In the matter of a an application )
To permit the Windy Flats Wind )
Farm Project pursuant to the "EOZ" )
Energy Overlay Zone )

Findings of Fact, Conclusions and Decision of the Klickitat County Planning Director

Windy Point Partners LLC has applied for a permit pursuant to the EOZ (Energy Overlay Zone) to establish the Windy Flats Wind Farm Project. The Klickitat County Planning Director finds as follows:

Findings of Fact

1. Application/Property Location: The applicant is Windy Point Partners LLC, represented by Kurt Humphrey, NW Area Manager of Cannon Power Corporation, 8145 NW Skyline Boulevard, Portland, OR, 97229. The Project is generally located in portions of Sections 1, 2, 3, T2N, R14E; Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, T2N, R15E; Sections 6, T2N, R16E; Sections 25, 26, 27, 34, 35, 36, T3N, R14E; Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 T3N, R15E; Sections 1, 2, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, T3N, R16E; Sections 4, 5, 6, 7, 8, 9, T3N, R17E., WM, Klickitat County (Dalles Mountain Road vicinity, approximately 6 miles Southwest of Goldendale). The project location is shown on the attached revised site layout map, submitted on September 11, 2007.

2. Project Description: Construct up to 95 wind turbines, each with a rated capacity of between 1.5 and 2.5 MW, with generators and pad-mounted transformers at each turbine to produce maximum electrical generation capacity of approximately 190 MW. Turbines would have a maximum height of 415 – 420 feet (from tip of rotor blade at highest point to ground level) with three rotor blades. Electricity generated by the wind turbines would be transmitted by a 34.5-kV electric feeder system consisting of approximately 22 miles of underground circuits. The feeder transmission cable would connect with Substation #1 and Substation #2 which would be connected by an overhead 230 kV transmission line approximately 9.5 miles (15 km) long. From Substation #1 a second approximately 7 mile (11 km) long 230 kV transmission line would interconnect with the Windy Point’s 230 kV transmission system and eastward to the BPA Rock Creek Substation. The project would also include the improvement of 10 miles of existing road and the construction of 12 miles of new access road. The project site is comprised of approximately 19,177 acres, although only approximately 121.3 acres would be permanently disturbed as a result of the project.

3. On-site uses: Current use of the site is cropland, rangeland and rural residential.

4. Zoning: The project site is zoned “EOZ” (Energy Overlay Zone). 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; consistency with applicable County requirements; and 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: The EOZ requires each applicant to submit an expanded SEPA checklist, to include a completed environmental checklist (standard form) supplemented by technical reports addressing wildlife and habitat (including avian resources), cultural resources, and grading and stormwater management. The project application met these requests, except that a deferral of the grading and stormwater management plan was sought and granted. A condition is imposed requiring completion of such a plan prior to construction. In addition to the project's expanded SEPA checklist, the draft and final EIS prepared for the Klickitat County Energy Overlay in 2003 and 2004 was adopted. This office has used the adopted EIS and the project's SEPA checklist and environmental report in evaluating the environmental impacts and imposing mitigation measures for the project.

7. Public Notice and Comment: On July 25, 2007 the Planning Department posted notice on its website of the application being deemed complete and sent e-mail notice of the same to individuals listed on the Planning Department’s e-mail list; the applicant conducted public informational meetings on July 31, 2007 and August 16, 2007; the first meeting was attended by approximately 50 people, the second by three individuals; on September 24, 2007, the SEPA notice was posted on the Planning Department website, sent to e-mail list recipients, published in the Sentinel and Enterprise newspapers, and the applicant mailed to landowners within 300 feet of the proposal and other interested parties.

8. Comments Addressed: The Planning Department reviewed written comment, including applicant responses to those comments. Conditions were added to the SEPA review and to this permit to address some of these comments, including Condition 14 (road impacts) and Condition 70 (icing). In total, this permit includes 77 conditions.

9. Critical Areas: The project application materials address compliance with the 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, marking, resource protection, and compensatory
mitigation (in accordance with ratios from the WDFW Wind Guidelines) to ensure CAO compliance.

Conclusions:

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 and wildlife, stormwater, geologic and flood hazards, water resources, cultural resources, visual resources, and public safety. The applicant has included mitigation conditions that adequately address each of the foregoing issues. Compliance with the Critical Areas Ordinance and other regulatory requirements, such as the NPDES permit requirements for construction stormwater, will further mitigate impacts. The proposal is consistent with the EOZ.

3. The zoning code permits this project outright, as long as it is consistent with the County Code, including EOZ criteria. As conditioned, the project meets County requirements.

CONDITIONS:

Based on the above findings of fact, conclusions and conditions the Klickitat County Planning Director approves the Windy Flats Wind Farm Project. The project is subject to the EOZ Development Standards (K.C.C. 19.39:8) and Use and Construction Standards (K.C.C. 19.39:9), to the project-specific conditions set forth in the appendix, and to all other applicable County code requirements.

Any party with standing has the right to appeal this decision within 20 days of issuance of this decision. A $175 filing fee must accompany the appeal.

Curt Dreyer
Klickitat County Planning Director

Date
MITIGATION MEASURES FOR
THE WINDY FLATS WIND FARM
ENERGY OVERLAY PERMIT APPLICATION

GEOTECHNICAL

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 before building permit issuance, and before commencing construction activity.

3. Design structural foundations, buildings, and structures consistent with applicable seismic zone requirements.

EROSION / DUST CONTROL / STORMWATER

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 prior to 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 construction, a stormwater drainage system will be designed in consultation with a professional engineer and submitted to the Planning
mitigation (in accordance with ratios from the WDFW Wind Guidelines) to ensure CAO compliance.

Conclusions:

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Curt Dreyer
Klickitat County Planning Director

Date

3
Department. Construction will proceed in compliance with the design.

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. Implement a construction stormwater management plan, including a Stormwater Pollution Prevention Plan, concurrent with construction. Prior to restoration activities, redesign the construction Stormwater Pollution Prevention Plan to function as permanent stormwater management components of the Project.

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. Re-vegetate any disturbed areas that are not permanently occupied by Project features as soon as feasible.

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. If required, existing culverts will be replaced to accommodate the 100-year/24 hour storm event.

**ROADS**

12. 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:

- 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.

For County roads in the designated Haul Route, 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. Applicant is responsible for damage from all traffic generated by the project (labor, vendors, etc.) and all generated traffic is required to use the single Haul Route. If needed, the applicant could designate a “plan B” route, with written authorization from the County to utilize “plan B.”

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.

13. The Project’s construction traffic shall not cause any roads within the County to fall into disrepair due to heavy loads, and the Project shall be responsible for any damage to those roads caused by its construction traffic.

14. 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 intersection of US 97 and Stringstreet 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 through project construction. The plan shall be approved before building permits are issued.

**SITE RESTORATION**

15. Prepare a 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 amount of the security can be determined later based on factors such as site-specific conditions affecting the costs of decommissioning, access, depth of foundation, and terrain, and include credit for salvage value of the equipment. The decommissioning plan, including the security/financial arrangements, shall be approved by the County before building permits are issued.

16. 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).
17. After construction, the site area will be graded to conform to previous contours. Install permanent erosion control measures, such as water bars, as needed.

**NOISE**

| 18. | 1. 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. |
|     | 2. Minimize idling of trucks and other heavy equipment such as concrete delivery trucks to the extent possible. |
|     | 3. 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. |
|     | 4. Where feasible, equip construction equipment with noise control devices and muffled exhaust systems. |
|     | 5. Ensure that all equipment have sound control devices no less effective than those provided on the original equipment. |
|     | 6. Ensure that all construction equipment is adequately muffled and maintained. |
|     | 7. Locate all stationary construction equipment as far away as practicable from nearby residences. |
|     | 8. 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. |
|     | 9. 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. |

**WILDLIFE HABITAT/PLANTS**

| 18. | Conduct a contractor training program before groundbreaking to explain restrictions protecting wildlife, habitat, and critical area features in or near the construction zone. |
| 19. | If impacts to Oregon white oak habitat occur along the transmission line, work with Klickitat County and WDFW to set aside through legal protection for the life of the Project an appropriate amount of similar habitat and/or equivalent habitat funding based upon consultation with WDFW. Minimize impacts during construction. Trim or limb Oregon white oak trees rather than removing. |
20. Minimize 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;
- 25 feet (7.6 m) from designated critical habitat;
- 200 feet (60.8 m) from streams with fish habitat;
- 1,300 feet from bald eagle roosts during October thru March;
- 1,300 feet (400 m) from occupied red-tailed hawk nests or other raptors 4/15-8/31.
- 400 feet (120 meters) from occupied western gray squirrel nest between May 15 and September 30 for general construction and 1,300 feet (400 meters) for blasting or pile driving.
- 75-foot (20-meter radius) of any western gray squirrel nest.

21. Conduct environmental monitoring during construction activities to assure that flagged areas are avoided.

22. Prior to construction, conduct surveys for nesting long-billed curlews in previously identified potential habitat to identify potential nest sites. If nests are found, the Applicant will consult with WDFW to develop and implement mitigation measures to avoid impacts during the nesting window (April 1 through August 15).

23. After construction, gate all private access roads to the Project Site to prevent unauthorized access.

24. Using a 1:1 replacement ratio for permanently impacted grassland habitat and 2:1 for lithosol habitat, set aside, through legal protection for the life of the Project, a mitigation site and/or funding based upon consultation with WDFW.

25. Before building permit issuance, for temporarily impacted grassland and lithosol habitat, prepare a restoration plan in consultation with the WDFW that includes site preparation, reseeding with appropriate vegetation, noxious weed control, and protection from degradation.

26. Prepare a restoration plan in consultation with WDFW and Klickitat County Planning Department, and consistent with the critical areas ordinance, before building permits are issued.

27. Monitor all reseeded restored areas for five years or until vegetation is reasonably established.
28. Develop a reseeding/restoration and weed management plan in consultation with the Klickitat County Weed Control Board, before building permits are issued, to be implemented and updated over the lifetime of the Project.

29. If the applicant proposes to construct in areas that have not yet been delineated for cultural resources or critical areas, for example, due to micrositing of facilities for environmental or project-related reasons, the applicant shall perform and document such delineation in a report submitted to the Planning Director prior to disturbing the area. 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.

**AVIAN**

30. The Project shall minimize the use of overhead power lines by placing collector electrical systems between turbine strings underground wherever feasible.

31. Use turbines with low rpm and tubular towers to minimize the risk of bird collisions with turbine blades and the tower.

32. Use bird flight diverters on guyed permanent meteorological towers, or unguayed permanent meteorological towers, to minimize potential for avian collisions with guy wires.

33. 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).

34. Conduct a raptor nesting survey in the spring prior to construction 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.

35. Monitor for and remove carcasses of livestock, big game, and other animals from the Project Area that may attract foraging bald eagles or other raptors.

36. Monitor the wind turbine area for a minimum of one year (from commercial operation date) to estimate bird and bat fatality rates using a standard protocol.

37. Report any bird fatalities observed (monthly) for the life of the Project to WDFW and the U.S. Fish and Wildlife Service.

38. Form a project technical advisory committee prior to construction, to examine data related to avian and bat impacts and make recommendations on any additional monitoring or mitigation measures. Invite representatives from WDFW, USFWS, landowners, County, Yakama Nation and environmental groups to join the committee.
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<td>39.</td>
<td>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.</td>
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<td>40.</td>
<td>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.</td>
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<td>41.</td>
<td>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.</td>
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<td>42.</td>
<td>During construction, designate a Project safety officer to monitor construction activities and provide Project personnel with cell phones for timely communications.</td>
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<td>43.</td>
<td>Provide first aid kits to each construction crew member and at the construction laydown and fabrication yard.</td>
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<td>44.</td>
<td>Prior to construction, develop and implement a fire and explosion protection plan that includes the following at a minimum:</td>
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<td>• 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.</td>
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<td>• 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.</td>
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<td>• Prior to blasting, clear vegetation around the blast excavation zone. Coordinate with the responsible fire department if burning will be used to clear vegetation.</td>
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<td>• 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.</td>
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- 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.

45. Oil and Hazardous Materials:
- Do not allow maintenance or refueling within 100 feet (30 m) of wetlands, drainages, or sensitive plant and animal habitat.

- Construction laydown/fabrication yard will include lubrication/fuel storage/fueling and truck washdown area, 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 a small berm around turbine pads to contain any loss of lubricant while operating or during servicing.

- Place substation transformers on concrete pads and berm substation transformers to contain any loss of cooling fluids.

46. 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.

47. 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.

48. Fence the site as appropriate and post signs that warn of electrical danger and list emergency contact numbers.

49. Monitor the site for evidence of unauthorized use and provide additional security
as appropriate.

50. 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

51. Use non-reflective conductors and non-luminous insulators for transmission systems.

52. Use a non-reflective paint for towers and blades to reduce glare.

53. 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.

54. 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.

55. Incorporate “green building” technology in the O&M building to reduce energy use.

56. To minimize visual impacts, install visually screening drought-tolerant plantings around the perimeter of Substations #1 and #2 and the O&M building.

57. To minimize the offsite visibility of Project lighting, install lights that are shielded and directed downward along the perimeter of the Substation # 1 and the O&M building. Equip Substation #2 with lights that are operated manually if needed for nighttime work, otherwise limit lighting to motion detector sensor lights.

58. Turbines shall be lit only as necessary to comply with FAA requirements.

59. Project lighting shall comply with the County’s illumination control ordinance.

60. Consult with Washington, Oregon and federal recreation agencies as well as Oregon and Washington Transportation Departments to provide signs directing sightseers to safe viewing areas of the Project Site.

### CULTURAL RESOURCES

61. 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.
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| 62. | 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. |
| 63. | Flag the boundaries of the construction zone with sufficient buffers to protect significant cultural resource sites. |
| 64. | 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. |
| 65. | 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. |
| 66. | Design and implement scientific data recovery in the event that further testing confirms that eligibility of additional resources and avoidance is not feasible. |
| 67. | 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. |
| 68. | Prior to commencing construction activities, 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**

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| 69. | 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 take mitigation measures deemed to be reasonable to the County to resolve the issue. |

**OTHER/MONITORING**

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| 70. | 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.

### LAWS/STANDARDS

| 71. | Except as provided herein, develop Project consistent with the SEPA Checklist and application materials. If these documents are inconsistent, the permit conditions shall govern. |
| 72. | Comply with applicable federal, state, and local laws. |
| 73. | 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. |
| 74. | This permit shall expire twelve months from the date of the expiration of the appeal period for the permit unless construction 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. |
| 75. | Building permit applications shall include documentation demonstrating the property owner has consented to construction of the structures each building permit would authorize. Property owner signature on either the building permit or energy overlay zone permit application is sufficient to meet this requirement. |
| 76. | Turbine locations are expected to be adjusted during micro-siting. Significant variations in turbine lay out may require EOZ permit amendment. |
| 77. | 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.) |