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Meeting materials presented to Council are available online at:

An audio recording of this EFSC Meeting is available at:
Call to Order: The meeting was called to order at 8:30 a.m. on February 23, 2018 by Chair Barry Beyeler.

Roll Call: Council Chair Barry Beyeler, Council Vice-Chair Hanley Jenkins, Council Members Marcy Grail, Betty Roppe, and Ann Gravatt were present. Councilor Jack Billings was present via phone and Councilor Direlle Calica was present via phone for Agenda Items C, D, and E.


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

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

1) Meeting Minutes
Action: A motion was made by Vice-Chair Jenkins and seconded by Councilor Roppe that the Council approve the July 27-28, 2017 meeting minutes with correction of scrivener’s errors.
Vote: Councilor Roppe, Yes; Vice-Chair Jenkins, Yes; Chair Beyeler, Yes; Councilor Gravatt, Yes; Councilor Billings, Yes; Councilor Grail, Abstain.
Motion Carried.

Action: A motion was made by Vice-Chair Jenkins and seconded by Councilor Roppe that the Council approve the December 14-15, 2017 meeting minutes with correction of scrivener’s errors.
Vote: Councilor Billings, Yes; Councilor Grail, Yes; Councilor Roppe, Yes; Vice-Chair Jenkins, Yes; Chair Beyeler, Yes; Councilor Gravatt, Yes.
Motion Carried.

2) Council Secretary Report¹
   a. Agenda Modification: Mr. Cornett mentioned that EFSC must make appointments to the board of directors of The Climate Trust. The Council added this item as Agenda H to discuss the issue further.

   b. Staffing Updates: Mr. Cornett introduced Ann Gravatt, the newest Council member. She replaces Renee Dowlin and was formally confirmed by the Oregon Senate on February 14, 2018. Ms. Gravatt is the Environmental Strategies Manager at the Port of Portland and works on the Portland Harbor Superfund site. She has also worked on energy issues in her prior roles at Climate Solutions, Renewable Northwest and at several different law firms. Ms. Gravatt has a law degree from George Washington University and a B.A. in Political Science from the University of Richmond.

   Mr. Cornett provided an update about Sarah Esterson being on leave, and introduced temporary sitting analysts, Yuan Gao and Luke May from the audience, who are filling in during Ms. Esterson’s leave. Mr. Cornett explained that Ms. Gao has a presentation on the agenda and it was a good opportunity for Mr. May to experience a Council meeting.

¹ Audio for Mr. Cornett’s Council Secretary Report = 00:07:32 – February 23, 2018
c. Adding item to the agenda related to an appointment to The Climate Trust board of directors:
Pursuant to OAR 345-011-0025 - Consideration of Matters Not on Agenda, this item can be added to the Council’s Agenda. A Council member or the Council Secretary may, with the approval of a majority of Council members, raise matters at a meeting that the Council Secretary did not place on the agenda. The Council shall not act on a matter not on the agenda unless a majority of the members present agree that the matter is so substantial and of such immediate concern that the Council should not defer action until the next regular Council meeting.

**Action:** A motion was made by Vice-Chair Jenkins and seconded by Councilor Roppe that because The Climate Trust Board and Oregon Offset Committee currently only have two of the required three Energy Facility Siting Council appointees and The Climate Trust Board will meet prior to the next Energy Facility Siting Council meeting, adding the Council’s evaluation and potential appointment of a third Energy Facility Siting Council appointee to The Climate Trust Board and Oregon Energy Offset Committee as Agenda Item H to today’s agenda is a matter so substantial and of such immediate concern that the Council should not defer it until its next regular Council meeting.

**Vote:** Councilor Billings, Yes; Councilor Grail, Yes; Councilor Roppe, Yes; Vice-Chair Jenkins, Yes; Chair Beyeler, Yes; Councilor Gravatt, Yes.
Motion Carried, and Agenda Item H was added to the agenda.

d. **Project Updates:**
Mr. Cornett provided updates regarding how the new amendment process rules were working. Two amendments have been submitted under the new rules, both of which were requested through the Type A review process. These projects are the PacifiCorp Eugene to Medford Transmission Line Amendment #4 (also called by PacifiCorp the “Sams Valley Reinforcement Project”) and the Avangrid Montague Wind Power Facility Amendment #4. It was noted that both projects are very early in the review process.

Mr. Cornett discussed the revised Carty Solar Farm Amendment request received on Tuesday February 20, 2018. This amendment was originally submitted in 2016, and as such, will be processed under the Council amendment review rules that were in effect at that time.

Mr. Cornett stated that the Department recently received two amendment determination requests (ADR) from the Klamath Generation Peakers Project and the Klamath Cogeneration Project (both facilities are owned by the same company, Avangrid Renewables, LLC.). Both requests related to improvements and upgrades to the facility’s fire suppression systems. The Department determined that neither ADR requires a site certificate amendment. Staff has sent the Department’s determinations for their review and any Council member may require staff’s determination be reviewed by the full Council for confirmation, amendment or rejection.

New Projects: ODOE has recently received two Notices of Intent for solar PV facilities. The first is called the Obsidian Solar Center and the second is the Blue Marmot Solar Energy Facility. Both facilities would be located in Lake County. The projects are not affiliated with each other and are located in different areas in Lake County. (Todd noted that later in the agenda, Max Woods will be presenting appointments for special advisory groups for each facility and will discuss the projects in greater detail at that time).
e. **Rulemaking:** ODOE held its first CO2 Rulemaking Advisory Committee meeting on January 24, 2018. This was a phone call/webinar and was meant to be introductory. Jason Sierman, ODOE rulemaking coordinator, is working to schedule the 2nd RAC meeting, hoping to have that meeting by late March.

f. **Future EFSC Meeting Dates:** March meeting dates have been released and we will not have a meeting. April 26-27th is next regularly scheduled meeting, likely to be in The Dalles due to the Golden Hills Amendment and CO₂ Rulemaking as potential agenda items.

g. **Legislation:** The short legislative session is currently ongoing. There are two bills related to the Department of Energy: 1) HB 4148 establishes an Oregon Energy Board as an advisory body for State Department of Energy. Representative Holvey is the bill sponsor and served on the Oversight Committee in 2016. 2) SB 1519-A creates an Oregon Energy Commission as a policy and rulemaking body for the State Department of Energy. Senators Olsen and Beyer are the bill sponsors and also served on the Oversight Committee in 2016. These bills will have to be consolidated into one in order to move forward. Under the current language of both, neither would affect the authority of EFSC in relation to applications, amendments, compliance or rulemaking. At most, there would be a reporting function from EFSC to the Energy Board or Commission.

h. **Senator Olsen Workgroup:** Mr. Cornett provided background that Senator Olsen established a workgroup to look for ways to make the EFSC process more efficient, effective and accountable to Oregon residents and utilities. There have been two meetings thus far; the first was on November 17, 2017 and was an overview of the EFSC process. The second was on January 16, 2018 and was related to EFSC rulemaking. Chair Beyeler and Council Member Grail were in attendance. The next meeting is on March 27, 2018 from 10:00 a.m. to noon at the Oregon State Capitol. An agenda has not yet been published for this meeting.

Councilor Grail stated that public comment submittals are read and necessary research is performed; however, Council Members are not obligated to act on public comments.

B. Boardman Solar Energy Facility: Application for Site Certificate (Action Item)² – Katie Clifford, Senior Siting Analyst

The Council received a presentation regarding the Boardman Solar Energy Facility site certificate application, changes from the Draft Proposed Order to the Proposed Order, and the conclusion of the contested case. Following the presentation, Council considered approval of the facility and issued a Final Order and Site Certificate. More information is located on the Council Meetings website for additional details pertaining to Ms. Clifford’s presentation.

Ms. Clifford provided procedural history, as well as a description of the changes from the Draft Proposed Order to the Proposed Order and changes from the Proposed Order to the draft Final Order.

Vice-Chair Jenkins commented that normally we are required to evaluate the project against the statewide planning goals and associated Land Conservation and Development Commission (LCDC) or local land use requirements. However, in this instance there is a difference. This project requires a Goal Exception because it will permanently remove farmland (Goal 3). If this was a local jurisdictional project LCDC’s Goal Exception standards would apply. But EFSC has specific goal exceptions standards which are slightly different from those of LCDC’s in that no alternatives analysis is required. It is important to recognize that EFSC’s statutes are separate and distinct from the LCDC standards in this particular instance.

² Audio for Ms. Clifford’s Presentation of Agenda Item B = 00:42:05 – February 23, 2018
Vice-Chair Jenkins mentioned that the findings did not include an explanation as to why specific rules and statutes related to the goal exception process were applicable and other rules and statutes were not. He did not recommend updating the findings for this application, but for the future, it will be important to explain the justification and authority to use specific criteria under ORS 468.504 and OAR 345-022-0030(2).

**Action:** A motion was made by Vice-Chair Jenkins and seconded by Councilor Grail that the Council approve the Final Order, as presented by staff, and issue a Site Certificate for the Boardman Solar Energy Facility.

**Vote:** Vice-Chair Jenkins, Yes; Chair Beyeler, Yes; Councilor Gravatt, Abstain; Councilor Billings, Yes; Councilor Grail, Yes; Councilor Roppe, Yes.

Motion Carried.

### C. Montague Wind Power Facility, Change Request³ (Action Item) – Chase McVeigh-Walker, Siting Analyst

The Council received a presentation regarding the Montague Wind Power Facility Change Request. Following the presentation, Council considered the Department’s Determination of the Change Request. More information is located on the [Council Meetings website](#) for additional details pertaining to Mr. McVeigh-Walker’s presentation.

The Council received a presentation of the Department’s determination for Change Request #3 for the Montague Wind Power Facility, a wind-energy generating facility with an approved maximum capacity of 404 MW, located in Gilliam County. Change Request #3 was submitted to the Department on August 4, 2017. The changes requested include the certificate holder proposing to add approximately 91.8 acres to the facility’s site boundary, to authorize construction and operation of two segments of permanent access road, and above and below ground collector lines, as well as re-routing the 230 kV transmission line within the site boundary.

Mr. McVeigh-Walker stated the Department agrees with the certificate holder’s evaluation under OAR 345-027-0050 (as those rules existed at the time the change request was submitted) and finds that the proposed facility modifications included in Change Request #3 do not require a site certificate amendment. The Department agrees that the proposed facility modifications would not cause a significant adverse impact to a resource protected by EFSC standards, and would not substantially impair the certificate holder’s ability to comply with site certificate conditions. The Department referred its determination to Council for concurrence, modification, or rejection. Following the Department’s presentation, the item was open to public comments.

Public Comment: Brian Walsh with Avangrid Renewables, provided a history and the reason for the change request on behalf of Montague Wind Power.

**Action:** A motion was made by Vice-Chair Jenkins and seconded by Councilor Grail that the Council concur with the Department’s Determination of the Montague Wind Power Facility Change Request #3.

**Vote:** Councilor Calica, Yes; Councilor Grail, Yes; Councilor Roppe, Yes; Vice-Chair Jenkins, Yes; Chair Beyeler, Yes; Councilor Gravatt, Yes; Councilor Billings, Yes.

Motion Carried.

³ Audio for Mr. McVeigh-Walker’s Presentation of Agenda Item D = 01:05:45 – February 23, 2018
H. [AGENDA MODIFICATION] the Climate Trust\(^4\) (Action Item) – Todd Cornett, Assistant Director/Council Secretary

Mr. Cornett stated that Sean Penrith, the Executive Director of The Climate Trust is stepping down as of March 15\(^{th}\), and that Sheldon Zakreski, Director of Asset Management will be filling in until a permanent Executive Director is found. Historically, one of the three seats on The Climate Trust board appointed by the Council has been a Council member, even though this is not a requirement. The Council has two options: 1. Replace Renee Dowlin and add two new appointees, one of which could be a Council member or 2. Keep Renee Dowlin as one of the Council appointees and find another member, which could be a current Council member, but again, that is not required. An appointment would require also serving on the Oregon Offset Committee (a subcommittee at The Climate Trust), as well as The Climate Trust Board of Directors.

Vice-Chair Jenkins suggested we advertise for people that are interested in serving on The Climate Trust Board and subcommittee and give the Council the opportunity to evaluate possible candidates.

After discussion, the consensus was to: 1) invite Sheldon Zakreski to a future meeting to provide a presentation to answer what the broader function of the board is and to understand opportunities related to this; and 2) Evaluate possible candidates for appointment to The Climate Trust Board and Oregon Offset Committee. These items will be added to April’s Agenda.

D. Training Opportunity\(^5\) (Information Item) – Jesse Ratcliffe, EFSC Counsel

Mr. Ratcliffe provided a presentation covering prohibition on use of office for financial gain, the gift limit, action in response to actual and potential conflicts of interest, bias and ex-parte communications.

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

E. Special Advisory Group Appointments\(^6\) (Action Item) – Maxwell Woods, Senior Policy Advisor

Council appointed special advisory groups for the proposed Obsidian Solar Center and the Blue Marmot Solar Facility projects.

**Action:** A motion was made by Councilor Billings and seconded by Councilor Roppe that the Council appoint the Lake County Board of Commissioners as the Special Advisory Group to advise the Council in the proceedings related to the review of the Application for Site Certificate for the Obsidian Solar Center.

**Vote:** Chair Beyeler, Yes; Councilor Gravatt, Yes; Councilor Billings, Yes; Councilor Calica, Yes; Councilor Grail, Yes; Councilor Roppe, Yes; Vice-Chair Jenkins, Yes.

Motion Carried.

**Action:** A motion was made by Councilor Roppe and seconded by Vice-Chair Jenkins that the Council appoint the Lake County Board of Commissioners and the Lakeview Town Council as the Special Advisory Groups to advise the Council in the proceedings related to the review of the Application for Site Certificate for the Blue Marmot Solar Facility.

**Vote:** Councilor Grail, Yes; Councilor Roppe, Yes; Vice-Chair Jenkins, Yes; Chair Beyeler, Yes; Councilor Gravatt, Yes; Councilor Billings, Yes; Councilor Calica, Yes.

Motion Carried.

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\(^4\) Audio for Mr. Cornett’s Presentation of Agenda Item H = 02:02:25 – February 23, 2018

\(^5\) Audio for Mr. Ratcliffe’s Presentation of Agenda Item D = 02:15:00 – February 23, 2018

\(^6\) Audio for Mr. Wood’s Presentation of Agenda Item E = 02:52:45 – February 23, 2018
F. Facility Mapping Project7 (Information Item) – Yuan Gao, Siting Analyst

The Council received a presentation on facility mapping using GIS software.

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

[12:20 pm - 12:30 p.m. Break]


The Council considered the proposed list of pre-approved financial institutions, and the letter of credit and bond templates, as presented, for use in 2018.

Action: A motion was made by Councilor Grail and seconded by Councilor Roppe that the Council approve the proposed list of pre-approved financial institutions, and the letter of credit and bond templates, as presented today by staff for use in 2018.

Vote: Councilor Gravatt, Yes; Councilor Billings, Yes; Councilor Grail, Yes; Councilor Roppe, Yes; Vice-Chair Jenkins, Yes; Chair Beyeler, Yes; Councilor Calica, unavailable.

Motion Carried.

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

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. No public comments were made.

Meeting Adjourned at 12:40 p.m.