

OREGON OFFICE OF ENERGY

REGARDING STATUTES, ADMINISTRATIVE RULES AND OTHER ) FIRST AMENDED  
 REQUIREMENTS APPLICABLE TO THE PORT WESTWARD ) PROJECT  
 GENERATING PROJECT AS PROPOSED BY PORTLAND GENERAL ) ORDER  
 ELECTRIC IN ITS NOTICE OF INTENT DATED FEBRUARY 28, 2001 )

Pursuant to ORS 469.330, Portland General Electric (PGE), an Oregon corporation, submitted a Notice of Intent (NOI) to the Energy Facility Siting Council (EFSC or “the Council”) to construct a 650 megawatt electric generating plant near Clatskanie, in Columbia county. The Oregon Office of Energy (OOE) received the NOI on February 28, 2001. The proposed facility is known as the "Port Westward Generating Project".<sup>1</sup>

OOE distributed the NOI to reviewers for comments and recommendations as required by ORS 469.350(2) and OAR 345-020-0040. They included state agencies, the Northwest Power Planning Council, Columbia county, and the cities of Clatskanie, Rainier, Columbia City, Astoria and St. Helens. OOE notified adjacent property owners pursuant to OAR 345-020-0011(1)(f).

OOE held a public information meeting concerning the project, as required by OAR 345-015-0130. The meeting was held in Clatskanie on April 2, 2001.

OOE issued the original Project Order on April 28, 2001. It issued the First Amended Project Order on November 5, 2001.

OAR 345-015-0160(1) requires in relevant sections that OOE issue an order (the "Project Order") that establishes the following:

- (a) All state statutes and administrative rules containing standards or criteria that must be met for the Council to issue a site certificate for the proposed facility, including applicable standards of Divisions 22, 23 and 24 of this chapter;
- (b) All local government ordinances applicable to the Council's decision on the proposed facility;
- (c) All application requirements in OAR 345-021-0010 applicable to the proposed facility;
- (d) All state and local permits necessary to the construction and operation of the proposed facility and the name of each agency with the authority to issue such permits;
- (e) Any other data and information that must be included in the application for a site certificate to allow the Council to determine whether the proposed facility will comply with applicable statutes, administrative rules and local government ordinances;
- (f) The analysis area(s) for the proposed facility;

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<sup>1</sup> On February 27, 2001, Westward Energy LLC (Summit) submitted a separate NOI for a similar facility located at an adjacent site. The two facilities are similar, but they are separate projects with separate project orders.

- 1 (g) Public concerns that address matters within the jurisdiction of the Council that the applicant  
2 shall consider and discuss in the application for a site certificate, based on comments from  
3 the public and reviewing agencies;
- 4 (h) If the applicant has identified one or more proposed corridors in Exhibit D of the notice of  
5 intent as required by OAR 345-020-0011(1)(d), any adjustments to the corridor(s) that the  
6 applicant shall evaluate in the corridor selection assessment described in OAR 345-021-  
7 0010(1)(b);
- 8 (i) If the applicant chooses to demonstrate need for a proposed electric transmission line, natural  
9 gas pipeline, or liquefied natural gas storage facility under the economically reasonable rules,  
10 OAR 345-023-0030 and OAR 345-023-0040, the alternatives the applicant must evaluate in  
11 the application for a site certificate in lieu of construction and operation of the proposed  
12 facility in addition to the alternatives described in OAR 345-021-0010(1)(n)(E) or (F), if any;
- 13 (j) Except in the case of an expedited review granted under OAR 345-015-0300, the expiration  
14 date of the notice of intent, according to OAR 345-020-0060(1).

15  
16 ORS 469.401(4) provides that certain matters are not governed by a Site Certificate issued by the  
17 Council. This Project Order does not consider these matters because they are outside the  
18 Council's jurisdiction and will not be addressed in the Council's review of the proposed facility.  
19 However, the proposed facility must still comply with all applicable requirements.

20  
21 As provided in ORS 469.330, OOE or the Council may amend this Project Order at any time.

22  
23 THEREFORE, the Oregon Office of Energy, pursuant to OAR 345-015-0160(1), orders that:

24  
25 I. DEFINITIONS (see OAR 345-001-0010)

26  
27 As used in this Project Order:

28  
29 "Site" means the land upon which an energy facility is proposed to be located, including any  
30 rights-of-way for linear facilities. Therefore the site for this project is the 25-acre power plant  
31 site described in NOI Exhibit C, and the corridor for any associated water lines, gas lines or  
32 power lines. For this facility the site includes all power line alternatives proposed by PGE. The  
33 site for purposes of this application may include one or both of the two potential plant sites  
34 described in Exhibit C of the NOI.

35  
36 All other terms that are defined in OAR Chapter 345, Division 1, have the meaning defined in  
37 that rule unless otherwise specified.

38  
39 II. APPLICABLE STATE STATUTES, ADMINISTRATIVE RULES, RELATED PERMITS  
40 OR OTHER APPROVALS, AND SPECIFIC INFORMATION NEEDED (OAR 345-015-  
41 0160(1)(a), (d) and (e))

42  
43 The Oregon statutes and administrative rules which the Application must address, the related  
44 state permits and approvals which are required, and the specific information needed in the  
45 Application for a Site Certificate for the PGE Westward Energy Project are listed below.

1  
2 1. ENERGY FACILITY SITING COUNCIL:

3  
4 ORS 469.300 et seq.; OAR Chapter 345, Divisions 1, 21, 22 and 24.

5  
6 Permit: Energy Facility Site Certificate required before construction or operation.

7  
8  
9 2. OREGON DEPARTMENT OF AGRICULTURE--PLANT CONSERVATION  
10 BIOLOGY PROGRAM:

11  
12 ORS 564; OAR Chapter 603, Division 73.

13  
14 Permit: None required. Agency provides technical review and recommendations  
15 on compliance with Council rule OAR 345-022-0070.

16  
17 OAR 603-73-0070 contains the state list of endangered and threatened plant species (see “State  
18 of Oregon Endangered and Threatened Lists for Plants” by the Oregon Department of  
19 Agriculture (ODA)). OAR 603-73-0080 provides the authority to designate candidate plant  
20 species (see “A Guide to the State of Oregon Candidate List of Plants” by the ODA).

21  
22 PGE shall include in its application a list of both state and federally-listed endangered,  
23 threatened, and candidate plant species that have potential to occur in the analysis area (see  
24 Section VI) based on a review of literature, consultation with knowledgeable individuals and  
25 species listed on the Oregon Natural Heritage Program database, based on at least a two mile-  
26 wide database search for the areas surrounding the proposed power plant site, laydown areas, and  
27 along the length of the proposed transmission line corridor.<sup>2</sup>

28  
29 PGE shall include in its application a description and the results of a field survey for the plant  
30 species listed above within the analysis area. The field survey should be conducted by a  
31 qualified individual at an appropriate season(s) considering the plant species under  
32 consideration. If the application relies on surveys performed during the summer months, then  
33 the application should include detailed plans for supplemental surveys to be done during the  
34 following spring. The application must also include detailed mitigation plans based on  
35 conservative assumptions about what the supplemental surveys may find. The field survey report  
36 should include written descriptions of the survey methods and areas surveyed, and any  
37 photographs taken.

38  
39 PGE should consult with the Oregon Department of Agriculture, Native Plant Conservation  
40 Program, as necessary, regarding the field survey methods, schedule and qualifications of field

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<sup>2</sup> Council rule OAR 345-022-070 applies only to state-listed plant and animal species. However, Council rule OAR 345-021-0010(1)(q) requires applicants to consider plant and animal species listed as endangered or threatened under both state and federal law. This is because the Council, in making its decision, must be mindful of possible adverse impacts to federally-listed species. Note also that OAR 345-022-0070 applies to all lands affected by a proposed facility including state, federal and private lands.

1 survey personnel. The contact person is Dr. Robert Meinke at 541-737-2317 (voice), 541-737-  
2 3573 (fax) and e-mail at meinker@bcc.orst.edu.

3  
4 If PGE finds any state-listed threatened or endangered plant species, PGE in its application must  
5 address the requirements of OAR 603-073-0090(5)(d)(A)-(E) and OAR 345-021-0010(1)(q),  
6 especially (D) and (E).

7  
8 3. DEPARTMENT OF ENVIRONMENTAL QUALITY--WATER QUALITY:

9  
10 ORS Chapter 468 and 468B; OAR Chapter 340, Divisions 14, 41, 45, 52, and 55.

11  
12 Permit: NPDES (federally delegated)

13  
14 The NOI states that PGE may obtain an NPDES or WPCF permit. The NPDES permit is  
15 federally delegated and not under EFSC jurisdiction.

16  
17 If a WPCF permit is required, that is a state permit and therefore is under EFSC review, using  
18 EFSC's process. The substantive requirements for the WPCF permit are set forth in Oregon  
19 Administrative Rules (OAR) 340-014-0005 through 340-014-0050. The specific regulations for  
20 WPCF permits are in OAR 340, Division 45, "Regulations Pertaining to NPDES and WPCF  
21 Permits".

22  
23 Alternately, PGE has indicated it may rely on DEQ wastewater discharge permits to be obtained  
24 by the Port of St. Helens. This would be considered a "third party permit" and would require  
25 EFSC findings in support of its Organizational, Managerial and Technical Expertise standard.  
26 The ASC would have to show that the third party has a reasonable likelihood of obtaining the  
27 needed permit, and that PGE's use of that permit is consistent with the terms of the permit.

28  
29 4. OREGON DEPARTMENT OF FISH AND WILDLIFE--HABITAT CONSERVATION  
30 DIVISION:

31  
32 ORS 496, 506 and 509; OAR Chapter 635, Divisions 100, 415, and 425.

33  
34 Permit:None

35  
36 Note: Agency provides technical review and recommendations on compliance with  
37 Council rules OAR 345-22-0040, 0060 and 0070.

38  
39 Based on the NOI, it appears that in-water blasting will not be required. If the project does  
40 require in-water blasting, an application for an in-water blasting permit must be submitted 90  
41 days prior to the date of blasting, and must include the information necessary to meet the  
42 requirements of ORS 509.140 and OAR 635-425-0000 through 635-425-0050.

43  
44 ODFW will base its review and recommendations on the following applicable statutes and rules:  
45

1 ORS 496.012 Wildlife Policy  
2 ORS 496.171 through 496.192 Threatened and Endangered Wildlife Species  
3 ORS 506.109 Food Fish Management Policy  
4 ORS 509.140 Placing Explosives in Waters  
5

6 OAR Chapter 635, Division 100, provides authority for adoption of the state sensitive species list  
7 and the Wildlife Diversity Plan and contains the state list of threatened and endangered wildlife  
8 species.  
9

10 OAR Chapter 635, Division 415, classifies habitat into six categories and establishes a  
11 mitigation goal for each category. The application must identify the appropriate habitat category  
12 for all areas of the proposed corridor and provide the basis for each category selection, subject to  
13 ODFW review.  
14

15 Issues raised:  
16

17 *Impacts to Listed Species--* In addition to the species identified in Exhibit J of the NOI (bald  
18 eagle [State and federally-threatened] and Columbian white-tailed deer [federally-endangered  
19 and State-vulnerable] ), ODFW is also concerned about potential impacts to the northern spotted  
20 owl (State-threatened), especially with regard to the proposed transmission line corridor, the  
21 Dusky Canada Goose (wintering: state-sensitive) the peregrine falcon (state-endangered) and the  
22 coastal cutthroat trout (State-critical). For the transmission line corridor, the coho salmon (state-  
23 endangered) is a concern, particularly regarding streams crossed by the corridor that may support  
24 spawning. ODFW is also concerned about potential impacts to the great blue heron, which is  
25 considered sensitive under the Forest Practices Act. This species is not listed under OAR  
26 Chapter 635, Division 100 and therefore does not apply for purposes of EFSC's Threatened and  
27 Endangered Species Standard. However, it should be taken into account for habitat  
28 categorization under the Fish and Wildlife Habitat standard.  
29

30 ODFW notes that the information in the NOI does not appear to include all the most current  
31 information regarding the presence and distribution of species of concern. ODFW will provide  
32 PGE with more current information regarding species present within the analysis area after PGE  
33 has selected a proposed transmission line corridor.  
34

35 *Mitigation for Impacts to Fish and Wildlife Habitat –* ODFW is concerned about impacts to  
36 sensitive wetland habitats and operational impacts such as noise that may impact hunting, fishing  
37 or other recreational opportunities within the area. The proposed power plant site is within the  
38 boundaries of a zoned industrial area. Although a majority of the site is currently undeveloped,  
39 it has had a long history of previous use that included both agricultural and military operations.  
40 Site #1, as described in the NOI, currently includes a mid-age stand of agricultural cottonwood.  
41 Site #2 in the NOI includes grasslands that have been mowed. The proposed transmission line  
42 corridor also crosses highly altered landscapes such as agricultural and other semi-developed  
43 rural areas. In all of the above areas, much of the fish and wildlife habitat has been removed or  
44 reduced in value. The remaining habitats, therefore, have significantly increased importance.  
45 PGE should delineate wetlands as described below. Additionally, a knowledgeable professional

1 shall perform a detailed noise survey and sphere of influence calculations and analysis,  
2 particularly for bald eagles on Crimm’s island. ODFW is particularly concerned about impacts to  
3 sensitive and important habitats such as waterways, riparian areas, wetlands and forested  
4 wetlands. ODFW will seek avoidance as the primary mitigation measure under the Fish and  
5 Wildlife habitat mitigation policy. ODFW will recommend mitigation for unavoidable impacts in  
6 accordance with the Fish and Wildlife Habitat Mitigation Policy in OAR Chapter 635, Division  
7 415.

8  
9 The consultant selected by PGE to evaluate fish and wildlife habitat should confer with Gail  
10 McEwen in the Habitat Conservation Division (voice: 503-872-5255, ext. 5587; fax: 503-872-  
11 5269) before they begin work. PGE should advise and include the Office of Energy (Tom  
12 Meehan) in these discussions.

13  
14 ODFW Recommendations:

15  
16 ODFW recommends PGE follow the State Forestry specified Resource Site Protection Rules in  
17 relation to protecting resource sites such as osprey and heron nesting and/or perch sites. PGE  
18 should review areas with the analysis area with a high probability of containing raptor nests or  
19 perch sites. If such sites are present, the application should describe any proposed plans to  
20 monitor these sites and implement appropriate mitigation measures during construction activities  
21 that interfere or disturb nesting activities.

22  
23 ODFW may recommend site-specific fish sampling for waterways that do not have confirmation  
24 of species presence or absence. The appropriate sampling time is March through May. For fish  
25 sampling in streams along the proposed transmission line right-of-way, PGE should use the  
26 separate guidance provided by Jim Grimes of ODFW.

27  
28 PGE may use aerial photographs to identify great blue heron and raptor nest sites along the  
29 undeveloped portion of the proposed transmission line corridor (Allston-Trojan); if the aerial  
30 photos are insufficient to identify nest sites, ODFW will recommend PGE conduct aerial surveys  
31 to identify these rookeries. The appropriate sampling period would be winter to spring, when the  
32 leaves are off the trees. If the surveys for heron rookeries are during the summer months, the  
33 application should include plans for supplemental surveys when the leaves have dropped. The  
34 application should also describe in detail mitigation plans based on conservative assumptions  
35 about what those supplemental surveys may find.

36  
37 For the transmission line corridor, we understand that PGE will span sensitive areas as the  
38 primary method of mitigation. However, the application should also show how PGE will avoid  
39 or mitigate adverse stream impacts due to clearing or tree trimming.

40  
41 Regarding the potential impact of cooling tower drift on forage, the application should identify  
42 the area that could potentially be affected by cooling tower emissions and/or associated ground  
43 fog;  
44 evaluate the impacts of cooling tower emission and/or associated ground fog impacts on habitat;  
45 and describe any mitigation for identified adverse impacts.

1  
2 PGE should delineate wetlands within the analysis area. Based on conversations with DEQ and  
3 the Port of St. Helens, the canals associated with the Beaver Creek Drainage District are  
4 included in the National Wetlands Inventory. If these are affected by the project, they should be  
5 delineated as well. If the Port of St. Helens delineates them in support of their application for an  
6 NPDES permit under the federal Clean Water Act (a federal permit and not under EFSC  
7 jurisdiction), it is not necessary for PGE to duplicate the Port's work. However, the application  
8 should indicate that the delineation was performed and should reference the available data.  
9 Based on these delineations PGE should identify and describe the location, nature and extent of  
10 potential impacts to wetlands, and propose measures for mitigating these impacts. Mitigation for  
11 adverse impacts to wetlands must address the requirements of the Fish and Wildlife Habitat  
12 Mitigation Policy in OAR Chapter 635, Division 415, and applicable requirements of the  
13 Division of State Lands in OAR Chapter 141, Division 85. PGE and its fish, wildlife and  
14 wetlands consultants should confer with OOE (Tom Meehan), ODFW and DSL about wetland  
15 mitigation well before PGE submits its application.  
16

### 17 Analysis Area for Habitat and Endangered Species

18

19 In section VI of this project order the Office of Energy, in consultation with ODFW, has listed  
20 nominal analysis areas for the Council's Habitat and Endangered Species standards. Those  
21 analysis areas should be considered as base case only, with field studies over a wider area if  
22 preliminary "scoping" investigations identify certain more sensitive habitats. The habitats of  
23 concern are: riparian areas, wetlands, forested wetlands, streams, and open water.  
24

25 For these habitats, we recommend that PGE analyze impacts over an area 300 feet from either  
26 side of the proposed transmission line corridor and over a similar distance surrounding the  
27 proposed power plant site, including temporary construction zones and proposed water  
28 intake/discharge facilities. The 300-foot distance is the distance at which the Office believes  
29 construction activities are not likely to affect wildlife habitat or species of concern.  
30

31 Regarding the great blue heron and the bald eagle, ODFW uses the guidance in the Oregon  
32 Forest Practices Act, which requires ¼ mile between forest operations and nesting sites during  
33 the critical periods, and ½ mile for nests within direct line of sight. For the bald eagle nests, the  
34 specific requirements are set forth in OAR 629-665-0220(2)(b)(A), and the critical period is  
35 November 15 to March 15 as stated in OAR 629-665-0220(2)(b)(C). For bald eagle roosting,  
36 the specific requirements are set forth in OAR 629-665-0230(2)(b)(A), with the critical period  
37 listed as November 15 to March 15. The requirements for the great blue heron appear in OAR  
38 629-665-0120(2)(b). For the osprey, ODFW recommends a 600 foot buffer from active nest or  
39 perch sites during the period from March 1 to September 15, as stated in OAR 629-665-  
40 0110(2)(b). Though these rules apply to forest operations, they should also be used to guide  
41 construction activities associated with the power plant and transmission line.  
42

## 43 5. DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES:

44

1 Permit: None required. Agency provides technical review and recommendations  
2 on compliance with Council rule OAR 345-022-0020.  
3

4 Additional Information for the Application:  
5

6 The application must include a geotechnical report that includes, as a minimum, the information  
7 required by OAR 345-021-0010(1)(h). The application must assess the risk to human safety  
8 during the Maximum Probable Event (MPE) defined in OAR 345-021-0010(1)(h). In view of the  
9 alluvial nature of the site and its proximity to the coast, the application should describe the  
10 potential for liquefaction, particularly for the Cascadia subduction zone event. The application  
11 shall provide the results of any site-specific geotechnical work done to date. The geotechnical  
12 report must be submitted to the Oregon Department of Geology and Mineral Industries for  
13 independent review.  
14

15 6. DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT:  
16

17 ORS 197; OAR Chapter 660.  
18

19 Permit: None required from DLCD. PGE has stated that it will request Council findings  
20 of compliance with statewide planning goals under ORS 469.504(1)(b).  
21

22 7. OREGON PARKS AND RECREATION DEPARTMENT - HISTORIC  
23 PRESERVATION SECTION:  
24

25 ORS 97, 358 and 390; OAR Chapter 736, Division 51.  
26

27 Permit: An archaeological permit may be required to conduct archaeological  
28 investigations of the site.  
29

30 Note: Agency and Tribes provide technical review and recommendations on compliance  
31 with Council rule OAR 345-022-0090.  
32

33 Information for the Application:  
34

35 The application shall include a description and results of an archaeological/cultural survey of the  
36 analysis area (see Section VI), conducted by a qualified archaeologist.  
37

38 The application must contain evidence of consultation with the Confederated Tribes of the Grand  
39 Ronde and the Confederated Tribes of the Siletz regarding archaeological and cultural sites and  
40 materials, or an explanation why such consultation did not occur. The application must  
41 summarize the results of consultation.  
42

43 --OTHER PARKS PROGRAMS:  
44

45 ORS 390; OAR Chapter 736.



1  
2 Permit: None required. Agency provides technical review and recommendations  
3 on compliance with Council rules OAR 345-022-0040, 0080 and 0100.  
4

5 Based on the information in the NOI, the proposed site does not appear to affect state parks and  
6 state park lands.  
7

8 8. OREGON DIVISION OF STATE LANDS--WETLANDS:  
9

10 ORS 196; OAR Chapter 141, Divisions 85 and 90.  
11

12 Permit: A removal-fill permit is required if 50 cubic yards or more of material is  
13 removed, filled or altered within natural wetlands and waterways.  
14

15 Information for the Application:  
16

17 The application must contain a wetlands delineation for the site or an explanation why such  
18 delineation is not needed. The wetland delineation should describe the major plant communities  
19 and evaluate the function and condition of each wetland. See the comments by ODFW in section  
20 II.4 of this project order regarding the canals associated with the Beaver drainage district.  
21

22 The wetland delineations must be conducted by qualified individuals and use criteria and  
23 procedures in the 1987 Corps of Engineers Wetland Delineation Manual and OAR 141-090. For  
24 the transmission line corridor, hydrology criteria from the National Food Security Act manual  
25 shall be applied in addition to Corps manual criteria in order to determine prior-converted  
26 cropland area for federal permit purposes (see guidance in Portland District Corps of Engineers  
27 Special Public Notice dated August 18,1997). PGE has indicated that the preferred site for the  
28 power plant is not cropland.  
29

30 The consultant selected to delineate wetlands should confer with Janet Morlan, Wetlands  
31 Program Leader (voice: 503-378-3805 ext. 236; fax: 503-378-4844) before they begin work, and  
32 should advise and include Tom Meehan (OOE) in these discussions.  
33

34 PGE anticipates a removal fill permit for the project. If a removal-fill permit is needed, the  
35 application must include an itemized demonstration of compliance with each applicable  
36 provision of ORS 196.825, OAR 141-085-0050 and OAR 141-090-0005 to -0035.  
37

38 OOE understands that along the transmission line corridor, PGE will try to avoid wetland  
39 impacts by spanning the wetland. However, the application should also describe any  
40 requirements for tree clearing or tree trimming along the right-of-way, assess the impact of  
41 clearing or tree trimming, and describe any mitigation plans.  
42

43 --LAND OWNERSHIP:  
44

45 ORS Chapters 273, 274 and 758; OAR Chapter 141, Divisions 82 and 83.

1  
2 Note: Pipelines, intakes, outfalls or other structures extending onto or over state-  
3 owned submerged or submergible lands require a lease, easement or other  
4 approval granted by the Division of State Lands.<sup>3</sup>  
5

6 9. WATER RESOURCES DEPARTMENT--WATER RIGHTS DIVISION:

7  
8 ORS 537 and 540; OAR Chapter 690.  
9

10 Permit: PGE proposes to obtain water from the Port of St. Helens.

11  
12 Additional Information for the Application:  
13

14 The application must identify the sources of water to be used by the facility, the quantity of  
15 water needed, and the means of disposal and/or reuse of all discharges from the facility. The  
16 application must include the information described under OAR 345-021-0010(e)(C), including  
17 an assessment of the project's impact on the Port of St. Helens' water permit and its ability to  
18 comply with the terms of its water permit.  
19

20 If a new well is required, the water right is a state permit under EFSC jurisdiction. The  
21 information required is described at OAR 345-021-0010(o).  
22

23 III. APPLICABLE LOCAL GOVERNMENT ORDINANCES, PERMITS OR OTHER  
24 APPROVALS (OAR 345-015-0160(1)(b))  
25

26 PGE has stated that it will request a Council determination of compliance with statewide  
27 planning goals under ORS 469.504(1)(b). The application must address the applicable  
28 substantive criteria from the County's acknowledged comprehensive plan. The ASC must also  
29 address any LCDC regulations that are not implemented in the county's comprehensive plan and  
30 are therefore directly applicable to the facility under ORS 197.646.  
31

32 PGE may change the election of land use path at any time before submitting the application.  
33 However, the application must state the final choice of land use path.  
34

35 IV. APPLICABLE REQUIREMENTS OF OAR 345 DIVISION 21 (OAR 345-15-0160(1)(c))  
36

37 The application shall include the information described in OAR 345-021-0010(1), (2) and (4).  
38 PGE must also submit the information required by OAR 345-021-0000, particularly the  
39 information in section (4)(b) regarding the status of federally delegated permits issued by DEQ.  
40

41 The NOI describes two options for the transmission line. The application may describe both  
42 options, and the site certificate can authorize one or both options. Option 2 may involve new

---

<sup>3</sup> Proprietary interests in state-owned lands are not within the Council's jurisdiction and Council approval of a site certificate does not bind the Division of State Lands, or any other state agency, to grant a lease, easement or other approval related to land ownership.

1 right-of-way. If the transmission line is located on land zoned for Exclusive Farm Use, the ASC  
2 must demonstrate compliance with ORS 215.275 as adopted by House Bill 2865 in 1999.

3  
4 The facility will purchase water from the Port of St. Helens. This is considered a third party  
5 permit. Information regarding the facility's impact on that water right should appear in support  
6 of a showing of compliance with EFSC's Organizational, Managerial and Technical Expertise  
7 Standard. In particular, the intake structure must be modified to mitigate the impact of increased  
8 water flow on the fish population. The application should include plans for the intake structure  
9 upgrade, sufficient to show that it meets ODFW requirements. Information regarding the status  
10 of the upgrade, NMFS consultations and any required approvals may appear in Exhibit E or in  
11 other exhibits. The application should also show a reasonable likelihood of the Port obtaining  
12 any dredging permits.

13  
14 Exhibit F should list property owners along the proposed transmission line corridors. This  
15 requirement applies even if option (1) is chosen and even if the transmission line will be located  
16 within existing right of way.

17  
18 Exhibit I should demonstrate that the project will have minimal impact on soil productivity in  
19 farm zones adjacent to the site. OOE recognizes that the county land use code may also require  
20 demonstrations of compatibility with farm zones. The application need not duplicate  
21 information between this exhibit and the land use exhibit, so long as it is well cross-referenced.

22  
23 Exhibit I should also address the effects of cooling tower drift on soils in neighboring  
24 agricultural lands. The Council's soil standard, OAR 345-022-0022, is not limited to soils  
25 impacts within an analysis area; therefore Exhibit I should address the potential soil impacts  
26 from cooling tower drift wherever they may occur. OOE realizes PGE cannot predict cooling  
27 tower drift from the proposed Summit plant on the adjacent site, however the exhibit should  
28 make reasonable efforts to address the publicly stated concerns regarding this impact, based on  
29 reasonable assumptions about the other plant.

30  
31 Exhibit N does not apply since the project is a generating facility. The information described in  
32 Exhibit O should still be provided even if PGE purchases water from the Port of St. Helens.

33  
34 Exhibits in support of the EFSC Habitat and Endangered species standards should address the  
35 ODFW comments listed in section II of this project order. The project requires water withdrawal  
36 from the Columbia River. OOE realizes the water right will belong to the Port of St. Helens.  
37 However, the ASC should address the incremental impact of water withdrawal on endangered  
38 fish species in the river, taking into account the extent to which the Port of St. Helens has  
39 developed its water right.

40  
41 Information in support of the Scenic and Aesthetic standard should take into account impacts on  
42 the Washington side of the river, to the extent that the local county government there has  
43 identified scenic resources in its comprehensive plan. For example, if Highway 4 on the  
44 Washington side has any special designation, impacts to that highway should be considered. The  
45 ASC may take into account the site's current zoning under the Columbia county plan.

1  
2 Exhibit U must address the services listed in OAR 345-022-0110, and should provide sufficient  
3 detail regarding storm water drainage and traffic safety. The project may require a 1200-C  
4 stormwater discharge permit from DEQ, which is a federally delegated permit and not part of the  
5 EFSC site certificate.  
6

7 Information regarding traffic safety should take into account concerns raised by the county in its  
8 letter of April 30, 2001 and by citizens at the April 2, 2001 public meeting regarding roads in the  
9 area of the project. If the county is required to make significant repairs to these roads, that could  
10 potentially displace scarce county resources needed to provide other essential services within the  
11 plant's socio-economic impact area. If increased traffic makes it necessary to post additional  
12 police, that impact also should be addressed.  
13

14 The Oregon Forest Practices Act may apply to portions of the proposed transmission line  
15 corridor. Under this Act, the term forest land is not limited to land zoned for forestry, but applies  
16 to any land used for timber production or other forestry operations, including small scale  
17 harvesting of marketable timber on land zoned for other than forest uses.  
18

19 We referenced the Forest Practices Act in our discussion of the analysis area for bird habitat.  
20 However, PGE should also review the complete requirements set forth in ORS 527.610 et seq.,  
21 and implementing rules in OAR Chapter 629. If the Act applies, you may address it in Exhibit  
22 CC.

23 We recommend the application include consultation with the Oregon Department of Forestry.  
24

25 Information that may be appropriate to several Exhibits need not be duplicated. The information  
26 may appear once with appropriate cross references.  
27

28 V. PUBLIC COMMENTS THAT THE APPLICATION SHOULD ADDRESS (OAR 345-015-  
29 0060(1)(g) and (h))  
30

31 The most frequently raised public concern was the impact on roads approaching the project.  
32 Plans to mitigate these impacts or help with road repair should be included in Exhibit U. In  
33 particular, the ASC should address comments from the Columbia County Board of  
34 Commissioners in their letter of April 30, 2001.  
35

36 The public also asked about the need for additional compression on the gas pipeline. OOE  
37 recognizes that any new compression will be outside EFSC jurisdiction. However, the  
38 application can address the public concern by discussing the anticipated pressure on the gas  
39 pipeline supplying the facility, the current rating of that pipeline, any inspections, upgrades or  
40 hydrostatic testing that may be required to support the pressure increase, and the agency  
41 responsible for oversight on that line. Information addressing these concerns may be placed in  
42 Exhibit BB. If the pipeline operator is required to obtain any new federal permits related to  
43 increased compression along this pipeline, information regarding the status of those permits  
44 should be provided under OAR 345-021-0000(4)(b).  
45

1 Also with respect to the gas supply line, OOE has received comment that the supply line  
2 currently running between PGE's Beaver plant and the U.S. Gypsum plant in Rainier has been  
3 subject to accelerated corrosion and leakage and is under repair as of April 2001. Although that  
4 line does not supply the PGE/Port Westward project, the application should describe what is  
5 known about that corrosion, whether the cause of that corrosion could be exacerbated by the  
6 project, and what, if any, preventive measures will be taken. This information may be placed in  
7 Exhibit BB.

8  
9 The public also asked about the temperature of water discharge. That information will be  
10 addressed by the federally delegated NPDES permit.

11  
12 The public has also asked about noise from the facility. While the minimum noise control  
13 requirements are set forth in DEQ noise standards, the ASC should address noise impacts in light  
14 of the public concern, taking into account the fact that there may be a similar facility at an  
15 adjacent site. While we realize PGE cannot predict noise output for a facility operated by a  
16 different company, the ASC should show a reasonable effort to address public concerns. Based  
17 on the conservative assumption that both plants will be constructed and operated, the ASC  
18 should include projections of noise from the combined plants, based on reasonable assumptions  
19 about the design of the other plant.

## 20 21 VI. ANALYSIS AREAS FOR THE PROPOSED FACILITY (OAR 345-015-0160(1)(f))

22  
23 The analysis areas are the minimum areas in which the applicant should study the project's  
24 potential impacts. Most of the standards in OAR 345, Division 22, do not refer to an area. The  
25 analysis areas below do not limit the applicant's responsibility, but are the distances beyond  
26 which OOE considers adverse impacts unlikely. If it appears the project's impacts could  
27 reasonably extend beyond the analysis areas below, then the applicant must comply with the  
28 standard where the impacts are likely. The analysis areas are as follows:

29  
30 For geological conditions and soil stability, OAR 345-021-0010(1)(h), predicted ground motions  
31 should be characterized for the site and immediate vicinity, based on potential seismic events  
32 from all sources including the subduction zone event.

33  
34 For soil types OAR 345-021-0010(1)(i), the area within the site and on adjacent farm properties,  
35 noting that cooling tower drift impacts may need to be considered over a larger area based on  
36 wind and weather patterns in the area.

37  
38 For land use, OAR 345-021-0010(1)(k), the site and adjacent properties.

39  
40 For protected areas, OAR 345-021-0010(1)(l), the area within twenty (20) miles of the energy  
41 facility site, except where an assessment of visibility impacts is required under DEQ regulations.

42  
43 For fish and wildlife habitat, OAR 345-021-0010(1)(p):  
44

- 1 a) For raptor nesting sites, including spotted owl and bald eagle nesting sites, and great blue  
2 heron rookeries, at a minimum, the area within one quarter mile on either side of any  
3 proposed corridor alignment, the power plant site, and temporary construction zone.  
4
- 5 b) For evaluating fish and wildlife habitat as set forth in OAR Chapter 635, Division 415, at a  
6 minimum, a “base case” analysis area within three hundred feet on either side of the  
7 proposed transmission line corridor, and a similar distance from the proposed power plant  
8 site, water intake/discharge facilities, and temporary construction zone should be used. If it  
9 appears that the base case analysis area includes the specific habitat types listed by ODFW in  
10 Section II.4 of this proposed order, then the analysis area may be widened as described in  
11 Section II.4.  
12
- 13 c) For threatened and endangered animal species (OAR 635-100-0125), at a minimum, we  
14 recommend the same analysis areas as described in (b) above, with the same  
15 recommendations regarding consultation with ODFW or OOE.  
16
- 17 d) In this context, “raptor nesting sites” means nesting sites for birds of prey, such as bald and  
18 golden eagles, osprey, hawks, falcons and owls; “threatened and endangered animal species”  
19 means species listed as threatened or endangered by the state under ORS 496.172 and by the  
20 federal government under 16 USC section 1533. (see section II, footnote 2).  
21

22 For threatened and endangered plant species (OAR 603-073-070), OAR 345-021-0010(1)(q), at  
23 a minimum, an analysis area within one hundred fifty feet on either side of the proposed  
24 transmission line corridor, and a similar distance surrounding the proposed power plant site,  
25 water intake/discharge facilities, and temporary construction zone. A narrower area may be used  
26 if agreed to by OOE. In this context, “threatened and endangered plant species” means species  
27 listed as threatened or endangered by the state under ORS 564.105 and by the federal  
28 government under 16 USC section 1533. (see section II, footnote 2)  
29

30 For scenic and aesthetic impacts, OAR 345-021-0010(r), the area within five miles of the site.  
31

32 For historic and cultural resources, OAR 345-021-0010(s), the site and immediate vicinity.  
33

34 For recreation, OAR 345-021-0010(t), the area within five miles of the site, including  
35 recreational opportunities on the Columbia River.  
36

37 For socio-economic impacts, OAR 345-021-0010(u), the area within 20 miles of the energy  
38 facility site, particularly communities along highway 30.  
39

#### 40 VII. DATE APPLICATION MAY BE SUBMITTED (OAR 345-021-0000(2)) 41

42  
43 An Application for Site Certificate may be submitted to the Oregon Office of Energy any time  
44 after this Project Order is issued.  
45

1 VIII. EXPIRATION DATE (OAR 345-015-0160(1)(j))

2  
3 Pursuant to OAR 345-020-0060(1) this Project Order shall expire 18 months following the date  
4 this Project Order is issued. The date of expiration is December 28, 2002. PGE may petition the  
5 Council to extend the duration of the NOI as provided in OAR 345-020-0060.  
6

7 If an application for the facility for which this Project Order is issued has not been submitted  
8 prior to December 28, 2002, or the date of any extension granted by the Council, a new NOI  
9 must be submitted for the facility in order to satisfy ORS 469.330.

10  
11 Failure to include an applicable statute, rule, ordinance, permit or other requirement in this  
12 Project Order shall not render that statute, rule, ordinance, permit or other requirement  
13 inapplicable, nor in any way relieve applicant from the duty to comply with the same.  
14

15  
16  
17  
18 \_\_\_\_\_  
19 David Stewart-Smith  
20 Administrator, Energy Resources Division  
21 Oregon Office of Energy  
22

23 Date: November 5, 2001