



ENERGY FACILITY SITING COUNCIL

Hanley Jenkins, Chair ■ Marcy Grail, Vice-Chair ■ Kent Howe ■ Mary Winters ■ Jordan Truitt ■ Cynthia Condon

Energy Facility Siting Council September 25, 2020 Meeting Minutes

**Friday, September 25, 2020 at 8:30 a.m.
Webex Teleconference Meeting**

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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>

Friday, September 25, 2020 – Webex Teleconference

Call to Order: The meeting was called to order at 8:30 a.m. on September 25, 2020 by Chair Jenkins.

Roll Call: Council Chair Hanley Jenkins, Vice Chair Marcy Grail, and Council Members Cynthia Condon, Kent Howe, and Mary Winters were present.

Oregon Department of Energy representatives present were Assistant Director for Siting/Council Secretary, Todd Cornett, Rules Coordinator, Christopher Clark, Division Assistant, Michiko Mata, Operations & Policy Analyst, Wally Adams, Senior Siting Analysts Sarah Esterson, Kellen Tardaewether, Chase McVeigh-Walker, and Katie Clifford. EFSC Counsel Patrick Rowe of the Department of Justice was also present.

A. Consent Calendar (Action Item) – Approval of minutes, Council Secretary Report, and other routine Council business.

July 23-24, 2020 Meeting Minutes

Council Member Howe motioned that the Council approve the July 23-24, 2020 meeting minutes with the removal of the duplication on page 7, and on page 12 revise the word “implement” to say “impact”.

Council Member Grail seconded the motion.

Motion carried.

Secretary Cornett added for the record to include Council Member Howe’s comment in the July 23-24 minutes.

August 21, 2020 Meeting Minutes

Vice Chair Grail asked to change “I” to a name and/or title of the person on page 3.

Mr. Cornett said they would make the change.

Council Member Howe pointed out that on Item B, the motion was captured but the action wasn’t.

Council Member Howe motioned that the Council approve the August 21, 2020 meeting minutes with the changes mentioned in Item B, and the change requested to change the word “I”.

Council Member Grail seconded the motion.

Motion carried.

Council Secretary Report

Agenda Modification

No agenda modifications. However, Secretary Cornett made Council members aware of the quorum for the meeting. Council Member Truitt had a conflict and would be unable to attend the meeting. He has donated warehouse space to help victims of the wildfires and is currently in charge of the logistics of receiving donated materials and getting them to the victims of the wildfires. That puts them at 5 Council members which is a quorum.

Council Member Condon had to leave at 11:30 a.m., which would leave 4 council members and no longer have a quorum. However, they should be well past the action items and do not need to have a quorum for the Council to meet as long as you are not voting on anything.

OAR 345-011-0005: Quorum and Rules of Order

(1) Five members of the Council constitute a quorum. The Council may meet to discuss any matter in the absence of a quorum but shall take no formal action on any matter unless a quorum is present.

Secretary Cornett later corrected this statement and indicated the meeting would be concluding around 1:45 pm, and he requested Council Member Condon to log back in when she was finished.

Council Member Condon confirmed she would log back in when available.

Staffing/Council Updates

The deadline for submitting applications for Mr. Wood's Senior Policy Advisor position closed last week and they are preparing for first round interviews on next week.

Project Updates

Boardman to Hemingway

The deadline to submit requests for party status has passed and there were over 50 requests. The 1st pre-hearing conference was that afternoon which will include, among other things:

- Opportunity for argument on requests for party status;
- Opportunity to address responses to petitions for party status;
- Arguments on the removal of issues from the issues list; and
- Explanation of the contested case process

Secretary Cornett stated the Department would keep Council up to date as they receive the information.

Wheatridge II Amendment #1 Request and Amendment Determination Request

Date of Receipt – On September 3, 2020 the Department received a request by the certificate holder for Wheatridge Renewable Energy Facility II, NextEra Energy Resources, to split the project into three site certificates.

Existing Facility – The existing approved facility includes up to 550 MW of wind and solar energy facility components within a 12,432 acre site boundary extending across Morrow and Umatilla counties. 200 MW of wind energy facility components (80 wind turbines and related or supporting facilities) in Morrow County is currently in construction, with commercial operation anticipated in October 2020.

Amendment Request – The specific amendment request includes dividing the project into three separate site certificates, all continuing to be owned by NextEra Energy Resources.

- Facility one would be the existing site certificate, Wheatridge Renewable Energy Facility II with 200 MW of wind facility on 7,850 acres entirely within Morrow County;
- Facility two would be Wheatridge Renewable Energy Facility III with 150 MW of solar on 2,296 acres entirely within Morrow County; and
- Facility three would be Wheatridge Renewable Energy Facility East with 200 MW of wind on 2,956 acres entirely within Umatilla County –

- The three facilities would share related or supporting facility components and would have overlapping site boundaries.

Courtesy Notice – On September 18, the Department sent a courtesy notice of our receipt of the preliminary request for amendment.

Amendment Determination Request – As part of their amendment request the certificate holder requested the amendment be reviewed under the Type B review process. Because the amendment request was not proposing to add more acreage to the project or add or change components of the project and is just requesting to split what was previously approved into three separate site certificates, staff determined that Type B review was justified. Because the Type B determination was done so quickly after its receipt, the receipt of the Amendment Determination Request and staff's determination were included in the same courtesy notice on September 18th.

Sarah Esterson is the project lead.

Perennial Wind Chaser Station Start of Construction

Prior to the August Council meeting staff and Council received a letter from Columbia Riverkeeper expressing concern over the potential for the Perennial Wind Chaser Station project to begin construction on only a portion of the project. During the public comment timeframe of that meeting there were several comments expressing similar concerns.

On September 2nd staff responded to Columbia Riverkeeper justifying our implementation of pre-construction and construction conditions on a portion of the facility and sent that response to Council as well.

Between the August Council meeting and now they have received additional comments, mostly identical, from people expressing concern about the potential for that project to begin construction on only a portion of the facility. Those comments have been periodically sent to Council. The last combined version was sent to Council yesterday.

In the last several months siting staff has continued to evaluate preconstruction conditions associated with the bridge and road for first phase of construction. On September 18th the site certificate holder met all applicable pre-construction conditions and on September 21st they began construction.

Request by Ms. Irene Gilbert to Add an Agenda Item

OAR 345-011-0035 allows requests by any person to add an agenda item to a Council Meeting as long as it is at least 14 days prior to the Council Meeting. The rule states that with concurrence of the chair, the matter will be added to the agenda.

On September 5th and September 7th Ms. Irene Gilbert sent ODOE Director Janine Benner emails requesting Council add a reconsideration of their decision during the August meeting to request the Attorney General waive Oregon Office of Administrative Hearing Contested Case rules and continue to use Council adopted Contested Case rules.

As a reminder, unlike many agencies, boards and commissions, EFSC is not obligated to use the Office of Administrative Hearings Administrative Law Judges, but can certainly elect to do so and has done so in the last several years. In order for Council's Contested Case rules to be used, a request must be made to the Attorney General for the exemption. An exemption request to the Attorney General was originally planned as part of the Boardman Solar Energy Facility in early 2018 but since there were no requests for party status in the Contested Case, the request to the AG was never made. The reason this request happened now is that the Boardman to

Hemingway project will have the first Contested Case where there have been people requesting party status since the Council began using Office of Administrative Hearing Administrative Law Judges.

On September 11th Secretary Cornett spoke with Chair Jenkins and Vice-Chair Grail who evaluated Ms. Gilbert's request to add the item to today's agenda. They determined not to add the requested item to the agenda for the following reasons:

- They agreed with the analysis and request by ODOE staff during the August 21st Council Meeting; and
- The Council has adopted contested case rules that integrate with other substantive and procedural contested case rules.
- The Attorney General exemption allows Council to apply these same rules that have long applied to contested cases, rather than applying the series of rules that Oregon Office of Administrative Hearing Administrative Law Judges use.

Ms. Gilbert's request and Secretary Cornett's response to Ms. Gilbert on behalf of Chair Jenkins and Vice Chair Grail was forwarded to all Council members on September 17th.

Since that time the Attorney General has waived the Oregon Office of Administrative Hearings Contested Case rules for the Boardman to Hemingway project and is reviewing a blanket waiver which is applicable to all projects for the next four years.

Future Meetings

October 22-23, 2020 - An October meeting is expected to be needed and all Council members indicated their availability. Secretary Cornett stated he wasn't sure if they'd need the two days yet.

Availability was confirmed, no changes.

November 19-20, 2020. They do not know yet if they will need a meeting. All Council members indicated they would be available, but Secretary Cornett requested to let staff know if there were any availability changes.

Chair Jenkins asked for confirmation if the October meeting would be virtual.

Secretary Cornett replied that unless there is a requirement under Statute or Rule to have the meeting in-person that all future meetings will be virtual under the Governor's guidance.

Council Member Howe stated that he supported the letter the Department put together in response to the Columbia River Keepers regarding the Perennial Wind Chaser project and in addition to the similar letter regarding Summit Ridge regarding the same pre-construction issues; he felt the justification was factual, well put together, thorough, complete, and well done.

B. Council Appointment of Klamath County Board of Commissioners as Special Advisory Group for Bonanza Energy Facility (Action Item)¹ – Katie Clifford, Senior Siting Analyst. Council will appoint the Klamath County Board of Commissioners as the special advisory group under ORS 469.480(1) for EFSC proceedings related to the Bonanza Energy Facility, a proposed 150 to 300 MW solar photovoltaic energy facility proposed to be located in Klamath County.

Vice Chair Grail moved that the Council appoint the Klamath County Board of Commissioners as the Special Advisory Group to advise the Council in the EFSC proceedings related to the proposed Bonanza Energy Facility.

Council Member Howe seconded the motion.

¹ Audio for Agenda Item B = 00:23:55 – September 25, 2020

Motion carried.

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

C. [9:00 am] Initiation of Rulemaking to Ensure Safe Public Meetings and Hearings (Action Item)² –

Christopher Clark, Rules Coordinator. Council considered the initiation of formal rulemaking proceedings to allow the Council to waive any provision of rule requiring that a public meeting or public hearing be held in person or in a specific geographical area, if the Council Chair finds that in-person attendance at the meeting or hearing would present a risk for public health or safety. The proposed rules would not apply to public meetings or hearings which are otherwise required to be held in person by law, or to contested case hearings held under ORS chapter 183.

Vice Chair Grail asked if other agencies were making similar changes.

Mr. Clark replied that he couldn't speak to specific changes, but noted that other agencies had adopted temporary rules or permanent rules to allow them to conduct business during the pandemic. He stated there are not many State agencies that have in-person meeting/hearing requirements. He explained that the Legislature did take action to provide authority similar to the proposed rule to local governments, which have to deal with in-person meetings more often.

Vice Chair Grail commented that the proposed rulemaking is reasonable and prudent, and felt the proposed change was important to allow the Council to fulfill their obligations while providing some assurances to stakeholders that Council will continue to conduct business that needs to be done.

Council Member Howe stated he preferred in-person meetings, because hearing public testimony in-person provides many intangible benefits, but was supportive of the rulemaking to address safety and health concerns.

Council Member Winters stated she had not realized that the legislation didn't apply to state agencies. She explained that cities everywhere had been holding virtual meetings. She stated she also preferred conducting meetings and hearings in-person, but was also supportive of the rulemaking because the pandemic and other events can make it impossible to travel, and the Council still needs to conduct business.

Council Member Condon stated she appreciated the work, but was concerned that interested persons in rural areas where energy facilities are usually sited don't always have access to adequate broadband service. She stated that if the proposed rule were adopted, she hoped that it would be narrowly applied.

Mr. Clark stated staff would be recommending Council hold a hearing in October regarding this rulemaking.

Chair Jenkins requested public comment on the proposed rulemaking.

Public Comment

No public comments.

D. [9:21 am] Montague Wind Power Facility, Council Review of Proposed Order on Request for Amendment 5 of Site Certificate (Action Item)³ – Sarah Esterson, Senior Siting Analyst. Council reviewed the Proposed Order on Amendment 5 and the adopted proposed order as the final order. RFA5 seeks Council approval to split previously approved facility components into three site certificates for the following: Montague Wind

² Audio for Agenda Item C = 00:29:08 – September 25, 2020

³ Audio for Agenda Item D = 00:51:14 – September 25, 2020

Power Facility (201 megawatt (MW) wind), Montague Solar Facility (162 MW solar), and Oregon Trail Solar Facility (41 MW wind and solar) - to be owned by individual limited liability companies created by the current certificate holder owner, Avangrid Renewables, LLC. RFA5 also seeks Council approval to reduce the site boundary; increase the solar micro-siting area; construct and operate new equipment; use an alternative route for a transmission line segment; and, modify site certificate conditions. For more information visit the [Montague Wind project page](#).

Secretary Cornett asked Ms. Esterson to explain the reason for the site boundary reduction.

Ms. Esterson explained that the certificate holder discovered a significant amount of Washington ground squirrel habitat which is considered category 1 habit, where impacts are prohibited. They've removed that area in the site boundary due to facility siting constraints.

Chair Jenkins asked the length of the transmission line from the solar to the substation.

Ms. Esterson stated the total length is 14 miles from the Montague Solar substation to the BPA's Slatt substation. What's in place right now is a shorter segment of approximately 10 miles from Montague Wind substation up to BPA's Slatt Substation. Montague Solar substation will eventually connect to Montague Wind substation, then a collector line will bring Oregon Trail Solar to Montague Solar substation.

Chair Jenkins asked for confirmation if the line would be about 4 miles for just the solar.

Ms. Esterson confirmed.

Chair Jenkins stated that the certificate holder requested Type B review of the amendment request, but staff and Council agreed that Type A review would be more appropriate. Chair Jenkins concurred with Type A review because the amendment request would increase the agricultural land area to be used for solar photovoltaic energy components, requiring that the Council review a "reasons" exception request for Goal 3 under the Council's Land Use standard.

Council Member Howe agreed with Chair Jenkins, and thanked Ms. Esterson, stating that her presentation was clear and thorough.

Council Howe motioned that the Council adopt the proposed order as the final order and issue an amended site certificate for the Montague Wind Power Facility and two original site certificates for Montague Solar Facility and Oregon Trail Solar Facility.

Council Member Winters seconded.

Motion carried.

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

E. 2019 Housekeeping Rulemaking Update (Information Item)⁴ – Christopher Clark, Rules Coordinator. The 2019 Housekeeping Rulemaking Project contained changes intended to facilitate electronic transmission of application materials, improve the consistency of noticing requirements with statute and local government processes, and reduce administrative and reporting costs to applicants and certificate holders. The Council received an update on the implementation of the rule changes, and staff's evaluation of whether or not the new rules are accomplishing their intended objectives.

⁴ Audio for Agenda Item E = 01:26:49 – September 25, 2020

Mr. Clark explained that in proceedings to adopt rules under the 2019 Housekeeping Rulemaking project, Council had received a request for a statement of objective and how Council would evaluate whether or not the rules met those objectives. He noted the objectives and explained that Council had directed staff to track comments or complaints and operation of the proposed rules, particularly the changes to the property owner notification requirements, and report back to the Council in one year from September 2019. He noted that aside from some questions about applicability, no comments or complaints had been identified. He stated that staff believed the rules were operating as expected and no further action was needed.

Chair Jenkins noted that Council had amended the rules to adjust their rule for notification requirements so they coincide with local governments notification requirements regarding property boundaries, and felt that it was important to note that this resulted in more continuity and more land owners being notified verses less.

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

F. Compliance Update (Information Item)⁵ – Duane Kilsdonk, Compliance Officer. Council received a presentation on the Department’s energy facility compliance program.

Council Member Howe referring to the staff report, asked about the certificate transition plan, but realized Mr. Kilsdonk would be covering it next.

Mr. Kilsdonk confirmed he would be covering that in the next slide.

Secretary Cornett stated specifically the site certificate transition is as they go through the application process, the lead analyst may bring in other team members like Mr. Kilsdonk, although they are still the lead. However, when facilities are in full operation it is entirely Mr. Kilsdonk’s responsibility, although he can pull in other experts as needed during his annual reviews. However, staff needed to do a better job during that interim period when evaluating pre-construction and construction conditions. This is important time when the lead analysts bring specific expertise along with Mr. Kilsdonk’s during this period.

Mr. Kilsdonk added that Mr. Adams is working with him regarding a process plan, and he’s excited to see the end result.

With regards to the Portland General Electric’s (PGE) Trojan Nuclear site’s Independent Spent Fuel Storage Installation, Secretary Cornett stated that there is no Federal repository for nuclear fuel or radioactive materials associated with existing or decommissioned nuclear facilities. His understanding is that every decommissioned or active facility has one of these independent spent fuel storage installations. People often think the Yucca Mountain Facility is a Federal storage facility, it is not, it’s a test site for a potential Federal repository. The decommissioned Trojan Nuclear Plant site is currently the only place to store this material, which is why the Nuclear Regulatory Commission (NRC) has already extended the life of maintaining it onsite. Mr. Kilsdonk explained the “what”, and he just wanted to make sure Council understood the “why”.

Council Member Condon wanted to make sure she understood the last process Mr. Kilsdonk spoke about. She stated the draft rules state they would meet with PGE, then present to Council. Does Council know what staff is discussing with PGE, like what staff is recommending? If PGE said “no”, would Council know what was recommended and that it was removed?

Mr. Kilsdonk stated that yes, Council would be informed, and the current rule change is specific to dates to the 40 year life span, not the 60. He deferred to Mr. Clark to make any additional clarification if needed.

⁵ Audio for Agenda Item F = 01:36:55 – September 25, 2020

Council Member Condon was thinking more generally than absolutely, as she is new and trying to understand the processes.

Mr. Kilsdonk thanked Council Member Condon and that there isn't much rulemaking, but the ones they do are necessary to ensure the process is clean and accurate.

Secretary Cornett added that it was a good question, and that Mr. Clark could probably speak more on the rulemaking record. The rulemaking record can be pretty large, and they try to maintain the detail as they move forward. In the normal circumstances staff would make a recommendation to Council, to ensure all the information makes it into the record. This is a heavily regulated location by the NRC, it's not that the State of Oregon doesn't have a role because they do, but they rely heavily on the NRC for direction. The changes Mr. Kilsdonk is recommending would align with the current rules of the NRC.

Mr. Clark added he believed they intended to bring preliminary recommendations to Council and rather than ask them to initiate formal proceedings, they would ask them to initiate informal rulemaking proceedings. They would then seek advice from PGE and the NRC as Secretary Cornett and Mr. Kilsdonk mentioned.

Secretary Cornett stated he looked at the Siting Division as having three critical components:

1. Review of applications and amendments, which are items Council sees the most.
2. Rulemaking, as it's important they maintain current and update rules to evaluate the projects.
3. Compliance, which is one the Council gets least exposure to, but it's critically important to maintain and proactively work with the certificate holders to ensure they are up to date with their conditions of approval.

Chair Jenkins thanked Mr. Kilsdonk and Secretary Cornett, and that it is always good to get an update on all the projects and compliance.

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

G. Public Comment Period⁶ – This time was reserved for the public to address the Council regarding any item within Council jurisdiction that is not otherwise closed for comment.

No public comments.

H. EFSC Submittal Requirements and Standards Overview (Information Item)⁷ – Todd Cornett, Siting Division Administrator/Council Secretary. The Council received a presentation on the Energy Facility Siting Process application requirements and standards.

Chair Jenkins stated that applicable land use requirements for local land use decisions are those in effect at the time of the complete application, whereas for the EFSC process, the applicable local land use regulations are those in effect at the time that the preliminary application is submitted.

Secretary Cornett confirmed that is correct.

Chair Jenkins requested confirmation that an issue described in the presentation is how the information submitted in the Notice of Intent (NOI) aligns with the application.

⁶ Audio for Agenda Item G = 02:22:01 – September 25, 2020

⁷ Audio for Agenda Item H = 02:22:58 – September 25, 2020

Secretary Cornett replied maybe, and he would try to cover a couple things in his response. One is the importance that this is an evidence based process and how they establish the appropriate level of evidence for each standard, which is the first key take-away he wanted to leave Council with. The second key take-away is there is a lot of information, it's complicated for both the public and the applicant. He stated there may be better ways they could align the NOI, the application, and the standards. He didn't necessarily have a solution, but those are the two key elements for Council to consider. He wanted to leave those ideas with Council to see if they had any concerns with the process or think there is a good opportunity to evaluate this more in the future.

Chair Jenkins stated a concern that the NOI was so preliminary and desktop level, that it may not align well with the standards. However, he wasn't sure if it was even appropriate to make it more robust.

Secretary Cornett agreed, but it may be because it's the starting point. It's the first anyone hears about the specifics of a project other than the applicant themselves. He provided two extreme examples using the Fish and Wildlife Habitat standard. First, if a project is located on a disturbed site in an urban industrial area they may need to reduce the applicant's analysis area distance from the NOI study area distance. However, if a project is located in a rural area in undisturbed habitat, they may need to increase the applicant's analysis area distance from the NOI study area distance. They would also work with Oregon Department of Fish and Wildlife to determine what survey protocols would be appropriate within that analysis area. It is important to make sure the analysis area distance and survey protocols are justifiable, as it could represent a significant resource impact on the applicant.

Chair Jenkins agreed, and stated this would be prior to the application being submitted.

Secretary Cornett stated that the Council established the NOI study area distances as part of a rulemaking, but he was unsure when they were established or what the justifications were for each one of them. However, these are meant to be a starting point to evaluation potential resource issues associate with the project.

Vice Chair Grail stated that seeing things lined out is very helpful even after sitting on Council for a few years, and she appreciated the time to explain things in a different way.

Secretary Cornett thanked Vice Chair Grail, and that he was afraid this presentation would be hard to follow or a bit disjointed because he really wanted to present this in a different way.

Council Member Howe agreed it was a good presentation. He stated it was illuminative when Chair Jenkins made the comments regarding the difference from land use between the EFSC preliminary application, and local land use processes and requirements which are not set until there is a complete application. There is likely a parallel between the NOI and the application, but he wasn't sure if there was value making the application at the beginning, then making revisions as it's reviewed, to eventually having a complete application. He was just talking out loud.

Secretary Cornett stated Council Member Howe's point was valid. The Department has had some preliminary conversations about this as well. Maybe the information that is submitted with the NOI could be sufficient enough for the application as well, they'd have to think through that. They have steps in the process that require the applicant to submit specific information here and specific information there, and is there a way they don't need that information at the next level relying on the information that's been done prior and deemed sufficient to meet that standard. It's just a preliminary idea, and worth looking into.

Chair Jenkins went back to the discussions they've had regarding the benefit of the NOI and providing the preliminary notice to interested public persons, as well as the benefit to the applicant knowing what

additionally might be necessary to meet the standards based on the staff review. He didn't think they should lose the value of that step, but maybe that they can enhance it in some way.

Secretary Cornett stated that with land use rules and statutes it's often times they are built over time. It's more of an additive or responsive approach, making adjustments as needed with valid challenges or applications over time. Sometimes there is value in doing that, but sometimes there is value of doing a full review.

Council Member Howe asked if there was a regional approach, Counties had their ordinances within their County. Then in the State you're looking at various regions that differ from County to County that could be the statewide requirements right now for any applicant. Some of those requirements could be fine-tuned for specific regions of the State to reduce the upfront requirements from being so broad.

Secretary Cornett agreed with the concept, and is open to the ideas.

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

I. Financial Management Overview (Information Item)⁸ – Sisily Fleming, Siting Fiscal Analyst. The Council received an overview of the fiscal process for EFSC and the siting division.

Secretary Cornett stated this tied back to his presentation, and how they talked about the purpose and value of the NOI. They didn't talk about the understanding of the implications they gather for what the cost of the project might be. One thing they do is send notice to people, allowing them to provide comment, and the amount of public participation influences their cost analysis for that project, affecting what Mrs. Fleming was just talking about.

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

J. Project Updates (Information Item)⁹ – Senior Siting Analysts. The Council received brief updates on all active projects from each of the assigned project leads.

Blue Marmot Solar Project

Council Member Howe stated that the Blue Marmot Solar Project had a much larger site boundary than Obsidian Solar, but only proposing 60 MW and it's just the small areas where the solar panels would be. The Obsidian Solar project is 4,000 acres and 400 MW, but it's probably because of the layout within the site boundary.

Ms. Tardaewether confirmed that was correct. The site boundary was 5,170 acres, which is more than the Obsidian Solar Center. The vast majority of that site boundary was the transmission corridors, and they hadn't decided which they were going to use. This is one of those projects that the area evaluated was much larger than the final impact of the project. She anticipated that the site boundary will decrease as the applicant has narrowed down which transmission corridor they plan to use.

Chair Jenkins asked if there will be multiple sites for the solar arrays north of Lakeview for the Blue Marmot project.

⁸ Audio for Agenda Item I = 03:07:10 – September 25, 2020

⁹ Audio for Agenda Item J = 03:16:43 – September 25, 2020

Ms. Tardaewether confirmed that was correct, they may tweak the number of smaller ones. She also thinks the applicant will be modifying the actual footprint within the site boundary.

Chair Jenkins stated it was a unique layout.

Bonanza Energy Facility

Chair Jenkins asked Ms. Clifford how long the Bonanza Energy Facility transmission line would be and what is the hatched area on the map presented?

Ms. Clifford replied that the transmission line would be approximately 8 miles, and the hatched area is where the applicant anticipates the battery storage would be located. The battery storage units would occupy approximately 91 acres. The hatched area is also the potential location if they were to request the natural gas-fired plant. In this case they'd consider market conditions, and if it should be an energy center with multiple types of energy generation and battery storage. At this time they are not actually proposing it with the natural gas plant.

Nolin Hills Wind Power Project

Chair Jenkins stated that it looked like the Umatilla River is just north of the Nolin Hills Wind Power Project site boundary.

Ms. Clifford confirmed that was correct.

Secretary Cornett referred back to his presentation and this project is at the preliminary application phase; if the applicant proposes any significant changes to the project, staff would have to go back and alter the project order. Staff would need to evaluate what the different components and changes to the project are as it has implications on the applicable standards or may change the analysis area.

Madras Solar Facility

Chair Jenkins stated the Madras Solar Facility looks like it's just west of Madras, and to the east of the Deschutes River and Reservoir.

Mr. McVeigh-Walker confirmed that was correct.

Chair Jenkins asked if the location was on the flat top?

Mr. McVeigh-Walker replied that it was on a plateau and directly to the west of the proposed site is Lake Simtustus, which is just north of Lake Billy Chinook.

Secretary Cornett stated this project is considerably smaller compared to the other projects discussed, at 284 acres. The project location is in a water district making it high value farm land or soils, which is the reason this is under Council jurisdiction. The project being proposed in a water district is one of the triggers, and resulting in it being high value farm land or soils.

Mr. McVeigh-Walker added it's the North Unit Irrigation District.

Secretary Cornett reminded Council that under the Legislation that passed in 2019 (HB2329), anything greater than 160 acres of high value farm land for solar PV would be Council's jurisdiction. Reasonably farmable or arable

land goes up to 1,280 acres or 2 square miles. If it's non-farmable land it goes up to 1,920 acres or 3 square miles. These are the thresholds for Council jurisdiction, and why Madras Solar falls under Council's jurisdiction.

Chair Jenkins added it's worth noting that this project equals about 4 acres per megawatt, which is much less than others when referring to acres per megawatt. He stated most are 7 acres per megawatt, and he was surprised they could meet their needs with that few of acres.

Vice Chair Grail wanted to go back to Council Member Howe's comment regarding in-person meetings. She wanted to point out these projects are located all over the state as they listen to the Siting Analysts discussing each project and where it is located. She reiterated the importance of showing up in person in proximity to these projects whenever they are able to.

Secretary Cornett stated this project is at the Draft Proposed Order phase which has a statutory in-person hearing requirement. So even if the Council adopts the Safe Meeting Rule discussed in Agenda Item C, this public hearing will have to be held in-person and in proximity to the project location.

Wheatridge Renewable Energy Facility

Chair Jenkins stated it seemed the Wheatridge Renewable Facility was in both Umatilla and Morrow Counties, both the turbines and the lines.

Ms. Esterson confirmed that was correct.

Chair Jenkins asked Ms. Esterson to explain the yellow hatched area as he couldn't read the legend.

Ms. Esterson explained that is where there will be overlapping site boundaries, just like the other splits. They will also share some facilities and maintain some of those connections for the life of the facility.

Council Member Condon asked Ms. Esterson to clarify the figures as it wasn't clear to her.

Ms. Esterson referring to multiple figures in the presentation and clarified the overlapping of the facilities in each one.

Council Member Howe stated this is his first experience with a shared site boundary. Does it raise any issues with compliance or maybe those issues were already addressed in the conditions of approval.

Ms. Esterson confirmed it was in the conditions of approval, and often times much more of the overlapping site boundaries are unused. They focus on the shared facility components which are in the overlapping site boundary, and in those they want to see the agreement between the two facilities, and if they modify that agreement, and who's responsible for the decommissioning cost. They both would have an obligation to meet the compliance requirements should there be an oil spill even though they are sharing.

Carty Generating Station

Chair Jenkins asked Mr. McVeigh-Walker if he planned to process the Carty amendment before the retirement of the Boardman Coal Plant at the end of this year?

Mr. McVeigh-Walker confirmed he would be.

Chair Jenkins stated that there shouldn't be an issue incorporating some of the shared facilities then, correct?

Mr. McVeigh-Walker confirmed.

Chair Jenkins asked if there was a second substation built associated with this, didn't they see one when they were on site?

Mr. McVeigh-Walker stated there was a grasslands switch yard which is different than a substation. A substation can step up (increase) or step down (decrease) the electricity voltage, whereas a switch yard only distributes the electricity. They will need the step up and step down to receive the 230 kv, and need to step it down to distribute to their facility.

Secretary Cornett stated the Boardman Coal plant needs to cease operation by the end of this year, and when it will actually be decommissioned they didn't know yet. It's actually not in their jurisdiction, this was the very first site certificate issued by the Energy Facility Siting Council, predating any decommissioning requirements. The Council does not have a bond or decommissioning conditions like the other projects, but they would be keeping track of it.

Mr. McVeigh-Walker wanted to add that there is one more existing shared component that PGE is proposing to incorporate into the Carty Facility which is the Carty Reservoir, which includes large acreage increasing the site boundary.

Council Member Howe asked Mr. McVeigh-Walker to confirm if they were going to keep the Carty Reservoir in their site boundary, and if so why are they doing that for a wind or solar facility? Unless they are going to site other things out there in the future.

Chair Jenkins reminded Council Member Howe that Carty is a gas facility and the reservoir would be used for that.

Mr. McVeigh-Walker stated they will use it for some existing shared equipment already on site.

Council Member Howe stated it was great to see the updates, and Chair Jenkins agreed.

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

Meeting adjourned at 1:45 pm

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