

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

In the Matter of the Application for Site Certificate
for the **Umatilla-Morrow County Connect Project**

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)
)

**FIRST AMENDED
PROJECT ORDER**

ISSUANCE DATES

Project Order	February 9, 2024
First Amended Project Order	April 4, 2024

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ACRONYMS AND ABBREVIATIONS

AC	Alternating current
ACDP	Air Contaminant Discharge Permit
ACEC	Area of Critical Environmental Concern
applicant	Umatilla Electric Cooperative
ASC	Application for Site Certificate
BLM	Bureau of Land Management
BOC	Board of Commissioners
BOR	Bureau of Reclamation
CDA	Columbia Development Authority
CWA	Clean Water Act
dba	A-weighted decibels
DEQ	Oregon Department of Environmental Quality
DI	Depot Industrial
DLCD	Oregon Department of Land Conservation and Development
DNH	Determination of No Hazard
DOD	Department of Defense
DOGAMI	Oregon Department of Geology and Mineral Industries
DSL	Oregon Department of State Lands
EFSC or Council	Energy Facility Siting Council
EFU	Exclusive Farm Use
EMF	Electromagnetic fields
EPA	United States Environmental Protection Agency
FAA	Federal Aviation Administration
kV	kilovolt
LCDC	Land Conservation and Development Commission
LI	Light Industrial
LU	Limited Use
NERC	North American Electric Reliability Corporation
NOI	Notice of Intent to File an Application for Site Certificate
NPDES	National Pollutant Discharge Elimination System
NPCS-1	Sound Measurement Procedures Manual
OAR	Oregon Administrative Rule
ODAg	Oregon Department of Agriculture
ODAv	Oregon Department of Aviation
ODOE or Department	Oregon Department of Energy
ODOT	Oregon Department of Transportation
ODFW	Oregon Department of Fish and Wildlife
OPRD	Oregon Parks and Recreation Department
ORS	Oregon Revised Statute
pASC	Preliminary Application for Site Certificate
PI	Port Industrial
Proposed Facility	Umatilla-Morrow County Connect Project

PUC	Oregon Public Utilities Commission
ROW	Right-of-Way
SAG	Special Advisory Group
SHPO	Oregon State Historic Preservation Office
UMCC	Umatilla-Morrow County Connect
UP	Union Pacific Railroad
USFWS	U.S. Fish and Wildlife Service

1 **I. INTRODUCTION**
2

3 On September 22, 2023 the Oregon Department of Energy (ODOE or Department) received a
4 Notice of Intent to File an Application for a Site Certificate (NOI) for the Umatilla-Morrow
5 County Connect Project (UMCC or proposed facility).¹ The NOI was submitted by the Umatilla
6 Electric Cooperative (UEC or applicant), an Oregon cooperative under Oregon Revised Statute
7 (ORS) Chapter 62. On February 9, 2024, the Department issued a Project Order for the
8 proposed facility in accordance with Oregon Administrative Rule (OAR) 345-015-0160. On April
9 4, 2024, the Department issued an Amended Project Order with the following clarifications:²

- 10 • Section I.A. *Related and Supporting Facilities*: reference to relocation of existing
11 “transmission lines” amended to “distribution lines”, consistent with representations in
12 the NOI.
- 13 • Section I.D. *Application Review Process*: Scrivener’s error correction to the order of
14 Sections in this amended Project Order.
- 15 • Section IV.A. *General Information about the Applicant and Participating Persons*:
16 incorrect reference to UEC being an “investor-owned utility” corrected to a “consumer-
17 owned electric cooperative utility”, consistent with representations in the NOI.
- 18 • Section IV.K. *Land Use*: Deleted reference to a list of statutes that were identified as
19 potentially directly applicable because the statutes are already incorporated into local
20 code provisions and were unnecessary to list.

21
22 This amended Project Order summarizes the Department’s review of the NOI and establishes
23 the statutes, administrative rules, Council standards, application requirements and analysis
24 area requirements for the site certificate application.

25
26 **A. Facility Description**
27

28 The proposed facility is a nominal, double-circuit 230-kV alternating current (AC) transmission
29 line providing an interconnect from the UEC Highway 730 Switchyard to the UEC Ordnance
30 Switchyard, including four proposed route alternatives, located in Morrow and Umatilla
31 counties, between the cities of Boardman and Hermiston (See Figure 1). The length of the
32 proposed transmission line ranges from 13 to 15 miles, depending on the route alternative.³
33 Based upon coordination with affected landowners, the applicant modified one of the route
34 alternatives, Route B, to include a 0.43 mile link/connector to allow an alternate point of
35 connection for Route B with Routes A and D. Additionally, the area between these routes was

¹ The receipt date of the NOI is based on the date all information, including updated property owner information, was submitted to the Department.

² Corrections and clarifications included in the Amended Project Order were incorporated by the Department at the request of the applicant following a March 18, 2024 phone conference regarding preparation of the preliminary ASC.

³ Under ORS 469.300(11)(a)(C), a high voltage transmission line of more than 10 miles in length with a capacity of 230,000 volts or more proposed to be constructed in more than one city or county in Oregon is an “energy facility” subject to the jurisdiction of the Oregon Energy Facility Siting Council (EFSC or Council). Under ORS 469.320, no energy facility may be constructed or operated in Oregon without a Site Certificate from the Council.

1 included in the site boundary, adding approximately 1,016.8 acres, for an adjusted site
2 boundary of 6,571.3 acres.⁴

3
4 In the NOI, the applicant states the following:

- 5 • Portions of the proposed transmission line may be constructed parallel to existing
6 transmission lines.
- 7 • Portions of the existing distribution lines may be accommodated on the structures
8 below the transmission circuit(s) (referred to as “underbuild”) or placed underground,
9 as needed.
- 10 • Portions of the proposed transmission line would cross through lands that have no
11 existing lines with which to co-locate or otherwise run parallel to.

12
13 The proposed facility meets the system reliability rule for electrical transmission line need
14 standards under OAR 345-023-0030 and is in compliance with the North American Electric
15 Reliability Corporation Standards.

16 *Transmission Line Structures*

17
18 The 230-kV AC, double-circuit transmission line will be constructed using steel pole structures
19 approximately 90 to 120 feet high and approximately 40-50 inches in diameter at the base. The
20 average span between structures will be approximately 600 feet. Three types of structures are
21 proposed to be used as shown in the NOI (Attachment C, Figure B-1): monopole, two-pole
22 running angle, and two-pole dead-end. The total number of structures ranges between 116-126
23 depending on each of the four route alternatives (Route Alternative A-D) as shown in Table 1
24 below. The exact configuration of the 3 possible structure types will be determined based on
25 applicant’s assessment that is currently underway but it is estimated that there will be 9
26 structures per mile. Structure foundations will be steel reinforced concrete and/or direct
27 embed.

28
29
30 **Table 1: Estimated Number of Structures by Route**

Transmission Line	Route Alternative			
	A	B	C	D
Estimated Total Number of Poles/Structures (90-120 feet height)	116	126	123	123
230 kV Double Circuit Transmission Line Estimated Line Length (miles)	13.1	14.4	14.0	14.0

31 *Route Alternative Descriptions*

32 As shown in Figure 1, the NOI proposed four route alternatives (A – D) under consideration. All
33 four routes are within the proposed site boundary and connect the two substations. In a
34 December 12, 2023 update to the NOI, the applicant revised Route Alternative B and added a
potential alternate path and point of connection for Route B to Routes A and D. This new route

⁴ UMCCNOI Umatilla Electric Cooperative. Additional Route and Site Boundary Memo 2023-12-13.

1 alternative for Route B would not exceed the length of that was originally proposed in the NOI
 2 for Route alternative B (as shown above in Table 1), nor is it expected to change the type or
 3 number of structures or length of the route, but would allow for an alternate path and point of
 4 connection with the A/D route and it would include an expansion of the site boundary to
 5 include areas internal to the site boundary.⁵

6
 7 Based upon the proposed routes, the applicant has estimated temporary and permanent
 8 impacts related to each of the four route alternatives to be considered for the facility, which is
 9 summarized in Table 2 below:

10
 11 **Table 2: Disturbance Areas and Estimated Impacts by Route Alternative**

Disturbance Type	Estimated Disturbance by Route Alternative (acres)			
	Route A	Route B	Route C	Route D
Temporary Impacts				
Structure Work Area	6.7	7.2	7.1	7.1
Pulling and Tensioning Sites	9.2	12.6	8.0	12.6
Subtotal-Temporary Impacts	15.9	19.8	15.1	19.7
Permanent Impacts				
Structure Footprint	0.06	0.07	0.06	0.06
New Access Roads	10.8	9.5	10.3	10.4
Improved Access Roads	2.1	3.2	1.8	2.5
Subtotal-Permanent Impacts	12.96	12.77	12.16	12.96
Total	28.86	32.57	27.26	32.66

12
 13 **Related or Supporting Facilities**

14 Other project components include associated structure components, the transmission line
 15 Right-of-Way (ROW), access roads, pulling and tensioning sites, and construction laydown areas
 16 and fly yards. The applicant is also proposing a distribution rebuild, i.e.: relocating existing
 17 distribution lines along the selected route. These existing lines may be transitioned
 18 underground or as an underbuild on the new poles constructed for this facility. These related or
 19 supporting facility components as proposed in the NOI are summarized below in Table 3:

20 **Table 3: Related or Supporting Facility Components in NOI**

Component	Design Features
230 kV Transmission Line Length	Approximately 13 - 15 miles

⁵ UMCCNOI Umatilla Electric Cooperative. Additional Route and Site Boundary Memo 2023-12-13.

Table 3: Related or Supporting Facility Components in NOI

Component	Design Features
Typical Structures	Steel Monopole and 2 Pole
Structure Height	90-120 feet
Average Span Length	600 feet
Structure per mile	Nine
ROW Width	Between 100-150 feet typically
Line Voltage	230,000 volts alternating current
Circuit Configuration	Double-circuit
Structure/Pole foundations	Steel Reinforced Concrete/Direct Embed
Structure Footprint (Base):	
• Monopole	44 inch diameter (10 square feet)
• Two-Pole (Running Angle)	Two 7.0-foot diameter bases (77 square feet total)
• Two-Pole (Deadend)	Two 8.0-foot diameter bases (100.5 square feet total)
Structure Work Area	50 by 50 feet (2,500 square feet)
Pulling and Tensioning Sites	100 by 400 feet (40,000 square feet) mid-Span 100 by 250 (25,00 square foot corners) heavy angle
Construction Yard/Staging Areas (existing disturbed areas)	Variable; previously disturbed areas
New Access Roads	Minimum 14 feet wide
Improved Access Roads	Additional 4.0 foot travel surface

1

2 *Right of Way*

3 The ROW will consist of permanent easements, public road right of ways, and temporary
 4 easements. The width of the ROW for all proposed routes will vary, depending on engineering
 5 requirements and local conditions (e.g., space constraints along the alignment), but will
 6 typically range from 100-150 feet in width. Construction activities will occur primarily within the
 7 ROW.

8

9 *Access Roads*

10 The applicant proposes to utilize new, existing and improved access roads. Permanent access
 11 roads will not be constructed where the ROW is adjacent to an existing road. Permanent gravel
 12 access roads will be approximately 14 feet in width. Existing access roads may be improved as
 13 needed. In some areas, new permanent easements for access roads may be required. Existing
 14 roads requiring improvement may result in an additional 5.0 to 6.0 feet on either side of the
 15 travel way to facilitate such areas as turnouts and turning radii. Existing paved and unpaved
 16 roads will be used for access to the extent feasible and, where possible, travel will be overland

1 (drive-and-crush) within the ROW. A limited amount of existing dirt roads may need
2 improvement (e.g., surface grading) for safe passage of vehicles and equipment.

3

4 *Pulling and Tensioning Sites*

5 UEC will typically utilize a 50-by-50-foot work zone around tangent structures and 100 by 400
6 feet around dead-end structures for conductor pulling activities.

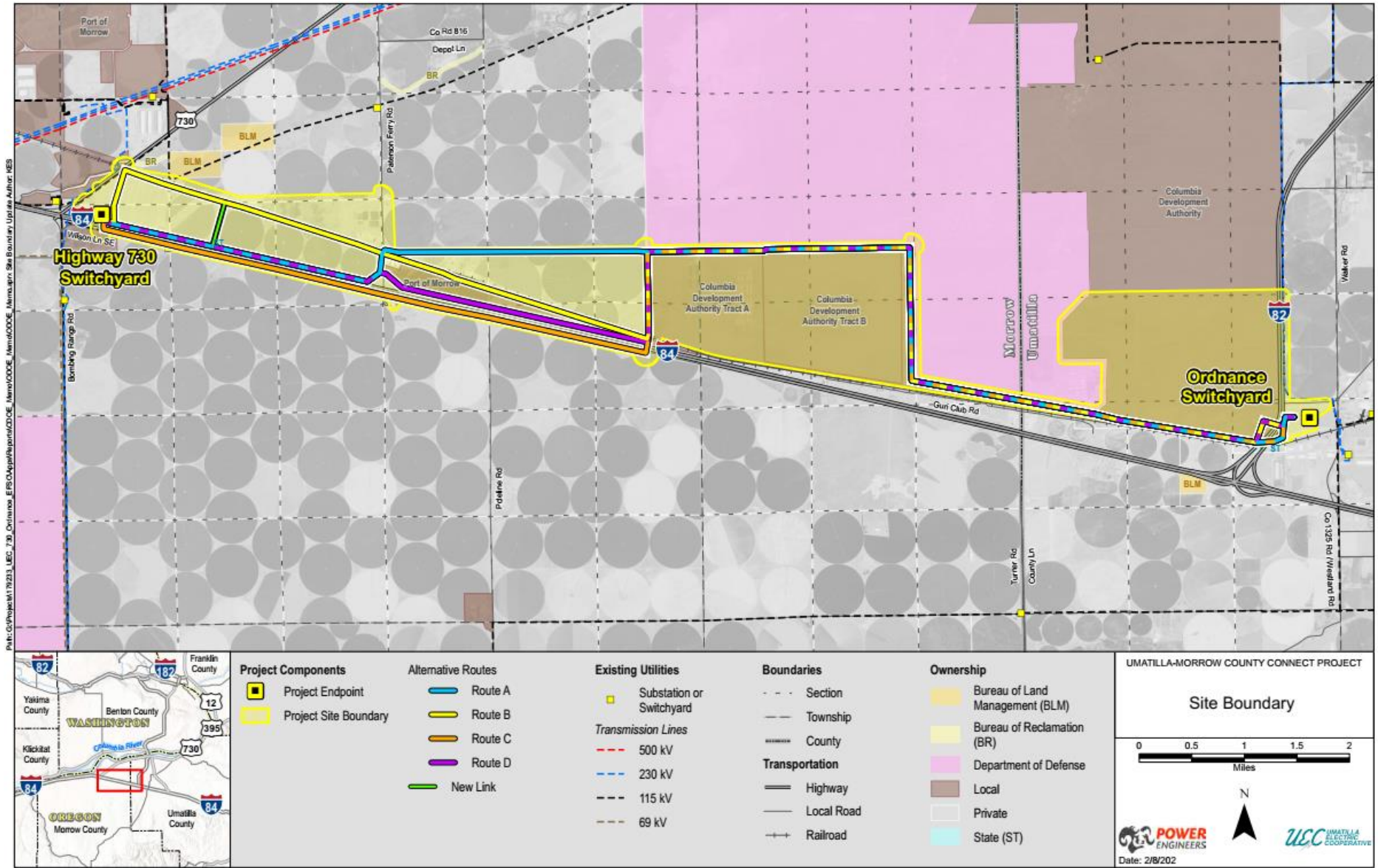
7

8 *Construction Staging, Laydown and Fly Yard Areas*

9 Construction will utilize up to five existing UEC property adjacent to the Highway 730
10 Switchyard, Ordnance Substation, and Ordnance Switchyard, as well as potential use of a yard
11 owned by the Port of Morrow at the lumber mill on Poleline Road identified within UEC's Site
12 Boundary. Staging areas for equipment and handling materials will be located at already
13 developed sites and will be selected by the construction contractor. Entrances may be stabilized
14 with rock and some brush may be cleared as necessary. Fly yards are landing and staging areas
15 for helicopters, when used for the stringing of the transmission line cables. Helicopter
16 operations require fly yards for supporting helicopter only and helicopter assist construction
17 such as stringing. All construction laydown areas and fly yards are within existing developed
18 sites within the ROW and will be areas of temporary disturbance. Laydown areas will be left
19 primarily "as is."

20

1 Figure 1: Proposed Site Boundary and Transmission Line Routes



2

1 B. Facility Location
2

3 The proposed facility is to be located largely in unincorporated areas of eastern Morrow and
4 western Umatilla Counties. Facility components will be located primarily on private land for
5 which the UEC will negotiate long-term agreements with the landowners; state of Oregon and
6 federal land may also be crossed depending on the final route selected. The applicant intends
7 to include all four possible routes in their evaluation, but may drop one or more, based on final
8 design, in the ASC. The proposed facility is currently in the design phase. Specific locations for
9 structures have not yet been identified.

10
11 Table 4 below shows the legal description of the proposed site boundary and includes all four
12 route alternatives.
13

Table 4: Township, Range and Section(s) for All Route Alternatives in Site Boundary

TOWNSHIP	RANGE	SECTION
4 North	26 East	7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 22, 23, 24
4 North	27 East	13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28

14
15 C. Applicant Information
16

17 The applicant is the Umatilla Electric Cooperative, an Oregon cooperative under Oregon
18 Revised Statute (ORS) Chapter 62 incorporated on June 18, 1937.

19
20 Umatilla Electric Cooperative
21 750 West Elm Avenue
22 PO Box 1148
23 Hermiston, OR 97838
24

25 The UEC Officer responsible for the NOI is:

26
27 Robert Echenrode
28 Umatilla Electric Cooperative
29 750 West Elm Avenue
30 PO Box 1148
31 Hermiston, OR 97838
32 Email: UMCCproject@umatillaelectric.com
33 Phone: 541-567-6414
34

35 UEC's Attorney-in-Fact for the NOI is:

36
37 Tommy Brooks

1 Cable Huston
 2 1455 SW Broadway #1500
 3 Portland, OR 97201
 4 Email: tbrooks@cablehuston.com
 5 Phone: 503-224-3092
 6

7 **Procedural History**

8 The applicant submitted an NOI to the Department, with the fee required under OAR 345-020-
 9 0006, on September 22, 2023.

10
 11 In accordance with Oregon Revised Statute (ORS) 469.350 and Oregon Administrative Rule
 12 (OAR) 345-020-0040(1), the Department prepared a distribution list of state agencies with
 13 regulatory or advisory responsibility with respect to the siting of the proposed facility and local
 14 governments and tribal governments that could be potentially affected by the proposed facility.
 15 The reviewing agencies for the proposed facility are listed in Table 5. On October 12 and 13,
 16 2023, the Department electronically distributed the NOI to the established distribution list, in
 17 accordance with OAR 345-020-0040.⁶
 18

Table 5: Reviewing Agencies

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 • Oregon Department of Military National Guard
Special Advisory Groups (SAG)	
<ul style="list-style-type: none"> • Morrow County 	<ul style="list-style-type: none"> • Umatilla County
Local Jurisdictions for Public Services	
<ul style="list-style-type: none"> • City of Hermiston 	<ul style="list-style-type: none"> • City of Boardman
Tribal Governments	
<ul style="list-style-type: none"> • Confederated Tribes of Warm Springs Reservation of Oregon • Confederated Tribes of the Umatilla Indian Reservation 	

⁶ Distribution of the NOI and reviewing agency memos was conducted in accordance with OAR 345-020-0040, the rule in place at the time. As of August 29, 2023, Council adopted changes to OAR 345-020-0040, resulting in the removal of the rule from OAR 345 Division 20, replaced by OAR 345-015-0120. To the extent that OAR 345-015-0120 differs from OAR 345-020-0040, those requirements did not apply to the procedural step of NOI and reviewing agency memo distribution for this proposed facility.

1
2 On October 11, 2023 the Department issued the *Public Notice of the Notice of Intent to Apply*
3 *for an EFSC Site Certificate, Public Information Meeting and Public Comment Period* to persons
4 on the Council's general mailing list, special mailing list and to the owners of record of property
5 located within the distances specified in OAR 345-020-0010(1)(f)(A).⁷
6

7 Public notice also appeared in the East Oregonian (October 19, 2023) and Hermiston Herald
8 (October 18, 2023), newspapers of general circulation for Umatilla and Morrow counties. An
9 updated public notice was mailed to property owners of record located in Morrow County on
10 November 17, 2023, and extended the public comment deadline to December 19, 2023.
11

12 The public notice provided information regarding the proposed facility and the EFSC review
13 process. The public notice announced that a public informational meeting on the NOI would be
14 held at the Port of Morrow Riverfront Center in Boardman on November 1, 2023. The public
15 notice requested public comment on the NOI and the Department established December 19,
16 2023 as the public comment deadline.
17

18 **1. Public Participation**

19

20 The Department held the in-person and virtual NOI public informational meeting on November
21 1, 2023. The Department and applicant appeared at the informational meeting and provided
22 information about the siting process and the proposed facility and responded to questions from
23 the public.
24

25 The Department received written and oral comments, in addition to written and submitted
26 comments received via email and the Department of Energy's Public Comment Portal. All
27 written public comments received during the comment period were uploaded to the ODOE
28 Siting Docket⁸ and are available for online review. The audio recording of the Public Information
29 Meeting including oral comments received during that meeting, is available on the ODOE
30 project webpage.⁹ All public meeting oral comments are summarized in the comment summary
31 and all written comments are included in full in Attachment 1 of this Order.
32

33 A total of 9 public comments were submitted during the public comment period:

- 34 • 6 written comments were received via email or the ODOE Siting Division comment
35 portal. Five of these comments were submitted by the applicant via the comment portal
36 and were letters of support from entities that could be impacted by the proposed
37 interconnect. One written comment submitted by the applicant provided an update on
38 conservation easement secured to-date for the proposed project.

⁷ Noticing conducted in accordance with OAR 345-015-0110, rules in place as of September 24, 2020.

⁸ Oregon Department of Energy Siting Docket Available at: [Siting Docket · Customer Self-Service \(powerappsportals.us\)](https://powerappsportals.us)

⁹ Oregon Department of Energy State of Oregon: Facilities - Umatilla-Morrow County Connect Project Available At: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/UMCC.aspx>

- 3 commenters made oral comments during the public informational meeting. 1 written comment was also submitted by 1 oral commenter to the Siting Division on a comment card (IBEW) at the meeting.

Public comments on the NOI are presented in Table 6 below and written comments are included in full in Attachment 1 of this amended Project Order.

Table 6: Public Comments on NOI

Comment Summary	Number of Commenters	Relevant EFSC Standard(s)
International Brotherhood of Electrical Workers (IBEW) Union Local 125 submitted a comment card and made oral comments at public meeting in support for the proposed project.	1	N/A
Morrow County Planning Department Director commented at public meeting were primarily questions about ROW on route alternatives and outreach to landowners	1	Land Use
EFSC Councilmember Anne Beier commented at the public information meeting and appreciated the detailed presentation provided by the applicant and member of the public participating.	1	N/A
Hermiston Chamber of Commerce letter in support of project	1	N/A
Hermiston School District letter in support of project	1	N/A
Columbia Development Authority letter in support of project	1	N/A
Port of Morrow letter in support of project	1	N/A
Umatilla Chamber of Commerce letter in support of project	1	N/A
Letter from UEC on ROW easement	1	N/A

2. Special Advisory Group Participation

ORS 469.480(1) requires the Council to designate the governing body of any local government within whose jurisdiction a facility is proposed to be located as a Special Advisory Group (SAG). The proposed facility site is located within Umatilla and Morrow counties. The governing body of Umatilla County is the Umatilla County Board of Commissioners. The governing body of Morrow County is the Morrow County Board of Commissioners (BOC).

On October 13, 2023, the Department sent an introductory email notice of the SAG appointments for the proposed facility and requested coordination meetings with the Umatilla and Morrow counties via their planning departments and staff for coordination and comments on the NOI and EFSC review process and role of a SAG. The October 13, 2023 email also included a reviewing agency request with the information from the public notice and about public meeting. The Department was able to coordinate, and participate in, in-person meetings

1 with county planners from each county separately at the Port of Morrow on November 1, 2023.
2 The county planners attended the public meeting with Morrow County Planning Director
3 making oral comments at the meeting. Both counties also submitted written comments on the
4 NOI on behalf of their respective SAG/BOC. Copies of written comments received are in
5 Attachment 2: SAG Comments of this amended project order and are summarized below.
6

7 *Umatilla County SAG*

8 Umatilla County SAG submitted written comments on November 8, 2023. In their letter, the
9 County identified the applicable requirements of the Umatilla County Development Code
10 (UCDC) and the Umatilla County Comprehensive Plan for the portions of the proposed facility
11 within Umatilla County. As noted in their letter, the NOI identifies four potential routes,
12 however all four route alternatives follow the same alignment for portions of the proposed
13 transmission line within Umatilla County.
14

15 The portions of the proposed site boundary include the following zones: Depot Industrial (DI),
16 Light Industrial (LI) and Exclusive Farm Use (EFU), however based upon information provided in
17 the NOI, the transmission line components would only occupy the DI and LI zones within
18 Umatilla County. Per UCDC requirements, zoning permits will be required. Specific citations for
19 applicable criteria at the time of County review of the NOI are included in the comment letter.
20 Applicant should note that the applicable criteria should be identified at the time the actual ASC
21 is submitted and could change from what was provided in the review of the NOI.
22

23 The County comment letter identified the need for a Conditional Use Permit, a County Road
24 Use Agreement, and applicable policies from the County's Comprehensive Plan. The County
25 identified one Goal 5 resource, an aggregate site (Rock It, LLC) within the vicinity of the
26 proposed facility.
27

28 A County Road Use Agreement will be needed for the use of County roads, and the applicant is
29 encouraged to work with the County in its development. The County also identified the
30 proposed facility as potentially falling within the existing Westland Road/I-82 and I-84/I-84-
31 Army Depot Interchange Management Access Plans (IMAP) that addresses development, access
32 and land use regulations for areas transitioning from the Umatilla Army Depot to the Columbia
33 Development Authority (CDA). These plans will apply to those portions of the proposed facility
34 that fall under the CDA management, particularly for access points and roads.
35

36 Additional Umatilla County comments included recommendations that the transmission line
37 should be constructed and operated to meet the National Electric Cooperative Standards and
38 the requirements of the Oregon Public Utilities Commission and the preparation of an
39 Emergency Response Plan for the proposed facility that should be reviewed and acknowledged
40 by the County's emergency response manager.
41

42 *Morrow County SAG*

43 Morrow County SAG submitted written comments on November 9, 2023. In their comments,
44 Morrow County identified the following applicable ordinances:

- 1 • Morrow County Zoning Ordinance (MCZO)
- 2 • Morrow County Subdivision Ordinance
- 3 • Morrow County Solid Waste Ordinance,
- 4 • Morrow County Code Enforcement Ordinance
- 5 • Morrow County Weed Control Ordinance

6
7 The County also identified the following applicable County plans:

- 8 • Morrow County Comprehensive Plan (MCCP)
- 9 • Morrow County Transportation System Plan
- 10 • Morrow County Natural Hazards Mitigation Plan
- 11 • Morrow County Public Works Policy on Renewable Energy Development

12
13 Applicable Morrow County permits identified and required by the County include:

- 14 • Conditional Use Permit,
- 15 • Zoning Permit
- 16 • Road Use Agreement
- 17 • County Road Access Permits
- 18 • Site Plan Review

19
20 Specific citations for applicable criteria at the time of County review of the NOI are included in
21 the comment letter. Applicant should note that the applicable criteria should be identified at
22 the time the actual ASC is submitted and could change from what was provided in the review of
23 the NOI.

24
25 Morrow County comments also included request for the following studies or plans to be
26 completed as part of the ASC: Wildlife and Habitat Studies, Analysis of Noxious Weeds and a
27 Mitigation Plan, Traffic Impact Analysis, Floods and Other Hazards Assessment, Cultural
28 Resources Assessment, and Socio-Economic Impact Analysis. (Note: EFSC standards do not have
29 a specific socio-economic impact standard, but relevant potential impacts should be considered
30 under the EFSC Public Services Standard and Land Use exhibit for the ASC). Finally, the County
31 recommends a 30-mile analysis area for Public Services for this proposed facility.

32 33 **3. Reviewing Agency Participation**

34
35 On October 13, 2023, the Department requested comments from state agencies with
36 regulatory or advisory responsibility with respect to the siting of the proposed facility and other
37 non-SAG local governments within or near the proposed site boundary (see Table 5 above).
38 Reviewing agency input was requested on recommended studies to assess potential impacts of
39 proposed facility, recommendations for analysis areas, and specific input on any known
40 resources of concern within study areas included in the NOI. Follow up emails were sent on
41 October 27, 2023 to arrange calls between the Department and the following reviewing
42 agencies: Oregon Department of Agriculture, Oregon Department of Fish and Wildlife, Oregon
43 Department of State Lands, Oregon Department of Land Conservation and Development,

1 Department of Oregon Geology and Mineral Industries, Oregon Department of Aviation, and
2 Oregon Department of Environmental Quality. Also included in these requests were non-SAG
3 local governments and federal agencies with management responsibilities within or adjacent to
4 the proposed site boundary. Non-SAG local governments included the cities of Hermiston, and
5 Boardman. Federal reviewing agencies included the US Department of Navy, Federal Aviation
6 Administration and the US Fish and Wildlife Service. In addition to the October 13, 2023
7 submittal to Oregon State Historic Preservation Office (SHPO), the Department sent follow up
8 requests for Department coordination with SHPO on November 17, 2023.

9
10 Summary notes from coordination calls and all written comments received are summarized
11 below, and included, as applicable, in Attachment 3: Reviewing Agency Comments.

12
13 *Summary of State Reviewing Agency Comments*

14
15 Oregon Department of Agriculture (ODAg)

16 On October 31, 2023, ODAg provided written comments on the NOI and proposed site
17 boundary specific to T&E plants. ODAg identified two T&E listed plants are known to occur in
18 the two counties: Lawrence’s milkvetch in Morrow County and northern wormwood and
19 Lawrence’s milkvetch in Umatilla County. The known range of the species, previous plant
20 inventory surveys that didn’t detect Lawrence’s milkvetch on the Umatilla Chemical
21 Depot/Columbia Development Authority (CDA) property, and historic habitat loss make it
22 extremely unlikely that Lawrence’s milkvetch occurs within the study area. If Lawrence’s
23 milkvetch plants are detected during on-the-ground surveys, location and abundance
24 information should be relayed to ODAg and the Department.

25
26 Oregon Department of Aviation (ODAv)

27 ODOE held a coordination call on the proposed facility with ODAv on October 30, 2023 to and
28 received written comments on November 7, 2023. Comments from ODAv noted that the
29 proposed facility may be required to obtain aeronautical evaluations from ODAv and the
30 Federal Aviation Administration (FAA) depending on the location and height of proposed
31 structures (transmission line) in final facility design. Applicant is required to submit
32 documentation to ODAv and FAA upon the final design of the facility, to obtain review and
33 evaluation by both entities per the requirements of OAR 738-070-0060 and Federal Aviation
34 Regulation (FAR) § 77.9 Construction or alteration requiring notice.

35
36 Department of State Lands (DSL)

37 ODOE held a coordination call on the proposed facility with DSL and received written comments
38 on October 24, 2023. DSL comments identified the need for the completion and submittal of a
39 wetland delineation conducted in accordance with the requirements of OAR Chapter 141,
40 Division 90. Specifically, DSL noted that the wetland delineation should be conducted to identify
41 wetlands and other surface waters to identify the presence of regulated surface waters within
42 the project site boundary. If results of the delineation and final facility design identify the need
43 for a removal-fill permit, the applicant would be required to obtain the necessary permit.

1 Department of Oregon Geology and Mineral Industries (DOGAMI)

2 ODOE held a coordination call on the proposed facility with DOGAMI on November 8, 2023.
3 DOGAMI comments on the call identified the existence of a recently active fault and tectonic
4 activity recorded near the Pendleton-Milton Freewater/Walulla Fault area that warranted the
5 50-mile analysis area for seismic risks be maintained in the ASC requirements. Additional
6 comments included the recommendation that the applicant utilize available DOGAMI resources
7 and recommended sources and study methods in the preparation of any geotechnical studies
8 or reports prepared for the facility as part of the ASC.

9
10 Oregon Department of Fish and Wildlife (ODFW)

11 ODOE held a coordination call on the proposed facility with ODFW regional habitat biologist
12 and received written comments on November 21, 2023 (See Attachment 3 of this amended
13 project order). ODFW comments included the following recommendations:

- 14 • Produce a map of the vegetation classifications within the project area to help identify
15 potential wildlife occurrences and further classify the habitat available within the
16 project area based on ODFW’s Mitigation Policy.
- 17 • Conduct preconstruction surveys for Washington Ground Squirrels
18 (WGS) following the protocol described in ODFW Washington Ground Squirrel
19 Protections and Survey Requirements, or within 1000 feet of any ground disturbing
20 activity in suitable WGS habitat.
- 21 • Any ground disturbance or vegetation removal within the project boundary
22 be conducted prior to or after the critical period for ground nesting birds, April 15-
23 September 1.
- 24 • Conduct raptor nest surveys within 0.25 miles of the project area during the active
25 nesting season and that no construction occur within 0.25 miles of an active raptor nest,
26 during the nesting season.

27
28 Oregon Department of Forestry (ODF)

29 On December 4, 2023, ODOE received written comments via email from the ODF Wildfire
30 Prevention and Policy Manager. Comments were specific to route selection, with
31 recommendations that the selected route follow existing power lines and roads as much as
32 possible, or if not possible, the selected route should provide access for fire response and fire
33 fuel maintenance. Additional comments asked about monitoring/maintenance and inspection
34 plans for the new line and fire/fuels mitigation, and whether the new lines would include safety
35 shut off to de-energize the line in the event of failure or fire.

36
37 Oregon Department of Environmental Quality (DEQ)

38 ODOE received written comments from DEQ on November 17, 2023. Comments were specific
39 to the potential applicability and requirements of an NPDES 1200-C Construction Stormwater
40 Permit and the accompanying Erosion and Sediment Control Plan (ESCP) to be approved by DEQ
41 and DEQ online submittal procedures.

1 Oregon State Historic Preservation Office (SHPO)

2 ODOE initiated SHPO review of the NOI in the reviewing agency notice sent on October 13,
3 2023 and a follow-up request with additional information on November 17, 2023. On December
4 5, 2023, SHPO responded with an assignment of SHPO Case Number 23-1579 for the proposed
5 facility. All submittals of cultural survey reports or coordination with SHPO on this facility
6 should reference this SHPO case number.

7
8 *Summary of non-SAG Local Government Comments*

9
10 City of Heppner

11 On October 31, 2023, ODOE received an email comment from the City of Heppner that they
12 have no objection to the proposed facility.

13
14 *Summary of Federal Reviewing Agency Comments*

15
16 U.S. Department of Navy, Federal Aviation Administration (FAA)

17 ODOE received written comments from the U.S. Navy Northwest Training Range Complex,
18 Community Planning and Liaison Officer on the NOI on November 17, 2023. No concerns with
19 the proposal due to the height and location of the proposed line.

20
21 **4. Tribal Government Participation**

22
23 On January 27, 2023, the applicant consulted with the Legislative Commission on Indian
24 Services to identify tribes that may be potentially affected by the proposed facility.

25
26 On January 30, 2023, the Commission named the Confederated Tribes of the Warm Springs
27 Reservation of Oregon and the Confederated Tribes of the Umatilla Indian Reservation as
28 potentially affected by the proposed facility.

29
30 On October 20, 2023, the Department sent letters via email requesting comments from the
31 Confederated Tribes of the Warm Springs Indians Reservation of Oregon (CTWSRO), the
32 Confederated Tribes of the Umatilla Indian Reservation (CTUIR), and the Burns Paiute Tribe.
33 Follow up emails requesting comments and offering to schedule coordination meeting or calls
34 were sent to CTUIR and CTWSRO on November 17, 2023. Only CTUIR submitted written
35 comments on the NOI on December 4, 2023. These comments are summarized below and
36 included in Attachment 4: Tribal Comments.

37
38 *Confederated Tribes of the Umatilla (CTUIR)*

39 ODOE received written comments from the CTUIR on December 4, 2023 and included specific
40 points of contact (POC) and email addresses for the applicant for the following resource areas:

- 41
42
 - Cultural Resources – POC: Teara Farrow Ferman

43 CTUIR requested a cultural resources survey be conducted for the proposed routes to identify
44 and avoid any archaeological resources. CTUIR requests review of both methods and any

1 subsequent testing. Additionally, CTUIR requests that the Oregon Trail (Oregon National
2 Historic Trail or ONHT) be avoided. CTUIR also requested a viewshed analysis be conducted due
3 to potential visual impacts on historic properties of religious and cultural significance (HPRCSIT)
4 to the CTUIR. Finally, CTUIR requests a fully-executed Inadvertent Discovery Plan (IDP) be
5 developed in consultation with the CTUIR.

6
7 • Wildlife – POC: Andrew Wildbill

8 CTUIR identified the potential for burrowing owl habitat and raptor species. CTUIR requests
9 that the applicant coordinate with CTUIR on potential wildlife and any wildlife surveys and that
10 burrowing owl habitat be avoided.

11
12 • Water – POC: Chris Marks

13 CTUIR comments requested analysis or information on any potential runoff at the Ordnance
14 Switchyard and groundwater quality impacts that may result from the proposed facility.

15
16 • Climate Change and Fire Risk – POC: Althea Wolf

17 CTUIR comments requested analysis of electrical grid and generating systems and risks posed
18 by climate change, extreme weather, power outages.

19
20 D. Application Review Process

21
22 This amended Project Order establishes the statutes, administrative rules, Council standards,
23 local ordinances, application requirements and study requirements for the ASC in accordance
24 with ORS 469.330 and OAR 345-015-0160.

25
26 Section II of this amended Project Order outlines the EFSC regulatory framework and references
27 the main statutes and rules that govern the EFSC review process. Section III specifies the impact
28 assessment analysis areas for the proposed facility. Section IV discusses the application content
29 requirements under OAR 345-021-0010. Section V provides the expiration date of the NOI, and
30 Section VI discusses Project Order amendments and the requirements for the Department to
31 find the application for site certificate complete. Section VII describes the applicant’s duty to
32 comply with applicable requirements.

33
34 As provided in ORS 469.330(4), this amended Project Order is not a final order. The Department
35 or Council may amend this Project Order at any time.

36
37 **II. EFSC REGULATORY FRAMEWORK**

38
39 Under ORS 469.300(11)(a)(C), a high voltage transmission line of more than 10 miles in length
40 with a capacity of 230,000 volts or more proposed to be constructed in more than one city or
41 county in Oregon is an “energy facility” subject to the jurisdiction of the Oregon Energy Facility
42 Siting Council (EFSC or Council). Under ORS 469.320, no energy facility may be constructed or
43 operated in Oregon without a Site Certificate from the Council. Issuance of a site certificate is

1 governed by ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992 and OAR
2 chapter 345.

3
4 Issuance of a site certificate is governed by ORS 469.300 to 469.563, 469.590 to 469.619,
5 469.930 and 469.992 and OAR chapter 345. The following divisions of OAR chapter 345 include
6 rules related to application requirements, EFSC review of an application for site certificate
7 (ASC), and construction and operation of an approved facility:

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

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

18
19 **OAR Chapter 345, Division 23** (Need Standard for Nongenerating Facilities) includes additional
20 standards for nongenerating facilities. The applicant must ensure that the information provided
21 to satisfy the application requirements in Division 21 demonstrates compliance with any
22 associated Division 23 standards that are applicable to the proposed facility. Because the
23 proposed facility is a transmission line, OAR 345-023-0005, Need for a Facility, applies.

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

31
32 **OAR Chapter 345, Division 25** (Site Certificate Conditions) includes site certificate conditions
33 that EFSC must include in all site certificates, as well as applicable site-specific and monitoring
34 conditions. As provided in OAR 345-025-0006(10), the Council will include all representations
35 made in the ASC and supporting record that are necessary to either comply with and/or
36 adequately mitigate a potentially significant impact to a resource protected by a Council
37 standard as conditions of approval if the application is approved.

38
39 **OAR Chapter 345, Division 26** (Construction and Operation Rules for Facilities) includes the
40 compliance plan requirements that will apply if the Council issues a site certificate for the
41 proposed facility. Note that, if a site certificate is issued, the certificate holder must also comply
42 with additional construction- and operation-related regulations that may apply to the proposed
43 facility but that may not be covered by the site certificate, per ORS 469.401(4).

1 **III. ANALYSIS AREAS FOR THE PROPOSED FACILITY**

2

3 The analysis areas are the areas that the applicant must study for potential impacts from the
4 construction and operation of the proposed facility.

5

6 For all potential impacts, the minimum analysis area includes the site boundary. For many other
7 impacts, the analysis area includes the area within and extending certain distances from the site
8 boundary, as presented in Table 7, below.

9

Table 7: Analysis Areas

Exhibit	Analysis Area	Analysis Area Basis
Exhibit H – Geologic and Soil Stability	The area within the site boundary, except that the desktop analysis for seismic hazards shall extend 50 miles from the site boundary.	Extent of desktop analysis is based on NOI comments from DOGAMI
Exhibit I – Soils	The area within the site boundary.	Default minimum, site boundary
Exhibit J – Waters of the State and Removal-Fill	The area within the site boundary.	Default minimum, site boundary
Exhibit K – Land Use	The area within and extending ½-mile from the site boundary.	Consistent with established study area distance
Exhibit L – Protected Areas	The area within and extending 2-miles from the site boundary.	Proposed site boundary (proposed routes) is adjacent to existing linear facilities including a railroad and highway. Existing facilities create a baseline viewshed impact where the addition of the facility would not be expected to dominate the viewshed or have impacts beyond 2-miles. Noise and traffic impacts would also not be expected to extend beyond 2 miles given the location of protected areas (NOI Figure G-3) and noise attenuation/proposed access routes.
Exhibit P – Fish and Wildlife Habitat	The area within and extending ½-mile from the site boundary.	Consistent with established study area distance
Exhibit Q – Threatened and Endangered Species ¹	The area within the site boundary, except that the desktop analysis shall extend 5 miles from the site boundary.	Consistent with study area for fish and wildlife habitat, and based on limited potential impacts occurring outside the site boundary
Exhibit R – Scenic Resources	The area within and extending 2 miles from the site boundary.	Proposed site boundary (proposed routes) is adjacent to existing linear facilities including a railroad and highway. Existing facilities create a baseline viewshed impact where the addition of the facility would not be

Table 7: Analysis Areas

Exhibit	Analysis Area	Analysis Area Basis
		expected to dominate the viewshed or have impacts beyond 2-miles.
Exhibit S – Historic, Cultural and Archaeological Resources	For archeological resources, the area within the site boundary. For historic, above-ground resources, the area extending 1 mile from the site boundary.	Consistent with SHPO guidance
Exhibit T – Recreation ¹	The area within and extending 2 miles from the site boundary.	Proposed site boundary (proposed routes) is adjacent to existing linear facilities including a railroad and highway. Existing facilities create a baseline viewshed impact where the addition of the facility would not be expected to dominate the viewshed or have impacts beyond 2-miles. Noise and traffic impacts would also not be expected to extend beyond 2 miles given the location of the proposed facility.
Exhibit U – Public Services	The area within and extending 20 miles from the site boundary. For housing impacts during construction, analysis must be based on impacts to available RV/camping locations within 10-miles of the site.	Consistent with established study area distance. Special analysis area established for public services – construction impacts to housing because the Department’s experience with EFSC-facilities during construction is that temporary workers rely on RV parking rather than any available temporary housing such as apartments, rental houses and even hotels.
Exhibit V – Wildfire Prevention and Risk Mitigation	The area within and extending ½ mile the site boundary.	Consistent with established study area distance
Exhibit Y – Noise	The area within and extending ½-mile from noise generating components.	Based on the type of facility (transmission line) and existing ambient noise from linear facilities including a highway and railroad, ½-mile determined by the

Table 7: Analysis Areas

Exhibit	Analysis Area	Analysis Area Basis
		Department to adequately address extent of potential impacts
Exhibit AA – Electric and Magnetic Fields	The area within the site boundary.	Default minimum, site boundary
<p>Notes:</p> <ol style="list-style-type: none">OAR 345-001-0010(35)(g) states that, “the distances stated in subsections (a) and (d) above do not apply to transmission lines.” Subsection (a) establishes the study area distance for “impacts to threatened and endangered plant and animal species, 5 miles”; subsection (d) establishes the study area distance for “impact to recreational opportunities, 5 miles.”		

1

1 **IV. APPLICATION REQUIREMENTS**

2

3 The applicant must submit information required under OAR 345-021-0010, including, for all
4 state and local government agency permit approvals that the applicant proposes to be included
5 in and governed by the site certificate, the submittal of information that would otherwise be
6 required by the state or local government agency in an application for such permit, license, or
7 certificate.¹⁰

8

9 The applicant must submit copies of the applications for federally delegated permits that are
10 needed for construction or operation of the proposed facility.¹¹

11

12 OAR 345-021-0010(1) identifies the exhibits that must be included in the application. The
13 specific subsections and paragraphs of OAR 345-021-0010(1) that apply to the proposed facility
14 are indicated in the sections below. Each exhibit must include a table of contents.¹²

15

16 Under OAR 345-021-0010(2) relevant documents prepared in connection with an
17 environmental assessment or environmental impact statement for the proposed facility under
18 the National Environmental Policy Act of 1970, if any, may contain some of the information
19 required under section (1) of this rule. The applicant may copy relevant sections of such
20 documents into the appropriate exhibits of the site certificate application. The applicant may
21 otherwise submit full copies of those documents and include, in the appropriate exhibits of the
22 site certificate application, cross-references to the relevant sections of those documents. The
23 applicant may use such documents only to avoid duplication. The applicant must include
24 additional information in the site certificate application as needed to meet the requirements of
25 section (1) of this rule.

26

27 **A. Exhibit A – General Information about the Applicant and Participating Persons**

28

29 **Applicable Paragraphs:** OAR 345-021-0010(1) - All that apply

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

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

36

37 The NOI identifies Umatilla Electric Cooperative (UEC) as the applicant. The applicant is an
38 Oregon cooperative under Oregon Revised Statute (ORS) Chapter 62. As previously noted, UEC
39 is a consumer-owned electric cooperative utility and is not a public or governmental entity or

¹⁰ OAR 345-021-0000(6)

¹¹ OAR 345-021-0000(7)

¹² OAR 345-021-0010(3).

1 an LLC. UEC was incorporated on June 18, 1937, in the state of Oregon. Applicant must notify
2 the Department of any changes in the legal name or entity of the applicant. The Department
3 may request that Exhibit A be amended to reflect the change or may accept an alternate form
4 of documentation to document the change on the record of the ASC. The Department may
5 request that Exhibit A be amended to reflect the change or may accept an alternate form of
6 documentation to document the change on the record of the ASC.

7
8 Under OAR 345-021-0010(1)(a)(B), Exhibit A must identify any participating entities other than
9 the applicant, including but not limited to, the parent company of the applicant and any
10 persons upon whom the applicant will rely for third-party permits or approvals related to the
11 facility, and, if known, other persons upon whom the applicant will rely in meeting any facility
12 standard adopted by the Council.

13
14 B. Exhibit B – General Information about the Proposed Facility

15
16 **Applicable Paragraphs:** OAR 345-021-0010(1)(b)(A)(ii) through (v), (B), (C), (D), (E) and (F).

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

18 **Discussion:** Exhibit B must provide information about the proposed facility, construction
19 schedule and temporary disturbances of the site. Applicant should address all provisions
20 applicable to transmission lines, including the corridor assessment required under OAR 345-
21 021-0010(1)(b)(E).

22
23 Under OAR 345-021-0010(1)(b)(A) through (C) and (E), Exhibit B must include a description of
24 the facility that includes, at a minimum:

- 25
26 • A detailed description of all transmission components, including:
- 27 ○ The approximate length of the transmission line route alternatives;
 - 28 ○ Verification of the rated voltage, load carrying capacity, and type of current of
29 the proposed transmission lines;
 - 30 ○ A description of transmission line structures and their dimensions.
 - 31 ○ The proposed ROW width of the transmission line, including to what extent new
32 ROW will be required or existing ROW will be widened;
 - 33 ○ A description of all transmission line segments proposed to be located within
34 public ROW. For transmission line segments proposed to follow an existing road,
35 the applicant must state to which side of the existing road, the proposed facility
36 will run, to the extent this is known;
 - 37 ○ If the applicant proposes to locate any portion of the transmission lines adjacent
38 to but not within a public ROW, the application must explain why the public
39 ROW is not being utilized based on a set of clear and objective criteria.
- 40 • The capacity, dimensions, type, and configuration of related or supporting facilities.
- 41 • A site plan showing the general arrangement of structures, including any proposed
42 temporary laydown or staging areas and any proposed micro-siting corridors. Note that if
43 the applicant seeks flexibility to site proposed facility components anywhere within the

1 site boundary, or seeks approval of a micro-siting corridor, the applicant must evaluate
 2 impacts to resources within the entire site boundary or micro-siting corridor based on
 3 maximum the impact facility layout option within the site boundary or micro-siting area,
 4 if different.

- 5 • Identification and description of all fuel and chemical storage facilities, including
 6 temporary and permanent structures and systems for spill containment.
- 7 • Equipment and systems for fire prevention and control in any system components,
 8 including water tanks, internal fire suppression systems, and access and egress points
 9 for fire responders.

10
 11 The description must be in both narrative and tabular format. *Examples of an energy facility*
 12 *table from a transmission line are included below for illustrative purposes.*

13 **Table 8: Example Facility Description**

Structure Type	Number of Structures	Height (ft)	Distance Between Structures (ft)	Construction Disturbance Area per Structure (ft)	Operational Disturbance Area per Structure (ft)
500-kV Single-Circuit Lattice Steel Structure	1,076	109-200	1,200-1,800	250 x 250	50 x 50
500-kV Single-Circuit Tubular Steel Pole H-Frame Structure (NWSTF Boardman area)	70	65-105	350-950	90 x 250 on NWSTF and 150 x 250 off NWSTF	40 x 10
Rebuild Single-Circuit 138-kV Wood H-Frame Structure	9	51-61	500-750	250 x 150	16.5 x 5
500-kV Single-Circuit Tubular Steel Pole H-Frame	6	65-105	450-900	250 x 250	40 x 10
Rebuild Single Circuit 230-kV Steel H-Frame Structure	5	57-75	400-1,200	250 x 100	25 x 5

14
 15 The information in Exhibit B must be as complete and accurate as possible. If the application is
 16 approved, the information will form the basis for the description of the facility in the site
 17 certificate. As provided under OAR 345-025-0006(3)(a), the site certificate will contain
 18 conditions requiring certificate holders to design, construct, operate and retire the facility
 19 substantially as described in the site certificate.

20
 21 Under OAR 345-021-0010(1)(b)(D), Exhibit B must include a corridor selection assessment
 22 explaining how the applicant selected the corridors for analysis in the application. The applicant

1 may select any corridor for the assessment and may seek approval for more than one corridor.
2 If the applicant includes a corridor that was not identified in the NOI or presented for comment
3 at an informational meeting the applicant must explain why the applicant did not present the
4 new corridor for comment at an informational meeting. In the assessment, the applicant must
5 discuss the reasons for selecting the corridors, based upon evaluation of the following factors:
6

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

23
24 Under OAR 345-021-0010(1)(b)(F), Exhibit B must include a construction schedule including a
25 description of all primary construction activities that will be performed at the site and the
26 estimated timing of those activities. "Construction activities" include all work performed at the
27 site, excluding surveying, exploration, or other activities to define or characterize the site. The
28 construction schedule must be provided in sufficient detail to ensure construction activities will
29 be completed within any required work-windows required to avoid or minimize impacts on
30 sensitive resources.

31
32 For the purposes of the ORS 469.320 and 469.370(12), construction of the facility begins when
33 the cost of all construction activities performed at the site exceed \$250,000. The construction
34 schedule included in Exhibit B must describe any construction activities that have been or will
35 be performed at the site prior to issuance of the site certificate and an estimate of the cost of
36 that work.

37
38 The construction schedule should specify the date by which applicant proposes to begin
39 construction of the facility and the date by which the applicant proposes to complete
40 construction activities. If the applicant proposes to construct the facility in phases, the
41 construction schedule should describe the timing of construction activities for each phase.
42

1 Exhibit B must also describe routine operations and maintenance activities that will be
2 performed during operation of the facility, including any anticipated need to replace or
3 repower facility components, and the expected timeline for decommissioning the facility, if any.
4

5 C. Exhibit C – Location
6

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

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

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

10 Under OAR 345-021-0010(1)(c)(A), Exhibit C must include maps showing the proposed locations
11 of the energy facility site, all related or supporting facility sites, and all areas that might be
12 temporarily disturbed during construction of the facility in relation to major roads, water
13 bodies, cities and towns, important landmarks and topographic features.
14

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

21 The maps must identify all proposed transmission line routes and corridors for which the
22 applicant seeks Council approval. If the applicant seeks flexibility to site facility components
23 within a proposed micrositing corridor within the site, the corridor must be clearly identified in
24 the maps.
25

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

34 In addition to the maps and narrative described above, the Department requests GIS data
35 showing the site boundary and any micrositing corridors proposed by the applicant and the
36 general location of facility components to the best knowledge of the applicant at the time the
37 application is submitted, including but not limited to: transmission line corridors, and
38 temporary work areas, including laydown yards, and areas of known ground disturbance.
39

40 D. Exhibit D – Organizational Expertise
41

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

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

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

6
7 Under OAR 345-021-0010(1)(d)(A), Exhibit D must describe the applicant's previous experience,
8 if any, in constructing and operating facilities like the proposed facility. The description should
9 include, at a minimum, the size, location, and date of commercial operation for any facilities
10 upon which the applicant wishes to rely as evidence of organizational expertise. The description
11 should also provide an analysis of similarities and differences between the sites of the facilities
12 and their sites, including engineering and environmental constraints at each.

13
14 Under OAR 345-021-0010(1)(d)(B) and (C), Exhibit D must describe the qualifications of the
15 applicant's personnel who will be responsible for constructing and operating the facility, and
16 the qualifications of any architect, engineer, major component vendor, or prime contractor
17 upon whom the applicant will rely in constructing and operating the facility, to the extent that
18 the identities of such persons are known when the application is submitted.

19
20 Under OAR 345-021-0010(1)(d)(D), Exhibit D must describe the compliance history of the
21 applicant, its parent company or co-owner(s) and their subsidiaries, and other participating
22 entities, including disclosure any regulatory citations in any jurisdiction received by the past 10
23 years and a description of the status or resolution of those citations.

24
25 Under OAR 345-021-0010(1)(d)(G), Exhibit D must include evidence that the applicant can
26 successfully complete any mitigation proposed to demonstrate compliance with any applicable
27 Council standards, including a description of past experience with other projects and the
28 qualifications, experience, and contact information of personnel upon whom the applicant will
29 rely, to the extent that the identities of such persons are known at the date of submittal. The
30 applicant must provide evidence that past mitigation projects required as part of a land use
31 approval or other permitting process were completed successfully, such as final reports
32 submitted to the permitting agency.

33 34 E. Exhibit E – Permits

35
36 **Applicable Paragraphs:** All paragraphs apply.

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

38 **Discussion:** Under OAR 345-021-0010(1)(e)(A) and (B), Exhibit E must identify all federal, state,
39 and local government permits related to the siting of the proposed facility. ORS 469.310
40 establishes the Council's comprehensive licensing authority, which is referred to as a "one-
41 stop" consolidated permitting process. Permits related to the siting of the proposed facility
42 should be included in and governed by the site certificate to consolidate permitting processes,
43 consistent with ORS 469.310; however, it is the applicant that must identify whether permits
44 should be governed by the site certificate. For each permit, Exhibit E must include:

- 1 • A description of the permit and the reasons the permit is needed.
- 2 • A legal citation of the statute, rule or ordinance governing the permit.
- 3 • The name, mailing address, email address and telephone number of the agency or
- 4 office responsible for the permit.
- 5 • The applicant’s analysis of whether the permit should or should not be included in
- 6 and governed by the site certificate.

7

8 Under OAR 345-021-0010(1)(e)(C) for any state or local government agency permits, licenses or

9 certificates that are proposed to be included in and governed by the site certificate, Exhibit E

10 must also provide evidence to support findings by the Council that construction and operation

11 of the proposed facility will comply with the statutes, rules, and standards applicable to the

12 permit. Information about removal-fill permits must be provided in Exhibit J. Provide

13 information about any necessary water rights or permits in Exhibit O.

14

15 Under OAR 345-021-0010(1)(e)(E), if the applicant will rely on a contractor or third party to

16 obtain a required state or local permit, license or certificate that would otherwise be governed

17 by the site certificate, Exhibit E must also include evidence that the applicant has, or has a

18 reasonable likelihood of entering into, a contract or other agreement with the third party for

19 access to the resource or service to be secured by that permit and evidence that the third party

20 has, or has a reasonable likelihood of obtaining, the necessary permit.

21

22 Although the Council does not have jurisdiction over federally delegated permits, the Council

23 may rely on the determinations of compliance and the conditions in federally delegated permits

24 in evaluating the application for compliance with Council standards. Under OAR 345-021-

25 0010(1)(e)(D), Exhibit E must include evidence that the responsible agency for any federally

26 delegated permitted program has received a permit application. The applicant must provide the

27 estimated date when the responsible agency will complete its review and issue a permit

28 decision. If the applicant will rely on a contractor or third party to obtain a required federally-

29 delegated permit, Exhibit E must also include the information required by OAR 345-021-

30 0010(1)(e)(F).

31

32 Table 9 lists permits that may be required for the proposed facility. Please see the discussion

33 that follows Table 9 for additional information.

34

Table 9: Potentially Required Permits

Permitting Authority	Permit	EFSC Jurisdiction
<i>Federal and Federally Delegated Permits</i>		
Federal Aviation Administration	Notice of Proposed Construction or Alteration (Form 7460-1)	Not Jurisdictional
	Supplemental Notice of Actual Construction or Alteration (Form 7460-2)	Not Jurisdictional ¹

Table 9: Potentially Required Permits

Permitting Authority	Permit	EFSC Jurisdiction
U.S. Army Corps of Engineers	Clean Water Act (CWA), Section 404 Permit	Not Jurisdictional, but information required for completeness ¹
U.S. Fish and Wildlife Service (USFWS)	Endangered Species Act, Section 7 Consultation	Not Jurisdictional
Oregon Department of Environmental Quality	Oregon DEQ Basic Air Contaminant Discharge Permit	Not Jurisdictional, but information required for completeness ¹
	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 Public Utilities Commission	Certificate of Public Convenience and Necessity	Not Jurisdictional
Oregon Department of State Lands	Removal-Fill Permit	Jurisdictional if proposed by applicant
Oregon Department of Environmental Quality	Water Pollution Control Facilities (WPCF) General Permit 1000	Jurisdictional if proposed by the applicant ¹
	WPCF General Permit 1700-B	Jurisdictional if proposed by the applicant ¹
Oregon Department of Transportation	Permit to Construct a State Highway Approach	Not Jurisdictional ²
	Permit to Operate, Maintain, and Use a State Highway Approach	Not Jurisdictional ²
	Permit to Occupy or Perform Operations Upon a State Highway	Not Jurisdictional ²
	Oversize Load Movement Permit/Load Registration	Not Jurisdictional ²
State Historic Preservation Office	Archeological Excavation Permit	Jurisdictional if proposed by applicant
Oregon Department of Aviation	Notice of Proposed Construction or Alteration (Form 7460-1)	Jurisdictional
Local (Oregon)		
Morrow County	Conditional Use Permit	Jurisdictional

Table 9: Potentially Required Permits

Permitting Authority	Permit	EFSC Jurisdiction
	Zoning Permit	Not Jurisdictional ²
	Road Access Permit	Not Jurisdictional ²
	Road Use Agreement	Not Jurisdictional ²
	Site Plan Review Permit	Not Jurisdictional ²
Umatilla County	Conditional Use Permit	Jurisdictional
	Zoning Permit	Not Jurisdictional ²
	Road Use Agreement	Not Jurisdictional ²
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. 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.		

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1. Federal Permits

U.S. Army Corps of Engineers – Section 404 Permit

Statute and Rule References: CWA, Section 404; 33 CFR 1344.

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

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

2. Federally Delegated Permits

Oregon Department of Environmental Quality – Air Quality Division

Basic Air Contaminant Discharge Permit (ACDP)

Statute and Rule References: OAR Chapter 340, Division 216

EFSC Jurisdiction: Not jurisdictional, but information needed for completeness (unless obtained by third-party; see Third-Party Permits discussion)

1 **Discussion:** The United States Environmental Protection Agency (EPA) has delegated authority
2 to the Oregon Department of Environmental Quality (DEQ) to administer air quality under the
3 Clean Air Act. A Basic ACDP authorizes operation of a concrete manufacturing plant that
4 produces more than 5,000 but less than 25,000 cubic yards per year output. ACDPs for mobile,
5 temporary concrete batch plants are associated with the equipment itself. The requirements of
6 OAR 345-021-0000(6) would apply to this federally delegated permit. If the applicant's third-
7 party contractor would instead obtain the ACDP, the requirements described in the Third-Party
8 Permits section below would apply.

9
10 ***Oregon Department of Environmental Quality — Water Quality Division***

11 *Section 401 Water Quality Certification*

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

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

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

22
23 *National Pollutant Discharge Elimination System (NPDES) Construction Stormwater 1200-C*
24 *permit*

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

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

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

30
31 In accordance with OAR 345-021-0000(6), the applicant must submit to the Department one
32 copy of all applications for federally delegated permits (including the NPDES permit) or provide
33 a schedule of the date by which the applicant intends to submit the application. Unless this
34 permit will be obtained by a third-party, the Department will not be able to find the application
35 for site certificate complete before receiving a copy of the NPDES permit application and a
36 letter or other indication from DEQ. The DEQ response must state that the agency has received
37 a permit application from the applicant and provide an estimated date when the agency will
38 complete its review and issue a permit decision. The applicant may incorporate this information
39 into Exhibit I (Soils) or Exhibit BB (Other Information) of the ASC.

40
41 *NPDES Stormwater and Mine Dewatering Discharge 1200-A permit*

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

43 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness (unless
44 obtained by a third party).

1 **Discussion:** This permit would be applicable to a batch plant, if used during construction.
2 If the batch plant would not discharge to surface waters, a WPCF General Permit 1000 would
3 instead be required to dispose of process wastewater and stormwater by recirculation,
4 evaporation, and/or controlled seepage (see the State Permits discussion below).

6 3. State Permits

8 ***Oregon Public Utilities Commission***

9 **Statute and Rule References:** ORS 758.015; OAR 860-025-0030-0040

10 **Permit:** Certificate of Public Convenience and Necessity

11 **EFSC Jurisdiction:** Not EFSC jurisdictional.

12 **Discussion:** Required if construction of an overhead transmission line will necessitate a
13 condemnation of land or an interest therein. The Oregon Public Utilities Commission (PUC) will
14 consider whether the transmission line will meet a need for additional transmission capacity
15 and reliability in the electricity grid; whether it will be operated in a way that protects the
16 public from danger; whether the proposed route is practicable and feasible; whether the public
17 benefits and costs justify the proposed facility; and other factors the PUC deems relevant under
18 the law.

20 ***Oregon Department of State Lands***

21 **Statute and Rule References:** ORS 196.795-990 (Removal of Material, Filling), OAR Chapter 141,
22 Division 85 (Administrative Rules Governing the Issuance and Enforcement of Removal-Fill
23 Authorizations Within Waters of Oregon Including Wetlands).

24 **Permit:** Removal-Fill Permit

25 **EFSC Jurisdiction:** EFSC jurisdictional

26 **Discussion:** A removal-fill permit is required if any removal or fill activities occur in streams
27 designated as Essential Indigenous Anadromous Salmonid Habitat or 50 cubic yards or more of
28 material is removed, filled, or altered within a jurisdictional water of the state [OAR 141-085-
29 0520(2) and (5)].

31 The applicant must conduct a wetland delineation, to be sent to Department of State Lands
32 (DSL) for concurrence, according to OAR Chapter 141, Division 90 rules. The wetland
33 delineation determines the location of “waters of this state,” as defined in OAR 141-085-
34 0510(91), within the analysis area. Comments received from DSL on the NOI are included in
35 Attachment 3 of this order and identify the need for a wetland delineation report and removal
36 fill permit to be submitted to DSL as part of the ASC.

38 Depending upon facility impacts to “waters of this state” a removal-fill permit may be
39 necessary, and the application for site certificate should include information establishing
40 whether a removal-fill permit is required. If a removal-fill permit is required, the ASC shall
41 include a concurred delineation from DSL and a complete application for an individual permit
42 which demonstrates consistency with ORS 196.825(1) and provides enough information for
43 determinations and considerations under ORS 196.825(3) and OAR 141-085-0565.

1 A Compensatory Wetland Mitigation Plan which meets the requirements of OAR 141-085-0680
2 through OAR 141-085-0715 must be provided to replace all lost functions and values previously
3 provided by the impacted wetlands and waterways.
4

5 If the proposed facility requires any dredge or fill of waters of the United States, the applicant
6 must submit to the Department one copy of an application for a Section 404 permit, in
7 accordance with OAR 345-021-0000(6), and a Section 401 Water Quality Certificate must be
8 granted by DEQ before a Section 404 may be issued. The DSL (removal-fill permit) and the
9 Corps (Section 404 permit) use a joint application form. As discussed previously with regard to
10 Exhibit E and federally-delegated permits outside of Council jurisdiction, the Applicant must
11 provide a letter or other indication from the Corps stating that the agency received a permit
12 application from the applicant, identifying any additional information the agency is likely to
13 need from the applicant based on the agency’s review of the application, and an estimated date
14 for when the agency will complete its review and issue a permit decision.
15

16 ***Oregon Department of Environmental Quality***

17 **Statute and Rule References**

18 **Permits**

- 19 • Water Pollution Control Facilities (WPCF) General Permit 1000 - EFSC-jurisdictional
20 unless obtained by third-party; see Third-Party Permits discussion.

21 **Discussion:** If a temporary batch plant is necessary, disposal of concrete batch plant wash water
22 would require either a Water Pollution Control Facilities (WPCF) General Permit 1000 or a
23 NPDES permit. Concrete batch plants that dispose of process wastewater and stormwater by
24 recirculation, evaporation, and/or controlled seepage with no discharge to surface waters
25 require a WPCF General Permit 1000. A WPCF General Permit 1000 is a state permit under
26 Council jurisdiction. If the applicant’s third-party contractor would obtain the necessary WPCF
27 General Permit 1000 directly from DEQ, this permit would be related to the siting and operation
28 of the proposed facility but would not be included in and governed by the site certificate (see
29 the Third-Party Permits discussion below). If the batch plant was to instead discharge
30 stormwater from a point source to surface water or to a conveyance system that discharges to
31 surface water, the plant would require an NPDES 1200-A permit or coverage under the NPDES
32 1200-C permit for the construction yard in which it would be located (as discussed under the
33 federally delegated permits discussion of this amended Project Order).
34

35 ***Oregon Water Resources Department***

36 **Statute and Rule References**

- 37 • ORS 537.110-.330 (Appropriation under 1909 Act; Limited Licenses)
- 38 • ORS 537.505-.795 and ORS 537.992 (collectively, Ground Water Act of 1955)
- 39 • ORS 537.992 (Civil Penalties)
- 40 • ORS 540.505-.589 (Changes in Use of Water; Transfer of Water Rights; Exchange)
- 41 • OAR Chapter 690, Division 310 (Water Right Application Processing)
- 42 • OAR Chapter 690, Division 340 (Water Use Authorizations)
- 43 • OAR Chapter 690, Division 410 (Statewide Water Resource Management)

1 **Permits**

- 2 • Water Right Permit or Water Use Authorization - EFSC jurisdictional
- 3 • Limited License - EFSC jurisdictional

4 **Discussion:** As represented in NOI Exhibit J, all water used during construction of the facility
 5 would be obtained from commercial or municipal sources. No new water rights or water wells
 6 would be required. Water right permits, limited water use licenses, and other water
 7 authorizations for energy facilities are subject to review and authorization by the Council, and
 8 any permit should be included in and governed by the site certificate.

9

10 ***Oregon Department of Transportation***

11 **Statute and Rule References**

- 12 • ORS 818.030 (Exemptions from Weight Limitations); ORS 374
- 13 • OAR Chapter 734, Division 82 (Variance Permits Issued for Non-Divisible Loads and Road
 14 Use Assessment Fees)
- 15 • OAR Chapter 734, Division 51 (Highway Approaches, Access Control, Spacing Standards,
 16 and Medians)
- 17 • OAR Chapter 734, Division 55 (Pole Lines, Buried Cables, and Miscellaneous Operations)

18 **Permits:**

- 19 • Permit to Construct a State Highway Approach: Permit to Operate, Maintain, and Use a
 20 State Highway Approach – Not EFSC jurisdictional, no further information needed in
 21 ASC.
- 22 • Permit to Occupy or Perform Operations Upon a State Highway – Not EFSC
 23 jurisdictional, no further information needed in ASC.
- 24 • Oversize Load Movement Permit/Load Registration – Not EFSC jurisdictional, no further
 25 information needed in ASC.

26 **Discussion:** Various permits from Oregon Department of Transportation (ODOT) may be
 27 required prior to construction of the facility. Access from Oregon state highways would require
 28 an access permit. Utility installations within the right-of-way of a state highway in Oregon
 29 require an Occupy or Perform Operations upon a State Highway permit. Movement of
 30 construction cranes and other large equipment and materials could also require an Oversize
 31 Load Movement permit. These permits are not related to facility siting and are not included in
 32 or governed by the site certificate. The applicant or its contractor must secure any applicable
 33 ODOT permits directly from ODOT, independent of the site certificate process. The impacts
 34 associated with road use and modifications, however, must be evaluated in Exhibit U.

35

36 ***State Historic Preservation Office***

37 **Statute and Rule References:** ORS Chapter 97, 358, and 390; OAR Chapter 736, Division 51

38 **Permits:** Archaeological Excavation Permit

39 **EFSC Jurisdiction:** May be EFSC jurisdictional if proposed in ASC; if so, then ASC materials
 40 required

41 **Discussion:** Per ORS 390.235 and 358.920 a person may not excavate, injure, destroy, or alter
 42 an archaeological site or object or remove an archaeological object located on public or private
 43 lands in Oregon unless that activity is authorized by an Archaeological Permit issued by SHPO.

1 Because there are previously identified archaeological objects or sites (ORS 358.905), or Native
2 American cairn, burial, human remains, sacred objects and objects of cultural patrimony (ORS
3 97.740-760) in or adjacent to the site, an Archaeological Excavation Permit will be required for
4 the construction of the proposed facility. The applicant has not proposed to have this permit be
5 included and governed by the site certificate, and as such the applicant will be required to
6 obtain this permit from the State Historic Preservation Office prior to ground disturbing
7 activities at the site.

8
9 **Oregon Department of Aviation – Form 7460-1 Notice of Proposed Construction or Alteration**
10 **Statute and Rule References:** ORS 836.530 and OAR 738-070-0060 – 0100.

11 **EFSC Jurisdiction:** Jurisdictional.

12 **Discussion:** OAR 738-070-0100 establishes standards and notification requirements for objects
13 affecting navigable airspace. Any structures exceeding 200 feet in height are subject to
14 compliance with Federal Aviation Administration (FAA) Part 77.9. Applicant shall provide
15 preliminary location data for facility components as indicated on FAA Form 7460-1 to aid in
16 ODAV’s determination of potential impacts to air navigation. This review and determination will
17 be incorporated and governed by the site certificate.

18 19 **4. Local Permits**

20 21 **Morrow County**

22 **Land Use Ordinance References:**

- 23 • Morrow County Zoning Ordinance
- 24 • Morrow County Comprehensive Plan
- 25 • OAR Chapter 734, Division 51

26 **Permits:**

- 27 • Morrow County Conditional Use Permit
- 28 • Morrow County Zoning Permit
- 29 • Morrow County Road Use Agreement
- 30 • Morrow County Road Access Permit
- 31 • Morrow County Site Plan Review

32
33 **Discussion:** Morrow County has permitting requirements that relate to the siting, construction,
34 or operation of the proposed facility. The applicant shall identify those permits or approvals
35 and include an analysis of whether each should be included in and governed by the site
36 certificate.

37
38 The applicant intends to satisfy the EFSC land use standard by seeking EFSC determination of
39 compliance with the land use standards under ORS 469.504(1)(b). Because EFSC will make the
40 land use decisions, any land use permits normally issued by Morrow County will be governed by
41 the Site Certificate.

1 As stated in the NOI, the applicant requests that the Council determine compliance with the
2 statewide planning goals under ORS 469.504(1)(b). Accordingly, land use permits including the
3 zoning permit and conditional use permit will be included in and governed by the site
4 certificate.

5
6 The other listed permitting requirements are not related to facility siting and as such will not be
7 included in or governed by the site certificate. Building permits are specifically excluded from
8 EFSC jurisdiction by statute, ORS 469.401(4).

9
10 ***Umatilla County***

11 **Land Use Ordinance References:**

- 12 • Umatilla County Development Code
- 13 • Umatilla County Comprehensive Plan
- 14 • OAR Chapter 734, Division 51

15 **Permits:**

- 16 • Umatilla County Conditional Use Permit
- 17 • Umatilla County Zoning Permit
- 18 • Umatilla County Road Use Agreement

19
20 **Discussion:** Umatilla County has permitting requirements that relate to the siting, construction,
21 or operation of the proposed facility. The applicant shall identify those permits or approvals
22 and include an analysis of whether each should be included in and governed by the site
23 certificate.

24
25 The applicant intends to satisfy the EFSC land use standard by seeking EFSC determination of
26 compliance with the land use standards under ORS 469.504(1)(b). Because EFSC will make the
27 land use decisions, any land use permits normally issued by Umatilla County will be governed
28 by the Site Certificate.

29
30 As stated in the NOI, the applicant requests that the Council determine compliance with the
31 statewide planning goals under ORS 469.504(1)(b). Accordingly, land use permits including the
32 zoning permit and conditional use permit will be included in and governed by the site
33 certificate.

34
35 The other listed permitting requirements are not related to facility siting and as such will not be
36 included in or governed by the site certificate.

37
38 Building permits are specifically excluded from EFSC jurisdiction by statute, ORS 469.401(4).

39
40 **5. Third-Party Permits**

41
42 **Discussion:** As noted in the NOI, the applicant may rely upon third-party permits for access to
43 resources necessary for facility construction and operation. If the applicant relies upon a state

1 or local government permit issued to a third party that is related to the siting of the proposed
2 facility, the applicant must identify each third-party permit, and, for each, include evidence that
3 the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement
4 with the third party for access to the resource or service to be secured by that permit; evidence
5 that the third party has or, has a reasonable likelihood of obtaining, the necessary permit; and,
6 an assessment of the impact of the proposed facility on any permits that a third party has
7 obtained and on which the applicant relies to comply with any applicable Council standard
8 (OAR 345-021-0010(1)(e)(E)).
9

10 If the applicant relies on a federally delegated permit issued to a third party that is related to
11 the siting of the proposed facility, the applicant must identify the third-party permit and include
12 evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or
13 other agreement with the third party for access to the resource or service to be secured by that
14 permit. The applicant must provide evidence that the responsible agency has received the
15 permit application and provide the estimated date when the responsible agency will complete
16 its review and issue a permit decision (OAR 345-021-0010(1)(e)(F)).
17

18 In accordance with OAR 345-022-0010(4), if the applicant relies on a permit or approval issued
19 to a third party and the third party does not have the necessary permit or approval at the time
20 the Council issues the site certificate, the Council may issue the site certificate subject to the
21 condition that the certificate holder shall not commence construction or operation as
22 appropriate until the third party has obtained the necessary permit or approval and the
23 applicant has a contract or other arrangement for access to the resource or service secured by
24 that permit or approval.
25

26 F. Exhibit F – Property Owners 27

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

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

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

- 32 • 500 feet, when the tax lot or parcel located within the site boundary is within a farm or
33 forest zone.
- 34 • 250 feet, when the tax lot or parcel located within the site boundary is outside of an
35 Urban Growth Boundary and not within a farm or forest zone.
- 36 • 100 feet, when the tax lot or parcel located within the site boundary is located wholly or
37 partially within an Urban Growth Boundary.
38

39 Tax lots must be identified in a consistent format that provides the Township, Range, Section
40 and Tax lot number of each tax lot. If the local government uses a different tax lot identification
41 system, please include the local tax lot identification number in a separate column.
42

43 The preliminary ASC Exhibit F may omit mailing address information for the notification area
44 described above because the Department is not required to issue a public notice reliant on the

1 mailing address information until the ASC is deemed complete. pASC Exhibit F must, however,
2 include a list of all tax lots within the notification area described above. The list must be
3 accompanied by legible maps that clearly identify tax lot identification numbers as well as
4 adjacent road names. Once the ASC is deemed complete by the Department, Exhibit F must
5 include the mailing address information for the owner of record of each identified tax lot based
6 on the tax assessment roll for the jurisdiction in which the tax lot is located. In addition to
7 incorporating the list in the application, the applicant must submit the list to the Department in
8 Excel Workbook (.xlsx) or comma-separated values (.csv) format.

9
10 Following the submission of the complete application, the applicant must submit an updated
11 property owner list as requested by the Department to ensure that all public notices issued use
12 the most recent tax assessment roll.

13 14 G. Exhibit G – Materials Analysis

15
16 **Applicable Paragraphs:** All paragraphs apply.

17 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]; Soil
18 Protection [OAR 345-022-0022]

19 **Discussion:** Exhibit G must include an inventory of substantial quantities of industrial materials
20 flowing into and out of the proposed facility site during construction and operation of the
21 proposed facility, including but not limited to, metals, oils, and fuels. Quantities of waste
22 materials must be inventoried, and methods of disposal should be described in Exhibits G and
23 W. The applicant must identify any hazardous materials that will be used or stored at the site
24 and describe plans to manage those materials during construction and operation of the
25 proposed facility, including measures to prevent and contain spills.

26
27 The applicant must also describe plans to manage non-hazardous waste materials during
28 construction and operation. Exhibit G must identify any proposed fuel storage areas, vehicle
29 maintenance areas, or other areas that could be used to store hazardous materials.

30 31 H. Exhibit H – Geologic and Soil Stability

32
33 **Applicable Paragraphs:** All paragraphs apply

34 **Related Council and Other Standards:** Structural Standard [OAR 345-022-0020]

35 **Discussion:** Exhibit H must include Information regarding the geological and soil stability within
36 the analysis area. The contents of Exhibit H must be based on a consultation with DOGAMI
37 regarding the appropriate methodology and scope of the seismic hazards and geology and soil-
38 related hazards assessments, the appropriate geotechnical work that must be performed at the
39 site, and the guidelines for preparing the geologic report for the application required under
40 OAR 345-021-0010(1)(h)(A). Under OAR 345-021-0010(1)(h)(B), Exhibit H must include a
41 summary of this consultation. Based on DOGAMI oral comments about seismic risks in
42 discussion of the NOI with ODOE, the desktop review of seismic hazards shall include the area
43 within and extending 50-miles from the site boundary.

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

9
10 Under OAR 345-021-0010(1)(h)(C) and (D), exhibit H must provide a description and schedule of
11 site-specific geotechnical work that will be performed before construction activities begin at
12 the site, and a description of any locations where the applicant proposes to perform site
13 specific geotechnical work associated with transmission line structures.

14
15 I. Exhibit I – Soils

16
17 **Applicable Paragraphs:** All paragraphs apply.

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

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

21
22 Under OAR 345-021-0010(1)(i)(A) and (B), Exhibit I must identify the major soil types within the
23 analysis area and include a description of current and historical (if distinct from current) land
24 uses that require or depend on productive soils. If applicant utilizes Natural Resource
25 Conservation Service web-soil survey data to evaluate wind and water erosion potential at the
26 proposed facility site, Exhibit I shall include accurate references and hyperlinks to source data.

27
28 Under OAR 345-021-0010(1)(i)(C) through (E), Exhibit I must identify and assess potential
29 adverse impacts of construction and operation of the proposed facility, including impacts such
30 as erosion, soil compaction, and any impacts from liquid effluent associated maintenance
31 activities, on soils in the analysis area.

32
33 Exhibit I must also describe any measures the applicant proposes to avoid or mitigate adverse
34 impacts to soils to soils during construction and operation of the proposed facility and any
35 proposed monitoring program.

36
37 For cultivated or arable lands, Exhibit I should contain sufficient evidence to demonstrate that
38 temporary disturbances during construction or maintenance activities will not result in long-
39 term losses of productivity. Any mitigation activities for permanent disturbance areas should
40 also be described in Exhibit X. If the applicant will rely upon an erosion and sediment control
41 plan to meet the Soil Protection standard, a draft of that plan must be included in the
42 application.

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

6
7 J. Exhibit J – Waters of the State and Removal-Fill

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

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

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

17
18 Under OAR 345-021-0010(1)(j)(A), Exhibit J must include a description of all areas within the
19 site boundary that might be waters of the state and maps showing the location of these
20 features. Maps must also identify any areas of essential indigenous anadromous salmonid
21 habitat designated under ORS 196.810 and OAR chapter 141, division 102 within the site
22 boundary.

23
24 Under OAR 345-021-0010(1)(j)(B), (C), and (F), Exhibit J must describe whether construction or
25 operation of the proposed facility could result in potential adverse impacts to any of these
26 streams or other waters of the state, assess the significance of those impacts, and describe
27 proposed actions to avoid or mitigate adverse impacts and the applicant’s proposed monitoring
28 program, if any, for such impacts. If impacts to waters of the state cannot be avoided, Exhibit J
29 must describe the amount and type of material that could be deposited or removed from any
30 waters of the state, consistent with the requirements of OAR 141-085-0525, and any other
31 information needed to determine whether a removal-fill permit is required under OAR chapter
32 141, division 085.

33
34 A wetland delineation report that complies with OAR chapter 141, division 90 must be provided
35 to the Department and DSL before the application will be determined to be complete. The
36 wetland delineation must be conducted using the standard wetland delineation methodology
37 as outlined in the 1987 Army Corp manual and relevant supplements. The applicant should
38 review the Long Linear Guidance document recommended by DSL. The applicant must also
39 provide GIS data including the analysis area boundary and the boundaries of all delineated
40 wetlands and waters to both ODOE and DSL. DSL comments received on the NOI identify the
41 need for a wetland delineation report and a removal fill permit, if applicable, for review as part
42 of the applicant’s analysis in the ASC.

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

6
7 Under OAR 345-021-0010(1)(j)(D) and (E), Exhibit J must include an analysis of whether a
8 removal-fill permit is required. If a removal-fill permit is necessary for the proposed facility,
9 Exhibit J must include all information required for the Council to decide on the removal-fill
10 permit application, including all information required under OAR chapter 141 division 85. When
11 required for an energy facility, a removal-fill permit should be included in and governed by the
12 site certificate. The Department and DSL would maintain dual responsibility for compliance with
13 any associated permit conditions. See Section III(e), Exhibit E – Permits, for additional
14 discussion of state permits.

15
16 K. Exhibit K – Land Use

17
18 **Applicable Paragraphs:** (A) and (C).

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

20 **Discussion:** The Council's Land Use standard requires an evaluation for compliance with the
21 statewide planning goals. Under ORS 469.504(1), the applicant may establish compliance with
22 the applicable statewide planning goals either by obtaining local land use approval under ORS
23 469.504(1)(a) or by obtaining Council approval under ORS 469.504(1)(b). The applicant
24 indicated in the NOI that it has elected to seek a Council determination of compliance under
25 ORS 469.504(1)(b). Within Exhibit K, since the applicant has elected to obtain a Council
26 determination on land use under ORS 469.504(1)(b), paragraphs A and C of OAR 345-021-
27 0010(1)(k) apply; paragraph B does not apply.

28
29 Exhibit K must include information about the proposed facility's compliance with the statewide
30 planning goals adopted by LCDC, providing evidence to support a finding by the Council as
31 required by OAR 345-022-0030.

32
33 Under OAR 345-021-0010(1)(k)(A), Exhibit K must include a map showing the comprehensive
34 plan designations and land use zones in the analysis area.

35
36 All applicable criteria and standards associated with any zone in which the facility site boundary
37 is proposed to be located must be included, unless micrositing corridors clearly demonstrate
38 that no part of the facility will be located within that zone are proposed. The applicant is
39 encouraged to consult with the planning departments of the affected local governments to
40 develop the list.

41
42 Because the proposed facility is a jurisdictional transmission line that would pass through
43 multiple jurisdictions, the Council may evaluate the proposed facility against the applicable
44 substantive criteria recommended by the special advisory groups, against the statewide

1 planning goals or against a combination of the applicable substantive criteria and statewide
2 planning goals. In determining how to evaluate the facility, the Council must consider:

- 3
- 4 • The number of jurisdictions and zones in question.
- 5 • The degree to which the applicable substantive criteria reflect local government
- 6 consideration of energy facilities in the planning process; and
- 7 • The level of consistency of the applicable substantive criteria from the various zones and
- 8 jurisdictions.
- 9

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

16
17 If the proposed facility will not comply with one or more of the applicable substantive criteria,
18 the applicant must demonstrate that the proposed facility nevertheless complies with the
19 applicable statewide planning goals or that an exception to a goal is justified under ORS
20 469.504(2) and OAR 345-022-0030(4).

21
22 Under OAR 345-021-0010(1)(k)(C), the applicant must identify all applicable substantive criteria
23 from the affected local governments' Comprehensive Plan and any land use regulations that are
24 required by the statewide planning goals and that are in effect on the date the application is
25 submitted. The applicant should coordinate with both SAGs prior to submittal of the application
26 to ensure that they are applying the current (at date of submittal of application) applicable
27 substantive criteria.

28
29 The Morrow County applicable substantive criteria are found in the Morrow County Zoning
30 Ordinance, and the Morrow County Comprehensive Plan. Written comments from Morrow
31 County identified applicable substantive criteria in effect at the time of their review of the NOI,
32 but as noted above, the applicant must identify applicable substantive criteria in effect at the
33 time of the ASC submittal. (See Attachment 2: SAG Comments on NOI)

34
35 The Umatilla County applicable substantive criteria are found in the Umatilla County
36 Development Code, and the Umatilla County Comprehensive Plan. Written comments from
37 Umatilla County identified applicable substantive criteria in effect at the time of their review of
38 the NOI, but as noted above, the applicant must identify applicable substantive criteria in effect
39 at the time of the ASC submittal. (See Attachment 2: SAG Comments on NOI)

40
41 Exhibit K must identify and discuss each applicable substantive criteria and must demonstrate
42 how the proposed facility complies with those criteria. If the proposed facility will not comply
43 with one or more of the applicable substantive criteria, the applicant must demonstrate that

1 the proposed facility nevertheless complies with the applicable statewide planning goals or that
 2 an exception to a goal is justified under ORS 469.504(2) and OAR 345-022-0030(4).

3
 4 Exhibit K shall also provide evidence that the proposed facility would comply with any directly-
 5 applicable LCDC administrative rules and statutory requirements related to the proposed
 6 facility, and include all requirements regarding the location of any portions of the proposed
 7 facility within the County’s EFU zone.

8
 9 L. Exhibit L – Protected Areas

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

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

13 **Discussion:** As shown in Table 10 below, Exhibit J of the NOI identifies protected areas within
 14 the 20-mile study area. Based on the location of the proposed facility site boundary, which is
 15 predominately located in developed areas or in parallel to existing energy infrastructure or
 16 other linear facilities, the analysis area for this standard includes the area within and extending
 17 2 miles from the site boundary. All protected areas within and extending 2 miles from the site
 18 boundary should be evaluated in the ASC.
 19

Table 10: Protected Areas within 20 miles

Category OAR 345-022-0040	Protected Area Name*	Approx. Distance to Site Boundary (miles)	Direction from Facility	Managing Agency
<i>(e) A National Wildlife Refuge included in the National Wildlife Refuge System described under 16 U.S.C. 668dd</i>	Umatilla National Wildlife Refuge	1.7	North	U.S. Fish and Wildlife Service
	Cold Springs National Wildlife Refuge	10.1	Northeast	
	McNary National Wildlife Refuge/Wildlife Natural Area	14.5	Northeast	
<i>(i) Land designated in a federal land management plan or by an act of Congress as: (A) An Area of Critical Environmental Concern (ACEC)</i>	Oregon Trail ACEC	5.7	Southeast	US Bureau of Land Management, Vale District
	Horn Butte ACEC	19.7	West	
<i>(i) Land designated in a federal land management</i>	Boardman Research	6.2	Southwest	U.S. Department of Defense, U.S. Navy

Table 10: Protected Areas within 20 miles

Category OAR 345-022-0040	Protected Area Name*	Approx. Distance to Site Boundary (miles)	Direction from Facility	Managing Agency
<i>plan or by an act of Congress as: (C) A Research Natural Area</i>	Natural Area/Boardman Bombing Range			
<i>(i) Land designated in a federal land management plan or by an act of Congress as: (E) A Special Interest Area designated for scenic, geologic, botanic, zoologic, paleontological, archaeological, historic, or recreational values, or combinations of these values</i>	Oregon National Historic Trail and Echo Meadows Oregon Trail Interpretive Site	4.8-6.0	South/ Southeast	U.S. Bureau of Land Management, Vale District
<i>(j) A state park, wayside, corridor, monument, historic, or recreation area under the jurisdiction of the Oregon Parks and Recreation Department</i>	Hat Rock State Park	11.9	Northeast	Oregon Parks and Recreation Department
<i>(l) A natural area listed in the Oregon Register of Natural Areas under ORS 273.581</i>	Lindsay Prairie TNC Natural Area	13.2	South	The Nature Conservancy (TNC)
	Boardman/Willow Creek Managed Area	6.7	West	
<i>(o) A state wildlife refuge or management area identified in OAR chapter 635, division 008</i>	Power City State Wildlife Area/Power City Wildlife Area	7	Northeast	Oregon Department of Fish and Wildlife
	Coyote Springs State Wildlife Area	0.6	West	Oregon Department of Fish and Wildlife
	Wanaket Wildlife Area	7.8	Northeast	Confederated Tribes of the Umatilla Indian Reservation
	Irrigon State Wildlife Area		North	Oregon Department of Fish and Wildlife

Table 10: Protected Areas within 20 miles

Category OAR 345-022-0040	Protected Area Name*	Approx. Distance to Site Boundary (miles)	Direction from Facility	Managing Agency
	Willow Creek State Wildlife Area	18.5	West	Oregon Department of Fish and Wildlife
<i>(p) A fish hatchery operated by the Oregon Department of Fish and Wildlife</i>	Irrigon Fish Hatchery	5.3	Southeast	Oregon Department of Fish and Wildlife
<i>(q) An agricultural experiment station, experimental area, or research center established by Oregon State University under ORS chapter 567</i>	Hermiston Agricultural Research and Extension Center	4.1	East	Oregon State University Extension Service

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Under OAR 345-021-0010(1)(L)(A) and (B), Exhibit L must include a list and map of the protected areas within the analysis area showing the distance and direction from the proposed facility. If any additional protected areas in the analysis area are identified during the development of the ASC or if the site boundary is amended, the table and map must be updated accordingly.

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

- Noise resulting from facility construction or operation.
- Increased traffic resulting from facility construction or operation.
- Water use during facility construction or operation.
- Wastewater disposal resulting from facility construction or operation.
- Visual impacts of facility structures.
- Visual impacts from air emissions resulting from facility construction or operation.

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

1 Please note that compliance with the DEQ noise rules does not correlate to compliance with
2 the noise assessment considered in the Protected Areas standard. Particularly, while
3 construction noise is exempt from the DEQ noise rules, construction noise must be considered
4 under the Protected Areas standard. However, information developed to demonstrate
5 compliance with the DEQ noise rules (such as noise modeling) included in Exhibit Y can be used
6 in the assessment under the Protected Areas standard.
7

8 M. Exhibit M – Financial Capability
9

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

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

12 **Discussion:** Exhibit M must include information about the applicant’s financial capability and
13 should include basic information about the applicant’s financial condition. The applicant is not
14 obligated to provide information or records protected from public disclosure by any provision
15 of state or federal law.
16

17 Under OAR 345-021-0010(1)(m)(A), Exhibit M must include an opinion or opinions from legal
18 counsel stating that, to counsel's best knowledge, the applicant has the legal authority to
19 construct and operate the facility without violating its bond indenture provisions, articles of
20 incorporation, common stock covenants, or similar agreements.
21

22 Under OAR 345-021-0010(1)(m)(B) and (C), Exhibit M must include the type and amount of the
23 applicant’s proposed bond or letter of credit. The proposed amount should be based on the
24 information provided under Exhibit X.
25

26 Exhibit M requires evidence that the applicant has a reasonable likelihood of obtaining the
27 proposed bond or letter of credit from a reputable financial institution in that amount before
28 beginning construction of the facility. If applicant chooses to provide a comfort letter from a
29 financial institution as evidence to support Council’s review of this requirement, the letter
30 should refer to the applicant, be on letterhead, and accurately reference, at a minimum, the
31 dollar amount (in relevant quarter and year) of the estimated decommissioning amount. The
32 Department may request that the comfort letter be updated based on any necessary
33 adjustments or corrections identified during pASC review, prior to determining the ASC to be
34 complete.
35

36 N. Exhibit N – Need for Nongenerating Facility
37

38 **Applicable Paragraphs:** (A), (F)

39 **Related Council and Other Standards:** Need Standard for Non-Generating Facilities [OAR 345-
40 023-0005]

41 **Discussion:** Under OAR 345-021-0010(1)(n)(A) an application for a transmission line must
42 include the applicant’s election to meet the Need Standard either under the least-cost plan rule
43 (OAR 345-023-0020(1)), the system reliability rule (OAR 345-023-0030), or by demonstrating

1 that the transmission line is proposed to be located within a National Interest Electric
2 Transmission Corridor designated under Section 216 of the Federal Power Act.

3
4 In the NOI, the applicant stated that the need for the proposed facility was identified in the
5 UEC’s 2023 Long Range Plan for capital improvements. The project will provide reliability and
6 interconnection between the communities of Boardman and Hermiston and will ensure
7 compliance with the North American Electric Reliability Corporation standards.¹³ The applicant
8 must inform the Department if this election changes prior to the submission of the pASC.

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

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

32
33 Under OAR 345-021-0010(1)(F)(iv) and (v), a narrative discussion must accompany the tables
34 described above, including discussion of:

- 35
- 36 • The reasoning behind any forecasts for resources to be retired or displaced.
- 37 • The annual capacity factors assumed for any generating facilities listed in the forecast.

38
39 Under OAR 345-021-0010(1)(F)(vi), Exhibit N must identify the reliability criteria the applicant
40 proposes demonstrate the proposed facility is needed, considering the load carrying capability

¹³ UMCCNOI Notice of Intent 2023-09-13 Exhibit H. P. 22

1 of existing transmission system facilities supporting the area to be served by the proposed
2 facility.

3
4 Under OAR 345-021-0010(1)(F)(vii), Exhibit N must provide reasons why the proposed facility is
5 economically reasonable compared to:

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

13
14 To support its reasoning, the applicant must include a table showing the amounts of firm
15 capacity and firm annual electricity available from the proposed facility and each alternative
16 and the estimated direct cost of the proposed facility and each alternative. The applicant must
17 include documentation of assumptions and calculations supporting the table.

18
19 Under OAR 345-021-0010(1)(F)(viii), Exhibit N must state the earliest and latest expected in-
20 service dates of the facility and a discussion of the circumstances of the energy suppliers served
21 by the facility that determine these dates.

22 23 O. Exhibit O – Water Use

24
25 **Applicable Paragraphs:** All paragraphs apply except (D).

26 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]; OAR
27 690, Divisions 310 and 380 (Water Resources Department permitting requirements)

28 **Discussion:** Exhibit O of the application must identify the sources of water to be used during
29 construction and operation of the proposed facility, the water right under which the water
30 would be provided, the quantity of water needed, and the means of disposal of all water
31 discharges from the proposed facility.

32
33 Under OAR 345-021-0010(1)(o)(A) through (C) and (G), Exhibit O must include a description of
34 how water will be used during construction and operation of the proposed facility, and must
35 describe each source of water and the estimated amount of water the facility will need from
36 each source during construction and during operation under annual average and worst-case
37 conditions, and a description of proposed actions to mitigate the adverse impacts of water use
38 on affected resources. These estimates should include water needed for dust abatement during
39 construction and maintenance during operations.

40
41 Under OAR 345-021-0010(1)(o) E) and (F), Exhibit O must provide an evaluation of whether the
42 proposed facility would need a groundwater permit, surface water permit or a water right
43 transfer. If the proposed facility would need a groundwater permit, a surface water permit or a
44 water right transfer, Exhibit O information to support a determination by the Council that the

1 Water Resources Department should issue the permit or transfer of a water use, including
2 information in the form required by the Water Resources Department under OAR Chapter 690,
3 Divisions 310 and 380. See Section III(e) Exhibit E – Permits, for a discussion of OWRD permits
4 and Section III(u) – Public Services, for information requirements related to water service
5 providers.
6

7 P. Exhibit P – Fish and Wildlife Habitat
8

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

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

11 **Discussion:** Exhibit P must include Information about fish and wildlife habitat and the species
12 that could be affected by the proposed facility, providing evidence to support a finding by the
13 Council that the design, construction, and operation of the facility, taking into account
14 mitigation, are consistent with the general fish and wildlife habitat mitigation goals and
15 standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017.
16

17 The applicant must consult with ODFW in developing the resources and methods used to
18 develop materials for Exhibit P. ODFW comments received on the NOI identified specific species
19 to be included in surveys as part of the applicant’s analysis in the ASC. These comments are
20 included in Attachment 2 of this Order. Documentation of consultations, such as meeting notes,
21 must be attached to Exhibit P. The applicant is also encouraged to consult with the U.S. Fish and
22 Wildlife Service (USFWS) on the potential for vernal pools, wetlands for fish and wildlife habitat
23 impacts.
24

25 **1. Required Surveys**
26

27 Under OAR 345-021-0010(1)(p)(A) through (E), Exhibit P must include a description of biological
28 and botanical surveys performed or scheduled to support the habitat categorization and other
29 information in Exhibit P. At a minimum, the timing, scope, methods, and sources for each
30 survey must be discussed. Requirements for specific surveys are discussed in more detail
31 below. Additional surveys may be required based on consultation with ODFW.
32

33 a) Habitat Surveys
34

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

- 38 • Terrestrial habitat within and extending one-half mile (analysis area) from the
39 portions of the site boundary.
- 40 • Aquatic habitat within all potentially impacted portions of the analysis area.
- 41 • Riparian habitat adjacent to all potentially impacted areas within the analysis area.
42

1 Applicant must consult with ODFW, and other appropriate authorities to determine the extent
 2 of potentially impacted streams and riparian areas prior to completion of surveys. Comments
 3 from ODFW on the NOI should be incorporated into study and survey design for species and
 4 habitat. ODFW comments to the Department on the NOI can be found in Attachment 3 of this
 5 order.

6
 7 Based on the results of the habitat surveys, the applicant must categorize habitat within the
 8 analysis area as provided under OAR 635-415-0025. The habitat categorization is subject to
 9 review and approval by ODFW. The habitat categories and the mitigation goal associated with
 10 each are summarized in Table 11 below.

Table 11: Habitat Categories Under OAR 635-415-0025

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.
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.

12
 13 Under OAR 345-021-0010(C), Exhibit P must include tabular data and maps depicting the areas
 14 of permanent and temporary disturbance (in acres) in each habitat category, type and subtype
 15 based on the results of the habitat survey.

16
 17 **b) Sensitive Species Surveys**

18
 19 Under OAR 345-021-0010(D), based on consultation with the ODFW and appropriate field study
 20 and literature review, Exhibit P must identify all state sensitive species that might be present in
 21 the habitat survey areas and a discussion of any site-specific issues of concern to ODFW. Exhibit
 22 P must include baseline surveys in appropriate habitats for these species, and any other

1 identified state sensitive species within the analysis area and must provide a map showing the
2 locations of the different species and habitats with respect to the proposed activities. If state
3 sensitive species, or suitable habitat for state sensitive species, are identified within the analysis
4 area that could be adversely affected as a result of the proposed facility, the applicant shall
5 include a description of the nature, extent, and duration of potential adverse impacts and a
6 description of any proposed mitigation measures, consistent with the Exhibit P requirements,
7 the EFSC Fish and Wildlife Habitat standard, and the ODFW Habitat Mitigation Policy. If
8 sensitive species surveys are required by other jurisdictions, the applicant is encouraged to
9 provide a single survey report that identifies occurrences of all sensitive species. A list of known
10 state-sensitive species to be included in field surveys was provided by ODFW in their comments
11 on the NOI and is included in Attachment 3 of this order.
12

13 **2. Assessment of Impacts to Habitat and Sensitive Species**

14
15 Under OAR 345-021-0010(1)(p)(F), Exhibit P must describe the nature, extent and duration of
16 potential adverse impacts on the habitat and species identified in surveys that could result from
17 construction, operation and retirement of the proposed facility. This assessment must include,
18 at a minimum, identification of temporary and permanent disturbance (during construction and
19 maintenance) and assessment of potential impacts to wetlands and vernal pools and habitat for
20 sensitive fish and wildlife from construction activities such as vegetation removal and
21 disturbance of soils and sediments.
22

23 **3. Proposed Monitoring and Mitigation**

24
25 Under OAR 345-021-0010(1)(p)(G) and (H), Exhibit P must describe any monitoring and
26 mitigation activities proposed by the applicant to ensure that the construction and operation of
27 the facility will comply with the habitat mitigation goals and standards and to otherwise avoid,
28 reduce, or otherwise mitigate adverse impacts to habitat and state sensitive species. At a
29 minimum, mitigation measures discussed must include avoidance areas and implementation
30 measures; any proposed salvage & relocation of individuals impacted by construction activities,
31 and in-kind/in proximity mitigation as required by ODFW regulations. This information must
32 also be incorporated into a draft Revegetation and Noxious Weed Control Plan, a draft Habitat
33 Mitigation Plan, and a draft Post Construction Monitoring Plan, which must be included as
34 attachments to Exhibit P.
35

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

42 The draft Habitat Mitigation Plan and associated information in Exhibit P must clearly
43 demonstrate how the applicant will provide mitigation for both short- and long-term habitat
44 impacts in accordance with the ODFW Habitat Mitigation Policy. This includes identifying the

1 location of a specific habitat mitigation area that could be used to provide in-kind, in-proximity
2 mitigation for any impacts to Category 2 to 4 Habitat, as well as ecological uplift mitigation
3 actions that could be implemented at the habitat mitigation area to provide the appropriate
4 mitigation. Exhibit P shall include evidence of the availability of the proposed habitat mitigation
5 area, including lease-option agreement, landowner confirmation of intent to provide, or similar
6 documentation.

7
8 The draft Habitat Mitigation Plan must include the results of a habitat assessment and must
9 describe the legal mechanism or mechanisms proposed for acquiring the legal right to maintain
10 and enhance the habitat mitigation area. The Habitat Mitigation Plan must include draft success
11 criteria for the proposed ecological uplift actions determined suitable for the proposed habitat
12 mitigation site and describe a process for evaluating monitoring and reference site locations,
13 prior to construction.

14
15 Q. Exhibit Q – Threatened and Endangered Species

16
17 **Applicable Paragraphs:** All paragraphs apply.

18 **Related Council and Other Standards:** Threatened and Endangered Species [OAR 345-022-
19 0070]

20 **Discussion:** Exhibit Q must include information about threatened and endangered plant and
21 animal species that may be affected by the proposed facility, providing evidence to support a
22 finding by the Council as required by OAR 345-022-0070. Exhibit Q must include species listed
23 under ORS 496.172 and 564.105.

24
25 Under OAR 345-021-0010(1)(q)(A) through (G), Exhibit Q must include a list of all threatened
26 and endangered species listed in OAR 635-100-0125 or 603-073-0070 that have the potential to
27 occur in the analysis area. For the application, the analysis area must include the area within
28 the site boundary, except that the desktop analysis shall extend 5 miles from the site boundary.

29
30 The applicant shall identify these species based on a review of literature, consultation with
31 ODFW, and reference to the list of species maintained by the Oregon Biodiversity Information
32 Center. For each species identified, Exhibit Q must describe the nature, extent, locations, and
33 timing of its occurrence in the analysis area; how the facility might adversely affect the species;
34 what measures the applicant proposes to avoid or reduce and adverse impact; and the
35 applicant’s proposed monitoring program for impacts. Field surveys for any threatened and
36 endangered species that may occur within the analysis area are required within or near suitable
37 habitat that will be disturbed during construction and operation of the proposed facility.

38
39 For each threatened and endangered plant species, Exhibit Q must describe how the proposed
40 facility, including any mitigation measures, complies with the protection and conservation
41 program adopted by ODAg, or if there is no protection and conservation program in place for
42 an identified threatened or endangered plant species, describe any significant potential impacts
43 the proposed facility may have on the continued existence of the species and on the critical
44 habitat of such species, and must provide evidence that the proposed facility, including any

1 mitigation measures, is not likely to cause a significant reduction in the likelihood of survival or
2 recovery of the species.

3
4 Field surveys for any threatened and endangered species that may occur within the analysis
5 area are required within or near suitable habitat that will be disturbed during construction and
6 operation of the proposed facility. The applicant must consult with ODFW and ODA's Native
7 Plant Conservation Program regarding appropriate field survey methods, survey areas, survey
8 seasons, qualifications of field survey personnel, and the information to be included in a field
9 survey report. Exhibit Q must include maps showing appropriate habitats for all identified
10 species and a map showing the locations of the different species and habitats with respect to
11 the proposed activities. If special status species surveys are required by other jurisdictions, the
12 applicant is encouraged to provide a single survey report that identifies occurrences of all listed
13 species.

14
15 ODFW and ODAg comments to the Department on the NOI can be found in Attachment 3 of
16 this order. These comments include recommendations for surveys for specific T&E species that
17 are known to occur in or adjacent to the analysis area and should be incorporated into study
18 and field survey design.

19
20 R. Exhibit R – Scenic Resources

21
22 **Applicable Paragraphs:** All paragraphs apply.

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

24 **Discussion:** Exhibit R must include an analysis of potential significant visual impacts of the
25 proposed facility on scenic resources identified as significant or important in local land use
26 plans, tribal land management plans and federal land management plans for any lands located
27 within the analysis area. Based on the location of the proposed facility site boundary, which is
28 predominately located in developed areas or in parallel to existing energy infrastructure or
29 other linear facilities, the analysis area for this standard includes the area within and extending
30 2 miles from the site boundary.

31
32 For the purposes of Exhibit R, "local" land use plans include state, county, and city planning
33 documents or inventories. The applicant must also evaluate visual impacts to these resources
34 under Exhibit T and may refer to that evaluation in Exhibit R.

35
36 S. Exhibit S – Historic, Cultural and Archaeological Resources

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

39 **Related Council and Other Standards:** Historic, Cultural, and Archaeological Resources [OAR
40 345-022-0090]

41 **Discussion:** Exhibit S must include information about historic, cultural, and archaeological
42 resources. The analysis area for archeological resources includes the area within the site
43 boundary. To evaluate visual affects to archeological, historic-aboveground, and Historic

1 Properties of Religious and Cultural Significance to Indian Tribes, the analysis area includes the
2 area within and extending 1-mile from the site boundary.

3
4 Information concerning the location of archaeological sites or objects may be exempt from
5 public disclosure under ORS 192.345(11). Such information, including archaeological survey
6 reports, should be provided confidentially under separate cover in hard copy only format, and
7 only after consultation with the Department. Confidential material shall also be provided
8 directly to SHPO, following guidance from the Department and SHPO. Please contact the
9 Department to discuss current practices regarding treatment and submittal of confidential
10 material.

11
12 As described under OAR 345-021-0010(1)(s)(D)(i) to (iii), Exhibit S must describe survey
13 methodology, survey areas, and the results of all surveys conducted for historic, cultural, and
14 archaeological resources as well as an analysis of any significant adverse impacts anticipated
15 and proposed mitigation measures.

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

23
24 Under OAR 345-021-0010(1)(s)(D), Exhibit S must also include an impact assessment, and
25 proposed measures to avoid or mitigate potential impacts to historic, cultural, or archaeological
26 resources that have been listed on, or would likely be listed on the National Register of Historic
27 Places.

28
29 Under OAR 345-021-0010(1)(s)(E), Exhibit S must include the applicant’s proposed monitoring
30 program, if any, for impacts to historic, cultural, and archaeological resources during
31 construction and operation of the proposed facility, including a program to address inadvertent
32 discovery of resources during ground disturbing activities at the site.

33
34 The applicant is strongly encouraged to discuss the proposed facility with the potentially
35 affected tribes identified by the Legislative Commission on Indian Services: the Confederated
36 Tribes of the Warm Springs Reservation of Oregon and the Confederated Tribes of the Umatilla
37 Indian Reservation. Exhibit S should include documentation of any contact with tribes to
38 determine whether the proposed route could affect tribal cultural resources.

39
40 T. Exhibit T – Recreation

41
42 **Applicable Paragraphs:** All paragraphs apply.

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

1 **Discussion:** Exhibit T must include information about the impact the proposed facility would
2 have on important recreational opportunities. Based on the location of the proposed facility
3 site boundary, which is predominately located in developed areas or in parallel to existing
4 energy infrastructure or other linear facilities, the analysis area for this standard includes the
5 area within and extending 2 miles from the site boundary.

6
7 Under OAR 345-021-0010(1)(t)(A), Exhibit T must include a description of recreational
8 opportunities in the analysis area, and information identifying whether the opportunity is
9 considered “important” under OAR 345-022-0100.

10
11 Under OAR 345-021-0010(1)(t)(B) and (C), and (E), Exhibit T must include a description of any
12 potential significant adverse impacts to important recreational opportunities, and a description
13 of measures the applicant proposes to avoid, reduce, or otherwise mitigate and monitor those
14 impacts. Impacts that must be evaluated in Exhibit T include:

- 15 • Direct or indirect loss of a recreational opportunity because of facility construction
16 or operation.
- 17 • Noise resulting from facility construction or operation.
- 18 • Increased traffic resulting from facility construction or operation.
- 19 • Visual impacts of facility structures.

20
21
22 Note that a visual impact assessment is required as part of Exhibit T. While no specific
23 methodology is required, the applicant must submit sufficient evidence to demonstrate how
24 the proposed facility would comply with the Recreation standard. The applicant should consider
25 the extent of impacts and prior Council evaluations when designing the impact assessment
26 methodology. Visual simulations or other visual representations are not required but can
27 provide important evidence for use by the Department and Council in understanding the
28 potential visual impact of the proposed facility to important recreational opportunities.

29
30 Compliance with the DEQ noise rules (Exhibit X) does not correlate to compliance with the
31 noise assessment considered in the Recreation standard. Particularly, while construction noise
32 is exempt from the DEQ noise rules, construction noise must be considered under the
33 Recreation standard. However, information developed to demonstrate compliance with the
34 DEQ noise rules such as noise modeling can be used in the assessment under the Recreation
35 standard.

36
37 If the applicant becomes aware of any potentially significant impacts to the identified
38 recreational opportunities other than those described above, the impacts must be disclosed
39 and evaluated in Exhibit T.

40
41 U. Exhibit U – Public Services

42
43 **Applicable Paragraphs:** All paragraphs apply.

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

1 **Discussion:** Exhibit U must include information on how the construction and operation of the
2 proposed facility will impact public services. Exhibit U must include sufficient evidence to
3 support a finding by the Council that construction and operation of the proposed facility,
4 considering mitigation, are not likely to result in significant adverse impact to the ability of
5 public and private service providers to provide sewers and sewage treatment, water, storm
6 water drainage, solid waste management, housing, traffic safety, police and fire protection,
7 health care and schools.

8
9 Under OAR 345-021-0010(1)(u)(A) through (D), Exhibit U must include an analysis identifying
10 the public and private service providers in the analysis area that would likely be affected by
11 construction and operation of the proposed facility, a description of any likely impacts on the
12 ability of the service providers to provide their respective services, and evidence that any
13 adverse impacts, taking into account any mitigation proposed by the applicant, are not likely to
14 be significant. The analysis must describe any important assumptions the applicant used to
15 evaluate potential impacts. Mitigation may include funding for equipment or capital
16 improvements, training, or other actions intended to increase the capacity of public service
17 providers.

18
19 The applicant may include information developed in support of Exhibit V in its evaluation of
20 impacts to fire protection providers, an evaluation of any potential impacts that may affect
21 responders to structural fires at the proposed facility, including but not limited to fires involving
22 the proposed transmission line and transmission structures.

23
24 In evaluating impacts to traffic safety, Exhibit U must contain sufficient evidence to
25 demonstrate that the construction and operation of the proposed facility will not result in
26 significant safety impacts to drivers along primary and secondary transportation routes that will
27 be used during construction of the proposed facility. Impacts that must be evaluated should
28 include the impacts of vehicles entering and exiting the site during construction. Exhibit U
29 should also evaluate whether any significant traffic delays will occur and whether these delays
30 could affect ambulance services or other emergency responders.

31
32 In addition, Exhibit U must evaluate the impacts that the construction and operation of the
33 proposed facility will have on local aviation resources, sufficient to demonstrate compliance
34 with OAR chapter 738, division 070 (also see discussion in Section E(3) on State Permits).

35
36 Exhibit U must evaluate the impact that the temporary and permanent workforce will have on
37 housing in the analysis area, including the availability of hotels, RV parks, and other temporary
38 accommodations within 10-miles of the site. This evaluation must assume that 100 percent of
39 the temporary construction workforce will require temporary accommodations unless the
40 applicant can provide evidence to demonstrate the availability of local workers or can provide
41 evidence of a local hiring program.

42

1 In addition to the analysis described above, the applicant is encouraged to obtain letters from
2 local public services providers to demonstrate that the proposed facility would not cause a
3 significant adverse impact on their ability to provide their respective services, including:
4

- 5 • Local fire department,
- 6 • Police department,
- 7 • Public works department,
- 8 • Sewer and sewage treatment providers,
- 9 • Water service providers
- 10 • Solid waste providers

11
12 Letters obtained from public service providers include analysis indicating that their level of
13 service would not be impacted. For instance, letters obtained from water service providers
14 should include an evaluation of permit limits, permit or water right numbers, type of water use,
15 and historical demand to demonstrate that it can meet proposed facility needs. Letters from
16 fire service providers should explain how resources used by the facility, in the event of a fire-
17 related issue, would not impact their ability to provide fire emergency response, rather than a
18 conclusory statement without supporting analysis demonstrating a clear understanding of the
19 facility. Letters from public works departments should demonstrate an understanding of
20 proposed facility road use, including maximum number of vehicle miles travelled and vehicle
21 weight, and confirmation of whether the use would impact local roads or require road
22 improvements/modifications to support the anticipated use.
23

24 Under OAR 345-021-0010(1)(u)(E), Exhibit U must include the applicant's proposed monitoring
25 program, if any, for impacts to public services.
26

27 V. Exhibit V – Wildfire Prevention and Risk Mitigation

28

29 **Applicable Paragraphs:** All paragraphs apply

30 **Related Council and Other Standards:** Wildfire Prevention and Risk Mitigation [OAR 345-022-
31 0115]

32 **Discussion:** Exhibit V must include information about wildfire risk within the analysis area
33 sufficient to support the Council findings required under OAR 345-022-0115. The analysis area
34 for wildlife risk includes areas within and extending ½-mile from the site boundary. This must
35 include a characterization of wildfire risk within the analysis area that identifies each of the
36 following:
37

- 38 • Baseline wildfire risk, based on factors that are expected to remain fixed for multiple
39 years, including but not limited to topography, vegetation, existing infrastructure,
40 and climate.
- 41 • Seasonal wildfire risk, based on factors that are expected to remain fixed for
42 multiple months but may be dynamic throughout the year, including but not limited
43 to cumulative precipitation and fuel moisture content.

- 1 • Areas subject to a heightened risk of wildfire, based on the Baseline and Seasonal
2 risk information.
- 3 • High-fire consequence areas, including but not limited to areas containing
4 residences, critical infrastructure, recreation opportunities, timber and agricultural
5 resources, and fire-sensitive wildlife habitat.

6
7 The characterization must also describe all data sources and methods used to model and
8 identify risks. The applicant may select data sources and methods as appropriate for the site,
9 but all data must be current and from reputable sources.

10
11 Exhibit V must also include a draft or drafts of Wildfire Mitigation Plans that address
12 construction and operation, for the proposed facility. The Wildfire Mitigation Plan(s) must, at a
13 minimum:

- 14 • Identify areas within the site boundary that are subject to a heightened risk of
15 wildfire, using current data from reputable sources, and discuss data and methods
16 used in the analysis.
- 17 • Describe the procedures, standards, and time frames that the applicant will use to
18 inspect facility components and manage vegetation in any identified areas of
19 heightened risk of wildfire.
- 20 • Identify preventative actions and programs that the applicant will carry out to
21 minimize the risk of facility components causing wildfire, including procedures that
22 will be used to adjust operations during periods of heightened wildfire risk. This
23 should include a discussion of the use of defensible space, fire hardened
24 infrastructure, and power shutoff protocols, as applicable.
- 25 • Identify procedures to minimize risks to public health and safety, the health and
26 safety of responders, and damages to resources protected by Council standards if a
27 wildfire occurs at the facility site, regardless of ignition source. This should include:
 - 28 ○ A description of who will respond to wildfires at the site and a plan for ensuring
29 responders are aware of sensitive resources that should be avoided during fire
30 suppression activities.
 - 31 ○ A description and maps of access and egress options for wildfire responders and
32 emergency vehicles to enter and exit the site in a fire emergency.
 - 33 ○ Information about whether any specialized equipment or training will be needed
34 to respond to fire events at the site involving solar arrays, battery systems, or
35 other facility components.
- 36 • Describe methods the applicant will use to ensure that updates of the plan
37 incorporate best practices and emerging technologies to minimize and mitigate
38 wildfire risk.

39
40 W. Exhibit W – Solid Waste and Wastewater

41
42 **Applicable Paragraphs:** All paragraphs apply

43 **Related Council and Other Standards:** Waste Minimization [OAR 345-022-0120]; Public Services
44 [OAR 345-022-0110]

1 **Discussion:** Exhibit W must describe the applicant's plans to minimize the generation of solid
2 waste and wastewater and to recycle or reuse solid waste and wastewater, providing evidence
3 to support findings by the Council under OAR 345-022-0120.

4
5 Under OAR 345-021-0010(1)(w)(A), (B), and (D), Exhibit W must include a description of the
6 major types and amount of solid waste and wastewater that construction, operation, and
7 retirement of the facility are likely to generate; the structures, systems, and equipment for
8 management and disposal of the wastes, including any plans to minimize, recycle or reuse the
9 wastes. This should include a discussion of whether the applicant has plans in place to recycle
10 construction waste.

11
12 Under OAR 345-021-0010(1)(w)(C), Exhibit W must include a discussion of any actions or
13 restrictions proposed by the applicant to reduce consumptive water use during construction
14 and operation of the facility. This includes water needed for operation and maintenance of the
15 facility.

16
17 Under OAR 345-021-0010(1)(w)(E) and (F), Exhibit W must include a description of any adverse
18 impact on surrounding and adjacent areas from the accumulation, storage, disposal and
19 transportation of solid waste, wastewater and stormwater during construction and operation of
20 the facility and evidence that those impacts, taking into account any account any measures the
21 applicant proposes to avoid, reduce, or otherwise mitigate the impacts, will be minimal.

22
23 Under OAR 345-021-0010(1)(w)(G), Exhibit W must include the applicant's proposed monitoring
24 program, if any, for minimization of solid waste and wastewater impacts.

25
26 The applicant is encouraged to reference information provided under other exhibits, including
27 but not limited Exhibits O and U, in the development of this exhibit.

28 29 X. Exhibit X – Facility Retirement

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

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

33 **Discussion:** Exhibit X must provide information about site restoration, providing evidence to
34 support a finding that the site can be restored adequately to a useful, non-hazardous condition
35 following permanent cessation of construction or operation of the facility.

36
37 Under OAR 345-021-0010(1)(x)(A) and (B), this information must include the estimated useful
38 life of the proposed facility and a description of the specific actions and tasks to restore the site
39 to a useful, non-hazardous condition.

40
41 Under OAR 345-021-0010(1)(x)(C) and (D), Exhibit X must also include an estimate, in current
42 dollars, of the total and unit costs of restoring the site to a useful, non-hazardous condition and
43 a discussion and justification of the methods and assumptions used in preparing the estimate.

1 The estimate should include sufficient detail to identify costs associated with individual tasks
2 and units.

3
4 Under 345-021-0010(1)(x)(E), Exhibit X must include a proposed monitoring plan, if applicable,
5 for any potential site contamination by hazardous materials, including oils or fuels used or
6 stored on site, such as periodic environmental site assessment and reporting. If the applicant
7 believes no monitoring of soil contamination is necessary, Exhibit X must provide evidence to
8 support this position.

9

10 Y. Exhibit Y – Noise

11

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

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

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

19

20 Under OAR 345-021-0010(1)(y)(A), Exhibit Y must identify noise sensitive receptors and
21 predicted noise levels from all potential noise-generating components of the proposed facility.
22 Based on the type of facility (transmission line) and associated noise (minimal corona noise),
23 the analysis area for this regulation includes the area within and extending ½-mile from the site
24 boundary.

25

26 Under OAR 345-021-0010(1)(y)(B), Exhibit Y must include an analysis demonstrating that the
27 predicted noise levels will not exceed the ambient antidegradation standards established under
28 OAR 340-035-0035. Operational noise generated by the proposed facility may not increase the
29 ambient statistical noise levels, L10 or L50, by more than 10 A-weighted decibels (dBA) in any
30 one hour and may not exceed the levels specified in Table 12 below.

31

32 **Table 12: New Industrial and Commercial Noise Source Standards Allowable Statistical Noise**
33 **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

34

35 The analysis must include a discussion and justification of the methods and assumptions used,
36 including methods used to measure ambient noise levels at the site. OAR 340-035-0035(3)
37 provides that sound measurement procedures must conform to the procedures set forth in
38 Sound Measurement Procedures Manual (NPCS-1). If the applicant’s sound measurement
39 procedures differ from the NPCS-1, please provide a discussion and basis for the variation. The

1 analysis must evaluate noise impacts using the maximum expected noise levels from all noise-
2 generating equipment during construction and operation. Operational noise shall be evaluated
3 from both stationary sources and corona noise from transmission lines.

4
5 Under OAR 345-021-0010(1)(y)(E), Exhibit Y must include a list of the names and addresses of
6 all owners of all dwellings or other noise sensitive properties within one mile of the proposed
7 site boundary; however, if the Applicant determines potential exceedances of the ambient
8 antidegradation standards may occur beyond the 1-mile distance, impacts to noise sensitive
9 properties within the area of potential exceedance must be evaluated. The applicant is not
10 required to conduct ambient noise monitoring at each noise sensitive property; however, the
11 number of ambient monitoring sites shall be sufficient to reasonably represent the ambient
12 noise conditions at noise sensitive receptor locations in closest proximity to the proposed site.

13
14 Under OAR 345-021-0010(1)(y)(C) and (D), Exhibit Y must describe any measures the applicant
15 proposes to reduce noise levels or noise impacts or to address public complaints about noise
16 from the facility and any measures the applicant proposes to monitor noise generated by
17 operation of the facility. This information must be provided regardless of whether any
18 exceedances of the ambient antidegradation standards are expected.

19
20 Z. Exhibit Z – Cooling Tower Impacts

21
22 **Applicable Paragraphs:** OAR 345-021-0010(1)(z) does not apply because the applicant has not
23 proposed to construct an evaporative cooling tower in relation to the proposed facility.

24
25 AA. Exhibit AA – Electric and Magnetic Fields

26
27 **Applicable Paragraphs:** All paragraphs apply.

28 **Related Council and Other Standards:** Specific Standards for Transmission Lines [OAR 345-024-
29 0090].

30 **Discussion:** Because the proposed facility is a transmission line, the provisions of OAR 345-021-
31 0010(1)(aa) and OAR 345-024-0090 apply.

32
33 Exhibit AA must include sufficient information to support a finding that the applicant:

- 34
35
- 36 • Can design, construct, and operate the proposed transmission line so that
37 alternating current electric fields do not exceed 9 kV per meter at one meter above
38 the ground surface in areas accessible to the public.
 - 39 • Can design, construct, and operate the proposed transmission line so that induced
40 currents resulting from the transmission lines will be as low as reasonably
41 achievable.

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

1
2 BB. Exhibit BB – Other Information

3
4 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]
5 **Discussion:** No additional information is requested at this time

6
7 CC. Exhibit CC – Other Law

8
9 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]
10 **Discussion:** All requirements apply.

11 (cc) Exhibit CC. Identification, by legal citation, of all state statutes and administrative rules and
12 local government ordinances containing standards or criteria that the proposed facility must
13 meet for the Council to issue a site certificate, other than statutes, rules and ordinances
14 identified in Exhibit E, and identification of the agencies administering those statutes,
15 administrative rules, and ordinances. The applicant must identify all statutes, administrative
16 rules, and ordinances that the applicant knows to be applicable to the proposed facility,
17 whether identified in the amended Project Order. To the extent not addressed by other
18 materials in the application, the applicant must include a discussion of how the proposed
19 facility meets the requirements of the applicable statutes, administrative rules, and ordinances.
20

21 DD. Exhibit DD – Specific Standards

22
23 **Applicable Paragraphs:** Paragraph (C) applies.

24 **Related Council and Other Standards:** Specific Standards for Transmission Lines [OAR 345-024-
25 0090].

26 **Discussion:** The Council applies specific standards for transmission lines under its jurisdiction in
27 OAR 345-024-0090. The applicant must provide analysis regarding compliance with OAR 345-
28 024-0090 in Exhibit AA.
29

30 **V. EXPIRATION DATE OF THE NOTICE OF INTENT**

31
32 The NOI will expire on September 22, 2025, unless the applicant submits a petition to extend
33 the expiration date in accordance with OAR 345-020-0060 not less than 45 days before that
34 date. If the Council finds that such a petition shows good cause, the Council may extend the
35 expiration date by up to one year. The applicant's submission of a timely petition for an
36 extension under this rule stays the expiration of the NOI until the Council's decision to grant or
37 deny the extension.
38

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

40
41 As provided in ORS 469.330(4) and OAR 345-015-0160(3), the Council or the Department may
42 amend this Project Order at any time. Amendment may include changes to the analysis areas.
43 To issue a site certificate, the Council must determine that the proposed facility complies with

1 Oregon statutes and administrative rules identified in the Project Order, as amended, as
2 applicable to the issuance of a site certificate for the proposed facility (ORS 469.503(3)).

3
4 Under OAR 345-015-0190(5), when the Department determines the ASC contains adequate
5 information for the Council to make findings or impose conditions on all applicable Council
6 standards, the Department will issue a determination of completeness on the ASC. The
7 Department may determine that the ASC is complete without requiring the applicant to submit
8 all information described under OAR 345-021-0000 and -0010. In accordance with OAR 345-
9 015-0190(9), after a determination that an ASC is complete, the Department may require
10 additional information from the applicant if additional information is needed during its
11 continued review of the ASC.

12
13 **VII. APPLICABILITY AND DUTY TO COMPLY**

14
15 Failure to include an applicable statute, rule, ordinance, permit or other requirement in this
16 amended Project Order does not render that statute, rule, ordinance, permit or other
17 requirement inapplicable, nor in any way relieve applicant from the duty to comply with the
18 same.

19
20 OREGON DEPARTMENT OF ENERGY

21
22
23 Todd Cornett
24 Todd Cornett (Apr 4, 2024 13:10 PDT)

25
26 Todd R. Cornett, Assistant Director, Siting Division
27 Energy Facility Siting Division
28 Oregon Department of Energy

29
30 Date of Issuance: April 4, 2024

Attachment 1: Public Comments on Notice of Intent

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT

*See reverse for tips on giving testimony

PUBLIC INFORMATION MEETING

Date: November 2, 2023 Location: Boardman, Or

REGISTRATION FOR PUBLIC COMMENT ON UMATILLA-MORROW COUNTY CONNECT PROJECT

Name: Jeremy Adair

Address: 221 Valley View Dr. John Day, OR

I represent (if applicable) International Brotherhood of Electrical Workers Local 125
Print your name OR your organization/business name.

- Send me future notifications about Council meetings via email.
- My email address is: _____

- I wish to address the Energy Facility Siting Council and/or
- I wish to submit the following written comment:

On behalf of IBEW Local 125, I offer our support for the
project and Umatilla Electric Cooperative.

PLEASE NOTE: if there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

How to Testify at Energy Facility Siting Council Meetings and Public Hearings:

State your name and address for the record and indicate whether you are speaking for yourself or for a group.

Keep your statement **concise**. Often the Council will inform the public how much time can be given to each person testifying.

Begin your statement by stating whether you support or oppose the particular agenda item and why. Describe how the issue(s) affects you or your group and feel free to suggest a solution. If you are opposing the agenda item, discuss how you see the proposal as inconsistent with existing laws, rules or ordinances.

It may help to prepare an outline of your testimony to use while speaking. If you wish, you can leave this testimony with the Council.

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT

*See reverse for tips on giving testimony

PUBLIC INFORMATION MEETING

Date: November 2, 2023 Location: Boardman, Or

REGISTRATION FOR PUBLIC COMMENT ON UMATILLA-MORROW COUNTY CONNECT PROJECT

Name: Taura Mabert

Address: _____

I represent (if applicable) Morrow Co
Print your name OR your organization/business name.

Send me future notifications about Council meetings via email.

My email address is: _____

I wish to address the Energy Facility Siting Council and/or

I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

How to Testify at Energy Facility Siting Council Meetings and Public Hearings:

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It may help to prepare an outline of your testimony to use while speaking. If you wish, you can leave this testimony with the Council.



Letter of Support: Hermiston Chamber of Commerce

Umatilla Electric Cooperative (UEC) has currently submitted a notice of intent to the Oregon Department of Energy for the Umatilla-Morrow County Connect Project, providing additional electrical infrastructure for community and economic growth. This project will connect switchyards in each county, increasing the electrical capacity of the system and improving the resilience of the regional power grid.

Current and prospective businesses in Umatilla and Morrow counties depend on accessible electricity when investing in and conducting business in our area. The development of this project will ensure that reliable and affordable energy continues to be available as we continue to see economic growth. This project will allow the members of our organization to confidently expand their businesses as new opportunities arise.

The board of the Hermiston Chamber of Commerce is in support of the Umatilla-Morrow County Connect project. We believe it is in the best interests of businesses, employers, employees, and the local economy to connect UEC's electrical system through this project.

Sincerely,

A handwritten signature in black ink that reads "Val Hoxie". The signature is written in a cursive, flowing style.

Val Hoxie
Executive Director
Hermiston Chamber of Commerce

FW: New Public Comment submitted for project : Umatilla-Morrow County Connect Project

MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>

Thu 11/30/2023 9:04 AM

To:SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

From: ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Sent: Thursday, November 30, 2023 9:00 AM

To: MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>

Subject: New Public Comment submitted for project : Umatilla-Morrow County Connect Project

Organization: Umatilla Electric Cooperative

Submitted by: Weston Putman

Email: weston.putman@umatillaelectric.com

Zip Code: 97838

Siting Project Phase: NOI

Comment Summary:

On behalf of the Hermiston Chamber of Commerce, Umatilla Electric Cooperative (Applicant) would like to submit the attached letter of support for the UMCC Project.

Please Click on the following link to view the full [Comment Details](#)



Future Focused: *Building Knowledge and Skills for Tomorrow*

November 20, 2023

RE: Hermiston School District Letter of Support

To whom it may concern,

Hermiston School District is supportive of Umatilla Electric Cooperative's Umatilla-Morrow County Connect (UMCC) Project, which will construct a 14-mile, 230-kV transmission line running from the Highway 730 Switchyard in Morrow County to the Ordnance Switchyard in Umatilla County.

The project will provide a transmission system interconnection between the communities of Umatilla and Morrow counties. UEC's expanded 230-kV transmission system increase reliability, provide a transmission path for renewable energy across the region, and establish an electrical grid capable of meeting the increasing demands UEC's Service Territory, a portion of which falls in the HSD footprint.

The economies of Umatilla and Morrow Counties continue to thrive. This project will ensure that UEC continues to provide reliable and affordable energy to its members. Prospective and expanding members can build with confidence, knowing that UEC and the state has an adequate supply of energy while protecting the environment and public safety.

THE UMCC Project will support and expands the scope of the future for Umatilla and Morrow Counties.

With regard,

Dr. Tricia Mooney
Superintendent of Schools

FW: New Public Comment submitted for project : Umatilla-Morrow County Connect Project

MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>

Thu 11/30/2023 9:04 AM

To:SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

From: ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Sent: Thursday, November 30, 2023 8:59 AM

To: MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>

Subject: New Public Comment submitted for project : Umatilla-Morrow County Connect Project

Organization: Umatilla Electric Cooperative

Submitted by: Weston Putman

Email: weston.putman@umatillaelectric.com

Zip Code: 97838

Siting Project Phase: NOI

Comment Summary:

On behalf of the Hermiston School District, Umatilla Electric Cooperative (Applicant) would like to submit the attached letter of support for the UMCC Project.

Please Click on the following link to view the full [Comment Details](#)



Letter of Support: Columbia Development Authority

Umatilla Electric Cooperative (UEC) has been a valuable partner of the Columbia Development Authority (CDA) and its partners. UEC's request for approval to construct the Umatilla-Morrow County Connect Project between Umatilla and Morrow counties represents an opportunity for UEC to provide a valuable service to the region.

As our community experiences growth, we see a continually rising demand for reliable and affordable electricity. This investment in reliable service will ensure that the Columbia Development Authority property is well suited for development activities to come. The UMCC Project will ensure continued support of the economic growth we've experienced and will solidify the area as a sought-after region to live, work and play.

The CDA is comprised of five cooperating members: The Port of Morrow, Port of Umatilla, Confederated Tribes of the Umatilla Indian Reservation, and the counties of Morrow and Umatilla.

As Executive Director of the Columbia Development Authority, I see the value of the Umatilla-Morrow County Connect Project and believe it is in the best interest of regional employers, families, and the local economy to support the UMCC Project and the further strengthening of UEC's electrical system.

Sincerely,

Greg Smith
Executive Director
Columbia Development Authority

FW: New Public Comment submitted for project : Umatilla-Morrow County Connect Project

MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>

Thu 11/30/2023 9:05 AM

To:SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

From: ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Sent: Thursday, November 30, 2023 9:00 AM

To: MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>

Subject: New Public Comment submitted for project : Umatilla-Morrow County Connect Project

Organization: Umatilla Electric Cooperative

Submitted by: Weston Putman

Email: weston.putman@umatillaelectric.com

Zip Code: 97838

Siting Project Phase: NOI

Comment Summary:

On behalf of the Columbia Development Authority, Umatilla Electric Cooperative (Applicant) would like to submit the attached letter of support for the UMCC Project.

Please Click on the following link to view the full [Comment Details](#)



October 24, 2023

Letter of Support: Port of Morrow

Umatilla Electric Cooperative (UEC) has proven to be a valuable partner for the Port of Morrow by consistently investing in infrastructure to support economic progress in the region. The Umatilla-Morrow County Connect Project will expand UEC's transmission system to increase reliability, provide a transmission path for renewable energy across the region, and establish an electrical grid capable of meeting the increasing demand for not only the Port of Morrow but for our local communities and businesses, as well.

This investment in UEC's infrastructure will allow businesses operating within the Port of Morrow to be well-equipped for continuous advancement. The Umatilla-Morrow County Connect Project maximizes the industrial development potential of the region while supporting community partners. As the Executive Director of the Port of Morrow, I am in support of the Umatilla-Morrow County Connect Project and look forward to seeing the benefits that this project will provide to the region.

Sincerely,

A handwritten signature in blue ink that reads 'Lisa Mittelsdorf'. The signature is fluid and cursive, with a large initial 'L'.

Lisa Mittelsdorf
Executive Director

FW: New Public Comment submitted for project : Umatilla-Morrow County Connect Project

MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>

Thu 11/30/2023 9:04 AM

To:SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

From: ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Sent: Thursday, November 30, 2023 9:00 AM

To: MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>

Subject: New Public Comment submitted for project : Umatilla-Morrow County Connect Project

Organization: Umatilla Electric Cooperative

Submitted by: Weston Putman

Email: weston.putman@umatillaelectric.com

Zip Code: 97838

Siting Project Phase: NOI

Comment Summary:

On behalf of the Port of Morrow, Umatilla Electric Cooperative (Applicant) would like to submit the attached letter of support for the UMCC Project.

Please Click on the following link to view the full [Comment Details](#)

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT

*See reverse for tips on giving testimony

PUBLIC INFORMATION MEETING

Date: November 2, 2023 Location: Boardman, Or

REGISTRATION FOR PUBLIC COMMENT ON UMATILLA-MORROW COUNTY CONNECT PROJECT

Name: Jeremy Adair

Address: 221 Valley View Dr. John Day, OR

I represent (if applicable) International Brotherhood of Electrical Workers Local 125
Print your name OR your organization/business name.

- Send me future notifications about Council meetings via email.
- My email address is: _____

- I wish to address the Energy Facility Siting Council and/or
- I wish to submit the following written comment:

On behalf of IBEW Local 125, I offer our support for the
project and Umatilla Electric Cooperative.

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PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT

*See reverse for tips on giving testimony

PUBLIC INFORMATION MEETING

Date: November 2, 2023 Location: Boardman, Or

REGISTRATION FOR PUBLIC COMMENT ON UMATILLA-MORROW COUNTY CONNECT PROJECT

Name: Taura Mabert

Address: _____

I represent (if applicable) Morrow Co
Print your name OR your organization/business name.

Send me future notifications about Council meetings via email.

My email address is: _____

I wish to address the Energy Facility Siting Council and/or

I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

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It may help to prepare an outline of your testimony to use while speaking. If you wish, you can leave this testimony with the Council.



Letter of Support: Umatilla Chamber of Commerce

Umatilla Electric Cooperative (UEC) has submitted a notice of intent to the Oregon Department of Energy for their Umatilla-Morrow County Connect Project, which will provide additional electrical infrastructure to interconnect the transmission systems in servicing communities in Umatilla and Morrow counties. This project will interconnect the 730 Switchyard in Morrow County and the Ordnance Switchyard in Umatilla County to create a more stable and reliable electrical grid that can better support the economic growth in the region.

Our local businesses, both current and prospective, rely on stable and dependable access to electricity for them to effectively conduct business and continue investing in the community. Further development of this project will help maintain the continued availability of dependable and affordable energy in our area as economic growth continues in our communities. This project will provide confidence to the members of our organizations to expand and growth their businesses without concerns of energy infrastructure capacity.

The Umatilla Chamber of Commerce Board of Directors are in support of the Umatilla-Morrow County Connect project. We believe our businesses, employers, employees, and local economy will be best served by the connection of UEC's electrical systems in both counites through this project.

Sincerely,

A handwritten signature in blue ink, reading "Josiah L. Barron".

Josiah Barron

Executive Director

Umatilla Chamber of Commerce

FW: New Public Comment submitted for project : Umatilla-Morrow County Connect Project

MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>

Thu 11/30/2023 9:04 AM

To:SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

From: ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Sent: Thursday, November 30, 2023 9:00 AM

To: MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>

Subject: New Public Comment submitted for project : Umatilla-Morrow County Connect Project

Organization: Umatilla Electric Cooperative

Submitted by: Weston Putman

Email: weston.putman@umatillaelectric.com

Zip Code: 97838

Siting Project Phase: NOI

Comment Summary:

On behalf of the Umatilla Chamber of Commerce, Umatilla Electric Cooperative (Applicant) would like to submit the attached letter of support for the UMCC Project.

Please Click on the following link to view the full [Comment Details](#)

From: [Weston Putman](#)
Sent: Friday, December 1, 2023 10:34 AM
To: [MCVEIGH-WALKER Chase * ODOE](#)
Cc: [Cole Bode](#); [Patrick Collins](#)
Subject: UMCC Project Public Comment | Umatilla Electric Cooperative
Attachments: [Umatilla Electric Cooperative - Easement Update - UMCC Project.pdf](#)

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Chase,

On behalf of Umatilla Electric Cooperative, I'd like to submit the attached letter as part of the public comment period for the Umatilla-Morrow County Connect (UMCC) Project. We hope it provides any necessary updates/information that ODOE/EFSC may be interested in.

Please let me know if you have any questions, comments or concerns.

Thank you.

Weston Putman
Manager of Public Relations
O: 541-564-4412
C: 458-300-3925
weston.putman@umatillaelectric.com



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ATTN: Chase McVeigh-Walker, Senior Siting Analyst

Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

RE: Umatilla-Morrow County Connect Project

Dear Mr. McVeigh-Walker:

As the Oregon Department of Energy continues reviewing the proposed Umatilla Morrow County Connect (UMCC) Project, we want to ensure staff considers our update on easement agreement progress across all four proposed route options. While each proposed route is unique, there are common sets of landowners across all four proposed routes and UEC has begun its landowner outreach program to demonstrate willingness from landowners to grant easement permissions.

As of November 30, 2023, UEC has secured the following percentage of each proposed route:

ROUTE	Easement Secured for % of Total Length
A	55
B	65
C	61
D	63

UEC will continue listening to landowner feedback and educating landowners on process, construction, and operation. As the chart notes above, the majority of easement right-of-way has been secured for each proposed route. We hope the agency will take this information into consideration as it evaluates and selects a preferred route.

Sincerely,



Weston Putman, Manager of Public Relations

Attachment 2: Special Advisory Group Comments



BOARD OF COMMISSIONERS

110 N Court St. • P.O. Box 788
Heppner, OR 97836
541-676-5613
www.co.morrow.or.us

David Sykes, Chair
Jeff Wenzholz, Commissioner
Roy Drago Jr., Commissioner

November 9, 2023

Chase McVeigh-Walker
Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street N.E.
Salem, OR 97301

RE: Request for Comments, Notice of Intent submitted by Umatilla Electric Cooperative for the proposed Umatilla-Morrow County Connect Project

Dear Mr. McVeigh-Walker,

Thank you for the opportunity to comment on the Notice of Intent and to provide the applicable substantive criteria for the Umatilla-Morrow County Connect Project. The Morrow County Board of Commissioners also acts as the Special Advisory Group (SAG) as appointed by the Energy Facility siting Council (EFSC). As requested in your October 13, 2023 letter, Morrow County provides a response in accordance with OAR 345-015-0120, below.

Requested responses to OAR 345-015-0120 standards are shown below in **bold**, followed by a response in standard font.

1. The name, address and telephone number of the agency contact person assigned to review the application.

The local contact person is Tamra Mabbott, Planning Director,
tmabbott@co.morrow.or.us, 541-922-4624.

2. Comments on aspects of the proposed facility that are within the particular responsibility or expertise of your agency.

Morrow County has responsibility for land use planning and regulation, county road maintenance, construction and access management, weed control and solid waste. As part of our land use review process, Morrow County coordinates with local, state and federal agencies.

3. A list of statutes, administrative rules and local government ordinances administered by the agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.

Morrow County applicable ordinances include the following: Morrow County Comprehensive Plan, Morrow County Zoning Ordinance, Morrow County Subdivision Ordinance, Morrow County Transportation System Plan, Morrow County Public Works Policy on Renewable Energy Development, Morrow

County Solid Waste Ordinance, Morrow County Code Enforcement Ordinance, Morrow County Weed Control Ordinance, and the Morrow County Natural Hazards Mitigation Plan. A detailed list is attached and is also accessible on the county website.

4. A list of any permits administered by the agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.

- Conditional Use Permit (including Articles 3, 4 and 6 standards)
- Site Plan Review
- Zoning Permit (for each parcel/tax lot)
- Road Use Agreement (to be provided by County after completion of Traffic Analysis)
- Access Permits (to all County roadways)

5. Recommendations regarding the size and location of analysis area.

The project is located in a remote, rural area and based on experience with other energy construction projects in Morrow County, all towns within a 30-mile area are impacted. Some of those impacts are positive, for example, additional commerce for grocery and lodging businesses. Some of the impacts have had negative impacts, for example temporary construction workers occupying non-permitted camping areas which present public health and fire and safety concerns.

Other analysis areas proposed appear to be adequate.

6. A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.

Based on adopted Morrow County Ordinances, Policies and Plans, we would require the following:

- Wildlife and Habitat studies
- Analysis of current Noxious and Invasive Weeds with Mitigation Plan;
- Traffic Impact Analysis
- Review of possible Flood and other Hazards
- Cultural Resource Analysis of impacted lands
- Assessment of Socioeconomic Impacts

If you have any comments or questions about this or the Ordinances, Plans and Policies referenced herein, please contact Tamra Mabbott, 541-922-4624, tmabbott@co.morrow.or.us or Eric Imes, Morrow County Public Works Director, 541-989-8584, eimes@co.morrow.or.us.

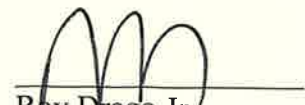
Sincerely,



David Sykes
Chair

Recused

Jeff Wenzholz
Commissioner



Roy Drago Jr.
Commissioner

Applicable Plans, Ordinances, Policies, Morrow County

Morrow County Comprehensive Plan (MCCP)

Citizen Involvement Policies

General Land Use Policies

Agricultural Lands Policies

Economic Policies

Housing Policies

Public Facilities and Services Policies

Energy Policies

<https://www.co.morrow.or.us/planning/page/comprehensive-plan>

Morrow County Zoning Ordinance (MCZO)

Article 3 Section 3.010 Exclusive Farm Use Zone

Section 3.010(B)24 and (25), 3.010 (D)(9) utility facility service lines.

Section 3.010(N) Transportation Impacts

Article 3 Section 3.073 Port Industrial Zone

Article 4 Supplementary Procedures (relative to access, parking and related measure)

Section 4.165 Site Plan Review

Article 6 Conditional Uses

Section 6.020 General Criteria

Section 6.025 Resource Zones Standards for Approval (same as ORS 215.296)

Section 6.030 General Conditions

Section 6.040 Permit and Improvements Assurance

<https://www.co.morrow.or.us/planning/page/zoning-ordinance>

Oregon Revised Statutes and Oregon Administrative Rules

ORS 215.243 Agricultural Lands Policy

ORS 215.296 standards for approval of certain uses in EFU Zones

https://www.oregonlegislature.gov/bills_laws/ors/ors215.html

Morrow County Transportation System Plan (TSP)

Chapter 6 Transportation System Plan Appendix D Traffic Impact Analysis Guidelines

Road Use Agreement (sample to be provided)

https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/12211/tsp_complete_document.pdf

Morrow County Solid Waste Management Ordinance Section 5.000 Public Responsibilities

https://www.co.morrow.or.us/sites/default/files/fileattachments/public_works/page/2181/ordinance2008update-1.pdf

Morrow County Code Enforcement Ordinance

https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/11881/2019_code_enforcement_final.pdf

Morrow County Weed Control Ordinance

https://www.co.morrow.or.us/sites/default/files/fileattachments/public_works/page/2361/morrow_county_weed_ordinance.pdf

Morrow County Multi-Jurisdictional Natural Hazard Mitigation Plan

https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/2451/nhmp_2016_final_adoption.pdf

Umatilla-Morrow County Connect Project Notice of Intent



Board of Commissioners

216 S. E. 4th Street
Pendleton, OR 97801
541-278-6204

Daniel N. Dorrn
541-278-6201

John M. Shafer
541-278-6203

Celinda A. Timmons
541-278-6202

November 8, 2023

Oregon Department of Energy
Attn: Chase McVeigh-Walker, Senior Siting Analyst
550 Capital Street NE
Salem, OR 97301

Subject: Umatilla-Morrow County Connect Transmission Line
Response to Notice of Intent

Dear Mr. McVeigh-Walker:

Enclosed is the response to Oregon Department of Energy's request for a list of the "applicable substantive criteria" from Umatilla County's acknowledged Comprehensive Plan and land use regulations in effect at the time the Umatilla-Morrow County Connect Notice of Intent (NOI) was submitted. The standards are those that would apply to the 230 kV transmission line if the application had been submitted to Umatilla County for land use review. The local approval standards include specific Conditional Use Permit criteria, other applicable standards from the Umatilla County Development Code (UCDC) as well as the County Comprehensive Plan (Comp. Plan). Links to the UCDC and Comp. Plan are available online at the following:

https://umatillacounty.gov/fileadmin/user_upload/Planning/Umatilla_County_Comp_Plan_10-26-2022.pdf

http://www-linux/fileadmin/user_upload/Planning/Umatilla_County_Development_Code.pdf

Transmission Line

According to the NOI, the proposal is for a 14-mile 230 kW transmission line between UEC's Highway 730 Switchyard (Morrow County) and Ordnance Switchyard (Umatilla County), with a majority of the project within Morrow County. According to the NOI, the line will be composed of single pole structures varying between 90-120 feet in height and approximately 40 to 50 inches in diameter at their base. Several alternatives have been identified, however within Umatilla County, Routes A, B, C and D are along the same alignment. The proposed 230 kV transmission line alignment, located in Umatilla County, is mostly located in the Depot Industrial (DI) Zone with a small portion in the Light Industrial (LI) Zone.

Although project elements are not identified within the Exclusive Farm Use (EFU) Zone, the site boundary does extend into the EFU Zone. Thus, the EFU development standards and land use decision permitting process for "Utility Facility Necessary for Public Service" are included here. The following criteria apply to the transmission line:

UCDC 152.059 Land Use Decisions allowed on lands zoned EFU

UCDC 152.238 Conditional Uses allowed on lands zoned DI

UCDC 152.240 Master Plan and Design Review Requirements on lands zoned DI

UCDC 152.305 Design Review Criteria on lands zoned LI

UCDC 152.615 Additional Conditional Use Permit Restrictions

UCDC 152.616(CCC) Utility Facility Conditional Use Permit Criteria (DI and LI zones)

UCDC 152.617(II)(7) Utility Facility Necessary for Public Service Land Use Decision Criteria (EFU zone)

Access Roads

Access roads for the project have been identified and are classified as existing County roads, existing private roads, and new private roads. The application should include a map of the access roads and the proposed construction standard for the roadways and long-term maintenance of the roadways. For use of county roads, County will require a Road Use Agreement with the applicant and developer.

Comprehensive Plan Policies

The following Comprehensive Plan policies apply to the development:

Citizen Involvement: Policy 1 and Policy 5

Open Space, Scenic & Historic Areas, and Natural Areas: Policies 1(a), 5(a & b), 6(a), 8(a), 9(a), 10(c, d & e), 20(a), 20(b) (1-8), 22, 23(a), 24(a), 26, 37 & 38(a-c), 39(a) & 42(a). See attached Map of Goal 5 resources.

Air, Land, Water Quality: Policies, 1, 7 & 8

Natural Hazards: Policies 1 & 4

Recreational Needs: Policy 1

Economy of the County: Policies 1, 4 & 8(a-f)

Public Facilities & Services: Policies 1(a-d), 2, 9 & 19

Transportation: Policy 18 and 20

Energy Conservation: Policy 1

Most, but not all, of the above listed Comprehensive Plan Policies are implemented through the County's existing Development Code and by coordination with other agencies and jurisdictions. However, other Plan Policies may apply that are not listed above. Comprehensive Plan Policies 1 and 2 for Citizen Involvement encourages continued citizen input. The County relies upon the Planning Commission to review and advise the County on planning issues. Comments made during public meetings frequently include the recommendation of additional Plan Policies. Where there is no local Planning Commission hearing for this project, the County encourages the Department of Energy to incorporate public comments during their public review process. The Special Advisory Group reserves the right to recommend additional Comprehensive Plan Policies at a later date.

Goal 5 Resources

Umatilla County has one Goal 5 protected site located near the proposed transmission line. This site is currently owned by Rock It, LLC and is identified as Tax Lot 300 on May 4N 27 27. The site was added to the County's Goal 5 inventory, and allowed mining, with County Ordinance

2010-07 (see attachments). The site's allowed uses were later expanded in 2016 to permit aggregate processing at the site. The County's Aggregate Resource (AR) overlay zone has been applied, however, no specific protections were granted for the site. In other words, the site's approval did not limit conflicting uses, and did not identify transmission lines as a conflicting use. However, the site is protected under Statewide Planning Goal 5, and shall not be burdened by restrictions from new uses. Through the public participation process, ODOE and EFSC should engage this aggregate operator, and others that may be affected by the proposed transmission line, to ensure that the project will not negatively impact their existing operations.

Transportation System Plan (TSP)

Umatilla County's Transportation System Plan is adopted as part of the County Comprehensive Plan and is implemented through the County Development Code. However, numerous policies and standards may apply to the development; specific standards may be identified once more detailed design drawings and development plans are provided.

The applicant is expected to work with the County Public Works Director, Tom Fellows, to identify specific road improvements necessary to accommodate construction traffic and oversize loads on county roads, prior to construction of the transmission line. Additionally, the applicant will need to satisfy the requirements for access point permits and road building requirements for project access roads. At a minimum, County will require a Road Use Agreement for use of County roadways during construction and operation of the facility.

Additionally, if the proposed transmission route is located within County road right-of-way, County may require that the developer survey the roadways to ascertain the legal location of the roadway, if uncertain. This would be required prior to issuing a right of way permit for use of the roadway. Private roads, if utilized, are not part of the county maintenance system and are not overseen by the County.

Interchange Area Management Plans (IAMPS)

Umatilla County has adopted the Westland Road / I-84 / I-82 Interchange Area Transportation Plan (2006) to supplement and refine the County's TSP for the Westland Road / I-84 / I-82 interchange area, as it is a major freight corridor. Both Westland and Lamb Roads are proposed for project access and are identified within the Westland/I-84/I-82 Management Plan. Westland Road is a two-lane rural major collector with two-to-four-foot shoulders. It has an interchange with I-84. Lamb Road is a two-lane rural major collector, shoulders vary from no shoulders to two-feet in width. Lamb Road provides access to the former Umatilla Chemical Depot (now under Columbia Development Authority ownership), Westland Road and also has an interchange with I-82. New access points from Lamb Road are limited and should be coordinated with County Public Works.

In 2014, Umatilla and Morrow Counties adopted the I-84/Army Depot IAMP to identify and address infrastructure, access and land use regulations associated with the transition of the Umatilla Army Chemical Depot to the Columbia Development Authority for economic development and natural resource preservation. A robust and prioritized project list for addressing access issues was identified.

Utilization of new and existing access points and roads should conform with the standards identified in both the Westland Road / I-82 / I-84 and I-84/Army Depot Interchange Management Access Plans.

Zoning Permits

Prior to land development or construction of structures in Umatilla County a zoning permit must be secured for each parcel (tax lot) as outlined in *UCDC 152.612 (D)* and defined in *UCDC 152.003*.

Construction, Safety, Operation and Maintenance

In Oregon, public utilities and cooperatives are subject to safety standards regulated by the Public Utility Commission. We assume the transmission line will be constructed, operated and maintained according to National Electric Cooperative Standards and regulated by the Public Utility Commission.

Emergency Response

An emergency response plan is expected to be prepared and submitted along with the application. The Emergency Response Plan will be reviewed and acknowledged by the local Emergency Manager, Sage Delong.

Thank you for your attention to our comments and requirements. Any additional questions may be directed to Megan Davchevski, Planning Division Manager, Umatilla County Community Development, 216 S. E. 4th Street, Pendleton, Oregon 97801; phone (541) 278-6246 or e-mail at Megan.Davchevski@umatillacounty.gov.

Sincerely,



Daniel N. Dorran,
Chair
Umatilla County Board of Commissioners

Attachments: Umatilla County Comprehensive Plan pages 8-17 and 8-18

CC: Doug Olsen, Umatilla County Counsel
Robert Waldher, Community Development Director
Megan Davchevski, Planning Division Manager
Umatilla County Planning Commission
Tom Fellows, Umatilla County Public Works Director
Sage Delong, Umatilla County Emergency Manager
Dawn Hert, DLCD Regional Representative
City of Umatilla
City of Hermiston
Ken Patterson, Manager, Oregon Department of Transportation, Region 5
Teresa Penning, Oregon Department of Transportation, Region 5

used periodically exclusively for road maintenance and construction.

operation, based upon the issuance of a zoning permit under the following conditions:

- (1) Extraction is for County road maintenance or, construction only;
- (2) Crushing operations are for limited time periods not to exceed 90 days.
- (3) Scale or extent of operation remains limited to the acreage area listed on the table below.
- (4) The Planning Director may refer zoning permit request to the Hearings Officer or the Planning Commission.
- (5) Operations will still be required to meet the standards and criteria of the Development Ordinance and Reclamation Ordinance. The County gravel pit sites listed on the following table shall apply under tis policy:

Existing Gravel Pits Exempted from Obtaining Conditional Use Permits

<u>LOCATION</u>	<u>NAME</u>	<u>APPROX. SIZE</u>
T IS R 30 Sec. 1-2	Nelson-Murray	1 Acre or less
T IS R 32 Sec. 13	Hoeft	1 Acre or less
T 5S R 31 Sec.(12) 13 TL 1500	Leverenz-Ukiah	1 Acre or less
T 5S R 31 Sec. 36	Soap Hill	1 Acre or less
T IN R 30 Sec. 12, TL 400	Coombs Canyon	1 Acre or less
T 2N R 30 Sec. 32-33, TL 1100	Alkali	1 Acre or less
T 3N R 30 Sec. 6, TL TL 500	Ransier	1 Acre or less
T 4N R 36 Sec. 36	Pine Creek	1 Acre or less
T 4N R 34 Sec. 31, TL 11500	McConttmach	1 Acre or less
T 4N R 30 Sec. 23, TL 2300	Despain-Terney	1 Acre or less
T 5N R 32 Sec. 5, TL 700	Juniper	1 Acre or less
T 5N R 34 Sec. 8, TL 1390	Wayland	1 Acre or less
T 5N R 34 Sec. 1-2	Shubert-Barrett	1 Acre or less
T 6N R 35-36 TL 101	Eastside	1 Acre or less
T 6N R 36 Sec.(34 -36), TL 5100	Casper	1 Acre or less

41. Several aggregate sites were determined

41. In order to protect the aggregate resource,

to be significant enough to warrant protection from surrounding land uses in order to preserve the resource (see Technical Report).

the County shall apply an aggregate resource overlay zone to the following existing sites:

- (1) ODOT quarry, T5N, R35E, Section 35, TL 6200, 5900.
- (2) ODOT quarry, T5N, R29E, Section 22, TL 800 ("Sharp's Corner")
- (3) Private, commercial pit, T4N, R38E, Section 27, TL 1100.
- (4) Upper Pit, T4N, R28E, Sections 28, 29, TL 4000.
- (5) ODOT quarry, T3N, R33E, Section 23, TL 100, 600, 700
- (6) Several quarries, T2N, R31E, Section 15, 16, 17, TL 400, 800, 3100. (See Technical report for specific site information).
- (7) ODOT quarry, T3S, R30 1/2, Section 12, 13, TL 503.
- (8) ODOT quarry, T4N, R35, TL 7303.
- (9) Private, commercial pit, T4N, R28E, Sections 30, 31, TL 300, 2200, 2202, 2203.
- (10) ODOT quarry, T1N, R35, Section 34, TL 800, 900, 1000, and T1S, R35, Section 03, TL 100.
- (11) ODOT quarry, T1S, R30, TL 1901.
- (12) ODOT quarry, T2N, R27, TL 2700.
- (13) Private, commercial pit, T4N, R27E, Section 25, TL 900, Section 36, TL 400, 500, 600, 700, 800, 1400, 1500.
- (14) Schuening Estate Quarry 2N, R32, Section 04, TL 400.
- (15) Private, commercial pit, T4N, R27, TL 2200, T4N R27 Section 27, TLs 300 and 600.

42. Alternative energy resources should be explored more fully in Umatilla County.

- 42.
- (a) Encourage development of alternative sources of energy.
 - (b) The County will develop a file of alternative energy literature which will be available to the public.
 - (c) The County will refer people to

From: [Megan Davchevski](#)
Sent: Wednesday, November 8, 2023 3:25 PM
To: [MCVEIGH-WALKER Chase * ODOE](#)
Cc: john.shafer@umatillacounty.gov; dan.dorran@umatillacounty.gov;
cindy.timmons@umatillacounty.gov;
lori.smith@umatillacounty.gov;
robert.waldher@umatillacounty.gov; planning@umatillacounty.gov;
[CORNETT Todd * ODOE](#); [ESTERSON Sarah * ODOE](#); [Rowe Patrick G](#);
[Doug Olsen](#)
Subject: Re: Umatilla-Morrow County Connect Project Notice of Intent
Attachments: [Umatilla County UEC Connect NOI Response.pdf](#)

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from megan.davchevski@umatillacounty.gov. [Learn why this is important](#)

Good Afternoon Chase,

Please find the attached response from the Umatilla County Board of Commissioners regarding the Umatilla-Morrow County Connect Project Notice of Intent.

Thank you.

Megan

On Fri, Oct 13, 2023 at 5:31 PM MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov> wrote:

Chair Dorran and Members of the Board of Commissioners,

On September 22, 2023, the Oregon Department of Energy's Facility Siting Division received a Notice of Intent for the Umatilla-Morrow County Connect Project. The facility, a 14-mile 230 kV transmission line with four route alternatives (A, B, C and D) is proposed to be located in unincorporated areas of eastern Morrow and western Umatilla counties. This project will be within the jurisdiction of the Governor appointed Energy Facility Siting Council. Please find attached a letter describing the designation of the Umatilla County Board of Commissioners as a Special Advisory Group and a brief introduction of Umatilla County's optional role in the state review of this proposal. Also attached is a Reviewing Agency Memo, requesting your review and comments on the Notice of Intent.

A project webpage that contains additional information, including maps, a full public notice, and a copy of the NOI can be found here: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/UMCC.aspx>

We will be hosting an informational meeting on the NOI on November 1, 2023 at 5:00 (additional information is provided in the attached memo). Please do not hesitate to contact me with any questions.

Regards,
-Chase



Chase McVeigh-Walker
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
P: 971-600-5323
P (In Oregon): 800-221-8035



Stay connected!

--



Tel: 541-278-6246 | Fax: 541-278-5480
216 SE 4th Street | Pendleton, OR 97801
<http://www.umatillacounty.gov/planning>

Megan Davchevski, CFM

Planning Division Manager
Community Development Department

Please Be Aware - Documents such as emails, letters, maps, reports, etc. sent from or received by the Umatilla County Department of Land Use Planning are subject to Oregon Public Records law and are NOT CONFIDENTIAL. All such documents are available to the public upon request; costs for copies may be collected. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.

Attachment 3: Reviewing Agency Comments

SLOAN Kathleen * ODOE

From: BROWN Jordan A * ODA
Sent: Tuesday, October 31, 2023 12:01 PM
To: SLOAN Kathleen * ODOE; MCVEIGH-WALKER Chase * ODOE
Subject: Umatilla-Morrow County Connector - ODA project review notes

Hello Kate and Chase,

My project assessment, with regards to listed plants, is just that Lawrence's milkvetch plants should be surveyed for and avoided within the project area. Here are some more detailed notes from my determination:

Two listed plants are known to occur in the two counties: Morrow Co. contains Lawrence's milkvetch and Umatilla County contains northern wormwood and Lawrence's milkvetch.

Northern wormwood occurs in cobble bar habitat in riparian areas along the Columbia River and not likely to occur in the project area. Although Lawrence's milkvetch had been collected about 50+ years ago from two locations that are approximately 10 miles from the current project location, no plants have been found in that vicinity since then. The known range of the species, previous plant inventory surveys that didn't detect Lawrence's milkvetch on the Umatilla Chemical Depot property, and historic land use resulting in habitat loss make it extremely unlikely that Lawrence's milkvetch occurs within the project area.

If Lawrence's milkvetch plants are detected during on-the-ground surveys, location and abundance information should be relayed to ODA.

Let me know if you have any other questions.

Jordan Brown, Program Lead Conservation Biologist
Oregon Department of Agriculture – Native Plant Conservation
635 Capitol St NE, Salem, OR 97301-2532
PH: 541.737.2346 | CELL: 541.224.2245 | WEB: Oregon.gov/ODA
Pronouns: he, him, his

*Please note my email address has changed to jordan.a.brown@oda.oregon.gov



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

John Day Watershed
East Region
73471 Mytinger Lane
Pendleton, Oregon 97801
(541) 276-2344
FAX (541)276-4414

November 21, 2023

Chase McVeigh-Walker
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

RE: Request for comments on Notice of Intent to Apply for a Site Certificate for the Umatilla-Morrow County Connect Project

Dear Chase,

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 Umatilla-Morrow County Connect Project which is adjacent to I-84 and I-82 in Morrow and Umatilla Counties. This letter contains 1) ODFW contact information for the project; and 2) ODFW's comments on the NOI.

Contacts

I will be the main contact person for ODFW for the Energy Facility Siting Council (EFSC) permitting process and my contact information is: Lindsay Somers, 73471 Mytinger Lane, Pendleton, OR 97801. My phone number is 541-276-2344, Lindsay.n.somers@odfw.oregon.gov. In addition, please copy Steve Cherry, District Wildlife Biologist, Steve.p.cherry@odfw.oregon.gov on communications.

General Comments

ODFW reviews and makes recommendations for the proposed project based on the following Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), and associated plans.

Oregon Revised Statutes

- ORS 496.012 Wildlife Policy
- 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: <https://www.dfw.state.or.us/wildlife/diversity/species/>

Oregon Administrative Rules

- 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:

https://www.dfw.state.or.us/wildlife/diversity/species/sensitive_species.asp

- OAR Chapter 635, Division 415 (ODFW's Fish and Wildlife Mitigation Policy found on ODFW's website at: https://www.dfw.state.or.us/habitat/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.

Specific Comments

ODFW recommends that the Applicant produce a map of the vegetation classifications within the project area to help identify potential wildlife occurrences and further classify the habitat available within the project area based on ODFW's Mitigation Policy.

ODFW recommends that preconstruction surveys conducted for Washington Ground Squirrels (WGS) be conducted following the protocol described in [Washington Ground Squirrel Protections and Survey Requirements](#), or within 1000 feet of any ground disturbing activity in suitable WGS habitat. Suitable WGS habitat can be defined as any terrestrial habitat within the range of the WGS that has not been developed (i.e. active agricultural lands).

In order to avoid and/or minimize impacts to wildlife during construction of the project ODFW requests that any ground disturbance or vegetation removal within the project boundary be conducted prior to or after the critical period for ground nesting birds, April 15- September 1.

Should ground disturbance occur during this period, ODFW requests that vegetative removal occur prior to the critical nesting period.


ODFW recommends that the Applicant conduct raptor nest surveys be conducted within 0.25 miles of the project area during the active nesting season and that no construction occur within 0.25 miles of an active raptor nest, during the nesting season.

Species	Spatial Buffer	Seasonal Restriction	Release Date if Unoccupied
bald eagle	0.5 mile	January 1 - August 15	31-May
ferruginous hawk	0.25 mile	March 15 - August 15	31-May
golden eagle	0.5 mile	February 1 - August 15	15-May
red-tailed hawk	300-500 ft	March 1 - August 15	31-May
prairie falcon	0.25 mile	March 15 - July 1	15-May
Swainson's hawk	0.25 mile	April 1 - August 15	31-May
burrowing owl	0.25 mile	April 1 - August 15	31-May

Additionally, ODFW recommends the Applicant record observations of State [Sensitive species](#) or [Oregon Conservation Strategy Species](#) occurring within the project boundary. The sharing of species observation data (including date, species, location, indication of breeding activity, age/sex if known) allows ODFW the opportunity to fill in data gaps for Oregon Conservation Strategy Species.

ODFW appreciates the opportunity to comment on this NOI. Don't hesitate to reach out if you have any questions regarding recommendations or need further details on potential survey protocols.

Sincerely,


Lindsay Somers
Regional Habitat Biologist

Cc: Steve Cherry, District Wildlife Biologist



Oregon

Tina Kotek, Governor

Department of State Lands

951 SW Simpson Ave., Suite #104

Bend, OR 97702

(541) 388-6112

FAX (541) 388-6480

www.oregon.gov/dsl

State Land Board

October 24, 2023

OREGON DEPARTMENT OF ENERGY
ATTN: CHASE MCVEIGH-WALKER
550 CAPITOL STREET NE
SALEM, OR 97301

Tina Kotek
Governor

Re: Comments on the Notice of Intent to Apply for a Site Certificate for the Umatilla-Morrow County Connect Project, located in Umatilla and Morrow counties.

LaVonne Griffin-Valade
Secretary of State

Tobias Read

State Treasurer

Dear Chase McVeigh-Walker:

We have received the Notice of Intent for the Umatilla-Morrow County Connect Project, Township 4N Range 26E and Township 4N Range 27 E, in Morrow and Umatilla counties, Oregon. This letter is the Department's response to the Notice.

1) The name, address and telephone number of the contact person assigned to review the application for your agency.

Richard Fitzgerald
Aquatic Resource Coordinator
Department of State Lands
951 SW Simpson Ave., Suite #104
Bend, OR 97702
richard.w.fitzgerald@dsl.oregon.gov
(503) 910-4565

2) Comments on aspects of the proposed facility that are within the particular responsibility or expertise of your agency.

- **The address and phone number listed for the Department of State Lands on page 18 are incorrect. The correct headquarters address is Department of State Lands, 775 Summer St. NE, Suite 100, Salem, OR 97301-1279. The correct headquarters phone number is 503-986-5200.**
- **A person or utility is required to have a permit if an activity will involve filling or removing 50 cubic yards or more of material in a wetland or waterway. For sites within a state designated Essential Indigenous Anadromous Salmonid Habitat (ESH), State Scenic Waterway, or compensatory mitigation site, a permit is required for any amount of removal or fill.**
- **Any potential impacts to waters of this state resulting from removal or fill should be identified. Such impacts should be addressed separately from "Surface and Groundwater Quality and Availability" as they are distinct from both water quality and availability.**

ATTN: CHASE MCVEIGH-WALKER

October 24, 2023

Page 2 of 2

3) A list of statutes, administrative rules and local government ordinances administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.

**Oregon Removal-Fill Law (ORS 196.795 - 196.990)
OAR Chapter 141, Divisions 85, 89, 90, 93, 100**

Table O-1 includes the “Oregon Division of State Lands.” The correct name is “Oregon Department of State Lands.”

4) A list of any permits administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.

Removal-Fill Permit (including Individual Permit, General Removal-Fill Permit, and General Authorization). Please submit:

- a Wetland Delineation, and
- a complete Joint Permit Application.

5) Recommendations regarding the size and location of analysis areas (see below for more information).

As stated on page 24, a Wetland Delineation should be conducted to identify wetlands and other surface waters to identify the presence of regulated surface waters within the project site boundary. The Delineation should be conducted in accordance with the requirements of OAR Chapter 141, Division 90.

6) A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.

Wetland Delineation

If you have any questions, please call me at (503) 910-4565.

Sincerely,



Richard Fitzgerald
Aquatic Resource Coordinator
Aquatic Resource Management
Oregon Department of State Lands
RF:td

cc: Chase McVeigh-Walker <chase.mcveigh-walker@energy.oregon.gov>
Taylor McCroskey, Oregon Dept. of Fish and Wildlife
US Army Corps of Engineers, Portland Office
Morrow County Planning Dept.
Umatilla County Planning Dept.
Vernon Wolf, DSL Proprietary Coordinator

From: [DEBBAN Tanya L * DSL](#)
Sent: Tuesday, October 24, 2023 1:41 PM
To: [MCVEIGH-WALKER Chase * ODOE](#); [MCCROSKEY Taylor * ODFW](#); [COE; Umatilla County Planning](#); ['tmabbott@co.morrow.or.us'](mailto:tmabbott@co.morrow.or.us); [WOLF Vernon * DSL](#)
Subject: DSL Comment Umatilla Morrow Connect
Attachments: [Umatilla Morrow County Connect DSL Comment20231024.pdf](#)

You are receiving this email because Richard Fitzgerald requested that you be electronically copied on the attached document. If you have any questions please contact Richard.

Thank you,

Tanya Debban
Support Specialist | Real Property
Oregon Department of State Lands
951 SW Simpson Ave. Suite #104 Bend, Oregon 97702
Office: 541-388-6132 Cell: 971-374-3363
tanya.l.debban@dsl.oregon.gov
www.oregon.gov/dsl
[Credit Card Payment Portal](#)
[Application Submittal Portal directions and link](#)

I work in the office Monday, Wednesday, Thursday and telework from home all remaining weekdays.

From: [CRUSE Martha * DEQ](#)
Sent: Friday, November 17, 2023 1:52 PM
To: [MCVEIGH-WALKER Chase * ODOE](#)
Subject: Comments for Umatilla - Morrow County Connect Project

Dear Chase McVeigh-Walker,

Per the request for comment during the NOI period, please see below:

A 1200-C Construction Stormwater Permit may be required for this site. As a part of the 1200-C Permit, an Erosion and Sediment Control Plan (ESCP) that meets the minimum requirements of the 1200-C permit and is site specific must be developed. See Section A.4.3-4 of the permit for site descriptions for each required construction phase. Here is a link to the DEQ 1200-C permit page

<https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx>

Refer to the ESCP Narrative Forms that contains the 42 Standard notes as well as other information that is required when applying for the 1200-C permit. Per the Erosion and Sediment Control Plan Parts I through III narrative form, ESCP Part I and Part II Narrative Information need to be added to the ESCP drawings. This includes information about the Certified Visual Monitoring Inspector, Narrative site description, whether a Natural Buffer Zone exists or engineered soils will be used, and related information.

You must also clearly demonstrate on your plans, compliance with Appendix B and the Natural Buffer Zone (NBZ) requirement. Please view appendix B at this link [1200-C Appendix B](#)

A site specific and complete Erosion and Sediment Control Plan, all applicable permit fees, and ODOE issues site certificate must be submitted using the Your DEQ Online (YDO) system. The Erosion and Sediment Control Plan must be complete and ready for construction to be approved. A permit will not be issued without an approved Erosion and Sediment Control Plan.

For more information regarding YDO, including manuals for registering for a YDO account and submitting permit applications, please see this link: [Department of Environmental Quality : How to Enter Submittals in Your DEQ Online : Online Services : State of Oregon](#)

In addition, I would like to discuss the potential designated permit holder for the 1200-C permit, with regards to the owner or the contractor, if you are interested in meeting.

Sincerely,

|



Martha Cruse (Pronouns: she, her, hers)
Stormwater Quality Inspector, Eastern Region
Oregon Department of Environmental Quality
803 Main St.
Klamath Falls, OR 97601
Work Cell: (503) 926-1430
martha.cruse@deq.oregon.gov

SLOAN Kathleen * ODOE

From: PIKE Brandon <Brandon.PIKE@odav.oregon.gov>
Sent: Tuesday, November 7, 2023 9:22 AM
To: MCVEIGH-WALKER Chase * ODOE
Cc: SLOAN Kathleen * ODOE
Subject: RE: Umatilla-Morrow County Connect Project Notice of Intent

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Chase,

Thank you for providing the opportunity for the Oregon Department of Aviation (ODAV) to comment on this case. ODAV has reviewed the proposal and prepared the following comment(s):

1. In accordance with FAR Part 77.9 and OAR 738-070-0060, the proposed development may be required to undergo aeronautical evaluations by the FAA and ODAV, depending on the final proposed height and location of structures. The aeronautical evaluations are initiated by the applicant providing separate notices to both the FAA and ODAV to determine if the proposal poses an obstruction to aviation safety. The applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.

Please reach out if you have questions or concerns.

Best,

BRANDON PIKE
OREGON DEPARTMENT OF AVIATION
AVIATION PLANNER



OFFICE 503-378-2217 **CELL** 971-372-1339

EMAIL brandon.pike@odav.oregon.gov

3040 25TH STREET SE, SALEM, OR 97302

WWW.OREGON.GOV/AVIATION

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>
Sent: Friday, October 13, 2023 5:44 PM
To: kpettigrew@cityofboardman.com; mclanec@cityofboardman.com; heppner@cityofheppner.org; City of Ione <cityofioneor@gmail.com>; lexington.oregon@gmail.com <lexington.oregon@gmail.com>; kimberly.preacher@navy.mil; Jeff_Everett@fws.gov; ISAAK Patty * DEQ <Patty.ISAAK@deq.oregon.gov>; MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@dogami.oregon.gov>; HERT Dawn * DLCD <Dawn.Hert@dlcd.oregon.gov>; FOOTE Hilary * DLCD <Hilary.FOOTE@dlcd.oregon.gov>; jon.jinings@dlcd.oregon.gov; STEVENSON Chris * DSL <Chris.STEVENSON@dsl.oregon.gov>; BLEAKNEY Leann <lbleakney@nwcouncil.org>; Cane, Jason S <Jason.Cane@osp.oregon.gov>; osfm.ofc@osp.oregon.gov; 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>; CHERRY Steve P * ODFW <Steve.P.CHERRY@odfw.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; SOMERS Lindsay N * ODFW <Lindsay.N.Somers@odfw.oregon.gov>; HOLSCHBACH Tim J * ODF <tim.j.holschbach@odf.oregon.gov>; TOKARCZYK

John A * ODF <John.A.TOKARCZYK@odf.oregon.gov>; craig.a.sipp@odot.oregon.gov; LAPP Thomas <Thomas.Lapp@odot.oregon.gov>; MULDOON Matt * PUC <matt.muldoon@puc.oregon.gov>; BJORK Mary F * WRD <mary.f.bjork@water.oregon.gov>; FITZGERALD Richard W * DSL <Richard.W.FITZGERALD@dsl.oregon.gov>
Cc: CORNETT Todd * ODOE <Todd.CORNETT@energy.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; Rowe Patrick G <patrick.g.rowe@doj.state.or.us>
Subject: Umatilla-Morrow County Connect Project Notice of Intent

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good afternoon,

On September 22, 2023, the Oregon Department of Energy's Facility Siting Division received a Notice of Intent for the Umatilla-Morrow County Connect Project. The facility, a 14-mile 230 kV transmission line with four route alternatives (A, B, C and D) is proposed to be located in unincorporated areas of eastern Morrow and western Umatilla counties.

Attached, please find a memo requesting that your agency or jurisdiction provide comments on the Notice of Intent by **December 1, 2023**. The memo also provides more information about the proposed facility and the Energy Facility Siting Council's review process and information on cost reimbursement. Information on the NOI and the facility are available [online](#) on the Umatilla-Morrow County Connect project page.

We will be hosting an informational meeting on the NOI on November 1, 2024 at 5:00 (additional information is provided in the attached memo). Please do not hesitate to contact me with any questions.

Regards,
-Chase



Chase McVeigh-Walker
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
P: 971-600-5323
P (In Oregon): 800-221-8035



Stay connected!

Oregon Department of Forestry (ODF) has received the Notice of Intent to apply for a site certificate for the Umatilla-Morrow County Connect Project located in Umatilla and Morrow counties. Thank you for the notice and opportunity to provide feedback as a reviewing agency. Below are responses to your request for information and ODF's initial comments.


1. The ODF person assigned to review the application is:
 - Levi Hopkins
 - 2600 State St. Salem, OR 97301
 - 503-949-3572
2. Here are comments and questions on aspects of the proposed facility that are within ODF's expertise:
 - a. ODF suggests following existing power lines and roads as much as possible for the new installation. Existing areas should presumably have existing access and plans already in place for wildfire mitigation required by law (e.g., fire fuel mitigation). If it is not possible to follow existing lines and roads, creating comparable access and fire fuel maintenance plans should be considered.
 - b. What is the monitoring/inspection/maintenance plan for these new lines? What type of fire threat and fuels mitigation will occur around the area. Are the standards the same as or comparable to electrical substations (relative to vegetation within)?
 - c. The purpose of the project is to connect existing lines and create increased redundancy to mitigate outages and allow for area growth. By creating redundancy in the lines, is there still ability to quickly and independently shut down power in sections in the event of a widespread line/infrastructure failure that may cause wildfire?
3. Statutes and administrative rules that may apply to construction or operation of the proposed facility are as follows:
 - a. ORS 477
 - b. OAR 629
4. There are no permits administered by ODF that may apply to construction or operation of the proposed facility.
5. Below are recommendations regarding size and location of analysis areas:
 - a. none
6. A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures are as follows:
 - a. Evaluate feasible access for firefighting equipment (Fire engines, air resources, etc.).

FW: NOI for Umatilla-Morrow County Connect Project Response ODF

MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>

Tue 12/5/2023 7:55 AM

To:SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

 1 attachments (22 KB)

NOI Response Final.docx;

FYI. I have saved to F:Drive.

From: HOPKINS Levi A * ODF <Levi.A.HOPKINS@odf.oregon.gov>

Sent: Monday, December 4, 2023 4:27 PM

To: MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>

Cc: HOLSCHBACH Tim J * ODF <Tim.J.HOLSCHBACH@odf.oregon.gov>

Subject: NOI for Umatilla-Morrow County Connect Project Response ODF

Importance: High

Hi Chase,

I apologize if this is late, but here is a response from ODF.

Thank you,

Levi Hopkins

Wildfire Prevention & Policy Manager

Protection from fire Division

Oregon Department of Forestry

2600 State Street, Building D

Salem, OR 97310

Cell: 503-949-3572

RE: Follow up on SHPO Review of Notice of Intent for Umatilla-Morrow County Connect Project

GROVER MaryBeth * OPRD <MaryBeth.GROVER@opr.d.oregon.gov>

Tue 12/5/2023 7:39 AM

To:SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Same situation, October Backlog. Thanks for the follow up Kathleen. ~mbgrover

THIS E-MAIL CONFIRMS RECEIPT OF AN ELECTRONIC SUBMISSION FOR AN HISTORIC RESOURCE/106 REVIEW

.....THIS E-MAIL DOES NOT REPRESENT CONCLUSION OF THE REVIEW/106 CONSULTATION.....

We received a clearance submission on your above referenced project.

The assigned SHPO Case Number is 23-1579. Refer to this case number on all future correspondence.

This case has been placed in the appropriate Review Staff queue.

The SHPO receipt date is the initial date this complete submittal was received 10/16/2023.

Do not respond to this email.

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Friday, November 17, 2023 4:23 PM

To: GROVER MaryBeth * OPRD <MaryBeth.GROVER@opr.d.oregon.gov>

Subject: Follow up on SHPO Review of Notice of Intent for Umatilla-Morrow County Connect Project

Hi Mary Beth,

I am reaching out to follow up on the Reviewing Agency request submitted through the SHPO process (Clearance Email and SHPO submittal form) for the Notice of Intent for the proposed Umatilla-Morrow County Connect Project, a 230 kV transmission line. The applicant is the Umatilla Electric Cooperative.

The attached documents were submitted to your office last month. I am following up to see if SHPO has any comments, recommendations or concerns about the proposed facility, or would like to make recommendations for study methods or analysis area under our EFSC standard for Exhibit S to be prepared and submitted as part of the Application for Site Certificate for this proposed facility.

If SHPO would like a coordination call, or requires additional information, please let me know and I can arrange it. Comments can be emailed directly to my attention.

Thank you,



RE: Requesting Coordination Call and Comments on the Umatilla-Morrow County Connect Notice of Intent

Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA)
<kimberly.n.peacher.civ@us.navy.mil>

Fri 11/17/2023 2:15 PM

To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Hello Kathleen,

Given the height will remain under 100AGL and be co-located we don't anticipate any concerns with this proposal.

Thank you for checking in.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085
NIPR: Kimberly.peacher@navy.mil
SIPR: Kimberly.peacher@navy.smil.mil

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Friday, November 17, 2023 2:01 PM

To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>

Subject: [Non-DoD Source] Re: Requesting Coordination Call and Comments on the Umatilla-Morrow County Connect Notice of Intent

Hi Kimberly,

I am reaching out to see if you have had a chance to review this Notice of Intent for the proposed transmission line and if you have any comments.

Thank you,



Kathleen Sloan
Senior Siting Analyst
550 Capitol St. NE | Salem, OR
97301
P: 971-701-4913



Stay connected!

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>

Sent: Friday, October 27, 2023 1:53 PM

To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Subject: Automatic reply: Requesting Coordination Call and Comments on the Umatilla-Morrow County Connect Notice of Intent

Hello,

I have intermittent access to my email and will respond as soon as possible.

Thank you.

V/R,

Kimberly Peacher
Northwest Training Range Complex
Community Planning and Liaison Officer
Mobile: (360) 930-4085

SLOAN Kathleen * ODOE

From: John Doherty <manager@cityofheppner.org>
Sent: Tuesday, October 31, 2023 9:04 AM
To: SLOAN Kathleen * ODOE
Subject: RE: Requesting Coordination Call and Comments on the Umatilla-Morrow County Connect Notice of Intent

You don't often get email from manager@cityofheppner.org. [Learn why this is important](#)

Kathleen – Just let me know if/when you'd like to speak regarding this project. The City of Heppner has no objections to this project. I wouldn't want to be tasked with voting on route selection, as it falls outside of our sphere of influence and has almost no effect on our operations.

Thanks,

John Doherty

City Manager

PO Box 756

Heppner, OR 97836-0756

manager@cityofheppner.org

(541) 676-9618 City Hall

(406) 696-9254 Cell



From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Friday, October 27, 2023 1:48 PM
To: John Doherty <manager@cityofheppner.org>
Subject: Requesting Coordination Call and Comments on the Umatilla-Morrow County Connect Notice of Intent

Good Afternoon,

You are receiving this email regarding the Notice of Intent to Apply for a Site Certificate (NOI) from the Energy Facility Siting Council for the proposed Umatilla-Morrow County Connect Project (UMCC) submitted by the Umatilla electric Cooperative on September 22, 2023. As a reviewing agency or local affected government, you received the attached Reviewing Agency Memo providing more information on the UMCC and how to provide input as a reviewing agency on the proposed facility on October 13, 2023 via a separate email notice.

The UMCC is a proposed 230 kilovolt (kV) transmission line, with four proposed route alternatives, traversing Morrow and Umatilla counties. The length of the proposed transmission line ranges from 13 to 15 miles, depending on the route alternative, that would provide an interconnection between the existing UEC Highway 730 Switchyard and UEC's Ordinance Switchyard, between Boardman and Hermiston. There are four potential routes under review by the UEC. More information and the complete NOI are available on the project webpage:

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

We are requesting comments from reviewing agencies and local affected governments on the NOI at this time. I would like to request a coordination call to discuss this project with you, at your convenience sometime in the next 2-3 weeks.

Thank you,



Kathleen Sloan
Senior Siting Analyst
550 Capitol St. NE | Salem, OR
97301
P: 971-701-4913

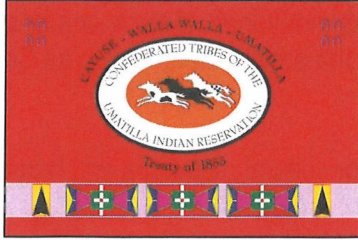


Stay connected!

I have attached KMZ file in case that helps you conduct your review.

If you have any questions about this request, please let me know. If you require more information to conduct your review, please feel free to ask and I will do my best to provide it.

Attachment 4: Tribal Government Comments



Confederated Tribes *of the*
Umatilla Indian Reservation
Department of Natural Resources
46411 Timine Way, Pendleton, Oregon 97801

MEMORANDUM

To: Kathleen Sloan, Senior Siting Analyst
Oregon Department of Energy
550 Capital St. N.E., 1st Floor
Salem, OR 97301
Sent via email to: Kathleen.SLOAN@energy.oregon.gov

From: Eric Quaempts, Director
Department of Natural Resources
Confederated Tribes of the Umatilla Indian Reservation
46411 Timine Way, Pendleton, OR 97801
Sent via email from: TearaFarrowFerman@ctuir.org (for Mr. Quaempts)

Date: December 4, 2023

RE: Confederated Tribes of the Umatilla Indian Reservation's Comments on the Notice of Intent for the Umatilla-Morrow County Connect Project

General Comments:

Thank you for contacting the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) regarding the Notice of Intent to File an Application for a Site Certificate for the Umatilla-Morrow County Connect Project. The CTUIR Department of Natural Resources (DNR) offers the following comments for the project.

Specific Comments:

Cultural Resources:

The proposed project area has had some cultural resource survey work completed in and near the project area. There are known archaeologist sites near the proposed routes and there are also known historic properties of religious and cultural significance to the CTUIR within and near the proposed routes. The CTUIR recommends a cultural resources inventory survey and testing within the footprint of the route(s) be completed to avoid archaeological resources. If archaeological resources cannot be avoided, then mitigation will have to be developed in consultation with the CTUIR and the Oregon SHPO. The CTUIR would like to review and provide input on the methodology for the survey and testing to ensure adequate coverage is completed. Also, the CTUIR wants to ensure that the Oregon Trail is not impacted by the proposed project.

Additionally, the CTUIR requests a viewshed analysis be completed at one (1), three (3), and five (5)-mile intervals. This will assist in assessing the potential visual impacts of the project on historic

properties of religious and cultural significance to the CTUIR. As mentioned, there is one known historic property of religious and cultural significance within a portion of the project area, known as Coyote Coulee.

Lastly, the CTUIR recommends an inadvertent discovery plan for cultural resources and human remains be developed in consultation with the CTUIR.

Teara Farrow Ferman, Cultural Resources Protection Program Manager, should be consulted on this. She can be reached at TearaFarrowFerman@ctuir.org.

Wildlife:

The proposed project may have an impact on known burrowing owl habitat on the former Army Depot and other wildlife such as raptors. It is recommended that wildlife surveys be completed and coordination and consultation with the CTUIR on known burrowing owl habitat and potential construction schedule be conducted.

Andrew Wildbill, Wildlife Program Manager, should be consulted on this. He can be reached at AndrewWildbill@ctuir.org.

Water:

Questions the CTUIR would like answered through studies or analysis include: 1) any potential runoff issues at the Ordnance Switchyard and 2) groundwater quality impacts.

Chris Marks, Water Policy Analyst, should be consulted on this. He can be reached at ChrisMarks@ctuir.org.

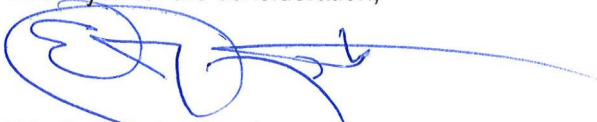
Climate Change/Fire Hazards:

Questions the CTUIR would like answered through studies or analysis include grid and generating systems connection – systems are at risk of extreme weather conditions for power outages, adverse weather conditions major cause of outages, and heat waves stress grid as buildings require more cooling, is the work being conducted to adapt the grid for climate change and how is fire hazards being addressed?

Althea Wolf, Interim First Food Policy Program Manager, should be consulted on this. She can be reached at AltheaWolf@ctuir.org.

The CTUIR would like to know which alternative is preferred and selected and continue to be consulted throughout the project. Teara Farrow Ferman, Cultural Resources Protection Program Manager, will be the lead point of contact. She can be reached at (541) 276-3447 or TearaFarrowFerman@ctuir.org.

Thank you for the consideration,



Eric Quaempts, Director
Department of Natural Resources