

KLICKITAT COUNTY PLANNING DEPARTMENT

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Goldendale, WA 98620
509 773-5703

MEMORANDUM

DATE: June 6 2008
TO: All Interested Parties
FROM: Curt Dreyer, Planning Director
RE: Miller Ranch Wind Energy Project

The purpose of this memorandum is to notify you that the Klickitat County Planning Director has approved the Miller Ranch Wind Energy Project, proposed by Northwest Wind Partners, LLC. The attached decision provides additional information.

Appeals may be filed to the Board of Adjustments within twenty (20) days of the decision on project consistency with Klickitat County Code Section 19.60. Appeals shall state with specificity the basis for the appeal and the errors to be asserted. In order for an appeal to be accepted, the completed appeal form and an appeal fee of \$175.00, made payable to Klickitat County Planning Department, must be submitted to the Auditor Department and the Planning Department by June 26, 2008.

Thank you for your attention to this matter. If questions arise, please contact this office.

Attachments.

In the Matter of an Application to Permit)	FILE NO: EOZ2008-01
the Miller Ranch Wind Energy Project)	
pursuant to 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 Miller Ranch Wind Farm. The Klickitat County Planning Director finds as follows:

FINDINGS OF FACT

1. Application/Project Location: The Applicant is Northwest Wind Partners, LLC (Applicant or Northwest). The Miller Ranch Wind Energy Project is a wind energy generation facility on 7,680 acres of private land own by James H. Miller. The legal descriptions of properties for use in the Project are provided in Exhibit A. This property is under lease to the applicant.
2. Project Description: The Miller Ranch Wind Energy project calls for the installation of wind turbine equipment for the purpose of generating electricity on the subject property as well as construction of approximately 12.6 miles of new access road and improvement of approximately 8.5 miles of existing roads, electrical transmission lines, and infrastructures including a gravel surfaced area and an Operation and Maintenance (O&M) facility within a site of up to 5 acres in size.

The proposal is for the installation of up to 49 wind turbine generators, within the corridors depicted in the application materials, with a rated capacity of 2.0 megawatts ("MW") per turbine, resulting in a total generating capacity of 98 MW. A generator and pad mounted transformer will be located at the base of each turbine. Each turbine/tower combination would be up to approximately 413 feet tall (measured from the ground to the turbine blade tip at its highest point). The final location of actual turbines and any above and underground electrical cables will be established during the "micro-siting" process, as further described in the Conditions below. An underground electrical feeder system would collect electricity at 34.5-kV from each wind turbine and deliver it to the Project Substation. At the substation the voltage would be increased from 34.5-kV to 230-kV. A new 230-kV overhead transmission line, three miles long, would connect with Klickitat Public Utility District's White Creek Substation. A second, 12-mile-long existing 230-kV transmission line extends from White Creek Substation to Bonneville Power Administration's Rock Creek Substation.

3. On-site Uses: The current land use of the site is cropland and rangeland. Current land use surrounding the Project consists of undeveloped cropland and rangeland with scattered residences. The proposed Project will be bordered on the north and west sides by existing operating wind energy projects.
4. Zoning: the Project site is zoned Extensive Agriculture ("EA") and within the Energy Overlay Zone ("EOZ"). The surrounding properties are also zoned 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.

SEPA/Technical Analysis: The EOZ requires each applicant to submit an expanded SEPA checklist, consisting of a complete environmental checklist (standard form) supplemented by technical reports addressing wildlife and habitat (including avian resources). The Project application met those requirements. The Applicant sought 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 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 environmental impact statement (EIS) prepared for Klickitat County Energy Overlay in 2004 was adopted. The Department used the adopted EIS, and the Project's SEPA checklist and environmental reports in evaluating Project impacts and imposing mitigation measures. Klickitat County issued a Mitigated Determination of Non-significance (MDNS) on February 15, 2008. Comment and/or appeal period ended March 7, 2008. Two appeals were received on the SEPA threshold determination, see Findings #9 below.

6. Community Meeting: The applicant provided notice and conducted a community meeting on January 10, 2008. The meeting was attended by surrounding landowners and interested parties. 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 January 10, 2008, which was posted on the County website.
7. Review Process: During the review process, additional analysis was submitted to the County. The County also requested comments, as noted below.-
8. Comments:

- The Washington State Department of Fish and Wildlife (WDFW) reviewed the Project application materials, including the SEPA checklist and associated studies. Bill Weiler, WDFW Habitat Biologist, stated in an e-mail dated February 8, 2008 that WDFW had agreed to the mitigation measures submitted by the applicant. The proposed mitigation measures satisfied the current WDFW Wind Power Guidelines mitigation requirements.
- Klickitat County Public Works commented on the application February 25, 2008, stating the road bond being calculated in the MDNS might be low (\$70,000 a mile of paved County road and \$20,000 a mile of gravel County road). Additionally, the access to the O & M building shall be at a minimum 20 feet wide with adequate drainage and structural section to provide year round access without increasing County maintenance. Conditions have been imposed to this effect.
- Darby and Mary Jo Hanson submitted a written comment on March 4, 2008. Conditions have been imposed to address the comment.

- The Washington State Department of Fish and Wildlife (WDFW) commented on the MDNS on March 5, 2008. WDFW requested a modification in the language in Option 2, under 25(b) of the MDNS.
- Washington State Department of Ecology (DOE) commented on the MDNS on March 5, 2008 and conditions have been imposed to address the comment.
- Davis Wright Tremaine LLP submitted a written comment on March 6, 2008 on behalf of Public Utility District No. 1 of Cowlitz County and Lakeview Light & Power, joint owners and the developers of the Harvest Wind Project, requesting MDNS withdrawal. Additional written comment was received June 4, 2008. A condition addressing this comment has been imposed.
- Washington State Department of Transportation (WSDOT) commented on the MDNS on March 7, 2008. A condition addressing this comment has been imposed.

9. Appeals to MDNS:

- PPM Energy, Inc (PPM) submitted an appeal to the MDNS to Klickitat County Auditor's office on March 7, 2008. The appeal was subsequently withdrawn on March 26, 2008.
- Washington State Department of Fish and Wildlife (WDFW) submitted an appeal to the MDNS to Klickitat County Auditor's office on March 7, 2008. The County staff met with WDFW staff on March 31, 2008 in an attempt to resolve the issues. Efforts to negotiate a settlement agreement were unsuccessful.

CONCLUSIONS OF LAW

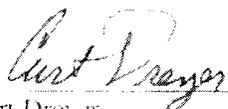
1. The EOZ ordinance does not require project consistency with the Klickitat County Comprehensive Plan, although the Planning Department may consider Plan policies in issuing permit decisions. However, the proposal addresses these policies. The wind Project proposal is a type of energy use the Plan encourages 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 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.
3. The Project application materials address compliance with Klickitat County's critical areas ordinance ("CAO"). Critical areas on the Project site within regulated distances of Project features have been identified or, in the case of Project features whose locations might be shifted, will be identified under conditions requiring delineation prior to disturbance. The conditions imposed by this permit require delineation/flagging of resources, resource protection, and compensatory mitigation to ensure compliance with the CAO. 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 resources conservation areas. Permit conditions require further

analysis and reporting during micro-siting process to confirm permit conditions and critical area requirements continue to be met. The proposal is consistent with the CAO.

DECISION

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

An aggrieved party has the right to appeal this decision within 20 days of issuance of this decision or by June 26, 2008. 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.


Curt Dreyer
Klickitat County Planning Director

June 6, 2008
Date

MILLER RANCH WIND ENERGY PROJECT
CONDITIONS OF APPROVAL

GEOTECHNICAL¹

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 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 (currently Zone 2B).

EROSION / DUST CONTROL / STORMWATER/AIR

4. 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 (40 km) per hour to minimize generation of dust.
5. Provide up to 6 inches (15 cm) of gravel surface on all Project roads, as necessary, to reduce wind erosion.
6. 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.

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

7. After construction, monitor the Project Site for erosion on a weekly basis and after large rainfall or snowmelt events and take corrective action as needed.
8. 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.
9. If project construction results in cut and fill within U.S. Army Corps of Engineers' jurisdictional waters, obtain required permits from the Corps.
10. Prior to building permit issuance, a revegetation plan will be prepared with input from the County and WDFW and submitted to the County Weed Control office for approval.
11. 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.
12. Coordinate timing of construction to mitigate dust emissions, taking advantage of seasonal/weather conditions and avoiding dry, low-precipitation periods where dust occurrence is high.
13. 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); 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 contact the Department of Ecology to determine if a Sand and Gravel General Permit is required. (Pam Perun at 509-454-7869 is the current contact).
14. 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. Applicant shall contact Ecology's Air Quality Program and obtain proper approval.
15. Maintain all construction and operation equipment/vehicles to be compliant with applicable state and federal emissions standards.
16. Minimize engine idling time when not in use.
17. Encourage carpooling among construction workers to minimize construction-related traffic and associated emissions.

ROADS

18. Any County road used to access the Project (including the O&M building or off-site facilities) 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. The applicant is responsible for all improvements necessary to meet these standards prior to the commencement of construction, except as otherwise provided by the Haul Road Agreement. The applicant shall consult with County Public Works on the implementation of this condition, and

the potential for joint funding of such County road improvements from other projects that may use such roads.

19. 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, 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.
 - Identify and assess potential overhead obstructions such as overhead lines and bridges.
 - Identify and assess potential damages to each haul route if used during inclement weather or seasonally weakened periods.
 - Identify and assess cumulative impacts of the Project in combination with use of haul routes by other known Projects.
 - Identify potential mitigation issues relating to enforcement of traffic laws to control speed of vehicles by workers, vendors, and related traffic.
 - Include bonding 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, bonding 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.²

² 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.

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.”

20. 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.
21. 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.
22. 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 such required maintenance (e.g., removal of mud and debris) to County roads that result from the Project.
23. The Project shall develop and implement a construction traffic management plan to ensure the safe movement of construction traffic throughout the project and, in particular, at the intersections of SR 14 with Old Highway 8 and Roosevelt Grade Road. This construction traffic management plan 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.

24. 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.
25. 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.

SITE RESTORATION

26. 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. The decommissioning plan, including the security/financial arrangements, shall be approved by the County before building permits are issued.

27. After construction, reduce all road-related impacts to the operational width of 35 feet (10.5 m), 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 (446 m²).

NOISE

28. Minimize noise impacts:
 - 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 (914 m) 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

29. 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.
30. The County has noted that two mitigation options have been presented in the submittal dated February 4, 2008. The applicant volunteered this mitigation, following discussions with WDFW. The applicant has voluntarily committed to develop this mitigation consistent with the WDFW Guidelines. The WDFW Guidelines Habitat Mitigation seeks to recognize the full range of environmental benefits and impacts of development in determining appropriate mitigation. Based upon County review, both options are determined to be consistent with the general principals for

wind project siting and mitigation of the WDFW guidelines and are acceptable options for implementation in accordance with the following parameters:

- a. Option 1: Onsite option provides onsite recommendations and states that adequate acreage is available. The onsite mitigation option would be placed in force through a series of conservation easements that would be put in place no later than 90 days after the Commercial Operations Date of the entire wind farm. The language of the conservation easements must be approved by the County prior to the implementation date to insure that they are consistent with the WDFW guidelines.
 - b. Option 2: Offsite option calls for the payment of \$8,000 per turbine for investment in conservation and mitigation properties and easements that provide habitat conservation values, and/or other mitigation consistent with the general principals for wind projects siting and mitigation of the WDFW guidelines. If selected these payments will be made to Klickitat County. In providing for the written election of this option the County must clearly state that it has the authority to accept the monetary mitigation payment and the authority to direct the funds as indicated in this condition to provide consistency with the WDFW guidelines. (When WDFW guidelines are referred to, this means the current version of the guidelines, although future guidelines would be considered at the time the condition is implemented.)
 - c. The County must decide which of the two options are to be selected within 90 days of the effective date of the project permit. If they do not make their election in writing then Northwest Wind Partners is free to choose the option it favors and must either file the required conservation easements or make the required payments no later than 90 days after the Commercial Operations Date for the Wind Farm.
 - d. In implementing the selected mitigation option, the County shall request written comment from WDFW and provide for a 30-day consultation period with WDFW, which may be extended by the County. The purpose of the consultation is to obtain WDFW input in the selection of appropriate mitigation.
31. 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;
 - 200 feet (60.8 m) from streams with fish habitat;
 - 1,300 feet (400 m) from bald eagle roosts during October thru March;
 - 1,300 feet (400 m) from occupied red tailed hawk nests or other raptors between April 15 and August 31;
 - 400 feet (120 m) from occupied western gray squirrel nest between May 15 and September 30 for general construction and 1,300 feet (400 m) for blasting or pile driving.
 - 75 feet (20 meter radius) of any western gray squirrel nest;³

³ Bald eagle roosts, raptor nests, and western gray squirrel nests were not found on site, Buffers apply to any nests/roosts discovered or constructed.

- Hot-rock Penstemon (state threatened plant species) occurs within a drainage basin in the northeast portion of the project site. The existing dirt road will be used as the access road to the turbine array adjacent of this population, which will avoid the majority or all of the plants. The population is distributed in a discontinuous linear range and can be avoided by trenching the collector line through gaps in the population. A botanist will be onsite during this activity to identify the species for avoidance and salvage individual plants where necessary. The project has been designed to avoid Lomatium (desert parsley) populations.
 - Federal and/or state threatened, endangered, or candidate status plants with potential occurrence in the Project, if found during field surveys.
32. Construction shall avoid sensitive areas such as surveyed and mapped populations of rare plants. Where access roads are essential in areas with juniper habitat, they will be routed to cross areas of sparsely, rather than densely, distributed juniper trees.
 33. Impacts to native vegetation in the temporarily disturbed areas will be minimized. Topsoils or top layers of rocky lithosolic “soils” in native habitats will be segregated to retain native root stock, desirable seeds, and other valuable properties of topsoil, where feasible. 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, USDA Farm Services Agency (for CRP), 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.
 34. The project site shall avoid all wetlands, including a 200 feet buffer.
 35. The Project study area includes 12 streams. Two perennial streams will be spanned by the transmission line. The towers will be at least 200 feet from these waters, and will not be placed on canyon walls. Ephemeral drainages that will be crossed by project facilities are drywash headwaters lacking associated wetland and riparian areas. In the areas of temporary impacts to these ephemeral drainages, direction of flow and general contours of their features will be restored (i.e. stream substrate will be replaced avoiding the creation of straightened channels)
 36. Conduct environmental monitoring during construction activities to assure that flagged areas are avoided.
 37. After construction, gate all private access roads to the Project Site to prevent unauthorized access.
 38. 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, and disturbance of the area shall not occur until the Planning Director approves in writing.
 39. The domestic well will provide less than 5,000 gallons of water per day and will be drilled, commissioned and operated consistent with State requirements.

AVIAN

40. The Project shall minimize the use of overhead power lines by placing collector electrical systems between turbine strings underground wherever feasible.
41. Use turbines with low rpm and tubular towers to minimize the risk of bird collisions with turbine blades and the tower.
42. Use bird flight diverters on guyed permanent meteorological towers, or unguyed permanent meteorological towers, to minimize potential for avian collisions with guy wires.
43. 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).
44. Conduct a raptor nesting survey in the spring 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.
45. Report any bird and/or bat fatalities and injuries observed (monthly) for the life of the Project to WDFW and the U.S. Fish and Wildlife Service.
46. Prepare an avian and bat monitoring plan and submit it to the County for approval prior to issuance of the building permit. The goal will be to monitor for avian/bat fatalities in a portion (50% or greater) of the 98-MW Project each year for a 2- to 4-year time period.
47. Identify a project technical advisory committee (TAC) prior to issuance of the building permit, to examine data related to avian and bat impacts and make recommendations on any additional monitoring or mitigation measures. (The TAC may be a county-wide wind development TAC, or formed specifically for this project). Representatives from the County, WDFW, USFWS, landowners, Yakama Nation and local environmental groups must be (or have been) invited to serve on the TAC.
48. Set back turbines from rim edges and cliff faces 300 feet; or more, where feasible.
49. 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 conditions above regarding "Wildlife Habitat/Plants" mitigation.
50. Monitor raptor nests that are within 0.50 mile of construction zones and monitor all nests on-site during the first five years after construction or every other year for ten or more years.
51. Consider constructing from mid-summer through winter periods to avoid impacts to all wildlife during the sensitive breeding periods.
52. Participate in a bluebird nest box program with the local landowners and communities. This will include a contribution to the local bluebird conservation effort through financial assistance or in-kind labor.

53. Designate an environmental monitor during construction to monitor construction activities and ensure compliance with mitigation measures.

HEALTH AND SAFETY

54. Maintain or improve existing fencing and gates to ensure site security. Fence the substations and gate and lock the substation access points. Work with the responsible fire department to ensure that they have access through all locked gates.
55. 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.
56. 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.
57. During construction, designate a Project safety officer to monitor construction activities and provide Project personnel provided with cell phones for timely communications.
58. Provide first aid kits to each construction crew member.
59. 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.
60. Oil and Hazardous Materials:

- Do not allow maintenance or refueling within 100 feet (30 m) 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.
 - Store all petroleum and hazardous materials, such as oils, grease, lubricants, antifreeze, and other similar products, at the O&M building or other staging areas in approved containers.
 - Berm the fuel storage area and closely supervise in a designated area all refueling activities.
 - Place substation transformers on concrete pads and berm substation transformers to contain any loss of cooling fluids.
61. Require that each construction contractor prepare 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.
 62. 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.
 63. Fence the site as appropriate and post signs that warn of electrical danger and list emergency contact numbers.
 64. Monitor the site for evidence of unauthorized use and provide additional security as appropriate.
 65. The perimeter areas around the turbine transformers and Project substations 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

66. Use non-reflective conductors and non-luminous insulators for transmission systems.
67. Use a non-reflective paint for towers and blades to reduce glare.
68. 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.
69. Construct the O&M building from materials compatible with existing buildings in the area and, to the degree possible, store maintenance and other materials within buildings.

70. Incorporate “green building” technology in the O&M building to reduce energy use. This includes utilizing passive solar design techniques, utilizing local materials where possible, considering reflecting roofing to minimize cooling needs, etc.
71. To minimize visual impacts, install visually screening drought-tolerant plantings around the perimeter of the Project Substations and the O&M building.
72. To minimize the offsite visibility of Project lighting, install lights that are shielded and directed downward along the perimeter of the Substation and the O&M building. Equip Substation with lights that are operated manually if needed for nighttime work; otherwise limit lighting to motion detector sensor lights.
73. Turbines shall be lit only as necessary to comply with FAA requirements.

CULTURAL RESOURCES

74. Locate boundaries of significant (NRHP eligible) sites and isolates relative to the turbine strings and road construction areas, and design the construction zone to protect sites.
75. In the event avoidance of NRHP-eligible resource is impracticable, measures must be taken to minimize or mitigate for any resulting impacts to the resource, consistent with the mitigation approaches set forth in the Project Cultural Resource study.
76. Flag the boundaries of the construction zone with sufficient buffers to protect significant cultural resource sites.
77. Implement mitigation measures for National Register of Historic Places-eligible cultural properties, including avoidance of impacts, minimization of impacts, and scientific data recovery for archaeological properties significant under Criterion D.
78. Apply for permits from the Washington Department of Archaeology and Historic Preservation to further test sites identified as “eligibility undetermined” if they cannot be avoided and there is a potential to impact the site.
79. Design and implement scientific data recovery in the event that further testing confirms that eligibility of additional resources and avoidance is not feasible.
80. 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.
81. The Project will provide a qualified archaeological/cultural monitor on the site during all ground disturbing construction activities. A monthly report of daily monitoring activities will be submitted to the County on quarterly basis to document compliance with state requirements for construction activities in areas where there is the potential of cultural resources.
82. Prior to issuance of the building permit, prepare and implement an Unanticipated Discovery Plan to guide response in the event that previously unidentified cultural resource properties are encountered during construction. If a cultural resource is discovered during construction, cease construction activity in the vicinity of the site pending implementation of the Unanticipated Discovery Plan.

COMMUNICATION/INTERFERENCE

83. 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

84. Project shall monitor for ice throw promptly during turbine operations in thaw periods following significant icing events during the first two years of operation, up to a maximum of six events. The Project shall document any ice thrown from turbine blades more than 75 meters from the blades during such monitoring, and report the results to the County. During the first five years of operation, or any extended period provided by the Director in writing, Project shall also document any evidence of such ice throws incidentally discovered by project personnel during site work or travel in the project vicinity. Reports of such evidence shall be submitted no later than April 1 each calendar year. The County reserves the right to require that the Project prepare an ice throw mitigation plan and submit that plan to the County for approval. This plan may include phased-in operations following icing events for turbines proximate to roads or other areas where people are likely to be present.
85. The Project shall be set back from all property boundaries in compliance with EOZ requirements and as set forth in project application materials. Several turbines located adjacent to the downwind property line of operating Big Horn Wind Project turbines are expected to interfere with the commercial viability of those turbines. Big Horn filed a SEPA appeal, but has since withdrawn it. It is understood that the applicants and Big Horn Wind Project LLC have resolved this issue through a mutual agreement.
86. The intended location of the transmission line and the point of western access to the project site encumber that portion of the land through the Big Horn Project area. It is understood that an agreement has been reached by both parties. At the time of building permit application, copies of the recorded easements shall be submitted to the Planning Department.
87. The proponent shall demonstrate that Big Horn Wind Project LLC has authority in its agreements with the underlying property owner to grant these easements. Issuance of the Miller Ranch EOZ permit only provides a county approval through the EOZ ordinance; it does not provide any approval which must be obtained from various property owners and/or other lease holders, for this project to go forward.
88. The Harvest Wind Project adjoins and is located downwind of the proposal. Before building permit issuance, the applicant shall provide written confirmation that it has engaged in a good faith effort to make best use of the wind resource, in a manner fair to both parties. The applicant shall forward the written confirmation to the Harvest Wind Project. Upon receipt of the confirmation, Harvest Wind Project shall be provided with an opportunity to comment within thirty (30) days. The County shall reserve the ability to increase setbacks or to impose other appropriate measures to maximize the utilization of the wind resource.
89. The owner/operator shall designate a permit compliance manager who shall be responsible for preparing and submitting quarterly permit condition compliance reports to the County during

construction. The contact information shall be known to the County and the adjacent property owners.

90. The owner/operator shall coordinate with Department of Public Works and the Bickleton School District to install appropriate "School Bus Stop Ahead" warning signs for the school bus stops.
91. If complaints are filed on speed limit or other traffic issues, the County Planning Department has discretion to require owner/developer to hire local law enforcement as needed to control construction traffic.
92. 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.
93. 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.
94. 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

95. Except as provided herein, develop Project consistent with the SEPA Checklist and application materials. If these documents are inconsistent, the permit conditions shall govern.
96. Comply with applicable federal, state, and local laws (including energy overlay zone and critical areas ordinance requirements).
97. 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.
98. This permit shall expire twelve months from the date of the expiration of the appeal period for the permit unless construction⁴ 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.
99. 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

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.

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.

100. The permit holder shall provide monthly 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.)

EXHIBIT A

Miller Ranch Wind Project Legal Description

The Southeast quarter of Section 1, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The Southwest quarter of Section 4, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The Southeast quarter; the North half of the Northwest quarter; the Northeast quarter, all in Section 9, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The South half of Section 10, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The South half of the Northwest quarter of Section 10, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The North half of the Northwest quarter of Section 10, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The West half of the West half of Section 11, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

All of Section 12, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The North half of the North half of Section 13, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The South half; the South half of the North half of Section 13, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The Northeast quarter of the Northeast quarter; the Southeast quarter of the Northeast quarter; the West half of the Northeast quarter of Section 14, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The South half of Section 14, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The Southeast quarter; the Northwest quarter; the Northeast quarter, all in Section 15, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The Northeast quarter; the East half of the Southeast quarter, all in Section 22, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

All of Section 23, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The North half; the Southeast quarter; the South half of the Southwest quarter of Section 24, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The East half of the East half; the West half of the Northeast quarter; the North half of the Northwest quarter; the Southwest quarter, all in Section 26, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The Northeast quarter of the Northeast quarter of Section 27, Township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

All of Section 35, township 4 North, Range 20 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The South half of Section 6, Township 4 North, Range 21 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The East half of the Northwest quarter; Government Lots 1 and 2; the South half of the Southeast quarter, all in Section 18, Township 4 North, Range 21 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

Government Lots 3 and 4; the East half of the Southwest quarter of Section 18, Township 4 North, Range 21 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.

The North half of the Northeast quarter; the Southwest quarter of the Northeast quarter; the Northwest quarter; the Southwest quarter; the Southeast quarter, all in Section 19, Township 4 North, Range 21 East, of the Willamette Meridian, in the County of Klickitat and State of Washington. EXCEPT State and County Roads, if any.