

Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

Oregon Dept. of Energy
550 Capitol St. NE

July 22, 2022



Opening Items:

- Call to Order
- Roll Call
- Announcements

Announcements:

- For those attending in person:
 - Comment Registration Cards are available on the table.
 - GovDelivery Sign Up Cards to receive project information by email are also on the table
- Those participating via phone or webinar, please mute your phone and if you receive a phone call, please hang up from this call and dial back in after finishing your other call
- For those signed onto the webinar, please do not broadcast your webcam

Announcements continued:

- Please silence your cell phones
- If you would like to address the Council, please do not use the speaker phone feature, because it will create feedback
- Energy Facility Council meetings shall be conducted in a respectful and courteous manner where everyone is allowed to state their positions at the appropriate times consistent with Council rules and procedures. Willful accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the Council meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080, any person who engages in unacceptable conduct which disrupts the meeting may be expelled.

Agenda Item A

- May Council Meeting Minutes
- June Council Meeting Minutes
- Council Secretary Report

Agenda Item B (Action Item)

Wildfire Prevention and Response Rulemaking Adoption of Permanent Rules

July 22, 2022

Christopher. Clark, EFSC Rules Coordinator

Presentation Overview

- Background and Procedural History
- Summary of Proposed Rules
- Overview of Public Comments & Recommended Responses
- Council Consideration of Permanent Rules

Background - Rulemaking Process



Background - Wildfire Policy In Oregon

- The Oregon Public Utility Commission (PUC) opened a rulemaking related to wildfire risk mitigation and planning in August 2020.
- SB 762 (2021) established new standards for electric utility Wildfire Protection Plans, statewide risk analysis, and wildfire mitigation efforts.
- The PUC adopted permanent rules for Wildfire Protection Plans in December 2021. Supplemental rulemaking is ongoing.
- Oregon's three investor-owned electric utilities submitted 2022 Wildfire Protection Plans to PUC in December 2022. All were approved.

Background – Need for Rulemaking

- Climate change is increasing the frequency and severity of wildfires in Oregon and across the Western United States.
- Several catastrophic fires, including the 2018 Paradise Fire in California, were found to have been caused by electric infrastructure.
- Documented cases of wildfire at or caused by renewable energy generation facilities or associated transmission lines have raised concerns about fire safety.



Photo Credit: North Gilliam Fire Protection District.
Source: <https://katu.com/news/local/wind-turbine-sparks-fire-in-arlington>

Background - Rulemaking Objectives

- Minimize the risk of a facility subject to the Council's jurisdiction causing a wildfire
- Ensure that sufficient programs and procedures are in place to ensure the protection of public health and safety in the event that a wildfire does occur at an energy facility site, regardless of the source of ignition.
- Maintain consistency with the wildfire mitigation rules adopted by the PUC to the extent possible.

Procedural History

Item	Date
Council initiates rulemaking	October 22, 2021
Staff solicits written comments from Tribes	January 4, 2022
Staff conducts rulemaking workshop	January 27, 2022
Council approves proposed rules	May 27, 2022
Staff issues Notice of Proposed Rulemaking	June 1, 2022
Public hearing	June 23, 2022
Public comment Deadline	July 21, 2022
Council consideration of permanent rules	July 22, 2022

Summary of Proposed Rules

- Adopt a new standard which would require the Council to find that:
 - An applicant has adequately characterized wildfire risk associated with a proposed facility
 - The facility will be operated in compliance with a Council-approved wildfire mitigation plan.
- Provide that the Council may approve a facility without making these findings if the facility is subject to a wildfire protection plan approved by the Public Utility Commission or the governing body of a consumer-owned utility.
- The new standard would apply to the review of any application for site certificate or request for amendment of a site certificate that is filed on or after the effective date of permanent rules.

Summary of Public Comments

- One person provided oral comments at the June 23, 2022 rulemaking hearing.
- As of July 12, 2022, one written comment had been provided on the proposed rules.
- The deadline for written comments is 5:00 pm on July 21, 2022.
- All comments received before that deadline will be provided to the Council before this agenda item.
- This section will be updated with a summary of major issues raised in public comments, and staff's recommended responses.

Council Decision on Permanent Rules

Option 1

Adopt the proposed rules, as presented in the NOPR, as permanent rules to be effective upon filing, (or later).

Option 2

Adopt the proposed rules as permanent rules, with modification, to be effective upon filing, (or later).

Option 3

Do not adopt permanent rules, provide additional direction.

Council Deliberation

Agenda Item C (Action Item)

Protected Areas, Scenic Resources, and Recreation Standards Rulemaking Adoption of Permanent Rules

Christopher Clark, EFSC Rules Coordinator

Presentation Overview

- Background and Procedural History
- Summary of Proposed Rules
- Overview of Public Comments & Recommended Responses
- Council Consideration of Permanent Rules

Background - Rulemaking Process



Background

- The Council must adopt standards for the siting of energy facilities, including standards to address:
- Areas designated for protection by the state or federal government, including but not limited to monuments, wilderness areas, wildlife refuges, scenic waterways and similar areas. ORS 469.501(1)(c).
- Impacts of the facility on recreation, scenic and aesthetic values. ORS 469.501(1)(i).
- The Protected Areas and Scenic Resources Standards were last updated in 2007. The Recreation Standard was last updated in 2002.

Background – Scope and Objectives

- **Scope:** Address issues related to the Protected Areas, Scenic Resources, and Recreation Standards and associated rules.
- **Objectives:**
 - Ensure that the standards clearly identify the resources and values they are intended to protect.
 - Ensure that the standards are consistent with ORS 469.310.
 - Improve efficiency and effectiveness of Council’s review processes and procedures by resolving ambiguity, lack of clarity, and inconsistency in rule.

Procedural History

Item	Date
Council initiates rulemaking	October 22, 2020
Staff solicits written comments	November 6, 2020
Council review of preliminary feedback	April 23, 2021
	July 28, 2021
Staff conducts rulemaking workshops	August 18, 2021
	October 14, 2021
Council provides feedback on preliminary analysis and recommendations	February 25, 2022
Staff solicits comments on revised draft rules	March 7, 2022

Procedural History

Item	Date
Council considers proposed rules	April 22, 2022
	May 27, 2022
Council approves proposed rules	May 27, 2022
Staff issues NOPR	June 1, 2022
Rulemaking hearing	June 23, 2022
Last day for public comment	July 21, 2022
Council considers permanent rules	July 22, 2022

Summary of Proposed Rules

- **Protected Areas Standard**

- Require an applicant to identify the managing agency of any protected area in the applicable study or analysis area for the project, as well as a mailing address and any other reasonably available contact information, in the notice of intent and application for site certificate.
- Amend the Protected Areas Standard to remove the effective date for designations, allowing Council to consider impacts to protected areas that are designated prior to the filing of a complete application.
- Update and simplify the list of designations that are considered “protected areas” under the Protected Areas Standard and remove specific examples to reduce the need for future rulemaking.
- Clarify exception for when a linear facility may be located within a Protected Area.

Summary of Proposed Rules

- **Scenic Resources Standard**

- Amend Scenic Resources Standard to require assessment of visual impacts to State Scenic Resources.
- Makes clarifying changes to the Exhibit R requirements for visual impact assessments.

- **Scenic Resources and Recreation Standard**

- Amend the Recreation and Scenic Resources Standards to allow Council to consider evidence introduced into the record related to impacts to scenic resources and recreational opportunities outside the analysis area.

- **Administrative/Organizational**

- Move definition of “Protected Area” to Division 001.
- Specify that amended standards are only applicable to the review of applications or requests for amendment filed on or after the effective date of the rules.

Summary of Public Comments

- Three persons provided comment at the June 23, 2022 rulemaking hearing.
- As of July 12, 2022, no written comment had been provided on the proposed rules. The deadline for written comments is 5:00 pm on July 21, 2022.
- All comments received before the deadline will be provided to the Council before this agenda item.
- This section will be updated with a summary of major issues raised in public comments, and staff's recommended responses.

Council Decision on Permanent Rules

Option 1

Adopt the proposed rules, as presented in the NOPR, as permanent rules to be effective upon filing, (or later).

Option 2

Adopt the proposed rules as permanent rules, with modification, to be effective upon filing, (or later).

Option 3

Do not adopt permanent rules, provide additional direction.

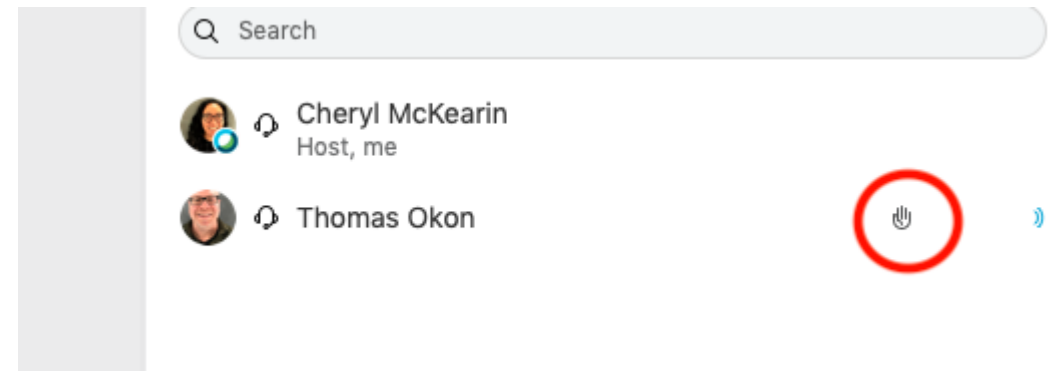
Council Deliberation

Agenda Item D (Information Item)

PUBLIC COMMENT

Phone Commenters: Press *3 to raise your hand to make comment, and *3 to lower your hand after you've made your comment.

Webinar Commenters: Open the Participant list, hover over your name and click on the "Raise Your Hand icon".



How to Raise Your Hand in Webex:

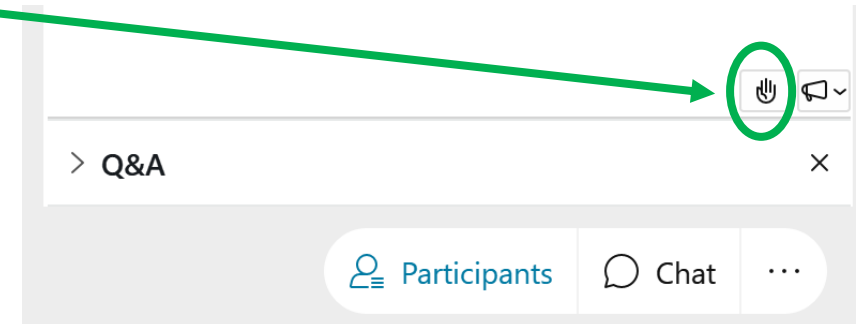
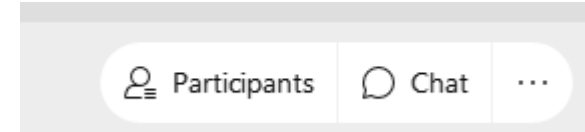
Webinar Participants

The bottom right of the main window is a set of icons:

Click on “Participants”

The bottom right of the participant window is a hand icon, click on the hand:

Clicking on it again will lower your hand.



Phone Participants

Press *3 on your telephone keypad to raise your hand.

Press *3 again on your telephone keypad to lower your hand.

BREAK

Agenda Item E (Action Item)

Carty Generating Station, Proposed Order on Request for Amendment 3 of the Site Certificate

Kathleen Sloan, Senior Siting Analyst

Presentation Overview:

- Facility Overview and Site Certificate History
- Request for Amendment (RFA) 3 Procedural History
- RFA3 Proposed Changes
- Proposed Order (Action Item)

Facility Overview

Certificate Holder:

Portland General Electric Company (PGE)

Type of Facility:

Carty Generating Station (CGS) consists of 2 components:

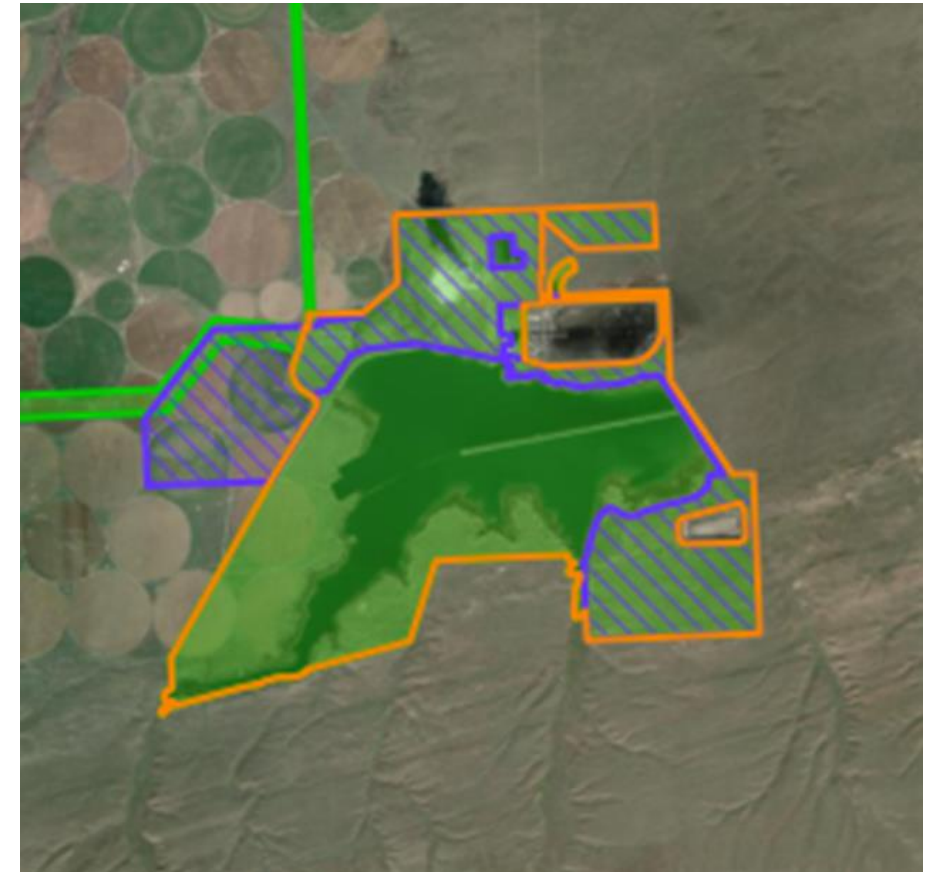
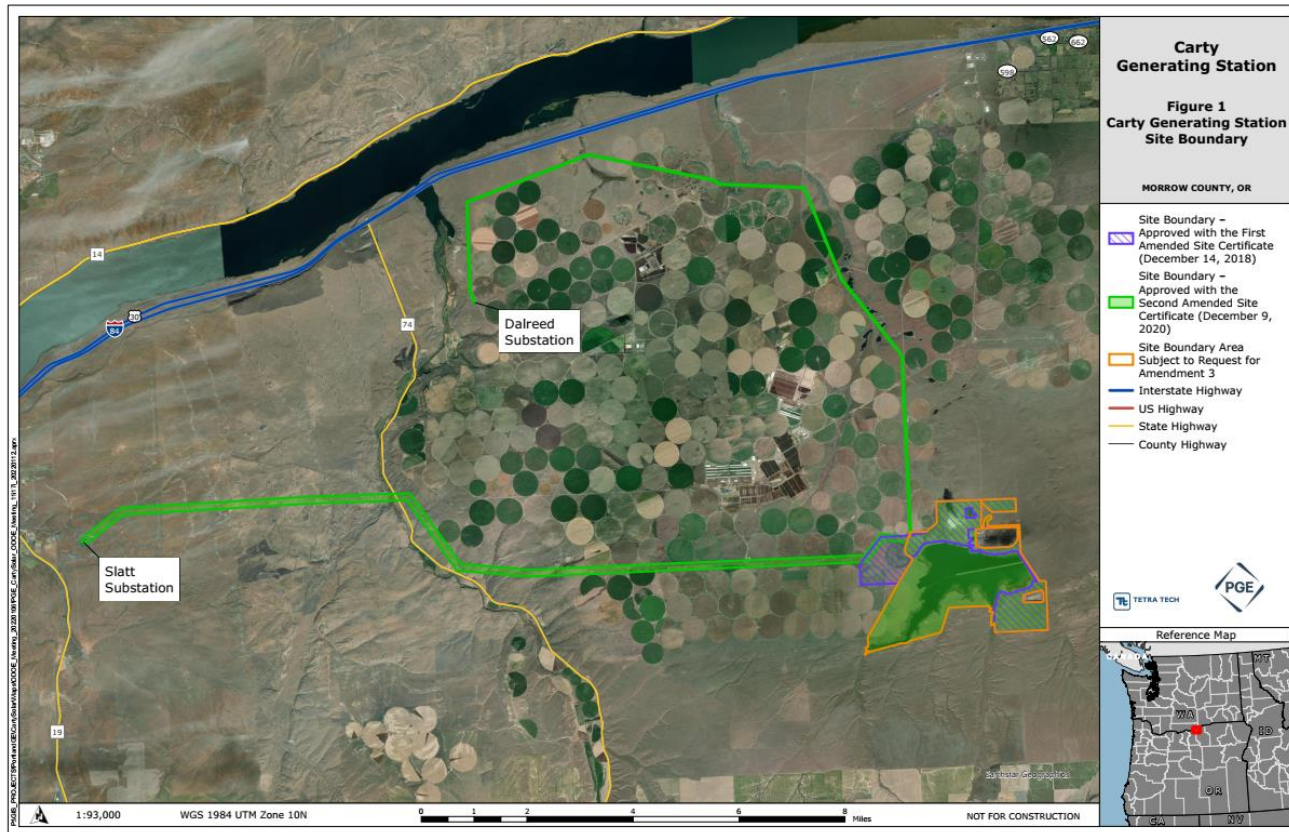
1. Operational 450 MW, combined-cycle natural gas-fueled electric generating power plant
2. 50 MW solar PV electric power generating unit (Carty Solar Farm)

Related or Supporting Facilities:

- Grassland Switchyard; Carty substation; 17 mile, 500 kilovolt (kV) Slatt Transmission Line; 16 mile, 230 kV Dalreed Transmission Line; and the Carty Reservoir;
- Electrical collections system and 2.25 to 3 mile 34.5 kV transmission line

Facility Site/Site Boundary Location

Carty Generating Station : Site Boundary 4,997 acres



Carty Solar Farm Area – RFA3 Area: 315 acres

RFA3 – Requested Modifications

- Requests to extend the deadlines for beginning and completing construction of the Carty Solar Farm of the facility by three years.
- The proposed change would extend the construction commencement deadline from February 4, 2022 to February 4, 2025 and completion deadline from February 5, 2025 to February 4, 2028.
- There will be no physical alterations to the approved facility.
- Type B Amendment Review

RFA3 – Requested Modifications

Condition Changes

- General Administrative Conditions 4.1(ii) and 4.2(ii)

4.1(ii) The certificate holder shall begin construction of the Carty Solar Farm by ~~February 4, 2022~~ February 4, 2025

4.2(ii) The certificate holder shall complete construction of the Carty Solar Farm by ~~February 4, 2025~~ February 4, 2028

RFA3 – Procedural History

Requirement	Responsible Party	Date
Preliminary Request for Amendment 3	Certificate Holder	02/03/2022
Complete RFA3 Received	Certificate Holder	06/10/2022
Type B Determination	ODOE	06/17/2022
Draft Proposed Order Issued (Type B)	ODOE	06/17/2022
Comment Period (26-days)	ODOE	07/12/2022
Proposed Order/Public Notice	ODOE	07/15/2022
Council review of Proposed Order	EFSC	07/22/2022
Final Order/Amended Site Certificate	EFSC	TBD

Review of Proposed Order

Overview of Comments received:

The Department received comments from the following reviewing agencies on the preliminary Request for Amendment 3 (pRFA3):

- Morrow County SAG
- Oregon Department of Environmental Quality
- Oregon Department of Fish and Wildlife

Review of Proposed Order

Comments Received on Draft Proposed Order: The Department received 3 comments on the record of the DPO:

- Oregon Department of Fish and Wildlife – no comments or concerns.
- Oregon Department of Aviation – request for condition on FAA requirements.
- Certificate Holder (PGE) – editorial comments and scriveners edits.

Review of Proposed Order

RFA3 relied upon analysis and evaluation of the Carty Solar Farm conducted as part of the RFA1, RFA2 and, updated desktop reviews and evaluation under each standard, and incorporated those findings into the Draft Proposed Order on RFA3.

The Department recommends that Council find that RFA 1, 2, and 3 (and associated record of proceedings) provide a preponderance of evidence that the certificate holder can satisfy each Council standard.

RFA3 is needed due to changes in Boardman Coal Plant operations and competitive bidding process.

Overview of Proposed Order

No substantive changes in findings in Proposed Order for the following standards:

- Organizational Expertise
- Structural Standard
- Soil Protection
- Land Use
- Protected Areas
- Retirement and Financial Assurance
- Fish and Wildlife Habitat
- Threatened and Endangered Species
- Scenic Resources
- Historic, Cultural and Archaeological Resources
- Recreation
- Public Services
- Waste Minimization
- Siting Standards for Transmission Lines
- Noise Control Regulations
- Removal-Fill Law
- Water Rights

Overview of Proposed Order

General Standard of Review [OAR 345-022-0000]

Proposed Order, Section III.A.

- The Department recommends that Council find that RFA 1, 2, and 3 (and associated record of proceedings) provide a preponderance of evidence that the certificate holder can satisfy each Council standard.
- RFA3 is needed due to changes in Boardman Coal Plant operations and competitive bidding process.

Overview of Proposed Order

Organizational Expertise [OAR 345-022-0010]

Proposed Order, Section III.B.

- Since 2017 Certificate Holder has received one warning letter from Oregon Department of Environmental Quality (DEQ) on a self-reported water quality issue that was resolved with DEQ.
- Since 2017, 2 incidents have been reported (blade liberation and transformer spill) to ODOE as required by compliance and regulatory processes.

Overview of Proposed Order

Structural Expertise [OAR 345-022-0020]

Proposed Order, Section III.C.

- Preliminary geotechnical investigations were conducted in 2016 for the Carty Solar Farm area..
- Soil erosion and collapsibility were identified in 2016 as a potential site hazard.
- No new seismic or non-seismic hazards identified in desktop review for RFA3.
- Existing Condition 5.4 requires site-specific geotechnical (seismic/non-seismic hazards) analysis prior to construction to be used to inform final design of solar farm.

Overview of Proposed Order

Soil Protection [OAR 345-022-0022]

Proposed Order, Section III.D.

- Certificate holder conducted updated review for soils as part of RFA3
- No new soils identified in the Carty Solar Farm area as a result of review of Natural Resources Conservation Service (NRCS) data from 2021.
- Permanent impacts to soils from Carty Solar Farm estimated at 321.5 acres
- Existing site certificate conditions 9.1 through 9.5 are to require erosion control measures and monitoring during construction and operations.

Overview of Proposed Order

Land Use [OAR 345-022-0030]

Proposed Order, Section III.E.

- Substantive changes in law since Council's previous evaluation include the Land Conservation and development Commission's solar rules change specific to high value farmland.
- Carty Solar Farm does not impact high value farmland soils.

Overview of Proposed Order

Protected Areas [OAR 345-022-0040]

Proposed Order, Section III.F.

- Certificate holder identified one new potential protected area (Arlington wayside Park) during RFA3 review for an updated total of 10 Protected Areas in analysis area.
- The Department does not recommend Council find this resources meets the definition of a Protected Area under Council's standard.
- The Boardman Research Natural Area is closest Protected Area- over 2.5 miles from Carty Solar Farm. And was previously found to not be impacted by construction or operation of Carty Solar Farm.
- Department recommends no significant impacts from construction or operational noise, traffic, water use or wastewater disposal, or visual impacts from Carty Solar Farm structure on any Protected Area.

Overview of Proposed Order

Retirement and Financial Assurance [OAR 345-022-0050]

Proposed Order, Section III.G.

- RFA3 review found no changes in tasks, actions or methods in estimating facility retirement and decommissioning costs for the Carty Solar Farm.
- \$3.2 million in Q2 2022 dollars reflects present day value for site restoration
- Updated bank letter was submitted in April 2022 by certificate holder for RFA3 is sufficient evidence that certificate holder can obtain required bond or letter of credit prior to construction.

Overview of Proposed Order

Fish and Wildlife Habitat [OAR 345-022-0060]

Proposed Order, Section III.H.

- Certificate holder conducted desktop analysis for RFA3 and identified no new habitat identified in analysis area since RFA1.
- Consultation with ODFW concurred with no new habitat categories identified for RFA3 analysis area.
- Existing Condition 5.5 requires proof an HMA for final total of permanent impact acres has been secured and will be managed for long-term enhancement.

Overview of Proposed Order

Threatened and Endangered Species [OAR 345-022-0070]

Proposed Order, Section III.I

- Previous analysis for RFA1 identified potential for Lawrence's milkvetch and Washington Ground Squirrel (WGS) habitat in Carty Solar Farm area.
- Updated desktop reviews, literature searches, and ODFW consultation conducted for RFA3 did not identify any new species of concern or need for additional, new survey requirements as a result of RFA3.
- Preconstruction survey requirements are required under Condition 10.14 to ensure avoidance of T&E species and still apply.

Overview of Proposed Order

Scenic Resources [OAR 345-022-0080]

Proposed Order, Section III.J.

- Prior analysis identified Blue Mountain Scenic Byway and a site and segment of the Oregon National Historic Trail (the Boardman segment and Well Springs site) as important scenic resources within the analysis area with closes at 2 miles away.
- Previous analysis and Council findings conclude Carty Solar Farm construction or operations will not be visible from 2 miles away and not impact scenic resources.
- RFA3 updated analysis by certificate holder, and evaluation by the Department, confirm no new or existing scenic resources closer than 2 miles from the facility since RFA1 and no new impacts.
- Council previously imposed Condition 13.1 to require minimization of temporary, construction-related noise to minimize any potential noise impacts to the ONHT.

Overview of Proposed Order

Historic, Cultural, and Archaeological Resources [OAR 345-022-0090]

Proposed Order, Section III.K.

- Prior SHPO concurrence for the Carty Solar Farm was received for archaeological resources (sites objects and NHRP eligible) in 2017 and 2018.
- Certificate holder conducted updated literature searches and records searches and identified no new archaeological resources and no changes in analysis area.
- Inadvertent Discovery Plan per condition 11.6 has been updated updated with new contacts and will protect any unidentified resources during construction or operations.
- The Confederated Tribes of Umatilla Indian reservation (CTUIR) are included in monitoring and survey protocols on the existing site certificate.



Overview of Proposed Order

Recreation [OAR 345-022-0100]

Proposed Order, Section III.L.

- Prior reviews identified one important recreational opportunity is located within the 5-mile analysis area: the Oregon National Historic Trail (ONHT), approximately 2.1 miles south of the Carty Solar Farm.
- Council previously found that the solar farm construction and operation *would not* have significant direct or indirect (noise, visual or traffic) impacts on the use or access to the portion of the ONHT because of its distance from the solar farm, and the use of access roads that would not impact traffic in or out of the ONHT.
- Certificate holder performed updated literature reviews for RFA3 and identified identified no new recreational resources.
- Council previously imposed site certificate condition 13.1 to reduce noise impacts during construction is still applicable.

Overview of Proposed Order

Public Services [OAR 345-022-0110]

Proposed Order, Section III.M.

- Certificate holder provided updated letters from fire protection and police services in 2022 that demonstrate they have a continued ability to meet demand/needs and maintain levels of services.
- The Department evaluated the information from RFA1 and RFA3 and found no changes in service level or demand for public services as a result of RFA3.
- The construction and operation of Carty Solar Farm will not result in impacts to sewer treatment or stormwater drainage or service levels because it would be provided on site.

Overview of Proposed Order

Public Services [OAR 345-022-0110]

Proposed Order, Section III.M.

Reviewing Agency comments received from Oregon Department of Aviation identified the potential need for the certificate holder to submit FAA Form 7460-1 Notice of Proposed Construction or Alteration, if applicable.

Based on review of ODAV comments, the Department recommends that Council amend condition 5.6 to add Carty Solar Farm (Unit 2) and require the certificate holder complete the FAA determination prior to construction.

Overview of Proposed Order

Waste Minimization [OAR 345-022-0120]

Proposed Order, Section III.N.

- Existing Conditions 6.3 and 10.22 require that waste management plan for construction and operations be prepared and implemented.
- The certificate holder maintains an existing Water Pollution Control Facilities (WPCF) permit (100189), issued by Oregon Department of Environmental Quality (DEQ) which is governed and incorporated into the site certificate.
- Department identified no changes in waste quantity or disposal methods as a result of RFA3.

Overview of Proposed Order

Division 23 Standards

Proposed Order, Section III.O.

- Facility is not a non-generating facility therefore Division 23 is not applicable to RFA3 or Carty Solar Farm.

Division 24 Standards

Proposed Order, Section III.P.

- No changes were identified in RFA3 that would result in previous evaluations of induced current, voltage or proximity of Carty Solar Farm transmission lines from structures identified in RFA3.
- Previous modeling for Carty Solar Farm 34.5 kV interconnection transmission line would not exceed 9-kV per meter at one meter above ground level. Still applies to RFA3.

Overview of Proposed Order

Other Regulatory Requirements

Proposed Order, Section III.Q (Starting on page

- Noise –
 - No new noise sensitive properties identified in RFA3 review and closest is over 2 miles away from Carty Solar Farm.
 - Continues to comply with ambient-degradation and maximum min noise level standards.
- Removal Fill –
 - No removal fill permit required for Carty Solar Farm.
- Water Rights –
 - No water right, transfer or limited use license requested.
 - No changes in water use estimates as a result of RFA3
 - Condition 12.4 requires evidence of water permit or third-party source prior to construction.

Department Recommendation

- The Department Recommends that Council make the above-noted findings of fact, as presented in the Proposed Order, for each applicable EFSC Standard.
- The Department recommends that Council approve the Proposed Order as the Final Order, with existing and amended conditions, and issue a site certificate, for Amendment 3 for the Carty Generating Station.

Council Decision on the Proposed Order

Option 1

Approve Proposed Order and Adopt Final Order

Option 2 Staff Recommendation

Approve Proposed Order with Modifications and adopt Final Order

Option 3

Deny Proposed Order, direct staff to make changes and re-issue Proposed Order

Council Deliberation

Agenda Item F (Action Item)

2022 Carbon Dioxide Emissions Standards Rulemaking - Adoption of Permanent Rules

Christopher Clark, EFSC Rules Coordinator

Presentation Overview

- Background and Procedural History
- Summary of Proposed Rules
- Overview of Public Comments & Recommended Responses
- Council Consideration of Permanent Rules

Background - Rulemaking Process



Background – Existing Standards

- To obtain a site certificate, applicants proposing to construct and operate a carbon dioxide emitting energy facility must demonstrate compliance with the applicable Carbon Dioxide Emissions Standard.
- All applicants have demonstrated compliance by agreeing to provide funds to The Climate Trust (TCT) in “an amount deemed sufficient” to offset excess emission. The required amount is determined using the monetary offset rate in OAR 345-024-0580.
- Council may increase or decrease the monetary offset rate by up to 50 percent in any two-year period based on:
 - Empirical evidence of the cost of offsets; and
 - Council’s finding that the standard will be economically achievable with the modified rate.

Background – HB 2021 (2021)

HB 2021 (2021) establishes new requirements for new and amended site certificates for fossil-fueled power plants:

ORS 469.413. *Notwithstanding ORS 469.320 and 469.405, the Energy Facility Siting Council may not:*

*(1) Issue a site certificate for a new generating facility that produces electric power from fossil fuels * * * unless the council determines that a new generating facility will generate only nonemitting electricity as defined in ORS 469A.400; or*

*(2) Approve the amendment of a site certificate for an energy facility described under subsection (1) * * * in a manner that would significantly increase the gross carbon dioxide emissions that are reasonably likely to result from the operation of the energy facility.*

Background – Need and Authority for Rulemaking

- HB 2021 is effective without further Council action, but rulemaking is needed to clarify relationship between new requirements and existing standards.
- Legislature did not define what level of change would “significantly increase the gross carbon dioxide emissions” likely to result from operation of an existing facility. Resolving this ambiguity through rulemaking may provide certificate holders with additional certainty.
- Existing standards have limited applicability in the future, but additional updates of the emissions standards and carbon monetary offset rate may still be justified.

Background - Existing Fossil-Fueled Power Plants

Project Name	Status	Date Site Certificate Issued	Carbon Standard Applicable
Boardman Coal	Decommissioned	2/27/1975	No
Hermiston Generating Plant	Operational	3/11/1994	No
Coyote Springs	Operational	9/16/1994	Yes (Unit 2)
Hermiston Power Project	Operational	3/26/1996	Yes
Klamath Cogeneration	Operational	8/15/1997	Yes
Port Westward Generating Project	Operational	11/8/2002	Yes
Klamath Generating Peakers	Operational	9/27/2005	Yes
Carty Generating Station	Operational	7/2/2012	Yes
Perennial Windchaser Station	Not Built*	9/23/2015	Yes

*On April 27, 2022, Perennial-WindChaser LLC. notified ODOE that it intended to terminate its Site Certificate for the facility.

Background - Scope & Objectives

- **Scope:** Implement ORS 469.413 and update existing carbon dioxide standards and rules.
- **Objectives:**
 - Implement standard for new fossil fueled power plants and amend application requirements accordingly.
 - Implement standard for existing fossil fueled power plants and explain how Council will determine what a significant increase in emissions is.
 - Update existing carbon dioxide standards based on most efficient technology currently operating in the US.
 - Update monetary offset rate based on empirical evidence of offsets.

Procedural History

Item	Date
Legislature enacts ORS 469.503(2)	June 26, 1997
Legislature passes HB 2021	June 25, 2021
ORS 469.413 takes effect	September 25, 2021
Council approves proposed rules	April 22, 2022
Staff issues NOPR	April 29, 2022
Hearing and original public comment deadline	June 23, 2022
Extended public comment deadline	July 11, 2022
Council consideration of permanent rules	July 22, 2022

Summary of Proposed Rules

- Amend OAR 345-024-0500 to incorporate new requirements of HB 2021 and clarify the standards applicable to the review of an application for a new fossil-fueled power plant.
- Amend OAR 345-024-0550, 345-024-0590, and 345-024-0620 to reset emissions standards based on the most efficient gas-fired combined cycle combustion turbine plant that is commercially demonstrated and operating in the United States.
- Amend OAR 345-024-0580 to increase the monetary offset rate from \$2.85 to \$4.27 per ton of excess carbon dioxide emissions.

Summary of Proposed Rules

- Amend OAR 345-020-0011 and 345-021-0010 and adopt new rules to establish specific application requirements for fossil-fueled power plants and other facilities that emit carbon dioxide.
- Amend OAR 345-027-0375 to implement new requirements for amendments to existing site certificates for fossil-fueled power plants and defining what is considered to be a “significant increase” in gross carbon dioxide emissions.
- Non-substantive organizational and clerical changes to the rules, including but not limited to relocating carbon specific definitions to division 024 and repealing unnecessary rules.

Summary of Public Comments

- Four persons provided comments at the June 23, 2022 rulemaking hearing.
- The extended deadline for written comments was 5:00 pm on July 11, 2022. As of the deadline, the Council had received 12 comments from 11 organizations and individuals.
- All comments received before that deadline have been provided to the Council.
- This section will be updated with a summary of major issues raised in public comments, and staff's recommended responses.

Summary of Public Comments

Date	Commenter
4/29/2022	Jynx Houston
6/22/2022	Columbia Riverkeeper, Verde, Rogue Climate, Earthjustice and Friends of the Columbia Gorge
6/22/2022	League of Women Voters of Oregon
6/22/2022	Portland General Electric Company
6/23/2022	Avista Corporation
6/23/2022	Joint Energy Advocates (Climate Solutions, Renewable Northwest, Metro Climate Action Team Steering Committee)
6/23/2022	Green Energy Institute at Lewis & Clark Law School
6/23/2022	Kathy Moyd
6/23/2022	Oregon Department of Energy
6/26/2022	Martha Dibblee
7/11/2022	Kathy Moyd
7/11/2022	Oregon Solar + Storage Industries Association

Council Decision on Permanent Rules

Option 1

Adopt the proposed rules, as presented in the NOPR, as permanent rules to be effective upon filing, (or later).

Option 2

Adopt the proposed rules as permanent rules, with modification, to be effective upon filing, (or later).

Option 3

Do not adopt permanent rules, provide additional direction.

Council Deliberation

Working Lunch Break

Agenda Item G (Information and Action Item)

**Boardman to Hemingway Transmission Line - Council Review of
Proposed Facility, EFSC Review Process, and Proposed Order
Standards not in Contested Case**

Kellen Tardaewether, Senior Siting Analyst

Agenda Item Overview

Standards not associated with contested case

- General Standard of Review
- Organizational Expertise
- Waste Minimization
- Siting Standards for Transmission Lines
- Removal Fill
- Water Rights

Review of each standard will consist of

- Overview of the standard and any issues of note in the Proposed Order
- Council questions
- Straw Poll to either affirm findings of fact, conclusions of law and conditions of approval in the Proposed Order or to note any changes by Council to be included in the draft of the Final Order

Next Steps In Council's Review

Proposed Order Review, Proposed Contested Case Order Review and Exceptions Hearing (standards where there are contested case issues)

- Kellen presents portions of each standard not related to contested case issues.
- Council conducts straw poll on portion of each standard unrelated to filed exceptions.
- Council Counsel presents each contested case issue where exceptions were filed in addition to any filed responses to exceptions.
- Oral testimony on filed exceptions by person(s) who filed exceptions.
- Idaho Power and the Department are allowed to respond to oral testimony.
- Council conducts straw poll on filed exceptions.

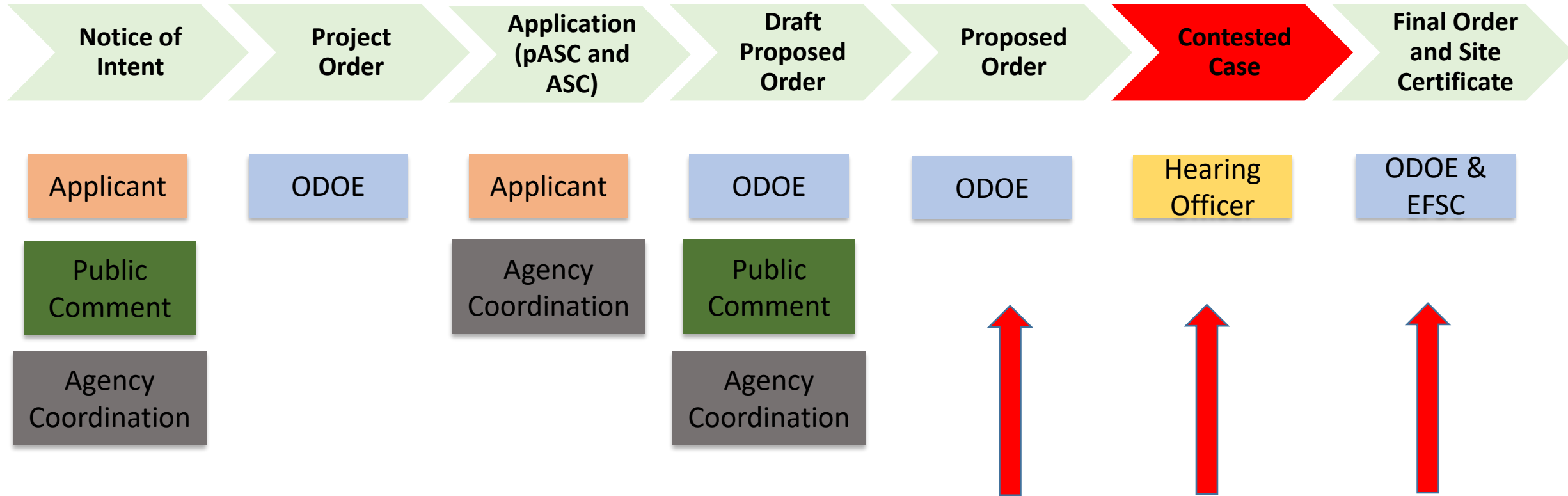
Next Steps In Council's Review (cont'd.)

Department Issues Draft Final Order and Notice of Hearing to Adopt Final Order (Material Change Hearing)

Material Change Hearing and Hearing to Adopt Final Order

- Material Change Hearing
 - Parties may provide oral testimony on any material changes identified in the Draft Final Order.
 - Idaho Power and Department may respond to the oral testimony of any other party.
 - Council questions and straw poll
- Council Hearing to Adopt Final Order

Energy Facility Siting Process



Procedural History

Milestone	Responsible Party	Date
Notice of Intent (NOI)	Applicant	July 2010
Preliminary Application for Site Certificate (pASC)	Applicant	February 2013
Amended Preliminary Application for Site Certificate (ApASC)	Applicant	July 2017
Second Amended Project Order	ODOE	July 2018
Application for Site Certificate (ASC)	Applicant	September 2018
Draft Proposed Order (DPO)	ODOE/EFSC	May 22, 2019
DPO Comment Period (92-days)	Public/Applicant	May 22 - August 22, 2019
Applicant Response to DPO Comment Deadline	Applicant	November 07, 2019

Procedural History (cont'd.)

Milestone	Responsible Party	Date
Proposed Order Issued	Department	July 2, 2020
Contested Case Process Initiated	Hearing Officer	July 2020
Proposed Contested Case Order (PCCO) Issued	Hearing Officer	May 31, 2022
Deadline to File Exceptions to PCCO	CC Parties	June 30, 2022
Deadline to File Responses to Exceptions	CC Parties	July 15, 2022
Review of Standards not Related to Contested Case	Council	July 22, 2022 Council Meeting
Review of Standards Related to Contested Case; Review of Exceptions; and Exceptions Hearing	Council	August Council Meeting?
Draft Final Order Issuance	Department	Early September?
Material Change Hearing and Hearing to Adopt Final Order	Council	September Council Meeting?

Proposed Facility

Transmission Line System (Across 5 Counties)

- Approx. 300 mile 500 kV transmission line
- Remove 12 miles of 69 kV transmission line
- Rebuild 0.9 mile of 230 kV transmission line and 1.1 mile of 138 kV transmission line

Alternative Route Segments (33.3 miles)

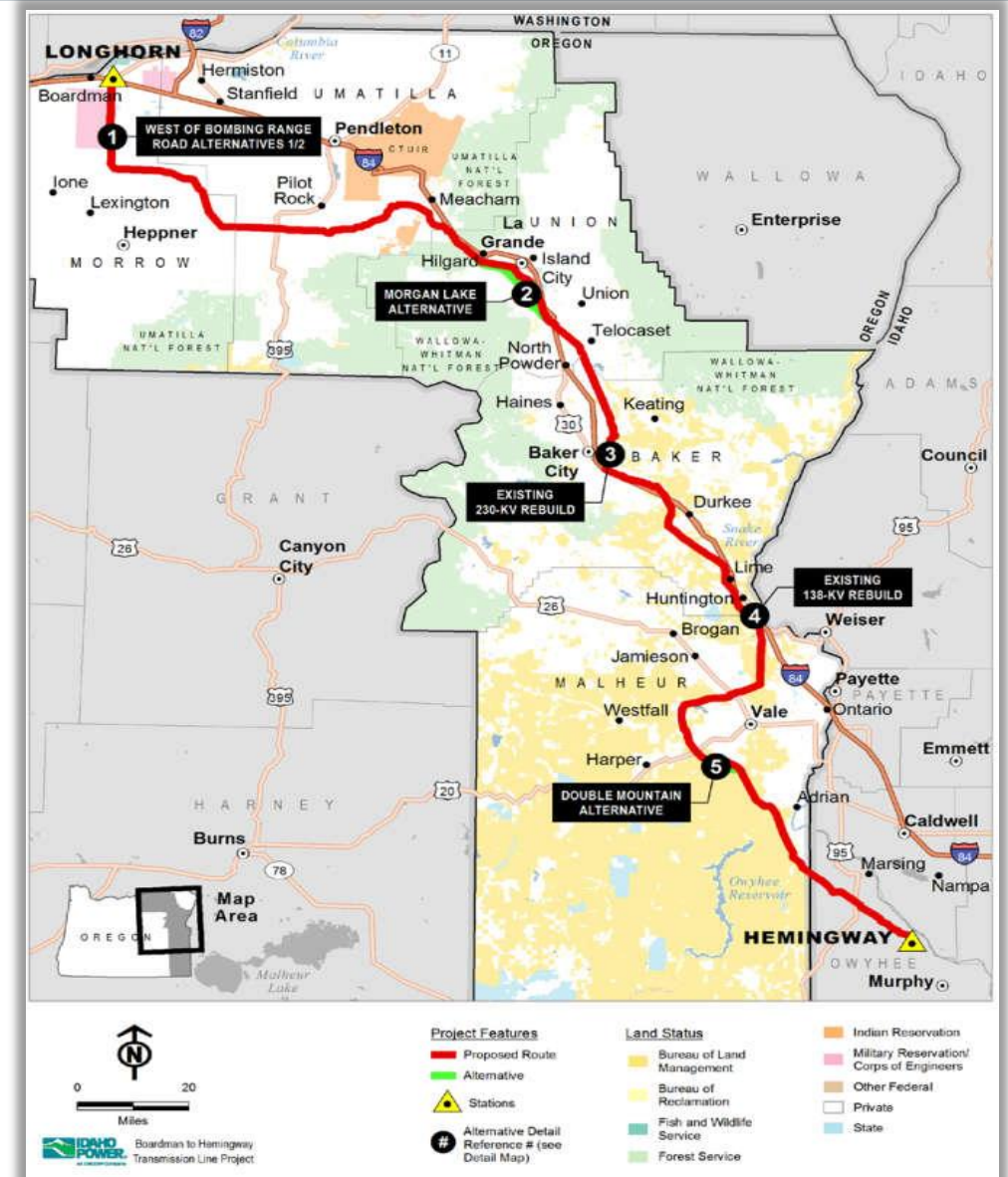
- 4 route segments, 3.7 – 18.5 miles, in Morrow, Union and Malheur counties

Station

- Longhorn Station

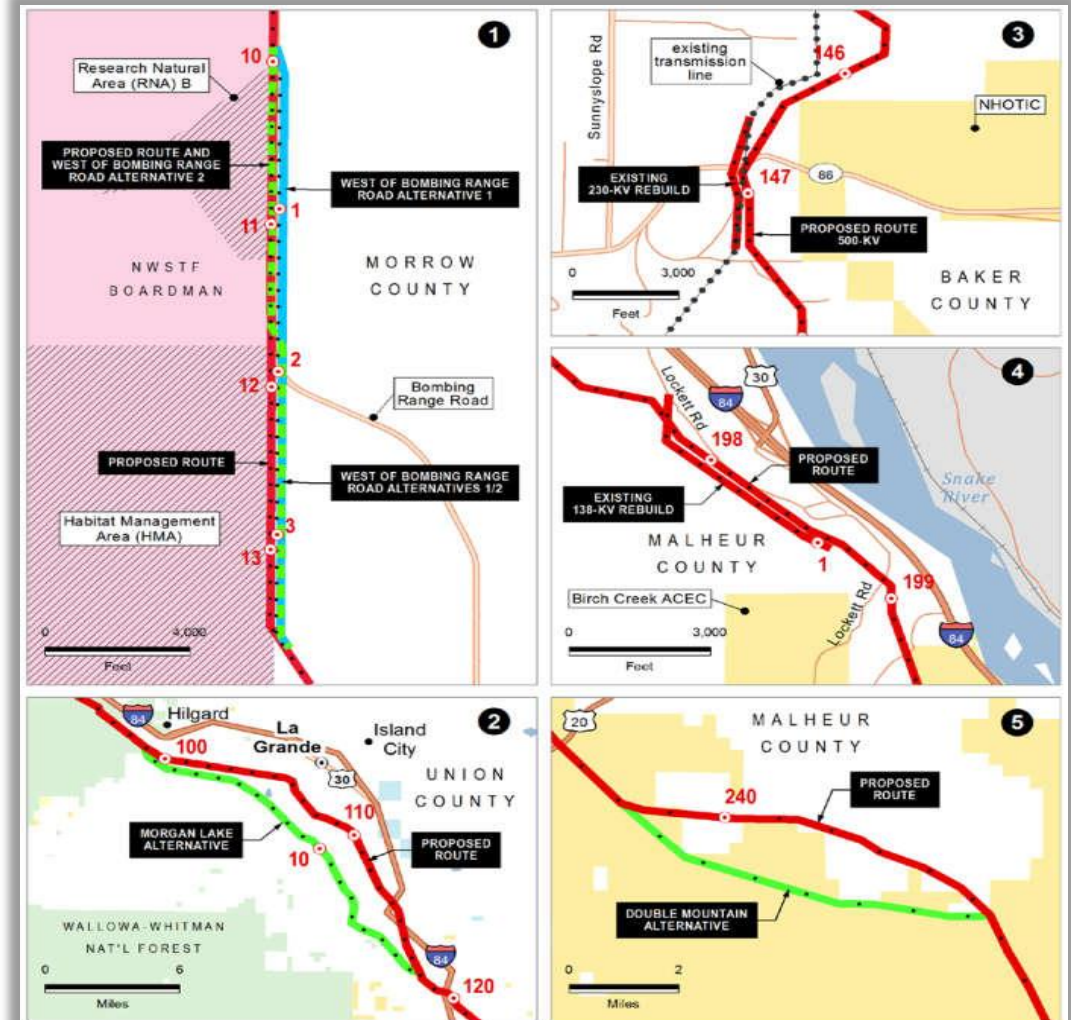
Communication System

- Optical Ground Wire
- Communication Station Sites



Proposed Facility – Alternative Routes

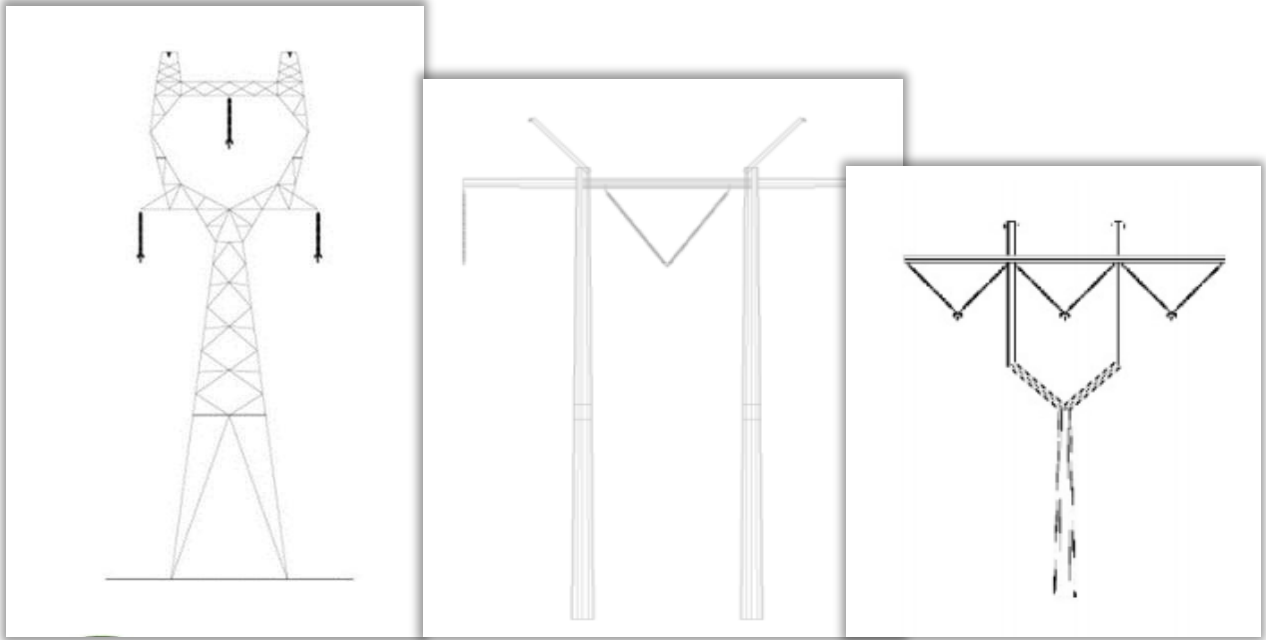
Route	County	Total Miles
Alternative Routes		
West of Bombing Range Road 1	Morrow	3.7
West of Bombing Range Road 2	Morrow	3.7
Morgan Lake	Union	18.5
Double Mountain	Malheur	7.4



Proposed Facility - Structures

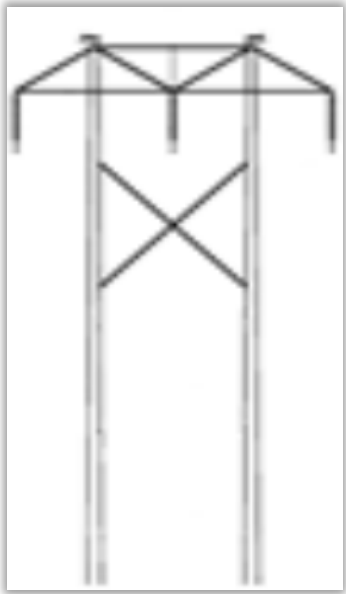
500 kV Structures (height)

- Single-Circuit Lattice Steel (109-200 feet)
- Single-Circuit Tubular Steel Pole Y-Frame and H-Frame (65-105 feet)



230 kV Rebuild Structures (height)

- Single-Circuit Steel H-Frame (57-75 feet)



138 kV Rebuild Structures (height)

- Single-Circuit Wood H-Frame (51-61 feet)



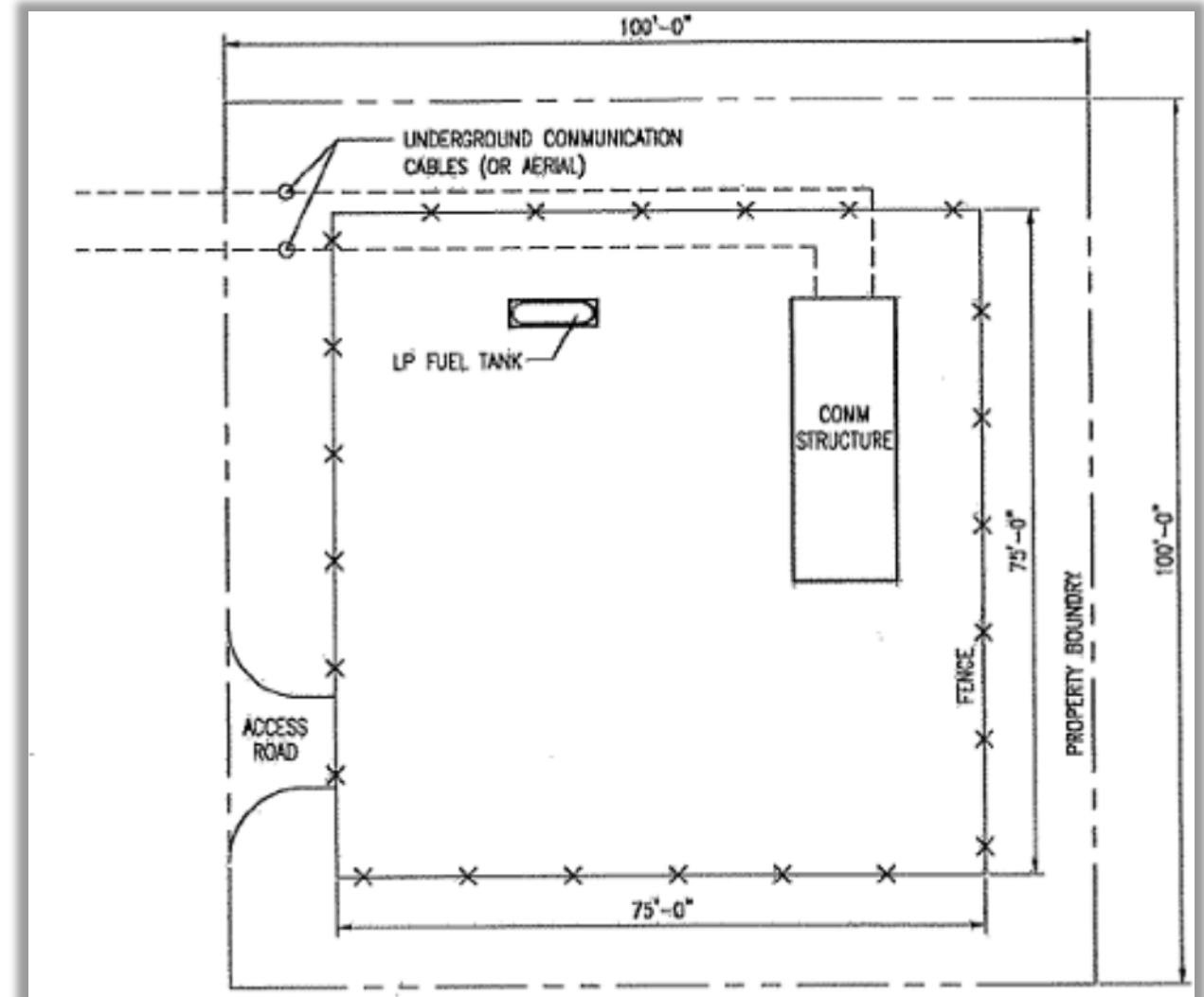
Proposed Facility – Longhorn Substation



Proposed Facility – Communication Stations

- 10 communication sites, + 2 alternative sites
- ¼ acre in size, within ROW
- Includes:
 - Structure
 - Propane-fueled backup generator
 - Fencing

*ASC Exhibit B Section 3.2.2.3; ASC Exhibit C Table C-11
Proposed Order page 38*

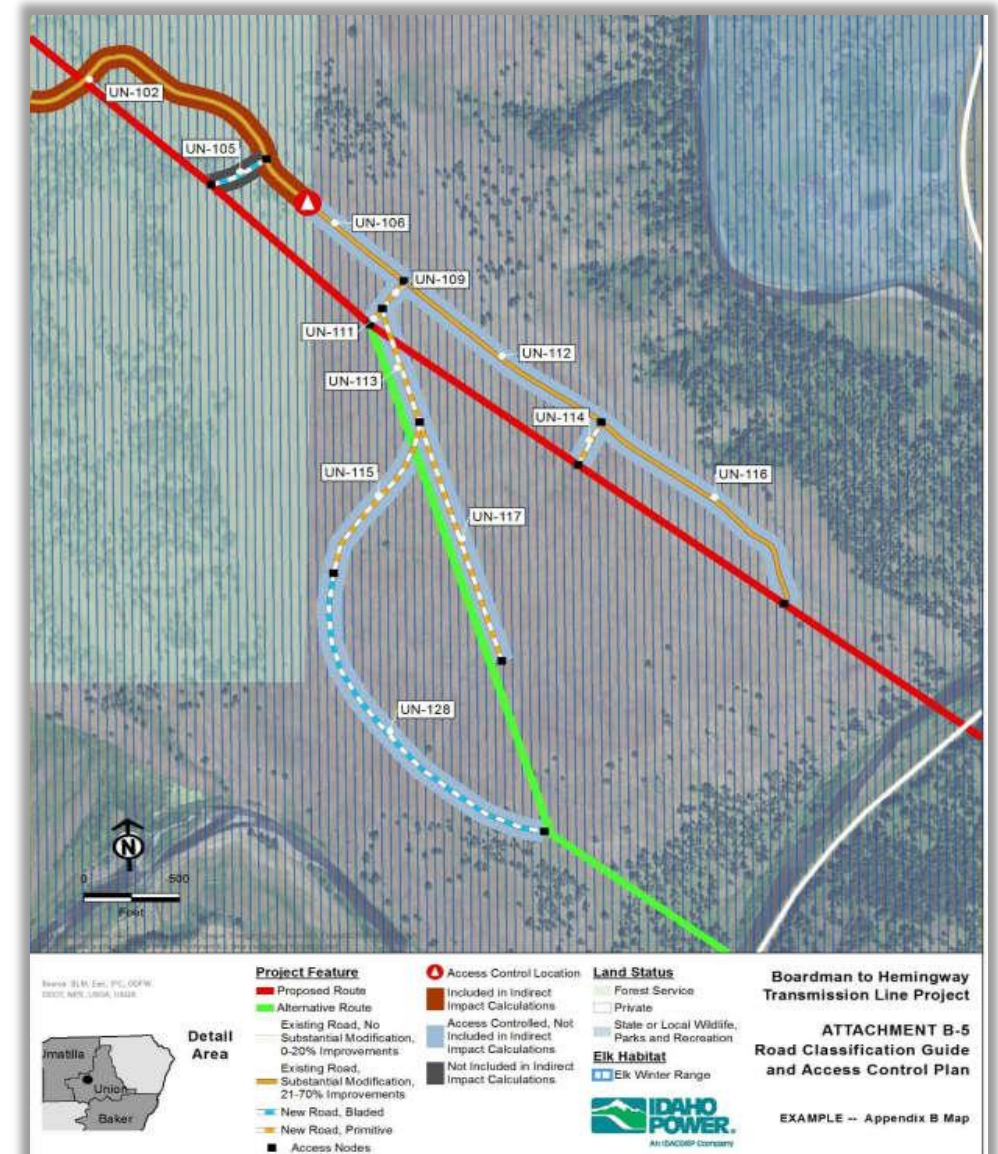


Related or Supporting Facilities - Roads

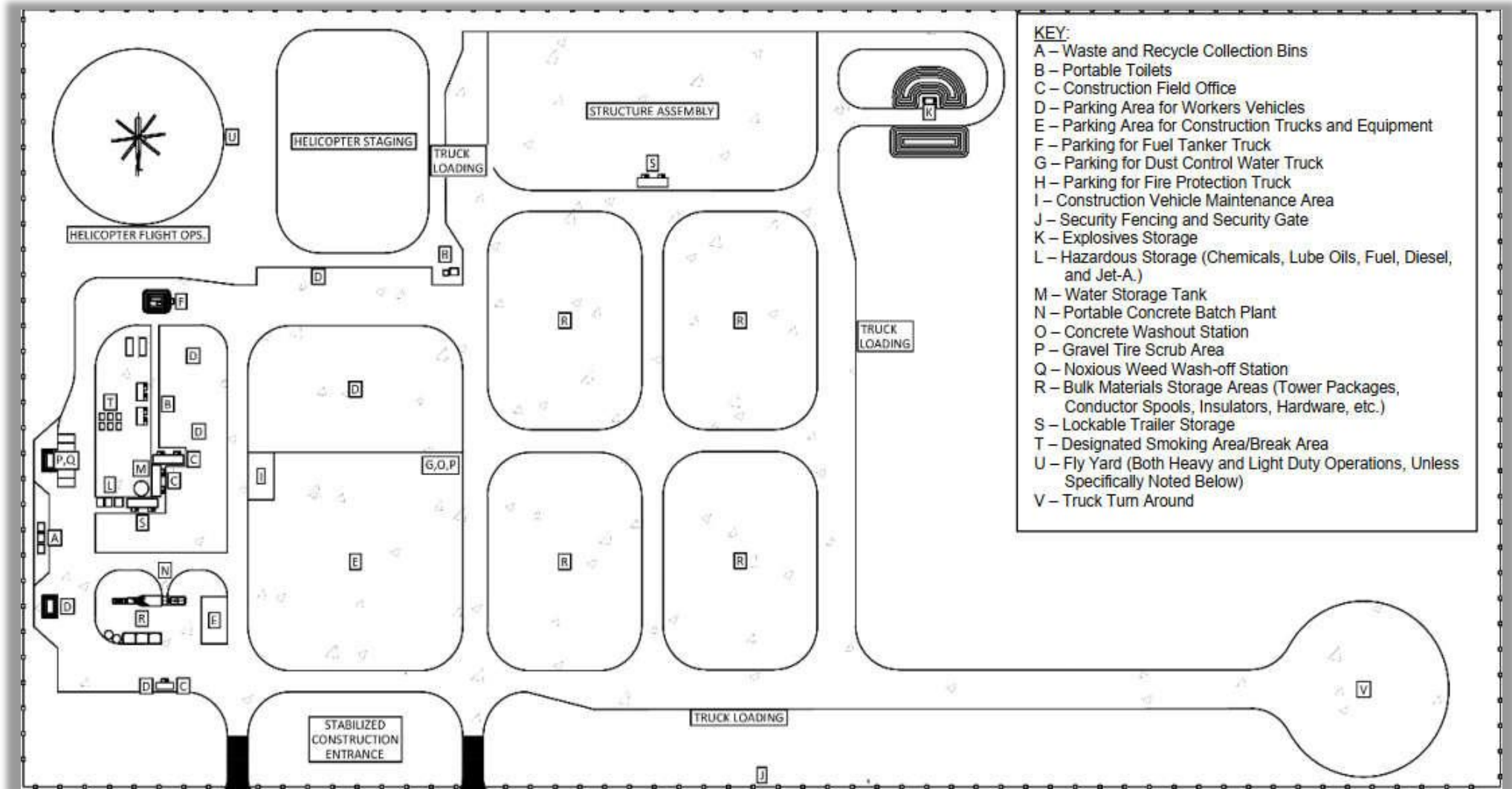
New and Substantially Modified Roads

- **New Roads:**
 - Primitive
 - Bladed
- **Existing Roads - Substantial Modification:**
 - 21-70% Improved
 - 71-100% Improved

*ASC Exhibit B and DPO Attachment B-5, Road Classification Guide and Access Control Plan
Proposed Order page 40*

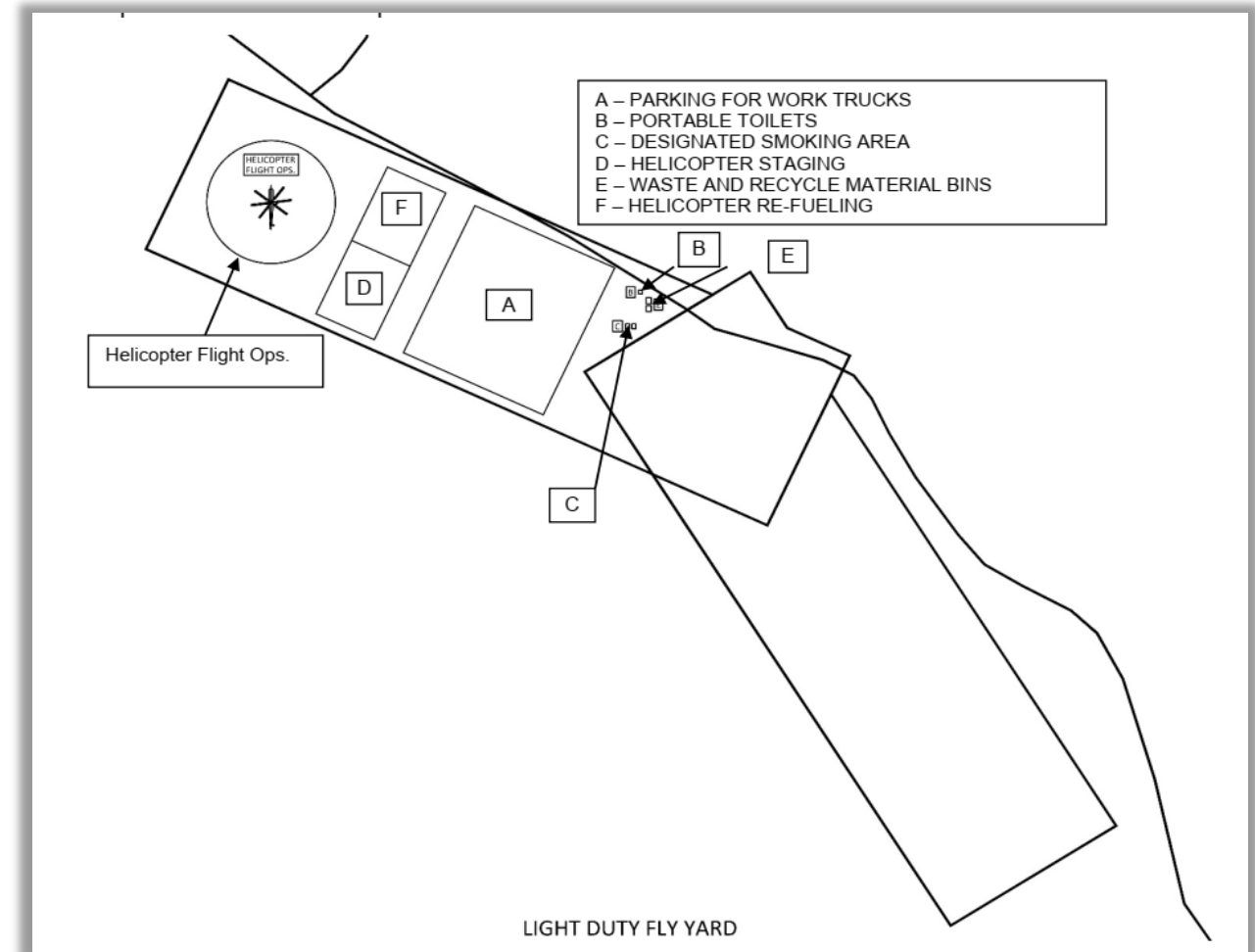
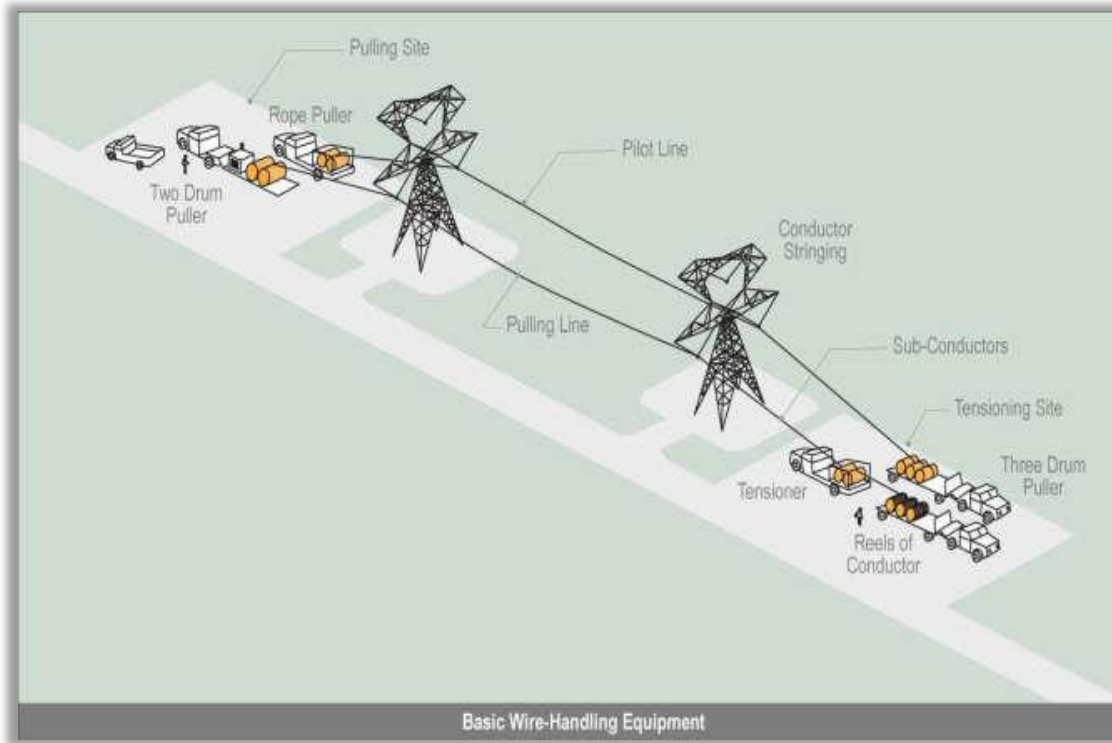


Related or Supporting Facilities – Multi-Use Areas



Related or Supporting Facilities – Pulling and Tensioning Sites/Light Duty Fly Yards

- Approx. 299 Pulling and Tensioning Sites
- Approx. 4 Light Duty Fly Yards



Council Review of Proposed Order

IV.A. General Standard of Review: OAR 345-022-0000

(1) To issue a site certificate for a proposed facility or to amend a site certificate, the Council shall determine that the preponderance of evidence on the record supports the following conclusions:

(a) The facility complies with the requirements of the Oregon Energy Facility Siting statutes, ORS 469.300 to ORS 469.570 and 469.590 to 469.619, and the standards adopted by the Council pursuant to ORS 469.501 or the overall public benefits of the facility outweigh the damage to the resources protected by the standards the facility does not meet as described in section (2)..

Council Review of Proposed Order

IV.A. General Standard of Review: OAR 345-022-0000

Recommended General Standard of Review Condition 1:

- a. **Construction Commencement Deadline:** The certificate holder shall begin construction of the facility within four years after the effective date of the site certificate. Under OAR 345-015-0085(8), the site certificate is effective upon execution by the Council chair and the certificate holder. Prior to beginning construction as defined in OAR 345-010-0010(12), the certificate holder shall provide the Department written verification of the date that it will begin construction, acknowledge the commencement of the construction completion timeline, and confirm the construction completion deadline as stated in General Standard of Review Condition 1(b).
- b. **Construction Completion Deadline:** The certificate holder shall complete construction of the facility within four years after the construction commencement date outlined in General Standard of Review Condition 1(a). Within 90 days of construction completion, the certificate holder shall provide the Department written notification of the anticipated date of construction completion.
- c. Authorization to construct and operate facility components, including alternative transmission line routes, expires if not construction by the construction completion deadline

Council Review of Proposed Order

IV.A. General Standard of Review: OAR 345-022-0000

- The Department recommends the Council adopt **General Standard of Review Condition 2** to support the Department's execution of pre-construction planning and compliance by requiring information be provided about construction phasing and planning as well as ongoing site certificate compliance, in accordance with OAR Chapter 345, Division 26.
- Recommended **General Standard of Review Condition 3** requires the submission of a construction progress report every 6 months during construction and Recommended **General Standard of Review Condition 4** requires the submission of the annual report during operations.

Council Review of Proposed Order

IV.A. General Standard of Review: OAR 345-022-0000

Recommended General Standard of Review Condition 6: The certificate holder shall design, construct, operate, and retire the facility:

- a. Substantially as described in the site certificate;
- b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and
- c. In compliance with all applicable permit requirements of other state agencies.

[Mandatory Condition OAR 345-025-0006(3)]

Recommended General Standard of Review Condition 9 requires vegetation restoration and landscaping to the extent practicable all areas disturbed by construction. In the annual report, the certificate holder shall report to the Department restoration activities, and applicable sections of the Reclamation and Revegetation Plan provided as Attachment P1-3 of the Final Order on the ASC, by county and area of temporary disturbance (i.e. multi-use areas, light duty fly yards, pulling and tensioning sites).

Council Review of Proposed Order

Council Straw Poll on General Standard of Review

1. Agree with findings of facts, conclusions of law and conditions of approval in Proposed Order; or
2. Indicate any specific changes in findings of facts, conclusions of law or conditions of approval

Council Review of Proposed Order

IV.B. Organizational Expertise: OAR 345-022-0010

- (1) To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition. The Council may consider the applicant's experience, the applicant's access to technical expertise and the applicant's past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.



Council Review of Proposed Order

IV.B. Organizational Expertise: OAR 345-022-0010

- The applicant is a wholly owned subsidiary of IDACORP, Inc. Idaho Power Company (applicant) was originally incorporated in 1915. Applicant serves over 530,000 customers within a service territory of approximately 24,000 miles in southern Idaho and eastern Oregon. Its power supply system currently includes 4,868 miles of transmission lines, including 692 miles in Oregon. It also operates 305 transmission and other stations, and operates and maintains 27,072 miles of distribution lines, 2,212 miles of which are located in Oregon.

Table OE-1: Idaho Power's Recent 230 kV Transmission Line Projects

Line No.	Line Name	Circuit	Mileage	Constructing Entity	Year
707	Brownlee-to-Ontario	Single	72.7	Mustang Construction	2000
710	Locust-to-Caldwell	Single	18.6	Wilson Construction	2003
711	Nampa Tap	Double	3.2	Wasatch Electric	2006
714	Brownlee-to-Oxbow	Single	11.0	Great Southwestern	2004
715	Langley Gulch	Double	2.8	IPC (lines); TBH & Assoc. (foundations)	2011
716	Bennett Mountain-to-Rattlesnake	Single	4.4	Wasatch Electric	2008

Source: B2HAPPDoc3-10 ASC 04_Exhibit D_Organization_ASC 2018-09-28, Table D-1.

Council Review of Proposed Order

IV.B. Organizational Expertise: OAR 345-022-0010

- Applicant's maintenance program includes compliance with its Transmission Maintenance and Inspection Plan (TMIP), which applicant developed and reviews annually. TMIP includes routine line patrols/inspections, unscheduled emergency line patrols, and aerial vegetation patrols.
- In addition, every three years, WECC audits applicant's compliance with applicable NERC reliability standards. The most recent WECC audit in 2015, which addressed the company's Transmission Maintenance and Inspection Plan, did not result in any notices of alleged Transmission Maintenance and Inspection Plan violations or penalties.

Recommended Organizational Expertise Condition 1: During operations, the certificate holder shall provide documentation of inspection, including date inspection(s) occurred, issues identified, and any corrective actions taken, within the annual report submitted to the Department

Council Review of Proposed Order

IV.B. Organizational Expertise: OAR 345-022-0010

3.4.2 Mitigation Project Examples

IPC's FERC licenses together include over 300 environmental-related PME measures. IPC is in substantial compliance with its license requirements, including the PME measures.

3.4.2.1 Mitigation Project Examples from the C.J. Strike, Shoshone Falls, and Mid-Snake Projects

The FERC licenses for IPC's C.J. Strike Project (Project No. 2055-010), Shoshone Falls Project (Project No. 2778-005), Upper Salmon Falls Project (Project No. 2777-007), Lower Salmon Falls Project (No. 2061-004), and Bliss Project (Project No. 1975-014) together include 77 articles providing for water quality, recreation, aquatic species, terrestrial species, or land management protection or mitigation projects. The following resource management plans provide examples of the resource protection or mitigation projects that IPC is implementing pursuant to its FERC licensing requirements:

- Riparian Habitat Acquisition Plan (C.J. Strike License Article 412) (filed 7/27/2005) provides for the acquisition and management of at least 170 acres of riparian, wetland, and/or spring habitat to mitigate the effects of flow fluctuations on riparian habitat. Pursuant to the plan, IPC purchased the approximately 360-acre Turner Ranch property on the Bruneau River upstream of the project reservoir and has been managing the area for riparian and wetland habitat;
- Fish and Wildlife Management Plan for IPC Company Project Lands Within the C.J. Strike Wildlife Management Area (C.J. Strike License Article 413) (filed 12/5/2005) addresses IPC's assumption of management of 3,000 acres of the C.J. Strike Wildlife

3.4.2.2 Bliss Project Habitat Management and Mitigation Project

As part of the Bliss Project, IPC developed a Habitat Management Plan (HMP) for the Bancroft Springs and Tuana Gulch Habitat Management Areas (HMA). The overall objective of the Bliss HMP was to restore and enhance upland and riparian vegetation to more natural conditions. The Bliss HMP was developed in consultation with the BLM, Idaho Department of Fish and Game, and United States Fish and Wildlife Service. It was filed on February 1, 2005, and FERC approved it on September 14, 2005. Because significant cultural resources were present at certain of the HMAs, IPC consulted with the Idaho State Historic Preservation Officer prior to conducting ground disturbing activities under the Bliss HMP.

Mitigation Actions

Between 2006 and 2013, IPC reestablished perennial shrubs and herbaceous species on approximately 156 acres of the Tuana Gulch HMA by controlling livestock grazing, repairing fences, treating weeds, prepping the soil for planting (i.e., through burning tilling, or both), and reseeding the areas with native grasses and shrubs. Thousands of native shrub plugs were hand-planted. To protect the reestablished areas from noxious weeds, IPC employs an integrated management system that uses all appropriate, available control methods to attempt to eliminate existing noxious weeds and to prevent the introduction of new noxious weeds onto the property.

At the Bancroft Springs HMA, IPC re-established perennial shrubs and herbaceous species on approximately 40 acres in 2007-2013. Eight hundred shrub plugs were hand-planted in 2013. IPC also planted hundreds of riparian shrubs along the shoreline of the Snake River to restore and enhance riparian vegetation. To control noxious weeds, IPC employs a weed control program similar to the one used at the Tuana Gulch HMA.

Success Criteria and Monitoring

IPC monitors vegetation enhancement pursuant to qualitative and quantitative measures. Upland revegetation is considered successful if, after the 10th growing season: (1) average cover of seeded herbaceous species is at least 75 percent of average herbaceous cover of the chosen reference sites; (2) average cover of seeded shrub species is at least 75 percent of average shrub cover on the reference sites; and (3) average density of seeded shrubs is at least 75 percent of shrub density of the reference sites. Riparian enhancement will be deemed successful if 30 percent of the plantings survive the fourth growing season. If success criteria are not met, remedial actions will be developed with consulting agencies.

IPC monitored upland reseeding projects in 2007-2010 and riparian enhancement projects in 2007-2012. Monitoring results indicated additional restoration measures would further enhance the areas. IPC reseeded, increased weed control activities, and planted and watered shrubs in 2010-2014. Subsequent monitoring indicates native grasses and shrubs are establishing and noxious weeds are controlled.

Compliance Actions and Reporting

Pursuant to the Bliss HMP, IPC submitted compliance reports to FERC in 2006, 2008, and 2010.

Council Review of Proposed Order

Council Straw Poll on Organizational Expertise Standard

1. Agree with findings of facts, conclusions of law and conditions of approval in Proposed Order; or
2. Indicate any specific changes in findings of facts, conclusions of law or conditions of approval

Council Review of Proposed Order

Section IV.N. Waste Minimization: OAR 345-022-0120

- (1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that, to the extent reasonably practicable:
 - (a) The applicant's solid waste and wastewater plans are likely to minimize generation of solid waste and wastewater in the construction and operation of the facility, and when solid waste or wastewater is generated, to result in recycling and reuse of such wastes;
 - (b) The applicant's plans to manage the accumulation, storage, disposal and transportation of waste generated by the construction and operation of the facility are likely to result in minimal adverse impact on surrounding and adjacent areas.

Council Review of Proposed Order

Section IV.N. Waste Minimization: OAR 345-022-0120

Modified Table WM-1: Construction-Related Waste and Recycled Materials in cubic yards (tons)

<i>Totals</i>	Vegetation	Native Material	Solid Waste
<i>Total Generated per Route</i>	3,516,256 (1,054,877)	197,218 (256,383)	6,235 (1,870)
Proposed Route TOTAL Amount Recycled	2,813,005 (843,902)	19,722 (25,638)	4,988 (1,496)
Proposed Route TOTAL Amount to Landfill	703,251 (210,975)	177,496 (230,744)	1,247 (374)
Alternative Routes TOTAL Amount Recycled	1,037,372 (311,212)	2,693 (3,501)	642 (192)
Alternative Routes TOTAL Amount to Landfill	259,343 (77,803)	24,241 (31,513)	160 (48)

Council Review of Proposed Order

Section IV.N. Waste Minimization: OAR 345-022-0120

Recommended Waste Minimization Condition 1:

- a. The number and types of waste containers to be maintained at multi-use areas and pulling and tensioning sites;
- b. Waste segregation methods for recycling or disposal;
- c. Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements;
- d. Recycling steel and other metal scrap;
- e. Recycling wood waste;
- f. Recycling packaging wastes such as paper and cardboard;
- g. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste;
- h. Segregating all hazardous and universal wastes such as used oil, oily rags and oil- absorbent materials, mercury-containing lights and lead-acid and nickel cadmium batteries;
- i. When possible, discharging concrete truck rinse-out within foundation holes, completing truck wash-down off-site, and burying other concrete waste as fill on-site;

Council Review of Proposed Order

Section IV.N. Waste Minimization: OAR 345-022-0120

Recommended Waste Minimization Condition 1 continued:

- j. For waste hauling and disposal within Morrow County, the certificate holder shall ensure its personal or third party contractors adhere to the applicable requirements in the Morrow County Solid Waste Management Ordinance Section 5.000 Public Responsibilities, 5.010 Transportation of Solid Waste and 5.030 Responsibility for Propose Disposal of Hazardous Waste which requires that all loads be covered and secured and that operators be responsible for hazardous waste disposal.
- k. If required by county ordinance, solid waste transported on public roads must be covered and secured during transporting, including:
 - i. Loads which are totally contained within an enclosed vehicle or container;
 - ii. Loads of solid waste contained in garbage cans with tightly fitting lids, tied plastic bags or similar totally enclosed individual containers that are completely contained within the walls of a vehicle or container, such that no solid waste can reasonably be expected to escape during hauling;
 - iii. Loads of brush, building materials and similar bulky materials which are secured in or on the hauling vehicle or completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling; or
 - iv. Loads consisting entirely of rock, concrete, asphalt paving, stumps and similar materials that are completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling.
- l. A requirement that the certificate holder report to the Department on the implementation of the Plan during construction must be included in the six month construction report required pursuant to OAR 345-026-0080(1)(a).

Council Review of Proposed Order

Council Straw Poll on Waste Minimization Standard

1. Agree with findings of facts, conclusions of law and conditions of approval in Proposed Order; or
2. Indicate any specific changes in findings of facts, conclusions of law or conditions of approval

Council Review of Proposed Order

Section IV.P. Division 24 Standards

Section IV.P.1. Siting Standards for Transmission Lines: OAR 345-024-0090

To issue a site certificate for a facility that includes any transmission line under Council jurisdiction, the Council must find that the applicant:

- (1) Can design, construct and operate the proposed transmission line so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public;
- (2) Can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.

Council Review of Proposed Order

Section IV.P. Division 24 Standards

Section IV.P.1. Siting Standards for Transmission Lines: OAR 345-024-0090

Methods and Results

- Alternating Current Electric Fields
- Induced Current

Minimization Measures (conditions)

- Minimum clearances
- Grounding
- Landowner Education
- Setbacks from Structures



500-kilovolt (kV) transmission line near Melba, Idaho

Council Review of Proposed Order

Section IV.P. Division 24 Standards

Section IV.P.1. Siting Standards for Transmission Lines: OAR 345-024-0090

- Minimum Ground clearances (Siting Stand. for Transmission Lines Condition 1)
- NESC Standards (Siting Stand. for Transmission Lines Conditions 2-3)

Table SSTL-1: Electric Field Strength for Each Considered Structural Configuration

Structure Type	ROW Width (feet)	South/West ROW Edge (kV/m)	Maximum within ROW (kV/m)	North/East ROW Edge (kV/m)
500-kV lattice	250	0.8	8.9	0.8
500-kV tubular steel H-frame and Y-frame monopole	250	0.9	8.8	0.9
230-kV wood H-frame	125	0.8	5.0	0.8
138-kV wood H-frame	100	0.5	2.3	0.5

Electric field strength calculated at standard height of one meter above ground surface.
kV/m = kilovolt per meter; ROW = right-of-way

Council Review of Proposed Order

Council Straw Poll on Siting Standards for Transmission Lines

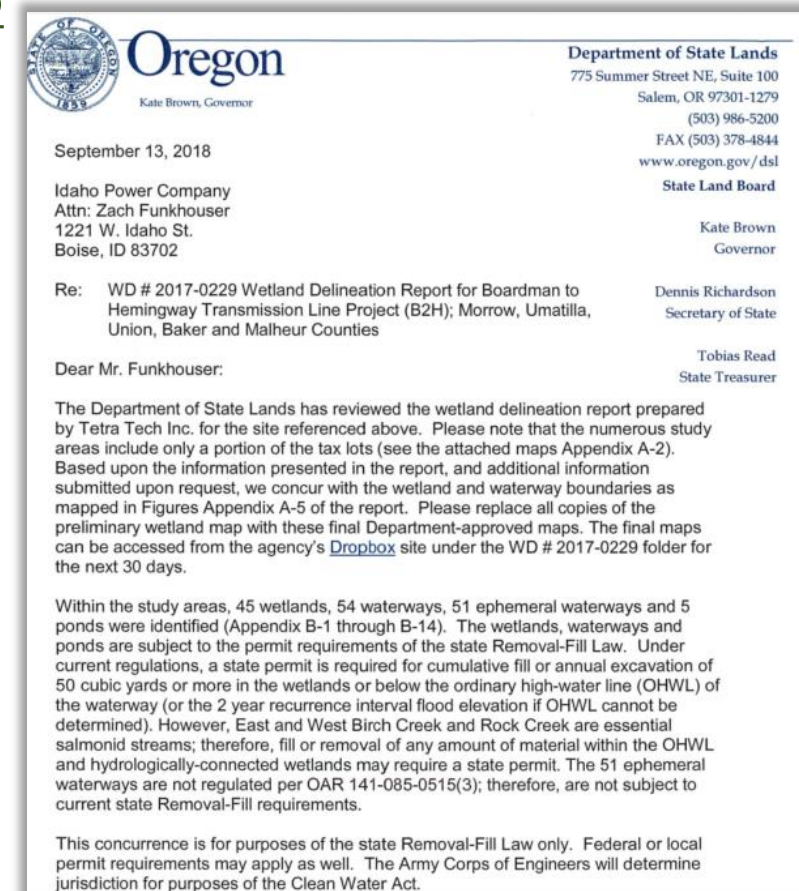
1. Agree with findings of facts, conclusions of law and conditions of approval in Proposed Order; or
2. Indicate any specific changes in findings of facts, conclusions of law or conditions of approval

Council Review of Proposed Order

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.2. Removal Fill Law: OAR 141-085-0500 through -0785

- Of the potential wetlands and non-wetland WOS field delineated; 45 wetlands, 54 waterways, and five ponds within the analysis area. On September 13, 2018, DSL issued a letter concurring with the wetland and waterway boundaries mapped by the applicant.
- **Recommended Removal-Fill Condition 1** requires the applicant, prior to construction of a phase or segment of the facility, submit updated electronic wetland delineation report(s) to the Department and to the Oregon Department of State Lands.



Council Review of Proposed Order

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.2. Removal Fill Law: OAR 141-085-0500 through -0785

- The estimated impact to field surveyed/delineated non-wetland waters of the state (WOS) includes 0.07 acres of total permanent impacts and 0.139 acres of total temporary impacts. The combined total permanent and temporary impacts to wetlands and waters of the state is less than one acre (0.793 acres), which in cubic yards, exceeds the 50 cubic yard threshold for a removal-fill permit.

Council Review of Proposed Order

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.2. Removal Fill Law: OAR 141-085-0500 through -0785

Removal Fill Permit

- Methodology: Wetland Delineation/Survey Area
- **Department Determinations**
 - Independent Utility
 - Protected, Conservation and Best Use
 - No Unreasonable Interference
- **Determination Considerations**
 - Public Need and Benefit
 - Economic Cost
 - Alternatives
 - Conformance
 - Streambank Protection
 - Mitigation

Council Review of Proposed Order

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.2. Removal Fill Law: OAR 141-085-0500 through -0785

- Compensatory Wetland and Non-Wetland Mitigation Plan (Removal Fill Condition 3)
- General and Special Conditions set forth in the removal-fill permit (Removal Fill Condition 5)
- Removal Fill Permit (Removal Fill Condition 6)

Department of State Lands 775 Summer Street, Suite 100 Salem, OR 97301-1279 ☎ 503-986-5200	Permit No.: 61621-RF Permit Type: Removal/Fill Waterway: Many various wetlands/waters County: Morrow, Umatilla, Union, Baker, Malheur Expiration Date: (To be determined when the permit is issued.)
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Idaho Power Company

IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE REFERENCED APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder must obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340: Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action, which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. Employees of the Department of State Lands (DSL) and all duly authorized representatives of the Director must be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
6. In issuing this permit, DSL makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390, and related administrative rules.
7. Permittee must defend and hold harmless the State of Oregon, and its officers, agents and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.
8. Authorization from the U.S. Army Corps of Engineers may also be required.

NOTICE: If removal is from state-owned submerged and submersible land, the permittee must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 to 274.940 if you want a transfer of title; public rights to such filled lands are not extinguished by issuance of this permit. This permit does not relieve the permittee of an obligation to secure appropriate leases from DSL, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact Department of State Lands, 503-986-5200.

Kirk Jarvie, Southern Operations Manager
Aquatic Resource Management
Oregon Department of State Lands

Authorized Signature

Council Review of Proposed Order

Council Straw Poll on Removal Fill Law

1. Agree with findings of facts, conclusions of law and conditions of approval in Proposed Order; or
2. Indicate any specific changes in findings of facts, conclusions of law or conditions of approval

Council Review of Proposed Order

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.3. Water Rights: OAR 690-310-0000; OAR 690-380-0000

- Water Use:
 - Construction:
 - Quantity: 36.5 to 54.8 million gallons
 - Uses: Dust suppression, drinking/sanitary, foundation, access road construction, reseeding/restoration
 - Sources: purchases from local municipalities
 - Operation: *Port of Morrow's water and sewer system for the Longhorn Substation*
 - Groundwater, surface water or water right transfer not needed

Council Review of Proposed Order

Council Straw Poll on Water Rights

1. Agree with findings of facts, conclusions of law and conditions of approval in Proposed Order; or
2. Indicate any specific changes in findings of facts, conclusions of law or conditions of approval

Next Steps In Council's Review

Proposed Order Review, Proposed Contested Case Order Review and Exceptions Hearing (standards where there are contested case issues)

- Kellen presents portions of each standard not related to contested case issues.
- Council conducts straw poll on portion of each standard unrelated to filed exceptions.
- Jesse presents each contested case issue where exceptions were filed in addition to any filed responses to exceptions.
- Oral testimony on filed exceptions by person(s) who filed exceptions.
- Idaho Power and the Department are allowed to respond to oral testimony.
- Council conducts straw poll on filed exceptions.

Next Steps In Council's Review (cont'd.)

Department Issues Draft Final Order and Notice of Hearing to Adopt Final Order (Material Change Hearing)

Material Change Hearing and Hearing to Adopt Final Order

- Material Change Hearing
 - Parties may provide oral testimony on any material changes identified in the Draft Final Order.
 - Idaho Power and Department may respond to the oral testimony of any other party.
 - Council questions and straw poll
- Council Hearing to Adopt Final Order

Adjourn

