



ENERGY FACILITY SITING COUNCIL

Barry Beyeler, Chair ■ Hanley Jenkins II ■ Betty Roppe ■ Jack Billings ■ Marcy Grail ■ Ann Gravatt

Energy Facility Siting Council June 29, 2018 Meeting Minutes

June Minutes were approved at the August 23-24, 2018 EFSC Meeting

**ODOE – Meitner Conference Room
550 Capitol St NE
Salem, OR**

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Meeting materials presented to Council are available online at:

<http://www.oregon.gov/energy/facilities-safety/facilities/Pages/Council-Meetings.aspx>

An audio recording of this EFSC Meeting is available at:

<http://www.oregon.gov/energy/facilities-safety/facilities/Pages/Council-Meetings.aspx>

FRIDAY, JUNE 29, 2018

Call to Order: The meeting was called to order at 8:30 a.m. on June 29th, 2018 by Chair Barry Beyeler.

Roll Call: Council Chair Barry Beyeler, Council Vice-Chair Hanley Jenkins, Council Members Marcy Grail, Jack Billings, and Betty Roppe were present. Council Member Ann Gravatt was absent.

Oregon Department of Energy representatives present were Assistant Director/Council Secretary Todd Cornett, Senior Policy Advisor Maxwell Woods, Senior Siting Analyst Sarah Esterson, Operations Analyst Sean Mole, Fiscal Analyst Sisily Fleming, Public Affairs and Outreach Coordinator Cliff Voliva, and Division Assistant Esther Kooistra.

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 April 27, 2018 meeting minutes with correction of scrivener's errors.

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

Motion Carried.

2) Council Secretary Report¹

a. **Agenda Modification:** None

b. Staffing Updates:

Secretary Cornett reported that Jason Sierman, Rulemaking Coordinator, has accepted a position with the Planning and Innovation Division with the Department of Energy. Secretary Cornett conveyed his gratitude and appreciation for his hard work the past four years.

Secretary Cornett reported Council Member Direlle Calica has resigned from the Council. The Governor's Office is searching for a replacement. The next senate confirmation hearing is September 24th.

Council Member Jack Billings will not be seeking a second term on the Council, but will continue to serve until a replacement is selected.

Council Member Marcy Grail's current appointment also concludes tomorrow (*June 30, 2018*). Since she was appointed to fill less than half of previous Council Member John Mohlis' term, this does not count as her first term. Ms. Grail has submitted her information to Executive Appointments for re-appointment.

Jesse Ratcliffe, Department of Justice, has changed his role. He will no longer be the primary contact Counsel to EFSC. Patrick Rowe is now our new primary contact Counsel. Patrick was most recently in private practice in Portland at Sussman Shank, LLP, where he focused on litigation and environmental

¹ Audio for Mr. Cornett's Council Secretary Report = 00:03:24 – June 29, 2018

law. Jesse will continue to be the lead on the Jordan Cove projects and he will back up Patrick on other projects.

Until recently, Ruchi Sadhir was the Governor's Energy Policy Advisor. She is now working at the Department of Energy as an Associate Director for strategic engagement and development. Kristen Sheeran has taken over Ms. Sadhir's role in the Governor's Office.

c. Project Updates:

Leaning Juniper IIA, a wind project in Gilliam County owned by Avangrid Renewables, had a fire in one of their turbines on June 13th. The Department was notified within 24 hours (Condition 52 of the site certificate – within 72 hours). We have requested further information regarding the extent of the damage, the root cause of the fire and what if any changes need to be made to other turbines to prevent similar fires. If there is anything of importance regarding this incident, Secretary Cornett will share that with Council members at a future meeting.

A portion of the **Jordan Cove** export terminal includes a power production facility over 50 MW. Since this is over the 25 MW threshold, it triggers EFSC jurisdiction. OAR 345-015-0350 through 0380 allows for EFSC to consider and grant exemptions from site certificates on certain facilities. Jordan Cove is requesting an exemption from the requirement to secure a site certificate under OAR 345-015-350(3), which allows exemptions for "high efficiency cogeneration facilities." The Department has created a specific project website for this exemption request where the information is located; also provided the exemption request to the Coos Bay Library.

There are five wind facilities with **Wildlife Monitoring and Mitigation Plans** that direct the Department to make available annual monitoring reports within 30-days of receipt. The facilities are: Biglow Canyon Wind Farm, Klondike III Wind Project, Stateline Wind Project, Leaning Juniper IIA Wind Power Facility and Leaning Juniper IIB Wind Power Facility. For all of these facilities, the Department posted the 2017 annual monitoring results on each of the individual project web pages.

Golden Hills Amendment #4: Request for rehearing by Ms. Irene Gilbert.

On April 27, 2018, Council approved amendment #4 which transferred the site certificate to the new project owner, Avangrid Renewables and extended the construction start deadline. As part of this approval, Council denied a request for a contested case hearing by Ms. Irene Gilbert. Council has two primary options with regards to Ms. Gilbert's request for reconsideration: Council can decide to add the item to today's agenda, and consider the Request for Reconsideration. Council would then have various options including, but not limited to sending this to a full contested case hearing or again denying the request for a contested case. Council can also decide to not add the item to the agenda and per ORS 469.403(1), if the Council does not act upon the request within 30-days of receipt of the request, the request shall be considered denied. The Council deliberated and decided not to take action, which by default, will result in the request being considered denied.

Amendment Determination Requests: The Department has had four site certificate holders submit Amendment Determination Requests since the last council meeting.

Mist Natural Gas Underground Storage Facility. NW Natural submitted a request to determine whether or not an amendment is required. The change would upgrade the communication and supervisory control and data acquisition system at the Mist Facility, and would involve installing a fiber optic communication network to supplement the existing radio/wireless communication system. After an evaluation, staff determined that the proposed change did not trigger any of the three criteria requiring an amendment. On June 5th, Staff sent the determination to Council and requested that if any Council member wanted the full Council to review the ADR that they let

staff know by the end of the Council meeting today so it can be added to the next available Council meeting agenda. [note, no Council member requested that the ADR be reviewed by Council]

Golden Hills Wind Project. Avangrid Renewables, the parent company of the site certificate holder, has requested site certificate Amendment No. 5. The amendment proposes differing turbine model; increase temporary access road width and increase height of meteorological towers. The certificate holder also requested the amendment be reviewed under the Type B review process. On June 1st, Staff determined that the Request will be reviewed under the Type A process. Avangrid requested staff's determination be evaluated by Council for its concurrence, modification or rejection. That is included as Agenda Item I for today.

Wheatridge Wind Project Amendment #2. NextEra Energy Resources, the parent company of the site certificate holder, has requested site certificate Amendment No. 2. The amendment proposes to change the turbine dimensions and add battery storage systems. Since the last Council meeting, the Department has received 2 ADRS related to this. The first ADR requests Department review of whether an amendment is required. Staff determined that an amendment was required. The second ADR (Type B review ADR) requests Department re-evaluation of whether Type B review is justified and pre-emptively requested Council review if the Department determined an amendment is required. The Department determined Type B review was not justified and Council's review is included as Agenda Item F today.

Stateline Amendment 5 ADR. NextEra Energy Resources, the parent company of the site certificate holder, has submitted an Amendment Determination Request (ADR) related to a forthcoming site certificate amendment request; the ADR requests that the forthcoming amendment request be processed under the Type B amendment review process. The amendment request would be to repower a portion of the facility (referred to as "Stateline 3") by replacing the existing turbine blades and nacelles. The amendment request was not submitted with the ADR. On June 21, 2018, the Department determined that the Type A review process is the appropriate review process for the amendment request.

d. Future EFSC Meeting Dates:

July - Released

August 23 and 24 – Boardman – We anticipate a two day meeting with potentially two Draft Proposed Order Hearings (Golden Hills Amendment 5/Wheatridge Amendment 2) on Thursday and the regular council meeting on Friday.

September 27 and 28 – Coos Bay – This will likely be entirely devoted to the Jordan Cove exemption request. This will likely be a two day meeting with public comment.

e. Senator Olsen Workgroup:

Secretary Cornett welcomed Senator Alan Olsen in attendance. Senator Olsen has established a workgroup that looks for ways to make the EFSC process more efficient, effective and accountable to Oregon residents and utilities. There have been five meetings thus far. The first was on November 17th with an overview of the EFSC process. The second was on January 16th and was related to EFSC rulemaking. The third meeting was on March 27th, the fourth meeting was on May 1st and the fifth

meeting was on June 5th. The last three meetings included discussing the Public Guide and the definition of an energy facility.

B. [9:00 a.m.] Rulemaking: Phase 2 Updates to Carbon Dioxide (CO₂) Standards – Rulemaking Hearing (Action Item)² – Jason Sierman, Rulemaking Coordinator

Mr. Sierman provided a review of how the EFSC CO₂ standards function and reviewed findings of ODOE's search for the most efficient CCCT power plant operating in the United States (Grand River Energy Center in Oklahoma). Mr. Sierman reviewed the evaluation process that included staff sharing preliminary findings, conducting preliminary analysis of 13 principles and asking the Rulemaking Advisory Committee to vet preliminary findings.

Blake Shelide, Facilities Engineer, Oregon Department of Energy, discussed the research behind the Heat Rate Research, citing variables in measurements and statements of "heat rate." Discussion followed addressing the monetary rate to be set every two years.

The purpose of the hearing, which began at 9:54 a.m. was for the Council and staff to receive input on the proposed rule changes. The comment deadline was 10:30 a.m. The rulemaking project proposed to update the Council's CO₂ emissions standards based on current natural gas-fired energy facility technology. The CO₂ emissions standards apply to base load gas plants, non-base load power plants, and certain non-generating energy facilities. Council will consider all public comments before Council Deliberation, Agenda Item J. More information pertaining to Mr. Sierman's [presentation](#) is located on the [Council Meetings website](#) .

Dan Serres³, Columbia Riverkeeper, 111 Third Street, Hood River, OR. Mr. Serres stated comments were sent to the Council on behalf of the Sierra Club, Columbia River Keeper and NW Energy Coalition. Mr. Serres thanked staff for their review of the gas plants and for seeing the overall standard become more efficient. Mr. Serres generally expressed support for the proposed changes to the standard, as promoting both efficient use of fossil fuels and reduction in carbon dioxide emissions. However, Mr. Serres indicated that based on their review of actual emissions data in 2017, there were several facilities achieving lower emission rates than the rate of the Grand River Energy Center. Mr. Serres further encouraged EFSC to direct staff to continue its research in order to modify the proposed CO₂ standard consistent with one of these more efficient plants.

The hearing closed at 10:30 am.

C. Rulemaking: Compliance – Scoping and Appointment of a Rulemaking Advisory Committee⁴ (Action Item) – Jason Sierman, Rulemaking Coordinator

Staff recommended initiating this rulemaking project to (1) evaluate, in terms of effectiveness and efficiency, the Council's rules that relate to how the Council ensures compliance with all applicable rules, all applicable laws, and the terms, requirements, and conditions written into site certificates and final orders; and (2) potentially draft proposed rule changes to increase the effectiveness and efficiency of the Council's compliance activities. The Council was asked to define the scope for this project, define the purpose and scope of a RAC, and consider appointing a group of persons and entities with diverse interests to participate on a RAC designed to provide input to help inform staff's evaluation. Staff provided a list of persons and entities interested in participating as a RAC member. The Council was not limited to the list provided by staff.

Council members were encouraged to attend RAC meetings, as long as their attendance would not constitute a quorum. Vice-Chair Jenkins requested Duane Kilsdonk, Compliance Officer, participate in the RAC meetings.

² Audio for Mr. Sierman's Presentation of Agenda Item B = 00:48:44 – June 29, 2018

³ Audio for Mr. Serres' Public Comment of Agenda Item B = 01:28:15 – June 29, 2018

⁴ Audio for Mr. Sierman's Presentation of Agenda Item C = 01:34:17 – June 29, 2018

More information is located on the [Council Meetings website](#) for additional details pertaining to Mr. Sierman's [presentation](#).

Action: A motion was made by Councilor Billings and seconded by Councilor Roppe that the Council appoint a RAC and that the RAC be composed of the entities and people presented by staff.

Vote: Councilor Billings, Yes; Councilor Grail, Yes; Councilor Roppe, Yes; Vice-Chair Jenkins, Yes; Chair Beyeler, Yes.
Motion Carried.

D. Rulemaking: Single Solar PV Facility Definition and Specific Standards – Appointment of a Rulemaking Advisory Committee⁵ (Action Item) – Jason Sierman, Rulemaking Coordinator

Staff recommended initiating this rulemaking project to: 1) Evaluate whether multiple non-EFSC jurisdictional solar PV facilities could aggregate in a way that the aggregate is functionally the size of an EFSC jurisdictional solar PV facility; 2) If it's determined that multiple non-EFSC jurisdictional solar PV facilities could functionally aggregate to the size of an EFSC jurisdictional solar PV facility, to develop new rules that identify objective criteria for determining the circumstances of when multiple non-EFSC jurisdictional solar PV facilities functionally aggregate to the size of an EFSC jurisdictional solar PV facility; and 3) Evaluate whether or not specific standards should be developed for the siting of solar PV facilities, and if so, to develop such standards. The Council was asked to define the purpose and scope for this rulemaking project, define the purpose and scope of a RAC, and consider appointing a group of persons and entities with diverse interests to participate on a RAC to provide input to help inform staff's evaluation. Staff provided the Council with a diverse list of persons and entities interested in participating as a RAC member. The Council was not limited to the list provided by staff. More information is located on the [Council Meetings website](#) for additional details pertaining to Mr. Sierman's [presentation](#).

Councilor Roppe raised the question of representation from Central Oregon based on the number of solar PV projects proposed in that area. Based on a recommendation by Council, Mr. Sierman responded that he would reach out to Crook County for their potential inclusion on the RAC.

Members of the public were invited to comment:

Don Russell, Commissioner from Morrow County, P.O.Box 788, Heppner, Oregon, requested to add the Morrow County Planner to the RAC and to include local level representation as much as possible.

Rikki Seguin, Renewable Northwest, 2028 SE Tibbetts Street, Portland, OR, asked the RAC be kept manageable, with a clearly defined scope, suggested a drop dead date that rules can be adopted by. Ms. Seguin also recommended broadening the RAC to include more solar developers, in particular, Invenenergy.

Doris Penwell, Association of Counties, commented she is happy to be involved in the RAC. Ms. Penwell said there are different standards in the local level and in the EFSC level. Public input is well done at the local level.

Brian Walsh, Avangrid Renewables, 1125 NW Couch, Portland, OR, commented about his concerns regarding the Solar Rulemaking. Mr. Walsh stated any new rules should not discourage co-locating solar facilities next to a central substation because this is the cheaper way to develop these projects. He

⁵ Audio for Mr. Sierman's Presentation of Agenda Item D = 01:50:43 – June 29, 2018

agreed the RAC should be a large group with a broad scope and suggested the RAC look at the jurisdictional facilities definition, not just the standards.

Councilor Roppe commented she hears from commissioners and people from the community, with opinions similar to Mr. Don Russell. Vice-Chair Jenkins mentioned EFSC isn't the only group working on rules, and encouraged coordination efforts with other organizations. Secretary Cornett stated ODOE intends to work simultaneously with the Department of Land Conservation and Development to ensure consistency.

Action: A motion was made by Councilor Billings and seconded by Councilor Roppe that the Council appoint a RAC and that the RAC be composed of the entities and people presented by staff with the understanding that staff may return to the Council for recommendation to expand or contract membership of the RAC.

Vote: Councilor Billings, Yes; Councilor Grail, Yes; Councilor Roppe, Yes; Vice-Chair Jenkins, Yes; Chair Beyeler, Yes.
Motion Carried.

E. Public Comment⁶

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.

Lenna Cope, Portland General Electric, 121 SW Salmon Street, Portland, OR. As a project developer and holder of five site certificates, PGE is concerned that if Golden Hills Amendment 5 and Wheatridge Amendment 2 are not able to justify Type B amendment review that no projects would be able to go through that review process.

Councilor Roppe commented that EFSC is criticized for not affording better public input and cited the need to balance getting through Council work with reasonable speed and still allowing for the public to have input, as to why Type A is carrying so much weight vs Type B.

Irene Gilbert, Friends of the Grande Ronde Valley, 2310 Adams Ave, La Grande, OR, made a comment regarding the staff determination that an amendment was not required for NW Natural's proposal to install an underground fiber optic communication network associated with the Mist natural gas underground storage facility. She stated there is the potential for damaging the existing pipeline and storage facility during excavation. Ms. Gilbert also commented on her request for reconsideration for the denial for contested case and requested review of additional information that was submitted [*regarding the Golden Hills Wind Facility Site Certificate Amendment No. 4*]. Ms. Gilbert encouraged more respect for the public.

Rikki Seguin, Renewable Northwest, 2028 SE Tibbetts Street, Portland, OR, commented on the different amendment review processes, urging for flexibility to allow for expedited review. Ms. Seguin commented the industry has been clear they will use the new rules and she is eager to hear how the review types are discussed. She encouraged the Council to reflect on rulemaking history and record.

Matt Hutchinson, Avangrid Renewables, 1125 NW Couch, Portland, OR, responded to concerns expressed by Ms. Irene Gilbert regarding Golden Hills and Category 6 habitat.

[Break]

⁶ Audio for Public Comment of Agenda Item E = 02:36:43 – June 29, 2018

F. Wheatridge Wind Energy Facility Request for Amendment 2, Certificate Holder Referral to Council of Department's Type A Amendment Review Process Determination⁷ (Action Item) – Maxwell Woods, Senior Policy Advisor and Sarah Esterson, Senior Siting Analyst

The Council considered the certificate holder's referral of the Department's June 14, 2018 determination that the "Type A" amendment review process is appropriate for Request for Amendment 2, which included a request for approval to construct and operate larger wind turbines and add two battery storage systems. The Council allowed the certificate holder and members of the public an opportunity to provide oral comment limited to the certificate holder's "Type B" review amendment determination request and the Department's "Type A" review determination. The Council did not accept general public comment on the facility during its deliberation.

Mr. Woods provided a process overview, followed by the Certificate holder's presentation of its position. Ms. Esterson provided the staff's determination, with an opportunity for public comment, followed by the certificate holder's rebuttal and Council deliberation and decision.

Sarah Stauffer Curtiss, Stoel Rives LLP, representing Wheatridge Wind Energy, LLC. wholly owned by NextEra Energy Resources, provided a brief overview as to why they believe the Path B was designed for the exact changes they are requesting and urged the Council to modify the Department's Path A determination decision. Ms. Curtiss provided a background of the Certificate Holder and discussed the primary purpose on the proposed changes that involve constructing a larger wind turbine and adding two battery storage systems. Ms. Curtiss requested separate Council decisions for the wind turbine and battery storage systems.

Discussion surrounded the turbine dimensions and specifications.

Ms. Esterson presented the Department's Evaluation of Factors, citing the complexity of proposed change (battery storage systems due to new system/technology, level of interest anticipated for larger turbines due to visual and obstruction impacts/historic level of interest in facility and similar facilities) resulting in staff's determination that the default Path A review process was the appropriate review process.

The Council discussed the creation of the Type B path with Secretary Cornett noting this was the first such request received and future evaluations will be based on the specific circumstances associated with each amendment proposal. He stated there are types of amendments that fit in the Type B review which are unlikely to have an interest by the public and are less complex.

The public was invited to comment:

Don Russell, Chair of Board of Commissioners from Morrow County, commented Morrow County has submitted written comments to EFSC and to Todd Cornett. Mr. Russell stated Morrow County's position agrees that the larger wind turbines are not complex. The County would like to see the Type B path used and urged the Council to approve the Type B process on the battery and wind turbines. Mr. Russell described the agricultural air space, including that local pilots are used to flying near wind turbines.

Irene Gilbert commented her objection to the public having 5 minutes as the developers were given twenty minutes. Ms. Gilbert commented on the disposal of batteries, needing special criteria for dealing with fires and risks involved with decommissioning.

(5 minute) Rebuttal

⁷ Audio for Mr. Woods' Presentation of Agenda Item F = 02:53:15 – June 29, 2018

Sarah Stauffer Curtiss, Stoel Rives LLP, representing Wheatridge Wind Energy, LLC, thanked the Council for considering the requests separately. Ms. Curtiss stated that acreage impacts includes all supporting facilities and wildlife impacts being addressed in the amendment request. Lastly, Ms. Curtiss addressed the comment on what the threshold should be for public interest.

Councilor Grail asked Ms. Curtiss to respond to Ms. Irene Gilbert's concern related to the battery disposal and decommissioning. Ms. Curtiss referred to Mr. Jesse Marshall, Project Developer, NextEra. Mr. Marshall responded they have not reached the end of a lifecycle and described the lithium ion battery specifications and the concerns do not apply to that type of battery they are proposing. Mr. Marshall described recent NextEra projects in Arizona, involving 20MW of solar with 10MW of energy storage using the same lithium ion technology and 300 MW of solar with 75 MW of energy storage in Nevada. Mr. Marshall described being the industry leader and where energy is headed.

Mr. Woods provided three options for Council deliberation and reiterated the Department's Type A recommendation.

Councilor Billings expressed his concern for considerable public interest, mentioning that although the battery is newer technology this is not the time to launch into a new area without further consultation, with Vice Chair Jenkins addressing the five criteria as a basis for making Council decision.

Action: A motion was made by Councilor Billings and seconded by Vice Chair Jenkins that the Council concur with the Department's Type A Review Determination for Request for Amendment 2 of the Wheatridge Wind Energy Facility site certificate in the matter of battery storage.

Vote: Councilor Grail, Yes; Councilor Roppe, Yes; Vice-Chair Jenkins, Yes. Chair Beyeler, Yes; Councilor Billings, Yes.
Motion Carried.

Action: A motion was made by Councilor Roppe and seconded by Councilor Grail that the Council reject the Department's Type A Review Determination for Request for Amendment 2 of the Wheatridge Wind Facility site certificate, and direct staff to review it under the Type B Review process in the matter for the larger wind turbines.

Vote: Councilor Roppe, Yes; Vice-Chair Jenkins, Yes. Chair Beyeler, Yes; Councilor Billings, Yes; Councilor Grail, Yes.
Motion Carried.

[Break]

G. The Climate Trust Board of Directors Appointment⁸ (Action Item) – Todd Cornett, Assistant Director/Council Secretary

The Council considered applicants for an appointment to The Climate Trust Board of Directors. Please refer to the [PowerPoint Presentation](#) located on the [Council Meetings website](#) for additional details pertaining to Mr. Cornett's presentation.

Action: A motion was made by Councilor Grail and seconded by Councilor Roppe that the Council re-appoint Arya Behbehani, General Manager for Environmental and Licensing Services for Portland General Electric to The Climate Trust Board for a period of 4 years.

⁸ Audio for Mr. Cornett's Presentation of Agenda Item G = 04:27:07 – June 29, 2018

Vote: Councilor Roppe, Yes; Vice-Chair Jenkins, Yes. Chair Beyeler, Yes; Councilor Billings, Yes; Councilor Grail, Yes.
Motion Carried.

H. Financial Assurance Update⁹ (Action Item) – Sisily Fleming, Fiscal Analyst

The Council was presented with three potential new financial institutions to be added to the pre-approved list of financial institutions that can be used to meet the Retirement and Financial Assurance standard (OAR 345-022-0050) for issuance of bonds or letters of credit. The new financial institutions include the New York Branch of Natixis, the New York Branch of Royal Bank of Canada, and the New York Branch of Barclay's Bank PLC. Please refer to the [Staff Report](#) located on the [Council Meetings website](#) for additional details pertaining to Ms. Fleming's presentation.

Action: A motion was made by Councilor Roppe and seconded by Councilor Grail 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: Vice-Chair Jenkins, Yes; Chair Beyeler, Yes; Councilor Billings, Yes; Councilor Grail, Yes; Councilor Roppe, Yes.
Motion Carried.

[Break]

I. Golden Hills Wind Project Request for Amendment 5, Certificate Holder Referral to Council of Department's Type A Amendment Review Process Determination¹⁰ (Action Item) – Maxwell Woods, Senior Policy Advisor and Sarah Esterson, Senior Siting Analyst

The Council considered the certificate holder's referral of the Department's June 1, 2018 determination that the "Type A" amendment review process is appropriate for Request for Amendment 5, which included a request for approval to construct and operate larger wind turbines and meteorological towers, and changes in design of temporary access roads (increasing width from 40 feet to 100 feet), and amend an existing site certificate condition. The Council allowed the certificate holder and members of the public an opportunity to provide oral comment limited to the certificate holder's "Type B" review amendment determination request and the Department's "Type A" review determination. The Council did not accept general public comment on the facility during its deliberation.

Mr. Woods provided a background on the Golden Hills Wind Farm and how the staff came to the Type A review determination request decision.

Mr. Brian Walsh and Mr. Matt Hutchinson, Avangrid Renewables and Ms. Elaine Albrich, Davis Wright Tremaine, provided a Facility Overview of Golden Hills Wind Farm and described their request for amendment under review, stating an increase in turbine height is not complex. Ms. Elaine Albrich discussed the rulemaking history on Division 27 rules and their appropriate review processes. They discussed the site certificate being approved with old turbine technology and the certificate holder sought Type B review to modify condition PRE-DC-01 to allow a modification to the turbine dimensions. This modification allows the Certificate Holder to finalize the facility design and go to construction using the selected turbines. Changes include an increase in the maximum blade tip height, increase in maximum turbine hub heights, and decrease in minimum aboveground clearance. It would result in fewer overall turbines and a smaller facility footprint.

⁹ Audio for Ms. Fleming's Presentation of Agenda Item H = 04:31:37 – June 29, 2018

¹⁰ Audio for Mr. Woods Presentation of Agenda Item I = 04:35:58 – June 29, 2018

Ms. Esterson discussed the department's evaluation of factors that included the complexity of proposed change, anticipated level of public interest in proposed change, level of interest anticipated and anticipated level of reviewing agency interest in the proposed changes, the likelihood of significant adverse impact and the reasoning behind the Department's Type A Determination.

The public was invited to comment:

Irene Gilbert, 2310 Adams Ave, La Grande, OR, commented Golden Hills already has the tallest wind turbines with a shorter ground clearance. Ms. Gilbert stated to deny the public the opportunity to refute the comments that are being made in a contested case seems inappropriate. Ms. Gilbert mentioned the issue is with non-recyclable turbine blades and when it's time to upgrade or decommission, of the road impacts representing a great deal of environmental impacts.

Joe Dabulskis, 500 Court Street, PO Box 365, Moro, OR 97039, Sherman County Commissioner, Part-Time Farmer, supports the request and submitted a letter from Raise the Wind Group, representing land owners with a majority of owners supporting the request. Mr. Dabulskis stated the request would create a smaller impact, less disturbance and mentioned the economic impacts, mentioning the local economy.

Rebuttal

Mr. Brian Walsh and Ms. Elaine Albrich responded to the comment about the increase in height, the total wind swept area being a 10% increase. Discussion of disagreement with staff's determination, requesting the Council to provide direction to staff for further refining of how the Council interprets Type B Factors.

Council Deliberation:

Vice-Chair Jenkins led the discussion as to the importance of Type A as the default review process, as it requires a full hearing and an opportunity for contested case with the burden of proof on the applicant.

Mr. Woods reiterated options for Council deliberation. Vice-Chair Jenkins stated his support of staff in their decision to go through the Type A process, stating the complexity. Vice-Chair Jenkins stated the height is substantially higher than what was originally approved; the original analysis did not assess a turbine being 650 feet; there are visual and wildlife concerns. Vice-Chair Jenkins stated the substance of one person's comment is substantial as the potential substantive comment factors in, as it relates to the elevation and possible visual impacts. Furthermore, agencies such as Aviation and Fish and Wildlife will have an interest in turbine height, in adverse significant impacts to wildlife or aviation.

Council discussion included what is complex and what isn't, and how to define it.

Councilor Grail mentioned Commissioner Dabulskis' comment weighs in heavily and that she is open minded to the Type B process, as there is a place for it, but this is not the right time.

Chair Beyeler stated there is one other discipline interested, Oregon Department of Transportation, as the blades might require 300' trucks.

Action: A motion was made by Vice Chair Jenkins and seconded by Councilor Billings that the Council concur with the Department's Type A Review Determination for Request for Amendment 5 of the Golden Hills Wind Project site certificate.

Vote: Councilor Billings, Yes; Councilor Grail, Yes; Councilor Roppe, Yes; Vice-Chair Jenkins, Yes; Chair Beyeler, Yes;
Motion Carried.

[Break]

J. Rulemaking: Updates to CO2 Standards – Council Deliberation on the Approval of Final Rule Language¹¹ (Action Item) – Jason Sierman, Rulemaking Coordinator

After considering all the comments received on the record for this rulemaking (i.e. before the 10:30 a.m. comment deadline at the close of the hearing that occurred as Agenda Item B), the Council deliberated and approved final rule language to update the Council’s CO2 emissions standards based on current natural gas-fired energy facility technology.

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

Action: A motion was made by Councilor Billings and seconded by Councilor Roppe that the Council, after considering all comments on the records off this rulemaking, finds the most efficient Combined Cycle Combustion Turbine natural gas fired energy facility operating in the U.S. is the Grand River Energy Center, with a net HHV heat rate adjusted to ISO conditions of 6,321 Btu/kWh; and after considering and balancing the 13 principles in OAR 345-024-0510, move that the Council adopts staff’s findings on the 13 principles as the Council’s findings for the rulemaking record; and move that the Council approves the rule amendments proposed by staff as final rule language and that the Council authorize staff to file final permanent rule language with the Secretary of State on or after the earliest effective date for these rule amendments.

Vote: Councilor Billings, Yes; Councilor Grail, Yes; Councilor Roppe, Yes; Vice-Chair Jenkins, Yes; Chair Beyeler, Yes.
Motion Carried.

K. 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 3:09 p.m.

¹¹ Audio for Mr. Sierman’s Presentation of Agenda Item J = Please see Webinar Links Part 2 of 2