



**Energy Facility Siting Council
Minutes
October 7, 2011**

**5000 Discovery Center Drive
The Dalles, OR 97058**

The meeting was called to order at 9:45 am by Chair Wolfe.

Roll Call: Lori Brogoitti, Paul Sumner, Bryan Wolfe, Bob Shiprack, Trey Senn (via telephone) and Barry Beyeler were present.

Oregon Department of Energy (ODOE) representatives present were Tom Stoops, John White, Sue Oliver, Duane Kilsdonk, Todd Cornett, Chris Green and Tamara Reid.

Janet Prewitt of the Department of Justice (DOJ) was also present.

Announcements: Mr. Stoops announced that changes to the Agenda include a preliminary briefing, from Gary Bauer of NW Natural on Mist Projects with a potential amendment either right before or right after the public comment section. Mr. Stoops also announced that the Agenda would begin with the update from Sue Oliver on the Boardman to Hemingway transmission line project, to be followed by an update on the Cascade Crossing transmission line project from Todd Cornett. Mr. Stoops announced that Jan Prewitt from Department of Justice would be reviewing Oregon's public meeting laws with the Council. Chair Wolfe announced that there are no projects closed to public comments and the audience would be able to provide comments to Council during the public comment portion of the meeting.

Oregon Public Meeting Law: Ms. Jan Prewitt (Sr. Assistant Attorney General) from the Department of Justice (DOJ) gave a presentation and answered Council questions on "Virtual Public Meetings: A Cautionary Tale" where she discussed inter-Council communications via email, use of the "reply all" feature, and how such communications can result in a quorum and be considered a public meeting under Oregon Law. Ms. Prewitt then gave an overview of Public Meeting Law Enforcement and Private Right of Action.

A. Boardman to Hemingway Transmission Line Update: Ms. Sue Oliver (Energy Facility Analyst) gave a power point presentation update and answered questions from Council on the Boardman to Hemingway Transmission Line Project (B2H). Ms. Oliver discussed the current route alternatives and stated that Idaho Power Company has extended the current project schedule by one year into 2016. There were no further questions or comments for Ms. Oliver or Idaho Power representatives who were present.

B. Cascade Crossing Transmission Line Update: Mr. Todd Cornett (Energy Facility Analyst) gave an update presentation, using both Power Point and GIS, and answered questions from Council on the Cascade Crossing Transmission Line Project. Mr. Cornett stated that the current plan is to have construction begin in the summer of 2014 and be in service in 2017. He described the Federal Renewable Energy Rapid Response Team (RRT) as the federal government's effort to streamline and expedite their own processes in the siting of these projects. This Team is co-lead by the White House Council on Environmental Quality, Department of Interior, Department of Energy and the Department of Agriculture to help improve federal coordination and ensure the timely review of projects.

Mr. Cornett and Mr. Chris Green (Applications Analyst) then described "GovSpace," an electronic conveyance of project information that the ODOE Siting Division is using to help speed the process of delivering very large documents such as complete applications to other Agencies for their review and use. Mr. Green also reported that of the eleven state reviewing agencies, seven have signed up and are using it.

C. Klamath Falls Bioenergy Facility Update: Mr. Duane Kilsdonk (Energy Facility Analyst) and Ms. Oliver gave an update presentation and answered several questions from Council on the Klamath Falls Bioenergy Facility project. Mr. Kilsdonk gave a Google Earth presentation so that Council would have a bird's eye view of area of the proposed facility. Ms. Oliver also reported that ODOE is working on Draft Proposed Order and that the public comments are taking some time to go through.

Public Comment: Chair Wolfe opened the floor for public comments. **Paul Fouch**, an adjacent property owner and representative of Save Our Rural Oregon (SORO) Klamath Falls, Oregon gave a public comment about proposed Klamath Falls Bioenergy Facility. **Ron Copenhagen**, of the Plumbers and Pipefitters Union 290, gave a public comment about proposed Klamath Falls Bioenergy Facility. **Glenn Harrison**, Chair of Oregon Historic Trails Council (OHTAC), gave a public comment about proposed Klamath Falls Bioenergy Facility, Boardman to Hemingway and Cascade Crossing Transmission Lines and Antelope Ridge Wind Farm. **Anita Ward**, on the telephone, provided public comment on the Klamath Falls Bioenergy Facility project.

NW Natural Briefing on a Potential Amendment: Mr. Stoops introduced Gary Bauer of NW Natural, Mike Hayward, Environmental Manager for NW Natural and Tim McMahan of Stoel Rives as NW Natural's permitting counsel (for the storage fields) to give a presentation during the lunch break. Mr. Bauer briefly described their service areas and Mr. Hayward gave a brief history of the company and described their current storage area and jurisdictional authority between EFSC and Department of Geology and Minerals Industries (DOGAMI) of various components of the Mist natural gas storage facility. He went on to describe the location and the underground gas storage reservoir and Amendments (1-10) to the original site certificate along with other EFSC projects that they have been involved in. Tim McMahan stated that the storage field was permitted before Division 21 Rules and the pipeline was permitted under a very different regulatory regime. NW Natural representatives and Ms. Prewitt of DOJ then answered questions from Council regarding the amendments.

D. & E. Overview of Council Process for Site Certificates and Amendments: Mr. John White (Energy Facility Analyst) and Ms. Prewitt gave an overview of Oregon administrative rules in general, how

rulemaking is done, and an overview of the Council's rules. Mr. White presented a matrix of proposed rule changes and summarized the five steps of rulemaking.

Ms. Prewitt went on to summarize when a rule is required and when it is not, the types of rules, and the public notice requirements for each. Permanent rules go through the permanent rulemaking process; temporary rulemaking can be done with less than the full notice normally required and are only good for six months. Emergency rules cannot be renewed without going through the rulemaking process for permanency.

Mr. White discussed the current structure of the Council's rules in OAR Chapter 345.

Mr. White presented a matrix to the Council that is a result of a comprehensive review of the Council's rules. The matrix included three columns to identify minor changes needed to correct or update the rules, more substantive changes that will require further analysis and significant issues that have come before the Council in the last year that will require substantial process. Ms. Prewitt explained the process and the Council's authority to amend the Council's rules related to site certificate amendments.

In review, Mr. White stated that if Council members have the time to go through the matrix, he would appreciate feedback. Chair Wolfe suggested that Council come back to the next meeting prepared to discuss this further, in more detail and take possible action.

Public Comment:

Anita Ward, on the telephone, provided public comment on the Klamath Falls Bioenergy Facility project. **Paul Fouch** an adjacent property owner and representative of Save Our Rural Oregon (SORO) Klamath Falls, Oregon gave a public comment about proposed Klamath Falls Bioenergy Facility.

There were no other public comments.

Consent Calendar:

Approval of Minutes: Chair Wolfe opened the floor for discussion on the minutes of the August 19, 2011 Council meeting.

Action: The motion by Councilor Shiprack to approve the minutes of the August 19, 2011 meeting as presented was seconded by Vice Chair Brogoitti. The motion passed.

Vote: Sumner, yes; Senn, yes; Beyeler, yes; Shiprack, yes; Brogoitti, yes.

Approval of a Special Advisory Group and Reviewing Contractor: Bakeoven Wind Power Project:

Mr. Stoops announced that we are anticipating a Notice of Intent later this month for a new wind energy facility in Wasco County. We've had preliminary discussions with the Applicant, Ibedrola Renewables, and they will be proposing a 300 MW project between Maupin and Shaniko, south of

the recently approved Summit Ridge Wind Project. As per ORS 469.480 we are requesting that the Council appoint the Wasco County Board of Commissioners as a Special Advisory Group and additionally, under a second motion, we are asking the Council to authorize the use of Golder Associates as reviewing contractor.

Action: The motion by Councilor Beyeler that the Council approves the Wasco County Board of Commissioners as the Special Advisory Group to advise the Council on site certificate proceedings on the Bakeoven Wind Power Project was seconded by Councilor Sumner. The motion passed.

Vote: Shiprack, yes; Senn, yes; Brogoitti, yes; Sumner, yes; Beyeler, yes.

Action: The motion by Councilor Beyeler that the Council approves Golder & Associates as the independent contractor for such purposes as necessary for the review of Notice of Intent, Application for Site Certificate and any subsequent amendments of the Site Certificate if awarded for the Bakeoven Wind Power Project was seconded by Councilor Sumner. The motion passed.

Vote: Brogoitti, yes; Senn, yes; Shiprack, yes; Beyeler, yes; Sumner, yes.

Approval of a Special Advisory Group and Reviewing Contractor: Brush Canyon Wind Project: Mr. Cornett stated that this project is also in Wasco County and it is Eon, a German company, it is also to be in southern Wasco County and into Sherman County. AMEC would be the reviewing contractor and Wasco County Board of Commissioners and the Sherman County Court would be the Special Advisory Group.

Action: The motion by Vice Chair Brogoitti that the Council appoint the Wasco County Board of Commissioners and Sherman County Court as Special Advisory Group to advise the Council on site certificate or site certificate amendment proceedings on Brush Canyon Wind Project, seconded by Councilor Beyeler. The motion passed.

Vote: Senn, yes; Sumner, yes; Shiprack, yes; Beyeler, yes; Brogoitti, yes.

Action: The motion by Councilor Shiprack that the Council approves AMEC as the independent contractor for such purposes as necessary for the review of Notice of Intent, Application for Site Certificate and any subsequent amendments of the Site Certificate if awarded for the Brush Canyon Wind Power Project was seconded by Councilor Sumner. The motion passed.

Vote: Beyeler, yes; Senn, yes; Brogoitti, yes; Sumner, yes; Shiprack, yes.

Boardman to Hemingway Transmission Line: Ms. Oliver stated that back in 2008 the Council did appoint, in one Order, a group of the counties as Special Advisory Groups. A couple of the counties have interpreted that Order as implying that all of the counties together form one Special Advisory Group Ms. Oliver stated that she had prepared individual Orders appointing Special Advisory Groups for each the five counties, however it is now clear that she won't need to do that. However, she did request a motion to include all five counties as individual Special Advisory Groups. Ms. Prewitt stated that the wording of the motion needs to recognize that each of the counties are appointed as a Special Advisory Group, which doesn't keep them from acting together if that is what

they wish. Ms. Oliver indicated that Malheur and Morrow County have County Courts and Umatilla, Union and Baker counties have County Boards of Commissioners.

Action: The motion by Vice Chair Brogoitti that the Council appoints, each separately, Baker, Umatilla and Union Counties Board of Commissioners as Special Advisory Groups to advise the Council on site certificate or site certificate amendment proceedings for the Boardman to Hemingway Transmission Line Project was seconded by Councilor Sumner. The motion passed.

Vote: Shiprack, yes; Senn, yes; Beyeler, yes; Sumner, yes; Brogoitti, yes.

Action: The motion by Councilor Sumner that the Council appoints, each separately, Morrow and Malheur County Courts as Special Advisory Groups to advise the Council on site certificate or site certificate amendment proceedings for the Boardman to Hemingway Transmission Line Project was seconded by Vice Chair Brogoitti. The motion passed.

Vote: Shiprack, yes; Beyeler, yes; Senn, yes; Brogoitti, yes; Sumner, yes.

Mo Walker was introduced as our newest siting officer in ODOE's Hermiston Office. Ms. Walker stated that she is an engineer and has been working in the Energy Incentives Program with the Department of Energy. Chair Wolfe welcomed her and Ms. Oliver stated that we are excited to have another staff member in the Hermiston Office.

Calendar:

December 9, 2011 to be located somewhere between Troutdale and The Dalles, showing consideration for Chair Wolfe's schedule because he will not be getting in until about Midnight on Thursday. One of the topics for the next meeting will be mitigation banking or compensatory mitigation. We have a group that would like to come and do a lunch time presentation to Council. Council has directed staff to come up with a rulemaking strategy to propose at the next meeting. Mr. Stoops told Councilor Senn that he would be talking to him about getting him here for the meetings and/or better phone connections. Mr. Stoops went on to ask Council about a 2012 meeting schedule. February 3rd was set as the next meeting date with subsequent meeting dates of March 30th and May 11th. Mr. Stoops requested Council's TERF's.

The meeting was adjourned at 2:50 p.m.