

Union County Draft Comments on  
Boardman to Hemingway 500kV Project (B2H)  
Amended Preliminary Application for Site Certificate (ApASC),  
Application Completeness Review  
Scott Hartell, Planning Director

GENERAL COMMENT

- Meeting Locations

Union County requests all ODOE and EFSC meetings and hearings for Special Advisory Groups, effected land owners and citizens at large be held within a jurisdiction affected by the B2H Project. In other words, Morrow County, Umatilla County, Union County, Baker County and Malheur County are the counties being impacted by the B2H Project and we request all meetings and hearings at any level of review by the State be conducted in a location of one of these counties. Union County also requests that at the time of Public Hearings, those Public Hearings be held within the City of La Grande for the benefit of Union County and City of La Grande citizens.

- Pre-application Conference

IPC has failed to conduct a pre-application conference in accordance with Union County Zoning, Partition and Subdivision Ordinance (UCZPSO) Section 24.05 requirements. IPC did conduct a pre-application conference for its February 2013 preliminary application for site certificate. However, IPC's July 19, 2017 amended preliminary application for site certificate is substantially different and is missing large portions of information in hopes of gaining site certificate approval first and then address additional local criteria requirements in the application as a suggested condition of approval after a site certificate has been issued. The burden of proof belongs to IPC in making an application. When the current application is reviewed the reviewing authority, EFSC, cannot make a finding to grant Site Certificate approval from a public proceedings record that is missing the following:

1. Helicopter Use Plan.
2. Vegetation Removal Plan.
3. Riparian Removal Analysis.
4. Storm Water Management Plan.
5. Traffic Impact Analysis.
6. Emergency Response Plan coordinated with local emergency response offices.
7. Traffic Control Plan coordinated with local public works departments.
8. Site Plans for MUA's and Communication Buildings, UCZPSO Section 20.10.
9. Impacts to Class 1 Streams with attached hydrology reports and biological assessments.
10. Wetland impacts and delineations.

IPC filed their Notice of Intent with the Oregon Department of Energy on July 15, 2010 and elected to have the Energy Facility Siting Council review their application. The information in

the Notice of Intent allows reviewing agencies, local governments, and the public to identify applicable requirements and special issues of concern the applicant must address in the application. If Union County were reviewing this application we would have no alternative but to deny the request as an incomplete application and a substantially altered application without having a Pre-application Conference in accordance with UCZPSO Section 24.05.

- Application Form

IPC has failed to provide a signed Union County Planning Commission application form to include signatures of all affected property owners and identifying IPC as their authorized representative in accordance with Union County Zoning, Partition and Subdivision Ordinance Section 24.05.

- ApASC Routes

Criteria addressed by IPC for their preferred route was not also addressed for their alternative route. These are two different routes and just because they are in the same zone does not mean they would have the same impacts. Union County deems the application incomplete for failure to address criteria for both the preferred route and alternative route.

- First Amended Project Order

ODOE's First Amended Project Order, issued March 2, 2012 and Amended December 22, 2014, identifies on Page 11, Line 19, "Union County: Land Use Decision (EFU); A-4 Conditional Use Permit; Goal 4 Exception; Flood Plain Development Permit; (Line 25) Authority: Each of the above-listed permits will be included in and governed by the site certificate." Therefore, Union County would need an application submitted by IPC to the Union County Planning Department for all other land use approvals needed associated with the B2H Project. IPC will need to schedule a pre-application conference with the Union County Planning Department as identified in the Union County Zoning, Partition and Subdivision Ordinance Section 24.05 at which time staff will provide IPC with the appropriate application form and applicable criteria for review. Some of these applications would include 1. through 10. identified on page 1, second bullet point of this document. All of these applications are considered Conditional Use application and will have an individual \$300.00 application processing fee. Once IPC submits these applications to department staff they will be scheduled for review with the Union County Planning Commission. Union County deems IPC's ApASC to be incomplete until such time as IPC submits their additional applications to Union County and are granted approval.

- Missing Project Order Information

While reviewing the application requirements established in ODOE's Project Order (as amended December 22, 2014) Union County discovered that the section required by OAR 345-015-0160(1)(b) ("All local government ordinances applicable to the Council's decision on the proposed facility") was missing from the December 2014 Project Order (See Section IV in the original Project Order issued March 2, 2012). In addition, the Project Order establishes that the Flood Plain Development Permit is a permit that "will be included in and governed by the site

certificate,” yet the applicant states in Exhibit K that the Flood Plain Development Permit will be obtained directly from the County at a later date. Given that we noted this is not unique to this particular permit in Union County, so we presume that a decision has been made that the flood plain permits will not be governed by the Site Certificate. In addition, the Council recently adopted fairly significant revisions to the application requirements related to demonstrating compliance with the Council’s Structural Standard. For these reasons, in particular to update and include the correct applicable substantive criteria from local governments, Union County recommends that ODOE revise the Project Order.

- Missing Plans

Union County is also concerned about how many of the critical plans that the Council must rely upon to make findings are presented in the amended pASC as “frameworks” or “conceptual” plans, if the plan is included at all. The applicant then goes on to repeatedly propose conditions that require it to submit a given plan for ODOE’s approval “before construction,” essentially asking the Council again and again to base its findings on incomplete (and in some cases even non-existent) plans.

## **EXHIBIT E**

- FOR EXHIBIT E-PERMITS FOR CONSTRUCTION AND OPERATION

The Idaho Power Company’s [IPC] 2017 Integrated Resource Plan [IRP] is not complete in terms of EXHIBIT E-PERMITS FOR CONSTRUCTION AND OPERATION because IPC has failed to comply with ORS 758.015(1) which requires IPC to provide the Oregon Public Utility Commission [PUC] with a certificate of public convenience and necessity. The statute states in relevant part:

When any person, as defined in ORS 758.400, providing electric utility service, as defined in ORS 758.400, or any transmission company, proposes to construct an overhead transmission line which will necessitate a condemnation of land or an interest therein, it shall petition the Public Utility Commission for a certificate of public convenience and necessity setting forth a detailed description and the purpose of the proposed transmission line, the estimated cost, the route to be followed, the availability of alternate routes, a description of other transmission lines connecting the same areas, and such other information such form as the commission may reasonably require in determining the public convenience and necessity.

IPC meets the definition of a “person” in ORS 758.400 where the statute defines a person as including “individuals, firms, partnerships, corporations, associations, cooperatives and municipalities . . .” IPC as a company is included under the status as a “firm”.

IPC meets the definition as a provider of electric “utility service” in ORS 758.400 which defines a utility service as a service “provided by any equipment, plant or facility for the distribution of electricity to users. . .” IPC’s proposed Boardman to Hemingway [B2H] transmission line is equipment for the distribution of electricity.

Further ORS 758.400 states a utility service “does not include service provided through or by the use of any equipment . . . for the . . . transmission of electricity . . . which pass through or over but are not used to provide service in . . . an area allocated to another person providing a similar utility service. IPC’s B2H passes through Malheur county where IPC provides electric power to the residents of that county, and are therefore providing service in an area not allocated to another person. Therefore, by this standard also, IPC meets the definition of a provider of utility service and is therefore subject to ORS 758.015(1) and must provide the PUC with a certificate of public convenience and necessity.

One of the proposed B2H routes travels across the land of Mr. John Williams of Union county, Oregon, has hired counsel to prevent IPC from placing B2H upon his land. Therefore, IPC will have to condemn Mr. Williams’s land in order to construct the overhead transmission line which comprises B2H placing IPC within the compass of ORS 758.015(1)

## **Exhibit K**

- Page K-188, Line 11

Multi-Use Area MUA UN-01 is in the City of La Grande UGB. Union County has a joint management agreement with the City allowing them Planning and Zoning responsibility. No La Grande Development Code sections have been addressed for the use of the property. The site for MUA UN-01 was not in IPC’s February 2013 application. The City of La Grande included this property in its Urban Growth Boundary in November 2013. IPC identified using this location on July 2017 and therefore is required to address the City of La Grande Development Code. See attached Memorandum from the City of La Grande to Scott Hartell, Union County Planning Director dated September 28, 2017.

The need for conditions related to the MUAs is highlighted by the other concerning factor noted by Union County, which is the applicant’s approach to defining impacts, in particular impacts that it states to be “temporary.” However, after closer review, it is revealed that the applicant’s idea of “temporary” could be as long as ten years (in the case of vegetation removal activities), or five years in the case of some of the MUAs. The Council standards do not delineate between “temporary” and “permanent” impacts, although the County understands that a typical energy project has impacts that are truly “temporary” and would not require mitigation. The operation of these multi-use areas should be subject to strict conditions, and Union County disagrees with the applicant’s assertion that if an impact is “temporary” (by the applicant’s definition) there is no need to mitigate any particular impact.

- Page K-188, Line 11

MUA UN-01 is located adjacent to and west of the La Grande/Union County Airport. IPC has not provided any discussion or provided a site plan for the use of this property with respect to the Union County Airport Master Plan, contacted the Union County Airport Manager and no contact with the Federal Aviation Administration. This location is in protected airspace for operations of the airport and IPC needs to have further discussions with Union County about the specific use of this property. The example site plan identified by IPC in Exhibit B, page B-76 does not meet

Union County Zoning, Partition and Subdivision Ordinance Section 20.10 Site Plan Requirements. Individual Site Plans are required for all MUA's proposed by IPC. IPC did not address Union County Zoning, Partition and Subdivision Ordinance Section 20.10 3.

- Setback Requirements

IPC has consistently identified not having to address setback requirements throughout Union County. IPC is required to identify setback from all tower footing, communication buildings and in MUA's for front yard, side yard and rear yards. Page K-198, Lines 31-34 No side yard Setback. Page K-206, Lines 20-23 No side yard Setback. Page K-248, Lines 21-23 No side yard Setback. Land Use Condition 17, Page K-198 and Page K-206 needs to include side yard setback requirements. Setback requirements were provided to IPC and are found in Union County Zoning, Partition and Subdivision Ordinance A-1 Exclusive Farm Use Zone, A-2 Agriculture Grazing Zone and A-4 Timber Grazing Zone.

- Page K-188, Line 4

IPC identified using 37.5 miles of existing county and city roads. Union County requires as a condition of approval: a traffic engineer to conduct a traffic impact statement and review of the Union County Transportation System Plan to identify what improvements will need to occur prior to IPC project starting. IPC will be required, at their expense, to complete all improvements identified prior to construction activity and expense of the study.

- Traffic Impacts

IPC has not identified traffic impacts to include traffic volumes, type of vehicle trips, weights of vehicles and travel routes between MUA and construction corridor. Therefore, Union County cannot review road restrictions, bridge restrictions and weight restrictions until IPC provides this information.

- Oregon Trail Historic Route

Union County requires as an Approval Condition that Union County be allowed to hire a qualified archeologist/historical consultant to conduct a review of possible historic Oregon Trail evidence and possible listing with the National Park Service, Oregon State Historic Preservation Office and complete a Union County Comprehensive Plan Amendment to fully protect the Oregon Trail Historical features from all impacts within 1,500 feet of the proposed and alternate routes prior to any construction activity. The expense of all aspects of this Approval Condition shall belong to IPC.

- Page K-188, Line 27

IPC identifies "there will be no light duty fly yards in Union County". Then on page K-201, Line 17 identifies the need for a helicopter use plan. Page K-200, Line 30-34 identifies helicopter use. Union County requests clarification to the ApASC as to if IPC will

be using helicopters in Union County for the project or not, and whether or not helicopters will be stationed at MUA locations or not within Union County.

Public Services Condition 2: Page K-201 needs to include and is requested by Union County to include the following:

IPC will identify and make contact with adjacent property owners within 1000 feet of all Union County MUA's before agricultural planting seasons begin and 1 year prior to any helicopter use.

- Page K-201, Line 17

Helicopter Use Plan not included in amended application. Union County gets only one opportunity to review this application for completeness and the Helicopter Use Plan is something Union County would require if we were to review the application and not EFSC. Union County deems application NOT COMPLETE.

Union County reserves the right to review the final helicopter use plan with Union County staff and elected officials, the Federal Aviation Administration and property owners within 1,000 feet of all MUA's identified for helicopter use. This may include holding public work sessions or public hearings. Union County considers the B2H amended application for site certificate to be missing information critical to proceed with this section of review and requests IPC to provide additional information prior to ODOE staff and the EFSC proceeding to a draft proposed order or deeming the application complete.

- K-207, Lines 22, 26 and 31

IPC identifies they will comply with sign requirements of UCZPSO Section 3.08(4) but does not identify where they will place these signs. The Union County Zoning, Partition and Subdivision Ordinance is clear on type of sign and locations to be placed and IPC does not address the criteria. Union County deems application NOT COMPLETE.

- Page K-212, Lines 37-38

Communication buildings are "structures" and require to be developed in accordance with UCZPSO Section 5.07 & Section 5.08. IPC needs to amend their ApASC to reflect these requirements. Union County deems application NOT COMPLETE.

- Page K-225, Lines 6-10

IPC argues existing roads are not new development and therefore not required to meet the requirements of UCZPSO Section 20.08 Riparian Zone Setbacks. Union County disagrees with this argument because the B2H project is a new project and any existing roads needing any type of improvement are only being improved because of a new project, B2H. Therefore IPC is required to address UCZPSO Section 20.08 Riparian Zone Setbacks. Union County requests

IPC amend their ApASC to reflect such changes. Union County deems application NOT COMPLETE.

- Page K-230, Line 1, 28 and 36

Need to remove "zoning ordinance". Road approach permits are required through ORS 374.305 and implemented and enforced by the Union County Public Works Department. Union County deems application NOT COMPLETE.

- K-230 Line 38

IPC states the council, not Union County will approve the Union County Zoning, Partition and Subdivision Ordinance Section 20.10 Site Plan requirements. IPC states identifying the locations for Multi-Use Areas, and apparently they believe they have satisfied the Criteria.

Union County requests a Site Plan delivered for each Multi-Use Area that meets the Union County Zoning, Partition and Subdivision Ordinance Section 20.10 requirements. Even though this section identifies only applicable to I-1, I-2, PA, SM and AP zoning, IPC's B2H Project and respective use of the Multi-Use Areas in the A-1, A-2 and A-4 zones is in fact a Heavy Industrial Use requiring Site Plan approval. Union County deems application NOT COMPLETE.

- Page K-231, Line 40

IPC failed to review the Union County Transportation System Plan and evaluate the B2H project impacts against identified improvement projects, restricted roadways, restricted bridges and weight restrictions that are required prior to construction activities commencing. Union County deems application NOT COMPLETE.

- Page K-230, Line 34

IPC states no riparian habitat areas are located within the Site Boundary. No analysis is required. IPC has identified on Page K-224 Figure K-41, potential affected Class 1 Streams. Union County has identified eleven different areas crossing Class 1 streams. **All Class 1 streams in Union County has riparian habitat.**

IPC states they will retain 75% riparian cover along a Class I stream. This statement does not satisfy Union County Zoning, Partition and Subdivision Ordinance Section 20.08 criteria. Since IPC has a vegetation removal plan, this plan needs to be applied to each and every discrete parcel impacted by the B2H Project to address retaining riparian cover along Class I streams in Union County. Riparian cover is not calculated from one end of the Class I stream to the other. It is calculated on each and every discrete parcel. So IPC will need to figure out how much riparian cover is on a discrete parcel and how much IPC is going to remove to come up with a percentage of impact and include this in their application. Union County deems application NOT COMPLETE. If the work to be conducted in the riparian areas by IPC is also identified in a floodplain, IPC will also be required to submit a hydrologic report from a qualified hydrologist that identifies the impact to the floodplain or floodway and biological report identifying impacts on salmon, steelhead and other species listed as threatened under the Endangered Species Act. This is a requirement of the Federal Emergency Management Agency and the National Oceanic and Atmospheric Administration Fisheries Service.

- Page K-232, Line 38

Wetlands- IPC identifies no wetlands protected by Union County Goal 5. Therefore, no analysis is required.

Wetlands are the jurisdiction of the State of Oregon and specifically the Department of State Lands. Had IPC asked Union County about wetlands we would have directed them to the Oregon Department of State Lands to permit or not permit the B2H project impacts to wetlands in Union County. Union County deems the B2H project application NOT COMPLETE until such time as IPC provides this office with documentation from the Oregon Department of State Lands that IPC has obtained approval to work in wetland(s) in Union County.

- Union County Approval Conditions for Wildlife and Mitigation

Union County requires as an Approval Condition that IPC identifies all big game habitat, avian habitat and fish habitat impacts and mitigation measures and requirements from the Oregon Department of Fish & Wildlife and identifies land within Union County to conduct that mitigation. IPC will also be required to establish a Technical Advisory Committee consisting of one person from IPC, one person from Union County Planning Department, one person from Union County Weed Control, one person from the Oregon Department of Fish and Wildlife and an independent wildlife biologist to meet quarterly for the first and second year after in-service of the B2H Project and then annually after that for the life of the B2H Project to manage and review mitigation requirements. Mitigation cost, TAC meeting costs and scheduling will be the responsibility of IPC.

- Page K-239, Line 34

IPC has stated Union County has no Goal 5 protection program for mineral aggregate resources. This is not correct. In the Union County Basalt Aggregate Inventory, Union County has applied Goal 5 status to each and every aggregate site on the Basalt Aggregate Inventory. Union County has made this information available to IPC and IPC failed to address it. Therefore, Union County deems the application NOT COMPLETE.

- Page K-189, Line 2 through 7

IPC identifies the location for three communication stations in Union County. However, IPC does not provide any more information than location. Therefore, Union County deems IPC's application incomplete for failing to address Union County Zoning, Partition and Subdivision Ordinance Section 20.10 Site Plan Requirements, Article 2 setback requirements and Article 5 setback requirements; siting standards for structures in a forest zone and development and fire siting standards. Union County deems application NOT COMPLETE.

## **EXHIBIT U**

- Page U-12, Figure U-2

This figure further illustrates the impact to airspace at the La Granded/Union County Airport and strengthens our argument why IPC would be required to submit a completed Site Plan in accordance with Union County Zoning, Partition and Subdivision Ordinance Section 20.10. Figure U-2 identifies MUA - UN-01 intruding into protected airspace in Union County. Union County deems application NOT COMPLETE.

- Page U-21, Line 45

IPC acknowledges the need for a traffic management plan which they have not provided with their application. This further supports Union County's request to have a traffic impact analysis completed as a part of the application review process. Union County deems application NOT COMPLETE.

- Attachment U-2, Appendix A, Preliminary Haul Routes

This exhibit does not identify haul routes. This exhibit only identifies the general location of the MUA's in Union County and then a light blue crayon drawn polygon extending outward from the MUA's. No roads are identified as being used or being impacted by the B2H Project in Union County. Union County deems application NOT COMPLETE.

- Page U-22, Table U-12, Preliminary Haul Routes

If you strictly review what IPC has provided in this table for haul routes in Union County from a MUA to the road listed in this table you will never access the B2H Project construction corridor. Example, from MUA UN-01 Pierce Road is identified as the "Project Haul Route". From MUA UN-01 if you exit this laydown yard to the north you will end at Booth Lane. From MUA UN-01 if you exit this laydown yard to the south you will dead-end. IPC needs to explain in their application all roads being used as haul routes between MUA's and the B2H Project construction corridor. This lack of information in IPC's application further supports Union County's request for a Traffic Impact Analysis. Union County deems application NOT COMPLETE.

- Page U-22, Line 10

IPC states in their application, "If major maintenance and repair work requires land restrictions and/or roadway closures, IPC will coordinate with landowners to allow emergency access to private property". IPC States they will figure it out later and this is not acceptable to Union County. IPC needs to identify in this application all haul routes from MUA to tower locations; all areas where maintenance will be needed to the existing roadway network; all areas where lane restrictions and/or roadway closures will occur and all of this information needs to be in the current application for SAG review. This further supports Union County's request to conduct a traffic impact analysis. Union County deems application NOT COMPLETE.

- Page U-22, Line 11

“IPC will coordinate with landowners to allow emergency access to private property”. How? Where? Duration of impact? Union County deems application NOT COMPLETE.

- See attached Memo from Union County Public Works Director, Doug Wright.
- See attached B2H Noxious Weed Plan Comments, August 22, 2017 from Brian Clapp, Weed Supervisor, Union County.

- Page U-2

The application is incomplete due to the failure to include in the analysis area the area of significant impacts to the community's ability to provide public services being evaluated in Exhibit U. The stated analysis area for analysis of public services is described as being restricted to the siting corridors. This is not consistent with the statute which require a determination under ORS 469.501 (1)(k) of an analysis of the “Ability of the communities in the AFFECTED area to provide sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools”. It is also not consistent with OAR 345-0001-0010(2) which states “Analysis area” means the area or areas specifically described in the project order issued under 345-015-0160(1), containing resources that the proposed facility may significantly affect.

The Department may not determine the application to be complete when areas that will be affected are not included in the analysis area.

The area affected by events occurring on the site extend to the infrastructure and services provided by the local communities and county. A finding of no significant impacts is a required determination for the siting of transmission lines, therefore, no site certificate can be issued until adequate information is provided to make that determination.

- Section 3.3 Pages U-3 through U-5

The applicant is proposing that they consult with service providers after the site certificate is issued, rather than including the required information in the site certificate application as is required by OAR 345-021-0010. The application is incomplete as it does not include all required information. Condition 1 needs to be completed, and information from consultations needs to be included in order to determine that the application is complete.

- Section U 3.4.2, Storm water drainage Page U-5 and 3.5.2, Page 19

This section needs to be completed. Development of the transmission line will impact storm water drainage due to the increased amount of runoff that will increase the demands on already inadequate storm water removal within the Grande Ronde Valley. Construction, removal of vegetative cover and impact to groundwater movement as a result of blasting and construction of transmission poles and other infrastructure will result in increased runoff into a system that has been shown to be unable to handle the existing runoff. An analysis needs to be completed and site conditions included requiring the development of additional infrastructure if needed to mitigate for predictable significant flooding and property damage if additional runoff from the

development enters the current storm water system. Union County needs to be provided this information to determine that the application is complete as the county is unable to go to the next step of the process without a complete set of information.

The 2015 Risk Assessment in the Oregon Natural Hazards Mitigation Plan Dated September, 2015 needs to be incorporated into the application. It identifies multiple indirect consequences of the increased runoff that will occur from this project specific to the area through which this transmission line is proposed to run. They include the risk of flooding and the impacts to the drinking water due to an aging water infrastructure. When storm water combines with sewage which is very possible due to the location of sewage treatment facilities in Union County, the results can mean health risks and flooding of urban areas and waterways with contaminated waste.

- Overall Comment regarding Section U 3.4.5 Traffic Safety U-7 through U-9

The information included regarding traffic impacts is incomplete. In order to determine whether or not traffic safety impacts will be significant and beyond the ability of the county to provide for the safety of its citizens, the information provided needs to be location specific, and include all roads, not just those bringing material over state highways and accessing multiple use areas. The application provides only general information with no timelines for what activities will be occurring concurrently and no information regarding the movement of traffic on existing rural roads being used. Union County has some unique situations which cannot be addressed with general traffic control plans. It is unclear what amount of traffic and the types of traffic that will be impacting all the existing roads identified as being used, and for what timeframes. Union County was denied their request for funding to complete an analysis of traffic safety impacts in the county which would have involved breaking down the actual traffic flow, location of roads in relation to residences, businesses, road hazards, pedestrian traffic, etc. Union County must now rely upon the developer to provide complete information necessary to determine whether or not the project meets the requirements of assuring there will not be significant traffic safety impacts. This determination must be made prior to the issuance of a site certificate, and the application cannot be deemed complete until the information is made available. For example: Foothill Road is consistently used by pedestrians and bike riders. It has no bike lanes and is a narrow two lane road which passes through Ladd Marsh. Based upon the limited information provided, including this road as a transportation corridor, the development will result in a significant risk of injury or death to citizens and sightseers. Absent information regarding the actual traffic utilizing this corridor and the timeframes for use, there can be no determination that public safety can be assured. There is no clear indication of which proposed transportation routes will be used for the transport of heavy equipment and shipments of facility components during construction once they leave the primary road system. The application is not complete absent this information as it will not provide the necessary information to determine the impacts of the development on the ability of the local service providers to provide for traffic and pedestrian safety.

- Table U-7, Page U-7 incorrectly identifies traffic counts along Highway 84 as being in Umatilla County. Starting at MP 90, I-84 is in Union County. The table needs to be corrected.
- Exhibit 3.4.5 Traffic Page U-7 through U-9 and 3.5.6.1

The number of vehicles utilizing a road is only one part of the information required for a decision and a completed application needs to include information necessary to determine if there will be significant impacts. For example, I-84 through Ladd Canyon is consistently problematic due to the slope, sharp curves, impact of weather conditions, number of vehicle crashes, etc. The analysis fails to identify the projected number of additional vehicles, weight and length of the loads they will be carrying, and plans for road maintenance due to damages that will be caused. The same concerns which are even more significant on the Cabbage Hill section of I-84 exist. This section of road has been the site of multiple injury and fatality vehicle accidents.

The highway heading toward Ukiah needs to be analyzed due to the current small number of vehicles that travel this road. The increased traffic impacts on public safety will be even more significant in an area that divides two parts of a State Park with significant amounts of pedestrian traffic going back and forth across the road. There can be no determination of whether or not there will be significant impacts absent this information, therefore, the application is incomplete.

- Section 3.4.5.2 Page U-10 Through U-13 and 3.5.5.2 Page 22

The application fails to identify the routes planned to be used by helicopters going to and from the multi-use sites and transmission construction locations. This information is necessary in order to determine if the local agencies can provide for the protection of citizens from aircraft failure or lost loads. The proposed condition providing a setback of only 500 feet from homes and limiting the setback for agricultural lands, to only apply to organic farming and to only be 500 feet is not adequate. The plan must include the following:

1. Setbacks need to be consistent with the setbacks for houses from the end of runways to provide for a minimum safety requirement given these helicopters will have the additional hazard of the loads they will be carrying.
2. The operating plan needs to include a designated approach which will avoid traveling over residences and roads to the greatest extent possible.
3. The plan must be developed through a joint effort between the developer and the county.
4. The plan must include a contact for complaints in the event the aircraft are not following the designated plan

- Section 3.4.6.1 Police Page U-14 and Section 3.5.6 Page U-23

The narrative provided minimizing the impacts on police services is not supported by any documentation. This development will increase the traffic on local roads during construction and the types of vehicles will cause delays and impatient drivers. The transportation of components on the public roads leading into and out of the Grande Ronde Valley will increase traffic accidents and the need for police involvement. All impacts described, need to be considered cumulatively for the entire life of the project. The developers indicate their intent to rely upon local police to address issues such as theft, vandalism, traffic accidents, etc. during the life of the

development absent any mitigation for those impacts and do not believe that this will result in a significant decrease in the ability of the police to provide services to the local communities absent any increase in patrolmen. The assumption that the increase in roads and access to areas will not increase traffic, and that private property owners will be able to keep people off roads on private property to the extent that there will not be increased trespassing and poaching is not documentable as it is not accurate. The application is not complete in that it provides no documentation to support their conclusion. The County's request for funding to provide review of impacts on local law enforcement was denied. The county finds that the listed impacts will have a significant impact on police services and absent documentation to the contrary, the following site certificate conditions need to be imposed.

1. The developer will provide one new patrol vehicle due to the additional transportation demands on the police to deal with crimes occurring in the remote locations newly accessible due to the transmission line and new and improved roads.
  2. The developer will install and maintain a minimum of one camera per mile along the transmission line to discourage illegal activity.
  3. The developer will equip all police vehicles with radio communication devices that will continue to work under the transmission lines and in areas accessible by new and improved roads.
- Section 3.4.6.2 Fire, Pages U-14 through U-17 and 3.5.6.2 Page

The increased potential for wildfire has been established as a given along any transmission line. Not only is there an undetermined and potentially significant amount of time that will elapse prior to the identification of the fire, but then the response time of up to 40 minutes after a fire is located means there will be ample opportunity for the fire to grow significantly. Given the potential lack of speed in getting to the location, the difficulty traversing the terrain, and the lack of specialized equipment available to fight forest fires, local resources are not adequate to protect the public from wildfires originated due to this development and still provide service to their local areas of responsibility. Concern over the increased risk of fire as a result of this transmission line, including multiple comments voiced by the citizens of the county as well as special advisory groups, prompted the county to request funding for an analysis and recommendation to identify and mitigate the increased risk created by the construction and operation of the transmission line. Funding for that activity has been denied by the Department of Energy and developer. As a result, the county must require the developer to provide a complete, documented application in compliance with the requirements of OAR 345-022-0110. The developer has failed to meet the requirements to provide evidence to support a finding by the council that the development will not have a significant impact on the local service providers to provide protection and respond to fires. They documented that there would be construction occurring during the hot, dry summer, and that they will be establishing Right of Ways with abundant low lying, heavy brush and grass which burns fast and hot. The current application documents only that there are significant distances along the entire length of the development with no designated fire response unit responsible for fighting fires occurring along the

transmission line or roads they create. That during construction, their employees are not going to be qualified to fight fires they create. That there is a lack of specialized equipment needed to fight transmission line caused fires. That response times will be excessive. That there is a lack of paid personnel available to deal with these remote fires. That some fire stations have old equipment, and that they will be creating hundreds of miles of new and improved roads to allow and increase access for human caused fires. According to the Forest Service, between 88% and 90% of wildfires are human caused. There will be a significant increase in access along the entire right of way for the life of the transmission line. There is no preponderance of evidence to make a decision regarding compliance with the rule. In fact, there is no evidence whatsoever. Currently, the only decision that could be made is that based upon the information available, the applicant has not shown that there will not be a significant impact upon the county's ability to provide fire protection as a result of the transmission line. There are equipment needs if the local fire department is going to participate in fighting fires along and caused by the transmission line. In the event that the developer does provide necessary documentation to support their conclusions, the following Site Certificate Conditions need to be included for Union County:

1. Provide each volunteer firefighter with a phone and GPS system utilizing current technology.
2. Provide two heavy duty all terrain water trucks and include any additional equipment needs identified by the Fire Chief.
3. Fund an additional full time position with the County fire department during any construction occurring in Union County.
4. Provide funding for a ½ time position to provide monitoring, training and firefighting during the life of the development.
5. Include a site certificate condition requiring that Union County be allowed to participate in the development of a fire plan prior to it being accepted as final and prior to the issuance of a site certificate.
6. The developer will provide resources to assure a response time of 14 minutes or less 90% of the time as required by the National Fire Protection Association.

There appears to be no information specific to having had consultations with the local emergency responders or evidence provided concerning security response planned during construction and operations, or potential impacts to those providers and planned mitigation as is required in Exhibit U. Some of the contact information was obtained over 4 years ago and needs to be current in order to establish eligibility effective the date of issuance of any site certificate.

- Section 3.4.8 Schools Page U-18 and U-19

The information regarding schools and impacts to local schools needs to include how close routes of transportation will be to schools, and the numbers and types of vehicles which will be utilizing those routes. This information is needed to find the application complete as it will impact the ability of the schools to provide for the safety of the students attending.

- Section 3.5

Impacts related to the effects on the local hospital were left blank. There are impacts which will negatively impact their ability to provide services. In Union County the helipad located on top of the hospital which serves as the landing and take-off area for emergency illnesses will be blocked by helicopter activity in the area. Information needs to be provided to establish how close the transmission line and any roads or improvement of existing roads will be to the hospital. Concerns to be addressed once there is a complete application include:

- a) Will noise be an issue for critically ill patients?
- b) Will the blasting and road construction result in instability of the hospital structures?
- c) Will the movement of materials and people interfere with the transport of patients into and out of the hospital?
- d) Will the development increase the probability that Highway 84 will be impassable due to a combination of increased traffic, weather conditions or accidents, etc.

Information regarding accidents along I-84 through Ladd Canyon need to be provided to establish the existing conditions necessary to project the impacts of an additional traffic load.

Recommended Site Certificate Conditions based upon the incomplete application information.

- a) Develop a Helicopter Plan which includes: requirement that the hospital be provided flight plans and establish a setback area around hospital as a No Fly Zone.
- b) Complete noise monitoring at the hospital to determine the noise impacts of traffic increase of, "road compatible vehicles".

- 3.5.2 Storm Water

Contrary to the undocumented claim in the application that there will be no need to update or expand upon storm water drainage systems as a result of the development, it is highly likely based upon the existing inadequacy of the system to manage the current water volume that upgrades will be required. The application is incomplete in this area due to the wealth of information the county has collected regarding the problems in this area which need to be incorporated into the application and documentation to establish mitigation of impacts. The application is incomplete until this issue is explored.

- Exhibit U-2, Page 3

Idaho Power states that roads that they retain jurisdiction over may not be constructed to meet BLM or USFS standards. There need to be standards identified in order to protect the public, landowners and resources near all roads developed or changed. The County and Cities need to know what standards will be used in order to determine that the application is complete. A completed application would identify the standards that will be met.

A requiring county approval of site plans for all road improvements or new roads would address this need and will be required to be built to Union County Zoning, Partition, and Subdivision Ordinance, Section, 5.08 Road Standards and 5.08 (b) Access and Evacuation requirements.

- Exhibit U-2, Table 4

If the developer is going to base their estimates on having two people commuting together in each vehicle, there needs to be a site certificate condition requiring a plan to assure that employees are carpooling. Otherwise, the table needs to reflect having one person per vehicle.

## **EXHIBIT B**

- Page 75 mentions ‘mutual aid agreements’. Residence on Morgan Lake Road, Marvin Road, Wood Road and Glass Hill Road (about 35 homes in all) have no “aid” agreement from any existing fire protection agencies. IPC’s application is incomplete because it does not address specific arrangements for providing required fire protection for those residences during construction. Other areas that will be impacted by transmission line construction are similarly without organized agency fire protection.
- Page 46 cultural or archaeological resources: The developer apparently did not use a contractor that was able to identify Oregon Trail Ruts. The individual stood in a rut that is being documented for inclusion in the National Register and did not identify it on property belonging to John Williams. This leaves the County concerned regarding the ability of the contractor to accurately identify and avoid these kinds of resources. Union County is concerned that the developer indicates on Page 46 that if impacts to these irreplaceable historic sites cannot be avoided, that treatment plans can be developed to mitigate impacts “to these unique sites”. The developer needs to outline what they are considering mitigation of these kinds of impacts for the application to be complete as this information is necessary in order for those making a determination regarding compliance with rules regarding the impacts of the development on cultural and archaeological resources.

## **EXHIBIT N**

Idaho Power’s application is incomplete due to a number of omissions and/or lack of detailed information from which to analyze the application.

**2.1.1 Need for the Facility** (OAR 345-023-0005.) Idaho Power has chosen to demonstrate need under two rules: the least-cost plan rule (OAR 345-023-0020(1) and the system reliability rule (OAR 345-023-0030.)

### **The least-cost plan rule (OAR 345-023-0020(1))**

**OAR 345-021-0010 Contents of an Application stipulates at (n) Exhibit N (B) (iii) (I) If the proposed facility is a non-generating facility for which the applicant must demonstrate need under OAR 345-023-0005, information about need for the facility, providing evidence to support a finding by the Council as required by 345-023-0005 including**

**(B) If the applicant chooses to demonstrate need for the proposed facility under OAR 345-023-0020(1), the least cost-plan rule:**

**(iii) For each plan reviewed by a regulatory agency, the agency’s findings and the final decision, including:**

**For a plan reviewed by the Oregon Public Utility Commission, the acknowledgment order,**

Idaho Power’s EFSC application is incomplete because Idaho Power bases its demonstration of “need” exclusively on a series of partially acknowledged IRP’s: 2009, 2011, 2013, 2015. To be credible proof of ‘need,’ however, those IRP’s would necessarily have been acknowledged in their entirety. They were not. In the most important aspect of support for construction of the B2H transmission line, OPUC acknowledgement was denied: (all emphases added)

See 2015 Integrated Resource Plan – Appendix C, p. 209:

State of Oregon Action Items Regarding Idaho Power’s 2013 IRP Order 14 253 acknowledges the 2013 Integrated Resource Plan filed by Idaho Power Company in part consistent with the terms of the order. For example:

2015 Integrated Resource Plan – Appendix C, p. 196:

“In the first round of comments, Idaho Power asserts that Staff recommendations to acknowledge only the permitting activities of B2H and not the construction phase of the project is inconsistent with our past acknowledgment of B2H and is unnecessary to ensure continued analysis of this project. In its final comments, Idaho Power states that it is only requesting acknowledgement of specific action items scheduled to occur within the next four years (which excludes the construction of the B2H), but does ask that we acknowledge the 2013 in its entirety, which includes B2H in its portfolio.”

Commission Resolution

“We decline to acknowledge completion of B2H because it is well beyond the two-to-four year period for action items specified by the IRP Guidelines. . . . Our acknowledgment of an IRP is based on our conclusion that it complies with our guidelines and that the plan seems reasonable based on information known at the time.”

## **BOND REQUIREMENTS**

- Union County requires a \$5,000,000.00 security bond be established identifying Union County as the beneficiary of that bond for a time period of no less than 5 years after the in-service date of the B2H project for the following:

## 1. Road Bond

Union County requires as an Approval Condition that IPC establish a road repair security bond to repair all roadway damage that occurs from construction activity related to the B2H project. IPC is to designate Union County as the beneficiary of that bond. This bond shall remain in place for up to 5 years after the in-service date of the B2H project. Union County, and not IPC, will have sole discretion to decide what is damaged and needs repaired.

## 2. Geology, Seismic and Hillside Stability Bond

Union County shall be allowed to hire a qualified geological engineer to conduct an impact study along the applicants proposed route and alternate route from I-84 at Ladd Canyon to Hwy 244 at Hilgard. IPC will be responsible for the cost of this study. Union County also requires a bond be established for geologic stability failures directly resulting from impact of B2H Project. The determination of causality will be in the sole discretion of Union County and their consulting engineer and not IPC. The instability of this area is documented in Geology of the La Grande Area, Oregon, 1980 State of Oregon, Department of Geology and Mineral Industries, D.A Hull, State of Oregon.

## 3. Restoration of Agricultural Lands Bond (Page K-242, Line 12)

- A. Union County requires a bond be established for restoration of agricultural lands impacted by IPC from the B2H Project. This bond will be issued designating Union County as the beneficiary of that bond.
- B. Union County and not IPC will make the final determination of final completion of agricultural land restoration work. Union County will rely on a representative from the Union County Cattleman's Association, Union County Farm Bureau, Union County Weed and Planning Departments for these reviews and issue final completion reports to IPC once work is completed to the satisfaction of the above members and impacted landowners.

## 4. Domestic Well

Union County requires a bond be established for potential impacts to domestic wells within 2,640 feet of all locations where earth blasting may occur related to all aspects of the project.

### **PRIOR TO CONSTRUCTION:**

- 1. Prior to construction in Union County, the site certificate holder shall complete the following to address traffic impacts in the county:
  - a. The site certificate holder shall work with the Union County Public Works to identify concerns related to Project construction traffic;

- b. The site certificate holder shall develop a traffic management plan that includes traffic control measures to mitigate the effects of Project construction traffic;
  - c. The site certificate holder shall conduct all work in compliance with traffic management plan; and
  - d. The site certificate holder shall provide a copy of the traffic management plan to the department and Union County.
2. Prior to construction, the site certificate holder shall finalize, and submit to the department for its approval, a final Agricultural Assessment. The final Agricultural Assessment shall also be provided to Union County. The protective measures described in the draft Agricultural Assessment in ASC Exhibit K, shall be included and implemented as part of the final Agricultural Assessment, unless otherwise approved by the department.
3. Prior to construction, the site certificate holder shall finalize, and submit to the department for its approval, a final Right-of-Way Clearing Assessment. The final Right-of-Way Clearing Assessment shall also be provided to Union County. The protective measures described in the draft Right-of-Way Clearing Assessment in ASC Exhibit K, shall be included and implemented as part of the final Right-of-Way Clearing Assessment, unless otherwise approved by the department.
4. Prior to construction in Union County, the site certificate holder shall provide to the department a copy of the following Union County approved permits:
  - a. As required by ORS 469.401(3) a Union County Zoning Permit, one for each zone (Exclusive Farm Use, Agriculture Grazing and Timber Grazing) to verify that items in Land Use Condition 11 are identified and implemented;
  - b. Flood plain development permit, for work in the Flood Plain Overlay Zone;
  - c. Utility crossing permit;
  - d. Access approach site permit; and
  - e. Construction permit to build on right-of-way.
5. Prior to construction in Union County, the site certificate holder shall provide to the department a Helicopter Use Plan jointly developed with Union County for approval.
6. Prior to construction in Union County, the site certificate holder shall provide to the department a Riparian Removal Analysis showing compliance with Union County Zoning, Partition and Subdivision Ordinance Section 20.08.
7. Prior to construction in Union County, the site certificate holder shall provide to the department a DEQ, Union County and City of La Grande approved Storm Water Management Plan for their approval.
8. Prior to construction in Union County, the site certificate holder shall provide to the department an Emergency Response Plan coordinated with local emergency response departments for approval.

9. Prior to construction in Union County, the site certificate holder shall provide to the department Site Plans meeting Union County Zoning, Partition and Subdivision Ordinance Section 20.10 requirements for all Multi-Use Areas and Communication Buildings for approval.
10. Prior to construction in Union County, the site certificate holder shall provide to the department an impact assessment to all Class I Streams, other waterways, floodplains and wetlands to including zero impact hydrologic reports and biological assessments for approval.
11. Prior to construction in Union County, the site certificate holder shall conduct a domestic well baseline study for all domestic wells within 500 feet of any area where blasting will occur. Static water levels and pump volumes shall be documented and provided to the department and Union County. This bonding shall be in place for up to three years after the in-service date of the B2H Project. The expense of these requirements shall belong to the site certificate holder.

**SUMMARY:**

In summary, Union County does not believe that IPC's amended preliminary application for site certificate is complete, as there are still several areas where there is not adequate information upon which the Council could base findings or impose conditions. Our detailed comments are included and we anticipate submitting additional comments as we review other areas of the application. We presume that ODOE will be preparing a Request for Additional Information per OAR-345-015-0190 to address not only Union County's comments, but also the comments of other SAGs and reviewing agencies. We would like to be provided a copy of that RAI when it is issued, and the applicant's response(s) when received. In addition, please note the request above that ODOE revise the Project Order, in particular to update the (now missing) section regarding the applicable substantive criteria from affected local governments.