



# Oregon

Kate Brown, Governor



550 Capitol St. NE  
Salem, OR 97301  
Phone: 503-378-4040  
Toll Free: 1-800-221-8035  
FAX: 503-373-7806  
[www.oregon.gov/energy](http://www.oregon.gov/energy)

**To:** Energy Facility Siting Council

**From:** Chase McVeigh-Walker, Senior Siting Analyst

**Date:** June 10, 2022

**Subject:** Agenda Item E (Action Item): Stateline Wind Project, Council Review/Decision on Proposed Order on Request for Site Certificate Amendment 7 for the June 23-24, 2022 EFSC Meeting

**Attachments:** Attachment 1: Proposed Order on Request for Site Certificate Amendment 7 (Attached and available via hyperlink: [Stateline Wind Project - Proposed Order on Amendment 7](#))

---

## STAFF RECOMMENDATION

The Oregon Department of Energy's (Department) recommends the Energy Facility Siting Council (EFSC or Council) approve the Proposed Order on Request for Amendment 7 of the Stateline Wind Project Site Certificate (Proposed Order) as the Final Order and grant issuance of a seventh amended site certificate, subject to compliance with existing and recommended amended site certificate conditions. The Proposed Order is attached to this staff report as Attachment 1 (via hyperlink).

At the June 23-24, 2022 Council meeting, the Department will present to Council a summary of the changes proposed in Request for Amendment 7 (RFA7) of the site certificate and the Department's Proposed Order.

## FACILITY OVERVIEW

The Stateline Wind Project is a 222 megawatt (MW) operational, wind energy generation facility, comprised of two distinct geographic units, located in north Umatilla County, near the City of Helix. Stateline 1 & 2 (Unit 1) includes 186 wind turbines and has a peak generating capacity of up to 123 MW. Vansycle II (Unit 2) includes 43 wind turbines with a peak generating capacity of 99 MW. There are two certificate holders for this facility - FPL Energy Vansycle, LLC and FPL Energy Stateline II, Inc, both subsidiaries of NextEra Energy Resources, LLC. Request for Amendment 7 (RFA7) is specific to the Vansycle II unit.

## PROPOSED FACILITY MODIFICATIONS

Request for Amendment 7 (RFA7) is specific to Vansycle II and therefore was submitted by FPL Energy Stateline II (certificate holder). The certificate holder seeks approval from 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 as approved in the Final Order on Request for Amendment 6. The proposed wind turbine specification 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.

**PROCEDURAL HISTORY SUMMARY**

<b>Milestone</b>	<b>Date</b>
Preliminary Request for Amendment 7/Type B Amendment Determination Request (ADR)	April 19, 2022
Public Notice of Receipt of Preliminary Request for Amendment 7	April 27, 2022
Complete Request for Amendment	May 12, 2022
Draft Proposed Order (DPO), Type B Review ADR Determination and Public Notice	May 13, 2022
DPO/RFA7 Comment Deadline – <b>No comments received</b>	June 6, 2022
Proposed Order	June 10, 2022
Council review of Proposed Order and Possible Issuance of Final Order	June 24, 2022

**STAFF EVALUATION OF AMENDMENT REQUEST AND SUMMARY OF PROPOSED ORDER**

The Proposed Order provides an evaluation of the Council standards that may be impacted by the proposed dimensional changes in RFA7 and also describes why other Council standards would not be likely to be impacted by the changes proposed in RFA7. The Department recommends that Council find that the facility, with proposed changes, complies with OAR 345-027-0375 and the General Standard of Review under OAR 345-022-0000. The Department recommends that the Council find, based on a preponderance of the evidence on the record, that the site certificate may be amended as requested

The Proposed Order identifies the following standards as those that could be potentially impacted by the changes proposed in RFA7:

- General Standard of Review, Proposed Order pp. 13-16** (recommended findings/amended condition): The Department recommends Council amend Condition 137 to remove the wind turbine dimension specificity and instead rely upon Council’s mandatory condition at OAR 345-025-0006(3)(a). The mandatory condition requires that the facility be designed and constructed substantially as described in the site certificate; the existing site certificate contains a summary of wind turbine dimensions, based on current condition and if repowered. This recommended approach removes the automatic site certificate amendment triggered by the existing condition but maintains that the certificate holder demonstrate substantial consistency with representations in amendment requests, as reflected in the site certificate description. This allows some flexibility if the change is minimal enough that impacts to resources protected by Council standards would not occur, as identified through review of RFA7.

- **Land Use, Proposed Order pp. 17-19** (recommended findings): The Department recommends Council find that Umatilla County has not adopted any specific standards or code provisions that apply to dimension changes proposed in RFA7.
- **Public Health and Safety Standards for Wind Energy Facilities, Proposed Order pp. 19-22** (recommended findings): The Department recommends Council find that there are adequate codes and engineering evaluations that apply to the evaluation of minimum aboveground blade tip clearance and hub height to ensure continuation of minimal health and safety impacts to the public from blade or tower failure, if the turbines are repowered; and, that the change in minimum aboveground blade tip clearance would not warrant any new or changes to devices, systems or design layout.

As presented in the Proposed Order, the Department recommends that Council find that the changes proposed in RFA7 would not result in new or different impacts not previously evaluated by Council. Therefore, the Department recommends that Council rely on its previous reasoning and analysis and previously imposed site certificate conditions for the following standards:

- Organizational Expertise
- Structural Standard
- Soil Protection
- Protected Areas
- Retirement and Financial Assurance
- Fish and Wildlife Habitat
- Threatened and Endangered Species
- Scenic Resources
- Historic, Cultural, and Archaeological Resources
- Recreation
- Public Services
- Waste Minimization
- Divisions 23 Standards
- Cumulative Effects Standard for Wind Energy Facilities
- Siting Standards for Transmission Lines
- Noise Control Regulations
- Removal-Fill Law
- Water Rights

### **RECOMMENDED COUNCIL ACTION**

The Department recommends Council review the Proposed Order at the June 23-24, 2022 Council meeting and take action to either approve or modify the Proposed Order as the Final Order and issue a seventh amended site certificate.

If Council adopts the proposed order as the final order, the only changes the Department recommends be made would be administrative in nature. Examples of recommended changes include updating Department “recommended findings” to “Council findings” and updates to the procedural history (Section I.D. of the proposed order). There are no proposed substantive changes recommended for the final order.

### **ATTACHMENTS:**

Attachment 1: Proposed Order on Request for Amendment 7  
(attached and available via hyperlink: [Stateline Wind Project - Proposed Order on Amendment 7](#))