



Oregon

Kate Brown, Governor



550 Capitol St. NE

Salem, OR 97301

Phone: 503-378-4040

Toll Free: 1-800-221-8035

FAX: 503-373-7806

www.oregon.gov/energy

May 29, 2020

Arya Behbehani
Senior Director Environmental & Licensing Services
Portland General Electric Company
121 SW Salmon Street, 3WTC0403
Portland, OR 97204

Sent via email: Arya Behbehani; Lenna Cope; Emily Newell; Chris Bozzini

RE: Type B Amendment Determination on Request on Amendment #2 to the Carty Generating Station Site Certificate

Dear Ms. Behbehani,

On February 28, 2020, the Oregon Department of Energy (ODOE or Department) received a preliminary Request for Amendment #2 of the Carty Generating Station Site Certificate (pRFA2 or preliminary amendment request) from Portland General Electric Company (certificate holder). The certificate holder also submitted a Type B review Amendment Determination Request (ADR) on the Request pursuant to OAR 345-027-0357(3). The Department may consider, but is not limited to, the factors identified in OAR 345-027-0357(8) when determining whether to process an amendment request under Type B review. The certificate holder has provided an analysis of those factors in *Table 1* of the Request. A summary of that analysis, and the Department's responses are described further in this letter.

The Department's evaluation of pRFA2 completeness was issued under separate cover. To support review of these factors, it is recommended that certificate holders submit the preliminary amendment request. As is referenced in the ADR, the certificate holder requests that the Department consider the information contained in pRFA2 to substantiate the evaluation of the OAR 345-027-0357(8) factors. On March 3, 2020, the Department posted the ADR and the Request to its website and commenced review as required by OAR 345-027-0357.

The site certificate changes proposed in pRFA2 include: a site boundary modification to both remove approximately 378 acres of agricultural land from the existing site boundary, and also increase the site boundary by approximately 3,079 acres to incorporate existing facilities currently authorized under the Boardman Coal Plant site certificate; modify the site certificate to incorporate shared infrastructure and existing facilities (shared by the Boardman Coal Plant and Carty Generating Station); and to construct new infrastructure, including a new sewer line, septic tank, septic drain field, a backup water pipeline, potable water line, an office and warehouse space, and a new security guard station. All new proposed infrastructure would be within the existing site boundary. Based on these proposed changes, the Department provides an evaluation of the OAR 345-027-0357(8) factors below.

Considerations for Determining Whether to Process an Amendment Request as Type B Review

OAR 345-027-0357(8) provides a non-exhaustive list of factors the Department may consider in determining whether to process an amendment request under Type B review. When evaluating whether Type B review is warranted, the Department may consider these factors individually or in combination along with information provided in the preliminary amendment request, if submitted in tandem.

The listed factors are evaluated as follows:

(a) The complexity of the proposed change;

In its ADR, PGE provided a definition of “complex,” and suggests that the proposed change to the site boundary is not complex, as the changes would not have any new or different effects on the operation of the facility. Additionally, the certificate holder indicates that the proposal to incorporate existing infrastructure authorized under the Boardman Coal Plant (BCP) Site Certificate should also not be considered a complex change, and explains that the existing Boardman Coal Plant infrastructure proposed to be incorporated into the Carty facility is currently a permitted use, and that the incorporation would not change or add additional requirements. Lastly the certificate holder’s proposal to construct and operate new infrastructure (new sewer line, septic tank, septic drain field, a backup water pipeline, potable water line, an office and warehouse space, and a new security guard station) was also requested to not be considered complex. The certificate holder suggests that the new infrastructure would be constructed entirely within the facility’s existing site boundary, would not be technically challenging to construct or operate; would be sited to minimize land disturbance, disturbance to surface features, and areas not previously disturbed; would be designed to appear similar to existing facility infrastructure; would be limited in size and use, or would reduce maintenance operations associated with existing infrastructure.

The Department evaluates the complexity of a proposed change based in both the scope and scale of the change, and whether the change includes a new technology or a type of change that has not previously been subject to substantive analysis by the Department or Council. Because the area proposed and infrastructure identified in both the site boundary modifications and incorporation of existing infrastructure are already permitted under the BCP site certificate, and because the proposed changes would not change the use of the areas within the site boundary expansion, the Department agrees with the certificate holder that the proposed site boundary modifications are not complex. Additionally, the Department agrees with the certificate holder that the proposed modification to construct and operate new infrastructure would not result in a complex change either, as the proposed infrastructure would be constructed within the previously approved site boundary, would utilize areas previously disturbed, would be constructed to be similar in appearance to existing infrastructure. For these reasons, the Department considers the proposed changes of this ADR to not be complex.

(b) The anticipated level of public interest in the proposed change;

The certificate holder anticipates minimal public interest in the proposed change, as changes associated to the site boundary are due to the transfer and incorporation of existing infrastructure currently authorized under the BCP Site Certificate. The certificate holder confirms in the ADR that the

changes to the site boundary and incorporation of existing BCP infrastructure would not change the land use in these areas. Regarding the anticipated level of public interest in the proposed construction and operation of new infrastructure, the certificate holder expects interests to be negligible, as the new infrastructure would predominantly comprise of minor components that would service existing facility components, or would be constructed and operated within the existing fence line of the facility.

The Department anticipates there may be some public interest in the proposed change based on previous interest of this facility, and potential interest in the retirement of the Boardman Coal Plant. However, because of the limited size of the proposed new infrastructure, and the fact that the areas within the site boundary modifications including the existing infrastructure have already been permitted and approved by the Council, the Department concurs with the certificate holder that the level of public interest in this specific amendment request is likely to be limited.

(c) The anticipated level of interest by reviewing agencies;

The certificate holder anticipates minimal Reviewing Agency interest in the proposed site boundary modification. The increase/expansion to the site boundary would coincide with the transfer and incorporation of existing infrastructure currently authorized under the BCP site certificate. The certificate holder identifies five reviewing agencies that may have interest in the site boundary modification; the Oregon Department of Fish and Wildlife (ODFW), the State Historic Preservation Office (SHPO), Oregon Department of Environmental Quality (ODEQ), and both Gilliam and Morrow Counties. The certificate holder explains that although the areas included in the proposed site boundary expansion would not change in the use of the land, respectively, there are areas where habitat, threatened and endangered species, and/or historic, cultural, or archeological surveys have not been conducted. These areas are confined primarily to the rights of way (ROW) of the existing offsite transmission lines. New construction activity in these areas is not proposed as part of the pRFA2. Additionally, the certificate holder indicates in the ADR that reviewing agencies are expected to have a general interest in ensuring that the construction and operation of the new facility infrastructure complies with applicable substantive criteria.

The Department is obligated to consult with reviewing agencies to support review by subject matter experts of the potential issues and impacts resulting from a proposed facility change. During its completeness review of pRFA2, the Department has coordinated with reviewing agencies and received comments from the Gilliam County Planning Department, Oregon Department of Aviation (ODA), ODFW, Oregon Department of Geology and Mineral Industries(DGMI), ODEQ, and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), representing the potential of a moderate level of interest in the proposed modifications. The Department anticipates that any potential issues have already been identified and likely resolved. Based on the timing of this evaluation, the Department has reviewed the ADR, pRFA2, and reviewing agency comments, and anticipates a low level of interest from reviewing agencies for the remainder of the to be minimal for the remainder of the pRFA2 review.

(d) The likelihood of significant adverse impact;

The certificate holder indicates in both the ADR and pRFA2 that none of the proposed changes of are likely to, or anticipated to result in a significant adverse impact. The proposed incorporation of existing infrastructure from BCP site certificate to the CGS site certificate would not alter ongoing operation

and maintenance compliance with applicable site certificate conditions, and thus would not likely create new significant impacts to resources and interests protected by the Council’s siting standards. The certificate holder indicates that the proposed new facility infrastructure is not likely to result in significant adverse impacts, as reduction measures were taken when siting the proposed components. The certificate holder explains that locations were selected to minimize disturbance and avoid critical resource areas. New facility infrastructure would be constructed within the existing site boundary.

Based on the timing and the limited scope of each of the proposed changes, the Department agrees that the likelihood of significant adverse impacts associated with the proposed changes of pRFA2 would be low.

(e) The type and amount of mitigation, if any.

The certificate holder indicates in the ADR for pRFA2 that none of the proposed changes are likely to, or would result in new mitigation. The certificate holder anticipates “a lack of impacts” for the proposed new facility infrastructure and indicates that the construction and operation of the proposed new infrastructure would continue to adhere to all applicable rules and standards. Regarding the proposed modifications to the site boundary and incorporation of existing infrastructure, the certificate holder suggests that neither change would require new mitigation.

Provided within Attachment 5 of the pRFA, the certificate holder has amended the Wildlife and Habitat Monitoring and Mitigation Plan (WHMMP) to include a revision to the new estimated habitat impacts of the Carty Generating Station by Habitat Category (Table 4 of the WHMMP). In the revised table, the certificate holder indicates an increase of approximately 1.5 acres to the habitat mitigation area, and explains that the increase in mitigation correlates to the impacts associated with the proposed septic system and security guard station including associated plumbing and communication lines. No other specific additional mitigation for potential impacts to other resources is anticipated.

As noted above, the changes in pRFA2 are unlikely to result in significant adverse impacts to resources that were not already identified, approved, or mitigated for by the Council. Based on the timing of this evaluation, the Department has reviewed the ADR and pRFA, and agrees that the amount of any additional mitigation would likely be small based on the limited amount of disturbance from the proposed new facility infrastructure.

Amendment Type Determination

As presented in *Table 1: Type A Review – Factor Assessment*, the Department considers **Type B review appropriate** for pRFA2 because the proposed changes are not considered complex; there is a limited anticipated level of interest in the proposed changes anticipated by the Department; and there is a low likelihood of significant adverse impacts and minimal amount of additional mitigation expected.

Table 1: Type A Review – Factor Assessment		
OAR 345-027-0357(8) Factors	Type A	Type B
(a) The complexity of the proposed change		X

(b) The anticipated level of public interest in the proposed change		X
(c) The anticipated level of interest by reviewing agencies		X
(d) The likelihood of significant adverse impact		X
(e) The type and amount of mitigation, if any		X

At the June 25/26 Council meeting, the Department will provide verbal notice of the request and this determination as required by OAR 345-027-0357(6). At the request of the certificate holder or a Council member, the Department must refer its determination to the Council for concurrence, modification or rejection.

If there are any questions or comments, please feel free to contact me per the information below.

Respectfully,



Chase McVeigh-Walker
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301
chase.mcveigh-walker@oregon.gov
(503) 934-1582

cc via e-mail distribution:

Todd Cornett, Oregon Department of Energy
Maxwell Woods, Oregon Department of Energy
Patrick Rowe, Oregon Department of Justice