

Type B Review of Amendment Determination Request*

*This document was included as a section within the certificate holder's preliminary Request for Amendment #5, and was extracted to be posted on the Department of Energy public website as a discrete document.

Section 1. Introduction

The Golden Hills Wind Project (Facility) is a wind energy generation facility in Sherman County, Oregon, with an electrical capacity of up to 400 megawatts (MW). On May 15, 2009, the Oregon Energy Facility Siting Council (the Council) issued a site certificate approving the Facility. Golden Hills Wind Farm, LLC (Golden Hills) holds the *Fourth Amended Site Certificate for the Golden Hills Wind Project* (Site Certificate), dated April 28, 2018.¹ The Site Certificate has previously been amended four times, to extend the construction deadlines, update the Facility design, and to account for a change in Golden Hill's parent ownership. As approved in the Site Certificate, the Facility could consist of up to 125 wind turbines, as well as related or supported facilities located within an area encompassing approximately 27,400 acres of privately owned land (Figure 1; Site Boundary). Golden Hills expects to begin Facility construction by June 18, 2020. For this Fifth Amendment Request (RFA 5), Golden Hills proposes to update turbine dimensions to reflect current technology it anticipates using for Facility construction.

Golden Hills plans on using the most technologically advanced turbines at the Facility, selecting designs that are best suited for the wind resource of the site. However, the Site Certificate limits Golden Hill's ability to select the most viable turbine because the dimensions of modern turbines differ from those previously approved by the Council in the Final Order on the Site Certificate². While modern turbines are larger in dimension, fewer turbines are needed to generate the maximum Facility output, and depending on the turbine type selected, Golden Hills could decrease the number of installed turbines. Therefore, Golden Hills is requesting two modifications to the Site Certificate. First, Golden Hills requests that Condition PRE-DC-01 be amended to allow turbines with a higher hub height, taller maximum blade tip height, or shorter minimum blade clearance. Second, Golden Hills also requests to strike Condition PRE-DC-01(e) pertaining to maximum combined weight of metals from the Site Certificate, as this condition no longer holds relevancy with the any aspect of this Facility, including its construction, operation, or decommissioning. If approved, RFA 5 will enable Golden Hills to select the most economically viable turbine for the Facility while also reducing the Facility's footprint.

While the proposed changes in RFA 5 will not result in a significant adverse impact that the Council has not previously considered, Golden Hills submits RFA5 under Oregon

¹ The Council issued a Final Order approving the Third Amended Site Certificate on February 24, 2017. The Third Amended Site Certificate was fully executed on February 24, 2017. The Fourth Amended Site Certificate was fully executed on April 27, 2018.

² Final Order on Request for Contested Case and Amendment #3 of the Site Certificate, p. 29 (February 24, 2017).

Administrative Rules (OAR) 345-027-0050(4)(c) because the proposed changes require modifications to the text of the Site Certificate conditions.

Section 2. Amendment Determination Request

Golden Hills submits as a part of RFA 5 an amendment determination request under OAR 345-027-0057(3) seeking confirmation that RFA 5 qualifies for Type B review under OAR 345-027-0051(3). Section 3.3 provides the narrative description of the proposed changes, Figures 1 and 2 provides maps and turbine diagrams representing the proposed changes, and this Section 2 provides Golden Hill's evaluation for why RFA 5 qualifies for Type B review under OAR 345-027-0051(3).

OAR 345-027-0057(8) provides factors the Department may consider when considering whether RFA5 justifies review under a Type B process. Specifically, the Department may consider factors, including but not limited to: (a) the complexity of the changes proposed in RFA 5; (b) the level of anticipated public interest in RFA5; (c) the anticipated level of interest reviewing agencies may have in RFA5; (d) the likelihood of significant adverse impacts posed by the changes in RFA 5; and (e) the type and amount of any additional mitigation triggered by RFA 5. The following reasons demonstrate that RFA 5 is eligible for Type B review:

- **Proposed changes are minor** – Golden Hills proposes two modifications to Site Certificate condition language. As described in Section 3.3 below, the proposed changes would modify the turbine dimensions by increasing the maximum turbine hub height by 28 meters, increasing the maximum blade tip height by 40 meters, and decreasing the minimum blade tip clearance by 5.8 meters. The proposed change to turbine dimensions does not change the Council's previous conclusions on applicable standards, including concerns about visual or noise impacts. Golden Hills completed a visual analysis using the taller turbines and concluded that taller turbines will be visible at the same scenic resources as previously considered (see Section 4.10). Modern turbines have a similar noise profile as the turbines that previous considered by the Council (see Section 5).

The Site Boundary and micrositing corridors will not be changed; therefore, there are no new resources (e.g., unknown cultural sites, different habitat types, or different types of farm use) to consider that were not previously evaluated. Other than the change in turbine dimensions, the Facility will substantially be constructed and operated in the same manner as approved by the Council.

- **Anticipated public interest will likely be low** - The proposed change in turbine dimensions may generate public comments related to wildlife impacts, turbine setbacks, and health and safety standards. The Department may look to the number of comments received on RFA 4 along with the nature of comments received on the Request for

Amendment 3 on the Montague Wind Power Facility (Montague RFA 3) which also involved a similar change in turbine dimensions to account for modern turbine technology. The comments on Golden Hills RFA 4 were minimal (two comments received) and were related to the Department's review of federally listed species³ and locations of cultural sensitive areas⁴. One public comment was received on Montague RFA 3 raised concerns related turbine setbacks; however the Department's response to this comment did not require changes to Montague's site certificate conditions or additional analysis⁵.

In general, there has been numerous opportunities for public comments on the Facility since 2008. Of the substantive public comments received during the prior proceedings⁶, the comments related to noise, Sherman County setbacks, visual impacts, and safety concerns could be associated with the proposed changes to turbine dimensions. In response to public concerns about the operational noise from the Facility, the Council concluded that Golden Hills was able to comply with the Oregon Department of Environmental Quality's (ODEQ) noise control regulations (Oregon Revised Statutes [ORS] 340-035-0035), and imposed Condition PRE-CJ-01 to complete a noise analysis based on the final design to demonstrate compliance with noise control regulations. The modern turbines considered under this amendment request have a similar noise profile to the turbines that were previously considered; therefore, the Council's previous findings and site certificate condition to address public comments on noise are adequate (see Section 5 for more information).

In response to public concerns regarding setbacks, the council imposed Condition PRE-CJ-01 requiring the Certificate Holder to satisfy Sherman County's Ordinance #39-2007 setback ordinance which applies to all turbine types, regardless of size. The modern turbines considered under this amendment request will be in compliance with the Ordinance. Therefore, the proposed changes in this amendment request do not change ODOE's response to public comments that Golden Hills is able to construct the Facility consistent with local land use codes.

In response to public concerns about visual impacts, the Council imposed conditions on painting and signs (PRE-SR-01), building types (GEN -SR-01), and lighting (OPR -SR-

³ Comment by Irene Gilbert.

⁴ Comment by Confederated Tribes of the Umatilla Indian Reservation.

⁵ Montague Wind Power Facility Final Order on Request for Amendment #3, July 2017, p.10.

⁶ EFSC also received public comments on Facility location, public notice procedures, mineral rights, lighting, fish and wildlife habitat, revegetation, health impacts, transmission line, wetlands and waters impacts, and the Oregon Trail. None of these categories are related to turbine dimensions.

01).⁷ None of these conditions are related to turbine dimensions, and will be unaffected by the proposed changes. Regarding public comments on potential visual impacts to protected areas, Golden Hills has reanalyzed the visual impact model (Zone of Visual Influence; "ZVI") with the proposed taller turbines to demonstrate that the Council can rely on its previous finding (see Section 4.6).

In response to public concerns about the structural reliability of larger turbines, the Council imposed setbacks from public roadways, residences, and the lease boundary. Golden Hills can conform to these public safety setbacks with the taller turbines described in this amendment request because the setbacks are a function of turbine height; as the turbine height increases so does the setback. The modern turbines described in this amendment request are designed and engineered to the same safety and reliability standards as the turbines that were previously considered by the Council. Therefore, the previous response to public safety concerns is adequate, considering the proposed changes.

- **Anticipated level of input from reviewing agencies is low** - Reviewing agencies have had multiple opportunities to provide input on the Facility and the associated Site Certificate conditions. Golden Hills expects the level of input from reviewing agencies to be similar to comments provided on the *Revised Proposed Order for the Third Amended Site Certificate*, which also changed the turbine dimensions. In that proceeding, ODOE received two agency comments. The Sherman County Planning Department provided a letter stating they had no comments on changes to turbine dimensions, or on other proposed changes. The second letter was from the Oregon Department of State Lands (ODSL) confirming the wetland delineation procedures. None of these agency comments are related to changes in turbine dimensions.

Regarding potential agency comments on wildlife impacts, ODFW submitted the following comment on Montague RFA 3, "the modification to a larger MW per turbine reduces the overall number of turbines and therefore reduces the footprint of the facility. This further minimizes impacts to wildlife habitat. As stated in the RFA, the reduced blade-to ground distance does have the potential for additional mortality effects on birds and bats. ODFW agrees with the applicant that this is a possibility, but like the applicant, ODFW is not able to find published information that describes the mortality effects of these larger turbines on avian and bat species. Given the lack of available information demonstrating an increased risk to wildlife beyond what has already been assumed in the existing facility design and mitigation plan, ODFW assumes the existing avoidance and mitigation strategies remain adequate. Therefore, ODFW does not have any additional measures or practices beyond those established in the existing Site

⁷ Golden Hills Wind Project Final Order, p.86 (May 15, 2009).

Certificate.” This statement is relevant to the proposed change at the Facility because it supports the concept that fewer, larger turbines can result in reduced impact, and reiterates that proposed avoidance and minimization measures are effective regardless of turbine size. A detailed analysis of wildlife impacts is provided in Section 4.8

Golden Hills believes that comments from reviewing agencies on RFA 5 will be consistent with past input. In preparation of RFA 5, Golden Hills consulted with the Oregon Department of Aviation and the Navy about the use of taller turbines near Wasco County Airport’s airspace and military training routes. See section 4.15 for more information. Golden Hills also consulted with Department of Geology and Mineral Industries regarding use of larger turbines and compliance with structural standards. See section 4.3 for more information.

- **Proposed changes will reduce impact** – RFA 5 does not propose to increase the number of turbines or enlarge the Facility footprint. In fact, if approved, the proposed changes would allow Golden Hills to generate the maximum output of the Facility with fewer turbines. Accordingly, the Facility could be constructed with a significantly smaller footprint, as fewer turbines, roads, and electrical collector lines will be needed. Impacts to wildlife habitat and agricultural areas would also then be reduced. Golden Hills will construct any selected turbine within the approved micro-siting corridors.
- **No new mitigation is needed** – Golden Hills will implement its Habitat Mitigation Plan and Wildlife Monitoring and Mitigation Plan based on the final design of the Facility. These plans allow for changes in turbine dimensions and areas of habitat impacts, and Golden Hill’s obligation to provide compensatory mitigation for temporary and permanent impacts to Category 3 and 4 habitats does not change in RFA5. With a reduced Facility footprint, there will be less habitat impacts to mitigate, and Golden Hills has secured a mitigation parcel that is large enough to offset impacts of all turbine scenarios.⁸ Sections 3 and 4 demonstrate that the proposed changes do not result in new significant impacts that require mitigation.

For these reasons, the Department may find that RFA 5 justifies review under the Type B review process.

⁸ The certificate holder has entered into a conservation easement agreement with a private landowner that allows the certificate holder to conduct certain habitat improvements on a 22-acre habitat improvement parcel as well as provides the certificate holder with the option to expand the habitat improvement parcel to an adjacent 29-acre parcel. The total area available to the certificate holder to perform habitat improvements is 51 acres in Sherman County. The total area available to perform habitat improvements through the conservation easement is more than adequate to account for the anticipated compensatory mitigation requirements.