



# ENERGY FACILITY SITING COUNCIL

Barry Beyeler, Chair ■ Hanley Jenkins, Vice-Chair ■ Betty Roppe ■ Marcy Grail ■ Ann Gravatt ■ Kent Howe ■ Mary Winters

## Energy Facility Siting Council June 18-27, 2019 Meeting Minutes

**Tuesday, June 18, 2019 at 4:25 p.m. – 8 p.m., (MDT).**  
**Malheur County: Four Rivers Cultural Center, 676 SW 5th Avenue, Ontario, OR**

**Wednesday, June 19, 2019 at 4:25 p.m. – 8 p.m., (PDT).**  
**Baker County: Baker City VFW, 2005 Valley Avenue, Baker City, OR**

**Thursday, June 20, 2019 at 4:25 p.m. – 8 p.m., (PDT).**  
**Union County: Blue Mountain Conference Center, 404 12th Street, La Grande, OR**

**Wednesday, June 26, 2019 at 4:25 p.m. – 8 p.m., (PDT).**  
**Umatilla County: Pendleton Convention Center, 1601 Westgate, Pendleton, OR**

**Thursday, June 27, 2019 at 2:15 p.m. – 8 p.m., (PDT).**  
**Morrow County: Port of Morrow, Riverfront Room, 2 Marine Drive NE, Boardman, OR**

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The meeting materials presented to Council are available online at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Council-Meetings.aspx>

## Tuesday, June 18, 2019 - Ontario

**Call to Order:** The meeting was called to order at 4:30 p.m. on June 18, 2019 by Chair Barry Beyeler.

**Roll Call:** Council Chair Barry Beyeler, Council Vice-Chair Hanley Jenkins, Council Members Marcy Grail and Kent Howe were present. Council Member Betty Roppe attended remotely via telephone.

Hearing Officer Alison Greene Webster was present.

Oregon Department of Energy representatives present were Assistant Director/Council Secretary Todd Cornett, Senior Policy Advisor Maxwell Woods, Senior Siting Analyst Kellen Tardaewether, Senior Siting Analyst Sarah Esterson, Operations Analyst Sean Mole, and Communications Outreach Cliff Voliva. EFSC Counsel Patrick Rowe, Department of Justice (DOJ), was also present.

## **A-1 Boardman to Hemingway Transmission Line Public Hearing on the Draft Proposed Order and Request for Comments (Hearing)**

- 1) **Staff Presentation: Overview Boardman to Hemingway Transmission Line in Malheur County** – Senior Siting Analyst, Kellen Tardaewether, presented on the proposed Boardman to Hemingway Transmission Line within Malheur County. The presentation was an overview of county-specific items discussed within the draft proposed order.
- 2) **Hearing Officer Presentation: Explanation of Testimony Process and Submitting Written and Oral Comments** – Hearing Officer, Alison Greene Webster, gave an overview of how to raise an issue at the hearing or in writing. A person who intends to raise any issue that may be the basis for a contested case must raise the issue with sufficient specificity to afford the Council, the Department and the applicant an adequate opportunity to respond, including a statement of facts that support the person’s position on the issue.
- 3) **Opportunity for Public Testimony** – Hearing Officer, Alison Greene Webster, conducted the Public Hearing on the draft proposed order for the Boardman to Hemingway Transmission Line.

For more details on agenda item A-1 see [verbatim transcript](#).

## **Wednesday June 19, 2019 - Baker City**

**Call to Order:** The meeting was called to order at 4:30 p.m. on June 19, 2019 by Chair Barry Beyeler.

**Roll Call:** Council Chair Barry Beyeler, Council Vice-Chair Hanley Jenkins, Council Members Marcy Grail and Kent Howe were present. Council Member Betty Roppe attended remotely via telephone.

Hearing Officer Alison Greene Webster was present.

Oregon Department of Energy representatives present were Director Janine Benner, Assistant Director/Council Secretary Todd Cornett, Senior Policy Advisor Maxwell Woods, Senior Siting Analyst Kellen Tardaewether, Senior Siting Analyst Sarah Esterson, Operations Analyst Sean Mole, and Communications Outreach Cliff Voliva. EFSC Counsel Patrick Rowe, Department of Justice (DOJ), was also present.

## **A-2 Boardman to Hemingway Transmission Line Public Hearing on the Draft Proposed Order and Request for Comments (Hearing)**

- 1) **Staff Presentation: Overview Boardman to Hemingway Transmission Line in Malheur County** – Senior Siting Analyst, Kellen Tardaewether, presented on the proposed Boardman to Hemingway Transmission Line within Malheur County. The presentation was an overview of county-specific items discussed within the draft proposed order.
- 2) **Hearing Officer Presentation: Explanation of Testimony Process and Submitting Written and Oral Comments** – Hearing Officer, Alison Greene Webster, gave an overview of how to raise an issue at the hearing or in writing. A person who intends to raise any issue that may be the basis for a contested case must raise the issue with sufficient specificity to afford the Council, the Department and the applicant an adequate opportunity to respond, including a statement of facts that support the person’s position on the issue.
- 3) **Opportunity for Public Testimony** – Hearing Officer, Alison Greene Webster, conducted the Public Hearing on the draft proposed order for the Boardman to Hemingway Transmission Line.

For more details on agenda item A-2 see [verbatim transcript](#).

## Thursday, June 20, 2019 - La Grande

**Call to Order:** The meeting was called to order at 4:30 p.m. on June 20, 2019 by Chair Barry Beyeler.

**Roll Call:** Council Chair Barry Beyeler, Council Vice-Chair Hanley Jenkins, Council Members Marcy Grail and Kent Howe were present. Council Member Betty Roppe attended remotely via telephone.

Hearing Officer Alison Greene Webster was present.

Oregon Department of Energy representatives present were, Assistant Director/Council Secretary Todd Cornett, Senior Policy Advisor Maxwell Woods, Senior Siting Analyst Kellen Tardaewether, Senior Siting Analyst Sarah Esterson, Operations Analyst Sean Mole, and Communications Outreach Cliff Voliva. EFSC Counsel Patrick Rowe, Department of Justice (DOJ), was also present.

### **A-3 Boardman to Hemingway Transmission Line Public Hearing on the Draft Proposed Order and Request for Comments (Hearing)**

- 1) **Staff Presentation: Overview Boardman to Hemingway Transmission Line in Malheur County** – Senior Siting Analyst, Kellen Tardaewether, presented on the proposed Boardman to Hemingway Transmission Line within Malheur County. The presentation was an overview of county-specific items discussed within the draft proposed order.
- 2) **Hearing Officer Presentation: Explanation of Testimony Process and Submitting Written and Oral Comments** – Hearing Officer, Alison Greene Webster, gave an overview of how to raise an issue at the hearing or in writing. A person who intends to raise any issue that may be the basis for a contested case must raise the issue with sufficient specificity to afford the Council, the Department and the applicant an adequate opportunity to respond, including a statement of facts that support the person's position on the issue.
- 3) **Opportunity for Public Testimony** – Hearing Officer, Alison Greene Webster, conducted the Public Hearing on the draft proposed order for the Boardman to Hemingway Transmission Line.

For more details on agenda item A-3 see [verbatim transcript](#).

## Wednesday, June 26, 2019 - Pendleton

**Call to Order:** The meeting was called to order at 4:25 p.m. on June 26, 2019 by Chair Barry Beyeler.

**Roll Call:** Council Chair Barry Beyeler, Council Vice-Chair Hanley Jenkins, Council Members Marcy Grail, Betty Roppe, and Kent Howe were present. Council Member Mary Winters attended remotely via telephone.

Hearing Officer Alison Greene Webster was present.

Oregon Department of Energy representatives present were Director Janine Benner, Assistant Director/Council Secretary Todd Cornett, Senior Siting Analyst Kellen Tardaewether, Senior Siting Analyst Sarah Esterson, and Communications Outreach Cliff Voliva. EFSC Counsel Patrick Rowe, Department of Justice (DOJ), was also present.

### **A-4 Boardman to Hemingway Transmission Line Public Hearing on the Draft Proposed Order and Request for Comments (Hearing)**

- 1) **Staff Presentation: Overview Boardman to Hemingway Transmission Line in Malheur County** – Senior Siting Analyst, Kellen Tardaewether, presented on the proposed Boardman to Hemingway Transmission Line within Malheur County. The presentation was an overview of county-specific items discussed within the draft proposed order.

- 2) **Hearing Officer Presentation: Explanation of Testimony Process and Submitting Written and Oral Comments** – Hearing Officer, Alison Greene Webster, gave an overview of how to raise an issue at the hearing or in writing. A person who intends to raise any issue that may be the basis for a contested case must raise the issue with sufficient specificity to afford the Council, the Department and the applicant an adequate opportunity to respond, including a statement of facts that support the person’s position on the issue.
- 3) **Opportunity for Public Testimony** – Hearing Officer, Alison Greene Webster, conducted the Public Hearing on the draft proposed order for the Boardman to Hemingway Transmission Line.

For more details on agenda item A-4 see [verbatim transcript](#).

## Thursday, June 27, 2019 - Boardman

**Call to Order:** The meeting was called to order at 2:15 p.m. on June 27, 2019 by Chair Barry Beyeler.

**Roll Call:** Council Chair Barry Beyeler, Council Vice-Chair Hanley Jenkins, Council Members Betty Roppe, Marcy Grail, Ann Gravatt, and Kent Howe were present. Council Member Mary Winters attended remotely via telephone.

Hearing Officer Alison Greene Webster was present.

Oregon Department of Energy representatives present were Assistant Director/Council Secretary Todd Cornett, Senior Policy Advisor Maxwell Woods, Senior Siting Analyst Kellen Tardaewether, Senior Siting Analyst Chase McVeigh-Walker, and Communications Outreach Cliff Voliva. EFSC Counsel Patrick Rowe, Department of Justice (DOJ), was also present.

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

1) **Meeting Minutes – May 16-17, 2019 EFSC Meeting**

There was a consensus of the council to wait to approve May meeting minutes until the next meeting due to some members not having had the opportunity to review them.

2) **Council Secretary Report** - Assistant Director/Council Secretary Todd Cornett

- a. **Staffing Updates:** Division Assistant, Esther Kooistra, is no longer with the Oregon Department of Energy. ODOE is now in the process of recruiting a new Division Assistant, and the position will be temporarily filled part time by Erica Euen, an ODOE Communications team member.

Council Member Roppe has resigned and this will be the last meeting she will attend.

- b. **New Projects:** Since the last council meeting, ODOE has received Notice of Intent from the Madras Solar Project.
- c. **Agenda Modification:** No modifications.
- d. **Amendment Determination Requests:** Three determination requests requesting the Type B review process. One each for Shepherds Flat North, Shepherds Flat Central, and Shepherds Flat South.
- e. **Legislative Updates:** There were no updates on SB 2329, 928, or 2020 since the last meeting.
- f. **Future EFSC Meeting Dates:** No July meeting will take place. The next meeting will take place August 22-23 in Boardman.

Availability of Council Members for future meeting dates: Vice Chair Jenkins will not be in attendance. Chair Beyeler, Council Members Winters, Howe, Grail, and Gravatt confirmed their availability.

### **C. Montague Wind Power Facility, Council Review of Draft Proposed Order on Request for Amendment 4 of the Site Certificate (Information Item) – Chase McVeigh-Walker, Senior Siting Analyst.**

Mr. McVeigh-Walker gave an overview of the certificate holder, Montague Wind Power Facility, LLC. He then gave an overview of the facility history. After summarizing the components of the request, he presented the council with ODOE's evaluation of public comments made on the Draft Proposed Order on Request for Amendment 4. Council then had the opportunity to ask questions or comment on the DPO and/or ODOE's evaluation of the comments made.

Vice Chair Jenkins asked for clarification as to who is to be notified if the certificate holder is in compliance or violation with 3<sup>rd</sup> party permits. Secretary Cornett clarified that both ODOE and Gilliam County are to be notified by the certificate holder.

Mr. McVeigh-Walker explained that the certificate holder had given an additional reason for a Goal 3 Exception, that reason being that using the land for solar rather than agricultural purposes would reduce GHG emissions. He explained that the department determined it is not a valid reason to justify an exception because that reason would apply to all proposed solar facilities.

Vice Chair Jenkins asked Mr. McVeigh-Walker to verify that because using GHG emissions it is not a unique circumstance to the site, and it would be applicable for all proposed solar facilities on crop land, it is not a valid reason to make an exception for this site. Mr. McVeigh agreed that was the departments determination.

Council Member Gravatt had a question about the process. She thought that the council would be voting today but was mistaken. Secretary Cornett clarified that there would not be a vote during this meeting, and this agenda item was informational only. Council Member Gravatt asked if the vote would take place during the next meeting. Secretary Cornett explained the process from here and anticipated that it may not be during the next meeting.

Council Member Grail commented that the department's presentation did not mention a public comment by Mrs. Gilbert regarding the Department of the Navy and the statutes surrounding what constitutes a Special Advisory Group. Secretary Cornett explained the administrative rules regarding Special Advisory Groups and the difference between those and Reviewing Agencies, as well as why the Department of the Navy was not named as a Special Advisory Group.

Vice Chair Jenkins commented that ODOT District 9 was asked to participate by ODOT and he had not seen anything from District 9. Mr. McVeigh-Walker explained that the department had not received any comment from District 9.

Chair Beyeler asked if the gentlemen that had made a public comment about his hunting lodge had ever followed up. Mr. McVeigh-Walker answered that he had not.

Vice Chair Jenkins asked if council would be receiving a clean copy of the proposed order before a decision is made. Secretary Cornett answered that yes, they would be getting a new version within 30 days.

Mr. McVeigh-Walker's staff report and presentation can be found on the [Council Meetings website](#).

### **D. Public Comment**

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

Jeff Burns - Hermiston, OR asked if the public comment period was closed for Montague. Secretary Cornett verified that it is indeed closed. Mr. Burns wanted to make a general comment and asked on behalf of the community that standards be set for hiring in-state workers for future renewable energy projects.

Terry Casey – 555 First St Gladstone, OR reiterated Mr. Burns comment asking to implement standards the help ensure Oregon workers are profiting from future renewable energy projects.

## **A-5 Boardman to Hemingway Transmission Line Public Hearing on the Draft Proposed Order and Request for Comments (Hearing)**

- 1) **Staff Presentation: Overview Boardman to Hemingway Transmission Line in Malheur County** – Senior Siting Analyst, Kellen Tardaewether, presented on the proposed Boardman to Hemingway Transmission Line within Malheur County. The presentation was an overview of county-specific items discussed within the draft proposed order.
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- 3) **Opportunity for Public Testimony** – Hearing Officer, Alison Greene Webster, conducted the Public Hearing on the draft proposed order for the Boardman to Hemingway Transmission Line.

For more details on agenda item A-5 see [verbatim transcript](#).

Meeting adjourned at 7:51 pm.

For more details visit the [Council Meetings website](#).

