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April 7, 2023

VIA ELECTRONIC FILING

Public Utility Commission of Oregon
Filing Center
P.O. Box 1088
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Re: Docket No. PCN 5 – In the Matter of Idaho Power Company’s Petition for Certificate of Public Convenience and Necessity.

Attention Filing Center:

Attached for filing in the above-referenced docket is Idaho Power Company’s Surrebuttal Testimony of Kirk Ranzetta (Idaho Power/2100).

Please contact this office with any questions.

Thank you,

Suzanne Prinsen
Legal Assistant

Attachment

DOCKET PCN 5 - CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2023 Idaho Power Company's Surrebuttal Testimony of Kirk Ranzetta was served by USPS First Class Mail and Copy Center to said person(s) at his or her last-known address(es) as indicated below:

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DATED: April 7, 2023

/s/ Suzanne Prinsen

Suzanne Prinsen
Legal Assistant

1 I. INTRODUCTION AND SUMMARY

2 **Q. Please state your name, your place of employment, your position, and how long**
3 **you have been at your current place of employment.**

4 A. My name is Kirk Ranzetta. For the past ten years, I have been employed with URS
5 Corporation, now a part of AECOM, an American multinational engineering firm, as a
6 Senior Architectural Historian.

7 **Q. Are you the same Kirk Ranzetta that previously filed Reply Testimony in this**
8 **matter?**¹

9 A. Yes.

10 **Q. What is the purpose of your Surrebuttal Testimony?**

11 A. The purpose of my Surrebuttal Testimony is to respond to the assertions and questions
12 raised by intervenors John Williams and Greg Larkin relating to historic, cultural, and
13 archaeological resources (shortened to “cultural resources” for the purpose of this
14 testimony). Specifically, I address Mr. Williams’ argument that the Public Utility
15 Commission of Oregon (“Commission”) must postpone its review of Idaho Power
16 Company’s (“Idaho Power” or the “Company”) Petition for a Certificate of Public
17 Convenience and Necessity (“CPCN”) for the Boardman to Hemingway Transmission Line
18 Project (“B2H” or the “Project”) until after all cultural resource mitigation plans have been
19 approved. Similarly, Mr. Larkin notes that mitigation plans are not yet complete. On this
20 point, I clarify the nature and process for finalizing the Historic Properties Management
21 Plans (“HPMPs”) drafted for the Bureau of Land Management (“BLM”) under Section 106
22 of the National Historic Preservation Act (“NHPA”) and the Programmatic Agreement and
23 prepared by Idaho Power consistent with the Energy Facility Siting Council’s (“EFSC”) standards. In addition, I summarize the BLM’s responsibilities under Section 106 and the

¹ Idaho Power/700-707 (Feb. 21, 2023).

1 Programmatic Agreement to make final National Register of Historic Places (“NRHP”)
2 eligibility determinations, where applicable; assess—in consultation with the Oregon State
3 Historic Preservation Office (“SHPO”) and Tribal governments—potential adverse effects
4 under 36 CFR 800 to the integrity of historic properties and properties of religious and
5 cultural significance to tribes in the Area of Potential Effects (“APE”); and resolve any
6 adverse effects in accordance with the NHPA, the Programmatic Agreement, and any
7 applicable agreements with Tribal governments.² Finally, in my Surrebuttal Testimony, I
8 discuss the NRHP-eligibility status of cultural resources 8B2H-DM-47 (potential hunting
9 blind) and 8B2H-DM-52 (potential open campsite), potential adverse effects to 8B2H-DM-
10 47, and when certain surveys and mitigation plans are anticipated to be completed.

11 **Q. Please summarize your testimony.**

12 A. Throughout the ongoing EFSC and federal Section 106 processes, Idaho Power, the BLM,
13 the Oregon Department of Energy (“ODOE”), SHPO, the tribes, and other relevant state
14 and federal agencies have comprehensively evaluated B2H’s expected impacts to cultural
15 resources and are currently in the process of finalizing mitigation plans for anticipated
16 impacts to cultural resources. In the contested case process for B2H before the EFSC,
17 that agency evaluated Idaho Power’s analysis. In its Final Order, EFSC found that—
18 subject to the conditions in the site certificate and taking into account mitigation—the
19 construction and operation of B2H “is not likely to result in significant adverse impacts to
20 any historic, cultural, or archaeological resources, in compliance with the [EFSC’s]
21 Historic, Cultural, and Archaeological Resources standard.”³

² Idaho Power/800, Anderson/4-5 (Feb. 21, 2023) (describing the analysis area under the Energy Facility Siting Council’s Historic, Cultural and Archaeological Resources Standard, and how the Direct Analysis Area and Visual Assessment Analysis Area generally equate to the APE); see also Idaho Power/703, Ranzetta/329-30 (describing Direct Effects and Indirect Effects APE).

³ Idaho Power’s Supplement to Petition for CPCN, Attachment 1 (Final Order) at 547 of 10603 (Oct. 7, 2022) [hereinafter, “Final Order”].

1 and federal protections for cultural resources and appropriate mitigation will be carried
2 out. Moreover, regardless of whether the resources on Mr. Williams' property are eligible
3 for listing on the NRHP, Idaho Power is committed to designing B2H to avoid or minimize
4 direct and indirect impacts to resources recommended as eligible for or listed on the NRHP
5 where feasible; where direct or indirect impacts to such cultural resources are
6 unavoidable, the HPMP will include a process for selecting the appropriate mitigation
7 measures. Moreover, final mitigation plans will be subject to approval by ODOE, in
8 consultation with SHPO and relevant Tribal governments. In short, there are sufficient
9 protections and oversight in place to adequately protect and/or record the cultural
10 resources on Mr. Williams' property.

11 **Q. Can you explain the process for finalizing the HPMP and the nature of the HPMP?**

12 A. Currently, there are two HPMPs, the BLM HPMP, which the BLM is responsible for drafting
13 in accordance with the Programmatic Agreement pursuant to the federal Section 106
14 process,⁷ and the EFSC HPMP, which Idaho Power prepared specifically for ODOE and
15 to comply with the EFSC standards.⁸

16 Per the Programmatic Agreement, the BLM must submit the draft BLM HPMP to
17 the consulting parties to the agreement for review.⁹ After consultation with the parties to
18 address comments and/or resolve objections by parties to the Programmatic Agreement
19 that includes the relevant SHPOs and tribes, the BLM will finalize the HPMP.¹⁰ According
20 to the Reply Testimony of Stephen Anderson, he anticipates the draft BLM HPMP to be
21 circulated to consulting parties sometime in May or June 2023 dependent on BLM's

⁷ Idaho Power/703, Ranzetta/340 ("The BLM will prepare a HPMP per the terms specified in stipulation VII.").

⁸ Idaho Power/700, Ranzetta/11-13. Note that discussions are underway to determine whether the BLM HPMP and the EFSC HPMP should be merged into one document to avoid duplication of efforts.

⁹ Idaho Power/703, Ranzetta/345.

¹⁰ Idaho Power/703, Ranzetta/345.

1 availability to fully review the final pre-construction report, but at least by the end of
2 Summer 2023.¹¹

3 The draft EFSC HPMP is Attachment S-9 to the Final Order.¹² As I testified
4 previously, Idaho Power is able to modify the EFSC HPMP as necessary following
5 completion of the BLM HPMP or to incorporate the plan as appropriate into the BLM HPMP
6 through BLM's consultation with ODOE as a party to the Programmatic Agreement.¹³
7 Idaho Power will provide and submit the final EFSC HPMP to ODOE for its review and
8 approval, in consultation with SHPO and relevant tribes, per Historic, Cultural and
9 Archaeological Condition 2 of the site certificate.¹⁴

10 With respect to the nature of the HPMPs, I wish to clarify that these are living
11 documents and subject to amendment over time.¹⁵ For example, both the BLM HPMP and
12 the EFSC HPMP will include monitoring plans for inadvertent discoveries of cultural
13 resources during the construction of B2H.¹⁶ Property-specific mitigation plans for
14 inadvertent discoveries will be added to the HPMPs in accordance with the Inadvertent
15 Discovery Plan after approval from the appropriate agencies.¹⁷ Accordingly, the HPMPs
16 take into account the fact that not all cultural resources may be identified prior to

¹¹ Idaho Power/800, Anderson/8.

¹² Idaho Power's Supplement to Petition for CPCN, Attachment 1 (Final Order, Attachment S-9, Draft Historic Properties Management Plan) at 10327 of 10603 (Oct. 7, 2022) [hereinafter, "Final Order, Attachment S-9"].

¹³ Idaho Power/700, Ranzetta/11-13; Final Order, Attachment S-9 at 10334 of 10603.

¹⁴ Final Order at 94 of 10603; *see also* Idaho Power's Supplement to Petition for CPCN, Attachment 1 (Final Order, Attachment 1, Site Certificate) at 780-81 of 10603 (HCA Condition 2) [hereinafter, "Final Order, Attachment 1"].

¹⁵ *See, e.g.,* Idaho Power/703, Ranzetta/345 ("Any party to this agreement may suggest an amendment to the HPMP and should submit the contents of the amendment in writing to the BLM. The BLM will consider the amendment within 30 days of receipt and consult with the parties on the amendment. An amendment to the HPMP will not require an amendment to the PA. After consultation with the parties to the agreement, the BLM will determine if an amendment will be incorporated into the HPMP by the Proponent.").

¹⁶ Idaho Power/703, Ranzetta/343, 346-47 (Inadvertent Discovery Plan); *see also* Final Order, Attachment S-9 at 10378-82 of 10603 (Inadvertent Discovery Plan).

¹⁷ *See, e.g.,* Final Order, Attachment S-9 at 10379 of 10603.

1 construction of the Project. Following the approval of the HPMP by the BLM, ODOE will
2 review the BLM HPMP for consistency with the state standards.

3 **Q. Mr. Williams claims that you stated in your Reply Testimony that there are two**
4 **parallel processes for assessing cultural resources, the EFSC process and the**
5 **Section 106 process.¹⁸ Is that correct?**

6 A. Not exactly. I think of the term “parallel” as suggesting that the processes are independent
7 of one another, which these are not. To clarify, the EFSC process and federal Section 106
8 process intersect and are dependent on one another, but do not completely overlap in
9 applicability to cultural resources. That is, while the Section 106 process addresses only
10 those cultural resources that are listed or eligible for inclusion on the NRHP,¹⁹ the EFSC
11 process requires—in addition to an assessment of impacts to cultural resources that have
12 been listed or are eligible for listing on the NRHP—an evaluation of impacts to
13 archaeological objects²⁰ and sites²¹ on private lands under OAR 345-021-0010(1)(s)(B)
14 and archaeological sites on public lands under OAR 345-021-0010(1)(s)(C). Accordingly,
15 compliance with Section 106 of the NHPA does not equate to compliance with the EFSC
16 standards.²² However, studies conducted in support of Section 106 compliance are
17 utilized to support compliance with the EFSC standards.²³

18 **Q. Mr. Williams claims that the entire Project is subject to Section 106 of the NHPA.²⁴**
19 **Is that correct?**

¹⁸ John C. Williams/200, Williams/1.

¹⁹ 36 CFR 800.16(l) (definition of “historic property”).

²⁰ ORS 358.905(1)(a) (definition of “archaeological object”).

²¹ ORS 358.905(1)(c) (definition of “archaeological site”).

²² Idaho Power/703, Ranzetta/17.

²³ Idaho Power/703, Ranzetta/17.

²⁴ John C. Williams/200, Williams/1.

1 A. Yes, that is correct. To the extent Mr. Williams is implying that I testified to the contrary,
2 that is incorrect, and I refer him to Section III (State and Federal Cooperation) of my Reply
3 Testimony.²⁵

4 **Q. Mr. Williams asserts that cultural resource 8B2H-DM-52 (potential open campsite)**
5 **on his property has not been evaluated for NRHP eligibility.²⁶ Is that correct?**

6 A. No, cultural resource 8B2H-DM-52 (potential open campsite) has been evaluated by Idaho
7 Power and an NRHP-eligibility recommendation has been made according to the Reply
8 Testimony of Stephen Anderson.²⁷ Specifically, after surveying 8B2H-DM-52, Idaho
9 Power recommended the site as eligible for listing on the NRHP at least under Criterion D
10 (i.e., have yielded, or may be likely to yield, information important in prehistory or history).²⁸
11 Again, as I stated in my Reply Testimony, the BLM is ultimately responsible for making
12 the final NRHP-eligibility determinations, in consultation with SHPO. If SHPO disagrees
13 with the BLM's determination, the final arbiter for NRHP-eligibility (within the context of the
14 federal Section 106 process) is the National Park Service per 36 CFR 800.4(c)(2).²⁹

15 **Q. Mr. Williams asserts that cultural resource 8B2H-DM-47 (potential hunting blind)**
16 **has not been evaluated for NRHP eligibility.³⁰ Is that correct?**

17 A. According to Mr. Anderson's Reply Testimony, 8B2H-DM-47 (potential hunting blind) is
18 designated as "unevaluated," but Idaho Power assumes the resource is eligible for listing
19 on the NRHP for purposes of the Company's analysis and recommended mitigation
20 measures.³¹

²⁵ Idaho Power/700, Ranzetta/8-13.

²⁶ John C. Williams/200, Williams/2.

²⁷ Idaho Power/800, Anderson/7 (Feb. 21, 2023).

²⁸ 36 CFR 60.4(d); *see also* Idaho Power/700, Ranzetta/21-22, 23-28 (description of NRHP-eligibility Criteria of Evaluation and determination process).

²⁹ Idaho Power/700, Ranzetta/24-25.

³⁰ John C. Williams/200, Williams/2.

³¹ Idaho Power/800, Anderson/8.

1 **Q. Mr. Williams argues that while 8B2H-DM-47 (potential hunting blind) will not be**
2 **directly impacted by the placement of the transmission line towers, B2H will likely**
3 **adversely impact the integrity of the site.³² Is this correct?**

4 A. It is certainly possible. According to Mr. Anderson’s Reply Testimony, the boundary for
5 8B2H-DM-47 (potential hunting blind) is 70.1 feet (21.3 meters) from new access road
6 UN-224, and 185.9 feet (56.7 meters) from Structure Work Area at Milepost 6.1.³³
7 Considering the proximity of 8B2H-DM-47 to the new access road and Structure Work
8 Area, it is possible that the integrity³⁴ of 8B2H-DM-47—specifically as to the setting,
9 feeling, and association of the site—will be adversely impacted by visual elements related
10 to B2H.³⁵ However, as I stated in my Reply Testimony, indirect (i.e., visual) impacts from
11 B2H will be reduced consistent with Recreation Condition 1, under which Idaho Power
12 must construct the transmission line using tower structures that meet the following criteria:
13 H-frames; tower heights no greater than 130 feet; and weathered steel (or an equivalent
14 coating) to better blend into the surrounding environment.³⁶ Finally, where adverse effects
15 cannot be avoided, the BLM is responsible for determining appropriate mitigation
16 measures to be detailed in the BLM HPMP and as stipulated in a property-specific
17 mitigation and monitoring plan prepared in consultation with parties to the Programmatic
18 Agreement, including SHPO and Tribal governments.³⁷ The EFSC HPMP will incorporate
19 the property specific mitigation and monitoring measures as they are determined.

³² John C. Williams/200, Williams/2-3.

³³ Idaho Power/800, Anderson/8.

³⁴ Determination of eligibility for listing on the NRHP is in part based on the site’s “integrity,” which includes several factors of consideration—the site’s location, design, setting, materials, workmanship, feeling, and association. 36 CFR 60.4 (“The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and....”).

³⁵ 36 CFR 800.5(a)(2)(v) (“Adverse effects on historic properties include, but are not limited to...[i]ntroduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features[.]”).

³⁶ Idaho Power/700, Ranzetta/36-37; Final Order, Attachment 1, Site Certificate at 781 of 10603 (Recreation Standard 1).

³⁷ Idaho Power/703, Ranzetta/338.

1 **Q. Mr. Williams argues that you failed to use an important source of information for**
2 **assessing visual impacts in the five-mile study area, “They Are Not Forgotten:**
3 **Sahaptian Place Names Atlas of the Cayuse, Umatilla, and Walla Walla” by Čáw**
4 **Pawá Láakni.³⁸ Is this correct?**

5 A. This resource—“They Are Not Forgotten: Sahaptian Place Names Atlas of the Cayuse,
6 Umatilla, and Walla Walla” by Čáw Pawá Láakni”—was utilized in the Umatilla Reservation
7 Visual Assessment of Historic Properties (“VAHP”) Report for this Project, and I anticipate
8 that the next draft of the Oregon VAHP, which was initially drafted in 2016 soon after the
9 publication of this resource in late 2015, will be updated to include a discussion of this
10 resource and how it potentially applies to identified resources if requested by the Tribe.

11 **Q. Mr. Williams asks about the status of various specific surveys and plans. Can you**
12 **provide a response?**

13 A. Certainly. First, Mr. Williams asks when the Phase 2 surveys will be complete.³⁹ This
14 question is addressed in Mr. Anderson’s Surrebuttal Testimony where Mr. Anderson
15 states that he anticipates all surveys to be completed by June 30, 2023, although delays
16 may be possible.

17 Mr. Williams also asks when the property-specific mitigation and monitoring plans
18 will be completed.⁴⁰ According to the Reply Testimony of Stephen Anderson, he
19 anticipates the draft BLM HPMP to be circulated to consulting parties sometime in May or
20 June 2023.⁴¹ The property-specific mitigation and monitoring plans will be completed and
21 incorporated into the BLM HPMP on an ongoing basis after the BLM HPMP is approved
22 by the consulting parties and implemented prior to construction. If there are any objections
23 to the draft BLM HPMP, the BLM will confer with the consulting parties to resolve the

³⁸ John C. Williams/200, Williams/2.

³⁹ John C. Williams/200, Williams/2.

⁴⁰ John C. Williams/200, Williams/3.

⁴¹ Idaho Power/800, Anderson/8.

1 objection within 30 days.⁴² The EFSC HPMP will incorporate the BLM HPMP's property-
2 specific mitigation and monitoring plans where applicable and as they are developed.

3 With respect to the Enhanced Archaeological Surveys,⁴³ the BLM is currently in
4 the process of drafting a research design and sampling strategy for the Enhanced
5 Archaeological Surveys (otherwise referred to in the Programmatic Agreement as
6 "Subsurface Investigations") for inclusion in the BLM HPMP.⁴⁴ Enhanced Archaeological
7 Surveys will begin after finalization of the HPMP and prior to construction.

8 **Q. While Mr. Williams acknowledges that Idaho Power is committed to avoiding direct
9 (i.e., physical) impacts to the Oregon Trail resources, he remains concerned about
10 indirect (i.e., visual) impacts.⁴⁵ Please explain the visual impacts to Oregon Trail
11 resources and how those impacts will be mitigated.**

12 A. As explained in my Reply Testimony, my analysis projects that certain Oregon Trail
13 segments will be subject to indirect (i.e., visual) impacts. However, because Idaho Power
14 is required to use H-frame towers instead of lattice towers on Mr. Williams' property, which
15 are more consistent with the landscape, visual impacts to cultural resources (including
16 Oregon Trail segments) on Mr. Williams' property will be reduced. The deviation from the
17 taller lattice towers constitutes a design modification intended to reduce visual impacts to
18 Morgan Lake Park and surrounding properties in compliance with Recreation
19 Condition 1,⁴⁶ which is also an acceptable form of mitigation for visual impacts to cultural
20 resources under the EFSC HPMP.⁴⁷ Further property-specific mitigation measures for
21 visual impacts to trails will be determined through consultation with SHPO and ODOE,

⁴² Idaho Power/703, Ranzetta/345.

⁴³ John C. Williams/200, Williams/3.

⁴⁴ Idaho Power/703, Ranzetta/333-34.

⁴⁵ John C. Williams/200, Williams/4.

⁴⁶ Final Order, Attachment 1 at 781 of 10603 (Recreation Standard 1).

⁴⁷ Final Order, Attachment S-9 at 10404 of 10603 (requiring design modification for each visually impacted NHRP-Eligible Oregon Trail/National Historic Trail segment); see also OAR 345-001-0010(22) (definition of mitigation).

1 and consistent with the provisions of the BLM HPMP, EFSC HPMP, and the Programmatic
2 Agreement. In short, Idaho Power will avoid directly impacting Oregon Trail resources on
3 Mr. Williams' property in accordance with Historic, Cultural and Archaeological
4 Condition 1, will reduce visual impacts to such resources in accordance with Recreation
5 Condition 1, and resolve residual adverse effects by developing a property-specific
6 mitigation and monitoring plan for the Oregon Trail segment on Mr. Williams' property
7 consistent with the HPMP.

8 **Q. Mr. Williams argues that undergrounding the transmission line in the vicinity of the**
9 **National Historic Oregon Trail Interpretative Center (“NHOTIC”) is a good idea.⁴⁸**
10 **Please explain how undergrounding the transmission line would impact cultural**
11 **resources in that area.**

12 A. Undergrounding the transmission line would be more intrusive and likely result in more
13 direct (i.e., physical) impacts to cultural resources in that area due to a larger area of
14 ground disturbance and significant removal of soil material. Please see my Reply
15 Testimony for a more detailed answer to this question.⁴⁹

16 **B. Greg Larkin**

17 **Q. Mr. Larkin raises concerns that a number of reports and mitigation plans need to**
18 **be completed before BLM can issue any Notices to Proceed (“NTPs”).⁵⁰ Mr. Larkin**
19 **seems to be suggesting that this requirement is problematic for Idaho Power. Can**
20 **you please provide some context.**

21 A. Yes. Per the Programmatic Agreement, the final BLM HPMP, including protection
22 measures, property-specific mitigation plans, and monitoring plans must be finalized prior
23 to the issuance of NTPs.⁵¹ However, it should be noted that NTPs may be issued to Idaho

⁴⁸ John C. Williams/200, Williams/4.

⁴⁹ Idaho Power/700, Ranzetta/35-36.

⁵⁰ Greg Larkin's Rebuttal Testimony and Exhibits (Greg Larkin/700, Larkin/3-4) (Mar. 20, 2023).

⁵¹ Idaho Power/703, Ranzetta/341, 348.

1 Power for individual construction segments under certain conditions.⁵² In particular, BLM
2 may issue an NTP for an individual construction segment where construction of the
3 segment will not restrict re-routing of the right-of-way or affiliated ancillary features to
4 avoid, minimize, or mitigate adverse effects on cultural resources and the permitting
5 agencies, in consultation with the parties to the Programmatic Agreement, have
6 determined that all surveys have been completed for the construction segment and no
7 cultural resources have been identified through the Class III inventories within the APEs
8 for the construction segment.⁵³

9 **Q. Mr. Larkin asserts that completion and approval of the Class III cultural resources**
10 **report and paleontological approvals, as well as completion of analysis and**
11 **preparation of summary reports—including the HPMP, Paleontological Resource**
12 **Treatment Plan (“PRTP”), and mitigation measures at sensitive locations where**
13 **cultural resources cannot be avoided—are not finished.⁵⁴ Please respond.**

14 A. Please see my answers above regarding the anticipated timeline for completion of the
15 federal Section 106 process through the implementation of the HPMP.

16 **Q. Mr. Larkin argues that the EFSC HPMP represents additional incomplete work as it**
17 **applies to resources not covered by the BLM HPMP.⁵⁵ Please respond.**

18 A. The two HPMPs will be brought into alignment during the Section 106 consultation process
19 so that they comply with both state and federal regulatory requirements. Following
20 approval of the BLM HPMP, ODOE will review the final BLM HPMP for consistency with
21 the applicable state standards. Moreover, I would not characterize the EFSC HPMP as
22 representing “additional incomplete work” as both HPMPs will be substantively similar in
23 most aspects and will be brought into regulatory alignment.

⁵² Idaho Power/703, Ranzetta/348.

⁵³ Idaho Power/703, Ranzetta/348.

⁵⁴ Greg Larkin/700, Larkin/4.

⁵⁵ Greg Larkin/700, Larkin/4.

1 Q. Does this conclude your Surrebuttal Testimony?

2 A. Yes.