



Oregon

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Oregon Department of Energy Decision and Administrative Project Record for the Boardman to Hemingway Transmission Line

The Oregon Department of Energy (Department or ODOE) provides this cover letter to accompany the Decision and Administrative Project Record for the contested case proceeding on the Proposed Order on the Application for Site Certificate (ASC) for the Boardman to Hemingway Transmission Line (B2H). The record includes the Department's Administrative Project and Decision-Making Record which are further described below. This is followed with a narrative description of each of the Energy Facility Siting Council (EFSC) phases as applicable to the B2H proposed facility.

The Decision and Administrative Project Record for B2H is available to viewing and downloading via the following [OneDrive link](#) (this is an embedded link, please click on the blue underlined text).

The One Drive link to the record is also available on the ODOE project webpage at:

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

Upon request to the Department, the Department will provide these files on an external flash (USB) drive that will be mailed via USPS to requesting parties.

Folder Structure, File Naming and Searching for Documents

Below are the EFSC phase folder names provided via the One Drive link or USB drive that contain the record documents. The EFSC phase documents are described in more detail in this letter below under the header [Boardman to Hemingway Transmission Line Decision and Administrative Project Record with Descriptions](#). Please note that each folder contains additional documentation that staff provides to supplement the record. The links below re for this cover letter.

[01 NOI \(2010-2012\)](#)

[02 pASC \(2013-2014\)](#)

[04 ApASC \(2017-2018\)](#)

[05 ASC \(2018-2019\)](#)

[06 DPO](#)

[07 Proposed Order](#)

All documents in the record are named using a prefix which includes the EFSC phase, document identification number ("Doc ID"), description of the document, name of commenter – if applicable, and the date. For example;

B2HAPPDoc8 ASC Complete ASC Public Notice 2018-010-03

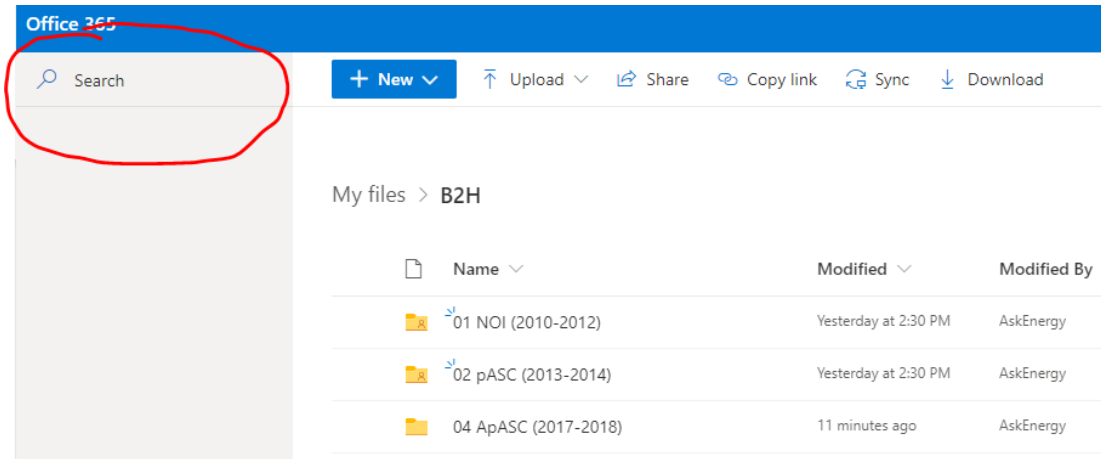
This "Doc ID" is included at the bottom of each page. "ODOE" is added in front of the Doc ID footer to indicate that ODOE provided the document for the contested case proceeding; page numbers are also

provided in the Doc ID footer to serve as “Bates Stamping” for consistent reference to record documents and pages. For example:

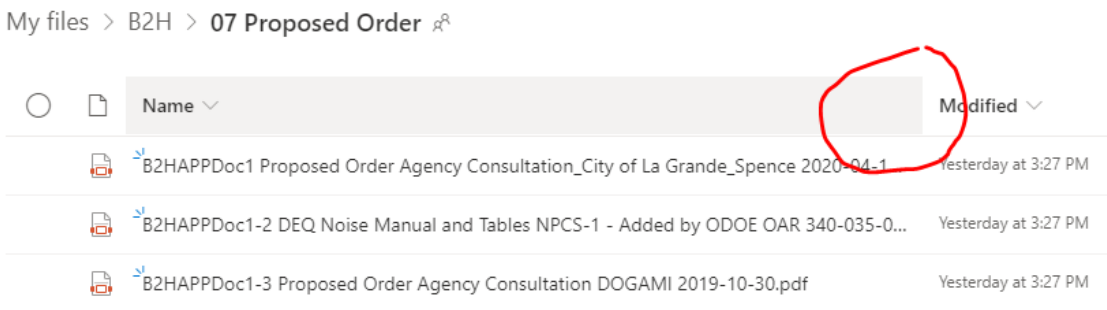
ODOE - B2HAPPDoc8 ASC Complete ASC Public Notice 2018-010-03. Page 1 of 4.

All documents are named to easily identify the information within the document. However, both One Drive and the file structure on the USB drive have search functions to be able to search for key words within the title of each document. To use the search functions, type a short key word into:

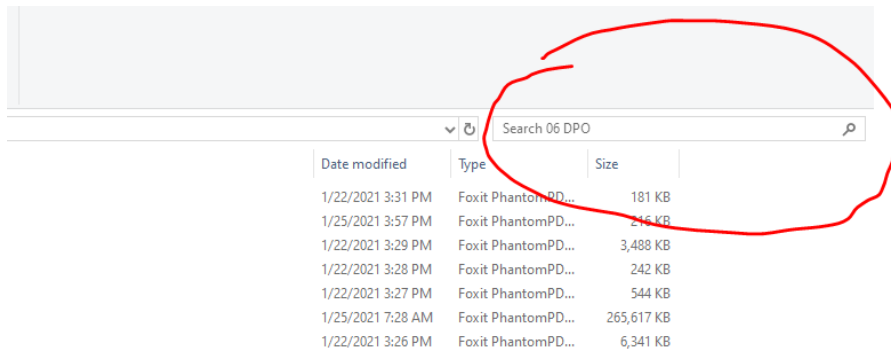
OneDrive:



You can expand the “Name” column to be able to view the full document name by “pulling” the column wider using the double arrows when you hover over the column names:



USB Folder Search – Please note that this search function may vary depending on the device and software used by individuals:



Date modified	Type	Size
1/22/2021 3:31 PM	Foxit PhantomPD...	181 KB
1/25/2021 3:57 PM	Foxit PhantomPD...	216 KB
1/22/2021 3:29 PM	Foxit PhantomPD...	3,488 KB
1/22/2021 3:28 PM	Foxit PhantomPD...	242 KB
1/22/2021 3:27 PM	Foxit PhantomPD...	544 KB
1/25/2021 7:28 AM	Foxit PhantomPD...	265,617 KB
1/22/2021 3:26 PM	Foxit PhantomPD...	6,341 KB

Decision Making Record with OAR References

The Decision-Making Record on an ASC includes the decision record for the Department’s proposed order and the record of the contested case proceeding. Please note that under OAR 345-015-0023(4), the hearing officer shall maintain a complete and current record of all motions, rulings, testimony and exhibits during the course of the hearing. Further, because the contested case is ongoing, the Department is not including the record for the contested case proceeding to date. OAR 345-015-0240.

The decision record for the Department’s proposed order includes the following:

Decision Making-Record

- Application for site certificate (ASC). *OAR 345-015-0016 and OAR 345-015-0230.*
- Reviewing agency comments on the pASC and agency reports on the ASC. *OAR 345-015-0180(3) and OAR 345-015-0200(7).*
- Comments provided on the record of the public hearing. *OAR 345-015-0220(6).*
- Proposed Order (including attachments). *OAR 345-015-0240.*
- Record of the contested case proceeding. *OAR 345-015-0240.*

Administrative Project Record with OAR References

The Department Administrative Project Record includes all of the above-listed items that make up the Decision-Making Record as well as the procedural, substantive, and other record documents the Department may have used or issued that impacted the ASC or Department recommendations in the draft proposed order and proposed order. Note that all the documents that make up the Decision-Making Record are also included in the Administrative Project Record.

The Department policy regarding the Administrative Project Record, includes but is not limited to the below items, to the extent that records are available. These items are designated in rule at the various phases in the EFSC review process, however, the Department may add additional information to the Administrative Project Record it deems applicable to the review of the proposed facility.

Administrative Project Record

Notice of Intent (NOI) Phase:

- NOI. *OAR 345-020-0006 and OAR 345-020-0011.*
- Notice of NOI and publishing. *OAR 345-015-0110.*
- Comments on NOI. *OAR 345-015-0110 and 345-015-0140.*
- Agency Memo. *OAR 345-020-0040 and OAR 345-015-0120.*

- Agency Comments. *OAR 345-015-0110.*
- Project Order. *OAR 345-015-0160.*
- Special Advisory Group designated by the Council under ORS 469.480. *OAR 345-001-0010(51)(q).*
- NOI Extension. *OAR 345-020-0060*

Preliminary Application for Site Certificate (pASC) Phase:

- pASC. *OAR 345-015-0180.*
- Agency Memo on pASC. *OAR 345-015-0180.*
- Agency Comments. *OAR 345-015-0180.*
- Based on date of pASC, the applicable substantive criteria under ORS 469.504(1)(b)(A). *OAR 345-021-0000(9).*
- Incompleteness Notice to Applicant. *OAR 345-015-0190(1).*
- Requests for Additional Information (RAI's). *OAR 345-015-0190(1) and (4).*
- Additional Information to pASC in response to RAIs. *OAR 345-015-0190(4).*
- EFSC Meetings, if applicable.

Application for Site Certificate (ASC) Phase:

- Completeness Notice to Applicant. *OAR 345-015-0190(5).*
- Filing Date to Applicant. *OAR 345-015-0190(6).*
- ASC. *OAR 345-015-0190.*
- Notice of ASC. *OAR 345-015-0190(7).*
- Mailing list of Notices. *OAR 345-015-0190(7).*
- Additional Information to ASC after Completeness. *OAR 345-015-0190(9).*
- Informational Meeting on ASC. *OAR 345-015-0190(7)(d).*
- Memo Requesting Agency Reports on ASC. *OAR 345-015-0200.*
- Agency Reports on ASC. *OAR 345-015-0200.*
- Hearing Officer Appointment. *OAR 345-015-0023.*
- EFSC Meetings, if applicable.

Draft Proposed Order (DPO) Phase:

- DPO. *OAR 345-015-0210.*
- Notice of DPO and publishing. *OAR 345-015-0220.*
- Mailing list of Notices. *OAR 345-015-0220.*
- Comments from Public Hearing on DPO. *OAR 345-015-0220.*
- Applicant responses to DPO comments, if applicable. *OAR 345-015-0220.*
- EFSC review of and comments on DPO. *OAR 345-015-0230.*

Proposed Order Phase:

- Agency consultation comments. *OAR 345-015-0230(2).*
- Proposed Order. *OAR 345-015-0230.*
- Notice of Proposed Order and Contested Case Proceeding. *OAR 345-015-0230 and 345-015-0016.*
- Mailing list of Notices. *OAR 345-015-0230.*

- Notification to Applicant that the applicant must notify the hearing officer and the Department of any issues the applicant intends to raise in the contested case proceedings. *OAR 345-015-0230(4)*.

Boardman to Hemingway Transmission Line Decision and Administrative Project Record with Descriptions:

Notice of Intent (NOI) Phase - 2010:

Notice of Intent (NOI) for the Boardman to Hemingway Transmission Line was originally submitted in 2008 and subsequently withdrawn and replaced with the 2010 NOI. In the NOI folder provided for the Administrative Project Record the Department provides the following electronic records. The Department notes that it transitioned/changed its record keeping system three times since 2010, so some records may have several document names or some records may not be electronically available.

- NOI, 07-06-2010.
- Notice of NOI, 07-16-2010. Joint Notice with BLM and ODOE.
- Comments on NOI, 07-09-2010 to 11-06-2012. The Department and the Bureau of Land Management (BLM) held combined meetings on the NOI and comment periods with exchanged comments. The document provided combines all public and agency comments on the 2010 NOI.
- Agency Memo, 08-17-2010.
- Agency Comments. See above.
- Project Order, 03-02-2012.
- Special Advisory Group designated by the Council under ORS 469.480, dates vary.
- EFSC Orders/Decisions. SAG appointment orders, dates vary as per above.
- EFSC Approval of NOI Extension, 05-10-2012.

Preliminary Application for Site Certificate (pASC) Phase - 2013:

The preliminary Application for Site Certificate (pASC) was submitted in 2013. The Department began the reviewing agency comment period on the pASC and Special Advisory Groups submitted their applicable substantive criteria. However, due to the ongoing review by the BLM and route modifications made in response to the BLM and NEPA process, the applicant suspended the review of the pASC and indicated it would re-submit an Amended Preliminary Application for Site Certificate (ApASC) at a later date, once the BLM routes were known. The Department continued to review pASC Exhibits and issued requests for additional information (RAI's), and reviewed applicant-responses to RAI's to assist the applicant in updating the future ApASC. For RAI's and responses to the RAIs during this time, please see the below ApASC phase and associated documents.

- pASC, 02-28-2013.
- Agency Memo on pASC, 03-13-2013.
- Agency Comments, see below for SAG comments and applicable criteria and agency comments for the ApASC.
- Based on date of pASC, the applicable substantive criteria under ORS 469.504(1)(b)(A), dates vary however the "Goal Post" was established under OAR 345-021-0000(9) as the "Goal Post Rule", as the date the preliminary application was received by the Department, 02-28-2013.

- Incompleteness Notice to Applicant, 2013-04-29.
- Requests for Additional Information (RAI's). RAI's generated, transmitted and responses. See ApASC below.
- EFSC SAG appointments, dates vary.
- Other: First Amended Project Order, 12-22-2014, under OAR 345-015-0160 (3) the Council or the Department may amend the project order at any time.

Amended Preliminary Application for Site Certificate (ApASC) Phase - 2017:

The applicant submitted an amended preliminary Application for Site Certificate (ApASC) on 06-28-2017. Submitted with the ApASC, the applicant provided its responses to ODOE and reviewing agency RAI's generated during the draft Exhibit review that was ongoing from approximately 2013 to 2016. The responses to the draft RAIs are included with the first PDF of each Exhibit and include in the title "Includes RAIs 2013-2016". The applicant provided a footnote with each RAI response that describes the dates that ODOE RAI-1, RAI-2, RAI-2.5, and RAI-3 were sent to the applicant for that Exhibit. Again, draft review from 2013 to 2016 yielded the ApASC submitted in 2017. The ApASC was distributed to reviewing agencies and then reviewed by the Department for completeness. The applicant responses to the 2017 ApASC RAI's from the Department, Tribal Governments, Special Advisory Groups, and other state agencies and the applicant responses are included as the last PDF for an Exhibit and the document name includes "Applicant Responses to ODOE and Agency RAI's DATES".

- ApASC, 06-28-2017 and includes RAI's and responses to RAIs from 2013-2016. The RAI responses are included at the beginning of the first Exhibit PDF.
- Agency Memo on ApASC, 06-28-2017.
- Agency Comments, dates vary.
- Based on date of pASC, the applicable substantive criteria under ORS 469.504(1)(b)(A), see pASC above.
- Incompleteness Notice to Applicant.
- Requests for Additional Information (RAI's). *OAR 345-015-0190(1) and (4)*.
- Additional Information to pASC in response to RAIs, applicant responses to RAI's included in combined PDFs per Exhibit and also as responses to select reviewing agencies, see ApASC record folder.
- EFSC Meeting approval of Union County Request for Consultant Support, 08-17-2018.
- Other: Second Amended Project Order, 07-26-2018, under OAR 345-015-0160 (3) the Council or the Department may amend the project order at any time.

Application for Site Certificate (ASC) Phase - 2018/2019:

The ApASC was deemed complete on 09-21-2018 and the applicant filed the application for site certificate (ASC) on 09-28-2018. An application is complete when the Department finds that the applicant has submitted information adequate for the Council to make findings or impose conditions on all applicable Council standards. After the application was deemed complete and in preparation of the draft proposed order, the Department identified the need for additional information and on 03-28-2019, the applicant submitted additional information to the ASC.

- Completeness Notice to Applicant, 09-21-2018.
- Filing Date to Applicant, 09-28-2018.
- ASC, 09-28-2018.

- Notice of ASC, 10-03-2018.
- Additional Information to ASC after Completeness, 03-28-2019.
- Informational Meeting on ASC, 10-15-2018 to 10-18-2018.
- Memo Requesting Agency Reports on ASC, 10-10-2018.
- Agency Reports on ASC, dates vary see ASC folder.
- Hearing Officer Appointment, see below.
- EFSC Meeting approval of Baker County Request for Consultant Support, 12-06-2018.

Draft Proposed Order (DPO) Phase - 2019:

The draft proposed order (DPO) was issued on 05-22-2019. The Department held a series of public hearings on the DPO from 06-18-2019 to 06-27-2019 in each of the affected counties. All comments received on the DPO were made available to the public via the ODOE project webpage. EFSC reviewed the DPO, DPO comments, and applicant responses to comments at two regularly scheduled EFSC meetings on 12-19-2019 and 01-23-2020. Following the close of the record of the public hearing on the DPO, the Council must review the DPO. In accordance with ORS 469.370(3), when the Council meets to review a DPO, the Council may not permit the applicant, reviewing agencies or the public to comment on any issue that may be the basis for a contested case.

- Hearing Officer Appointment, 05-16-2019.
- DPO, 05-22-2019.
- Notice of DPO and publishing, 05-22-2019.
- Mailing list of Notices, 05-22-2019.
- Comments from Public Hearing on DPO, dates vary see DPO folder and proposed order attachment.
- Applicant responses to DPO comments, EFSC approval 09-27-2019. Dates vary for applicant responses received, see DPO folder and proposed order attachment.
- EFSC Review of DPO, 12-19-2019 and 01-23-2020 and 01-24-2020.

Proposed Order Phase - 2019:

The Department issued the proposed order on 07-02-2019. Based on a request from the public, on 06-24-2020, the Department issued a deadline extension for 08-27-2020 for petitioners to submit Requests Party Status in the Contested Case proceeding.

- Agency consultation comments, dates vary see proposed order folder and proposed order attachment.
- Proposed Order, 07-02-2019 .
- Notice of Proposed Order and Contested Case Proceeding, 07-02-2019.
- Mailing list of Notices, 07-02-2019.
- Notification to Applicant that the applicant must notify the hearing officer and the Department of any issues the applicant intends to raise in the contested case proceedings, 07-02-2019.

Contested Case Phase – 2020 - Ongoing:

The Department saved petitions received and subsequent filings, motions, hearing officer orders, and emails under the EFSC contested case phase and is not providing them as part of the Decision and Administrative Project Record at this point because the contested case is ongoing.

However, parties may request to the Department specific documentation submitted as part of the proceeding and, as a courtesy, the Department will provide requested documents.

If you have any technical difficulties accessing any of the PDF documents from the OneDrive link or from the USB drive, or need assistance with the provided Decision and Administrative Project Record, please contact Kellen Tardaewether at the Department:

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