



**Energy Facility Siting Council
Minutes
August 24, 2012**

**Columbia Gorge Discovery Center
5000 Discovery Drive
The Dalles, OR 97058**

Call to Order: The meeting was called to order at 8:35 a.m. by Chair Wolfe.

Roll Call: Vice Chair Brogoitti, Councilor Sumner, Chair Wolfe, Councilor Shiprack, Councilor Senn, Councilor Beyeler and Councilor Mohlis were all present.

Oregon Department of Energy (ODOE) representatives present were Todd Cornett, John White, Sue Oliver, Cliff Voliva and Tamara Reid.

Department of Justice (DOJ) Assistant Attorney General Renee France (EFSC Counsel) was also present.

Announcements: Chair Wolfe stated that the audience would be able to provide comments to the Council during the public comment portion of the meeting before lunch and at the end of the meeting. He also announced that the Helix Wind Energy Amendment #2 is closed to comments and that the Council may not hear comments on this project today.

A. Rulemaking: Mr. Cornett gave an overview and answered Council questions about his memo to Council explaining ODOE's prioritized recommendations for future rulemaking. He also stated that additional rulemaking will likely be necessary following the finalization of the Governor's Ten Year Energy Plan. The Council expressed interest in having a Council representative at the rulemaking workshops and stated that the workshops should be held in geographical locations convenient to both the stakeholders and the public for their participation. It was the consensus of Council that staff should move forward with its recommendations for rulemaking and schedule the workshops.

B. Consent Calendar:

Minutes:

Action: Councilor Beyeler moved, and Councilor Shiprack seconded, to approve the minutes of the June 15, 2012 and June 29, 2012 minutes as presented by staff. The motion passed.

Vote: Sumner, yes; Brogoitti, yes; Shiprack, yes; Senn, yes; Wolfe, yes; Beyeler, yes; Mohlis, yes.

Council Orders:

Action: Councilor Mohlis moved, and Councilor Shiprack seconded, to appoint the Morrow County Court as Special Advisory Group to advise the Council in the review of the application for Amendment #9 to the Boardman Coal Plant Site Certificate. The motion passed.

Vote: Senn, yes; Wolfe, yes; Beyeler, yes; Brogoitti, yes; Sumner, yes; Mohlis, yes; Shiprack, yes.

Action: Councilor Shiprack moved, and Councilor Mohlis seconded, to appoint AMEC as reviewing contractor to assist in the review of the application for Amendment 9 of the Boardman Coal Plant Site Certificate. The motion passed.

Vote: Sumner, yes; Shiprack, yes; Wolfe, yes; Brogoitti, yes; Mohlis, yes; Beyeler, yes; Senn, yes.

Project Updates: Ms. Oliver stated that Council packets had a copy of an update letter that was received from EDP Renewables on the progress of the wildlife monitoring that is being done for the proposed **Antelope Ridge Wind Farm** project. Another update will be provided in approximately six months. Ms. Oliver also reported on the progress of the contested case proceedings for the proposed **Klamath Falls Bioenergy Facility**. Twelve requests for party status were received and a pre-hearing conference was held on August 20, 2012. Direct testimony is due on September 25, 2012

Ms. Oliver stated that the U.S. Bureau of Land Management (BLM) and ODOE held a series of public information meetings over the last couple of weeks on the proposed **Boardman to Hemingway Transmission Line** project. BLM is looking at alternative routes in the Environmental Impact Statement (EIS) and ODOE is still reviewing draft exhibits. A preliminary application for site certificate is expected to be submitted late this year or early next year. Sage Grouse continues to be an important issue. Councilor Beyeler stated that he had heard that Idaho Power has also set back the completion (in-service) date to 2018. Ms. Oliver stated that that is correct and that the draft EIS is expected in February 2013.

Ms. Oliver reported that ODOE was close to issuing the Project Order for the proposed **Perennial Wind Chaser Station**, a gas-fired power plant, but was informed by the developer that a revision to the transmission line route is being considered. The Project Order has been put on hold pending the final revision to the transmission line route and possible submission on an amended Notice of Intent (NOI). Ms. Oliver also reported that the proposed **Brush Canyon Wind** project has responded to the first Request for Additional Information (RAI) on its preliminary application for site certificate. An additional RAI is anticipated to be necessary. She also reported that Portland General Electric (PGE) has submitted an amendment request for the **Boardman Coal Plant** so that a test burn using torrefied biomass can be conducted. However, the amendment request was missing a lot of information and ODOE is working with PGE to get the information.

Mr. White stated that ODOE had received the preliminary application for site certificate from the proposed **Baseline Wind Project** and started the completeness review, but the developer has

submitted an amended NOI to include a gas fired component of the facility. Completion of the ASC is anticipated sometime in November. Councilor Beyeler asked if the project would remain in its original footprint. Mr. White answered yes, that the developer is asking to either build a wind only 300 MW, a gas-fired only 200 MW or a combination of the two options and the project would still be within the original planned project area. Chair Wolfe asked how long the gas pipeline would need to be to reach the anticipated project area, and Mr. White answered that there is currently a gas line that runs along the southern border of the property.

Mr. White reported that ODOE has received a preliminary application for site certificate from Caithness for the proposed 300MW **Saddle Butte Wind Park**. The preliminary application has been sent to reviewing agencies for comment. Mr. White also reported that the amendment request to change the fuel source from natural gas to biomass for the **Klamath Generation Project** is almost complete, but he believes that at this point they have still not submitted their application for the National Pollutant Discharge Elimination System (NPDES) permit from DEQ and they are still negotiating with the City of Klamath Falls on water and water discharge issues. Mr. White also reported that all three **Shepherds Flat** wind projects have completed construction and are now in commercial operation.

Mr. Cornett gave an update on the proposed **Cascade Crossing Transmission Line**, reporting that they are working through the federal EIS process and the Tribal processes on the Warm Springs Reservation. The preliminary application is under agency review and he anticipates deeming the application complete without all of the information that is normally required in an application. Mr. Cornett also reported that the proposed **South Dunes Project** has been changed from a natural gas import facility to a natural gas export facility, and that an NOI has been submitted that includes a gas-fired power plant to supply the facility. There will be a public information meeting in North Bend on September 11th.

Mr. White reported that there is nothing new on the **Aurora Uranium Project** because a determination has not been made on jurisdictional issues yet. Ms. Oliver also reported that ODOE is very close to issuing a project order on **Heppner Wind Energy** and that ODOE has not yet received an NOI on **2Morrow Wind Energy**.

Compliance Report: Ms. Oliver reported the Mr. Kilsdonk has several site visits scheduled for the coming weeks. Coyote Springs has had the cooling tower repaired and they are back in compliance. Biglow Canyon Wind had a mineral oil spill and Mr. Kilsdonk is working with them to modify their reporting procedures to meet their reporting requirements.

Staff Recruitment: Mr. Cornett reported that the Hermiston position and his former position in Salem have gone through the first round of interviews and will move on to the second soon. The policy position in Salem has not been through its first round yet, but he is hopeful that all three positions will be filled in the next couple of months.

Project Binders: Mr. Cornett displayed a zipped binder that Council could use to consolidate all of the project information in. Council agreed with this idea for the interim, but would like to explore tablets or I-Pads for Council to use exclusively for EFSC project information.

Future Meeting Dates: After much discussion, it was decided that the next meeting would be held on November 2, 2012 in Portland and that the December 7th meeting would need to be held either in Portland, Hood River or The Dalles. January 25, 2013 and March 15, 2013 are tentatively good dates, with locations to be determined in the future.

- C. **Leaning Juniper II:** Mr. White stated that Leaning Juniper II (Part A & Part B) is an operating wind facility in Gilliam County and they have made a request to change a fence and access road on the project site near the point of interconnect to provide physical separation between Parts A and B of the facility. ODOE reviewed and approved the request because we concluded that no site certificate amendment would be necessary because the proposed change would not have any impacts that weren't already taken into account when the site certificate was originally issued. Mr. White stated that in accordance with Council rules, the decision on the change request can be deferred to Council at the request of a Council Member. There were no such requests from the Council members and no questions regarding the issue.
- D. **Rock Creek Wind Power Facility:** Mr. White stated that the developers of the Rock Creek Wind Power Facility have requested an extension to the NOI expiration date. The original NOI was submitted August 23, 2010 by RES America Developments, Inc. (RES). RES is requesting the extension because the project's interconnect would involve the Cascade Crossing Transmission Line, which is currently under review.

Action: The motion by Councilor Shiprack to approve the requested one year extension on the Notice of Intent for the Rock Creek Wind Power Facility was seconded by Councilor Senn. The motion passed.

Vote: Senn, yes; Sumner, yes; Wolfe, yes; Mohlis, yes; Brogoitti, yes; Shiprack, yes; Beyeler, yes.

- E. **Governor's Ten Year Energy Plan:** Chair Wolfe introduced Margi Hoffmann, Energy Policy Advisor to the Governor, to discuss the Governor's Draft Ten Year Energy Plan. Ms. Hoffman explained that the Governor established a ten-member task force and that came up with 198 recommendations that they felt should be included in the Plan. The goals of the plan are to develop a stable and reliable energy system that will reduce greenhouse emissions, improve siting laws, and utilize new technologies. Another goal is to align the State's energy goals with the land use goals and implement a Sage Grouse strategy to keep them off of the federal lists. The Governor's office wants to develop a landscape level plan to show developers where it would be easier to develop renewable energy facilities and build mitigation banking. The Plan also includes possible changes to the EFSC siting process including jurisdictional thresholds and balancing rules for the development of transmission lines. She went on to answer Council and audience questions about the plan.

- I. **Klondike III Wind Project:** Mr. White stated that Klondike III Wind Project is an operating facility in Sherman County. Mr. White reported that they are still implementing the Wildlife Mitigation and Monitoring Plan (WMMP) and that he has received a request that the protocol for raptor nest surveys, particularly for golden eagles, be changed to bring it more in line with the US Fish & Wildlife Service plan to better determine nesting success. He felt that it was enough of a change that the WMMP needed to be modified, but the change does not require an amendment. The changes can be agreed to by staff but are subject to approval from EFSC. He further reported that Council had received a memo from Rick Gerhardt from Northwest Wildlife Consultants, Inc. explaining the change and a redline markup showing the language change. The Department recommends the Council approve the change.

Action: The motion by Councilor Mohlis that the Council approve the requested changes to the Klondike III WMMP, as presented by staff, was seconded by Councilor Beyeler. The motion passed.

Vote: Brogoitti, absent; Wolfe, yes; Mohlis, yes; Senn, yes; Shiprack, yes; Beyeler, yes; Sumner, yes.

- F. **Public Comment:** **Margarete Murphy**, Pendleton, Oregon, spoke to the Council regarding economic issues and health effects of wind energy to human, animal and plant life. **Greg Shannon**, Helix, Oregon, also gave a comment to Council about the health impacts of wind energy and will be sending an article to Mr. Cornett. **Irene Gilbert**, La Grande, Oregon commented about the Antelope Ridge project and submitted a written comment requesting a Contested Case Proceeding. **Cindy Severe**, Helix, Oregon gave a comment on the Governor's Draft 10-Year Energy Plan and its impacts on eastern Oregon residents. She also entered a written statement into the record. **Charles Danforth**, Milton-Freewater, Oregon gave comment about the health impacts of wind and shared his concerns about financial assurance. **Tamra Mabbott**, Umatilla County Planning Director, gave comment on wind energy facilities in Umatilla County and also proposed making the standards the same for both public and private transmission lines.
- G. **Working Lunch:** Ms. Oliver and Mr. White gave a presentation on the process of an application for site certificate and the time frames involved and answered Council and audience questions regarding various stages in the process.
- H. **Wind Energy Health Impact Assessment (HIA):** Dr. Jae Douglas of the Oregon Health Authority and Gail Shibley, JD, Senior Health Advisor for Environmental Health Administrator, Center for Health Protection, Public Health Division, Oregon Health Authority gave an update on the Draft Wind Energy Health Impact Assessment and answered the Council's questions regarding the Draft HIA. Ms. Shibley explained that a HIA is a recognized tool to bring the issue of human and community health to the table to provide and assist decision makers in different situations to raise, assess and consider human health issues along with all of the other factors that a public body may need to consider when making decisions. The HIA covers a large variety of issues including transportation and energy. Regardless of the application, an HIA allows people to meaningfully participate in the process, either directly or through elected or appointed decision makers. It will provide a framework to assist EFSC in making their decisions. She hopes that it will provide methodology and

analysis to consider the issues. Dr. Douglas stated that she anticipates being able to come back a few months from now with a final document.

- J. Helix Wind Power Facility Amendment #2:** Mr. White explained that this issue was continued from the last Council meeting to give the Council adequate time to review and consider all of the documents and issues that pertain to possible Council action. The request for amendment was received timely by ODOE in February, 2012 and the Proposed Order was issued in April, 2012. The comment period was open for 50 days rather than 30 days as required by Council rule. All of the requests for Contested Case along with ODOE's response to those requests were sent to Council for their consideration. Mr. White and Ms. France from DOJ both reviewed the Contested Case Process, Council's options and ODOE's recommendation that Council approve the amendment request. Ms. Mabbott, Umatilla County Planning Director was also present and gave clarification that the only Umatilla County Land Use issue before the Land Use Board of Appeals (LUBA) was one regarding Umatilla County's Watershed 2012-04 Ordinance. Ms. France stated that the two mile setback ordinance was not legally in effect at the time the amendment request was submitted.

Action: The motion by Councilor Shiprack that the Council find that no issues have been raised that justify a contested case proceeding and that the Council approve Amendment #2 of the Site Certificate for Helix Wind Power facility and adopt the proposed Order as presented by staff was seconded by Councilor Mohlis. The motion passed.

Vote: Sumner, yes; Shiprack, yes; Wolfe, yes; Mohlis, yes; Senn, yes; Beyeler, yes; Brogoitti, yes.

- K. Public Comment:** **Irene Gilbert**, LaGrande, Oregon made a comment regarding Antelope Ridge Wind Farm. **Margarete Murphy**, Pendleton, Oregon made a comment and read a statement, which she submitted regarding energy production from wind turbines and approval criteria for amendments. **Richard Jolly**, Weston, Oregon made a comment about the criteria for siting transmission lines and Umatilla County's two mile setback ordinance. **Irene Gilbert**, LaGrande, Oregon made another comment about the two mile setback ordinance and the statutes. **Charles Danforth**, Milton-Freewater, Oregon made a comment regarding the Council's earlier action on Helix Wind Power Facility Amendment #2.

The meeting was adjourned at 2:45 p.m.