

ODFW's Role in the Boardman to Hemingway Transmission Line Siting and Permit Process



Importance of Project Permitting

The Project area includes:

- Habitat for five native anadromous fish species, bull trout, and redband trout
- Important habitats for a diverse array of wildlife species
- Species listed under the federal and state Endangered Species Acts
- Important angling, hunting and other recreational opportunities

ODFW's Role in Siting Process

- Provide data and expertise on fish, wildlife and habitat
- Contribute to scoping of environmental issues and development of study plans
- Require or recommend mitigation consistent with adopted goals and standards

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ODFW Considerations in Siting Process

- ODFW Mission - *To protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations.*
- Statutes (ORS), Administrative Rules (OAR), and Species Management Plans
 - Provide authority and guidance for species management and habitat protection

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ODFW's Statutes, Policies, and Rules

- Wildlife Policy (ORS 496.012)
- Oregon Plan for Salmon and Watersheds (ORS 541.405)
- Fish Passage Law (ORS 509.580 - 509.645)
- Native Fish Conservation Policy (OAR 635-007-0502-0535)
- Species Management Plans
- Wildlife Diversity Plan (OARs 635-100-0001 through 0030)
- **Fish and Wildlife Habitat Mitigation Policy (OAR 635-415-0000-0030)**

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ODFW's Fish & Wildlife Habitat Mitigation Policy

- “It is the fish and wildlife habitat mitigation policy of the Oregon Department of Fish and Wildlife to require or recommend, depending upon the habitat protection and mitigation opportunities provided by specific statutes, mitigation for losses of fish and wildlife habitat resulting from development actions.”

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ODFW's Fish & Wildlife Habitat Mitigation Policy

- Based on premise that habitats can have varying levels of “relative importance” on survival.
- Variability dependent on condition and physical setting of habitat and needs and sensitivity of associated species
- Recognizes opportunities and approaches for habitat mitigation can vary.
- Contains a hierarchy of habitat categories, ranging from Category 1 – Irreplaceable, to Category 6 – neither essential or limited

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Applying Habitat Mitigation Policy Determining Impacts

- ODFW assists applicant in determining “species and concern” and surveys to be done
- Applicant collects information necessary to categorize habitats according to value
- Applicant assigns habitat categories, quantifies impacts by habitat category, and proposes mitigation in keeping with the Habitat Mitigation Policy
- ODFW works with applicant to resolve differences over habitat categorization

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Applying Habitat Mitigation Policy Recommendations

- ODFW recommends mitigation consistent with OAR 635-415-0025, and the following considerations:
 - location, physical and operational characteristics, and duration of the proposed development action;
 - alternatives to the proposed development action;
 - fish and wildlife species and habitats which will be affected; and
 - the nature, extent, and duration of impacts

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Applying Habitat Mitigation Policy Recommendations

- Category 1 is irreplaceable, essential and limited habitat. ODFW recommends avoidance of impacts through alternative action or no authorization of proposed action
- Category 2 is essential, limited habitat. Mitigation goal is a net benefit of habitat quantity and quality
- Category 6 has low potential to become essential or important habitat. Minimize off-site impacts

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Energy Facility Siting Council

Siting Standards

- OAR 345-022 contains the following siting standards of interest to ODFW:
 - General standard of review requiring compliance with applicable Oregon statutes and rules
 - Soil protection
 - Protected areas including Wildlife Areas and areas deemed to have special scenic, natural or environmental value
 - **Fish and wildlife habitat***
 - **Threatened and endangered species (state & federal)***
 - Recreation
 - Public services including need for water

* Of particular interest due to ODFW's mission and expertise

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Energy Facility Siting Council

- Fish and wildlife habitat siting standard requires EFSC to make a finding that the design, construction, operation and retirement of the facility is consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025 (ODFW's Fish & Wildlife Habitat Mitigation Policy)
- EFSC Site Certificate findings (i.e., the final order) must address the requirements of the Habitat Mitigation Policy

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Fish & Wildlife Concerns

Malheur County

Species of Concern

Sage Grouse
Pygmy Rabbits
Big Game
Raptors
Waterfowl

Habitats of Concern

Wetlands
Riparian Areas
Springs
Aspen Stands
Intact Sagebrush
Winter Range

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Fish & Wildlife Concerns

Malheur County

- Sage Grouse
 - Sensitive to habitat alterations
 - Petitioned for ESA listing 9 times. Decision expected Feb 2010
 - Nesting and brood rearing habitats are most limited and most important
 - Minimize Impacts - Utilize existing corridors
 - 2 mile buffer around leks (Cat 1)
 - ½ mile buffer around wet meadows and springs if possible (Cat 2)
 - Avoid Construction 1 March -30 June

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Fish & Wildlife Concerns Malheur County

- Big Game Winter Range (Cat 2)
 - Avoid construction and limit post construction access Dec 1 – Mar 31, control weeds, avoid new road construction, re-vegetate disturbed areas.
- Wetlands, Riparian Areas, Aspen Stands, Springs
 - Limited in Malheur Co - Important to a variety of species
 - Avoid if possible or Category 2 mitigation