

Attachment 2: Draft Proposed Order Comments*

(*Comments received from December 18 - January 8, 2021;
comment period closes on January 15, 2021)

**Draft Proposed Order Comment Index –
Golden Hills Wind Project, Request for Amendment 6**

Date Received	Commenter Name/Organization
December 18, 2020	Irene Gilbert, Public
December 28, 2020	Jeremy Thompson, Oregon Department of Fish and Wildlife
January 5, 2021	Jason McClaughry, Oregon Department of Geology and Mineral Industries

COMMENTS AND OBJECTION TO TYPE B REVIEW OF AMENDMENT 6 FOR GOLDEN HILLS WIND DEVELOPMENT

1. Please see that these comments go into the currently non-existent file for review in determining whether the type B procedure is appropriate and allows for public input. It does not work for the public and denies us access to a legal remedy unless we are rich.
2. Normally I would not bother to make comment due to the fact that public comments have no influence absent the threat that a contested case might be required when the recommended actions are outrageous as they often are.

I AM COMMENTING SIMPLY TO DEMONSTRATE THE KINDS OF CHANGES THAT ARE BEING INFLICTED UPON THE PUBLIC AND THE RESOURCES OF THIS STATE WITH A PROCEDURE THAT DENIES THE PUBLIC ANY RECOURSE OTHER THAN SPENDING THE MONEY TO APPEAL DIRECTLY TO THE OREGON SUPREME COURT. THE OREGON DEPARTMENT OF ENERGY HAS MADE THE CONTESTED CASE PROCESS FOR AMENDED SITE CERTIFICATES VIRTUALLY NON-EXISTENT AS THEY ARE NOW APPROVING NEARLY ALL AMENDED SITE CERTIFICATE REQUESTS WITH THE TYPE B PROCEDURE DENYING THE PUBLIC ANY ACCESS TO A CONTESTED CASE. THIS PROCESS IS CLEARLY INTENDED TO SEND THE MESSAGE TO THE PUBLIC THAT ANY OBJECTION TO THE ACTIONS OF THE OREGON DEPARTMENT OF ENERGY OR ENERGY FACILITY SITING COUNCIL ARE POINTLESS UNLESS YOU ARE PREPARED TO PAY FOR AN APPEAL TO THE OREGON SUPREME COURT. IT IS CLEARLY DISCRIMINATORY AGAINST THE BULK OF THE CITIZENS OF THIS STATE WHO CANNOT AFFORD TO PAY FOR AN APPEAL AND ARE BEING REQUIRED TO LIVE WITH THE CONSEQUENCES OF THIS OUT OF CONTROL AGENCY. THE FIRST ABUSE OF THE PUBLIC TRUST IS IN ALLOWING THIS DEVELOPER TO ADD OVER 500 ACRES TO THE SITE AND DENY THE PUBLIC ANY OPPORTUNITY TO OBJECT THROUGH A CONTESTED CASE.

Regarding the changes in the site certificate for Golden Hills Wind development which the Oregon Department of Energy determined were not substantial and do not justify a full review under the Type A Amendment rules. If I were allowed a contested case, I would address the following issues in a more complete manner

and would have commented on the multiple other amendments that have been approved under a Type B procedure:

PRE-HC-01:

I object to the condition removing the requirement to train personnel on treatment of archeological resources already identified. While the referenced procedures for newly identified resources would be a useful addition, not at the expense of removing the existing condition requiring training in the treatment of resources already identified.

Reducing the buffer distance from 200 feet to 15 feet means there will no doubt be damages to the resources. Since when is a 15 foot buffer for construction activities going to protect anything? I can see the comment now: "Oops—the ground was slippery and my excavator just slipped a little. Oh well, it is just an irreplaceable historical artifact!!" If it is worth protecting at all, the setback should require a distance that has some chance of actually keeping the item from being destroyed.

PRE-HC-02: I object to removing the requirement that the State Historic Preservation office must concur with the setbacks and procedures document for specific sites and only leave the requirement that the department "consult" with them. The use of the term "consult" means that the department will ask for an opinion and then do whatever they want. They have demonstrated this in virtually every site certificate including "consultation" requirements. Furthermore, 30 meters is less than 100 feet. Again, why even pretend to be meeting the requirements to protect public resources if there is no intent to do so?

PREHC-3: The maps of components of the facility and areas of disturbance and construction as well as areas not included in resource surveys should not be hidden from the public by calling it "confidential".

This information is the only way the public can tell whether or not surveys were actually done as required by the site certificate, or if the department changed the requirements to allow the developer to avoid doing all the required surveys. It is also the only way the public can tell how much habitat is actually destroyed and whether the mitigation agreed to by the department is based upon the actual

impacts as required by the site certificate, or is adjusted for some unknown reason that is not included in the Oregon Department of Fish and Wildlife mitigation rules.

None of the information that the department is saying should be considered “confidential” other than the location of archeological resources actually is confidential and should be treated that way.

CON-HC-01: I object due to the fact that the public was not allowed access to the Cultural Resource Management Plan to determine or provide input regarding what it contains. Removing a requirement in the site certificate based upon a statement by the department that it is included begs the term, “Trust but verify”. In addition, since the department can unilaterally change conditions in this document, it provides no assurance that the condition will not magically disappear in the future.

CON-HC-02: I object to removing this condition from the site certificate for the same reason as above. The department and the developer are the only ones who will know if the condition exists and if it will continue to exist. The public cannot trust that any requirement in a plan under the control of the department will remain in effect.

CON-HC-04: I object to moving the decisions regarding what should appropriately be included in a sign to the department and the county. The Oregon Trail is not a resource that should be protected, or damaged, or mitigated based upon decisions from these groups. While the Advisory Council no longer exists, the Oregon California Trails Association does continue to exist and is the group that provides oversight and attempts to protect these resources for the citizens of the state and nation. They are the appropriate ones to determine the content of the sign which will provide a laughable amount of mitigation for the damages this development is inflicting on a national treasure.

GEN-FW-04: I object to this change. It removes the required anti-perch devices that are include in the site certificate condition to be applied to all pole tops and cross arms within the site and within ¼ mile of any wind turbine and replaces the condition to only require spiral markers over Grass Valley Canyon. This change is justified by the statement that the current condition does not comply with the way the applicant wants to design the facility. SINCE WHEN DOES THE

DEPARTMENT THINK THEY SHOULD REMOVE A SITE CERTIFICATE CONDITION THAT IS TO PROTECT WILDLIFE TO ACCOMMODATE A DEVELOPER'S DESIGN WISHES????? This developer is not the Oregon Department of Energy's Customer, though I have heard that is what they are referred to. The public and the resources of the state should not be sacrificed due to a design desire of the developer.

As with nearly every amendment the department has processed under a Type B procedure, this amendment should have been processed under a full Type A amendment procedure to allow the public some influence on the outcome. It is just one more example to add to the fact that the department allowed the replacement of over 300 wind turbine blades after 9 years of service for a development that was sited based upon a projected 20+ years of service without allowing the public an opportunity to contest the decision. How much longer is the Energy Facility Siting Council and the Director of the Oregon Department of Energy going to allow the Siting Division of the Department to deny the public opportunity to object to their illegal and unethical actions?

Obviously, the Oregon Department of Energy is again taking liberties in terms of allowing the developer to avoid complying with the site certificate conditions that the public agreed to originally and changing them to conditions that would be objected to.

Irene Gilbert
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La Grande, Oregon 97850
Email: ott.irene@frontier.com

ESTERSON Sarah * ODOE

Subject: Golden Hills Wind Project - Request for Review of Condition re: Anti-Perch Devices

From: Jeremy Thompson <Jeremy.L.Thompson@state.or.us>

Sent: Monday, December 28, 2020 11:37 AM

To: ESTERSON Sarah * ODOE <Sarah.Esterson@oregon.gov>

Subject: RE: Golden Hills Wind Project - Request for Review of Condition re: Anti-Perch Devices

Sarah,

I concur with removing the anti-perch devices along the power lines for Golden Hills, they are no longer a recommendation for wind projects.

I also concur with adding markers through Grass Valley canyon to reduce collision risk

Jeremy Thompson

District Wildlife Biologist

Mid-Columbia District, ODFW

3701 W. 13th. St.

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ESTERSON Sarah * ODOE

Subject: Public Notice Issued for Draft Proposed Order on Request for Amendment 6 (RFA6) and Complete RFA6 of the Golden Hills Wind Project Site Certificate

From: MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@oregon.gov>

Sent: Tuesday, January 5, 2021 2:27 PM

To: ESTERSON Sarah * ODOE <Sarah.Esterson@oregon.gov>

Subject: RE: Public Notice Issued for Draft Proposed Order on Request for Amendment 6 (RFA6) and Complete RFA6 of the Golden Hills Wind Project Site Certificate

Hi Sarah:

I have looked over the Golden Hills Wind documents referenced in the below email.

Based upon compliance with existing site certificate conditions, and because the proposed amendments would not change site boundary or analysis area previously evaluated, I do not have additional comment at present on the certificate holder's characterization of the site or seismic hazards, or its ability to design, engineer, and construct the facility to avoid dangers to human safety presented by seismic, geologic or soils hazards.

Thank you for the opportunity to provide comments.

*Best Regards,
Jason*

Jason D. McClaughry, RG

Eastern Oregon Regional Geologist |

National Cooperative Geologic Mapping Program (STATEMAP) Coordinator for Oregon

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