



# Oregon

Tina Kotek, 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](http://www.oregon.gov/energy)

**To:** Energy Facility Siting Council

**From:** Kellen Tardaewether, Senior Siting Analyst

**Date:** September 8, 2023

**Subject:** Agenda Item B: Boardman to Hemingway Transmission Line, Request for Site Certificate Amendment 1, Council Decision on Any Submitted Requests for Contested Case, and Possible Material Change Hearing and Public Notice of Hearing to Adopt Final Order (ORS 469.370(7)) for the September 22, 2023 EFSC Meeting

**Attachments:** Attachment 1: [Proposed Order on Request for Site Certificate Amendment 1](#) (Hyperlink)  
Attachment 2: [Attachments to Proposed Order on RFA1](#) (Hyperlink)

Attachment 3: Staff Evaluation of Requests for Contested Case and Requests for Contested Case (\*\*to be included in Supplement Council packet materials; no requests for contested case had yet been received at the timing of issuance of this staff report)

---

## STAFF RECOMMENDATION

The Oregon Department of Energy's (Department) Proposed Order on Request for Amendment 1 (RFA1) of the Boardman to Hemingway Transmission Line Site Certificate (Proposed Order), issued August 7, 2023, continues to recommend the Energy Facility Siting Council (EFSC or Council) approve the requested site certificate amendment and grant issuance of a first amended site certificate, subject to compliance with existing, recommended amended and new site certificate conditions.

The Department's recommendation on contested case requests will be provided in a supplemental staff report. To date and based on the timing of this staff report, no requests for contested case had yet been received.

## APPROVED FACILITY OVERVIEW

The Boardman to Hemingway Transmission Line Site Certificate authorizes construction and operation of an approximately 300 mile (275 miles in Oregon) electrical transmission line (primarily 500 kilovolt (kV)). Approved related or supporting facilities include the Longhorn

Substation in Boardman, Oregon, communication stations, access roads, multi-use areas, pulling and tensioning sites and construction laydown areas. The facility is approved to be in five counties - Morrow, Umatilla, Union, Baker, and Malheur.

**CHANGES PROPOSED IN REQUEST FOR AMENDMENT 1**

RFA1 seeks Council approval to (a) add alternative route corridors for the transmission line; (b) add and refine the location of roads; and, (c) amend various site certificate conditions.

Proposed RFA1 site boundary additions include approximately 8.8 miles of 500-kV transmission line alternatives, and approximately 45.9 miles of access road changes, as detailed in Table 1 below.

**Table 1: RFA1 Proposed Alternative Route and Access Road Additions<sup>1</sup>**

<b>Proposed Site Boundary Additions</b>	<b>County</b>	<b>Length of Addition – Transmission Line (miles)</b>	<b>Length of Addition – Access Road (miles)</b>	<b>Area of Addition (acres)</b>	<b>Description of Site Boundary Addition</b>
Little Juniper Canyon Transmission Line Alternative <sup>1</sup>	Morrow	1.4	1.4	78.7	Shifted transmission line to the west to minimize impacts to proposed solar facility
Access Road Changes in Morrow County	Morrow	NA	4.2	61.9	Road design changes
Access Road Changes in Umatilla County	Umatilla	NA	3.4	71.3	Road design changes
Access Road Changes in Union County	Union	NA	1.8	36.7	Road design changes
True Blue Gulch Transmission Line Alternative <sup>2</sup>	Baker	4.6	8.6	422.8	Adjusted transmission line to the west and south to minimize noise and visual impacts
Durbin Quarry Transmission Line Alternative <sup>3</sup>	Baker	2.8	2.1	130.0	Shifted transmission line to avoid crossing ODOT quarry

<sup>1</sup> The route and road additions are “additive;” certificate holder therefore would have more options and flexibility to accommodate landowner preferences and final facility design needs, however, the final facility will ultimately select one approved route, approved alternative route, or proposed routes in RFA1. Actual acreage/disturbance impacts from the facility will be significantly less than approved in the Final Order on the ASC and as evaluated in the Proposed Order.

**Table 1: RFA1 Proposed Alternative Route and Access Road Additions<sup>1</sup>**

<b>Proposed Site Boundary Additions</b>	<b>County</b>	<b>Length of Addition – Transmission Line (miles)</b>	<b>Length of Addition – Access Road (miles)</b>	<b>Area of Addition (acres)</b>	<b>Description of Site Boundary Addition</b>
Access Road Changes in Baker County	Baker	NA	17.0	95.5	Road design changes
Access Road Changes in Malheur County	Malheur	NA	7.4	139.1	Road design changes
<b>TOTAL</b>	<b>NA</b>	<b>8.8</b>	<b>45.9</b>	<b>1,036.0</b>	<b>NA</b>

Notes:

<sup>1</sup> The Little Juniper Canyon Transmission Line Alternative would be an alternative to 1.3 miles of Previously Approved transmission line.

<sup>2</sup> The True Blue Gulch Transmission Line Alternative would be an alternative to 2.9 miles of Previously Approved transmission line.

<sup>3</sup> The Durbin Quarry Transmission Line Alternative would be an alternative to 2.8 miles of Previously Approved transmission line.

Source: B2HAMD1 RFA1 2023-06-08, Table 4.1-1. Proposed Site Boundary Additions

*Recommended Amended and New Site Certificate Condition Summary*

RFA1 Attachment 6-1 presents the certificate holder’s proposed changes to the description of the site boundary, approved transmission line corridors and access roads; and amendments to site certificate conditions. Based on the evaluation presented in Proposed Order Section III. *Evaluation of Council Standards*, as applicable based on the certificate holder’s proposed change, the Department’s recommended changes to the site certificate and conditions are presented in the draft amended site certificate (Proposed Order Attachment 1).

Other Department-recommended changes to conditions include administrative corrections and substantive changes to support certificate holder implementation and Department review and enforcement.

**SCOPE OF COUNCIL REVIEW (OAR 345-027-0375)**

For amendments to the site certificate that include site boundary expansion and other changes, such as new or amended conditions, the Scope of Council Review under OAR 345-027-0375 requires that Council determine whether the preponderance of evidence on the record supports the following conclusions:

1. That the portion of the facility within the area added to the site boundary by the amendment complies with all laws and Council standards applicable to an original site certificate application;
2. The amount of the bond or letter of credit required under OAR 345-022-0050 is adequate; and,

3. The facility, with proposed RFA1 changes, complies with the applicable laws or Council standards that protect a resource or interest that could be affected by the proposed RFA1 changes.

The certificate holder proposes to add additional road and transmission line route options to the site boundary; and modify the language of previously imposed conditions. Therefore, the findings of fact and conclusions of law in the proposed order focus on whether the portions of the facility within the area added to the site boundary by RFA1 comply with all laws and Council standards applicable to an original site certificate application ((1) above) and whether the changes to site certificate condition language impact the ability of the facility, with proposed RFA1 changes, to comply with applicable laws and standards ((3) above). The Scope of Council's Review for RFA1 does not include findings of fact or conclusions of law that apply to the approved facility as described in the ASC and *Final Order on ASC*, including previously approved transmission line routes and related or supporting facilities that are not impacted by RFA1.

#### **PROPOSED ORDER SUMMARY**

The Proposed Order addresses each of the Council standards, and issues raised in comments received on the record of the Draft Proposed Order (DPO) public hearing, and recommends Council find that the facility, with proposed RFA1 changes, will comply with each applicable Council standard.

As reviewed at the July 19, 2023 Council meeting, issues raised in comments received on the record of the DPO public hearing, certificate holder responses and staff's evaluation of those issues are presented in tabular format in Table 2 below. As presented in Table 2 below, based on comments received from Stop B2H, the Proposed Order includes one material change in Section III.M. Public Services, to Public Services Condition 3 (GEN-PS-01). In RFA1, the certificate holder requested to amend the timeframe by which it was required to notify landowners of helicopter use during construction, from 30-days prior to helicopter use to prior to helicopter use (no specific timeframe). Council directed staff to amend the condition to require a minimum 3-day, prior to helicopter use, landowner notification.

**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Committer	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
<i>Public Comments</i>				
<b>STOP B2H</b>				
STOP B2H – 07-18-2023 Written Comments	<p>Comments related to the Oregon Forest Practices Act (FPA):</p> <ul style="list-style-type: none"> <li>• New OARs for the Oregon Dept. of Forestry (ODF), apply to the facility</li> <li>• Reforestation practices apply to the facility</li> <li>• Plan for an Alternate Practice</li> <li>• Conditions in the Site Certificate conflict with and waive requirements of FPA</li> </ul>	Comments outside the scope of the Council’s review because the Council has chosen not to assert jurisdiction over the application of the FPA for the facility, as amended. Certificate holder will work directly with ODF regarding compliance with FPA requirements, including its Plan for an Alternate Practice	N/A	<p>Department and Council concur with certificate holder responses that, in the Final Order on ASC, Council did not assert jurisdiction of the FPA and stated certificate holder should work directly with ODF but the certificate holder nonetheless must comply with applicable provisions of FPA, including but not limited to the Plan of Alternate Practice.</p> <p>Pursuant to Council direction at the RFA1 DPO hearing, the proposed order includes a statement asserting that Council has not established jurisdiction over the FPA. See Section III.R., <i>Other Applicable Regulatory Requirements Under Council Jurisdiction</i>, which summarizes Council’s prior position in the Final Order on ASC regarding the FPA.</p>
STOP B2H – 07-18-2023 Written Comments	<p>Roads and associated structures, access and construction areas had not been completed and as such were not available to analyze in the Final Environmental Impact Statement (“EIS”).</p> <p>Detailed analysis of impacts to waters of the US was not conducted during the final EIS due to lack of availability of micro-siting information for tower pads, laydown yards, tensioning sites and other sub facilities.</p>	The EIS is a federal review conducted pursuant to the National Environmental Policy Act. The EIS is outside the Council’s jurisdiction and concerns regarding the analysis in the EIS are outside the scope of RFA1.	N/A	Certificate holder response sufficient. No revisions to Proposed Order recommended.
STOP B2H – 07-18-2023 Written Comments	For the record and specificity, we would like to incorporate the comments of Jim Kreider, Stop B2H Coalition, Wendy King, and Sam Myers in the Public Utility Commission of Oregon (“OPUC”) docket UM2209.	STOP B2H’s reference to “specificity” appears to suggest that STOP B2H seeks to preserve for a potential contested case in this matter any issues raised in other parties’ testimonies in a separate proceeding before an entirely different agency. ORS 469.370(3) requires that “[a]ny issue that may be the basis for a contested case...be raised with sufficient specificity to afford the council, the department and the applicant an adequate opportunity to respond to each issue.” Referring to comments from multiple parties in a separate proceeding before a	N/A	Department added footnote in Section II.C.4 reiterating ORS 469.370(3) and explaining Council’s position that it will not accept DPO comments that are provided by reference.

**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
		different agency does not inform the Council, ODOE, or Idaho Power of any alleged error in the DPO for RFA1.		
STOP B2H – 07-18-2023 Written Comments	The OPUC inserted conditions in the 2023 Wildfire Mitigation Plan after the issues raised by STOP were not corrected from the 2022 Wildfire Plan. The problems in the 2022 and 2023 Wildfire Prevention and Risk Management Plans will affect areas in Union County that are being modified in RFA 1. It will also impact roads already approved.	<p>The proper venue to raise these concerns was in OPUC Docket UM 2209, STOP B2H fully participated in that proceeding. The process in Docket UM 2209 was robust, and as STOP B2H acknowledges in its comments, the OPUC approved Idaho Power’s 2023 Wildfire Mitigation Plan in that docket.</p> <p>Utilities annual Wildfire Mitigation Plans under the OPUC’s jurisdiction are intended to be living documents, and changes to them are intended to be iterative. While the OPUC recommended additional actions that the Company should take when preparing its 2024 Wildfire Mitigation Plan, the OPUC and other stakeholders, including STOP B2H, will continue to have the opportunity to participate in these annual WMP updates and provide comments and suggestions for updated wildfire mitigation strategies in Docket UM 2209.</p>	Section III.N., Wildfire Prevention and Risk Mitigation	Footnote added to Section III.N., <i>Wildfire Prevention and Risk Mitigation</i> , to provide certificate holder response and reiterate existing findings acknowledging OPUC staff that WMPs are intended to be updated, iterative, and adaptable.
STOP B2H – 07-18-2023 Written Comments	The OPUC Order 23-222 is conditional due to lack of clarity and the additional work the applicant has been told to complete. OPUC staff has 37 recommendations to work through with Idaho Power before Idaho Power’s Wildfire Plan for Oregon is considered complete.	OPUC approved Idaho Power’s 2023 Wildfire Mitigation Plan and recommended additional information that Idaho Power should include in the 2024 Wildfire Mitigation Plan, but also noted that there may be implementation issues, and in some cases, recommendations may need to be modified, and directed Idaho Power to consult with Staff regarding implementation of recommendations and include a summary of that consultation in its 2024 Wildfire Mitigation Plan. Idaho Power will take this direction from the OPUC into account when preparing its 2024 Wildfire Mitigation Plan.	Section III.N., Wildfire Prevention and Risk Mitigation	See response above.
STOP B2H – 07-18-2023 Written Comments	The Union County Community Wildfire Protection Plan identifies the Morgan Lake/Glass Hill, Perry/Hilgard, and Kamela areas as wildland-urban interface areas or WUI’s. They are in the B2H’s site boundary. However, IPC has refused to show their fire risk calculations that they were asked to show in 2022 to determine how 3 other agencies’ analyses identifies high risk fire areas in the route of the B2H but IPC does not get the same results. Therefore, we do not know why 3 other entities, in the Wildfire	As discussed above, STOP B2H raised this concern in comments in OPUC Docket UM 2209 and OPUC recommended that Idaho Power “should consider the larger communications challenge of ensuring that residents in its service territory are aware of why it has designated certain areas as high fire risk zones and not others, and that they better understand why entities may use different methodologies, have different goals for designation, or have different inputs to the modeling. It should then work to close that information gap.” Idaho Power will continue working to	Section III.N., Wildfire Prevention and Risk Mitigation	<p>Existing Section III.N., <i>Wildfire Prevention and Risk Mitigation</i> describes wildfire risk modeling in the WMPs.</p> <p>An additional footnote added incorporating certificate holder’s response to I. Gilbert statement regarding wildfire risk modeling insufficiencies. Added text includes Dr. Lautenberger testimony about how the modeling includes loss of life and structures.</p>

**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
	mapping community, see these as high-risk wildfire zones and IPC does not. Which brings into question all of IPC’s wildfire work and the Site Certificate Conditions regarding wildfire risk and public services.	address this OPUC recommendation in the Company’s 2024 plan, a copy of which will be submitted to the Council.		
STOP B2H – 07-18-2023 Written Comments	<p>The bond amount and flexibility currently included in the site certificate fails to provide for the protection of landowners, residents, ratepayers, and public agencies, from the liability that will occur in the event Idaho Power abandons the transmission line or declares bankruptcy without restoring the site. The current ownership of the transmission line by Idaho Power and PacifiCorp increases the likelihood that the transmission line may be abandoned without restoration because the companies are allegedly at risk of filing for bankruptcy due to ongoing and potential future wildfire-related litigation that may result in millions and potentially billions of dollars owed.</p>	<p>STOP B2H’s arguments were already litigated in the EFSC proceeding for the ASC, and EFSC found that the estimated cost of restoration was reasonable and certificate holder provided sufficient information about its financial capability to demonstrate that it could obtain a bond or letter of security to cover required decommissioning and restoration costs. While STOP B2H focuses on ongoing wildfire litigation related to PacifiCorp and implies that PacifiCorp is at risk of filing for bankruptcy, Idaho Power—as the certificate holder—is responsible for the bond to cover the decommissioning and restoration costs associated with retirement of the facility per Retirement and Financial Assurance Conditions 2 through 5. Moreover, as stated above, EFSC has already concluded that Idaho Power is financially capable of obtaining a bond in the amount necessary to restore the facility site to a useful non-hazardous condition. Finally, if there are any changes that would require adjustment of the bond amount, Retirement and Financial Assurance Condition 5 requires certificate holder to provide EFSC and ODOE a report every five years on: (a) the physical condition of the facility; (b) any evolving transmission or electrical technologies that could impact the continued viability of the facility; (c) the facility’s performance in the context of the larger Northwest power grid; and (d) the certificate holder’s financial condition, including the certificate holder’s credit rating at that time. Importantly, under the condition, EFSC may request the report on an off-cycle year if requested. Moreover, the condition allows EFSC to consider whether the approach towards the financial assurance instrument remains appropriate and would account for unforeseen shifts in the power grid or the Idaho Power’s financial condition.</p>	Section III.G., Retirement and Financial Assurance (Not referenced in comments)	PacifiCorp is not the certificate holder for the facility. Stop B2H’s comments related to concerns about liability in the event of a wildfire are outside the scope of the Retirement and Financial Assurance standard and RFA1, and not supported by facts. Certificate holder response sufficient. No revisions to Proposed Order recommended.
STOP B2H – 07-18-2023	Idaho Power is submitting RFAs in piecemeal fashion intentionally to avoid greater public engagement and	RFA1 includes discrete route changes and road modifications that include impacts that are substantially similar in nature to	N/A	Certificate holder response sufficient. No revisions to Proposed Order recommended.

**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
Written Comments	recommends that the RFA1 should be viewed as new application.	<p>the impacts already approved in the Council’s Final Order on the ASC.</p> <p>Additionally, STOP B2H’s allegations regarding Idaho Power’s intentions regarding the RFAs are entirely unfounded. As described in the RFA DPO and in oral comments from B2H Project Manager Joseph Stippel at the July 18, 2023 RFA DPO Comment Hearing, the transmission line alignment modifications are discrete changes that were driven by Idaho Power continuing to work with landowners to reduce impacts and refine the project location prior to construction. The road modifications included were intended to refine access road locations and improve constructability of the project.</p>		
STOP B2H – 07-18-2023 Written Comments	Idaho Power’s maps do not comply with Council rules and asserts that STOP B2H had difficulty locating new access roads, and further asserts that “landowners and other interested parties cannot find all the information they need to properly comment on RFA 1 and therefore there needs to be a new map set developed and an extension of time so all parties can get their bearing and comment effectively.	Idaho Power provided mapping with the RFA1 submittal showing a sufficient level of detail to delineate the site boundary additions included in RFA1. In particular, the maps included as references on page 5 of STOP B2H’s DPO comments include a legend that shows that the new site boundary additions are shown with a black and white outline, and the previously approved grey shading reflects site boundary that was previously approved.	N/A; Comment related to RFA1	<p>Certificate holder response sufficient. No revisions to Proposed Order recommended.</p> <p>Department explained during Council’s review of the RFA1 DPO that to provide maps that show road details from the previously approved ASC and roads proposed in RFA1 would be confusing and hard to distinguish between the approved roads and proposed roads for the EFSC review of RFA1. Department reiterated that the certificate holder is adding roads and routes to allow flexibility in final design and construction of the facility, as amended. However, the final facility will not include all approved routes and roads.</p> <p>Department also described that many of the roads in RFA1 are a small extension of a previously approved road and discussed the Department’s online mapping tool as another way for interested persons to review the proposed routes and roads.</p>
STOP B2H – 07-18-2023 Written Comments	Shortening the time periods described in GEN-PS-01 (helicopter use plan) will increase the risk of health and safety impacts resulting from helicopter use and proposes that the 30 day notice requirements for adjacent landowners from the original condition language should be retained, and the 30 day notice	Condition GEN-PS-01 contemplates that certificate holder will finalize a Helicopter Use Plan in coordination with ODOE and each affected county where helicopter use is anticipated during construction. As noted in the DPO, the modifications to the timing in condition GEN-PS-01 are intended to allow additional flexibility in timing for preconstruction conditions.	III.M., Public Services, III.M.1.h Traffic Safety; Attachment 1: Draft First Amended Site	Council directed adoption of certificate holder’s proposed 3-day notice to landowners added to Recommended Amended Public Services Condition 3, this revision and supporting findings are added to III.M., Public Services, III.M.1.h Traffic Safety.



**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
	requirement to the Oregon Department of Aviation (“ODA”) for consultation should be retained unless ODA approves a shorter timeframe in writing.	certificate holder proposed these modifications to allow additional flexibility in scheduling helicopter operations. If the Council would prefer to include a defined period for notice, certificate holder proposes that a 3-day landowner notice is sufficient to preserve the flexibility of the construction process. This will create a more adaptable approach for the construction team to work with adjacent landowners on a schedule that is adaptable to the needs of everyone, including impacted landowners. For example, with a shorter notice period, certificate holder may be able to accommodate landowner requests for modifications to scheduling helicopter activity, however, with a longer notice period, certificate holder would not be able to make such accommodations.	Certificate - Public Services Condition 3	
STOP B2H – 07-18-2023 Written Comments	GEN-PS-01 fails to identify noise sensitive properties or identify unique hazardous locations.	<p>There is no requirement to analyze construction noise, including helicopter use, or requirement to identify noise sensitive properties in connection with helicopter use. As noted in the DPO regarding construction noise:</p> <p>Because construction related noise is exempt from the DEQ noise rules, an evaluation of construction noise generated from auxiliary vehicle use on new or improved roads, and multi-use areas, and helicopter use at NSRs is not required</p>	N/A; (No section referenced in comments)	Certificate holder response sufficient. No revisions to Proposed Order recommended.
STOP B2H – 07-18-2023 Written Comments	ODOE’s recommended revisions to site certificate condition GEN-SP-01 are inconsistent with the Council’s obligation to ensure compliance with state laws and council rules effective the date the amended site certificate is issued. Revising the condition to include “unless otherwise agreed to by the Department” allows the Oregon Department of Energy to allow the developer to avoid compliance with the Council Standard addressed by the National Pollutant Discharge Elimination System (“NPDES”) 1200-C and Erosion and Sediment Control Plan (“ESCP”) contained in the site certificate. STOP B2H further asserts that this revision “circumvents the procedure in the Site Certificate requiring the agency	As ODOE explained in the DPO, an ESCP can be revised throughout construction to address numerous changes, but the language of existing Soil Protection Condition 1 (Condition GEN-SP-01) could be interpreted to limit the ESCP to the version approved prior to construction. ODOE further asserted that it must be given authority to require revisions to the ESCP because it is the ESCP that Council relies upon to ensure that erosion impacts are minimized, in compliance with the Soil Protection Standard. For these reasons, ODOE recommended the revisions to Soil Protection Condition 1 (Condition GEN-SP-01).	Section III.D., Soil Protection; Attachment 1 Draft Amended Site Certificate	<p>Certificate holder response sufficient. No revisions to Proposed Order recommended.</p> <p>During its review of the RFA1 DPO the Department reiterated the basis for the condition revision as described in the DPO and added that the condition revisions are more restrictive rather than less restrictive and give the Department the ability to require changes to a ESCP to address any conditions on site that must be mitigated.</p>

**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
	consultation process be followed for changes in the Soil Protection Standard and plan.”			
STOP B2H – 07-18-2023 Written Comments	<p>Condition GEN-SP-04(a) Page 25 of First Amended Site Certificate: Makes significant changes in the requirements regarding the Blasting Plan which should not be implemented including: Adding the word “related blasting” to the first line of Item (a) would result in no longer requiring the developer to determine whether there will be a need for blasting prior to the start of construction. The changes to this site certificate condition results in a failure of the Site Certificate to provide for the safety of property owners impacted by the development. It also places at risk the requirement that the developer identify wells and springs that may be impacted by blasting that is required as a monitoring condition. Impacts to wells and springs can pose a health hazard to citizens as well as cause significant economic damages in the event the developer fails to provide mitigation for the impacts. The change fails to assure compliance with council standards including providing for the health and safety of citizens, provide mitigation for impacts to resources, and the requirement that the developer assume the costs of monitoring.</p> <p>*** STOP B2H recommends that the following changes should be incorporated in Gen-SP-01 to comply with ORS 469.401(2):</p>	<p>As an initial matter, the proposed amendment to Soil Protection Condition 4 (Condition GEN-SP-04), subsection (a) would not result in certificate holder being allowed to avoid ODOE review of the final Framework Blasting Plan. Rather, the change from “[p]rior to construction” to “[p]rior to construction-related blasting” simply allows Idaho Power to submit the final Framework Blasting Plan to ODOE closer to (but still prior to) the time blasting activities are anticipated to occur during the construction process. This change in timing is necessary because certificate holder will not have complete information about planned blasting at the time initially contemplated in the existing plan.</p> <p>Furthermore, per the proposed amendment to subsection (b), Idaho Power is still required to discuss with the landowner any blasting that the certificate holder plans to conduct on the landowner’s property prior to any construction-related blasting occurring. If the landowner identifies a natural spring or well on the property, Idaho Power must notify the landowner that at the landowner’s request, Idaho Power will conduct pre- blasting baseline flow and water quality measurements for turbidity. Moreover, per the condition, certificate holder is required to compensate the landowner for adequate repair or replacement if damages to the flow or quality of the natural spring are caused by blasting.</p>	Section III.D., Soil Protection (No Section referenced in comments); Attachment 1: Draft Amended Site Certificate	<p>Certificate holder response sufficient. No revisions to Proposed Order recommended.</p> <p>During its review of the RFA1 DPO the Department reiterated the basis for the condition revision as described in the DPO. Which describes that there are no specific local permits or local or state regulatory requirements within Council’s jurisdiction that apply to blasting or use of explosives. There are also no local or state blasting or use of explosive regulations that are within the jurisdiction of Council or reviewing agencies, thus the agency consultation portion of condition was removed.</p> <p>The blasting plan condition was adopted based upon a certificate holder representation.</p>
STOP B2H – 07-18-2023 Written Comments	<p>Notice has not been provided per ORS 183.415. This statute requires specific actions when “actions taken by state agencies” affects the public.</p> <p>* * * * *</p> <p>No such information was provided to the impacted people in person, by registered or certified mail even</p>	<p>ORS 183.415 applies only “[i]n a contested case[.]”<sup>39</sup> The DPO hearing is not a contested case, and for that reason ORS 183.415 does not apply to the DPO hearing.</p> <p>Rather, notice of the DPO must be issued consistent with ORS 469.370(2). ODOE provided notice of the DPO in accordance with that statute.</p>	N/A	Certificate holder response sufficient. No revisions to Proposed Order recommended.

**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
	though every residence within at least one half mile of the transmission line will be affected by the noise exemption and variance that EFSC has approved as well as the fact that ODOE and EFSC were provided comment during the original Site Certificate process regarding the failure of the agency to meet the Public Notice Requirements of Oregon Statutes when their actions may impact a landowner.			
<b>Irene Gilbert</b>				
Irene Gilbert – 07-17-2023 Oral Comments	<p>Comments related to the Oregon Forest Practices Act (FPA):</p> <ul style="list-style-type: none"> <li>• The facility is subject to the reforestation requirements of the FPA</li> <li>• New ODF Rules have specific designations for setbacks and protection measures for federally and state listed species that are applicable to the facility</li> <li>• Concerns of roads crossing streams and waterways</li> </ul>	As discussed above in response to STOP B2H’s comment, Council has elected not to assert jurisdiction over the application of the Forest Practices Act for the facility, as amended. Certificate holder is seeking approval of a Plan for an Alternate Practice from ODF providing an exemption from the Forest Practices Act’s reforestation requirements.	N/A	<p>Department and Council concur with certificate holder responses that Council did not assert jurisdiction of the FPA and that the certificate holder nonetheless must comply with applicable provisions of FPA, including but not limited to the Plan of Alternate Practice.</p> <p>Text added to Section III.R., <i>Other Applicable Regulatory Requirements Under Council Jurisdiction</i>, which summarizes position in Final Order on ASC regarding the FPA.</p>
Irene Gilbert – 07-18-2023 Oral Comments	<p>I don't know who all has submitted comments, but I would like to incorporate into my presentation any and all comments that come before council If we are again told we can only be a limited party, I want to establish that that we may very well be interested in making comments on other comments. * * * * *</p> <p>The Noxious Weed Plan doesn't provide for monitoring for the life of the development and so I'd like to incorporate the comments that were made by STOP B2H in the prior decision process and also Susan Geer who made several submissions about it.</p>	ORS 469.370(3) requires that “[a]ny issue that may be the basis for a contested case...be raised with sufficient specificity to afford the council, the department and the applicant an adequate opportunity to respond to each issue.” Referring to comments from multiple parties in a separate proceeding before a different agency does not inform the Council, ODOE, or certificate holder of any alleged error in the DPO for RFA1.	N/A	<p>In its review of this comment and discussion by Council, Council requested Department include a summary of Council, Hearing Officer, and Supreme Court position about the appropriateness of limiting parties in a contested case to issues they themselves properly raised.</p> <p>Department added footnote in Section II.C.4, describing the history of the litigated issue of “full” and limited party status in a contested case proceeding.</p>
Irene Gilbert – 07-18-2023 Oral Comments	In the OPUC hearings, Idaho Power said that they don’t develop plans during the construction period. Their plans all focus on after the development is operational.	The Wildfire Mitigation Plan applies to the Project during operation, certificate holder is also required by Public Services Condition 6 to the Site Certificate to adhere to the Fire Prevention and Suppression Plan, which identifies measures for preventing fires, and responding to fires that might occur during construction.	Section III.N., Wildfire Prevention and Risk Mitigation; Section III.M., Public Services (not	Certificate holder response sufficient. At Council’s request, proposed order Section III.N and III.M reiterate that a Fire Prevention and Suppression Plan applies to construction and the WMP applies to operation.

**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
			identified in comment)	
Irene Gilbert – 07-18-2023 Oral Comments	Idaho Power does not consider injury or death to citizens in evaluating the fire management plan.	<p>As explained in certificate holder’s Wildfire Mitigation Plan, the Company assesses wildfire risk by considering fire probability multiplied by the consequence of a fire. Consequence is defined as “Number of structures (i.e., homes, businesses, other man-made structures) that may be impacted by a wildfire.” These impacts to structures are a proxy for potential impacts to the individuals who would be in or use those structures.</p> <p>Dr. Christopher Lautenberger, Idaho Power’s expert witness who helped prepare the Company’s Wildfire Mitigation Plan, clarified this at the hearing for Idaho Power’s Petition for a CPCN, where he stated: “[C]onsequence is the negative impacts to different assets at risk. Assets at risk that are typically prioritized when looking at utility caused fires are loss of life and loss of structures, and those were the two assets at risk that were considered consequences in the risk modeling that was conducted by Idaho Power to inform its Wildfire Mitigation Plan</p>	Section III.N., Wildfire Prevention and Risk Mitigation	<p>Existing Section III.N., Wildfire Prevention and Risk Mitigation describes wildfire risk modeling in the WMPs.</p> <p>Additional footnote added incorporating certificate holder in response to I. Gilbert statement. Added text includes Dr. Lautenberger testimony about how the modeling includes loss of life and structures.</p>
Irene Gilbert – 07-18-2023 Oral Comments	Ms. Gilbert argues that the bond amount is not reasonable to address restoration costs. Furthermore, Ms. Gilbert argues that the site certificate conditions regarding the bond are not flexible enough as they do not address unforeseen conditions, such as a company declaring bankruptcy because of costs associated with wildfire litigation liability. Ms. Gilbert specifically references ongoing litigation specific to PacifiCorp regarding the Labor Day fires and a negotiated settlement specific to Idaho Power.	These arguments were already litigated in the EFSC contested case proceeding for the ASC, and EFSC found that the estimated cost of restoration was reasonable and certificate holder provided sufficient information about its financial capability to demonstrate that it could obtain a bond or letter of security to cover required decommissioning and restoration costs. Ms. Gilbert focuses on ongoing wildfire litigation related to PacifiCorp and implies that PacifiCorp is at risk of filing for bankruptcy, Idaho Power—as the certificate holder—is responsible for the bond to cover the decommissioning and restoration costs associated with retirement of the facility per Retirement and Financial Assurance Conditions 2 through 5. Moreover, as stated above, EFSC has already concluded that certificate holder is financially capable of obtaining a bond in the amount necessary to restore the facility site to a useful non-hazardous condition. Finally, if there are any changes that would require	Section III.G., Retirement and Financial Assurance (No Section referenced in comments)	<p>PacifiCorp is not the certificate holder for the facility. Certificate holder response sufficient. No revisions to Proposed Order recommended.</p> <p>Comments related to concerns about liability in the event of a wildfire are outside the scope of the Retirement and Financial Assurance standard and RFA1, and not supported by facts.</p>

**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
		<p>adjustment of the bond amount, Retirement and Financial Assurance Condition 5 requires certificate holder to provide EFSC and ODOE a report every five years on: (a) the physical condition of the facility; (b) any evolving transmission or electrical technologies that could impact the continued viability of the facility; (c) the facility’s performance in the context of the larger Northwest power grid; and (d) the certificate holder’s financial condition, including the certificate holder’s credit rating at that time. Importantly, under the condition, EFSC may request the report on an off-cycle year if requested. Moreover, the condition allows EFSC to consider whether the approach towards the financial assurance instrument remains appropriate and would account for unforeseen shifts in the power grid or the certificate holder’s financial condition.</p>		
<p>Irene Gilbert – 07-18-2023 Oral Comments</p>	<p>One revised site certificate condition causing me concern is this condition saying that the vegetation management plan is finalized. I have not reviewed the Vegetation Management Plan. I know that during the previous activities related to this, this plan is required to comply with OAR 345-025-0016. The plan does not provide for assuring that noxious weeds do not impact wildlife habitat; it’s limited in the area that they are going to cover; does not provide for monitoring for the life of the development.</p>	<p>Ms. Gilbert’s comment conflates two distinct plans. The Vegetation Management Plan describes the methods in which vegetation along the transmission line will be managed during operation of the Project. The measures certificate holder will undertake to control noxious and invasive-plant species and prevent the introduction of these species within the Project site boundary are discussed in the Noxious Weed Plan.</p> <p>Ms. Gilbert raised these same challenges regarding the adequacy of certificate holder’s Noxious Weed Plan in the contested case and these issues were fully litigated. In the Final Order, the Council adopted the Hearing Officer’s conclusion that the “Noxious Weed Plan is adequate to serve its intended purpose of establishing the measures the applicant will take to control noxious weed species and prevent the introduction of these species during construction and operation of the project.”</p>	<p>N/A (No Section referenced in comment); Attachment 1: Draft Amended Site Certificate</p>	<p>Certificate holder response sufficient. No revisions to Proposed Order recommended.</p> <p>The Noxious Weed Plan addresses weeds and would need to be finalized prior to construction (Fish and Wildlife Condition 3), this condition is not recommended to be amended. During its review of the DPO for RFA1, the Department reiterated the findings in the DPO related to the recommended revision. While the Vegetation Management Plan may need to be amended in the future, the plan is currently final. In addition, the plan includes requirements that apply during O&amp;M and therefore the condition does not need to require that the plan be finalized, prior to construction, or implemented prior to operations.</p>
<p><b>Oregon- California Trails Association (“OCTA”)</b></p>				
<p>Oregon- California Trails Association  (“OCTA”) –</p>	<p>RFA1 Figure 4-2 Map 1. RFA1 new road lies just over the fence line (west) on the range are extensive Class 1 trail ruts. Have archaeological studies of the area of the new road been conducted, and if so what in a general did they reveal?</p>	<p>There were no new segments of the Oregon Trail that were identified in the agricultural area in Map 1 of Figure 4-2.</p> <p>A report for the surveys within the Direct Analysis Area completed through 2021, i.e., the Initial Class III Report for</p>	<p>N/A, Comment applicable to RFA1 Figure 4-2</p>	<p>Certificate holder response sufficient to answer OCTA’s question. No revisions to Proposed Order recommended.</p> <p>Department reiterates that Historic, Cultural, and Archaeological Resources Condition 1 (GEN-HC-01)</p>

**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
07-17-2023 Written Comments		the Direct Analysis Area, is completed through 2021 and has been reviewed through the Section 106 process. An updated Oregon Visual Assessment of Historic Properties Intensive Level Survey (“VAHP ILS”) for the Visual Assessment Analysis is being reviewed in the Section 106 process.		<p>continues to apply to the proposed site boundary additions in RFA1 and requires that during final design and construction of the facility, the certificate holder design and locate facility components to avoid direct impacts to Oregon Trail/National Historic Trail resources.</p> <p>Historic, Cultural, and Archaeological Resources Condition 2 requires the submission of the Historic Properties Management Plan (HPMP), which includes Appendix A.1 Inventory Tables with Management under OAR 345-022-0090. The Appendix A.1 Inventory Tables include all resources inventoried in the direct and indirect analysis area associated with the ASC and RFA1. AS part of updating/finalizing the HPMP, the certificate holder will submit updated Appendix A.1 Inventory Tables based upon final design, which will include mitigation and additional avoidance measures.</p>
Oregon-California Trails Association (“OCTA”) – 07-17-2023 Written Comments	RFA1 Figure 4-2 Map 12 and 13. We suspect that the new roads in this area will not be visible from the Oregon National Historic Trail (“ONHT”) which is on the other side of I-84 on a ridgeline. Has this been verified?	<p>The viewshed maps for RFA1 identified areas that would have new potential visual impacts based upon the new alignments and roads. This analysis did not identify resources that would be newly affected by the proposed route changes other than those archaeological sites with aboveground components identified by certificate holder in the Direct Analysis Area and contained in the Initial Class III Report. (Confidential Attachment 7-11).</p> <p>Access road UN-002b, as depicted in Map 12 of Figure 4-2, would not be visible from intact NRHP-eligible Oregon Trail segments. There would be no new indirect (i.e., visual) impacts because UN-002b is a new access road using the old location of an abandoned road with surrounding vegetation, intervening topography, and a more prominent built environment.</p> <p>Access road UN-625, as depicted in Map 13 of Figure 4-2, would also not be visible from intact,</p>	N/A, Comment applicable to RFA1 Figure 4-2	Certificate holder response sufficient to answer OCTA’s question. No revisions to Proposed Order recommended.

**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
		identified NRHP-eligible Oregon Trail segments. There would be no new indirect (i.e., visual) impacts because UN-625 is shielded by intervening vegetation and topography.		
Oregon-California Trails Association (“OCTA”) – 07-17-2023 Written Comments	RFA1 Figure 4-2 Map 16. The location of the ONHT in the area of Clover Creek is not well documented. The construction of I-84 probably obliterated much of the original route. Both the approved routing of the B2H transmission line and the new road will add to the degradation of the setting. The National Park Service’s routing of the trail through this area cannot be taken as definitive.	To the best of certificate holder’s knowledge, there are no previously recorded and/or intact segments of the Oregon Trail that have been identified through archaeological investigations in the vicinity of the Clover Creek area. Certificate holder has completed the cultural resources pedestrian surveys for the Direct Analysis Area in Map 16 and is in the process of updating the information for the preconstruction survey report (HPMP). No new cultural resources, including Oregon Trail segments, were identified in the vicinity of the Clover Creek area.	N/A, Comment applicable to RFA1 Figure 4-2	Certificate holder response sufficient. No revisions to Proposed Order recommended.
<b>John Williams</b>				
John Williams 07-18-2023 Oral and Written Comments	<p>Concerned about impacts to cultural resource 8B2H-DM-52 and 8B2H-DM-47. SHPO guidance strongly recommends a 30-meter buffer between any construction and an archaeological site.</p> <p>Mr. Williams also raised concerns that he has not received all results of surveys conducted by Idaho Power on his property.</p>	<p>Mr. Williams’ comments regarding the impacts of the placement of transmission towers on his property are outside the scope of RFA1 as no modifications to tower locations are proposed in the Company’s RFA1 Application on Mr. Williams’ property.</p> <p>certificate holder and its contractors have indeed completed surveys in the 2023 season. These reports are still being finalized and once the data is processed and compiled, a property-specific survey memorandum will be provided to Mr. Williams that will indicate what surveys were performed and the results of those surveys.</p>	Section III.K., Historic, Cultural, and Archaeological Resources, (No Section reference in comment)	<p>As indicated by certificate holder, these resources are associated with the previously approved site boundary and facility components. These resources are associated with previously inaccessible areas from the ASC and have since been surveys as part of Phase 2 surveys) surveys conducted once certificate holder gains access) and then resources are processed in the Section 106 review, summarized more before from Final Order on ASC.</p> <p>As discussed in the Final Order on ASC and in the DPO for RFA1, the Council’s Historic, Cultural, and Archaeological Resources standard under OAR 345-022-0090(1)(a) requires the Council to evaluate impacts to and mitigation for resources that are listed or likely to be listed on the National Register of Historic Places (NRHP). The Oregon State Historic Preservation Office (SHPO) is the agency in Oregon that assists in making determinations of eligibility. If a project has a federal nexus, a project is regulated by the Section 106 process led by the lead federal agency. Section 106 includes detailed consultation with affected Tribes and applicable state SHPO’s. Council previously found that under ORS 469.370(13), for facilities that are subject to review by a federal agency under the National Environmental Policy Act (NEPA), the Council shall conduct</p>

**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
				its site certificate review, to the maximum extent feasible, in a manner that is consistent with and does not duplicate the federal agency review. Council previously imposed Historic, Cultural, and Archaeological Resources Condition 2, which requires that prior to construction of the facility, the certificate holder would submit updates to the HPMP which includes NRHP eligibility determinations derived from the Section 106 review for new survey data from previously unsurveyed areas and based upon the final design of the facility. Based upon NRHP eligibility and agreed upon avoidance and mitigation measures from the Section 106 review, final avoidance and mitigation measures such as buffer distances, will be determined as an outcome of Section 106 and filed with Department prior to construction of the facility in that area.
John Williams 07-18-2023 Oral and Written Comments	Mr. Williams objects to the placement of three transmission towers on his property due to lack of survey data to inform their location including geotechnical and cultural surveys.		NA	Mr. Williams identified a concern with transmission tower (specifically ML 5/4) and its proximity to a potential fault – Peach Canyon Fault. This tower/tower location is not part of the changes proposed in RFA1, and was previously evaluated in the Final Order on the ASC <sup>2</sup> , where Council found, in part, that based on compliance with Structural Standard Condition 1 (PRE-SS-01), requiring a detailed boring plan and evaluation of fault sources, the certificate holder demonstrated an ability to design the facility in a manner that would avoid public health and safety risks from seismic hazards. Because there are no changes in RFA1 that would impact Council’s previous evaluation of Mr. Williams issues, the Department recommends that no changes be made to the proposed order.
Susan Geer				
Susan Geer 07-18-2023 Written Comments	Ms. Geer asserts that the statements in the DPO for RFA1 concluding that there may be limited public access are mischaracterizations, and instead asserts that Glass Hill Preserve is not advertised, but it certainly is not closed to the public. The SNA is open to research and education as spelled out in the	To determine whether a recreational opportunity is important the Council considers: Any special designation or management of the location; The degree of demand; Outstanding or unusual qualities; Availability or rareness; Irreplaceability or irretrievability of the opportunity. ODOE weighed all five factors and determined that the Glass Hill	Section III.F., Protected Areas (referenced in comment letter); Section III.L., Recreation	Department highlights that Ms. Geer’s comment letter discusses the description and impact assessment from the proposed road segment 1.6 miles away provided in DPO Section III.F., <i>Protected Areas</i> . However, the comments relate to recreational uses in the Preserve as well as opinions about impacts to the Preserve from the

<sup>2</sup> B2HAPPDoc3-15 ASC 08b Exhibit H Geology ASC Part 2 2018-09-28. B2HAPPDoc31 Final Order on ASC and Attachment 2022-09-27, pp 117-119.



**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
	<p>Natural Areas agreement, as well as non-motorized nature-oriented activities such as hiking, birding, botanizing, and mountain biking on existing trails. For many years the X-Terra mountain bike race was held on the property annually, and those trails are locally popular. Furthermore, the property owner hosts Native American ghost dance ceremonies as part of addiction recovery programs.</p>	<p>Preserve/SNA is not an important recreational opportunity. While the DPO concluded that public access was not likely allowed, that was not the sole basis for determining that the Glass Hill SNA was not an important recreation site. In particular, the DPO also considered that the Glass Hill SNA was designated for the protection of habitat and not for recreation, the remote location, the lack of available recreation facilities at the Glass Hill SNA, that access for hunting or fishing may require permission from the landowner, and that other sites offer similar opportunities.</p> <p>Even considering Ms. Geer’s comments regarding access, it bears noting that Ms. Geer affirms that the Glass Hill SNA is not advertised to the public and it is not clear that the activities described in Ms. Geer’s comments are broadly available to the public or a more limited subset of individuals. Moreover, even assuming for the sake of argument that the Glass Hill Preserve/SNA were to be analyzed as an important recreation opportunity, the potential impacts to the Glass Hill Preserve/SNA associated with RFA1 would be less than significant because the RFA1 features near the Glass Hill Preserve/SNA are access roads located 1.6 miles away.<sup>30</sup> These access roads will introduce only mild visual contrast with the existing landscape</p>	<p>(referenced by certificate holder)</p>	<p>approved Morgan Lake Alternative approved in the Final Order on the ASC. Information in the record of the facility does not speak to the recreational and ceremonial uses identified by Ms. Geer. Stating that “The SNA is not advertised, but it certainly is not closed to the public. The SNA is open to research and education as spelled out in the Natural Areas agreement, as well as non-motorized nature oriented activities such as hiking, birding, botanizing, and mountain biking on existing trails,” does not provide facts about these uses nor does it support that the public is able to openly access the area for recreational uses.</p> <p>Nevertheless, because the status of open public access to the Preserve is unknown, the Department recommends changing the description of the SNA in Section III.F.1.a., <i>Description of Newly Identified Protected Areas in RFA1 Analysis Area</i>, and Section III.L.1.a, <i>Recreational Opportunities within the Analysis Area</i>, to indicate that open public access is unknown rather than likely restricted.</p> <p>As the certificate holder points out, there are other criteria evaluated in the assessment of whether the Preserve is an important recreational opportunity. The Department maintains its recommendation in the proposed order that it would not be considered an important recreational opportunity because of potential lack of access, availability of similar areas for recreation, and lack of recreational infrastructure.</p> <p>Equally important, the Glass Hill Preserve/SNA is considered a Protected Area under the Council’s Protected Area standard (OAR 345-022-0040). Under this standard an evaluation of visual impacts, construction traffic, noise, and water use are provided, which is an equivalent impact assessment to that done under the recreation standard. Proposed Order Table 18: <i>Visual</i></p>

**Table 2: Summary of DPO Comments, Certificate Holder Responses, Council Review, and Department Recommendations (as represented in Proposed Order)**

Commenter	Comment Summary	Certificate Holder Response Summary	DPO Applicability (Section Reference)	Recommendations, Responses, and Location in Proposed Order
				<p><i>Impact Summary for Roads and Routes Proposed in RFA1 within Viewshed, states that the site is not currently managed for scenic quality. Due to access roads not having an aerial component, the visual impacts are anticipated to be low intensity and less than significant because of RFA 1. Other potential impacts to the protected area from noise and traffic would be less than significant due to the distance from the road to the SNA and appropriately mitigated with existing site certificate conditions.</i></p>
<p>Susan Geer 07-18-2023 Written Comments</p>	<p>Approval of the Morgan Lake route signals a tragedy for state Protected Areas of Oregon, downgrading their ecological integrity and putting special status species further at risk. Allowing a route through the middle of an established conservation easement signals a huge loss for the conservation community even if they do not yet realize it.</p>	<p>The Council approved the Morgan Lake Alternative in its Final Order on certificate holder’s ASC. Because the Council has already approved the Morgan Lake Alternative, this comment is outside the scope of RFA1.</p>	<p>N/A</p>	<p>No revisions to Proposed Order recommended. Impacts associated with the approved routes in the ASC, including the Morgan Lake Alternative, are outside the scope of RFA1.</p>
<p>Susan Geer 07-18-2023 Written Comments</p>	<p>Ms. Geer contends that a 1.6 mile road near Glass Hill Preserve would degrade the area.</p>			<p>No revisions to Proposed Order recommended. No proposed RFA1 facility components are proposed within the Glass Hill Preserve. Department clarified on the record at the EFSC Review of RFA1 DPO that the road segment (UN-236) that is the closest to Glass Hill Preserve is northwest of Glass Hill approximately 1.6 miles away, but the road segment is approximately 280 feet long, not 1.6 miles long.</p>

**Attachments:** Attachment 1: [Proposed Order on Request for Site Certificate Amendment 1](#) (Hyperlink)

Attachment 2: [Attachments to Proposed Order on RFA1](#) (Hyperlink)

Attachment 3: Staff Evaluation of Requests for Contested Case and Requests for Contested Case (\*\*to be included in Supplement Council packet materials; no requests for contested case had yet been received at the timing of issuance of this staff report)