

## APPENDIX A

### Public Comments on the Petition for Rulemaking to Include Steens Mountain Cooperating Area as a Protected Area in OAR 345-022-0040

#### Energy Facility Siting Council Meeting June 11, 2010 Burns, Oregon

1. Steve Grasty, Harney County Judge (In Opposition)

Judge Grasty explains that he will present a petition from this community talking about denying this petition. There are 1141 signatures on it. He believes there is no need for the rule, it is already covered in Federal law, there is no reason to make a rule that simply adds complexity to the existing rule and regulations. He states that the nature of the complaints and comments are heavily weighted towards denying this petition. He reminds the Council of the bad economic conditions, and that is in one of the criteria. Judge Grasty states that the County needs this opportunity, there are a lot of people in the room looking for work. He also explains that the County has actively solicited the participation of outside perspectives. He's spoken with Bill Marlett and Brett Fenty half a dozen times between the two of them over the last eight or nine years. Not once has that not been about confrontation.

Judge Grasty would like this community some day to get away from looking at them as the enemy, but they're going to have to drive that. They drive processes, you heard the testimony this morning from their lawyer. They're looking for legal processes to stop the voice of the people in this room. This kind of process the County residents get a comment, we get to participate in, and thank you so much for coming here. We get the opportunity to be here. And where this goes, if rulemaking happens there will be the opportunity for litigation, and he states that ONDA is incredibly successful in stopping things with litigation. And so my point, if you take away these folks' voice is his biggest worry at the end of this.

Judge Grasty says that there is no doubt that you all know about a well in Louisiana that is leaking and creating one heck of a problem. The question is why in the world would a special interest group work to prevent a socially acceptable and environmentally friendly alternative to our nation's dependence on oil. There is lots of plans have been made to support renewable energy, but it is always with the caveat that only where they think it's right. The Council's process, the land use process of the County allows these folks to weigh in and help make that decision. The county residents did it with no input from the outside, no one seemed to want to comment, we have permitted the chance. The council has a real opportunity here today for the second time to deny a request for the petition for rulemaking from ONDA. And he strongly recommends that the Council do that today.

2. Art Schlack, with the Association of Oregon Counties (In Opposition)

Mr. Schlack calls the Council's attention to the letter the AOC sent on May 26th. The AOC urges the Council to deny the requested petition. The AOC sent a letter on May 26<sup>th</sup> that addressed all six of the criteria, and he will comment about the first one, the need for the rule. The rule that the Council has currently applies to areas that are basically in public ownership, with the exception of the Columbia River Gorge. But the Columbia River Gorge Act is unique in the fact that it is a combination of public and private ownerships, and the act specifically eliminates industrial development outside the River boundaries. It carves out 13 areas where the rules do not apply.

There are 13 urban boundaries within the Gorge. The AOC does not think this was an oversight in not including the Management Area, he feels there are no compelling reasons to undertake rulemaking in this regard, and an earlier speaker already stated that the Management Area specifically protects private property rights. The action that is requested would preclude somebody from applying for a wind energy facility. The AOC believes that a private property owner should have the opportunity to apply. That does not guarantee that a permit would be granted, either at State level or at the County level, but they should have the right to apply. The organization has also tried to look at other alternatives to the proposal at this point, and since the intent of the proposal is to preclude the filing of applications for wind energy facilities the AOC cannot think of an option at this point, because Mr. Schlack believes that based on the act and based on the statement in the act that private property rights are to be preserved, that they should have the right to apply. He also indicates, in conclusion, that the Association of Oregon Counties is very much interested in these kinds of activities because it's legislative in nature, and it will affect, potentially, all 36 Counties, not just Harney County.

3. Bill Marlett, former Executive Director of the Oregon National Desert Association (In Support)  
Mr. Marlett also was one of the authors of the Steens Act, he was in the Oval Office when the bill was signed. He was involved in the drafting of the act, he knows what the intent was, there is some disagreement over the issue of private lands. He thinks that the intent at the time was quite clear that seamless management between public and private land was the key concept, not only from the conservation community but also from then Governor Kitzhaber. That was the key issue from the State of Oregon that was on the table, and had it not been addressed in a matter that was consistent with that we expected, Steens Mountain would have been a National Monument, and that was the option on the table, had the Act not been development in a manner consistent with a protection level equivalent to National Monument status it would have been a National Monument. All of the people at the table, all the stakeholders have an equal say, but at the end of the day the conservation community, in cooperation with everybody, was working towards the goal that would provide a legislative solution that had to be consistent with the protection level that an executive order would have provided had we gone with that option. So, in conclusion the petition that you have before you is consistent with the guidelines for protected areas in your current administrative rule, and he would encourage the Commission to open up the rulemaking to allow the rule to be amended accordingly.
4. Linda Johnson (In Opposition)  
Ms. Johnson states that the rulemaking is not necessary. The CMPA was a group effort with input from local, State and Federal government agencies, environmental groups and landowners. Property rights were expressly addressed in the CMPA, unlike the Columbia River Gorge National Scenic Area. These two are not the same. This ruling would add additional layers of bureaucracy, duplicate and actually conflict with State and Federal regulations that are already in place. Oregon ranks fifth in the nation in unemployment rates. This rulemaking would have a drastic impact on the County's economic development liability. Further, the Steens is a beautiful, beautiful area, and when the CMPA was formed, it was not an area that had been harmed by the grazing or anything like that. The people of this County have taken very well care of it. They were very good stewards of the land, and that continues to be. Ms. Johnson thinks that the Council should take that into consideration, that these are the people that have taken care of this land for centuries, and it is important that the Council listen to them.
5. Hilda Allison, from Burns (In Opposition)  
Ms. Allison will touch on all six questions quickly. ONDA has filed over ninety lawsuits to get past

ranchers and BLM over the past 15 years. And she feels that they use the courts to impose their agenda on Harney County, which affects us drastically, economically, socially, all sorts of different manners. ONDA's proposed rule directly conflicts with the Federal and State law, the Steens Act protects private property rights within the CMPA and the proposed rule would prohibit development on lands that are not designated for protection. ONDA's proposed exceeds the Council's statutory authority in this matter, and she would like the Council to take note of a document that was submitted by Chris Pratt earlier this month. It basically touches on all the legal aspects, etcetera, of this petition, she feels that document is very, very important to the Harney County community. Again, the ranchers of Harney County are wonderful stewards of Steens Mountain, they were green before green was ever green. The Steens has always been extremely beautiful and thanks to our wonderful stewards for that. She is sure those practices will continue and she urges the Council to not go forward with this petition at all.

**6. Dave Becker, Oregon Natural Desert Association (In Support)**

Mr. Becker will mainly address the first and fourth needs for the rule. The Council has heard again the purpose of the protected areas list within the OAR 345 is to put into effect the legislation's direction that areas designated for protection under Federal Law be added to and given protection from either the Site Certification within those areas, or from, again in OAR 022 section 40, from significant adverse impacts of site certificates proposed for facilities that affect those areas, that are outside of those areas. And the need for this rule, is that the CMPA as we've heard just about everybody who sat the table and talk to you today, this is an area designated for protection under Federal law. He refers to Ms. Franulovich from the BLM who explained that the Steens act protected 428 thousand acres. There is also the total area encompassed by the boundaries of the Comprehensive Management Protection Area is about 455 thousand acres. So, at absolute minimum to be consistent with the Protected Areas List this Council has to start a rulemaking to look at the issue to protecting the Federal Lands which are off limits to site certification, and therefore what possible impacts there might be of a facility outside of those Federal lands having a significant impact on those lands. Mr. Becker's position on the petition is that there is also protection under the Steens Act in section 122 and in the whole notion of the Comprehensive Management and Protection of these lands and cooperatively working to ensure that there is no development of a character different than the existing uses at the time. We've heard about maintaining the traditions, maintaining the natural condition, maintaining the existing ranching community. Industrial development of Steens Mountain is not consistent with that, so that contradicts section 122 of the Act as far as we're concerned, that includes private lands within the CMPA boundaries as being protected within the meaning of OAR 469.501. And that is what the rulemaking will get to if this council opens it up, is "Do you just put the Federal lands within the CMPA on the Protected Areas List, because they are the National Landscape Conservation System, just like the other categories that are already on the Protected List, or do you include the private lands as well, because they have a form of protection under the Steens Act." And he adds to the extent that this overlaps with existing Federal law, the proposed rule is no different in terms of its interaction with Federal, State and local laws than the other areas on the Protected Areas list. It is the way that this Council has the authority to condition site certificates with respect to these State and Federal Protected Areas.

Lori Brogoitti asks if ONDA has considered what the economic factors would be to the private landowners? And have they thought about coming up with a solution to help the private landowners?

Dave Becker answers that it depends in some ways on how the rule goes into effect. Because if the rule comes out of the rulemaking process is one that is comparable to the proposal that ONDA and

the other petitioners have put on the table, then there would be a prohibition from granting site certificates on the private land within the boundaries of the CMPA. In that instance, one of the reasons that those properties were included within the boundaries of the CMPA, and that was a conscious decision by the landowners who decided to have their lands included within that area, was the availability of 25 million dollars authorized by Congress to buy conservation easement. So, there would be the possibility, we would certainly work actively with the Congressional delegation and with the landowners to replicate some of those rights. We also would work very strongly with other landowners, with the public land management agencies, both the State and Federal government in Harney County to develop wind resources in other places that have fewer conflicts and that are not protected by a Congressional statute. Riddle Mountain is one of the things that comes to mind, we submitted comments to the Department of State Lands supportive of wind development on Riddle Mountain, that is a Columbia Energy Partners project. We've identified many other locations in Harney County that would be suitable for wind development that don't have the same sort of resource conflicts, and don't have a conflict with the protected area designation under the CMPA that you have on Steens Mountain. So, we think that there are ways to address the concerns both of the specific landowners on Steens Mountain, and also more broadly the concerns about how you develop the wind energy resources that exist out here in a way that has minimal conflicts. So, we think that there are opportunities to come to the table, but the important thing from our petition is this is a protected area, and the rulemaking is to look at how you incorporate that protection of the Steens Act into the OAR 345.

7. Pete Runnels, Local Citizen and Business Owner, Staff Member at the Steens Mountain Range Camp and also a County Commissioner Candidate (In Opposition)

Mr. Runnels thanked the Council for coming here, and also coming to take the extra time to see the issues are all about. He did email the Council and will try not to restate those points. As far as the issues, Harney County did ok to plan for this, for ensure the economic wellbeing. The County has been decimated by the loss of forest receipts in the past 10, 15, 20 years, that is a stream of money that is going to dry up, and we've been challenged to find ways to survive on our own. He states always so much has been decided about the challenges of the environment in Portland and in the courtrooms, never out here, where the people matter, where you can hear the people, and he does ask that the Council please deny the petition, and he wants to add that on a personal note that he feels the people from the cities sometimes want Harney County to be their playground, they need to understand the people in Harney County need to survive. They even tried originally to keep camp members on the Running Camp from walking on that mountain. It is an extreme.

8. Chris Pratt (In Opposition)

Mr. Pratt submitted an analysis addressing all six questions already. He will speak on the broader issues at hand to the Council. He is not an attorney but he can see the truth without that. Sometimes it's hard to see the truth, it can be hidden, obscured by the fabrications of the opposition, and sometimes by the smoke and mirrors of a magician. In this case, by the smoke and mirrors of ONDA. As children, you marveled at the magician's magic, watching, wondering how he does that, when scarves and coins disappear. Now, as adults, we watch in awe and dismay as they make our rights and liberty disappear. Only today's magic show is not an illusion, at the end of the show, our rights and our liberties are gone for good. He spent 13 years in the United States Army, in a time known as 'Cold War'. I'm sure you remember it, or maybe you participated in it. It revolved around outsiders trying to change our way of life by forcing their values on us, and the resolve of the United States to prevent that and preserve our way of life. He finds it ironic that he now finds himself involved in that same fight, within our own State. The only differences being between this Cold War, and the last, are the adversaries, the weapons, and the battlefields. Today's battle fields

are public courtrooms, losing lawyers as weapons and being directed by Dilettantes. Despite these changes, we are still fighting for our way of life. Dilettante is not a word that is commonly used in our area, it is defined as a person who takes up an activity or subject merely for amusement, in a superficial way, a dabbler. Yet it is apropos for the opposition. A couple of times they've come to our backyard, they bask in the sun with a smile on their face, and claim to know the land, and what is best for the land. But that is bull, you can't know the land just by visiting it. Work the land when it's below zero, with the wind chill at 50 below. Spend more time under the sun and the stars than under a roof. Live the changing seasons, instead of watching it on TV, or on a computer, to live with the land instead of just on it. These are the ways you get to know the land, these are the ways of our community. These are not the ways of the Dilettantes. I implore this Council to have the clarity of vision to see through ONDA's smoke and mirrors, to look beyond the illusion and see the truth. To help our community not only preserve our way of life, but our livelihood too.

**9. Kate Marsh-Copeland, Harney County Citizen (In Opposition)**

Ms. March-Copeland's comments are applicable to question 2, addressing your concern for the nature of comments received. It is the nature of the citizens of Harney County to work together to uphold, protect, and defend the values of our rural way of life, and private property of ownership, and as a County as a whole preserve our right to economic development, considerations. We also pride ourselves on cultivating an atmosphere of honesty and integrity, and keeping our commitments. We do not bait or change any legal agreements at the request of persons or agencies with no commitment to our County or the rights of our families. It is imperative that the integrity of the Steens Mountain Cooperative Management and Protection Act of 2000 be maintained, and that no overlapping, duplicate or conflicting rulings are undertaken. I urge the Energy Facility Siting Council to not add the Steens Cooperative Management and Protection Area to the List of Protected Areas and therefore to deny the petition by the Oregon Natural Desert Association.

**10. Charley Otley, Harney County Resident for about 89 years (In Opposition)**

He's seen a lot, he has no insight on a lot of these old hearings and rules, so he'd like to comment on number one, two, three and a little on four. Number one, there is no need to continue the rulemaking on this deal, there are plenty of rules already. The nature of the comments received concerning the rule from the public, we need more industry in this County. The complexity of the rule is outrageous; the extent to which the rule overlaps and duplicates to lolly gobbledy gook by the time you get through all of it, hardly anybody understands it by the time they get through. I'd like to comment a little bit on some of the things that have been said, To the representatives in regard to the petition, he disproves their comments on that and he urges this council to decline the petition. There is fairly little need for this protection area, except from the environmentalists. There are some scenic areas in this area that are very unique. They are not where the towers will be, and he watched with interest the slide the BLM put on, and he has never seen, he could have missed it, but he has never seen a print or a slide of any of the sites where the intended windmills would be. They're all on the North end of this scenic areas, most of them, and so they're not listed, the sites where they would be. Mr. Otley thinks that also, you want to compare the people that see these windmills on Steens Mountain, then go up and drive down 84, and you'll see thousands, I think thousands, he couldn't count them, but he did when he went to the Dalles to this hearing. There are thousands of windmill towers there, he understands they don't touch the scenic area of the Dalles or the Columbian Gorge. But you can see those. How many of thousands of people will see those, and then how many people will see these on Steens Mountain? And if you do see them on Steens Mountain you will be there and have trespassed, because they're all on private land. He urges this committee to decline the petition from ONDA to be used, and he'd like to comment on the great job that the fellows did this morning explaining these things, he thought all of them did a great job. He

expressly thanks the committee for being here, and come back another time, when the roads are better, and we'll show you some more of it.

**11. Jane Jones, Harney County Resident (In Opposition)**

A lot of people have already said what she wanted to say. Basically she just wanted ONDA to know that people in Harney County do not live here for the shopping, or the sporting events, or the movies. We live here because we know how beautiful it is, and we want to keep it that way.

**12. Susan Hammond's, Steens Mountain Ranch Owner (In Opposition)**

Ms. Hammond thanked the Council for coming here today. There are several ways to gather a crowd in Harney County. Though she doubts this is one of the best, she appreciates it. She also appreciates Columbia Energy and all the work and effort they went through to stick by Harney County in trying to put this together. Our home base is Frenchglenn Oregon, and we have a place at Diamonds, those are our communities. The list of things that were to be protected in the Steens legislations included our communities. It included the private property rights, and she can't say it any better than Ms. Jones just said it, the people who live on the Steens Mountain have worked lifetimes to protect it, to be beautiful. Private property rights are never going to be the same for each piece of property, but for you people to not respect those private property rights as she believes ONDA is not respecting private property rights, and never has. Ms. Hammond is a past president of the Steens Mountain Landowner Group, and we speak of things as they come up, we go to SMAC meetings and we put a lot of time and energy into trying to manage this area positively. And ONDA, to my estimation, has become a conflict industry. They are holding Harney County hostage on a bunch of fronts, and they appeal all decisions that are made by the Federal agencies that she is affiliated with. We need to protect our industry, we need to protect our area, the economic impact on Harney County by one radical environmental group, who is very quietly crawling through our County is very much. All of the purposes within the Act should be looked at, and put together. They purposely were put in there, with not one protection or one--private property was to be protected. It didn't say how, it just said private property rights. The other areas have specific areas that they are to be protected. For ONDA to come back in and put a protection of their liking over all of the land on the mountain is in my estimation not cool. Ms. Hammond does not see a need for the rule, and she wishes that the Council would deny this application.

**13. Bob Sallinger Conservation Director for the Portland Audubon society(In Support)**

Mr. Sallinger stated he's going to address questions number one, two, four and five. He is here today to express a strong support to the petition from ONDA and the Defenders of Wildlife, which would add the Steens Mountain CMPA to the list of Protected Areas. This is also supported by Salem and Lane County's Audubon chapters, and in fact it is supported by conservation organizations throughout the entire state. And he thinks that's an important point to make, but it's easy to come here and just vilify ONDA, but in fact this is a very strongly supported petition from a number of conservation groups. Mr. Sallinger thinks it raises the issue of how big of a concern this really is, to people across the State of Oregon. The petition for rulemaking is not about a single project or proposal, it is driven by one that raised these issues and put it on the public radar screen, but this is really about updating the Protected Areas List, a list that hasn't been updated since it was created in 1994. This is about correcting a glaring omission from that list, the Steens Cooperative Management and Protection Act established this area to be protected, and this is about consistency. The Protected Areas List currently includes every type of land included in the National Landscape Conservation System, except for the CMPA. His organization was a participant in the development of the Steens Act in 2000. It supported the agreement that stopped the decimation of natural resources of Steens Mountain and preserve the ranching way of life. Our understanding of that act,

based on our participation, and based on the explicit language of the act, was that development on private and public land which is different from the current character and uses of the land, is inconsistent with the purposes of the Act. Industrial wind development is neither ranching nor is it in any way consistent with protecting the natural resources of this incredible landscape. Those who showed to join in the CMPA did so voluntarily. There were people who chose not to go this route, but those who did entered into this agreement and entered into the philosophy that underlies it. It is hard to imagine how industrial scale wind development is consistent with 'keep it as it is' ethics that was articulated so well by Stacy Davies. Industrial scale wind development in fact strikes at the heart of the Act. We're asking today for you to enter into a rulemaking. That rulemaking will determine what is appropriate and inappropriate on these lands. The Audubon society believes the Federal lands need to be included, no one here today has argued anything differently. The Federal lands clearly and explicitly are protected and it would be absolutely consistent with everything you've done previously to include them in the Protected Lands. We also believe that the private lands need to be included as well, and it was asked earlier if we considered the economic impact. We have, in fact Mr. Sallinger was in DC, he was there yesterday, it has been a long trip to Harney County over the last 24 hours, advocating for the 25 million dollars. But those folks who agreed to be part of this Act agreed to pursue that strategy rather than something that would fundamentally change the landscape. So, Mr. Sallinger asks the Council to adopt the petition and move forward with rulemaking.

**14. Ron Brown (In Opposition)**

Mr. Brown is just interested in letting the ONDA people know that we are divided as significantly as we are between the conservative conservation oriented and the liberal conservation oriented. The possibilities of us having a good consistent project to improve all the things is typical for change. He thinks that it is helpful to have this kind of meeting, but he doesn't think that we need to expect that everybody here is going to automatically agree with this. Mr. Brown thinks that the numbers of people that disagree with ONDA's petition are undoubtedly higher in numbers than the people who do agree with it. He hopes that the Council will pay attention to that and give it some consideration in your discussions.

**15. Dan Nichols, Harney County Commissioner (In Opposition)**

Mr. Nichols is reacting to point 390-3 sub (d). As a result of ONDA's petitioning the council towards rulemaking, he would like to take this time to inform the Council on some facts regarding the current protection status of Steens Mountain. There are a total of 496 thousand 133 acres within the boundaries of the CMPA. 15.6 percent of that acreage is private property, with regulatory provisions provided by ORS statutes, Harney County comprehensive land use plan and provisional language also being included in the CMPA. The remaining 428,194 acres are managed by the Bureau of Land Management that currently has 32 additional special protection designations. And they are as follows: Wilderness Area, 170,167 acres, of which 97,229 acres at least 57 percent of that land mass is classified as no life stock and was negotiated in the CMPA process. Again, this community, the people that live and work and reside in this community came up with a compromise, negotiated wilderness with the only no life stock grazing as good faith effort in the whole process, that should be remembered. Wild Life Juniper Management Area is 3,268 acres. There are 7 Wilderness Study Areas, comprising 118,637 acres. Wild and Scenic River Corridors and the rivers, which include 105 river miles, or 227,324 acres. There are eight designated areas of critical environmental concern and research national areas that include 1,795 acres.

This is quite a list, Mr. Nichols doesn't mean to be boring, but this needs to come out. The Wild Boars Management Areas 163,312 acres, three parts with wilderness characteristics of 4,300 acres.

A mineral withdrawal area that includes all of the 496,133 acres plus additional acreage to approximately 900,000 acres. Besides the protections lists specific acreages there is no off-road travel within the CMPA, there is researching new facilities on Federal Lands, Redband Trout reserve, Riddle Brothers ranch, National Historic District, Regional Resource Management class lands with their individual protections and regulations, and total acreage with one and sum areas are in access of five overlapping special destinations within the Steens CMPA. The acreages compile amount to 1,024,298 acres of designated protection within the Steens Mountain Protection Area, and again the Federal public lands within the CMPA is 428 thousand acres.

With the current protected number of 1,024,298, with simple math that comes out, the acreage, the land mass of the CMPA is 2.38 times protected with various and sundry protections for wildlife, for study, views, the list goes on and on. It is these type of protections that Mr. Nichols believes the majority of the people are in this room for, the people that have showed up today took time out of their schedule, out of their job, to show up here, in support of a denial of the petition. It is this kind of protection that this County as all around have seen for the past four decades, and has created a total economic paralysis in this community, and enough is enough, this type of an action needs to stop.

One more thing, the first purpose stated in the Act, it was stated earlier as ecological, the absolute first purpose stated in the Act was to maintain the cultural, economic, ecological and social health of the Steens Mountain Area in Harney County. This language was purposely made as the cornerstone of the Act, because the individuals that were instrumental in the process and developed the language absolutely knew the intricate relationship between healthy people, healthy economies and a healthy resource environment. He urges denial of the request.

**16. Paul Middelhoven (In Opposition)**

Mr. Middlehoven wrote that windpower energy is the only type of electrical power generation that he can stand by and pass on to his grandkids.

**17. Wendell Baskins, affiliated with the Oregon Historic Trails Advisory Council (In Opposition)**

Mr. Baskins was asked by a gentleman outside, are there any historic trail out here? No, but we have about four years of process time working with among others Triton Line development about the sixty historic trails within the State. And we have not attempted to stop the development but we've aided and facilitated as we were charged by the Governor. He represents a nine-member Commission appointment by the Governor from across the States, from Baker City to Klamath Falls, and the Dalles, and the Oregon City area, we are dealing with issues of wind power, so he is addressing the technology and the economic climate conditions. He thinks we would not be here if it were not for those 300 foot white towers, and boy, they're important.

Mr. Baskins was commissioned, he's been to a lot of facility sites, had meetings, was asked by OTAC to attend and give input. He was asked by OTAC to come here and ask the Council to preserve and protect the Steens Mountains. But during the course of the events this morning, and in the time he spent driving around Harney County yesterday, on his own, and looking at the empty storefronts, and everything else that goes on, he would still say to the Council, protect and preserve the Steens. But he thinks the process for doing this is already in place. This is so much different than we have in other Counties of the State, you already have a Cooperative Management Plan, you have stakeholders already around the table, and where a problem exists he is assuming that the stakeholders would get together and usually solve the problem. So, what he would take back to OTAC is, after hearing the testimony today, the best way to protect the Steens is to ask the process

that is already there to work, with the stakeholders, and getting them together, and so, the only addition he would make is he didn't understand the slides he was looking at weren't part of the wind development area. Because his comment was he has done so much along the historic trails, put a 300-foot tower in those, and then try to tell someone this is the way it used to look. Well, it may not be that way, but he thinks the process could work, if existed, he doesn't think an amending of the rule would be the way to go.

**18. Julie Weikel, Harney County Resident (In Opposition)**

Ms. Weikel will be addressing question two and six. A decade ago, an amazing thing happened, she felt like this about it when it happened too. An amazing thing happened here in Harney County, and people with a lot of differences stuck together and they felt that they had one thing in common, and that thing in common was they wanted to protect Steens Mountain. And at the time, the perceived things to be protected against were California style development, specifically geothermal development, mining, as you've already heard, wind power wasn't even mentioned. But what those people had in common at that time was a desire to defend and protect, and that is why the word protect is in the CMPA, to protect Steens Mountain. For those who think that wind development might not be development, she suggests that you go to Elkhorn Valley and take a look at what's involved in that.

Ms. Weikel has done that, she's looked at their 61 towers, she's asked how many people it employs, it employs 16 people on a regular basis, the entire project. And that is development, at least it certainly looks like it to her. It is very, very unfortunate that this issue has led to a certain amount of divisiveness in this county. There are lots of tough issues here, private property is one of them, working to preserve a future for your family is another one, working to preserve wide open spaces is certainly a third. These are tough, tough issues. Ms. Weikel guesses that is why the land has to be so tough, so that we can shoulder these issues. In the midst of this divisiveness it is very unfortunate that some things have perhaps been misrepresented. One of them you've already gotten a touch of.

There are multiple people making this petition, it is not just ONDA. ONDA has not opposed wind power development in Harney County when it wasn't within the CMPA. Sad as it might be to see wind towers in the Ridge project on that beautiful east side of Steens Mountain, it wasn't something to resist for the simple reason that that party had never signed the CMPA. These people ten years ago apparently felt that they wanted to be free to develop. One more thing she mentions, she mentions most of the people in this room don't agree with her, she finds that very unfortunately of course, and very lonely, but she knows if she gets home to her message machine and punch that button and get a lot of supportive messages. Every time she goes away for a few days she gets a couple of those messages, saying keep fighting for Steens Mountain.

**19. Dick Jenkins, Rancher on the Steens Mountain Cooperative Management Area (In Opposition)**

Mr. Jenkins and he is also a member of the Steens Mountain advisory board, and he also does historical tours on the Steens Mountain. He is addressing the rulemaking, and the reason he is addressing that is we don't need more rules, simply because people are not upholding the rules that are already in place. It started out with the very early administration of the Act back in Washington DC, we made an agreement here, went back to Washington DC, and then the ONDA refused to sign that agreement unless they had half a million acres. Well, when it went back there, he was about five miles from the Cooperative Management Area.

When ONDA put the pressure on back there to be able to put in the Act through they very conveniently drove a line around my allotment, that got a lot of acres they needed, and they signed

the Act. He did not receive any compensation, he did not receive any land rights. That is beyond the point, the point is we've got enough regulations with the Mountain, all we need to do is get people to uphold them. He is on the Steens Mountain Advisory Committee, which comes up with recommendations. When they get those, they don't implement them because ONDA opposes them. So we keep spending all this time trying to take care of the Mountain, and it's not implemented. Mr. Jenkins says we do not need more rules, he urges you don't complicate it more than it already is, because the rulemaking as it stands is not being implemented like the Act says it should be.

So, let's take care of that part of it, let the Mountain heal up, if it needs healing in any place, the only place he knows is in the Wilderness Area, where there is already excessive erosion going on, the plant life keeps getting fewer and fewer and the wild life were down to too many tree cullers in the Wilderness Area on the mountain. That is a high elevation, where there is no wildfires, it needs this service, and we do not have enough game animals to do that now. Somehow they need to periodically put some kind of a cloven hoofed animal in there to disturb it and get those seeds back in the ground and get the soil crust broken, so the wild will penetrate and quit eroding. It pains him, he does that route on top of the mountain three to five days a week during the summer months, doing historical tours, and he watched this gradual increase in the eroding in that wilderness area, it is not good for the mountain folks, it is not good for the mountain. And we need to change that, get the management into it, and enforce the rules that are already in place.

**20. Renee Buermann, on behalf of herself and Silver Stage Ranch and Livestock (In Opposition)**

They have three businesses in Harney County, and she is addressing all six of the questions. She asks that the Council deny the petition, she thinks that there are enough restrictions, you've heard a lot of opinion about what people need here to sustain and survive and be happy. She looks at Steens Mountain every night from her dining room, and it is usually white, and wind towers are white. And she thinks that that is a form of camouflage. And she's watched the decreased amount of forest management here, and that is something that has hurt the economy really bad, and she just asks that the Council please consider the majority of these opinions here today.

**21. Jon Norling Legal Council for Columbia Energy Partners (In Opposition)**

Mr. Norling would like to address point six on the list. But he feels that it is important to know that as a company, we looked at certain private lands within the CMPA. ONDA was aware of that, because we initially filed conditional use permits in Harney County for those projects, but then in an attempt to settle our differences with ONDA, we agreed to take them and seek the site certificate for those projects, and subsequently to that they filed the petition, so that it is a little bit of background on how we ended up here. Point six, as you heard today, not only from people intimately involved with the drafting of the Steens Act, but also from the language itself, private property rights are protected, and he thinks the council's statutory directive is to list, in the protected area rule, areas that are protected from development under State or Federal law, because private lands within the CMPA are not protected from development, it is not appropriate to list them in the statute.

**22. Brent Fenty, Executive Director of the Oregon National Desert Association (In Support)**

Mr. Fenty will speak to points two, four and six on the list. ONDA is a 1500 member grassroots organization committed to protecting, defending and restoring Oregon's desert, we're based in Bend with offices also in Portland and Ontario. He wanted to address, he felt it was a little bit of a mischaracterization, ONDA's history was actually ironic. He heard someone talking about the Steens Running Camp and laying that blame at ONDA's feet for opposing running camp, and he feels that that type of characterization is unfortunate and undermines the potential relationship

between residents of Harney County and ONDA, because actually if you go back and look at the comments regarding the Steens Mountain Running Camp what you'll find is that ONDA actually stood up in favor and in support of the Running Camp along with other folks. In opposition, ONDA actually opposed other conservation organizations, comments to try to get the Running Camp removed. He could go on and on about similar situations, but he would just ask for you to pick up the phone and call him, and talk to him about some concerns you have, and he would certainly be willing to come out and meet with anyone on topics like that.

Mr. Fenty mentions that as far as the issue at hand today, ONDA is a strong supporter of renewable energy development, and we believe there are places in south-east Oregon and Harney County where wind or other forms of renewable energy development can be developed responsibly. In fact ONDA completed a report that highlighted hundreds of thousands of acres where there would be low to moderate conflict for wind development in areas within the United States National Resource, the Renewable Energy lab that were identified as having high wind resources. In fact, in our comments regarding Steens wind development, we repeatedly said that the Riddle mountain project is a project that we could likely support and we think would create positive economic development contributions to this County. Likewise we repeatedly said in terms of the other project that given the appropriate environmental review data that is also a project we might be willing to support.

This petition is therefore only directed at the Steens Mountain Cooperative Mangement and Protection Area, which are lands which have already received Federal protection. We feel it is illegal to develop industrial wind projects on these lands, that have received special protection by the Federal government. He thinks it's important to reiterate what you heard from Bob Sallinger, as well as Dave Becker, in his mind it is clear that the Council must act on the public lands within the CMPA, they are incredibly consistent with other protected areas that are on that list. He thinks the comments that Stacy Davies made earlier were very insightful in terms of the delegation of private lands question to State government, and he thinks that is why we're here today, because there is conflicting language in Section 122 of the Act regarding what is appropriate private lands development. So, on that issue he hopes that the State will initiate a public rulemaking process on this issue.

**23. Craig Miller, Landowner inside the CMPA boundary (In Opposition)**

He wants to ask if these comments go on the record, which they do. He wants that earlier comments on the panel be included on the comments if possible, since he doesn't want to belabor that issue. He does want to say that again that the comparison of the Columbia River Scenic Area is totally different. That the Steens CMPA and that the language in the Steens Act does, it is why it is there, to differentiate it, so that private land is not impacted and that is very important in terms of the statutory citation under six, and the number four, because already the issues have been handled. We don't need those overlaps.

Mr. Miller states that even the Federal lands do not need a rule by you, because it is specifically clear in the Steens Act relative to Federal Lands. So, there is no reason to waste time and add complexity in that language. The comments and complaints that a lot of people also gave him, they are concerned because they are working during this time, they would like to be here, this room would not be big enough then, he thinks it's important to remember that the people making comments in terms of their love for Steens mountain are also supporting this, because the proposed development is being planned in a way that is compatible with watershed, the ecological purposes of the Act, and those sorts of things.

Mr. Miller states that it's been well planned, and sure there is going to be a slight scenic impact for some, but the overall management of the mountain for Wildlife and those other uses is very compatible with the proposal that will come to you at some point in time. So, he thinks that you must consider the economic opportunities here, and these are for both the State and Harney County. If you look at our National Security, that is dependent upon energy security and economic security. It is vital from your standpoint, looking at the needs of the State, to keep this opportunity open by not going forward with the petition. We need that energy security and the economic security to continue to manage in a beneficial way, for the needs of the State and of Harney County, so, that is number five, and that is also number two. He thanks the Council again for coming and listening to everybody.

**24. John Otley, Deputy Director of Renewable North West Project, based in Portland Oregon (In Opposition)**

Mr. Otley indicated his group works in Washington, Idaho, Montana and in Oregon. He will address issue six. First, the project is an organization dedicated to responsible development and distribution of renewable energy. Their members are both the developers who manufacture and sell the energy but also environmental organizations and consumer groups who care about the intersection of climate change and renewable energy. We do not take positions on specific projects, we instead focus on the policy environment and the distribution of renewable energy through transmission. The failure to recognize the internal tension in the law, that being the protection of individual property rights and the desire to maintain the quality of the landscape when the law was passed was the issue that we tried to focus in on. And when we did, we did ask whether or not development was consistent with county land use planning, which based on his review of County decisions it is.

Mr. Otley looked to the advisory committee to see whether or not the advisory committee had issues, any opinions or statements on the development of renewable energy, which it has not. So, then we looked at State law to see whether or not the State had placed any additional restrictions on land use in this area in addition to those articulated in the Federal statute which we could not find. Based on those three elements we recommend that you deny the petition. And while we recommend that you do that, we recognize that the petition itself signals a challenge that we in the State face when developing renewable energy here. The State has had a tremendous success over the past five to ten years, it is the fifth largest renewable energy generating State in the country, despite the fact that we all live with wind all the time, our resources are not as good as others, say Montana and Wyoming. How we continue to incentivize responsible development of renewable energy is a task that we will all undertake as we approach the legislative session that is coming next year.

Mr. Beyeler asks if Mr. Otley said Oregon was number five in renewable? And what are the first four? Mr. Otley answers that yes indeed it is. And the first four are Washington is slightly ahead of us, Texas blows the doors off everybody, Pennsylvania is up there, Mr. Otley doesn't remember the fourth one.

**25. Fred Sawyer, from Portland (In Support)**

Mr. Sawyer stated he is retired and came here to talk about the wonderful place Steens mountain is. He wanted to talk about number one, a lot of people have been talking about the importance of energy development, however we in the State, in this Nation decided that there is places we don't go, they are too special, from Crater Lake to areas that are critical. We don't put wind energy on Hardy Mountain we don't put wind energy in Crater Lake, we don't put wind energy Columbia Gorge National Scenic Area, some places are too special for wind energy. Some places are too special for geothermal. Some places are too special, and I have not heard anybody argue that Steens

isn't too special. In my mind it is too special for wind energy. And if we start putting wind energy where it does not belong, it is no longer green energy, it is dirty, bad energy. We used to have nuclear power plants in this State, not anymore. So, if you'll allow a special place to be destroyed you also put a hex on the energy. So, I would say you need the rule, go ahead and go for it, it's not a very complex rule, there is a list a mile long of special places in this State, just one more isn't really that complex. And the way you come to Harney County, unfortunately, and here people in Harney County can say what they think, but there's other people, the people Harney County could make it, there is other people in the rest of the State who couldn't make it, it's more difficult, it's sometime, the judge here wanted this meeting so his people could come here, that is great, but it was a long drive from Portland.

**26. Carla McLane, Morrow County Planning Director (In Opposition)**

Ms. McLane wanted to explain why a planning director from Morrow County would be here. There are two reasons, one, they feel they have also been targeted by ONDA, there was a reference to a study that ONDA did a while back, and their map reaches way out there, and it does encompass a portion of Morrow County. So, we are concerned about the activities of ONDA, and their desire to put limitations on development of energy projects. We are also concerned with additional regulation, particularly in these current economic times. She shares a letter from Morrow County Court, the letter touches on most of the issues, but she thinks the most important ones are some things that have already been said. One, there is a purpose that is identified in the Steens Mountain Cooperative Management Protection Act and it says 'to authorize only such uses on Federal lands in the Cooperative Management Protected Area that are consistent with the purpose of this Act.'. The desire was to protect the Federal land, and to work with the private landowners, but to not limit development, and adding this action to your list of Protected Areas, would take an authority that Ms. McLane does not think was intended or is granted to this group.

Ms. McLane is also really concerned that the group who manages this isn't party to the petition. She would think that if there was a local desire to have this listing, that you would have seen a petition come forward from the Steens Mountain Advisory Council. And yet, not only are they not listed as a member to this, they weren't provided notice of it. If you read the petition, that group, who manages this area, was not included as a noticed party. I think that gets to the heart of how ONDA is not a part of this community, and they are not working with the community or within the community.

Ms. McLane feels that the current rule works, there are some concerns with how the Gorge area is impacted, she thinks we have seen problems with development in the Gorge area, for those of you that live and drive through there regularly. We hear about the conflicts between the private property rights of those that live in that area, and how that Act has impacted them. This looks to have been a well developed Act, they tried to take into consideration private property rights as well as the Federal lands, as well as how to get to management. Listening here today it doesn't appear as though it's working perfectly, but they're trying to figure out how to make it work, and this rule would just provide more complexity. Ms. McLane reminds the Council that their decision today could have future impacts on any and all 36 Counties. Morrow County urges the Council to deny the petition and to not enter rulemaking.

**A short lunch break was called by the Chair. After that the public comment period continues.**

**27. Mr. Miller, Resident of Oregon and Frequent Visitor to Harney County and to Steens (In Support)**

Mr. Miller stated the Steens Mountain is in his heart and soul, of all the places in Oregon, Steens

Mountain stands out as Oregon Desert's Crown Jewel. He and many other people he knows come to Steens for spiritual renewal. More than a decade ago, he married his wife on Steens Mountain. The couple makes an annual trek to the Steens to renew our vows and to confirm that their relationship is as expansive, as beautiful, as ageless as the mountain. Installing multiple 450-foot towers would be an eye sore throughout the designated wilderness. Industrial development on private land within the CMPA will affect the entire CMPA, including public lands. It will have negative impacts on wildlife, sage grass, eagles and falcons that use the entire area. In Mr. Miller's estimation the Steens has more value for its recreational, wildlife and spiritual resources than it does as a money making machine. He thinks most Harney County residents, and he is certain that most Oregonians who have visited the Steens feel the same way. The Steens deserve protection from high impact industrial development. He urges the Council to proceed with rulemaking on this petition.

**28. Liz Nysson, Climate Change Coordinator with the Oregon National Desert Association (In Support)**

Ms. Nysson works on renewable energy issues. Most of the issues that she works on are court support. This is one of the few conflicts that she is dealing with. She wants people in Harney County to know that she is looking for ways to work with developers, work with Counties, work with landowners, so that we can have economy based renewable energy and lessen our need for fossil fuels. A few things she mentions in relation to issues one and two, the first thing she'd like to address has to do with the petition, and the SMAC was made aware of the petition, so that was something that was brought up earlier, and she thinks that does need to be addressed.

Secondly Ms. Nysson thinks that it is important to realize that this is an issue that is not operating within a vacuum, and it is a public issue because Congress declared the Steens a protected area for the benefit of the public. And although she really does appreciate the public coming out for this and she appreciates hearing everybody make comments about how important this area is to them, there are a lot of comments that aren't being said today by individuals who couldn't make it here.

Ms. Nysson thinks it's important that the Council recognizes that nearly every single conservation group operating within Oregon or for Oregon is supporting this petition. To name a few groups, The Wilderness Society, Western Environmental Law Center, Wildlife Guardians, Oregon Wild, Center for Biological Diversity, Salem Audubon, Wilderness Society, Hells Canyon Preservation Council. These groups together represent tens of thousands of members within Oregon, and yes, within Harney County too. ONDA does have members within Harney County, we have donors who come from Harney County, and there are a number of people in Harney County who do support what we're trying to do here. We are not a group that is trying to create conflict, and she thinks that she speaks for a lot of people within ONDA when she says that we really do want to work towards cooperative solutions, and we do want to see renewable energy happen in this County, and as she sees over and over again by people within ONDA and conservation communities, there is a number of places where we know it can happen, and it can happen without impact to an area that already has special designation.

**29. Brandon Baron, Resident of Burns (In Opposition)**

The last thing Mr. Baron feels we need is more rules. He is just going to reiterate what pretty much everybody else has already said, this word cooperation makes him want to puke. The only cooperation we see is in the opposite direction. They need to work around our schedule, this is our decision, we are the locals, this is our land. They need to get the hell out and he's just so sick and tired of this crap. He's even kind of mad with Stacy and Fred, even though he considers them friends and they are locals, they should have drug those people across that table and beat them to

death with a chair. This is bull crap.

**30. Pam Hardy, Member of the Steens Mountain Advisory Council (In Support)**

Ms. Hardy is going to speak on question number two, and she is going to speak here in two roles today, but she will not tell what the second role is before she's done speaking for the first role. She is a member of the SMAC, and she sits in the seat of Dispersed Recreation, and what that means is she represents the hikers, the backpackers, the cross-country skiers, the horseback riders, the people that come out to Steens Mountain because they like the wild openness of it. And she came to sit on the Council, she's only been in Oregon for about 10 years. Prior to Oregon she was in Southern Utah, as a river guide in the canyon lands of the canyon country out there.

And there was a gentleman back here who spoke incredibly eloquently about what it is to know the Mountain in all the different seasons. To know it when it's storming, to know it when it's quiet, to know what it takes to work it, and she really appreciated that because of how long she worked as a river guide in the canyon county and when she came to Oregon ten years ago, she looked for the part of Oregon that she was going to get to know. And what she chose was Steens Mountain.

Ms. Hardy came here because it is one of the most amazing, beautiful places in all of the State of Oregon, and she has heard that over and over and over again because of its magic drop. And she decided to sit on the Steens Mountain Advisory Council, and she decided to apply for the seat, representing people who come here as dispersed recreationists, as hikers, backpackers, skiers, because she did not want to be a Dilettante. She really understands those concerns, she didn't want to be somebody who comes in, sees it once, and then disappears. She wanted to find somewhere where she could put down roots, where she could find people that she knew, that she got to know the community, she knows a lot of the people in this room, she is just amazed how many of the names that are called up here to speak are actually people that she considers friends.

Ms. Hardy comes here as a representation of people who don't get to come here, and don't get to live here. There are a lot of people in this State who care a tremendous amount about Steens Mountain. They care about it because of the wildness. And they really appreciated the idea that we were going to keep the mountain as it is. Ms. Hardy has come here to represent those people and to say that there are a lot of voices in the State of Oregon that you are not going to hear today. Because what you are going to hear is the people of Harney County. And she really appreciates that the Council came here, and she really appreciates that the Council went on a tour, because one of the things that we said on the Council, that she learned early on when she first came to the Mountain, was that they didn't want anyone sitting on the Council who didn't know the Mountain. And so she spent a lot of time getting to know the Mountain before she even applied for the position. There is a lot of people in the State that feel the same, that don't get to come out here and don't get to spend the time here, and that would have something to say. We desperately need alternative forms of energy in the State of Oregon, and there are only rare times in which development of that alternative energy is going to conflict with other very important values. She feels this is one of them. She urges the Council to have the conversation, let's have all the voices on the record.

Ms. Hardy next speaks not as representative for Dispersed Recreation but as Chair of the SMAC and she wants to address some questions that have come up regarding the SMAC. First of all, the SMAC was notified, because we haven't had appointments to the SMAC for quite a long time, the SMAC has not actually met since the petition started beginning being considered by ONDA. But the SMAC certainly hasn't met since the petition was submitted, and certainly hasn't had an opportunity to sit down and have any conversation about it, and that may be one of the reasons that

you haven't heard anything from the Advisory Council. Ms. Hardy is not authorized to speak on behalf of the advisory council right now, they like to make a recommendation before they do that, however she can say that the SMAC is full of people who like to talk and express their opinion, and if this Committee would like to have a deeper conversation with us. She can't imagine there is anyone on the SMAC who wouldn't like to have a better conversation with you.

**31. Larry Hammond (In Opposition)**

Mr. Hammond spoke on issues number one and two, maybe number five. The need for the rule, he comes before the Council as a retired person who has lived in this County for a long time, he came here and he stayed because he loves this country and he considers it his home. What he speaks of right now is maybe a little broader than just those points, because he wants everyone to understand at least his point of view on what is behind all this. Way back when, sometime back in the seventies there were folks meeting here, the environmental community and some of us locals were trying to establish a dialog and understand what they wanted, or how we could accommodate them. Out of that all came the Steens Mountain Cooperative Management Area. They weren't satisfied with that, he doesn't believe that they will ever be satisfied until this is a natural desert area every step of the way, mostly through loggers, which most of us don't savvy the rules and the statutes, we just live here and feel the consequences.

Mr. Hammond wants the Council to understand that this is our home, our ancestors came here for a reason, and that was because it was a place they could live off the natural resources, they could make use of them to raise their families. And gradually, over time, we have been denied that right, to where it is a little skeleton community now, and you folks have seen how it is like this, especially in Eastern Oregon. Please consider that, that overall ulterior driving force of what's before you today. We have so many rules, he cannot ride his bicycle without a helmet, because there's a rule. He can't use a cell phone in certain times and places because there is a rule. It is to the point of being stifling. You folks are in a position to help us remedy that in one small way.

**32. Ben McCanna, Resident of Harney County (In Opposition)**

Mr. McCanna has been here for about 35 years, on and off, because it is extremely hard to stay here and maintain a job in this particular area. He is going to reflect on points one, two and five. He came here originally, and he worked at a ranch out here, for a number of years, and the water came in, he got flooded out of his house, and he came back here and went to work at the Mill, worked there for eight years, and ended up getting chased out of that job because of the fact that we could not cut trees down anymore, and so then he went into correction, probably one of the biggest jumps he's ever done in his life, and he's been doing that for close to 10 years, and people here are talking about the trip back and forth from here to Salem, he makes that trip a lot. What he would like to say is just the fact that he lives here, he chooses to live here because it is a beautiful County, the people are really good people, and we struggle every day to survive over here, and he thinks that this particular thing that is going on will impact jobs in the end, and he thinks we need to produce the jobs, that is just the way it is. So, he has his house positioned so he can see the Steens, he loves the Steens, he goes down there, he camps, he goes fishing, he does all those things, but he asks the Council, when they're making their decision to please look at the community and how it will impact the community because we have been impacted a lot. And every decision that comes out of this council right here impacts each and every one of us.

**33. Sue Cobar, Former Harney County Resident (In Opposition)**

Ms. Cobar lived and worked in Harney County for two years. Not a lot, but she knows we talk a lot about the past in Harney County, and she'd like to address number five, and the future, and

specifically wind energy as a new technology. Harney County is isolated in a lot of ways, and wind energy is something we could do. We could have that, we could be a part of the new energy renewable that is happening throughout the United States and globally, and boy, she would like to see us connected in that positive way to the rest of the world. And she adds that she really admires Columbia Energy for sticking with it, working with the judges on getting this deal at least started, and she also wants to say that she is concerned about the comments that we could put a wind development in different parts of Harney County that weren't so sensitive, because she knows that would delay the economic development for a long, long time. And it could be 10 years before we got something else going. So, this is something they and Harney County have worked on for a couple of years. She encourages the Council to deny the petition and let's get going.

**34. Gretchen Bates, Harney County Resident (In Opposition)**

Ms. Bates has lived in Harney County for 11 years, she speaks on number one and number six. Her husband has been here for 20 years, he is a scientist at the experimentation, and he has had a research class on Steens Mountain for the last 20 years. She wants to urge the Council to deny this petition. She wants to talk about the spirit of the petition, she feels the spirit of the petition goes against the promise that we have as Americans, that we have our private life and that we can develop our economic opportunities on our private property. Capitalism promises all citizens the opportunity to forge their own futures using private enterprise and the free use of private property. When entities such as the government or other entities such as environmental groups usurp the rights of citizens through regulation, especially that promise of American life is lost. And this petition certainly represents the desire to steal our rights as private citizens to use our own economic property to economic growth, to take the economic opportunity to make money and to take care of our families and to take care of the future.

Ms. Bates thinks this petition represents the slippery slope. The other side would like to see the petition passed, but an agreement was already made in the year 2000, so it is a slippery slope. She feels the other side wants more and more regulation. Regulation here in Harney County is not what we need, Regulation is taking away our rights to develop our private property and to develop a future for our families. No development is the goal of ONDA, it seems to her ONDA's goal is to promote no development in any special areas. One gentleman said that Harney County and the Steens area was too special, Crater Lake was too special, Columbia Gorge is too special. The whole County to ONDA is special. All of Oregon is special. A lot of areas in America are special, but you've got to balance that against the needs of the citizens to develop their own private property and their economic futures. She urges the Council to think about this very carefully, to weight the petition against the future of our County, she thinks it represents a move in the wrong direction.

**35. Paul Zipser, Supervisor, Electrician and Long Term resident of Harney County (In Opposition)**

He's going to react to one and two, and maybe five. What it boils down to is we're buried in paperwork and nonsense and smoke and mirrors. And what we're encouraging the Council to do is just sit back and look at it with common sense and facts. If there is one thing ONDA lacks it is facts and common sense. They do not lack lawyers, time and money. They think that because they got married on the Steens that is going to affect you somehow. Someone else telling the Council that they got married on the Steens thinks that this will affect them somehow. This will not affect any activity they want to be on the Steens for, to get married, or whatever they want to do, this is private property. And where are we in the United States of America now, to dictate what a man will and will not do on his land? It is not right, it is not American. The economical factor, we are 20, 25 percent unemployed right now. The thousands of dollars that it could bring us, in this county. We can't overlook that. And the audacity for somebody to stand up here and complain that it is too far

to drive from Portland to have a meeting about Harney County in Harney County. He can't stomach it. We don't need this, it is just nonsense, step back and get rid of the smoke and mirrors, and look at the facts, common sense. They say they have members amongst the people in Harney County, I think it is maybe four, or they just came to Harney County. So, they don't represent Harney County. There would be a lot more people here if they could, but this represents Harney County, these people.

**36. Wilma Pedersen's (In Opposition)**

Ms. Pedersen's only affiliation with Harney County is her son, and a citizen. And she is listening to all these comments. And she would like you to consider that she knows that they love the Mountain, that it is important to love the Mountain, we all love the Mountain. He would never do anything to hurt the Mountain. And he lives, and he knows, and he has private property. And he knows where the property lines are and where the Mountain would be destroyed and where it wouldn't. And he would not allow anything to destroy that mountain. And what small area to what the government of Harney County is talking about is a very, very small area. And it is also the land that nobody goes there anyway, like Fred said, you'd be trespassing in private property if you go up to see where those towers were. And economically we've lived here ten years, and we've seen Burns go down, down, down, down.

Ms. Pedersen has seen young people have to move, a loss to Harney County, they have to move because there are no jobs. And even though there will be a small amount of fulltime work, the amount of money that will come into Harney County from the transportation, from the construction and the building and roads, that is going to be enormous for Harney County, because there is nothing now, and we just hate to see our young—Harney County is so open to young people. Anything that they want to do for sports and anything is open to them, and we need our young people to keep this County growing and healthy and strong. And we need the wind towers to give us that opportunity to keep our young families in this community, so that they can go. And she knows that the Audubon society is concerned, but she also knows that birds fly down the Columbia and there are towers everywhere. She knows that the land anywhere that there is any kind of something like that, nature abounds, because nature adjusts. And so, on behalf of the Harvey County people, she would like to see the Council deny that petition.

**37. Diane Rapaport, Harney County Resident (In Opposition)**

Ms. Rapaport has lived in Harney County for five years and is a Tai Chi teacher. She is here to ask the Council not to take this petition, and make it part of the rulemaking, and she asks the Council to do so for a couple of reasons. One, Columbia Energy Partners has already decided to take two of the properties under consideration for wind power and make it part of the siting process, part of that process if she understand it deals with conservation and environmental, economic development, maybe the issues that that you have heard talk about today. The second reason is that probably ninety percent of what you've heard today is for or against the actual proposal that ONDA is making, that is that you consider putting all that property as part of Federal areas. That whole issue was part of the reason that the Steens Act was passed, so that those contentious issues would come to some kind of peace, and as you have heard today, you will open up those contentious issues again one more time. Not only for the people of Harney County who spent so much time and energy trying to resolve those contentious issues among themselves, which led to a great deal of hardship and took a lot of courage to come to some agreement about, but you open that up again. And she thinks that it is redundant and unnecessary, so she asks the Council once again, she thinks the Council should deny the petition to enter into rulemaking. She thinks that you will find that if you take it into rulemaking and open up those issues, in fact the consequence will be, both intended

and unintended, to stall economic development and withdraw wind power for another five to ten years here. She doesn't know if that is a really great thing to do.

**38. Jay Winn, Harney County Resident (In Opposition)**

Mr. Winn is a local, he grew up here. He just wanted to address number three, the complexity of all this. And that has been the biggest issue that he had with most of what we heard going on, to him it is a simple case of two opposing ideas. Those of us that are rule type people that are from here, and people that recreate here. They see what we see every day, that is something where there isn't a lot about it, what they are wanting to protect is all they know. His family itself, his kids are eight generations here in Harney County. His family graveyard is on the foot of Steens Mountain, he buried his grandparents out there. We have ties to that land, you don't need to come here and protect us from ourselves, telling us what it is. And what he would like to see really is the question to be raised why do they feel like they need to protect something that already is cherished and treasured with more rules, and more rules, and more rules?

And the answer to that is because they don't like the fact that anybody is up there. They want it to be the way they want it. They want it to be the way that they see it in their mind's eye that they can come, visit and play and do everything else, and the reality is that there are people that live here. And why they are trying to protect, for lack of a better description, a place they can come play, he is trying to protect the interests of his family, his neighbors and his community, and the land that he is tied to, and he does love, and that he wants to see continue on in the way that it is. It is funny to him that they try to preserve something that is so special that it already had people on it for a hundred and some plus years, and think that they are saving something from people. That is not it at all, the real agenda is that they gripe and complain, yes you ONDA, with very little interest in anybody here in this room but your own self interests. You can do what you want, but you are visitors.

What would it be like if he was to go somewhere else in Oregon and press his agenda? Tell people that he wants the mountains back to wilderness in Mt Hood and let's jerk the highways out and everything, and hell, Portland probably was a beautiful place with those rivers running through it, and kick all the people out? The fact is that it is a very small group of people that chose to live here, and have, and want to stay living here, and would really appreciate it if you'd mind your own damn business, leave us alone, and go away. Don't come here, if you like it, come visit, but if you don't want to live here, which you don't, quit trying to have a big say. Quit trying to protect things that don't need protecting, quit trying to halt our own desire to do what we want to do. That we can live the way we want to, so you can come and marry your wives up here on the Steens Mountain, Mr. Winn will bury his kids up here and himself. He thinks he's got a little more than a stakeholder's option in it than somebody that vacations here a couple of times a year if that.

**39. Jean Thridner, Harney County Resident (In Opposition)**

Mr. Thridner has been a resident for well on thirty years, he is a retired Human Services Administrator for the last nine years, he was the County Mental Health Director. He is speaking on number five, economic change. Every day that BP's broken well belches into the Gulf, we realize that economic change is on it, and how fragile our energy system is. Who would have thought just two years ago that Wall Street and Europe's failure would all send us into the depth of this recession. So, he wants to talk just a moment about economic development in the sense of Harney County's economic infrastructure. If we don't have an economic infrastructure in Harney County, we may end up like some of the ghost towns that are scattered out across from the early homestead days.

It wasn't too long ago that we had a lumber industry. Twenty five percent of those receipts from the forest service went towards our County roads and our schools. 75 percent of our County is public land, so there is not a tax payment on that. There is a thing called 'in lieu of taxes for public lands', which is unpredictable and depends on Congress' authorization. We helped make lawyer homes, that slows down and is gone, down to all the nuts and bolts and everything that was there. We had a little Louisiana Pacific Mill, 120 or so employees, that closed down just a couple of years ago.

The County fought really, really hard, to be part of the State program of government support doing industry needed thing, in the industry of helping rehabilitate our offenders. And they would have some usage over here. You know, it is a constant fight to keep our share of the pie. And for self serving political reasons, the legislature budget people pulled us back, and they just did that not very long ago. It represents fifty jobs, that is a chunk in Harney County. It is very, very doubtful that Harney County will be able to attract major industry. We don't have a Nike, we probably aren't going to get a Twitter, or Facebook or an iPod. It's just not in the cards. But in the cards is the opportunity here with renewable power, renewable energy, which will improve our tax pay. All of these things may be nice if we can keep a County and an infrastructure. If we don't have a town here, a ghost town, there is no gas pump, you have to fill up on extra gas to get here. If you Google transmission lines, you will see a transmission line projected from Klamath Falls to Adrian over towards Boise, coming to the south end of the town. If you look at the opportunity this presents, and down road for the future, we need something in perpetuity that is going to help support and sustain the opportunity in Harney County to live here, please help give us an economic feature, please deny this petition.

**40. Sam Kaser (In Opposition)**

Mr. Kaser provided written comment. 'Steens Mountain, we don't need or want more bureaucracy, Harney County can and will take care of the Steens, get ONDA out of our hair and let us develop the generation to run our agriculture and industry'.

**41. Shawn Simpson (In Opposition)**

Mr. Simpson provided written comment. 'The wind in Harney County is a clean, natural resource, that should be utilized in a streamlined, easy to implement manner. The local community should have a say about our area, not people from other areas.'

**42. Dave Bilyeu, Steens Mountain Advisory Council (In Support)**

Mr. Bilyeu has been working in the region on the Steens Mountain Advisory Council as one of the members for three years. Appointments have not come through, he does not know if he will continue on that role, but the reason he wanted to do the work is the opportunity to get to know the Steens from many different perspectives, including yours. And in order to do that he spent time on the ranches, on the public lands and the private lands, and he greatly appreciates the opportunity to do that, and he thinks he knows many of the ranching families in the area. He thinks we are all going to end up in one of the situations, that has been one of the little struggles that he has seen in the region. He thinks if the Steens Mountain Advisory Council had a chance to look at the controversies and issues he is confident that the representatives of the SMAC could look at possible creative alternatives, and that is what the SMAC was charged to do, and the representatives charged to look for those kind of ideas to advance cooperation among vigilant stakeholders, among the different philosophies in the area. So, he thinks that from where he understands the process accepting the petition, the petition allows additional conversation, and the opportunity to bring more facts and opinions to the table.

**43. Marl Kane, Columbia Energy Partners (In Opposition)**

Mr. Kane wanted to clarify a few of the distortions that you've heard today, specifically in reference to the amount of developable land that is available in Harney County for wind energy development. You've heard today that there is an enormous amount of territory out there that could be developed, and what you have not heard, is that a major portion of that land that shows on a resource map, as being a viable resource, is within wilderness, it's within WSA's, and it's within other restricted areas. When you extract that, you bring it down to a very, very small area that can truly be economically developed in the County. So, it is very important to keep that in mind, that all of the area that is represented is not truly available. He urges the Council to deny the petition.

**44. Chris Briels (In Opposition)**

Mr. Briels thanks the Council for making the trip here and the people of Harney County who have been working for three years, town hall meetings and fields down in Frenchglen and in Burns, we've spent untold numbers of hours working with the community, and he thinks you get some sense of that, from listening to the comments that have been made here today. He mentions a terrific working relationship with this community, it is a wonderful place, and these are great people who are really looking for something to happen, a positive thing for Harney County. He wants to especially thank Harney County Judge Steve Grasty and Dan Nichols, who worked tirelessly with us on this project, and have been terrific allies and advocates for it. They are great people to work with, and we are really appreciative of that. The issue that he wanted to speak on is there is no need for this petition, and that is very clear. In a way he is kind of sorry that you guys are here today, because what he'd like to see the Council do is come back if we come forward with the application for these projects that we're talking about inside the CMPA. And that is the appropriate place to address these issues. There is a process in place to do that.

If we come forward with an application, then we can have this debate, and ONDA and everybody else can be part of that debate, and that is the time we ought to be having it. He does want to say that he is disappointed to be here today, because we were initially in a process to bring these projects through the County, at ONDA's request we withdrew those projects from the County process and committed to them and you that we would bring these projects to FSC. So, there is no need for this, let's work together to have a good process in FSC with the people of Harney County fully involved, and that is what we are going to be doing. He thanks the Council again on coming down, and he is looking forward to working with the Council in a process that is in place, no need for this petition, please deny it.