

Agenda Item B Index: Issue, Exception and Response

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Issue Reference No.	Issue Statement	PCCO Reference	Exception	Response
			Filing Party	
Day 1				
Structural				
SS-5	Whether Applicant has adequately evaluated construction-related blasting in Union County, City of La Grande, under the Structural Standard. Specifically, whether Applicant should be required to conduct site-specific geotechnical surveys to characterize risks from slope instability and radon emissions.	Findings of Fact: p. 168 Opinion: p. 269 Conclusion of Law: p. 148	J. White	Idaho Power Company
Retirement and Financial Assurance				
RFA-1	Whether the \$1 bond amount adequately protects the public from facility abandonment and provides a basis for the estimated useful life of the facility.	Findings of Fact: p. 118 Opinion: p. 243 Conclusion of Law: p. 142	Gilbert	Department; Idaho Power Company
T&E Standard				
TE-1	Whether Applicant was required to have an Oregon Department of Agriculture botanist review the ASC.	Dismissed on MSD: p. 28 Appx. 2 Admitted Evidence for MSD: p. 328	Geer	Department; Idaho Power Company
Soil Protection Standard				
SP-1	Whether the Soil Protection Standard and General Standard of Review require an evaluation of soil compaction, loss of soil structure and infiltration, and loss of stored carbon in the soil and loss of soil productivity as a result of the release of stored carbon in soils.	Findings of Fact: p. 124 Opinion: p. 258 Conclusion of Law: p. 142	Fouty; Stop B2H	Idaho Power Company

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Need Standard				
N-1	Whether the Department erred in defining capacity in terms of kilovolts instead of megawatts.	Dismissed on MSD: p. 25 Appx. 2 Admitted Evidence for MSD: p. 328	Stop B2H	Department; Idaho Power Company
N-3	Whether Applicant demonstrated need for the proposed facility when Applicant has only shown that its needs represent 21 percent of the total capacity	Dismissed on MSD: p. 25 Appx. 2 Admitted Evidence for MSD: p. 328	Stop B2H	Department; Idaho Power Company
N-2	Whether in evaluating capacity, the Department applied balancing considerations in contravention of OAR 345-022-0000(3)(d).	Dismissed on MSD: p. 25 Appx. 2 Admitted Evidence for MSD: p. 328	Stop B2H	Department; Idaho Power Company
Day 2				
Public Services				
PS-4	Fire Protection: Whether Applicant adequately analyzed the risk of wildfire arising out of operation of the proposed facility and the ability of local firefighting service providers to respond to fires.	Findings of Fact: p. 92 Opinion: p. 225 Conclusion of Law: p. 141	Cooper	Idaho Power Company
PS-6	Traffic Safety: Whether Applicant adequately evaluated the potential traffic impacts and modifications needed on Hawthorne Drive and Modelaire Drive (Hawthorne Loop).	Findings of Fact: p. 92 Opinion: p. 213 Conclusion of Law: p. 141	Horst/ Cavinato	Idaho Power Company
Historic, Cultural and Archeological Resources				

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HCA-7	Whether Applicant adequately evaluated archeological resource "Site 6B2H-MC-10" on Mr. Williams' property, Parcel 03S37E01300.	Findings of Fact: p. 55 Opinion: p. 169 Conclusion of Law: p. 139	Williams	Idaho Power Company
HCA-3	Whether Historic, Cultural and Archeological Resources Condition 1 (HPMP) related to mitigation for crossings of Oregon Trail resources provides adequate mitigation for visual impacts and sufficient detail to allow for public participation.	Findings of Fact: p. 55 Opinion: p. 162 Conclusion of Law: p. 139	Gilbert; Marlette	Department; Idaho Power Company
Scenic Resources/Protected Areas				
SR-3	Whether Applicant adequately assessed the visual impact of the proposed project in the vicinity of the NHOTIC and properly determined the impact would be less than significant?	Findings of Fact: p. 102 Opinion: p. 252 Conclusion of Law: p. 142	Deschner	Department; Idaho Power Company
SR-7	Whether the methods used to determine the extent of an adverse impact of the proposed facility on scenic resources, protected area and recreation along the Oregon Trail were flawed and developed without peer review on public input. Specifically, whether Applicant erred in applying numeric values to the adverse impact and whether Applicant used unsatisfactory measurement locations/observation points in its visual impact assessment.	Findings of Fact: p. 102 Opinion: p. 255 Conclusion of Law: p. 142	Stop B2H	Idaho Power Company
SR-5	Whether the Rice Glass Hill Natural Area should be evaluated as a Protected Area.	Dismissed on MSD: p. 27 Appx. 2 Admitted Evidence for MSD: p. 328	Geer	Department; Idaho Power Company

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SR-6	Whether Applicant’s visual impact assessments are invalid because Applicant did not incorporate Oregonians’ subjective evaluation of their resources to evaluated visual impacts, thereby invalidating the visual impact analysis for Morgan Lake Park and other protected areas, scenic resources and important recreational opportunities.	Dismissed on MSD: p. 27 Appx. 2 Admitted Evidence for MSD: p. 328	L. Barry; Stop B2H	Department; Idaho Power Company
Recreation				
R-2	Whether the visual impacts of the proposed facility structures in the viewshed of Morgan Lake Park are inconsistent with the objectives of the Morgan Lake Park Recreational Use and Development Plan and should therefore be reevaluated.	Findings of Fact: p. 111 Opinion: p. 233 Conclusion of Law: p. 141	L. Barry	Idaho Power Company
R-4	Whether Applicant’s visual impact assessment for Morgan Lake Park adequately evaluates visual impacts to the more than 160 acres of undeveloped park land and natural surroundings, as visual simulations were only provided for high-use areas.	Findings of Fact: p. 111 Opinion: p. 240 Conclusion of Law: p. 142	L. Barry	Idaho Power Company
R-3	Whether the mitigation proposed to minimize the visual impacts of the proposed facility structures at Morgan Lake Park (\$100,000 for recreational facility improvements) is insufficient because the park’s remote areas will not benefit from the proposed mitigation.	Findings of Fact: p. 111 Opinion: p. 238 Conclusion of Law: p. 141	L. Barry	Idaho Power Company
Fish and Wildlife Habitat				
FW-7	Issue FW-7 contains two discrete questions. First, Issue FW-7 asks, “Whether Applicant’s Fish Passage Plans, including 3A 3B designs, complies with the Fish and Wildlife Habitat standard’s	Findings of Fact: p. 48 Opinion: p. 156	A&K March	Idaho Power Company

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	Category 2 mitigation requirements?” Secondly, Issue FW-7 asks, “whether Applicant must revisit its plans because threatened Steelhead redds have been identified in the watershed”? These two sub-issues are evaluated separately below.	Conclusion of Law: p. 139		
FW-1	Whether Applicant adequately analyzed sage grouse habitat connectivity in the Baker and Cow Valley Priority Areas of Conservation (PAC), the potential indirect impacts of the proposed facility on sage grouse leks, and the existing number of sage grouse in the Baker and Cow Valley PACs.	Dismissed on MSD: p. 22 Appx. 2 Admitted Evidence for MSD: p. 328	Stop B2H	Department; Idaho Power Company
FW-3	Whether the Draft Noxious Weed Plan (Proposed Order Attachment P1-5) adequately ensures compliance with the weed control laws, ORS 569.390, ORS 569.400, and ORS 569.445.	Findings of Fact: p. 43 Opinion: p. 144 Conclusion of Law: p. 138	Gilbert; Geer	Idaho Power Company
FW-6	Whether the Noxious Weed Plan provides adequate mitigation for potential loss of habitat due to noxious weeds when it appears to relieve Applicant of weed monitoring and control responsibilities after five years and allows for compensatory mitigation if weed control is unsuccessful.	Findings of Fact: p. 43 Opinion: p. 144 Conclusion of Law: p. 138	Geer	Department; Idaho Power Company
Day 3				
Noise Control				
NC-1	Whether the Department improperly modified/reduced the noise analysis area in Exhibit X from one mile of the proposed site boundary to ½ mile of the proposed site boundary and whether	Findings of Fact: p. 73 Opinion: p. 190 Conclusion of Law: p. 140	Stop B2H	Department; Idaho Power Company

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	OAR 345-021-0010(1)(x)(E) requires notification to all owners of noise sensitive property within one mile of the site boundary.			
NC-2	Whether the Department erred in recommending that Council grant a variance/exception from the Oregon DEQ’s Noise Rules, OAR 340-035-0035, and whether the variance/exception is inconsistent with ORS 467.010.	Findings of Fact: p. 73 Opinion: p. 192 Conclusion of Law: p. 140	Stop B2H; Gilbert; Horst/ Cavinato	Department; Idaho Power Company
NC-3	Whether the methodologies used for the noise analysis to evaluate compliance with OAR 340-035-0035 were appropriate and whether the ODOE erred in approving the methodology used to evaluate compliance with OAR 340-035- 0035.	Findings of Fact: p. 73 Opinion: p. 199 Conclusion of Law: p. 140	Stop B2H	Department; Idaho Power Company
NC-4	Whether the mitigation/proposed site conditions adequately protect the public health, safety and welfare.	Findings of Fact: p. 73 Opinion: p. 204 Conclusion of Law: p. 140	Stop B2H	Department; Idaho Power Company
Land Use				
LU-9	Whether Applicant adequately analyzed the risk of wildfires from operation of the proposed transmission lines, especially during “red flag” warning weather conditions, and the impact the proposed transmission lines will have on Mr. Myers’s ability to use an aerial applicator on his farmland.	Findings of Fact: p. 64 Opinion: p. 183 Conclusion of Law: p. 140	Myers	Idaho Power Company
LU-5	Whether calculation of forest lands must be based on soil class or whether it is sufficient to consider acreage where forest is predominant use.	Dismissed on MSD: p. 24 Appx. 2 Admitted Evidence for MSD: p. 328	Gilbert	Idaho Power Company