



PUBLIC NOTICE

PROPOSED ORDER ISSUED ON THE REQUEST FOR AMENDMENT #1

Date: October 15, 2009

On October 15, 2009, the Oregon Department of Energy (Department) issued a proposed order on an amendment of the site certificate for the **Leaning Juniper II Wind Power Facility** (LJF), located in Gilliam County, Oregon. The Proposed Order on Amendment #1 recommends that the Oregon Energy Facility Siting Council (Council) approve a request by the certificate holder to amend the Site Certificate. The Department is accepting public comment on the proposed order until 5:00 PM on Monday, November 16, 2009.

The Leaning Juniper II Wind Power Facility

The Council issued a Site Certificate to Leaning Juniper Wind Power II LLC (the certificate holder) for the LJF in September 2007. The Site Certificate authorized construction and operation of up to 133 wind turbines and related facility components for a facility with a peak generating capacity of up to 279 megawatts. Construction has not begun.

Description of the Amendment

The amendment would add approximately 7,962 acres to the site and would authorize the construction and operation of up to 84 wind turbines and related infrastructure within the new area. The new area lies generally southeast of the previously-approved LJF site. The previously-approved LJF site lies southwest of Arlington, in Gilliam County, Oregon. The Arlington city limit boundary is adjacent to the site boundary. The certificate holder refers to the facility components in the new area as “Leaning Juniper IIB” (LJIIB) and the facility components in the previously-approved area as “Leaning Juniper IIA” (LJIIA). The amendment would decrease the overall number of wind turbines authorized for construction at the facility from 133 to 127 and would decrease the maximum generating capacity of the facility from 279 MW to 277 MW.

The certificate holder requests the option to build a new substation in the LJIIB area and a 230-kV aboveground transmission line from the new substation to the previously-authorized LJIIA substation near the Bonneville Power Administration’s Jones Canyon Switching Station. Alternatively, power generated from the LJIIB turbines would be transmitted to the LJIIA substation on two parallel, double-circuit 34.5-kV aboveground transmission lines.

In addition, the certificate holder requests an extension of the deadline for completing construction of the LJF. If approved, the amendment would extend the construction completion date to September 24, 2013.

The Department recommends that the Council approve the amendment request subject to recommended revisions of the Site Certificate. The Proposed Order on Amendment #1 may be viewed or downloaded from our website: www.oregon.gov/ENERGY/SITING/announce.shtml.

Right to Request a Contested Case

Any person who disagrees with the Proposed Order may request a contested case hearing. As required under OAR 345-027-0070(6), a request for a contested case must include: (1) a description of the issues that you contest, (2) a statement of the facts that you believe to be at issue and (3) your mailing address.

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A contested case is not automatic. The Council will allow a contested case only if the request raises a significant issue of fact or law that may affect the Council's determination that the facility, with the changes proposed by the amendment, meets an applicable standard. The Council will consider the general standards in OAR 345, Division 22 and specific standards in Division 24. The Council standards are described on our website: www.oregon.gov/ENERGY/SITING/standards.shtml. Particular statutes and rules applicable to a contested case hearing on the Proposed Order are listed in Attachment A.

Deadline for Comments or Contested Case Requests

The Department is accepting public comment on the proposed order. **We must receive comments or requests for a contested case no later than 5:00 PM on November 16, 2009.** Comments must be submitted in writing by mail, fax, hand-delivery or e-mail. Comments must be received by the Department no later than the deadline. Please address comments or contested case requests to the Department's Project Officer, John G. White, Oregon Department of Energy, 625 Marion St. NE, Salem OR 97301-3742, Fax: 503-373-7806, E-mail: john.white@state.or.us.

Council Decision Process

The Council will decide whether to approve the amendment request or to grant a contested case, if one is requested. Information about the Council's process, announcements and agendas for meetings is on our website: www.oregon.gov/ENERGY/SITING.

If you have any questions about the proposed amendment, contact John White at 503-378-3194 or toll-free (in state) at 800-221-8035, extension 295.

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ATTACHMENT A: LIST OF STATUTES AND RULES PURSUANT TO ORS 183.415

ENERGY FACILITY SITING COUNCIL STANDARDS

<u>Statutes</u>	<u>Administrative Rules</u>	
ORS 469.010	OAR 345-001-0010	OAR 345-027-0020
ORS 469.020	OAR 345-015-0085	OAR 345-027-0023
ORS 469.300 to 469.570	OAR 345-021-0010	OAR 345-027-0028
ORS 469.590 to 469.619	OAR 345-021-0050	OAR 345-027-0030
ORS 469.930	OAR 345, Division 22	OAR 345-027-0050
ORS 469.992	OAR 345, Division 24	OAR 345-027-0060
	OAR 345, Division 26	OAR 345-027-0070

PROTECTED AREAS (OAR 345-022-0040)

Statutes

ORS 273.581

ORS 390.826

Administrative Rules

OAR Chapter 142

OAR Chapter 635, Division 8

DEPARTMENT OF FISH AND WILDLIFE (Habitat Standard, T&E Species Standard)

Statutes

ORS 496.172

Administrative Rules

OAR 635-415-0025

DEPARTMENT OF AGRICULTURE (T&E Species Standard)

Statutes

ORS 564.105

Administrative Rules

OAR 603-073-0002

DEPARTMENT OF ENVIRONMENTAL QUALITY (Noise)

Administrative Rules

OAR 340-035-0035

STATE HISTORIC PRESERVATION OFFICE

Statutes

ORS 358.905

ORS 358.920

WATER RESOURCES DEPARTMENT

Statutes

ORS 537.505 to ORS 537.796

Administrative Rules

OAR Chapter 690

DIVISION OF STATE LANDS (Removal-Fill)

Statutes

ORS 196.795 to ORS 196.990

Administrative Rules

OAR 141-085-0500 to -0785

DEPARTMENT OF AVIATION

Statutes

ORS 836.530

Administrative Rules

OAR Chapter 38, Division 70

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DEPARTMENT OF TRANSPORTATION

Administrative Rules

OAR Chapter 734, Division 51

OAR Chapter 734, Division 55

LAND USE STANDARD

<u>Statutes</u>	<u>Administrative Rules</u>
ORS 195.300	OAR 660, Division 4
ORS 197.646	OAR 660, Division 33
ORS 197.732	OAR 660-033-0020
ORS 215.243	OAR 660-033-0120
ORS 215.275	OAR 660-033-0130
ORS 215.283	OAR 660-033-0160
ORS 215.700	<u>Statewide Planning Goals</u>
ORS 215.710	Goal 3
	Goal 13

GILLIAM COUNTY

Gilliam County Zoning Ordinance Sections 4.020, 7.010 and 7.020