

Boardman to Hemingway Transmission Line Project Siting Process Background Paper

Prepared for the Project Advisory Teams • July 2009

OVERVIEW

Idaho Power proposes to construct, maintain and operate a 500-kV transmission line, called the Boardman to Hemingway Transmission Line, from the Boardman Substation near Boardman, Oregon to the new Hemingway Substation near Melba, Idaho.

Identifying a route involves multiple processes and jurisdictions, agencies and communities. The purpose of this background paper is to outline the following federal, state and public processes; and to address key issues that may arise as the processes work together.

FEDERAL: The Bureau of Land Management and U.S. Forest Service manage federal land in Idaho and Oregon. These agencies are responsible for complying with the National Environmental Policy Act (NEPA) when determining if they should issue a right-of-way grant and special use permit, respectively.

STATE: **Oregon** – The Oregon Department of Energy – Energy Facility Siting Council must approve any route on state or private land. They will ensure the route meets state and local standards. EFSC will also, with the counties’ help, determine if the route meets county requirements.

Idaho – Land use permits and guidance will be provided by the counties.

PUBLIC: The public is involved in both the federal and state processes. Idaho Power also is supporting a Community Advisory Process. The process will ensure the route(s) addresses public issues and concerns.

FEDERAL PROCESS

Bureau of Land Management (BLM) and U.S. Forest Service (USFS)

Idaho Power applied for a right-of-way grant from the BLM and a special use permit from the U.S. Forest Service to cross federal lands with the transmission line.

Both federal agencies must comply with the National Environmental Policy Act, which requires an evaluation of the environmental consequences of the proposed project and alternatives; This evaluation will be documented in an Environmental Impact Statement (EIS).

For the Boardman to Hemingway Project, the BLM is the lead agency responsible for the NEPA compliance. The U.S. Forest Service, as well as the following federal, state, and local agencies are cooperating agencies:

Oregon Department of Energy
State of Idaho
Governor’s Office of Idaho
Malheur County, Oregon

Baker County, Oregon
Umatilla County, Oregon
Morrow County, Oregon
Union County, Oregon

Payette County, Idaho
Owyhee Irrigation District
Joint Committee of the Owyhee Project
City of Parma
Washington County, Idaho

Canyon County, Idaho
Ten Davis Recreation District
Oregon Dept. of Fish and Wildlife
Black Canyon Irrigation District

Any local, state, or federal agency with legal jurisdiction or special expertise may, by agreement, be a cooperating agency. Cooperating agencies assist the lead agency with data collection and analysis; however, the lead agency is ultimately responsible for the content and accuracy of the EIS.

How will the decision be made whether Idaho Power can build the line on federal land?

When the EIS is complete, the BLM will document the selected alternative and any mitigation measures in a Record of Decision, and issue a right-of-way grant and notice to proceed if the project is approved. The USFS will document its decision in a Decision Notice, and issue a special use permit if the project is approved.

How is the public involved?

The public will have an opportunity to attend scoping meetings and provide comments on the issues that should be addressed in the EIS, and review and comment on the Draft and Final EIS. Comments received during scoping will be used in developing the Draft and Final EIS and comments received on the Draft EIS will be addressed in the Final EIS and Record of Decision.

Key issues

- While the BLM will analyze the environmental impacts of the entire route and alternatives, including segments on state and private land, they can only authorize actions on federal land.
- The BLM, working with the cooperating agencies, will determine which routes will be analyzed in detail in the EIS. The BLM and USFS can authorize Idaho Power's proposed route (developed through the community advisory process), the agencies' preferred route, alternative routes, or a combination of these. The BLM and cooperating agencies may also develop additional routes.

**OREGON
STATE
PROCESS**

Oregon Department of Energy – Energy Facility Siting Council (ODOE-EFSC)

The Oregon Department of Energy – Energy Facility Siting Council is the primary state agency that approves or denies the application to build this facility in Oregon. It is a governor-appointed citizen council that regulates energy facilities in Oregon.

Idaho Power has filed a Notice of Intent to submit an Application for a Site Certificate and has received a Project Order from the ODOE-EFSC.

Before issuing a site certificate, ODOE-EFSC requires that the project meet a set of pass-fail standards that cover environmental and land use standards on both public and private lands. During its review, the ODOE-EFSC will coordinate review by state and local agencies.

The Oregon Department of Fish and Wildlife is one of the primary Oregon state agencies involved in the ODOE-EFSC process. Their habitat categories and mitigation requirements, as well as species-specific protection measures, can strongly affect location of the routes.

How does ODOE make a decision to issue a site certificate for Idaho Power to build the line in Oregon?

EFSC will only approve an application if the project meets state standards for land use, safety and environmental impact. The Council has the ability to waive selected standards, but only under certain conditions.

How is the public involved?

Several comment periods will occur during the EFSC review process. The first opportunity is an informal public information meeting that is held following ODOE-EFSC's receipt of the Notice of Intent.

The second is a hearing that ODOE-EFSC holds after issuing the Draft Proposed Order. The Draft Proposed Order is issued after Project Order and complete application undergo a complete review.

The third opportunity is a "contested case" and occurs before ODOE-EFSC issues a final decision.

Key issues

- ODOE-EFSC's determination that a route meets their standards is independent of landownership, unless ownership is part of the standard. The site certificate does not negate private property rights.
- While the BLM and USFS have the ability to approve a route other than the applicant's proposed route, ODOE-EFSC only evaluates proposed and alternate routes submitted by the applicant. Because of this fundamental difference in procedures, Idaho Power has been coordinating with both agencies to ensure that the routes submitted to the ODOE-EFSC will be the same as those being evaluated by the BLM.
- Idaho does not have a similar state review process. Land-use permits and guidance will be provided by Idaho counties.

**PUBLIC UTILITIES
COMMISSIONS**

Idaho and Oregon Public Utilities Commissions (PUCs)

The Idaho and Oregon Public Utilities Commissions are responsible for regulating investor-owned electric, gas, telecommunications and water utilities in Idaho and Oregon. They ensure adequate service and just, reasonable and sufficient rates. Public utilities commissions are not involved with the siting process, but they will acknowledge and accept the purpose and need for the project through the Integrated Resource Plan process. The Integrated Resource Plan is a comprehensive look at present and future demands for electricity, as well as resources necessary to meet these demands.

**COMMUNITY
ADVISORY
PROCESS**

Idaho Power's Community Advisory Process (CAP)

Idaho Power is committed to working with communities from Boardman, Oregon to Melba, Idaho when identifying routes to submit to the BLM and ODOE-EFSC. The Community Advisory Process begins with identifying community issues and concerns and the criteria for

developing and evaluating routes. It will result in proposed and alternate routes for the transmission line.

Using the proposed and alternative routes identified in the CAP, Idaho Power will revise its applications to the BLM and the USFS, which will proceed with its review under the NEPA. The ODOE-EFSC will also proceed with its review.

How will a decision be made in the Community Advisory Process?

Through several community mapping sessions, a range of possible routes will be developed and evaluated. The project advisory teams will be asked to develop evaluation criteria that address community concerns, are in compliance with federal and state requirements, and meet Idaho Power’s purpose, need, and objectives.

How is the public involved?

The public will be involved in every step of the process, through project advisory teams, a coordinating team and public meetings.

Key issues

- While Idaho Power will only submit proposed or alternate routes that were developed through the CAP, a route may be modified to rectify a potential “red flag” after additional research. For example, geotechnical studies or identification of a raptor nest may require that the route be moved to avoid landslide-prone areas or to comply with Oregon Department of Fish and Wildlife’s spatial buffer for raptor nests. Routes will only be modified to the extent necessary to mitigate the “red flag,” and CAP participants will be kept apprised of any modifications.
- The BLM and cooperating agencies may also modify routes or develop their own alternatives to carry through the NEPA process.