Oregon Department of ENERGY

Energy Facility Siting Council Meeting

Virtual Meeting – Teleconference and Zoom

November 19-20, 2020
Opening Items:

- Call to Order
- Roll Call
- Announcements
Announcements:

• Reminder that this meeting is being held in its entirety via teleconference and webinar.
• Reminder to Council and to anyone addressing the Council to please remember to state your full name clearly, and no not use the speakerphone feature, as it will create feedback.
• You may sign up for email notices by clicking the link on the agenda or the Council webpage.
• You are also welcome to access the online mapping tool and any documents by visiting our website.
• Those participating by phone, please mute your phone and if you receive a phone call, please hang up from this call and dial back in after finishing your other call.
Announcements continued:

• For those signed onto the webinar, please do not broadcast your webcam
• Please silence your cell phones
• Please use the “Raise Your Hand” feature in Webex to speak during the public comment period.
• Energy Facility Council meetings shall be conducted in a respectful and courteous manner where everyone is allowed to state their positions at the appropriate times consistent with Council rules and procedures. Willful accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the Council meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080, any person who engages in unacceptable conduct which disrupts the meeting may be expelled.
Agenda Item A

- Consent Calendar
- Council Secretary Report
Agenda Item B (Hearing)

Summit Ridge Wind Farm, Request for Amendment to Transfer Certificate Holder Ownership Transfer Hearing

November 19, 2020 (4:45 p.m.)
Hanley Jenkins, II Transfer Hearing Presiding Officer. Energy Facility Siting Council
Sarah Esterson, Senior Policy Advisor, Oregon Department of Energy
Facility/Certificate Holder Overview

Facility Type: Wind (194.4 MW)
Facility Location: Wasco County
Certificate Holder: Summit Ridge Wind, LLC
Site Certificate History: Original: 2011
AMD1 – AMD4: 2015 - 2019
## Request for Transfer of Site Certificate Ownership

<table>
<thead>
<tr>
<th>Certificate Holder</th>
<th>New Owner (Certificate Holder)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Summit Ridge Wind, LLC</td>
<td>• Aypa Power LLC</td>
</tr>
<tr>
<td>• Pattern Renewables 2 LP (parent company)</td>
<td></td>
</tr>
</tbody>
</table>

The Department evaluated the two applicable Council standards (Organizational Expertise & Retirement and Financial Assurance) for the Request to Transfer. Presentation of the Departments evaluation following the close of the Transfer Hearing.
Transfer Hearing
Agenda Item B
(Action Item)

Council Review of Request to Transfer Certificate Holder
Ownership of Summit Ridge Wind Farm
Site Certificate

November 19, 2020
Sarah Esterson, Senior Policy Analyst, Oregon Department of Energy
## Transfer Procedural History

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Responsible Party</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification of Intent to Transfer Site Certificate</td>
<td>Certificate Holder</td>
<td>August 21, 2020</td>
</tr>
<tr>
<td>Submittal of Written Request</td>
<td>New Owner</td>
<td>Sept 14, 2020</td>
</tr>
<tr>
<td>Notice of Transfer Request</td>
<td>ODOE</td>
<td>Sept 30, 2020</td>
</tr>
<tr>
<td>Transfer Hearing</td>
<td>ODOE</td>
<td>Nov 19, 2020</td>
</tr>
</tbody>
</table>
Council must find that the new owner complies with:

Organizational Expertise standard

- (OAR 345-022-0010)

Retirement and Financial Assurance standard

- (OAR 345-022-0050)

Standards for Facilities that Emit Carbon Dioxide – Monetary Path Payment Requirement (If applicable)

- (OAR 345-024-0710(1))
Organizational Expertise

- Experience in construction/operation of wind/other energy facilities
- Past Performance
  - Regulatory compliance
  - Mitigation experience
- Previously Imposed Conditions
- Recommended Amended Conditions
Retirement and Financial Assurance

• Ability to Restore Site to Useful, Nonhazardous Condition
  • No changes in previously identified tasks/actions
• Ability to Obtain Bond/Letter of Credit ($12 million)
  • Commitment letter from RBC Royal Bank
• Legal Authority to Construct/Operate Facility
  • Legal opinion from Special Counsel, Stoel Rives LLP
Department Recommendations
Council Action
Agenda Item B
(Action Item)

Summit Ridge Wind Farm, Request to Amend the Form of Letter of Credit for Financial Institution

November 19, 2020
Sisily Fleming, Fiscal Analyst
Agenda Item C
(Action Item)

Carty Generating Station, Council Review of Proposed Order on Request for Amendment 2 of Site Certificate

November 19, 2020
Chase McVeigh-Walker, Senior Siting Analyst
Presentation Overview:

• Facility Overview and Site Certificate History
• Request for Amendment (RFA) 2 Procedural History
• RFA2 Proposed Changes
• Proposed Order (Action Item)
Facility Overview

Certificate Holder: Portland General Electric

Type of Facility: Operational natural gas-fueled combined-cycle unit capable of generating 450 megawatts (MW) and 50 MWs of approved not yet constructed solar photovoltaic energy generation components

Relating or Supporting Facilities: Grassland Switchyard, onsite 500 kV interconnection transmission line (Unit 1 to Grassland Switchyard), interconnecting water pipelines, sewer lines, liquid storage facilities, accessory buildings, utility lines, roads and temporary laydown areas
Facility Site/Site Boundary Location 1 of 2

Site Boundary

- Contains approximately 1,581 acres
- Private Land in Morrow county

Site Certificate History

- Site Certificate effective July 2, 2012
- Site Certificate Amended on December 14, 2018 (Amendment 1)
- Construction completed 2016
RFA2 – Requested Modifications

• Type B Amendment Review

1. Amend the site boundary (both remove from existing site boundary, and increase to incorporate existing facilities currently authorized under the Boardman Coal Plant site certificate, based on the decommissioning of the Boardman Coal Plant)

2. Amend the site certificate to incorporate shared infrastructure and existing facilities (shared by the Boardman Coal Plant and Carty Generating Station)

3. Construct new infrastructure at the Carty Generating Station

4. Modify existing Oregon Department of Environmental Quality (ODEQ) Water Pollution Control Facility (WPCF) permit
RFA2 – Procedural History

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<thead>
<tr>
<th>Requirement</th>
<th>Responsible Party</th>
<th>Date</th>
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<tbody>
<tr>
<td>Preliminary Request for Amendment 2</td>
<td>Certificate Holder</td>
<td>02/28/2020</td>
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<tr>
<td>Type B Determination</td>
<td>ODOE</td>
<td>05/29/2020</td>
</tr>
<tr>
<td>Complete RFA2 Received</td>
<td>Certificate Holder</td>
<td>10/02/2020</td>
</tr>
<tr>
<td>Draft Proposed Order Issued (Type B)</td>
<td>ODOE</td>
<td>10/02/2020</td>
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<tr>
<td>Comment Period (30-days)</td>
<td>ODOE</td>
<td>11/02/2020</td>
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<tr>
<td>Proposed Order/Public Notice</td>
<td>ODOE</td>
<td>11/12/2020</td>
</tr>
<tr>
<td>Council review of Proposed Order</td>
<td>EFSC</td>
<td>11/19/2020</td>
</tr>
<tr>
<td>Final Order/Amended Site Certificate</td>
<td>EFSC</td>
<td>TBD</td>
</tr>
</tbody>
</table>
Review of Proposed Order

Standards not Likely Impacted by RFA2:
Proposed Order, Section III.B. (Starting on page 82)

• Protected Areas
• Scenic Resources
• Recreation

Comments Received on Draft Proposed Order: The Department received six comments on the record of the DPO.

• Nathan Baker, Erin Saylor, and Amelia Reiver Schlusser (Public)
• Lenna Cope (Certificate Holder)
• Teara Farrow Ferman (Confederated Tribes of the Umatilla Indian Reservation)
• Melissa Lindsay, Don Russell, and John Doherty (Morrow County Board of Commissioners)
• Seth Thompson (The Oregon Department of Aviation)
• John Pouley (State Historic Preservation Office)
Review of Proposed Order

**Comments Received on Draft Proposed Order:** The Department received six comments on the record of the DPO. Comments were received from:

- Nathan Baker, Erin Saylor, and Amelia Reiver Schlusser (Public)
- Lenna Cope (Certificate Holder)
- Teara Farrow Ferman (CTUIR)
- Melissa Lindsay, Don Russell, and John Doherty (Morrow County Board of Commissioners)
- Seth Thompson (The Oregon Department of Aviation)
- John Pouley (State Historic Preservation Office)
Review of Proposed Order

Overview of Comments received:

Public: Concern with completeness regarding Air Contaminant Discharge Permit.
Certificate Holder: Supports RFA2 and the DPO, multiple substantive comments and administrative changes suggested.
CTUIR: Requests cultural monitoring for ground disturbing activities.
Morrow County: Conditional Use Permit revisions and Local Permitting.
Aviation: Airspace analysis and compliance.
SHPO: Requests preconstruction surveys for ground disturbing activities.
Review of Proposed Order

**General Standard of Review [OAR 345-022-0000]**
Proposed Order, Section III.A.1. (Starting on page 17)

- Recommend amendment to Condition 4.1
  Specify construction commencement deadline for the proposed RFA2 components

- Recommend amendment to Condition 4.2
  Specify construction completion deadline for the proposed RFA2 components
Review of Proposed Order

Organizational Expertise [OAR 345-022-0010]
Proposed Order, Section III.A.2. (Starting on page 22)

- Recommend New Findings

  - Edits made to Findings as a result of recent Facility compliance correspondence (Proposed Order Page 23)
Review of Proposed Order

**Structural Standard [OAR 345-022-0020]**
Proposed Order, Section III.A.3. (Starting on page 25)

- Recommend amendments to Conditions 6.7, 6.10, and 6.11 (Mandatory Conditions)
  Proposed Amendments based on the October 2017 rule change

- Recommend amendment to Condition 5.4
  clarify applicability of condition to RFA2 components
**Soil Protection [OAR 345-022-0022]**
Proposed Order, Section III.A.4. (Starting on page 30)

- Recommend New Findings

*Edits made to Findings as a result of comments received on the DPO (Proposed Order Page 30)*
Review of Proposed Order

Land Use [OAR 345-022-0030]
Proposed Order, Section III.A.5. (Starting on page 31)

• Recommend New Findings

- Edits made to Findings as a result of comments received on the DPO (Proposed Order Page 33, 39, 41)
Review of Proposed Order

Retirement and Financial Assurance [OAR 345-022-0050]
Proposed Order, Section III.A.6. (Starting on page 46)

• Recommend amendment to Condition 15.1
  Adjust the Decommissioning cost estimate to include RFA2 components
Review of Proposed Order

Fish and Wildlife Habitat [OAR 345-022-0060]
Proposed Order, Section III.A.7. (Starting on page 56)

- Recommend amendment to Condition 10.2
  Require certificate holder provide a habitat assessment of the HMA for RFA2 components

- Recommend amendment to Condition 10.5
  Eliminate reference of fire control plan implementation at HMA

- Recommend Condition 10.40 (New Condition)
  Require certificate holder maintain Carty Reservoir at an annual average of 665 MSL

- Edits made to Findings as a result of comments received on the DPO
  (Proposed Order Page 57, 58)
Review of Proposed Order

Threatened and Endangered Species [OAR 345-022-0070]
Proposed Order, Section III.A.8. (Starting on page 62)

• Recommend New Findings
Historic, Cultural, and Archeological Resources [OAR 345-022-0090]
Proposed Order, Section III.A.9. (Starting on page 64)

• Recommend New Findings

- Edits made to Findings as a result of comments received on the DPO (Proposed Order Page 65, 66)
Review of Proposed Order

Public Services [OAR 345-022-0110]
Proposed Order, Section III.A.10. (Starting on page 67)

- Recommend New Findings

- Edits made to Findings as a result of comments received on the DPO
  (Proposed Order Page 68)
Review of Proposed Order

Waste Minimization [OAR 345-022-0120]
Proposed Order, Section III.A.11. (Starting on page 71)

• Recommend New Findings
Review of Proposed Order

Siting Standards for Transmission Lines [OAR 345-024-0090]
Proposed Order, Section III.A.12.1. (Starting on page 73)

- Recommend New Findings
Review of Proposed Order

Noise Control Regulations [OAR 340-035-0035]
Proposed Order, Section III.A.13.1. (Starting on page 75

• Recommend New Findings
Review of Proposed Order

Water Pollution Control Facility Permit
Proposed Order, Section III.A.13.2. (Starting on page 77)

• Recommend amendment to Condition 10.28
  clarify which requirements are applicable to RFA2 components
Review of Proposed Order

**Water Rights**
Proposed Order, Section III.A.13.3. (Starting on page 80)

- Recommend New Findings
Review of Proposed Order

Removal-Fill
Proposed Order, Section III.A.13.4. (Starting on page 81)

• Recommend New Findings
## Council Decision on the Proposed Order

<table>
<thead>
<tr>
<th>Option 1</th>
<th>Option 2</th>
<th>Option 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approve Proposed Order and Adopt Final Order</td>
<td>Approve Proposed Order with Modifications and adopt Final Order</td>
<td>Deny Proposed Order, direct staff to make changes and re-issue Proposed Order</td>
</tr>
</tbody>
</table>
Agenda Item D
(Action Item)

Wheatridge Renewable Energy Facility II, Council Review of Proposed Order on Request for Amendment 1 of Site Certificate

November 19, 2020
Sarah Esterson, Senior Policy Advisor.
Presentation Overview

- Facility Overview and Site Certificate History
- Request for Amendment 1 (RFA1) Proposed Changes
- Proposed Order (Action Item)
Wheatridge Renewable Energy Facility II

Approved Facility

- Certificate holder: Wheatridge Wind II, LLC
- Parent company: NextEra Energy Resources, LLC
- Type of facility: Wind Energy (400 MW) and Solar PV (150 MW)
- Approximately 12,432 acres, private land in Morrow and Umatilla Counties
- 200 MW wind energy currently under construction in Morrow County

Site Certificate History

- Site Certificate approved through Amendment in 2020 (originally part of Wheatridge Wind Energy Facility)
Diagram 1. WREFII Site Certificate History and Proposed Changes

- Wheatridge Wind Energy Facility
  - 500 MW Wind, 150 MW Solar

- Wheatridge Renewable Energy Facility I
  - Wheatridge Wind Energy, LLC
  - 100 MW Wind

- Wheatridge Renewable Energy Facility II
  - Wheatridge Wind II, LLC
  - 400 MW Wind, 150 MW Solar

- Wheatridge Renewable Energy Facility III
  - Wheatridge Solar Energy Center, LLC
  - 150 MW Solar
  - Distributed Battery Storage

- Wheatridge Renewable Energy Facility East
  - Wheatridge East, LLC
  - 200 MW Wind
  - 20 MW Battery Storage
### RFA1 – Procedural History

<table>
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<tr>
<th>Requirement</th>
<th>Responsible Party</th>
<th>Date</th>
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<tr>
<td>Preliminary Request for Amendment 1/Type B Review ADR</td>
<td>Certificate Holder</td>
<td>August 3, 2020</td>
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<tr>
<td>Type B Determination</td>
<td>ODOE</td>
<td>August 18, 2020</td>
</tr>
<tr>
<td>Complete RFA1 Received</td>
<td>Certificate Holder</td>
<td>October 12, 2020</td>
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<tr>
<td>Draft Proposed Order Issued (Type B)</td>
<td>ODOE</td>
<td>October 12, 2020</td>
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<tr>
<td>Comment Period (24 days)</td>
<td>ODOE</td>
<td>November 6, 2020</td>
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<tr>
<td>Proposed Order</td>
<td>ODOE</td>
<td>November 18, 2020</td>
</tr>
<tr>
<td>Council review of Proposed Order</td>
<td>EFSC</td>
<td>Today, Nov 18, 2020</td>
</tr>
<tr>
<td>Final Order/Amended and Original Site Certificates</td>
<td>EFSC</td>
<td>TBD</td>
</tr>
</tbody>
</table>
Certificate Holder

- Amended WREFII site certificate
  - Preconstruction conditions to reflect phasing (as presented in ASC)
  - GEN-PS-04 deletion; applicability based on battery approved in RFA2
  - PRE-PS-04 revisions related to 7460 notification to FAA

Morrow County

- Zoning and conditional use permits
Review Proposed Order

Other standards: administrative condition edits only

• General Standard of Review
• Organizational Expertise
• Land Use
• Retirement and Financial Assurance

• Fish and Wildlife
Overview of Proposed Order

Standards Not Affected by RFA1
Proposed Order, Section III.B. (Starting on page 33)

- Structural Standard [OAR 345-022-0020]
- Soil Protection [OAR 345-022-0022]
- Protected Areas [OAR 345-022-0040]
- Threatened and Endangered Species [OAR 345-022-0070]
- Scenic Resources [OAR 345-022-0080]
- Historic, Cultural, and Arch. Resources [OAR 345-022-0090]
- Recreation [OAR 345-022-0100]
- Waste Minimization [OAR 345-022-0120]
- Public Services [OAR 345-022-0110]
- Div 23, Div 24 and other applicable requirements
## Council Decision on the Proposed Order

<table>
<thead>
<tr>
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</thead>
<tbody>
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<td>Deny Proposed Order, direct staff to make changes and re-issue Proposed Order</td>
</tr>
</tbody>
</table>
ADJOURN
Agenda Item E
(Action Item)

Wagon Trail Solar Project, Special Advisory Group Appointment

November 20, 2020
Sarah Esterson, Senior Policy Advisor.
Agenda Item F

PUBLIC COMMENT

Phone Commenters: Press *3 to raise your hand to make comment, and *3 to lower your hand after you’ve made your comment.

Webinar Commenters: Open the Participant list, hover over your name and click on the “Raise Your Hand icon”.
Agenda Item G:
(Hearing/Action Item)

Petitioner Appeals to Council of Hearing Officer Order on Party Status for Boardman to Hemingway Transmission Line (Hearing/Action Item)

November 20, 2020
Chair Jenkins, as Hearing Officer
Jesse Ratcliffe, Senior Assistant Attorney General, Oregon Department of Justice; Counsel to Council
EFSC Contested Case Overview

Notice of PO and Notice of Right to Request Party Status → Prehearing Conference(s) → Evaluation of Party Status Petitions

Order on Petitions for Party Status → Council Consideration of Appeals Re: Party Status/Issues → Prehearing Case Management Order and Notice of Contested Case

Discovery → Written Direct Testimony → Written Rebuttal Testimony

Request for Cross-Examination → Oral Cross-Examination Hearing → Written Closing Arguments

Hearing Officer Proposed Contested Case Order → Written Exceptions and Responses → Council Final Order
EFSC Contested Case Process  
(OAR 137-003-0001 through 137-003-0092, OAR 345-015-0012 through -0085)  

Mandatory for all Site Certificate Applications (ORS 469.370(5))  
• Conducted by Independent Hearing Officer  
• **Applicant is automatically a party** (ORS 469.370(5))  
• **Department granted all the rights of a party** (OAR 345-015-0080(2))  
• Others are eligible to request party status if they provided comment in person at the Draft Proposed Order (DPO) public hearing or in writing during the comment timeframe  
• Issues limited to those raised on the record of the public hearing on the DPO  
• AG Exemption
## Contested Case Procedural History

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Responsible Party</th>
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<tbody>
<tr>
<td>Notice of Proposed Order and Petitions for Contested Case</td>
<td>ODOE</td>
<td>July 2, 2010</td>
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<tr>
<td>Deadline to Submit Petitions for Contested Case</td>
<td>Petitioners</td>
<td>August 27, 2020</td>
</tr>
<tr>
<td>Petitioner, ODOE, Applicant Deadline to Respond to Petitions</td>
<td>Petitioners, ODOE and Applicant</td>
<td>September 22, 2020</td>
</tr>
<tr>
<td>First and Continued Prehearing Conferences</td>
<td>Hearing Officer</td>
<td>September 25 and October 1, 2020</td>
</tr>
<tr>
<td>Petitioner Deadline to Submit Written Responses to ODOE and Applicant Response to Petitions</td>
<td>Petitioners</td>
<td>October 2, 2020</td>
</tr>
<tr>
<td>ODOE Amended Responses to Petitioners</td>
<td>ODOE</td>
<td>September 28 and October 6, 2020</td>
</tr>
<tr>
<td>Hearing Officer Order on Party Status</td>
<td>Hearing Officer</td>
<td>October 29, 2020</td>
</tr>
<tr>
<td>Petitioner Deadline to Submit Appeals to EFSC of Hearing Officer Order on Party Status</td>
<td>Petitioners</td>
<td>November 6, 2020</td>
</tr>
<tr>
<td>EFSC Review of Petitioner Appeals</td>
<td>EFSC</td>
<td>November 20, 2020</td>
</tr>
</tbody>
</table>
Persons requesting party status must include in petition: statement of issue(s), reference to how issue was raised on the record, description of person’s interest in the case. Petitions must be submitted by the deadline established in the Notice of Right to Request Party Status.

→To raise issue in a contested case, issue must be within Council jurisdiction, and person must have raised the issue on the record of the public hearing on the Draft Proposed Order with sufficient specificity.

• Sufficient specificity - the person must have presented facts at the public hearing that support the person’s position on the issue and afford the decision-maker an opportunity to respond to the issue.
Petitioner Appeal of Hearing Officer Order on Party Status to EFSC
(OAR 345-015-083 and OAR 345-015-0016(6))

- Within seven days after the date of service of the hearing officer’s Order on Party Status (Prehearing Order/Determination) requesting person may submit an appeal to EFSC
- Appeals to be presented to EFSC at EFSC meeting
Petitioner Appeal of Hearing Officer Order on Party Status to EFSC
(OAR 345-015-083 and OAR 345-015-0016(6))

Council Discussion of:

• Appeal Hearing Format
• Legal Standards for Appeal Review
• Party Vs. Limited Party Status
Party Vs. Limited Party Status

• At Prehearing Conference, Hearing Officer granted leave for petitioners, applicant and Department to submit briefs on their position/interpretation of party limited party status prior to issuing the Order on Party Status

• Hearing Officer granted parties limited party status for the contested case, limited to properly raised issues

• Majority of petitioners included a request for “full” rather than limited party status in their appeals to Council
Petitioner: Stop B2H Coalition, represented by Mr. Karl Anuta

Appeal:

1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.

2) Petitioner disputes Hearing Officer’s denial of the following issues:

- “Whether Applicant’s visual impact assessments are invalid because Applicant used an outdated methodology (based on a 1974 USFS Handbook) to access visual impacts on Morgan Lake Park and other areas instead of Landscape Aesthetic, Scenic Management System (SMS), published in 1995.”

- “Whether the Soil Protection Standard and General Standard of Review require an evaluation of carbon sequestration, carbon storage and carbon loss.”

- “Whether the methods used to determine the extent of an adverse impact of the proposed facility on scenic resources, protected area and recreation along the Oregon Trail were flawed and developed without peer review on public input. Specifically, whether Applicant erred in applying numeric values to the adverse impact and whether Applicant used unsatisfactory measurement locations/observation points in its visual impact assessment.”

.....Continued to next slide....
Petitioner: Stop B2H Coalition, represented by Mr. Karl Anuta

Appeal (continued):

3) Petitioner seeks clarification on issue statements as defined by Hearing Officer:
   • “Whether the Department improperly modified/reduced the noise analysis area in Exhibit X from one mile of the proposed site boundary to ½ mile of the proposed site boundary and whether OAR 345-021-0010(1)(x)(E) requires notification to all owners of noise sensitive property within one mile of the site boundary.”
   • “Whether the Department erred in approving the methodology used to evaluate compliance with OAR 340-035-0035.”

4) Petitioner disputes Council’s legal authority to evaluate appeal on issues.
Petitioner: Kathryn Andrew

Appeal:

1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.

2) Petitioner disputes Hearing Officer’s denial of the following issue, “Whether noise and visual impacts of the proposed facility on Morgan Lake Park and Wallowa-Whitman National Forest is inconsistent with Statewide Land Use Planning Goal 4 (forestlands to provide for recreational opportunities).”
Petitioner: Colin Andrew

Appeal:
1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.

2) Petitioner disputes Hearing Officer’s denial of the following issue, “Whether, as a reference for its assessing visual impacts of the proposed facility on Morgan Lake Part, Applicant was required to use updated assessment criteria, Landscape Aesthetic, Scenic Management System (SMS), published in 1995, instead of the 1974 USFS Handbook.”
Petitioner: Susan Geer

Appeal:
1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.

2) Petitioner disputes Hearing Officer’s denial of the following issue, “Whether the Rice Glass Hill Natural Area should be evaluated as a Protected Area.”

3) Petitioner objects to time limits imposed for submission of appeals.
Petitioner: Lois Barry

Appeal:

1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.

2) Petitioner disputes Hearing Officer’s denial of the following issue, “Whether Applicant’s visual impact assessments are invalid because Applicant did not use updated USFS visual assessment criteria (1995 Landscape Aesthetic, Scenic Management System (SMS)) to evaluate visual impacts, thereby invalidating the visual impact analysis for Morgan Lake Park and other protected areas, scenic resources and important recreational opportunities.”
Petitioner: Gail Carbiener

Appeal:
1) Petitioner disputes Hearing Officer’s denial of the following issue, “Whether the methods Applicant use to assess visual impacts for purposes of the Protected Areas, Scenic Resources, and Recreation Standards were independently obtained. Whether the key observation points for visual simulations were adequate and whether Applicant adequately analyzed the visual impact from NHOTIC.”
Petitioner: Greg Larkin

Appeal:
1) Petitioner disputes Hearing Officer’s denial of petition for party status.

2) Petitioner objects to time limits imposed for submission of appeals.
Petitioner: Irene Gilbert

Appeal:
1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.
2) Petitioner disputes Hearing Officer’s denial of the following issue, “Whether the Department erred in recommending approval of Applicant’s noise consultant’s methodology for assessing noise impacts because the recommendation is based on incorrect information, such as Council’s authority to review and approve sound measurement procedures and the methods for establishing ambient noise levels specific to a linear facility.”
3) Petitioner disputes Hearing Officer’s denial of the following issue, “Whether the impacts from the proposed facility on accepted farm practices and the cost of accepted farm practices have been adequately evaluated or mitigated.”
4) Petitioner disputes the fairness of the opportunity to appeal the Order on Party Status.
Petitioner: Kaye Foss

Appeal:
1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.
Petitioner: John Williams

Appeal:
1) Petitioner disputes Hearing Officer’s limited party designation to represent a personal interest in potential impacts from proposed facility to cultural resources located on his private property.

2) Petitioner disputes the timeframe to appeal the Order on Party Status.
Petitioner: Charles Lyons

Appeal:
1) Petitioner disputes Hearing Officer’s denial of petition for party status.
Petitioner: Stacia Jo Webster

Appeal:
1) Petitioner requests full party status on the denied issue.

2) Petitioner disputes Hearing Officer’s denial of the following issue, “Whether the Fire Prevention and Suppression Plan (Attachment U-3) is adequate and whether local service providers would be able to respond to a facility-related fire.”

3) Petitioner requests clarification on the rules and next steps in the process; and requests that Hearing Officer be allowed to work independently of the Department and Applicant.
Petitioner: Anne March

Appeal:

1) Petitioner disputes Hearing Officer’s denial of the following issue, “Whether Applicant should include in its Fish Passage Plan and be required to replace a culvert on an unnamed stream (referenced as Crossing ID R-37969 in Exhibit BB-2, Table 1) to an appropriate size for fish passage.”
Petitioner: Peter Barry

Appeal:

1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.

2) Petitioner disputes Hearing Officer’s denial of the following issue, “Whether Applicant has established a need for the proposed facility.”

3) Petitioner disputes Hearing Officer’s denial of the following issue, “Whether Morgan Lake Park should be evaluated as a protected area.”
Petitioner: Dale and Virginia Mammen

Appeal:
1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.
Petitioner: Sam Myers.

Appeal:
1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.
B2H Petitioner Oral Testimony of Appeals to Council of Hearing Officer Order on Party Status

Petitioner: Whit Deschner

Appeal:
1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.
Petitioner: Matt Cooper

Appeal:
1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.
Petitioner: Michael McAllister

Appeal:
1) Petitioner disputes designation as a limited rather than full party.

2) Petitioner disputes Hearing Officer’s denial of the following issue, “Failure to Comply with ORS 469.370(13)”

3) Petitioner disputes Hearing Officer’s denial of his remaining EFSC Standards Raised in Public Comment
Petitioner: JoAnne Marlette

Appeal:
1) Petitioner disputes Hearing Officer’s designation as a limited rather than full party.
Petitioner: John Luciani

Appeal:
1) Petitioner disputes denial of petition for party status.
Petitioner: Janet Aston

Appeal:

1) Petitioner filed an email complaint on November 2, 2020 regarding the effect of participation by the Department and Applicant on the fairness and equitability of the contested case proceeding. The email complaint did not include specific appeal of the Order on Party Status.
Adjourn