

Ohio Power Siting Board
Staff Investigation Report and Recommendation

Case No.: 13-0360-EL-BGA

Project: Amendment to Buckeye I Wind Farm (08-0666-EL-BGN)

Applicant: Buckeye Wind LLC, subsidiary of EverPower Wind Holdings, Inc.

Report Date: November 1, 2013

Summary of Staff Recommendations (see report text for discussion):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions
Waiver: ☒ Approval, in part

I. Waiver Description

Attorneys representing Buckeye Wind LLC (Applicant) submitted a Motion for Waiver on March 15, 2013, with a Renewed Motion for Waiver filed four days later. With its Renewed Motion for Waivers, the Applicant sought waivers from certain provisions of Chapter 4906-17, OAC, that it believed were not applicable given the scope of the proposed amendment.

On July 1, 2013, Ohio Power Siting Board (OPSB) Staff filed a letter to the Administrative Law Judge in which it did not contest the requested waivers with the exception of the requirement to describe any future plans for future additions. In response, the Applicant filed a Notice of Withdrawal of Request of Waiver in which it withdrew the specific requested waiver as pertains to future plans. In addition, the Applicant indicated that it had no plans to propose additional wind turbines for the certificated Buckeye I or Buckeye II projects.

As of the writing of this report, the Administrative Law Judge has not ruled on the requested waivers.

II. Amendment Description

With its amendment, the Applicant is proposing to modify certain components of the Buckeye I wind farm previously certified in Case No. 08-0666-EL-BGN. The Applicant indicates that it has rights to all parcels on which the facility would be located, with no further land rights required for the proposed amendment. Specifically the Applicant has proposed changes to the following project components:

- Construction staging areas;
- Project Substation;
- Access Roads; and
- Electric Collection Line System.

The Applicant is not proposing to relocate or add wind turbines under this proposed amendment.

A. Construction Staging Areas

The Applicant initially proposed, and the Ohio Power Siting Board (Board) approved, three construction staging areas as part of the 08-0666-EL-BGN proceeding. With this amendment, the Applicant is proposing to adjust the sizes and locations of these three construction staging areas as summarized below in Table 1. The sizes and locations of the proposed amended staging areas are identical to those approved by the Board in the Buckeye II proceeding.

Table 1

Staging Area	Original Staging Area Size (acres)	Proposed Amended Staging Area Size (acres)	Same Parcel as Originally Proposed
Eastern	3.75	10	Yes
Southern	3.75	9.5	Yes
Western	3.75	3.4	No

The Applicant has proposed to move the western staging area 1.3 miles west of its initial location to a parcel that the Applicant indicates it controls. This new location would be immediately northwest of where 3 Mile Road terminates at US Highway 36. The city of Urbana has raised a concern with this project component based on a perceived potential conflict with a city sewer line extension to a nearby business.¹ The Applicant asserts that its staging area would not impact the sewer line but nonetheless commits to any repairs in the event that damages do occur.²

The eastern and southern staging areas are proposed to be relocated at the request of the landowners within the same parcels as initially planned. Applicant asserts that the proposed changes to the construction staging areas would allow it to use the same staging areas for both the Buckeye I and Buckeye II (Case No. 12-0160-EL-BGN) projects.

Because the size and location of this project component has been previously approved by the Board in its approval of Buckeye II, and therefore found to have been reasonable,

¹ City of Urbana Petition for Leave to Intervene; 3/27/13

² Applicant Response to Initial Set of Staff Data Requests, Question 3a

Staff did not conduct an additional analysis of the proposed staging areas in this amendment proceeding.

B. Project Substation

In its amendment, the Applicant has proposed to move the project substation within the same parcel as initially approved. The substation would entail the temporary disturbance of approximately 5 acres, with permanent disturbance estimated at 1.75 acres.

Applicant indicates that the proposed change to the substation location would allow it to use the same substation for both the Buckeye I and Buckeye II projects.

The size and location of the amended substation area are identical to those approved by the Board in the Buckeye II proceeding. Because the size and location of this project component has been previously approved by the Board, and therefore found to have been reasonable, Staff did not conduct an additional analysis of the proposed project substation location in this amendment proceeding.

C. Access Roads

The Applicant is proposing a new access road, as well as modifications to four previously approved access roads. Figure 6 of the Applicant's filing shows the certified and proposed amended access road locations. The access roads would entail a permanent disturbance 20 feet in width, while temporary disturbance would typically include vegetation clearing to a width of 55 feet. These disturbance parameters are consistent with those from the initial application.

1. Relocating four access roads

With its amendment, the Applicant has proposed to relocate four access roads from their previously approved locations. The Applicant indicates that the proposed relocated access roads are all located in farm fields, with no tree clearing required.

- a. The access road to Turbine 40, approximately 1,000 feet in length, is proposed to shift approximately 750 feet to the west. This new route, which would parallel the original route, would be further from a wetland and follow a relocated collection line route. The wetland was identified in the Applicant's Habitat Conservation Plan (HCP) as potential habitat for the Eastern massasauga rattlesnake (*Sistrurus catenatus*), a candidate species for federal listing.

- b. At the landowner's request, the Applicant is also proposing to relocate the north-to-south access road to Turbine 36. The shift is approximately 500 feet east of its approved location, and it would follow a relocated collection line. This access road would be approximately 1,600 feet in length.
- c. One of the relocated access roads would extend east-west approximately 2,100 feet between Ault Road and Turbine 44. The relocated access road would avoid a stream crossing consistent with a suggestion made by Staff during a field investigation for Buckeye 1.
- d. Approximately 625 feet of the access road that extends from US Highway 36 to Turbine 21 is proposed to be shifted approximately 470 feet to the east so that it is within the same parcel as the eastern construction staging area. In addition, this proposed shift moves the access road's connection to US Highway 36 so that it is no longer directly in front of a residence.

2. Additional access road

Also, the Applicant has proposed the construction of a new access road running north and south between turbines 16 and 18. The Applicant indicates that this new access road, approximately 2,600 feet in length, reduces the need to use Perry Road and instead follows an approved collection line route.

Although located largely in an active agricultural field, the Applicant estimates that the new access road would have temporary impacts to forested areas of 0.14 acres. This new access road would also require a stream crossing near Turbine 18. This stream was assessed using the Headwater Habitat Evaluation Index (HHEI), and based on the scoring, was categorized as a Modified Class 1 Primary Headwater Habitat stream.³ A crossing structure is already in place at that location. The existing structure may be used or improved as necessary.

D. Electric Collection Line System

As initially proposed, the electric collection system would have been approximately 65.4 miles of which approximately 40 miles would have been overhead lines. As proposed with this amendment, and as clarified in response to Staff's second set of data requests,

³ Stream ID = Stream S; Stream Crossing ID = S5

the electric collection system would total 41.1 miles all of which would be installed underground on parcels of participating landowners.⁴

Of the 41.1 miles, Staff determined that there are 7.32 miles that have not been reviewed and approved in the initial Buckeye I or Buckeye II proceeding. Segments of the electric collection system that have been previously reviewed and approved by the Board were not further analyzed, but rather Staff focused its review in this proceeding on the 7.32 miles of new collection line routing. The maps attached at the end of this report identify the segments of the electric collection system that comprise the 7.32 miles.

The Applicant is proposing to use direct burial methods, such as with the use of a cable plow or trencher, to install the electric collection line in most areas. The Applicant may also use open trenches for installation in areas where the direct burial methods may not be as appropriate. Other installation techniques, as listed below in Tables 2 and 3, may be used in certain locations to facilitate the avoidance of specific resources. Burial of the collection line would occur to a minimum depth of 36 inches, with an additional 12 inches in active agricultural fields.

The 7.32 miles of relocated electric collection system would involve the crossing of three streams and 2 wetlands, the details for which are provided in Table 2 below.

Table 2

Stream/Wetland ID	Category	Crossing Methodology
Stream B-2 (S12)	Modified Class II PHWH ⁵	Trench or HDD ⁶
Stream K (S28)	Modified Class I PHWH	Trench or HDD
Stream LL (S19)	Class II PHWH	Trench or HDD
Wetland Q	ORAM ⁷ Category 1	Boring
Wetland KA	ORAM Category 1	Boring

The 7.32 miles of relocated electric collection system would also necessitate the crossing of three roads as specified below in Table 3. As indicated in response to Staff's first set of data requests, the Applicant intends to install the collection line at these three road crossings using directional drilling.⁸ As such, any direct impacts to the road at the crossing locations would be avoided.

⁴ Applicant Response to Second Set of Staff Data Requests, Question 5

⁵ PHWH = primary headwater habitat

⁶ HDD = horizontal directional drill

⁷ ORAM = Ohio Rapid Assessment Methodology

⁸ Applicant Response to Initial Set of Staff Data Requests, Question 7c

Table 3

Road	Jurisdiction	Crossing Methodology
Urbana Woodstock Pike	County	Directional drill
North Ludlow Road (SR 814)	State	Directional drill
North Ludlow Road (SR 814)	State	Directional drill

III. Conclusions

The Applicant is not proposing to relocate or add wind turbines under this proposed amendment.

Because the proposed construction staging areas and the substation location have previously been reviewed and approved by the Board in the Buckeye II proceeding, and therefore found to have been reasonable, Staff has not repeated any analysis of those project components in this proceeding.

With respect to the proposed changes to the access roads, including the one new access road, Staff concludes that these proposed alternatives do not introduce any significant incremental ecological or societal impacts. To the contrary, the new access road planned to extend between turbines 16 and 18 would reduce the use of Perry Road, thereby reducing the public impact associated with this project component. While the new access road would involve a stream crossing, its impacts would be minimized by the use of the existing crossing structure in its current form or as improved if necessary. By coordinating the new access road location with an approved segment of electric collection system, there would be minimal incremental impact associated with the new access road. Temporary impacts are expected in the form of soil disturbance and vegetation clearing.

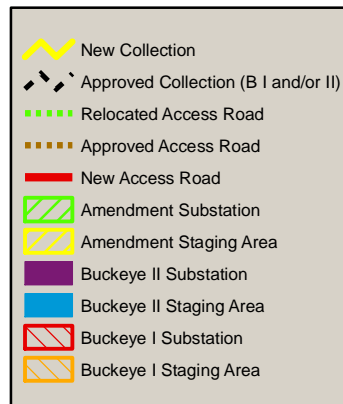
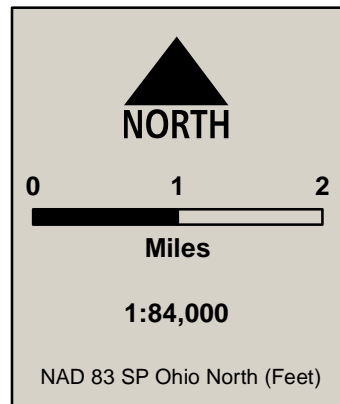
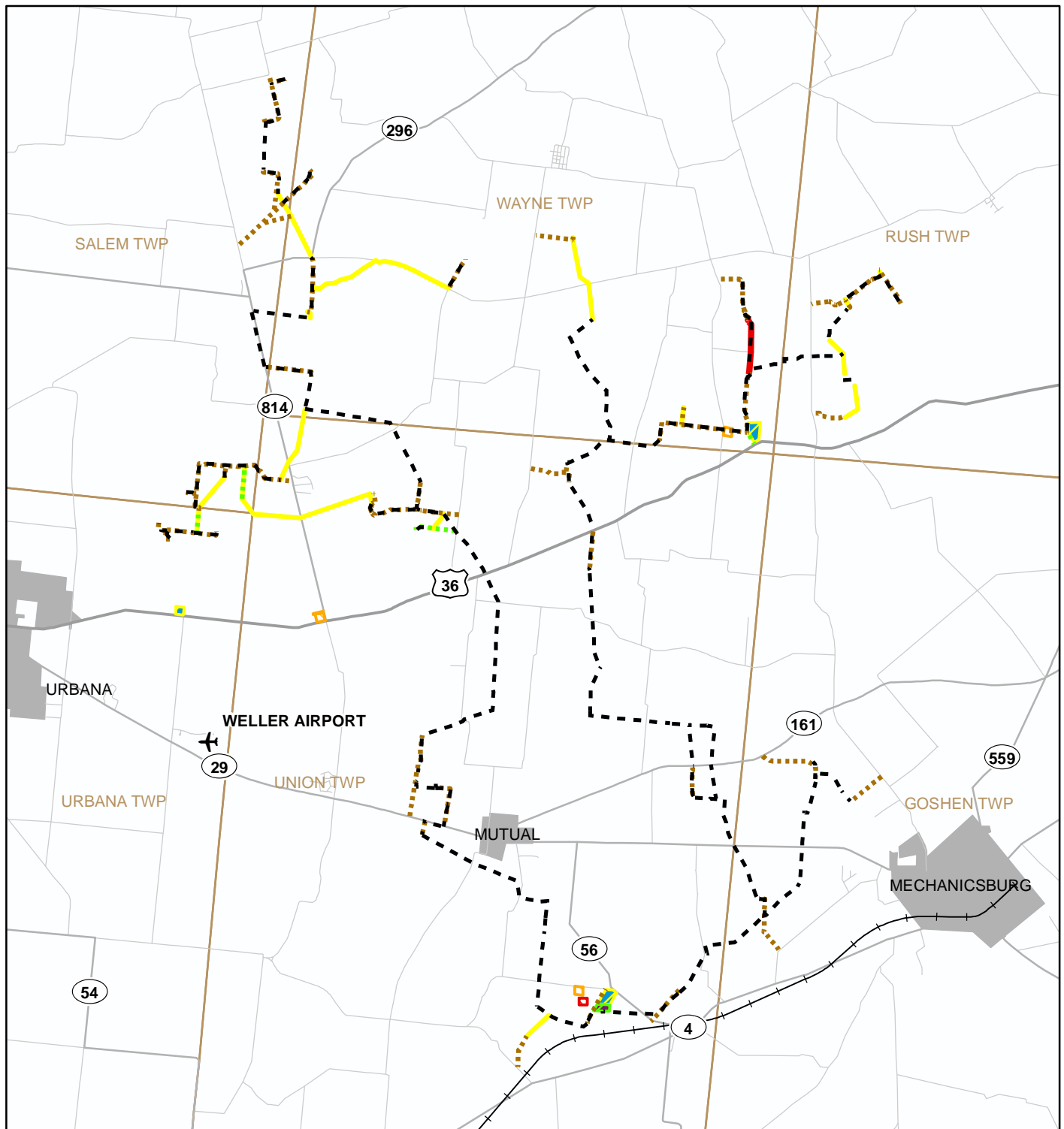
The proposed amendment to the electric collection system would result in a reduction in the overall length of the electric collection system by approximately 24 miles. In addition all of the collection lines now would be installed underground thereby eliminating visual impact associated with above-ground lines. Permanent impacts associated with the underground installation of the electric collection system should be minimal given that the system route has been planned to largely avoid sensitive resources. In the few instances where such resources are encountered, the Applicant has proposed installation techniques that would minimize impacts to the resources. Temporary impacts are expected, and would include (1) soil and vegetation disturbance to a maximum width of 25 feet to accommodate the installation machinery, and (2) the potential for damage to drainage tile lines. Applicant commits to restoring the temporary disturbances, including the repair of any damaged tile lines.

IV. Recommended Findings

Staff recommends the Board find the proposed amendment to the Certificate poses minimal social and environmental impacts, provided that the amendment includes the conditions specified in the section of the report entitled Recommended Conditions.

V. Recommended Conditions

- 1) The Applicant shall adhere to all conditions of the original Certificate for the Buckeye I Wind Farm (Case No. 08-0666-EL-BGN).
- 2) The Applicant shall construct the facility as approved in Case No 08-0666-EL-BGN, and as further modified by the proposed amendment and replies to Staff data requests in this proceeding.
- 3) The Applicant shall exercise reasonable efforts to coordinate activities at the western construction staging area with the city of Urbana in the event that the installation of the city's planned sewer line extension coincides with the installation of the western construction staging area.
- 4) Within six months of completing construction, the Applicant shall either communicate the location of the buried electric collection lines to the Ohio Utilities Protection Service or become a member of the Ohio Utilities Protection Service.

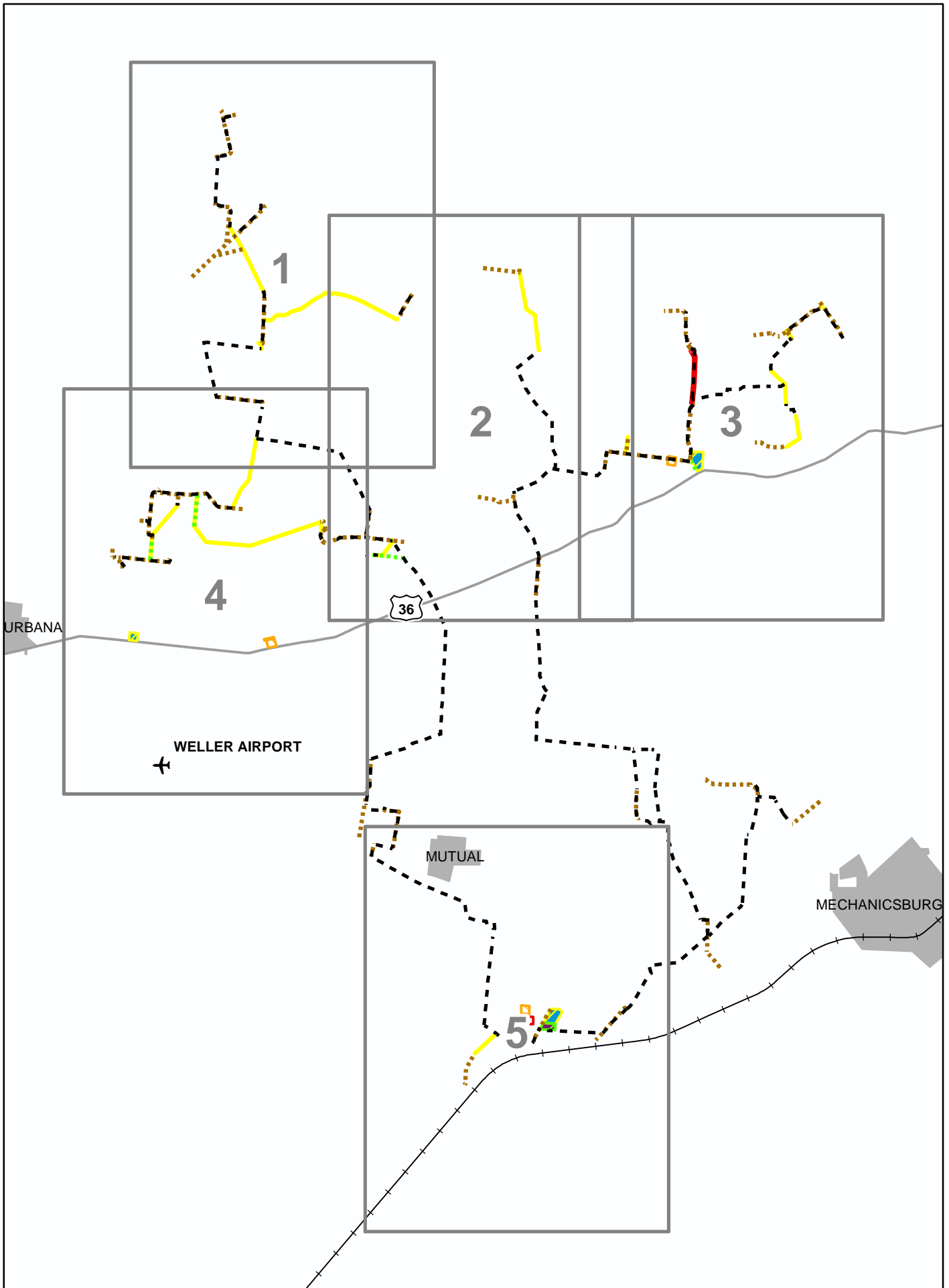


Overview Map

13-0360-EL-BGA

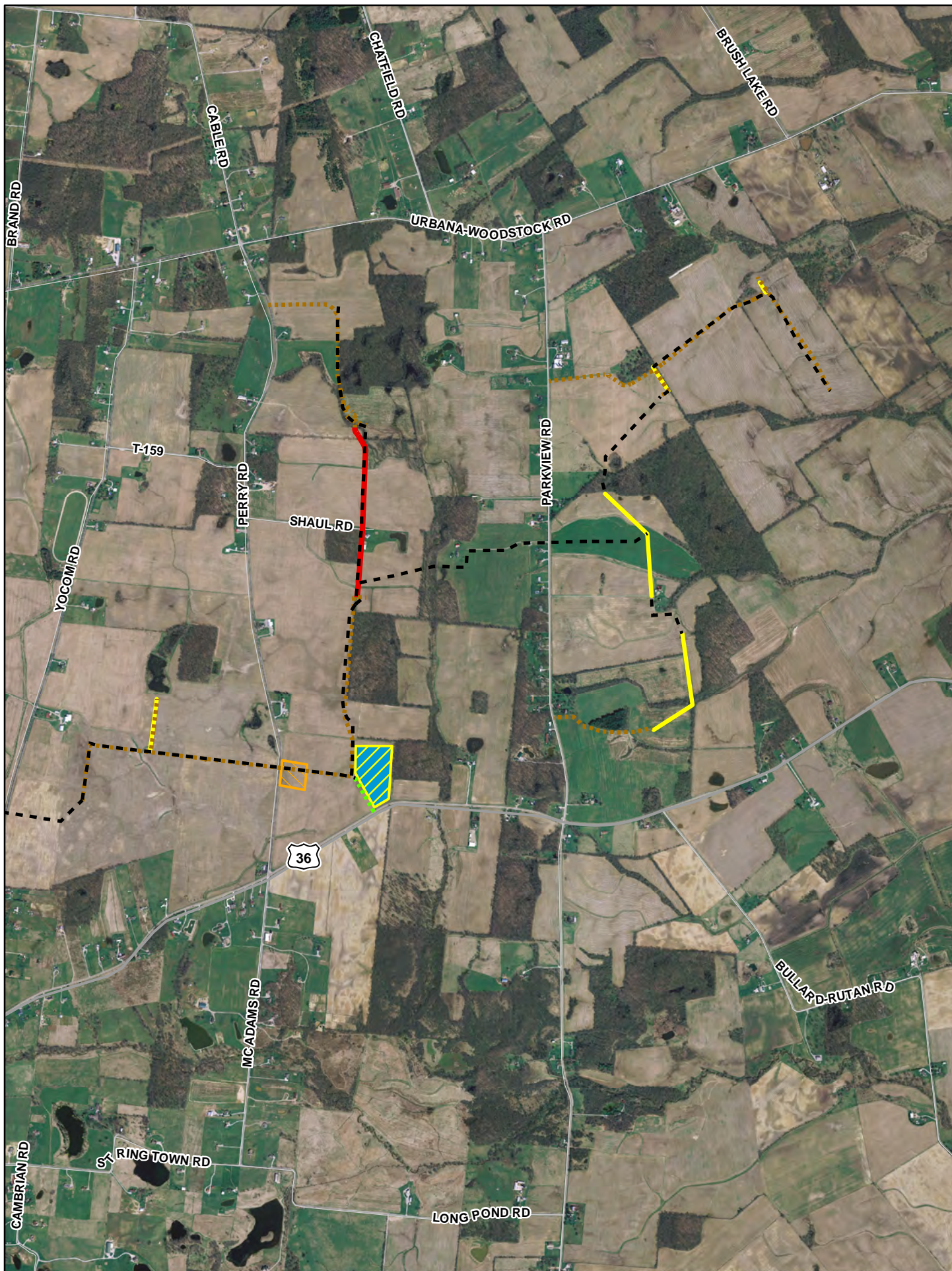
Buckeye Wind Amendment

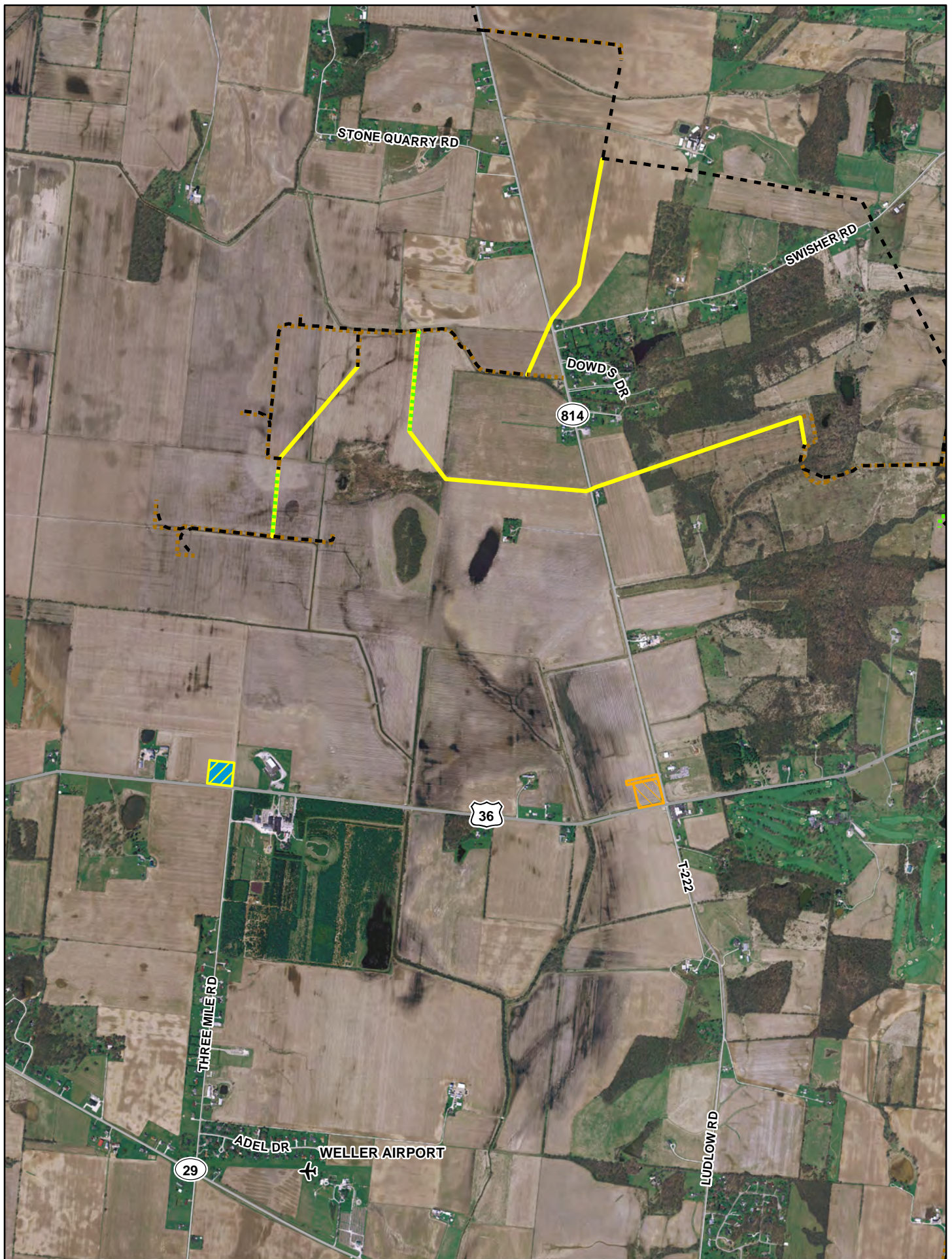
Maps are presented solely for the purpose of providing a visual representation of the project in the staff report, and are not intended to modify the project as presented by the Applicant in its certified application and supplemental materials.

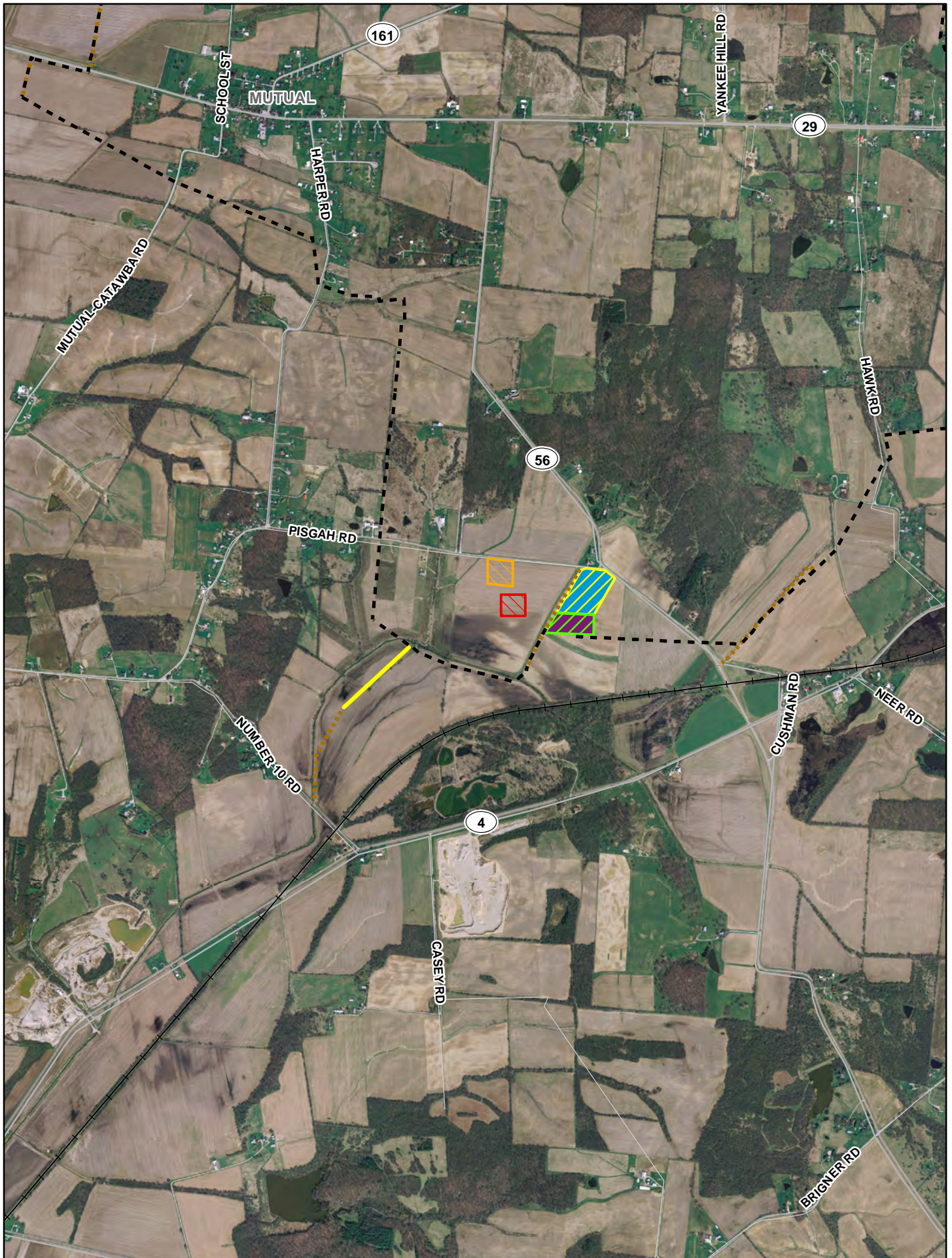












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Summary: Staff Report of Investigation electronically filed by Mr. Stuart M Siegfried on behalf of OPSB Staff