

Attachment 2

Transcript from May 26, 2022 Public Hearing

Vice-Chair Howe: And the next item is the Nolan Hill, Hills wind power project, the public hearing on the draft proposed order on application for the site certificate. Um, the, uh, Nolan Hills is a 600 megawatt wind and solar facility in Umatilla County. It's proposed by Nolan Hills Wind LLC. We have, um, for an overview of the proposed facility, uh, Kathleen Sloan, a senior siting and analyst that will provide the overview of the siting process, the proposed facility components, components, and location. Um, they'll be a public hearing overview by Kate Triana, the senior administrative law judge at the Oregon Office of Administrative Hearings, that'll explain the legal requirements for providing comments on the record and will facilitate the hearing, then we'll have the public hearing, or interested individuals will have any opportunity to provide oral testimony on the ASC and the draft proposed order. Written comments may also be submitted to the department through the close of the public hearing. So with that, I'll turn it over to, uh, Ms. Sloan.

Kathleen Sloan: Thank you Vice-Chair Howe. For the record, this is Kathleen Sloan. I'm gonna go by Kathleen this evening because our administrative law judge is also, goes by Kate, and I don't want people to get confused, but thank you for being here and being here for the meeting. I'm gonna go over a few slides about our process, um, where we are in our process, and a little overview of the project, and then I am going to turn it over to the ALJ, and she will open and run the hearing, so, so to start, I'm, just gonna go over a few overview slides. So tonight we are presenting, um, on the draft proposed order for the Nolan Hills wind power project. So I'm gonna go over the proposed facility, the public hearing process, and then, like I said, the ALJ will go into the hearing, she will open and run the hearing. So can I have the next slide, please? So EFSC, the, is short for the Energy Facility Siting Council, and this is part of the review process of EFSC. Um, we have a consolidated review process, um, and EFSC, the council, has oversight over most large-scale energy facilities and infrastructure within Oregon. We have seven members of the council. They're governor appointed and confirmed by the state senate, and they are volunteers, and they are from various parts of the state and bring a whole breath of experience to our council for these decisions. And ODOE, which is short for the Oregon Department of Energy siting division is the staff for EFSC, and so we have some staff here. I am one of them. I'm a senior siting analyst. I also have, uh, Sa, Sarah Esterson, who is our policy analyst. Todd Cornett is our council secretary. He's also our program manager and administrator. Behind me is Wally Adams. He is also one of our policy analysts I believe, and, um, Nancy Hatch, who is helping as an administrative assistant in our department, and she is helping facilitate this meeting. Next slide. So very briefly, I just wanted to give you an overview, kind of a schematic of wha, both our process and where we are at in our process, so in the beginning, uh, the applicant files a notice of intent. That notice of intent is open for public comment, and it initiates the agency coordination that we do, and it's basically the initial plan or proposal for the project. The next step is the project order. The department, ODOE, will issue a project order, and the project order will review the notice of intent and the project information and basically set the framework of what the review and the analysis needs to be within the draft proposed order, um, for the project, and after that point, um, it sets the parameters for the analysis within the project boundary and the things that, that the applicant needs to prepare and submit, um, as part of the preapplication and the application. So the

preapplication, the preliminary application for site certificate, gets filed, and there is a entire process that goes between the applicant and our department from the PASC to the ASC, and that is where we're, there's a lot of requests for additional information. We review and analyze the information in the studies that's provided. We take the reviewing agency coordination information, and what comes out of that is a revised preliminary, and then a final application, and the application for site certificate is not the final application until the department deems it complete, so once it's deemed complete, then we do another initiated round of agency coordination and start the drafting of the proposed order, the draft proposed order, and once the draft proposed order is pre, is written, we issue it, and it's open for public comment, and so we have issued the draft proposed order. We issued it on April 19<sup>th</sup>. It was posted on our website. It went out in publication as a public notice. We have emails that go out and a whole distribution list of how, how people get notified and notified that the draft proposed order is out. It's available for review. It's posted on our web page and our website, so people can go and review it and review any sections or any exhibits, any parts of the application that were used. Um, and then once that is done and we are drafting the proposed order, um, and it's drafted, and we've published it, then we have a comment period, and that comment period is opened at the initiat, when it goes public and it's issues, and then it will run through the public hearing, and typically, it closes at the end of the public hearing, and so tonight is where we're at in the process, so we are at the public hearing on the draft proposed order, and so this is a opportunity for those who are interested who may not have submitted written comments or comments through our comment portal to make public comment. Um, it's also an opportunity for the applicant to be here, and they're here, and I'm gonna introduce them really quickly. So our applicant is Nolan Hills LLC represented and a whole subsidiary of Capital Power. I believe I got that right. So Matt Martin is the lead person for Capital Power, and he is here with two of his team, Linnea Fosum, who is with Tetra Tech who helped do a lead on all of the environmental review and the application parts that they submitted, and then Tim McMahan, who is also here as, I believe, your legal support or legal counsel? Okay. So, yes.

Other Speaker: \*\*\*\*.

Kathleen Sloan: Of me? Turning around? Okay.

Other Speaker: \*\*\*\*.

Kathleen Sloan: Is it going in and out?

Other Speaker: \*\*\*\* little \*\*\*\*.

Kathleen Sloan: Okay. Okay, good 'cause I can't really hear how I sound when I'm talking into a microphone. Um, so anyways, that is where we are tonight. Once the draft proposed order and the public hearing are closed, then the department will move into the proposed order, and that is basically taking the input, any changes that may come out of tonight or public comment, and finalize the draft proposed order into a proposed order. Um, there is a process

that we have called a, an contested case, and that is also going to have an ALJ assigned to them if it, if it happens, but it is, um, part of the public comment importance is that in order to be a member of the, or a participant in a contested case, you have to have your comments on the record. And then the final order and site certificate are the last steps. The final order is issued, and the site certificate is issued, and, and that comes after council is finished. So next slide. So a little project overview. I know Capital Power will give a little bit more information in their section, but for Nolan Hills Wind, um, as I noted, Nolan Hills is an LLC, and they're a subsidiary of Capital Power Corporation. Um, the proposed facility is in Northwestern Umatilla County, and it is a proposed 600 megawatt wind and solar facility. The site boundary, which is what you see with the, the black line surrounding, is approximately 48,196 acres, and the related and po, um, supporting facilities for the facility will be, um, dispersed and centralized. The battery energy storage system, sys, um, which we call a BES, and there are two proposed, uh, transmission lines, the 20, 230kV gen-tie lines, and those are the, the lines extending out of the site boundary. Next slide. So again, this is another kinda overview of where we're at. This is our procedural history, so as I, sa, mentioned before, the applicant filed a notice of intent. They did this back in 2017, then the preliminary came in, and originally, it was only for wind, and that was filed in February of 2020, and through that iterative process that I explained of requests for additional information that they respond to and revise, preliminary application, they also expanded the project design to add, um, solar PV to the winds, so now it's a wind and solar project, and by the time the application for site certificate, they also included, um, the bus and the transmission lines, so the whole project became what we reviewed in the final application for site certificate, which we deemed complete on January 31<sup>st</sup> of this year, 2022. And as I, um, noted before, the department issued the draft proposed order on April 19<sup>th</sup>, and we are now in the, the red highlighted area of our public hearing. Um, and the next steps will be, uh, tomorrow, if it moves forward tomorrow, we will review with council as an information, um, item on your agenda for, for more comments and questions, and then the next, uh, phase would be the proposed order, the notice of contested case, and then a final decision. Next slide. So to, to emphasize the public participation phase at the DPO lev, part of the process, um, as I noted before, once we issued the DPO, it, it is started the public comment process, so we've been receiving comments, um, since that date, and it's open, um, to the public to participate in various ways. So some comments can be ma, you know, you can mail your comment, you can email your comment. We have a new public comment portal that is on our ODOE webpage that you can enter your comment online, and then it instantly become part of the official record, um, and it's publicly available for, for other people to see it. You can fax it to us. You can have it FedExed to us. There's a lot of different way, and tonight, the public hearing is just to provide people with the opportunity to be here in person and provide oral testimony or oral comment and also for the ALJ to have, to hold the public hearing. Next slide. So we have people calling in, people that may be online through our Webex, um, as well as in the room, and we will go through, uh, a process for calling on everybody that we will explain in a minute. So I just wanted to give some, um, kind of framework for, for making a comment, um, and, and what it means to be as part of the contested case, so in order to be a participant in a contested case, you need to get your comments on the record, and you can do that during the public comment period. Once the co, public comment period closes, we don't accept any

more input that would relate to being in a contested case. For consideration in a contested case, um, precedent has showed us that issues need to be raised sufficient, with sufficient specificity so that council and the department and the applicant can understand the issue and are afforded the opportunity to respond, and there will be a, a point in the, in the hearing where the applicant will be able to do that tonight. Um, and to raise an issue with sufficient specificity, the ss, the person making the comment needs to present facts to support their position. Next slide. So this slide is basically to kinda give ya guidance if you're interested in making a comment, of how to make an effective comment to the record, and what is probably less effective. Um, so making sure that you're tying your comments specifically to our siting standards, which is what we're following in our process, and to the Oregon Administration, Administrative Rule, the OARs, and, um, our standards, so being specific about whether or not you think a standard has been met and why is basically what, what is an effective comment. You, if, if you can state supporting facts, um, submit al, alternative or informational material that you think supports those facts, and then it's particularly helpful for us if you can reference the specific pages if you are taking issue with something specifically in the draft proposed order or the application itself. Um, less effective is basically stating your position without providing any supporting information as to why you do, you are taking that position. Um, or maybe submitting information without making us aware of what it's referencing or what it's being supporting of. I think those are, and raising issues that are clearing outside of our jurisdiction or our process or making what are basically unsubstantiated comments, which is to fail to provide any backup support or documentation for what you're saying, so that, and that is just a guidance on how to participate and make effective comment. Next slide. So at this point, I am going to turn it over to our administrative law judge, who is Kate Triana, and she is with the, um, Office of Administrative Hearings in Oregon, and she is our council-appointed hearing officer, so at this juncture, I am going to quit talking, and I am gonna turn it over to the ALJ, so Kate, um, I am turning it over to you.

Kate Triana: Okay, great. Uh, thank you, Kathleen. Uh, so as, uh, we've mentioned, this is the public hearing on the, uh, draft proposed order on the application for a site certificate, uh, for the Nolan Hills wind power project, and I am Kate Triana. I'm a senior administrative law judge at the Oregon Office of Administrative hearing, uh, and I've been appointed as the EFSC appointed hearing officer in this matter. Uh, we're sometimes referred to as hearing officers, sometimes ALJs, um, or administrative law judges. Um, and so I'm serving as the presiding officer for this hearing today. Uh, it is May 26<sup>th</sup>, 2022. The time is currently 5:56 p.m., uh, Pacific Time, and just to get on the record, uh, this public hearing is being held at the Energy Facility Siting Council, or EFSC meeting. Uh, it's in person at the Red Lion Hotel located in Pendleton, Oregon, uh, but it is a hybrid hearing, so it's also being held via, um, Webex webinar, uh, with a call-in option for those who can't participate in person or via Webex. So the purpose of the public hearing, um, is to provide an opportunity for the public, reviewing agencies, and the applicant, uh, to present oral and written testimony on the Nolan Hills wind power project application for site, for certificate and draft proposed order. Uh, the 37-day record of the public hearing comment period on this draft proposed order is scheduled to close, um, today at the conclusion of this hearing, uh, unless we discuss otherwise during the hearing. Um, so

at the conclusion of, uh, my brief presentation today, uh, we're gonna call on each person interested in providing oral testimony, um, and I say we because Kathleen's gonna help me with, um, calling on the people who are in person. Um, and so we're gonna start though with, um, some oral testimony or a presentation by the applicant. Uh, I understand they also have a, a PowerPoint they're gonna present at that point. Uh, then we'll take public comments from people who are in person, um, at the, um, hearing there in Pendleton. Uh, then we'll take anyone who's on the Webex webinar, and then, finally, we will follow up with phone participants. Um, so just looking over, it looks like Kathleen had told me there are about five people, um, at the meeting who want to testify or provide comments, seven? Okay, and it looks like we have a number of people of the phone. I don't know if everybody on the phone is planning to testify or provide comments, but I think based on the, the number of people, I am going to set a time limit for comments today. Um, I'm gonna set a 5-minute per comment time limit. Um, and so then each individual will be allotted 5 minutes. Uh, department staff are gonna track the time for each commentor, um, and I think you'll be able to view it on the Webex also to see how much time you had, or have, and how much time is remaining. Um, if your time ends, and you're still speaking, I'm gonna kinda jump in and try and, uh, have you wrap it up just so that we can transition to the next speaker. I wanna make sure we get through all the comments, uh, today. So please try and be respectful of the allotted time and any other speakers today. If I have to ask any clarifying questions, or if a council member asks a clarifying question of the commentors, um, the time will be stopped for the question and response period, uh, and then restarted to allow the commentor to have the full time allotment. And I think this has already been mentioned, but just so everyone's aware, this is being recorded. Uh, the presentations, the written comments, and the oral testimony will all become part of the decision record, uh, for the proposed facility. If we could, um, pull up on the hearing, on the PowerPoint, I believe there's a slide that corresponds to this. Um, can we get the PowerPoint pulled back up? If we can't, it's okay. Perfect. Perfect.

Kathleen Sloan:           Okay, good.

Kate Triana:    So pursuant to OAR3450150220, Subsection 5A and B, um, everyone needs to note the following. A person who intends to raise any issue that may be the basis for a contested case must raise the issue in person at the hearing or in a written comment submitted to the Department of Energy before the deadline stated in the notice of the public hearing. A person who intends to raise any issue that may be the basis for a contested case must raise the issue with sufficient, sufficient specificity to afford the council, the Department of Energy, and the applicant an adequate opportunity to respond, including a statement of facts that support the pos, the person's position on the issue. Um, and so when, when I say in person, that includes anybody, um, participating in Webex or by phone. Um, all right, so if we could move to the next slide, please? So to raise an issue in a contested case proceeding, the issue must be, um, first within the jurisdiction of the council. Uh, it needs to be raised in writing or in person prior to the close of the record of the public comment period, which, uh, unless discussed otherwise, will be at the close of this hearing today, May 22<sup>nd</sup>, 2022. And it must be raised with suf, sufficient specificity to afford the council, the Department of Energy, and the applicant an

adequate opportunity to respond. Um, and to raise an issue with sufficient specificity, a person must present facts that the sup, to support the person's position on the issue. Um, okay. So if we could go to the next slide. Um, so we'll probably put this back up during, um, the comment period after the applicant does their, um, presentation, but just so everyone's aware, prior to testifying today or making your comment, I, uh, we need everyone to state the following: your full name, uh, with the spelling of your name. If you're with some sort of organization or group that you're representing, uh, please say the name of the organization or group. Uh, if you are also representing an organization or, organization or group, please let us know your title with that group. Uh, and then finally, uh, physical mailing or email address where the department can send, uh, notice information to you. Uh, and as you can see on that slide, if you don't wanna provide, uh, your mailing or email address publicly, uh, you can email it to Kathleen. Her email's up there as well as a phone number. Uh, but you do need to provide that. Uh, if we don't, if, if the department doesn't get that, I can't pro, provide you then with any notice that you're allowed. Um, okay, so I think at this point, the applicant had, um, a short presentation they wanted to do. Um, so Kathleen, is this the point where we wanted to do it?

Kathleen Sloan: Sorry. My mic was not on.

Kate Triana: That's okay.

Kathleen Sloan: All right, so yes, at this point, it is Capital Power.

Matt Martin: Great.

Kate Triana: Great. Thank you.

Matt Martin: Test, test. I think – can you hear me? Great. Great. Thank you council members, um, Hearing Officer Triana, ODOE staff. Thank you for having us here tonight. My name is Matt Martin with Capital Power on behalf of the applicant, Nolan Hills Wind LLC. I'm our director of business development. Been working on this project for, for some time as we went over some of the dates earlier. Um, pleased to present you a little bit more information about the project tonight and give you some background on the applicant, uh, Capital Power in, in particular. We'll go through a few slides. I'll try to keep it quick so we can open it up for public comment. So if we could get to the next slide?

Other Speaker: \*\*\*\*.

Matt Martin: Sure. Thanks.

Kathleen Sloan: And we, we –

Other Speaker: \*\*\*\*.

Kathleen Sloan: – yeah, we're having a, a technical issue we need to, to update, or correct, the slide deck. Okay. Oh, wa, stay tuned. It'll only take a minute.

Matt Martin: Oh, no, no problem. Great, thank you. So as I, I mentioned, um, Matt Martin, director of business development for Capital Power. So Capital Power is a, uh, Canadian-based independent power producer. We are, we own, uh, 27 different facilities across the U.S. and Canada, um, \*\*\*\* the 6,600 megawatts that we, we operate across a variety of different technologies. So we own, um, coal, natural gas, as well as, um, a, a large portfolio of wind and solar projects across the U.S. and Canada. We've got over 800 employees, um, and we are an investment-grade, uh, rated ut, um, company by S&P as well as a publicly traded company up on the Toronto stock exchange, so I think, um, you know, the, the key takeaway that I wanted to provide for you on this slide is that we do have the financial wherewithal to build this project. We lo, we do own and operate our projects long term, and, um, you know, we have a, a fairly large market cap. We're, we're on par in terms of size with Portland General Electric, so while this will be our first project within Oregon, you know, we, we do have a fairly substantial balance sheet, and are able to, to build this project ourselves, so. Next slide, please. So this slide didn't come out all of too well since you can't see the, um, background, but if you can image some of those dots are all of our different facilities across North America, and there's a big cluster north of the border in Canada, but I think the, the takeaway here is that we've got facilities all over the country, both the U.S. and Canada. Um, and the different colors are, are the different technologies, wind and solar, so. Next slide, please. So this is a picture of the Nolan Hills site, which we have been working on, and the project's been in development for a long, long time. I think the first wind, uh, lease for this project was signed in 2010. The first meteorological towers went up in 2011. Um, we've owned the project since 2014 and been working on it for the last 8 years, so while the NOI went in about 5 years ago, the development on this site has been going on for a long, long time. Um, it was originally just a wind project. We've since expanded it to be a wind and solar project, and so it's up to 600 megawatts with a variety of, of, um, it, up to 340 megawatts of wind. Um, the 260 megawatts listed here of solar, as well as a battery energy storage project that would be collocated with the storage, so, um, the project's about 4 miles south of Echo, as the crow flies, 10 miles west of Pendleton. As we found out today, it takes about 45 minutes to get there, but it's, um, it's, it's very isolated south of the river, and, um, I think we mentioned earlier, over 48,000 acres of land as part of the project, so we've been studying in a long, long time. We feel like we, we have a good feel for the site and have, uh, sited everything appropriately. Next slide. Here's a, here's a picture of the site. Um, again, very small, hard to see, but the yellow dots are the 112 proposed wind turbine locations. Uh, the yellow shaded area is the nearly 1,900 acres of, uh, where the solar facility will be. There's a deep purple line that goes through the middle of the site. That's actually, a, um, an overhead 230 kilovolt line that will connect our southern array of turbines to our northern array of turbines, and so there's two, uh, blue boxes on there, so there's two project substations. Um, it, I believe it's about a 7-mile line that connects the two. And from there, um, most of the turbines will be connected via underground collector cables, and they will all, uh, funnel into that substation, uh, to the south or to the north, depending on upon which array it's at. It's very hard to see in the light here, but there's a pretty large swatch of



empty area in the middle of the site around Alkali Canyon, so through a number of our avian studies as well as our Washington ground squirrel studies, we've found, um, you know, a, a very nice wildlife setting down there, so we've set back our turbines and facilities, uh, from, from Alkali Canyon. I believe there's another slide. Later on, we'll talk about the transmission lines. So just real quiet, we, we mentioned a lot of this already, up to 112 turbines. The, the tip height of the turbines is, is under 500 feet, and so that's kinda of a rare in wind technology these days. A lot of turbines are going bigger. This project is going to be capped at 500 feet due to some radar concerns, so we've signed commitments to, to stay below 500 feet. Right now, everything is based on a 3 megawatt turbine, and, um, at the end of the day, the, the turbine technology changes over time, and, and we, you know, we will be selecting it based on an optimal fit at a, uh, later date as we approach construction. Next slide. So the solar component I mentioned earlier. It's a lot of number. I think the key is it's up to 1,900 acres. Um, it will be a tracking system, which isn't listed here, so it will be in north/south facing arrays, and it'll track from east to west over the course of the day, and it will be directly connected to the battery energy storage project, such that it is, uh, the battery itself will be charged by the solar facility. This is a picture of one of our operating facilities in North Carolina. Next slide. Here's a picture of the BES. Not a lotta, uh, detail needed. It looks like a big C can or box where the battery modules are, are inside. Uh, everything is self-contained, and, uh, will be constructed in, in a large array on the site at that northern substation. Next slide. It, this is a, uh, a picture of a facility kinda towards the end of operation. Um, wind farm in, in Illinois. Provides a little context in terms of, um, you know, we, we permit or, or we apply for kind of the largest footprint. You'll see about a, that's a 10-acre site where our O&M building and substation are. Substation's on the bottom of the slide. The op, operations building's on the kind of upper left with the turbines in the background, and you can kinda see how, when a project is temporarily disturbed versus when it, it ultimately, you know, everything gets restored, so you can see kind of the, the dark soil that's been kinda tilled back up and ultimately replanted, but these are just a lotta stats in terms of what else is included in the application. We can go to the next slide. On the transmission side, um, Kathleen mentioned earlier, but there are two different options. Uh, one is a 25-mile line that, uh, for the most part follows an existing Umatilla electric coop, uh, right of way, and so the, the plan there, and, and pi, this is a picture of a, of a large high-voltage line on the screen, but the plan there would be to take the existing Umatilla electric coop lines, which are generally distribution lines, and replace the existing poles, so you'd be staying on the same side of the road as the existing poles. You'd put those distribution lines back, kind of halfway up the pole, and then our higher voltages lines would be at the top of the pole, and so you, there's the, some good examples of this throughout, uh, UEC's territory. It's been done for other projects. The other option is a, uh, 230 kV line connected to the Bonneville Power Administration, uh, Stanfield substation, which is a planned substation, or proposed substation. At the end of the day, uh, there, there is a powerline that goes through the site today that's 230 kV. It's, um, the Le Grande to McNary 230 kV line. Unfortunately, that line is, uh, almost completely full, and so we can't connect to those existing line. A new line is going to be constructed, and so we've been having this project studied by BPA, similar to the NOI. We first went back in, in 2017 as a wind project. We subsequently expanded it to the 600 megawatts and U, and BPA has been studying it for the last 5 years. We expect results in July.

The plan would be to build a, uh, a new substation, um, at a to-be-determined location at 230 kV, and then Bonneville would have to separately permit a new line from that substation all the way to McNary at 500 kV. And so that would be a separate permitting process that BPA would run. Next slide. I think it's a map, next slide is a map of the two different options, so lots of colors and dotted lines here, but the, the upper lefthand corner, or the, no, call it the northwest part of the site, is that 25-mile zigzagging line. The reason it zigzags is that's the way the existing UEC poles go. And then there's a little nub on the top, almost in the exact center of the site, that is kind of, uh, our line to connect to the proposed, uh, BPA Stanfield site, and so we have applied for a line that crosses over the Umatilla River and, um, where BPA will effectively take ownership at a new substation and, and go, continue to go north with their own line which would extend past the purple area. Next slide. So this is just a, you know, some of the, um, local benefits of the project. We do anticipate enter into, into a, uh, a CIP agreement with the county. A lot information in terms of, like, full-time jobs. Um, this will be a very large construction project, and there will be a lot of activity on the site. Um, when it is operating, uh, typically we have a, uh, you know, one, one technician for every ten turbines is kinda the general rule of thumb, so the number of full-time employees will depend upon how many turbines we build. Uh, we do expect kinda the, our, our wind staff to also monitor and, and maintain the, the solar facility, and, and we will rely upon a lot of third-party O&M, um, vendors for, um, services and support over the course of the 30 to hopefully longer life, lifespan. And, um, you know, we like to kind of highlight that Capital Power does work a lot with, with local organizations, and we do have a, um, a reputation for, for, you know, giving back in the communities that we do operate in. Here's a picture of a, a fire station in, in, at, near one of our wind farms in Texas, and, and we do like to give back to those communities that we become a part of. Next slide. This is a, a quick summary of all the engagement we've doing over the course, over the last 5 years. Um, it's all in the application if you wanna go into more detail. And, oops, go to the next slide. And again all, all the surveys that have been taking place. You'll see some of these go back as far as 2010 in terms of the avian surveys as well as the raptor survey, so. I believe that's it. So I will, um, if you wanna skip to the next slide? I will turn things back over to the hearing officer and happy to field any questions.

Kate Triana: Right. Thank you. Um, I don't have any questions. Any question from council?

Todd Cornett: Hey, Kate. This is Todd Cornett for the record. Um, can I add something really quick?

Kate Triana: Ss.

Todd Cornett: I'm gonna take that as a yes, so I just wanna disclose –

Kate Triana: Sorry, yeah.

Todd Cornett: – on the record. I think it got missed in one of the slides, um, between the two slide decks, so just to, to put it on the public record, um, Council Members Condon and Jenkins,

uh, were on a site visit with staff at the Nolan Hills site today, so I just wanna make sure that that was, uh, fully disclosed, um, just in case anybody had any concerns or wanted to raise any concerns about that, so with that, I will –

Other Speaker: And with Matt.

Todd Cornett: Excuse me? Yes.

Kate Triana: Okay. Was there someone else who had something they wanted to say? No? Okay. Thank you, Mr. Martin. All right. I think we're ready to move on to the public comment portion. Is that correct?

Todd Cornett: I'm sorry, Kate, I think we still have, uh, part of the Capital Power team wanting to provide some comment.

Tim McMahan: That's correct, um, –

Kate Triana: It –

Tim McMahan: Your Honor, this is Tim McMahan with Stoel Rives Law Firm, and I here, am here on behalf of the applicant. We also have with us, um, a land, one of the land owners as a representative who is testifying on behalf of the applicant, so I'll hand forward, um, his card, but understand that, uh, Mr. Cory, um, will be here speaking next. Thank you.

Kate Triana: Thank you.

Steve Corey: Um, thank you. Uh, um, my name is Steve Corey. Um, my full name is Stephen H., or Holk, Corey. Uh, I live here in Pendleton, uh, and, uh, I am, uh, one of the family owners of the properties that principally are involved in this project, and those, those companies are, uh, \*\*\*\* Sheep Company, Pendleton Ranches, and Mud Springs Ranches, and I serve as, uh, one of the shareholders and as chairman of their boards, uh, and so I speak on their behalf and in favor of this project. Uh, I wanted to tell you, and I appreciate the time, and I'll do it as quickly as I can, but I wanted to tell ya a little bit about our ranching and farming and, uh, how we operate and how this project will affect us and what we as, uh, landowners foresee with respect to it, uh, and I have submitted as part of the packet a letter, and, uh, I wanna make sure that some points in the letter are at least, uh, addressed and then we'll be available to answer questions if you have questions, so I appreciate that opportunity. Um, we farm, uh, and, uh, and, ranch, uh, uh, uh, a larger ranch than 75,000 acres. I'm not sure that I haven't gone back to look at it. This involves a project, you've seen the size, of about 43,000 acres where it's proposed. Uh, we have a, an integrated farm and ranch. Uh, we raise cattle. We raise sheep. Uh, we raise, uh, timber, uh, and we do dry land wheat farming, and we have participations for stewardship on our lands and conservation reserve programs and other federal programs that are available and, uh, of assistance to all the farmers and ranchers. Uh, and, uh, uh, so, um, I

wanted to just speak for a few minutes about different aspects of this project and how it involves us. Um, first, uh, uh, I wanted to address the, uh, uh, solar facilities. Uh, the solar facilities are proposed on 1,800 acres, slightly more than that, of our property. Uh, and, uh, uh, I wanted to tell ya with respect to that, that we view that, uh, uh, that as something complimentary and supportive of our overall agricultural, uh, ranching opportunities and things that we do. Uh, we, um, we think that, uh, in terms of, uh, of how it is situated, that it's situated so that, uh, we can utilize all of the land around it and participate, uh, in our ways with, uh, uh, with, uh, agricultural continuing operations with all the lands around it. Uh, and, uh, we intend, uh, to continue and intensify our agricultural practices as a result of participations. Uh, when we have, uh, lease payments coming in, we've got, uh, uh, many things that we can enhance with our ranch that we have not ultimately, uh, over time been able to do. My grandparents actually came here in, uh, the 19 teens. Um, both of them are Oklahoma State graduates. Both of 'em moved here to Oregon and settled here, and, uh, uh, and, uh, became ranchers, uh, soon after they arrived, and this is a ranch that continues now, and we actually have, uh, uh, uh, I would say, uh, I haven't counted, but, uh, 35 or 40 participants in three different generations that are owners and users and, uh, and, uh, consultants, and so on with this ranch. My brother was here. He just went to a little league game, but he's, uh, a veterinarian and, uh, he, uh, provides, uh, veterinary assistance to our sheep and our cattle and our horses, and, uh, uh, I could really go through a long family list of family members that all have roles and participations, uh, in this particular ranch. Um, we, uh, I, I wanna just go through a little bit of the letter without, uh, being too redundant. Uh, we, we don't think the project negatively will impact our access to irrigation or water rights. This land is not located, uh, within an irrigation district, and we're unaware of any certificated water rights associated with the land inside the project boundary or land designated for solar facilities. There are no wells or ponds on the land designated for solar facilities, and we have no intention or need to apply for any water rights in this area at this time or in the foreseeable future. Uh, that's important to us and I know important to the project. In fact, uh, the project, as I say, will enable us to support and improve our farming and ranching operations in the surrounding area by providing, uh, payments that we can invest in ongoing activities on a more active basis elsewhere on our property. Uh, specifically, we intend to devote part of the lease revenues to improving, improving housing for our sheep herders, uh, as well as farm employees that are in the cattle and farming departments. Uh, we have, uh, uh, uh, if you looked at a deferred maintenance and, uh, forced a deferred maintenance, because ranching and farming is not exactly super profitable in the type that we have, uh, this will actually provide, we think, a big help to our cattle and our sheep operations and our farming operations for our employees. Um, we also, uh, will, have been looking at and will look at, uh, different ways that we can, uh, clean up and expand, uh, our contiguous related ag businesses, uh, in order to strengthen sorta the base. One of the things we've look at is different, uh, uh, recreational and, and hunting programs that would be incorporated in that we could continue to utilize in connection with the land. Um, and like most farmers, we've got lots of needs for repairs of, uh, other buildings and, uh, uh, and intend to use payments for that purpose as well. Um, for us, the project will not, as we project, result in any reduction in the amount of, uh, employees that we have. Uh, to the contrary, we actually expect we will add agricultural jobs, uh, in one fashion or another

because of the different things we'll now be able to do that will support and continue our agricultural venture. Um, we also expect to maintain and increase, uh, operational spending with local, um, producers, with local business peoples, uh, uh, grain companies with, uh, fertilizer companies, with, uh, others that are not, uh, uh, in our ownership but are around this community. It will actually provide more money for us to do things that, uh, I'm not sure with the price of, uh, fertilizer and diesel today from what's happened in the world in the last 6 weeks, uh, we'll be able to keep with that either, but that will for certain put us in the ballpark to stay going, so we, uh, uh, so we appreciate that. Uh, so, uh, uh, in short, I'm gonna quit with that, but I just wanted to give you an overview of our ranch, and we'll be round if people have questions to ask about it, and, uh, it certainly is a project that we too, uh, like, uh, Capital Power, have worked on for, uh, uh, 10 to 15 years in order to get to this point, and, so it's an important project also for us. Um, thank you.

Kate Triana: Thank you, Mr. Corey. Just for the record, could you spell your last name?

Steve Corey: Yes, uh, I can, C-O-R-E-Y, Corey.

Kate Triana: Thank you. Uh, does anyone with counsel have any questions for Mr. Corey? Okay. I'm not hearing any. Thank you, Mr. Corey.

Steve Corey: Thank you.

Kate Triana: Let's see. Mr. McMahan, were you gonna, was he gonna make a statement as well?

Tim McMahan: Thank you, Your Honor. Uh, Tim McMahan here, um, and, uh, I will try to keep my comments pretty short. I submitted a letter to the council, uh, earlier this week, I think, along with, um, an attachment and so what I don't plan to do is to go through that letter, um, although I'm happy to answer questions now or later about the letter that we've submitted, um, and, uh, but there are some, some, um, key reasons that we wanna just make clear, uh, and understand from the council's standpoint, ya know, sort of how, how the stand, how the council's view of implementing Goal 3 exceptions may or may not be evolving because we have some concerns about some presidential issues and how applicants can kind of replicate a successful opportunity to make, make our way through the pro, processes. So, that's really what I wanna focus on here, and again, I'll try to keep this in a 5-minute-ish range, but, um, this is what happened to my notepad when I sat there listening to everybody so I'll try to, I'll try to keep on point. This has been a long project, uh, long duration and I've been involved with this project from its outset and it has been a thrill for me to watch this project evolve and change and become what I think is truly one of the great, um, renewable energy projects for the northwest given the kinda hybridization of technologies that this project can deploy and the ability to essentially deliver baseload power with clean energy. It's a pretty awesome project and one that I'm very proud to stand with. Um, uh, we firmly believe that the evidentiary standards satisfy the Goal 3 exception here. We worked quite a bit with Mr. Corey

and Bob Levy, as well, on, um, on having him help to, to, to not only make the case but to prove that this project delivers more than just an income stream to a landowner. So, this project really, I think, is a fairly, quite an exceptional project. Um, we, I have been at several council meetings. I have heard Mr. Jenkins and, um, Mr. Howe talk about the need for applicants to do a better job. With Goal 3 exceptions, we listened to that, um, and we, uh, understand it and we have worked very hard with ODOE, with the landowners, with our consulting team, with Linnea Fosum's team at Tetra Tech to do the very best job we can to articulate how this project does stand down and does meet and succeed, um, for Goal 3 exceptions, but here's the things, here are some things that I, I am just a bit concerned about. Um, uh, the issue of Goal 3 exceptions, there's a history and discussion with sort of some loose use of the term uniqueness, and I'm guilty of loosely using that term myself. In fact, in the letter I accidentally used it again, um, but, but I do, I do think it's important to ask ourselves, and for the council to consider what that means. Does uniqueness only happen once if it's unique? Does it only happen once and if so what does that do to the ability to rely on precedent with future projects that are attempting to satisfy the Goal 3 standards through exceptions, or other standards for that matter? So, I think that's something that we just wish, uh, the council to really consider here, uh, what will the next facility be able to rely on for precedent? I'm assuming this project will be successfully permitting, permit, permitted. I believe we'll get our Goal 3 exception because I think we've done an awesome job but I am just concerned and wondering about future applications. So, there is a difference, I think, with how the English language uses this word, uniqueness. I'm sorry to get wonky on you here, and I looked into, uh, the orig, originization of this language and how it has evolved, how it evolved in the 16<sup>th</sup> Century, and it has evolved since the 16<sup>th</sup> Century. Um, Todd Cornett is a unique human being. Sarah Esterson has the unique ability to, to, to spot flaws in Todd's arguments. So, there's only one Todd, but Sarah's ability to spot flaws in Todd's arguments is probably shared by others. So, there is a difference in just calling something unique and saying uniqueness happens only once and then talking more broadly about the unique ability of a project to proceed and to, uh, to deliver value, um, to the community and to satisfy climate change goals and objectives. So, here's the deal. In our view, the Nolan Hills project has the unique ability to deploy hybrid, clean energy generation resources on a large site that enables the best locations for a solar facility and a wind facility and a battery energy storage facility to also enhance agricultural practices and to meet the state's and the region's climate goals. So, that's my elevator pitch on how I think that uniqueness in this setting should be judged and considered. You've heard from Mr. Corey. Um, this is a legacy, multigeneration agricultural oper, operation where site selection for each component can minimize and avoid high-value farmland areas. The project has selected flat locations with no irrigation rights for its solar facility. That was deliberate and we were able to use a large site to do that. We were able to choose the best locations for the wind-energy generation that, uh, minimizes impacts to natural resources. Excuse me. So, what is important about this site is, in fact, its unique ability to develop a significant renewable energy project while enabling substantial investments in longstanding, sustainable and enhanced agricultural practices. This project adds a lot of jobs, new housing and will provide significant tax revenues for this county and the region, and it is based upon, uh, those attributes that the DPO does recommend – um, thank you, very much, John – uh, does recommend granting the Goal 3

exception. And I'll do this. So, um, and we're also, uh, also enabling the project to make, um, some fairly significant investments in climate mitigations. So, we ask the council to just take care in how you're making Goal 3 exception findings so that they aren't so onerous that there potentially, um, could be some compromise in the ability to build additional clean energy projects in the future. That's why I wanted to make sure that we had this opportunity to make this presentation and discuss this issue. I'm happy to answer questions later on. I'm sure Mr. Jenkins will love to take some shots at me on land-use issues. That's, of course, par for the course, um, so I very much appreciate the ability to speak here this evening. Thank you.

Tim McMahan: \*\*\*\* here now. I know you wanna do this, \*\*\*\*. All right, thank you.

Kate Triana: Thank you, Mr. McMahan. Um, is there anyone else from the applicant that was gonna provide any information today? One more?

Matt Martin: Sorry, Matt Martin again with, with Capital Power, and so we did submit a, a comment letter and I just wanted to reiterate for the record. I won't go through Mr. McMahan's arguments about Goal 3. Um, the one thing I did wanna kind of highlight with everyone is our comments on the decommissioning funding that, that's required of the project and we outlined some of the arguments, and, and we've had kind of a back and forth as, over the last couple years. Um, ya know, no objections to taking down the project in 30 to 35 years. It's just the amount that is currently estimated, um, which was done by Tetra Tech in terms of a decommissioning estimate and, ya know, we believe there is a certain amount of contingency that should be added for, uh, ODOE staff to oversee decommissioning, when it comes time, and, and that's included in our estimate. When, um, ya know, as part of the back and forth and part of the review, there was an additional 10 percent added, um, on behalf of, uh, ODOE, which, ya know, Capital Power's contingency is in the, I think, \$600,000.00 range. Uh, ODOE's contingency adds an additional over \$3 million, um, to, to that and then the \*\*\*\* itself has a 20 percent contingency, and, and again, contingency is designed because we don't know what's gonna happen into the future but we believe that our estimate which is the, the decommissioning costs themselves has a sufficient, um, contingency on top of it, and effectively what happened as we went back and forth on this was an additional \$6, almost \$7 million of contingency was added to our decommissioning estimate, um, ya know, that is gonna sit in LC or a letter of credit over the course of 30 years and adds a lot of cost to the project. And we don't necessarily think that it's, it, ya know, the arbitrary 10 percent or 20 percent is, is justified. Um, we believe that, ya know, our experts who are, ya know, well versed in decommissioning, that, that their amounts should stand on their own, and so we just wanted to put that into the record. We believe that the, the amount, as presented by Capital Power, which is still in the \$30 million range, um, I think it mighta been \$32 million range, is sufficient, but once you add an additional \$6 to \$7 million and it's almost \$39 million, that, it really compounds, compounds itself over time and, and to have a letter of credit, whether it's 32 or 39 sitting in the bank, we do think the state is, like, fairly protected because at the end of the day, Capital Power, a publicly traded company, large balance sheet, we're gonna be able to stand behind and, and take down this facility when it comes time, but the \$7 million compounded over time adds, like,

many millions of dollars unnecessarily. So, we just wanted to put that in the record. Any questions?

Other Speaker: Don't have my video on, I guess. I need to put my video on.

Other Speaker: \*\*\*\*.

Other Speaker: Yeah. Yeah. Hold on just 1 second.

Cindy Condon: Cindy Condon, and I have a question. So, um, in the, just with respect to that, especially the de, decommissioning and the cost, could you explain a little bit about the hierarchy Capital Power versus Nolan Hills?

Matt Martin: Yep.

Cindy Condon: Um, Nolan Hills is the applicant, I understand and Capital, but everything refers to Capital Power and we're depending on your balance sheet and your financials, um, but Nolan Hills remains the applicant of record, right?

Matt Martin: Correct.

Cindy Condon: So, could you explain how to, um, to be comfortable with the balance sheet, having that balance sheet and –

Matt Martin: Yes.

Cindy Condon: – your standing behind Nolan Hills.

Matt Martin: Yeah. So, um, we, we acquired a company called Element Power which is based, was based in Portland, Oregon. We, we acquired that LLC which Nolan Hills was a part of, and we kept that structure in place, but at the end of the day, um, Capital Power, uh, we actually have a, um, a parent company in Canada, Capital Power Corporation, and we also have a holding company in the US that's called Capital Power US Holdings. And so Capital Power Corporation is the rated entity. Everything flows back up the chain to Capital Power which is the publicly traded company that has, ya know, lots of shareholders. It's, it's the project that's on the Toronto Stock Exchange. It's what S&P rates in terms of financial capability, and so Nolan Hills Wind, LLC is a subsidiary of Capital Power and so, anytime we put a bond in place or a letter of credit in place, whether, if it's in Canada, it's from Capital Power Corporation. If it's in the US, it's from our US holding company. That's what the letter of credit is going – like when we put a \$32 million or \$39 million letter of credit in place, it's gonna be Capital Power Holdings as our, as the entity that is standing behind that and that's because that's the company that has the wherewithal to, to pay \$32 million when it comes time. And so it is a, it's a fully-owned



subsidiary, um, and we believe that that's ultimately who will stand behind the project. I don't know, does that answer your question?

Cindy Condon: Um, yes. Um, but in the, in the, um, materials –

Matt Martin: Mm hmm.

Cindy Condon:– there's certainly no guarantee that, or there's nothing that says, that I have read, that, um, says Capital Power stands behind, stands behind Nolan Hills, and I just wanna get comfortable with that, that that's a firm statement on your part that Capital Power is really the entity.

Matt Martin: Correct, Capital –

Cindy Condon: If we were to –

Matt Martin: – Power is the entity.

Cindy Condon: Okay.

Matt Martin: That's who I work for. That's who will ultimately fund this project and, uh, ya know, when this project is obtaining revenues and, and paying the bills, it'll run through Capital Power. And so, Capital Power itself has been around for a long, long time. We were the municipally owned utility in Edmonton. It's been around since 1896 and so we, we are very confident we will be around when it comes time to decommission this facility.

Cindy Condon: Thank you.

Kate Triana: Okay, great. Any other questions from council before we move on? Okay. Um, are we then ready to move onto public comment? All right. So, um, as I indicated earlier, we're gonna start with public comment from, uh, participants who are in person in Pendleton there, and, um, I think we have seven people who are gonna comment. Uh, as I mentioned, you'll have 5 minutes apiece. Don't feel like ya need to use all 5 minutes if ya don't want to, but that's kind of our, the limit. Um, so Kathleen, whenever you're ready, if you wanna have the first person come up and introduce themselves.

Kathleen Sloan: Thank you. For the record, this is Kate Sloan. Um, I just wanna check the room. I know a couple of people came in after we got started, to see if there was anybody who hasn't given me a comment card that wants to comment. No one? Okay. So, I believe we have eight. Eight, okay. So, the first commenter, um, I'm gonna call on is Mr. Chuck Little.

Chuck Little: My name is Chuck Little. The spelling is C-H-U-C-K, L-I-T-T-L-E. I live at 17 Westview Drive, Hermiston, Oregon. I'm here today in support of the Nolan Hills wind

project. Uh, the Nolan Hill, Hills wind project is gonna be one of the few renewable, green-energy projects in Oregon that'll have wind, solar, battery storage from the beginning of the permitting process. The 300 megawatt wind-energy component comprised of 112 wind turbine generators make the bulk of the project. The 260 megawatt solar array will include approximately 8, 816,812 solar modules and battery storage system. There'll be approximately 120 megawatts of battery storage. This part, this part could cover up to 1,800 ac, 96 acres or 2.96 square miles, dependin' on the final technology and layout, layout settle, selected for the project. This portion of the project will be enclosed with an 8-foot tall security fence. Projects like this need to be moved forward to meet the supply of renewal energy in Oregon. With the passage of Senate Bill 1547 in 2016 that mandates that 50 percent of Oregon's electrical needs be provided by renewable sources by 2040. I'm urging the Oregon Energy Siting Council to approve this project so that Oregon can move forward in its clean energy mandate. Um, also a few comments that I've heard, um, I know the FSEC council does a very good job of review, reviewing these application projects, and I think they will be sure that any concerns raised in any of these meetings will be hashed out before that \*\*\*\* certificate is issued. So, thank you very much and have a good day.

Kate Triana: Thank you, Mr. Little. Are there any questions, uh, for Mr. Little? Okay. Um, not hearing any, we can go ahead and move onto, uh, the next person.

Kathleen Sloan: Okay. The next person is Mr. James Peters.

James Peters: Good evening, mem, good evening, members of the council. Thank you for letting me speak this evening. My name's James Peters, it's J-A-M-E-S, P-E-T-E-R-S. I'm a member of Laborers Local 737. I'm in support of the Nolan Hills wind projects because I've worked a few renewable projects in Oregon and I believe they are a win-win for Oregon. We can harness green energy and we also provide money back into our communities by creating good paying jobs for Oregon residents. Thank you.

Kate Triana: Thank you, Mr. Peters. Can you, um, provide your, either your email or your address?

James Peters: Yeah. Uh, [jpeters@leunanrock.org](mailto:jpeters@leunanrock.org).

Kate Triana: All right, thank you.

Kathleen Sloan: He also provided his address on the testimony –

Kate Triana: Oh, okay.

Kathleen Sloan: – slip.

Kate Triana: My, my apologies.

Kathleen Sloan: No, that's fine. I just wanted you to know that.

Kate Triana: Okay. Who's next?

Kathleen Sloan: Mr. Eric, I believe it's Anton. Oh, you said no? Okay. Okay. He submitted written comment. Should I read them or should I – okay. All right. I have another one. Okay. Uh, Jodi Parker, Parker?

Jodi Parker: All right. So you didn't take a swing at that middle name there, did ya? Uh –

Kathleen Sloan: I couldn't read it.

Jodi Parker: Oh, well, that'd be my handwriting then. Uh, well, welcome to Pendleton, uh, Chair Grail, Vice Chair Howe, uh, council members, uh, good afternoon again, welcome. It's been quite a long time since we've been able to sit in council like this, isn't it? How exciting is this! So, thank you for taking the time to be out here and to listen to my testimony. I am Jodi Gessler Parker. I'm a business rep with Laborers International Union of North America, Local 737. We represent roughly 3,000 men and women in the, uh, State of Oregon who work as construction craft laborers. We work as a voice, uh, for our members across the state, ensuring that we have fair and equitable labor agreements, the best education through our training centers, as possible, and apprenticeship opportunities for our diverse communities. One of our state strengths is our commitment to investments in green energy or the renewables. Uh, through wind, solar, multi-mobile transportation options and biofuels to, just to name a few, uh, I feel that our great state leads the pack with innovations, uh, to ensure we grow to a healthier place as we move forward to our future. The opportunities that a project like this will build in our region both economically and by providing a training source for careers that are successful and fulfilling. As it's known, the Nolan Hills wind power project will be good for Oregon's renewable infrastructure, the economy and put Oregon's, Oregonians back to work. The Nolan Hills wind power project should go through careful review by professional regulators to ensure compliance with their exist, existing laws. However, we should never put up roadblocks to the hundreds of middle-class jobs and financial support that this kind of energy will bring to Oregon. This project will provide, uh, important short and long-term, uh, boost to our regional economy, economy. The proposals will create jobs in construction, transportation and trades in both the blue collar and the white collar workers. Just as important, the projects like this strengthen our tax bases for our local economies and that have been hit so hard by this recent pandemic, and thank everybody for comin' through this. Uh, we are seeing signs of life in our urban areas but our rural areas, the impact clearly still lingers. Uh, projects and jobs create new revenues for our schools and other vital services. There was a time, quite a long time ago, years ago, that we lacked our knowledge, the technology, the tough environmental laws and procedures to achieve both a strong economy and a clean, safe environment. I'd like to think that those days are behind us thanks to technology. The tough environmental laws are best practices from business and workers alike, including the public

oversight that we see here today. We can achieve both a clean environment and a growing economy. I know our organization is committed to both these principles. In the end, we do have a choice. We can scrutinize and support this project or we can put up lo, roadblocks and watch the jobs and the community benefits walk away. I urge you to apply due diligence to the oversight and to see that compliance of the principles offer then embrace the opportunities that they create for our fellow Orego, Or, Oregonians, stutter, stop, stutter. Uh, please move the Nolan Hills wind power project forward. I wanna again thank you for your con, for listening to my testimony, your considerations to this project, and of course your service to the State of Oregon. Thank you so much for your time. I would entertain one question, as many as you have actually. Seeing none, I'll just walk away quietly.

Kate Triana: Do we, do we need, um, any spellings or addresses?

Jodi Parker: Oh, I think it's on the form.

Kate Triana: Okay, perfect. Thank you.

Jodi Parker: Thank you.

Kate Triana: All right. Um, so then I think we're ready for our next, um, participant.

Kathleen Sloan: So, our next speaker is Jontae Clardy?

Jontae Clardy: Hello, my name is, uh, Jontae Clardy, spelled J-O-N-T-A-E, uh, C-L-A-R-D-Y. Um, I am an, uh, um, laborer, uh, well, in 737. Um, I worked, um, half my career in the, the union. I'm proud to say that I've, uh, built, uh, many progressive, uh, energy-efficient projects and I'm here today to voice my, uh, support with, for the Nolan Hill, uh, wind project. Um, all the renewable, uh, projects that, uh, can build these, uh, great service to Oregonians through, uh, family wage, jobs, health benefits, pensions and which, uh, also helps the local economy and supports infrastructure, um, educational needs and our training program and other further, uh, humani, humanitarian, uh, work. Uh, so please affirm this project and again, thank you for your time, and, uh, again, my name is Jontae Clardy, Local 737.

Kathleen Sloan: We have it on his comment card.

Jontae Clardy: And again, she has my address and everything on the comment card, thank you.

Kate Triana: Great. Thank you, Mr. Clardy. All right. Who do we have next?

Kathleen Sloan: Mr. Scott West, and we do have his address.

Kate Triana: Thank you.

Scott West: Good evening. Presiding officer and council members, my name is Scott West, S-C-O-T-T, W-E-S-T, and I am here, uh, representing Milron Ramos Ranches and Echo owners, Sam Ramos who is in the room and, uh, my uncle and my mom, Margaret Jane West. And so, wanna make some, uh, comments. Uh, we, um, provided the comments to you already. Uh, this is a follow up to a letter that we, um, submitted on, I think, April 22<sup>nd</sup> which was a few days after the original letter came out. Um, and generally our response, that would generally, um, would not oppose but we had some questions about communication and we also had some questions that, that we believed as the site map showed of that EPA quarter that comes across our property that, um, there were some siting questions around, uh, just on the easement and also some siting questions per, perhaps around the potential substation. So, we wanted to make sure that those, um, questions were, uh, addressed. I'm happy to report since the period of time and why I'm here this evening is that since that period of time, we had the opportunity to meet with Kimberly from Capital Power and also Matt, and I think that, uh, getting onsite and going across those, um, across the ground and looking at that really, I think, was very, very helpful for us and also I think very helpful for, I will say that on our behalf. Um, Matt can speak for himself, um, but I just wanted to just wanted to let you know that, that we, uh, we thought the meetings were beneficial. They were very helpful. Um, we've been on that ground since 1906 so longtime, uh, residents in the community and equally interested in not only what happens, ya know, certainly with our property but, but the broader economic and social and all the rest of it with regard to not just on our property but within the whole, within the region but also in the State of Oregon. So, um, with that, I will conclude my comments. Um, my address and, and , uh, and contact information is on this letter and, uh, I know my uncle's, uh, information is on the letter that was provided before. So, uh, once again, thanks for the opportunity to, uh, to be before this evening and, uh, happy to answer any question if anybody has any.

Kate Triana: Thank you, Mr. West. I don't have any questions. Any questions from council?

Scott West: That is sweet, thank you.

Kate Triana: All right. Thank you.

Kathleen Sloan: The last comment card I have is Mr. Art Prior. I do have your street address, but you didn't mention which town you're from.

Art Prior: Hi, um, my name's Art Prior. I'm from Echo, Oregon, from Eagle Ranch. My last name is spelled P-R-I-O-R. I am here in support of the project, but I do have a, um, a mild concern that the, um, the description of the path to get hooked up to the grid needs to be defined, um, and cemented or monumented that, that we don't deviate from that very much simply because our farm is in that corridor and if a, a simpler or cheaper way to get to the grid would fac, facilitate going through our farm, it would probably cause me some economic harm if the power lines would go through our, through our irrigated farm. And that, that's the only

concern that I have. Uh, generally, we're, we're very supportive of, of the project and, um, um, would like to see it go through. And, um, any questions?

Kate Triana: No questions from me. Anything from council? Yeah. I'm not able to hear.

Other Speaker: Okay, Kate. We're tryin', there we go. Now we're cookin'.

Kate Triana: Perfect, thank you.

Other Speaker: Back up a little bit. Okay. Better turn it off. There we go. We won't get a repeat. Mr. Prior?

Art Prior: \*\*\*\*.

Other Speaker: Um, irrigated crop land on your property, is it all irrigated or, just gimme an idea if the transmission line doesn't conform to the existing proposed route.

Art Prior: All the information that I have and that we have indicates that it's gonna go down to the existing right of ways that Umatilla Electric has and I, and I guess that's what I would like to see and not deviate from that plan because it would be very advantageous to cut through irrigated, yes, and to answer your question yes, it would be very advantageous to cut through irrigated real estate to shorten the route, which would cause me economic loss.

Other Speaker: Okay. Thank you. That's what I needed to understand.

Art Prior: Yeah, sorry. Yep.

Other Speaker: Thanks.

Kate Triana: Okay. Any other questions? All right. Thank you, Mr. Prior.

Kathleen Sloan: So, I just wanted to check to make sure there were no additional commenters in the room and then if none, it does not appear that there are, I'm gonna turn it over to you.

Kate Triana: Okay. So, I think we need to figure out who on, oh, ya have something else going on? Okay. We need to figure out who on Webex is going to testify or provide comments. Um, Ms. Kathleen, how do you recommend they do that, that they raise their hand on Webex if they wanna comment?

Kathleen Sloan: Yes, there's a Webex feature that is the raise your hand if you wanna comment. And the way you get to it is to open the participant box and then you'll see how you can raise your hand.

Nancy: We do have one person with their hand up already.

Kathleen Sloan: You do? Okay. I can't see them.

Nancy: I can.

Kathleen Sloan: Okay. So, I'm gonna turn it over to Nancy because Nancy can see who's raising their hand, I can't.

Nancy: Thank you, Kate. I do have Dix, Dixie Echeverria with her hand up, so I'm gonna go ahead and open your mic, if you wanted to go ahead and make a comment or have a question.

Dixie Echeverria: Are you able to hear me?

Nancy: Yes, we can.

Kathleen Sloan: Yes.

Dixie Echeverria: Um, so my name is Dixie Echeverria. I'm with, and the last name is spelled just as it's, uh, stated on the screen, E as in Edward, C as in cat, H as in Henry, E as in Edward, V as in Victor, E as in Edward, R-R-I-A. I'm an owner in ELH, LLC, a property that is, um, uh, looks like the transmission is wanting to go across. We are a small, irrigated agricultural farm but we also overlay with the, um, dense agricultural, um, commercially permitted, um, permit through, um, Oregon Department of Ag, and we would just ask that, um, if they could utilize the transmission, or utilize the public right of way for the transmission line, there's already one from another wind farm, uh, that utilizes Highway 207. Um, if they aren't able to use that, then we would just ask, um, due to the other overlying, um, utilizing on our farm that they go to, um, adjoining properties, either to, so one would be to the south of ours, which would be Simplot Farms which I think Cunningham, I'm not sure but one of the shareholders of, um, the owners of, uh, Cunningham Sheep has a relationship with and then I think the farm to the, let's see, to the east of us is, um, they also have a renewable wind energy already permitted on that farm, as well. Um, it would just, uh, uh, transmission line of any, ya know, once one goes through, if there was more needed it would really complicate, um, the current and long-term use that is currently permitted, um, on our farm. Uh, and then also one other thing I was gonna ask was that if, um, it is cited that, I think that they had mentioned that they were gonna use the current poles that were there. There are single poles but we would just ask that they, um, continue to maintain a mono pole structure for a 230 kV line, transmission line, and then I have real reservations about the, the use of the UEC easements. UEC is a, um, very old coop in our area and oftentimes those easements are, um, blanket easements. They're often very wide, um, and broad-sweeping, um, easements and this would be, I would imagine at this point in time, um, it would be a very outdated practice, if not obsolete. Um, and so I

have real, um, I would request, uh, hesitation to utilize these types of easements and they, I guess they would need new easements anyways, so.

Kate Triana: Okay, thank you. Stacey, was that everything you wanted to cover?

Dixie Echeverria: Yes.

Kate Triana: And just remind me again, how do you say your last name?

Dixie Echeverria: It's Echeverria and I'm with ELH, LLC and my name is Dixie.

Kate Triana: Dixie, and, um, would you, can you provide a phone num, I'm sorry, an email address or a mailing address for us?

Dixie Echeverria: Um, you guys have a mailing address for us. That's how we were notified of this through ELH, LLC and then I have also emailed comments to, uh, Mrs. Sloan.

Kate Triana: Okay. Um, Kathleen, do you have what you need for that, or do you need it again?

Kathleen Sloan: I am not sure I received her email. I do not recall it. I can check and see.

Dixie Echeverria: It was sent today and it, uh, woulda been from –

Kathleen Sloan: Oh, okay.

Dixie Echeverria: – ColumbiaTheaters@yahoo.

Kathleen Sloan: Okay. I can look in my –

Kate Triana: Can you say that just one more time? Can you just, so we make sure that you get what you need, can you just state your add, your email address?

Dixie Echeverria: It's ColumbiaTheaters@yahoo.

Kathleen Sloan: And, and I, I do have it. It just came through at 6:02 so after the hearing started. So, yes, I have your, I have your email and your comment so it'll get added.

Kate Triana: Okay, great. Thank you, Ms. Echeverria. Um, all right. Is there anyone else on Webex who wants to provide comments? Uh, if so, you can raise your hand. So, I think we were going through here. Um, if you're on Webex, the bottom right side of your screen there's a little, um, looks like the top half of a person with three lines. That's your participant panel. If you click on that, that'll open up the participants, and then at the bottom part of the participant



panel, there's a little hand, um, and that's how you raise your hand. So, I don't see any other hands raised. Nancy, are you seeing any?

Nancy: Oh, I see no hands.

Kate Triana: Okay. All right. Is there anybody on the phone who, uh, wants to provide any comments? Um, can they unmute themselves, Nancy, if they're on the phone or how, how do they do that?

Nancy: Um, I would have to unmute them, but I do not see anybody.

Kathleen Sloan: I don't see anybody.

Kate Triana: Can they raise their hand if they're on the phone, or –

Nancy: Um, they actually need to press Star 3 on their telephone keypad to raise their hand, and they can press –

Kate Triana: Okay.

Nancy: – Star 3 again to lower their hand.

Kate Triana: Okay. So, if there's anybody on the phone who wants to make a comment, press Star 3. I'll wait just a couple moments to let anybody do that who needs to. Okay. I'm not seeing any hands. All right. Okay. When I've seen no hands go up, um, for any other comments on Webex or by phone. Um, I just wanna do one final call. If anyone wants to make a comment at this point in person or by phone or Webex, this is your opportunity to do so, uh, so I need ya to make yourself known now. Okay. Um, all right then. So, does the council have, anyone with the council have any questions or comments they wanted to make at this point for, to the applicant or at all, any, anything you wanna put on the record for this hearing?

Hanley Jenkins: This is Hanley Jenkins, council. Did you get that, Kate?

Kate Triana: No, I heard, I heard name, I heard Mr. Jenkins, but I didn't catch anything else.

Hanley Jenkins: Okay. Um, so, um, my organization is the Energy Facility Siting Council and, um, I'm not a council member, and my name is Hanley, H-A-N-L-E-Y, Jenkins, J-E-N-K-I-N-S.

Kate Triana: Okay.

Hanley Jenkins: Do you need anything else on that?

Kate Triana: Do, do you have any comments you wanna put on the record?

Hanley Jenkins: I do have a rather lengthy list, um, and for the benefit of those that have a copy of the draft proposed order, I'm gonna go through, kind of by page, uh, reference to my comments. Um, got somethin', uh, some questions here so let me pause for a second and see if – are we good? Okay. Oh, okay. Okay. So, my first comment is on Page 25 which is under the balancing issue, um, that has been raised in the, um, DPO. Um, I do agree, um, with the staff that the applicant has not, uh, met the criteria for the balancing authority, primarily because, um, the two turbines, um, that would be affected, uh, by the, um, Washington Ground Squirrel Habitat represent only 1 percent of the, uh, generating capacity for the wind farm, um, and so I, in that case I do agree with staff on that particular issue. On Page 35, um, the, um, there's a, uh, I, and this is an issue that I think we can resolve, um, with the staff, but there's a reference to a facility manager or managers versus operation manager. And I think it's the same, same person or persons, umm, but it's two different terms and, um, I didn't see any definition or reference, uh, the, the distinction to those. Um, on Page 37, um, there's a reference to an onsite batch plant, um, and that onsite batch plant would need a DEQ permit, um, but there's no indication that the onsite batch plant would need a county land-use permit. And we kinda, we talked a little bit about that today. Um, I don't know where there's a resolution of that but, um, it's something that probably oughta be addressed in the draft proposed order. Page 44, um, there's a discussion about, um, seismic, um, issues, um, and lemme go to that page. So it's, uh, the issue is subsidence, um, and, um, there is a discussion about non-sub, um, seismic-related causes to subsidence, um, and there's a geotechnical investigation that's required, um, but the geotechnical investigation only talks about doing the seismic, um, issues associated with subsidence and it doesn't talk about non-subsidence. So, there, oughta look at whether or not you need to include non-subsidence, um, in that, uh, particular condition. On Page 60, there's the discussion, um, about the county's requirement for a 2-mile setback from residence. Um, and the, the staff has had a rather extensive discussion about substantive criteria associated with statewide planning goals and whether or not the county's 2-mile setback meets that requirement, um, and I think the, the telling, uh, focus of that for me, was that, um, the department, therefore, recommends counsel conclude that while Criteria No. 3, which is the 2-mile setback is both allowed by and consistent with Goal 3, it's, it is nevertheless not required by Goal 3, and I agree with that. Um, this is a kind of a unusual situation, where the county has adopted a standard that is greater than what is required by Oregon land use requirements, um, and it may be allowed, but it's not something that's required and it's not a substantive criteria and, therefore, um, is not, I, I agree is not a requirement for the site certificate. So, that gets me to, um, the issue that Tim focused on in his testimony, which is the Goal 3 exceptions process, um, and that begins on Page 114 in the, in the rule and I'm gonna go through some factual things that I agree with, um, and, um, and then I wanna get to kinda the crux of where I'm at on this issue. So, I agree there's 242 acres of high-value farmland associated with a solar site. So, this is in reference to the solar facility construction, um, and there's a hundred, uh, 1,840 acres of arable land, um, which has been cultivated in the past and it represents 37.8, or about 38 percent of the landowner's crop land in their ownership, which I think is fairly significant, uh, and so, I think that's important to recognize that this area proposed for the solar facility does represent a large portion of what is cropland on the applicant's property. I accept

that it's not irrigated nor in an irrigation district, um, and this year it isn't even cropped. Um, but, it is arable land by definition, and it has been cropped in the past. I accept that the solar facility would not impact adjacent agricultural operations. We have testimony from adjacent landowners as well as the landowner that owns surrounding property to the proposed solar facility, um, and on our tour today, um, I did observe that most of that land around there is either fallow cropland or it's rangeland. Um, and I accept that there are financial benefits to the landowner that could be used to enhance other on-farm agricultural operations. I think, you know, that's important, um, but, uh, it, I don't think in and, it in and of itself is a basis for the exception. Um, I'm not sure that we want to be in the business of telling the county how to spend their SIT funds, um, to assure local agricultural economic benefits from those funds. The applicant alleges this site would have the least impact on other on-property cultivated agricultural uses, um, um, but, there are no identified alternatives in the analysis area nor is one required by the EFSC rules. Um, the applicant alleges the solar facility allows for integration with the wind facility, but hasn't guaranteed that and the staff's made that clear in the, in the draft proposed order. And the applicant alleges, um, this site would have minimal other environmental impacts that may be less than other portions of the subject property, um, but it still will have environmental impacts for this particular site. So, the point that I've made over the alt several meetings about taking exception to agricultural lands, is that this particular site is, in fact, cultivated agricultural land, or has been cultivated agricultural land and qualifies as arable land under the state land conversation commission administrative rules and we are taking an exception to statewide planning Goal 3 through this process specifically for this 2,000 acres and I think that's the, the point that I've been trying to make is why is this particular portion of property, um, different than other cultivated property in Umatilla County and central Oregon. Um, and Tim uses the word unique. It don't think it's one of a kind. I think that the exceptions process could be met on other properties, but I do think that the reasons that are necessary for justifying the exceptions have to be specific to this particular property. I don't think the applicant has shown why this particular portion of cropland is any different than any other cropland in the region and I think that's where I'm having difficulty with agreeing with the exceptions that has been presented to us and so, my point is we have, it may not be unique, as Tim has described, but it has to be, there have to be reasons why this parcel versus any other parcel in central and eastern Oregon that is in cultivated cropland, and why is it different? Um, and why should it be exempt from protection of agricultural lands where other property is subject to those, so that's kind of where I stand on this. Thank you.

Kate Triana: Thank you, Mr. Jenkins. Is there any other, um, councilmember who would like to be heard?

Kent Howe: Yes, there is. This is Kent Howe. H-O-W-E.

Kate Triana: Thank you.

Kent Howe: And I'm on the council. Oh. We can't hear you.

Kate Triana: Okay, I can hear you now.

Kent Howe: Yeah.

Kate Triana: Go ahead. Whenever you're ready, go ahead.

Kent Howe: Okay, I want to, uh, follow up on the Goal 3 exception issue as well and, um, I, rather than reiterating what Hanley just said, or Mr. Jenkins, uh, I agree with what Counselor Jenkins has said and I'm gonna try to add a little bit more to it that may help the applicant in getting to, um, additional information that I feel we need in order to, um, make a finding that the Goal 3 exception has been met, and, uh, first of all, taking an exception to Goal 3 has a very high threshold. It, it's the way in Oregon that we allow removing agricultural land from Oregon's agricultural land inventory. The burden's on the applicant to provide us with adequate reasons from which we can make findings that we can use to adopt our own conclusions of law in support of the application and, uh, I don't think unique is the word that we want to use here. It's not that it's the only place that this could occur, but what are the reasons that sets it aside this, this location was 19, roughly 1900 acres, what sets those 1900 acres aside from the other 227,300 acres in Umatilla County that's in dryland winter wheat. Otherwise, it's not an exception to the rest of the dryland winter wheat fields in Umatilla County, if it's, if we're not making something that distinguishes it from those other lands. And so maybe it's not the reasons of why it's unique, but the reasons that distinguishes the loss of that agricultural land for the solar facilities proposed is different from the other 227,000 acres that would allow us to take that exception to Goal 3 and justify removing it from Oregon's agricultural land inventory. Um, you know, I don't know what it is. Maybe it's its proximity to the wind turbine facility and the adjacent ancillary facilities. Maybe it's topography. There needs to be something besides the fact that it's, you know, eight tenths of a percent of the dryland wheat that's harvested in um, Umatilla County, of the acreages of dryland wheat that's harvested and just that statistic doesn't cut it for me. It doesn't really distinguish it from those other 227,000 acres of dryland wheat in Umatilla County. So, that's what I'm gonna need in order to be able to say we've got adequate, um, findings to justify an exception to Goal 3 for the acreage that the solar facility would be placed on. That's my comments.

Kate Triana: Mr. Howe. Um, all right any other comments from council?

Cindy Condon:\*\*\*\* Condon member of the council.

Kate Triana: Ms. Condon go ahead whenever you're ready.

Cindy Condon: Mine are gonna be – sound simple compared to \*\*\*\* exception. Um, I just wanna take the opportunity again to talk about the, um, organizations expertise and the findings of fact and, um, if not a deficiency, an issue with me putting together that Nolan Hills is our applicant and throughout the document actually, um, applicant is used and then Power is used, and to me those aren't consistent. Um, and I, there's nothing in the findings of fact or the

DPO that suggest to me other than the comment tonight, thank you very much, um, that Capital Power is the, will stand behind this LLC, that today is in name only. And so to me that's a deficiency in the organization expertise, um, standard. That's a simple way of saying it and then if I can just, um, move on to the decommissioning and the financial, um, standard, the responsibility standard. We take, um, a comfort letter or review a comfort letter that in this application is received from the Royal Bank of Canada and names again Capital Power and I understand that, and it's, um, refers to a specific date that as of March 2, 2022 and I realize that's probably the date of review that there was significant, significant capital financial reserves to, to issue a letter for Capital Power. Um, this project may, may not be due for some time and for me that comfort letter doesn't, doesn't provide much comfort I guess given the very specific way it was written at a point in time for Capital Power, not Nolan Hills and, um, I would like to, to strengthen that I guess even if Capital Power, um, or the parent company, uh, had a statement on the record, uh, uh, document saying that yeah, we are the responsible entity and our credit facility, uh, pertains to this. It is available for this so there we go. Thank you.

Kate Triana: Thank you Ms. Condon.

Cindy Condon: Yes.

Kate Triana: I'm sorry. Did you have anything else?

Cindy Condon: Oh no, sorry I didn't. I just thought you had a question of me. Thank you.

Kate Triana: Oh no, no thank you. Okay, anyone else with counsel? Okay. Well I'm not hearing any. Um, so I just want to check in and make sure that there's no one else that wanted to provide any comments at this point. Um, and then we'll go back to applicant to talk about responses to comments, but anyone in person or on the phone or on Webex that wants to make comments, um, raise your hand or make yourself known. Okay. I'm not hearing any and I don't see any hands raised. Um, okay so let's, um, go back to the applicant. Who is going to speak for the applicant in terms of, uh, responses to any of the comments received or, um, let's see is that Mr. McMahan are you the one who just sat down?

Tim McMahan: Yes thank you Your Honor. Tim McMahan again for the record. We would like some, um, opportunity to respond to the comments that have been made and actually we're going to ask for a 30-day continuance of the hearing leaving the record open for 30 days to give us an opportunity to do that, but before, um, we, uh, move along here, I would ask Mr. Corey to come back up as a witness and representative of the project and the landowner to provide some additional testimony.

Steve Corey: Um, thank you and, and I just had a few comments. Um, one of the difficulties is that, uh, I hadn't actually had an opportunity, probably had the opportunity, I didn't get done the review of the full staff report on where it came up with some of the assumptions, but in

listening to what I think is, would be good and natural questions from the staff report, uh, by, by the counsel, um, I can see a few things that are, that will have, will come back and, and present, but, uh, one of the things that's important I think about this site because it's really very intentionally selected from among the acres that are in the 43,000 acres is that, uh, it's the very poorest farmland that we have and I've harvested, uh, uh, grain on this property as a youngster all the way up and, and my brother, Doug, who's here that I mentioned earlier when I testified, uh, both of us can tell you in driving combines through it, if you look at the lands that we have, this is the very poorest field that we've got. It's not a high producing field whatsoever. Um, the, uh, the second thing is it has no water and we actually were selective in making sure that it wasn't something that we would be interrupting any water rights on. I did testify to that. Uh, a third thing is that this seems maybe a little stupid, but, uh, uh, the fact is you drive into Pendleton off Reef, Reeth Ridge and you see a, see a sign that says, uh, watch out for glare, but it doesn't tell ya' how come. Well the reason is you're going around a bend and going right into a, uh, a solar project that's owned by the City of Pendleton that's, uh, that's right below the freeway. And I sorta always, uh, uh, I got to serve on the transportation commission as similar to you, uh, for a number of years and I don't know how we actually came up with that sign and I hope it wasn't while I was there, but, uh, at any rate, this, I can guarantee this site is removed, so remote that you've got a piece of property that happens to have the right topography, flat, uh, and the right location next to an existing proposed wind project and right next to where the battery storage and the substation is, and also located close to the north end of the property where it's accessible very quickly if you have problems with the solar. It isn't as though you've got to drive the extra 10 or 11, 12 miles to get to where the wind turbines, uh, part of 'em may be. Uh, so it does have a uniqueness and importance to us in terms of, of, uh, how and where we cited it and then in terms of the percentages which I totally agree and I know how you came up with the 36 percent, I didn't say anything about it, but that calculation is, is not applicable here, but you haven't been told why it isn't applicable. Um, the, the lands that we already have NCRP and I think we refer to 'em in my letter, uh, that, uh, but you look at the lands we have in CRP, similar to this land where the solar site's gonna go, they've gotta be in the figure, but what you're comparing it to is simply apples to oranges. The comparison is this 1,890 acres to the land that we presently do not have, uh, NCRP that is cropped. So it's a comparison of that figure with the figure of about 2,600 acres and I think you add 'em together and they'll get 42 or 4,300 acres. Well that is the 36 percent, but the fact is if you take all the other CRP that you would've seen out there today, the figure really is about, it's, it's around 10 percent because the fields that you go through where the turbines are gonna be is also a CRP and we've selected those and put 'em in purposely because of the soil protection and the stewardship that, uh, we think is a responsibility just like the government does, of, of society and where we are. But if you're comparing, uh, the growing crop lands now in CRP with the site, it isn't 36 percent or 37 percent. It's, it's ten, eleven. Uh, the other thing is that, uh, as your vice chair has said, is the standard what we are compared to what we have or is a standard what we are compared to what the county has and the county is, I mean it's .02 or .2 or whatever the figure was in your things, but very, very low percent. Um, so anyway, uh, this was selected as a site as the very least minimal impact that we could believe was applicable for a solar site which as the members of the Hermiston, uh, group have said here behind me in the orange shirts, this is an important

project we think to have done and have, I mean it provides everything that we're looking for collectively and it's, and it is a project we worked on and I, I think it is although unique is a term that I guess we can interpret several different ways.

**END of Speakwrite Transcript but not end of Applicant response to comments at Public Hearing – see next page for remainder from Webex audio transcript below:**

. This is a piece that we think certainly justifies it.

976

02:10:06.599 --> 02:10:15.748

Anyway, thank you, thank you.

977

02:10:15.748 --> 02:10:25.918

Okay, Mr. McMann were you going to make, um, any other statements?

978

02:10:27.988 --> 02:10:36.988

No, your honor no, you wanna Thank you. We would request a continuance. Or at least 30 days we'll stick with 30 days. We may come back and seek more time but I think that should do the trick. Thank you.

979

02:10:36.988 --> 02:10:41.038

Okay, so I was looking at the calendar here. 30 days out puts us in a.

980

02:10:41.038 --> 02:10:51.149

Saturday, let's see, Timmy man here. Let me correct to the next council meeting. Thank you.

981

02:10:51.149 --> 02:10:54.569

Okay, um.

982

02:10:54.569 --> 02:11:05.219

And let's see next council meeting I know that in your opening, you went over that I don't know what that date is. Could someone remind me.

983

02:11:11.548 --> 02:11:15.029

For the record top corner, June, 23rd and 24th.

984

02:11:18.238 --> 02:11:29.488

Okay, um, so I will leave the record open for the applicant to respond to comments and concerns raised today. Um.

985

02:11:29.488 --> 02:11:39.899

And to submit those, then by the next meeting, so it looks like that's starting June 23rd. So I'll set the deadline is, uh, June 23rd.

986

02:11:39.899 --> 02:11:53.219

For applicant to respond. Okay. Um, I know I've done this several times, but I just want to make sure any other comments from anyone questions. Um, before we wrap up this evening.

987

02:11:54.689 --> 02:11:59.309

For honor, it looks like Dixie has her hand up again.

988

02:11:59.309 --> 02:12:02.639

I'm going to go ahead and mute her Mike. If that is good for you.

989

02:12:02.639 --> 02:12:06.809

Okay, great Thank you. Um.

990

02:12:06.809 --> 02:12:11.668

Dixie your hands up did you have something? That's an error.

991

02:12:11.668 --> 02:12:15.118

I have no further comment. All right. Thank you.

992

02:12:15.118 --> 02:12:22.559

Do you do have 1 more comment in the room? Okay. All right. Um, okay.

993

02:12:24.779 --> 02:12:28.708

Uh, for the record, Jodi Parker, uh, with the labors.

994

02:12:28.708 --> 02:12:32.969

737 2 questions with a, uh.

995

02:12:32.969 --> 02:12:36.389

With a continuance.

996

02:12:36.389 --> 02:12:43.769

Can we does that keep the public record com the comment record open again? And I'm seeing the head shaking? No.

997

02:12:43.769 --> 02:12:53.429

In that look, and then my 2nd question goes more towards my own testimony. Uh, can I submit that via email tomorrow?

998

02:12:53.429 --> 02:12:56.998

Uh, when I get tech to find my email program.

999



02:12:56.998 --> 02:13:03.658

Wh, what is it that you want to submit that you haven't told us tonight?

1000

02:13:03.658 --> 02:13:08.368

Well, no, no same. Uh, it's just what I read you got what? I.

1001

02:13:08.368 --> 02:13:12.179

What I spoke to this evening, just the printed version.

1002

02:13:12.179 --> 02:13:21.748

Submit the printed version, but my, I crashed my email system honestly. Um, and so I have to talk to I. T, to repair it. So I can't send it to you today.

1003

02:13:21.748 --> 02:13:28.498

By the close of this meeting, you have a printed copy of it that you could hand over.

1004

02:13:28.498 --> 02:13:35.009

It's flawed I had to line through a couple of things I could give it to you, but if you just excused the flaws.

1005

02:13:35.009 --> 02:13:38.668

Oh, I see. Um, Kathleen, uh.

1006

02:13:38.668 --> 02:13:44.488

If you have a preference getting it by email, or do you just want to have a hard copy? What would your preference be?

1007

02:13:46.649 --> 02:13:55.463

That's what 1 thing I would want to mention is that we are recording this meeting so your testimony, we will have a transcript. Oh, you'll have it on transcript. Yeah.

1008

02:13:55.493 --> 02:14:09.024

So, if there is additional comment that you did not cover, or you could give it to us now, or we can transcribe your comments. Oh, no, that's perfect. Then if you can transcribe my comments. Yeah That'll capture it.

1009

02:14:09.328 --> 02:14:17.429

Without my scribbles on my paper. Okay. And for the record, everybody's comments will be transcribed. So.

1010

02:14:18.719 --> 02:14:24.479

You guys hear me. Okay so it sounds like you were able to tell us everything you wanted to.

1011

02:14:24.743 --> 02:14:34.163

Yes, yes, I addressed everything I wanted to talk about. I appreciate your time. Thank you. Okay perfect. Thank you. Okay. Anything else from anyone. Kathleen or?

1012

02:14:34.224 --> 02:14:45.323

I'm sorry Jodi you did ask whether the, the continuance would leave the public record open mentioned that as no. It's just I'm only leaving the record open to allow the applicant to respond to things that were raised tonight.

1013

02:14:45.599 --> 02:14:55.319

Um, and, um, your honor just terrific man here again, for meeting some additional clarification on this point. Um, there are.

1014

02:14:55.319 --> 02:14:59.998

At least a couple of issues that came up tonight from the council members.

1015

02:15:00.444 --> 02:15:08.063

Including potentially, I need to do a county wide survey, um, for lands that may, or may not need a goal. 3 exception.

1016

02:15:08.094 --> 02:15:17.783

That is not something I've ever considered was a necessity for golf exception, but we may need some time and we may need some expertise. Um.

1017

02:15:18.088 --> 02:15:21.719

As witnesses potentially to deal with that issue.

1018

02:15:21.719 --> 02:15:25.859

And I, because this is truly a new twist that, um.

1019

02:15:25.859 --> 02:15:34.139

We're coping with I want to make sure that the record remains sufficiently open for us to potentially bring in some additional witness testimony on this question.

1020

02:15:35.368 --> 02:15:42.689

And it may be additional testimony from the land or almost for sure. It will be frankly. But, uh, but we may very well need some other consulting resources to assist.

1021

02:15:44.248 --> 02:15:51.899

Okay um, so are you asking.

1022

02:15:51.899 --> 02:15:56.578

I guess I don't quite understand what you're asking me to do. Or do you want.

1023

02:15:56.578 --> 02:16:00.418

Yeah, yeah, let me be clear. We asked that the record be left open.

1024

02:16:00.418 --> 02:16:06.179

For potential additional testimony and evidence at the continued hearing.

1025

02:16:11.038 --> 02:16:14.099

On June 23rd? Yes.

1026

02:16:16.559 --> 02:16:23.189

Okay MS slow. Do you have anything you want to add about that or respond to before I take a stab at it?

1027

02:16:24.779 --> 02:16:36.599

Not the record Todd Conan, I'm gonna go to, um, Patrick Ro counsel and make sure he's okay with that. Um, representation.

1028

02:16:39.209 --> 02:16:48.689

Patrick is the Department of justice council has general authority under statute for 69476.

1029

02:16:48.689 --> 02:16:55.228

Let's take any actions that it deems are proper, desirable, desirable for it to carry out its duties.

1030

02:16:55.228 --> 02:17:01.498

So, if counsel believes that for it to ultimately make a decision on this application, that it would help to have.

1031

02:17:01.498 --> 02:17:06.478

The additional testimony or evidence that Mr. McMann is referencing then that would be appropriate.

1032

02:17:10.049 --> 02:17:18.599

So, Mr Roe can I clarify? Is that something then the counsel would vote on or that you would need me to make a ruling on.

1033

02:17:20.129 --> 02:17:24.838

I think it would be safe as it counsel has delegated its authority to.

1034

02:17:24.838 --> 02:17:32.459

Conduct this meeting to you, but never nevertheless, I think it would be safe as if counsel did vote on it.

1035

02:17:33.629 --> 02:17:44.039

Okay, and so the vote then would be whether to allow the record to remain open until June 23rd. And then at that meeting, take additional testimony from the applicant.

1036

02:17:45.328 --> 02:18:00.179

Correct and you're, you're on if I could say 1 more thing on this point. At this point in time again, we've learned new information this evening and we're we to proceed without an opportunity to provide this information evidence.

1037

02:18:00.179 --> 02:18:03.748

Essentially is a tantamount to a denial of a very important facility.

1038

02:18:03.748 --> 02:18:08.578

So that is not something, um, we're taking lightly and we need the time to respond.

1039

02:18:10.408 --> 02:18:16.888

Okay, and does the 30 days or approximately 30 days to the next council meeting, give you that time.

1040

02:18:19.199 --> 02:18:31.679

My client says, yes. Okay. I, I guess I, I would say if we have to come back for a further continuous, we can discuss that with Mr. Roe but I, I think that we, we should be able to handle this in 30 days.

1041

02:18:34.078 --> 02:18:37.379

Okay, so does counsel want to vote on that?

1042

02:18:39.658 --> 02:18:44.129

I don't know, um, your procedure for, for voting on matters like that.

1043

02:18:44.129 --> 02:18:49.379

So this is handling and I think Patrick suggested it, but I don't know that it's necessary.

1044

02:18:49.379 --> 02:18:58.228

I, you know, it's, um, you're, you're your opportunity to allow the continuance and I think that's all it's necessary.

1045

02:18:59.998 --> 02:19:03.088

Okay, um.

1046

02:19:03.088 --> 02:19:07.439

So, are you in agreement or? Yeah, it's it.

1047

02:19:07.439 --> 02:19:12.689

Given that council has delegated its authority to conduct this here to, you.

1048

02:19:12.689 --> 02:19:24.359

Council member of Jenkins is correct. I believe you, would you, you would have that authority to grant the request. I'm just trying to. I just suggested and an abundance of caution.

1049

02:19:24.359 --> 02:19:30.058

Well, let me ask counsel this is there anyone on counsel who objects to my granting.

1050

02:19:30.058 --> 02:19:37.078

Um, this continuance speak up now. Okay the room.

1051

02:19:37.078 --> 02:19:41.998

In the room, anyone, um, on the phone or Webex want to speak up.

1052

02:19:45.203 --> 02:19:57.504

Okay, so it doesn't sound like there are any objections to that. So, what I'll do is I'll grant the continuous to allow, um, the applicant to respond to comments questions, concerns that were raised tonight.

1053

02:19:57.953 --> 02:20:01.523

Uh, the record will stay open and you can submit those, um.

1054

02:20:01.949 --> 02:20:16.078

Either in writing before that next council meeting, or Mr McMahon sounds like you're also, um, potentially wanting to provide some witness testimony or witness comments at that next meeting. Correct?

1055

02:20:16.078 --> 02:20:19.828

Correct.

1056

02:20:19.828 --> 02:20:25.318

So, in that case, will Mr Rowe coming back to you?

1057

02:20:25.318 --> 02:20:29.099

Well, I need to be present in at that since we won't be closing the record.

1058

02:20:32.459 --> 02:20:36.838

I think it would be best unless council decided that they would.

1059

02:20:36.838 --> 02:20:40.619

Take the responsibility for the hearing back from you.

1060

02:20:41.789 --> 02:20:46.349

Let me just double check my calendar.

1061

02:20:49.679 --> 02:21:04.439

Is it another evening meeting like this? Yeah, you're on. I think we could probably put this on the regular council agenda on Friday.

1062

02:21:04.439 --> 02:21:08.189

Friday, and what time is that meeting on Friday?

1063

02:21:08.189 --> 02:21:12.509

They typically start at 830. um, but we could certainly just the.

1064

02:21:12.509 --> 02:21:16.078

Uh, agenda item, uh, if you had some conflicts.

1065

02:21:17.728 --> 02:21:21.929

So, I have a hearing from 930 to 1130 that morning.

1066

02:21:21.929 --> 02:21:26.728

Um, on Friday, I could.

1067

02:21:26.728 --> 02:21:32.908

Thursday evening I could do or Monday I could do before 930.

1068

02:21:34.588 --> 02:21:49.103

So, we have, uh, uh, the schedule for Thursday, evening and Friday, so it'd probably be better to do it on either of those days. So we could probably set it for the, uh, 1st, agenda item in the afternoon on Friday.

1069

02:21:49.134 --> 02:21:50.064

If that works for, you.

1070

02:21:51.509 --> 02:21:55.078

Okay, and the afternoon when does what time would that be?

1071

02:21:55.078 --> 02:21:59.158

I think we could make that to be, you know, uh.

1072

02:21:59.158 --> 02:22:04.379

Work with your schedule, but, you know, looking at probably 1230 or 1 would probably preferential.

1073

02:22:04.379 --> 02:22:12.029

Okay, okay. And that would be Friday June 24th, correct?

1074

02:22:12.029 --> 02:22:16.769

Correct. Okay that will work. So, um.

1075

02:22:18.359 --> 02:22:28.408

Let's plan for that. We, I will come to the June 24th council meeting. Um, I won't be able to join until.

1076

02:22:28.408 --> 02:22:33.029

The afternoon portion, so.

1077

02:22:33.029 --> 02:22:39.779

Do you want to say, do you want to set a firm time of 1230 or do you want to say 1.

1078

02:22:42.838 --> 02:22:57.328

Say, 1, and then we'll be in touch with you, um, sometimes agenda items go long or short. So, uh, we'll be in touch with you, uh, during the prior agenda items to let, you know, where we're at. Um, but obviously, if you're not available, uh, we will wait for you.

1079

02:22:57.328 --> 02:23:10.228

Okay, I'll be done I'll be able to join by 1. my hearing goes to 1130, and I don't see that going long. Um, okay, so, June 24th, 10 PM um, I will.

1080

02:23:10.228 --> 02:23:23.549

Appear for that meeting as well and at that point, the applicant can provide any additional responses or testimony that they think is necessary. Mr. McMann is that, um.

1081

02:23:23.549 --> 02:23:26.939

Sufficiently clear for your your purposes.

1082

02:23:26.939 --> 02:23:35.158

Yes, your honor Thank you. And thank your council members. Yeah, thank you. All. Mr. row. Anything else you think? Um, we need to address about that.

1083

02:23:36.209 --> 02:23:39.959

No, I don't think so. Okay.

1084

02:23:39.984 --> 02:23:45.293

Okay, so then, um, I think that's everything that I need to go over.

1085

02:23:45.293 --> 02:23:56.453

So it's 747 PM on May 26 2022 um, the public hearing for today on the draft proposed order for the Nolan hills wind power project, uh, is concluding.

1086

02:23:56.453 --> 02:24:05.004

Uh, the public comment, period is concluding, uh, and the record is the remaining open for that limited.

1087

02:24:07.648 --> 02:24:13.468

Item of allowing the applicant to respond.

1088

02:24:13.468 --> 02:24:20.488

Thank you everyone for your time and your your patience tonight. Um, that's everything from me.

1089

02:24:23.279 --> 02:24:27.179

And, um, I will recess the, um.

1090

02:24:28.259 --> 02:24:32.519

Meeting for the energy facility siding council the time is now.

1091

02:24:32.519 --> 02:24:38.009

848, uh, 748, uh.

1092

02:24:38.009 --> 02:24:42.568

And the May 20,062,722 meeting of the.

1093

02:24:42.568 --> 02:24:46.888

Energy facility signing council is now recessed until tomorrow morning at 830.

1094

02:24:48.418 --> 02:24:53.009

Thank you JJ.

1095

02:24:53.009 --> 02:24:56.099

Thank you everyone bye. Bye.

MEETING ENDS - END OF HEARING TRANSCRIPT