

To: Chair Robinson and Members of the Senate Committee on Energy and the Environment

Re: Comments regarding hb-3874

I support this bill for the following reasons:

1. While the Oregon Department of Energy claims that they do a more thorough job of evaluating wind energy developments, this is simply not the case. The department consistently provides exceptions to their standards, ignore county input including land use plans and rules, and provide broad interpretations of their own and Oregon Land Use laws. This has resulted in the Oregon Land Use rules being meaningless in terms of protecting Oregon resources from energy developments.
2. The Oregon Department of energy only allows the public to comment on DRAFT Monitoring and Mitigation plans which are supposed to show compliance with the rules. The final plans are approved by the Oregon Department of Energy after the Site Certificate is issued with no public review.
3. The department claims that they require a bond to restore the site of energy developments. As with their other standards, this is not necessarily the case. In the Boardman to Hemingway Transmission Line Site Certificate, they approved a bond of \$1.00 to restore the site.
4. The Department is unwilling to require compliance with federal laws protecting Threatened and Endangered Species and other wildlife.
5. Virtually all their site certificates include exceptions or fail to require compliance with Oregon Statutes which other agencies and counties must comply with . Examples include allowing noise to exceed the DEQ safe noise standard for a transmission line crossing 5 Oregon Counties, failing to require developers to comply with Oregon Statutes regarding noxious weed management and control, and failing to require compliance with the Forest Practices Act.
6. ODOE states that the number of appeals or objections to county decisions reflects problems with the county processing of site

certificates. If this is the case, then ODOE needs to figure out what the increasing numbers of requests tell them about their decisions. For the B2H Transmission Line, there were over 100 requests for contested cases. All were either denied access to contested cases due to procedural issues or thrown out through Summary Determinations and for those allowed to have a contested case, they were denied following the contested cases.

7. Claims regarding the value of compliance oversight and enforcement are seriously overstated. The agency has only had one compliance officer for years performing this function for all the developments under construction and operating. To date no site certificate has been pulled in spite of findings that site certificate conditions were not being complied with.
8. Virtually every site certificate issued by the Oregon Department of Energy includes multiple areas where the site certificate directly conflicts with the requirements of Oregon Statutes which the Counties are required to comply with.

I doubt that this bill will mean that many developers will choose to obtain their site certificates through the counties due to having to comply with the rules. Most developers will continue to file their requests with the Oregon Department of Energy due to the "discretion", "liberal interpretations" and "flexibility" incorporated into their decisions regarding compliance with their rules.

I encourage you to pass this bill to provide the possibility that the counties will be allowed to require developers to appropriately site wind developments in their counties.

Irene Gilbert

2310 Adams Ave.

La Grande, Oregon 97850