



ENERGY FACILITY SITING COUNCIL

Meeting Notice and Agenda In-Person/WebEx Webinar/Teleconference

July 17, 18 & 19, 2023

Please Note: Every effort will be made to consider items as they are indicated. However, the Council agenda and the order of agenda items are subject to change.

Monday, July 17th at 5:30 p.m.

**Best Western Sunridge Hotel Conference Room
1 Sunridge Lane
Baker City, Oregon**

WebEx Webinar/Teleconference Information

<https://odoe.webex.com/odoe/j.php?MTID=me50442c32ece9303b30f7e56302475d4>

Access Code: 2336 484 2972 **Meeting password:** EFSC

Teleconference #: 408-418-9388

Roll Call and Opening Remarks

A.1 Boardman to Hemingway Transmission Line, Public Hearing on Draft Proposed Order on Request for Site Certificate Amendment 1 (Information Item) – The Boardman to Hemingway Transmission Line is an approved facility that includes approximate 300 miles (275 in Oregon) of electrical transmission line (primarily 500 kilovolt, [kV]) that crosses 5 counties in Oregon; Morrow, Umatilla, Union, Baker and Malheur counties. The certificate holder is Idaho Power Corporation. Request for Site Certificate Amendment 1 (RFA1) seeks Council approval to add area to the site boundary to allow siting of previously approved facility components in new locations, including adjusting approximately 8.8 miles of the 500-kV transmission line route and siting approximately 45.9 miles of new or substantially modified access roads in locations not previously evaluated. RFA1 also seeks Council approval to amend site certificate language to support implementation and interpretation.

1. **Proposed Facility Overview:** Kellen Tardaewether, Senior Siting Analyst, will provide an overview of the siting process and changes proposed in RFA1.
2. **Public Hearing Overview:** Vice Chair Kent Howe, acting as Presiding Officer, will explain the legal requirements for providing comments on the record and will facilitate the hearing.
3. **Public Hearing:**
 - The certificate holder is allowed to comment on anything in the Draft Proposed Order.

- Members of the public are allowed to comment on the Draft Proposed Order and/or the amendment request. Members of the certificate holder’s team such as consultants are not allowed to comment at this time.
 - **Members of the Council are allowed to make comments about any questions or concerns they have related to the Draft Proposed Order and/or the amendment request.**
 - The certificate holder is allowed to respond to any comments.
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Tuesday, July 18, 2023 at 4:00 p.m.

**Oxford Inn Suites Conference Room
2400 SW Court Place
Pendleton, Oregon**

WebEx Webinar/Teleconference Information

<https://odoe.webex.com/odoe/j.php?MTID=m680cab376c088453214af773964f1b17>

Access Code: 2349 713 9915 **Meeting password:** EFSC

Teleconference #: 408-418-9388

Roll Call and Opening Remarks

- B. Consent Calendar (Action Item & Information Item)** – Approval of June 1, 2023 & June 23, 2023 meeting minutes; Council Secretary Report; and other routine Council business.
 - C. Final Legislative Update (Information Item)** – Christy Splitt, Government Relations Coordinator. The Council will receive an overview of the 2023 legislative session.
 - D. Appointment of Consultant for Exhibit S Review (Historic, Cultural and Archeological Resources) (Action Item)** – Sarah Esterson, Senior Policy Advisor, will present a request for the Department’s use of consultants for review of historic, cultural and archeological resources included in ASC Exhibit S, amendment requests and condition compliance, as applicable, for the Lone Pine to Whetstone Transmission Line, Cascade Renewable Transmission Line, Summit Ridge Wind Farm, Wheatridge Renewable Energy Facility III and Muddy Creek Energy Park.
 - E. Initiation of Contested Case Rulemaking (Action Item)** – Tom Jackman, Rulemaking Coordinator. The Council will consider staff’s recommendation to initiate the Contested Case Rulemaking which would evaluate options to improve clarity in the contested case process and improve consistency with the Attorney General’s Model Rules for Contested Cases under OAR chapter 137 and the Quasi-Judicial Land Use Hearing process used by local governments.
- A.2 Boardman to Hemingway Transmission Line, Public Hearing on Draft Proposed Order on Request for Site Certificate Amendment 1 (Information Item)** – The Boardman to Hemingway Transmission Line is an approved facility that includes approximate 300 miles (275 in Oregon) of electrical transmission line (primarily 500 kilovolt, [kV]) that crosses 5 counties in Oregon; Morrow, Umatilla,

Union, Baker and Malheur counties. The certificate holder is Idaho Power Corporation. Request for Site Certificate Amendment 1 (RFA1) seeks Council approval to add area to the site boundary to allow siting of previously approved facility components in new locations, including adjusting approximately 8.8 miles of the 500-kV transmission line route and siting approximately 45.9 miles of new or substantially modified access roads in locations not previously evaluated. RFA1 also seeks Council approval to amend site certificate language to support implementation and interpretation.

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2. Public Hearing Overview: Vice Chair Kent Howe, acting as Presiding Officer, will explain the legal requirements for providing comments on the record and will facilitate the hearing.
3. Public Hearing:
 - The certificate holder is allowed to comment on anything in the Draft Proposed Order.
 - Members of the public are allowed to comment on the Draft Proposed Order and/or the amendment request. Members of the certificate holder's team such as consultants are not allowed to comment at this time.
 - **Members of the Council are allowed to make comments about any questions or concerns they have related to the Draft Proposed Order and/or the amendment request.**
The certificate holder is allowed to respond to any comments. If they feel they need more time to respond to comments or supplement the record, they may request additional time. This would not be a general public comment extension, it would be solely for the certificate holder and limited to responses to comments.

Wednesday, July 19, 2023 at 8:30 a.m.

**Oxford Inn Suites Conference Room
2400 SW Court Place
Pendleton, Oregon**

WebEx Webinar/Teleconference Information

<https://odoe.webex.com/odoe/j.php?MTID=ma8c48e7dfda7320a47b78fffb350c35e>

Access Code: 2342 190 5806 Meeting password: EFSC

Teleconference #: 408-418-9388

Roll Call and Opening Remarks

- F. **Public Comments Period (Information Item)** – This time is reserved for the public to address the Council regarding any item within Council jurisdiction that is not otherwise closed for comment. Applications for Site Certificates which are closed for comment include the Nolin Hills Wind Power Project and Boardman Hemingway Transmission Line Amendment #1.
- G. **Nolin Hills Wind Power Project - Proposed Order Review, Proposed Contested Case Order Review, Exceptions Hearing, Possible Material Change Hearing and Public Notice of Possible Hearing to Adopt Final Order (ORS 469.370(7)) (Information Item, Action Item & Working Lunch)**

– Kate Sloan, Oregon Department of Energy Senior Siting Analyst & Alia Miles, Oregon Department of Justice Senior Assistant Attorney General, Natural Resources Section, General Counsel Division.

- 1.a Proposed Order Review** - Council will initiate review the proposed facility and procedural history of the application for site certificate. Council will review standards from the Proposed Order which were not part of the contested case proceeding and conduct a straw poll to preliminarily determine whether to affirm, reject or modify the findings of facts, conclusions of law and conditions of approval from the Proposed Order.
- 2. Overview of Contested Case, Proposed Contested Case Order, Filed Exceptions on the Proposed Contested Case Order and Responses to Filed Exceptions on the Proposed Contested Case Order**
- 3. Exceptions Hearing** – Umatilla County will be allowed time to summarize or highlight points from their written exceptions based on the groupings below. Nolin Hills Wind, LLC (applicant) and the Oregon Department of Energy will be allowed time to provide oral comment in response. All oral comments will be subject to time limits established by the Council. Council will conduct a straw poll on each grouping to either affirm, reject or modify the findings of facts, conclusions of law or conditions of approval from the Hearing Officer’s Proposed Contested Case Order.

The exceptions will be presented to Council as they are phrased by Umatilla County. The following is a summary of the topics raised in the exceptions and the order in which they will be addressed.

- Exception B.iv – Whether the Hearing Officer decided, in the Order on party status and issues to be addressed in the contested case, that Council does not have authority to assess whether Criterion (3) is an applicable substantive criteria and whether that statement had to be appealed, under an appeal process that has already passed.
 - Exceptions B.ii and B.iii - Interpretation of “applicable substantive criteria” and whether the 2-mile setback meets the definition.
 - Exceptions A.i, A.ii; B.v, B.i, B.vii and B.vi - Whether the UEC Cottonwood transmission line is a related or supporting facility that crosses more than 3 zones, and dependent on the answer, whether Council has the authority to review under ORS 469.504(5).
- 1.b Proposed Order Review** – Continuation of Council’s review of Proposed Order for the Land Use standard.
 - 4. Possible Material Change Hearing** – If based on the straw polls referenced above the Council proposes material changes to either the Proposed Order or Proposed Contested Case Order findings of facts, conclusions of law or conditions of approval, each party to the contested case will be allowed time to comment on each proposed material change. A change is material if it requires additional findings or conditions and/or are significant.
 - 5. Possible Hearing to Adopt Final Order (ORS 469.370(7))** – Council will consider the oral testimony from the Material Change Hearing (if there is one) and issue a Final Order, either

approving or rejecting the application based upon the standards adopted under ORS 469.501 and any additional statutes, rules or local ordinances determined to be applicable to the facility by the project order, as amended. ORS 469.370 (7) and ORS 469.370 (9).

- 6. Boardman to Hemingway Transmission Line, Possible EFSC Review of Draft Proposed Order on Amendment 1** – Kellen Tardaewether, Senior Siting Analyst, will provide a presentation of the Draft Proposed Order (DPO) on Request for Amendment #1 for the Boardman to Hemingway Transmission line, an approved facility that includes approximate 300 miles (275 in Oregon) of electrical transmission line (primarily 500 kilovolt [kV]) that crosses 5 counties in Oregon; Morrow, Umatilla, Union, Baker and Malheur counties. The certificate holder is Idaho Power Corporation. Unless the record is extended, as approved by Council, the presentation will include an overview of standards, recommended amended conditions of approval, issues raised in comments received on the record of the DPO, and certificate holder responses for Council review. Council will have the opportunity to provide comments to the Department for consideration in the Proposed Order.

Anticipated Adjournment at 3:45 p.m.

WebEx Webinar Additional Information

If you join the meeting via WebEx, please login using your full name so it is easier to identify attendees and manage public participation. For Agenda Items A & F, if you wish to provide comment, click on the WebEx “raise your hand” icon.

If you join the meeting via phone, you will be in listen-only mode. For Agenda Items A & F, if you wish to provide comment, press *3 to “raise your hand”.

[WebEx Meeting Instructions](#)

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Meeting Materials associated with the agenda items are available at:

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

Siting Project Updates:

To sign up for siting project updates click here: <http://web.energy.oregon.gov/cn/a6n53/subscribe>

Requests to the Council to Address an Issue:

Pursuant to Oregon Administrative Rule 345-011-0035, the public may ask the Council formally to address relevant issues within the Council’s jurisdiction at future meetings. Please be sure to include information about why the issue should be on the agenda. Your request must be in writing and received at least 14 days before the Council meeting.

To ask the Council to address an issue, call or write:

EFSC Secretary

Toll-Free (in Oregon): 1-800-221-8035

Energy Siting Division/ODOE

Phone: 503-378-8328

550 Capitol St. NE

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

Salem, OR 97301-3737

Americans with Disabilities Act: The Oregon Department of Energy will make reasonable accommodations upon request. Please contact us at least 72 hours before the meeting. Call Nancy Hatch at 503-378-3895 (office) or 503-428-7905 (mobile); Fax 503-373-7806, or toll free in Oregon at 800-221-8035. TTY users should call the Oregon Relay Service at 711.