



Oregon

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To: Energy Facility Siting Council

From: Kate Sloan, Senior Siting Analyst

Date: July 9, 2021

Subject: Agenda Item H (Action Item):
Boardman Coal Plant, Termination of the Terrestrial Monitoring Program (TMP) – for the July 23, 2021 EFSC Meeting

Attachments: Attachment 1: Certificate Holder’s Request to Terminate TMP
Attachment 2: Terrestrial Monitoring Program (TMP) (as amended March 2020)
Attachment 3: ODFW review and response to termination of TMP

INTRODUCTION

On February 17, 2021, the Oregon Department of Energy (Department) received notification from Portland General Electric Company (PGE, certificate holder) of its intent to terminate the Terrestrial Monitoring Program (TMP) under the Boardman Coal Plant Site Certificate (See Attachments 1 and 2). The certificate holder requests to terminate the TMP because the Boardman Coal Plant, a 550 megawatt (MW) coal-fueled electric generating facility, ceased operations in 2020; the facility is currently being decommissioned, with an anticipated 2023 completion date. The request to terminate the TMP is considered a modification and as such, is subject to Council approval (per OAR 345-026-0060, 1975).

The TMP is a long-term wildlife and vegetation monitoring program and includes: breeding bird surveys (monthly, April – June), raptor surveys (monthly, March – August, December – January), waterfowl usage monitoring, breeding pair surveys for ducks (April-May) and brood count surveys for geese and ducks (May-July) at Carty Reservoir. In addition to birds, the TMP includes monitoring for mammals, vegetation, amphibians and reptiles and fish, with most of the monitoring and survey work to be conducted at Carty Reservoir under the requirements of the Boardman Coal Plant site certificate. (Note: Carty Generating Station operates under a separate site certificate with its own specific wildlife and habitat mitigation and monitoring requirements.). The requirements of the current TMP are summarized briefly below:

Breeding Bird Surveys

As per the survey modifications implemented in 1997, the breeding bird surveys are conducted once per month in April, May, and June using the point count method. Surveys are conducted in

grassland, sagebrush, and riparian habitats. Emphasis is on documenting the relative abundance and distribution of breeding landbird species in all three habitat types. Annual survey data are used to compare trends in landbird species diversity and abundance over time.

Raptor Surveys

Raptor surveys are conducted once per month from March through August and in December and January. Raptor nest sites on PGE controlled properties are noted and monitored throughout the season to determine nesting success and preferred habitat characteristics. Although the relative abundance and distribution of all species are monitored, emphasis is given to monitoring all nesting pairs of Swainson's and ferruginous hawks and any other raptor species of special concern.

Waterfowl

Carty Reservoir frequently experiences heavy waterfowl usage, especially during the winter months. Although primarily used as a wintering area, some species use shoreline habitat for nesting. To monitor waterfowl usage of the reservoir, PGE conducts annual breeding pair counts for ducks, and brood counts for both ducks and geese.

Breeding pair counts are conducted once in the spring (April or May). Brood count surveys are conducted in mid-May for geese, and in late June or early July for ducks. Data are recorded separately by area to facilitate census efforts and document possible differential use of the reservoir.

The Department anticipates notification from the certificate holder in 2nd or 3rd Quarter 2021 to terminate the site certificate. Site certificate termination rules under OAR 345-027-0110 do not apply to the Boardman Coal Plant based on the language of the site certificate, which establishes applicable requirements as those that were in place as of 1975, the date the original site certificate was approved. Nonetheless, the certificate holder intends to notify the Department of the termination of the site certificate.

SCOPE OF REVIEW

The Energy Facility Siting Council's (Council) scope of review is based on requirements in effect in 1975, as established in the Boardman Coal Plant Site Certificate. The TMP was imposed as a site certificate requirement pursuant to OAR 345-026-0060, which states:¹

The site certificate holder shall initiate and maintain environmental and effluent monitoring of the sites, thermal power plants, and associated facilities. Specific plans for the performance, modification, and reporting of these monitoring programs shall be reviewed and concurred in by the appropriate state agencies. All program plans and reports as listed below shall be provided to the Council. The Council, after consultation with the appropriate state agency, may approve or modify those plans [Terrestrial Monitoring]

¹ Final Order #1: Approving in part PGE's Request for revisions to Boardman Environmental Monitoring Programs. 2004-09-13.

Council last approved modifications to the TMP in 2020. The Department construes the certificate holder's notification of TMP termination as a request to modify the TMP. As provided in the above referenced rule, in order to modify the TMP, the scope of Council's review is limited to 1) an evaluation of whether the monitoring program is required (i.e. the proposed change), and 2) completion of consultation with appropriate state agencies.

EVALUATION

The Department's evaluation of the termination of the TMP includes an evaluation of: 1) the record of the proceedings for the Boardman Coal Plant; 2) OAR 345-026-0060 (in effect in 1975); 3) impacts from termination of long-term monitoring; and 4) consultation with Oregon Department of Fish and Wildlife (ODFW) on the proposed change.

The Department evaluated the record of proceedings that led to the Final Order on the Application for Site Certificate (ASC) and subsequent Final Orders on Amendments 1 through 7, issued from 1975 through 2004. Based on this review, there appears to be no specific requirements for long-term monitoring beyond the "Operations" phase. There are neither findings nor conclusions as a result of decades of wildlife monitoring under the TMP that would support applying the requirements of the TMP to a non-operational facility or decommissioning activities. This is consistent with certificate holder's representations in their notification to terminate the TMP.

As referenced above, OAR 345-026-0060 (in effect in 1975) requires state agency coordination in order to modify a monitoring plan. On behalf of Council, the Department consulted with ODFW on June 10, 2021. Based on consultation, ODFW confirmed review of PGE's request to terminate the Boardman Coal Plant TMP and had no concerns about this request, or the decision to terminate the TMP survey requirements for the Boardman Coal Plant site certificate (see Attachment 3).

PGE's implementation of the TMP included over 40 years of wildlife and vegetation monitoring to evaluate potential impacts of the construction and operations of the Boardman Coal Plant. Currently in "decommissioned" status, the certificate holder has requested the termination of the TMP requirements, as they apply to the Boardman Coal Plant site certificate. Because the facility is no longer in operations, there are no facility operation impacts to monitor. As noted in the request, PGE will continue raptor nest surveys and breeding bird surveys, in modified form, in some of the same areas, under the Carty Generating Station site certificate. Other aspects of the TMP will continue under the Multi Species Candidate Conservation Agreement with Assurances (MSCCAA). As noted by PGE, the 40+ years of monitoring conducted under the Boardman Coal Plant TMP identified no significant impact on wildlife of concern while the plant was in operations. Therefore, the Department recommends Council consider that based on the difference between operations and non-operations/decommissioning, there would be no biological basis for continuation of the TMP.

Therefore, the Department recommends Council find that based on consultation with ODFW, as required under OAR 345-026-0060, and the reasoning and analysis included on the record of the proceedings for this facility, that the certificate holder's TMP may be terminated.

RECOMMENDED COUNCIL ACTION

The Department recommends Council approve termination of the TMP for the Boardman Coal Plant.

ATTACHMENTS:

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