



VIA EMAIL & U.S. MAIL

March 17, 2017

Todd Cornett
Siting Division Administrator
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

Re: Montague Wind Energy Facility Change Order Request #1 (Turbine Type)

Dear Todd:

As we previously discussed, Montague Wind Power Facility, LLC ("Certificate Holder") is proceeding with construction of the Montague Wind Power Facility ("Facility") under the Second Amended Site Certificate, dated December 4, 2015 ("Site Certificate"). This letter requests that Oregon Department of Energy ("ODOE") approve a change in Facility design to allow a turbine with up to 3.65 megawatt ("MW") maximum peak generating capacity.

With the advancement in technology, turbines have a higher peak generating capacity with a smaller footprint. See Attachment 1 (Turbine Specs). Certificate Holder wishes to take advantage of a more efficient turbine type to reduce the number of turbines needed to produce the Facility's peak generating capacity of 404 MW. The new turbine type would allow Certificate Holder to significantly decrease the number of turbines, potentially by more than half.

Selecting a turbine of the similar size and scale of the previously-approved turbines ensures that even with the change in peak generating capacity, the Facility will still substantially comply with the existing Site Certificate requirements. Visual impacts would be the same as previously analyzed given no change to turbine hub or maximum blade tip heights. Permanent and temporary impacts would be less, with the Facility potentially being constructed with half the number of previously-approved turbines. The noise levels are anticipated to be similar to the previously-approved turbines and Certificate Holder will comply with Condition 107 to ensure that the Facility, with the selected turbines, complies with the DEQ noise rules. Under Condition 32, Certificate Holder will update retirement calculations and provide a bond or letter of credit based on the final design, which ultimately will be considerably less than \$21.511 million given the reduction in the number of turbines. Overall, allowing up to a 3.65 MW turbine type improves the efficiency of the Facility and minimizes impacts.

The Site Certificate describes the Facility as having up to 269 wind turbines with a maximum peak generating capacity of no more than 3.0 MW. Condition 27 sets the size and dimensional restrictions for Facility turbines:

27. The certificate holder shall construct a facility substantially as described in the site certificate and may select turbines of any type, subject to the following restrictions and compliance with all other site certificate conditions. Before beginning construction, the certificate holder shall provide to the Department a description of

Avangrid Renewables
1125 NW Couch Street, Suite 700 Portland, OR 97209
Telephone (503) 796-7000,
www.Avangrid.com

the turbine types selected for the facility demonstrating compliance with this condition.

(a) The total number of turbines at the facility must not exceed 269 turbines.

(b) The combined peak generating capacity of the facility must not exceed 404 megawatts and the peak generating capacity of any individual turbine must not exceed 3.0 megawatts.

(c) The turbine hub height must not exceed 100 meters and the maximum blade tip height must not exceed 150 meters.

(d) The minimum blade tip clearance must be 20 meters above ground. [Amendment #1]

(e) The certificate holder shall request an amendment of the site certificate to increase the combined peak generating capacity of the facility beyond 404 megawatts, to increase the number of wind turbines to more than 269 wind turbines or to install wind turbines with a hub height greater than 100 meters, a blade tip height greater than 150 meters or a blade tip clearance less than 20 meters above ground. [Amendment #1]

The selected turbine type would meet all requirements of Condition 27 with the exception of Condition 27(b). It is important to note that Condition 27(e) was added in the first amendment to the Site Certificate. It specifies when a change in turbine type would trigger an amendment: an increase in turbine size or total generating capacity triggers an amendment request but the condition language does not require an amendment for an increase in a turbine's peak generating capacity. This condition language is more recent than subpart (b) and provides greater specificity for determining when an amendment is required. It modifies subpart(b) and offers an avenue for ODOE to approve the use of new technology as long as the turbine type is the same scale and size as what was previously approved. Therefore, notwithstanding the reference to 3.0 MW peak generating capacity in the Site Certificate, use of a turbine with up to a 3.65 MW peak generating capacity is allowable.

For the reasons outlined above, the proposed change in Facility design does not impact Certificate Holder's ability to substantially comply with the terms and conditions in the Site Certificate. It does not trigger the need for an amendment and may be approved by ODOE through a change order in the project file.

Please let me know if you have questions or would like to discuss. Thank you for your time.

Very truly yours,



Brian Walsh

Enclosures

cc: Duane Kilsdonk
Max Woods
Elaine Albrich
Carrie Konkol
Linnea Eng

Restricted
Document no.: 0056-4782 V02
2016-10-21

Performance Specification

V126-3.6 MW 50/60 Hz

High Torque (HTq) variant



Table of contents

1 GENERAL DESCRIPTION4

2 TYPE APPROVALS AND AVAILABLE HUB HEIGHTS4

3 OPERATIONAL ENVELOPE AND PERFORMANCE GUIDELINES4

3.1 CLIMATE AND SITE CONDITIONS4

3.1.1 *Complex Terrain*5

3.1.2 *Altitude*5

3.1.3 *Wind Power Plant Layout*5

3.2 OPERATIONAL ENVELOPE – WIND6

3.3 OPERATIONAL ENVELOPE – WIND (HWO)6

3.4 OPERATIONAL ENVELOPE – CONDITIONS FOR POWER CURVE AND CT VALUES (AT HUB HEIGHT)7

3.5 SOUND MODES7

4 DRAWINGS8

4.1 STRUCTURAL DESIGN – ILLUSTRATION OF OUTER DIMENSIONS8

5 GENERAL RESERVATIONS, NOTES AND DISCLAIMERS9

6 POWER CURVES, CT VALUES AND SOUND CURVES FOR POWER OPTIMIZED (PO) MODES10

6.1 POWER CURVES, POWER OPTIMIZED MODE PO1/PO1-0S10

6.2 CT VALUES, POWER OPTIMIZED MODE PO1/PO1-0S11

6.3 SOUND CURVES, POWER OPTIMIZED MODE PO1/PO1-0S12

6.4 POWER CURVES, POWER OPTIMIZED MODE PO1/PO1-0S (HWO) (HUB HEIGHT 87 M / 117 M)13

6.5 CT VALUES, POWER OPTIMIZED MODE PO1/PO1-0S (HWO) (HUB HEIGHT 87 M / 117 M)14

6.6 SOUND CURVES, POWER OPTIMIZED MODE PO1/PO1-0S (HWO) (HUB HEIGHT 87 M / 117 M)15

6.7 POWER CURVES, POWER OPTIMIZED MODE PO1/PO1-0S (HWO) (HUB HEIGHT 137 M / 147 M / 149 M / 166 M)16

6.8 CT VALUES, POWER OPTIMIZED MODE PO1/PO1-0S (HWO) (HUB HEIGHT 137 M / 147 M / 149 M / 166 M)17

6.9 SOUND CURVES, POWER OPTIMIZED MODE PO1/PO1-0S (HWO) (HUB HEIGHT 137 M / 147 M / 149 M / 166 M)18

6.10 POWER CURVES, POWER OPTIMIZED MODE PO2/PO2-0S19

6.11 CT VALUES, POWER OPTIMIZED MODE PO2/PO2-0S20

6.12 SOUND CURVES, POWER OPTIMIZED MODE PO2/PO2-0S21

6.13 POWER CURVES, POWER OPTIMIZED MODE PO2/PO2-0S (HWO) (HUB HEIGHT 87 M / 117 M)22

6.14 CT VALUES, POWER OPTIMIZED MODE PO2/PO2-0S (HWO) (HUB HEIGHT 87 M / 117 M)23

6.15 SOUND CURVES, POWER OPTIMIZED MODE PO2/PO2-0S (HWO) (HUB HEIGHT 87 M / 117 M)24

6.16 POWER CURVES, POWER OPTIMIZED MODE PO2/PO2-0S (HWO) (HUB HEIGHT 137 M / 147 M / 149 M / 166 M)25

6.17 CT VALUES, POWER OPTIMIZED MODE PO2/PO2-0S (HWO) (HUB HEIGHT 137 M / 147 M / 149 M / 166 M)26

6.18 SOUND CURVES, POWER OPTIMIZED MODE PO2/PO2-0S (HWO) (HUB HEIGHT 137 M / 147 M / 149 M / 166 M)27

6.19 POWER CURVES, POWER OPTIMIZED MODE PO3/PO3-0S28

6.20 CT VALUES, POWER OPTIMIZED MODE PO3/PO3-0S29

6.21 SOUND CURVES, POWER OPTIMIZED MODE PO3/PO3-0S30

6.22 POWER CURVES, POWER OPTIMIZED MODE PO3/PO3-0S (HWO) (HUB HEIGHT 87 M / 117 M)31

6.23 CT VALUES, POWER OPTIMIZED MODE PO3/PO3-0S (HWO) (HUB HEIGHT 87 M / 117 M)32

6.24 SOUND CURVES, POWER OPTIMIZED MODE PO3/PO3-0S (HWO) (HUB HEIGHT 87 M / 117 M)33

6.25 POWER CURVES, POWER OPTIMIZED MODE PO3/PO3-0S (HWO) (HUB HEIGHT 137 M / 147 M / 149 M / 166 M)34

6.26 CT VALUES, POWER OPTIMIZED MODE PO3/PO3-0S (HWO) (HUB HEIGHT 137 M / 147 M / 149 M / 166 M)35

6.27 SOUND CURVES, POWER OPTIMIZED MODE PO3/PO3-0S (HWO) (HUB HEIGHT 137 M / 147 M / 149 M / 166 M)36

Recipient acknowledges that (i) this Performance Specification is provided for recipient's information only, and, does not create or constitute a warranty, guarantee, promise, commitment, or other representation (Commitment) by Vestas Wind Systems or any of its affiliated or subsidiary companies (Vestas), all of which are disclaimed by Vestas and (ii) any and all Commitments by Vestas to recipient as to this Performance Specification (or any of the contents herein) are to be contained exclusively in signed written contracts between recipient and Vestas, and not within this document.

See general reservations, notes and disclaimers (including, Section 5, p. 9) to this Performance Specification.

1 General Description

The standard Vestas V126-3.45 MW High Torque (HTq) wind turbine is able to be operated in Power Optimized (PO) modes, by extended derate strategy and reduced reactive power capability compared with 3.45 MW operation.

This Performance Specification contains power curves, Ct curves and sound curves for the following Power Optimized (PO) modes:

- PO1: V126-3.6 MW High Torque (HTq)
- PO2: V126-3.55 MW High Torque (HTq)
- PO3: V126-3.5 MW High Torque (HTq)

2 Type Approvals and Available Hub Heights

The standard turbine operated in Power Optimized (PO) mode is type certified according to the certification standards and available hub heights listed below:

Certification	Wind Class	Hub Height		
		Standard	Large diameter (split)	Large diameter (non-split) ⁽¹⁾
IEC61400-22	IEC IIA	87 m / 117 m		
	IEC IIIA			137 m / 147 m
DIBt 2012	WZ3, GK2	117 m	137 m	
	WZ2(S), GK2		149 m / 166 m	

Table 2-1: Type approval data and available hub heights

⁽¹⁾: These towers require special transport conditions as the bottom diameter is above 5 m.

3 Operational Envelope and Performance Guidelines

Actual climate and site conditions have many variables and should be considered in evaluating actual turbine performance. The design and operating parameters set forth in this section do not constitute warranties, guarantees, or representations as to turbine performance at actual sites.

3.1 Climate and Site Conditions

The standard turbine operated in Power Optimized (PO) mode is designed for the wind climate conditions listed below. Values refer to hub height.

Wind Climate	IEC IIA	IEC IIIA
Extr Wind Speed (10 min average), V_{50}	42.5 m/s	37.5 m/s
Survival Wind Speed (3 s gust), V_{e50}	59.5 m/s	52.5 m/s

Table 3-1: Extreme design parameters – IEC

4 Drawings

4.1 Structural Design – Illustration of Outer Dimensions

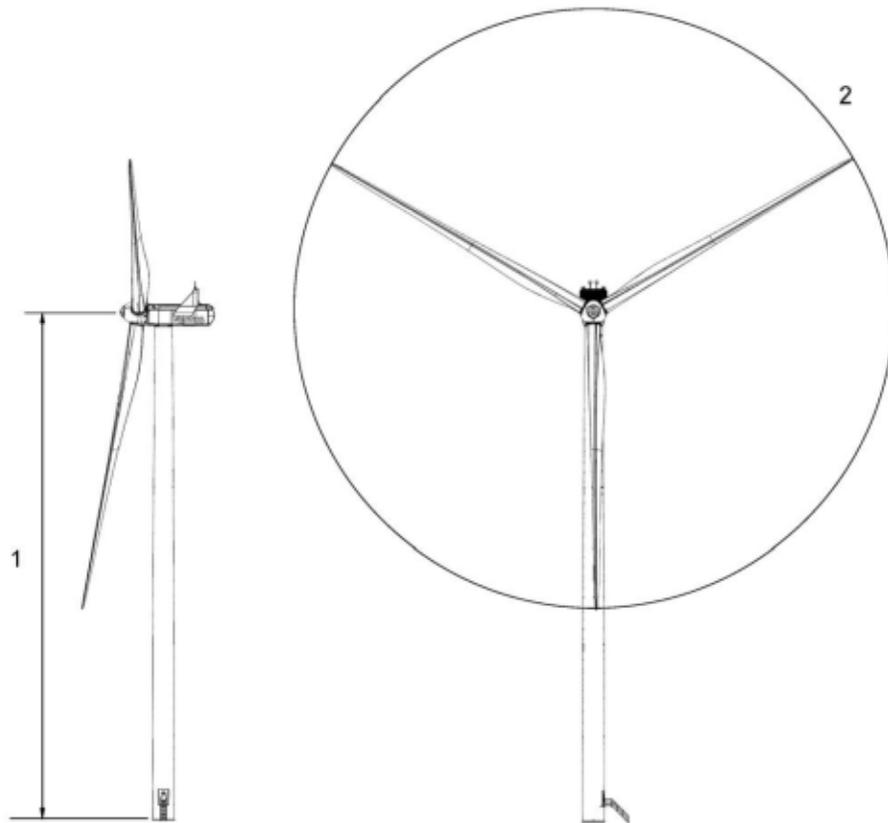


Figure 4-1: Illustration of outer dimensions – structure

- | | |
|---|-----------------------------|
| 1 Hub height
87/117/137/147/149/166 m | 2 Diameter:
126 m |
|---|-----------------------------|



Oregon

Kate Brown, Governor

MWPOPSDoc83



550 Capitol St. NE
Salem, OR 97301-3737
Phone: (503) 378-4040
Toll Free: 1-800-221-8035
FAX: (503) 373-7806
www.Oregon.gov/ENERGY

May 9, 2017

Brian Walsh
Avangrid Renewables, LLC
1125 NW Couch Street, Suite 700
Portland, Oregon 97209

Sent via email: brian.walsh@avangrid.com; matthew.hutchinson@avangrid.com;
ElaineAlbrich@dwt.com; carrie.konkol@tetrattech.com

RE: Request for Determination Pursuant to OAR 345-027-0050(5) for Proposed Change to Montague Wind Power Facility – Change Request #1 (Turbine Type)

Dear Mr. Walsh,

On March 17, 2017, the Oregon Department of Energy (ODOE or the Department) received a change request submitted pursuant to OAR 345-027-0050(5) from Montague Wind Power Facility, LLC (Montague or certificate holder) for the Montague Wind Power Facility (facility) requesting flexibility in the final turbine model selection. The change request explained that currently available advanced technology allows for a higher individual turbine capacity and smaller footprint. The certificate holder previously represented that individual turbine capacity would not exceed 3.0 MW; the current request proposes to increase the individual turbine capacity from 3.0 to 3.6 MW without increasing the overall facility capacity of 404 MW, resulting in an overall reduction in ground disturbance due to a reduction in the total number of turbines needed for energy generation at the site.

Under OAR 345-027-0050(5), a certificate holder may submit a change request in writing to the Department for a determination regarding whether a proposed change requires a site certificate amendment. The rule requires that the change request include a description of the proposed change, an explanation as to why the certificate holder has concluded that an amendment is not required, and the certificate holder's evaluation demonstrating that the proposed change would comply with the applicable Council standards and would not require an amendment as per OAR 345-027-0050(1).

In accordance with OAR 345-027-0050(5), the Department reviewed the certificate holder's evaluation and on April 12, 2017 submitted a request for additional information (RAI). On April 21, 2017, Montague responded to the information request to the satisfaction of the Department. As presented in Attachment 1, the Department determined that the evaluation and RAI response: 1) includes all information required by OAR 345-027-0050(3), and 2) the requested flexibility in final turbine model selection does not require a site certificate amendment, for the reasons in staff's analysis provided below.

Additionally, OAR 345-027-0050(5) allows that at the request of an Energy Facility Siting Council (EFSC or Council) member, the Department's determination must be referred to the Council for concurrence, modification, or rejection. In compliance with this rule, the Department will provide its determination to EFSC, informing Council of their rights under the rule. Should a Council member request to review the determination, the determination would likely go before EFSC at an upcoming Council meeting.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Chase McVeigh-Walker, Siting Analyst
Oregon Department of Energy
E: chase.mcveigh-walker@oregon.gov
P: (503) 934-1582

Attachment: Staff Evaluation of Change Request No. 1 and Determination

cc (via e-mail distribution)

Todd Cornett, Oregon Department of Energy
Max Woods, Oregon Department of Energy
Duane Kilsdonk, Oregon Department of Energy
Sarah Esterson, Oregon Department of Energy
Jesse Ratcliffe, Oregon Department of Justice

Attachment 1: Staff Evaluation of Change Request No. 1 and Determination

Background and Description of Proposed Change

As described above, the certificate holder requests flexibility in the final turbine model selection that would not change the overall facility generating capacity, maximum turbine hub height, minimum blade tip ground clearance, and maximum blade tip height currently designated in Condition 27, but would increase individual turbine generating capacity from 3.0 to 3.6 MW. The certificate holder is seeking flexibility in the specific turbine model selected for final design, as a range of turbine models are being considered. This is consistent with the site certificate, which does not specify a particular turbine manufacturer or model that must be used at the facility. The certificate holder included in its change request a description of a specific turbine model as an example of a turbine that could be selected.

The certificate holder is not requesting a change to the previously approved maximum number of turbines or maximum generating capacity of the facility from what was authorized in the amended site certificate (dated December 2015). As stated in Condition 27, the total number of turbines at the facility must not exceed 269, and the total peak generating capacity of the facility must not exceed 404 MW.

ODOE Staff Analysis

OAR 345-027-0050(1) contains the criteria used by ODOE and EFSC to determine when a proposed modification requires a site certificate amendment. The certificate holder's April 21, 2017 RAI response documentation included an assessment of each criteria contained in the rule. The rule states:

OAR 345-027-0050(1): ...[T]he certificate holder must submit a request to amend the site certificate to design, construct or operate a facility in a manner different from the description in the site certificate if the proposed change:

- (a) Could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource protected by Council standards;*
- (b) Could impair the certificate holder's ability to comply with a site certificate condition; or*
- (c) Could require a new condition or a change to a condition in the site certificate*

A change request assessment affirming any of the above criteria would result in a determination that a site certificate amendment is required. If the change request assessment affirms that none of the above criteria would be met, the proposed change can be completed without an amendment of the site certificate.

Evaluation Under OAR 345-027-0050(1)(b)

The first factor under OAR 345-027-0050(1) would require a site certificate amendment if the proposed change could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource protected by Council standards.

As part of its change request evaluation, the certificate holder states that there will be no change to the previously approved site boundary and micrositing corridor. The certificate holder asserts that the requested flexibility in final turbine model selection would result in similar or lesser noise and visual impacts than was previously evaluated, and that the retirement cost estimate and permanent and temporary ground disturbance impacts would be less than was previously evaluated due to an anticipated decrease in total number of turbines required to produce the same total electric output.

In the RAI response, the certificate holder evaluated the requirements of each applicable OAR 345 Division 22 and 24 standard. In particular, the Department presents its evaluation of potential impacts of the proposed change for the Land Use (OAR 345-022-0030), Protected Areas (OAR 345-022-0040) and Recreation (OAR 345-022-0100) standards, and DEQ's Noise Control Regulations (OAR 340-035-0035).

Regarding the Land Use standard, the certificate holder explains that the requested flexibility in final turbine model selection would include turbines with the same physical dimensions previously evaluated under applicable land use code requirements and administrative rules and would not impact the ability to comply with existing site certificate conditions imposed to satisfy the requirements of the Land Use standard.

Because the requested flexibility in final turbine model selection, represented by a 3.6 MW turbine model, could conceivably result in differing noise levels at the nearest protected area or recreational opportunity within the designated analysis area, and because potential facility noise impacts are required to be evaluated under the Protected Areas and Recreation standards, the Department requested additional information from the certificate holder on the operational power modes and maximum noise levels from turbine operation. The certificate holder confirmed that the requested flexibility in final turbine model selected, represented by a 3.6 MW turbine model, would result in turbines with an individual maximum sound power level of 108.0 dBA for any of the operational power modes. The certificate holder explained that the original noise analysis presented as part of the Application for Site Certificate (which was contained in ASC Exhibit X, Table X-6) used a maximum sound power level of 110 dBA for the largest turbine analyzed. Based on the evidence that the turbines will be slightly quieter than the turbines analyzed in the ASC, the Department agrees that the requested change would not impact a resource protected under the Council's Protected Areas or Recreation standards.

To ensure potential operational noise impacts of the facility remain in compliance with the DEQ noise regulations, the Council included Condition 107 in the site certificate, which requires the certificate holder to submit a pre-construction noise analysis to the Department, based on final facility design, demonstrating compliance with the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or submit evidence that a noise waiver has been obtained from the affected property owner. This condition will continue to apply to the facility. As such, the Department agrees that the proposed flexibility in turbine model option would not affect compliance with the DEQ noise regulation.

Based on the reasoning and evaluation presented above, the Department concludes that the request for flexibility in final turbine model selection does not result in a significant adverse impact that the Council has not addressed in an earlier order nor result in a new impact affecting a resource protected by Council standards. The Department further concludes that the proposed change does not trigger an amendment under OAR 345-027-0050(1)(a).

Evaluation Under OAR 345-027-0050(1)(b)

The second factor under OAR 345-027-0050(1) would require a site certificate amendment if the proposed change "could impair the certificate holder's ability to comply with a site certificate condition." Based upon review of the March 17, 2017 change request, the Department requested additional information to determine whether the proposed change in turbine model option could impact the certificate holder's ability to comply with the requirements of Condition 27 and 42. The Department's evaluation of the certificate holder's ability to comply with Condition 27 and 42 is presented below.

Condition 27 states:

"The certificate holder shall construct a facility substantially as described in the site certificate and may select turbines of any type, subject to the following restrictions and compliance with all other site certificate conditions. Before beginning construction, the certificate holder shall provide to the Department a description of the turbine types selected for the facility demonstrating compliance with this condition.

- (a) The total number of turbines at the facility must not exceed 269 turbines.*
- (b) The combined peak generating capacity of the facility must not exceed 404 megawatts and the peak generating capacity of any individual turbine must not exceed 3.0 megawatts.*
- (c) The turbine hub height must not exceed 100 meters and the maximum blade tip height must not exceed 150 meters.*
- (d) The minimum blade tip clearance must be 20 meters above ground. [Amendment #1]*
- (e) The certificate holder shall request an amendment of the site certificate to increase the combined peak generating capacity of the facility beyond 404 megawatts, to increase the number of wind turbines to more than 269 wind turbines or to install wind turbines with a hub height greater than 100 meters, a blade tip height greater than 150 meters or a blade tip clearance less than 20 meters above ground."*

As presented above, Condition 27 establishes limits on the individual turbine and overall facility generating capacity and establishes limits on turbine component specifications (turbine hub height, maximum blade tip height, and minimum blade tip clearance). Condition 27(e) establishes circumstances when a change in turbine specification, change in overall number of turbines or change in overall facility generating capacity would trigger a site certificate amendment. The certificate holder asserts that the request for flexibility in final turbine model selection would not result in changes to the turbine specifications currently identified in Condition 27 including maximum turbine hub height (<100 meters), maximum blade tip height (<150 meters), and minimum blade tip clearance (<20 meters aboveground). The certificate holder explains that turbine model options currently available would exceed 3.0 MW, which is the currently identified maximum individual turbine capacity per Condition 27(b).

Condition 27(e) establishes the changes in turbine specifications that would warrant a site certificate amendment and, as noted above, OAR 345-027-0050(1)(b) would require a site certificate amendment if the proposed change "could impair the certificate holder's ability to comply with a site certificate condition." Because there is a potential conflict between the language of the OAR 345-027-0050(1)(b)

and subparts (b) and (e) of Condition 27, the Department further evaluated the record documents for the facility to determine the Council's intent in imposing Condition 27.

The 2010 Final Order on the Application explained that Condition 27, specifically the requirements limiting the minimum above-ground blade tip clearance, was imposed to satisfy the requirements of the Public Health and Safety Standards for Wind Energy Facilities (OAR 345-024-0010). For this standard, the Council must evaluate the facility's means to exclude members of the public from close proximity to the turbine blades and electrical equipment and the applicant's ability to design, construct and operate the facility to prevent structural failure of the tower or blades and to provide sufficient safety devices to warn of failure. A change in the individual turbine capacity will not impact the certificate holder's ability to satisfy the requirements of OAR 345-024-0010.

Because a change in the individual turbine capacity will not impact the certificate holder's ability to satisfy the requirements of OAR 345-024-0010, the standard for which the condition was imposed, and because Condition 27 allows the certificate holder to select turbines of any type subject to the restrictions of the condition and compliance with all other site certificate conditions, the Department does not consider the certificate holder's potential inability to satisfy the requirement of Condition 27(b) alone to necessitate a site certificate amendment pursuant to OAR 345-027-0050(1).

Condition 42 states:

"The certificate holder shall construct all facility components in compliance with the following setback requirements:

- a) All facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.*
- b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest edge of any public road right-of-way. The certificate holder shall assume a minimum right-of-way width of 60 feet.*
- c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320 feet, measured from the centerline of the turbine tower to the center of the nearest residence existing at the time of tower construction.*
- d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest boundary of the certificate holder's lease area.*
- e) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each turbine tower to the nearest edge of any railroad right-of-way or electrical substation.*
- f) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each meteorological tower to the nearest edge of any public road right-of-way or railroad right-of-way, the nearest boundary of the certificate holder's lease area or the nearest electrical substation.*
- g) The certificate holder shall maintain a minimum distance of 50 feet measured from any facility O&M building to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's lease area.*

- h) The certificate holder shall maintain a minimum distance of 50 feet measured from any substation to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's electrical substation easement or, if there is no easement, the nearest boundary of the certificate holder's lease area.*
- i) Where (a) does not apply, the certificate holder shall maintain a minimum of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower from any overhead utility line. [Amendment #1]*
- j) Where (a) does not apply, the certificate holder shall maintain a minimum of 150-percent of maximum turbine height from blade tip height, measured from the centerline of the turbine tower from federal transmission lines, unless the affected parties agree otherwise. [Amendment #1]"*

Condition 42 establishes setback requirements for constructed structures including operations and maintenance (O&M) buildings, turbines and roads and was imposed to assure compliance with the Council's Public Health and Safety Standards for Wind Energy Facilities (OAR 345-024-0010), Public Services (OAR 345-022-0110), and Land Use (OAR 345-022-0030) standards.

In the RAI response, certificate holder explains that the turbines selected, regardless of size or generating capacity, would be sited to comply with all Condition 42 setback requirements and would be located within the previously approved micrositing corridor. The Council approved the use of a micrositing corridor for the facility to allow flexibility in siting of the wind generation facility components to account for geotechnical constraints and adjustments during final design. The certificate holder explains that there are no residentially-zoned properties within 3,520 feet of the site boundary; therefore, the Department agrees that the change in turbine model option does not impair the certificate holder's ability to comply with Condition 42(a). The Department further accepts the certificate holder's representation that all facility components will be sited to comply with the established setback requirements of Condition 42(b) through (j).

Based on the reasoning and evaluation presented above, the Department concludes that the request for flexibility in final turbine model selection does not impair the certificate holder's ability to comply with Condition 42 and does not trigger an amendment under OAR 345-027-0050(1)(b).

Evaluation Under OAR 345-027-0050(1)(c)

The final factor under OAR 345-027-0050(1) would require a site certificate amendment if the proposed change "could require a new condition or a change to a condition in the site certificate."

The Department agrees with the certificate holder's conclusion that the request for flexibility in final turbine model selection, resulting in an increase in the individual nameplate generating capacity from 3.0 to 3.6 MW, does not result in any new adverse impacts not previously evaluated by EFSC. Therefore, the Department does not consider new site certificate conditions necessary to satisfy an applicable rule, EFSC standard, or statute. While Condition 27(b) specifies that the peak generating capacity of any individual turbine must not exceed 3.0 MW, as described above, because the limitation on individual turbine capacity is not required to satisfy a specific Council standard and because Condition 27(e) specifically excludes a change in individual turbine capacity from necessitating a site certificate amendment, the Department concludes that an amendment of Condition 27(b) is also not required.

Determination

The Department agrees with the certificate holder's evaluation under OAR 345-027-0050 and finds that the proposed request for flexibility in final turbine model selection does not require a site certificate amendment. The Department agrees that the requested flexibility, and increase in individual turbine generating capacity from 3.0 to 3.6 MW, does not cause a significant adverse impact to a resource protected by EFSC standards, and does not substantially impair the certificate holder's ability to comply with site certificate conditions. Compliance with applicable EFSC Standards, state and local laws, rules, and ordinances will not be affected by the requested change. In accordance with the requirements of OAR 345-027-0050(4), the certificate holder shall include a description of the modifications and the Department's determination in the next annual report and semiannual construction report. ODOE will also document the change in an order associated with the next site certificate amendment.