



# Oregon

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**To:** Oregon Energy Facility Siting Council

**From:** Sarah Esterson, Senior Energy Facility Siting Analyst

**Date:** August 9, 2018

**Subject:** Agenda Item C (Information Item)  
Golden Hills Wind Project - Council Review of the Draft Proposed Order on Request for Amendment 5, Comments and Modifications to Recommended Findings for the August 23-24 EFSC Meeting

**Attachments:** Attachment 1: Draft Proposed Order on Request for Amendment 5  
Attachment 2: Draft Proposed Order Comments (received by August 9, 2018)

## BACKGROUND

The Oregon Energy Facility Siting Council (Council) issued a site certificate for the Golden Hills Wind Project (facility) on June 18, 2009, authorizing construction and operation of a wind-energy generation facility with electrical capacity of up to 400 megawatts (MW). The facility has not yet been constructed. The facility site boundary includes approximately 29,500 acres of privately owned land both east and west of Highway 97, between the cities of Wasco and Moro in Sherman County. The Council previously approved amendments to the site certificate in May 2012, January 2015, February 2017 and April 2018.

Golden Hills Wind Farm, LLC (certificate holder) submitted a complete Request for Amendment 5 (amendment request or RFA5) of the Golden Hills Wind Project site certificate on July 6, 2018. The amendment request seeks Council approval for flexibility in its final selection of wind turbine type and meteorological towers, with maximum allowable dimensions not to exceed 650-feet in blade-tip height; 404 feet in turbine tower hub height and meteorological tower height; and, not to be below 46 feet in aboveground blade tip clearance. The amendment request also seeks Council approval to change temporary access road and crane path design (increasing road width from 40 to 100 feet for up to 52 miles).

On July 13, 2018, the Oregon Department of Energy (Department) issued public notice of a public comment period on the amendment request and draft proposed order, and of a public hearing on the draft proposed order to be held at 5:30 p.m. on August 23, 2018 at Boardman City Hall in Boardman, Oregon. The Department is accepting comments on the draft proposed order from July 13, 2018 through the close of the August 23, 2018 public hearing, which represents a 41-day comment period.

To date, the Department has received 4 comments from state reviewing agencies in response to the notice. These comments are addressed below and included as an attachment to this staff report; additional comments received between the date of this staff report and the August 23, 2018 public hearing will be provided electronically and in hard-copy under separate cover to Council, prior to the August 24, 2018 Council meeting. Consistent with Oregon Administrative Rule (OAR) 345-027-0071, the Council will review and provide comments to the Department on the draft proposed order at its August 24, 2018 meeting.

Following the Council's review and consideration of comments received on the record of the public hearing, staff will issue a proposed order in accordance with OAR 345-027-0071, taking into consideration the comments of the Council, public comments received on the record of the draft proposed order public hearing, and agency consultation. In conjunction with the issuance of the proposed order, the Department will issue a notice of an opportunity to request a contested case, which will include an opportunity for those who commented, either orally or in writing, on the record of the public hearing to request a contested case on the proposed order.

This memo is intended to assist the Council in its review of the draft proposed order and to assist the Council in providing comments to staff.

## **STAFF EVALUATION OF AMENDMENT REQUEST AND SUMMARY OF DRAFT PROPOSED ORDER**

The draft proposed order addresses each of the Council standards, and recommends that the Council find that the facility, with proposed changes, would comply with, or, based on compliance with existing and recommended amended site certificate conditions, would comply with each of the Council standards.

Pursuant to OAR 345-027-0050(4)(a), the Department assessed the amendment request to determine whether the proposed change could result in a significant adverse impact that affects a resource or interest protected by a Council standard that the Council has not addressed earlier, and whether the facility, with proposed changes, would remain in compliance without new or amended conditions. As presented in the draft proposed order, the Department recommends Council rely on its previous reasoning and analysis and recommends reliance on previously imposed site certificate conditions in its evaluation of the ability of the facility, with proposed changes, to maintain compliance for the following standards:

- Organizational Expertise
- Structural Standard

- Soil Protection
- Threatened or Endangered Species
- Waste Minimization
- Public Health and Safety Standards for Wind Energy Facilities
- Noise Control Regulation
- Removal Fill Law
- Water Rights

Based on the magnitude of the change requested in final wind turbine selection, the draft proposed order includes new analysis and new recommended findings, not previously relied upon by Council, or recommended amended conditions for the following standards:

- **General Standard of Review (Recommended Amended Condition):** Recommended substantive condition change to reflect changes in wind turbine dimensions and remove restriction on combined metal weight (tower and nacelle) per turbine
- **Fish and Wildlife Habitat (Recommended New Findings and Amended Condition):** Evaluation of potential impacts to State-sensitive species from increase in wind turbine rotor swept diameter; proposed changes to Wildlife Monitoring and Mitigation Plan to ensure adequate sample size, including representative mix of turbine types, during post-construction bird and bat fatality monitoring study; recommended administrative condition change to accurately reference draft Habitat Mitigation and Revegetation Plan as attachment to final order on RFA5
- **Land Use (Recommended Amended Condition):** Recommended substantive condition change to clarify the certificate holder's obligation to provide funding for necessary road repairs resulting from construction-related damage to county roads
- **Protected Areas; Recreation; Scenic; Historic, Cultural and Archeological (Recommended New Findings):** Evaluation of potential visual impacts to resources from increase in wind turbine visibility, including new photographic simulations and revised zone of visual influence analysis
- **Retirement and Financial Assurance (Recommended New Findings):** Evaluation of removal of combined metal weight restriction and its impact on retirement cost estimate
- **Public Services (Recommended Amended Condition):** Recommended substantive condition change to provide a submittal requirement for emergency response and high angle rescue training materials

Based on the new recommended findings and compliance with existing and recommended amended conditions, as summarized above and as described in the draft proposed order, the Department recommends that Council conclude that the facility, with proposed changes, would continue to comply with all applicable Council standards and other applicable rules and statutes, and that the Council should approve the final order and issue an amended site certificate.

## *Comments on the Draft Proposed Order*

At the time of issuance of this staff report, the Department received 4 comment letters from reviewing agencies; no public comments had yet been received. Comment letters were received on July 19 and 26, 2018 from Oregon State Historic Preservation Office confirming that the facility, with proposed changes, would not be likely to result in visual impacts to historic aboveground resources or ground-disturbing impacts to archeological resources. A comment was received on July 19, 2018, from Oregon Department of State Lands confirming the process related to wetland delineation studies and stated that a removal-fill permit would be required if wetlands or waters of the State would be impacted. A comment was received on July 20, 2018 from the Confederated Tribes of the Warm Springs Reservation of Oregon stating that the tribe may have concerns if the proposed temporary road and crane path design change occurs outside of areas previously evaluated.

## **STAFF RECOMMENDATIONS**

The Department recommends that the Council direct staff to include administrative changes and modifications from the draft proposed order to proposed order. Recommended administrative changes include updates to procedural history and conversion of the “draft proposed order” to “proposed order.”

Recommended modifications include addressing comments received on the draft proposed order; incorporation of certificate holder’s evaluation of blade failure and ice throw in Section III.P.1 *Public Health and Safety Standards for Wind Energy Facilities*; addition of Section III.P.2 *Cumulative Effects Standards for Wind Energy Facilities*, which was included in RFA5 but erroneously omitted from the draft proposed order; and, addition of Section III.P.3. *Siting Standards for Transmission Lines*, which does not apply to the amendment request but is recommended for inclusion for purposes of a comprehensive record for the final order.

## **Attachments**

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