



EO Media Group, File

A crew works on a transmission line tower outside Boardman in this undated photo. The Oregon Energy Facility Siting Council will meet at Eastern Oregon University's Gilbert Center, La Grande, for three days starting Monday, Aug. 29, 2022, to hear oral appeals for 30 contested portions of its proposed site plan for the controversial Boardman to Hemingway transmission line project.

State council plans to hear appeals on B2H power line

BY DICK MASON

The Observer

LA GRANDE — Emotions could run high at Eastern Oregon University's Gilbert Center in La Grande next week.

The Oregon Energy Facility Siting Council will meet at the Gilbert Center for three days starting Monday, Aug. 29, to hear oral appeals for 30 contested portions of its proposed site plan for the controversial Boardman to Hemingway transmission line project.

"This is a critical event," said Fuji Kreider, of La Grande, secretary and treasurer of the Stop B2H Coalition, a grassroots organization of 900 individuals and organizations.

The sessions for each appeal will run about 25 minutes. At each session, the organization or individual appealing the segment of the proposed site plan will speak along with those there to provide clarification. All sessions will be open to the public but only those who are petitioners or litigants will be allowed to speak.

In many cases those speaking in support of elements being challenged will be representatives of Idaho Power, a major funder of the proposed B2H project, which would run from Boardman to the Hemingway transmission line substation near Melba, Idaho.

Sven Berg, an Idaho Power public information officer, said he respects the concerns people have but stressed that throughout the process of attempting to

get the B2H transmission line to become a reality, Idaho Power has strived to work with those who have worries and those who could be impacted.

"We also want to find common ground with landowners and stakeholders. In all but a few cases, we have been able to do this," he said. "We have tried to find pathways to address concerns, while balancing this with the need to provide clean and affordable energy to our customers."

Berg supports the opportunity the meeting of the Energy Facility Siting Council in La Grande will provide to those who are on opposite sides of the B2H fence.

"We trust the process and want to give those who oppose and support the project a chance to be heard," he said.

The transmission line would cost between \$1 billion and \$1.2 billion. Towers along the transmission line would be as high as 180 feet tall.

In comparison, standard towers are between 75 and 90 feet tall. The proposed line would run through the Grande Ronde Valley.

Idaho Power is leading the effort to gain approval for the 300-mile, 500-kilovolt B2H line with the help of its partner, PacifiCorp.

Elements of the proposed site plan that will be challenged include the decibel level of the sound that would come from the B2H power lines. Kreider said the site plan states that the sound level

would exceed the Oregon Noise Control level standards by 10 decibels. Kreider said she does not believe a variance should be granted for this within the site plan.

Berg said Idaho Power representatives at the hearing may indicate the utility could provide homeowners near B2H power lines windows that would better block out the sound.

At each hearing the Energy Facility Siting Council will take a straw poll among its members to determine how they feel about the issue. The council will vote at a later meeting on its official response to each element that was appealed. Kreider said it is unclear how the council's response to the appeals will influence its decision on whether to support or reject the B2H site plan. This decision will be made sometime after leaving La Grande.

Should the council vote to support the site plan, Kreider said the Stop B2H Coalition may then appeal the decision to the Oregon Supreme Court.

Ultimate approval of the site plan is not a guarantee that B2H would become a reality, since other steps would have to be taken.

For example, the public utilities commissions of both Oregon and Idaho would have to vote to authorize construction of the B2H line, Berg said.

Berg said that Idaho Power's goal is to break ground for B2H in 2023 and have lines for the project electrified by 2026.

Water deliveries halted to farmers in Oregon, California

KLAMATH FALLS (AP) — The Klamath Irrigation District in southern Oregon has reversed course and now says it has complied with a U.S. government order to stop delivering water to farmers in the drought-stricken area.

The district's directors initially defied the federal government's order to shut off water to the Klamath Project, but the Klamath Irrigation District has since closed

a canal after federal officials threatened to withhold millions in drought assistance, the Capital Press reported Wednesday, Aug. 24.

The U.S. Bureau of Reclamation manages the Klamath Project, which includes the Klamath Irrigation District and serves 266 square miles of farmland at the Oregon-California border. A limited allocation of water was allowed for irrigators from Upper Klamath Lake this year because of extreme drought.

The bureau has said the project is now out of water and ordered a shutdown last week, but irrigation district directors met Monday and authorized the district's manager, Gene Souza, to continue operations, arguing that the U.S. agency had not provided a legal justification.

That prompted a letter from Alan Heck, acting area manager for the bureau, warning that unless the irrigation district reversed course, it would disqualify all lands served by the district from receiving \$20 million in emergency drought funding.

Such an action would impact the Klamath Irrigation District along with more than a half dozen other irrigation and other districts.

The Klamath irrigation District board at an emergency meeting Tuesday, Aug. 23 de-

cidated to close the canal. "Our board's desire to do what's right for our community put us in a really bad spot," Souza said. "There was no good decision."

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— Gene Souza, district's manager,

The Capital Press reported that a spokesperson for the Bureau of Reclamation could not immediately be reached for comment.

Under the Endangered Species Act, the agency must uphold protections for several species of fish, including shortnose and Lost River suckerfish in Upper Klamath Lake and coho salmon in the lower Klamath River.

The federal bureau initially allocated 15% of full demand for irrigators starting on April 15. Officials said that if inflows to Upper Klamath Lake exceeded expectations, they would set aside 50% of the additional water for irrigators.

The Klamath Falls area experienced slightly above-average precipitation in May and June.

As of Aug. 1, the project's water supply had increased while maintaining a minimum lake elevation for suckers to access critical habitat.

However, irrigation districts criticized the bureau for sending mixed messages about how much water may be available, making it difficult for farmers to plan.

Brad Kirby, manager of the Tulelake Irrigation District in Tulelake, California, said earlier this week that shutting off water now could spell disaster for some farmers and said irrigation districts are scrambling to help save as many crops as possible.

He said irrigators are being forced to pump groundwater from the district's wells to keep crops alive through harvest.

"We're having to rethink our entire system," Kirby said.



Walla Walla Union-Bulletin Photo/Greg Lehman, File

Smith Frozen Foods Inc. in Weston has agreed to pay a \$100,000 fine for the violations of the federal Clean Air Act in 2016.

EPA fines Smith Frozen Foods \$100K for violations

BY DAKOTA CASTETS-DIDIER

East Oregonian

WESTON — The Environmental Protection Agency has announced that Smith Frozen Foods Inc. in Weston has agreed to pay a \$100,000 fine for the violation of seven separate provisions of the Clean Air Act in 2016.

"Our EPA enforcement officer did an inspection in 2016 and they were able to see some of the violations on site," said Meshach Padilla, public affairs specialist with the EPA.

The violations were in regards to Smith Frozen Foods' procedures on the storage and use of anhydrous ammonia, a refrigerant often employed for use in closed systems.

"It is a dangerous chemical, and an inhalation hazard," said Javier Morales, EPA Region 10 Risk Management Program coordinator. "It is hygroscopic, meaning it's attracted to water. When people inhale it, it's very harmful to the respiratory system and to the eyes."

EPA cited Smith Frozen Foods on seven violations of provisions within the Clean Air Act for operators of gasses such as anhydrous ammonia, being safety information, hazard analysis, operating procedure, training, mechanical integrity, employee participation

and contractor requirements. The penalty for these violations totaled \$100,000.

"Facilities that use hazardous materials like anhydrous ammonia have an obligation to follow regulations designed to protect our communities and environment from potentially catastrophic consequences of accidents," Ed Kowalski, director of EPA region enforcement and compliance assurance Division, said in an EPA press release on Monday announcing the penalties. "Failure to comply with the law puts first responders and members of the surrounding community in harm's way."

The Clean Air Act is a federal air quality law, intended to reduce pollution and increase nationwide air quality, originally enacted in 1963, but frequently revised. It provides the EPA with regulatory authority to monitor, inspect and penalize operations with potentially harmful gasses and pollutants.

"The EPA has their own enforcement response policy that we follow, we use them to assess the penalties based on the violations that were found," Morales explained, detailing the procedure for how the EPA tabulates and levels penalties.

House Republican leader stumps for candidates, hits Democrats on crime

BY PETER WONG

Oregon Capital Bureau

Kevin McCarthy came to Oregon to campaign for congressional candidates whose election he hopes will secure Republicans a majority in the U.S. House and make him its next speaker.

The party's current House leader from California also used his visit Wednesday not only to promote Republicans seeking the open 4th, 5th and 6th district seats, but to bash Democrats and the city of Portland. He accused Democrats of seeking to defund police — though he did not specify any congressional action on their part — and took his cue from an Aug. 22 Wall Street Journal story describing Portland's difficulties in dealing with a rising homicide rate. (A Portland police unit focused on preventing gun violence was disbanded, but has been reconstituted in a different form.)

"What we found was that Democratic policies brought us to defund the police," McCarthy said at a meeting at the Grand Hotel at Bridgeport, near Bridgeport Village in Tualatin south of Portland. "We believe Republicans have a better idea with a commitment to America and we'll make our streets safe again."

"My question to everyone in Oregon: do you look forward to going to downtown Portland? The answer from every data point is no."

To a panel of invited mayors, other elected city officials and some current and retired police — none of them from Portland — McCarthy said one of those ideas is linking



Saul Loeb/AFP/Getty Images-TNS

U.S. House Minority Leader Kevin McCarthy, R-California, walks to his office after being subpoenaed by the House Select Committee to Investigate the January 6th Attack on the U.S. Capitol, in Washington, D.C., May 12, 2022.

federal grants for community policing to criminal prosecutions and crime rates, although he declined to say who should set those standards or what they should be.

While conceding that "a lot of this is really a local issue," McCarthy said, "You should have a transparency factor, especially when it comes to prosecutors. You cannot have law and order without order."

He did not single out Mike Schmidt, the Multnomah County district attorney, but did mention the June 7 recall of San Francisco District Attorney Chesa Boudin.

"We are supplying COPS grants today," McCarthy said. "But DAs are not upholding the law."

Although not a specialist in criminal law, U.S. Rep. Cliff Bentz of Ontario — the lone Republican in Oregon's current congressional delegation, and a lawyer — said, "I call on them (prosecutors) to do their job better." Bentz's brother, Andy, is a former Malheur County sheriff.

Democrats originated grants

What McCarthy didn't say was that the Office of Community Oriented Police Services (COPS), a unit of the U.S. Department of Justice that awards COPS grants, was created by anticrime legislation that was passed by a Democratic Congress in 1994 and signed by Democratic President Bill Clinton. One of its chief architects was Joe Biden, then a Democratic senator from Delaware and chairman of the Senate Judiciary Committee.

That legislation drew critics from both sides because it banned military-style assault weapons for a decade — a Republican Congress let it lapse in 2004 — and also imposed life sentences under federal law for some violent crimes. Some said those sentences fell disproportionately on people of color, although the get-tough movement was national in scope. (Oregon voters passed a ballot initiative, known as Measure 11, not long afterward to impose mandatory

minimum prison sentences for specified violent crimes.)

McCarthy said his comparison was with the 1984 legislation that required states to raise the legal drinking age to 21 — though most states already were there — or stand to lose federal highway funds.

He rejected a comparison to the No Child Left Behind Act, passed by bipartisan congressional majorities and signed by Republican President George W. Bush in 2002, that linked federal aid to schools with national educational standards to be attained by 2014. But Congress wrote another law, which President Barack Obama signed in 2015, to give more flexibility to states after many states agreed on an alternative set of standards. It is known as Every Student Succeeds.

"We have come as candidates to listen to the mayors," McCarthy said.

Several of them told McCarthy that because of Oregon's strict property tax limits — and that police and fire services consume the lion's share of many city budgets — they would like to see more federal aid.

Some officials, particularly from Gresham and Oregon City, said they used their shares of money from the \$2 trillion American Rescue Plan Act — which President Biden signed in March 2021 and contained \$350 billion in aid to states, local and tribal governments — to shore up police.

No Republican in either chamber voted for that legislation. But McCarthy brushed off a question afterward about how small cities would continue to get what were intended as one-time payments.