

**BEFORE THE
ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON**

In the Matter of the Application for Site Certificate
for the **Cascade Renewable Transmission System**

)
)
)

PROJECT ORDER

Issued

July 25, 2023

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ACRONYMS AND ABBREVIATIONS

| | |
|--------------------|--|
| ACDP | Air Contaminant Discharge Permit |
| ASC | Application for Site Certificate |
| Applicant | Cascade Renewable Transmission, LLC |
| DEQ | Oregon Department of Environmental Quality |
| DSL | Oregon Department of State Lands |
| EFSC or Council | Energy Facility Siting Council |
| EFU Zone | Exclusive Farm Use Zone |
| EPA | United States Environmental Protection Agency |
| GW | Gigawatts |
| GWh | Gigawatt hours |
| HVAC | High-voltage Alternating Current |
| HVDC | High-voltage Direct Current |
| kV | Kilovolts |
| LCDC | Oregon Land Conservation and Development Commission |
| LLC | Limited Liability Company |
| MW | Megawatts |
| NOI | Notice of Intent to File an Application for Site Certificate |
| NPDES | National Pollutant Discharge Elimination System |
| OAR | Oregon Administrative Rule |
| ODA | Oregon Department of Agriculture |
| ODF | Oregon Department of Forestry |
| ODOE or Department | Oregon Department of Energy |
| ODOT | Oregon Department of Transportation |
| ODFW | Oregon Department of Fish and Wildlife |
| ORS | Oregon Revised Statute |
| pASC | Preliminary Application for Site Certificate |
| SHPO | Oregon State Historic Preservation Office |
| WDFW | Washington Department of Fish and Wildlife |
| WPCF Permit | Water Pollution Control Facilities General Permit |

1 **I. INTRODUCTION**

2
3 On March 7, 2023, the Oregon Department of Energy (ODOE or Department) received a Notice
4 of Intent to File an Application for a Site Certificate for the Cascade Renewable Transmission
5 System (NOI). The NOI was submitted by Cascade Renewable Transmission, LLC (CRT or
6 applicant).

7
8 This Project Order summarizes the Department’s review of the NOI and establishes the
9 statutes, administrative rules, council standards, local ordinances, application requirements and
10 study requirements for the site certificate application.

11
12 **I.A. Facility Description**

13
14 The Cascade Renewable Transmission System (proposed facility) is a 320-kilovolt (kV) high-
15 voltage direct current (HVDC) transmission line and related or supporting transmission facilities
16 interconnecting the existing Bonneville Power Administration (BPA) Big Eddy substation located
17 near The Dalles and the existing Portland General Electric (PGE) Harborton substation located in
18 Portland.

19
20 The majority of the HDVC line would be buried in the bed of the Columbia River using a Hydro
21 Jet Cable Burial Machine or “jet plow.”¹ An approximately 7.5-mile segment of the HVDC line
22 would be buried in lands adjacent to the river in Washington State to avoid the Bonneville Lock
23 and Dam. Additional underground segments would connect in-river transmission line segments
24 to two converter stations constructed near both points of interconnection.

25
26 The converter stations convert the direct current (DC) power carried by the HDVC line to and
27 from alternating current (AC) power used by the transmission grid at appropriate voltages. Two
28 segments of high-voltage alternating current (HVAC) transmission line would connect the
29 converter stations to the points of interconnection.

30
31 The Eastern Converter station is proposed to be constructed on federal land near The Dalles
32 and would be connected to the existing Bonneville Power Administration (BPA) Big Eddy
33 Substation by approximately 500 feet of overhead 500-kv AC transmission line.

34
35 The Western Converter Station is proposed to be constructed in Portland’s Rivergate Industrial
36 District in Portland and would be connected to the existing Portland General Electric (PGE)
37 Harborton Substation by a 230-kV AC transmission line installed in road rights-of-way and
38 under the Willamette River using horizontal-directional drilling.

39
40 **I.A.1 Facility Components/Structures**

41

¹ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 10.

1 I.A.1.1 HVDC Cable System
2

3 For in-river segments, the HVDC cable bundle would consist of two 6-inch conductor cables and
4 one fiber optic cable for communication. The conductor cable would be constructed from
5 annealed copper wires in a compacted circular design and filled with a water blocking material
6 to limit water propagation in the event of a cable severance. Approximately 79.5 miles of HVDC
7 cable would be installed in the bed of the Columbia River using a Hydro Jet Cable Burial
8 Machine or “jet plow.”² The jet plow would create an approximately 18-inch-wide trench by
9 temporarily fluidizing sediment, place the HVDC cable bundle within the trench, and then allow
10 the sediment to settle, burying the cable below the surface of the riverbed. The applicant has
11 requested flexibility to site the cable within a site boundary that includes most of the main river
12 channel but represents that the majority of the cable will be located within the authorized
13 navigation channel maintenance prism. The exact placement of the cable in the river will be
14 determined based on considerations such as the nature of the sediment, the topography of the
15 river bottom, the presence of underwater obstacles, and the need to avoid sensitive habitats
16 and cultural resources. In areas that lack adequate sediment, the HVDC cable bundle will be
17 placed directly on bedrock and covered with a concrete mattress or rock berm to protect and
18 weigh down the bundle.³
19

20 For underground segments, the HVDC cable system would consist of two 5-inch conductor
21 cables and one fiber optic cable. The conductor cable would be constructed from annealed
22 aluminum wires in a compacted circular design.⁴ Approximately 4.5 miles of underground
23 transmission cable would be installed in a trench in road rights-of-way from the eastern
24 converter station to the edge of the Columbia River. Depending on the route
25 chosen to the western converter station, between approximately 3.8 miles to 8 miles of
26 underground transmission cable would be installed in trenches from the river to the western
27 converter station.⁵ The trenches would be approximately 2.5 feet wide by 4.5 feet deep. Within
28 the trench, the conductor cables would be placed side by side in two 8-inch conduits with one
29 4-inch conduit on top for the fiber optic cable. The entire conduit bundle would be placed
30 within a 6-inch concrete casing.⁶
31

32 The applicant represents that the HVDC cable system would utilize cross linked polyethylene
33 (XLPE) dielectric insulation cable design,⁷ and that conductors will comply with the Class 2
34 stranding requirements of International Electrotechnical Commission (IEC) Standard 60228.⁸
35

² CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 10.

³ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 11.

⁴ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 8.

⁵ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 8.

⁶ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 6.

⁷ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 7.

⁸ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 7-8.

1 I.A.1.2 Converter Stations

2
3 A converter station would be constructed near each point of interconnection. The eastern
4 converter station would be located on BPA property near The Dalles and would convert 500-kV
5 AC power from the Big Eddy substation to 320-kV DC power. The western converter station
6 would convert the 320-kV DC power to 230-kV AC power for transmission to the Harborton
7 Substation and the electric grid.⁹

8
9 Each converter station would be sited on approximately five acres. The converter station site
10 would be graveled and fenced with minimal parking and appropriate site-specific drainage. The
11 converter station would include voltage source converters, conventional design converter
12 transformers, and protective circuit breakers. The converter station would include a structure
13 that would contain a control room for operating the facility as well as a basic kitchen and
14 sanitary facilities for staff. Final design at each converter station would be subject to local
15 zoning and building code requirements.¹⁰

16
17 I.A.1.3 HVAC Transmission

18
19 The converter stations would be connected to their respective substations by high voltage
20 alternating current (HVAC) cables. The eastern converter station would be connected to the Big
21 Eddy Substation with approximately 500 feet of overhead 500-kV AC transmission line.
22 Transmission structures would be located within the footprint of the eastern converter station
23 site.

24
25 The western converter station would be connected to the existing Harborton Substation with
26 approximately 2.6 miles of 230-kV AC transmission line. The 230-kV line would be installed in
27 trenches in road rights-of-way to the edge of the Willamette River. The trench for underground
28 HVAC transmission line would be approximately 12 feet wide by 4.5 feet deep. Within the
29 trench, the three-phased transmission line would be placed within three 12-inch conduits with
30 a 4-foot separation and two 4-inch fiber optic conduits would be placed within a 6-inch
31 concrete casing. Approximately 0.5 miles of 230-kV AC transmission line would be installed
32 across and under the bed of the Willamette River using horizontal directional drilling.¹¹

33
34 I.A.1.4 Temporary horizontal-directional drilling worksites and cofferdams

35
36 Horizontal-directional drilling (HDD) would be used to transition the in-river cables to land and
37 to cross highways, railroads, or other sensitive areas.¹² Temporary work areas would be
38 installed at each point of transition.

⁹ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 5.

¹⁰ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 6.

¹¹ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 5-7.

¹² CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 6.

1 At the areas where the HVDC cable transitions from land to water, temporary HDD entry points
 2 of approximately 1.4 acres would be constructed on land where conduit for the HVDC cable pull
 3 through would be installed. Once the conduits are installed in the river, a temporary three-
 4 sided wet cofferdam would be placed in the river to facilitate a safe workspace for divers to
 5 conduct the land-to-water cable transition. Installation of the cofferdam may require dredging
 6 to level out the riverbed. The cofferdams would be approximately 70 feet by 300 feet in size
 7 and would be removed after cable installation.¹³ Where both HDD entry and exit points are
 8 located on land the entry pit would occupy approximately 1.4 acres and the exit pit receiving
 9 the cable would occupy approximately 0.75 acres.

10

11 **I.B. Facility Location**

12

13 The facility is proposed to be sited within an approximately 100-mile transmission corridor in
 14 Wasco, Hood River, and Multnomah Counties in Oregon and Klickitat, Skamania, and Clark
 15 Counties in Oregon.¹⁴ The majority of the proposed corridor is proposed to be located in the
 16 Columbia River, in proximity to the navigation channel between Vancouver, Washington and
 17 The Dalles, Oregon that is maintained by the US Army Corps of Engineers. Additional segments
 18 would be installed underground in or near The Dalles and Portland in Oregon and near
 19 Stevenson in Washington. The portions of the corridor in Oregon would be located within a
 20 proposed facility site boundary. The applicant has requested flexibility to site the HVDC line and
 21 related and supporting facilities anywhere within the site boundary in order to avoid and
 22 minimize impacts to resources. The applicant has indicated that micrositing corridors may be
 23 proposed as part of the application.¹⁵ The site boundary occupies portions of the sections
 24 identified in Table 1 below.

25

| Table 1. Township, Range, and Section for Areas Occupied by the Site Boundary¹⁶ | |
|---|--------------------------------|
| Township and Range | Sections |
| T01N R01E | 01, 02, 03, 04 |
| T01N R02E | 05, 06, 10, 11, 12 |
| T01N R03E | 07, 14, 15, 16, 17, 18, 21, 22 |
| T01N R04E | 26, 28 |
| T01N R05E | 14, 15, 22 |
| T01N R06E | 03, 04, 07 |
| T01N R13E | 01, 02, 03 |
| T01N R14E | 05, 06, 07 |
| T02N R01W | 23, 24, 25, 26, 34, 35 |

¹³ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 10.

¹⁴ Portions of the facility located outside of the State of Oregon are not subject to the jurisdiction of the Oregon Energy Facility Siting Council, however, the potential impacts on resources protected by Council standards that may result from the construction and operation of those portions of the facility may be considered during the Council’s review of this facility.

¹⁵ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 14.

¹⁶ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, Table C-1.

| Township and Range | Sections |
|---------------------------|-------------------------------|
| T02N R06E | 34, 35 |
| T02N R07E | 21, 28, 29 |
| T02N R08E | 05, 06 |
| T02N R09E | 03, 04, 05, 06 |
| T02N R11E | 01, 02, 03, 04 |
| T02N R13E | 08, 17, 20, 21, 28, 33, 34 |
| T02N R14E | 31, 32 |
| T03N R08E | 32, 33, 34, 35, 36 |
| T03N R09E | 31, 32, 33, 34, 35, 36 |
| T03N R10E | 25, 25, 27, 28, 29, 31,32, 33 |
| T03N R11E | 30, 31, 32, 33, 36 |
| T03N R12E | 31, 33, 34 |

1
2 The eastern converter station site is located on federally owned land north of the Big Eddy
3 substation. From the eastern converter station site, the HVDC cable bundle would be buried in
4 a trench along the Big Eddy Substation’s access road to its intersection with US Highway 197.
5 The trenched line would continue northwest in the north-bound right-of-way of US-197 into the
6 City of The Dalles to intersection of US-197 and Columbia View Dive. Temporary work areas
7 would be placed on the southeast and northwest corners of the intersection to allow the cable
8 bundle to be installed under the intersection using horizontal directional drilling. The cable
9 bundle will then be trenched along the south-bound right of way of US-197 to its junction with
10 US Highway 30. The cable bundle would be installed under the junction and would follow the
11 west bound right of way of US-30 to its intersection with E 2nd St. The trenched cable would
12 follow the east bound right of way of E 2nd Street toward US-197 before being installed under E
13 2nd St. using HDD. From the west bound right of way of E. 2nd St., the cable would be trenched
14 north across private property and along Portsmouth Lane, and west along Tie Plant Road to an
15 undeveloped area between Tie Plant Road to the north, Railview Drive to the south, and
16 Brewery Overpass Road to the west. A temporary HDD entry pit and area for HDD equipment,
17 approximately 1.4 acres in size, would be located in an undeveloped area near Tie Plant Road
18 and Brewery Overpass. Conduit for the subsequent pull-through installation of the HVDC cable
19 in the river would be installed using HDD for approximately 1,500 feet to the north under Tie
20 Plant Road, Interstate 84 (I-84), and Riverfront Park into the Columbia River. Once the conduits
21 are installed in the river, a temporary three-sided wet cofferdam would be placed in the river at
22 approximately River Mile 190 to facilitate the land-to-water cable transition.¹⁷

23
24 Within the river, the transmission line corridor would mostly follow the navigation channel and
25 would be located within both the Oregon and Washington sides of the river. The proposed site
26 boundary for the in-river segment includes the entire Oregon side of the river.
27

¹⁷ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 10.

1 From the land-to-water transition point at The Dalles, the HVDC cable would be buried in the
2 bed of the Columbia River for approximately 40 miles to a point near River Mile 150,
3 approximately 4 miles east of the Bonneville Lock and Dam. The HVDC cable would then exit
4 the river and come on shore near Stevenson, Washington. A temporary cofferdam would be
5 placed in the river to transition the line from water to land.¹⁸

6
7 A temporary HDD entry pit would be located in an undeveloped area adjacent to Washington
8 State Route 14 (WA-14) to receive the cable and transition to trenching. The cable would then
9 be buried in a trench along WA-14 and Ash Lake Road to the southwest to Fort Cascades Drive
10 in North Bonneville, Washington. A temporary HDD entry pit and area for HDD equipment,
11 would be installed located in an undeveloped area at the end of Fort Cascades Drive at the edge
12 of the river. The HVDC cable bundle would be installed using HDD for approximately 1,100 feet
13 into Columbia River. Another temporary wet cofferdam would be placed in the river below the
14 Bonneville Lock and Dam between River Mile 143 and 144.¹⁹

15
16 From the transition point, the HVDC cable would again be installed in the bed of the main
17 channel of the river by jet plow for approximately 38 miles. Another temporary wet cofferdam
18 would be constructed in the river between River Mile 105 and 106 and a temporary HDD work
19 area would be constructed near the mid-point of Hayden Island's North Shore to conduct the
20 river-to-land cable transition. The cable would be trenched for approximately 0.7 miles across
21 Hayden Island to the south. A temporary HDD exit pit would be located on the south shore of
22 Hayden Island to receive conduit from an HDD entry pit located in an undeveloped area south
23 of the BSNF railroad near N Marine Drive on the opposite side of the North Portland Harbor
24 Channel. Using the same entry pit, the cable would be placed via HDD under the BNSF railroad
25 and N Marine Drive. From the south side of N Marine Drive, the line would be trenched for
26 approximately 2.3 miles west along the right-of-way of N Marine Drive and southwest along N
27 Leadbetter Road to the western converter station site.²⁰

28
29 The western converter station site is located southwest of the intersection of N. Leadbetter
30 Road and N Marine Drive in Portland's Rivergate Industrial District. The western converter
31 station would be connected to the Harborton substation with approximately 3 miles of HVAC
32 cables. From the western converter station site, the HVAC cables would be placed via HDD
33 under the Columbia Slough and BNSF railroad to one of two alternative exit pit sites on the
34 west side of the BNSF railroad. From the exit point, the HVAC cables would be installed in a
35 trench in the rights-of-way of N Lombard Street, N Ramsey Boulevard and N Rivergate
36 Boulevard. The cables would then be trenched across private property to the edge of the
37 Willamette River where a temporary HDD entry pit would be constructed. A temporary HDD

¹⁸ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 10.

¹⁹ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 12.

²⁰ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 12. Note, a second alternative bringing the HVDC cable bundle onshore near Broughton Beach Park is presented in the NOI, but the applicant has stated that this alternative will not be pursued.

1 exit pit would be located in an undeveloped area adjacent to the Harborton substation to
2 receive the HVAC cables.²¹

3
4 The applicant estimates that the proposed facility would result in the permanent disturbance of
5 10 acres and temporary disturbance of four acres at the two converter station sites.
6 Approximately 22.9 acres of land and 13.6 acres within the Columbia River would be
7 temporarily disturbed during installation of the HVDC and HVAC lines. Estimated disturbance
8 acres associated with each facility component are provided in Table 2. Temporary and
9 Permanent Disturbance Areas below.²²

10

| Facility Component | Permanent Disturbance Acres | Temporary Disturbance Acres |
|--------------------------------|---|-----------------------------|
| 500-kV HVAC Transmission Line | (Included in Eastern Converter Station) | 2.2 |
| Eastern Converter Station | 5 | 2 |
| 320-kV HVDC Transmission Line | | |
| <i>On land</i> | 0 | 2.3 |
| <i>In River</i> | 0 | 13.6 |
| <i>HDD work Areas</i> | 0 | 14.6 |
| Western Converter Station | 5 | 2 |
| 230-kV HVAC Transmission Line | 0 | 3.8 |
| Total Disturbance Acres | 10 | 40.5 |

11

12 I.C. Applicant Information

13

14 The applicant is Cascade Renewable Transmission, LLC (CRT), an entity formed for the purpose
15 of developing the facility under a Joint Development Agreement between PB CRTS, LLC and
16 Sun2o Partners, LLC.

17

18 PB CRTS is a wholly owned subsidiary of PowerBridge, LLC, a developer, owner, and operator of
19 independent transmission projects, including the Neptune and Hudson underwater HVDC
20 transmission lines in New York and New Jersey. Sun2o Partners, LLC is primarily a solar
21 developer based in New York City and is unaffiliated with PowerBridge, LLC. PB CRTS is the
22 managing partner of the development company. CRT has no employees and will rely on the
23 organizational, managerial, financial, and technical resources of its affiliated companies to meet
24 the Council's standards.

25

26 The officer responsible for submitting the Notice of Intent (NOI) was:

27

²¹ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 13.

²² CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 14.

1 Christopher Hocker, Vice President, Cascade Renewable Transmission, LLC
 2 501 Kings Highway East, Suite 300
 3 Fairfield, CT 06825
 4 Email: Chocker@PowerBridge.us
 5 Phone: (203) 416-5590
 6

7 **I.D. Procedural History**
 8

9 On December 2, 2022, the Applicant submitted a Notice of Intent with the fee required under
 10 OAR 345-020-0006. The Department completed an initial review of the NOI and determined
 11 that the NOI did not provide sufficient information for the preparation of the Department’s
 12 Project Order as required by ORS 469.330 and OAR 345-020-0011. On December 21, 2022, the
 13 Department notified the Applicant of its determination and requested additional information
 14 be provided.
 15

16 On March 7, 2023, the Applicant submitted a revised Notice of Intent. On March 14, the
 17 Department notified the Applicant that the revised NOI contained sufficient information to
 18 begin the formal review process.
 19

20 In accordance with ORS 469.350 and OAR 345-020-0040(1), the Department prepared a
 21 distribution list of state and federal agencies with regulatory or advisory responsibility with
 22 respect to the siting of the proposed facility and local governments and tribal governments that
 23 could be potentially affected by the proposed facility. On March 27, 2023, the Department
 24 provided the list to the Applicant for concurrence. The reviewing agencies and governments for
 25 the proposed facility are listed in **Table 3**.
 26

Table 3. Notice of Intent Distribution List

| State Agencies | |
|---|---|
| <ul style="list-style-type: none"> • Oregon Department of Agriculture • Oregon Department of Aviation • Oregon Department of Environmental Quality • Oregon Department of Fish and Wildlife • Oregon Department of Forestry • Oregon Department of Geology and Mineral Industries | <ul style="list-style-type: none"> • Oregon Department of Land Conservation and Development • Oregon Department of State Lands • Oregon Office of State Fire Marshal • Oregon Public Utility Commission • Oregon State Historic Preservation Office • Oregon Water Resources Department |
| Special Advisory Group | |
| <ul style="list-style-type: none"> • The Dalles City Council • Mosier City Council • Hood River City Council • Cascade Locks City Council • Fairview City Council • Portland City Council | <ul style="list-style-type: none"> • Wasco County Board of Commissioners • Hood River County Board of Commissioners • Multnomah County Board of Commissioners |

Table 3. Notice of Intent Distribution List

| Other Affected Local Governments (NON-SAG) |
|--|
| <ul style="list-style-type: none"> • City of Gresham • City of Wood Village |
| Federal/Other Reviewing Agencies |
| <ul style="list-style-type: none"> • Northwest Power and Conservation Council • US Army Corps of Engineers • US Fish and Wildlife Service |
| Tribal Governments |
| <ul style="list-style-type: none"> • Confederated Tribes of Grand Ronde • Confederated Tribes of Siletz • Confederated Tribes of the Umatilla Indian Reservation • Confederated Tribes of Warm Springs Reservation |

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I.D.1 Public Participation

On April 4, 2023, the Department sent Public Notice of the NOI to persons on the Council's general mailing list and to the owners of record for all tax lots located within the distances specified by ORS 197.797(2)(a). The public notice provided information regarding the proposed facility and the EFSC review process. The public notice announced that public information meetings on the NOI would be held in The Dalles on May 2, 2023, and in Portland on May 3, 2023. The public notice requested public comment on the NOI and established June 1, 2023, as the public comment deadline.

On April 17, 2023, Public Notice appeared in The Oregonian, a newspaper of general circulation for Multnomah County and the Portland Metropolitan Area.

On April 19, 2023, Public Notice appeared in The Columbia Gorge News, a newspaper of general circulation for Wasco County.

On April 19 and 21, 2023, Public Notice appeared in The Gresham Outlook, a newspaper of general circulation for Multnomah County.

On May 2 and 3, 2023, the Department held public information meetings at The Columbia Gorge Discovery Center in The Dalles and the Oxford Suites – Jantzen Beach in Portland, respectively. The Department and Applicant appeared at the informational meetings and provided information about the siting process and the proposed facility and responded to several questions from the public regarding the design of the facility, the need for the project, and its potential impacts.

The Department also received seven written comments on the NOI. Exact copies of these comments are provided in Attachment 1.

1
2 On April 10, 2023, the Department received written comment from Tim Heuker. Mr. Heuker
3 raised concerns about the potential impacts of the facility on fish and fish habitat, as well as
4 impacts on commercial fisheries and recreational opportunities on the river.
5

6 On May 3, 2023, the Department received a comment supporting the NOI and approval of the
7 facility from Obsidian Renewables, LLC and identifying need for the transmission services the
8 facility would provide.
9

10 On May 26, 2023, the Department received a comment from David Struck. Mr. Struck raised
11 concerns about areas of private land that could be affected by the proposed facility. The
12 Department notes that not all parcels located within the river are public property and
13 recommend that the applicant review the ownership of tax lots within the site boundary and
14 remove any privately owned lands that are not under consideration from the site boundary.
15

16 On May 31, 2023, the Department received written comment from Chuck Rink, a professional
17 engineer. Mr. Rink raised issues related to the familiarity of the applicant with conditions in the
18 Pacific Northwest, specifically sensitive areas and geologic hazards in and near the Columbia
19 River. Mr. Rink also identified some merits of the project, including the security and reliability
20 benefits that may be achieved by an underground HVDC transmission line.
21

22 On June 1, 2023, the Department received written comment from Columbia Riverkeeper raising
23 concerns that the NOI did not adequately demonstrate that the facility will avoid impacts to fish
24 and wildlife, including listed threatened and endangered species and their habitats. Riverkeeper
25 specifically recommended the applicant provide additional information on the potential
26 impacts of electric and magnetic fields on aquatic species, impacts to habitat during
27 construction, operation, and maintenance of the proposed facility, and the cumulative effects
28 of this project and other planned or ongoing developments that could potentially impact
29 species and individuals. Riverkeeper recommended the applicant ensure that has provided
30 meaningful opportunities for Tribes to provide input on the project; to ensure the protection of
31 cultural resources; and to ensure consistency with the Columbia River Inter-Tribal Fish
32 Commission's 2022 Energy Vision. Riverkeeper recommended that additional studies be
33 conducted to understand the extent and persistence of water quality impacts from installation,
34 maintenance, and removal of the transmission line. In particular, Riverkeeper raised concerns
35 about the potential release of contaminated sediments into the water column during
36 installation of the line and potential release of contaminants from the transmission line itself in
37 the event of a line rupture. Riverkeeper recommended the applicant fully address protocols for
38 maintenance, end-of-life decommissioning and removal, or possible additions to the project.
39 Riverkeeper raised concerns with the scope of alternatives provided to support NOI Exhibit D,
40 and recommended additional alternatives be considered in the application (see Section III.N).
41 Riverkeeper raised concerns with reliance on the applicant's experience constructing and
42 operating facilities with dissimilar engineering and environmental constraints to demonstrate
43 that the proposed facility would not have impacts. Riverkeeper also made recommendations to
44 the Council regarding the public process.

1
2 On June 1, 2023, the Department received written comment from Friends of the Columbia
3 Gorge. Friends recommended that the facility be reviewed for consistency with the Columbia
4 River Gorge National Scenic Area Act and its implementing rules and recommended that all
5 potential impacts to the scenic, natural, cultural, and recreational resources of the Columbia
6 River Gorge must be avoided or mitigated. Friends recommended that the Council appoint the
7 Gorge Commission and Forest Service as Reviewing Agencies. Friends raised concerns about the
8 impacts that construction and operation of the facility would have on fish and wildlife species in
9 the Columbia River, including direct mortality of benthic species, impacts from the release of
10 contaminated sediments, and impacts from electric and magnetic fields. Friends raised
11 concerns about impacts on fishing and other water-dependent recreation activities, including
12 windsurfing, paddleboarding, kayaking, and fishing. Friends raised concerns with the proposal
13 to retire the facility by abandoning the HVDC transmission cable in place, stating concerns that
14 this approach would likely be inconsistent with the requirements of OAR 345-027-0110. Finally,
15 Friends recommended that the Department and Council consult with all of the potentially
16 affected Tribes to ensure impacts to archaeological sites, cultural resources, treaty rights, and
17 tribal access to the Columbia River are avoided.

18
19 On June 1, 2023, the Department received written comment from the Community Renewable
20 Energy Association supporting the NOI and the need for the facility.

21

22 **I.D.2 Special Advisory Group Participation**

23

24 ORS 469.480(1) requires the Council to designate the governing body of any local government
25 within whose jurisdiction a facility is proposed to be located as a Special Advisory Group. The
26 facility site boundary is proposed to be located on lands or waters within the jurisdiction of
27 Wasco, Hood River, and Multnomah Counties as well as the City of The Dalles, the City of
28 Mosier, the City of Hood River, the City of Cascade Locks, the City of Fairview, and the City of
29 Portland.

30

31 On April 4, 2023, the Department sent letters notifying the governing body of each of the
32 jurisdictions listed above that they would be designated as a Special Advisory Group in
33 accordance with ORS 469.480(1) and requesting comments and recommendations on
34 applicable local substantive criteria from the governing body by June 1, 2023. The Department
35 also presented information about the project to the City of Hood River City Council on May 8,
36 2023.

37

38 At its meeting on June 1, 2023, the Council appointed the following local government governing
39 bodies as Special Advisory Groups:

- 40 • Wasco County Board of Commissioners
- 41 • Hood River County Board of Commissioners
- 42 • Multnomah County Board of Commissioners
- 43 • The City Council of the City of The Dalles

- 1 • The City Council of the City of Mosier
- 2 • The City Council of the City of Hood River
- 3 • The City Council of the City of Cascade Locks
- 4 • The City Council of the City of Fairview
- 5 • The City Council of the City of Portland

6
7 The Department received written comments from Wasco County, Hood River County,
8 Multnomah County, the City of The Dalles, the City of Mosier, and the City of Portland. These
9 comments are summarized below. Exact copies of all comments are provided in Attachment 2.

10
11 On May 12, 2023, the City of Mosier commented that it the City didn't have sufficient
12 information to provide a meaningful response to the Department's request. The City reserved
13 its right to comment when additional information is available.

14
15 On May 15, 2023, the Multnomah County Department of Community Services Land Use
16 Planning Division provided comments on the Notice of Intent. The Planning Division noted that
17 portions of the site boundary are within Multnomah County's Rural Center (RC), Commercial
18 Forest Use, and Multiple Forest Use Zones. The Planning Division identified applicable
19 substantive criteria for community service uses, including utility facilities, in those zones.

20
21 In addition to comments related to land use, Multnomah County recommended that the
22 applicant be required to demonstrate that the proposed facility will avoid adverse impacts on
23 scenic, natural, cultural, and recreational resources within the Columbia River Gorge National
24 Scenic Area, including potential impacts caused by noise, vibration, in-water obstructions, risk
25 of electrical shock, erosion and sedimentation (water turbidity), and flood impacts.

26
27 Multnomah County also recommended that the Council ensure that the treaty rights of The Nez
28 Perce Tribe, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes
29 of Warm Springs, and the Confederated Tribes of the Umatilla Indian Reservation will be
30 protected.

31
32 On May 17, 2023, the Wasco County Board of Commissioners provided comments on the
33 Notice of Intent. The Board of Commissioners noted that the portions of the facility are within
34 Wasco County's A-1 Exclusive Farm Use Zone and recommended applicable substantive criteria
35 for uses in that zone. The Board of Commissioners also noted that portions of the proposed
36 facility appear to be located in the Wasco County's FEME Flood Zone (OZ 1), Geological Hazard
37 Overlay Zone (OZ 2), Military Airspace Overlay Zone (OZ 15), and Sensitive Wildlife Habitat (OZ
38 8) Overlay Zone. The Board of Commissioners also noted that the applicant will be required to
39 demonstrate compliance with National Scenic Area regulations and criteria, including
40 cumulative impacts to the scenic, natural, cultural and recreation impacts and to ensure
41 protection of the treaty rights of Columbia River Treaty Tribes.

42
43 On May 22, 2023, the Hood River County Community Development Department provided
44 comments on the Notice of Intent. The comments note that within Hood River County project

1 components are proposed to be located entirely within the Columbia River. According to the
2 Community Development Department, the Hood River County Comprehensive Plan does not
3 establish specific land use criteria that would apply to development occurring beneath the
4 normal pool elevation of the Columbia River and that the County does not anticipate any local
5 permits being required.

6
7 Hood River County also recommended the applicant be required to provide the studies
8 necessary to demonstrate that the proposed project will not result in short or long-term
9 adverse effects upon scenic, cultural, natural, and recreational resources that are vital to
10 sustain the unique character of the NSA. Factors associated with the project, such as
11 sedimentation/water quality; fish habitat degradation; direct harm to fish, wildlife, and humans
12 from electric shock and electro-magnetic field generation; potential for transmission line
13 damage; barge/freight transport disruptions; effects on tribal treaty rights; etc., must be
14 thoroughly vetted.

15
16 Hood River County also suggested that the applicant be required to coordinate with the Hood
17 River-White Salmon Bridge Authority to ensure conflicts between the transmission line project
18 and future Hood River-White Salmon Bridge replacement project are avoided.

19
20 On June 1, 2023, the City of the Dalles Community Development Department provided
21 comments on the NOI recommending applicable substantive criteria for the portions of the
22 facility within the City's Urban Growth Boundary and recommending that the applicant conduct
23 sufficient research into project locations within wetlands, floodplains, stream corridors, and
24 geohazard zones and due to the age of The Dalles, conduct archaeological studies and historical
25 research for all areas within the UGB.

26
27 On July 6, 2023, the Portland City Council provided a letter authorizing the Portland's Bureau of
28 Development Services (BDS) to recommend applicable substantive criteria on its behalf.²³ BDS
29 provided recommendations from its Land Use Services and Side Development Divisions, as well
30 as recommendations from the Bureau of Environmental Services, Urban Forestry, Water
31 Bureau, and Bureau of Fire and Rescue. The recommendations include recommendations of
32 applicable substantive criteria, permitting requirements, and a summary spreadsheet including
33 additional criteria and resources.

34
35 The applicable substantive criteria recommended by the Special Advisory Groups and affected
36 local government agencies are discussed further in Section III.K. Local permitting requirements
37 are discussed in Section III.E.3 below. The applicant is encouraged to review all comments and
38 recommendations carefully and to coordinate with local governments while preparing
39 application materials.

40 41 **I.D.3 Reviewing Agency Participation** 42

²³ Portland City Ordinance 191346

1 On April 4, 2023, the Department requested comments from state and federal agencies with
2 regulatory or advisory responsibility with respect to the siting of the proposed facility. The
3 Department received comments and recommendations from the Northwest Military Training
4 Complex, the Columbia River Gorge Commission, the Oregon Department of State Lands, and
5 the Oregon Department of Fish and Wildlife. These comments and recommendation are
6 summarized below. Exact copies of these comments are provided in Attachment 3. The
7 Department is also in ongoing conversations on this project with the Washington Energy Facility
8 Site Evaluation Council and other federal and state agencies with jurisdiction over the facility.
9

10 On April 19, 2023, the Department received comment from the Northwest Military Training
11 Complex requesting that the application specify the height of any above structures or other
12 evidence demonstrating that the proposed facility will avoid impacts to military airspace. These
13 recommendations have been incorporated into Section III.K.1.1.
14

15 On May 30, 2023, the Department received comment from the Columbia River Gorge
16 Commission indicating that the Commission does not have jurisdiction or advisory responsibility
17 with regard to facility components sited in the river or in designated urban areas within the
18 Columbia River Gorge National Scenic Area. See III.K.1.10.
19

20 On June 1, 2023, the Department received recommendations from the Oregon Department of
21 State Lands regarding application requirements associated with Removal-Fill Permits and
22 proprietary waterway authorizations. These recommendations have been incorporated into
23 Section III.J.
24

25 On June 1, 2023, the Department received recommendations from the Oregon Department of
26 Fish and Wildlife (ODFW) regarding application requirements needed to demonstrate
27 compliance with the Oregon Fish and Wildlife Habitat Mitigation Policy and other requirements
28 of ORS chapter 496 and OAR chapter 635. These recommendations have been incorporated
29 into Section III.P and III.Q.
30

31 **I.D.4 Tribal Government Participation** 32

33 On April 26, 2022, the Applicant consulted with the Legislative Commission on Indian Services
34 to identify tribes that may be potentially affected by the proposed facility. On May 12, 2022,
35 the Commission recommended the Applicant consult with the following tribes:

- 36 • Confederated Tribes of Grand Ronde
- 37 • Confederated Tribes of Siletz
- 38 • Confederated Tribes of the Umatilla Indian Reservation
- 39 • Confederated Tribes of Warm Springs Reservation²⁴
40

41 On April 4, 2023, the Department sent letters to the Chair of the Tribal Council of each of the
42 aforementioned Tribes, requesting comments regarding historic, cultural, or archaeological

²⁴ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, Attachment 5.

1 resources, and other resources that may have cultural or economic significance to the Tribe. On
2 the same date, the Department sent similar letters requesting comments from the Tribal
3 Councils of the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Nation, and
4 from the Columbia River Inter-Tribal Fish Commission, an Inter-tribal agency representing the
5 Columbia River Treaty Tribes.

6
7 The Department received written comments and recommendations from the Cowlitz Indian
8 Tribe, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Columbia
9 River Inter-Tribal Fish Commission (CRITFC). Exact copies of these comments are provided in
10 Attachment 4.

11
12 On May 31, 2023, the Cowlitz Indian Tribe submitted written comments raising concerns about
13 potential impacts on benthic species such as eulachon, lampreys, and freshwater mussels that
14 are year-round residents of river sediments. The Cowlitz Indian Tribe also raised concerns
15 regarding gaps in knowledge regarding the impacts of electric and magnetic fields on fish and
16 other aquatic species. The Cowlitz Indian Tribe also inquired how cumulative effects of
17 development on fish and wildlife would be considered in this review.

18
19 On June 1, 2023, the Department received recommendations from the Columbia River Inter-
20 Tribal Fish Commission (CRITFC) raising concerns about NOI. Specifically, CRITFC raised concerns
21 about the need for the proposed facility and about the potential impacts that installation of the
22 facility could have on benthic ecosystems. CRITFC recommends the application thoroughly
23 examine potential water quality impacts during the construction of the proposed facility,
24 including the release of sediments and increased turbidity into the water column. CRITFC
25 recommended a comprehensive study of sediment conditions be required to assess the
26 potential suspension of toxic sediments in the water column before undertaking any
27 construction activities and to assess potential impacts on habitat for sensitive species, including
28 Pacific Lamprey.

29
30 On June 1, 2023, the Department received comments from the Confederated Tribes of the
31 Warm Springs Reservation of Oregon (CTWSRO) Tribal Historic Preservation Office. The Office
32 raised concerns regarding potential adverse impacts of construction and operation of the
33 proposed facility on inundated cultural and archaeological sites within the Columbia River, as
34 well as culturally significant aquatic species, including but not limited, lamprey, sturgeon, and
35 salmonids, and other wildlife species that depend on them. The Office noted that the Columbia
36 River has high cultural significance to the CTWSRO and that impacts to fishing, hunting, and
37 gathering would adversely impact CTWSRO's reserved Treaty Rights established under the 1855
38 Treaty with the Middle Tribes of Oregon. The Office's comments also included personal
39 statements from Tribal elders appointed to the CTWSRO's Cultural and Heritage Committee
40 raising concerns about the potential cumulative impacts of the proposed facility on Salmon,
41 particularly given the impacts of historic energy development, including the construction of The
42 Dalles Dam on the Columbia River.

1 On June 21, 2023, the Department received comments from the Natural Resources Branch of
2 the CTWSRO. The Branch recommended that the Department include opportunities for Tribal
3 participation in the siting process beyond consultation on historic, cultural, and archeological
4 resources and must discuss how the siting decision will protect the Tribes federally reserved
5 treaty rights, including the right to take fish throughout the Columbia River Basing. The Branch
6 recommended that consultation with CTWSTO, and other Columbia River treaty tribes for their
7 technical and traditional knowledge and expertise related to management of their treaty-
8 reserved rights.

9
10 The Branch recommended that the site certificate must include sufficient conditions to
11 adaptively manage the project’s ecological impacts and necessary mitigation and restoration
12 actions during construction, operation, and retirement and to respond to emergencies. The
13 Branch noted that CTWSRO is likely to object to decommissioning in place.

14
15 The Branch recommended that analysis areas include all affected portions of the Columbia
16 River, including downstream areas that could be affected by shifting sediment and areas for
17 staging large equipment, including barge tie-ups and recommended that habitat impacts be
18 considered for a broader range of species and populations than identified in the NOI. The
19 Branch recommended that the application contain information regarding impacts to habitat for
20 culturally significant and treaty-protected species in addition to State sensitive species and
21 information regarding impact to federally identified critical habitat for federally listed
22 threatened and endangered species. The Branch’s comments raise specific concerns regarding
23 impacts to Chum salmon spawning locations and traditional fishing locations in and near
24 Hamilton Island, Washington and impacts to other in-lieu or treaty fishing access sites between
25 The Dalles and Bonneville. The Branch requested information about how the applicant will
26 avoid or otherwise mitigate impacts to these areas. The Branch also recommended that the
27 unified in-stream work window be established taking both Oregon and Washington state
28 requirements into account. The Branch’s also raised specific concerns about potential impacts
29 to fragmentation of mule deer winter range in the White River and Biggs unit, as well as
30 potential impacts to deer parturition and fawning.

31
32 The Branch raised concerns regarding the protection of inundated sites and burial sites in areas
33 where horizontal directional drilling would be used, noting that there is no effective way to
34 monitor for inadvertent discovery in boring holes causing risk that cultural sites may be
35 destroyed without knowledge. The Branch also raised concerns related to potential impacts of
36 contaminated sediments and soils entering the water column and their potential effects on
37 tribal members exercising treaty rights. Specifically, the Branch identified concerns about
38 potential disturbance of contaminants from the Bradford Island Superfund Site and Portland
39 Harbor Superfund Site and contaminated soils at West Hayden Island. The Branch noted that
40 CTWSRO is a Trustee in the Portland Harbor Superfund Site (PHSS) and has spent nearly 20
41 years advising and working towards the clean-up of the site and restoring culturally significant
42 fish, wildlife, and plant species. The Branch recommends that the applicant fully explain how
43 potential impacts to the PHSS and the associated clean-up effort will be avoided.

1 The recommendations have been incorporated into Sections III.P and III.Q. CRITC also
2 recommended the applicant consult with all Columbia River tribes to ascertain whether the
3 proposed route could affect cultural resources, both within the water and in the riparian land
4 section near Bonneville Dam.
5

6 I.E. Application Review Process 7

8 This Project Order establishes the statutes, administrative rules, Council standards, local
9 ordinances, application requirements and study requirements for the ASC in accordance with
10 ORS 469.330 and OAR 345-015-0160.
11

12 Section II of this Project Order outlines the EFSC regulatory framework and references the main
13 statutes and rules that govern the EFSC review process. Section III discusses the application
14 content requirements under OAR 345-021-0010. Section IV specifies the impact assessment
15 analysis areas for the proposed facility. Section V provides the expiration date of the NOI, and
16 Section VI discusses Project Order amendments and the requirements for the Department to
17 find the application for site certificate complete. Section VII describes the applicant’s duty to
18 comply with applicable requirements.
19

20 As provided in ORS 469.330(4), this Project Order is not a final order. The Department or
21 Council may amend this Project Order at any time.
22

23 II. EFSC REGULATORY FRAMEWORK 24

25 Under ORS 469.300(11)(a)(C), a high voltage transmission line of more than 10 miles in length
26 with a capacity of 230,000 volts or more proposed to be constructed in more than one city or
27 county in Oregon is an “energy facility” subject to the jurisdiction of the Oregon Energy Facility
28 Siting Council (EFSC or Council). Under ORS 469.320, no energy facility may be constructed or
29 operated in Oregon without a Site Certificate from the Council. Issuance of a site certificate is
30 governed by ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992 and OAR
31 chapter 345.
32

33 Under ORS 469.370(13), the Council will conduct the site certificate review, to the maximum
34 extent feasible, in a manner that is consistent with and does not duplicate federal agency
35 review under the National Environmental Policy Act, 42 U.S.C. Section 4321, et seq. In this
36 review the Department and Council will coordinate with federal agencies and the State of
37 Washington Energy Facility Site Evaluation Council to ensure consistency of study and reporting
38 requirements and any proposed conditions of approval. The applicant is encouraged to
39 coordinate with all relevant state and federal agencies to ensure that any required studies
40 addressing impacts to the Columbia River will satisfy the requirements of all jurisdictions before
41 beginning field work or investigations. The Department requests that the applicant copy all
42 relevant agencies on any submission to ensure all parties are aware of relevant timeframes and
43 procedures.
44

1 The following divisions of OAR chapter 345 include rules related to application requirements,
2 EFSC review of an application for site certificate (ASC), and construction and operation of an
3 approved facility:
4

5 **OAR Chapter 345, Division 21** (Site Certificate Application Requirements) includes the primary
6 site certificate application requirements. See Section III of this Project Order for specific
7 information related to the site certificate application requirements for the proposed facility.
8

9 **OAR Chapter 345, Division 22** (Council Standards for Siting Facilities) establishes the General
10 Standards which apply to all proposed energy facilities. The applicant must ensure that
11 information provided to satisfy the application requirements in Division 21 demonstrates
12 compliance with the associated standard in Division 22.
13

14 **OAR Chapter 345, Division 24** (Specific Standards for Siting Facilities) includes additional
15 standards for specific categories of energy facilities. The applicant must ensure that the
16 information provided to satisfy the application requirements in Division 21 demonstrates
17 compliance with any associated Division 24 standards that are applicable to the proposed
18 facility. Because the proposed facility is a transmission line, OAR 345-024-0090, Siting Standards
19 for Transmission Lines, applies.
20

21 **OAR Chapter 345, Division 25** (Site Certificate Conditions) includes site certificate conditions
22 that EFSC must include in all site certificates, as well as applicable site-specific and monitoring
23 conditions. As provided in OAR 345-025-0006(10), the Council will include all representations
24 made in the ASC and supporting record that the Council deems to be binding commitments
25 made by the applicant as conditions of approval if the application is approved.
26

27 **OAR Chapter 345, Division 26** (Construction and Operation Rules for Facilities) includes the
28 ongoing compliance and reporting requirements that will apply if the Council issues a site
29 certificate for the proposed facility. In addressing the Division 21 application requirements, the
30 applicant shall refer to the compliance plan requirements, described in OAR 345-026-0048, and
31 reporting requirements, described in OAR 345-026-0080. Note that, if a site certificate is issued,
32 the certificate holder must also comply with additional construction- and operation-related
33 regulations that may apply to the proposed facility but that may not be covered by the site
34 certificate, per ORS 469.401(4).
35

36 **III. APPLICATION REQUIREMENTS** 37

38 The applicant must include all information required under OAR 345-021-0010, including all
39 information that would otherwise be required by any state agency or local government to issue
40 a permit, license, or certificate that the applicant proposes to be included in and governed by

1 the site certificate.²⁵ The applicant must also submit copies of the applications for federally
2 delegated permits that are needed for construction or operation of the proposed facility.²⁶

3
4 OAR 345-021-0010(1) identifies the exhibits that must be included in the application. The
5 specific subsections and paragraphs of OAR 345-021-0010(1) that apply to the proposed facility
6 are indicated in the sections below. Each exhibit must include a table of contents.²⁷

7
8 Relevant portions of documents prepared in connection with an environmental assessment or
9 environmental impact statement for the proposed facility under the National Environmental
10 Policy Act of 1970 (NEPA) or to demonstrate compliance with the requirements of the
11 Washington Energy Facility Site Evaluation Council may be incorporated into the application or
12 attached to exhibits. If complete documents are provided, the applicant must include cross-
13 references to the relevant sections in the exhibit. The applicant is encouraged to develop and
14 submit materials that will satisfy the information requirements of all jurisdictions whenever
15 possible; however, we note that compliance with NEPA or the laws of the State of Washington
16 does not relieve the applicant of the obligation to satisfy all standards and information
17 requirements required under ORS chapter 469 and OAR chapter 345.

18 19 III.A. Exhibit A – General Information about the Applicant and Participating Persons

20
21 **Applicable Paragraphs:** OAR 345-021-0010(1)(a)(A), (B), and (H)

22 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

23 **Discussion:** Under OAR 345-021-0010(1)(a)(A), Exhibit A must identify the legal name and
24 address of the Applicant and any co-owners of the proposed facility. The application must
25 provide the name, mailing address, email address and telephone number of at least one
26 contact person for the Applicant, and if there is a contact person other than the applicant, the
27 name, title, mailing address, email address and telephone number of that person.

28
29 As described above, the NOI identifies Cascade Renewable Transmission, LLC as the applicant.
30 Cascade Renewable Transmission, LLC (CRT). The applicant must notify the Department of any
31 change in the legal name or entity of CRT prior to the change. This notification requirement
32 continues to apply until the Council issues its Final Order on the ASC.

33
34 Under OAR 345-021-0010(1)(a)(B), Exhibit A must identify any participating entities other than
35 the applicant, including but not limited to, the parent company of the applicant and any
36 persons upon whom the applicant will rely for third-party permits or approvals related to the
37 facility, and, if known, other persons upon whom the applicant will rely in meeting any facility
38 standard adopted by the Council.

29
30
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37
38
39

²⁵ [OAR 345-021-0000(6)]

²⁶ [OAR 345-021-0000(7)]

²⁷ OAR 345-021-0010(3).

1 The NOI identifies PB CRTS, LLC and Sun2o Partners, LLC as the member-owners of Cascade
2 Renewable Transmission, LLC. PB CRTS, LLC, a wholly owned subsidiary of PowerBridge, LLC, is
3 designated as the manager of Cascade Renewable Transmission, LLC. Exhibit A must disclose
4 any changes to the ownership or management of CRT.
5

6 Because the applicant is a limited liability company, OAR 345-021-0010(1)(a)(H) applies. Under
7 this paragraph, Exhibit A must include:

- 8 • The full name, official designation, mailing address, email address and telephone
9 number of the officer responsible for submitting the application.
- 10 • The date and place of the LLC's formation.
- 11 • A copy of the LLCs articles of organization and its authorization for submitting the
12 application.
- 13 • Proof of registration to do business in Oregon.
14

15 CRT is not required to identify a resident attorney-in-fact because it is registered to do business
16 in Oregon, however, it must still identify and maintain a registered agent that can accept legal
17 service in this state.
18

19 III.B. Exhibit B – General Information about the Proposed Facility 20

21 **Applicable Paragraphs:** OAR 345-021-0010(1)(b)(A)(ii) through (v), (B), (C), (D), (E) and (F).

22 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

23 **Discussion:** Exhibit B must provide information about the proposed facility, construction
24 schedule and temporary disturbances of the site. Applicant must address all provisions
25 applicable to transmission lines, including the corridor assessment required under OAR 345-
26 021-0010(1)(b)(E).
27

28 Under OAR 345-021-0010(1)(b)(A) through (C) and (E), Exhibit B must include a description of
29 the facility that includes, at a minimum:

- 30 • A detailed description of all transmission components, including:
 - 31 ○ The approximate length of the DC and AC transmission lines, and to the extent
32 practicable, of individual transmission line segments.
 - 33 ○ Verification of the rated voltage, load carrying capacity, and type of current of
34 the proposed transmission lines.
 - 35 ○ A description of transmission line structures and their dimensions, including but
36 not limited to support structures for overhead lines, trenches, cofferdams, and
37 entry and exit pits.
 - 38 ○ The proposed right-of-way width of the transmission line, including to what
39 extent new rights-of-way will be required or existing rights-of-way will be
40 widened.
 - 41 ○ A description of all transmission line segments proposed to be located within
42 public rights-of-way. For transmission line segments proposed to follow an

existing road the applicant must state to which side of the existing road the proposed facility will run, to the extent this is known.

- If the applicant proposes to locate any portion of the transmission lines adjacent to but not within a public right-of-way, the application must explain why the public right-of-way is not being utilized based on a set of clear and objective criteria.

- The capacity, dimensions, type, and configuration of related or supporting facilities, including but not limited to converter stations, interconnection facilities, roads, storage facilities, and fences.
- A site plan showing the general arrangement of buildings, equipment, and structures, including any proposed temporary laydown or staging areas and any proposed micrositing corridors. Note that if the applicant seeks flexibility to site proposed facility components anywhere within the site boundary, or seeks approval of a micrositing corridor, the applicant must evaluate impacts to resources within the entire site boundary or micrositing corridor based on maximum the impact facility layout option within the site boundary or micrositing area, if different.
- Identification and description of any fuel and chemical storage facilities, including structures and systems for spill containment within converter station sites.
- Equipment and systems for fire prevention and control in any system components, including water tanks, internal fire suppression systems, and access and egress points for fire responders.

The description must be in both narrative and tabular format. Examples of an energy facility table and related and supporting facility tables from a solar PV project are included below for illustrative purposes.

Table 4. Example Energy Facility Specifications and Details

| Component | PV Only | PV plus Storage (Dispersed) |
|---------------------------|-------------------------|------------------------------------|
| 3 MWac Block | 160 | |
| Modules | 1,326,858 | 1,742,572 |
| Module Rows (on trackers) | 16,587 x 78 module rows | 21,644 x 78 module rows |
| Posts | 187,545 | 246,444 |
| Inverters | 160 | |
| Transformers | 160 | |

Table 5. Example Related or Supporting Facilities Specifications and Details

| Component | PV plus Storage (Dispersed) |
|---|--|
| Direct current electrical system, above and belowground | Up to 2 million miles of cable; combiner boxes |
| 34.5 kV ac electrical system | Inverters, step-up transformers and 160 home-run cables |
| Collector Substations, 1 acre each | 4, with oil-containing step-up transformers; equipment height = 10' |
| 115 kV generation-tie transmission line | 2 miles, double circuit consisting of: <ul style="list-style-type: none"> • 37 single steel monopole structures up to 6 feet in diameter, spaced approximately 300 feet apart, and approximately 70 feet in height. • Concrete foundations up to 20 feet deep, which may have directional anchoring system structures. |
| 115/500 kV step-up substation, 3 acres | 1 substation consisting of: <ul style="list-style-type: none"> • up to 2 115 to 500 kV transformers, each containing 50,000 gallons of transformer oil • one 115 kV input structure • two 115 kV circuit breakers • two 500 kV circuit breakers • 500 kV output structures • a control building for housing control and communication equipment. • 65–100-foot interconnection structures |
| Operations and Maintenance Building, 0.5 acre | 2 O&M buildings, 50 x 50 x 14', consisting of: <ul style="list-style-type: none"> • warehouse-like storage area • human machine interface system • restrooms and employee work areas • an exempt groundwater well • septic system |
| Perimeter Fence | Approx. 18 miles, chain link |
| Battery Storage Enclosures | 134 steel framed structures: <ul style="list-style-type: none"> • approximately 50 feet wide, 67 feet long and up to 30 feet tall Balance of Plant (BOP) consisting of: <ul style="list-style-type: none"> • large polymer tanks on each side of the cell stack, pumps, piping (polyvinyl chloride), thermal controls, and power conversion hardware (single stage, bidirectional inverters). • Storage tanks with non-hazardous, water-based electrolyte/polymer. • Primary and secondary spill containment devices |

Table 5. Example Related or Supporting Facilities Specifications and Details

| Component | PV plus Storage (Dispersed) |
|---|--|
| | <ul style="list-style-type: none"> • Thermal system control of a heating, ventilation, air conditioning (HVAC) air-to-air and glycol-to-air (non-toxic) heat exchanger |
| Batteries | <ul style="list-style-type: none"> • outdoor rated • negatively grounded, ground fault detection and interruption capable of detecting ground faults in the dc current carrying conductors and components • intentionally grounded conductors, insulation monitoring, • dc and ac overvoltage protection and lightning protection, • humidity control • data acquisition and communication monitoring interface. |
| Inverters | 160 |
| Redox Electrolyte Fluid | 14,000 gallons per MW |
| Supervisory Control and Data Acquisition System | Fiber optic cables installed above- and below ground with collection system |
| Perimeter roads | 50 miles <ul style="list-style-type: none"> • Built with materials designed to act as fire breaks, sized for emergency vehicle access in accordance with Oregon Fire Code. • Internal roads of 12 x 20' with at least a 30-foot noncombustible, defensible space clearance for fire prevention |

1
 2 The information in Exhibit B must be as complete and accurate as possible. If the application is
 3 approved, the information will form the basis for the description of the facility in the site
 4 certificate. As provided under OAR 345-025-0006(3)(a), the site certificate will contain
 5 conditions requiring certificate holders to design, construct, operate and retire the facility
 6 substantially as described in the site certificate.

7
 8 Under OAR 345-021-0010(1)(b)(D), Exhibit B must include a corridor selection assessment
 9 explaining how the applicant selected the corridors for analysis in the application. The applicant
 10 may select any corridor for the assessment and may seek approval for more than one corridor.

11
 12 The applicant presented a single corridor for consideration in the NOI. The applicant explained
 13 that it had considered two alternate corridors utilizing the rights-of-way of public roads and
 14 highways between the two proposed points of interconnection. The applicant explained that it

1 determined that these alternate corridors were not feasible due to state prohibitions on
2 installing longitudinal utility installations under paved portions of rights-of-way.²⁸

3
4 The applicant may include one or more corridors that were not identified in the NOI or
5 presented for comment at an informational meeting but must explain why the applicant did not
6 present the new corridor for comment at an informational meeting. In the assessment, the
7 applicant must discuss the reasons for selecting the corridors, based upon evaluation of the
8 following factors:

- 9
- 10 • Least disturbance to streams, rivers and wetlands during construction.
 - 11 • Least percentage of the total length of the transmission line that would be located
12 within areas of Habitat Category 1, as defined in OAR 635-415-0025(1).
 - 13 • Greatest percentage of the total length of the transmission line that would be located
14 within or adjacent to public roads and existing pipeline or transmission line rights-of-
15 way.
 - 16 • Least percentage of the total length of the transmission line that would be located
17 within lands that require zone changes, variances or exceptions.
 - 18 • Least percentage of the total length of the transmission line that would be located in a
19 protected area as described in OAR 345-022-0040.
 - 20 • Least disturbance to areas where historical, cultural or archaeological resources are
21 likely to exist.
 - 22 • Greatest percentage of the total length of the pipeline or transmission line that would
23 be located to avoid seismic, geological and soils hazards.
 - 24 • Least percentage of the total length of the transmission line that would be located
25 within lands zoned for exclusive farm use.
- 26

27 Under OAR 345-021-0010(1)(b)(F), Exhibit B must include a construction schedule including a
28 description of all primary construction activities that will be performed at the site and the
29 estimated timing of those activities. “Construction activities” include all work performed at the
30 site, excluding surveying, exploration, or other activities to define or characterize the site. The
31 construction schedule must be provided in sufficient detail to ensure construction activities will
32 be completed within any required work-windows required to avoid or minimize impacts on
33 sensitive resources.

34
35 For the purposes of the ORS 469.320 and 469.370(12), construction of the facility begins when
36 the cost of all construction activities performed at the site exceed \$250,000. The construction
37 schedule included in Exhibit B must describe any construction activities that have been or will
38 be performed at the site prior to issuance of the site certificate and an estimate of the cost of
39 that work.

40

²⁸ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 15.

1 The construction schedule must specify the date by which applicant proposes to begin
2 construction of the facility and the date by which the applicant proposes to complete
3 construction activities. If the applicant proposes to construct the facility in phases, the
4 construction schedule must describe the timing of construction activities for each phase.

5
6 Exhibit B must also describe routine operations and maintenance activities that will be
7 performed during operation of the facility, including any anticipated need to replace or
8 repower facility components, and the expected timeline for decommissioning the facility, if any.

9
10 **III.C. Exhibit C – Location**

11
12 **Applicable Paragraphs:** OAR 345-021-0010(1)(c)(A) and (B).

13 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

14 **Discussion:** Exhibit C must include information about the proposed facility site.

15 Under OAR 345-021-0010(1)(c)(A), Exhibit C must include maps showing the proposed locations
16 of the energy facility site, all related or supporting facility sites, and all areas that might be
17 temporarily disturbed during construction of the facility in relation to major roads, water
18 bodies, cities and towns, important landmarks and topographic features.

19
20 Maps included in the application must provide enough information for property owners
21 potentially affected by the proposed facility to determine whether their property is within or
22 adjacent to property on which the site boundary is located. Major roads must be accurately
23 named. Maps included in the application must use a scale of 1 inch = 2000 feet, or smaller
24 when necessary to show detail.

25
26 The maps must identify all proposed transmission line routes and corridors for which the
27 applicant seeks Council approval. If the applicant seeks flexibility to site facility components
28 within a proposed micro-siting corridor within the site, the corridor must be clearly identified in
29 the maps.

30
31 Under OAR 345-021-0010(1)(c)(B), Exhibit C must also include a narrative description of the
32 proposed energy facility site, the proposed site of each related or supporting facility and areas
33 of temporary disturbance, including the total land area (in acres) within the proposed site
34 boundary, the total area of permanent disturbance, and the total area of temporary
35 disturbance. Where the proposed transmission corridors follow the right-of-way of a road,
36 pipeline, or transmission line, the maps must indicate which side of the road, pipeline, or
37 transmission line the corridor includes.

38
39 In addition to the maps and narrative described above, the Department requests GIS data
40 showing the site boundary and any micro-siting corridors proposed by the applicant and the
41 general location of facility components to the best knowledge of the applicant at the time the
42 application is submitted, including but not limited to: HVDC and HVAC transmission line
43 corridors, converter stations, and temporary work areas, including laydown yards, HDD work
44 areas, and cofferdams.

1
2 III.D. Exhibit D – Organizational Expertise
3

4 **Applicable Paragraphs:** All paragraphs apply.

5 **Related Council and Other Standards:** Organizational Expertise [OAR 345-022-0010]

6 **Discussion:** Exhibit D must include information about the organizational expertise of the
7 applicant to construct and operate the proposed facility, providing evidence to support a
8 finding that the applicant has the ability to construct, operate, and retire the proposed facility
9 in compliance with Council standards and conditions of the site certificate; and, in a manner
10 that protects public health and safety.

11
12 Because CRT has no employees and will rely on the organizational, managerial, financial, and
13 technical resources of its owners and managers to meet the Council’s standards,²⁹ Exhibit D
14 must include a guarantee that one or more parent companies with the financial and
15 organizational expertise to construct and operate the facility will assure the Applicant’s
16 obligations under the site certificate are satisfied and indemnifies the Council against costs and
17 expenses it may incur as a result of the enforcement of the Site Certificate. The applicant must
18 coordinate with the Department to obtain the appropriate form and content of this guarantee.
19

20 Under OAR 345-021-0010(1)(d)(A), Exhibit D must describe the applicant's previous experience,
21 if any, in constructing and operating facilities similar to the proposed facility. The description
22 must include, at a minimum, the size, location, and date of commercial operation for any
23 facilities upon which applicant wishes to rely as evidence of organizational expertise. The
24 description should also provide an analysis of similarities and differences between the sites of
25 the facilities and their sites, including engineering and environmental constraints at each.
26

27 Under OAR 345-021-0010(1)(d)(B) and (C), Exhibit D must describe the qualifications of the
28 applicant's personnel who will be responsible for constructing and operating the facility, and
29 the qualifications of any architect, engineer, major component vendor, or prime contractor
30 upon whom the applicant will rely in constructing and operating the facility, to the extent that
31 the identities of such persons are known when the application is submitted.
32

33 Under OAR 345-021-0010(1)(d)(D), Exhibit D must describe the compliance history of the
34 applicant, its co-owners and their subsidiaries, and other participating entities, including
35 disclosure any regulatory citations in any jurisdiction received by the past 10 years and a
36 description of the status or resolution of those citations.
37

38 Under OAR 345-021-0010(1)(d)(G), Exhibit D must include evidence that the applicant can
39 successfully complete any mitigation proposed to demonstrate compliance with any applicable
40 Council standards, including a description of past experience with other projects and the
41 qualifications, experience, and contact information of personnel upon whom the applicant will
42 rely, to the extent that the identities of such persons are known at the date of submittal. The

²⁹ CRTNOIDOC2 NOTICE OF INTENT V2 2023-03-07, p. 1.

1 applicant must provide evidence that past mitigation projects required as part of a land use
2 approval or other permitting process were completed successfully, such as final reports
3 submitted to the permitting agency.

4
5 Exhibit D must also include drafts of any plans needed to comply with Council standards,
6 including plans for wildfire mitigation and response, emergency management, and erosion
7 control and spill prevention if those plans are not included in another exhibit.

8
9 **III.E. Exhibit E – Permits**

10
11 **Applicable Paragraphs:** All paragraphs apply.

12 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

13 **Discussion:** Under OAR 345-021-0010(1)(e)(A) and (B), Exhibit E must identify all federal, state,
14 and local government permits related to the siting of the proposed facility. For each permit,
15 Exhibit E must include:

- 16 • A description of the permit and the reasons the permit is needed.
- 17 • A legal citation of the statute, rule or ordinance governing the permit.
- 18 • The name, mailing address, email address and telephone number of the agency or
19 office responsible for the permit.
- 20 • The applicant’s analysis of whether or not the permit should be included in and
21 governed by the site certificate.

22
23 Under OAR 345-021-0010(1)(e)(C) for any state or local government agency permits, licenses or
24 certificates that are proposed to be included in and governed by the site certificate, Exhibit E
25 must also provide evidence to support findings by the Council that construction and operation
26 of the proposed facility will comply with the statutes, rules, and standards applicable to the
27 permit. Information about removal-fill permits must be provided in Exhibits J. Provide
28 information about any necessary water rights or permits in Exhibit O.

29
30 Under OAR 345-021-0010(1)(e)(E), if the applicant will rely on a contractor or third party to
31 obtain a required state or local permit, license or certificate that would otherwise be governed
32 by the site certificate, Exhibit E must also include evidence that the applicant has, or has a
33 reasonable likelihood of entering into, a contract or other agreement with the third party for
34 access to the resource or service to be secured by that permit and evidence that the third party
35 has, or has a reasonable likelihood of obtaining, the necessary permit.

36
37 Although the Council does not have jurisdiction over federally delegated permits, the Council
38 may rely on the determinations of compliance and the conditions in federally delegated permits
39 in evaluating the application for compliance with Council standards. Under OAR 345-021-
40 0010(1)(e)(D), Exhibit E must include evidence that the responsible agency for any federally
41 delegated permitted program has received a permit application. The applicant must provide the
42 estimated date when the responsible agency will complete its review and issue a permit
43 decision. If the applicant will rely on a contractor or third party to obtain a required state or

1 local permit, license or certificate that will be governed by the site certificate, Exhibit E must
 2 also include the information required by OAR 345-021-0010(1)(e)(F).

3
 4 Table 6 lists permits that may be required for the proposed facility. Additional information is
 5 provided in the discussion that follows.
 6

Table 6. Potentially Required Permits

| Permitting Authority | Permit | EFSC Jurisdiction |
|--|--|--|
| Federal and Federally Delegated Permits | | |
| Bonneville Power Administration (BPA) | Interconnection Agreement | Not Jurisdictional |
| U.S. Army Corps of Engineers | Record of Decision on Environmental Impact Statement | Not Jurisdictional, but information required for completeness ¹ |
| | Section 10 of the Rivers and Harbors Act (RHA) Authorization | Not Jurisdictional, but information required for completeness ¹ |
| | Section 408 Permit | Not Jurisdictional, but information required for completeness ¹ |
| | Section 404 Permission | Not Jurisdictional, but information required for completeness ¹ |
| Oregon Department of Environmental Quality | Section 401 Water Quality Certification | Not Jurisdictional, but information required for completeness ¹ |
| | NPDES Construction Stormwater 1200-C Permit | Not Jurisdictional, but information required for completeness ¹ |
| State (Oregon Only) | | |
| Oregon Department of State Lands | Removal-Fill Permit & Wetland Delineation Concurrence | Jurisdictional |
| | Proprietary Waterway Authorization/Easement/Lease | Not Jurisdictional, but information required for completeness ¹ |
| Oregon Department of Environmental Quality | Onsite Sewage Disposal Construction-Installation Permit | Not Jurisdictional, Third-Party Permit ^{1,2} |
| Oregon Department of Transportation | Oversize Load Movement Permit | Not Jurisdictional |
| | Access Management Permit | Not Jurisdictional |
| | Utility Encroachment Permit | Not Jurisdictional, but information required for completeness ^{1,2} |
| State Historic Preservation Office | Archeological Excavation Permit | Not Jurisdictional, unless proposed by Applicant |
| Local (Oregon) | | |
| Wasco County | Conditional Use Permit | Jurisdictional |

Table 6. Potentially Required Permits

| Permitting Authority | Permit | EFSC Jurisdiction |
|---|--|---------------------------------|
| | Floodplain Development Permit | Jurisdictional |
| | Road Use Agreement | Not Jurisdictional ² |
| | Building Permits | Not Jurisdictional ² |
| Hood River County | Floodplain Development Permit | Jurisdictional |
| Multnomah County | Conditional Use Permit | Jurisdictional |
| | Floodplain Development Permit | Jurisdictional |
| | Erosion and Sediment Control Permit | Jurisdictional |
| | Large-Fill Conditional Use Permit | Jurisdictional |
| City of The Dalles | Conditional Use Permit | Jurisdictional |
| | Physical Constraints Permit | Jurisdictional |
| | Right-of-Way Construction Permit | Not Jurisdictional ² |
| City of Mosier | Floodplain Development Permit | Jurisdictional |
| City of Hood River | Floodplain Development Permit | Jurisdictional |
| City of Cascade Locks | Floodplain Development Permit | Jurisdictional |
| City of Fairview | Floodplain Development Permit | Jurisdictional |
| City of Portland | Floodplain Development Permit | Jurisdictional |
| | Conditional Use Permit | Jurisdictional |
| | Public Works Permit | Not Jurisdictional ² |
| | Development and Encroachment Permit | Not Jurisdictional ² |
| | Temporary Street Use Permit | Not Jurisdictional ² |
| | Building Permits | Not Jurisdictional ² |
| | Clearing and Grading Permit | Not Jurisdictional ² |
| | Sewer Easement and Encroachment Permit | Not Jurisdictional ² |
| Tree Permits | Not Jurisdictional ² | |
| <p>¹ Under OAR 345-021-0010(1)(e) the application must identify all federal, state and local government permits related to the siting of the proposed facility. For federally delegated permits, the application must include evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision. The department requests this evidence be provided for all federal permits.</p> <p>² Under ORS 469.401(4), matters including but not limited to employee health and safety, building code compliance, wage and hour or other labor regulations, local government fees and charges or other design or operational issues that do not relate to siting the facility are not included in or governed by the site certificate.</p> | | |

1
2
3
4
5
6
7

III.E.1 Federal Permits

III.E.1.1 Bonneville Power Administration (BPA) Interconnection Agreement

Statute and Rule References:

EFSC Jurisdiction: Not Jurisdictional

1 **Discussion:** Required for interconnection services to the Federal Columbia River Transmission
2 System and interrelated matters. This agreement between the applicant and BPA is not
3 included in or governed by the site certificate.
4

5 III.E.1.2 U.S. Army Corps of Engineers
6

7 *Record of Decision (ROD) on Environmental Impact Statement*

8 **Statute and Rule References:** National Environmental Policy Act, Section 102; 40 CFR 1500

9 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

10 **Discussion:** Federal actions, including permit approvals, require demonstration of compliance
11 with the National Environmental Policy Act (NEPA). Applicant has stated that it will seek
12 authorization from USACE concurrently with siting review.
13

14 *Section 10 of the Rivers and Harbors Act Authorization*
15

16 **Statute and Rule References:** Rivers and Harbors Act, Section 10; 33 CFR 322

17 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

18 **Discussion:** Section 10 of the Rivers and Harbors Act of 1899 requires authorization from the
19 Secretary of the Army, acting through the Corps of Engineers, for the construction of any
20 structure in or over any navigable water of the United States. Structures or work outside the
21 limits defined for navigable waters of the United States require a Section 10 permit if the
22 structure or work affects the course, location, or condition of the water body. The applicant
23 must provide a letter or other indication from the Corps stating that it has received an
24 application for Section 10 authorization for the project, identifying any additional information it
25 is likely to need from the applicant based on the agency's review of the application, and
26 providing an estimated date for when it will complete its review and issue a permit decision.
27

28 *Section 408 Permission*
29

30 **Statute and Rule References:** Rivers and Harbors Act, Section 14; 33 CFR 408

31 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

32 **Discussion:** Section 408 permission is needed to allow alteration to a federally authorized
33 project. The proposed project cannot pose a risk to the public interest and will not impair the
34 usefulness of the federally authorized project. The applicant must provide a letter or other
35 indication from the Corps stating that the agency received an application for Section 408
36 Permission for the project, identifying any additional information the agency is likely to need
37 from the applicant based on the agency's review of the application, and providing an estimated
38 date for when the Corps will complete its review and issue a permit decision.
39

40 *Section 404 Permit*
41

42 **Statute and Rule References:** Clean Water Act, Section 404; 33 CFR 1344.

43 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

1 **Discussion:** Section 404 of the Clean Water Act requires authorization from the Secretary of the
2 Army, acting through the Corps of Engineers, for the discharge of dredged or fill material into all
3 waters of the United States, including wetlands. Note that a Section 401 Water Quality
4 Certification from the State of Oregon is generally required before a Section 404 permit may be
5 granted. The Section 404 permit and the 401 Water Quality Certification are separate from the
6 Removal-Fill permit required under Oregon State Law, however, there is a Joint Permit
7 Application that satisfies the information requirements for all three. The applicant must provide
8 a letter or other indication from the Corps stating that it has received a Joint Permit Application
9 for the project, identifying any additional information it is likely to need from the applicant
10 based on the agency’s review of the application, and providing an estimated date for when it
11 will complete its review and issue a permit decision.
12

13 III.E.1.3 Oregon Department of Environmental Quality

14 *Section 401 Water Quality Certification*

15 **Statute and Rule References:** CWA, Section 401; OAR Chapter 340, Division 48

16 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

17 **Discussion:** Under Section 401 of the Clean Water Act, federal agencies cannot issue a license
18 or permit before Oregon DEQ makes a determination that the project can meet Oregon water
19 quality standards. Any conditions that DEQ sets then become conditions of the federal permit
20 or license. The Section 401 Water Quality Certification and the Section 404 permitting decision
21 it supports are separate from the Removal-Fill permit required under Oregon State Law,
22 however, there is a Joint Permit Application that satisfies the information requirements for all
23 three. The applicant must provide the Joint Permit Application and proof of its submission to all
24 relevant agencies to the Department before the ASC will be determined to be complete.
25
26
27

28 *NPDES Construction Stormwater 1200-C permit*

29 **Statute and Rule References:** ORS Chapter 468B; OAR Chapter 340, Division 45

30 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

31 **Discussion:** The EPA has delegated authority to DEQ to issue NPDES Stormwater Discharge
32 permits for construction and operation activities. Based upon the information in the NOI, a
33 NPDES 1200-C permit would likely be required for facility construction.
34
35

36 In accordance with OAR 345-021-0000(6), the applicant must submit to the Department one
37 copy of all applications for federally delegated permits (including the NPDES permit) or provide
38 a schedule of the date by which the applicant intends to submit the application. Unless this
39 permit will be obtained by a third-party (see Section III.E.4), the Department will not be able to
40 find the application for site certificate complete before receiving a copy of the NPDES permit
41 application and a letter or other indication from DEQ. The DEQ response must state that the
42 agency has received a permit application from the applicant and provide an estimated date
43 when the agency will complete its review and issue a permit decision. The applicant may
44 incorporate this information into Exhibit I (Soils) or Exhibit BB (Other Information) of the ASC.

1
2 **III.E.2 State Permits**

3
4 III.E.2.1 Oregon Department of State Lands

5
6 *Wetland Delineation and Removal Fill Permit*

7
8 **Statute and Rule References:** ORS 196.795-990; OAR chapter 141, division 85, 90

9 **EFSC Jurisdiction:** Jurisdictional

10 **Discussion:** A removal-fill permit is required if any removal or fill activities occur in streams
11 designated as Essential Indigenous Anadromous Salmonid Habitat or 50 cubic yards or more of
12 material is removed, filled, or altered within a jurisdictional water of the state [OAR 141-085-
13 0520(2) and (5)].

14
15 The applicant must conduct a wetland delineation, to be sent to Department of State Lands
16 (DSL) for concurrence, according to OAR chapter 141, division 90. The wetland delineation
17 determines the location of “waters of this state,” as defined in OAR 141-085-0510(91), within
18 the analysis area. A detailed discussion of the requirements for the wetland delineation report
19 are included Section III.J and the comments provided by DSL in Attachment 3.

20
21 Depending upon facility impacts to “waters of this state” a removal-fill permit may be
22 necessary, and the application for site certificate must include information establishing whether
23 a removal-fill permit is required. The information in the NOI indicates that a removal-fill permit
24 is likely to be required. Accordingly, the ASC must include a concurred delineation from DSL and
25 a complete application for an individual permit which demonstrates consistency with ORS
26 196.825(1) and provides enough information for determinations and considerations under ORS
27 196.825(3) and OAR 141-085-0565.

28
29 A Compensatory Wetland Mitigation Plan which meets the requirements of OAR 141-085-0680
30 through OAR 141-085-0715 must be provided to replace all lost functions and values previously
31 provided by the impacted wetlands and waterways.

32
33 As described above, the proposed facility also requires a Section 401 permit from the Army
34 Corps of Engineers and a Section 401 Water Quality Certification from the Oregon Department
35 of Environmental Quality. These approvals are separate from the Removal-Fill permit, however,
36 there is a Joint Permit Application that satisfies the information requirements for all three. As
37 discussed above, the applicant must provide a copy of the complete Joint Permit Application
38 with the ASC in addition to documentation that it has been submitted to the Corps and DEQ, as
39 described above.

40
41 *Proprietary Waterway Authorization*

42
43 **Statute and Rule References:** ORS chapters 273 & 274; OAR chapter 141, division 80, 82, 123

1 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.
2 **Discussion:** The bed and banks of the Columbia River, Willamette River, and Columbia Slough
3 are owned by this State of Oregon and require proprietary authorization from the Department
4 of State Lands for any proposed use or activity. The placement of a transmission line and any
5 related facilities or encumbrances below the line of Ordinary High Water/Mean High Water on
6 these waterways will require an easement from DSL. Any work performed on these waterways
7 will require a short-term access agreement from DSL.

8
9 Any proposed work on the Willamette River in the City of Portland will also need to comply with
10 the Lower Willamette River Management Plan. Any proposed activity or easement must not
11 unreasonably interfere with the uses DSL has already granted to other parties. Due to planned
12 or existing contamination remedial activities in the Portland Harbor Superfund area, the
13 proposed project will need to ensure that the proposed impacts and infrastructure does not
14 interfere with these planned or existing remedial activities.

15
16 Proprietary authorizations, including any necessary authorizations, easements, or lease
17 agreements are not regulatory decisions and are therefore outside of the Council’s jurisdiction;
18 however, Exhibit J must provide evidence that the proposed facility can obtain the required
19 authorizations, as discussed in Section III.J.

20
21 III.E.2.2 Oregon Department of Environmental Quality

22
23 *Onsite Sewage Disposal Construction-Installation Permit*

24
25 **Statute and Rule References:** OAR chapter 340, division 071
26 **EFSC Jurisdiction:** Jurisdictional unless obtained by Third-Party.
27 **Discussion:** Facilities with an on-site sewage disposal system must obtain a Construction-
28 Installation Permit before construction. If the applicant will construct an on-site septic system
29 at the converter stations, the applicant or its third-party contractor would be required to obtain
30 a Construction-Installation Permit. Such a permit would be governed by and included in the site
31 certificate unless obtained by a third-party permitter (see Section III.E.4)

32
33 III.E.2.3 Oregon Department of Transportation

34
35 *Oversize Load Movement Permit/Load Registration*

36
37 **Statute and Rule References:** ORS chapter 818, OAR chapter 734 division 50
38 **EFSC Jurisdiction:** Not jurisdictional
39 **Discussion:** Required for loads exceeding dimensional or weight restrictions. Not EFSC
40 jurisdictional and no additional information needed for the ASC.

41
42 *Access Management Permit*

1 **Statute and Rule References:** ORS 374.305, chapter 818, OAR chapter 734 division 50
2 **EFSC Jurisdiction:** Not Jurisdictional
3 **Discussion:** Required to construct a new approach or change the use of an existing connection
4 to first obtain written permission from ODOT. Not EFSC jurisdictional and no additional
5 information needed for the ASC.

6
7 *Utility Encroachment Permit*
8

9 **Statute and Rule References:** ORS chapter 818, OAR chapter 734, division 055
10 **EFSC Jurisdiction:** Not Jurisdictional, but information needed for completeness.
11 **Discussion:** Required for an activity along a state highway, or an activity that requires the use of
12 the state highway for other than a normal transportation activity. The applicant must provide a
13 letter or other indication from ODOT stating that it has received an application for an
14 encroachment permit for the project, identifying any additional information it is likely to need
15 from the applicant based on the agency’s review of the application, and providing an estimated
16 date for when it will complete its review and issue a permit decision.
17

18 III.E.2.4 State Historic Preservation Office Archaeological Excavation Permit
19

20 **Statute and Rule References:** ORS Chapter 97, 358, and 390; OAR Chapter 736, Division 51
21 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.
22 **Discussion:** Per ORS 390.235 and 358.920 a person may not excavate, injure, destroy, or alter
23 an archaeological site or object or remove an archaeological object located on public or private
24 lands in Oregon unless that activity is authorized by an Archaeological Permit issued by the
25 State Historic Preservation Office (SHPO). Because there are previously identified archaeological
26 objects or sites (Oregon Revised Statute [ORS] 358.905), or Native American cairn, burial,
27 human remains, sacred objects and objects of cultural patrimony (ORS 97.740-760) in or
28 adjacent to the site, an Archaeological Excavation Permit will be required for the construction
29 of the proposed facility. The applicant has not proposed to have this permit be included and
30 governed by the site certificate, and as such the applicant will be required to obtain this permit
31 from the State Historic Preservation Office prior to ground disturbing activities at the site. The
32 applicant must provide a letter or other indication from SHPO stating that it has received an
33 application for an excavation permit for the project, identifying any additional information it is
34 likely to need from the applicant based on the agency’s review of the application, and providing
35 an estimated date for when it will complete its review and issue a permit decision. The
36 applicant must attach a copy of any archaeological report and inadvertent discovery plan
37 prepared in support of the application to Exhibit S.
38

39 **III.E.3 Local Permits**

40
41 III.E.3.1 Wasco County
42

43 *Wasco County Conditional Use Permit*

1
2 **Statute and Rule References:** Wasco County Land Use and Development Ordinance, Chapter 5.
3 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.
4 **Discussion:** Required to site a facility permitted as a conditional use in unincorporated Wasco
5 County. If the applicant elects to obtain a determination of compliance with the statewide
6 planning goals from the Council, this permit will be included in and governed by the site
7 certificate. See Section III.K for additional information.

8
9 *Wasco County Floodplain Development Permit*

10
11 **Statute and Rule References:** Wasco County Land Use and Development Ordinance, Chapter 3.
12 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.
13 **Discussion:** Required to site a facility in a floodway or area of special flood hazard. If the
14 applicant elects to obtain a determination of compliance with the statewide planning goals
15 from the Council, this permit will be included in and governed by the site certificate. See
16 Section III.K for additional information.

17
18 *Wasco County Road Use Agreement*

19
20 **Statute and Rule References:** ORS 758,010
21 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.
22 **Discussion:** As provided in ORS 758.010, the Public Works Department, acting on behalf of the
23 Wasco County Court, may designate where facilities may be located within the public road
24 right-of-way, and order the location of such facilities changed if deemed expedient. No
25 additional information is required to be included in the application except as necessary to
26 demonstrate compliance with any associated land use regulations.

27
28 *Wasco County Building Permits*

29
30 **Statute and Rule References:** OAR 918-440-0030
31 **EFSC Jurisdiction:** Not Jurisdictional
32 **Discussion:** Building permits, including any required structural permits and associated electrical,
33 mechanical, or plumbing permits, are excluded from EFSC jurisdiction by ORS 469.401(4). No
34 additional information is required to be included in the application, however the applicant will
35 be required to obtain all necessary permits prior to the beginning of construction.

36
37 **III.E.3.2 Hood River County**

38
39 *Hood River County Floodplain Development Permit*

40
41 **Statute and Rule References:** of Hood River County Zoning Ordinance Article 44.
42 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.
43 **Discussion:** Required to site a facility in a floodway or area of special flood hazard. If the
44 applicant elects to obtain a determination of compliance with the statewide planning goals

1 from the Council, this permit will be included in and governed by the site certificate. See
2 Section III.K for additional information.

3
4 III.E.3.3 Multnomah County

5
6 *Multnomah County Conditional Use Permit*

7
8 **Statute and Rule References:** Multnomah County Code 39.7500 – 39.7525

9 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.

10 **Discussion:** Required to site a facility permitted as a conditional use in unincorporated
11 Multnomah County. If the applicant elects to obtain a determination of compliance with the
12 statewide planning goals from the Council, this permit will be included in and governed by the
13 site certificate. See Section III.K for additional information.

14
15 *Multnomah County Floodplain Development Permit*

16
17 **Statute and Rule References:** Multnomah County Code 39.5000-39.505.

18 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.

19 **Discussion:** Required to site a facility in a floodway or area of special flood hazard. If the
20 applicant elects to obtain a determination of compliance with the statewide planning goals
21 from the Council, this permit will be included in and governed by the site certificate. See
22 Section III.K for additional information.

23
24 *Multnomah County Erosion and Sediment Control Permit*

25
26 **Statute and Rule References:** Multnomah County Code 39.6200-39.6235.

27 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.

28 **Discussion:** Required for instream work and disturbances. If the applicant elects to obtain a
29 determination of compliance with the statewide planning goals from the Council, this permit
30 will be included in and governed by the site certificate. See Section III.K for additional
31 information.

32
33 *Multnomah County Large Fill Conditional Use Permit*

34
35 **Statute and Rule References:** Multnomah County Code 39.7207-7220.

36 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.

37 **Discussion:** Required for activities involving more than 5,000 cubic yards of fill. If the applicant
38 elects to obtain a determination of compliance with the statewide planning goals from the
39 Council, this permit will be included in and governed by the site certificate. See Section III.K for
40 additional information.

41
42 III.E.3.4 City of The Dalles

1 *City of The Dalles Conditional Use Permit*

2

3 **Statute and Rule References:** The Dalles Municipal Code 10.3.050.

4 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.

5 **Discussion:** Required to site a facility permitted as a conditional use in the City of The Dalles. If
6 the applicant elects to obtain a determination of compliance with the statewide planning goals
7 from the Council, this permit will be included in and governed by the site certificate. See
8 Section III.K for additional information.

9

10 *City of The Dalles Physical Constraints Permit*

11

12 **Statute and Rule References:** The Dalles Municipal Code 10.8.020.

13 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.

14 **Discussion:** Required to site a facility in areas identified by the city as constrained. If the
15 applicant elects to obtain a determination of compliance with the statewide planning goals
16 from the Council, this permit will be included in and governed by the site certificate. See
17 Section III.K for additional information.

18

19 *City of The Dalles Right-of-Way Construction Permit*

20

21 **Statute and Rule References:** The Dalles Municipal Code 2.24

22 **EFSC Jurisdiction:** Not Jurisdictional.

23 **Discussion:** Required for occupation or encroachment on public rights-of-way within the City of
24 The Dalles. No additional information is required to be included in the application except as
25 necessary to demonstrate compliance with any associated land use regulations.

26

27 III.E.3.5 City of Mosier

28

29 *City of Mosier Floodplain Development Permit*

30

31 **Statute and Rule References:** Mosier City Code 13.10.

32 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.

33 **Discussion:** Required to site a facility in a floodway or area of special flood hazard. If the
34 applicant elects to obtain a determination of compliance with the statewide planning goals
35 from the Council, this permit will be included in and governed by the site certificate. See
36 Section III.K for additional information.

37

38 III.E.3.6 City of Hood River

39

40 *City of Hood River Floodplain Development Permit*

41

42 **Statute and Rule References:** Hood River Municipal Code Chapter 15.44

43 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.

1 **Discussion:** Required to site a facility in a floodway or area of special flood hazard. If the
2 applicant elects to obtain a determination of compliance with the statewide planning goals
3 from the Council, this permit will be included in and governed by the site certificate. See
4 Section III.K for additional information.

5
6 III.E.3.7 City of Cascade Locks

7
8 *City of Cascade Locks Floodplain Development Permit*

9
10 **Statute and Rule References:** City of Cascade Locks' Community Development Code 8-6.120

11 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.

12 **Discussion:** Required to site a facility in a floodway or area of special flood hazard. If the
13 applicant elects to obtain a determination of compliance with the statewide planning goals
14 from the Council, this permit will be included in and governed by the site certificate. See
15 Section III.K for additional information.

16
17 III.E.3.8 City of Fairview

18
19 *City of Fairview Floodplain Development Permit*

20
21 **Statute and Rule References:** Fairview Municipal Code Chapter 19.105

22 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.

23 **Discussion:** Required to site a facility in a floodway or area of special flood hazard. If the
24 applicant elects to obtain a determination of compliance with the statewide planning goals
25 from the Council, this permit will be included in and governed by the site certificate. See
26 Section III.K for additional information.

27
28 III.E.3.9 City of Portland

29
30 *City of Portland Floodplain Development Permit*

31
32 **Statute and Rule References:** Portland City Code, Title 24

33 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.

34 **Discussion:** Required to site a facility in a floodway or area of special flood hazard. If the
35 applicant elects to obtain a determination of compliance with the statewide planning goals
36 from the Council, this permit will be included in and governed by the site certificate. See
37 Section III.K for additional information.

38
39 *City of Portland Conditional Use Permit*

40
41 **Statute and Rule References:** Portland City Code, Title 33 .

42 **EFSC Jurisdiction:** Jurisdictional if proposed, information needed for completeness.

1 **Discussion:** Required to site a facility permitted as a conditional use in the City of Portland. If
2 the applicant elects to obtain a determination of compliance with the statewide planning goals
3 from the Council, this permit will be included in and governed by the site certificate. See
4 Section III.K for additional information.

5

6 *City of Portland Public Works Permit*

7

8 **Statute and Rule References:** Portland City Code, Title 17

9 **EFSC Jurisdiction:** Not jurisdictional

10 **Discussion:** Required for developer-initiated improvements in the public right-of-way (including
11 public facilities in public easements) located within the City of Portland. No additional
12 information is required to be included in the application except as necessary to demonstrate
13 compliance with any associated land use regulations.

14

15 *City of Portland ROW Development and Encroachment Review*

16

17 **Statute and Rule References:** Portland City Code, Title 17

18 **EFSC Jurisdiction:** Not jurisdictional

19 **Discussion:** Required to place privately owned structures or infrastructure within the
20 public right-of-way. These permits are not subject to the Council’s jurisdiction. No additional
21 information is required to be included in the application except as necessary to demonstrate
22 compliance with any associated land use regulations.

23

24 *City of Portland Temporary Street Use Permits*

25

26 **Statute and Rule References:** Portland City Code, Title 16, 17, and 24

27 **EFSC Jurisdiction:** Not jurisdictional

28 **Discussion:** A temporary street use permit (TSUP) must be obtained for any temporary use or
29 closure of the public right of way within the City of Portland. No additional information is
30 required to be included in the application; however, the applicant will be required to obtain all
31 necessary permits prior to the beginning of construction.

32

33 *City of Portland Commercial Building Permits*

34

35 **Statute and Rule References:** Portland City Code, Title 24

36 **EFSC Jurisdiction:** Not Jurisdictional

37 **Discussion:** Building permits, including any required structural permits and associated electrical,
38 mechanical, or plumbing permits, are excluded from EFSC jurisdiction by ORS 469.401(4). No
39 additional information is required to be included in the application; however, the applicant will
40 be required to obtain all necessary permits prior to the beginning of construction.

41

42 *City of Portland Sewer Easement and Encroachment Permit*

43

44 **Statute and Rule References:** Portland City Code, Title 17.32

1 **EFSC Jurisdiction:** Not Jurisdictional
2 **Discussion:** Connections to the City of Portland’s sewer system must meet the standards of the
3 City of Portland's Sewer and Drainage Facilities Design Manual, PCC 17.32.090, administrative
4 rules ENB-4.07 and ENB-4.17, and all other relevant City codes and rules. Any required sewer
5 encroachment permits or approvals are not subject to the Council’s jurisdiction; however, the
6 applicant will be required to obtain all necessary approvals prior to constructions.

7
8 *City of Portland Clearing and Grading Permits*
9

10 **Statute and Rule References:** Portland City Code, Title 24.70

11 **EFSC Jurisdiction:** Not Jurisdictional
12 **Discussion:** Permits for clearing, grading, and retaining walls are required as specified in PCC
13 Title 24.70. Any required Clearing and Grading Permits are not subject to the Council’s
14 jurisdiction; however, the applicant will be required to obtain all necessary approvals prior to
15 constructions.

16
17 *City of Portland Tree Permits*
18

19 **Statute and Rule References:** Portland City Code, Title 11

20 **EFSC Jurisdiction:** Not Jurisdictional
21 **Discussion:** The City of Portland’s Tree Code establishes requirements for tree preservation,
22 removal, and planting on public and private property. Any required Tree Permits or approvals
23 are not subject to the Council’s jurisdiction; however, the applicant will be required to obtain all
24 necessary approvals prior to constructions.

25
26 **III.E.4 Third-Party Permits**
27

28 **Discussion:** As noted in the NOI, the applicant may rely upon third-party permits for access to
29 resources necessary for facility construction and operation. If the applicant relies upon a state
30 or local government permit issued to a third party that is related to the siting of the proposed
31 facility, the applicant must identify each third-party permit, and, for each, include evidence that
32 the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement
33 with the third party for access to the resource or service to be secured by that permit; evidence
34 that the third party has or, has a reasonable likelihood of obtaining, the necessary permit; and,
35 an assessment of the impact of the proposed facility on any permits that a third party has
36 obtained and on which the applicant relies to comply with any applicable Council standard
37 (OAR 345-021-0010(1)(e)(E)).

38
39 If the applicant relies on a federally delegated permit issued to a third party that is related to
40 the siting of the proposed facility, the applicant must identify the third-party permit and include
41 evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or
42 other agreement with the third party for access to the resource or service to be secured by that
43 permit. The applicant must provide evidence that the responsible agency has received the

1 permit application and provide the estimated date when the responsible agency will complete
2 its review and issue a permit decision (OAR 345-021-0010(1)(e)(F)).

3
4 In accordance with OAR 345-022-0010(4), if the applicant relies on a permit or approval issued
5 to a third party and the third party does not have the necessary permit or approval at the time
6 the Council issues the site certificate, the Council may issue the site certificate subject to the
7 condition that the certificate holder shall not commence construction or operation as
8 appropriate until the third party has obtained the necessary permit or approval and the
9 applicant has a contract or other arrangement for access to the resource or service secured by
10 that permit or approval.

11
12 **III.F. Exhibit F – Property Owners**

13
14 **Applicable Paragraphs:** All paragraphs apply.

15 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

16 **Discussion:** Exhibit F must identify all tax lots or parcels located wholly or partially within the
17 site boundary, and within the following distances of those tax lots or parcels:

- 18 • 500 feet, when the tax lot or parcel located within the site boundary is within a farm or
19 forest zone.
- 20 • 250 feet, when the tax lot or parcel located within the site boundary is outside of an
21 Urban Growth Boundary and not within a farm or forest zone.
- 22 • 100 feet, when the tax lot or parcel located within the site boundary is located wholly or
23 partially within an Urban Growth Boundary.

24
25 Tax lots must be identified in a consistent format that provides the Township, Range, Section
26 and Tax lot number of each tax lot. If the local government uses a different tax lot identification
27 system, please include the local tax lot identification number in a separate column.

28
29 Exhibit F must also include the contact information for the owner of record of each identified
30 tax lot based on the tax assessment roll for the jurisdiction in which the tax lot is located.
31 Because the Department requires the most recent tax assessment roll to be used, the
32 Department will require updated property owner information to be submitted within 60 days of
33 the Determination of completeness. To avoid the duplication of work, the applicant may omit
34 specific property owner information from the preliminary Application for Site Certificate but
35 must still include a list of all tax lots within the notification area described above. The list must
36 be accompanied by legible maps that clearly identify tax lot identification numbers as well as
37 adjacent road names. In addition to incorporating the list in the application, the applicant must
38 submit the list to the Department in Excel Workbook (.xlsx) or comma-separated values (.csv)
39 format.

40
41 Following the submission of the complete application, the applicant must submit updated
42 property owner lists as requested by the Department to ensure that all public notices issued
43 use the most recent tax assessment roll.

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III.G. Exhibit G – Materials Analysis

Applicable Paragraphs: All paragraphs apply.
Related Council and Other Standards: General Standard of Review [OAR 345-022-0000]; Soil Protection [OAR 345-022-0022]
Discussion: Exhibit G must include an inventory of substantial quantities of industrial materials flowing into and out of the proposed facility site during construction and operation of the proposed facility, including but not limited to, metals, oils, fuels, drilling fluids, and drilling and dredge spoils. Quantities of waste materials must be inventoried, and methods of disposal should be described in Exhibits G and W. The applicant must identify any hazardous materials that will be used or stored at the site and describe plans to manage those materials during construction and operation of the proposed facility, including measures to prevent and contain spills.

Exhibit G must include a draft monitoring plan for drilling and dredging spoils that describes how the applicant will sample and screen soils for naturally occurring and manmade radionuclides and other potentially hazardous contaminants prior to disposal.

The applicant must also describe plans to manage non-hazardous waste materials during construction and operation. Exhibit G must identify any proposed fuel storage areas, vehicle maintenance areas, or other areas that could be used to store hazardous materials.

III.H. Exhibit H – Geologic and Soil Stability

Applicable Paragraphs: All paragraphs apply.
Related Council and Other Standards: Structural Standard [OAR 345-022-0020]
Discussion: Exhibit H must include Information regarding the geological and soil stability within the analysis area. The contents of Exhibit H must be based on a consultation with the Oregon Department of Geology and Mineral Industries regarding the appropriate methodology and scope of the seismic hazards and geology and soil-related hazards assessments, the appropriate geotechnical work that must be performed at the site, and the guidelines for preparing the geologic report for the application required under OAR 345-021-0010(1)(h)(A). Under OAR 345-021-0010(1)(h)(B), Exhibit H must include a summary of this consultation.

Under OAR 345-021-0010(1)(h)(A), (E), and (F), Exhibit H must include a geologic report meeting the Oregon State Board of Geologist Examiners geologic report guidelines and an assessment of seismic hazards and appropriate mitigation consistent with the recommendations made by DOGAMI during the consultation and the requirements of the rule. The assessment must explain how the applicant will design, engineer, construct and operate the facility to integrate disaster resilience design to ensure recovery of operations after major disasters and how future climate conditions, including changes in precipitation and stream flow, for the expected life span of the proposed facility will impact the proposed facility.

1
2 Under OAR 345-021-0010(1)(h)(C) and (D), exhibit H must provide a description and schedule of
3 site-specific geotechnical work that will be performed before construction activities begin at
4 the site, and a description of any locations where the applicant proposes to perform site
5 specific geotechnical work associated with facility collector lines or overhead transmission lines.
6

7 III.I. Exhibit I – Soils
8

9 **Applicable Paragraphs:** All paragraphs apply.

10 **Related Council and Other Standards:** Soil Protection [OAR 345-022-0022]

11 **Discussion:** Exhibit I must include information from reasonably available sources regarding soil
12 conditions and uses in the analysis area.
13

14 Under OAR 345-021-0010(1)(i)(A) and (B), Exhibit I must identify the major soil types within the
15 study area and include a description of current and historic land uses that require or depend on
16 productive soils. If applicant utilizes NRCS web-soil survey data to evaluate wind and water
17 erosion potential at the proposed facility site, Exhibit I shall include accurate references and
18 hyperlinks to source data.
19

20 Under OAR 345-021-0010(1)(i)(C) through (E), Exhibit I must identify and assess potential
21 adverse impacts of construction and operation of the proposed facility, including impacts such
22 as erosion, soil compaction, and any impacts from disposal or placement of drilling or dredging
23 spoils.
24

25 Exhibit I must also describe any measures the applicant proposes to avoid or mitigate adverse
26 impacts to soils during construction and operation of the proposed facility and any proposed
27 monitoring program.
28

29 For cultivated or arable lands, Exhibit I must contain sufficient evidence to demonstrate that
30 temporary disturbances during construction or maintenance activities will not result in long-
31 term losses of productivity. Any mitigation activities for permanent disturbance areas must also
32 be described in Exhibit X. If the applicant will rely upon an erosion and sediment control plan to
33 meet the Soil Protection Standard a draft of that plan must be included in the application.
34

35 The applicant can cross-reference any applicable information related to the federally delegated
36 NPDES 1200-C permit application. Please note that an erosion and sediment control plan that
37 meets the NPDES 1200-C requirements may not necessarily be sufficient to meet the EFSC Soil
38 Protection standard. See Section III(e), Exhibit E – Permits, for additional discussion of federally-
39 delegated permits.
40

41 III.J. Exhibit J – Waters of the State and Removal-Fill
42

43 **Applicable Paragraphs:** All paragraphs apply.

1 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000];
2 Removal of Material, Filling [ORS 196.795-.990]; Administrative Rules Governing the Issuance
3 and Enforcement of Removal-Fill Authorizations Within Waters of Oregon Including Wetlands
4 [OAR chapter 141, division 085]
5

6 **Discussion:** Exhibit J must include information based on literature and field study, as
7 appropriate, about waters of this state, as defined under ORS 196.800, including, but not
8 limited to all natural waterways, intermittent and perennial streams, lakes, and wetlands.
9

10 Under OAR 345-021-0010(1)(j)(A), Exhibit J must include a description of all areas within the
11 site boundary that might be waters of the state and maps showing the location of these
12 features. Maps must also identify areas of essential indigenous anadromous salmonid habitat
13 (ESH) designated under ORS 196.810 and OAR chapter 141, division 102 within the site
14 boundary.
15

16 The proposed underground HVDC transmission line between Big Eddy and the Columbia River
17 intersects various waters of this State, including Essential Indigenous Anadromous Salmonid
18 Habitat (ESH) reaches of Threemile Creek, an unnamed tributary of Threemile Creek, and
19 various areas where wetlands may be present. In-river segments intersect various waters of this
20 State, including the Columbia River, other streams, ESH reaches of the Willamette River and
21 Columbia Slough, various areas where wetlands may be present, and various sites that are
22 compensatory mitigation areas. The alignment may also include areas subject to the Lower
23 Willamette River Management Plan under OAR 141-080-0105). Any activities that may fall
24 within or affect compensatory mitigation areas should be identified and analyzed. Generally,
25 such impacts should be avoided. Impacts that cannot be avoided may require mitigation. The
26 Lower Willamette River Management Plan may apply to activities in or adjacent to the
27 Willamette River.
28

29 A wetland delineation report that complies with OAR chapter 141, division 90 must be provided
30 to the Department and DSL before the application will be determined to be complete. The
31 wetland delineation must be conducted using the standard wetland delineation methodology
32 as outlined in the 1987 Army Corp manual and relevant supplements. The applicant should
33 review the Long Linear Guidance document and associated table attached to the comments
34 provided by DSL in Attachment 3. The applicant must also provide GIS data including the study
35 area boundary and the boundaries of all delineated wetlands and waters to both ODOE and
36 DSL.
37

38 Under OAR 345-021-0010(1)(j)(B), (C), and (F), Exhibit J must describe whether construction or
39 operation of the proposed facility could result in potential adverse impacts to any waters of the
40 state, assess the significance of those impacts, and describe proposed actions to avoid or
41 mitigate adverse impacts and the applicant’s proposed monitoring program, if any, for such
42 impacts.
43

1 If impacts to waters of the state cannot be avoided, Exhibit J must describe the amount and
2 type of material that could be deposited or removed from any waters of the state, consistent
3 with the requirements of OAR 141-085-0525, and any other information needed to determine
4 whether a removal-fill permit is required under OAR chapter 141, division 085.

5
6 Under OAR 345-021-0010(1)(j)(D) and (E), Exhibit J must include an analysis of whether or not a
7 removal-fill permit is required. If a removal-fill permit is necessary for the proposed facility, the
8 Exhibit J must include all information required for the Council to make a decision on the
9 removal-fill permit application, including all information required under OAR chapter 141
10 division 85. This must include a completed and signed Joint Permit Application on the current
11 form, including:

- 12 • A complete project description.
- 13 • An alternatives analysis including an analysis of alternative sites with lesser impacts to
14 waters of this State and an analysis of alternative designs with lesser impacts to waters
15 of this State.
- 16 • An explanation of how the proposed project minimizes adverse effects to waters of this
17 State, including avoiding and minimizing activities outside of the ODFW-designated in-
18 water-work window; avoiding and minimizing interference with fishing, navigation, and
19 recreation; erosion control; avoiding and minimizing sediment suspension and
20 dispersion; spill response measures; avoiding or minimizing impacts to shallow water
21 habitats; avoiding and minimizing adverse effects to aquatic biota and habitats; avoiding
22 or minimizing disturbance or destruction of native riparian vegetation;
- 23 • Figures depicting SWI wetlands and DSL compensatory mitigation sites.
- 24 • Functions and values assessments of permanently impacted sites, including SFAM for
25 wadable streams, ORWAP for wetlands, and Best Professional Judgement for the
26 Columbia River and any other non-wadable streams.
- 27 • A rectification plan for restoring disturbed sites within 24-months of disturbance.
- 28 • A compensatory mitigation plan to mitigate for any unavoidable impacts to waters of
29 this State; and
- 30 • A monitoring plan with performance standards for restoration of disturbed areas and
31 performance of compensatory mitigation.

32
33 A draft removal-fill permit with draft conditions, must be submitted to the Department by DSL
34 to be included as an attachment to the draft proposed order.

35
36 Wetland delineation reports and removal-fill permit application materials can be sent directly
37 by the applicant to DSL; however, all materials as well as DSL's concurrence with the wetland
38 delineation must also be submitted to the Department as part of Exhibit J. The Department will
39 work closely with DSL in review of the removal-fill permit application, if applicable.

40
41 When required for an energy facility, a removal-fill permit will be included in and governed by
42 the site certificate. The Department and DSL would maintain dual responsibility for compliance

1 with any associated permit conditions. See Section III(e), Exhibit E – Permits, for additional
2 discussion of state permits.

3
4 As described in Section III.E.2, the applicant will also need to obtain proprietary authorizations
5 from the Department of State Lands under OAR chapter 141, divisions 80, 82, and 123.
6 Proprietary decisions are not within the Council’s jurisdiction; however, Exhibit J must provide
7 evidence that the proposed facility can obtain the required authorizations, including a
8 discussion of:

- 9 • Whether the project has independent utility.
- 10 • Whether the project is consistent with the protection, conservation, and best use of
11 the water resources of this state.
- 12 • Whether the project would unreasonably interfere with the paramount policy of this
13 state to preserve the use of its waters for navigation, fishing, and public recreation,
14 including identification of public needs for or social, economic, or other public
15 benefits of the project and identification of economic costs to the public if the
16 project is not accomplished; and
- 17 • Whether the project conforms with the Lower Willamette River Management Plan.

18
19 **III.K. Exhibit K – Land Use**

20
21 **Applicable Paragraphs:** (A) and (C).

22 **Related Council and Other Standards:** Land Use [OAR 345-022-0030]

23 **Discussion:** Exhibit K must include information about the proposed facility’s compliance with
24 the statewide planning goals adopted by the Land Conservation and Development Commission,
25 providing evidence to support a finding by the Council as required by OAR 345-022-0030.

26
27 Under OAR 345-021-0010(1)(k)(A), Exhibit K must include a map showing the comprehensive
28 plan designations and land use zones in the analysis area.

29
30 Exhibit K must state the Applicant’s election to either obtain local land use approval under ORS
31 469.504(1)(a) or to obtain a Council determination under ORS 469.504(1)(b). In the NOI, the
32 Applicant indicated that it intends to satisfy the Council’s land use standard, OAR 345-022-
33 0030, by seeking a Council determination under ORS 469.504(1)(b). Assuming the applicant has
34 not changed its election OAR 345-021-0010(1)(k)(B) does not apply to the application. Note that
35 once the election is made in the preliminary ASC, it is final.

36
37 Under OAR 345-021-0010(1)(k)(C), the applicant must identify all applicable substantive criteria
38 from each affected local governments’ comprehensive plan and any land use regulations that
39 are required by the statewide planning goals and in effect on the date the application is
40 submitted. All applicable criteria and standards associated with any zone in which the facility
41 site boundary is proposed to be located must be included unless proposed micro-siting corridors
42 that clearly demonstrate that no part of the facility will be located within that zone are
43 proposed. The applicant is encouraged to consult with the planning departments of the
44 affected local governments to develop the list. A detailed discussion of the applicable

1 substantive criteria identified by the Special Advisory Group, affected local government, or
2 Department for each jurisdiction is provided in the sections that follow.

3
4 Because the proposed facility is a jurisdictional transmission line that would pass through
5 multiple jurisdictions, the Council may evaluate the proposed facility against the applicable
6 substantive criteria recommended by the special advisory groups, against the statewide
7 planning goals or against a combination of the applicable substantive criteria and statewide
8 planning goals. In determining how to evaluate the facility, the Council must consider:

- 9 • The number of jurisdictions and zones in question.
- 10 • The degree to which the applicable substantive criteria reflect local government
11 consideration of energy facilities in the planning process; and
- 12 • The level of consistency of the applicable substantive criteria from the various zones and
13 jurisdictions.³⁰

14
15 The applicant may provide an analysis of these factors and request that the Council evaluate
16 the facility under the applicable substantive criteria, against the statewide planning goals, or a
17 combination of both; however, the Department retains the discretion to recommend, and the
18 Council the discretion to select, a different method of evaluation and Exhibit F must include
19 sufficient information to demonstrate compliance with local applicable substantive criteria
20 regardless of the applicant’s requested method of evaluation.

21
22 If the proposed facility will not comply with one or more of the applicable substantive criteria,
23 the applicant must demonstrate that the proposed facility nevertheless complies with the
24 applicable statewide planning goals or that an exception to a goal is justified under ORS
25 469.504(2) and OAR 345-022-0030(4).

26 27 **III.K.1 Local Applicable Substantive Criteria**

28 29 **III.K.1.1 Wasco County**

30
31 On May 17, 2023, the Wasco County Board of County Commissioners provided comments on
32 the Notice of Intent. The comments note that out-of-river segments of the proposed facility
33 within Wasco County are located within the County’s A-1 Exclusive Farm Use Zone as well as
34 the County’s Geological Hazard (OZ 2), Sensitive Wildlife Habitat (OZ 8) and Military Airspace
35 (OZ 15) Overlay Zones. In-river segments are located within the Flood Hazard Overlay Zone. A
36 summary of the substantive applicable criteria the proposed facility based on these zoning
37 designations is provided in Table 7. Wasco County Applicable Substantive Criteria below.

³⁰ ORS 469.504(1)(b)(B) and (5).

Table 7. Wasco County Applicable Substantive Criteria

| Chapter | Section |
|--|---|
| Wasco County Land Use and Development Ordinance (WCLUDO) | |
| Chapter | Section |
| 3 | WCLUDO 3.210-3.219: Exclusive Farm Use (A-1) Zone WCLUDO 3.710-3.717: Flood Hazard Overlay Zone WCLUDO 3.720-3.721: Geologic Hazard Overlay Zone WCLUDO 3.800-3.805: Sensitive Wildlife Habitat Overlay Zone WCLUDO 3.870-3.875: Military Airspace Overlay Zone |
| 5 | Conditional Use Review |
| 10 | Fire Safety Standards |
| 19 | Standards for Non-Commercial Energy Facilities, Commercial Energy Facilities and Related Uses |
| 20 | Site Plan Review |
| Wasco County Comprehensive Plan (WCCP) | |
| Goal 13 | Policy 13.1.7: New energy facilities shall meet the requirements in State Law. |

2

3 *WCLUDO 3.210-3.219: Exclusive Farm Use (A-1) Zone*

4

5 The eastern converter station site, 500-kV HVAC transmission line, and a portion of the
6 underground HVDC corridor are located within Wasco County’s Exclusive Farm Use (A-1) Zone.
7 Note that utilities facilities necessary for public service are a permitted use under WCLUDO
8 3.214 subject to the criteria in WCLUDO 3.219.G. Exhibit K must provide an assessment of how
9 these components will comply with any applicable provisions of WCLUDO Chapter 3, 5, 10, 19
10 and 20. The applicant may be required to provide a County specific housing study, EMS impact
11 study, fire response plan, traffic control plan, defined work schedule, construction plan, and
12 defined staging area as part of this assessment.

13

14 *WCLUDO 3.710-3.717: Flood Hazard Overlay Zone*

15

16 The Columbia River channel is a floodway and in river segments of the HVDC transmission line
17 in unincorporated Wasco County are located in the Wasco County’s Flood Hazard Overlay Zone.
18 Exhibit K must provide an assessment of how the HVDC transmission line will comply with any
19 applicable provisions of WCLUDO 3.710-3.717.

20

21 *WCLUDO 3.720-3.721: Geologic Hazard Overlay Zone*

22

23 Portions of the proposed underground HVDC line corridor are located within or adjacent to

1 Wasco County’s Geologic Hazard Overlay Zone. Exhibit K must provide an assessment of how
2 these segments will comply with any applicable provisions of WCLUDO 3.720-3.721.

3
4 WCLUDO 3.721 requires a written report by a certified engineer that demonstrates the
5 proposed development can be completed without threat to public safety or welfare for the
6 portion of the proposed facility within the Geologic Hazard Overlay Zone. The applicant may
7 rely on information provided as part of Exhibit H to meet this requirement but must provide
8 clear reference and citation to the location of that information in Exhibit K.

9
10 *WCLUDO 3.800-3.805: Sensitive Wildlife Habitat Overlay Zone*

11
12 A portion of the underground HVDC transmission corridor is located within and adjacent to
13 Wasco County’s Sensitive Wildlife Habitat Overlay Zone (OZ 8) for deer and elk. Exhibit K must
14 provide an assessment of how the HVDC transmission line will comply with any additional
15 applicable provisions of WCLUDO 3.800-3.805. Note that WCLUDO 3.805 requires that the
16 Oregon Department of Fish and Wildlife (ODFW) be given notice of and opportunity to
17 comment on any conditional use within OZ 8. The applicant may rely on information provided
18 in Exhibit P to meet this requirement but must provide clear reference and citation to the
19 location of that information in Exhibit K.

20
21 *WCLUDO 3.870-3.875: Military Airspace Overlay Zone*

22
23 The eastern converter station site and 500-kv HVAC transmission line, and portions of the HVDC
24 line would be located within Wasco County’s Military Airspace Overlay Zone. Exhibit K must
25 provide an assessment of how these components will comply with any applicable provisions of
26 WCLUDO 3.870-3.875. WCLUDO 3.873 requires early notification of and coordination with the
27 Department of Defense’s NW Regional Coordination Team. On April 19, 2023, the Community
28 Planning and Liaison Officer for the Northwest Training Range Complex provided written
29 comment indicating that there is a small potential that the transmission line could obstruct
30 military airspace and requested information regarding the proposed height of above-ground
31 structures within the Military Airspace Overlay Zone when available. Exhibit K must include
32 documentation that this information has been provided as well as any responses.

33
34 *WCCP Policy 13.1.7: New energy facilities shall meet the requirements in State Law.*

35
36 Policy 13.1.7(a) of the Wasco County Comprehensive Plan and OAR 660-023-0190 require
37 energy facilities approved by the Energy Facility Siting Council to be included in the County’s
38 Comprehensive Plan as a significant energy source. This policy was recommended as applicable
39 substantive criteria by the County; however, it is the Department’s position that the policy and
40 rule do not impose an affirmative obligation on either the applicant or the Council, and that the
41 local government is responsible for assuring compliance. Accordingly, the applicant may, but is
42 not required, to address this policy in Exhibit K.

1 III.K.1.2 Hood River County

2
 3 On May 22, 2023, the Hood River County Community Development Department provided
 4 comments on the Notice of Intent. The comments note that within Hood River County project
 5 components are proposed to be located entirely within the Columbia River. According to the
 6 Community Development Department, the Hood River County Comprehensive Plan does not
 7 establish specific land use criteria that would apply to development occurring beneath the
 8 normal pool elevation of the Columbia.
 9

10 The Columbia River is a floodway, and Exhibit K must include evidence demonstrating that the
 11 portion of the proposed facility within the Hood River County complies with any applicable
 12 provisions of Hood River County Zoning Ordinance Article 44 related to the Floodplain Overlay
 13 Zone. If the Council finds the facility complies, the Development Permit required under HRCZO
 14 44.45 will be included in and governed by the site certificate.
 15

16 III.K.1.3 Multnomah County

17
 18 On May 15, 2023, the Multnomah County Department of Community Services Land Use
 19 Planning Division provided comments on the Notice of Intent. While much of the Columbia
 20 River within unincorporated Multnomah County is not zoned, the Planning Division noted that
 21 portions of the site boundary may fall within Multnomah County’s Rural Center (RC),
 22 Commercial Forest Use (CFU), and Multiple Forest Use (MFU) Zones. A summary of the
 23 substantive applicable criteria the proposed facility based on these zoning designations is
 24 provided in Table 8 below.
 25
 26

| Table 8. Multnomah County Applicable Substantive Criteria | |
|---|--|
| Chapter | Section |
| Multnomah County Code (MCC) | |
| 39 | MCC 39.4050-39.4155: CFU Zone Requirements MCC 39.4400-39.4445: Rural Center (RC Zone) MCC 39.4700-39.4732: MUF Zone Requirements MCC 39.5000-39.5055: Type 1 Flood Hazard Permit MCC 39.5500-39. 5545: SEC Permit MCC 39.6200-39.6235: Ground Disturbing Activity and Storm Water MCC 39.7200-39-7220: Large Fill Conditional Uses MCC 39.7500-39.7525: Community Service Uses MCC 39.8000-39.8050: Type 2 Design Review Permit |

27
 28 *MCC 39.4050-39.4155: CFU Zone Requirements*
 29

30 A portion of the Columbia River surrounding Government Island in unincorporated Multnomah
 31 County is located within the County’s Commercial Forest Use Zone. A portion of the proposed

1 HVDC corridor would be located in this zone. Exhibit K must include evidence that the portion
2 of the facility located in the CFU zone will comply with any applicable provisions of MCC
3 39.4050-39.4155, including but not limited to, the use standards in MCC 39.4080 and 39.4100.

4
5 *MCC 39.4400-39.4445: Rural Center (RC Zone)*

6
7 A portion of the Columbia River in unincorporated Multnomah County near the Bonneville Lock
8 and Dam is located within the County’s Rural Center Zone. Maps and GIS Data provided with
9 the NOI indicate that the proposed HVDC corridor and site boundary will not cross this zone,
10 however, the applicant must confirm and if areas of the site boundary fall within the RC Zone,
11 provide evidence that the portion of the facility located in those areas will comply with any
12 applicable provisions of MCC 39.4400-39.4445, including but not limited to, the use standards
13 in MCC 39.4420.

14
15 *MCC 39.4700-39.4732: MUF Zone Requirements*

16
17 The western half of Hayden Island and the portion of the Columbia River surrounding it in
18 unincorporated Multnomah County is located within the County’s Commercial Multiple Use
19 Forest Zone. The County is responsible for land use permitting within the river to the north of
20 and downstream of Hayden Island west of I-205. The City of Portland is responsible for land use
21 permitting on West Hayden Island and in the water south of the island pursuant to an
22 Intergovernmental Agreement between the two local governments, however, because the
23 Council is administering the land use review, we request that both in-river and underground
24 segments and associated transition points in the MUF zone be evaluated together. Exhibit K
25 must include evidence that these components will comply with any applicable provisions of
26 MCC 39.4700-39.4732, including but not limited to, the use standards in MCC 39.4710.

27
28 *MCC 39.5000-39.5055: Flood Hazard Overlay (FH)*

29
30 The Columbia River channel is a floodway and in-river segments of the HVDC transmission line
31 in unincorporated Multnomah County are located in the County’s Flood Hazard Overlay Zone.
32 Exhibit K must provide an assessment of how the HVDC transmission line will comply with any
33 applicable provisions of MCC 39.5000-39.5055, including but not limited to, the development
34 standards and requirements in MCC 39.5030, MCC section 39.5035. A hydraulic analysis by a
35 certified engineer demonstrating compliance with the requirements of MCC 39.5045 is also
36 required to be included in Exhibit K. If the facility is found to comply, the County’s Floodplain
37 Development Permit required by MCC 39.5015 will be included in, and governed by, the site
38 certificate.

39
40 *MCC 39.5500-39. 5545: Significant Environmental Concern District*

41
42 Portions of the proposed HVDC transmission line may be located in or adjacent to Multnomah
43 County’s Significant Environmental Concern Overlay Zone. The applicant must confirm whether
44 or not any portions of the site boundary would cross this zone. If so, Exhibit K must include

1 evidence that the facility components proposed to be sited in those areas would comply with
2 any applicable provisions of MCC 39.5500-39. 5545.

3
4 *MCC 39.6200-39.6235: Ground Disturbing Activity and Storm Water*

5
6 Ground disturbing activity in Multnomah County is subject to the requirements of MCC
7 39.6200-39.6235. Exhibit K must include evidence demonstrating that ground disturbing
8 activities for both on-land and in-water HVDC transmission line segments in Multnomah County
9 will comply. Note that MCC 39.6225(B)(5) requires certification from a professional engineer
10 that the altered portion of the water body will continue to provide equal or greater flood
11 carrying capacity for a storm of 10-year design frequency. MCC 39.6225(B)(21) requires all
12 ground disturbing activities within a water body to use instream best management practices
13 prescribed in the most recent edition of the City of Portland Erosion and Sediment Control
14 Manual. If the facility is found to comply with these sections, the Erosion and Sediment Control
15 Permit required under MCC 39.6225 will be included in, and governed by, the site certificate.

16
17 *MCC 39.7200-39-7220: Large Fill Conditional Uses*

18
19 Under MCC 39.7203, a Large Fill permit will be required if more than 5,000 cubic yards of fill
20 (including concrete mattresses and rock) is deposited to protect the transmission line unless
21 the fill qualifies for an exemption under MCC 39.7207. Please note MCC 39.7205 prohibits
22 Large Fills in certain areas including protected streams, certain wetlands and in the 100-year
23 floodplain. Exhibit K must provide all information needed to demonstrate compliance with the
24 requirements of MCC 39.7200-39-7220. If the facility is found to comply, the County's Large Fill
25 Permit will be included in and governed by the site certificate.

26
27 *MCC 39.7500-39.7525: Community Service Uses*

28
29 Where allowed as a conditional or permitted use in a base zone, the facility must demonstrate
30 compliance with the approval criteria for community service uses under MCC 39.7515(A)-(H).
31 Exhibit K must include evidence that the facility would comply with any applicable provisions of
32 MCC 39.5500-39. 5545.

33
34 *MCC 39.8000-39.8050: Type 2 Design Review Permit*

35
36 Exhibit K must include evidence that the facility would comply with any applicable standards
37 and requirements under MCC 39.5500-39. 5545, including, but not limited to, the requirement
38 for the facility to undergo final design review by the County under MCC 39.8030.

39
40 III.K.1.4 City of The Dalles

41
42 Portions of the proposed HVDC transmission line would cross through the City of The Dalles'
43 Commercial/Light Industrial (CLI), Industrial (I), Recreational Commercial (CR), and Parks &
44 Open Space (P/OS) zones and road rights-of-way. Some portions of the facility would also be

1 located within the City’s Central and East City Rockfall Geohazard Zone (Z4), floodplains, and
 2 Stream Corridors. A summary of the substantive applicable criteria the proposed facility based
 3 on these zoning designations is provided in **Table 9** below.
 4

| Table 9. City of The Dalles Applicable Substantive Criteria | |
|---|--|
| Chapter | Article |
| The Dalles Municipal Code (TDMC) | |
| 2.24 | TDMC 2.24: Public Rights-of-Way |
| 10.3 | TDMC 10.3.050: Conditional Use Permits |
| 10.5 | TDMC 10.5.070 : Commercial/Light Industrial District TDMC 10.5.080: Recreational Commercial District TDMC 10.5.090: Industrial District TDMC 10.5.100: Community Facilities Overlay District TDMC 10.5.110: Parks and Open Space District TDMC 10.5.130: Stream Corridor District |
| 10.8 | TDMC 10.8: Physical and Environmental Constraints TDMC 10.8.040: Geological Hazard Provisions TDMC 10.8.030: Flood Control Provisions TDMC 10.8.050: Erosion, Slope Failure, and Cuts and Fill |

5
 6 *TDMC 10.3.050: Conditional Use Permits*
 7

8 Community facilities, including public utilities are permitted as conditional uses in the City of
 9 The Dalles’ Industrial (I), Recreational Commercial (CR), and Parks & Open Space (P/OS) zones
 10 and will require a Conditional Use Permit. Exhibit K must include evidence that the portion of
 11 the facility within the City’s Urban Growth Boundary complies with any applicable substantive
 12 provisions of TDMC 10.3.050. Any procedural requirements need not be evaluated. If the
 13 Council finds the facility complies, the Conditional Use Permit will be included in and governed
 14 by the site certificate.
 15

16 *TDMC 10.5.080: Recreational Commercial District*
 17

18 Community facilities are allowed as a conditional use in the City’s Recreational Commercial
 19 District (CR) Zone. Exhibit K must include evidence that the portion of the facility within this
 20 zone complies with any applicable substantive provisions of TDMC 10.5.080, including, but not
 21 limited to, any applicable standards under TDMC 10.5.080.050 and 10.5.080.060.
 22

23 *TDMC 10.5.090: Industrial District*
 24

25 Community facilities are allowed as a conditional use in the City’s Industrial District (I) Zone.
 26 Exhibit K must include evidence that the portion of the facility within this zone complies with
 27 any applicable substantive provisions of TDMC 10.5.090, including, but not limited to, any
 28 applicable standards under TDMC 10.5.090.040 and 10.5.080.070.

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TDMC 10.5.100: Community Facilities Overlay District

Where permitted in a base zone, community facilities are permitted as a conditional use subject to the provisions of TDMC 10.5.100. Exhibit K must include evidence that the portion of the facility within the City’s Urban Growth Boundary complies with any applicable substantive provisions of TDMC 10.5.100, including, but not limited to, any applicable standards under TDMC 10.5.100.050.

TDMC 10.5.110: Parks and Open Space District

A portion of the Columbia River located within the City’s Urban Growth Boundary is located in the City’s Parks and Open Space District (P/OS) Zone. Exhibit K must include evidence that the portion of the facility within this zone complies with any applicable substantive provisions of TDMC 10.5.110.

TDMC 10.5.130: Stream Corridor District

The area within 50 feet from the tops-of-bank of Three-Mile Creek are within the City’s Stream Corridor District Overlay Zone. If the proposed facility will affect a parcel within, or partially within the Stream Corridor District, Exhibit K must include evidence that the facility will comply within any applicable requirements of TDMC 10.5.130, including, but not limited to, evidence satisfying the requirements of TDMC 10.5.130.060.

TDMC 10.8.020: Physical and Environmental Constraints

Because portions of the proposed HVDC transmission line corridor would fall within areas identified as constrained under the City’s land use regulations, a Physical Constraints Permit will be required. Exhibit K must include evidence that the facility will comply within any applicable requirements of TDMC 10.8.020. If the Council finds that the facility complies, the Physical Constraints Permit will be included in, and governed by, the site certificate.

TDMC 10.8.030: Flood Control Provisions

The Columbia River channel is a floodway and in-river segments of the HVDC transmission line in the City of The Dalles’ Urban Growth Boundary are considered to be constrained for this reason. Exhibit K must provide an assessment of how the HVDC transmission line will comply with any applicable provisions of TDMC 10.8.030, including but not limited to, the development standards and requirements in MCC 10.8.030.060 and 10.8.030.070.

TDMC 10.8.040: Geological Hazard Provisions

A portion of the proposed HVDC transmission line corridor would be located within the City’s Geological Hazard Zone 4. Exhibit K must provide evidence that the portion of the facility within

1 this zone will comply with any applicable requirements of TDMC 10.8.040, including the
2 geotechnical report required under TDMC 10.8.040.030. The applicant may rely on information
3 provided as part of Exhibit H to meet this requirement but must provide clear reference and
4 citation to the location of that information in Exhibit K.

5
6 *TDMC 10.8.050: Erosion, Slope Failure, and Cuts and Fill*

7
8 All cuts, grading or fills within the City of The Dalles must comply with the requirements of
9 TDMC 10.8.050. Exhibit K must provide evidence demonstrating that the construction of the
10 facility will comply with any applicable provisions of this article.

11
12 III.K.1.5 City of Mosier

13
14 The portion of the Columbia River located within the City of Mosier’s Urban Growth Boundary is
15 zoned as Open Space. Under Mosier Ordinance 15.02.090, only public and non-profit public
16 utilities are authorized as a conditional use in the City of Mosier’s Open Space Zone, subject to
17 the criteria established in Mosier Municipal Code 15.05. If the proposed facility will not be sited
18 within the City of Mosier’s Urban Growth Boundary, the Department recommends the
19 applicant adjust the site boundary to exclude that portion of the river.

20
21 If the applicant wishes to maintain the option to site the proposed facility within the City of
22 Mosier’s Urban Growth Boundary, Exhibit K must provide an analysis of whether the facility
23 complies with any applicable provisions of Mosier Municipal Code, including those identified in
24 Table 10 below.

25

| Table 10. City of Mosier Applicable Substantive Criteria | |
|---|--|
| Chapter | Section |
| Mosier Municipal Code (MMC) | |
| 13.10 | 13.10.050 Provisions for Flood Hazard Reduction – General Standards 13.10.070 Floodways |
| 15.02 | 15.02.090 Open Space (OS) |
| 15.05 | 15.05.020 Site Plan 15.05.030 Approval Standards |

26
27 *MCC 13.10: Flood Damage Prevention*

28
29 The channel of the Columbia River is a designated floodway, if the site boundary will include the
30 portion of the river within the Urban Growth Boundary of the City of Mosier, Exhibit K must
31 provide evidence that the facility will comply with MCC 13.10, including but not limited to the
32 standards for flood hazard reduction and floodway development in MCC 13.10.050 and
33 13.10.070. If the Council finds the facility complies, the Flood Development Permit required by
34 MCC 13.10.040 will be included in and governed by the site certificate.

1 *MCC 15.02.090: Basic Provisions and land Use Zones*

2

3 As described above, MCC 15.02.090-B, public and non-profit public utilities are authorized as a
4 conditional use in the City of Mosier’s Open Space Zone. If the site boundary will include the
5 portion of the river within the Urban Growth Boundary of the City of Mosier, Exhibit K must
6 provide evidence that the facility will comply with MCC 15.02.090.

7

8 *MCC 15.05.020 Site Plan*

9

10 If the site boundary will include the portion of the river within the Urban Growth Boundary of
11 the City of Mosier, Exhibit K must provide a site plan which satisfies the requirements of MCC
12 15.05.020.

13

14 *MCC 15.05.030 Approval Standards*

15

16 If the site boundary will include the portion of the river within the Urban Growth Boundary of
17 the City of Mosier, Exhibit K must provide evidence that the proposed facility meets the
18 approval standards for a conditional use permit under MCC 15.05.030. If the Council finds the
19 facility complies, the Conditional Use Permit will be included in and governed by the site
20 certificate.

21

22 III.K.1.6 City of Hood River

23

24 The portion of the Columbia River within the City of Hood River’s Urban Growth Boundary does
25 not appear to be zoned; however, the river channel is a floodway, and Exhibit K must include
26 evidence demonstrating that the portion of the proposed facility within the City of Hood River
27 complies with any applicable provisions of Hood River Municipal Code Chapter 15.44 related to
28 flood hazards. If the Council finds the facility complies, the Development Permit required under
29 HRMC 15.44.040 will be included in and governed by the site certificate.

30

31 III.K.1.7 City of Cascade Locks

32

33 A portion of the site boundary crosses into the Urban Growth Boundary of the City of Cascade
34 Locks, however, it does not appear that the proposed HVDC corridor is located in this area. If
35 the proposed facility will not be sited within the City of Cascade Locks’ Urban Growth Boundary,
36 the Department recommends the applicant adjust the site boundary to exclude that portion of
37 the river. If the applicant wishes to retain flexibility to site the facility in that area, Exhibit K
38 must provide evidence demonstrating compliance with any applicable provisions of the City of
39 Cascade Locks’ Community Development Code, including but not limited to the development
40 standards associated with the Flood Plain Overlay Zone in CLCDC 8-6.120. If the Council finds
41 the facility complies, the Development Permit required under CLCDC 8-6.120.030 will be
42 included in and governed by the site certificate.

43

1 III.K.1.8 City of Fairview

2
 3 The portion of the Columbia River within the City of Fairview’s Urban Growth Boundary does
 4 not appear to be zoned; however, the river channel is a floodway, and Exhibit K must include
 5 evidence demonstrating that the portion of the proposed facility within the City of Fairview
 6 complies with any applicable provisions of the Fairview Municipal Code Chapter 19.105 related
 7 to the Floodplain Overlay Zone. If the Council finds the facility complies, the Development
 8 Permit required under FMC 19.105.040 will be included in and governed by the site certificate.
 9

10 III.K.1.9 City of Portland

11
 12 The proposed facility would cross through lands and waters located within the City of Portland’s
 13 Open Space (OS), General Industrial (IG2), Commercial Employment (CE), Residential
 14 Farm/Forest (RF), Residential Multi-Dwelling (RM1, RM2), Residential Manufactured Dwelling
 15 Park (RMP), and Heavy Industrial (IH) Zones. Additional zones may be included if Alternate
 16 Corridors proposed in the NOI are pursued. Under PCC 33.920.550, a regional electric
 17 transmission line is included in the Rail Lines and Utility Corridor use category. Zoning
 18 requirements for this use would not apply within public rights-of-way except within Greenway,
 19 Environmental, and Scenic overlay zones (33.10.030.B).
 20

21 In the City of Portland’s General Industrial and Heavy Industrial Zones, Rail Line and Utility
 22 Corridor uses are a permitted use. Where the proposed site boundary crosses into Open Space,
 23 Residential Single- and Multi-Dwelling Zone, or Commercial Zones, Rail Lines and Utility
 24 Corridor uses are permitted as a conditional use. Note that Rail Lines and Utility Corridor uses
 25 are prohibited in the City of Portland’s Commercial Residential (CR) Zone.
 26

Table 11. City of Portland Applicable Substantive Criteria

| Title | Article |
|--------------------------|--|
| Portland City Code (PCC) | |
| 10 | PCC 10: Erosion and Sediment Control Regulations |
| 24 | PCC 24.50: Flood Hazard Areas |
| 33 | PCC 33.100-33.150: Base Zones PCC 33.296: Temporary Activities PCC 33.400-33.480: Overlay Zones PCC 33.420: Design overlay zone PCC 33.430: Environmental Overlay Zones PCC 33.440: Greenway Overlay Zones PCC 33.480: Scenic Resource Overlay Zone PCC 33.500-33.595: Plan Districts PCC 33.565: Portland Int'l Airport Plan District PCC 33.730: Quasi-Judicial Procedures PCC 33.800-33.865: Land Use Reviews PCC 33.840 and 33.850: Greenway Goal Exception |

| City of Portland Comprehensive Plan | |
|-------------------------------------|--|
| Goal | Policy |
| 2 | CPCP Policy 2.4: Eliminate Environmental Justice Burdens |
| 7 | CPCP Policy 7.30: In-water habitat CPCP Policy 7.31: Sensitive habitats CPCP Policy 7.32: River-dependent and river-related uses CPCP Policy 7.33: Fish habitat CPCP Policy 7.34: Stream connectivity CPCP Policy 7.35: River bank conditions CPCP Policy 7.36: South Reach ecological complex CPCP Policy 7.37: Contaminated sites CPCP Policy 7.38: Sensitive habitats CPCP Policy 7.39: Riparian corridors CPCP Policy 7.40: Connected upland and river habitats CPCP Policy 7.41: River-dependent and river-related uses CPCP Policy 7.42: Forest Park |
| 8 | 8.50 Encourages undergrounding of electrical facilities in public rights-of-way, especially in centers and along Civic Corridors |

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PCC 10: Erosion and Sediment Control Regulations

Ground disturbing activities within the City of Portland during construction must comply with the Erosion and Sediment Control Regulations established in Title 10 of the Portland City Code. Exhibit K must include evidence demonstrating that the facility will comply with any applicable provisions established under PCC Title 10, including the minimum standards provided under PCC 10.30.020 and the requirements of the City of Portland’s Erosion and Sediment Control Manual. As described in Section III.E.3.9, the draft Erosion, Sediment and Pollution Control Plan meeting the requirements of PCC 10.40.020 and 10.40.030 and must be attached to Exhibit K before the application will be determined to be complete.

PCC 24.50: Flood Hazard Areas

The HVDC transmission and 230-kV HVAC transmission line corridors will cross into floodway waters (the Columbia and Willamette Rivers) and floodplain fringe that are as Flood Hazard Areas within the City of Portland. Exhibit K must include evidence demonstrating these facility components will comply with any applicable provisions of PCC 24.50, including but not limited to the provisions for Flood Hazard Reduction under PCC 24.50.060. Note that compliance with PCC 24.50.060 will require certification by a Professional Engineer that the construction of the facility the development will result in no increase in the base flood elevation. Also note that pursuant to a Biological Opinion issued by the National Marine Fisheries Service, the City of Portland is currently revising its Flood Hazard regulations to better with the Endangered Species Act (ESA) and FEMA guidelines.

PCC 33.100-33.150: Base Zones

1
2 As noted above, the proposed facility would cross through lands and waters located within the
3 City of Portland’s Open Space (OS), General Industrial (IG2), Commercial Employment (CE),
4 Residential Farm/Forest (RF), Residential Multi-Dwelling (RM1, RM2), Residential Manufactured
5 Dwelling Park (RMP), and Heavy Industrial (IH) Zones. Exhibit K must provide evidence that the
6 proposed facility is permitted in each zone crossed by the HVDC and HVAC transmission
7 corridors and that it complies with all applicable use regulations and development standards in
8 PCC 33.100-33.150.

9
10 *PCC 33.248: Landscaping and Screening Standards*

11
12 PCC 33.248 establishes landscaping and screening standards applicable to all development in
13 the City. The regulations address materials, placement, layout, preparation of the
14 landscape or mitigation area, and timing of installation. Exhibit K must provide evidence that
15 the all out-of-river segments and facility components within the City of Portland will comply
16 with PCC 33.248. The Portland Tree and Landscaping Manual contains additional information
17 about ways to satisfy PCC 33.248. The Portland Plant List includes information about native
18 plants, nonnative, non-nuisance plants, and nuisance plants. As noted in Section III.E.3.9, in
19 addition to demonstrating compliance with the landscaping and screening standards in PCC
20 33.348, the applicant may be required to obtain a Tree Permit under PCC Title 11.

21
22 *PCC 33.266: Parking, Loading, and Transportation and Parking Demand Management*

23
24 PCC 33.266 establishes the standards for the amount, location, and development of motor
25 vehicle parking, standards for bicycle parking, and standards for on-site loading areas, and
26 requirements for transportation demand management plans in the City of Portland. Exhibit K
27 must provide evidence demonstrating compliance with any applicable requirements of PCC
28 33.266.

29
30 *PCC 33.296: Temporary Activities*

31
32 PCC 33.296 establishes standards for temporary activities, including construction staging areas.
33 Note that construction activities in Environmental and some Greenway overlay zones are
34 subject to regulations for a permanent use. Exhibit K must provide evidence demonstrating
35 compliance with any applicable requirements of PCC 33.296.

36
37 *PCC 33.400-33.480: Overlay Zones*

38
39 The proposed facility would cross several overlay zones, including but not limited to,
40 Environmental Zones, River Overlay Zones, and Scenic Resource Zones.

41
42 *PCC 33.420: Design overlay zone*

1 Areas within the Bridgeton neighborhood along Marine Drive east of I-5 are within a Design
2 overlay zone. If the applicant retains the alternate corridor identified as “Option 2” in the NOI,
3 Exhibit K must provide evidence that the portions of the proposed HVDC line within the design
4 overlay zone complies with any applicable requirements of PCC 33.420.

5
6 *PCC 33.430: Environmental Overlay Zones*
7

8 Environmental Protection and Environmental Conservation overlay zones are applied in many
9 areas along and near the Columbia River and Columbia Slough, including existing levees. Exhibit
10 K must provide evidence that the portions of the proposed facility within these overlay zone
11 comply with any applicable requirements of PCC 33.430, including but not limited to, the
12 Development Standards established under PCC 33.430.110 to 33.430.195. Generally, to comply
13 with the overlay zone requirements Exhibit K must include an impact evaluation which includes:

- 14 • Identification, by characteristics and quantity, of the natural resources and their
15 functional values found on the site.
- 16 • Evaluation of alternative locations, design modifications, or alternative methods of
17 development to determine which options reduce the significant detrimental impacts on
18 the identified resources and functional values of the site; and
- 19 • Determination of the alternative that best meets the applicable approval criteria and
20 identify significant detrimental impacts that are unavoidable.

21
22 Natural resources that must be identified include regionally significant riparian corridors,
23 regionally significant wildlife habitat, and special habitat areas. If the applicant cannot
24 demonstrate compliance with all applicable development standards, Exhibit K must include the
25 information required for an environmental review application under PCC 33.430.250.

26
27 In addition to the provisions of the Code, several Natural Resource Inventories (Inventories) and
28 Natural Resource Management Plans (Plans) apply to the proposed transmission line corridor
29 that contain additional regulations which either supplement or supersede the requirements of
30 PCC 33.430. These include the Industrial-Environmental Mapping Project for Columbia Corridor
31 (1989), Middle Columbia Corridor/Airport Natural Resources Inventory and Middle Columbia
32 Corridor / Airport Economic, Social Environmental and Energy (ESEE) Analysis (2011), East
33 Columbia Neighborhood Natural Resources Management Plan (1990) and Natural Resources
34 Management Plan for Peninsula Drainage District No. 1 (1997). A draft Hayden Island Natural
35 Resource Inventory was prepared in 2012 which includes descriptions and maps of the current
36 relative condition of riparian corridors and wildlife habitat located on East and West Hayden
37 Island and the portion of the Columbia River surrounding Hayden Island, including the Oregon
38 Slough and southern bank of the Columbia River adjacent to the island. Note that these
39 underlying management plans are expected to be replaced by Natural Resource Inventories and
40 Protection Plans for the Columbia Corridor that will be adopted as a part of the Columbia
41 Corridor and Industrial Lands Environmental Overlay Zone Project, which is expected to be
42 completed by the end of 2024.

43
44 *PCC 33.440: Greenway Overlay Zones*

1
2 Greenway Overlay Zones applies to many areas along the North Reach of the Willamette River.
3 These overlay zones require the protection, conservation, and enhancement of natural, scenic,
4 historical, economical, and recreational qualities of lands along the Willamette River. Exhibit K
5 must provide evidence demonstrating the portion of the proposed facility within the Greenway
6 Overlay Zone, including 230-kV HVAC transmission line segment crossing the Willamette River,
7 complies with any applicable provisions of PCC 33.440, including but not limited to, the
8 approval criteria established in PCC 33.440.350.

9
10 *PCC 33.480: Scenic Resource Overlay Zone*

11
12 Marine Drive, from the Columbia Edgewater Golf Course, east to the I-205, is designated as a
13 scenic corridor (SD 12-04). If the applicant retains the alternate corridor identified as “Option 2”
14 in the NOI, Exhibit K must provide evidence that the portions of the proposed HVDC line within
15 the Scenic Resource Overlay Zone complies with any applicable requirements of PCC 33.480,
16 including but not limited to the landscaping and tree removal limitations established under PCC
17 33.480.040.

18
19 *PCC 33.565: Portland Int'l Airport Plan District*

20
21 The Portland International Airport Plan District includes more detailed regulations for areas
22 around the Airport. This project includes activities within the Middle Columbia Slough and
23 Airport Subdistricts. The environmental regulations in this plan district supplement chapter
24 33.430. Exhibit K must provide evidence demonstrating that any portions of the proposed HVDC
25 corridor within the Portland International Airport Plan District comply with PCC 33.565. If the
26 applicant retains the alternate corridor identified as “Option 2” in the NOI, work along NE
27 Marine Drive near the airport could possibly trigger additional natural resource mitigation
28 requirements under the Port-City Intergovernmental Agreement for the Airport Plan District.

29
30 *PCC 33.730: Quasi-Judicial Procedures*

31
32 States the procedures and requirements for quasi-judicial land use reviews, such as
33 Environmental and Greenway Reviews. The Type II (33.730.020) or Type III (33.730.030)
34 procedures may apply to components of this project. A pre-application conference is required
35 before submittal of a Type III land use review.

36
37 *PCC 33.800-33.865: Land Use Reviews*

38
39 The approval criteria for a Land Use Reviews, including the approval of conditional uses, are
40 established in PCC 33.800-33.865. Exhibit K must include evidence that the portion of the
41 facility within the City’s Urban Growth Boundary complies with any applicable substantive
42 provisions of PCC 33.800-33.865. Any procedural requirements need not be evaluated. If the
43 Council finds the facility complies, the Conditional Use Permit will be included in and governed
44 by the site certificate.

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CPCP Policy 2.4: Eliminate Environmental Justice Burdens

Policy 2.4 requires the City of Portland to ensure plans and investments eliminate associated disproportionate burdens for communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision. To minimize or mitigate disproportionate burdens in cases where they cannot be eliminated, and to use plans and investments to address disproportionate burdens of previous decisions.

Exhibit K should provide evidence demonstrating that the proposed facility will avoid or minimize adverse impacts on communities of color, low-income populations, and other under-served or under-represented groups.

CPCP Policy 7.30 In-water habitat

Policy 7.30 requires the City of Portland to enhance in-water habitat for native fish and wildlife, particularly in the Oregon Slough and near-shore environments along the Columbia River. Exhibit K must provide evidence that the construction and operation of the proposed facility will not result in significant adverse impacts to in-water habitat for native fish and wildlife in the Columbia River.

CPCP Policy 7.31 Sensitive habitats.

Policy 7.31 requires the City to enhance grassland, beach, riverbanks, wetlands, bottomland forests, shallow water habitats, and other key habitats for wildlife traveling along the Columbia River migratory corridor, while continuing to manage the levees and floodplain for flood control. Exhibit K must provide evidence that the construction and operation of the proposed facility will not result in significant adverse impacts to sensitive habitats in the Columbia River.

CPCP Policy 7.32 River-dependent and river-related uses.

Policy 7.32 requires the City of Portland to Maintain plans and regulations that recognize the needs of river-dependent and river-related uses while also supporting ecologically sensitive site design and practices. Exhibit K must provide evidence that the construction and operation of the proposed facility will support ecologically sensitive site design and practices.

CPCP Policy 7.33 Fish habitat.

Policy 7.33 requires the City of Portland to Provide adequate intervals of ecologically functional shallow-water habitat for native fish along the entire length of the Willamette River within the city, and at the confluences of its tributaries. Exhibit K should provide evidence that the construction and operation of the proposed facility will not result in significant adverse impacts to shallow water habitat for native fish and wildlife in the Willamette River.

CPCP Policy 7.34 Stream connectivity.

1
2 Policy 7.34 requires the City of Portland to Improve stream connectivity between the
3 Willamette River and its tributaries. Exhibit K should provide evidence that the construction and
4 operation of the proposed facility will not result in significant adverse impacts to stream
5 connectivity between the Willamette River and its tributaries.

6
7 *CPCP Policy 7.35 River bank conditions*

8
9 Policy 7.35 requires the City of Portland to preserve existing riverbank habitat and encourage
10 the rehabilitation of riverbank sections that have been significantly altered due to development
11 with more fish and wildlife friendly riverbank conditions. Exhibit K should provide evidence that
12 the construction and operation of the proposed facility will not result in significant adverse
13 impacts to riverbank conditions along the Willamette River.

14
15 *CPCP Policy 7.37 Contaminated sites*

16
17 Policy 7.37 requires the City of Portland to promote and support programs that facilitate the
18 cleanup, reuse, and restoration of the Portland Harbor Superfund site and other contaminated
19 upland sites. Exhibit K should provide evidence that the construction and operation of the
20 proposed facility will not result in significant adverse impacts to efforts to restore the Portland
21 Harbor Superfund site.

22
23 *CPCP Policy 7.38 Sensitive habitats*

24
25 Policy 7.38 requires the City of Portland to protect and enhance grasslands, beaches,
26 floodplains, wetlands, remnant native oak, bottomland hardwood forest, and other key
27 habitats for native wildlife including shorebirds, waterfowl, and species that migrate along the
28 Pacific Flyway and the Willamette River corridor. Exhibit K should provide evidence that the
29 construction and operation of the proposed facility will not result in significant adverse impacts
30 to sensitive habitat along the Willamette River Corridor.

31
32 *CPCP Policy 7.39 Riparian corridors*

33
34 Policy 7.39 requires the City of Portland to Increase the width and quality of vegetated riparian
35 buffers along the Willamette River. Exhibit K should provide evidence that the construction and
36 operation of the proposed facility will not result in significant adverse impacts to riparia buffers
37 along the Willamette River.

38
39 *CPCP Policy 7.40 Connected upland and river habitats*

40
41 Policy 7.40 requires the City of Portland to enhance habitat quality and connectivity between
42 the Willamette riverfront, the Willamette’s floodplain, and upland natural resource areas.

1 Exhibit K should provide evidence that the construction and operation of the proposed facility
2 will not result in significant adverse impacts to habitat connectivity between upland and river
3 habitats.

4
5 *CPCP Policy 7.41 River-dependent and river-related uses*

6
7 Policy 7.41 requires the City of Portland to Develop and maintain plans and regulations that
8 recognize the needs of river-dependent and river-related uses, while also supporting
9 ecologically sensitive site design and practices. Exhibit K should provide evidence that the
10 construction and operation of the proposed facility will support ecologically sensitive site
11 design and practices.

12
13 *CPCP Policy 7.42 Forest Park*

14
15 Policy 7.30 requires the City of Portland to Enhance Forest Park as an anchor habitat and
16 recreational resource. Exhibit K should provide evidence that the construction and operation of
17 the proposed facility will not result in significant adverse impacts to Forest Park

18
19 *CPCP Policy 8.50 Undergrounding*

20
21 Policy 8.50 encourages undergrounding of electrical facilities in public rights-of-way, especially
22 in centers and along Civic Corridors. Exhibit K should provide evidence that the design of the
23 proposed facility supports this goal.

24
25 III.K.1.10 Columbia River Gorge National Scenic Area

26
27 Portions of the proposed facility in are located within the boundaries of the Columbia River
28 Gorge National Scenic Area. Typically lands within the National Scenic Area are subject to the
29 provisions of the Management Plan for the Columbia River Gorge National Scenic Area to
30 ensure that land in the National Scenic Area is used consistently with the purposes and
31 standards of the National Scenic Area Act. Lands are typically categorized into three areas:
32 Special Management Areas, General Management Areas, and Urban Areas. Urban Areas are
33 exempt from Scenic Area regulations. In addition, based on comments from Special Advisory
34 Groups and the Columbia River Gorge Commission, it is the Department’s understanding that
35 the Scenic Area regulations do not apply to the Columbia River itself which is not zoned.

36
37 Exhibit K does not need to address the Scenic Area Regulations or any local land use regulations
38 implementing the Management Act; however, this section may be amended if the Columbia
39 River Gorge Commission or the U.S. Forest Service determine zoning regulations do apply
40 within the portion of the Columbia River located in the Columbia River Gorge National Scenic
41 Area where the proposed line will be located.

1 **III.K.2 Directly Applicable LCDC Rules**

2

3 Exhibit K must provide evidence that the proposed facility would comply with directly
4 applicable rules or statutory requirements administered by the Land Conservation and
5 Development Commission, including, but not limited to, any provisions associated with
6 agricultural Lands or the Willamette River Greenway.

7

8 **III.L. Exhibit L – Protected Areas**

9

10 **Applicable Paragraphs:** All paragraphs apply.

11 **Related Council and Other Standards:** Protected Areas [OAR 345-022-0040]

12 **Discussion:** Under OAR 345-021-0010(1)(L)(A) and (B), Exhibit L must include a list and map of
13 the protected areas within the analysis area showing the distance and direction from the
14 proposed facility. For the application, the Analysis area must include the area within the site
15 boundary and:

- 16 • Extending 20 miles from portions of the site boundary containing above-ground facility
17 components
- 18 • Extending 0.25 miles from portions of the site boundary containing buried and in-river
19 facility components
- 20 • Extending 0.25 mile from any downstream portion of the Columbia or Willamette Rivers
21 that could be impacted by sedimentation during construction, operation and
22 maintenance, or retirement of the facility based on sediment drift modeling.

23

24 Under OAR 345-021-0010(1)(L)(C), Exhibit L must include a description of significant potential
25 impacts of the proposed facility, if any, on the protected areas including, but not limited to,
26 potential impacts such as:

- 27 • Noise resulting from facility construction or operation.
- 28 • Increased traffic resulting from facility construction or operation.
- 29 • Water use during facility construction or operation.
- 30 • Wastewater disposal resulting from facility construction or operation.
- 31 • Visual impacts of facility structures.
- 32 • Visual impacts from air emissions resulting from facility construction or operation.

33

34 Note that a visual impact assessment is required as part of Exhibit L. While no specific
35 methodology is required, the applicant must submit sufficient evidence to demonstrate how
36 the proposed facility would comply with the Recreation standard. The applicant should consider
37 the extent of impacts and prior Council evaluations when designing the impact assessment
38 methodology. Visual simulations or other visual representations are not required but can
39 provide important evidence for use by the Department and Council in understanding the
40 potential visual impact of the proposed facility to Protected Areas.

41

42 Please note that compliance with the DEQ noise rules does not correlate to compliance with
43 the noise assessment considered in the Protected Areas standard. Particularly, while
44 construction noise is exempt from the DEQ noise rules, construction noise must be considered

1 under the Protected Areas standard. However, information developed to demonstrate
2 compliance with the DEQ noise rules (such as noise modeling) included in Exhibit Y can be used
3 in the assessment under the Protected Areas standard.
4

5 A portion of the proposed facility would be located within the boundaries of the Columbia River
6 Gorge National Scenic Area and does not comply with the requirements of OAR 345-022-
7 0040(1)(a). Accordingly, Exhibit L must demonstrate that other reasonable alternative routes
8 have been studied and that the proposed route or site is likely to result in fewer adverse
9 impacts to resources or interests protected by Council standards, including any scenic, natural,
10 cultural, or recreational resources within the National Scenic Area. When identifying reasonable
11 alternatives, the Department recommends the applicant address alternatives identified in
12 Section III.N of this Order and comments including in the Attachments.
13

14 If the applicant becomes aware of any potential significant impacts to the identified Protected
15 Areas other than those described above, including impacts to wildlife or wildlife habitat in the
16 protected areas, the impacts must be disclosed and evaluated in Exhibit L.
17

18 III.M. Exhibit M – Financial Capability

19
20 **Applicable Paragraphs:** All paragraphs apply.

21 **Related Council and Other Standards:** Retirement and Financial Assurance [OAR 345-022-0050]

22 **Discussion:** Exhibit M must include information about the applicant’s financial capability and
23 must include basic information about the applicant’s financial condition. The applicant is not
24 required to provide information or records protected from public disclosure by any provision of
25 state or federal law.
26

27 Under OAR 345-021-0010(1)(m)(A), Exhibit M must include an opinion or opinions from legal
28 counsel stating that, to counsel's best knowledge, the applicant has the legal authority to
29 construct and operate the facility without violating its bond indenture provisions, articles of
30 incorporation, common stock covenants, or similar agreements.
31

32 Under OAR 345-021-0010(1)(m)(B) and (C), Exhibit M must include the type and amount of the
33 applicant’s proposed bond or letter of credit. The proposed amount must be based on the
34 information provided under Exhibit X, and the applicant must explain any discrepancies
35 between the proposed bond amount and the retirement estimate. If the applicant would like to
36 reserve the option to construct the facility in phases, the applicant must provide sufficient
37 detail in Exhibit X to allow the Council to determine an appropriate bond or letter of credit
38 amount based on phase.
39

40 Exhibit M evidence that the applicant has a reasonable likelihood of obtaining the proposed
41 bond or letter of credit from a reputable financial institution in that amount before beginning
42 construction of the facility. If applicant chooses to provide a comfort letter from a financial
43 institution as evidence to support Council’s review of this requirement, the letter must refer to
44 the applicant or facility, be on letterhead, and provide assurance that the financial would issue

1 a bond or letter or credit to the applicant in an amount greater than or equal to the estimated
2 decommissioning amount.

3
4 **III.N. Exhibit N – Non-Generating Facility Need**

5
6 **Applicable Paragraphs: (A), (F)**

7 **Related Council and Other Standards:** Need Standard for Non-generating Facilities [OAR 345-
8 023-0005]

9 **Discussion:** Under OAR 345-021-0010(1)(n)(A) an application for a transmission line must
10 include the applicant’s election to meet the Need Standard either under the least-cost plan
11 rule, OAR 345-023-0020(1), the system reliability rule, OAR 345-023-0030, or by demonstrating
12 that the transmission line is proposed to be located within a National Interest Electric
13 Transmission Corridor designated under Section 216 of the Federal Power Act. In the NOI, the
14 applicant stated that it intends to demonstrate need for the proposed facility under the system
15 reliability rule. The applicant must inform the Department if this election changes prior to the
16 submission of the preliminary Application for Site Certificate.

17 Under OAR 345-021-0010(1)(n)(F)(i) to (iii), to demonstrate compliance with the system
18 reliability rule, Exhibit N must include load-resource balance tables for the area to be served by
19 the proposed facility. The tables must include:

- 20 • Annual firm capacity demands and existing and committed firm resources for each of
21 the years from the date of submission of the application to at least five years after the
22 expected in-service date of the facility.
- 23 • A forecast of firm capacity demands for electricity and firm annual electricity sales for
24 the area to be served by the proposed facility. The applicant must separate firm
25 capacity demands and firm annual electricity sales into loads of retail customers,
26 system losses, reserve margins and each wholesale contract for firm sale. In the
27 forecast, the applicant must include a discussion of how the forecast incorporates
28 reductions in firm capacity demand and firm annual electricity sales resulting from:
 - 29 ○ Existing federal, state or local building codes, and equipment standards and
30 conservation programs required by law for the area to be served by the
31 proposed facility.
 - 32 ○ Conservation programs provided by energy suppliers served by the facility.
 - 33 ○ Conservation that results from price elasticity.
 - 34 ○ Retail customer fuel choice.
- 35 • A forecast of existing and committed firm resources used to meet the projected,
36 including, as existing and committed firm resources, existing generation and
37 transmission facilities, firm contract resources and committed new resources minus
38 expected resource retirements or displacement. In the forecast, the applicant must list
39 each resource separately.

40
41 Under OAR 345-021-0010(1)(F)(iv) and (v), a narrative discussion must accompany the tables
42 described above, including discussion of:
43

- 1 • The reasoning behind any forecasts for resources to be retired or displaced.
- 2 • The annual capacity factors assumed for any generating facilities listed in the forecast.

3
4 Under OAR 345-021-0010(1)(F)(vi), Exhibit N must identify the reliability criteria the applicant
5 proposes demonstrate the proposed facility is needed, considering the load carrying capability
6 of existing transmission system facilities supporting the area to be served by the proposed
7 facility.

8
9 Under OAR 345-021-0010(1)(F)(vii), Exhibit N must provide reasons why the proposed facility is
10 economically reasonable compared to:

- 11 • Cost-effective conservation, peak load management and voluntary customer
12 interruption as a substitute for the proposed facility.
- 13 • Construction and operation of electric generating facilities as a substitute for the
14 proposed facility.
- 15 • Direct use of natural gas, solar or geothermal resources at retail loads as a substitute for
16 use of electricity transmitted by the proposed facility.
- 17 • Adding standard sized smaller or larger transmission line capacity.

18
19 Based on public comments submitted on the NOI, the applicant is strongly encouraged to
20 address the following alternatives in its analysis under OAR 345-021-0010(1)(F)(vii):

- 21 • Above-ground transmission
- 22 • Transmission along rail rights-of-way
- 23 • Transmission on Washington side of Columbia River
- 24 • Growth of community-based and larger-scale solar in Western Oregon and Washington
- 25 • Offshore wind development
- 26 • Energy efficiency and conservation projects
- 27 • Alternatives based on recommendations in the Columbia River Inter-Tribal Fish
28 Commission’s 2022 Energy Vision

29
30 To support its reasoning, the applicant must include a table showing the amounts of firm
31 capacity and firm annual electricity available from the proposed facility and each alternative
32 and the estimated direct cost of the proposed facility and each alternative. The applicant must
33 include documentation of assumptions and calculations supporting the table.

34
35 Under OAR 345-021-0010(1)(F)(viii), Exhibit N must state the earliest and latest expected in-
36 service dates of the facility and a discussion of the circumstances of the energy suppliers served
37 by the facility that determine these dates.

38
39 III.O. Exhibit O – Water Use

40
41 **Applicable Paragraphs:** All paragraphs apply except (D).
42 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]; OAR
43 690, Divisions 310 and 380 (Water Resources Department permitting requirements)

1 **Discussion:** Exhibit O must include information about anticipated water use during construction
2 and operation of the proposed facility.

3
4 Under OAR 345-021-0010(1)(o)(A) through (C) and (G), Exhibit O must include a description of
5 how water will be used during construction and operation of the proposed facility, and must
6 describe each source of water and the estimated amount of water the facility will need from
7 each source during construction and during operation under annual average and worst-case
8 conditions, and a description of proposed actions to mitigate the adverse impacts of water use
9 on affected resources.

10
11 Under OAR 345-021-0010(1)(o) E) and (F), Exhibit O must provide an evaluation of whether or
12 not the proposed facility would need a groundwater permit, surface water permit or a water
13 right transfer. If the proposed facility would need a groundwater permit, a surface water permit
14 or a water right transfer, Exhibit O information to support a determination by the Council that
15 the Water Resources Department should issue the permit or transfer of a water use, including
16 information in the form required by the Water Resources Department under OAR Chapter 690,
17 Divisions 310 and 380. See Section III(e) Exhibit E – Permits, for a discussion of OWRD permits
18 and Section III(u) – Public Services, for information requirements related to water service
19 providers.

20
21 **III.P. Exhibit P – Fish and Wildlife Habitat**

22
23 **Applicable Paragraphs:** All paragraphs apply.

24 **Related Council and Other Standards:** Fish and Wildlife Habitat [OAR 345-022-0060]

25 **Discussion:** Exhibit P must include Information about fish and wildlife habitat and the species
26 that could be affected by the proposed facility, providing evidence to support a finding by the
27 Council that the design, construction, and operation of the facility, taking into account
28 mitigation, are consistent with the general fish and wildlife habitat mitigation goals and
29 standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017.

30
31 The applicant must consult with the Oregon Department of Fish and Wildlife (ODFW) in
32 developing the resources and methods used to develop materials for Exhibit P. The Washington
33 Department of Fish and Wildlife (WDFW) must also be included in consultations regarding
34 materials assessing impacts to fish and wildlife habitat and species within the Columbia River.
35 Documentation of consultations, such as meeting notes, must be attached to Exhibit P.

36
37 The applicant is strongly encouraged to also consult with the US Fish and Wildlife Service, the
38 National Oceanic and Atmospheric Administration, and the Columbia River Inter-Tribal Fish
39 Commission to develop materials for Exhibit P related to impacts to the Columbia River and
40 Aquatic Habitat. Materials prepared to satisfy the requirements of the National Environmental
41 Policy Act or federal Endangered Species Act may be relied upon to the extent they
42 demonstrate compliance with the Fish and Wildlife Habitat Standard.

1 **III.P.1 Required Surveys**

2

3 Under OAR 345-021-0010(1)(p)(A) through (E), Exhibit P must include a description of biological
4 and botanical surveys performed or scheduled to support the habitat categorization and other
5 information in Exhibit P. At a minimum, the timing, scope, methods, and sources for each
6 survey must be discussed. Requirements for specific surveys are discussed in more detail
7 below. Additional surveys may be required based on consultation with ODFW and WDFW.

8

9 **III.P.1.1 Habitat Surveys**

10

11 Under OAR 345-021-0010(1)(p)(B), Exhibit P must include the results of habitat surveys
12 identifying habitat type, vegetation and characteristics, habitat condition, and species use and
13 presence. The habitat surveys must identify the following:

- 14 • Terrestrial habitat within and extending one-half mile from the portions of the site
15 boundary in Oregon outside of the Columbia and Willamette Rivers.
- 16 • Aquatic habitat within all potentially impacted portions of the Columbia and
17 Willamette Rivers (in Oregon and Washington).
- 18 • Riparian habitat adjacent to all potentially impacted portions of the Columbia and
19 Willamette Rivers.

20

21 Potentially impacted portions of the Columbia and Willamette River include all segments of the
22 river occupied by the site boundary, up to the Ordinary High-Water Mark on both sides of the
23 rivers as well as downstream segments that could be affected by sediment dispersal or
24 deposition. Applicant must consult with ODFW, WADFW, and other appropriate authorities to
25 determine the extent of potentially impacted river segments and riparian areas prior to
26 completion of surveys.

27

28 Based on the results of the habitat surveys, the applicant must categorize habitat in all areas
29 within Oregon as provided under OAR 635-415-0025. The habitat categorization is subject to
30 review and approval by ODFW. The habitat categories and the mitigation goal associated with
31 each is summarized in Table 12 below.

32

| Table 12. Habitat Categories Under OAR 635-0415-0025 | | |
|---|--|---|
| Category | Description | Mitigation Goal |
| 1 | Irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage. | No loss of either habitat quantity or quality. |
| 2 | Essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage. | If impacts are unavoidable, is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality. |

Table 12. Habitat Categories Under OAR 635-0415-0025

| Category | Description | Mitigation Goal |
|----------|---|---|
| 3 | Essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population. | No net loss of either habitat quantity or quality. |
| 4 | Important habitat for fish and wildlife species. | No net loss in either existing habitat quantity or quality. |
| 5 | Habitat for fish and wildlife having high potential to become either essential or important habitat. | If impacts are unavoidable, is to provide a net benefit in habitat quantity or quality. |
| 6 | Habitat that has low potential to become essential or important habitat for fish and wildlife. | Minimize impacts. |

1
 2 Under OAR 345-021-0010(C), Exhibit P must include tabular data and maps depicting the areas
 3 of permanent and temporary disturbance (in acres) in each habitat category, type and subtype
 4 based on the results of the habitat survey.

5
 6 III.P.1.2 Sensitive Species Surveys

7
 8 Under OAR 345-021-0010(D), based on consultation with the ODFW and appropriate field study
 9 and literature review, Exhibit P must identify all state sensitive species that might be present in
 10 the habitat survey areas and a discussion of any site-specific issues of concern to ODFW. Exhibit
 11 P must include baseline surveys in appropriate habitats for these species, and any other
 12 identified state sensitive species within the analysis area and must provide a map showing the
 13 locations of the different species and habitats with respect to the proposed activities. If state
 14 sensitive species, or suitable habitat for state sensitive species, are identified within the analysis
 15 area that could be adversely affected as a result of the proposed facility, the applicant shall
 16 include a description of the nature, extent, and duration of potential adverse impacts and a
 17 description of any proposed mitigation measures, consistent with the Exhibit P requirements,
 18 the EFSC Fish and Wildlife Habitat standard, and the ODFW Habitat Mitigation Policy. If
 19 sensitive species surveys are required by other jurisdictions, the applicant is encouraged to
 20 provide a single survey report that identifies occurrences of all sensitive species.

21
 22 III.P.1.3 Raptor Nest Surveys

23
 24 The applicant must conduct surveys for raptor nests within one quarter mile of all proposed
 25 out-of-water disturbance areas. The applicant must also provide information on how it will
 26 avoid or minimize and monitor impacts to raptors and other avian species, including curtailing
 27 construction activities within one quarter mile of active raptor nests during the nesting season.

28
 29 **III.P.2 Assessment of Impacts to Habitat and Sensitive Species**

30

1 Under OAR 345-021-0010(1)(p)(F), Exhibit P must describe the nature, extent and duration of
2 potential adverse impacts on the habitat and species identified in surveys that could result from
3 construction, operation and retirement of the proposed facility. This assessment must discuss,
4 at a minimum:

- 5 • Temporary and permanent disturbance (during construction or maintenance activities)
- 6 • The estimated thermal impacts of operation of the HDVC transmission line on the river
7 and its potential effects on aquatic habitat or species
- 8 • The estimated impacts of electric and magnetic fields generated by the in-river HDVC
9 and HVAC transmission lines, including:
 - 10 ○ A literature review of studies investigating the effects of magnetic fields on
11 migratory fish and other sensitive species.
 - 12 ○ Modelling of electric and magnetic field intensity at the river-bed surface in the
13 siting corridor, including areas where cable is not buried.
- 14 • The estimated impacts of sediment disturbance and drift:
 - 15 ○ Results of sediment sampling from representative areas along the proposed
16 route conducted under a plan approved by ODOE and Washington EFSEC.
 - 17 ○ Modeling of amount of sediment/chemicals of concern that will enter the water
18 column, and a discussion of potential turbidity effects, fish and wildlife uptake,
19 and deposition.
 - 20 ○ Discussion, based on literature review and appropriate field study, of potential
21 impacts of sediment disturbance on benthic species, including lamprey,
22 sturgeon, shellfish, crustaceans, and other state sensitive fish and invertebrates.

24 **III.P.3 Proposed Monitoring and Mitigation**

25
26 Under OAR 345-021-0010(1)(p)(G) and (H), Exhibit P must describe any monitoring and
27 mitigation activities proposed by the applicant to ensure that the construction, operation, and
28 retirement of the facility will comply with the habitat mitigation goals and standards and to
29 otherwise avoid, reduce, or otherwise mitigate adverse impacts to habitat and state sensitive
30 species. At a minimum, mitigation measures discussed must include avoidance areas and
31 implementation measures; compliance with in-water work windows established by ODFW and
32 WDFW, any proposed salvage & relocation of individuals impacted by construction activities,
33 and in-kind/in proximity mitigation as required by ODFW regulations. This information must
34 also be incorporated into a draft Revegetation and Noxious Weed Control Plan, a draft Habitat
35 Mitigation Plan, and a draft Post Construction Monitoring Plan, which must be included as
36 attachments to Exhibit P.

37
38 The draft Revegetation and Noxious Weed Control Plan and associated information in Exhibit P
39 must describe how the areas that are temporarily disturbed during construction or operation of
40 the facility will be rehabilitated and returned to their pre-construction functionality. The plan
41 must clearly describe draft success criteria for revegetation activities and describe the
42 monitoring program that will be used to ensure those criteria are met.

1
2 The draft Habitat Mitigation Plan and associated information in Exhibit P must clearly
3 demonstrate how the applicant will provide mitigation for both short- and long-term habitat
4 impacts in accordance with the ODFW Habitat Mitigation Policy. This includes identifying the
5 location of a specific habitat mitigation area that could be used to provide in-kind, in-proximity
6 mitigation for any impacts to Category 1 to 4 Habitat, as well as ecological uplift mitigation
7 actions that could be implemented at the habitat mitigation area to provide the appropriate
8 mitigation.

9
10 The draft Habitat Mitigation Plan must include the results of the habitat categorization surveys
11 as well as surveys of any proposed habitat mitigation areas and must describe the legal
12 mechanism or mechanisms proposed for acquiring the legal right to maintain and enhance the
13 habitat mitigation area. The Habitat Mitigation Plan must include draft success criteria for the
14 proposed ecological uplift actions and describe a process for evaluating monitoring and
15 reference site locations, prior to construction.

16
17 The post construction monitoring plan for the project must provide for, at a minimum,
18 monitoring of all known raptor nest sites within one-quarter mile of the converter station sites
19 and ecological monitoring of sensitive habitats within the transmission line rights of way.

20
21 III.Q. Exhibit Q – Threatened and Endangered Species

22
23 **Applicable Paragraphs:** All paragraphs apply.
24 **Related Council and Other Standards:** Threatened and Endangered Species [OAR 345-022-
25 0070]

26 **Discussion:** Exhibit Q must include information about threatened and endangered plant and
27 animal species that may be affected by the proposed facility, providing evidence to support a
28 finding by the Council as required by OAR 345-022-0070. While Exhibit Q is only required to
29 address species listed under ORS 496.172 or 564.105, the applicant is strongly encouraged to
30 ensure that any sensitive species surveys or reports conducted or prepared for the application
31 also meet the requirements of Washington State and Federal Law.

32
33 Under OAR 345-021-0010(1)(q)(A) through (G), Exhibit Q must include a list of all threatened
34 and endangered species or populations listed in OAR 635-100-0125 or 603-073-0070 that have
35 the potential to occur in the analysis area. For the application, the Analysis area must include
36 the area within the site boundary and:

- 37 • Extending 5 miles from portions of the site boundary containing above-ground facility
38 components
- 39 • Extending 0.25 miles from portions of the site boundary containing buried and in-river
40 facility components
- 41 • Extending 0.25 mile from any downstream portion of the Columbia or Willamette Rivers
42 that could be impacted by sedimentation during construction, operation and
43 maintenance, or retirement of the facility based on sediment drift modeling.

44

1 The applicant shall identify these species based on a review of literature, consultation with the
2 Oregon Department of Fish and Wildlife, and reference to the list of species maintained by the
3 Oregon Biodiversity Information Center. For each species identified, Exhibit Q must describe the
4 nature, extent, locations, and timing of its occurrence in the analysis area; how the facility
5 might adversely affect the species; what measures the applicant proposes to avoid or reduce
6 and adverse impact; and the applicant’s proposed monitoring program for impacts.
7

8 Field surveys for any threatened and endangered species that may occur within the analysis
9 area are required within or near suitable habitat that will be disturbed during construction and
10 operation of the proposed facility. The applicant must consult with ODFW and ODA’s Native
11 Plant Conservation Program regarding appropriate field survey methods, survey areas, survey
12 seasons, qualifications of field survey personnel, and the information to be included in a field
13 survey report. Exhibit Q must include maps showing appropriate habitats for all identified
14 species and a map showing the locations of the different species and habitats with respect to
15 the proposed activities. If special status species surveys are required by other jurisdictions, the
16 applicant is encouraged to provide a single survey report that identifies occurrences of all listed
17 species.
18

19 For each identified threatened and endangered plant species, Exhibit Q must describe how the
20 proposed facility, including any mitigation measures, complies with the protection and
21 conservation program adopted by the Oregon Department of Agriculture (ODA), or if there is
22 no protection and conservation program in place for an identified threatened or endangered
23 plant species, describe any significant potential impacts the proposed facility may have on the
24 continued existence of the species and on the critical habitat of such species, and must provide
25 evidence that the proposed facility, including any mitigation measures, is not likely to cause a
26 significant reduction in the likelihood of survival or recovery of the species.
27

28 For each threatened and endangered animal species, Exhibit Q must describe any significant
29 potential impacts of the proposed facility on the continued existence of such species and on the
30 critical habitat of such species, and must provide evidence that the proposed facility, including
31 any mitigation measures, is not likely to cause a significant reduction in the likelihood of
32 survival or recovery of the species.
33

34 In the impact assessments described above, the Applicant must address at a minimum:

- 35 • Direct mortality during construction or maintenance activities.
- 36 • The estimated thermal impacts of operation of the HDVC transmission line on the river
37 and its potential effects on aquatic habitat or species.
- 38 • The estimated impacts of electric and magnetic fields generated by the in-river HDVC
39 and HVAC transmission lines, including:
 - 40 ○ A literature review of studies investigating the effects of magnetic fields on
41 migratory fish and other sensitive species.
 - 42 ○ Modelling of electric and magnetic field intensity at the river-bed surface in the
43 siting corridor, including areas where cable is not buried.

- 1 • The estimated impacts of sediment disturbance and drift:
 - 2 ○ Results of sediment sampling from representative areas along the proposed
 - 3 route conducted under a plan approved by ODOE and Washington EFSEC.
 - 4 ○ Modeling of amount of sediment/chemicals of concern that will enter the water
 - 5 column, and a discussion of potential turbidity effects, fish and wildlife uptake,
 - 6 and deposition.
 - 7 ○ Discussion, based on literature review and appropriate field study, of potential
 - 8 impacts of sediment disturbance on any threatened and endangered benthic
 - 9 species.

10
11 Any information about monitoring and mitigating impacts to threatened or endangered species
12 must be incorporated into the Revegetation and Noxious Weed Control Plan, draft Habitat
13 Mitigation Plan, and draft Post Construction Monitoring Plan included in Exhibit P, as
14 appropriate.

15
16 III.R. Exhibit R – Scenic Resources

17
18 **Applicable Paragraphs:** All paragraphs apply.

19 **Related Council and Other Standards:** Scenic Resources [OAR 345-022-0080]

20 **Discussion:** Exhibit R must include an analysis of potential significant visual impacts of the
21 proposed facility on scenic resources identified as significant or important in local land use
22 plans, tribal land management plans and federal land management plans for any lands located
23 within the analysis area. For the ASC, the analysis area must include the area within the site
24 boundary and extending 10-miles from portions of the site boundary containing above-ground
25 facility components. For the purposes of Exhibit R, “local” land use plans include state, county,
26 and city planning documents or inventories.

27
28 III.S. Exhibit S – Historic, Cultural and Archaeological Resources

29
30 **Applicable Paragraphs:** All paragraphs apply.

31 **Related Council and Other Standards:** Historic, Cultural, and Archaeological Resources [OAR
32 345-022-0090]

33 **Discussion:** Exhibit S must include information about historic, cultural, and archaeological
34 resources. For the ASC, the analysis area for historic, cultural, and archaeological resources
35 must include the area within the site boundary and any downstream portion of the Columbia or
36 Willamette Rivers that could be impacted by sedimentation during construction, operation and
37 maintenance, or retirement of the facility based on the applicant’s sediment drift modeling. If
38 significant or important cultural resources outside of the analysis areas are identified during
39 coordination with any tribe, Exhibit S must include information about potential impacts on
40 these resources.

41
42 Information concerning the location of archaeological sites or objects may be exempt from
43 public disclosure under ORS 192.345(11). Such information, including archaeological survey

1 reports, must be provided confidentially under separate cover in hard copy only format, and
2 only after consultation with the Department. Confidential material shall also be provided
3 directly to SHPO, following guidance from the Department and SHPO. Please contact the
4 Department to discuss current practices regarding treatment and submittal of confidential
5 material.

6
7 As described under OAR 345-021-0010(1)(s)(D)(i) to (iii), Exhibit S must describe survey
8 methodology, survey areas, and the results of all surveys conducted for historic, cultural, and
9 archaeological resources as well as an analysis of any significant adverse impacts anticipated
10 and proposed mitigation measures.

11
12 Under OAR 345-021-0010(1)(s)(A) through (C), Exhibit S must include an inventory of all historic
13 properties discovered in the analysis area, including any archaeological sites or objects on
14 private land in the analysis area and archaeological sites on public land in the analysis area.
15 Exhibit S must include an evaluation of whether the historic properties have been listed on, or
16 would likely be listed on, the National Register of Historic Places, based on an evaluation of the
17 National Register Evaluation Criteria as described in National Register Bulletin 15.

18
19 Under OAR 345-021-0010(1)(s)(D), Exhibit S must also include an impact assessment, and
20 proposed measures to avoid or mitigate potential impacts to historic, cultural, or archaeological
21 resources that have been listed on, or would likely be listed on the National Register of Historic
22 Places.

23
24 Under OAR 345-021-0010(1)(s)(E), Exhibit S must include the applicant’s proposed monitoring
25 program, if any, for impacts to historic, cultural, and archaeological resources during
26 construction and operation of the proposed facility, including a program to address inadvertent
27 discovery of resources during ground disturbing activities at the site.

28
29 The applicant is strongly encouraged to discuss the proposed facility with all Tribes that could
30 be potentially affected by the construction and operation of the proposed facility, including but
31 not limited to, the tribes identified by the Legislative Commission on Indian Services and the
32 Columbia River Tribes. Exhibit S should include documentation of any contact with tribes to
33 determine whether the proposed route could affect cultural resources, including areas within
34 the water and in the riparian land section near Bonneville Dam.

35
36 **III.T. Exhibit T – Recreation**

37
38 **Applicable Paragraphs:** All paragraphs apply.

39 **Related Council and Other Standards:** Recreation [OAR 345-022-0100]

40 **Discussion:** Exhibit T must include information about the impacts the proposed facility would
41 have on important recreational opportunities. For the ASC, the Analysis area must include the
42 area within the site boundary and:
43

- 1 • Extending 5 miles from portions of the site boundary containing above-ground
2 facility components
- 3 • Extending 0.25 miles from portions of the site boundary containing buried and in-
4 river facility components
- 5 • Extending 0.25 mile from any downstream portion of the Columbia or Willamette
6 Rivers that could be impacted by sedimentation during construction, operation and
7 maintenance, or retirement of the facility based on modeling performed by the
8 applicant.

9
10 Under OAR 345-021-0010(1)(t)(A), Exhibit T must include a description of recreational
11 opportunities in the analysis area, and information identifying whether or not the opportunity
12 is considered “important” under OAR 345-022-0100.

13
14 This analysis should include recreational opportunities including state and local parks, fishing
15 and water-dependent activities along the Columbia and Willamette Rivers, and other
16 recreational opportunities. The City of Portland specifically recommended the applicant review
17 the potential impacts of the proposed facility on Forest Park and the consistency of the project
18 with the Forest Park Natural Resources Management Plan. The Department recommends that
19 Forest Park be treated as an important recreational opportunity for the purposes of Exhibit T.

20
21 Under OAR 345-021-0010(1)(t)(B) and (C), and (E), Exhibit T must include a description of any
22 potential significant adverse impacts to important recreation opportunities, and a description
23 of measures the applicant proposes to avoid, reduce, or otherwise mitigate and monitor those
24 impacts. Impacts that must be evaluated in Exhibit T include:

- 25 • Direct or indirect loss of a recreational opportunity as a result of facility construction
26 or operation.
- 27 • Noise resulting from facility construction or operation.
- 28 • Increased traffic resulting from facility construction or operation.
- 29 • Visual impacts of facility structures.

30
31 Note that a visual impact assessment is required as part of Exhibit T. While no specific
32 methodology is required, the applicant must submit sufficient evidence to demonstrate how
33 the proposed facility would comply with the Recreation standard. The applicant must consider
34 the extent of impacts and prior Council evaluations when designing the impact assessment
35 methodology. Visual simulations or other visual representations are not required but can
36 provide important evidence for use by the Department and Council in understanding the
37 potential visual impact of the proposed facility to important recreational opportunities.

38
39 Compliance with the DEQ noise rules (Exhibit X) does not necessarily guarantee compliance
40 with the noise assessment considered in the Recreation standard. Particularly, while
41 construction noise is exempt from the DEQ noise rules, construction noise must be considered
42 under the Recreation standard. However, information developed to demonstrate compliance
43 with the DEQ noise rules such as noise modeling can be used in the assessment under the
44 Recreation standard.

1
2 If the applicant becomes aware of any potentially significant impacts to the identified
3 recreational opportunities other than those described above, the impacts must be disclosed
4 and evaluated in Exhibit T.
5

6 III.U. Exhibit U – Public Services
7

8 **Applicable Paragraphs:** All paragraphs apply.

9 **Related Council and Other Standards:** Public Services [OAR 345-022-0110]

10 **Discussion:** Exhibit U must include information on how the construction and operation of the
11 proposed facility will impact public services. Exhibit U must include sufficient evidence to
12 support a finding by the Council that construction and operation of the proposed facility, taking
13 into account mitigation, are not likely to result in significant adverse impact to the ability of
14 public and private service providers to provide sewers and sewage treatment, water, storm
15 water drainage, solid waste management, housing, traffic safety, police and fire protection,
16 health care and schools.
17

18 Under OAR 345-021-0010(1)(u)(A) through (D), Exhibit U must include an analysis identifying
19 the public and private service providers in the analysis area that would likely be affected by
20 construction and operation of the proposed facility, a description of any likely impacts on the
21 ability of the service providers to provide their respective services, and evidence that any
22 adverse impacts, taking into account any mitigation proposed by the applicant, are not likely to
23 be significant. The analysis must describe any important assumptions the applicant used to
24 evaluate potential impacts. Mitigation may include funding for equipment or capital
25 improvements, training, or other actions intended to increase the capacity of public service
26 providers.
27

28 The applicant may include information developed in support of Exhibit V in its evaluation of
29 impacts to fire protection providers, an evaluation of any potential impacts that may affect
30 responders to structural fires at the proposed facilities converter stations.
31

32 In evaluating impacts to stormwater and drainage services, Exhibit U must discuss potential
33 impacts to Drainage Districts and other flood protection providers, including but not limited to
34 the Multnomah County Drainage District regarding potential impacts to the Portland Metro
35 Levee System.
36

37 In evaluating impacts to traffic safety, Exhibit U must contain sufficient evidence to
38 demonstrate that the construction and operation of the proposed facility will not result in
39 significant safety impacts to drivers along primary and secondary transportation routes that will
40 be used during construction of the proposed facility. Impacts that must be evaluated must
41 include the impacts of vehicles entering and exiting the site during construction in road rights-
42 of-way. Exhibit U must also evaluate whether any significant traffic delays will occur and
43 whether or not these delays could affect ambulance services or other emergency responders.
44 Based on feedback from Special Advisory Groups, Exhibit U must also discuss what, if any,

1 impacts construction and operation of the proposed facility will have on major public
2 infrastructure projects planned or in progress in the Columbia River corridor, including but not
3 limited to, the Hood River-White Salmon and I-5 bridge replacement projects.
4

5 In addition, Exhibit U must evaluate the impacts that the construction and operation of the
6 proposed facility will have on local aviation resources, sufficient to demonstrate compliance
7 with OAR chapter 738, division 070.
8

9 Exhibit U must evaluate the impact that the temporary and permanent workforce will have on
10 housing in the analysis area, including the availability of hotels, RV parks, and other temporary
11 accommodations. This evaluation must assume that 100 percent of the temporary construction
12 workforce will require temporary accommodations unless the applicant can provide evidence
13 to demonstrate the availability of local workers or can provide evidence of a local hiring
14 program.
15

16 In addition to the analysis described above, the applicant is encouraged to obtain letters from
17 local public services providers to demonstrate that the proposed facility would not cause a
18 significant adverse impact on their ability to provide their respective services, including:

- 19 • Local fire departments or rural fire protection districts
 - 20 • Police departments
 - 21 • Public works departments
 - 22 • Sewer and sewage treatment providers
 - 23 • Drainage and flood protection providers
 - 24 • Water service providers
 - 25 • Solid waste providers
- 26

27 Letters obtained from public service providers include analysis indicating that their level of
28 service would not be impacted. For instance, letters obtained from water service providers
29 must include an evaluation of permit limits, permit or water right numbers, type of water use,
30 and historical demand to demonstrate that it can meet proposed facility needs. Letters from
31 fire service providers should explain how resources used by the facility, in the event of a fire-
32 related issue, would not impact their ability to provide fire emergency response, rather than a
33 conclusory statement without supporting analysis demonstrating a clear understanding of the
34 facility. Letters from public works departments should demonstrate an understanding of
35 proposed facility road and right-of-way use, including maximum number of vehicle miles
36 travelled and vehicle weight, and confirmation of whether the use would impact local roads.
37

38 Under OAR 345-021-0010(1)(u)(E), Exhibit U must include the applicant's proposed monitoring
39 program, if any, for impacts to public services.
40

41 III.V. Exhibit V – Wildfire Prevention and Risk Mitigation

42

43 **Applicable Paragraphs:** All paragraphs apply.

1 **Related Council and Other Standards:** Wildfire Prevention and Risk Mitigation [OAR 345-022-
2 0115]

3 **Discussion:** Exhibit V must include information about wildfire risk within the analysis area
4 sufficient to support the Council findings required under OAR 345-022-0115. The analysis area
5 for wildlife risk includes areas within and extending one-half-mile from portions of the site
6 boundary containing out-of-river transmission line segments and facility components.
7 This must include a characterization of wildfire risk within the analysis area that identifies each
8 of the following:

- 9 • Baseline wildfire risk, based on factors that are expected to remain fixed for multiple
10 years, including but not limited to topography, vegetation, existing infrastructure,
11 and climate.
- 12 • Seasonal wildfire risk, based on factors that are expected to remain fixed for
13 multiple months but may be dynamic throughout the year, including but not limited
14 to, cumulative precipitation and fuel moisture content.
- 15 • Areas subject to a heightened risk of wildfire, based on the Baseline and Seasonal
16 risk information.
- 17 • High-fire consequence areas, including but not limited to areas containing
18 residences, critical infrastructure, recreation opportunities, timber and agricultural
19 resources, and fire-sensitive wildlife habitat.

20
21 The characterization must also describe all data sources and methods used to model and
22 identify risks. The applicant may select data sources and methods as appropriate for the site,
23 but all data must be current and from reputable sources.

24
25 Exhibit V must also include a draft Wildfire Mitigation Plan for the proposed facility. The
26 Wildfire Mitigation Plan must, at a minimum:

- 27 • Identify areas within the site boundary that are subject to a heightened risk of
28 wildfire, using current data from reputable sources, and discuss data and methods
29 used in the analysis.
- 30 • Describe the procedures, standards, and time frames that the applicant will use to
31 inspect facility components and manage vegetation in any identified areas of
32 heightened risk of wildfire.
- 33 • Identify preventative actions and programs that the applicant will carry out to
34 minimize the risk of facility components causing wildfire, including procedures that
35 will be used to adjust operations during periods of heightened wildfire risk and a
36 discussion of the use of defensible space, fire hardened infrastructure, and power
37 shutoff protocols, as applicable.
- 38 • Identify procedures to minimize risks to public health and safety, the health and
39 safety of responders, and damages to resources protected by Council standards in
40 the event that a wildfire occurs at the facility site, regardless of ignition source. This
41 must include:
 - 42 ○ A description of who will respond to wildfires at the site and a plan for ensuring
43 responders are aware of sensitive resources that should be avoided during fire
44 suppression activities.

- 1 ○ A description and maps of access and egress options for wildfire responders and
- 2 emergency vehicles to enter and exit the site in a fire emergency.
- 3 ○ Information about whether any specialized equipment or training will be needed
- 4 to respond to fire events at the site involving solar arrays, battery systems, or
- 5 other facility components.
- 6 • Describe methods the applicant will use to ensure that updates of the plan
- 7 incorporate best practices and emerging technologies to minimize and mitigate
- 8 wildfire risk.
- 9

10 III.W. Exhibit W – Solid Waste and Wastewater

11 **Applicable Paragraphs:** All paragraphs apply.

12 **Related Council and Other Standards:** Waste Minimization [OAR 345-022-0120]; Public Services

13 [OAR 345-022-0110]

14 **Discussion:** Exhibit W must describe the applicant's plans to minimize the generation of solid

15 waste and wastewater and to recycle or reuse solid waste and wastewater, providing evidence

16 to support findings by the Council under OAR 345-022-0120.

17

18

19 Under OAR 345-021-0010(1)(w)(A), (B), and (D), Exhibit W must include a description of the

20 major types and amount of solid waste and wastewater that construction, operation, and

21 retirement of the facility are likely to generate; the structures, systems, and equipment for

22 management and disposal of the wastes, including any plans to minimize, recycle or reuse the

23 wastes. This must include a discussion how the applicant proposes to ensure any spoils from

24 drilling or dredging activities do not contain hazardous materials or radionuclides.

25

26 Under OAR 345-021-0010(1)(w)(C), Exhibit W must include a discussion of any actions or

27 restrictions proposed by the applicant to reduce consumptive water use during construction

28 and operation of the facility. This includes water needed for operation and maintenance of the

29 facility and must include a discussion of wastewater and runoff generated from panel washing.

30

31 Under OAR 345-021-0010(1)(w)(E) and (F), Exhibit W must include a description of any adverse

32 impact on surrounding and adjacent areas from the accumulation, storage, disposal and

33 transportation of solid waste, wastewater and stormwater during construction and operation of

34 the facility and evidence that those impacts, taking into account any account any measures the

35 applicant proposes to avoid, reduce, or otherwise mitigate the impacts, will be minimal.

36

37 Under OAR 345-021-0010(1)(w)(G), Exhibit W must include the applicant's proposed monitoring

38 program, if any, for minimization of solid waste and wastewater impacts.

39

40 The applicant is encouraged to reference information provided under other exhibits, including

41 but not limited Exhibits O and U, in the development of this exhibit.

42

1 III.X. Exhibit X – Facility Retirement

2

3 **Applicable Paragraphs:** All paragraphs apply.

4 **Related Council and Other Standards:** Retirement and Financial Assurance [OAR 345-022-0050]

5 **Discussion:** Exhibit X must provide information about site restoration, providing evidence to
6 support a finding that the site can be restored adequately to a useful, non-hazardous condition
7 following permanent cessation of construction or operation of the facility. For the purposes of
8 this exhibit, the information in Exhibit X must address the cost and feasibility of both removal of
9 the HDVC cable and abandonment in place.

10

11 Under OAR 345-021-0010(1)(x)(A) and (B), this information must include the estimated useful
12 life of the proposed facility and a description of the specific actions and tasks to restore the site
13 to a useful, non-hazardous condition.

14

15 Under OAR 345-021-0010(1)(x)(C) and (D), Exhibit X must also include an estimate, in current
16 dollars, of the total and unit costs of restoring the site to a useful, non-hazardous condition and
17 a discussion and justification of the methods and assumptions used in preparing the estimate.
18 The estimate must include sufficient detail to identify costs associated with individual tasks and
19 units.

20

21 Under 345-021-0010(1)(x)(E), Exhibit X must include a proposed monitoring plan for any
22 potential site contamination by hazardous materials, including oils or fuels used or stored on
23 site, such as periodic environmental site assessment and reporting. If the applicant believes no
24 monitoring for soil contamination is necessary, Exhibit X must provide evidence to support this
25 position.

26

27 III.Y. Exhibit Y – Noise

28

29 **Applicable Paragraphs:** All paragraphs apply.

30 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]; DEQ
31 Noise Control Regulations [ORS 467.020 and ORS 467.030; OAR 340, Division 35]

32 **Discussion:** Exhibit Y must include information about noise generated by construction and
33 operation of the proposed facility, providing evidence to support a finding by the Council that
34 the proposed facility complies with the Oregon Department of Environmental Quality’s noise
35 control standards in OAR 340-035-0035.

36

37 Under OAR 345-021-0010(1)(y)(A), Exhibit Y must include predicted noise levels from all
38 potential noise-generating components of the facility including but limited to the converter
39 stations and transmission lines. If applicant provides sufficient evidence demonstrating that
40 underground and in-river segments will not generate audible sound at surface levels no
41 additional evidence related to those components is necessary.

42

1 Under OAR 345-021-0010(1)(y)(B), Exhibit Y must include an analysis of demonstrating that the
 2 predicted noise levels will not exceed the ambient antidegradation standards established under
 3 OAR 340-035-0035. Noise generated by the facility may not increase the ambient statistical
 4 noise levels, L10 or L50, by more than 10 dBA in any one hour, and may not exceed the levels
 5 specified in Table 5 below.
 6

| Table 13. New Industrial and Commercial Noise Source Standards Allowable Statistical Noise Levels in Any One Hour (OAR 340-035-0035, Table 8) | |
|--|-------------------------------|
| 7:00 a.m. – 10:00 p.m. | 10:00 p.m. – 7:00 a.m. |
| L50 – 55 dBA | L50 – 50 dBA |
| L10 – 60 dBA | L10 – 55 dBA |
| L1 – 75 dBA | L1 – 60 dBA |

7
 8 The analysis must include a discussion and justification of the methods and assumptions used,
 9 including methods used to measure ambient noise levels at the site. OAR 340-035-0035(3)
 10 provides that sound measurement procedures must conform to the procedures set forth in
 11 Sound Measurement Procedures Manual (NPCS-1). If the applicant’s sound measurement
 12 procedures differ from the NPCS-1, please provide a discussion and basis for the variation. The
 13 analysis must evaluate noise impacts using the maximum expected noise levels from all noise-
 14 generating equipment during construction and operation. Operational noise shall be evaluated
 15 from both stationary sources and corona noise from transmission lines.
 16

17 Under OAR 345-021-0010(1)(y)(E), Exhibit Y must include a list of the names and addresses of
 18 all owners of all dwellings or other noise sensitive properties within one mile of the proposed
 19 site boundary; however, if the applicant determines potential exceedances of the ambient
 20 antidegradation standards may occur beyond the 1-mile distance, impacts to noise sensitive
 21 properties within the area of potential exceedance must be evaluated. The applicant is not
 22 required to conduct ambient noise monitoring at each noise sensitive property; however, the
 23 number of ambient monitoring sites shall be sufficient to reasonably represent the ambient
 24 noise conditions at noise sensitive receptor locations in closest proximity to the proposed site.
 25

26 Under OAR 345-021-0010(1)(y)(C) and (D), Exhibit Y must describe any measures the applicant
 27 proposes to reduce noise levels or noise impacts or to address public complaints about noise
 28 from the facility and any measures the applicant proposes to monitor noise generated by
 29 operation of the facility. This information must be provided regardless of whether or not any
 30 exceedances of the ambient antidegradation standards are expected.
 31

32 **III.Z. Exhibit Z – Cooling Tower Impacts**

33
 34 **Applicable Paragraphs:** OAR 345-021-0010(1)(z) does not apply because the applicant has not
 35 proposed to construct an evaporative cooling tower in relation to the proposed facility.
 36

1 III.AA. Exhibit AA – Electric and Magnetic Fields

2

3 **Applicable Paragraphs:** All paragraphs apply.

4 **Related Council and Other Standards:** Specific Standards for Transmission Lines [OAR 345-024-
5 0090].

6 **Discussion:** Because the proposed facility would include alternating current transmission lines
7 as related and supporting facilities, the provisions of OAR 345-021-0010(1)(aa) and OAR 345-
8 024-0090 apply.

9

10 Exhibit AA must include sufficient information to support a finding that the applicant:

- 11 • Can design, construct, and operate the proposed HVAC transmission lines so that
12 alternating current electric fields do not exceed 9 kV per meter at one meter above
13 the ground surface in areas accessible to the public.
- 14 • Can design, construct, and operate the proposed transmission HVAC transmission
15 lines so that induced currents resulting from the transmission lines will be as low as
16 reasonably achievable.

17

18 This must include the information about the expected electric and magnetic fields from each
19 transmission line required under OAR 345-021-0010(1)(aa)(A), and information about any radio
20 interference likely to be caused by the transmission line.

21

22 III.BB. Exhibit BB – Other Information

23

24 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

25 **Discussion:** Several comments on the NOI raised issues related to the protection of the
26 federally reserved treaty rights of the Columbia River Treaty Tribes, including fishing rights.

27 Exhibit BB must respond to these comments to the extent that they are not addressed in
28 Exhibit P, Q, and S.

29

30 III.CC. Exhibit CC – Other Law

31

32 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

33 **Discussion:** All requirements apply.

34 (cc) Exhibit CC. Identification, by legal citation, of all state statutes and administrative rules and
35 local government ordinances containing standards or criteria that the proposed facility must
36 meet for the Council to issue a site certificate, other than statutes, rules and ordinances
37 identified in Exhibit E, and identification of the agencies administering those statutes,
38 administrative rules, and ordinances. The applicant must identify all statutes, administrative
39 rules, and ordinances that the applicant knows to be applicable to the proposed facility,
40 whether or not identified in the project order. To the extent not addressed by other materials
41 in the application, the applicant must include a discussion of how the proposed facility meets
42 the requirements of the applicable statutes, administrative rules, and ordinances.

43

1 III.DD. Exhibit DD – Specific Standards

2

3 **Applicable Paragraphs:** Paragraph (C) applies.

4 **Related Council and Other Standards:** Specific Standards for Transmission Lines [OAR 345-024-
5 0090].

6 **Discussion:** The Council applies specific standards for transmission lines under its jurisdiction in
7 OAR 345-024-0090. The applicant must provide analysis regarding compliance with OAR 345-
8 024-0090 in Exhibit AA.

9

10 **IV. ANALYSIS AREAS FOR THE PROPOSED FACILITY**

11

12 The analysis areas are the areas that the applicant must study for potential impacts from the
13 construction and operation of the proposed facility. Please Note: If significant impacts
14 associated with the applicable Council standards could occur beyond the analysis areas
15 described here, then the applicant must assess those impacts in the ASC and show how the
16 facility would comply with the applicable standard with regard to the larger area where impacts
17 could occur.

18

19 For all potential impacts, the analysis area includes all the area within the site boundary. Most
20 analysis areas also include an area extending a specified distance from the site boundary.
21 Because the majority of this facility would be located in the river or underground, analysis areas
22 related to potential visual impacts are based on the portions of the site boundary proposed to
23 contain above-ground components, including the converter stations and 500-kV HVAC
24 transmission line. Analysis areas related to in-river impacts, including impacts to habitat,
25 historic, cultural, and archaeological resources, protected areas, and recreation opportunities
26 include downstream areas of impact. Downstream areas of impact should be identified based
27 on the applicant’s modelling of the greatest potential sediment drift in the water following
28 disturbances during construction, operation, and retirement of the facility. The minimum
29 required analysis areas are presented in Table 14. Analysis Areas

30

| Table 14. Analysis Areas | |
|---|--|
| Exhibit | Analysis Area |
| Exhibit F – Property Owners | The area within the site boundary and extending: <ul style="list-style-type: none"> • 500 feet from tax lot or parcel located within the site boundary and within a farm or forest zone. • 250 feet, when the tax lot or parcel located within the site boundary is located outside of an Urban Growth Boundary and not within a farm or forest zone. • 100 feet, when the tax lot or parcel located within the site boundary is located wholly or partially within an Urban Growth Boundary. |
| Exhibit H – Geologic and Soil Stability | The area within the site boundary |

| | |
|---|---|
| Exhibit I – Soils | The area within the site boundary |
| Exhibit J – Waters of the State and Removal-Fill | The area within the site boundary and downstream areas of impact |
| Exhibit K – Land Use | The area within the site boundary and extending 1/2 mile from out-of-river portions of the site boundary |
| Exhibit L – Protected Areas | The area within the site boundary and: <ul style="list-style-type: none"> • Extending 20 miles from portions of the site boundary containing above-ground facility components • Extending 0.25 miles from portions of the site boundary containing buried and in-river facility components • Extending 0.25 mile from any downstream area of impact |
| Exhibit P – Fish and Wildlife Habitat | The area within and extending ½ mile from the site boundary and any downstream area of impact. |
| Exhibit Q – Threatened and Endangered Species | The area within and extending 5 miles from the site boundary and any downstream area of impact. |
| Exhibit R – Scenic Resources | The area within and extending 10 miles from portions of the site boundary containing above-ground facility components |
| Exhibit S – Historic, Cultural and Archaeological Resources | <ul style="list-style-type: none"> • The area within the site boundary (for all resources) • The area extending 1 mile from portions of the site boundary containing above-ground facility components (for above-ground resources) • Any downstream areas of impact |
| Exhibit T – Recreation | The area within the site boundary and: <ul style="list-style-type: none"> • Extending 5 miles from portions of the site boundary containing above-ground facility components • Extending 0.25 miles from portions of the site boundary containing buried and in-river facility components • Extending 0.25 mile from any downstream areas of impact. |
| Exhibit U – Public Services | Communities within 10 miles of the Site Boundary |
| Exhibit V – Wildfire Prevention and Risk Mitigation | The area within and extending ½ mile from portions of the site boundary containing out-of-river components. |
| Exhibit Y – Noise | The area within and extending 1-mile from noise generating components. |
| Exhibit AA – Electric and Magnetic Fields | The area within transmission line rights-of-way |

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5

V. EXPIRATION DATE OF THE NOTICE OF INTENT

The NOI will expire on March 7, 2025, unless the Applicant submits a petition to extend the expiration date in accordance with OAR 345-020-0060 not less than 45 days before that date. If

1 the Council finds that such a petition shows good cause, the Council may extend the expiration
2 date for a period of up to one year. The applicant's submission of a timely petition for an
3 extension under this rule stays the expiration of the NOI until the Council's decision to grant or
4 deny the extension.

5

6 **VI. PROJECT ORDER AMENDMENT AND APPLICATION COMPLETENESS**

7

8 As provided in ORS 469.330(4) and OAR 345-015-0160(3), the Council or the Department may
9 amend this Project Order at any time. Amendments may include changes to the analysis areas.
10 To issue a site certificate, the Council must determine that the proposed facility complies with
11 Oregon statutes and administrative rules identified in the Project Order, as amended, as
12 applicable to the issuance of a site certificate for the proposed facility (ORS 469.503(3)).

13

14 Under OAR 345-015-0190(5), when the Department determines the ASC contains adequate
15 information for the Council to make findings or impose conditions on all applicable Council
16 standards, the Department will issue a determination of completeness on the ASC. The
17 applicant may submit a written request to waive specific information requirements in OAR 345-
18 021-0010 that are identified as applicable in this Project Order. If the Department grants the
19 waiver, it will amend the Project Order accordingly. In accordance with OAR 345-015-0190(9),
20 after a determination that an application is complete, the Department may require additional
21 information from the applicant if additional information is needed during its continued review
22 of the application.

23

24 **VII. APPLICABILITY AND DUTY TO COMPLY**

25

26 Failure to include an applicable statute, rule, ordinance, permit or other requirement in this
27 Project Order does not render that statute, rule, ordinance, permit or other requirement
28 inapplicable, nor in any way relieve applicant from the duty to comply with the same.

29

30 OREGON DEPARTMENT OF ENERGY

31

32 /s/ Todd R. Cornett

33

34 Todd R. Cornett, Assistant Director, Siting Division
35 Energy Facility Siting Division
36 Oregon Department of Energy

37

38 Date of Issuance: July 25, 2023

Attachment 1: Public Comments

From: Tim Heuker <hb3@gorge.net>
Sent: Monday, April 10, 2023 1:31 PM
To: CLARK Christopher * ODOE
Subject: power line in columbia river

Hi Chris,

I am highly concerned about this project and how it will affect the fish and their habitat. My family are long time commercial fishermen and recreational users of the river, and have lived on the river for more than 70 years.

Was wondering if all alternatives have been considered and what they've been.

Thanks for the opportunity to comment on this important subject.

Tim Heuker,

From: CLARK Christopher * ODOE
Sent: Tuesday, April 11, 2023 2:22 PM
To: Tim Heuker
Subject: RE: power line in columbia river

Dear Mr. Heuker,

Thank you for your comment, it will be provided to the applicant and given consideration in the development of the Project Order, which establishes the legal standards and other areas of concern that will be required to be addressed during the full permitting review conducted by the Energy Facility Siting Council. As part of that review, the applicant will be required to demonstrate that the facility is consistent with the Council's standards related to impacts on fish and wildlife habitat and recreational opportunities, including sport fishing.

In response to your question, as part of the full application, the applicant will be required to present an evaluation of alternatives to the proposed route in a corridor selection assessment. In its Notice of Intent, the applicant states that it evaluated two alternatives that would avoid siting the transmission line in the river by burying it on land, primarily within the rights-of-way of state and federal highways. The applicant states that those alternatives were not feasible due to state restrictions on utility installations within medians and paved portions of road rights-of-way.

The applicant is required to consider public comments on the corridor selection process, so if there are other specific alternatives, or specific impacts to fish and wildlife habitat or other resources, that you believe should be evaluated in the full application please let us know either in another written comment or during one of the informational meetings scheduled for this project. More details about the informational meetings can be found here:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/CRT.aspx>.

Regards,

Christopher M. Clark
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
christopher.clark@energy.oregon.gov
P: 503-871-7254

-----Original Message-----

From: Tim Heuker <hb3@gorge.net>
Sent: Monday, April 10, 2023 1:31 PM
To: CLARK Christopher * ODOE <christopher.clark@energy.oregon.gov>
Subject: power line in columbia river

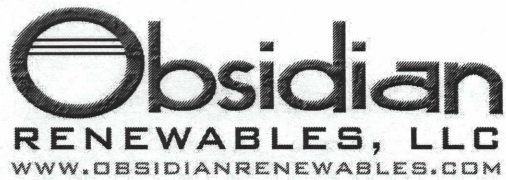
Hi Chris,

I am highly concerned about this project and how it will affect the fish and their habitat, My family are long time commercial fisherman and recreational users of the river, and have lived on the river for more than 70 years.

Was wondering if all alternatives has been considered and what they've been.

Thanks for the opportunity to comment on this important subject.

Tim Heuker,



May 3, 2023

Energy Facility Siting Council
Oregon Department of Energy
ATTN: Christopher Clark, Senior Siting Analyst
550 Capitol Street NE
Salem, OR 97301
Submitted via Email: christopher.clark@energy.oregon.gov

Dear Councilors and Staff:

Obsidian Renewables, LLC submits this letter in support of a site certificate for the exciting and important Cascades Renewable Transmission Project. Obsidian is a renewable energy developer active in the Northwest and holds an EFSC Site Certificate for its Ft Rock Solar Center project.

It is well understood in the energy community that the Northwest needs additional transmission capacity (new and expanded transmission lines) to incorporate increased renewable energy to replace electricity generated from fossil fuels. Those lines will need to transfer electricity from the resource rich areas of Eastern and Central Oregon and Washington to the population centers along Interstate. The Cascades Renewable Transmission Project offers a very interesting alternative to building high voltage, high-tower transmission lines over the Cascade Mountains.

Based on our experience with the EFSC process, I would urge staff to press reviewing agencies for solutions and workable strategies rather than simply raising concerns and asking questions. It is extremely important to our renewable energy future that we understand and follow best practices to practical solutions, not just hold discussions.

I know you take your responsibilities very seriously and that a major project like this requires careful review and consideration. I have been following this project for almost two years, and I have been impressed with how thoughtful and open the developer and its advisors have been.

Thank you for your time.

Sincerely,

A handwritten signature in blue ink that reads 'David W. Brown'.

David W. Brown
Sr. Principal

From: [David Struck](#)
Sent: Friday, May 26, 2023 10:40 AM
To: [CLARK Christopher * ODOE](#)
Subject: Location of the Cascade Renewable Transmission Line
Attachments: 2022 Ruthon TAXES inundated.pdf

Follow Up Flag: Follow up
Flag Status: Completed
Categories: Tracked To Dynamics 365

Chris,

For comment into the public record for the Location of the Cascade Renewable Transmission System buried line. As a joint property owner of land located in Hood River County at Rutheon Point, located at the end of Morton Road the family owns submerged land which we are paying property taxes to Hood River County. The online map shows that the buried transmission line could be placed on private, not public land. I have attached a file detailing the specifics of the land which is mostly underwater and is privately owned.

Would you advise what the actual location of the transmission line will be in this area. I hope the State of Oregon will be locating the line as stated in public land, not private property.

Thank you,
David Struck
struck.david@gmail.com

636 Wasco Drive
The Dalles, OR 97058-9738
31 May, 2023
(541) 298-8774

Oregon Department of Energy
ATTN: Christopher Clark, Senior Siting Analyst
550 Capitol Street NE
Salem, OR 97301
(503) 871-7254
Fax: (503) 373-7806

SUBJECT: Comments on the Cascade Renewable Transmission System

Mr. Clark:

First of all, my thanks to the Oregon Department of Energy for sending me the public notice back in April. Also, my apology for these rather late comments. I regret not having attended the informational meeting in The Dalles back on 2 May, 2023.

My background is over 42 years as an electrical engineer with the Federal Government at John Day Dam and The Dalles Dam. I also had a couple years of private industry experience in California, the state where I got my P.E. license in 1979.

The concept of the proposed project has merit. The general idea has successfully been in use for many years, above ground, by the Bonneville Power Administration. What makes this proposed project “new” is using underground high voltage DC cable, with construction and management by private entities from outside the Pacific Northwest. That bothers me.

The Facility Site Boundary Map shows the DC cable’s alignment over its 95 mile length. This is a rather short length of high voltage DC to be cost-effective.

The Proposed Facility Description cites an approximate 500 foot overhead run of 500 kV conductor from Big Eddy Substation to the Eastern converter station, putting the converter station on the Oregon shore. It will be interesting to see the details of how the designers plan to route the land-buried run of DC cable from the Eastern converter station, through sensitive areas, and into the Columbia River.

The Cascade Renewable Transmission development team has experience with buried high voltage DC cable projects. But, these are mostly in the eastern United States, in areas that are much more geologically stable compared to the Columbia River Gorge.

One good thing I see with this proposed project is that most of the buried transmission cable ought to be better protected from possible vandalism than overhead lines.

Another benefit of high voltage DC might be to ease reactive power (VARs) control issues for the several hydroelectric power plants on the Lower Columbia River.

Again, apologies for my late comments. I hope that the proposed project receives care and diligent review by the Oregon Department of Energy and all of the stakeholders.

Thanks for your time, and for the opportunity for me to submit comments.

Let me know if you have any questions.

Chuck Rinck, P.E.



COLUMBIA RIVERKEEPER
P.O. Box 950
Hood River, OR 97031
(541) 387-3030
columbiariverkeeper.org

June 1, 2023

Oregon Department of Energy
ATTN: Christopher Clark, Senior Siting Analyst
550 Capitol Street NE
Salem, OR 97301

Sent via email to: christopher.clark@energy.oregon.gov

Re: Cascade Renewable Transmission System: Comments on Notice of Intent

Dear Christopher:

Thank you for the opportunity to submit comments on the Cascade Renewable Transmission System proposal, which would lay a 100-mile transmission cable under the Columbia River from The Dalles to Portland. For all energy projects, Columbia Riverkeeper needs to understand how development will impact Tribal Nations and all people that rely on the Columbia River for salmon, clean water, and beyond. As an organization committed to environmental justice, Columbia Riverkeeper aims to ensure that, if this novel proposal moves forward, tribal governments' Treaty rights are honored and the Columbia River's iconic salmon will not suffer. The information provided in the Notice of Intent (NOI) does not allow us to reach that conclusion. We have many remaining questions and concerns, as detailed below. Many of these require additional studies to fully understand how this project could impact the Columbia River, specifically.

Columbia Riverkeeper supports the comments submitted by the Columbia River Inter-Tribal Fish Commission and Friends of the Columbia Gorge and incorporates those comments by reference.

I. Fish and Wildlife Impacts

The NOI does not demonstrate that the construction or operation of the project will avoid impacts to fish and wildlife, including threatened and endangered species,¹ and their habitats. Additional studies are needed to determine the effects of this project on Columbia River species, specifically. Columbia Riverkeeper is concerned that this project will negatively impact the following species and their habitats:

- Columbia River salmon: chinook, coho, sockeye, and steelhead
- Bull trout and cutthroat trout
- Pacific Lamprey
- Green and white sturgeon
- Pacific smelt

¹ OAR 345-022-0070.

A. Electromagnetic Field (EMF)

Many aquatic species rely on electromagnetic cues for survival. Underwater transmission cables emit EMF that can disrupt species' ability to detect naturally occurring EMFs. Based on currently available data, it is incorrect to assume that impacts from the project's electric and magnetic fields will be "minimal." Research on the effects of similar underwater cable infrastructure on aquatic species point to behavioral differences in studied aquatic species due to EMF exposure. Although these studies focus on saltwater rather than freshwater environments,² and in some cases use different species as research subjects, their findings serve to reinforce our concern that the project may harm Columbia River fish. In particular, the applicants should review the following studies:

- [Hutchison et al. \(2020\)](#) looked at EMF effects of the Cross Sound Cable, between Connecticut and Long Island, and the Neptune Cable, by this same developer, from New York to New Jersey found a striking increase in exploratory/foraging behavior in skates in response to EMF and a more subtle exploratory response in lobsters. It also found an unexpected AC (magnetic and electric field).
- [Wyman et al. \(2008\)](#) study of EMF effects of the Transbay cable in San Francisco Bay looked at Late Fall Chinook Salmon smolts and found that "cable activity appears to have mixed effects on migration behavior" and concluded that "additional study years would be required to more confidently address the question of how high-voltage direct-current cables may potentially impact salmonid migrations."

There is no data on the long term effects of EMF on salmonids. This information is necessary to determine any potential project impacts to Columbia River salmon. The applicant should commission specific studies of Columbia River species and river habitats to ensure that this cable does not disrupt the behavior and/or lifecycle stages of fish, including salmon migration, before proceeding with the project.

B. Habitat

Based on the information provided in the NOI, Columbia Riverkeeper is concerned that the project will have major impacts on important habitat in the Columbia River, including that of state and federally listed species. Impacts are likely to occur during all project stages, including installation (both for buried cable and atop bedrock), operation, and maintenance. The applicant must provide additional evidence to demonstrate that habitat impacts will not harm Columbia River species.³ For example, the applicant should provide:

- Clear mapping of the project area and critical habitat for listed species
- Detailed plans for habitat restoration in disturbed areas, including sampling before, during, and after installation
- Analysis of species that rely on bedrock for habitat

² The effects of the project's EMF on Columbia River fish would likely be greater than those experienced by the research subject species. In ocean settings, species are able to avoid EMF differently than is possible in a river environment.

³ OAR 345-022-0060.

- Procedures to prevent habitat disruption during maintenance and repairs
- Data on the effects of EMF on freshwater river habitat
- Recent studies on heat from underwater transmission cables and potential impacts to salmon⁴

C. Impacts to Individuals and Smaller Populations

In addition to studies on impacts to species, more data is needed to understand effects on individuals and smaller populations. The following should be considered:

- EMF impacts to individuals and small populations, especially considering declining populations and longevity of the cable
- Effects of habitat disruption to individuals and small populations
- Cumulative effects of this project and other planned or ongoing developments that could potentially impact species and individuals
- Data on volume of species that exist in the project area (not just a list of what species are present)

II. Tribal Engagement and Alignment

The applicant’s presentation lays out several key values and commitments for moving forward with the project. Among these, they pledge to “engage openly, honestly, and respectfully with . . . tribal governments.” They promise to go “above and beyond,” by “meet[ing] or exceed[ing] all permitting and regulatory requirements,” and to “partner with local residents and communities to support organizations and causes to advance the environmental, social, and economic interests of the region.”⁵ The project also vows to “respect and be responsive to Tribal Nation concerns.”⁶ It is imperative that these commitments are honored.

Truly being responsive to the Tribes means respecting their input on the project beyond the required Section 106 consultation. It also takes into consideration the type of communication and outreach done to engage tribal governments, and doing research to align the project with the Tribes’ Energy Vision. Additionally, the project plan should have clear protocols in place for any inadvertent discovery of cultural resources.

A. Communication and Outreach

Despite claims that the applicant has already engaged the Tribes, it is not apparent that this has been done meaningfully. To ensure meaningful communication and outreach with Tribes,⁷ the applicant should make actual efforts to do the following:

⁴ See Cascade Renewable Transmission, Notice of Intent to Apply for Site Certification (hereinafter “Notice of Intent”) at 34 (March 6, 2023) (providing extremely limited discussion of heat impacts).

⁵ Cascade Renewable Transmission, Presentation to EFSC at 19.

⁶ *Id.* at 14.

⁷ The applicant should consult with the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of the Yakama Nation.

- Direct outreach to appropriate channels: both Natural Resources staff and Cultural Resources personnel
- Follow-up and ensure that outreach is received
- Ask for and follow input on project specifics
- Undertake any studies requested to ensure minimal impacts to resources
- Be willing to change or forfeit the project based on the Tribes' concerns

B. Columbia River Inter-Tribal Fish Commission's Energy Vision

A necessary starting point for the project to “respect and be responsive to Tribal Nation concerns” is the Columbia River Inter-Tribal Fish Commission’s 2022 Energy Vision.⁸ In addition to reading the entire report and analyzing the project within the Energy Vision’s framework, the applicant should particularly focus on the following:

- Section 2.1: The Columbia Basin Salmon Crisis⁹
- Section 3.6: Develop a Comprehensive Plan for Strategically Siting Renewable Resources and Transmission¹⁰
 - “Areas to avoid in siting renewable energy resources and transmission development:
 - Sites that would involve direct disturbance of tribal First Foods, including:
 - Water
 - Salmon and culturally significant fish species bearing watersheds (e.g., Pacific Lamprey, suckers, white mountain trout, etc.)”¹¹
- Section 3.14: Stop Cryptocurrency Production in the Northwest¹²
 - The applicant should ensure that the transmission line is not used to benefit energy-intensive cryptocurrency mining operations.
- Section 3.15: Climate Change Effects¹³
 - The applicant should review potential impacts through the lens of climate change and understand that effects will be amplified due to warming temperatures.
- Appendix A: Background¹⁴
- Appendix C: Healthy and Harvestable Fish Population and Columbia River Hydroelectric System Configuration and Operations¹⁵

⁸ Columbia River Inter-Tribal Fish Commission, Energy Vision for the Columbia River Basin (hereinafter “Energy Vision”) (2022) available at <https://critfc.org/wp-content/uploads/2022/09/CRITFC-Energy-Vision-Full-Report.pdf>.

⁹ *Id.* at 29-33.

¹⁰ *Id.* at 94-99.

¹¹ *Id.* at 98.

¹² *Id.* at 111-112.

¹³ *Id.* at 110-114.

¹⁴ *Id.* at 119-120.

¹⁵ *Id.* at 135-153.

C. Cultural Resources and Inadvertent Discovery

The applicant must develop a robust plan to respect and avoid impacts to historic, cultural, and archaeological resources.¹⁶ Further, there should be protocol in place for potential inadvertent discovery. These plans should include:

- Buffer zones around cultural resources
- Protocol to confirm maps/locations with Tribes
- Protocol informed by Tribes' needs and requests

III. Water Quality Impacts

This project could result in severe water quality impacts. Additional studies and monitoring are necessary to understand the extent and persistence of water quality impacts from installation, maintenance, and removal of the transmission line. Particularly, disturbing the substrate could release toxins such as PCBs in both the Columbia and Willamette Rivers. This contamination would affect drinking water,¹⁷ fish, and those who consume fish.

The applicant should conduct studies on how disruption of the beds of these particular water bodies¹⁸ can impact drinking water and include these considerations under OAR 345-02-0011(1)(k) (Community Service Impacts). This should include a list of potential toxins and pollutants present in the sediment. Additionally, the applicant should identify any locations where drinking water is sourced near the project site and commit to monitoring during construction and operation. More detail is needed regarding the cable's interaction with the Portland Harbor superfund site and capped sediments.

The applicant should provide more information about the potential water quality impacts coming from the cable itself. For instance, will the cable contain dielectric fluid for insulation? If so, what procedures will be in place to clean up that oil product in the event of a spill? More information about the type of materials present in the cable is necessary to ensure that water quality impacts are not overlooked.¹⁹

IV. Additions, Maintenance, and End-of-Life Removal

The applicant must address plans for maintenance, end-of-life decommissioning and removal, or possible additions to the project. There should be clear protocols in place for maintenance of the transmission line in the event of an anchor strike or other potential damage. In addition to describing what maintenance and repairs would consist of generally, these protocols should address at least the following:

¹⁶ OAR 345-022-0090.

¹⁷ OAR 345-022-0110.

¹⁸ U.S. Dep't of Commerce, NOAA, Columbia River Estuary: Dredging and In-Water Disposal Handbook at 1, December 1989 (“[T]he Columbia River Estuary is a large and dynamic estuary. The aquatic environment in the Columbia River Estuary is significantly different from other marine and estuarine environments, and would be expected to respond differently to sediment quality problems.”).

¹⁹ See e.g., Gregory Thomas, *Pac Bell Will Remove Old Lead-Leaching Phone Cables from Lake Tahoe*, San Francisco Chronicle (Nov. 10, 2021) <https://archive.ph/Hevsd>.

- Identification: How will the applicant promptly identify the location of a disruption on the transmission line? How long will this take?
- Access: An accident could happen anywhere along the transmission line. How will the applicant ensure it will have access to every part of the line for maintenance or repairs in the event of an accident?
- Sensitive areas: How will the applicant conduct maintenance or repairs in sensitive areas?
- Work windows: What work windows will be established to ensure maintenance and repairs do not interfere with fish, wildlife, and their habitats?
- Timing: How will the applicant navigate work windows during a critical transmission period?
- Seismic considerations: Has the applicant produced a study on the effects of seismic events on a cable in this particular area?
- Vessel traffic: Ensure that any permit is reviewed by persons with local knowledge of anticipated deep draft vessel traffic and navigation routes.
- Monitoring: Any future permit language should require the permittee to monitor the cable and carry out appropriate maintenance and repairs in a timely fashion.
- Procedure for future additions: What notifications and procedures will exist if the applicant later requests additional substations or other connected facilities?

Additionally, there should be clear, binding protocols and financial assurances in place for end-of-life removal of the transmission line. When asked what would be done at the end of the cable's 40-year life, and the possibility of replacement with another cable, Chris Hocker of PowerBridge, answered "that would be someone else's decision."²⁰ Given the Columbia River Tribes' stewardship since time immemorial, it is insufficient to suggest that after a mere 40 years, that decommissioning will simply be someone else's problem. Tribes and wildlife should not bear the burdens of a project designed to benefit the developer. Abandoning a transmission cable underwater in this location also likely violates the Clean Water Act and the Resource Conservation and Recovery Act. A serious, sound proposal must include binding financial assurances for decommissioning and end-of-life removal of the transmission line and detailed plans for post-removal habitat restoration.²¹

Finally, because the proposal is for a "renewable" transmission line, it should include binding assurance that transmission will not be used for fossil energy, even under future ownership.

V. Alternatives

The alternatives presented in the NOI are not comprehensive. The applicant does not explain "the basis for selecting the proposed corridor(s)"²² and concludes that the two alternatives chosen are not feasible, without explaining why other alternatives were not considered. For a project of this scale and novelty, serious thought should be given to whether this is truly the best solution for transmission needs. Ideally, a study should be conducted to understand the breadth of potential solutions available to serve Western Oregon and Washington's energy transmission needs. The following alternatives should be considered:

²⁰ Cascade Renewable Transmission System Public Information Meeting, May 3, 2023 at 1:37.

²¹ OAR 345-022-0050.

²² OAR 345-020-0011(1)(d).

- Above-ground transmission
- Transmission along rail ROW
- Transmission on Washington side of Columbia River (only Oregon-side alternatives considered)
- Growth of community-based and larger-scale solar in Western Oregon and Washington
- Offshore wind development
- Energy efficiency and conservation projects
- Alternatives based on recommendations in the Energy Vision

VI. Other Considerations

A. Credibility Based on Other Projects

The applicant points to two completed projects as evidence of success and minimal environmental impacts: the Neptune and Hudson projects. However, the existence of these two projects does not alleviate concerns about this proposal.²³ The following aspects of the Neptune and Hudson projects undermine their credibility with respect to the current proposal:

- The existing cables run under the sea or tidal estuaries, not entirely in freshwater, and therefore do not deal with the same issues in terms of EMF avoidance.
- The existing cables encounter different species than those present in the Columbia River.
- The existing cables are not nearly as long as what is proposed here. What new risks are presented with a cable of this length? What is the transmission loss in this cable?
- The existing cables have lower wattage than what is proposed here. More data is needed to determine impacts of higher wattage.

Additionally, the applicant should provide detailed information about its other²⁴ ongoing, proposed, or forfeited projects for complete transparency.

B. Public Participation

Because this is a long-term project involving various state and federal agencies, public participation should be conducted carefully and thoughtfully. We present the following public participation recommendations:

- Extended comment periods to allow interested parties enough time to weigh in
- Established procedure to re-open comment periods if plans or design changes during the process
- Comment periods for ownership transfers and project additions
- Site designs, studies, and other materials should be located in one place for easy access
- Stakeholder meetings that include Tribes, environmental, and community groups

²³ OAR 345-022-0010(1).

²⁴ Matthew L. Wald, *Underwater Cable an Alternative to Electrical Towers*, NY Times (Mar. 16, 2010) <https://www.nytimes.com/2010/03/17/business/energy-environment/17power.html> (“PowerBridge is now considering two renewable energy projects, however. One cable would connect proposed wind farms on the Hawaiian islands of Molokai and Lanai to the urban center on Oahu, and another would bring wind power from Maine along the Atlantic coast to Boston.”).

- Regular public meetings for Washington, Oregon, and federal agencies to ensure each agency and the public is receiving consistent information
- Provide presentations, executive summaries, and other materials in Spanish; provide Spanish language translators at public meetings

C. Miscellaneous

Finally, the applicant should provide more information for EFSC to evaluate the following considerations:

- Noise impacts: Impacts from converter stations to communities and wildlife
- Impacts to end users and ratepayers: Need more details about who will buy the energy and how this project will affect ratepayers. Who will determine rates for the energy?
- Siting and land use: What is the applicant's plan to secure the site in Portland?

Conclusion

The Columbia River should not bear the burdens of infrastructure designed without careful attention to long-term consequences, as we have seen time and time again. The Columbia River salmon are more than iconic—they are a lifeblood.²⁵ The president and CEO of PowerBridge, Edward Stern, claims that “The fish don’t vote.”²⁶ To the contrary—in the Pacific Northwest, they do.

Sincerely,



Audrey Leonard
Staff Attorney, Columbia Riverkeeper

²⁵ See generally, U.S. Env’t Protection Agency, Final Determination of the U.S. Environmental Protection Agency Pursuant to Section 404(c) of the Clean Water Act: Pebble Deposit Area, Southwest Alaska (January 2023) (prohibiting mining activities that would impact wild salmon populations).

²⁶ Matthew L. Wald, *Underwater Cable an Alternative to Electrical Towers*, NY Times (Mar. 16, 2010) <https://www.nytimes.com/2010/03/17/business/energy-environment/17power.html>.



June 1, 2023

Christopher Clark, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301
Via email to: christopher.clark@energy.oregon.gov

Re: Scoping Comments for Cascade Renewable Transmission System Application

Dear Mr. Clark,

Thank you for the opportunity to comment on the Notice of Intent to File an Application for a Site Certificate for the Cascade Renewable Transmission System. Friends of the Columbia Gorge (“Friends”) has reviewed and submits these initial comments on the proposed project. Friends is a non-profit organization with approximately 5,000 members. Friends’ mission is to vigorously protect and enhance the scenic, natural, cultural, and recreational resources of the Columbia River Gorge. Friends fulfills this mission by ensuring strict implementation of the Columbia River Gorge National Scenic Area Act (“National Scenic Area Act”) and other laws protecting the region of the Columbia River Gorge; promoting responsible stewardship of Gorge land, air, and waters; encouraging public and land trust ownership of sensitive areas; educating the public about the unique natural values of the Columbia River Gorge and the importance of preserving those values; and working with groups and individuals to accomplish mutual preservation goals.

Friends appreciates that the prospective applicant reached out to us and that the prospective applicant and Oregon Department of Energy have hosted public meetings regarding the project. Friends provides these comments while the proposal is in an early, pre-application stage so that our concerns can be addressed both now and as the proposal evolves. Friends wishes to ensure that the following concerns as well as any other issues that arise are carefully considered throughout the entirety of the review process.

The Columbia River Gorge National Scenic Area

Friends notes that the project, as described, is proposed to be almost entirely within the Columbia River Gorge National Scenic Area (“National Scenic Area” or “Gorge”). As a matter of federal, interstate, and state law, the project must be reviewed for consistency with the Columbia River Gorge National Scenic Area Act and its implementing rules.

The Columbia River Gorge National Scenic Area Act was passed by Congress and signed into law by President Ronald Reagan on November 17, 1986. Among other purposes and standards, the Act mandates the protection and enhancement of the scenic, cultural, recreation, and natural resources of the Columbia River Gorge.



All potential impacts to the scenic, natural, cultural, and recreational resources of the Columbia River Gorge must be avoided or mitigated. The project will be subject to all the resource protection provisions of the Columbia River Gorge National Scenic Area Act and its implementing authorities—particularly the provisions that protect natural resources, recreation resources, cultural resources, tribal treaty rights, and tribal access to the Columbia River. The resource protection goals, policies, standards, and guidelines of the Management Plan for the Columbia River Gorge National Scenic Area (“Gorge Management Plan”) apply to all portions of this project and its impacts that would be located inside the National Scenic Area but outside the designated Urban Area boundaries. See *generally* 16 U.S.C. §§ 544b(e), 544d(c)(5)(B), 544d(d); 2020 Gorge Management Plan at 2 (“The urban areas are exempt from the Management Plan . . .”), 85 (“The water resource goals, policies, and guidelines in the Management Plan shall not apply to those portions of the main stem of the Columbia River that adjoin the Urban Areas.”); *Friends of the Columbia Gorge, Inc. v. Columbia River Gorge Comm’n*, 215 Or App 557, 594–95, 171 P3d 942 (2007) (upholding the Gorge Management Plan’s exemption from the water resource protection guidelines for projects proposed within the urban area boundaries, while confirming that only those portions of the Columbia River are exempt), *aff’d in part and rev’d in part on other grounds*, 346 Or 366, 213 P3d 1164 (2009).

Special Advisory Group

The National Scenic Area has unique land use rules that do not apply elsewhere in Oregon. These rules are required by the National Scenic Area Act and are administered by the Columbia River Gorge Commission (“Gorge Commission”), the U.S. Forest Service, and the counties in the Gorge. See *generally* 16 U.S.C. §§ 544e, 544f. For example, the Forest Service is responsible for ensuring that projects proposed on federal lands within the Gorge are consistent with the National Scenic Area Act. 16 U.S.C. § 544l(d). Because of federal and interstate preemption over state laws, it is very likely that National Scenic Area permits will be required for this project from one or more of the National Scenic Area permitting agencies, in addition to any EFSC site certificate.

ODOE has proposed that EFSC should appoint a Special Advisory Group of local governments under ORS 469.480(1). Because that Special Advisory Group would ostensibly be limited to local governments, it would leave out two important permitting entities in the National Scenic Area: the Gorge Commission and Forest Service. Friends urges EFSC to appoint the Gorge Commission and Forest Service to a Special Advisory Group under ORS 469.480(2). Their expertise will help ensure consistency with the National Scenic Area Act and its implementing rules, including the mandatory requirements to protect and enhance the resources of the National Scenic Area as required by federal, state, and local law. Such a Special Advisory Group is also likely to facilitate EFSC’s compliance with ORS 196.110(2).¹

¹ “Notwithstanding any other provision of law, a state agency may not take action that must be reviewed for compatibility with an acknowledged comprehensive plan or land use regulation in the Columbia River Gorge National Scenic Area until the agency determines through written findings that the action is consistent with the purposes and standards as provided in sections 3 and 6(d) of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, and the interim guidelines or the scenic area management plan.”

Potential Impacts to the Columbia River Gorge National Scenic Area²

The Columbia River System itself is already heavily modified, which has put enormous pressure on the ecosystem. Many species of fish and wildlife in the area are listed as threatened or endangered under federal and state laws. Among these are Green Sturgeon (*Acipenser medirostris*), Eulachon (*Thaleichthys pacificus*), and 13 evolutionarily significant units of salmon and steelhead. This project will have varying impacts on all of these species and others such as lamprey (*Entosphenus tridentatus*), which have great cultural significance to tribes.

Dredging, no matter how it is done, will adversely affect these species. If the project is ultimately approved, the timing of development activities should be under the strictest timelines. In-water work windows (“IWW”) in the lower Columbia differ among Oregon, Washington, and the federal government. Friends asks that the most conservative IWW be used.³

Sediment use is critical for Eulachon, who broadcast spawn primarily in the mainstem Columbia River. Any activities in the water should consider the Eulachon life cycle. Green sturgeon also make use of the river bottom and will be impacted by activities in the water.

Toxins are also an issue throughout the Columbia River. There is a large likelihood that activities that impact the river sediments may mobilize any toxins present. Studies should be performed to assure the public that this project will not have adverse impacts on water quality.

The project’s electromagnetic fields (“EMF”) may adversely affect migrating salmonids and other aquatic life. These impacts will need to be closely reviewed and addressed.

Much of the project is proposed within National Scenic Area water resources and water resource buffers. Chapter 3 of the Gorge Management Plan outlines the requirements for development activities proposed within water resources and their buffers. For example, new uses that are not water-dependent or water-related may be allowed within water resources if they are in the public interest and practicable alternatives do not exist. 2020 Gorge Management Plan at 85. Projects must avoid or mitigate adverse effects to water resources. *Id.*

Other potential impacts that must be addressed include the vulnerability of the proposed cable to boating activity, such as anchoring, and how repair procedures might affect fish and other aquatic species.

In addition, the construction phase of the project is likely to adversely affect recreation resources in and along the Columbia River. This could impact such uses as kiteboarding, windsurfing, paddleboarding, kayaking, and fishing. Any adverse effects to recreation

² The locations and facilities at the areas where the project enters and exits the Columbia River are not well-described and as noted by the prospective applicant, are subject to change. Therefore, Friends reserves site-specific comment on the project and its impacts until there is more certainty about the project’s locations, which protected resources may be affected, and which National Scenic Area legal requirements may be implicated.

³ The most conservative IWW for the lower Columbia River is likely to be from the beginning of November to the end of January.

resources must be avoided or mitigated. 16 U.S.C. § 544d(d)(4); *see, also*, Gorge Management Plan at Chapter 4.

Friends is also concerned about the ultimate fate of the project's structures when its lifetime is over. The prospective applicant has indicated that it may desire to leave the project structures in place even after the project is no longer being used. Such an approach is likely to violate the requirements to retire the project in a manner "that protects public health, safety and the environment," "restore[s] the site to a useful, non-hazardous condition," and minimizes "impacts to fish, wildlife and the environment." OAR 345-027-0110(5)(a), (5)(b).

Tribal Consultation

The Columbia Basin is home to many Tribes and had a very high population density prior to European contact. The likelihood of disturbing cultural resources (in addition to the fish and wildlife previously discussed) is high. Consistent with the National Scenic Area Act and the Gorge Management Plan, ODOE and EFSC must consult with all of the potentially affected Tribes (in addition to consultation through the U.S. Army Corps of Engineers pursuant to Section 106 of the National Historic Preservation Act of 1966) in order to avoid impacts to archaeological sites, cultural resources, treaty rights, and tribal access to the Columbia River. *See, e.g.*, 16 U.S.C. §§ 544d(e), 544o(a)(1); 2020 Gorge Management Plan at 251, 55-79, 371-377.

Conclusion

Thank you for the opportunity to comment on this proposed project.

Sincerely,

Rudy Salakory

Rudy Salakory

Conservation Director



www.community-renewables.org

Oregon Department of Energy
ATTN: Christopher Clark, Senior Siting Analyst
550 Capitol Street NE
Salem, OR 97301

The Community Renewable Energy Association (CREA) is an ORS 190 intergovernmental association. Members include counties, irrigation districts, project developers, for-profit businesses and non-profit organizations. CREA supports business and economic opportunities through renewable energy development in a competitive environment. We support use of free enterprise principles to create economically and environmentally responsible electric generation within the State of Oregon.

Specifically, CREA members include Hood River and Wasco Counties who are adjacent to the route of the transmission line and Sherman, Gilliam, Morrow and Umatilla Counties where much of the renewable electric generation that could make use of the Cascade Transmission capacity would originate. The CREA Executive Board has formally endorsed the Cascade Renewable Transmission project.

CREA has worked closely with the Cascade Renewable Transmission project and have partnered with them on a federal infrastructure grant application where CREA, as a public entity is the formal applicant. CREA has learned of the applicants significant experience in successfully constructing similar projects and thus has the necessary organizational expertise. We are confident in their ability to address fish and wildlife habitat; threatened and endangered species; and historic, cultural and archaeological resources standards.

The states of Oregon and Washington have adopted ambitious decarbonization goals for the electricity sector. There are over 15,000 MW in the BPA Interconnection Queue for Sherman County alone. It is clear to us that the state's goals cannot be achieved without significant improvements to transmission infrastructure. The timeline for above ground transmission upgrades is considerably longer than that proposed for Cascade. Therefore the project has the ability to address a "Demonstrated Need" as set forth in OAR 345-023-0005.

We are confident in the applicants ability to meet all of the siting standards and support the issuance of a site certificate by the council.

Mike W. McArthur , Executive Director
Community Renewable Energy Association

Attachment 2: SAG Comments

From: [Jayme Bennett](#)
Sent: Friday, May 12, 2023 6:57 PM
To: [CLARK Christopher * ODOE](#)
Cc: [Witt Anderson](#)
Subject: Cascade Renewable Transmission project

Hello Mr. Clark,

We (City of Mosier City Council) appreciate the opportunity to provide comment on the Cascade Renewable Transmission project. As you know, our Mayor (Witt Anderson) attended your public outreach event on May 2, 2023 in The Dalles.

We don't have sufficient information to provide a meaningful response at this time. We reserve our right to comment in the future when you have more information available.

Thank you,
Jayme Bennett

Jayme Bennett
City of Mosier, City Manager
jayme.bennett@cityofmosier.com
541-478-3505 (office)
541-490-7411 (mobile)

1600 SE 190th Avenue, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

May 15, 2023

TO: Christopher Clark, Senior Siting Analyst, Oregon Department of Energy

FROM: Land Use Planning Division, Multnomah County Department of Community Services

RE: **Comments on Notice of Intent to Apply for Site Certification - Cascade Renewable Transmission Project**

Thank you for extending an opportunity to the Multnomah County Land Use Planning Division to comment on the Notice of Intent to File an Application for Site Certification (NOI) for the Cascade Renewable Transmission System proposal involving a high-voltage direct current transmission line extending between The Dalles and the City of Portland. We understand from your letter dated April 4, 2023 (Attachment A) that the project generally contemplates trenching the transmission line within the bed of the Columbia River and may also include installation of protective concrete mattresses or rock berms on top of the line where the transmission line cannot be buried. Your letter also explains the project qualifies as an “energy facility” thereby making it eligible for review and approval by the Oregon Energy Facility siting Council (EFSC) rather than through local land use review, if the applicant chooses to seek a determination of compliance with the statewide planning goals from EFSC.

Multnomah County is responsible for land use permitting within the unincorporated (mostly rural) areas of the county located outside of city limits, and also outside of urban unincorporated areas planned and zoned by local cities on the county’s behalf pursuant to Intergovernmental Agreements. This memo summarizes the applicable county land use permit requirements. These requirements would be researched and discussed in more detail during a Pre-Application meeting, which is required to be held before land use applications can be submitted to Multnomah County for the Land Use Division’s review.

Please be aware that the proposed transmission line alignment appears to pass in close proximity to lands that are under the jurisdiction of cities within Multnomah County who may have land use regulatory authority. Therefore, we recommend you also coordinate with the Cities of Portland, Gresham, Fairview and Troutdale. We also recommend that you coordinate with staff at the Columbia River Gorge Commission and U.S. Forest Service to ensure coordination on any applicable requirements of the Columbia River Gorge National Scenic Area (NSA) Management Plan (<http://www.gorgecommission.org/management-plan/plan>).

It is Multnomah County’s understanding that the entirety of the proposed project within Multnomah County’s portion of the NSA will be located within the Columbia River. It is also our understanding that the portion of the Columbia River in the NSA is not zoned and therefore work conducted within the river would not be subject to local NSA permit review. However; we recommend that the applicant be required by EFSC to demonstrate the project will avoid adverse impacts on Scenic, Natural, Cultural and Recreational NSA resources and that the rights of the four Columbia River Treaty Tribes will be

protected (The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of Warm Springs, and the Confederated Tribes of the Umatilla Indian Reservation).

Your April 4, 2023 letter specifically requested the following information from Multnomah County:

1) The name, address and telephone number of the contact person assigned to review the application for your jurisdiction.

Multnomah County has six current planning land use staff who review development applications. Staff assignments are not made until after an application is submitted since assignments are often informed by individual staff member's workload at that point in time. Please send all communications to Multnomah County Planning Director, Scot Siegel, at (scot.siegel@multco.us, 503-988-0218) until a specific staff member has been assigned to assist with the pre-application meeting.

2) A list of local ordinances and land use regulations that might apply to construction or operation of the proposed facility, and a description of any information needed for determining compliance.

Sections of Multnomah County code referenced in the memo below can be reviewed online (<https://www.multco.us/landuse/zoning-codes>). The county's comprehensive plan is also available online (<https://www.multco.us/landuse/comprehensive-plan>). It is possible that additional regulations and policies could be identified as applicable during the required pre-application meeting. This memo is only intended to provide a high level regulatory overview.

3) A list of any local permits that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.

A high level overview of permits likely to be required from Multnomah County is provided below. It is possible that additional permits could be identified during the required pre-application meeting.

4) Recommendations regarding the size and location of analysis areas for impacts to sensitive resources, including resources inventoried in your comprehensive plan.

Please see the right-of-way width and acreage limitations outlined in the Commercial Forest Use (CFU) Zone below, and limitations related to fill volume and exclusion areas in the Large Fill section of Multnomah County code.

5) A list of studies that your jurisdiction recommends be conducted to identify potential impacts of the proposed facility and mitigation measures.

We recommend any necessary studies to ensure the project complies with all sections of county code listed within this memo, including demonstration that the proposal will not harm the environment, natural resources, or create a public hazard. We also recommend the applicant demonstrate that the project will be consistent with the character of the area. Possible factors to consider could include but are not limited to potential impacts caused by noise, vibration, in-water obstructions, risk of electrical shock, erosion or sedimentation (water turbidity), and flood impacts. We also recommend the applicant demonstrate the project will avoid adverse impacts on Scenic,

Natural, Cultural and Recreational resources of the Columbia River Gorge National Scenic Area and that the rights of the four Columbia River Treaty Tribes will be protected.

MULTNOMAH COUNTY ZONING ASSESSMENT

The proposed transmission infrastructure alignment shown on the DOE's online map viewer¹ passes through the following county zoning districts. General relevant land use categories within each base zone that may relate to the proposal have been identified below. An interactive zoning map and a copy of the county's zoning regulations are available online (<https://www.multco.us/landuse>).

Rural Center (RC) Zone - Pink area identified in screenshot #1 below in the vicinity of Bonneville Dam in NE Multnomah County.

- Multnomah County Code (MCC) 39.4420 - Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

(A) Community Service Uses pursuant to the provisions of MCC 39.7500 through 39.7810.

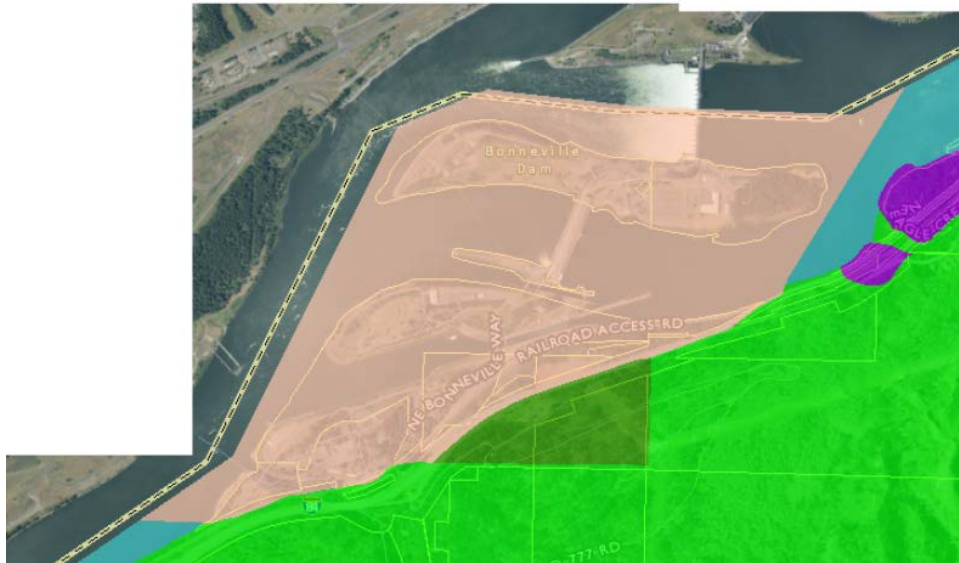
MCC 39.7520 - USES

(A) Except as otherwise limited in the EFU, all CFU and OR base zones, the following Community Service Uses and those of a similar nature, may be permitted in any base zone when approved at a public hearing by the approval authority.

(6) Utility facilities, including power substation or other public utility buildings or uses, subject to the approval criteria in MCC 39.7515(A) through (H).

(19) Accessory uses to the above.

¹ Online map viewer, accessed 4/24/23, 08:30 - <https://www.arcgis.com/home/webmap/viewer.html?webmap=17c081fcb7fa43da87c13f8dca310e89&extent=-123.2611%2c45.2348%2c-120.6409%2c46.0289>



Screenshot #1 – Pink Rural Center Zone. No scale or north bar noted.

Commercial Forest Use (CFU) Zone – Dark green area identified in screenshot #2 below in the vicinity of McGuire and Government Islands near I-205 in north central Multnomah County.

- MCC 39.4080 - CONDITIONAL USES

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 39.4100, MCC 39.4105, MCC 39.4110, MCC 39.4115, and MCC 39.7500 through MCC 39.7525. For purposes of this Section, the applicable criteria of MCC 39.7515 shall be limited to Subsections (A) through (H) of that Section.

(7) New distribution line (e.g., gas, oil, geothermal) with a right-of-way 50 feet or less in width or new electric transmission line with a right-of-way width of up to 100 feet as specified in ORS 772.210.

(10) Utility facility for the purpose of generating power provided the facility not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.



Screenshot #2 – Dark green Commercial Forest Use Zone. No scale or north bar noted.

Multiple Use Forest (MUF) Zone – Multnomah County is responsible for land use permitting within the light green areas identified in the water north of and downstream of West Hayden Island in screenshot #3a below located west of I-205. The City of Portland is responsible for land use permitting on West Hayden Island and in the water south of the island pursuant to an Intergovernmental Agreement identified in screenshot 3b below.

- MCC 39.4710 - CONDITIONAL USES

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Community Service Uses pursuant to the provisions of MCC 39.7500 through 39.7810.

§ 39.7520 - USES

(A) Except as otherwise limited in the EFU, all CFU and OR base zones, the following Community Service Uses and those of a similar nature, may be permitted in any base zone when approved at a public hearing by the approval authority.

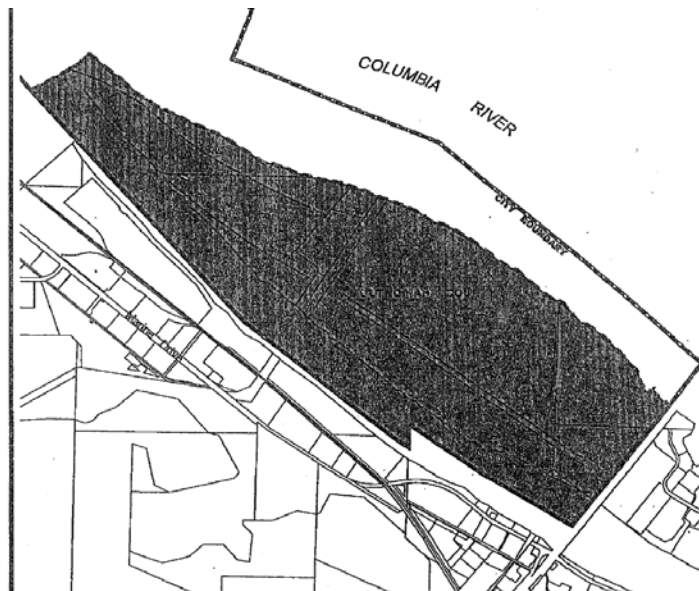
Allowed Community Service Uses in the EFU, CFU and OR base zones are limited to those uses listed in each respective base zone.

(6) Utility facilities, including power substation or other public utility buildings or uses, subject to the approval criteria in MCC 39.7515(A) through (H).

(19) Accessory uses to the above.



Screenshot #3a – Light green Multiple Use Forest Zone. No scale or north bar noted.



Screenshot #3b – Dark gray area above on West Hayden Island and in the water south of the island shows lands managed by the City of Portland on the county’s behalf pursuant to a 2002 planning services IGA. No scale or north bar noted.

MULTNOMAH COUNTY PERMITTING ASSESSMENT

It is our initial assessment that the following county land use permits will likely be required for the proposed transmission line. This list may be amended further once our staff have had an opportunity to research the proposal in more detail in conjunction with a Pre-Application meeting request. Key provisions that could help guide the proposal details have been identified below.

- **Type 3 Community Service Conditional Use Permit (MCC 39.7500 – 39.7525)**
 - *Please note MCC section 39.7515 – the approval authority shall find that the proposal...(A) Is consistent with the character of the area;(B) Will not adversely affect natural resources; (D) Will not require public services other than those existing or programmed for the area; (F) Will not create hazardous conditions;(G) Will satisfy the applicable policies of the Comprehensive Plan.*

- **Type 2 Design Review Permit (MCC 39.8000 – 39.8050)**
 - *Please note MCC section 39.8015(D) exempts commercial photovoltaic solar generation facilities from the Design Review Permit requirement.*
 - *MCC section 39.8040(A)(8) Utilities - All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.*

- **Type 1 Flood Hazard Permit (MCC 39.5000 – 39.5055)**
 - *Please note MCC section 39.5030(A)(2) requires all fill placed at or below the design flood elevation in areas of special flood hazard shall be balanced with at least an equal amount of soil material removal.*
 - *MCC section 39.5030(A)(3) - Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.*
 - *MCC section 39.5030(A)(4) - Temporary fills permitted during construction shall be removed and not be allowed in the floodway during the wet weather season.*
 - *MCC section 39.5035(A) – No development shall be permitted (in the Floodway) that would result in any measurable increase in base flood levels.*
 - *MCC Section 39.5045(A) - No relocation, encroachment or alteration of a watercourse shall be permitted unless a detailed hydraulic analysis, certified by a State of Oregon Registered Professional Engineer, is provided which demonstrates that:*
 - (1) The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained;*
 - (2) The area subject to inundation by the base flood discharge will not be increased;*
 - (3) The alteration or relocation will cause no measurable increase in base flood levels.*

- **Type 1 Erosion and Sediment Control Permit (MCC 39.6200 – 39.6235)**
 - *Please note MCC section 39.6225(B)(5) - Fills shall not encroach on any water body unless an Oregon licensed Professional Engineer certifies that the altered portion of the water body will continue to provide equal or greater flood carrying capacity for a storm of 10-year design frequency.*
 - *MCC section 39.6225(B)(21) - Ground disturbing activities within a water body shall use instream best management practices prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual.*

We have identified that the following permits might be required.

- **Type 3 Large Fill Conditional Use Permit** if more than 5,000 cubic yards of fill (including concrete and rock) is deposited to protect the transmission line, and if that fill does not qualify under one of the exemptions listed in MCC 39.7207 (MCC 7200 – 39-7220).
 - *Please note MCC section 39.7205 (Excluded Areas) prohibits Large Fills in certain areas including protected streams, certain wetlands and in the 100-year floodplain.*
- **Type 2 National Scenic Area Permit** if staff with the Columbia River Gorge Commission or the U.S. Forest Service determine zoning regulations apply within the portion of the Columbia River located in the Columbia River Gorge National Scenic Area where the proposed line will be located (MCC 38.0000 – 38.8035).

Finally, all relevant standards within the following base zones must be demonstrated to be satisfied as part of the permitting process.

- **Rural Center (RC) Zone (MCC 39.4400 – 39.4445)**
- **Commercial Forest Use (CFU) Zone (MCC 39.4050 – 39.4155)**
- **Multiple Use Forest (MUF) Zone (MCC 39.4700 – 39.4732)**

We look forward to assisting further once the applicant is ready to submit a Pre-Application meeting request with Multnomah County by following the on-line instructions (<https://www.multco.us/landuse/submitted-pre-filing-or-pre-application-request>). The purpose of the pre-application meeting is for the applicant to summarize the proposal, and for county permitting staff to explain relevant application requirements. No decisions are made during the pre-application meeting. Our permitting staff are available to help schedule the pre-application meeting at 503-988-3043 or (land.use.planning@multco.us). Current permit application fees are posted online, some of which are proposed for adjustment effective July 1, 2023 (<https://www.multco.us/landuse/land-use-planning-fees>).

cc (by email):

Hayden Miller, Policy Advisor
Multnomah County Chair Jessica Vega Pederson
hayden.j.miller@multco.us

Krystyna U. Wolniakowski, Executive Director
Columbia River Gorge Commission
Krystyna.Wolniakowski@gorgecommission.org

Casey Gatz
Resources and Planning Staff Officer
Forest Service
Columbia River Gorge National Scenic Area
casey.gatz@usda.gov

Attachment A - April 4, 2023 Letter to Special Advisory Groups for the Cascade Renewable Transmission Project, from Christopher Clark, Senior Siting Analyst, Department of Energy (5 p)



Oregon

Tina Kotek, Governor



550 Capitol St. NE
Salem, OR 97301
Phone: 503-378-4040
Toll Free: 1-800-221-8035
FAX: 503-373-7806
www.oregon.gov/energy

To: Special Advisory Groups for the Cascade Renewable Transmission Project

From: Christopher Clark, Senior Siting Analyst, Oregon Department of Energy

Date: April 4, 2023

Re: Comments on Notice of Intent to Apply for Site Certificate for the Cascade Renewable Transmission Project Requested by June 1, 2023.

Introduction:

On March 7, 2023, the Oregon Department of Energy (Department), staff to the Energy Facility Siting Council (EFSC), received a Notice of Intent to File an Application for a Site Certificate (NOI) for the Cascade Renewable Transmission System (facility), a proposed 320-kilovolt high-voltage direct current (HVDC) transmission line that would span approximately 100 miles between The Dalles and Portland. The NOI was submitted by Cascade Renewable Transmission, LLC, a joint enterprise of PB CRTS, LLC, a wholly owned subsidiary of PowerBridge, LLC, and Sun2o Partners, LLC.

The majority of the HVDC line would be installed in the bed of the Columbia River using a hydro jet cable burial machine, or “jet plow.” The jet plow temporarily fluidizes sediment in an approximately 18-inch-wide trench, places the cable in the trench, and allows the sediment to settle back over the cable, burying it at the prescribed depth in the riverbed. Where the cable cannot be buried, a concrete mattress or a rock berm would be used to keep the cable weighted down and protected from damage. An approximately 7.5-mile segment of the HDVC line would be buried in lands adjacent to the river near Stevenson, Washington to avoid the Bonneville Lock and Dam.

Additional underground segments would connect in-river transmission lines to two converter stations constructed near points of interconnection at both ends of the line. The Eastern Converter Station would be located near The Dalles and would connect to the Bonneville Power Administration’s Big Eddy Substation with approximately 500 feet of overhead 500-kV AC transmission line. The Western Converter Station would be located in the Rivergate Industrial District in North Portland and would be connected to Portland General Electric’s Harborton Substation with 230-kV AC cables installed under the Willamette River using horizontal-directional drilling.

In Oregon, the proposed site boundary would include lands and waters in and adjacent to Wasco County, the City of the Dalles, the City of Mosier, Hood River County, the City of Hood River, the City of Cascade Locks, Multnomah County, the City of Fairview, the City of Gresham, and the City of Portland.

Energy Facility Siting Process Overview:

In addition to obtaining necessary federal approvals, the applicant must obtain a Site Certificate from EFSC prior to the construction and operation of the proposed facility. The information provided in the NOI, and any comments provided by tribal governments, state agencies and local governments and the general public are used to prepare a Project Order outlining the requirements for the Application Site

Certificate. During the review of the Application, EFSC will determine if the proposed facility complies with the Council's standards established under Oregon Administrative Rule (OAR) chapter 345; other Oregon statutes and administrative rules applicable to the issuance of a site certificate; and the statewide planning goals adopted by the Land Conservation and Development Commission.

The applicant may choose to demonstrate compliance with the statewide planning goals by obtaining local land use approval from the affected local government or by seeking a determination of compliance from the Council. In the NOI the applicant indicated that it intends to seek a determination from the Council. To assist in the land use review, the governing bodies of all Oregon local governments within whose jurisdiction the facility is proposed to be located will be designated as Special Advisory Groups. In addition to reviewing application materials and providing comments, Special Advisory Groups, or their designees, will be asked to identify substantive criteria from government's acknowledged comprehensive plan and land use regulations that apply to the review of the proposed facility.

Information Requests

In accordance with ORS 469.350 and OAR 345-015-0120, the Department requests the following information:

- 1) The name, address and telephone number of the contact person assigned to review the application for your jurisdiction.
- 2) A list of local ordinances and land use regulations that might apply to construction or operation of the proposed facility, and a description of any information needed for determining compliance.
- 3) A list of any local permits that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.
- 4) Recommendations regarding the size and location of analysis areas for impacts to sensitive resources, including resources inventoried in your comprehensive plan.
- 5) A list of studies that your jurisdiction recommends be conducted to identify potential impacts of the proposed facility and mitigation measures.

Please send your comments with the information requested above by **June 1, 2023** to:

Oregon Department of Energy
ATTN: Christopher Clark, Senior Siting Analyst
550 Capitol Street NE
Salem, OR 97301
Email: christopher.clark@energy.oregon.gov

If you require additional time to prepare comments, please contact the project Siting Analyst, at the email above, or by phone at (503) 871-7254, as soon as possible.

Informational Meetings

There will be two public informational meetings on the Notice of Intent with opportunities for in-person and remote participation. The meetings will begin with an opportunity for in-person attendees to ask representatives from the Department and the applicant questions about the proposed facility and siting process, followed by formal presentations. Only the formal presentations will be available for remote attendees. Following the presentations, all attendees will have the opportunity to provide comment on the NOI or ask additional questions. Details on how to attend the meetings are provided below.

| Meeting 1 – The Dalles | | Meeting 2 – Portland | |
|------------------------|---|----------------------|---|
| Date: | May 2, 2023 | Date: | May 3, 2023 |
| Time: | 5:30 PM for individual questions 6:30 PM for presentation | Time: | 5:30 PM for individual questions 6:30 PM for presentation |
| Location: | Columbia Gorge Discovery Center MJ Murdock Theater 5000 Discovery Drive, The Dalles, OR 97058 | Location: | Oxford Suites - Jantzen Beach Town Meeting Room 12226 N Jantzen Drive Portland, OR 97217 |
| Call In: | +1-408-418-9388 Access Code: 234 950 44744 | Call In: | +1-408-418-9388 Access Code: 233 783 12031 |
| Webinar: | https://tinyurl.com/CRT-NOI-0502 Webinar number: 2349 504 4744 Password: EFSC (3372) | Webinar: | https://tinyurl.com/CRT-NOI-0503 Webinar number: 2337 831 2031 Password: EFSC (3372) |

Oral comments on the NOI will be accepted at the informational meeting. The informational meeting is not a public hearing, and participation in the informational meeting is not required to establish eligibility to participate in the contested case during the review of the ASC.

Evaluation of Study/Analysis Areas

As described above, the Department requests your assistance determining the appropriate size of the analysis areas for potential impacts that may result from the construction and operation of the proposed facility. Analysis areas are the minimum areas an applicant must study for potential impacts from the construction and operation of a proposed facility in its Application for Site Certificate. In its Notice of Intent, the Applicant recommended the analysis areas shown in the table below. If you believe that any of these analysis areas should be increased or decreased based upon nearby resources, please provide this information in your comments on the NOI. This information will be used to assist the Department in development of the Project Order.

| Impacted Resource | Analysis Area* |
|--|----------------|
| Air Quality | Site Boundary |
| Surface and Groundwater Quality | Site Boundary |
| Wildlife and Wildlife Habitat | 0.5 miles |
| Threatened and Endangered Species | Site Boundary |
| Historic, Cultural, and Archaeological Resources | Site Boundary |
| Recreational Opportunities | Site Boundary |
| Scenic Resources | 10 miles |
| Protected Areas | 20 miles |
| Public Services (e.g. waste disposal, fire, water, traffic, housing) | 10 miles |
| Land Use | 0.5 miles |
| *The analysis area includes the area within and extending the indicated distance from the site boundary. | |

Cost Recovery

The time that your jurisdiction spends during the EFSC review process may be eligible for reimbursement. To be able to be reimbursed, the Department needs an executed Interagency Agreement in place. If you have questions about whether your agency has an agreement in place, or

how or what type of work may be reimbursed, contact ODOE's Fiscal Analyst Sisily Fleming at sisily.fleming@energy.oregon.gov or by phone at (503) 559-7081.

Facility Location Map

A map of the proposed facility and its surrounding area is included below. Additional maps can be found in the NOI and GIS shapefiles are available upon request. Additional information will be posted to the Council's webpage for the project as it becomes available. The webpage can be found at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/CRT.aspx>

Facility Location Map

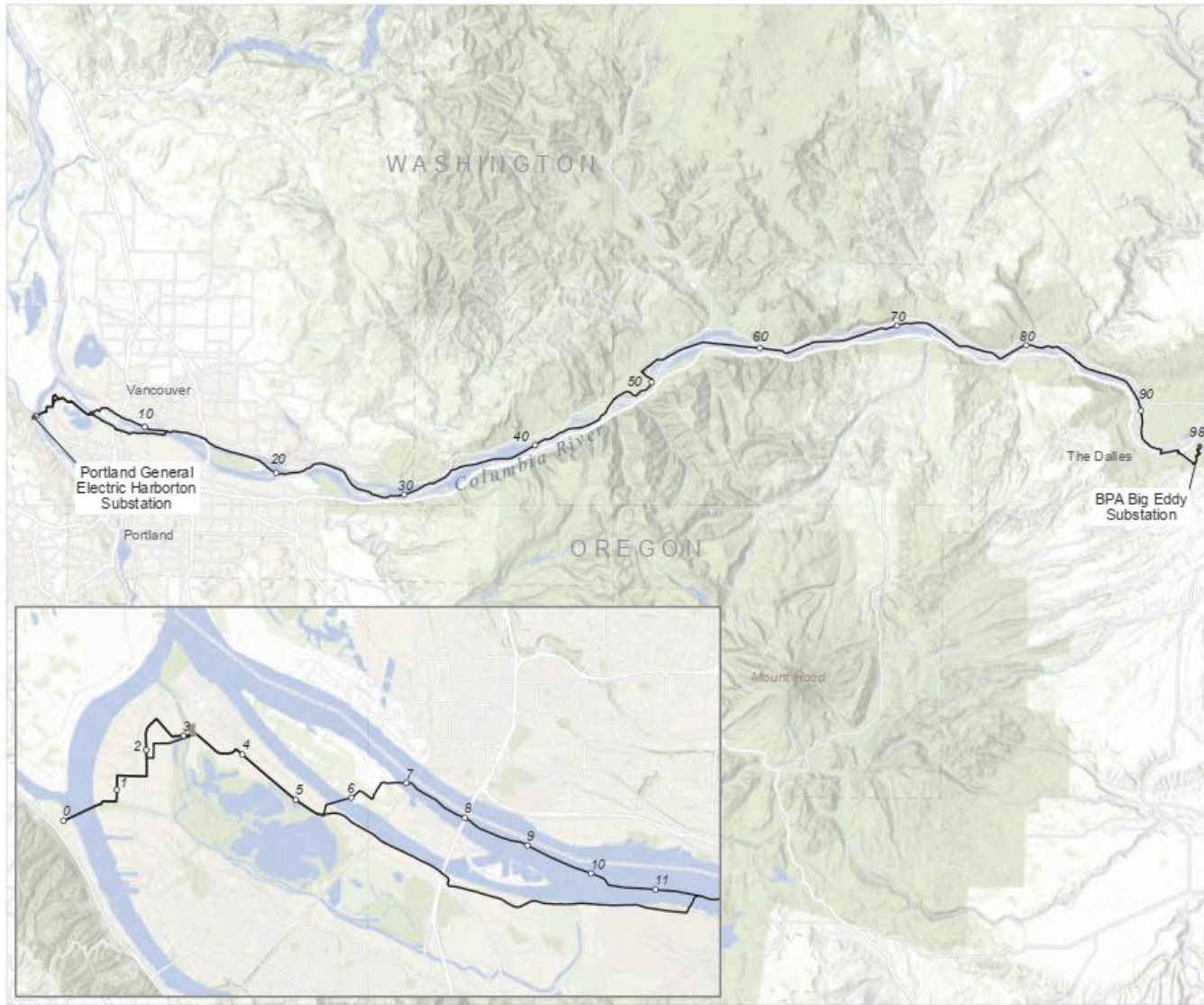


Figure B-1
Facility Vicinity Map

- Proposed Alignment
- River Miles (Miles)

CASCADE RENEWABLE TRANSMISSION



0 10 mi
1:30,000

V26/2023 NAD 1983 State Plane Oregon North Feet Data Sources: Esri, HDR.



BOARD OF COUNTY COMMISSIONERS

511 Washington St, Ste. 101 • The Dalles, OR 97058
p: [541] 506-2520 • f: [541] 506-2551 • www.co.wasco.or.us

Pioneering pathways to prosperity.

Oregon Department of Energy
ATTN: Christopher Clark, Senior Siting Analyst
550 Capitol Street NE
Salem, OR 97301
(Sent by email to christopher.clark@energy.oregon.gov)

Subject: Cascade Renewable Transmission Project

May 17, 2023

Dear Mr. Clark;

Per your letter dated April 4, 2023, the Wasco County Board of Commissioners is responding to your request for information ahead of the June 1, 2023 deadline.

1) The name, address and telephone number of the contact person assigned to review the application for your jurisdiction.

The application will be reviewed by the Wasco County Planning Director, Kelly Howsley Glover, who is available at 2507 E 2nd St, The Dalles, OR 97058 or via phone 541-506-2560.

2) A list of local ordinances and land use regulations that might apply to construction or operation of the proposed facility, and a description of any information needed for determining compliance.

The proposed project includes development in the National Scenic Area and non-National Scenic Area portions of Wasco County. As such, the following ordinances are applicable:

National Scenic Area

Columbia River Gorge National Scenic Area Management Plan

Wasco County National Scenic Area Land Use and Development Ordinance

It is possible, due to an existing Memorandum of Understanding between the Bonneville Power Administration and the US Forest Service (USFS), that the USFS will be the reviewing agency for the National Scenic Area portions in Wasco County. The applicant will be required to demonstrate compliance with National Scenic Area regulations and criteria, including cumulative impacts to the Scenic, Natural, Cultural and Recreation impacts. This includes ensuring protection of Columbia River Treaty Tribes rights.

Wasco County

Wasco County Comprehensive Plan

Wasco County Land Use and Development Ordinance

The project proposes development in the A-1 (160) Zone, an Exclusive Farm Use Zone. Per OAR 660-033-0120, this facility requires a conditional use review, and will be subject to Chapter 3, Chapter 5, 10, 19 and 20 of the Wasco County Land Use and Development Ordinance. Development is within the

Wasco County Geological Hazard Overlay Zone (OZ 2) and may require a written report by a certified engineer that demonstrates proposed development can be completed without threat to public safety or welfare. Development is within our Military Airspace Overlay Zone (OZ 15) and requires **early coordination** with NW Regional Coordination Team (Department of Defense) for possible mitigation measures. Development appears to be within the Sensitive Wildlife Habitat (OZ 8) Overlay Zone for deer and elk within the National Scenic Area, which requires consultation with Oregon Department of Fish and Wildlife.

It is important to note that, consistent with Goal 5 (OAR 660-023-0190) and Policy 13.1.7 (a) of the Wasco County Comprehensive Plan, we require a Comprehensive Plan Amendment at the time of application to list the facility as a significant energy facility resource. Comprehensive Plan Amendment criteria can be found in Chapter 15 of the Wasco County Comprehensive Plan (Wasco County 2040).

3) A list of any local permits that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.

Public Works will require:

- A Utility Permit: Detailed information about the project proposal
- Road Use Agreement: Detailed information about the project proposal

Building Codes Services may require:

- Electrical connection/panel inspections
- Permits/inspections for any structures owned by the private entity. Depending on the structure type it could include: foundation, anchorage, structural, plumbing, and electrical hook ups.
- Any electrical/plumbing hook ups for job trailers would also require permits/inspections

Planning will require:

- A Comprehensive Plan Amendment: Proposal for inventory addition to include site name, details about the proposal
- A conditional use permit, which should include information that addresses criteria in Chapters 3, 10, and 19 of the Land Use and Development Ordinance. Permits require a detailed site plan, fire safety certification, fire and emergency response plan, and review by a certified engineer for hazards.

4) Recommendations regarding the size and location of analysis areas for impacts to sensitive resources, including resources inventoried in your comprehensive plan.

This proposal has development within our FEMA Flood Zone (OZ 1) Overlay Zone which requires compliance with federal floodplain standards.

This proposal sites development within our Geological Hazard (OZ 2) Overlay Zone which requires a study by a certified engineer for impacts when development is within the identified hazard point.

This proposal sites development within our Sensitive Wildlife Habitat (OZ 8) Overlay Zone which requires consultation with the Oregon Department of Fish and Wildlife.

This proposal sites development within our Military Airspace Overlay Zone (OZ 15) that requires early coordination with the NW Regional Coordination Team/Department of Defense.

5) A list of studies that your jurisdiction recommends be conducted to identify potential impacts of the proposed facility and mitigation measures.

*Housing Study

*EMS Impact Study

*Fire Response Plan

*Traffic Control Plan

*Defined Work Schedule

*Construction Plans

*Defined Staging Area for Construction/Development

Thank you for your coordination.

Wasco County Board of Commissioners



Steven D. Kramer, Chair



Scott C. Hege, Vice-Chair



Philip L. Brady, County Commissioner



Hood River County Community Development

Planning, Building Codes, Code Compliance & GIS

601 State Street, Hood River OR 97031

ERIC WALKER, DIRECTOR

(541) 387-6840 • plan.dept@hoodrivercounty.gov

May 22, 2023

Oregon Department of Energy
c/o Christopher Clark, Senior Siting Analyst
550 Capitol Street NE
Salem, OR 97301

RE: Cascade Renewable Transmission Project – Notice of Intent

Dear Christopher:

This letter is provided in response to the Notice of Intent to File an Application for Site Certification (NOI), dated April 4, 2023, for a prospective project by Cascade Renewable Transmission, LLC, to extend a high-voltage direct current transmission line between The Dalles and Portland. As provided in the project description and site maps, the project route currently proposes to extend through Hood River County entirely beneath the Columbia River.

According to the NOI, this project qualifies as an “energy facility,” thereby making it eligible for review and approval by the Oregon Energy Facility Siting Council (EFSC). Your department has requested the following information from Hood River County to assist in identifying the requirements for a future application:

- 1. The name, address, and telephone number of the contact person assigned to review the application for your jurisdiction.*

Hood River County Community Development
c/o Eric Walker, Director
601 State Street
Hood River, OR 97031
(541) 387-6840
eric.walker@hoodrivercounty.gov

- 2. A list of local ordinances and land use regulations that might apply to the construction or operation of the proposed facility, and a description of any information needed for determining compliance.*

Although the project extends through the Columbia River Gorge National Scenic Area (NSA), the Columbia River itself is not zoned by either the NSA Management Plan or the Hood River County

Comprehensive Plan. As not being zoned, Hood River County does not have specific land use criteria that would apply to development occurring beneath the normal pool elevation of the Columbia River.¹

With that said, Hood River County requests that the applicant still demonstrate how the project will avoid adverse impacts upon protected scenic, cultural, natural, and recreational resources of the NSA, as provided in Article 75 (NSA Ordinance) of the Hood River County Zoning Ordinance (HRCZO), which is available on the County Planning Department website at <https://hrccd.hoodrivercounty.gov/departments/planning-zoning/zoning-ordinance/>. The applicant should also ensure that the rights of the four Columbia River Treaty Tribes are protected².

- 3. A list of any local permits that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.*

As currently proposed, Hood River County cannot anticipate any local permits that would be required to evaluate the proposed project.

- 4. Recommendations regarding the size and location of analysis areas for impacts to sensitive resources, including resources inventoried in your comprehensive plan.*

The proposed size and analysis areas identified for potential resource impacts associated with the proposed project (as listed in the NOI) appear appropriate given Hood River County's current understanding of the project.

- 5. A list of studies that your jurisdiction recommends be conducted to identify impacts of the proposed facility and mitigation measures.*

It is recommended that the applicant provide the studies necessary to demonstrate that the proposed project will not result in short or long-term adverse effects upon scenic, cultural, natural, and recreational resources that are vital to sustain the unique character of the NSA. Factors associated with the project, such as sedimentation/water quality; fish habitat degradation; direct harm to fish, wildlife, and humans from electric shock and electro-magnetic field generation; potential for transmission line damage; barge/freight transport disruptions; effects on Tribal treaty rights; etc., must be thoroughly vetted.

In addition to the information above, Hood River County suggests that the Oregon Department of Energy require coordination between the applicant and the Hood River-White Salmon Bridge Authority to ensure conflicts between the transmission line project and future Hood River-White Salmon Bridge replacement project are avoided. It is our understanding that the Port of Hood River staff and the consulting team

¹ Without knowing the exact location of the project site, it is possible that the transmission line will extend through land under the control of other jurisdictions within the County, such as the City of Cascade Locks and City of Hood River. It is recommended that Oregon Department of Energy continues to coordinate with these and other cities along the project corridor.

² The Columbia River Treaty Tribes include: the Confederated Tribes of Warm Springs, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe.

working on the bridge replacement project were provided with a copy of the NOI and plan to provide related comments.

Hood River County also suggests that Section 106 consultation with the four Columbia River Treaty Tribes occurs to ensure that Tribal governments are provided ample opportunity to weigh in and influence the project to ensure that their rights are protected.

Thank you in advance for your consideration of our comments.

Sincerely,

/s/ Eric D. Walker

Eric Walker, Director
Hood River County Community Development

cc (*via email*):

Hood River County Board of Commissioners
Jeff Hecksel, County Administrator, Hood River County
Abigail Elder, Manager, City of Hood River
Jordon Bennett, Administrator, City of Cascade Lock
Kevin Greenwood, Executive Director, Port of Hood River
Krystyna Wolniakowski, Executive Director, Columbia River Gorge Commission
Casey Gatz, USDA Forest Service (Columbia River Gorge NSA)

From: [Matthew Klebes](#)
Sent: Monday, May 22, 2023 7:54 AM
To: [CLARK Christopher * ODOE](#)
Cc: [Joshua Chandler](#)
Subject: RE: Comments requested on NOI for Cascade Renewable Transmission System by June 1, 2023.

Follow Up Flag: Follow up
Flag Status: Completed
Categories: Tracked To Dynamics 365

Good Morning Chris,

Thank you for the follow up and offer. We had a presentation from the project's stakeholders some time ago simply out of interest in the project. Staff has provided Council with the request for comment along with context regarding the request to help facilitate input. This was done on May 11th and we have received one response which was, "no questions or comments."

Matthew Klebes
City Manager
City of The Dalles
313 Court Street
The Dalles, Oregon 97058
(541) 296-5481

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From: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Sent: Friday, May 19, 2023 1:16 PM
To: Matthew Klebes <mklebes@ci.the-dalles.or.us>
Cc: Joshua Chandler <jchandler@ci.the-dalles.or.us>
Subject: RE: Comments requested on NOI for Cascade Renewable Transmission System by June 1, 2023.

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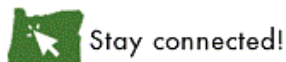
Hello Matthew and Joshua,

I hope this message finds you well. I wanted to follow up and see if you had any questions about the request below for comments on the Cascade Renewable Transmission System. As previously offered, we'd be more than happy to set up a time to go over the project and the state siting process if that would be helpful.

Thank you,



Christopher M. Clark
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
christopher.clark@energy.oregon.gov
P: 503-871-7254



From: CLARK Christopher * ODOE
Sent: Tuesday, April 4, 2023 5:15 PM
To: mklebes@ci.the-dalles.or.us
Cc: jchandler@ci.the-dalles.or.us
Subject: Comments requested on NOI for Cascade Renewable Transmission System by June 1, 2023.

Dear Matthew,

My name is Christopher Clark, I am a Senior Siting Analyst with the Oregon Department of Energy and serve as staff to the Oregon Energy Facility Siting Council (EFSC). On March 7, 2023, the Department received a Notice of Intent to File an Application for a Site Certificate for the Cascade Renewable Transmission System (NOI), a proposed 320-kilovolt high-voltage direct current transmission line that would span approximately 100 miles between The Dalles and Portland. The transmission line qualifies as an energy facility under ORS 469.300(11)(a)(C) and is subject to siting review by EFSC.

Because the facility is proposed to be located on lands or in waters within The City of The Dalles' jurisdiction, the City Council will be appointed as a Special Advisory Group for the EFSC review and will be asked to provide input at several points in the process. Specifically, since the applicant has indicated that it will seek land use approval from the EFSC, rather than from affected local governments, the City Council will be asked to identify substantive criteria from the City's comprehensive plan and land use regulations that will apply to the review of the facility.

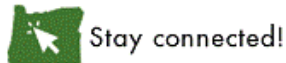
The attached memorandum contains specific requests for comments on the Notice of intent, as well as additional information about EFSC review process and the role of Special Advisory Groups.

If you could please forward the memo to the Council members I would greatly appreciate it. Their comments are requested by June 1, 2023. Please let us know if additional time will be needed to prepare comments as soon as possible. The Department is also happy to set up a call to discuss the project or give a presentation about the siting process to the City Council if that would be helpful.

Thank you,



Christopher M. Clark
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
christopher.clark@energy.oregon.gov
P: 503-871-7254



From: [Joshua Chandler](#)
Sent: Thursday, June 1, 2023 3:29 PM
To: [CLARK Christopher * ODOE](#); [Matthew Klebes](#)
Subject: RE: Comments requested on NOI for Cascade Renewable Transmission System by June 1, 2023.
Attachments: Cascade Renewable maps.pdf

Categories: Tracked To Dynamics 365

Good afternoon Chris,

Please find a list below of development requirements and recommendations associated with the project. The numbers coincide with the initial notice provided.

- 2. A list of local ordinances and land use regulations that might apply to construction or operation of the proposed facility, and a description of any information needed for determining compliance.**
 - The City of The Dalles will review development/construction located within the Urban Growth Boundary (UGB). All construction located outside the UGB will be reviewed by Wasco County.
 - Development on public/private land will require a Physical Constraints Permit per [Chapter 10.8](#) of The Dalles Municipal Code (TDMC). Areas located within a geohazard zone (see attachment Diagram 1 for reference) may require a geotechnical report (per TDMC [Article 8.040](#)).
 - Development within the right-of-way (ROW) will require a ROW Construction Permit and may require a Physical Constraints Permit and geotechnical report (if located within a geohazard zone). The ROW permit will require the locations of all existing utilities in the project vicinity as well as the location of the proposed new utility to be installed so that we can make certain that a utility conflict is not being created with the installation of the new utility and that adequate separation requirements between all utilities are being met.
 - Development within a floodplain must comply with TDMC [Article 8.030](#). See Diagram 2 for floodplain mapping.
 - Development within a wetland must contact Department of State Lands (DSL) for requirements. See Diagram 3 for wetland mapping.
 - Development within a Stream Corridor must comply with TDMC [Article 5.130](#). See Diagram 4 for stream corridor requirements.
- 3. A list of any local permits that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.**
 - Physical Constraints Permit – Must be engineered. Due to size, may be reviewed in “zones” – each zone must include cut/fill calculations, location of existing utilities, engineered plans, proof of easements, signatures of all impacted property owners. Must clearly detail areas of construction.
 - ROW Construction Permit – Must include areas of construction. Traffic Control Plans, Temporary Pedestrian Access Route Plan (TPARP), Road/Sidewalk Closure Permits. ROW Construction Permits must comply with the standards established in General Ordinance No. 08-1297.
 - Geotechnical report (provided by third party)
 - Wetland Delineation (for areas located within a wetland)
- 4. Recommendations regarding the size and location of analysis areas for impacts to sensitive resources, including resources inventoried in your comprehensive plan.**
 - Sufficient research into project location within wetlands, floodplains, stream corridors, and geohazard zones.
 - Due to the age of The Dalles, archeological studies and historical research should be conducted. Contact **all** local tribes and the State Historic Preservation Office for additional information.
- 5. A list of studies that your jurisdiction recommends be conducted to identify potential impacts of the proposed facility and mitigation measures.**

- See #4 above.

Feel free to reach out with any questions. Thanks.

Joshua Chandler (he/him/él)
Community Development Director
City of The Dalles
541-296-5481 x1121

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From: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Sent: Tuesday, May 30, 2023 1:30 PM
To: Matthew Klebes <mklebes@ci.the-dalles.or.us>
Cc: Joshua Chandler <jchandler@ci.the-dalles.or.us>
Subject: RE: Comments requested on NOI for Cascade Renewable Transmission System by June 1, 2023.

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Hello Matthew,

Thank you for the update, I apologize for taking so long to get back to you. Because there are some segments of the transmission line that will cross through zoned land in the City limits, we will still need to determine out whether or not there are provisions in the Land Use and Development Ordinance that are applicable to the review of the facility. Recommendations of applicable substantive criteria from the City Council are given preferential treatment under the state siting laws, but we can also accept recommendations from the Community Development Department. If that is something the City would like to pursue please let me know when you might be able to get the recommendations back to us (it is okay if it is after 6/1). If it would be helpful, I can also take a first cut at what we think would be applicable and send it back to you two or the City Council for review.

Thank you,



Christopher M. Clark
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
christopher.clark@energy.oregon.gov
P: 503-871-7254



Stay connected!

From: Matthew Klebes <mklebes@ci.the-dalles.or.us>
Sent: Monday, May 22, 2023 7:54 AM
To: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Cc: Joshua Chandler <jchandler@ci.the-dalles.or.us>
Subject: RE: Comments requested on NOI for Cascade Renewable Transmission System by June 1, 2023.

Good Morning Chris,

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request to help facilitate input. This was done on May 11th and we have received one response which was, “no questions or comments.”

Matthew Klebes
City Manager
City of The Dalles
313 Court Street
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From: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Sent: Friday, May 19, 2023 1:16 PM
To: Matthew Klebes <mklebes@ci.the-dalles.or.us>
Cc: Joshua Chandler <jchandler@ci.the-dalles.or.us>
Subject: RE: Comments requested on NOI for Cascade Renewable Transmission System by June 1, 2023.

WARNING: Email from external source. Links and attachments could pose security risks. Investigate sender and think before you click.

Hello Matthew and Joshua,

I hope this message finds you well. I wanted to follow up and see if you had any questions about the request below for comments on the Cascade Renewable Transmission System. As previously offered, we'd be more than happy to set up a time to go over the project and the state siting process if that would be helpful.

Thank you,



Christopher M. Clark
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
christopher.clark@energy.oregon.gov
P: 503-871-7254



Stay connected!

From: CLARK Christopher * ODOE
Sent: Tuesday, April 4, 2023 5:15 PM
To: mklebes@ci.the-dalles.or.us
Cc: jchandler@ci.the-dalles.or.us
Subject: Comments requested on NOI for Cascade Renewable Transmission System by June 1, 2023.

Dear Matthew,

My name is Christopher Clark, I am a Senior Siting Analyst with the Oregon Department of Energy and serve as staff to the Oregon Energy Facility Siting Council (EFSC). On March 7, 2023, the Department received a Notice of Intent to File an Application for a Site Certificate for the Cascade Renewable Transmission System (NOI), a proposed 320-kilovolt high-voltage direct current transmission line that would span approximately 100 miles between The Dalles and Portland. The transmission line qualifies as an energy facility under ORS 469.300(11)(a)(C) and is subject to siting review by EFSC.

Because the facility is proposed to be located on lands or in waters within The City of The Dalles' jurisdiction, the City Council will be appointed as a Special Advisory Group for the EFSC review and will be asked to provide input at several points in the process. Specifically, since the applicant has indicated that it will seek land use approval from the EFSC, rather than from affected local governments, the City Council will be asked to identify substantive criteria from the City's comprehensive plan and land use regulations that will apply to the review of the facility.

The attached memorandum contains specific requests for comments on the Notice of intent, as well as additional information about EFSC review process and the role of Special Advisory Groups.

If you could please forward the memo to the Council members I would greatly appreciate it. Their comments are requested by June 1, 2023. Please let us know if additional time will be needed to prepare comments as soon as possible. The Department is also happy to set up a call to discuss the project or give a presentation about the siting process to the City Council if that would be helpful.

Thank you,

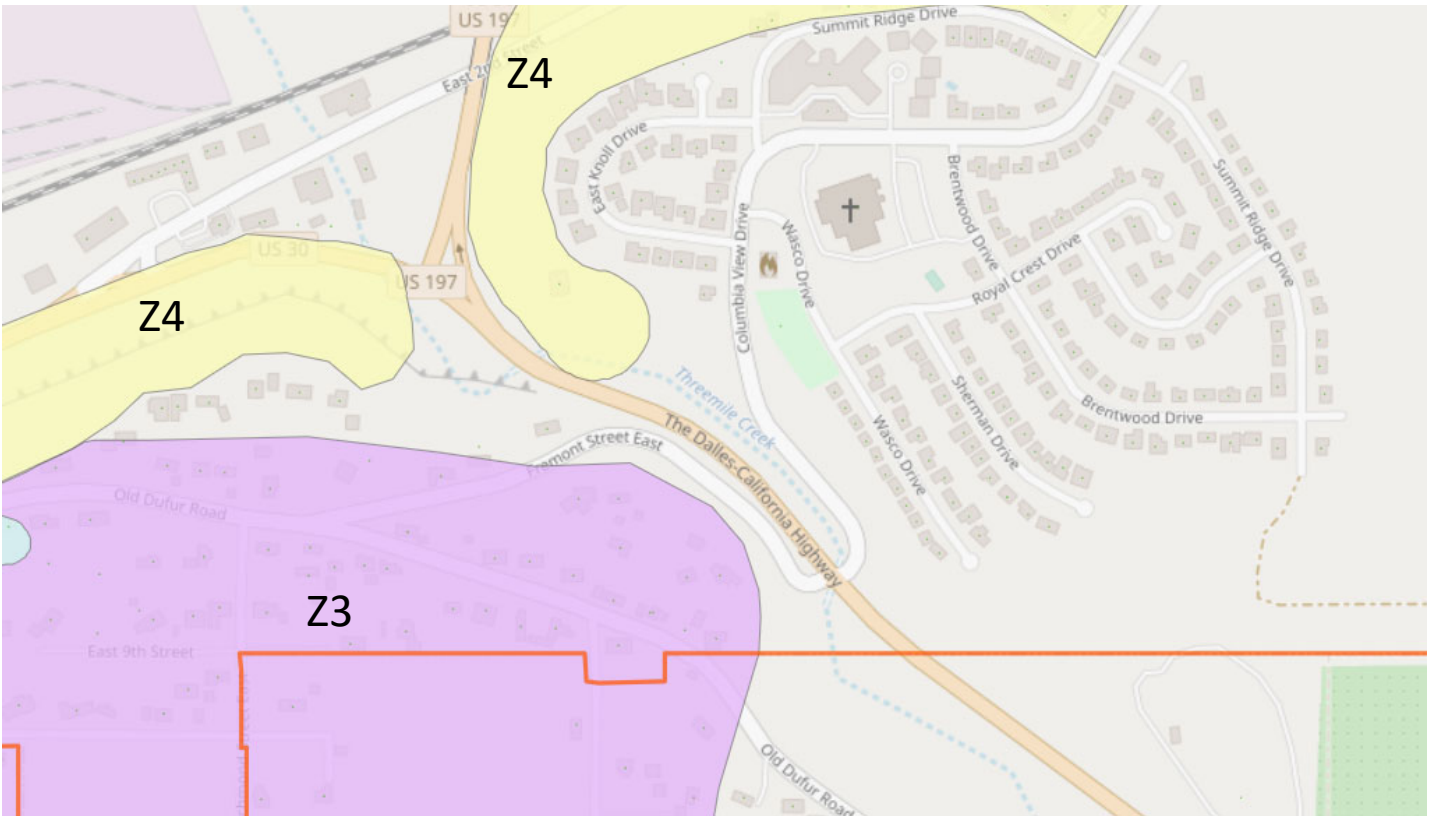


Christopher M. Clark
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
christopher.clark@energy.oregon.gov
P: 503-871-7254



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Diagram 1: Geohazard Zones



Z3 – East City Inactive Landslide Deposit

All development with slopes greater than 30% must obtain a Geotechnical Permit, per Article 8.040.

Z4 – Central and East City Rockfall

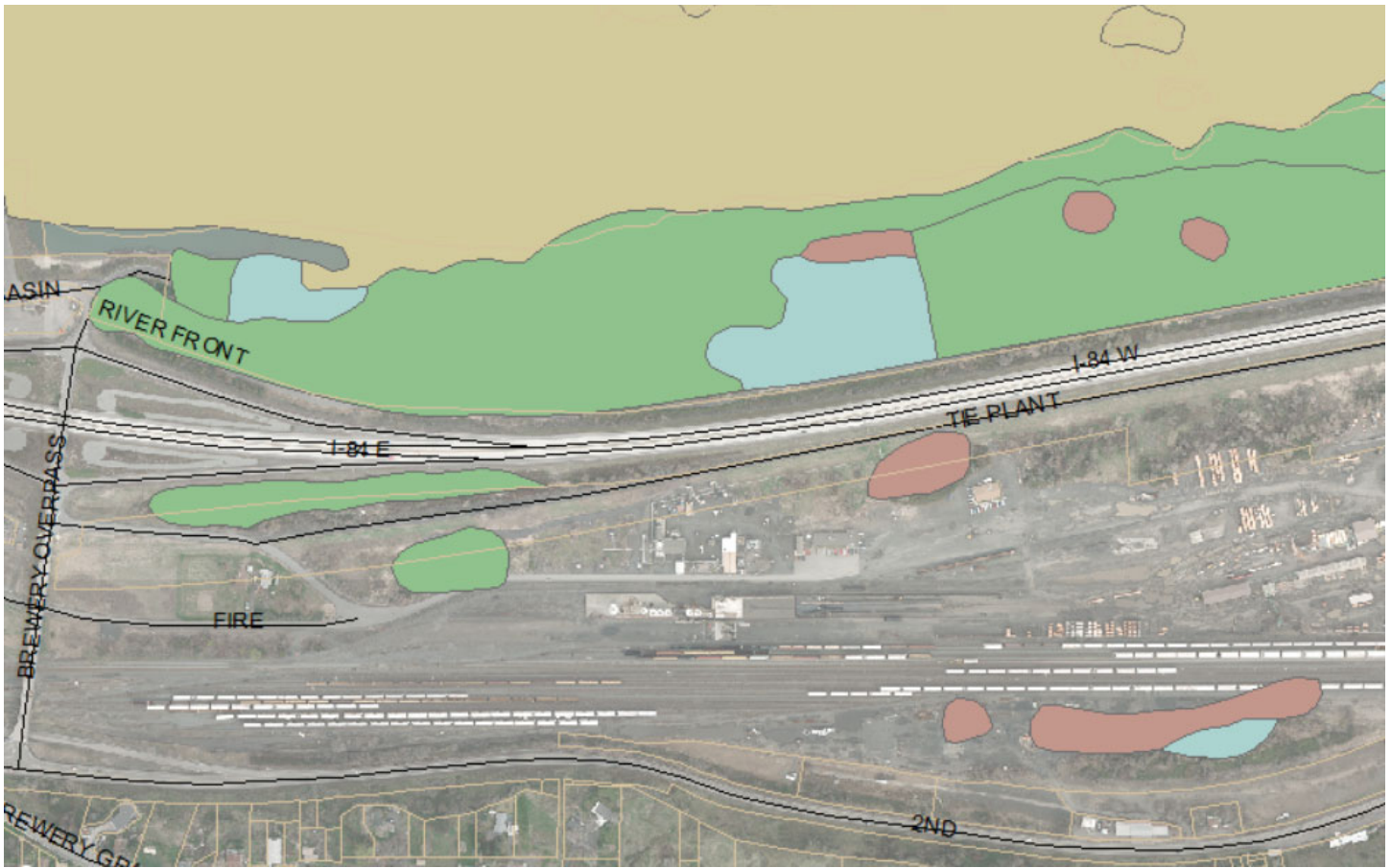
All development must obtain a Geotechnical Permit, per Article 8.040.

Diagram 2: Floodplains



Floodplain – Areas shown in yellow

Diagram 3: Wetlands



Wetlands - Colored/Shaded areas

Diagram 4: Stream Corridors



Stream Corridors - Colored areas



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
TTY: 711
www.portland.gov/bds

Date: July 6, 2023

To: Christopher Clark, Senior Siting Analyst
Oregon Department of Energy

From: Rebecca Esau, Director
Bureau of Development Services

Case File: PR 23-031948

Re: City of Portland Comments on Notice of Intent to Apply for Site Certificate for the Cascade Renewable Transmission Project

The Portland City Council, through Ordinance No. 191346 (attached), has delegated authority to the Director of the Bureau of Development Services to respond to the Oregon Department of Energy's (DOE) information request for the Cascade Renewable Transmission Project Notice of Intent (NOI).

The City of Portland appreciates the opportunity to comment and provide information regarding substantive requirements and regulations that potentially apply to the project. Please see the attached bureau memos and City of Portland Design Criteria spreadsheet for detailed information and references to City codes, regulations, and manuals as well as other relevant design documents and reference materials that may be applicable to this project.

The City requests that all applicable requirements identified in the attached documents be incorporated into the project design, plans, and supplemental materials. Please note that applicable requirements stated herein reflect the regulations in effect at the time of NOI review and may be subject to change. The requirements identified are based on the preliminary information provided in the Notice of Intent. Additional or more specific requirements may be identified when more detailed information is available about the project.

The City looks forward to working with Cascade Renewable Transmission, LLC and DOE as this project moves through design and construction. Please don't hesitate to reach out to the City's point of contact listed below for questions regarding this submittal.

Contact:

Morgan Steele, Senior City Planner – Environmental, Bureau of Development Services
503.865.6437, Morgan.Steele@portlandoregon.gov

Attachments: BDS Land Use Services response
BDS Site Development response
Environmental Services response
Urban Forestry response
Water Bureau response
Fire Marshall response
Life Safety response
City of Portland Design Criteria spreadsheet
City of Portland Ordinance # 191346

1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
TTY: (503) 823-6868
www.portland.gov/bds

Date: May 26, 2023
To: Rebecca Esau, Director, Bureau of Development Services
From: Morgan Steele, Senior City Planner – Environmental, Bureau of Development Services
Andrew Gulizia, City Planner, Bureau of Development Services
Case File: PR 23-031948
Re: Bureau of Development Services Comments on Notice of Intent to Apply for Site Certificate for the Cascade Renewable Transmission Project

Introduction:

This memo in conjunction with the attached spreadsheet serves as a summary of the information that may be applicable to the Cascade Renewable Transmission Project and is intended to highlight preliminary requirements and next steps. Its purpose is to identify substantive criteria from Comprehensive Plans and land use regulations that apply to the review of the proposed transmission line and facilities. This summary is advisory and preliminary in nature and is neither a complete land use review nor a final decision regarding the project. This summary is based on the preliminary information provided in the Notice of Intent. The information provided herein is based on the current Zoning Code and Comprehensive Plans. It is possible that the code could change, and those changes could affect the proposal.

Project Description:

The Cascade Renewable Transmission System is a proposed 320-kilovolt high-voltage direct current (HVDC) transmission line that would span approximately 100 miles between The Dalles and Portland. The majority of the HVDC line would be installed in the bed of the Columbia River using a Hydro Jet Cable Burial Machine, or “jet plow.” The jet plow temporarily fluidizes sediment in an approximately 18-inch-wide trench, places the cable in the trench, and allows the sediment to settle back over the cable, burying it at the prescribed depth in the riverbed. Where the cable cannot be buried, a concrete mattress or a rock berm would be used to keep the cable weighted down and protected from damage. An approximately 7.5-mile segment of the HVDC line would be buried in lands adjacent to the river near Stevenson, Washington to avoid the Bonneville Lock and Dam.

Additional underground segments would connect in-river transmission lines to two converter stations constructed near points of interconnection at both ends of the line. The Eastern Converter Station would be located near The Dalles and would connect to the Bonneville Power Administration’s Big Eddy Substation with approximately 500 feet of overhead 500-kV AC transmission line. The Western Converter Station would be in the Rivergate Industrial District in North Portland and would be connected to Portland General Electric’s Harborton Substation with 230-kV AC cables installed under the Willamette River using horizontal-directional drilling

Responses to Information Requested in the NOI:

- 1) The name, address and telephone number of the contact person assigned to review the application for your jurisdiction.

Response:

Morgan Steele, Senior City Planner – Environmental, Bureau of Development Services
503.865.6437, Morgan.Steele@portlandoregon.gov

- 2) A list of local ordinances and land use regulations that might apply to construction or operation of the proposed facility, and a description of any information needed for determining compliance.

Response: Detailed plans including site plans are needed to assess compliance with zoning regulations for each section of work within the City of Portland (City). The following Zoning Code regulations may apply and are addressed in more detail in the attached City of Portland Design Criteria spreadsheet:

- Base zone regulations, as applicable for the location of each section of work within the City: 33.100s
- Overlay zone regulations, as applicable for the location of each section of work within the City: 33.400s
- Plan district regulations, as applicable for the location of each section of work within the City: 33.500s
- Land use review approval criteria, where land use review is required, and the criteria are not specified in an overlay zone chapter: 33.800s

- 3) A list of any local permits that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.

Response: Building permits are generally required for construction, and land use reviews may be required depending on the zoning for each location, as indicated in the attached City of Portland Design Criteria spreadsheet.

- 4) Recommendations regarding the size and location of analysis areas for impacts to sensitive resources, including resources inventoried in your comprehensive plan.

Response: The application of the environmental overlay zones is based on detailed studies that have been carried out throughout the City. Environmental resources and functional values present in environmental zones are described in environmental inventory reports for these respective study areas. There are a number of Natural Resource Inventories (Inventories) and Natural Resource Management Plans (Plans) that apply to the proposed transmission line corridor, including the Industrial-Environmental Mapping Project for Columbia Corridor (1989), Middle Columbia Corridor/Airport Natural Resources Inventory and Middle Columbia Corridor / Airport Economic, Social Environmental and Energy (ESEE) Analysis (2011), East Columbia Neighborhood Natural Resources Management Plan (1990) and Natural Resources Management Plan for Peninsula Drainage District No. 1 (1997).

Resources and functional values identified within the Inventories and Plans and present within the project site (to wit: transmission line corridor) should be documented on site plans and discussed in a narrative. While no objection is taken to the proposed Analysis Areas for determining impacts to resources as presented in the NOI, it should be noted that identified functions and values within the City may be part of a larger functioning ecosystem. Further, impacts to identified resources and/or functional values or their larger systems must be documented as detailed below.

- 5) A list of studies that your jurisdiction recommends be conducted to identify potential impacts of the proposed facility and mitigation measures.

Response: An impact evaluation and alternatives analysis is required to determine compliance with environmental approval criteria and to evaluate development alternatives for a particular site. The

alternatives must be evaluated based on their impact on the resources and functional values of the site as described above. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system. The impact evaluation is based on the resources and functional values identified as significant in the reports listed in section 33.430.020;

- a. An impact evaluation includes:
 - i. Identification, by characteristics and quantity, of the resources and their functional values found on the site;
 - ii. Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the identified resources and functional values of the site; and
 - iii. Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable.



City of Portland, Oregon
Bureau of Development Services
Site Development
FROM CONCEPT TO CONSTRUCTION

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
TTY: (503) 823-6868
www.portland.gov/bds

Land Use Review Response
Site Development Section, BDS

To: Morgan Steele, LUR Division
From: Kevin Wells, Site Development (503-823-5618)

Location/Legal: TL 100 14.57 ACRES SPLIT MAP R515536 (R942050280), SECTION 06 1N 2E
Land Use Review: PR 23-031948
Proposal: Notice of Intent to File an Application for a Site Certificate (NOI) for the Cascade Renewable Transmission System (facility), a proposed 320-kilovolt high-voltage direct current (HVDC) transmission line that would span approximately 100 miles between The Dalles and Portland.

Quarter Sec. Map: 1935,1936,2036
Date: May 19, 2023

The Bureau of Development Services (BDS) Site Development section provides the following comments based on the notice of intent (NOI) provided by the project team. References to Portland City Code (PCC) may be included below. City codes are available for on-line review from the City Auditor's [Online Charter and Code page](#).

Flood Hazards – PCC Title 24.50

The City of Portland participates in the National Flood Insurance Program (NFIP) administered by FEMA and regulates local flood hazard regulations through PCC Title 24.50 Flood Hazard Areas. The purpose of Title 24.50 is to protect the public health, safety, and welfare by restricting or prohibiting uses which are dangerous to health, safety, or property in times of flood or which cause increased flood heights or velocities, and by requiring that uses and structures vulnerable to floods be protected from flood danger at the time of initial construction.

The Cascade Renewable Transmission System and 320-kv transmission line will encroach into floodway waters (the Columbia River and Willamette River) and floodplain fringe areas that are regulated by the City of Portland for flood hazard compliance under Title 24.50 Flood Hazard Areas. Key portions of Title 24.50 that may impact the project include encroachments into the floodway and trenching/grading in the floodway or floodplain fringe.

Title 24.50.060.D - Floodway

Encroachments into the floodway by development and structures defined in Section 24.50.020 are prohibited unless it is demonstrated by technical analysis from a registered engineer that the development will result in no increase in the base flood elevation. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement or other development (including fill) shall be permitted within Zone AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community. Technical analysis shall be reviewed and approved by the Sewage System Administrator. However, the minimum width of the floodway shall not be less than 15 feet.

Title 24.50.060.F.8 - Balanced Cut and Fill Required

In all Flood Management Areas of the City not addressed by Section 24.50.060 G, balanced cut and fill shall be required. All fill placed at or below the base flood elevation shall be balanced with at least an equal amount of soil material removal. Soil material removal shall be within the same flood hazard area identified in Section 24.50.050 A. through I.

- a. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.
- b. Temporary fills permitted during construction shall be removed.

Future Changes to Title 24.50

In 2016, the National Marine Fisheries Service (NMFS), the federal agency responsible for many of the protected species in Oregon, issued a biological opinion (BiOp) that concluded that the scope of development currently allowed in the FEMA Special Flood Hazard Areas jeopardizes the continued existence of 18 threatened or endangered species. In coordination with FEMA, the City introduced a [Floodplain Resilience Plan](#) to reduce floodplain development impacts to endangered and threatened fish species .

The City is preparing changes to Title 24.50 Flood Hazard Areas and Title 33 Zoning requirements that will align the City's administration of the NFIP with the Endangered Species Act (ESA) and FEMA guidelines. Importantly, these changes will likely expand the compensating excavation requirements of Title 24.50.060 to include materials and structures placed within the flood hazard area (i.e., the displaced volume of floodwaters caused by the construction of a new building will require a compensating excavation). The changes will also increase the ratio of compensating excavation in certain portions of a site to between 1.5:1 and 2:1 depending on proximity to the riparian buffer zone, ordinary high water, 10-year flood hazard boundary, and other related demarcations.

The City has not yet enacted these changes. However, the Bureau of Planning and Sustainability, who is managing the Flood Resilience Plan, anticipates these code changes will soon be considered by City Council for adoption.

Building Permits – PCC Title 24.10.070

The project team must obtain a building permit to facilitate improvements that are not otherwise exempt from state building code. In accordance with the Oregon Structural Specialty Code (OSSC) Section 101.2 - Scope, the City recognizes that public utility poles, power transmission lines, and certain power-generation related structures are exempt from state building code. However, building permits are typically required for private utility poles not specific to power transmission, control rooms or buildings with occupancy, and significant site grading or earthwork activities.

As required by Title 24.10.070, no person, firm, or corporation may erect, construct, enlarge, alter, repair, move, improve, remove, convert, change occupancy group of, or demolish any building or structure, or do any clearing or grading, or cause any of the same to be done without first obtaining the proper permit, or where appropriate a minor structural label as outlined in Section 24.10.095. The limitations of Oregon Revised Statutes 455.020 notwithstanding, permits are required to construct, alter, repair or move any structure as identified in this Title or in the Oregon Structural Specialty Code or the Oregon Residential Specialty Code, as adopted in Chapter 24.10 of this Title. Building permits and fees for work on private property are waived whenever the work appears on plans and specifications, approved by the City Engineer or BES Chief Engineer. This work will be limited to the construction of streets, public sewers, public stormwater management facilities, driveways, retaining walls, fences, walkways, parking pads, steps, and tree, shrub, and brush removal.

Grading – PCC Title 24.70

Permits for clearing, grading, and retaining walls are required as specified in PCC Title 24.70. Where a specific activity does not require a clearing or grading permit, a separate tree permit may still be required, as specified in Title 11 Trees. Where a clearing or grading development permit shows trees to be removed and has been reviewed and approved by the City, a separate tree permit is not required in conjunction with the clearing or grading permit. An erosion, sediment and pollutant control plan if required by Title 10 shall be submitted with clearing or grading permit applications. Applicants for permits made in conjunction with land divisions shall be responsible for all clearing, grading, tree removal and erosion control within the land division, even where a specific activity is exempt from an individual permit.

Erosion Control - PCC Title 10

Erosion prevention and sediment control requirements found in **Title 10** apply to both site preparation work and development. Compliance with the erosion control requirements of Title 10, as well as maintenance of the erosion control elements, such as silt fences on private property, storm drain inlet protection and bio bags in the public right-of-way, is the responsibility of the property owner, the developer, and the builders. Please refer to the

City of Portland **Erosion and Sediment Control Manual** for additional information regarding erosion and sediment control requirements.



City of Portland, Oregon
Bureau of Development Services
Site Development
FROM CONCEPT TO CONSTRUCTION

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
TTY: (503) 823-6868
www.portland.gov/bds

**Important Information for Land Use and Permit
Applicants in the Special (100-year) Flood Hazard Area**

Background

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP). The NFIP establishes allowances and minimum standards for development in the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain.

All federal agencies are required to ensure their programs do not harm federally protected species. To do so, FEMA consulted with the National Marine Fisheries Service (NMFS), the federal agency responsible for many of the protected species in Oregon. In April 2016, NMFS issued a formal biological opinion that concluded that the scope of development currently allowed in the SFHA jeopardizes the continued existence of 18 threatened or endangered species. In turn, FEMA recently sent a letter to over 250 local jurisdictions in Oregon informing the City of Portland and others about future changes to the NFIP in Oregon.

New regulations likely to be developed

NMFS's biological opinion includes recommendations for changes to the NFIP administered by FEMA. Implementation of these recommendations may result in significant changes to:

- Development restrictions and permitting requirements within the SFHA and
- The geographic area affected by the regulations, due to future re-mapping of the SFHA.

Full implementation of the recommendations will take several years; however some changes may be implemented sooner. Any future city code changes will go through a required public process. *The City of Portland is monitoring direction from FEMA on the timing and scope of implementation of these changes, though many details are uncertain at this time.*

For more information about how this may affect you, please visit:

- National Oceanic and Atmospheric Administration (NOAA) Fisheries:
www.westcoast.fisheries.noaa.gov/habitat/conservation/index.html
- Federal Emergency Management Agency (FEMA):
www.fema.gov/national-flood-insurance-program-endangered-species-act
- Oregon Department of Land Conservation and Development (DLCD):
www.oregon.gov/LCD/Pages/NFIP_BiOp.aspx

You may also wish to consult your own attorney or planning professional.



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Ave, Suite 613, Portland, Oregon 97204 ■ Mingus Mapps, Commissioner ■ Dawn Uchiyama, Director

BES Response to Cascade Transmission Project

Date: May 22, 2023

To: Oregon Department of Energy

From: Abigail Cermak, BES Systems Development

503-823-7577, abigail.cermak@portlandoregon.gov

Kaitlin Lovell, BES Regulatory Strategy & Remediation

503-823-7032, kaitlin.lovell@portlandoregon.gov

Annie Von Burg, BES Environmental Remediation

503-823-7859, annie.vonburg@portlandoregon.gov

Julie Matney, BES Watershed Revegetation Program

503-823-2774, julie.matney@portlandoregon.gov

Case File: 23-031948-PR

Re: Cascade Transmission Project Notice of Intent

The Bureau of Environmental Services (BES) provides the following comments on BES-related substantive requirements and potential issues in response to the Oregon Department of Energy's (DOE) information request for the Cascade Renewable Transmission Project Notice of Intent (NOI). Please also see the attached City of Portland Design Criteria spreadsheet for a quick reference to BES-related City codes and manuals as well as other relevant design documents and reference materials that may be applicable to this project.

BES requests that all applicable requirements be incorporated into the project design, plans and supplemental materials. Please note that requirements identified should not be considered final, as staff reserves the right to request additional materials during land use and building permit review periods.

BES appreciates the opportunity to provide input during the early stages of the project and looks forward to working with Cascade Renewable Transmission LLC and DOE as this project moves through design and construction. Please include the BES staff identified above on future communications with the City regarding project design. Also, please reach out to Abigail Cermak with BES Systems Development with any questions about the information provided in this memo.

A. SUMMARY OF SUBMITTAL REQUIREMENTS FOR LAND USE AND BUILDING PERMIT REVIEWS

Please refer to the Bureau of Development Services (BDS) response for land use and building permit review types that may apply to this project. In general, for most land use and building permit applications, BES requests the applicant include the following information:

1. A utility plan showing all proposed sanitary connections and stormwater systems.
2. To review for impacts to existing BES-owned sewer and stormwater infrastructure, please show all BES assets and easements on a site plan in relation to the proposed work.
3. If the requirements of the Stormwater Management Manual are triggered, the applicant must submit a stormwater report, including the results of infiltration testing, as described below in this memo.
4. Applicable Source Control Manual requirements, as described below in this memo, may trigger stormwater management, changes to site design, or new sanitary connections. BES encourages the applicant to show how these requirements are being met on site plans submitted for land use and building permit review applications.

Ph: 503-823-7740 Fax: 503-823-6995 ■ www.portlandoregon.gov/bes ■ Using recycled paper ■ An Equal Opportunity Employer

B. EXISTING BES OWNED & MAINTAINED SEWER INFRASTRUCTURE

Within the proposed project area, BES owns and maintains sanitary and stormwater sewer infrastructure both within public rights-of-way and on private property within easements granted to the City. Therefore, BES encourages the applicant to consult with BES staff early to ensure critical public infrastructure assets will not be impacted. For BES to review for impacts to infrastructure, BES requests the applicant provide plans showing all BES assets and easements in relation to the proposed work. Please note that any plans to alter City-owned infrastructure must be reviewed through a Public Works Permit.

1. *Sewer Easements and Encroachments:* Please note that a sewer easement grants certain rights to the City of Portland related to constructing, maintaining, and/or accessing public sewer infrastructure. Features or activities that would interfere with the City's granted rights are considered unauthorized encroachments. In evaluating a proposed encroachment, administrative rule ENB-4.07 establishes that BES "will balance the need for the encroachment against the repair and maintenance needs of that sewer." Examples of features or activities that may be limited or prohibited, depending on the easement, include building construction, utility installation or maintenance, material storage, grading, fence installation, and tree planting. BES staff review for possible easement encroachments as authorized by PCC 17.32.040.B during land use and/or building permit review. BES may deny a request to encroach, approve the request, or approve the request with conditions. If the encroachment is approved, the City will obtain an executed and recorded encroachment agreement with the property owner to satisfy the authorization requirement in PCC 17.32.030.A.2.
2. *General Public Works Permit Information:* Information on the City's public works permit (PWP) process, including submittal requirements and review timelines, is available at www.portlandoregon.gov/publicworks. All submitted public works plans must meet the City's Sewer and Drainage Facilities Design Manual (SDFDM), SWMM, and public works permitting plan submittal requirements and drafting standards. Contact Public Works Permitting at (503) 823-1987 or pwp@portlandoregon.gov with questions related to the general public works permit process.

C. SANITARY SERVICE

Based on the submitted materials and narrative, BES understands the applicant is proposing a converter station and other infrastructure that may require new connections to a City-owned sewer for either wastewater or stormwater discharges. The following may therefore apply to this project:

1. *Connection Requirements:* If the applicant proposes connections to the City sewer system, please note that new connections must meet the standards of the City of Portland's [Sewer and Drainage Facilities Design Manual](#), [PCC 17.32.090](#), administrative rules [ENB-4.07](#) and [ENB-4.17](#), and all other relevant City codes and rules. Sanitary sewage from private property must be separately conveyed to the property line and connected through individual laterals for discharge to the City separate sanitary or combined sewer. Per [ENB-4.07](#), sewer connection permits are required to make new connections to City mains and laterals, relocate or upsize existing laterals, and repair sewers in City right-of-way. The permittee is responsible for verifying the location, depth and size of an existing sewer lateral and for ensuring the lateral is clear of obstructions prior to connection.
2. *Connection Fees:* Sewage system connection fees and system development charges are assessed at the time of building plan review and change every fiscal year on July 1st. For additional information on these fees, navigate [here](#) or call the BES Development Review Team at 503-823-7761.

D. STORMWATER MANAGEMENT AND IMPACTS TO DRAINAGEWAYS

Based on the submitted materials and narrative, it appears the following BES-related stormwater management and drainageway protection requirements may be applicable to this project:

1. **General Stormwater Management Requirements:** Development and redevelopment sites that include any of the triggers listed in PCC 17.38.040 are subject to the policies and standards of PCC 17.38.035, Portland's [Stormwater Management Manual](#) (SWMM) and [Source Control Manual](#) (SCM). Projects must comply with the current adopted version of the SWMM as of the permit application date. A fundamental evaluation factor in the SWMM is the Stormwater Infiltration and Discharge Hierarchy (Section 1.3.3), which sets the framework that will be used to determine when a project's stormwater runoff must be infiltrated onsite and when offsite discharge will be permitted, and the parameters that must be met for either scenario. If tested infiltration rates on a property are greater than or equal to 2 inches per hour, onsite infiltration will be required unless the site qualifies for the ecoroof exception per Section 3.2.1 or infiltration is determined infeasible based on site conditions described in Chapter 2 of the SWMM. Note that maximum building coverage allowed by the zoning code, including below grade development, does not exempt the applicant from stormwater requirements. Pollution reduction and flow control requirements must be met using vegetated facilities to the maximum extent feasible, though roof runoff and some paved impervious surfaces are exempt when discharging directly to a UIC (refer to Sections 1.3.2, 1.3.4, 3.2.4 and 4.2.2 of the SWMM).
2. **Private Property Stormwater Management:** Stormwater runoff from this project must comply with all applicable standards of the SWMM and SCM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee.
 - a. **SWMM Triggers:** Stormwater management requirements described in the SWMM are triggered for projects that develop or redevelop greater than 500 SF of impervious area. Pavement removal and replacement within an existing paved area will trigger stormwater management requirements only if soil (subgrade) is exposed or the pavement is replaced with a different material. Vertical additions to a structure within the existing building footprint will trigger the SWMM if the addition exceeds 10,000 SF. Stormwater management requirements are not triggered for re-roofing or repairs of an existing roof. Adding or modifying decking or paving material over an existing impervious surface does not trigger SWMM requirements. The applicant may refer to Section 1.2.1 of the SWMM and coordinate with BES staff for information on what qualifies as development and redevelopment for this project.
 - b. **Storm Report:** For portions of the project that trigger the SWMM, the applicant must submit a stormwater report and preliminary utility plan showing stormwater management facilities sized according to SWMM standards. The applicant should refer to Section 2.1.2 of the SWMM and/or coordinate with BES staff to determine the appropriate design approach for this project. Unless onsite infiltration is deemed infeasible based on site conditions described in Section 2.2.5 of the SWMM, infiltration testing results must be included with the submitted stormwater report. Refer to Section 2.3.2 to determine the appropriate infiltration testing method for the proposed project. Infiltration test pits must be as close as possible to proposed infiltration facilities; include on a plan the approximate location of the test pit(s).
3. **Drainageway Protection:** There may be drainageways within the project area. For example, the Columbia Slough channel is considered a drainageway.
 - a. **Drainageway:** A drainageway is defined as a constructed or natural channel or depression that may at any time collect and convey water; it may be permanently or temporarily inundated. Depending on the capacity of the drainageway and size of the proposed development, the identified drainageway may serve as a disposal location for stormwater runoff from the project.
 - b. **Drainage Reserve:** Drainageways are protected by means of a drainage reserve except when the drainageway is adequately protected by an Environmental Protection overlay zone, another overlay zone that provides equivalent or better protection as determined by BES, or a tract (such as an Environmental Resource Tract) that equally or better meets the purpose of the drainage reserve, as determined by BES. Drainage reserves

act as no-build areas and are intended to protect flow conveyance and water quality in both natural and constructed surface channels. Drainage reserves are typically delineated 15 feet from the centerline of the channel on both sides; however, a drainage reserve may be wider than 30 feet if needed to adequately protect the channel and bank. The applicant should refer to Chapter 5 of the SWMM for drainage reserve information and/or contact BES staff (identified above) for assistance.

- c. *Documentation*: If the drainageway is located within 50 ft of the proposed temporary or permanent disturbance area, they must be shown on existing and proposed conditions site plans submitted with future land use and permit review applications. If encroachments are proposed into the drainage reserve, BES may require a topographic survey of the drainageway. To help ensure long-term protection of drainage reserve areas, a notice about the drainage reserve must be recorded against the property deed through the applicable County recorder's office via a Notice of Drainage Reserve Form or an Operations and Maintenance (O&M) Plan and Form. The type of form required will depend on the impact to the drainage reserve; see Section 5.10 of the SWMM for more information.
4. *Drainageway Encroachment*: If proposed, encroachments into a drainage reserve must be reviewed by BES through the encroachment review process unless allowed outright per Section 5.5.1 of the SWMM. Proposed impacts and encroachment proposals will be reviewed to ensure that the flow rate, timing, and pattern of the drainage continues to be adequately conveyed through the site and to protect water quality. There are two types of encroachments:
 - a. *Drainage Reserve Buffer Encroachment*: An encroachment located within the outer 5 feet of a drainage reserve.
 - b. *Drainage Reserve Channel Encroachment*: An encroachment located within 10 feet of the channel centerline. For drainage reserves with a total width other than 30 feet, the channel encroachment area will be determined on a case by case basis through the encroachment review process.

Refer to Section 5.5 for information related to encroachments, Section 5.6 for mitigation requirements, and Section 5.9 for drainage reserve submittal requirements. The applicant may also contact BES staff to discuss specific submittal items necessary for an encroachment, if proposed.

E. SOURCE CONTROLS

Source control requirements from the [Source Control Manual \(SCM\)](#), [Portland City Code \(PCC\) Title 17](#), and [BES Administrative Rules](#) that may be applicable to this project are listed below. BES recommends that requirements related to site contamination be addressed prior to land use and building permit reviews to help avoid project delays.

1. *Site Use and Activity-Based Source Control Requirements (SCM Chapter 6)*: BES recommends the applicant review the Chapter 6 SCM sections to understand the structural, treatment, and operational BMP requirements that may impact the project design.
2. *Contaminated Site Requirements (SCM Chapter 8)*: The project areas may be on and/or adjacent to properties listed in DEQ's Leaking Underground Storage Tank (LUST) and Environmental Site Cleanup Information (ECSI) database as known contaminated sites. Please contact DEQ to ensure the proposed development will meet or will not conflict with or violate any prior DEQ conditions or decisions regarding site conditions.
 - a. *Contaminated Soils (SCM Section 8.2.1)*: Please be advised that DEQ's issuance of a closure letter, No Further Action (NFA), Record of Decision (ROD), etc., does not preclude the applicant from complying with BES requirements related to soil contamination. Additional erosion control measures are required. Stockpiles of soil must have a barrier on all four sides and be covered to protect the soils from stormwater contact. Contaminated soil piles must also have an impervious layer underneath the

stockpile to inhibit contaminants from leaching back into the soil. A DEQ approved Contaminated Media Management Plan (CMMP) or Soil Management Plan (SMP) may also be required prior to building permit approval.

3. *Site Dewatering Requirements (SCM Chapter 9, [PCC 17.34](#), [PCC 17.36](#), [PCC 17.38](#), [PCC 17.39](#), [ENB 4.32](#))* BES evaluates requests for temporary and long-term stormwater and groundwater dewatering discharges into the city sewer system for approval or denial. See Appendix 1 of the SCM for the Construction Dewatering Discharge Application Form. If approved, a Discharge Permit for the storm or combined sewer may be required.
 - a. Fees are assessed for temporary construction discharges to the public sewer system – navigate [HERE](#) for current rates and information about dewatering as it relates to [construction projects](#).
 - b. Construction discharges to City UICs are prohibited.
 - c. Construction discharges to private UICs (e.g., drywells or soakage trenches) must be authorized by DEQ's UIC Program.
 - d. When dewatering is proposed on known/suspect contaminated site, BES may require analysis of the discharged stormwater or groundwater to determine the appropriate discharge system or if treatment may be needed prior to discharge.

F. ADDITIONAL CONSIDERATIONS

The following is additional information that may impact the Cascade Transmission Line project scope of work and timing.

1. *Portland Harbor Superfund Area:* The proposed project is within the Portland Harbor Superfund area; therefore, BES will review the proposal to ensure it meets the City's and DEQ's objectives and requirements for work being conducted in the Portland Harbor pipe watershed area. All in-water work must be approved by the EPA and all upland work must be approved by Oregon DEQ. BES requests the applicant contact EPA and DEQ to ensure the work being proposed will not conflict with or violate any prior EPA or DEQ cleanup decisions. Other regulatory agencies (e.g. Oregon Department of Fish and Wildlife, Oregon Department of State Lands, Army Corp of Engineers) may have specific requirements and/or permits that apply to this project.
2. *Local Engineered Levee System:* The proposed Cascade Transmission Line Project has potential impacts to the engineered Portland Metro Levee System in the Columbia Corridor (North Portland) that likely warrant coordination with the local drainage districts that manage that 27-mile-long system.
 - a. Staff at the Multnomah County Drainage District (MCDD) serve as staff to all four Columbia Corridor Drainage Districts and review development and construction projects proposed within the boundaries of the MCDD, Peninsula Drainage Districts 1 and 2, and the Sandy Drainage Improvement Company. More information about their development review process and related staff contacts can be found at [Review Process - Multnomah County Drainage District \(mcdd.org\)](#).
 - b. *Portland Metro Levee System Project:* It should also be noted that portions of the proposed Cascade Transmission Line Project appear to overlap with, or be adjacent to, portions of the planned footprint of the U.S. Army Corps of Engineers' Portland Metro Levee System (PMLS) Project, a federally authorized and funded project to bring the levee system up to current federal levee safety standards. That Project is about to begin its first year of preconstruction engineering and design to refine the Recommended Plan that was put forward to Congress. The non-federal local sponsor (NFS) of the Corps' project is the local drainage districts. Mark Wilcox (mwilcox@mcdd.org) is the NFS' project manager for the project. BES recommends that the project managers for the Cascade Renewable Transmission Project reach out to the Corps and MCDD to ensure there will not be conflicts with the work or staging

areas proposed for the PMLS Project. Based on BES review of the submittal, the areas where your project and the PMLS Project are in closest proximity to each other are: 1) along North Marine Drive in the PEN-1 Drainage District (West of I-5); 2) in the vicinity of the I-5 interchange bridge on the Portland side; 3) along NE Marine Drive east of the point where NE Marine Drive and Bridgeton merge in the PEN-2 Drainage District; and 4) in the vicinity of the Gleason Boat ramp in MCDD.

3. **Interstate Bridge Replacement Project:** The Cascade Transmission Line Project has the potential to overlap, or be in close proximity to, the proposed footprint of the new I-5 Interstate Bridge across the Columbia River, with interchanges in Vancouver, Hayden Island, and Oregon. The project expects to finalize its Supplemental Environmental Impact Statement this summer. The Interstate Bridge project is a joint project with the Washington Department of Transportation and the Oregon Department of Transportation, and we encourage the Cascade Transmission Line Project to reach out to the IBR project team for coordination. More information can be found here: [I-5 Bridge Replacement Program \(interstatebridge.org\)](https://interstatebridge.org)
4. **Natural Resource Inventory:** Natural resources within the project site area were identified in the [City of Portland's Natural Resource Inventory](#), an inventory of locally significant riparian corridors and wildlife habitat. Specified resources and functions include the following:
 - a. **Regionally Significant Riparian Corridors:** Vegetated riparian corridors provide important natural watershed functions. Tree canopy shades streams, helping to keep streams cool. Riparian vegetation helps to stabilize stream banks, capture sediment in stormwater runoff, support the water cycle and the cycling of nutrients, and provide a source of woody materials to the streams.
 - 1) **Microclimate and Shade:** Riparian vegetation helps lower soil, air, and stream temperatures. Stream temperature influences in-stream processes and can be a critical factor for the health and survival of aquatic organisms.
 - 2) **Streamflow Moderation and Flood Storage:** Stormwater runoff can cause erosion and sedimentation in rivers and streams. Vegetation intercepts, absorbs and stores rainfall before it reaches the stream channel. These areas can also help provide cool groundwater to streams during the dry season.
 - 3) **Water Quality:** Riparian vegetation can filter, trap and store excess nutrients such as nitrogen and phosphorus found in fertilizers, and pollutants such herbicides and industrial chemicals that are carried in surface water.
 - 4) **Large Wood and Channel Dynamics:** Riparian areas contribute woody debris that help to form channel features and provide in-stream cover for fish. Large in-channel wood also controls the routing of water and sediment, dissipates stream energy, protects stream banks, stabilizes streambeds, helps retain organic matter, and acts as a surface for biological activity.
 - 5) **Organic Inputs and Food Web:** Forest ecosystems adjacent to stream corridors provide over 99 percent of the energy and carbon sources in aquatic food cycles.
 - 6) **Wildlife Movement Corridor:** Riparian vegetation provides wildlife movement corridors and migration routes, food and forage, nesting and breeding sites, and cover.
 - b. **Regionally Significant Wildlife Habitat:** These resources provide important feeding, breeding and nesting habitat for native wildlife. The wildlife resources on this site provide the following functions and values:
 - 1) **Habitat patch size:** Larger patches of undisturbed land provide critical habitat for aquatic and terrestrial species. These large patches provide greater opportunity for foraging, breeding, and rearing to a larger number and greater diversity of species.

Small patches of land that are well-connected to other patches also provide important functions for wildlife.

- 2) *Interior habitat area*: Large areas of habitat protect wildlife from excessive disturbance, while the edge effect of residential development negatively affects at-risk wildlife.
- 3) *Connectivity*: As cities and neighborhoods grow, the areas animals need to survive become smaller and isolated. Connections between various aquatic and terrestrial habitat types (such as rivers, streams, wetlands, forests, and meadows) are important to the survival of many wildlife species.

To protect the natural functions provided by these resources, BES recommends that the applicant minimize site disturbance and replant disturbed areas with native vegetation. Doing so will help minimize erosion, protect slope stability, and restore lost functions.

5. *Special Habitat Area*: Portions of the project area have been identified as a Special Habitat Area by the City's [Natural Resource Inventory Recommended Draft](#). Special Habitat Areas contain unique resource features or functions that are important to the City's native fish and wildlife populations. In and around the project area, wetlands, bottomland hardwood forests, riverine islands, migratory stopover habitat, connectivity corridors, at risk wildlife use, grasslands, and unique habitat structures have been identified.



Urban Forestry

Land Use Review Response

Date: May 22, 2023
From: Dan Gleason
503-823-1691, Daniel.Gleason@portlandoregon.gov
Case File: 23-031948-000-00-PR
Location: NE MARINE DR
Proposal: Notice of Intent to File an Application for a Site Certificate (NOI) for the Cascade Renewable Transmission System (facility), a proposed 320-kilovolt high-voltage direct current (HVDC) transmission line that would span approximately 100 miles between The Dalles and Portland.

Urban Forestry has reviewed the proposal for its impact on existing city trees, street trees and heritage trees, street tree planting requirements and related mitigation in accordance with Title 11, Trees and for potential impacts upon urban tree canopy. It is the applicant’s responsibility to disclose all aspects of their land use proposal that may impact required street tree plantings and existing street trees during the land use review process.

UNLESS EXPLICITLY STATED HEREIN, THIS REVIEW DOES NOT APPROVE STREET TREE REMOVALS AND DOES NOT PROVIDE ANY EXEMPTIONS TO TITLE 11 REQUIRMENTS.

Permits required after land use approval are subject to all applicable development standards and all provisions of the City Code, including Title 11. Title 11 regulations will be applied during the permit review process.

PLEASE NOTE THERE MAY BE OTHER APPLICABLE TREE REQUIREMENTS AS PER TITLE 33 PLANNING & ZONING.

A. Tree Plan ([11.50.070](#))

A Title 11 compliant tree plan must be submitted with each phase of development review and permitting including land use reviews, building permits, and public works permits. The same tree plan shall be included with each permit.

A tree plan was not submitted with the land use proposal, and additional tree information is required for Urban Forestry to fully assess impacts and regulatory requirements associated with this project. Information must be provided for Urban Forestry to provide recommendations on project design and locations.

The following information is required for street trees, Heritage trees, and trees on city owned property and was not included with the proposal:

- a. Existing improvements
- a. Construction staging areas



- b. Proposed alterations including structures, impervious areas, grading, and utilities
- c. Existing trees
 - 1. Heritage trees (Updated [Heritage tree maps](#) should be consulted for location of all Heritage Trees within City of Portland)
 - 2. Private trees at least 12 inches in diameter
 - 3. City trees at least 6 inches in diameter
 - 4. Street trees at least 3 inches in diameter
- d. Proposed tree activity
 - 1. Indicate trees to be retained and proposed tree protection
 - a. Work within the right-of-way or street will require street trees to be shown on plans.
 - 2. Indicate trees proposed for removal with explanation of removals
 - 3. Show location, species, planting size and number of trees to be planted
- e. Protection plan
 - i. The protection plan must describe the potential impacts of construction methods, staging areas, equipment usage, loading areas, and building materials that will impact regulated trees. The plan must describe how the existing street, heritage, and city trees will have continued protection, in accordance with the protection requirements of 11.60, during the proposed development.
- f. Technical Analysis
 - i. Arborist report needed if proposed construction requires Performance Path tree protection for street, City, or Heritage Trees

B. Tree Removals and Protection:

The project should be designed to minimize tree impacts and tree removals. Urban Forestry will evaluate all street tree proposed for removal during the appropriate development permit.

Mitigation may be required for tree removals based on the species, size, and condition of trees removed. [Administrative Rule PRK-2.04](#) will be used to determine mitigation for tree canopy loss as a result of the project.

Mitigation for trees removed shall occur in the street planter strip, on site, or in the same watershed either by planting or by paying a fee in lieu of planting for each tree not planted. Mitigation will be required through the appropriate development permit. Fees-in-lieu will be charged in accordance with the [Title 11 Trees Fee Schedule](#). Street tree planting standards must also be met in accordance with 11.50.060.C.

If the applicant believes the tree(s) require removal to facilitate development, the applicant must provide an adequate written technical analysis report demonstrating how and why the tree(s) cannot be preserved while developing the site to City standards. The written technical analysis must include, but is not limited to, a feasibility study of the alternative measures considered in an effort to retain the tree(s). The technical analysis may address any relevant topics such as tree condition, equipment requirements, construction methodology, or cost. The submittal of a technical analysis and feasibility study does not provide approvals or permits for tree removals. Technical analysis and feasibility study documents will be reviewed by the City Forester to make a final determination.

All trees not approved for removal are required to be retained and protected during all stages of the development.



1. *Street Tree Protection Specifications* ([11.60.030](#))

The applicant has not provided a street tree protection plan. Tree protection is required for all trees required to be retained in accordance with Title 11 Trees, Protection Methods ([11.60.030](#)). Tree protection shall follow either the Prescriptive or Performance path. Protection methods must be shown on the tree plan. If using the Performance path, the alternate tree protection plan must be prepared by an arborist who has visited the site. The protection plan must describe the potential impacts of construction methods, staging areas, equipment usage, loading areas, and building materials that will impact regulated trees.

1. *Street Tree Planting* ([11.50.060.C](#))

The applicant has not provided a street tree planting plan. Based on the nature of the development street tree planting may be required. ([11.50.060.C.1](#)). Street trees must be planted at a minimum 2.5 caliper inches.

Trees required to be planted as part of the proposed development are subject to Title 11 regulations during the permit review process.

When the required number of trees cannot be planted, a fee in lieu of planting may be required during the permit review process. Fees-in-lieu will be charged in accordance with the [Title 11 Trees Fee Schedule](#).

C. On Site Trees

City Managed Sites ([11.50.040.C.2.a](#))

For development on City owned or managed sites applicants are required to consult with the City Forester at the preliminary project design phase if City or Street Tree removal is likely to occur to complete the project. The purpose of this consultation is to identify potential impacts and opportunities to retain existing trees, as well as any measures required to protect trees on site. ([11.50.040](#))

There is no record of Urban Forestry having been consulted in regard to this project. A Preliminary Project Design Form must be submitted with Urban Forestry. The Preliminary Design Form can be found here: <https://www.portland.gov/trees/trees-development/documents/urban-forestry-preliminary-project-design-form>

1. *On-Site Tree Protection Specifications* ([11.60.030](#))

The applicant has not provided a street tree protection plan. Tree protection is required for all trees required to be retained in accordance with Title 11 Trees, Protection Methods ([11.60.030](#)). Tree protection shall follow either the Prescriptive or Performance path. Protection methods must be shown on the tree plan. If using the Performance path, the alternate tree protection plan must be prepared by an arborist who has visited the site. The protection plan must describe the potential impacts of construction methods, staging areas, equipment usage, loading areas, and building materials that will impact regulated trees.

1. *On-Site Tree Density Standards* ([11.50.050.D](#))

The applicant has not provided a tree planting plan. The required tree area is based on the size and the type of proposed existing development as shown in Title 11 Table 50-2. Trees must be planted at a minimum 1.5 caliper inches. Trees will be required to be planted through the permit review process.



D. Heritage Trees

1. *Heritage Trees* ([11.20.060](#)):

The applicant is responsible for identifying as Heritage trees located on parcels impacted by the development on the City of Portland's Heritage Tree list. These trees must be retained and protected unless removal is approved by the Urban Forestry Commission. Written authorization from Urban Forestry is required prior to any work done to the tree or within the root protection zone.

Recommendations

Urban Forestry supports a project design the minimized impacts to trees within City of Portland.



Water Bureau

DATE: May 19, 2023
TO: Morgan Steele
Bureau of Development Services
FROM: Jamie Wilde, Jamie.wilde@portlandoregon.gov; 503-823-6446
SUBJECT: Review of **23-031948 Exempt Review**

Information requested

- 1) The name, address and telephone number of the contact person assigned to review the application for your jurisdiction.
 - i) Jamie Wilde, Capital Project Manager III
Jamie.wilde@portlandoregon.gov; 503-823-6446
- 2) A list of local ordinances and land use regulations that might apply to construction or operation of the proposed facility, and a description of any information needed for determining compliance.
 - i) Portland City Code - [Title 21 Water](#)
 - ii) [Portland Water Bureau Engineering and Technical Standards Administrative Rule](#)
 - iii) [Columbia South Shore Well Field Wellhead Protection Area Reference Manual](#)
- 3) A list of any local permits that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.
 - i) Plans showing overland route of all proposed facilities. Plan must be legible, to scale, clearly labeled, and show the following along the route of the transmission lines:
 - (i) all property and right-of-way lines
 - (ii) all streets and street names
 - (iii) north arrow
 - (iv) all proposed above and below ground proposed facilities
 - (v) all water facilities including mains, valves, services, and other appurtenances
 - ii) [Utility Protection Plans](#)

Note: Review of the proposal may lead to other requirements from the Portland Water Bureau.
- 4) Recommendations regarding the size and location of analysis areas for impacts to sensitive resources, including resources inventoried in your comprehensive plan.
 - i) Columbia South Shore Well Field Wellhead Protection Area
- 5) A list of studies that your jurisdiction recommends be conducted to identify potential impacts of the proposed facility and mitigation measures.
 - i) We are unable to recommend studies until we've reviewed a specific proposal to identify exact areas of concern to the Water Bureau



CITY OF
PORTLAND, OREGON
 BUREAU OF FIRE & RESCUE
BUREAU OF DEVELOPMENT SERVICES
 1900 SW 4TH Avenue Suite 2100
 Portland, Oregon 97201

FIRE SAFETY PLAN REVIEW CHECKSHEET

Application # : **23-031948-000-00-PR**

Public Registry

Review Date : May 11, 2023

| | | | | |
|--------------|------------------------|---|----------------|--|
| To: | PWP CONTRACT OR | OREGON DEPARTMENT OF ENERGY *CHRISTOPHER CLARK* OREGON DEPARTMENT OF ENERGY 550 CAPITOL STREET NE SALEM OR 97301 USA | Work | (503) 871-7254 |
| | | | Fax | (503) 373-7806 |
| | | | Email | christopher.clark@energy.oregon.gov |
| From: | Fire Bureau Support | Dawn Krantz | Phone Email | 503-823-3718 Dawn.Krantz@portlandoregon.gov |
| | | | | |
| cc: | OWNER | PORT OF PORTLAND PO BOX 3529 PORTLAND, OR 97208-3529 | | |
| | | | | |

PROJECT INFORMATION

| | |
|----------------------|--|
| Street Address: | |
| Description of Work: | Notice of Intent to File an Application for a Site Certificate (NOI) for the Cascade Renewable Transmission System (facility), a proposed 320-kilovolt high-voltage direct current (HVDC) transmission line that would span approximately 100 miles between The Dalles and Portland. |

The following items are in apparent violation of the specific codes or laws noted.

| Item # | Location on plans | Code Section | Clarification / Correction Required |
|--------|-------------------|-------------------------|--|
| 1. | | 2021 Portland Fire Code | A separate building permit may be required for this proposed development. The access and water supply requirements from the 2021 Portland Fire Code may apply based on the future development. |

To respond to this Checksheet, you may need to revise your plans, your supporting documents, or provide additional information. Please see BDS website directions located here: <https://www.portland.gov/bds/permit-review-process/submitting-corrections>. When you finish with your changes, please submit your updated plans and supporting documents. Make sure to include the attached Checksheet Response Form. Visit the BDS Permit Review Process website for more helpful information and available services: <https://www.portland.gov/bds/permit-review-process>

If you want to report a delay, a regulatory conflict or other issue that you have been unable to resolve with your City review team, please visit <https://www.portland.gov/bds/development-permit-processes/report-problem>

If you have questions about this Checksheet, please contact me at the email address or phone number listed above. To check the status of your project, go to <https://www.portlandmaps.com/advanced/?action=permits>. Or you may request the status to be faxed to you, by calling 503.823.7000 and selecting option 4. Please have your IVR number and fax number available.

| | | |
|---|---------------|---------------------|
| FIRE SAFETY PLAN REVIEW CHECKSHEET | Application # | 23-031948-000-00-PR |
| | Review Date: | May 11, 2023 |

Appeals: Pursuant to City Code Chapters 31.10 and 28.03, you may appeal any code provision cited in this Checksheet to the Administrative Board of Appeals within 180 calendar days of the review date. For information on the appeals process, costs, including forms, appeal fee and payment methods, the following information is available: For Fire Code appeals go to www.portlandoregon.gov/fire/31187, call (503) 823-3712 or come in to the Fire Marshal's Office, 1300 SE Gideon St. For Building Code appeals go to www.portland.gov/bds/file-appeal or call (503) 823-7300 for assistance. If you have questions or are not sure if your appeal should be a Fire Code or Building Code appeal, please call the Fire Plan Reviewer listed above. Permit application expiration will not be extended pending resolution of any administrative appeal.



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/bds



To: Morgan Steele
From: Natalie Didion, Life Safety Plans Examiner
Date: May 9, 2023
RE: NE MARINE DR, 23-031948-PR

LIFE SAFETY PLAN REVIEW RESPONSE

The following comments are based on the plans and documents provided to the Life Safety Plan reviewer. They are intended to provide the applicant with preliminary Building Code information that could affect the Land Use Review, Public Records request and/or future Building Permit reviews. The comments may not identify all conflicts between the Land Use proposal and the Building Codes. A complete Life Safety plan review will be provided at the time of Building Permit submittal at which time any additional Building Code issues will be noted. The comments are based on the Oregon Structural Specialty Code (OSSC), the International Existing Building Code (IEBC), the Oregon Mechanical Specialty Code (OMSC), or the Oregon Residential Specialty Code (ORSC).

RESPONSE SUMMARY

Life Safety Plan Review does not object to the approval of this proposal. The applicant should be aware that several building code requirements may impact the final design of this building. For information regarding future compliance, see the **GENERAL LIFE SAFETY COMMENTS** below.

| Item # | GENERAL LIFE SAFETY COMMENTS |
|--------|---|
| 1 | Building Permit Required - A separate Building Permit is required for the proposed Western Converter Station and the proposal must be designed to meet all applicable building codes and ordinances including 2022 Oregon Structural Specialty Code and City of Portland Title 24 Building Regulations. Information about submitting a permit application request is available online at https://www.portland.gov/bds/permit-review-process/apply-or-pay-permits . |
| 2 | Bureau of Development Services Information - It is recommended the applicant contact the Bureau of Development Services Center for more information regarding building code requirements. Please visit the BDS web site at https://www.portland.gov/bds/ for code information and for hours of operation. For questions related to building code requirements: <ul style="list-style-type: none">• For simple questions or issues call (503) 823-1456.• For a brief video conference meeting with a Life Safety reviewer, schedule a 15-Minute Appointment. Information on how to apply for a 15-Minute Appointment may be found online at https://www.portland.gov/bds/early-assistance/15-minute-appointments.• For large or complicated projects the applicant may wish to request a Preliminary Meeting. Information about the Preliminary Meeting process is available online at https://www.portland.gov/bds/early-assistance/life-safety-preliminary-meetings. |
| 3 | Process Management – Due to the size and complexity of the proposed project, it is recommended the applicant contact Process Management at (503) 823-2728 to request a process manager to assist in coordinating the City reviews for this project and arrange a Preliminary Life Safety Meeting with all pertinent reviewers. Additional information for the Process Management program is available online at https://www.portland.gov/bds/commercial-permitting/process-management . |

| | |
|----------|--|
| 4 | Mechanical Permit - A separate Mechanical Permit may be required for the work proposed. 2022 Oregon Mechanical Specialty Code 106.1 |
|----------|--|

| Name of Design Document | Hyperlink to Doc | Summary Description of Document | City Bureau(s) Recommending This Design Doc | Other Notes/Comments |
|--|---|---|---|---|
| Federally Issued | | | | |
| Bald and Golden Eagle Protection Act and implementing regulations | https://www.fws.gov/law/bald-and-golden-eagle-protection-act#:~:text=The%20Bald%20and%20Golden%20Eagle,1%2C%20nests%2C%20or%20eggs. | Recommended if portions the project occur within the area of protection | | |
| Migratory Bird Treaty Act | https://www.fws.gov/law/migratory-bird-treaty-act-1918 | | | |
| Clean Water Act | https://www.epa.gov/laws-regulations/summary-clean-water-act | | Bureau of Environmental Services | |
| Endangered Species Act and implementing regulations | https://www.fws.gov/node/376026 | | Bureau of Environmental Services | |
| EPA - Portland Harbor Superfund Record of Decision | https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.cleanup&id=1002155 | Inwater cleanup construction is currently slated to start summer of 2025 and go through 2040. Remedial designs for the 10 mile site are being developed now. EPA's Community Impact Mitigation Plan (CIMP) will address staging areas, disposal routes, regional equipment needs and other implementation factors that should be considered for project coordination purposes. | Bureau of Environmental Services | Please note there is a unique permitting process that is currently being established for work being proposed with the Portland Harbor boundary. |
| Safe Drinking Water Act | https://www.epa.gov/sdwa | Impacts to water drinking lines, groundwater protection | Portland Water Bureau Bureau of Environmental Services | |
| National Historic Preservation Act | https://www.nps.gov/subjects/historicpreservation/national-historic-preservation-act.htm | The Heron Lakes Golf Course has been recommended as eligible for listing on the National Register of Historic Places. | Portland Parks and Recreation | |
| State-Issued | | | | |
| Department of State Lands (DSL) regulations for work in Waters of the State, found in ORS 196.605 et seq. | https://oregon.public.law/statutes/ors_196.605 | | | |
| DSL removal-fill regulations and permits, OAR 141-085-0500 et seq | https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID_OARD=02AIVgpfSGf8rpHkHSPRHA2LgSpODbcnLU_NeUtawmcqVoZW!1131481227?selectedDivision=350 | Following these regulations will minimize and mitigate wetland impacts. Note: The state 401 certification process (through DEQ) doesn't address removal-fill of wetlands, and the state removal-fill regulations differ from the 404 regulations/process. The state protections, although generally weaker than federal 404 protections, apply to a broader set of waters. | | |
| DSL regulations governing structures on, and uses of, state-owned submerged and submersible land, OAR 141-082-0250 et seq. | https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=347 | | | |
| DEQ Water Quality Section 401 Certification | https://www.oregon.gov/deq/wq/wqpermits/Pages/Section-401-Certification.aspx | Under Section 401 of the Clean Water Act, federal agencies cannot issue a license or permit before DEQ makes a determination that the project can meet Oregon water quality standards. Any conditions that DEQ sets then become conditions of the federal permit or license. | | |
| DEQ NPDES 1200-C Construction Stormwater Permit | https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx | National Pollutant Discharge Elimination System permits are required for stormwater discharges to surface waters from construction and industrial activities and municipalities if stormwater from rain or snow melt leaves your site through a "point source" and reaches surface waters either directly or through storm drainage. A point source is a natural or human-made conveyance of water through such things as pipes, culverts, ditches, catch basins, or any other type of channel. | | |
| Oregon Department of Fish and Wildlife SENSITIVE SPECIES LIST | https://www.dfw.state.or.us/wildlife/diversity/species/docs/Sensitive_Species_List.pdf | The "sensitive" species classification was created under Oregon's Sensitive Species Rule (OAR 635-100-0040). The Sensitive Species List focuses on fish and wildlife conservation, management, and research and monitoring activities on species that need conservation attention. It serves as an early warning system for biologists, land managers, policy makers, and the public. | Bureau of Environmental Services | |

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| DEQ ECSI and LUST Regulated Sites - CMMPs and SAPs | https://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/ecsi.aspx https://www.oregon.gov/deq/tanks/Pages/Leaking-Undergr-Tanks.aspx | The project may be within areas of known/suspect contaminated sites listed in DEQ's Environmental Cleanup Site Information (ECSI) and Leaking Underground Storage Tank (LUST) databases. The City recommends the applicant consult with DEQ to understand if the project area will impact any listed ECSI or LUST sites and be required to follow DEQ approved Contaminated Management Media Plans and/or Soil Management Plans. | Bureau of Environmental Services | |
| City-Issued | | | | |
| Portland City Code Title 33 (Planning and Zoning Code) | https://www.portland.gov/code/33 | The City's Zoning Code, which includes use and development regulations. In general, Title 33 applies to all land and water within the City. However, in addition to specific regulations called out below, any alterations must not result in existing development moving out of conformance or further out of conformance with applicable requirements. Development standards related to landscaping and parking in 33.100s, 33.248 and 33.266 should be reviewed for any alteration on property. The proposed development is classified by the Zoning Code as a Rail Lines and Utility Corridors use (33.920.550). Zoning requirements for this use would not apply within public rights-of-way except within Greenway, Environmental, and Scenic overlay zones (33.10.030.B). Wherever the proposed construction would cross into tax lots zoned OS, R, CI, or C, Type III Conditional Use Review would be triggered, except for tax lots in the CR zone, where Rail Lines and Utility Corridors use is prohibited. A Type III Comprehensive Plan Map/Zoning Map Amendment would be required for CR-zoned tax lots. The approval criteria for a Conditional Use Review are in 33.815.230. The approval criteria for a Comprehensive Plan Map/Zoning Map Amendment are found in Zoning Code Sections 33.810.050 and 33.855.050. | Bureau of Development Services | |
| 33.296, Temporary Activities | https://www.portland.gov/sites/default/files/code/296-temp-activ.pdf | Temporary activities, such as construction staging, are subject to the regulations of this chapter. Note that construction activities in Environmental and some Greenway overlay zones are subject to regulations for a permanent use. | Bureau of Development Services | |
| 33.420, Design overlay zone | https://www.portland.gov/sites/default/files/code/420-design.pdf | Areas within the Bridgeton neighborhood are within a Design overlay zone. Unless exempt, alterations or new development on property will be subject to Design standards or Design Review. | Bureau of Development Services | |
| 33.430, Environmental Overlay Zones | https://www.portland.gov/sites/default/files/code/33.430-environmental-zones.pdf | The Environmental Protection and Environmental Conservation overlay zones, as described in Chapter 33.430, Environmental Zones, are applied in many areas along and near the Columbia River and Columbia Slough, including existing levees. These overlay zones require the identification of natural resources, an alternatives analysis, and mitigation of natural resource impacts when they are unavoidable. 33.430 contains a range of development standards that applicants can use to meet the requirements of the chapter. Where relevant development standards are not included in the chapter, or when a proposal does not meet standards, Environmental Review (i.e., land use review) is required to demonstrate compliance. The approval criteria for Environmental Reviews are found in Zoning Code Section 33.430.250. | Bureau of Development Services | |
| 33.440, Greenway Overlay Zones | https://www.portland.gov/sites/default/files/code/33.440-greenway-overlay-zones.pdf | The Greenway overlay zones, as described in Chapter 33.440, Greenway Overlay Zones, are applied in many areas along the North Reach of the Willamette River. These overlay zones require the protection, conservation, and enhancement of natural, scenic, historical, economical, and recreational qualities of lands along the Willamette River. 33.440 contains a list of development activities that must be approved through a Greenway Review (i.e., land use review) to demonstrate compliance. The approval criteria for Greenway Reviews are found in Zoning Code Section 33.440.350. | Bureau of Development Services | |

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| 33.480, Scenic Resource Overlay zone | https://www.portland.gov/sites/default/files/code/480-scenic.pdf | Marine Drive, from the Columbia Edgewater Golf Course, east to the I-205, is designated as a scenic corridor (SD 12-04). Landscaping and tree removal limitations apply in the scenic (s) overlay zone. See 33.480.040.B. | Bureau of Development Services | |
| 33.565 Portland Int'l Airport Plan District | https://www.portland.gov/sites/default/files/code/33.565-portland-international-airport-plan-district.pdf | This Portland International Airport Plan District includes more detailed regulations for areas around the Airport. This project includes activities within the Middle Columbia Slough and Airport Subdistricts. The environmental regulations in this plan district supplement chapter 33.430. | Bureau of Development Services | |
| 33.730, Quasi-Judicial Procedures | https://www.portland.gov/sites/default/files/code/730-qj-procd.pdf | States the procedures and requirements for quasi-judicial land use reviews, such as Environmental and Greenway Reviews. The Type II (33.730.020) or Type III (33.730.030) procedures may apply to components of this project. A pre-application conference is required before submittal of a Type III land use review. | Bureau of Development Services | |
| Greenway Goal Exception | https://www.portland.gov/sites/default/files/code/33.840-greenway-goal-exception.pdf | Approval of an exception to Statewide Planning Goal 15 - Willamette Greenway, is required to locate a development that is not river-dependent or river-related within or riverward of the Greenway Setback. A greenway goal exception is processed through a Type III procedure, and must be approved by City Council. See also 33.850, Statewide Planning Goal Exceptions. The approval criteria for Greenway Goal Exceptions are found in Zoning Code Sections 33.840.200 and 33.850.040. | Bureau of Development Services | |
| City of Portland Comprehensive Plan 2035, particularly its Goals and Policies | https://www.portland.gov/bps/planning/comp-plan/vision-growth-and-progress/2035-comprehensive-plan-and-supporting-documents | See particularly the following goals and policies: <ul style="list-style-type: none"> •Policy 2.4, addresses disproportionate burdens on communities of color, low-income populations, and other under-served or under-represented groups. •Goal 7, policies regarding environmental quality and habitat protection in the Columbia River and Willamette River watersheds. •Policy 8.50, encourages undergrounding of electrical facilities in public rights-of-way, especially in centers and along Civic Corridors. | Bureau of Development Services | |
| City of Portland Natural Resource Inventories and Natural Resource Management Plans | https://www.portland.gov/bps/planning/environ-planning/environment-river-documents | There are a number of Natural Resource Inventories and Natural Resource Management Plans that apply to areas within the Columbia Corridor, including the Industrial-Environmental Mapping Project for Columbia Corridor (1989), Middle Columbia Corridor/Airport Natural Resources Inventory and Middle Columbia Corridor / Airport Economic, Social Environmental and Energy (ESEE) Analysis (2011), East Columbia Neighborhood Natural Resources Management Plan (1990) and Natural Resources Management Plan for Peninsula Drainage District No. 1 (1997). These underlying management plans are expected to be replaced by Natural Resource Inventories and Protection Plans for the Columbia Corridor that will be adopted as a part of the Columbia Corridor and Industrial Lands Environmental Overlay Zone Project (https://www.portland.gov/bps/planning/environ-planning/industrial-zones). This new management plan is expected to be completed by the end of 2024. | Bureau of Development Services | |
| PEN 1 NRMP | https://www.portland.gov/bps/environ-planning/documents/peninsula-drainage-district-no-1-nrmp-1997/download | The Peninsula Drainage District No.1 Natural Resource Management Plan supplements 33.430 regulations. It includes approved projects and mitigation requirements and review triggers specific to the area. | Bureau of Development Services | |

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| West Hayden Island Multnomah County Code, Chapter 39 | https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/ch39_1.pdf | Under an Urban Planning Area agreement between the City and Multnomah County, the City of Portland is responsible for administrating planning and zoning regulations on county lands at West Hayden Island. County zoning at this site is Multiple Use Forestry (MUF) with a Significant Environmental Concern (SEC) Overlay Zone. The installation of the transmission line across West Hayden Island therefore requires a Significant Environmental Concern review and may require a Conditional Use review. These reviews would be processed using City procedures but are subject to Chapter 39 of the Multnomah County Code. | Bureau of Development Services | |
| Portland City Code Title 10 Erosion and Sediment Control Requirements | https://www.portland.gov/code/10 | This Title provides requirements for ground-disturbing activities related to construction or other uses in order to reduce erosion and discharges of sediment and pollutants. The Erosion and Sediment Control Regulations seek to: Reduce the sediment and pollutants contained in erosion caused by construction and development; Reduce the amount of sediment and pollutants entering storm drainage systems and surface waters from all ground disturbing activity; Reduce the amount of erosion placing dirt and mud on the public right-of-way and surrounding properties during construction and development; and, Reduce the amount of soil and dust placed into the air during ground disturbing activity. | Bureau of Development Services | |
| City of Portland Erosion and Sediment Control Manual | https://www.portland.gov/policies/environment-built/sewer-stormwater-erosion-control/enb-410-erosion-and-sediment-control | This Erosion and Sediment Control Manual (Manual) provides administrative rules and technical guidance for installing and managing temporary and permanent erosion prevention and sediment control. It applies to all ground-disturbing activities, including development activities that can cause erosion and mobilization of pollution during the construction process, and helps ensure long-term site stabilization. The Manual clarifies the intent of and creates standards to comply with Portland City Code (PCC) Title 10, Erosion and Sediment Control Regulations. | Bureau of Development Services | |
| Portland City Code Title 24 (Building Code) | https://www.portland.gov/code/24 | Among other things, this Title includes local regulations/permit requirements related to site grading (Chapter 24.70) and balanced cut-and-fill requirements for development in federal flood hazard areas. | Bureau of Development Services | |
| City of Portland - Chapter 24.50 - Flood Hazard Areas | https://www.portland.gov/code/24/50 | The City of Portland participates in the National Flood Insurance Program (NFIP) administered by FEMA and regulates local flood hazard regulations through PCC Title 24.50 Flood Hazard Area. The purpose of PCC Title 24.50 is to protect the public health, safety, and welfare by restricting or prohibiting uses which are dangerous to health, safety, or property in times of flood or which cause increased flood heights or velocities, and by requiring that uses and structures vulnerable to floods be protected from flood danger at the time of initial construction. The Cascade Renewable Transmission System and 320-kv transmission line will encroach into floodway waters (the Columbia and Willamette Rivers) and floodplain fringe that are regulated by the City of Portland for flood hazard compliance under Title 24.50 Flood Hazard Areas. Key portions of Title 24.50 that may impact the project include encroachments into the floodway (Title 24.50.060.D) and trenching/grading in the floodway or floodplain fringe (Title 24.50.060.F.8). | Bureau of Development Services | In 2016, the National Marine Fisheries Service (NMFS), the federal agency responsible for many of the protected species in Oregon, issued a biological opinion (BIOp) that concluded that the scope of development currently allowed in the FEMA Special Flood Hazard Areas jeopardizes the continued existence of 18 threatened or endangered species. In coordination with FEMA, the City introduced a Floodplain Resilience Plan to reduce floodplain development impacts to endangered and threatened fish species. The City is preparing changes to Title 24.50 Flood Hazard Areas and Title 33 Zoning requirements that will align the City's administration of the National Flood Insurance Program (NFIP) with the Endangered Species Act (ESA) and FEMA guidelines. |

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| Title 24.50.060.D - Floodway Encroachments | https://www.portland.gov/code/24/50/060 | Encroachments into the floodway by development and structures defined in Section 24.50.020 are prohibited unless it is demonstrated by technical analysis from a registered engineer that the development will result in no increase in the base flood elevation (aka No-Rise Analysis). In areas where a regulatory floodway has not been designated, no new construction, substantial improvement or other development (including fill) shall be permitted within Zone AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community. Technical analysis shall be reviewed and approved by the Sewage System Administrator. However, the minimum width of the floodway shall not be less than 15 feet. | Bureau of Development Services | |
| Title 24.50.060.F.8 - Balanced Cut and Fill | https://www.portland.gov/code/24/50/060 | In all Flood Management Areas of the City not addressed by Section 24.50.060 G, balanced cut and fill shall be required. All fill placed at or below the base flood elevation shall be balanced with at least an equal amount of soil material removal. Soil material removal shall be within the same flood hazard area identified in Section 24.50.050 A, through I. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions. Temporary fills permitted during construction shall be removed. | Bureau of Development Services | |
| City of Portland Chapter 24.70 - Clearing, Grading, and Retaining Walls | https://www.portland.gov/code/24/70 | Development requirements for clearing, grading, earthwork, and retaining wall construction on private property | Bureau of Development Services | |
| 2022 Oregon Structural Specialty Code | https://www.oregon.gov/bcd/codes-stand/Pages/commercial-structures.aspx | Building Code requirements | Bureau of Development Services | |
| 2022 Oregon Mechanical Specialty Code | https://www.oregon.gov/bcd/codes-stand/Pages/mechanical.aspx | Mechanical Code requirements if mechanical equipment will be installed in Western Converter Station | Bureau of Development Services | |
| City of Portland Plant List | https://www.portland.gov/bps/planning/environ-planning/portland-plant-list | The Portland Plant List is comprised of two lists and supporting information: the Native Plants List and the Nuisance Plants List. Both plant lists are integral to the City of Portland's natural resource protection programs and invasive species management strategy. Only plants from the Native Plants List may be planted in Environmental, Greenway, and River Overlay Zones and are encouraged throughout the city. Plants on the Nuisance Plant List may not be planted in Environmental overlay zones or in any City-required landscaped areas or mitigation sites. | Bureau of Development Services Bureau of Environmental Services | |
| City of Portland Natural Resources Inventory, as updated by the Wetlands Inventory Project | https://efiles.portlandoregon.gov/record/15906533 https://www.portland.gov/bps/planning/environ-planning/industrial-ezones/about-wip | The Natural Resources Inventory inventories natural resources, including riparian corridors and wildlife habitat, in the city. The Wetland Inventory Project (WIP), led by the Bureau of Environmental Services, is using the Oregon Department of State Lands methodology to map wetlands throughout all of Portland. Wetlands are critical features that hold stormwater, reduce flood risks, improve water quality and provide habitat. The WIP data will be incorporated directly into the city's Natural Resources Inventory (NRI) and used to inform multiple planning projects, including the Buildable Lands Inventory and Economic Opportunity Analysis update. | Bureau of Environmental Services | |
| City of Portland Stormwater Management Manual | https://www.portland.gov/bes/stormwater/swmm | All projects within Portland that develop or redevelop impervious areas over 500 square feet on private and public property and in the public right-of-way must meet the requirements of the Stormwater Management Manual (SWMM). The regulations in the SWMM help the City meet regulatory requirements in its NPDES MS4 and Wastewater Discharge Permits (issued under the Federal Clean Water Act) and in its WPCF permit (issued under the Federal Safe Drinking Water Act). See BES Response memo for further details on applicability to the project. | Bureau of Environmental Services | |

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| City of Portland Source Control Manual | https://www.portland.gov/bes/preventing-pollution/scm | Includes various Source Control requirements, including those related to contaminated sites/soils in Chapter 8 and related to construction site dewatering in Chapter 9. See BES Response memo for further details on applicability to the project. | Bureau of Environmental Services | |
| City of Portland Sewer and Drainage Facilities Design Manual | https://www.portland.gov/bes/sdfdm | New lateral connections to City-owned sewers should meet the requirements of The City of Portland Sewer and Drainage Design Manual. The SDFDM governs design methods and resilient material selection. See BES Response memo for further details on applicability to the project. | Bureau of Environmental Services | |
| City of Portland's Bird Nest Protection BMPs | https://www.portlandoregon.gov/bes/77851 | These BMPS are the basis for BES' current programmatic Migratory Bird Treaty Act (MBTA) permit issued by the U.S. Fish and Wildlife Service. The same BMPs are codified in the City's Standard Construction Specifications that apply to all city capital projects and development (permit) projects. If you plan on doing vegetation removal during the nesting season, this is a good resource on how to design your project with the least impact to birds. | Bureau of Environmental Services | |
| Hayden Island Natural Resource Inventory - 2012 draft | | The purpose of this inventory report is to provide useful, current, and accessible information on the location of existing natural resource features and functions for Hayden Island. The report includes descriptions and maps of the current relative condition of riparian corridors and wildlife habitat located on East and West Hayden Island and the portion of the Columbia River surrounding Hayden Island, including the Oregon Slough and southern bank of the Columbia River adjacent to the island. Please reach out to Melissa Brown at BES (melissa.brown@portlandoregon.gov) for a copy of the report. | Bureau of Environmental Services | |
| Port of Portland-City of Portland IGA for the Airport Plan District | | Work along NE Marine Drive near the airport could possibly trigger natural resource mitigation under the Port-City IGA for the Airport Plan District. Contact Julie Matney (julie.matney@portlandoregon.gov) at BES for more information. | Bureau of Environmental Services | |
| Portland City Code Title 17 | https://www.portland.gov/code/17 | See the following Chapters specifically: 17.16 General Provisions; 17.24.067 Hazardous Waste; 17.28 Sidewalks, Curbs and Driveways; 17.32 Public Sewer and Drainage System Permits Connections and Maintenance; 17.38 Drainage and Water Quality; 17.39 Storm System Discharges; 17.40 Protection of Public ROW; 17.52 Trees; 17.56 Public Utilities, 17.64 Protection of City Owned Telecommunication Lines and Equipment, Street Lighting and Traffic Signal Equipment; 17.68 Street Lights; 17.88 Street Access; 17.96 Surveys, Elevations and Monuments | Bureau of Transportation Bureau of Environmental Services | |
| Portland City Code Section 17.24.067 | https://www.portland.gov/code/17/24/067 | Portland City Code section 17.24.067 generally requires that any fill placed in the public ROW meet that section's definition of "utility corridor fill." https://www.portland.gov/code/17/24/067 To meet the definition, fill must meet very low contaminant thresholds, so this section of code often prevents parties from simply dumping soil removed for construction of underground utilities back into the utility corridor. | Bureau of Transportation and Bureau of Environmental Services | |
| City Construction Specifications | https://www.portland.gov/transportation/engineering/construction-specifications | Includes Standard Specifications, PBOT Special Provisions, PBOT Unique Special Provisions, and Requirements for Fire Department Access and Water Supplies | Bureau of Transportation Bureau of Environmental Services Portland Water Bureau Portland Fire and Rescue | |
| City of Portland Standard Construction Specifications | https://www.portland.gov/sites/default/files/2021/2020-city-of-portland-standard-construction-specifications_0.pdf | City of Portland Standard Construction Specifications need to be used so that the construction of the design can be inspected in the field and the contractor is aware of workmanship requirements as well as knowledge of the pay items. | Bureau of Transportation, Bureau of Environmental Services, Portland Water Bureau | |
| Portland Pedestrian Design Guide | https://www.portland.gov/transportation/planning/pedestrian-design-guide-update | | Bureau of Transportation | |

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| Transportation Standard Details and Drawings | https://www.portland.gov/transportation/engineering/standard-details-and-drawings | | Bureau of Transportation | |
| PBOT Utility | PCC 17.24 Permits PCC 17.56 Public Utilities PCC 17.60 Underground Wiring Districts TRN 10.19 Utility Permits in the Right-of-Way | All infrastructure installation, construction, reconstruction, repair, alteration or maintenance relevant to the distribution, transmission or collection of electric or telecommunications service in City of Portland Rights of Way must adhere to the requirements as laid out in the following Portland City Codes and Administrative Rules | Bureau of Transportation | |
| PBOT Construction Documents and Forms | https://www.portland.gov/transportation/engineering/construction-documents-and-forms | Restoration of the Right of Way must be completed utilizing the following standard drawings and construction specifications, with consultation and inspection services provided by PBOT Public Works Inspection staff | Bureau of Transportation | |
| PBOT Construction Documents and Forms | Including relevant PBOT Unique Special Provisions | see above | Bureau of Transportation | |
| PBOT Construction Documents and Forms | PBOT Standard Drawings P-500 through P-599 | PBOT standard drawings. | Bureau of Transportation | |
| PBOT Encroachments | https://www.portland.gov/transportation/development/encroachment-permits | For any Encroachments that do not meet PBOT's standard encroachment provisions. | Bureau of Transportation | |
| PBOT Temporary Street Use Permits (TSUP) | TRN-10.03 www.tsup.info | A temporary street use permit (TSUP) must be obtained for any temporary use or closure of the public right of way. Applications, fee information, insurance requirements, and more details about the temporary street use permitting process can be found on the website. | Bureau of Transportation | |
| PBOT Development Review | https://www.portland.gov/code/17/88/020 | If the projects triggers either of the Developmental thresholds for frontage improvements to the public Right-of-Way | Bureau of Transportation | |
| PBOT ADA Technical Resources - Design, Construction and Reporting | https://www.portland.gov/transportation/engineering/ada-design-construction-and-reports | | Bureau of Transportation | |
| PBOT Land Survey and Engineering | https://www.portland.gov/transportation/engineering/land-survey | | Bureau of Transportation | |
| PBOT Civil Design Guide for Public Street Improvements | https://www.portland.gov/transportation/engineering/documents/civil-design-guide-public-street-improvements-0/download | | Bureau of Transportation | |
| Portland City Code Title 21 (Water) | https://www.portland.gov/code/21 | | Portland Water Bureau | |
| Portland Water Bureau Manuals and Design Standards | https://www.portland.gov/water/water-development-services/water-manuals-and-design-standards | The Portland Water Bureau expects projects interacting with the water system in the right of way to use these manuals and CAD standards to understand the City's design and construction requirements. | Portland Water Bureau | |
| Portland Water Bureau Guidelines for Utility Protection | PORTLAND WATER BUREAU | Utility Protection Plans could be required in areas where an impact to the water infrastructure is possible. | Portland Water Bureau | |
| Portland Water Bureau Engineering & Technical Standards Administrative Rule | Portland Water Bureau Engineering & Technical Standards Administrative Rule Portland.gov | Describes required separations from water system components and other technical and engineering standards related to work on or around the City of Portland's water infrastructure. | Portland Water Bureau | |
| Portland City Code Title 11 (Tree Code) | https://www.portland.gov/code/11 | This Title establishes requirements for tree preservation, removal, and planting on public and private property. It also provides standards for tree and root protection during development and non-development projects. | Portland Parks and Recreation (Urban Forestry) Bureau of Development Services | |
| Urban Forest Management Plan PRK-2.01 | https://www.portland.gov/policies/parks-and-recreation/urban-forestry/prk-201-urban-forestry-management-plan | Provides direction for the maintenance and improvement of the urban forest. | Portland Parks and Recreation (Urban Forestry) | |
| Urban Forestry Administrative Rule PRK-2.04 | https://www.portland.gov/policies/parks-and-recreation/urban-forestry/prk-204-replanting-requirements-tree-removal-private | Includes replanting requirements for tree removal and associated mitigation on city-owned and managed sites and public rights-of-way. | Portland Parks and Recreation (Urban Forestry) | |
| Urban Forestry Tree Protection Detail | https://www.portland.gov/trees/trees-development/documents/street-tree-protection-detail-prescriptive-path-active-protection/download | Protection standards for trunk, soil, and tree canopy | Portland Parks and Recreation (Urban Forestry) | |
| Tree planting standards | https://www.portland.gov/trees/treepermits/documents/street-tree-planting-standards/download | | Portland Parks and Recreation (Urban Forestry) | |
| Heritage Tree Protection | https://www.portland.gov/trees/heritage#toc-heritage-tree-map | Notes location of private and street tree with Portland that have received Heritage Tree status. Additional protection regulations apply and most follow requirements in Title 11 11.20.060 | Portland Parks and Recreation (Urban Forestry) | |
| Urban Forestry Preliminary Project Design Form (PPDF) | https://www.portland.gov/trees/trees-development/documents/urban-forestry-preliminary-project-design-form/download | Development on City owned or managed sites, new public streets, or improvements to existing streets | Portland Parks and Recreation (Urban Forestry) | If project will impact street trees across many different tax lots this form can be used consolidate requirements |
| Tree protection during construction guidance | https://www.portland.gov/trees/trees-development/construction-and-tree-preservation | This page provides information to comply with the City's tree protection requirements, including a list of permitted activities in root protection zone. | Portland Parks and Recreation (Urban Forestry) | |
| Non-Park Use Policy | https://www.portland.gov/parks/non-park-use-permit-policies | PRK-1.02 - Non-Park Use of Park Property | Portland Parks and Recreation | |
| Non-Park Use App and Fees | https://www.portland.gov/parks/non-park-use-permit-policies | Program details and application process | Portland Parks and Recreation | |

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| Forest Park Natural Resources Management Plan | https://www.portlandoregon.gov/bps/index.cfm?&a=103939 | This document provides goals, guidelines, and approval criteria for development and restoration activities in Forest Park. | Portland Parks and Recreation | The proposed project does not appear to directly impact Forest Park - however, this document may be relevant in the larger context of the project. The proposed transmission line connects to the Harborton Substation. There are additional transmission lines that are proposed to connect to Harborton Substation on the west side that could result in significant impacts to Forest Park. Does the connection of this proposed transmission line to the Harborton Substation impact development of additional transmission lines to the west of the substation? |



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191346

Emergency Ordinance

*Designate the Director of the Bureau of Development Services to represent and act on the City's behalf as the Special Advisory Group for the Cascade Renewable Transmission System

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Under Oregon Revised Statute (ORS) 469.310, the Oregon Legislature declared that it is the policy of the State that siting, construction, and operation of energy facilities shall be accomplished in a manner consistent with protection of public health and safety and in compliance with the energy policy and air, water, solid waste, land use and other environmental protection policies of this state. "Energy Facilities" are defined under ORS 469.300(11).
2. On March 7, 2023, the Oregon Department of Energy (Department), staff to the Energy Facility Siting Council (EFSC), received a Notice of Intent to File an Application for a Site Certificate (NOI) for the Cascade Renewable Transmission System (facility). The facility is a proposed 320-kilovolt high-voltage direct current (HVDC) transmission line that would span approximately 100 miles between The Dalles and Portland.
3. On April 4, 2023, the Oregon Department of Energy sent notice to the City seeking comments on the NOI by June 1, 2023.
4. According to the notice sent to the City, the majority of the HVDC line would be installed in the bed of the Columbia River using a hydro jet cable burial machine, or "jet plow." The jet plow temporarily fluidizes sediment in an approximately 18-inch-wide trench, places the cable in the trench, and allows the sediment to settle back over the cable, burying it at the prescribed depth in the riverbed. Where the cable cannot be buried, a concrete mattress or a rock berm would be used to keep the cable weighted down and protected from damage. An approximately 7.5-mile segment of the HDVC line would be buried in lands adjacent to the river near Stevenson, Washington to avoid the

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Development Services \(BDS\)](#)

Contact

Andrew Gulizia

Planner II. City-Land Use

✉ andrew.gulizia@portlandoregon.gov

☎ [503-865-6714](tel:503-865-6714)

Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

June 28, 2023

Bonneville Lock and Dam.

5. Additional underground segments would connect in-river transmission lines to two converter stations constructed near points of interconnection at both ends of the line. The Eastern Converter Station would be located near The Dalles and would connect to the Bonneville Power Administration's Big Eddy Substation with approximately 500 feet of overhead 500-kV AC transmission line. The Western Converter Station would be located in the Rivergate Industrial District in North Portland and would be connected to Portland General Electric's Harborton Substation with 230-kV AC cables installed under the Willamette River using horizontal-directional drilling.
6. In addition to obtaining necessary federal approvals, the applicant must obtain a Site Certificate from EFSC prior to the construction and operation of the proposed facility. The information provided in the NOI, and any comments provided by tribal governments, state agencies and local governments and the general public are used to prepare a Project Order outlining the requirements for the Application Site Certificate. During the review of the Application, EFSC will determine if the proposed facility complies with the Energy Facility Siting Council's standards established under Oregon Administrative Rule (OAR) chapter 345; other Oregon statutes and administrative rules applicable to the issuance of a site certificate; and the statewide planning goals adopted by the Land Conservation and Development Commission.
7. Under ORS 469.504, the applicant may choose to demonstrate compliance with the statewide planning goals by obtaining local land use approval from the affected local government or by seeking a determination of compliance from the EFSC. In the NOI, the applicant indicated that it intends to seek a determination from the EFSC.
8. To assist in the land use review, the governing bodies of all Oregon local governments within whose jurisdiction the facility is proposed to be located will be designated as Special Advisory Groups. In addition to reviewing application materials and providing comments, Special Advisory Groups, or their designees, will be asked to identify substantive criteria from government's acknowledged comprehensive plan and land use regulations that apply to the review of the proposed facility.
9. In accordance with ORS 469.350 and OAR 345-015-0120, the Department requests the following information by June 1, 2023; however, the City was granted an extension to July 15, 2023:
 - The name, address and telephone number of the contact person assigned to review the application for your jurisdiction.
 - A list of local ordinances and land use regulations that might apply to construction or operation of the proposed facility, and a

description of any information needed for determining compliance.

- A list of any local permits that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.
- Recommendations regarding the size and location of analysis areas for impacts to sensitive resources, including resources inventoried in your comprehensive plan.
- A list of studies that your jurisdiction recommends be conducted to identify potential impacts of the proposed facility and mitigation measures.


10. Local governments may also provide a response at the time of Application for Site Certificate and Draft Proposed Order. The City may provide additional comments or responses at those times or other possible opportunities granted by the Department.

NOW, THEREFORE, the Council directs:

- A. The Director of the Bureau of Development Services, or designee, is hereby designated to act on the City of Portland's behalf as the Special Advisory Group for the purposes of the initial response as well as an ongoing response in response to the Application for Site Certificate and Draft Proposed Order.
- B. The Director shall coordinate with all City Bureaus to ensure that all City Codes are considered in the City's response.

Section 2. The Council declares that an emergency exists because the Department of Energy requests City comments by July 15, 2023 and delay in the enactment of this ordinance would result in a delay in responding to the Department of Energy; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Memo to Council](https://www.portland.gov/sites/default/files/council-documents/2023/authority-designation-for-odoe-noi-process-memo-to-council-062823.pdf) (https://www.portland.gov/sites/default/files/council-documents/2023/authority-designation-for-odoe-noi-process-memo-to-council-062823.pdf), 206.4 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
June 28, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

On March 7, 2023, Cascade Renewable Transmission, LLC submitted a Notice of Intent to File an Application for a Site Certificate (NOI) to the Oregon Energy Facility Siting Council (EFSC). The proposal is for a 320-kilovolt high-voltage direct current (HVDC) transmission line that would span approximately 100 miles between a Bonneville Power Administration substation near The Dalles and an existing Portland General Electric substation in Northwest Portland. Most of the transmission line would be under the Columbia River.

Under ORS 469.504, in addition to seeking federal approval for the project, the applicant may choose to seek land use approval from affected local governments or seek a determination of compliance from the EFSC. In the NOI, the applicant indicated that it intends to seek a determination from the EFSC. This means the City of Portland and other local governments along the transmission route will not have regulatory authority over the project. However, local governments including the City of Portland are designated as Special Advisory Groups for the state's review of the project.

On April 4, 2023, the Oregon Department of Energy sent notice to the City of Portland seeking comments on the NOI, specifically to identify land use regulations and local permit requirements that would apply to portions of the project within the City of Portland if regulatory authority were not preempted. The City's deadline to submit comments is July 15, 2023. This ordinance would authorize the Director of the Bureau of Development Services or her designee to act on the City of Portland's behalf coordinating with City bureaus on relevant regulations and permit requirements and responding to the Oregon Department of Energy's request for comments.

Financial and Budgetary Impacts

This ordinance has no budgetary impacts and would not impact staffing levels.

Community Impacts and Community Involvement

This ordinance would only allow the Bureau of Development Services to respond to the Oregon Department of Energy's request for comments on behalf of the City of Portland.

100% Renewable Goal

Though the project is related to renewable energy transmission through the state, this ordinance would only allow the Bureau of Development Services to respond to the Oregon Department of Energy's request for comments on behalf of the City of Portland.

Agenda Items

544 Consent Agenda in [June 28, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/6/28)
(<https://www.portland.gov/council/agenda/2023/6/28>)

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

Attachment 3: Reviewing Agency Comments

From: [Peacher, Kimberly N CIV USN NAVFAC NW SVD WA \(USA\)](#)
Sent: Wednesday, April 19, 2023 8:14 PM
To: [CLARK Christopher * ODOE](#)
Cc: [ADAMS Walter * ODOE](#)
Subject: Re: Comments requested on NOI for the Cascade Renewable Transmission System by June 1, 2023

Categories: Tracked To Dynamics 365

Christopher,

Appreciate your help and coordination.

Have a good night.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
[\(360\) 930-4085](tel:(360)930-4085)

From: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Sent: Wednesday, April 19, 2023 4:40 PM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Cc: ADAMS Walter * ODOE <Walter.ADAMS@energy.oregon.gov>
Subject: [Non-DoD Source] RE: Comments requested on NOI for the Cascade Renewable Transmission System by June 1, 2023

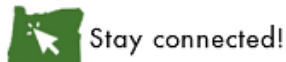
Hello again,

The email is sufficient for the comment, and I will make sure it is included in the record and will provide the height of the eastern converter station and overhead 230-kv lines when they are available.

Thank you,



Christopher M. Clark
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
christopher.clark@energy.oregon.gov
P: 503-871-7254



From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Sent: Wednesday, April 19, 2023 3:08 PM
To: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Cc: ADAMS Walter * ODOE <Walter.ADAMS@energy.oregon.gov>
Subject: RE: Comments requested on NOI for the Cascade Renewable Transmission System by June 1, 2023

Christopher,

There is a small potential that the line could obstruct into military utilized airspace, as depicted on the attached map. As such, height is a potential concern.

When available, please provide the height for the structures out of the Columbia River or associated trenches.

Do you need a formal comment or does this email suffice?

Thank you.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

From: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Sent: Wednesday, April 19, 2023 2:27 PM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Cc: ADAMS Walter * ODOE <Walter.ADAMS@energy.oregon.gov>
Subject: [Non-DoD Source] RE: Comments requested on NOI for the Cascade Renewable Transmission System by June 1, 2023

Hi Kim,

Sorry for the difficulty, I am glad Wally was able to get you the GIS Data.

You are correct that the majority of the line would be buried either in the bed of the Columbia River or in trenches in lands adjacent to the river. Above ground components would include the two converter stations and an approximately 500-foot section of overhead transmission lines connecting the eastern converter station to the BPA's Big Eddy Substation just to the east of The Dalles. We don't have height estimates for either the converter stations or the overhead lines at this point, but we will ensure that information is included in the application and I will let you know if we find out anything sooner.

If there are potential height concerns at or near the locations of either of the converter station locations identified in the shapefile please let us know in your comments.

Thank you,



Christopher M. Clark
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
christopher.clark@energy.oregon.gov
P: 503-871-7254



Stay connected!

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Sent: Wednesday, April 19, 2023 1:51 PM
To: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Cc: ADAMS Walter * ODOE <Walter.ADAMS@energy.oregon.gov>
Subject: RE: Comments requested on NOI for the Cascade Renewable Transmission System by June 1, 2023

Hello Chris,

I was able to download the geodatabase Wally provided. There was an issue getting it to the size and file type.

To confirm, this would be underwater correct? For the portion above surface, what will be the height of the structure?

Thank you.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

From: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Sent: Tuesday, April 4, 2023 5:33 PM
To: kimberly.peacher@navy.mil; White, Melody J CIV USARMY CENWP (USA) <Melody.J.White@usace.army.mil>; Mott, Katharine A CIV USARMY CENWP (USA) <Katharine.A.Mott2@usace.army.mil>; Bird-Gauvin, Sally A CIV USARMY CENWP (USA) <Sally.A.Bird-Gauvin@usace.army.mil>; omar.m.ortiz@usace.army.mil; Ann_E_Gray@fws.gov; Doug_Young@fws.gov; WOLNIAKOWSKI Krystyna <Krystyna.WOLNIAKOWSKI@gorgecommission.org>; ckellon@nwcouncil.org; BLEAKNEY Leann <lbleakney@nwcouncil.org>; BROWN Jordan A * ODA <Jordan.A.BROWN@oda.oregon.gov>; JOHNSON James * ODA <James.JOHNSON@oda.oregon.gov>; PIKE Brandon <Brandon.PIKE@odav.oregon.gov>; PECK Heather <heather.peck@odav.oregon.gov>; BRITTAIN Jeffrey * DEQ <Jeffrey.BRITTAIN@deq.oregon.gov>; MRAZIK Steve * DEQ <Steve.MRAZIK@deq.oregon.gov>; SLATER Sara * DEQ <Sara.SLATER@deq.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; JTokarczyk@ODF.state.or.us; SUMPTION Lisa * OPRD <Lisa.SUMPTION@opr.oregon.gov>; MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@dogami.oregon.gov>; FOOTE Hilary * DLCD <Hilary.FOOTE@dlcd.oregon.gov>; JININGS Jon * DLCD <Jon.JININGS@dlcd.oregon.gov>; BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>; MCKERNAN Amber * DSL <amber.mckernan@dsl.oregon.gov>; POAGE Barbara * DSL <Barbara.POAGE@dsl.oregon.gov>; HARRINGTON Bethany * DSL <Bethany.HARRINGTON@dsl.oregon.gov>; STEVENSON Chris * DSL <Chris.STEVENSON@dsl.oregon.gov>; ZATTA Jaclyn * DSL <Jaclyn.ZATTA@dsl.oregon.gov>; BUTTERFIELD Melinda * DSL <Melinda.BUTTERFIELD@dsl.oregon.gov>; FITZGERALD Richard W * DSL <Richard.W.FITZGERALD@dsl.oregon.gov>; FOX Patricia * DSL <Patricia.FOX@dsl.oregon.gov>; BATMALE JP * PUC <JP.BATMALE@puc.oregon.gov>; CASWELL Heide * PUC <Heide.CASWELL@puc.oregon.gov>; GRUMBO Leon * PUC <leon.grumbo@puc.oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>; COOK Nirvana Z * WRD <Nirvana.Z.COOK@water.oregon.gov>; LANE Mindy J * WRD <Mindy.J.LANE@water.oregon.gov>; RANCIER Racquel R * WRD <Racquel.R.RANCIER@water.oregon.gov>; KOWITZ Chris C * WRD <Chris.C.KOWITZ@water.oregon.gov>; BETHERS Susan * OPRD <Susan.BETHERS@opr.oregon.gov>; BELLEQUE Janine * BOAT <Janine.BELLEQUE@boat.oregon.gov>; MULHOLLEM Josh * BOAT <Josh.MULHOLLEM@boat.oregon.gov>; WARREN Larry * BOAT <Larry.WARREN@boat.oregon.gov>
Subject: [Non-DoD Source] Comments requested on NOI for the Cascade Renewable Transmission System by June 1, 2023

Hello,

On March 7, 2023, the Oregon Department of Energy received a Notice of Intent to File an Application for a Site Certificate for the Cascade Renewable Transmission System (NOI), a proposed 320-kilovolt high-voltage direct current transmission line that would span approximately 100 miles between The Dalles and Portland. The majority of the HVDC line would be buried in the bed of the Columbia River. The NOI can be downloaded at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/CRT.aspx>.

The transmission line qualifies as an energy facility ORS 469.300(11)(a)(C) and is subject to siting review by the Energy Facility Siting Council (EFSC). Your agency has been identified as a "reviewing agency" for the EFSC review. Accordingly, the Department requests your comments and recommendations on the NOI by **June 1, 2023**. Additional details and specific information requests are included in the attached memo. I may follow up with more specific requests for

individual agencies in the coming weeks, but please feel free to reach out in the meantime if you have any questions about the project or the siting review process.

Thank you,



Christopher M. Clark
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
christopher.clark@energy.oregon.gov
P: 503-871-7254



Stay connected!

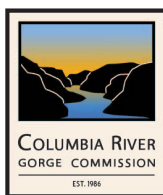
From: [Krystyna Wolniakowski](#)
Sent: Tuesday, May 30, 2023 3:32 PM
To: [CLARK Christopher * ODOE](#)
Cc: [Connie ACKER](#)
Subject: RE: Comments requested on NOI for the Cascade Renewable Transmission System by June 1, 2023

Categories: Tracked To Dynamics 365

Chris,

Thanks for your inquiry about the Cascade Renewable Transmission System that may intersect with the Columbia River Gorge National Scenic Area. Given that the pipe will run across the bottomlands of the Columbia River, and then emerge on lands within the urban areas of the National Scenic Area, the Gorge Commission will not have any jurisdiction or need to review the proposed project and its impacts. Should there be a change in design and if it does enter land outside the urban areas, and within the National Scenic Area lands, then both Skamania County, WA, and Wasco County, OR, will need to be a reviewing party.

Please let me know if you have any questions.



Krystyna U. Wolniakowski
Executive Director
Columbia River Gorge Commission
PO Box 730
White Salmon, WA 98672
509-713-9623
Krystyna.Wolniakowski@gorgecommission.org
www.gorgecommission.org

From: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Sent: Tuesday, April 4, 2023 5:33 PM
Subject: Comments requested on NOI for the Cascade Renewable Transmission System by June 1, 2023

Hello,

On March 7, 2023, the Oregon Department of Energy received a Notice of Intent to File an Application for a Site Certificate for the Cascade Renewable Transmission System (NOI), a proposed 320-kilovolt high-voltage direct current transmission line that would span approximately 100 miles between The Dalles and Portland. The majority of the HVDC line would be buried in the bed of the Columbia River. The NOI can be downloaded at:
<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/CRT.aspx>.

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individual agencies in the coming weeks, but please feel free to reach out in the meantime if you have any questions about the project or the siting review process.

Thank you,



Christopher M. Clark
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
christopher.clark@energy.oregon.gov
P: 503-871-7254



Stay connected!

Cascade Renewable Transmission System Notice of Intent Comments

Oregon Department of State Lands

The following comments are provided by the Department of State Lands to assist in the permitting and development of this proposed project.

Agency contacts

For Removal-Fill Permitting, including impacts to waters of this State and mitigation:

Richard Fitzgerald, Aquatic Resources Coordinator,
Oregon Department of State Lands,
951 SW Simpson Rd, Suite #104, Bend, OR 97702
503-910-4565
richard.w.fitzgerald@dsl.oregon.gov.

For Wetland Delineation review, jurisdictional determinations, and delineation concurrence, including impacts to waters of this State:

Chris Stevenson, PWS Jurisdiction Coordinator
Oregon Department of State Lands
775 Summer St., NE Suite 100, Salem, OR 97301
503-798-7622
chris.stevenson@dsl.oregon.gov

For Proprietary questions and comments, including leasing and registrations for State-Owned Lands:

Justin Russell, Proprietary Coordinator
Oregon Department of State Lands
775 Summer St. NE Ste 100, Salem OR, 97301
503-986-5219
Justin.Russell@dsl.oregon.gov

Affected resources

The proposed HVDC Land Transmission Cable at Big Eddy alignment intersects various waters of this State, including Essential Indigenous Anadromous Salmonid Habitat (ESH) reaches of Threemile Creek, an unnamed tributary of Threemile Creek, and various areas where wetlands may be present.

The proposed and optional HVDC Land Transmission Cable alignments intersect various waters of this State, including the Columbia River, other streams, ESH reaches of the Willamette River and Columbia Slough, various areas where wetlands may be present, and various sites that are compensatory mitigation areas. The alignment may also include areas subject to the Lower Willamette River Management Plan (see OAR 141-080-0105). Any activities that may fall within or affect compensatory mitigation areas should be identified and analyzed. Generally, such impacts should be avoided. Impacts that cannot be avoided may require mitigation. The Lower Willamette River Management Plan may apply to activities in or adjacent to the Willamette River.

In-River HVDC Transmission Cables may result in potential disturbance of contaminated river sediments.

Applicable Statutes, rules, and standards

Oregon Revised Statutes 196.795 to ORS 196.990 (Removal-Fill)

Oregon Administrative Rules Chapter 141, Division 80 (Proprietary) with authority granted through ORS 273.045

Oregon Administrative Rules Chapter 141, Division 82 (Proprietary) with authority granted through ORS 183, 273 & 274

Oregon Administrative Rules Chapter 141, Division 85 (Removal-Fill)

Oregon Administrative Rules Chapter 141, Division 90 (Wetland Delineation)

Oregon Administrative Rules Chapter 141, Division 123 (Proprietary) with authority granted through ORS 273.045

Information needed to determine compliance

- a DSL-concurred wetland delineation;

The wetland delineation must conform to the standard wetland delineation format (Appendix 1)

- The applicant should review the Long Linear Guidance document and associated table (Appendix 2 and 3)
 - The applicant should provide GIS data including the study area boundary and the boundaries of all delineated wetlands and waters
 - The wetland delineation must be conducted using the standard wetland delineation methodology as outlined in the 1987 Army Corp manual and relevant supplements.
- A completed and signed Joint Permit Application on the current form, including
 - a complete project description;
 - an alternatives analysis including an analysis of alternative sites with lesser impacts to waters of this State and an analysis of alternative designs with lesser impacts to waters of this State;
 - an explanation of how the proposed project minimizes adverse effects to waters of this State, including avoiding and minimizing activities outside of the ODFW-designated in-water-work window; avoiding and minimizing interference with fishing, navigation, and recreation; erosion control; avoiding and minimizing sediment suspension and dispersion; spill response measures; avoiding or minimizing impacts to shallow water habitats; avoiding and minimizing adverse effects to aquatic biota and habitats; avoiding or minimizing disturbance or destruction of native riparian vegetation;
 - figures depicting SWI wetlands and DSL compensatory mitigation sites;
 - functions and values assessments of permanently impacted sites, including SFAM for wadable streams, ORWAP for wetlands, and Best Professional Judgement for the Columbia River and any other non-wadable streams;
 - a rectification plan for restoring disturbed sites within 24-months of disturbance;
 - a compensatory mitigation plan to mitigate for any unavoidable impacts to waters of this State; and

- a monitoring plan with performance standards for restoration of disturbed areas and performance of compensatory mitigation.
- whether the project has independent utility;
- whether the project is consistent with the protection, conservation, and best use of the water resources of this state;
- whether the project would unreasonably interfere with the paramount policy of this state to preserve the use of its waters for navigation, fishing, and public recreation, including identification of public needs for or social, economic, or other public benefits of the project and identification of economic costs to the public if the project is not accomplished; and
- whether the project conforms with the Lower Willamette River Management Plan.

List of potential permits and authorizations that may apply to the project

- A Removal Fill Permit will be required if the project will result in removal or fill of 50 cubic yards or more of material within waters of this State or any amount of material in waters designated as Essential Indigenous Anadromous Salmonid Habitat, such as the Columbia River, the Willamette River, Columbia Slough, and Threemile Creek.
- The bed and banks of the Columbia River, Willamette River, and Columbia Slough are owned by this State of Oregon and require proprietary authorization from the Department of State Lands for any proposed use or activity. The placement of a transmission line and any related facilities or encumbrances below the line of Ordinary High Water/Mean High Water on these waterways will require an easement from our Department. Any work performed on these waterways will require a short-term access agreement from our Department.
- Any proposed work on the Willamette River in the City of Portland will also need to comply with the Lower Willamette River Management Plan. Any proposed activity or easement must not unreasonably interfere with the uses DSL has already granted to other parties. Due to planned or existing contamination remedial activities in the Portland Harbor Superfund area, the proposed project will need to ensure that the proposed impacts and infrastructure does not interfere with these planned or existing remedial activities.
- Short term access agreement for construction or any pre-construction activities on the bed or banks of the Columbia River, Willamette River, or Columbia Slough.
- Easement for the placement of the transmission line and any other encumbrances on the bed and banks of the Columbia River, Willamette River, or Columbia Slough.

Recommendations regarding size and location of analysis areas for removal and fill in waters of this State

- The study area and analysis area for wetlands and waters of this State should include all areas where the project may directly or indirectly affect any wetlands, streams, compensatory mitigation sites, and other waters of this State. All affected waters of this State should be clearly identified.
- For DSL proprietary review purposes, the analysis area is limited to the site boundary.

Studies that should be conducted to identify potential impacts and mitigation measures

- Wetland Delineation that identifies all wetlands and waters impacted by the project regardless of jurisdiction.
- Functions and Values Assessments for impacted waters of this State and any compensatory mitigation areas:
 - SFAM for wadable streams
 - ORWAP for wetlands
 - Best Professional Judgement for impacted reaches of the Columbia River and any other non-wadable streams;
- Assessment of project impacts on aquatic resources, including flora and fauna; and Aquatic Resources of Special Concern
- Assessment of project conformance with the Lower Willamette River Management Plan.
- No additional studies are required or recommended prior to obtaining proprietary authorization from DSL.

Wetland Delineation Report Format

Wetland Delineation Report Format

- *Wetland delineation reports submitted to DSL after January 1, 2013 must meet the technical requirements in OAR 141-090-0030 as well as the minimum standards and requirements in OAR 141-090-0035 (1-17). Reports must conform to the report format provided by the Department.*
 - *Omit boilerplate background information and other extraneous material.*
 - *Submit 1 copy only to the Department (unbound, no report folders, covers, or dividers).*
-

Reports must be submitted according to the requirements detailed in OAR 141-090-0035:

Format:

Paper hard copies, reproduced in color as applicable, unbound and, with the exception of photographs, must copy legibly on a black and white copier (OAR 141-090-0035(4)(a)).

or

Digital single PDF files with minimum resolution of 300 dpi and searchable text for the text portion of the report (OAR 141-090-0035 (4)(b))

GIS:

Submitting Geographic Information System (GIS) data is optional but recommended for reports covering large study areas and must conform to the GIS format provided by the Department (OAR 141-090-0035(5)).

Cover Form:

All submittals must include a fully completed and signed "Wetland Delineation Report Cover Form" (current form provided by the Department, and please no transmittal sheet or cover letter on top of form (OAR 141-090-0035(6))

Text Order and Required Sections: OAR141-090-0035 (1), (3), (4(a-b)), (12)(a-k), (13)(a-g):

- A) **Landscape Setting and Land Use:** (previous and current) OAR141-090-0035 (12)(a)
- B) **Site Alterations:** OAR141-090-0035 (10)(a-b), (12)(b)
- C) **Precipitation Data and Analysis:** OAR141-090-0035 (12)(c)
- D) **Methods:** (site-specific methods for field investigation, determining wetland boundaries and geographic extent of other waters) OAR141-090-0030, OAR141-090-0035 (7)(a-g), (8), (9), (10)(a-b), (11)(a-c), (12)(d-g),(h)(A-J), (15), (16), (17)(a-e)
- E) **Description of All Wetlands and Other Non-Wetland Waters:** (their characteristics and boundaries, e.g. whether they extend offsite OAR141-090-0035 (2), (7)(a-g), (8), (9), (10)(a-b), (11)(a-c), (12)(e), (14)(a-i), (15), (16), (17)(a-e)
- F) **Deviation from LWI or NWI:** (if any, wetland determination data or explanation required.) OAR141-090-0035 (7)(e), (12)(f)
- G) **Mapping Method:** (including mapping precision estimate) OAR141-090-0035 (3), (5), (11)(a-c), (12)(f),(g), (13)(a-g), (14)(a-i), (15), (16)
- H) **Additional Information:** (i.e., if needed to establish state jurisdiction) OAR141-090-0035 (9), (10)(a-b), (12)(h)(A-J)
- I) **Results and Conclusions:** OAR141-090-0035(12)(i)
- J) **Disclaimer:** OAR141-090-0035(12)(j)

Items for Appendices: OAR 141-090-0035 (12)(k):

- A) **Maps:** (with study area boundary shown)
OAR141-090-0035 (3), (7)(a-b)(e-g), (8), (11)(a-c), (12)(f-g), (13)(a-g), (14)(a-i), (15), (16):
- Figure 1(a-z): Location Map OAR141-090-0035 (3), (13)(a)
- Figure 2(a-z): Tax Lot Map(s) OAR141-090-0035 (3), (13)(b)
- Figure 3(a-z): LWI Map(s), or NWI Map(s) if LWI not available
OAR141-090-0035 (3), (12)(f), (13)(c)
- Figure 4(a-z): County Soil Survey Map(s) OAR141-090-0035 (3), (13)(d)
- Figure 5(a-z): Aerial Photograph(s) (at least 1 recent, or at least 3 early growing season
aerials for farmed sites) OAR141-090-0035 (3), (10), (12)(h)(E), (13)(e)
- Figure 6(a-z): Wetland Delineation Map(s)
OAR141-090-0035 (3), (10)(a-b), (11)(a-c), (12)(f-g),(h)(B-C), (14)(a-i), (15), (16)
- B) **Data Forms:** OAR141-090-0035 (3), (7)(a-g), (17)
- C) **Ground Level Color Photographs:** (with captions) OAR141-090-0035(3),(13)(g)
- D) **Additional Tables and Information:** (if any, e.g. hydrology monitoring data, or
information for Corps jurisdiction) OAR141-090-0035 (3), (10)(a-b), (12)(h)(A-J)
- E) **Literature Citations**

Long Linear Project Guidance

Delineations for Large or Linear Projects January 2017

A. Study Area and Route Planning

1. Consider involving an Oregon Department of State Lands (DSL) resource coordinator in preliminary discussions or requesting a joint pre-delineation/pre-application meeting (see B below).
2. Establish a study area to include all potential impact areas associated with the project, both permanent and temporary (e.g., access roads, staging areas, trenching for cables, etc.).
3. Be aware of issues that may influence route or site selection when planning the corridor and impact sites:
 - a) If forested or shrub wetlands will be impacted, due to a requirement to keep woody vegetation under control (e.g., under or over cable lines), those impacts may not be considered temporary and may require compensatory wetland mitigation (CWM).
 - b) Try to avoid wetlands of conservation concern, unusual wetland types or relatively highly functioning (per assessment) wetlands. This is pertinent to the alternatives analysis as well as ability to compensate through CWM.

B. Pre-Delineation Meeting Discussion Items

1. Review the areas and types of impacts (including permanent vs. temporary), the anticipated study corridor width, the likelihood of alternative routes being proposed after field work is begun and/or after the initial delineation is submitted and proposed delineation methods for wetlands and other waters.
2. Consider assuming that all streams and all ditches are subject to state jurisdiction in order to save time obtaining the information needed by both DSL and the Corps to make jurisdictional determinations. This option is often less costly, especially if impacts are temporary and/or boring under streams is planned.
3. Before completing the maps and the report, consider providing examples of a delineation index and detail map and proposed table of waters for review by DSL before all the work is done.

C. General Delineation Guidance

1. Delineation reports must meet all requirements in the administrative rules (141-090). There are no exceptions for large projects. Keep in mind the following:
 - a) Streams should be mapped at their boundaries; the Ordinary High Water Line (OHWL) on both banks (meaning 2 lines). See the allowance in #7, below.
 - b) All mapped hydric soil units should be investigated and sampled.
 - c) All changes to previously delineated and/or permitted sites within the study area corridor need to be explained.

- d) Linear projects may take several years to fruition. However, because wetlands and other waters can be affected over time by both natural changes and human activities, data should to be current - less than five years old at the time of the Department's concurrence. Older data will need to be updated. Discuss timelines and appropriate updates with the appropriate Jurisdictional Coordinator.
2. Existing mapping—for example NWI, LWI, National Hydrography Dataset (NHD), and Soil Surveys—should be used for reconnaissance and for supplemental maps in the report, but should not be included on the delineation maps.
3. Provide data plots and photo-documentation of questionable areas. For example, if NWI mapping shows a wetland or an aerial photo shows wet ground signatures and wetlands are not present, provide sample plot data to verify upland conditions. Do the same for areas mapped as hydric soils. If NHD or other waterway mapping shows a waterway, provide detailed photo-documentation or a completed Streamflow Duration Assessment Methods (SDAM) data form to verify a waterway is not present.
4. Projects covering an entire county or more may have large areas without data plots where there are large expanses of upland. All areas must be checked using offsite methods and ground truthed as needed. For any questionable areas, document findings (See C3).
5. Artificially created or irrigation induced wetlands may need additional sampling to determine if created partially from naturally-occurring wetland. However, even features created in upland may be jurisdictional if greater than one acre in size. As a time-saving alternative, these features may be considered jurisdictional.
6. Consider GPS mapping precision and how to obtain optimal GPS data when planning field work. For problematic areas (canopy cover, steep terrain), collect and post-process GPS raw data separately from data taken in areas with good coverage. If this practice is not always possible, take detailed field notes that could assist with any necessary boundary modifications. For areas or features where post-processed data does not meet the 1-meter mapping standard and impacts are planned, options are:
 - a) Use additional information such as LiDAR topography or georectified aerial photos to modify the GPS boundaries. Determine the estimated precision of the modified mapping based on the estimated precision of the information source(s) used. Make sure horizontal datum of data sources match. Provide supporting documentation describing the steps and information used to modify the boundary.
 - b) Consider hiring a Professional Land Surveyor (PLS) for features that will be impacted during the project.
 - c) Use the highest reported amount of error in the data set for the mapping precision statement of those areas or features.
7. Streams less than 6 feet wide may be mapped as a single line with a map label stating the maximum width at OHW identified within the study area boundary.

8. For most small streams, it is usually faster to map the top of bank at bankfull stage (high water) instead of looking for OHWL—i.e., using top of bank as a surrogate for OHWL—as long as OHWL is below top of bank. If done, note in report and/or in table that top of bank was used to estimate OHW.
9. If you think that the streamflow duration for a waterway is less than intermittent, then document onsite conditions with a SDAM data form.
10. To identify potential waterway locations not identified by the NHD, utilize tools such as aerials, LiDAR, and soil surveys.
11. For intermittent streams, provide information about whether the stream provides spawning, rearing or food-producing areas for food and game fish. Consider whether the stream reaches other downstream waters and whether there are fish bearing waters downstream.
12. Creating separate compilation tables for wetlands and for other types of waters (see attached templates, Tables 1 and 2) facilitates the review. Considerations:
 - a) Water features and data plots should have identifier codes that are spatially sequential and logical, for example W1-P1, W1-P2; W2-P1, W2-P2, etc. The coding can also help identify different types of features, for example W1, S1, D1, etc. for wetlands, streams & ditches, respectively. Keep identifier codes as short as possible. Long codes create the potential for data entry errors, can be difficult to distinguish, and are difficult to track, which extends the review time.
 - b) Cross-reference each water feature to a map number and location (e.g., project milepost on a linear route; latitude and longitude or TRS and tax lot, for a non-linear study area). Providing mileposts (in tenths of miles) on linear routes is a good option for referencing location on both hard copy maps and GIS layers (if provided, see #16). Locator information should appear in the first and second columns after the water feature identifier.
 - c) Arrange all table entries, data forms, photos and maps using the same spatially sequential and logical naming conventions created above.
 - d) Include names for waterways if available.
 - e) Document if waterway is designated Essential Salmonid Habitat (ESH).
 - f) Provide additional information that is needed to determine jurisdiction, such as:
 - i. Where SDAM was used to determine streamflow.
 - ii. For intermittent streams, indicate whether they reach other downstream waters and whether there are fish bearing waters downstream.
 - iii. Include a column to indicate locations where access permission was not obtained and mapping was based on offsite methods (see section D below).
13. Do not provide text in the report describing each waters of this state. Put whatever is necessary in the table. The only exception should be a discussion of how a difficult wetland type or situation was handled.
14. Annotating data forms with the wetland code and map number (written in the upper margin) facilitates the review.

15. Delineation maps:

- a. Provide separate index maps of the entire route or site – generally on a USGS quad base map or aerial - showing locations of each delineation map along the route.
- b. Delineation maps of the entire route must be provided – on recent aerials:
 - i. Contact the Jurisdictional Coordinator to discuss appropriate scale.
 - ii. Recommend providing all maps at one scale of 1 inch = 100 feet or at a scale where the wetland and water boundaries, plots, photo points, labels, and SDAM locations, are easily discernable.
 - iii. However, for projects that cover considerable distance, the scale can be reduced (e.g. scale of 1 inch = 400 feet) in areas with no identified waters of the state. The scale should be at a range that allows location of the study area within the landscape and on properties.
- c. Submitting project GIS layers is strongly recommended. The review process takes considerably longer without GIS. All GIS datasets should be in the Oregon coordinate Reference System Standard – Oregon Lambert Projection. Contact DSL for details.

16. Other maps and figures:

- a. Consider combining maps where feasible to reduce the total number of maps, such as combining the tax lot maps (Figure 2) with the LWI/NWI maps (Figure 3) and the recent aerial maps (Figure 5) with the delineation maps.
 - i. Contact the Jurisdictional Coordinator to discuss appropriate options.

D. Areas without Access Permission

1. Handle these areas in one of two ways:

- a) Do not delineate. Indicate on delineation maps the tax lots that were not delineated by using a hatch or other distinguishing pattern and describe in legend. These areas will not receive concurrence.
- b) Delineate using offsite methods, if a preliminary jurisdictional determination (PJD) is needed for proceeding with permitting processes. On the delineation maps, shade with a hatch or other distinguishing pattern all parcels where offsite methods were used. Include a column in the table (see section C12 above) to indicate water features that were mapped without access.
 - i. DSL will address no-access areas as a PJD in the concurrence until access is granted and on-site delineation is submitted for review.
 - ii. When access is granted, these areas must be delineated per usual:
 - o Submit new information as a delineation report with a new cover form and review fee, if applicable (see section F below).

- New information should clearly distinguish the previous PJD or undelineated areas from any previously-approved areas (for example with a fill pattern and legend description).

E. Non-Continuous Projects (such as wind turbines; towers)

1. If project areas are non-continuous, provide map showing entire route or network, with location of each study area. Provide lat-long & TRS for each study area and label the study areas sequentially. Follow other guidelines in section C.
2. Be sure to include in the study area all potential impact areas, including temporary (e.g., access roads, staging areas, stockpile areas, underground cable operations areas, etc.).

F. Reporting Post-submittal Additions or Route Changes

1. If DSL's review is completed, send a new delineation report with new cover form and fee. Make sure the maps show clearly the relationship of the changes or additions to the original mapping.
2. If DSL's review is in progress, contact DSL reviewer for instructions. Depending on status of review and extent of changes, we may be able to accept revisions. The reviewer will determine the type of replacement documents required.
3. *For Oregon Energy Facility Siting Council (EFSC) projects only:* addenda may be submitted for an in-progress review up to the date of concurrence. All addenda should include a new report and cover form for the new area. All map changes and additions should show clearly the relationship to the original mapping. Title the new report "Addendum to...", and inform DSL when each addendum is submitted.

Sample Wetlands and Waters Table

Examples for Large Linear Wetland Delineation Tables

Table 1. Wetlands

| Unique Identifier Code | Map # | Milepost (Linear); Lat/Long or TRS & tax lot (non-linear) | Area (acre) | Cowardin HGM | Sample Plots | Photo Points | Additional information for JD* | Access Yes / No |
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Table 2. Waters (Streams, Ponds, Ditches, and Reservoirs)

| Unique Identifier Code | Map # | Milepost (Linear); Lat/Long or TRS & tax lot (non-linear) | Feature Name (if available) | ESH Yes/No | OHW width or Area (acre) | Photo Points | Additional information for JD* | Access Yes / No |
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* OAR 141-085-0510(46) and OAR 141-085-0515. (e.g. fish presence, downstream and upstream connection to fish bearing stream, ordinary high water line, streamflow duration (SDAM))

Number and Total Wetland Acreage: _____ (DSL) _____ (USACE)

Number and Total Water Acreage: _____ (DSL) _____ (USACE)

Number and Total Potential Non-Jurisdictional Wetland Acreage: _____ (DSL) _____ (USACE)

Number and Total Potential Non-Jurisdictional Waters Acreage: _____ (DSL) _____ (USACE)

Examples for Large Linear Wetland Delineation Tables

Table 1. Wetlands

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* OAR 141-085-0510(46) and OAR 141-085-0515. (e.g. fish presence, downstream and upstream connection to fish bearing stream, ordinary high water line, streamflow duration (SDAM))

Number and Total Wetland Acreage: _____ (DSL) _____ (USACE)

Number and Total Water Acreage: _____ (DSL) _____ (USACE)

Number and Total Potential Non-Jurisdictional Wetland Acreage: _____ (DSL) _____ (USACE)

Number and Total Potential Non-Jurisdictional Waters Acreage: _____ (DSL) _____ (USACE)



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

Habitat Division
4034 Fairview Industrial Dr SE
Salem, OR 97302
Phone: 503-947-6000
Fax: 503-947-6330
www.dfw.state.or.us

June 1, 2023

Oregon Department of Energy
ATTN: Christopher Clark, Senior Siting Analyst
550 Capitol St. NE
Salem, OR 97301

RE: Request for comments on the Notice of Intent submitted by Cascade Renewable Transmission, LLC (CRT).

Dear Christopher:

Oregon Department of Energy (ODOE) has requested comments from the Oregon Department of Fish and Wildlife (ODFW) on the Notice of Intent (NOI) to apply for a Site Certificate for the Cascade Renewable Transmission System that is proposed to span approximately 100 miles from The Dalles to Portland. This Letter contains: (1) ODFW contact information for the project; and (2) ODFW's comments on the NOI.

A. Contacts

I will be the main contact person for ODFW for the Energy Facility Siting Council (EFSC) permitting process and my contact information is: Jeremy Thompson, 3561 Klindt Drive. The Dalles, OR 97058. My phone number is (541) 980-8524.

Jeremy.L.Thompson@odfw.oregon.gov. ODFW requests that as applicable, all correspondence for this project be conveyed electronically.

B. Oregon Revised Statutes (ORS), applicable rules and policies

Please find below a listing of the most applicable statutes, administrative rules and policies administered by ODFW that would pertain to the siting of this proposed facility. ODFW will review and make recommendations for the proposed project based on the following applicable statutes and rules.

- ORS 496.012 Wildlife Policy
- ORS 506.036 Protection and Propagation of Fish
- ORS 496.171 through 496.192 Threatened and Endangered Wildlife and Fish Species. A listing of State and Federal threatened, endangered and candidate species can be found on ODFW's website at:

http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp

- ORS 498.301 through 498.346 Screening and By-pass devices for Water Diversions or Obstructions
- ORS 506.109 Food Fish Management Policy
- ORS 509-140 Placing Explosives in Water
- ORS 509.580 through 509.910 Fish Passage; Fishways: Screening Devices- a listing of requirements under ODFW's Fish Passage Program can be found on ODFW's website at <http://www.dfw.state.or.us/fish/passage/>

Oregon Administrative Rules (OAR)

- OAR Chapter 635, Division 100 provides authority for adoption of the State sensitive species list and the Wildlife Diversity Plan and contains the State list of threatened and endangered wildlife and fish species. A current list of State sensitive species can be found on ODFW's website at:
http://www.dfw.state.or.us/wildlife/diversity/species/docs/SSL_by_category.pdf
- OAR Chapter 635, Division 415 (ODFW's Fish and Wildlife Mitigation Policy found on ODFW's website at: http://www.dfw.state.or.us/lands/mitigation_policy.asp describes six habitat categories and establishes mitigation goals and standards for each wildlife habitat ranging from Category 1 (irreplaceable, essential, limited) to Category 6 (non-habitat)
- The Policy goal for Category 1 habitat is no loss of either habitat quantity or quality via avoidance of impacts through development alternatives, or an ODFW recommendation of denial of the proposed development action if impacts cannot be avoided. Categories 2-4 are essential or important but not irreplaceable habitats. Category 5 habitat is not essential or important habitat, but has a high restoration potential. The application for a site certificate must identify the appropriate habitat category for all affected areas of the proposed project on mapping; provide basis for each habitat category selection; and provide an appropriate mitigation plan; all subject to ODOE and ODFW review and comment. ODOE has adopted this rule into OAR 345-022-0060 as an energy facility siting standard for Applicants to meet in order to obtain a site certificate.
- ODFW also provides technical review and recommendations on compliance with Oregon EFSC rules, particularly OAR 345-02100010(1) (p) and (q) and 345-22-040, 060 and 070.

C. Comments on the NOI

General Comments

Within the Columbia and Willamette River systems there are 16 state and federally listed fish that are present or reliant on this habitat for at least a portion of their lifecycle. Additionally, there are multiple other species of regional importance. ODFW requests that the applicant thoroughly considers how the proposed construction and long-term operation of the project may impact those species that utilize this habitat.

Data is currently lacking on benthic habitats and species that may exist along the proposed cable installation corridor. In addition, there is strong data pointing to multiple current and past contaminate introductions to the Columbia and Willamette rivers that have likely impacted river sediments. ODFW requests that the applicant conducts sampling of the benthic ecosystem along any potential impact corridor to assess both species presence and levels of contaminants within river sediment and use this information when determining the final proposed cable route and appropriate avoidance, minimization and mitigation measures.

ODFW recommends the applicant initiate mitigation planning early within the permitting effort. For construction and project impacts that cannot be avoided, ODFW will readily work with the applicant to identify minimization opportunities and potential mitigation options to offset those impacts that will occur outside of avoidance and minimization measures.

Specific Comments

Multiple studies regarding electromagnetic fields (EMF) have been published regarding potential impacts to aquatic species. Most of these studies have focused on the marine environment. ODFW requests project specific analysis occurs for the CRT proposal, including information on baseline and projected increases from project operations of EMF along the proposed project corridor. This information will be key in considering the potential impact to both juvenile and adult migratory salmonids, resident and migratory sturgeon, and impacts to all life stages of Pacific Lamprey. ODFW will also continue to explore relevant published data to best inform comments for the application for site certificate.

ODFW maintains guidelines for timing of in-water work to protect fish and wildlife resources. ODFW requests that any planned activities associated with this project follow the guidance provided within this document, which can be found at:
<https://www.dfw.state.or.us/lands/inwater/2023%20Oregon%20In-Water%20Work%20Guidelines.pdf>

ODFW recommends that future coordination meetings be scheduled to include all relevant parties when discussing biological information and potential impacts to species or habitats. These parties may include but are not limited to ODFW, Washington Department of Fish and Wildlife, National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, pertinent permitting entities and tribal representatives with interest in Columbia River fisheries. Collaboration amongst the mentioned interests will occur throughout this process, and coordinated meeting sponsored by the applicant should streamline this effort.

During past conversations with the applicant and their associates ODFW has requested information on route alternatives that were analyzed to date in scoping the CRT project. ODFW requests potential route alternatives be presented with or prior to the application for site certificate. ODFW encourages the final route alignment to maximize utilization of previously disturbed locations for both terrestrial and aquatic portions of the potential cable route.

ODFW is interested in additional information on cable deployment, especially as it relates to sediment disturbance and potential water quality effects. The current agency understanding is that cable deployment involves utilization of an underwater plow, using water pressure to create a trench. The cable is then placed in trench and sediment is allowed to settle naturally to backfill the cable. With this technology, ODFW is interested in how much sediment enters the water column, creating potential turbidity and water quality issues. Any additional information on this process will assist ODFW in creation of comments in the future.

ODFW is interested in developing a better understanding of how long-term maintenance and operation could create potential resource concerns. ODFW requests the applicant provide details on how frequently and what work would occur for standard maintenance of the cable or in a situation where a cable would need to be removed from the river for replacement or repair.

ODFW appreciates the opportunity to comment on this NOI and looks forward to working with ODOE and the Applicant on this proposed project.

Respectfully,



Jeremy Thompson
Energy Program Coordinator

Cc: Jon Germond, Salem
Sarah Reif, Salem
Ariana Scipioni, Clackamas
Jamie Bowles, Bend
Jason Seals, The Dalles
Ben Walczak, Clackamas
Mac Barr, Clackamas

Attachment 4: Tribal Government Comments



The Confederated Tribes of the Grand Ronde Community of Oregon

Cultural Resources Department
Historic Preservation Office
9615 Grand Ronde Road
Grand Ronde, OR 97347-9712

Phone: (503) 879-2226
Toll Free: 1-800-422-0232
Fax: (503) 879-2126
Email: THPO@grandronde.org

May 4, 2023

Christopher Clark, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

Submitted via email to:
christopher.clark@energy.oregon.gov

RE: Notice of Intent for the Cascade Renewable Transmission System

Dear Mr. Clark,

Thank you for contacting the Confederated Tribes of the Grand Ronde Community of Oregon (hereafter “Grand Ronde” or “Tribe”) regarding the Notice of Intent for the Cascade Renewable Transmission System transmission line between The Dalles and Portland (hereafter “Project”).

Tribal History and Interests in the Project Area

Grand Ronde is made up of more than 30 antecedent tribes and bands with homelands in Oregon, southwest Washington, and northern California. Grand Ronde and its antecedent tribes and bands have lived, hunted, fished, and gathered in the project area since time immemorial. Specifically, the Multnomah, Clackamas and Wahlalla (Cascades) peoples inhabited the area around modern-day Portland and Vancouver upstream to modern-day Stevenson and Cascade Locks, encompassing the area known as the Cascade Falls (present day Bonneville Dam). These peoples lived on both banks of the Columbia River; they did not see the river as a boundary but rather as the center of their homelands. The lands south of the Columbia River were ceded to the United States through the ratified 1855 Willamette Valley Treaty. The ancestral homelands north of the Columbia River were never addressed in any ratified treaties. In addition to the ceded lands and ancestral homelands, the usual and accustomed areas of the Tribe extended further upriver, past The Dalles and Celilo Falls. The above mentioned peoples were removed to the Grand Ronde Reservation following the Willamette Valley treaty.

The construction and ongoing maintenance of the project will directly impact natural and cultural resources of importance to the Tribe. These resources are potentially impacted by the cumulative effects of related construction and development. Grand Ronde seeks to protect, enhance and restore Tribal natural and cultural resources that may be impacted by the project and related cumulative impacts. These resources include but are not limited to:

- All native habitats, regardless of current landownership or status
- All native species, regardless of status under state or federal law
- Aesthetic/visual values
- Archeological values
- Historic values
- Tribal Cultural Landscapes (as defined by the Tribe)

Specific Natural Resources Comments

Through the NEPA process, effects to ESA listed species will need to be addressed. The cumulative effects to aquatic species, such as salmonids, in the Columbia Basin has been tremendous. It is the stance of the Tribe that any adverse effect, potential or otherwise, be considered highly significant. Compounding issues have diminished once flourishing populations of anadromous fish species. Even where actions are taken to avoid effects, the cumulative impacts has put the future of these species in peril.

Typically, work done during the in-water work window is aimed to reduce impacts to anadromous fish species. That approach is not going to be enough in this case. There are a number of resident, listed, aquatic species in the area of impact for this project. Additionally, the area of impact is home to many culturally sensitive species that are not listed. A project of this size will undoubtedly have impacts to resident listed species, and non-listed but culturally significant species. It is our recommendation that a full encompassing effects analysis, to include non-listed species, be conducted. In addition to analysis work, considerable mitigation would be recommended to offset any impact, or potential impact.

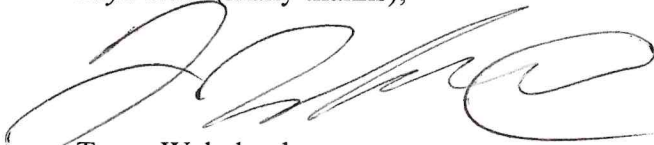
Specific Cultural Resources Comments

In addition to the site certificate, this project will require federal permits. Compliance with Section 106 of the National Historic Preservation Act will be necessary. We recommend that the lead federal agency, as well as other consulting parties, be identified so that appropriate consultation with the Tribe can begin as soon as possible.

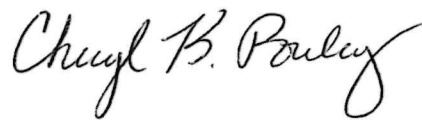
After appropriate coordination to identify the area of potential effect, we recommend a comprehensive cultural resources study that addresses all historic property types, including historic properties of religious and cultural significance to Indian Tribes. This study will inform EFSC as to the extent that the project will have a significant adverse impact on historic, cultural or archeological resources.

Thank you again for the opportunity to comment. If you have any questions, please contact Torey Wakeland or Barton Robison at consultation@grandronde.org. For further technical coordination regarding cultural resources, please contact Cheryl Pouley, Cultural Protection Coordinator at THPO@grandronde.org.

hayu masi (many thanks),



Torey Wakeland
Interim Ceded Lands Program Manager



Cheryl Pouley
Cultural Protection Coordinator

ecc:

Ruchi Sadhir, Assoc. Director & Tribal Liaison, Ruchi.SADHIR@energy.oregon.gov

Todd Cornett, Asst. Director, Energy Siting, Todd.CORNETT@energy.oregon.gov



Cowlitz Indian Tribe

May 31, 2023

Mr. Christopher Clark, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301
Via email to christopher.clark@energy.oregon.gov

Re: Cascade Renewable Transmission System Notice of Intent

Dear Mr. Clark:

On behalf of the Cowlitz Indian Tribe, thank you for the opportunity to comment on the Notice of Intent (NOI) for the Cascade Renewable Transmission System. We understand that comments are being solicited now to help the Oregon Department of Energy and the applicant, Cascade Renewable Transmission, LLC, identify issues and concerns to address in the full application. With this aim in mind, we offer several initial comments and questions below.

The Cowlitz Indian Tribe is a federally recognized Indian Tribe of southwest Washington and northern Oregon. Our aboriginal territory includes lands on both sides of the Columbia River, from present-day Bonneville Dam to near the Pacific Ocean. Clean water and healthy, harvestable populations of fish and wildlife are integral to our way of life and the survival of our people.

Our Natural and Cultural Resources Departments have reviewed the NOI. The proposed project is for an approximately 100-mile long, 320-kilovolt high-voltage direct current transmission line and supporting facilities spanning The Dalles and Portland. Much of the line would be installed in the bed of the Columbia River. Table J-2 of the NOI identifies many special-status species within the proposed project area, including culturally and ecologically significant species such as salmon, eulachon, lamprey, sturgeon, and freshwater mussels.

In-Water Work Timing. The NOI states that Columbia River in-water work windows are typically from November 15-February 15 in Oregon and January 1-March 31 in Washington. In-water work windows are one of many measures that can be used to protect fish and other aquatic life when undertaking projects in and around water. However, some species or life stages are present year-round and cannot be avoided by an in-water work window. For example, larval lampreys can spend years burrowed within soft sediments, and freshwater mussels are largely sessile. We note that the above timing windows were also developed with a focus on salmon life histories and may not adequately account for other species.

Potential impacts to eulachon are of particular concern to the Cowlitz Indian Tribe. Eulachon are broadcast spawners, and their highly adhesive eggs attach to the sandy substrate. They spawn in the mainstem and several tributaries below Bonneville Dam, usually entering the river starting in December and often reaching peak tributary abundance around February or March. How are species such as eulachon, lampreys, and freshwater mussels being considered in the design and planning of the proposed project?

Potential Impacts to Aquatic Life from Heat and Electromagnetic Fields. The NOI implies that impacts to fish and other aquatic species from heat and electric and magnetic fields produced by the underwater power cable will be low or minimal. A Bureau of Ocean Energy Management report (BOEM 2016) is referenced in support of those conclusions. The BOEM (2016) study focused on behavioral responses of Chinook salmon smolts and adult green sturgeon to a high-voltage power cable in the San Francisco Bay. From reviewing that report as well as other scientific literature on this subject, it is clear to us that many knowledge gaps and uncertainties remain about the effects of underwater power cables on aquatic biota. In addition to potential effects on migratory fish behavior, another area of concern is how persistent exposure to heat and/or electromagnetic fields could affect the most vulnerable life stages (e.g., eggs, larvae) and sessile organisms near the power cable.

Cumulative Effects. The current proposal is one of many projects and activities in the Columbia River with potential to affect fish, wildlife, and their habitat. How are cumulative effects to fish and wildlife being contemplated?

Proposed Surveys and Analyses. Additional information on planned habitat, biological, and Cultural Resource surveys and associated analyses would be helpful for future reviews.

Thank you for considering these initial comments. We will likely have additional comments as we learn more about this proposal. For questions concerning this letter, please contact Christina Donehower, Natural Resources Policy Analyst, or Jerry BigEagle, Tribal Historic Preservation Officer. Christina can be reached at cdonehower@cowlitz.org or (360) 506-1848, and Jerry can be reached at jbigeagle@cowlitz.org or (360) 353-9924.

Sincerely,

COWLITZ INDIAN TRIBE

Patricia Kinswagaiser

Patty Kinswa-Gaiser
General Council Chairwoman

From: [Mars Galloway](#)
Sent: Thursday, June 1, 2023 4:37 PM
To: [CLARK Christopher * ODOE](#)
Cc: [THPO THPO](#); [Austin Smith](#); [Robert Brunoe](#); [Myra Johnson](#); [Lorraine Suppah](#); [Roberta Kirk](#)
Subject: Re: Comments Requested on Notice of Intent for the Cascade Renewable Transmission System

Categories: Tracked To Dynamics 365

Hello,

As the technical reviewer for NHPA Section 106 and other cultural resource issues for the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO), the CTWSRO Tribal Historic Preservation Office (THPO) has concerns with the potential effects to historic properties or cultural resources within the Project Area of Potential Effects (APE). The Project APE is within the areas of concern for the CTWSRO.

The impacts proposed by this Project are potentially adverse to cultural resources within the Project APE. The Columbia River is an extremely sensitive area, as hundreds of archaeological and cultural sites were inundated when dams were built. Many of these sites and locations have extreme cultural and religious significance to the CTWSRO. The Project has potential to directly impact culturally significant aquatic species, including lamprey, sturgeon, and salmonids, and may indirectly impact other wildlife species. Impacts to fishing, hunting, and gathering would adversely impact CTWSRO's reserved Treaty rights (per the 1855 Treaty with the Middle Tribes of Oregon). The Columbia River itself is of high cultural importance to the CTWSRO, historically as well as today, and will continue to be into the future.

In addition, information provided is not enough information for a complete review of the impacts to cultural resources by this office. The Project description does not include a description of maximum depth of excavation. The map enclosed is at too great a scale. and is not specific enough.

The following statements are from members of CTWSRO's Culture and Heritage Committee. The Culture and Heritage Committee consists of Tribal elders who are appointed by the CTWSRO Tribal Council.

"Our people have been on the Nch'i Wana since Time Immemorial. The Ichishkin/Sahaptin speaking people have fished the Celilo Falls and watched it be destroyed. Way back in time when I was a young girl in the 70s and 80s I remember my uncle Delbert Frank fighting in Washington DC to protect our Nch'i Wana. The Dams were another issue for our salmon. Now this Cascade Renewable Transmission System is another way to damage our Nch'i Wana. ***Atau na wacha Nch'i Wana*** - The Big River is very special to our people." ~Lorraine Suppah, Tribal Member, Ichishkin Language Teacher, and Culture & Heritage Committee Vice-Chair, Confederated Tribes of Warm Springs

As a direct descendant of the Wanalama" (People of the River) I firmly object to the proposed project "Cascade Renewable Transmission System". I remember the spray of Celilo Falls before it was flooded for the sake of progress. Our people lost forever a large piece of our lifeways with the loss of the Falls. I Believe that further intrusion of our waters could be detrimental to our people. I am obligated to see that we maintain what we have remaining today for our children yet unborn. So that what we have left of our way of life can be lived (revived) as our ancestors lived.

Respectfully, Myra Johnson -Orange, Chairperson, Culture & Heritage Committee, Elder, CTWS

As an enrolled tribal member of the Confederated Tribes of the Warm Springs Reservation of Oregon. I am also a representative for the Simnasho District on the Culture and Heritage Committee. I strongly oppose this project as it has the potential to adversely affect our sacred salmon. If anything happened to our fish, we would be in a bad way and this would affect all of our Columbia River Treaty Tribes. We do not know the harm that this project could cause and we do not want to find out. I have seen many projects where the federal agency says "This planned treatment or project will help the cultural plants..." When in reality, it killed them off and that beautiful cultural plant site has gone away forever. We do not want to see our salmon, eels, suffer the same fate. Also we still have ancestral remains that have been inundated when the dams came and we do not want to disturb them or have them start coming up.

-Roberta Kirk, Culture and Heritage Committee

Please contact the CTWSRO Cultural Resources Department with any additional concerns or questions.
Thank you,

-Mars

Mars Galloway
(they/she)
Cultural Resources Department Manager
Confederated Tribes of the Warm Springs Reservation of Oregon
Branch of Natural Resources

mars.galloway@ctwsbnr.org
Cell 360.951.2632

Standard Disclaimers:

*The Confederated Tribes of the Warm Springs Reservation of Oregon have reserved treaty rights in Ceded Lands, as well as Usual and Accustomed and Aboriginal Areas, as set forth through the Treaty with the Middle Tribes of Oregon, June 25, 1855.

*Please know that review by the Tribal Historic Preservation Office does not constitute Government-to-Government consultation. Please ensure that appropriate Government-to-Government consultation is made with the Confederated Tribes of the Warm Springs Tribal Council.

*The opinions expressed by this author do not necessarily represent those of the Confederated Tribes of the Warm Springs Reservation of Oregon. Information, contents, and attachments in this email are Private and Confidential.

On Thu, Apr 13, 2023 at 7:00 AM THPO THPO <thpo@ctwsbnr.org> wrote:

Hi Austin,

This is a request for comment for the Cascade Renewable Transmission System. They're requesting comments by 6/1/2023, but as the scale/scope of this Project is pretty massive, I wanted to see if you'd like some other BNR staff to review the Project for comment as well. The Culture and Heritage Committee have asked me about this Project as well-- I'd like to bring this to their attention too. As far as I'm concerned, the River is one big cultural site.

Let me know what you think.

Thanks,

-Mars

----- Forwarded message -----

From: **CLARK Christopher** * ODOE <Christopher.CLARK@energy.oregon.gov>

Date: Tue, Apr 4, 2023 at 2:12 PM

Subject: Comments Requested on Notice of Intent for the Cascade Renewable Transmission System

To: jonathawsmith@wstribes.org <jonathawsmith@wstribes.org>

Cc: BENNER Janine * ODOE <Janine.BENNER@energy.oregon.gov>, CORNETT Todd * ODOE <Todd.CORNETT@energy.oregon.gov>, SADHIR Ruchi * ODOE <Ruchi.SADHIR@energy.oregon.gov>, christian.nauer@ctwsbnr.org <christian.nauer@ctwsbnr.org>, raymond.tsumpti@wstribes.org <raymond.tsumpti@wstribes.org>, robert.brunoe@ctwsbnr.org <robert.brunoe@ctwsbnr.org>, thpo@ctwsbnr.org <thpo@ctwsbnr.org>

Dear Chairman Smith,

Please see the attached letter from Energy Facility Siting Council Chair Marcia Grail respectfully requesting comments from The Confederated Tribes of Warm Springs on the Notice of Intent to File an Application for Site Certificate for the Cascade Renewable Transmission System. As noted in the letter, any comments the tribe can provide by **June 1, 2023**, would be most appreciated but we may be able to make accommodations if additional time is needed.

Please let myself or one of the Department contacts copied on this email know if we can be of any further assistance or answer any questions about the proposed facility or the energy facility siting process.

Thank you,



Christopher M. Clark
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
christopher.clark@energy.oregon.gov
P: 503-871-7254



Stay connected!

June 21, 2023

VIA E-MAIL: CHRISTOPHER.CLARK@ENERGY.OREGON.GOV

Christopher Clark
Oregon Department of Energy
550 Capital Street NE
Salem, OR 97301

Re: Notice of Intent to Apply for Site Certification for Cascade Renewable
Transmission: The Dalles to Portland prepared by Cascade Renewable
Transmission, LLC

Dear Mr. Clark:

I am the General Manager for the Branch of Natural Resources for The Confederated Tribes of the Warm Springs Reservation of Oregon (“CTWS” or “Tribe”), a federally-recognized, self-governing, sovereign Indian tribe and the legal successor-in-interest to the Indian signatories of the Treaty with the Tribes of Middle Oregon, dated June 25, 1855, 12 Stat 963 (“Treaty” or “1855 Treaty”).¹ I am writing to provide written comments and information in response to the Oregon Department of Energy (“Department”) April 4, 2023 request for comments (“Request”) pertaining to the Notice of Intent to Apply for Site Certification for Cascade Renewable Transmission from The Dalles to Portland prepared by Cascade Renewable Transmission, LLC (“CRT” or “Applicant”). These comments are preliminary and based on highly summarized information in the Request. Accordingly, these comments are not intended to be exhaustive, and CTWS reserves the right to provide additional comments.

I Overview of the Tribe and Its Management Interests in the Columbia River Basin

The Tribe is legally organized under a constitution and bylaws ratified by the members of the Tribe on December 18, 1937, and approved by the Assistant Secretary of the Interior of the United States on February 14, 1938, pursuant to Section 12 of the Act of June 18, 1934, as amended and consists of three confederated Indian tribal groups: the Warm Springs, the Wasco and the Paiute. Pursuant to the 1855 Treaty, the Tribe ceded approximately 10 million acres of land (“ceded lands”) to the United States and reserved approximately 640,000 acres for exclusive use and occupation of the Tribe and its members as a permanent homeland (“Warm Springs Reservation”).

Our people have utilized and occupied the Columbia River Basin (CRB) since time immemorial. In the 1855 Treaty, the Tribe’s predecessors ceded much of those lands to the United States, including the lands upon which the cities of Arlington, The Dalles, Hood River, and

¹ A copy of the 1855 Treaty is enclosed as Exhibit 1.

Cascade Locks, Oregon, now exist. The northern boundary of the ceded lands runs down the middle of the Columbia River from Willow Creek east of Arlington, downstream, to approximately Bonneville Dam. The western boundary is the crest of the Cascade Mountain Range south to the 44th parallel and over to the headwaters of Willow Creek in the Blue Mountains. The eastern boundary runs from the headwaters of Willow Creek downstream to its confluence with the Columbia River. A copy of the map of the Tribe's ceded lands is attached as Exhibit 2.

The 1855 Treaty recognizes the Tribe as a sovereign entity, possessing inherent rights to provide for the general welfare of its people, including the right to manage its natural resources and the right to take salmon, lamprey, sturgeon and other fish. The Treaty expressly reserves rights, to the Tribe, for its members to go outside (or "off") the Warm Springs Reservation to all of the lands and waters that it had used prior to the treaty to hunt, fish, gather roots and berries, and to pasture livestock.

The 1855 Treaty also protects rights in areas beyond the ceded lands if those areas were used by Tribal members from time to time at or before they entered into the Treaty. This includes lands and waters on the Washington side of the Columbia River including Stevenson, North Bonneville, Bingen, Dallesport, and the Vancouver area; as well as downstream of Bonneville Dam on the Oregon side such as the Willamette River and Portland, Oregon.

Retaining the Tribe's right to continue its fishing practices was a primary objective of the Tribe during the treaty negotiations, and tribal rights to fish, unimpeded, at all usual and accustomed places was enforced in the federal court litigation known as *United States v. Oregon*. In fact, those rights have been defined and upheld by federal courts since the early 1900's, meaning that the Tribe has legally enforceable Treaty-protected rights for the entirety of the proposed CRT project in Oregon and Washington. The Tribe's goal is to maintain and enhance traditional and Treaty-protected fish and wildlife resources within the Columbia River Basin, and the Tribe is integrally involved in the five major institutional structures governing anadromous fish restoration in the upper Columbia Basin: the 2018-2027 *United States v. Oregon* Management Agreement; the Pacific Salmon Treaty; the Fish and Wildlife Plan adopted under the authority of the Pacific Northwest Power Planning and Conservation Act of 1980 (Northwest Power Act); the orders of the Federal Energy Regulatory Commission, and the processes authorized under the Endangered Species Act ("ESA"), specifically the processes growing out of the continuing jurisdiction federal court case of *National Wildlife Federation, et al. and Oregon v. National Marine Fisheries Services, et al.*; and the Columbia River System ("CRS").

The Tribe owns multiple lands along and within the Columbia River. Without limitation, it is also a member of the Columbia River Inter-Tribal Fish Commission, formed in 1977 by the four sovereign treaty tribes of the Columbia Basin and dedicated to protecting and restoring tribal fisheries; a member of the Wana Pa Koot Koot Cooperating Group for cultural resources affected by the operation of the CRS in the Zone 6 area of the Columbia River; and a regulatory participant as a rotating tribal member of the Columbia River Gorge Commission. In addition, in 2018, the Tribe and the state of Oregon entered into a Memorandum of Agreement Regarding Off-Reservation Hunting Subject to the 1855 Treaty with the Tribes of Middle Oregon. *See* Exhibit 3

and OAR 635-043-0140 (“MOA”). The purpose of the MOA is, among other things, to coordinate the regulation of hunting activities of Oregon citizens and tribal members for the benefit of both tribal and the non-tribal member public “in accordance with sound wildlife management science and principles for the benefit of the wildlife resource.” CRT proposes locations within the portions of the Hood, White River, and Biggs units that are covered by the MOU.

II Comments on the Department’s Request

The Request invites comments on whether the project “will have a significant adverse impact on historic, cultural, or archaeological resources and other resources that may have cultural or economic significance” to the Tribe. As an initial matter, the Tribe’s interests are broader than “historic, cultural or archaeological resources.” The CRB and the treaty-protected rights therein are the very epicenter of the Tribe’s cultural identity, economic self-determination, and exercise of self-governance.

As a primary touchstone, the Department must understand that the Tribe’s legally-protected treaty-reserved rights to take fish throughout the CRB includes a right to have fish to take. *See generally United States. v. Washington*, 853 F.3d 946 (2017), *aff’d by equally divided court*, 138 S.Ct 1832 (2018). Any state siting council decision, therefore, may not abridge the Tribe’s federally reserved rights to take fish, including the habitat necessary to support the fish to take. Importantly, neither the State of Oregon, U.S. Fish and Wildlife Service, National Marine Fisheries Service, nor any other state, federal or local agency has the expertise or knowledge to evaluate how habitat degradation affects or causes loss to these resources and their cultural and subsistence significance to the Tribe. In other words, the Department must thoroughly consult with the Tribe, along with other Columbia River treaty tribes, for their technical and traditional knowledge and expertise related to management of their treaty-reserved rights. This consultation must span multiple siting criteria beyond “historic, cultural and archeological resources.”

III Initial Comment on Proposed CRT Siting Application

As noted above, the Request does not include detailed information regarding the CRT proposal. It is therefore premature to identify specific impacts to treaty-protected rights and cultural resources. However, we do have initial concerns and comments on the application.

- The applicant appears to address only ecological impacts during the construction phase, while a project of this scope is likely to have impacts beyond construction, and may affect various treaty-protected natural and cultural resources. The temporal scope of the project must be expanded to its entire life-span including operations and maintenance at the converter stations and the cable route in the upland and in-river. Since it’s our understanding that the project has a lifespan of approximately 40 years, the Department must require sufficient conditions to adaptively manage the project’s ecological impacts and necessary mitigation and restoration actions during its operation and, after operation, a decommissioning plan. CTWS is likely to object to decommissioning in place. The Department should also require an emergency response plan.

- The “study area of impacts” requires further expansion, particularly relating to fish, wildlife, their habitats, and archeological resources. The assumption that fish, wildlife, and cultural resources could only be impacted at the site does not take into consideration that fish and wildlife do not recognize boundaries and that many species use the Columbia River as a migratory corridor. It also assumes that electromagnetic frequency (EMF) does not impact fish or wildlife. We are unaware of any literature that suggests that EMF and potential heat released from the cable will not impact treaty-protected fish and wildlife. In exploring this idea further, CRT needs to consider not only direct, but indirect and potentially latent effects. The information provided appears to be based on work completed by the applicant on a different species well outside of the Columbia River Basin. The applicant does not appear to have taken into account cultural resource impacts outside of the site boundary, such as shifting sediments that could settle out in/on existing sites, and lack of discussion about staging of large equipment (e.g., barge tie-ups).
- The Columbia River is an important spawning, rearing, foraging, and migratory corridor for 13-runs of threatened or endangered Pacific salmon, Pacific eulachan, and bull trout. Based on the species list in the application, CRT didn’t identify specific runs of listed Pacific salmon and decided not to include endangered Snake River sockeye. They also did not include bull trout from the Deschutes River system which have been tracked downstream of The Dalles Dam. Because the scope of the list was narrowed to federal or state threatened and endangered species, culturally significant and treaty-protected fishes were not included, such as Pacific lamprey and white sturgeon.
- While not an exhaustive list, many of the federally-listed threatened or endangered species noted above also have critical habitat listings under the ESA including Columbia River chum; Lower Columbia River Coho and steelhead; Middle Columbia River steelhead; Snake River fall Chinook, sockeye, and steelhead; and Upper Columbia spring Chinook and steelhead. The proposal does not supply enough information to determine how critical habitat could be adversely impacted. This includes the use of the jetplow for installing the cable and installation of concrete mattresses.
- It is expected that CRT will only work within designated state instream work windows for both Oregon and Washington. Since the work windows are not the same for both States, both requirements should be combined to define the period of time during which CRT cannot complete any construction. This is particularly important for Chum salmon. Chum salmon do not recognize state boundaries, and work completed during their migration, spawning, and rearing periods could be detrimental to stronghold spawning locations in the near vicinity of Hamilton Island, Washington.
- Based on the proposed route through the Columbia River, there are locations where construction may be in a close vicinity to traditional fishing locations – both platforms and commercial. In particular, while on the Washington side, they are proposing to re-enter the Columbia at N. Bonneville, and cut a trench/horizontally directional drill (HDD) through Hamilton Island, which is the location for the lower Bonneville Fishery, an

important fishery for tribal elders. It is unclear how CRT intends to mitigate impacts to or restore locations where it has worked.

- There are also 10 in-lieu or treaty fishing access sites (https://critfc.org/wp-content/uploads/2021/10/fishing-access-site_amenities_map-297x1024-1.jpg) from The Dalles to Bonneville. These sites need to be protected from impacts.
- The list of wildlife is incomplete. It needs to be expanded to include culturally significant species such as bald eagle and mule deer.
- The CRT proposes to route cable underground to a converter station east of The Dalles. This area is mule deer winter range and habitat, and, even if temporary, the CRT's activities can have adverse impacts. The Tribe has a specific management interest in the mule deer winter range covered in the White River and Biggs unit, which includes The Dalles area and the existing Big Eddy converter station. A healthy population of mule deer, which are crucial for our cultural and traditional ways of life, depends not only on open public lands, but also on adjacent lands. This project in particular has the potential to impact mule deer by fragmenting their habitat, causing stress and impacting parturition and fawning.
- In addition to comments provided earlier from the CTWS Tribal Historic Preservation Office, I would like to note that the use of HDD is highly concerning because this is not an effective way to monitor impacts. There are many cultural resources in the bed of the Columbia River, including inundated sites and burial sites. Cultural sites may be destroyed without knowledge, which would cause irreparable harm. The applicant should explain how HDD can be used in a way that is consistent with the National Historic Preservation Act and Section 106.
- The project is proposed to be in the vicinity of or to run through areas of known contamination, which could mobilize sediments and cause ecological harm to tribal members exercising their treaty rights.
 - While the applicant is planning to exit the river at Stevenson, Washington and re-enter below the Bonneville Dam at Hamilton Island, sediments mobilized below Bonneville may contain contaminants from the Bradford Island Superfund Site that would negatively impact tribal members' health while exercising their treaty-reserved fishing rights below Bonneville and on Hamilton Island.
 - One of the proposed routes in the Portland Metro area would cut through West Hayden Island (WHI) on Port of Portland land. The applicant has not described the land use by the Port. WHI is a known disposal site for dredged materials that were not safe to release into the flow lane of the Columbia. Any mobilization of contaminated soils from WHI would be unacceptable.

- The Tribe is a Trustee in the Portland Harbor Superfund Site (PHSS) and has spent nearly 20 years advising and working towards the clean-up of the site and restoring culturally significant fish, wildlife, and plant species. The applicant contends that the cable alignment will avoid NPL sites. This is not true. The applicant intends to use HDD to reach the Harborton site, which is within the PHSS boundary.

IV Conclusions

CTWS tribal members have inhabited the Columbia River Basin since time immemorial. The Columbia River is one contiguous cultural site. While many sites and significant areas have been inundated by the dams along the River, these locations remain important to the people and essential to the perpetuation of the culture. The Tribe, and other Columbia River treaty tribes, have deep cultural ties to the River as well as federally-protected rights and ongoing pervasive co-management obligations and expertise. In other words, the Department must thoroughly consult with the Tribe, along with other Columbia River treaty tribes, for their technical and traditional knowledge and expertise related to management of their treaty-reserved rights. This consultation must span multiple siting criteria beyond “historic, cultural and archeological resources.” Based on the current information available, the Tribe has deep concerns about the CRT proposal and appreciates the opportunity to provide these initial comments. These comments are not exhaustive but we hope they are indicative of the complex issues that the CRT proposal presents.

Sincerely,



Austin L. Smith, Jr.
General Manager, Branch of Natural Resources
The Confederated Tribes of the Warm Springs
Reservation of Oregon

ALS

EXHIBIT 1

1855 WL 10418(Trty.)
(TREATY)

TREATY WITH THE TRIBES OF MIDDLE OREGON, 1855.

June 25, 1855.

Articles of agreement and convention made and concluded at Wasco, near the Dalles of the Columbia River, in Oregon Territory, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following-named chiefs and head-men of the confederated tribes and bands of Indians, residing in Middle Oregon, they being duly authorized thereto by their respective bands, to wit: Symtustus, Locks-quis-sa, Shick-a-me, and Kuck-up, chiefs of the Taih or Upper De Chutes band of Walla-Wallas; Stocket-ly and Iso, chiefs of the Wyam or Lower De Chutes band of Walla-Wallas; Alexis and Talkish, chiefs of the Tenino band of Walla-Wallas; Yise, chief of the Dock-Spus or John Day's River band of Walla-Wallas; Mark, William Chenook, and Cush-Kella, chiefs of the Dalles band of the Wascoes; Toh-simph, chief of the Ki-gal-twal-la band of Wascoes; and Wal-la-chin, chief of the Dog River band of Wascoes. [FNA][FNB]

ARTICLE 1

The above-named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country claimed by them, included in the following boundaries, to wit: [FNC]

Commencing in the middle of the Columbia River, at the Cascade Falls, and running thence southerly to the summit of the Cascade Mountains; thence along said summit to the forty-fourth parallel of north latitude; thence east on that parallel to the summit of the Blue Mountains, or the western boundary of the Sho-sho-ne or Snake country; thence northerly along that summit to a point due east from the head-waters of Willow Creek; thence west to the head-waters of said creek; thence down said stream to its junction with the Columbia River; and thence down the channel of the Columbia River to the place of beginning. Provided, however, that so much of the country described above as is contained in the following boundaries, shall, until otherwise directed by the President of the United States, be set apart as a residence for said Indians, which tract for the purposes contemplated shall be held and regarded as an Indian reservation, to wit: [FND][FNE]

Commencing in the middle of the channel of the De Chutes River opposite the eastern termination of a range of high lands usually known as the Mutton Mountains; thence westerly to the summit of said range, along the divide to its connection with the Cascade Mountains; [FNF] thence to the summit of said mountains; thence southerly to Mount Jefferson; thence down the main branch of De Chutes River; heading in this peak, to its junction with De Chutes River; and thence down the middle of the channel of said river to the place of beginning. All of which tract shall be set apart, and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white person be permitted to reside upon the same without the concurrent permission of the agent and superintendent. [FNG]

The said bands and tribes agree to remove to and settle upon the same within one year after the ratification of this treaty, without any additional expense to the United States other than is provided for by this treaty; and, until the expiration of the time specified, the said bands shall be permitted to occupy and reside upon the tracts now possessed by them, guaranteeing to all white citizens the right to enter upon and occupy as settlers any lands not included in said reservation, and not actually inclosed by said Indians. Provided, however, That prior to the removal of said Indians to said reservation, and before any improvements contemplated by this treaty shall have been commenced, that if the three principal bands, to wit: the Wascopum, Tiah, or Upper De Chutes, and the Lower De Chutes bands of Walla-Wallas shall express in council, a desire that some other reservation may be selected for them, that the three bands named may select each three persons of their respective bands, who with the superintendent of Indian affairs or agent, as may by him be directed, shall proceed to examine, and if another location can be selected, better suited to the condition and wants of said Indians, that is unoccupied by the whites, and upon which the board of

commissioners thus selected may agree, the same shall be declared a reservation for said Indians, instead of the tract named in this treaty. Provided, also, That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all other usual and accustomed stations, in common with citizens of the United States, and of erecting suitable houses for curing the same; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands, in common with citizens, is secured to them. And provided, also, That if any band or bands of Indians, residing in and claiming any portion or portions of the country in this article, shall not accede to the terms of this treaty, then the bands becoming parties hereunto agree to receive such part of the several and other payments herein named as a consideration for the entire country described as aforesaid as shall be in the proportion that their aggregate number may have to the whole number of Indians residing in and claiming the entire country aforesaid, as consideration and payment in full for the tracts in said country claimed by them. And provided, also, That where substantial improvements have been made by any members of the bands being parties to this treaty, who are compelled to abandon them in consequence of said treaty, the same shall be valued, under the direction of the President of the United States, and payment made therefor; or, in lieu of said payment, improvements of equal extent and value at their option shall be made for them on the tracts assigned to each respectively. [FNH][FNI][FNJ][FNK] [FNL][FNM]

ARTICLE 2

In consideration of, and payment for, the country hereby ceded, the United States agree to pay the bands and tribes of Indians claiming territory and residing in said country, the several sums of money following, to wit: [FNN]

Eight thousand dollars per annum for the first five years, commencing on the first day of September, 1856, or as soon thereafter as practicable.

Six thousand dollars per annum for the term of five years next succeeding the first five.

Four thousand dollars per annum for the term of five years next succeeding the second five; and

Two thousand dollars per annum for the term of five years next succeeding the third five.

All of which several sums of money shall be expended for the use and benefit of the confederated bands, under the direction of the President of the United States, who may from time to time, at his discretion determine what proportion thereof shall be expended for such objects as in his judgment will promote their well-being and advance them in civilization; for their moral improvement and education; for building, opening and fencing farms, breaking land, providing teams, stock, agricultural implements, seeds, &c.; for clothing, provisions, and tools; for medical purposes, providing mechanics and farmers, and for arms and ammunition. [FNO]

ARTICLE 3

The United States agree to pay said Indians the additional sum of fifty thousand dollars, a portion whereof shall be applied to the payment for such articles as may be advanced them at the time of signing this treaty, and in providing, after the ratification thereof and prior to their removal, such articles as may be deemed by the President essential to their want; for the erection of buildings on the reservation, fencing and opening farms; for the purchase of teams, farming implements, clothing and provisions, tools, seeds, and for the payment of employees; and for subsisting the Indians the first year after their removal. [FNP]

ARTICLE 4

In addition to the considerations specified the United States agree to erect, at suitable points on the reservation, one sawmill and one flouring-mill; suitable hospital buildings; one school-house; one blacksmith-shop with a tin and a gunsmith-shop thereto attached; one wagon and plough maker shop; and for one sawyer, one miller, one superintendent of farming operations, a farmer, a physician, a school-teacher, a blacksmith, and a wagon and plough maker, a dwelling house and the requisite outbuildings for

each; and to purchase and keep in repair for the time specified for furnishing employees all necessary mill-fixtures, mechanics' tools, medicines and hospital stores, books and stationery for schools, and furniture for employees. [FNQ]

The United States further engage to secure and pay for the services and subsistence, for the term of fifteen years, of one farmer, one blacksmith, and one wagon and plough maker; and for the term of twenty years, of one physician, one sawyer, one miller, one superintendent of farming operations, and one school teacher. [FNR]

The United States also engage to erect four dwelling-houses, one for the head chief of the confederated bands, and one each for the Upper and Lower De Chutes bands of Walla-Wallas, and for the Wascopum band of Wascoes, and to fence and plough for each of the said chiefs ten acres of land; also to pay the head chief of the confederated bands a salary of five hundred dollars per annum for twenty years, commencing six months after the three principal bands named in this treaty shall have removed to the reservation, or as soon thereafter as a head chief should be elected: And provided, also, That at any time when by the death, resignation, or removal of the chief selected, there shall be a vacancy and a successor appointed or selected, the salary, the dwelling, and improvements shall be possessed by said successor, so long as he shall occupy the position as head chief; so also with reference to the dwellings and improvements provided for by this treaty for the head chiefs of the three principal bands named. [FNS][FNT]

ARTICLE 5

The President may, from time to time, at his discretion, cause the whole, or such portion as he may think proper, of the tract that may now or hereafter be set apart as a permanent home for these Indians, to be surveyed into lots and assigned to such Indians of the confederated bands as may wish to enjoy the privilege, and locate[FNU] thereon permanently. To a single person over twenty-one years of age, forty acres; to a family of two persons, sixty acres; to a family of three and not exceeding five, eighty acres; to a family of six persons, and not exceeding ten, one hundred and twenty acres; and to each family over ten in number, twenty acres for each additional three members. And the President may provide such rules and regulations as will secure to the family in case of the death of the head thereof the possession and enjoyment of such permanent home and the improvement thereon; and he may, at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years and shall be exempt from levy, sale, or forfeiture, which condition shall continue in force until a State constitution embracing such lands within its limits shall have been formed, and the legislature of the State shall remove the restrictions. Provided, however, That no State legislature shall remove the restrictions herein provided for without the consent of Congress. And provided, also, That if any person or family shall at any time neglect or refuse to occupy or till a portion of the land assigned and on which they have located, or shall roam from place to place indicating a desire to abandon his home, the President may, if the patent shall have been issued, revoke the same, and if not issued, cancel the assignment, and may also withhold from such person, or family, their portion of the annuities, or other money due them, until they shall have returned to such permanent home and resumed the pursuits of industry, and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of Indians residing on said reservation. [FNV][FNW][FNX]

ARTICLE 6

The annuities of the Indians shall not be taken to pay the debts of individuals. [FNY]

ARTICLE 7

The confederated bands acknowledge their dependence on the Government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredation on the property of said citizens; and should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities; nor will they make war on any other tribe of Indians except in self-defence, but submit all matters of difference between them and other Indians to the Government of the United States, or its agents for decision, and abide thereby; and if any of the said

Indians commit any depredations on other Indians, the same rule shall prevail as that prescribed in the case of depredations against citizens; said Indians further engage to submit to and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians. [FNZ][FNAA] [FNBB]

ARTICLE 8

In order to prevent the evils of intemperance among said Indians, it is hereby provided, that if any one of them shall drink liquor to excess, or procure it for others to drink, his or her proportion of the annuities may be withheld from him or her for such time as the President may determine. [FNCC]

ARTICLE 9

The said confederated bands agree that whensoever, in the opinion of the President of the United States, the public interest may require it, that all roads, highways, and railroads shall have the right of way through the reservation herein designated, or which may at any time hereafter be set apart as a reservation for said Indians. [FNDD]

This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States. [FNEE]

In testimony whereof, the said Joel Palmer, on the part of the United States, and the undersigned, chiefs, headmen, and delegates of the said confederated bands, have hereunto set their hands and seals, this twenty-fifth day of June, eighteen hundred fifty-five.

Joel Palmer, Superintendent of Indian Affairs, O.T. (L.S.)

Wasco:

Mark, his x mark. (L.S.)

William Chenook, his x mark. (L.S.)

Cush Kella, his x mark. (L.S.)

Lower De Chutes:

Stock-etley, his x mark. (L.S.)

Iso, his x mark. (L.S.)

Upper De Chutes:

Simtustus, his x mark. (L.S.)

Locksquissa, his x mark. (L.S.)

Shick-ame, his x mark. (L.S.)

Kuck-up, his x mark. (L.S.)

Tenino:

Alexsee, his x mark. (L.S.)

Talekish, his x mark. (L.S.)

Dog River Wasco:

Walachin, his x mark. (L.S.)

Tah Symph, his x mark. (L.S.)

Ash-na-chat, his x mark. (L.S.)

Che-wot-nleth, his x mark. (L.S.)

Te-cho, his x mark. (L.S.)

Sha-qually, his x mark. (L.S.)

Louis, his x mark. (L.S.)

Yise, his x mark. (L.S.)

Stamite, his x mark. (L.S.)

Ta-cho, his x mark. (L.S.)

Penop-teyot, his x mark. (L.S.)

Elosh-kish-kie, his x mark. (L.S.)

Am. Zelic, his x mark. (L.S.)

Ke-chac, his x mark. (L.S.)

Tanes Salmon, his x mark. (L.S.)

Ta-kos, his x mark. (L.S.)

David, his x mark. (L.S.)

Sowal-we, his x mark. (L.S.)

Postie, his x mark. (L.S.)

Yawan-shewit, his x mark. (L.S.)

Own-aps, his x mark. (L.S.)

Kossa, his x mark. (L.S.)

Pa-wash-ti-mane, his x mark. (L.S.)

Ma-we-nit, his x mark. (L.S.)

Tipso, his x mark. (L.S.)

Jim, his x mark. (L.S.)

Peter, his x mark. (L.S.)

Na-yoct, his x mark. (L.S.)

Wal-tacom, his x mark. (L.S.)

Cho-kalth, his x mark. (L.S.)

Pal-sta, his x mark. (L.S.)

Mission John, his x mark. (L.S.)

Le Ka-ya, his x mark. (L.S.)

La-wit-chin, his x mark. (L.S.)

Low-las, his x mark. (L.S.)

Thomson, his x mark. (L.S.)

Charley, his x mark. (L.S.)

Copefornia, his x mark. (L.S.)

Wa-toi-mettla, his x mark. (L.S.)

Ke-la, his x mark. (L.S.)

Pa-ow-ne, his x mark. (L.S.)

Kuck-up, his x mark. (L.S.)

Poyet, his x mark. (L.S.)

Ya-wa-clax, his x mark. (L.S.)

Tam-cha-wit, his x mark. (L.S.)

Tam-mo-yo-cam, his x mark. (L.S.)

Was-ca-can, his x mark. (L.S.)

Talle Kish, his x mark. (L.S.)

Waleme Toach, his x mark. (L.S.)

Site-we-loch, his x mark. (L.S.)

Ma-ni-nect, his x mark. (L.S.)

Pich-kan, his x mark. (L.S.)

Pouh-que, his x mark. (L.S.)

Eye-eya, his x mark. (L.S.)

Kam-kus, his x mark. (L.S.)

Sim-yo, his x mark. (L.S.)

Kas-la-chin, his x mark. (L.S.)

Pio-sho-she, his x mark. (L.S.)

Mop-pa-man, his x mark. (L.S.)

Sho-es, his x mark. (L.S.)

Ta-mo-lits, his x mark. (L.S.)

Ka-lim, his x mark. (L.S.)

Ta-yes, his x mark. (L.S.)

Was-en-was, his x mark. (L.S.)

E-yath Kloppy, his x mark. (L.S.)

Paddy, his x mark. (L.S.)

Sto-quin, his x mark. (L.S.)

Charley-man, his x mark. (L.S.)

Ile-cho, his x mark. (L.S.)

Pate-cham, his x mark. (L.S.)

Yan-che-woc, his x mark. (L.S.)

Ya-toch-la-le, his x mark. (L.S.)

Alpy, his x mark. (L.S.)

Pich, his x mark. (L.S.)

William, his x mark. (L.S.)

Peter, his x mark. (L.S.)

Ischa Ya, his x mark. (L.S.)

George, his x mark. (L.S.)

Jim, his x mark. (L.S.)

Se-ya-las-ka, his x mark. (L.S.)

Ha-lai-kola, his x mark. (L.S.)

Pierro, his x mark. (L.S.)

Ash-lo-wash, his x mark. (L.S.)

Paya-tilch, his x mark. (L.S.)

Sae-pa-waltcha, his x mark. (L.S.)

Shalquilkey, his x mark. (L.S.)

Wa-qual-lol, his x mark. (L.S.)

Sim-kui-kui, his x mark. (L.S.)

Wacha-chiley, his x mark. (L.S.)

Chi-kal-kin, his x mark. (L.S.)

Squa-yash, his x mark. (L.S.)

Sha Ka, his x mark. (L.S.)

Keau-i-sene, his x mark. (L.S.)

Che-chis, his x mark. (L.S.)

Sche-noway, his x mark. (L.S.)

Scho-ley, his x mark. (L.S.)

We-ya-thley, his x mark. (L.S.)

Pa-leyathley, his x mark. (L.S.)

Keyath, his x mark. (L.S.)

I-poth-pal, his x mark. (L.S.)

S. Kolps, his x mark. (L.S.)

Walimtalín, his x mark. (L.S.)

Tash Wick, his x mark. (L.S.)

Hawatch-can, his x mark. (L.S.)

Ta-wait-cla, his x mark. (L.S.)

Patoch Snort, his x mark. (L.S.)

Tachins, his x mark. (L.S.)

Comochal, his x mark. (L.S.)

Passayei, his x mark. (L.S.)

Watan-cha, his x mark. (L.S.)

Ta-wash, his x mark. (L.S.)

A-nouth-shot, his x mark. (L.S.)

Hanwake, his x mark. (L.S.)

Pata-la-set, his x mark. (L.S.)

Tash-weict, his x mark. (L.S.)

Wescha-matolla, his x mark. (L.S.)

Chle-mochle-mo, his x mark. (L.S.)

Quae-tus, his x mark. (L.S.)

Skuilts, his x mark. (L.S.)

Panosпам, his x mark. (L.S.)

Stolameta, his x mark. (L.S.)

Tamayechotote, his x mark. (L.S.)

Qua-losh-kin, his x mark. (L.S.)

Wiska Ka, his x mark. (L.S.)

Che-lo-tha, his x mark. (L.S.)

Wetone-yath, his x mark. (L.S.)

We-ya-lo-cho-wit, his x mark. (L.S.)

Yoka-nolth, his x mark. (L.S.)

Wacha-ka-polle, his x mark. (L.S.)

Kon-ne, his x mark. (L.S.)

Ash-ka-wish, his x mark. (L.S.)

Pasquai, his x mark. (L.S.)

Wasso-kui, his x mark. (L.S.)

Quaino-sath, his x mark. (L.S.)

Cha-ya-tema, his x mark. (L.S.)

Wa-ya-lo-chol-wit, his x mark. (L.S.)

Flitch Kui Kui, his x mark. (L.S.)

Walcha Kas, his x mark. (L.S.)

Watch-tla, his x mark. (L.S.)

Enias, his x mark. (L.S.)

Signed in presence of - -

Wm. C. McKay, secretary of treaty, O.T.

R. R. Thompson, Indian agent.

R. B. Metcalfe, Indian sub-agent.

C. Mespotie.

John Flett, interpreter.

Dominick Jondron, his x mark, interpreter.

Mathew Dofa, his x mark, interpreter.

Footnotes

- A Ratified Mar. 8, 1859.
FNB Proclaimed Apr. 18, 1859.
FNC Cession of lands to the United States.
FND Boundaries.
FNE Reservation.
FNF Boundaries.
FNG Whites not to reside thereon unless, etc.
FNH Bands to settle thereon within a year.
FNI Another reservation to be selected in lieu of this, if, etc.
FNJ Rights and privileges secured to Indians.
FNK See Art. 1, treaty of Nov. 1, 1865.
FNL Proviso in case any band does not accede to this treaty.
FNM Allowance for improvements if, etc.
FNN Payments by the United States.
FNO How to be expended.
FNP \$50,000 additional to be expended for buildings, etc.
FNQ United States to erect sawmills, school-house, etc.
FNR To furnish farmer, mechanics, physician, etc.
FNS To erect dwelling houses, etc., for head chiefs.
FNT Successor of head chief to take them.
FNU Lands may be allotted to individual Indians for permanent homes.
FNV Patents to issue therefor; conditions thereof.
FNW Restrictions not to be removed without, etc.
FNX Patent may be cancelled.
FNY Annuities of Indians not to pay debt of individuals.
FNZ Bands to preserve friendly relations.
FNAA To pay for depredations.
FNBB Not to make war, except, etc.
FNCC Annuities to be withheld from those drinking liquor to excess.
FNDD Roads, etc., may be made through reservation.
FNEE When treaty to take effect.

End of Document

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EXHIBIT 2

The Confederated Tribes of Warm Springs Ceded Lands and Property

Legend

- Major Roads
- Streams
- ▭ Ceded Lands
- ▭ Oregon Counties
- ▭ Wilderness Areas
- ▭ Tribal Lands
- ▭ CTWSIPGE
- ▭ Oregon State Parks
- ▭ CDFW
- ▭ National Parks
- ▭ National Forest
- ▭ Ochoco National Forest Grasslands
- ▭ Columbia River Gorge Scenic Management Areas

Ceded Lands boundary description from the Treaty of 1855 as follows: Commencing in the middle of the Columbia River, at the Cascade Falls, and running thence westerly to the summit of the Cascade Mountains; thence in a straight line to the first sharp point of Mount St. Helens; thence east on that point to the summit of the Black Mountain, or the western boundary of the Shoshone or Snake country; thence westerly along that summit to a point due east from the junction of Wigwag creek; thence west to the headwaters of said creek; thence down said stream to its junction with the Columbia River; and thence down the west side of the Columbia River to the place of beginning.



This map is for display purposes only. Created by: State of Oregon 12/2014

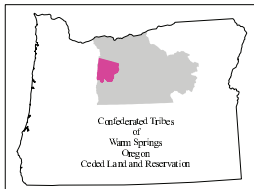
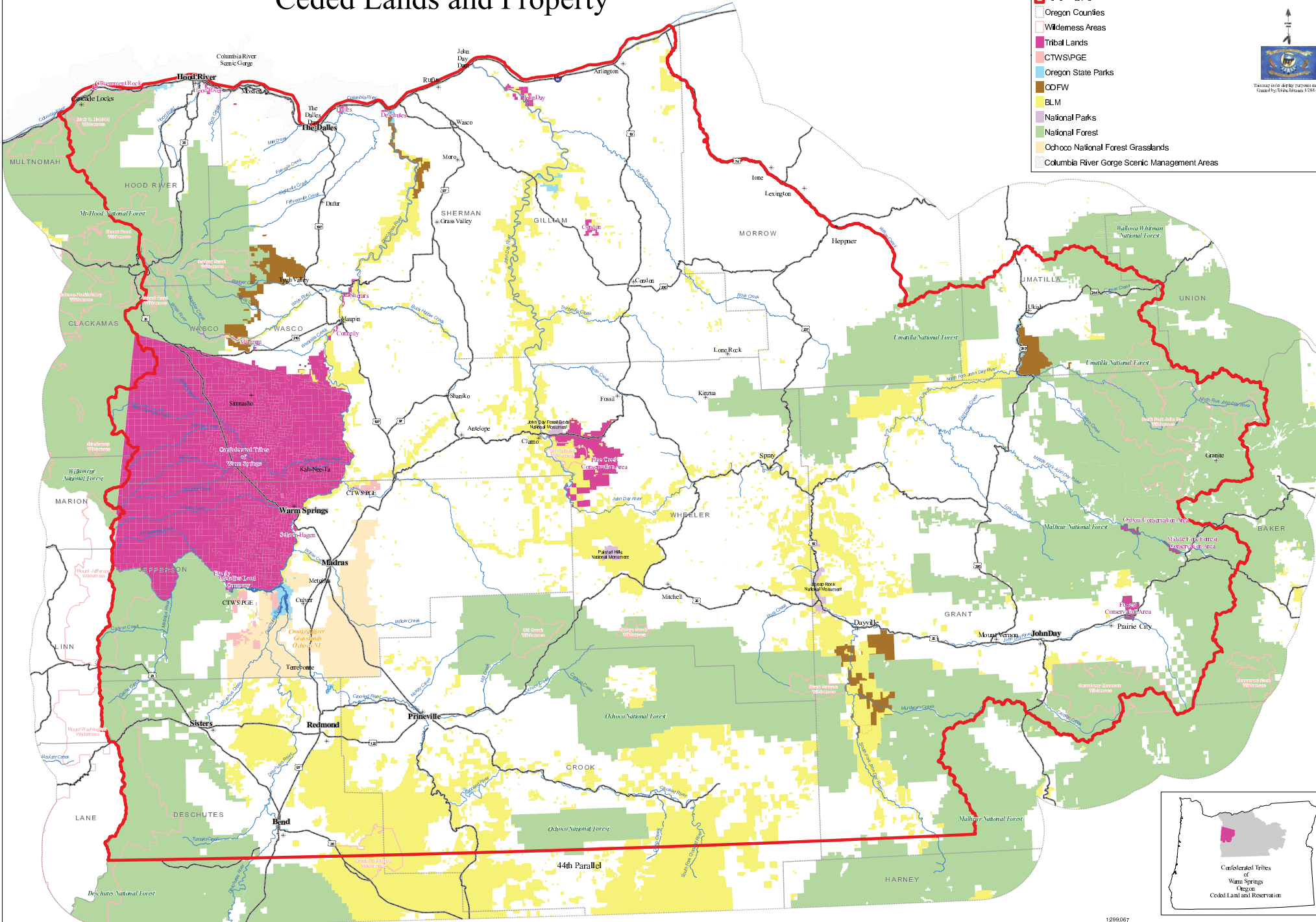


EXHIBIT 3

OFFICE OF THE SECRETARY OF STATE
DENNIS RICHARDSON
SECRETARY OF STATE

LESLIE CUMMINGS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

DFW 184-2018

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED

12/14/2018 3:00 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Rules Relating to the Confederated Tribes of the Warm Springs Hunting Agreement

EFFECTIVE DATE: 12/14/2018

AGENCY APPROVED DATE: 09/14/2018

CONTACT: Roxann Borisch
503-947-6314
roxann.b.borisch@state.or.us

4034 Fairview Industrial Drive SE
Salem, OR 97303

Filed By:
Roxann Borisch
Rules Coordinator

AMEND: 635-043-0140

RULE TITLE: Warm Springs Hunting Agreement

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: Rules and guidelines relating to the Confederated Tribes of the Warm Springs Hunting Agreement.

RULE TEXT:

(1) Tribal members of the Confederated Tribes of the Warm Springs Reservation are authorized to take wildlife under the terms and conditions in the Memorandum of Agreement Between the Confederated Tribes of the Warm Springs Reservation and the State of Oregon Regarding Off-reservation Hunting Subject to the 1855 Treaty with the Tribes of Middle Oregon, entered into by both parties in 2018, incorporated herein by reference.

(2) No additional tribal legal or treaty entitlement is created, conveyed or implied, nor is any existing agreement, treaty or court decree modified by the adoption of these rules or the above referenced Memorandum of Agreement.

STATUTORY/OTHER AUTHORITY: ORS 496.138, 496.146, 496.162

STATUTES/OTHER IMPLEMENTED: ORS 496.138, 496.146, 496.162

**MEMORANDUM OF AGREEMENT BETWEEN THE
CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION
AND THE STATE OF OREGON REGARDING OFF-RESERVATION
HUNTING SUBJECT TO THE 1855 TREATY WITH THE TRIBES OF
MIDDLE OREGON**

RECITALS

1. WHEREAS, the State of Oregon (hereinafter State) and the Confederated Tribes of the Warm Springs Reservation of Oregon (hereinafter Tribe or Warm Springs Tribe) are sovereign entities that desire to continue and advance their Government-to-Government relationship, and to exercise their respective sovereign authorities in a respectful and coordinated manner in the regulation of hunting in the state of Oregon; and,
2. WHEREAS, the Oregon Department of Fish and Wildlife (“ODFW”), pursuant to ORS 496.012 and ORS 496.146, has the legal obligation and authority to manage wildlife for the benefit of its present and future citizens, and as part of that obligation ODFW regulates the hunting of wildlife within state boundaries; and,
3. WHEREAS, the Warm Springs Tribe and the United States negotiated and executed a treaty, entitled “Treaty with the Tribes of Middle Oregon, June 25, 1855”, ratified by the United States Senate on March 8, 1859 (12 Stat., 963) (hereinafter “1855 Treaty”); and,
4. WHEREAS, Article 1 of the 1855 Treaty provides that the privilege of hunting in common with the citizens of the United States on unclaimed lands outside the Warm Springs Reservation is secured to the Tribe; and,
5. WHEREAS, Article 5 of the Constitution and By-Laws of the Confederated Tribes of the Warm Springs Reservation of Oregon, provides the Tribal Council the authority to regulate the use of natural resources, including wildlife, by tribal members to protect and preserve this tribal resource; and,
6. WHEREAS, the State and Tribe desire to coordinate regulation of the hunting activities of their citizens and members respectively, for the benefit of both the tribal and non-tribal member public, and in accord with sound wildlife management science and principles for the benefit of the wildlife resource; and,
7. WHEREAS, the terms of the 1855 Treaty, and the hunting right reserved in Article I, provide a foundation for this Agreement, but the parties have not attempted to agree to the precise parameters of the Tribe’s hunting rights under the terms of that Treaty and have reached a practical arrangement for the term of this agreement; and,
8. WHEREAS, the State parties agree to recognize the 1855 Treaty as the sole operative treaty document with respect to the Tribe’s hunting rights.

NOW THEREFORE, the Parties agree that:

9. **Hunting and Species Covered.** This Agreement relates to hunting of big game species (pronghorn antelope, cougar, bear, mountain goat, bighorn sheep, deer, elk, and any other species that may subsequently be defined as “big game” by ODFW), furbearer species (beaver, bobcat, fisher, marten, mink, muskrat, river otter, raccoon, red fox, gray fox and any other species that may subsequently be defined as a “furbearer” by ODFW) and upland game birds (pheasant, grouse, partridge, quail, wild turkey and any other species that may subsequently be defined as an “upland game bird” by ODFW).
10. **Geographic Scope (Hunt Area).** Except as otherwise provided in this Agreement, this Agreement applies to Pine Creek Conservation Area and to the following public lands within the boundary described in Attachment 1 (the “Hunt Area”):
 - a. Federal lands that are managed consistently with hunting activities;
 - b. State lands, except state wildlife areas, that are managed consistently with hunting;
 - c. State wildlife areas, during times when there is an ODFW season authorizing hunting of the same species. Where state wildlife areas, such as the Phillip W. Schneider Wildlife Area, are comprised of both state and federal lands, the unclaimed federal lands of that wildlife area are open for tribal hunting consistent with tribal regulation and any state or federal travel management provisions. State lands within the wildlife areas are only open for tribal hunting when there is an ODFW season authorizing hunting of the same species on the wildlife area.
11. **Hunting Outside of this Agreement.** Any off-reservation hunting activity not covered by this Agreement shall be conducted pursuant to state regulations.
12. **Federal law.** Nothing in this Agreement is intended to authorize hunting activities inconsistent with applicable federal law.

HUNTING REGULATION

13. Except as otherwise provided in this Agreement, the Tribe will regulate the hunting activities of its members as an attribute of its sovereignty, with respect to the species and within the geographic scope covered by this Agreement. The Tribe’s regulation is subject to the State’s ability to regulate where such regulation “is a reasonable and necessary conservation measure” that is “necessary for the perpetuation of a species” and meets each of the “conservation necessity standards” for state regulation as described in case law. *E.g. State v. Jim*, 81 Or App 189, 193 (1986).
14. Both parties agree to pursue regulations which address appropriate safety concerns such as shooting at night, use of artificial light and shooting from or across a public roadway.

15. **White River Wildlife Area Deer Hunt.** Both Parties agree to special hunting seasons on the White River Wildlife Area. The White River Wildlife Area will be open to Warm Springs Tribal hunting of mule deer during all authorized ODFW big game seasons. In addition, Tribal mule deer hunting may occur for up to five days during the break between statewide general archery season and the normal start of the annual rifle deer season. This hunt will allow for use of both archery and rifle equipment weapon and may, subject to the Parties' agreement each year, include take of antlerless deer.

16. **Pine Creek Conservation Area (PCCA).** The Tribe will regulate hunting by enrolled Warm Springs Tribal members on the PCCA, which is owned in fee title and managed by the Tribe. The Tribe will continue to provide opportunity to non-Tribal members in accord with the PCCA management agreement between the Tribe and the Bonneville Power Administration. Non-tribal member hunting on the PCCA is subject to all State regulation as well as any PCCA-specific requirements. The Tribe understands that Oregon State Police may be present on the PCCA to enforce state regulations as to non-tribal members and will make best efforts to coordinate any such presence with the on-site PCCA tribal staff.

17. **Special Management Consideration for Deer Hunting in the Metolius Wildlife Management Unit (WMU).**

- a. The parties will manage total deer harvest for sustainable opportunity while maintaining herd management objectives for population size and buck ratios; section 21 provides for direct coordination if deer herd management by either party is a concern.
- b. CTWS deer hunting with a rifle will end no later than the end of ODFW Cascade elk rifle season.
- c. CTWS deer hunting after the close of the ODFW Cascade elk rifle season through the end of November is limited to primitive weapons (muzzleloader and archery) under hunting permit system (managed by CTWS).

18. **Travel Management Provision.** The Tribe agrees to adhere to all state and federal road and access restrictions, including but not limited to cooperative travel management areas (TMA) and winter range closures.

- a. TMA and winter range closures identified in the 2018 ODFW Big Game regulations include, but are not limited to the Metolius Wildlife Refuge and Metolius Winter Range Closure in the Metolius WMU; Tumalo Winter Range in the Upper Deschutes WMU; Lower Deschutes TMA (Biggs WMU); Prineville Reservoir Wildlife Area (Maury and Ochoco WMUs); Rager TMA and South Boundary TMA (Ochoco WMU); Rimrock Springs Wildlife Area (Grizzly WMU); Murderers Creek-Flagtail TMA (Murderers Creek WMU); Camp Creek TMA (Northside WMU); Trail Creek TMA and McCarty Winter Range Closure (Starkey WMU); and Winter Range Closures on Phillip W. Schneider, White River and Bridge Creek Wildlife Areas.

b. Prior to proposing or agreeing to any additional or expanded road and access restrictions in the hunt area that affect federal or state-owned lands, ODFW will coordinate with the Tribe and seek its concurrence. If the parties do not concur, either party may invoke the Dispute Resolution provisions of this agreement.

19. **Special Circumstance Hunts.** The Tribe may occasionally authorize hunting within the Hunt Area outside of the traditional fall seasons for hardship, ceremonial or cultural purposes. These authorizations will be limited and will not impair conservation of the resource. The State and Tribe will develop a notice system whereby state ODFW and OSP officers will be made aware that the Tribe has permitted a special circumstance hunt.

20. **No Commercial Purposes.** Taking, use and disposal of wildlife will not be done for commercial purposes.

21. **Coordination and information sharing.** The Tribe and ODFW agree to good-faith coordination of hunting management activity. It is the intent of each party to communicate in a timely manner to share information necessary for the sound management of the resource. That coordination will include, at a minimum:

a. **Pre-season coordination.** Representatives of the Tribe and ODFW will meet each year by August 1 to exchange information regarding planned hunting regulations governing the Hunt Area for the upcoming year/season. The Tribe will share its hunting ordinance when adopted by Tribal Council, including any changes to the ordinance.

b. **Post-season coordination.** Representatives of the Tribe and ODFW will exchange information by May 1 regarding the initial and/or final harvest data from prior year's hunting in the Hunt Area.

c. **Other coordination regarding species management concerns.** In the event either the Tribe or ODFW has a concern regarding the management or status of any species covered in this Agreement, either party may request a meeting with the other. The other party will take into account the input of the party requesting the meeting in making future management decisions.

ENFORCEMENT

22. **Identification and Tags.** In order to aid the parties' mutual goal of avoiding enforcement confusion, Warm Springs members hunting pursuant to this Agreement will carry tribal identification and tribally-authorized hunting tags showing that the tribe has authorized hunting of that species and will present the same to law enforcement officers, peace officers and ODFW personnel upon request.

23. **Referral.** The State and the Tribe agree to select at least one District Attorney from a county within the Hunt Area and to seek to establish a referral agreement whereby alleged Warm Springs tribal member violations are referred to Warm Springs Tribal Court.

24. **No Precedent.** This Agreement is not intended to bind the Tribe or State beyond the term of the Agreement, nor to bind either party at any time regarding any matter other than hunting. This Agreement is not intended as precedent to prejudice either party's legal positions as to any matter in the future.

25. **Dispute Resolution.** In the case of any dispute between the parties regarding the interpretation or implementation of this Agreement, either party may initiate dispute resolution as follows:

a. The party asserting the existence of a dispute shall notify the other party in writing of the nature of the dispute. Within 14 days local ODFW and tribal staff shall meet to discuss the issue.

b. If the issue is not resolved between the state and tribal staff, within 30 days the agency's Director shall meet with the appropriate tribal representative in an attempt to resolve the dispute.

c. If the issue remains unresolved, within 45 days the persons described in section 30 (Point of Contact) shall meet to attempt to resolve the dispute.

d. If the dispute remains unresolved, the parties may engage in mediation, with a mediator to be agreed on by the parties, and any costs of mediation shared equally by the parties.

e. **Emergency.** In the event that either party believes the dispute concerns an imminent threat to public safety or wildlife, that party may invoke the process described in section 25.b. above, on 7 days notice, without first pursuing the previous dispute resolution step. If the issue remains unresolved, the persons described in section 30 (Point of Contact) shall meet within 15 days to attempt to resolve the dispute. If the issue still remains unresolved, the parties may engage in mediation as described in section 25.d. above.

f. **Termination.** If the mediation process is not successful or if the parties decide not to engage in mediation, either party may terminate this Agreement on 30 days notice in writing to the other party (Point of Contact).

g. This Agreement is not intended to restrict the ability of the parties to pursue, by mutual agreement, any other method of dispute resolution. However, the process described above shall be the exclusive means of resolving disputes regarding this Agreement, unless otherwise agreed in writing by the parties.

26. **Stay of Prosecution.** In the event that a tribal member is cited by the State or local law enforcement for conduct the Tribe believes is consistent with this Agreement, at the Tribe's request the State will make efforts to have the prosecution stayed for a period of at least 90 days and the parties will attempt to resolve the issue pursuant to section 25 above.


27. **Effective Date.** This Agreement shall become effective when both the Oregon Fish and Wildlife Commission and the Warm Springs Tribe have adopted the necessary implementing rules and resolutions, and all parties have executed the Agreement.

28. **Term.** The term of this Agreement is ten years. This term begins on the date this Agreement is signed by all of the parties.

29. **Review and Modification of this Agreement.** The parties agree to review this Agreement in good faith once every three years, and to modify any of the terms of this Agreement if agreeable to both parties. All modifications of this Agreement must be made in writing and signed by all the parties.


30. **Points of Contact.** This is an agreement between sovereign governments. The Governor's Office is the point of contact for the State, and the Tribal Council is the point of contact for the Tribe. The Governor and the Tribal Council may delegate their point of contact responsibilities.

Date: 9/27/18



E. Austin Greene Jr., Tribal Chairman
Confederated Tribes of the Warm Springs
Reservation

Date: 8/29/2018



Michael Finley, Chair
Oregon Fish and Wildlife Commission

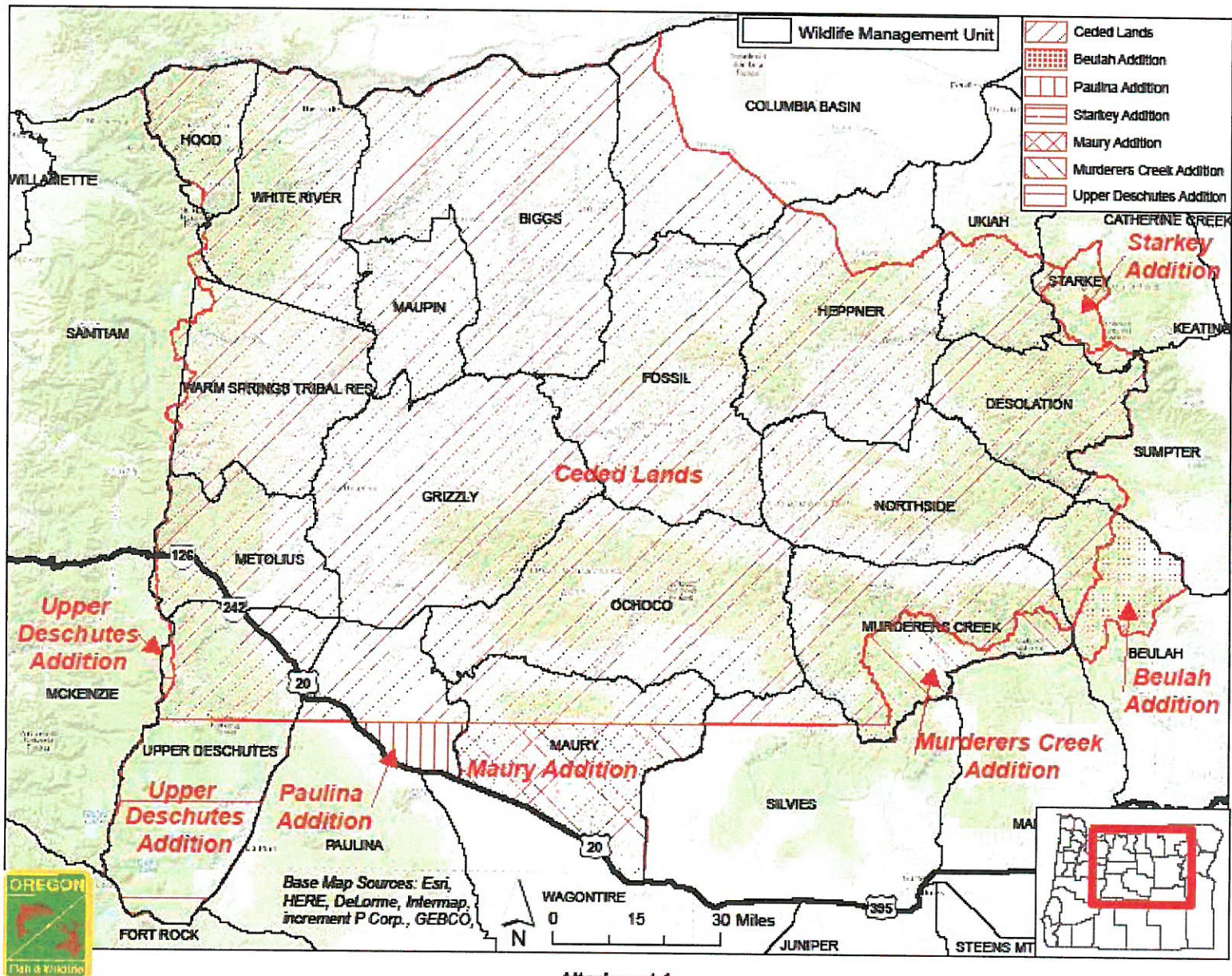
**Memorandum of Agreement
Attachment 1**

HUNT AREA as referenced in the MEMORANDUM OF AGREEMENT BETWEEN THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION AND THE STATE OF OREGON REGARDING OFF-RESERVATION HUNTING SUBJECT TO THE 1855 TREATY WITH THE TRIBES OF MIDDLE OREGON includes:

The ceded lands as described in Article 1 of the Treaty with the Tribes of Middle Oregon of June 25, 1855, with the following additions on the southwestern, southern, southeastern and northeastern boundaries:

1. The area labeled on map as the Upper Deschutes Addition that is on the western boundary of the Ceded Lands and north of 44 Degrees north latitude; and

2. Beginning at 44 Degrees north latitude northwest of Elk Lake on the Pacific Crest Trail; south on the Pacific Crest Trail to Hwy 58 southeast on Hwy 58 to Crescent Creek; northeast on Crescent Creek to Klamath Rd 61, east on Klamath Rd 61 to Hwy 97 at Crescent; northeast on US Hwy 97 to 44 degrees north latitude; east along 44 degrees north latitude to US Hwy 20; east on US Hwy 20 to Glass Buttes-Camp Cr Rd (GI Ranch Rd) near Glass Buttes; north on Glass Buttes-Camp Cr Rd (GI Ranch Rd) to Twelvemile Cr Rd; east on Twelvemile Cr Rd to Grindstone Cr Rd; northeast on Grindstone Cr Rd to 44 Degrees north latitude; east along 44 degrees north latitude to South Fork John Day River; southeast on South Fork John Day River to FR 3750 at Bear Cr; east on FR 3750 to FR 37; northeast on FR 37 to US Hwy 395; north on US Hwy 395 to Seneca; east on Logan Valley Co Rd (FR 16) to US Hwy 26 near Eldorado Pass; north on US Hwy 26 to Grant county line at Blue Mtn Summit; follow the Ceded Lands boundary north to FR 51; north on FR 51 to State Hwy 244; west on State Hwy 244 to where it intersects the Ceded Lands boundary at FR 21; westerly and southerly along the Ceded Lands boundary to the point of beginning.



Attachment 1

Comments Submitted via web portal: <https://odoe.powerappsportals.us/SitingPublicComment>

June 1, 2023

Christopher Clark
Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301
christopher.clark@energy.oregon.gov

RE: Notice of Intent – Cascade Renewable Transmission System

Dear Mr. Clark:

The Columbia River Inter-Tribal Fish Commission (CRITFC) appreciates the opportunity to express our concerns and provide recommendations regarding the proposed Cascade Renewable Transmission Project. While we understand that the project is in its early planning stage, we believe it is crucial to address significant concerns related to the project's necessity and potential impacts on natural resources.

CRITFC, formed in 1977 by the four sovereign treaty tribes of the Columbia Basin, namely the Nez Perce Tribe, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes of the Umatilla Indian Reservation, and the Yakama Nation, is dedicated to protecting and restoring tribal fisheries to ensure the continuation of treaty fishing rights for future generations. Given the project's anticipated disruption of vital benthic habitat in the Columbia River, the most important waterway for treaty-reserved fisheries, we recommend exercising caution during the review process, considering the project's expected short lifespan of forty years.

CRITFC recently published a Tribal Energy Vision for the Columbia River Basin (May 2022)¹, which outlines a tribal vision for sustainable energy development and usage while supporting the restoration of healthy and harvestable salmon populations. The Energy Vision's overarching goals emphasize the creation of a regional energy portfolio that safeguards environmental quality and treaty-protected resources, while also preventing new and ongoing damage to Columbia Basin resources, including fish, wildlife, water quality, and tribal cultural resources.

In line with these goals and our commitment to safeguarding aquatic ecosystems and tribal cultural resources, CRITFC questions the necessity of the proposed transmission system for the region. We believe there are ample options for localized energy storage and utilization that argue

¹ <https://critfc.org/energy-vision>

against supporting a potentially destructive project with unknown benefits. Therefore, we recommend thoroughly exploring alternative approaches that prioritize minimized transmission and distribution systems, increased energy storage options, maximized overall energy efficiency, and analyzing the need for this proposal in light of such available alternatives.

One of our primary concerns lies with the construction methods proposed for this project, particularly the use of a “jet plow” or any other means that may significantly disrupt the benthic ecosystem of the Columbia River. Our tribes have been actively working for decades to restore water quality, improve riparian habitat, and create coldwater refugia to support the life cycle of anadromous fish. The river has endured a continual onslaught of new impacts, akin to “death by a thousand cuts,” making it imperative to approach any new project involving riverbed excavation with the utmost attention, caution, and care.

Therefore, we urge the project to thoroughly examine the potential impacts on water quality during the construction phase, including the stirring up of sediments and increased turbidity. The project should conduct a comprehensive study of sediment conditions to assess the potential suspension of toxic sediments in the water column before undertaking any construction activities.

Furthermore, it is essential to carefully assess the project map for potential impacts on fish habitat, with particular emphasis on Pacific lamprey populations that have experienced severe declines. Additionally, the project must provide detailed information regarding the potential impacts of electromagnetic frequencies on fisheries in freshwater riverine systems. Lastly, we urge the project to consult with all the Columbia River tribes to ascertain whether the proposed route could affect cultural resources, both within the water and in the riparian land section near Bonneville Dam.

We appreciate your consideration of our concerns and recommendations. CRITFC is committed to meaningful engagement and collaboration to ensure the protection and preservation of our shared natural resources. We kindly request that our comments be thoroughly reviewed and addressed in the project. Thank you for your consideration. If there are any questions or comments, please contact CRITFC staff at (503) 238-0667.

Sincerely,



Aja K. DeCoteau
Executive Director