



Oregon

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To: Energy Facility Siting Council

From: Kellen Tardaewether, Senior Siting Analyst

Date: July 3, 2025

Subject: Agenda Item B (Action Item): Leaning Juniper IIB Wind Power Facility, Review of Proposed Order and Possible Final Decision on Request for Amendment 3, for the July 18, 2025, EFSC Meeting

Attachments: Attachment 1: Proposed Order on Request for Amendment 3 (DPO comments and certificate holder responses are included in Proposed Order Attachment B-1)

RECOMMENDATION

The Oregon Department of Energy (Department) recommends the Energy Facility Siting Council (EFSC or Council) approve the requested site certificate amendment and grant issuance of the Third Amended Site Certificate for the Leaning Juniper IIB Wind Power Facility, subject to compliance with the existing, recommended amended, and recommended new site certificate conditions described in the Proposed Order.

APPROVED FACILITY

The facility is an operational, 111 MW wind power generation facility consisting of 74 wind turbines. The existing turbine blade tip height is 390 feet. The facility is located within an approximately 7,962 acre site boundary in Gilliam County, Oregon. The certificate holder is Leaning Juniper Wind Power II, LLC, a subsidiary of Avangrid Power, LLC.

PROPOSED FACILITY MODIFICATIONS

In Request for Amendment 3 of the Site Certificate (RFA3) the certificate holder seeks the Council's approval to repower 74 wind turbines (replacement of rotors, nacelles and generator; and foundation reinforcement), and increase blade tip height from 389 to 422 feet; temporarily disturb approximately 651 acres within a 1,135 acre RFA3 repower micrositing corridor (roads, collector line, turbine pad, laydown and crane assembly areas, and construction yards) within the previously approved site boundary; abandon existing and install a new underground, 34.5 kV collector line system; and proposed changes to site certificate conditions.

RFA3 also included a request for the amendment to be processed under the Type B amendment review process. On May 13, 2025, the Department issued a determination that the Type B process was justified based on its evaluation of the factors listed under OAR 345-027-0357(8).

PROCEDURAL HISTORY

January 23, 2025	Department received preliminary RFA3 (pRFA3) with Type B Amendment Determination Request
February 6, 2025	Department issued Public Notice of Receipt of pRFA3
February 6, 2025	Department requested comments from reviewing agencies and Tribal government staff
February 13, 2025	Department notified the certificate holder that pRFA3 was incomplete and provided a first set of Requests for Additional Information (RAI1)
April 2, 2025, April 4, 2025 & May 12, 2025	Certificate holder provided responses to RAI1
March 21, 2025	Department issued second set of RAIs (RAI2)
May 13, 2025	Department issued determination that Type B review process was justified.
May 5, 2025	Certificate holder provided responses to RAI2
May 20, 2025	Department notified the certificate holder that RFA3, with RAI responses, was complete and requested consolidated request with all information.
May 25, 2025	Department received complete RFA3
May 28, 2025	Department issued Draft Proposed Order on RFA3 and issued Public Notice of the Complete Request for Amendment and Draft Proposed Order
June 27, 2025	Written public Comment Period ended at 5:00 pm Pacific Time
July 2, 2025	Department issued Proposed Order on RFA3 and issued Public Notice of the Proposed Order
July 18, 2025	Council review of Proposed Order and possible decision on Final Order

AMENDMENT PROCESS, DPO COMMENTS, AND SCOPE OF COUNCIL REVIEW

This request is being processed under the Council's Type B amendment review process. The Type B review process includes an opportunity for the public to review and provide written public comment on a Draft Proposed Order (DPO) issued by the Department but does not include a public hearing or opportunity for contested case proceeding.

As described above, the 30-day written public comment period on the DPO concluded on June 27, 2025. Under the Type B process, the Department must consider any written comments received before the close of the record on the draft proposed order and any agency consultation and issue a proposed order recommending approval, modification or denial of the request for amendment to the site certificate no later than 21 days after the written comment deadline.

The Department received comments on the DPO including two comments from reviewing agencies; the Oregon Department of Agriculture (ODA) and Oregon Department of Geology and

Mineral Industries (DOGAMI), one from a member of the public, and comments from the certificate holder. The certificate holder provided response to the comments received on the record of the DPO. Exact copies of the comments are included as Attachment B-1 to the Proposed Order, which is attached to this staff report. Table A-1, below, provides a summary of DPO comments, certificate holder responses, and the Departments' evaluation and whether the comment resulted in a change reflected in the Proposed Order.

Below Table A-1, the Department provides a summary of findings and new and amended conditions presented in the DPO and Proposed Order.

Table A-1: Summary of DPO Comments, Certificate Holder Responses, and Department Evaluation

Commenter / Comment Summary	Certificate Holder Response	Department Evaluation
Certificate Holder¹		
<u>Repower Micrositing Corridor Description and Condition 108:</u> Certificate holder requests changes to findings in the proposed order and to General Standard of Review Condition 108 for the of the 1,135 repower micrositing corridor and the 4,348 repower corridor. Certificate holder states that while the proposed approach achieves the desired goal of providing flexibility in location of potential disturbance, the terms ‘repower corridor’, ‘micrositing corridor’, and ‘repower micrositing corridor’ are used differently in different locations, and to avoid confusion about what is authorized, we request they provide edits to the repower corridor description.	N/A	<u>Proposed Order Page 25</u> The Department does not recommend making certificate holder suggested revisions. As noted by the certificate holder, the Departments recommendations achieve the certificate holder’s requested flexibility for repower activities. The Department recommendations are supported by field surveys prepared for RFA3 and the Council’s own definitions. The Department retains its description of the 1,135 acre repower micrositing corridor and the 4,348 acre repower corridor. However, the Department proposes revisions to General Standard Condition 108 in Section III.A to clarify the procedures for conducting surveys for cultural resources and wetlands for any repower activities outside the 1,135 acre micrositing corridor; and updated findings to support the revisions.
<u>Condition 27 Turbine Limitations:</u> Certificate holder requests this condition be removed or amended to remove “restrictions” and add “substantially as described below..” because the condition is duplicative with the dimensions provided in the front of the site certificate.	N/A	The Department does not recommend changes to this condition in response to the certificate holder comments. The subparts left in the condition are those that may need to be specifically limited - blade tip height and number of turbines because these dimensions are relied upon for evaluation under Council standards (e.g. visual and maximum facility impact). The other specifications are recommended to be removed because they generally are not required to be evaluated under an applicable Council standard.
<u>Condition 32 Contractor Identification:</u> Certificate holder indicates that it understands that the recommended	N/A	The Department does not recommend changes in the response to the DPO comments. The recommended revisions to the condition are to facilitate preconstruction compliance so that the Department is aware

¹ LIIBAMD3Doc12-2 Certificate Holder DPO Comments 2025-06-20.

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Commenter / Comment Summary	Certificate Holder Response	Department Evaluation
condition change is to confirm the obligation to require all onsite contractors, not just those considered “major,” to understand their site certificate compliance requirements. However, certificate holder maintains that this is established with conditions 33 and 34 and requests to leave the condition language with “major” instead of changing to “onsite”.		of contractors that will be doing work onsite. The changes to condition 32 are to ensure that the certificate holder understands its obligation to require all onsite contractors not just those considered “major”, understand their site certificate compliance requirements.
<u>Condition 94 Noise Analysis Update:</u> Certificate holder requests update Table 1 in the draft site certificate and Table 1 in the proposed order to remove the maximum sound power level associated with the repowered turbine technology discussed in RFA3. Certificate holder requests that the Department change Condition 94 from “inapplicable” to “applicable” to preconstruction explaining that this would allow flexibility for final design and technology selection.	N/A	<u>Proposed Order Page 132-133</u> The Department agrees with the certificate holder requested changes and that the Condition allows for the submittal of manufacturer specifications based on the final wind turbine technology selected. Based on the final technology, noise data will be provided to the Department. The Department recommends additional edits to Condition 94 to remove reference to the substation because it is not associated with the facility repower. These revisions are presented in Section IV.A., <i>Noise Control Regulations</i> .
<u>Condition 101 and Condition 116 Terminology Added to Retirement Conditions and Findings:</u> Certificate holder requests that the terminology added to the retirement and financial assurance conditions associated with the Department and Council reserving the right to adjust contingencies necessary to protect public health and safety and environment to	N/A	The Department does not recommend changes in the response to the DPO comments. As discussed in the proposed order, the certificate holder’s organizational expertise must demonstrate their ability to restore the site to a useful, nonhazardous condition. In the event that the facility, once repowered, is not operated in compliance with the terms and conditions of the site certificate, the established decommissioning estimate may no longer be viable for site restoration. To ensure that the certificate holder has the ability to restore the site to useful, nonhazardous condition, the Department

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<p>ensure that the cost of the bond or letter of credit is satisfactory to restore the site to a useful, nonhazardous condition is not well defined as it relates to estimating retirement costs, and could be misinterpreted or subject to challenge in future; and that the language should be modified to be consistent with prior site certificates.</p>		<p>recommends Council authorize review and adjustment of contingencies applied to the decommissioning estimate to protect public health and safety and environment to ensure that the cost of the bond or letter of credit is satisfactory to restore the site to a useful, nonhazardous condition. This additional language added to the retirement and financial assurance condition is also consistent with recent Council decisions on other EFSC ASC and RFAs.</p>
<p><u>Findings Associated with WGS Habitat and Condition 121</u>: Certificate holder requests edits to Condition 121; adding “suitable habitat” to the condition and updating the findings in Section III.H., <i>Fish and Wildlife Habitat</i>, explaining that consistent with ODFW’s recommendation, areas that were disturbed during construction of the existing facility were classified as Category 2 regardless of their proximity to WGS colonies identified during 2024 surveys. However, ODFW recommended that any disturbance within colony boundaries in these areas be mitigated at a 2:1 ratio, which is greater than the typical mitigation for Category 2 habitat. The draft HMP includes this ratio. If disturbance to habitat within previously disturbed areas within WGS colonies is expected at the time of construction (i.e., Category 2 habitat within WGS colonies), the certificate holder commits to mitigating for these habitat</p>	<p>N/A</p>	<p><u>Proposed Order Page 72; 79, and 84</u></p> <p>The Department agrees with the certificate holder requested changes to the proposed order findings and Condition 121. Based on the WGS ODFW guidance document, in Section III.H the Department adds a footnote with the definition for “suitable habitat” which is described as any terrestrial habitat within the range of the WGS that <i>was not developed</i>.</p> <p>For this operational facility, based on consultation with ODFW, Category 1 habitat is different due to the specific, onsite conditions identified during the 2024 WGS survey; where eight active WGS colonies were identified within the proposed RFA3 microsite corridor, in areas disturbed during original facility construction. These areas had been previously impacted and successfully revegetated and area adjacent to and within operational facility roads and turbine pads. ODFW concurs that these areas be considered Category 2 because of the previous disturbance and proximity to existing infrastructure and ongoing facility operations and maintenance. The Department concurs that to ensure no net loss in habitat quality, the certificate holder proposed a mitigation ratio of 1:1 for temporally impacted Category 2 habitat is appropriate and consistent with the HMP. Certificate holder commits to mitigating disturbance to habitat</p>

Table A-1: Summary of DPO Comments, Certificate Holder Responses, and Department Evaluation

Commenter / Comment Summary	Certificate Holder Response	Department Evaluation
impacts at a 2:1 ratio consistent with ODFW recommendations for the facility. However, no such impacts are currently proposed.		within previously disturbed areas within WGS colonies (i.e., Category 2 habitat within WGS colonies), the at a 2:1 ratio consistent with ODFW recommendations for the facility; however, this is not anticipated.
Condition 137 Avoidance of Potential Wetland: Attachment 1 to the certificate holder's DPO comments provides a Department of State Lands (DSL) Wetland Delineation Concurrence Letter dated May 28, 2025 (the same date the DPO was issued). The DSL Concurrence Letter confirms that WT01 is not a jurisdictional water and requests that Recommended Removal Fill Condition 137 be deleted.	N/A	<u>Proposed Order Page 135</u> The Department agrees with the certificate holder requested changes. WT01 is not a jurisdictional wetland or water, therefore, no avoidance is necessary. The Department recommends removal of Condition 137 and updated findings referencing the DSL Concurrence Letter in Section IV.B., <i>Removal Fill</i> .
Inapplicable Conditions 55, 63, 83, 91, 102: Certificate holder requests to "highlight" the following conditions in the site certificate, meaning that they were applicable to the unbuilt facility and no longer applicable: 55, 63, 83, 91, 102.	N/A	<u>Proposed Order Attachment A: Draft Third Amended Site Certificate</u> The Department concurs that the following conditions are no longer applicable to the facility and facility repower, and should be highlighted grey in the amended site certificate: 55 - Construction specifications for turbine towers as smooth steel structures with no exterior ladders with locked access doors. 83 - Design of aboveground transmission line support structures following Avian Powerline Interaction Committee and anti-perching devices. 91 - Construct the O&M buildings to be generally consistent with the character of similar buildings and blend with the surrounding landscape. 102 - Certificate holder shall provide to the Department a map showing the final design locations of all LJIB components, the areas

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		<p>that would be disturbed during construction and the areas that were surveyed in for historic, cultural or archaeological resources as described in the Request for Amendment #1 for LJF. If areas to be disturbed during construction lie outside of the previously surveyed areas, the certificate holder shall hire qualified personnel to conduct field investigation of those areas and submit the results to SHPO and avoid impacts to important cultural resources.</p> <p>The Department does not concur that Condition 63 is not applicable. Condition 63 ensures that during construction, the certificate holder shall ensure that construction vehicles and equipment are operated on graveled areas to the extent possible and that open flames, such as cutting torches, are kept away from dry grass areas. The department makes a minor edit to this condition clarifying that it's applicable to the facility repower.</p>
Minor revisions to footnote in Table 2, manufacturer name for turbines, and reference to Condition 88.	N/A	Department agrees with these non-substantive revisions for the reasons provided by the certificate holder and have reflected the revisions in the findings in the proposed order.
Oregon Department of Agriculture (ODA)²		
ODA indicates that project location is within the same region as other known occurrences of threatened Lawrence's milkvetch and that botanical surveys may be necessary to determine whether and where listed plants are currently located.	N/A	No revisions made to the proposed order in response to this DPO comment. The Department wrote back to ODA detailing that T&E plant surveys were conducted and that no T&E plant occurrences within the RFA3 repower micrositng corridor were observed. ODA confirmed there would be no impact.

² LJIBAMD3Doc12 DPO Comment w ODOE Response_ODA_Brown 2025-06-03.

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Commenter / Comment Summary	Certificate Holder Response	Department Evaluation
Department of Geology and Mineral Industries (DOGAMI)³		
DOGAMI commented that the geotechnical data and interpretation for RFA3 repower was based on Exhibit H from the ASC which was collected prior to 2004 and that the seismic hazard assessment presented in Exhibit H dates back to the 2005 National Seismic Hazard Model and a new seismic hazard assessment be included in the amendment, because the 2023 National Seismic Hazard model version is the most current version and provides a more robust seismic hazard assessment.	Certificate holder provides ⁴ an updated engineering evaluation by Barr Engineering where they conducted the foundation calculations using the SEI 41-23 Seismic Evaluation and Retrofit of Existing Buildings which incorporates the USGS 2023 National Seismic Hazard Model. While the seismic loads increased, they still do not control the design because the calculated overturning moment from the seismic load remains less than the extreme overturning moment provided by the turbine manufacturer. The updated spectral response values reflect the increased hazard level from the more robust model including USGS 2023 National Seismic Hazard Model as DOGAMI indicates, but the design remains governed by other load combinations. However, a new seismic assessment using the USGS 2023 National Seismic Hazard Model has been completed for the facility	<u>Proposed Order Page 34; and 38-39</u> In Section III.C., <i>Structural Standard</i> , the Department provides updated reference and conclusions from the Barr Engineering re-evaluation of the foundation calculations using the SEI 41-23 Seismic Evaluation and Retrofit of Existing Buildings which incorporates the USGS 2023 National Seismic Hazard Model.

³ LJIBAMD3Doc12-1 DPO Comment_DOGAMI_McClaghry 2025-06-09.

⁴ LJIBAMD3Doc13 Certificate Holder Response to DOGAMI Comments 2025-06-25.

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Commenter / Comment Summary	Certificate Holder Response	Department Evaluation
	repower by engineers licensed in the State of Oregon, as requested by DOGAMI. ⁵	
Williams⁶		
Mr. Williams asks if the maximum noise limits permitted under the DEQ Noise Regulations will be met with the repowered wind turbine rotors and if there has been an independent noise consultant who conducted noise modeling.	Certificate holder states that a third-party acoustics consultant completed an acoustic model and analysis. The repowered facility was modeled with the increased rotor diameters with all turbines operating at the sound power level plus 2 dBA and all wind turbines operating concurrently at maximum rated power, which is not a typical operational condition. The commentor's property is further than 1-mile from the Facility site boundary. The modeling predicted that the repowered facility sound levels do not exceed the limits established by DEQ in OAR 340-035-0035(1)(b)(B)(iii) at the nearest nonparticipating adjacent residences that are within 1-mile of the facility site boundary. ⁷	No changes made in response to the DPO comment. Certificate holder responses sufficient. Department reiterates that the information that the commenter seeks was presented in the DPO Section IV.A., <i>Noise Control Regulations</i> and in RFA3.

⁵ LJIBAMD3Doc13 Certificate Holder Response to DOGAMI Comments 2025-06-25.

⁶ LJIBAMD3Doc12-3 DPO Comment Public_Williams 2025-06-24.

⁷ LJIBAMD3Doc13-1 Certificate Holder Response to Public Comment 2025-06-27.

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Mr. Williams asks if shadow flickering has been modeled to ensure his property values will not be affected by the taller turbines.	Certificate holder explains that the potential for shadow flicker is most noticeable within a few hundred meters of a turbine. The commentor's property is over 8,500 feet (2,590 meters) or 1.5 miles from the closest LJIB turbine, so the likelihood and intensity of shadow flicker affecting commentor's property are significantly reduced by distance and diminished show intensity and obstructions (buildings and vegetation) and terrain. ⁸	No changes made in response to the DPO comment. Certificate holder responses sufficient. Matters of land acquisition, leases, and property values, are outside EFSC jurisdiction.

⁸ *Id.*

DEPARTMENT EVALUATION OF RFA3

Below is a summary of each section in the Proposed Order with substantive findings and new or amended site certificate conditions, if applicable.

General Standard of Review (Section III.A., pg. 21-27)

Department recommends Council authorize a 1,135 acre micrositing corridor; and a 4,348 acre repower corridor subject to a preconstruction condition requiring completion of additional resource (cultural, archeological, wetlands/waters of the state) field surveys in unsurveyed areas where disturbance impacts are predicted, as presented below. General Standard of Review Condition 108 is recommended to ensure that field surveys will be conducted according to current and accepted practices and submitted to the appropriate state agency and the Department for approval.

Department recommends that the Council amend Condition 27 to continue to require that the facility be designed and operated consistently with the dimensions currently under review but relieve the automatic amendment in the future if there were to be minor dimensional changes during final engineering. Dimensions that are removed from the Condition generally are not associated with an applicable Council standard.

Organizational Expertise (Section III.B., pg. 28-33)

Department recommends that Condition 21 be amended to require the certificate holder to submit 3-month compliance reports, rather than every 6-months as established in rule (OAR 345-026-0080(1), for construction) to afford the Department the ability to more closely track compliance status (Soil Protection Condition 112 clarifies the regulatory authority of the Department to revise the 1200-C permit).

The Department recommends Conditions 32, 33 and 34 be amended to clarify applicability of the requirements to the repower; Condition 32 be amended to apply to all contractors, not just those considered “major”; and Condition 34 be amended to clarify that the onsite individual responsible for site certificate compliance could be an environmental monitor and not limited to an assistant construction manager.

Structural Standard (Section III.C., pg. 33-39)

In its review of RFA3, the Department with its consultants’ Structural Engineer at Haley & Aldrich, reviewed the certificate holders Foundation Evaluation Report and found that the existing foundations are adequate to support the repower. Additional recommendations for long-term anchor bolt monitoring are discussed in Section III.P. *Public Health and Safety for Wind Facilities* of the Proposed Order.

Soil Protection (Section III.D., pg. 39-45)

The Department recommends Council impose Soil Protection Condition 111 and 112 that require the certificate holder to, prior to repower disturbance, obtain a NPDES Construction Stormwater General Permit 1200-C; and, during facility repower, require adherence to the

requirements of a 1200-C/ESCP. The Department recommends that the conditions require the certificate holder or its contractor to revise its ESCP if determined necessary by the Department for protection of soils during the repower.

Soil Protection Condition 113 and 114 requires that the certificate holder adhere to the Soil Monitoring Plan attached to the Proposed Order as Attachment F.

Land Use (Section III.E., pg. 45-51)

Department recommends the Council find that the facility, with proposed RFA3 changes, will comply with the statewide planning goals adopted by the Land Conservation and Development Commission. No new or amended conditions.

Protected Areas (Section III.F., pg. 53-61)

The proposed RFA3 repower will increase the maximum blade tip height of up to 74 turbines from the current 390 feet (119 meters) to a new maximum height of 423 feet (129 meters); a height increase of approximately 33 feet (10 meters). RFA3 and the Proposed Order evaluate newly identified protected areas within the analysis area against the incremental dimensional change in the RFA3 repowered wind turbines and recommend that no adverse impacts would occur at any protected area. No new or amended conditions.

Retirement And Financial Assurance (Section III.G., pg. 62-70)

The estimated cost to retire the facility, with proposed RFA3 repower, and restore the site to a useful nonhazardous condition, is \$10.33 million (Q4 2024 dollars). To ensure that the certificate holder has the ability to restore the site to useful, nonhazardous condition, the Department recommends Council authorize review and adjustment of contingencies applied to the decommissioning estimate, based on the Department's ongoing review of onsite environmental conditions and site certificate compliance under Condition 30 and 122. The Department recommends Retirement and Financial Assurance Condition 115 be applied prior to facility repower and amends Conditions 101 to be applied during operation with added language, as noted above, language is added so Council reserves the right to adjust the contingencies, as appropriate necessary to protect public health and safety or the environment and ensure the certificate holder's bond or letter of credit is sufficient to restore the site to a useful, non-hazardous condition.

Fish And Wildlife Habitat (Section III.H., pg. 71-82)

Approximately 651 acres would be temporarily impacted within the 4,348 repower corridor and 1,135 microsite corridor. Based on the WGS ODFW guidance document, the Department adds a footnote with the definition for "suitable habitat" which is described as any terrestrial habitat within the range of the WGS that *was not developed*. Specific to the facility, with proposed RFA3 changes, Category 2 habitat includes previously disturbed areas adjacent to existing infrastructure within and extending 4,921-feet from active WGS colonies in suitable WGS habitat. The mitigation goal for Category 2 habitat is no net loss of either habitat quantity or quality and provision of a net benefit of habitat quantity or quality. To meet the no net loss in

habitat quality mitigation goal for temporally impacted Category 2 habitat, the certificate holder proposes a 1:1 mitigation ratio (1 mitigation acres for every 1 impacted acre). For temporally impacted Category 3 habitat, the certificate holder proposes a 0.5:1 ratio (0.5 mitigation acre for every 1 impacted acre).

Recommended Fish and Wildlife Habitat Condition 117 and 118 require the adherence to the Repower Revegetation and Noxious Weed Control Plan; and Recommended Amended Condition 82 applies the Plan to operations. Fish and Wildlife Habitat Condition 119 and 120 requires the implementation of the Repower Habitat Mitigation Plan.

Threatened And Endangered Species (Section III.I., pg. 82-85)

Field surveys for T&E listed plant and animal species were conducted in early April and early May 2024. No T&E listed plant species were observed during the surveys. Eight colonies (AAA_01, AAA_02, AAA_03, CRL_01, CRL_02, CRL_03, AAA_04 and CRL_04) were discovered during the first and second round of surveys. Of the eight colonies recorded during the 2024 survey, two (CRL_02 and AAA_01) overlapped with previously documented colonies from 2009, 2017, and 2021. Of the new colonies, one crosses over an existing turbine access road, four colonies are in shrub-steppe habitat paralleled by wheat fields and dirt roads, and the most southern colony is located in planted grassland converted from a wheat field between facility turbines. Threatened and Endangered Species Condition 121 requires preconstruction reverification surveys to validate presence or relocation of the WGS colony prior to the start of facility repower. Threatened and Endangered Species Condition 122 and 123 requires the implementation of the WGS Avoidance and Minimization Plan, which outlines measures to avoid and reduce impacts to WGS and their habitat.

Scenic Resources (Section III.J., pg. 85-91)

Based on review of the local, state and federal plans and the information on the record of the ASC and RFA3, within the analysis area, there are 5 potentially significant or important scenic resources within the analysis area that are evaluated in the Proposed Order. The closest important scenic resource is the John Day State/Federal Wild and Scenic River at 7.7 miles away. No impacts to important scenic resources would result from the RFA3 repower. No new or amended conditions.

Historic, Cultural, And Archaeological Resources (Section III.K., pg. 91-97)

From August to October 2024, the certificate holders' consultant completed pedestrian surveys and limited subsurface probing of the 1,135-acre RFA3 repower micro-siting corridor. For archeological isolate LJ2B-IO1, which is located within a CTUIR historic property of religious and cultural significance to Indian tribes (HPRCSIT), it is recommended that an avoidance buffer of 50-feet be established to ensure the isolate is not affected by direct, indirect, or cumulative effects that may be caused by the implementation of the repower and/or its ongoing operation. The Department coordinated with CTUIR during the review of the RFA3 and CTUIR indicated that it had come to an agreement with the certificate holder on mitigation for potential impacts to LJ2B-IO1, however, the CTUIR Board was not able to confirm at a meeting and submit a

letter, therefore, the Department recommends Historic, Cultural, and Archaeological Resources Condition 124 and 125 which requires avoidance of the resource and demonstration of coordination with CTUIR.

Recreation (Section III.L., pg. 97-101)

RFA3 identifies three recreational opportunities within the analysis area. The Department recommends that Oregon National Historic Trail and Fourmile Canyon site is the only significant or important recreational opportunity; which is located 4.4 miles away. No adverse impacts from noise, traffic, and visual impacts are anticipated at the recreational opportunity resulting from the facility repower. No new or amended conditions.

Public Services (Section III.M., pg. 101-107)

Assumptions relied upon for the RFA3 repower include:

- 18 month construction period
- Onsite water demand of 59 million gallons
- Onsite, construction related workforce of 120 (average) and 235 (peak) workers
- 48 delivery/equipment trucks per day
- Primary haul routes include I-84, OR-19 to Montague Lane or Weatherford Road

Public Services Condition 128 requires documentation that the certificate holder can obtain the amount of water needed during the proposed RFA3 repower from a legally viable source. Public Services Condition 129 requires the notification to local police and fire department(s) of the repower schedule, number of onsite workers, type of activity and emergency response procedures. Public Services Condition 130 and 131 require the implementation of an executed Road Use Agreement with Gilliam County.

Wildfire Prevention and Risk Mitigation (Section III.N., pg. 108-116)

Based on the analysis provided in RFA3 and above in the Proposed Order, the certificate holder proposes, and Department recommends that wildfire risk within the analysis area is moderate and high during the summer months. During the review of RFA3, the Department and certificate holder incorporated measures from the Council-reviewed construction and operational wildfire mitigation plan (WMP) templates. The facility WMP is attached to the Proposed Order as Attachment H. The WMP applies to construction and operation of the facility and is also consistent with the WMP approved prior to the repower of the adjacent LJIA facility. Recommended Wildfire Prevention and Risk Mitigation Condition 132-134 require the finalization and implementation of the WMP during repower activities and operation.

Waste Minimization (Section III.O, pg. 116-118)

Recommended Waste Minimization Condition 135 would also apply during facility operation in circumstances where wind turbine blades or components are damaged, fail, are decommissioned, or otherwise must be recycled or disposed of.

Public Health and Safety Standards for Wind Energy Facilities (Section III.P, pg. 116-118)

The certificate holder maintains, and Department confirms, that facility has operated without any structural issues for the past 13 years. The Foundation Evaluation Report and 2024 Field Assessment (excerpts are included in Attachment K to the Proposed Order) includes an above ground visual inspection of all 74 operational turbines, and structural health monitoring for 8 (10 percent) of the turbines. The 2024 Foundation Evaluation Report concludes that all foundations were analyzed for the GE1.5sle baseline and GE1.6-97 repower wind turbine loads and passed all the design checks. The facility foundations are adequate to support the new wind turbine provided the repair recommendations noted in the Field Assessment Summary Report, listed below, are performed, which is recommended under Public Health and Safety Condition 136 to be completed as part of the repower.

1. Fill cracks in the pedestal and grout of widths greater than 0.016" with an epoxy type product to prevent water intrusion and degradation.
2. Patch areas where pedestal edge spalling and grout shoulder edge spalling are observed.
3. Repair/replace all broken and/or missing anchor bolt covers.
4. Restore backfill in accordance with original foundation drawings and specifications.
5. Section 5, Conclusions and Recommendations, of the Field Assessment includes maintenance observations/recommendations identified at specific turbines.

Cumulative Effects for Wind Energy Facilities (Section III.Q, pg. 122-123)

OAR 345-024-0015(4) requires that the facility be designed to reduce risk of injury to raptors or other vulnerable wildlife. The Repower Fatality Monitoring Plan (1-year post repower fatality study) is added to the existing operational WMMP which has applicable long-term monitoring requirements. The combined plans are provided in Attachment E to the Proposed Order. Recommended Amended Condition 87 updates reference to the WMMP attached to the order.

Noise Control Regulations (Section IV.A., pg. 124-133)

Of the 10 noise sensitive properties within 1-mile of the site boundary, based on the RFA3 noise analysis with the repowered turbines, 5 were predicted to experience noise levels of 36 dBA or above (representing a 10 dBA increase over an assumed 26 dBA ambient noise level). RFA3 Attachment 12a includes fully executed legally effective noise easements for these properties. The Department agrees with the certificate holder requested changes and that Condition 94 allows for the submittal of manufacturer specifications based on the final wind turbine technology selected. Based on the final technology, noise data will be provided to the Department. The Department recommends additional edits to Condition 94 to remove reference to the substation because it is not associated with the facility repower.

Removal-Fill (Section IV.B., pg. 97-98)

Certificate holder provides the DSL wetland concurrence letter dated May 28, 2025 (same date as DPO issuance) which confirms that WT01 is not a jurisdictional wetland or water, therefore,

no avoidance is necessary. The Department recommends removal of Condition 137 and updated findings referencing the DSL Concurrence Letter.

Water Rights (Section IV.C., pg. 135-136)

The certificate holder has not requested a groundwater permit, surface water permit, or water right transfer to support the proposed RFA3 repower. No new or amended conditions.

COUNCIL REVIEW OF THE PROPOSED ORDER

After reviewing the Proposed Order, the Council may adopt, modify or reject the Proposed Order based on the considerations described in OAR 345-027-0375. Under OAR 345-027-0375(2)(b) and (e), in making a decision to grant or deny a request for an amendment, the Council must determine that the preponderance of evidence on the record supports the following conclusions:

- Whether the facility, with proposed RFA3 changes, complies with the applicable laws or Council standards that protect a resource or interest that could be affected by the proposed change; and
- The amount of the bond or letter of credit required under OAR 345-022-0050 is adequate.

The Council then must issue a Final Order granting or denying issuance of an amended site certificate. Judicial review of the Council's Final Order is as provided in ORS 469.403.

DEPARTMENT RECOMMENDATION

The Department recommends the Council adopt the Proposed Order as the Final Order, and issue an amended site certificate, subject to the recommended findings, conclusions, and conditions of approval in the Proposed Order.