

Shepherds Flat Wind Farm
Amendment Request Comments and Department Responses

On June 18, 2009, the Department issued a public notice of the Request for Amendment #1 for the Shepherds Flat Wind Farm. The public notice requested comment on the amendment request by July 20, 2009. The Department received public comments from the persons listed below. In the table that follows, the Department has summarized the issues raised in the comments and has provided responses.

Public Comments

John Vanden Brink and Duane Neiffer (cosigned)
 Sherry and Mike Eaton
 Casey Beard
 Henry Davies
 Arman and Sandra Kluehe

Comment	Response
John Vanden Brink and Duane Neiffer (email and fax, July 17, 2009)	
<p>"[We] are concerned about the use of groundwater for what we perceive as industrial use. We also are concerned about the potential effect of this use on the level of the aquifer in our area. We wonder how come surface water use would not be better for this operation."</p>	<p style="text-align: center;">[1]</p> <p>A significant amount of water is needed on a temporary basis for the construction of the proposed facilities. In the Final Order on the Application (July 25, 2008), the Council found that sufficient water for construction of the SFWF could be supplied from an existing municipal source (the City of Arlington). In the amendment request, the applicants have proposed that construction water might be obtained from the construction contractor. The construction contractor would be responsible for obtaining all necessary permits for construction and use of new wells, and this would include appropriate review of the proposed use by the Oregon Water Resources Department for any potential adverse effects on current water users. The permitting process for the contractor to apply for the new wells is a separate and independent process that does not involve the Energy Facility Siting Council. The site certificate does not specify the source of construction water. Water used during facility operation would come from new on-site wells located at the field workshops. Water use from these wells would be limited to less than 5,000 gallons per day in conformance with ORS 537.545(1)(f).</p>
Sherry and Mike Eaton (email, July 17, 2009)	
<p>"We are in a critical ground watershed and are very concerned regarding the affect this will have on our aquifer."</p>	<p style="text-align: center;">[2]</p> <p>See Response 1 above.</p>
<p>"please address the issue of where the rock for the roads will come from. What commercial places are you going to use for this. We live next door to Willow Creek Wind Farm and they dug and used a rock quarry 1/4 mile from us. The dust and noise was horrible. Also the traffic from the trucks was terrible."</p>	<p style="text-align: center;">[3]</p> <p>The quarry for the Willow Creek Wind Farm will not be used as a source of gravel for construction of SFN, SFC or SFS. In response to the Department's inquiry, the applicants stated that quarries under consideration for supplying construction gravel are off minor roads and well removed from residences.</p>
Casey Beard (email, July 20, 2009)	
<p>"I am concerned about the potential of withdrawing large amounts of water from the Willow Creek aquifer. Although it is currently not critical ground water area, the potential exists that lowering of water tables could cause this designation as has occurred in adjacent areas of the</p>	<p style="text-align: center;">[4]</p> <p>See Response 1 above.</p>

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county.”	
Henry Davies (email, July 20, 2009)	
“How is this even being considered on a scenic highway?”	<p>[5]</p> <p>The Council addressed the impact of the SFWF on the Blue Mountain Scenic Byway in the Final Order on the Application (July 25, 2008). The 145-mile long Byway is not identified as a significant or important scenic resource in the Morrow County Comprehensive Plan. The Council found that the visibility of SFWF wind turbines from some areas along the Byway would not result in a significant adverse impact, based in part on previous findings by the Morrow County Planning Commission in approving a Conditional Use Permit for Shepherds Ridge Wind Farm.</p>
“What are the impacts of taking all that water out of the river and out of this area?”	<p>[6]</p> <p>See Response 1 above.</p>
“What are the environmental issues with this project?”	<p>[7]</p> <p>The environmental impacts of construction and operation of the proposed facilities are addressed by many of the Council’s standards. Environmental issues have been discussed at length throughout the Final Order on the Application (July 25, 2008) as well as in the Proposed Order on Amendment #1.</p>
“Why is it being divided into three projects? Probably so they can collect more tax incentives.”	<p>[8]</p> <p>In the Request for Amendment #1, the applicants state that “the challenge of financing a 909 MW wind energy facility would be formidable,” and they are proposing to divide the SFWF into three separate facilities to facilitate financing. The Council does not determine tax policies and does not consider tax incentives in making siting decisions.</p>
“It needs to be considered one large project so that cumulative impacts can be addressed.”	<p>[9]</p> <p>The cumulative impacts of “one large project” (SFWF) have already been addressed in the Final Order on the Application (July 25, 2008). Cumulative impacts are specifically addressed by OAR 345-024-0015 (Siting Standards for Wind Energy Facilities).</p>
“What are the major birds and bats in this area? Have you contacted American Rivers, the Audobahn Society, local tribes, Oregon Fish & Wildlife Department, Federal Fish & Wildlife, local watershed, or had anyone come look into issues with erosion and additional runoff? Are there any endangered species in this area what so ever? If there is then the Endangered Species Act better be applied to this area in order to save from both environmental impacts and from third party lawsuits invovled with the endangered species act. Is there any major wintering ranges for any wildlife in or near this area? What about the cumulative impacts of covering that entire area with a dam of wind turbines for migrating birds?”	<p>[10]</p> <p>Protected and sensitive species are considered by the Council under the Threatened and Endangered Species Standard and the Fish and Wildlife Habitat Standard. These matters have been addressed in the Final Order on the Application (July 25, 2008) and in the Proposed Order on Amendment #1. The Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, the Bureau of Land Management and The Nature Conservancy all commented on the SFWF site certificate application. Erosion and runoff are specifically addressed by the Council’s Soil Protection Standard. Cumulative impacts are specifically addressed by OAR 345-024-0015 (Siting Standards for Wind Energy Facilities).</p>
“Have studies been done to find out how far from homes they can build and then done a study to find out how many decibels a turbine can put out and at what range they will not disturb residents with various wind speeds?”	<p>[11]</p> <p>Noise analysis has been done for the SFWF (this may now be considered as a cumulative impacts analysis for SFN, SFC and SFS). The Council made findings regarding the expected noise impacts of the SFWF in the Final Order on the Application (July 25, 2008), pp. 130-136. Site certificate Condition 97 requires the certificate</p>

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	holder to demonstrate that the facility complies with the applicable State noise control regulations, based on final facility design, before construction begins.
“Has anyone done research to find out what the setbacks should be from homes when the blades freeze up and the turbines spin off large chunks of ice?”	[12] The issue of safety setbacks was discussed in the Final Order on the Application (July 25, 2008), pp. 23-25. Site Certificate Condition 40 contains safety setbacks from nearby residences and public roads.
“Has anyone looked into where the oil goes from these machines once they leak out onto the ridgetops and makes its way into the rivers and soil?”	[13] Wind turbine nacelles are designed with containment for possible oil leaks from the turbine machinery. There is no evidence of oil leaking onto ridgetops.
“What about interrupting the historical Louis & Clark trail that was never supposed to be developed near or around? How close will these turbines be allowed to come to the Louis & Clark trail?”	[14] The route of the Lewis and Clark expedition does not cross the site boundaries of SFN, SFC or SFS. The “trail” was by canoe on the Columbia River or on the Washington side. http://www.lewisandclarktrail.com/section4/wacities/tricities/mappingboardman.htm
“Are there any tribal root picking, berry picking, fishing, hunting, or any other type of tribal cultural resources within this area?”	[15] The Council addressed cultural resources within in the SFWF site boundary in the Final Order on the Application (July 25, 2008) in the discussion of OAR 345-022-0090 (Historic, Cultural and Archaeological Standard). All land within the site boundaries is privately-owned and is not open to tribal root picking, berry picking, fishing or hunting. The Confederated Tribes of Umatilla Indian Reservation (CTUIR) and the Confederated Tribes of Warm Springs received copies of the site certificate application as well as the amendment request, and their comments were requested. The certificate holder has had extensive consultations with the CTUIR about cultural resources on the site.
“Is this in any type of scenic area where the hundreds of red flashing lights will be seen at night from other areas in Oregon that have scenic protections?”	[16] The Council addressed the impact of the facility on scenic resources in the Final Order on the Application (July 25, 2008), pp. 64-76.
“Where is the power needed and who at the state level is creating a plan that focuses on a need for the power? Where is the power going and is it being used for local citizens or is it going to California and other states? Is there proof that there is a power shortage in the state of Oregon? If there is not a shortage why is the state siting towers with tax payer dollars in order to ship the power elsewhere?”	[17] The Oregon Legislature has specifically prohibited the Oregon Energy Facility Siting Council from establishing “need” for power as a siting standard for generating facilities (ORS 469.310). All electrical energy generated within the region and connected with the region-wide transmission grid is shared by all customers within the region who are connected to the grid.
Arman and Sandra Kluehe (email, July 20, 2009)	
“Shepherds Flat was designed as a single facility and was issued a single site certificate and should remain one facility. Any attempt to issue 3 new site certificates should negate the original certificate that was approved by the ODE.”	[18] The original site certificate for SFWF was approved by the Oregon Energy Facility Siting Council. Under Council rules (OAR 345-027-0060, -0070 and -0100), site certificates may be amended or transferred.
“I object to issuing any new site certificates that will transfer conditional use permits and the conditions thereof to the county and not remain with the state. ODE should remain responsible for making sure this Industrial Wind Facility will adhere to the conditions agreed to in the original CUP.”	[19] The amendment of the site certificate will not “transfer conditional use permits.” Neither the Council nor the Oregon Department of Energy have any jurisdiction or authority to enforce “conditions agreed to in the original CUP.” Enforcement of CUP conditions is a local

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	responsibility. Each facility (SFN, SFC and SFS) would be subject to both a site certificate and the applicable local Conditional Use Permits.
<p>“NO NEW WATER WELLS! Wells in this area should be used for agricultural and personal use only, not industrial construction purposes. I know that other Industrial Wind Facilities that have been constructed recently have used Columbia River Water that has been supplied by the City of Arlington. I request that all water used for the construction of Shepherds Flat North, Central and South be drawn for the Arlington area, preferably from the Columbia River.”</p>	<p>[20] See Response 1 above.</p>
<p>“The amendment includes drilling two new wells for the use of water on this project. Patricia Pilz has estimated the usage to be 66 million gallons. The Shepherds Flat South portion is closest to my property and I am very concerned with drilling a well for construction purposes.”</p>	<p>[21] See Response 1 above. The amendment does not include authorization to drill wells or use water from those wells for construction purposes. The amendment includes a request for “the option to secure additional construction related water from additional third parties” (Request for Amendment #1, Section III, p. 21). As stated in the amendment request: “These additional third-parties will be responsible for compliance with the Ground Water Act and the rules of the Water Resources Department.”</p>
<p>“NO NEW SUBSTATION! There is the addition of a substation on Shepherds Flat Central which I object to. Will this additional substation be used in the future to expand Industrial Wind Facilities to the east and south? Any addition of substations installed now that will be used later to expand industrial wind facilities should have a separate public notice and hearing and not be buried in an amendment for this project.”</p>	<p>[22] In the Final Order on the Application (July 25, 2008), the Council approved the construction of two substations for the SFWF. The amendment would divide the SFWF into three separate facilities and would authorize construction of one additional substation so that each of the separate facilities would have its own substation. A facility substation is part of the necessary infrastructure for a wind energy facility and is needed whether or not the facility is expanded in the future.</p>
<p>“NO 24 HOUR LIGHTING! Lighting used for any construction purposes should be set on motion detectors and not run continuously through the night. This includes the temporary concrete batch plant, maintenance buildings, office buildings, fueling station and substations. I and many others in this area appreciate viewing the night sky and are increasingly concerned with Industrial Development in the county that is impeding this. Lights installed should be shielded and on motion detectors on all temporary or permanent construction sites.”</p>	<p>[23] The issue of lighting at wind energy facilities is addressed under OAR 345-024-0015 (Siting Standards for Wind Energy Facilities). Site Certificate Condition 95 restricts lighting and requires that security lighting at field workshops and substations be shielded or downward-directed to reduce glare. The Department recommends adding specific limitations on construction lighting as discussed in the Proposed Order on Amendment #1. The temporary concrete batch plants and fueling stations would be built and operated by third-parties and would not be subject to the site certificate.</p>
<p>A fueling station only be allowed if it is in accordance with DEQ and EPA regulations that protect the site in the instance of any fuel spill.</p>	<p>[24] The proposed fueling stations would be built and operated by third-parties and would not be subject to the site certificate. The third parties, however, would be subject to the applicable DEQ or EPA regulations that address the handling of hazardous materials. Hazardous materials used by the certificate holder on the facility site (lubricating oils, cleaners and herbicides) would be subject to Condition 50 (handling of hazardous materials) and Condition 51 (preparation and response to spills or releases of hazardous materials).</p>