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Dear Luke:

Additional information related to the Contested Case Request submitted 5/2/2019 regarding Summit Ridge, Amendment 4:

The last issue I am requesting a contested case on was also included in my comments of Feb 22, 2019. It is comment 8 on page 10. That is the only new issue I am contesting. It also should be included in the full cumulative impacts analysis regarding this development.

Issue 2a: This contested case request is needed due to the fact that it raises a significant issue of fact or law that may affect the Council's determination that the facility meets the applicable laws and standards. I disagree with the Oregon Department of Energy (ODOE) and the Energy Facility Siting Council (EFSC) determination that impacts to water is limited to facility-related water use. Anything that reduces the available water needs to be considered. I provided documents to show the interconnection of the area as this impacts how water flows. I also am referencing the article "Wind farms and Groundwater impacts: A practice guide to EIA and Planning Considerations which was developed by the Northern Ireland Environmental Agency, Aug. 26, 2017 identifying Changes to infiltration and surface runoff when wind turbines are operational. There is no limit in the rules that limits consideration of water impacts to water use. only the facility related to the number and amount of All impacts will be significant In addition, the public is not required to prove their case in order to be allowed to participate in a contested case. That is the purpose of the contested case hearing.

Issue 2B: This contested case is needed due to the fact that it raises a significant issue of law or fact. One fact in dispute is whether or not the department must consider all eligibility requirements in the amendment to extend the start dates as of the date the site certificate entered. A second issue of fact or law that there is disagreement on is whether or not the ODOE must honor Management Plans including the Wasco County Land Use Plan and ORS 390.845 which defines the Administration of scenic waterways and related adjacent lands. It includes the management principles, standards and plans and states they shall protect or enhance the aesthetic and scenic values of the scenic waterways. There is a significant issue of fact in that I do not agree that the development will have no significant impact on the Wild and Scenic Deschutes River.

Issue 2C: There is a need for a contested case to address the differing opinions between ODOE and members of the public regarding the need for current survey data and the area the survey should cover. This is a significant issue of fact or law that could change the documentation regarding wildlife impacts from the development. The current survey area is too small to identify the wildlife impacted by the development. Surveys are to inform the developer of the

number and types of wildlife in the vicinity of the development so they can require reasonable setbacks and try to mitigate for negative impacts. This is a significant issue of law or fact. The developer needs to identify the best location for the turbines and other structures based upon these results which need to be available prior to issuance of the site certificate. The survey area needs to include the siting corridors and extend beyond the corridors the maximum distance that is required as a setback from raptor nests. In addition, according to the Wasco County Land Plan, Section 19.030(C) (5)(h), the no construction zone needs to continue around known raptor nests after the sensitive breeding period. It says, "Avoiding construction activities near raptor nesting locations during sensitive breeding periods and using appropriate no construction buffers around know nest sites."

I am requesting a contested case on the failure to address my Comment 8. The Proposed Site Certificate fails to comply with ORS 469.401 as it fails to provide monitoring of the impacts to birds and bats for the life of the project. This comment needs to be heard in a contested case due to the fact that it poses a significant issue of fact or law that should be heard in a contested case.

The Proposed Site Certificate only requires two years of fatality monitoring. This is not adequate to establish the level of bird and bat fatalities occurring at the site and accurately project the future fatalities or assure continued compliance with the wildlife standards described in 469.501 and 469.503. With only two years of survey, the department will not know whether the fatalities are of such a level as to cause a significant reduction in their bird and bat numbers as a result of the impact of this development. I reference Dr. Smallwood's comments in their entirety. What they show is that given the proximity of this development to the Wild and Scenic Deschutes River, and the number of birds and bats using this area, the likelihood of significant bird and bat deaths is much greater than is normally the case. Raptors are documented in multiple publications to travel to access food for 6 miles which is well beyond the Summit Ridge proposed site. The impacts to these wildlife species directly relate to the cumulative impacts this development will have on the Wild and Scenic Deschutes River since many of the birds which forage for food in the area of Summit Ridge actually nest on the cliffs above the Deschutes River. The US Department of Fish and Wildlife letter contained in the file from the original application dated September 20, 2010 clearly documents the increased potential for bird and bat fatalities significantly exceeding the norm. USFWS Service stated on Page 3 of their letter their concern that there could be the loss of nest sites over the life of the project and ongoing fatalities. The number of golden eagle detections (12) is higher than any site certificate I have previously reviewed. In spite of having far fewer detections, there are existing developments which have exceeded the "Level of Concern." Fatality monitoring needs to continue for the life of the project. That is the only way to assure ongoing compliance with the fish and wildlife standards in OAR 345-022-0060 and OAR 345-020-0070.

Since this is an addition to the full contested case request I submitted yesterday, I am not going to repeat the responses to the general questions. The material applies to this part of the request also.

Thank you for seriously considering the documented need for approval of my contested case requests.

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