



# Oregon

Kate Brown, Governor



550 Capitol St. NE  
Salem, OR 97301  
Phone: 503-378-4040  
Toll Free: 1-800-221-8035  
FAX: 503-373-7806  
[www.oregon.gov/energy](http://www.oregon.gov/energy)

**To:** Energy Facility Siting Council

**From:** Sarah Esterson, Senior Policy Advisor

**Date:** July 9, 2021

**Subject:** Agenda Item C (Action Item):  
Golden Hills Wind Project – Request to Amend Wildlife Monitoring and Mitigation Plan for the July 23, 2021 EFSC Meeting (Continuation of Agenda Item D from the April 23, 2021 EFSC Meeting)

**Attachments:** Attachment 1: Draft Amended Wildlife Monitoring and Mitigation Plan

---

## STAFF RECOMMENDATION

The Oregon Department of Energy (Department) recommends the Energy Facility Siting Council (Council) approve the request by Golden Hills Wind Farm LLC (certificate holder) to amend the Wildlife Monitoring and Mitigation Plan (WMMP) of the Golden Hills Wind Project site certificate.

## BACKGROUND

The Golden Hills Wind Project Site Certificate authorizes construction and operation of a 400 megawatt (MW) wind facility in Sherman County. The original site certificate was approved by Council in 2009; six subsequent site certificate amendments have been approved by Council between 2009 and 2021. The facility is currently under construction, where based on final design with 51 wind turbines, will be a 200 MW facility. Construction must be completed by December 31, 2022.

The Golden Hills Wind Project Site Certificate includes Condition OPR-FW-01. Condition OPR-FW-01 requires that, during facility operation, the certificate holder implement a WMMP. The WMMP includes requirements for long-term wildlife monitoring, reporting and, in some instances, mitigation. As authorized under ORS 469.402, the WMMP allows for future amendments of the requirements, if reviewed and approved by the Department. Council, however, retains the authority to approve, modify or reject Department recommendations (see Section 5 of Attachment 1). The request to amend the WMMP represents the second amendment of the WMMP since 2009, and the first substantive amendment since 2009. The proposed changes are presented in red-line format in Attachment 1 of this staff report.

The certificate holder requests to amend the protocols for the WMMP's Post-Construction Fatality Monitoring (PCFM) Program. A PCFM Program is intended to determine whether wind

turbine operation results in significant fatality of bird and bat species. The current WMMP PCFM establishes protocol for removal trials, searcher efficiency trials, fatality searches, and the statistical analysis of an ODFW-approved model (“Shoenfeld Estimator”). The protocols and statistical analysis represent current standard practice for EFSC-wind facilities.

The certificate holder requests approval to amend the WMMP PCFM protocols and statistical analysis to reflect updates in industry standards and practices. In summary, the changes to the PCFM would result in the following:

- Increase search frequency from 16 to 24 per year
- Modify consecutive survey years from Year 1 and Year 5, to Years 1 and 2
- Add option to use road and pad survey plots
- Confer with a Technical Advisory Committee to determine if thresholds of concern should be adjusted
- Updating the fatality estimator from Shoenfeld to the United States Geological Survey’s Generalized Mortality Estimator (GenEst) tool.

Separate from the proposed changes to the PCFM Program, the certificate holder also requests to remove requirements to: 1) conduct an avian use survey, 2) handle injured birds and, 3) apply a mitigation trigger for changes in raptor nest use observed during long-term raptor nest surveys,

## **EVALUATION**

In March, 2021, the Department provided and requested review of the proposed amended WMMP by Oregon Department of Fish and Wildlife (ODFW). The Department and ODFW evaluated the requested changes, and in April 2021, ODFW concurred with the changes to the PCFM Program and acknowledged that the methods, changes in survey years and GenEst model proposed were acceptable. ODFW confirmed that the GenEst software is recognized as the new industry standard. ODFW also confirmed that the facility was well-sited to avoid any significant habitat/areas of use by avian species; and, that the preconstruction surveys conducted in 2020-1 demonstrate a significantly low number of raptor nests within a 0.5-mile area of the facility, supporting the proposed changes in avian use survey and raptor nest mitigation trigger. All of these factors were relevant in ODFW’s concurrence with the proposed amended WMMP.

It is also noted that several of the proposed changes in the PCFM Program are substantively the same as the changes reviewed by the Department, in consultation with ODFW Regional Biologist Steve Cherry and Energy Coordinator Sarah Reif, for the Wheatridge Renewable Energy Facilities I and II, as approved by Council in October 2020. In particular, ODFW and the Department previously reviewed proposed changes in PCFM search interval and search plot size and location; and use of the GenEst tool.

The Department presented the certificate holder’s request to the amend the WMMP to Council at the April 23, 2021 meeting. During the Council’s review, several issues were raised related to the proposed changes to the WMMP, concluding with a request to continue the review to a future meeting where ODFW attendance and participation on the discussion was requested. Council will receive a combined presentation at the July 23, 2021 from the Department, ODFW

and the certificate holder, along with their consultant, intended to address questions raised at the April 23, 2021 meeting.

At the July 23, 2021, Council will have the opportunity to approve, modify or reject the certificate holder's request to amend the WMMP. As presented above, the Department recommends Council approve the proposed amended WMMP because the changes are consistent with changes in industry standards for PCFM Programs and align with the final design, which includes less than 3 acres of non-agricultural (Category 6) habitat.

**ATTACHMENTS:**

Attachment 1: Draft Amended Wildlife Monitoring and Mitigation Plan