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September 5, 2018

Luke May
Oregon Department of Energy
550 Capitol St. NE, 1st Floor
Salem, OR 97301

Subject: Summit Ridge Wind Farm – Supplemental Amendment Determination Request

Dear Mr. May,

On August 16, 2018, Summit Ridge Wind, LLC (Certificate Holder) submitted an Amendment Determination Request (ADR) for a Type B review to the Oregon Department of Energy (ODOE). Concurrent with the ADR, a detailed preliminary Request for Amendment (pRFA) #4 for the Summit Ridge Wind Farm was provided. After reviewing the ADR, ODOE responded in a letter on August 23, 2018, that Request for Amendment #4 (RFA 4) should be processed under a Type A review. ODOE noted in its letter and in conversations with the Certificate Holder's consultant that the ADR, independent of information provided in the pRFA attached to the ADR, had not specifically provided sufficient information to justify a Type B review. Based on this letter and subsequent discussions, the Certificate Holder understands that ODOE will reconsider its decision based on supplemental information that may be provided by the Certificate Holder. Therefore, the Certificate Holder is submitting this supplemental ADR, along with additional information on the factors described in Oregon Administrative Record (OAR) 345-027-0057(8), to provide the necessary information toward determining whether the Type B process is the appropriate review path.

Criteria Justifying Type B Review Process

OAR 345-027-0057(8) In determining whether a request for amendment justifies review under the type B review process described in 345-027-0051(3), the Department and the Council may consider factors including but not limited to:

OAR 345-027-0057(8)(a) The complexity of the proposed change;

The purpose of RFA 4 is to extend the construction deadlines. This extension is requested in order to allow the Certificate Holder, who took ownership of the project in late 2017, to complete development, including obtaining a power purchase agreement, financing, and detailed design. There will be no increase in megawatts and no change in turbine size or nature and description of related or supporting facilities. The Site Boundary and micrositing corridor will not be changed; therefore, there are no new areas or resources (e.g., different habitat types) to consider that were

not previously evaluated. The proposed changes lack complexity. The facility will be constructed and operated in the same manner as approved by the Council.

OAR 345-027-0057(8)(b) The anticipated level of public interest in the proposed change;

During the original Site Certificate process in 2011, public comments were received—some in favor of the project, and others by persons and organizations concerned about potential resource impacts. Concerns were related to potential impacts to historic trails, potential impacts to avian species including golden eagles, potential erosion and sediment impacts to the Deschutes River from construction of project roads, traffic safety during construction, and potential visual impacts. Public comments received on the Draft Proposed Order included 12 persons speaking in favor of the project, 6 persons with requests to avoid specific types of impacts but neither in favor nor opposed to the project, and one organization with specific concerns regarding how certain standards were addressed. The questions and concerns were addressed in the findings in the Final Order on the Application for Site Certificate, and there was no contested case.

The First Amended Site Certificate authorized several modifications to turbine specifications and to the Site Boundary as well as an extension to Site Certificate construction deadlines. Comments were received from two members of the public, including one request for a contested case. The request for contested case was denied.

The Second Amended Site Certificate authorized modified turbine specifications and approved a reduced setback from roads below the setback required by the Wasco County Land Use Development Ordinance. One comment letter and request for contested case was received from the same person who had requested the contested case on the First Amended Site Certificate. The request again was denied.

The Third Amended Site Certificate authorized a transfer of ownership for the limited liability corporation holding the Site Certificate (Summit Ridge Wind, LLC) to a new parent company, Pattern Renewables 2 LP. Two comments were received from the public, both of which were addressed in the Final Order. No contested case request was filed.

The Council has already imposed conditions in response to past public comments during the original Site Certificate process and subsequent amendments. The overall level of interest from the public in prior amendments, which included substantive modifications to the project, was low and consisted primarily of activism from one member of the public; that person's concerns have been fully addressed to Council's satisfaction. The anticipated level of interest in the proposed change, which consists solely of an extension to project construction deadlines and does not include any change to the project elements, turbine specifications, layout, Site Boundary, or other aspects of the project, is low.

Although there was prior public interest in proceedings related to the project, a significant portion of the interest (two-thirds of the comments received on the original application) was positive. The nature of the proposed amendment in this case is very straightforward and is unlikely to raise any

new concerns from the public. The prior contested case filings were based on issues related to the proposed modifications (e.g., turbine height and location), and yet none of the issues raised were determined to be a significant issue of fact or law that could affect the Council's determination that the facility meets applicable standards. Therefore, prior contested case requests were denied. Prior interest from a single project opponent should not force the Certificate Holder into a Type A process for an uncomplicated amendment request. Such an application of the rules would be arbitrary and capricious and contrary to the plain language of the amendment rules, which provide a more streamlined process for less complex changes. The proposed extension to project construction deadlines lacks complexity and will not result in any changes to the project that will affect the public.

OAR 345-027-0057(8)(c) The anticipated level of interest by reviewing agencies;

There will be no change to the previously approved Site Boundary or project facilities. Reviewing agencies commented on the Application for Site Certificate and on the Draft Proposed Order, which informed the development of the site certificate conditions. Agency comments on Amendment 1 requested completion of additional surveys, and expressed concern about visual impacts from the proposed taller turbines on the Deschutes Scenic Waterway. These concerns were addressed by the Council's findings in the Final Order on Amendment 1. Other agency comments on Amendment 1 were generally either neutral or supportive to the project. Additional comments were received from six agencies on Request for Amendment 2; these comments were either neutral or, in the case of the Oregon Department of Fish and Wildlife, requested modifications to raptor nest survey protocols. Amendment 3 consisted of a change in ownership. No agency comments were received.

The Certificate Holder understands that the ODOE review process includes outreach to respective agencies as a matter of process, but it is anticipated that their interest in this extension to project construction deadlines will be low in comparison to other energy projects. Prior agency comments have been fully addressed for substantive modifications to the project that were adopted under Amendments 1 and 2. Little agency interest is anticipated for the extension to construction deadlines proposed under Amendment 4. There are minor updates to relevant land use language as well as evidence to demonstrate compliance with the structural standard, but these issues are not complicated or controversial. Additional detail is provided below.

It should be noted that the Wasco County Land Use Development Ordinance was modified after the most recent compliance evaluation was completed. However, the modifications to relevant portions of the Land Use Development Ordinance were not substantive and consisted only of adding clarifying language and revising code numbering and organization. The Certificate Holder has confirmed this conclusion with Wasco County as described in the pRFA, and as a result, no new interest from Wasco County is anticipated for the proposed amendment.

In the original ASC and subsequent amendments, Summit Ridge requested and received Council approval to construct a centrally located collector substation and 230-kV transmission line. No changes have been made to the collector substation and 230-kV transmission line locations since

the original Site Certificate was issued. ORS 215.274, *Associated Transmission Lines Necessary for Public Service*, is addressed in RFA 4. Because the transmission line was previously considered by Council and found to be in compliance with ORS 215.275(2), which is essentially the same requirement met under ORS 215.274(4) (as demonstrated in the pRFA #4), and because the justification for meeting the standard under ORS 215.274 is consistent with multiple other facilities where this has not been controversial, no significant agency interest is anticipated on this topic.

In addition, the information requested for an Application for Site Certificate to address the Structural Standard has been revised since the time the Site Certificate was issued (OAR 345-021-0010(h)). Although the Structural Standard itself has not been substantively modified, Summit Ridge provides information in the pRFA to address two new areas of concern requested for Exhibit H of new applications: disaster resilience, and climate change impacts. This new information does not alter the facility's ability to comply with the standard as written nor does it alter the basis for the Council's prior finding that the facility meets the standard.

Because the proposed construction deadline extension does not alter the fact that the Summit Ridge Wind Facility complies with all standards and existing Site Certificate conditions, the anticipated level of interest by reviewing agencies is low.

OAR 345-027-0057(8)(d) The likelihood of significant adverse impact; and

As described in the pRFA, the proposed extension to construction deadlines does not alter the basis for the Council's prior findings that the project meets all relevant standards. The potential for significant adverse impacts from facilities within the Site Boundary has already been reviewed and conditioned in the Site Certificate. There is no change to the Site Boundary, micrositing corridor, total project megawatt, maximum number or size of turbines, or description or location of other related or supporting facilities. Therefore, there is little likelihood of significant adverse impact resulting from the proposed amendment.

OAR 345-027-0057(8)(e) The type and amount of mitigation, if any.

The proposed extension to construction deadlines does not alter the certificate holder's ability to comply with existing Site Certificate conditions, including mitigation requirements. For the reasons described above, the proposed modified construction deadlines are not likely to result in the need for any new mitigation measures.

Conclusion

The proposed extension to construction deadlines is not complex. There has been limited prior public interest in the original Site Certificate and prior amendments, and interest in the proposed extension to construction deadlines is expected to be lower than for prior amendments due to its lack of complexity. Prior agency interest has been focused on substantive changes to the project (e.g., turbine specifications and locations), and little to no agency interest is anticipated for the proposed construction deadline extension. Extending the construction deadlines will not result in any new significant impact that has not previously been considered by Council, and therefore, no

new mitigation will be required. Based on full consideration of these factors, Summit Ridge Wind, LLC requests that ODOE reconsider its previous determination to conclude that a Type B review process is the appropriate pathway for this amendment request.

Best Regards,

By:



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Title: **Vice President**

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