



Marcia Grail, Chair ■ Kent Howe, Vice-Chair ■ Hanley Jenkins ■ Jordan Truitt ■ Cynthia Condon ■ Perry Chocktoot ■ Phil Stenbeck

Energy Facility Siting Council Meeting Minutes Friday, January 28, 2022 8:30 a.m.

- A. Consent Calendar (Action Item & Information Item)¹
- B. Annual Financial Assurance Update (Action Item)²
- C. 2022 Legislative Session Overview (Information Item)³
- D. Public Comment Period (Information Item)⁴
- E. Stateline Wind Project: Proposed Order on RFA#6 (Action Item)⁵
- F. Biglow Canyon Wind Farm: Transformer Failure Overview (Information Item)⁶
- G. Overview of Electrical Generation and Consumption in Oregon and the Region (Information Item)⁷
- H. Golden Hills Wind Project: Construction Compliance (Information Item)⁸
- I. Cascade Renewables Transmission Project: Overview (Information Item)⁹
- J. Nolin Hills Wind Project: Hearing Officer Appointment (Action Item)¹⁰

The meeting materials presented to Council are available online at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Council-Meetings.aspx>

Call to Order: The meeting was called to order on Friday, January 28, 2022 at 8:33 a.m. by Chair Grail.

Roll Call: Chair Marcy Grail, Vice-Chair Kent Howe, Council Members, Hanley Jenkins, Jordan Truitt, Cynthia Condon, Perry Chocktoot and Phil Stenbeck were present.

Oregon Department of Energy representatives present were Assistant Director for Siting/Council Secretary, Todd Cornett; Senior Policy Advisor, Sarah Esterson; Government Relations Coordinator, Christy Splitt; Senior Siting Analyst Chase McVeigh-Walker; Siting Analyst, Duane Kilsdonk; Senior Policy Analyst, Adam Schultz; Facilities Engineer, Stephanie Kruse; Operations and Policy Analyst, Wally Adams; and Fiscal Analyst, Sisily Fleming. Oregon Department of Justice Senior Assistant Attorney General Patrick Rowe counsel to EFSC, was also present. In addition, Portland General Electric Senior Environmental Specialist, Lenna Cope; and Cascade Renewable Transmission Vice President, Christopher Hocker, were invited by Council to present.

Agenda Modifications were not requested.

¹ Audio/Video for Agenda Item A = 00:13:08 - 2022-1-28-EFSC-Meeting-Audio/Video

² Audio/Video for Agenda Item B = 00:20:07 - 2022-1-28-EFSC-Meeting-Audio/Video

³ Audio/Video for Agenda Item C = 00:52:09 - 2022-1-28-EFSC-Meeting-Audio/Video

⁴ Audio/Video for Agenda Item D = 01:21:39 - 2022-1-28-EFSC-Meeting-Audio/Video

⁵ Audio/Video for Agenda Item E = 01:50:14 - 2022-1-28-EFSC-Meeting-Audio/Video

⁶ Audio/Video for Agenda Item F = 02:43:52 - 2022-1-28-EFSC-Meeting-Audio/Video

⁷ Audio/Video for Agenda Item G = 03:12:58 - 2022-1-28-EFSC-Meeting-Audio/Video

⁸ Audio/Video for Agenda Item H = 04:33:51 - 2022-1-28-EFSC-Meeting-Audio/Video

⁹ Audio/Video for Agenda Item I = 05:14:15 - 2022-1-28-EFSC-Meeting-Audio/Video

¹⁰ Audio/Video for Agenda Item J = 06:11:33 - 2022-1-28-EFSC-Meeting-Audio/Video

- A. Consent Calendar (Action Item & Information Item)¹¹** – Approval of December 16-17, 2021 meeting minutes; Council Secretary Report; and other routine Council business.

Consideration of the December 16-17, 2021 Meeting Minutes

Secretary Cornett acknowledged scrivener edits were made to the draft minutes provided in Council’s meeting materials and offered Council the opportunity to review the edits on the screen.

Council Member Jenkins motioned that the Council adopt the December 16-17, 2021 meeting minutes with scrivener corrections as presented.

Vice Chair Howe seconded the motion.

Motion carried unanimously.

Council Secretary Report

Secretary Cornett offered the following comments during his report to the Council.

Project Updates

- **Obsidian Solar Project**
The Hearing Officer issued the Proposed Contested Case Order on December 29, 2021. Exceptions were not filed prior to the January 26, 2022 deadline. The Council will have the opportunity to review the Hearing Officer’s order and either adopt, modify, or reject the Order at the February Council Meeting.
- **Wagon Trail Solar**
The preliminary Application for Site Certificate for the Wagon Trail Solar Project is expected to arrive around January 28, 2022, proposing a 500-megawatt solar photovoltaic generation facility on 7300 acres in Morrow County. Staff will begin reviewing the application for completeness.
- **Wildfire Rulemaking Workshop**
Siting Rulemaking Coordinator and Policy Advisor, Christopher Clark, conducted a public rulemaking workshop to provide the scope and sought input from the 23 participants in attendance. Council will consider proposed ideas and language at a future meeting.

Future Meetings

- The next Council meeting is anticipated to be a single day and is scheduled to be held virtually on the 25th of February. Council Member Condon’s availability noted as tentative; all other Council members present confirmed their availability.

- B. Annual Financial Assurance Update (Action Item)¹²** – Sisily Fleming, Fiscal Analyst. Council’s Retirement and Financial Assurance Standard (OAR 345-022-0050) requires that certificate holder’s obtain a bond or letter of credit in a form and amount deemed satisfactory to Council. Council received a presentation on “form” options, including updates to the financial instrument templates and financial institutions staff recommends be considered satisfactory, proposed for the Council’s 2022 pre-approved template and financial institution list. More information is located on the [Council Meetings website](#) for additional details pertaining to this [presentation](#).

¹¹ Audio/Video for Agenda Item A=00:13:08 - 2022-1-28-EFSC-Meeting-Audio/Video

¹² Audio/Video for Agenda Item B=00:20:07 - 2022-1-28-EFSC-Meeting-Audio/Video

During the presentation the following discussion occurred:

Council Member Condon asked about the type of evaluation that occurs when an applicant seeks Council approval to use an institution not included on Council's preapproved list.

Ms. Fleming explained that the qualifications of the financial institutions are thoroughly evaluated during the initial request to be added and that credit scores are collected from the 4 major reporting sites and reevaluated annually for each.

Council Member Condon asked whether, as part of the Department's evaluation of the qualifications, data is gathered related to Bonds or Letters of Credit that were declined or denied when attempted to be drawn upon.

Ms. Fleming was not aware of this specific data point and committed to research it further.

Council Member Condon explained that while the information may be confidential, review of a financial institution's experience or refusal to meet the obligations of the Bond or Letter of Credit is critical due to their long-term nature.

Council Member Condon appreciated staff's proposal in the Bond template changing the requirement for a site certificate holder to provide an acceptable replacement to 60 days, instead of 30 days, before the cancellation date. She requested staff further evaluate the language in paragraphs 3 and 4 for potential edits for Council consideration at a future meeting.

Bond Template – Page 1 – Paragraphs 3 and 4

WHEREAS, the Principle is required to retire the facility and restore the site according to a final retirement plan approved by the Council under Condition (Number) of the Site Certificate.

THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if the said Principle complied with the conditions of the Site Certificate referenced above, OR, if the Principle obtains and provides alternate financial assurance approved by the Council then this obligation shall be void, otherwise this obligation will remain in full force and effect.

Council Member Condon questioned the need for paragraph 3 and expressed concern of the use of the word "VOID" in paragraph 4. She believed paragraph 4 suggested that the bond is void once the bond is received, because Council has not approved a retirement plan as required in paragraph 3.

Secretary Cornett recognized that the language may present some awkwardness and requested Council allow staff additional time to evaluate the section to provide additional clarity. He recommended that Council could adopt the changes currently proposed and consider additional changes at a future meeting, to which Council concurred.

Council Member Jenkins motioned that the Council adopt the recommended Bond Template, and the recommended financial institution list to be approved for use by site certificate holders in obtaining financial instruments in 2022, as presented by staff.

Vice-Chair Howe seconded the motion.

Secretary Cornett confirmed that the motion only included bond template and the financial institution list, and that Council would consider changes to the letter of credit template under a separate motion.

Motion carried unanimously.

Council Member Condon asked what the consequences would be if a site certificate holder failed to pay the fees associated with the renewal of their Letter of Credit.

Ms. Fleming explained that the scenario Council Member Condon proposed would trigger paragraph 4 of the letter of credit template requires the bank to notify the Department 120 days (as proposed) in advance of the expiration date if the bank did not intend to extend the letter of credit.

Council Member Condon, regarding paragraph 4 of the letter of credit template, was concerned that the language seemed to exclude amendments.

Letter of Credit Template – Page 1 – Paragraph 4 (as proposed)

It is a condition of this Letter of Credit that it shall be automatically extended without amendment for successive one (1) year periods from the present or any future Expiration Date hereof, unless we provide you with written notice by overnight courier or registered mail of our election not to extend this Letter of Credit at least one hundred twenty (120) days prior to any such Expiration Date (the present or any future expiration date as aforesaid is referred to herein as the "Expiration Date").

Ms. Fleming explained the paragraph language is the “evergreen clause” that allows the letter of credit to extend for additional one-year periods without requiring an amendment to extend. She explained that although inflation adjustments are completed annually, the clause provides protection in the event that an annual adjustment is missed, the letter of credit does not expire.

Council Member Jenkins motioned the that the Council adopt the letter of credit template for use by site certificate holders in obtaining financial instruments in 2022 as presented by staff.

Council Member Condon seconded the motion.

Motion carried unanimously.

C. Legislative Session Overview (Information Item)¹³ – Christy Splitt, Government Relations Coordinator. The Council will receive an overview of the 2022 legislative session. More information is located on the [Council Meetings website](#) for additional details pertaining to this [presentation](#).

During the presentation the following discussion occurred:

Chair Grail asked whether the Department has taken a position on any of the proposed legislation impacting Department interests.

¹³ Audio/Video for Agenda Item C = 00:52:09 - 2022-1-28-EFSC-Meeting-Audio/Video

Ms. Splitt provided that the Department is in support of HB 4059, and speculated future support for amendments to SB 1536, both of which are related to heat pump incentive programs.

Vice Chair Howe, regarding SB 1534 (Oregon Global Warming Commission Natural and Working Lands) asked whether it is intended for rural, non-urban lands.

Ms. Splitt stated that the plan is primarily focused on working farm, forest, and wetlands, and intends to utilize the capacity of those areas as carbon sinks more efficiently over a longer period of time while maintaining the viability of these resources.

Mr. Rowe asked whether Ms. Splitt anticipated a bill similar to previously proposed legislation which would have required Land Conservation Development Commission to amend statewide planning goals related to energy conservation to incorporate renewable energy development in the upcoming full session. (HB 2520 - 2021 Regular Session)

Ms. Splitt explained that while she did not expect to see the controversial concepts proposed by HB 2520 in future legislation, she found it probable that concepts could be proposed in the future to address conflicts between land use laws and renewable energy development.

D. Public Comment Period (Information Item)¹⁴ – This time was reserved for the public to address the Council regarding any item within Council jurisdiction that is not otherwise closed for comment.

- Jim Kreider

Mr. Kreider informed Council that he had been in contact with Secretary Cornett and Mr. Rowe regarding the Boardman to Hemingway Transmission Line Application for Site Certificate and Chair Grail interrupted to remind Mr. Kreider that Council is unable to accept comments related to the Boardman to Hemingway Transmission Line application during the contested case.

Secretary Cornett acknowledged receipt of Mr. Kreider's request to address Council and shared that it had been evaluated to determine: whether the issues were related to the contested case, (which would preclude Council from accepting them) and; whether public comment period, which is reserved for issues within Council's jurisdiction, and not on the Council's Agenda, was the appropriate time for Council to receive Mr. Kreider's comments. He explained that Mr. Kreider's concerns related to eminent domain, condemnation, or pre-condemnation are outside of Council's jurisdiction, and therefore inappropriate for the public comment period. However, Mr. Kreider had been made aware of his ability to request Council consider adding the topic of condemnation to a future Council agenda.

Mr. Rowe reiterated Secretary Cornett's determination, adding that, due to the contested case, Council's acceptance of comments on the project without affording other parties to respond to the comments could be viewed as ex-parte communication. Should a request be received and accepted from Mr. Kreider, Mr. Rowe encouraged Council to invite all participants in the Contested Case to attend that meeting.

Mr. Kreider offered to share with Council copies of letters that have been submitted to legislators requesting their intervention in the proceedings for the projects, and stated his desire to, and his understanding of the need to submit his specific request for council to add an item to the agenda via email.

¹⁴ Audio/Video for Agenda Item D = 01:21:39 - 2022-1-28-EFSC-Meeting-Audio/Video

- Irene Gilbert

Ms. Gilbert shared that she has actively reviewed Council meeting minutes for the past few years, attended Council meetings for over a decade, and has reviewed nearly every decision made by the Council. She stated that she weighs the decisions of Council against four specific statutes to determine their legitimacy and suggested that public angst could be reduced if Council also considered the same statutes. Of particular concern, Mr. Gilbert quoted portions ORS 469.503 noting the requirement for the record to contain the preponderance of evidence to support compliance with all standards adopted by the Council. She claimed that the Council repeatedly accepts applications that do not meet this requirement because they include draft plans, yet Council grants site certificates abdicating final decisions to the Department. She stated that Council can't abdicate their decision to the Department, and that issuance of site certificates without the full documentation in the record will increase litigation for future decisions. She went on to encourage Council to consider court decisions in their interpretation of statutes and rules, referring to a list of court decisions on agency interpretation. She quoted from these decisions as follows: "US .v. Leeman Circuit 2000 -in the absence of a specific indication to the contrary, words in the statutes will be given their common, ordinary and accepted meaning, and the plain language of the statute should be afforded its plain meaning....."; "Perrin .v. US – rules and statutes are to be interpreted consistent with their ordinary meaning"; and referencing State .v. Gains, she stated that there are three levels of analysis in determining the legislative intent of the rule, the first is considering the actual language of the rule, "if but, not if, the legislature, and, if but only if, the legislative intent is not obvious move to a second level of evaluation". She encouraged Council to consider the clear language of the statutes in the future. She went on to state that Council must deny an application if it is inaccurate and speculated the legitimacy of applications submitted without all required studies complete.

No further comments were offered, and the public comment period was closed.

E. Stateline Wind Project Council Review/Decision on Contested Case Requests, if Received, and Review/Decision on the Proposed Order on Request for Amendment 6 of the Site Certificate (Action Item)¹⁵ – Chase McVeigh-Walker, Senior Siting Analyst. The Council did not receive any requests for contested case on the Proposed Order on Request for Amendment 6 of the Stateline Wind Project site certificate and proceeded to review the Proposed Order. Council will either adopt, modify, or reject the Proposed Order as the Final Order and grant or deny an amended Site Certificate.

During the presentation the following discussion occurred:

Council Member Condon questioned whether the bracketed language included in the Retirement and Financial Assurance section is intended to be deleted, stating that it doesn't read clearly if so:

....The certificate holder asserts that the existing bonding requirements of Condition 109 should be maintained, and would continue to cover "the cost of updating the existing turbines with blades and nacelles [because, the cost of updating (repower and/or replacing the existing turbines] will decrease due to the decrease in weight of the blades and nacelles which are a factor in the cost estimate and there will be no changes to other facilities that factor into the cost estimate such as length of collector lines or access roads – i.e. the estimate will be within the range of the exiting bond."

¹⁵ Audio/Video for Agenda Item E = 01:50:14 - 2022-1-28-EFSC-Meeting-Audio/Video

Mr. McVeigh-Walker informed that language within the quotation marks is quoted directly from the applicant and the bracketed language is clarification added by the Department not intended for deletion.

Secretary Cornett offered that, if Council found the sentence structure confusing, the bracketed language could be removed and additional language could be added to follow the quotation.

Chair Grail and Council Member Condon agreed the structure change would eliminate any potential confusion and requested staff modify the language, and Secretary Cornett noted the change for the potential motion.

Council Member Condon motioned that the Council approve the Proposed Order on the Request for Amendment #6 to the site certificate for the Stateline Wind Facility and adopt as the Final Order with the following modifications:

-The two changes proposed by staff on Page 20 of the Proposed Order to clarify the 2-mile Morrow County setback to wind turbines is only applicable to the 2 new wind turbines, as is already indicated in the findings in the land use section.

-On Page 21 of the Proposed Order, Retirement and Financial Assurance section, sentence 3 of the first paragraph, remove language in and create a sentence at the end to clarify staff's agreement with the site certificate holder's assertion. See below

The certificate holder asserts that the existing bonding requirements of Condition 109 should be maintained, and would continue to cover the "cost of updating the existing turbines with blades and nacelles ~~because, the cost of updating (repower and/or replacing the existing turbines)~~ will decrease due to the decrease in weight of the blades and nacelles which are a factor in the cost estimate and there will be no changes to other facilities that factor into the cost estimate such as length of collector lines or access roads - i.e. the estimate will be within the range of the existing bond." ~~Because the facility decommissioning estimate for turbine blades and nacelles is based on weight of steel and the certificate holder's description that the weight of the turbines, once repowered, would not increase, the Department agrees that Condition 109 should be maintained.~~

Council Member Stenbeck seconded the motion.

Motion carried unanimously.

- F. Biglow Canyon Wind Farm - Transformer Failure Overview (Information Item)¹⁶** – Duane Kilsdonk, ODOE Compliance Officer and Lenna Cope, Portland General Electric Senior Environmental Specialist. Council received a presentation from the Department and certificate holder, as requested in October 2021, regarding transformer failures at Portland General Electric's Biglow Canyon Wind Farm. More information is located on the [Council Meetings website](#) for additional details pertaining to this [presentation](#).

During the presentation the following discussion occurred:

Vice Chair Howe, noting that different turbine types are used in various phases of the facility, asked Ms. Cope whether there was any correlation between the turbine types and the transformers that experienced failures.

¹⁶ Audio/Video for Agenda Item F = 02:43:52 - 2022-1-28-EFSC-Meeting-Audio/Video

Ms. Cope explained that the while the reason for transformer failures may vary between turbine types, the overall failures were spread evenly among all phases.

Council Member Chocktoot inquired about the availability of avian mortality reports dating back to when the facility became operational.

Ms. Cope responded that fatality monitoring studies were completed post-construction, and information is also included in wildlife reports submitted annually to the Department.

Council Member Truitt inquired as to whether there was a portion of the transformer failures that could be attributed to faulty manufacturing materials.

Ms. Cope stated she would consult with her engineers to provide an answer.

Council Member Condon, noting that turbine #457 experienced two transformer failures as indicated in Ms. Cope's presentation, asked whether the transformer used to replace the initial failure was the same as the original.

Ms. Cope explained that the transformer used to replace the initial failure in 2010 would have been the same as the original, however the transformer used to replace the second failure in 2019 utilizes updated technology.

Council Member Condon confirmed with Ms. Cope that transformers no longer contain PCB's at the wind farm.

Council Member Stenbeck asked whether there was a correlation between weather or temperatures and transformer failures.

Ms. Cope did not have the data but offered to evaluate it further to provide an answer.

Chair Grail appreciated PGE's continuing compliance, but noted the additional disturbance that has, and continues to occur, due to transformer failures and spills.

Council Member Condon asked about the potential fire threat posed by transformer failure.

Ms. Cope explained while there is a risk for arc or spark that could cause an explosion, most of the ruptures have occurred due to over pressurization and were not initiated due to fire.

G. Overview of Electrical Generation and Consumption in Oregon and the Region (Information Item)¹⁷ – Adam Schultz, ODOE Senior Policy Analyst and Stephanie Kruse, ODOE Facilities Engineer 3 will provide an overview of the current state of production and consumption of electricity in Oregon and the momentum towards regionalization. More information is located on the [Council Meetings website](#) for additional details pertaining to this [presentation](#).

During the presentation the following discussion occurred:

Council Member Condon asked Mr. Shultz to explain the difference between "name plate capacity" and "energy generating capability" as it relates to hydrogeneration.

¹⁷ Audio/Video for Agenda Item G = 03:12:58 - 2022-1-28-EFSC-Meeting-Audio/Video

Mr. Shultz provided that variability exists between the average energy output compared to its name plate capacity, which is the output the facility is capable of producing and is based on the constraint of the water running through the system.

Council Member Chocktoot commented on the antiquated dam systems and the temperature of water when spilled from the dam. He explained that these temperature changes impact fish species and are linked to the addition of species to the endangered species list. He called for changes in standards to protect aquatic life.

Council Member Condon asked about the amount of waste energy as depicted on the graph of "Oregon's Total Energy Flow", noting that nearly 70% appears to be wasted.

Ms. Kruse explained that the waste energy depicted includes everything from point of production through the consumption, and that losses occur along the way resulting in waste energy and that every resource has an efficiency rate.

Mr. Schultz further illustrated the energy waste in describing the inefficiencies in vehicle engines and explained that only a small fraction of the petroleum consumed is used to power the vehicle.

Council Member Condon expressed interest in knowing the percent of energy waste for electricity generation alone.

Ms. Kruse responded that the averages energy waste of the electricity sector varies by resources but tends to be in the range of around 40%.

Council Member Chocktoot asked, due to electricity dissipation, how the final numbers of energy into and out of the energy grid are determined.

Mr. Kruse provided that consumption data for electricity is provided directly from utilities and is the summation of the meter data from the points of supply.

Council Member Chocktoot asked whether the type of energy used is known at the point of consumption.

Ms. Kruse explained that from a physical standpoint it is impossible to determine where an electron is used once it enters the grid; practically, it is managed through energy contracts specifying resource and input.

Vice Chair Howe asked if doubling the amount of electricity production would eliminate the need for petroleum in the transportation sector.

Mr. Schultz stated that it would be closer to a 30%-40% increase in the electricity generation, and that an entirely electrified fleet would only utilize 20%-30% of the Btu's currently used through petroleum.

Council Member Jenkins noted the drastic difference in the amount of energy imported versus exported.

Mr. Shultz explained that Oregonians spend \$4 billion dollars a year on imported energy for transportation.

Council and Staff appreciated Ms. Kruse and Mr. Schultz for their time and presentation.

H. Golden Hills Wind Project (Information Item)¹⁸ – Duane Kilsdonk, ODOE Compliance Officer and Sarah Esterson, ODOE Senior Policy Advisor provided a presentation to Council on the certificate holder’s response to tenant/landowner complaints and non-compliance issues related to disturbance impacts to agriculturally productive soils and adequacy of erosion control materials/monitoring for multiple resources protected by Council standards at the Golden Hills Wind Project, a 202 MW wind facility under construction in Sherman County. More information is located on the [Council Meetings website](#) for additional details pertaining to this [presentation](#).

During the presentation the following discussion occurred:

Chair Grail asked Ms. Esterson about the lessons that have been learned throughout the process that can help inform Council on future developments.

Ms. Esterson stated that the concepts currently being considered by staff include establishing limitations on temporary disturbance more clearly in the site certificate; and working with applicants to understand their grading plans and craft conditions requiring demonstration of phased disturbance. Staff is also working closely with DEQ to ensure the 1200C permit is providing the protection needed for all the resources it is intended and relied on for. In projects with large disturbance areas, Council could also evaluate the soil disturbance of soil conditions to inform restoration.

Chair Grail inquired as to whether the letter submitted by the eleven affected landowners impacted the Department’s response.

Ms. Esterson affirmed, stating that gathering consistent information of non-compliance from multiple sources did elevate the issue.

Council Member Condon appreciated Staff’s ongoing communication on the issue and asked whether the affected landowners had attempted to contact the developer directly prior to filing their complaint to the Department.

Ms. Esterson stated that the Department was not the first point of contact and that the certificate holder had been made aware of their concerns, however she was unsure if the complaint had been presented as formally to the site certificate holder as it was to the Department.

Council Member Condon asked about the ongoing communication strategy with the affected landowners to provide updates on corrective actions.

Ms. Esterson stated that the Department intends to issue a formal response when the issue is resolved, meanwhile the Department has met with them in person and has maintained continuous communication.

Council Member Jenkins noted that a stop work order was issued by the Developer until erosion control issues were addressed and asked if it had been lifted.

Ms. Esterson informed that it was lifted around January 2, 2022 once third-party engineering support was secured, however determination of whether erosion control measures have been properly addressed has not been made by the Department.

Council Member Jenkins stated that the site certificate holder must be operating on the assumption that the measures have been properly addressed and asked how the Department plans to make their determination.

¹⁸ Audio/Video for Agenda Item H = 04:33:51 - 2022-1-28-EFSC-Meeting-Audio/Video

Ms. Esterson explained that site inspections will continue to occur every six weeks and intend to follow up with another corrective action to formally address restoration of agricultural soils.

Council Member Jenkins asked about DEQ's ongoing role.

Ms. Esterson provided that DEQ issued a pre-enforcement notification in December 2021 and is moving toward enforcement action.

Council Member Condon questioned whether the Department issued a verbal warning and whether the Department was satisfied with the Developers response, given that the stop work order was supposed to be in place until the measures were properly addressed. Council Member Condon also expressed concern about the time it has taken for a satisfactory resolution of the issues identified in the complaint submitted by the farmers.

Ms. Esterson confirmed that notifications were made verbally and via email, and that the site certificate holder has been consistently responsive. However, she declined to claim Department satisfaction.

Chair Grail expressed concern over the site certificate holder's determination of compliance without Department concurrence characterizing it as a gap in the process and asked about the certificate holders ability to make the determination independently.

Council Member Jenkins clarified that the Stop Work Order was not issued by the Department.

Council Member Chocktoot expressed concern regarding the number of violations that have occurred at the site and the potential risk to Council credibility for allowing work to continue. He went on to note that Council's continual approval of increased blade tip lengths could potentially create similar issues at other sites in the future.

- I. Cascade Renewables, Transmission Project Overview (Information Item)¹⁹** – Cascade Renewable Transmission, LLC's Vice President, Christopher Hocker, and HDR EFSC Lead, Suzy Cavanaugh provided an overview of the Cascade Renewables Transmission project that would consist of an electric transmission cable bundle with 1100 MW of transmission capacity that starts in The Dalles, Oregon and travels approximately 100 miles beneath the Columbia River to the Portland area. More information is located on the [Council Meetings website](#) for additional details pertaining to this [presentation](#).

During the presentation the following discussion occurred:

Council Member Chocktoot mentioned that ancient Indian villages flooded by the Bonneville Dam exist in the Columbia River and asked Mr. Hocker how they are being avoided in the planning stages.

Mr. Hocker acknowledged the existence of the inundated villages and explained that they intend to avoid these areas.

Council Member Condon asked Mr. Hocker's experience with public opposition with projects he's previously been involved in.

Mr. Hocker explained that because these projects are largely underground, they've only faced opposition on a few projects, and the concerns were largely unfounded.

¹⁹ Audio/Video for Agenda Item I = 05:14:15 - 2022-1-28-EFSC-Meeting-Audio/Video

Council Member Chocktoot asked whether electricity will dissipate from the proposed cable once operational.

Mr. Hecker explained that while it only minimally dissipates electricity additional studies are being conducted to determine whether it generates heat or magnetic fields. Ms. Cavanaugh added that it is a direct current (DC) line, and not an alternating current (AC).

Council Member Chocktoot explained that his concerns are related to the migratory fish and the ability of the Tribes to harvest these fish as the resource is relied upon by thousands of Native Americans.

Chair Grail asked whether local workers are anticipated to be hired in the construction of the project.

Mr. Hocker explained that the vast majority of the labor is expected to be sourced locally except for some specialized technical positions that may not be available locally.

J. Nolin Hills Wind Power Project – Hearing Officer Appointment (Action Item)²⁰ – Sarah Esterson, ODOE Senior Policy Advisor. Council considered appointment of Office of Administrative Hearing’s Senior Administrative Law Judge Kate Triana, in accordance with ORS 469.470, as the Hearing Officer for proceedings on the Application for Site Certificate for the Nolin Hills Wind Project (proposed 600 MW wind/solar facility in Umatilla County). More information is located on the [Council Meetings website](#) for additional details pertaining to this [presentation](#).

There were no questions or comments during this presentation.

Vice Chair Howe motioned for Council to appoint administrative Law Judge Kate Triana from the Office of Administrative Hearings as the Hearing Officer for the Nolin Hills Wind Power Project Application as recommended by staff.

Council Member Truitt seconded the motion.

Motion carried unanimously.

Adjournment

Council Member Truitt requested a presentation in the future regarding the recycling of energy facility components to understand the possibilities and limitations.

Chair Grail adjourned the meeting at 2:48 p.m.

²⁰ Audio/Video for Agenda Item J = 06:11:33 - 2022-1-28-EFSC-Meeting-Audio/Video