

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES

Wednesday, June 15, 2016 at 7:00 pm

Chairperson Patti Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Vice Chairman K.C. Duerig, Jeff Blanksma, Ed Oppedyk, Sue Fish and Dave Holland. Also present were Attorney of record Phil Miller, Director Alan Christy and staff members Beth Bresnahan and Kacey Ramsauer. Also present were County Wildlife Consultants Beth Colket and Mark Pollock and County Engineer Lance Warnick.

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

Cat Creek Energy, LLC for a Conditional Use Permit for transmission lines in the Agriculture and Area of Critical Concern Overlay Zones. Case Number: CUP-2015-03. The site is located in portions of Sections 26 and 35, Township 1N, Range 9E, B.M., Sections 2, 3, 10, and 11, Township 1S, Range 9E, B.M. A common way of locating the property is from Mountain Home travel US 20 north for 25.4 miles to Wood Creek Road. Center of projects is approximately 3.2 miles north on Wood Creek Road.

Cat Creek Energy, LLC for a Conditional Use Permit for pump storage hydro electrical generating facility in the Agriculture and Area of Critical Concern Overlay Zones. Case Number: CUP-2015-04. The site is located in portions of Sections 26, 27, 35, and 36, Township 1N, Range 9E, B.M., and portions of Sections of 1 and 2, Township 1S, Range 9E, B.M. A common way of locating the property is Mountain Home travel US 20 north for 25.4 miles to Wood Creek Road. Center of projects is approximately 3.2 miles north on Wood Creek Road.

Cat Creek Energy, LLC for a Conditional Use Permit for a PV solar electrical generating facility in the Agriculture Zone. Case Number: CUP-2015-05. The site is located in portions of Sections 2, 3, 10, and 11, Township 1S, Range 10E, B.M. A common way of locating the property is Mountain Home travel US 20 north for 25.4 miles to Wood Creek Road. Center of projects is approximately 3.2 miles north on Wood Creek Road.

Cat Creek Energy, LLC for a Conditional Use Permit for a wind turbine electrical generating facility in the Agriculture and Area of Critical Concern Overlay Zones. Case Number: CUP-2015-06. The site is located in portions of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 21, 22, 28, 29, 30, 31, 32, and 33, Township 1S, Range 10E, B.M., Sections 19, 20, 28, 29, 30, 31, 32, and 33, Township 1N, Range 10E, B.M., Sections 25, 26, 27, 35, and 36, Township 1N, Range 9E, B.M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24,

Township 1S, Range 9E, B.M. A common way of locating the property is Mountain Home travel US 20 north for 25.4 miles to Wood Creek Road. Center of projects is approximately 3.2 miles north on Wood Creek Road.

Cat Creek Energy, LLC for a Conditional Use Permit for a substation in the Agriculture Zone. Case Number: CUP-2015-07. The site is located in portions of Sections 2 and 11, Township 1S, Range 9E, B.M. A common way of locating the property is Mountain Home travel US 20 north for 25.4 miles to Wood Creek Road. Center of projects is approximately 3.2 miles north on Wood Creek Road.

Osborn stated she wanted to disclose for the record that she is an employee of Idaho Power. She stated that to the best of her knowledge Idaho Power does not have any economic interest either actual or potential in the project proposed by Cat Creek Energy, LLC therefore, after considering the issue and consulting with legal counsel, I will be participating in this process.

Osborn asked if the applicant had any response to this disclosure.

Terry Pickens Manweiler is the attorney for the applicant. She stated that she appreciates the disclosure and she cannot imagine at this time having any objection to Osborn sitting on the panel.

Christy gave a summary of the rules for the public hearing.

Christy gave the staff report and background.

Terry Pickens Manweiler stated that Cat Creek Energy is owned by John Faulkner who is the property owner. She stated that James Carkulis is a consultant on the project as well as engineers and other consultants are present. She stated that if it is okay with the commission she will have them stand and introduce themselves.

Pickens Manweiler wanted to take the opportunity to thank staff and Christy for the really hard work they have done on this as it has been a long process getting to this point and it is greatly appreciated.

Peggy Beltrone is with Cat Creek Energy.

Dr. Roger Rosentreter is the wildlife biologist and botanist consultant for Cat Creek Energy.

Gordon Britton is a consultant on environmental matters for the project.

Hal Anderson is managing partner with Idaho Water Engineering and they are working on the water rights and water supply issue on the project.

Dr. David R. Tuthill Jr. is the owner of Idaho Water Engineering. He stated that they are working on the water rights in this matter.

Douglas Jones is working with Cat Creek Energy in their government relations piece of this project.

James Carkulis wanted to state for the record that not in attendance this evening is Ted Sorenson of Sorenson Engineering in Idaho Falls who is heading up the hydro division for the project, Nick Joston who is from Idaho Falls with Geo Sense who is heading up the federal licensing and Dr. Brad Sheppard who is very well known in fisheries and aquatic biology in Idaho and Montana.

John Faulkner is the President of Cat Creek Energy and it is tied in with Sawtooth Grazing Association which owns part of the land that we are talking about that is also the primary owner of Wood Creek Ranch. He stated that Wood Creek Ranch are his two sons Mike and Jack, Dr. Darwin Yoder is also a partner. He stated that Carkulis didn't say anything but he is a partner as well. He stated that he appreciates getting this far. He stated that it has been 20 months since we really got into the nuts and bolts of this and two years since they started working with Mr. Christy.

Carkulis stated that he has been asked to be the spokesman for Cat Creek Energy in this project.

Carkulis stated that this is a very interesting project. He stated that as an example of how things work today, Space X, Elon Musk's, Space Company, Tesla, things of that nature, they successfully launched two communications satellites today. He stated that they have a stage one thruster that is supposed to come back to earth and it's to be reusable but it crashed and their term for that crash was "unscheduled dismemberment." He stated that they do not intend to use those types of words to describe this project. He stated that it will be very straight forward and if there are any questions as to the terminology or what we have said please feel free to ask any questions because it is very important for everyone to understand exactly what this project is all about and what we are going to do with it.

Carkulis stated that Daryl Anderson who is the CEO of Idaho Power, and I think it's ok to say, at the 101st shareholders meeting said that they were working and have been hearing from communities and customers to move to a carbon free society. He stated that Anderson expressed under these terms that until technology evolves it is going to be very tough to get to a carbon free society. He stated that this is the evolution, this is how it evolves. He stated that the concept of pump storage hydro is not a new concept, the concept and the installation of wind turbines and PV solar, you have all of these in some form or another in Elmore County. He stated that this project is 29.7 miles away from a soon to be PV solar installation that you approved and its 14.5 miles from wind turbines that you have already approved. He stated that its 4.9 miles from the Anderson Ranch Dam generation. He stated that its 20.1 miles to the natural gas generator if Idaho Power so you have all these technologies and what we wanted to do as Cat Creek Energy and what the owners wanted to do is provide you with an interesting new concept, one where there is 27 gigawatts or 27,000 megawatts in the United States already and it's been around for well over one hundred years. He stated that this is something that if we work with in state it will augment the proliferation of much more PV solar and much more wind power than could possibly be imagined right now. He stated that when we look at this we should look at what it can do as opposed to why this is just beneficial for Elmore County.

Carkulis stated that when we think about what this can do for Elmore County we have to be sincere as to what we can best portray this project as and there are probably four categories that I think are very important here. One is obviously tax revenues. He stated that we are not experts on this but it should add a billion and a half dollars as far as tax base is concerned. He stated that you can look at this as far as the infrastructure is concerned. At this point in time the infrastructure will be installed that can provide maybe some relief regarding water in the future because that infrastructure will be in place to pump water from Anderson Ranch Reservoir. He stated the third and probably one of the most practical aspects of this is because of how this natural bowl is on top of the flats there is the ability to make it a 50,000 acre foot reservoir. He stated that project is going to use 20,000 acre feet and will recycle 40% of that on a daily basis. He stated that 30,000 acre feet is going to be desperately needed storage for irrigation for downstream users and it's a very important element that we are able to do that within reason and within cost because of the nature of the topography. He stated that when you look at this project you have to look somewhat in comparison. He stated that this is a 50,000 acre foot reservoir and next to it is Little Camas Reservoir, a man made reservoir by the way. He stated that it has a dam that it 40 foot high. He stated the proposed reservoir embankment will be somewhere between 50 and 60 foot high at its apex. He stated that Little Camas Reservoir is 1,280 surface acres and the proposed will be 1,045 surface acres. He stated Little Camas Reservoir is 18,800 acre feet when it's full and the proposed will be 50,000 acre feet so in the sense of comparison Little Camas is probably a good barometer for you if you're looking at it as to what size this is going to be.

Carkulis stated that the three technologies together are important because what this project intends to do is to be able to be a 100% renewable and firm project for electricity. He stated now that they have those three areas taken care of the last benefit is a pretty significant job creation certainly during the construction of this project and even more so as far as the operations of this project because there needs to be full time positions. He stated that in this particular situation just due to the nature of how the pump storage will work we are going to be looking at something that will be manned 24 hours a day so there is going to be a significant FTP/FTE job creation out of all this, somewhere in the neighborhood of 20 or 30. He stated that there should be hundreds and hundreds of jobs here for a good two years when this project gets to the point of construction.

Carkulis stated that they are asking you tonight to move all of these aspirations and make them achievements and make them goal oriented so we can move forward with this project. He stated that the team that has worked to move this to this stage right now is extremely experienced and they have lots of knowledge. He stated that they have much more to go there is no doubt about that and we don't have all the answers yet and we are not going to claim that we do but we think we have a pretty good idea, a little bit of common sense filtered in to all of that, of what the problems may be, what the mitigation strategy should be and unless there is some monkey in that wrench that we just don't know about we have covered most of the bases on this. He stated that obviously the state and federal processes will expand on that to some degree and probably narrow it down a little bit. He stated that why we came to you first is probably the most important element of all of this and I think it's important for everybody to understand is that we have seen far too often that when you move through the federal process it can sometimes overwhelm anything being done at the local level and it can have supremacy over anything the local level

can do and they don't want that to happen here. He stated that the owners wanted to make sure Elmore County had buy in on this and that they were vested in this and that they were vested in it for the entire federal process. He stated that they want Elmore County as partners in all of this. Carkulis stated that the basic process is that water is going to generate, water is going to be pumped. He stated that the model right now is generate in the day and pump at night although that may change as the world in the west is changing right now when it comes to electricity. He stated that we see more and more an overabundance of solar during the day and the last thing you want to do as a rate payer is compensate for somebody not to generate.

Carkulis stated that as we move through this there is nothing that should stand out as unique. He stated that all of this has been done before in Elmore County. He stated that they have come here today to present what they want to do and ask for approval for this and be able to start the federal processes. He stated that they have been involved with the feds and obviously they have their preliminary permit with FERC (Federal Energy Regulatory Commission) but we think this is important for you to have every opportunity now to be able to direct this project, help mold this project so as the feds and state go through all of this we have Elmore County involved in this as opposed to merely being another check off at the end of the day.

Dave Tuthill stated that he has taken a specific look at the water resources aspect and the water rights because of course in Idaho much of the water has been appropriated most of the time but what we find in this basin is the water is not appropriated all of the time. He stated that this year was a good example. He stated that by his computation, Anderson Ranch Reservoir has spilled a little over 90,000 acre feet of water. He stated that to put that in comparison to those who don't deal with water all the time, the Boise River basin provides about 2 million acre feet of water per year on average. He stated that this was a little better than average year so far that Anderson Ranch spilt so that is water that would be available for appropriation. He stated that the state constitution provides that water shall be available for appropriation if it's available and won't affect other users. He stated that they do have water in the Boise River basin that is like that. He stated that the water is there although not every year but it is there between 3 and 6 years out of 10 depending on how we make the computations.

Tuthill stated that the concept here is a 50,000 acre foot storage reservoir with the first 20,000 acre feet for power production. He stated that is water that's appropriated once and then is used back and forth through the year. He stated that there will be no leakage because the pond will be lined. He stated that there will be some evaporation somewhere in the neighborhood of 700 acre feet per year so that will have to be replaced by purchasing water in a dry year through the rental pool or by using some of the 20,000 acre feet each year. He stated that the project has room for 30,000 additional acre feet providing the total of 50,000 for the reservoir. He stated that those 30,000 acre feet could have been appropriated for the reservoir this year and put to beneficial use for municipal and irrigation uses downstream as there are users that need and want that water. He stated that the continuing need for that water in the Boise River basin is somewhere between 95,000 and 240,000 over the foreseeable future depending on the study that's read. He stated that the 30,000 will be a contribution towards the additional need but won't fully supply it.

Tuthill stated that the Commission is fully aware of another project that has been proposed by the Bureau of Reclamation to raise Anderson Ranch Reservoir by 6 feet also yielding 30,000

acre feet. He stated that they are supportive of building both projects. He stated that the water is there and on a good year there is water there for both projects. He stated that both these projects are mutually compatible. He stated that there is a need for the water and the water is there some years and the water would be appropriated when it is there. He stated that it doesn't conflict with the second fill issue that's been in the paper as we are taking water when water is spilled not when the reservoir is refilled so there is no conflict there. He stated that in his professional opinion having studied this project for more than a year that this is a good project. He stated that the reservoir site is ideal. He stated that there is natural space there with minimal construction for 50,000 acre feet. He stated that it is off stream so it does not have impacts that other projects will have. He stated from a water resources standpoint having looked at this hard over the past year it's his opinion that this is a good project as there is water and a need for it.

Oppedyk asked what will need to be done to the basin? He stated that he has read several times that it will be lined. He asked what kind of lining they will have to keep it leak proof?

Tuthill stated that this will be an expensive part of this project because this is about a 1,000 acre reservoir so the lining could either be bentonite lining or a rubberized material. He stated that it's going to cost tens of millions of dollars to line but the benefits are significant in terms of the project stability and the lack of water loss from day one that is a requirement of the design of the project.

Oppedyk asked if it will be built to capacity at first build out or is that something as water rights come later you'll raise the dam?

Tuthill stated that yes the intent is to build 50,000 acre feet from the start that year when fill can occur but to build it full size from the start.

Duerig asked during the dry years how will this project manage to maintain the 20,000 for generation as well as the storage if there is no spill from Anderson?

Tuthill stated that the 20,000 acre feet for power use will provide enough water to use back and forth. He stated it's about 8-9 thousand acre feet that will come up and come down each day so the 20,000 provides a buffer of about 11,000 and that buffer could be used to provide some of the evaporation which will be less than 1,000 acre feet per year. He stated that if we can't purchase any other water from an irrigation district or others than that water would be a buffer to be used during the dry years.

Duerig asked what kind of a worst case scenario that you would anticipate during a drought or a series of dry years?

Tuthill stated that there has really never been a drought like that but we have no idea what the future could provide. He stated that every year there is some water that flows out of Anderson ranch whether or not it's a flood spill there is water that is produced by the basin so this project would have the opportunity to purchase water for recovery for that evaporative loss from downstream users.

Dr. Roger Rosentreter stated that he is doing the wildlife and botanical consulting on this project. He stated that he has been involved in looking at the vegetation that is there trying to plan far ahead for revegetation on both the margins of the reservoir and what plants can be planted there and for wildlife migration like bats and sage grouse.

Gordon Britton stated that they engaged Rosentreter as their plant biologist because he was the best person we thought in Idaho to do this job. He stated that they have similarly engaged aquatic biologist Brad Sheppard because we thought he was the best person in Idaho and Montana, in particular an expert on bull trout which is a major concern. He stated that they will continue to engage other wildlife biologists of the same caliber and deep understanding of this area. He stated that his own responsibility in this project is the environmental dimension of the project and it all comes down to one issue. He stated that on 4 of the 5 conditional use permit applications the staff has wisely added a condition and that is prior to any construction, construction is an open ended term to be more narrowly defined, an updated wildlife mitigation plan must be submitted to Elmore County once the NEPA process is near completion. The wildlife mitigation plan shall be reviewed and approved by the commission for compliance for county ordinances including but not limited to standards for conditional use permits and environmental studies. He stated that the fact of the matter is that we have done a great deal of work on this project but a great deal of work remains to be done. He stated that the wildlife mitigation plan outlined 8 additional environmental studies that need to be completed, undoubtedly state and federal authorities will have other studies that they want to see completed. He stated that they have already begun active consultation with various state and federal agencies and we intend to continue that to find out what studies they've performed to find out how we can cooperate and collaborate with future studies. He stated that they Bureau of Reclamation for example has a water quality study under way and we want to cooperate in that study to the extent that we would include the impact of a pump storage hydro project on water quality in Anderson Ranch Reservoir. He stated that it is most appropriate for Planning and Zoning to proceed by allowing this project to go forward on condition that all of the required environmental studies are carried out and completed. He stated that it is best if the county places that condition at the beginning of the project and allows us to work very closely with state and federal agencies in determining exactly what kinds of information needs to be gathered and what kinds of models need to be developed. He stated that from his point of view this condition is essential and guarantees that the kind of information that we all need to ensure that the right sort of project is developed from an environmental point of view and any potential impacts are mitigated.

Osborn asked about water temperature and keeping that in check as it seems to be a concern at this point.

Britton stated that there are three water quality issues and those are temperature, oxygenation levels and the possibility of super saturation of the water and other kinds of gasses in the course of it being recycled. He stated that these are essential not only because we want to maintain Anderson Ranch reservoir fishery in general at the level at which it currently exists but also because bull trout, which are threatened species under the endangered species act, are sensitive to temperature variations as well as oxygenation levels. He stated as he mentioned previously the Bureau of Reclamation is gathering data at the present time and we look forward to cooperating with them and their study and having them include in it exactly what the effect on temperature and oxygen levels are going to be as a result of this project but at the moment we

simply do not know. He stated that we think that there would not be a large and important impact but we need to gather more data.

Dr. Roger Rosentreter stated that he just wanted to add on the water temperature that one of the ways that we are looking at water temperature as well as the other water quality features is by drawing the water deep in the reservoir. In the spring time you are filling with cold water and you're recycling up and down deep in the reservoir so you're not getting warm water, you're helping maintain cold water. He stated that our reservoir is similar to Little Camas but smaller in surface area but it's deeper so we keep the temperature of the water is kept cold that way.

Osborn stated that we will move to public testimony.

Terry Pickens Manweiler signed up in support. She stated that she has no further comment other than they really appreciate staffs time and that they have read through all of the conditions that have been proposed and they are absolutely okay with those conditions because they intend on the next couple of years working with the county to make sure those conditions are met and that we are working together as a team and to make sure the project is a success. She stated that they would not be investing the time and energy and quite frankly the resources and the money into this project if they didn't want it to be a success.

Shannon Pierson signed up in support but did not wish to testify.

Michael Arkoosh signed up in support but did not wish to testify.

Darwin Yoder signed up in support but did not wish to testify.

John Faulkner signed up in support but did not wish to testify.

Peggy Beltrone signed up in support. She stated that her role in this project with Cat Creek Energy is a special role ensuring we have very good public involvement and she just wanted to give the commission members a little bit of her background. She stated that she spent 16 years in Montana as a county commissioner and she is very familiar with process of looking at energy projects. She stated that she has been involved in wind projects, a coal project and a transmission project and have learned a lot of over the years. She stated that in a community where people are struggling and jobs are important you can tend to get very animated supporters behind a project. She stated that she has learned over the years that everyone's voice is important and as a development company and part of this team it's important for us to listen to everyone's concerns and try to address them in the public and if there is not enough time to have meetings with people who have concerns and go over those. She stated at this point that it is their strategy to sit down over coffee in a public meeting and acknowledge that people have concerns and that we would try to explain our position and not try to do it in a way that was too much of a cheerleader trying to show how important a project is to a community but recognize that people have a right to understand the project.

Jack Faulkner signed up in support. He stated that he is here to show support for this project and they are hoping that you all might join us to help this project along. He stated that there are

a lot of benefits to this project with offshore storage and could potentially benefit Elmore County as well as the Treasure Valley. He stated that this could be one of the biggest construction projects in Idaho's history creating a lot of jobs and also some permanent jobs. He stated that his family has been in business for close to 80 years. He stated that being a sheep man he has had to diversify over the years because there are not many sheep producers left in Idaho and this is one of the ways that they can potentially stay in business with agriculture and their whole operation.

Mike Faulkner signed up in support. He stated that he has been involved with water for about the past 25 years on the canal company and the pumper's board and one thing he has learned in Idaho is that we don't have enough water. He stated that the more water we can store for the future the better off we will be.

Douglas Jones signed up in support. He stated that he would speak in favor of this project for a variety of reasons. He stated that he has done the government affairs part of this project on behalf of Cat Creek Energy and as part of that he has talked to a variety of elected officials such as state legislators, Governor, Lieutenant Governor and various state agency heads. Jones stated he has not spoken to one person who did not think this was a viable project. He stated that he spoke with the speaker of the house who is a farmer/rancher in the Burley area who stated that he knew exactly where he wanted them to put the next project because he can see the benefit of water storage and power stabilization for the grid. He stated that this is the general reaction that he has gotten from everyone he has spoken to about this project. He stated that it is well supported and well understood at other levels within the state of what this can do not only for Elmore County but for the state as a whole. He stated that the power supply and the stability of the grid will help attract new business, particularly companies that want green power, to Mountain Home and to the Treasure Valley. He stated that when he was in the legislature 15 years ago or so they set up an interim committee to study aquifer recharge and it was broken into several subcommittees for various offices around the state and he was on the committee to look at the Mountain Home aquifer. He stated that he knows what the aquifer looks like and what it looked like then. He stated that the areas he used to farm for in fields south of town are now tumble weeds because the water was not there or it's been taken to be put somewhere else. He stated that this is an opportunity for Elmore County to potentially get some additional water for recharge. He stated that the cost of the infrastructure to bring water out of Anderson Ranch Dam just for that recharge purpose is extremely high. He stated that this project will build the infrastructure to put that water up next to Little Camas Reservoir where it could potentially move down into Mountain Home and into the aquifer. He stated that is not part of the project but it's an opportunity that is there if this project is built. He stated that a water right would have to be required on behalf of Elmore County or the groundwater district that's recently been formed here. He stated that is an opportunity that Elmore County does not want to pass up.

Ann Wilson signed up in support but did not wish to testify.

Christy moved on to neutral testimony.

Joe Cottrell is the reality specialist Bonneville Power Administration, Department of Energy. He stated that he wanted to reference a comment made by Christy in the introduction stating the applicant proposed to connect to corridor that Bonneville Power has that is existing. He stated

that Bonneville has not made a decision for or against that proposal. He stated that it is being discussed and reviewed right now and he wanted to clarify that. He stated that it is not a given and that Bonneville is still undertaking that proposal from the applicant. He stated that they are working with the applicant and the BLM (Bureau of Land Management) is the one that actually owns the corridor and Bonneville is there via permit. He stated that they have some concerns that will be expressed to the applicant regarding the proposing of collocation. He stated that Bonneville's interest is to do everything that they can to work with the county staff and with the applicant to answer any questions that they may have.

Christy asked when they may expect a decision on the collocation.

Cottrell stated that they are in the early stages right now and the applicant has a couple applications that they have to submit to Bonneville both to the planning group and also the reality side. He stated that it will be quite a while before the applications are submitted and before there is some type of decision.

Osborn asked what is considered a standard timeline for this type of decision.

Cottrell stated that this is a unique project so when you say standard this project has a lot of different moving parts for one project, if it was just a pump storage or if were just a wind project or just a solar project, would have a significant period of time. He stated that with the combination of all three it multiplies so he cannot give an exact timeframe.

Mike McDonald is with the Idaho Department of Fish and Game, Magic Valley Region. He stated that the department has been involved in various ways with this project for about a year. He stated that they have provided the county technical review and wildlife information and some fish information. He stated that he is present at the request of the county to answer any questions and to provide technical input regarding their review. He stated that he has nothing new to provide at this time.

Fish stated that she heard nothing in the applicant's presentation regarding the effects from the wind turbines or solar panels to our large game animals as this is a migration area for them as well as sage grouse. She stated where the solar panels are she sees elk there continually so what does the Fish and Game say about that.

McDonald stated that Fish is correct that there is a fairly substantial migration corridor there, primarily migration from high elevation summer habitats to lower elevation. He stated its mule deer, elk and some pronghorn. He stated they have been studying deer and elk populations in a statewide effort and it just so happens that one of the study areas is the Bennett Hills and Danskin Mountains and that information has been very useful as there are starting to get a better idea of the timing, magnitude and the actual location of these crossings and it does appear that the solar farm does lie within a fairly substantial corridor for deer and elk. He stated that they do not know what the affect will be. He stated that in dealing with these issues in other type of developments he would say that there will be some animals that will continue to use it and others that will find a different way around it but he does know the implications of that but it certainly is an issue that they did bring up in the their technical review and comments to the county and it is certainly something that warrants further study.

Osborn stated that McDonald mentioned other projects. She asked in his professional experience is it normal or standard for projects of this type to be permitted on a local level prior to state and federal?

McDonald stated that he has dealt with a couple of fairly large renewable energy projects in the Magic Valley region and this has not been the norm where there is a federal nexus.

Osborn asked McDonald based on his experience what was his opinion of the Wildlife Mitigation Plan that has been submitted.

McDonald stated that because they did identify issues, there is a general lack of site specific information and it is tough to then draw a conclusion about the adequacy of the mitigation that was proposed in the plan if we don't even know what the resources are to potentially be affected. He stated that was kind of a summary of our comments.

Sid Erwin signed in a neutral. He stated that he wanted to build a bit on Jones comments about recharge in that the value of this project could be well enhanced if there was communication between and the newly formed ground water district and the Elmore County in trying to secure some additional recharge.

Marie Kelner signed in as neutral. She stated that she is representing the Idaho Conservation League. She stated she wanted to ask the consultants what the source of the energy will be for the actual pumping. She stated that it is her understanding that it will be done overnight when other forms of renewable energy are often offline and there is some concern that it could just perpetuate carbon based energy by needing an energy source overnight while it is being pumped.

Colette Boguslawski signed in as neutral. She stated her main concern is Anderson Ranch Reservoir and would hate to see it compromised in any way shape or form. She stated that the hydro is a major component and she would hate to see it become algae filled. She stated that she is concerned for the wildlife in the area and their habitats.

Christy moved on to opposition testimony.

Steve Sellman signed in as opposed. He stated that he and his wife own Fort Running Bear RV campground for 27 years. He stated that it is a beautiful area of Idaho and he just can't imagine this proposal for profit. He stated that it is going to ruin this area. He stated that his membership park is private. He stated that he has invested lots of time and money on his property. He stated that the applicants speak of being carbon free and good for the environment but they will destroy thousands of acres by building this. He stated that those testifying in support do not live here or close to this proposed project. He stated that the solar panels will be 10 feet from his front door and it's not right. He stated that he is in total opposition to this project. He stated the proposed wind turbines, solar panels and transmission lines will not be harmonious in appearance with the general vicinity as it is open grazing and general farmland. He stated this project will be extremely detrimental to the general area in terms of the natural and scenic features. He stated this area has no fire protection and with high intensity transmission lines it's almost a probability for fire. He stated that he feels that his welfare would be endanger living

next to these lines as they will only be 630 feet from them. He stated that after researching the World Health Organization says that these lines can cause headaches, fatigue, anxiety, insomnia, rashes and muscle pain as well as the risk of leukemia. He stated that they effects on animals and plants will be horrible. He stated that he has been there all these years and these people buy this property and now they want to make a bunch of money at our risk and our business. He read from the Elmore County Comprehensive Plan and Ordinance and its states *"the proposed use shall be designed, constructed, operated and maintained in such a way to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and such shall not change the essential character of the said area."* He read *"the proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development."* He stated that his business will lose a lot members when they come up and see this stupid stuff. He stated that it says police and fire protection are a requirement and that's not going to happen. He read *"the proposed use shall not involve uses, activities, processed materials, equipment and conditions of operation that are detrimental to either persons, property or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare and odors. The proposed should not result in the destruction, loss or damage of natural or scenic features."*

Christy entered the testimony submitted by Sellman in to the record as Opposition Exhibit # 1.

Magdalena Morris signed in as opposed. She stated that she is a member of Fort Running Bear RV Park. She stated that this area is one of those somewhat remote places left. She stated that its one of the most beautiful places that she has ever seen. She stated that her concern with this project is that it is a bad thing to do. She stated that although renewable energy is important, this is a massive project that will alter the entire Cat Creek area. She stated that it will affect birds of prey. She stated that the minute we do this it cannot be undone and the area will never be the same.

Wendi Combs signed in as opposed. She stated she lives in the area of this project and she strongly opposes it. She stated that the proposed site lies within a major wildlife migration corridor for mule deer, elk, pronghorn, raptors, songbirds, waterfowl, bats and fish. She stated that vast numbers of wildlife will be significantly compromised by the project. She stated that she believes this project proposes an unacceptably high risk to federally protected wildlife species such as the greater sage grouse, bald and golden eagle, peregrine falcon and the bull trout. She stated that this project will increase the traffic when bringing in the massive amounts of equipment for this project. She stated that the views of historical sites will be impeded by the large wind turbines. This project will have cause in revenue to the businesses in that area due to this large project swaying visitors from coming to the area to recreate and will decrease property values. She stated this area is very special to wildlife and should not be taken for granted. She stated that two years ago Anderson was at 25% capacity due to low snowpack. She stated that can happen and it will happen again.

Christy entered 4 items from Combs into the record as Opposition Exhibits # 2, 3, 4, and 5.

Peter Livers signed in as opposed. He stated that the commission members have a heard a very slick sales presentation from the applicants. He stated that being carbon free is not a universally held concept in terms of how energy should be produced and if we are going to

carbon free we are all going to have to stop exhaling. He stated that a big carrot was thrown out to the commission that 1.5 billion dollars in taxes a year is what he believes was the figure generated and so many new jobs would be created. He stated certainly many jobs would be created in building the project but exactly how many jobs would there be after that. He stated that he is confused by additional storage of water as it seems all the water comes from the same place in the mountains every spring. He stated that he has owned property at the Anderson Ranch Bluffs for 20 years and one year the reservoir was so low that one could not put a boat in at Elk Creek down by the dam, so we cannot count on a whole lot of water. He asked who really needs this power and is there a local need for it? He stated that there will be a local disruption of the beauty of our area by this project. He stated that this is going to spoil the beauty of his property. He stated that he does not particularly like to look at windmills aside from the impact on wildlife. He stated at night they look like an alien landing zone. He stated it will lower his property values across the reservoir.

Sean Knutz signed in as opposed. He stated that he owns property on the Anderson Ranch Bluffs. He stated that his concern is that the skyline will be ruined by these solar and windfarms. He asked if there will be a bond in place to ensure cleanup of the mess this will cause down the road. He stated a lot of energy and fuels will be used to dig out the hillsides to build this massive project and that is not goods for the environment. He stated that we don't really need this power as we can conserve energy as opposed to building it. He wants to know the price per kilowatt.

Barbara Livers signed in as opposed but did not wish to testify.

Dave Owen signed in as opposed. He stated that he lives in Pine and had not heard anything about this project until a few days ago. He stated that he wanted to know the price to produce a kilowatt of power and who is going to purchase it.

Joyce Owen signed is as opposed but did not wish to testify.

Mitchell Smith signed in as opposed but did not wish to testify.

Gary Street signed in as opposed but did not wish to testify.

Nancy Thompson signed in as opposed. She stated that she is the manager of the Mountain Home Visitors Center and last year they had over 8,000 visitors and of those they probably referred half towards the Anderson Ranch area for relaxation. She stated that her fear is that if there are wind and solar farms all along that route it will distract from the ability to promote that area for travel and tourism. She stated that travel and tourism is the number one moneymaker for the state of Idaho. She stated that we have to consider the fact that hunting and fishing do bring people to this area.

Frederick Thompson signed in as opposed. He stated that he retired from the Air Force to Elmore County. He stated that a drive from Mountain Home up Cat Creek is what convinced him to live in this area. He stated that the beauty of this area will disappear with the wind and solar farm there. He stated that he is concerned with water management and that only 1/3 of the time will we be able to use this because the water won't always be there. He stated to potentially destroy that area for something that may only be useable part of the time doesn't make sense.

He stated the tax revenue from this project will not replace the revenue lost from recreation that comes to that area.

Mike Grimmett signed in as opposed. I'm neighbors with Mr. Faulkner. My wife and I ranch up at Little Camas and I would not ever want to tell a landowner what he can and cannot do with his own private property, that's certainly not my intent. My questions are with the Board. I believe somehow or another we have put the cart before the horse. I heard in the testimony earlier tonight to be invested in this they want you to be their partner and I think that's something that they're trying to do to get you to endorse their project. So that they have that endorsement at the state and federal levels. There are things that are being said here. Jobs, we are going to get jobs here. If I had a nickel for every guy that came in to Elmore County and said he was going to make more jobs we'd be rich. We'd have more money than we'd know what to do with. You have to be careful of those catch phrases. Their intent is good but it doesn't necessarily always pan out that way. Especially here as we've seen in Elmore County. You know, being partners in a project, that's not your job. I heard one guy get up and say it's going to take tens of millions of dollars to line that thousand acre pond. That's a heck of a lot of investment into this project that's not even got an ok from anybody yet. Another thing is the one gentleman stood up and said he had heard from the Governor and the Lieutenant Governor and what a great job this was. That's hearsay. I didn't hear the Governor say that. I'm sure you didn't either. You have to be careful with these things. We have to be careful with what we say and how we present the facts when we come to make our decisions.

There was no further public testimony.

Osborn called a 5 minute recess.

Osborn called the meeting back to order.

Osborn asked if there was any additional written testimony to be entered into the record.

There was no additional written testimony.

Christy stated that he received an agency exhibit, a business card and he entered it into the record as Agency Exhibit # 1. He stated that the applicant and their consultants have also brought a series of maps and explained that those would have to be held at the office for a day or two to ensure they are entered into the record correctly. He stated those will be entered in the record as Applicant Exhibits # 1-5.

Lance Warnick stated that it may be helpful as the applicant during rebuttal to clarify if all three of the energy producing components stand alone or if they rely upon the others to be operational.

Beth Colket wanted information regarding the environmental impacts of the bentonite lining.

James Carkulis gave his rebuttal to the public testimony. He stated that there are a number of questions and concerns and they will try to address them all. He stated that they are valid

concerns because they come from the heart and these people are sincere and it's important to try and address all of those concerns to the best of our ability.

Carkulis addressed the question from Warnick. He stated that all of these components must work together for this particular project because they all have a fundamental reason why they exist. He stated that they all interact with what the goal of this project was and that is to provide 100% firm renewable resource which goes to Marie Kelner's question and it's a great question and that has to do with the Idaho Conservation League. He stated that when they first met with them a year ago the question they had to deal with was with the pumping that is necessary here and it's going to be on a daily basis and where those kilowatts are going to come from. He stated that they do not know that yet. He stated that he said that the goal was to make this a 100 % renewable energy project and hopefully as it transpires they will find the sources that can be contracted for the power generation for the energy load that will be renewable.

Carkulis stated that that this is a private project and what it will cost to produce this energy on a kilowatt hour basis has a lot of determining factors. He stated this is a 1.5 billion dollar project. He stated that tax revenue will have to be assessed by the county assessor. He stated they believe it will be the largest tax payer to Elmore County. He stated that there are too many variables right now to say what the final cost may be for a kilowatt hour.

Carkulis stated that nobody that lives in that area is living in a natural environment. He stated this environment has been changed radically over the last 60 to 70 years. He stated the first most major impact on wildlife habitat being the creation of Anderson Ranch Reservoir. He stated that was a huge impact but now people seem to think that its sort of part of the natural environment given in fact that it's been around so long one can make that assessment with good validity. He stated that Little Camas Reservoir was man made in 1912 that now has a subdivision on the eastside that was recently platted and that also changes the look there and the impact on wildlife as well. He stated that US 20 is probably the most major impact to migration up there as they have to cross it and they are adaptable because they have been doing it for years. He stated the greatest impact to wildlife migration in that area has been wolves. He stated that wind turbines are gargantuan and you see them now as you drive down Hwy 20 and at night the lights flash in unison. He stated that they think they can do a fairly substantial job regarding avian mitigation as doppler radar has now been redefined to where it interacts with wind turbines. He stated they can program the lighting given the blessing of the FAA to where the lighting will only come on when a plane is within range. He stated the Doppler radar also identifies fog, birds and their flight patterns. He stated turbines can be feathered and can be shut down but none of this is to say there won't be bird fatalities because there will but they can be mitigated to the highest degree they can outside of the fact that there is just a physical structure that birds will run into. He stated that he won't say this is a major flight migration because all of the information given has been from the Lucky Peak area but they will find out.

Carkulis stated that if the use of bentonite occurs it's only going to be below the liner. He stated that some type of butyl liner will be used. He stated that they can't have bentonite exposed to air as it cracks. He stated that it may be used to help with the sand as far as what's going to be underneath the liner but the liner itself is going to have to be a manmade type of liner that is going to withstand the next 40 to 50 years at minimum.

Tuthill responded to the water issues mentioned. He responded to Ms. Combs regarding droughts and the drawdown of the reservoir. He stated that when the reservoir is full it holds 477,900 acre feet of water and the active portion of that is 413,100 acre feet so the water that can't be drawn out 64,800 acre feet. He stated the water used by the project will be somewhere between 8 and 9 thousand acre feet per day so even if all the water is drained out of the reservoir that can be the 8 to 9 thousand acre feet would be going into a pool that would be at the very minimum 64,800 acre feet just to give you an idea. He stated that means that this is intended to be a 24/7 365 day a year operation and there is a capability of using this water every day of every year.

Tuthill responded to Dr.Livers question regarding the same water in the basin being used in this project. He stated that it is not the same water. He stated that the water that would be appropriated for this project is water that would otherwise be sent down as floodwater down the Boise River and hit the Snake. He stated it would be an additional supply that otherwise would be lost.

Tuthill responded to Mr. Thompson's question regarding water management. He stated that the state has a system called Water District 63. He stated it is very detailed in its management of the water.

Tuthill stated in about one third of the years there is flood water that can be used to recharge the 30,000 acre feet for municipal and irrigation and that is in additional to the 20,000 acre feet used for power and that is there all the time.

Tuthill stated that this appropriation would be subject to downhill uses.

Tuthill stated that when the water is frozen the water would go up and down as this is going to be operated 24/7.

Fish asked who they have to get permission from to use the flood water from the reservoir.

Tuthill stated that this would be an appropriation of water from the state department of water resources so there is an application for permit to appropriate water that will be filed. He stated that it will be advertised and there would be opportunity for protest.

Fish asked if they are into negotiations with the department or not.

Tuthill stated that the application has not been filed as it is a very detailed process. He stated that no appropriation can be made until the water right is issued.

Warnick asked how much fluctuation would there be in the new reservoir and in Anderson Ranch.

Tuthill stated that typically the reservoir is operating at a 50,000 acre foot level and the raise is a little under 3 feet and the lowering is also a little under 3 feet. He stated that there is less

fluctuation when the reservoir is totally full and more when it's less full. He stated at the new reservoir they anticipate a fluctuation of 9-20 acre feet up and down typically.

Rosentreter stated that the wind turbine footprint is really small so there is room for migration there. He stated that the sage grouse have the most migration issues from hitting fences and the applicant has flagged his fences to prevent the sage grouse and other game from hitting them.

Doug Jones wanted to thank the commission for their public service to this community.

Carkulis stated that they appreciate the time tonight and they want them to be partners and be vested in this project.

Osborn stated that that deliberations on this item will be July 13, 2016 at 7:00 pm in the upstairs courtroom at the Elmore County Courthouse.

Osborn closed this public hearing.

Osborn called a 5 minute recess.

MINUTES AND RECCOMENDATION

Minutes from 06-01-2016

Duerig moved to approve.

Holland seconded.

Motion carried unanimously.

Recommendation for ZDA-2016-01

Duerig moved to approve.

Holland seconded.

Motion carried unanimously.

INFORMATION ITEMS

Upcoming P & Z Schedule

Christy stated that there will be a special meeting on July 13, 2016 at the courthouse. He stated that there is another regularly scheduled meeting on July 20, 2016 at 7:00 pm at the American Legion Hall. He stated that there is no meeting July 6, 2016 due to the Independence Day holiday.

MEETING ADJOURNED at 9:58 pm.

Approved

Approved

Patti Osborn

7.13.16

Patti Osborn, Chairperson

Date:

Alan Christy

7.13.16

Attest: Alan Christy, Director

Date: