

BIGLOW CANYON WIND FARM: HABITAT MITIGATION PLAN

[MAY 10, 2007]

I. Introduction

This Habitat Mitigation Plan (plan) describes methods and standards for enhancement of an area of land near the Biglow Canyon Wind Farm (BCWF) to mitigate for certain impacts of the facility on wildlife habitat.¹ The applicant has proposed a habitat mitigation area of approximately 117 acres as described below. The certificate holder shall enhance the mitigation area as described in this plan and shall place the area into a conservation easement for the life of the facility.²

The objective of the enhancement methods is to improve the habitat value of the mitigation area and to protect the area for wildlife use for the life of the facility. This plan has been prepared to guide the habitat enhancement efforts within the mitigation area. The plan specifies the primary actions the certificate holder must undertake and the goals, monitoring procedures, and success criteria to evaluate enhancement success.

Prior to any construction of the BCWF, the site certificate holder shall acquire the legal right to create, maintain and protect the habitat mitigation area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Oregon Department of Energy (Department). Prior to any construction of the BCWF, the site certificate holder shall complete an “Implementation Plan” approved by the Department that describes in detail how the Habitat Mitigation Plan will be carried out. During the first phase of construction of the BCWF, the site certificate holder shall begin to implement this plan so that all of the specific enhancement methods described in Section VII are in place by the end of construction of that first phase.

II. Description of the Permanent Impacts

The BCWF would permanently affect a maximum of about 178 acres. Most of the area of permanent impact (about 167 acres) would be within currently cultivated agricultural fields or other developed land. This area is lower-value habitat (Category 6). The BCWF would occupy – or have a permanent impact on – a maximum of about 11.93 acres of higher-value Category 3 or Category 4 habitat. The actual area of each habitat category that the BCWF will permanently occupy will depend on the final design layout of the facility after consideration of micrositing factors.

Data collected at other wind energy facilities indicate that the operation of wind turbines may adversely affect the quality of nearby habitat that is important or essential for grassland avian species. This is often referred to as a “displacement” impact. Conducting a study at the BCWF site to determine whether operation of the facility had a displacement effect on grassland birds would take several years. If the study concluded that an adverse impact had occurred, additional mitigation would be needed. In lieu of conducting a multi-year study, the certificate

¹ This plan is incorporated by reference in the site certificate for the BCWF and must be understood in that context. It is not a “stand-alone” document. This plan does not contain all mitigation required of the certificate holder.

² As used in this plan, “life of the facility” means continuously until the facility site is restored and the site certificate is terminated in accordance with OAR 345-027-0110.

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holder has proposed to provide additional mitigation, based on the assumed likelihood that operation of the facility would reduce the quality of nearby habitat that is important or essential for grassland bird species. The affected habitat near the BCWF wind turbines includes grassland, Conservation Reserve Program (CRP) and shrub-steppe habitat in Categories 3 and 4.

As defined by the fish and wildlife habitat mitigation goals and standards of the Oregon Department of Fish and Wildlife (ODFW), the affected habitat and corresponding mitigation goals are as follows:

- **Category 3:** Essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population.

Mitigation Goal: No net loss of either habitat quantity or quality. Mitigation must be in-kind.

- **Category 4:** Important habitat for fish and wildlife species.

Mitigation Goal: No net loss in either existing habitat quantity or quality. Mitigation may be either in-kind or out-of-kind.

III. Calculation of Impacts and Size of Mitigation Area

The area needed to mitigate for the amount of higher-value habitat occupied by the BCWF turbines and related facilities is determined by the facility's permanent impact within each habitat category. The amount of additional area needed to mitigate for a displacement effect that is uncertain cannot be precisely calculated. To determine a reasonable area for displacement mitigation, the applicant has performed a rough calculation of potential displacement impact by assuming a 50-percent reduction in use by grassland birds within 50 meters of wind turbines in native grassland/shrub steppe habitat and a 25 percent reduction in use by grassland birds within 50 meters of wind turbines in CRP habitat.³ The applicant further assumed that the final design locations of wind turbines within the micro-siting corridors would be such that the maximum area of native grassland would be affected (the "worst case"). The area of impact within each affected habitat category and the corresponding mitigation area for each category are as follows:

- The permanent impact is about 11.93 acres, of which about 8.41 acres are Category 3 habitat (grassland, CRP and shrub-steppe combined) and about 3.52 acres are Category 4 habitat (grassland, CRP and shrub-steppe combined).
- The calculated potential displacement impact is estimated to be about 33 acres, of which about 67 percent is Category 3 CRP habitat, 2 percent is Category 3 grassland/shrub steppe habitat, 26 percent is Category 4 CRP habitat, and 4 percent is Category 4 grassland/shrub steppe habitat.⁴
- The combined impacts equal about 45 acres. Mitigation must be sufficient to replace the quantity and quality of this combined impact in order to achieve "no net loss" in habitat quantity or quality. The mitigation area must be large enough

³ The method of determining a reasonable mitigation area as described in this plan is not intended to be a precise formula or a precedent for determining appropriate mitigation for any other facility.

⁴ Percentages based on information from Wally Erickson, WEST, Inc., in a personal communication with Tom Meehan, consultant for the Department, during the review of the site certificate application.

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1 to be capable of achieving this goal. The certificate holder has secured a 117-acre
2 mitigation area, based on the understanding that mitigation acreage that exceeds
3 the actual acreage of permanent and indirect impacts may be applied to any future
4 mitigation requirements (this “mitigation banking” is discussed in Section IX).

5 If the data from transect surveys at the Stateline Wind Project demonstrates a statistically
6 significant displacement effect on grassland bird species that is greater than the displacement
7 effect described in the *Stateline Wind Project Wildlife Monitoring Final Report, July 2001-*
8 *December 2003*, then the certificate holder shall assume that the BCWF is having a greater
9 displacement effect on grassland species than was assumed when the site certificate was issued
10 and shall propose additional mitigation. The Department shall recommend appropriate mitigation
11 to the Council, and the certificate holder shall implement mitigation as approved by the Council.

12 **IV. Description of the Mitigation Site**

13 The mitigation site is located to the northeast of the BCWF, less than 0.5 miles from the
14 John Day River and just more than 0.5 miles from the nearest wind turbine. The site contains an
15 intermittent spring that forms a small tributary drainage immediately west of the Emigrant
16 Springs tributary and watershed.

17 Thus, the mitigation site sits immediately adjacent to both the John Day River riparian
18 corridor and the large Emigrant Springs watershed, which provides additional forage, thermal
19 and security cover, and water. No road access exists to the site, which is relatively remote and
20 infrequently disturbed by humans.

21 The site is predominantly steep-sloped with shallow rocky soils and has been both
22 recently and historically grazed. Areas most degraded from livestock grazing include the deeper
23 soiled areas and the spring and associated riparian draw in the southern end of the mitigation site.
24 Horizontal and vertical vegetative structure is largely depleted because of exposed slopes and
25 livestock grazing impacts, and large patches of cereal rye have out-competed native species in
26 some areas. However, the higher elevation western border consists of deeper silt loam soils, with
27 the potential to provide a more diverse vegetative community.

28 Adjacent property to the west is cultivated and managed for wheat production. Adjacent
29 property to the north and east is rangeland managed for livestock production. A four-strand
30 barbed wire fence exists along the east boundary of the mitigation site. No fence exists along the
31 crop field boundary to the east or along the north boundary; this area is grazed when fallow or
32 electric fence is used during the planting and harvest period to exclude livestock. The area
33 around the spring source and downstream lacks a vegetative buffer or a diverse vegetative
34 community because of intensive grazing. Some tall sagebrush cover exists near the stream area
35 while cattails and aquatic succulents occur in the spring source area.

36 Given the current condition of the site and livestock practices, the entire mitigation site is
37 generally characterized as Category 4 habitat, according to ODFW’s Habitat Mitigation
38 Standards.

39 **V. Site Potential for Wildlife Habitat Enhancement**

40 For mitigation, the applicant has proposed entering into a conservation easement or
41 similar agreement with two landowners to enhance the mitigation site’s existing grassland,

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1 shrub-steppe and riparian habitat for the life of the BCWF facility. The mitigation site presents
2 the opportunity to enhance grassland and shrub-steppe habitat quality and quantity that is limited
3 in the area for wildlife. Properly managed, the mitigation site has the potential to provide more
4 diverse grassland in greater quantity with greater horizontal and vertical structure. If enhanced
5 with reseeded, deeper soiled areas would provide better nesting habitat for grassland bird
6 species and provide higher quality forage for big game. Excluding livestock with fencing would
7 provide better fall, winter and early spring rangeland for big game by allowing Sandberg
8 bluegrass, bluebunch wheatgrass, and various forbs to grow undisturbed in shallow-soiled slopes.
9 Removal of cattle grazing should improve the habitat quality of the entire site and especially the
10 deeper-soiled, spring and riparian areas. The site's steeper areas also will see some benefit from
11 reduced grazing, especially during early spring green-up. As well, livestock exclusion would
12 enhance summer habitat for ground-nesting birds.

13 The mitigation site also has the potential to provide several different quality ecotones.⁵
14 Grassland patches in the lower-elevation eastern portion of the site may be of greater suitability
15 to long-billed curlews because of closer proximity to the John Day River, where observations of
16 this species breeding have been documented.

17 **VI. Proposed Enhancement**

18 To mitigate for the permanent loss of 11.93 acres of Category 3 and Category 4 habitat as
19 a result of BCWF turbines, roads and other facilities, the site certificate holder will reseed 11.93
20 acres of deep-soiled Category 4 habitat within the mitigation site along the upper, more level
21 slopes adjacent to cultivated areas. Reseeding is expected to improve about 11.93 acres of deep-
22 soiled Category 4 habitat to a quality of Category 2 or Category 3 grassland habitats.

23 To mitigate for the displacement effect, the site certificate holder will install fences to
24 remove livestock grazing from the 117-acre mitigation site. In combination with other actions
25 described below, fencing is expected to improve most of the portion of the mitigation site that is
26 not reseeded (about 105 acres) from Category 4 to at least Category 3 habitat.

27 The acreages stated above for maximum permanent and indirect displacement habitat
28 impacts (*i.e.*, 11.93 acres and 33 acres, respectively, or a total of about 45 acres) are based on
29 construction of the entire BCWF facility as approved under the site certificate. If only a portion
30 of the BCWF facility is constructed, the maximum permanent and indirect displacement habitat
31 impacts are expected to be less than 45 acres. Nevertheless, as part of the first phase of
32 construction, the certificate holder has proposed to secure the entire 117-acre mitigation site,
33 install the guzzler, enhance the spring area, and have the fencing installed to exclude livestock on
34 the entire mitigation site. If only a portion of the BCWF facility is constructed and full build-out
35 does not occur, then any enhanced mitigation acreage that exceeds the actual acreage of
36 permanent and indirect habitat impacts may be applied to any future mitigation requirements, as
37 outlined in the Wildlife Mitigation and Monitoring Plan and subject to approval by the
38 Department.

⁵ An "ecotone" is a transitional zone between ecological communities.

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VII. Habitat Enhancement Methods

The goal of habitat enhancement is to improve the habitat quality of the mitigation site to achieve, over time, a Category 3 quality over most of the site and a mix of Category 2 and Category 3 on 11.93 reseeded acres. The site certificate holder will use the following five methods to enhance habitat quality and quantity on the site:

1. Reseeding

The site certificate holder shall prepare and seed about 11.93 acres within two defined areas located along the western edge of the mitigation site.⁶

- A. Seed Mixture: The site certificate holder developed a seed mixture in consultation with Mary Beth Smith at the local United States Department of Agriculture Natural Resources Conservation Service office based on anticipated high value to both big game and non-game wildlife and the historic vegetative climax community for the area (Table 1). Prior to seeding, the site certificate holder shall consult with the Department to determine if any mixture adjustments, either in species composition or ratio of seed quantity among species, would further benefit wildlife.
- B. Seed Planting Methods: If enhancement efforts occur in the winter or spring, seeding should occur sometime in February through early April, after the average last frost date. If enhancement efforts occur after the spring seeding window, seeding should occur sometime in October through November. Disturbed, unseeded ground may require chemical or mechanical weed control in May or June before weeds go to seed. In general, a weed-free seedbed should be prepared using conventional tillage equipment. Herbicide should be sprayed to control weedy and/or noxious species, following Oregon Department of Agriculture's (ODOA) guidelines. Summer fallowing may be required. Areas to be seeded shall be disked as needed in early spring and spot-sprayed on the ground each time with an herbicide. In some instances, disking the site may not be needed prior to seeding. Simply preparing a weed-free site using herbicide treatments may be all that is necessary. The disked and sprayed areas must then be harrowed prior to seeding. A conventional seed drill must be used, except in areas where a rangeland drill is deemed more applicable, with a spacing less than 12 inches and at a depth of 1/8-1/4 inch. A packing type roller must be used to properly compact the soil over the planted seed. The prescribed seed mixture (Table 1) must be drilled at a rate of 12 pounds pure live seed per acre. If an area is to be fallowed to increase soil moisture content, then the same procedure must be followed, but without seeding. Seeding would then occur the following spring.

⁶ These two areas are identified in PGE's Habitat Mitigation Implementation Plan, February 2007, Appendix A.

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Table 1. Seed mixture to be used for reseeding deeper soiled areas of the mitigation site.		
Common Name	Scientific Name	Pounds/ Acre⁷
Luna pubescent wheatgrass	<i>Thinopyrum intermedium</i>	1
Sherman big bluegrass	<i>Poa ampla</i>	1
Magnar basin wildrye	<i>Leymus cinereus</i>	1
Whitmar beardless wheatgrass	<i>Pseudoroegneria spicata</i> ssp. <i>Inermis</i>	2
Small burnett	<i>Sanguisorba minor</i>	0.5
Alfalfa	<i>Medicago sativa</i>	1
Sanfoin	<i>Psoralea onobrychis</i>	0.5
Sandberg bluegrass	<i>Poa secunda</i>	2
Idaho fescue	<i>Festuca idahoensis</i>	2
Basin big sagebrush	<i>Artemisia tridentata</i> ssp. <i>Tridentate</i>	1
TOTAL		12

1 **2. Weed Control**

2 Large patches of nuisance weed species have out-competed native species in some areas
3 of the mitigation site. The site certificate holder shall conduct eradication or control of nuisance
4 weed species with measures approved by the Department.

5 **3. Livestock Control**

6 The site certificate holder shall fence the entire unfenced portion of the mitigation site to
7 control and remove cattle grazing on the mitigation site. Over 9,200 feet of new fence will be
8 installed following ODFW livestock fence specifications. The existing fence (4-strand barbed
9 wire) located on the eastern edge of the project area and along a small 600 foot section running
10 east/west along a portion of the northern border of the agricultural field will continue in use to
11 the extent it remains effective in keeping cattle out of the mitigation site.

12 **4. Creation of a Water Source**

13 The site certificate holder shall create a water source for wildlife use in the northern end
14 of the project area where no water source now exists. The site certificate holder will build and
15 install a 500-gallon capacity cistern or “guzzler” using a design approved by ODFW and the
16 Department. The new source of water should increase wildlife density in the mitigation site.

17 **5. Spring Enhancement**

18 The site certificate holder shall plant appropriate native species of woody shrubs near the
19 source of the intermittent spring in the southern part of the site. Browse protection shall be
20 provided as long as necessary. Over time, the shrubs will provide cover for wildlife as well as
21 protect soils around the spring source.

22 **VIII. Habitat Mitigation Implementation**

23 Prior to the commencement of construction of the BCWF facility, the site certificate
24 holder shall complete a Department-approved detailed implementation plan to guide
25 implementation of the enhancement methods. The implementation plan shall include maps and

⁷ Pure live seed.

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1 photographs at appropriate scale and detail that show the topography, vegetation, habitat and
2 other site conditions of the mitigation site; the proposed locations of the primary actions required
3 by the mitigation plan; a schedule showing when the primary actions required in the mitigation
4 plan will occur; and a proposed monitoring plan including monitoring protocols, locations of
5 monitoring stations, and a schedule of monitoring actions. The implementation plan will take
6 into consideration the physical and biological features of the mitigation site such as slope, soil
7 depth, and existing habitat conditions, the appropriate time of year to conduct actions, and the
8 appropriate sequence of actions. The purpose of the implementation plan is to describe details of
9 applying the enhancement methods. The implementation plan is subject to the conditions of the
10 site certificate and the requirements contained in this Habitat Mitigation Plan as amended from
11 time to time.

12 The certificate holder shall not begin enhancement efforts until the Department has
13 reviewed and approved the implementation plan. Enhancement methods must be carried out
14 according to the schedule included in the implementation plan. The certificate holder shall take
15 all actions necessary to implement the Habitat Mitigation Plan, including ongoing maintenance
16 of the guzzler and fencing.

17 **IX. Monitoring**

18 **1. Qualifications**

19 For all components of this plan, the site certificate holder shall direct a qualified
20 biologist, approved by the Department, to perform monitoring tasks (the “investigator”). The
21 Department has approved the qualifications of the four biologists identified in the Final Order on
22 Amendment #2. The certificate holder may select other qualified biologists to perform the
23 monitoring tasks, subject to Department approval.

24 **2. Reporting Schedule and Duration/Type of Monitoring**

25 The site certificate holder shall provide an annual report discussing the investigator’s
26 findings and recommendations regarding habitat mitigation progress and success to the
27 Department and ODFW. The site certificate holder shall include this report as part of the annual
28 report on the BCWF or as otherwise agreed between the site certificate holder and the
29 Department. The site certificate holder shall monitor the mitigation site for the life of the Biglow
30 facility.

31 For the reseeded areas, the investigator will monitor every year for the first five years
32 after the first seeding or until the area is determined by the Department to be trending toward
33 successful habitat enhancement. Thereafter, the investigator shall revisit the reseeded areas every
34 five years for the life of the BCWF facility. The certificate holder shall report the investigator’s
35 findings to the Department.

36 The investigator also shall monitor as necessary:

- 37 • Once a year for the life of the project: The effectiveness of weed eradication and
38 control efforts throughout the mitigation site;
- 39 • Minimum of once a year for the life of the project and within one week of livestock
40 turn-out on adjacent property: The effectiveness of fencing in excluding livestock
41 from and allowing big game access to the mitigation site;

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- 1 • Minimum of annual monitoring for the life of the project: The effectiveness of the
2 new water source in providing water;
- 3 • Once a year for the life of the project: The effectiveness of enhancement actions for
4 the spring area in providing improved cover for wildlife and reducing erosion near the
5 spring source;
- 6 • Once a year for the life of the project: The overall condition of the mitigation site
7 (including, for example, the degree of erosion, the occurrence of weed concentrations
8 and changes in habitat quality); and
- 9 • Once a year for the life of the project: The general level of wildlife use, especially
10 grassland birds, within the mitigation site.

11 In addition, the inspector shall periodically categorize the entire mitigation site in terms
12 of ODFW habitat categories. The certificate holder shall propose a schedule for monitoring to
13 the Department and shall conduct monitoring as approved by the Department.

14 **3. Success Criteria**

15 *Permanent Impacts*

16 The enhancement goal for the permanent impact of the BCWF facility is met when 70
17 percent of the 11.93-acre reseeded area (about 8.4 acres) is Category 2 habitat, the remaining 30
18 percent is Category 3 habitat and undesirable plant species (weeds) and erosion are under control
19 and do not pose concern. If more than 8.4 acres of the reseeded area has been improved to
20 Category 2 quality, those additional acres may be “credited” toward mitigation for other impacts
21 upon Department approval.

22 *Displacement Effects*

23 Within the remainder of the mitigation area, consisting of 105.07 acres (117 acres less the
24 11.93 acres needed to mitigate for permanent impacts), the certificate holder shall provide
25 mitigation for displacement effects. The enhancement goal for the displacement effects is met
26 when:

- 27 • The habitat quality within at least 33 acres has been improved from Category 4 to
28 Category 3 habitat or better and at least 23 acres (70 percent) of this improved area
29 has the characteristics of established grassland and shrub-steppe plant communities.
- 30 • The condition of the rest of the land within the mitigation area does not pose a threat
31 to maintaining habitat quality of the improved area.

32 *Mitigation Banking*

33 Within the remainder of the mitigation area, consisting of 72.07 acres (117 acres less
34 44.93 acres needed to mitigate for permanent impacts and displacement effects), the acres that
35 the certificate holder improves from Category 4 to Category 3 habitat or better may be “credited”
36 toward mitigation for other impacts, as outlined in the Wildlife Monitoring and Mitigation Plan,
37 upon Department approval. To use any of the improved acres for mitigation, at least 70 percent
38 of the area used must have the characteristics of established grassland and shrub-steppe plant
39 communities.

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1 Specific Success Criteria

2 Specific success criteria are as follows:

3 A. **Reseeded Areas:** A reseeded area is successfully enhanced when total canopy cover
4 of all vegetation exceeds 30 percent and at least 25 percent of the ground surface is
5 covered by desirable plant species. Desirable plant species are native species or
6 desirable non-native species in the approved mitigation seed mix. After the above
7 success criteria have been met (predominantly desirable vegetation has been
8 established), the investigator shall verify, during subsequent visits, that the site
9 continues to meet the success criteria for habitat enhancement. In addition, the
10 investigator, in consultation with ODFW, shall evaluate the percentage of the
11 reseeded site that has been enhanced to Category 2 and Category 3 quality.

12 If all or part of the habitat within the reseeded area falls below the enhancement
13 success criteria levels, the investigator shall recommend corrective measures. The
14 Department may require reseeded or other corrective measures in those areas that do
15 not meet the success criteria.

16 B. **Weed control:** Weed control is successful when weed species are eliminated or
17 reduced to a level (based on considerations such as number, size and health of plants,
18 and percent ground cover) that does not interfere with the goals of the mitigation
19 plan. To meet success criteria, reseeded with seed approved by the Department may
20 be necessary.

21 C. **Fencing:** Fencing is successful when the Department deems that fencing has been
22 properly constructed according to ODFW specifications and continues to be effective
23 at excluding livestock from entering the mitigation site. This criterion includes
24 existing fencing.

25 D. **New Water Source:** The new water source is successful when the Department deems
26 that the water source has been properly constructed according to ODFW
27 specifications and continues to provide a reasonably reliable source of water for
28 wildlife.

29 E. **Spring Area Enhancement:** Enhancement of the spring area is successful when
30 appropriate native species of woody shrubs are planted, continue to grow, and provide
31 cover for wildlife.

32 **4. Corrective Measures**

33 If mitigation and enhancement actions fail to meet the success criteria, the investigator
34 shall recommend corrective measures for Department approval. The Department may require
35 reseeded or other corrective measures for those areas and for those actions that do not meet the
36 success criteria.

37 **5. Success Criteria Rationale**

38 The direct (“footprint”) habitat impact of the BCWF is about 12 acres (11.93 acres). The
39 proportion of the impact is about 70 percent Category 3 habitat and about 30 percent Category 4
40 habitat. To mitigate for this habitat loss requires the improvement of about 12 acres of Category
41 4 grassland within the mitigation area so that 70 percent becomes Category 2 grassland and 30

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1 percent becomes Category 3 grassland. In addition, successful mitigation requires the protection
2 of the improved habitat for the life of the facility

3 The calculated potential grassland bird displacement impact is estimated to be about 33
4 acres. The proportion of the impact is about 70 percent Category 3 habitat (about 23 acres) and
5 about 30 percent Category 4 habitat (about 10 acres). To mitigate for the Category 3 component
6 of this habitat impact requires enhancing about 23 acres of current Category 4 habitat to
7 Category 3 grassland habitat. To mitigate for the Category 4 component requires enhancing
8 about 10 acres from Category 4 to Category 3 (this area need not be grassland habitat).

9 The total size of the mitigation area is 117 acres. Mitigation for the footprint impact
10 requires about 12 acres, which leaves about 105 acres in the habitat mitigation site. Mitigation
11 for the displacement impact requires about 33 acres, which leaves about 72 acres beyond the
12 minimum land area needed to achieve successful mitigation for the impacts described in this
13 plan. This 72 acres may be used for additional mitigation in the future, if the success criteria
14 described above in Section 3 are met.

15 **X. Amendment of the Plan**

16 This Habitat Mitigation Plan may be amended from time to time by agreement of the
17 certificate holder and the Oregon Energy Facility Siting Council (“Council”). Such amendments
18 may be made without amendment of the site certificate. The Council authorizes the Department
19 to agree to amendments to this plan. The Department shall notify the Council of all amendments,
20 and the Council retains the authority to approve, reject or modify any amendment of this plan
21 agreed to by the Department.