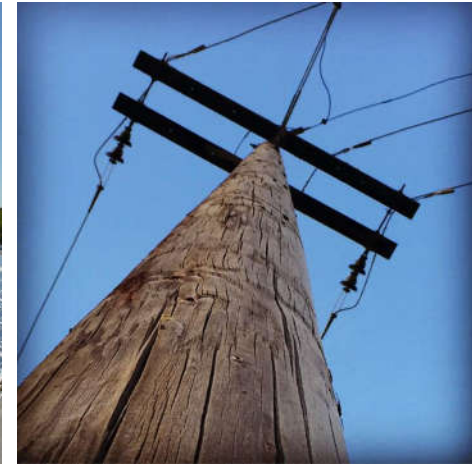


Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

Red Lion Inn
Pendleton, Oregon

December 19-20, 2019



Opening Items:

- Call to Order
- Roll Call
- Announcements

Announcements:

- For those attending in person:
 - Comment Registration Cards are available on the table.
 - GovDelivery Sign Up Cards to receive project information by email are also on the table
- Those participating via the AT&T phone line, please mute your phone and if you receive a phone call, please hang up from this call and dial back in after finishing your other call

Announcements continued:

- If you would like to address the Council, please do not use the speaker phone feature, because it will create feedback
- For those signed onto the webinar, please do not broadcast your webcam
- Please silence your cell phones
- Energy Facility Council meetings shall be conducted in a respectful and courteous manner where everyone is allowed to state their positions at the appropriate times consistent with Council rules and procedures. Willful accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the Council meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080, any person who engages in unacceptable conduct which disrupts the meeting may be expelled.



Agenda Item A.1 (Part 1 of 2 - Information Item)

Boardman to Hemingway Transmission Line - Council Review of Draft Proposed Order and Public Comments

December 19, 2019

Kellen Tardaewether – Senior Siting Analyst

Sarah Esterson – Senior Siting Analyst



Presentation Overview

- Proposed Facility and Location Overview
 - Components
 - Siting Studies and Corridor Selection
- Procedural History
- Council Review of Draft Proposed Order and Comments
 - Scope of Review and Options
 - DPO section by standard
 - Issues raised in comments
 - Applicant's response to issues raised; Department recommendations

Procedural History

Milestone	Responsible Party	Date
Notice of Intent (NOI)	Applicant	July 2010
Project Order	ODOE	March 2012
Preliminary Application for Site Certificate (pASC)	Applicant	February 2013
Amended Project Order	ODOE	December 2014
Amended Preliminary Application for Site Certificate (ApASC)	Applicant	July 2017
Second Amended Project Order	ODOE	July 2018
Application for Site Certificate (ASC)	Applicant	September 2018
Draft Proposed Order (DPO)	ODOE/EFSC	May 22, 2019
DPO Comment Period (92-days)	Public/Applicant	May 22 - August 22, 2019
Applicant Response to DPO Comment Deadline	Applicant	November 07, 2019

Proposed Facility

Transmission Line System (Across 5 Counties)

- Approx. 300 mile 500 kV transmission line
- Remove 12 miles of 69 kV transmission line
- Rebuild 0.9 mile of 230 kV transmission line and 1.1 mile of 138 kV transmission line

Alternative Route Segments (33.3 miles)

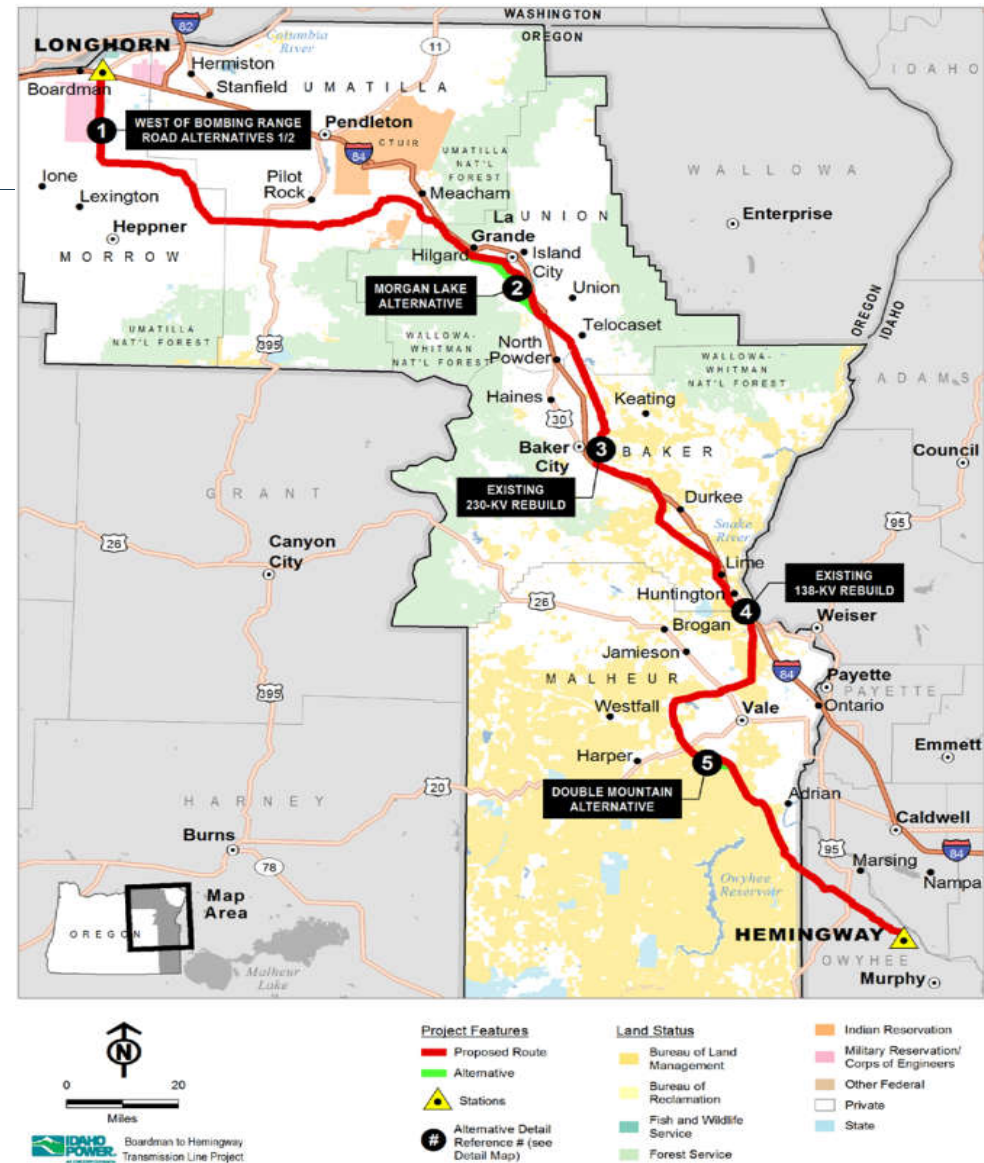
- 4 route segments, 3.7 – 18.5 miles, in Morrow, Union and Malheur counties

Station

- Longhorn Station

Communication System

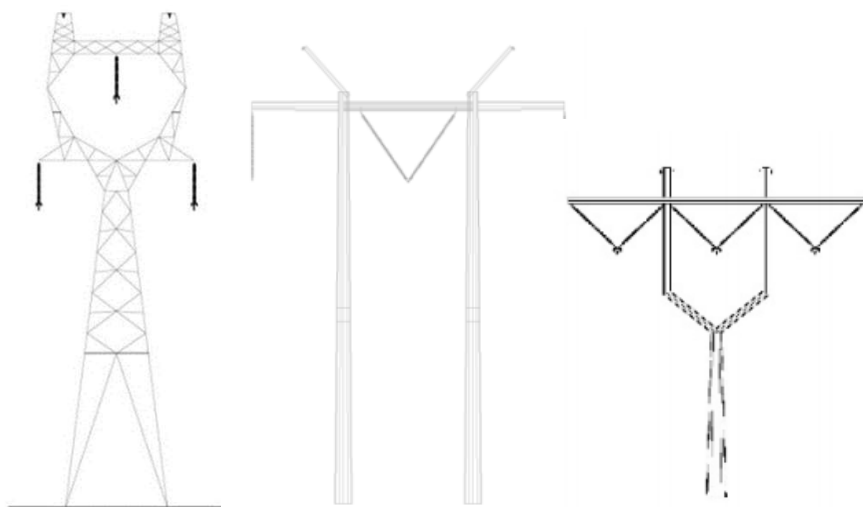
- Optical Ground Wire
- Communication Station Sites



Proposed Transmission Line System - Details

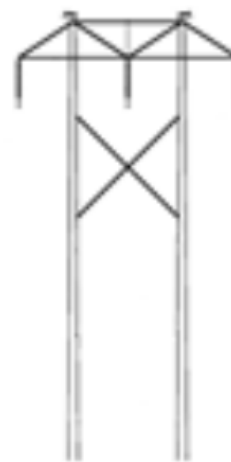
500 kV Structures (height)

- Single-Circuit Lattice Steel (109-200 feet)
- Single-Circuit Tubular Steel Pole Y-Frame and H-Frame (65-105 feet)



230 kV Rebuild Structures (height)

- Single-Circuit Steel H-Frame (57-75 feet)



138 kV Rebuild Structures (height)

- Single-Circuit Wood H-Frame (51-61 feet)



Proposed Longhorn Station (example layout)

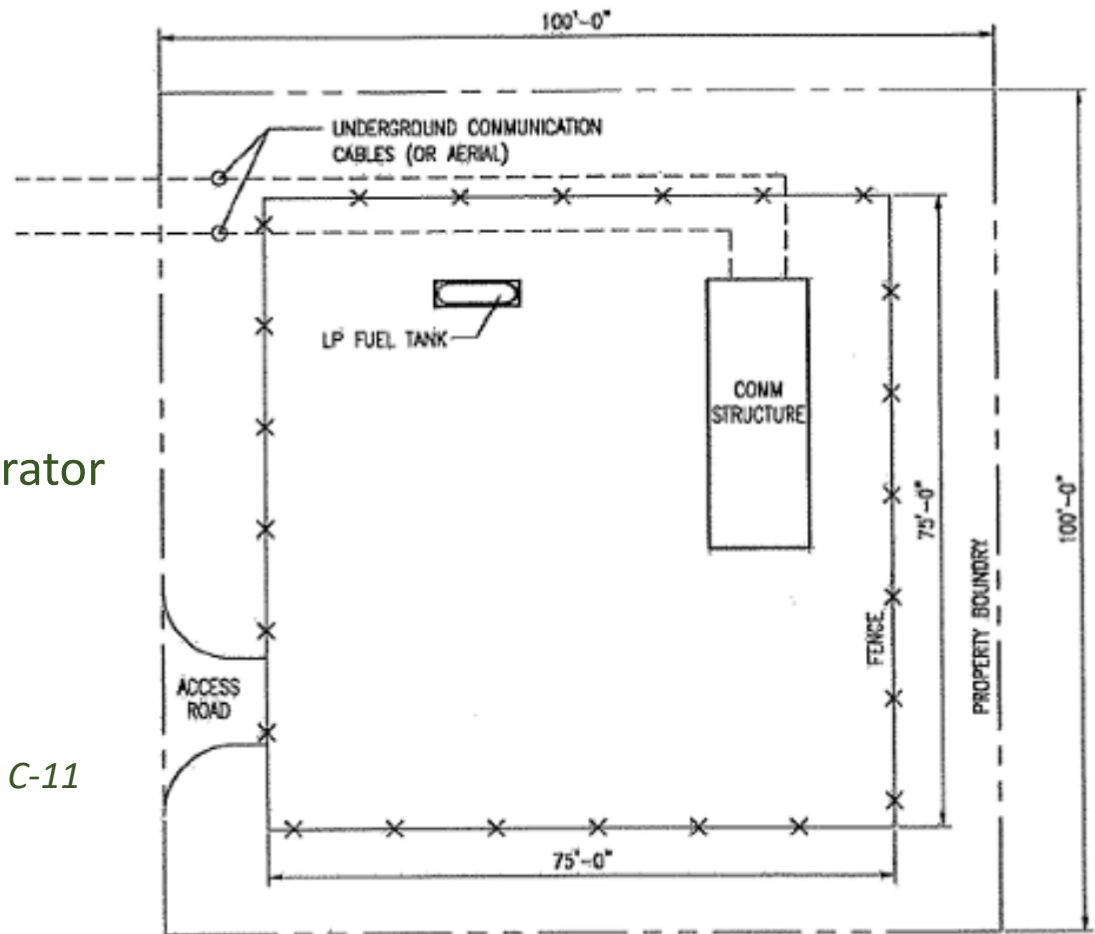


Proposed Communication Station Site Layout

- 10 communication sites, + 2 alternative sites
- ¼ acre in size, within ROW
- Includes:
 - Structure
 - Propane-fueled backup generator
 - Fencing

See DPO Table PF-1 (Page 38);

ASC Exhibit B Section 3.2.2.3; ASC Exhibit C Table C-11

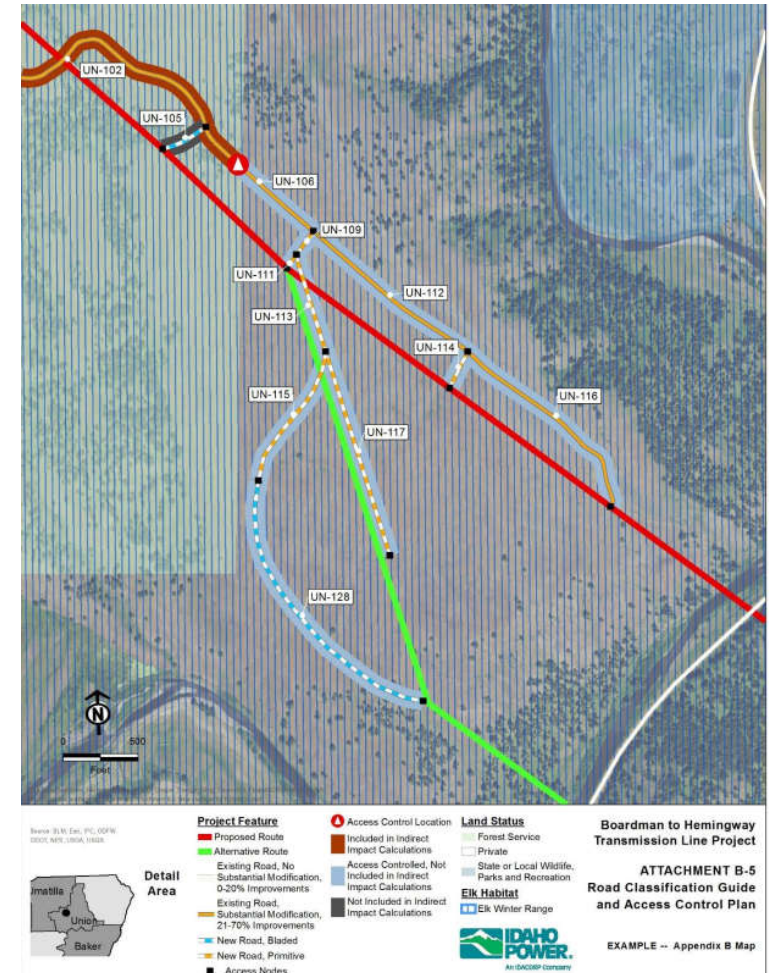


Related or Supporting Facilities

New and Substantially Modified Roads

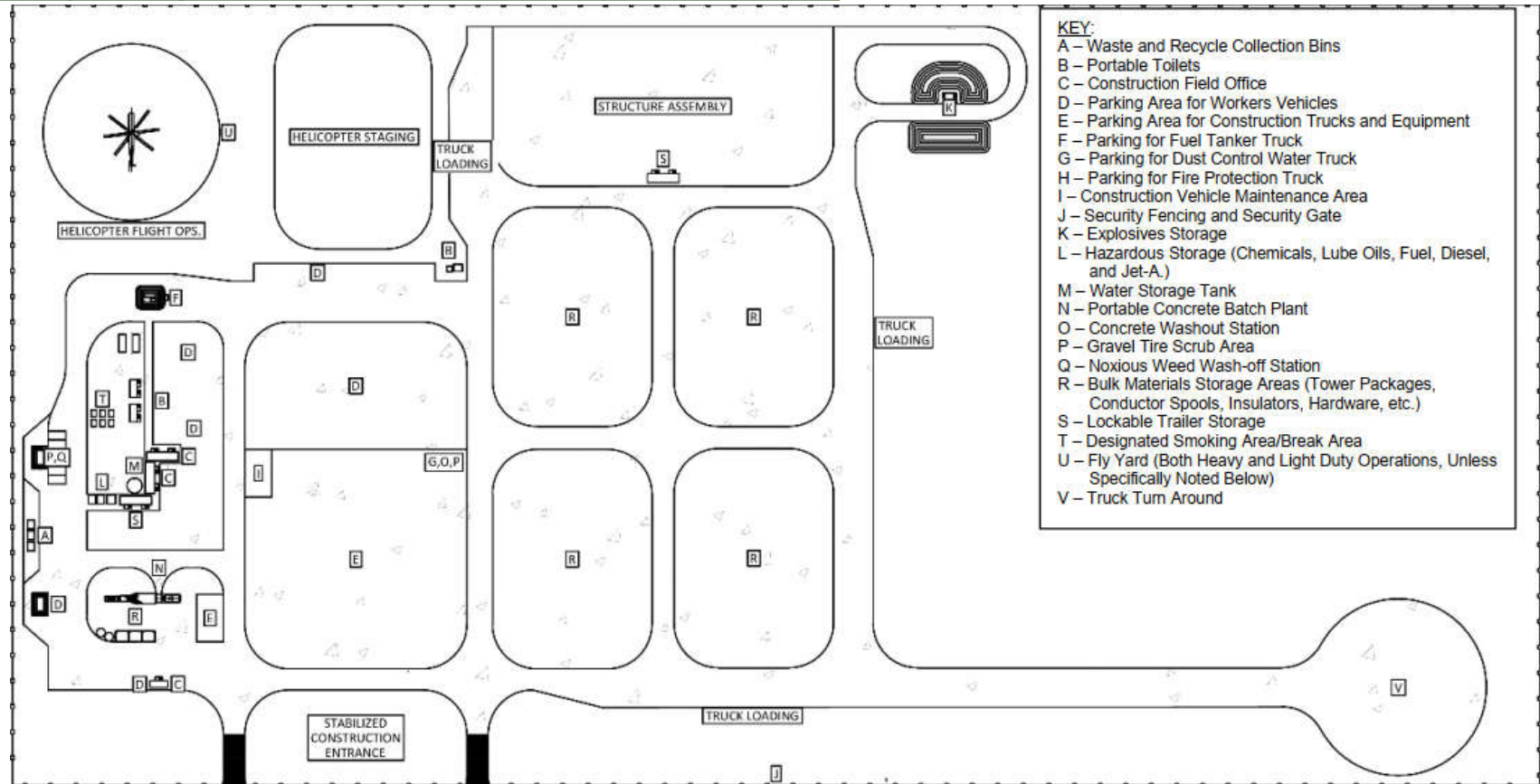
- **New Roads:**
 - Primitive
 - Bladed
- **Existing Roads - Substantial Modification:**
 - 21-70% Improved
 - 71-100% Improved

*See DPO Table PF-8 (Page 38);
ASC Exhibit B and DPO Attachment B-5, Road
Classification Guide and Access Control Plan*



Related or Supporting Facilities

Approx. 30 Temporary Multi Use Areas (30 acres, each)

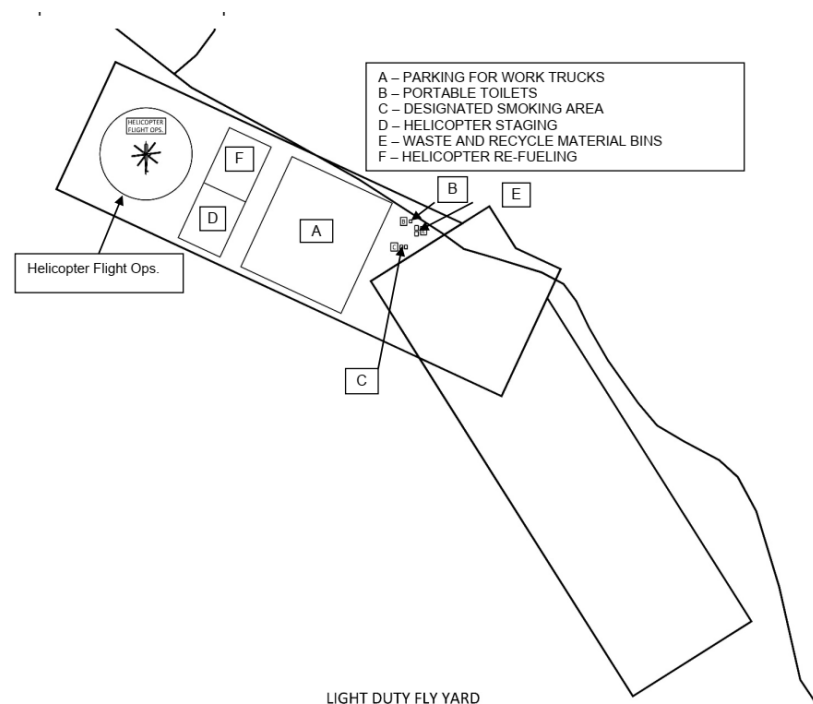
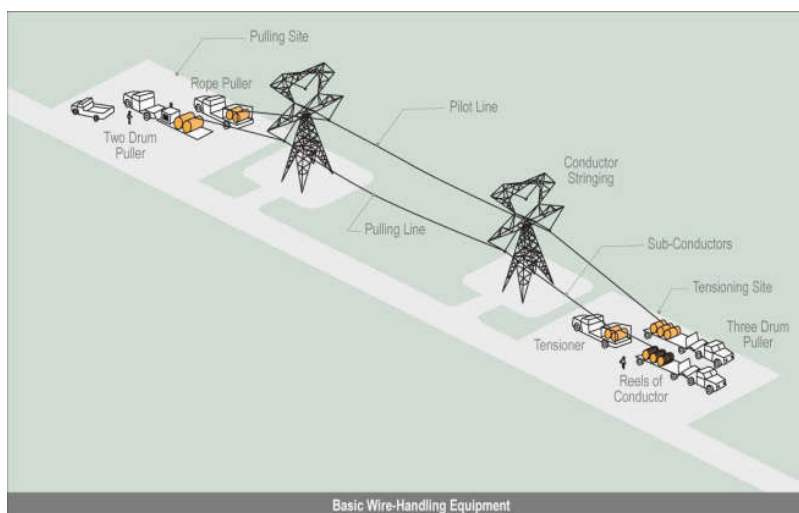


See DPO Page 40

Related or Supporting Facilities

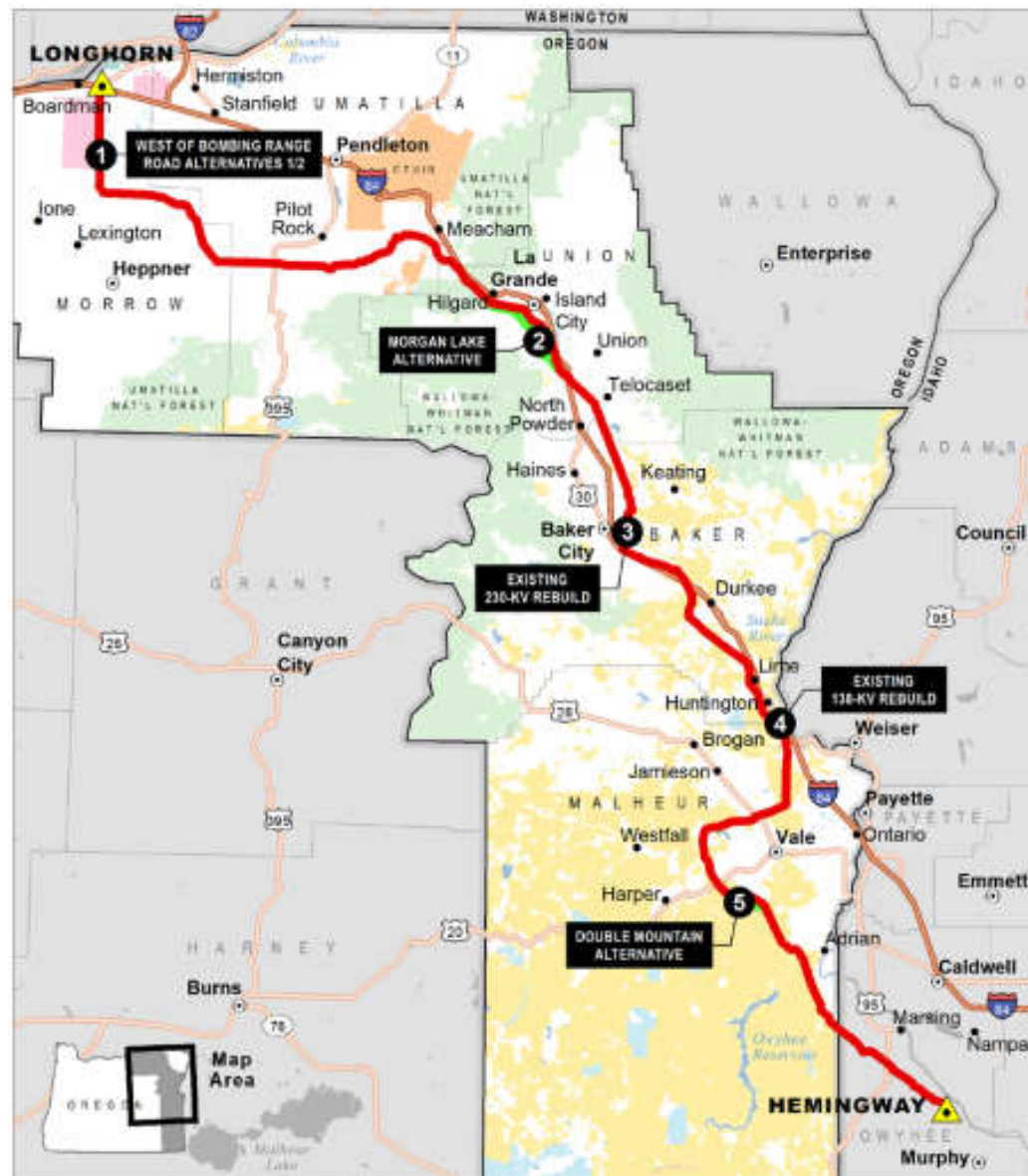
Pulling and Tensioning Sites and Light Duty Fly Yards

- Approx. 299 Pulling and Tensioning Sites
- Approx. 4 Light Duty Fly Yards



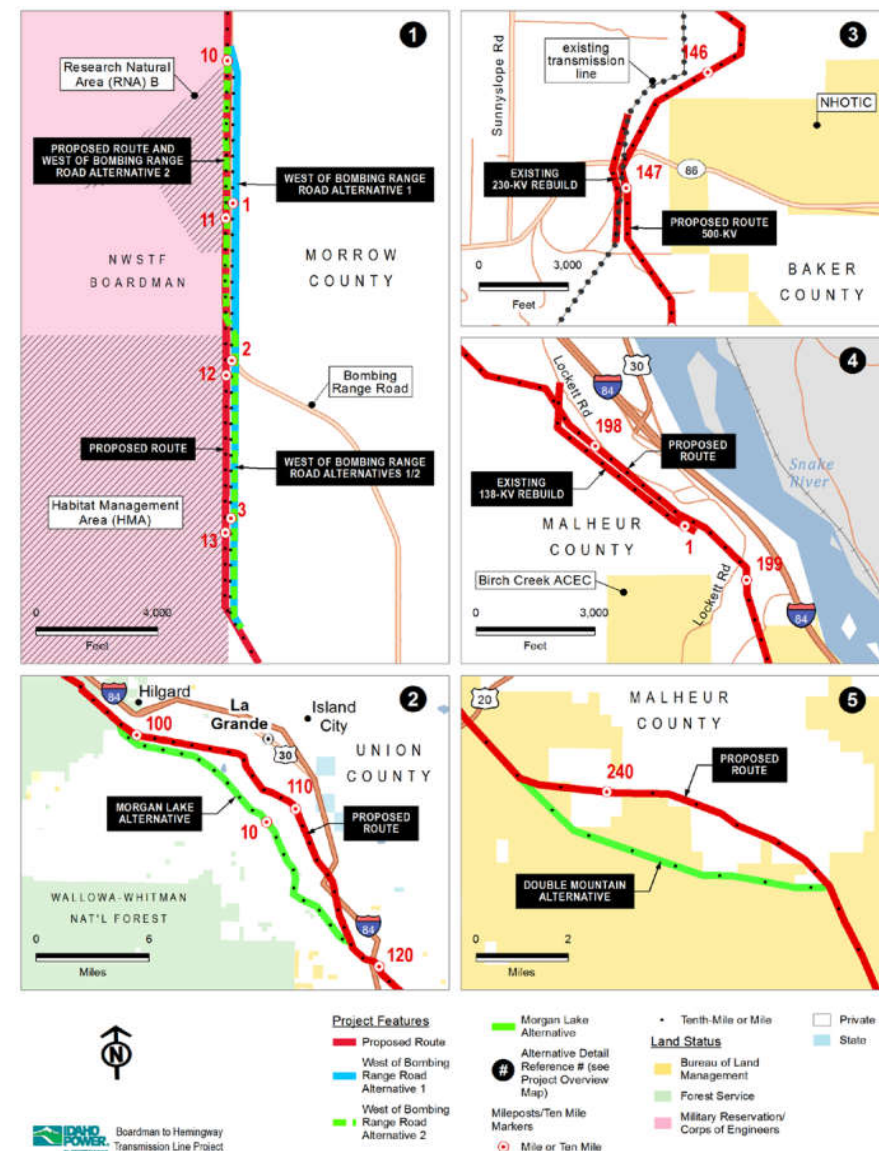
Proposed Facility Location

Component	County	Total Miles
Proposed Route		
Proposed Route	Morrow	47.5
	Umatilla	40.9
	Union	39.9
	Baker	68.4
	Malheur	74.1
230-kV Rebuild	Baker	0.9
138-kV Rebuild	Malheur	1.1
69-kV Removal	Morrow	12.0



Alternative Segment Location

Route	County	Total Miles
Alternative Routes		
West of Bombing Range Road 1	Morrow	3.7
West of Bombing Range Road 2	Morrow	3.7
Morgan Lake	Union	18.5
Double Mountain	Malheur	7.4



Transmission Corridor Assessment

- **Transmission Corridor Assessment and Selection**
 - Siting studies
 - Alternatives in the EFSC review process
- **Site Boundary and right-of-way (ROW) widths**

*See DPO Section III.A, Transmission Corridor Selection (Page 9);
DPO Section III.B, Site Boundary, Right-of-Way, and Proposed
Facility Location (Page 13) and Table PF-1: Site Boundary and
Temporary/Permanent Disturbance Areas (Page 15)*

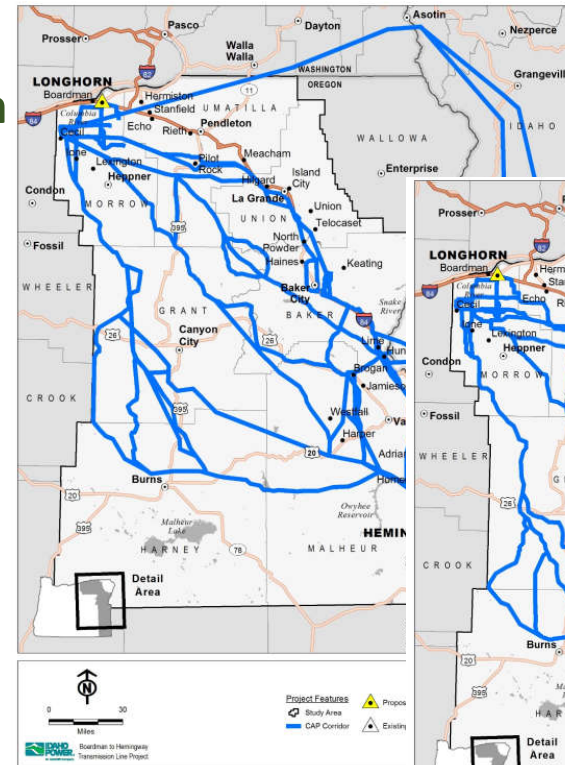


Figure B-8. Initial CAP Identified Corridors

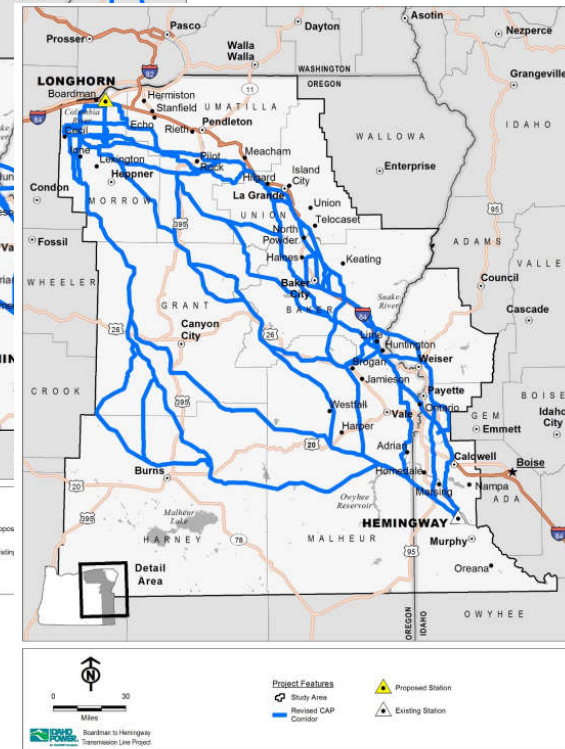


Figure B-9. Revised CAP Corridors

Council Scope of Review

OAR 345-015-0230

- Review DPO and provide comments for Department consideration in proposed order
- Provide comments individually, consensus or vote at EFSC meeting
 - Provide comments by issue or standard as staff presents

Review Options

- Dec Council meeting: conclude DPO/comment review
- Jan Council meeting: continue review of DPO/comment review

Council Scope of Review – Jurisdiction

Matters Outside Council Jurisdiction:

- design-specific construction or operating standards;
- practices that do not relate to siting;
- matters relating to employee health and safety;
- building code compliance;
- matters of land-acquisition;
- right-of-way easements;
- land access agreements;
- land-owner compensation

See ORS 469.401(4) and DPO Section I, Introduction (Page 1)

Council Scope of Review - Jurisdiction

- **Survey Data Based on Final Design and Site Access**
 - Structural Standard (OAR 345-022-0020)
 - Fish and Wildlife Habitat (OAR 345-022-0060)
 - Threatened and Endangered Species (OAR 345-022-0070)
 - Historic, Cultural and Archaeological Resources (OAR 345-022-0090)
 - Oregon Removal-Fill Law (OAR 141-085-0500 through 141-085-0785; ORS 196.795 - 196.990)
- **Permits Under Council Jurisdiction – included in ASC**
 - Removal Fill Permit (Oregon Department of State Lands)
 - Fish Passage (Oregon Department of Fish and Wildlife)
 - Land Use Decisions (Morrow, Umatilla, Union, Baker, Malheur counties; City of North Powder; City of Huntington)



See DPO III.D, Survey Data Based on Final Design and Site Access (Page 40)

Council Review of DPO/Comments

Section IV.A. General Standard of Review: OAR 345-022-0000

- (1) To issue a site certificate for a proposed facility or to amend a site certificate, the Council shall determine that the preponderance of evidence on the record supports the following conclusions:
 - (a) The facility complies with the requirements of the Oregon Energy Facility Siting statutes...and the standards adopted by the Council ...
 - (b) ...Land use compliance...

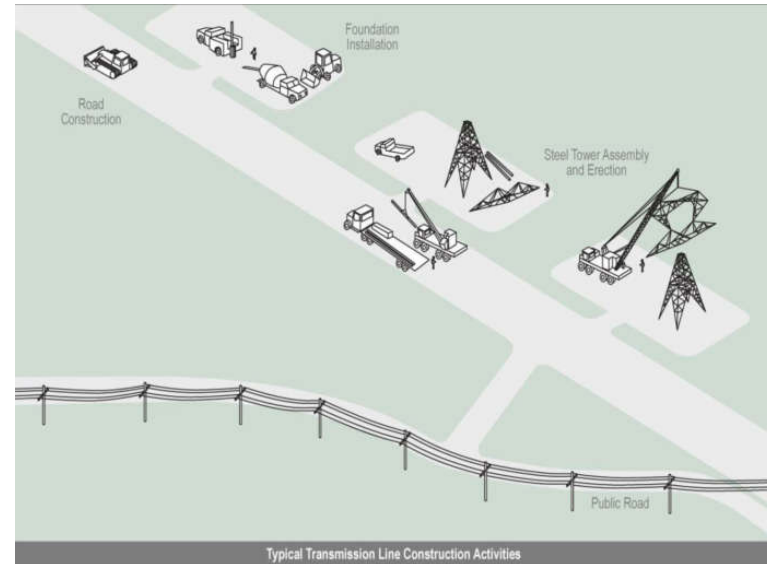


See DPO Section IV.A. General Standard of Review, (Page 47)

Council Review of DPO/Comments

Section IV.A. General Standard of Review: OAR 345-022-0000

- Applicant proposed construction commencement and completion dates
- Department recommended construction commencement and construction completion deadlines (Gen Standard Condition 1)



See DPO Section IV.A. General Standard of Review (Page 52-53)

Council Review of DPO/Comments

Section IV.A. General Standard of Review: OAR 345-022-0000

- Semiannual construction progress report and annual report (Gen Standard Conditions 3-4)
- Mandatory Conditions:
 - Vegetation restoration (Gen Standard Condition 9)
- Site Specific Conditions:
 - Certificate holder may construct the facility anywhere within the site boundary (approved corridor(s))... (Gen Standard Condition 11)

Council Review of DPO/Comments

Section IV.B. Organizational Expertise: OAR 345-022-0010

- (1) To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition...

Council Review of DPO/Comments

Section IV.B. Organizational Expertise: OAR 345-022-0010

Idaho Power Company

- Construction, maintenance and operational experience
- Access to technical expertise
- Mitigation experience

Third-Party Permits (Communication Stations)

- Utility Crossing, Installation of Utilities on County and Public Roads, County Right of Way, Land Use Decision



See DPO Section IV.B. Organizational Expertise (Page 61-62)

Council Review of DPO/Comments

Section IV.B. Organizational Expertise: OAR 345-022-0010

- Documentation of inspection (Org. Expertise Condition 1)
 - Transmission Lines
 - Longhorn Station
- All construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate (Org. Expertise Condition 4)

Exhibit A Applicant Information

Boardman to Hemingway Transmission
Line Project



Exhibit D Organizational Expertise

Boardman to Hemingway Transmission
Line Project



Mark Stokes, Project Leader
(208) 388-2483
mstokes@idaho-power.com

Zach Funkhouser, Permitting
(208) 388-5375
zfunkhouser@idaho-power.com

Application for Site Certificate

September 2018



See DPO Section IV.B. Organizational Expertise (Page 61-62)

Council Review of DPO/Comments

Section IV.C. Structural Standard: OAR 345-022-0020

- (1) ...to issue a site certificate, the Council must find that:
- (a) The applicant, through appropriate site-specific study, has adequately characterized the seismic hazard risk of the site; and
 - (b) The applicant can design, engineer, and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site, as identified in subsection (1)(a);
 - (c) The applicant, through appropriate site-specific study, has adequately characterized the potential geological and soils hazards of the site and its vicinity that could, in the absence of a seismic event, adversely affect, or be aggravated by, the construction and operation of the proposed facility; and
 - (d) The applicant can design, engineer and construct the facility to avoid dangers to human safety and the environment presented by the hazards identified in subsection (c).



See DPO Section IV.C. Structural Standard (Page 67)

Council Review of DPO/Comments

Section IV.C. Structural Standard: OAR 345-022-0020

Hazards and Assessment Methods

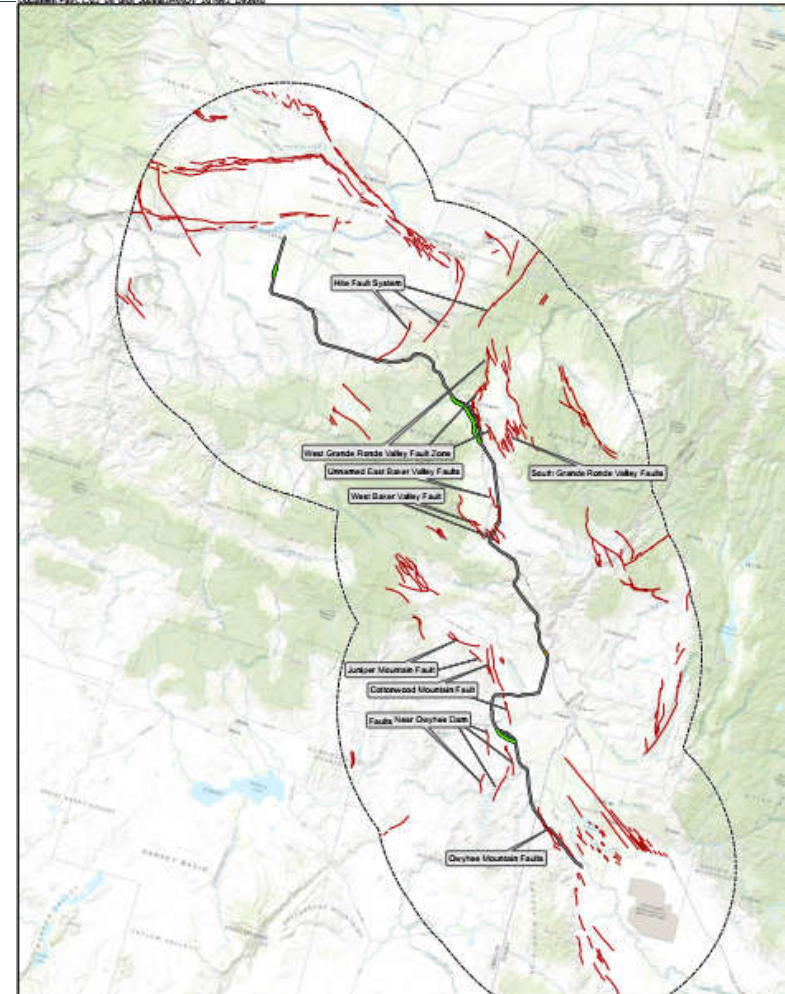
Seismic (Earthquake) Hazards

- Ground motion
- Ground failure
- Landslides
- Liquefaction
- Subsidence
- Lateral spreading

Non-Seismic Hazards

- Mass Wasting/Landslides
- Flooding
- Erosion

See DPO Section IV.C (Page 67-84)



Council Review of DPO/Comments

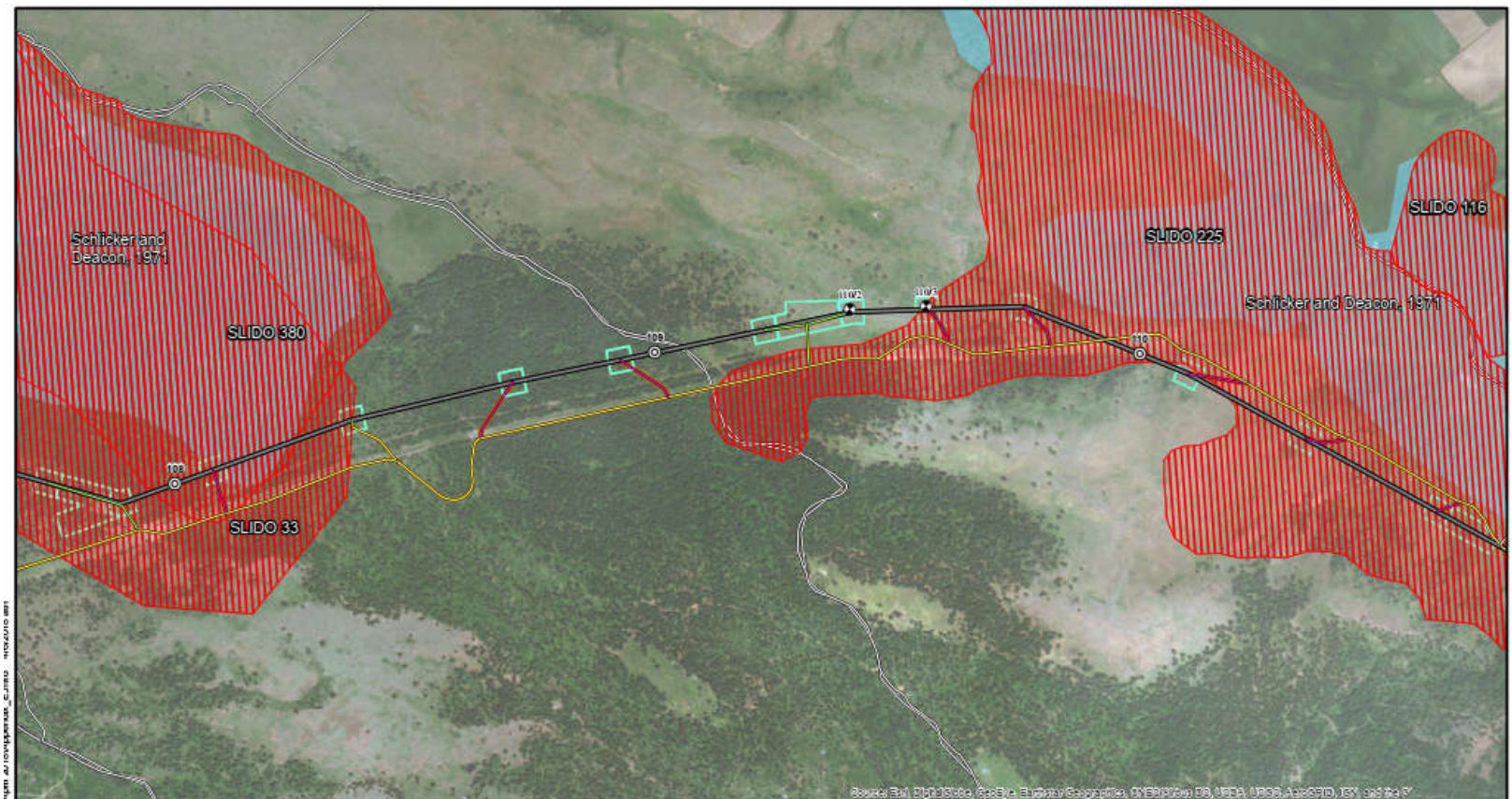
Section IV.C. Structural Standard: OAR 345-022-0020

- **Site Specific Geotechnical Work**
 - Conducted to date
 - Pre-construction
- **Issues/Concerns**
 - Blasting
 - Landslides/slope stability
 - Earthquakes

Council Review of DPO/Comments

Section IV.C. Structural Standard: OAR 345-022-0020

- Mapped landslides (Union County)



Council Review of DPO/Comments

Section IV.D. Soil Protection: OAR 345-022-0022

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in a significant adverse impact to soils including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills.



See DPO Section IV.D. Soil Protection, (Page 85)

Overview of Draft Proposed Order and Comments

Section IV.D. Soil Protection: OAR 345-022-0022

Assessment Methods

- Land use evaluation
- Disturbance Areas
- Evaluation of soil properties

Potential Soil Impacts

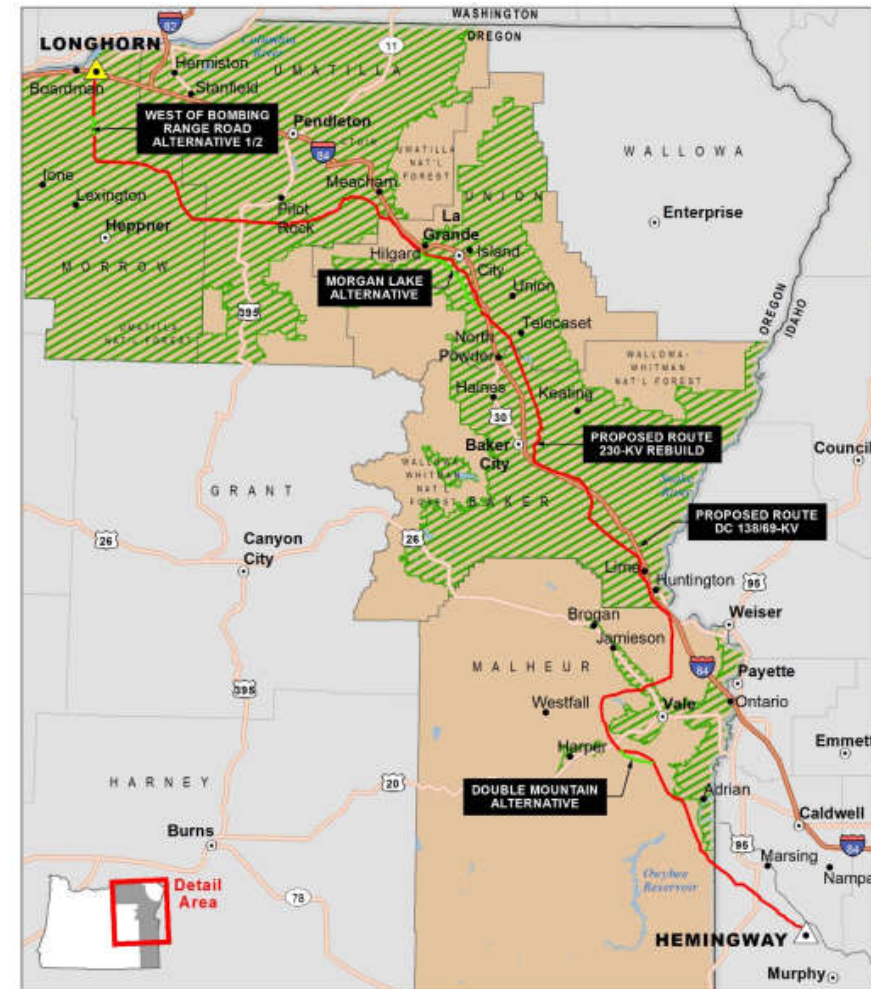
- Erosion; compaction; reclamation; herbicide use; chemical spills

Mitigation Measures

- Best management practices (1200-C permit); avoidance; revegetation and reclamation



See DPO Section IV.D., Soil Protection (Pages 85-94)



Council Review of DPO/Comments

Section IV.D. Soil Protection: OAR 345-022-0022

Soil Erosion Potential - Assessment

- Soil K Factor
- Wind Erodibility
- Slope
- Slope T Factor

Table I-5. Erosion Factors in the Construction Disturbance Area (acres/percent of Construction Disturbance Area)

Route	County	Erosion Factors							
		Highly Wind Erodible ^{2,3}		High K Factor ^{2,4}		Slope Greater Than 25% ⁶		Low T Factor ^{2,5}	
		Acres	Percent	Acres	Percent	Acres	Percent	Acres	Percent
Proposed Route	Morrow ¹	346.8	54.7	443.9	70.1	–	–	286.7	45.3
	Umatilla	147.3	20.6	676.0	94.7	65.3	9.2	387.9	54.4
	Union	–	–	446.4	72.1	–	–	220.4	35.6
	Baker	–	–	361.2	34.7	390.9	37.6	614.2	59.1
	Malheur	602.9	44.9	555.2	41.4	121.6	9.1	745.6	55.6
Total Proposed Route		1,097.1	25.2	2,482.7	57.1	577.9	13.3	2,254.8	51.9
Alternative Routes									
West of Bombing Range Road Alt 1	Morrow	31.7	100	31.7	100	–	–	–	–
West of Bombing Range Road Alt 2	Morrow	22.4	100	22.4	100	–	–	–	–
Morgan Lake	Union	–	–	222.1	76.9	–	–	79.0	27.4
Double Mountain	Malheur	46.2	29.4	46.2	29.4	–	–	110.7	70.6



See DPO Section IV.D., Soil Protection (Pages 85-94)

Council Review of DPO/Comments

(Part 1 of 2)

Council Deliberation:

Questions/Comments on DPO, Comments/Issues Raised, and
Applicant Responses



Agenda Item B

- Council Secretary Report

Agenda Item C (Action Item)

Shepherds Flat North: Council Decision on the Proposed Order on Request for Amendment 2 of the Site Certificate

December 20, 2019

Chase McVeigh-Walker, Senior Siting Analyst, ODOE



Presentation Overview:

- Facility Overview and Site Certificate History
- Request for Amendment (RFA) 2 Procedural History
- RFA2 Proposed Changes
- Proposed Order (Action Item)

Facility Overview

Certificate Holder:

North Hurlburt Wind, LLC

Certificate Holder Parent Company:

Caithness Energy, LLC; subsidiary of Caithness Equities Corporation

Type of Facility:

106 wind turbines (maximum generating capacity of 265 megawatts)

Relating or Supporting Facilities:

Electrical collection system
Collector substation
Interconnection transmission line
Meteorological towers
SCADA system
Access roads

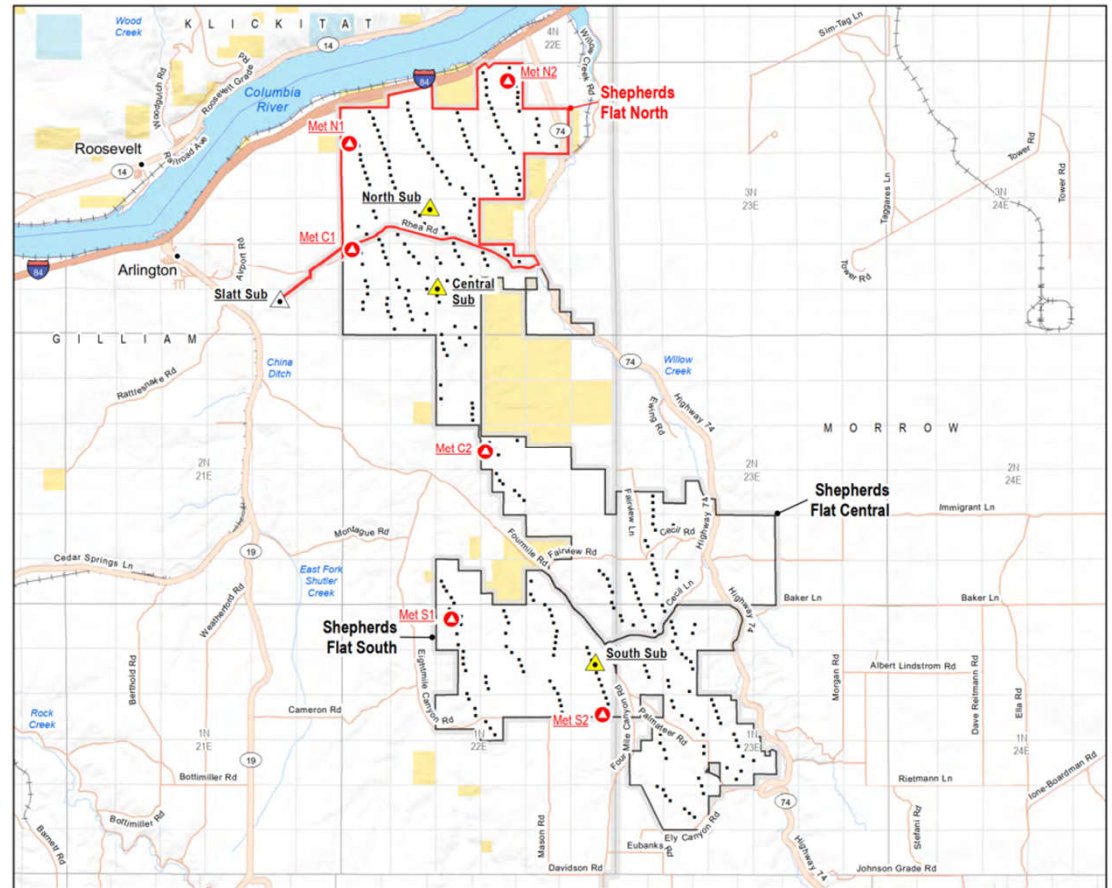
Facility Site/Site Boundary Location 1 of 2

Site Boundary

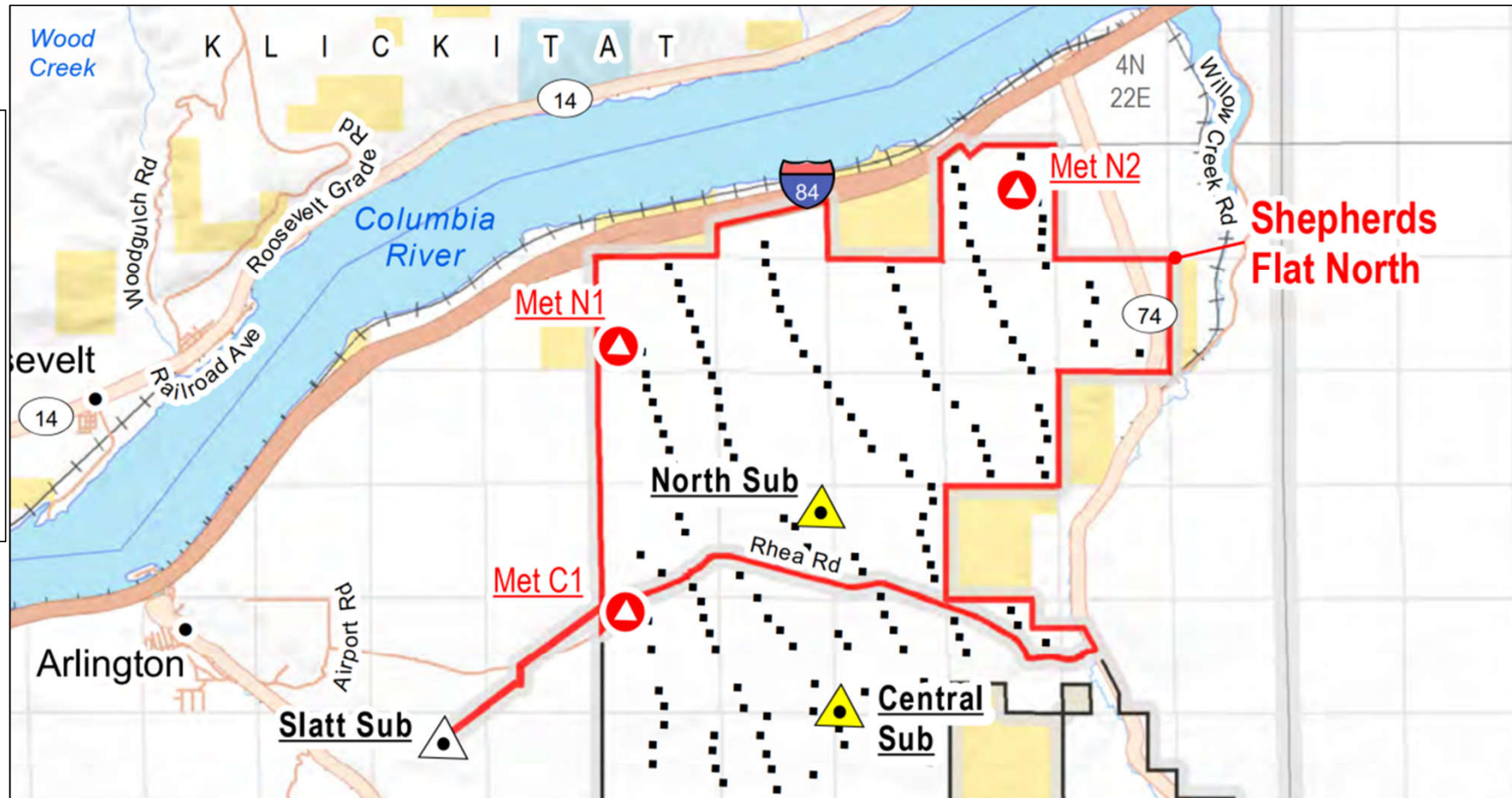
- Contains approximately 9,264 acres
- Private Land in Gilliam County

Site Certificate History

- Site Certificate effective July 25, 2008
- Site Certificate Amended on March 12, 2010 (Amendment 1)
- Construction completed 2012



Facility Site/Site Boundary Location 2 of 2



RFA2 – Requested Modifications

- Requests the authorization to lower the minimum aboveground wind turbine blade tip clearance, from 25 to 21.5 meters (~82 feet to 71 feet), and install longer turbine blades on the existing towers – known as “wind turbine repowering”.*
- Type B Amendment Review

Condition Changes

- Condition 26

**Note that the proposed repowering would not change the approved maximum blade tip height of 150 meters.*

RFA2 – Procedural History

Requirement	Responsible Party	Date
Preliminary Request for Amendment 2	Certificate Holder	10/07/2019
Type B Determination	ODOE	10/23/2019
Complete RFA2 Received	Certificate Holder	11/21/2019
Draft Proposed Order Issued (Type B)	ODOE	11/22/2019
Comment Period (21-days)	ODOE	12/13/2019
Proposed Order/Public Notice	ODOE	By 12/17/2019
Council review of Proposed Order	EFSC	12/20/2019
Final Order/Amended Site Certificate	EFSC	TBD

Overview of Draft Proposed Order

No substantive changes in findings in Draft Proposed Order for the following standards:

- Organizational Expertise
- Protected Areas
- Retirement and Financial Assurance
- Threatened and Endangered Species
- Scenic Resources
- **Historic, Cultural and Archeological Resources**
- Recreation
- **Public Services**
- Siting Standards for Transmission Lines
- Removal-Fill Law
- Water Rights

Overview of Draft Proposed Order

General Standard of Review [OAR 345-022-0000]

Draft Proposed Order, Section III.A.1. (Starting on page 11)

- **Recommend Condition 104 (New Condition)**
Specify construction commencement deadline for the proposed RFA2 facility repower
- **Recommend Condition 105 (New Condition)**
Specify construction completion deadline for the proposed RFA2 facility repower

Overview of Draft Proposed Order

Structural Standard [OAR 345-022-0020]

Draft Proposed Order, Section III.A.3. (Starting on page 17)

- **Recommend Condition 106 (New Condition)**
Implementation of any necessary mitigation and remediation measures, or operational timing recommendations, if identified in the forthcoming foundation upright analysis
- **Recommend amendment to Condition 62**
Implementation of any necessary mitigation and remediation measures, or operational timing recommendations

Overview of Draft Proposed Order

Soil Protection [OAR 345-022-0022]

Draft Proposed Order, Section III.A.4. (Starting on page 21)

- Recommend amendment to Condition 73
Clarify that the requirements would continue to apply to the proposed RFA2 facility repower activities

Overview of Draft Proposed Order

Land Use [OAR 345-022-0030]

Draft Proposed Order, Section III.A.5. (Starting on page 23)

- **Recommend Condition 107 (New Condition)**
Require certificate holder to request a zoning and conditional use permit amendment or alteration from Gilliam County, and to obtain all other local permits
- **Recommend Condition 108 (New Condition)**
Minimize potential impacts to local roads

Overview of Draft Proposed Order

Land Use [OAR 345-022-0030] - CONTINUED

Draft Proposed Order, Section III.A.5. (Starting on page 23)

- **Recommend Condition 109 (New Condition)**
Require certificate holder to develop a specific Weed Control Plan in coordination with Gilliam County
- **Recommend Condition 110 (New Condition)**
Ensure the proposed RFA2 facility repower complies with GCZO setback requirements

Overview of Draft Proposed Order

Fish and Wildlife Habitat [OAR 345-022-0060]

Draft Proposed Order, Section III.A.6. (Starting on page 31)

- **Recommend Condition 111 (New Condition)**
Implementation of revegetation measures
- **Recommend Condition 112 (New Condition)**
Measures to minimize potential impacts to state-sensitive species
- **Recommend Condition 113 (New Condition)**
Require certificate holder to conduct two years of bird and bat fatality monitoring

Overview of Draft Proposed Order

Waste Minimization [OAR 345-022-0120]

Draft Proposed Order, Section III.A.9. (Starting on page 42)

- **Recommend Condition 114 (New Condition)**
Require certificate holder to minimize waste generation consistent with Council's standard: ensuring turbine blades, hubs and other removed wind turbine components are reused or recycled to the extent practicable

Overview of Draft Proposed Order

Public Health and Safety Standards for Wind Energy Facilities [OAR 345-024-0010]

Draft Proposed Order, Section III.A.10.1. (Starting on page 43)

- Recommend amendment to condition 26
Change the minimum blade tip clearance for wind turbines from 25 meters to 21.5 meters ` (~82 feet to 70.5 feet), and the removal of the facility megawatt output limitation
- Recommend condition 115 (New Condition)
Require certificate holder to submit a Notice of Proposed Construction and Alteration to the FAA and ODA for modified Turbines



Overview of Draft Proposed Order

Noise Control Regulations [OAR 340-035-0035]

Draft Proposed Order, Section III.A.11.1. (Starting on page 50)

- Recommend condition 116 (New Condition)
 - Require verification of ongoing compliance with applicable State noise regulations and requirements

Review of Proposed Order

Comments Received on Draft Proposed Order: The Department has received **four** comments on the record of the DPO. Comments were received from:

- The Oregon Department of Fish and Wildlife (ODFW)
- The Confederated Tribes of the Umatilla Indian Reservation (CTUIR)
- The Morrow County Planning Department
- The Certificate Holder (North Hurlburt Wind, LLC)

Staff's evaluation of these comments, as well as any others submitted prior to the comment deadline, and any recommended responses will be provided to Council in the Proposed Order early next week.

Review of Proposed Order

Overview of Comments received:

ODFW: No further comments on RFA2 or the DPO.

CTUIR: Archeological pedestrian surveys at all areas where the proposed project needs to expand beyond existing roads, and areas not previously disturbed or cleared for cultural resources.

Morrow County: Potential utilization and impact to the Morrow County road network would require implementing a full Road Use Agreement before the start of the repowering.

The Certificate Holder: Proposed changes to five (5) of the “New Conditions” the Department recommended Council impose – Condition 107, 108, 109, 110, and 114

Council Decision on the Proposed Order

Option 1

Approve Proposed Order and Adopt Final Order

Option 2

Approve Proposed Order with Modifications and adopt Final Order

Option 3

Deny Proposed Order, direct staff to make changes and re-issue Proposed Order

Agenda Item D (Information Item)

Permanent Amendment Rulemaking Council Review of Public Comments

December 20, 2019

Christopher M. Clark, Rules Coordinator



Overview

- Procedural History & Schedule
- Summary of Proposed Rules
- Review of Comments and Staff Evaluation
- Rulemaking Schedule

Procedural History & Schedule

Permanent Rulemaking Steps	Completion Date
Council initiates permanent rulemaking process.	Aug. 22, 2019
Staff solicits written advice from stakeholders	Aug. 28 – Sept. 27, 2019
Staff prepares draft proposed rules & notice	Oct. 10, 2019
Council authorizes staff to issue Notice	Oct. 25, 2019
Staff issues Notice	Oct. 25, 2019
Rulemaking Hearing	Nov. 21, 2019
Last day for public comment	Dec. 18, 2019 (5:00 p.m.)*
Council considers testimony and adopts permanent rules	Dec. 20, 2019 & Jan. 23-24, 2020
Staff submits permanent rule filing to Secretary of State	Jan. 24, 2020 (or later)
Permanent rules are effective	Jan. 24, 2020 (or later)
Last date temporary rules could be effective	Feb. 18, 2020
Council initiates rulemaking project to evaluate rules	Jan. 1, 2022

*Council extended the public comment period prior to the public hearing on Nov. 21, 2019.

Summary of Proposed Rules

- **Amend** affected rules in OAR 345-015 and 345-025 to re-adopt changes made by October 2017 rulemaking.
 - Amend OAR 345-015-0014; 345-015-0016; 345-015-0080; 345-015-0230; and 345-027-0371 to establish separate procedural requirements for contested case notices and public notices on a proposed order.
- **Repeal** all OAR 345-027 rules adopted or amended by October 2017 rulemaking.
- **Permanently adopt** temporary rules in OAR 345-027, and:
 - Amend OAR 345-027-0110(4) and 345-027-0220(3) to reduce the number of paper copies required for a request for termination or request for approval to construct, operate and retire a gas storage testing pipeline.
 - Amend OAR 345-027-0110; 345-027-0360(1)(f); 345-027-0367; 345-027-0368; 345-07-0371; 345-027-0372; 345-027-0400 to adopt language that better aligns property owner notification requirements with local government practice.
 - Amend OAR 345-027-0375(3) to clarify that Council must apply applicable laws and Council standards in effect on the date amended site certificate is executed (not issued)

Overview of Public Comments

- Council reviewed and responded to procedural requests from Friends of the Columbia Gorge, et al. on Nov. 21, 2019.
- Council held a public hearing on Nov. 21, 2019. Ms. Irene Gilbert provided oral testimony.
- NOTE: The public comment period ends at 5:00 pm on December 18, 2019. This presentation will be updated to reflect additional comments received before that time.

Staff Evaluation

Issue: Requirement for a person to provide a description of their interest in a proceeding on a request for amendment “doesn’t impact the decision about whether or not the request for an issue is valid” and should be removed.

Staff Recommendation: Staff recommends deleting the proposed OAR 345-027-0371(6)(e) and existing OAR 345-015-0016(5)(d) because these sections appear to duplicate requirements which in OAR 345-027-0371(6)(h) and (i) and the Attorney General’s model rules, respectively.

Staff Evaluation

Issue: OAR 345-027-0353 is inconsistent with statute because the list of changes to a facility which are exempt from requiring an amendment in that rule do not include all of the exceptions to the requirement for a site certificate under ORS 469.320.

Staff Recommendation: Staff believes that the rules are consistent with statute, and does not recommend changes to the proposed rules at this time. Staff recommends Council review this issue further in the 2022 rulemaking.

Staff Evaluation

Issue: Contested case issues should not be limited to significant issues of fact or law that may affect the Council's determination that the facility, with the change proposed by the amendment, meets the applicable laws and Council standards included in chapter 345 divisions 22, 23 and 24.

Staff Recommendation: Staff recommends Council review this issue further in the 2022 rulemaking.

Agenda Item E

PUBLIC COMMENT **(Items not otherwise on the Agenda)**

BREAK

Agenda Item A.2 (Part 2 of 2 - Information Item)

Boardman to Hemingway Transmission Line, Council Review of Draft Proposed Order and Public Comments

December 20, 2019

Kellen Tardaewether – Senior Siting Analyst

Sarah Esterson – Senior Siting Analyst

Maxwell Woods – Senior Policy Advisor



Council Scope of Review

OAR 345-015-0230

- Review DPO and provide comments for Department consideration in proposed order
- Provide comments individually, consensus or vote at EFSC meeting
 - Provide comments by issue or standard as staff presents

Review Options

- Dec Council meeting: conclude DPO/comment review
- Jan Council meeting: continue review of DPO/comment review

Council Review of DPO/Comments

Section IV.E. Land Use: OAR 345-022-0030

(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.

(2) The Council shall find that a proposed facility complies with section (1) if:

(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:

(A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility ...

(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or

(C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).

(3) ...applicable substantive criteria...

(4) ...goal compliance ...



See DPO Section IV.E., Land Use (Page 95)

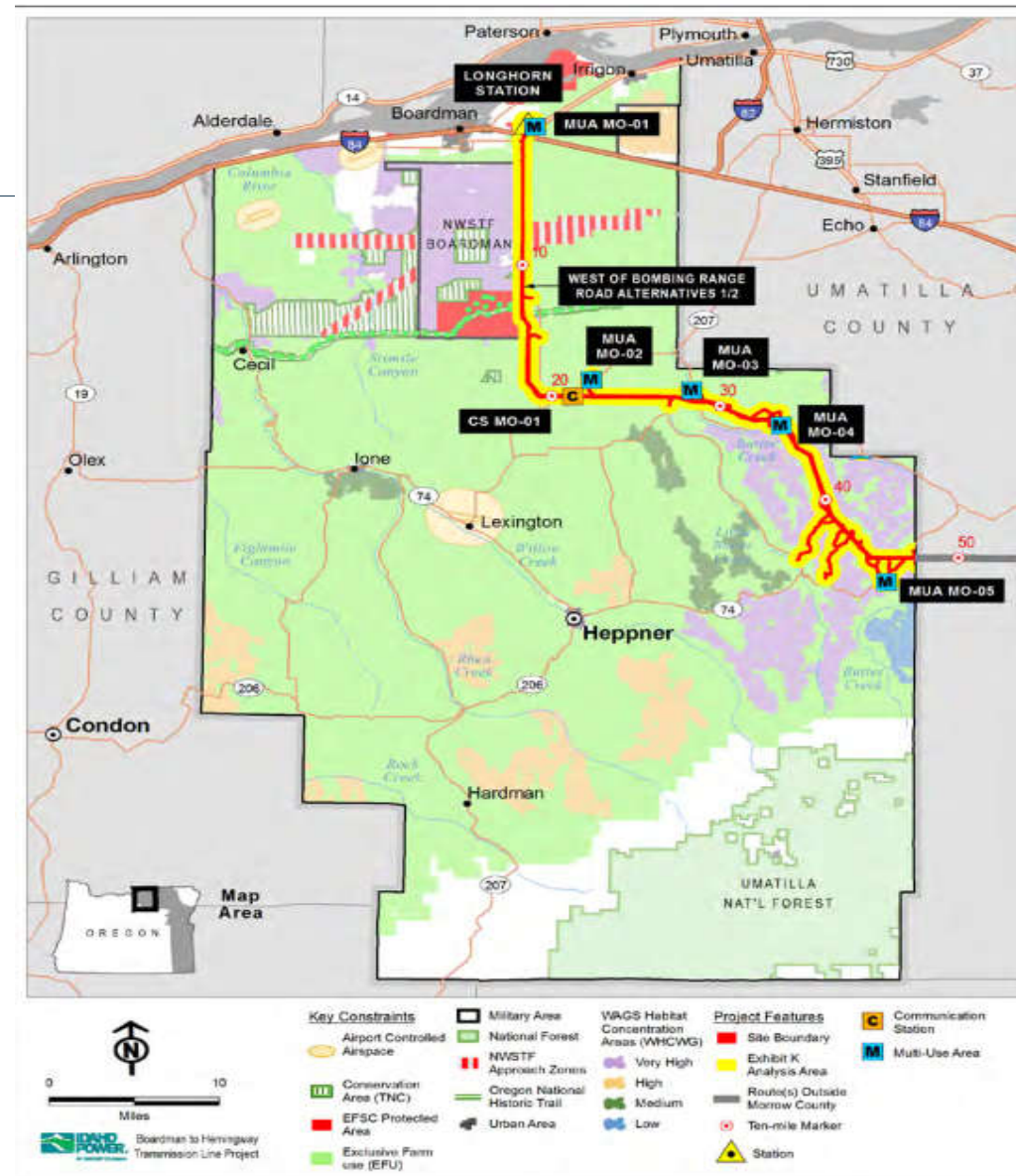
Council Review of DPO/Comments –

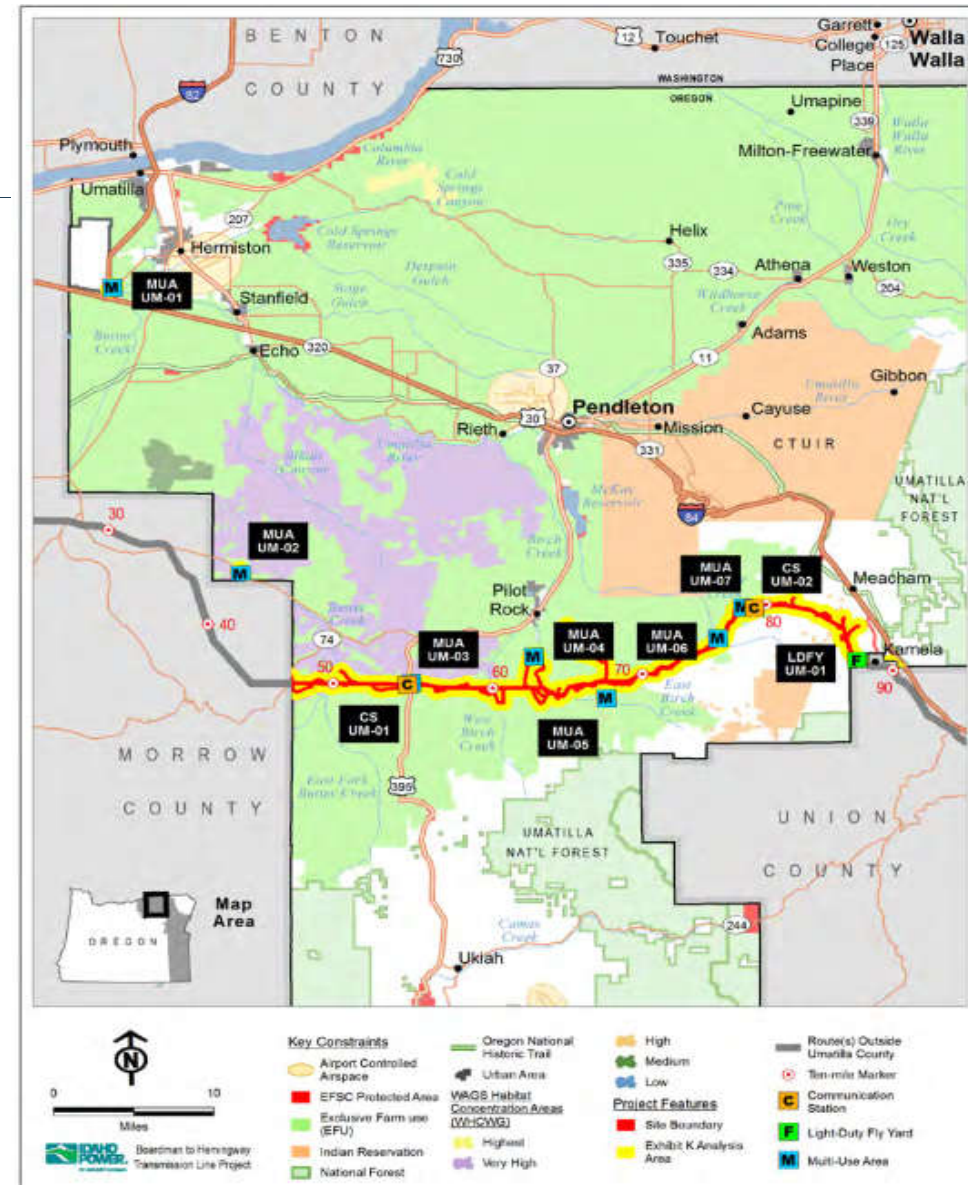
Section IV.E Land Use OAR 345-022-0030

Morrow County Zones

Exclusive Farm Use
General Industrial
Port Industrial
Existing Rights of Way
Public Zone

See DPO Section IV.E., Land Use (Page 102)



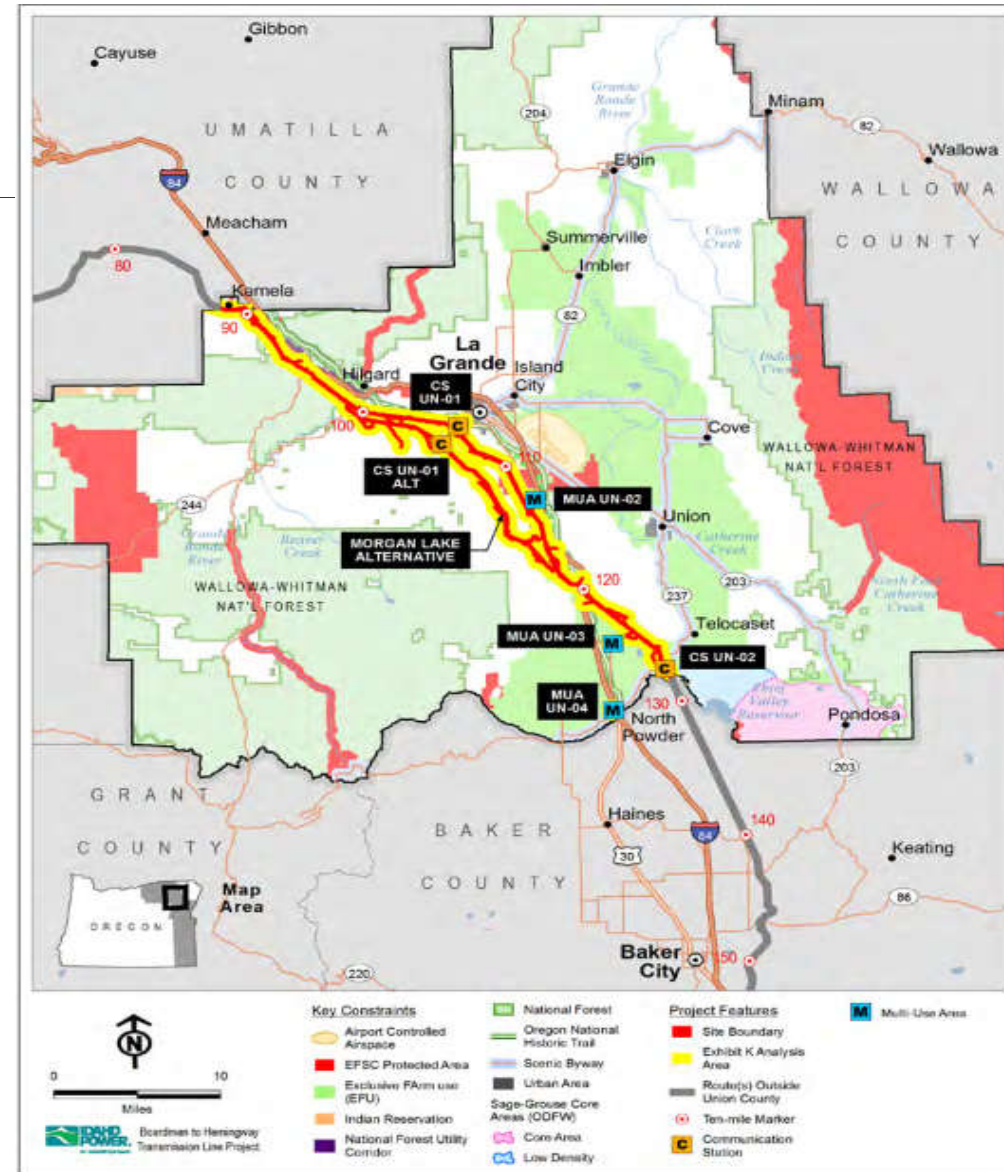


Council Review of DPO/Comments –

Section IV.E Land Use OAR 345-022-0030

Union County Zones
Exclusive Farm Use
Agricultural Grazing
Timber Grazing

See DPO Section IV.E., Land Use (Page 147)

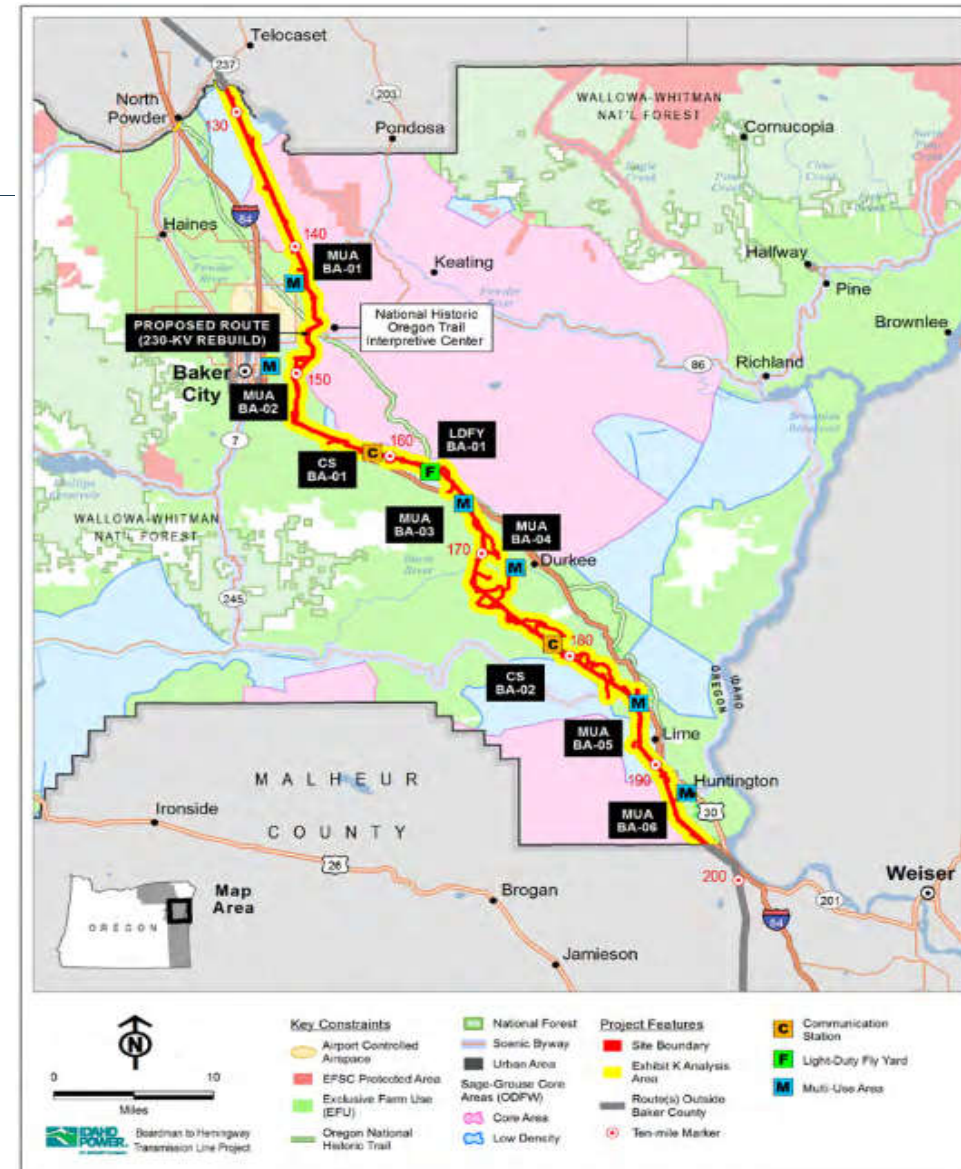


Council Review of DPO/Comments –

Section IV.E Land Use OAR 345-022-0030

Baker County Zones
Exclusive Farm Use
Rural Service Area

See DPO Section IV.E., Land Use (Page 171)



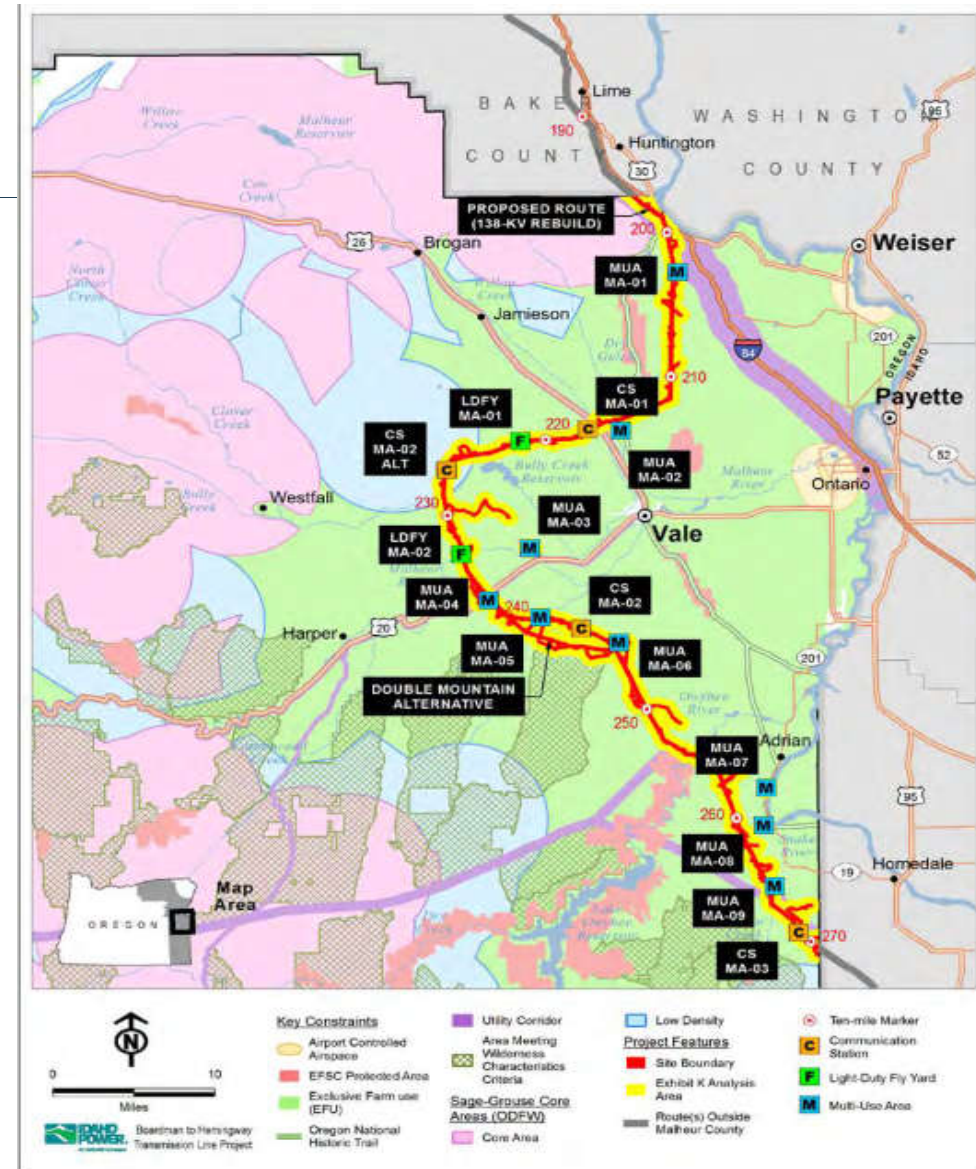
Council Review of DPO/Comments –

Section IV.E Land Use OAR 345-022-0030

Malheur County Zones

Exclusive Farm Use
Exclusive Range Use
Rural Industrial Uses

See DPO Section IV.E., Land Use (Page 183)

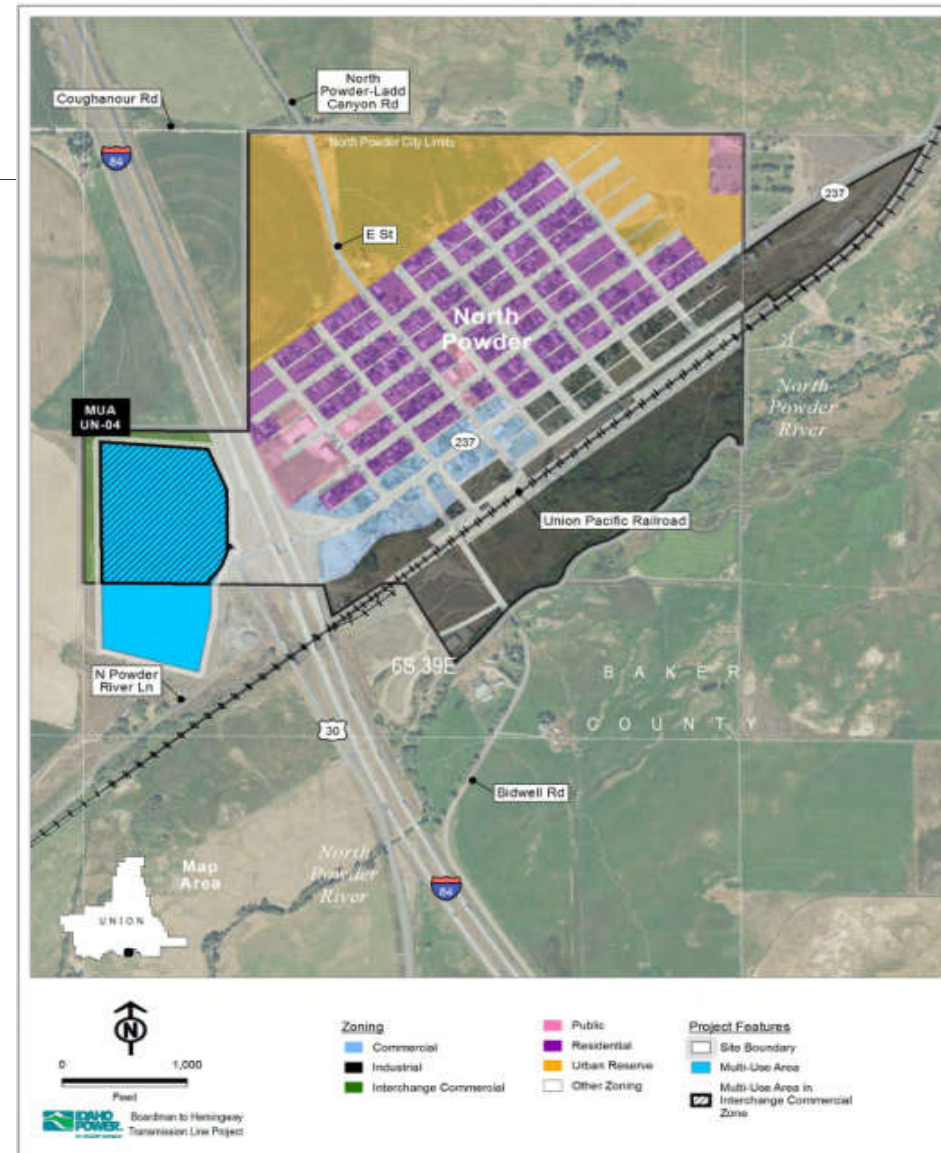


Council Review of DPO/Comments –

Section IV.E Land Use OAR 345-022-0030

City of North Powder Zone Commercial Interchange

See DPO Section IV.E., Land Use (Page 187)

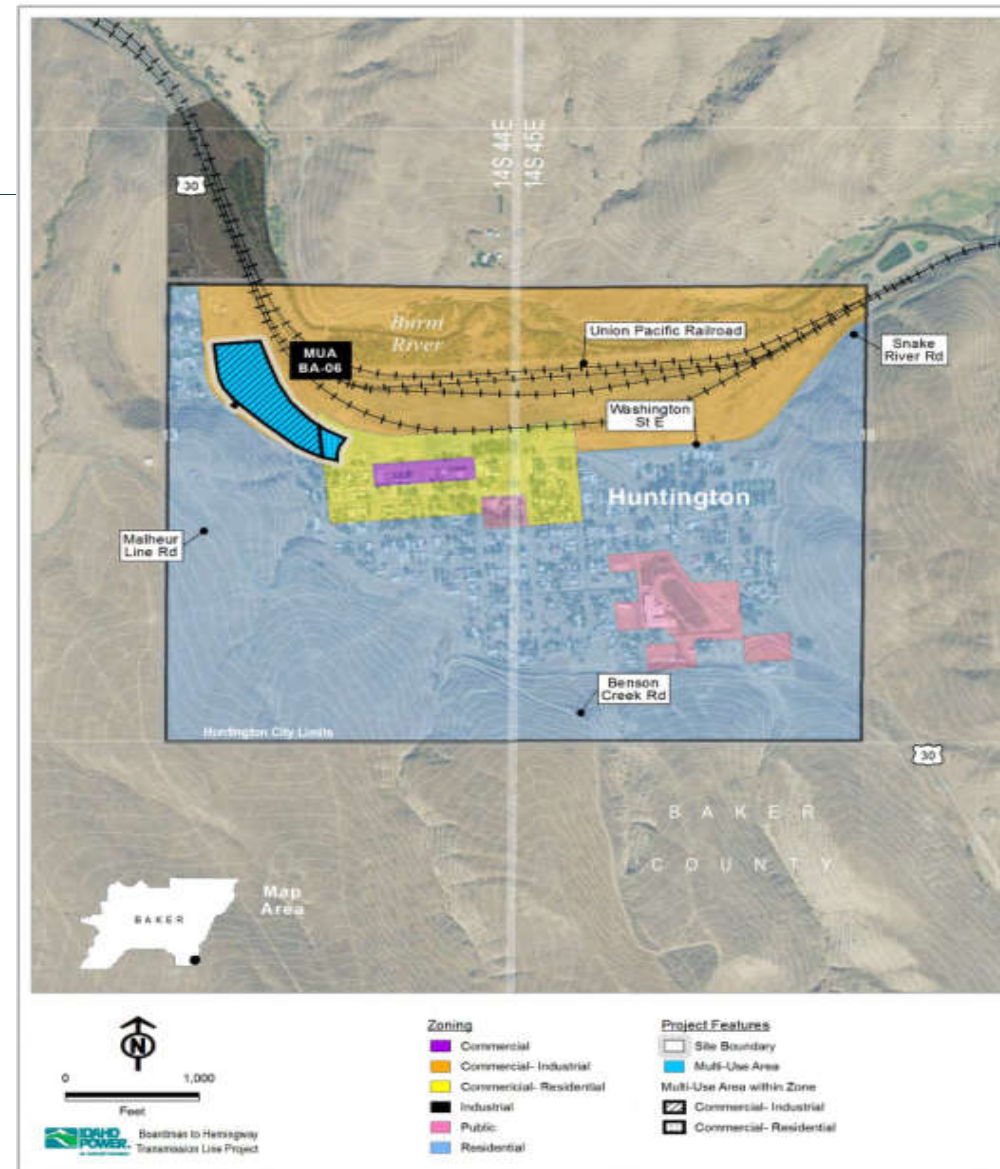


Council Review of DPO/Comments –

Section IV.E Land Use OAR 345-022-0030

City of Huntington Zones
Commercial Industrial
Commercial Residential

See DPO Section IV.E., Land Use (Page 183)



Council Review of DPO/Comments

Section IV.E. Land Use: OAR 345-022-0030

Agricultural Land Impacts

- Assessment Methodology
- Agricultural Impact Assessment and Mitigation Plan

Forest Land Impacts

- Assessment Methodology
- Goal 4 Exception – Access Roads and Light Duty Fly-Yards



See DPO Section IV.E, Land Use (Page 222)

Council Review of DPO/Comments

Section IV.F. Protected Areas: OAR 345-022-0040

(1) Except as provided in sections (2) and (3), the Council shall not issue a site certificate for a proposed facility located in the areas listed below. To issue a site certificate for a proposed facility located outside the areas listed below, the Council must find that, taking into account mitigation, the design, construction and operation of the facility are not likely to result in significant adverse impact to the areas listed below...

(2) Notwithstanding section (1), the Council may issue a site certificate for a transmission line or a natural gas pipeline or for a facility located outside a protected area that includes a transmission line or natural gas or water pipeline as a related or supporting facility located in a protected area identified in section (1), if other alternative routes or sites have been studied and determined by the Council to have greater impacts. Notwithstanding section (1)...

(3) The provisions of section (1) do not apply to transmission lines or natural gas pipelines routed within 500 feet of an existing utility right-of-way containing at least one transmission line with a voltage rating of 115 kilovolts or higher or containing at least one natural gas pipeline of 8 inches or greater diameter that is operated at a pressure of 125 psig.



See DPO Section IV.F. Protected Areas, (Page 229)

Council Review of DPO/Comments

Section IV.F. Protected Areas: OAR 345-022-0040

Table PA-1: Protected Areas within Analysis Area and Distance from Proposed and Alternative Transmission Line Routes

Protected Areas	Protected Area Category	County	Proposed Route		Alternative Route	
			Distance	Direction	Distance	Direction
Blue Mountain Forest State Scenic Corridor	State Parks and Waysides	Umatilla, Union	0 mi		3.7 mi	NW
Ladd Marsh WA/SNHA	State Wildlife Areas and Management Areas	Union	0 mi		208.3 ft	E
Oregon Trail ACEC - NHOTIC Parcel	BLM ACECs	Baker	123.4 ft	NE	-	-
Owyhee River Below the Dam ACEC	BLM ACECs	Malheur	249 ft	SW	7.6 mi	SE
Oregon Trail ACEC - Straw Ranch 1 Parcel	BLM ACECs	Baker	0.1 mi	SW	-	-
Oregon Trail ACEC - Birch Creek parcel	BLM ACECs	Malheur	0.2 mi	SW	-	-
Hilgard Junction State Recreation Area	State Parks and Waysides	Union	0.3 mi	E	0.4 mi	N
Deer Flat National Wildlife Refuge (including Snake River Island Units)	National and State Wildlife Refuge	Malheur	0.4 mi	E	12.2 mi	E
Oregon Trail ACEC - Tub Mountain Parcel	BLM ACECs	Malheur	0.5 mi	W	17.2 mi	N
Columbia Basin - Coyote Springs WA	State Wildlife Areas and Management Areas	Morrow	0.5 mi	W	8.9 mi	N
Farewell Bend State Recreation Area	State Parks and Waysides	Baker	0.7 mi	NE	-	-
Oregon Trail ACEC - Blue Mountain Parcel	BLM ACECs	Union	0.9 mi	NE	6.7 mi	NW
Oregon Trail ACEC - Straw Ranch 2 Parcel	BLM ACECs	Baker	1.1 mi	NE	-	-

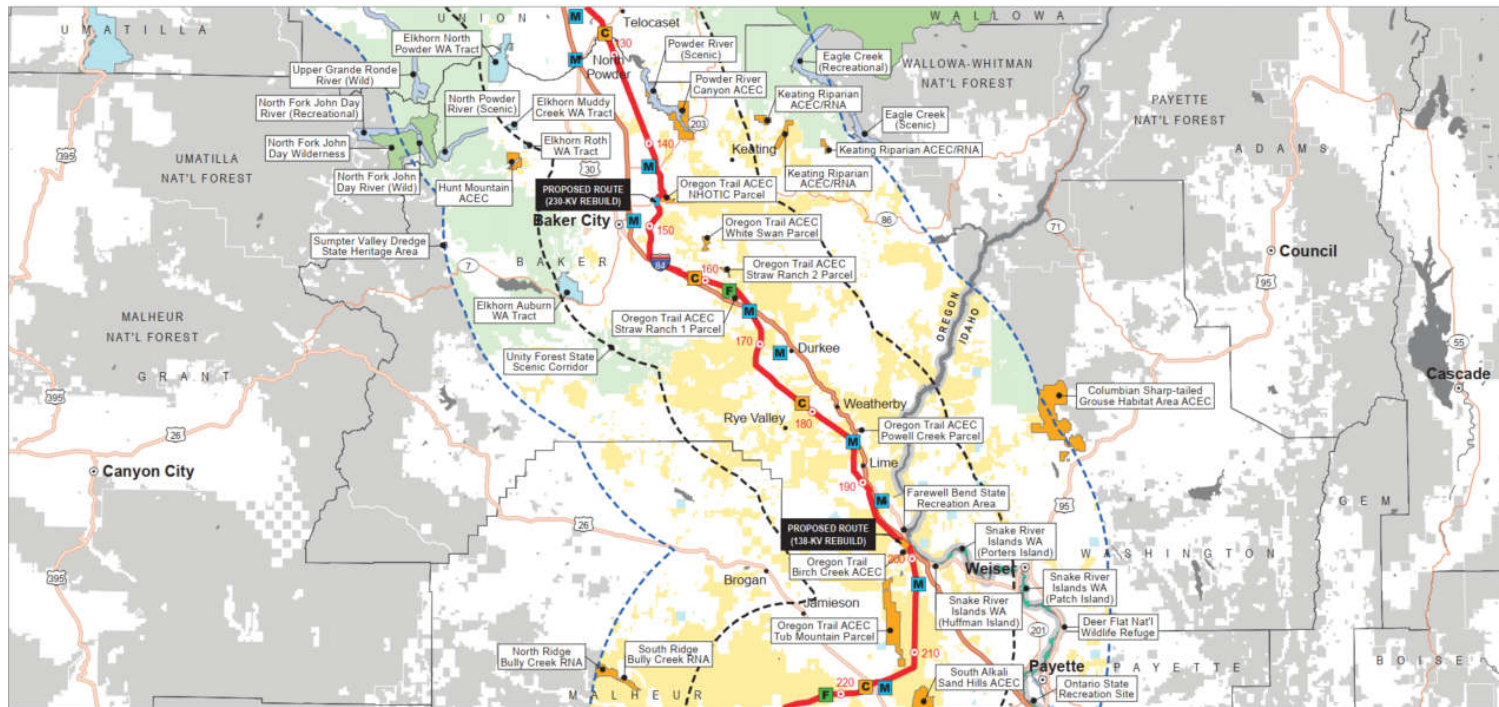
- 74 Protected Areas identified in the analysis area (20 miles)



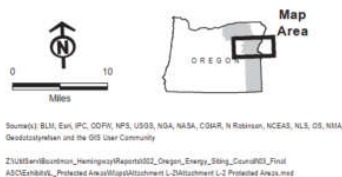
See DPO Table PA-1, Section IV.F. Protected Areas (Page 239)

Council Review of DPO/Comments

Section IV.F. Protected Areas: OAR 345-022-0040



See ASC Exhibit L
(Page 119/338)



Boardman to Hemingway Transmission Line Project
Application for Site Certificate
IDAHO POWER

**Attachment L-2
Protected Areas**
Proposed and Alternative Routes

Map 2

Council Review of DPO/Comments

Section IV.F. Protected Areas: OAR 345-022-0040

- Noise
 - Construction
 - Operation
- Traffic
 - Construction
 - Operation
- Water Use and Wastewater Disposal

Council Review of DPO/Comments

Section IV.F. Protected Areas: OAR 345-022-0040

Protected Areas Crossed:

Ladd Marsh Wildlife Area/State Natural Heritage Area (SNHA)

- **Recommended Protected Areas Condition 1:**
 - a. Coordinate construction activities in Ladd Marsh Wildlife Area with the Wildlife Area manager
 - b. Provide evidence to ODFW of Section 106 NRHP compliance for the proposed facility
- **Recommended Protected Areas Condition 2:**
 - ...if the Morgan Lake alternative route is selected, the certificate holder shall ensure that facility components are not sited within the boundary of the Ladd Marsh Wildlife Area...

See DPO Section IV., Protected Areas (Page 240)



Council Review of DPO/Comments

Section IV.F. Protected Areas: OAR 345-022-0040

- **Visual Impacts:
Methodology**

*See DPO Section IV.F.5,
Potential Visual Impacts from Facility
Structures (Page 247)*

- (1) Evaluation of baseline conditions, which involved collecting information related to:
 - a. Scenic Quality and Attractiveness. The characteristic is assigned a score or ranking, based on the BLM and USFS methods.
 - b. Landscape Character. This is a USFS system. The BLM does not use a “landscape character” classification, so this information was assessed for all protected areas based on the USFS system.
 - c. Viewer groups and characteristics.
- (2) Impact likelihood and assessment, which involved the following assessment criteria:
 - a. Likelihood of impact;
 - b. Magnitude of impact – duration;
 - c. Magnitude of impact – visual contrast and scale domination; and
 - d. Magnitude of impact – resource change and viewer perception.
- (3) Consideration of intensity, causation, and context (based upon Council’s definition of “significant” OAR 345-001-0010(53)).
 - a. Impact intensity
 - b. Degree to which the possible impacts are caused by the proposed action
 - c. Context
 - d. Potential significance. “significance” was determined based on if the valued scenic attributes of the protected area could persist, or not, based on the proposed facility’s potential impact.

Council Review of DPO/Comments

Section IV.F. Protected Areas: OAR 345-022-0040

Oregon Historic Trail ACEC - National Historic Oregon Trail Interpretive Center Parcel (NHOTIC)

- Proposed facility would be located within one mile of the NHOTIC main building and within 130 feet of the western boundary of the NHOTIC Parcel
- **Scenic Resources Condition 2:** Height restricted, H-frame structures with natina finish

Council Review of DPO/Comments

Section IV.F. Protected Areas: OAR 345-022-0040 (NHOTIC)



Above photograph is intended to be viewed 18 inches from viewer's eyes when printed on 11x17 paper. The photograph below has been cropped to show a wide angle of view with the above photograph's area shown in yellow.



The above photograph is intended to be viewed at approximately 18 inches from the viewer's eyes when printed on 11x17 paper. The photograph below is the full sized wide angle view of the above photograph area outlined in yellow.



Council Review of DPO/Comments

Section IV.J. Scenic Resources: OAR 345-022-0080

- (1) Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified as significant or important in local land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area described in the project order.

Council Review of DPO/Comments

Section IV.J. Scenic Resources: OAR 345-022-0080

- History of Siting and Mitigation Considerations

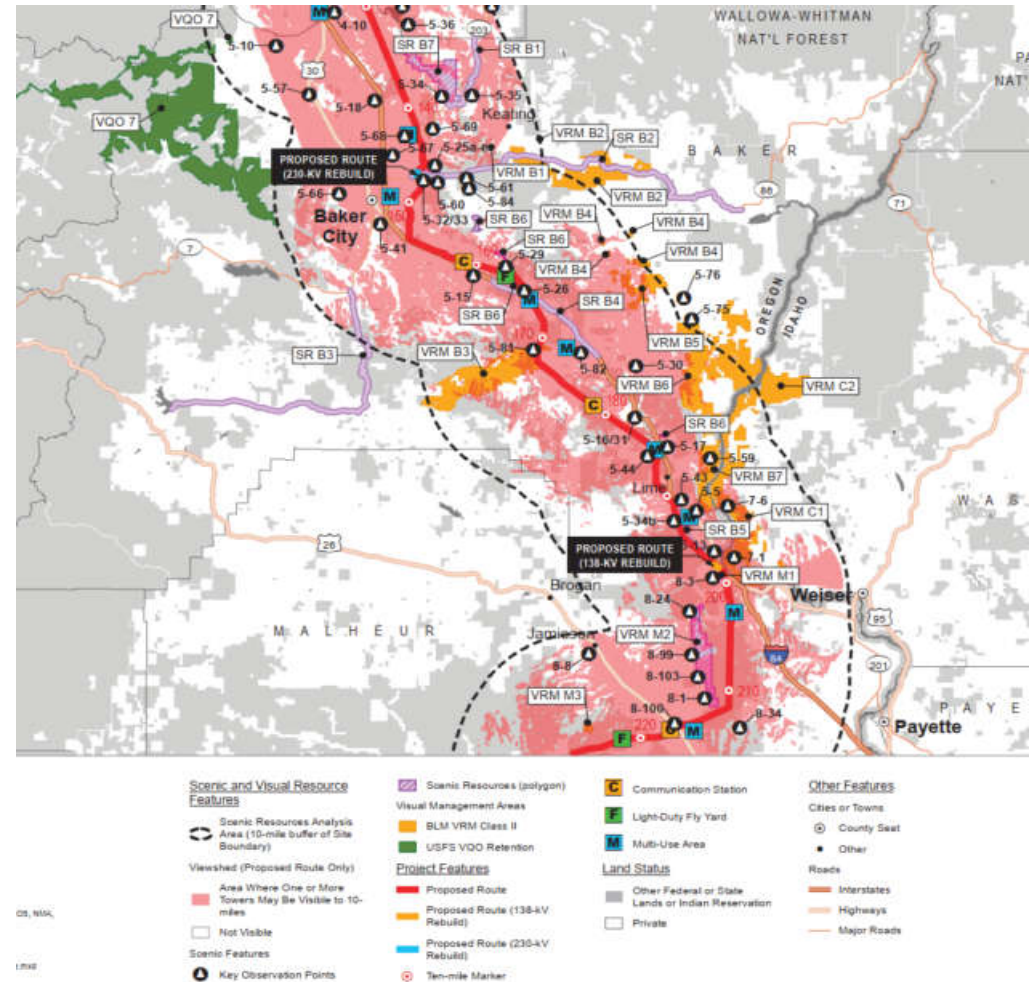
- (1) Evaluation of baseline conditions, which involved collecting information related to:
 - a. Scenic Quality and Attractiveness. The characteristic is assigned a score or ranking, based on the BLM and USFS methods.
 - b. Landscape Character. This is a USFS system. The BLM does not use a “landscape character” classification, so this information was assessed for all protected areas based on the USFS system.
 - c. Viewer groups and characteristics.
- (2) Impact likelihood and assessment, which involved the following assessment criteria:
 - a. Likelihood of impact;
 - b. Magnitude of impact – duration;
 - c. Magnitude of impact – visual contrast and scale domination; and
 - d. Magnitude of impact – resource change and viewer perception.
- (3) Consideration of intensity, causation, and context (based upon Council’s definition of “significant” OAR 345-001-0010(53)).
 - a. Impact intensity
 - b. Degree to which the possible impacts are caused by the proposed action
 - c. Context
 - d. Potential significance. “significance” was determined based on if the valued scenic attributes of the protected area could persist, or not, based on the proposed facility’s potential impact.

Council Review of DPO/Comments

Section IV.J. Scenic Resources: OAR 345-022-0080

- Viewshed Maps

See ASC Exhibit R Section (Page 561/570)



Council Review of DPO/Comments

Section IV.J. Scenic Resources: OAR 345-022-0080

Oregon Trail ACEC – National Historic Oregon Trail Interpretative Center, (NHOTIC) Parcel

- **Recommended Scenic Resources Condition 2:** National Historic Oregon Trail Interpretative Center, the certificate holder shall construct the facility using tower structures that meet the following criteria between approximately Milepost 145.1 and Milepost 146.6:
 - H-frames;
 - Tower height no greater than 130 feet; and
 - Weathered steel (or an equivalent coating)

Council Review of DPO/Comments

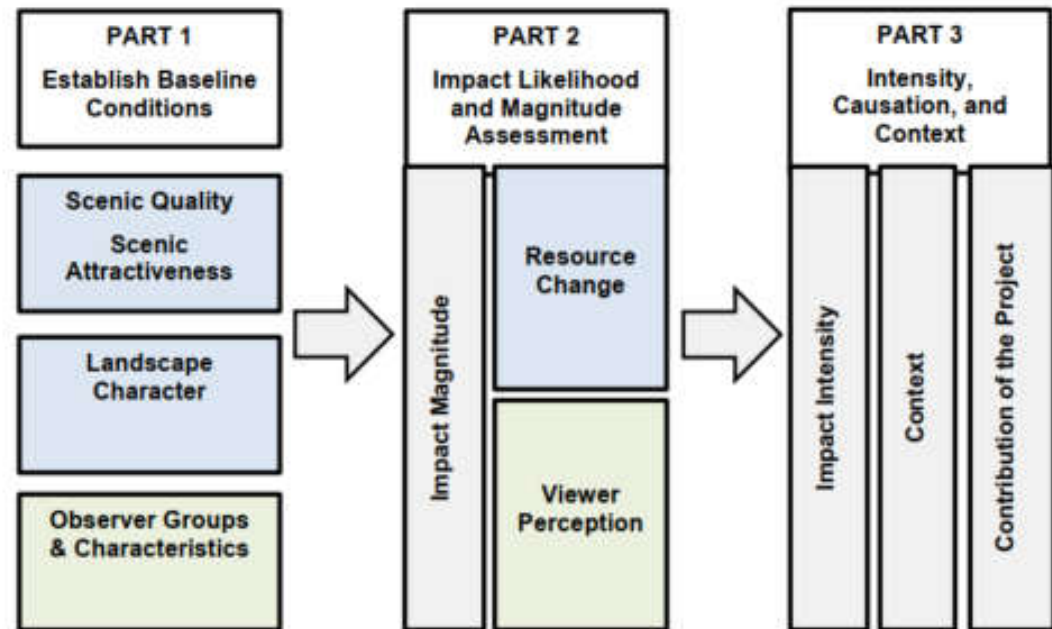
Section IV.J. Scenic Resources: OAR 345-022-0080

- **State Scenic Byways:**

- Grande Tour Route
- Hells Canyon Scenic Byway All-American Road
- Journey through Time Scenic Byway
- Blue Mountain Scenic Byway
- Elkhorn Drive Scenic Byway

See DPO Section IV.J, Scenic Resources (Page 347)

The methods used to evaluate Project impacts on scenic resources, and to determine the significance of Project impacts to scenic resources are described in a series of three parts, below. These steps are illustrated in Figure R-1-1.



Council Review of DPO/Comments

Section IV.L. Recreation: OAR 345-022-0100

(1) Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities in the analysis area as described in the project order. The Council shall consider the following factors in judging the importance of a recreational opportunity:

- (a) Any special designation or management of the location;
- (b) The degree of demand;
- (c) Outstanding or unusual qualities;
- (d) Availability or rareness;
- (e) Irreplaceability or irretrievability of the opportunity.

Section IV.L. Recreation: OAR 345-022-0100

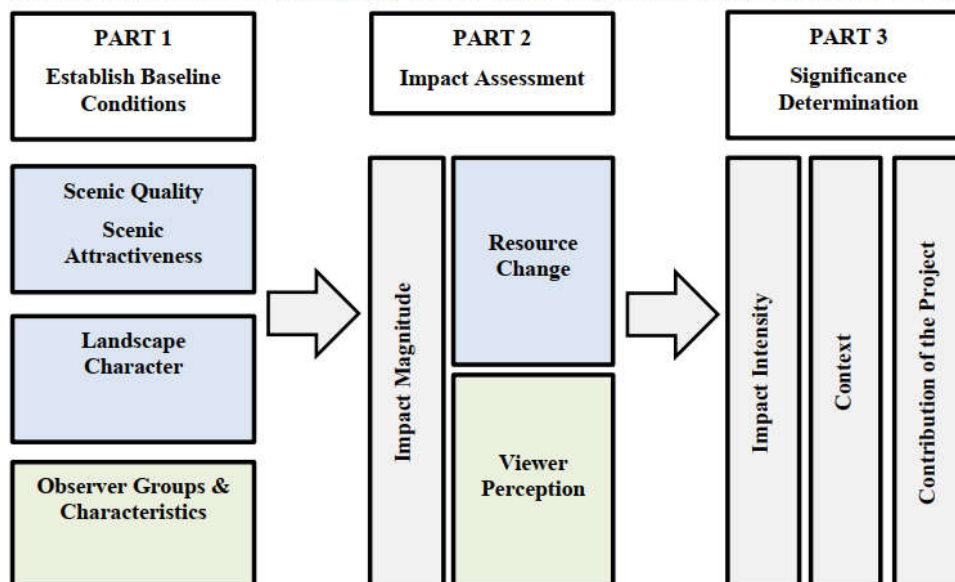


Council Review of DPO/Comments

Section IV.L. Recreation: OAR 345-022-0100

- Potential Noise Impacts
 - Construction
 - Operation
- Potential Traffic Impacts
 - Construction
- Potential Visual Impacts

The methods used to evaluate Project impacts on the scenic attributes of important recreation opportunities, and to determine the significance of Project impacts to those scenic attributes, are described in a series of three parts, below. These steps are illustrated in Figure T-4-1.



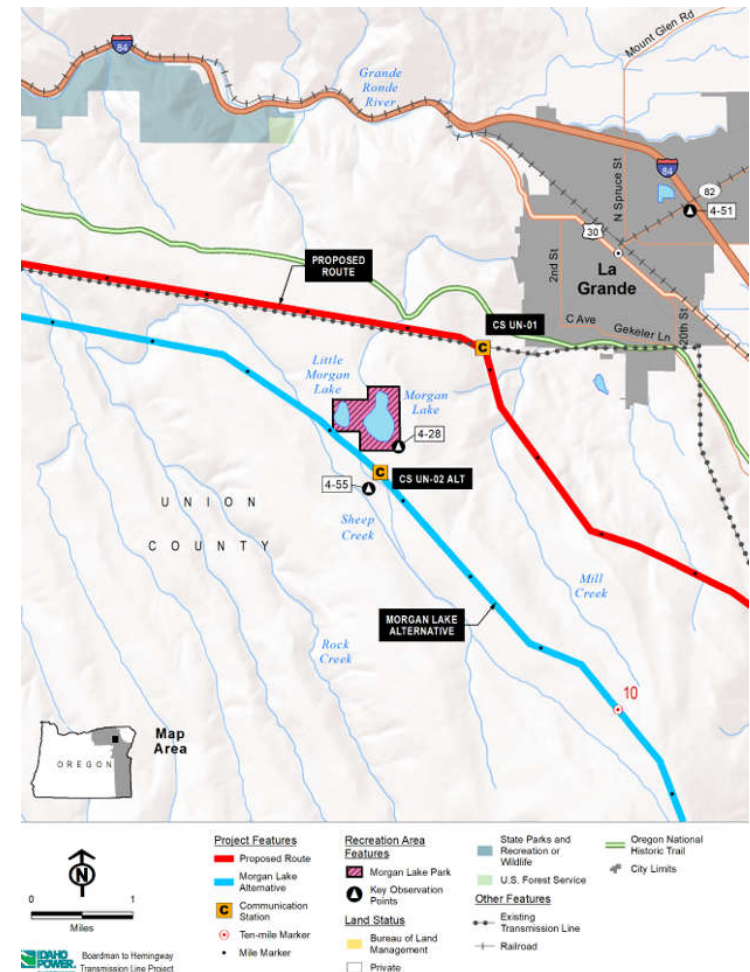
*See DPO Section IV.L. Recreation, (Page 467-470)
Figure See ASC Exhibit T (Page 105/291)*

Council Review of DPO/Comments

Section IV.L. Recreation: OAR 345-022-0100

- Morgan Lake Park
 - Proposed Route
 - Morgan Lake Alternative
 - Recreation Condition 1: H-frames; Tower height no greater than 130 feet; and Weathered steel (or an equivalent coating)
- Applicant responses (including modified condition language)
- Oregon Trail ACEC – NHOTIC Parcel

*See DPO Section IV.L.4. Potential Visual Impacts
(Page 474,477)*



Council Review of DPO/Comments

Section IV.G. Retirement and Financial Assurance: OAR 345-022-0050

To issue a site certificate, the Council must find that:

- (1) The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.
- (2) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.



See DPO Section IV.G. Retirement and Financial Assurance (Page 263)

Council Review of DPO/Comments

Section IV.G. Retirement and Financial Assurance: OAR 345-022-0050

- Mandatory Conditions (Retirement and Financial Assurance Condition 1-3)
- Estimated Cost of Site Restoration

*See Table RFA-1 and DPO Section IV.G,
Retirement and Financial Assurance (Page
266 and 270)*

Table RFA-1: Applicant's Decommissioning and Site Restoration Cost Estimate

General Costs	
A. PERMITS	\$49,183
B. MOBILIZATION	\$5,226,223
C. ENGINEERING	\$188,799
D. PROJECT OVERHEAD	\$1,739,946
E. HAZARDOUS MATERIALS INSPECTIONS	\$60,000
F. PROTECTION	\$173,320
General Costs Subtotal	\$7,437,471
Site Construction	
A. UTILITY DISCONNECTS	\$64,692
B. PRELIMINARY WORK	\$71,100
C. SITE GRADING	\$10,698,452
C. UNDERGROUND UTILITY REMOVAL	\$41,212
Site Construction Subtotal	\$10,875,456
Concrete Wrecking	
A. REINFORCED CONCRETE	\$3,791,302
B. NON-REINFORCED CONCRETE	\$0
Concrete Wrecking Subtotal	\$3,791,302
Building Wrecking	\$95,337
Steel Wrecking	\$59,658,800
Timber Wrecking	\$0
Equipment Wrecking	\$22,062,320
Load & Haul	\$5,830,000
Costs Subtotal	\$109,750,686
Specialty Contracts (subcontracted work)	\$485,400
Subtotal	\$110,236,086
Subtotal Adjusted to Current Dollars	\$112,407,253
Performance Bond @ 1%	\$1,124,073
Gross Cost (Adjusted)	\$113,531,326
Administration and Project Management @ 4%	\$4,541,253
Future Developments Contingency @ 20%	\$22,706,265
Hazardous Materials Management Contingency	\$0
Total Site Restoration Cost (Q3 2016 dollars)	\$140,778,844
Total Site Restoration Cost (rounded to nearest \$1,000)	\$140,779,000



Council Review of DPO/Comments

Section IV.G. Retirement and Financial Assurance: OAR 345-022-0050

- Ability of the Applicant to Obtain a Bond or Letter of Credit (Retirement and Financial Assurance Condition 4 and 5)



Corporate Banking Group
Energy Power & Utilities
200 N. 1st Street
Minneapolis, MN 55402
wellsfargo.com

August 14, 2018

Mr. Steven R. Keen
Idaho Power Company
1221 W. Idaho Street
Boise, Idaho 83702

Re: Boardman-to-Hemingway Transmission Project – Financial Assurance Requirements Under
EPSC Process

Mr. Keen:

Wells Fargo Bank, National Association ("Wells Fargo Bank" and together with its affiliates, "Wells Fargo") has a long standing business relationship with Idaho Power Company ("Idaho Power"). Wells Fargo has acted as a joint book-runner for Idaho Power in the arrangement of senior secured debt and participated as a lender to Idaho Power under various credit agreements, including Idaho Power's current \$100 million syndicated credit agreement, under which Wells Fargo Bank also acts as the administrative agent on behalf of all the lenders under the credit facility.

Based upon Idaho Power's current credit ratings, profile, and information we have as of the date hereof, and subject to acceptable pricing, terms, and requisite internal approvals, and assuming no market disruption, Wells Fargo confirms to you that it would be highly interested in arranging (as administrative agent under the existing credit facility or otherwise), and believes it would be successful at arranging, a syndicated letter of credit in an amount up to \$141 million for a period not to exceed three years (the "LC Facility") for the purpose of ensuring Idaho Power's obligation that the site of the Boardman-to-Hemingway transmission project be restored to a useful and non-hazardous condition.

This letter is for informational purposes only. This letter does not constitute or give rise to (i) any legal obligation on the Wells Fargo, or any of its affiliates, to arrange, underwrite or provide, or commit to arrange, underwrite or provide, the LC Facility or any other financing; or (ii) any representation or warranty in respect of any of the foregoing. In addition, such obligations or liabilities would arise only under separate written agreements in form and substance satisfactory to Wells Fargo in its sole discretion.

This letter shall be governed by and construed in accordance with New York law.

Should you have any questions or require any clarification, please do not hesitate to contact any of the Wells Fargo Team.

Sincerely,

Wells Fargo Bank, National Association

Wells Fargo Securities, LLC

See Table RFA-1 and DPO Section IV.G, Retirement and Financial Assurance (Page 266 and 270)

Council Review of DPO/Comments

Section IV.H. Fish and Wildlife Habitat: OAR 345-022-0060

Fish and Wildlife Habitat Standard

1. Consistency with ODFW Fish and Wildlife Habitat Mitigation Policy
2. Consistency with Greater Sage Grouse Conservation Strategy rules

Exhibit P1: Fish and Wildlife Habitat, P2: Sage-Grouse, P3: Elk

Extensive surveys:

- GIS/Desktop/Database review
- Field surveys: 2011, 2012, 2013, 2014, and 2016
- Habitat categorization and special-status species surveys
- Site access restrictions



See DPO Section IV.H, Fish and Wildlife Habitat (Page 275)

Council Review of DPO/Comments

Section IV.H. Fish and Wildlife Habitat: OAR 345-022-0060

- All six habitat categories present in analysis area
- No impact to Category 1 habitat
- Indirect impacts: elk, sage grouse
- Compliance pathway:
 - Pre-construction surveys (F&W Conditions 15 and 16)
 - Finalization and implementation of management plans (F&W Conditions 1, 2, 3, 4, 17)
 - Compensatory mitigation (HMP)
 - Other recommended conditions
- Sage grouse habitat utilizes different system



See DPO Section IV.H, Fish and Wildlife Habitat (Page 275)

Council Review of DPO/Comments

Section IV.H. Fish and Wildlife Habitat: OAR 345-022-0060

- Public and ODFW Comments
- Management Plans:
 - Reclamation and Revegetation Plan
 - Noxious Weed Plan
 - Fish and Wildlife Habitat Mitigation Plan
 - Greater Sage-Grouse Habitat Mitigation Plan
 - Avian Protection Plan

Noxious Weed Plan

Boardman to Hemingway Transmission
Line Project



Reclamation and Revegetation Plan

Boardman to Hemingway Transmission
Line Project



September 2018



See DPO Section IV.H, Fish and Wildlife Habitat (Attachment P1-5)

Council Review of DPO/Comments

Section IV.H. Fish and Wildlife Habitat: OAR 345-022-0060

- Habitat Mitigation Plan (compensatory mitigation)
 - Mitigation Banking/In-lieu fee (not currently available)
 - Applicant-directed compensatory mitigation projects
 - Extensive assessment of potential comp mitigation project areas
- Certain other recommended conditions
 - Access control on roads (locked gates) (F&W Condition 9)
 - Seasonal construction limitations (raptor nests, big game) (F&W Conditions 14 and 11)
 - Pre- and post-construction traffic studies in elk, sage grouse habitats (F&W Conditions 21 and 22)



See Habitat Mitigation Plan, DPO Attachment P1-6
See Site Certificate Conditions, DPO Attachment 1

Council Review of DPO/Comments

Section IV.H. Fish and Wildlife Habitat: OAR 345-022-0060

Greater sage-grouse habitat

- Subject to ODFW and LCDC sage grouse conservation plan rules
 - Extensive planning and routing to avoid sage grouse habitat
- Compensatory mitigation calculated via the ODFW Habitat Quantification Tool
- LCDC “metering” rule and “disturbance threshold” rule



See DPO Section IV.H, Fish and Wildlife Habitat (Page 309)

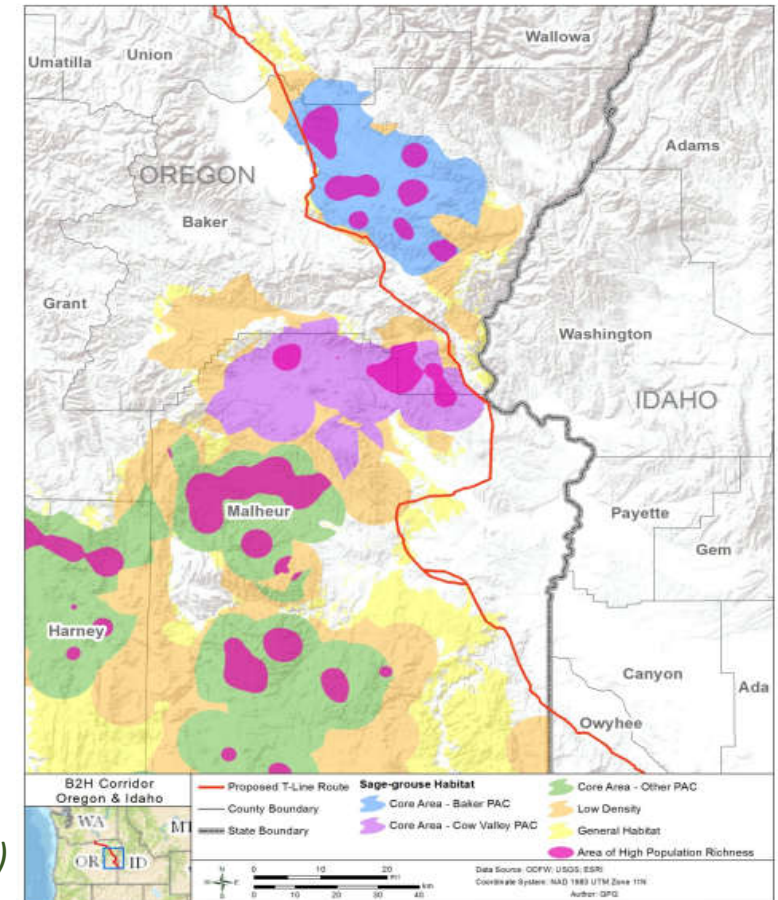


Figure P2-2. Sage-Grouse Habitat Near the Project in Oregon

Council Review of DPO/Comments

Section IV.I. Threatened and Endangered Species: OAR 345-022-0070

To issue a site certificate, the Council, after consultation with appropriate state agencies, must find that:
(1) For plant species that the Oregon Department of Agriculture has listed as threatened or endangered under ORS 564.105(2), the design, construction and operation of the proposed facility, taking into account mitigation:

- (a) Are consistent with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3); or
- (b) If the Oregon Department of Agriculture has not adopted a protection and conservation program, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species; and

(2) For wildlife species that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction and operation of the proposed facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.



See DPO Section IV.I, Threatened and Endangered Species (Page 327)

Council Review of DPO/Comments

Section IV.I. Threatened and Endangered Species: OAR 345-022-0070

- Extensive desktop/database and field surveys
- Site access restrictions

Potential habitat/individuals in analysis area

- Mammals: Washington Ground Squirrel, Wolverine
- Fish: Snake River Spring/Summer Chinook Salmon (Grande Ronde River)
- Plants: eight species



See DPO Section IV.I, Threatened and Endangered Species (Page 331, Table TE-2)

Council Review of DPO/Comments

Section IV.I. Threatened and Endangered Species: OAR 345-022-0070

Mammals:

Wolverine

- None identified, no historic document occurrences. Potential habitat impacts.

Washington Ground Squirrel

- Individuals and habitat present.
- Category 1 and 2 habitat.
- Pre-construction surveys and avoidance requirement (T&E Condition 1)



See DPO Section IV.I, Threatened and Endangered Species (Page 333)

Council Review of DPO/Comments

Section IV.I. Threatened and Endangered Species: OAR 345-022-0070

Fish:

- Snake River Spring/Summer Chinook Salmon (Grande Ronde River)
- Potential habitat impacts, temporary and permanent
- No facility components proposed in Grande Ronde River



See DPO Section IV.I, Threatened and Endangered Species (Page 336)

Council Review of DPO/Comments

Section IV.I. Threatened and Endangered Species: OAR 345-022-0070

Plants:

- Eight species identified as potentially occurring in analysis area; field surveys and database review narrowed list to seven species either likely to occur or with potential habitat in analysis area.
- Potential direct impact
- Pre-construction field surveys
- Avoid and minimize potential impact via micrositeing (T&E Condition 2)

Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

- (1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:
- (a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;
 - (b) For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in 358.905(1)(c); and
 - (c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c).

See DPO Section IV.K. Historic, Cultural, and Archaeological Resources (Page 378)

Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

- Aligning EFSC and Section 106 Review: ORS 469.370(13)
 - Resource designation of “unevaluated”

Table HCA-5: Potentially Impacted Resources under OAR 345-022-0090(1)(a)

Temporary Resource #: Ped. Survey/Visual Assessment OR Assigned Trinomial	County	Generalized Resource Description/ Resource Type	NRHP Recommendation	Project Route(s)	Project Component	Land ownership	Applicable EFSC Standard	Project Impacts and Management Comments
Segment 4B2H-EK-26/ OWR&N Roundhouse and OWR&N/OSL Joint Railyard	Baker	Railroad Segment & Structure/ Historic Archaeological Site	Unevaluated (Criterion D); Not Eligible (Criteria A, B, and C)	Proposed Route	Direct Analysis Area (Construction Footprint); Visual Assessment analysis area	PV	a) Potential Historic Property; b) Archaeological site on private land	Potential direct/indirect impact. Avoid direct impact until eligibility determined. Testing Needed.
6B2H-SA-12	Baker	Homestead / Historic Archaeological Site	Unevaluated (Criteria A, B, and D); Not Eligible (Criterion C)	Proposed Route	Direct Analysis Area (Construction Footprint)	PV	a) Potential Historic Property; b) Archaeological site on private land	Potential direct/indirect impact. Avoid direct impact until eligibility determined. Testing Needed.
6B2H-SA-16	Baker	Ranching / Historic Archaeological Site	Unevaluated (Criteria A, B, and D); Not Eligible (Criterion C)	Proposed Route	Direct Analysis Area (Construction Footprint)	PV	a) Potential Historic Property; b) Archaeological site on private land	Potential direct/indirect impact. Avoid direct impact until eligibility determined. Testing Needed.

See DPO Section IV.K. Historic, Cultural, and Archaeological Resources/Aligning EFSC and Section 106 Review (Page 390)

Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

- Methodology and Surveys for Historic, Cultural, and Archaeological Resources
 - Table HCA-1: Historic, Cultural, and Archaeological Resource Studies (DPO Page 384)
- Potential Impacts to Historic, Cultural, and Archaeological Resources
 - Oregon Trail Resources
 - Tribal Resources
 - Other Cultural Resources Potentially Impacted

See DPO Section IV.K. Historic, Cultural, and Archaeological Resources (Page 390)

Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

- National Historic Trail/Oregon Trail Resources
 - Trail/National Historic Trail resources...

Table HCA-2: Oregon Trail/NHT Inventory in Analysis Area with Avoided/No Impacts

Assigned Trinomial or Other ID	Pedestrian Survey or Visual Assessment Temporary Resource #	County	Resource Type and Generalized Resource Description	NRHP Recommendation	Project Route(s)	Project Component	Land Ownership	Avoided Impact	S-9 Errata Avoidance Measure or/and Management Recommendations (HPMP)
35MW00224 (Well Spring, Oregon Trail Site)	N/A	Morrow	Archaeological Site - Homestead & Trail	Listed (Criterion A - Draft MPDF)	Proposed Route, West of Bombing Range Road Alternative 1, West of Bombing Range Road Alternative 2	Visual Assessment analysis area	DOD	Yes	No further management
35MW00227	N/A	Morrow	Archaeological Site - Road	Unevaluated	Proposed Route	Direct Analysis Area (Construction Footprint); Visual Assessment analysis area Proposed Route: Structure work area; Pulling & tension site; Existing road needing 21-70% modification West of Bombing Range Road Alternatives 1 & 2; No impacts	DOD	Yes	Avoid. Subsurface probing needed. If the Section 106 determination is eligible, applicant will avoid Site # 35MW227 as follows: Proposed Route: For the structure work area and pulling & tension site, applicant will relocate or reduce the size of those areas to avoid Site # 35MW227; for the existing road, all improvements will be made within the existing road prism thereby avoiding any new impacts; applicant will flag any portion of the boundary of Site # 35MW227 that occurs within 100 feet of construction activity. West of Bombing Range Road Alternatives 1 & 2: No avoidance measures are necessary as there are no direct impacts proposed for these alternatives.

Table HCA-3: Oregon Trail/NHT Inventory in Analysis Area with Potential Indirect Impacts

Assigned Trinomial or Other ID	Pedestrian Survey or Visual Assessment Temporary Resource #	County	Resource Type and Generalized Resource Description	NRHP Recommendation	Project Route(s)	Project Component	Land Ownership	Avoided Impact	S-9 Errata Avoidance Measure or/and Management Recommendations (HPMP)
Oregon Trail/ Oregon NHT	N/A	Morrow, Umatilla, Union, Baker, Malheur	Archaeological Site - Trail	Listed (Criterion A)	Proposed Route, Morgan Lake Alternative, West of Bombing Range Road Alternative 1, West of Bombing Range Road Alternative 2	Avoidance measures for Direct Analysis Area (Construction Footprint); Visual Assessment analysis area	BLM, BOR, DOD, FWS, ODOT, PV, STL, STL, STP, USDA, USFS	No - Potential visual impact. Avoidance measures to prevent direct impacts.	Note - Oregon Trail presented in this row as one linear resource; see other rows in table for evaluation of individual segments. Avoid. Archival research and documentation; Testing needed--Update recordation (if necessary. Off-Site: publish research focus article or professional society presentation, or public education and outreach (e.g., website, kiosk, etc.), rehabilitation of off-site trail segment-- • Recording—including HABS/HAER/HALES • Additional literature or archival review (e.g. historic maps, local papers) • Remote sensing • Purchase of conservation easement or other land protection where trail traces exist • Historic trails restoration within and outside Project area • Public signage, publication/print/media, and/or interpretive plans • Design Modification
Sand Hollow Battleground	SL-MQ-001, SL-MQ-005	Morrow	HPRCST/TCP/Trail	Eligible (Criteria A and B)	Proposed Route, West of Bombing Range Road Alternative 1, West of Bombing Range Road Alternative 2, Proposed Route	Avoidance measures for Direct Analysis Area (Construction Footprint); Visual Assessment analysis area	BLM, DOD, PV	No - Potential visual impact	Note-Sand Hollow Battleground is considered both a TCP/HPRCST and an Oregon Trail-related resource. See also discussion in Tribal Resources Section. Public Archaeology Funding, Public Interpretation Funding, Consultation-- Update recordation (if necessary. Off-Site: publish research focus article or professional society presentation, or public education and outreach (e.g.,



See DPO Table HCA-2: Oregon Trail/NHT Inventory No Impacts (Page 403)
 See DPO Table HCA-3: Oregon Trail/NHT Inventory Potential Indirect Impacts (Page 413)
 Condition (Page 421)

Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

- National Historic Trail/Oregon Trail Resources
 - **Recommended Historic, Cultural, and Archaeological Resources Condition 1:**
...design and locate facility components to avoid direct impacts to Oregon Trail/National Historic Trail resources...

See DPO Table HCA-2: Oregon Trail/NHT Inventory No Impacts (Page 403)

*See DPO Table HCA-3: Oregon Trail/NHT Inventory Potential Indirect Impacts (Page 413)
Condition (Page 421)*



Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

- Tribal Governments identified by the Legislative Commission on Indian Services (LCIS) that may be affected by the proposed facility
 - Confederated Tribes of the Umatilla Indian Reservation
 - Confederated Tribes of the Warm Springs Indian Reservation of Oregon
 - Burns Paiute Tribe
- Tribal Resources
 - Table HCA-4: Exhibit S Historic Properties of Religious and Cultural Significance to Indian Tribes



*See DPO IV.K.1.2, Tribal Resources (Page 421)
Condition (Page 460)*

Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

Table HCA-7: Potential Minimization and Mitigation of Direct Impacts to Resource Site Types Identified within the Direct Analysis Area*

Site Type	Potential Minimization/Mitigation Measure
Pre-Contact Sites	
Lithic Scatter, Lithic/Tool Scatter, Quarry, Temporary Camp	Data recovery (controlled excavation), or in-place preservation/protection (capping with clean fill). Off-Site: publish research-focus article or professional society presentation, or public education and outreach (e.g., website, kiosk, etc.).
Multicomponent Sites	
Lithic Scatter/Tool & Refuse Scatter, Ranching Complex, Water Conveyance, Possible Rock Art, Utility Line, Quarry & Refuse Scatter, Temporary Camp	Data recovery (controlled excavation), or in-place preservation/protection (capping with clean fill). Off-Site: publish research-focus article or professional society presentation, or public education and outreach (e.g., website, kiosk, etc.).
Historic-Era Sites	
Agriculture, Bridge, Homestead, Ranching, Logging Railroad, Mining, Railroad and Utility Line, Refuse Scatter, Road, Structure, Survey Marker, Trail Segment, Water Conveyance	Update recordation (if necessary), data recovery (if applicable). Off-Site: publish research focus article or professional society presentation, or public education and outreach (e.g., website, kiosk, etc.).
Undetermined Sites	
Rock Circle	Update recordation (if necessary, data recovery (if applicable). Off-Site: publish research focus article or professional society presentation, or public education and outreach (e.g., website, kiosk, etc.).

* Applies to OAR 345-022-0090(1) (a) through (c)
Source: B2HAPPDoc3-36 ASC 19_Exhibit S_Cultural_ASC_Public 2018-09-28. Attachment S-9. Table 6-2.

Table HCA-8 Potential Minimization and Mitigation Methods for Indirect Impacts*

Resource Category	Example Resource Types	Potential Management Methods for Indirect Impacts
Trails (NHT, stage trails, freight roads, etc.)	<ul style="list-style-type: none"> Trail remnants/segments Associated trail sites or features (stations, burials, inscriptions) 	<ul style="list-style-type: none"> Recording—including HABS/HAER/HALS** Additional literature or archival review (e.g. historic maps, local papers) Remote sensing Purchase of conservation easement or other land protection where trail traces exist Historic trails restoration within and outside Project area Public signage, publication/print/media, and/or interpretive plans
Historic Buildings and Structures	<ul style="list-style-type: none"> Farm and ranch sites/homesteads Historic districts Utility lines Water conveyance systems Mining sites Bridges, etc. 	<ul style="list-style-type: none"> Photo documentation and scale drawings National Register Nomination (if owner consents) HABS/HAER/HALS documentation Additional archival and literature review Restoration of historic building or structure Relocation of historic building or structure Public interpretation (with owner permission)
Historic Property of Religious or Cultural Significance to Indian Tribes (TCPS; limited to those subject to EFSC standards)	<ul style="list-style-type: none"> Ceremonial areas Vision quest sites Hunting and gathering areas 	<ul style="list-style-type: none"> Additional literature/archival review Ethnographic documentation Oral histories Public archaeology funding As recommended by impacted tribes

* Applies to OAR 345-022-0090(1) (a)

** HABS – Historic American Building Survey; HAER – Historic American Engineering Record; HALS – Historic American Landscape Survey
Source: B2HAPPDoc3-36 ASC 19_Exhibit S_Cultural_ASC_Public 2018-09-28. Attachment S-9. Table 6-3.

See DPO IV.K.1.4, Mitigation (Page 444-445)

Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

- Historic, Cultural, and Archaeological Resources including Tribal Resources
 - **Recommended Historic, Cultural, and Archaeological Resources Condition 2:**...the certificate holder shall submit to the Department, the State Historic Preservation Office (SHPO), and applicable Tribal Governments, for review and Department approval a final Historic Properties Management Plan (HPMP)...

Council Review of DPO/Comments

Section IV.M. Public Services: OAR 345-022-0110

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area described in the project order to provide: **sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.**

Emphasis added

Council Review of DPO/Comments

Section IV.M. Public Services: OAR 345-022-0110

Table PS-2: Estimated Workers and Population Change during Peak Construction

Workers	Proposed Route		Alternative Routes		
			Double Mountain	Morgan Lake	West of Bombing Range Road
	Spread 1	Spread 2	Spread 2	Spread 1	Spread 1
Commute to Job Site Daily	61	49	2	8	1
Move to the Analysis Area alone	164	131	5	21	1
Move to the Analysis Area with family	18	15	1	2	0
Total	243	194	8	32	2
Population					
2015 Population (Analysis Area)	129,516	46,385	30,380	25,790	11,190
Number of People Temporarily Relocating	182	146	8	31	2
As a Percent of 2015 Population	0.1%	0.3%	0.0%	0.1%	0.0%

See Table PS-2, DPO Section IV.M. Public Services (Page 489)

Council Review of DPO/Comments

Section IV.M. Public Services: OAR

345-022-0110

• Impacts to Traffic Safety Providers

- Traffic impacts from construction of the proposed facility (Table PS-7: Evaluation of Facility Impacts on Volume-to-Capacity Ratios for Roads..)

Table PS-7: Evaluation of Facility Impacts on Volume-to-Capacity Ratios for Roads Potentially Used during Facility Construction

Multi-use Areas	Potential Hauling or Commuting Route	Road Classification ¹	Existing Peak Traffic Volume ²	Road Capacity ²	Existing V/C Ratio ²	Estimated Daily Personal and Construction Vehicles	With Facility Peak Traffic Volume ³	With Facility V/C Ratio ⁴	Increase in V/C Ratio From Facility Construction ⁵	ODOT Maximum V/C Ratio ⁶	V/C Ratio Exceeds ODOT Maximum with Facility?
MO-01, MO-02, MO-03, MO-04, UM-01, UM-02	I-84	Interstate Highway, Unincorporated Communities	2,205	5,513	0.40	130	2,335	0.42	0.02	0.70	No
	I-82	Interstate Highway, Unincorporated Communities	2,640	5,500	0.48	130	2,770	0.50	0.02	0.70	No
	US 730	Statewide (Not a Freight Route), Rural Lands	990	2,475	0.40	130	1,120	0.45	0.05	0.70	No
	OR 207	Regional Highway, Rural Lands	56	1,110	0.05	130	186	0.17	0.12	0.70	No
	OR 74	Regional Highway, Rural Lands	120	1,000	0.12	130	250	0.25	0.13	0.80 to 1.00	No
	US 395	Freight Route on a State Highway, Rural Lands	465	969	0.48	130	595	0.61	0.13	0.70	No
	Big Butter Creek Lane/Butter Creek	District/Local Interest Roads, Rural Lands	120	1,000	0.12	130	250	0.25	0.13	0.75	No
	Lamb Road	District/Local Interest Roads, Rural Lands	120	1,000	0.12	130	250	0.25	0.13	0.75	No
MO-05, UM-03,	I-84	Interstate Highway, Unincorporated	2,205	5,513	0.40	130	2,335	0.42	0.02	0.70	No
	US 395	Freight Route on a State Highway, Rural Lands	465	969	0.48	130	595	0.61	0.13	0.70	No
	OR 74	Regional Highway, Rural Lands	120	1,000	0.12	130	250	0.25	0.13	0.80 to 1.00	No

Council Review of DPO/Comments

Section IV.M. Public Services: OAR 345-022-0110

- **Impacts to Traffic Safety Providers**
 - County-specific Transportation and Traffic Plan (Public Services Condition 1)
 - Helicopter Use Plan (Public Services Condition 2)

Transportation and Traffic Plan

Boardman to Hemingway Transmission
Line Project



1221 West Idaho Street
Boise, Idaho 83702

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September 2018

See DPO Section IV.M.6, Traffic Safety (Page 499)



Council Review of DPO/Comments

Section IV.M. Public Services: OAR 345-022-0110

- **Impacts to Fire Protection Providers**
 - Fire protection providers (Table PS-9)
 - Fire Prevention and Suppression Plan provisions (Public Services Condition 5)
 - Proposed facility built to safety standards
 - Fire prevention and vegetation management measures found in other locations of ASC

*See DPO Section IV.M.8. Fire Protection (Page 519)
Condition (Page 524)*



Fire Prevention and Suppression Plan

Boardman to Hemingway Transmission
Line Project



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September 2018

Council Review of DPO/Comments

Section IV.N. Waste Minimization: OAR 345-022-0120

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that, to the extent reasonably practicable:

(a) The applicant's solid waste and wastewater plans are likely to minimize generation of solid waste and wastewater in the construction and operation of the facility, and when solid waste or wastewater is generated, to result in recycling and reuse of such wastes;

(b) The applicant's plans to manage the accumulation, storage, disposal and transportation of waste generated by the construction and operation of the facility are likely to result in minimal adverse impact on surrounding and adjacent areas.



See DPO Section IV.N. Waste Minimization (Page 514)

Council Review of DPO/Comments

Section IV.N. Waste Minimization: OAR 345-022-0120

- Estimated Quantities of Solid Waste and Wastewater

Construction

- Vegetation Waste (210,000 tons)
- Native Material (230,744 tons)
- Solid Waste (374 tons)
- No wastewater

Operations

- Vegetation Waste (250 tons every 4-5 years)
- Longhorn Station restroom facility (11,000 gallons)

- Management and Minimization Measures



See Table WM-1: Materials from Construction Activities, Recycled Totals and Disposal Locations (Page 516) and DPO Section IV.N., Waste Minimization (Pages 514 - 521)

Council Review of DPO/Comments

Section IV.O. Division 23: Need Standard for Nongenerating Facilities

OAR 345-023-0005 Need for a Facility

This division applies to nongenerating facilities as defined in ORS 469.503(2)(e), except nongenerating facilities that are related or supporting facilities. To issue a site certificate for a facility described in sections (1) through (3), the Council must find that the applicant has demonstrated the need for the facility. The Council may adopt need standards for other nongenerating facilities. This division describes the methods the applicant shall use to demonstrate need. In accordance with ORS 469.501(1)(L), the Council has no standard requiring a showing of need or cost-effectiveness for generating facilities. The applicant shall demonstrate need:

- (1) For electric transmission lines under **the least-cost plan rule, OAR 345-023-0020(1)**, or the **system reliability rule for transmission lines, OAR 345-023-0030**, or by demonstrating that the transmission line is proposed to be located within a “National Interest Electric Transmission Corridor” designated by the U.S. Department of Energy under Section 216 of the Federal Power Act;

Emphasis Added



*See DPO Section IV.O. Division 23: Need Standard for Nongenerating Facilities/Section IV.O.1.
Need for a Facility (Page 521)*

Council Review of DPO/Comments

Section IV.O. Division 23: Need Standard for Nongenerating Facilities

OAR 345-023-0020 Least-Cost Plan Rule

(1) The Council shall find that the applicant has demonstrated need for the facility if the capacity of the proposed facility or a facility substantially similar to the proposed facility, as defined by OAR 345-001-0010, is identified for acquisition in the short-term plan of action of an energy resource plan or combination of plans adopted, approved or acknowledged by a municipal utility, people's utility district, electrical cooperative, other governmental body that makes or implements energy policy, or electric transmission system operator that has a governance that is independent of owners and users of the system and if the energy resource plan or combination of plans:

(2) The Council shall find that a least-cost plan meets the criteria of an energy resource plan described in section (1) if the Public Utility Commission of Oregon has acknowledged the least cost plan.



See DPO Section IV.O. Division 23: Section IV.O.1. Need for a Facility: Least-Cost Plan Rule (Page 522)

Council Review of DPO/Comments

Section IV.O. Division 23: Need Standard for Nongenerating Facilities

- OAR 345-023-0020 Least-Cost Plan Rule
 - OPUC acknowledged the ongoing permitting, planning studies, and regulatory filings for the proposed facility as well as an acknowledgement of construction of the proposed facility
 - OPUC Order No. 18-176 (OPUC acknowledgement of the applicant's 2017 IRP)

See DPO Section IV.O.1. Need for a Facility (Page 539)

ORDER NO. **18 176**
ENTERED MAY 23 2018

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

LC 68

In the Matter of

IDAHO POWER COMPANY,

2017 Integrated Resource Plan.

ORDER

DISPOSITION: 2017 IRP ACKNOWLEDGED WITH MODIFICATIONS
AND EXCEPTIONS

This order memorializes our decision, made and affirmed at a Public Meeting, concerning Idaho Power Company's 2017 Integrated Resource Plan (IRP). We acknowledge all but two of the action items in the revised action plan. Although our acknowledgement is limited to Hemingway (B2H) related action items, we note that to our interpretation of IRP standards specific to the B2H project, we do not interpret or apply the standard of any other state.

I. INTRODUCTION

The central feature of Idaho Power's 2017 IRP is the B2H project. It has been identified as part of the preferred resource portfolio for 2013, and 2015 IRPs. Several groups formed to oppose the B2H project, individual interested citizens, participated actively in the process. Many groups and individuals are concerned about the impacts of B2H and share a preference for demand-side management alternatives to B2H. It is our view that the robust participation of individuals has supported a better and fuller understanding of the B2H project and other IRP issues. Although we acknowledge the selection of the B2H project as a least cost, least risk project, we remain grateful for the hard work, dedication, and input of all stakeholders in this process.

INTEGRATED RESOURCE PLAN



2017
IRP
LOOKING AHEAD

JUNE • 2017



Council Review of DPO/Comments

Section IV.O. Division 23: Need Standard for Nongenerating Facilities

OAR 345-023-0030 System Reliability Rule for Electric Transmission Lines

The Council shall find that the applicant has demonstrated need for an electric transmission line that is an energy facility under the definition in ORS 469.300 if the Council finds that:

- (1) The facility is needed to enable the transmission system of which it is to be a part to meet firm capacity demands for electricity or firm annual electricity sales that are reasonably expected to occur within five years of the facility's proposed in-service date based on weather conditions that have at least a 5 percent chance of occurrence in any year in the area to be served by the facility;
- (2) The facility is consistent with the applicable mandatory and enforceable North American Electric Reliability Corporation (NERC) Reliability Standards in effect as of September 18, 2015 as they apply either internally or externally to a utility system; and
- (3) Construction and operation of the facility is an economically reasonable method of meeting the requirements of sections (1) and (2) compared to the alternatives evaluated in the application for a site certificate.



See DPO Section IV.O. Division 23: Section IV.O.1. Need for a Facility: System Reliability Rule (Page 524)

Council Review of DPO/Comments

Section IV.O. Division 23: Need Standard for Nongenerating Facilities

- System Reliability Rule for Electric Transmission Lines
 - Facility is needed to enable the transmission system of which it is to be a part to meet firm capacity demands for electricity
 - North American Electric Reliability Corporation (NERC) Reliability Standards
 - Economically reasonable method of meeting the requirements of sections (1) and (2)

Idaho Power Company						Sales and Load Forecast Data						
Monthly Summary ¹	1/2020	2/2020	3/2020	4/2020	5/2020	6/2020	7/2020	8/2020	9/2020	10/2020	11/2020	12/2020
Average Load (aMW)-50 th Percentile												
Residential	851	676	616	526	468	539	656	621	492	473	676	831
Commercial	510	462	444	442	441	475	517	515	481	456	473	512
Irrigation	3	3	9	133	352	599	656	513	334	74	5	3
Industrial	297	285	292	278	283	308	301	305	302	305	294	287
Additional Firm	118	112	110	109	108	105	112	111	110	108	116	118
Loss	151	129	122	125	140	175	196	179	146	117	131	149
System Load	1,929	1,665	1,594	1,613	1,792	2,200	2,437	2,245	1,865	1,533	1,695	1,899
Light Load	1,791	1,533	1,460	1,457	1,622	1,999	2,197	1,989	1,677	1,365	1,563	1,753
Heavy Load	2,038	1,762	1,699	1,727	1,939	2,346	2,626	2,446	2,015	1,653	1,810	2,014
Total Load	1,929	1,665	1,594	1,613	1,792	2,200	2,437	2,245	1,865	1,533	1,695	1,899
Peak Load (MW)-90 th Percentile												
System Peak (1 hour)	2,517	2,360	2,097	2,076	2,758	3,538	3,745	3,364	2,890	2,136	2,329	2,576
Total Peak Load	2,517	2,360	2,097	2,076	2,758	3,538	3,745	3,364	2,890	2,136	2,329	2,576

Monthly Summary ¹	1/2021	2/2021	3/2021	4/2021	5/2021	6/2021	7/2021	8/2021	9/2021	10/2021	11/2021	12/2021
Average Load (aMW)-50 th Percentile												
Residential	861	707	621	531	473	546	665	630	498	477	682	843
Commercial	514	481	447	445	445	478	520	519	485	459	477	516
Irrigation	3	3	9	134	354	601	659	516	336	75	5	3
Industrial	298	297	294	279	284	310	303	307	303	306	296	288
Additional Firm	118	116	111	110	109	105	112	112	111	108	116	119
Loss	153	135	123	126	141	176	197	180	147	117	132	150
System Load	1,946	1,738	1,605	1,625	1,806	2,216	2,456	2,264	1,879	1,544	1,708	1,918
Light Load	1,807	1,601	1,470	1,468	1,634	2,014	2,214	2,006	1,690	1,375	1,575	1,771
Heavy Load	2,066	1,841	1,702	1,739	1,954	2,364	2,647	2,467	2,031	1,676	1,814	2,034
Total Load	1,946	1,738	1,605	1,625	1,806	2,216	2,456	2,264	1,879	1,544	1,708	1,918
Peak Load (MW)-90 th Percentile												
System Peak (1 hour)	2,529	2,372	2,105	2,087	2,780	3,570	3,797	3,406	2,917	2,149	2,343	2,596
Total Peak Load	2,529	2,372	2,105	2,087	2,780	3,570	3,797	3,406	2,917	2,149	2,343	2,596

Council Review of DPO/Comments

Section IV.P. Division 24 Standards

Section IV.P.1. Siting Standards for Transmission Lines: OAR 345-024-0090

To issue a site certificate for a facility that includes any transmission line under Council jurisdiction, the Council must find that the applicant:

- (1) Can design, construct and operate the proposed transmission line so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public;
- (2) Can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.



See DPO Section IV.P.1. Siting Standards for Transmission Lines: OAR 345-024-0090 (Page 529)

Council Review of DPO/Comments

Section IV.P. Division 24 Standards

Section IV.P.1. Siting Standards for Transmission Lines: OAR 345-024-0090

Methods and Results

- Alternating Current Electric Fields
- Induced Current

Minimization Measures (conditions)

- Minimum clearances
- Grounding
- Landowner Education
- Setbacks from Structures



500-kilovolt (kV) transmission line near Melba, Idaho

Council Review of DPO/Comments

Section IV.P. Division 24 Standards

Section IV.P.1. Siting Standards for Transmission Lines: OAR 345-024-0090

- Minimum Ground clearances (Siting Stand. for Transmission Lines Condition 1)
- NESC Standards (Siting Stand. for Transmission Lines Conditions 2-3)



See DPO Section IV.P.1. Siting Standards for Transmission Lines (Page 532)

Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.1. Noise Control Regulations: OAR 340-035-0035, OAR 340-035-0010 and OAR 340-035-0100

(B) New Sources Located on Previously Unused Site:

(i) No person owning or controlling a new industrial or commercial noise source located on a previously unused industrial or commercial site shall cause or permit the operation of that noise source if the noise levels generated or indirectly caused by that noise source increase the ambient statistical noise levels, L10 or L50, by more than 10 dBA in any one hour, or exceed the levels specified in Table 8, as measured at an appropriate measurement point, as specified in subsection (3)(b) of this rule, except as specified in subparagraph (1)(b)(B)(iii).

(ii) The ambient statistical noise level of a new industrial or commercial noise source on a previously unused industrial or commercial site shall include all noises generated or indirectly caused by or attributable to that source including all of its related activities. Sources exempted from the requirements of section (1) of this rule, which are identified in subsections (5)(b)–(f), (j), and (k) of this rule, shall not be excluded from this ambient measurement.



See DPO Section IV.Q.1. Noise Control Regulations (Page 538)

Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.1. Noise Control Regulations: OAR 340-035-0035, OAR 340-035-0010 and OAR 340-035-0100

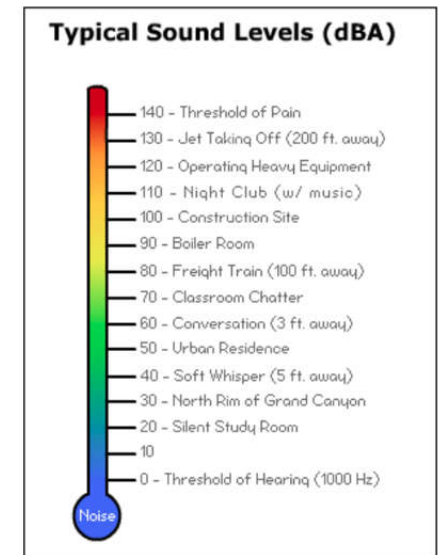
(5) Exemptions: Except as otherwise provided in subparagraph (1)(b)(B)(ii) of this rule, the rules in section (1) of this rule shall not apply to:

(g) Sounds that originate on construction sites

(h) Sounds created in construction or maintenance of capital equipment;

(j) Sounds generated by the operation of aircraft and subject to pre-emptive federal regulation...

Figure 12: Common Noise Sources and Expected Noise Levels



Source: OSHA
<https://www.osha.gov/SLTC/noisehearingconservation/>
Accessed 01-14-2019

Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.1. Noise Control Regulations: OAR 340-035-0035, OAR 340-035-0010 and OAR 340-035-0100

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(ii) The ambient statistical noise level of a new industrial or commercial noise source on a previously unused industrial or commercial site shall include all noises generated or indirectly caused by or attributable to that source including all of its related activities. Sources exempted from the requirements of section (1) of this rule, which are identified in subsections (5)(b)–(f), (j), and (k) of this rule, shall not be excluded from this ambient measurement.



See DPO Section IV.Q.1. Noise Control Regulations (Page 538)

Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.1. Noise Control Regulations: OAR 340-035-0035

Under the maximum allowable noise standard at OAR 340-035-0035(1)(b)(B)(i), a new industrial or commercial noise source to be located on a previously unused site may not exceed the noise levels specified in Table 8 of the noise rules, as represented in Table NC-2, *Statistical Noise Limits for Industrial and Commercial Noise Sources* below.

Table NC-2: Statistical Noise Limits for Industrial and Commercial Noise Sources

Statistical Descriptor ¹	Maximum Allowable Noise Standards (dBA)	
	Daytime (7:00 AM - 10:00 PM)	Nighttime (10:00 PM - 7:00 AM)
L50	55	50
L10	60	55
L1	75	60
Notes: 1. The hourly L50, L10 and L1 noise levels are defined as the noise levels equaled or exceeded 50 percent, 10 percent, and 1 percent of the hour, respectively. Source: OAR 340-035-0035, Table 8		

See DPO Section IV.Q.1. Noise Control Regulations (Page 547 and 551)

Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.1. Noise Control
Regulations: OAR 340-035-0035,
OAR 340-035-0010 and OAR 340-
035-0100

- Methods and Assumptions for Corona Noise Analysis
- Results of Noise Analysis

*See DPO Section IV.Q.1. Noise
Control Regulations (Page 550)*



Table NC-3: Summary of Acoustic Modeling Results—Comparison of Predicted Facility Sound Levels to Late Night Baseline L50 (NSR Exceedances)

NSR Number (Map ID)	Distance from NSR to the Transmission Line (feet)	Nearest Milepost	County	Late Night Baseline Sound Pressure Level (dBA)	Future Sound Level (Foul Weather) (dBA)	Increase (dBA)
5002	2,067	58.9	Umatilla	25	36	+11
8	2,139	58.9	Umatilla	25	36	+11
9	1,834	59.6	Umatilla	25	36	+12
10	1,834	59.6	Umatilla	25	36	+12
11	1,398	59.7	Umatilla	25	38	+13
5004	338	106.7	Union	32	47	+15
69	1,467	142.6	Baker	27	39	+12
70	1,053	142.7	Baker	27	40	+14
5010	1,170	174.2	Baker	24	41	+17
92	2,434	215.2	Malheur	24	35	+12
93	2,283	216	Malheur	24	35	+11
94	1,801	216.2	Malheur	24	37	+12
95	2,070	216.3	Malheur	24	36	+12
96	1,470	216.5	Malheur	24	38	+13
97	1,693	216.5	Malheur	24	37	+13
98	1,102	216.8	Malheur	24	39	+15
99	1,768	216.9	Malheur	24	37	+13
100	2,119	217	Malheur	24	36	+12
101	673	217	Malheur	24	42	+17
102	607	217.3	Malheur	24	42	+18
103	2,575	217.4	Malheur	24	35	+11
104	1,598	217.4	Malheur	24	37	+14
105	745	217.4	Malheur	24	41	+17
106	2,621	217.7	Malheur	24	35	+11
107	2,474	217.9	Malheur	24	35	+12
108	2,119	218.1	Malheur	24	36	+12
109	2,595	218.1	Malheur	24	35	+11
110	2,648	218.1	Malheur	24	35	+11
5011	780	227.1	Malheur	24	42	+18
111	2,746	253.5	Malheur	24	35	+11
5008	1,340	254.7	Malheur	24	38	+14
5009	2,060	254.7	Malheur	24	26	+12
112	1,732	254.9	Malheur	24	37	+13
113	3,087	263.7	Malheur	24	34	+11
115	659	6.1	Union	32	43	+11
133	890	255.4	Malheur	24	40	+16

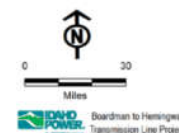
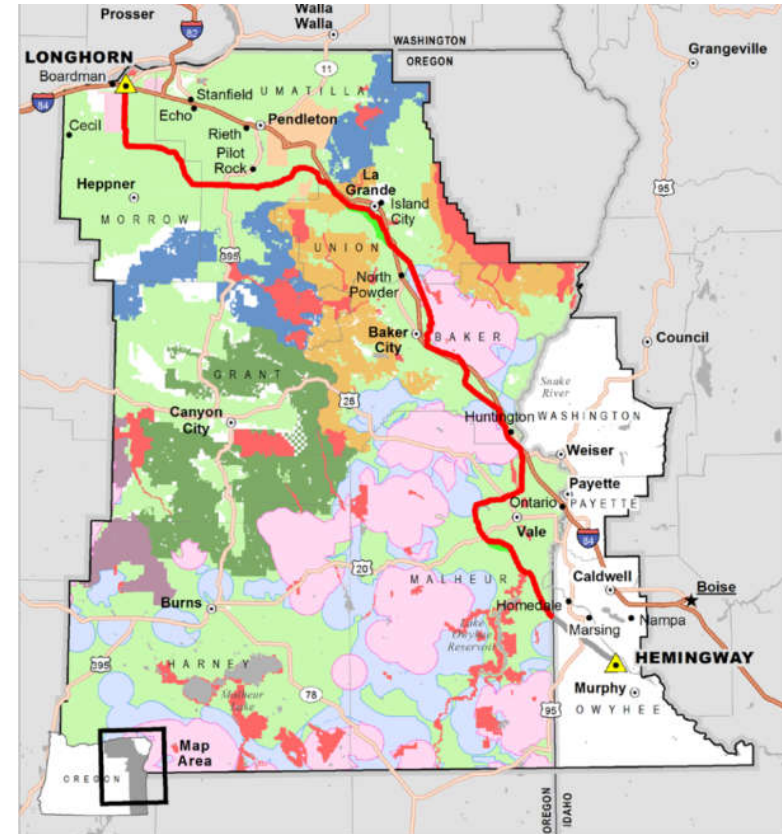
Source: B2HAPPDoc3-41 ASC 24_ Exhibit X_Noise_ASC 2018-09-28, Table X-5.

Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.1. Noise Control Regulations: OAR 340-035-0035, OAR 340-035-0010 and OAR 340-035-0100

- **Compliance with DEQ Noise Rules:**
- **Ambient Antidegradation Standard:**
 - Request for Exception to the Ambient Antidegradation Standard Entirety of Proposed Transmission Line Route
 - Recommended Noise Control Conditions



Key Constraints	Project Features	Other Features
EFSC Protected Area	Proposed Route	No Key Constraints or Study Area Not In Oregon
Goal 3 Resource Areas	Alternative Route	
Indian Reservation	Route Not In Oregon	
Malheur National Forests	Stations	
Malheur		
Ochoco		
Umatilla		
Wallowa-W.		
Military Reservation		
Sage-Grouse Core Areas (COFW)		
Core Area		
Low Density		
Study Area Boundary		



See DPO Section IV.Q.1. Noise Control Regulations (Page 552)

Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.1. Noise Control Regulations: OAR 340-035-0035, OAR 340-035-0010 and OAR 340-035-0100

- **Compliance with DEQ Noise Rules: Ambient Antidegradation Standard:**
 - Request for Variance to the Ambient Antidegradation Standard
 - Recommended Noise Control Conditions

See DPO Section IV.Q.1. Noise Control Regulations (Page 561)

Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.2. Removal Fill Law: OAR 141-085-0500 through -0785

Removal Fill Permit

- Methodology: Wetland Delineation/Survey Area
- **Department Determinations**
 - Independent Utility
 - Protected, Conservation and Best Use
 - No Unreasonable Interference
- **Determination Considerations**
 - Public Need and Benefit
 - Economic Cost
 - Alternatives
 - Conformance
 - Streambank Protection
 - Mitigation

See DPO Section IV.Q.2. Removal Fill Law (Pages 565-588)

Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.2. Removal Fill Law: OAR 141-085-0500 through -0785

- Compensatory Wetland and Non-Wetland Mitigation Plan (Removal Fill Condition 3)
- General and Special Conditions set forth in the removal-fill permit (Removal Fill Condition 5)
- Removal Fill Permit (Removal Fill Condition 6)

Department of State Lands
775 Summer Street, Suite 100
Salem, OR 97301-1279
☎ 503-986-5200

Permit No.:	61621-RF
Permit Type:	Removal/Fill
Waterway:	Many various wetlands/waters
County:	Morrow, Umatilla, Union, Baker, Malheur
Expiration Date:	(To be determined when the permit is issued.)

Idaho Power Company

IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE REFERENCED APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder must obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action, which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. Employees of the Department of State Lands (DSL) and all duly authorized representatives of the Director must be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
6. In issuing this permit, DSL makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390, and related administrative rules.
7. Permittee must defend and hold harmless the State of Oregon, and its officers, agents and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.
8. Authorization from the U.S. Army Corps of Engineers may also be required.

NOTICE: If removal is from state-owned submerged and submersible land, the permittee must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 to 274.940 if you want a transfer of title; public rights to such filled lands are not extinguished by issuance of this permit. This permit does not relieve the permittee of an obligation to secure appropriate leases from DSL, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact Department of State Lands, 503-986-5200.

Kirk Jarvie, Southern Operations Manager
Aquatic Resource Management
Oregon Department of State Lands

Authorized Signature

See DPO Section IV.Q.2. Removal Fill Law (Pages 565-588)



Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.3. Water Rights: OAR 690-310-0000; OAR 690-380-0000

- Water Use:
 - Construction:
 - Quantity: 36.5 to 54.8 million gallons
 - Uses: Dust suppression, drinking/sanitary, foundation, access road construction, reseeding/restoration
 - Sources: purchases from local municipalities
 - Operation: *very minimal needed*
- Groundwater, surface water or water right transfer not needed



See DPO Section IV.Q.3. Water Rights (Pages 589-590)

Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.4. Fish Passage: OAR 635-412-0035

- Regulatory Overview
- Methodology

Table 1. Road-Stream Crossing Ownership, Risk Summaries, Proposed Crossing Types, and Fish Passage Information

Stream Name	Crossing ID	Nearest Proposed Route Milepost	Ownership	Fish Use	Risk Ratings		Existing Crossing Type	Potential Crossing Type(s) ¹		Crossing Characteristics		
					Stream	Project		Proposed	Alternatives	Crossing Type – Explanation	Considerations	ODFW Fish Passage Trigger
Little Butter Creek	R-08883	27.8	Private	Resident	Medium	Medium	Culvert	2	3A; 3B	4.7-foot corrugated metal pipe in place.	Culvert is under-sized with limited fill covering pipe. No new construction or major replacement is needed.	No new construction or major replacement proposed. ODFW Fish Passage Plan not anticipated.
Butter Creek	R-08916	27.9	Private	Resident	Medium	Medium	Bridge	1	–	90-foot steel I-beam with center support bridge in place.	–	No new construction or major replacement proposed. ODFW Fish Passage Plan not anticipated.
Butter Creek	R-11312	34.2	Private	Resident	Low	Medium	Bridge	3A	–	48-foot railcar bridge in place.	Bridge and abutments outside of the OHW could be replaced with similar railcar. No new construction or major replacement is needed.	No new construction or major replacement proposed. ODFW Fish Passage Plan not anticipated.
Butter Creek	R-17426	49.9	Private	Resident	Medium	Low	Bridge	1	–	30-foot steel bridge in place.	–	No new construction or major replacement proposed. ODFW Fish Passage Plan not anticipated.
West Birch Creek	R-20404	59.7	Private	Anadromous	Low	Medium	Bridge	1	3B	42-foot steel I-beam bridge in place.	Needs new decking, may need some structural support outside the OHW. No new construction or major replacement is needed.	No new construction or major replacement proposed. ODFW Fish Passage Plan not anticipated.
East Birch Creek	R-20809	63.2	Private	Anadromous	Not Rated ²	Not Rated ²	NA ² Bridge	1	–	A Major Road (asphalt road) crossing that would not be changed from Project actions and not needing to be surveyed	–	No new construction or major replacement proposed. ODFW Fish Passage Plan not anticipated.
California Gulch	R-21694	64.1	Private	Anadromous	Medium	Low	NA ² Culvert	2	–	No access to crossing locations, but stream was surveyed.	–	No new construction or major replacement proposed. ODFW Fish Passage Plan not anticipated.
East Birch Creek	R-21604	64.2	Private	Anadromous	Low	Medium	Bridge	1	–	43-foot steel I-beam bridge in place.	Possibly some structural modifications outside the OHW. No new construction or major replacement is needed.	No new construction or major replacement proposed. ODFW Fish Passage Plan not anticipated.
Ray Creek	R-20492	65.9	Private	Resident	Low	Low	Culvert	2	–	3.5-foot corrugated metal pipe in place.	–	No new construction or major replacement proposed. ODFW Fish Passage Plan not anticipated.

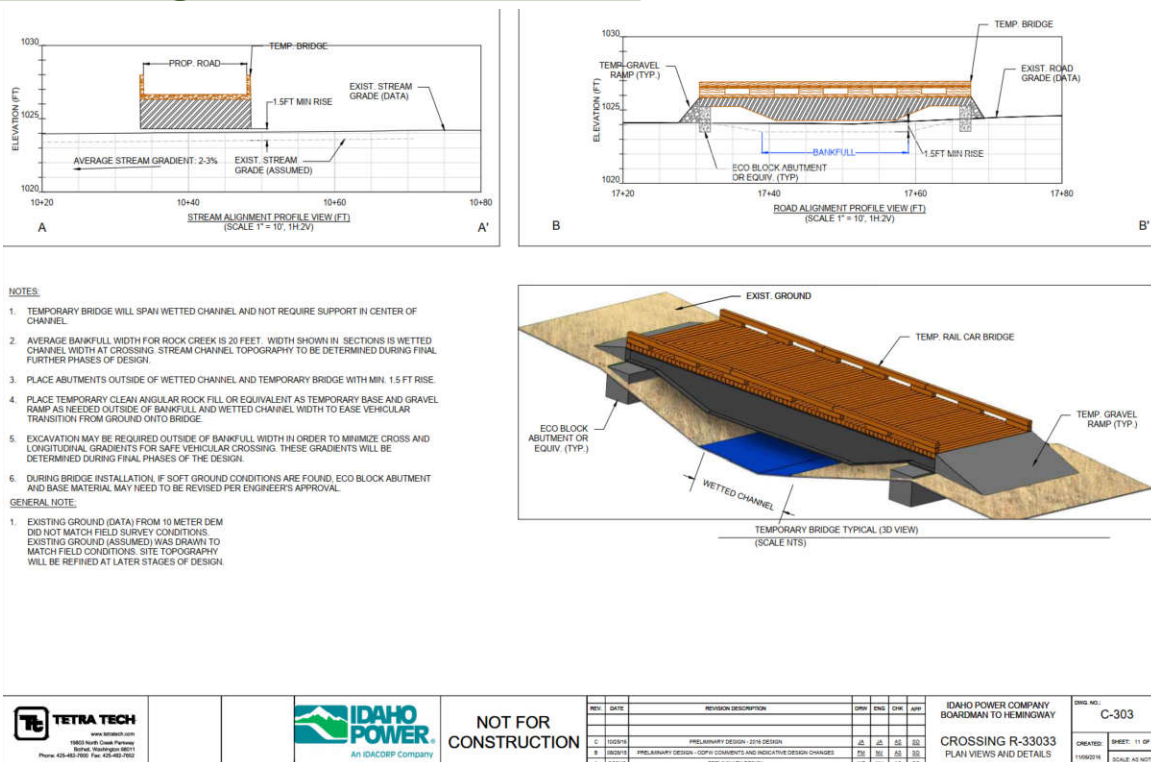
See DPO Section IV.Q.4. Fish Passage (Pages 591-593)

Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

Section IV.Q.4. Fish Passage: OAR 635-412-0035

- Crossings requiring ODFW Fish Passage Permit/Design Approval
 - Little Rock Creek, Rock Creek, Goodman Creek, Cavanaugh Creek, Benson Creek
- ODFW Permit Requirements
 - 10 Conditions (design standards, maintenance, monitoring, fish salvage)



NOT FOR
CONSTRUCTION

REV	DATE	REVISION DESCRIPTION	DESIGNED	CHECKED	APPROVED
1	10/20/19	PRELIMINARY DESIGN - 2019 DESIGN	JL	JS	JS
2	10/20/19	PRELIMINARY DESIGN - COPY COMMENTS AND RESOLUTIVE DESIGN CHANGES	JS	JS	JS
3	10/20/19	PRELIMINARY DESIGN	JS	JS	JS

IDAHO POWER COMPANY
BOARDMAN TO HEMINGWAY
CROSSING R-33033
PLAN VIEWS AND DETAILS

ENGINEER: C-303
CREATED: 11 OF 33
THROWN: SCALE AS NOTED

See DPO Section IV.Q.4. Fish Passage (Pages 591-593)

Council Review of DPO/Comments

Part 2 of 2

Council Deliberation:

Questions/Comments on DPO, Comments/Issues Raised, and
Applicant Responses

Council Deliberation



Adjourn

