

## ESTERSON Sarah \* ODOE

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**From:** Sarah.ESTERSON@energy.oregon.gov  
**Subject:** \Petition for Contested Case on RFA1 for the B2H site Certificate -- J. Williams  
**Attachments:** 1-B2H-AMD1-Figure-7-18-Site-Boundary-Changes-Access-Cultural-Survey-Status-Williams.pdf; 2-RFA-1 site boundary changes-access road and archeological-Williams.pdf; 3-Exhibit C, Project\_Location - 2018-09-28-B2H-ASC-Exhibit-C-map 8-orgional Williams.pdf; 4-Attachment B-5, Road Classification Guide and Access Control Plan - 2022-09-27-Attachment-B-5-Road-Classification-Guide-Access-Control-Plan-No-Maps-Williams.pdf; J.Williams\_DPO Comment-Request for Contested Case-RFA1.pdf; Cover letter for Petition.pdf; ODOE RFA Request for Contested Case\_\_J. Williams.pdf

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**From:** [fkreider@campblackdog.org](mailto:fkreider@campblackdog.org) <[fkreider@campblackdog.org](mailto:fkreider@campblackdog.org)>  
**Sent:** Friday, September 8, 2023 4:48 PM  
**To:** TARDAEWETHER Kellen \* ODOE <[Kellen.TARDAEWETHER@energy.oregon.gov](mailto:Kellen.TARDAEWETHER@energy.oregon.gov)>  
**Cc:** [Steven.joseph@frontier.com](mailto:Steven.joseph@frontier.com)  
**Subject:** Petition for Contested Case on RFA1 for the B2H site Certificate -- J. Williams

Dear Kellen,

On behalf of John C. Williams, I am emailing this Petition for Contested Case. In the future, all mail should be sent to his attorney, Steven Joseph, P.C. at  
Steven J. Joseph, P.C.  
901 Washington Ave.  
La Grande, Oregon 97850  
[Steven.joseph@frontier.com](mailto:Steven.joseph@frontier.com)

Attached:

- Cover Letter for Petition
- ODOE RFA (template) Request for Contested Case \_\_J. Williams
- Exhibits:
  - #1 thru #4 are maps referenced in the petition
  - #5 - DPO Comment J. Williams (July 18, 2023)

Thank you for your understanding as you are aware, John has no computer or email. If you have any questions about this filing, please contact me.

Sincerely,  
Fuji Kreider  
541-406-0021  
[fkreider@campblackdog.org](mailto:fkreider@campblackdog.org)

September 8, 2023

Oregon Department of Energy  
Attn: Kellen Tardaewether  
550 Capitol Street NE  
Salem, OR 97301

Email: [Kellen.TARDAEWETHER@energy.oregon.gov](mailto:Kellen.TARDAEWETHER@energy.oregon.gov)

Dear Ms. Tardaewether,

I am petitioning for a contested case regarding the Proposed Order (PO) issued on August 7, 2023 by the Oregon Department of Energy on the first Request for Amendment (RFA1) to the Site Certificate for the Boardman to Hemingway Transmission Project (B2H).

I have a personal interest in this matter as I own land in the corridor of the B2H, parcel 03S37E01300 in Union County, and this RFA1 impacts me directly. I have completed and attached your Template for requesting this contested case, including my request to become a limited party in the case.

I have testified at the DPO public hearing and submitted comments during the DPO public process for this RFA1. I believe that I have met the test for participation (i.e.: raised issue at public hearing) and for "specific specificity" since both Idaho Power and ODOE have responded to my comments. (OAR 345-027-0367).

It should be noted that I am presently filing this request as a Pro Se petitioner. However today, I have retained an attorney and from this date forward I would like all email and correspondences to be directed to him. See contact information in the template and copied here.

Thank you for your consideration and I look forward to hearing back from you soon,

John C. Williams

/s/ John C. Williams

PO Box 1384  
La Grande, Or. 97850

**Attached:**

Petition Template: Request for Contested Case

Exhibits: Four maps, labeled 1-, 2-, 3-, 4-

DPO Public Comment: John C. Williams, July 18, 2023

**Copy:** Steven J. Joseph, P.C., [Steven.joseph@frontier.com](mailto:Steven.joseph@frontier.com)

**Petition for Contested Case**  
**John C. Williams**  
**RFA1 for B2H Transmission Project**  
**Filed: 9/8/2023**

- This template was developed by the Oregon Department of Energy (Department) and is provided as a courtesy for persons seeking to request a contested case on a proposed amendment to a site certificate. Petitioners are not required to use the template, but use is recommended to ensure requests contain required information and can be efficiently reviewed by Department staff and Council.

**Request for a Contested Case (Template)**

Description	Explanation of Information	Petitioner Information
<b>Petitioner Name:</b>	Provide petitioner first and last name.	John C. Williams
<b>Petitioner Addresses:</b>	Provide physical mailing address and e-mail address, if available.	PO Box 1384 La Grande, Or. 97850
<b>Petitioner Attorney:</b>	Provide name and address of attorney, if any.	I am filing today as a Pro Se Petitioner. From this date forward, please address all correspondence to my attorney:  Steven J. Joseph, P.C. 901 Washington Ave. La Grande, Oregon 97850 <a href="mailto:Steven.joseph@frontier.com">Steven.joseph@frontier.com</a>
<b>Authorized Representative:</b>	Provide name of any person(s) authorized by you to represent your issue(s) or confirm your intent to act as an authorized representative for the organization you intend to represent.	N/A

### Request for a Contested Case (Template)

Description	Explanation of Information	Petitioner Information
<b>Name of Any Organization Petitioner Represents:</b>	Confirm and provide the name of any organization(s) you represent in this proceeding, in addition to yourself.	N/A
<b>Party Status Requested (Limited or Full):</b>	Confirm whether you are seeking to participate as a party or limited party and if as a limited party the precise area or areas in which you seek to participate.	<p>I am requesting limited party status for all issues pertaining to my property, located in Union County, west of Morgan Lake, parcel 03S37E01300. Precisely, in this RFA1 petition for contested case, I am focusing on the preservation of cultural resources, locations of towers, and access roads; and the fact that the maps in the RFA1 application and PO fail to comply with the basic OAR (OAR 345-021-0010(1)).</p> <p>The rule is clear that 1) “A map or maps showing the proposed locations of the energy facility site, all related or supporting facility sites and all areas that might be temporarily disturbed during construction of the facility in relation to major roads, water bodies, cities and towns, important landmarks and topographic features, using a scale of 1 inch = 2000 feet or smaller when necessary to show detail” and, 2) “A description of the location of the proposed energy facility site, the proposed site of each related or supporting facility and areas of temporary disturbance, including the total land area (in acres) within the proposed site boundary, the total area of permanent disturbance, and the total area of temporary disturbance.” has not be provided to me with sufficient specificity to know what the applicant will do to my land.</p>
<b>If seeking to represent a personal interest:</b>	Provide a detailed statement of your personal interest (economic or otherwise).	As a steward to my land, I have had a lifelong interest in the natural and cultural resources that I am a caretaker of and that

### Request for a Contested Case (Template)

Description	Explanation of Information	Petitioner Information
	<p>Explain how your personal interest may be affected by the results of the proceeding.</p>	<p>I depend on to make a living. I would like to present some of my on-going concerns to the Council.</p> <p>1) If I am successful in this proceeding, I hope that the court will force the company to disclose all information about my property that has been requested and that still has not been provided;</p> <p>2) Assuming the information is provided to me and my attorney in a timely manner, I will be able to engage in this process—and any future proceedings--without being handicapped by lack of precise (“specific”) information and maps.</p> <p>3) One of my personal interests being permanent protection of pre-contact artifacts, I cannot allow <i>any disturbance or interference</i> with the lands near these artifacts until I am confident all applicable state and federal laws have been complied with.</p> <p>The Historic Properties Management Plan has not been completed since the 106 Review has not begun.</p> <p>Once something is destroyed (whether driven over, bore holes drilled, or bladed over), it is destroyed Forever. This would affect my personal interests substantially.</p>
	<p>Provide reasons why existing parties to the proceeding cannot adequately represent the personal interest you have identified.</p>	<p>Existing parties are either representing their own private property interests, therefore irrelevant to the case; or they are nonprofit organizations (e.g.: OCTA, Stop B2H) representing thousands of others in the public interest, not a private interest.</p>

### Request for a Contested Case (Template)

Description	Explanation of Information	Petitioner Information
<b>If seeking to represent a public interest:</b>	Provide a detailed statement of the public interest you intend to represent.	N/A
	Explain how such public interest would be impacted by the outcome of the proceeding.	N/A
	Provide a reference to your qualifications to represent such public interest(s).	N/A
	Provide reasons why existing parties to the proceeding cannot adequately represent the public interest(s) you have identified.	N/A
<b>Issue Information</b>		
<b>Instructions: Provide information for Items (1) – (2) below for each issue requested for review in the proceeding.</b>		
<b>Issue 1</b>		
<b>Issue Statement:</b>	<p>Provide a short and plain statement of each issue you wish to raise in a contested case, including references to any facts, analysis or recommendations presented in the Proposed Order or Request for Amendment with which you take issue. Please reference any rules or statutes you believe are relevant to the issue(s) you are raising.</p> <p><u>Examples:</u>                      Issue #1. The evaluation of XX in the [Request for Amendment and/or Proposed Order] is not sufficient to demonstrate the project complies with XX [statute and/or rule] because [briefly summarize your position]; OR                      Issue #1. I contend the certificate holder does not meet [cite specific Council standard or</p>	<p>In my spoken and written comments in, RFA1 for the Boardman to Hemingway Project, DPO Comment and Request for Contested Case, the council was informed that the maps and surveys conducted by Idaho Power were insufficient or non-existent. OAR 345-021-0010(1) covers a wide range of items that the applicant needs to comply with.</p> <p>On pdf page 17 -18 of Idaho Power Company Request for Amendment #1 for the Boardman to Hemingway Transmission Line in Sections 5.2.1 Maps of the Proposed Changes, OAR 345-021-0010(1)(c)(A), and 5.2.2 Location Description OAR 345-021-0010(1)(c)(B), the applicant has not complied with these administrative rules on my property.</p> <p>The applicant has not provided me with sufficient maps or written reports from the surveys that have done on my land. Those were pointed out in my public comments and in writing.</p>

**Request for a Contested Case (Template)**

Description	Explanation of Information	Petitioner Information
	<p>applicable law] because [provide brief explanation of why you believe certificate holder does not meet the cited standard or law]).</p>	<p>I cannot discern what cultural resources will be protected, destroyed, or mitigated for. Map file B2H-AMD1-Figure-7-18-Site-Boundary-Changes-Access-Cultural-Survey-Status Figure 7-18 map 15 (Exhibit 1) states that the cultural survey is complete. However, I know and have documented to the applicant’s survey crews 2 other cultural sites that are not on the map. They are real and exist, making this map incorrect. And there is a misrepresentation (per map legend) that the surveys are complete. They are not.</p> <p>Additionally, I cannot find the key for the 1/160 designation on the map. It is not in Idaho Power Company Request for Amendment #1 for the Boardman to Hemingway Transmission Line. I have gone to file RFA1 Proposed Access Road Additions-2023-06-08-B2H-AMD1-Figure-4-2-Site-Boundary-Changes-Access map 15 (Exhibit 2) and could not find the information. I then went to ASC attachment C-3 map 8 (Exhibit 3) for more detail per the prior maps instructions and found nothing. I then tried Attachment B-5, Road Classification Guide and Access Control Plan – 2022-09-27-Attachment-B-5-Road-Classification-Guide-Access-Control-Plan-No-Maps (Exhibit 4) and found a description for UN 236 but again nothing for 1/160.</p> <p>Therefore, the map is not complete. Additionally, I have not been told what land will be disturbed, reclaimed or if mitigation will be done.</p> <p>The rule is clear that 1) “A map or maps showing the proposed locations of the energy facility site, all related or supporting</p>

**Request for a Contested Case (Template)**

Description	Explanation of Information	Petitioner Information
		<p>facility sites and all areas that might be temporarily disturbed during construction of the facility in relation to major roads, water bodies, cities and towns, important landmarks and topographic features, using a scale of 1 inch = 2000 feet or smaller when necessary to show detail” and, 2) “A description of the location of the proposed energy facility site, the proposed site of each related or supporting facility and areas of temporary disturbance, including the total land area (in acres) within the proposed site boundary, the total area of permanent disturbance, and the total area of temporary disturbance.” has not be provided to me with sufficient specificity to know what the applicant will do to my land.</p>
<p><b>Provide date of DPO comments where issue was previously cited:</b></p>	<p>For each issue identified in your Issue Statement(s), provide the date and manner (verbal or written) in which you raised the issue(s) on the record of the Draft Proposed Order.</p>	<p>See Exhibit 5 written DPO comment on RFA1.</p>



July 18, 2023

To: Energy Facilities Siting Council

From: John Williams, impacted landowner

Re: RFA1 for the Boardman to Hemingway Project, DPO Comment and Request for Contested Case

I am John Williams, at: P.O. Box 1384, La Grande, Oregon 97850. I own land west of Morgan Lake, parcel 03S37E01300.

I have given permission for several pre-construction surveys done by contractors for IPC to take place on this property. I also, in my data requests<sup>1</sup>, asked for IPC to share data gathered and all reports the contractors had or will submit. IPC responded that no reports were generated, but shared some notes taken. Missing in these notes are those pertaining to Woodpecker/Goshawk, Raptor, Land, and geo-technical drilling or access. The last of which haven't been started.

Of concern to me, and what I wish to contest are the siting of 3 towers and the disregard of SHPO guidance in regard to a buffer between any construction around archaeological sites.

One of the contested tower siting, as near as I can tell from the map provided me by ODOE, ML 5/4, is sited only a few feet from the Peach Canyon Fault, considered a major fault by a Geological map conducted in conformance with ORS 516.030 funded by OR Dept of Geology & Mineral Industries under contract with US Dept of Energy DE-FC07-79ET27220, Geology by Warren Barrach, John D Kaufman and John G Bond, 1980.

Again, the geotechnical drilling or access survey has not begun.

Another tower ML 6/3 is sited in a wetland west of Twin Lake, which should involve more or better investigation.

The 3<sup>rd</sup> tower, ML 62a is sited, it appears on a pre-contact Cultural Resource Polygon, 8B2H-DM-52. As with a cultural resource point it is located within a Direct Analysis Area, 8B2H-DM-47, SHPO guidance strongly recommends a 30-meter buffer between any construction and an archaeological site.

Also, I contend the amendment and project are not in compliance with OAR 345-021-0010(1)(5). Therefore, I would like to have contested case.

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<sup>11</sup> OPUC's docket PCN5 #1.

Boardman to Hemingway  
Transmission Project  
Request for Amendment 1

**Figure 7-18**  
**RFA1 Site Boundary Changes**  
**Cultural Survey Status**

Access Roads  
Union County  
**Map 15**

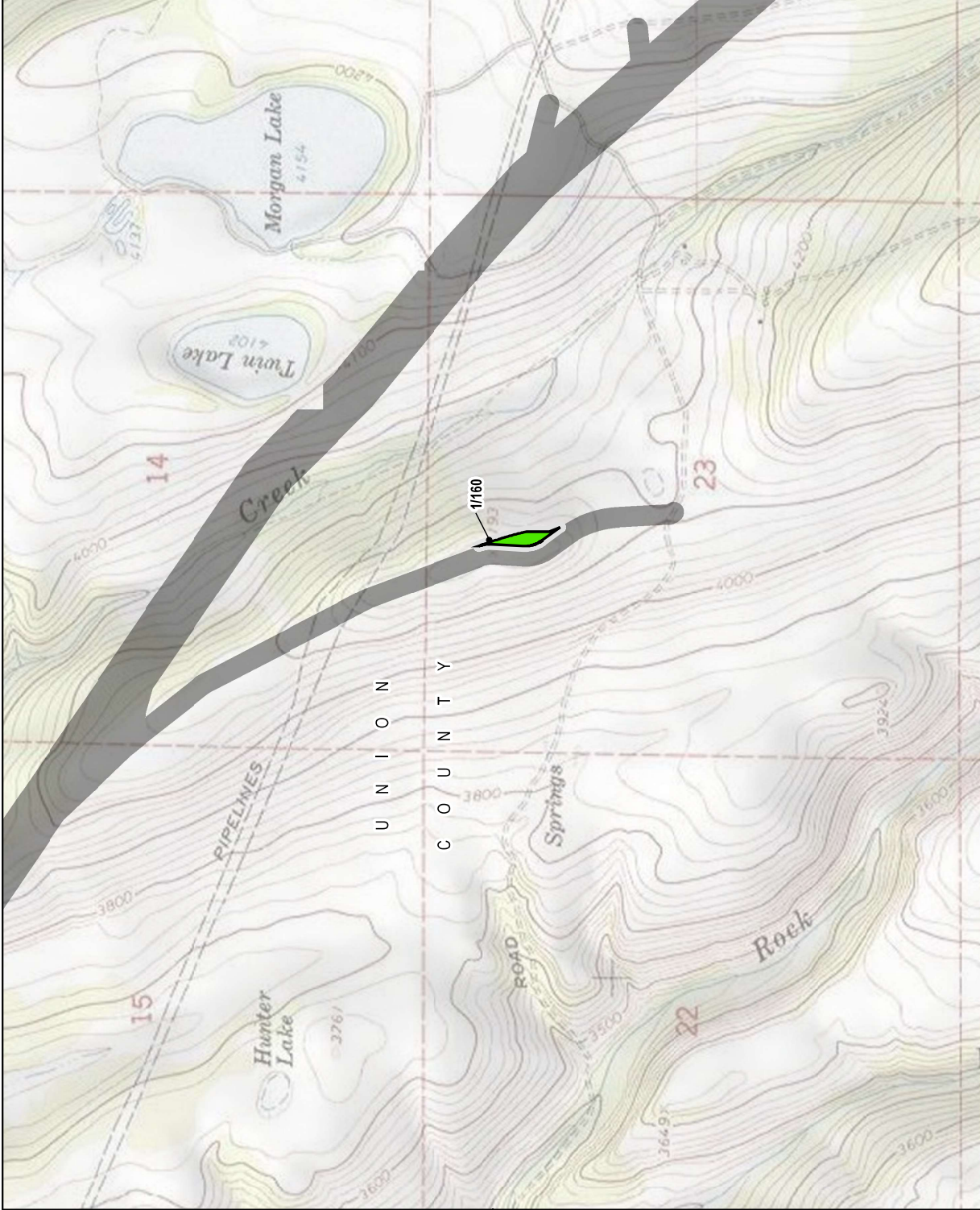
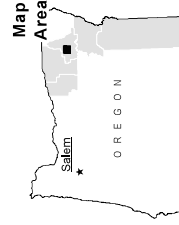
- Project Features**
-  New Site Boundary Included in RFA1
  -  Site Boundary Approved in Site Certificate
- Land Status**
-  Private
- Cultural Survey Status**
-  Complete

**Note:** Not intended for construction or any uses other than intended purpose.

Project features current as of March 9, 2023.

**Data Sources:** BLM, Esri, NPS, ODOT, USGS, Velocity

**Base Map:** Copyright © 2013 National Geographic Society, Leobard

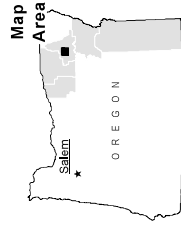


**Figure 4-2**  
**RFA1 Site Boundary Changes**

Access Roads  
Union County

Map 15

- Project Features**
- New RFA1 Site Boundary
  - Site Boundary Approved in Site Certificate
- Access**
- New Road, Bladed
- Important Siting Constraints and Other Features**
- 20-ft Contours
  - Pipeline
  - Stream
  - Public Roads
  - Morgan Lake Park
  - Elk Winter Range
  - Land Status
  - Private

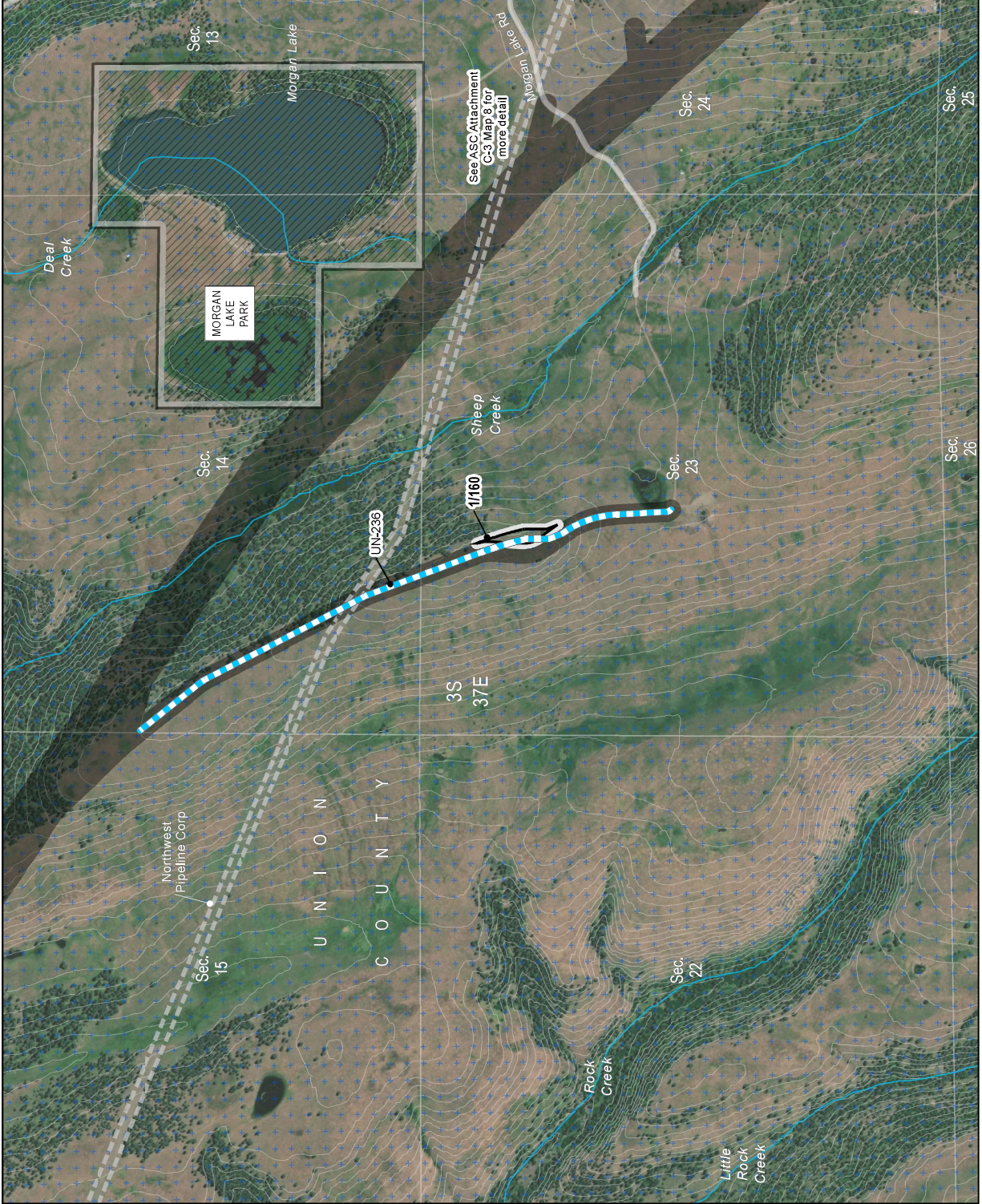


**Note:** Not intended for construction or any uses other than intended purpose.

**Project Features** current as of March 9, 2023.

**Data Sources:** BLM, Esri, NPS, ODOT, USGS, Velocity

**Layers:** Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community





Boardman to Hemingway Transmission Line Project  
 Application for Site Certificate

**IDAHO POWER**  
 AN INDEPENDENT COMPANY

**Attachment C-3**  
**Alternative Location Maps**  
 Morgan Lake Alternative  
 Union County  
**Map 8**

- Project Features**
- Site Boundary
  - Transmission Centerline
  - Mileposts
  - Mile
  - Tenth-mile
  - Work Areas
  - Communication Station
  - Pulling and Tensioning
  - Structure Work Area
  - Access
  - New Road, Bladed
- Line to**
- New Road, Primitive
  - Distribution Line to Communication Station (IPC Service Territory Only)
  - Important Siting Constraints and Other Features
  - 100-foot Corburs
  - Pipeline
  - Other Road
  - Stream
  - Land Status
  - Private

**Map Area**

0 1,000 Feet

Source(s) BLM, IPC, ODFW, ODOT, NPS, USDA, USFS, USGS, Verityx, Eri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, ZLI/Siriv/Boardman, Hemingway/Reports002, Oregon Energy, Sling, Council03, Final ASC/Enhals C, Project Location/Map/Attachment C-3/Morgan Lake\_UNION\_rev.20180612.mxd