



## **PUBLIC NOTICE**

### **PROPOSED ORDER ISSUED ON THE REQUEST FOR AMENDMENT #1 INCLUDING REQUEST FOR TRANSFER OF THE SITE CERTIFICATE**

Date: August 6, 2009

On August 6, 2009, the Oregon Department of Energy (Department) issued a proposed order on an amendment of the site certificate for the **Shepherds Flat Wind Farm (SFWF)**, located in Gilliam County and Morrow County, Oregon. The Proposed Order on Amendment #1 recommends that the Oregon Energy Facility Siting Council (Council) approve a request by the certificate holder to amend the Site Certificate and transfer of the Site Certificate. The amendment request was submitted jointly by the transferees North Hurlburt Wind LLC, South Hurlburt Wind LLC and Horseshoe Bend Wind LLC. The Department is accepting public comment on the proposed order until 4:00 PM on Monday, September 7, 2009.

#### **The Shepherds Flat Wind Farm**

The Council issued a Site Certificate to Caithness Shepherds Flat LLC (CSF) for the SFWF in July 2008. The Site Certificate authorized construction and operation of up to 303 wind turbines and related facility components for a facility with a peak generating capacity of up to 909 megawatts. Construction has not begun.

#### **Description of the Amendment**

CSF has notified the Department of a pending transfer of ownership and control of the SFWF to the transferees. A transfer of the site certificate is necessary when there is a transfer of the facility (OAR 345-027-0100). The transferees have submitted this amendment request for a transfer of the site certificate. If approved by the Council, this amendment would divide the SFWF into three separate facilities, each having an individual site certificate. The three facilities would be known as Shepherds Flat North, Shepherds Flat Central and Shepherds Flat South.

North Hurlburt Wind LLC would be the certificate holder for Shepherds Flat North (SFN), a wind energy facility consisting of up to 318 megawatts (MW) of peak generating capacity. South Hurlburt Wind LLC would be the certificate holder for Shepherds Flat Central (SFC) a wind energy facility consisting of up to 231 MW of peak generating capacity. Horseshoe Bend Wind LLC would be the certificate holder for Shepherds Flat South (SFS), a wind energy facility consisting of up to 360 MW of peak generating capacity.

The proposed amendment would not enlarge the previously-approved SFWF site. SFN, SFC and SFS would be located within the previously-approved SFWF site boundary. The current SFWF site certificate authorizes construction of two facility substations and two field workshops. The proposed amendment would authorize construction of one additional field workshop to serve SFN and one additional substation to serve SFC.

The Department recommends that the Council approve the amendment request subject to recommended revisions of the Site Certificate. The Proposed Order on Amendment #1 may be viewed or downloaded from our website: [www.oregon.gov/ENERGY/SITING/announce.shtml](http://www.oregon.gov/ENERGY/SITING/announce.shtml).

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**Right to Request a Contested Case**

Any person who disagrees with the Proposed Order may request a contested case hearing. As required under OAR 345-027-0070(6), a request for a contested case must include: (1) a description of the issues that you contest, (2) a statement of the facts that you believe to be at issue and (3) your mailing address.

A contested case is not automatic. The Council will allow a contested case only if the request raises a significant issue of fact or law that may affect the Council's determination that the facility, with the changes proposed by the amendment, meets an applicable standard. The Council will consider the general standards in OAR 345, Division 22 and specific standards in Division 24. The Council standards are described on our website:

[www.oregon.gov/ENERGY/SITING/standards.shtml](http://www.oregon.gov/ENERGY/SITING/standards.shtml).

**Deadline for Comments or Contested Case Requests**

The Department is accepting public comment on the proposed order. **We must receive comments or requests for a contested case no later than 4:00 PM on September 7, 2009.** Comments must be submitted in writing by mail, fax, hand-delivery or e-mail. Comments must be received by the Department no later than the deadline. Please address comments or contested case requests to John G. White, Oregon Department of Energy, 625 Marion St. NE, Salem OR 97301-3742, Fax: 503-373-7806, E-mail: john.white@state.or.us.

**Council Decision Process**

The Council will decide whether to approve the amendment request or grant a contested case if requested. Information about the Council's process, announcements and agendas for meetings is on our website: [www.oregon.gov/ENERGY/SITING/index.shtml](http://www.oregon.gov/ENERGY/SITING/index.shtml).

If you have any questions about the proposed amendment, contact John White at 503-378-3194 or toll-free (in state) at 800-221-8035, extension 295.

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**ATTACHMENT: LIST OF STATUTES AND RULES PURSUANT TO ORS 183.415**

**ENERGY FACILITY SITING COUNCIL STANDARDS**

<u>Statutes</u>	<u>Administrative Rules</u>	
ORS 469.010	OAR 345-001-0010	OAR 345-027-0020
ORS 469.020	OAR 345-021-0010	OAR 345-027-0023
ORS 469.300 to 469.570	OAR 345-021-0050	OAR 345-027-0028
ORS 469.590 to 469.610	OAR 345, Division 22	OAR 345-027-0050
ORS 469.930	OAR 345, Division 24	OAR 345-027-0070
ORS 469.992	OAR 345, Division 26	OAR 345-027-0100

**PROTECTED AREAS (OAR 345-022-0040)**

Statutes

ORS 273.581

ORS 390.826

Administrative Rules

OAR Chapter 142

OAR Chapter 635, Division 8

**DEPARTMENT OF FISH AND WILDLIFE (Habitat Standard, T&E Species Standard)**

Statutes

ORS 496.172

Administrative Rules

OAR 635-415-0025

**DEPARTMENT OF AGRICULTURE (T&E Species Standard)**

Statutes

ORS 564.105

Administrative Rules

OAR 603-073-0002

**DEPARTMENT OF ENVIRONMENTAL QUALITY (Noise)**

Administrative Rules

OAR 340-035-0035

**STATE HISTORIC PRESERVATION OFFICE**

Statutes

ORS 358.905

ORS 358.920

**WATER RESOURCES DEPARTMENT**

Statutes

ORS 537.505 to ORS 537.796

Administrative Rules

OAR Chapter 690

**DIVISION OF STATE LANDS (Removal-Fill)**

Statutes

ORS 196.800 to ORS 196.990

Administrative Rules

OAR 141-085-0005 to -0090

**DEPARTMENT OF AVIATION**

Statutes

ORS 836.530

Administrative Rules

OAR Chapter 38, Division 70

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**LAND USE STANDARD**

<u>Statutes</u> ORS 195.300 ORS 197.646 ORS 197.732 ORS 215.283 ORS 215.710	<u>Administrative Rules</u> OAR 660 Division 4 OAR 660-033-0020 OAR 660-033-0120 OAR 660-033-0130 OAR 660-033-0160  <u>Statewide Planning Goals</u> Goal 3
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**GILLIAM COUNTY**

Gilliam County Zoning Ordinance Section 4.020

**MORROW COUNTY**

Morrow County Zoning Ordinance Section 3.010