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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Scott and Kathy Siebe Docket No. CD22-8-000

NOTICE OF PRELIMINARY DETERMINATION OF A QUALIFYING
CONDUIT HYDROPOWER FACILITY AND SOLICITING COMMENTS AND
MOTIONS TO INTERVENE

(July 22, 2022)

On July 12, 2022, as supplemented on July 20, 2022, Wallowa Resources Community Solutions, Inc., on behalf of Scott and Kathy Siebe, filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA). The Siebe Ranch Hydropower Project would have an installed capacity of 2 kilowatts (kW), and would be located along an irrigation pipeline in Enterprise, Wallowa County, Oregon.

Applicant Contact: Joe Basile, 401 NE 1st St., Suite A, Enterprise, OR 97828, 541-561-4426, joe@wallowaresources.org.

FERC Contact: Christopher Chaney, 202-502-6778, christopher.chaney@ferc.gov.

Qualifying Conduit Hydropower Facility Description: The project would consist of: (1) an approximately 10-foot by 12-foot powerhouse containing three Pelton units with a combined capacity of 2 kW, and (2) appurtenant facilities. The proposed project would have an estimated annual generation of approximately 16,000 kilowatt-hours.

The project discharges water to Siebe Creek, a natural body of water. Because the discharge would not be withdrawn downstream by part of the same water supply system, the applicant requests waiver of the discharge requirement under 18 C.F.R. 4.30(b)(30)(iv).

A qualifying conduit hydropower facility is one that is determined or deemed to meet all the criteria shown in the table below.

Table 1: Criteria for Qualifying Conduit Hydropower Facility

Statutory Provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A)	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i)	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii)	The facility has an installed capacity that does not exceed 40 megawatts.	Y
FPA 30(a)(3)(C)(iii)	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The proposed Siebe Ranch Hydropower Project will not alter the primary purpose of the conduit, which is to transport water for irrigation. Therefore, based upon the above criteria, if the requested discharge requirement waiver is granted, Commission staff preliminarily determines that the operation of the project described above satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is **30 days** from the issuance date of this notice. Deadline for filing motions to intervene is **30 days** from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the "COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY" or "MOTION TO INTERVENE," as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.¹ All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may send a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Locations of Notice of Intent: The Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (i.e., CD22-8) in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. Copies of the notice of intent can be obtained directly from the applicant. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659.

Debbie-Anne A. Reese,
Deputy Secretary.

Legal No. 311159
Published: August 3, 10, 17, 24, 2022

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WALLOWA COUNTY PLANNING DEPARTMENT
WALLOWA COUNTY COURTHOUSE
101 S. RIVER ST. Rm. #105
ENTERPRISE, OR 97828
541-426-4543 ext. 1170

Public Notice

Notice is hereby given of a public hearing to be held by the Wallowa County Planning Commission on **Tuesday, August 30, 2022**, at 7:00 pm in the Court Room, 2 nd floor of the Wallowa County Courthouse.

NASH AMD#22-02 – The Wallowa County Board of Commissioners amended Appendix 9.1 of the Wallowa County Comprehensive Land Use Plan with an updated Economic Opportunity Analysis (EOA). This EOA proposed to change the zoning on 10 acres of property described as Township 02 South, Range 45 East, Section 06, Tax lot 1601 currently zoned Exclusive Farm Use (EFU) and owned by Todd and Angela Nash. If approved, 10 acres would be rezoned to Rural Service (R/S) and the Wallowa County Comprehensive Land Use Plan and associated zoning maps would be revised.

RURAL RESIDENTIAL AMD#22-03 – *Continued from July 26, 2022.* Proposed Amendment, AMD#22-03, requested by the Wallowa County Planning Commission would allow Accessory Dwelling Units in the Rural Residential (R-1) Zone. This request affects 362 total parcels encompassing 1,785 acres outside the cities of Wallowa, Enterprise, and Joseph.

The September Planning Commission meeting is scheduled for Tuesday the 27th.

These matters will be reviewed for conformance to the WCCLUP and all relevant WCLDO Articles, and any other applicable goal, regulation or ordinance of Wallowa County or the State of Oregon. All applications and draft staff reports may be reviewed in the Planning Dept. Monday – Thursday from 7:00 am to 5:00 pm. Written comments must be received by the Wallowa County Planning Department – 101 S River St. Room 105, Enterprise OR 97828 – by 3:00 pm on **Tuesday, August 30, 2022**. Oral comments may be given at the time of the hearing, which is open to the public. For persons with disabilities that wish to attend, please call at least 24 hours before the meeting so accommodations may be made.

Please see the Wallowa County website for information on how to access this meeting remotely: <https://co.wallowa.or.us/community-development/land-use-planning/>

Georgene Thompson, Chair
Wallowa County Planning Commission

Legal No. 311472
Published: August 10, 17, 24, 2022

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PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the City of Enterprise Planning Commission is scheduled to hold a Public Hearing located at 102 E. North Street on Tuesday, September 6th, 2022, at 7:00 p.m.

The following applications will be heard:

- Applicant Eric Sinclair is requesting approval of a Condition Use Permit to allow for an Air B&B in a Residential-3 Zone. The subject property is:

406 & 406 ½ Depot Street
Enterprise, OR 97828
Map No. 02S44E02AC, Tax Lot No. 1400
- Applicant Madeline Marin-Foucher is requesting approval of a Condition Use Permit to allow for an Air B&B in a Residential-2 Zone. The subject property is:

207 NE 1 st Street
Enterprise, OR 97828
Map No. 01S44E35DD, Tax Lot No. 5700
- Applicant Leah Johnson is requesting a Variance Permit for the purpose of allowing a 6 (six) foot fence in a Residential-1 Zone. The subject property is:

301 SE 5 th Street
Enterprise, OR 97828
Map No. 02S44E01BB, Tax Lot No. 2200
- Applicant Josh Kissinger is requesting a Site Plan Review for the purpose of constructing a tri-plex on a Residential-3 lot. Subject property is:

400 SW Montclair
Enterprise, OR 97828
Map No. 02S44E02BA, Tax Lot No. 6200

For information regarding Enterprise Municipal Code review criteria, contact Lacey McQuead at lmcquead@enterpriseoregon.org or by phone at (541) 426-4196 x 3.

Lacey McQuead, Planning Manager
Enterprise Planning Commission

Legal No. 312570
Published: August 24, 2022

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I'm late,
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10:00 am
Monday

– White Rabbit
Alice in Wonderland