

Toi: Energy Facility Siting Council Members

April 17, 2018

This is a request for a rehearing and reconsideration of the determination by the Oregon Energy Department of Energy determination that the Hermiston Generating Project did not have to file an amendment request to make changes to the related and supporting transmission line connecting their development to the electric grid.

First issue: This decision to allow the Hermiston Generating project to make changes to the related and supporting transmission line was made with no public notice. The ODOE web site does not list this development with any pending action. It is not listed as an agenda item on the upcoming Oregon Facility Siting Council agenda and the only way the public could know about it would be to physically check the development site listing for details of current actions. The rule allowing this is under appeal and is inconsistent with due process requirements.

There is no statutory basis for allowing Hermiston Generating Project to avoid filing an amended site certificate to construct two distribution substations on the existing transmission lines used to move Hermiston Generating Station energy in order to add new customers. The distribution substations as well as the transmission lines they are being built to support are related and supporting facilities according to state statutory definitions. The Oregon Department of Energy is not allowed to ignore state statutes. There is no basis for allowing a developer to build the distribution stations separate from the transmission lines they are being built to connect to. Neither the distribution stations or the connected transmission distribution lines can function independently from one another. Authorizing part of this project without requiring an amended site certificate is a brazen action on the part of the Oregon Department of Energy to disempower the public and is an egregious abuse of power. By this action, the public has no opportunity to comment, disagree, or ask for a contested case. In addition, the landowner protections that preclude the use of eminent domain to take control of private property to run the transmission line expansion is circumvented. I am confident that it has not escaped your notice that this action will allow Umatilla Electric, a private utility, to exercise eminent domain which is not available to Hermiston Generating Station owners.

The Oregon Department of Energy action will allow the Hermiston Generating Project to abdicate responsibility for their related transmission line and avoid the required amendment in order to build this related and supporting facility. The manipulation being recommended is not consistent with the Oregon statutes. While the Oregon Department of Energy and Energy Facility Siting Council have promulgated rules that allow them to overrule any other state agency or municipality, they do not have the authority to ignore state statutes, and this action is not consistent with any statute I can find. In addition, it is outside the scope of rulemaking authority delegated to ODOE and the Energy Facility Siting Council. ODOE has provided no basis to allow approval of a part of a planned project in order to avoid the state energy siting statutes or to allow a private utility company to condemn private property to run a transmission line to serve this energy development.

The ODOE decision is not consistent with ORS 469.405(3) which identifies exemptions to requiring an amended site certificate. It states "An amendment to a site certificate is not required for a pipeline less than 16 inches in diameter and less than five miles in length that is proposed to be constructed to test or

maintain an underground gas storage reservoir.....” The statute only lists specific pipelines as being exempt.

ODOE references OAR 345-02-0053(4(5) which is not supported by statute, but no amendment is required to make changes “To a transmission line that is a related or supporting facility if the change would extend or modify the transmission line or expand the right-of-way, when the change is exclusively to serve the transmission needs of a separate energy facility or energy user.”

The rule limits this exemption to requiring that the use be for only ONE “energy facility or energy user”

This line will benefit Hermiston Generating Project which is not a separate energy facility and it is being constructed to benefit Umatilla Electric as well as additional private energy users and as such, not only is their not statutory authorization to exempt this development from requiring an amended site certificate, but it fails to meet the ODOE rules cited.

It is clear the applicant and the Oregon Energy Facility Siting Department are playing the system by constructing the distribution substations prior to installing the lines they will support in order to avoid the inconvenience of a public process. These changes do not meet the requirements of OAR 345-027-0053(5):

- a. These taps are being requested in order to distribute energy from Hermiston Generating Project which is under EFSC jurisdiction to new customers for the energy they generate.
- b. This situation is not listed in the statute as eligible for exemption from requiring an amended site certificate.
- c. The distribution substations are part of a project that includes the transmission lines they are intended to support and constitute one construction action..

I am requesting that the Energy Facility Siting Council require the applicant to process an amendment request since this is actually an amendment to an existing site certificate.

Please provide copies of this correspondence to the members of the Energy Facility Siting Council.

Cordially,

Irene Gilbert, Legal Research Analyst,
Friends of the Grande Ronde Valley
2310 Adams Ave.
La Grande, Oregon 97850
Email: ott.irene@frontier.com

Copies provided to multiple sources.

To: Energy Facility Siting Council:

April 26, 2018

REGARDING WHEATRIDGE WIND DEVELOPMENT REQUEST FOR METHOD B AMENDMENT PROCESS

There are multiple reasons why this amendment does not meet the criteria for a Type B process.

1. The increase in height will greatly impact views, recreation and historic places.
 - a. For example, there was significant concern expressed by the public regarding the visual and recreational impacts this development will have on the Oregon Trail Sites. The increased size of the turbines will increase those impacts significantly.
2. The noise monitoring results indicate that the development will exceed allowable noise standards with previously proposed turbines. These new, larger turbines need to be carefully assessed to determine if the noise they will create can be controlled to keep the impacts within the allowable limits. Given the large number of turbines that will be impacting some locations, this is not simply a matter of assuming that the existing site certificate conditions will be adequate to protect the public.
3. In addition, the wildlife impacts will change, particularly in relation to raptors and bats with a new larger turbine. Given the large number of state sensitive bird species as well as both bald and golden eagles in the area (1,020 identified during avian use surveys), increasing the rotor width of the turbines may greatly impact the bird and bat fatalities requiring enhanced duration and amount of fatality surveys needed.
4. The addition of battery storage introduces an entirely new set of hazards which need to be evaluated and conditions put in place to assure the protection of the public and the environment.

There is a serious concern with this request being handled as an amendment to an existing site certificate given the results of the contested case where the Energy Facility Siting Council determined that the only things considered related and supporting developments were the ones the developer included in their site certificate application.

The Wheatridge application and site certificate does not include battery storage as a related and supporting development. For that reason, the applicant is required by statute to submit a new site certificate application in order to construct this development which constitutes a separate energy facility.

The Oregon Statutes are quite clear on this matter.

OAR 469.300(2) "Application" means request for approval of a particular site or sites for the construction and operation of an energy facility or the construction and operation of an additional energy facility upon a site for which a certificate has already been issued, filed in accordance with the procedures established pursuant to ORS 469.390 to 469.563, 469.590 to 469.619, 469.930 and 469.992."

This statute makes it clear that an application is for a single energy facility. An additional application needs to be submitted for the construction of another energy facility on the same site. There continues to be disagreement with the decision of the counsel regarding the developer determining the exclusion of related and supporting developments from the definition of a "facility". Discussions with several different legislators indicate there is general disagreement with the decision that was made, however, the Council has now established that the failure to include battery storage has established this

development as a new energy development and it no longer meets the definition of a related and supporting development.

ORS 469.300(26) Defines a "Site Certificate" "means the binding agreement between the State of Oregon and the applicant, authorizing the applicant to construct and operate a facility on an approved site incorporating all conditions imposed by the council on the applicant."

The site certificate for Wheatridge has defined the facility as not including the gen tie line, nor does it include a battery storage facility.

ORS 469.300(14) defines "Facility" "means an energy facility together with any related or supporting facilities.

This developer has defined the "facility" in the original application and the Oregon Department of Energy and Energy Facility Siting Council supported that definition in the contested case proceeding.

The above issues alone negate the use of the Type B amendment procedure: In addition, the following make the processing of this application absent the opportunity for the public to be allowed the opportunity for requesting a contested case and the severe limitations the Type B amendment procedures impose on the public opportunities for participation unreasonable.

1. The developer is proposing a completely new energy development that was not addressed, nor the hazards and impacts evaluated during the original Site Certificate Process. This certainly qualifies as a complex proposed change.
2. There will no doubt be a significant amount of public interest in this proposed change as indicated by the fact that there were at least 10 different commenters who stated concerns with the initial site certificate application.
3. The original order indicates concerns were submitted by a minimum of the Oregon Department of Fish and Wildlife, Umatilla Board of County Commissioners, and the Military Department, which indicates there will be interest from reviewing agencies.
4. There is a high likelihood that there will be additional wildlife impacts, noise and visual impacts, and issues with the impacts the development will have on the Oregon Trail.

You are encouraged not to remove the public further from the decision process by use of the Type B Amendment procedure for the Wheatridge Energy Development.

Sincerely,

Irene Gilbert, Legal Research Analyst, Friends of the Grande Ronde Valley

2310 Adams Ave.

La Grande, Oregon 97850

To: Energy Facility Siting Council

April 26, 2018

Regarding: Request from NextEra Energy for Allowing a Type B Amendment Procedure

This amendment request involves increasing the height and model of the turbines currently in use, but also damaging habitat that was previously included in mandatory mitigation which will extend the duration of impacts to the habitat and in all likelihood will permanently displace wildlife from some of these areas.

As you will recall, the Stateline Wind Project has already recorded bird fatalities that are extensive enough to warrant additional mitigation due to the numbers involved. Changing out the existing turbines for larger ones in all likelihood will increase the already unacceptable bird fatalities at these locations. Wildlife monitoring and reporting will need to be enhanced and the impacts this development has already had on the bird and bat species need to be identified to determine if the species will be unsustainable if larger turbines with larger rotors are placed in service for multiple additional years.

Changing out existing nacelles and turbine blades for new larger ones will require additional site certificate evaluation and conditions related to the disposal of large quantities of lubricants, the disposal of existing turbine blades which are not recyclable, the impacts of twice the amount of traffic previously projected due to transport of old materials off the site and transport of new materials onto the site.

Certainly this action is considered a complex change under OAR 345-027-0057(8)(a)

Given the history of negative impacts to wildlife and public concerns over hazardous materials handling and disposal, it is likely that there will be significant public interest in this change and its impacts as noted under OAR 345-027-0057(8)(b)

It has been several years since the first site certificates were issued for this development. Given the timeframes, and changes in how the Oregon Department of Fish and Wildlife as well as county Land Use Plans have changed, there certainly needs to be a complete review of how those changes impact this development. Department of Environmental Quality certainly should have a significant interest in how the materials being removed from the site are going to be handled. All these items of interest to reviewing agencies are also of concern to the public. OAR 345-027-0057(8)(c)

OAR 345-027-0057(8)(d)

There is a high likelihood of significant adverse impacts to the areas of ground disturbance from the previously disturbed areas. This will be the second time that the habitat has been destroyed. There is a need to determine if the areas of impact can be restored following this second impact. Certainly, this needs to be evaluated by third party review and at a minimum, there will be a need for a more robust monitoring of the restoration of the area.

OAR 345-027-0057(8)(d) regarding mitigation.

There may be a need for additional mitigation due to new research regarding wildlife impacts, new agency rules, changes in the status of wildlife species, outcomes of previous mitigation requirements which have had poor outcomes, etc.

These are serious issues and the public should not be denied opportunity to weigh in on them, or request contested case hearings in the event that they are not thoroughly addressed.

The use of the Type B procedure is not appropriate given the number of new issues and the information available regarding the impacts the existing facility has had on the environment and wildlife.

Sincerely,

Irene Gilbert, Legal Research Analyst
Friends of the Grande Ronde Valley
2310 Adams Ave.
La Grande, Oregon 97850

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From: ott.irene@frontier.com
Sent: Monday, April 30, 2018 12:57 AM
To: Hernandez Isabel; Dennis Richardson; Granicus (Gov Delivery)
Cc: Charlie Gillis; Jim Kreider; Fuji Kreider; Lois Barry; Gail Carbiener; Brock Evans; Peter Barry; Gary Marlette; Whit Deschner; Dave Price; Richard Jolly; Lynn Randall; Albert J. Farmer; Norm Kralman; Granella Thompson; Cindy Severe; Brian Kelly; Chuck LeBold; Connie Olmos; Janine Benner
Subject: Report from April Oregon Department of Energy & Energy Facility Siting Council Meeting
Attachments: Golden Hills Contested Case request.docx

Isabelle:

Please include this letter and attachment in the record for Senator Olsen's committee.

Secretary of State, Dennis Richardson:

Please add these documents to the request for an audit of the actions of the Siting Division of the Oregon Department of Energy.

Attached is my request for contested case due to the Failure of the Oregon Department of Energy to require the applicant to include Federally Threatened Animals in Attachment P which is supposed to identify wildlife habitat impacted by a development. I might also add that the Department limits most of their survey requirements to the siting corridor which results in significant underreporting of the actual wildlife impacts that are occurring. This issue has become significant since the Oregon Department of Energy officially removed the requirement for the department to include Federally Threatened and Endangered Species from their Attachment Q to site certificate applications. At that time I requested the Oregon Legislative Council to address whether or not this action was contrary to the Endangered Species Act. The Legislative Council would not address the issue coming from a private citizen, so I requested that the request be made by Representative Barretto. Legislative Council responded basically saying that since the department is required to address the federally threatened and endangered species in Attachment P, they did not believe they were out of compliance with the federal threatened and endangered species act. Unfortunately, the Department is not requiring developers to address these species in Attachment P and are ignoring the fact that the Category of habitat is related to the species present and dependent upon it. Because of this, I requested a contested case hearing regarding that omission. Failing to address federally protected Threatened and Endangered wildlife in the issuance of site certificates places the Department, the Energy Facility Siting Council and Developers at risk of having any individual file a complaint with the Department of Interior in the event that a protected animal is harrassed, killed, injured, etc., etc. According to the document from Legislative Council, the reason the state would not be in violation of the ESA is due to their understanding that federally listed species continue to be addressed in site certificates. The amendment to this site certificate and denial of a contested case provide documentation that not only are they ignoring federally listed species, but they are unwilling to allow a contested case to resolve this issue. It is simply one more example of the significant issues that the department refuses to allow a contested case on and will not allow an airing of the issues without going to the Oregon Court of Appeals.

I have started compiling a list of as many contested case requests as I can lay my hands on and will be submitting a listing prior to the next meeting. As a designated whistle blower, I urge you to think what you may of my role, but carefully review the subject matter. As I have told the council, "I am not always wrong." All the other people who have been denied contested cases are also not always wrong, but they always get denied. I am committed to do whatever I can to force a culture of ethical behavior on the Oregon Department of Energy and Energy Facility Siting Council. It should be apparent that I am not the only one identifying issues. I am simply the one willing to be the conduit so that others do not have to put themselves at risk for bringing forth issues. I am simply compiling the records and documenting events for the public as a whole and to be provided to the Oregon Legislature by concerned citizens during the 2019 session. Unfortunately, every month I seem to identify or be notified of new issues to add to the pile.

I will be forwarding to you an e-mail document that identifies the second issue of interest for the month of April. It appears that a SIP agreement was negotiated to include the money Umatilla County had spent defending the property owners opposed to the Wheatridge Wind Development. The public was not made aware of this payment, but following the arrangement the County dropped their opposition to the Wind Development.

When a state agency plays games with rules and requirements, it only stands to reason that developers would be inclined to also play games. It has become an issue of critical public concern that nothing is being done to deal with the Oregon

Department of Energy and the small effort made last year to require some oversight over the department never made it out of committee in spite of bi-partisan support.

Chase McVeigh-Walker, Siting Analyst
Oregon Department of Energy
550 Capital Street NE
Salem, Oregon 97301
Email: Chase McVeigh-Walker@oregon.gov

April 2, 2018

Dear Mr. McVeigh-Walker:

Regarding: Contested case request regarding Amendment 4 to Golden Hills Wind Project

First, let me comment on the lack of consistency between the issuance of the public notice regarding the opportunity to comment or request a contested case on this development and the stated intent of the Oregon Department of Energy to encourage public participation in your processes. I find it difficult to believe that no one at the Oregon Department of Energy was aware that comments would be due the day after Easter and following spring break. Multiple individuals plan vacations and family gatherings around these two events. How serious is this agency in encouraging public participation in your processes?

Contested Case Issues:

1. The site certificate fails to require surveys and documentation of vulnerable wildlife near turbines or electrical equipment to assure the design of the facility reduces the risk to these animals as required by the "Cumulative Analysis Rules" cited below.
 - a. There is no indication that surveys will be required beyond those specifically identified in the site certificate.
2. Category 1 habitat identification is not limited to "threatened and endangered" wildlife. It applies to all vulnerable wildlife at the site. Surveys performed previously, and required to be performed prior to the start of construction are incorrectly limited to raptors and state sensitive or listed threatened and endangered species. There is no indication that surveys are being required for federally listed or sensitive species which will meet the definition of "vulnerable" wildlife. Absent a site certificate condition that clearly requires expanded surveys to cover these additional animals, the developer will be able to limit surveys to animals identified.

(Note that in the April 20, 2017 response from the State of Oregon Legislative Council Committee they state: "Despite the EFSC's recent rule change, **applicants for energy facility site certificates must continue to identify all threatened and endangered species that may be affected by the construction and operation of the proposed facility, regardless of whether those species are listed on the federal or state list.** First, the applicant must disclose any affected state listed species to the EFSC in Exhibit Q of its site certificate application. Second, **the applicant must identify all additional fish and wildlife species and habitat that may be affected by the project in Exhibit P of the site certificate application, which would include any federally listed species.** Third, **if any of the potentially affected species are listed on the federal endangered or threatened species list, the federal ESA may require the applicant to apply separately to the Secretary of the Interior for an ITP.** Accordingly, the EFSC's recent rule change does not appear to be in conflict with any applicable federal laws because applicants must still identify all fish and wildlife species and habitat that may be affected by the project in

the site certificate application. In addition, the federal ESA continues to apply to energy facility site certificate applicants.”

Statutes Relied Upon:

The Oregon Department of Energy and Energy Facility Siting Council cannot ignore state statutes in resolving conflicts with the site certificate.

ORS 469.505 Consultation with other agencies

(2) Before resolving any conflicting conditions in site certificates or amended site certificates under ORS 469.503(3) and 469.504, the council shall notify and consult with the agencies and local governments responsible for administering the statutes, administrative rules or substantive local criteria that result in the conflicting conditions regarding potential conflict resolution.

(This rule requires consultation with the US Fish and Wildlife Service regarding the issue I am contesting).

ORS 469.370(l) “Based on its review of the application and the comments and recommendations on the application from state agencies and local governments, the State Department of Energy Shall prepare and issue a draft proposed order on the application.”

(This statute as well as ORS 469.360 require review of the application. Since this review is required by statute, a failure to require information that must be included in the application must be allowed as contested case issues.)

Rules Relied Upon:

OAR 345-024-0015(4) Cumulative Impacts Analysis

Requires developer to design the facility to reduce the risk of injury to raptors or other vulnerable wildlife in areas near turbines or electrical equipment.

(This rule is not limited to only state listed threatened and endangered species. All federally listed species would be “vulnerable”. The applicant needs to provide current surveys to identify where these animals exist on the site and design the facility to reduce risk to them.)

OAR 345-022-0060 Fish and Wildlife Habitat

Impacts on habitat are not limited to state listed wildlife. Interpretation obtained from Oregon Legislative Council confirmed that federally listed species fall under this rule as noted above. Absent current surveys, an assessment of areas of “Category 1 and Category 2 habitat for these animals cannot be made.

The site certificate fails to require current wildlife surveys to identify species other than those identified as state listed “Threatened and Endangered” or raptors. Absent current biological and botanical surveys, a determination that the applicant meets the requirements of OAR 345-022-0060 cannot be made.

While it is clear that citizens are not being provided an opportunity to challenge the actions of the Oregon Department of Energy or Energy Facility Siting Council through the contested case process, you will again be provided with an opportunity to justify actions which are not consistent with the statutes and rules related to the siting of energy facilities in Oregon.

Thank you very much for responding to this contested case request. Please include my entire request in any response and the order to assure that it is reflected absent any unintended interpretation.

Sincerely,

Irene Gilbert
2310 Adams Ave.
La Grande, Oregon 97850
Ott.irene@frontier.com
Phone: 541-963-8160

From: ott.irene@frontier.com
Sent: Monday, April 30, 2018 1:20 AM
To: Hernandez Isabel
Subject: Fw: Letter to the Editor
Attachments: LETTER TO THE EDITOR Eastern Oregonian - for merge.docx

Isabel:

Please add this e-mail trail to the web site for Senator Olsen's Energy Facility Siting Division committee. It is one more item demonstrating that when an agency does not promulgate and follow rules and statutes that are fair to all parties, the entire system is corrupted. Developers have been lead to believe that they can ignore rules and standards. The Developer who was allowed to remove the transmission line connecting the development to the grid and turn it over to a private utility with the power of eminent domain appears to me to have made arrangements with the County to pay off their attorney costs and in return drop their resistance to the project. One thing is certain, the citizens were not made aware of whatever arrangements were agreed to. I am a firm believer that unless action is taken to remove the total power vested in the Oregon Department of Energy and the lack of oversight, the examples of unethical and at times illegal actions will continue to increase and each month will bring new examples to add to the files.

----- Forwarded Message -----

From: "ott.irene@frontier.com" <ott.irene@frontier.com>
To: CORNETT Todd * ODOE <todd.cornett@oregon.gov>; Janine Benner <janine.benner@oregon.gov>
Cc: Melissa Hochmuth <melissa.hochmuth@nexteraenergy.com>; Ted Sickinger <tsickinger@oregonian.com>
Sent: Sunday, April 29, 2018 2:22 PM
Subject: Fw: Letter to the Editor

Todd, Janine:

Let there be no misunderstanding here. When the Oregon Department of Energy allows developers to take actions that are not supported by the statutes and rules, reinterprets rules and plays games with the processes such as is being done with the Amendment Rules, it encourages developers to take actions such as are being exposed via this link. You are ultimately responsible for the ethics displayed in the process and so far have not provided a good role model for what is acceptable in the siting of energy developments in this state. Allowing this developer to not include a connection to the grid as part of the siting process gave a clear indication that there are no limits on the types of manipulations that are allowed in this processing of energy site certificates. While I am sure there are many other examples of questionable behaviors in the siting of multiple developments that are not brought to light, this is certainly one which if not illegal, is certainly unethical. Ethics are as important as law in some instances. Developers model the behavior your agency demonstrates as acceptable.

Irene

----- Forwarded Message -----

From: "ott.irene@frontier.com" <ott.irene@frontier.com>
To: Daniel Wattenburger <dwattenburger@eastoregonian.com>
Cc: Dave Price <dprice@wtechlink.us>; Richard Jolly <henry.davies@rocketmail.com>; Jim Kreider <jkreider@campblackdog.org>; Fuji Kreider <kreider@campblackdog.org>; Charlie Gillis <charlie@gillis-law.com>; Norm Kralman <norm@kralmansteel.com>; Karen Wagner <karenwagner.37@gmail.com>; Peter Barry <petebarry99@yahoo.com>; Petersen Petersen <david.petersen@tonkon.com>; GIVENS Larry <larry.givens@umatillacounty.net>; Robert Waldher <robert.waldher@umatillacounty.net>; "robert.echenrode@umatillaelectric.com" <robert.echenrode@umatillaelectric.com>; "bill.elfering@umatillacounty.net" <bill.elfering@umatillacounty.net>; Cindy Severe <severe@wildblue.net>; Sen Olsen <sen.alanolsen@oregonlegislature.gov>; Lee Sen. Beyer <sen.leebeyer@state.or.us>; Ted Sickinger <tsickinger@oregonian.com>; Lois Barry <loisbarry31@gmail.com>; Lynn Randall <lrاندall728@yahoo.com>; Chuck LeBold <coblebold@charter.net>; MARGARET L. MEAD <summersowwinterweave@gmail.com>; Bob Levy

<boblevy@windyriverfarms.com>; Rep Smith G. <rep.gregsmith@oregonlegislature.gov>; Sen Hansell <sen.billhansell@oregonlegislature.gov>; Rep Barreto <rep.gregbarreto@oregonlegislature.gov>

Sent: Sunday, April 29, 2018 1:54 PM

Subject: Re: Letter to the Editor

Daniel:

I have not. What I can tell you absolutely is that the information is correct and I have verified with an individual who was able to confirm what occurred, but who for obvious reasons is unwilling to talk publicly about it.. I do not mind you asking the commissioner about the figures, but given the amounts are exactly consistent down to the penny for what the county paid for fighting the project, and the fact that the SIP coincides with the County abandoning their resistance to the project, the only question that really applies is why was the community not informed or allowed to comment on this action since they were involved all along up until this point. Please do ask about the figures as the commissioners are going to have to answer to the community. Let me know whether or not the letter is going to appear by Wednesday as this issue needs to be before the voters before ballots go in. If it is not going to appear, then it needs to be distributed through a paid comment and radio announcements. I believe this would make the paper and the commissioner look worse as it would appear that there is an effort to hide the information until after the election. I personally am strongly committed to ethics in politics and public agencies. I have found it lacking in many individuals and groups. The only tool I have found to at least make people think about their actions is to expose indiscretions where they are identified. It seems to have an influence not only on those who have broken the public trust, but also others who might be considering doing so.

I look forward to your response.

Irene

From: Daniel Wattenburger <dwattenburger@eastoregonian.com>

To: ott.irene <ott.irene@frontier.com>

Sent: Sunday, April 29, 2018 12:49 PM

Subject: Re: Letter to the Editor

We're glad to ask commissioners about those figures. Have you asked them the question directly?

On Sat, Apr 28, 2018 at 11:40 AM ott.irene <ott.irene@frontier.com> wrote:

The information in my letter is of significance to those from Umatilla County who are members of the FGRV and others and is time sensitive. Would you please let me know when the letter i submitted will be published. I would like the opportunity to contact other media sources if necessary to make this information available to the public as quickly as possible.

Thanks for your consideration regarding this matter.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: ott.irene@frontier.com

Date: 4/27/18 4:06 PM (GMT-08:00)

To: editor@eastoregonian.com, ttrainor@eastoregonian.com

Cc: Dave Price <dprice@wtechlink.us>, Richard Jolly <henry.davies@rocketmail.com>, Cindy

Severe <severe@wildblue.net>, Suni Danforth <cdsj@yahoo.com>, Norm Kralman

<norm@kralmansteel.com>

Subject: Letter to the Editor

Editor:

Please publish the attached letter to the editor. It contains information which should be available related to the upcoming commissioner election. I am not endorsing anyone, but have concerns regarding whether or not the actions taken were transparent and whether people would consider them appropriate if indeed the issue is as it appears.

| Feel free to call me at 541-805-8446 to confirm this submission.

--

Daniel Wattenburger
Managing Editor
East Oregonian
541-278-2673

LETTER TO THE EDITOR

WHY WAS UMATILLA COUNTY PAID THE SAME SUM OF MONEY BY WHEATRIDGE WIND DEVELOPER AS THEY SPENT ON ATTORNEY FEES FIGHTING THIS DEVELOPMENT?

Wheatridge Wind Development has requested an amended site certificate to increase the size of the turbines and make other changes. I was very involved with the initial application for this development including filing a contested case regarding the failure of the developer to include the electric line that will connect the development to the electric grid as part of the development. Umatilla County had fought hard to have that line included as part of the development rather than allow Umatilla Electric to build the transmission line and use eminent domain to force landowners to allow the transmission line to cross their property. I was surprised when Umatilla County Commissioners dropped the ball after spending \$22,607.57 and allowed the development to proceed with Umatilla Electric building the transmission line.

As I began researching the current amendment, I noticed that the SIP agreement with Wheatridge included a payment to the county in the amount of \$22,607.57 which is the exact amount they had paid to fight the development. Could this payment have had anything to do with the change in attitude of George Murdock regarding this development? Since Commissioner Murdock is currently running for reelection on a platform of "transparency", I am guessing that there may be citizens in the county that might want some explanation regarding what this payment represents and if it had anything to do with the County dropping their objections to the Wheatridge Wind Development. Given the commitment of time and energy exerted by the citizens of Umatilla County in providing feedback to the commissioners reflected in their early submissions to the Oregon Department of Energy, I would be surprised if there were not voters who would like an explanation of the consistency of these payments. I apologize if the citizens are already aware of whatever arrangements were made. If not, it seems they deserve some answers. I leave it to the voters to determine if this is an issue they are concerned about. In Union County, a long standing Commissioner was voted out of office largely due to some misrepresentations regarding a SIP agreement he arranged with the Antelope Ridge Wind developers.

Irene Gilbert, Legal Research Analyst
Friends of the Grande Ronde Valley
2310 Adams Ave.
La Grande, Oregon 97850
Phone; 541-805-8446

Dear Senator Olsen:

May 1, 2018

The ODOE's "*Oregonians' Guide to Siting and Oversight of Energy Facilities*" guide could really use a simple flow chart like the one that is found here:

<https://www.ferc.gov/resources/processes/flow/lng-1.asp>

Even though I was on the phone today it was difficult to participate by phone. I would like to add that I felt the ODOE spent a lot of time in our process on the NOI (scoping) process which involved a small bound document that had been filed by the applicant but after that there was basically little to no information until we were thrown all this stuff, including an immense application that took up an entire shelf at the library, that we were supposed to be on top of at the same time the ODOE presented their Draft Proposed Order on the project.

Even though the EFSC process involved land use decisions in our case and the Oregon land use regulations allow additional time if a request is made at the initial public hearing, our requests for additional time at the initial EFSC public hearing were basically ignored. Twenty-nine (29) days is all we were given and comments had to be in by the close of the public hearing. No other permitting process that I have been involved in has been this strict and uncompassionate to the public's ability to be able to properly review documents and participate in a process. Why not allow plenty of time to resolve problematic issues so they can be dealt with or the project can be told "no" early on if it doesn't fit the standards. On large projects such as those processed by the EFSC, the public should be given ample time to be able to review all the documents when comments are due.

The public doesn't see all the back and forth (applicant and agency) comments that go on prior to the release of the ODOE Draft Proposed Order. It would really be helpful if an electronic library system was set up so that the public could have access to agency comments along with application amendments. If FERC and our local rural planning departments can upload everything submitted on an application, it looks like the ODOE could also have a process similar to what these agencies provide. That way those of us who are interested and have signed up to participate can be kept better informed.

It wasn't that we citizens were not raising relevant issues over and over again. The problem was we had no idea prior to the Contested Case that (in our particular case) the Oregon Department of Aviation (ODOA) had not seen a thermal plume study because the applicant had kind of hid it in a section of their massive application that was not a section the ODOA would even be looking at. The other issue too was that there was a lot of staff turnover at the ODOE during our EFSC process. Staff did their best to help but some of our concerns kind of got lost in that process. I realize that our State regulatory agencies are underfunded and do the best they can with the resources that they have been given, but due to this fact, the value of the public process and the ability of the public to be able to bring issues to the forefront must be capitalized on rather than short circuited and stifled.

Sincerely

/s/ Jody McCaffree

Jody McCaffree