Energy Facility Siting Council
December 14-15, 2017
Meeting Minutes

Boardman City Hall
200 City Center Circle
Boardman, OR

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Meeting materials presented to Council are available online at:

An audio recording of this EFSC Meeting is available at:

THURSDAY, DECEMBER 14TH, 2017
Call to Order: The meeting was called to order at 5:01 p.m. on December 14th, 2017 by Chair Barry Beyeler.

Roll Call: Council Chair Barry Beyeler, Council Members Hanley Jenkins II, Jack Billings and Marcy Grail were present. Councilor Betty Roppe was present via phone. Vice Chair Renee Dowlin and Council Member Direlle Calica were unavailable.

Oregon Department of Energy representatives present were Assistant Director/Council Secretary Todd Cornett, Senior Policy Advisor Maxwell Woods, Rulemaking Coordinator Jason Sierman, Siting Analyst Katie Clifford, Siting Analyst Chase McVeigh-Walker, Operations Analyst Sean Mole, Compliance Officer Duane Kilsdonk, Public Affairs Specialist Cliff Voliva, and Division Assistant Esther Kooistra.

EFSC Counsel Jesse Ratcliffe, Department of Justice (DOJ), and the Council’s Hearing Officer, Alison Webster, Oregon Office of Administrative Hearings, were also present.

A. Consent Calendar (Information and Action Items) – Todd Cornett, Assistant Director/Council Secretary

1) Meeting Minutes

Action: A motion was made by Councilor Jenkins and seconded by Councilor Grail that the Council only adopt a portion (pages 14-28) of the July 27-28, 2017 meeting minutes, and that the remainder of the July meeting be postponed for a later meeting. Councilor Jenkins recommended a summary preceding the minutes explaining that at the July meeting, the Council used a unique review process to engage interested parties in the amendment rulemaking proceedings.

Vote: Councilor Billings, Yes; Councilor Grail, Abstain; Councilor Roppe, Yes; Councilor Jenkins, Yes; Chair Beyeler, Yes.

Motion Carried.

Action: A motion was made by Councilor Jenkins and seconded by Councilor Billings that the minutes of the August 18, 2017 meeting be approved with correction of scrivener’s errors.

Vote: Councilor Roppe, Yes; Councilor Jenkins, Yes; Chair Beyeler, Yes; Councilor Billings, Yes; Councilor Grail, Yes.

Motion Carried.

Action: A motion was made by Councilor Jenkins and seconded by Councilor Grail that the minutes of the September 21-22, 2017 meeting be approved with correction of scrivener’s error, correcting a sentence on Page 7, last paragraph, 5th line to read, “...write a rule through the Council; the rule explains how a statute is going to be implemented.”

Vote: Councilor Billings, Abstain; Councilor Grail, Yes; Councilor Roppe, Yes; Councilor Jenkins, Yes; Chair Beyeler, Yes.

Motion Carried.

Action: A motion was made by Councilor Jenkins and seconded by Councilor Grail that the minutes of the October 19, 2017 meeting be approved as presented.

Vote: Councilor Jenkins, Yes; Chair Beyeler, Yes; Councilor Billings, Yes; Councilor Grail, Yes; Councilor Roppe, Yes.

Motion Carried.
2) **Council Secretary Report**

   a. **Agenda Modification:** No agenda modifications. However, Mr. Cornett would like to re-evaluate if there is time after the Draft Proposed Order hearing on Boardman Solar project to move forward three agenda items.

   b. **Future Meeting Dates:** Mr. Cornett stated only one day in January would be needed. The agenda is likely to include Compliance Rulemaking, Annual Review of financial assurance institutions, Training, Montague Change Request #3; possible review of the Boardman Solar DPO by Council, and the Public Health and Safety for Wind rulemaking back in front of the Council. [Note, *the Boardman Solar DPO was reviewed by Council on Friday, December 15, 2017, and the Council elected to end the rulemaking activities regarding Public Health and Safety for Wind Facilities rules, also on December 15, 2017.*]

Chair Beyeler asked the status regarding Vice-Chair Dowlin’s replacement [*note, it has been announced that Renee Dowlin, EFSC vice-chair, will be stepping down from her position on the Council*]; Mr. Cornett responded the next legislative dates are in January and that the Governor’s office does not have anyone identified yet. He stated we will not know until mid-January.

   c. **Governor’s Executive Orders:** Mr. Cornett provided printed copies regarding Governor Brown’s recently signed executive orders 17-20 and 17-21. While it is not anticipated that these will have any direct impacts on the Siting Division or EFSC, it is helpful to explain the highlights of both.

      i. **17-21:** Relates to Accelerating Efficiency in Oregon’s Build Environment to Reduce Greenhouse Gas Emissions and Address Climate Change.

         1. The goal is to achieve net zero energy ready buildings as a standard across the state. Examples of how to achieve this goal include retrofitting existing buildings and Standards for new buildings with an understanding that impacts housing affordability;

      ii. **17-22:** Relates to Accelerating Zero Emission Vehicle Adoption in Oregon to Reduce Greenhouse Gas Emissions and Address Climate Change.

         1. The goal is to achieve 50,000 or more registered and operating vehicles by 2020. There are currently 16,000 registered zero emission vehicles in the state. Examples of how to achieve this goal include increasing the number of charging stations throughout the state, assisting school districts and transit agencies during fleet transitions to evaluate and consider zero emission vehicles.

   d. **Senator Olsen Workgroup:** Mr. Cornett provided background about a workgroup to evaluate the Energy Facility Siting process, established by Senator Alan Olsen. There was a legislative oversight committee in 2016 that looked at the entire agency. Where there were recommendations and some proposed legislation, there were no bills passed during the 2017 session related to EFSC. This workgroup seems to be a continuation of that oversight committee with the intent of recommending legislation in the 2019 session. In a press release, Senator Olsen indicated the workgroup would continue to meet in 2018 to look for ways to make the EFSC process more efficient, effective and accountable to Oregon residents and utilities. The next meeting will be on January 16, 2018.

   e. **Judicial Review of Amendment Rulemaking:** Mr. Cornett forwarded a petition for Judicial Review by several environmental groups related to our recently adopted amendment rulemaking. At this point, we do not know the basis for their petition. Their brief is due on December 19, 2017[^2], so we will know more then.

[^1]: Audio for Mr. Cornett’s Council Secretary Report = 14:33:00 – December 14, 2017

[^2]: The briefing due date has since been removed from the calendar and a new date has not been established.
f. **Project Updates:**
   i. Jordan Cove Energy Project, Pacific Connector Gas Pipeline: State agencies have begun receiving permit applications, ODOE coordinates meetings for agencies to share information.
   ii. Montague Wind Power Facility Change Request #3. Avangrid has made two requests:
       1. Modify the site boundary, adding two new areas which will allow for the construction of more direct electrical lines and access roads at the facility.
       2. Adjust the transmission line corridor.
       The Department will be exercising the provision at OAR 345-027-0057(6) that allows the Department to refer its determination to the Council for its concurrence, modification or rejection. We anticipate this being on the January agenda.
   iii. Montague Wind Power Facility Amendment Request
       1. Modifications to the facility to the southwest of the site boundary. The RFA has been received but we are waiting to begin review until Avangrid is current with payments to the Department.
   iv. Eugene to Medford Amendment Request
       1. PacifiCorp is proposing a new substation and 230 kV transmission line that would interconnect with the existing 500 kV Eugene-Medford transmission line. RFA submittal anticipated by end of year.
   v. Carty Amendment Request
       1. PGE has indicated it will only be pursuing an amendment to build the solar facility. RFA anticipated in January.
   vi. Blue Marmot, solar project near Lakeview
       1. Anticipate the Notice of Intent in Mid-January.
   vii. Golden Hills Amendment, transfer request and time extension request
       1. The Department anticipates issuing the Proposed Order in January and coming to Council in February. The RFA was received prior to Council’s decision on amendment rulemaking and as such, is being processed under the old rule set.

   g. **Staffing Updates:** Secretary Cornett welcomed back Esther Kooistra, Division Assistant, and announced Sarah Esterson, Siting Analyst will be going on leave in January. We will have two temporary analyst replacements for her. The first is Yuan Gao, who is currently our intern. The second analyst is Luke May. They will both start on December 18th.

B. [5:30 p.m.] Boardman Solar Energy Facility: Public Hearing on the Draft Proposed Order (Hearing) ³

Prior to beginning the DPO public hearing, Katie Clifford, siting analyst, provided a brief presentation regarding the Boardman Solar Energy Facility and the EFSC review process steps. Please refer to the [PowerPoint Presentation](#) located on the [Council Meetings website](#) for additional details pertaining to Ms. Clifford’s presentation.

The Council’s hearing officer, Ms. Alison Webster, Administrative Law Judge, presided over the DPO public hearing. The hearing provides the applicant and the public an opportunity to present oral testimony on the draft proposed order, issued by staff on November 13, 2017. The opportunity to provide written comment has been open since November 13, 2017 and closes at the end of the public hearing tonight. Comments and testimony need to be provided tonight, either by speaking or providing written testimony or over the phone.

³ Audio for the Boardman Solar Energy Public Hearing = 43:43:00 – December 14, 2017
Ms. Clifford then presented a summary of the project, providing a history overview of the photovoltaic solar facility project and discussed the draft proposed order.

Oral testimony was received from the following individuals (note, the exact comments can be heard on the audio recording of the public hearing):

**Greg Harris**, 29019 Wilgers Way, Hermiston, OR 97838, representing Three Mile Canyon Farms (the proposed facility landowner). Mr. Harris spoke in favor of the development. He noted that the site has not been irrigated and does not have water rights affiliated with it. Mr. Harris stated that moving water to the site would require drying other irrigated farm ground more suitable for farming and the reason it has never been developed is that it is not suitable for farming. He stated the ground is grazed by cattle for a short period of time throughout the year, roughly 30-45 days a year for agricultural use and he feels the ground is not suitable for any other purpose. The facility would not adversely affect other farming operations or practices.

**Chuck Little**, 17 Westview Drive, Hermiston, OR 97838. Supports the Boardman Solar project, commenting the land has little agriculture value other than grazing. Close to Bonneville Dam, to the grid, short transmission line, 360 days of sunshine, located to loads of energy facilities that could be integrated efficiently.

**Carla McLane**, PO Box 40, Irrigon, OR 97844. Morrow County Planning Director and representing Morrow County. Ms. McLane stated that she, on behalf of the county, submitted a letter in support of the facility and the Goal 3 exception. Ms. McLane expressed a concern that energy facilities are not reflected in local plans and codes. She asked if this can be addressed in a rulemaking to be built into the process.

**Laura Miner**, 1001 SE Division #3, Portland, OR 97202, representing Invenergy LLC. (note, Invenergy is the ultimate parent company of Boardman Solar Energy Facility), stated she had submitted a written submission. Ms. Miner stated the letter addresses specific Goal 3 exception issues; concludes the land is suitable for solar development and balances all of the state’s priorities.

**Irene Gilbert**, 2310 Adams Ave, La Grande, OR, representing herself and Friends of the Grande Ronde Valley. Ms. Gilbert expressed her concern regarding a verbal agreement between the developer and tribes, noting there should be something in the site certificate to assure an agreement stays in place, no matter who ultimately develops the site. Ms. Gilbert stated the site certificate should include restoration of construction impacts, as a requirement of the habitat mitigation plan so the developer should have to provide alternative mitigation plans.

Councilor Roppe questioned the verbal agreement with the tribe. Ms. Clifford stated the tribe provided ODOE with a letter indicating they and the applicant have come to an agreement. That agreement occurred outside of the site certificate review, and there is reference in the DPO that an agreement had been reached.

Written comments from 1000 Friends of Oregon, Oregon Department of Fish and Wildlife and Morrow County were previously submitted to the Council.

Hearing Officer Webster concluded the hearing at 6:17 p.m.

[6:20 p.m. – 6:30 p.m. Break]

Council received a presentation regarding 2018 Council training opportunities. Staff presented a list of potential training options, and requested Council feedback on its priorities. Chair Beyeler expressed interest in the energy sector; Councilor Billings requested renewable portfolio standards and Councilor Grail requested more information on land use.

K. [MODIFIED AGENDA] Election of Officers5 (Action Item) – Todd Cornett, Assistant Director/Council Secretary

Per OAR 345-011-0010(1) The Council shall annually elect a chair and a vice-chair. The chair and vice-chair shall serve for one year or until their successors are elected. A member may serve successive full terms as chair or vice-chair.

**Action:** A motion was made by Councilor Jenkins and seconded by Councilor Billings that Barry Beyeler continue as Chair for the Energy Facility Siting Council for 2018.

**Vote:** Councilor Billings, Yes; Councilor Grail, Yes; Councilor Roppe, Yes. Councilor Jenkins, Yes; Chair Beyeler, Yes.

Motion Carried.

**Action:** A motion was made by Councilor Grail and seconded by Councilor Billings that Hanley Jenkins be nominated for Vice-Chair for the Energy Facility Siting Council for 2018.

**Vote:** Councilor Jenkins, Yes; Chair Beyeler, Yes; Councilor Billings, Yes; Councilor Grail, Yes; Councilor Roppe, Yes.

Motion Carried.

Chair Beyeler recessed the meeting until 8:30 a.m. Friday morning.

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**FRIDAY, DECEMBER 15TH, 2017**

**Call to Order:** The meeting was called to order at 8:30 a.m. on December 15th, 2017 by Chair Barry Beyeler.

**Roll Call:** Council Chair Barry Beyeler, Vice Chair Hanley Jenkins II, Council Members Jack Billings and Marcy Grail were present. Council Member Betty Roppe and Direlle Calica were present via phone. Council Member Renee Dowlin was unavailable.

Oregon Department of Energy representatives present were Assistant Director/Council Secretary Todd Cornett, Senior Policy Advisor Maxwell Woods, Rulemaking Coordinator Jason Sierman, Siting Analyst Katie Clifford, Siting Analyst Chase McVeigh-Walker, Operations Analyst Sean Mole, Compliance Officer Duane Kilsdonk, Public Affairs Specialist Cliff Voliva, and Division Assistant Esther Kooistra.

EFSC Counsel Jesse Ratcliffe, Department of Justice (DOJ) was also present.

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4 Audio for Mr. Woods’ Presentation of Agenda Item J = 1:19:20 – December 14, 2017
5 Audio for Mr. Cornett’s Presentation of Agenda Item K = 1:24:16 – December 14, 2017
D. [8:35 a.m.] Summit Ridge Wind Farm Informational Hearing on Transfer Request

(Information Item) – Chase McVeigh-Walker, Siting Analyst

Please refer to the Staff Report, and the PowerPoint Presentation located on the Council Meetings website for additional details pertaining to Mr. McVeigh-Walker’s presentation.

The Council held an informational hearing pursuant to OAR 345-027-0100(7) regarding the transfer of ownership of the Summit Ridge Wind Farm site certificate holder from the current certificate holder owner Summit Ridge Wind Holdings, LLC to Pattern Renewables 2 LP (Pattern Development), a subsidiary of Pattern Energy Group 2 LP (Pattern Energy) and the evaluation of the transferee’s ability to satisfy the requirements under the Council’s Organizational Expertise standard and Retirement and Financial Assurance standard. The Council accepted public comments only on the transfer request during the hearing.

The hearing began at 8:43 a.m.

Irene Gilbert, 2310 Adams Ave, La Grande, OR, Friends of the Grande Ronde Valley. Ms. Gilbert raised the issue that the new developer must understand prior commitments have been made. Ms. Gilbert expressed her hope in a transfer request decision that information is sent forward that no development can occur outside of the site certificate corridors without an amended site certificate.

The informational hearing on the Summit Ridge Wind Farm site certificate transfer closed at 8:47 a.m.

E. Summit Ridge Wind Farm Presentation on Transfer Request (Action Item) – Chase McVeigh-Walker, Siting Analyst

Please refer to the Draft Final Order, Redline Site Certificate and the PowerPoint Presentation located on the Council Meetings website for additional details pertaining to Mr. McVeigh-Walker’s presentation.

Mr. McVeigh-Walker provided to Council the certificate holder’s Request to Transfer of the site certificate. The public comment period closed at the end of the transfer hearing, today, December 15, 2017. Under Council rules, no further public comment can be accepted. Mr. McVeigh-Walker stated the Department believes the transferee has met the required standards, including the Organizational Expertise Standard (OAR 345-022-0010), Retirement and Financial Assurance Standard (OAR 345-022-0050).

Mr. Woods addressed a comment received from Friends of the Columbia Gorge that stated the transferee relies upon its parent company to meet the standards, claiming the applicant, rather than the parent company, needs to meet the standards. Mr. Woods stated that is not accurate. The Council’s rules consider access to resources; the Department believes the transferee’s reliance on its parent company is acceptable. Establishing a project-specific LLC is a normal process and all or nearly all site certificates for renewable energy facilities follow the same model.

Councilor Calica added this specific site has unique features, citing critical fish habitat and proximity to cultural resources. Mr. Woods noted that a notice of the transfer was sent to the Warm Springs Tribe, but the Department did not receive a response.

Based on the need to address comments and responses in the final order on the transfer, Mr. Woods suggested bringing back the proposed edits to the draft final order and that Council could make a decision later today.

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6 Audio for Mr. McVeigh-Walker’s Presentation of Agenda Item D = 0:0:51 – December 15, 2017
7 Audio for Mr. McVeigh-Walker’s Presentation of Agenda Item E = 00:11:59 – December 15, 2017
F. Compliance Update8 (Information Item) – Duane Kilsdonk, Compliance Officer

Please refer to the Compliance Update Presentation located on the Council Meetings website for additional details pertaining to Mr. Kilsdonk’s presentation.

Mr. Kilsdonk provided an update on operating energy facilities that have been issued a site certificate, including:

- 12 Total Wind Farms: 8 Operating, 3 that have not started construction (Golden Hills, Saddle Butte, Summit Ridge Wind Facility), 1 facility in construction (Montague Wind Power facility)
- 9 Total Natural Gas Facilities: 8 Operating, 1 not yet constructed (Perennial Wind Chaser Station)
- 1 steam generator (Utility Industrial Center)
- 2 natural gas pipelines (South Mist Feeder Pipeline & South Mist Pipeline Extension, approximately 141 miles of pipe line total)
- Underground Natural Gas Storage Facility (Mist Facility, in operation and expansion under construction)
- 1 Ethanol Plant (Columbia Ethanol Project)
- 2 Research Reactors One at Reed College and the other one is located at Oregon State University both reactors totaling 1.25 MW
- 1 Coal Plant / 550 MW
- 1 Decommissioned Nuclear Plant / Trojan was decommissioned in 2005.

[10:12 am - 10:25 a.m. Break]

G. Rulemaking: Public Health and Safety Standards for Wind Facilities9 (Action Item) – Jason Sierman, Rulemaking Coordinator

Please refer to the Staff Report and the PowerPoint Presentation located on the Council Meetings website for additional details pertaining to Mr. Sierman’s presentation.

The Council received an update on the rulemaking efforts related to OAR 345-024-0010 Public Health and Safety Standards for Wind Energy Facilities, including a summary of the recent Rulemaking Advisory Committee meeting. The Council determined due diligence was performed investigating this rule and directed the staff to not make any changes to this rule at this time and to revisit, if needed, at another time.

H. Rulemaking: Carbon Dioxide (CO2) Phase Two10 (Action Item) – Jason Sierman, Rulemaking Coordinator

Please refer to the Staff Report and the PowerPoint Presentation located on the Council Meetings website for additional details pertaining to Mr. Sierman’s presentation.

The Council received a briefing on how the Council’s CO2 emissions standards function and the process for evaluating and updating these standards. The CO2 emissions standards apply to base load gas plants, non-base load power plants, and non-generating energy facilities. The Council discussed appointing a Rulemaking Advisory Committee (RAC) to provide input to staff during staff’s evaluation of “phase II” of the CO2 standards rulemaking [note, “phase I” consisted of updating the Council’s CO2 offset cost rate, which was conducted earlier in 2017]. Staff’s evaluation would consist of finding the most efficient stand-alone combined cycle, combustion turbine, natural gas-fired energy facility that is commercially demonstrated and operating in the United States. Mr.

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8 Audio for Mr. Kilsdonk’s Presentation of Agenda Item F = 00:33:22 – December 15, 2017
9 Audio for Mr. Sierman’s Presentation of Agenda Item G = 1:37:01 – December 15, 2017
10 Audio for Mr. Sierman’s Presentation of Agenda Item H = 2:11:48 – December 15, 2017
Sierman provided the Council with a diverse list of persons and entities interested in participating as RAC members. The Council may appoint any person or entity to the RAC, and is not limited to the list provided by staff. Mr. Sierman mentioned a non-profit advocacy group, 350PDX, was recently added to the list of entities interested in participating on a RAC. Secretary Cornett suggested council members are encouraged to attend RAC meetings; Councilor Calica expressed interest in attending RAC meetings.

**Action:** A motion was made by Councilor Jenkins and seconded by Councilor Billings that the Council appoint a RAC and that the RAC be composed of the entities and people presented by staff, with the addition of 350PDX.

**Vote:** Councilor Grail, Yes; Councilor Roppe, Yes; Councilor Jenkins, Yes; Chair Beyeler, Yes; Councilor Billings, Yes; Councilor Calica, Yes.
Motion Carried.

### I. Rulemaking: Council’s 2018 Rulemaking Schedule

**Rulemaking Coordinator** – Jason Sierman

*Please refer to the [Staff Report](#) and the [PowerPoint Presentation](#) located on the [Council Meetings website](#) for additional details pertaining to Mr. Sierman’s presentation.*

The Council will consider and approve its 2018 rulemaking schedule. Mr. Sierman presented a list of potential rulemaking projects, an estimate of the complexity of each rulemaking project, suggestions as to whether early public participation should be included as part of the rulemaking process for each rulemaking project, and a draft schedule of when each rulemaking project would be brought before the Council for additional Council direction, approval, or authorization (i.e. approval of an early public participation process or authorization to issue official public notice).

Council held a specific public comment opportunity regarding the 2018 rulemaking schedule.

**Public Comment**

Irene Gilbert, Friends of the Grande Ronde Valley, would like to see a comparison of the rules with statutes in the rulemaking process. Ms. Gilbert requested the minutes for the advisory groups be posted online and commented that individual users of electricity are not listed in the advisory groups. Ms. Gilbert commented her concern regarding noticing of communication for scenic resources, protected areas and property owner notification needing to be expanded.

**Action:** A motion was made by Councilor Billings and seconded by Councilor Jenkins that the Council approve the 2018 rulemaking schedule as presented by staff, and allow staff the flexibility to work on the identified 2018 rulemaking projects and to bring the identified 2018 rulemaking projects before the Council as action items on a schedule other than that presented, so long as any altered schedule increases the Council’s rulemaking productivity, excluding the aspect of Public Health and Safety (which was addressed today), adding to the Solar PV single energy facility and land use.

**Vote:** Councilor Billings, Yes; Councilor Calica, Yes; Grail, Yes; Councilor Roppe, Yes; Councilor Jenkins, Yes; Chair Beyeler, Yes.
Motion Carried.
E. [AGENDA MODIFICATION] Summit Ridge Wind Farm Presentation on Transfer Request\textsuperscript{13} (Action Item) – Chase McVeigh-Walker, Siting Analyst

Mr. Woods, and Mr. McVeigh-Walker presented the draft of the final order showing edits made from earlier in the meeting regarding public comment and Council direction. The summary of comments were added, receiving 3 written comments and 1 oral comment.

\textbf{Action:} A motion was made by Councilor Billings and seconded by Councilor Jenkins that the Council adopt the Final Order and approve the Request for Transfer of the Summit Ridge Wind Farm site certificate as presented by staff.

\textbf{Vote:} Councilor Calica, Yes; Councilor Grail, Yes; Councilor Roppe, Yes; Councilor Jenkins, Yes; Chair Beyeler, Yes; Councilor Billings.

Motion Carried.

[12:35 p.m. – 12:50 p.m. Break]

L. Boardman Solar Energy Facility: Council Review of the Draft Proposed Order\textsuperscript{14} (Information Item) – Katie Clifford, Senior Siting Analyst

Please refer to the Staff Report and the PowerPoint Presentation located on the Council Meetings website for additional details pertaining to Ms. Clifford’s presentation.

Ms. Clifford began with describing the proposed Boardman Solar Energy Facility site and facility description, providing the procedural history and reviewing the Draft Proposed Order. The Department recommends findings of fact and conclusions of law based on a staff evaluation of the proposed facility’s compliance with all statutes, administrative rules and ordinances applicable to the issuance of this site certificate.

- The Department recommends the Council adopt a condition specifying construction commencement and completion deadlines – specifically, that the certificate holder must commence construction within 3 years after the site certificate is executed by the Council chair, and that construction must be completed within 3 years after construction commencement. Subject to compliance with the recommended general, mandatory and site-specific site certificate conditions, the Department recommends that the Council find that the proposed facility would satisfy the requirements of OAR 345-022-0000.

- Based on the evidence in the record, and subject to compliance with the recommended conditions of approval, the Department recommends that the Council find that the Applicant would satisfy the requirements of the Council’s Organizational Expertise standard.

- Based on the analysis contained in the DPO, the Department recommends that the Council include in the site certificate the conditions recommended in the DPO to address the Council’s Structural Standard.

- Based on the evidence in the record, and subject to compliance with the recommended conditions of approval, the Department recommends that the Council find that the Applicant would satisfy the requirements of the Council’s Land Use standard, including a recommendation of taking a Goal 3 exception.

  o Councilor Jenkins explained how Oregon’s statewide planning goals apply when developing a comprehensive land use plan; goal 3 relates specifically to the preservation and utilization of agricultural lands. If the goal isn’t met, an exception must take place. The Council has adopted a

\textsuperscript{13} Audio for Mr. McVeigh-Walker’s Presentation of Agenda Item E (continued)= 03:24:46 – December 15, 2017

\textsuperscript{14} Audio for Ms. Clifford’s Presentation of Agenda Item L = 3:47:16 – December 15, 2017
specific requirement for taking an exception, it doesn’t require an alternatives analysis, which is
different than the Land Conservation and Development Commission’s (LCDC’s) goal exception
requirement. Councilor Jenkins emphasized the difference between the Council and LCDC’s
requirements for an exception.

- Subject to compliance with the recommended site certificate conditions, the Department recommends
  that the Council find that the proposed facility would comply with the Council’s Soil Protection standard.

- Based on the information in the record, the Department recommends that the Council find that
  construction and operation of the facility would comply with the Protected Areas standard.

- Subject to conditions, the Department recommends that the Council find that the facility would comply
  with the Retirement and Financial Assurance standard.

- Subject to compliance with the recommended site certificate conditions, the Department recommends
  the Council find that proposed facility complies with the Council’s Fish and Wildlife Habitat standard.

- Subject to recommended conditions, the Department recommends that the Council find that the facility
  would comply with the Threatened & Endangered Species standard.

- Based on the information in the record, the Department recommends that the Council find that the
  proposed facility complies with the Council’s Scenic Resources standard.

- In the DPO, the Department recommends that the Council impose Historic, Cultural, and Archeological
  Resources Conditions 1 through 7 on the site certificate to address the protection of historic, cultural,
  and archaeological resources at the proposed facility site. This agreement occurred outside of the site
  certificate process, and is directly between the Confederated Tribes of the Umatilla Indian Reservation
  and the Applicant. It does not involve the Department or EFSC. As such, neither the Department nor EFSC
  will have any ongoing involvement in the implementation of the agreement, as it is outside the site
  certificate process. It is described in this presentation simply for informational purposes.

- Subject to compliance with the recommended site certificate conditions, the Department recommends
  that the Council find that the proposed facility complies with the Council’s Recreation standard.

- The Department recommends that the Council include in the site certificate the conditions recommend in
  the DPO to address the Council’s Public Services Standard.

- The Department recommends that the Council include conditions in the site certificate to address the
  Council’s Waste Minimization Standard.

- Subject to compliance with recommended conditions, the Department recommends that the Council find
  that the proposed facility complies with the Council’s Siting Standards for Transmission Lines.

- Based on the Applicant’s analysis and calculations, the Department concurs that the Applicant has
  established that it can provide adequate water for construction and operation of the proposed facility,
  and recommends that the Council conclude that the proposed facility does not need a groundwater
  permit, surface water permit, or water right transfer.
Public Comment

This time is reserved for the public to address the Council regarding any item within the Council’s jurisdiction that is not otherwise closed for comment.

Irene Gilbert, 2310 Adams Ave, La Grande, OR. Ms. Gilbert. Ms. Gilbert spoke for the Friends of the Grande Ronde member, STOPB2H Committee and a member of the Blue Mountain Alliance. Ms. Gilbert stated ODOE and EFSC is claiming to increase public input, however, Ms. Gilbert believes actions demonstrate something entirely different. Ms. Gilbert encouraged all input to be reviewed. Ms. Gilbert said her comments were not reflected in decision making and stated she would present her findings to the Secretary of State and to Senator Olsen.

Meeting Adjourned at 2:12 p.m.