



Oregon

Kate Brown, Governor



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David Lawlor
FPL Energy Stateline II, Inc.; FEW/JB
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RE: Department Determination of Type B Review for Request for Amendment 7 of Stateline Wind Project Site Certificate

Dear Mr. Lawlor,

The Oregon Department of Energy (Department) received FPL Energy Stateline II, Inc.'s (certificate holder) Type B Review Amendment Determination Request (Type B Review ADR) for Request for Amendment 7 of the Stateline Wind Project Site Certificate (RFA7) on April 19, 2022, along with the preliminary RFA7 (pRFA7). On May 12, 2022, the Department issued its determination of completeness.

In RFA7, the certificate holder seeks approval from the Energy Facility Siting Council (Council) to amend the approved turbine specifications (specifically the minimum above-ground blade tip height and the hub height) for Vansycle II wind turbines, if repowered. The proposed wind turbine changes would result in a decrease in minimum above-ground blade tip height (from 59 to 50 feet), and an increase in hub height (from 295 to 315 feet). An amendment to Condition 137(a) and (c) of the current site certificate would be required if the proposed change in turbine specifications is approved by Council. All of the proposed pRFA7 changes would be located within the approved site boundary. Based on review of the Type B Review ADR and the evaluation presented below (Attachment 1), the Department determines that the Type B review process is justified. This determination is subject to modification or rejection by Council, if requested by the certificate holder. Council will be provided notice of this determination at the May 26-27, 2022 Council meeting.

Respectfully,
Chase McVeigh-Walker

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Attachment 1: ODOE Type B Review Determination

Introduction

Energy Facility Siting Council (EFSC or Council) rules describe the process for Type A and Type B review of a request for amendment at OAR 345-027-0351. The Type A review is the standard or “default” site certificate amendment process. Under OAR 345-027-0357(3), a certificate holder may submit a request for a written determination from the Department of whether a proposed site certificate amendment justifies the Type B review process described in OAR 345-027-0351(3), but the certificate holder has the burden of justifying review under the Type B process based on an evaluation of factors identified in OAR 345-027-0357(8).

As is referenced in the pRFA7 Type B Review ADR, the certificate holder requests that the Department consider, based on review of the OAR 345-027-0357(8) factors and information contained in pRFA7, that Type B review is justified.

Changes Proposed in Request for Amendment 7

Changes proposed are a result of further refinement of design and associated engineering of the proposed repowering of Vancycle II wind turbines, and include a decrease in minimum above-ground blade tip height (from 59 to 50 feet), and an increase in hub height (from 295 to 315 feet). An amendment to Condition 137(a) and (c) of the current site certificate would be required if the proposed change in turbine specifications is approved. All of the proposed pRFA7 changes would be located within the approved site boundary.

Evaluation – OAR 345-027-0357(8) Factors

(a) The complexity of the proposed change

The certificate holder requests that the Department consider the proposed pRFA7 changes to be non-complex because: (1) the two requested changes would be dimensionally minor and Council has approved wind turbines that feature lower minimum aboveground blade tip heights and higher hub heights than those proposed; (2) would occur at existing, operational wind turbines (if repowered); (3) would be located entirely within the previously approved site boundary; (4) would be similar to the activities already approved by Council in AMD6; and (5) the proposed changes would not result in discernable visual impacts, or changes to accepted farm practices and cost of farm practices under the Land Use standard.

The certificate holder explains that the “significant measures” implemented by both the turbine manufacturers and the certificate holder to ensure blade safety and minimize risk and liability, and the location of Vansycle II (located entirely on private property in a “rural area”) would not impact their ability to operate the turbines and would continue to restrict public access to the turbines and other facility components.

The Department agrees with the above stated reasons and considers the changes proposed in pRFA7 not to be complex.

(b) The anticipated level of public interest in the proposed change;

In pRFA7, the certificate holder requests the Department to consider that the proposed dimensional changes would not be anticipated to “peak public interest” because the changes would not be visibly observable compared to the repower changes approved in the Final Order on Amendment 6 and would not result in site boundary changes; also, there were no comments received on the record of Amendment 6 related to the currently proposed dimension changes, supporting an assumption that there would be minimal interest.

The Department reviewed the public comments received on the record of the Final Order on Amendment 5 and 6 and agrees that there have not been prior, recent public comments related to the scope of the changes proposed in pRFA7. Based on the previous scope of public interest and limited scope of pRFA7, the Department anticipates a low or minimal level of public interest.

(c) The anticipated level of interest by reviewing agencies;

The certificate holder requests that the Department consider the potential level of reviewing agency interest in the changes proposed in pRFA7 to be low because coordination with Umatilla County, the Department of Defense, the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), and Oregon Department of Fish and Wildlife (ODFW) has already occurred as part of the Final Order on Amendment 5 and 6, and during repower preconstruction activities. In addition, the certificate holder considers reviewing agency interest in pRFA7 to be low because the wind turbine dimensional change would occur within an existing, operational wind facility, within a previously approved Site Boundary.

During review of pRFA7, the Department solicited both review and comments from reviewing agencies. To date, no substantive comments have been received. Due to the limited size and scope of the proposed changes, the Department agrees that the level of interest by reviewing agencies is likely to be limited.

(d) The likelihood of significant adverse impact;

The certificate holder requests that the Department consider the likelihood of significant adverse impacts from the proposed RFA7 changes to be low because: RFA7 is a minor decrease in the minimum above-ground blade tip clearance and minor increase in the hub height at an existing, operational wind farm. Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council. If the Vansycle II unit is repowered, the proposed changes of pRFA7 would not result in an increase

to the approved blade tip height of 499 feet, remaining within the maximum total height limit Council approved and imposed in Amendment 6.

The Department considers the reasons provided by the certificate holder to be valid; but, also evaluates the likelihood of significant adverse impacts from pRFA7 based on its impact to the existing turbine towers/foundations. Based on consultation with the certificate holder's engineers on May 10, 2022, the proposed dimensional changes have been evaluated and would be further evaluated through the turbine manufacturer's (GE) site suitability analysis which specifically evaluates mechanical and foundation load given the specific dimensions and topography of each wind turbine. Council previously imposed Condition 140 requiring that the applicant complete a foundation suitability analysis, to be reviewed and approved by the Department, in consultation with DOGAMI or a third-party consultant; and, that the results of the suitability analysis inform the turbine foundation and tower inspection program. Based on the site suitability evaluation to be conducted and compliance with Condition 140, the Department agrees, that the likelihood of a significant adverse impact under an applicable Council standard, from the changes proposed in pRFA7, is unlikely.

(e) The type and amount of mitigation, if any.

The certificate holder does not anticipate different, or increased mitigation from what Council has already evaluated and approved under the Final Order on Amendment 6. The certificate holder indicates that the proposed changes of RFA7 "will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council." Based on review of pRFA7, the Department agrees with the certificate holder that, the proposed changes of RFA7 are unlikely to result in any amount of additional mitigation. However, if based on its own analysis, the Department identifies potential impacts that would require additional mitigation, it is likely that the additional mitigation needed would be similar to and/or consistent with the mitigation previously approved and imposed by Council.

Amendment Review Process Determination

In summary, and as presented below in *Table 1: Type B Review – Factor Assessment Summary*, based on the low level of complexity, the anticipated limited interest in the proposed changes from both the public and reviewing agencies, and the low likelihood of significant adverse impacts or additional mitigation, the Department determines that the certificate holder has justified Type B review for RFA7.

Table 1: Type B Review – Factor Assessment Summary		
OAR 345-027-0357(8) Factors	Type A	Type B
(a) The complexity of the proposed change		X
(b) The anticipated level of public interest in the proposed change		X
(c) The anticipated level of interest by reviewing agencies		X
(d) The likelihood of significant adverse impact		X
(e) The type and amount of mitigation, if any		X