

Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

Port of Morrow,
Riverfront Room
2 Marine Drive NE,
Boardman, OR

August 22-23, 2019



Opening Items:

- Call to Order
- Roll Call
- Announcements

Announcements:

- For those attending in person:
 - Comment Registration Cards are available on the table.
 - GovDelivery Sign Up Cards to receive project information by email are also on the table
- Those participating via the AT&T phone line, please mute your phone and if you receive a phone call, please hang up from this call and dial back in after finishing your other call

Announcements continued:

- If you would like to address the Council, please do not use the speaker phone feature, because it will create feedback
- For those signed onto the webinar, please do not broadcast your webcam
- Please silence your cell phones
- Energy Facility Council meetings shall be conducted in a respectful and courteous manner where everyone is allowed to state their positions at the appropriate times consistent with Council rules and procedures. Willful accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the Council meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080, any person who engages in unacceptable conduct which disrupts the meeting may be expelled.

Agenda Item A (Information Item)

Wheatridge Wind Energy Facility: Presentation on Draft Proposed Order on Request for Amendment 4

August 22, 2019

Sarah Esterson, Senior Siting Analyst

Presentation Overview

- Certificate Holder/Facility and Facility Location Overview
- Request For Amendment 4 (RFA4) Procedural History
- RFA4 Requested Facility Modifications
- Draft Proposed Order Recommendations

Facility Overview

Certificate Holder

Wheatridge Wind Energy, LLC

Certificate Holder Parent Company

Wheatridge Wind Holdings, LLC (Indirect subsidiary of NextEra Energy Resources, LLC)

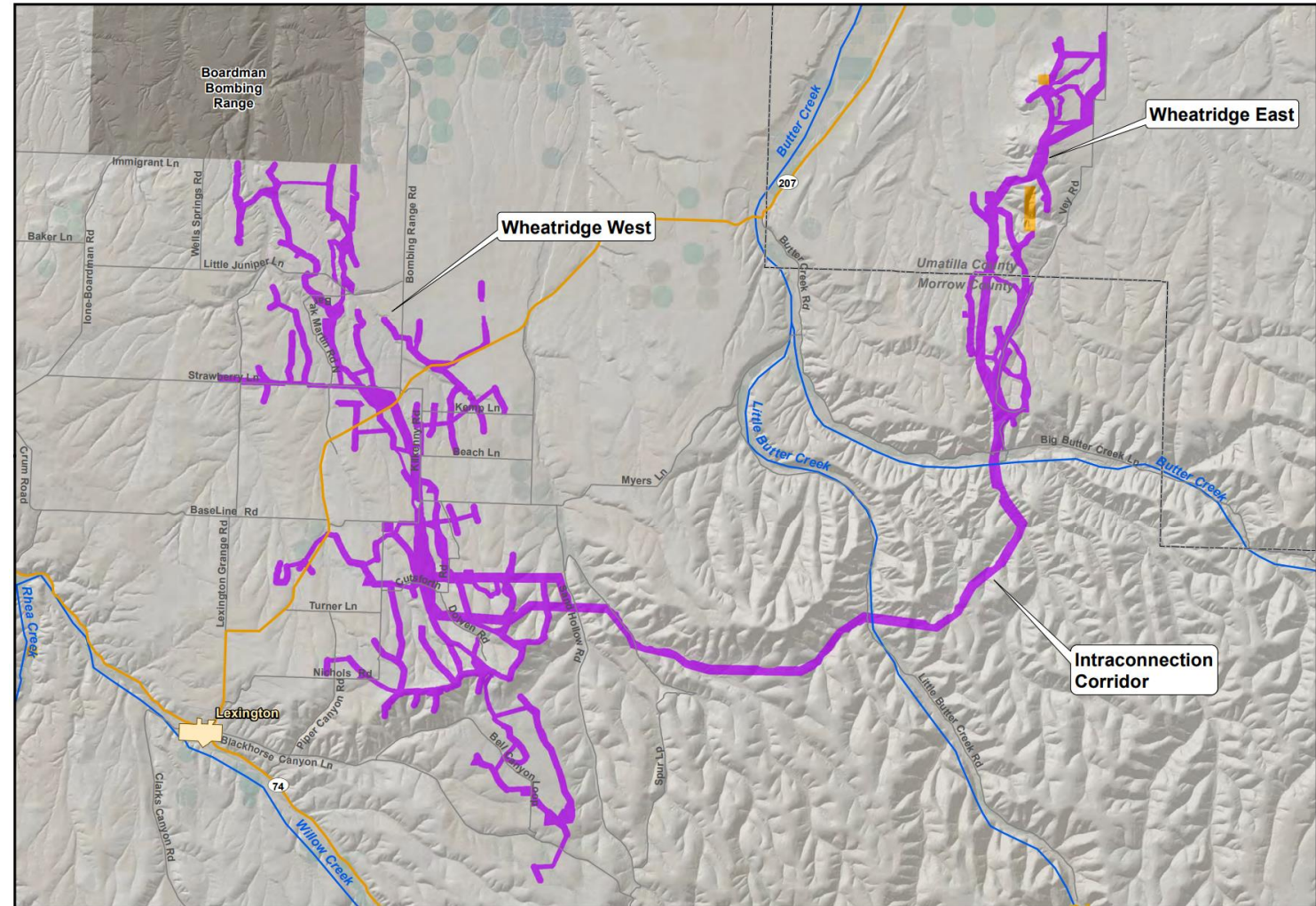
Type of Facility

500 MW wind (292 wind turbines)

Site Boundary

Approx. 13,000 acres

Morrow and Umatilla counties



Proposed Facility Modifications

- Add area (1,527 acres) to site boundary
- Construct and operate :
 - 150 MW of photovoltaic solar energy facility components
 - 41 distributed energy storage system sites



- Expansion of a previously approved collector substation
- Site certificate condition amendments

Wheatridge
Wind Energy Facility
Request for Amendment 4

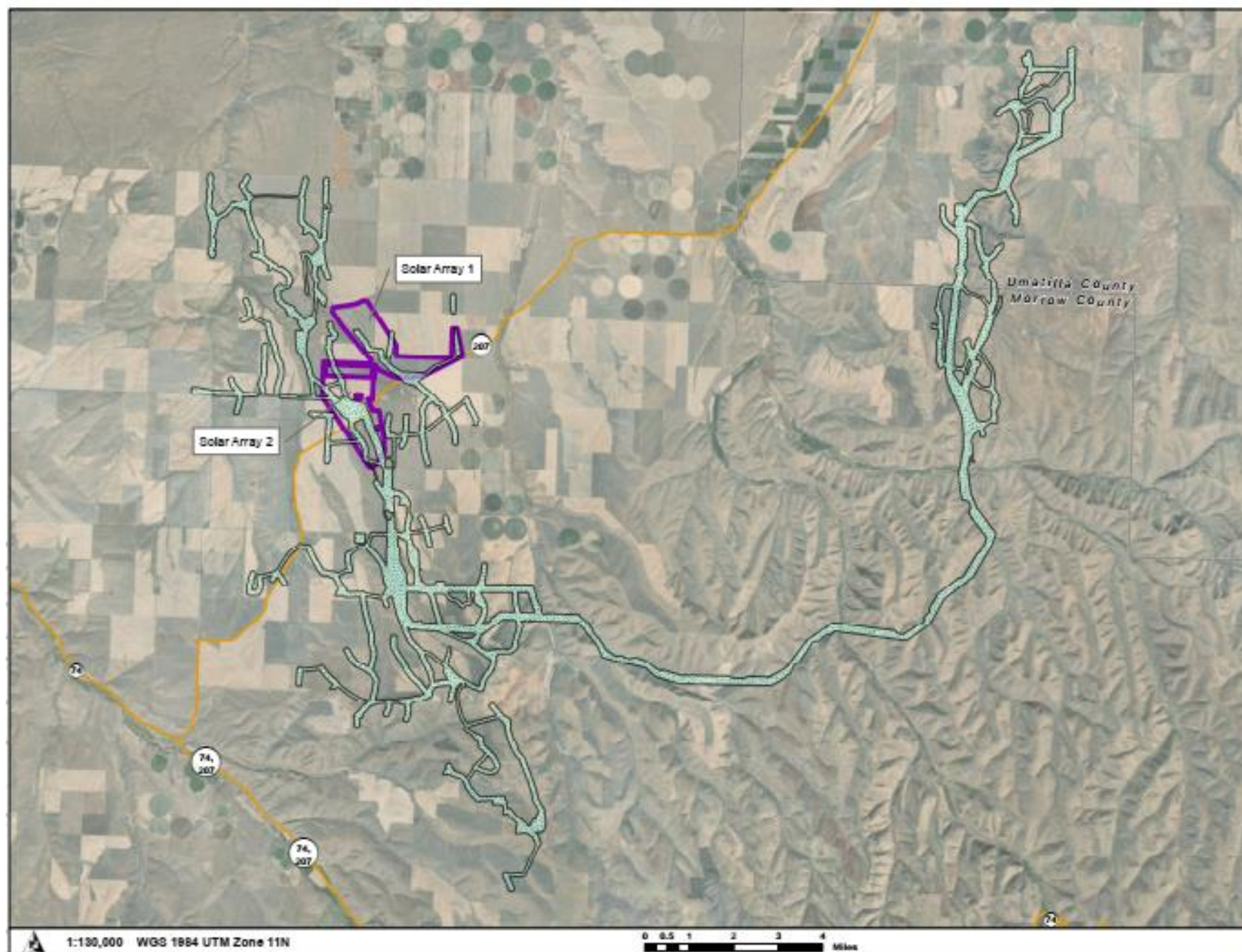
Figure C-1
Facility Overview

MORROW AND UMATILLA COUNTIES, OR

- Approved Site Boundary
(Approved Wind Micrositing Corridors)
- Amended Site Boundary
(Proposed Solar Micrositing Corridors)
- State Highway
- County Boundary

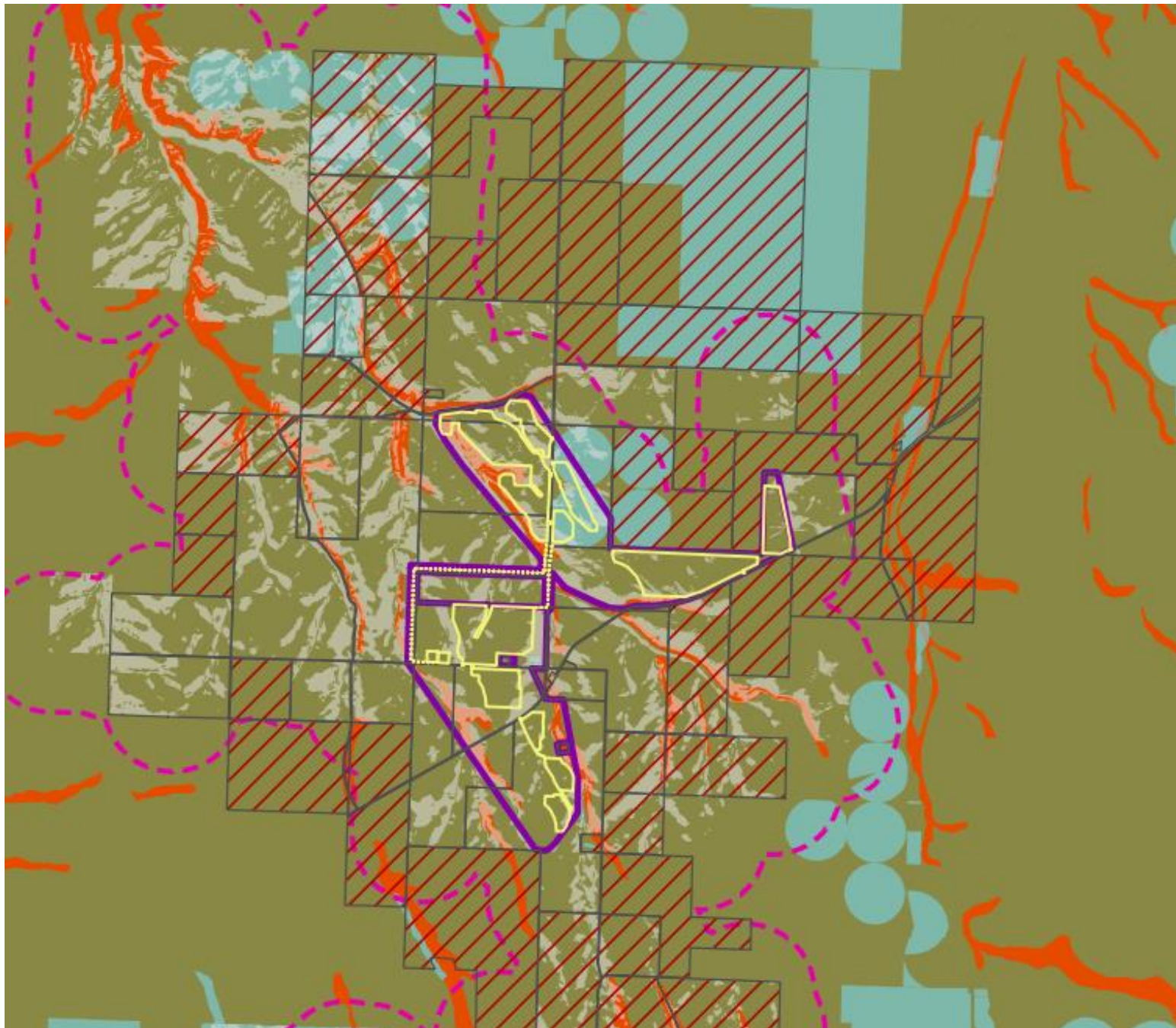


Reference Map



1:130,000 WGS 1984 UTM Zone 11N

0 0.5 1 2 3 4 Miles

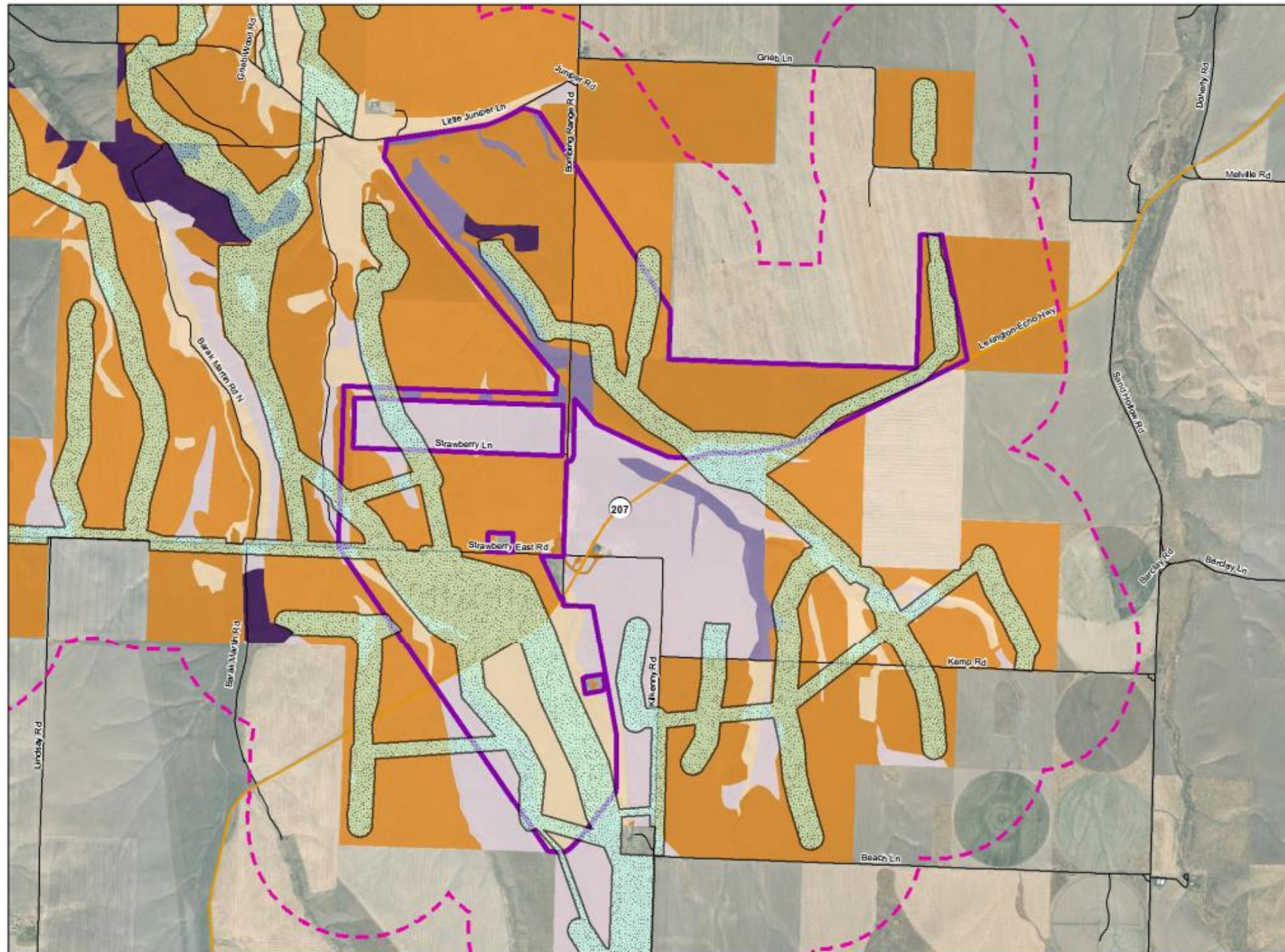


- Amended Site Boundary (Proposed Solar Micrositing Corridors)
- Analysis Area (0.5-mile Buffer)
- Permanent Impact Area
- Tax Lot Boundary for Tax Lots in Tracts Intersecting Amended Site Boundary
- Tax Lot Boundary for Tax Lots in Tracts Adjacent to Amended Site Boundary
- High Value Farmland**
 - High Value Farmland (AVA)
 - High Value Farmland (NRCS)
- Arable Soil
- Non-Arable Soil

New Area
1,527 acres

Amended Site Boundary
2,294 acres

Permanent Impacts
893.8 acres



- Approved Site Boundary
(Approved Wind Micrositing Corridors)
- Amended Site Boundary
(Proposed Solar Micrositing Corridors)
- Analysis Area (0.5-mile Buffer)
- State Highway
- Local Road
- County Boundary
- Habitat Category**
- 1
 - 2
 - 3
 - 4
 - 6



1:30,000 WGS 1984 UTM Zone 11N

0 0.5 1 2 3 4 Miles

RFA4 Procedural History

Requirement	Responsible Party	Date
Preliminary Request for Amendment 4	Certificate Holder	November 30, 2018
Complete Request for Amendment 4	Certificate Holder	July 1, 2019
Draft Proposed Order Issued	ODOE	July 25, 2019
Comment Period (45 days)	ODOE	July 25, 2019 – September 9, 2019
Public Hearing (Today)	EFSC	August 22, 2019
Proposed Order and Notice of Contested Case Issued	ODOE	TBD
Contested Case Proceeding	EFSC	TBD
Final Order/Amended Site Certificate	EFSC	TBD

Draft Proposed Order Recommendations

No New or Amended Conditions Recommended Under:

- Structural Standard
- Soil Protection
- Protected Areas
- Scenic Resources
- Recreation
- Public Services
- Waste Minimization
- Noise Control Regulations
- Removal Fill Law
- Water Rights

DPO Recommended Conditions

General Standard of Review [OAR 345-022-0000]

Draft Proposed Order, Section III.A (p.13-17)

- Construction Deadlines

Recommended amended condition allows 3-years to commence construction and 6-years to complete construction

DPO Recommended Conditions

Organizational Expertise [OAR 345-022-0010]

Draft Proposed Order, Section III.B (p.17-22)

- Third Party Permits

Recommended amended condition requires pre-construction confirmation of necessary third-party permits; and, reporting of cited violations of third-party requirements

DPO Recommended Conditions

Land Use [OAR 345-022-0030]

Draft Proposed Order, Section III.E (p.29-64)

- Yard Setbacks

Recommended amended condition to align with county yard setback requirements

- Aboveground 34.5 kV transmission line siting consideration requirements

- Goal 3 Exception

Recommended Reasons: Locational Depended, Minimal Impacts to Agricultural Lands and Economic Benefits

DPO Recommended Conditions

Retirement and Financial Assurance [OAR 345-022-0050]

Draft Proposed Order, Section III.G (p.74-80)

- Bond/Letter of Credit for Proposed RFA4 Facility Components

DPO Recommended Conditions

Fish and Wildlife Habitat [OAR 345-022-0060]

Draft Proposed Order, Section III.H (p.81-92)

- Raptor Nest Buffer Restrictions

Recommended amended condition to establish a process to evaluate appropriate mitigation if nest becomes active and avoidance is not feasible

- Big Game Winter Range Sensitive Period

Recommended amended condition to allow for review of an exception to the restriction

DPO Recommended Conditions

Threatened or Endangered Species [OAR 345-022-0070]

Draft Proposed Order, Section III.I (p.92-97)

- Laurent's Milkvetch Avoidance Requirements

Recommended amended condition to establish a process to evaluate population status and significance of impact, if identified during pre-construction

DPO Recommended Conditions

Historic, Cultural, and Archeological Resources [OAR 345-022-0090]

Draft Proposed Order, Section III.K (p.100-105)

- Option for re-evaluation of Potential NRHP-Eligibility of 4 Archeological Resources

Recommended amended condition to provide a process for allowing implementation of an archeological resource mitigation plan, or concurrence is obtained from SHPO that four identified archeological resources are not likely-eligible for listing on the National Register of Historic Places

DPO Recommended Conditions

Siting Standards for Transmission Lines [OAR 345-024-0090]

Draft Proposed Order, Section III.P.1. (p.125-131)

- Compliance with National Electric Safety Code
Recommended amended condition to address outdated code version reference

Council Comments/Review of DPO Comments to occur at next Council meeting

Agenda Item B (Information Item)

Perennial Wind Chaser Station: Presentation on Draft Proposed Order on Request for Amendment 1

August 22, 2019

Katie Clifford, Senior Siting Analyst

Presentation Overview

- Certificate holder, facility, and facility location
- Procedural history
- RFA1 – requested amendments
- Summary of Draft Proposed Order

Background

Certificate Holder: Perennial-WindChaser LLC (wholly-owned by Perennial Power Holdings, Inc., a subsidiary of Sumitomo Corporation and Sumitomo Corporation of America)

Type of Facility: Natural gas facility comprised of up to four turbines with a maximum capacity of 415 megawatts, and related or supporting facilities

Construction Status: Approved, but not yet constructed

RFA1 – Requested Amendment

- Site certificate fully executed on September 18, 2015
- The Request for Amendment requests only to extend the construction commencement and completion deadlines:
 - Extend the construction initiation date from September 23, 2018 to September 23, 2020
 - Extend the construction completion date from September 23, 2021 to September 23, 2023
- No changes proposed to the site boundary, facility design, or facility layout

Facility Location

Northwestern Umatilla
County

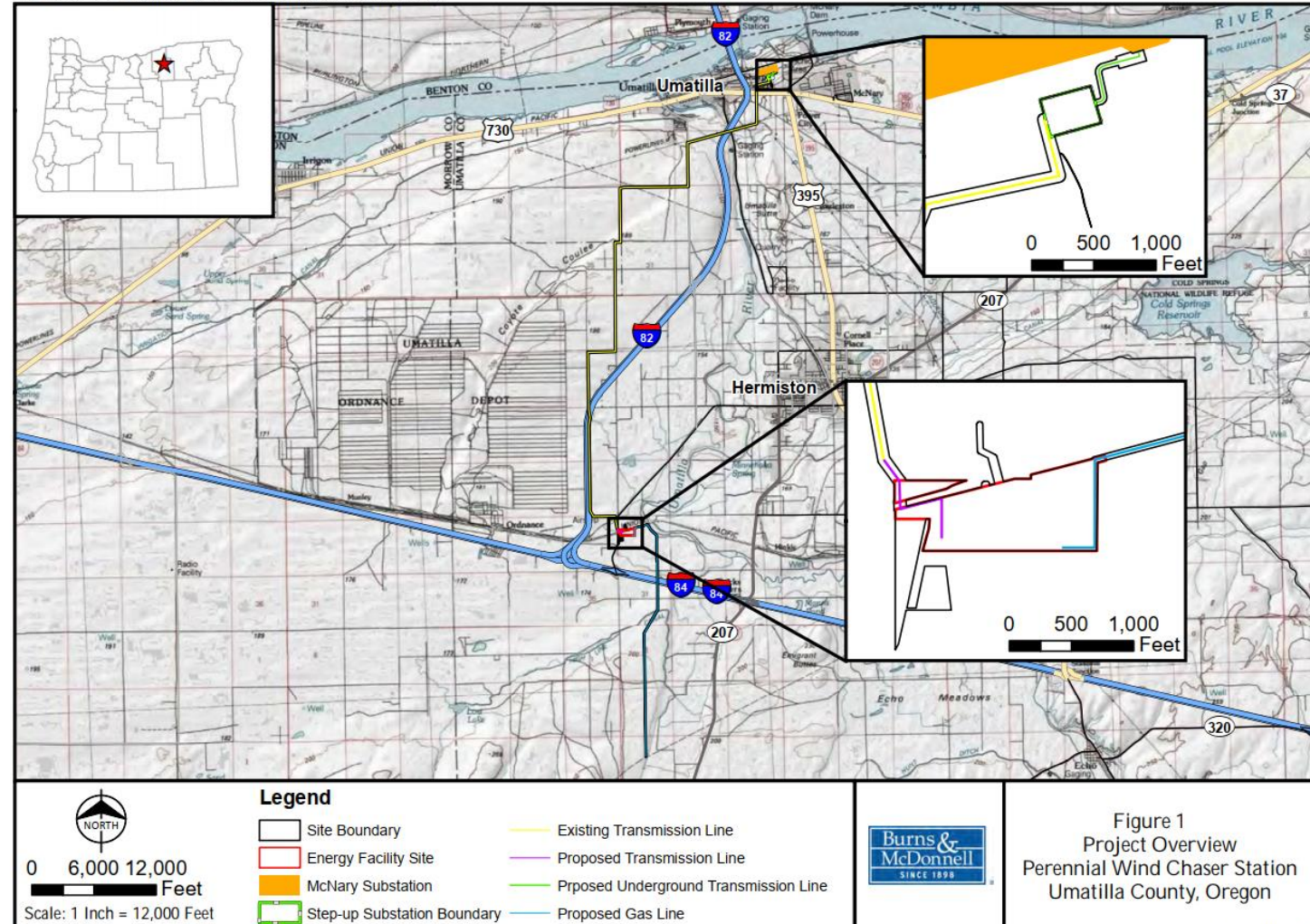
Adjacent to the existing
Hermiston Generating Plant

Power generation station
(Station) site ~ 20 acres

Step-up substation site ~ 3
acres

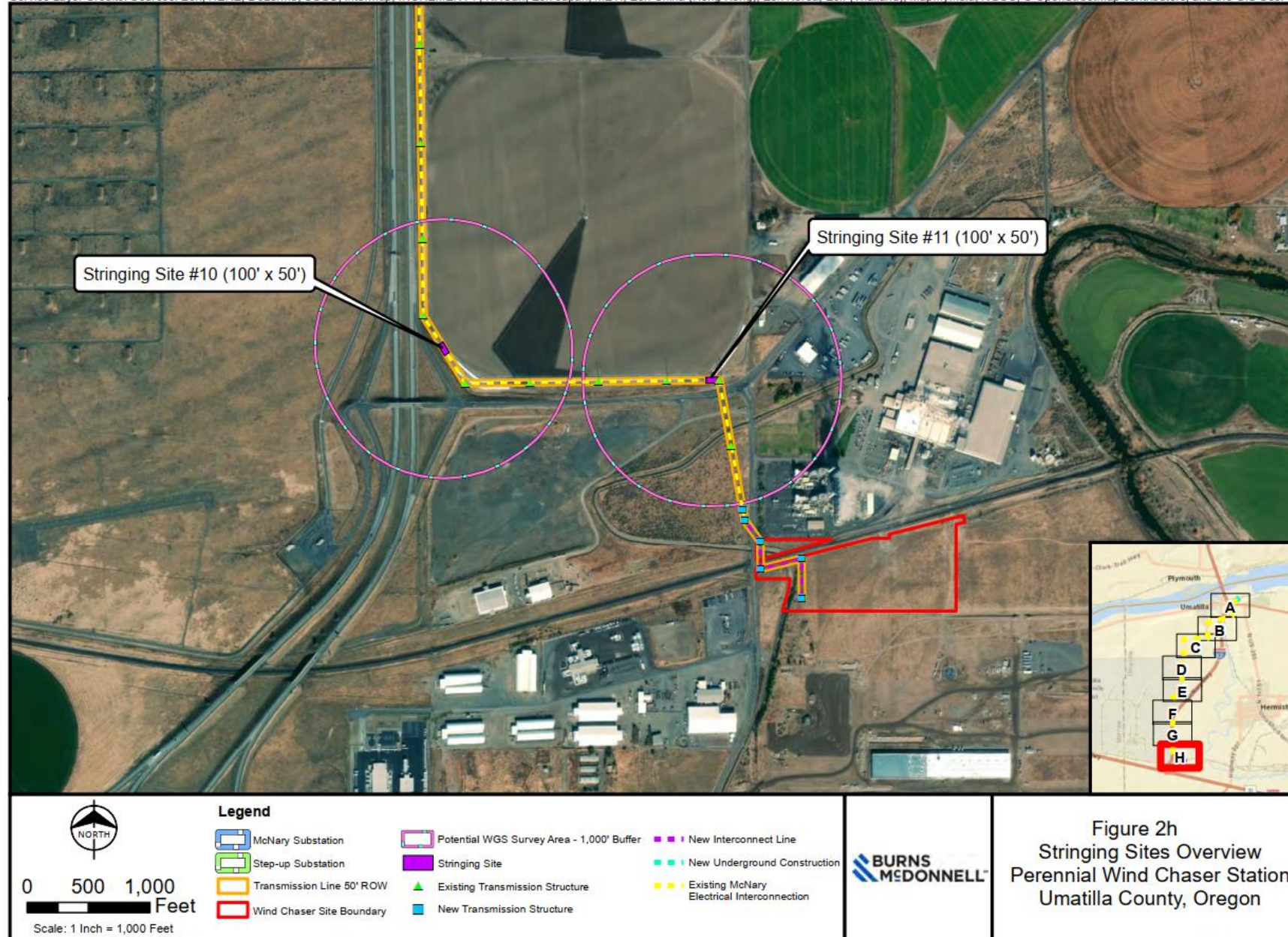
<5 mile lateral pipeline

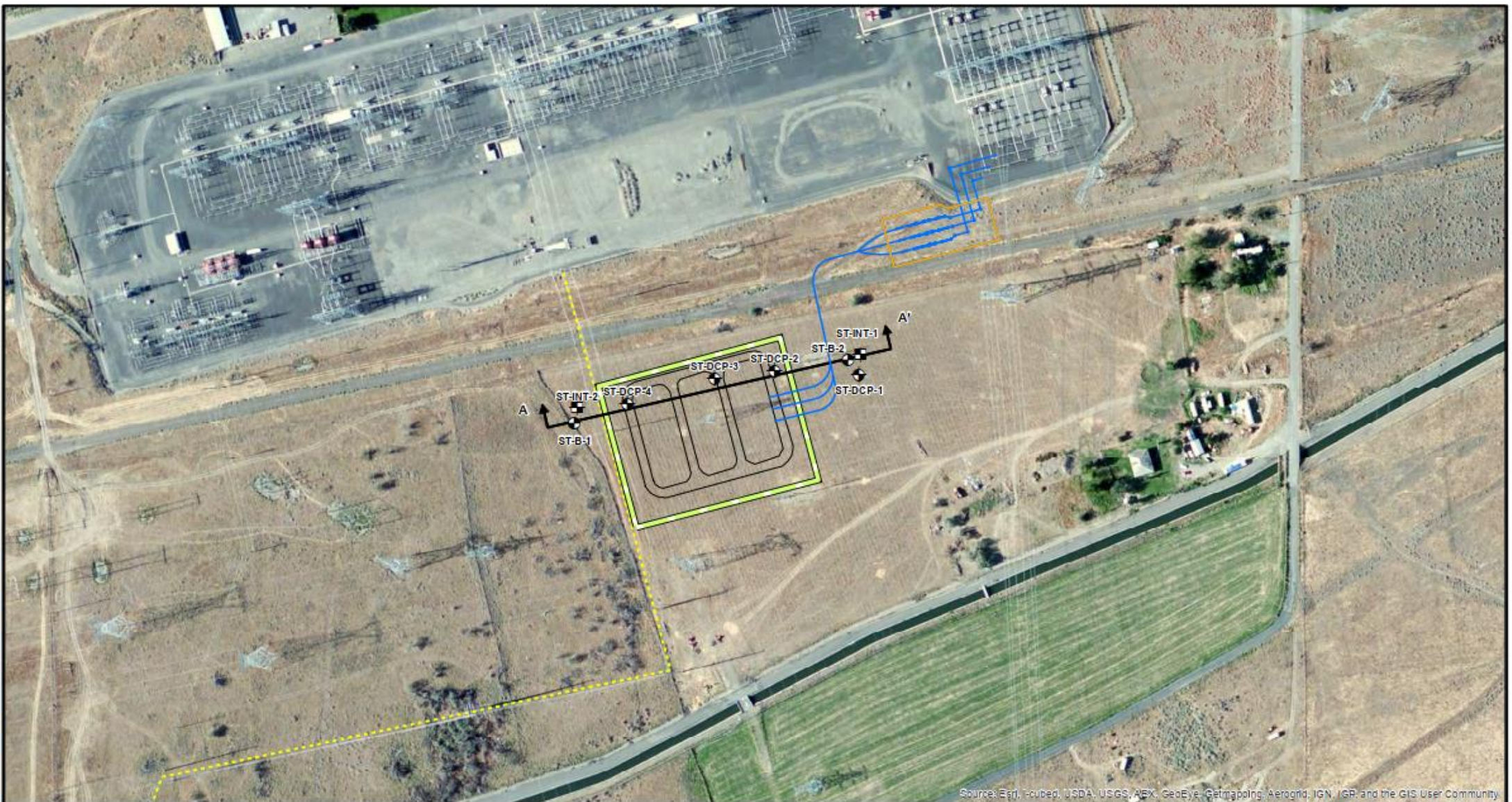
Path: \\mmsrv\data\Users\Tyler\PPH_Windchaser\Datafiles\ArcDocs\Updates_2014\Figure_B1_06252014.mxd tbeemer 7/17/2014
COPYRIGHT © 2014 BURNS & McDONNELL ENGINEERING COMPANY, INC.



Source: Umatilla Co. (2011), ORMAP (2012); USDA (2012); ESRI (2013); and Burns & McDonnell (2014)

Issued: 7/17/2014





LEGEND

- | | | | |
|--|---|--|--|
| | Location and Designation of Boring | | Step-Up Substation Boundary |
| | Location and Designation of Dynamic Cone Penetrometer | | Existing McNary Electrical Interconnection |
| | Location and Designation of Infiltration Test | | Proposed Underground Transmission Line |

Proposed Riser Structure Fenced Area
 Location and Designation of Profile

NOTES

1. Project features were georeferenced from Burns and McDonnell figure.
2. Designations are approximate.

0 100 200 400
 Feet



Perennial Wind Chaser Station
 Step-Up Substation
 Umatilla, Oregon

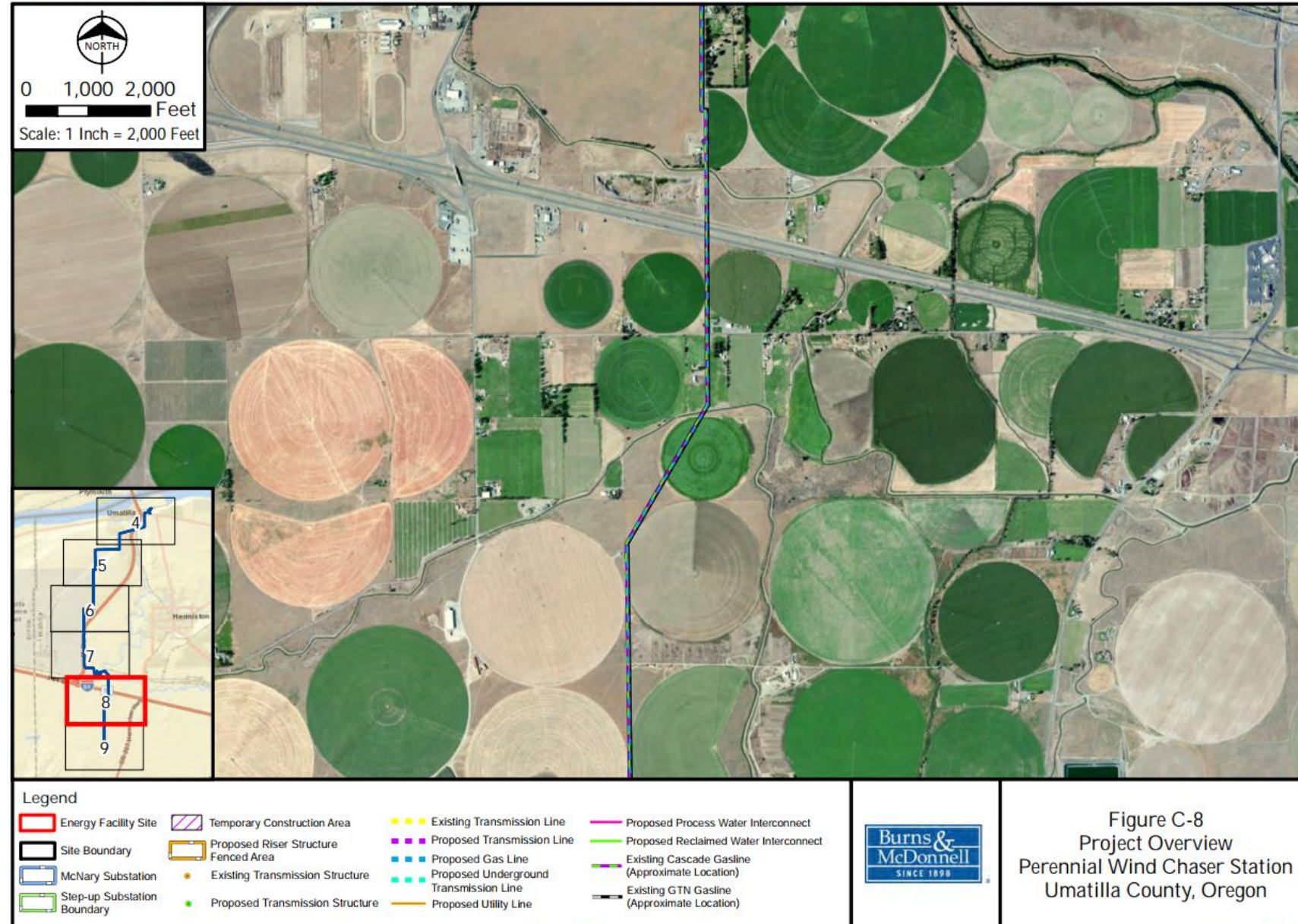
SITE PLAN

November 2013

24-1-03794-001

SHANNON & WILSON, INC.
 Geotechnical and Environmental Consultants

FIG. 2



RFA1 Procedural History

Requirement	Responsible Party	Date
Preliminary Request for Amendment 1	Certificate Holder	August 2, 2018
Complete Request for Amendment 1 Received	Certificate Holder	June 25, 2019
Draft Proposed Order Issued	ODOE	July 8, 2019
Comment Period (45 days)	ODOE	July 8, 2019 – August 22, 2019
Public Hearing (Today)	EFSC	August 22, 2019
Council Review of Draft Proposed Order	EFSC	August 23, 2019*
Proposed Order and Notice of Contested Case Issued	ODOE	TBD
Contested Case Proceeding	EFSC	TBD
Final Order/Amended Site Certificate	EFSC	TBD

*The certificate holder (Perennial-WindChaser LLC) will have the opportunity to request additional time to respond to public comments. If such a request is granted, Council's review of the Draft Proposed Order would not occur on August 23, 2019.

Comments on RFA1

- Confederated Tribes of the Warm Springs Indian Reservation
- Umatilla County (Special Advisory Group)
- City of Umatilla (Special Advisory Group)
- Oregon Department of Fish and Wildlife
- Oregon Department of Land Conservation and Development

Summary of Draft Proposed Order

Informal Categorization of DPO Sections for Discussion Purposes

1. No changes in fact or law
2. Changes in fact or law, but previous Council findings still applicable
3. Recommended changes to conditions for clarification purposes
4. **Changes in fact or law affecting previous Council findings**

Summary of Draft Proposed Order

1. No changes in fact or law

- Historic, Cultural and Archaeological Resources
- Recreation
- Waste Minimization

Summary of Draft Proposed Order

2. Changes in fact or law, but previous Council findings not affected

- Organizational Expertise
- Protected Areas
- **Threatened and Endangered Species**
- Scenic Resources
- Public Services
- Noise Control Regulations
- **Removal-Fill Law**
- Water Rights

Summary of Draft Proposed Order

2. Changes in fact or law, but previous Council findings not affected (continued)

- Removal-Fill Law (Section III.Q.2., pp. 101-102)
 - Aerial imagery and desktop wetlands and soils data review
 - Wetlands and waters of the state survey at pulling-tensioning sites (April and May 2019)
 - Verification of previously mapped waters of the state within remainder of site boundary
 - **No new wetlands or waters identified and no changes to previously surveyed wetlands and waters**



Summary of Draft Proposed Order



Credit: ODFW

2. Changes in fact or law, but previous Council findings not affected (continued)

- Threatened and Endangered Species Standard (Section III.I., pp. 64-68)
 - Reviewed ODFW and ODA threatened and endangered species lists
 - Updated surveys (April and May 2019)
 - Laurence's milkvetch (plant)
 - None detected and no suitable habitat identified
 - Washington ground squirrel
 - None detected

Summary of Draft Proposed Order

3. Recommended changes to conditions for clarification purposes

- Soil Protection (DPO Section III.D.; pp. 35-36)
 - Amend Condition D.3 to ensure the Revegetation and Noxious Weed Control Plan:
 - Accounts for temporary impacts at the pulling-tensioning sites
 - Would be finalized using information from the pre-construction habitat assessment required by Condition H.1
- Fish and Wildlife Habitat (DPO Section III.H.; pp. 58-64)
 - Amend Condition H.2 to remove the words “if determined necessary” to make it clear that a Habitat Mitigation Plan is required
- Siting Standards for Transmission Lines (DPO Section III.P.1.; pp. 78-81)
 - Amend Condition O.1 to align the condition with the most current version of the National Electrical Safety Code

Summary of Draft Proposed Order

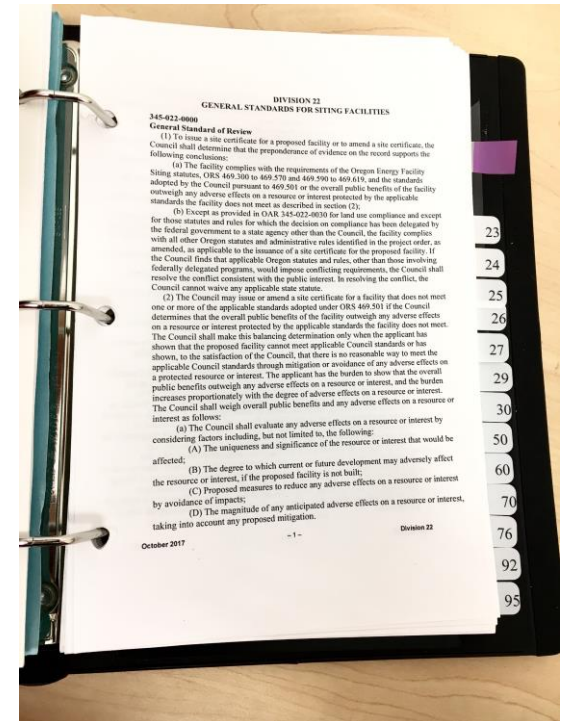
4. Changes in fact or law affecting previous Council findings

- General Standard of Review
- Structural Standard
- Land Use
- Retirement and Financial Assurance
- Carbon Standard

Summary of Draft Proposed Order

4. Changes in fact or law affecting previous Council findings (continued)

- General Standard of Review (DPO Section III.A., pp. 16-21)
 - Amend Conditions A.1 and A.2 to:
 - extend the construction commencement date to September 23, 2020
 - extend the construction completion date to September 23, 2023
 - Adopt new Condition A.12 to:
 - require submittal of a compliance plan prior to construction



Summary of Draft Proposed Order

4. Changes in fact or law affecting previous Council findings (continued)

- Structural Standard (DPO Section III.C., pp. 26-34)
 - Amend Conditions C.5 through C.7:
 - Based on the 2017 Structural and Geologic rulemaking changes to mandatory conditions
 - Amend Condition C.3 to:
 - Reflect changes in the applicable building codes
 - Amend Condition C.2 to:
 - Require a site-specific ground motion study that accounts for long-period ground motion hazards at the power generation station site
 - Adopt new Condition C.8 to:
 - Require an emergency response plan for disasters to ensure that the facility would return to normal operation as quickly as practical after a disaster

Summary of Draft Proposed Order

4. Changes in fact or law affecting previous Council findings (continued)



- Land Use (DPO Section III.E., pp. 36-47)
 - New analysis and recommended findings:
 - Transmission line reconductoring is a use permitted outright within the City of Umatilla NC, R1, and R2 zones and therefore does not require a zoning permit
 - The associated transmission line (new transmission poles) is necessary for public service



- City of Umatilla Zoning Ordinance**
- Community Services (CS)
 - General Commercial (GC)
 - Neighborhood Commercial (NC)
 - Single-Family Residential (R1)
 - Medium Density Residential (R2)
- Umatilla County 1972 Zoning Ordinance**
- Agricultural Residential (R-1)
 - Exclusive Farm Use (F-1)
 - General Rural (F-2)
 - Heavy Industrial (M-2)
- Umatilla County Zones**
- Exclusive Farm Use (EFU)
 - Light Industrial (LI)
 - Light Industrial - Limited Use (LILU)
 - Rural Tourist Commercial (RTC)
 - Depot Industrial - Unrestricted (DI - U)
 - Umatilla Depot Refuge (UDR)

- Legend**
- Energy Facility Site
 - Site Boundary
 - Step-up Substation Boundary
 - McNary Substation
 - Existing Transmission Line
 - Proposed Underground Transmission Line
 - Proposed Transmission Line
 - Proposed Riser Structure Fenced Area
 - Proposed Gas Line
 - Existing Transmission Structure
 - Proposed Transmission Structure

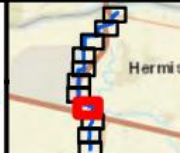
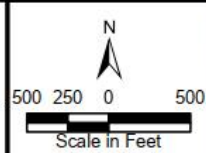


Figure K-1
Project Overview
Perennial Wind Chaser Station
Umatilla County, Oregon

Page 8 of 11

Path: \\mcd\dfs\clients\PERENNIAL\107891_WindChaser\Studies\Geospatial\Data\Files\ArcDocs\Figure_Rmxd
COPYRIGHT © 2018 BURNS & McDONNELL ENGINEERING COMPANY, INC.

Issued: September, 26 2018
Source: City of Umatilla, ESRI and Burns & McDonnell Engineering, Inc.

Summary of Draft Proposed Order

4. Changes in fact or law affecting previous Council findings (continued)

- Retirement and Financial Assurance (DPO Section III.G.; pp. 50-58)
 - Amend existing Condition G.4:
 - To require an initial bond or letter of credit amount that reflects the updated site restoration cost estimate
 - So that any revision to the restoration costs (beyond whether or not the facility would use a zero liquid discharge system) would need to be reviewed and approved by the Council through a site certificate amendment

Summary of Draft Proposed Order

4. Changes in fact or law affecting previous Council findings (continued)

- Carbon Standard (DPO Section III.P.2.; pp. 81-97)
 - Amend Conditions S.2, S.10, and S.11 to:
 - Align with the current monetary offset rate
 - Amend Condition S.4 to:
 - Reflect the current net carbon dioxide emissions rate threshold for non-base load power plants

	415 MW of Combustion Turbines	411.9 MW of Combustion Turbines (ZLD System Option)
F. Monetary Path		
Offset Fund Rate (\$/ton CO ₂)	\$1.90	\$1.90
Offset Funds Required (\$ million) ¹⁵⁵	\$15.66	\$15.85
Contracting and Selection Funds (\$ million) ¹⁵⁶	\$0.70	\$0.71
Monetary Path Requirement (\$ million)	\$16.36	\$16.55

Immediate Next Steps

- Agenda Item E – Public Hearing on the Draft Proposed Order
- Agenda Item I – Council Review of the Draft Proposed Order

Agenda Item C (Action Item)

Site Certificate Amendment Process Rulemaking

August 22, 2019

Patrick Rowe, Oregon Department of Justice

Christopher Clark, EFSC Rulemaking Coordinator and Analyst

Agenda Item D (Hearing)

Wheatridge Wind Energy Facility: Public Hearing on Draft Proposed Order on Request for Amendment 4

August 22, 2019

Barry Beyeler, Council Chair/Presiding Officer

Agenda Item E (Hearing)

Perennial Wind Chaser Station: Public Hearing on Draft Proposed Order on Request for Amendment 1

August 22, 2019

Barry Beyeler, Council Chair/Presiding Officer

Opening Items:

- Call to Order
- Roll Call
- Announcements

Announcements:

- For those attending in person:
 - Comment Registration Cards are available on the table.
 - GovDelivery Sign Up Cards to receive project information by email are also on the table
- Those participating via the AT&T phone line, please mute your phone and if you receive a phone call, please hang up from this call and dial back in after finishing your other call

Announcements continued:

- If you would like to address the Council, please do not use the speaker phone feature, because it will create feedback
- For those signed onto the webinar, please do not broadcast your webcam
- Please silence your cell phones
- Energy Facility Council meetings shall be conducted in a respectful and courteous manner where everyone is allowed to state their positions at the appropriate times consistent with Council rules and procedures. Willful accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the Council meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080, any person who engages in unacceptable conduct which disrupts the meeting may be expelled.

Agenda Item F (Action Item)

Consent Calendar

- **May Meeting Minutes**
- **June Meeting Minutes**
- **Council Secretary Report**

Agenda Item G (Information Item)

The Climate Trust Audit Update

August 23, 2019

Maxwell Woods, Senior Policy Advisor

Agenda Item H (Hearing)

Rulemaking: 2019 Housekeeping Public Hearing

August 23, 2019

Christopher Clark, Energy Policy Analyst

Background

- Council authorized the Notice of Proposed Rulemaking for the 2019 Housekeeping Rulemaking Project on May 17, 2019.
- Notice was issued on June 12, 2019.
- The Proposed rules contain changes intended to:
 - Facilitate electronic transmission of application materials,
 - Improve the consistency of noticing requirements with statute and local government processes, and
 - Reduce administrative and reporting costs to applicants and certificate holders.

Changes included in proposed rules

- Specifying that rulemaking notices may be sent electronically and adopting procedures to update the Council's rulemaking mailing lists.
- Updating definitions and procedural rules to be more consistent with statute.
- Reducing the number of printed copies of project materials an applicant or certificate holder must submit and facilitating electronic distribution of materials to reviewing agencies.
- Aligning property owner listing requirements with local government practices.

Conduct of Hearing

- If you wish to provide oral comments:
 - Fill out a registration card before the hearing adjourns
 - When your name is called come forward and state your name and where you are from.
 - If you represent an organization, state the name of the organization.
 - Summarize any written material and provide a copy.
 - The Council will not respond to questions or comments during the hearing.
- Written comments must be submitted before 9:30 AM today to be considered.

PUBLIC COMMENT

Agenda Item I (Information Item)

Perennial Wind Chaser Station: Council Review of Draft Proposed Order on Request for Amendment 1

August 23, 2019

Katie Clifford, Senior Siting Analyst

Agenda Item J

PUBLIC COMMENT

Agenda Item K (Action Item)

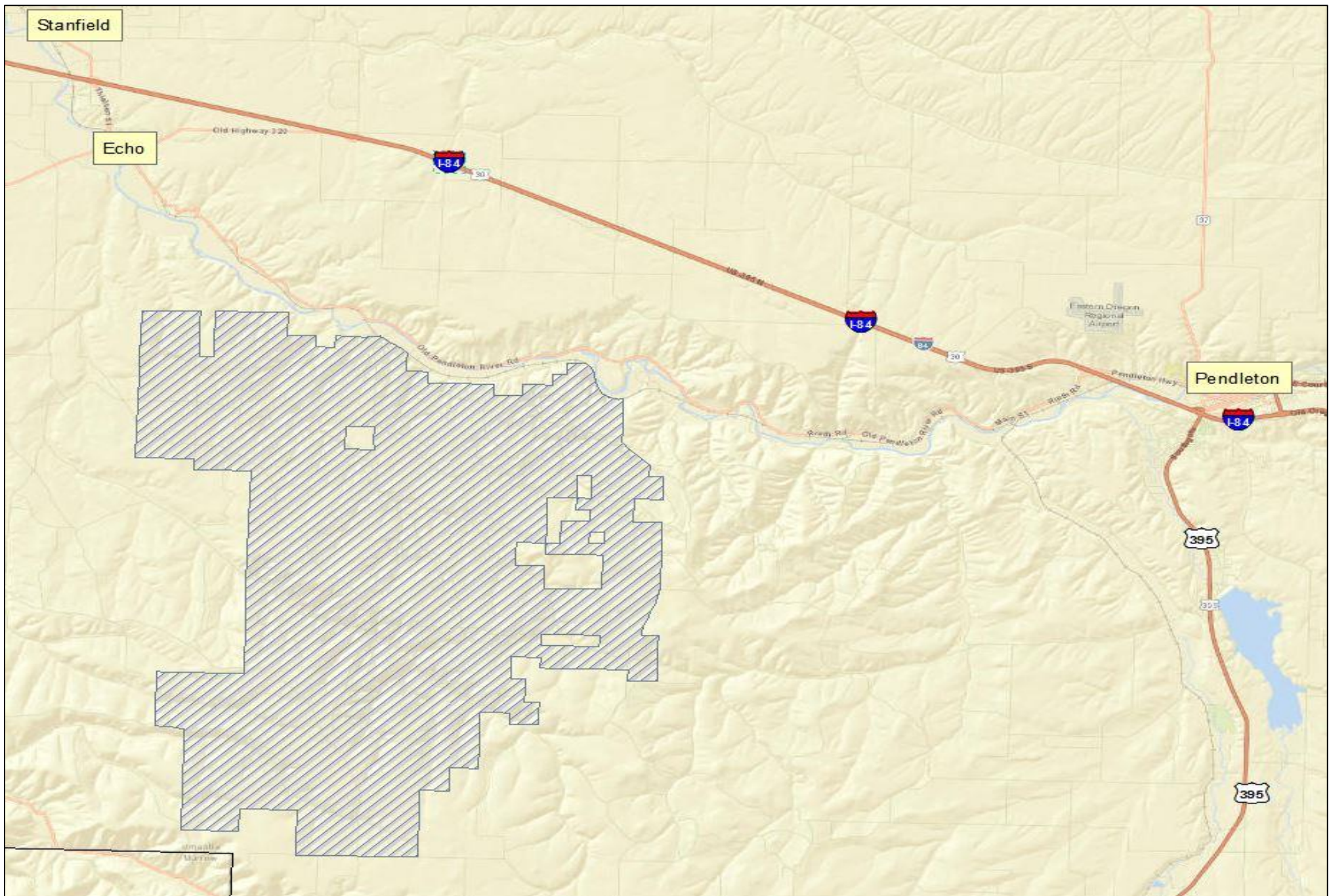
Nolin Hills Wind Power Project: Request for Extension of Notice of Intent Timeline

August 23, 2019

Katie Clifford, Senior Siting Analyst

Proposed Nolin Hills Wind Power Project

Facility:	350 MW wind energy generation facility
Site Boundary:	44,900 acres on private land, plus transmission line corridor
Location:	Umatilla County
Applicant:	Nolin Hills Wind, LLC
Parent Company:	Capital Power Corporation
ASC Status:	Applicant to submit pASC
NOI Expiration:	September 11, 2019



Council Deliberation

Agenda Item L (Action Item)

Montague Wind Power Facility: Council Review of Proposed Order on Request for Amendment 4 of the Site Certificate

August 23, 2019

Chase McVeigh-Walker, Senior Siting Analyst

Presentation Overview

- **Facility Overview and Site Certificate History**
- **Request for Amendment (RFA) 4 Procedural History**
- **RFA4 Proposed Changes**
- **Proposed Order (Action Item)**

Facility Overview

Certificate Holder:	Montague Wind Power Facility, LLC
Certificate Holder Parent Company:	Avangrid Renewables
Type of Facility (Under Construction):	202 MW wind; 56 wind turbines
Related or Supporting Facilities:	<ul style="list-style-type: none">-substation-meteorological towers-power collection system-transmission line-SCADA-access roads-temporary laydown areas

Facility Site/Site Boundary Location

Site Boundary

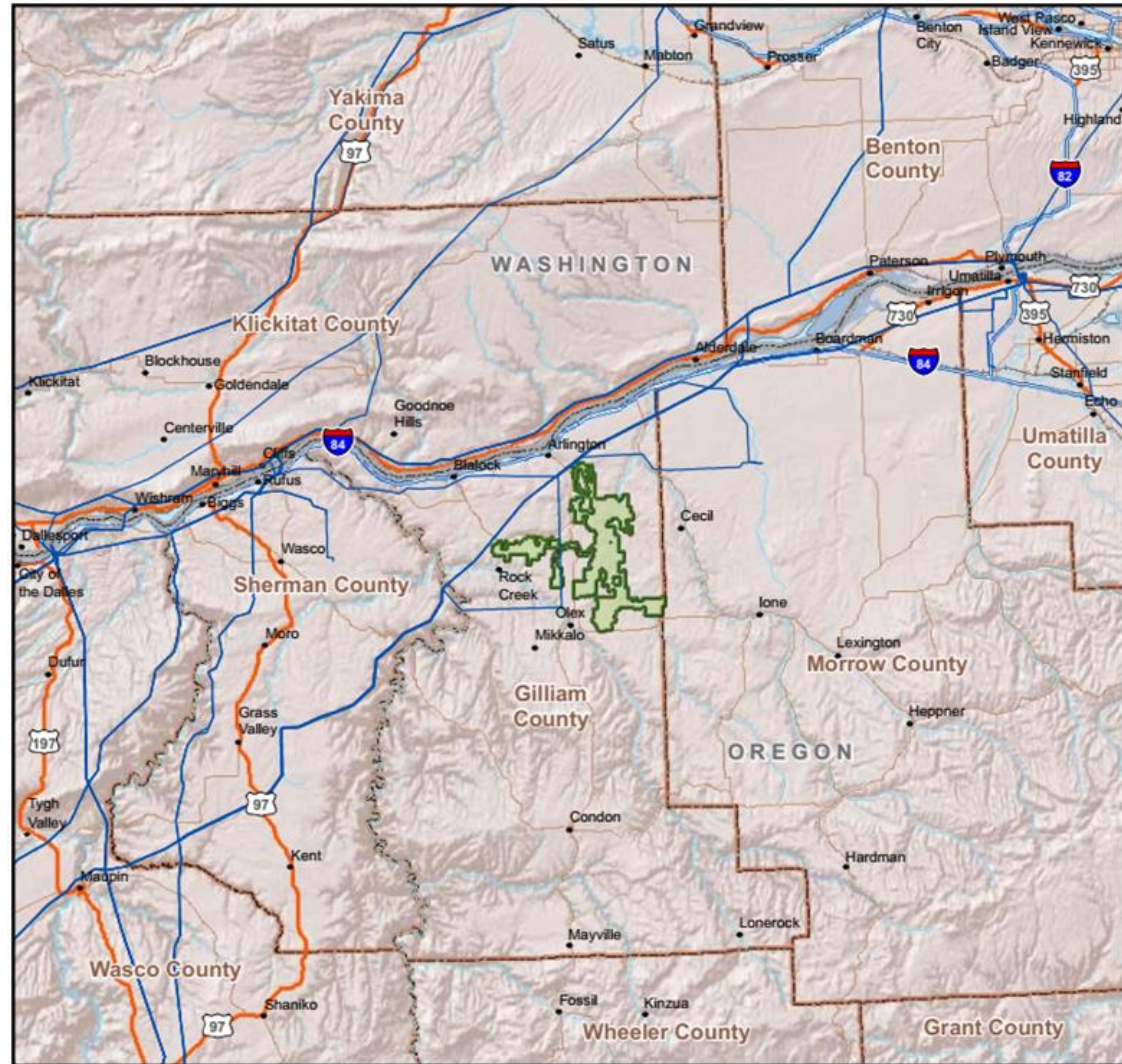
- Contains approximately 33,717 acres
- Private land, within Gilliam County

Site Certificate History

- Site Certificate effective Sept. 10, 2010

Site Certificate amended three times:

- June 2013
- December 2015
- July 2017

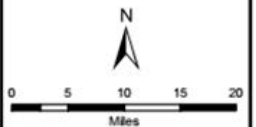


File: Z:\Projects\OR\Montague\MapDocuments\Report Figures\EFSC\Figure C-1 - Site Map.mxd

**Figure C-1
Site Map**
Montague Wind Power Facility

Legend

- Site Boundary
- Micrositing Corridor
- Cities
- Limited Access Highway
- Highway
- Major Road
- Major Railroad Line
- Existing Transmission Line
- Water
- County Boundary
- State Boundary



**IBERDROLA
RENEWABLES**

Modify Date: 1/8/2010

RFA4 – Proposed Modifications

- **Site Boundary expansion by approximately 13,339 acres**

Expansion of micrositing corridor by approximately 8,981 acres

- **Three Design Scenarios**

Design Scenarios A and B: maximum and minimum disturbance for wind and battery

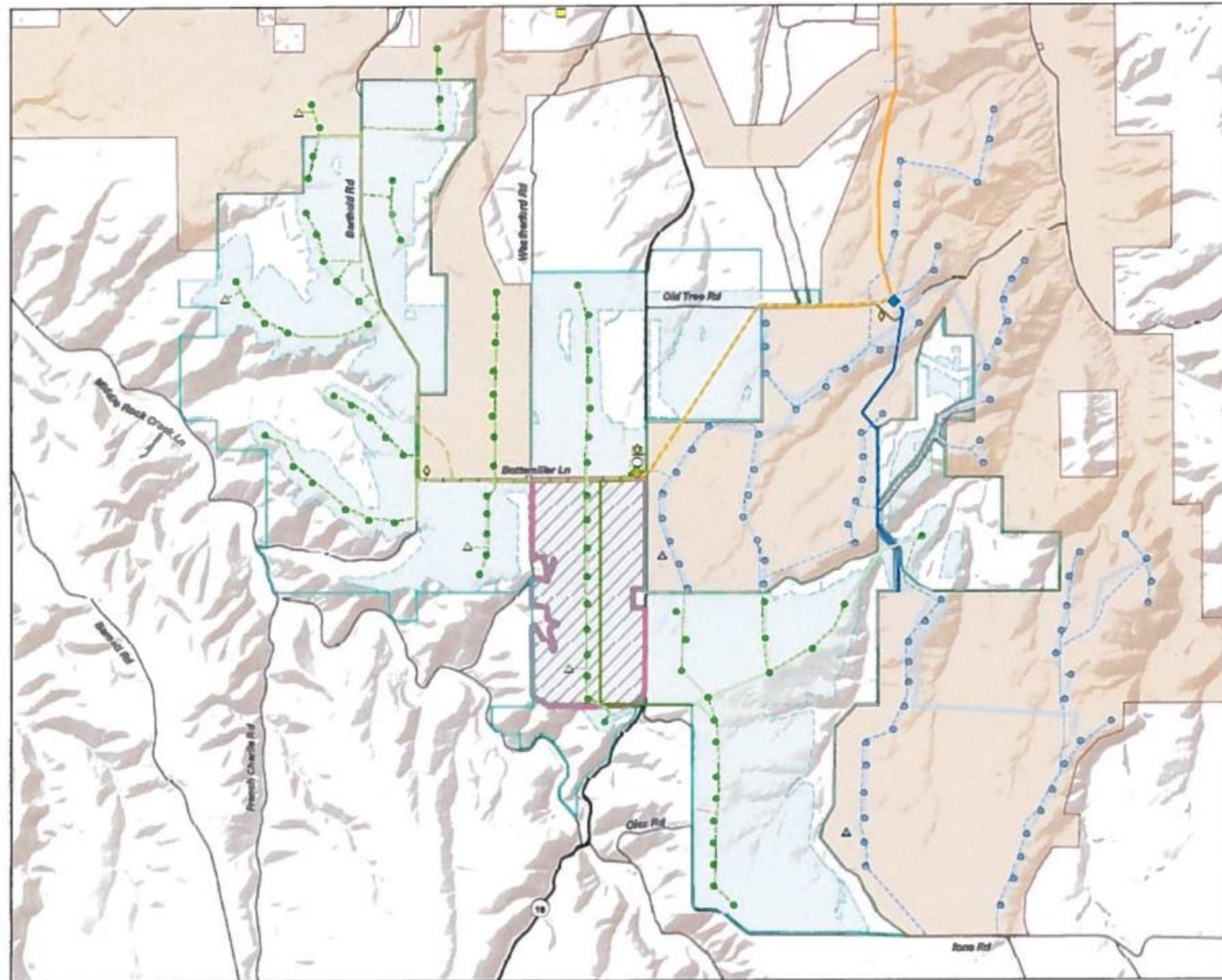
Design Scenario C: solar photovoltaic array plus battery storage

- **Amendments to several site certificate conditions**

RFA4 – Proposed Modifications

Phase 2 Combined Layout

- Up to 81 wind turbines (if utilizing previously approved turbine model) or,
- Up to 48 wind turbines (if opting to utilize largest requested turbine model) or,
- Solar photovoltaic array up to 1,189 acres
- Lithium-ion or flow battery storage system
- 3-mile segment of aboveground 230 kV transmission line
- Related or Supporting Facilities



RFA4 Procedural History

Requirement	Responsible Party	Date
Preliminary Request for Amendment 4	Certificate Holder	January 9, 2018
Amended Preliminary Request for Amendment 4	Certificate Holder	March 25, 2019
Complete RFA4 Received	Certificate Holder	April 5, 2019
Draft Proposed Order Issued	ODOE	April 5, 2019
Comment Period (48-days)	ODOE	April 5 – May 23, 2019
Public Hearing	EFSC	May 16, 2019
Council Review of Draft Proposed Order	EFSC	June 27, 2019
Proposed Order/Public Notice and Notice of opportunity to request a Contested Case Issued	ODOE	July 9, 2019
Final Order/Amended Site Certificate	EFSC	August 23, 2019

Council Review of Requests for Contested Case

- **Opportunity to Request a Contested Case**

Individuals that comment on record of draft proposed order hearing

July 9, 2019 – August 9, 2019

- **No Requests for Contested Case Received**

Review of Proposed Order

No substantive changes in findings in Proposed Order for the following standards:

- Protected Areas
- Retirement and Financial Assurance
- Threatened and Endangered Species
- Scenic Resources
- Recreation
- Division 24 Standards
 - Public Health and Safety Standards for Wind Energy Facilities
 - Cumulative Effects Standard for Wind Energy Facilities
 - Siting Standards for Transmission Lines
- Other Applicable Regulatory Requirements Under Council Jurisdiction
 - Removal-Fill Law
 - Water Rights

Review of Proposed Order

Minor changes in findings in Proposed Order for the following standards:

- Soil Protection
- Public Services

Review of Proposed Order

Substantive changes in findings in Proposed Order for the following standards:

- General Standard of Review
- Organizational Expertise
- Structural Standard
- Land Use
- Fish and Wildlife Habitat
- Historic, Cultural, and Archeological Resources
- Waste Minimization
- Other Applicable Regulatory Requirements Under Council Jurisdiction
 - Noise Control Regulation

Review of the Proposed Order

- **General Standard of Review (Recommended Amended Condition)**
Proposed Order, Section III.A (starting on page 16)
 - Amended Condition 27 – Removal of hub height restriction for Phase 2 turbines
- **Organizational Expertise (Recommended New Condition and Amended Condition)**
Proposed Order, Section III.B (starting on page 22)
 - New Condition 116 – Removal of specific regulatory provisions for the transportation of battery and battery-related waste
 - Amended Condition 29 – Removal of third-party permit compliance reporting requirement, modified to include third-party permit reporting requirement applicable to citations and violations

Review of the Proposed Order

- **Structural Standard (Recommended Amended Condition)**

Proposed Order, Section III.C (starting on page 28)

- Amended Condition 52 – Specify the required pre-construction site-specific geotechnical investigation and report

- **Land Use (Recommended Amended Conditions)**

Proposed Order, Section III.E (starting on page 46)

- Amended Condition 42 – Incorporation of certificate holder proposed setback
 - Deletion of Condition 119 (Fish and Wildlife Standard of the Proposed Order); Duplicative of Amended Condition 42 requirements

Review of the Proposed Order

- **Fish and Wildlife Habitat (Recommended Amended Conditions)**

Proposed Order, Section III.H (starting on page 130)

- Deleted Condition 119 – Certificate holder proposed wind turbine setback requirement from breaks of Rock Creek
 - Modified Condition 42 to incorporate proposed setback requirement

- **Historic, Cultural, and Archeological Resources (Recommended Amended Conditions)**

Proposed Order, Section III.K (starting on page 157)

- Amended Condition 47 – Require submission of a final Phase 2 Historical Resource Mitigation Plan (HRMP)
- Amended Condition 50 – Require a qualified cultural resource monitor to be onsite during ground disturbing activities at depths of 12 inches or greater

Review of the Proposed Order

- **Waste Minimization (Recommended Amended Condition)**

Proposed Order, Section III.N (starting on page 184)

- Amended Condition 87 – Removal of 1700-B permit documentation

- **Noise Control Regulations (Recommended Amended Conditions)**

Proposed Order, Section III.Q.1 (starting on page 195)

- Amended Condition 107 – Require verification of the identification of noise sensitive properties within one mile of final design locations for preconstruction noise analysis
- Amended Condition 108 – Include a requirement to notice noise sensitive properties within one mile of noise generating components, with information about the noise complaint system and how to file a noise complaint

Staff Recommendations

Proposed Order:

Approve proposed order and adopt as final order; grant amended site certificate

Council Decision on Proposed Order

Option 1

- Approve Proposed Order and adopt Final Order

Option 2

- Approve Proposed Order with Modifications and adopt Final Order

Option 3

- Reject Proposed Order, direct staff to make changes and re-issue Proposed Order

Council Deliberation

Agenda Item M (Action Item)

Summit Ridge Wind Farm, Request for Amendment 4

August 23, 2019

Maxwell Woods, Senior Policy Advisor

Presentation Overview

- Facility Overview
- Request for Amendment (RFA) 4 Procedural History
- RFA4 Proposed Changes
- Request for Contested Case on Amended Proposed Order (Action Item)
- Amended Proposed Order (Action Item)

Facility Overview

Certificate Holder:	Summit Ridge Wind, LLC
Certificate Holder Parent Company:	Pattern Renewables 2 LP; Subsidiary of Pattern Energy Group 2 LP
Type of Facility (Approved, not yet constructed):	72 wind turbines (which would generate approximately 194.4 MW)
Related or Supporting Facilities:	<ul style="list-style-type: none">- collector substation- O&M building- meteorological towers- power collection system- transmission lines- SCADA- access roads and crane paths

RFA4 – Requested Modifications

- Requests that the construction deadlines be extended by two years.*
- Requests that the construction commencement deadline be extended to August 19, 2020 and;
- Requests that the construction completion deadline be extended to August 19, 2023.

Condition Changes

- Condition 4.1
 - Condition 4.2
-
- *Note that the current site certificate requires construction to begin by August 19, 2018 and be completed by August 19, 2021. The receipt of the RFA4 stayed these construction deadlines.

RFA4 Procedural History

Requirement	Responsible Party	Date
Preliminary Request for Amendment 4	Certificate Holder	August 17, 2018
Complete RFA4 Received	Certificate Holder	January 14, 2019
Draft Proposed Order Re-Issued (Type A)	ODOE	February 1, 2019
Comment Period (37-days)	ODOE	January 16 – February 22, 2019
Public Hearing	EFSC	February 22, 2019
Council Review of Draft Proposed Order	EFSC	February 22 and March 22, 2019
Proposed Order/Public Notice and Notice of Contested Case Issued	ODOE	April 2, 2019
Review of Contested Case Requests on Proposed Order	EFSC	May 17, 2019
Amended Proposed Order	ODOE	July 3, 2019
Review of Contested Case Requests on Amended Proposed Order (today)	EFSC	August 23, 2019
Final Order/Amended Site Certificate	EFSC	TBD

Council Review of Requests for Contested Case

Opportunity to Request a Contested Case on Amended Proposed Order

- Persons that commented on record of draft proposed order hearing, January 16 – February 22, 2019
- Period to request contested case on amended proposed order: July 3, 2019 to August 5, 2019

Requests for Contested Case Received

- Friends of the Columbia Gorge, et al.
- Irene Gilbert, as individual and on behalf of Friends of the Grande Ronde Valley

Council Scope of Review – Contested Case Requests

- Evaluate whether request satisfies OAR 345-027-0071(10)(b)(A)-(C) requirements
- Evaluate whether request raises significant issue of law or fact that may affect Council's determination whether facility meets applicable laws and Council standards

Council Scope of Review – Continued

OAR 345-027-0071(10) identifies actions Council may take regarding requests for contested case on amendment subject to Type A review:

- Option 1: Grant a contested case – find that request raises significant issue of law or fact.*
- Option 2: Deny contested case – find that request raises significant issue of law or fact...but could be addressed through new or amended conditions.*
- Option 3: Deny contested case – find that request does not raise significant issue of law or fact.*

Council Decision on Request for Contested Case

Option 1

- Grant a contested case – find that request raises significant issue of law or fact

Option 2

- Deny contested case – find that request raises significant issue of law or fact, but could be addressed through new or amended conditions

Option 3

- Deny contested case – find that request does not raise significant issue of law or fact

Council Deliberation

Council Decision on Amended Proposed Order

Option 1

- Approve Amended Proposed Order and adopt Final Order

Option 2

- Approve Amended Proposed Order with Modifications and adopt Final Order

Option 3

- Reject Amended Proposed Order, direct staff to make changes and re-issue Amended Proposed Order

Council Deliberation

Agenda Item N (Action Item)

Rulemaking: 2019 Housekeeping

August 23, 2019

Christopher Clark, Energy Policy Analyst

Background

- Council authorized the Notice of Proposed Rulemaking for the 2019 Housekeeping Rulemaking Project on May 17, 2019.
- Notice was issued on June 12, 2019.
- The public comment period ended at 9:30 AM this morning.

Summary of Proposed Rules

- Specific changes proposed for this rulemaking project included:
 - Specifying that rulemaking notices may be sent electronically and adopting procedures to update the Council's rulemaking mailing lists.
 - Updating definitions and procedural rules to be more consistent with statute.
 - Reducing the number of printed copies of project materials an applicant or certificate holder must submit and facilitating electronic distribution of materials to reviewing agencies.
 - Aligning property owner listing requirements with local government practices.

Summary of Public Testimony

Summary of Department Testimony

The Department has submitted written testimony recommending the following changes:

- Remove proposed changes to rules affected by the Supreme Court's decision in *Friends of the Columbia Gorge v EFSC*.
- Make minor structural and wording changes to improve the readability and consistency of the rules.
- Amend rules to specify that that applicants and certificate holders must submit two printed copies of application materials, instead of an original and one copy.
- Remove reference to ORS 192.502 from Exhibit S.
- Amend language in Exhibit F to use language closer to that used in ORS 197.736.

OAR 345-021-0010(1)(f)

“Exhibit F. A list of the names and mailing addresses of property owners, as described in this rule:

(A) The list must include all owners of record, as shown on the most recent property tax assessment roll, of property located:

(i) Within 100 feet of the property which is the subject of the application, where the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property which is the subject of the application, where the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 500 feet of the property which is the subject of the NOI, where the subject property is within a farm or forest zone;

(B) The applicant shall submit an updated list of property owners as requested by the Department before the Department issues notice of any public hearing on the application for a site certificate as described in OAR 345-015-0220; and

(C) In addition to incorporating the list in the application, the applicant shall submit the list to the Department in an electronic format approved by the Department.”

Council Deliberation

BREAK

Adjourn

