

WINDY FLATS WEST WIND ENERGY PROJECT  
MITIGATION CONDITIONS

***GEOTECHNICAL<sup>1</sup>***

1. Prior to building permit issuance, prepare a preconstruction geologic hazard report that addresses the performance standards in the Critical Areas Ordinance (CAO) and submit it to Klickitat County.
2. Design roads, crane pads, and all structural and turbine foundations in consultation with a professional geotechnical engineer. Submit designs, including road designs, to Public Works and Building department before building permit issuance, and before commencing construction activity.
3. Design structural foundations, buildings, and structures consistent with applicable seismic zone requirements.

***EROSION / DUST CONTROL / STORMWATER / AIR***

4. The Project will use or upgrade existing roads where possible and minimize construction of new access roads.
5. Other than upgrades to existing roads, no Project facilities will be constructed in drainage features.
6. Construction of the transmission line will minimize clearing or grading of soil or vegetation.
7. Provide up to 6 inches (15 cm) of gravel surface on all Project roads, as necessary, to reduce wind erosion.
8. If drainage ditches, culverts, and stormwater facilities are required they will be designed for year round conditions including winter snowmelt factors.
9. Drainages in the Project area will be crossed using existing road crossings and, if required, existing culverts will be replaced to accommodate the 100-year/24-hour storm event.
10. Prior to building permit issuance, prepare a SWPPP (Stormwater Pollution Prevention Plan) compliant with Washington State Department of Ecology's Construction Stormwater General Permit and the Stormwater Manual for Eastern Washington. The Plan will be implemented consistent with the approved DOE permits and documentation of implementation and monitoring will be provided to the County on a quarterly basis.
11. Prior to building permit issuance, permanent and construction stormwater drainage systems will be designed in consultation with a professional engineer and submitted to the Planning Department. The stormwater drainage system will be designed to handle the 24 hour rainfall of a 100 year storm event. If drainage ditches, culverts, and stormwater facilities are required they will be designed for year round conditions including winter snowmelt factors. Construction will proceed in compliance with the design. Prior to restoration activities the construction stormwater

---

<sup>1</sup> These subheadings do not necessarily reflect all issues the condition is aimed to address, but are designed solely for ease of reference.

pollution prevention features will be redesigned to function as permanent stormwater management components of the Project.

12. Avoid clearing and grading during wet seasons or periods of rainy weather. If drainage ditches, culverts, and stormwater facilities are required they will be designed for year round conditions including winter snowmelt factors.
13. During construction, monitor the Project Site for erosion on a weekly basis and after large rainfall or snowmelt events and take corrective action as needed.
14. Dust Control:
  - Protect all exposed soil surfaces that are not actively used during construction by using biodegradable erosion-control mats (in areas of high winds) or weed-free straw. Use water or other dust suppressant measures when and where appropriate. Maintain a water truck on site during construction for dust suppression.
  - Remove or cover stockpiled soils if rain is forecast or apparent.
  - Cover construction materials and soils if they are a source of fugitive dust.
  - Cover storage piles at concrete batch plants if they are a source of fugitive dust.
  - Use dust abatement techniques during earthmoving activities and during clearing.
  - Keep soil loads below the freeboard of trucks and cover loads during road travel.
  - Limit traffic speeds on unpaved roads to 25 miles per hour to minimize generation of dust.
15. Idling of trucks and other heavy equipment, such as concrete delivery trucks, will be minimized to the extent possible.
16. If project construction results in cut and fill within U.S. Army Corps of Engineers' jurisdictional waters, obtain required permits from the Corps.
17. Construction laydown/fabrication yard will include lubrication/fuel storage/fueling and truck washdown area, to minimize potential for fuel spill.
18. Coordinate timing of construction to mitigate dust emissions, taking advantage of seasonal/weather conditions and, where possible, avoiding dry, low-precipitation periods where dust occurrence is high.
19. Use of on-site aggregate borrow pits shall be restricted to Project use; on-site aggregate borrow pit(s) shall not exceed three acres in size (individually or cumulatively) unless a Surface Mine Reclamation Permit is secured from DNR. On-site aggregate borrow pits shall be reclaimed with soil cover and revegetation consistent with a County Planning Department approved revegetation plan following completion of the Project. Applicant shall coordinate with the Department of Natural Resources if a Surface Mine Reclamation Permit is required. Applicant shall contact the Department of Ecology to determine if a Sand and Gravel General Permit is required.
20. Ecology's Air Quality Program requires all portable rock crushers to obtain coverage under the Portable Rock Crusher General Order of Approval or a separate Notice of Construction (NOC) Air Quality Permit, prior to crushing rock in Ecology's jurisdictional counties. The rock crusher operator is responsible to contact Ecology's Air Quality Program and obtain proper approval.
21. Maintain all construction and operation equipment/vehicles to be compliant with applicable state and federal emissions standards.
22. Encourage carpooling among construction workers to minimize construction-related traffic and associated emissions.

## **ROADS**

23. A Road Impact Assessment /Geotechnical Report shall be prepared for roads to be used by the project. The assessment shall include analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning. The report and any subsequent amendments shall be used as a discipline study and shall be incorporated into the Road Haul Agreement between the Applicant and the County.
24. Except as otherwise provided by the Haul Road Agreement (see below), any County road used to access the Project must meet County road standards for all-weather roads, including, adequate drainage and structural sections to provide year round access without increasing County maintenance costs, and applicant is responsible for all improvements necessary to meet these standards prior to the commencement of construction. The applicant shall consult with County Public Works on the implementation of this condition, and on the potential for joint funding of such County road improvements from other projects that may use such roads.
25. Before building permit issuance, the Applicant shall enter into a Haul Road Agreement with the County Department of Public Works. At minimum, the Agreement must:
  - Identify location of all routes used during the implementation, construction, maintenance, operation, and decommissioning of the Project.
  - Identify the number of trips, type of vehicle, material hauled, weight, (ESALs) width, and height of anticipated loads for each road segment.
  - Identify the anticipated source location for products used in the construction, maintenance, including aggregate sites, concrete batch sites and water to be used for the Project and identify the anticipated haul routes to the Project.
  - Identify a schedule including time of year for the various types of loads.
  - Identify and assess all features that may be affected by long or wide loads including location of utility poles, sharp curves, tight turning radii at intersections, current traffic volumes, location of residences, the current condition of each proposed haul route, with regard to geometric conditions.
  - Identify and assess all features that may be structurally insufficient for the proposed traffic volume or loads. A pavement or bridge analysis must be performed by a licensed Geotechnical or Structural Engineer with expertise in pavement design and analysis and/or structural engineering for the roads and bridges proposed as haul routes.
  - Identify and assess potential overhead obstructions such as overhead lines and bridges.
  - The Engineer shall identify and assess potential damages to each haul route if used during inclement weather or seasonally weakened periods. A contingency plan shall be submitted which identifies a clear course of action when seasonal freeze/thaw cycles close county roads to truck traffic. The plan should identify any all weather haul routes and define how drivers will be notified in advance of closures.
  - Identify and assess cumulative impacts of the Project in combination with use of haul routes by other known Projects.
  - Identify feasible steps within project owner's control to encourage compliance with traffic laws vehicles by workers, vendors, and related traffic.
  - Include Letter of Credit or other security approved by Public Works in amounts sufficient to ensure necessary improvements are completed and to provide for the upgrade and/or repair and maintenance of roads, as approved by the Public Works Department. In addition, the

security will be used to cover all costs associated with the administration and oversight of the various energy projects.

- Commitment to participate in and not protest formation of Road Improvement District and/or late-comers agreement for County road improvements, as determined by the County Public Works Department.<sup>2</sup> Nothing in this permit requires the Applicant to waive rights to challenge any special benefit assessment.

The Applicant is responsible for damage from all traffic generated by the project (labor, vendors, etc.) All generated traffic is required to use the identified Haul Route. If needed, the applicant may designate an alternative “plan B,” route, with written authorization from the County to utilize “plan B.”

26. Use of County roads will be limited to those roads that are built to current County standards for all weather roads and that are sufficient for loads at/under legal weight restrictions, except as provided by the Haul Road Agreement.
27. The applicant shall also obtain such approvals or franchises as are necessary under State and County law before constructing Project utility lines within the County right of way. Applicant shall obtain approach permits from Public Works Department for road approach access to County roads.
28. The Project’s construction traffic shall not cause any roads within the County to fall into disrepair due to heavy loads, increased ADT or other causes, and the Project shall be responsible for any damage to those County roads caused by its construction traffic or otherwise. This is in addition to any required maintenance (e.g., removal of mud and debris) to County roads that result from the Project.
29. The Project shall develop and implement a construction traffic management plan to ensure the safe movement of construction traffic throughout the project. Construction traffic management plan and/or intersection plans must be submitted to and approved by the Washington State Department of Transportation (as to state highways) and the County prior to construction.  

The construction traffic management plan shall include any improvements or alternate construction traffic routing on roads within the County, as is necessary to achieve the safe movement of construction traffic to and through the project site. The applicant will coordinate with the County and Department of Transportation on these issues during preparation of the plan, and throughout project construction. The plan shall be approved before building permits are issued.
30. After all construction all road-related impacts will be reduced to the operational width of 40 feet or less, and the remaining area restored including replacing top soil if appropriate and reseeded.
31. All work performed within the Washington State Department of Transportation right-of-way shall require technical review, permits, inspection and approval by WSDOT. Applicant shall contact WSDOT to coordinate the permit process.
32. Crossings of streams by access roads shall maintain compliance with the Critical Areas requirements; culverts shall be sized to maintain original direction and volume of flow at each crossing site.

---

<sup>2</sup> To the extent that the applicant is required by the Haul Road Agreement to upgrade or improve or construct public rights of way, the County may, upon the applicant’s request, provide a process under Chapter 35.72 RCW for potential reimbursement payments from property owners/developers who subsequently develop property with similar improvements that cause use of and/or impact to the rights of way.

### ***SITE RESTORATION***

33. Before Building Permit issuance, prepare a decommissioning plan consistent with the County's "model decommissioning plan," outlining the circumstances under which individual turbines would be removed from the site, methods to restore areas previously containing turbines, and methods for decommissioning the overall Project and restoring the overall site. Provide financial security acceptable to the County to ensure proper decommissioning of the turbines and associated facilities/improvements. The decommissioning plan, including the security/financial arrangements, shall be approved by the County before building permits are issued.
34. After construction, reduce all road-related impacts to the operational width of 40 feet, or less, and restore and reseed the remaining area. Replace topsoil if appropriate. Restore all construction work space around turbines, except for approximately 4,800 square feet.
35. Develop a reseeded/restoration and weed management plan in consultation with the Klickitat County Weed Control Board, to be implemented and updated over the lifetime of the Project. The Project will re-vegetate any disturbed areas that are not permanently occupied by Project features in accordance with the approved plan. All reseeded restored areas will be monitored for 5 years or until vegetation is reasonably established.
36. After construction, all access roads to the Project site will be gated to prevent public access without prior approval.

### ***NOISE***

37. Minimize noise impacts as follows:
  - a. Maintain sound levels under the maximum levels for the adjacent receiving properties based on the receiving properties' environmental designation for noise abatement per state regulations.
  - b. Minimize idling of trucks and other heavy equipment such as concrete delivery trucks to the extent possible.
  - c. Do not perform construction within 1,000 feet (305 m) of occupied buildings on Sundays, legal holidays or between 10 p.m. and 6 a.m. on other days.
  - d. Where feasible, equip construction equipment with noise control devices and muffled exhaust systems.
  - e. Ensure that all equipment have sound control devices no less effective than those provided on the original equipment.
  - f. Ensure that all construction equipment is adequately muffled and maintained.
  - g. Locate all stationary construction equipment as far away as practicable from nearby residences.
  - h. Whenever feasible, conduct different noisy activities, such as blasting and heavy equipment earth moving, simultaneously, since additional sources of noise do not add significant amounts of noise.
  - i. Do not perform pile driving or blasting within 3,000 feet of an occupied dwelling on Sundays, holidays or between 8 p.m. and 8 a.m. on other days. If blasting is required, notify nearby residences in advance.
  - j. Maintain compliance with applicable local and state noise regulations.

### ***WILDLIFE HABITAT/PLANTS***

39. Prior to building permit issuance, conduct a contractor training program before groundbreaking to explain restrictions protecting wildlife, habitat, and critical area features in or near the construction zone.
40. Minimize permanent construction disturbance by flagging the limits of the construction zone to avoid sensitive areas designated for preservation, including:
  - High quality native plant communities and priority habitats;
  - An area extending 200 feet from streams with fish habitat;
  - An area extending 1,300 feet from bald eagle roosts during October through March;
  - An area extending 1,300 feet from occupied red tailed hawk nests or other raptors between April 15 and August 31 (dates to be tailored to specific species nesting periods);
  - An area extending 400 feet from occupied western gray squirrel nest between March 1 and September 30 for general construction and 1,300 feet (400 m) for blasting or pile driving.
  - An area extending 75 feet from any western gray squirrel nest;<sup>3</sup>
  - Federal and/or state threatened, endangered, or candidate status plants with potential occurrence in the Project, if found during field surveys.
41. Construction shall avoid sensitive areas such as surveyed and mapped populations of rare plants.
42. Before building permit issuance, for temporarily impacted upland habitat, prepare a restoration plan in consultation with WDFW, Klickitat County Planning Department, Klickitat County Weed Control Board, project wildlife biologist or botanist, and respective landowners that includes site preparation, reseeding with appropriate vegetation (i.e. native shrubs, fobs, grasses, and/or agricultural crops), noxious weed control, and protection from degradation. Monitor all reseeded restored areas for five years or until vegetation is reasonably established. The Plan shall be implemented and updated over the lifetime of the Project. The Plan shall include measures to minimize potential introduction and spread of undesirable plants during and after construction.
43. To the greatest extent feasible, the project site shall avoid all wetlands and streams, including a 300 feet buffer. Where work within a stream will impact existing riparian vegetation, the applicant will submit a formal riparian vegetation restoration plan (before building permit issuance) to the Planning Department for review and approval. The plan will describe how the Applicant will establish the restored riparian vegetation, including location, species, and planting methods, and how it would monitor the re-establishment and address any deficiencies to ensure that the new plantings succeed.
44. The Applicant shall prepare a mitigation plan to compensate for impacts to grasslands within the Project area consistent with the EOZ ordinance. Planning Department approval of the mitigation plan shall be obtained before building permit issuance, absent the Department granting a reasonable extension.
45. Conduct environmental monitoring during construction activities to assure that flagged areas are avoided.
46. After construction, gate all private access roads to the Project Site to prevent unauthorized access.

---

<sup>3</sup> Buffers apply to any nests/roosts discovered during required surveys.

## *AVIAN*

47. The Project shall minimize the use of overhead power lines by placing collector electrical systems between turbine strings underground wherever feasible.
48. Design of the overhead transmission line (and any other overhead lines) will comply with the Avian Power Line Interaction Committee's "Suggested Practices for Raptor Protection on Power Lines; The State of the Art in 1996" as updated in 2006, and "Migrating Bird Collisions with Power Lines; State of the Art in 1994."
49. Space overhead power line conductors to minimize the potential for raptor electrocution. Conform overhead lines to the Avian Power Line Interaction Committee's suggested practices (2006).
50. Proposed transmission lines will be designed and built according to industry standards, including meeting Bonneville Power Administration (BPA) guidelines at the transmission line right-of-way for electric fields.
51. A professional biologist with experience in avian resources will assist in micro-siting turbines in the vicinity of the ridge line to minimize impacts on birds.
52. Should micro-siting result in turbines being moved toward rim edges or cliff faces, observe 300 foot setbacks from these features where feasible.
53. Use turbines with low rpm and tubular towers to minimize the risk of bird collisions with turbine blades and the tower.
54. Use bird flight diverters on guyed permanent meteorological towers, or unguyed permanent meteorological towers, to minimize potential for avian collisions with guy wires.
55. Conduct a raptor nesting survey prior to issuance of the building permit to identify active raptor nest sites in the vicinity of the Project. Schedule construction to avoid impacts on nesting raptors. Consult a professional biologist to determine the extent of the survey area, with reference to the EOZ recommendation.
56. Prepare an avian and bat monitoring plan and submit it to the County for approval prior to issuance of the building permit. The goal would be to monitor for avian/bat fatalities in a portion (30% or greater) of the project each year for two years.
57. The Project will monitor for and remove carcasses of livestock, big game, and others from the area near Project turbines that may attract foraging eagles or other raptors.
58. A Project Technical Advisory Committee (TAC) will be formed prior to building permit issuance (invite representatives from the County, WDFW, USFWS, landowners, Yakima Nation and environmental groups) to examine data related to avian and bat impacts, if appropriate, and make recommendations on any additional monitoring or mitigation measures, consistent with the EOZ. Mitigation developed through this process shall be subject to Planning Department review and approval. The Applicant may consolidate the TAC for this Project with the TAC established for other projects in the vicinity.
59. Report any bird and/or bat fatalities and injuries observed for the life of the Project as required by WDFW and the U.S. Fish and Wildlife Service.

60. Set back turbines an appropriate distance from raptor nest sites and modify construction timing and activities where feasible to avoid impacts to nesting raptors. See condition above regarding raptor nest surveys.
61. Raptor nests that are within 0.50 mile of construction zones and golden eagle nests within two miles (3.22 km) shall be monitored. Raptor nests on-site will be monitored for up to two years after construction is completed.

### ***HEALTH AND SAFETY***

62. Maintain or improve existing fencing and gates to ensure site security. Work with the responsible fire department to ensure that they have access through all locked gates.
63. The perimeter areas around the turbine transformers will be graveled and maintained free of vegetation.
64. Offer job-specific health and safety training, including cardio-pulmonary resuscitation, first aid, Occupational Safety and Health Administration training related to the work environment at a wind farm, and a guidance manual on equipment inspection.
65. Provide all construction personnel with site- and job-specific safety and first aid training. During construction, prior to initiating work, hold “tail-gate” safety briefings.
66. During construction, designate a Project safety officer to monitor construction activities and provide Project personnel provided with cell phones for timely communications.
67. Provide first aid kits to each construction crew member and at the construction laydown and fabrication yard.
68. Prior to construction, develop and implement a fire and explosion protection plan that includes the following at a minimum:
  - Equip all on-site construction and service vehicles with a fire extinguisher, shovels, and other fire-fighting equipment during the summer fire season. 1 full water vest shall be assigned to each vehicle during the June 1 through September 30 timeframes. Ensure that all workers have completed basic fire safety training and are trained in the use of the fire fighting equipment onsite.
  - Make available on-site a water tank truck during the summer fire season (June 1 through September 30, unless extended by the fire authority). The water truck will be equipped with front and rear sprayers, shall have a minimum of 2,000 gallons of water on board and be capable of pumping a minimum of 300 gallons per minute. A pressurized 2.5” NH male fire fitting will be available for fire department use. Station a water tank truck near areas where blasting, or welding, grinding or excavating is occurring.
  - Prior to blasting, clear vegetation around the blast excavation zone. Coordinate with the responsible fire department if burning will be used to clear vegetation.
  - Restrict smoking to designated outdoor gravel-covered areas. Wind resistant receptacles will be used for butts and matches. No discarded butts or matches are allowed.
  - Minimize or restrict high fire-risk activities during extreme dry weather conditions. Contact the responsible fire department prior to engaging in high fire-risk activities.
  - All fires will be immediately reported to 911.
69. Oil and Hazardous Materials:



- Do not allow maintenance or refueling within 100 feet of wetlands, drainages, or sensitive plant and animal habitat.
  - Prior to issuance of building permits, specific areas shall be identified for lubrication/fuel storage/fueling and truck washdown, and include provisions to minimize potential for fuel spill.
  - Keep absorbent materials and spill clean-up supplies in the vicinity of refueling areas.
  - Berm the fuel storage area and closely supervise in a designated area all refueling activities.
70. Require that each construction contractor follow a Project construction health and safety plan to ensure compliance with the state and federal health and safety laws and regulations. All construction workers will be trained in and expected to follow the project health and safety plan. The plan will include emergency notification information, locations of first aid kits, fire extinguishers, location of emergency services, and in addition to 911, other key telephone numbers.
  71. Prior to commencing construction activities, prepare an operational health and safety plan that includes information on emergency notification, locations of first aid kits and fire extinguishers, and key telephone numbers besides 911 for emergency service providers. Provide copies to the Planning and Public Works Departments.
  72. Fence the site as appropriate and post signs that warn of electrical danger and list emergency contact numbers.
  73. Monitor the site for evidence of unauthorized use and provide additional security as appropriate.
  74. The perimeter areas around the turbine transformers will be graveled and maintained free of vegetation a minimum of 50 feet around all operating equipment and structures. The Planning Department may authorize reductions in the size of this area in coordination with the Fire District.

#### ***AESTHETICS***

75. The transmission line will be constructed of wood poles, which cause less reflection and are more visually compatible with the surrounding environment than steel poles, unless metal poles are required for structural purposes.
76. Use non-reflective conductors and non-luminous insulators for transmission systems.
77. Use a non-reflective paint for towers and blades to reduce glare.
78. Keep construction areas clean of construction debris on a daily basis. Keep the facility free of debris, and store unused or broken down equipment off site or within storage facilities.
79. Turbines shall be lit only as necessary to comply with FAA determinations.

#### ***CULTURAL RESOURCES***

80. If the applicant proposes to construct in areas that have not yet been delineated for cultural resources or critical areas, for example, due to micrositing of facilities for environmental or project-related reasons, the applicant shall perform and document such delineation in a report submitted to the Planning Director prior to disturbing the area.
81. Locate boundaries of archaeological/cultural resources sites relative to the turbine strings and road construction areas, which state law prohibits disturbance of without a permit from the Department of Archaeology and Historic Preservation, and design the construction zone to protect these sites. Flag the boundaries of the construction zone with sufficient buffers to protect these sites. If avoidance of these sites is not possible, obtain any required permits before proceeding with construction.

82. Train Project construction workers on the need to avoid cultural properties and on the procedures to follow if previously unidentified cultural properties are encountered during construction.
83. Prepare and implement a Cultural Resource Management Plan (CRMP). The CRMP shall establish a process for continued protection of known or unknown cultural resources within the Project site. This Plan includes a process for unanticipated discovery. The Plan shall set forth protocols to be initiated if cultural resources are inadvertently discovered during construction or operation of the project. The plan also described the legal requirements and regulatory protocols to be followed if human remains are encountered during construction and operation of the project.

#### ***COMMUNICATION/INTERFERENCE***

84. Determine location and frequency of existing tight beam directional communications transmitters and receivers when siting turbine strings to avoid any material signal interference. Should the Project create electromagnetic interference which interferes with reception, the Project will eliminate such interference, reach an agreement with the property owner experiencing the interference, or prepare a mitigation plan and submit to the Planning Department for approval.

#### ***OTHER/MONITORING***

85. If ice throw from turbine blades is reported in the vicinity of occupied (third party) buildings or public rights-of-way, or otherwise becomes a safety concern, the County may require that the Project prepare ice throw monitoring and/or mitigation plans and submit such plans to the County for approval. The mitigation plan, if required, may include phased-in operations following icing events for turbines proximate to roads or other areas where people may be present. If any turbine is proposed for siting closer than 500 feet to any public road or from any private road accessing more than four residences, Planning Department approval shall be required before building permits are issued and construction commences. No turbine will be closer than four times turbine height from any occupied residences, as measured from the upper most point of the turbine.
86. The Project shall be set back consistent with EOZ requirements and as set forth in project application materials.
87. If complaints are filed on speed limit or other traffic issues, the County Planning Department has discretion to require owner/developer to hire flaggers as needed to control construction traffic.
88. Developer shall control construction traffic dust and ensure that dust abatement measures are appropriate and effective. The County Planning Department has discretion to require owner/operator to develop a dust control plan to address valid concerns identified by area residents.
89. The owner/operator shall post an emergency contact list with staff phone numbers on site at a location where it is completely visible to vehicle traffic and pedestrians. The contact list shall be updated periodically and maintained in good and legible condition by the owner/operator for the duration of the project.
90. The owner/operator shall monitor for shadow on residences proximate to the project during the winter months. If shadow flickers become an issue for nearby residences, the owner/operator shall propose mitigation measures to address the impact, which shall be approved by the Planning Department.

#### ***LAWS/STANDARDS***

91. Except as provided herein, develop Project consistent with the EIS and application materials. If these documents are inconsistent, the permit conditions shall govern.
92. The Applicant is responsible for complying with all applicable Federal, state, local (including energy overlay zone and critical areas ordinance requirements) including health and safety codes.

93. The Applicant is responsible for achieving compliance with all permit terms and conditions. As provided for in the County Code, the County may take enforcement action to achieve compliance with any permit condition.
94. This permit shall expire twelve months from the date of the expiration of the appeal period for the permit unless construction<sup>4</sup> of project facilities has commenced within that period. The filing of any appeals shall defer the running of such period until the final resolution of such appeals and the expiration of any appeal period following such resolution. The Planning Director may extend the permit validity upon a showing of need by the applicant for not more than two six-month periods. The permit applicant shall continue to make substantial progress toward project completion after construction commences. The Applicant shall have five years from commencement of construction to fully build out the Project.
95. Transfer of this permit to a new developer shall be subject to prior review and approval by the Klickitat County Planning Department. The permit holder must submit a report indicating current status of compliance with all permit conditions. Before the Planning Department can approve the transfer, the new developer must submit a written acceptance of responsibility for compliance with all permit conditions and related responsibilities for project development and operation. The written acceptance also requires execution of a decommissioning plan, cost reimbursement agreement, and road agreement, consistent with County code, development regulations, and permit conditions. The new developer shall confirm it has the financial ability to comply with all project requirements.
96. The permit holder shall provide quarterly reports certifying compliance with each condition during construction and during the first year following the project's commercial operation date. The permit holder may designate the project manager or other appropriate employee, contractor, consultant, or owner, with adequate knowledge regarding permit compliance, to sign and file the reports. The County may require certain conditions to be addressed by a professional engineer, licensed in the State of Washington, or qualified professional, as appropriate. (A qualified professional means an accredited or licensed professional with a combination of education and experience in a discipline appropriate for the subject matter that is being commented on; someone who would qualify as an expert in their field. The permit holder and the County will consult to identify such a qualified professional if required.)

---

<sup>4</sup> Construction is defined as a physical activity that would lead to the construction of project facilities on the project site, including but not limited to land clearing or road construction.