



Oregon

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To: Energy Facility Siting Council

From: Chase McVeigh-Walker, Senior Siting Analyst

Date: December 3, 2021

Subject: Agenda Item A (Public Hearing) and I (Information Item):
Staff Report on the Draft Proposed Order on Request for Amendment 6 of the
Stateline Wind Project Site Certificate for the December 16-17, 2021 EFSC
Meeting

Attachments: Attachment 1: Draft Proposed Order on Amendment 6
Attachment 2: Comments Received on Record of the Draft Proposed Order
Public Hearing (to be provided to Council in advance of EFSC
meeting, if received)

STAFF RECOMMENDATION

The Oregon Department of Energy's (Department) Draft Proposed Order (DPO) on Request for Amendment 6 (RFA6) of the Stateline Wind Project Site Certificate recommends that the Energy Facility Siting Council (Council) approve the amendment request and grant issuance of an amended site certificate, subject to compliance with the existing and recommended new and amended site certificate conditions (see Attachment 1 of this staff report).

FACILITY OVERVIEW

The Stateline Wind Project is a 222 megawatt (MW) operational, wind energy generation facility, comprised of two distinct geographic units, located in north Umatilla County, near the city of Helix. Stateline 1 & 2 (Unit 1) includes 186 wind turbines and has a peak generating capacity of up to 123 MW. Vansycle II (Unit 2) includes 43 wind turbines with a peak generating capacity of 99 MW. The site certificate holder is FPL Energy Stateline II, Inc, a wholly owned subsidiary of NextEra Energy Resources, LLC.

PROPOSED FACILITY MODIFICATIONS

The amendment request seeks approval for wind turbine repowering (replacement of blades and nacelles) of 43 Vansycle II wind turbines, which was previously approved by Council in the Final Order on Amendment 5, but not completed by the certificate holder. RFA6 seeks approval for wind turbine repowering based on larger turbine blades due to ongoing technological advancements. The amendment request also seeks approval for options to: 1) construct and operate 2 new 2.6 MW wind turbines (for a maximum total of 45 turbines), within maximum

dimensions: a maximum blade tip height of 499 feet, a minimum ground tip clearance of 59 feet, a maximum hub height of 295 feet, and a maximum generating capacity of 2.66 MW, and/or 2) decommission and replace up to 4 2.6 MW existing wind turbines. The amendment request also seeks approval to construct and operate a 50 MW battery energy storage system, consisting of approximately 72 containers, each with a skid-mounted power transformer, bi-directional inverter and cooling unit; 18 inverters with step-up transformers; and interconnection facilities (control house, protective device and power transformer) on 11 acres within the site boundary, near the substation.

SUMMARY OF REVIEWING AGENCY AND THIRD-PARTY COORDINATION (RFA6 AND DPO)

The Department received preliminary RFA6 (pRFA6) for the Stateline Wind Project Site Certificate, pursuant to OAR 345-027-0360(1), on July 23, 2021. On August 5, the Department issued Public Notice of receipt of pRFA6 to property owners, general and special mailing lists and reviewing agencies, in accordance with OAR 345-027-0360(2)(a)(C). Following initial review of pRFA6, based on the scope of the amendment and potential impacts related to a Council standard, the Department initiated targeted coordination and consultation with specific agencies and entities, as summarized in Table 1 below.

Table 1: Reviewing Agency and Third-Party Consultant Support Summary

	Timeframe	Coordination	Results
Oregon Department of Aviation	Aug. – Nov. 2021	Requested review of impacts from RFA6 to navigable airspace	Comment on the record confirming ODA review of lat/long and height data for wind turbines; confirmed no hazards for navigable airspace
Umatilla County Planning Department	Oct. – Nov. 2021	Requested input on local permitting and applicable substantive criteria; and, provided RFA6 details in presentation to County Commissioner	Comment on the record confirming a CUP for proposed RFA6 facility modifications
Confederated Tribes of the Umatilla Indian Reservation (CTUIR)	August 2021	Requested review of impacts from RFA6 to cultural resources	Comment on the record confirming review of RFA6, and offered observations to the age and coverage of the previous archeological survey
Oregon State Historic Preservation Office (SHPO)	Sept. – Nov. 2021	Requested review of impacts from RFA6 to cultural resources, including an evaluation of historic built resources	Comment on the record confirming review of RFA6 material; supplemental review of built environment inventory culminated in a SHPO concurrence that RFA6 would not impact historic era properties likely eligible for NRHP listing
Haley & Aldrich, Inc.’s Senior Technical Specialist (Professional Engineer)	Sept. – Oct. 2021	Requested formal evaluation of licensed engineer of turbine foundation analysis and	Comment on the record confirming review and concurrence that the previous foundation analysis provides evidence that repowering with larger blades would

		load/capacity of new 2.6 MW turbine specifications	not significantly change the previous results, which demonstrated
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STAFF EVALUATION OF AMENDMENT REQUEST AND SUMMARY OF DRAFT PROPOSED ORDER

The DPO recommends that the Council find that the facility, with proposed changes, would comply with each of the Council standards and other applicable rules and statutes. As of the issuance of this staff report, no comments on the DPO have been received.

As presented in the DPO, the Department recommends that Council find that the changes proposed in RFA6 would not result in impacts necessitating new or amended site certificate conditions, and that to the extent applicable, previously imposed conditions would continue to minimize potential impacts under the following applicable standards/requirements:

- **Protected Areas** (DPO pg. 61-67)
- **Threatened and Endangered Species** (DPO pg. 83-84)
- **Scenic Resources** (DPO pg. 84-86)
- **Recreation** (DPO pg. 92-94)
- **Waste Minimization** (DPO pg. 104-106)
- **Public Health and Safety Standards for Wind Energy Facilities** (DPO pg. 106-110)
- **Cumulative Effects Standard for Wind Energy Facilities** (DPO pg. 111-114)
- **Noise Control Regulations** (DPO pg. 116-119)
- **Removal-Fill** (DPO pg. 119-121)
- **Water Rights** (DPO pg. 121-123)
- **Division 23 Standards** (DPO pg. 106)

The DPO recommends Council impose new or amended conditions for the following standards:

General Standard of Review

- Staff recommends Council amend Condition 137 to update the wind turbine dimensions with the proposed dimensions of the RFA6 modifications. (DPO pg. 18)
- Staff recommends Council administratively amend Conditions 138 and 139, updating references to the current (Sixth) Amended Site Certificate. (DPO pg. 19-20)

Organizational Expertise

- Staff recommends Council adopt Condition 149 to require the certificate holder to contractually require its third-party contractor to transport and dispose battery and battery waste to comply with all applicable federal regulations and manufacturer recommendations related to the transport and handling of battery related waste. (DPO pg. 24)
- Staff recommends Council adopt Condition 150 to require the certificate holder to both provide a list of federal, state and local permits, including any third-party permits related to facility siting, and a schedule for obtaining identified permits to the Department. Once obtained, the certificate holder would also be required to provide copies of the aforementioned permits to the Department. (DPO pg. 25)

Structural Standard

- Staff recommends Council approve certificate holder's request to amend Conditions 140 and 141 to remove the specificity and reference to specific protocols related to wind turbine foundation inspections. (DPO pg. 29-30)

Soil Protection

- Staff recommends Council adopt Condition 151 to require the certificate holder to adhere to the soil minimization measures, as provided in RFA6 by the certificate holder. (DPO pg. 35)
- Staff recommends Council adopt Condition 152 to require the certificate holder to incorporate specific criteria/metrics into its Revegetation Plan to support restoration of agriculturally productive soils. (DPO pg. 37-38)

Land Use

- Staff recommends Council adopt Condition 153 to require the certificate holder to obtain an amended conditional use permit from Umatilla County prior to commencement of construction activities. (DPO pg. 43)
- Staff recommends Council adopt Condition 154 to require the certificate holder to (prior to and during construction) notify and provide copies of the final health and safety plans and/or emergency response plans to be implemented during construction activities to the Umatilla County Planning Department. Condition 154 would also require the certificate holder to notify and provide the Umatilla County Planning Department copies of the final Emergency Action Plan to be implemented during operations. (DPO pg. 45)
- Staff recommends Council adopt Condition 155 to clarify that the 2-mile rural residential setback would apply to the new and replacement turbines and require the certificate holder to provide final design/layout maps to the Department and Umatilla County Planning Department prior to construction. (DPO pg. 47)
- Staff recommends Council amend Condition 142 and require that the certificate holder, prior to construction, provide evidence (including maps and tabular data) to the Department demonstrating that the proposed RFA6 facility modifications would comply with the road setback requirements. (DPO pg. 48)
- Staff recommends Council adopt Condition 156 to ensure that the final design of the RFA6 facility modifications avoids unnecessary negative impacts to existing agricultural operations and properties. (DPO pg. 54)

Retirement and Financial Assurance

- Staff recommends Council amend Condition 109 to remove the requirement for annual inflation, because annual inflation adjustment is recommended in proposed Condition 157. (DPO pg. 75-76)
- Staff recommends Council adopt Condition 157 to require the certificate holder to submit to the Department a bond or letter of credit that address the decommissioning amount for Vancycle II, inclusive of RFA6 facility modifications. (DPO pg. 76- 77)

Fish and Wildlife Habitat

- Staff recommends Council adopt Condition 158 to require the certificate holder to submit to the Department, a Noxious Weed Control Plan for Vansycle II. (DPO pg. 81)

Historic, Cultural, and Archaeological Resources

- Staff recommends Council adopt Condition 159 to require the certificate holder to monitor ground disturbing activities within 30 meters of site 35UM 000343. The monitoring shall be conducted by a qualified cultural resource expert. (DPO pg. 91)
- Staff recommends Council administratively amend Condition 143, updating references to the current (Sixth) Amended Site Certificate. (DPO pg. 91-92)

Public Services

- Staff recommends Council adopt Condition 160 to require the certificate holder to provide the Department a copy of an agreement or similar conveyance with a water service provider, to ensure adequate access to water prior to construction. (DPO pg. 97)

COUNCIL SCOPE OF REVIEW

Council will receive a staff presentation of the DPO on RFA6 9 (December 17, 2021), and comments received on the record of the DPO hearing (December 16, 2021), unless the record of the DPO hearing is requested to be extended by the certificate holder or member of the public. Following the staff presentation, Council's scope of review includes providing substantive comments on the Department's analysis as presented in the DPO and on any comments received on the record of the DPO public hearing. Council's review and comments on the DPO informs the changes that will be presented in the Proposed Order, to be issued within 30-days of Council's review of the DPO, and is a key opportunity for the Council to deliberate on the adequacy of the Department's analysis and how issues raised on the record of the DPO are addressed.

ATTACHMENTS:

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