



**Energy Facility Siting Council
Minutes
February 3, 2012**

**Discovery Center
The Dalles, Oregon**

The meeting was called to order at 9:30 am by Chair Wolfe.

Roll Call: Councilor Sumner, Councilor Shiprack, Councilor Senn, Councilor Beyeler, Chair Bryan Wolfe and Councilor Mohlis were present. Vice Chair Lori Brogoitti was absent.

Oregon Department of Energy (ODOE) representatives present were Tom Stoops, Sue Oliver, John White, Mo Walker, Cliff Voliva and Tamara Reid.

Department of Justice (DOJ) Assistant Attorney General Janet Prewitt (EFSC Counsel) was also present.

Announcements: Chair Wolfe announced that ODOE Director, Bob Repine, will be giving a presentation on the Department's involvement in the 10 Year Energy Plan and the Department's plan moving forward after Mr. Stoops' departure. He also announced that there are currently no projects closed to public comments and the audience would be able to provide comments to Council during the public comment portion of the meeting.

- A. Oregon Public Utility Commission (OPUC) Overview:** Mr. Stoops introduced Carla Bird of the Oregon PUC. Ms. Bird explained the role that the OPUC plays in regulatory oversight of investor owned utilities in making sure that each company has prudent management skills and a history to ensure that the customers are protected. The OPUC also directs utilities on the level of rates that they will be able to charge. Ms. Bird further discussed how the different types of utilities are regulated by the OPUC, to what extent they are regulated and answered Council and Staff questions about the history of the OPUC, Integrated Resource Plans, and new projects that are on the horizon.
- B. Health Impact Assessment for Wind Energy Facilities:** Dr. Jae Douglas and Sujata Joshi (MSPH, Epidemiologist) of the Oregon Health Authority were present to review the Strategic Health Assessment on Wind Energy Development in Oregon and answer Council questions on the report that was released for public comment on January 3, 2012. Dr. Douglas reviewed the events and issues that necessitated the Health Impact Assessment (HIA) for wind energy facilities and the process that was used to make their findings. She stated that the HIA was designed to encompass wind energy facilities in general and they did not evaluate any specific facility. The key issue that people were interested in is sound. Ms. Joshi reviewed the statistical data used for the report and both she and Dr. Douglas answered Council questions about visual and economic impacts as well as

how long-term stress and sleeplessness can impact health. Dr. Douglas summarized the report by stating that noise is a health concern for all wind energy facilities but it is difficult to identify a noise level that is acceptable for all communities in Oregon. The benefits of wind energy can be maximized if the issues are addressed during the EFSC siting process.

- C. **Rulemaking Workshop:** Mr. White discussed comments that were received during the workshops held on the proposed amendments of Council rules and explained his redlined changes to the rules that came as a result of the workshops. He further stated that he would like Council to authorize ODOE Staff to proceed with a formal rulemaking. If Council gives authorization staff would make formal notice and would be able to make the March 1 deadline for publication in the Secretary of State's Bulletin, which would be followed by a public comment period and a public hearing. A hearing officer would chair that hearing and prepare a report for Council consideration at a subsequent Council meeting.

Action: The motion by Councilor Shiprack to direct Staff to begin the rulemaking process based upon the redlined version that is currently on the Department's website was seconded by Councilor Beyeler. Motion passed.

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

Following a brief discussion, it was decided that proposed changes to the Council's rules should be an agenda item for the next Council meeting to allow a more in-depth discussion regarding the issues that have come up during some recent site certificate amendment requests.

Public Comment: **Charlie Gillis** from LaGrande, Oregon, the attorney representing Friends of the Grande Ronde Valley (FOGRV) expressed concern about the EFSC siting process versus the county siting process and how developers are opting to go through the less expensive and simpler county processes to site their smaller projects and then possibly abuse the amendment process by expanding their projects at a later date. **Irene Gilbert**, a member of FOGRV, gave comment regarding the Health Impact Assessment study and stated she will be submitting further comments at a future date. **Lauren Prince**, a Policy Associate at Renewable Northwest Project, a non-profit advocacy group, made comment about the Health Impact Assessment report and the benefits of responsible energy development.

Department of Energy Director, Bob Repine, spoke about the Governor's 10 Year Energy Plan, the budget and the future of the Siting Division after Mr. Stoops' departure.

- D. **Leaning Juniper II:** After briefly reviewing the financial assurance history and the annual adjustment renewal date of February 15, 2012 of Leaning Juniper II Wind Facility, Mr. White requested Council approval for a change of issuer to Westchester Fire Insurance Company, which has been deemed a sound financial company. The bond amount is calculated separately for two parts of the facility but the total amount is \$10,598,000 which is an increase of about \$263,000 from last year. The form of the bond is substantially the same as Council approved on the previous issuer. Staff is recommending that Council approve the form, amount and issuer of the financial certificate.

Action: The motion was made by Councilor Shiprack, seconded by Councilor Sumner, to approve the change of issuer and the updated amount of Leaning Juniper II's financial assurance bond as requested. The motion passed.

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

E. **Baseline Wind Energy Facility Update:** Mr. White gave a brief update on the Baseline Wind Energy Facility, a proposed facility in Gilliam County south of Leaning Juniper II and Montague. The Department has received the Application for Site Certificate which he distributed to the Council earlier on CD. He has read through the material and will issue a request for additional information. The developer is First Wind, which is the same developer that proposed the Seven Mile Hills facility. They seem to be very well prepared and have some experience, but have not been through the entire siting process. They are working very closely with Iberdrola because they will be neighbors with the Montague facility and the maps actually show an overlap. The two companies are negotiating a land use agreement and based on assumptions for this application it may mean a Site Certificate Amendment to Montague.

F. **Brush Canyon Wind Project Update:** Ms. Walker provided a brief update of the project, stating that there has not been a lot of change since the last update. The Project Order has been distributed to Council on a CD and it has been posted to the Department's website. We are trying a new process for exhibit review, in which the developer is providing us with four or five exhibits at a time and we are reviewing them as they come in. The developer is hoping to have application complete in March and a site certificate by the end of 2012. The project spans about 50 miles north to south and is to be located south of Shaniko. It will have 223 wind turbines and the accompanying transmission line is 20 miles long to a new substation that has not been built and Bonneville Power has not committed to.

G. **Integrated Resource Plans (IRP) Update:** Vijay Satyal gave an update on the Integrated Resource Planning process. He gave a brief overview of where Oregon stands, as well as discussed the issues and answered some of Council's questions from the June 24, 2011 Council meeting. Mr. Satyal presented a map of the regional transmission projects and updated the Council on the Western Electricity Coordinating Council's (WECC) and the Western Governors Association's (WGA) activities related to transmission planning in the northwest. He also discussed the integrated resource planning efforts of several companies and answered Council questions about transmission planning, policy coordination and the Federal Energy Regulatory Commission's (FERC) Order 1000.

H. **Consent Calendar:**

South Dunes Power Plant: Mr. Stoops announced that the Department anticipates receiving a Notice of Intent (NOI) soon on the South Dunes Power Plant to be located in Coos County and requests the Council appoint the Special Advisory Group (SAG) and a reviewing contractor for the project.

Action: The motion was made by Councilor Mohlis, seconded by Councilor Senn, that the Council appoint the Coos County Board of Commissioners as the Special Advisory Group to advise the Council on the Site Certificate or any Site Certificate Amendment proceedings for the South Dunes Power Plant. Councilor Shiprack asked what kind of project is it going to be and Mr. Stoops answered that it will probably be a 350 MW combined cycle combustion turbine. The motion passed.

Vote: Beyeler, yes; Shiprack, yes; Sumner, yes; Senn, yes; and Mohlis, yes.

Action: The motion was made by Councilor Mohlis, seconded by Councilor Senn, to approve Cardno Entrix as its Independent Contractor for the review of the Notice of Intent, the Application for Site Certificate and any subsequent amendments, if the Site Certificate is awarded, for the South Dunes Power Plant. The motion passed.

Vote: Sumner, yes; Shiprack, yes; Beyeler, yes; Senn, yes; and Mohlis, yes.

Approval of Minutes: Chair Wolfe opened the floor for discussion on the minutes of the December 9, 2011 Council meeting.

Action: The motion was made by Councilor Beyeler, seconded by Councilor Mohlis, to approve the minutes of the December 9, 2011 meeting as presented. The motion passed.

Vote: Shiprack, yes; Senn, yes; Sumner, yes; Mohlis, yes; and Beyeler, yes.

Other Discussion: Mr. Stoops pointed out that Council has received a binder for the Troutdale Energy Center project. The second item he wanted to bring up is that we are continuing to talk with Land Conservation and Development Commission (LCDC) and some of their staff about how we can coordinate a meeting between LCDC and EFSC to discuss the issue as well as a Goal 5 resource that came up last fall which influences what the Council might do on an Energy Generation Area (EGA) and cumulative impacts.

Mr. Stoops also read into the record a letter from Suzi Asmus, Antelope Ridge Wind Farm; a subsidiary of EDP Renewables North America, LLC (formerly Horizon Wind Energy) stating that prior to the issuance of the Draft Proposed Order, Antelope intends to complete the first phase of the already-commenced GPS telemetry study of elk and mule deer. The study is expected to conclude in late spring of 2013. The letter went on to state that until the study is complete Antelope waives its rights to the statutory time constraints set out in ORS 469.370 (9)(d) relating to Council review of an Application for Site Certificate (ASC) within twelve months of the application and requests the Department of Energy's confirmation of Antelope's waiver of its rights. EDP Renewables plans to complete the big game telemetry study in order to further the Council's review of the Antelope Ridge application and in consideration of the appropriate conditions in the forthcoming Draft Proposed Order.

Meeting Schedule:

The tentative EFSC meeting dates for the rest of 2012 are March 30, May 11, June 29, August 24, October 12 and November 30, 2012.

Councilor Shiprack stated that it has been a pleasure to work with Mr. Stoops and he will miss him. He further stated that he appreciates how he went the extra mile to share with Council energy issues and keep things in the forefront.

Public Comment: Irene Gilbert gave public comment about Antelope Ridge's waiver request. Wendell Baskins, Oregon Historic Trails Advisory Council, also thanked Mr. Stoops for his efforts and information sharing process. He also thanked him for helping him understand the process, standards and bring the Trails to the forefront. Carla McLane, Morrow County Planning Director, stated that she agreed with earlier comments about Mr. Stoops and admired how he promoted and developed relationships with counties and hoped that his replacement would continue to build those relationships.

The meeting was adjourned at 2:41 p.m.