



# Oregon

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**To:** Energy Facility Siting Council

**From:** Kathleen Sloan, Senior Siting Analyst

**Date:** June 10, 2022

**Subject:** Agenda Items K (Continuation of Public Hearing) and L (Information Item): Nolin Hills Wind Power Project, Public Hearing on the Draft Proposed Order; and Council Review of Draft Proposed Order for the June 24, 2022 EFSC Meeting

**Attachments:** Attachment 1: Draft Proposed Order Comments/Comment Index  
(Note: any additional applicant responses received after the date of this staff report will be provided to Council in Supplemental Council materials prior to June 24, 2022 meeting)

Attachment 2: Oral Comments received at May 26, 2022 Public Hearing  
(format includes uncorrected transcript and link to audio recording at:  
<https://www.youtube.com/watch?v=NkpJYo4DMa4>)

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## STAFF RECOMMENDATION

The Oregon Department of Energy's (Department) Draft Proposed Order on the Application for Site Certificate (Draft Proposed Order) for the Nolin Hills Wind Power Project (proposed facility) recommends that the Energy Facility Siting Council (Council) find that Nolin Hills Wind, LLC (applicant), a subsidiary of Capital Power, Inc. provided sufficient evidence in the Application for Site Certificate (ASC) to demonstrate that the proposed facility, with recommended conditions, satisfies the requirements of applicable Council standards and other state statutes and local ordinance provisions. The Draft Proposed Order was provided to Council in preparation for the May 26-27, 2022 meeting and therefore is not provided again. Materials are available online at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/NHW.aspx>

## PROJECT OVERVIEW

The proposed facility includes 340 megawatts (MW) of wind energy generation components and 260 MW of solar photovoltaic energy generation components, to be located within an approximately 48,000 acre site boundary and 15,000 acre micrositing area in Umatilla County.

## INTRODUCTION

The Department issued the Draft Proposed Order on April 19, 2022, along with a Public Notice of a 37-day comment period (April 19 through May 26, 2022). A public hearing on the Draft Proposed order was held on May 26, 2022 and provided opportunities for remote and in-

person participation. The public hearing provided interested individuals an opportunity to provide written or oral testimony on the Draft Proposed Order and ASC. The record closed on May 26, 2022 for the public, but was extended by the Hearing Officer based on the applicant's request for a 30-day extension to afford them the opportunity to respond to issues raised in comments received.

Council will have an opportunity to review any supplemental information submitted by the applicant in response to comments on June 24, 2022. Council may choose to review the Draft Proposed Order on June 24, 2022 or future Council meeting, depending on the scope of the applicant's supplemental information. Following Council's review of the Draft Proposed Order and issues raised in comments received, and any applicant responses, the Department will issue a Proposed Order intended to address issues raised in comments received that are within Council jurisdiction and based on facts and evidence provided in support of the issue.

### **SUMMARY OF COMMENTS RECEIVED**

On the record of the Draft Proposed Order public hearing, testimony and written comments were received from the applicant and participating landowners, 11 members of the public, the Special Advisory Group (SAG) (Umatilla County Planning Director on behalf of the Board of Commissioners) and members of the Council. All public comments received have been entered into the siting docket available on the ODOE webpage. Issues raised in public comments are summarized below and comments are included in Attachment 1 of this staff report. An uncorrected transcript of all oral testimony on the DPO given at the Public Hearing is provided in Attachment 2 of this staff report.

- Mr. Samuel J Ramos, of Hereford, Oregon - comment letter objecting to the location of the proposed facility on select parcels of his property and affirms that easements have not been approved.
- Applicant – disagreement with Department's recommendations under the Goal 3 exception request and contingencies applied to the decommissioning estimate.
- Umatilla County Planning Director on behalf of the Board of Commissioners – disagreement with the Department's interpretation of the applicability of a 2-mile setback from wind turbines to residences for an EFSC-jurisdictional facility and request that the site certificate require the applicant to obtain a Conditional Use Permit.
- Zack Culver - LIUNA – Laborers' International Union of North America (LIUNA) letter of support for project.
- Dixie Echeverria – ELH, LLC. – Comments on transmission line siting and potential impacts concerns on route/configuration.
- Steve Corey – NHW Landowner – Statements and letter in support of Project.
- Chuck Little - Support for Project
- James Peters – LIUNA/Public – Comments in support of project
- Jodi Parker – LIUNA/Public – Comments in support of Project
- Jontae Clardy – LIUNA/Public – Comments in support of Project
- Scott West – Adjacent Landowner/Public – Comments on previous issue identified by Ramos re: transmission line and proposed project. In discussions with applicant but not resolved.
- Art Prior – Public - Support project but concerns about transmission line routing.

- Jeff Grant - LIUNA/Public – Comments in support of Project.
- Eric Ansen – Public – Comments in support of Project.

### **NEXT STEPS**

On June 24, 2022 Council will receive a staff presentation that will address each applicable Council standard and issues raised in comments received on the record of the Draft Proposed Order.

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