



# Oregon

Theodore R. Kulongoski, Governor



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Mr. Eric Hackett  
Idaho Power Corp.  
P.O.Box 70  
Boise, Idaho 83707

January 26, 2009

Dear Eric,

Attached is the Project Order for the proposed Boardman to Hemingway transmission line.

The project order is based on the Notice of Intent (NOI) that Idaho Power submitted to the Oregon Department of Energy on August 28, 2009. It reflects comments made by state agencies and the commissions of all five Oregon counties affected by the proposed project.

The project order also reflects the comments on the NOI made by the public at the joint public information meetings that were held in October 2008, received through the project website, or sent directly to the Department by email or US mail.

Although the Project Order is a long document, there are key points that ODOE wants to emphasize. These issues were raised repeatedly in public and agency comments, particularly from the commissioners of the five Oregon counties. Many of these issues relate directly to the proposed project's ability to comply with the rules of EFSC, other state agencies and local governments. These issues must be addressed adequately in the Application for Site Certificate in order for ODOE to find the application complete. This could mean providing mitigation, but it could also mean modifying the route to avoid the impact. In particular, the application must address the following:

Impact on land in the Oregon Exclusive Farm Use Zone:

ODOE is particularly concerned about the many public and agency comments stating that Idaho Power must do more to avoid land in Oregon zoned Exclusive Farm Use (EFU). Much of the route described in the NOI is located in the EFU zone. Oregon land use law strongly protects EFU land, and allows its use only if alternatives were seriously considered and were shown not to be feasible according to criteria prescribed in the statute. Idaho Power must seriously consider route alternatives through other lands before using the EFU zone in Oregon. This includes alternatives that bypass part of Oregon by using a more direct route through Idaho.

If the line must be sited in the EFU zone, Idaho Power must demonstrate compatibility with the prevailing farm use and with practices such as irrigation and pest and weed control.

### Use of Federal Land

Many residents and elected officials expressed concern about the large use of private land, compared to the much smaller use of BLM or US Forest Service land. ODOE recognizes that only those federal agencies have the authority to grant right of way on the lands that they manage, subject to the federal regulations and state and federal mitigation requirements. However, EFSC must consider the impact on private lands as well as public lands. ODOE expects Idaho Power to work with BLM on route alternatives that minimize impact on private land, particularly farm land, even if that means requesting additional right of way from the federal agencies. If Idaho Power cannot avoid private land by seeking right of way on federal land, then that prohibition must be based on applicable federal regulations and must be documented by the federal agencies.

### Habitat Impacts on Private Land

Many of the comments on the NOI documented habitat values on private land. For example, some property owners have managed their property for habitat value under agreements with ODFW or federal agencies.

The EFSC habitat standard is based on habitat value, regardless of whether the land is public or private. High category (category 1 or 2) habitat on private land is afforded the same protection under EFSC standards as similar category public land. Comments from resource agencies have focused largely on the sage grouse, but ODFW has also noted that Big Game Range is considered Habitat Category 2.

### Consideration of Alternate Routes

Many comments included alternate route suggestions. Some suggestions were short detours along the route described in the NOI, and others involve a major reroute.

EFSC expects Idaho Power to seriously consider alternate routes that are feasible and would reduce impact on private land. This may involve changing the proposed route and examining routes that were not previously considered. We understand that this will take more effort and more time, and could cause the application to be submitted at a later date than originally projected. However, this step is necessary for the Council to find that the project minimizes adverse impacts on the resources protected by its standards.

ODOE would like to discuss the contents of this Project Order with you in detail and in person. Please contact the Project Officer, Adam Bless, or the Siting Manager, Tom Stoops to arrange a date when we can go over this order in detail. As always, feel free to contact ODOE at any time.

We would like to thank Idaho Power for the high level of outreach and consultation with reviewing agencies, local county governments and other stakeholders to date. We look forward to working with you in reviewing a proposal for the transmission line that meets the company's needs and is acceptable to the many stakeholders along the route.

Sincerely,

Adam Bless  
Oregon Department of Energy