

Boardman to Hemingway Transmission Line Project

South Project Advisory Team Meeting 2 Summary

July 28, 2009

Four Rivers Cultural Center

676 SW 5th Ave.

Ontario, OR 97914

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Introduction

This document summarizes the second South PAT meeting held in Ontario, Oregon on July 28, 2009 from 4 p.m. to 9 p.m.

Idaho Power is committed to partnering with communities to identify proposed and alternate routes for the Boardman to Hemingway Transmission Line Project. The initial process of identifying a route began in late 2007 when Idaho Power submitted documents to the Bureau of Land Management (BLM), U.S. Forest Service (USFS) and Oregon Department of Energy–Energy Facility Siting Council (EFSC). Following public scoping meetings held in October 2008, these agencies received public input requesting that Idaho Power conduct more extensive outreach while identifying the transmission line route.

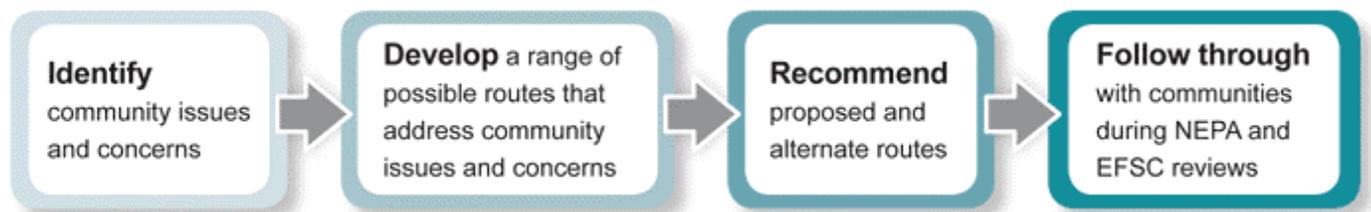
In Spring 2009, Idaho Power initiated a process to engage communities—from Boardman, Oregon, to Melba, Idaho—in siting the Boardman to Hemingway Transmission Line Project. This process is called the Community Advisory Process.

As a part of the Community Advisory Process, a Project Advisory Team has been formed in each of the three geographic project areas: North, Central and South. The Project Advisory Teams are made up of residents, property owners, business leaders and local officials.

The Project Advisory Teams will work closely with technical experts to recommend proposed and alternate routes.

During the Community Advisory Process the Project Advisory Teams will:

- o **Identify** issues and concerns; develop criteria for evaluating possible routes and integrate community criteria with regulatory requirements.
- o **Develop** a range of possible routes that address community issues and concerns. Routes will be identified through mapping sessions; routes not meeting the regulatory and community criteria will be removed from consideration.
- o **Recommend** proposed and alternate routes, which will be carried through the permitting process.
 - **Follow through** with communities during the state and federal permitting process.



Background

The South Project Advisory Team includes representatives from Malheur County, Harney County, Grant County, Owyhee County, Canyon County, Payette County and Washington County. The first South Project Advisory Team (PAT) meeting was held May 21, 2009. At the first Project Advisory Team meeting team members:

- Reviewed and discussed the purpose and need for the project, work to date and how the Community Advisory Process would proceed.
- Formed smaller working groups and identified community concerns and suggestions about the project.
- Developed community criteria based on the community concerns and suggestions identified by Project Advisory Team members.

Project Advisory Team and community members will use regulatory, engineering and community criteria when developing proposed and alternate routes for the transmission line.

- **Regulatory and engineering routing criteria** include state and federal regulations, policies and other standards that are applicable to development of a route. The Bureau of Land Management (BLM), U.S. Forest Service (USFS), and Oregon Department of Energy-Energy Facility Siting Council (ODOE-EFSC) will use these criteria when reviewing proposed and alternate routes and determining if they should authorize the project.
- **Community criteria** include the concerns and suggestions identified by Project Advisory Teams in each area of the project – for example, irrigated farmland.

The second South Project Advisory Team meeting provided team members with an opportunity to learn more about regulatory criteria and ask questions directly to the federal and state agencies involved with the authorization of the Boardman to Hemingway Transmission Line Project.

Overview

The purpose of the second South PAT meeting was to give team members a better understanding of:

- The federal, state and public processes involved in the project.
- The regulatory and engineering criteria that will be used to develop routes for the transmission line.
- The requirements and regulations the project will have to meet.

Team members also refined the community criteria at the second South PAT meeting.

Identifying routes for the Boardman to Hemingway Transmission Line will involve multiple processes and jurisdictions, agencies and communities. Idaho Power invited representatives from the BLM, ODOE-EFSC, U.S. Forest Service (USFS) and Oregon Fish and Wildlife (ODFW) to the second PAT meeting to participate in an informative panel discussion and present their agency's review processes.

As part of the panel discussion, each representative gave a presentation that outlined their agency's review process and addressed key issues that may arise as the processes work together. Project Advisory Team members were given the opportunity to ask the representatives questions about the regulatory criteria that will be used during the siting process.

The following information was provided in advance to help team members prepare for the panel discussion:

- A siting process background paper prepared for Project Advisory Team members to provide more information about the federal, state and public processes involved with the project.
- Tables of regulatory and engineering routing criteria.
- Draft community criteria that were developed from the concerns and suggestions submitted by team members at the first PAT meeting.

Meeting Agenda and Format

Idaho Power hosted the second South PAT meeting in Ontario, Oregon, on July 28, 2009 at the Four Rivers Cultural Center.

Forty-two people attended the second South PAT meeting.

A copy of the invitation letter for the second South PAT meeting can be found in Appendix 1.

The meeting objectives were to:

- Discuss the role of each agency involved with the Boardman to Hemingway Project
- Refine community criteria
- Provide a forum where PAT members could discuss regulatory and engineering criteria with the appropriate agencies

The meeting included:

- Presentations by representatives from the BLM, ODOE, U.S. Forest Service, Oregon Department of Fish and Wildlife, and Idaho Power.
- A facilitated discussion about the community criteria to identify issues and incorporate input from team members.
- A question-and-answer session between team members and the resource agency representatives.

Presenters:

- Idaho Power—Stacey Baczkowski, Senior Biologist
- BLM—Renee Straub, BLM Project Manager
- USFS—Kurt Wiedenmann, Wallowa-Whitman National Forest, District Ranger, La Grande Ranger District
- ODOE—Adam Bless, Energy Facility Analyst
- ODFW—Philip Milburn, ODFW District Wildlife Biologist

Handouts:

Organizational binders were provided to all team members. The binders included a meeting agenda from the first PAT meeting and the Community Advisory Process flowchart handout. The following handouts for the second meeting also were included in the binders and are available in Appendix 2:

- South PAT #2 Agenda (Two changes were made to the agenda: Renee Straub represented the BLM instead of Lucas Lucero and Eric Hackett, Idaho Power, was unable to attend.)
- Boardman to Hemingway Transmission Line Project Siting Process Background Paper
- Boardman to Hemingway Project Advisory Team PowerPoint presentation
- BLM PowerPoint presentation
- USFS PowerPoint presentation
- State of Oregon's ODOE-EFSC PowerPoint presentation
- Oregon Department of Fish and Wildlife (ODFW) PowerPoint presentation
- Community Criteria comment sheet
- Meeting Evaluation comment sheet
- Invitation to public meetings

Team Member Input

- Idaho Power asked team members to evaluate the meeting by completing Meeting Evaluation comment sheets. Transcriptions of the Meeting Evaluation comment sheets are available in Appendix 3.

- Eighteen team members completed the Meeting Evaluation comment sheet. Responses included the following:
 - Four team members responded that they planned to attend the Parma public meeting.
 - Five team members responded that they planned to attend the Marsing public meeting.
 - Nine team members responded that they planned to attend the Ontario public meeting.
 - Eighteen team members responded they were available to attend the PAT #3 meeting/mapping session on September 30 and October 1.
 - Comments included:
 - “Helping everyone understand the process is very important, and how we proceed is also just as important.”
 - “Panel was excellent. More Idaho routes need to be considered. It appears going through Payette & Washington counties is not even considered. This is a concern for Malheur County.”
 - “The panel was heavily weighted toward Oregon.”
 - “Very helpful to have the panel with the expertise available for such a long duration to answer questions.”

Presentations

Welcome—Kent McCarthy, Idaho Power CAP Project Leader

McCarthy welcomed participants and reviewed the agenda. Two changes were made to the agenda: Renee Straub represented the BLM instead of Lucas Lucero and Eric Hackett was unable to attend for Idaho Power. Team members were told that if the panelists were not able to answer engineering questions, these questions would be forwarded to Hackett and answers would be returned to the team via e-mail.

Introductions and Agenda—Rosemary Curtin, PAT facilitator

- o Curtin thanked team members and panelists for attending and asked everyone to briefly introduce themselves. Curtin then went over the following housekeeping items:
 - Review of team binders and handouts for the meeting.
 - Documents from all the first PAT meetings are available on the project website www.boardmantohemingway.com.
 - Idaho Power hosted an optional Purpose and Need meeting on July 8, 2009. The summary from this meeting will be posted to the project website when finalized.
 - Seven public meetings have been planned and will be held in communities in all three advisory areas. Invitations will be distributed to team members and they are encouraged to attend.
 - Contact information of all Project Advisory Team members will be posted at these public meetings. If the team members would not like their information included on the PAT member display board please contact RBCI.
 - Review of proposed mapping session dates. The mapping sessions will consist of an evening introduction followed by an all-day mapping workshop the next day.
 - Review of upcoming mapping sessions:
 - o The first evening a meeting will be held to give PAT members instructions about the mapping workshop.
 - o The following day, mapping sessions will be open from 7 AM to 9 PM for people to drop in and identify routes. County planners are encouraged to attend these mapping sessions.
 - o After the first session, the routes will be analyzed by Tetra Tech and Idaho Power. Analyzed routes will be presented to the PAT, including their advantages and disadvantages. This analysis process will continue until an acceptable route is mapped. Resource agency data will be available during the mapping sessions.

Panel Presentations

The purpose of the panel was to meet representatives from the resource agencies involved in the project and learn about their processes, functions, roles and responsibilities. All PowerPoint presentations and the siting process background paper that summarizes agency roles and responsibilities can be found in Appendix 2.

Idaho Power—Stacey Baczkowski, Senior Biologist

Baczkowski works with environmental considerations in routing the line. She briefly explained the regulatory materials, which included a list of acronyms and the regulatory framework—a summary of the regulations and requirements the project will have to meet. Some of the regulations are route dependent and some are independent of the chosen route. Baczkowski reviewed the regulatory routing criteria table that will be used during the mapping sessions. The routing criteria table includes avoidance areas, placement opportunities, and exclusion areas (Appendix 5).

Bureau of Land Management—Renee Straub, BLM Project Manager

Straub delivered a PowerPoint presentation, which discussed the National Environmental Policy Act (NEPA) process, the responsibilities of lead and cooperating agencies, and BLM suggestions. Straub's presentation included the following information:

- The CAP and the NEPA processes have several differences:
 - CAP is a process chosen by Idaho Power to identify proposed and alternative routes.
 - NEPA is a federal law that requires agencies to analyze and disclose potential impacts of projects or programs to ensure agencies make well-informed decisions. An environmental impact statement (EIS) is a detailed analysis prepared by federal agencies to comply with NEPA when a project is expected to have significant environmental impacts.
- Responsibilities of the BLM as the lead agency in the NEPA process:
 - BLM will prepare the EIS.
 - BLM must select an agency-preferred alternative and will not participate in the PAT route development process.
 - BLM will consult with other agencies and tribes and evaluate the project against numerous laws, regulations, and policies prior to selecting an agency preferred alternative and mitigation, approving or denying the right-of-way grant and the Land Use Plan Amendment.
- Cooperating agencies assist the BLM with preparing the EIS. Seventeen agencies in Oregon and Idaho have expressed interest in participating as cooperators.
- Review of the EIS process, which is currently in the scoping phase. After scoping, the BLM will develop alternatives, conduct the environmental analysis, prepare a draft EIS, and file a notice of availability in the Federal Register. The draft EIS has a 45-day comment period, after which the BLM responds to comments and selects the preferred alternative. Finally, the

BLM will prepare the final EIS, file another notice of availability, circulate the final EIS for 30 days, and file a record of decision.

- Review of the parts of an EIS and the comprehensive list of known issue areas to be analyzed along the entire route. Additional issues may arise during the CAP process during scoping or during review of the draft EIS.
- The BLM suggested the following:
 - CAP teams will not resolve all routing issues or mitigate all environmental impacts.
 - CAP teams should focus on developing routes in “opportunity areas” and keep routes away from “avoidance” or “exclusion” areas.
 - CAP teams should consider routes in the BLM Public Scoping Report that make use of “opportunity areas.”
 - CAP routes are not “final approved” routes.
 - After the CAP process, team members should remain involved by reviewing and commenting on the draft EIS and draft Proposed Order.
- All routes, including CAP routes, will be presented by the BLM and ODOE in public scoping meetings after the CAP process. The BLM, with help from cooperating agencies, will identify reasonable routes for detailed analysis in the EIS.

U.S. Forest Service—Kurt Wiedenmann, Wallowa-Whitman National Forest, District Ranger, La Grande Ranger District

Wiedenmann discussed the USFS’s role as a cooperating agency in the NEPA process. Wiedenmann’s presentation included the following information:

- The USFS will make a separate decision from the BLM regarding USFS lands. At least three, and possibly four, national forests are on the potential route. The three likely forests along the route are the Wallowa-Whitman, Umatilla, and Malheur national forests, together constituting about 6 million acres. The route may also reach the Ochoco National Forest.
- National Forest System lands have forest plans (land and resource management plans) that guide land management and provide land management allocations similar to city zoning regulations. Forest plans also give general guidance regarding transmission lines and utility corridors.
- A map of the three national forests, showing the following:
 - Exclusion areas (red)—Hells Canyon National Recreation Area (HCNRA) and congressionally designated wilderness areas
 - Avoidance areas (yellow)—areas with high resources values, such as wild and scenic rivers protected under the Wild and Scenic Rivers Act; Research Natural Areas; and municipal watersheds
 - Opportunity areas (green)—areas generally conforming for use by utilities, where the USFS still must address issue areas and mitigate if possible.

- A map with current transmission lines, highways, and corridors, noting that existing power lines come through the HCNRA because they pre-date the HCNRA's establishment.
- A map of management areas (MAs) in the La Grande Ranger District. MA1 would be the least controversial and denotes areas allocated to timber emphasis (e.g., road construction, grazing, harvesting). As the MA numbers increase, the resource objectives increase and are more restrictive. MA 17 is a utility corridor (the only one on the Wallowa Whitman National Forest) that was designated in the 1990s because a Bonneville Power Administration (BPA) transmission line and large underground natural gas line run through that area.

Oregon Department of Energy—Adam Bless, Energy Facility Analyst

Bless discussed Oregon state siting criteria. Bless' presentation included the following information:

- The lead state agency is EFSC, a seven-person citizen board. The ODOE serves as staff to EFSC, does most of the detailed review, and makes recommendations to EFSC.
- EFSC criteria apply on all land in Oregon—including private land, Oregon state land and federal land—and come from three areas:
 1. Oregon Administrative Rules (OAR) chapter 345, divisions 22, 23, 24, and 27 (these are captured on Tetra Tech's table [Appendix 5])
 2. Other state agency and county rules (e.g., ODFW guidelines, county land use plans)
 3. The Project Order issued in January 2009—a comprehensive list of the regulatory criteria (available at the Boardman to Hemingway website)
- OAR 345 Division 22 contains the 14 core standards that incorporate other standards by reference. Bless expanded on the following standards:
 - Retirement/financial assurance—If the line becomes obsolete, removal and restoration are the applicant's responsibility. The applicant must include an estimate that is reviewed by an outside source for removing the line and restoring the route. As a condition of approval, the applicant must provide a bond or letter of credit to cover the estimate. Under no circumstances would the landowner have to remove the equipment and restore the site.
 - Need—Idaho Power must make its case for a finding of need and compliance with the standards in an application, which is subject to public review. Need is a unique standard because EFSC relies on the Oregon Public Utilities Commission (PUC) (a sister agency) to review Idaho Power's Integrated Resource Plan (IRP) to determine need. Idaho Power's new case for need will be included in the IRP to be submitted by December 31, 2009.
- Review of some of the route-related standards in more detail:
 - Biology standards are based on ODFW's six habitat categories.
 - Land use standards use criteria directly from the County Comprehensive Plan, although EFSC can make direct goal findings or take goal exceptions.

- Scenic standards only protect inventoried resources included in the County Comprehensive Plan or a tribal or federal land management plan.
- Although no public health and safety standards exist, EFSC has broad statutory authority to place any conditions on a permit to protect public health and safety, including routing conditions. EFSC can and has considered electromagnetic fields in past applications.
- The EFSC standards incorporate many other rules and standards from agencies and counties and require EFSC to determine “no net significant adverse impact” (with mitigation). Bless encouraged PAT members to read the OAR or Oregon Revised Statutes (ORS) because the names of the standards often do not tell the whole story.
- Bless told team members that he is available for questions outside of Project Advisory Team meetings.

Oregon Department of Fish and Wildlife—Philip Milburn, ODFW District Wildlife Biologist

Milburn discussed ODFW’s role in the siting process. Milburn’s presentation included the following information:

- The project area is about 300 miles long and includes the following:
 - Habitat for five native anadromous fish species, bull trout, and redband trout
 - Important habitat for a variety of wildlife
 - Federal and State protected species
 - Important hunting, angling, and recreational areas
- ODFW’s role in siting is mostly advisory unless the line crosses ODFW-owned land. The ODFW provides data, contributes to scoping and plan development, and requires mitigation.
- Various ORS, OAR, and species management plans provide authority and guidance for species management and habitat protection, especially ODFW’s Fish & Wildlife Habitat Mitigation Policy (OAR 635). The policy is based on the premise that habitats can have varying levels of importance based on conditions and the location of habitat and on the need and sensitivity of associated species. The policy contains a hierarchy of habitat categories defining Category 1 as irreplaceable, essential, and limited habitat; Category 2 as essential and limited habitat; and Category 6 as neither essential nor limited habitat.
- Ideally, Category 2 habitat would be avoided since these are high quality habitats and mitigation can be difficult. The goal for Category 6 habitat is to minimize off-site impacts; no mitigation requirement exists for Category 6.
- The ODFW assists the applicant in the following:
 - Collecting information to categorize habitats
 - Assigning categories
 - Quantifying impacts
 - Proposing mitigation

- The ODFW recommends mitigation consistent with OAR 635 and the following considerations:
 - Location and duration of the proposed development action
 - Alternatives to the proposed development action
 - Affected fish and wildlife species and habitat
 - Nature, extent, and duration of impacts
- EFSC siting standards of particular interest to the ODFW are fish and wildlife habitat and threatened and endangered species. The ODFW only becomes involved if a fish and wildlife impact exists. EFSC will have to address fish and wildlife mitigation in the final order, which will likely have some mitigation for the impacts.
- In Malheur County, species of concern include the species listed below. These are not necessarily Category 1 species, but species impacted by transmission lines. Other habitats of concern exist that are not species specific and are limited in Malheur County.
 - Sage grouse
 - Pygmy rabbits
 - Big game
 - Raptors
 - Waterfowl
- Sage grouse have declined in number and range throughout the West and are sensitive to habitat loss and alteration. Sage grouse have been petitioned for listing under the Endangered Species Act (ESA) 9 times and are currently petitioned; a decision is expected by February 2010. Nesting and brood rearing habitats are the most limited and most important.
- In order to minimize impacts to sage grouse, the ODFW recommends the following actions:
 - Use existing corridors and rights-of-way.
 - Utilize a 2-mile buffer around leks (Category 1 habitat) and a half-mile buffer around springs or wet meadows (Category 2 habitat if a buffer cannot be established for wet meadows and springs).
 - Avoid construction during the key breeding period from March 1–June 30 or, if not possible, avoid construction for 2 hours after sunrise.
- The following are habitats of concern in Malheur County:
 - Wetlands
 - Riparian areas
 - Springs
 - Aspen stands
 - Intact sagebrush

- Winter range
- Recommendations for big game winter range (Category 2) include the following:
 - Avoiding construction and limiting post-construction access from December 1–March 31
 - Controlling weeds
 - Avoiding new road construction
 - Revegetating disturbed areas
- Wetlands, riparian areas, aspen stands, and springs are limited in the area and should be avoided or subject to Category 2 mitigation.

Community Criteria Discussion

During the first South PAT meeting, concerns and suggestions submitted by South PAT members were developed into community criteria. These community criteria will be presented at the public meetings and will be used with the regulatory and engineering criteria during the mapping sessions.

Rosemary Curtin facilitated a discussion with the team members to identify if any of the community criteria needed to be added or changed.

Team members provided the following feedback on the community criteria (see also Appendix 4 for flipchart transcriptions):

- Rangeland should not be included as an area of avoidance. All of Harney County is rangeland so avoiding it would be impossible. Since rangeland will be included on the Geographic Information System (GIS) maps, it was left on the list of avoidance areas and PAT members will determine if it can actually be avoided.
- Rangeland should be moved to the bottom of the list with an asterisk.
- Reference to the I-84 corridor should be changed to all transportation corridors, which would include rail corridors.
- Weighting criteria for exclusive farm-use (EFU) land will vary by county.
- According to the statute, EFU land can be crossed depending on the situation.
- EFU land should be given the same status as ODFW Category 1 critical habitat.
- There is a lot of duplication between the types of criteria.
- Add “outside city limits and city impact areas” to the last bullet under avoidance areas.
- “Existing energy corridors” should be made more generic.
- Add confined animal feeding operations as an avoidance area.
- Could aerially sprayed land be added as an avoidance area?
- The criteria need to include a designation equivalent to EFU for land in Idaho. But since agricultural land in Idaho does not have a similar regulatory definition, communities will have to weight Idaho agricultural land equally.
- County and city planners will be asked to attend the mapping sessions.
- The voice of the environmental organizations is missing.
- “Along property lines” should not be included as a placement opportunity since it is a refinement of putting the line where people don’t want it. “Outside city limits” should be reworded as “Not within city limits” and placed under avoidance areas.
- The technical term in Oregon for city limits is urban growth areas.
- The community criteria should be specific for each of the three advisory areas.

Team members were also given a Community Criteria comment sheet to provide input.

- Ten team members completed the Community Criteria comment sheet. Team members were asked if additional community criteria needed to be included and if the existing criteria needed to be changed. Transcriptions of the community criteria comment sheets are available in Appendix 3. Responses included:
 - “It was pointed out tonight "EFU" does not work in different areas. Range land should not be avoided on a whole sale basis; many areas are not in conflict with transmission.”
 - “Placement opportunities item "outside city limits" needs to be changed to ‘outside city limits and city areas of impact’ or city areas of impact needs to be included with city limits as avoidance areas.”
 - “There has been an assumption that the B2H line will go almost exclusively through Oregon before it meets at Hemingway in Idaho.”
 - “I hope that we along with Idaho Power will fight the bureaucracy and place this line where it is less harmful to the needs of people, but provides our needs for the future.”

Team members were informed at the meeting that the recommended changes would be made to the draft community criteria and the final version would be distributed to team members for review. The final community criteria would be distributed at the public meetings in August.

Panel Questions and Answers

Team members were given the opportunity to ask questions to the resource agency representatives and Idaho Power representatives. Below are the questions asked by team members and the answers provided by the resource agency representatives at the meeting.

The resource agency representatives have added information to this summary in order to clarify a point or more accurately answer a question. The information added by the resource agency representatives after the meeting is in [blue print and underlined](#).

A PAT member appreciated the USFS map showing where the line could not go and a larger area where the line could go. The member also requested maps from the BLM and the ODFW.

USFS: The USFS will have those maps available during the mapping session.

BLM: The BLM has mapped the avoidance areas and the contractor has those data.

ODFW: Known grouse leks have been mapped, but the ODFW may have to complete additional surveys, which may reveal additional leks.

Can the PAT have those maps available on the website before the mapping sessions?

USFS: Yes.

Can the maps be formatted so they can be overlain together to see all the data on one page?

Baczkowski, Idaho Power: Yes, but some of the data cannot be shared because of confidentiality, and having all of the data on one map could be overwhelming. Data could be toggled on or off.

What data can't Idaho Power share?

Baczkowski, Idaho Power: Idaho Power cannot share cultural resource data and sensitive species location data.

Why can't Idaho Power share those data?

Baczkowski, Idaho Power: Those data are protected by federal regulations to avoid looting or vandalism.

How can the PAT build a route when there are secrets we don't know exist?

Baczkowski, Idaho Power: Idaho Power can display them as exclusion areas, but cannot state why the area is excluded.

When will those data be available?

Baczkowski, Idaho Power: Idaho Power will have those data by the mapping sessions and earlier if possible.

Does the BLM’s involvement include the line that goes east of Boise, and will Dave Henderson from the BLM make the decision on that line as well?

BLM: Yes, but that does not preclude the State of Idaho from reviewing and including all of the information. However, Dave Henderson does have the lead [for B2H in Oregon and Idaho](#).

Since the avoidance areas are gray areas—are PAT members going to know how critical those areas are?

USFS: They may not. The USFS lands had an overwhelming amount of data. The problem is interpreting the data. For public land projects, people will be available who know the land and understand the gray area and how to deal with the concerns. That process is very site specific.

Tetra Tech: Tetra Tech will typically assign resources that fall within the avoidance categories of higher or lower sensitivity. The items that fall in the middle will need to be decided upon by group discussion. On the live GIS station, PAT members can ask the person to click on the specific resource and see exactly what the issue is to help interpret the importance of that resource.

Would both resource agencies be available to the team to discuss those gray areas?

BLM: It depends on the particular question asked and how the BLM can answer it. Some areas can be mitigated, but the BLM has to look at other resources in the area.

USFS: The USFS can have some staff available during that process.

ODOE: The ODOE can also be available.

Is all agricultural production land in Oregon zoned EFU?

PAT Member: EFU in Oregon is land zoned for exclusive farm use, which is not the same as farmed land. Some land in the county land use plan is zoned as EFU but is not being farmed. Land zoned as EFU has many restrictions, including no buildings, urban development, etc. But being zoned EFU doesn’t mean it is being farmed. It is also possible to farm on land not zoned as EFU. If land is zoned EFU, tremendous restrictions apply to what you can do there in order to avoid urban development.

Another PAT member from Malheur County added that in his county, farmland is divided into two uses: EFU (irrigated farmland) and exclusive range-use land (not irrigated).

A PAT member from Harney County commented that Harney County differs in that all agricultural land is EFU.

Are there different definitions by county?

ODOE: One EFU definition exists, but how the counties use it may be different.

Can the maps be printed on mylar so the PAT can overlay them?

Tetra Tech: Producing them on mylar would be difficult because the information is in 50 or 60 different categories. Instead, Tetra Tech often groups similar attributes and makes maps of those individual groupings. Another possibility is that Tetra Tech could combine any groups PAT members want to see on the screen.

Curtin, RBCI: Perhaps there should be another small meeting to plan the mapping sessions.

Is the same constraint data for the Idaho BLM and Idaho Department of Fish and Game (IDFG) avoidance areas available?

BLM: Yes, the data are shared between states and with contractors.

Baczkowski, Idaho Power: As much constraint data for Oregon exists as for Idaho, although some difference exists between the states because statutes are different.

Is the Hard Trigger Wild Horse Range in Idaho considered un-crossable?

BLM: The BLM would have to review the regulations of that particular herd. [All Wild Horse Herd Management Areas are considered avoidance areas and any impacts for the right-of-way would need to be addressed within the NEPA process.](#)

If that is exclusive, could the Pacific Power and Light line be crossed?

Angell, Idaho Power: Yes. However, Idaho Power would prefer not to cross it too many times because doing so increases the cost.

How can the PAT maximize the chances that the corridor we make is the one chosen by EFSC? And, if the PAT chooses a “gray area” that requires mitigation, won’t costs increase and couldn’t Idaho Power make an argument against it?

ODOE: EFSC does not choose a route but simply determines if the route meets their standards, which are mostly mitigation standards having no significant net impact. The applicant chooses the route. An applicant can use mitigation to meet a standard.

BLM: To answer the second question, when looking at alternatives to gray areas, we think about if the effects could be mitigated. [By locating routes in designated corridors and avoiding exclusion areas, the PAT can maximize the chances of an acceptable route.](#)

ODOE: Idaho Power can decide to not include the route in their application to EFSC if mitigation is too expensive, but then Idaho Power has to develop another route [and explain why the alternative was not feasible.](#)

USFS: NEPA does not prohibit impacts, but requires disclosure and mitigation of the impact. Also, NEPA can be challenged by anyone, including those residing out of the area. Federal agencies carefully follow the NEPA process so that the process can be defended if challenged.

Curtin asked if the BLM could give the PAT any advice so they are further along when the BLM gets to the NEPA process.

BLM: No guarantee exists for any route; the Record of Decision (ROD) will authorize the use of public lands. [The PAT should not focus on identifying and resolving all impacts. They should focus on identifying routes that make use of designated corridors and avoid exclusion areas. The EIS will identify all impacts and weigh impacts to all resources before and after mitigation is applied.](#)

How does the BLM process work? If the PAT has a route in a general area, can the BLM guide us to a more acceptable area?

BLM: Think of the process as analyzing a corridor, not a pencil line on a map. You can move slightly to avoid resources within that corridor. [Focus routes on designated corridors and avoid exclusion areas.](#)

Can the BLM provide guidance and advice for setting up this line or is the BLM available for consultation?

BLM: All of the data given to the contractor answer about 90 percent of those questions. [The PAT should focus on opportunity areas and avoid exclusion areas.](#)

Could too many lines in a corridor be a safety issue for national security?

McCarthy, Idaho Power: The greater issue is reliability; if one line was knocked over, it could knock over a nearby line. Therefore, if two lines are in the same corridor, Idaho Power wouldn't get as high a rating for them.

Although the Treasure Valley Loop and the Sand Hollow substation have been taken off the table, a Treasure Valley Loop is necessary if looking at a 50- to 75-year plan for Idaho Power. Wouldn't it behoove the PAT to see how that loop would fit within the route being planned from Boardman to Hemingway, including a substation?

Angell, Idaho Power: Idaho Power only needs to get from Hemingway to the Boardman substation in Oregon to meet today's objectives. The company selected to site the next generation resource just off the highway south of New Plymouth, which provided adequate power for that area and pushed out the need for the Sand Hollow substation.

So part of the loop is designed?

Angell, Idaho Power: No. The concept was designed since Idaho Power knew where the load area was going to be. The loop would start in Boise and move west and north where the population centers are located. Idaho Power wanted to keep the 500 kV line around that area to maintain reliable service.

If the PAT decided where that loop should be, we would know where to site this line.

Angell, Idaho Power: That would be fine, but Idaho Power's focus is to get this line built and the participants required for the entire loop are not involved in this process.

Could this line drive the loop through EFU land later?

ODOE: Yes, locational dependence is one reason for siting a line in EFU land. This stipulation should be kept in mind when going forward.

We should have Idaho Power's siting criteria available.

Baczkowski, Idaho Power: Idaho Power has included some of the company's criteria on pages 24 and 25 of the table, including engineering criteria, noise, etc.

A PAT member expressed concern about construction and cost limitations, terrain, distances, etc.

Baczkowski, Idaho Power: Some of those concerns are captured in other regulations. Idaho Power needs to think about service roads, operation and maintenance, etc. Some criteria are difficult to capture in a table so Idaho Power will work with PAT members during the mapping sessions.

Curtin, RBCI: When analyzing routes, Idaho Power will bring their criteria to the mapping sessions.

Once a ROD is signed, there can be litigation. How does litigation work when the process is complete? When does the BLM expect the Southeast Oregon Resource Management Plan (SEORMP) litigation to be settled?

BLM: The SEORMP is a land use plan that will dictate how the BLM uses the land. The SEORMP is partly contained in litigation. [If someone opposes BLM's final decision he or she can file an appeal with the Interior Board of Land Appeals \(IBLA\) and request a Stay of BLM's decision. If the person is unhappy with the IBLA's ruling, he or she can file a lawsuit in Federal District Court and request an injunction.](#)

USFS: Litigation is common and could be specific to an interest group. An interest group may go through the administrative appeal process and, if they lose, could challenge further in the court system. Generally, federal agencies are litigated because of errors made in the NEPA process. However, courts defer to the expertise of the federal agencies regarding the actual decisions made.

Need is one of the 16 standards and is determined by the Oregon PUC. If the Oregon PUC turns down Idaho Power because of need, can Idaho Power still build this line in Oregon?

ODOE: No.

Do Oregon agency habitat criteria apply to private land?

ODOE: Yes. [Those criteria apply equally on all habitat land regardless of ownership. ODFW mitigation standards apply to public and private land, while BLM mitigation requirements apply to federal land.](#)

Have sage grouse lek data been updated?

ODFW: The ODFW surveys for activity every year. Although not every lek is surveyed annually, all are surveyed every 10 years. Next week, the Oregon Fish and Game Commission will be reviewing guidance on how to treat old leks where habitat has changed; right now, all leks are treated the same. Because the ODFW doesn't check all leks, they are considered active until proven otherwise. Some guidance should be provided in time for the mapping sessions.

Is Idaho Power going to have an IDFG representative at the mapping sessions?

Baczkowski, Idaho Power: Idaho Power could try to get them involved.

Are sage grouse data available for Idaho?

Baczkowski, Idaho Power: Yes.

Are the sage grouse data for Idaho antiquated and being updated?

Baczkowski, Idaho Power: In Idaho, sage grouse leks are classified as active, historical, or unknown. The Idaho Fish and Game Commission is not developing new rules for dealing with the different classifications.

Do people hunt sage grouse in Oregon?

ODFW: Oregon has a limited controlled hunt, which does not affect the sage grouse population. Different counties have different concerns about sage grouse.

The panel did a good job talking about restraints in Oregon, but where are the Idaho resource agencies? My conclusion is that Idaho Power has predetermined the line will go through Oregon not Idaho.

Baczkowski, Idaho Power: In Idaho, no parallel to EFSC exists, so there wouldn't be an Idaho EFSC representative and the IDFG regulations are covered by the BLM. However, Idaho Power can ask the IDFG to participate.

What land use constraints do Idaho counties have and what is the process to site this line in Idaho?

Mike Barrie, Idaho Power: If the line was only sited in Idaho, Idaho Power would get a conditional use permit from each county that the line crosses.

If siting the line in Idaho isn't problematic, why are people from Idaho here to decide what happens in Malheur County? This PAT covers too large of a geographical area, and too many extenuating circumstances exist for each state to decide where the line goes in the other state.

Curtin, RBCI: Other PAT members have mentioned that as well; there may be a need to discuss breaking apart the mapping sessions.

Is it possible to go through public land in Idaho?

Angell, Idaho Power: Idaho Power would have to look at the maps.

PAT members expressed concern over the use of "avoidance" because this word does not have the same meaning as exclusion.

BLM: Anything that is an avoidance area would have to go through the NEPA process before deciding if that was valid or not. An avoidance area would require more substantial mitigation than an opportunity area. The EIS would disclose and analyze impacts to all resources and weigh those impacts against other resources.

Would it be possible to put a substation in Oregon with a smaller line?

Angell, Idaho Power: The Sand Hollow substation was a load service station that stepped the voltage down to serve the electrical needs of a smaller population. However, Idaho Power decided the power needs of the Treasure Valley required a single line at a higher voltage instead of multiple lines at smaller voltages.

Would the ODFW be analyzing endangered species on private ground, too?

ODFW: Mitigation policy covers all species that may be impacted (not just threatened and endangered) and habitats and recommends mitigation for impacts regardless of landownership.

Just for endangered species and related issues, not for all private ground?

BLM: Correct. The scoping report said what was being analyzed. In addition, the Endangered Species Act requires Federal agencies to consider impacts of their decisions to species and habitat on non-Federal lands. Those impacts would be analyzed and disclosed in the EIS.

BLM: The PAT needs to look at selecting a route versus looking at effects. The BLM cannot approve a route on private land

Several PAT members heard that, once a lek, always a lek. Is there a process to request a survey of leks to determine if they are still active and, if so, is there any way to mitigate for crossing a lek?

ODFW: If the [habitat around the](#) lek is of high quality, the presence or absence of birds over the short term doesn't matter. [As populations increase and decrease some leks may become inactive for a period then rebound.](#) The Commission will have guidance soon on this issue.

Comments

During the question and answer session, PAT members made the following comments:

- The line starts in Boardman, and I'd hate to see Idaho against Oregon, but would like to see the line go on public property if it is for the public good. PAT members should stay positive and focused. The Langley Gulch Generation Facility has changed things. Assuming everything PAT members do today will be the same in 10 years this line is a moving target. PAT members need to focus on tonight's task and go forward.
- If Idaho Power can't obtain a conditional use permit for private property in Idaho, they can't build the line on that property; siting the line is not an easy process in Idaho either.
- Before the PAT had its first meeting, it appeared Idaho Power was the adversary. Now, Idaho Power is not the adversary, but our friend, and it seems the State and federal governments are now the adversaries.

Next Steps

McCarthy displayed dates and locations for the upcoming public meetings. Notices will be sent to all residents in the counties involved (approximately 86,000 will be mailed) and appear in newspapers and on the radio. These meetings will be used to discuss the community, regulatory, and engineering criteria and the general process. Curtin thanked all participants for attending and the meeting adjourned.