To: Energy Facility Siting Council (Council)  
From: Chase McVeigh-Walker, Siting Analyst 
Date: February 9, 2018 
Re: Agenda Item C (Action Item):  
Staff Presentation of Change Request 3 Determination for the Montague Wind Power Facility for February 23, 2018 EFSC Meeting 

BACKGROUND AND SUMMARY OF CHANGE REQUEST 3 

The Montague Wind Energy Facility (Montague) is an approved wind energy facility that is currently under construction. Construction must be completed by September 14, 2020, and is located in Gilliam County. 

On August 4th, 2017, the certificate holder, Montague Wind Power Facility, LLC, submitted a change request for the Department’s review of whether a site certificate amendment is required pursuant to Council rules for two proposed facility modifications. The modifications seek to adjust the facility’s site boundary to accommodate an access road that was not previously included in the site boundary, and a change to the transmission line route. The transmission line route would be wholly within the previously-approved site boundary. 

On August 8th, 2017, the Oregon Department of Energy (Department) posted the change request to the Department website, and updated the Montague Wind Power Facility project page accordingly. The Department required additional information related to the change request, and between receipt of the change request and October, worked with the certificate holder to gather the necessary information. However, on November 3, 2017, prior to issuing its determination on the change request, the Department issued a stop-work order on all tasks related to the Montague facility, including the change request, due to delinquent invoice payments. Avangrid Renewables, the certificate holder, paid its delinquent accounts in January 2018, and the Department resumed work on the Montague change request at that time. 

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1 At the time the change request was submitted, Council rules at OAR 345-027-0050 were in place and addressed the process for assessing facility changes that may or may not require site certificate amendments. As part of the Council’s October 2018 amendment process rulemaking, Council changed some aspects of the change request process, as well as the numbering of Council rules. However, because this change request was submitted prior to Council adoption of the new rules, it is governed by the rules in effect prior to October 2018.
The Department has concluded its review of the change request and determined that no site certificate amendment is necessary. The Department’s full analysis is included in the Council packet. In summary, while the site boundary expansion does go into area not previously considered in the site certificate review process, based on the Department’s analysis, the change will provide a more direct route between facility components, avoiding the need to construct within geographically constrained areas, and as such will reduce the overall facility impact. The transmission line rerouting is necessary in order to avoid Category 1 habitat for Washington ground squirrel, and again, in the Department’s determination, the change does not require an amendment and would reduce overall facility impact by avoiding Category 1 habitat.

Under Council rules, the Department has the authority to review and issue determinations related to change requests, including determinations as to whether site certificate amendments are required or not. The Department also has the discretion to refer its determination on a change request to Council, for Council concurrence, modification, or rejection. In this case, the Department has decided that its determination be referred to Council.

CHANGE REQUEST PROCESS

1. Council Action

Pursuant to OAR 345-027-0050(5) the Department is referring its determination to Council for concurrence, modification, or rejection.

2. Staff Determination

The Department reviewed the change request and supporting material and determined that the changes do not require a site certificate amendment. The Department agrees that the proposed facility modifications would not cause a significant adverse impact to a resource protected by EFSC standards, and would not substantially impair the certificate holder’s ability to comply with site certificate conditions. Compliance with applicable EFSC standards, state and local laws, rules, and ordinances would not be expected to be affected by the proposed facility modifications.

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2 At the request of a certificate holder or a Councilmember, the Department’s determination must be taken to Council for concurrence, modification or rejection.

3 OAR 345-027-0050(5) as of October 2017.