



# Oregon

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**To:** Oregon Energy Facility Siting Council

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

**Date:** May 3, 2019

**Subject:** Agenda Item G (Action Item) – Stateline Wind Project – Council Review of Proposed Order on Request for Amendment 5 for the May 16-17, 2019 EFSC Meeting

**Attachments:** Attachment 1: Proposed Order on Request for Amendment 5  
(See Attachment C of the Proposed Order for Copies of Comments Received on the Draft Proposed Order)

## Background

The Oregon Energy Facility Siting Council (Council) issued a site certificate for the Stateline Wind Project (facility) on September 14, 2001, authorizing construction and operation of a wind-energy generation facility with up to 127 wind turbines and a generation capacity up to 83.8 megawatts (MW). The site certificate has subsequently been amended three times, resulting in an increase in approved number of wind turbines up to 187 and generation capacity up to 123 MW. The facility is operational. The facility is located in Umatilla County, north and east of Helix.

The certificate holder, FPL Energy Stateline II, Inc., a wholly owned subsidiary of NextEra Energy Resources, LLC, submitted a complete Request for Amendment 5 (amendment request or RFA5) of the Stateline Wind Project site certificate on January 17, 2019. The amendment request seeks Council approval of a fifth amended site certificate to: change facility geographic unit name from Stateline 3 to Vansycle II; upgrade or repower 43 existing wind turbines including removal and replacement of existing nacelles (gearbox) and rotors (turbine blades and hub) that would increase maximum blade tip height from 416 to 440 feet, rotor diameter from 305 to 354 feet, and decrease minimum aboveground blade tip clearance from 110 to 85 feet; redevelop previously approved temporary access roads and laydown areas; and add and amend site certificate conditions (Existing Condition 37(c); New Conditions 137 and 138). On March 29, 2019, the Oregon Department of Energy (Department) issued public notice of a public comment period on the amendment request and draft proposed order. The comment period extended from March 29 through April 29, 2019, which represents a 31-day comment

period. This amendment request is being processed under Council's Type B review process, as concurred by Council during the February 22, 2019 meeting, and therefore does not include a public hearing on the draft proposed order nor an opportunity to request a contested case proceeding on the proposed order.

During the draft proposed order comment period, the Department received 7 comments: Cindy Severe (member of the public), Oregon and Southern Idaho District Council of Laborers (member of the public), Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes of the Umatilla Indian Reservation, Oregon Department of Fish and Wildlife, Umatilla County Planning Department, and the certificate holder (comments are provided in Attachment C of the Proposed Order – Attachment 1 of this staff memo). On May 3, 2019, following consideration of the above-referenced comments, the Department issued the Proposed Order on Request for Amendment 5, along with a Public Notice, noticing those who commented on the record of the draft proposed order of Council's review of the proposed order and determination to either grant or deny an amended site certificate, and of the opportunity to seek judicial review.

The proposed order was issued in red-line version to demonstrate the changes that occurred between the draft proposed order and proposed order, including substantive changes in response to issues raised in received comments, related to an applicable Council standard and the amendment request. This memo is intended to assist the Council in its review of the proposed order, which will occur at the May 17, 2019 Council meeting.

### **Summary of Proposed Order**

Pursuant to OAR 345-027-0071(1), the proposed order addresses each of the Council standards, and comments received on the record of the draft proposed order, and recommends that Council find that the facility, with proposed changes, would comply with, or based on compliance with existing and recommended new site certificate conditions, would comply with each of the Council standards.

As presented in the proposed order, there were no comments received on the record of the draft proposed order that resulted in changes in recommended findings or conditions between the draft proposed order to the proposed order for the following standards:

- General Standard of Review
- Organizational Expertise
- Structural Standard
- Soil Protection
- Protected Areas
- Retirement and Financial Assurance
- Fish and Wildlife Habitat
- Threatened and Endangered Species
- Scenic Resources

- Historic, Cultural and Archeological Resources
- Recreation
- Public Services
- Waste Minimization
- Public Health and Safety Standards for Wind Energy Facilities
- Siting Standards for Transmission Lines
- Cumulative Effects Standard for Wind Energy Facilities
- Removal-Fill Law
- Water Rights

Based on comments received, the Department incorporated additional reasoning and analysis for the following standards:

- **Land Use (Recommended Condition Change):** In response to comments received from Umatilla County Planning Department, the Department recommends providing additional clarification to Recommended Condition 142 that the two wind turbines, which would not meet the county’s setback requirement to existing public road rights-of-way once repowered, are precluded from being repowered until the certificate holder demonstrates that compliance with the setback requirement has been achieved.
- **Noise Control Regulation (Recommended Change to Finding):** Based on comments received from the public and the certificate holder’s responses to these comments, the Department recommends changes to findings in response to concerns on the noise modeling tool relied upon to evaluate compliance with DEQ’s noise standard. Specifically, comments were raised identifying that the noise modeling tool, CadnaA, does not account for noise generated from wind shear and therefore underestimates potential facility noise impacts. In response to these concerns, the Department further describes the certificate holder’s representations of the conservative assumptions accounted for in the model, which supplement potential deficiencies in the modeling tool’s omission of wind shear. The Department also presents a discussion of the existing condition that requires that the certificate holder implement and maintain a noise complaint system, which authorizes the Department to require the certificate holder to conduct noise monitoring, if necessary based on a validated complaint, for compliance verification of the DEQ noise standards.

### **Staff Recommendations**

The Department recommends Council adopt the proposed order as the final order and grant an amended site certificate.

### **Attachment**

Attachment 1: Proposed Order on Request for Amendment 5

(See Attachment C of the Proposed Order for Copies of Comments Received on the Draft Proposed Order)

**Attachment 1: Proposed Order on Request for Amendment 5 of the Stateline Wind Project  
Site Certificate**