

Boardman to Hemingway Transmission Line Project

Project Order and Idaho Route Meeting

November 30, 2009

Community House of Kirkpatrick Church

305 E. Bates Ave.

Parma, ID 83660

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Introduction

Idaho Power is committed to partnering with communities to identify proposed and alternate routes for the Boardman to Hemingway Transmission Line Project. Following public scoping meetings held in October 2008, Idaho Power initiated a process to engage communities—from Boardman, Oregon, to Melba, Idaho—in siting the proposed transmission line. This process is called the Community Advisory Process (CAP). Idaho Power is conducting a comprehensive and inclusive public process to locate proposed and alternate routes for the Boardman to Hemingway Transmission Line Project.

As a part of the Community Advisory Process, a Project Advisory Team (PAT) has been formed in each of the geographic advisory areas: South, Central, North, Grant County and Harney County. The Project Advisory Teams are identifying community issues and concerns and working closely with technical experts to recommend proposed and alternate routes.

During the second and third South Project Advisory Team meetings, team members requested a meeting to discuss the project order (information about the project order is on page 4) and speak with Idaho resource agency representatives. During the mapping workshops, several team members developed potential alternate routes in areas of Idaho that were outside the Boardman to Hemingway project area. Idaho Power analyzed these proposed routes at a planning level and determined several of the routes should not be carried forward due to significant constraints.

To address these concerns Idaho Power hosted a Project Order and Idaho Route meeting in Parma, Idaho on November 30, 2009. This document includes a full summary of the Project Order and Idaho Route Meeting.

Project Order Background

On Aug. 28, 2008 Idaho Power submitted a Notice of Intent (NOI) to the Oregon Department of Energy to build the Boardman to Hemingway Transmission Line Project. The proposed 500 kV transmission line would run approximately 298 miles through five Oregon counties and three Idaho counties. An additional in-line substation was also planned to be built in the vicinity of Sand Hollow, Idaho. The line proposed in the NOI would cross approximately 86 percent private land, with the remainder on federal land managed by the U.S. Bureau of Land Management or the U.S. Forest Service.

Under Oregon law, the Oregon Department of Energy (ODOE) must issue a project order following receipt of a Notice of Intent. The project order reflects comments made by state agencies and the commissions of all five Oregon counties affected by the proposed project. The project order also reflects comments from joint public information meetings in October 2008, received through the project Web site or sent directly to the ODOE by email or U.S. mail.

ODOE submitted the project order to Idaho Power on Jan. 26, 2009. According to the project order, the public and agencies repeatedly raised significant issues about the proposed route during the comment period. These issues included impact on land in the Oregon Exclusive Farm Use Zone, use of federal land, habitat impacts and consideration of alternate routes.

In order for ODOE to complete Idaho Power's application for the Boardman to Hemingway Transmission Line Project, the issues listed in project order must be adequately addressed. According to the project order, addressing these issues could mean providing mitigation and/or modifying the route to avoid the impact.

Project Advisory Team Background

In Spring 2009, Idaho Power removed the original proposed and alternate routes and initiated the Community Advisory Process, a comprehensive and inclusive public process to locate proposed and alternate routes for the Boardman to Hemingway Transmission Line Project. Project Advisory Teams have been formed throughout the project area. The teams are identifying community issues and concerns and working closely with technical experts to recommend proposed and alternate routes.

Before the Project Order and Idaho Route meeting, Idaho Power had hosted three Project Advisory Team (PAT) meetings and three public meetings in the South advisory area. Below is a brief summary of the objectives of each meeting.

PAT Meeting #1

The first South PAT meeting was held May 21, 2009 in Ontario, Oregon.

The purpose of the first South PAT meeting was to:

- Review work to date, project status and how the Community Advisory Process would proceed.
- Discuss the purpose and need for the Boardman to Hemingway Transmission Line Project.
- Identify community concerns and suggestions for siting the transmission line.

PAT Meeting #2

The second South PAT meeting was held July 28, 2009 in Ontario, Oregon.

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.

Team members were presented the regulatory, engineering and community criteria that would be used when developing possible 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.

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 agencies' regulatory criteria and review processes.

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

Public Meetings

In August 2009, seven public meetings were held in the North, Central and South project advisory areas. The public meetings were held after the Project Advisory Teams met twice to formulate community criteria for siting possible routes for the transmission line.

Public meetings were held in Parma, Idaho on Aug. 25, Marsing, Idaho on Aug. 26 and Ontario, Oregon on Aug. 27 for the South advisory area.

Concerns and suggestions of the general public were closely aligned with those of the PAT members.

The purpose of the public meetings was to:

- Give the public an overview of the project.
- Share the outcomes of the PAT meetings with the public
- Allow the public to ask questions and provide input on criteria for siting the transmission line.

Each public meeting was conducted in an open house format. Attendees were given a meeting guide and comment sheet. Attendees were encouraged to view the nine display stations with information about the project. Idaho Power staff and PAT members were available to answer questions.

Comments submitted at the public meetings indicated the public generally agreed with work completed by the Project Advisory Teams and the criteria that would be used to site the transmission line.

PAT Meeting #3 and Mapping Workshop

The South PAT evening meeting was held Sept. 30, 2009 and the South mapping workshop was held Oct. 1, 2009. Both meetings were held in Ontario, Oregon, at the Four Rivers Cultural Center.

The purpose of the meeting and mapping workshop was to begin to identify a range of possible routes for the Boardman to Hemingway Transmission Line.

Overall, 47 routes were developed by the South, Central, North, Harney County and Grant County Project Advisory Teams. The South Project Advisory Team developed 15 of these routes.

Project Order and Idaho Route Meeting Overview

Meeting Agenda and Format

The purpose of the Project Order and Idaho Route meeting was to discuss:

- The Oregon Department of Energy's project order
- The project area and proposed routes in Idaho

The meeting was held Nov. 30, 2009 at the Community House of Kirkpatrick Church, 305 Bates Ave., Parma, ID, 83660. All PAT members from the South and Central areas were invited by e-mail to the Project Order and Idaho Route meeting. A copy of the invitation e-mail, list of invitees and list of attendees can be found in Appendix 1. Forty-one people attended the meeting.

The meeting included:

- A presentation and question-and-answer session about the project order.
- A presentation and question-and-answer session about the project area and proposed routes in Idaho.
- A panel discussion with the Idaho Department of Fish and Game.

Presenters:

- Adam Bless – Oregon Department of Energy, Energy Facility Analyst
- Dave Angell – Idaho Power, Manager of Delivery Planning
- Kent McCarthy – Idaho Power, Community Advisory Process Leader
- Sharon Kiefer – Idaho Department of Fish and Game, Assistant Director – Policy
- Lance Hebdon – Idaho Department of Fish and Game, Inter-Governmental Policy Coordinator
- Rick Ward – Idaho Department of Fish and Game, Environmental Staff Biologist

Handouts

The following handouts were provided at the meeting and are available in Appendix 2:

- Meeting agenda
- The Oregon Department of Energy's project order
- Idaho Power's PowerPoint presentation
- Handouts about Oregon Statutes 215.213, 215.275 and 469.330
- Copy of e-mail from the Bureau of Land Management
- Copy of e-mail from the U.S. Forest Service
- Comment sheet

Team Input

Three team members completed the comment sheet. Transcriptions of the comment sheets can be found in Appendix 3. Responses included:

- Idaho Power's decision to remove routes C13, S25 and S13 is disengenous to the Community Advisory Process.
- Idaho Power needs to analyze the route east of Boise.
- The presentation by the Idaho Department of Fish and Game was appreciated.

Presentations

Welcome, Kent McCarthy – Idaho Power, Community Advisory Process Leader

McCarthy welcomed participants, asked everyone to introduce themselves and introduced the evening's speakers.

McCarthy outlined the primary objectives of the meeting:

- A presentation about the project order and discussion with Adam Bless from the Oregon Department of Energy.
- A presentation about the project area and proposed Idaho routes followed by a discussion with Dave Angell, Manager of Delivery for Idaho Power.
- A presentation by the Idaho Department of Fish & Game followed by a panel discussion with representatives from the agency.

Meeting agenda and overview – Rosemary Curtin, RBCI, Facilitator

Curtin thanked everybody for coming to the meeting. Curtin explained the meeting had been rescheduled due to attempts to include the BLM and U.S. Forest Service. Curtin acknowledged that this meeting would cover sensitive topics and asked all attendees to be patient and hold their questions until the end of the presentations.

Curtin reviewed the meeting agenda and handouts. Included in the handouts were e-mails from the BLM and U.S. Forest service explaining why they did not have a representative present at the meeting.

- The presentation given by Renee Straub from the BLM at the second South PAT meeting in July 2009 covered all BLM land in Idaho and Oregon. The BLM did not feel it was necessary to send a representative to this meeting.
- The U.S. Forest Service does not yet have enough information about the alternate routes in Idaho to adequately respond to public questions about specific route locations, issues or potential restrictions.

Project Order – Adam Bless, Oregon Department of Energy

Adam Bless is the principal author of the project order. Bless asked team members to give him their concerns with the ODOE project order and explained that he is responsible for answering any questions about the project order. Bless' presentation included the following information:

Overview of the project order

- For the ODOE, the project order serves as a compilation of all the rules governing the transmission line siting. The project order can help clarify the permit application process for Idaho Power. The project order assists ODOE in implementing the statute set forth by the Oregon Legislature. The project order is not the law; however, it references about 100 different laws.

- Sections 3 and 4 of Oregon Statute 469.330 state what the project order is and what it does. See Appendix 2 for a copy of ORS 469.330.
- The project order does not approve or deny anything, such as a transmission line route. The project order does not make any decisions about the transmission line route; it establishes requirements regarding the route.
- The project order will likely be revised many times during the transmission line siting process and may be changed at any time by the ODOE or by the Oregon Energy Facility Siting Council.
- The project order will be changed to reflect the removal of the Sand Hollow substation from the plans, and likely to reflect other changes as well. In large projects such as the Boardman to Hemingway transmission line, project orders almost always are revised once or several times.
- The project order will not be revised until the end of the Community Advisory Process. The routes that Idaho Power submits in the government permitting process will likely be the routes that were created during the public Community Advisory Process. ODOE will evaluate the proposed routes that Idaho Power submits.

Overview of the Energy Facility Siting Council (EFSC) and National Environmental Policy Act (NEPA)

- EFSC is the council that is responsible for overseeing the development of large energy facilities. A proposed facility must undergo a thorough review process and must meet the council's siting standards to receive a site certificate.
- EFSC has seven members. They are appointed by the governor and confirmed in the Oregon Senate. Members may not be employed by a company that has a facility or proposed facility under the council's jurisdiction, nor can they have ever worked for a company that owned a large energy facility. All members are volunteers.
- Idaho Power will amend its Notice of Intent (NOI). The NOI sent to ODOE 18 months ago reflected a route that is no longer being considered. The original proposed route included the Sand Hollow substation.
- ODOE submitted the Oregon Notice of Intent to several state agencies and to the public. ODOE received comments from state agencies and local governments.
- ODOE has no jurisdiction in Idaho. Idaho entities are welcome to comment on the project order, but Idaho regulations will not be included in an Oregon project order.
- EFSC evaluates an application for a proposed transmission line route using state and local government criteria. EFSC does not use criteria established as part of the Community Advisory Process. When EFSC approves a route, the proposed route must meet all regulatory requirements.
- Idaho Power can propose one route or multiple routes to ODOE-EFSC and EFSC can approve multiple routes. If multiple routes meet EFSC's regulatory requirements, Idaho Power can choose which of the approved routes to advance.

- In siting the transmission line, Idaho Power must undergo both the Oregon review process and the National Environmental Policy Act (NEPA) process. The emphasis of ODOE is on protection of resources and land use values on both public and private lands, and the emphasis of NEPA is on managing federal lands.
- ODOE is required by statute to make every effort to coordinate with the NEPA review. NEPA requires the submission of a proposed route and alternate routes. ODOE only requires the submission of one proposed route, although Idaho Power can also submit multiple proposed routes.
- The federal agencies only have jurisdiction over federal lands. Federal lands by definition are not agricultural lands. Federal officials make no regulatory decisions regarding private lands. However, under NEPA the federal agencies are required to consider impacts on the private lands that might be affected by their decisions.
- NEPA requires Idaho Power to characterize and document the impacts on all of the routes considered for use. ODOE requires Idaho Power to meet its standards only on the routes it wants to use.

Overview of Exclusive Farm Use land

- If the proposed transmission line passes through land designated as Exclusive Farm Use (EFU) by the state of Oregon, Idaho Power is required to consider alternate routes that do not go through the EFU zone. In the Project Order, ODOE directed Idaho Power to consider alternatives through western Idaho, which does not have an EFU zone.
- In order to route the line through EFU land, Idaho Power must explain how they considered reasonable alternatives and were not able to avoid the EFU zone. If Idaho Power sites the line in an EFU zone and does not show it considered reasonable alternatives outside the EFU zone, ODOE will reject the proposed routes.
- If ODOE finds that Idaho Power sought alternatives to avoid the EFU zone and could not find reasonable alternatives to the EFU zone, Idaho Power will be allowed under state statute to use the EFU zone for the transmission line.
- Several of the rules that govern the siting of transmission lines and the use of EFU-zoned land are set out Oregon statutes 215.213 and 215.275. A copy of these statutes can be found in Appendix 2.
 - 215.213 – Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993. This statute applies to counties that have defined and adopted marginal lands. Malheur County has not adopted marginal lands. The analogous law for counties without marginal lands is ORD 215.238.
 - 215.275 – Utility facilities necessary for public service. This statute is a land use law that applies to energy facilities.
- The requirement that Idaho Power consider alternatives to using EFU land does not have anything to do with state boundaries. Idaho Power must make a reasonable attempt to find ways of getting from the beginning to the end of its proposed route without crossing

EFU land. If Idaho Power can find a route that meets the standard for avoiding EFU land, other standards for transmission line siting also continue to apply.

- The six criteria listed in ORS 215.275 should be viewed only as factors that would allow Idaho Power to route the transmission line through an EFU zone. For example, if to avoid an EFU zone Idaho Power had to route the transmission line through a stretch of federal land, and in so doing violated federal law, Idaho Power would meet one of the criteria set out in ORS 215.275. Whatever revisions are carried out on the project order, ODOE will continue to be governed by the six criteria set out in ORS 215.275.
- The project order does not require Idaho Power to consider *all* reasonable alternatives; only to consider reasonable alternatives. The Oregon Legislature made a conscious decision to leave the word “all” out of the statute; its absence is neither oversight nor omission.
- The word “reasonable” can not be defined in the context of Idaho Power’s requirement to find reasonable alternatives. EFSC has the authority under law to judge whether reasonable alternatives were considered.
- “Need” is used in the context of determining whether a transmission line is required at all. “Necessary” is used in the context of statutes pertaining to transmission line routing only. It does not describe whether or not the electrical service is required to be established. Once the need for the transmission line has been established, EFSC will also ask whether it is necessary for the transmission line to be in Oregon, or in an EFU zone.
- It is likely some portions of the transmission line will be routed on EFU-zone land. However, Idaho Power is still expected to make a good faith effort to avoid EFU land wherever possible.

Project area and proposed Idaho routes – Dave Angell, Idaho Power, Manager of Delivery Planning

During the mapping workshops several team members developed routes in areas of Idaho that are outside the Boardman to Hemingway project area. Idaho Power analyzed these proposed routes at a planning level and determined several of the routes should not be carried forward due to significant constraints. The routes that were discussed were C13, S25 and a portion of S13.

Angell presented information about why the proposed routes outside the project area should not be carried forward. Angell’s presentation included the following information:

Treasure Valley Electrical Plan

- The Treasure Valley Electrical Plan (TVEP) is a buildout plan intended to ensure a sufficient supply of electricity for the Treasure Valley from now to the time the valley is fully built out, meaning when the valley’s population is saturated. The plan includes a planned 500 kV transmission line loop. Any proposed route in the area of the TVEP would likely require a public process for approval.
- According to the TVEP, there are two alternatives to reinforce the Treasure Valley’s electrical system in the near term without bringing in a new energy source from outside:

- Tapping an existing Boise Bench-Brownlee 230 kV transmission line in the Pearl Substation area.
- Tapping the Midpoint-Summer Lake 500 kV transmission line near Melba. Idaho Power is in the process of tapping the Midpoint-Summer Lake 500 kV line at the Hemingway Substation, which replaces the planned tap near Melba.
- Only one of the above alternatives will be built in the near term. Instructions to Idaho Power's project management were to initiate siting for both projects but only carry forward the most feasible in the short term. Tapping the Midpoint-Summer Lake 500 kV transmission line turns out to be the most feasible, so it is the one being carried forward.
- The TVEP designated a 500 kV transmission line in the foothills east of Boise. There are currently four 230 kV transmission lines located in the foothills feeding from Brownlee Reservoir to the Boise Bench Substation located in southeast Boise, designated as Brownlee – Boise Bench circuits 1, 2, 3 and 4. Circuits 1 and 2 are installed on common towers making them a double circuit configuration. The same holds true for circuits 3 and 4.
- It is planned that the 500 kV line would replace one of the existing 230 kV transmission lines. This will require that the towers be rebuilt to accommodate the higher voltage. Since there are currently two circuits carried by each tower, the remaining 230 kV transmission line would be installed on the same tower as the new 500 kV transmission line. The new 500 kV transmission line would not feed into Boise Bench substation, but would instead run to a substation planned in the southeast Treasure Valley, making it necessary to inject the power carried by the replaced 230 kV transmission line at Pearl Substation (it is currently injected at Boise Bench Substation). This would require one or two new 230 kV transmission lines feeding from Pearl into the core of the Treasure Valley.
- There is no near-term plan to replace one of the 230 kV lines shown in the TVEP with a 500 kV line; this would happen far in the future. If Idaho Power had chosen to build Pearl Substation before Hemingway, that substation would have tapped two of the 230 kV Brownlee to Boise Bench transmission lines and would not have been energized to 500 kV until far into the future. The plan was to build a 230 kV substation in the near term and then convert it to 500 kV in the future.
- The TVEP included four planned substations. Idaho Power learned after the TVEP report was written that we likely could not build a substation in the Birds of Prey National Conservation Area. Therefore, Idaho Power combined the Melba Substation with a western substation to form Hemingway Substation, which is currently being built.
- Feeding a 230 kV line into the Pearl Substation would only inject the same resources that were previously on the east side of Boise and move them further west. It would not bring in additional power to the Treasure Valley.
- Connecting Hemingway with the transmission line that comes from Jerome to Summer Lake, Oregon, allows Idaho Power to bring in more energy into the valley that would not have been available on the existing 230 kV transmission lines.

- The TVEP committee's intention was to run a parallel transmission line as close as possible to the PacifiCorp's 500 kV Summer Lake line all the way through the south. The committee gave Idaho Power multiple route alternatives throughout the northern and western areas.
- The PAT proposed route that goes south of Boise would interfere with the Gateway West Project, Idaho Power's double 500 kV line joint project with Rocky Mountain Power. Gateway West is planned to be in service in 2015; however, the project might not stay on that schedule. Two route alternatives are proposed for the Gateway West project, one north of the Birds of Prey area and one through the Birds of Prey area.
- Idaho Power prefers to keep the Gateway West Project separate from the Boardman to Hemingway Project. With Gateway West coming through the Treasure Valley, there will be three 500 kV transmission lines feeding into the Hemingway substation. Those three lines will provide greater reliability for customers. If there is an outage between Hemingway and the South Ada Substation, Idaho Power will still have a 500 kV line coming from the east. If there is an outage on the far side of Ada, there will still be two 500 kV lines coming into Hemingway.
- The Sand Hollow Substation was expected to be built after the Hemingway Substation. However, the Sand Hollow Substation was removed from the Boardman to Hemingway transmission project when the Langley Gulch natural gas plant was selected and sited. Langley Gulch will provide 300 megawatts of capability.
- The next substation to be built is likely the South Ada Substation, in around 2035. Neither Pearl nor Sand Hollow is likely to be built within that time frame.
- Given plans for TVEP, Gateway West, and other factors, Idaho Power does not believe it is reasonable to have the Boardman to Hemingway transmission line heading east. The section of the proposed route that goes through Payette and Washington Counties seems reasonable. Parts of routes S25, C13 and S6 have sections that are in the project area.

The eastern portions of the route S25, C13 and a portion of S13, are not within the project area under consideration by Idaho Power. Idaho Power would like to remove S25, C13 and a portion of S13 from consideration.
- At the next PAT meeting December 8, Idaho Power will present more detailed technical data on the proposed routes.

Idaho Department of Fish and Game – Sharon Kiefer, Assistant Director of Policy; Lance Hebdon, Inter-governmental Policy Coordinator; Rick Ward, Environmental Staff Biologist

The presentation by the Idaho Department of Fish and Game included the following information:

- Idaho Fish and Game takes an interest in project permitting because large-scale landscape applications often affect habitat conservation, i.e., flight corridors for migratory birds and sagebrush steppe for sage grouse and winter range. Public areas for hunting, fishing and wildlife watching may also be affected.

- Idaho Fish and Game is not a regulatory agency that is involved with the development, siting and permitting of transmission lines. The agency's role is to:
 - Provide data and expertise on fish and wildlife populations, habitat and wildlife-associated recreation.
 - Contribute to scoping for particular projects.
 - Provide input on project-related study plans and mitigation options.
- The only area Idaho Fish and Game provides a permitting process is in wildlife possession. If it is necessary for a project sponsor to do baseline studies that include handling or collecting wildlife, they must work through Idaho Fish and Game to possess wildlife.
- The statutes and rules that affect the possession of wildlife are Idaho Fish and Game's only regulatory authority in relation to projects like transmission lines.
- Idaho Fish and Game's mission is to preserve, protect, perpetuate, and manage wildlife. Idaho Fish and Game is charged by statute (Idaho Code 36103) with managing Idaho's wildlife. Idaho code preserves wildlife as a public trust.
- The role that Idaho Fish and Game has is similar to the role of the Oregon Department of Fish and Wildlife (ODFW); however, there are some significant differences.
 - Like ODFW, Idaho Fish and Game provides technical assistance to project developers.
 - Unlike ODFW, Idaho Fish and Game has no regulatory authority in the scoping of transmission lines.
 - Other than wildlife possession permits, Idaho Fish and Game's role is technical assistance and recommendations.
- Idaho Fish and Game's rules are made by the Idaho Department of Fish and Game Commission. Bob Barowsky is the southwest regional commissioner and he should be contacted with any questions or comments about Idaho Fish and Game rules and laws. Barowsky can be reached at (208) 465-8465.
- Idaho Fish and Game uses a commission-approved species management plan to discuss its goals and objectives for managing its species, statutes and rules. The commission-approved species management plan is called Compass. Compass includes numerous species management plans including elk, mule deer, fisheries, and big horn sheep. It can be viewed at <http://fishandgame.idaho.gov/cms/about/compass/>
- Idaho Fish and Game also has two other plans: the Idaho Comprehensive Wildlife Conservation Strategy and the Conservation Plan for Greater Sage-grouse in Idaho. The sage grouse plan is a multi-agency plan.
- Idaho Fish and Game's role is to provide technical services on fish, wildlife and habitat issues to all interested stakeholders. In a project such as a transmission line, applicants often collect and analyze information to evaluate project impacts. Idaho Fish and Game

provides technical review and assistance to the applicant and to the permitting authorities such as BLM and county authorities.

- Idaho Fish and Game does not regulate the siting of the line. Idaho Fish and Game contributes scoping comments through the Idaho Office of Energy Resources. The Idaho Office of Energy Resources serves as an umbrella of state agency comments on large-scale energy projects.
- In Fall 2008, Idaho Fish and Game contributed scoping comments in the BLM process for the Boardman to Hemingway Transmission Line Project. The applicant is not obliged to respond to these comments. Idaho Fish and Game discussed with BLM potential environmental impacts of the transmission line. Idaho Fish and Game also discussed baseline studies that might be needed for the regulatory process. The issues that should be considered as the project application moves ahead include:
 - Migratory corridors for big game and other species
 - Increased motorized disturbance from new access
 - Critical winter periods
 - Effects on sage grouse populations and habitats
 - High-use areas for raptors and waterfowl
 - Issues with pygmy rabbits
 - Habitat fragmentation
- ODFW does have some unique authorities because of the structure of Oregon's state government. Idaho Fish and Game does not have those regulatory authorities except in the area of wildlife possession permits. Idaho Fish and Game's role is in technical assistance and recommendations.
- Idaho Fish and Game will not comment on a specific transmission line route.
- All Idaho Fish and Game representative that were present at the meeting can be reached at (208) 334-3771.

Questions and Answers

After each presentation, team members were given the opportunity to ask questions. Below is a verbatim transcript of each question-and-answer session.

Project Order – Adam Bless, ODOE

Will you have to rewrite the project order now that Idaho Power has removed the Sand Hollow substation?

Yes. I have never seen a project of this size where the original project order stayed throughout the entire process without at least one revision or a couple of revisions. When I wrote the project order, the Sand Hollow substation was part of the project.

As the routes coming out of the Community Advisory Process are narrowed, will Idaho Power restart the whole permitting process again?

Yes. Idaho Power will have to amend the Notice of Intent, because the NOI they sent us a year and a half ago was for the route as they saw it at that time.

When are you going to revise the project order?

I have to wait for Idaho Power to culminate the Community Advisory Process. I could not revise it now because I don't know where this is going to lead.

In the letter to Idaho Power from Lee at the Forest Service dated Nov. 24, 2009, it appears that this transmission line is a new concept to them. This letter is proof that they weren't contacted until over a year after this process started. That tells me that Idaho Power had no intention of even considering what you urged them to do.

So you feel that the last line in Lee's letter that said, "alternatives that bypass part of Oregon by using more direct route through Idaho," you feel that has not been done yet?

Yes. And even in the order on page 13, locating a route in Idaho must be considered an alternative. Locating in the Oregon EFU zone has been our concern in Malheur County. We haven't seen much effort being made to look at alternative routes in Idaho, or been given very much information about the impact of areas such as that.

I can't really comment on that.

That's why I directed this question to Rosemary more than to you. And to Idaho Power maybe.

In the section that you're quoting, many things will change, but what you are quoting actually is a law. The situation will change, but the law has not changed. So the requirement to consider alternatives is not situational, but is a statute, so that will remain.

Which leads me to another question we've had. Once this whole CAP process is finished, and we come up with another route, are we supposed to come up with one route or a proposed route and an alternative?

Idaho Power made the commitment to take the whole CAP to heart, many times. So I would be real surprised if the route they use to re-enter the official government permitting process does not look like what came out of this public process. But we as a state are not evaluating this CAP

process. All we're evaluating is the route that Idaho Power submits, and when that date comes it is Idaho Power's application that we will be evaluating, not the citizens' efforts at shaping it. So the ball will wind up back in Idaho Power's court.

Do they need to have a route and alternatives or is it acceptable for them to just present a route?

They can present a route. They will have to explain how they considered alternatives and were not able to avoid the EFU zone. If they have several routes that all go through the EFU zone, that does not make a lot of difference to us. What the law says is before they can use the EFU zone, they have to try to find alternatives to the EFU zone.

Does an alternative mean variations in a single route, or a completely different route?

Great questions. It is an "in the eye of the beholder" question. This is a long project no matter how you shape it. If you just drew a straight line between Hemingway and Boardman, it would be close to 300 miles. So if we saw one route and a couple variations, I do not know if we would think of those as alternatives, but I have to go back to the concept of the zone. A couple of the detours that are all in the EFU zone, and there are a couple of different alternatives, but they are really variations on the same theme that might be alternatives within the EFU zone. But they would not meet the requirement of the land use law that requires them to look for alternatives to the EFU zone. That's such an important concept. An alternative is all about the zone. You're either in the zone, or you're not in the zone. So before they can be in the EFU zone, they have to show that they looked for reasonable alternatives avoiding the EFU zone. If none of those alternatives would work for one of the reasons that are prescribed in law, then they have shown they were unable to avoid the EFU zone and they are allowed to be in it. But once they're in it, variations on that one theme don't really matter.

Is this an all or nothing evaluation? Even if part of a route is in the zone, if it's unacceptable, then the whole route is rejected?

If there are portions of the route that are in the EFU zone and portions that are not, if Idaho Power has shown that they made that reasonable effort to avoid the EFU zone, we'd have to send it back to the drawing board and say you have to either avoid the EFU zone or meet the test in Oregon statute 215.275. This is boiling down to a real hard look at one particular law, Oregon statute 215.275. It's not just an energy law; it's a land use law.

It includes the Malheur County comprehensive plan?

Yes, the comprehensive plan now takes in that law, because it applies in all 36 counties.

Yes, and there's the Malheur County additional comprehensive plan that has to be considered as well.

Yes, that does too.

How could the Oregon review process and NEPA review process mesh? Because in the NEPA review process, Idaho Power would be required to consider more than one alternative. So after all of that has shaken out, and the preferred alternative has been identified and accepted in the NEPA process, does that preferred alternative then come to EFSC?

The Oregon process and the NEPA process are different in a very fundamental way.

There's a very important statute that says when there is a NEPA review, my agency has to make every effort to coordinate with the NEPA review. Something important to remember is that the NEPA process applies in the federal lands. The federal agencies are evaluating the environmental impacts in the federal lands that they manage. They're not making any judgments or any regulatory decisions about any kind of private land. So there actually is no conflict with my agency's emphasis on protection of agricultural land. Federal lands are completely separate land from agricultural land. Both requirements apply simultaneously. The requirement for alternatives in the federal lands does not conflict there my land use law, because the federal lands aren't agricultural lands by definition. So the two reviews can happen in parallel without ever really disagreeing with each other because they're in different places.

But in the NEPA process, it's going to be necessary to be considering multiple lines, and in the Oregon process Idaho Power can target just a single line for the non-federal portion of the lands. Is that correct?

That's correct.

(Question from Idaho Power representative) We'll need some clarification then as we go forward. Is "proposed alternative" the correct terminology?

Yes. In fact ODOE can approve multiple routes. When we approve a route we are making a finding that the proposed route meets all the regulatory requirements. It's possible for Idaho Power to come up with two different routes that both meet the regulatory requirements, and then they get to choose whichever one they want. They can offer multiple alternatives. The major difference between our process and the federal process is we ask them to meet a large set of fairly tough standards on the route they want to use.

We don't ask them to meet tough standards on routes they don't want to use; if they don't want to use them, why do we care? It is a very different thing from NEPA where they're looking at alternatives but they're not meeting standards, they're just making a decision amongst alternatives. So you can submit an application to us that has multiple alternatives, because you don't know what the federal process is going to lead to. That's one strategy but it's not the only strategy.

(Question from Idaho Power representative) The project order says if Idaho Power's proposed route crosses EFU land, then Idaho Power has to consider routes to get around the EFU lands. Does that route have to be entirely in Idaho all the way from Boardman up as far as close to Boardman as possible?

It's not about state it's about zone. You have to make a reasonable attempt to find ways of getting from your beginning point to your end point without being in the EFU zone.

In OS 215.275 the word "reasonable" appears about six times. When the Legislature sticks a word like reasonable in a law that many times, it's pretty clear what they mean. In fact the very first Supreme Court case that ever really fleshed out the statute said more about that. It's not

about completely avoiding the state of Oregon. In fact one of the six criteria includes the concept of locational dependence. It's a reasonably direct route. So you're not required to, say, go out so far that it renders the project unfeasible.

Does Idaho Power have to look at all reasonable alternatives to keep the transmission line out of EFU land? If they said they tried one reasonable alternative, and it didn't work, would ODOE say using the EFU land is okay? Or that they have to keep looking at all reasonable alternatives?

The law does not require Idaho Power to look at all reasonable alternatives. Just at reasonable alternatives.

What does the word "reasonable" mean?

Good question. You can't define reasonable. That's why EFSC, a board of seven ordinary citizens, has the authority under the law to use their judgment as to what reasonable consists of. As hard as you try, somebody can always say, "you should have gone a little further this way, a little further that way." That's why the Legislature set up EFSC, to be the arbiters of reason. We are governed by a citizen commission says you try to use common sense. That's the Oregon way.

It's clear the line is going to have to go over some EFU ground, because the Boardman facility is in the middle of EFU ground, correct?

In that county, yes. We don't even know exactly where the Boardman substation will be. The fact is, Morrow County is all pretty much EFU, so it's not physically possible for the entire line to avoid the EFU zone.

However, looking county-by-county, you're still expected to make a reasonable effort not to go right through the heart of an EFU zone if it's possible to make a good faith effort.

You won't find the term "good faith" in the law, but I think it's a term normal people understand. They're expected to make a good faith effort to avoid EFU zoning where they can. Obviously in Morrow County they can't, but there are five other counties in Oregon in play right now, and you might be able to make reasonable efforts to avoid that zone in those counties.

The statutes OS 215.213 and OS 215.275 refer a number of times to the utility facilities that are necessary for public service. These are Oregon statutes here. Now, are they talking about necessary for the public service of the citizens of Oregon or the citizens of the entire United States?

That law was written in Oregon. It wasn't written under the presumption that someday there would be a line in other states. When the Legislature wrote this law, they did not have a crystal ball, and they were looking at a lot of linear facilities that were entirely within the state of Oregon. So the question you ask now is not one the Legislature saw at the time. I don't know what they would do today. The situation we have today isn't one they knew about back then. So if I gave you an answer I'd be guessing what they would do if they knew then what they know now.

On that basis then, if we were to go back to the day this law was written, and I was to ask them the same question as it's now written, would their answer be that this is for the citizens of Oregon? And Idaho Power would have to show it's necessary for the public service of the citizens of Oregon? If it were the day after this law went into effect?

“Necessary” in this law is a routing term. It's not an electrical service term.

The Land Use Board of Appeals, a lower-level court that rules on land use cases, defined what “necessary” means. “Necessary” in this case is a route, not an electrical service term.

So when the Legislature wrote the word “necessary,” they weren't talking about need for the line. They were assuming that need would be reviewed in another forum and established in another forum, and once that has been established, once we know we had to have a line, we would consider if it's necessary for that line to be in the EFU zone.

No matter how we describe “necessary,” I'm still curious if the law means we are describing the necessity for the citizens of Oregon, or the necessity of this for every citizen of the United States, which would include Idaho, Washington perhaps, whoever else may get involved. It's an Oregon statute.

I don't know; no one knows, because we haven't been there yet. Sometimes you tread new ground. Any answer I give you would be my guess. But as staff, we're not Legislature. We're staff and I'd rather not guess. We have courts for that.

Would that come under the purview of the Oregon public hearings for need?

Yes. “Need” and “necessary” are words that sound alike, but they're different. “Need” is the question of whether we need a power line at all. “Necessary” is, if you need a power line, does it have to be in this zone? They're totally different concepts. Need is not a land use concept, and necessary is not need. They sound alike but they aren't. Your question sounds to me more like a Public Utilities Commission need question than a necessary land use question.

If we ever get to the point where we are testifying at the EFSC meetings, would we come at this with, “This is not necessary for the service of the people of Oregon?” As opposed to, “Is it necessary for the people of the entire United States?”

I would advise the council that that sounds more like the need standards. We are talking a lot about the land use standard, but remember the land use standard is only one of many. We're talking about land use because I got a lot of land use questions earlier. But there is ink in the project order about need as well, and it defers a lot to the Oregon PUC because they are the final arbiters of need for the facility. If I were advising the council, I would say your question sounds more like a need question. It is possible Idaho Power would not meet the need standard, and fail based on that, but having met the need standard once that is done, and then need is established, and the necessary question is, does it have to be in Oregon? Does it have to be in the EFU zone?

So that's probably addressed to the PUC, more than to EFSC?

I think that is where we are going. Your question is one that I hope you will ask again at the PUC meeting.

I just wanted to make sure we're clear on the issue of what happens if our proposed route goes through Oregon. If it skirts the EFU land, then we've met the intent of what your original intent of the project order was? (Question from Idaho Power representative)

The law we are talking about is an EFU avoidance law, not a state avoidance law. So if you can find a route that avoids EFU land, the other standards continue to apply because it is all about meeting the standards.

I've got question on the six criteria in OS 215.275. One of them concerns the lack of available urban and non-resource lands. I would assume non-resource lands means the land is not under agricultural production. Can it be in the EFU zone if it's not actually in production?

Non-resource would be lands that do not fall under the definition of agricultural lands. Non-farmland.

What is the criteria for establishing something as urban vs. rural?

Legislators tend to write to the situation in front of them. Ten years ago the situation in front of the Legislature was facilities in the more populated counties west of the Cascades. So when talking about the lack of available non-resource lands, they were talking about use of land that had already been urbanized. What they were really saying is, before you go through the farm zone, try to go through land that has already been converted from agriculture to urban uses. That makes a lot of sense in a county like Washington County, where you have farmland and lands that have clearly been urbanized. Although there is obviously more urban land west of the Cascades than there is east, the law applies all over the state. So they are still saying, before you go into lands that have been converted, that are still agricultural, try and use lands that have been converted from agricultural use into something more urban. That is what that criteria really means. In these areas that is going to be hard to do, because the cities are far and far between.

Let's say we may get to a contested case before EFSC, and you say the project order doesn't involve this CAP process. Would the CAP process be an item for discussion in the hearing? As far as the community process in which we are assisting and choosing a route. We do not feel that some of our own reasonable community criteria were considered. For the purpose of routing if it is not where the community wanted it, but where another agenda did.

When we get back to the government process, then those same standards apply that we talked about back in the first information meetings we had in October 2008. We talked about EFSC criteria. There are a lot of community criteria that are important to the community, and Idaho Power has made a commitment to try and honor them. But when EFSC evaluates the application they're evaluating Idaho Power's application for a route against state and local government criteria. So we certainly hope that they honor some of the community criteria as well, but in a contested case, the criteria that actually have been codified in the rule of the law are the ones EFSC will use. EFSC will not evaluate the CAP. They will evaluate the result of the CAP against the state criteria.

Project area and proposed routes in Idaho – Dave Angell, Idaho Power

The presentation and discussion about the project area and proposed routes in Idaho covered many topics. Questions have been grouped categorically to clarify the purpose of the presentation.

Treasure Valley Electrical Plan

What are your plans for the Langley Gulch plant?

Langley Gulch is a 300-megawatt power plant. It will tie into the 230 kV transmission line that goes from Ontario to Caldwell.

So is it still going to be a 500 kV line?

It is connected to a 230 kV line, and it's adequate to serve the western portion of the Treasure Valley for a fairly long time.

So you can add the power and get it where you need to with the 230 kV line that is there?

Yes, when it gets connected.

Define Western Treasure Valley.

Western Treasure Valley is Malheur, Canyon, and Payette counties, but not Owyhee County. When we started the Treasure Valley Electrical Plan, we were thinking in terms of growth issues in Ada County and Canyon County.

The Langley Gulch facility is going to use the existing 130 kV and 230 kV lines?

It's going to use the existing 230 kV lines, and we'll actually build a new 138 kV line toward Caldwell.

It will hook to the one that hooks Caldwell, Idaho, to Ontario?

Yes.

How did the change in your projections affect what you're intending to do now with the Treasure Valley loop? You said you're not going to Pearl, and now you're thinking of south Ada.

In 2006, we directed our project management folks to do two things: Figure out how to get the 500 kV transmission line in the southwest area into the valley, and give a site location for Pearl and the 230 kV transmission line coming down into the valley. We directed them to get started on both of those, and whichever one comes together, we're going to build. The other one we'll mothball. As it turned out, with the fact that we actually get additional resources from the Hemingway Substation off the 500 kV transmission line, and the Gateway West Project, and the Boardman to Hemingway Project, Hemingway won the contest. Pearl has been slowed down.

What I'm trying to find out is how the load projections, the need projections for the Treasure Valley are different. What has changed? The projected need has changed; the line has flattened out on growth.

In the very near term, growth is flat, but it is expected to return. In the early 2000s the load growth projection was 1.9 percent per year, and we're dropping it over a 20-year time frame down to about 1.7 percent per year. Our forecasters look at national data, northwest data, and then globalized data based on Boise metro and southern Idaho to predict where the growth will be. The 2009 IRP includes all the growth forecasts and the resources that will be needed to serve that growth. This transmission line is still needed. In 2006, we planned to have the line in service by 2012. Now we're projecting to have it in 2015. That is a change.

On the western edge of your Treasure Valley Electrical Plan map, is that a line basically coming through Oregon, west of the Idaho state line? The part that's shaded, a substantial part of that is in Malheur County, is that correct?

There is a greater percentage of the line over in Canyon County, but this section is in Malheur County, yes.

It's my understanding that this is based on projected need and growth. So why does it come over so far? Oregon land use laws will pretty much take out any growth there, so why is it routed that far over into Oregon when this is based on projected needs?

It's not like a distribution line that actually serves local communities and drops the power off here, there and everywhere. It's just transitioning through that area to get from point A to point B.

It's based on transmission need, not a local need?

Yes.

Boardman to Hemingway included some criteria that was based on Sand Hollow, which was based on some projected needs for Treasure Valley. Since then the projected needs have changed, and your supply side is going to be increased by Langley Gulch. That is all in the Treasure Valley Electrical Plan. Why is the Boardman to Hemingway line still viable?

Boardman to Hemingway is proposed by Idaho Power to meet a resource need identified in our Integrated Resource Plan (IRP) from 2006 and 2008. We'll import 225 megawatts from the mid-Columbia hub, which uses a variety of energy resources, into Idaho. It will be mostly in the summer months but can be utilized throughout the year. The 2009 IRP states that that need is going to increase.

The transmission line can carry power in both directions. Hemingway in itself is what we're calling a transmission hub in southwestern Idaho.

In the east there will be essentially three 500 kV lines coming into Hemingway. One of the transmission lines exists today. It goes across southern Idaho into Wyoming and connects to the coal-fired power plants over there today. The other two 500 kV transmission lines are Idaho Power's Gateway West project and a PacifiCorp line. That will bring resources out of Wyoming into Oregon. So Boardman to Hemingway plays a critical part. Idaho Power will use about half the transmission capability from Boardman into Hemingway. That will allow others to use it to bring electricity down into this area. It can serve Nevada, Oregon, and Idaho, and once it gets

down into here there is transmission to go around, so the Bonneville Power Administration and others may have interest in that as well.

Likewise, any power we generate here in the times of year we don't need it, we can get rid of it?

Yes. That's not a big constraint for us.

So the line you proposed was on the southern and western side of the EFU.

Correct. That was driven by Sand Hollow being the second substation that would deliver 500 kV to 230 kV to support the western end of the valley.

With the Hemingway substation being connected to what is now known as the midpoint Summer Lake line, which goes from Jerome, Idaho, over to Summer Lake, how much megawatt capability will be coming in off that transmission line?

The transmission line from Summer Lake is rated to bring 400 megawatts into Idaho. That is its maximum rating, but they have luckily received approval for an up-rating to 550 megawatts. So we anticipate that the capability of the Hemingway substation will be 150 megawatts.

What keeps you from building the line and putting in substations ten, fifteen or twenty years down the road? Why can't you just build the line and put a substation 100 years down the road if you want to?

The Treasure Valley Electric Plan calls for us to remove a double circuit transmission line coming across the foothills and install the 500 kV in that location rather than acquiring an additional right of way. Most of the transmission lines right now go into the Boise Bench Substation. Those would no longer go into that substation, so we'd have to provide the power into the valley.

How about the S13 line?

It would not meet Owyhee County's test of why to build now. Owyhee County has standards, and one of those is whether the transmission line is necessary and desirable. If you wanted to run something that's not on the map for 15 to 20 years, I can't see how Idaho Power could meet the criteria for necessary and desirable when there's no need now. We use these electrical plans in multiple areas. At the time you create the plan, you work with the communities to come up with the best idea of what the need is going to be, and then continue to adjust the plan as time comes along. At the time we created the plan, we did not see the Langley Gulch generation station. Four years earlier, we had plans for a generation station in Middleton; a whole different plan comes about at that point.

The western line on the map, which shows as part of the Boise loop: Is that also part of the proposed Boardman to Hemingway line?

It was part of our original proposed route. It came into Sand Hollow and up, but we're not pursuing that transmission line.

So the line you've got on that map isn't a portion of the Boardman to Hemingway line?

It is not a portion of it, correct.

We're trying to look ahead 25 years. I know you've wanted to build Sand Hollow for a long time. We are concerned that it may become locationally dependent, and end up with you putting a line down through Oregon EFU land. That's what we're trying to avoid.

I agree. We do need to keep a substation in mind eventually in that area. That is maybe 50 years out.

A corridor might be hard to come by in 10 years or 20 years. If we don't establish a corridor now, and make it locationally independent, you're going to run into people who don't want it. That's why we wanted the Treasure Valley loop somewhat formed right now. So we didn't end up in the future somewhere wishing we had done something different.

I agree. Over on the south side, you've got a corridor that we're going to attempt to follow. On the east side, we've got corridors where transmission lines exist today that we're going to attempt to follow. The area that we don't have any transmission to follow is all this section here. Those are the areas that it would be great to come up with a route, or a site to get the land locked in to get everybody understanding a transmission line will be built here someday.

You're spending quite a bit of time talking about the Treasure Valley Electrical Plan. When you decide where you are putting the Boardman line, won't that dictate what happens with building the rest of the loop? If you don't know where you're going with the Boardman line, how can you finish that loop?

The Boardman to Hemingway line should be in service in 2015.

It looks to me like you've got to get the Boardman to Hemingway line done, and then react with Plan B, with the Treasure Valley Electrical Plan, to fit. Aren't you kind of guessing now?

It depends on where the Boardman to Hemingway line gets sited. If you make the commitment to follow S30 out, coming back to the Treasure Valley Electrical Plan, it's a whole separate transmission line. No matter what we do in regard to the Treasure Valley Electrical Plan, the transmission line on the western side, whether it's in Idaho or in Oregon, if you're going to build a full loop, that's where we're at. Is it saved to be dealt with 50 years from now? Do we try to deal with it in the next few months? That's one of our missions.

What is the timeframe for another 500 kV line?

For a 500kV for anything outside of Hemingway and south Ada, it's fifty, seventy-five or even a hundred years. It depends how fast the population grows.

Integrated Resource Plan

Regarding the 2006 IRP: Now that our economy has changed, have your projections changed? What is different between what you were going to do in 2006 and what your projections are for 2009? How about the Treasure Valley loop?

The IRP doesn't address the Treasure Valley loop. There are two separate planning processes, one planning for load service with transmission, and the other, the IRP, about planning for the electrical resources in order to serve the load.

We updated the IRP in 2008, and we postponed the 2009 IRP to be delivered to the Public Utility Commissions of both Idaho and Oregon in December.

What is the change from 2006?

The substantial change from 2006 is we did not have a natural gas plant proposed in the 2006 IRP. In 2006, we just had a peaking plant in the Mountain Home area. In that IRP we looked at coal and a transmission line to the Pacific Northwest, along with wind and geothermal. The 2009 IRP includes the Langley Gulch plant, the transmission line to the Boardman area, and wind. Geothermal hasn't been panning out.

Proposed Idaho Routes

Could you please address the routes that go up through Lewiston?

S25 and C13 start off essentially as the S13 route and then head north from there. We have proposed taking those off the map because of a detailed technical evaluation.

Don't they already following existing lines more or less?

Not necessarily. There is a 69 kV transmission line in the valley. That's the only route, and these two lines do not follow that.

Are you sure, because in all of the mapping we had a chance to look at, none of them showed the transmission lines. None of the baseline data was in any of that.

I can assure you there are not transmission lines there.

There are only service lines there?

In some cases there are distribution circuits out there, but not transmission.

There is a 69 kV line.

Yes, there is the 69 kV line. But in this area essentially our transmission system comes up through McCall, heads over to New Meadows, and heads back around. There's absolutely nothing up in the area of S25 and C13.

When we had a constraint meeting back in October, it would have been nice to have had some of the constraints at that point in time. We had constraints from some of the different agencies, the BLM and the Forest Service. I think there was an opportunity for Idaho Power to tell us what some of your constraints were. But I didn't walk away from that meeting with any constraints necessarily. If there were, they were very general. Tonight you gave reasons why one of our proposed lines, S13, didn't work. If we had known that way back in October we might have done a closer line.

We are sorry about that.

So if those two lines, S25 and C13, are taken off the map, the Forest Service doesn't have anything to do with it, right? None of the other lines run through the Payette or Boise National Forest?

That's correct, they don't run through Forest Service land unless the western portion of S6 is adjusted farther north.

Are those three Idaho routes the only routes thus far that you're saying are not reasonable? Are there any others you've come up with that are not reasonable in Oregon?

We'll have to wait for the technical data to come out. There are some issues I know coming through some of the forest areas over here. It could be roadless areas.

You have designated three routes as not reasonable in Idaho Power's opinion. Is there a fourth route? The three we're talking about are all in Idaho?

That is correct, yes. From a planning perspective, building S25 and C13 is not reasonable.

So you're not going to carry forward the Idaho routes at all? How do we know on what criteria you eliminated those?

We can give you more detail based on what I described in the discussion earlier. There are still routes that go through Idaho for a distance: Portions of S6, S13, S7 and S18.

Wouldn't just cost alone eliminate S25 and S13?

Their cost would be more than the other routes because their mileage is greater. But we did not eliminate them based on the mileage.

How about S6?

The western portion of S6 is certainly within the project diagram and will be further analyzed.

If these three were eliminated for criteria, why is S17, the original route we've had so much trouble with, not eliminated by the criteria Mr. Bless told us about tonight concerning EFU constraints?

It might be.

If the others were already eliminated, why wasn't that one eliminated too?

The only analysis that has been completed is to look at moving the project area east. We are not moving the project area east.

Why wasn't it our action to remove the east routes?

We used our own planning criteria to remove those routes.

Without regard to the citizens involved in the process?

Part of the process was that all the routes had to be reasonable and cost-effective. Those do not meet that criteria.

And you will prove that? We'll be able to say line such-and-such cost such-and-such, line such-and-such costs such-and-such? So we can line them all up and compare?

We will not give you an exact cost estimate for each line. There are too many variables that come up as you go to route a line.

Then how do you eliminate it?

We use a comparison between the various lines.

And the lines that are east of Boise?

Infrastructure would need to be built to support those lines. That's not necessary for the other 40 routes. It would require a substation, which would also add to the cost.

If the infrastructure changes this much in two years, what are we looking at in two more years? How can you make a plan?

There were no additional substations required to build Boardman to Hemingway. They would only be required on S13. It is very different from the other routes. That was the preliminary evaluation based on planning and moving this project area east. The costs were different. By having to build the transmission line back to the east, that and the addition of the two substations are the two actions that we believe are not reasonable and Idaho Power is not interested in doing it.

When it became known about three, four months back that the different committees were looking at potential routes up through Harney and Grant Counties, you folks immediately put together some meetings for those counties. Now, if the S6 and a portion of S13 are still valid, are you intending to have meetings for the people in Washington County, Gem County, and Payette County, as you did for Grant and Harney Counties?

Both Payette County and Washington County are part of the southern region CAP process.

Do you intend to have a meeting for Gem County or Ada County?

Not at this time.

So S25 is out, C13 is out, and what is the third one?

It's S13. The pink line as it comes around and connects with S7, that half circle that connects with S7, it becomes the remaining route heading up to connect with C4.

So S6 going through Gem County is still viable?

Portions of it. Only in Washington County.

Therefore Gem County is not in your project boundaries?

It is still not.

Other Considerations

How does your proposed steam plant with Amalgamated Sugar Co. figure into this? Is it going to be an additional plant? How large would it be? What stage is it in?

The electric generating plant at Amalgamated Sugar in Nampa is what is known as a co-generation plant. It uses the heat used for processing sugar beets, and generates electricity at the same time, probably using natural gas. Most of those plants end up being in the 20, 30, or 40-megawatt range.

That's still in the critical spot of where you need it, too?

Yes, it's a good location.

What are you going to use to transmit that energy?

The 138 kV system in that area would be able to handle that.

When you put your finger on Hemingway and trace it up to Sand Hollow, is that not the alternative proposed line that you submitted to the Oregon Department of Energy when you did the initial IRP?

It's pretty close, yes.

My question is, how many more constraints do you have that you haven't shared with us that are going to come out later? We've already seen this being in play right now. How many more constraints are there that we don't know about?

I think we will run across constraints. I can't say what they are today until we see them. Until we have a line to evaluate we don't know what the constraints will be. We should have talked in depth about that with you before, and I apologize for that.

Are we going to hear from the Forest Service here in Idaho? That could be useful. It would have been nice to have those on the table way back when we did the map.

I apologize that we did not bring the Idaho Forest Service and Fish and Game into the original panel discussion. We've tried to bring them in and we'll continue to do so. As we finish this meeting I think you'll hear where the Forest Service is in Idaho. The BLM has committed that the panel discussion they presented to you is the same information for Oregon and Idaho. So the missing link is Fish and Game, who will be here later. We'll go back to them as many times as you want us to, to get the information you need. I apologize we didn't have that.

With the information Mr. Bless has given us tonight, is that helping you move S17 toward elimination too?

We will turn it back to you as PAT members to remove that route from consideration. At the Dec. 8 meeting, that would be a great one to eliminate.

From the information on most of the comments from this mapping meeting, that route itself was made erroneously on the basis of the mapper believing it was a federal or already mapped corridor. It goes over the EFU constraint which in our mapping constraints was totally off limits, so there should be no question.

As a committee next week, take the action to remove that line from consideration.

Will this information you're providing be gone over again at the CAP meeting? Has the information you've provided, is that online someplace?

Background information on the project and summaries of our previous meetings are on the project Web site, www.boardmantoemingway.com. At our next meeting on Dec. 8, there will be more detailed technical data on the routes that are proposed to be carried forward.

Idaho Department of Fish & Game

If the two routes going up through Idaho are eliminated, the other lines involve Washington County, Payette County, Canyon County and Owyhee County. What problems do you envision the lines might entail if they went through those areas?

We don't know the specific routes, but the first thing that comes to mind, especially for Owyhee, is winter range and big horn sheep. There also might be issues with pygmy rabbits, and in Washington County with sage grouse and some big game winter range. The scoping comments that our Office of Energy Resources submitted will reflect all those things. Those are public records.

In Oregon, when you locate a sage grouse lek, you can't put a transmission line within a two-mile radius. Is it the same in Idaho?

The state sage grouse plan has recommendations of, I believe, two miles. It's a recommendation, not a requirement.

It's not a deal-stopper?

Correct. Idaho does not have specific statute or rule addressing that particular issue.

What if the sage grouse becomes listed? We hear talk about it.

That would change regulatory authority over sage grouse from state to federal.

Do you know what the limit would be if they became listed?

No, but with a status review or a listing, what I would say is, I believe Fish and Wildlife service also has some recommendations regarding sage grouse avoidance.

There are guidelines for wind turbines with regard to leks?

Within our recommendations is the leeway on a project-by-project, pole-by-pole basis, as to whether we would recommend something more conservative or more liberal. You have to look not only at the lek, but where they are migrating to, and the path, the cover, and everything.

The greater sage grouse conservation plan is on the Fish and Game Web site at

http://fishandgame.idaho.gov/cms/hunt/grouse/conserve_plan/

Does the state of Idaho Fish and Game have the sage grouse leks mapped?

We have made a concerted effort to map but we certainly don't have it done everywhere. We have got data that ranges from point-specific leks to looking at habitat suitability and assuming there might be habitat there.

We can't survey every lek every year, so we have three different statuses for leks: active, inactive and unknown. They have to be surveyed and inactive for five years before they're considered inactive.

To your knowledge, are there any sage grouse leks north of Midvale?

We don't know without looking at the database. There are leks around Midvale.

We should point out that the landscape is not static. For example, with the Murphy Fire, the animals and the habitat they're using changed in response to that fire.

Is there a difference on how you as an agency define or attempt to advise, for example, on wildlife winter habitat on private lands vs. BLM lands?

The real limitation is that we don't have much data for private lands. We don't have vegetation data, and we don't have animal location data. For big game, sometimes we do and sometimes we don't. As for recommendations, it depends on the project. On this one we haven't gotten to that level of specificity yet.

The Gateway West project will go across the Birds of Prey resource area. That is BLM land. What kind of considerations would have to be met before a new transmission line went through there?

BLM will have regulatory considerations on any line, whether it's the section of Gateway West they said they were willing to evaluate, or the consideration of existing line that is there. They are a property owner and their regulatory authority is for siting.

We are the wildlife manager for many of those species, although for some, such as the Migratory Bird Act, we're going to make our recommendations to BLM through their process.

They are supposed to give us serious consideration relative to our recommendations about the wildlife. They're not mandated to take our recommendations, but generally they're going to give them due consideration and due weight as we offer up how a project might affect wildlife.

In our scoping comments, I pointed out raptors and migratory birds were both on the list, and they were on the same list of our scoping comments on Gateway West.

You haven't given the scoping comments yet for Gateway West?

The scoping for Gateway West was long enough ago that that's a new development in route consideration.

So it got a thumbs up?

The BLM has not decided to put the route through there. They'll analyze it. Fish and Game manages wildlife, but we don't manage habitat, with the exception of the state wildlife management areas.

Do these extremely high voltage power lines pose a different set of challenges, particularly for birds than, say, a 230 kV or relatively smaller one?

The primary concern with big transmission lines is collisions, especially with waterfowl. With distribution lines, it's direct electrocution. A secondary issue for sage grouse is that the power poles serve as raptor perches. So there's a direct impact and an indirect impact.