prevent induced current and nuisance shock of mobile vehicles.</li> <li>h. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.</li> </ul>
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	<ul style="list-style-type: none"> <li>i. Designing, constructing and operating the transmission line in accordance with the requirements of the version of the National Electrical Safety Code that is most current at the time that final engineering of each of these components is completed (OAR 345-025-0010(4)).</li> <li>j. Implement a safety protocol to ensure adherence to NESC grounding requirements. [Final Order on ASC (2017), Siting Standard Condition 1; AMD4 (2019)]</li> </ul>
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**STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]**

<p>CON-NC-01</p>	<p>During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall:</p> <ul style="list-style-type: none"> <li>a. Establish and enforce construction site and access road speed limits;</li> <li>b. Utilize electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible;</li> <li>c. Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties;</li> <li>d. Utilize noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only;</li> <li>e. Equip all noise-producing construction equipment and vehicles using internal combustion engines with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and,</li> <li>f. Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request.</li> </ul> <p>[Final Order on ASC (2017), Noise Control Condition 1]</p>
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4.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
<b>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</b>	
PRO-SP-01	<p>Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan that meets the requirements of 40 CFR part 112, if required. If an SPCC plan is not required, the certificate holder shall prepare and submit to the Department for review and approval an operational Spill Prevention and Management plan. The Spill Prevention and Management Plan shall include at a minimum the following procedures and BMPs:</p> <ol style="list-style-type: none"> <li>a. Procedures for oil and hazardous material emergency response consistent with OAR 340, Division 100-122 and 142</li> <li>b. Procedures demonstrating compliance with all applicable local, state, and federal environmental laws and regulations for handling hazardous materials used onsite in a manner that protects public health, safety, and the environment</li> <li>c. Current inventory (type and quantity) of all hazardous materials stored onsite, specifying the amounts at each substation and battery storage system location</li> <li>d. Restriction limiting onsite storage of diesel fuel or gasoline</li> <li>e. Requirement to store lubricating and dielectric oils in quantities equal to or greater than 55-gallons in qualified oil-filled equipment</li> <li>f. Preventative measures and procedures to avoid spills               <ol style="list-style-type: none"> <li>1. Procedures for chemical storage</li> <li>2. Procedures for chemical transfer</li> <li>3. Procedures for chemical transportation</li> <li>4. Procedures for fueling and maintenance of equipment and vehicles</li> <li>5. Employee training and education</li> </ol> </li> <li>g. Clean-up and response procedures, in case of an accidental spill or release</li> <li>h. Proper storage procedures</li> <li>i. Reporting procedures in case of an accidental spill or release</li> </ol> <p>[Final Order on ASC (2017), Soil Protection Condition 5; AMD2 (2017), AMD1 (2024)]</p>
<b>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</b>	
PRO-PS-01	<p>Prior to operation of the facility, the certificate holder shall ensure that operations personnel are trained and equipped for fall protection and tower rescue, including high angle and confined space rescue. Refresher training in high angle and confined space rescue must be provided to operations personnel on an annual basis throughout the operational life of the facility. The certificate holder must retain records of the training and provide them to the department upon request.</p> <p>[Final Order on ASC (2017), Public Services Condition 15]</p>
PRO-PS-02	<p>Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first-responders included in the Emergency Management Plan required under Condition PRE-PS-05. The certificate holder must indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate holder shall provide an updated site plan if additional turbines or other structures are later added to the facility.</p> <p>[Final Order on ASC (2017), Public Services Condition 19, AMD1 (2024)]</p>
PRO-PS-03	<p>Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. The</p>

	<p>certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that operations and maintenance personnel are at the facility.</p> <p>[Final Order on ASC (2017), Public Services Condition 22]</p>
<p><b><i>STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WP) [OAR 345-022-0115]</i></b></p>	
<p>PRO-WP-01</p>	<p>Prior to beginning operation, the certificate holder shall update and submit to the Department the Wildfire Mitigation Plan (WMP) required under Condition PRE-WP-01 to address wildfire risk at the site based on final facility design and layout. The updated Wildfire Mitigation Plan is subject to Department review and approval.</p> <p>[AMD1 (2024)]</p>



#### 4.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
<b>STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]</b>	
OPR-GS-01	<p>The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility.</p> <p>[Final Order on ASC (2017), Mandatory Condition 1] [OAR 345-025-0006(2)]</p>
<b>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</b>	
OPR-SP-01	<p>During facility operation, the certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Inspect and maintain all facility components including roads, pads, and other facility components at least once every calendar quarter and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion. The certificate holder must maintain records of inspections and repairs and make the records available to the Department for inspection upon request.</li> <li>b. Restrict vehicles to constructed access roads and ensure material laydown or other maintenance activities occur within graveled areas to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility.</li> <li>c. If in order to serve the operational needs of the energy facility, or related or supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction.</li> </ol> <p>[Final Order on ASC (2017), Soil Protection Condition 6, AMD1 (2024)]</p>
<b>STANDARD: LAND USE (LU) [OAR 345-022-0030]</b>	
OPR-LU-01	<p>Within one month of commencement of commercial operation, the certificate holder shall submit an as-built survey for each construction phase that demonstrates compliance with the setback requirements in Land Use Condition 1 to the department and Morrow County.</p> <p>[Final Order on ASC (2017), Land Use Condition 2]</p>
OPR-LU-02	<p>During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the final Revegetation Plan referenced in Condition PRE-FW-05.</p> <p>[Final Order on ASC (2017), Land Use Condition 10]</p>
OPR-LU-03	<p>Before beginning decommissioning activities, the certificate holder must provide a copy of the final retirement plan to Morrow County and Umatilla County.</p> <p>[Final Order on ASC (2017), Land Use Condition 23]</p>
OPR-LU-04	<p>Before beginning electrical production, the certificate holder shall prepare an Operating and Facility Maintenance Plan (Plan) and submit the Plan to the department for approval in consultation with Umatilla and Morrow Counties.</p> <p>[Final Order on ASC (2017), Land Use Condition 25]</p>

OPR-LU-05	<p>Within 90 days of the commencement of electrical service from Wheatridge East, the certificate holder shall provide a summary of as-built changes to the department and Umatilla County. [Final Order on ASC (2017), Land Use Condition 26]</p>
OPR-LU-06	<p>Prior to facility retirement, the certificate holder must submit a proposed final retirement plan to the Council as required by OAR 345-027-0110(4).</p> <ol style="list-style-type: none"> <li>a. The proposed final retirement plan must provide for the following restoration activities: <ol style="list-style-type: none"> <li>1. Dismantle turbines, towers, pad mounted transformers, meteorological towers and related aboveground equipment, and remove concrete pads to a depth of at least three feet below the surface grade.</li> <li>2. Remove underground collection and communication cables that are buried less than three feet in depth and are deemed by Council to be a hazard or a source of interference with surface resource uses.</li> <li>3. Remove gravel from areas surrounding turbine pads.</li> <li>4. Remove and restore private access roads unless the landowners direct otherwise.</li> <li>5. Following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses.</li> <li>6. Revegetate disturbed areas in consultation with the landowner and in a manner consistent with the final Revegetation Plan required under Condition PRE-FW-05.</li> <li>7. If the landowner wishes to retain certain facilities, provide a letter from the landowner that identifies the roads, cleared pads, fences, gates and other improvements to be retained and a commitment from the landowner to maintain the identified facilities for farm or other purposes permitted under the applicable zone.</li> </ol> </li> <li>b. Following review and approval of the final retirement plan, the certificate holder must conduct all work associated with restoration activities in compliance with a final Erosion and Sediment Control Plan (ESCP) that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 27, AMD1 (2024)]</p>
<b>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</b>	
OPR-RF-01	<p>During facility operation, the certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall submit copies of inspection documentation in its annual report to the Department.</li> <li>b. Provide evidence in its annual report to the Department of active property coverage under its commercial business insurance from high loss-catastrophic events, including but not limited to onsite fire or explosion.</li> </ol> <p>[Final Order on AMD2 (2018), Retirement and Financial Assurance Condition 6]</p>
<b>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</b>	
OPR-PS-01	<p>Deleted. [Final Order on ASC (2017), Public Services Condition 1; AMD1(2024)]</p>
OPR-PS-02	<p>Deleted. [Final Order on ASC (2017), Public Services Condition 2; AMD1(2024)]</p>

OPR-PS-03	<p>a. Prior to operation, the certificate holder shall submit to the Department for approval an Operational Waste Management Plan that includes at a minimum:</p> <ol style="list-style-type: none"> <li>1. Onsite handling procedure for operational replacement of damaged, defective or recalled lithium-ion batteries. The procedure shall identify applicable 49 CFR 173.185 provisions and address, at a minimum, onsite handling, packaging, interim storage, and segregation requirements.</li> <li>2. Training employees to handle, replace, and store damaged, defective or recalled lithium-ion batteries; minimize and recycle solid waste.</li> <li>3. A description of the methods for segregating and recycling paper products, metals, glass, and plastics and other recyclable materials.</li> <li>4. A description of the methods for safely handling, storing and recycling used oil and hydraulic fluid.</li> <li>5. A description of the methods and vendors for the packaging, transport, and recycling or reuse of wind turbine blades, or an explanation of why no reasonable option for the recycling or reuse of wind turbine blades is available.</li> <li>6. Procedures for collecting and transporting non-recyclable waste to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance.</li> <li>7. Segregating all hazardous and universal, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights, lithium-ion batteries, lead-acid and nickel-cadmium batteries, and replaced, damaged, defective or recalled lithium-ion batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.</li> </ol> <p>b. During operation, the certificate holder shall implement the approved Operational Waste Management Plan.</p> <p>[Final Order on ASC (2017), Public Services Condition 4; AMD2 (2018), AMD1 (2024)]</p>
OPR-PS-04	<p>During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site.</p> <p>[Final Order on ASC (2017), Public Services Condition 12]</p>
<b>STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WP) [OAR 345-022-0115]</b>	
OPR-WP-01	<p>During operation of the facility, the certificate holder shall implement the Operational Wildfire Mitigation Plan, as finalized in Condition PRO-WP-01. During every year of operation, the plan shall be updated to account for changes in local fire protection agency personnel or capabilities, wildfire risk at the site, and changes in best practices for minimizing and mitigating fire risk. The updated plan shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility's annual compliance report and is subject to Department review and approval.</p> <p>[AMD1 (2024)]</p>
<b>STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]</b>	
OPR-WF-01	<p>During operation, the certificate holder shall ensure each facility substation and battery storage systems are enclosed with appropriate fencing and locked gates to protect the public from electrical hazards.</p> <p>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 2; AMD2 (2018)]</p>
<b>STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]</b>	
OPR-TL-01	<p>During operation, the certificate holder shall:</p>

	<p>a. Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement.</p> <p>b. File the following required information with the Commission:</p> <ul style="list-style-type: none"> <li>• 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission’s authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS 757.035 must provide the commission with the following information before January 2 of each even-numbered year:</li> <li>• The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; and</li> <li>• The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public.</li> <li>• In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line changes, the person who engages in the operation of the electric power line must notify the commission of the change as soon as practicable, but no later than within 90 days.</li> <li>• If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3]</li> </ul> <p>c. Provide OPUC Safety Staff with:</p> <ul style="list-style-type: none"> <li>• Maps and Drawings of routes and installation of electrical supply lines showing: <ul style="list-style-type: none"> <li>• Transmission lines and structures (over 50,000 Volts)</li> <li>• Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts)</li> <li>• Substations, roads and highways</li> <li>• Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer).</li> </ul> </li> </ul> <p>[Final Order on ASC (2017), Siting Standard Condition 3]</p>
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**STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]**

OPR-NC-01	<p>During operation of the facility, if required to meet the maximum allowable decibel threshold of 50 dBA, the certificate holder shall only operate the facility with the noise mitigation that is identified prior to construction pursuant to Condition PRE-NC-01. After beginning operation of the facility, the certificate holder shall include documentation in its annual Compliance Report confirming that the noise mitigation measures implemented at the turbines and other equipment identified in the preconstruction analysis required by Condition PRE-NC-01 are at or below the identified dBA reduction level.</p> <p>[Final Order on ASC (2017), Noise Control Condition 3; AMD1 (2024)]</p>
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OPR-NC-02	<p>During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint,</p>
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	<p>the complainant’s contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint. [Final Order on ASC (2017), Noise Control Condition 4]</p>
<p>OPR-NC-03</p>	<p>During operation, in response to a complaint from the owner of a noise sensitive property regarding noise levels from the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder. [Final Order on ASC (2017), Noise Control Condition 5]</p>

**4.7 Retirement Conditions (RET)**

<b>Condition Number</b>	<b>Retirement (RET) Conditions</b>
<b>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</b>	
RET-RF-01	<p>The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-025-0006(9). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site.</p> <p>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 2]  [Mandatory Condition OAR 345-025-0006(9)]</p>
RET-RF-02	<p>If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-025-0006(9), the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council’s approval.</p> <p>Upon the Council’s approval of the final retirement plan, the Council may draw on the bond or letter of credit described in section (8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.</p> <p>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 3]  [Mandatory Condition OAR 345-025-0006(16)]</p>

**5.0 Successors and Assigns**

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

**6.0 Severability and Construction**

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

**7.0 Execution**

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

**IN WITNESS THEREOF**, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Wheatridge East, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (certificate holder/certificate holder owner).

**ENERGY FACILITY SITING COUNCIL**

**WHEATRIDGE EAST WIND, LLC**

By: *Kent Howe*  
Kent Howe (Jun 6, 2024 09:38 PDT)

By: *Anthony Pedroni*  
Anthony Pedroni (Jun 6, 2024 07:53 EDT)

Date: 06-Jun-2024

Date: 06-Jun-2024

Attachment A  
WREFE Site Boundary Map



