

Oregon Department of **ENERGY**

Protected Areas, Scenic
Resources, and
Recreation Standards
Rulemaking
Workshop #2

August 18, 2021



Agenda

1:00 pm: Meeting Overview & Introductions

1:30 pm: Discussion of Issues.

2:45 pm: Break

3:00 pm: Discussion of Issues (continued)

3:45 pm: Closing remarks and next steps

How to Raise Your Hand in Webex:

Webinar Participants

Click on “participants” in bottom right of the main window

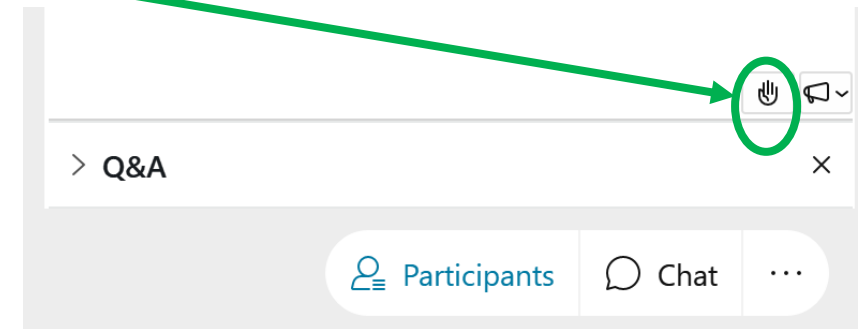
Click on the hand icon above “participants” bar

Clicking again to lower your hand

Phone Participants

Press *3 to raise/lower your hand.

Press *6 to unmute/mute telephone



Rulemaking Overview

- This rulemaking is intended to:
 - Ensure that the language of the Protected Areas, Scenic Resources, and Recreation standards clearly identify important resources and values the standards are intended to protect.
 - Ensure that the standards are consistent with ORS 469.310.
 - Improve efficiency and effectiveness of Council's review processes and procedures by resolving ambiguity, lack of clarity, and inconsistency in rule.
- A complete listing of issues and alternatives currently under consideration for this project are provided in the Issues Document, available from the Council's Rulemaking Website.

Rulemaking Process



Notice to Protected Area Managers (Issue 1)

Issue description: Should the Department be required to provide notice of a proposed facility to the manager a protected area in its vicinity?

Alternatives:

1. Take no action. Rely on existing public notification requirements.
2. Amend OAR 345-001-0010(51) to specify that protected area managers are “reviewing agencies.”
3. Amend rules to specify that protected areas managers will be included in the distribution list for the Notice of Intent.
4. Amend rules to provide public notice to the managers of a protected area identified in the Notice of Intent, Application, or Request for Amendment.*

Protected Area Managers

Federal	State	Local/Private
U.S. National Parks Service	Oregon Department of Parks and Recreation	The Nature Conservancy
U.S. Bureau of Land Management	Oregon Department of State Lands*	Private Landowners
U.S. Forest Service	Oregon Department of Fish and Wildlife*	
U.S. Fish and Wildlife Service		

Effective Date of Designations (Issue 3)

Issue description: How should the Council address protected areas that are designated after an application is received?

Alternatives:

1. Maintain current standard. (Amend rule to update the rule to reference the date of adoption of the new rules.)
2. Require Council to consider all protected areas designated as of the date of final decision (remove the date in rule.)
3. Require Council to consider all protected areas designated as of the date the Project Order is issued.

Break

List of Protected Areas (Issue 4)

Issue description: Is the list of protected areas in OAR 345-022-0040, clear, complete, and up to date?

Alternatives:

1. Maintain current list.
2. Maintain current structure and update specific areas.
3. Remove specific areas and only list categories and designations.*

Federal Protected Areas

- National Parks
- National Monuments
- Wilderness Areas
- Wilderness Study Areas
- Wild and Scenic Rivers
- National Wildlife Refuges
- ~~National Coordination Areas~~
- National Fish Hatcheries
- National Scenic and Recreation Areas
- Special Resources Management Units
- Areas of Critical Environmental Concern,
- Outstanding Natural Areas
- Research Natural Areas
- Experimental Forests and Ranges
- Scenic, geological, botanical, zoological, paleontological, historic, or recreational areas

State Protected Areas

- State Parks & Waysides
- The Willamette River Greenway
- State Natural ~~Heritage~~ Areas
- The South Slough National Estuarine Research Reserve
- State Scenic Waterways
- State Wildlife Areas, Refuges, and Management Areas
- State Fish Hatcheries
- OSU Agricultural Experimental Areas, Experiment Stations, and Research Centers
- OSU Research Forests

Additional Discussion Questions

- Should any other state or federal designations be included?
- Should any local designations be included?
- Should private conservation easements be included?

Linear Facilities in Protected Areas (Issue 6)

Issue description: Is OAR 345-022-0040(2) clear and consistent with its intent?

Alternatives:

Council may issue site certificate for a transmission line or pipeline located in a protected area:

1. *“if other alternative routes or sites have been studied and determined by the Council to have greater impacts.”* (Current rule)
2. *“if other reasonable routes or sites have been studied and determined to have greater impacts.”*
3. *“if other reasonable routes or sites have been studied and the Council determines the proposed route is likely to result in fewer adverse impacts to resources or interests protected by Council standards.”**

Future Workshops

Date and Time	Location	Agenda
Thursday, October 14 1-4 PM	Remote/Salem	Scenic Resources and Recreational Opportunities <ul style="list-style-type: none">• Identification of Scenic Resources and Recreational Opportunities• Study Areas and Analysis Areas• Visual Impacts Analyses

Questions & Comments

Additional comments and recommendations
can be sent to:

EFSC.RULEMAKING@energy.oregon.gov