

Amendment Determination Request for Montague Wind Power Facility – Phase 1

Prepared for

Avangrid Renewables, LLC, d/b/a Montague
Wind Power Facility, LLC

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Acronyms and Abbreviations

ADR	amendment determination request
ASC	Application for Site Certificate
Council	Energy Facility Siting Council
EFSC	Energy Facility Siting Council [EFSC and Council are both acceptable]
EFU	Exclusive Farm Use
Facility	Phase 1 of Montague Wind Power Facility in Gilliam County, Oregon
LLC	Limited Liability Corporation
Montague	Montague Wind Power Facility, LLC
MW	megawatt
OAR	Oregon Administrative Rule
ODOE	Oregon Department of Energy
ZVI	Zone of Visual Influence

Introduction and Request

Montague Wind Power Facility, LLC (Montague) obtained a Site Certificate for the Montague Wind Power Facility (Facility) from the Oregon Energy Facility Siting Council (EFSC; Council) on September 14, 2010, approving construction of the Facility in Gilliam County, Oregon. Since 2010, Montague has obtained Council approval for three Site Certificate amendments and four change requests. A fourth Site Certificate amendment is pending. As approved, the Facility could consist of up to 269 wind turbines with a maximum generating capacity of 404 megawatts (MW). Montague plans to build the Facility in phases and has a Power Purchase Agreement with a customer for the first 202 MW (Phase 1).

Montague seeks to add 25.8 acres to the approved site boundary for the construction of Phase 1 facilities. Approval of the proposed modification will enable Montague to construct a collector line along a more direct path than previously approved and to modify an access road alignment to better accommodate farming practices. These changes are minor and do not require changes to Site Certificate conditions¹, nor do the changes limit Montague's ability to comply with Site Certificate conditions. In fact, the proposed changes allow the Facility to be constructed in a manner that better aligns with the intent of the Site Certificate to minimize agricultural impacts². This change is now possible because Montague obtained lease rights to the Weedman Ranches LLC tract that was previously unavailable when the Application for Site Certificate (ASC) was submitted because of competing wind project. It is now feasible for Montague to site facilities across Weedman Ranches land and reduce the length of collector line between the H-string of turbines and the collection substation located along Old Tree Road.

Montague previously added portions of Weedman Ranches property to the site boundary for an access road and collection line³. However, Montague now seeks to slightly realign the previously described access road based on landowner feedback on the typical agricultural practices of the affected area. As a result, Montague is considering access road options to better align with the north-south plowing rows of the wheat field. This change is consistent with Site Certificate Condition 38, which directs the certificate holder to "implement measures to reduce and avoid any adverse impacts to farming practices on surrounding lands and to avoid any increase in farm costs."

This area is also evaluated in Montague's *Request for Amendment No. 4 to the Site Certificate for the Montague Wind Power Facility* (Montague, 2017a); however, use of this area is needed at this time for Phase 1 construction.

The purpose of this amendment determination request (ADR) is to obtain the Oregon Department of Energy's (ODOE or the Department) concurrence that the proposed minor modifications to the Facility's approved site boundary do not require a certificate amendment under OAR 345-027-0050. Overall, Montague has determined that the proposed modifications will allow the Facility to be design and constructed in a manner with less impact than previously approved. The proposed modifications do not trigger the three "coulds" under OAR 345-027-0050(4) and will not result in a significant adverse impact

¹ EFSC. 2017a. *Third Amended Site Certificate for Montague Wind Power Facility*. July 11.

² Condition 39 states, "The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall locate access roads and temporary construction laydown and staging areas to minimize disturbances of farming practices and, whenever feasible, shall place turbines and transmission interconnection lines along the margins of cultivated areas to reduce the potential for conflict with farm operations."

³ Letter from Oregon Department of Energy to Avangrid Renewables dated February 2018, "The Department agrees with the certificate holder evaluation under OAR 345-027-0050 and finds that the proposed modifications included in Change Request 3 do not require a site certificate amendment."

to a resource or interest protected by the Council that was not previously addressed in the Site Certificate, will not impair Montague’s ability to comply with previously approved Site Certificate conditions, and will not require new conditions, or changes to the text of the previously approved Site Certificate conditions⁴.

⁴ EFSC. 2017a. *Third Amended Site Certificate for Montague Wind Power Facility*. July 11.

Description of Proposed Modifications

Montague seeks to expand the site boundary in two areas to allow for Phase 1 construction.. Combined, the two areas identified in Table 1 will add approximately 25.8 acres of land currently leased by Montague to the site boundary. The two site boundary additions are both located on the same property owned by Weedman Ranches, Inc. The new areas represent a less-than-0.08 percent addition to the approved site boundary, which consists of approximately 33,691 acres⁵. Figure 1 (Attachment 1; cited Figures 1, 2, and 3 are in Attachment 1) shows the locations of the modifications.

Table 1. Summary of Site Boundary Additions

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Facility	Area
Collector Line Route	20.6 acres
Access Road Modification	5.2 acres
Total area	25.8

As shown in blue (“Collector Line Route”) on Figure 1, Montague will add approximately 20.6 acres to the approved site boundary for a collector line route between the H-string turbines and the collector substation. This area includes a 320-foot-wide corridor along a 2,830-foot-long underground collector route outside the site boundary. From turbine H6, Montague would install two circuits of buried collection lines across about 700 linear feet of the Crum Ranch property and then about 3,000 linear feet across Weedman Ranch property before transiting to an overhead line on Athern Ranch property for 2,080 feet to the collector substation (see Figure 2). Installation of buried collector outside the approved site boundary would occur in the same manner as previously approved in the Final Order⁶, and have similar or less impacts to a comparable route within the approved site boundary (Table 2).

⁵ Approved site boundary acreage of approximately 33,691 acres is verified in Section 1.3.3 of Montague’s *Request for Amendment No. 4 to the Site Certificate for the Montague Wind Power Facility*, which is pending Department review.

⁶ EFSC. 2017b. *Final Order on Request for Contested Case and Amendment #3 of the Site Certificate for the Montague Wind Power Facility*. p. 3. July 12.

Table 2. Comparison of Collector Routes*Amendment Determination Request for Montague Wind Power Facility –Phase 1*

Item	Approved	Proposed
Total length (turbine H6 to substation)	1.3 miles	1.1 miles
Length of overhead collector	0.9 mile	0.7 mile
Length of underground collector	0.4 mile	0.4 mile
Number of overhead poles	12 poles	5 poles
Number of stream crossings	1	1
Habitat Type	Category 6	Category 6
Number of rare plants	None	None
Number of Cultural Resources	None	None
Landowners	Crum, Athern	Crum, Weedman, Athern

As shown in purple (“Access Road Modifications”) on Figure 1, Montague seeks to add approximately 5.2 acres to the approved site boundary and micrositing corridor to modify the access road segment from the G turbine string to the H turbine string across the Weedman Ranch property. This access road corridor was previously added to the site boundary as part of Change Request 3⁷. Now Montague is considering three different alignments for the access road to turbines H8 and H9 (see Attachment 2). These options are intended to address the landowner’s request related to the direction of plowing, but are slightly outside of the corridor previously defined in Change Request 3. The length of the access road to the H turbine string would generally be the same with the each of the alignment options (within 500 ft).

The two site boundary additions are both located on the same property owned by Weedman Ranches, Inc. The new areas represent a less-than-0.08 percent addition to the approved site boundary, which consists of approximately 33,691 acres⁸.

⁷ Montague Wind Power Facility, LLC (Montague). 2017b. *Request for Determination Pursuant to OAR 345-027-0050(5) for Proposed Change to Montague Wind Power Facility – Change Request #3 (Proposed Site Boundary and Transmission Line Route Modifications)*.

⁸ Approved site boundary acreage of approximately 33,691 acres is verified in Section 1.3.3 of Montague’s *Request for Amendment No. 4 to the Site Certificate for the Montague Wind Power Facility*, which is pending Department review.

Rationale for Amendment Determination Request

Pursuant to OAR 345-027-0057(1)(b), the purpose of this ADR is to obtain the Department's determination that the proposed minor modifications to the Facility's approved site boundary and micrositing corridor do not require a certificate amendment. OAR 345-027-0050 identifies the types of changes that would require Montague to amend its Site Certificate. This section demonstrates that the modifications proposed in this ADR are not subject to a certificate amendment based on the following factors:

(1) Transfer ownership of the facility or the certificate holder as described in OAR 345-027-0100;

Response: The proposed modifications do no effect the ownership of the Facility or certificate holder as described in OAR 345-027-0100. Therefore, a certificate amendment is not required based on this factor.

(2) Apply later-adopted law(s) as described in OAR 345-027-0090;

Response: The proposed modifications are not the result of a later-adopted law as described in OAR 345-027-0090. Therefore, a certificate amendment is not required based on this factor.

(3) Extend the construction beginning or completion deadline as described in OAR 345-027-0085;

Response: The proposed modifications do not change the construction beginning or completion deadlines previously approved in Site Certificate Conditions 24 and 25, respectively⁹. Therefore, a certificate amendment is not required based on this factor.

(4) 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 or interest protected by a Council standard;

(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.

Response: The addition to the site boundary and associated change to the Facility layout describe in above does not require an amendment because Montague will construct and operate the Facility in the manner as previously disclosed and there are no sensitive resources or unique features that could be impacted in the expanded site boundary areas. Overall, Montague believes the proposed changes are consistent with intent of the site certificate to minimize impacts whenever feasible.

To demonstrate continued compliance with applicable conditions of the Site Certificate, Montague completed supplemental Phase 1 field surveys between April and June of 2018 for Washington ground squirrel (WGS), rare plants, wetlands and waterways, and cultural resources. These supplemental Phase 1 surveys incorporated the area within the proposed collector line route. Montague completed additional surveys between October 12 and 17, 2018 for wetlands and waterways, and cultural resources within the proposed access road modification areas. Montague conducted these resource-specific surveys in accordance with survey requirements for the various resources.

⁹ EFSC. 2017a. *Third Amended Site Certificate for Montague Wind Power Facility*. July 11.

The results of these surveys are consistent with Montague’s past finding elsewhere in the site boundary. There are no sensitive resources within the expanded site boundary areas, as summarized below in relation to applicable conditions of the Site Certificate¹⁰:

- Washington Ground Squirrel Surveys
 - Condition 94 of the Site Certificate requires that Montague determine the boundaries of Category 1 WGS habitat prior to construction. In accordance with ODFW-approved survey protocols and habitat guidance and in compliance with Condition 94(c), WGS protocol surveys and associated Category 1 habitat mapping were conducted in the spring of 2017 (CH2M, 2017). Survey findings show that the proposed modifications are sited in Category 6 habitat that is not suitable for WGS (i.e., wheat fields) (see Figure 3). The proposed collector line route will result in approximately 0.01 acre of temporary disturbance to Category 3 habitat (developed-revegetated or other planted grassland). Accordingly, the proposed modifications are not likely to result in significant adverse impacts to WGS habitat and do not impair Montague’s ability to comply with the Council’s Fish and Wildlife Habitat Standard (see Table 3).
- Rare Plant Surveys
 - Condition 95(b) of the of the Site Certificate requires that Montague survey for potentially occurring threatened and endangered (rare) plant species. The expanded site boundary areas are planted in wheat and do not provide suitable habitat for rare plants. Montague field verified the extent of crop lands during the Spring 2018 botanical survey. Based on the active agricultural, there are no rare plants within the expanded site boundary. These areas are addressed in a supplement survey report submitted to ODOE on October 12, 2018, as part of Montague’s preconstruction compliance (CH2M, 2018a). The report demonstrates that no rare plant species were found within the areas that will be impacted by the proposed modifications. No significant adverse impacts to rare plants are anticipated.
- Wetlands and Waterbodies Delineations
 - Condition 93 of the Site Certificate requires that Montague survey for wetlands and waterbodies where construction will occur. A report of results from a supplemental field investigation was submitted to ODOE on October 12, 2018, as part of Montague’s preconstruction compliance (CH2M, 2018b). The report demonstrates that no wetlands or state jurisdictional waterbodies were found within the areas that will be impacted by the proposed collector line route. An additional survey report that includes the access road modification is pending submittal to ODOE. Both reports demonstrate that there are no wetlands or drainage features with the expanded site boundary area. No significant adverse impacts to wetlands or waterbodies are anticipated.
- Cultural Resources Surveys
 - Condition 49 of the Site Certificate requires that Montague survey for cultural resources where construction will occur. Pedestrian surveys were completed in the expanded site boundary area and no resources were detected. A report with results from the field investigation was submitted to ODOE on October 12, 2018, as part of Montague’s preconstruction compliance (CH2M, 2018c). The report demonstrates that no new archaeological resources were recorded within the proposed collector line route.
 - Portions of the proposed access road modification are sited in areas previously surveyed in 2010 as part of the Baseline Wind Project (Ragsdale et al., 2011). A small portion of the proposed access road modification was not previously surveyed for cultural resources. Additional cultural

¹⁰ EFSC. 2017a. *Third Amended Site Certificate for Montague Wind Power Facility*. July 11.

resource surveys conducted on October 12 and 13, 2018 and did not identify new archaeological resources within the proposed access road modification areas. No significant adverse impacts to wetlands or waterbodies are anticipated.

In addition to the survey areas identified above, Table 3 provides an assessment of this ADR's compliance with applicable standards under OAR 345, Divisions 22 (General Standards for Siting Facilities) and 24 (Specific Standards for Siting Facilities). Table 3 demonstrates that the proposed modifications do not trigger an amendment under OAR 345-027-0050(4)(a) because they do not result in new impacts to protected resources that have not previously been evaluated and addressed by the Council. In addition, Table 3 provides confirmation that the minor additions to the approved site boundary do not impair Montague's ability to comply with previously approved Site Certificate conditions¹¹ and no new conditions or changes to existing conditions are required as a result of the proposed modifications. Therefore, the proposed modifications do not trigger an amendment under OAR 345-027-0050(4)(b) or (c).

For the reasons described above and in Table 3, the Department may find that the proposed modifications do not warrant a certificate amendment.

¹¹ EFSC. 2017a. *Third Amended Site Certificate for Montague Wind Power Facility*. July 11.

Table 3. Assessment of ADR Compliance with Applicable Standards under OAR Divisions 22 and 24*Amendment Determination Request for Montague Wind Power Facility –Phase 1*

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Assessment of the Three “Could’s” under OAR 345-027-0050(4)
OAR 345-022			
OAR 345-022-0010	Organizational Expertise	This standard is not applicable to this ADR. There is no change in ownership.	Not applicable
OAR 345-022-0020	Structural Standard	<p>The Council adopted Site Certificate conditions to address the potential for seismic and nonseismic geologic hazards at the Facility.¹² The proposed modifications do not alter the basis for the Council’s earlier findings.</p> <p>The site boundary additions cross the same underlying geologic units as identified within the approved site boundary [Tuffaceous sedimentary rocks and tuff as shown on Figure H-1 of the original Application for Site Certificate (ASC) Exhibit H]. Potential geological and soils hazards of the site were previously provided, and Montague completed site-specific geotechnical investigations as required by Site Certificate Condition 52 prior to construction to verify that soil conditions are suitable for construction. Montague completed geotechnical borings (OH02 and OH03) for the two overhead structures that will be used by the proposed collector route. These data were included in the geotechnical report submitted to the Oregon Department of Geology and Mineral Industries as part of Condition 52 submittals.</p> <p>Seismic hazards, potential earthquake sources, and nonseismic geological hazards such as landslides are the same within the modified site boundary as those described within the original approved site boundary. As previously found by the Council, the risk of seismic and nonseismic hazards within the proposed additions to the approved site boundary remain low. Montague’s ability to design, engineer, and construct the Facility to avoid dangers to human safety are not affected by the proposed modifications.</p> <p>Therefore, the proposed modifications are not likely to result in a significant adverse impact based on continued compliance with applicable structural standards.</p>	ADR will not result in significant adverse impact, will not impair ability to comply with conditions of the Site Certificate, will not require new condition or change to existing condition of the Site Certificate.
OAR 345-022-0022	Soil Protection	The Council previously found that the Facility complies with the Soil Protection Standard. ¹³ The proposed modifications do not alter the basis for the Council’s earlier findings. ASC Exhibit I (Figure I-1) provided mapped soil types within the site boundary and in adjacent areas; including the areas that correspond to the proposed modifications. As shown on ASC Figure I-1, the area to be crossed by the new collector line route was mapped by the Natural Resources Conservation Service as Warden silt loam and Olex gravelly silt loam, and the modified access road area is Ritzville silt loam and Warden silt loam.	ADR will not result in significant adverse impact, will not impair ability to comply with conditions of the Site Certificate, will not require new condition or change to existing condition of the Site Certificate.

¹² EFSC. 2017b. *Final Order on Amendment #3 of the Site Certificate for the Montague Wind Power Facility*. p. 16. July 12.

¹³ EFSC. 2017b. *Final Order on Amendment #3 of the Site Certificate for the Montague Wind Power Facility*. p. 18. July 12.

Table 3. Assessment of ADR Compliance with Applicable Standards under OAR Divisions 22 and 24*Amendment Determination Request for Montague Wind Power Facility –Phase 1*

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Assessment of the Three “Could’s” under OAR 345-027-0050(4)
OAR 345-022-0030	Land Use	<p>Potential impacts from erosion will be minimal and are addressed through erosion control measures required by the Facility’s National Pollutant Discharge Elimination System 1200-C construction permit. In addition, consistent with Condition 52, a site-specific geotechnical investigation was conducted per Oregon Department of Geology and Mineral Industries guidelines.</p> <p>Therefore, the proposed modifications will not change Montague’s ability to comply with all Site Certificate conditions as written, will not alter the basis for the Council’s earlier finding that the Facility complies with OAR 345-022-0022, and are not likely to result in significant adverse impacts to soils.</p> <p>The Council previously found that the Facility satisfied the land use standard. The two proposed modifications do not alter the basis for the Council’s earlier findings or Montague’s ability to comply with the Site Certificate conditions.</p> <p>The various factors that could affect compliance with the land use standard remain the same for the two proposed modifications as they were for the original Site Certificate and various amendments. First, the two modifications remain entirely within the land use jurisdiction of Gilliam County and within the land use analysis area, which includes the approved site boundary and the area within one-half mile from the approved site boundary. Second, the modifications will be built entirely on private land for which Montague has negotiated long-term wind energy leases using the same construction methods as previously approved. Third, the modifications are entirely on land zoned by Gilliam County as Exclusive Farm Use (EFU) and no new or additional zoning districts apply. Fourth, there have been no changes to the applicable substantive criteria in the Gilliam County Zoning Ordinance (most recently amended by the Gilliam County Court on May 3, 2017).</p> <p>The proposed modifications will maintain a setback of 3,520 feet from the property line of properties zoned residential use or designated in the <i>Gilliam County Comprehensive Plan</i> as residential. The proposed site boundary additions also remain within an area encompassed by the 500-foot buffer from the approved site boundary used for public notification of surrounding property owners in accordance with OAR 345-020-0011(1)(f)(C).</p> <p>The proposed modifications do not change the Council’s previous finding that the impacts of the Facility will not force a significant change in accepted farm practices or significantly increase the cost of farm practices on surrounding lands. Detailed resource surveys completed for preconstruction compliance in 2017 and 2018 confirmed that land crossed by the proposed modifications is the same in nature as the land previously reviewed for the approved Facility and is not unique from land within the previously approved site boundary. The proposed site boundary additions will cross predominately developed-dryland wheat farmland which is Category 6 habitat (see Figure 3). The farm practices in the areas encompassed by the proposed site boundary additions are the same as those previously analyzed,</p>	<p>ADR will not result in significant adverse impact, will not impair ability to comply with conditions of the Site Certificate, will not require new condition or change to existing condition of the Site Certificate.</p>

Table 3. Assessment of ADR Compliance with Applicable Standards under OAR Divisions 22 and 24

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Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Assessment of the Three “Could’s” under OAR 345-027-0050(4)
		<p>including soil preparation in the spring and fall, sowing of seed, fertilizing, pest and weed management, and harvesting. In addition, Gilliam County has previously found that the uses associated with a wind energy facility would not force a significant change in accepted farm practices on surrounding lands and would not significantly increase the cost of farm practices.</p>	
		<p>For the reasons described above, the proposed modifications will not change Montague’s ability to comply with all Site Certificate conditions as written, will not alter the basis for the Council’s earlier finding that the Facility complies with OAR 345-022-0030, and will not result in significant adverse land use impacts.</p>	
OAR 345-022-0040	Protected Areas	<p>The Council previously found that the Facility is not located in any protected area listed in OAR 345-022-0040 and that the design, construction, and operation of the Facility, taking mitigation into account, are not likely to result in significant adverse impacts to any protected area.</p> <p>The analysis area for the Protected Areas defined under OAR 345-001-0010(2) and 345-001-0010(59)(e) is the area within the site boundary and within 20 miles of the site boundary. The minor modifications to the site boundary described in this change request do not change the analysis area for protected areas because there is no change to the farthest portions of the site boundary to the west, north, east, and south. Therefore, the original 20-mile analysis area included the proposed modified site boundary and all areas within 20 miles of it.</p> <p>There are seven protected areas within 20 miles of the Facility: Horn Butte Wildlife Area, Arlington State Park, John Day Wildlife Refuge, John Day Wild and Scenic River, John Day State Scenic Waterway, John Day (Hildebrand) State Park, and Willow Creek Wildlife Area. None of these protected areas are located closer to the proposed modified site boundary than previously analyzed. Potential impacts from the Facility on these protected areas were previously evaluated based on noise, traffic, water use and wastewater disposal, and visual impacts.</p> <p>Predicted noise levels from the Facility were analyzed in ASC Exhibit X and were based on noise generated from Facility construction and operation. Predicted noise levels, and resulting potential noise impacts to protected areas, were based on identified wind turbines and locations. Because the modifications described in this change request do not change the wind turbine selection or analysis, there is no change to predicted noise levels at protected areas.</p> <p>There will be no change to the primary and alternate transport routes or haul estimates as previously approved by the Council; therefore, the Council’s previous conclusion that traffic generated by construction and operation of the Facility is not likely to result in significant traffic impacts to protected areas will not be altered by the proposed modifications.</p> <p>Water use and wastewater disposal during construction and operation of the Facility will not be altered by the proposed modifications to the site boundary and therefore the change will not modify the basis for the</p>	<p>ADR will not result in significant adverse impact, will not impair ability to comply with conditions of the Site Certificate, will not require new condition or change to existing condition of the Site Certificate.</p>

Table 3. Assessment of ADR Compliance with Applicable Standards under OAR Divisions 22 and 24*Amendment Determination Request for Montague Wind Power Facility –Phase 1*

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Assessment of the Three “Could’s” under OAR 345-027-0050(4)
		<p>Council’s previous conclusion that water quantity and water quality in protected areas will not be affected by the Facility.</p> <p>The previous analysis of potential visual impacts from the Facility relied on a Zone of Visual Influence (ZVI) analysis to model line-of-sight visibility for wind turbines and 230-kV transmission line structures. The proposed additions to the site boundary do not change the ZVI analysis or potential Facility visibility from any protected areas and therefore the change will not modify the basis for the Council’s previous conclusion that construction and operation of the Facility is not likely to result in significant adverse visual impacts to protected areas.</p>	
OAR 345-022-0050	Retirement and Financial Assurance	<p>The Council previously found that the Facility, taking into account mitigation, can be restored adequately to a useful, nonhazardous condition following permanent cessation of construction or operation and that Montague has demonstrated a reasonable likelihood of obtaining a bond or letter of credit.</p> <p>The proposed changes do not substantially change the decommissioning estimate submitted to ODOE in August 2018. The proposed changes reduce infrastructure quantities therefore the actual decommissioning costs will be less than estimate. However, because the changes are so minor Montague does not seek to change the bond amount. Accordingly, the proposed modifications do not alter the basis for the Council’s earlier findings that OAR 345-022-0050 is met.</p>	Not applicable
OAR 345-022-0060	Fish and Wildlife Habitat	<p>The Council previously found that the Facility complies with the Council’s Fish and Wildlife Habitat Standard.¹⁴ The prior findings were based on an analysis provided within ASC Exhibit P that analyzed worst-case scenarios for evaluating potential impacts to fish and wildlife habitat and demonstrated that the fish and wildlife standard in OAR 345-022-0060 can be satisfied.</p> <p>The habitat type within the proposed site boundary additions (see Figure 3) is predominately developed-dryland wheat farmland (i.e., Category 6 habitat) with small areas of Developed-Revegetated or Other Planted Grassland (i.e. Category 3 habitat) and Exotic Annual Grassland (i.e. Category 4 habitat). No aquatic habitats are present within the proposed site boundary additions.</p> <p>The proposed collector line route modification described in this ADR will consist of less than 0.002 acres of permanent disturbance to Category 6 developed-dryland wheat farmland, approximately 2.08 acres of temporary disturbance to Category 6 developed-dryland wheat farmland, and approximately 0.01 acre of temporary disturbance to Category 3 developed-revegetated or other planted grassland. Temporary disturbances within the proposed modified site boundary will total approximately 2.1 acres.</p>	ADR will not result in significant adverse impact, will not impair ability to comply with conditions of the Site Certificate, will not require new condition or change to existing condition of the Site Certificate.

¹⁴ EFSC. 2017b. *Final Order on Amendment #3 of the Site Certificate for the Montague Wind Power Facility*. p. 35. July 12.

Table 3. Assessment of ADR Compliance with Applicable Standards under OAR Divisions 22 and 24*Amendment Determination Request for Montague Wind Power Facility –Phase 1*

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Assessment of the Three “Could’s” under OAR 345-027-0050(4)
		<p>The proposed access road modification described in this ADR will consist of approximately 5.2 acres of permanent disturbance to Category 6 developed-dryland wheat farmland and will not include any other temporary disturbances.</p> <p>The proposed changes are designed to occur predominantly in Category 6 habitat and impacts to limited (i.e., Category 3) habitats are temporary and de minimis (approximately 0.01 acre), which is consistent with ODFW habitat mitigation standards and goals. As described in the Final Order on the Application, construction of the approved Facility will result in up to 1,777.95 acres of temporary impacts and up to 256.81 acres of permanent impacts. The modifications described in this change request will not significantly increase the total impacts from the Facility. Because the modifications described in this change request are made with the purpose of maintaining a reduction in impacts to high-quality habitat, the proposed modifications to the site boundary do not alter the basis of EFSC’s prior conclusion that the fish and wildlife standard in OAR 345-022-0060 can be satisfied. Therefore, the proposed modifications are not likely to result in a significant adverse impact to fish and wildlife habitat.</p>	
OAR 345-022-0070	Threatened and Endangered Species	<p>The proposed site boundary additions were surveyed in 2017 and 2018 for rare plants and WGS, which are the only threatened or endangered species suspected to be present within the vicinity of the Facility. No federal- or state-listed or candidate plant species were observed within the site boundary additions during the Spring 2018 botanical surveys (CH2M, 2018a). No WGS burrows were identified within the proposed site boundary additions. Therefore, construction of Facility components within the proposed site boundary additions will not cause any new impacts to threatened or endangered species. Accordingly, the proposed changes do not alter the basis for the Council’s earlier findings that OAR 345-022-0070 is satisfied and the proposed modifications are not likely to result in a significant adverse impact to threatened and endangered species.</p>	<p>ADR will not result in significant adverse impact, will not impair ability to comply with conditions of the Site Certificate, will not require new condition or change to existing condition of the Site Certificate.</p>
OAR 345-022-0080	Scenic Resources	<p>The Council previously found that the Facility complies with the Scenic Resources Standard.¹⁵ The prior findings were based on an analysis of potential visual impacts from turbines and 230-kV transmission line support structures (zone of visual influence analysis, or ZVI). The analysis area for the Scenic Resources Standard encompasses site boundary plus a 10-mile buffer. The proposed site boundary additions do not extend the limits of the site boundary farther to the north, east, south, or west, and therefore they do not alter the previous analysis area.</p> <p>Montague evaluated whether there were any new scenic resources within the analysis areas that were not considered in the Council’s Final Order on Amendment #3 (EFSC, 2017b). Montague then reviewed the</p>	<p>ADR will not result in significant adverse impact, will not impair ability to comply with conditions of the Site Certificate, will not require new condition or change to existing condition of the Site Certificate.</p>

¹⁵ EFSC. 2017b. *Final Order on Amendment #3 of the Site Certificate for the Montague Wind Power Facility*. p. 39. July 12.

Table 3. Assessment of ADR Compliance with Applicable Standards under OAR Divisions 22 and 24*Amendment Determination Request for Montague Wind Power Facility –Phase 1*

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Assessment of the Three “Could’s” under OAR 345-027-0050(4)
		<p>applicable local and federal land use and management plans to see if any of the plans had been updated, and if updated, whether new scenic resources were identified in the plans. Land management areas were identified in Table 5 of the Final Order on the Application. In conducting the review, Montague confirmed that none of the local, state, or federal management plans have been updated since the Final Order on the Application was issued in (2010) and consequently, no new scenic resources were identified. Further, no new local, state, or federal management plans applicable to the analysis area are known to have been prepared since 2010. On this basis, Montague concluded that no new scenic resources were identified within the analysis area.</p> <p>Turbines and 230-kV transmission line support structures will not be located within the additional site boundary areas. The original line-of-sight analysis determined that the worst-case scenario for the visual impacts of the entire Facility was based on turbine visibility (ASC Exhibit R, p. R-3). Therefore, the Council’s prior determination was based on the turbine ZVI, which is not affected by the proposed site boundary additions. Because the collection line support structures (80 to 100 feet tall, depending on terrain) are notably smaller than the turbines (maximum blade tip height of up to 492 feet), the shift in above-ground collector line location does not alter the basis of the prior analysis. Also, only underground collection line will be installed in the expanded site boundary area. Conditions 102, 104, and 105 address visual effects of the Facility and the proposed site boundary additions do not affect Montague’s ability to comply with these conditions. The Council may conclude that there are no new important scenic resources to consider and may rely on prior findings to conclude that the site boundary additions will not result in significant adverse impacts to important scenic resources in the Facility’s analysis area.</p>	
OAR 345-022-0090	Historic, Cultural and Archaeological Resources	<p>The Council previously relied on conditions imposed in the Site Certificate to address compliance with the Council’s Historic, Cultural, and Archaeological Resources Standard.¹⁶ A pedestrian cultural resources field investigation was conducted in May 2018 at the Facility in accordance with Condition 49 (CH2M, 2018c). Portions of the Facility were previously surveyed for cultural resources as a part of the original Baseline project (Ragsdale et al., 2011). As described in responses to OAR 345-027-0050(4), cultural resource surveys have been completed for the proposed modification areas. No cultural resources were identified within the area proposed for addition to the site boundary for the collector line route or proposed access road modification. The proposed modifications will not affect Montague’s ability to comply with the Site Certificate conditions and will not result in significant adverse impacts to cultural resources.</p>	<p>ADR will not result in significant adverse impact, will not impair ability to comply with conditions of the Site Certificate, will not require new condition or change to existing condition of the Site Certificate.</p>

¹⁶ EFSC. 2017b. *Final Order on Amendment #3 of the Site Certificate for the Montague Wind Power Facility*. p. 40. July 12.

Table 3. Assessment of ADR Compliance with Applicable Standards under OAR Divisions 22 and 24*Amendment Determination Request for Montague Wind Power Facility –Phase 1*

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Assessment of the Three “Could’s” under OAR 345-027-0050(4)
OAR 345-022-0100	Recreation	The Council previously found that the Facility will comply with the Recreation Standard ¹⁷ and that the design, construction, and operation of the Facility are not likely to result in significant adverse impact to any important recreational opportunities in the analysis area. The Council found in the Final Order on the Application that “recreational activities in the analysis area include camping, hiking, sightseeing, nature and wildlife observation, boating and fishing, wind surfing, bicycling and upland bird and big game hunting.” The Council found that these recreational opportunities along with opportunities offered by identified city and state parks and recreational areas and by the Lewis and Clark National Historic Trail within the analysis area do not meet the criteria to be considered “important” under the standard. Although the McDonald Crossing of the ONHT offers an important recreational opportunity, the proposed site boundary additions are not in proximity to this resource, will not contain dominant visual elements, and therefore will not change the earlier finding that the Facility will not be visible from that location. The Council may conclude that there are no new important recreational resources to consider and may rely on earlier findings to conclude that this change request will not result in significant adverse impacts to important recreational resources in the Facility’s analysis area.	ADR will not result in significant adverse impact, will not impair ability to comply with conditions of the Site Certificate, will not require new condition or change to existing condition of the Site Certificate.
OAR 345-022-0110	Public Services	The proposed changes do not alter the Facility’s construction, use, or reliance on sewers and sewage treatment, water, stormwater drainage, solid waste management, housing, traffic safety, police and fire protection, health care, or schools, and there are no other circumstances that would alter the basis for the Council’s earlier determination. This standard is not applicable to the change request.	Not applicable
OAR 345-022-0120	Waste Minimization	The proposed changes do not alter the Facility’s plans for solid waste management or wastewater handling, or management of waste generated by construction and operation of the Facility. This standard is not applicable to the change request.	Not applicable
OAR 345-024			
OAR 345-024-0010	Public Health and Safety Standards for Wind Energy Facilities	The Final Order on the Application identified that a maximum of 27 miles of the collector system will be above-ground. Use of the additional site boundary for construction of the collector line will allow a net reduction in the total length of above-ground collector lines required to support the Facility; therefore, the Facility will not exceed 27 miles of above-ground collection. Construction of underground collector lines and roads within the proposed additional site boundary area do not affect compliance with this standard.	ADR will not result in significant adverse impact, will not impair ability to comply with conditions of the Site Certificate, will not require new condition or change to existing condition of the Site Certificate.

¹⁷ EFSC. 2017b. *Final Order on Amendment #3 of the Site Certificate for the Montague Wind Power Facility*. p. 42. July 12.

Table 3. Assessment of ADR Compliance with Applicable Standards under OAR Divisions 22 and 24*Amendment Determination Request for Montague Wind Power Facility –Phase 1*

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Assessment of the Three “Could’s” under OAR 345-027-0050(4)
OAR 345-024-0015	Cumulative Effects Standard for Wind Energy Facilities	The Council previously found that the Facility complies with the Wind Energy Facility Cumulative Effects standard. ¹⁸ The proposed modifications will not affect Montague’s use of existing roads where possible, installation of underground transmission lines, or need for substations. The Facility will still be designed to reduce risk of injury to raptors and other wildlife, and there will be no change to the visual impact analysis previously conducted. Lighting will be consistent with the previous analysis. The proposed modifications do not change the physical size or dimension of the previously approved turbines. The Facility will be constructed and operated using the same protocols that were previously evaluated by EFSC. The cumulative effects are lessened as use of the site boundary addition will allow for use of less infrastructure for the Facility.	ADR will not result in significant adverse impact, will not impair ability to comply with conditions of the Site Certificate, will not require new condition or change to existing condition of the Site Certificate.
OAR 345-024-0090	Siting Standards for Transmission Lines	The Council previously found that the Facility complies with this standard. ¹⁹ ASC Exhibit AA provided an analysis of electrical fields resulting from 34.5-kV collector lines. For the underground 34.5-kV collector lines, the electric field is totally contained within the insulation of the cable and the soil over the line. Because the electric field is contained within the buried cables, no electric field is measurable at the surface of the ground. The proposed modification described in this change request does not change the foundation for this analysis; therefore, installation of the proposed collector line within the expanded site boundary still complies with the standard.	ADR will not result in significant adverse impact, will not impair ability to comply with conditions of the Site Certificate, will not require new condition or change to existing condition of the Site Certificate.

¹⁸ EFSC. 2017b. *Final Order on Amendment #3 of the Site Certificate for the Montague Wind Power Facility*. p. 50. July 12.¹⁹ EFSC. 2017b. *Final Order on Amendment #3 of the Site Certificate for the Montague Wind Power Facility*. p. 52. July 12.

Conclusion

Montague provides this ADR for consideration of the three “coulds” under OAR 345-027-0050(4), and requests that the Department review the proposed modifications based on the following evaluation:

- The proposed modifications will not result in a significant adverse impact to a resource or interest protected by the Council that was not previously addressed in the Site Certificate.
- The proposed modifications will not impair Montague’s ability to comply with previously approved Site Certificate conditions.
- The proposed modifications will not require new conditions, or changes to the text of the previously approved Site Certificate conditions²⁰.

For these reasons, the Department may find that the proposed modifications do not require a Site Certificate amendment.

²⁰ EFSC. 2017a. *Third Amended Site Certificate for Montague Wind Power Facility*. July 11.

References

CH2M HILL Engineers, Inc. (CH2M). 2017. *2017 Washington Ground Squirrel Surveys and Habitat Mapping for Montague Wind Power Facility – Phase 1*. July 17.

CH2M HILL Engineers, Inc. (CH2M). 2018a. *2018 Rare Plant Supplemental Surveys for Montague Wind Power Facility—Phase 1*. October.

CH2M HILL Engineers, Inc. (CH2M). 2018b. *2018 Wetlands and Waterbodies Supplemental Delineation for Montague Wind Power Facility—Phase 1*. October.

CH2M HILL Engineers, Inc. (CH2M). 2018c. *2018 Supplemental Field Investigation Report for Montague Wind Power Facility—Phase 1*. October.

Energy Facility Siting Council (EFSC). 2010. *Site Certificate for the Montague Wind Power Facility*. September 10.

Energy Facility Siting Council (EFSC). 2017a. *Third Amended Site Certificate for Montague Wind Power Facility*. July 11.

Energy Facility Siting Council (EFSC). 2017b. *Final Order on Request for Contested Case and Amendment #3 of the Site Certificate for the Montague Wind Power Facility*. July 12.

Montague Wind Power Facility, LLC (Montague). 2017a. *Request for Determination Pursuant to OAR 345-027-0050(5) for Proposed Change to Montague Wind Power Facility – Change Request #3 (Proposed Site Boundary and Transmission Line Route Modifications)*. August 4.

Montague Wind Power Facility, LLC (Montague). 2017b. *Request for Amendment No. 4 to the Site Certificate for the Montague Wind Power Facility*. November 21.

Ragsdale, Emily, Jennifer Olander, Frederick Anderson, and James Grant. 2011. *Cultural Resource Investigations for the Baseline Wind Energy Project, Gilliam County, Oregon*. Prepared for HDR Engineering.

Attachment 1
Figures

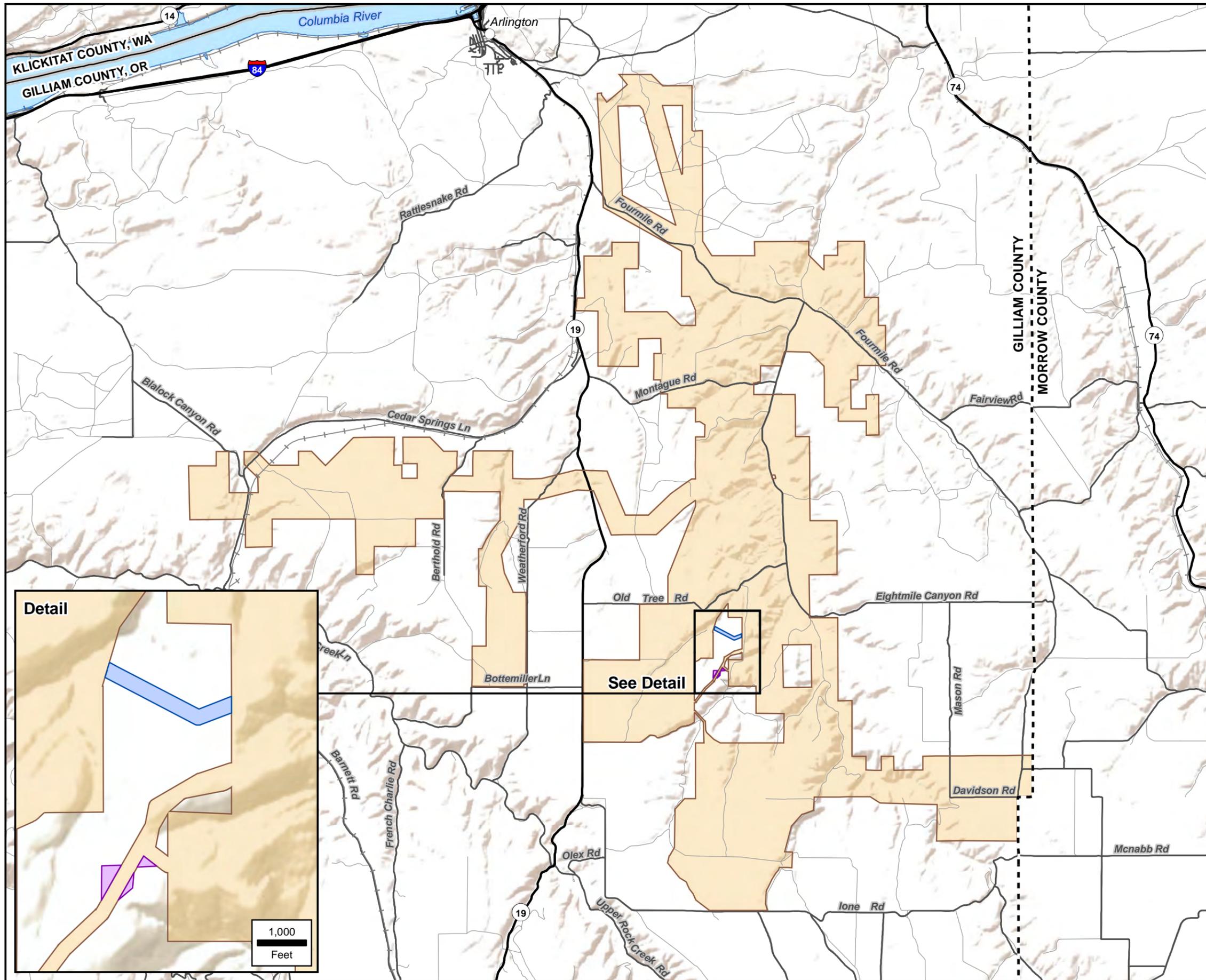


Figure 1
Proposed Modifications to
Approved Site Boundary
Montague Wind Power Facility -
Amendment Determination Request

Legend

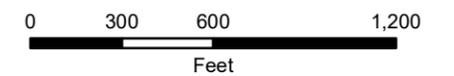
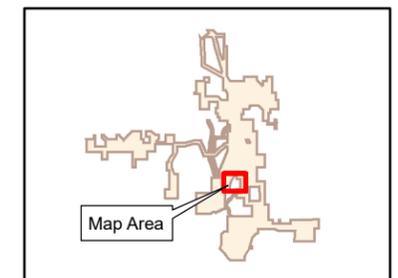
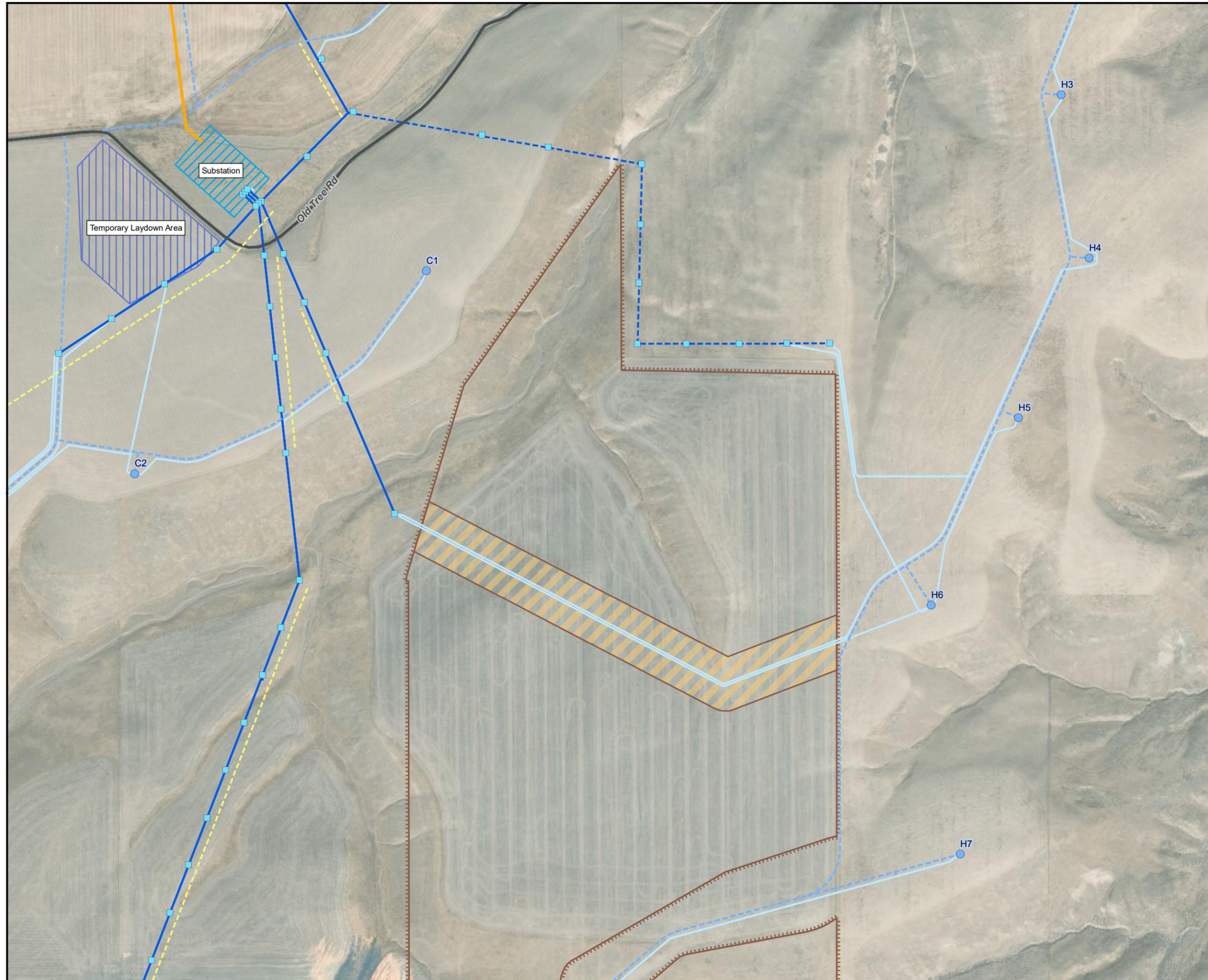
- Approved Site Boundary
- Approved Micrositing Corridor
- Amendment Determination Request -**
- Site Boundary Modifications**
- Collector Line Route
- Access Road Modifications
- Basemap Features**
- Interstate/Highway
- Public Road
- Other Road
- Major Railroad Line
- State Boundary
- County Boundary



Figure 2
Proposed Site Boundary
Modification Area
Montague Wind Power Facility

Legend

-  Approved Site Boundary and Micrositing Corridor
-  Proposed Site Boundary Modification Area
- Phase 1 (Features Constructed within the Approved Site Boundary and Micrositing Corridor)**
-  Turbine
-  Approved 230-kV Transmission Line
-  34.5-kV Overhead Collector Pole
-  34.5-kV Overhead Collector Line
-  34.5-kV Overhead Collector Line (Alternative)
-  34.5-kV Underground Collector Line
-  New Road
-  Temporary Construction Road
-  Maintain Existing Road
-  Substation
-  Temporary Laydown Area



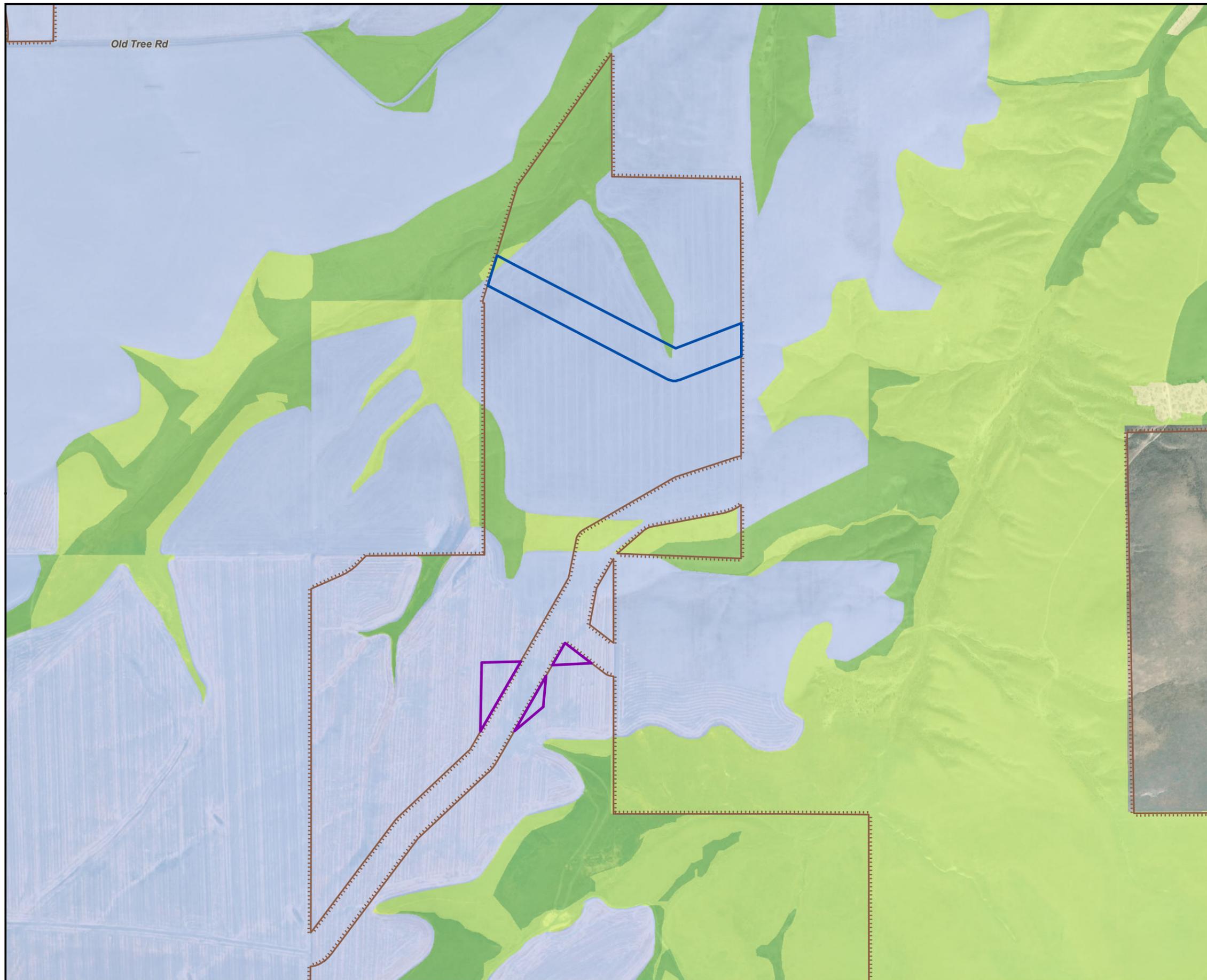


Figure 3
Habitat
Montague Wind Power Facility -
Amendment Determination Request

Legend

 Approved Site Boundary and
Micrositing Corridor

Amendment Determination Request -
Site Boundary Modifications

 Collector Line Route

 Access Road Modifications

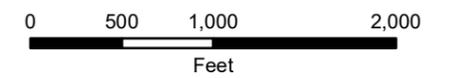
Habitat Category

 2

 3

 4

 6



Attachment 2
Modified Access Road Design

