



# Oregon

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**To:** Energy Facility Siting Council

**From:** Maxwell Woods, Senior Policy Advisor and Sarah Esterson, Senior Siting Analyst

**Date:** May 8, 2020

**Subject:** Agenda Item E (Action Item):  
Wheatridge Wind Energy Facility, Request for Amendment 5 –  
Council review of Proposed Order for the May 21-22 EFSC Meeting

**Attachments:** Attachment 1: Draft Proposed Order on Request for Amendment 5  
(via hyperlink: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/WRW.aspx>)  
Attachment 2: Proposed Order on Request for Amendment 5 (to be provided)  
Attachment 3: Comments Received on Draft Proposed Order

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## STAFF RECOMMENDATION

The Oregon Department of Energy (Department) recommends Council approve the Proposed Order on Request for Amendment 5 of the Wheatridge Wind Energy Facility Site Certificate (proposed order) as the final order and grant issuance of two new site certificates.

Request for Amendment 5 (RFA5 or amendment request) of the Wheatridge Wind Energy Facility site certificate seeks Council approval to split, and share some, facility components into two site certificates, with redefined site boundaries, new facility names and one new limited liability company (LLC) as a new certificate holder. Both site certificate holders would continue to be owned by the current certificate holder, NextEra Energy Resources, LLC (NEER). The amendment request is being processed under Type B review pursuant to OAR Chapter 345 Division 27.

## BACKGROUND

The Wheatridge Wind Energy Facility is an Energy Facility Siting Council (Council)-approved wind and solar energy generation facility, with up to 292 wind turbines (500 megawatt (MW) capacity) and up to 900 acres of solar photovoltaic energy generation equipment (150 MW capacity), and related or supporting facilities within a site boundary spanning area within Morrow and Umatilla counties. The certificate holder is currently constructing 120 wind turbines (300 MW) and associated related or supporting facilities within Morrow County.

On March 6, 2020, Wheatridge Wind Energy, LLC (certificate holder) submitted its preliminary RFA5, and a Type B Review Amendment Determination Request (Type B Review ADR). On March 25, 2020, based on review of the OAR 345-027-0357(8) factors, the Department concurred with the applicant's assessment that Type B review was justified. On April 16, 2020, the Department determined that RFA5 was complete. In the amendment request, the certificate holder requests that Council apply its site certificate transfer process under OAR 345-027-0400 based on the change in certificate holder for WREFI. However, because the owner of the certificate holder, or the owner of the entity to be in control or possession of the facility would remain as NextEra Energy Resources, in accordance with the intent of the language under OAR 345-025-0006(15), the Department recommends Council find that changes in certificate holder, when the certificate holder is a sole purpose limited liability company reliant upon its parent company, and the parent company is the owner of the certificate holder, not to trigger the OAR 345-027-0400 transfer process.

On April 17, 2020, the Department issued its draft proposed order (DPO) recommending that, with existing and recommended new conditions, Council approve RFA5. On the same day, the Department also issued a notice of a public comment period on the amendment request and DPO. The comment period extends through May 8, 2020, which represents a 22-day comment period. This amendment request is being processed under Council's Type B review process, 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.

As of the issuance of this staff report, three non-substantive comments on the DPO were received from reviewing agencies including Morrow County Planning Department, Oregon Department of Fish and Wildlife, and Oregon Department of State Lands. As provided in Attachment 3 of this staff report, reviewing agency comments confirmed no concerns or issues on RFA5 or the DPO. Following close of the public comment period at 5 p.m. on May 8, 2020, the Department will issue the proposed order, considering any issues raised in DPO public comments, to be provided as supplemental Council meeting materials prior to the May 21-22, 2020 meeting. Additionally, all DPO comments received will be included as an attachment to the proposed order.

At the May 21-22, 2020 meeting, Council will review the proposed order based on the considerations described in OAR 345-027-0375 and may adopt or modify the proposed order and issue a final order granting approval of the amendment request, or may reject the proposed order and deny issuance of the final order and amendment request.

### **PROPOSED FACILITY MODIFICATIONS**

The certificate holder requests Council approval to amend the existing site certificate by creating two new site certificates based entirely on the existing site certificate. Forty of the previously approved 292 wind turbines (totaling approximately 100 MW capacity) would be governed by one site certificate, with all remaining facility components in the second site certificate. The resultant site certificates and associated facilities would have new facility names - Wheatridge Renewable Energy Facility I (WREFI) and Wheatridge Renewable Energy Facility II (WREFII). The certificate holder owner for the WREFI and WREFII would continue to be NextEra

Energy Resources, the parent company and owner of both certificate holders, Wheatridge Wind Energy, LLC and Wheatridge Wind II, LLC.

The WREFI site boundary would be redefined, from the previously approved 14,624 acres to approximately 2,882 acres, located entirely on private property within Morrow County. Previously approved facility components in the WREFI site certificate would include 40 wind turbines (up to 100 MW total capacity), and related or supporting facilities including up to 20 miles of mostly underground electrical collection system, one collector substation, 2 permanent meteorological towers, communication and Supervisory Control and Data Acquisition (SCADA) system, up to 20 miles of new or improved access roads, temporary construction areas, and battery storage systems.

The WREFII site boundary would be redefined, from the previously approved 14,624 acres to approximately 11,742 acres, located entirely on private property within Morrow and Umatilla counties. Previously approved facility components in the WREFII site certificate would include up to 252 wind turbines (up to 400 MW total capacity), 900 acres of solar photovoltaic energy generation equipment (up to 150 MW total capacity), and all remaining related or supporting facilities.

The certificate holder proposes to share some related or supporting facilities between WREFI and WREFII, in areas of overlapping site boundary, including one collector substation, SCADA system, O&M building, access roads, staging areas and the 30 MW battery storage system. All shared facilities would be represented as related or supporting facilities in the WREFI and WREFII site certificate, with the exception of the shared O&M building, which would only be reflected in the WREFII site certificate.

The site certificates would contain all previously imposed conditions, unless otherwise evaluated in the DPO. Specifically, the certificate holder seeks approval of administrative amendments to previously imposed conditions primarily for the WREFI site certificate, including removal of reference to facility components (i.e. intraconnection transmission line) or to Umatilla County, which would no longer apply to WREFI. The certificate holder seeks approval of substantive condition amendments imposed under the Council's Fish and Wildlife Habitat and Retirement and Financial Assurance standards, to remove a seasonal restriction for construction activities within designated mule deer winter range habitat because the WREFI facility would not be located in designated mule deer winter range habitat; and to modify the decommissioning amount for each of the respective facilities based on the split and sharing of facility components across two site certificate. The certificate holder also seeks approval to amend the Habitat Mitigation Plan, Revegetation Plan, Noxious Weed Control Plan, and Wildlife Monitoring and Mitigation Plan, where the proposed changes result in updates to the facility description, location, and size of temporary/permanent disturbance areas based on the proposed facility split.

#### **RECOMMENDED COUNCIL ACTION**

The Department recommends Council approve the proposed order as the final order and grant issuance of two new site certificates, as presented by staff.

**ATTACHMENTS:**

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<https://www.oregon.gov/energy/facilitiesafety/facilities/Pages/WRW.aspx>)

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**Attachment 1:**

Draft Proposed Order on Request for Amendment 5

<https://www.oregon.gov/energy/facilitiesafety/facilities/Pages/WRW.aspx>

**Attachment 2:**

Proposed Order on Request for Amendment 5

*To be provided a supplemental package to Council by May 13.*