

Attachment 2: Comments Received on the Draft Proposed Order  
Leaning Juniper IIA Request for Amendment 3

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March 15, 2024

**VIA EMAIL** [Sarah.ESTERSON@energy.oregon.gov](mailto:Sarah.ESTERSON@energy.oregon.gov)

Sarah T. Esterson  
Senior Policy Advisor  
Oregon Department of Energy  
550 Capitol St. NE  
Salem, OR 97301

**Re: Leaning Juniper IIA Wind Power Facility –Comments on Draft Proposed Order**

Dear Sarah:

Thank you for the opportunity to provide these comments on behalf of Leaning Juniper Wind Power II, LLC (Certificate Holder). We appreciate working with Oregon Department of Energy (ODOE) and look forward to receiving the Third Amended Site Certificate from the Oregon Energy Facility Siting Council (EFSC).

Overall, the Certificate Holder agrees with the findings and proposed conditions in the Draft Proposed Order (DPO) on Request for Amendment 3 (RFA3) with the following considerations:

**Maximum v. Approximate Temporary Disturbance.** The DPO proposes to impose a maximum acreage limit on temporary disturbance by facility component or activity. See DPO, Table 2. Certificate Holder evaluated potential temporary disturbance within repower corridors and then estimated approximate disturbance areas per facility component or activity. These estimates, however, are based on preliminary designs and do not leave room for any changes that may occur prior to construction or allow flexibility out in the field. Certificate Holder requests that EFSC revise Table 2 to have it reflect “*Approximate* Temporary Disturbance” and then require that Certificate Holder substantially comply with approximate limits, or not exceed 10 percent of the approximated disturbance.

**Financial Assurance Contingencies.** ODOE proposes language in new Recommended Condition 122 and Recommended Amended Condition 30 that allows ODOE to “\* \* \* *reserve the right to adjust the contingencies, as appropriate and necessary to ensure that costs to restore the site are adequate to maintain health and safety of the public and environment.*” ODOE proposes findings to explain this new language and discretion yet does not define “appropriate

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and necessary” or the frequency at which ODOE may make just adjustments. We request clarification in the findings to understand when this discretion may be triggered.

**Minor Corrections**

- Table 3. In the Table 3 comment table ODFW’s comment is captured in part by saying that the Category 2 temporary impacts will be mitigated “at a level equivalent with permanent impacts.” Later, the DPO specifies the Category 2 temporary impact ratio as 1:1, not 2:1 that would apply to Category 2 permanent impacts.
- Recommended Amended Condition 27. Certificate Holder requests that Condition 27 in the DPO reflect the current language in the redline site certificate.

Very truly yours,

Davis Wright Tremaine LLP



Elaine R. Albrich

Enclosure

cc: Marcella Patrick, Avangrid  
Talía Haley, Avangrid  
Tyler Hoffbuhr, Avangrid

**From:** [ESTERSON Sarah \\* ODOE](#)  
**Sent:** Friday, March 15, 2024 1:18 PM  
**To:** [MCVEIGH-WALKER Chase \\* ODOE](#)  
**Subject:** FW: Leaning Juniper IIA Wind Power Facility –Comments on Draft Proposed Order  
**Attachments:** [Leaning Juniper II\\_DPO Comment Cover Letter to ODOE\\_031524.pdf](#)

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**From:** Bainter, Allison <AllisonBainter@dwt.com>  
**Sent:** Friday, March 15, 2024 12:23 PM  
**To:** ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>  
**Cc:** Albrich, Elaine <ElaineAlbrich@dwt.com>; PATRICK, MARCELLA <marcella.patrick@avangrid.com>; HALEY, TALIA <taliam.haley@avangrid.com>; Hoffbuhr, Tyler <Tyler.Hoffbuhr@avangrid.com>  
**Subject:** Leaning Juniper IIA Wind Power Facility –Comments on Draft Proposed Order

Hi Sarah,

On behalf of Elaine Albrich, attached is Leaning Juniper Wind Power II, LLC's comment letter on the draft proposed order.

Thank you,



**Allie Bainter**  
Legal Assistant | Davis Wright Tremaine LLP  
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in X

## Comments on Leaning Juniper II Energy Project

welchdj@comcast.net <welchdj@comcast.net>

Thu 3/28/2024 10:50 AM

To:SLOAN Kathleen \* ODOE <kathleen.sloan@energy.oregon.gov>

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Ms. Sloan:

This comment is submitted on behalf of the Oregon-California Trails Association. I am the energy projects review coordinator for the Northwest Chapter of OCTA.

We have no comments on the current documentation since it indicates that the Oregon National Historic Trail is not directly impacted by the project. It is indicated that the trail is located "just south of the facility."

OCTA's interest is the historic trails including, but not limited to, the Oregon National Historic Trail. We would like to be informed of any future activities that would impact the trails. Also, we would like to continue to receive communications regarding this project.

*Dave Welch*  
*OCTA Northwest Chapter*  
*welchdj@comcast.net*

**From:** [PIKE Brandon](#)  
**Sent:** Thursday, March 28, 2024 4:30 PM  
**To:** [SLOAN Kathleen](#) \* ODOE  
**Cc:** [MCVEIGH-WALKER Chase](#) \* ODOE  
**Subject:** RE: Email Summary of Public Notice of Complete Request for Amendment 3 for Leaning Juniper IIA Wind Power Facility Site Certificate, Draft Proposed Order, Public Comment Period, and Public Hearing

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon Kate,

Thank you for providing the opportunity for the Oregon Department of Aviation (ODAV) to comment on this application.

ODAV has reviewed the proposal and prepared the following comment(s):

1. The Leaning Juniper II project was previously reviewed by ODAV, with associated aeronautical studies completed (aviation reference nos. 2023-ODAV-480-OE through 2023-ODAV-486-OE and 2023-ODAV-489-OE through 2023-ODAV-524-OE). Any new turbines not previously reviewed by ODAV or the FAA will require the applicant to submit notice of construction to ODAV and the FAA for the new structures. Additionally, changes to the location of the approved turbines, or increases in height **greater than what is shown** on the public notice dated Feb. 29, 2024 (maximum blade time height of 492' AGL) will require new notices of construction and new aeronautical studies.

Please reach out if you have questions or concerns.

Best,



**PHONE** 971-372-1339  
**EMAIL** [brandon.pike@odav.oregon.gov](mailto:brandon.pike@odav.oregon.gov)  
**3040 25<sup>TH</sup> STREET SE, SALEM, OR 97302**  
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**From:** MCVEIGH-WALKER Chase \* ODOE <[chase.mcveigh-walker@oregon.gov](mailto:chase.mcveigh-walker@oregon.gov)>  
**Sent:** Thursday, February 29, 2024 5:43 PM  
**To:** BLEAKNEY Leann <[bleakney@nwcouncil.org](mailto:bleakney@nwcouncil.org)>; CANE Jason \* OSFM <[Jason.CANE@state.or.us](mailto:Jason.CANE@state.or.us)>; MILLS David \* OSFM <[David.MILLS@state.or.us](mailto:David.MILLS@state.or.us)>; BROWN Jordan A \* ODA <[jordan.a.brown@oda.oregon.gov](mailto:jordan.a.brown@oda.oregon.gov)>; JOHNSON James \* ODA <[James.JOHNSON@oda.oregon.gov](mailto:James.JOHNSON@oda.oregon.gov)>; PIKE Brandon <[Brandon.PIKE@odav.oregon.gov](mailto:Brandon.PIKE@odav.oregon.gov)>; SVELUND Greg \* DEQ <[svelund.greg@deq.state.or.us](mailto:svelund.greg@deq.state.or.us)>; KENNEDY Mike \* DEQ <[Mike.KENNEDY@deq.oregon.gov](mailto:Mike.KENNEDY@deq.oregon.gov)>; CRUSE Martha \* DEQ <[Martha.Cruse@deq.oregon.gov](mailto:Martha.Cruse@deq.oregon.gov)>; THOMPSON Jeremy L \* ODFW <[Jeremy.L.THOMPSON@odfw.oregon.gov](mailto:Jeremy.L.THOMPSON@odfw.oregon.gov)>; SOMERS Lindsay N \* ODFW <[Lindsay.N.Somers@odfw.oregon.gov](mailto:Lindsay.N.Somers@odfw.oregon.gov)>; TOKARCZYK John A \* ODF <[John.A.TOKARCZYK@odf.oregon.gov](mailto:John.A.TOKARCZYK@odf.oregon.gov)>; MCCLAUGHRY Jason \* DGMI <[Jason.MCCLAUGHRY@dogami.oregon.gov](mailto:Jason.MCCLAUGHRY@dogami.oregon.gov)>; FITZGERALD Richard W \* DSL <[Richard.W.FITZGERALD@dsl.oregon.gov](mailto:Richard.W.FITZGERALD@dsl.oregon.gov)>; SALGADO Jessica \* DSL <[Jessica.SALGADO@dsl.oregon.gov](mailto:Jessica.SALGADO@dsl.oregon.gov)>; FOOTE Hilary \* DLCD <[Hilary.FOOTE@dlcd.oregon.gov](mailto:Hilary.FOOTE@dlcd.oregon.gov)>; JININGS Jon \* DLCD <[Jon.JININGS@dlcd.oregon.gov](mailto:Jon.JININGS@dlcd.oregon.gov)>; MULDOON Matt \* PUC <[matt.muldoon@state.or.us](mailto:matt.muldoon@state.or.us)>; RASHID Yassir \* PUC <[Yassir.RASHID@puc.oregon.gov](mailto:Yassir.RASHID@puc.oregon.gov)>; CLEARANCE ORSHPO \* OPRD <[orshpo.clearance@oregon.gov](mailto:orshpo.clearance@oregon.gov)>; GABRIEL Jessica \* OPRD <[Jessica.Gabriel@opr.oregon.gov](mailto:Jessica.Gabriel@opr.oregon.gov)>; TSOLAKOS Dylan \* OPRD <[Dylan.Tsolakos@opr.oregon.gov](mailto:Dylan.Tsolakos@opr.oregon.gov)>; POULEY John \* OPRD <[John.POULEY@opr.oregon.gov](mailto:John.POULEY@opr.oregon.gov)>; BJORK Mary F \* WRD <[mary.f.bjork@state.or.us](mailto:mary.f.bjork@state.or.us)>; PETERS Scott <[Scott.PETERS@odot.oregon.gov](mailto:Scott.PETERS@odot.oregon.gov)>; [Mark.Bailey@state.or.us](mailto:Mark.Bailey@state.or.us); [Lissa.DRUBACK@state.or.us](mailto:Lissa.DRUBACK@state.or.us); [arlington\\_mayor@gorge.net](mailto:arlington_mayor@gorge.net); [cityofa@oregontrail.net](mailto:cityofa@oregontrail.net)  
**Subject:** FW: Email Summary of Public Notice of Complete Request for Amendment 3 for Leaning Juniper IIA Wind Power Facility Site Certificate, Draft Proposed Order, Public Comment Period, and Public Hearing

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Good evening,

Below, please find the "Courtesy email" notification sent out this afternoon for the Public Notice of Complete Request for Amendment 3 for Leaning Juniper IIA Wind Power Facility Site Certificate, Draft Proposed Order, Public Comment Period, and Public Hearing. I have also attached the Public Notice to this email.

The complete RFA, the Public Notice, and the DPO are available to download and view from the Department's website at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/LJA.aspx>

Thank you, and please do not hesitate to contact me with any questions.  
-Chase



**Chase McVeigh-Walker**  
Senior Siting Analyst  
*pronouns: he/him/his*  
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Stay connected!

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**From:** Oregon Department of Energy <[odoe@cd.energy.oregon.gov](mailto:odoe@cd.energy.oregon.gov)>  
**Sent:** Thursday, February 29, 2024 4:19 PM  
**To:** MCVEIGH-WALKER Chase \* ODOE <[chase.mcveigh-walker@oregon.gov](mailto:chase.mcveigh-walker@oregon.gov)>  
**Subject:** Email Summary of Public Notice of Complete Request for Amendment 3 for Leaning Juniper IIA Wind Power Facility Site Certificate, Draft Proposed Order, Public Comment Period, and Public Hearing

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ENERGY FACILITY SITING COUNCIL

### **Email Summary of Public Notice of Complete Request for Amendment 3 for Leaning Juniper IIA Wind Power Facility Site Certificate, Draft Proposed Order, Public Comment Period, and Public Hearing**

On February 29, 2024, the Oregon Department of Energy issued its Draft Proposed Order (DPO) on Request for Amendment 3 (RFA3) of the Leaning Juniper IIA Wind Power Facility Site Certificate. On the same date, the Department issued a Public Notice of a public comment period on the RFA3, DPO, and public hearing. These documents and the notice are available on the [Department's website](#).

RFA3 seeks Council approval for wind turbine upgrades to 36 of the 43 existing turbines that would include: replacing the wind turbine rotors, Nacelles, refurbishing the turbine generators, and reinforcing the turbine foundations. Installation of a new 34.5 collector system, and the decommissioning of two of the 43 existing turbines is also included in the amendment request. The upgrades would require Condition 27 to be



amended, lowering the minimum aboveground wind turbine blade tip clearance from 30 to 21 meters for the 36 turbines proposed to be upgraded.

Leaning Juniper IIA Wind Power Facility is an approved and existing wind energy facility located within a site boundary of 6,404 acres. The facility consists of 43 wind turbines, with a maximum blade tip height of 492 feet, with a peak generating capacity of approximately 90.3 megawatts.

The facility is located in Gilliam County, southwest of Arlington. The certificate holder is Leaning Juniper Wind Power II, LLC, a wholly owned subsidiary of Avangrid Renewables, LLC, the U.S. division of parent company Iberdrola, S.A.

**Comment Period:**

Written comments on the DPO and RFA3 must be received by ODOE **by the public comment deadline of March 29, 2024** and must be submitted in writing through the [public comment portal](#), by mail, email, or fax, or via oral written comments submitted at the public hearing.

Kathleen Sloan, Senior Siting Analyst  
Oregon Department of Energy  
550 Capitol Street NE, 1st Floor  
Salem, OR 97301  
Email: [kathleen.sloan@energy.oregon.gov](mailto:kathleen.sloan@energy.oregon.gov)  
Phone: 971-701-4913

The goal of the [online comment portal](#) is to provide a convenient option to submit input on projects.

To get started, choose the “Leaning Juniper IIA RFA3” project from the drop-down menu. Click “Next” and follow the instructions on screen. You will receive an email confirmation after submitting your comment.

ODOE also has a new [docket system](#) available which displays comments that have been submitted. Comments for this RFA3 and DPO will be posted to the docket and will normally be available to view within 3 business days of receipt.

**Public Hearing:**

A public hearing on the RFA3 and DPO will be held on March 21, 2024 in Hermiston to provide the public opportunity to comment. It will be held both in person and remotely. Details on how participate remotely are included in the Public Notice that is posted to the [project website](#).

**In Person/Webinar Public Hearing Information:**

Date: March 21, 2024  
Start Time: 5:30 p.m. PDT  
Location: Oxford Suites (Oxford Room)  
1050 N. First Street  
Hermiston, Oregon

**Additional Information:**

The Public Notice on Request for Comments on the Complete Request for Amendment 3, Draft Proposed Order, and Public Hearing are [available online](#).

You received this notice either because you previously signed up for email updates related to specific siting projects or all Energy Facility Siting Council activities. You will automatically receive all future notices unless you unsubscribe via [ClickDimensions](#) or by contacting ODOE.

If you have any questions or comments about ClickDimensions please feel free to contact ODOE's Administrative Assistant Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to [Nancy.Hatch@energy.oregon.gov](mailto:Nancy.Hatch@energy.oregon.gov)

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April 1, 2024

**VIA EMAIL** [Sarah.Esterson@energy.oregon.gov](mailto:Sarah.Esterson@energy.oregon.gov)

Sarah T. Esterson  
Senior Policy Advisor  
Oregon Department of Energy  
550 Capitol St. NE  
Salem, OR 97301

**Re: Leaning Juniper IIA Wind Power Facility – Comments on Draft Proposed Order**

Dear Sarah:

Thank you for the opportunity to provide these comments on behalf of Leaning Juniper Wind Power II, LLC (Certificate Holder). The Certificate Holder provided written comments on March 15, 2024, and presented those comments orally during a public hearing on March 21, 2024. The Certificate Holder would like to provide additional comments regarding the financial assurance contingencies language.

ODOE proposes language in new Recommended Condition 122 and recommended Amended Condition 30 that allows the Oregon Department of Energy (ODOE) to “\* \* \* *reserve the right to adjust the contingencies, as appropriate and necessary to ensure that costs to restore the site are adequate to maintain health and safety of the public and environment.*” As pointed out in our written comments and during the public hearing, ODOE does not define “appropriate and necessary” or the frequency at which ODOE may make such adjustments. To resolve this uncertainty, the Certificate Holder proposes to adopt the following language as part of new Recommended Condition 122 and recommended Amended Condition 30:

**Recommended Amended Condition 30:** During facility operation, the certificate holder shall

- (a) Annually adjust the amount of the bond or letter of credit thereafter as describer in Retirement and Financial Assurance Condition 111(b).
- (b) Describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21(b).
- (c) Ensure that the bond or letter of credit is not subject to revocation or reduction before retirement of the facility site.

**Upon a material change in facility operation reported in the certificate holder’s annual report,** ~~the Department and Council reserve the right to adjust the contingences, as appropriate~~

April 1, 2024

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~~and necessary~~ to ensure that costs to restore the site are adequate to maintain health and safety of the public environment.

**Recommended Retirement and Financial Assurance Condition 122:** During the facility repower, the certificate holder shall describe the status of the bond or letter of credit in the semi-annual report submitted to the Council under Condition 21(a). If repower activities extends for more than 12 months, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in Condition 30(b). **Upon a material change in facility operation reported in the certificate holder's annual report,** ~~the~~ Department and Council reserve the right to adjust the contingences, ~~as appropriate and necessary~~ to ensure that costs to restore the site are adequate.

Best regards,

Davis Wright Tremaine LLP

A handwritten signature in blue ink, appearing to read 'Olivier Jamin', with a stylized flourish at the end.

Olivier Jamin

cc: Marcella Patrick, Avangrid  
Talia Haley, Avangrid  
Tyler Hoffbuhr, Avangrid