

## EXHIBIT E

### CONSTRUCTION AND OPERATION PERMITS

*Information about permits needed for construction and operation of the facility, including:*

*(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit.*

*(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant's analysis of whether the permit should or should not be included in and governed by the site certificate.*

*(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. The applicant may show this evidence:*

*(i) In Exhibit J for permits related to wetlands.*

*(ii) In Exhibit O for permits related to water rights.*

*(D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision.*

*(E) If the applicant relies on the state or local government permit or approval issued to a third party, identification of any such third-party permit and for each:*

*(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.*

*(ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit.*

*(iii) An assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard.*

*(F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each:*

*(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.*

*(ii) Evidence that the responsible agency has received a permit application.*

*(iii) The estimated date when the responsible agency will complete its review and issue a permit decision.*

(G) *The applicant's proposed monitoring program, if any, for compliance with permit conditions.*

In its First Amended Project Order dated July 12, 2011, the Department expanded upon the requirements of Exhibit E as follows:

All paragraphs apply.

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**Federal Permits**  
*Code of Federal Regulations (CFR)*

<u>Permit</u>	<u>Agency</u>
Notice of Proposed Construction or Alteration 14 CFR Part 77	Federal Aviation Administration Southwest Regional Office Obstruction Evaluation Group, AJV-15 Donna O'Neill, Airspace Specialist for Wind Turbines, Western US 2601 Meacham, Blvd. Fort Worth, TX 76193 (816) 329-2525 donna.o'neill@faa.gov

An FAA determination of no-hazard to air navigation is required for the construction of structures over 200 feet tall. The turbines and met towers proposed for the Saddle Butte Wind Park are over 200 feet tall, and a no-hazard determination will be secured by filing a Notice of Proposed Construction or Alteration. Applicant's analysis with respect to inclusion in the Site Certificate may be found in Exhibit BB.

**Federally Delegated State Permits**

None. Because the site of the Saddle Butte Wind Park is not adjacent to any waters of the United States the NPDES Stormwater Discharge Permit is not required. Please see Exhibit J. Because neither construction nor operation of the facility will result in discharge to waters of the state, 401 Water Quality Certification is not required.

**State Permits**  
*Oregon Revised Statute (ORS), Oregon Administrative Rule (OAR)*

<u>Permit</u>	<u>Agency</u>
Energy Facility Site Certificate ORS 469.300 to ORS 469.507; OAR Chapter 345, divisions 1, 21, 22, 24, 26, and 27.	Energy Facility Siting Council John White Oregon Department of Energy 625 Marion Street, NE

Salem, OR 97301  
(503) 378-4040  
john.white@state.or.us

The Saddle Butte Wind Park is an EFSC jurisdictional energy facility, and a Site Certificate is required.

<b>Permit</b>	<b>Agency</b>
Air Navigation OAR Chapter 738, division 70.	Oregon Department of Aviation 3040 25 <sup>th</sup> Street SE Salem, Oregon 97302 (503) 373-1688 aviation.mail@state.or.us

Both the FAA and the Oregon Department of Aviation are responsible for determining whether any with turbine or met tower presents a hazard to aviation in Oregon. Applicant's analysis with respect to inclusion in the Site Certificate may be found in Exhibit BB.

#### **Local Permits**

<b>Permit</b>	<b>Agency</b>
Gilliam County Conditional Use Permit Gilliam County Zoning and Land Development Ordinance Article 4 (Use Zones), Article 7 (Conditional Uses), Article 8 (Supplementary Provisions) and Article 11 (Administrative Provisions).	Gilliam County Planning Department Susie Anderson, Planning Director 221 Oregon Street PO Box 427 Condon, OR 97823 (541) 384-2381 susie.anderson@co.gilliam.or.us
Gilliam County Zoning Permit Gilliam County Zoning and Land Development Ordinance Article 11 (Administrative Provisions).	Gilliam County Planning Department Susie Anderson, Planning Director 221 Oregon Street PO Box 427 Condon, OR 97823 (541) 384-2381 susie.anderson@co.gilliam.or.us

Applicant has elected to demonstrate compliance with local land use criteria through the EFSC Site Certificate Process. Upon the issuance of a Final Order on the Site Certificate, Gilliam County will issue a Conditional Use Permit. Please see Exhibit K, which demonstrates compliance with Gilliam County land use requirements. A Zoning Permit is required for construction of the Facility and prior to submittal of building permit applications to the Mid-Columbia Council of Governments. The Zoning Permit will be issued in conjunction with the Conditional Use Permit.

Structural, mechanical and electrical permits  
Oregon Building Codes

Mid-Columbia Council of Governments  
Mid-Columbia Building Codes Services  
1113 Kelly Avenue  
The Dalles, OR 97058  
(541) 298-4461  
email not available

Building permits will be required for facility construction. The Mid-Columbia council of Governments issues building permits for Gilliam County.

Activities in Gilliam County Rights-A-Way  
Condition of Use

Gilliam County Road Department  
Dewey Kennedy, Road Master  
509 South Lincoln Street  
Condon, OR 97823  
(541) 384-3998  
dewey.kennedy@co.gilliam.or.us

A permit is required for the construction of project road driveways within the county road right-of-way.

Applicant recommends that the Site Certificate include and govern the Conditional Use Permit and Zoning Permit. Because building permits and rights-a-way permits depend on completion of the final layout and facility design, Applicant proposes to separately secure these permits. Gilliam County, the Mid-Columbia Building Codes Services and Applicant's affiliates are experienced with respect to building and rights-a-way permits, and Applicant believes that their issuance is assured.

<b>Permit</b>	<b>Agency</b>
Morrow County Conditional Use Permit Morrow County Zoning Ordinance Section 3.010(D).	Morrow County Planning Department Carla McLane, Planning Director 205 NE Third Street Irrigon, OR 97844 (541) 922-4624 cmclane@co.morrow.or.us
Morrow County Zoning Permit Morrow County Zoning Ordinance Section 1.050	Morrow County Planning Department Carla McLane, Planning Director 205 NE Third Street Irrigon, OR 97844 (541) 922-4624 cmclane@co.morrow.or.us
Morrow County Building Permit Conditional of Use	Morrow County Planning Department Carla McLane, Planning Director 205 NE Third Street Irrigon, OR 97844

(541) 922-4624  
cmclane@co.morrow.or.us

Morrow County Approach Site Permit  
Condition of Use

Morrow County Public Works  
365 West Highway 74  
Lexington, OR 97839  
(541) 989-9500  
mcroad@co.morrow.or.us

Applicant has elected to demonstrate compliance with local land use criteria through the EFSC Site Certificate Process. Upon the issuance of a Final Order on the Site Certificate, Morrow County will issue a Conditional Use Permit. Please see Exhibit K, which demonstrates compliance with Morrow County land use requirements. A Zoning Permit is required for construction of the Facility and prior to submittal of building permit applications to the Morrow County Planning Department (which provides building permit clearance). The Zoning Permit should be issued in conjunction with the Conditional Use Permit. An approach site permit is required for each intersection of a project road and a county road.

Applicant requests that the Site Certificate include and govern all required Morrow County permits.

### **State or Local Permits Issued to a Third Party**

Third party contractors engaged for the construction of the Saddle Butte Wind Park will require a host of permits. For example: All turbine manufacturers listed in Exhibit B sell their turbines FOB turbine pad. For warranty reasons, Applicant cannot arrange for the delivery of turbine components itself. The turbine manufacturer is, therefore, responsible for securing many multi-jurisdictional oversize/overweight transport permits. The ability of these turbine manufacturers to sell turbines is thereby conditioned on its ability to secure these permits, just as it is conditioned to operate its manufacturing facilities in compliance with building codes, worker safety regulations, etc. Applicant will select a turbine supplier with a proven track-record, in performance, manufacture and delivery.

Similarly, Applicant is considering (for engineering, procurement, and construction (EPC) contracting) only those EPC contractors with extensive experience with wind facility installation in the Pacific Northwest. Applicant's EPC contractor will be responsible for the mobilization of its own heavy equipment and construction trailers, many of which will require multi-jurisdictional oversize/overweight transport permits. The ability of an EPC contractor to secure the Saddle Butte Wind Park contract is thereby conditioned on its ability to secure these permits.

Applicant addresses water usage at Exhibit O. Existing sources of construction water is discussed, as is the possibility that Applicant's EPC contractor will decide to develop a new well and apply for limited use water rights.

Applicant has provided, in its temporary disturbance footprint, for the construction of a temporary concrete batch plant. Applicant's EPC contractor may choose to construct a temporary

concrete batch plant, in which case Applicant's EPC contractor will secure the required permits. Or Applicant's EPC contractor will secure the facility's concrete from existing commercial sources.

Applicant is confident of the ability of any of the EPC contractors under consideration to secure these permits. But, given proven alternatives, Applicant does not rely on them to do so.

### **Federally Delegated Permits Issued to a Third Party**

None.

### **Monitoring Program**

The permits listed above will include monitoring requirements with which Applicant is obligated to comply. Applicant's proposed program for complying with Site Certificate Conditions may be found in Figure E-1.

Figure E-1

Saddle Butte Wind Park  
**Site Certificate Compliance Plan**

- **Information**

Key to Site Certificate Compliance is the dissemination of information with respect to Site Certificate Conditions. Certificate Holder will produce Compliance Tables separating Site Certificate Conditions into categories covering Design, Construction, Operation and Reporting (among others). Compliance tables will be distributed to all potential construction contractors, who will submit their bids and qualifications with reference to Site Certificate Conditions.

During construction, when questions arise with respect to actions which may or may not be allowed, Certificate Holders will answer each question quoting the Site Condition in its entirety, thus assuring continuing education.

- **Clear lines of authority**

During construction, Site Certificate compliance is of importance to the General Contractor, individual construction managers (and their personnel), the Certificate Holder's on-site team, and its Assistant Construction manager who is tasked with on-site compliance monitoring.

Certificate Holder's representatives, as indicated in Certificate Holder's ODOE filings will be the sole parties charged with compliance determination (as viewed by the Certificate Holder) and formal communication with ODOE.

That said, Certificate Holder's representatives will encourage and respond to, compliance questions posed by any personnel associated with the project. We feel this furthers the information obligation outlined above.

Lines of communication are formalized, all personnel understand these communication rules, and corrective action is taken as necessary.

- **Continuing Condition Review**

Compliance works only if those tasked with assuring compliance remember the rules. The Conditions table will be regularly updated to reflect the dates and sources of compliance documentation, as well as progress notes.

- **The Reporting Calendar**

Certificate Holder's reporting requirements may include bodies other than the Department (BPA, FERC, the power purchaser, any equity participants and debt holders). Certificate Holder will

maintain a master reporting requirement calendar in order to assure continuing compliance with all obligations.

- **Documentation**

The Compliance Table will document compliance.