

Oregon Department of **ENERGY**

Protected Areas, Scenic
Resources, and
Recreation Standards
Rulemaking
Workshop #3

October 14, 2021



Agenda

1:00 pm: Welcome and Introductions

1:05 pm: Discussion – Study Areas (Issue 2.1)

1:45 pm: Discussion – Methodology for Impact Analyses (Issue 9)

2:25 pm: Break

2:30 pm: Discussion – Identification of Scenic Resources (Issue 7)

3:10 pm: Discussion – Criteria for Important Recreational Opportunities (Issue 10)

3:50 pm: Closing remarks and next steps

Study Areas (Issue 2.1)

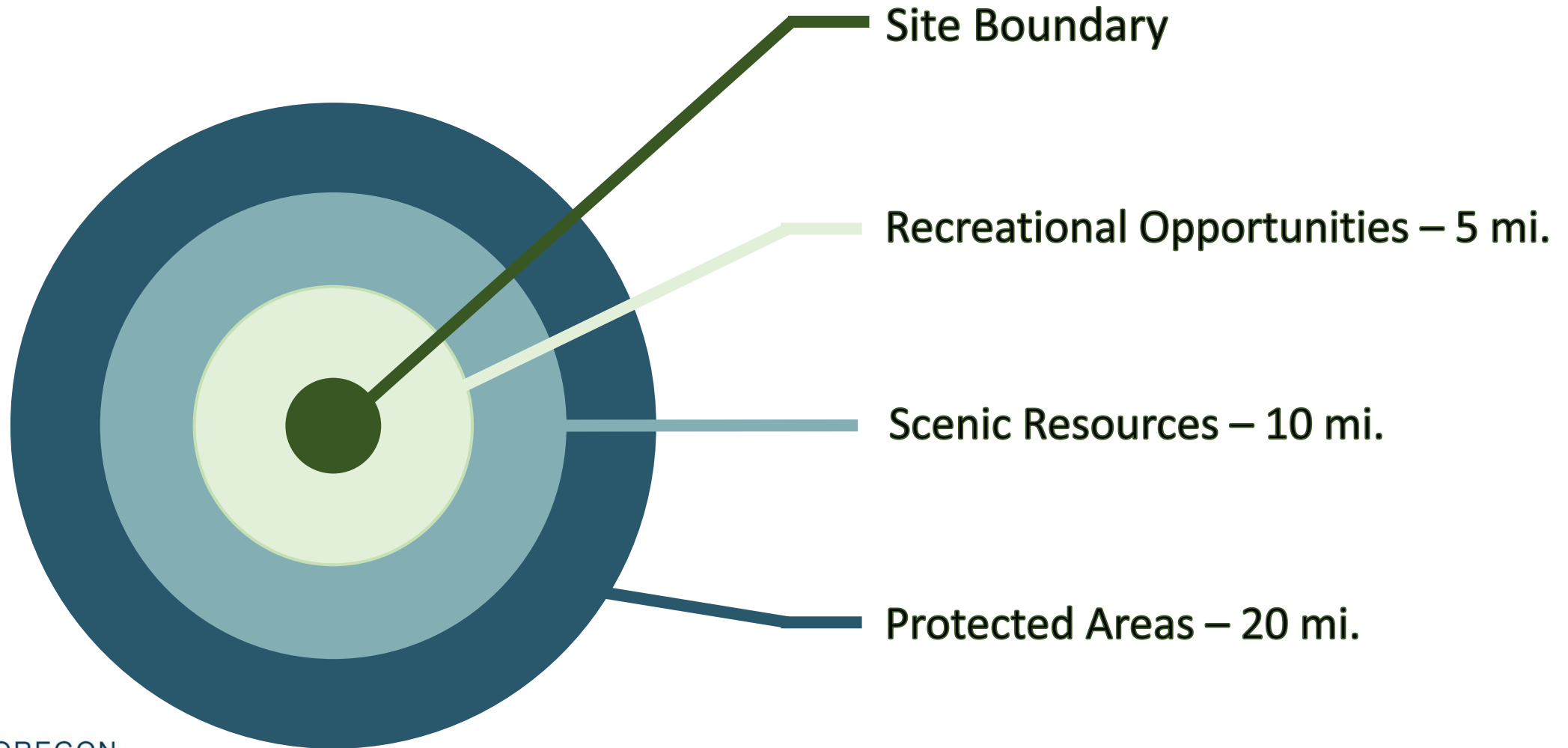
Issue: Are Study Areas for impacts to Protected Areas, Recreation, and Scenic Resources appropriately sized?

Background:

- The study area is the area which must be evaluated for potential impacts to resources in the Notice of Intent. There are different study areas for different types of impacts.
- Information in the NOI is used to establish the Analysis Areas for the Application. The Analysis Area is the area containing resources that the proposed facility may significantly affect.
- Some stakeholders have recommended reducing study area sizes, especially for solar photovoltaic power generation facilities.

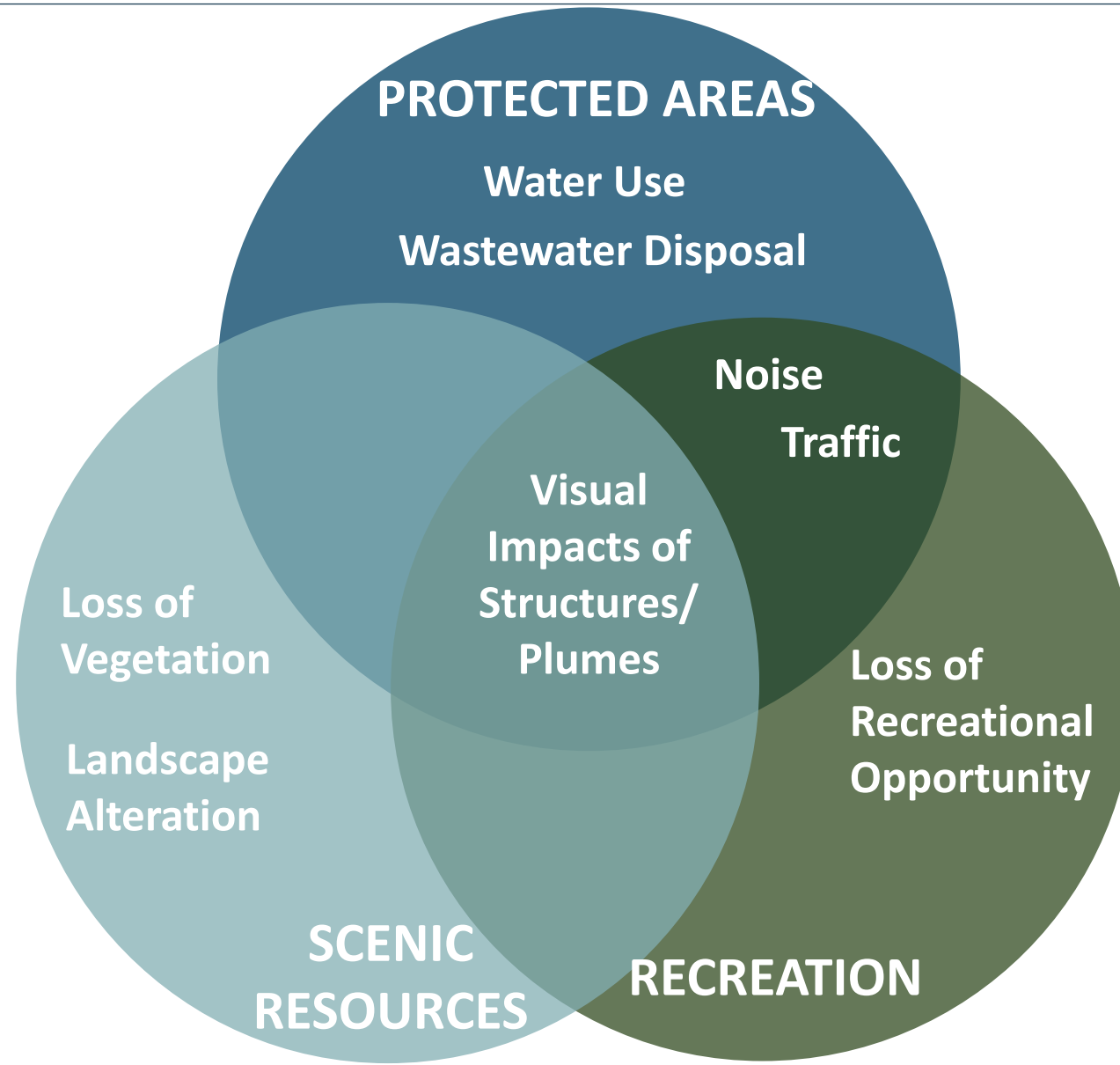
Current Study Areas

OAR 345-001-0010



Required Impact Analyses

OAR 345-021-0010



Discussion Questions

- What is the appropriate basis for establishing Study Area distances? What evidence/information sources should the Council consider?
- Should study areas be *resource* based or *impact* based?
- Should study areas be different for different types of facilities?
- Should study areas extend beyond the borders of Oregon?
- What are good practices for translating study areas into analysis areas?

Study Areas Alternatives

1. Make no changes
2. Reduce the study area for protected areas to 10 miles, or another distance, for all facilities
3. Reduce the study areas for impacts to protected areas, scenic resources, and recreational opportunities to 1 miles, for solar photovoltaic facilities
4. In lieu of, or addition to, one of the above, specify that study areas and analysis areas only extend to Oregon's borders.

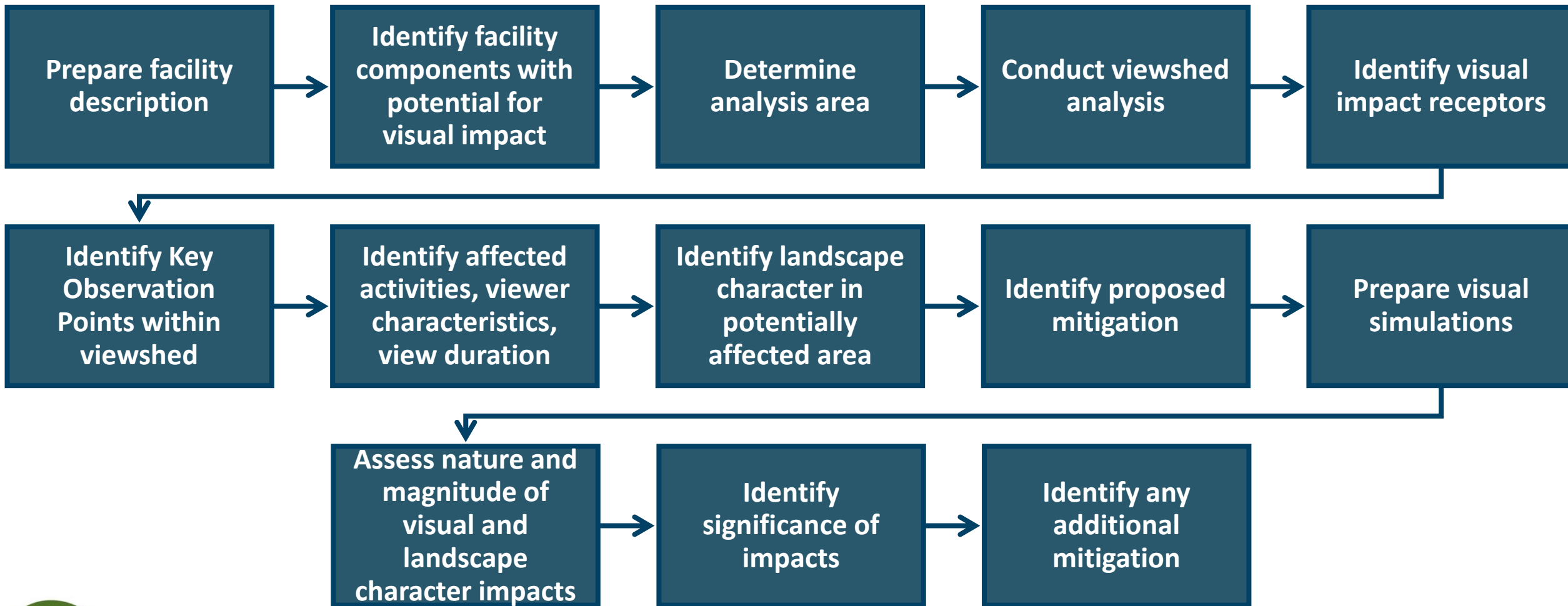
Methodology for Impacts Analyses (Issue 9)

Issue: Should Council standards provide more specific methods for the evaluation of impacts to scenic resources, recreational opportunities, and protected areas?

Background:

- An applicant is required to describe potential impacts on resources, but no specific methodology is required.
- Some stakeholders have recommended adopting one or more established methodologies for use in energy facility visual impacts assessments.

Example of Visual Impact Assessment



Examples of Visual Impacts Assessment Methodologies

- USFS Scenery Management System
- BLM Visual Resource Management System
- FHWA's Guidelines for the Visual Impact Assessment of Highway Projects
- OCTA Trails Setting Classifications

Discussion Questions

- What are the most important aspects of a visual impact assessment?
- Should the methods be different for different contexts, resources, or impacts?
- Are there specific methods that should be considered for other types of impacts?

Break

Identification of Scenic Resources (Issue 7)

Issue: Should applicants be required to review state land management plans when identifying significant or important scenic resource?

Background:

- Current standard protects “scenic resources and values identified as significant or important in local land use plans, tribal land management plans and federal land management plans * * *”
- State land management plans, which establish some scenic corridors and bikeways, are generally reviewed but not currently included.
- A stakeholder also recommended including regional (i.e. interstate plans) in the rule for clarity.

Discussion Questions

- Should scenic resources identified as significant or important in state, regional, and interstate, plans be protected by the standard?
- Are land management plans the best way to identify significant and important scenic resources?
- What role should reviewing agencies and the public play in the identification of significant and important scenic resources?

Scenic Resources Alternatives

1. Make no changes
2. Amend rule to specify that scenic resources identified as significant or important in state land management plans are protected by the standard.
3. Amend rule to specify that scenic resources identified as significant or important in state and regional land management plans are protected by the standard.
4. Amend rule to specify that any scenic resource identified as significant or important by a reviewing agency is protected by the Standard.

Criteria for Important Recreational Opportunities (Issue 10)

Issue: Are the criteria for identifying important recreational opportunities clear and appropriate?

Background:

- In the Application for Site Certificate, and applicant must identify all recreational opportunities in the analysis area.
- The applicant must assess which opportunities are important based on a set of 5 criteria. The Council may agree or disagree with this assessment.

Criteria for Identifying Important Recreational Opportunities

OAR 345-022-0100(1)

- Any special designation or management of the location
- The degree of demand
- Outstanding or unusual qualities
- Availability or rareness
- Irreplaceability or irretrievability of the opportunity

Discussion Questions

- What are the most important aspects of a visual impact assessment?
- Should the methods be different for different contexts/resources/impacts?
- Are there specific methods that should be considered for other types of impacts?

Next Steps



Questions & Comments

Additional comments and recommendations
can be sent to:

EFSC.RULEMAKING@energy.oregon.gov

Summary of Staff Recommendations

#	Description	Staff Recommendation
1	Rules do not require manager a protected area to be given notice of an NOI or ASC.	<ul style="list-style-type: none"> Require public notice to be sent to manager of Protected Area identified in NOI or ASC. Amend OAR 345-020-0011 and 345-021-0010
2	The Scenic Resources and Recreation standards limit the scope of Council's findings to resources in the analysis area identified in the project order. The Protected Area Standard contains no similar limitation.	Amend OAR 345-022-0080(1) and 345-022-0100(1) to remove reference to project order.
2.1	Study areas for impacts to Protected Areas, Recreation, and Scenic Resources may be too large, especially for renewable energy facilities.	More Input Needed

*Issue raised in whole or part by stakeholders

Summary of Staff Recommendations

	Description	Staff Recommendation
3	The Protected Areas Standard refers to “designations in effect as of May 11, 2007.”	More input needed.
4	The Protected Areas Standard contains a list of designation categories and specific protected areas that may be incomplete or out of date.	Amend OAR 345-022-0040(1) to update protected areas categories.
5	The Protected Areas Standard does not list Outstanding Resource Waters as Protected Areas.	Make no changes
6	The Protected Areas Standard may permit a transmission line or natural gas pipeline to be sited in a protected area when other lesser impact alternatives are available.	Amend rule to clarify OAR 345-022-0040(2)

Summary of Staff Recommendations

	Description	Staff Recommendation
7	The Scenic Resources standard does not specify that scenic resources and values identified as significant or important in state land management plans are protected.	Amend OAR 345-022-0080(1) to include state plans, more input needed on additional recommendations.
8	The application of new rules or standards to an Application for Site Certificate that is under review may prejudice the applicant.	More input needed
9	More specificity in how the Council evaluates impacts to scenic and recreation resources, and protected areas may be needed.	More input needed
10	The criteria for identifying important recreational opportunities may be unclear	More input needed

*Issue raised in whole or part by stakeholders