

Cascade Crossing Transmission Project

Oregon Department of Energy Information and
National Environmental Policy Act Scoping Meetings
June-July 2010

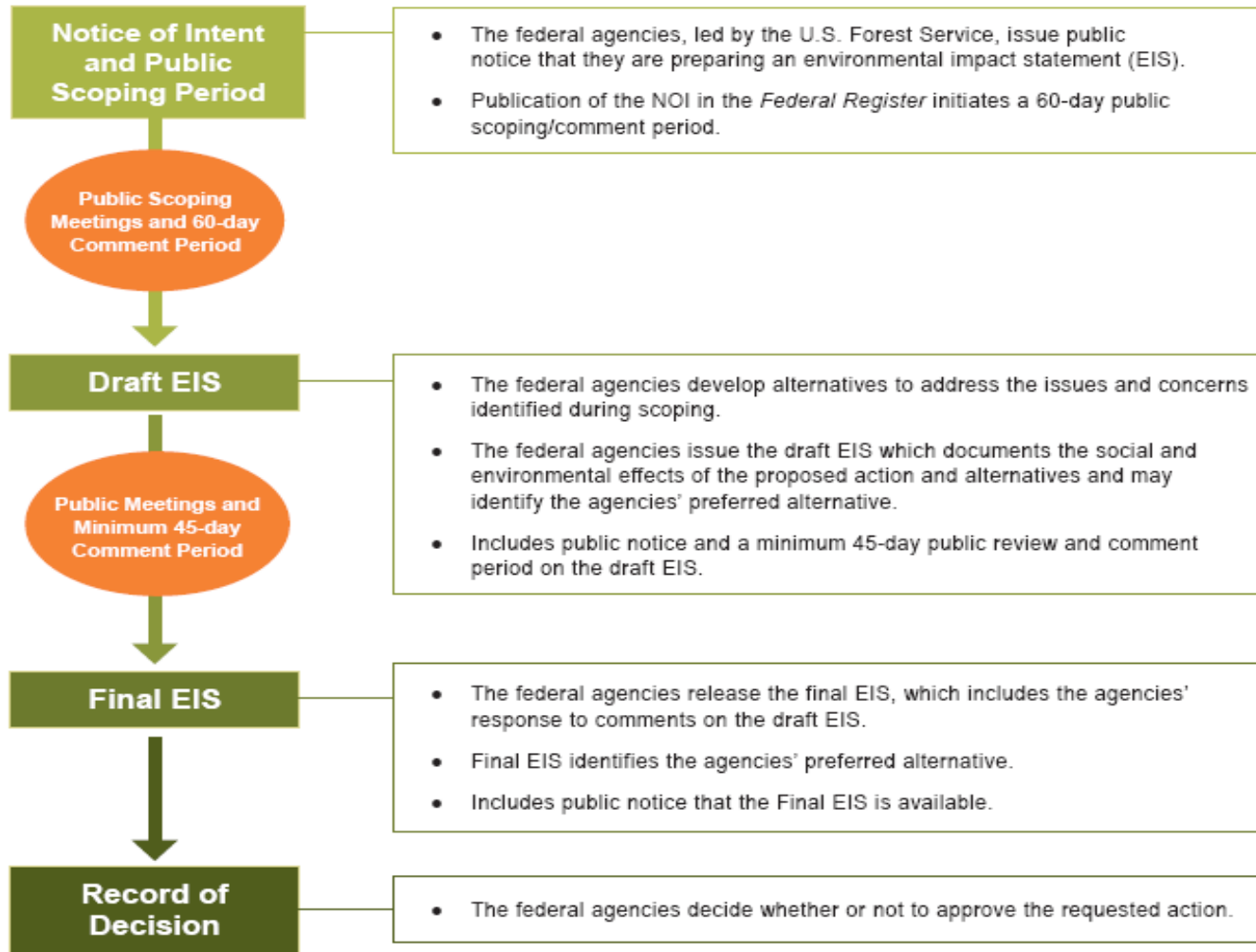
Kristy Boscheinen
USFS Project Manager

Sue Oliver
ODOE Energy Facility Siting Analyst

NEPA Overview

- NEPA is a federal law requiring agencies to:
 - Consider the environmental effects of projects proposed on federal land
 - Inform and involve the public in the decision-making process
- Federal agencies are planning to prepare an environmental impact statement

NEPA Process Overview



NEPA Issue Areas

There are a range of issues to be evaluated as part of the NEPA environmental review process including:

- Wildlife habitat, plants and animals including threatened, endangered and sensitive species
- Visual resources and existing view sheds
- National Historic Trails and view sheds
- Native American traditional cultural properties and respected places
- Soils and water from surface disturbing activities
- Land use conflicts and consistency with land use plans
- Public health, safety and reliability
- Public access and recreation
- Local and regional socioeconomic conditions
- Invasive plant species and land reclamation
- Avoidance of sensitive areas
- Routing through chokepoints
- Cumulative impacts

Navigating the NEPA and EFSC processes



Oregon Energy Facility Siting Process

- Proposed energy facility developers must apply to the Energy Facility Siting Council (EFSC) for an energy facility site certificate
- The siting process begins with a Notice of Intent to apply for a site certificate, and ends with a Council decision on whether to grant a site certificate.

Roles and Responsibilities

- Oregon Energy Facility Siting Council
 - Seven-member citizen board
 - Makes policy and adopts administrative rules
 - Approves or denies site certificate applications
- Oregon Department of Energy
 - Serves as technical staff to EFSC
 - Administers the application review process and makes recommendations to the Council

Energy Facility Site Certificate

- The site certificate:
 - Is a binding contract between the State of Oregon and the applicant
 - Combines all state and local requirements into a single decision
- EFSC and ODOE staff have on-going regulatory authority to ensure that the holder of the site certificate is complying with the conditions of the site certificate.

How is the Decision Made?

- ODOE and EFSC review the site certificate application using:
 - EFSC siting standards
 - Public and agency comments
 - Applicable state and local regulations
- If the proposed project can meet the EFSC standards, or can meet standards with mitigation, the project will be approved.

EFSC Siting Standards

- Some of the siting standards that apply to a transmission line include:
 - Land use
 - Fish and wildlife habitat
 - Threatened and endangered species
 - Effects on public services (fire, police, etc.)
 - Scenic resources
 - Retirement and financial assurance
 - Need for the facility

NOI Comment Period

- The Notice of Intent (NOI) to submit an Application for an Energy Facility Site Certificate
 - Contains preliminary information about the project
 - Does not result in any regulatory decisions
- After reviewing the comments on the NOI, ODOE issues a “Project Order”
 - Identifies rules and local ordinances applicable to the project and describes any special information needed for the application
 - Defines the analysis areas over which the applicant must assess the facility's potential impacts.

Application for Site Certificate

- Based on the Project Order, the Applicant submits a preliminary application for a site certificate
- The Department and other government agencies review the preliminary application and request additional information if necessary
- When the preliminary application is deemed “complete,” it is issued for public comment

Draft Proposed Order

- When the review of the application is completed, the Department issues a “Draft Proposed Order”
- The draft proposed order includes the Department’s recommendation to the Council on whether to grant or deny a site certificate
- A public hearing on the draft proposed order will be scheduled during the comment period
- The Council reviews and comments on the draft proposed order after the completion of the public hearing

Proposed Order & Contested Case

- The Department issues the Proposed Order with a “Notice of Contested Case”
- The Notice is sent to all persons who commented on the record of the public hearing for the draft proposed order
- The contested case proceeding is
 - Required by Oregon law
 - A fact-finding process similar to a court proceeding
 - Conducted by an independent hearing officer appointed by the Council

Final Order

- At the conclusion of the contested case proceeding the Hearing Officer prepares a proposed order—it is this proposed order that goes before the Council
- The Council reviews the recommendations and proposed order of the hearing officer and makes its decision (the Final Order)
- Appeal of the Council's decision is through the Oregon Supreme Court
- Only a party to the contested case may file an appeal

Submit comments

- Comments must be submitted by **August 2, 2010**
- The state and federal agencies are sharing all comments amongst each other
- Comments are most useful when they are specific and relate to NEPA issue areas and/or to EFSC's siting standards

Questions?

- Ground rules:
 - Focus on the federal or state review processes or clarifying questions about the project
 - Comments will be taken at the comment station
 - Allow others an opportunity to ask questions before following up
 - Keep questions brief
 - Introduce yourself