



Oregon

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To: Energy Facility Siting Council

From: Kellen Tardaewether, Senior Siting Analyst

Date: May 24, 2024

Subject: Agenda Item A (Public Hearing): Boardman to Hemingway Transmission Line: Public Hearing on the Draft Proposed Order on Request for Site Certificate Amendment 2 for the May 30-31 2024 EFSC Meeting

Attachments: Attachment 1: [Draft Proposed Order on Request for Site Certificate](#) [hyperlink]
Attachment 2: Comments Received on Draft Proposed Order on Request for Site Certificate Amendment 2*
(*any comments received after the date of this staff report will be provided in Supplemental Council Packet Materials prior to the May 30, 2024 meeting)

STAFF RECOMMENDATION AND PUBLIC HEARING

The Oregon Department of Energy's (Department) Draft Proposed Order (DPO) on Request for Amendment 2 (RFA2) of the Boardman to Hemingway Transmission Line Site Certificate recommends the Energy Facility Siting Council (EFSC or Council) approve the requested site certificate amendment and grant issuance of a second amended site certificate, subject to compliance with existing and recommended amended site certificate conditions.

A public comment period is now open on the DPO and RFA2. The comment deadline for written comments to be submitted to the Department is May 30, 2024 at the close of the public hearing, scheduled for May 30, 2024 at 5:30 pm at the Riverfront Center/ Riverfront Room 2 Marine Dr. Boardman. The Department recommends the Council allow the record to remain open for the certificate holder to respond to public comments received until June 3, 2024 at 5:00 P.M., or later, if requested by the certificate holder.

Attachment 2 to this Staff Report includes comments received by May 24, 2024. Please note that, for record purposes, the Department is combining multiple comments received by the public and reviewing agencies. Table 1 below provides lists the comments received to date.

Table 1: Comments Received on B2H RFA2 DPO as of May 24, 2024

Commenter	Agency/Public	Date	Comments
Sue McCarthy	Public	04-26-2024	Department response saved with comment
Amanda Baker	Public	04-26 and 04-29-2024	Department response saved with comment, multiple comments combined into one PDF
Irene Gilbert	Public	04-26-2024 to 05-08-2024	Multiple comments combined into one PDF
Morrow County Board of Commissioners	Special Advisory Group	05-17-2024	Department and County response saved with comment in one PDF
John Milbert	Public	05-24-2024	-

APPROVED FACILITY OVERVIEW

Final Order on the application for site certificate (ASC) consists of: 1) an approved route approximately 270.8-mile-long single-circuit 500-kV electric transmission line; 2) removal of 12 miles of existing 69-kV transmission line; 3) rebuilding of 0.9 mile of a 230-kV transmission line’ rebuilding of 1.1 miles of an existing 138-kV transmission line into a new ROW; approval four alternative routes which represent approximately 33.3 miles of transmission line; and related or supporting facilities including the Longhorn Substation in Boardman, Oregon, communication stations, access roads, pulling and tensioning sites and construction laydown areas. Final Order on Request for Amendment 1 (RFA1) approved four alternative 500-kV transmission line routes equaling approximately 8.8 miles.

CHANGES PROPOSED IN AMENDMENT 2 REQUEST

RFA2 seeks Council approval to:

1. Redefine the site boundary and micrositeing areas previously approved in the site certificate and first amended site certificate (“previously approved site boundary”) to expand the site boundary for most of the facility;¹
2. Add micrositeing areas to (See Table 1 below):
 - Relocate the transmission line in 12 locations based on certificate holder coordination and agreement with the affected landowners. This includes approximately 40 miles of 500-kV transmission line alternatives with two communication alternatives and 98.5 miles of associated access road modifications, and 0.6 mile of 230-kV transmission line alternatives;
 - Refine 58 miles of roads outside the proposed RFA2 transmission line alternatives resulting from additional design and engineering review;

¹ In some locations, certificate holder is not requesting an expanded site boundary and will maintain the previously approved site boundary. See DPO, Section II.B.1 and in RFA2 Section 8.0.

- Provide alternative temporary work areas;
3. Add a Midline Capacitor Substation, located on approximately 10 acres within the previously approved site boundary, and adjacent to an existing substation in Union County;
 4. Widen the width of roads used for construction based on the slope of the terrain;
 5. The amendment also requests Energy Facility Siting Council (EFSC or Council) approval to amend language of site certificate condition(s): GEN-GS-06, GEN-NC-01, PRE-RT-01, CON-TE-02, PRE-FW-03, PRE-FW-04, OPR-FW-03, OPR-FW-04 and OPR-RT-01.

Recommended Amended Site Certificate Condition Summary

RFA2 Attachment 6-1 includes 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, and RFA2 Section 6.0 provides a basis for condition revisions. Certificate holder requests Council approval to amend language of site certificate condition(s): GEN-GS-06, GEN-NC-01, PRE-RT-01, CON-TE-02, PRE-FW-03, PRE-FW-04, OPR-FW-03, OPR-FW-04 and OPR-RT-01.

As staff to the Council, the Department recommends Council further amend conditions not limited to the certificate holder’s RFA2 proposal. Attachment 1 to the DPO, the draft Second Amended Site Certificate (in red-line), is the Department’s recommendation for revisions to the site certificate, which includes many but not all of the certificate holder’s proposed revisions to the site certificate and conditions. The Department recommends revisions to the following site certificate conditions:

- GEN-GS-06 (Cert holder)
- CON-TE-02 (Cert holder/Department)
- PRE-FW-03 (Cert holder)
- PRE-FW-04 (Cert holder)
- OPR-FW-03 (Cert holder)
- OPR-FW-04 (Cert holder)
- GEN-FW-06 (Department)
- GEN-LU-10 (Department)
- GEN-NC-01 (Cert holder)
- PRE-RT-01 (Cert holder/Department)
- OPR-RT-01(Cert holder/Department)
- GEN-HC-02 (Department)

PROCEDURAL HISTORY FOR RFA2

June 30, 2023 - Certificate holder submitted pRFA2. The Department reviewed pRFA2 to determine whether or not the request contained sufficient information for the Council to make findings.

July 13, 2023 - Department issued Public Notice that pRFA2 had been received as required by OAR 345-027-0360(2).

August 29, 2023 - Department notified the certificate holder that pRFA2 was incomplete and requested additional information.

December 7, 2023 - Certificate holder submitted a letter of intent to add additional requests to pRFA2, including to change the application of the definitions of site boundary and micrositing area.

December 15, 2023 - Certificate holder submitted revised pRFA2.

December 20, 2023 - Department provided its written approval of revised analysis areas for the facility.²

April 9, 2024 - Following receipt and review of the additional information requested, the Department notified the certificate holder that pRFA2 was complete. Certificate holder filed the complete RFA2 on April 11, 2024.

April 16, 2024 - Department posted the complete RFA2 to its project webpage and issued a Public Notice of a comment period on the complete RFA and DPO.

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 and adding facility components not previously approved (midline capacitor station), 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 RFA2 changes, complies with the applicable laws or Council standards that protect a resource or interest that could be affected by the proposed RFA2 changes.

PUBLIC COMMENT PERIOD AND NEXT STEPS

The Public Notice of the DPO initiated a public comment period on RFA2 and the DPO. Oral and written comments will be accepted until the close of the public hearing on May 30, 2024. As explained in the Public Notice, failure to raise an issue in person or in writing prior to the close of the record of the public hearing with sufficient specificity to afford EFSC, the Department, and certificate holder an opportunity to respond to the issue precludes the Council from considering whether that issue justifies a contested case proceeding. To raise an issue with sufficient specificity, a person must present facts that support the person's position on the issue.

The Council may allow the record to remain open for the certificate holder to respond to public comments received. The Department recommends the Council direct the record to remain

² The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The July 26, 2018 Second Amended Project Order established the analysis areas for the facility. As authorized under OAR 345-027-0360(3), following pre-amendment conferences on March 23 and June 12, 2023, the Department approved a modified analysis area for the facility with proposed changes based on the scope and extent of potential impacts associated with the proposed RFA2 changes.

open for certificate holder responses until June 3, 2024 at 5:00 P.M., and authorize staff to allow further continuances if requested by the certificate holder.

Following the close of the record, the Council will review the DPO and any timely public comments received on the record of the hearing. No later than 30 days after the Council's review, the Department must issue a Proposed Order recommending approval, modification or denial of the request for amendment to the site certificate. The issuance of the Proposed Order will be accompanied by a public notice establishing a deadline for requests for a contested case proceeding. As stated above, only those persons who comment in person or in writing on the record of the public hearing may request a contested case proceeding on the Proposed Order for an amendment to the site certificate.

The Council may adopt, modify, or reject the Proposed Order. If the Proposed Order is adopted or adopted, with modifications, the Council will issue a Final Order granting issuance of an amended site certificate. If the Proposed Order is denied, the Council shall issue a Final Order denying issuance of the amended site certificate. The Final Order will be subject to judicial review by the Oregon Supreme Court as provided in ORS 469.403.