



Oregon

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To: Oregon Energy Facility Siting Council

From: Maxwell Woods, Senior Policy Advisor

Date: May 3, 2019

Re: Agenda Item I – Summit Ridge Wind Farm, Council Decision on Requests for Contested Case, possible Council Final Decision on RFA4

Attachments: Requests for Contested Case from: 1) Irene Gilbert, as an individual and representing Friends of the Grande Ronde Valley, 2) Fuji and Jim Kreider, and 3) A joint request from: Friends of the Columbia Gorge, Oregon Wild, Oregon Natural Desert Association, Central Oregon LandWatch, and the East Cascades Audubon Society.

Summit Ridge Wind Farm, Request for Site Certificate Amendment 4 (RFA4), seeks Council approval of a construction timeline extension request by two years. The RFA is being processed as a “Type A” amendment request. In January 2019, the Department issued its draft proposed order (DPO) on the amendment request, recommending Council approval of the construction timeline extension. At its February 2019 meeting in The Dalles, Council held a public hearing on the amendment request and DPO. At the February and March 2019 meetings, Council reviewed public comments and the DPO. Following the March 2019 meeting, on April 2, the Department issued its proposed order, as well as a notice of the opportunity to request contested case on the proposed order. The Department’s proposed order addresses all public comments received on the record of the DPO that are within EFSC jurisdiction. The proposed order continues to recommend that the Council grant the construction timeline extension request, subject to existing and amended site certificate conditions.

In accordance with Council rules (OAR 345-027-0071(6)), the opportunity to request a contested case on a proposed order for a Type A amendment was sent to all persons who commented in person or in writing on the record of the DPO public hearing, as well as to the certificate holder itself. The opportunity to request a contested case must extend for at least 30 days.

The deadline for most people to request contested case is May 2, 2019, at 5 pm, and for some, the deadline is May 3, 2019 at 5pm (the differing deadlines are a result of a post office issue).

Due to the timing of distribution of Council packets, the opportunity to request a contested case is still open as of the writing of this staff report.

On May 2, prior to the 5 pm deadline, the Department received three requests to conduct a contested case:

1. Irene Gilbert, as an individual and also representing Friends of the Grande Ronde Valley (FGRV).
2. Fuji and Jim Kreider.
3. A joint request from a group of five organizations: Friends of the Columbia Gorge, Oregon Wild, Oregon Natural Desert Association, Central Oregon LandWatch, and the East Cascades Audubon Society.

The Department has not had the time to analyze the requests for contested case, but the requests, in their entirety, are included as Attachments 1, 2, and 3 to this staff report (please note that the request from Friends of the Columbia Gorge *et al* includes as an attachment the written comments submitted by Friends *et al* on the record of the Summit Ridge DPO).

The Department will analyze all requests for contested case that it receives prior to the deadlines. The Department will issue its recommendation regarding any contested case requests to Council by Friday, May 10.

At the May 17, 2019 EFSC meeting, Council must decide whether or not to grant any requests for contested case that are received by the deadline, and that are submitted in accordance with Council rules regarding standing for contested case requests (OAR 345-027-0071(5)-(10)). If Council grants a request for contested case, it would conduct a contested case in accordance with Council rules at OAR 345, Division 15. If Council denies requests for contested case, then Council will conduct its final review of the proposed order and issue a final order on the amendment request, either granting or denying issuance of an amended site certificate.

Attachment 1: Request for Contested Case from Irene Gilbert, submitted as an individual and representing Friends of the Grande Ronde Valley

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Attachment 2: Request for Contested Case from Fuji and Jim Kreider

Attachment 3: Request for Contested Case from Friends of the Columbia Gorge, Oregon Wild, Oregon Natural Desert Association, Central Oregon LandWatch, and the East Cascades Audubon Society.