

I am submitting this testimony in opposition to HB 2064.

The argument that it is difficult to obtain a quorum of 5 people, so the legislature should reduce it to 4 members is a problem that is being created due to the failure of the governor to appoint new members on a timely basis as required by statute. The governor is to appoint a new member immediately upon a vacancy occurring and the appointment is to be effective immediately. Currently, the Energy Facility Siting Council has two unfilled vacancies. One of these has been illegally filled by Todd Cornett. The Oregon Statute states clearly that no member of the council is allowed to serve more than two 4 year terms. Hanley Jenkins term expired on Dec. 12. Even though he no longer is allowed to be a member of the council, he continues to appear and vote illegally on issues. These kinds of actions have become commonplace with the Oregon Department of Energy, as most of you are no doubt aware. In this instance, the public has had to deal with Mr. Jenkins for 8 years as a council member and as Chair of the Council. It is small wonder that the public has little respect or trust in decisions being made. Mr. Jenkins was investigated by the Oregon Department of Justice due to destroying public records and received a letter of reprimand for his actions. Currently, there are only two members of the council that appear to actually read and question the recommendations coming from Todd Cornett's Energy Facility Siting Division. No expertise is required to fill this important job that impacts the citizens and resources of this state. The council now has Mr. Jenkins, a vacant position, and the Chair of the Council is the Administrative Assistant for the electricians Union IBEW 125 as well as being the Secretary for the pension fund for PacifiCorp and the Electricians Trust. Now there is the suggestion that this committee be reduced to 4 members in order to have a quorum. Instead of reducing the number of lay people on the committee, this Committee should be establishing criteria that assures that the decisions being made are not simply a rubber stamping of the recommendations from the Oregon Department of Energy. The people should come to the committee with some knowledge, skills and abilities related to the decisions they are supposed to make. The lack of understanding of the impacts of accepting the recommendations from the Oregon Department of Energy is reflected in decisions such as allowing a developer to maintain a bond of only \$1 to restore a site to a safe usable condition, allowing a transmission line to go within 127 feet of the Oregon Trail Interpretive Center and claiming it is not a significant impact, allowing roads to be built within 25 feet of water sources and in the middle of the riparian areas without any mitigation, failing to require energy developments to assess impacts on federally listed Threatened and Endangered Species as well as other federally protected wildlife, allowing developers to avoid compliance with the Oregon Statutes regarding the management of noxious weeds, failing to require monitoring for the life of facilities, allowing a noise exception that will allow a developer to exceed the DEQ noise standard for the entire 300 miles of a transmission line. If there is any doubt that it is time to deal with the Oregon Department of Energy and the use of the Energy Facility Siting Council as a scapegoat is long past. The recommendations from the ODOE Siting Division which are being accepted and approved by the council are resulting in increasing numbers of Appeals of their decisions from environmental groups which have traditionally supported the agency. It is clear that the arrogance of ODOE in directing a small group of lay people to support their wishes has reached a crisis point where the state is in court due to poor and illegal decisions.