

COMMENT(S)

RESPONSE(S)

B26

Pacific Northwest Generating Cooperative

comment@boardmantohemingway.com

From: Aleka Scott <AScott@pngcpower.com>
Sent: Thursday, March 19, 2015 4:25 PM
To: comment@boardmantohemingway.com
Subject: PNGC's comments B2H DEIS
Attachments: PNGC Comments on B2H DEIS March 2015.pdf

Please find our comments on the B2H DEIS comments.

Aleka Scott
Vice President, Transmission and Contracts
aleka@pngc.com
503.288.5547 Direct
503.805.2207 Cell

COMMENT(S)**RESPONSE(S)****B26****Pacific Northwest Generating Cooperative (cont.)**

March 19, 2015

Tamara Gertsch, BLM National Project Manager
 Boardman to Hemingway
 Transmission Line Project
 PO Box 655
 Vale, OR 97918
 comment@boardmantohemingway.com

RE: PNGC's Comments Regarding the Boardman-to-Hemingway Draft Environmental Impact Statement

Dear Ms. Gertsch:

Pacific Northwest Generating Cooperative (PNGC) appreciates the opportunity to provide input to the Bureau of Land Management's Draft Environmental Impact Statement ("DEIS") on the Boardman-to-Hemingway Transmission Project ("B2H Project" or "B2H"). PNGC is a joint operating entity. PNGC is a preference power and transmission customer of BPA and aggregates the power and transmission needs of its 14 rural electric distribution utility members. PNGC's 14 members are located in rural areas of the states of Oregon, Idaho, Washington, Montana, Wyoming, Nevada, and Utah. At least one member of PNGC would be served directly by the B2H project.

As BPA preference power and transmission customers we have a keen interest in the B2H Project. B2H will open connections across the Pacific Northwest region, allow greater access to power markets, and help BPA reach its preference customers in Idaho. We are particularly interested in ensuring that BPA's goals and needs are addressed as you finalize the Environmental Impact Statement (EIS).

For BPA, the B2H Project will be critical to provide low-cost, reliable load service to preference utilities that serve loads in all across the Pacific Northwest and especially in Idaho, Nevada, and Wyoming. The B2H Project would become part of the 'Northwest to Idaho' transmission path, which is one of the most congested transmission paths on the contiguous Northwest transmission system. In fact, there is currently no Long-Term Firm capacity available on the existing Northwest to Idaho transmission path for the next ten years. The B2H Project would help resolve this constraint and also provide further reliability during congestion events.

Additionally, the B2H Project represents the lowest cost option for BPA in meeting its contractual obligations for load service in southeast Idaho. This is especially important in light of the PacifiCorp's termination, effective June 30, 2016, of the Southeast Idaho Exchange Agreement between BPA and PacifiCorp.

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B26 Pacific Northwest Generating Cooperative (cont.)

B26a [In response to the four alternatives that the DEIS considers for the northern terminus of the B2H Project, PNGC supports Longhorn as the northern terminus. It is very important to BPA and to BPA customers that B2H terminate with a direct connection to the BPA transmission system.

B26b [In general, the Longhorn Variation is the most viable option to reach Longhorn provided, however, that consideration be given to a Longhorn Variation that goes along the west side of Bombing Range Road. The proposed route along the east side of Bombing Range Road will have impacts on both irrigated agriculture and local electric utility infrastructure that could be mitigated by placing the route on the west side of Bombing Range Road. We urge you to consider a Longhorn Variation route that runs along the west side of Bombing Range Road.

PNGC supports the DEIS process and the findings that were made by the BLM in regards to the environmental impacts as well as the effects on the purpose and needs of the impacted federal agencies. We support Longhorn as the preferred northern terminus. The Longhorn Variation with consideration given to the west side of Bombing Range Road is the best option for the route to Longhorn as the northern terminus of the B2H Project. We would like to emphasize the importance that the B2H Project has on BPA's ability to providing low-cost, reliable load service not only to those customers currently served by the terminated South Idaho Exchange Agreement but also to all BPA's preference customers. Thank you for the opportunity to comment on the B2H DEIS.

Sincerely,



Aleka Scott
PNGC's Vice-President of Transmission and Contracts

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B26a [Comment noted.

B26b [Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

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B27	Sage Hollow Ranch LLC
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comment@boardmantohemingway.com

From: jbosma@bentonrea.com
Sent: Tuesday, January 27, 2015 1:19 PM
To: Comment@boardmantohemingway.com
Subject: Boardman to Hemingway (BAH) Transmission line:
Attachments: SAGE HOLLOW RANCH LLC-Longhorn Alternative environmental impact ltr.docx; Memorandum to Jeff Bosma - Sage Hollow Ranch, LLC.doc; Dr. Dan Ltr re Powerlines.docx

The following comments pertains to the potential environmental impact of the Longhorn Alternative of the Boardman to Hemingway (B2H) Transmission Line as it crosses our dairy operation.

B27a [Sage Hollow Ranch is a Concentrated Animal Feeding Operation (CAFO) which operates under a federal National Pollutant Discharge Elimination System (NPDES) permit. Over the last eight years we invested over forty million dollars in our operation, which is monitored very closely by EPA as well as the Oregon DEQ, for compliance with the requirements of our Animal Waste Management Plan (AWMP), in order to insure that we do not contribute any nitrates to the ground water and an aquifer which has been designated as a critical ground water area for nitrates. The area is under the supervision of the Lower Umatilla Ground Water Management Area (LUBGWMA). The location of 3.5 miles of High Voltage Transmission Lines on our farm, contemplated by the Longhorn Alternative, will make it virtually impossible to meet these requirements.

B27b [Additionally, we are concerned about the impact of long term exposure to induction and electromagnetic fields on our dairy animals, which will spend their entire life (in excess of 10 years) directly under the high voltage line.

These issues are more fully explored in the attached correspondence from us and from our environmental, and our animal health consultants.

In conclusion, we believe that both the Horn Butte/Southern Alternative, and the Longhorn Variation/East Bombing Range Road Alternative, have less potential environmental impact on the critical groundwater area, and are the preferred routes.

John, Jeff and Brian Bosma
Sage Hollow Ranch LLC
Homestead and Poleline Rds
Boardman, Or

B27a [A discussion of impacts on confined animal feeding operations, including NPDES permits, is included in Sections 3.2.7.2, 3.2.7.7, and 3.2.7.17.

B27b [Electric and magnetic fields have been extensively studied as a possible risk factor for adverse health effects in humans. Similar to the human health studies, no mechanism has been demonstrated between the exposure of an animal to transmission line levels of electric and magnetic fields and a disease outcome. As discussed in the EIS, no difference in reproductive performance or breeding was found in animals exposed to 500-kV overhead transmission lines. See Section 3.2.18.2 for further detail.

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Sage Hollow Ranch LLC (cont.)

SAGE HOLLOW RANCH LLC

Poleline & Homestead Rds.
Boardman, OR 97818

Sue Oliver, Energy Facility Siting Officer
Oregon Department of Energy
395 E Highland Ave
Hermiston, Or 97838

Re: B2H Transmission Line Project.

Dear Ms. Oliver,

We are writing to provide background material to aid in your understanding of the adverse environmental impacts the Longhorn Alternative route of the B2H transmission line will have on our operation. Our dairy farm consists of two 640 acre sections (Sect. 4 and 10 of 3N 26 E) which are diagonal to each other: the northwest corner of Section 10, in which the barns and corrals are located, touches the southeast corner of sect. 4. Both sections are surrounded on all sides by the Boardman Tree Farm. We have a reciprocal right of way agreement with the tree farm which allows both enterprises to move water and equipment over the common corner. The current routing of the Longhorn Alternative follows the south and west edges of our property for over 3.5 miles, creating substantial obstacles to our ability to meet our obligations under our Confined Animal Feeding Operation (CAFO) and our National Pollution Discharge Elimination System (NPDES) permits. Violations of these permits expose our operation to enforcement actions by the regulatory agencies, which may levy fines up to \$37,500 per violation per day, as well as citizen lawsuits, under the Clean Water Act (CWA). Failure to meet our environmental obligations is simply not an option.

Sage Hollow Ranch LLC is family owned and operated by myself and my two sons, Jeff and Brian. We have operated dairy facilities in the Yakima Valley of Washington since 1977. We purchased our Boardman farm in 2006 to expand our operation and provide opportunities for the next generation. The process of getting approvals and permits from the various agencies which regulate the dairy industry took two years. After lining up financing for the \$40M project,

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B27c [See response to comment B27a.

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B27	Sage Hollow Ranch LLC (cont.)
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construction was started in 2009 and in 2010, after obtaining a supply contract with Tillamook Creamery, through our membership in Darigold, milking operations commenced.

To our knowledge there is no part of agriculture more closely monitored and regulated than dairy farms. Every aspect of our operations is closely monitored for compliance with the requirements of the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA), The Oregon Department of Environmental Quality (DEQ) and the Oregon Department of Agriculture (ODA). We submit reports to ODA of all our applications of effluent and solid waste to the land, including the amount applied, the nutrient content of the material, the date of application, and the weather conditions at the time of application. This information, together with extensive after harvest soil tests which are also required, is used to calculate whether we applied effluent to our fields in excess of crop requirements. The environmental community maintains that any such over application constitutes a “dumping” of toxic waste and has filed suit in Yakima (WA) to enforce the application of the Emergency Planning and Community Right to know Act (EPCRA) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) which require additional extensive reporting and exposes us to additional fines of \$37,500 per day per violation.

Our farm is located within the boundaries of the Lower Umatilla Basin Ground Water Management Area (LUBGWMA). The GWMA was formed by the Oregon DEQ because the nitrate-nitrogen content of ground water exceeds the federal safe drinking water standards. The LUBGWMA committee oversees agricultural and processing activities in the area and monitors progress toward the goal of reducing the nitrate-nitrogen levels in the aquifer. The activities and progress of the committee are in turn monitored by EPA which has the enforcement authority of the CWA.

B27d We were very careful in selecting the site to locate our dairy facility. We spent approximately 5 years evaluating various sites in both Washington and Oregon. We carefully calculated the carrying capacity (matching the number of farmable acres with the nutrient content of the effluent and solid waste generated), costs, margins, etc. for each site. It was no simple matter to obtain our CAFO/NPDES permit to locate in an area where the aquifer was already contaminated with nitrates as a result of the previous agricultural and processing activities. The impact of the Longhorn Alternative of the B2H transmission line will substantially

B27d See response to comment B27a.
The economic analysis in 3.2.17 includes an assessment of how surface disturbances associated with the B2H transmission line may affect CAFOs. The revised analysis discusses how surface disturbances will reduce the carrying capacity of CAFOs crossed by the B2H Project and the economic impacts of these capacity reductions.

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B27	Sage Hollow Ranch LLC (cont.)
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B27c alter these calculations and will make it difficult if not impossible to meet obligations under the CAFO/NPDES permits.

Our CAFO/NPDES permits are based on an Animal Waste Management Plan (AWMP), which essentially describes how we plan to use the nutrient load generated by our animals in our farming operation without allowing any nitrates to migrate below the root zone and add to the ground water contamination. We use a continuous cropping pattern, corn during the summer season followed by a winter forage, usually triticale, and rotated periodically with alfalfa. We apply nutrient from effluent or solid waste based on our soil tests, the requirements of the crop, and the expected yield. Although minor fluctuations in yield are allowed for, any major reduction, such as could from such a lack of sufficient irrigation water or an infestation of pests, can leave substantial nitrogen in the soil and risk contamination of ground water.

We have minimized the risk from a lack of sufficient irrigation water by having not only ground water, but also a supplemental water supply from the Columbia river through the Columbia Improvement District (CID).

We use aerial spraying to control insects in growing crops. In the case of corn, the primary pests are spider mites which can reduce the corn silage yield by as much as 40%. Insecticides are effective against this pest, but must result in total eradication or the mites will quickly be reestablished and will develop resistance to the insecticide. Total eradication is not possible if a part of a field cannot be sprayed. The effective control of insects is particularly critical because our farm is surrounded on all sides by the Boardman Tree Farm, which uses aerial spraying to control insects in the trees, making our property a refuge for insects fleeing that treatment.

We also use aerial over seeding of triticale into the corn crop before harvest. This allows the winter forage to be established while there are heat units and water available and insures a continuous uptake of nitrogen. It also allows a window after the corn harvest to empty our effluent ponds onto these fields while there is an already established crop to use the nitrogen. We operate on highly leachable soils and failure to have crop uptake during the winter rains can result in substantial movement of nitrogen to ground water.

B27e The 250 foot right of way of the Longhorn Alternative along the south and west edges of each section, effectively eliminates approximately 110 of the 1100 acres

B27e Comments noted. A discussion of impacts on confined animal feeding operations and aerial spraying is included in Sections 3.2.7.2, 3.2.7.5, and 3.2.7.6.

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B27e

of our spray fields. In addition to that, the erection of overhead transmission lines will severely restrict our ability to use aerial spraying of insecticides and over seeding of our crops on the remaining acres. These impairments will severely restrict our ability to meet our environmental obligations and the requirements of our state and federal CAFO/NPDES permits. Violations of these permits will lead to additional reporting and oversight by state and federal agencies and potential additional fines, and may result in further degrading of the ground water.

The Longhorn Alternative of the B2H Transmission line, as currently proposed by Idaho Power, will result in significant environmental impacts to our dairy operation and is not compatible with our environmental goals and the requirements of our permits. We cannot responsibly operate our dairy farm under those conditions.

Sincerely,

John Bosma

Sage Hollow Ranch LLC

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Sage Hollow Ranch LLC (cont.)

I am writing in regards to the 500 kV line that has a proposed route through the cow corrals of my clients, Sage Hollow Dairy and Meenderink Dairy.

My name is Dan Vander Stelt and I am the herd veterinarian for both of these dairies. I have been working with each of them since they began operating; Sage Hollow in 2007 and Menderink Dairy in 2012. My relationship with them consists of weekly herd visits involving reproduction, health and disease consultation, record monitoring, drug use and employee training. I am very familiar with each operation and the health of their animals. The proposed power line presents a very real concern to my clients in regards to the health of their animals and it is a genuine concern of mine also.

There are numerous articles investigating potential links between high voltage power lines and the associated, extremely low frequency electromagnetic fields, (ELFEF) and human diseases such as childhood leukemia. While many epidemiologic studies have been conducted, and are being conducted, no biological mechanism has yet been established to explain adverse health impacts and proximity to ELFEF's.¹ It can be argued that because no link has yet been found after decades of research, there must not be any association between ELFEF's and health. However, it can also be argued that because the controversy hasn't gone away after decades of research, and epidemiologic data still points to a link; the link just hasn't been found yet. "The International Agency for Research on Cancer labeled the low frequency electromagnetic fields into the category "2B" meaning possibly carcinogenic to humans mainly based on epidemiologic studies worldwide which indicated an increased risk of childhood leukemia without any concrete evidence from animal and cell biology studies."² More recent research has called for more inquiry into other bioactive agents¹ and it is quite conceivable that a link will be found. While it may be argued that potential human cancer links do not relate to cow health nor would cows live long enough to see any deleterious effects; there are studies that have shown other biological effects on cows in close proximity to ELFEF's.³⁻⁷ These involve membrane-anchored enzymes in the lung, leukocyte variations, estrous cycle effects, and normal lying behavior.

There are other more immediate concerns also, such as the potential for induced voltages in fences or other non-grounded objects.⁸ Cows have a lower resistance to electricity than humans. The behavioral effects of stray voltage are dependent on contact points on the cow. If there is an induced voltage in a water trough for instance, then decreased water intake would be expected which will in turn lead to decreased feed intake and then lead to other health effects. Stray voltage effects on cows are insidious and tend to predispose to other health problems.

The scientific literature raises many questions about the biologic effects of ELFEF's and while still not well understood, there are legitimate concerns. My clients have worked very hard

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Sage Hollow Ranch LLC (cont.)

to train employees and to set up nutrition and management protocols to protect and build the immunity of their herds. These powerlines would be running directly over the cows placing them in immediate proximity to the ELF/ELF's. They do not want to expose the animals in their care to the unknown health risks of ELF/ELF's, or the possibility of induced voltages on objects in the cows' environment.

I believe the concerns of my clients for the health and well-being of their animals is well-founded. In my review of the literature, it appears that there are far more questions than answers in regards to the biologic effects of ELF/ELF's; and the potential for induced voltages, though minimal, is still a possibility.

The animals in my clients' care are the source of their, and their employees' livelihood; but they are much more than that. My clients feel a deep responsibility to care for their animals because they believe it is their moral obligation to provide for the health and well-being of those animals. We strongly urge you to consider the alternate route for these power lines.

Dan Vander Stelt DVM

Hermiston, OR

Powerline bioactivity - more than magnetism. Sidaway GH; *Springerplus*. 2013 Sep 11;2:454.

Effects of electromagnetic fields on health. Saito T.; *Nihon Rinsho*. 2008 Sep;66(9):1827-36

Extremely low-frequency electromagnetic fields affect lipid-linked carbonic anhydrase. Ravera S, Pepe IM, Calzia D, Morelli A, Panfoli I; *Electromagn Biol Med*. 2011 Jun;30(2):67-73

Extremely low-frequency electromagnetic fields disrupt magnetic alignment of ruminants. Burda H, Begall S, Cerveny J, Neef J, Nemeec P; *Proc Natl Acad Sci U S A*. 2009 Apr 7;106(14):5708-13

Effects of exposure to extremely low frequency electro-magnetic fields on circadian rhythms and distribution of some leukocyte differentiation antigens in dairy cows. Stelletta C, De Nardo P, Santin F, Basso G, Michielotto B, Piccione G, Morgante M; *Biomed Environ Sci*. 2007 Apr;20(2):164-70

Responses of the estrous cycle in dairy cows exposed to electric and magnetic fields (60 Hz) during 8-h photoperiods. Rodriguez M, Petitclerc D, Burchard JF, Nguyen DH, Block E, Downey BR; *Anim Reprod Sci*. 2003 May 15;77(1-2):11-20.

Further support for the alignment of cattle along magnetic field lines: reply to Hert et al. Begall S, Burda H, Cerveny J, Genter O, Neef-Weisse J, Nemeec P; *J Comp Physiol A Neuroethol Sens Neural Behav Physiol*. 2011 Dec;197(12):1127-33.

Stray Voltage. Wikipedia.

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Sage Hollow Ranch LLC (cont.)



Memorandum

To: Sage Hollow Ranch, LLC

From: Lori Terry Gregory
Foster Pepper, PLLC

Date: July 10, 2013

Subject: Significant Environmental Impacts to Sage Hollow Ranch from Idaho Power's Proposed Boardman to Hemingway Transmission Line

 I. Introduction

Idaho Power's proposed Boardman to Hemingway (B2H) transmission line project will cause significant adverse environmental impacts to Sage Hollow Ranch (the Dairy). These impacts are not capable of being sufficiently mitigated in a way that will allow the Dairy to continue to operate. The Dairy is regulated by multiple environmental statutes and regulations, as well as a Clean Water Act (CWA) Permit. Violations of the Permit subject the Dairy to lawsuits filed by regulatory agencies or citizens. Penalties of up to \$37,500 per day per violation can be imposed if liability is established. Consequently, failing to meet its environmental obligations is not an option for the Dairy.

The Dairy's ability to comply with its environmental obligations is directly tied to its ability to continually utilize *all of its land, aerially apply pesticides* to the growing crops, and *aerially seed its cover crops* in order to *ensure high-yield crops with robust root zones that can uptake all of the Dairy's nitrogen and phosphorus*. The groundwater risks are very real – particularly because the Dairy is located in an area designated by the Oregon DEQ as the Lower Umatilla Basin Groundwater Management Area (GWMA) for failing to meet the Safe Drinking Water Act standard for nitrate. The GWMA designation imposes a heightened scrutiny on the Dairy's nitrogen management practices.

As currently proposed, Idaho Power's transmission line would significantly adversely impact the Dairy by compromising *over half of the Dairy's land base and crops*, which virtually ensures that the Dairy will be unable to manage the nitrate and phosphorus as required by its CWA Permit and other environmental statutes. Exacerbating this impact is the fact that the placement of the transmission line will eliminate the Dairy's ability to aerially apply pesticides to eradicate insects that otherwise will destroy crops.

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Sage Hollow Ranch LLC (cont.)

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The placement of the transmission line will also eliminate the Dairy's ability to aerial seed its winter cover crops, which is the only method whereby winter seed can be spread over corn crops growing in the field. Over-seeding gives cover crops enough time to establish a root zone ahead of the winter season so that the plants can utilize nitrogen over the winter. Without a sufficient root zone, nitrate can leach to the groundwater.

The combined impacts to land; loss of crops; and inability to aerial apply pesticides and seed cover crops will result in a significant adverse environmental impact to surface and ground water quality. These impacts expose the Dairy to unreasonable risks of liability under multiple statutes, including the CWA, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act.

II. The Dairy is a Family-Owned Business that is Important to the Local Community

Sage Hollow Ranch, LLC is a family-owned dairy farm and replacement heifer ranch in Boardman, Oregon. The family bought the 1,280 acre farm property in 2006. Over the next three years, the family developed the Dairy, with facilities to milk 3,500 cows and raise 5,000 replacement heifers. The family plans to build one additional freestall barn. When the barn is completed, the family's total investment will be in excess of \$40 Million.

The dairy operates 24-hours a day, 7-days a week and employs approximately 40 people in year-round, well paying jobs. Employees are hired from the surrounding communities. The annual gross revenue of the Dairy exceeds \$12 Million. Because the Dairy purchases almost all of its feed and services locally, a conservative estimate of the Dairy's revenue contribution to the local community is approximately \$100 Million.

III. Adverse Environmental Impacts to the Dairy Associated with the Proposed Transmission Line

A. The Proposed Transmission Line Adversely Impacts the Dairy's Ability to Comply with its CWA Permit

The Dairy is permitted under the NPDES CAFO Permit issued by the Oregon DEQ under the federal and state Clean Water Acts. That Permit regulates the dairy as a concentrated animal feeding operation (CAFO) and contains detailed, prescriptive requirements, all of which are imposed to avoid impacts from the Dairy's operation to surface or groundwater. The Permit's commitment to ensure the protection of surface and groundwater is manifested in the

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requirement to obtain the Permit even if the Dairy does not discharge. In other words, simply by virtue of the fact that the Dairy is a CAFO, it is required to obtain this Permit.

The cornerstone of the Permit is the requirement to operate in compliance with an Oregon DEQ approved Animal Waste Management Plan (AWMP). The AWMP is the plan that shows how the Dairy prevents impacts to surface and groundwater. To do this, the Plan must demonstrate that it has sufficient land to grow high-yield crops that can utilize the nitrogen and phosphorous contained in the Dairy's manure. The AWMP is incorporated by reference into the Permit, which means that a failure to comply with the Plan constitutes a violation of the Permit. Violations of the Permit are enforceable by EPA, Oregon DEQ, or third party lawsuits. If liability is established for violations, the CWA authorizes penalties of up to \$37,500 per day, per violation, and allows for the recovery of attorneys' fees and costs.

The AWMP includes very specific information about the land base; type of crops; expected yields; volume of liquid and solid manure; and amount of nitrogen and phosphorous generated by the Dairy. All of this information is then used in a formula to develop a nitrogen and phosphorous budget to show how the Dairy will avoid impacts to surface and groundwater quality. Failing to have sufficient land or sufficient crops to uptake the nitrogen and phosphorous is a Permit violation.

The Dairy applies its manure to its land as fertilizer so the Dairy can grow crops year round, including a cover crop in the winter. If the crops do not grow and uptake the nitrogen and phosphorous, those pollutants can leach to groundwater or flow overland to surface water. To grow cover crops in the winter, the crop must be aerially seeded over the existing corn crop in the field to give the cover crop enough time to establish a sufficient root system ahead of the winter season. This practice is critically important to the environment because the established root zone allows the cover crop to uptake nitrogen in the winter months and thereby avoids leaching nitrogen to the groundwater.

The proposed project will compromise over 50% of Dairy's land by restricting the ability of the Dairy to effectively irrigate its land through the use of its irrigation lines and pivot system and by placing utility poles in the land itself. Because the Dairy needs *all of the land* owned by the Dairy to comply with the nitrogen and phosphorous budget, this creates a significant environmental impact to the Dairy's operation. There is no substitute for the land base on the Dairy because the Dairy has installed infrastructure in its fields to allow it to pump and apply the animal waste generated by the Dairy to *that land*.

There is no nearby land available upon which to apply the Dairy's manure and, even if there were, using that land would require the Dairy to truck solid and liquid manure to another location, which creates further adverse environment impacts associated with increased air

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emissions; increased use of fossil fuels, thereby increasing the Dairy's carbon footprint; and risks of environmental spills from the trucking operation. The environmental impact of increasing the carbon footprint of the Dairy to transport animal waste is in direct conflict with the State of Oregon's commitments to address climate change through reduced greenhouse gas emissions. Increased use of fossil fuels through increased transportation only serves to increase the Dairy's carbon footprint. Moreover, transaction costs of transporting the animal waste off-site would be significant. Finally, there is no assurance that Oregon DEQ would permit the application of animal waste to other land because of the GWMA designation.

The impact from the compromised ability to farm the land is magnified because proposed transmission line will eliminate the ability of the Dairy to aerially spray pesticides or aerially seed crops, which will reduce the crop yield, thereby creating yet additional risks to surface and groundwater by eliminating or reducing crops that would otherwise be available to utilize the nitrogen and phosphorous from the Dairy. Aerial application of pesticides is crucial because a tree farm, located on several sides of the Dairy farm land, hosts insects that are harmful to the Dairy's crops. Spider mites and beetles are of particular concern to the Dairy because of the damage these insects can do to crops if not effectively eradicated. Failure to completely eradicate these pests can result in catastrophic loss of crops. Research has shown that these pests can reduce corn silage by 40%. Complete eradication of pests is crucial because partial eradication often causes pesticide resistance, causing even more crop loss and the need for more pesticide application.

The Dairy has developed a successful, environmentally responsible, and sustainable business that effectively and efficiently uses the nitrogen and phosphorous from manure as a fertilizer to grow crops, which are fed to its cows, which produce milk for the local community. The proposed transmission line project will result in significant adverse environmental impacts to ground and surface water that are incapable of mitigation because the Dairy cannot operate without the use of all of its land and all of its crops.

B. *The Transmission Line Adversely Impacts the Dairy by Exposing it to Risk of Liability Under the Safe Drinking Water Act (SDWA).*

The risks to groundwater from the proposed project discussed above also create risk of liability to the Dairy under the SDWA (42 U.S.C. § 300(i)). The Environmental Protection Agency recently invoked its authority under this statute against four dairies in Yakima Valley, Washington, which ultimately resulted in an Administrative Order on Consent based on an area that exceed the maximum contaminant level for nitrate. *In the Matter of: Yakima Valley Dairies*, Docket No. SDWA-10-2013-0080 (U.S. EPA, Region 10).

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The Administrative Order imposes extensive, expensive obligations on the dairies to provide alternate sources of drinking water to residences; install dozens of monitoring wells and monitor those wells; and implement actions designed to further study and address the sources of the groundwater contamination.

EPA's enforcement action confirms exposure to liability under the SDWA for any dairy operating in areas with nitrate concentrations that exceed the SDWA standard. Sage Hollow operates in such an area and, therefore, is reasonably concerned about its exposure to liability under the SDWA, which will be triggered because of the significant environmental impacts associated with Idaho Power's proposed project.

C. The Transmission Line Adversely Impacts the Dairy by Exposing it to Risk of Liability Under the Resource Conservation and Recovery Act (RCRA).

The risks to ground and surface water from the proposed project discussed above also expose the Dairy to an agency or citizen-suit enforcement under the RCRA, which is the federal statute that governs the treatment, storage, and disposal of solid and hazardous waste. 42 U.S.C. § 6971(a)(1)(B). Earlier this year, several environmental groups sued five dairies in the Yakima Valley for alleged violations of RCRA based on alleged groundwater contamination from the dairies. The plaintiffs seek to shut down most of operations on those dairies; sequester ground and surface water and require treatment; require cleanup the contamination; require the dairies to fund independent studies; and pay the plaintiffs' attorneys' fees and litigation costs.

The federal court recently denied the dairies' motion to dismiss and has allowed the case to proceed to trial. *Community Association for Restoration of the Environment, et al., v. George DeRuyer & Son Dairy, LLC*, 13-CV-3017-TOR (Order Denying Defendants' Motion to Dismiss, ECF No. 59, 06/21/13). For the same reasons as set forth above, Idaho Power's proposed project's significant environmental impacts expose the Dairy to an unreasonable risk of liability under RCRA.

IV. The Impacts Cannot be Adequately Mitigated

There is no adequate mitigation to remedy the environmental impacts to the Dairy from the proposed project. The compromised ability to farm over half of the Dairy's land and crops cannot be remedied by other land because the Dairy has already built infrastructure that allows it to store, pipe, pump, and apply its dairy waste to its land. There is no other land available that allows the Dairy to continue to use that infrastructure. The only alternative land is located miles away and would require the Dairy to truck its waste which creates additional significant environmental impacts discussed above.

51308419.2

ATTACHMENT

B27

Sage Hollow Ranch LLC (cont.)

Memorandum
July 10, 2013
Page 6

There is no ability to mitigate for the loss of the winter cover crop that must be aerielly seeded. And, there is no alternative to aerial application of pesticides in light of the critical importance of effectively eradicating the pests to avoid a 30-40% loss of crops.

V. Conclusion

The proposed B2H Transmission Line Project will cause significant environmental impacts to Sage Hollow Ranch, LLC. The compromised ability of the Dairy to farm *all of its land* to grow *high yield crops* is the *critical path* component for the Dairy's compliance with its environmental obligations. The impacts to the land and crops create significant environmental impacts to ground and surface water and exposes the Dairy to significant liability under multiple statutes.

Unlike most businesses, the Dairy must operate 24-hours a day, 7-days a week. The Dairy cannot continue to milk cows or raise heifers without generating manure. The Dairy cannot generate manure without being able to use all of its land to grow high-yield crops throughout the year as specified in its CWA Permit and AWMP. To raise high-yield crops throughout the year, the Dairy must be able to aerielly apply pesticides consistent with aviation regulations concerning low level aerial spraying. Higher level spraying, even if possible, would lead to excessive drift. Aerial seeding is also necessary to seed cover crops. Both of these practices will be eliminated under Idaho Power's proposal.

Idaho Power has other, more reasonable alternatives that will avoid these significant environmental impacts to the Dairy. Those alternatives should be pursued instead of the current proposal that is being advanced by Idaho Power.

513084192

COMMENT(S)

RESPONSE(S)

B28

Salmon River Electric Co-op – January 12, 2015 [1]



COMMENT FORM



Date: 1-12-15
 First Name: Ken Last Name: Drees
 Organization or Affiliation (if any): SALMON RIVER ELECTRIC COOP
 Address: P.O. BOX 384
 City: CHALLIS State: ID Zip: 83226
 E-mail address: Ken@srco.org Phone: 208-849-6693 X 5010

Privacy Statement: Before including your address, phone number, e-mail address or other personal identifying information in your comment, be advised that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold identifying information, we cannot guarantee that we will be able to do so.

Please check here if you wish your personal information to remain confidential.

Comments must be submitted by March 19, 2015.

My comments on the Boardman to Hemingway Transmission Line Project are:

I APPRECIATE THE EFFORTS THE BLM HAS MADE TO
PROPOSE A WELL THOUGHT OUT ROUTE FOR THE B2H LINE.
I APPROVE OF THE PROPOSED RLY ROUTE.

THIS PROJECT IS IMPORTANT TO ME AS THE B2H LINE
WOULD PROVIDE A RELIABLE POWER TRANSMISSION SYSTEM TO
SERVE THE ELECTRIC COOPERATIVE I REPRESENT. THERE ARE
FEW ALTERNATIVES FOR PROVIDING THIS SERVICE.

I SUPPORT THE IDAHO STATE HOUSE PLAN AND THE IMPLEMENTATION
OF A PART OF THIS PROJECT.

Boardman to Hemingway Transmission Line Project | P.O. Box 655, Vale, OR 97918

B28a



B28a

Comment noted.

COMMENT(S)

RESPONSE(S)

B29

Salmon River Electric Co-op – January 12, 2015 [2]



COMMENT FORM



Date: Jan 12, 2015
 First Name: Earl Last Name: Skeen
 Organization or Affiliation (if any): Salmon River Electric Coop
 Address: Box 338
 City: Challis State: Id Zip: 83226
 E-mail address: _____ Phone: 208-833-5206

Privacy Statement: Before including your address, phone number, e-mail address or other personal identifying information in your comment, be advised that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold identifying information, we cannot guarantee that we will be able to do so.

Please check here if you wish your personal information to remain confidential.

Comments must be submitted by March 19, 2015.

My comments on the Boardman to Hemingway Transmission Line Project are:

I am in favor of the transmission line being built with the fewest intrusions on private land as possible. We need this transmission line to access reliable power in Challis. Hopefully it will be built as soon as possible to alleviate problems with access to BPA power for our utility.

B29a

B29a

Comment noted.

COMMENT(S)

RESPONSE(S)

B30

Umatilla Electric Cooperative

comment@boardmantohemingway.com

From: Katrina Ward <Katrina.Ward@umatillaelectric.com>
Sent: Thursday, March 19, 2015 1:48 PM
To: comment@boardmantohemingway.com
Cc: Steve Meyers; Robert Echenrode; Steve Eldrige
Subject: Umatilla Electric B2H Comment Letter
Attachments: B2H Comment Letter 03-2015.pdf

Importance: High

Please accept the attached comments regarding the Bureau of Land Management’s Draft Environmental Impact Statement for the Boardman-to-Hemingway Transmission Line Project.

Thank you.

Katrina Ward

Executive Assistant to the CEO



750 W. Elm
 PO Box 1148
 Hermiston, OR 97838
 (541) 564-4388 office
 (541) 567-8142 fax
katrina.ward@umatillaelectric.com

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COMMENT(S)

RESPONSE(S)

B30

Umatilla Electric Cooperative (cont.)



March 16, 2015

Tamara Gertsch, BLM National Project Manager
 Boardman-to-Hemingway
 Transmission Line Project
 P.O. Box 655
 Vale, OR 97918

Dear Ms. Gertsch:

Thank you for the opportunity to comment on the Bureau of Land Management's Draft Environmental Impact Statement (DEIS) for the Boardman-to-Hemingway (B2H) Transmission Line Project.

The B2H transmission line benefits the Pacific Northwest as a long-term solution to help balance regional power flows, open connections to other energy markets and help satisfy regional generation while limiting the need for new generation. Intermittent wind and solar resources can be more reliably interconnected across a greater region. In Northeast Oregon, B2H can help encourage further economic growth.

Despite its rural setting, Boardman is one of Oregon's most productive and progressive industrial and energy hubs. The Port of Morrow is the state's second most active, and Boardman's farm and food processing industry adds multiple billions to our state economy. As Boardman is heavily developed with local and regional transmission lines, the B2H siting requires utmost care in addressing a range of impacts on this relatively compact and highly industrialized community.

In recognition of this, Umatilla Electric is among those helping to find a local solution to siting the B2H transmission line that best meets the needs of stakeholders now and in the foreseeable future. Umatilla Electric encourages a local solution for the B2H project.

We meet regularly, in groups or individually, with staff from Morrow County Commission and Planning Department, City of Boardman, State of Oregon, Idaho Power, Bonneville Power Administration, Navy Bombing Range and wind project development. We are aware of factors that need to be reconciled, including the Navy training facility operational needs, the endangered ground squirrel habitat, the high-value agricultural land and the potential realignment of power lines affecting Bonneville Power Administration, Columbia Basin Electric Cooperative and Umatilla Electric Cooperative. Any proposed solutions will have further local requirements and connected actions affecting not only local power lines, but local utilities including water, natural gas and fiber optics.

Specifically, regarding the DEIS's proposed routes in Morrow County:

750 W. Elm Street • PO Box 1148 • Hermiston OR 97838

Phone: (541) 567-6414

Fax: (541) 567-8142

Toll Free: 800-452-2273

COMMENT(S)

RESPONSE(S)

B30 Umatilla Electric Cooperative (cont.)

B30a [We have no technical concerns or comments regarding the southerly “original Proposed Route” through Morrow County as it has the least impact on our electrical system. We remain uncertain that it continues to meet the original intent and need for the project. Because of community support of this alternative we ask that the southerly route to Horn Butte or Grassland, or potentially to the Slatt Substation, be given consideration.

[The “Longhorn Alternative” route is the least viable option. It doesn’t appear to be a practical use of agricultural or electrical resources. It would have the greatest negative socioeconomic impact on fully developed irrigated lands of all the alternatives.

B30b [The “Longhorn Variation” that travels along the east boundary of Bombing Range Road will have significant effects on irrigated agriculture and local electric infrastructure. A B2H line routed along the west side of Bombing Range Road minimizes impacts to irrigated agriculture and lessens operational interferences with local utilities. We recommend that BLM fully address the impacts of siting the B2H line on the west side of Bombing Range Road.

Umatilla Electric will continue to fully engage with local interests as the B2H project moves forward to the final EIS. Thank you for your ongoing willingness to consider the results of a local solution to siting B2H in the Boardman area.

Sincerely,



M. Steven Eldrige
UEC General Manager/CEO
Umatilla Electric Cooperative
Hermiston, Oregon

B30a [Comments noted. It is not BLM’s role or responsibility to verify an applicant’s interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the IPC is scrutinized by the Public Utilities Commission. The responsibility of BLM and other land-management agencies is to respond to the application for right-of-way across lands it administers.

The Applicant’s 2015 Integrated Resource Plan (IRP), a long-term resource planning study, recently reaffirmed that the B2H Project is essential to serving future growth in customer demand. Previous IRPs also identified the need for this transmission line project, going back to the 2006 IRP. The 2015 IRP indicates the need of the B2H Project remains strong. When finished, the B2H Project would help provide low-cost energy to the Applicant’s customers in southern Idaho and eastern Oregon. The B2H Project also will interconnect with existing transmission systems owned by B2H Project partners PacifiCorp and the Bonneville Power Administration, allowing greater amounts of electricity to move throughout the Pacific Northwest. This helps meet a regional need and provides benefits to the entire area, much of which is served, directly or indirectly, by those two providers. In addition, the B2H Project allows the Applicant to serve its growing load without building carbon-emitting resource.

B30b [Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

COMMENT(S)

RESPONSE(S)

B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc.

comment@boardmantohemingway.com

From: Karen Reed <KReed@ringbenderlaw.com>
Sent: Thursday, March 19, 2015 12:58 PM
To: tgertsch@blm.gov; comment@boardmantohemingway.com
Cc: Tim Tippett (ttippett@westernmort.com) (ttippett@westernmort.com); Jim McClelland (jmccllland@westernmort.com); Bob Levy (boblevy@windyriverfarms.com) (boblevy@windyriverfarms.com); Don Rice (Don.Rice@gwrglobal.com); Craig Reeder (creeder@hale-co.com) (creeder@hale-co.com)
Subject: Comments to DEIS for Boardman-to-Hemingway Transmission Line Project
Attachments: 15-0319 FINAL Comments to B2H DEIS with Exhibits.pdf

Ms. Gertsch,

Attached please find comments to the Draft Environmental Impact Statement and Land-Use Plan Amendments for the Boardman to Hemingway Transmission Line Project submitted on behalf of our clients, as identified in the comment letter. Please acknowledge receipt of these comments by return email. Thanks,

Karen



RING/BENDER

Portland | Seattle | Orange County | Pittsburgh | Miami

Karen L. Reed, MBA

Direct (503) 964-6724 • Mobile (503) 616-6860
kreed@ringbenderlaw.com • www.ringbenderlaw.com
 621 SW Morrison St., Suite 600, Portland, OR 97205 • Main (503) 964-6730

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COMMENT(S)

RESPONSE(S)

B31 **Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)**

Ring Bender McKown & Castillo LLLP
621 SW Morrison Street, Suite 600
Portland, Oregon 97205

www.ringbenderlaw.com
Main: 503-964-6730
Fax: 503-345-6616

March 19, 2015

VIA EMAIL ONLY

Ms. Tamara Gertsch
Bureau of Land Management
100 Oregon Street
Vale, OR 97918
tgertsch@blm.gov

RE: Comments to Boardman-to-Hemingway Draft Environmental Impact Statement

Dear Ms. Gertsch:

This letter constitutes public comments submitted on our clients' behalf to the Draft Environmental Impact Statement and Land Use Plan Amendments ("DEIS") for the proposed Boardman-to-Hemingway electric transmission line project ("B2H Project") released by the Bureau of Land Management ("BLM") for public comment on December 19, 2014. We represent the following four private parties: Windy River, an Oregon general partnership; the Hale Companies, headquartered in Echo, OR; Boardman Tree Farm, LLC, a Delaware limited liability company; and Pasco Farming, Inc., a Washington corporation (collectively, "Commenters"). The Commenters' agricultural operations in Morrow County, Oregon are potentially affected by the B2H Project.

Specifically, the Commenters are affected by the Longhorn Variation Alternative ("Longhorn Variation"), which is currently an environmentally preferred and agency preferred alternative for a portion of the B2H Project in Morrow County, Oregon. The Longhorn Variation would route the proposed transmission line through approximately 14 miles of high-value farmland the Commenters own and operate on the east side of Bombing Range Road, parallel to the eastern boundary of the Naval Weapons Systems Training Facility ("Bombing Range") near Boardman, Oregon. The Commenters are also opposed to the "Longhorn Alternative," which similarly would cause unnecessary adverse effects to high-value farmland in Morrow County.

I. BLM's process has violated NEPA requirements to provide stakeholders a meaningful opportunity to participate in full EIS process.

A. BLM's reinsertion of the Longhorn Variation at the end of the six-year scoping process impaired Commenters' ability to participate meaningfully.

The Commenters are particularly concerned with the surprise reinsertion of the Longhorn Variation into the DEIS last year, at the end of the six-year scoping process. The Commenters

B31a [The impacts on high-value soils and irrigated farmland in the Final EIS include a comparative quantitative analysis of the Longhorn Alternative and the East of Bombing Range Road Alternative. Refer to Section 3.2.7.6.

B31b [This alternative was developed when the Applicant revised their SF-299 application to include the Longhorn Substation. Refer to Sections 2.1.1.3 and 2.5.2.
Please refer to Section 4.3 for a discussion of the public participation process.

COMMENT(S)

RESPONSE(S)

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

Ms. Tamara Gertsch
 March 19, 2015
 Page 2

B31b actively participated in the early scoping for the B2H Project and had two to three representatives at each of the Idaho Power Community Advisory Process North Project Advisory Team meetings in 2009 to 2010. This public process led the Commenters to reasonably believe that the route of the Longhorn Variation had been eliminated from further consideration.

B31c This history of the proposed route on Bombing Range Road along the eastern side of the Bombing Range is complex. The initial route proposed by Idaho Power Company (“IPC”) in October 2008 did not include an alternative along Bombing Range Road. However, during the community advisory process in 2009, a proposal was considered that included this alternative, which was labelled Route N26.

B31c Route N26 was evaluated pursuant to the B2H Project’s routing criteria, which it failed to meet. In the B2H Project Siting Study dated August 2010, Route N26 was eliminated from further consideration because the portion of this route along the eastern boundary of the Bombing Range “crosses about 1.3 miles of the Boardman Grasslands Conservation Area and traverses Washington ground squirrel Category 1 habitat.” In a letter dated September 12, 2011, to Westland Enterprises LLC (Windy River’s predecessor-in-interest), IPC acknowledged, “[m]ultiple squirrel colonies have been located along the east boundary of the Boardman Bombing Range.”¹

IPC’s Preliminary Plan of Development dated June 2010 did not include Route N26, indicating to the Commenters that IPC did not intend to utilize this route. Nonetheless, even after the apparent elimination of Route N26 from consideration, the Commenters continued to attend public meetings and stayed generally abreast of relevant developments. In particular, the Commenters remained concerned about the substantial adverse impacts that would result from selection of the Longhorn Alternative, which was still under active consideration.

B31d They also continued to take advantage of opportunities to provide written comments on the B2H Project. For example, a letter from the Burns Law Office LLC, dated September 27, 2010, provided comments on behalf of one of the Commenters, along with other stakeholders, to IPC’s Notice of Intent to Apply for Site Certificate submitted to the Oregon Energy Facility Siting Council (“EFSC”) in July 2010. This letter explained in detail the severe negative impacts to high-value irrigated farmland that would result from the “Proposed Route,” which became the Longhorn Alternative in the DEIS.

This comment letter urged serious consideration of the “Bombing Range South Alternative,” which became the Proposed Route in the DEIS. However, as explained below, the DEIS Proposed Route is no longer the preferred alternative for this segment of the B2H Project, despite the fact that the Proposed Route is located south of and avoids impacts to high-value farmland, the Boardman Grasslands Conservation Area, and the Category 1 habitat for the Washington ground squirrel, *Spermophilus washingtoni* (“Squirrel”). In addition, the DEIS Proposed Route has been thoroughly vetted with stakeholders throughout the scoping process.

¹ As discussed in Section I.C, the Commenters have not been privy to the recent surveys of Washington ground squirrel populations on the Bombing Range, so they do not know whether this statement accurately reflects current conditions.

B31c Based on comments received by the BLM on the Draft EIS, collaboration with the counties and their constituents occurred, resulting in a number of recommended routing variations/ options, which were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

B31d See response to Comment B31c.

COMMENT(S)

RESPONSE(S)

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

Ms. Tamara Gertsch
 March 19, 2015
 Page 3

B31e In mid-2014 the Commenters became aware that the Longhorn Variation, a portion of which includes Route N26, discussed above, along the eastern boundary of the Bombing Range, not only had been re-proposed but also was the current environmentally preferred and agency preferred alternative, despite the problems with this route that were identified during scoping. The Commenters spent the remainder of 2014 attempting to reach a collaborative compromise on the Longhorn Variation with IPC and BLM, with no success.

After exhausting available alternatives, the Commenters retained us last month to represent them and prepare detailed comments on the DEIS. We have been unable to obtain a meeting with BLM to discuss our clients' concerns, which puts us in the position of needing to file these comments. Disconcertingly, BLM has taken steps at every turn to put the Commenters at a severe disadvantage in preparing comprehensive comments to the DEIS.

B. BLM's refusal to extend the public comment period impaired Commenters' ability to participate meaningfully.

The prejudice caused by BLM's refusal to meet with us to discuss the Commenters' concerns is compounded by BLM's complete and inexplicable refusal of the Commenters' reasonable request for an extension of the deadline by which to submit these comments. The ability of the Commenters to comment effectively on the DEIS within the original deadline was severely impaired due to the late stage at which the Longhorn Variation was reinserted into the DEIS.

B31f To comment effectively on the B2H Project, Commenters need access to recent studies regarding the presence of the Squirrel on the Bombing Range and to conduct a full economic analysis, including transmission system modeling, of this project. Neither was possible in the limited time available. In the case of the Squirrel studies, as discussed further in Section I.C, IPC actively obstructed our attempts to obtain this information, necessitating a Freedom of Information Act ("FOIA") request to BLM, which still has not resulted in the Commenters receiving the relevant documents.

Commenters requested a reasonable 60-day extension. Instead, continuing the pattern of obstruction begun with the refusal to meet to discuss the Commenters' concerns, BLM flatly declared that no extension would be given. IPC would not have been prejudiced by such a brief extension of time on a project that has been undergoing public scoping and comment for over six years. Moreover, although a project proponent's goals and objectives should be considered when establishing time limits in the environmental impact statement ("EIS") process, they do not override nor should they receive more weight than the public's need for a fair opportunity to provide meaningful comments, taking into consideration the complexity of the proposed action. U.S. Dep't of Interior, Final Rule on Implementation of NEPA, 73 Fed. Reg. 61,292, 61,307 (Oct. 15, 2008) (codified at 43 C.F.R. pt. 46).

B31g It is more than troubling that BLM seems to regard IPC's interests and views as more important than those expressed by the citizens of the United States who are impacted the most by IPC's preferred least cost/most profitable route. The dismissive attitude and uncooperative behavior of the federal employees in Wyoming, Idaho, and Oregon assigned to this process has been appalling. It is contrary to a bedrock principle of the National Environmental Policy Act

B31e CEQ does not require that all reasonable alternatives have to be considered; rather, a reasonable range of alternatives should be considered. The EIS identified and analyzed a reasonable range of alternatives.

BLM has provided opportunities for public participation (please refer to Section 4.3).

B31f The minimum comment period is 60 days; an additional 30 days was provided. Also, Draft EIS public meetings were held.

The FOIA process is separate from the NEPA process. The BLM will follow the FOIA process steps for any FOIA request.

B31f In general, survey data has to be completed and reviewed by the BLM. In the case of protected or candidate species, BLM will follow the exemptions afforded by the FOIA for sensitive data in any subsequent release.

See also the response to Comment B31f.

B31g Comment noted. Please refer to Section 4.3 for a discussion of the public participation process.

Cooperating agencies work with the BLM under the provisions of Sections 40 CFR 1501.6 and 40 CFR 1508.5.

COMMENT(S)

RESPONSE(S)

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

Ms. Tamara Gertsch
 March 19, 2015
 Page 4

B31g (“NEPA”), 42 U.S.C. § 4321 et seq.—encouraging and facilitating public participation in the governmental decision making process—and is a problem the U.S. Department of the Interior should remedy.

C. BLM failed to release critically important information regarding the Squirrel.

B31h As mentioned above, the Commenters have been unable to access critically important information regarding recent Squirrel studies conducted in 2014 on the Bombing Range, which are necessary for the Commenters to prepare fully informed comments on the DEIS. The Commenters have made multiple requests for the updated Squirrel surveys. As early as November 25, 2013, prior to the studies being conducted, the Commenters submitted a written request to both IPC and the Bonneville Power Administration (“BPA”) to receive information regarding the studies. Email from Bob Levy, Windy River, to Doug Dockter, IPC, and Crystal Ball, BPA (Nov. 25, 2013, 06:47 PST). Both IPC’s response, dated February 7, 2014, and BPA’s response, dated May 13, 2014, referenced the Squirrel studies, but neither response committed to involving the Commenters or even to providing them with the requested information. Letter from Todd Adams, IPC, to Bob Levy, Windy River (Feb. 7, 2014); Email from Crystal A. Ball, BPA, to Robert L. Levy, Windy River (May 13, 2014, 18:31 PDT).

B31h As recently February 2015, IPC once again refused to provide the Commenters with these surveys, necessitating a FOIA request to BLM. Letter from Karen L. Reed, Ring Bender, to Eric Ray, BLM (Mar. 1, 2015). By letter dated March 6, 2015, BLM denied the Commenters request to expedite processing of the FOIA request, and as of the date of these comments, BLM has not yet responded to the request. Letter from Andrew M. Smith, BLM, to Karen L. Reed, Ring Bender (Mar. 6, 2015). The Commenters reserve the right to submit additional comments on the DEIS once they receive the requested information. The Commenters have in no way contributed to the delay caused by the complete failure of IPC and BLM to provide the Squirrel studies, which undeniably are public records subject to disclosure under FOIA. Fundamental fairness requires that the Commenters be allowed sufficient time after receipt of the studies to prepare supplemental comments to the DEIS.

D. BLM and IPC admit that the DEIS is incomplete, which impairs the ability of the public to provide meaningful comment.

B31i The official notes from a meeting of the Pacific Northwest Regional Infrastructure Team (“PNWRIT”) merely a month ago, on February 12, 2015, reflect that Mitch Colburn with IPC provided the following information while presenting an overview of the B2H Project alternatives:

IPC has recently been moving from Grassland substation to Longhorn as the proposed action. The farthest east route out of Longhorn came about because a 230 kV line was proposed along Bombing Range Road. IPC thought east of Bombing Range Road would be a better route than the farther east route. Since there are issues with the east of Bombing Range Road route, *they are also pursuing west of Bombing Range Road. Based on schedule and the desire to not*

B31h The FOIA process is separate from the NEPA process. The BLM will follow the FOIA process steps for any FOIA request.

B31h In general, survey data has to be completed and reviewed by the BLM. In the case of protected or candidate species, BLM will follow the exemptions afforded by the FOIA for sensitive data in any subsequent release.

B31i Comment noted.

B31i Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

COMMENT(S)

RESPONSE(S)

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

Ms. Tamara Gertsch
March 19, 2015
Page 5

delay the DEIS, these updates are not reflected in the DEIS. IPC has a meeting scheduled with the Navy to review IPC’s draft application and clarify any issues.

B31i Susan Hurley, Tetra Tech, PNWRIT Meeting Summary, *B2H Transmission Line Project: Boardman Area Route Alternatives* at 4 (Feb. 12, 2015) (emphasis added). Scott Whitesides with BLM responded “that the BLM would be looking at variations or new alternatives suggested in comments to determine if they would meet the purpose and need of the agencies having a decision to make. ... Also, between draft and final EIS, the *BLM will identify new information and will reevaluate impacts based on that information.*” *Id.* at 4-5 (emphasis added). With respect to suggestions that BLM consider a route terminating at the Slatt Substation, “BLM noted that a route alternative that connected to Slatt would have to be a new alternative, probably in a supplemental EIS.” *Id.* at 6.

These notes are telling. They describe a NEPA planning process that is in flux and an EIS that presents a moving target for parties wanting to submit public comments. If the lead federal agency and the project proponent cannot clearly identify the preferred alternative in a draft EIS issued for public comment, then the commenting parties cannot provide meaningful input into the planning process. This is a NEPA process that has derailed.

B31j Despite their protests, IPC and BLM had ample opportunity to analyze other potential routes, such as the Slatt Alternative and the west side of Bombing Range Road, and include them in the DEIS. For example, IPC has acknowledged that stakeholders advised it in November 2013, *over a year before the DEIS was issued*, to evaluate an alternative on the west side of Bombing Range Road. Letter from Todd Adams, IPC, to Bob Levy, Windy River (Feb. 7, 2014). Thus, IPC’s claim last month at the PNWRIT meeting that it did not have adequate time to evaluate that route before issuing the DEIS is patently false.

B31k Likewise, a BPA representative admitted, more than six months prior to issuance of the DEIS: “If BPA were to consider building a new line from Grasslands to the BPA Slatt substation, BPA would need to conduct an environmental review of the new BPA project.” Email from Crystal A. Ball, BPA, to Robert L. Levy, Windy River (May 13, 2014, 18:31 PDT). Given that public interest had been voiced with respect to a reasonable alternative route to the Slatt Substation, it is unfathomable why BLM chose not to address the Slatt Alternative in the DEIS and instead “save” it for a supplemental EIS. *See* Section II.B.

II. The DEIS is deficient because it fails to fully consider all reasonable alternatives as required by NEPA.

A. NEPA requires BLM to consider all reasonable alternatives.

B31i The DEIS considers four alternatives for the Morrow-Umatilla section of the B2H Project: (1) the Proposed Action, which runs westerly south of the Bombing Range, turning north near Cecil, before finally turning east and terminating at the proposed Grassland Substation; (2) the Horn Butte Alternative, which shares the same route as the Proposed Action but terminates at a proposed Horn Butte Substation, 6.5 miles west of the proposed Grassland Substation; (3) the Longhorn Alternative, which turns north prior to the Bombing Range and terminates at the

B31j Regarding consideration of the Slatt Substation, in a letter dated July 23, 2015, the Bonneville Power Administration, the sole owner of the Slatt Substation, informed the BLM that the Slatt Substation has no open 500-kV bays and there are “severe physical constraints” to expanding the substation to accommodate the B2H Project. Also, because the Slatt Substation is wholly owned by the BPA, the BPA’s policy and rate schedules would require that BPA charge the Applicant and PacifiCorp for use of the substation (which would be passed onto the rate payers. In addition, a thorough study would have to be completed to determine whether the Slatt Substation could meet the B2H Project’s objectives. Because the Slatt Substation is seriously constrained and technically infeasible, and does not meet the interests and objectives of the B2H Project and its partners, consideration of the Slatt Substation and an alternative route to the substation (Final EIS Section 2.5.4).
CEQ does not require that all reasonable alternatives have to be considered; rather, a reasonable range of alternatives should be considered. The EIS identified and analyzed a reasonable range of alternatives.

See also the response to Comment B31c.

B31k Regarding consideration of the Slatt Substation, in a letter dated July 23, 2015, the Bonneville Power Administration, the sole owner of the Slatt Substation, informed the BLM that the Slatt Substation has no open 500-kV bays and there are “severe physical constraints” to expanding the substation to accommodate the B2H Project. Also, because the Slatt Substation is wholly owned by the BPA, the BPA’s policy and rate schedules would require that BPA charge the Applicant and PacifiCorp for use of the substation (which would be passed onto the rate payers. In addition, a thorough study would have to be completed to determine whether the Slatt Substation could meet the B2H Project’s objectives. Because the Slatt Substation is seriously constrained and technically infeasible, and does not meet the interests and objectives of the B2H Project and its partners, consideration of the Slatt Substation and an alternative route to the substation was eliminated from detailed analysis in the Final EIS (Final EIS Section 2.5.4).

B31i CEQ does not require that all reasonable alternatives have to be considered; rather, a reasonable range of alternatives should be considered. The EIS identified and analyzed a reasonable range of alternatives.
Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

COMMENT(S)

RESPONSE(S)

B31 **Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)**

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B31l proposed Longhorn Substation; and (4) the Longhorn Variation, which travels north adjacent to the Bombing Range along the east side of Bombing Range Road, before terminating at the proposed Longhorn Substation.² The Longhorn Variation is the Environmentally Preferred and Agency Preferred Alternative. DEIS § 2.5.1 at 2-70; *see id.* §§ 2.5.1 to 2.5.2.

B31l The termini for all four of these alternatives are at as-yet unbuilt substations. For unknown reasons, the DEIS completely fails to consider a single alternative route with a terminus at an existing substation, including the most obvious and reasonable such route, which would terminate at the C.J. Slatt Substation and Relay House Facility (the “Slatt Alternative”). Because the Slatt Substation is the region’s major 500-kV interconnection hub, owned and operated by BPA, BLM’s failure to include the Slatt Alternative in the DEIS violates NEPA.

B31m The rigorous evaluation of all reasonable alternatives required by 42 U.S.C. § 4332(2)(c)(iii) is “the heart of the environmental impact statement.” 40 C.F.R. § 1502.14. As summarized by the United States Court of Appeals for the Tenth Circuit: “It is absolutely essential to the NEPA process that the decisionmaker be provided with a detailed and careful analysis of the relative environmental merits and demerits of the proposed action and *possible alternatives*, a requirement that we have characterized as ‘the linchpin of the entire impact statement.’” *All Indian Pueblo Council v. United States*, 975 F.2d 1437, 1444 (10th Cir. 1992) (quoting *Natural Res. Def. Council, Inc. v. Callaway*, 524 F.2d 79, 92 (2d Cir. 1975)). Failure to consider an available and reasonable alternative is fatal to an agency’s NEPA analysis. *See, e.g., Ilio’ulaokalani Coal. v. Rumsfeld*, 464 F.3d 1083, 1095 (9th Cir. 2006); *Friends of Se.’s Future v. Morrison*, 153 F.3d 1059, 1065 (9th Cir. 1998); *Alaska Wilderness Recreation & Tourism Ass’n v. Morrison*, 67 F.3d 723, 729 (9th Cir. 1995).

B31m While an agency performing an EIS is not required to consider “every device and thought conceivable by the mind of man,” the agency must consider *all* reasonable alternatives. *Vt. Yankee Nuclear Power Corp. v. Natural Res. Def. Council, Inc.*, 435 U.S. 519, 551 (1978); *see* 40 C.F.R. §§ 1502.14(a)-(c), 1508.25(b)(2). BLM’s own guidance recognizes this requirement: “The CEQ [Council on Environmental Quality] regulations direct that an EIS ‘rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives that were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.’” BLM NEPA Handbook H-1790-1 § 9.2.7.1 (quoting 40 C.F.R. § 1502.14(a)). The Slatt Alternative is just such a reasonable alternative.

B. The Slatt Alternative is reasonable and should have been evaluated.

With respect to Segment 1, the portion of the B2H Project in Morrow and Umatilla Counties in Oregon, the DEIS inexplicably only considers alternatives for the terminus of the B2H Project that require the construction of a new substation, be it the Grassland, Horn Butte, or Longhorn substation, while ignoring an obvious and reasonable alternative that would connect to the existing Slatt Substation, which is the major 500-kV interconnection hub for the northeastern Oregon region. This failure to consider the Slatt Alternative renders the DEIS deficient.

² The routes are displayed on Figure 2-14 in the DEIS. The Proposed Action runs from Points MO1-MO2-MO5-MO3, the Horn Butte Alternative runs from MO2-MO5-MO3, the Longhorn Alternative runs from MO4-MO3, and the Longhorn Variation runs from MO4-MO5-MO3. DEIS § 2.3.1.3 at 2-56.

B31m [See response to Comment B31j and B31l.

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B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

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The Slatt Alternative would follow the approximate route depicted in the aerial photo attached as [Exhibit 1](#). The Slatt Alternative is identical to the Proposed Action starting from the eastern end of Segment 1 until it reaches the approximate location of the proposed Horn Butte Substation. Instead of terminating there, as in the Horn Butte Alternative, or turning east to the Grasslands Substation, as in the Proposed Action, the transmission line would turn west and follow the route of the existing 500-kV transmission line leading to the Slatt Substation. This existing transmission line runs in a westward direction from the approximate location of the proposed Horn Butte Substation to a point near the Gilliam/Morrow County line, where it turns north-northeast, roughly aligning with Willow Creek, until it turns west again, crosses Highway 74 and then connects with the Slatt Substation, as shown in [Figure 1](#).

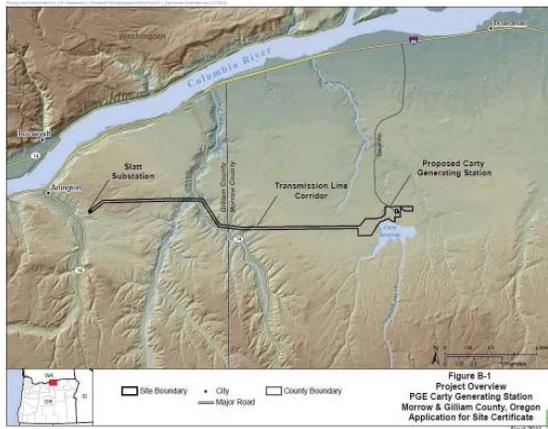


Figure 1. Existing transmission line corridor from approximate location of proposed Horn Butte Substation to Slatt Substation.

Source: Exhibit B to Portland General Electric’s application to the EFSC for the Carty Generating Station, http://www.oregon.gov/energy/Siting/docs/CGS/Carty_Exhibits_A-F.pdf.

The Slatt Alternative would be approximately 15 miles longer than the Longhorn Variation but, as explained above, would not involve construction of a new substation. The existing Slatt substation could readily accommodate the B2H Project. Letter Report from Paul H. Vigansky, TriAxis Eng’g, Inc., to Don Rice, Greenwood Resources 5 (Mar. 18, 2015), attached as [Exhibit 7](#) (“TriAxis Report”). The absence of the Slatt Alternative from the record further illustrates BLM’s error in failing to analyze a single alternative terminating at an existing substation and the prejudice to stakeholders resulting from this error. Without this information,

B31n [Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

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B31n neither the decision makers nor the public can fully evaluate the environmental impacts resulting from the construction of a new substation. Instead, BLM incorrectly presumed that a new substation was necessary, regardless of the environmental impacts.

B30 A review of the aerial photograph attached as [Exhibit 1](#) demonstrates that the Slatt Alternative avoids most of the area’s high-value irrigated agriculture and that the land uses in the affected area are primarily dryland farming and grazing, unlike the Longhorn Variation and the Longhorn Alternative, both of which adversely affect high-value irrigated agriculture. The Slatt Alternative would be shorter than the Proposed Action and only slightly longer than the Horn Butte Alternative. While the Slatt Alternative would be longer than the Longhorn Variation and the Longhorn Alternative, it would not have the significant impacts associated with the construction of a new substation, which all of the considered alternatives possess.³ The Slatt Alternative is a reasonable, technically feasible and economical alternative and would provide the same interconnection to the BPA transmission grid as the proposed, but as-yet unbuilt Longhorn Substation.

BLM’s failure to consider, through almost seven years of scoping and evaluation, terminating the transmission line at the already-constructed regional 500-kV hub is inexplicable. The notation “To Slatt” circled in blue on the February 2013 B2H Project location map, attached as [Exhibit 2](#), demonstrates that IPC and BLM were well aware of the existing connection to the Slatt Substation. The Slatt Alternative is not some dubious flight of fancy; it is precisely the kind of reasonable alternative that NEPA requires to be addressed. The complete lack of consideration given to the Slatt Alternative renders the DEIS deficient and vulnerable to legal challenge.

C. The analysis of the no-action alternative is completely inadequate.

B31p “The No Action alternative provides a useful baseline for comparison of environmental effects (including cumulative effects) and demonstrates the consequences of not meeting the need for the action.” BLM NEPA Handbook H-1790-1 § 6.6.2 at 51 (citations omitted). However, the analysis of the no-action alternative in the DEIS is far from useful. The entirety of the DEIS’s description of the no-action alternative for the B2H Project is no more than a recitation of legal requirements:

The Council on Environmental Quality regulations require that EISs describe a “no action” alternative to a proposed action (40 CFR 1502.14(d)). The No Action Alternative describes the reasonably foreseeable outcome that would result from denying IPC’s requests for a right-of-way grant and special-use authorization to construct the proposed B2H Project. If no action is taken, the BLM would not grant a right-of-way and the USFS [U.S. Fish and Wildlife Service] would not authorize a special-use permit for the project to cross federal lands and the transmission line and ancillary facilities would not be constructed on federal lands.

³ The Longhorn Alternative and Longhorn Variation require construction of the Longhorn Substation, the Horn Butte Alternative requires construction of the Horn Butte Substation, and the Proposed Action requires construction of the Grassland Substation. While the DEIS states that the Grassland Substation is currently under construction, there are no current signs of construction on the Grassland Substation parcel. TriAxis Report at 3.

B31o See response to Comment B31j.

B31p The BLM believes the analysis of the No Action meets the CEQ guidelines.

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B31q

The No Action Alternative is intended to describe the existing and future state of the environment in the absence of the Proposed Action. It provides a baseline for comparing environmental effects and demonstrates the consequences of not granting the right-of-way and authorizing special use.

DEIS § 2.3.6 at 2-66, *ll.* 7-15.

Likewise, in discussing the environmental effects of the no-action alternative with respect to specific resources, the DEIS contains no analysis at all. For example, with respect to agricultural resources, the DEIS states: "If the No Action Alternative is selected, land uses in the project area, including agricultural operations, would continue unaffected by the B2H Project. Changes in land use are expected over time, but none would be created by the proposed B2H Project." DEIS § 3.2.6.6 at 3-420, *ll.* 6-8. The EIS provides no detail on the expected land use changes in the absence of the proposed project. The no-action alternative analyses for all the other resources are essentially identical.

The DEIS's paucity of analysis with respect to the no-action alternative violates BLM's NEPA policies. For example, "[w]here a choice of 'no action' by the agency would result in predictable actions by others, this consequence of the 'no action' alternative should be included in the analysis. For example, if denial of permission to build a railroad to a facility would lead to construction of a road and increased truck traffic, the EIS should analyze this consequence of the 'no action' alternative." BLM, NEPA Web Guide, CEQ 40 FAQs: Question 3, http://www.blm.gov/wo/st/en/prog/planning/nepa/webguide/40_most_asked_questions/questions_1-10.html#3 (last visited Mar. 17, 2015).

B31r

A readily identifiable alternative to constructing additional transmission capacity is constructing new natural-gas fueled generation facilities to serve the electric energy demands that would be served by the proposed transmission capacity. In fact, electric utilities routinely analyze this alternative in their integrated resource planning ("IRP") process to comply with federal and state regulatory requirements. *See, e.g.*, OAR 860-027-0400 (Oregon's IRP Guidelines for Energy Utilities); IPC, Integrated Resource Plan, <https://www.idahopower.com/AboutUs/PlanningForFuture/irp/default.cfm> (last visited Mar. 18, 2015). For example, IPC's 2013 resource alternatives analysis included, among other resources, Northwest transmission capacity, simple-cycle combustion turbines and Langley Gulch combined-cycle combustion turbines.⁴ IPC, 2013 Integrated Resource Plan 83 (June 2013), <https://www.idahopower.com/pdfs/AboutUs/PlanningForFuture/irp/2013/2013IRP.pdf>.

Thus, BLM had access to readily available information regarding "predictable actions by others" likely to result from selection of the no-action alternative for the B2H Project, specifically the construction and operation of natural-gas fueled generation facilities by IPC or other electric utilities. Contrary to NEPA's requirements, the DEIS completely fails to address the impacts that would result from such third-party actions. Moreover, the analysis of these impacts is not an academic exercise. Rather, it allows the decision maker and the public to evaluate, based on a

⁴ IPC's IRP process occurs every two years, so the 2013 Integrated Resource Plan is the most recent publicly available plan for IPC.

B31q

See response to Comment B31j.

B31r

The Applicant's 2015 Integrated Resource Plan (IRP), a long-term resource planning study, recently reaffirmed that the B2H Project is essential to serving future growth in customer demand. Previous IRPs also identified the need for this transmission line project, going back to the 2006 IRP. The 2015 IRP indicates the need of the B2H Project remains strong. When finished, the B2H Project would help provide low-cost energy to the Applicant's customers in southern Idaho and eastern Oregon. The B2H Project also would interconnect with existing transmission systems owned by B2H Project partners PacifiCorp and the Bonneville Power Administration, allowing greater amounts of electricity to move bi-directionally throughout the Pacific Northwest. The B2H Project also would add capacity to transmit electricity during high summer-month loading conditions and could serve renewable projects if developed. This would help meet a regional need and provides benefits to the entire area, much of which is served, directly or indirectly, by those two providers. In addition, the B2H Project would allow the Applicant to serve its growing load without building carbon-emitting resources.

It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized and approved as appropriate by the Public Utilities Commission in each state. The Applicant's goals and objectives for a project are outlined in their IRP, which is updated every two years and can be found at <http://www.pacificorp.com/es/irp.html>.

The BLM's purpose and need is to respond to the application for right-of-way across lands it administers.

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B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

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B31r benefit-cost comparison informed by elucidation of environmental impacts, whether the B2H Project is justifiable and should be constructed at all.

Although BLM failed to evaluate whether the B2H Project should go forward, IPC did conduct such an evaluation, in its 2013 Integrated Resource Plan. Unfortunately, however, IPC’s 2013 Integrated Resource Plan suffers from several significant deficiencies, discussed in detail in the attached expert report by DNV GL Energy. Letter from P. Jeffrey Palermo, DNV GL Energy, to Karen L. Reed, Ring Bender (Mar. 19, 2015), attached as [Exhibit 10](#) (“DNV Report”). As explained in the DNV Report, these deficiencies undermine the plan’s conclusion that the B2H Project is economically justifiable, even without consideration of the substantial adverse environmental impacts addressed in these comments.

B31s These comments discuss two of these deficiencies, which BLM should have analyzed in the DEIS, and which cast serious doubt on the necessity of entire B2H Project, particularly when combined with the project’s severe and unmitigated adverse effects on the agricultural community of northeastern Oregon. First, unexpected substantial reductions in the cost of natural gas over the last several years invalidate the 2013 plan’s resource alternatives analysis. Second, the plan’s assumption that new natural-gas generation facilities would be collocated with coal generation facilities is unrealistic and unreasonably skews the analysis in favor of constructing additional transmission facilities, such as the B2H Project.

As the DNV Report explains, IPC’s projections assumed a 2015 cost for natural gas of \$6.19 per MMBTU.⁵ The current actual price of natural gas is \$2.10 per MMBTU, which is 64 percent lower than the projection. DNV Report at 3-4. In fact, the cost of natural gas has decreased so much that natural-gas generation now costs marginally less than coal-fired generation, which formerly was the lowest-cost source of electric generation. *Id.* at 6 fig.1.

B31t The implications for the B2H Project are dramatic: it may now cost less to provide new natural-gas generation close to the source of the demand than to construct and operate long-distance transmission facilities carrying energy from distant coal-fired power plants. When BLM issued the DEIS, it was readily apparent that natural gas prices were much lower than the 2013 projection, so BLM should have analyzed the effects of that price fluctuation on the need to construct the B2H Project.

In addition, IPC made an assumption in the 2013 Integrated Resource Plan that was unrealistic from the outset, namely that new natural-gas generation facilities would be collocated with coal-fired facilities, rather than being located near the source of the energy demand. *Id.* at 5. This assumption ignored realities, at least in Oregon, about the political climate and public sentiment regarding sources of electric energy.

⁵ MMBTU is an abbreviation for one million British Thermal Units (BTUs). A BTU is the amount of heat required to increase the temperature of a pint of water (which weighs exactly 16 ounces) by one degree Fahrenheit. Since BTUs are measurements of energy consumption, they can be converted directly to kilowatt-hours (kWh), which is the unit used to measure electric energy consumption.

B31s It is not BLM’s role or responsibility to verify an applicant’s interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized by the Public Utilities Commission. The responsibility of BLM and other land-management agencies is to respond to the application for right-of-way across lands it administers.

The Applicant’s 2015 Integrated Resource Plan (IRP), a long-term resource planning study, recently reaffirmed that the B2H Project is essential to serving future growth in customer demand. Previous IRPs also identified the need for this transmission line project, going back to the 2006 IRP. The 2015 IRP indicates the need of the B2H Project remains strong. When finished, the B2H Project would help provide low-cost energy to the Applicant’s customers in southern Idaho and eastern Oregon. The B2H Project also will interconnect with existing transmission systems owned by B2H Project partners PacifiCorp and the Bonneville Power Administration, allowing greater amounts of electricity to move throughout the Pacific Northwest. This helps meet a regional need and provides benefits to the entire area, much of which is served, directly or indirectly, by those two providers. In addition, the B2H Project allows the Applicant to serve its growing load without building carbon-emitting resource.

B31t See response to Comment B31s.

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B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

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B31t

The Boardman coal plant is the only source of coal-fired power located in Oregon, and five years ago it was slated to be closed or converted to another fuel source by 2020.⁶ It would be a near-impossibility today to site a new coal-fired generation facility in Oregon. This is not the case, however, with respect to construction of new natural-gas generation, which has developed an active and competitive market in Oregon.⁷ Consistent with actual energy generation trends, IPC’s resource alternatives analysis should have assumed that new natural-gas generation facilities would be located near the places of highest demand, thereby reducing the need for additional transmission capacity.

BLM did not address any of these issues or the additional issues addressed in the DNV Report and failed to provide any meaningful analysis in the DEIS regarding the alternatives to construction of the B2H Project. NEPA does not allow BLM to simply assume, however, that the B2H Project should be constructed. Instead, BLM must provide a meaningful analysis of the no-action alternative, so the decision makers and the public can make informed choices among all of the reasonable alternatives, including the alternative of not authorizing the B2H Project.

III. The discussion of impacts to high-value farmland is deficient because it is overly simplified and does not represent the facts on the ground.

B31u

Pursuant to the Farmland Protection Policy Act (“FPPA”), 7 U.S.C. §§ 4201-4209, and its associated regulations, EISs must address impacts to agricultural resources. Unfortunately, the discussion of agricultural impacts in the DEIS suffers from two major defects. First, it evaluates the impacts to agricultural operations based primarily on the *potential* use of the affected land, using the FPPA’s definition of “prime farmland,” rather than the *actual* use to which that land is put, as denoted by the FPPA’s definition of “unique farmland.” 7 U.S.C. § 4201(c)(1).⁸ This mischaracterization caused the DEIS to greatly understate the impacts of the Environmentally Preferred and Agency Preferred Alternative, the Longhorn Variation, vis-à-vis the Proposed Action.

Second, by assuming that the principal ongoing impact on farming operations of the B2H Project would be limited to the occupation of prime farmland by tower structures, the DEIS ignores the significant operational interference to irrigated farmland caused beyond the towers’ footprints and thus inappropriately minimizes the long-term effects of the B2H Project on high-value irrigated agriculture in the region. Both of these deficiencies severely undermine the usefulness of the discussion on agricultural impacts contained within the DEIS.

⁶ Ted Sickinger, *PGE plan to close coal-fired Boardman power plant by 2020 could set national precedent*, The Oregonian, Dec. 6, 2010, http://www.oregonlive.com/environment/index.ssf/2010/12/pge_plan_to_close_coal-fired_b.html.

⁷ Associated Press, *PGE building Boardman natural-gas fired power plant*, The Oregonian, June 8, 2014, http://www.oregonlive.com/pacific-northwest-news/index.ssf/2014/06/pge_building_boardman_natural.html (describing multiple natural-gas generation facilities under construction in Oregon).

⁸ The FPPA defines “prime farmland” as that which is optimal for growing crops but “is currently being used to produce livestock and timber.” 42 U.S.C. § 4201(c)(1)(A). By contrast, “unique farmland” is that which is “used for production of specific high-value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods.” *Id.* § 4201(c)(1)(B) (emphasis added).

B31u

The analysis of impacts on agriculture for all alternatives in the Final EIS includes a quantitative analysis of important farmland, high-value soils, irrigated farmland, and existing agriculture. See Section 3.2.7 for revisions.

The economic analysis in Section 3.2.17 includes data on effects to irrigated farmland from the construction and operation of the B2H Project. The analysis assesses how surface disturbances may affect crop yields under the alternatives, and how these changes in crop yields may affect local economic conditions.

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B31

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A. By focusing its discussion on “prime farmland” in the abstract, rather than on currently irrigated high-value farmland, the DEIS understates the impacts of the Longhorn Variation and Longhorn Alternative on agriculture in the affected area.

B31v

The importance of high-value irrigated agriculture to Eastern Oregon cannot be overstated. Irrigation can bring low-value land, suitable only for growing dryland wheat, into production of high-value root crops, increasing the productivity of the land up to fifty-fold.⁹ For this reason, any consideration of agricultural effects in the DEIS should focus on the effects on land currently under irrigation, not on the total amount of land affected. The effects on “prime farmland” that could be farmed, if water rights were available and obtained, and if the farmland were irrigated and placed to its highest value use, are far less important than the effects on “unique farmland” that is currently irrigated and currently placed to its highest value use.

In Chapter 3 the DEIS discusses the impacts to agriculture from the Morrow-Umatilla portion of the B2H Project. DEIS §§ 3.2.6.2 to 3.2.6.6. The discussion focuses on the fact that the Longhorn Variation would have a lesser effect on “prime farmland” than the Proposed Action, stating that construction of the Longhorn Variation would only disturb 263 acres of prime farmland, with the Proposed Action disturbing approximately 579 acres. *Id.* § 3.2.6.6 at 3-439, *ll.* 5-7. It also states that the Longhorn Variation would affect approximately 50 fewer acres of prime farmland in the long term. *Id.*, *ll.* 7-9.

Given these statistics a reader could conclude that the Longhorn Variation will have significantly fewer adverse effects on agriculture than the Proposed Action, but that conclusion is simply wrong. As the DEIS acknowledges, construction of the Longhorn Variation would disturb approximately 32 more acres of irrigated agriculture than the Proposed Action would disturb. *Id.* at 3-438, *ll.* 29-30. By focusing on effects to “prime farmland” as defined in the FPPA, rather than taking into account how that land is actually used by evaluating effects to irrigated farmland in operation, the DEIS inappropriately minimizes the severe effects the Longhorn Variation would have on local agriculture. *Cf. Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1379-80 (9th Cir. 1998) (holding that EIS alternatives should be stated in terms of quality as well as quantity).

B31w

Even a cursory examination of the aerial photographs of the Longhorn Variation, attached as Exhibit 3, and of the Longhorn Alternative, attached as Exhibit 4, shows the transmission line cutting through a sea of green fields, made productive by irrigation, while the route of the Proposed Action south of the Bombing Range, attached as Exhibit 5, cuts primarily through brown, unirrigated, low-value farmland. If the Slatt or Horn Butte Alternative is chosen, rather than continuing the line all the way to the proposed Grassland Substation, the total impacts to irrigated agriculture in Segment 1 are negligible. See Exhibit 1 for an aerial photograph of the Slatt Alternative.

⁹ J.R. Cook, Northeast Oregon Water Association, Handout at PNWRIT Meeting: *Effort for Common Sense Transmission and Energy Facility Development* 6 (Feb. 12, 2015).

B31v

The analysis of impacts on agriculture for alternative routes analyzed in detail in the Final EIS includes a quantitative analysis of important farmland, high-value soils, irrigated farmland, and existing agriculture. See Section 3.2.7 for revisions.

The economic analysis in Section 3.2.17 includes additional data on effects to irrigated farmland from the construction and operation of the B2H Project. The analyses assess how surface disturbances may affect crop yields under the alternatives, and how these changes in crop yields may affect local economic conditions.

B31w

The analysis of impacts on agriculture for alternative routes analyzed in detail in the Final EIS includes a quantitative analysis of important farmland, high-value soils, irrigated farmland, and existing agriculture. See Section 3.2.7 for revisions.

The economic analysis in Section 3.2.17 includes additional data on effects to irrigated farmland from the construction and operation of the B2H Project. The analyses assess how surface disturbances may affect crop yields under the alternatives, and how these changes in crop yields may affect local economic conditions.

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B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

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B31w

The economic value of irrigated farmland in northeastern Oregon is more than an order of magnitude greater than the value of unirrigated farmland. The Columbia-Snake River Irrigators Association (“CSRIA”), in its technical comments to the DEIS, presented an independent expert opinion estimating the fair market value of irrigated farmland in this region at \$7,500-\$10,000 per acre. Technical Memorandum from Darryll Olsen, CSRIA, to Tamara Gertsch, BLM at 3 (Mar. 17, 2015), attached as Exhibit 6 (“CSRIA Technical Memorandum”). This contrasts with an estimated value for unirrigated farmland and grazing land of \$500-\$750 per acre.

Moreover, the DEIS significantly underestimates the acreage of irrigated farmland adversely affected by the B2H Project. The DEIS estimates that the Proposed Action will adversely affect 114.8 acres of irrigated agriculture during construction, DEIS § 3.2.6.6 at 3-432 tbl.3-103, and 13.4 acres of irrigated agriculture during operations, *id.* at 3-436 tbl.3-108. Selection of the Longhorn Variation would increase adverse impacts to agriculture and is estimated in the DEIS to affect 146.8 acres of irrigated agriculture during construction, *id.* at 3-438,¹⁰ and 16.4 acres of irrigated agriculture during operations, *id.* at 3-460 tbl.3-119.¹¹

CSRIA estimates, however, that impacts to irrigated farmland during both construction and operations will be in the range of 350 to 1,050 acres. CSRIA Technical Memorandum at 3. Thus, the total value of impacted irrigated agriculture would be approximately \$2.6 million to \$10.5 million, and CSRIA estimates the present value of associated regional income loss at \$12.5 million to \$17.4 million. *Id.* at 4. These economic impacts cannot properly be characterized as “low.” See DEIS § 3.2.6.6 at 3-439, *ll.* 11-13 (concluding that long-term effects to agricultural operations in Segment 1 from the B2H Project would be low).

B. By claiming that the primary ongoing impact of the B2H Project on agricultural operations would be limited to the area occupied by the tower structures, the DEIS understates the actual ongoing impact on agriculture.

B31x

The DEIS claims that the principal impact during B2H Project operations would be “[t]he occupation of prime farmland by tower structures.” DEIS § 3.2.6.6 at 3-427, *ll.* 27-28. Although the DEIS describes in abstract terms the operational difficulties and increased costs associated with irrigating around the tower structures, *id.* at 3-426 to -427, it concludes, without citing any support, that only tree crops would be affected in areas outside the tower footprints, *id.* at 3-412, *ll.* 8-10, 3-439, *ll.* 11-15.

¹⁰ The DEIS presents these estimates in a confusing and disjointed manner. For example, the DEIS text states, “Construction of the Longhorn Variation would disturb approximately 32 more acres of irrigated agriculture than the Proposed Action.” DEIS § 3.2.6.6 at 3-438, *ll.* 29-30. Since the Proposed Action would disturb 114.8 acres during construction, the reader would infer that the Longhorn Variation would disturb 146.8 acres. However, Table 3-113 at page 3-453, indicates that the Longhorn Variation would disturb 122.2 acres during construction. CSRIA makes the understated observation that these tables present values that “are not necessarily easy for the reader to reconcile.” CSRIA Technical Memorandum at 3. We agree and additionally note that these confounded values do not support reasoned decision making by the federal action agencies.

¹¹ We also note that Chapter 2 of the DEIS presents yet another conflicting set of numbers for impacts to irrigated agriculture. DEIS § 2.5.2 at 2-72, *ll.* 10-15. These multiple and considerable inconsistencies suggest that BLM applied an inconsistent analysis and completely failed to take the required hard look at these important impacts.

B31x

The analysis of impacts on agriculture for alternative routes analyzed in detail in the Final EIS includes a quantitative analysis of important farmland, high-value soils, irrigated farmland, and existing agriculture. See Section 3.2.7 for revisions.

The economic analysis in Section 3.2.17 includes additional data on effects to irrigated farmland from the construction and operation of the B2H Project. The analysis assesses how surface disturbances may affect crop yields under the alternatives, and how these changes in crop yields may affect local economic conditions.

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B31y On-the-ground experience proves otherwise: as CSRIA explains in its technical comments, pivot irrigation was curtailed due to the interference of BPA’s transmission facilities north of Boardman in the Horse Heaven Hills area. In the area east of the Bombing Range, CSRIA estimates that the Longhorn Variation would remove one-third of each affected center-pivot field from production, in addition to causing structural impacts. CSRIA Technical Memorandum at 3. Similar but even more severe effects would result from selection of the Longhorn Alternative.

These structural impacts include interference with automated irrigation systems, making it more expensive and less efficient to irrigate the remaining two-thirds of a center-pivot field. *See* DEIS § 3.2.6.6 at 3-426 to -427. Farmers would be hit with increased labor and capital costs and decreased crop productivity. And the towers can interfere with the use and transport of farm equipment. *Id.*

In addition, the DEIS fails to acknowledge that placement of towers in the corners of center-pivot irrigated fields would not mitigate the adverse impacts but instead will generate additional adverse effects. Underground irrigation infrastructure is typically located in these corners, and BLM apparently does not understand that this infrastructure could not be collocated with the towers. *See, e.g.,* DEIS § 3.2.6.6 at 3-438, *ll.* 27-28 (“[C]ultivation of row crops is possible within the Project right-of-way.”). Moreover, new agricultural technology and farming methods are making it feasible to farm the corners, so losing the use of that land imposes additional and more serious adverse effects on irrigated agriculture, none of which were evaluated by the DEIS in its alternatives analysis.

Additionally, with respect to the Longhorn Variation, the DEIS understates the amount of irrigated farmland that would be occupied by tower structures. The DEIS assumes that the towers would occupy a 40-by-40-foot area at ground level and be placed approximately four per mile, occupying 6,400 square-feet per mile. *Id.* at 3-427, *ll.* 28-29. However, due to height restrictions necessitated by proximity to the Bombing Range, the Longhorn Variation would require shorter, more closely spaced towers, which would remove even more farmland from production. *Id.* § 2.3.1.3 at 2-55, *ll.* 13-16.¹²

B31z The construction and operation of the B2H Project will have significant effects on irrigated agriculture. By focusing only on the area occupied by the towers themselves, the DEIS ignores the many secondary effects on irrigation operations, which greatly expand the costs that would be imposed by ongoing B2H Project operations. Moreover, with respect to the Longhorn Variation, BLM miscalculated the footprint of the towers. These impacts should have been studied and addressed within the DEIS, and without this analysis, the evaluation of the project’s adverse effects on agriculture is incomplete.

¹² Moreover, the “weathering steel finish” proposed for the towers installed along the east side of Bombing Range Road, DEIS § 2.3.1.3 at 2-55, *l.* 15, is not recommended for use in areas adjacent to pivot or spray irrigation, *see* TriAxis Report at 2.

B31y The analysis of impacts on agriculture for alternative routes analyzed in detail in the Final EIS includes a comparative quantitative and qualitative analysis of irrigated farmland and existing agriculture. This includes more information related to impacts on pivot irrigation systems and placement of tower structures. Refer to Sections 3.2.7.5 and 3.2.7.6 for revisions.

The B2H Project description in Chapter 2 has been expanded to include the typical characteristics of the B2H Project in proximity to NWSTF Boardman, and the effects analysis in Chapter 3 has been updated accordingly.

B31z This EIS does not specifically address requirements of the state EFSC process. The B2H Project is being permitted concurrently through the Oregon Department of Energy and EFSC. The BLM assumes the B2H Project will comply with land use ordinances and state preservation goals as dictated by the Oregon Department of Energy.

Based on comments received by the BLM on the Draft EIS, collaboration with the counties and their constituents occurred, resulting in a number of recommended routing variations/ options, which were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2.

B31z The analysis of impacts on agriculture in the Final EIS includes a quantitative analysis of important farmland, high-value soils, irrigated farmland, water use, crop production, and existing agriculture. Refer to Sections 3.2.7.2 and 3.2.7.6. In addition the Final EIS has been expanded to include more information regarding land use regulations and zoning within the B2H Project study area. *See* Sections 2.1.1.3 (Recommended Route-Variation Options) and 3.2.7 for further detail.

According to a Natural Resources Conservation Service representative for the Farmland Protection Policy Act for Oregon, the B2H Project is not required to comply with the Act and complete the Farmland Conversion Impact Rating form because the B2H Project is not a federally funded project (Raney 2016). However, the Final EIS includes a comparison by alternative route and variation, of important farmland crossed as defined under the Farmland Protection Policy Act.

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IV. The Longhorn Variation and Longhorn Alternative Fail to Comply with Local Land Use Ordinances and Statewide Agriculture Preservation Goals.

The Longhorn Variation and Longhorn Alternative not only present adverse cumulative impacts on the agricultural land surrounding the B2H Project, but also are inconsistent with local and state land use policies and requirements, which protect and preserve agricultural land. IPC intends to satisfy local permitting requirements for the project by requesting EFSC's approval under Oregon Revised Statutes ("ORS") 469.501(1)(b) for compliance with land use standards. To obtain this approval, IPC must demonstrate compliance with both state and local land use objectives. *See* DEIS § 3.2.6.2 at 3-394.

As stated in the DEIS: "In making the decision [whether to issue a site certificate], the EFSC considers not only its own standards but also the applicable rules and ordinances of state and local agencies." *Id.* § 1.10 at 1-32 tbl.1-4. These applicable rules and ordinances include the Morrow County Comprehensive Plan, which requires developments to minimize adverse effects on farmable land:

With regard to utility facilities, the plan provides that substations should be centrally located to the service area and should be planned and designed to minimize negative impacts on nearby properties and the public. The plan also provides that utility lines and facilities should be located ... through "generally unproductive lands to avoid dividing existing farm units."

Id. § 1.9.3 at 1-29 tbl.1-2.

An applicant for an EFSC certificate must also comply with Oregon statutes designed to preserve and maintain agricultural lands. *Id.* § 3.2.6.2 at 3-395. Under Oregon law, non-farm uses, including transmission lines situated on sites zoned for exclusive farm use, may be permitted as an exception only if the facilities are necessary for public service. *Id.*, ll. 8-11 (citing ORS 215.275, 215.283). "To demonstrate that a utility facility is necessary, an applicant ... must show that reasonable alternatives have been considered and that the facility *must* be sited in an exclusive farm use zone due to one or more of [six limiting] factors." ORS 215.275(2) (emphasis added).

In addition, BLM's decision making must be guided by the FPPA. The FPPA, like NEPA, "requires agencies to evaluate their programs and consider alternatives, but with a specific focus on preventing adverse effects on farmland." *Town of Norfolk v. U.S. EPA*, 761 F. Supp. 867, 890 (D. Mass. 1991) (citing 7 U.S.C. § 4202). The purposes of the FPPA include "minimiz[ing] the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses and assuring that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State ... policies to protect farmland." *Wade v. Dole*, 631 F. Supp. 1100, 1112-13 (N.D. Ill. 1986) (citing 7 U.S.C. § 4201(b)); *see* DEIS § 1.8 at 1-26 tbl.1-1.

As explained in more detail in Section III.A, BLM's conclusion that the long-term adverse effects to irrigated farmland resulting from the Longhorn Variation are "low" is plainly wrong

B31z

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B31z and apparently uninformed. For example, BLM reveals its complete lack of understanding regarding the operation of irrigated agriculture, particularly with respect to water rights, land use and irrigation infrastructure, when it suggests that farmers could reinstate cultivation of row crops immediately upon the completion of construction,¹³ or simply substitute dryland for impacted irrigated farmland.¹⁴

Nonetheless, and despite its obligations under local, state, and federal law to act conservatively and prudently to protect high-value farmland, BLM has selected the Longhorn Variation as the current Preferred Alternative. Contrary to the policies and legal requirements discussed in this section, the Longhorn Variation will destroy some of the most valuable, productive, and irreplaceable farmland in the region. BLM’s assertion that this farmland is readily replaceable ignores state water law, state and local land use laws, water delivery and irrigation limitations, and limitations imposed by soils and geography. This land is not a fungible commodity.

Moreover, BLM has failed to analyze viable alternatives, such as the Slatt Alternative and the west side of Bombing Range Road, that would mitigate adverse impacts to agriculture, as required by law. Because the severe agricultural impacts resulting from the Longhorn Alternative are avoidable in light of alternate routes, BLM has not established that the B2H Project Preferred Alternative qualifies for EFSC approval under ORS 215.275. Nor does the needless destruction of valuable farmland meet federal, local, and state land use goals and requirements.

V. The DEIS’s discussion of adverse effects to the Squirrel ignores applicable law and the facts.

B31aa The DEIS fails to provide sufficient information for an informed decision regarding the B2H Project’s effects upon the Squirrel, its life cycle and habitat needs, and regarding the adequacy of IPC’s proposed mitigation actions. First and foremost, the DEIS fails to incorporate information already in IPC’s and BLM’s possession regarding the current distribution of Squirrels on the Bombing Range, making informed management decisions impossible. See Section I.C.

The Squirrel was common in northeastern Oregon through the early 1950s. However, loss of habitat and the common practice of recreational shooting caused Squirrel populations in Oregon to decline dramatically through the 1950s. By the early 1960s, the Squirrel was presumed to be extirpated in Oregon. However, in 1978, a self-sustaining population of Squirrels was discovered on the Bombing Range. Northwest Wildlife Consultants, Inc., *Wind Power and Ground Squirrels*, PowerPoint Presentation at 9-10 (Dec. 2, 2008), http://www.dfw.state.or.us/conservationstrategy/docs/wind_energy_110508/Wind%20Power%20and%20Ground%20Squirrels.pdf.

¹³ “Impacts to these heavily modified [agricultural] areas would be low and short-term as agricultural use for row crops could be reinstated immediately” DEIS § 3.2.3.6 at 3-165, *ll.* 4-6.

¹⁴ “The overall operations [sic] effects of the Proposed Action to all agricultural lands would be long-term but would have a low overall effect on agricultural operations, given the available agricultural lands in the project analysis area.” DEIS at S-21, *ll.* 9-12.

B31aa The Washington ground squirrel analysis has been revised for the Final EIS to include additional direct and indirect impacts from the B2H Project, updated mitigation measures and residual impact analyses, and additional information on the species’ distribution in the B2H Project area (including the NWSTF Boardman).

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B31ab In 2000, the Squirrel was listed as endangered by the State of Oregon, and it is a candidate species for federal listing under the Endangered Species Act. *Id.* at 8. Consequently, NEPA requires BLM to take a hard look at the B2H Project’s potential effects upon the Squirrel, particularly since electric transmission lines have been identified as a known threat to the Squirrel’s survival and recovery. *Id.* at 17.

The Oregon Department of Fish and Wildlife (“ODFW”) has specified standards applicable to the Squirrels and their habitat with respect to wind energy projects. ODFW, Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines (Sept. 29, 2008), http://www.oregon.gov/energy/RENEW/Wind/docs/OR_wind_siting_guidelines.pdf (“Wind Guidelines”). These standards expressly apply to “placement of transmission lines.” *Id.* at 6.¹⁵

The Wind Guidelines provide, “If the project is located in the known range of the state-endangered Washington ground squirrel, surveys using best available standards should be conducted in suitable Washington ground squirrel habitat.” *Id.* at 12. Thus, the project developer cannot rely on pre-existing studies, but instead must perform new survey “using best available standards.”¹⁶ The project also must be surveyed for the specific habitat types that Squirrels utilize. *Id.* at 9.

With respect to the B2H DEIS, the results of these new studies were not released to the public when the DEIS was issued for public comment, leaving commenters in the dark regarding the current status of Squirrel populations on the Bombing Range and at a huge disadvantage vis-à-vis IPC, which admitted to having final reports, but declined to release them to the public.

B31ac IPC’s reluctance may be explained by the significance of a finding that the B2H Project has the potential to adversely affect occupied Squirrel habitat. The Squirrel’s burrow complexes and adjacent habitat required for survival are classified as Habitat Category 1 pursuant to ODFW’s Fish and Wildlife Habitat Mitigation Policy (“Mitigation Policy”), which categorizes habitat and specifies mitigation actions for each category. See Oregon Administrative Rules (“OAR”) 635-415-0000 to 635-415-0025; ODFW, *What is the Fish and Wildlife Habitat Mitigation Policy?*, http://www.dfw.state.or.us/lands/mitigation_policy.asp (last visited Mar. 8, 2015).

With respect to Category 1 Squirrel habitat, the Wind Guidelines are clear: “Project developers should avoid impacts to this habitat, as it is *irreplaceable*.” Mitigation Policy at 21. Even temporary potentially adverse effects must be avoided. “Sensitive areas to be avoided during construction” include “occupied Washington ground squirrel burrow complexes and required adjacent habitat for squirrel survival.” *Id.* at 16 (emphasis added). If impacts to Category 1 habitat cannot be avoided, then the proposed development action cannot be authorized. OAR 635-415-0025(1)(b)(B).

¹⁵ See also U.S. Fish & Wildlife Serv., Review of Native Species That Are Candidates for Listing as Endangered or Threatened, 75 Fed. Reg. 69,222, 69,239 (Nov. 10, 2010) (concluding that threats to the Squirrel “can be minimized through compliance with ... [the Wind Guidelines]”); Site Certificate for Carty Generating Station § 10.14 at 28-29 (June 29, 2012), http://www.oregon.gov/energy/Siting/docs/CGS/CGS_site_certificate_062912.pdf (establishing 785-foot buffer between Category 1 Squirrel habitat and an energy facility); DEIS § 3.2.4.6 at 3-281, *ll.* 4-6 (acknowledging applicability of 785-foot buffer).

¹⁶ As discussed in Section I.C, despite repeated requests, IPC refused to provide the Commenters the most current population surveys regarding the Squirrel.

B31ab The analysis for Washington ground squirrel has been revised for the Final EIS in coordination with ODFW and FWS. Direct and indirect impacts of the B2H Project on Washington ground squirrel suitable and occupied habitat are analyzed for all alternatives. The suitable habitat data was developed by the Washington Wildlife Habitat Connectivity Working Group. Occupied habitat data were developed using survey data provided by Idaho Power Company. In addition, preconstruction surveys for sensitive species are required by design feature PRC-8 in the Draft EIS (Design Feature 4 in the Final EIS). Surveys for Washington ground squirrel will be completed prior to construction of the B2H Project, and additional mitigation measures will be applied to identified occupied habitat.

B31ac See response to Comment B31ab.

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B31ac

Consequently, the recent studies identifying occupied Squirrel habitat on the Bombing Range are absolutely necessary to evaluate the preferred alternative’s compliance with these requirements. Since the Commenters have been denied access to these studies, they do not know whether the Longhorn Variation or any of the other alternatives would adversely affect Squirrels or their habitat. The Commenters reserve the right to submit additional comments on the DEIS at such time as they obtain the results of these studies.

VI. The DEIS omits necessary information and analysis regarding cumulative impacts.

NEPA imposes a procedural requirement that BLM take a “hard look” at the potential environmental impacts of the B2H Project. See *Native Vill. of Point Hope v. Jewell*, 740 F.3d 489, 493 (9th Cir. 2014). In performing this analysis, BLM must consider the cumulative impacts to the land upon which the project is situated, including agricultural lands. See 40 C.F.R. § 1508.7. NEPA defines cumulative impacts as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions.” *Id.* “Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” *Id.*

B31ad

With respect to the Longhorn Variation, BLM failed to consider cumulative impacts related to existing utility facilities situated in the path of this alternative. These impacts are visible on the map attached as Exhibit 11, which depicts the existing and proposed irrigation and electric transmission facilities in the vicinity of Bombing Range Road, and are readily apparent from a preliminary assessment of this alternative. Their omission from the DEIS is disconcerting.

- The Umatilla Electric Cooperative (“UEC”) owns and operates the Bombing Range Substation, which is located on the northeast corner of Bombing Range Road and Homestead Lane and which extends approximately 190 feet east of Bombing Range Road. The DEIS fails to mention this substation, and it erroneously describes the 115-kV transmission line running east from the substation and south along the east side of Bombing Range Road.¹⁷ These UEC facilities are in the path of the Longhorn Variation, and the DEIS does not explain how the apparent conflict would be resolved. A likely outcome is that the B2H transmission line would have to deviate east from the proposed path to avoid the substation, which would generate additional adverse impacts upon irrigated farmland. TriAxis Report at 3.
- The DEIS also fails to identify a six-foot diameter high-pressure irrigation pipeline that runs underground east of and parallel to the east side of Bombing Range Road. The Longhorn Variation would require significant redesign of this pipeline and its associated irrigation facilities. In addition, electric field safety impact mitigation would be required for both the UEC transmission line and the irrigation pipeline. The DEIS does not evaluate any of these cumulative impacts. *Id.*

Moreover, to adequately evaluate the cumulative environmental impacts of the B2H Project, BLM must analyze in detail its potential to induce additional growth, including additional energy

¹⁷ The DEIS erroneously describes this line as a 138-kV transmission line. DEIS § 2.3.1.3 at 2-55, *ii.* 1-2.

B31ad

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project. Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment, including cumulative effects.

Counties and cooperating agencies were contacted and asked to provide additional information to be included in cumulative analysis for the Final EIS. New wind projects were added while some wind energy projects addressed in the Draft EIS may no longer be included in this analysis due to changing economic conditions and expiration of permits during the revision period between the Draft and Final EIS. See Section 3.3 for further detail.

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projects. *City of Carmel-By-The-Sea v. U.S. Dep't of Transp.*, 123 F.3d 1142, 1160 (9th Cir. 1997). Failure to evaluate growth-inducing effects properly is a basis upon which a project's approval may be overturned. *See City of Davis v. Coleman*, 521 F.2d 661, 674-75 (9th Cir. 1975) (noting that "with growth will come growth's problems"). Thus, BLM must consider in its DEIS any future project that is reasonably foreseeable, even if that project has yet to develop into a specific proposal. *N. Plains Res. Council, Inc. v. Surface Transp. Bd.*, 668 F.3d 1067, 1078-79 (9th Cir. 2011).¹⁸

Notwithstanding BLM's duty to consider future projects, the DEIS omits any reference to the currently proposed 500-MW Wheatridge Wind Energy Facility, which consists of Wheatridge West in Morrow County and Wheatridge East in Umatilla County. *See* Wheatridge Wind Energy, LLC Preliminary Application to EFSC (Dec. 19, 2014), available at <http://www.oregon.gov/energy/Siting/Pages/WRW.aspx> (last visited Mar. 13, 2015). Wheatridge Wind Energy submitted its notice of intent to the EFSC on February 22, 2013, so BLM and IPC were well aware of the Wheatridge project months prior to issuance of the DEIS. Moreover, Wheatridge has provided notice that it is considering connecting to the grid through the Longhorn Variation corridor. *See, e.g., id.*, ex. B, § 2.3, ex. C, fig.C-4; Wheatridge Notice of Intent to Apply for Site Certificate, fig.D-1 (Feb. 22, 2013), available at <http://www.oregon.gov/energy/Siting/Pages/WRW.aspx> (last visited Mar. 13, 2015). Given the sheer size of the Wheatridge project and its potential to contribute to long-term cumulative impacts on surrounding farmland, BLM's failure to include this project in the DEIS is egregious.

B31ae

In fact, Wheatridge is a clear example of the B2H Project's potential to induce expansion of the transmission-line corridor lying east of Bombing Range Road and impair high-value agricultural land in the area, in addition to other environmental impacts.¹⁹ The B2H Project, as proposed, not only threatens farmland; it also would pave the way for future energy projects to utilize and seek further expansion of the existing transmission-line corridor, while eroding additional agricultural land. These cumulative impacts are even more likely because, under Oregon law, one of the factors in evaluating whether a project should be granted an exception to allow siting in areas designated for exclusive farm use is whether the project utilizes an existing right-of-way. *See* ORS 215.275. Indeed, one of BLM's stated reasons for selecting the Longhorn Variation is that it uses an existing right-of-way: "The Longhorn Variation, although closer to the [Bombing Range], would align with an existing transmission line." DEIS § 2.3.1.3 at 2-54, *ll.* 29-30.

At least two more proposed electric generation projects—Perennial Windchaser and Ella Butte—could potentially utilize the transmission corridor created by the Longhorn Variation, based on their proximate location. These projects create risks of further cumulative impacts to irrigated farmland along Bombing Range Road. All of these "reasonably foreseeable future actions" generate additional environmental impacts, which under NEPA are of equal significance to the

¹⁸ For example, readily available information regarding reasonably foreseeable growth is provided by the map of meteorological towers keyed to existing and proposed wind energy generation projects in Morrow County, attached as [Exhibit 8](#), and BPA's Transmission Services Long-Term Request Queue, attached as [Exhibit 9](#).

¹⁹ BLM appears to recognize this potential growth-inducing effect when it acknowledges, with respect to adverse impacts to wildlife resulting from the Longhorn Variation, that "direct, indirect and cumulative impacts *related to installation of additional infrastructure* would be expected to be moderate to high along this route." DEIS § 3.2.4.6 at 3-282, *ll.* 20-21 (emphasis added).

B31ae [See response to Comment B31ad.

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direct and immediate impacts resulting from implementation of the preferred alternative. Ronald Bass et al., *The NEPA Book* 108 (2d ed. 2001).

B31ae As explained in this section, the Longhorn Variation will spur future development, which in turn will exacerbate adverse effects to irrigated farmland. The resulting cumulative adverse impacts from all of these projects will far exceed the sum of the impacts from each project considered in isolation.²⁰ BLM’s failure to consider all of these potential cumulative impacts in the DEIS demonstrates that BLM has failed to take a hard look at the B2H Project and particularly its impacts on agricultural land. BLM’s failure to define the B2H Project’s environmental impacts means there is no “clear basis for choice among options by [BLM] and the public.” *See* 40 C.F.R. § 1502.14.

VII. Detailed Comments.

In addition to the above, the DEIS contains numerous errors and omissions, which indicate that BLM has not complied with NEPA by taking a hard look at the environmental impacts of the B2H Project and its alternatives, including the no-action alternative. These oversights include the following:

B31af 1. The DEIS completely fails to discuss the impacts of decommissioning or replacing the B2H Project at the end of its useful life.

B31ag 2. Section 3.2.4.6 at 3-271: Table 3-63 references only “federal listed or candidate species.” It should also include state listed or candidate species.

B31ah 3. Section 3.2.4.6 at 3-272, *l. 4*: Throughout the DEIS the “short term” is defined as 3 years, apparently because that is how long the B2H Project’s construction phase will last. However, the DEIS provides no analysis or explanation for the selection of 3 years as the measure of short-term impacts, which fails to satisfy the requirements of the BLM NEPA Handbook H-1790-1 § 6.8.3.3 at 58 (second emphasis added):

We recommend that you establish and describe the timeframe for each cumulative effects issue—that is, define long-term and short-term, and incorporate the duration of the effects anticipated. Long-term could be as long as the longest lasting effect. Timeframes, like geographic scope, can vary by resource. For example, *the timeframe for economic effects may be much shorter than the timeframe for effects on vegetation structure and composition.* Base these timeframes on the duration of the direct and indirect effects of the proposed action and alternatives, *rather than the duration of the action itself.* Describe in your ... EIS the rationale for the timeframe established.

B31ai 4. Section 3.2.4.6 at 3-272, *ll. 6-7*: This header erroneously states that the effects considered are common to “all alternatives;” when in fact these effects are not

²⁰ Paradoxically, BLM asserts that the Longhorn Variation “was developed ... to minimize effects to irrigated agriculture in the area.” DEIS at S-7, *ll.* 19-21.

B31af Decommissioning is not part of the current project description. If the Applicant ever decides to decommission the B2H Project, a separate right of way application will be required, which BLM will respond to per their authority under FLPMA and per the requirements of NEPA.

B31ag Criteria for assessing levels of impacts has been updated for the Final EIS in collaboration with the cooperating agencies; state and federally protected species have been assigned different impact level criteria.

B31ah As described in Section 2.5.1 of the Final EIS, temporary environmental effects predicted to occur during construction of the B2H Project that would be anticipated to return to a preconstruction condition at or within 5 years of the end of construction were considered short-term impacts. Effects anticipated remaining after 5 years are considered a long-term effect.

B31ah A cumulative impact analysis area, which includes the determination of the resource-specific geographic and temporal scopes for analysis, are established for each resource and identified in Table 3-641. The rationale for the timeframe established also is discussed in the table.

B31ah The Final EIS provides a detailed analysis of Cumulative Effects (refer to Section 3.3). As part of the cumulative analysis process, cooperating agencies, including counties in the study corridors, were contacted for information on reasonably foreseeable future actions (RFFA) to be included in cumulative analysis for the Final EIS. For purposes of the analysis, the definition of a RFFA is a proposed project or action that has either applied for a permit from local, state, or federal authorities or which is publically known.

B31ai Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project. Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment.

B31ai The BLM believes the analysis of the No Action meets the CEQ guidelines.

COMMENT(S)

RESPONSE(S)

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

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- B31ai [attributable to the no-action alternative. Contrary to NEPA’s requirements, BLM apparently does not view the no-action alternative as a viable alternative that merits full consideration. *See* Section ILC.
- B31aj [5. Section 3.2.4.6 at 3-272, *II*. 21-22: Contrary to the DEIS’s definition of the short term as equivalent to the construction period, this sentence describes, without any explanation, short-term effects during the period of the B2H Project’s operations and maintenance.
- B31ak [6. Section 3.2.4.6 at 3-275, *II*. 21, 36: Further illustrating the DEIS’s temporal confusion, the undefined term “mid-term” is used without explanation.
- B31al [7. Appendix B.2 at B.2-20 to -45: Tables B.2-4 through B.2-7 do not analyze the Longhorn Variation, which is particularly concerning since it is now the environmentally and agency preferred alternative.
- B31am [8. Appendix C at C-13, AGRI-1 and AGRI-2: These activities should be initiated at the design/engineering stage rather than the construction or operation/maintenance stages to ensure that landowners’ concerns are addressed from the outset.
- B31an [9. Appendix C at C-13, AGRI-2 and AGRI-3: Compensation for crop damage should include compensation for land used for experimental crops and pilot programs, not just crops for production.
- B31ao [10. Appendix C at C-13, AGRI-3: The agricultural specialist should be an independent party that is not employed by or contracting with IPC, BLM or the affected landowner on other matters.
- B31ap [11. Appendix C at C-13, AGRI-3: In addition to IPC paying the cost of retaining an agricultural specialist, IPC should pay the costs, if any, of retaining the representatives designated by the parties to select the agricultural specialist.
- B31aq [12. Appendix C at C-14, AGRI-9: This activity should be noted as applied during the construction phase.
- B31ar [13. Appendix C at C-14, AGRI-11: In addition to providing temporary water facilities for displaced livestock, IPC also should provide temporary containment facilities.
- B31as [14. Appendix C at C-16, OM-2: IPC should be expressly required to obtain all required permits and comply with all applicable permitting requirements, for example, NPDES permits for stormwater runoff discharges.
- 15. Appendix C at C-17, OM-7: IPC should be required to rehabilitate *all* disturbed areas, not just “significantly disturbed” areas. In addition, in areas where IPC will not reseed due to fire danger, IPC should be required to undertake reasonable measures to control runoff and dust, such as application of gravel or mulch.

- B31aj [Short and long term impacts have been clarified in the Final EIS (refer to Chapter 2, Section 2.5.1).
- B31ak [See response to Comment B31aj. The term midterm has been removed.
- B31al [This issue has been addressed in the Final EIS.
- B31am [The Applicant is committed to coordinate with landowners during design/engineering of the B2H Project. Where structures would have long-term impacts on operations the tower locations would be selected in coordination with the landowner so as to minimize impacts on operations.
 Refer to Section 3.2.7.6 for further discussion of impacts to prime farmland, pivot irrigation, and irrigated agriculture.
- B31an [Analysis has been expanded to include alternative route variations with careful consideration of private lands. Input from the landowner and the impact on property will be carefully considered by Idaho Power during final design and engineering, which could include micro-siting of the transmission line along the selected route. Idaho Power will negotiate with the owners of real property interests to ensure that, if any private property interests are impaired by the final location, they are appropriately compensated.
- B31ao [Comment noted.
- B31ap [See next page for response to B31ap.
- B31aq [See next page for response to B31aq.
- B31ar [See next page for response to B31ar.
- B31as [See next page for response to B31as.

COMMENT(S)

RESPONSE(S) - CONTINUED

B31	Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont).
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- B31ap [Comment noted. Design features and selective mitigation measures have been updated and included in the methodology discussion of impacts in Chapter 2 of the Final EIS.

- B31aq [This has been added to Table 2-7 Design Features of the B2H Project for environmental protection in Chapter 2 as Design Feature 33, Maintain Function of Livestock Containment Facilities.

- B31ar [Idaho Power will obtain all required permits and comply with the permits in order to construct, operate, and maintain the project.

- B31as [Comment noted. As part of the B2H Project description, Idaho Power has committed to several mitigation measures reducing soil erosion and providing sediment control in areas of ground disturbance.
Based on comments received on the Draft EIS, design features of the B2H Project for environmental protection and selective mitigation measures are included in the Final EIS (Section 2.5.1.1).

COMMENT(S)

RESPONSE(S)

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

Ms. Tamara Gertsch
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- B31at [16. Appendix C at C-17, OM-8: In addition to considering surrounding site conditions and whether weed-control activities will be performed by other parties, IPC should be required to consult with the landowner and, if reasonable and practicable, accommodate the landowner’s preferences.
- B31au [17. Appendix C at C-18, OM-14: IPC should also notify the landowner if sensitive plant or wildlife species are discovered during work.
- B31av [18. Appendix C at C-18, OM-14: The statement that IPC will “develop a mutually acceptable solution that allows the work to be completed within the scheduled outage window and/or in a timely manner” improperly prioritizes the construction schedule over protection of sensitive plant and wildlife populations, which could lead to violations of state and federal legal protections for these populations and their habitat.
- B31aw [19. Appendix C at C-18, OM-14: The final sentence of this paragraph has two problems. First, the phrase “After the project is complete or” should be deleted. As written it literally means that IPC is not responsible for dealing with threats caused by the B2H Project to sensitive species after the Project is complete. Second, this sentence should reference threats to wildlife and plant populations, rather than referencing only threats to plants.
- B31ax [20. Appendix C at C-18, OM-15: This sentence should be rewritten as follows: “If any sensitive plant or wildlife species require relocation, required permits and permissions would be obtained from the landowner, appropriate land management agency, and others as required.” In general, the landowner needs to be involved in wildlife management decisions, because of the potential for the landowner to be held liable for injuries to listed species or their habitat occurring on the landowner’s property.
- B31ay [21. Appendix C at C-18, OM-16: IPC should also notify the landowner if any sensitive wildlife species are killed due to construction or O&M activities.
- B31az [22. Appendix C at C-19, OM-20: This sentence should be amended as follows: “Employ appropriate interim erosion and/or sediment control measures if vegetation cannot be immediately reestablished.” Reseeding alone does not address stormwater runoff, which is a flood control and environmental liability issue for the property owner.
- B31ba [23. Appendix C at C-19, OM-25: The landowner should also be notified.
- B31bb [24. Appendix C at C-23, PRC-18: There are no application phases identified for this action. In addition, this action only requires surveying. At a minimum, IPC should also be required to avoid injury and minimize adverse impacts.
- B31bc [25. Appendix C at C-24, PPC-1: This sentence appears to be in error and should be revised: “but only where ground surveys”

- B31at [Comment noted. The mitigation measures committed to by Idaho Power have been revised to clarify the creation of a Plan of Development. This Plan of Development will include a Noxious Weed Management Plan which will detail procedures for containing or controlling noxious weeds. The Plan of Development would be a condition of the Record of Decision and a stipulation of the right-of-way grant.
- B31au [Any discoveries of sensitive plants or wildlife will follow protocols established for the project. Based on comments received on the Draft EIS, design features of the B2H Project for environmental protection and selective mitigation measures are included in the Final EIS (Section 2.5.1.1). These environmental protection and selective mitigation measures summarize what was contained in Appendix C of the DEIS. Appendix C as it was in the DEIS has been removed and is no longer included in the Final EIS.
- B31av [Based on comments received on the Draft EIS, design features of the B2H Project for environmental protection and selective mitigation measures are included in the Final EIS (Section 2.5.1.1). These environmental protection and selective mitigation measures summarize what was contained in Appendix C of the DEIS. Appendix C as it was in the DEIS has been removed and is no longer included in the Final EIS.
- B31aw [Comment noted. Based on comments received on the Draft EIS, design features of the B2H Project for environmental protection and selective mitigation measures are included in the Final EIS (Section 2.5.1.1). These environmental protection and selective mitigation measures summarize what was contained in Appendix C of the DEIS. Appendix C as it was in the DEIS has been removed and is no longer included in the Final EIS.
- B31ax [The preference of the landowner on land management issues will be negotiated between the private landowner and the Applicant during individual landowner discussions. See response to Comment B31av.
- B31ay [See next page for response to B31ay.
- B31az [See next page for response to B31az.
- B31ba [See next page for response to B31ba.
- B31bb [See next page for response to B31bb.
- B31bc [See next page for response to B31bc.

COMMENT(S)

RESPONSE(S) - CONTINUED

B31	Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont).
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| B31ay | <p>This request should be made by a landowner to the Applicant during development of landowner agreements.</p> <p>Based on comments received on the Draft EIS, design features of the B2H Project for environmental protection and selective mitigation measures are included in the Final EIS (Section 2.5.1.1). These environmental protection and selective mitigation measures summarize what was contained in Appendix C of the DEIS. Appendix C as it was in the Draft EIS has been removed and is no longer included in the Final EIS.</p> |
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|-------|---|
| B31az | <p>Comment noted. As part of the B2H Project description, Idaho Power has committed to several mitigation measures reducing soil erosion and providing sediment control in areas of ground disturbance.</p> <p>Based on comments received on the Draft EIS, design features of the B2H Project for environmental protection and selective mitigation measures are included in the Final EIS (Section 2.5.1.1). These environmental protection and selective mitigation measures summarize what was contained in Appendix C of the DEIS. Appendix C as it was in the DEIS has been removed and is no longer included in the Final EIS.</p> |
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| B31ba | <p>See response to Comment B31ay.</p> |
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|-------|---|
| B31bb | <p>See response to Comment B31ay. Also, Selective Mitigation Measure 12 (Seasonal and Spatial Fish and Wildlife Restrictions) would be applied to Columbia spotted frog in addition to preconstruction surveys (Design Feature 4). The application phases are included in the description of Design Feature 4; it would be applied at the design and engineering and construction phases.</p> |
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| B31bc | <p>Based on comments received on the Draft EIS, design features of the B2H Project for environmental protection and selective mitigation measures are included in the Final EIS (Section 2.5.1.1). These environmental protection and selective mitigation measures summarize what was contained in Appendix C of the Draft EIS. Appendix C as it was in the DEIS has been removed and is no longer included in the Final EIS.</p> |
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COMMENT(S)

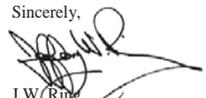
RESPONSE(S)

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

Ms. Tamara Gertsch
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- B31bd [26. Appendix C at C-24, PPC-1 and PPC-2: Both activities should include operation/maintenance as an application phase.
- B31be [27. Appendix C at C-24, MIS-1: This paragraph does not make sense as written. It provides that additional surveys would occur between June 1 and July 1 to determine nest site success and that the seasonal restriction would be removed and construction can commence if a nest site is not active by May 15. However, there is no way to know if a site is active by May 15, since the additional surveys do not begin until June 1.
- B31bf [28. In Appendix C at C-25, VIS-2: The final sentence should be revised to provided that "new access roads would be located to follow landform contours and farm lanes"

Thank you for the opportunity to submit these comments.

Sincerely,

 J.W. Ring
jwring@ringbenderlaw.com

 Karen L. Reed
kreed@ringbenderlaw.com

cc: Windy River
Hale Companies
Boardman Tree Farm, LLC
Pasco Farming, Inc.

B31bd [See response to Comment B31bb.

B31be [See response to Comments B31av, B31ay, and B31bb.

B31bf [See response to Comment B31ay.

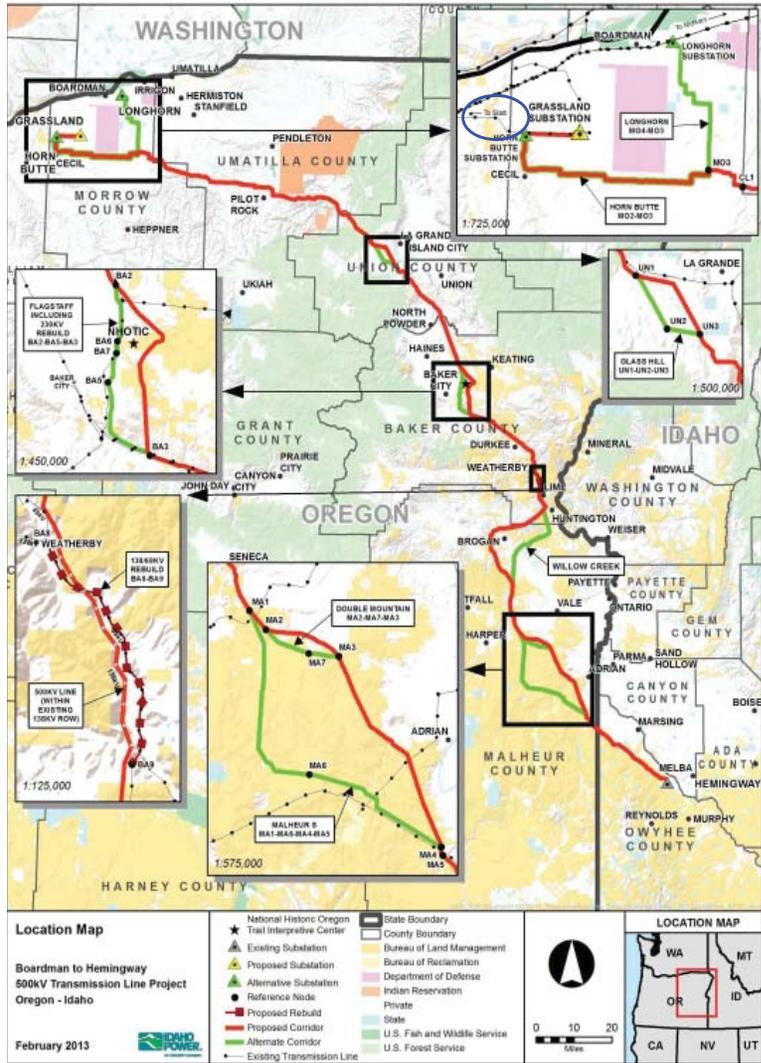
ATTACHMENT

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



ATTACHMENT

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



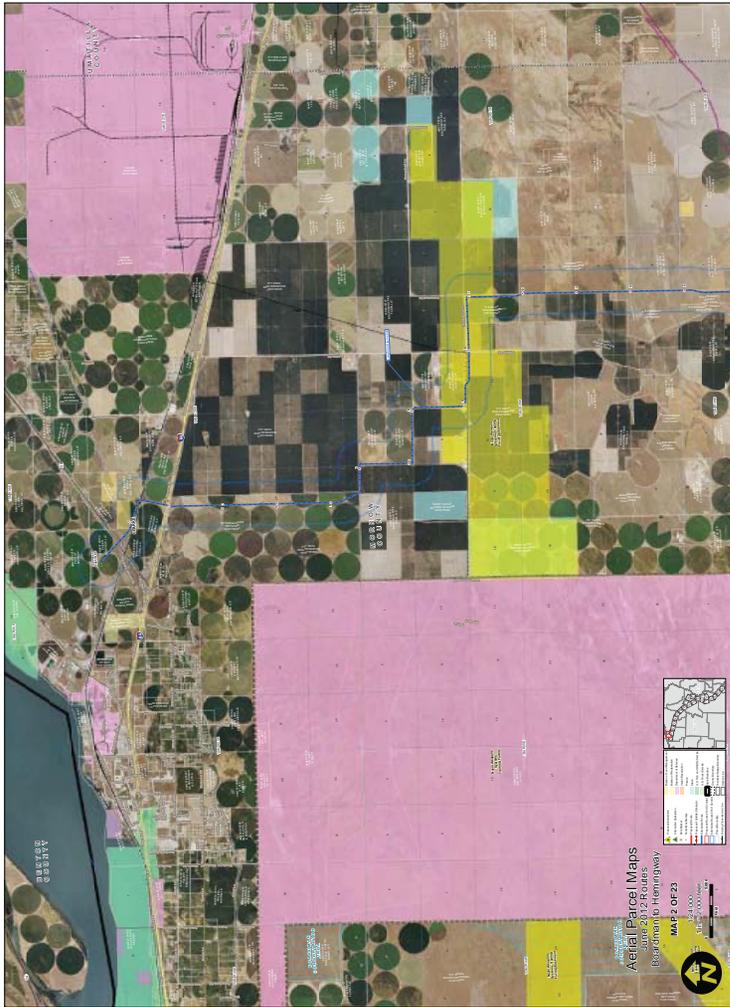
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B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



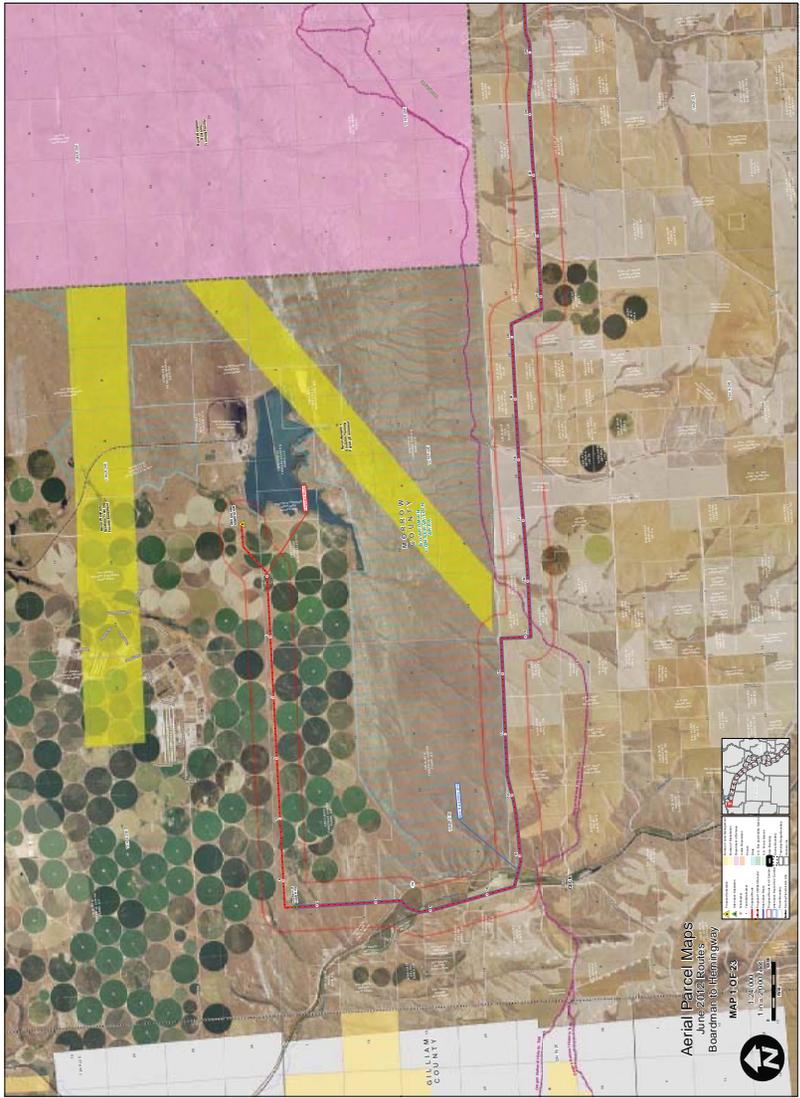
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B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



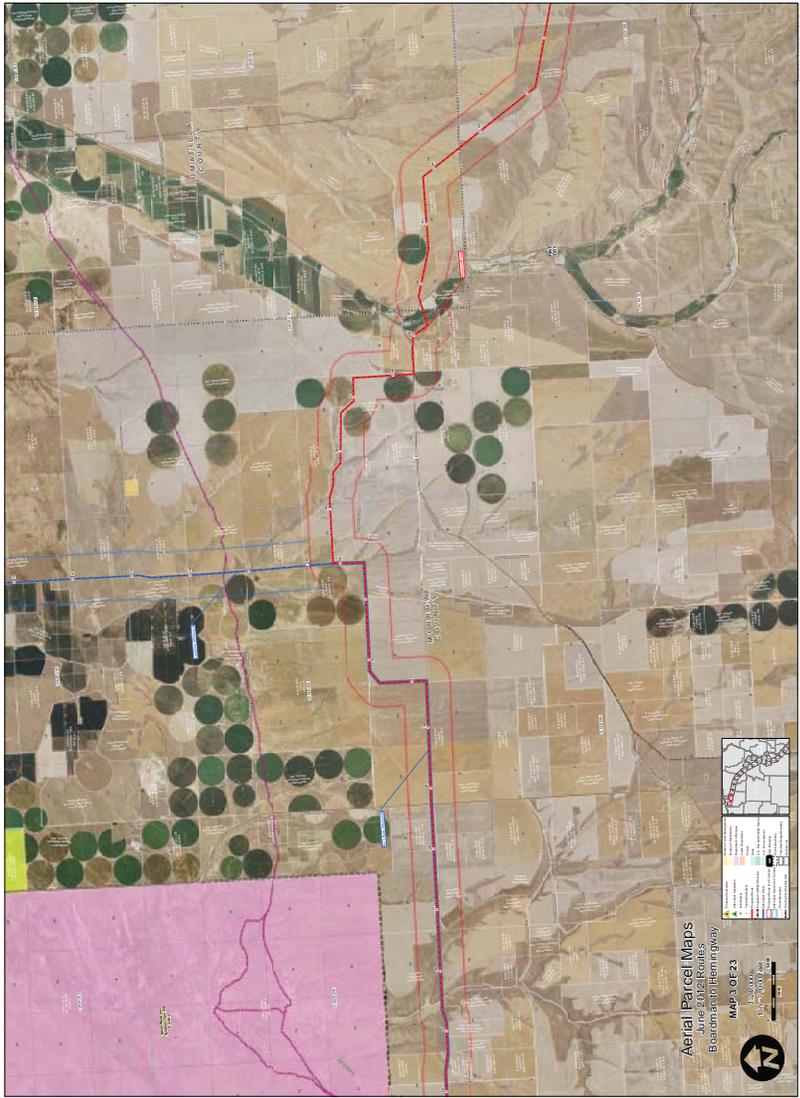
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B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



ATTACHMENT

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



ATTACHMENT

B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

1

**Columbia-Snake River Irrigators Association
Technical Memorandum**

DATE: March 17, 2015

TO: Ms. Tamara Gertsch, BLM, National Project Manager
Boardman to Hemingway (B2H) Transmission Line Project
Draft Environmental Impact Statement (DEIS)

cc: U.S. Senator Ron Wyden, Oregon, Portland, OR Office
Hon. Kate Brown, Governor, State of Oregon, Salem, OR
Mr. Darrel Andersen, President, Idaho Power Company, Boise, ID
Ms. Lisa Grow, Senior Vice President, Power Supply, Idaho Power
Company, Boise, ID

FROM: Darryll Olsen, Ph.D., CSRIA Board Representative¹

SUBJECT: Comments and Key Issues of Concern on B2H DEIS:
Alternatives Review and Irrigated Agriculture Impacts

Several CSRIA's members would be affected by the proposed Longhorn Variation transmission line route now subject to environmental review by the U.S. Bureau of Land Management (B2H DEIS). So being, our comments and concerns outlined below relate to: 1) an adequate technical (and legal) review of all reasonable alternatives, as required by NEPA and the CEQ Regulations; and 2) that the existing DEIS information on the Longhorn Variation route is inadequate and underestimates the economic impacts to irrigated agriculture and region.

NEPA Compliance and the EIS Alternatives:

The National Environmental Policy Act of 1969² makes clear that federal agencies shall: "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." In more plain terms, all reasonable alternatives should receive appropriate review under NEPA compliance documents, such as an environmental impact statement.

3030 W. Clearwater, Suite 205-A, Kennewick, WA 99336
509-783-1623, FAX 509-735-3140, E-Mail DolsenEcon@AOL.com

¹ Darryll Olsen, Ph.D., serves as Board Representative/Resource Economist for the Columbia-Snake River Irrigators Association. He has 28 years of experience preparing and reviewing NEPA/SEPA documents and environmental impact statements, and preparing resource economics and impact studies. He is an adjunct professor at WSU teaching graduate level course in the Environmental Science and Regional Planning Program.

² NEPA, 1969, 42 U.S.C. secs. 4321-4347.

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ATTACHMENT

B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

2

Proscribed in more detail, the U.S. Council of Environmental Quality (CEQ) Regulations³ for implementing NEPA require that alternatives, including the proposed action, must “rigorously explore and objectively evaluate all reasonable alternatives,” and if not evaluate, a substantive justification for not doing so must be explicitly identified. Again, in direct terms, reasonable alternatives must be evaluated in a NEPA EIS.

First, CSRIA is concerned that a previously considered route along the western side of Bombing Range Road (see attached maps and aerial photo), per the Longhorn Variation, was not specifically evaluated as a formal DEIS alternative—even though this route was identified during scoping meetings and referenced by U.S. Sen. Ron Wyden and the Office of the Governor, Oregon (see attachments).

The DEIS pronounces that the “environmentally preferred alternative is the alternative that results in the lowest impact on the natural, human, and cultural environment and best protects, preserves, and enhances historic, cultural, and natural resources.”⁴ However, lacking a direct comparison to the West-Side Bombing Range alternative—with virtually no information presented in the EIS⁵—it is impossible to discern how the EIS lead agency could have reached the conclusion that the Longhorn Variation met the preferred alternative criteria. This determination is unsubstantiated; and it does not meet conventional standards for NEPA review.

The NEPA compliance issue is exacerbated, when the DEIS impact information for the Longhorn Variation is scrutinized, as the technical details likely underestimate the physical and economic impacts incurred by irrigated agriculture. This point is evaluated in more detail below.

So, as the lead NEPA agency for EIS preparation, the BLM is advised to take corrective action and to evaluate directly the West-Side Bombing Range Route within the Final EIS; and acknowledging the need to do so, as soon as possible, would vacate any doubts surrounding full NEPA compliance.⁶ Also, clarifying that this route will be included as a formal alternative in the Final EIS best serves the development objectives of the Idaho Power Company, the project sponsor.

Second, even as we draft these comments, CSRIA is aware that other, future power projects and transmission route configurations are being discussed in the region. For example, a modified version of the southerly Horn Butte alternative could serve a different set of power projects than those identified within the DEIS. This suggests to us

³ CEQ, Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR Parts 1500-1508, 2005.

⁴ B2H DEIS, page S-26.

⁵ The DEIS makes limited reference to a letter of concern by the Navy but does not offer any technical, or substantive, information regarding the West-side alternative, or convey why there is any grounds for non-inclusion within the DEIS (DEIS, page 3-411). To what extent would moving the proposed transmission route 500 ft. have any measurable impact on NWSSTFB operations, and how is this alternative less intrusive than disrupting several millions-of-dollars of irrigated agriculture products?

⁶ The CSRIA brings to your greater attention the letter of CSRIA legal counsel James Buchal, dated March 5, 2015, requesting that the BLM provide written notice of intent to include formally the West-side Bombing Range Road route, within the Final EIS.

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B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

3

that assigning the Longhorn Variation route under the EIS preferred alternative may be premature. We recognize the difficulty of establishing “reasonable alternatives” during the EIS scoping process, but it would appear that the release of the DEIS has brought more intense thinking into play regarding long-term power-transmission route planning. After appropriate review of the draft EIS comments, this may require the lead agency to issue a modified draft EIS before moving to the final EIS stage.

Irrigated Agriculture Impacts:

The estimated irrigated acres negatively affected, or disturbed, by the proposed Longhorn Variation transmission line route appear to be incorrect (see attached maps)—this relates to the East-Side Bombing Range Road route. The impact numbers and methodology inadequately take into account the total impacts to center pivot irrigation operations, and the information characterizing the impact values is somewhat difficult to interpret, relative to total impacts. The impact definition and estimated permanent disturbance, along with the impact table values, are not necessarily easy for the reader to reconcile (DEIS sections/table on agricultural land-use impacts).

For the specific route area in question, the DEIS provides estimates of approximately 350 to 150 acres for construction and operations disturbance. CSRIA estimates are considerably higher.

In particular, our experience with BPA right-of-ways on irrigated lands north of Boardman, in the Horse Heaven Hills, suggests that land under pivot operations is sometimes curtailed—this may be a factor related to changing policies over time(?). When this occurs, “Pac-Man-like” pivot configurations result, with significant loss of irrigated acres. Relative to the East-Side Bombing Range Road route, this would remove about one-third of each pivot ground, also taking into account access roads. There are some infrastructure impacts as well.

Consequently, given current DEIS information, CSRIA views the potential impact range to be about 350-1,050 acres, for center pivot and tree ground, for both construction and permanent impacts.

The DEIS does not identify the economic costs to irrigated agriculture for ground losses, or potential impacts to the regional-state economies. The appropriate measures here would be national economic development (NED) values and household income impacts, regional economic development impacts (RED). The NED values are equivalent to market values or alternative (replacement) costs.⁷ For the center pivot ground, the recent three-year average for market clearing price is about \$7,500-9,000/acre, for limited sales.⁸ Today’s market values would be closer to \$10,000/acre. This capital value can be

⁷ The NED values are standard values used in federal water resources planning under the U.S. Principles and Guidelines for Water Resources Planning. Household income is arguable the most well understood value for measuring regional economic wellbeing (Regional Economic Development accounts).

⁸ This would be for comparable irrigated ground, served by a Columbia-Snake River water right and pump station. The CSRIA works with several land/water right transactions, and also regularly collaborates with the agricultural lender and real estate sales community.

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B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

4

calculated as well based on rent or net income return values, the annualized equivalent of capital values.⁹ For tree ground, the minimum value would be equal to the center pivot ground; but infrastructure costs associated with direct replacement value would make the tree ground much higher.

Consequently, the land value impacts at risk range from about \$3.1 million to \$9.5 million—the potential capital value loss to the private sector irrigators.

In terms of regional economic development impact, the household income value created by the irrigated agriculture industry applies—direct income from the agricultural production, agricultural services, and food processing sectors, and the secondary income impacts affecting the associated service sectors. CSRIA estimates this total household income value at about \$3,250-3,400/acre, for the current crop types grown on this ground.¹⁰ For the impact acres under the Longhorn Variation, the total annual household income loss would be about \$1.2-3.6 million, with a net present value of about \$12.5 to \$17.4 million.

To restate from an economic impact perspective, the minimal capital value range would be about \$3.1 to \$9.5 million; and the regional present value income loss would be about \$12.5 to \$17.4 million.

Irrigated Agriculture Costs, Risk, and Uncertainty:

The uncertainty surrounding the DEIS information on irrigated land impacts is the lack of clarity regarding future development operations and mitigation measures. As displayed above, the total land impacts from the transmission line route are highly variable depending on the terms of operation. If the transmission line builder/operator provides flexible operating conditions for irrigated agriculture, then some of the higher cost impacts may be avoided. But some infrastructure cost would be unavoidable, and the irrigators would need to be equitably compensated. This would require detailed, farm-by-farm evaluations.

But in the absence of any well-defined mitigation options, the upper value impacts to irrigated agriculture would occur. This circumstance adds further need for an objective review of other alternatives—like the West-Side Bombing Range Road route—in the final EIS.

The West-Side Bombing Range Road route does not disturb or impair local irrigated agriculture, and there is no technical analysis in the DEIS that would verify any empirically measurable impact to the Naval Weapon Systems Testing facility, given the route's potential location along the facility's far parameter.

⁹ This annualized value would be about \$700-800/acre.

¹⁰ See RED value impacts estimated in Olsen, D., 2013, *The Economic Importance of Western Irrigated Agriculture: Impacts, Water Values, and Strategic Policy Questions*. Prepared for the Family Farm Alliance by Pacific NW Project, Kennewick, WA, August 2013; revised March 2015; CSRIA, Odessa Subarea Engineering and Economics Review, 2012 (CSRIA.org); Entrix, 2010, *Economic Contributions of Agriculture Irrigated by the Columbia Basin Project*, Entrix, Vancouver, WA.

ATTACHMENT

B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

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Preferred Alternative Tied to a Modified Horn Butte Route:

If an objective is to reduce or eliminate impacts to either irrigated agriculture or the Naval Weapons Systems Testing facility, the proposed, southerly Horn Butte route would be a better preferred alternative, modified to add a Horn Butte to Slatt Substation addition. The DEIS also notes that this alternative would offer some flexibility for the siting of future power generation units as well. The added Slatt configuration would entail a modification to the existing DEIS alternative for review in the Final EIS.

We note that the Oregon Energy Facility Siting Council has issued a final order relative to an additional Carty Generating Station to Slatt Substation 500-kV transmission line.¹¹ This preceding review may yield additional information that should be given greater consideration in the Final EIS, taking into account both environmental impacts and future power generation siting needs.

Attachments

¹¹ Energy Facility Siting Council, State of Oregon, 2012, Final Order in the Matter of the Application for a site Certificate for the Carty Generating Station, OEFSC, Salem, Oregon, June 29, 2012.

CSRIA-3-17-2015

ATTACHMENT

B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

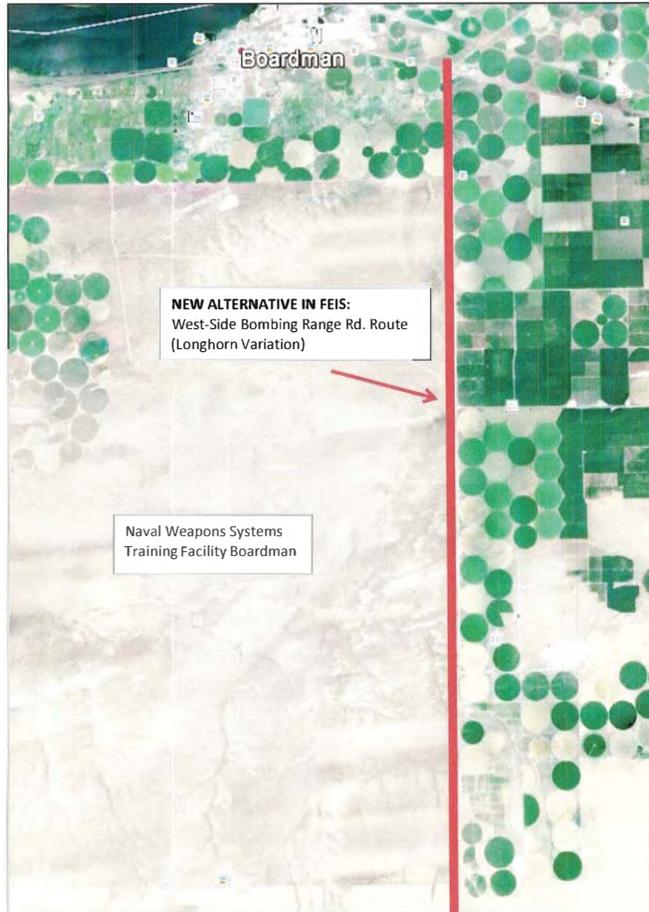
Site Location Maps

CSRIA-3-17-2015

ATTACHMENT

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

West-Side Bombing Range Road Alternative and Irrigated Land East of Road

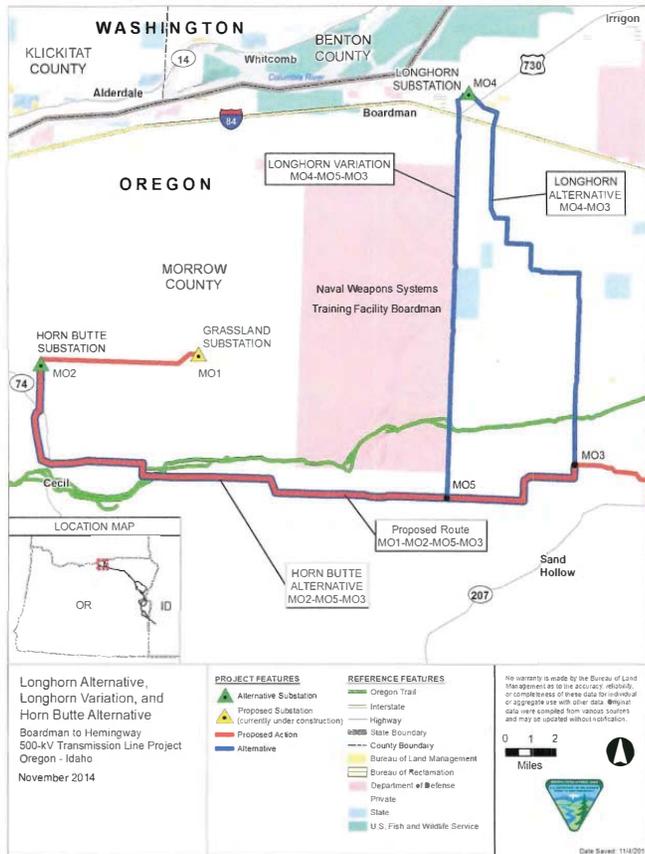


ATTACHMENT

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

B2H Draft EIS and LUP Amendments

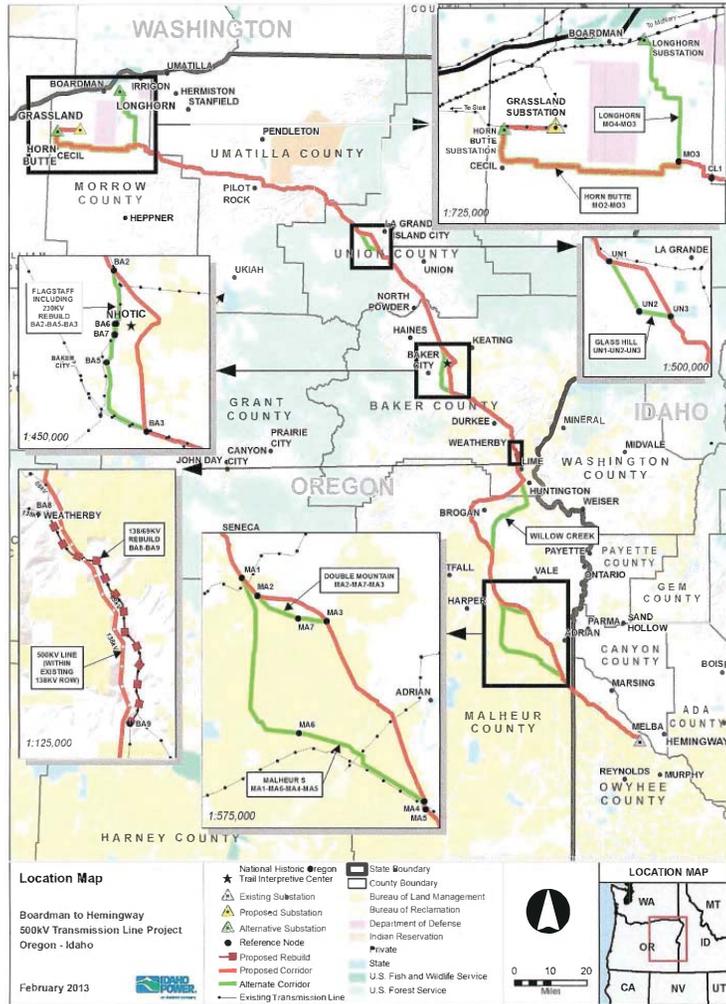
Summary



Longhorn Alternative, Longhorn Variation, and Horn Butte Alternative

ATTACHMENT

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



ATTACHMENT

B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

Letters from:
Office of the Governor, Oregon
U. S. Sen. Ron Wyden

CSRIA-3-17-2015

ATTACHMENT

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

RON WYDEN
OREGON
CHAIRMAN OF COMMITTEES ON
INDUSTRY

United States Senate
WASHINGTON, DC 20510-3703

October 16, 2014

COMMITTEES:
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COMMITTEE ON ENERGY & NATURAL RESOURCES
SENATE COMMITTEE ON INTELLIGENCE
SENATE COMMITTEE ON LABOR

Sally Jewell, Secretary
U.S. Department of Interior
1849 C Street, NW
Washington DC, 20240

Dear Honorable Secretary Jewell:

I am writing on behalf of my constituents who have expressed great concern about the proposed siting and development of several new high-voltage transmission lines, related substations and other facilities, through Oregon's Morrow and Umatilla Counties. They are concerned that the Department is moving forward with a project without regard to potential impact on some of Oregon's most productive agricultural operations and farmland, and negative impacts to the City of Boardman.

I understand the Bureau of Land Management (BLM) is planning to soon release a Draft Environmental Impact Statement (DEIS) on the Boardman to Hemingway Transmission Line Project. Local farmers and ranchers, the two counties, and other regional stakeholders have encouraged BLM to include in the DEIS a safer, potentially less expensive, alternative known as the "West of the Bombing Range" route. While this route is supported by many of my constituents, it is unclear as to whether the BLM intends to include this route as an additional alternative.

The community's understanding of the current alternatives have raised concerns about potential social and economic risks to these communities. As an example, farmers that live near the proposed "Longhorn Substation" indicate that the Substation would be built on some of Eastern Oregon's highest value agricultural acreage. If the substation becomes a 'hub' for other energy development to connect to the grid, the high voltage transmission lines and infrastructure building could eliminate some of Oregon's valuable irrigated farm land. Land would have to be removed from production, and aerial seeding applications would become difficult and more expensive.

Community leaders from Umatilla and Morrow counties have been meeting regularly to consider the options and to develop solutions that support agriculture and renewable energy near the historic Boardman Bombing Range. The community has asked, and I support, that the BLM allow full consideration and study of routes that meet these community needs.

Page 1 of 2

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I ask that you ensure that the proposal of the area West of the Bombing Range be fully considered in the DEIS and that you consider the needs of the community as you move forward with your final decision. Please do not hesitate to contact me if you have questions about this project.

Sincerely,



Ron Wyden,
United States Senator

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Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

JOHN A. KITZHABER, MD
GOVERNOR



November 19, 2014

The Honorable Sally Jewell
Secretary
U.S. Department of Interior
1849 C Street, NW
Washington DC, 20240

Dear Secretary Jewell:

Oregon has a well-deserved reputation for collaboration, inclusiveness, and innovation when it comes to natural resources. This is especially so in Eastern Oregon, where farmers, ranchers, and conservation interests regularly find solutions beneficial to both Oregon's economy and environment. It is with this sentiment in mind that I write to express my concern with the proposed siting of a new high-voltage line, the Boardman to Hemingway Transmission Line (B2H), proposed by Idaho Power.

I understand the Bureau of Land Management (BLM) plans to release a Draft Environmental Impact Statement (DEIS) on the B2H Project in the near future. In the Boardman area, farmers and ranchers, the counties, and other stakeholders have encouraged BLM to include in the DEIS an alternative known as the "West of the Bombing Range" route. BLM, however, has indicated it is not their intent to evaluate this route as a separate alternative.

I am writing to strongly encourage the BLM to separately analyze the West of the Bombing Range route. None of BLM's current alternatives would avoid significant impacts to irrigated farm lands in this area. The proposed terminus ("Longhorn Substation") would be sited in the midst of high value agricultural operations. We know from experience that energy facilities sited on irrigated lands create numerous cumulative long-term impacts on agricultural operations.

I strongly urge BLM to include the West of Bombing Range alternative in the DEIS so that it and the other alternatives are fully evaluated in compliance with federal law.

Sincerely,

Richard M. Whitman
Natural Resource Policy Director
Office of Governor John A. Kitzhaber

cc: Neil Kornze, BLM
Jerry Perez, BLM

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Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

Letter from:
Mr. James Buchal, CSRIA Legal Counsel

CSRIA-3-17-2015

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Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

Murphy & Buchal LLP

3425 SE Yamhill Street, Suite 100
Portland, Oregon 97214telephone: (503) 227-1011
fax: (503) 573-1939
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MEMORANDUM

To: Tamara Gertsch, BLM National Project Manager
Boardman to Hemingway Transmission Line Project
DEIS Comments

From: James L. Buchal

Date: March 5, 2015

Re: NEPA Compliance and the Longhorn Alternative, B2H Draft Environmental Impact Statement (EIS)—Need for Further Alternative Analysis Review

I am writing to you on behalf of the Columbia-Snake River Irrigators Association (CSRIA), whose members include irrigated farm operations in Eastern Washington and Oregon. The CSRIA is currently engaged in reviewing the legal and economic features of the Draft Environmental Impact Statement (DEIS) for the Boardman to Hemingway (B2H) Transmission Line Project. In doing so, we have identified a specific legal issue that should be brought now to your attention, rather than wait for the completion of our comment review.

The B2H DEIS is not compliant with the National Environmental Policy Act of 1969 (NEPA) with respect to its consideration of alternatives. While the DEIS provides a “proposed action” extending to the existing Grassland Substation west of the Naval Weapons System Training Facility, BPA may or may not determine to construct a Longhorn Substation in Boardman. The DEIS thus includes two potential alternative routes for the transmission line to terminate at that new Substation: the Longhorn Alternative and the Longhorn Variation. Another alternative, consisting of extending the line west of Horn Butte to BPA’s C.J. Slatt Substation and Relay House Facility, was discussed during initial review of the Carty Generating Station, as this line would allow for additional capacity for multiple projects or Station additions. This Slatt Alternative merits formal review within the DEIS, and may well be the preferred alternative for the final EIS.

The failure to consider the Slatt alternative is not adequately explained in the existing DEIS, and it has the potential to permit Idaho Power Company to reach the main BPA transmission line while mitigating substantially adverse impacts to irrigated agriculture. With respect to the Longhorn Alternative to reach the main BPA line, BLM added this completely new route late in the process after scoping and initial public commenting processes were complete. Here NEPA will require BLM to consider

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Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

alternative methods of reaching the Longhorn Substation that would result in less impact on irrigated agriculture. Interested parties are submitting separate comments on the DEIS demonstrating in detail that a “West of Bombing Range Road” alternative would improve the Longhorn Variation. This is consistent with BLM’s statement in the cover letter transmitting the DEIS inviting commenters to “identify a new proposed alternative route”. (*Id.* at 2.) NEPA will require BLM to respond to such commentary, particularly in light of pre-existing concerns over impacts to irrigated agriculture, by either modifying the Longhorn Variation to move it west of Bombing Range Road, or considering a separate West of Bombing Range Road alternative in the final EIS.

Legal Context

The discussion of alternatives to the proposed action is “the heart” of the NEPA process and is intended to provide a “clear basis for choice among options by the decisionmaker and the public.” 40 C.F.R. § 1502.14. *See also* 42 U.S.C. § 4332(C)(iii), (E). NEPA regulations and Ninth Circuit precedent require an agency to “[r]igorously explore and objectively evaluate all reasonable alternatives.” *Id.* § 1502.14(a). Indeed, the courts have consistently held that a failure to consider an available and reasonable alternative is fatal to an agency’s NEPA analysis. *See, e.g., Friends of Southeast’s Future v. Morrison*, 153 F.3d 1059, 1065 (9th Cir. 1998) (“The existence of reasonable but unexamined alternatives renders an EIS inadequate.”). This rule is commonly applied in planning system routes. *See, e.g., I-291 Why? Ass’n v. Burns*, 372 F. Supp. 223 (D. Conn. 1974) (failure to consider alternative highway routes), *aff’d*, 688 F.2d 1011 (9th Cir. 1975) (affirming grant of preliminary injunction).

There is a suggestion in the scoping report that many comments “focused on project effects and concerns outside the purview of BLM’s and USFS’s resource management responsibilities, including concerns about impacts to private lands and resources”. (Scoping Report at 91.) However, all the alternatives, including a West of Bombing Range Road alternative, implicate federal decisionmaking, and “socioeconomics and environmental justice” effects, including effects on agriculture, are analyzed in the DEIS. (*See, e.g.,* DEIS at 3-943 to 3-944 (“effects on the agricultural economy . . . are expected to be low”); *see also id.* § 3.2.6.6 (general discussion).)

We note that the cover letter transmitting the DEIS advises that “[r]oute locations are approximate and could vary by more than half a mile”. (Cover Letter, Dec. 5, 2014, at 1.) Unless BLM pinpoints the final location of alternatives with greater detail in the final EIS, NEPA compliance is likely to be regarded as inadequate, and further site-specific NEPA analysis may also be required. *Cf., e.g., Western Watersheds Project v. Abbey*, 719 F.3d 1035, 1049 (9th Cir. 2013) (even if programmatic “EIS contains sufficient analysis for informed decision-making at the programmatic level” that analysis “does not reduce or minimize BLM’s critical duty to ‘fully evaluate[]’ site-specific impacts”); *see also id.* at 1050.

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Factual Background

The question of Project routes produced comment in the scoping phase as well as during a Community Advisory Process (CAP) conducted by Idaho Power Company (IPC). The Slatt Alternative was discussed during the EIS process but not documented in the DEIS. However, the Longhorn issue did not emerge until late in the process when IPC's Revised Plan of Development (November 2011) added a single Longhorn Alternative to be considered in the event that BPA proceeded with the Longhorn Substation. (Rev'd POD at 3-24 to 3-25.)

The DEIS then added a single alternative to the Longhorn Alternative, the Longhorn Variation, a route that runs along the east side of Bombing Range Road, and for the most part runs parallel to an existing 128-kv transmission line (about 125 feet away). The DEIS reports that it "was developed to address concerns raised by the Navy with the Longhorn 27 Alternative about encroachment on military airspace, to minimize effects on irrigated agriculture in the 28 area, and to align with an existing transmission corridor." (DEIS at 2-54.)

However, the DEIS reports that the Variation only reduced impacts on private land from 485.7 acres to 450.3 acres (DEIS at 3-449), and impact on agricultural land from 262.2 to 249.7 acres (*id.* at 3-451). Indeed, "Total Prime Farmland Construction Acres rises from 173.7 in the Alternative to 263.1 in the Variation. (*id.* at 3-455 (showing greater impacts).) An EIS with "no meaningful difference between the [] alternatives considered in detail" is insufficient; an agency cannot "make an informed decision on a project's environmental impacts when each alternative considered would authorize the same underlying action." *W. Watersheds Project v. Abbey*, 719 F.3d 1035, 1051 (9th Cir. 2013). While the Longhorn Alternative and Longhorn Variation are different, neither mitigates adverse effect on irrigated agriculture in a way sufficient to provide an informed decision.

Within the context of the Longhorn Route, a West of Bombing Range Road alternative, with significantly reduced impacts on irrigated agriculture, is the obvious way to provide a more meaningful alternative. While the Naval Weapons System Training Facility has specifically objected to any proposal which would "significantly increase the width or permitted height in the existing power line easement along the eastern boundary" of the Facilities (Scoping Appendix E, at 286),¹ the DEIS already proposes shorter towers with shorter intervals between towers would be used for those portions of the route adjacent to the Naval Weapons System Training Facility (*id.* at 2-55). The West of Bombing Range route should not be associated with any significant additional incremental impacts on the Facility.

Conclusion/Requests

Given the above, the CSRIA is making three requests from the BLM EIS managers.

¹ The DEIS makes reference to a more detailed letter from the commanding officer dated April 23, 2013 offering "a hierarchy of preferences based on minimizing adverse operational impacts". (DEIS at 3-411.) This letter does not appear to be available on the project website, and we hereby request a copy of it.

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First, we are requesting that BLM provide written notice to us, and interested parties, that the agency will be adding the new Slatt and West of Bombing Range Road alternatives as soon as possible, and in any event before issuance of the Final EIS.

Second, in light of the additional NEPA compliance analysis required for the revised alternative review, we request an extension to the comment period.

And third, CSRIA technical representatives and I would like to meet with you to better discuss and clarify our above concerns. We are prepared to do so at your convenience, at your office.

Copy to: Mr. Michael Schoessler
Regional Solicitor, Pacific Northwest Region
U.S. Department of the Interior
805 SW Broadway #600
Portland, Oregon 97205-3346

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Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



1600 SW Western Blvd, Suite 100
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PVigansky@TriAxisEng.com

March 18, 2015

Don Rice
Director, North American Operations
GreenWood Resources
77200 Poleline Road
Boardman, Oregon 97818
Don.Rice@gwrglobal.com

Mr. Rice,

Subject: Engineering Review Comments on the 500-kV B2H EIS

Per your January 14, 2015 authorization, this letter is our report of engineering design comments concerning the Draft Environmental Impact Statement and Land Use Plan Amendments for the Boardman to Hemingway Transmission Line Project, document DOI-BLM-OR-V000-2012-016-EIS, dated December 2014. Your request for our review was prompted by the Bureau of Land Management invitation to receive any comments to the document by email before March 19, 2015.

The proposed B2H route alternative called Longhorn Variation (point MO4 to point MO5 on figure 2-14), would impact approximately 14 miles of agricultural operations along the east side of Bombing Range Road in Morrow County, Oregon. Because the Longhorn Variation would affect your lands, your organization and the other agricultural operators and landowners that you represent, you have a direct interest in the 500-kV transmission line siting process.

From our long experience with transmission line design and constructability, this letter report includes our general comments on the Draft EIS and points out deficiencies. We also include additional route alternatives west and south of Bombing Range Road that in our opinion should be included in the BLM's final EIS. Our professional opinions in this report do not reflect any of the positions and opinions of the various utilities and other stakeholders along Bombing Range Road or in Morrow County.

General Engineering Comments

The general descriptions of 500-kV structures, heights, span lengths, conductors and conductor arrangements, foundations, and right-of-way requirements, are all generally reasonable. As stated in the Draft EIS, special design conditions along the proposed route, and all alternative routes, will dictate a final design configuration that may vary significantly from the typical construction.

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Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

The last paragraph of Longhorn Variation Alternative, Section 2.3.1.3 (page 2-55, line 15), proposes the use of self-weathering tubular steel for the 98-foot H-Frame structures on the east side of Bombing Range road. Self-weathering steel oxidizes much slower than typical uncoated steel; however, it is never recommended in areas subject to pivot or spray irrigation due to the resultant oxidation acceleration of weathering steel.

Deficiencies in the B2H Draft EIS

1. The western terminus of the B2H Transmission Line Proposed Action is called Grassland (point MO1 on figure 2-14). Grassland is proposed to be adjacent to the site of the PGE Boardman Generating Plant 500-kV Substation. The Boardman Plant Substation is currently connected directly to the 500-kV BPA Slatt Substation to the west. The Boardman Plant Substation was planned to be expanded to accept the proposed Cascade Crossing 500-kV transmission lines from the Coyote Springs Generating Plant Substation to the east near the town of Boardman, and from the Bethel Substation to the west near Salem. For Idaho Power Company (IPC), the Boardman Generating Plant Substation was apparently the most economically advantageous interconnection to the northwest grid because of agreements with PacifiCorp and PGE who were planning and developing the Cascade Crossing. Unfortunately, the Cascade Crossing project was removed from active consideration, leaving the B2H interconnection at the Boardman Generating Plant with significantly less justification in the transmission network planning. Moreover, interconnection at this point imposes additional wheeling costs on IPC as well as technical and contractual complications for wheeling power over the PGE-owned line to Slatt:
 - IPC power and energy metering at Grassland would impose incremental changes on transmission line losses to Slatt. Special durable and redundant metering computers would need to be used to make this compensation. It is not certain that IPC, PGE, and BPA could agree to the unusual algorithms or equipment.
 - Control of the protective circuit breaker on the B2H line at PGE-owned Grassland substation would need to be under BPA control so that BPA has the flexibility to stabilize the Northwest network.
 - The actual interconnection would be with PGE at Grassland and the virtual interconnection would be with BPA at Slatt. The responsibility for NERC/WECC reliability reporting could expand PGE duties.

Therefore, the Draft EIS is deficient because the Grassland Alternative is no longer reasonably or typically supportable and it should be removed from consideration.
2. The Horn Butte Substation Alternative (point MO2 on figure 2-14) would connect the B2H line between the Boardman Generating Plant Substation and the BPA Slatt Substation. The Horn Butte substation alternative reduces the length of the B2H line. However, the Horn Butte interconnection imposes the same wheeling impact on IPC and the same technical challenges as described

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Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

above for the Grassland Alternative. Therefore, the Horn Butte Alternative is not reasonably or typically supportable and it should be removed from consideration.

3. We suspect that the Longhorn Substation (point MO4 on figure 2-14) alternative was added into consideration because a direct connection to BPA is contractually and economically feasible to IPC. The proposed BPA Longhorn Substation would be built by BPA at a location near the town of Boardman. Longhorn allows the connection of the B2H line to the BPA network between the Coyote Springs substation and the Slatt substation. This implies that it is feasible for B2H to interconnect with BPA anywhere from Coyote Springs to Slatt.

Because Slatt is the region's major 500-kV interconnection hub and has all communication and infrastructure in place, Slatt is an attractive interconnection alternative.

Connecting the B2H project directly to BPA Slatt substation seems to be technically feasible, economical, and advantageous to IPC. Therefore, this alternative is a reasonable alignment option and it should have been included in the Draft EIS. Neglecting to evaluate this 'Slatt Alternative' is a deficiency in the Draft EIS.

4. The Draft EIS Summary introduction paragraph states that the Grassland Substation is under construction by Portland General Electric. To our knowledge, there are no apparent improvements to land at the Grassland site.
5. The Longhorn Variation Alternative as described in Section 2.3.1.3 (page 2-55, line 2) mentions an existing 138-kV transmission line that parallels the east side of Bombing Range Road. This facility is actually a 115-kV wood-pole transmission line owned and operated by Umatilla Electric Cooperative (UEC), and is constructed with three 115-kV horizontal post insulators and one 12.47-kV underbuilt distribution circuit on wood crossarms.
6. The Longhorn Variation Alternative as described in Section 2.3.1.3 omits mention of a major high-pressure irrigation pipeline that also parallels the east side of Bombing Range Road. This pipeline is approximately six feet in diameter and is located at a varying distance from the road.
7. The Longhorn Variation Alternative as described in Section 2.3.1.3 omits mention of the UEC Bombing Range Substation, which is located on the northeast corner of Bombing Range Road and Homestead Lane. This substation site extends approximately 190 feet east of Bombing Range Road, and the UEC 115-kV transmission line turns east at this point. These UEC facilities would block the path of the 500-kV line and would thus require an eastern deviation from the preferred path and additional negotiations with UEC to redesign their existing 115-kV line for a crossing under the B2H line.

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Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

The B2H EIS Omits Important Impacts**1. Existing Uses and Impacts**

The B2H EIS Longhorn Variation places the centerline of the proposed 500-kV transmission line at 125 feet from the east edge of the Bombing Range Road. The B2H centerline would also be located 125 feet on the east side of the existing UEC 115-kV right-of-way which parallels the CID irrigation pipeline. This placement of the centerline will cause significant redesign of the existing surface irrigation facilities, impact agricultural operations, and require electric field safety impact mitigation to the UEC transmission line and the to the irrigation pipeline.

Changes required to the surface crop irrigation are so severe that operators may need to consider alternative crops and more economic configurations.

Also, underground galvanic corrosion studies and mitigation design would be required for irrigation facilities, the irrigation pipeline, and the 115-kV transmission line.

2. Omission of Cumulative Impacts

The Longhorn Variation, as proposed in the DEIS, is not reasonable because the DEIS fails to acknowledge or address its role in the creation of cumulative impacts on the surrounding agricultural land in light of the numerous alternative wind energy projects approved and proposed in Morrow County and Condon County (to the South). As noted above, UEC's 115-kV wood-pole transmission line currently runs parallel to the east side of Bombing Range Road. The additional footprint required by the B2H transmission line, as currently proposed, will significantly increase the easement corridor width along the east side of Bombing Range Road resulting in permanent adverse effects on agricultural operations and, in some instances, will result in loss of use of agricultural land.

Compounding these effects, it can reasonably be assumed that renewable projects, such as the 500 MW 2Morrow Wind (Ella Butte) and 500 MW Wheatridge Wind projects, will propose to utilize B2H transmission capacity along the east side of Bombing Range Road to connect to the proposed Longhorn Substation. These and any future wind projects in the region create demand for additional capacity, and selection of the Longhorn Variation and its connection to the Longhorn Substation would establish a permanent transmission corridor along the east side of Bombing Range Road to accommodate these growing demands. Expanding transmission line capacity inevitably paves the way for future transmission line expansion and further adverse impacts to farmland. The DEIS fails to disclose and discuss these cumulative impacts.

The B2H EIS Should Include Two Additional Reasonable Alternatives**1. Slatt Substation Alternative**

Our most preferred recommendation is that the B2H Draft EIS include the BPA 500-KV Slatt Substation as the western terminus of the B2H transmission line. This termination appears to be the most attractive electrical interconnection to the BPA transmission grid and would likely be preferred by network planners. Connection to Slatt eliminates the need for BPA's design and construction of Longhorn Substation.

It appears that this alternative causes the B2H line to be shorter than the Grassland Alternative and only somewhat longer than the Horn Butte Alternative.

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Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

Connection directly to Slatt would eliminate all of the Grassland and Horn Butte concerns stated earlier in the Deficiencies section of this report.

Reviewing satellite images, it appears that the south fence of the Slatt Substation could be practically extended to incorporate an additional 500-kV entry bay position for the B2H transmission line.

The proposed transmission line to Slatt would connect to the proposed B2H line just north of the town of Cecil, five miles south of Horn Butte. From this point, the line would be significantly direct to Slatt Substation. In addition, it would not pass over irrigated crop land, and it would pass to the south of all or most existing Shepherds Flat Wind Farm turbine strings.

2. Longhorn Variation West Alternative

As a second preference, we recommend that the B2H Draft EIS revise the description of Longhorn Variation, or include a new alternative called "Longhorn Variation West". This reasonable alternative would propose to replace the existing BPA 69-kV H-frame line on the west side of Bombing Range Road, with the 500-kV B2H transmission line. The proposed B2H 500-kV construction would consist of 98-foot-tall, tubular-steel, H-Frame structures. These structures could be fabricated with conventional high-strength steel with a conventional galvanized coating to maintain the Navy's requirement for visibility.

As part of this Alternative (and if agreeable to UEC and Columbia Basin REC), the existing 115-kV UEC transmission line on the east side of Bombing Range Road could be rebuilt as a double-circuit on its existing alignment. It would incorporate the BPA 69-kV transmission circuit to Columbia Basin REC. This rebuilt transmission line could be built with tubular steel poles, placing the BPA 69-kV circuit on the road side, and the UEC 115-kV circuit on the field side. A braced-post insulator configuration could allow span adjustments to better avoid agricultural operations and to comply with UEC's present conductor size standards. The existing UEC 12.47-kV distribution circuit would be attached under the transmission circuits on longer wood or fiberglass crossarms.

This Longhorn Variation West Alternative would need to allow for a future 500-kV substation to be located near point MOS. If developed, this new 500-kV substation would be funded by alternative energy developers for the purpose of providing a B2H interconnection for future wind or solar power in the area. This provision supports the current plans of county government and local utilities to exploit natural wind energy resources.

It is our judgment that the proposed Longhorn Variation West Alternative would likely bring lower overall impacts and costs compared to the Longhorn Variation Alternative as described in the Draft EIS..

B2H Final EIS Suggestions

1. The B2H Draft EIS Summary, page S-26, includes Table S-5 and a paragraph titled "Agency Preferred Alternative". This paragraph states that the BLM prefers the Longhorn Variation Alternative even though economic, technical, and other issues were considered. With the information presented here, and with the new alternatives presented here for Slatt and Longhorn Variation West, this table must be thoughtfully revised.

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Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

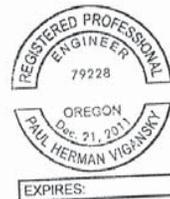
2. We believe that the Draft EIS must properly weigh environmental impact against the economic, technical, and other issues associated with the Slatt Alternative and the Longhorn Variation West, and the Longhorn Variation Alternative. When properly weighted, we believe that the path of the B2H line from MO5 (the southeast corner of the Bombing range) to BPA Slatt, imposes lower technical and environmental impacts, than either of the route alternatives to Longhorn, Horn Butte, or Grassland.
3. As addressed earlier in this letter, the B2H Draft EIS has omitted what we consider to be serious economic and technical impacts associated with the Longhorn Variation. In addition, the Longhorn Variation contains several uncertainties that may disqualify it as a reasonable alternative at this time:
 - The large high-pressure irrigation pipeline easement along the east side of Bombing Range Road may conflict with the B2H right-of-way, or may endanger the B2H structure foundations in the case of a pipe failure.
 - UEC and landowners may block the B2H line by refusing their rights and facilities to be infringed, or redesigned.
 - On the east side of Bombing Range Road, a timely process for the acquisition of land or right-of-way is not certain. Reasonable compensation for rights-of-way or property deeds is also not certain.

As the lead agency, BLM could properly conclude that the southern route south of the Bombing Range and to the west interconnection alternatives is preferred because the western alternatives do not have the obvious feasibility risks along Bombing Range Road.

Please call if you have any questions.

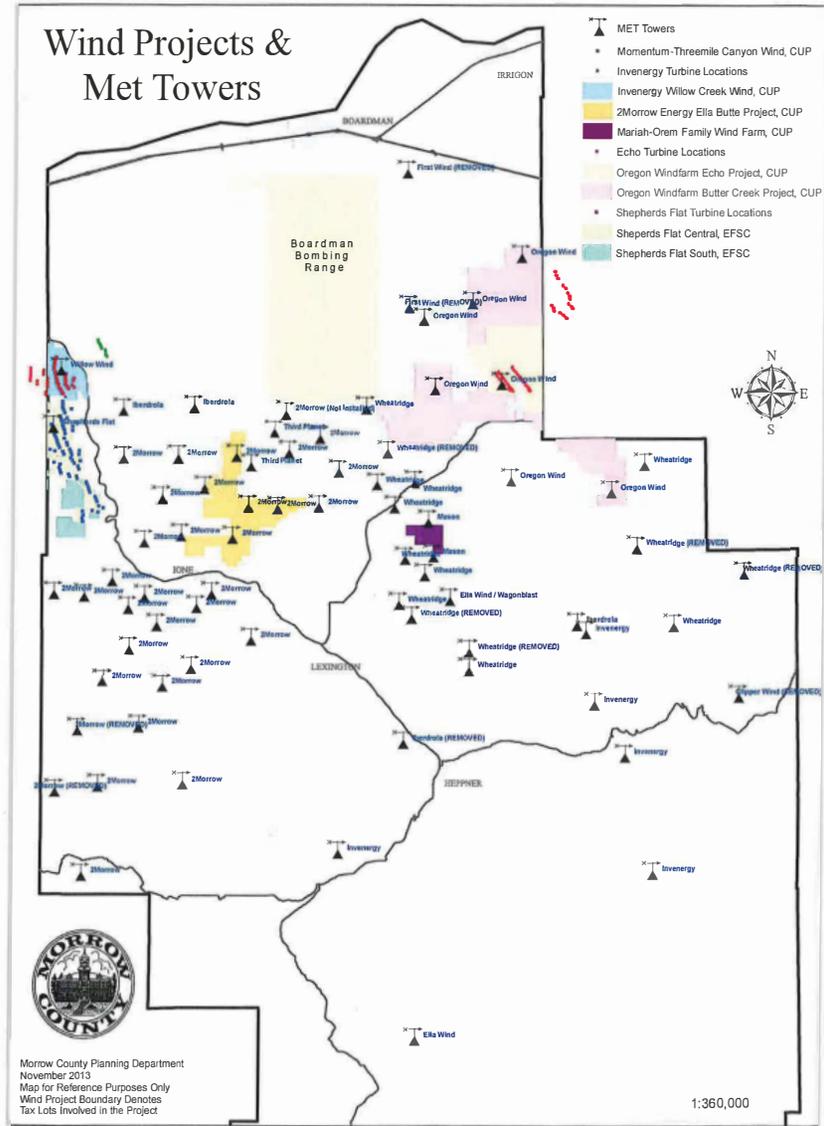
Sincerely,
TriAxis Engineering, Inc.

Paul H. Vigansky
Paul H. Vigansky, P.E.



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B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



ATTACHMENT

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

Request Number	Company/Project	Request Date	County	Point of Interconnection	Status on Type	In Service Date	Max. Summer	General Facility Location	Intercom. Type	General Facility Comments
G0447		12/8/2010 13:58	Morrow	Longhorn A proposed new substation on Hale's McNeely-Caplan 200 kV transmission line.	RECEIVED - CI	5/01/2013	215	240 20-jaw parcel in Section 11, T8N, R10E, S10E, Hale County, Oregon, bordering Boardman Substation.	NRS & EIS	During the Scoping Meeting on 5/1/13, the original request for Boardman Substation was approved. Customer elected to install a 200 kV substation at the site. McNeely-Caplan line.
G0448		12/8/2010 13:57	Morrow	Longhorn A proposed new substation on Hale's McNeely-Caplan 200 kV transmission line.	RECEIVED - CI	5/01/2013	215	240 20-jaw parcel in Section 11, T8N, R10E, S10E, Hale County, Oregon, bordering Boardman Substation.	NRS & EIS	During the Scoping Meeting on 5/1/13, the original request for Boardman Substation was approved. Customer elected to install a 200 kV substation at the site. McNeely-Caplan line.
G0456	RES	9/27/2010 13:58	Morrow	Longhorn A proposed new substation on Hale's McNeely-Caplan 200 kV transmission line at the point where ownership changes.	RECEIVED - CI	12/31/2014	481	481 100-jaw parcel of Hwy 352 and 2 miles south of Hwy 74, Boardman, Ore.	NRS & EIS	Wind
G0455		8/27/2010 14:12	Morrow	Longhorn A	STUDY - CI	11/01/2013	401	401 100-jaw parcel of Hwy 352 and 2 miles south of Hwy 74, Boardman, Ore.	NRS & EIS	Wind
G0408	Element Power	2/09/2010 9:43	Umatilla	(Stanfield)	RECEIVED - CI	12/01/2012	400	400 in Umatilla County, Ore., ten miles north of Boardman, Ore.	NRS & EIS	Wind
G0403	Andrew	1/27/2010 16:51	Morrow	(Stanfield) BPA's Transmission Facilities in Morrow and Umatilla Cos., Oregon	STUDY - CI	11/01/2014	302	302 Morrow Co., Ore. 20-25 miles south of Boardman, Ore.	NRS	Wind
G0404	Andrew	1/27/2010 16:51	Morrow	(Stanfield) BPA's Transmission Facilities in Morrow and Umatilla Cos., Oregon	STUDY - CI	11/01/2014	302	302 Morrow Co., Ore. 20-25 miles south of Boardman, Ore.	NRS	Wind
G0389	Andrew	11/02/2009 12:02	Morrow	(Stanfield)	STUDY - CI	11/01/2013	207	207 of Boardman, Ore. 20-25 miles south of Boardman, Ore.	NRS	Wind
G0390	Andrew	11/02/2009 12:02	Morrow	(Stanfield)	STUDY - CI	11/01/2013	207	207 of Boardman, Ore. 20-25 miles south of Boardman, Ore.	NRS	Wind
G0366		5/18/2009 14:41		Longhorn A 230 kV substation on BPA's transmission line in Morrow Co., Ore. east of west of Boardman, Ore.	STUDY - CI	11/01/2014	302	302 Morrow County, Ore.	NRS	Wind
G0365		5/18/2009 14:40		Longhorn A 230 kV substation on BPA's transmission line in Morrow Co., Ore. east of west of Boardman, Ore.	STUDY - CI	11/01/2013	302	302 Morrow County, Ore.	NRS	Wind
G0362		4/02/2009 15:29		Longhorn BPA's Boardman 230 kV substation on BPA's transmission line in Morrow Co., Ore. east of west of Boardman, Ore.	STUDY - CI	11/01/2012	204	204 Morrow County, Ore.	NRS	Wind
G0361	Invenerg7	4/02/2009 15:29		(Stanfield) On BPA's McNeely-Roundup 230 kV transmission line	FAS Study Complete	10/01/2011	201	201 Morrow and Clatsop Counties, Ore.	NRS	Wind

required 000kV interconnect. Will build over 230 kV lines

ATTACHMENT

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

G0339 Inverary 7/28/2008 16:05
 (Stratfield) At a point on BPA's Vines Well...
 100 Umatilla County, Or.
 100
 12/31/2013
 NRS Vind
 FES expected November 25,
 report would be delayed until
 sufficient time to complete the
 required studies.

Customer reduced the MW of
 the system from 100 MW to
 100 MW. The MW of LUP
 section 4.4.1 by email
 application on August 31,
 2008.

ATTACHMENT

B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



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19 March 2015

Ms. Reed:

We have reviewed various public documents regarding the justification for the proposed Boardman–Hemingway 500 kV transmission project. Idaho Power Company (IPC) proposed the project as part of their 2013 biennial integrated resource plan (IRP). Our review focused on the key variables that may affect proposed project's justification.

We believe there are three main shortcomings in the IRP that, when corrected, could delay or eliminate the need for the Boardman–Hemingway 500 kV project:

1. The recent reduction in natural gas prices that will significantly improve the economics of natural gas generation;
2. The limited range of variables used in the risk analysis; and
3. Revised regional transmission planning criteria that will reduce the impact of transmission contingencies in the areas north and south of Boise.

IPC notes that resource planning is an on-going process.¹ We believe that the 2015 IRP, which we assume is now in progress, should address the concerns we raise, below, before proceeding with the Boardman–Hemingway project. We concur with IPC that "experience gained over the next few years [since 2013] will likely modify the 20-year resource plan."

We believe these shortcomings show that it is imprudent to continue with the Boardman–Hemingway project absent a new look at the impact of these factors.

¹ The inside cover of the 2013 IRP states: "Resource planning is an ongoing process at Idaho Power. Idaho Power prepares, files, and publishes an Integrated Resource Plan every two years. Idaho Power expects that the experience gained over the next few years will likely modify the 20-year resource plan presented in this document."

ATTACHMENT

B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

Page 2 of 8

The Boardman–Hemingway transmission project

IPC is proposing to build and operate a new 500 kV, 300-mile-long, electric transmission line between the Boardman substation in northeastern Oregon and the Hemingway substation south of Boise. IPC claims the Boardman–Hemingway line will carry energy bi-directionally between Portland General Electric and IPC stating:

The purpose of IPC's proposed Project is to provide additional capacity connecting the Pacific Northwest Region and the Intermountain Region of Southwestern Idaho to alleviate existing transmission constraints and to ensure sufficient capacity to allow IPC to meet present and forecasted load requirements.²

IPC further claims the line will assure Idaho Power's ability to meet customers' existing and future energy needs in Idaho and Oregon.

IPC first identified the need for Pacific Northwest transmission upgrades in its 2000 and 2002 IRPs.³ The specific Boardman to Hemingway project was part of the preferred portfolio in IPC's 2011 IRP. Unlike many transmission projects, Boardman–Hemingway is not justified by any reliability need. It is not directly associated with any particular generation or group of generators, nor is it justified by a specific reliability need. IPC clearly states this:

The Project is neither required to support any particular new generation project nor justified by any particular existing generation project. Rather, the Project will serve as a crucial high capacity connection between two key points in the existing bulk electric system.⁴

While the Boardman–Hemingway project is not required to support any particular new generation project nor justified by any particular existing generation project, it is part of the preferred solution identified by IPC in its the 2011 and 2013 IRPs.

The IRP process

An integrated resource plan, or IRP, is a utility plan for meeting forecast annual peak and energy demand, plus some reserve margin, through a combination of supply-side and demand-side resources over some future period. When done correctly, an IRP identifies the lowest-cost plan for a utility to deliver reliable energy services to its customers. An IRP differs from traditional planning in because it evaluates and compares the costs and benefits of both demand- and supply-side resources.

Typically, an IRP will:

- Forecast future loads,
- Identify potential resource options to meet those future loads,
- Determine the best mix of resources based on the goal of minimizing future electric system costs,
- Receive and respond to public participation (where applicable), and
- Create and implement the resource plan.

2. Idaho Power Company, Boardman to Hemingway Transmission Line Project, Revised Plan of Development, November 2011, page 1-1.

3. Idaho Power Company, Boardman to Hemingway Transmission Line Project, Revised Plan of Development, November 2011, page 2-2.

4. Idaho Power Company, Boardman to Hemingway Transmission Line Project, Revised Plan of Development, November 2011, page 1-2.

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Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



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Oregon describes the least-cost planning principle used in this IRP as:⁵

*Least-cost planning differs from traditional planning in three major respects. It requires integration of supply and demand side options. It requires consideration of other than internal costs to the utility in determining what is least-cost. And it involves the Commission, the customers, and the public prior to the making of resource decisions rather than after the fact.*⁶

The IRP approach is why the Boardman–Hemingway project is not associated with any specific generating project. IPC identified it as part of the preferred solution in their IRP studies.

While the 2013 IRP study evaluated nine different resource portfolios, we will focus on two—Portfolios 2 and 3. Portfolio 2 is the preferred portfolio and includes Boardman–Hemingway. Portfolio 3 is the lowest-cost portfolio that does not include Boardman–Hemingway.

Impact of lowered natural gas prices

Portfolios 1 and 3 had costs within 5% of the preferred Portfolio 2.⁷ Portfolio 3 does not include the Boardman–Hemingway line because it includes more demand response and a 300 mw combined-cycle combustion turbine. Portfolio 3’s twenty-year costs are 5% higher (\$257 million) than the preferred portfolio 2.⁸ While it is only a 5% increase from portfolio 2’s \$5.2 billion cost, this is still a large amount.

There is too little time available to reproduce the IRP cost analysis, however, it is possible to estimate the likely impact from some of the data used in the IRP.

Portfolio 3 includes a natural-gas fueled 300 MW ccct (IRP Figure 8.3, page 91). Appendix C to the 2013 IRP provides some detailed assumptions used in the study. These assumptions included the 65% annual capacity factor (page 89), the 6,800btu/kwh heat rate (page 85), and a 2015 natural gas price of \$6.19 (page 84). Using these amounts we can estimate the annual fuel cost for a 300 MW ccct as shown in Table 1.

Table 1: ccct annual fuel cost assumed in 2013 IRP—2015 conditions

Unit size (kw)	300,000	
Annual hours (hours/year)	8,760	
Annual capacity factor (%)	65	
Annual production (kwh/year)		1,708,200,000
Fuel price (\$/mmbtu)	6.19	
Heat rate (btu/kwh)	6,800	
Production cost (\$/kwh)		42.09
Annual cost (\$/year)		72 billion

5. The 2013 Integrated Resource Plan is Idaho Power’s 11th resource plan prepared to fulfill the regulatory requirements and guidelines established by the Idaho Public Utilities Commission and the Public Utility Commission of Oregon. (2013 Integrated Resource Plan, page 1)
 6. Public Utility Commission of Oregon, Order No. 89-507, Docket No. UM 180, April 20, 1989.
 7. Idaho Power Company, 2013 Integrated Resource Plan, June 2013, Table 9.2, page 98.
 8. Idaho Power Company, 2013 Integrated Resource Plan, June 2013, Table 9.2, page 98.

ATTACHMENT

B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



Page 4 of 8

The price of natural gas based on Northwest Sumas delivery this week (17 March 2015) is about \$2.10/MMBtu—more than \$4 less than assumed in the 2013 IRP.⁹ Table 2, below calculates the annual fuel cost with today's natural gas price.

Table 2: CCCT annual fuel cost in 2013 IRP—2015 actual conditions

Unit size (kw)	300,000	
Annual hours (hours/year)	8,760	
Annual capacity factor (%)	65	
Annual production (kwh/year)		1,708,200,000
Fuel price (\$/MMBtu)	2.10	
Heat rate (btu/kwh)	6,800	
Production cost (\$/kwh)		14.28
Annual cost (\$/year)		24 billion

The difference (lower cost) is nearly \$48 million a year. Over the 20-year planning horizon this will significantly reduce, and possibly eliminate, the overall difference between portfolios 2 and 3.

Further, CCCT fuel costs (\$14.28/MWh) are lower than those for conventional coal (\$22.26/MWh).¹⁰ This cost difference is an incentive to install CCCT generation much earlier in the plan. And, it will likely justify more than the 300 MW included in Portfolio 3.

These changes would shift the economics of Portfolios 2 and 3. It would be imprudent to continue with the Boardman–Hemingway project absent a new look at the impact of today's natural gas prices.

One other factor affecting gas-fueled generation is the assumed locations where new plants would be added. The IRP assumed that CCCT gas turbines identified to replace coal resources are located at or near the existing coal generation facilities.¹¹ While this might seem like a reasonable assumption, CCCT generation is much easier to site. This generation could be located closer to the load centers in Boise or other load centers.

Locating generation closer to load centers reduces transmission requirements. This would make the Boardman–Hemingway project less necessary. The IRP notes that "The transmission capacity analysis of the portfolios resulted in each portfolio requiring at least one new 230-kV transmission line into the Treasure Valley." These improvements would not be necessary by locating the gas generation close to load centers, especially the Treasure Valley.

9. www.naturalgasintel.com/data/data_products/daily?location_id=RMTSUMAS®ion_id=rocky-mountains, 17 March 2015.
 10. Idaho Power Company, 2013 Integrated Resource Plan, Appendix C, June 2013, Coal fuel \$2.42/MMBtu (page 84) and a 9,200 btu/kwh heat rate (page 85).
 11. Idaho Power Company, 2013 Integrated Resource Plan, June 2013, page 81.

ATTACHMENT

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

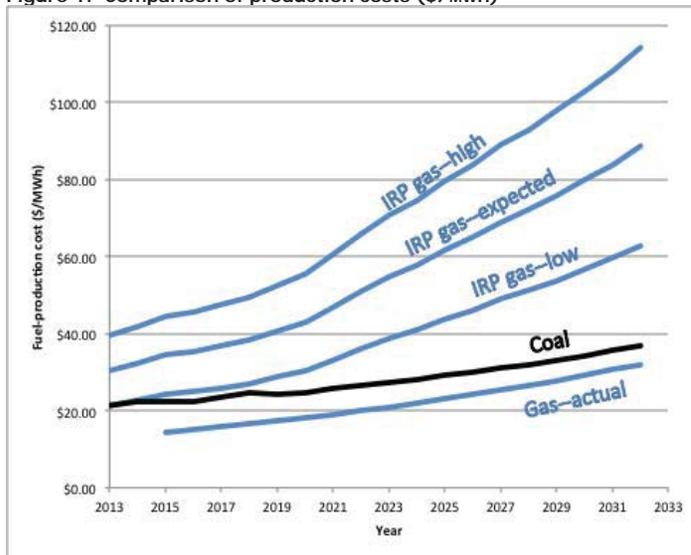
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Range of variable used in the risk analysis

The 2013 IRP performed risk analysis, however it does not seem to be adequate. There are several assumptions that seem to have been tilted toward existing coal generation or to justifying the Boardman-Hemingway project.

First is the forecast price of natural gas. Compare the production costs of gas and coal generation in Figure 1.¹² This figure used the fuel data and heat rates from Appendix C to 2013 IRP. The “gas—actual” is the price of natural gas at today’s price escalated at the same rate as used in the IRP.

Figure 1: Comparison of production costs (\$/mwh)



The figure makes it very clear how much lower the actual natural gas price than the “low” forecast used in the IRP. (The impact of natural gas fracturing (“fracking”) on prices has been much larger than expected—so this comment is not a criticism of the forecasts used in 2013.) However, the figure makes it clear just how significant the change in natural gas prices are. The resulting electricity production costs make natural gas

12. Idaho Power Company, 2013 Integrated Resource Plan, Appendix C, June 2013, page 96 for fuel prices and page 85 for heat rates.

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Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

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preferable to coal—at least for variable production costs. The change will significantly affect the results of the IRP study.

Another factor that has shifted since 2013 is the economics and attitude towards coal-fired power plants. Announced coal-fueled power-plant retirements amount to tens of thousands of MW of installed generation. Since the coal power plants are remote from load centers, they need more transmission. Less coal generation assumed in the IRP would reduce the need for major transmission improvements such as Boardman–Hemingway.

Another trend that has changed since 2011 is the economics, acceptability, and interest in rooftop solar power installed by individuals and businesses. There are many articles in the trade press and national newspapers such as the *New York Times* or the *Washington Post* about customer interest in—and utility opposition to—rooftop solar. Since IPC is a summer-peaking utility, solar generation can be very effective in reducing peak load. The figure on page 93 of 2013 IRP Appendix C shows that solar can be effective in reducing peak load between 15:00 and 19:00 when IPC's peak load occurs. Rooftop solar generation is about as close to load as possible, so, besides reducing the overall generation supply it will reduce transmission needs.

We note the risk factors discussed above will all make coal generation less viable and reduce the need for transmission upgrades such as Boardman–Hemingway. We believe the IRP should include a wider range of risks, especially those that would negatively affect coal generation.

Impact of revised regional transmission planning criteria

The 2011 IRP and, we assume the 2013 IRP, used Western Electricity Coordinating Council (WECC) transmission planning standards. One of these standards regards adjacent transmission lines. The 2008 WECC standard TPL-001 "specifies that utilities must plan for two lines to be out of service at the same time if they are located adjacent to each other unless those circuits are separated by at least 'the longest span length of the two transmission circuits at the point of separation or 500 feet, whichever is greater, between the transmission circuits'."¹³

IPC goes on to explain how they applied this standard:

"For the purposes of the initial IPC siting study, the longest span was assumed to be 1,500 feet, thereby dictating the minimum distance between existing and proposed transmission lines serving the same load. In the final design, the separation distance could increase where existing line spans are determined to be greater than 1,500 feet thereby requiring the Project to be located the maximum span distance away when adjacent to longer spans."¹⁴

In 2012 wecc changed this so it only applies where both circuits are ≥ 300 kv.¹⁵

This matters because there are number of important 230 kV circuits that would be parallel to the proposed Boardman–Hemingway transmission line. These include four circuits that run north from Boise to Brownlee and three circuits running southeast to Midpoint. Clearly there are contingencies that would affect these

13. Idaho Power Company, *Boardman to Hemingway Transmission Line Project, Revised Plan of Development*, November 2011, page 2-5.

14. Idaho Power Company, *Boardman to Hemingway Transmission Line Project, Revised Plan of Development*, November 2011, page 2-5.

15. wecc TPL-001 standard, effective 1 April 2012.

ATTACHMENT

B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)

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230 kV circuits using the 2008 standard. These contingencies would increase desirability of Boardman–Hemingway.¹⁶

There are many 230 kV circuits north and south of Boise that would be subject to this contingency in the 2008 standards. None of these contingencies would apply under the 2012 standard. We believe that applying the today's standard rather than the expired standard would reduce the need for the Boardman–Hemingway project.

A few other thoughts about Boardman–Hemingway

IPC cites a few studies besides the IRPs that have identified the need for the Boardman–Hemingway project. These do not show a need for the project but rather show the project does not cause harm. Consider two studies cited by IPC—the Northern Tier Transmission Group (NTTG) *NTTG 2008-2009 Biennial Transmission Plan* and the *Transmission Expansion Plan 2009-2019* prepared by Columbia Grid.¹⁷ These two studies prove the WECC transmission network does not experience reliability problems when the Boardman–Hemingway project is included with many other regional projects. These studies do not examine whether the system would perform acceptably *without* the Boardman–Hemingway project.

One way to prove the need for Boardman–Hemingway would be to study the system without the project to find out if there were any reliability criteria violations. The system would then be studied to confirm that the Boardman–Hemingway project mitigates these violations.

We also note the link between the Boardman–Hemingway and Gateway West projects. The IRP states that “The two transmission projects, Boardman to Hemingway and Gateway West, are complementary and will provide an upgraded transmission path from the Pacific Northwest across Idaho and into eastern Wyoming with an additional transmission connection to the population center along the Wasatch Front in Utah.”¹⁸ Will portfolio 2 still be preferred over portfolio 3 if the Gateway West project is not approved?

Throughout the IRP and many of the documents associated with Boardman–Hemingway, IPC makes claims about the benefit of the Boardman–Hemingway project to their customers. It is interesting that the 20013 IRP notes that BPA (24%) and PacifiCorp (55%) will each share more of the cost and capacity of the Boardman–Hemingway project than IPC (21%).¹⁹ We assume that these shares are based on the expected benefit to each party. This means that almost 80% of benefit of the Boardman–Hemingway project goes to customers and utilities other than IPC.

¹⁶ It is not clear from the record if the 2013 IRP used the 2012 standard or continued to use the earlier standard.

¹⁷ Idaho Power Company, *Boardman to Hemingway Transmission Line Project, Revised Plan of Development*, November 2011, page 2-3.

¹⁸ Idaho Power Company, *2013 Integrated Resource Plan*, June 2013, page 79.

¹⁹ Idaho Power Company, *2013 Integrated Resource Plan*, June 2013, Table 6.2 on page 77.

ATTACHMENT

B31

Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



Page 8 of 8

Sincerely
for DNV GL Energy

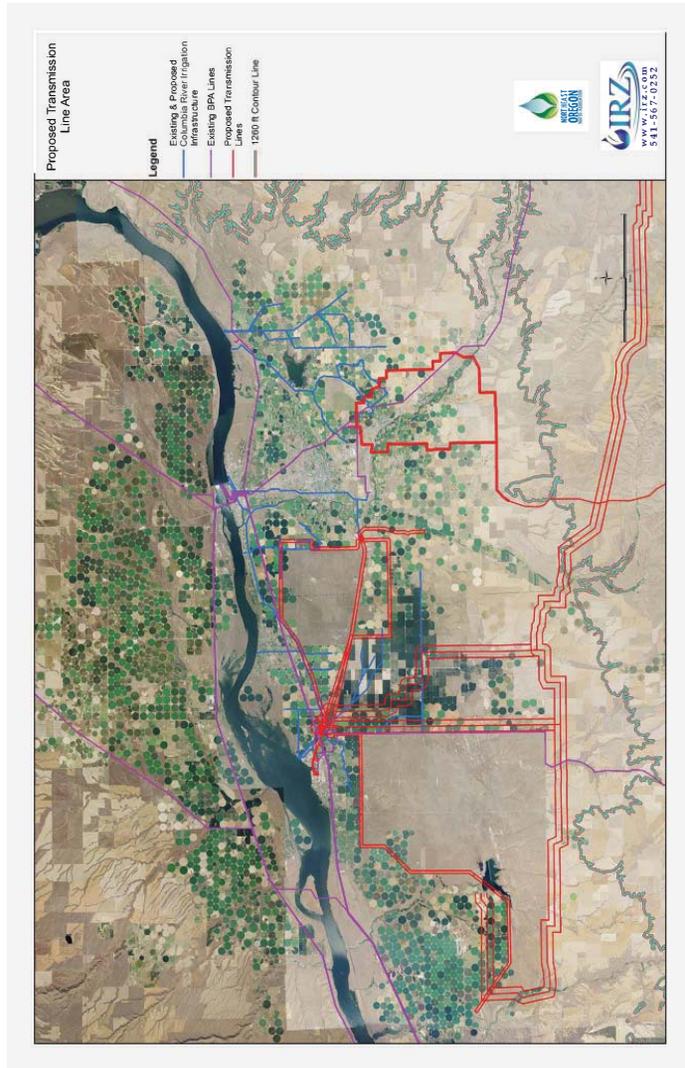
P. Jeffrey Palermo
Executive Consultant

Direct: 703 401 7079
jpalermo@pwsol.com

Boardman-Hemingway review

ATTACHMENT

B31 Windy River/Hale Co./Boardman Tree Farm/Pasco Farming, Inc. (cont.)



COMMENT(S)

RESPONSE(S)

B32

Windy River

comment@boardmantohemingway.com

From: Justin Burns <JBurns@ckbriaw.com>
Sent: Thursday, March 19, 2015 5:03 PM
To: 'comment@boardmantohemingway.com'; 'tgertsch@blm.gov'
Cc: Bob Levy (boblevy@windyriverfarms.com); Wendie Kellington (wk@wkellington.com); 'kreed@ringbenderlaw.com'
Subject: Boardman to Hemingway Transmission Line Project Draft DEIS
Attachments: Windy River Comments on DEIS (00085354xA9690).PDF

Attached are Windy River's comments on the Boardman to Hemingway Transmission Line Project Draft DEIS.

Thanks,

Justin

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COMMENT(S)

RESPONSE(S)

B32

Windy River (cont.)

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March 19, 2015

By email only to tgertsch@blm.gov and comment@boardmantohemingway.com

Ms. Tamara Gertsch
BLM National Project Manager
U.S. Department of the Interior
Bureau of Land Management
Vale District Office
100 Oregon Street
Vale, Oregon 97918

RE: Boardman to Hemingway Transmission Line Project Draft EIS

Dear Ms. Gertsch,

This firm represents Windy River, an Oregon general partnership (“Windy River”), and submits on Windy River’s behalf the following comments on the Boardman to Hemingway Transmission Line Project Draft EIS (the “DEIS”). Windy River owns, operates, and controls property that will be adversely impacted by the Boardman to Hemingway Transmission Line Project (the “Project”). This letter incorporates in full the comments on the DEIS set forth in the letter from J.W. Ring and Karen L. Reed, of Ring Bender McKown & Castillo, LLLP, to you dated March 19, 2015 (the “Ring Bender Letter”) and in the technical memorandum from the Columbia-Snake River Irrigator’s Association to you dated March 17, 2015.

Windy River, through its predecessor in interest (Westland Enterprises, LLC, an Oregon limited liability company) first submitted comments on the Project on September 27, 2010 by a letter which is attached to and incorporated into this letter to avoid redundancy (the “2010 Letter”). In light of certain information presented in the DEIS, however, a few points bear repeating in this context.

B32a [The DEIS correctly observes at page 3-917 that out of all of the Oregon counties affected by the Project, the market value of agricultural products from Morrow County, Oregon is the highest. The DEIS fails to observe, however, that a disproportionately large amount of such products are produced from a disproportionately small amount of irrigated farmland located in Morrow County which would be unjustifiably and irreparably lost under the Longhorn Variation Alternative or Longhorn Alternative (collectively the “Longhorn Alternatives”). The comments below all flow from this simple but fundamental consideration.

B32b [Irrigated farmland in Morrow County is some of the most scarce, productive, and valuable farmland in the world. It is also irreplaceable due to a variety of circumstances including, without limitation, water and land use laws, water delivery and irrigation limitations,

(00084933.DOC / 4)

B32a [The analysis of impacts on agriculture for all alternatives has been revised to include a quantitative analysis of important farmland, high-value farmland, irrigated farmland, and existing agriculture. See Section 3.2.7 for revisions.
The economic analysis in Section 3.2.17 has been updated with additional data on effects to irrigated farmland from the construction and operation of the B2H Project. The revised analyses assess how surface disturbances may affect crop yields under the alternatives, and how these changes in crop yields may affect local economic conditions.
B32b [The analysis of impacts on irrigated agriculture has been updated in Section 3.2.7. This includes further discussion of high-value soils, water rights limitations, and impacts on soils.
The economic analysis in Section 3.2.17 includes data on effects to irrigated farmland from the construction and operation of the B2H Project. The analyses assess how surface disturbances may affect crop yields under the alternatives, and how these changes in crop yields may affect local economic conditions.

COMMENT(S)

RESPONSE(S)

B32 **Windy River (cont.)**

CAMPBELL KILLIN BRITTAN & RAY, LLC
ATTORNEYS AT LAW

Ms. Tamara Gertsch
March 19, 2012
Page 2 of 4

B32b soil types, and geography. Since the 2010 Letter, irrigated farmland has increased in market value to well over \$10,000 per acre, and a recent transaction near the Project reaches \$17,000 per acre. The DEIS impermissibly cloaks the Project's adverse impacts on the limited supply of such irrigated farmland by describing it and evaluating it together with all other adversely affected farmland in Morrow County and the Project area.

B32c The Longhorn Alternatives threaten to reduce irrigated farmland without a complete evaluation of their adverse impacts and without a complete evaluation of reasonable alternatives that would largely, if not completely, avoid all such adverse impacts.

Incomplete Evaluation of Adverse Impacts

In the few areas where adverse impacts on irrigated farmland are specifically identified, such impacts are characterized as "low" and mitigated by line and tower locations. Both assertions are false, not supported by substantial evidence, and not adequately evaluated.

B32d As the DEIS acknowledges, irrigated farmland will be lost to Project improvements under the Longhorn Alternatives. For these areas, the impacts could be no greater since such land has no other reasonable alternative use. In addition, the DEIS fails to acknowledge that even minor losses to existing pivot irrigated fields cause considerable adverse impacts to the balance of the fields through less effective, efficient, and productive operations. Irrigated farm operations are uniquely tailored to maximize efficiency, production, and returns based on existing field size and configurations, among other things.

The DEIS proposes mitigation by locating towers in the corners of pivot irrigated fields. The DEIS fails to acknowledge, however, that such corners are the frequent locations for underground water delivery pipelines (despite notice of this fact in the 2010 Letter). The failure of the DEIS to acknowledge this fact will require either that (1) towers be located in pivot irrigated fields (further and more considerably increasing the adverse impacts on irrigated agriculture) or (2) underground water delivery systems be relocated (with significant direct costs and indirect costs through crop and other consequential losses). Additionally, field corners are one of the few areas where landowners can legally, practically, and affordably expand or develop new irrigated farmland.

B32e Of equal significance to the direct adverse impacts from the Project, the DEIS fails to adequately evaluate the cumulative adverse impacts on irrigated farmland that are reasonably anticipated as a result of the Project. As discussed in more detail in the Ring Bender Letter, the Longhorn Alternatives threaten additional adverse impacts arising from transmission lines and facilities owned by Umatilla Electric Cooperative ("UEC") and a large underground water pipeline both located along Bombing Range Road. It appears that the portions of the Project Improvements, the UEC facilities, or the underground pipeline will require relocation. The impacts from such relocations, while considerable and likely borne by irrigated farmland owners, are not identified or evaluated.

{00084933.DOC / 4}

B32c The analysis of impacts on agriculture for alternative routes analyzed in detail in the Final EIS includes a quantitative analysis of important farmland, high-value soils, irrigated farmland, and existing agriculture. Refer to Section 3.2.7.

The Applicant has indicated that pivot irrigation can continue under transmission line conductors, with tower structures located in corners of fields thereby spanning irrigation system infrastructure. However, several pivots could not be spanned, including those along the Longhorn Alternative and East of Bombing Range Road. This information is included in the discussion of Environmental Consequences.

Based on comments received by the BLM on the Draft EIS, collaboration with the counties and their constituents occurred, resulting in a number of recommended routing variations/options, which were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

B32d Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes. More specifically, the analysis of impacts on agriculture for all alternatives in the Final EIS includes a quantitative analysis of important farmland, high-value soils, irrigated farmland, and existing agriculture. Refer to Section 3.2.7. Types of irrigated farmland have been given different levels of impacts. Further, the economic analysis in Section 3.2.17 includes data on effects to irrigated farmland from the construction and operation of the B2H Project. The analyses assess how surface disturbances may affect crop yields under the alternatives, and how these changes in crop yields may affect local economic conditions.

B32e The Applicant has indicated that pipelines can remain where they are located, but will require cathodic protection. In addition, the Umatilla Electric Cooperative transmission line on the east side of Bombing Range Road can remain where it is as the B2H Project would be offset from it for all alternatives except the West of Bombing Range Road Alternative, for which the Umatilla Electric Cooperative transmission line would be replaced with a 230-kV line.

COMMENT(S)

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B32 **Windy River (cont.)**

CAMPBELL KILLIN BRITTAN & RAY, LLC
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B32f Similarly ignored by the DEIS are the likely future adverse cumulative impacts arising from the selection of either of the Longhorn Alternatives. Given the multiple energy projects proposed and anticipated in the area, it is all but certain that one or more of these projects will seek connections to the Longhorn Substation, the Longhorn Alternatives, or new transmission lines along or around the Longhorn Alternatives' corridors. Therefore, adequate evaluation of Longhorn Alternatives must fully and properly evaluate reasonably likely impacts on irrigated farmland from currently proposed and anticipated projects in the area.

B32g Finally, the DEIS fails to reasonably evaluate and substantiate the impacts of alternatives on the Washington Ground Squirrel.

For these reasons (and those in the 2010 Letter), the DEIS fails to fully evaluate adverse impacts on irrigated agriculture in Morrow County. When fully and properly considered and compared to the Longhorn Alternatives, the Proposed Action presents the fewest adverse impacts on irrigated farmland in Morrow County.

Incomplete Evaluation of Reasonable Alternatives

The significant adverse impacts on irrigated farmland in Morrow County can be largely, if not completely, avoided through selection of the Proposed Action or reasonable alternatives which were not evaluated in the DEIS. These other reasonable alternatives are described in detail in the Ring Bender Letter (the "Southern Alternatives").

B32h The Proposed Action and the Southern Alternatives largely avoid irrigated farmland and, therefore, the adverse impacts described in this letter and the 2010 letter. The Proposed Action and the Southern Alternatives propose the fewest possible adverse impacts on irrigated farmland. When these adverse impacts are balanced against the adverse impacts arising from the Proposed Action and the Southern Alternatives, the scales tip sharply in favor the Proposed Action and Southern Alternatives. Overall, and especially considering agricultural production in Morrow County, the Proposed Action and Southern Alternatives offer relatively few adverse impacts. In addition, the Proposed Action and Southern Alternatives appear to offer more and better options – with fewer overall adverse impacts – when considering future proposed and anticipated energy development in the area.

Conclusion

B32i In the 2010 Letter, Windy River lamented the absence of thorough and informed evaluations of proposals to occupy and cross irrigated farmland, especially when reasonable and less impactful alternatives exist. Despite Windy River's specific descriptions of the potential adverse impacts on irrigated farmland threatened by the Project more than four years ago, the DEIS fails to adequately address such impacts and fails to reasonably identify and evaluate reasonable alternatives to avoid such impacts. Instead, the DEIS simply and inadequately

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B32f A discussion of this potential effect has been added to Types of Potential Effects in Sections 3.2.7 and 3.3.3.7. Also, the Applicant has proposed an additional action to construct a 230-kV transmission line along Bombing Range Road for the potential wind farms (including those you have mentioned) that may in the future need to tie in to the grid. This 230-kV discussed for each resource, including irrigated agriculture, under the Applicant's Proposed Action and is referred to as Additional Action – 69-Kilovolt Line Replacement Options 1, 2, and 3.

The Final EIS has been revised to provide more detailed analysis related to cumulative effects. Counties and cooperating agencies were contacted and asked to provide additional information to be included in cumulative analysis for the Final EIS. Refer to Section 3.4.4 for further detail.

B32g Analysis of Washington ground squirrel has been updated for the Final EIS to include additional information on the direct and indirect impacts from all B2H Project alternatives.

B32h Based on comments received by the BLM on the Draft EIS, collaboration with the counties and their constituents occurred, resulting in a number of recommended routing variations/options, which were incorporated into the network of alternative routes analyzed in the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

B32i The analysis of impacts on agriculture for alternative routes analyzed in detail in the Final EIS includes a quantitative analysis of important farmland, high-value soils, irrigated farmland, and existing agriculture. Refer to Section 3.2.7

The economic analysis in Section 3.2.17 includes additional data on effects to irrigated farmland from the construction and operation of the B2H Project. The analyses assess how surface disturbances may affect crop yields under the alternatives, and how these changes in crop yields may affect local economic conditions.

COMMENT(S)

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Windy River (cont.)

CAMPBELL KILLIN BRITTAN & RAY, LLC
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identifies the possibility of certain adverse impacts on irrigated agriculture, and then generally and categorically dismisses such impacts based on improperly considered mitigation factors and inaccurate declarations that such impacts are “low” when considered together with adverse impacts on agriculture more generally. Any indication or implication in the DEIS that the Alternatives present fewer adverse impacts on agriculture, especially irrigated agriculture, when compared to the Proposed Action are incorrect and are not supported by substantial evidence. The Longhorn Variation presents far greater impacts on agriculture, especially irrigated agriculture, compared to the Proposed Action.

Accordingly, Windy River respectfully requests that the DEIS fully and properly and identify and evaluate the Project’s adverse impacts on irrigated agriculture in Morrow County and fully and properly and identify and evaluate reasonable alternatives to avoid such impacts. Fortunately, it appears that reasonable alternatives exist that not only avoid adverse impacts on irrigated farmland but that also offer fewer overall adverse impacts.

Very best regards,



Justin J. Burns

Enclosure

cc: Mr. Robert Levy, Windy River
Ms. Wendie Kellington
Ms. Karen Reed, Ring Bender

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ATTACHMENT

B32

Windy River (cont.)

burns law office llc

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September 27, 2010

By Fax: 888-251-3129 and Email: comment@boardmantohemingway.com

Boardman to Hemingway
Transmission Line Project
PO Box 655
Vale, OR 97918

Re: *Comments on Idaho Power Transmission Line*

To Whom It May Concern,

The following comments are submitted by and on behalf of Westland Enterprises, LLC, an Oregon limited liability company, Terra Poma Land L.L.C., an Oregon limited liability company, and Homestead Farms, Inc., an Oregon corporation (the "Owners") as owners of a portion of the current Proposed Corridor of the Boardman to Hemingway 500kV transmission line from MP 0 to MP 40 as set forth in Idaho Power's Notice of Intent to Apply for a Site Certificate for the Boardman to Hemingway Transmission Line, dated July 2010 (the "NOI"). The defined and capitalized terms in the following comments match those used in the NOI and related project documents.

The Owners' Property under and along the Proposed Corridor is high value circle pivot irrigated farmland zoned as Exclusive Farm Use ("EFU"). As currently proposed, the Proposed Corridor is inconsistent with the highest, best, and permitted uses for these properties. For the reasons that follow, the Bombing Range South Alternative should be selected for the transmission line.

Agricultural Lands Generally

Idaho Power Company (the "Applicant") failed to demonstrate in the NOI why the Proposed Corridor was selected over the Bombing Range South Alternative. Instead, after acknowledging that the Applicant "recognizes the importance of agricultural lands as is clearly stated in the Oregon Revised Statute (ORS) 215.243," the NOI provides that "[e]xplanations of EFU zoned areas crossed will be presented in the ASC to show that reasonable alternatives have been considered." NOI, §D5, p. D-19. The Applicant presented no basis for withholding these explanations from the NOI. This omission is notable given the ODOE's demand that the Applicant "demonstrate compatibility with the prevailing farm use and with practices such as irrigation and pest and weed control." Letter from Adam Bless, ODOE, to Eric Hackett, Idaho Power, dated January 26, 2009. The lack of such explanations creates a disadvantage for the Owners and defeats an objective of the NOI, which is to provide public notice of the bases for the Applicant's siting and other decisions and the opportunity for informed public review and comment.

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Windy River (cont.)

September 27, 2010
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In addition to this omission, the Applicant failed to acknowledge significant differences between different uses allowed under the EFU zone. Most of the property under and along the Proposed Corridor from MP 0 to MP 40 is high value circle pivot irrigated farmland. Land values in this area range from \$3,400 to \$5,800 per acre which reflects higher production, revenue, and development costs relative to non-circle pivot irrigated land or dryland.

Almost all of the property under and along the Bombing Range South Alternative is dry farmland. Land values in this area range are approximately \$500 per acre, which reflects lower production, revenue, and development costs relative to irrigated land. In short, the irrigated farmland under the Proposed Corridor is roughly ten times more valuable than dry farmland under the Bombing Range South Alternative.

Farmland is scarce and decreasing and is protected by Oregon's comprehensive land use regulations. This is especially true for irrigated farmland in the project area. A portion of the properties between MP 0 and MP 40 of both the Proposed Corridor and Bombing Range South Alternative are located in the Butter Creek Critical Groundwater Area. Given limited surface and groundwater availability, new or expanded water rights are difficult and, in some instances, impossible to obtain. Correspondingly, little if any new irrigated farmland can be developed in the project area. To the extent that any additional development is possible, development costs and other barriers are high. These costs and limitations do not apply equally to dryland. It is, therefore, necessary to preserve and protect existing irrigated farmland and its valuable infrastructure. In certain project areas, the Applicant has avoided circle irrigated properties and has, therefore, acknowledged potential impacts on irrigated farmland. See NOI, §C3, p. C-2 ("the proposed corridor crosses an unpaved and unnamed road * * * to avoid several irrigation pivots").

Finally, the NOI avoids any significant discussion of the Washington Ground Squirrel and how it affects the Applicant's decision to select the Proposed Corridor over the Bombing Range South Alternative. The squirrel is not identified by the Applicant in its table of "Selected Key Constraints," Table D-2, p. D-6, but is later addressed in the discussion of wildlife at §J1, p. J-2, and Table J-1, p. J-4.

Although the Applicant has provided little, if any, analysis and justification for selecting the Proposed Corridor over the Bombing Range South Alternative, the Owners believe that differences between circle irrigated farmland and dryland compel the selection of the Bombing Range South Alternative. If the Applicant defends its preliminary decision to rely on the Proposed Corridor over the Bombing Range South Alternative, it must address the significant differences between the types of permitted uses in the area and justify, if possible, why the Proposed Corridor is preferred over the Bombing Range South Alternative in light of the issues addressed in these comments.

Agricultural Lands Specifically

Many of the transmission line's agricultural impacts have been identified in comments submitted to date and are not repeated here to avoid duplication and excessive length. Such comments, which are adopted and incorporated by the Owners in their comments here, are set forth in the Project Order by ODOE dated January 26, 2009 and the public scoping report for the Boardman to Hemingway Environmental Impact Statement prepared by Tetra Tech for the Bureau of Land Management, dated April 10, 2009.

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Windy River (cont.)

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Although the NOI identifies agricultural areas and, specifically, pivot irrigated lands as a constraint, NOI §D2, p. D-5, and offers to develop an "Agricultural Mitigation Plan," NOI §D-5, p. D-21, no actual or potential impacts on agricultural lands, and specifically circle irrigated farmland, are identified. Similarly, no avoidance or mitigation measures are identified or addressed.

The Applicant must coordinate with the owners and operators of irrigated farmlands to identify all of the actual and potential impacts of the project on current and allowed agricultural activities. Again, the Applicant's failure to acknowledge actual or potential agricultural impacts places the Owners at a disadvantage for notice and comment purposes. Accordingly, the Owners address below some of the actual and potential anticipated impacts.

Cropping

Crops are grown on irrigated lands every year and are grown on drylands every other year. Irrigated crops require more intensive and frequent field work than dryland crops, and the work on irrigated crops is more likely to be impacted by transmission lines and towers than the work on dryland crops as set forth in detail below.

Irrigation and Water Delivery Systems

Although the Applicant appears to believe that most impacts on circle irrigated farmland will be addressed by locating the transmission line towers between irrigated circles, there will still be significant and ongoing impacts on the Owners' lands and limitations on the Owners' use of their lands, many of which are significantly greater than those associated on the drylands located under and along the Alternative Corridor.

Nothing in the NOI addresses interference or possible interference between the project and the configuration and operation of circle pivot irrigation and water delivery systems (most water delivery systems are located between irrigated circles where most transmission towers will presumably be located). Among other things, the Applicant must address whether the proposed location of any lines or towers will interfere with or require any limitations on or modifications of (1) the configuration or operation of all above ground irrigation systems including center pivot irrigation equipment, electric equipment and controls, pump stations and controls, and all other above ground equipment necessary and useful for crop irrigation, (2) the configuration or operation of all underground water delivery systems including pipes, valves, controls, meters, and all other equipment necessary and useful for irrigation water delivery, and (3) the full benefit, use, and enjoyment of all easements, licenses, or other agreements relating to the installation, repair, replacement, and use of water delivery systems.

In particular, new irrigation systems and methods are creating irrigation efficiencies that permit the Owners to irrigate circle corners. Placement of towers in circle corners will prevent the Owners from benefitting from such improvements and efficiencies.

Improved irrigation systems also allow landowners to monitor and control irrigation systems through sensitive wireless systems and controls which may be affected by overhead power lines and their strong electrical and magnetic currents. The transmission line's currents may also exacerbate electrolysis that corrodes metal pipelines, parts, and controls.

Finally, placement of towers may affect the maintenance and operation of underground pipelines, pump stations, and controls, many of which are located in circle corners. Nothing in the NOI contemplates or addresses the maintenance or replacement of above or below ground

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COMMENT(S)

RESPONSE(S)

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Wirth Ranch, Inc.

Boardman to Hemingway Transmission Line Project

We are writing to inform you we disagree with the alternative route thru Medical Springs and Keating. We are a rural area and have no big electrical lines out here and don't need any. Seems like it would be a lot more expensive to completely place the transmission line in our area. We think you need to stay where there is already big power lines by the freeway or similar place. It won't be that noticeable there.

A few years ago the Forest Service let a wild fire burn in a wilderness area that took out our watershed. So there's not enough trees to hold the snow very long. We are out of water to irrigate by August except for what we've caught in our reservoirs. We only get one cutting of hay off our fields. If you come here, cut a big swath thru more trees, etc. it would really affect our way of life. We have been on this ranch 57 years, how can you come in here and ruin what we've enjoyed all this time? I don't understand how you can take away our property if you want?

If I remember the map, you want to go through a lot of our property where we run the cattle in the summer time. That area is also an elk habitat with 100 or so living there, birthing and raising their babies. They live within quite a territory on several landowners' properties. You can check with the game commission about this if you need too.

On our Fruit Springs pasture if you place and maintain the transmission line there over many years it would disrupt our cattle. They would be scared out, hanging on the fence corners breaking thru to get home too early. I just don't think you realize the damage it

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B33b

B33a [Comment noted.

B33b [Design features and selective mitigation measures as listed in Tables 2-7 and 2-13 would reduce impacts on grazing. These impacts, including acres impacted, are discussed in Section 3.2.7.

COMMENT(S)

RESPONSE(S)

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Wirth Ranch, Inc. (cont.)

B33b

would do to our ranching community.

I know you've seen this area by plane but it's remote with few roads. Why not come and walk through it and you'll understand why we don't need the transmission line here, plus making our land value go way down.

Thank you,

Wirth Ranch Inc
Robert H. Wirth
Mary Louise Wirth

27387 Medical Springs Hwy.
Baker City, OR 97814

phone 541 853-2348

P.S. We also have the sage-grouse and wild turkeys in our area.

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