



Oregon

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To: Oregon Energy Facility Siting Council

From: Kellen Tardaewether, Senior Siting Analyst

Date: January 9, 2020

Subject: Agenda Item C (Information Item – Continued from December 2019 Council Meeting):
Boardman to Hemingway Transmission Line – Council Review of Draft Proposed Order (DPO) and Comments on the DPO for the January 23-24, 2020, Council Meeting

Attachments: Attachment 1: (hyperlink) B2HAPPDoc8-1 All DPO Comments Combined-Rec'd 2019-05-22 to 08-22
Attachment 2: (hyperlink) B2HAPPDoc13 DPO IPC Responses to Select DPO Comments Rec'd by 2019-11-07

COUNCIL REVIEW PROCESS

In accordance with OAR 345-015-0230, the Council reviewed and provided comments to the Department on the draft proposed order (DPO) for the Boardman to Hemingway Transmission Line at the December 19-20, 2019 Council meeting. The Department provided a description of the DPO by standard/section, issues identified in comments received on the DPO and Idaho Power Company's responses to comments received. Due to time constraints and the volume of materials for Council to review, the Council elected to continue the review of the DPO, comments, and responses at the January 23-24, 2020 Council meeting in Hood River, Oregon.

This staff report contains similar information that was provided to Council for the December 2019 meeting. At the January Council meeting staff will resume its presentation of the DPO by standard and issues associated with each standard that were raised in the comments on the DPO. Topics discussed at the December meeting that are out of EFSC jurisdiction or not associated with an EFSC standard and were raised in comments on the DPO include:

- Alternative Routes from the BLM Record of Decision (and alternatives in the EFSC review process); and
- Matters of land-acquisition, right-of-way easements, land access agreements, and land-owner compensation.

Table 1 below, is a summary of the issues identified in the DPO comments and the standards they may be associated with. The grey highlighted sections in Table 1 illustrate the DPO sections and issues discussed at the December Council meeting. Staff will be prepared to discuss any topics already covered at the December Council meeting, as requested by Council and as time permits.

Table 1: DPO Comment Issue Summary

DPO Comment Issue*	Draft Proposed Order/Proposed Order Section - Council Standard(s)
Fire Risk/Public Safety Impacts Vegetation Management	Section IV.B. Organizational Expertise
Slope Stability/Landslides Earthquake Potential Blasting Erosion Cumulative/Corridor Impacts	Section IV.C. Structural Standard
Blasting Erosion	Section IV.D. Soil Protection
ORS 215.275 Compliance (impacts to irrigated agriculture, including in the Durkee Valley Baker County area, erosion, aerial sprayers, fire risk, weeds) Goal 4 Exception (methodology/impact assessment)	Section IV.E. Land Use
National Historic Oregon Trail Interpretive Center (NHOTIC) (visual impacts) Ladd Marsh Wildlife Area (wildlife impacts; visual)	Section IV.F. Protected Areas
Retirement Bond Amount/Methodology	Section IV.G. Retirement and Financial Assurance
Weeds Revegetation Habitat Categorization (wetlands/riparian) Survey Area (Adequacy of survey area)	Section IV.H. Fish and Wildlife Habitat
Avoidance of Category 1 habitat Federally-listed Species Oregon Conservation Strategy Survey Area (Adequacy of survey area)	Section IV.I. Threatened and Endangered Species
NHOTIC (visual) Scenic Byways (Grande Tour/Hell’s Canyon)	Section IV.J. Scenic Resources
Oregon Trail Resources (visual/direct impacts)	Section IV.K. Historic, Cultural and Archeological Resources
La Grande Morgan Lake (methodology; impact assessment) Ladd Marsh Wildlife Area (impact assessment)	Section IV.L. Recreation
Water availability Traffic Fire Risk/Response	Section IV.M. Public Services

Table 1: DPO Comment Issue Summary

DPO Comment Issue*	Draft Proposed Order/Proposed Order Section - Council Standard(s)
Emergency/Medical Response	
Under review	Section IV.N. Waste Minimization
Least Cost Plan System Reliability	Section IV.O. Need for a Facility
Exposure/Health Risk to Electromagnetic Fields	Section IV.P.I Siting Standards for Transmission Lines
Compliance (notification, methodology, variance/exception) Blasting	Section IV.Q.1. Noise Control Regulations
Under review	Section IV.Q.2. Removal Fill law
Under review	Section IV.Q.3. Water Rights
Methodology/Implementation	Section IV.Q.4. Fish Passage
<p>* Table 1 is not intended to be a comprehensive list of issues identified in the comments on the DPO.</p> <p>Highlighted sections denote topics discussed at the December Council meeting.</p>	

Following the Council’s review and consideration of comments and responses received on the record of the public hearings, staff will issue a proposed order in accordance with OAR 345-015-0239(2) taking into consideration the comments of the Council, public comments received on the record of the DPO public hearing (i.e. May 22 – November 7, 2019), Idaho Power Company’s responses to comments and agency consultation. In conjunction with the issuance of the proposed order, the Department will issue a notice of contested case, which will include an opportunity for those who commented, either orally or in writing, on the record of the DPO public hearings to request review of properly raised issues in a contested case proceeding on the proposed order.

DRAFT PROPOSED ORDER PROCEDURAL OVERVIEW

On May 22, 2019, the Oregon Department of Energy (Department) issued the Draft Proposed Order (DPO) on the Application for Site Certificate (ASC) for the proposed Boardman to Hemingway Transmission Line (proposed facility), a proposed transmission line extending approximately 273 miles across five Oregon counties, including Morrow, Umatilla, Union, Baker, Malheur, and one county in Idaho, as further described below. With the DPO, the Department issued a public notice of a 62-day public comment period on the DPO and of public hearings on the DPO held from 4:30 to 8:00 p.m. on June 18 through June 20, 2019 and June 26 and June 27, 2019 in Ontario, Baker City, La Grande, Pendleton and Boardman, Oregon, respectively. At the June 26, 2019 public hearing in Pendleton, following a request to extend the public comment period by 30-days based on the volume of information, the Energy Facility Siting Council (Council) extended the public comment period by 30-days from July 23 to August 22, 2019, and the opportunity for the applicant to respond from August 22 to September 23, 2019.

At the September 26-27, 2019 Council meeting, Council approved a request by the applicant pursuant to OAR 345-011-0010(3) to ratify an emergency Council Chair action to extend the record by 45-days, from September 23, 2019 to November 7, 2019 to allow the applicant

additional time to review and respond to the substance and volume of comments received by the August 22, 2019 draft proposed order public comment deadline.

During the 93-day public comment period on the DPO, the Department received over 470 comments from members of the public, reviewing agencies and appointed Special Advisory Groups. Given the scope and scale of comments and issues raised related to the ASC and DPO, the Department continues to fully evaluate the merits of issues raised, and for brevity, presents in this staff report a summary table of issues raised and refers the Council to information submitted by the applicant in response to comments and issues raised (Attachment 2) and DPO comments (Attachment 1) (hyperlinks provided below in staff report).

PROPOSED FACILITY

The proposed facility includes a transmission line corridor (site boundary) extending approximately 273 miles across five Oregon counties, including Morrow, Umatilla, Union, Baker, Malheur, and one county in Idaho. Within the corridor, Idaho Power Company (applicant) seeks approval by the Council to construct and operate up to 270.8-miles of a single-circuit 500 kilovolt (kV) electric transmission line, decommission 12 miles of existing 69 kV transmission line, rebuild 0.9 miles of 230 kV transmission line, and rebuild 1.1 miles of existing 128 kV transmission line. These components are referred to as the proposed route. In addition, within the proposed transmission line corridor (site boundary), the applicant seeks approval for four alternative route segments, extending 33.3 total miles.

In addition to construction and operation of transmission lines, the applicant seeks Council approval to construct and operate a 20-acre Switching Station located near the Port of Morrow, 12 communication station sites (this includes two alternative site locations), permanent and temporary access roads, temporary multi-use and pulling and tensioning sites.

AVAILABILITY OF DPO COMMENTS

At the November 21-22, 2019 EFSC meeting, Council Secretary Todd Cornett presented to Council the availability of DPO comments, and the applicant's responses to DPO comments, as well as options for Council members to access and review the comments. All Council members opted to review comments in electronic form by downloading from the Department's project webpage. At any point staff can provide Council comments in print or other electronic format. All comments received on the DPO, a DPO comment index identifying commenter name and date comment received, and responses to comments and issues from the applicant are available at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/B2H.aspx>

On the Department's project webpage comments received on the DPO are available in smaller PDF documents, organized alphabetically. All DPO comments are also available in one large combined PDF document that is available via an external link for viewing and downloading. Staff recommends that Council members download and save the larger combined DPO comment PDF file, as staff will rely on this document during the presentation of DPO comments. All DPO comment PDFs can be navigated by a searchable table of contents or by using the bookmarks to navigate to a specific comment.

Attachment 2 (hyperlinked), applicant responses to DPO comments, is presented in tables with DPO comments/commenters and applicant responses organized by issue/topic.

COUNCIL REVIEW OF DPO COMMENTS

During the 93-day public comment period on the DPO, the Department received over 470 comments from members of the public, reviewing agencies, appointed Special Advisory Groups, and the applicant.

Table 1 below outlines the general issues raised in the comments received on the DPO within Council jurisdiction. Numerous detailed concerns were raised related to each general topic. The Department continues to fully evaluate the merits of issues raised; however, Table 1 is provided below to support Council's understanding of issues raised related to Council standards. At the December Council meeting, a team of Department staff will discuss each of the issues identified in Table 1 in the context of the applicable Council standard and section of the DPO and upcoming proposed order. Table 1 is not intended to be a comprehensive list of issues identified in the comments on the DPO. In order to more fully understand any or all of the issues identified Table 1, Council members have access to the following information:

Draft Proposed Order:

Provided to Council upon issuance of the DPO on May 22, 2019. The DPO has the draft findings, staff recommendations and recommended conditions of approval. The table of contents is searchable as well as the bookmarked headers. Attachments to the DPO are hyperlinked within the DPO and also available for viewing and downloading on the Department's project webpage.

Available for viewing and downloading on the Department's B2H project webpage:

<https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-05-22-B2H-Draft-Proposed-Order.pdf>

All DPO Comments:

As described above, each individual comment in its original form and transcripts from the hearings, are available on the Department's website:

Attachment 1: B2HAPPDoc8-1 All DPO Comments Combined-Rec'd 2019-05-22 to 08-22
<https://onedrive.live.com/?authkey=%21AEBe%2Dm62XANUTiQ&id=26041F18E096594%215419&cid=026041F18E096594>

Idaho Power Responses:

Applicant responses to DPO comments, are organized in tables with DPO comments/commenters and applicant responses. The applicant DPO comment response tables are organized by reviewing agency or issue. For instance, comments related to the applicant's ability to comply with Noise Control Requirements can be found in the tables labeled "Noise," same with "Need," "Geology, Soils, Carbon," etc.

Attachment 2: B2HAPPDoc13 DPO IPC Responses to Select DPO Comments Rec'd by 2019-11-07

<https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-11-07-B2HAPP-DPO-IPC-Responses-to-Select-DPO-Comments.pdf>

As working documents, the Department has formatted Attachment 2, applicant responses to select DPO comments and issues, adding a column for Departments evaluation of the DPO comments and applicant responses. These formatted tables will be provided as an attachment to the proposed order, when issued. The formatted tables of the Departments' evaluation of DPO comment issues and applicant responses will serve as a "cross walk" for how Department recommendations are made for modifications within the proposed order in response to DPO comments, applicant responses, or the Department's evaluation. The Department notes that these tables will serve to help navigate between comments, issues, responses and the upcoming proposed order and are not intended to represent the Department's agreement of the applicant responses.