

In the Matter of an Application to Permit)
the Linden Ranch Wind Farm) FILE NO:
under the "EOZ" Energy Overlay Zone)
) FINDINGS OF FACT,
) CONCLUSIONS, AND DECISION
) OF THE KLICKITAT COUNTY
) PLANNING DEPARTMENT

Northwest Wind Partners, LLC, has applied for a permit pursuant to the Energy Overlay Zone ("EOZ") to establish the Linden Ranch Wind Farm. The Klickitat County Planning Director finds as follows:

FINDINGS OF FACT

1. Applicant: The Applicant is Northwest Wind Partners, LLC. (Applicant or Northwest). Northwest is jointly owned by Windtricity Ventures LLC and Inesco. The companies have indicated their intent to sell the permit to PacificCorp. Applicant is represented by David K. Luneke, Ph.D., P.E., Engineering Director of Windtricity Ventures, LLC, and Northwest Wind Partners, LLC. Applicant's address is 925 North Fairgrounds Road, Goldendale, Washington 98620.
2. Property: The Project consists of approximately 1,880 acres comprised of the following identified properties:

<i>Owner</i>	<i>Acres</i>	<i>Parcel Number</i>
Triple L Wind LLC	120	3 16 09 00000 100
Triple L Wind LLC	400	3 16 10 00000 200
Triple L Wind LLC	560	3 16 14 00000 100
Triple L Wind LLC	640	3 16 15 00000 000
Calvin Linden	160	3 16 22 00000 100

The bulk of the area proposed for turbine string location was originally permitted as Phase I of conditional use permit (CU-95-08), for the Kenetech wind project.¹

2. Project Description: The Linden Ranch Wind Farm calls for the installation of wind turbine equipment for the purpose of generating electricity on the subject property as well as access roads, electrical transmission lines, and infrastructure.

¹ Kenetech Windpower, Inc., originally held the permit, but bankruptcy proceedings resulted in the transfer of any rights remaining in the permit to Zond Systems, Inc., which apparently, transferred this interest to GE Wind Energy, LLC. Apparently, GE Wind Energy, LLC, is a successor in interest to Enron Wind Systems, LLC; which is a successor to Enron Wind Systems, Inc., formerly known as Zond Systems, Inc, a successor in interest to Kenetech Windpower Inc., (formerly known as US Windpower). GE Wind Energy LLC quit claimed any interest they might have had back to the original property owners, Calvin G. Linden and Terry L. Linden, on December 7, 2005. The Project site closely corresponds with Phase I of the Kenetech CUP. The recently issued Windy Point EOZ permit roughly corresponds with the additional Phases.

The proposal is for the installation of up to 28 wind turbines, within the corridors depicted in the application materials. Actual turbine and any above and below-ground electrical cable locations will be established during the “micro-siting” process, as further described in the Conditions below. The turbines will be 2.0 megawatts (“MW”) on monopoles.² The turbine height with the rotor sweep will be 410’ in height. The siting plans show spacing the turbines as an illustration of density and spacing. Turbine strings are expected to be roughly 3,000 feet apart, with turbines separated by roughly 750 feet. The total amount of energy capacity (MW/hour) will not exceed 60 MW. Using 2.0 MW turbine reduces the density previously authorized in the Kentech project.

Excavation and erection equipment will be used for the construction of the foundations. The turbines will be connected to the grid at the BPA, Rock Creek Substation along Hctor Road. The wind farm will be connected by transmission lines that cross from the subject property to the substation. Upon termination of energy production, above ground turbine installations will be removed and the foundations covered with soil and revegetated to return the land to the previous grazing land use.

3. On-Site Uses: Current uses are dry land farming and livestock grazing.
4. Zoning: The Project is zoned Extensive Agriculture (“EA”) and EOZ. The surrounding properties are also EA. The EA is intended to encourage the continued practice of farming on lands best suited for agriculture. The EOZ is intended to provide areas suitable for the establishment of energy resource operations based on the availability of energy resources, existing infrastructure, and locations where energy projects can be sensitively sited and mitigated; and to provide siting criteria for the utilization of wind and solar resources. The EOZ permits wind turbines outright, subject to individualized review and the imposition of conditions based on site specific information tailored to address project impacts in accordance with development criteria.
5. Comprehensive Plan: The Klickitat County Comprehensive Plan includes policies providing that: energy development should be compatible with surrounding land uses; energy development should be designed and sited with informed consideration of environmental impacts; energy development that utilizes wind and solar are preferred and shall be encouraged.
6. SEPA/Technical Analysis: The EOZ requires each applicant to submit an expanded SEPA checklist. This is a completed environmental checklist (standard form) supplemented by technical reports addressing wildlife and habitat (including avian resources). The Project application met these requirements. Information submitted to the County included a new “Baseline Ecological Studies” report dated December 11, 2006, and additional visual assessments. The Applicant sought a deferral of the grading and stormwater management plan, which was granted. The grading and stormwater management plan must be submitted before building permits are granted. The deferral was granted to avoid duplicating Department of Ecology’s

² Note condition 58, authorizing turbine model modification.

stormwater management plan requirements. While extensive cultural resource analysis within the area has been completed, additional analysis during the micro-siting process is required before building permits are granted.

In addition to the Project's expanded SEPA checklist, the Kenetech FEIS was used to review project impacts. An Addendum to the FEIS was issued, which incorporates by reference two draft and final environmental impact statements (EISs), and environmental review documents from the recently permitted Windy Point project. One FEIS was for another wind project proposed in the same vicinity in the mid-1990s. The other FEIS was prepared for the Klickitat County Energy Overlay in 2003 and 2004. Although not required, the Draft Addendum (along with a notice of application and request for comment) was circulated to agencies and interested parties, mailed to adjacent property owners, and posted on the website.

7. Community Meeting: The applicant provided notice and conducted a community meeting on March 13, 2006, for three wind project proposals (Imrie Ranch South, Hoctor Ridge East, and Linden Ranch). The meeting was attended by approximately fifty (50) neighbors and interested parties. The community meeting was held in accordance with the EOZ process. Materials documenting public notice and community participation were filed with the County following the meeting. The Klickitat County Planning Department issued a Notice of Conditional, Complete Application on May 11, 2006, which was posted on the County website. However, subsequently, the Applicant withdrew the Imrie Ranch South and placed the Linden Ranch permit application on hold while additional ecological and habitat studies were completed, and as a result they were not included in the Hoctor Ridge EOZ approval issued on September 6, 2006. To ensure adequate public participation, consistent with Energy Overlay Zone requirements, the Applicant held a second community meeting on December 11, 2006, and filed materials documenting public notice with the County, following the meeting.
8. Review Process: During the review process, additional analysis was submitted to the County. The County also requested comment, as noted above.
9. Comments:
 - Washington Department of Ecology: Ecology submitted comments regarding water resources and water quality. Ecology noted that water usage must comply with Washington water law, and the Project would need a water right to divert surface water or to withdraw well water in excess of 5,000 gallons per day. This permit requires the Project to comply with all applicable laws and regulations, which includes state water law. The Planning Department advises the applicant to consult with Ecology if any questions on these issues arise, as noted in the Ecology comment letter. With regard to water quality, Ecology noted a Stormwater Pollution Prevention Plan is needed for all construction sites, which would include erosion control measures. Ecology noted a NPDES construction stormwater general permit may be required if there is a potential for stormwater discharges from construction sites larger than one acre. There are also permit

requirements for crushed rock generation. See Conditions 4-15, which address stormwater and erosion control. In addition, the Project must comply with all applicable laws and regulations, including NPDES permitting requirements.

- Washington Department of Ecology, Ecology Air Quality Program: Ecology summarized permitting/notification requirements for portable temporary rock crushers and concrete batching activities, and noted the Project should prepare a fugitive dust control plan. The Project is required to comply with all applicable state laws. See also Conditions 4-15.
- Washington Department of Fish and Wildlife: WDFW noted that it has visited the site, met with the Project applicant to discuss the project, and reviewed application materials. WDFW is satisfied with the review materials submitted, but believes proposed project conditions should have been circulated for comment with the draft SEPA document. WDFW noted it is pleased the Project will be consistent with the WDFW Wind Power Guidelines. The permit conditions are similar to conditions required for other wind projects in the County, and are based on EOZ requirements. There is sufficient flexibility in the conditions to allow the Applicant and WDFW to coordinate on Project mitigation. (See Conditions 22-26, and correspondence from Northwest to Richard Till dated 12/27/06). Also, as WDFW notes, consistency with the Guidelines is required.
- Friends of the Columbia Gorge: Friends submitted comments regarding the Project's view impacts. Friends noted the Project is four miles from the National Scenic Area. Friends requested analysis of the number and location of turbines likely to be visible from the National Scenic Area and visual simulations regarding same, along with more clarity regarding turbine locations. Friends noted nearby recreation sites are within the Project vicinity. Northwest submitted a response to Friends on December 27. The response notes the project is five miles from the Northwestern boundary of the National Scenic Area. The nearest point within the Area, in which public access is allowed, and the site is visible, is 8.9 miles away. The response references the visual analysis submittals, including visual simulations, which had been provided to the County. The response notes the number of turbines, their approximate spacing, and the information on location which was submitted to the County. The response also notes that one of the noted recreation sites (Maryhill Museum) has executed wind leases for development on property they own between the Museum and the Project site, indicating they do not see visual impacts as a negative impact on the tourism which supports them. See also Conditions 47-53 on aesthetic impacts.
- Dawn Stover: Ms. Stover raised concerns about relying on the Kenetech FEIS because it was issued in 1995, and used smaller sized turbines, in different locations. She also notes since 1995, several other wind projects have been approved, and the EOZ EIS assessed four large projects with a total capacity of 1,000 MW. The Kenetech FEIS reviews impacts associated with wind development in the Project area. The analysis continues to cover the range of impacts associated with the Project. In addition, though, the County has incorporated the EOZ EIS, and the environmental review materials submitted for the Windy Point project. Also, the applicant submitted further analysis with its SEPA Checklist and Project review materials. The EOS FEIS does not cap

development at 1,000 MW. There is a separate settlement agreement which requires additional County review procedures once 1,000 MW of wind are constructed. The process does not necessarily entail further environmental review. The Applicant did consult with WDFW regarding the Project, and set the Project back from the steep southern slope of the Columbia Hills to minimize Project impacts. (See Correspondence from Northwest to Richard Till, December 27, 2006). Northwest submitted responsive comments to Ms. Stover on December 27, 2006. The letter attaches additional environmental review materials, and notes efforts the Applicant has made to coordinate with WDFW on mitigation issues.

- Windy Point Partners, LLC: Windy Point submitted comments noting the Project would interfere with the commercial viability of turbines their company hold permits for located east of the Project. Windy Point does not ask for additional setbacks based on commercial interference, as long as the County takes a consistent approach on this issue. While this permit cannot set County-wide policy, Condition # 53 provides that with regard to commercial wind development affecting this Project, or the two parties, the County position is uniform. Neither Windy Point nor Northwest objected to this approach.

10. Critical Areas: The Project application materials address Klickitat County critical areas ordinance (CAO) requirements. The Applicant has proposed to meet Critical Areas requirements through avoidance. No construction will occur within 300 feet of wetlands, and all riparian corridors are avoided. The Project will not be constructed in (1) areas with which federal or state endangered, threatened, or sensitive species have a primary association (as defined by the critical areas ordinance); (2) habitats in which species of local importance have a primary association; or (3) state natural area preserves/natural resource conservation areas. Permit conditions require further analysis and reporting during the micro-siting process to confirm permit conditions and critical areas requirements continue to be met. In addition, permit conditions require resource protection and compensatory mitigation (in accordance with ratios from the WDFW wind guidelines).

CONCLUSIONS OF LAW

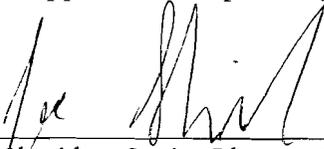
1. The EOZ ordinance does not require project consistency with the Klickitat County Comprehensive Plan, although the Planning Department may consider Plan policies in issuing permit decisions. Here, the proposal addresses these policies. The wind Project proposal is a type of energy use the Plan encourages at this location. And, the proposal includes conditions to provide for compatibility with the surrounding properties and minimization of environmental impacts. The proposal is therefore consistent with the Klickitat County Comprehensive Plan.
2. The proposal includes a complete application and expanded checklist that addresses noise, air quality, vegetation, wildlife, stormwater, geologic and flood hazards, water resources, cultural resources, visual resources, and public safety. The application has included mitigation conditions that adequately address each of the foregoing issues,

and all EOZ requirements. Required mitigation is set forth in the attachment, and addresses the EOZ requirements. The proposal is consistent with the EOZ.

DECISION

Based on the above findings of fact and conclusions, the Klickitat County Planning Director approves the Linden Ranch Wind Farm subject to compliance with EOZ requirements, other applicable County code provisions, and with the conditions set forth below.

Any party with standing has the right to appeal this decision to the Board of Adjustment within 20 days of issuance of this decision. The appeal must include the name of the party filing the appeal, contact information (including mailing address), filing fee, and describe the issues appealed with specificity.



Joe Sheridan, Senior Planner, Klickitat County
Curt Dreyer, Klickitat County Planning Director

12-29-06

Date

**LINDEN RANCH WIND FARM
PROJECT CONDITIONS**

<i>GEOTECHNICAL³</i>	
1.	Roads, crane pads, and turbine foundations will be designed in consultation with a professional geotechnical engineer.
2.	All structural foundations, buildings, and structures will be designed in accordance with the applicable seismic zone requirements (currently Zone 2B).
3.	The steepest slope on the site is 45%. The steepest slope identified for turbine construction does not exceed 10%. The steepest slope for road construction does not exceed 14%. The area proposed for the maintenance facility is relatively flat. A preconstruction geologic hazard report will be prepared and submitted to Klickitat County to address applicable performance standards in the Critical Areas Ordinance.
<i>EROSION/DUST CONTROL/STORMWATER</i>	
4.	The Project is designed to use existing roads as much as possible for construction access to the turbines. The extent of new road creation is limited to that proposed in the turbine lay out plan, although some modification during micro-siting is expected. Construction of transmission lines will minimize clearing or grading of soil or vegetation. Unless necessary to construct upgrades to existing roads, no Project facilities will be constructed in drainage features. 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. The Project will use or upgrade existing roads where possible and minimize construction of new access roads.
5.	If drainage ditches, culverts, and stormwater facilities are required they will be designed for year round conditions including winter snowmelt factors.
6.	Avoid cleaning and grading during wet seasons or period of rainy weather.
7.	Water or other dust suppressant measures will be used, when and where appropriate.
8.	All exposed soil surfaces that are not being actively used during construction will be protected by biodegradable erosion-control mats (areas of high winds) or weed-free straw.
9.	Stockpiled soils will be removed or covered, if rain is forecasted or apparent.
10.	A water truck will be maintained on-site during construction for dust suppression.
11.	Provide a minimum of 6 inches (15 cm) of gravel surface on new Project roads to reduce wind erosion, where necessary.
12.	Traffic speeds on unpaved roads will be limited to 25 miles per hour to minimize dust generation.
13.	Prior to building permit issuance, a stormwater drainage system will be designed in consultation with a professional engineer and submitted to the Planning Department. Construction will proceed in compliance with the design.

³ These subheadings do not necessarily reflect all issues the condition is aimed to address, but are designed solely for ease of reference.

14.	A construction stormwater management plan, including a Stormwater Pollution Prevention Plan will be implemented concurrent with construction, and submitted to the County prior to building permit issuance. Prior to restoration activities, the construction stormwater pollution prevention features will be redesigned to function as permanent stormwater management components of the Project.
15.	After construction, the Project site will be monitored for erosion on a weekly basis and after large rainfall or snowmelt events and corrective action taken, as needed.
<i>WILDLIFE HABITAT/PLANTS</i>	
16.	A contractor training program will be conducted before groundbreaking to explain restrictions protecting wildlife, habitat, and critical area features in or near the construction zone.
17.	<p>The Project will limit construction disturbance by flagging the limits of the construction zone to protect sensitive areas. Construction zones shall remain outside of:</p> <ul style="list-style-type: none"> - High quality native plant communities and priority habitats; - 25 feet (7.6 meters) from designated critical habitat; - 400 feet (120 meters) from occupied western gray squirrel nests between May 15 and Sept. 30 for general construction and 1,300 feet (400 meters) for blasting and pile-driving; - 75-foot (20 meter) radius of any western gray squirrel nest; - 1,300 feet from bald eagle roots during October and March; - 1,300 feet (400 meters) of occupied red-tailed hawk nests or other raptors from April 15 thru August 31. - At least 300 feet from any wetlands. - Areas with oak and oak/ pine stands, riparian areas, or juniper woodlands. - An area in Section 14 includes a forested steep-sloped drainage comprised predominantly of oak with some pines and junipers. No construction, including the placement of overhead power lines and turbine access roads, will occur within 300 feet of this area. - There is a grove of black locust trees in the southeastern quarter-section of Section. This area will be avoided. No construction, power lines, and road construction will occur within 25 feet of this area <p>If more than one buffer applies to an area, the stricter buffer shall apply.</p>
18.	During the micro-siting process, and before any construction occurs, a qualified professional (as defined by the County Critical Areas Ordinance) shall walk the site, and prepare a report confirming all final, proposed turbine locations, roads, and electric lines, and other construction activity, will avoid areas protected through the Critical Areas Ordinance, and will comply with the buffer requirements set by this permit. The report shall be filed with and approved by the Planning Director. If the project is constructed in phases, multiple reports, filed before each construction phase, may be submitted.
19.	A raptor nesting survey will be conducted in the spring prior to construction to identify active raptor nest sites in the vicinity of the Project. A qualified professional biologist will be consulted to determine extent of survey area. Raptor nests will be monitored on-site for activity prior to construction, and construction will be

	scheduled to avoid impacts to nesting raptors.
20.	Environmental monitoring by a qualified professional will be conducted during construction activities to assure flagged areas are avoided.
21.	After construction, all access roads to the Project site will be gated to prevent public access without prior approval.
22.	<u>Shrub-Steppe Habitat</u> : Based on WDFW Wind Power Guidelines of a 2:1 replacement ratio for permanently impacted shrub-steppe habitat, the Project will set aside, through legal protection for the life of the Project, 2.0 acres (0.8 hectare) of shrub-steppe habitat for every 1.0 acre (0.4 hectare) impacted.
23.	<u>Shrub-Steppe Habitat</u> : Based on WDFW Wind Power Guidelines for temporarily impacted shrub-steppe habitat, the Project will prepare a restoration plan in consultation with the WDFW that will include site preparation, reseeding with appropriate vegetation, noxious weed control, and protection from degradation. In addition, the Project will set aside through legal protection for the life of the Project 0.5 acre (0.2 hectare) of shrub-steppe habitat for every 1.0 acre (0.4 hectare) of temporary impact.
24.	<u>Grasslands/Rangeland/Crop Reserve Program (CRP)</u> : Based on the WDFW Wind Power Guidelines, mitigation for grassland, rangeland or CRP habitat will be based on a 1:1 replacement ratio. Legal protection will be provided for the mitigation area for the life of the Project.
25.	<u>Grasslands/Rangeland/CRP</u> : Based on WDFW Wind Power Guidelines, mitigation for temporarily impacted grassland, rangeland or CRP habitat will include implementing a restoration plan in consultation with WDFW, and the Project will set aside through legal protection for the life of the Project 0.1 acre (0.04 hectare) of like habitat for every 1.0 acre (0.4 hectare) of temporary impact.
26.	During the micro-siting process, and before any construction occurs, a qualified professional (as defined by the County Critical Areas Ordinance) shall provide exact acreage for permanently and temporarily impacted shrub-steppe habitat and grasslands/rangeland/crop reserve program lands so the mitigation required by conditions 22-25 can be calculated. (The estimated impact is 50 acres.) Before building permits are issued, the Applicant shall submit the proposed mitigation to the County Planning Director for approval, which shall be consistent with all permit conditions. The Applicant will continue to coordinate with WDFW regarding implementation of Conditions 22-26.
	<i>SITE RESTORATION</i>
27.	<p>Site Restoration:</p> <ul style="list-style-type: none"> • The Project will revegetate any disturbed areas that are not permanently occupied by Project features in accordance with a reseeding/restoration and weed management plan to be developed and approved by the Klickitat County Weed Control Board, before building permits are issued. The plan shall be implemented and updated over the lifetime of the Project. • After construction, the site area will be graded to conform to previous contours. Permanent erosion control measures, such as water bars, will be installed as needed, and as the County requires. • Project site restoration will include reducing access road width to the minimum area needed for maintenance access. Crane pads will be re-graded and restored with rock and topsoil. As appropriate, areas of high wind or

	<p>water erosion will be covered with biodegradable erosion control blanket.</p> <ul style="list-style-type: none"> All reseeded restored areas will be monitored for 5 years or until vegetation is reasonably established.
28.	After construction, all road-related impacts will be reduced to the operational width of 35 feet (10 meters) and the remaining area restored including replacing top soil if appropriate and reseeded. All construction work space around turbines, except for approximately 5,000 square feet (465 square meters) will be restored.
29.	The Project will prepare a decommissioning plan outlining the circumstances under which individual turbines would be removed from the site, methods used to restore areas previously containing turbines and methods for decommissioning the overall Project and restoring the overall site. The Project will provide a bond, letter, or other security/financial arrangements acceptable to the County to ensure proper decommissioning of the turbines. The amount of the security/financial arrangements can be later determined, with consideration of site-specific conditions affecting the costs of decommissioning, access, depth of foundation, terrain, equipment salvage value, etc. The decommissioning plan shall include a schedule and funding plan to specify how the security/financial arrangements mechanism will be funded during Project operation. The decommissioning plan, including the security/financial arrangements, shall be approved by the County Planning Department before building permits are issued.
	<i>AVIAN</i>
30.	<p>Transmission Lines:</p> <ul style="list-style-type: none"> The Project minimizes the use of overhead power lines by placing collector electrical systems between turbine strings underground. 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. Overhead transmission line design 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” and “Mitigating Bird Collisions with Power Lines; State of the Art in 1994.”
31.	Lighting of the turbines will be limited to the minimum requirements of the Federal Aviation Administration (FAA).
32.	The Project will use bird flight diverters on guyed permanent meteorological towers or use unguyed permanent meteorological towers to minimize potential for avian collisions with guy wires. The Project will investigate with suppliers of the anemometer towers the feasibility of construction of such towers without guy wires, and will avoid use of guy wires if feasible.
33.	Overhead power line conductors will be spaced to minimize potential for raptor electrocution.
34.	The Project will monitor for and remove carcasses of livestock, big game, and others from the Project area that may attract foraging bald eagles or other raptors.
35.	The Project will monitor the wind turbine area for a minimum of one year to estimate bird and bat fatality rates using a standard protocol.
36.	The Project will report bird fatalities observed (monthly) for the life of the Project to WDFW and the U.S. Fish and Wildlife Service.
37.	A Project Technical Advisory Committee will be formed prior to construction (and

	invite representatives of WDFW, USFWS, landowners, Yakama Nation and environmental groups) to examine data related to avian and bat impacts and make recommendations on any additional monitoring or mitigation measures.
	<i>HEALTH AND SAFETY</i>
38.	<p>Personal Safety:</p> <ul style="list-style-type: none"> • 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. • All construction personnel will have site- and job-specific safety and first aid training and, during construction, prior to initiating work, “tail-gate” safety briefings will be held. • First aid kits will be provided to each construction crew and at the construction laydown and fabrication yard. • During construction, a Project Safety officer will be designed to monitor construction activities and Project personnel provided with cell phones or radios to provide timely communication.
39.	<p>Health and Safety Plans:</p> <ul style="list-style-type: none"> • An operational Health and Safety Plan will be prepared that will include: emergency notification information, locations of first aid kits, fire extinguishers, location of emergency services, and, in addition to 911, key telephone numbers. • A Project construction Health and Safety Plan will be prepared by each construction contractor to ensure compliance with the state and federal health and safety laws and regulations cited above. All construction workers will be trained in and follow the Project Health and Safety Plan. The Health and Safety Plan will be filed with the Planning Department before building permits are issued and will be updated as necessary during the life of the Project.
40.	Portable restrooms will be used during construction. Restroom facilities provided during operation shall comply with state and local sanitation and septic requirements.
41.	Access to towers will be restricted to avoid potential safety hazards. All turbine towers will be locked, and the substations will be fenced and locked to prevent unauthorized entry.
42.	<p>Fire and Explosion: Prior to construction, the Project will develop and implement a fire and explosion protection plan that includes the following at a minimum:</p> <ul style="list-style-type: none"> • All on-site construction and service vehicles will be equipped with a fire extinguisher, shovels, and other fire-fighting equipment during the summer fire season. • A water tank truck will be available on site during the summer fire season and, as appropriate, stationed near areas where blasting or welding is occurring. During Project construction and all Project welding operations, a readily accessible water truck and chemical fire suppression materials will be available on site to allow immediate fire response.

	<ul style="list-style-type: none"> • Prior to blasting, vegetation will be cleared around the blast excavation zone. • Smoking will be restricted to designated outdoor gravel-covered areas • High fire-risk activities during extreme dry weather conditions will be minimized or restricted. • Hazardous materials handling and storage procedures will comply with State of Washington and Klickitat County requirements. If storage of fuel and other petroleum products is required on-site, the contractor would be required to prepare a Spill, Prevention, Control, and Countermeasures Plan. • Transformers at turbine bases shall be engineered and constructed to prevent leaks, have an integrated leak detection system, and be set on a pad within a containment berm. • Any small quantities of waste fluids from maintaining vehicles, turbines, and transformers shall be stored in a controlled and secure area at the O&M facility on only a temporary basis, and shall be adequately contained to prevent their release. On a periodic basis, these waste materials will be picked up or taken to a local recycler.
43.	The perimeter areas around the turbine transformers will be graveled and maintained free of vegetation.
44.	<p>Oil and Hazardous Material:</p> <ul style="list-style-type: none"> • Lubrication and maintenance of construction equipment shall occur in contained areas. Liquid-absorbing booms, sock, pads, or loose absorbent materials shall be readily available and maintained on site in the event of minor spills of fuels, oils, lubricants, and other fluids. Such fluids shall be stored in a secure area in the construction laydown and fabrication yard, in approved containers. • A spill prevention and cleanup plan to be adhered to during construction and operation of the facility will be submitted to the county. • Turbine pads will feature a small berm to contain any loss of lubricant while operating or during servicing. • Emergency repairs required in the field will be closely supervised and oil-absorbent pads placed under the repair area. Turbine and substation components would be carefully moved to the site and installed. • The Applicant has not proposed a refueling facility. If proposed at a later date, this would require permit amendment, and additional conditions. Such facilities would not be located within 100 feet drainages, or sensitive plant and animal habitat, and 300 feet of wetlands. Mitigation measures such as an underground containment system, monitoring, etc., would be required.
45.	<p>Security:</p> <ul style="list-style-type: none"> • Fence site as appropriate and post warning signs of electrical danger with emergency contact numbers. Existing fencing and gates will be maintained or improved to ensure site security. New road entrances without existing gates will be gated with locks.

	<ul style="list-style-type: none"> The site will be monitored for evidence of unauthorized use and additional security will be provided as appropriate
	<i>NOISE</i>
46.	<p>Noise:</p> <ul style="list-style-type: none"> Daytime noise levels at residential structures (Class A EDNA) are required by state regulations (WAC 173-60) not to exceed 60 dBA and nighttime levels are not to exceed 50 dBA. The Project shall maintain sound levels that are under the maximum levels for the adjacent receiving properties based on the receiving properties' environmental designation for noise abatement per state regulations and shall comply with applicable noise control regulations. If these standards cannot be met, the Applicant shall acquire all necessary property rights to achieve compliance. If there is a noise complaint from a resident/property owner proximate to the Project, the Applicant shall pay for a noise study to determine whether the Project is consistent with state noise regulations. The Applicant shall pay the County the estimated cost of the analysis, before the study is completed. All unexpended funds shall be returned to the Applicant. If the Project is shown to be in violation of state noise requirements, the turbine(s) causing the violation must be shut down as necessary to achieve compliance, or the necessary property rights acquired to achieve compliance. Construction will not be performed within 1,000 feet of occupied buildings on Sundays, legal holidays or between 10 p.m. and 6 a.m. on other days. Pile driving or blasting will not be performed within 3,000 feet of an occupied dwelling on Sundays, holidays or between 8 p.m. and 8 a.m. on other days. Idling of trucks and other heavy equipment, such as concrete delivery trucks, will be minimized to the extent possible. Construction equipment will, where feasible, be equipped with noise control devices and muffled exhaust systems.
	<i>AESTHETICS</i>
47.	The Project will use a non-reflective paint for towers and blades to reduce glare. The towers could be painted a neutral color that will blend easily with the neutral colors of the existing landscape.
48.	Transmission lines 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.
49.	The Project will use non-reflective conductors and non-luminous insulators for transmission systems.
50.	Construction areas will be kept clean of construction debris on a daily basis. The facility will be kept free of debris and unused or broken down equipment will be stored off-site or within storage facilities.
51.	To minimize Project facility lighting from being visible offsite, the applicant will install lights that are shielded and directed downward. The minimal amount of lighting necessary shall be used.
52.	Construction areas will be kept clean of construction debris on a daily basis. The facility will be kept free of debris and unused or broken down equipment will be stored off-site or with storage facilities.

53.	<p>The Project shall be set back from all property boundaries in compliance with EOZ requirements, and as set forth in the project application materials. Several turbines located on the east side of the property are expected to interfere with the commercial viability of turbines permitted, but not yet constructed, on the adjacent Windy Point site. Windy Point is not requesting additional setbacks (see Response to Comments above), as long as uniform approach to this type of situation is taken. As a result, this Permit does <u>not</u> impose additional setbacks on this Project based on commercial wind interference, as long as future projects involving/affecting the same parties, or this Project, are also not conditioned on this basis. If this were to occur, this Permit condition would need to be amended, following consultation with the affected parties.</p>
<i>CULTURAL RESOURCES</i>	
54.	<p>Cultural Resource Mitigation:</p> <ul style="list-style-type: none"> • Project design incorporated the use of existing roads to the degree possible to reduce the likelihood of potential impacts on cultural resources. • Prior to building permit issuance, the Project will complete archaeological investigations of road corridors and turbine locations. Results of the surveys and mitigation measures directed toward any further resources identified are to be provided to Klickitat County prior to building permit issuance. • Flag and avoid historical/cultural resources during construction. The boundaries of the construction zone will be flagged with sufficient buffers to protect significant sites. Monitor construction activities to ensure that flagged historic/cultural properties are avoided. • The Project will design and implement scientific data recovery in the event further testing confirms eligibility of additional resources and avoidance is not feasible. • The Project will provide for and support a archaeological/cultural monitor, appointed by the Yakama Indian Nation. • Project construction workers will be trained on the need to avoid cultural properties and on the procedures to follow if previously unidentified cultural properties are encountered during construction. • An “unanticipated Discovery Plan” will be prepared to guide response in the event previously unidentified cultural resource properties are encountered during construction. If any previously unidentified cultural resource is discovered during construction, the construction activity will cease in the vicinity of the site pending implementation of the unanticipated Discovery Plan, consultation by a qualified archeologist, and consultation with the State Office of Archaeology and Historic Preservation to identify appropriate mitigation measures such as avoidance or scientific data recovery. • The Project will comply with all applicable state and federal laws governing cultural resource protection.
55.	<p>If the applicant proposes to construct in areas that have not yet been delineated for cultural resources or critical areas, for example, due to micro-siting 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. If significant resources cannot be avoided, the report shall propose mitigation,</p>

	and disturbance of the area shall not occur until the Planning Director approves in writing.
	<i>ROADS</i>
56.	<p>To the extent economically feasible, the Project will schedule construction activities to avoid the use of paved County roads during likely periods of freeze/thaw cycles and comply with temporary county weight restrictions. County roads will be limited to loads at/under legal weight restrictions, including seasonal restrictions, unless applicant provides a bond to the County and enters into a Road Haul Agreement with the Public Works Department which provides for the assessment by the County and applicant and funding by applicant of road improvements or repairs necessary to protect or restore the condition of County roads to the condition they were in before Project construction. The Road Haul Agreement will be executed before building permits are issued. At a minimum, the Road Haul Agreement will include:</p> <ul style="list-style-type: none"> ○ a specified haul route listing the route, load configurations, quantity of loads, and schedules for primary and support traffic; ○ identification of structural improvements to the haul route, including roads and bridges, to allow for overweight loads; ○ a method and timeframe to assess and address needed road repairs and/or improvements; and ○ provisions for traffic control. <p>The bond amount will be calculated at \$70,000 a mile of paved County road to be used, and \$20,000 a mile of gravel county road to be used, or as approved by the Public Works Department.</p> <p>The applicant shall also obtain such approvals or franchises as are necessary under state or 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.</p>
	<i>COMMUNICATION TRANSMITTERS</i>
57.	Precisely determine the location and frequency of existing tight beam directional communications transmitters and receivers when siting individual turbine strings and relocate to avoid potential signal interference.
	<i>TURBINES</i>
58.	<u>Turbine Model:</u> The Project proposes using REPower Systems MM92, 2 MW turbines. If different turbines are required, the Applicant shall file a report with the Planning Director, noting the new model. As long as the selected turbines are low rpm; use tubular towers to minimize risk of bird collision with turbine blades and the tower; utilize current, best available technology; are consistent with other permit conditions, and within the scope of earlier SEPA review, the model change shall be approved, and permit amendment will not be required.
59.	<u>Turbine Features:</u> <ul style="list-style-type: none"> • To prevent rotors from dislocating from the turbine, each turbine shall be

	<p>equipped with a braking system that controls the rotors. In the event of malfunction or excessive wind speeds, more than 65 miles per hour (29 meters per second), depending on the duration, the automatic braking system will shut down the turbine blades.</p> <ul style="list-style-type: none"> • To avoid operating the turbine while a maintenance worker is inside the nacelle, switches at the top of the turbine will prevent service personnel at the bottom from operating systems potentially hazardous to personnel inside the turbine. Each turbine will be controlled from a remote O&M facility. • The turbines shall be mounted on steel/concrete foundations designed for the subsurface conditions of the site, be installed and designed based on standard industry practices, and built in accordance with site specific designs prepared by a qualified engineer. • For protection from potential lightning strikes, each wind turbine, including the rotor blades, will be equipped with a lightning protection system. The lightning protection system will be connected to an underground grounding arrangement to facilitate lightning flowing safely to the ground. In addition, all equipment, cables, and structures comprising the wind turbines will be connected to a Project-wide grounding network. • All electrical equipment will be designed to meet local and international National Fire Protection Agency and the National Electric Code. Turbines shall be equipped with multiple temperature sensors mounted on parts of turbine machinery prone to higher temperatures. • Turbine maintenance and inspection activities will be conducted in accordance with the program developed by the turbine manufacturer, and will include routine maintenance to maximize turbine performance and detect potential difficulties. Each turbine will be monitored continuously by a site control and data-acquisition computerized system. Each turbine will be equipped with monitors that communicate major aspects of operation through communication lines. Alarm systems will be triggered if operational characteristics fall outside set limits.
	<i>LAWS/STANDARDS</i>
60.	The Project will be developed consistent with the WDFW Wind Power Guidelines.
61.	The Project will comply with all applicable federal, state, and local regulations, including health industry health and safety codes, regulations, and standards.
62.	Except as provided herein, the Project shall be developed consistent with the SEPA Checklist and application materials. If there is an inconsistency between the permit conditions and application materials, the permit conditions shall govern.
63.	The Applicant may utilize this permit, or if the Kenetech CUP is amended such that it also authorizes the Project, the Applicant may elect to construct the project in accordance with that permit. The Project may rely on one, but not both, permits. Before building permits are issued, the Applicant shall determine which permit is being used.
64.	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.

65.	This permit shall expire twelve months from the date of the expiration of the appeal period for the permit unless construction ⁴ 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.
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⁴ 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.