Exhibit K
Land Use

Boardman to Hemingway Transmission Line Project

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Preliminary Application for Site Certificate

February 2013

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ACRONYMS AND ABBREVIATIONS

Note: Not all acronyms and abbreviations listed will appear in this Exhibit.

°C	degrees Celsius
4WD	4-wheel-drive
A	ampere
A/ph	amperes/phase
AC	alternating current
ACDP	Air Contaminant Discharge Permit
ACEC	Area of Critical Environmental Concern
ACSR	aluminum conductor steel reinforced
AIMP	Agricultural Impact Mitigation Plan
AMS	Analysis of the Management Situation
aMW	average megawatt
ANSI	American National Standards Institute
APE	Area of Potential Effect
APLIC	Avian Power Line Interaction Committee
ARPA	Archaeological Resource Protection Act
ASC	Application for Site Certificate
ASCE	American Society of Civil Engineers
ASP	Archaeological Survey Plan
AST	aboveground storage tank
ASTM	American Society of Testing and Materials
ATC	available transmission capacity
ATV	all-terrain vehicle
AUM	animal unit month
B2H	Boardman to Hemingway Transmission Line Project
BCCP	Baker County Comprehensive Plan
BCZSO	Baker County Zoning and Subdivision Ordinance
BLM	Bureau of Land Management
BMP	best management practice
BPA	Bonneville Power Administration
BOR	Bureau of Reclamation
C and D	construction and demolition
CAA	Clean Air Act
CadnaA	Computer-Aided Noise Abatement
CAFE	Corona and Field Effects
CAP	Community Advisory Process
CBM	capacity benefit margin
CFR	Code of Federal Regulations
CH	critical habitat
CIP	critical infrastructure protection
CL	centerline
cm	centimeter
cmil	circular mil
COA	Conservation Opportunity Area
CO_2e	carbon dioxide equivalent

COM Plan	Construction, Operations, and Maintenance Plan
CPCN	Certificate of Public Convenience and Necessity
cps	cycle per second
CRP	Conservation Reserve Program
CRT	cathode-ray tube
CRUP	Cultural Resource Use Permit
CSZ	Cascadia Subduction Zone
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
CWA	*Clean Water Act of 1972*
CWR	Critical Winter Range
dB	decibel
dBA	A-weighted decibel
DC	direct current
DoD	Department of Defense
DOE	U.S. Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
DPS	Distinct Population Segment
DSL	Oregon Department of State Lands
EA	environmental assessment
EDRR	Early Detection and Rapid Response
EIS	Environmental Impact Statement (DEIS for Draft and FEIS for Final)
EFSC or Council	Energy Facility Siting Council
EFU	Exclusive Farm Use
EHS	extra high strength
EMF	electric and magnetic fields
EPA	Environmental Protection Agency
EPC	Engineer, Procure, Construct
EPM	environmental protection measure
EPRI	Electric Power Research Institute
ERO	Electric Reliability Organization
ERU	Exclusive Range Use
ESA	Endangered Species Act
ESCP	Erosion and Sediment Control Plan
ESU	Evolutionarily Significant Unit
EU	European Union
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FFT	find, fix, track, and report
FLPMA	Federal Land Policy and Management Act
Forest Plan	Land and Resource Management Plan
FPA	Forest Practices Act
FSA	Farm Services Agency
FWS	U.S. Fish and Wildlife Service
G	gauss

GeoBOB	Geographic Biotic Observation
GF	Grazing Farm Zone
GHG	greenhouse gas
GHz	gigahertz
GIL	gas insulated transmission line
GIS	geographic information system
GPS	Global Positioning System
GRMW	Grande Ronde Model Watershed
GRP	Grassland Reserve Program
HAC	Historic Archaeological Cultural
HCNRA	Hells Canyon National Recreation Area
HPFF	high pressure fluid-filled
HPMP	Historic Properties Management Plan
HUC	Hydrologic Unit Code
Hz	hertz
I-84	Interstate 84
ICC	International Code Council
ICES	International Committee on Electromagnetic Safety
ICNIRP	International Commission on Non-Ionizing Radiation Protection
IDAPA	Idaho Administrative Procedures Act
IDEQ	Idaho Department of Environmental Quality
IDFG	Idaho Department of Fish and Game
IDWR	Idaho Department of Water Resources
ILS	intensive-level survey
IM	Instructional Memorandum
INHP	Idaho Natural Heritage Program
INRMP	Integrated Natural Resources Management Plan
IPC	Idaho Power Company
IPUC	Idaho Public Utilities Commission
IRP	integrated resource plan
IRPAC	IRP Advisory Council
ISDA	Idaho State Department of Agriculture
JPA	Joint Permit Application
KCM	thousand circular mils
kHz	kilohertz
km	kilometer
KOP	Key Observation Point
kV	kilovolt
kV/m	kilovolt per meter
kWh	kilowatt-hour
L_{dn}	day-night sound level
L_{eq}	equivalent sound level
lb	pound
LCDC	Land Conservation and Development Commission
LDMA	Lost Dutchman's Mining Association
LiDAR	light detection and ranging
LIT	Local Implementation Team

LMP	land management plan
LOLE	Loss of Load Expectation
LRMP	land and resource management plan
LUBA	Land Use Board of Appeals
LWD	large woody debris
m	meter
mA	milliampere
MA	Management Area
MAIFI	Momentary Average Interruption Frequency Index
MCC	Malheur County Code
MCCP	Morrow County Comprehensive Plan
MCE	Maximum Credible Earthquake
MCZO	Morrow County Zoning Ordinance
mG	milligauss
MHz	megahertz
mm	millimeter
MMI	Modified Mercalli Intensity
MP	milepost
MPE	maximum probable earthquake
MRI	magnetic resonance imaging
MVAR	megavolt ampere reactive
Mw	mean magnitude
MW	megawatt
µV/m	microvolt per meter
N_2O	nitrous oxide
NAIP	National Agriculture Imagery Program
NED	National Elevation Dataset
NEMS	National Energy Modeling System
NEPA	*National Environmental Policy Act of 1969*
NERC	North American Electric Reliability Corporation
NESC	National Electrical Safety Code
NF	National Forest
NFPA	National Fire Protection Association
NFS	National Forest System
NGDC	National Geophysical Data Center
NHD	National Hydrography Dataset
NHOTIC	National Historic Oregon Trail Interpretive Center
NHT	National Historic Trail
NIEHS	National Institute of Environmental Health Sciences
NIST	National Institute of Standards and Technology
NOAA	National Oceanic and Atmospheric Administration
NOAA Fisheries	National Oceanic and Atmospheric Administration Fisheries Division
NOI	Notice of Intent to File an Application for Site Certificate
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service

NRHP	National Register of Historic Places
NSR	noise sensitive receptor
NTTG	Northern Tier Transmission Group
NWGAP	Northwest Regional Gap Analysis Landcover Data
NWI	National Wetlands Inventory
NWPP	Northwest Power Pool
NWR	National Wildlife Refuge
NWSRS	National Wild and Scenic Rivers System
NWSTF	Naval Weapons Systems Training Facility
O_3	ozone
O&M	operation and maintenance
OAIN	Oregon Agricultural Information Network
OAR	Oregon Administrative Rules
OATT	Open Access Transmission Tariff
ODA	Oregon Department of Agriculture
ODEQ	Oregon Department of Environmental Quality
ODF	Oregon Department of Forestry
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy
ODOT	Oregon Department of Transportation
OHGW	overhead ground wire
OHV	off-highway vehicle
OPGW	optical ground wire
OPRD	Oregon Parks and Recreation Department
OPS	U.S. Department of Transportation, Office of Pipeline Safety
OPUC	Public Utility Commission of Oregon
OR	Oregon (State) Highway
ORBIC	Oregon Biodiversity Information Center
ORS	Oregon Revised Statutes
ORWAP	Oregon Rapid Wetland Assessment Protocol
OS	Open Space
OSDAM	Oregon Streamflow Duration Assessment Methodology
OSHA	Occupational Safety and Health Administration
OSSC	Oregon Structural Specialty Code
OSWB	Oregon State Weed Board
OWC	Oregon Wetland Cover
P	Preservation
PA	Programmatic Agreement
pASC	Preliminary Application for Site Certificate
PAT	Project Advisory Team
PCE	Primary Constituent Element
PEM	palustrine emergent
PFO	palustrine forested
PGA	peak ground acceleration
PGE	Portland General Electric
PGH	Preliminary General Habitats
Pike	Pike Energy Solutions

PNSN	Pacific Northwest Seismic Network
POD	Plan of Development
POMU	Permit to Operate, Maintain and Use a State Highway Approach
PPH	Preliminary Priority Habitats
Project	Boardman to Hemingway Transmission Line Project
PSD	Prevention of Significant Deterioration
PSS	palustrine scrub-shrub
R	Retention
R-F	removal-fill
RCM	Reliability Centered Maintenance
RCRA	Resource Conservation and Recovery Act
ReGAP	Regional Gap Analysis Project
RFP	request for proposal
RLS	reconnaissance-level survey
RMP	resource management plan
ROD	Record of Decision
ROE	right of entry
RNA	research natural area
ROW	right-of-way
SAIDI	System Average Interruption Duration Index
SAIFI	System Average Interruption Frequency Index
SC	Sensitive Critical
SEORMP	Southeastern Oregon Resource Management Plan
SF6	sulfur hexafluoride
Shaw	Shaw Environmental and Infrastructure, Inc.
SHPO	State Historic Preservation Office
SLIDO	Statewide Landslide Inventory Database for Oregon
SMS	Scenery Management System
SMU	Species Management Unit
SPCC	Spill Prevention, Containment, and Countermeasures
SRMA	Special Recreation Management Area
SRSAM	Salmon Resources and Sensitive Area Mapping
SSURGO	Soil Survey Geographic Database
STATSGO	State Soil Geographic Database
SUP	special-use permit
SV	Sensitive Vulnerable
SWPPP	Stormwater Pollution Prevention Plan
T/A/Y	tons/acre/year
TDG	Total Dissolved Gas
TES	threatened, endangered, and sensitive (species)
TG	Timber Grazing
TMIP	Transmission Maintenance and Inspection Plan
TNC	The Nature Conservancy
tpy	tons per year
TSD	treatment, storage, and disposal
TV	television
TVES	Terrestrial Visual Encounter Surveys

TVMP	Transmission Vegetation Management Program
UBAR	Umatilla Basin Aquifer Restoration
UBWC	Umatilla Basin Water Commission
UCDC	Umatilla County Development Code
UCZPSO	Union County Zoning, Partition and Subdivision Ordinance
UDP	Unanticipated Discovery Plan
U.S.	United States
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USFS	U.S. Department of Agriculture, Forest Service
USGS	U.S. Geological Survey
UWIN	Utah Wildlife in Need
V/C	volume to capacity
V	volt
VAHP	Visual Assessment of Historic Properties
VMS	Visual Management System
VQO	Visual Quality Objective
VRM	Visual Resource Management
WAGS	Washington ground squirrel
WCU	Wilderness Characteristic Unit
WECC	Western Electricity Coordinating Council
WHO	World Health Organization
WMA	Wildlife Management Area
WOS	waters of the state
WOUS	waters of the United States
WPCF	Water Pollution Control Facility
WR	winter range
WRCC	Western Regional Climate Center
WRD	(Oregon) Water Resources Division
WRP	Wetland Reserve Program
WWE	West-wide Energy
XLPE	cross-linked polyethylene

Exhibit K
Land Use

1.0 INTRODUCTION

Exhibit K demonstrates that the Boardman to Hemingway Transmission Line Project (Project) complies with the Oregon Energy Facility Siting Council (EFSC or the Council) approval standard for land use, in accordance with Oregon Administrative Rule (OAR) 345-022-0030, based on information provided pursuant to OAR 345-021-0010(1)(k), paragraphs (A), (C), and (D).

In general terms, EFSC's rules provide that an applicant seeking a land use approval from the Council must demonstrate how the proposed facility complies with:

- Local land use laws (county, city) applicable to lands crossed by the Project;
- State land use laws (statutes and administrative rules enacted or implemented by Oregon's Land Conservation and Development Commission) applicable to lands crossed by the Project; and
- Federal land management plans applicable to lands crossed by the Project (*e.g.*, Bureau of Land Management [BLM] and U.S. Department of Agriculture, Forest Service [USFS] land management plans).

Exhibit K provides comprehensive evidence and analysis on each of these requirements, and demonstrates that the Project complies with applicable local land use laws, complies with Oregon's statewide planning goals, or qualifies for an exception. Exhibit K also demonstrates that the Project complies with applicable federal land management plans.

1.1 Overview of Project Facilities and Location

Idaho Power Company (IPC) is proposing to construct, operate, and maintain an approximately 305-mile-long electric transmission line between Boardman, Oregon, and the Hemingway Substation located in southwestern Idaho, as an extension of IPC's electric transmission system. The Project consists primarily of a single-circuit 500-kilovolt (kV) electric transmission line, with 305 miles of single-circuit 500-kV and a rebuild of 5.0 miles of existing 138/69-kV transmission lines onto double-circuit structures (with relocation of 0.3 mile of 138-kV transmission line), as well as related and supporting facilities.

The 500-kV and 138/69-kV segments of the transmission line will require rights-of-way (ROWs) approximately 250 and 100 feet wide, respectively. The line itself will be carried by either self-supporting steel lattice structures or, in specialized situations, steel pole H-frame structures.[1] The average distance between towers will be between 1,200 to 1,300 feet for 500-kV segments and 350 feet for the 138/69kV segments. The tower heights will vary depending on terrain and the requirement to maintain minimum conductor clearances from ground. Typically, the 500-kV towers will vary in height from 135 to 195 for the steel lattice structure and 100 to 165 feet for the steel pole H-frame structure. The 138/69-kV towers will vary in height between 55 to 100 feet. IPC does not intend to use any transmission towers taller than 195 feet. During the construction phase, the Project will also require the establishment of multi-use areas, fly yards, pulling and tensioning sites, and access roads. Exhibit B to this application provides a detailed

[1] For example, shorter steel pole H-frame structures may be used to accommodate height restrictions of aviation easements.

and thorough description of the Project and supporting facilities, both permanent and temporary. See Exhibit B, Section 1.1.

The Project is located on federal, state, and private lands in five counties in Oregon and one county in Idaho, with about 281 miles in Oregon and 24 miles in Idaho. In Oregon, the Project is located in Morrow, Umatilla, Union, Baker, and Malheur counties, and in Idaho it is located in Owyhee County. Exhibit C to this application provides a detailed and thorough description of the Project location.

Exhibit K addresses only the Oregon portions of the Project for which IPC seeks a Site Certificate.

1.2 Analysis Area

Pursuant to the Project Order,[2] the land use analysis area for Exhibit K is the "land within the Site Boundary and one half mile from the site boundary." The Site Boundary is defined in OAR 345-001-0010(55) as "the perimeter of the site of a proposed energy facility, its related or supporting facilities, all temporary laydown and staging areas, and all corridors and micrositing corridors proposed by the applicant." The Site Boundary for the Project is shown on Figure K-1 and includes the following related and supporting facilities in Oregon:

- Proposed Corridor: 277.2 miles of 500-kilovolt (kV) transmission line corridor, 5.0 miles of double circuit 138/69-kV transmission line corridor, and 0.3 mile of 138-kV transmission line corridor.
- Alternate Corridor Segments: Seven alternate corridor segments consisting of approximately 134.1 miles that could replace certain segments of the Proposed Corridor. IPC has proposed these alternate corridor segments in order to allow flexibility for IPC and EFSC, as well as federal agencies, to reconcile competing resource constraints in several key locations.
- One proposed substation expansion of 3 acres; two alternate substation sites (one 3-acre substation expansion and one new 20-acre substation). IPC ultimately needs to construct and operate only one substation expansion or substation in the Boardman area.
- Eight communication station sites of less than one acre each in size; four alternate communication station sites along alternate corridor segments.
- Temporary and permanent access roads.
- Temporary multi-use areas, pulling and tensioning sites, and fly yards.

The features of the Project are fully described in Exhibit B and the Site Boundary for each Project feature is described in Exhibit C, Table C-21. The location of the Project (Site Boundary) is outlined in Exhibit C. Table C-21 is incorporated below as Table K-1.

[2] Regarding Statutes, Administrative Rules, and Other Requirements Applicable to the Proposed Boardman to Hemingway Transmission Line, Project Order (Oregon Department of Energy, March 2, 2010).

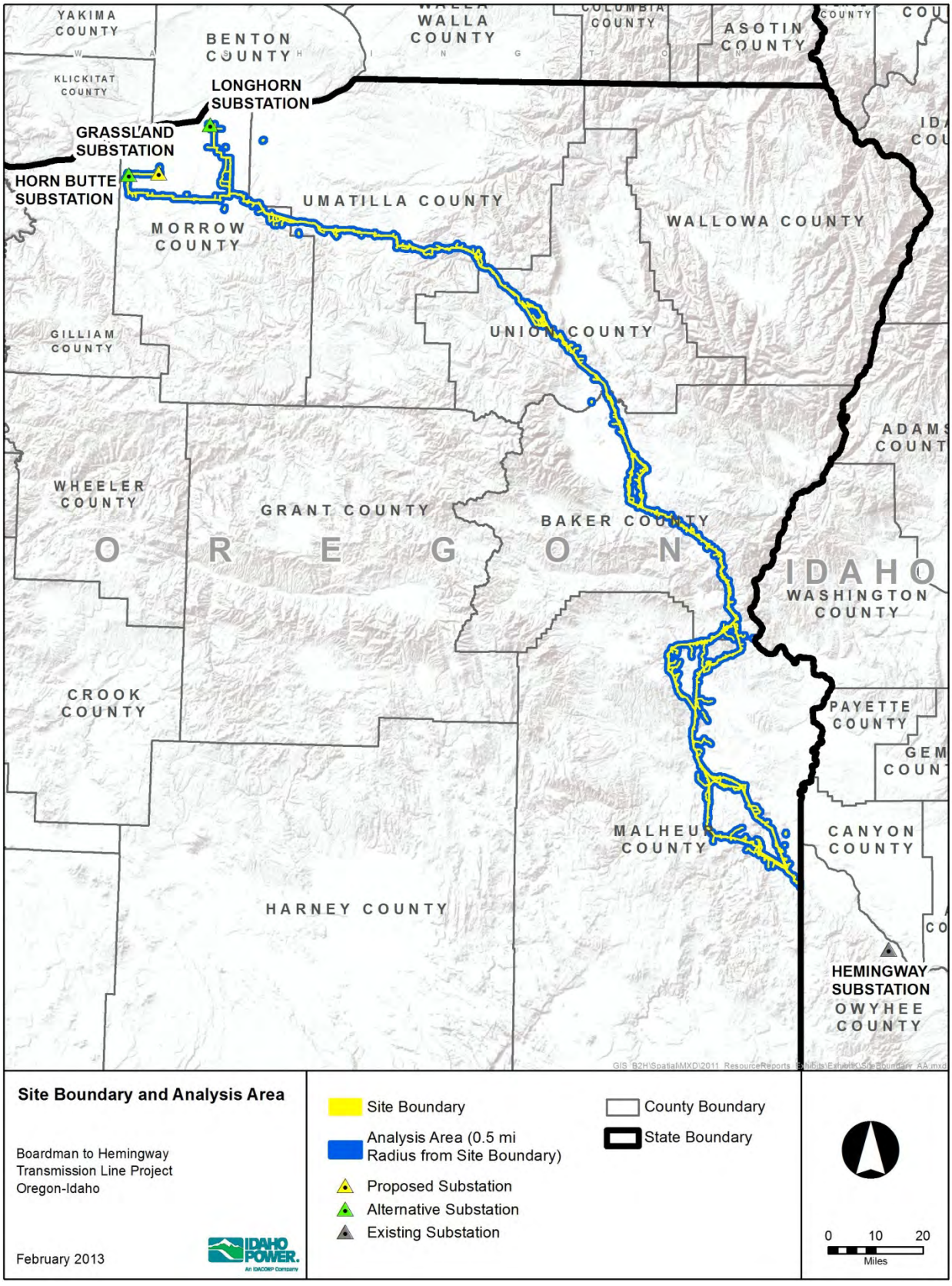

Figure K-1. Site Boundary and Exhibit K Analysis Area

Table K-1. Site Boundary by Project Component

Component	Site Boundary Description
Transmission Lines	
Single-Circuit 500-kV Transmission Line	Mapped centerline plus 250-foot buffer along either side of centerline
Double-Circuit 138/69-kV Transmission Line [1]	Mapped centerline plus 250-foot buffer along either side of centerline
Single-Circuit Relocated 230-kV[1] Transmission Line	Mapped centerline plus 250-foot buffer along either side of centerline
Substations[2]	
Proposed Grassland Substation Expansion	431-acre site (see Attachment C-1)
Alternate Longhorn Substation Expansion	239-acre site (see Attachment C-1)
Alternate Horn Butte Substation	136-acre site (see Attachment C-1)
Access Roads	
New Access Roads	Mapped road plus 100-foot buffer along either side of the road centerline
Existing Access Roads Needing Improvement	Mapped road plus 50-foot buffer along either side of the road centerline
Existing Roads that May Need Repairs	Mapped road plus 30-foot buffer either side of centerline
Communication Stations	
Communication Station	Mapped site (100 x 100 feet) plus 50-foot buffer
Distribution Power Lines to Communication Station	Mapped distribution line plus 50-foot buffer either side of centerline
Fiber Lines to Communication Station	Mapped fiber lines plus 50-foot buffer either side of centerline
Temporary Facilities	
Multi-use Area	Mapped site (see Table C-16 and Attachment C-2)
Fly Yard	Mapped site (see Table C-17 and Attachment C-2)
Pulling and Tensioning	Mapped site (see Attachment C-2)

[1] Includes several spans of single-circuit 138-kV transmission line to reconnect the rebuilt 138/69-kV transmission line.

[2] The variability in Site Boundary area for each substation is based on uncertainty on how the transmission line will approach the substation operational boundary.

Exact locations within the Site Boundary for multi-use areas will be developed during the detailed design phase. Project components are listed by county on Tables C-2 through C-6 in Exhibit C. Preliminary locations are shown on maps in Exhibit C, Attachment C-2.

2.0 APPLICABLE RULES AND STATUTES

2.1 Land Use Determination by EFSC

2.1.1 ORS 469.504

Pursuant to Oregon Revised Statute (ORS) 469.504(4), IPC has elected to demonstrate compliance with the land use standard by obtaining a land use determination from the Council instead of pursuing approvals from each county separately.

The Council's land use standard originates in the Oregon statutes creating and governing EFSC and the site certificate process. Specifically, ORS 469.503 provides that:

> *In order to issue a site certificate, the Energy Facility Siting Council shall determine that the preponderance of the evidence on the record supports the following conclusions:*

* * * * *

(4) The facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.

Under ORS 469.504(1), the Council can find that a proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission (LCDC) one of two ways, by finding that *either*:

(a) The facility has received local land use approval under the acknowledged comprehensive plan and land use regulations of the affected local government; ***or***

*(b) The Energy Facility Siting Council determines that * * * [t]he facility complies with applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted, and with any Land Conservation and Development Commission administrative rules and goals and any land use statutes that apply directly to the facility under ORS 197.646[.]*

Additionally, ORS 469.504(4) provides that:

An applicant for a site certificate shall elect whether to demonstrate compliance with the statewide planning goals under subsection (1)(a) or (b) of this section. The applicant shall make the election on or before the date specified by the council by rule.

Regardless of which path an applicant chooses for demonstrating compliance with the statewide planning goals, the applicant must demonstrate compliance with the comprehensive plan and land use regulations of any affected local government. The only difference is whether the applicant's compliance is determined by the affected local government or the Council. Here, IPC has elected to demonstrate compliance by obtaining a land use determination from the Council instead of pursuing approvals from each county separately.

2.1.2 OAR 345-022-0030

Consistent with ORS 469.503, the Council's land use approval standard in OAR 345-022-0030 provides as follows:

(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.

(2) The Council shall find that a proposed facility complies with section (1) if:

(a) not applicable

(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:

(A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);

(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility

otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or

(C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).

(3) As used in this rule, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.

(4) The Council may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the exception process, the Council may take an exception to a goal if the Council finds:

(a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goal should not apply;

(B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility; and

(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

(5) If the Council finds that applicable substantive local criteria and applicable statutes and state administrative rules would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.

(6) If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(10)(a)(C) to (E) or for a related or supporting facility that does not pass through more than one local government jurisdiction or more

than three zones in any one jurisdiction, the Council shall apply the criteria recommended by the special advisory group. If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(10)(a)(C) to (E) or a related or supporting facility that passes through more than one jurisdiction or more than three zones in any one jurisdiction, the Council shall review the recommended criteria and decide whether to evaluate the proposed facility against the applicable substantive criteria recommended by the special advisory group, against the statewide planning goals or against a combination of the applicable substantive criteria and statewide planning goals. In making the decision, the Council shall consult with the special advisory group, and shall consider:

(a) The number of jurisdictions and zones in question;

(b) The degree to which the applicable substantive criteria reflect local government consideration of energy facilities in the planning process; and

(c) The level of consistence of the applicable substantive criteria from the various zones and jurisdictions.

2.2 OAR 345-021-0010(1)(k) - Required Contents of Exhibit K

To demonstrate compliance with the land use standard, and in accordance with OAR 345-021-0010(1)(k), Exhibit K must include the following:

(A) A map showing the comprehensive plan designations and land use zones in the analysis area;

(B) [not applicable]

(C) If the applicant elects to obtain a Council determination on land use:

(i) Identify the affected local government(s);

(ii) Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria;

(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes;

(iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals; and

(v) If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2);[3] *and*

[3] If EFSC determines that the facility does not comply with the applicable substantive criteria, it can nevertheless issue a certificate if it determines that the facility complies with the statewide planning goals, or if it determines that an exception to an applicable statewide planning goal is justified under ORS 469.504(2) and OAR 345-022-0030(4). OAR 345-022-0030(2)(b)(B).

(D) If the proposed facility will be located on federal land:

(i) Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land;

(ii) Explain any differences between state or local land use requirements and federal land management requirements;

(iii) Describe how the proposed facility complies with the applicable federal land management plan;

(iv) Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval;

(v) Provide an estimate of time for issuance of federal land use approvals; and

(vi) If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver;

As documented in Table K-19 (Submittal Requirements Matrix) of this Exhibit, IPC has drafted Exhibit K to respond to each paragraph of OAR 345-021-0010(1)(k) described above, as well as additional guidance set forth in the Project Order.[4]

2.3 Overview of Laws Relating to Exclusive Farm Use Zones

The following LCDC[5] statutes and rules are directly applicable to the Project, and evidence demonstrating the Project's compliance with these statutes and rules is set forth in Section 3.0 of this Exhibit. Because these statutes are central to IPC's demonstration of compliance with the Council's land use standard, the following sections provide a brief overview of each of these key LCDC requirements.

2.3.1 ORS 215.275 and 215.283—Uses Permitted in Exclusive Farm Use Zones

Oregon's land use laws include a strong policy for protecting farmland. ORS 215.243 calls for the "preservation of the maximum amount of the limited supply of agricultural land" and Statewide Planning Goal 3 is to "preserve and maintain agricultural land." In order to implement this public policy goal, Oregon's statewide planning program requires counties to take the following steps to protect farmland: (1) inventory agricultural land; (2) designate it in a Comprehensive Plan; (3) adopt policies to preserve the farmland; and (4) zone the land "Exclusive Farm Use" or "EFU." Oregon law permits non-farm uses on land zoned EFU only in certain circumstances, one of which is that "utility facilities necessary for public service" may be

[4] Additionally, the Project Order sets forth some additional guidance regarding how IPC should prepare Exhibit K for the Project. The Project Order specifies that:

- *Exhibit K must include information necessary to demonstrate compliance with the substantive criteria from each county code and comprehensive plan that are applicable to issuance of the required permits and approvals.*
- *Exhibit K should also provide evidence that the proposed facility would comply with the applicable statutory requirements related to the proposed facility, including ORS 215.283 and 215.275, and specifically including all requirements regarding the location of the proposed facility within Exclusive Farm Use zones.*

[5] Oregon's seven-member LCDC, assisted by Oregon's Department of Land Conservation and Development (DLCD), adopts state land use goals and implements rules, assures local plan compliance with the goals, and coordinates state and local planning.

sited in EFU zones provided that the statutory criteria demonstrating necessity are met.[6] Specifically, ORS 215.283(1) authorizes the establishment of certain utility facilities, including transmission lines with towers less than 200 feet in height, in any area zoned for EFU provided the utility facilities are *necessary for public service*.[7] ORS 215.275, in turn, provides a uniform analytical framework for review of whether a utility facility can demonstrate that it is "necessary for public service," essentially requiring a showing that there is not a suitable "non-EFU" alternative location for the project due to one of six factors.

2.3.2 ORS 215.275—"Necessary For Public Service" Analysis

Under ORS 215.275(1), a utility facility is "necessary for public service" if it must be sited in an EFU zone in order to provide service. To demonstrate necessity, the applicant must first show that "reasonable alternatives have been considered."

2.3.2.1 Reasonable Alternatives Analysis

Oregon courts and the Land Use Board of Appeals (LUBA) have had occasion to interpret the scope of the "reasonable alternatives" analysis required by ORS 215.275, and the resulting opinions are instructive and briefly summarized here:

- **Analysis of Non-EFU Alternatives.** The "reasonable alternatives" analysis required by ORS 215.275(1) "refers to reasonable alternative sites to EFU land."[8] In other words, "under ORS 215.275, the focus of the alternative site analysis is on non-EFU land; and an applicant for a utility facility on EFU land is not required to evaluate alternative sites that are also zoned EFU."[9] Reasonable alternatives to exclusive farm use zone locations refers to alternatives that are fair, proper, just, moderate, and suitable under circumstances, not merely alternatives that have some likelihood of success.[10]
- **Reasonable Efforts to Identify Non-EFU Alternatives.** According to LUBA, ORS 215.275 requires utilities to "make reasonable efforts to identify […] non-EFU-zoned alternative facility sites," including consideration of reasonable alternative sites identified by other parties.[11] Thus, the utility must provide evidence regarding how it identified and analyzed non-EFU alternative locations. This analysis is by necessity "a case-specific inquiry based upon the nature of the project and the characteristics of the surrounding area."[12]
- **No Need to Consider Alternative Projects.** Significantly, the alternatives analysis "need not consider every hypothetical possibility for siting the facility on non-EFU land."[13] Moreover, the ORS 215.275(2) alternatives analysis does *not* require the utility to consider different technological methods of providing the necessary utility service.[14] Thus, for purposes of ORS 215.275, the implementation of additional energy conservation measures or the construction of new generating plants is not a "reasonable alternative" to the construction of a transmission line.[15]

[6] ORS 215.275; ORS 215.283.
[7] ORS 215.283 applies to counties that have not adopted marginal land use provisions under ORS 197.247. The five counties along the route have not adopted marginal land use provisions.
[8] *Sprint PCS v. Washington County*, 186 Or. App. 470, 479 (2003).
[9] *Hamilton et al v. Jackson County et al.*, 2011 WL 1302345 (Or LUBA Mar. 16, 2011).
[10] *Friends of Parrett Mountain v. Northwest Natural Gas Company*, 336 Or. 93, 108 (2003).
[11] *Getz v. Deschutes County,* 58 Or LUBA 559, 564 (2009) (internal citation omitted).
[12] *Jordan v. Douglas County*, 40 Or LUBA 192, 201 (2001).
[13] *Id.*
[14] *Sprint PCS v. Washington County*, 186 Or. App. 470, 478-79(2003).
[15] *See Dayton Prairie Water Assoc. v. Yamhill County*, 170 Or. App. 6, 9 (2000) (petitioner's argued that "if an electrical power utility wished to develop wind-driven turbines on EFU lands, the utility would first have to

- **Consideration of EFU Zone as a Unit.** When analyzing the reasonable alternatives required by ORS 215.275(2), applicants are not required to perform a property-by-property analysis but rather must focus on the EFU zone as a whole unit.[16] This statute does not require the utility facility to be placed in the *best* location, nor does it require an analysis of *all* alternative routes.[17]

2.3.2.2 Factors Demonstrating Necessity of Siting in EFU Zones

The second showing that a utility must make in order to comply with ORS 215.275 is that the facility "must be sited in EFU due to one or more of the following six factors":

- **Technical and engineering feasibility.** The Council has found that a facility may be sited in EFU where alternatives are theoretically feasible, but practically difficult or high-risk from an engineering or technical standpoint. In these cases, the challenges associated with the alternative locations are so great as to render the alternatives unreasonable.[18]
- **The proposed facility is locationally dependent.** A facility is "locationally dependent" if it must cross land in one or more areas zoned EFU in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands. Related to this factor, a transmission line may be "necessary for public service" even when it is not necessarily serving the public in the land it crosses, as long as it "*must* cross an EFU in order to serve territory beyond it."[19]
- **Lack of available urban and nonresource lands.** LCDC's rules define "nonresource lands" as land that is not subject to Goal 3 (Agricultural Land) or Goal 4 (Forest Land) of the statewide planning goals.[20] Thus, for purposes of the ORS 215.275 analysis, "available nonresource lands" are lands *not* zoned EFU or Forest. In considering this factor, EFSC has determined that the availability of urban and nonresource lands need only focus on lands "in reasonable proximity to the intended site of the proposed facility," the use of which would actually cause a reduction in use of EFU land.[21]
- **Availability of existing rights-of-way.** This factor "reflects a preference for placing new linear facilities in existing public and private rights-of-way, as opposed to creating new rights-of-way."[22] For purposes of this factor, the phrase existing rights-of-way refers to

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demonstrate (1) that energy conservation measures are not a feasible way to address the identified need; (2) that fossil fuel, nuclear, hydro, solar or other alternative ways of generating power on non-EFU lands are not feasible alternatives, and (3) that there are no other non-EFU sites that could feasibl[y] accommodate the wind-driven turbine. We believe that [ORS 215.283 and ORS 215.283] impose the third requirement, but do not impose the first two requirements." (quoting a LUBA opinion with which the Court of Appeals agreed with the conclusion and analysis)). Although this case predated the enactment of ORS 215.275, it has been cited for this proposition by the Oregon Court of Appeals in a case subsequent to the enactment of ORS 215.275. *See Sprint PCS v. Washington County*, 186 Or. App. 470, 478-79 (2003).

[16] *Friends of Parrett Mountain v. Northwest Natural Gas Company*, 336 Or. 93, 108 (2003) ("The text of [ORS 215.275(2)] focuses on EFU zones only as whole units, not as collections of discrete subdivided properties . . .").

[17] *Re Application for a Site Certificate for the Northwest Natural South Mist Pipeline Feeder Extension, NWN SMPE Final Order Attachment B at 8 (EFSC Mar. 13. 2003) ("NWN SMPE Final Order Attachment B.")*

[18] *NWN SMPE Final Order Attachment B* at 9.

[19] 42 Or. Op. Atty. Gen. 77 (August 19, 1981).

[20] OAR 660-004-0005(3).

[21] NWN SMPE Final Order Attachment B at 9.

[22] *Id.* at 9-10.

existing transportation and utility ROWs within which the Project could potentially collocate.[23]

- **Public health and safety.** The public health and safety factor does not require an applicant to demonstrate that siting a facility on non-EFU land is fundamentally unsafe in order for this factor to authorize siting the facility on EFU land.[24] A utility can reject a non-EFU alternative on the basis that the EFU alternative is significantly lower in risk."[25]

- **Other requirements of state or federal agencies**. This factor contemplates that a utility may be required to reject a non-EFU alternative because use of particular non-EFU land is precluded by state or federal law. Examples of this include land categorized as Category 1 habitat by the Oregon Department of Fish and Wildlife (ODFW). According to the Oregon Department of Energy (ODOE), "the term 'requirements' does not mean 'preferences.' For example, ODFW and DSL policies prefer avoidance to mitigation for any natural habitat, but only Category 1 Habitat, as defined in OAR 635-415, is prohibited." [26]

Together, these six factors "define when it is 'necessary' to reject reasonable alternatives."[27] Costs associated with any of the six factors "may" be considered, but may not be the only consideration in determining that a utility facility is necessary for public service.[28] LUBA describes this analysis as follows:

> *[The ORS 215.275(2)] factors, if present, act to disqualify potential alternative sites. Therefore, to approve location of a utility facility on EFU land under the statute, the county [or in this case, EFSC] must consider reasonable alternatives on non-EFU lands, if any, and determine that the proposed EFU-zoned site "must" be used because the non-EFU alternative sites cannot be used based on one or more of the ORS 215.275(2) factors.*[29]

Importantly, the six criteria set forth in ORS 215.275(2)(a)-(f) are the *exclusive* siting criteria for the siting of utility facilities on EFU land. Practically speaking, this means that, "when deciding whether it is necessary to site a public utility facility on EFU land, local governments must analyze any alternatives based on ORS 215.275 [and] they may not import additional policy considerations into their analysis." [30] Consequently, counties and other local governments cannot subject a facility necessary for public service on EFU to additional local conditional use criteria.

2.3.3 Requirements Imposed on Utility Facilities Sited in EFU

Once a utility has demonstrated that a facility must be sited in an EFU zone under ORS 215.275(2)(a) and (b), the utility is subject to two additional statutory requirements.

First, the utility must next demonstrate that it will comply with ORS 215.275(4), which provides that:

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[23] There is no statutory definition of the term "rights-of-way," but Webster's defines the term "right-of-way" as "(1) a legal right of passage over another person's ground; or (2) (a) the area over which a right-of-way exists; (b) the strip of land over which is built a public road; (c) the land occupied by a railroad especially for its main line; and (d) the land used by a public utility (as for a transmission line)." *Webster's Third New Int'l Dictionary*, unabridged (1993).
[24] *NWN SMPE Final Order* at 27.
[25] *NWN SMPE Final Order Attachment B* at 10.
[26] *Id.*
[27] *Sprint PCS v. Washington County*, 186 Or. App. 470, 476 (2003).
[28] ORS 215.275(3).
[29] *City of Albany v. Linn County*, 40 Or LUBA 38, 47 (2001).
[30] *Brentmar v. Jackson County*, 321 Or. 481, 496 (1995); *Sprint PCS*, 186 Or App at 476.

> *The owner of a utility facility approved under [ORS 215.283(1)] shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or disturbed during the siting, maintenance, repair, or reconstruction of the facility.*

Second, ORS 215.275 provides that:

> *[EFSC] shall impose clear and objective conditions on [a utility facility sited on EFU] to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.*

"Accepted farming practice" is defined by statute as "a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use."[31] The potential impacts on farming operations include the construction of roads, dividing a field or multiple fields in such a way that it creates small or isolated pieces of property that are more difficult to farm, or placing facility components such as towers on lands in a manner that could disrupt common and accepted farming practices.[32] When interpreting the terms "mitigate" and "minimize" the Oregon Supreme Court has construed the terms to require "the general reduction in the intensity and frequency of an impact, not ... the absolute avoidance or elimination."[33]

2.3.4 Consultation Required for Transmission Lines To Be Located on High-Value Farmland

Following the land use decision (Site Certificate) authorizing a transmission line to be sited in EFU, ORS 215.276 requires consultation if the transmission line is to be located on high-value farmland.

> *215.276 Required consultation for transmission lines to be located on high-value farmland.*
>
> *(1) As used in this section:*
>
> > *(a) "Consult" means to make an effort to contact for purpose of notifying the record owner of the opportunity to meet.*
> >
> > *(b) "High-value farmland" has the meaning given that term in ORS 195.300.*
> >
> > *(c) "Transmission line" means a linear utility facility by which a utility provider transfers point at which the utility product is transferred to distribution lines for delivery to end users.*
>
> *(2) If the criteria described in ORS 215.275 for siting a utility facility on land zoned for exclusive farm use are met for a utility facility that is a transmission line, the utility provider shall, after the route is approved by the siting authorities and before construction of the transmission line begins, consult the record owner of high-value farmland in the planned route for the purpose of locating and constructing the transmission line in a manner that minimizes the impact on farming operations on high-*

[31] ORS 215.203(2)(c).
[32] *See* OAR 660-33-130(37)(b). Although this rule is applicable only to wind facilities, it provides a useful framework for analyzing the impact of siting the transmission line on EFU land.
[33] *Friends of Parrett Mountain v. Northwest Natural Gas Company*, 336 Or. 93, 115 (2003).

value farmland. If the record owner does not respond within two weeks after the first documented effort to consult the record owner, the utility provider shall notify the record owner by certified mail of the opportunity to consult. If the record owner does not respond within two weeks after the certified mail is sent, the utility provider has satisfied the provider's obligation to consult.

(3) The requirement to consult under this section is in addition to and not in lieu of any other legally required consultation process.

2.4 Applicable Local Land Use Regulations

Pursuant to the EFSC land use standard, OAR 345-022-0030(2)(b) provides that the Council shall find that the proposed facility complies with the statewide planning goals adopted by LCDC if the Council determines that:

*A. The proposed facility complies with **applicable substantive criteria** as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);*

*B. For a proposed facility that does not comply with one or more of the **applicable substantive criteria** as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4).*

Subsection (3), in turn, specifically provides that "if the special advisory group recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them." The term "applicable substantive criteria" is defined in OAR 345-021-0050 as "the criteria and standards that the local government would apply in making all land use decisions necessary to site the proposed facility in the absence of a Council proceeding."

For the Project, each of the five county governments listed in the Project Order has been appointed as a Special Advisory Group: Morrow County, Umatilla County, Union County, Baker County, and Malheur County. Each of the Special Advisory Groups (hereinafter referred to as "the Counties") has recommended specific substantive criteria applicable to the Project. Consistent with OAR 345-020-0040, on July 16, 2010, ODOE sent each of the Counties a memorandum requesting identification of all applicable substantive criteria from each county's acknowledged comprehensive plan and land use ordinances. Each of the Counties responded in writing to ODOE's request, and ODOE summarized the applicable substantive criteria identified by the Counties in Section IV of the Project Order. IPC developed the list of applicable substantive criteria discussed in this Exhibit from the Counties' written recommendations to ODOE, Section IV of the Project Order, as well as the subsequent written and oral communication between IPC and the Counties.

Evidence of the Project's compliance with the relevant provisions of these local government requirements is presented in Section 4.0. Where IPC cannot demonstrate compliance with an applicable substantive criterion, IPC either (1) demonstrates that the Project nonetheless complies with the relevant statewide planning goals (see Section 5.0), or (2) demonstrates that the Project warrants an exception to the statewide planning goals (see Section 6.0). EFSC can conclude that the Project complies with the land use standard on either basis (OAR 345-022-0030(2)(b)(B)).

2.5 Road Map to Exhibit K

Exhibit K provides substantial evidence upon which EFSC can find that construction, operations, and maintenance of the Project complies with EFSC's land use standard. Exhibit K is organized to address each required topic in the sequence that offers the most logical presentation rather than in the order set forth at OAR 345-021-0010(1)(k), as follows:

- Section 3: Evidence of Compliance with ORS 215.275 and ORS 215.276
- Section 4: Evidence of Compliance with Applicable Substantive Criteria
- Section 5: Evidence of Compliance with Statewide Planning Goals
- Section 6: Evidence in Support of Goal 4 Exception
- Section 7: Evidence of Compliance with Federal Land Management Plans
- Section 8: Conclusion
- Section 9: Submittal and Approval Compliance Matrices

3.0 EVIDENCE OF COMPLIANCE WITH ORS 215.275 AND ORS 215.276

3.1 Compliance with ORS 215.275

In order to demonstrate that the Project must be located on land zoned EFU, IPC demonstrates that the Project is a "utility facility necessary for public service" by providing evidence that:

- IPC identified and considered "reasonable alternatives" in non-EFU locations (Section 3.1.1.);
- The facility must be located in an EFU zone due to one or more of the six factors set forth at ORS 215.275(2) (Section 3.1.2);
- IPC considered cost in selecting a Proposed Corridor that crosses EFU-zoned lands, but cost was never the exclusive consideration (Section 3.1.3);
- IPC will restore farmland and associated improvements that may be temporarily disturbed by construction or operation of the Project (Section 3.1.4.1); and
- IPC will minimize and mitigate impacts to farmlands and agricultural practices in compliance with conditions imposed by EFSC (Section 3.1.4.2).

In the following sections, IPC analyzed compliance with ORS 215.275 at a "macro" level, considering the entire Project.[34]

3.1.1 IPC Has Considered Reasonable Non-EFU Alternatives

> **ORS 215.275**
>
> To demonstrate that a utility facility is necessary, an applicant for approval under * * * ORS 215.283 must show that reasonable alternatives have been considered * * *

In order to establish that IPC considered reasonable non-EFU alternatives to the Proposed Corridor, this discussion begins with a description of the Project's identified purpose, which necessarily informs the breadth of alternatives that can be considered "reasonable." As stated by the Oregon Supreme Court, ORS 215.275 requires the applicant to demonstrate that it has

[34] Additionally, though beyond the showing required by ORS 215.275, IPC has provided evidence that it has identified and considered alternatives on a county "micro" level, as well.

considered "alternatives that are fair, proper, just, moderate and suitable under circumstances, not merely alternatives that have some likelihood of success."[35]

3.1.1.1 Overview

At the outset it must be understood that there is no *reasonable* alternative corridor that could connect the Project's necessary endpoints without crossing EFU-zoned land. Any corridor that meets the Project's stated purpose of connecting with the Pacific Northwest power market near Boardman cannot avoid crossing EFU. As illustrated by Figure K-2, IPC did consider the only alternative location of the Project that would completely avoid EFU, which could be accomplished only by essentially avoiding the State of Oregon. A high-level analysis performed by IPC suggests that the conceptual EFU avoidance route would be approximately 50 percent longer than the Proposed Corridor, with a resulting 50 percent increase in both environmental impacts and costs.[36] Given the increase in environmental impacts and costs, IPC concluded that the conceptual EFU avoidance route could not be approved by permitting agencies or state public utility commissions.

3.1.1.2 Project Purpose

IPC is required, by both federal and state laws, to plan for and meet load and transmission requirements. IPC has identified the Project as a critical component of an overall resource portfolio that best balances cost, risk, and environmental concerns and, as explained in detail in Exhibit N (Need for Facility), both the Idaho and Oregon public utility commissions have acknowledged resource portfolios that identify the Project as key resource.

The Project is designed to allow IPC to meet following three critical needs:

- ***Serve Native Loads.*** First, the Project is the most cost-effective and viable option for IPC to serve its retail customers located in the states of Idaho and Oregon. The primary purpose of the Project is to provide IPC with the additional transmission capacity that will be necessary to import power from the Pacific Northwest power market to supply IPC's load in Eastern Oregon and Southwest Idaho. Currently, IPC does not have adequate transmission capacity to increase its on-peak power purchases on the western side of its system. As described in the Company's 2011 Integrated Resource Plan (IRP), the Project will remedy this transmission constraint by allowing IPC to import 450 megawatts (MW) of market purchases to serve its native load. In this way, the Project is properly viewed as a supply-side resource, similar to a generation plant, which will allow IPC to meet its expected loads. Further, better access to the Pacific Northwest power market is critical because that market is very liquid with a high number of participants and transactions. On the other hand, purchasing power from the eastern side of IPC's system is not a viable alternative to the Project because of the lack of liquidity in the east-side markets and the long-term risk of price escalation.

[35] *Friends of Parrett Mountain v. Northwest Natural Gas Company*, 336 Or. 93, 108 (2003).

[36] It is not appropriate to compare the conceptual EFU avoidance route with the Proposed Corridor, because the conceptual EFU avoidance route does not take into consideration inevitable routing refinement that would be necessary for engineering and to avoid sensitive resources. By way of illustration, the Proposed Corridor is approximately 306 miles or 83 miles longer than the distance between Boardman and Hemingway "as a crow flies" as a result of the siting process and avoidance of sensitive resources. Thus, for purposes of analyzing the conceptual EFU avoidance route, IPC assumed that a refined EFU avoidance route would likely remain 50% greater in length than the Proposed Corridor. To arrive at the 50% increase, IPC calculated the difference between the direct route from Boardman to Hemingway (approximately 223 miles) and the conceptual EFU avoidance route shown in Figure K-2 (approximately 338 miles).

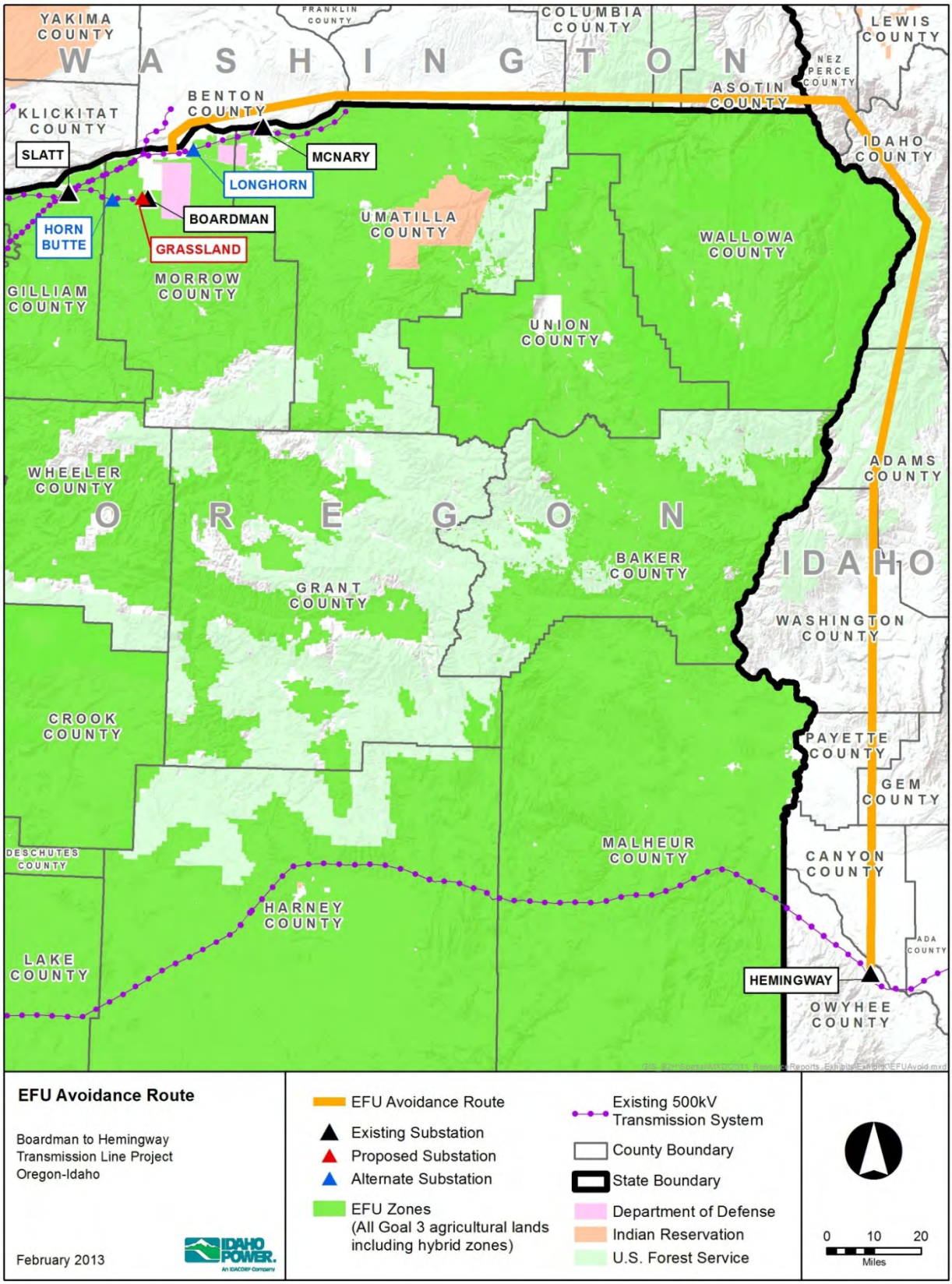

Figure K-2. Conceptual EFU Avoidance Route

- ***Meet Transmission Reliability Standards.*** Second, the Project is an integral component of regional transmission planning and as such it is neither required to support any particular new generation facility nor justified by any particular existing generation facility. Rather, the Project will serve as a crucial high-capacity connection between two key points in the existing bulk electric system that currently lack sufficient transmission paths. The bulk electric system can be thought of as a network of "hubs" and "spokes," where substations serve as central "hubs" that send and receive electricity along distribution lines or "spokes." For this system to work reliably there must be a network of high-capacity transmission lines connecting major "hubs." These high-capacity transmission lines are often the only way to transport electricity from where it is generated to where it is needed to serve load. As discussed in detail in Exhibit N, IPC's proposed Project will serve as a crucial high-capacity "backbone" connecting the load served by IPC's Hemingway Substation to electricity available in the Boardman, Oregon, vicinity, and vice versa, depending on the time of year. This will allow IPC to maintain reliable electric service pursuant to the standards set forth by the North American Electric Reliability Corporation (NERC) and implemented by the Western Electricity Coordinating Council (WECC). The Project will also relieve congestion of the existing transmission system and enhance the reliable, efficient, and cost-effective energy transfer capability between the Pacific Northwest and Intermountain regions.

- ***Provide Transmission Service to Wholesale Customers***. Third, the Project allows IPC to comply with the requirements of the Federal Energy Regulatory Commission (FERC), which require IPC to construct adequate transmission infrastructure to provide service to wholesale customers in accordance with IPC's Open Access Transmission Tariff (OATT). IPC received more than 4,000 MW of requests to commence transmission service between 2005 and 2014 on the Idaho-Northwest transmission path. However, of the 4,000 MW of service requests, only 133 MW were granted up through 2007 due to the limited available transmission capacity of the existing system. Moreover, the Company expects interconnection and transmission requests to increase as renewable resources continue to be developed in northeast Oregon.

In summary, the Project is needed to provide additional capacity for the delivery of up to 450 MW of needed energy to IPC's Boise service area by mid-2016, alleviate reliability constraints, and relieve existing transmission congestion in the region. These objectives can only be met by connecting into the existing 500-kV transmission grid. System modeling and coordination with other transmission providers has determined that the interconnection point must be along the Boardman-Slatt 500-kV transmission line (Figure K-2). More recently, a connection point on the McNary-Slatt transmission line was determined feasible and an alternate substation site was established and designated the Longhorn Substation Alternate. A second alternate substation site (Horn Butte Substation) to connect into the Boardman-Slatt line was also identified. To get to any of the three substation sites, EFU must be crossed.

3.1.1.3 Project Endpoints

In developing its proposal for the Project, IPC initially recognized that its load, reliability, and wholesale transmission obligations would be best served by a transmission line project connecting IPC's service territory and transmission system to the Pacific Northwest power market. The primary reasons that IPC identified connection to the Pacific Northwest power market as critical are as follows:

- Historically, IPC has been a "summer peaking" utility, while most other utilities in the Pacific Northwest experience system peak loads during the winter. For this reason, IPC

is able to purchase energy from the Pacific Northwest market to meet peak summer load and sell excess energy to others during the spring season. This practice benefits IPC's customers by avoiding the construction of additional peaking resources and producing revenue from off-system sales used to offset total power supply expenses.

- Although IPC has transmission interconnections to the south and east, the Pacific Northwest market is the preferred source of purchased power. The Pacific Northwest market has a large number of participants, high transaction volume, and is very liquid. The accessible power markets south and east of IPC's system tend to be smaller, less liquid, and have greater transmission distances.
- Historically, during IPC's peak hour load periods, off-system market purchases from the south and east have proven to be unavailable or very expensive. Many of the utilities to the south and east of IPC also experience a summer peak and the weather conditions that drive IPC's summer peak hour load are often similar across the Intermountain Region. Therefore, IPC cannot rely on imports from the Intermountain Region for planning purposes.
- Other transmission providers have expressed interest in a transmission line connecting southwestern Idaho to the Boardman area, and IPC anticipates that several providers will invest in the Project. Should any excess capacity exist in the near term, the Project could accommodate additional regional energy transactions. Both of these activities will increase the value of the Project to IPC customers and the region as they allow IPC to invest only in the capacity that it requires over the long term and to charge its customers for the actual capacity used to serve load.
- During the project conceptualization process, IPC determined that a 230-kV project would not meet IPC's overall resource planning requirements, and would constitute an underutilization of a substantial transmission ROW. IPC selected a project operating voltage of 500-kV to meet its resource planning requirements, as well as to match the existing 500-kV high-voltage transmission grid in the Pacific Northwest.

For these reasons, the purpose and need for the Project led directly to the identification of the Project's endpoints. IPC identified one endpoint at the proposed Grassland substation (or the Longhorn and Horn Butte substation sites) in the Boardman, Oregon, area because it is the easternmost point at which IPC can feasibly interconnect to the Pacific Northwest market. IPC identified the other endpoint at IPC's existing Hemingway Substation because it is the westernmost point in IPC's existing transmission system that could accommodate termination of a 500-kV transmission line.

3.1.1.4 IPC's Identification of a Proposed Corridor for the Project

IPC has faced a unique set of challenges in selecting a Proposed Corridor for the Project. For the Project to meet IPC's purpose and need, the Project endpoints represent the only initial corridor selection criteria; the Project does not have necessary midpoints (*i.e.*, other substations) that constrain the location of the corridor and there was no existing utility corridor that could be followed for all or a majority of the Project.

Thus, IPC's initial corridor selection process involved evaluation of a large study area and a virtually unlimited number of possible corridors that could connect the identified endpoints. As illustrated in a broad sense in Figure K-3, which shows selected key constraints, the study area identified by IPC includes an extremely complex assortment of siting constraints, including the following:

- Extensive areas of agricultural land (land zoned EFU);

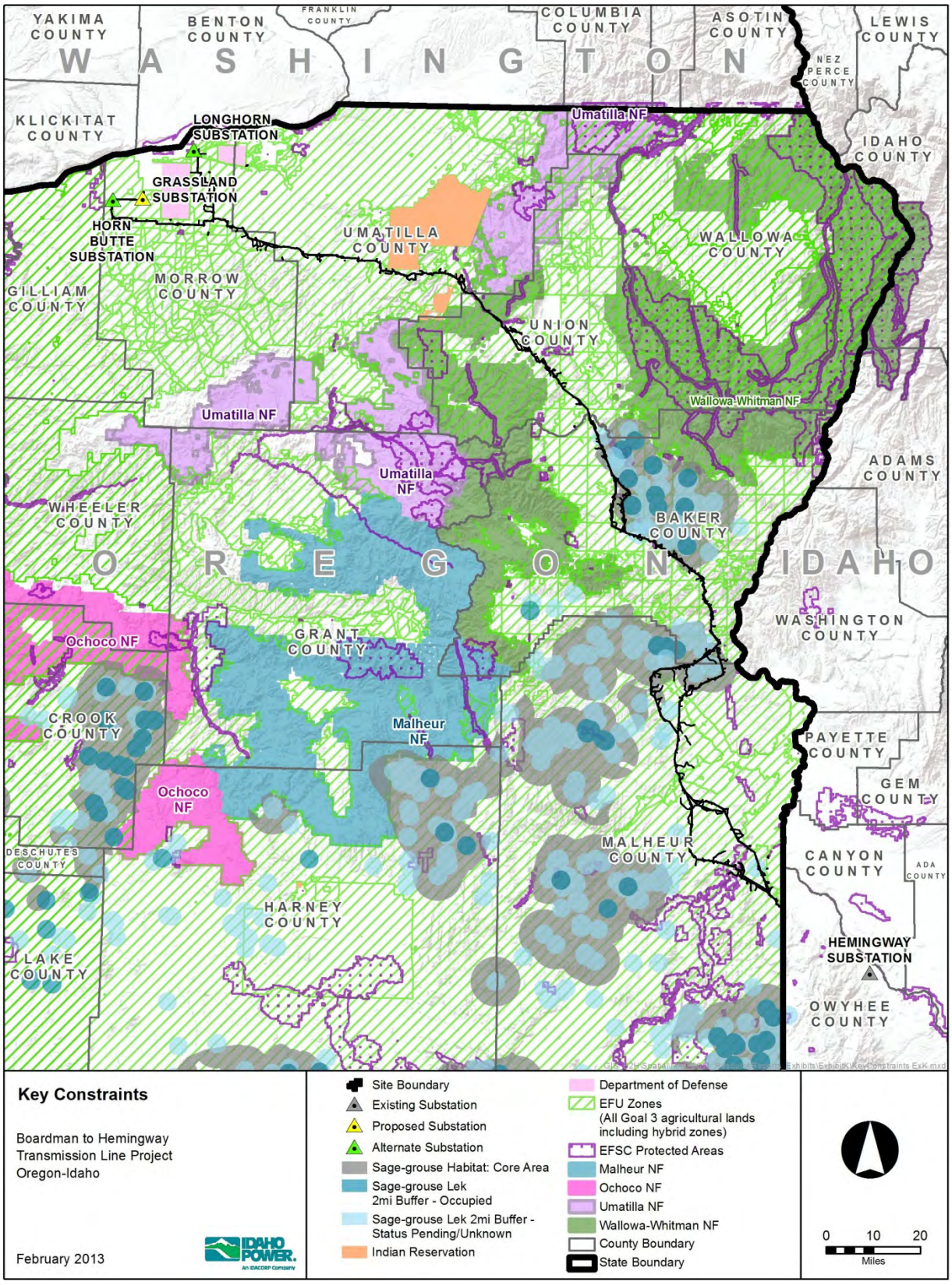

Figure K-3. Key Constraints

- Vast areas that are owned and managed by the BLM, USFS, and other federal agencies charged with managing the numerous resources in the mountains and high desert; and
- The presence of many sensitive resources, including key wildlife habitat, protected areas, and cultural resources.

In order to select a corridor for the Project that avoids impacts to lands zoned EFU as well as other resources, IPC engaged in an extensive corridor selection process. The resulting Proposed Corridor between the northern Project terminus near Boardman, Oregon, and the southern terminus at the Hemingway Substation in Idaho is over 300 miles long, which is nearly 75 miles longer than the shortest direct line.

IPC's corridor selection process occurred primarily in two phases: Phase One between 2008 and 2010, and Phase Two between 2010 and 2012. IPC has published two studies that detail its siting process for the Project; see Exhibit B, Attachment B-1, Siting Study (August 2010) and Attachment B-2, Supplemental Siting Study (June 2012).[37] Those documents describe IPC's general approach to siting, both phases of IPC's corridor selection process, and how IPC selected its Proposed Corridor based on careful consideration of numerous siting criteria, including the eight criteria set forth in OAR 345-021-0010(1)(b)(D) and six factors in ORS 215.275.

3.1.1.5 Broad-Level Siting Criteria

Under OAR 345-021-0010(1)(b)(D), EFSC requires an applicant for a site certificate to evaluate its proposed corridor(s) against the following eight factors and explain its rationale for selecting the proposed corridor(s):

(i) Least disturbance to streams, rivers and wetlands during construction.

(ii) Least percentage of the total length of the pipeline or transmission line that would be located within areas of Habitat Category 1, as described by the Oregon Department of Fish and Wildlife.

(iii) Greatest percentage of the total length of the pipeline or transmission line that would be located within or adjacent to public roads and existing pipeline or transmission line rights-of-way.

(iv) Least percentage of the total length of the pipeline or transmission line that would be located within lands that require zone changes, variances or exceptions.

(v) Least percentage of the total length of the pipeline or transmission line that would be located in a protected area as described in OAR 345-022-0040.

(vi) Least disturbance to areas where historical, cultural, or archaeological resources are likely to exist.

(vii) Greatest percentage of the total length of the pipeline or transmission line that would be located to avoid seismic, geological and soils hazards.

(viii) Least percentage of the total length of the pipeline or transmission line that would be located within lands zoned for exclusive farm use.

[37] In the siting studies, the term "route" is used in instead of "corridor." The use of the term route in those studies should be considered synonymous with "corridor" for the purposes of this Exhibit.

As described in detail in Exhibit B, Table B-2 in particular, and Attachments B-1 (Siting Study) and B-2 (Siting Study Supplement), IPC carefully considered each of these factors in selecting the Proposed Corridor and alternate corridor segments.

3.1.1.6 Consideration of EFU

Avoidance of EFU land, and particularly irrigated agricultural lands, was a key siting objective. This approach is consistent with the directive in OAR 345-021-0010(1)(B), which requires IPC to consider, among the seven other factors, siting the Project to achieve the "least percentage of the total length of the pipeline or transmission line that would be located within lands zoned for exclusive farm use." In this regard, IPC's Proposed Corridor and corridor selection analysis described in Exhibit B is consistent with both the six-factor analysis required by ORS 215.275 and OAR 345-021-0010(1)(b), as requested by the Project Order.[38] However, because EFU lands cover approximately 77 percent of the study area in Oregon, avoidance of EFU lands was not possible.

3.1.1.7 Summary

As described above, IPC has identified and considered non-EFU alternative locations for the Project at the "macro" level for the study area, to the extent possible, as required by ORS 215.275. Additionally, though beyond the showing required by ORS 215.275, IPC has provided evidence that it has identified and considered non-EFU locations on a "micro," or county-specific, level to the extent possible.

3.1.2 Factors Requiring Siting of the Project on Land Zoned EFU

ORS 215.275 (continued from Section 3.1.1)

* * * and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;

(b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of available urban and nonresource lands;

(d) Availability of existing rights of way;

(e) Public health and safety; and

(f) Other requirements of state or federal agencies.

IPC demonstrates below that, at the "macro" level, the Project must be sited in an EFU zone due to two of the six factors listed in ORS 215.275: locational dependence and lack of available nonresource lands.[39] The requirements of state and federal requirements have also influenced the ultimate location of the Project, by creating constraints on particular EFU lands, thereby influencing *which* EFU lands the Project crosses. This section briefly discusses each of the six factors in the order that they appear in the statute.

[38] Project Order at 16 (stating that "the alternatives analysis described in section OAR 345-021-0010(1)(b)(D) must be consistent with the analysis required by ORS 275.215 and the required information in this rule. The Council recognizes that some of the factors in this rule compete with one another (for example, the requirements to both avoid habitat land and avoid farm land), but expects the application to demonstrate that all required factors were considered.").

[39] While ORS 215.275 on its face does not require more than this "macro" level showing, IPC nonetheless provides a "micro" level ORS 215.275 analysis for each of the five counties in Section 4.0.

3.1.2.1 Technical and Engineering Feasibility – ORS 215.275(2)(a)

This factor did not influence IPC's siting of the Project in EFU. During the Community Advisory Process (CAP),[40] potential routes were identified by community participants and refined by IPC to enhance technical and engineering feasibility. As described above (and in Exhibit B, Attachment B-1), IPC considered a wide range of technical and engineering related factors, including construction difficulty and mitigation costs that could contribute to or detract from the feasibility of the 2,000 miles of alternative routes considered. Of the three final routes resulting from the CAP, each was found to be feasible from a technical and engineering standpoint. Consequently, this factor did not influence the need to locate the Project in EFU at a "macro" level.

3.1.2.2 Locational Dependence – ORS 215.275(2)(b)

Under ORS 215.275(2)(b), a utility facility is considered "locationally dependent" if it "must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route." The Project is exactly such a facility. Indeed, this is the primary factor driving IPC's need to locate the Project on lands zoned EFU. As discussed above in Section 3.1.1 and Figure K-2, with regard to IPC's consideration of non-EFU alternatives, the predominance of land zoned EFU in the study area[41] makes it absolutely necessary for the Project to "cross land in one or more areas zoned for EFU in order to achieve a reasonably direct route," and the Project must be located in EFU to meet its stated purpose of connecting IPC's Hemingway Substation to the Pacific Northwest market near Boardman, Oregon. Thus, applying only the "locational necessity" factor, IPC has satisfied the showing required to demonstrate "necessity" to site the Project on EFU at the macro level.[42]

3.1.2.3 Lack of Available Nonresource Lands – ORS 215.275(2)(c)

LCDC's rules define "nonresource land" as land that is not subject to Goal 3 (Agricultural Land) or Goal 4 (Forest Land) of the statewide planning goals.[43] In other words, "resource lands" are any lands zoned EFU or Forest and, for purposes of the ORS 215.275 analysis, "the lack of availability of nonresource lands" means the lack of lands *not* zoned EFU or Forest. In considering this factor, EFSC has determined that an applicant's assessment of the availability of urban and nonresource lands need only focus on lands "in reasonable proximity to the intended site of the proposed facility," the use of which would actually cause a reduction in use of EFU land.[44] Generally speaking, this factor favors siting of utility facilities on nonresource lands where such lands are available.

Figure K-4 illustrates that the vast majority of the land in the study area is designated as either Goal 3 or Goal 4 land, with few areas comprising urban or nonresource lands. Indeed, approximately only 1.2 percent of the study area is comprised of urban or nonresource lands. As a result, the lack of available urban and nonresource lands was a significant driver in the location of the Project on EFU.

[40] For more information regarding the CAP, refer to Exhibit B, Attachment B-1 2010 Siting Study.

[41] The study area comprises approximately 77 percent EFU.

[42] ORS 215.275(2)(b) and (c). IPC asserts that any corridor it proposes to connect Boardman to its service territory in southwestern Idaho would be sufficient under ORS 215.275, because any such corridor could be sited on EFU based solely on the "locationally dependent" factor. There are no non-EFU reasonable alternatives, and once an applicant has demonstrated the need to site a facility on EFU based on one or more factors in ORS 215.275, it need not make any further showing. ORS 215.275 does not require an applicant to minimize EFU impacts; it only requires a showing that siting the facility on EFU is justified.

[43] OAR 660-004-0005(3).

[44] *NWN SMPE Final Order Attachment B* at 9.

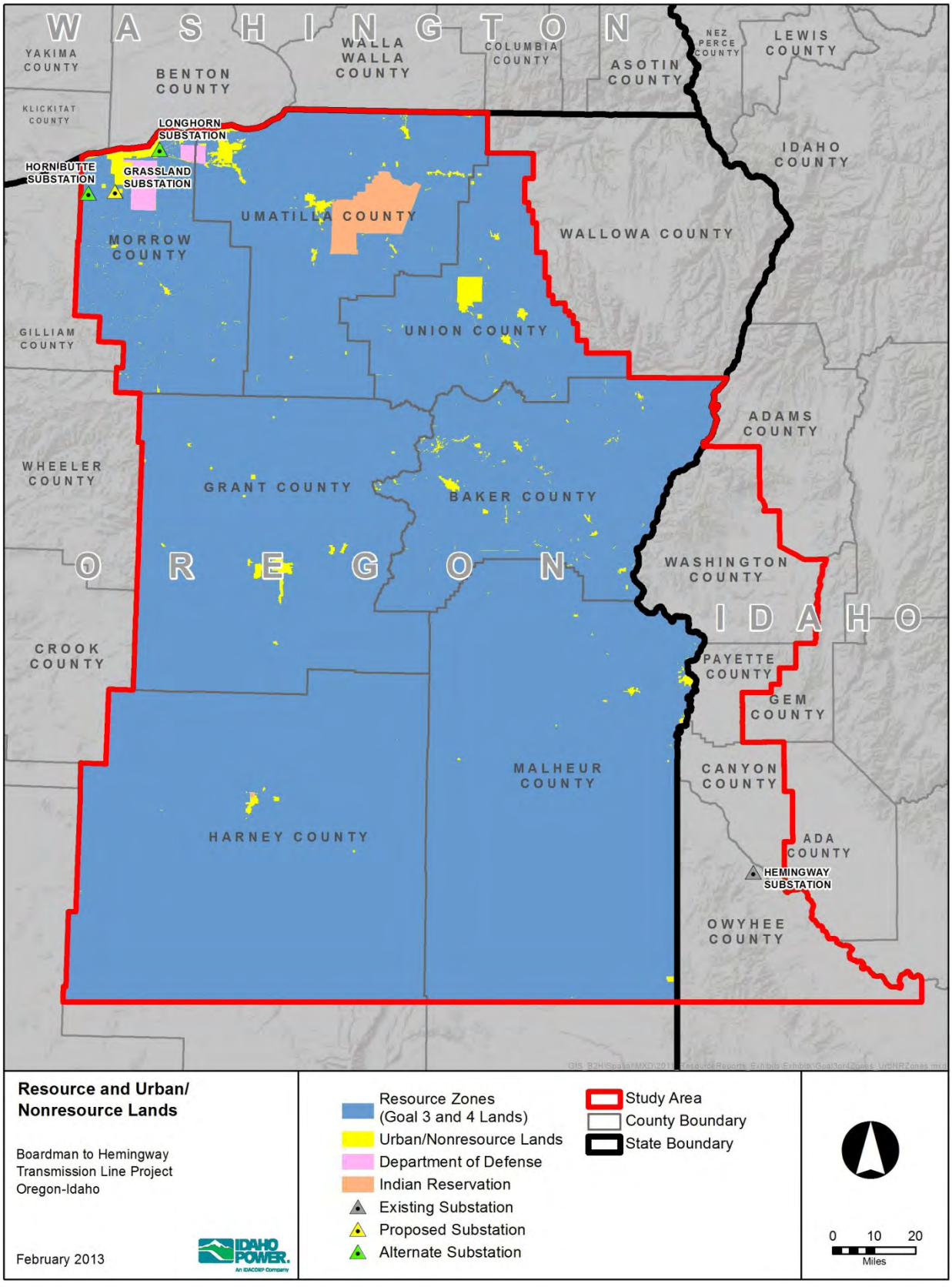

Figure K-4. Resource and Urban/Nonresource Lands

3.1.2.4 Availability of Existing ROW – ORS 215.275(2)(d)

This factor did not influence IPC's siting of the Proposed Corridor in EFU. This factor "reflects a preference for placing new linear facilities in existing public and private rights-of-way, as opposed to creating new right-of-way."[45] For purposes of this factor, the phrase "existing right-of-way" refers to existing transportation and utility ROWs within which the Project could potentially co-locate.[46] Indeed, there does not appear to be a single existing utility ROW that travels in a reasonably direct path from Boardman to Hemingway.

As discussed in Exhibit B, Section 3.1, IPC has made all reasonable efforts to locate the Project in or adjacent to existing ROW corridors. However, the addition of a 500-kV transmission line to existing ROW corridors is not easily accomplished because the existing ROWs are occupied by the transportation and utility features already in use. With regard to existing transmission ROWs, it is not possible to merely add 500-kV conductors to the existing towers. The WECC has established criteria for the minimum separation distance between 500-kV lines to avoid a common corridor classification and subsequent de-rating. Under those criteria, two high voltage lines can be located adjacent to one another and not be de-rated *only if* the utility can demonstrate that both lines will comply with all WECC and NERC reliability criteria. Based on IPC's system performance modeling, the separation between would need to be the longest span length between towers (typically 1,000–1,500 feet) for voltages of 230-kV and greater in order for reliability criteria to be met in the event of a simultaneous outage of both lines.[47] These safety and reliability issues significantly limit the Project's ability to co-locate in existing ROW. Notwithstanding the fact that siting the Project within existing ROW is not generally possible, approximately 73.3 miles of the Proposed Corridor are within approximately one mile of existing transmission ROWs, 43.9 miles of which are located within 1500 feet of existing transmission ROWs (see Exhibit AA). Locating the Proposed Corridor parallel to existing utility ROWs provides for the fewest impacts to resources of concern including EFU-zoned lands. In some instances, following existing ROWs allows for utilization of existing access roads, minimizing new road construction, costs, and resource impacts.

3.1.2.5 Public Health and Safety – ORS 215.275(2)(e)

This factor did not influence IPC's siting of the Proposed Corridor in EFU.

3.1.2.6 Other Requirements of State and Federal Agencies – ORS 215.275(2)(f)

ORS 215.275(2)(f) also identifies "other requirements of state and federal agencies" as another independent factor that can justify siting of an energy facility on EFU. Due to the prevalence of EFU in the study area, it is not possible to avoid EFU lands. However, the following additional state and federal requirements have influenced the ultimate location of the Project, by creating constraints on particular EFU lands, thereby influencing *which* EFU lands the Project crosses:

- Federal land management agency requirements, including the federal land management plans governing many of the federal lands in the study area;
- EFSC's Fish and Wildlife Habitat Standard, which does not permit siting of an energy facility on lands designated Category 1 habitat under ODFW's habitat mitigation policy; and

[45] *NWN SMPE Final Order Attachment B* at 9-10.

[46] There is no statutory definition of the term "rights-of-way," but Webster's defines the term right-of-way as "(1) a legal right of passage over another person's ground; or (2) (a) the area over which a right-of-way exists; (b) the strip of land over which is built a public road; (c) the land occupied by a railroad especially for its main line; and (d) the land used by a public utility (as for a transmission line). *Webster's Third New Int'l Dictionary*, 1956 (unabridged 1993).

[47] At substation entrances and for limited distances, in the order of two miles, transmission line separation can be reduced to accommodate specific site conditions and still meet reliability criteria.

- EFSC's Protected Area Standard, which does not permit siting of an energy facility in certain protected areas, such as parks, scenic waterways, wildlife refuges, and certain federally-designated areas, such as Areas of Critical Environmental Concern (ACECs), wilderness areas, wild and scenic rivers, BLM Class I and USFS Retention visual management areas, national monuments, and national wildlife refuges.

Key Federal Agency Requirement—USFS Preference for Designated Utility Corridors

Almost 58 percent of the land within the study area is owned by federal land management agencies. As illustrated in Figure K-3, the Wallowa-Whitman, Umatilla, Malheur, and Ochoco National Forests (NFs) are located within the study area from northeast to southwest and must be crossed by any line that is sited in a reasonably direct route from the proposed Grassland Substation to the Hemingway Substation. A key planning requirement that influenced the location of the Proposed Corridor in the central part of the study area, especially in Union and Umatilla counties, is the presence of a designated utility corridor crossing of the Wallowa-Whitman NF along Interstate 84 (I-84) west of La Grande and the absence of any designated corridor or existing utility corridor crossing National Forest elsewhere. The Land and Resource Management Plan for the Wallowa-Whitman National Forest (USFS 1990) (WW LRMP) states: "One Existing Utility Corridor […] is designated in order to facilitate authorization of future utility rights-of-way. It lies along I-84 west of La Grande and presently includes several facilities." Additionally, the WW LRMP provides that "[w]hen applications for rights-of-way for utilities are received, the Forest's first priority will be to utilize residual capacity in existing rights-of-way."[48]

Key State Agency Requirements

- *EFSC Fish and Wildlife Habitat Standard*. A key state requirement that has driven siting of the Project is the EFSC requirement that the Project comply with ODFW's fish and wildlife habitat mitigation policy, which requires no impact to Category 1 habitat. At the time of the 2010 Siting Study, ODFW guidance stated that Category 1 sage-grouse habitat comprised all habitat within 2 miles of leks, unless site-specific habitat conditions, terrain, or existing man-made features are present and the habitat is degraded. While the regulatory environment concerning protection of sage-grouse has evolved over the course of IPC's siting of the Project, avoidance of sage-grouse habitat has been a key siting factor over the history of corridor development. Figure K-3 shows sage-grouse leks and 2-mile buffers around leks, which were designated as Category 1 habitat in the earlier phases of siting, as well as the sage grouse core habitat, much of which will likely be treated as Category 1 habitat for purposes of IPC's application for site certificate. For additional discussion regarding sage-grouse habitat, see Exhibit P, Section 3.3.
- *EFSC Protected Area Standard.* Another key state requirement that has influenced siting of the Project is EFSC's protected area standard, which does not permit siting of an

[48] See WW LRMP at page 4-33, Standards and Guidelines for Energy Resources .The WW LRMP is consistent with the federal mandate that the land management agencies to take steps to avoid the proliferation of utility ROW corridors. *See Federal Land Policy and Management Act,* 43 U.S.C. 1763 ("In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way, the utilization of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary concerned the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way granted pursuant to this Act. In designating right-of-way corridors and in determining whether to require that rights-of-way be confined to them, the Secretary concerned shall take into consideration national and State land use policies, environmental quality, economic efficiency, national security, safety, and good engineering and technological practices. The Secretary concerned shall issue regulations containing the criteria and procedures he will use in designating such corridors. Any existing transportation and utility corridors may be designated as transportation and utility corridors pursuant to this subsection without further review.")

energy facility in certain protected areas. For the Project, the key protected areas that the Project has been sited to avoid include state parks, multiple BLM ACECs, ODFW Category 1 habitat, and other areas described in detail in Exhibit L.

3.1.3 Costs of Siting on Non-EFU Lands Considered but Not Determinative Factor – ORS 215.275(3)

> **ORS 215.275**
>
> (3) Costs associated with any of the factors listed in subsection (2) of this section may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities. The Land Conservation and Development Commission shall determine by rule how land costs may be considered when evaluating the siting of utility facilities that are not substantially similar.

Costs were not the only factor in IPC's corridor selection process. As discussed in Section 3.2, there are a variety of factors driving the Project location in EFU. In the 2010 Siting Study (Exhibit B, Attachment B-1), IPC includes detailed discussion of the siting process, including evaluation of such factors as permitting difficulty, construction difficulty, and engineering difficulty.

3.1.4 Summary of Restoration, Minimization and Mitigation Measures Under ORS 215.275

Once a utility has received approval to locate a facility on EFU lands due to one or more of the factors discussed in Section 3.2, ORS 215.275 requires that the utility comply with ORS 215.275(4) regarding restoration, and requires EFSC to impose conditions relating to minimization and mitigation of impacts to agricultural lands. As demonstrated below, the Project will comply with these requirements.

This section describes IPC's commitments to restore agricultural lands as nearly as possible, and describes specific measures to minimize and mitigate impacts to agricultural lands, both during the construction and operational phases. These measures are based upon IPC's Agricultural Assessment (Attachment K-1) and Agricultural Impact Mitigation Plan (AIMP) which is included as Appendix B to Attachment K-1. The "micro" analysis for each county provided in Section 4 discusses measures to minimize and mitigate impacts to agricultural lands in the context of compliance with applicable local substantive criteria, whereas the macro-level minimization and mitigation measures for agricultural are discussed below.

3.1.4.1 Restoration of Farmland and Associated Improvements – ORS 215.275(4)

> **ORS 215.275**
>
> (4) The owner of a utility facility approved under ORS 215.213 (1)(c) or 215.283 (1)(c) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

IPC must take reasonable measures to restore agricultural lands and associated improvements that are disturbed during the construction and operation phases of the Project.[49] In order to meet this requirement, IPC has prepared an Agricultural Assessment, attached as Attachment

[49] IPC expects minimal disturbance to agricultural lands during operation of the Project. See Attachment K-1, Agricultural Assessment for additional information.

K-1, which describes the current agricultural uses within the analysis area and analyzes impacts of the Project on existing agricultural uses. Most of the impacts from the Project will be temporary; however, impacts on certain portions of agricultural crops will be present for the life of the Project. Table K-2 below shows the acres of temporary and permanent impacts to agricultural lands, compared to the total acreage of agricultural lands for each county.

Table K-2. Agricultural Impact by County

Corridor	County	Total Agricultural Area (acres)[1]	Temporary Impacts (acres)[2]	Permanent Impacts (acres)[2]
Proposed Corridor	Morrow	457,263.8	468.6	84.1
Proposed Corridor	Umatilla	720,638.7	280.1	43.7
Proposed Corridor	Union	189,594.0	10.4	1.6
Proposed Corridor and Rebuild	Baker	135,277.8	24.1	4.0
Proposed Corridor	Malheur	257,776.9	92.4	2.9
Total Proposed Corridor			***875.8***	***136.3***
Horn Butte Alternate	Morrow	N/A[3]	305.9	54.8
Longhorn Alternate	Morrow		214.2	47.9
Glass Hill Alternate	Union		0.0	0.0
Flagstaff Alternate including 230kV Rebuild	Baker		30.8	3.7
Willow Creek Alternate	Baker/Malheur		44.8	2.6
Malheur S Alternate	Malheur		0.2	0.5
Double Mountain Alternate	Malheur		0.0	0.0

[1] Dataset comprised of ReGAP vegetation layer (2009).
[2] Dataset comprised of ReGAP vegetation layer (2009) and desktop analysis (aerial interpretation to reclassify agriculture categories into irrigated agriculture or dryland farming using 2012 NAIP).
[3] See above for total agricultural area in county.

Land used during construction of the transmission line will be restored, as nearly as possible, to former productivity. Crop reestablishment, where permissible, and crop production are expected to resume following construction. Structures (drainage systems, irrigation systems, fences, etc.) will be repaired, or landowners will be compensated to make repairs. Damage to crops and other crop losses due to construction of the transmission line will be assessed, and compensation will be paid at fair market rates. Specific construction practices will be implemented to mitigate construction impacts on soil productivity. A postconstruction monitoring plan will identify remaining soil and agricultural impacts associated with construction that require additional mitigation. IPC will implement follow-up mitigation as necessary. Adherence to the construction plan and AIMP (Attachment K-1, Appendix B) will identify, minimize, and mitigate impacts to agricultural land.

In sum, the majority of the proposed ROW will remain available for most agricultural uses after completion of the construction and restoration phases. Construction of the transmission line will temporarily impact farm uses and practices within the construction areas. However, with the exception of the permanent Project features, IPC will restore all farm land disturbed during the construction process, as described in the AIMP.

3.1.4.2 Mitigation and Minimization of Impacts to Farmland and Agricultural Practices – ORS 215.275(5)

ORS 215.275

(5) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.213 (1)(c) or 215.283 (1)(c) to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

To comply with the requirements of ORS 215.275(5), the AIMP proposes specific measures to avoid, mitigate, and minimize impacts to agricultural practices and uses on lands within the Site Boundary. These measures are based upon the assessment of all agricultural crops and practices on lands within the analysis area of the Agricultural Assessment and are similar to the restoration measures described above. To the extent required in order to "prevent a significant change in accepted farm practices or increase in the cost of farm practices on surrounding farmlands," IPC will implement the measures described in the AIMP to mitigate and minimize impacts to agricultural practices. The minimization and mitigation measures described in detail in the AIMP include the following:

- Tower Placement—IPC's engineering, land rights, and permitting staff will work together with landowners to address tower placement issues.
- Construction Scheduling—Landowners will be contacted as soon as possible once construction time frames have been developed. IPC will consult with landowners when planning the construction schedule to minimize impacts on soils, crops, harvesting, and other activities.
- Drainage Tiles—IPC will make every attempt to locate and repair affected drainage tiles as quickly as possible.
- Construction Debris—Project-related construction debris and material will be removed from the landowner's property at IPC's cost. Such material would include excess construction materials or debris generated by the construction crews.
- Compaction—Agricultural land that has been compacted will be restored to its original condition using appropriate tillage equipment during suitable weather conditions.
- Rutted land—Ruts will be restored to preconstruction condition as much as practical.
- Soil conservation practices—Terraces and grassed waterways damaged by the Project construction will be restored as nearly as possible to their preconstruction condition.
- Weed Control—Weed control will be provided in a manner that does not allow the spread of weeds to adjacent lands used for agriculture.
- Equipment cleaning—Contractors will be required to thoroughly clean construction equipment with high-pressure washing prior to the initial move of those units to the general Project Site Boundary.
- Certified Seed—When available, IPC will use Oregon-certified seed or equivalent for revegetation.
- Temporary Roads—The location of temporary roads to be used for construction purposes will be agreed upon with the landowner and/or landowner's designee.
- Topsoil Separation and Storage—To preserve productive soils, topsoil on agricultural land will be removed and stored separately prior to construction of temporary access roads, towers, and possibly specific locations with in staging areas.

- Excess Rock—Any excess surface rock brought to the construction area by IPC for construction will be completely removed from agricultural land following the completion of all site restoration activities, unless otherwise specified in an agreement with the landowner.

IPC proposes that EFSC adopt conditions of approval in the Site Certificate requiring IPC to implement the measures described in the AIMP. For these reasons, IPC demonstrates that ORS 215.275(5) is satisfied.

3.1.5 Conclusions

The foregoing discussion demonstrates the Project's compliance with ORS 215.275 and ORS 215.283 as required by the Project Order. The Project is a utility facility "necessary for public service" that must be sited in an EFU zone because, among other reasons, it is "locationally dependent" on EFU-zoned land. The Project's location is limited to the study area that would meet the Project objective of connecting IPC's southwestern Idaho service territory to the Pacific Northwest power market near Boardman, Oregon, and then is further constrained by various factors including: lack of available urban and nonresource lands, lack of available existing ROWs, and other requirements of state and federal agencies. As a result of these constraints, there is no reasonable alternative to siting the Project on EFU-zoned land. Finally, IPC has completed a survey of existing conditions and uses of the agricultural lands within the Project's Site Boundary and, through implementation of the measures in the AIMP, will minimize and mitigate the Project's impacts on those agricultural lands.

3.2 Consultation for Siting on High-Value Farmland

ORS 215.276

Required consultation for transmission lines to be located on high-value farmland. (1) As used in this section:

(a) "Consult" means to make an effort to contact for purpose of notifying the record owner of the opportunity to meet.

(b) "High-value farmland" has the meaning given that term in ORS 195.300.

(c) "Transmission line" means a linear utility facility by which a utility provider transfers point at which the utility product is transferred to distribution lines for delivery to end users.

(2) If the criteria described in ORS 215.275 for siting a utility facility on land zoned for exclusive farm use are met for a utility facility that is a transmission line, the utility provider shall, after the route is approved by the siting authorities and before construction of the transmission line begins, consult the record owner of high-value farmland in the planned route for the purpose of locating and constructing the transmission line in a manner that minimizes the impact on farming operations on high-value farmland. If the record owner does not respond within two weeks after the first documented effort to consult the record owner, the utility provider shall notify the record owner by certified mail of the opportunity to consult. If the record owner does not respond within two weeks after the certified mail is sent, the utility provider has satisfied the provider's obligation to consult.

(3) The requirement to consult under this section is in addition to and not in lieu of any other legally required consultation process.

Following issuance of the Site Certificate, IPC will consult with landowners of high-value farmland regarding micrositing of the transmission line as required by ORS 215.276. As a practical matter, IPC will consult with all landowners regarding micrositing of the Project.

4.0 EVIDENCE OF COMPLIANCE WITH APPLICABLE SUBSTANTIVE CRITERIA

OAR 345-021-0010(1)(k)(C)(i) – Local Governments

Identify the affected local government(s).

The affected local governments include Morrow County, Umatilla County, Union County, the City of North Powder, Baker County, and Malheur County.

OAR 345-021-0010(1)(k)(C)(ii) – Applicable Substantive Criteria

Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria.

The following sections provide analysis regarding the Project's compliance with the applicable substantive criteria provided by each of the five counties traversed by the Project. The applicable substantive criteria were provided by the counties via letters sent to ODOE and incorporated into the Project Order, or were identified by the counties through subsequent communications.

4.1 Morrow County

The following section describes the Project in Morrow County, and provides analysis regarding compliance with local substantive criteria identified by Morrow County. Table K-3 summarizes the zoning districts along the Proposed Corridor and alternate corridor segments and within the locations of the proposed substation and the one communication site. Project structures include substation structures, transmission structures, and the small building at the communication station.

Table K-3. Morrow County Site Boundary Acres and Corridor Miles by County Zoning Designation

Morrow County Zones	Proposed Corridor		Horn Butte Alternate		Longhorn Alternate	
	Centerline (miles)	Site Boundary (acres)	Centerline (miles)	Site Boundary (acres)	Centerline (miles)	Site Boundary (acres)
Total	***46.8***	***3,760.2***	***27.5***	***2,234.7***	***18.4***	***1,555.6***
Exclusive Farm Use	46.5	3,721.9	27.3	2,205.0	17.7	1,260.6
General Industrial	–	–	–	–	–	1.9
Port Industrial	–	–	–	–	0.5	234.6
Resource Related Industrial	–	–	–	–	–	15.1
Other[1]	0.3	38.0	0.2	29.5	0.2	43.3

[1] GIS zoning data provided by Morrow County included gaps (mostly for roadways) that comprise much of this category.

As shown on Figure K-5, the majority of the land crossed by the Project is EFU. Figure K-6 shows siting constraints in Morrow County, including the Naval Weapons Systems Training Facility and related avigation easements (approach zones), the Nature Conservancy Preserve, the Oregon Trail, and existing wind farms.

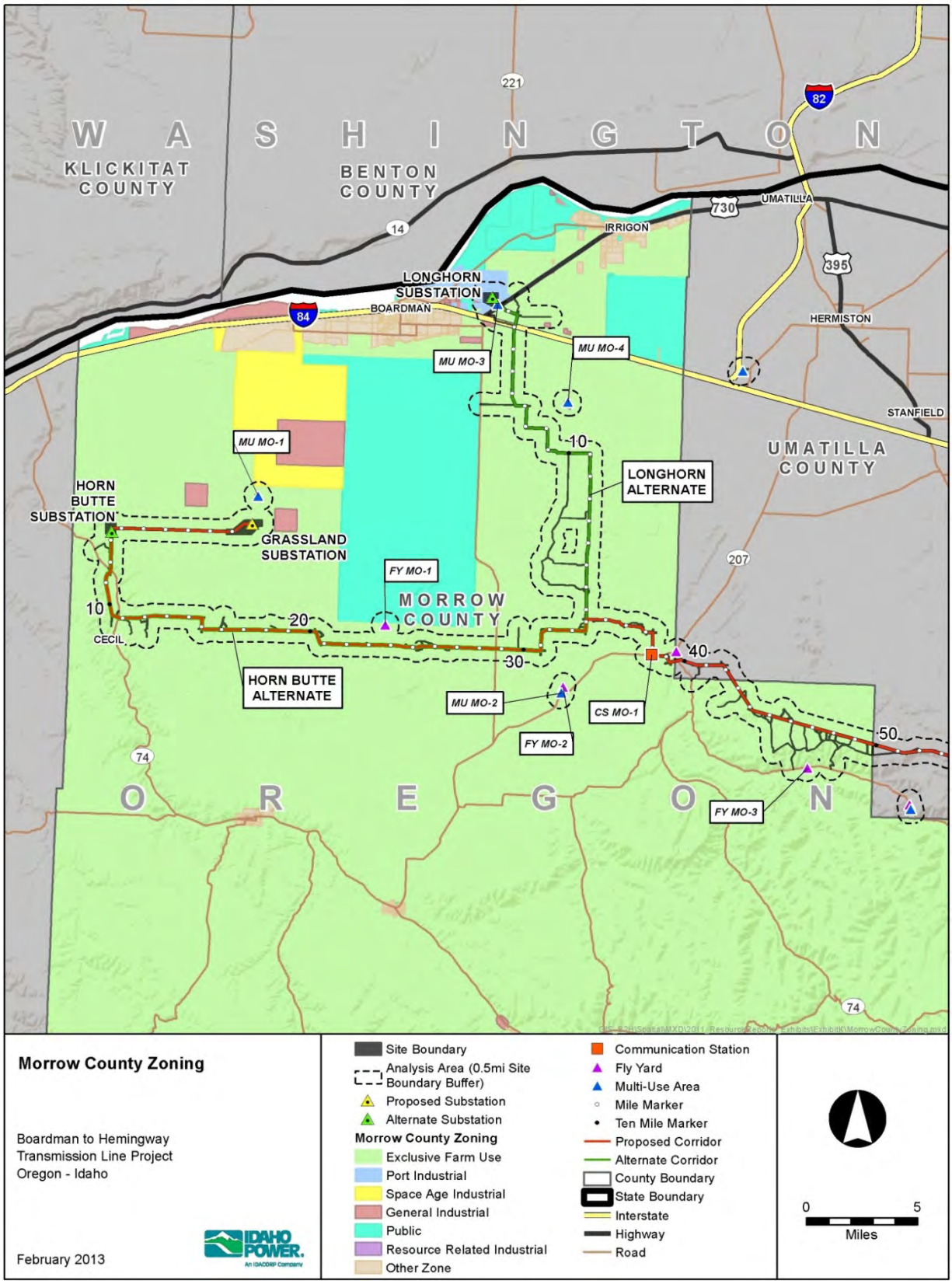

Figure K-5. Morrow County Zoning

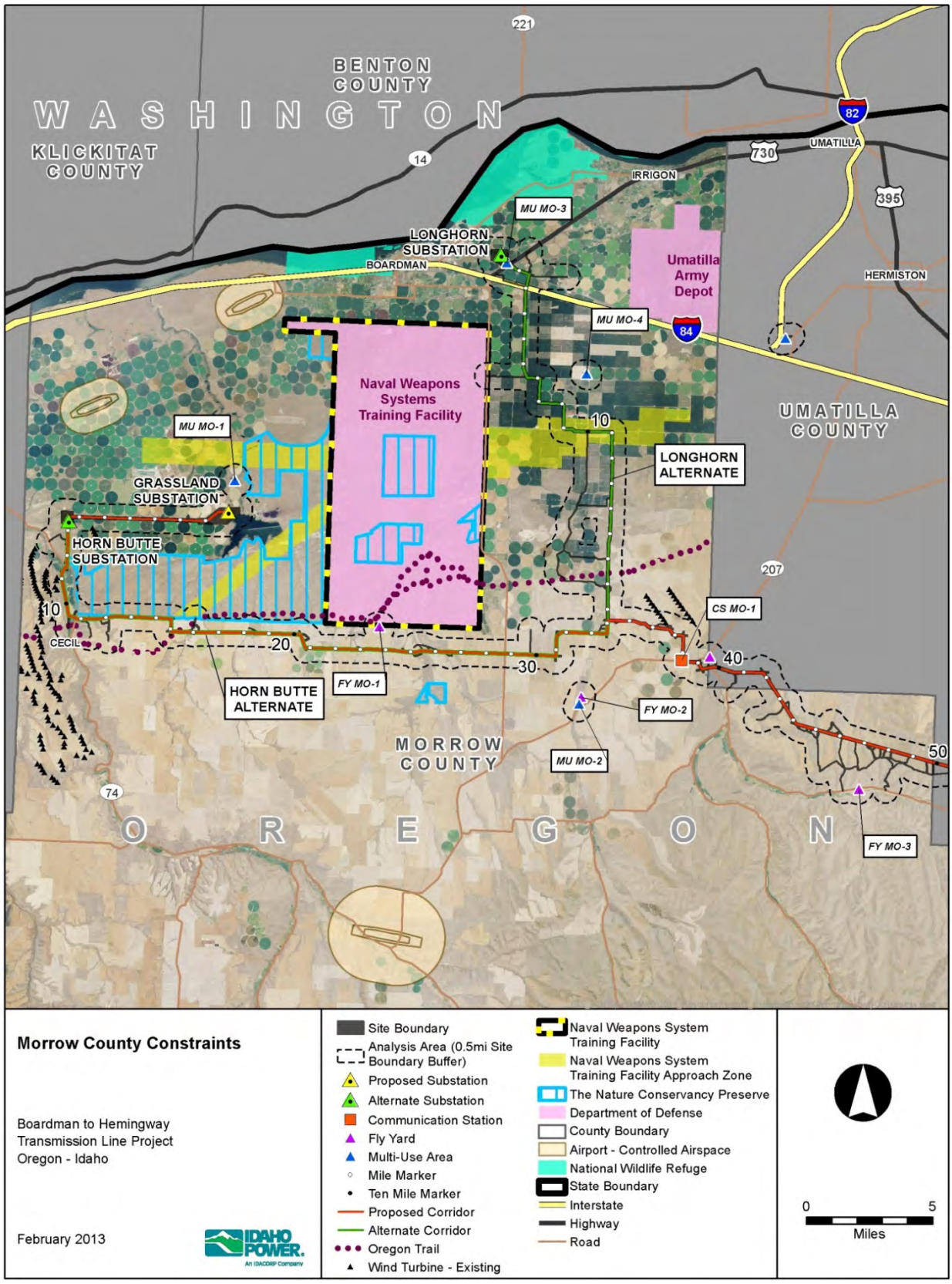

Figure K-6. Morrow County Constraints

Proposed Corridor

The Proposed Corridor in Morrow County includes 46.8 miles of 500-kV transmission line, the Grassland Substation, and a communication station (see Exhibit C, Attachment C-2, Table C-2 and Map Sheets 1 to 18). The majority of the transmission line will be supported by single-circuit steel lattice towers on a 250-foot-wide ROW (see Exhibit B, Figure B-13). The transmission line will terminate in Portland General Electric's (PGE's) proposed Grassland Substation. The substation fenced area is approximately 34 acres. In order to accommodate the 500-kV series capacitor bank and shunt reactor bank needed for the Project, the southeast corner of the proposed Grassland Substation will be expanded by 6 acres as shown in Exhibit C, Attachment C-1, Figure C-1-1.[50]

The Proposed Corridor includes a communication site that will be 100 feet by 100 feet, with a fenced area of 75 feet by 75 feet. A prefabricated concrete communications shelter with dimensions of approximately 11.5 feet by 32 feet by 12 feet tall will be placed on the site and access roads to the site and power from the local electric distribution circuits will be required. An emergency generator with a liquid petroleum gas tank will be installed at the site inside the fenced area. Two diverse cable routes (aerial and/or buried) from the transmission ROW to the equipment shelter will be required. Exhibit B, Figure B-21 illustrates the plan arrangement of a typical communications facility site layout.

In Morrow County, the Proposed Corridor exits the proposed Grassland Substation to the west and parallels the south side of the existing Boardman-Slatt 500-kV line for approximately 6.4 miles. At milepost (MP) 6.4 this corridor turns south and then crosses State Route 74 and angles to the southwest, crossing Willow Creek at about MP 8.4. It then parallels the west side of Willow Creek Valley for about 1.7 miles before turning east and crossing State Route 74 (MP 10.8) again and then the Oregon National Historic Trail (NHT) at MP 15.4. The Proposed Corridor proceeds east along the southern boundary of the Boardman Grasslands Conservation Area for about 10.7 miles and then the Naval Weapons Systems Training Facility (NWSTF) for approximately 6.2 miles. The Corridor continues east crossing an existing pipeline at MP 28.7 and then at MP 30.7 angles north for about 1.1 miles. At MP 31.8 the Proposed Corridor angles east and continues generally south and east for 7.7 miles crossing the Butter Creek Valley and then entering Umatilla County at MP 39.5. At MP 42.5, the Proposed Corridor crosses back into Morrow County for about 10.3 miles, passing generally north of Butter Creek.

The proposed communication site is located on the north side of State Route 207 about a mile west of Butter Creek Junction and just west of where the Proposed Corridor crosses this highway (approximately MP 38.4).

Horn Butte Alternate Corridor Segment

The Horn Butte Alternate Corridor Segment (Horn Butte Alternate) is a 27.4-mile segment of the Proposed Corridor in Morrow County. Table K-3 lists the acres along the Horn Butte Alternate that would be disturbed during construction or affected during operation. In Exhibit C, Table C-8 lists facility features that would be located along the Horn Butte Alternate. The Horn Butte Alternate comprises an alternate substation, the Alternate Horn Butte Substation, and 27.4 miles of single-circuit 500-kV line.

[50] IPC will not build the Grassland Substation, and the Grassland Substation is not a related and supporting facility necessary for construction of the Project. If the Project terminates at the Grassland Substation, IPC will develop the Proposed Grassland Substation Expansion. See Exhibit B for additional discussion regarding features of substation expansion sites.

The Alternate Horn Butte Substation is located along the Proposed Corridor alignment approximately 6.5 miles west of the proposed Grassland Substation, about 1 mile northeast of State Highway 74 (see Attachment C-1, Figure C-1-3). The full yard would be built by IPC with only three fully equipped bays to electrically terminate the Project and connect it into the Boardman-Slatt line. Typical equipment proposed to support the Project termination is described in Exhibit B, Section 3.1.2.2. The Horn Butte Substation fenced area would be approximately 20 acres in size plus an additional 5 acres for temporary use during construction.

The Horn Butte Alternate departs from the Horn Butte Substation at approximately MP 6.8 of the Proposed Corridor. The Horn Butte Alternate then follows the same alignment as the Proposed Corridor, as described above, to MP 34.1 where the Horn Butte Alternate joins the Proposed Corridor and exits Morrow County. The majority of the proposed transmission line circuits on the Horn Butte Alternate would be supported by single-circuit steel lattice towers on a 250-foot-wide ROW (see Exhibit B, Figure B-13).

Longhorn Alternate

The Longhorn Alternate Corridor Segment (Longhorn Alternate) is an 18.4-mile corridor segment located entirely on private land in Morrow County (see Exhibit C, Attachment C-2, Map Sheets 19 to 26). Table K-3 lists the acres along the Longhorn Alternate that would be disturbed during construction or affected during operation. Table C-7 lists facility features that would be located along the Longhorn Alternate including 18.4 miles of 500-kV line and a new bay at the proposed Longhorn Substation. The majority of the proposed transmission line circuits on this Alternate would be supported by single-circuit steel lattice towers on a 250-foot-wide ROW (see Exhibit B, Figure B-13).

The alternate substation, the Longhorn Substation, is planned by the Bonneville Power Administration (BPA) to allow a 230-kV connection to the 500-kV transmission grid. The Longhorn Substation would be located on private lands just west of the Port of Morrow, due north of the Boardman Bombing Range Road, about 0.25 to 0.5 mile north of I-84 (see Exhibit C, Attachment C-1, Figure C-1-2). The substation will be approximately 33 acres in size.[51] BPA will provide 2 acres within the planned fenced area for the Project to terminate.[52] Typical equipment proposed to support the Project termination is described in Exhibit B, Section 3.1.2.2.

The Longhorn Alternate exits the BPA's proposed Longhorn Substation to the southeast, leaving an existing transmission corridor comprising three existing BPA transmission lines, one 500-kV line, and two 230-kV lines. At MP 0.5, the Longhorn Alternate continues southeast across the Columbia River Highway (U.S. Highway 730) before crossing the West Extension Irrigation Canal at MP 0.7 and then along the north side of the Union Pacific Railroad to MP 1.4. At MP 1.4, the Longhorn Alternate turns south and angles across the railroad (MP 1.5) and I-84 (MP 2.0), approximately 1.5 miles east of Boardman Junction. The Longhorn Alternate continues south and slightly east for 16.4 miles to its intersection with the Proposed Corridor at MP 34.1. In proceeding south, the Longhorn Alternate passes east of Sand Lake, stays west of Echo Windfarms, and crosses the Oregon NHT at MP 16.6. The corridor continues south across Sand Hollow and then a TransCanada gas pipeline at MP 17.0 before joining with the Proposed Corridor.

[51] Although the fenced area of the Longhorn Substation will be approximately 33 acres in size, Morrow County has indicated that BPA has requested a larger partition plat.

[52] IPC will not build the Longhorn Substation, and the Longhorn Substation is not a related and supporting facility necessary for construction of the Project. If the Project terminates at the Longhorn Substation, IPC will develop the Alternate Longhorn Substation Expansion. See Exhibit B for additional discussion regarding features of substation expansion sites.

4.1.1 Applicable Substantive Criteria from Morrow County

On August 18, 2010, the Morrow County Planning Department submitted a letter to ODOE in response to IPC's July 2010 Notice of Intent to File an Application for Site Certificate (NOI), in which the Morrow County Planning Department identified local substantive criteria applicable to the Project.[53] During preparation of Exhibit K, representatives of IPC[54] had numerous communications with the Morrow County Planning Department to clarify the interpretation of the applicable substantive criteria.

4.1.1.1 MCZO 3.010 — EFU Zone

MCZO 3.010(C) Uses Permitted Outright.

In an EFU Zone the following uses and accessory uses thereof are permitted outright:

* * *

16. Utility and transmission towers not exceeding 200 feet in height.

MCZO 3.010(D) Conditional Uses Permitted

In an EFU Zone, the following uses and their accessory uses are permitted subject to the demonstration of compliance with the requirements of Article 6 of this ordinance and Section (G) below:

* * *

17. Utility facilities "necessary" for public service, excluding commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height. A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. 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 the factors list in OAR 660-033-0130(16).

Morrow County identified both MCZO 3.010(C)(16) and 3.010(D)(17) as potentially applicable substantive criteria. Under Oregon law, however, for uses listed in ORS 215.283(1), counties cannot impose conditional use criteria additional to the review criteria provided in ORS 215.275.[55] Accordingly, ORS 215.283 and ORS 215.275 are directly applicable to the location of the Project on EFU in Morrow County. In Section 3.0, IPC demonstrates that the Project complies with ORS 215.283 and ORS 215.275 on a "macro" level. Additionally, though beyond what is required to demonstrate compliance with ORS 215.283 and 215.275, IPC also demonstrates that the Project location on EFU in Morrow County complies with the requirements of ORS 215.283 and 215.275 on a "micro" level (Section 4.1.4). This approach is consistent with both the Project Order and Morrow County's August 18, 2010 letter, both of which direct IPC to apply ORS 215.283 and 215.275 directly to the Project instead of MCZO 3.010.

MCZO 3.010(G) Dimensional Standards

In an EFU Zone, the following dimensional standards shall apply:

1. A lot or parcel of 160 acres or more shall be considered a farm unit.

2. A lot or parcel of less than 160 acres may be approved as a farm unit pursuant to the Conditional Use Permit process and when found to comply with the Agricultural Lands policies of the Comprehensive Plan and the provisions of Section 5.120 of the Morrow County Subdivision Ordinance.

[53] On December 8, 2008, Morrow County submitted a letter in response to the 2008 NOI. The December 2008 and August 2010 letters contains the same local substantive criteria.
[54] Throughout Exhibit K, "representatives of IPC" refers to Tetra Tech, Inc. or McDowell Rackner & Gibson, PC.
[55] See *Brentmar v. Jackson County*, 321 Or. 481 (1995).

3. The minimum average lot width shall be 150 feet with a minimum street frontage of 150 feet, excepting lots within an approved subdivision.

4. The minimum average lot depth shall be 150 feet.

5. Big Game Range Restrictions: In the case of Farm Use areas identified as Big Game Habitat no dwelling will be authorized where the overall density within a square mile exceeds one dwelling per 160 acres. Section 3.200 also applies to the siting of a dwelling on Big Game Habitat.

6. New parcels for nonfarm uses only as authorized by ORS 215.263 may be created. Such new parcels shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for the nonfarm dwellings authorized by Section F. The creation of new lots or parcels for dwellings not in conjunction with farm use may be created pursuant to Section F and ORS 215.263(4). The county shall not approve a subdivision or series partition for a dwelling not provided in conjunction with farm use. The provisions of MCZO 3.010H this subsection regarding a series partition apply only to applications for a land division submitted after July 1, 1997. For purposes of this subsection, "series partition" shall have the meaning given that term in ORS 92.305.

This section addresses the size of parcels and the siting of dwellings in EFU, and would apply to the Project only to the extent that a partition of a parcel zoned EFU in Morrow County is required. IPC intends to secure easements for the majority of Project features, and therefore does not expect to require partition of any parcel zoned EFU in Morrow County. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Morrow County prior to construction.

MCZO 3.010(H) Yards.

In an EFU Zone, the minimum yard setback requirements shall be as follows:

1. The front yard setback from the property line shall be a minimum of 100 feet if the property line is adjacent to an intensive agricultural use except as approved by the Commission; otherwise, front yards shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County.

2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet, and for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet, except as approved by the Commission.

3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use rear yards shall be a minimum of 100 feet, except as approved by the Commission.

4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

The Project will attempt to satisfy the setback requirements. However, in some locations in the EFU-zoned lands, the Project may not meet front, rear, or side setbacks given the Project's linear nature and other routing constraints. For example, the location of the transmission line and towers closer to a parcel's property line in order to minimize potential impacts to agricultural operations might not meet setback requirements. The communication station and proposed substation/substation expansions will be sited to meet the EFU setback requirements to extent possible. To the extent IPC cannot meet an EFU dimensional setback requirement, the Project

nonetheless complies with statewide planning Goal 3 for the reasons discussed below in Section 5.0.[56]

The Project will not include any form of sewage disposal installation.

The Project will consist of permanent facilities in the EFU zone (e.g., towers and access roads), and to the extent feasible, IPC will avoid siting permanent fixtures within 100 feet of lakes and streams in Morrow County. As discussed in Exhibit J, IPC has designed and located the transmission line and related and supporting facilities to avoid impacts to water resources including streams, rivers, and lakes; where avoidance is not practicable, IPC will use stream crossing techniques to minimize impacts to waters and adjacent riparian zones. However, given the Project's linear nature, it will not be feasible to avoid crossing riparian zones. The location of conductors between transmission structures may require thinning of vegetation in riparian zones and temporary access roads will cross riparian zones. Temporary impacts associated with vegetation removal in the riparian zone will be mitigated in accordance with measures outlined in the draft Reclamation and Revegetation Plan (see Exhibit P, Attachment P-4). IPC will continue to collaborate with federal, state, and local resource agencies to minimize impact to the riparian areas and to incorporate agreements into final plans and specifications. In the event that the Project cannot meet the 100-foot stream and lake setback requirement on EFU zoned land in Morrow County, IPC demonstrates that the Project nonetheless complies with statewide planning goals for the reasons described in Section 5.0.

MCZO 3.010(I) EFU Transportation Impacts

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MCC-8-98).

There will be minimal traffic impacts once the Project is in operation and therefore the response to MCZO 3.010(I) is limited to construction-related traffic impacts. The construction traffic estimate is based on the maximum number of crews that could potentially operate simultaneously during construction in Morrow County.

Multi-use areas will generally be the location of the heaviest construction-related traffic as the multi-use area is the centralized hub of activity during construction. It has been determined that each multi-use area creates approximately 170 passenger car equivalent trips per day. This number was determined through an analysis of the draft construction schedule for the first 76 miles of the Proposed Corridor. The analysis considered the daily construction traffic impacts resulting from the maximum number of construction crews that may operate within that segment at any one time. This analysis determined an estimated maximum number of 500 vehicle trips per day. Of these 500 trips, approximately 88 are estimated to be heavy vehicle trips. Therefore, using the heavy vehicle factor (2.2 passenger car equivalents per heavy vehicle) a factored total of approximately 606 passenger car equivalents trips per day are estimated in the first

[56] Pursuant to OAR 345-022-0030(2)(b)(B), if a facility "does not comply with one or more of the applicable substantive criteria," the Council must find that "the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4)" in order to issue a Site Certificate. Accordingly, where the Project may not comply with an applicable substantive criteria such as the EFU setback requirements, IPC demonstrates how the Project otherwise complies with the applicable statewide planning goal by providing a full discussion of each statewide planning goal in Section 5.0 of Exhibit K.

construction segment. However, many of these trips are heavy vehicles moving from one work area to another, thus it is assumed that 50 percent of heavy vehicles would not operate daily on public roads. This reduces passenger car equivalent trips to approximately 509 in the first construction segment. The contractor is expected to locate one multi-use site approximately every 25 miles. Thus, the first construction segment will utilize 3 multi-use sites. For planning purposes, the 509 trips were distributed among the 3 multi-use areas within the first construction segment.

Construction vehicle trips generated by substation construction were determined separately and are described by corridor below. Vehicle trips related to the construction of the communication station in Morrow County are not included as construction is not expected to occur during peak construction activities.

Proposed Corridor and Proposed Grassland Substation Expansion – The Proposed Corridor in Morrow County comprises a 46.8 mi segment of 500-kV transmission line, two multi-use areas, one communication station and an expansion of the proposed Grassland Substation. These facilities are all located in EFU zoned lands.

IPC expects that construction of the 500-kV line along the Proposed Corridor in Morrow County will generate about 340 passenger car equivalent trips per day (2 multi-use areas). In addition, construction of a new bay at the proposed Grassland Substation will add another 32.2 passenger car equivalent trips per day. This number was determined using an estimate of 10 vehicle trips and 10 heavy vehicle trips per day for construction of the new bay.

This total number of 372.2 passenger car equivalent trips per day is less than the threshold for requiring a Morrow County Traffic Impact Analysis (400 passenger car equivalent trips per day). As a result IPC will not conduct a Traffic Impact Analysis in response to this criterion.

Horn Butte Alternate and Substation – Construction of the Horn Butte Alternate will require 40.2 miles of 500-kV transmission line, two multi-use areas, one communication station and the new Alternate Horn Butte Substation. These facilities are all located on EFU zoned lands in Morrow County. As stated above, construction activities related to the communication station will not occur during peak construction times and are not factored into this analysis.

IPC expects that construction of the Horn Butte Alternate 500-kV transmission line will also generate about 340 passenger car equivalent trips per day (2 multi-use areas). In addition, construction of the Alternate Horn Butte Substation will add another 59.4 passenger car equivalents. It was estimated that construction of the new Horn Butte Substation will require 15 vehicle trips and 20 heavy vehicle trips per day.

This total number of 399.4 passenger car equivalent trips per day is less than the threshold for requiring a Morrow County Traffic Impact Analysis and would not require a Transportation Impact Analysis.

Longhorn Alternate and Substation Expansion – Construction of the Longhorn Alternate would require 31.1 miles of 500kV transmission line, two multi-use areas, one communication station and an expansion of the Longhorn Substation. Approximately 30.6 miles of the transmission line, one multi-use area and the communication station are located within EFU zoned lands in Morrow County. The expansion of the Longhorn Substation, a second multi-use area and the remaining 0.5 miles of transmission line are located within Morrow County, but on Port Industrial zoned lands.

IPC expects that construction activities within the EFU zone in Morrow County related to the 500-kV line along the Longhorn Alternate will generate about 170 passenger car equivalent trips

per day (1 multi-use area). As stated above, construction activities related to the communication station will not occur during peak construction times and are not factored into this analysis.

The threshold for requiring a Traffic Impact Analysis in Morrow County is 400 passenger car equivalent trips per day. Therefore, in order to fully respond to MCZO 3.010(I) and MCZO 3.073(G), the traffic impacts related to the Longhorn Alternate in its entirety need to be assessed, which means accounting for the traffic impacts occurring within the EFU zone as well as those within the Port Industrial zone. As discussed in detail in MCZO 3.073(G) Transportation Impacts, the traffic related impacts within the Port Industrial zone would result in a maximum of 202.2 passenger car equivalent trips per day.

The total estimated number of passenger car equivalent trips per day for construction activities related to the Longhorn Alternate (372.2) is less than the threshold for requiring a Morrow County Traffic Impact Analysis (400 passenger car equivalent trips per day). As a result IPC will not conduct a Traffic Impact Analysis in response to this criterion.

IPC examines traffic impacts in detail in Exhibit U and in the Transportation and Traffic Plan (Attachment U-2).

4.1.1.2 MCZO 3.070 – General Industrial

In its August 18, 2010, letter, Morrow County identified the General Industrial zone as potentially applicable local substantive criteria.[57] Development of the Longhorn Alternate may impact approximately 1.9 acres of land zoned General Industrial. The Project facilities in this area include road improvements and associated construction buffers. The Proposed Corridor and the Horn Butte Alternate do not cross the General Industrial zone.

MCZO 3.070. GENERAL INDUSTRIAL ZONE, MG.

The General Industrial Zone is intended to provide, protect and recognize areas well suited for medium and heavy industrial development and uses free from conflict with commercial, residential and other incompatible land uses. This district is intended to be applied generally only to those areas which have available excellent highway, rail or other transportation. In an M-G Zone the following regulations shall apply:

A. Uses Permitted Outright. In an M-G Zone, the following uses and their accessory uses are permitted outright; except as limited by subsection C of this section. A Zoning Permit is required and projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review).

15. Utility, transmission and communications towers less than 200 feet in height.

The limited portion of the Site Boundary for the Longhorn Alternate that is partially located in the General Industrial zone is an upgrade to an existing road. This Project feature is partially located in EFU and partially located in the General Industrial zone, and conservatively includes a 30-foot temporary construction buffer in order to accommodate the final design requirements for the construction of the Project. The Project, including related and supporting facilities, is a use permitted outright in the General Industrial zone pursuant to MCZO 3.070(A)(15). Accordingly, this road improvement is a use permitted outright in the General Industrial zone.

[57] In its letter, Morrow County noted that at the time of writing the letter, utility facilities were treated as a conditional use, but that the zoning ordinance was under review and there was a proposed change to designate transmission towers under 200 feet as a use permitted outright. Since the time of the letter, Morrow County has adopted that proposed change, and utility, transmission and communication towers less than 200 feet in height are a use permitted outright.

MCZO 3.070(C) Use Limitations.

In an M-G Zone, the following limitations and standards shall apply to all permitted uses:

1. No use permitted under the provisions of this section that requires a lot area exceeding two (2) acres shall be permitted to locate adjacent to an existing residential lot in a duly platted subdivision, or a lot in a residential zone, except as approved by the Commission.

2. No use permitted under the provisions of this section that is expected to generate more than 20 auto-truck trips during the busiest hour of the day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone.

The Project does not require a lot exceeding 2 acres and is not located adjacent to an existing residential lot in a duly platted subdivision, or a lot in a residential zone. This criterion is not applicable to the Project.

MCZO 3.070(D) Dimension Requirements.

The following Dimensional requirements apply to all buildings and structures constructed, placed or otherwise established in the MG zone.

1. Lot size and frontage: A minimum lot size has not been determined for this zone although the lot must be of a size necessary to accommodate the proposed use, however, it is anticipated that most, if not all uses will be sited on lots of at least two acres. The determination of lot size will be driven by the carrying capacity of the land given the proposed use. Minimum lot frontage shall be 300 feet on an arterial or collector; 200 feet on a local street.

2. Setbacks: No specific side or rear yard setbacks are identified within this zone, but may be dictated by provisions of the Building Code or other siting requirements. The minimum setback between a structure and the right-of-way of an arterial shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from all lower class streets the minimum setback shall be 20 feet. There shall be no setback requirement where a property abuts a railroad siding or spur if the siding or spur will be utilized by the permitted use.

3. Stream Setback: All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 10 feet measured at right angles to the high-water line or mark.

4. Uses adjacent to residential uses. A sight-obscuring fence shall be installed to buffer uses permitted in the General Commercial Zone from residential uses. Additional landscaping or buffering such as diking, screening, landscaping or an evergreen hedge may be required as deemed necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.

The Project does not include any buildings or structures to be placed in the General Industrial zone. This criterion is not applicable to the Project.

MCZO 3.070(E) Transportation Impacts

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles - trucks, recreational vehicles and buses - will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)

Any traffic impacts in the General Industrial zone would result primarily from construction activities at the Alternate Longhorn Substation Expansion. Construction of a new bay at the Longhorn Substation will require an estimated 32.2 passenger car equivalent trips per day. This number was determined using an estimate of 10 vehicle trips and 10 heavy vehicle trips per day for construction of the new bay. This number of 32.2 passenger car equivalent trips per day is less than the threshold for requiring a Morrow County Traffic Impact Analysis and would not require a Transportation Impact Analysis.

4.1.1.3 MCZO 3.073 – Port Industrial Zone

The Alternate Longhorn Substation Expansion, one multi-use area and approximately 0.5 mile of the Longhorn Alternate 500-kV transmission line will be located on land zoned as Port Industrial. The Proposed Corridor and the Horn Butte Alternate do not cross the Port Industrial zone. Accordingly, the responses provided below apply only to the Longhorn Alternate.

MCZO 3.073

In the PI zone the following regulations shall apply:

A. Uses Permitted Outright with a Zoning Permit and subject to the provisions of this Section. Outside activities are permitted within the scope of allowed uses outlined below. Projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review).

9. Power generating and utility facilities.

A utility facility is a land use that is permitted outright in Port Industrial Zone. In the April 13, 2012, teleconference, the Morrow County Planning Department identified MCZO 3.073(C), (D), and (G) as potentially applicable to the Project.

MCZO 3.073(C) Limitations on Uses.

1. Material shall be stored and grounds shall be maintained in a manner which will not create a health hazard.

2. All related provisions of the Oregon Revised Statutes shall be complied with, particularly those dealing with hazardous substances and radioactive materials.

IPC will fully comply with applicable non-hazardous waste handling and disposal regulations on all lands associated with the Project, during construction and operations. Solid waste will be stored in a manner that does not constitute a fire, health, or safety hazard until it can be hauled off for recycling or disposal, as appropriate. Exhibit V provides details on the types and amounts of waste, and procedures and systems for handling and disposal of non-hazardous waste materials.

Exhibit G, Section 3.3.2 discusses hazardous waste, and describes IPC's compliance with the applicable Oregon Revised Statutes. Table G-3 provides a summary of type, quantity, and method for storing explosives and hazardous materials that will be used on the Project.

MCZO 3.073(D) Dimension Requirements

The following dimensional requirements apply to all buildings and structures constructed, placed or otherwise established in the PI zone, subject to subsection F of this Section.

1. Minimum front yard setback: Thirty (30) feet. No structure shall be erected closer than ninety (90) feet from the center line of any public, county or state road. Structures on corner or through lots shall observe the minimum front yard setback on both streets.

2. Minimum side and rear yard setback: ten (10) feet.

3. Minimum lot coverage: No limitation.

4. Maximum building height: No limitation.

5. Exceptions to the setback regulations are as follows:

a. There shall be no setback requirement where a property abuts a railroad spur if the spur will be utilized by the permitted use.

b. Side and rear lot requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinating vehicular access and parking development. Party wall or adjoining building walls must meet fire separation requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Code. The joint development agreement must be approved by the Port of Morrow as to form and content, recorded in the Morrow County Clerk's office and a copy must be provided to the Planning Department.

The Project will attempt to satisfy the setback requirements. However, in some locations in the Port Industrial-zoned lands, the Project may not meet front, rear, or side setbacks given the Project's linear nature and other routing constraints. For example, the location of the transmission line and towers closer to a parcel's property line in order to minimize potential impacts to existing land uses might not meet setback requirements. The proposed substation expansion will be sited to meet the Port Industrial setback requirements to extent possible. To the extent IPC cannot meet a Port Industrial dimensional setback requirement, the Project nonetheless complies with statewide planning Goal 9 (economic development) for the reasons discussed below in Section 5.0.

MCZO 3.073(G) Transportation Impacts

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles B trucks, recreational vehicles and buses B will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)

There will be minimal traffic impacts once the Project is in operation and therefore the response to MCZO 3.073(G) is limited to construction related traffic impacts. The construction traffic estimate is based on the maximum number of crews that could potentially operate simultaneously during construction in Morrow County.

Multi-use areas will generally be the location of the heaviest construction-related traffic as the multi-use area is the centralized hub of activity during construction. It has been determined that each multi-use area creates approximately 170 passenger car equivalent trips per day. This number was determined through an analysis of the draft construction schedule for the first 76 miles of the Proposed Corridor. The analysis considered the daily construction traffic impacts resulting from the maximum number of construction crews that may operate within that segment at any one time. This analysis determined an estimated maximum number of 500 vehicle trips per day. Of these 500 trips, approximately 88 are estimated to be heavy vehicle trips. Therefore,

using the heavy vehicle factor (2.2 passenger car equivalents per heavy vehicle) a factored total of approximately 606 passenger car equivalents trips per day are estimated in the first construction segment. However, many of these trips are heavy vehicles moving from one work area to another, thus it is assumed that 50 percent of heavy vehicles would not operate daily on public roads. This reduces passenger car equivalent trips to approximately 509 in the first construction segment. The contractor is expected to locate one multi-use site approximately every 25 miles. Thus, the first construction segment will utilize 3 multi-use sites. For planning purposes the 509 trips were distributed among the 3 multi-use areas within the first construction segment.

Construction of the Longhorn Alternate will require 31.1 miles of 500-kV transmission line, two multi-use areas, one communication station, and an expansion of the Longhorn Substation. The expansion of the Longhorn Substation, one multi-use area, and approximately 0.5 mile of transmission line are located within Morrow County on Port Industrial zoned lands. Approximately 30.6 miles of the transmission line, a second multi-use area and the communication station are located within EFU-zoned lands in Morrow County.

IPC expects that construction activities within the Port Industrial zone in Morrow County related to the 500-kV line along the Longhorn Alternate will generate about 170 passenger car equivalent trips per day (1 multi-use area). In addition, the construction of a new bay at the Longhorn Substation is estimated to generate 32.2 car equivalent trips per day (assumed estimate of 10 vehicle trips and 10 heavy vehicle trips per day). Therefore, a total of 202.2 passenger car equivalent trips per day are estimated within the Port Industrial zone.

The threshold for requiring a traffic impact analysis in Morrow County is 400 passenger car equivalent trips per day regardless of zone. Therefore, in order to properly respond to the MCZO for traffic impact analyses, the traffic impacts related to the Longhorn Alternate in its entirety need to be assessed, which means accounting for the traffic impacts occurring within the Port Industrial zone as well as those within the EFU zone. As discussed in detail in MCZO 3.010(I) Transportation Impacts, the traffic-related impacts within the EFU zone would result in a maximum of 170 passenger car equivalent trips per day. As stated above, construction activities related to the communication station will not occur during peak construction times and are not factored into this analysis.

The total estimated number of passenger car equivalent trips per day for construction activities related to the Longhorn Alternate (372.2) is less than the threshold for requiring a Morrow County traffic impact analysis (400 passenger car equivalent trips per day). As a result IPC will not conduct a traffic impact analysis in response to this criterion.

IPC examines traffic impacts in detail in Exhibit U and in the Transportation and Traffic Plan (Attachment U-2).

4.1.1.4 MCZO 3.100 – Flood Plain Overlay Zone

In the April 13, 2012, teleconference, the Morrow County Planning Department identified the Flood Plain Overlay Zone as potentially applicable. The Proposed Corridor and alternate corridor segments cross a number of floodplains, and IPC will develop towers in the floodplains that shall adhere to the floodplain hazard reduction criteria. Neither the substations nor communication facilities will be located in floodplains. The Project will be designed to avoid flood-prone areas to the extent feasible. Where avoidance is not possible, the Project will be designed to meet all local permitting requirements. Figure K-7 shows where the Project crosses floodplains and special flood hazard areas (SFHAs). Prior to construction, IPC will obtain

Floodplain Development Permits from Morrow County for any structures that are proposed to be built within the floodplain.

Proposed Corridor: The Proposed Corridor crosses 10 floodplains in Morrow County including the floodplains of Willow Creek (2 crossings), Four Mile Canyon, Six Mile Canyon, Sand Hollow, two tributaries of Sand Hollow, and Butter Creek. It also parallels the west side of the Willow Creek flood zone for about 1.8 miles. Most of the floodplains can be spanned; however, the indicative design shows five structures located in SFHAs.

Horn Butte Alternate: The Horn Butte Alternate crosses seven floodplains in Morrow County and will require three structures within several SFHAs.

Longhorn Alternate: Most of the floodplains can be spanned; however, the indicative design for this alternate has four structures in SFHAs. Line design and construction across these floodplains will adhere to the provisions of MCZO 3.100(5).

MCZO 3.100(5) Provisions for Flood Hazard Reduction

5.1-1(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

Typical lattice and tubular steel structures on the Project will be anchored to large drilled pier foundations, which are designed to resist the heavy loads that are transferred from the structure from the application of various temperature, wind, and icing conditions to the conductors. The foundations are also designed to resist uplift pressures (buoyancy forces) that can occur in areas with high water tables.

MCZO 3.100(5) Provisions for Flood Hazard Reduction

5.1-2(1) Improvements shall be constructed with materials and utility equipment resistant to flood damage.

5.1-2(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

Concrete drilled piers are highly resistant to the presence of water and are commonly used in the utility industry for structures located in high water tables or standing or flowing water. The foundations will also have a minimum foundation reveal, the length the foundation extends above the ground line, of one foot or more to protect the steel structure from low levels of standing or flowing water. In the rare event of free standing water above the top of the foundation, the structures are made of galvanized or weathering steel for corrosion protection.

MCZO 3.100(5) Provisions for Flood Hazard Reduction

5.1-2(3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

All substations and communication facilities will be located above the elevation of the 100-year floodplain.

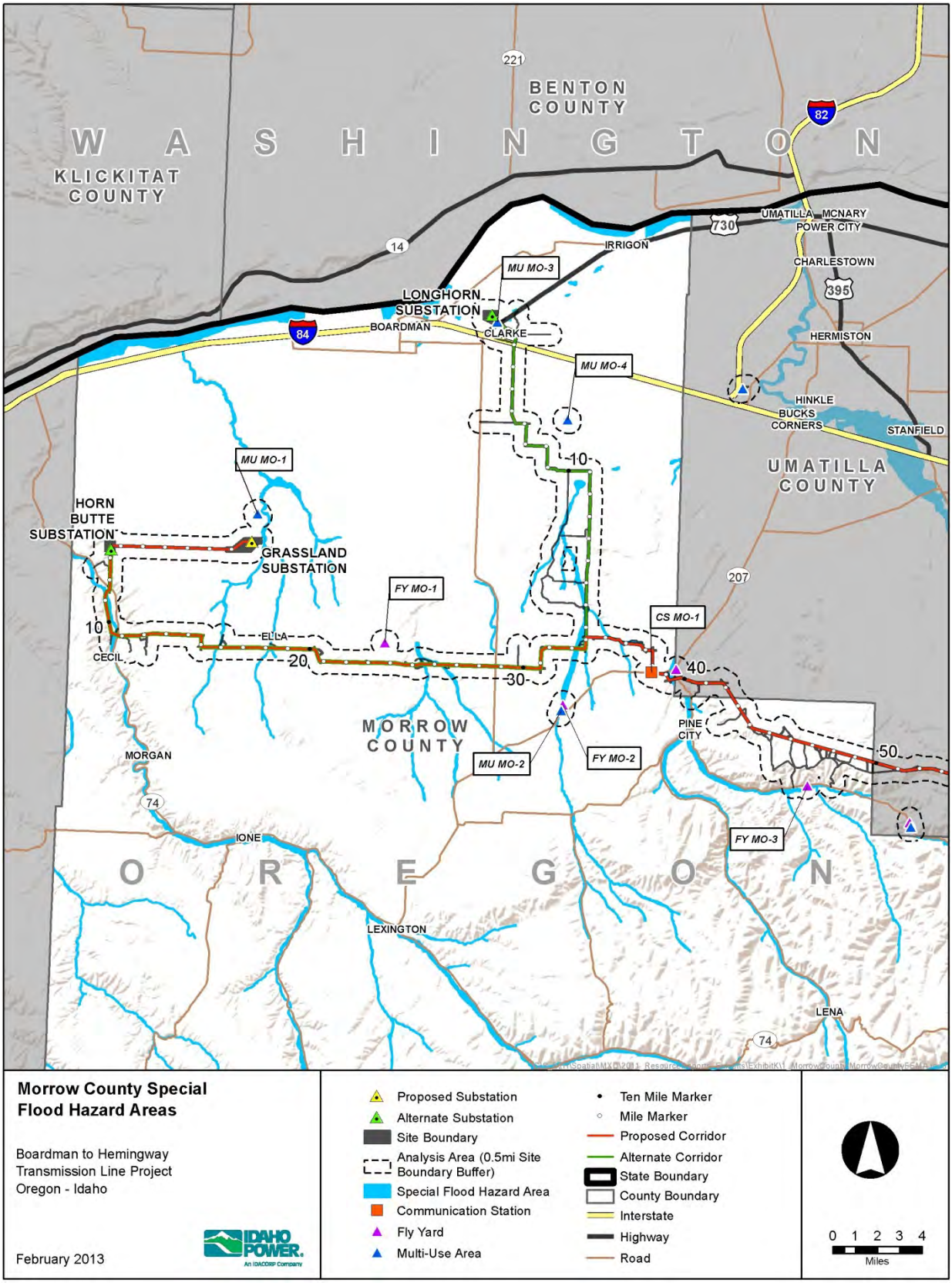

Figure K-7. Morrow County Special Flood Hazard Areas

4.1.2 Applicable Substantive Criteria from MCCP

In its August 18, 2010 letter, the Morrow County Planning Department identified the following provisions of the Morrow County Comprehensive Plan (MCCP) as potentially applicable to the Project.

4.1.2.1 Energy Conservation Element

Energy Conservation Element

In general terms, the primary goals set forth in this element of the "Plan" are directed at conserving energy, maintaining energy sources and costs, and identification of alternative energy sources.

The Energy Conservation Element contains no planning criteria directly relevant to the Project. However, the August 18, 2010, letter from the Morrow County Planning Department states that planning staff would generally interpret the goals of the Energy Conservation Element as being consistent with the Project. Exhibit N (Need) demonstrates that the Project fits into IPC's overall resource management strategy and is designed to support IPC in its continuing efforts to promote energy efficiency and demand response as an alternative to the construction of additional generation plants. Additionally, the Project is important for renewable resource development in northeastern Oregon such as wind and geothermal resources. The 500-kV transmission line is expected to relieve congestion on the existing 230-kV transmission system which could facilitate transmission of renewable energy. The Project is consistent with the Energy Conservation Element of the MCCP because it will promote energy efficiency and integration of renewable generation resources.

4.1.2.2 Agricultural Lands Element

Agricultural Lands Element, Policy 1

It shall be the policy of Morrow County, Oregon, to preserve agricultural lands, to protect agriculture as its main economic enterprise, to balance economic and environmental considerations, to limit noncompatible nonagricultural development, and to maintain a high level of livability in the County.

The Agricultural Lands Element, Policy 1 is consistent with the Oregon statutes and rules regarding protection of Goal 3 resources. As discussed above in the description of the Project's compliance with the applicable Morrow County EFU zoning ordinances, and as discussed further in Sections 3.1 and 4.1.4, the Project will minimize its impacts on agricultural lands as much as possible, and that the impacts to agricultural land that will occur are required to achieve the fundamental purpose of the Project. Where the Project will impact agricultural lands, construction and operations of the Project will minimize impacts to agricultural operations to the maximum extent possible, as described in detail in the AIMP (Attachment K-1, Appendix B). Additional discussion regarding the Project's compliance with statewide planning goals, and particularly Goal 3, is provided in Section 5.0. The discussion in the above-referenced sections demonstrates that IPC has made all possible efforts to avoid disruption to agricultural lands, and that the Project is consistent with the Agricultural Lands Element, Policy 1.

Agricultural Lands Element, Finding 19

Northern Morrow County's irrigated agricultural economy depends on the continued availability of relatively less expensive hydro-electric power.

Although IPC does not serve Morrow County, the County's August 18, 2010, letter indicated that if the Project "can sustain or increase available power and keep it reasonably priced, that would be considered to be in support of the Comprehensive Plan." Specifically, the letter from the County indicated that IPC could potentially demonstrate consistency with Finding 19.

This element of the MCCP discusses the necessity of low-cost power to the development and sustenance of Morrow County's irrigation systems. As discussed in Exhibit N, the Project is an integral part of IPC's preferred resource portfolio that represents the lowest cost and lowest risk option for the IPC. Since 2001, several regional initiatives have evaluated the cost and benefits of new transmission additions in the Northwest. By identifying potential resource areas and load center growth, these studies have identified the transmission capacity expansions required in order to reliably provide service to customers. These studies have all identified constraints on the existing transmission system between the Mid-Columbia market in the Pacific Northwest and load centers in the intermountain region, including southeastern Oregon and southwestern Idaho. These regional studies have identified the need for new transmission additions to alleviate constraints, and specifically concluded that the Project would provide key benefits to the region, both with regard to reliability and cost of power. See The Northern Tier Transmission Group (NTTG) *NTTG 2008-2009 Biennial Transmission Plan*[58]*, The Transmission Expansion Plan 2009-2019* prepared by Columbia Grid,[59] and IPC's 2009 and 2011 IRPs (included in Exhibit N as Attachments N-1 and N-2, respectively). This transmission line will alleviate transmission constraints that currently exist, which will allow the import of low cost power to the region.

4.1.2.3 Natural Hazards Element

Morrow County's August 18, 2010, letter acknowledges that the Natural Hazards Element of the MCCP is outdated, but requests analysis demonstrating that the transmission line will not conflict with any identified natural hazards. The MCCP defines natural hazards "as areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas." During the route selection process, natural hazard constraints were considered, including erodible soils (high, moderate, and low), slope conditions, fault lines, floodplains, and Oregon landslide features.

Although the August 18, 2010, letter did not identify any specific criteria in the Natural Hazards Element, in the April 13, 2012, teleconference, Morrow County requested analysis regarding compliance with the Flood Plain Overlay Zone set forth in MCZO 3.100 and analysis regarding potential liquefaction hazards. The Project's compliance with the construction standards set forth in MCZO Section 3.100(5) is set forth above in Section 4.1.1.4. Although there are no applicable local substantive criteria relevant to liquefaction, additional discussion regarding analysis of liquefaction hazards is provided in Section 4.1.3.2.

4.1.2.4 Public Facilities and Services Element

In its August 18, 2010, letter, Morrow County acknowledges that the Public Facilities and Services Element focus on local providers of electric service and may not be directly relevant to a transmission line at the scale proposed by the Project. IPC agrees that the Public Facilities

[58] Through the NTTG planning process conducted in 2007, along with the current 2008-2009 biennial planning process, NTTG identified a number of potential transmission projects, including the Project. IPC has committed to support NTTG's efforts to establish a coordinated subregional study process, involving both economic and reliability components. As part of the subregional study process, the Project was identified in the long-term (10-year) bulk transmission expansion plan.

[59] Columbia Grid conducted studies to assess the effect on power transfer through region associated with the planned use of several northwest proposed transmission projects including the Boardman to Hemingway project. The study determined that the Boardman to Hemingway project could add significant parallel capacity to the existing Idaho to Northwest transfer path and denoted as providing "possible significant benefit."

and Services Element is not directly relevant to the Project, but nonetheless responds the criteria identified by the County.

Public Facilities and Services Element, Utility Findings

C. Electrical power substations can create negative impacts on nearby property. Careful site planning and physical design can minimize adverse environmental effects.

Public Facilities and Services Element, Utility Findings

D. Power and other energy substations should be centrally located to the area served as much as possible to facilitate economic and energy conservation goals.

Public Facilities and Services Element, Utility Policies

B. Power substations should be centrally located to the service area as much as possible to assure economic service and facilitate energy conservation.

Public Facilities and Services Element, Utility Policies

C. Power substations should be planned and designed in a manner which will minimize the negative environmental impacts on nearby properties and the public as a whole.

To accomplish the Project's purpose and need, it is essential to site the terminus, including substation, in Morrow County. Siting the terminus of the Project in Morrow County will provide IPC with improved access to power markets available on the Northwest Grid, including access to the Boardman Coal Plant of which IPC is a part owner. The proposed Grassland Substation and Alternate Longhorn Substation would be developed by PGE and BPA, respectively, and those entities will be responsible for final site planning and substation design to minimize adverse environmental effects. For the Horn Butte Alternate, if developed, IPC will work with landowners in final site planning and substation design to minimize adverse environmental effects.

Public Facilities and Services Element, General Policies

F. All utility lines and facilities shall be located on or adjacent to existing public or private right-of-way or through generally unproductive lands to avoid dividing existing farm units.

This criterion applies distribution facilities that deliver power to local customers in Morrow County, and is not directly applicable to the Project. Due to the size of the ROW required for a 500-kV transmission line, it is usually not possible to locate Project facilities directly on existing ROW. However, where feasible, the proposed facilities have been located on or adjacent to existing utility and transportation facilities. Additionally, IPC has worked with landowners to site the Project on or near property lines to avoid dividing existing farm units to the extent practicable.

4.1.2.5 Goal 5 Resources

In its August 18, 2010, letter, Morrow County identified as substantive criteria the following Goal 5 resources: the Cecil General Store, the Oregon Trail, Washington ground squirrel, long-billed curlew, bald and golden eagles, and furbearers. Additionally, Morrow County identified and recommended surveys for and analysis of impacts to the following species which are not inventoried Goal 5 resources in the Comprehensive Plan: the ferruginous hawk, loggerhead shrike, and sage sparrow. Although not initially identified in the August 18, 2010, letter, through conversations with the Morrow County Planning Department during summer 2012, the Willow Creek Campground was identified as an inventoried resource that may be in the vicinity of the Project.

There is additional discussion of the cultural resources and habitat and species resources in Exhibit J (Waters of the State or United States), Exhibit L (Protected Areas), Exhibit O (Water Use), Exhibit P (Fish and Wildlife Habitat), Exhibit Q (Threatened and Endangered Species), Exhibit R (Scenic Resources), and Exhibit S (Historic, Cultural, and Archeological Resources).

Cultural Resources Element

The cultural resources included in the Cultural Resources Element of the MCCP and which Morrow County identified as being in the Project area include the Cecil General Store and the Oregon Trail. Although not identified by Morrow County in its August 18, 2010, letter, the Willow Creek Campground may also be located in the vicinity of the Project.[60]

Cecil General Store: Is private property and is used for what it was intended. The store is on the State Historic Preservation office list and subject to county historical resource policy and ordinances.

Conflicts: Any action that would alter or destroy the store.

The Project will not alter or destroy the Cecil General Store, and therefore development of the Project is not a conflict. Although not required through the protection afforded to the store under the Comprehensive Plan, potential impact to the setting of the store will be assessed as part of a historic structures survey and described in Exhibit S.

Willow Creek Campground (Near Cecil): Was used by travelers along the Oregon Trail. There are no distinguishing features. The campground site is part of a private homestead. Conflicts: The campground site is within an agricultural section of the county. Homesteads and cropland usually occupy flats along stream courses. Although land use may change, the character of the land will most likely remain the same. The campground site is under private ownership and no conflicts anticipated. Designation: 2A (no conflicts).

The Willow Creek Campground is included as a Goal 5 historic resource in the MCCP. The text describing the Willow Creek Campground in the MCCP describes the location as being near Cecil. Additional information collected during IPC's Visual Assessment of Historic Properties (VAHP) study (see Exhibit S, Attachment S-2) has revealed maps of the Oregon Trail prepared by the BLM. The mapping reveals the location of the Willow Creek Campground but it is a generalized location. The mapping location is based solely upon historical narratives and no physical evidence of the campground has been previously recorded. The campground area is located on private property where access has been restricted so the exact location has not been physically verified. Once access is gained, IPC will ensure that archaeological study is undertaken to determine if any physical remains of the campground exist. The visual effect to the campground will also be analyzed in Phase II of the VAHP Study. Due to restricted access to the campground location, these studies will be performed pursuant to the Programmatic Agreement and in consultation with the State Historic Preservation Office, BLM, and ODOE.

Oregon Trail: Wells Spring Segment: This portion of the Oregon Trail contains visible wagon ruts. It is fenced and within the boundary of the Boardman Bombing Range. Designation: 2A (No conflicts).

The portion of the Oregon Trail inventoried in the MCCP is fenced and within the boundary of the Boardman Bombing Range. The Project will not cross the Boardman Bombing Range and will not impact the Wells Spring Segment of the Oregon Trail.

[60] For a discussion of IPC's efforts to identify cultural or historic resources located in the Project area in Morrow County and which may not be identified in the MCCP, refer to Exhibit S.

Natural Resources Element

In its August 18, 2010, letter, Morrow County stated that:

> *A variety of habitat areas and species are identified within the Comprehensive Plan, but relatively few are mapped. As Idaho Power identifies a final route on-the-ground surveys should be conducted to identify to wildlife and habitat areas. Species to be aware of are Washington Ground Squirrel; the Long-billed Curlew, Bald and Golden Eagles, particularly nesting sites; and furbearers. There are three Wildlife Management Areas within Morrow County, with the Coyote Springs area near the Coyote Springs generating facility [that] could be impacted by this transmission line. As the route is further defined review of this area and possibly other areas, should be done to determine any impacts to habitat and species. Other species of concern identified since development of the Comprehensive Plan include: Ferruginous Hawk; Loggerhead Shrike; and Sage Sparrow.*

During initial routing of the Project, avoidance of sensitive biological resources (*e.g.*, Washington ground squirrel colonies, raptor nests) was taken into consideration by IPC. Additionally, in order to obtain data required for Exhibits P and Q, IPC has conducted wildlife surveys for the Proposed and alternate corridors, substations, and other Project facilities. These studies included Terrestrial Visual Encounter Surveys (TVES) for the species identified by Morrow County (see Exhibits P and Q for additional discussion regarding survey methods), in addition to other species, and provide information to demonstrate the Project's compliance with the Council's Fish and Wildlife Habitat Standard and Threatened and Endangered Species Standard. There are no Project facilities crossing or located within the Coyote Springs Wildlife Management Area (WMA) or the other two WMAs in the County (see Exhibit L – Protected Areas).

The following subsections discuss the wildlife resources protected by the MCCP along the Proposed Corridor and alternate corridor segments in Morrow County. IPC demonstrates compliance with the Natural Resources Element of the MCCP and provides information beyond what is required through the local substantive criteria.

Washington Ground Squirrel - 2A

Location: The Washington Ground Squirrel, once thought to be extinct in Oregon, is still present in limited numbers in Morrow County. Their habitat is within the boundary of the US Navy Bombing Range near Boardman, Oregon.

Quality/Quantity: The Bombing Range is the only habitat known in Oregon. The site has been designated a research natural area and is supervised by The Nature Conservancy. The animal is rare and cannot survive in areas of intensive agriculture (Puget Sound Museum of Natural History, UPS, September 4, 1973. Letter contained in Lewis and Clark study).

Goal 5 Designation: The Boardman Bombing Range is public land administered by the U.S. Navy. The area has been accorded a 2A designation (no conflicting use).

The MCCP indicates that the inventoried Washington ground squirrel (WAGS) habitat protected under the MCCP is located on the Boardman Bombing Range. The Project will not cross the Boardman Bombing Range, and therefore will not impact the habitat inventoried in the MCCP.

Although beyond what is required by the MCCP, IPC has conducted field surveys for WAGS to demonstrate the Project's compliance with the Council's Standard for Threatened and Endangered Species. As discussed in detail in Exhibits P and Q, surveys have indicated the presence of WAGS colonies within the vicinity of the Project. IPC has worked extensively with

ODFW to site the Project to ensure that no impacts occur to WAGS Category 1 habitat from the development of the Project. However, if survey data demonstrate a likelihood of impacting WAGS Category 1 habitat, the Longhorn Alternate will be revised to prevent impacts to WAGS Category 1 habitat. For additional information regarding WAGS habitat in the Project area, refer to Exhibit P.

Longbilled Curlew - 2A; 1B

The Oregon Department of Fish and Wildlife (ODFW) has identified the long-billed curlew as a protected bird. The curlew prefers the County's rolling grassland, for its nesting sites. Some birds nest in marginal areas defined by ODFW as "biscuit-scabland with small rocks" or "ridge tops that have few or no shrubs and grasses not more than 12 inches tall" (p. 50). These areas coincide with some exclusive farm use zones. Nesting, however, was not observed where farming exists, whether dryland or irrigated. Curlews gravitate to the irrigated areas after nesting and also feed in these areas during nesting (pp. 50-51).

* * *

Goal 5 Designation

Long-billed. curlew nesting areas on federal land are accorded as 2A designation (no conflicting use). Nesting areas on private land also coincide with EFU land and are not site specific. They are accorded a 1B designation (i.e., some information is available but it is inadequate to identify the resource site). The 1B designation is supported by the Natural Resource (General) policy P.

Natural Resources Policy P.

Morrow County recognizes that the long-billed curlew is a protected bird. Nesting habitat located on public land is protected by state and federal statutes. As policy, the County encourages these governments to properly consider long-billed curlew habitat when preparing land use plans for their respective properties. The County also recognizes that curlew habitat exist on private land; however, there is not enough information to support adoption of site specific protection measures. As policy, the County will examine information as it becomes available and determine whether nesting sites should or shouldn't be protected. The nesting sites of the long-billed curlew will be considered during periodic review along with other Goal 5 resources.

The MCCP inventories long-billed curlew habitat, and designates long-billed curlew nesting habitat on federal land as 2A (no conflicting use). In Morrow County, the Project will not cross any federal land, and accordingly will not impact any long-billed curlew habitat protected under the MCCP. Although Morrow County identified that long-billed curlew habitat exists on private land, the County did not have enough information regarding long-billed curlew habitat on private land to identify the quality or quantity of the resource, and has not designated any additional protection for long-billed curlew habitat on private land.

Although beyond what is required by the MCCP, IPC has conducted field surveys and has identified the presence of long-billed curlews in the Project area. In the vicinity of the Proposed Corridor, 13 long-billed curlews were observed during TVES in Morrow County. A total of 10 long-billed curlews were identified during TVES surveys along the Horn Butte Alternate. Most of these observations occurred in agricultural and pasture lands (10 observations) with only 3 observations occurring in native shrub and grass lands habitats. Project surveys along the Longhorn Alternate have not been have finalized to date. However, existing Oregon Biodiversity Information Center (ORBIC) data show that there is one known/historic occurrence of this species along the Longhorn Alternate, indicating that this species likely occurs along this alternate corridor segment. To avoid and minimize impacts to this species, IPC will implement the avian protection measures described in Exhibit P, which would include restricting vegetative clearing to times outside of the avian breeding season, restoring disturbed habitats, and building

the Project in compliance with IPC's draft Species Conservation Plan and draft Habitat Mitigation Plan (see Exhibit P, Attachments P-6 and P-7).

Protected Species: Bald Eagle (30) and Golden Eagle Nest Sites (3C)

Two bald eagle and five golden eagle nest sites have been identified in Morrow County and are identified on the SR zone map as sensitive bird sites.

Conflicting Uses: The principal conflicting uses would include tree removal, dwellings, mineral and aggregate extraction and roads. The economic impacts of conflicts discussed for nongame birds apply here.

Goal 5 Designation: Bald eagle and golden eagle nests are accorded a 3C designation (protect the site by limiting conflicting uses). The SR Zone applied to the sensitive bird nest sites provides a 300 foot buffer.

At this time, IPC has not been able to confirm whether the two bald eagle and five golden eagle nest sites described above are in the analysis area or even in the general vicinity of the Project.[61] However, IPC's surveys did not identify any eagle nests within the Site Boundary in Morrow County. Accordingly, the Project is consistent with the MCCP, which designates bald and golden eagle nests 3C to provide protection for the resource by limiting conflicting uses. The Morrow County Zoning Ordinance contains the applicable criteria, set out below.

MCZO 3.200(D) Review Criteria

2. Sensitive Bird Nesting Sites

a. Bald and golden eagle nest sites and communal roost sites shall be protected in accordance with U.S. Fish and Wildlife Service "Oregon-Washington Bald Eagle Management Guidelines."

b. No development shall be allowed within a 300' radius of a sensitive bird-nesting site. Exceptions to this standard shall be based on written recommendations from ODFW.

MCZO 3.200(E) List of Conflicting Uses and Activities

1. Sensitive Bird nesting sites

a. Bald and Golden eagles

1) Use of chemicals

2) Residential development

3) Permanent structures

4) Road construction

5) Human activity during roost period (November-March)

6) Mining

7) Powerlines

Although the MCZO identifies several different conflicting uses that may apply to the Project, no bald or golden eagle nesting sites have been identified within the Site Boundary in Morrow County. Furthermore, suitable habitat for these species is not common along this portion of Project (*i.e.*, forested habitat adjacent to water for the bald eagle, or cliff habitat for the golden eagle). As a result, these species are unlikely to occur in this area and impact to a sensitive nesting site is unlikely.

[61] IPC has reviewed maps provided by Morrow County regarding the location of the eagle nests identified in the MCCP, but without GIS data was not able to clarify the exact relationship between the nest locations and Site Boundary. However, IPC has completed a raptor nest survey in Morrow County, and has identified 4 nests within the Site Boundary: one raven, one great-horned owl, one Swainson's hawk, and one inactive unknown species nest. See Exhibit P, Section 3.3.

Furbearers - 2A; 3C

Location: Quality/Quantity: Furbearers are found throughout the County. Aquatic furbearers (e.g., beaver, muskrat, mink and otter) are generally associated with brushy streambanks. Terrestrial forms (e.g., skunk, bobcat, badger, and coyote) are found throughout the county in suitable habitat areas; food, cover, and water requirements are varied and similar to those for big game, upland game birds and waterfowl.

Conflicts: Any land use detrimental to big game, birds or waterfowl will also have an adverse impact on furbearers. They are primarily within the County's FU and EFU zones. Conflicts include houses, and agricultural and forest uses that would remove brush, especially streamside vegetation.

Goal 5 Designation: The three wildlife management areas are administered by federal or state government and designated 2A. Riparian habitat areas are designated 3C.

The MCCP designates furbearer habitat within the WMAs administered by federal or state government as 2A. The Project will not cross the WMAs and will not impact any furbearer habitat designated as 2A by the Plan. The Plan designates riparian habitat areas as 3C, to protect the resource by limiting conflicting uses. Morrow County protects riparian areas through its riparian area setback requirements (for example, in EFU, MCZO 3.010(H)(4)). For furbearers, the conflicts identified in the Plan include development of houses and agricultural and forest uses that would remove brush, especially streamside vegetation. See Section 4.1.1.1 regarding compliance with MCZO 3.010(H)(4) for additional discussion of IPC's efforts to minimize impact to riparian habitat areas and to limit removal of streamside vegetation.

Although beyond what is required by the MCCP, IPC's TVES included surveys for furbearers. During TVES for the Site Boundary in Morrow County, four coyotes, one raccoon, and one weasel were observed. No aquatic furbearers were observed. IPC expects that the Project will have minimal impacts to furbearers; however, to the extent that impacts may occur, the measures that would be implemented along this route to avoid and minimize impacts to furbearers would include restoring impacted habitats, and mitigating for impacts that could not be avoided or minimized. For additional discussion of proposed restoration and mitigation of impacted habitats, refer to Section 3.3.7 of Exhibit P and IPC's draft Species Conservation Plan and draft Habitat Mitigation Plan (Attachments P-6 and P-7).

Ferruginous Hawk, Loggerhead Shrike, and Sage Sparrow

No applicable substantive criteria.

In its August 18, 2010 letter, Morrow County included several "species of concern" that are not included in the MCCP. As such, there are no applicable substantive criteria from Morrow County to guide analysis of presence of these species within the vicinity of the Project.

Although beyond what is required by the MCCP, IPC conducted TVES for these species to support the preparation of Exhibit P. One ferruginous hawk was observed during the TVES of the Proposed Corridor. Two loggerhead shrikes were identified along the Proposed Corridor (and Horn Butte Alternate) in Morrow County; one occurred in a pasture and one along a rock outcropping. No sage sparrows were observed within the Site Boundary. IPC will implement the following measures to avoid and minimize impacts to these species: restrict vegetative clearing to times outside of the avian breeding season, restore disturbed habitats, and build the Project in compliance with IPC's draft Habitat Mitigation Plan and draft Species Conservation Plan (attached to Exhibit P).

4.1.3 Other Morrow County Plans

4.1.3.1 Blue Mountain National Scenic Byway Interpretive Guide

The August 18, 2010, letter from Morrow County identified the Blue Mountain National Scenic Byway Interpretive Guide (Guide) as potentially containing relevant local substantive criteria, although the document is not regulatory and Morrow County has not adopted any ordinances providing land use management direction relevant to the Blue Mountain National Scenic Byway (Byway).

The 130-mile Byway begins at I-84 and proceeds south and east along State Route 74 through Morrow County. It was designated in 1989 as a National Scenic Byway and in 1997 it was made a State Scenic Byway. In 1993, the Guide was issued by the Umatilla NF. The Guide states "The purpose of this document is to guide development of a logical sequence of complimentary [sic] interpretive services and visitor accommodations associated with the Blue Mountain Scenic Byway. Included in the plan are guidelines and recommendations to accomplish this ambitious endeavor." The Project will not affect the development of interpretive services and visitor accommodations along the Byway. The Proposed Corridor and Horn Butte Alternate cross the Byway at MP 8.4, parallel the Byway for about 1.8 miles, and then cross the Byway once more at MP 10.8. However, the proposed facilities will be located in a portion of the Byway that is occupied by an existing transmission line and many wind turbines. As a result the area traversed has a utility character and is an appropriate location for the Project and should not affect development of interpretive services and visitor accommodations along the Byway. The Longhorn Alternate is located over 20.0 miles east of the Byway and will not impact this resource.

4.1.3.2 Pre-Disaster Mitigation Plan

In its August 18, 2010, letter, Morrow County identified the Morrow County Pre-Disaster Mitigation Plan as potentially applicable to the Project to determine if there are landslide or flood hazards along the final route. Although the Plan contains no applicable substantive criteria with which IPC must demonstrate compliance, IPC includes in this section discussion of its siting process relevant to the natural hazards identified in the Pre-Disaster Mitigation Plan.

Those hazards relative to this Project have been considered in siting, impact assessment, design, and mitigation of the proposed transmission facilities. During the final route selection process, natural hazard constraints included erodible soils, slope conditions, fault lines, floodplains, and Oregon landslide features. All of these factors (Siting Study, Appendix A, Table A-1, Constraints and Opportunities; and Appendix C, Table C-1, Constraints Crossed-Permitting Difficulty, August 2010) were included in the evaluation and selection of the Proposed Corridor and alternate corridor segments. Since submittal of the Siting Study, the information on these resources has been used to adjust the centerlines and/or tower spacing, where feasible, and to select access routes and work areas away from hazards. This information is being used to assess the impact of the Proposed Corridor and alternate corridor segments and to develop mitigation plans and procedures to the extent necessary.

Landslide Hazards—Geologic mapping to date indicates the Project may cross Statewide Landslide Information Database for Oregon (SLIDO) 1316 in Morrow County, a known alluvial fan area that may be conducive to debris flow paths (*e.g.*, fan landslide). In areas where micro-siting is not feasible for hazard mitigation, the geotechnical consultant will characterize each project tower area located within known or suspected alluvial fans. The consultant will evaluate each alluvial fan foundation area status, including active or potentially active debris flow type landslides, and/or what activities or improvements might activate the land sliding. Debris flows are typically associated with large precipitation events, but dry debris flows may also result from

seismic events. The geotechnical consultant will evaluate the fan geometry, including depth to stable geologic materials, and debris flow frequency, direction, and thickness. The geotechnical consultant will provide foundation design recommendations with consideration to each alluvial fan debris area, including the proposed project impact to the fan area (*i.e.*, stability), and tower foundation mitigation measures. Tower foundation design to mitigate lateral forces imparted by debris flows (or landslides) typically requires larger diameter and/or deeper shafts. The geotechnical consultant may also consider mitigation measures to reduce the debris flow (*i.e.*, fan landslide) impacts upon proposed tower foundations. For example, deflection berms or similar can divert debris flows from tower foundation areas. Where economical, mitigation may consider stability measures to reduce the landsliding frequency or velocity.

Liquefaction—Liquefaction is a phenomenon in which saturated, primarily cohesionless soils temporarily lose their strength and liquefy when subjected to dynamic forces such as intense and prolonged ground shaking and seismic activity. All portions of the Site Boundary have the potential for ground shaking from earthquakes. Areas that are most susceptible to liquefaction have a combination of thick unconsolidated sediments, and a shallow water table (within 50 feet of the surface). Because the majority of the transmission line crosses relatively stable terrain with shallow bedrock and deep groundwater, the majority of the Site Boundary has a low susceptibility to liquefaction.

Prior to the development of final engineering design, liquefaction studies will be conducted for susceptible areas, including areas that cross or approach rivers and areas where thick unconsolidated sediments are encountered in the field. Additional evaluation of liquefaction also may be needed as the final alignment and tower locations are chosen. The geotechnical engineer will recommend additional exploration and/or analysis as applicable to assess liquefaction hazards in the geotechnical design report for the transmission line.

Flood Hazards—Section 4.1.1.4 describes floodplains and measures to mitigate potential floodplain hazards.

For additional detail relevant to geologic or soil stability hazards, see Exhibits H and I.

4.1.3.3 Solid Waste Management Plan and Ordinance

The August 18, 2010, letter from Morrow County identified the Morrow County Waste Management Plan and Ordinance as potentially relevant local substantive criteria. Specifically, Morrow County identified Solid Waste Ordinance Section 5.000 Public Responsibilities.

Solid Waste Ordinance Section 5.000 Public Responsibilities

Public responsibility requires the citizens of Morrow County comply with items two and five of Section 3.000 Purpose and Policy of this Ordinance.

2. Providing for the safe and sanitary accumulation, storage, collection, transportation and disposal of solid waste;

5. Prohibiting accumulation of waste or solid waste on private property in such manner as to create a public nuisance, a hazard to health or a condition of unsightliness, and to provide for the abatement of such conditions were found.

Exhibit V estimates the amount of construction waste associated with construction and operation of the transmission line, communication sites, and substation. This includes vegetation waste, native earth materials (soil, rock and similar), and household-type solid waste. Exhibit V describes the management and disposal of the waste materials. IPC will store solid waste in a manner that does not constitute a fire, health or safety hazard until such waste can be hauled off for recycling or disposal, as appropriate. For instance solid waste generated at a

substation will be collected on site for recycling or disposal in accordance with Oregon Department of Environmental Quality (ODEQ) regulations. IPC will manage and dispose of solid waste in compliance with the Morrow County Solid Waste Ordinance Section 5.000.

5.010. Transportation of Solid Waste

No person shall transport or self-haul, as defined in the Solid Waste Management Plan, solid waste on a public road unless such waste or solid waste is covered and secured. "Covered and Secured" includes:

1. Loads which are totally contained within an enclosed vehicle or container;

2. Loads of solid waste contained in garbage cans with tightly fitting lids, tied plastic solid waste disposal bags or similar totally enclosed individual containers that are completely contained within the walls of a vehicle or container, such that no solid waste can reasonably be expected to escape during hauling;

3. Loads of brush, building materials and similar bulky materials which are secured in or on the hauling vehicle or completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling; or

4. Loads consisting entirely of rock, concrete, asphalt paving, stumps and similar materials that are completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling.

Solid waste suitable for disposal at municipal facilities will be transported by a disposal subcontractor. In Morrow County, the solid waste will be transported to the Finley Buttes Landfill in compliance with the above regulations. Finley Buttes Landfill is a modern municipal solid waste disposal facility permitted by the ODEQ and is in full compliance with ODEQ rules and regulations. The landfill is privately owned, but was approved by Morrow County in 1987. See Exhibit U, Attachment U-1, for records of IPC's communications with Finley Buttes Landfill.

5.020. Accumulation, Littering and Disturbance of Solid Waste Prohibited

No person shall accumulate or store wastes in violation of the Morrow County Nuisance Ordinance or in violation of regulations of the Oregon Littering Provisions (ORS 164.775 - 805). No unauthorized person shall remove the lid from any solid waste container or collect, disturb or scatter solid waste stored in the container or deposit solid waste into the container.

As described in detail in Exhibit B, the multi-use areas[62] will serve as the collection points for solid waste generated at each of the tower construction or road construction sites along the Site Boundary. Waste generated at the Grassland Substation or alternate substation will be collected on-site for recycling or disposal in accordance with ODEQ regulations. Stockpile protection measures will be in place to reduce the potential for air and storm water pollution originating from stockpiles of construction materials, including the following:

- Stockpiles will be located a minimum of 100 feet away from storm drains, ditches, streams, and other water bodies.
- Physical diversions will be provided to protect stockpiles from concentrated runoff.

[62] The multi-use areas will serve as field offices; reporting locations for workers; parking space for vehicles and equipment; and sites for material delivery and storage, fabrication assembly of towers, cross arms and other hardware, concrete batch plants, and stations for equipment maintenance. Limited helicopter operations may be staged out of multi-use areas. Multi-use areas, about 20 acres each for 500-kV construction and 10 acres each for 138/69-kV construction, will be located approximately every 25 miles along the corridor. Exact locations within the Site Boundary for multi-use areas will be developed during the detailed design phase. Preliminary locations are listed in Exhibit C, Table C-16 and shown on maps in Exhibit C, Attachment C-2.

- Stockpiles will be covered with plastic or comparable material prior to a rain event and during the rainy season.
- Silt fences, fiber filtration tubes, or straw wattles will be placed around stockpiles to limit sediment migration.

Vegetative waste will be crushed, chipped, spread, or stacked and left on-site as vegetation growth medium or wildlife habitat, disposed of at a landfill, or used off-site as fill material. Disposal of slash is discussed in Exhibit V, Table V-1, Solid Waste Generation from Construction Activities.

Sanitary wastewater from portable toilets will be handled by a sanitary system subcontractor used to provide the sanitary facilities. This typically consists of periodic removal of the sanitary waste using a vacuum truck and proper disposal off-site into a sanitary sewer system.

5.030. Responsibility for Proper Disposal of Hazardous Waste

The owner, operator, or occupant of any premise, business, establishment, or industry shall be responsible for the satisfactory and legal disposal of all hazardous solid waste generated or accumulated by them on the property. All hazardous solid wastes shall be disposed of at an appropriate solid waste disposal site licensed to receive such waste, or in a manner consistent with Department of Environmental Quality regulations. It shall be unlawful for any person to dump, deposit, bury, or allow the dumping, depositing or burying of any hazardous solid waste onto or under the surface of the ground or into the waters of the state, except at a State permitted solid or hazardous waste disposal site.

Although hazardous materials such as fuel, vehicle fluids and lubricants, herbicides, and blasting materials will be used, this Project will generate little or no hazardous waste. As discussed in Exhibit G, IPC will comply with ODEQ regulations for the management and disposal of any hazardous waste generated by the Project.

5.040. Open Burning

Woody debris, brush, leaves, grass, tumbleweeds, wood and cuttings from trees, lawns, shrubs and gardens (excepting paper, cardboard, or wood containers in commercial quantities) may be burned on private property only if the method of burning is approved by the local fire department and is done in accordance with the rules and regulations of the Oregon Department of Environmental Quality. Agricultural open burning is allowed pursuant to Oregon air pollution laws (ORS 468A.020) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

Open burning of any waste materials, including on agricultural lands, that normally emit dense smoke, noxious odors, or that create a public nuisance is prohibited. These materials include, but are not limited to, household garbage, plastics, wire, insulation, auto bodies, asphalt, waste petroleum products, rubber products, animal remains, and animal or vegetable wastes resulting from the handling, preparation, cooking, or service of food.

There will be no open burning as any part of construction or operations of the Project.

4.1.3.4 Aggregate Sourcing

During a phone conversation on July 12, 2012, Morrow County requested information regarding aggregate sourcing for the Project. Aggregate will be sourced from aggregate providers using existing permitted aggregate pits. For additional discussion of materials for the Project, refer to Exhibit G.

4.1.4 EFU Micro Analysis

As discussed above in Section 3.1, IPC has complied with ORS 215.275 at the "macro"[63] level, which is all that ORS 215.275 requires. Though beyond what is required by the statute, the following section demonstrates compliance with ORS 215.275 at the "micro" level, by providing a detailed discussion of the necessity of siting the Project in EFU in Morrow County. This section is organized in the same way as the "macro" analysis provided in Section 3.1, and provides information specific to the siting of the Project in Morrow County.

4.1.4.1 Reasonable Alternatives Considered

Locating the proposed terminus of the Project along the Boardman-Slatt 500-kV line in the Boardman area is crucial to serving the Project's purpose to connect with the Pacific Northwest power market. The Proposed Grassland Substation Expansion and the alternate substation sites (Horn Butte and Longhorn Substation Expansion) are all located along or near this existing 500-kV line in Morrow County. The Proposed Grassland Substation Expansion and the Alternate Horn Butte Substation are located in and surrounded by EFU-zoned lands. The Alternate Longhorn Substation Expansion is in Port Industrial zoned lands but cannot reasonably be reached without crossing EFU-zoned land (see Figure K-6).

Through the CAP, IPC considered approximately 16 alternative routes or segments in Morrow County, all of which cross EFU (see Exhibit B, Attachment B-1, 2010 Siting Study and Attachment B-2, 2012 Supplemental Siting Study). The Supplemental Siting Study contains additional discussion regarding the consideration of alternatives in this area that led to the selection of the Proposed Corridor and identification of alternate corridor segments. However, EFU-zoned lands in Morrow County are unavoidable in reaching the proposed or alternate substation sites from the designated Wallowa-Whitman NF utility corridor. As a result, there are no reasonable non-EFU alternative routes in Morrow County.

4.1.4.2 Factors Requiring Siting of the Project on Morrow County Land Zoned EFU

Of the six factors justifying location of a utility facility necessary for public service on EFU, two factors drove IPC's location of the Project in Morrow County: locational dependence and lack of available urban and nonresource land.

Technical and Engineering Feasibility

This factor did not lead to the siting of the Proposed Corridor or alternate corridor segments in EFU-zoned lands in Morrow County.

Locational Dependence

A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands. As shown on Figure K-6, the Proposed Grassland Substation Expansion and Alternate Horn Butte Substation are located in and surrounded by EFU, and the Alternate Longhorn Substation Expansion is located in land zoned as Port Industrial, but cannot feasibly be accessed without crossing EFU. Accordingly, the Proposed Corridor and alternate corridors are locationally dependent because EFU-zoned lands must be crossed in proceeding south and east from the proposed and alternate substation sites in a reasonably direct route through Umatilla County to the designated utility corridor across the Wallowa-Whitman NF in Union County.

[63] In the context of Exhibit K, "macro" analysis refers to analysis of the Project across all five counties, and "micro" analysis is a county-specific analysis.

Lack of Available Urban and Nonresource Lands

As shown on Figure K-4, there is little in the way of available urban and nonresource lands in the vicinity of the Project. As a result, there are no urban or nonresource lands on which to locate the proposed and alternate substation sites in Morrow County. Consequently, EFU lands must be crossed by the proposed and alternate corridors.

Availability of Existing Rights of Way

Availability of existing ROWs was not a factor influencing the location of the Project on EFU land because there are no existing ROWs available for the Proposed Corridor to occupy in Morrow County. IPC requires a separation equal to the length of the adjacent span (assumed to be 1,500 feet for a 500-kV transmission line) to ensure electrical reliability. The separation requirement precludes IPC's ability to combine existing and proposed transmission lines in the existing ROW.

However, the opportunity to site the Project parallel to existing ROWs has influenced the location of the Project in Morrow County. As the Proposed Corridor exits the proposed Grassland Substation, the Proposed Corridor will parallel an existing 500-kV transmission line (Boardman-Slatt) for approximately 6.5 miles.

Public Health and Safety

This factor did not lead to the siting of the Proposed Corridor or alternate corridor segments in EFU-zoned lands in Morrow County.

Other Requirements of State or Federal Agencies

This factor did not lead to the siting of the Proposed Corridor or alternate corridor segments in EFU-zoned lands in Morrow County.

4.1.4.3 Costs Were Not the Only Factor Considered

As discussed in the Siting Study (Exhibit B, Attachment B-1), costs were not the only consideration in selecting IPC's Proposed Corridor and alternate corridor segments. Avoidance of sensitive resources, permitting and construction factors, and extensive input from local citizens and officials and many other stakeholders were the primary factors in corridor selection.

4.1.4.4 Restoration of Agricultural Land

Table K-4 describes the temporary and permanent impacts on agricultural lands in Morrow County. Appendix B of the Agricultural Assessment (Attachment K-1) contains aerial photographs showing affected agricultural areas in the EFU zone.

Appendix B of the Agricultural Assessment (Attachment K-1) is the AIMP, which discusses measures IPC will take to minimize and mitigate for potential impacts to agricultural operations within each zone. These measures can be adopted as conditions of approval to ensure that the Project will not result in significant adverse impacts to agricultural lands within this portion of the Project.

Table K-4. Temporary and Permanent Impacts on Agricultural Lands in Morrow County

Corridor	Agriculture Type[1]	Temporary Impacts (acres)	Permanent Impacts (acres)
Proposed Corridor	Conservation Reserve Program (CRP)	9.8	4.1
	Dryland Farming	371.6	69.0
	Irrigated AG	86.5	10.8
	Pasture/Hay	0.7	0.2
Horn Butte Alternate	CRP	7.0	2.5
	Dryland Farming	245.1	41.4
	Irrigated AG	53.4	10.8
	Pasture/Hay	0.5	0.1
Longhorn Alternate	CRP	15.4	4.1
	Dryland Farming	38.0	12.1
	Irrigated AG	157.7	29.9
	Pasture/Hay	2.5	1.8

[1] Dataset comprised of ReGAP vegetation layer (2009) and desktop analysis (aerial interpretation to reclassify agriculture categories into irrigated agriculture or dryland farming using 2012 NAIP).

4.1.4.5 Mitigation and Minimization Conditions

As discussed in Section 3.1.4.2 and in the AIMP, IPC does not expect that the Project will have adverse impacts on surrounding lands, result in significant changes in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

To the extent that the Council or Morrow County has concerns about impacts to surrounding agricultural land, the Council may incorporate elements of the agricultural mitigation plan into the conditions required for issuance of a site certificate. Additionally, through its role as a Special Advisory Group, Morrow County may provide recommendations to the Council regarding conditions to include in the site certificate.

4.2 Umatilla County

The following section describes the Project in Umatilla County, and provides analysis regarding compliance with local substantive criteria identified by Umatilla County.

Table K-5 summarizes the zoning districts crossed by the Proposed Corridor and Longhorn Alternate in Umatilla County. The proposed communication station site is located north of the Proposed Corridor near MP 70.6. Project structures include transmission structures and a small building at the communication station.[64] For additional discussion of the proposed and alternate substations/substation expansions in Morrow County, see Exhibit B, Section 1.1.

[64] IPC also proposes three temporary multi-use areas in Umatilla County: two are associated with the Proposed Corridor and are located in EFU and one that will be developed only in the event that IPC selects the Alternate Longhorn Substation Expansion for construction, located in Rural Tourist Commercial and Light Industrial.

Table K-5. Umatilla County Site Boundary Acres and Corridor Miles by County Zoning Designation

Umatilla County Zones[1]	Proposed Corridor		Longhorn Alternate[2]	
	Center-line (miles)	Site Boundary (acres)	Center-line (miles)	Site Boundary (acres)
Exclusive Farm Use	41.4	3,291.0	-	-
Grazing Farm Zone	8.0	642.3	-	-
Light Industrial	-		-	32.2
Rural Tourist Commercial	-		-	6.8
Total	***49.5***	***3,972.3***	***-***	***39***

[1] The Exhibit K analysis area in Umatilla County also includes the following zones: Exclusive Farm Use 20 & 40 acre, Light Industrial/Limited Use Overlay, Limited Rural Light Industrial and Multiple Use Forest. No features are proposed on these zones, so there is no further analysis of these zones within this Exhibit.

[2] The Longhorn Alternate transmission line is located entirely within Morrow County, but there is a 39-acre multi-use area associated with the Longhorn Alternate that is located in Umatilla County. The 39-acre multi-use in Umatilla County will only be developed in the event that the Longhorn Alternate is selected for construction, so Project impacts to Light Industrial and Rural Tourist Commercial will only occur if the Longhorn Alternate is developed.

As shown on Figure K-8, the permanent facilities of the Project are located on lands zoned Exclusive Farm Use and Grazing Farm. Figure K-9 shows siting constraints in Umatilla County, including the Confederated Tribes of the Umatilla Indian Reservation lands, the Oregon Trail, and National Wildlife Refuges.

Proposed Corridor

The Proposed Corridor has two segments in Umatilla County that cumulatively cross approximately 49.5 miles of privately-owned land (see Exhibit C, Attachment C-2). The proposed transmission line will be supported by single-circuit steel lattice towers on a 250-foot wide ROW (see Exhibit B, Figure B-13).

The Proposed Corridor also includes a communication site located on the east side of County Road 1383 just north of where it is crossed by the Proposed Corridor (MP 70.6). The communication site will be 100 feet by 100 feet, with a fenced area of 75 feet by 75 feet. A prefabricated concrete communications shelter with dimensions of approximately 11.5 feet by 32 feet by 12 feet tall will be placed on the site and access roads to the sites and power from the local electric distribution circuits will be required. An emergency generator with a liquid petroleum gas tank will be installed at each site inside the fenced area. Two diverse cable routes (aerial and/or buried) from the transmission ROW to the equipment shelters will be required. Figure B-21 in Exhibit B illustrates the plan arrangement of a typical communications facility site layout.

The initial segment of the Proposed Corridor crosses into Umatilla County from Morrow County at MP 39.5, approximately 0.4 mile south of Butter Creek Junction. The Proposed Corridor proceeds east and then southeast of Butter Creek Valley to MP 42.5 where it re-enters Morrow County. The Proposed Corridor continues through Morrow County, exiting Morrow County and re-entering Umatilla County at MP 49.8, where the Proposed Corridor continues east, then south along the north side of Slusher Canyon for about 6.8 miles. At MP 56.6 the corridor angles and continues generally east for about 16.2 miles (MP 72.8) where it turns south and crosses U.S. Route 395 north of Pilot Rock. The Proposed Corridor continues eastward passing just south of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). At MP 89.0 the corridor turns southeast and continues for 7.3 miles to MP 96.3 where it enters Union County.

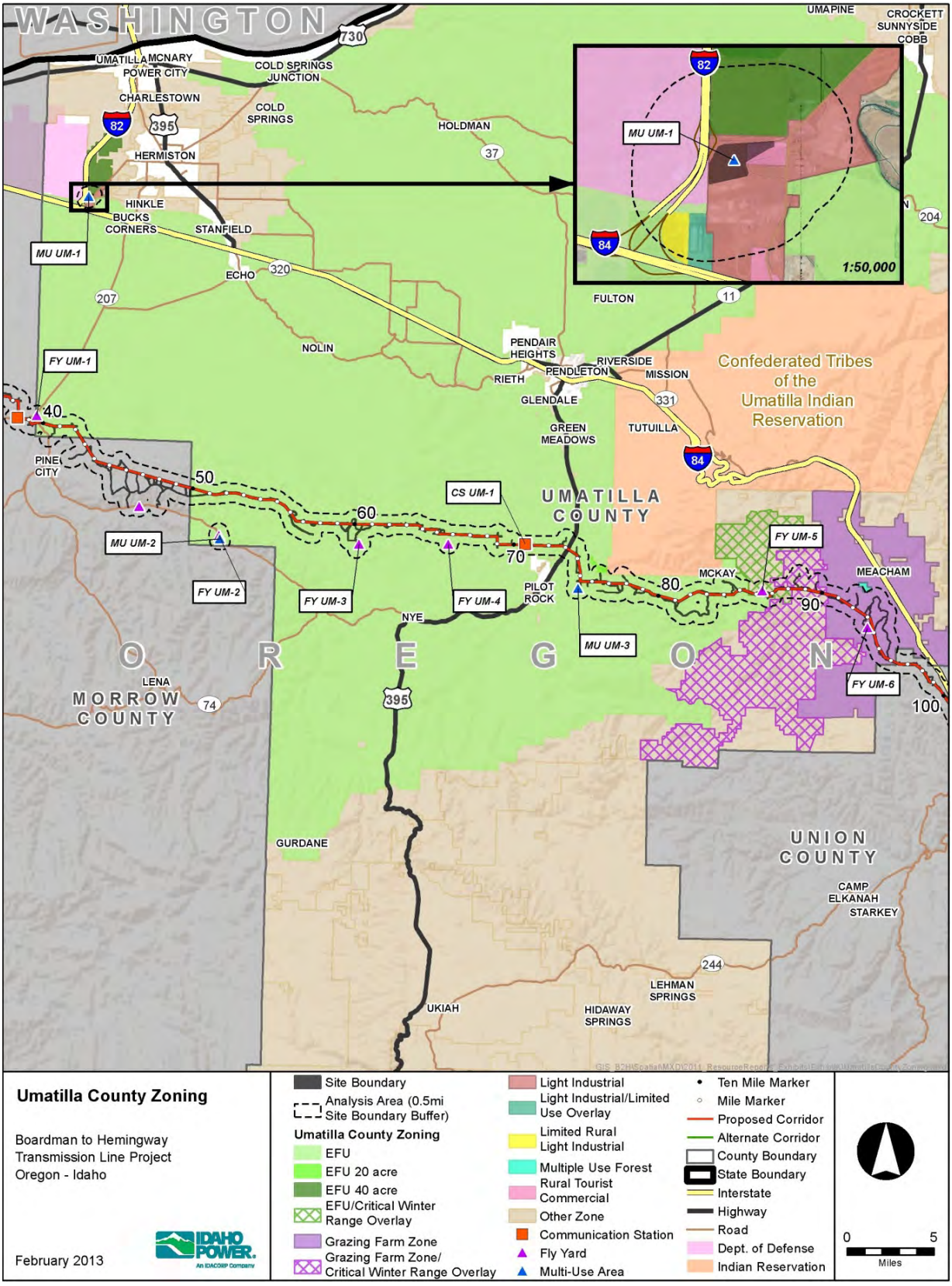

Figure K-8. Umatilla County Zoning

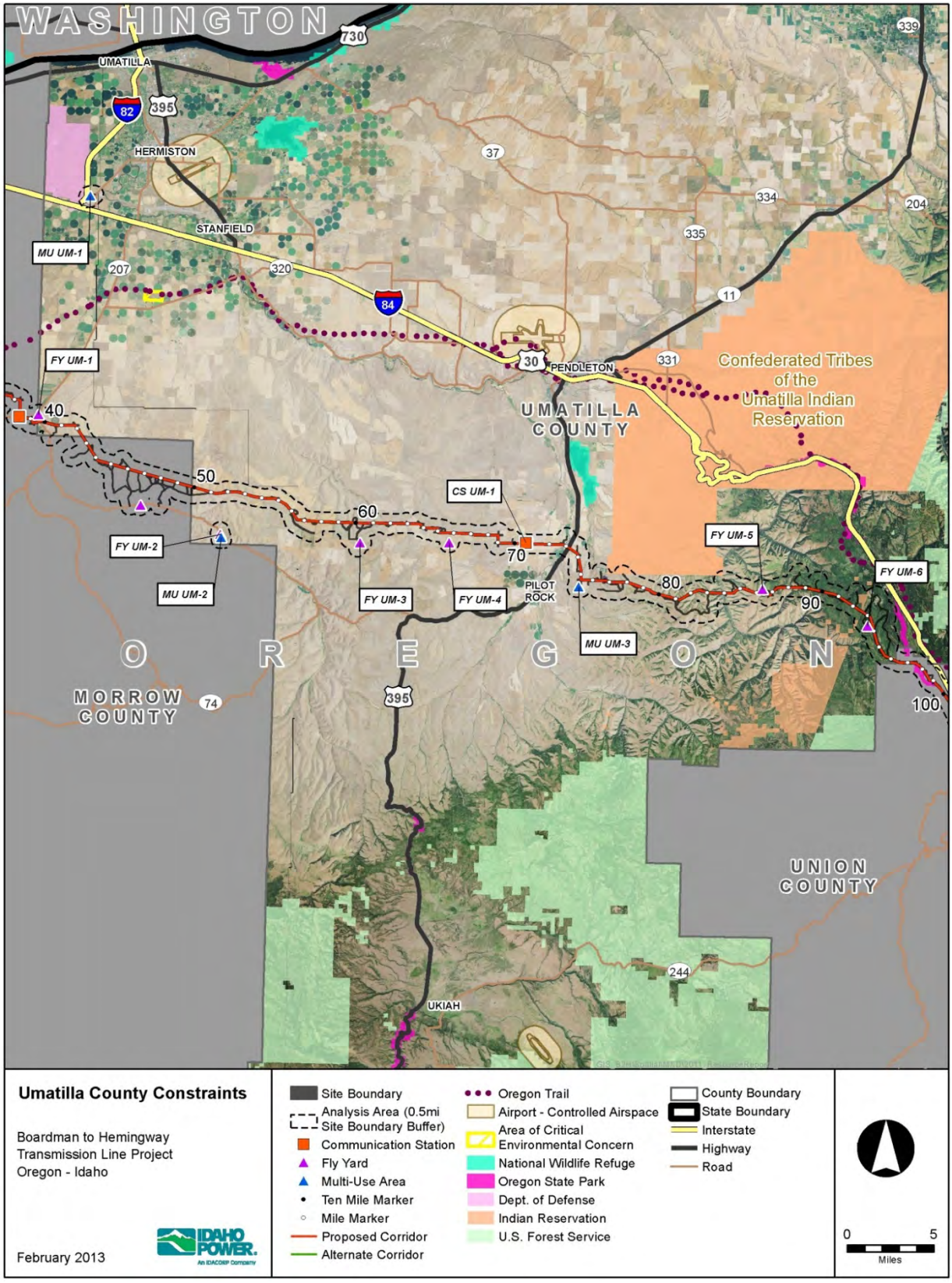

Figure K-9. Umatilla County Constraints

4.2.1 Applicable Substantive Criteria – Umatilla County Development Code

By letter dated September 15, 2010, Umatilla County identified the following applicable local substantive criteria from the Umatilla County Development Code (UCDC) and Umatilla County Comprehensive Plan. During preparation of Exhibit K, representatives of IPC[65] had numerous communications with the Umatilla County Planning Department to clarify the interpretation of the applicable substantive criteria.

4.2.1.1 UCDC 152.010 — Access

UCDC 152.010 ACCESS TO BUILDINGS; PRIVATE DRIVEWAYS AND EASEMENTS.

(A) Every building hereafter erected or moved shall be on a lot that abuts a public street or a recorded easement. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. In commercial and industrial zones, access points shall be minimized. To accomplish this, access shall be limited to one every 200 feet and shall be reviewed during the design review stage or the conditional use hearing. If necessary to accomplish this, driveways may be shared between two lots.

(B) Private driveways and easements that enter onto a public or county road or state or federal highway shall be constructed of at least similar if not the same material as the public or county road or state or federal highway to protect the edge of the road from rapid deterioration. The improvements shall extend at least 25 feet back from the edge of the existing travel lane surface.

Project-related access roads that enter onto a public or county road will be constructed using materials of at least similar if not the same as those used in construction of the public or county road. Where new access roads are developed that connect with existing paved public or county roads, improvements will extend at least 25 feet back from the edge of the existing travel lane surface. IPC will work with Umatilla County to ensure compliance with access road standards, including any applicable permit requirements.

4.2.1.2 UCDC 152.016 — Riparian Impacts

UCDC 152.016 RIPARIAN VEGETATION; WETLAND DRAINAGE.

(A) The following standards shall apply for the maintenance, removal and replacement of riparian vegetation along streams, lakes and wetlands which are subject to the provisions of this chapter:

(1) No more of a parcel's existing vegetation shall be cleared from the setback and adjacent area than is necessary for uses permitted with a zoning permit, accessory buildings, and/or necessary access.

UCDC 152.016 RIPARIAN VEGETATION; WETLAND DRAINAGE.

(A)(2) Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in subdivision (A)(1) above. Where vegetation removal beyond that allowed in subdivision (A)(1) above cannot be avoided, the site shall be replanted during the next replanting season to avoid water sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

UCDC 152.016 RIPARIAN VEGETATION; WETLAND DRAINAGE.

(A)(3) A maximum of 25% of existing natural vegetation may be removed from the setback area.

As discussed in Exhibit J, IPC has designed and located the transmission line and related and supporting facilities to avoid impacts to water resources including streams, rivers, and lakes, and where avoidance is not practicable, IPC will use stream crossing techniques to minimize impacts to waters and adjacent riparian zones. However, given the Project's linear nature, it will not be feasible to avoid crossing riparian zones. The location of conductors between

[65] Throughout Exhibit K, "representatives of IPC" refers to Tetra Tech, Inc. or McDowell Rackner & Gibson, PC.

transmission structures may require thinning of vegetation in riparian zones and temporary access roads will cross riparian zones. IPC will continue to collaborate with federal, state and local resource agencies to minimize impact to riparian areas and to incorporate agreements into final plans and specifications. For areas where temporary construction disturbance results in removal of riparian vegetation, natural vegetation will be replanted with indigenous species in the next replanting season as outlined in the draft Reclamation and Revegetation Plan (see Exhibit P, Attachment P-4).

UCDC 152.016 RIPARIAN VEGETATION; WETLAND DRAINAGE

(B) Minor drainage improvements necessary to ensure effective drainage on surrounding agricultural lands shall be coordinated with the Oregon Department of Fish and Wildlife and Soil and Water Conservation District. Existing drainage ditches may be cleared to original specifications without review.

Where required, IPC will coordinate minor drainage improvements with ODFW and Soil and Water Conservation District.

4.2.1.3 UCDC 152.017 — Conditions for Development

UCDC 152.017 CONDITIONS FOR DEVELOPMENT PROPOSALS.

(A) The proposed use shall not impose an undue burden on the public transportation system. Any increase meeting the definition of significant change in trip generation constitutes an undue burden.

UCDC 152.017 sets forth certain conditions applicable generally to development. Subsection (A) provides that a proposed use must not impose an undue burden on the public transportation system. The code further defines an "undue burden" as, "[a]ny increase meeting the definition of significant change in trip generation." A "significant change in trip generation" is:

> *A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: (1) for gravel surfaced County roads, 30 vehicles of less than 10,000 pounds Gross Vehicle Weight (GVW) and/or 20 vehicles of greater than 10,000 pounds GVW; (2) for paved County roads, 75 vehicles of less than 10,000 GVW; and (3) for State paved Highways, 150 vehicles 0f 10,000 pounds GVW or less and/or 100 vehicles of greater than 10,000 pounds GVW.*[66]

During operations of the Project, IPC expects to generate two trips per year for maintenance inspections along the length of the line, and accordingly will not exceed the "undue burden" threshold. During construction of the Project, there will be a greater impact to traffic; construction-related traffic impacts are expected to be limited in duration to approximately 24 months. In Umatilla County, Project construction activities and related vehicle trips will be centered around multi-use areas.[67] Typical activities at multi-use areas include material deliveries, show-up sites for construction workers, and the dispatching of material to tower work areas. If a batch plant is co-located at a multi-use area, concrete trucks will also be making

[66] UCDC 152.003.

[67] The multi-use areas will serve as field offices; reporting locations for workers; parking space for vehicles and equipment; and sites for material delivery and storage, fabrication assembly of towers, cross arms and other hardware, concrete batch plants, and stations for equipment maintenance. Limited helicopter operations may be staged out of multi-use areas. Multi-use areas, about 20 acres each for 500-kV construction and 10 acres each for 138/69-kV construction, will be located approximately every 25 miles along the corridor. Exact locations within the Site Boundary for multi-use areas will be developed during the detailed design phase. Preliminary locations are listed in Exhibit C, Table C-16 and shown on maps in Exhibit C, Attachment C-2.

several daily trips during foundation construction. In Umatilla County, there will be three multi-use areas. For the Lamb Road multi-use area, there will be approximately 93 vehicle trips per day, and it is possible that the threshold of 75 trips per day could be exceeded, but because there are two roads from which vehicles will travel to and from the Lamb Road multi-use area, it is more likely that traffic will be dispersed between the two roads and that the total for either road will be under the threshold. For Butter Creek multi-use area, there will be approximately 93 vehicles trips per day split between two roads. Based on a conservative assumption, IPC expects that no more than two-thirds of the daily traffic would be on either road; therefore, the trip count should not exceed 62 vehicles per day. For the Porter Road multi-use area, there will be approximately 95 vehicle trips per day, however there are three roads from which to access the multi-use area, therefore it is unlikely that the threshold of 75 vehicle trips per day will be exceeded. To the extent that the proposed use may exceed the trip generation threshold for local paved or gravel roads, IPC will address such impacts in a Road Use Agreement with Umatilla County.

UCDC 152.017 CONDITIONS FOR DEVELOPMENT PROPOSALS.

(B) For developments likely to generate a significant increase in trip generation, applicant shall be required to provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding system. The scope of the impact study shall be coordinated with the providers of the transportation facility.

As discussed above, IPC does not expect to exceed the "undue burden" threshold for impacts during the operational phase of the Project. To the extent that IPC may generate a significant increase in trip generation during construction, IPC will comply with UCDC 152.017(B). The Transportation and Traffic Plan (Transportation Plan; see Exhibit U, Attachment U-2) describes existing traffic conditions, the potential impacts of the Project, and IPC's proposed measures to mitigate these potential impacts. The Transportation Plan outlines measures that the construction contractor(s) and timber contractor(s) will implement during Project construction. These contractors will be required to submit detailed traffic and transportation plans to IPC that are consistent with the provisions in the Transportation Plan. The Transportation Plan will be submitted to and approved by the appropriate federal, state, and local agencies with authority to regulate use of public roads prior to construction. The construction contractor's plan will describe the following:

- Materials and equipment
- Final material/equipment transportation routes
- Total number of trips associated with delivery of materials and equipment
- Total number of construction workers and their distribution throughout the construction schedule
- Likely commuting routes and total number of trips for construction workers
- Specific road improvements needed to allow use of transportation routes
- Construction Best Management Practices (BMPs) that will be required

Similarly, IPC will require its timber contractor to develop plans describing the transportation routes for logs and logging slash/biomass (if slash removal is required). Final mitigation measures will be developed in consultation with appropriate federal, state, and local agencies. This will include IPC entering into a Road Use Agreement with Umatilla County.

UCDC 152.017 CONDITIONS FOR DEVELOPMENT PROPOSALS

(C) The applicant or developer may be required to mitigate impacts attributable to the project. Types of mitigation may include such improvements as paving, curbing, bridge improvements, drainage, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways or paths. The determination of impact or effect should be coordinated with the providers of affected transportation facilities.

IPC expects that there will be very few impacts to roads during operations of the Project. To the extent necessary, mitigation for temporary impacts to local roads related to construction of the Project will be coordinated with Umatilla County and addressed in the Road Use Agreement.

UCDC 152.017 CONDITIONS FOR DEVELOPMENT PROPOSALS.

(D) Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or access ways may be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

Because impacts to local roads will occur for a limited time during construction of the Project, and IPC expects only minimal impacts to local roads during operation of the Project, this criterion will not apply.

4.2.1.4 UCDC 152.059—EFU Land Use Decisions

UCDC 152.059 LAND USE DECISIONS.

In an EFU zone the following uses may be permitted through a land use decision via administrative review (§ 152.769) and subject to the applicable criteria found in § 152.617. Once approval is obtained a zoning permit (§ 152.025) is necessary to finalize the decision.

* * *

(C) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275.

The Project crosses the EFU zone in Umatilla County. A “utility facility necessary for public service” may be permitted the EFU zone, subject to the applicable criteria in UCDC 152.617(II)(7) (defining “utility facility necessary for public service” as the term is defined in ORS 215.275).

UCDC 152.617 STANDARDS FOR REVIEW: CONDITIONAL USES AND LAND USE DECISIONS ON EFU AND GF ZONED LANDS.

The following standards shall apply for review by the Planning Director or designated planning authority of the specific conditional uses and land use decisions listed below:

* * *

(II) EFU AND GF ZONE LAND USE DECISIONS

* * *

(7) Utility Facility Necessary for Public Service.

(a) Demonstrate 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 the following factors:

(1) Information provided in the technical and engineering feasibility;

(2) The proposed facility is locationally dependent. (It must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands.)

(A) Show a lack of available urban and non-resource lands;

(B) Due to availability of existing rights of way.

(C) Due to public health and safety concerns; and

(D) Show it must meet other requirements of state and federal agencies.

(b) Costs associated with any of the factors listed above may be considered, but cost alone, including the cost of land, may not be the only consideration in determining that a utility facility is necessary for public service.

(c) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.

(d) Mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

The Land Use Decision criteria listed above in UCDC 152.617(II)(7) mirror ORS 215.275 and the framework for the EFU analysis provided on a macro[68] level in Section 3.0. In Section 3.0, IPC demonstrates that the Project complies with ORS 215.283 and 215.275 on a "macro" level. Additionally, though beyond what is required to demonstrate compliance with ORS 215.283 and 215.275, IPC also demonstrates that the Project location on EFU in Umatilla County complies with the requirements of ORS 215.283 and 215.275 on a "micro" level (Section 4.2.3). This approach is consistent with the direction provided to IPC in the Project Order.

4.2.1.5 UCDC 152.063—EFU Development Standards

UCDC 152.063 DEVELOPMENT STANDARDS.

In the EFU zone, the following dimensional and development standards shall apply:

(A) *Minimum parcel frontage*. A parcel shall have a minimum street or road frontage of 30 feet.

(B) *Front yard setbacks*. All buildings shall be set back from front property lines and side or rear property lines adjoining county roads, public roads, state highways, or public or private access easements as follows:

(1) At least 30 feet from the property line or easement boundary; or

(2) At least 60 feet from the center line of the road, highway, or easement, whichever is greater.

(C) *Side and rear yard setbacks*. Except as provided in division (B) above, the following standards shall apply for side and rear yard setbacks:

(1) The minimum yard setback for farm or non farm dwellings shall be 20 feet.

(2) The minimum yard setback for accessory buildings or structures, for both farm and non farm uses, shall be five feet, except as otherwise provided in applicable conditions of approval, or as constrained by division (D) below.

(3) Special minimum yard setbacks may be established for an approved conditional use to protect the public health, safety and welfare and to mitigate possible adverse impacts to adjacent land uses.

The Project will attempt to satisfy the setback requirements. However, in some locations in the EFU-zoned lands, the Project may not meet front, rear, or side setbacks given the Project's linear nature and other routing constraints. For example, the location of the transmission line

[68] In the context of Exhibit K, "macro" analysis refers to analysis of the Project across all five counties, and "micro" analysis is a county-specific analysis.

and towers closer to a parcel's property line in order to minimize potential impacts to agricultural operations might not meet setback requirements. The communication station will be sited to meet the EFU setback requirements to extent possible. To the extent IPC cannot meet an EFU dimensional setback requirement, the Project nonetheless complies with statewide planning Goal 3 for the reasons discussed below in Section 5.0.[69]

UCDC 152.063 DEVELOPMENT STANDARDS.

(D) *Distance maintained from aggregate mining operations*. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling:

(1) Obtains a written release from the adjacent mining operation allowing a closer setback; and

(2) Waives his or her rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

This criterion applies to dwellings and does not apply to the Project.

UCDC 152.063 DEVELOPMENT STANDARDS.

(E) *Stream setback*. To permit better light, air, vision, stream pollution control, to protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands, and to prevent construction in flood prone areas along streams not mapped as part of the National Flood Insurance Program, the following setbacks shall apply:

(1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the DEQ sanitarian finds that a chosen location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake, or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark, except that this setback can be reduced to 20 feet if all of the following criteria are met:

(a) The parcel contains one acre or less; and

(b) It can be shown with photographs and maps that due to topography the proposed building will be located outside of a flood-prone area; and

(c) Location of the proposed building in compliance with the 100 foot setback would be inconvenient and inefficient with respect to the location of existing buildings on the property or due to topographic constraints.

The Project will not include any form of sewage disposal installation. The Project will consist of permanent facilities (*e.g.*, towers and access roads) in EFU-zoned land, and to the extent feasible, IPC will avoid siting permanent fixtures within 100 feet of lakes and streams in Umatilla County. As discussed in Exhibit J, IPC has designed and located the transmission line and related and supporting facilities to avoid impacts to water resources including streams, rivers and lakes, and where avoidance is not practicable, IPC will use stream crossing techniques to minimize impacts to waters and adjacent riparian zones. However, given the Project's linear

[69] Pursuant to OAR 345-022-0030(2)(b)(B), if a facility "does not comply with one or more of the applicable substantive criteria," the Council must find that "the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4)" in order to issue a Site Certificate. Accordingly, where the Project may not comply with an applicable substantive criterion such as the EFU setback requirements, IPC demonstrates how the Project otherwise complies with the applicable statewide planning goal by providing a full discussion of each statewide planning goal in Section 5.0 of Exhibit K.

nature, it will not be feasible to avoid crossing riparian zones. The location of conductors between transmission structures may require thinning of vegetation in riparian zones and temporary access roads will cross riparian zones. Temporary impacts associated with vegetation removal in the riparian zone will be mitigated in accordance with measures outlined in the Draft Reclamation and Revegetation Plan (see Exhibit P, Attachment P-4). IPC will continue to collaborate with federal, state, and local resource agencies to minimize impact to the riparian areas and to incorporate agreements into final plans and specifications. In the event that the Project cannot meet the 100-foot stream and lake setback requirement on EFU zoned land in Umatilla County, IPC demonstrates that the Project nonetheless complies with statewide planning goals for the reasons described in Section 5.0.

> (F) *Other development standards*. All development shall be subject to the regulations contained in §§ 152.010 through 152.017, §§ 152.545 through 152.562, and to the exceptions standards of §§ 152.570 through 152.577, including but not limited to: vision clearance, signs, off street parking, access, fences, wetland drainage, and maintenance, removal and replacement of riparian vegetation.

Umatilla County identified UCDC 152.010, 152.016, and 152.017 as potentially applicable to the Project. IPC analyzed UCDC 152.010, 152.016, and 152.017 above in Sections 4.2.1.1, 4.2.1.2, and 4.2.1.3, respectively. To the extent that Umatilla County identifies other development standards in UCDC 152.063(F) as applicable to the Project, IPC will analyze the Project's compliance with those development standards.

4.2.1.6 UCDC 152.080 — Grazing Farm Zone

> **UCDC 152.080 DESCRIPTION AND PURPOSE.**
>
> The GF, Grazing/Farm, Zone is designed to protect grazing lands, forest uses, and inclusions of agricultural land that are found within the county's mixed use farm/forest areas. The predominant use of the land is for grazing of livestock; however, there are some areas that are under agricultural cultivation and other areas where forest uses occur. The zone is also designed to conserve and protect watersheds, wildlife habitat and scenic values and views within the Blue Mountains. Certain land uses may be allowed conditionally. It is also the purpose of this zone to provide the automatic farm use valuation for farms and ranches which qualify under the provisions of ORS Chapter 308. Please see definition of farm use in § 152.003.

In Umatilla County, the Grazing Farm (GF) zone is a hybrid farm-forest zone that includes agricultural land, rangeland, and forest land. Under OAR 660-006-0050(1), a county may establish "agriculture/forest zones" in accordance with both Goals 3 (agriculture) and 4 (forestlands). Pursuant to OAR 660-006-0050(2), uses authorized in EFU zones in ORS Chapter 215 and uses authorized by OAR 660-006-0025 (forest lands) may be allowed in any agricultural/forest zone, subject to the requirements of the applicable section.

IPC has communicated with representatives from the Umatilla County Planning Department and has learned that the portion of the GF zone that is crossed by the Project is located entirely in Goal 4 forestlands.[70] Accordingly, IPC analyzes the Project as a conditional use under OAR 660-006-0025(4) regarding "uses authorized in forest zones."

[70] The UCDC does not specify an approach for determining whether a particular parcel zoned GF is Goal 3 or Goal 4 land. Consistent with Umatilla County Planning Department policy, county planning staff reviewed aerial photographs and determined that the land within the Site Boundary in the GF zone is forested Goal 4 land.

OAR 660-006-0025(4)(q)

New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width;

IPC analyzes the Project in the GF zone under OAR 660-006-0025(4)(q) for the following reasons. In its September 15, 2010, letter commenting on the Project, the Umatilla County Planning Department indicated that the use category applicable to portions of the Project that are located in Umatilla County's GF zone falls under UCDC 152.085(R), which concerns "[c]onstruction of new utility facilities, including transmission lines and towers, necessary for public service as provided in § 152.617 (I)(C)." While this category of use seems, at first glance, to potentially include the Project, a closer analysis reveals that it does not apply. Specifically, UCDC 152.617(I)(C) (mentioned above) further describes this use category as "Commercial Utility Facilities" for the purposes of generating and distributing power for public use by sale. The "Commercial Utility Facilities" use category[71] applies to a commercial generating facility and does not apply to the Project. As a result and after further communications, IPC and the Umatilla County Planning Department are in agreement that the Project is more consistent with the use category described in OAR 660-006-0025(4)(q), a "new electric transmission line," which is discussed in more detail below. Accordingly, the Umatilla County Planning Department has indicated that it intends to update the UCDC to include the "new electric transmission line" use category in the near future. Therefore, IPC analyzes the Project in the GF zone under OAR 660-006-0025(4) because the County will likely update the UCDC soon to be consistent with OAR 660-006-0025(4)(q).

Under OAR 660-006-0025(4)(q), a "new electric transmission line with right of way widths of up to 100 feet as specified in ORS 772.210" is a "conditional use," meaning a use allowed on Goal 4 forest lands subject to certain conditions. While OAR 660-006-0025(4)(q) expressly refers only to transmission lines with up to a 100-foot ROW, the Oregon Supreme Court has concluded that the use category defined in OAR 660-006-0025(4)(q) also includes new electric transmission lines with ROWs *greater* than 100 feet because of that provision's specific reference to ORS 772.210 (regarding condemnation). *See Save Our Rural Oregon v. EFSC*, 339 Or. 353, 375-76 (2005) (concerning the EFSC application of the COB Energy Facility LLC, and hereinafter referred to as *COB*). For the reasons explained below, the ROW required by the Project falls well within the "new electric transmission line" use set forth in OAR 660-006-0025(4)(q), and the Project ROW is therefore a conditional use on Goal 4 forest lands in Umatilla County.

OAR 660-006-0025(4)(q), in relevant part, states that "[t]he following uses may be allowed on forest lands subject to the review standards in section (5) of this rule: * * * [n]ew electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210."[72] ORS 772.210, in turn, relates specifically to "Rights of Ways for Public Uses" and public utility condemnation authority. It authorizes public utilities to "[c]ondemn such lands not exceeding 100 feet in width for its [transmission] lines." In addition, ORS 772.210(1) provides that "[i]f the lands are covered by trees that are liable to fall and constitute a hazard to its wire or line," the public utility may "condemn such trees for a width not exceeding 300 feet." ORS 772.210(2), a parallel provision tailored to address high-voltage transmission lines, similarly provides that a public utility may:

[71] OAR 660-006-0025(4)(j) provides a conditional use category for "commercial utility facilities for the purpose of generating power." A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, Division 4.
[72] OAR 660-006-0025(4); OAR 660-006-0025(4)(q).

> [W]hen necessary or convenient for transmission lines (including poles, towers, wires, supports and necessary equipment * * *) ***designed for voltages in excess of 330,000 volts, condemn land not to exceed 300 feet in width***. In addition, if the lands are covered by trees that are liable to fall and constitute a hazard to its wire or line, such public utility or transmission company may ***condemn such trees for a width not exceeding 100 feet on either side of the condemned land,*** as may be necessary or convenient for such purpose. (Emphasis added).

Thus, including the vegetative maintenance zone of 100 feet on either side of a 300-foot ROW, ORS 772.210(2) authorizes condemnation of a corridor of up to 500 feet for a 500-kV transmission line.

This approach is consistent with the precedent set in the *COB* case, cited above, in which the Oregon Supreme Court interpreted OAR 660-006-0025(4)(q)),[73] taken together with ORS 772.210(1), to allow a new electric transmission line with a ROW in excess of 100 feet on Goal 4 forest lands without requiring an exception to Goal 4. In *COB*, the facility proposed for development in the forest zone included a 100-foot wide corridor for a transmission line, as well as a vegetative maintenance zone of 54 feet on each side of the ROW and access roads.[74] In that case, the Supreme Court concluded that the 100-foot ROW was a permissive use, and that "ORS 772.210 allows a vegetative maintenance zone of up to 100 feet on either side of such a corridor."[75] Accordingly, the Court reasoned that no Goal 4 exception was required for the entire 154-foot corridor proposed by the applicant, and the entire 154-foot ROW was allowed in the forest zone as a conditional use.[76]

Given that OAR 660-006-0025(4)(q) specifically refers to ORS 772.210 in its entirety, not just subsection (1) of ORS 772.210,[77] the analysis in *COB* must be applied to include the wider ROWs identified in ORS 772.210(2) as within the scope of conditional uses authorized in Goal 4 forest lands. Although the *COB* opinion does not expand on the court's reasoning, it appears that the Court determined that the conditional use described in Klamath County analogue of OAR 660-006-0025(4)(q) should be read broadly to include the wider corridors described in ORS 772.210. Thus, applying the reasoning in *COB,* OAR 660-006-0025(4)(q) should be read to authorize up to a 300-foot ROW corridor for a new electric transmission line "designed for voltages in excess of 330,000 volts," as well as up to 100 feet on either side of such corridor for vegetative maintenance, in Goal 4 forest land. Accordingly, the Project is a "new electric transmission line" for the purposes of OAR 660-006-0025(4)(q) and up to a 500-foot ROW corridor should be considered a conditional use on Goal 4 forest lands in Umatilla County. The Project's compliance with the three conditional use siting criteria for forest lands provided in OAR 660-006-0025(5) is discussed below.

IPC recognizes that access roads proposed for development in Goal 4 forest lands outside of the 500-foot corridor are not included in the "new electric transmission line" use. *See COB.*[78]

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[73] In the *COB* case, the Court was interpreting a provision of the Klamath County Land Development Code containing the same language as OAR 660-006-0025(4)(q).
[74] *Save Our Rural Oregon v EFSC,* 339 Or. 353.375.376 (2005).
[75] *Id.*
[76] The Supreme Court noted that "the council determined that the roads did not meet Goal 4, reviewed the Goal exception criteria of ORS 469.504(2)(c), and took an exception to Goal 4 for access roads.
[77] When interpreting the meaning of an administrative rule, the standard rules of statutory construction apply and courts use the same methodology to interpret rules as they use to construe statutes. *PGE v. BOLI*, 317 Or. 606, 611 (1993). When examining the text and context of the rule, one must not "insert what has been omitted, or . . . omit what has been inserted." ORS 174.010. If possible, rules and statutes should be read in such a way as to give full effect to both.
[78] *Save Our Rural Oregon v. EFSC*, 339 Or. 353, 375-376 (2005).

Accordingly, IPC has analyzed access roads in forest lands separately and demonstrates that the Project warrants an exception to Goal 4 for access roads. See Section 6.0. Alternatively, in the event that EFSC concludes that the portion of the Site Boundary in the Goal 4 forest lands in the GF zone that exceeds the 100-foot ROW provided for in OAR 660-006-0025(4)(q) is inconsistent with Statewide Planning Goal 4, IPC seeks an exception to Goal 4 (discussed in detail in Section 6.0).

OAR 660-006-0025(5)

A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:

(a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

For purposes of this analysis, surrounding lands are defined as those lands located within 0.5 mile of the Site Boundary. Surrounding lands are zoned as GF, and predominately used as forestlands for commercial forest operation and for agricultural use, including grazing. There are likely several commercial forest operations within the analysis area. In addition, some agriculture and forest lands within the analysis area are managed for fire suppression, grazing enhancement, and pest control.

During construction, proposed activities within the GF zone include vegetation and timber clearing, using the methods described in the Vegetation Management Plan (see Exhibit P, Attachment P-5, Section 2), road improvements to permit access, and other construction related activities such as equipment and material delivery, tower construction, transmission line pulling, etc. Such activities will occur primarily within the proposed ROW.[79]

Commercial forest operations on surrounding lands occur periodically and may occur during construction of the Project. Potential interference with such use during Project construction would be limited to traffic interference between logging activities—primarily log hauling—and movement of Project construction equipment and supplies, or improvement of access roads that may be used by the Project and concurrent non-Project forest operations. To the extent necessary, IPC will coordinate with local road departments and other forest operators to time large-load deliveries to the extent such deliveries could potentially conflict with other forest or agricultural uses on surrounding lands. Ongoing forestland maintenance activities on surrounding lands are unlikely to be impacted by Project construction. Timber and vegetation removal will be isolated to the proposed ROW and clearing of hazard trees, and will have no impacts on the availability of timber on surrounding lands. In addition, IPC will implement erosion control measures in these areas to minimize impacts to wetlands, wildlife habitat, and agricultural operations and forest roads. Any grading to prepare the roads and ROW will be conducted under an NPDES 1200-C permit, which will incorporate an erosion and sediment control plan (Exhibit I, Attachment I-3). As described in the draft Reclamation and Revegetation Plan and the draft Vegetation Maintenance Plan (see Exhibit P, Attachments P-4 and P-5), IPC

[79] The multi-use areas will serve as field offices; reporting locations for workers; parking space for vehicles and equipment; and sites for material delivery and storage, fabrication assembly of towers, cross arms and other hardware, concrete batch plants, and stations for equipment maintenance. Limited helicopter operations may be staged out of multi-use areas. Multi-use areas, about 20 acres each for 500-kV construction and 10 acres each for 138/69-kV construction, will be located approximately every 25 miles along the corridor. Exact locations within the Site Boundary for multi-use areas will be developed during the detailed design phase. Preliminary locations are listed in Exhibit C, Table C-16 and shown on maps in Exhibit C, Attachment C-2.

will restore temporarily disturbed areas to preconstruction conditions and will implement a weed control plan.

During Project operations, limited activities will occur within the GF zone. IPC will inspect the Project components located within the ROW and manage vegetation, consistent with the Vegetation Management Plan (Exhibit P, Attachment P-5, Section 2), but generally, such activities will have relatively low impact and are unlikely to cause potential adverse impacts on surrounding forest operations. Forest operators directly adjacent to the ROW may need to slightly modify forestry practices to ensure that trees are removed safely and proper safety protocols are followed when operating equipment adjacent to existing transmission lines. IPC will work with adjacent landowners to maintain communication and provide education, as necessary. Access roads and the transmission line ROW will be monitored for drainage or erosion control problems and repaired as necessary.

For the foregoing reasons, IPC demonstrates that the facility will not force a significant change in or significantly increase the cost of accepted farming or forestry practices in the analysis area.

OAR 660-006-0025(5)

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

Fire protection and risk mitigation begins with the Project design and continues through construction with a strict set of rules governing worker activities and equipment use, and during operations through surveillance, maintenance, and coordination with local fire responders. Exhibit U, Section 3.3.6 and the Fire Protection and Suppression Plan (Exhibit U, Attachment U-3) describe measures in detail.

- **Design:** During design IPC will comply with design codes that prevent fire hazards including OPUC Construction Standards, the National Electric Safety Code requirements pertaining to the prevention of fire hazards related to outdoor public utility installations and the National Fire Protection Association Uniform Fire Code Handbook guidance related to the clearance of brush and vegetative growth in and around transmission lines.
- **Construction:** During construction, IPC and its contractor will maintain an active program of worker training, strict requirements for smoking, equipment standards, fueling, road management, assistance in fire-fighting, and following restricted operations during high risk periods.
- **Operation:** IPC will maintain coordination with the Oregon Department of Forestry and USFS for state and federal lands, respectively, and local fire protection agencies. Routine maintenance of roads and ROWs in forested areas will reduce the risk that combustible materials would come into contact with the conductors and ignite a fire. Transmission line protection and control systems will be incorporated into the system and are designed to detect faults (such as arcing from debris contacting the line) and will rapidly shut off power flow (in 1/60th to 3/60th of a second) if arcing is detected.

Accordingly, the Project will not significantly increase fire suppression costs or significantly increase risks to fire personnel and this criterion is met.

OAR 660-006-0025(5)

(c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

This subsection is not applicable to the Project as a use authorized under subsection (4)(q) (new electrical transmission line); OAR 660-006-0025(5)(c) applies only to uses authorized under subsections (4)(e) (private parks and campgrounds), (m) (reservoirs and water impoundments), (s) (home occupations), (t) (hardship dwellings) and (w) (private fishing accommodations) of this rule.

4.2.1.7 UCDC 152.353—Flood Hazard Overlay Zone

Although the Umatilla County Planning Department did not identify any directly applicable local substantive criteria regarding the flood hazard overlay zone, the Umatilla County Planning Department indicated an analysis of flood hazards should be presented.

UCDC 152.353 GENERAL PROVISIONS

(D) Floodplain Development Permit Required

A Floodplain Development Permit shall be required prior to initiating development activities in any Areas of Special Flood Hazard established in § 152.353, Section B.

The Project will be designed to avoid flood-prone areas to the extent feasible. Where avoidance is not possible, the Project will be designed to meet all local permitting requirements. Figure K-10 shows where the Project crosses SFHAs in Umatilla County. The Proposed Corridor in Umatilla County spans one SFHA located along Birch Creek north of the town of Pilot Rock. While there are no towers located within this SFHA, approximately 140 feet of a new access road does lie within this SFHA. No other project features are located within the floodplain in Umatilla County. To the extent necessary, IPC will obtain Floodplain Development Permits from Umatilla County prior to construction for any development activities that are proposed within the SFHA.

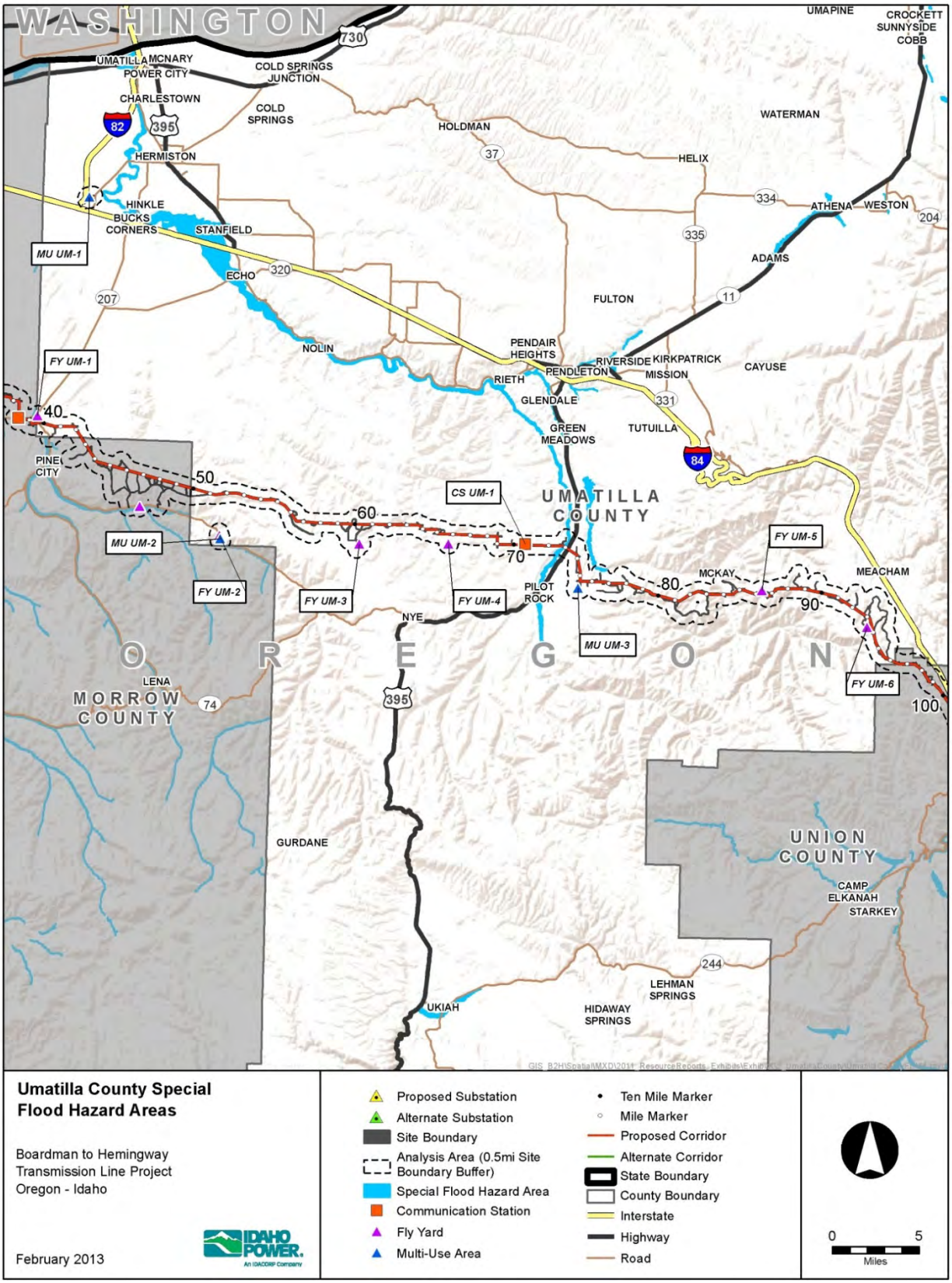

Figure K-10. Umatilla County Special Flood Hazard Areas

4.2.1.8 UCDC 152.439—Historic Archeological Cultural (HAC Overlay Zone)

UCDC 152.439 CRITERIA FOR REVIEW.

(A) New development.

(1) Upon receipt of a proposed new use request for a HAC site or structure, the Planning Director (if the use is permitted with a zoning permit) or the Hearings Officer (if the use is a conditional use) shall review the request within 30 days to see if the request will:

(a) Be compatible with the identified historical, archeological or cultural item identified on or near the site;

(b) The request is in conformance with applicable elements of the Comprehensive Plan;

(c) The request is in conformance with other applicable sections of this chapter;

(d) That the proposed new use will take into consideration setbacks, excavation, landscaping, scenic views and other man-caused land disturbances in relation to the identified HAC site or structure;

(e) That the proposed new use is appropriate and will assist in preserving the significant physical characteristics of the HAC site or structure;

(f) That the physical changes necessary for the proposed new use will not require substantial alteration, thus diminishing the historic significance of the historic site or structure;

(g) Conditions may be attached to the approval of a zoning or conditional use permit to ensure the viability of the HAC site or structure, including use of the documents referenced in § 152.438. Said conditions may include, but not be limited to, setbacks, site design, landscaping, architectural style, scale, texture and construction materials.

(A)(2) New development shall not be approved if it is found to be detrimental to the HAC site or structure as unsightly or otherwise adversely affecting the architectural significance, the integrity of historical appearance and educational and historical of the HAC site or structure; or is found not to be in accord with other HAC review criteria.

The HAC Overlay Zone is located at the north end of Umatilla County along the Columbia River, over 25 miles away from Project. As a result, no impact to resources in the HAC Overlay Zone is expected.

Additionally, however, UCDC 152.439 sets forth specific criteria applicable to proposed uses for HAC sites. UCDC 152.436 defines a HAC site as “any historic, archeological or cultural site or structure, or geographic area listed on the Umatilla County Register of Historic Landmarks or recognized as significant by the County Comprehensive Plan and Technical Report.” Umatilla County has not identified any specific HAC sites or structures in the Project analysis area.

Additionally, as explained in detail in Exhibit S, IPC has conducted extensive analysis of historic, cultural, and archeological resources in the analysis area. See Exhibit S, Section 3.2 for a discussion of survey methods.

4.2.1.9 UCDC 152.455 and 152.457—Wildlife (Critical Winter Range Overlay Zone)

UCDC 152.455 PURPOSE.

The purpose of the Critical Winter Range Overlay Zone (CWR) is to conserve and protect important elk and deer winter range in the county while allowing development at a density that will not significantly reduce the carrying capacity of the areas.

UCDC 152.457 EFFECT OF OVERLAY ZONE.

The CWR shall overlay an existing zone and the CWR Overlay Zone requirements and standards shall apply in addition to those specified for the underlying zone. * * *

The Critical Winter Range (CWR) Overlay Zone is intended to protect elk and deer winter range. The requirements and standards included in the CWR Overly Zone are focused on limiting the density of dwelling units in areas identified in the comprehensive plan as deer and elk critical winter range.[80] Because the construction of the Project does not include the construction of dwellings, these requirements and standards are not directly applicable. However, potential impacts on deer and elk have been assessed for the length of the Project through Umatilla County as described below and in Exhibit P.

The Proposed Corridor in Umatilla County crosses approximately 4.2 miles of deer and elk CWR and the Site Boundary in Umatilla County includes approximately 325.5 acres of CWR habitat. There are no specific standards for siting structures other than dwellings in CWR, but as demonstrated in the discussion of impacts to big game habitat in Exhibit P, IPC has considered impacts to CWR and expects the Project will not result in significant impacts to CWR. There may be short-term impacts to CWR during construction.

Displacement of big game from both winter and parturition area can affect winter survival by causing animals to use energy reserves that are needed to survive the winter. For the 4.2 miles of CWR crossed by the Proposed Corridor in Umatilla County, IPC will establish construction windows at time periods when big game are less sensitive to disturbances (these windows would be applied to ODFW-designated big game areas during the appropriate season; see Exhibit P, Section 3.3.7), thereby minimizing the risk of disturbing big game during sensitive periods. There is a risk of big game mortalities occurring due to wildlife-vehicle collisions; however, the risk of vehicle collisions would be minimized by speed limits that would be imposed on construction vehicles within the Site Boundary (see Exhibit P, Section 3.3.7). For additional discussion of impacts and proposed mitigation for big game, see Exhibit P, Sections 3.3.6 and 3.3.7, and IPC's draft Species Conservation Plan and draft Habitat Mitigation Plan (Attachments P-6 and P-7).

4.2.1.10 UCDC 152.615—Additional Conditional Use Permit Restrictions

UCDC 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such a environmental effects as noise, vibration, air pollution, glare or odor;

(B) Establishing a special yard, other open space or lot area or dimension;

(C) Limiting the height, size or location of a building or other structure;

(D) Designating the size, number, location and nature of vehicle access points;

(E) Increasing the required street dedication, roadway width or improvements within the street right of way;

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.

[80] UCDC 152.458.

(J) Designating the size, height, location and materials for a fence;

(K) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources;

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter.

In its September 15, 2010, letter, Umatilla County identified UCDC 152.615 as constituting potentially applicable local substantive criteria. UCDC 152.615 provides conditions that may be placed on uses permitted by conditional use permits. IPC understands that Umatilla County may impose one or more of the additional conditional use permit restrictions listed above with regard to the conditional use approval for the Project in the GF zone.

4.2.1.11 Light Industrial and Rural Tourist Commercial Zones

In the event that the Alternate Longhorn Substation Expansion is selected for development, IPC will develop a multi-use area[81] in the Light Industrial and Rural Tourist Commercial zones east of the intersection of I-84 and I-82. This multi-use area is a related and supporting facility to the Project. The Project is a utility facility and is a conditional use as provided in UCDC 152.303(16) and UCDC 152.283(D). In the event that IPC develops the Alternate Longhorn Substation Expansion, the multi-use area will comply with the conditional use criteria contained in UCDC 152.616(CCC).

4.2.1.12 Fire and Emergency Response Plan

Although Umatilla County did not identify any directly applicable local substantive criteria regarding fire and emergency response, Umatilla County expressed an interest in IPC's development of a fire and emergency response plan. IPC has developed a Fire Prevention and Suppression Plan (see Exhibit U, Attachment U-3) that details how IPC will prevent, respond to, and manage fire risk during the Project's construction and operations. Specific measures and precautions will be taken on forest lands to address fire risks. IPC will coordinate with the Oregon Department of Forestry and the USFS for state and federal lands, respectively, and will manage fire prevention activities on privately owned timber lands. Section 2 of the Fire Prevention and Suppression Plan discusses fire precautions during construction and operations. Accordingly, the Project will not significantly increase fire suppression costs or significantly increase risks to fire personnel and this criterion is met.

4.2.2 Applicable Substantive Criteria – Umatilla County Comprehensive Plan

4.2.2.1 Chapter VIII: Finding and Policy 37

Finding 37. Areas specifically set aside for natural resource exploitation, future development of reservoirs, energy generation and transmission facilities, and industry will lower the cost of eventual use as compared to allowing incompatible development on the same lands before such eventual use.

Policy 37. The County shall ensure compatible interim uses provided through Development Ordinance standards, and where applicable consider agriculturally designated land as open space for appropriate and eventual resource or energy facility use.

[81] The multi-use areas will serve as field offices; reporting locations for workers; parking space for vehicles and equipment; and sites for material delivery and storage, fabrication assembly of towers, cross arms and other hardware, concrete batch plants, and stations for equipment maintenance. Limited helicopter operations may be staged out of multi-use areas. Multi-use areas, about 20 acres each for 500-kV construction and 10 acres each for 138/69-kV construction, will be located approximately every 25 miles along the corridor. Exact locations within the Site Boundary for multi-use areas will be developed during the detailed design phase. Preliminary locations are listed in Exhibit C, Table C-16 and shown on maps in Exhibit C, Attachment C-2.

IPC is not aware of any areas specifically set aside for natural resource exploitation, future development of reservoirs, energy generation and transmission facilities in the analysis area for the Project. However, it appears that the Project is consistent with Finding and Policy 37 because the majority of the lands crossed in Umatilla County, the Project will be located on agriculturally designated land that may be considered open space appropriate for energy facility use. For additional discussion of the location of the Project on agricultural lands, see Section 4.2.3.

4.2.2.2 Chapter XIV: Finding and Policy 19

Finding 19. Utility facilities can remove valuable resource lands and create development problems for new developments and detract from existing development.

Policy 19. Where feasible, all utility lines and facilities shall be located on or adjacent to existing public or private rights-of-way so as to avoid dividing existing farm or forest units; and transmission lines should be located within existing corridors as much as possible.

Due to the size of the ROW required for a 500-kV transmission line and to NERC and WECC reliability requirements that provide minimum separation distances for high voltage transmission lines, it is not feasible to site the Project on or adjacent to existing public or private ROWs. Additionally, where feasible, IPC has followed property lines to avoid dividing existing farm or forest units. To the extent this finding and policy create local land use standards additional to the criteria contained in ORS 215.275, the finding and policy are inapplicable.[82]

4.2.2.3 Chapter XV: Finding and Policy 20

Finding 20. Major transmission lines (natural gas and electricity) traverse the county with additional expansion proposed, and additional new lines or pipelines could be proposed through the county.

Policy 20. The county will review right-of-way acquisitions and proposals for transmission lines and pipelines so as to minimize adverse impacts to the community.

Through the CAP process, IPC worked extensively with local landowners to select the Proposed Corridor. To the extent practicable, and in conjunction with consideration of other siting constraints, IPC considered and incorporated community input into its final corridor selection. Umatilla County, through its role as a Special Advisory Group in the EFSC process, will ensure compliance with Finding and Policy 20.

4.2.2.4 Comprehensive Plan Technical Report, Prairie Falcon and Curlew

In its September 15, 2010, letter, Umatilla County identified as local substantive criteria a portion of the Umatilla County Comprehensive Plan Technical Report (Technical Report), specifically the portion of the technical report addressing prairie falcon nesting area and curlew habitat. Figure K-11, Umatilla County Habitat Areas, depicts these habitat areas. The prairie falcon nesting areas and curlew habitat are designated 3C in the Technical Report, with the corresponding land use management directive to limit conflicting use. The Technical Report does not identify conflicting uses, but rather provides for future identification of conflicting uses by Umatilla County:

[82] LUBA recently reviewed Umatilla County's application of Policy 19, wherein Umatilla County required that the proponent for development of a transmission line consider co-location. Relying on *Brentmar v. Jackson County*, LUBA determined that "the county is not permitted to impose local land use standards on uses that are permitted under subsection (1) of ORS 215.283" and found that Umatilla County erred in so doing. *WKN Chopin, LLC v. Umatilla County*, LUBA No. 2012-016 at 20 (July 11, 2012).

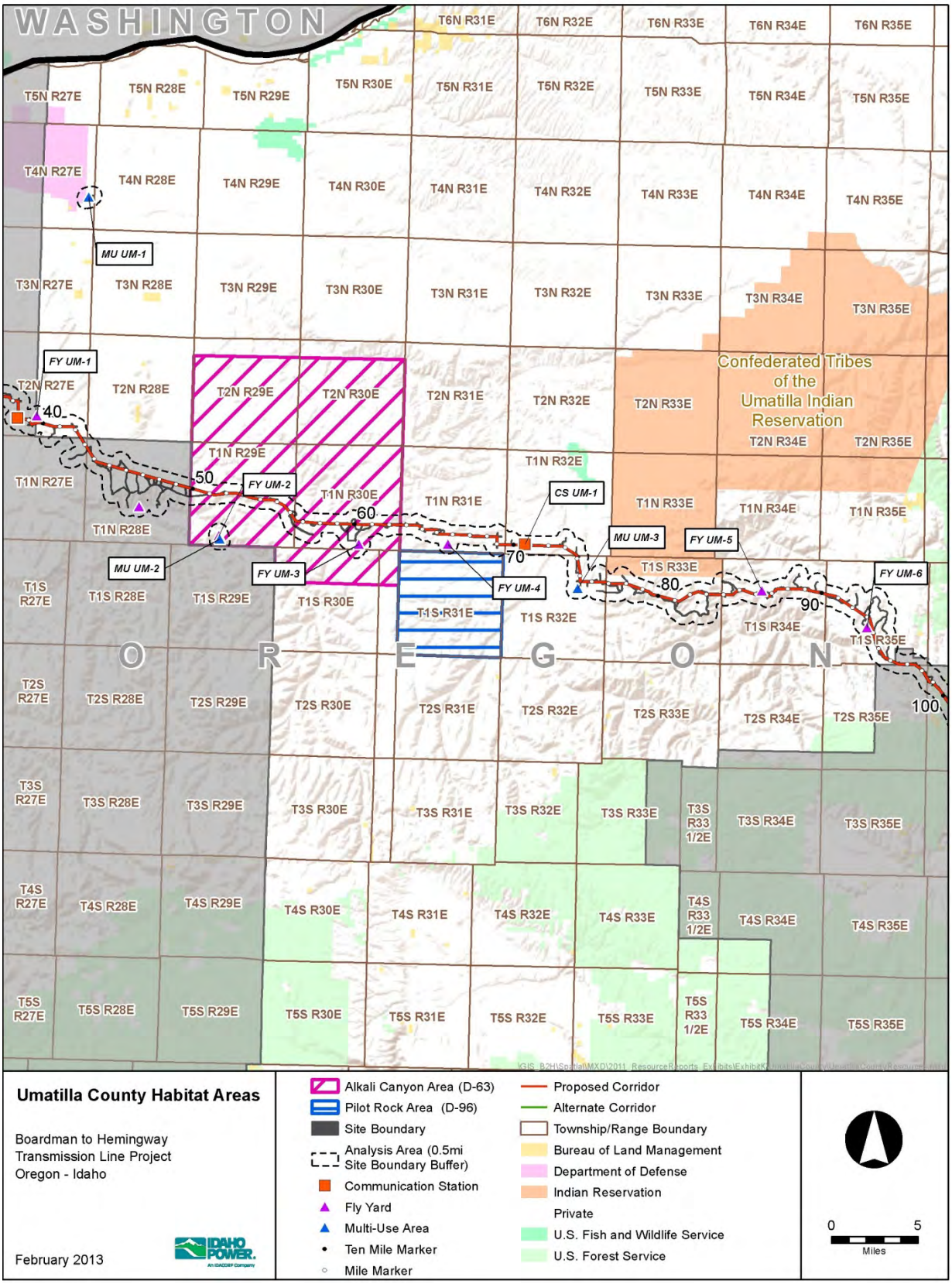

Figure K-11. Umatilla County Habitat Areas

> Because of the adverse consequences of both permitting and prohibiting conflicting uses for these sensitive habitats, standards are needed by which such conflicts can be specifically limited. These standards will be developed by Umatilla County, as no other adequate programs are currently in operation.[83]

Umatilla County has not identified any specific nesting sites or habitat areas; instead, the only Umatilla County mapping of this resource in the Project area shows a broad section of EFU at the western border of Umatilla County, which is the entirety of the sections of township and range in which Alkali Canyon is located (Technical Report, page D-63). Although there are other areas designated by Umatilla County as prairie falcon and long-billed curlew habitat, those areas do not intersect with the analysis area of the Project.

Although beyond what is required by the Umatilla County Comprehensive Plan, IPC has conducted field surveys and has identified the presence of long-billed curlews in the analysis area of Project. During field surveys, 25 long-billed curlews were observed in the area designated as long-billed curlew habitat on page D-63 of the Technical Report. No prairie falcon nests were observed in the analysis area. IPC has been in regular consultation with ODFW regarding avoidance and minimization of impact to habitat, and IPC has developed a habitat mitigation plan in collaboration with ODFW. For additional information, refer to IPC's draft Species Conservation Plan and draft Habitat Mitigation Plan (Attachments P-6 and P-7).

4.2.3 EFU Micro Analysis for Umatilla County

As discussed above in Section 3.1, IPC has complied with ORS 215.275 at the "macro"[84] level, which is all that ORS 215.275 requires. Though beyond what is required by the statute, the following section demonstrates compliance with ORS 215.275 at the "micro" level, by providing a detailed discussion of the necessity of siting the Project in EFU in Umatilla County. This section is organized in the same way as the "macro" analysis provided in Section 3.1, and provides evidence to demonstrate that the Project is a utility facility necessary for public service that must be sited on EFU-zoned land in Umatilla County.

4.2.3.1 Reasonable Alternatives Considered

Through the CAP, IPC considered approximately 11 alternative routes or segments in Umatilla County, all of which cross EFU (see 2010 Siting Study). The Supplemental Siting Study contains additional discussion regarding the consideration of alternatives in this area that led to the selection of the Proposed Corridor and identification of alternative corridor segments. However, EFU-zoned lands in Umatilla County are unavoidable in reaching the proposed or alternate substation sites from the designated Wallowa- Whitman NF utility corridor. As a result, there are no reasonable non-EFU alternative routes in Umatilla County.

4.2.3.2 Factors Requiring Siting of the Project on Umatilla County Land Zoned EFU

The primary factors requiring the siting of the Project on EFU zoned lands in Umatilla County are locational dependence and lack of available urban and nonresource lands. The requirements of federal agencies also influenced the location of the Project on EFU.

Technical and Engineering Feasibility

There are no technical or engineering criteria that resulted in the location of the Project on EFU.

[83] See Technical Report, page D-65.
[84] In the context of Exhibit K, "macro" analysis refers to analysis of the Project across all five counties, and "micro" analysis is a county-specific analysis.

Locational Dependence

Locational dependence is the primary factor. As shown on Figure K-8, the location of the Project is dependent on EFU because it must cross land in one or more areas zoned for EFU to achieve a reasonably direct route. The vast majority of land west of the Wallowa-Whitman NF utility corridor and from the border with the State of Washington south nearly to the Grant County border is zoned EFU. A direct crossing of Umatilla County proceeding west from the Wallowa-Whitman NF utility corridor toward the proposed location for the Proposed Grassland Substation Expansion (or other endpoint in Morrow County) cannot avoid EFU-zoned lands.

Lack of Available Urban and Nonresource Lands

The lack of available urban and nonresource lands is another key factor. As shown on Figure K-8, there is little in the way of available urban and nonresource lands in the vicinity of the Project. As a result there are no urban or nonresource lands upon which to locate the Project in Umatilla County between the point at which the Project exits Morrow County and point at which the Project enters Union County. Consequently, EFU lands must be crossed by the Project.

Availability of Existing Rights of Way

Availability of existing ROWs was not a factor influencing the location of the Project on EFU land because there are no existing ROWs available for the Proposed Corridor to occupy in Umatilla County. IPC requires a separation equal to the length of the adjacent span (assumed to be 1,500 feet for a 500-kV transmission line) to ensure electrical reliability. The separation requirement precludes IPC's ability to combine existing and proposed transmission lines in the existing ROW.

Public Health and Safety

This factor did not lead to the siting of the Project in EFU-zoned lands in Umatilla County.

Other Requirements of State or Federal Agencies

This factor influenced the location of the Project in Umatilla County. As stated above in Section 3.1.2.6, an important planning requirement in the development of the Project was the presence of the USFS-designated utility corridor to cross the Wallowa-Whitman NF. Although the utility corridor is in Union County, from where the Proposed Corridor exits the NF at the north end of the county, the most direct route would proceed nearly east to west across EFU-zoned lands.

4.2.3.3 Costs Were Not the Only Factor Considered

As discussed in the Siting Study (Exhibit B, Attachment B-1), costs were not the only consideration in selecting IPC's Proposed Corridor and alternate corridor segments. Avoidance of sensitive resources, permitting, and construction factors, and extensive input from local citizens and officials and many other stakeholders were the primary factors in corridor selection.

4.2.3.4 Restoration of Agricultural Land

Table K-6 describes the temporary and permanent impacts on agricultural lands in Umatilla County. Appendix B of the Agricultural Assessment (Attachment K-1) contains aerial photographs showing affected agricultural areas in the EFU zone.

Table K-6. Temporary and Permanent Impacts on Agricultural Lands in Umatilla County

Corridor	Agriculture Type[1]	Temporary Impacts (acres)	Permanent Impacts (acres)
Proposed Corridor	Dryland Farming	268.1	38.9
	Irrigated AG	1.5	0.5
	Pasture/Hay	10.4	4.4
Longhorn Alternate	Dryland Farming	0.7	–

[1] Dataset comprises ReGAP vegetation layer (2009) and desktop analysis (aerial interpretation to reclassify agriculture categories into irrigated agriculture or dryland farming using 2012 NAIP).

Appendix B of the Agricultural Assessment (Attachment K-1) is the AIMP, which discusses measures IPC will take to minimize and mitigate for potential impacts to agricultural operations within each zone. These measures can be adopted as conditions of approval to ensure that the Project will not result in significant adverse impacts to agricultural lands within this portion of the Project.

4.2.3.5 Mitigation and Minimization Conditions

As discussed in Section 3.1.4.2 and in the AIMP, IPC does not expect that the Project will have adverse impacts on surrounding lands, result in significant changes in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

To the extent that the Council or Umatilla County has concerns about impacts to surrounding agricultural land, the Council may incorporate elements of the agricultural mitigation plan into the conditions required for issuance of a site certificate. Additionally, through its role as a Special Advisory Group, Umatilla County may provide recommendations to the Council regarding conditions to include in the site certificate.

4.2.4 Response to Other Comments by Umatilla County

In its September 10, 2010, letter, Umatilla County raised the following additional issues.

4.2.4.1 Landowner Authorization

> The EFSC process does not require landowner authorization prior to submittal of an application. However, landowner authorization is required by Umatilla County prior to action on a land use permit application, for example before the processing a Conditional Use Permit pursuant to issuance of a Site Certificate. Authorization may be provided in the form of a landowner signature(s) or other legal authorization.

IPC will obtain landowner signatures or other legal authorization after issuance of the Site Certificate and prior to construction, and will provide the landowner signatures or other legal authorization as required by applicable conditions of the Site Certificate.

4.2.4.2 Regional Transmission Impacts

> While the scope of this specific NOI is the pending Idaho Power Company Project, Planning Commission expressed concern about the cumulative impacts of multiple transmission lines in Umatilla County and the region. To that end, Planning Commission request EFSC and the state give consideration to the methods of planning for and consolidating transmission corridors, over sizing projects and otherwise preventing excessive or redundant transmission lines.

As described in Exhibit N, IPC has demonstrated need for the Project under both the least-cost plan rule, OAR 860-023-0020, and the system reliability rule for transmission lines, OAR 345-023-0030. Where a proposed facility or a substantially similar proposed facility is included in the preferred portfolio of an IRP acknowledged by the OPUC, EFSC must find that the need standard has been satisfied. As explained in detail in Exhibit N, IPC also demonstrates need for the Project under the system reliability rule for transmission lines.

Under EFSC's rules, the Council is not authorized or required to consider "methods of planning for and consolidating transmission corridors" in the sense contemplated by Umatilla County's comment. Rather, so long as the Council finds that OPUC has recognized the need for a proposed transmission line in an acknowledged IRP, the Council must conclude that the Project meets the EFSC need standard. This is a public policy approach established by the legislature and is based on the fact that, in order to meet the OPUC's guidelines and goals, the IRP process requires a utility to identify several portfolios of different combinations of resources that can be used to meet the utility's load over a twenty-year planning horizon. OPUC acknowledgement of an IRP means that the IRP is "reasonable, based on information available at the time." The OPUC's IRP guidelines recognize that all utility planning encompasses uncertainty and requires only that utilities consider the uncertainties in their planning and that the preferred portfolio represent the best combination of expected costs and associated risks and uncertainties. Exhibit N provides a detailed summary of IPC's least-cost plan (or IRP). IPC's 2009 and 2011 IRPs include the Project as an essential component; both the 2009 IRP and the 2011 IRP were acknowledged by the OPUC. To the extent that the Planning Commission believes that additional transmission planning should be required at the state level, that issue must first be raised with the legislature.

Moreover, since 2001, several regional initiatives have evaluated the cost and benefits of new transmission additions in the Northwest. These studies have all identified constraints on the existing transmission system between the Mid-Columbia market in the Pacific Northwest and load centers in the intermountain region, including southeastern Oregon and southwestern Idaho, and have identified the need for new transmission additions to alleviate constraints. Several studies have specifically concluded that the Project would provide key benefits to the region, both with regard to reliability and cost of power. *See* The Northern Tier Transmission Group (NTTG) *NTTG 2008-2009 Biennial Transmission Plan,*[85] *The Transmission Expansion Plan 2009-2019* prepared by ColumbiaGrid.[86] In summary, the Project will provide additional capacity for the delivery of up to 450 MW of needed energy to IPC's service area by mid-2016, alleviate reliability constraints, and relieve existing transmission congestion in the region.

4.2.4.3 Forest Rules OAR 660-006-0025(4)(q)

The Forest Rules allow for the "construction of a new utility facility, including transmission lines and towers, necessary for public service with right-of-way widths of up to 100 feet as specified in ORS 772.210." This Rule limits the right-of-way to 100 feet; however, by reference to ORS 772.210 an applicant may request a larger right-of-way. Verification of compliance with this rule should be included in the application.

[85] Through the NTTG planning process conducted in 2007, along with the current 2008-2009 biennial planning process, NTTG identified a number of potential transmission projects, including the Project. IPC has committed to support NTTG's efforts to establish a coordinated subregional study process, involving both economic and reliability components. As part of the subregional study process, the Project was identified in the long-term (10-year) bulk transmission expansion plan.

[86] ColumbiaGrid conducted studies to assess the effect on power transfer through region associated with the planned use of several northwest proposed transmission projects including the Boardman to Hemingway project. The study determined that the Boardman to Hemingway project could add significant parallel capacity to the existing Idaho to Northwest transfer path and denoted as providing "possible significant benefit."

For analysis of application of the Forest Rules OAR 660-006-0025(4)(q), see the discussion of the GF zone in Section 4.2.4.

4.2.4.4 Use of Easement and Right-of-Way

> The NOI appears to use the terms right-of-way and easement interchangeably. Idaho Power officials have indicated that they intend to secure leases (easements) for most of the transmission line. For certain segments and appurtenances, for example a substation, Idaho Power may want to own the land outright. Where the land purchase is for a portion of an existing parcel, a land partition application would be required. A county land partition application would be separate from the Site Certificate Application.

IPC intends to secure easements for the majority of Project features, and therefore does not expect to require partition of any parcel in Umatilla County. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Umatilla County prior to construction.

4.2.4.5 Umatilla Basin Water Commission

> The recently formed Umatilla Basin Water Commission is working on an important groundwater recharge project in the western region of Umatilla County. A portion of the proposed routes may cross some of the recharge area. Planning Commission encouraged Idaho Power to coordinate closely with the UBWC so that the transmission towers and route would not conflict with the recharge project.
>
> * * *

The Umatilla Basin Water Commission (UBWC) is an intergovernmental entity formed in 2012 to coordinate implementation of the Umatilla Basin Aquifer Restoration (UBAR Project), a regional project authorized and funded by the Oregon Legislature. The Commission members are CTUIR, Morrow County, Umatilla County, and the Westland Irrigation District. Stage I of the UBAR Project was completed in March 2011, and the UBWC anticipates full build-out within 5 years. Ultimately, UBWC intends to operate the recharge system indefinitely.

An IPC representative contacted the Executive Director of the UBWC, J.R. Cook, by telephone on August 14, 2012, and learned that UBWC's primary concern regarding the Project's potential impacts on the UBAR Project is access. The UBWC wants to be sure that there will not be access restrictions along the Project that would impact pipeline maintenance or its ability to reach a recharge or monitoring area that may be accessible only by crossing the Project ROW or may be located within the Project ROW.

Based on IPC's review of the UBWC's preliminary GIS mapping data, shown in Figure K-12, it appears that the only area in which the Project crosses the UBAR Project is along the Longhorn Alternate Corridor Segment in Morrow County. In particular, it appears that the UBAR Project has several monitoring locations within the Project Site Boundary near the Longhorn Alternate Substation. IPC will continue to review this information with the UBWC to ensure that the Project will not limit access to the UBAR Project components.

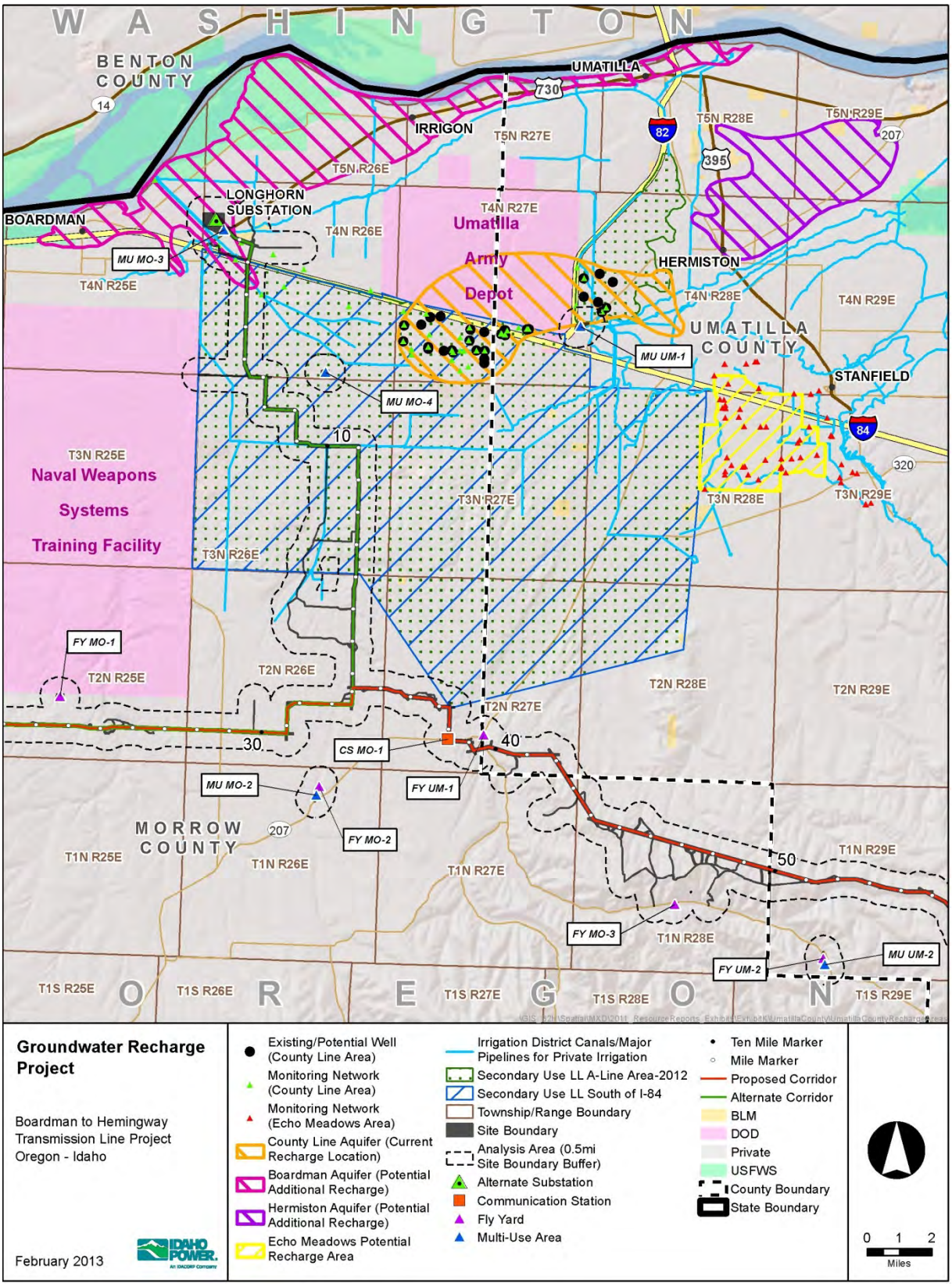

Figure K-12. Groundwater Recharge Project

4.2.4.6 Use of Land Underneath the Transmission Lines

> Planning Commission recommended that Idaho Power Company make reasonable efforts to allow farming and agricultural practices to continue in the area underneath the power lines. That would help minimize the resource ground that is removed from production, which includes grazing, cultivation, irrigation, and a large number of natural resource management practices.

As discussed in the AIMP, IPC will make every effort to ensure that agricultural practices may continue in the area underneath the transmission lines to minimize the impact of the Project on agricultural and farming practices.

4.2.4.7 Mitigation

> Planning Commission expressed concerns that the impacts of the transmission line may be greater than the benefits. The potential tax revenue is limited and therefore the commission requested that EFSC give some consideration to provision of an impact fee.

Umatilla County notes in its letter that the Planning Commission expressed concerns that the impact of the transmission line may be greater than the benefits, and requests that the Council consider requiring an "impact fee" from IPC. As discussed in the AIMP, the impacts of the transmission line to agricultural and farming practices will be minimal and the Site Certificate will fully address all mitigation required by law by imposing relevant mitigation conditions.

4.2.4.8 Project Roads

> You requested input on a road standard. The county does not have a particular design to recommend but acknowledges the merit of a single design for the entire project. Generally, it is recommended that roadways be designed to minimize impact to resource ground and that the surface be managed to abate noxious weeds.

As discussed in additional detail in Exhibit B, IPC has designed and sited roads to minimize impact to resource lands. IPC will manage areas within the Site Boundary to abate noxious weeds. IPC's draft Reclamation and Revegetation Plan and draft Vegetation Management Plan (see Exhibit P, Attachments P-4 and P-5), including management of noxious weeds, is discussed further in Exhibit P. IPC will develop a Road Use Agreement with Umatilla County and IPC will apply for any necessary Road Access Permits for new access roads connecting with or crossing an existing road. IPC will work directly with Umatilla County to obtain any necessary Road Access Permits, and expects to obtain the permits prior to construction.

4.3 Union County

The following section describes the Project in Union County, and provides analysis regarding compliance with local substantive criteria identified by Union County. Table K-7 summarizes the zoning districts crossed by the Proposed Corridor site boundary and Glass Hill Alternate site boundary. Project structures include transmission structures and a communication station. There are no additional zones crossed by the Exhibit K analysis area that are not listed in Table K-7 below.

Table K-7. Union County Site Boundary Acres and Corridor Miles by County Zoning Designation

Union County Zones	Proposed Corridor		Glass Hill Alternate Corridor	
	Centerline (miles)	Site Boundary (acres)	Centerline (miles)	Site Boundary (acres)
Total	***39.8***	***3,047.0****	***7.5***	***683.5***
Exclusive Farm Use A-1	3.5	277.8	–	–
Agricultural Grazing A-2	5.0	356.0	–	–
Timber-Grazing A-4	31.3	2,386.2	7.5	683.5

*26.9 acres of the 3,047.0-acre Site Boundary in Union County is located in the city of North Powder and is analyzed in Section 4.4.

Figure K-13 below is a map of Union County showing the location of the Proposed Corridor and Glass Hill Alternate, analysis area, Site Boundary, and transmission line centerline. As shown on Figure K-13, permanent facilities of the Proposed Corridor and Glass Hill Alternate are located predominately on lands zoned EFU, Agriculture-Grazing, and Timber-Grazing. Figure K-14 shows siting constraints in Union County, including the National Forest Utility Corridor, the Glass Hill Rebarrow Research Forest, Wildlife Management Areas, and State Parks.

Proposed Corridor

The Proposed Corridor traverses Union County for 39.8 miles, crossing 5.9 miles of the Wallowa-Whitman NF; 1 mile of Vale District, BLM-managed lands; and 32.9 miles of privately-owned lands (see Exhibit C, Attachment C-2). See Exhibit C, Table C-4 for a list of Project features that would be located within Union County.

As proposed, the Project includes one communication station in the A-4 Zone. The typical communication site will be 100 feet by 100 feet, with a fenced area of 75 feet by 75 feet. A prefabricated concrete communications shelter with dimensions of approximately 11.5 feet by 32 feet by 12 feet tall will be placed on the site. A description of the facility is contained in Exhibit B, Section 3.2.2.3.

After entering Union County at MP 96.3, the Proposed Corridor continues east enters the Wallowa-Whitman NF at MP 99, where it crosses within a designated utility corridor for 5.5 of the total 5.9 miles of National Forest System land crossed. Between MP 102.5 and 102.7, the Proposed Corridor traverses Railroad Canyon, a designated segment of the Blue Mountain Corridor. The Blue Mountain Forest State Park comprises six separate parcels located along I-84, the Old Oregon Trail Highway. Between MP 106.4 and MP 107 the Proposed Corridor proceeds south, passing about 0.4 mile west of Hilgard Junction State Park. At MP 107.4, the Proposed Corridor proceeds southeasterly for approximately 4 miles then angles to the southeast.

Between MPs 117 and 120, the Proposed Corridor traverses Glass Hill staying to the west of the existing IPC 230-kV transmission line. At MP 127, the corridor proceeds southeast along the northeast side of Clover Creek Valley and then maintains an offset of at least 1,500 feet to the southwest of the existing IPC 230-kV line and crossing mostly rangeland to the Union County/Baker County line at MP 136. One communication station would be constructed near MP 108.8 of the Proposed Corridor.

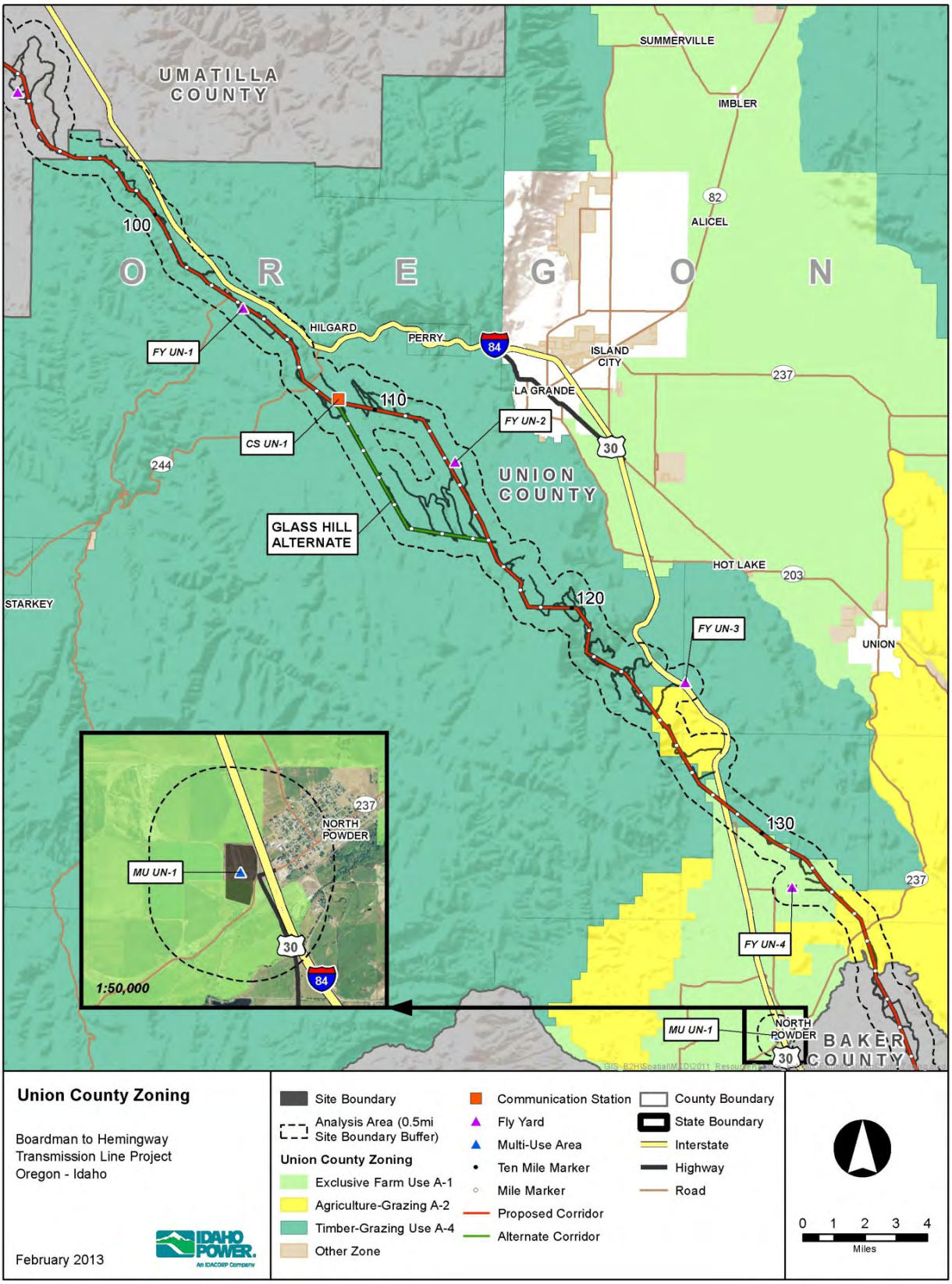

Figure K-13. Union County Zoning

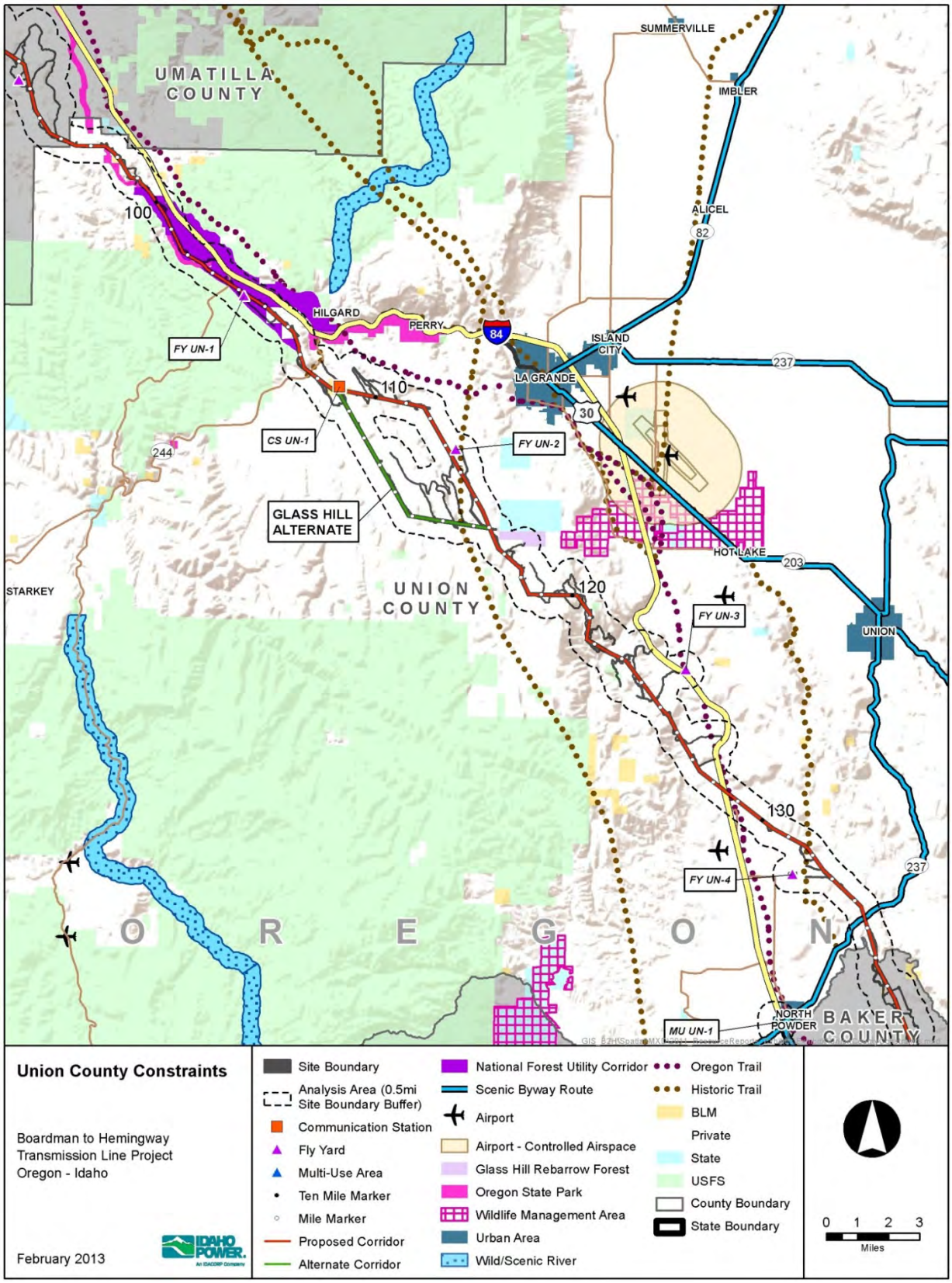

Figure K-14. Union County Constraints

Glass Hill Alternate

The Glass Hill Alternate is a 7.5-mile corridor located west of the Proposed Corridor on private land (see Exhibit C, Attachment C-2). Table C-4 lists facility features that would be located within Union County. The Glass Hill Alternate leaves the Proposed Corridor at MP 108.5 proceeding southeast following a ridge to the west of Graves Creek for 4.5 miles. At MP 4.9, Glass Hill Alternate angles easterly and crosses several ridges. At MP 5.0 the alternate crosses an unnamed road before traversing the first of several canyons and Little Rock Creek over a 1.6 mile distance. The Glass Hill Alternate joins with the Proposed Corridor at about MP 116.

4.3.1 Applicable Substantive Criteria from UCZPSO

On October 30, 2008, the Union County Planning Department submitted a letter to ODOE in response to IPC's 2008 NOI, in which the Union County Planning Department identified local substantive criteria from the Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) applicable to the Project. IPC does not know of any subsequent communication from Union County to ODOE regarding the Project. During preparation of Exhibit K, representatives of IPC[87] had numerous communications with the Union County Planning Department to clarify the interpretation of the applicable substantive criteria.

4.3.1.1 EFU Zone (Zone A-1) – UCZPSO Article 2.00

ARTICLE 2.00

A-1 EXCLUSIVE FARM USE ZONE

2.01 PURPOSE

The Exclusive Farm Use Zone is intended to conserve and maintain productive agricultural land for continued agricultural use, in accord with the Exclusive Agriculture Land Use Plan classification provisions.

2.03 ADMINISTRATIVE USES

The following uses may be established in an A-1 Zone subject to the review process identified in Section 24.02 (Planning Director Land Use Decision). The USDA Natural Resources Conservation Service soil information shall be used to determine the applicable standards to identify rangeland vs. cropland.

* * *

7. Utility facilities, and similar minor facilities necessary for public service and repair, replacement and maintenance thereof, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A facility is considered necessary if it must be situated in an agricultural zone in order for the service to be provided. [OAR 660-33-130(16) & ORS 215.283(1)(d)]

* * *

Under UCZPSO Section 2.03, a facility is considered necessary if it must be situated in an agricultural zone in order for the service to be provided (OAR 660-33-130(16) and ORS 215.283(1)(d)). Consistent with its zoning ordinance, Union County identified ORS 215.283, ORS 215.275, and OAR 660-033-0130(16) as applicable to the siting of the Project on EFU-zoned land. In Section 3.0, IPC demonstrates that the Project complies with ORS 215.283 and ORS 215.275 on a "macro" level. Additionally, though beyond what is required to demonstrate compliance with ORS 215.283 and ORS 215.275, IPC also demonstrates that the Project location on EFU-zoned land in Union County complies with the requirements of ORS 215.283 and ORS 215.275 on a "micro" level (Section 4.3.3). This approach is consistent with the direction provided to IPC in the Project Order.

[87] Throughout Exhibit K, "representatives of IPC" refers to Tetra Tech, Inc. or McDowell Rackner & Gibson, PC.

In addition to the above analysis, Union County requested that a predominant use analysis be conducted for those parcels that are crossed by the Site Boundary within the Exclusive Farm Use zone (A-1). IPC worked closely with Union County to determine the predominant use on each of the 11 parcels that are crossed by the Site Boundary that are located within or partially within the A-1 zone. In order to determine the predominant use on each parcel, data from Natural Resources Conservation Services (NRCS) Soil Survey Geographic Database (SSURGO) was used along with the Union County taxlot data (parcel data). Geographic Information System (GIS) mapping software was used to determine which SSURGO soil type comprised the most acres within each parcel. Using a table provided by Union County listing each SSURGO soil type and the corresponding predominant use value,[88] each parcel was then initially given one of the following predominant use values: Crop High Value, Crop High Value if Irrigated, Crop, Range, Forest, Gravel Pit, Miscellaneous/Water, or Urban/Not Rated. This analysis resulted in a preliminary predominant use value for each parcel within the Site Boundary based on SSURGO soils data. Union County then reviewed each parcel's initial predominant use value against 2011 aerial photography and taxlot records and adjusted the predominant use to reflect current land use. Five of the total 11 parcels involved in the A-1 analysis had their initial predominant use value adjusted through the Union County review process.

The portion of the Project in Union County that is located in the A-1 EFU zone includes 3.5 miles of Proposed Corridor. The Site Boundary acres for the Proposed Corridor segment located within the A-1 EFU zone total approximately 277.8 acres. This portion of the Site Boundary intersects with 6 parcels entirely located within the A-1 zone (see Figure K-15) and 5 parcels located partially within the A-1 zone. The results of the predominant use analysis for the parcels within or partially within the A-1 EFU zone determined 1 parcel to have a predominant use of Crop High Value, 2 parcels to have a predominant use of Crop, and 8 parcels to have a predominant use of range. Table K-8 and Figure K-15 show the results of the predominant use for the A-1 EFU zone.

Table K-8. Exclusive Farm Use Predominant Use Results

Union County Predominant Use	Proposed Corridor	
	Centerline (miles)	**Site Boundary (acres)**
Exclusive Farm Use A-1 Zone	***3.5***	***277.8***
Predominant Use = Crop High Value	0.2	13.8
Predominant Use = Crop	–	12.9
Predominant Use = Range	3.2	249.6
Other[1]	0.1	1.6

[1] This category comprises rail and road parcels in Union County tax lot data and therefore was not included in the predominant use analysis.

[88] Union County provided IPC with a table listing the SSURGO soil types found throughout Union County and the corresponding predominant use value for each soil type. This table was developed through the Pilot Program Soil Rating system for Union County in March 1993.

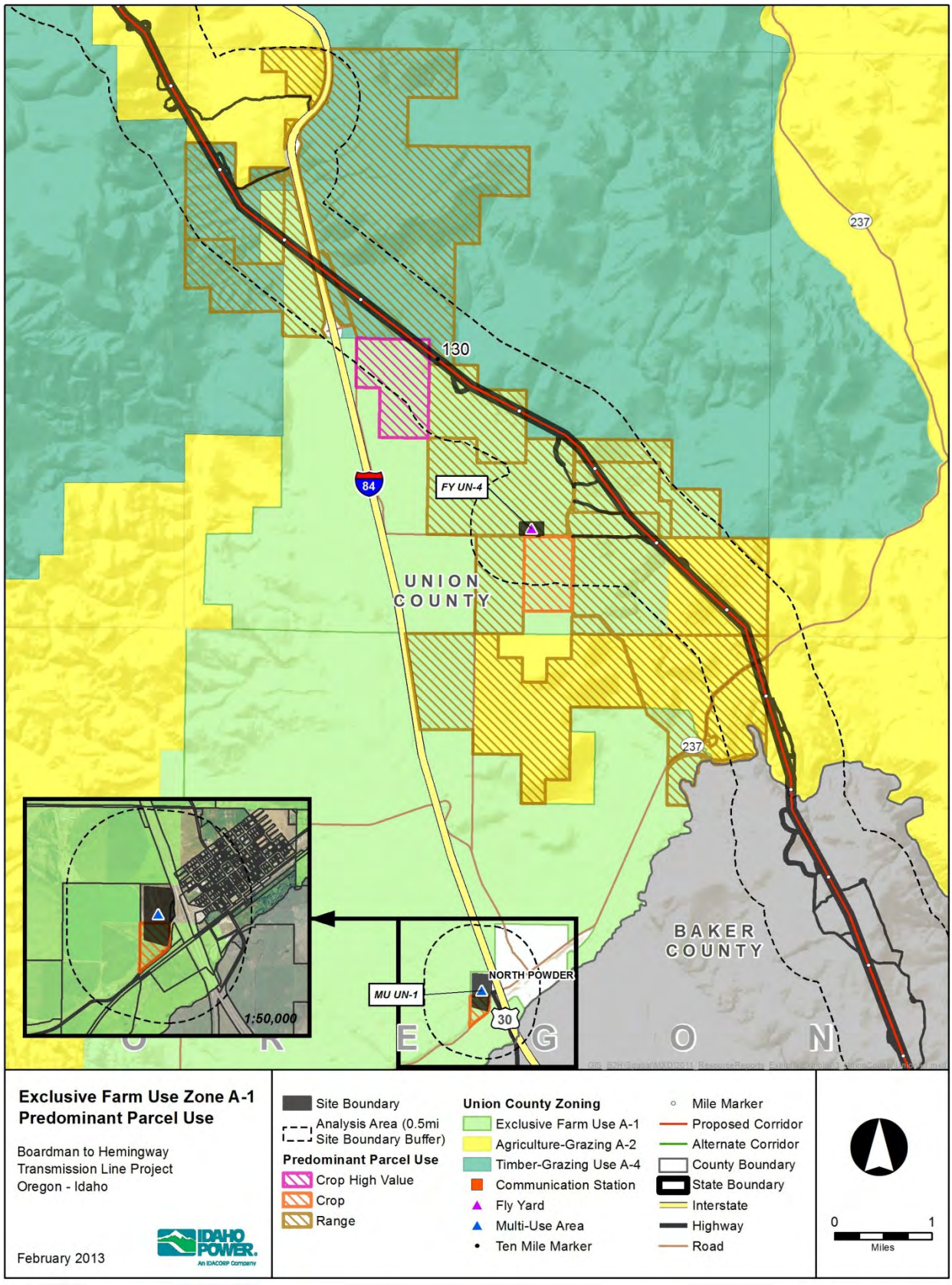

Figure K-15. Exclusive Farm Use Zone A-1 Predominant Parcel Use

UCZPSO Section 2.07—Development Standards in EFU

2.07 DEVELOPMENT STANDARDS

The following standards shall apply to all development in an A-1 Exclusive Farm Use Zone.

1. Any proposed division of land included within the A-1 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County (ORS 215.263).

No division of land will be necessary in the A-1 Zone.

2.07 DEVELOPMENT STANDARDS

2. Setbacks from property lines or road rights-of-way shall be a minimum of 20-feet front and rear yards and 10-feet side yards.

The Project will attempt to satisfy the setback requirements. However, in some locations in the EFU-zoned lands, the Project may not meet front, rear, or side setbacks given the Project's linear nature and other routing constraints. For example, the location of the transmission line and towers closer to a parcel's property line in order to minimize potential impacts to agricultural operations might not meet setback requirements. To the extent IPC cannot meet an EFU dimensional setback requirement, the Project nonetheless complies with statewide planning Goal 3 for the reasons discussed below in Section 5.0.[89]

2.07 DEVELOPMENT STANDARDS

4. Signs shall be limited to the following:

a. All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval.

b. All on-premise signs shall meet the Oregon Administrative Rule regulations for on-premise signs which have the following standards:

A. Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.

B. Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.

C. Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.

D. Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign.

c. All on-premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorists vision except for emergency purposes.

[89] Pursuant to OAR 345-022-0030(2)(b)(B), if a facility "does not comply with one or more of the applicable substantive criteria," the Council must find that "the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4)" in order to issue a Site Certificate. Accordingly, where the Project may not comply with an applicable substantive criteria such as the EFU setback requirements, IPC demonstrates how the Project otherwise complies with the applicable statewide planning goal by providing a full discussion of each statewide planning goal in Section 5.0 of Exhibit K.

Only permanent signs necessary for safety and notification will be associated with the Project, including those located on structures. IPC will comply with Section 2.07 Development Standards.

4.3.1.2 Agriculture-Grazing Zone (Zone A-2) – UCZPSO Article 3.00

ARTICLE 3.00

A-2 AGRICULTURAL-GRAZING ZONE

3.01 PURPOSE

The Agriculture-Grazing Zone is intended to conserve and maintain productive agricultural land for continued agricultural use, in accord with the Agriculture Grazing Land Use Plan classification provisions

3.03 ADMINISTRATIVE USES

The A-2 Agriculture-Grazing Zone allows the following uses to be established in an A-2 Zone subject to the review process identified in Section 24.02 (Planning Director Land Use Decision). The USDA Natural Resources Conservation Service soil information shall be used to determine the applicable standards to identify rangeland vs. cropland.

7. Utility facilities, and similar minor facilities necessary for public service and repair, replacement and maintenance thereof, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A facility is considered necessary if it must be situated in an agricultural zone in order for the service to be provided. [OAR 660-33-130(16) & ORS 215.283(1)(d)]

Under UCZPSO Section 3.03, the "Agricultural-Grazing Zone" includes both rangeland and cropland. As stated in UCZPO 3.03, Union County uses the USDA Natural Resources Conservation Service soil information to identify a particular parcel zoned A-2 as either rangeland or cropland. However, on August 6, 2012, IPC representatives received clarification from the Union County Planning Department that a "utility facility necessary for public service" is permitted consistent with ORS 215.275 in the A-2 zone, regardless of soil type. Accordingly, IPC's demonstration that the Project complies with the siting criteria for the A-2 zone is the same demonstration required for siting in EFU: A facility is considered necessary if it must be situated in an agricultural zone in order for the service to be provided, in accordance with ORS 215.283, ORS 215.275, and OAR 660-033-0130(16). The Project's compliance with these standards is set forth on a "macro" level above in Section 3.1. Additionally, though beyond what is required to demonstrate compliance with ORS 215.283 and ORS 215.275, IPC demonstrates that the Project location on land zoned Agriculture-Grazing in Union County complies with the requirements of ORS 215.283 and ORS 215.275 on a "micro" level (Section 4.3.3). This approach is consistent with the direction provided to IPC in the Project Order.

Although the Project is an outright permitted use in the A-2 zone, Union County requested that a predominant use analysis be conducted for those parcels that are crossed by the Site Boundary within the Agriculture-Grazing zone. IPC worked closely with Union County to determine the predominant use on each of the 11 parcels that are crossed by the Site Boundary that are located within or partially within the A-2 zone. In order to determine the predominant use on each parcel, data from SSURGO was used along with the Union County taxlot data (parcel data). GIS mapping software was used to determine which SSURGO soil type comprised the most acres within each parcel. Using a table provided by Union County listing each SSURGO soil type and the corresponding predominant use value,[90] each parcel was then initially given

[90] Union County provided IPC with a table listing the SSURGO soil types found throughout Union County and the corresponding predominant use value for each soil type. This table was developed through the Pilot Program Soil Rating system for Union County in March 1993.

one of the following predominant use values: Crop High Value, Crop High Value if Irrigated, Crop, Range, Forest, Gravel Pit, Miscellaneous/Water, or Urban/Not Rated. This analysis resulted in a preliminary predominant use value for each parcel within the Site Boundary based on SSURGO soils data. Union County then reviewed each parcel's initial predominant use value against 2011 aerial photography and taxlot records and adjusted the predominant use to reflect current land use. Only 3 of the total 11 parcels involved in the A-2 analysis had their initial predominant use value adjusted through the Union County review process.

The portion of the Project in Union County that is located in the A-2 Agriculture-Grazing zone includes 5.0 miles of Proposed Corridor. The Site Boundary acres for the Proposed Corridor segment located within the A-2 Agriculture-Grazing zone total approximately 356.0 acres. This portion of the Site Boundary intersects with 6 parcels entirely located within the A-2 zone (see Figure K-16) and 5 parcels located partially within the A-2 zone. The results of the predominant use analysis for the parcels within or partially within the A-2 Agriculture-Grazing zone determined all 11 parcels to have a predominant use of range. Table K-9 and Figure K-16 show the results of the predominant use for the A-2 Agriculture-Grazing zone.

Table K-9. Agriculture-Grazing Predominant Use Results

Union County Predominant Use	Proposed Corridor	
	Centerline (miles)	Site Boundary (acres)
Agriculture-Grazing A-2 Zone	***5.0***	***356.0***
Predominant Use = Range	4.9	348.38
Other[1]	0.1	7.3

[1] This category comprises rail and road parcels in Union County tax lot data and therefore was not included in the predominant use analysis.

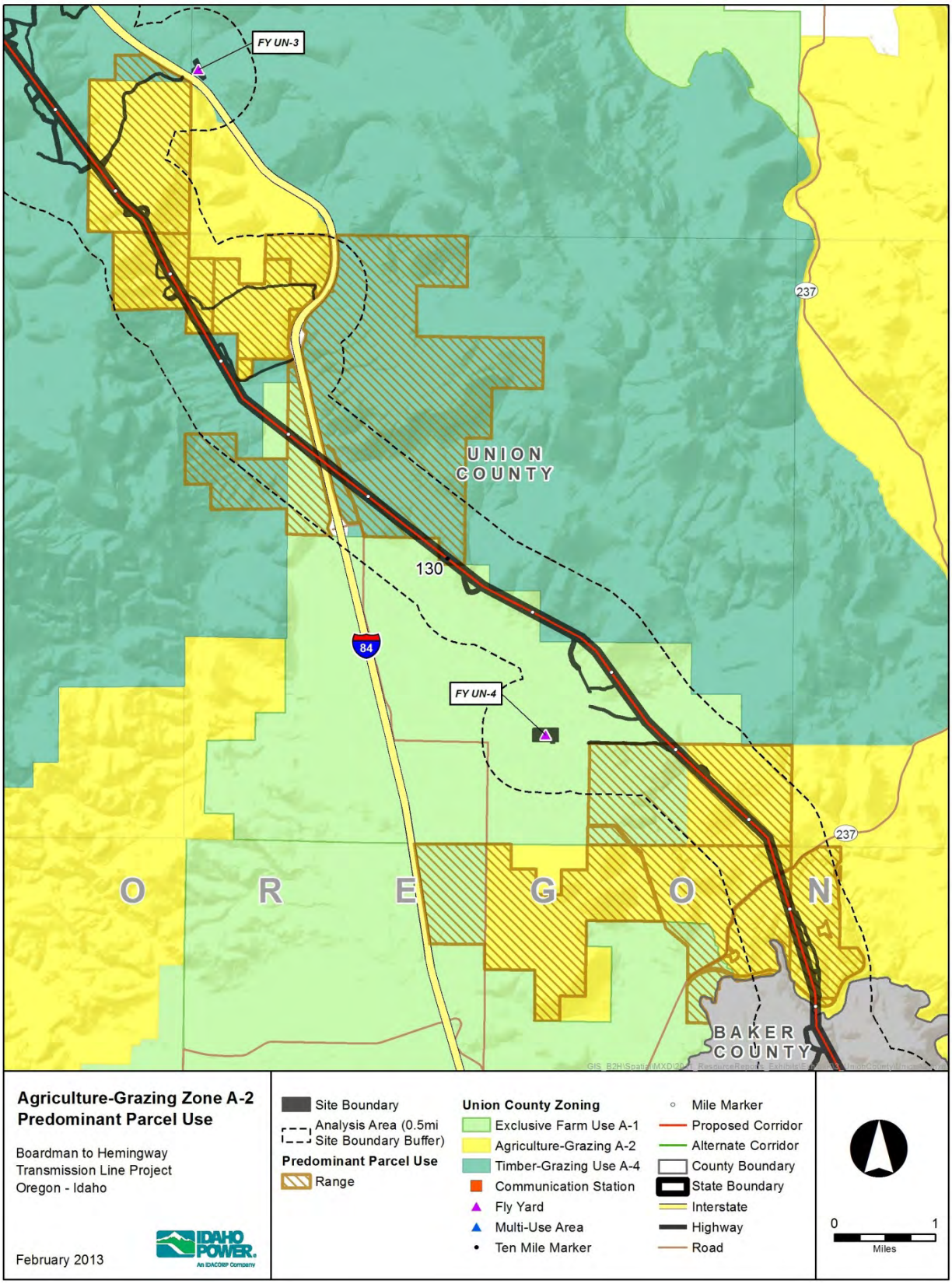

Figure K-16. Agriculture-Grazing Zone A-2 Predominant Parcel Use

UCZPSO Section 3.07—Development Standards in A-2 Zone

3.07 DEVELOPMENT STANDARDS

The following standards shall apply to all development in an A-2 Agriculture Grazing Zone.

1. Any proposed division of land included within the A-2 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County (ORS 215.263)

No division of land will be necessary in the A-2 zone.

3.07 DEVELOPMENT STANDARDS

2. Setbacks from property lines or road rights-of-way shall be a minimum of 20-feet front and rear yards and 10-feet side yards

The Project will attempt to satisfy the setback requirements. However, in some locations in the EFU-zoned lands, the Project may not meet front, rear, or side setbacks given the Project's linear nature and other routing constraints. For example, the location of the transmission line and towers closer to a parcel's property line in order to minimize potential impacts to agricultural operations might not meet setback requirements. To the extent IPC cannot meet an EFU dimensional setback requirement, the Project nonetheless complies with statewide planning Goal 3 for the reasons discussed below in Section 5.0.[91]

3.07 DEVELOPMENT STANDARDS

4. Signs shall be limited to the following:

a. All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval.

b. All on-premise signs shall meet the Oregon Administrative Rule regulations for on-premise signs which have the following standards:

A. Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.

B. Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.

C. Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.

D. Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign.

E. All on-premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorists vision except for emergency purposes.

Only permanent signs necessary for safety and notification will be associated with the Project, including those located on structures. IPC will comply with Section 3.07 Development Standards.

[91] Pursuant to OAR 345-022-0030(2)(b)(B), if a facility "does not comply with one or more of the applicable substantive criteria," the Council must find that "the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4)" in order to issue a Site Certificate. Accordingly, where the Project may not comply with an applicable substantive criteria such as the EFU setback requirements, IPC demonstrates how the Project otherwise complies with the applicable statewide planning goal by providing a full discussion of each statewide planning goal in Section 5.0 of Exhibit K.

UCZPSO Section 3.08—Development and Fire Siting Standards in A-2 Zone

Section 3.08 DEVELOPMENT AND FIRE SITING STANDARDS

The following standards shall apply to all development in an A-2 Agricultural Grazing Zone. Fire siting standards (items 5-8) shall apply only to new dwellings and related structures in the A-2 Zone where the predominant use is forestry [OAR 660-06-055(3)] and where dwellings are on rangeland within one quarter mile of forest land areas.

1. Any proposed division of land included within the A-2 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County (ORS 215.263).

IPC intends to secure easements for the majority of Project features, and therefore does not expect to require partition of any parcel in the A-2 zone in Union County. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Union County prior to construction.

2. Setbacks from property lines or road rights-of-way shall be a minimum of 20-feet front and rear yards and 10-feet side yards

The Project will attempt to satisfy the setback requirements. However, in some locations in the EFU-zoned lands, the Project may not meet front, rear, or side setbacks given the Project's linear nature and other routing constraints. For example, the location of the transmission line and towers closer to a parcel's property line in order to minimize potential impacts to agricultural operations might not meet setback requirements. To the extent IPC cannot meet an EFU dimensional setback requirement, the Project nonetheless complies with statewide planning Goal 3 for the reasons discussed below in Section 5.0.[92]

4. Signs shall be limited to the following:

All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval.

b. All on-premise signs shall meet the Oregon Administrative Rule regulations for on-premise signs which have the following standards:

A. Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.

B. Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.

C. Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.

D. Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign.

[92] Pursuant to OAR 345-022-0030(2)(b)(B), if a facility "does not comply with one or more of the applicable substantive criteria," the Council must find that "the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4)" in order to issue a Site Certificate. Accordingly, where the Project may not comply with an applicable substantive criteria such as the EFU setback requirements, IPC demonstrates how the Project otherwise complies with the applicable statewide planning goal by providing a full discussion of each statewide planning goal in Section 5.0 of Exhibit K.

c. All on-premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorists vision except for emergency purposes.

d. All dwelling addresses shall be uniquely designated in accordance with the Union County Road Naming and Addressing Ordinance (Court Order 1988-03) on signs clearly visible and placed at the intersection of the driveway and named road. Rural address markers provided and installed by the Union County Public Works Department shall not be removed, modified or obstructed.

e. Signs identifying pertinent information such as "dead end road", "bridge out", and so forth, shall be appropriately placed as designated by Union County.

f. Signs identifying location of a fire-fighting water source and each assess to that source shall be permanently identified and shall indicate whether it is a fire hydrant, a dry hydrant, or another type of water supply.

Only permanent signs necessary for safety and notification will be associated with the project including those located on structures. IPC will comply with Section 3.08(4) Development and Fire Siting Standards.

Section 3.08 DEVELOPMENT AND FIRE SITING STANDARDS

5. A new dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body or the nearest rural fire protection district determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the applicant shall provide an alternate means of protecting the dwelling from fire hazards. The means selected may shall include a fire sprinkling system, on site equipment and water storage or other methods which are reasonable, given the site conditions. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for fire fighting pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

In addition to the domestic water source, emergency water storage for dwellings in forested areas during Department of State Forestry designated fire season shall have a minimum capacity of 500 gallons (year-round source) inside rural fire protection districts, 1000 gallons in an enclosed container outside rural fire protection districts or 4,000 gallons for open water impoundments outside rural fire protection districts, with a 20 gallon per minute pump and an adequate length of hose and nozzle or an equivalent supply. A gravity flow system, gas powered pump or generator shall be provided in case of a power failure. Property owner/developer shall document each water source and provide that documentation to the appropriate fire protection agency.

The criteria contained in UCZPSO 3.08(5) apply to dwellings and related structures, and are not directly applicable to the Project. Nonetheless, IPC recognizes the importance of fire prevention and suppression, and has developed a draft Fire Prevention and Suppression Plan (see Exhibit U, Attachment U-3).

6. Access and Evacuation

a. Road Construction – All public and private roads shall be constructed to Union County Zoning, Partition and Subdivision Ordinance Section 25.09, Table 7-2 standards; and

1. Public Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 80,000 pounds.

2. Private Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 50,000 pounds.

b. No public or private road shall be constructed with a curve radius of less than 48 feet, measured from the centerline.

c. A vertical clearance of 14 feet 6 inches.

d. Driveways in excess of 200 feet long require 20 feet wide by 40 feet long turnouts at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less.

e. Dead-end roads over 100 feet in length shall have turnarounds of not less than 48 feet radius or where appropriate, a hammerhead turnaround.

f. Road grades shall not exceed an average of 8% with a maximum of 12% on short pitches, except that Union County shall permit steeper grades where they can be reasonably mitigated and agreed upon by the appropriate fire department or rural fire protection district.

IPC will coordinate with the Union County Planning Department to ensure that road improvements and the development of any new roads for the Project are consistent with UCZPSO 3.08(6), to the extent applicable.

7. Defensible Space

a. Fuel Load Reduction – Each residential dwelling or structure in forested areas shall maintain a defensible space of not less than 30-feet.

b. Ground Fuel – Dead and down material shall be removed. Ground fuel within the defensible space shall be treated (mowed, mulched, converted to compost, etc.) or removed annually or more frequently as directed by the Oregon Department of Forestry.

c. Thinning and Pruning – Live vegetation within the defensible space shall have all dead material removed and shall be thinned and pruned to reduce fire intensity and rate of spread.

d. Dead Trees – Dead trees within a dwelling's defensible space shall be removed.

e. Ladder Fuels – No ornamental shrubbery, single species trees or similar plants shall provide means of rapidly transmitting fire from native growth to structures. Vegetation under trees, within the defensible space, shall be maintained at a height that will preclude it functioning as a "ladder" for fire to travel from ground vegetation into the tree crown.

f. Landscaping – Where landscaping is desired, the applicant may choose from a recommended list of recognized fire resistant vegetation, found in the Fire Resistant Plants for Home Landscapes.

g. Secondary Fuel Breaks – The applicant for a dwelling within a predominantly forested area or within ¼ mile of a predominantly forested area shall contact Oregon Department of Forestry or the applicable Rural Fire Protection District to determine whether it is necessary to establish a secondary fuel break. If required, a secondary fuel break extending a minimum of 100 feet in all directions is required to reduce fuels so that the overall intensity of any wildfire would be lessened. Vegetation within the secondary fuel break shall be pruned and spaced. Small trees, brush and dead fuels underneath and around larger trees shall be removed.

h. Secondary Fuel Break Maintenance – If the Oregon Department of Forestry or applicable Rural Fire Protection District determines a secondary fuel break is necessary in addition to the defensible space, the property owner shall maintain the fuel modification outside of the defensible space. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual secondary fuel break maintenance.

i. Defensible Space Maintenance – The property owner shall maintain a defensible space of 30 feet around the primary dwelling. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual defensible space maintenance.

j. Location – The dwelling shall not be sited on a slope of greater than 40 percent. New dwellings located closer than 30 feet to a vegetated slope may require special mitigation measures as recommended by an Oregon Department of Forestry Forester. Wider breaks, called secondary fuel breaks, may be required on slopes greater than 30 percent on advice of a State Forester.

The criteria contained in UCZPSO 3.08(7) apply to dwellings and related structures, and are not directly applicable to the Project. Nonetheless, IPC recognizes the importance of ensuring adequate defensible space around Project features, and has developed a draft Fire Prevention and Suppression Plan (see Exhibit U, Attachment U-3). Generally, compliance with reliability and safety standards will require IPC to maintain the ROW in a manner that is consistent with criteria listed above (*e.g.*, removal of hazard trees, reduction of fuel). For additional discussion of maintenance of the ROW during operation of the Project, see IPC's draft Vegetation Maintenance Plan (Exhibit P, Attachment P-5).

8. Design and Construction – All buildings in identified forestland areas or within one quarter mile of a forestland area shall be designed, located and constructed to comply with Oregon's residential building code and with its fire siting standards. In case of conflict between Oregon's residential building code and these fire siting standards, the more stringent fire protection requirements shall be utilized to mitigate the combustibility of structures exposed to potential wildfire.

a. Roofing – Only fire-retardant roof covering assemblies rated Class A, B, or C shall be used. Wood shingle and shake roofs are not permitted.

b. Re-roofing or Roofing Repair of Existing Structures and Dwellings – When 50% or more of the roof covering of any building is repaired or replaced within one year, the roof covering shall be made to comply with these fire siting standards. Ventilation shall be made to comply with Oregon's residential building code.

c. Attic and Sub-floor Ventilation – All vents shall be screened with a corrosion-resistant, noncombustible wire mesh in accordance with Oregon's residential building code.

d. Eaves – Eaves shall be boxed in with ½ inch nominal sheathing or noncombustible materials.

e. Overhanging Projections and Buildings – Porches, decks, patios, balconies, similar undersides of overhangs or the underside of overhanging buildings shall be constructed in accordance with Oregon's residential building code using heavy timber, one-hour fire resistive material or noncombustible material.

f. Chimneys and Flues – Every fire place and wood/pellet stove chimney and flue shall be provided with an approved spark arrestor constructed of a minimum 12-gauge welded wire or woven wire mesh, with the openings not to exceed ½ inch. Vegetation shall not be allowed within 10 feet of a chimney outlet.

g. Mobile and Manufactured Homes – shall be skirted with noncombustible materials.

The criteria in UCZPSO 3.08(8) apply to dwellings and related structures, and are not directly applicable to the Project. Nonetheless, IPC will comply with design codes that prevent fire hazards including OPUC Construction Standards, the National Electric Safety Code requirements pertaining to the prevention of fire hazards related to outdoor public utility installations, and the National Fire Protection Association Uniform Fire Code Handbook guidance related to the clearance of brush and vegetative growth in and around transmission lines.

4.3.1.3 Timber-Grazing Zone (Zone A-4)-UCZPSO Article 5.00

ARTICLE 5.00

A-4 TIMBER-GRAZING ZONE

5.01 PURPOSE

The A-4 Timber-Grazing Zone is intended to conserve and maintain agriculture and forest land in accord with the Timber-Grazing Land Use Plan classification provisions.

* * *

5.03 ADMINISTRATIVE USES

The A-4 Timber-Grazing Zone allows both farm and forest uses, is acknowledged to be in compliance with Statewide Planning Goals 3 (agriculture) & 4 (forestry) and is a qualifying exclusive farm use zone. The County shall apply either forest or farm standards for siting a dwelling in the A-4 Timber-Grazing Zone based on the predominant use of the tract on January 1, 1993. Predominant use shall be determined as defined in Section 1.08.

8. On predominantly farmland parcels utility facilities, and similar minor facilities necessary for public service and repair, replacement and maintenance thereof, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A facility is considered necessary if it must be situated in an agricultural zone in order for the service to be provided. [OAR 660-33-130(16)]* * *

The A-4 Timber-Grazing Zone is a hybrid zone and includes both farm and forest uses.[93] Under UCZPSO Section 5.03, the A-4 Timber-Grazing zone "is acknowledged to be in compliance with Statewide Planning Goals 3 (agriculture) and 4 (forestry) and is a qualifying exclusive farm use zone." The applicable standards are dependent on the predominant use of the tract of land as of January 1, 1993.[94] The Project is subject to the standards for siting in EFU-zoned land (OAR Chapter 660, Division 33 and ORS Chapter 215) or for siting in a forest zone (OAR Chapter 660, Division 6), depending on the predominant use of the tract.

IPC worked closely with Union County to determine the predominant use on each of the 61 parcels that are crossed by the Site Boundary that are located within or partially within the A-4 Timber-Grazing zone. In order to determine the predominant use on each parcel, data from SSURGO was used along with the Union County taxlot data (parcel data). GIS mapping software was used to determine which SSURGO soil type comprised the most acres within each parcel. Using a table provided by Union County listing each SSURGO soil type and the corresponding predominant use value,[95] each parcel was then initially given one of the following predominant use values: Crop High Value, Crop High Value if Irrigated, Crop, Range, Forest, Gravel Pit, Miscellaneous/Water or Urban/Not Rated. This analysis resulted in a preliminary predominant use value for each parcel within the Site Boundary based on SSURGO soils data. Union County then reviewed each parcel's initial predominant use value against 2011 aerial photography and taxlot records and adjusted the predominant use to reflect current land use. In the A-4 Timber-Grazing zone, none of the parcels involved in the analysis had their initial

[93] Under OAR 660-006-0050(1), a county may establish "agriculture/forest zones" in accordance with both Goals 3 (agriculture) and 4 (forestlands). Pursuant to OAR 660-006-0050(2), uses authorized in EFU zones in ORS Chapter 215 and uses authorized by OAR 660-006-0025 (forest lands) may be allowed in any agricultural/forest zone, subject to the requirements of the applicable section.

[94] This treatment is consistent with OAR 660-006-0050(1), which authorizes governing bodies (*i.e.*, cities or counties) to establish "agriculture/forest zones" in accordance with Goals 3 and 4. OAR 660-006-0050(2) states that uses authorized in EFU zones in ORS Chapter 215 and uses authorized by OAR 660-006-0025 (forest lands) may be allowed in any agricultural/forest zone, subject to the requirements of the applicable section.

[95] Union County provided IPC with a table listing the SSURGO soil types found throughout Union County and the corresponding predominant use value for each soil type. This table was developed through the Pilot Program Soil Rating system for Union County in March 1993.

predominant use value adjusted through the Union County review process. However, SSURGO data for 18 of the total 61 parcels was not available and therefore the above analysis could not be performed. These 18 parcels are located in the vicinity of the National Forest. For these parcels, the predominant use analysis was determined solely by Union County review process. All 18 parcels were determined to have a predominant use of forest.

The portion of the Project in Union County that is located in the A-4 Timber-Grazing zone includes 31.3 miles of Proposed Corridor and 7.5 miles of the Glass Hill Alternate Corridor Segment. The combined Site Boundary acres for the Proposed Corridor and Glass Hill Alternate located within the A-4 Timber-Grazing zone are approximately 3,060.3 acres. This portion of the Site Boundary intersects with approximately 58 parcels entirely located within the A-4 Timber-Grazing zone (see Figure K-17) and 3 parcels located partially within the A-4 Timber-Grazing zone. The results of the predominant use analysis for the parcels within or partially within the A-4 Timber-Grazing zone determined 45 parcels to have a predominant use of forest, while 16 parcels had a predominant use of range. Table K-10 and Figure K-17 show the results of the predominant use analysis for the part of the Project within Union County that is located in the A-4 Timber-Grazing zone.

Table K-10. Timber-Grazing Predominant Use Results

	Proposed Corridor		Glass Hill Alternate Corridor	
Union County Predominant Use	**Centerline (miles)**	**Site Boundary (acres)**	**Centerline (miles)**	**Site Boundary (acres)**
Timber Grazing A-4 Zone	***31.3***	***2386.2***	***7.5***	***683.5***
Predominant Use = Crop High Value	-	0.1	-	-
Predominant Use = Range	13.3	1032.5	3.4	317.9
Predominant Use = Forest	17.6	1316.8	4.0	355.7
Other[1]	0.4	36.8	0	9.8

[1] This category comprises rail and road parcels in Union County tax lot data and therefore was not included in the predominant use analysis.

The Project is subject to the standards for siting in EFU (OAR Chapter 660, Division 33 and ORS Chapter 215) or for siting in a forest zone (OAR Chapter 660, Division 6), depending on the predominant use of the tract. For the predominant use agricultural lands in the A-4 zone, IPC demonstrates in Section 3.0 that the Project complies with ORS 215.283 and ORS 215.275 on a "macro" level. Additionally, though beyond what is required to demonstrate compliance with ORS 215.283 and ORS 215.275, IPC also demonstrates that the Project location on agricultural lands in the A-4 Timber-Grazing zone in Union County complies with the requirements of ORS 215.283 and ORS 215.275 on a "micro" level (Section 4.3.3). This approach is consistent with the direction provided to IPC in the Project Order. For the predominant use forest lands in the A-4 Timber-Grazing zone, the Project's compliance with the Goal 4 standards (OAR 660-0006-0025(4)) is set forth in the next section.

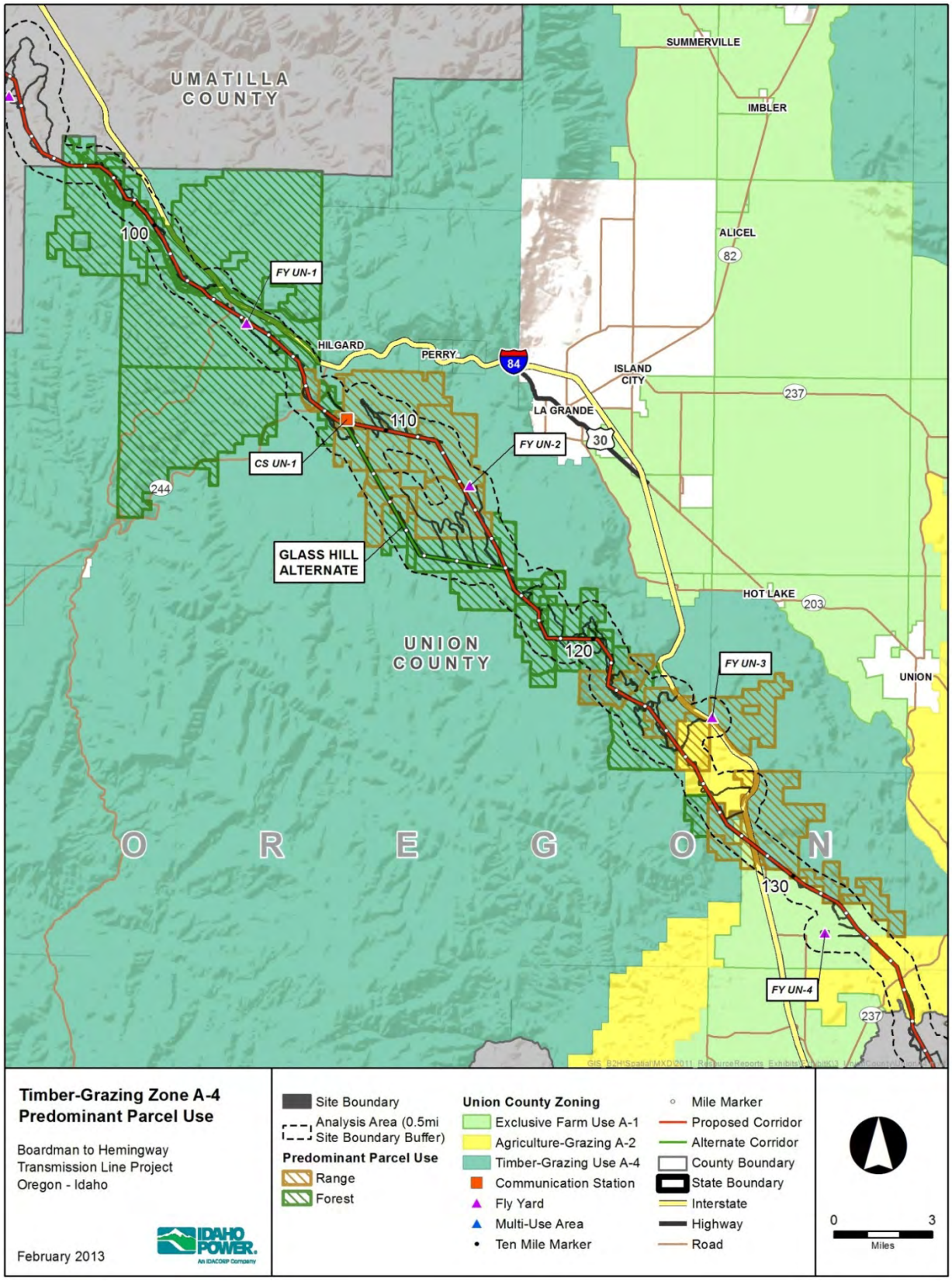

Figure K-17. Timber-Grazing Zone A-4 Predominant Parcel Use

OAR 660-006-0025(4) and UCZPSO 5.04—Forest Land Conditional Uses

> **5.04 PREDOMINANTLY FORESTLAND CONDITIONAL USES**
>
> The following uses may be established on predominantly forestland parcels or tracts in an A-4 Zone subject to the review procedures identified in Section 24.03 and subject to approval by the Planning Commission based on applicable standards in Article 21.00 and the following criteria:
>
> 3. New electrical transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal) with rights-of-way 50 feet or less in width.

UCZPSO 5.04(3) contains criteria identical to OAR 660-006-0025(4)(q), which was identified by Union County as a substantive criterion applicable to the Project. Under OAR 660-006-0025(4)(q), a "new electric transmission line with right of way widths of up to 100 feet as specified in ORS 772.210" is a "conditional use," meaning a use allowed on Goal 4 forest lands subject to certain conditions. While OAR 660-006-0025(4)(q) expressly refers only to transmission lines with up to a 100-foot ROW, the Oregon Supreme Court has concluded that the use category defined in OAR 660-006-0025(4)(q) also includes new electric transmission lines with ROWs *greater* than 100 feet because of that provision's specific reference to ORS 772.210 (regarding condemnation). *See Save Our Rural Oregon v. EFSC*, 339 Or. 353, 375-76 (2005) (concerning the EFSC application of *COB*). For the reasons explained below, the ROW required by the Project falls well within the "new electric transmission line" use set forth in OAR 660-006-0025(4)(q), and the Project ROW is therefore a conditional use on Goal 4 forest lands in Union County.

OAR 660-006-0025(4)(q), in relevant part, states that "[t]he following uses may be allowed on forest lands subject to the review standards in section (5) of this rule: * * * [n]ew electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210."[96] ORS 772.210, in turn, relates specifically to "Rights of Ways for Public Uses" and public utility condemnation authority. It authorizes public utilities to "[c]ondemn such lands not exceeding 100 feet in width for its [transmission] lines." In addition, ORS 772.210(1) provides that "[i]f the lands are covered by trees that are liable to fall and constitute a hazard to its wire or line," the public utility may "condemn such trees for a width not exceeding 300 feet." ORS 772.210(2), a parallel provision tailored to address high-voltage transmission lines, similarly provides that a public utility may:

> [W]hen necessary or convenient for transmission lines (including poles, towers, wires, supports and necessary equipment * * *) *designed for voltages in excess of 330,000 volts, condemn land not to exceed 300 feet in width*. In addition, if the lands are covered by trees that are liable to fall and constitute a hazard to its wire or line, such public utility or transmission company may *condemn such trees for a width not exceeding 100 feet on either side of the condemned land,* as may be necessary or convenient for such purpose." (Emphasis added).

Thus, including the vegetative maintenance zone of 100 feet on either side of a 300-foot ROW, ORS 772.210(2) authorizes condemnation of a corridor of up to 500 feet for a 500-kV transmission line.

This approach is consistent with the precedent set in the *COB* case, cited above, in which the Oregon Supreme Court interpreted the language of OAR 660-006-0025(4)(q)),[97] taken together with ORS 772.210(1), to allow a new electric transmission line with a ROW in excess of 100 feet

[96] OAR 660-006-0025(4); OAR 660-006-0025(4)(q).
[97] In the *COB* case, the Court was interpreting a provision of the Klamath County Land Development Code containing the same language as OAR 660-006-0025(4)(q).

on Goal 4 forest lands without requiring an exception to Goal 4. In *COB*, the facility proposed for development in the forest zone included a 100-foot-wide corridor for a transmission line, as well as a vegetative maintenance zone of 54 feet on each side of the ROW and access roads.[98] In that case, the Court concluded that the 100-foot ROW was a permissive use, and that "ORS 772.210 allows a vegetative maintenance zone of up to 100 feet on either side of such a corridor."[99] Accordingly, the Court reasoned that no Goal 4 exception was required for the entire 154-foot corridor proposed by the applicant, and the entire 154-foot ROW was allowed in the forest zone as a conditional use.[100]

Given that OAR 660-006-0025(4)(q) specifically refers to ORS 772.210 in its entirety, not just subsection (1) of ORS 772.210, [101] the analysis in *COB* must be applied to include the wider ROWs identified in ORS 772.210(2) as within the scope of conditional uses authorized in Goal 4 forest lands. Although the *COB* opinion does not expand on the Court's reasoning, it appears that the Court determined that the conditional use described in the Klamath County analogue of OAR 660-006-0025(4)(q) should be read broadly to include the wider corridors described in ORS 772.210. Thus, applying the reasoning in *COB,* OAR 660-006-0025(4)(q) should be read to authorize up to a 300-foot ROW corridor for a new electric transmission line "designed for voltages in excess of 330,000 volts," as well as up to 100 feet on either side of such corridor for vegetative maintenance, in Goal 4 forest land. Accordingly, the Project is a "new electric transmission line" for the purposes of OAR 660-006-0025(4)(q) and up to a 500-foot ROW corridor should be considered a conditional use under UCZSPO 5.04(3). The Project's compliance with the three conditional use siting criteria for forest lands is discussed below.

IPC recognizes that access roads proposed for development in Goal 4 forest lands outside of the 500-foot corridor are not included in the "new electric transmission line" use. *See COB*.[102] Accordingly, IPC has analyzed access roads separately and demonstrates that the Project warrants an exception to Goal 4 for access roads. See Section 6.0. Alternatively, in the event that EFSC concludes that the portion of the Site Boundary in the A-4 Timber-Grazing zone that exceeds the 100-foot ROW provided for in OAR 660-006-0025(4)(q) is inconsistent with Statewide Planning Goal 4, IPC seeks an exception to Goal 4 (discussed in detail in Section 6.0).

UCZPSO 5.04 Forestland Conditional Use Criteria

IPC demonstrates that the Project may be established on predominantly forestland parcels or tracts in the A-4 Timber-Grazing zone because the Project will satisfy the following criteria:

5.04 PREDOMINANTLY FORESTLAND CONDITIONAL USES
[Conditional uses (including new electrical transmission lines) may be established on predominantly forestlands subject to the following criteria:]
Criteria No. 1-

[98] *Save Our Rural Oregon v. EFSC,* 339 Or. 353.375.376 (2005).
[99] *Id.*
[100] The Supreme Court noted that "the council determined that the roads did not meet Goal 4, reviewed the Goal exception criteria of ORS 469.504(2)(c), and took an exception to Goal 4 for access roads.
[101] When interpreting the meaning of an administrative rule, the standard rules of statutory construction apply and courts use the same methodology to interpret rules as they use to construe statutes. *PGE v. BOLI*, 317 Or 606, 611 (1993). When examining the text and context of the rule, one must not "insert what has been omitted, or . . . omit what has been inserted." ORS 174.010. If possible, rules and statutes should be read in such a way as to give full effect to both.
[102] *Save Our Rural Oregon v. EFSC*, 339 Or. 353, 375-376 (2005).

The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and

For purposes of this analysis, surrounding lands are defined as those lands located within 0.5 mile of the Site Boundary. Surrounding lands are largely also zoned A-4 Timber-Grazing and predominately used as forestlands for commercial forest operations. Land within the Site Boundary is partially forested with some agricultural use, mostly cattle grazing with some hay farming. There are several commercial forest operations within the analysis area. In addition, some agriculture and forest lands within the analysis area are managed for fire suppression, grazing enhancement and pest control.

During construction, proposed activities within the A-4 Timber-Grazing zone include vegetation and timber clearing, using the methods described in the Vegetation Management Plan (see Exhibit P, Attachment P-5, Section 2), road improvements to permit access, and other construction related activities such as equipment and material delivery, tower construction, transmission line pulling, etc. Such activities will occur primarily within the proposed ROW.[103]

Commercial forest operations on surrounding lands occur periodically and may occur during construction of the Project. Potential interference with such use during Project construction would be limited to traffic interference between logging activities—primarily log hauling—and movement of Project construction equipment and supplies, or improvement of access roads that may be used by the Project and concurrent non-Project forest operations. To the extent necessary, IPC will coordinate with local road departments and other forest operators to time large-load deliveries to the extent such deliveries could potentially conflict with other forest or agricultural uses on surrounding lands. Ongoing forestland maintenance activities on surrounding lands are unlikely to be impacted by Project construction. Timber and vegetation removal will be isolated to the proposed ROW and clearing of hazard trees, and will have no impact on the availability of timber on surrounding lands. In addition, IPC will implement erosion control measures in these areas to minimize impacts to wetlands, wildlife habitat, and agricultural operations and forest roads. Any grading to prepare the roads and ROW will be conducted under an NPDES 1200-C permit, which will incorporate an erosion and sediment control plan (Exhibit I, Attachment I-3). As described in the draft Reclamation and Revegetation Plan and the draft Vegetation Maintenance Plan (see Exhibit P, Attachments P-4 and P-5), IPC will restore temporarily disturbed areas to preconstruction conditions and will implement a weed control plan.

During Project operations, limited activities will occur within the A-4 Timber-Grazing Zone. IPC will inspect the Project components located within the ROW and manage vegetation, consistent with the Vegetation Management Plan (Exhibit P, Attachment P-5, Section 2), but generally, such activities will have relatively low impact and are unlikely to cause potential adverse impacts on surrounding forest operations. Forest operators directly adjacent to the ROW may need to slightly modify forestry practices to ensure that trees are removed safely and proper safety protocols are followed when operating equipment adjacent to existing transmission lines. IPC will work with adjacent landowners to maintain communication and provide education, as

[103] The multi-use areas will serve as field offices; reporting locations for workers; parking space for vehicles and equipment; and sites for material delivery and storage, fabrication assembly of towers, cross arms and other hardware, concrete batch plants, and stations for equipment maintenance. Limited helicopter operations may be staged out of multi-use areas. Multi-use areas, about 20 acres each for 500-kV construction and 10 acres each for 138/69-kV construction, will be located approximately every 25 miles along the corridor. Exact locations within the Site Boundary for multi-use areas will be developed during the detailed design phase. Preliminary locations are listed in Exhibit C, Table C-16 and shown on maps in Exhibit C, Attachment C-2.

necessary. Access roads and the transmission line ROW will be monitored for drainage or erosion control problems and repaired as necessary.

For the foregoing reasons, IPC demonstrates that the facility will not force a significant change in or significantly increase the cost of accepted farming or forestry practices in the analysis area.

5.04 PREDOMINANTLY FORESTLAND CONDITIONAL USES

Criteria No. 2-

The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

Fire protection and risk mitigation begins with the Project design and continues through construction with a strict set of rules governing worker activities and equipment use, and during operations through surveillance, maintenance, and coordination with local fire responders. Exhibit U, Section 3.3.4 and the Fire Protection and Suppression Plan (Exhibit U, Attachment U-3) describe measures in detail.

- **Design:** During design IPC will comply with design codes that prevent fire hazards including OPUC Construction Standards, the National Electric Safety Code requirements pertaining to the prevention of fire hazards related to outdoor public utility installations, and the National Fire Protection Association Uniform Fire Code Handbook guidance related to the clearance of brush and vegetative growth in and around transmission lines.
- **Construction:** During construction, IPC and its contractor will maintain an active program of worker training, strict requirements for smoking, equipment standards, fueling, road management, assistance in fire-fighting, and following restricted operations during high risk periods.
- **Operation:** IPC will maintain coordination with the Oregon Department of Forestry and USFS for state and federal lands, respectively, and local fire protection agencies. Routine maintenance of roads and ROWs in forested areas will reduce the risk that combustible materials would come into contact with the conductors and ignite a fire. Transmission line protection and control systems will be incorporated into the system and are designed to detect faults (such as arcing from debris contacting the line) and will rapidly shut off power flow (in 1/60th to 3/60th of a second) if arcing is detected.

Accordingly, the Project will not significantly increase fire suppression costs or significantly increase risks to fire personnel and this criterion is met.

5.04 PREDOMINANTLY FORESTLAND CONDITIONAL USES

Criteria No. 3

A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules for 12. home occupations, 5. parks and campgrounds, and 4. temporary hardship dwellings.

This subsection is based on OAR 660-006-0025(5) and is not applicable to the Project. The Project is a use authorized under subsection UCZPSO 5.04(3) and OAR 660-006-0025(4)(q) (new electrical transmission line); UCZPSO 5.04(3) Criteria No. 3 and OAR 660-006-0025(5)(c) apply only to certain uses (home occupations, parks and campgrounds, and temporary hardship dwellings).

UCZPSO 5.07—Siting Standards for Structures

5.07 SITING STANDARDS FOR DWELLINGS AND STRUCTURES [OAR 660-06-029]

The following siting standards shall apply to all new dwellings and related structures in the A-4 Zone where the predominant use is forestry [OAR 660-06-050(3)] and where dwellings are on rangeland within one quarter mile of forest land areas. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks, and to conserve values found on forest lands. The standards in Sections 5.07 and 5.08 shall be considered when identifying the building site.

1. Dwellings and structures shall be sited on the parcel so that:

a. They have the least impact on nearby or adjoining forest or agricultural lands;

b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the parcel will be minimized;

c. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

d. The risks associated with wildfire are minimized.

2. Siting criteria satisfying subsection 5.07 1. may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

Based on further clarification with Union County, UCZPSO Section 5.07 applies to dwellings and related structures and does not apply to the Project (Union County 2012).

UCZPSO Section 5.08—Development and Fire Siting Standards in A-4 Zone

5.08 DEVELOPMENT AND FIRE SITING STANDARDS

The following standards shall apply to all development in an A-4 Timber-Grazing Zone. Fire siting standards (items 5-8) shall apply only to new dwellings and related structures in the A-4 Zone where the predominant use is forestry [OAR 660-06-055(3)] and where dwellings are on rangeland within one quarter mile of forest land areas.

1. Any proposed division of land included within the A-4 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County (ORS 215.263).

IPC intends to secure easements for the majority of Project features and therefore does not expect to require partition of any parcel in the A-4 Timber-Grazing zone in Union County. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Union County prior to construction.

5.08 DEVELOPMENT AND FIRE SITING STANDARDS

2. Setbacks from property lines or road rights-of-way shall be a minimum of 20-feet front and rear yards and 10-feet side yards.

The Project will attempt to satisfy the setback requirements. However, in some locations, the Project may not meet front, rear, or side setbacks given the Project's linear nature and other routing constraints. For example, the location of the transmission line and towers closer to a parcel's property line in order to minimize potential impacts to timber or agricultural operations might not meet setback requirements. To the extent IPC cannot meet a dimensional setback

requirement, the Project nonetheless complies with statewide planning Goals 3 and 4 for the reasons discussed below in Section 5.0.[104]

5.08 DEVELOPMENT AND FIRE SITING STANDARDS

4. Signs shall be limited to the following:

a. All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval.

b. All on-premise signs shall meet the Oregon Administrative Rule regulations for on-premise signs which have the following standards:

A. Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.

B. Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.

C. Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.

D. Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign.

c. All on-premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to `

Only permanent signs necessary for safety and notification will be associated with the Project including those located on structures. IPC will comply with Section 5.08(4).

5.08 DEVELOPMENT AND FIRE SITING STANDARDS

5. A new dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body or the nearest rural fire protection district determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the applicant shall provide an alternate means of protecting the dwelling from fire hazards. The means selected shall include a fire sprinkling system, on site equipment and water storage or other methods which are reasonable, given the site conditions. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for fire fighting pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

[104] Pursuant to OAR 345-022-0030(2)(b)(B), if a facility "does not comply with one or more of the applicable substantive criteria," the Council must find that "the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4)" in order to issue a Site Certificate. Accordingly, where the Project may not comply with an applicable substantive criteria such as the EFU setback requirements, IPC demonstrates how the Project otherwise complies with the applicable statewide planning goal by providing a full discussion of each statewide planning goal in Section 5.0 of Exhibit K.

> In addition to the domestic water source, emergency water storage for dwellings in forested areas during Department of State Forestry designated fire season shall have a minimum capacity of 500 gallons (year-round source) inside rural fire protection districts, 1000 gallons in an enclosed container outside rural fire protection districts or 4,000 gallons for open water impoundments outside rural fire protection districts, with a 20 gallon per minute pump and an adequate length of hose and nozzle or an equivalent supply. A gravity flow system, gas powered pump or generator shall be provided in case of a power failure. Property owner/developer shall document each water source and provide that documentation to the appropriate fire protection agency.

The criteria contained in UCZPSO 5.08(5) apply to dwellings and related structures, and are not directly applicable to the Project. Nonetheless, IPC recognizes the importance of fire prevention and suppression, and has developed a draft Fire Prevention and Suppression Plan (see Exhibit U, Attachment U-3).

> 6. Access and Evacuation
>
> a. Road Construction – All public and private roads shall be constructed to Union County Zoning, Partition and Subdivision Ordinance Section 25.09, Table 7-2 standards; and
>
> 1. Public Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 80,000 pounds.
>
> 2. Private Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 50,000 pounds.
>
> b. No public or private road shall be constructed with a curve radius of less than 48 feet, measured from the centerline.
>
> c. A vertical clearance of 14 feet 6 inches.
>
> d. Driveways in excess of 200 feet long require 20 feet wide by 40 feet long turnouts at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less.
>
> e. Dead-end roads over 100 feet in length shall have turnarounds of not less than 48 feet radius or where appropriate, a hammerhead turnaround.
>
> f. Road grades shall not exceed an average of 8% with a maximum of 12% on short pitches**,** except that Union County shall permit steeper grades where they can be reasonably mitigated and agreed upon by the appropriate fire department or rural fire protection district.

IPC will coordinate with the Union County Planning Department to ensure that road improvements and the development of any new roads for the Project are consistent with UCZPSO 5.08(6), to the extent applicable.

> 7. Defensible Space
>
> a. Fuel Load Reduction – Each residential dwelling or structure in forested areas shall maintain a defensible space of not less than 30-feet.
>
> b. Ground Fuel – Dead and down material shall be removed. Ground fuel within the defensible space shall be treated (mowed, mulched, converted to compost, etc.) or removed annually or more frequently as directed by the Oregon Department of Forestry.
>
> c. Thinning and Pruning – Live vegetation within the defensible space shall have all dead material removed and shall be thinned and pruned to reduce fire intensity and rate of spread.
>
> d. Dead Trees – Dead trees within a dwelling's defensible space shall be removed.
>
> e. Ladder Fuels – No ornamental shrubbery, single species trees or similar plants shall provide means of rapidly transmitting fire from native growth to structures. Vegetation under trees, within the defensible space, shall be maintained at a height that will preclude it functioning as a "ladder" for fire to travel from ground vegetation into the tree crown.

f. Landscaping – Where landscaping is desired, the applicant may choose from a recommended list of recognized fire resistant vegetation, found in the Fire Resistant Plants for Home Landscapes.

g. Secondary Fuel Breaks – The applicant for a dwelling within a predominantly forested area or within ¼ mile of a predominantly forested area shall contact Oregon Department of Forestry or the applicable Rural Fire Protection District to determine whether it is necessary to establish a secondary fuel break. If required, a secondary fuel break extending a minimum of 100 feet in all directions is required to reduce fuels so that the overall intensity of any wildfire would be lessened. Vegetation within the secondary fuel break shall be pruned and spaced. Small trees, brush and dead fuels underneath and around larger trees shall be removed.

h. Secondary Fuel Break Maintenance – If the Oregon Department of Forestry or applicable Rural Fire Protection District determines a secondary fuel break is necessary in addition to the defensible space, the property owner shall maintain the fuel modification outside of the defensible space. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual secondary fuel break maintenance.

i. Defensible Space Maintenance – The property owner shall maintain a defensible space of 30 feet around the primary dwelling. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual defensible space maintenance.

j. Location – The dwelling shall not be sited on a slope of greater than 40 percent. New dwellings located closer than 30 feet to a vegetated slope may require special mitigation measures as recommended by an Oregon Department of Forestry Forester. Wider breaks, called secondary fuel breaks, may be required on slopes greater than 30 percent on advice of a State Forester.

The criteria contained in UCZPSO 5.08(7) apply to dwellings and related structures, and are not directly applicable to the Project. Nonetheless, IPC recognizes the importance of ensuring adequate defensible space around Project features, and has developed a draft Fire Prevention and Suppression Plan (see Exhibit U, Attachment U-3). Generally, compliance with reliability and safety standards will require IPC to maintain the ROW in a manner that is consistent with criteria listed above (*e.g.*, removal of hazard trees, reduction of fuel). For additional discussion of maintenance of the ROW during operation of the Project, see IPC's draft Vegetation Maintenance Plan (Exhibit P, Attachment P-5).

8. Design and Construction – All buildings in identified forestland areas or within one quarter mile of a forestland area shall be designed, located and constructed to comply with Oregon's residential building code and with its fire siting standards. In case of conflict between Oregon's residential building code and these fire siting standards, the more stringent fire protection requirements shall be utilized to mitigate the combustibility of structures exposed to potential wildfire.

a. Roofing – Only fire-retardant roof covering assemblies rated Class A, B, or C shall be used. Wood shingle and shake roofs are not permitted.

b. Re-roofing or Roofing Repair of Existing Structures and Dwellings – When 50% or more of the roof covering of any building is repaired or replaced within one year, the roof covering shall be made to comply with these fire siting standards. Ventilation shall be made to comply with Oregon's residential building code.

c. Attic and Sub-floor Ventilation – All vents shall be screened with a corrosion-resistant, noncombustible wire mesh in accordance with Oregon's residential building code.

d. Eaves – Eaves shall be boxed in with ½ inch nominal sheathing or noncombustible materials.

e. Overhanging Projections and Buildings – Porches, decks, patios, balconies, similar undersides of overhangs or the underside of overhanging buildings shall be constructed in accordance with Oregon's residential building code using heavy timber, one-hour fire resistive material or noncombustible material.

f. Chimneys and Flues – Every fire place and wood/pellet stove chimney and flue shall be provided with an approved spark arrestor constructed of a minimum 12-gauge welded wire or woven wire mesh, with the openings not to exceed ½ inch. Vegetation shall not be allowed within 10 feet of a chimney outlet.

g. Mobile and Manufactured Homes – shall be skirted with noncombustible materials.

The criteria in UCZPSO 5.08(8) apply to dwellings and related structures, and are not directly applicable to the Project. Nonetheless, IPC will comply with design codes that prevent fire hazards including OPUC Construction Standards, the National Electric Safety Code requirements pertaining to the prevention of fire hazards related to outdoor public utility installations, and the National Fire Protection Association Uniform Fire Code Handbook guidance related to the clearance of brush and vegetative growth in and around transmission lines.

4.3.1.4 UCZPSO Section 20.08 – Riparian Zone Setbacks

20.08 RIPARIAN ZONE SETBACKS

In order to maintain vegetative cover along Class I streams, rivers and lakes known as riparian habitat a setback for any new development such as structures or roads shall be required on a sliding scale proportional to one-half the stream width, at right angles to the annual high-water line or mark. A minimum of 25-feet either side of streams will be recognized. Woody vegetation presently existing in the riparian zone shall be maintained, however, thinning or harvesting of merchantable tree species may occur within the riparian zone where 75 percent of the existing shade over the stream is maintained.

As discussed in Exhibit J, IPC has designed and located the transmission line and related and supporting facilities to avoid impacts to water resources including streams, rivers and lakes, and where avoidance is not practicable, IPC will use stream crossing techniques to minimize impacts to waters and adjacent riparian zones. However, given the Project's linear nature, it will not be feasible to avoid crossing riparian zones. The location of conductors between transmission structures may require thinning of vegetation in riparian zones and temporary access roads will cross riparian zones. IPC will continue to collaborate with federal, state and local resource agencies to minimize impact to riparian areas and to incorporate agreements into final plans and specifications. For areas where temporary construction disturbance results in removal of riparian vegetation, natural vegetation will be replanted with indigenous species in the next replanting season as outlined in the draft Reclamation and Revegetation Plan (Exhibit P, Attachment P-4).

4.3.1.5 UCZPSO Section 20.09—Significant Goal 5 Resource Areas

20.09 SIGNIFICANT GOAL 5 RESOURCE AREAS

1. Any land use action requiring County zoning or partitioning approval or any activity listed as a conflict in this ordinance which is within 1320 feet of or could have an impact on:

D. Big game critical wildlife habitat area and big game winter range

The following analysis demonstrates compliance with the substantive requirements in UCZPSO 20.09 and demonstrates that the Project, taking into account mitigation, will not conflict with Union County's big game resource areas.

Big game habitat is mapped in the Umatilla County Comprehensive Plan as winter range (WR) and critical habitat (CH) Overlay areas. Figure K-18 shows the location of the WR and CH Overlays in the portion of Union County crossed by the Project. Union County has indicated that its mapping is intended to be over-inclusive of possible habitat areas.

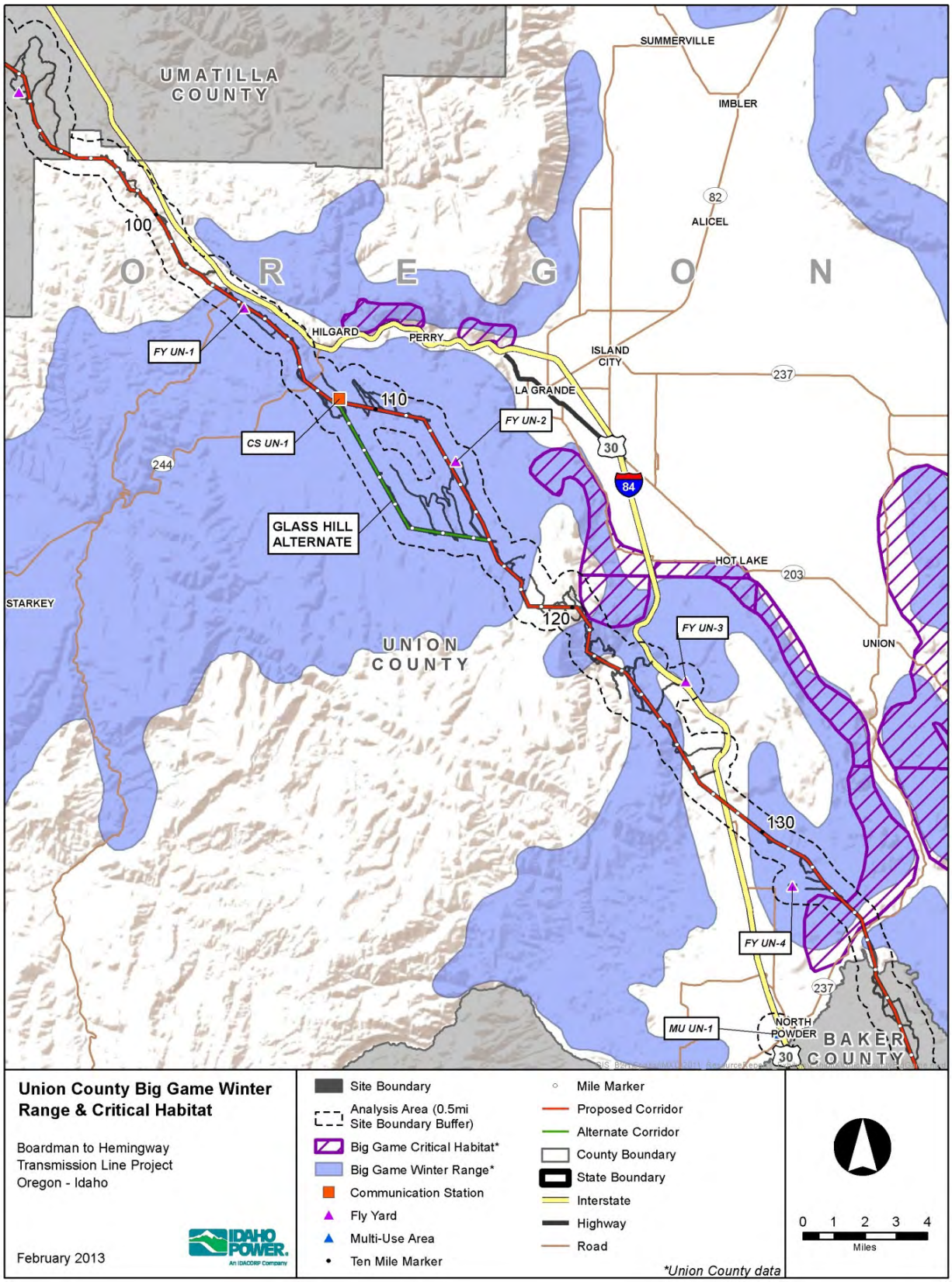

Figure K-18. Union County Big Game Winter Range and Critical Habitat

Portions of the Proposed Corridor, including a proposed communication station, are located on land within the big game winter range habitat (MPs 103.2–118.2, 120.7–122.1,123.2–126.5, 129.4–133.5, 134.8–135.3) and big game critical habitat (MPs 134.1–134.5) overlays. A small portion of the Proposed Corridor (MPs 133.5–134.1) crosses lands zoned as both big game winter range and critical habitat. The Glass Hill Alternate is located entirely on land within the big game winter range habitat. Table K-11 shows the length of proposed and alternate corridors by habitat type crossed.

Table K-11. Big Game Habitat Crossed by Proposed Corridor and Glass Hill Alternate

Resource	Proposed Corridor Centerline (miles)	Glass Hill Alternate Centerline (miles)
Big Game Winter Range	24.2	7.5
Big Game Critical Habitat	0.4	–
Big Game Winter Range/Critical Habitat	0.6	–

IPC has sited the transmission line structures and roads to minimize impacts to wildlife where possible as discussed in Exhibit P. However**,** given the Project's linear nature, it will not be feasible to avoid all temporary or permanently disturbance in big game CH and big game WR.[105] As discussed in Exhibit P, even where the Project will intersect with CH and WR, IPC has considered impacts to CH and WR and expects the Project will not result in significant impacts to these habitat areas.

There may be short-term impacts to CH and WR during construction. For example, displacement of big game from both winter and parturition area can affect winter survival by causing animals to use energy reserves that are needed to survive the winter. For the CH and WR crossed by the Project in Union County, IPC will establish construction windows at time periods when big game are less sensitive to disturbances (these windows would be applied to ODFW designated big game areas during the appropriate season; see Exhibit P, Section 3.3.7), thereby minimizing the risk of disturbing big game during sensitive periods. There is a risk of big game mortalities occurring due to wildlife-vehicle collisions; however, the risk of vehicle collisions would be minimized by speed limits that would be imposed on construction vehicles within the Site Boundary (see Exhibit P, Section 3.3.7). For additional discussion of impacts and proposed mitigation for big game, see Exhibit P, Sections 3.3.6 and 3.3.7, and IPC's draft Species Conservation Plan and draft Habitat Mitigation Plan (Attachments P-6 and P-7).

20.09 SIGNIFICANT GOAL 5 RESOURCE AREAS

3. Review Classifications

A. When a 3A or 3C (limit conflicting uses) decision has been made as indicated in the comprehensive plan, the applicant must, in coordination with the responsible agency, develop a management plan which would allow for both resource preservation and the proposed use. If the responsible agency and the applicant cannot agree on such a management plan, the proposed activity will be reviewed through the conditional use process. 3A sites will be preserved where potential conflicts may develop. Conflicts will be mitigated in favor of the resource on 3C sites.

IPC's draft Species Conservation Plan and draft Habitat Mitigation Plan (see Exhibit P, Attachments P-6 and P-7) will comply with the substantive requirements of UCZPSO 20.09 and

[105] UCZPSO 20.09 governs both the WR and CH Overlays and makes no distinction between the two overlay zones.

demonstrate that the Project will have no significant conflicts with the big game habitat and will, to the extent necessary, mitigate any minor conflicts.

20.09 SIGNIFICANT GOAL 5 RESOURCE AREAS

4 Under the conditional use process land use decisions will consider the economic, social, environmental, and energy consequences when attempting to mitigate conflicts between development and resource preservation.

5 The following criteria shall be considered, as applicable, during the appropriate decision making process:

A. ECONOMIC: The use proposed is a benefit to the community and would meet a substantial public need or provide for a public good which clearly outweighs retention of the resources listed in Section 20.09 (1):

As described below, the Project has been proposed by IPC to meet a substantial public need for increased transmission capacity. For additional discussion of need for the Project, see also Exhibit N. Section 3.1.1.2 of this Exhibit describes the purpose and public need for the Project, presented herein in summary form:

- **Serve Native Loads.** First, the Project is the most cost-effective and viable option for IPC to serve load. The primary purpose of the Project is to provide IPC with the additional transmission capacity that will be necessary to import power from the Pacific Northwest power market to serve its retail customers located in Oregon. In this way, the Project is properly viewed as a supply-side resource, similar to a generation plant, which will allow IPC to meet its expected loads and thereby allow local communities to experience economic growth due to ample and cost efficient electricity
- **Meet Transmission Reliability Standards.** Second, the Project is an integral component of regional transmission system that will serve as a crucial high-capacity connection between two key points in the existing bulk electric system. This will allow IPC to maintain reliable electric service pursuant to the standards set forth by NERC and implemented by WECC. The Project benefits the community by ensuring reliable electricity is available to the local distribution system.
- **Provide Transmission Service to Wholesale Customers.** Third, the Project allows IPC to provide service to wholesale customers to allow for interconnection and transmission requests renewable resources continue to be developed in northeast Oregon which in turn create additional economic benefits.

In addition, as discussed Exhibit U, development of the Project creates direct economic benefits, including creation of new jobs, increased ad valorem taxes, new dollars supporting the local economy, and a stimulus to the local economy in the form of expenditures on materials and supplies. During construction, the Project will result in the creation of up to 250 construction jobs during peak construction in Union County.

As discussed in Exhibit P, IPC does not expect that the Project will result in long-term adverse impacts to big game. Because expected impacts to big game will be for a limited duration, the public benefit from the Project clearly outweighs the limited impacts on the resource. For these reasons, the Project complies with UCZPSO 20.09(5)(A).

B. SOCIAL: The proposed development would not result in the loss of or cause significant adverse impact to, a rare, one of a kind or irreplaceable resource as listed in Section 20.09(1).

Land within the WR and CH Overlays provides big game areas historically used by big game during periods of above normal snowfall and low temperatures. These are known areas that

provide habitat for big game and are critical to the continued welfare of animals dependent upon such areas. As discussed in Exhibit P, these areas of big game habitat are regarded as Category 2 habitat in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy, and by definition are not "irreplaceable." IPC does not expect that the Project will result in a loss or significant adverse impact to areas used by big game, and to the extent there are potential impacts, IPC will mitigate for such impacts in favor of the resource. For these reasons, the Project complies with UCZPSO 20.09(5)(B).

C. ENERGY: The development, as proposed, would support energy efficient land use activities for such things as transportation costs, efficient utilization of urban services, and retention of natural features which create micro climates conducive to energy efficiency.

This criterion is focused on traditional development and consequently, is not directly relevant to the Project which is intended to transmit power and enhance reliability of the regional electric transmission system. The Project has minimal impact to the existing land uses in Union County. Further, as noted in Exhibit U, the Project will have no adverse impacts on the transportation system or municipal facilities or services, including urban services. Operation of the Project will free up capacity constraints on the lower voltage distribution system thereby allow for orderly development within Union County. Finally, as described in Exhibit B, Section 3.1 and below, IPC considered big game habit and many natural features as constraints during the siting process. The selected location strikes an acceptable balance of impacts to the many natural and man-made resources taken into consideration. For these reasons, the Project complies with UCZPSO 20.09(5)(C).

D. ENVIRONMENTAL: If alternative sites in Union County for proposed development are available which would create less of an environmental impact of any of the resources listed in Section 20.09(1), major consideration should be given to these options.

In order to select a corridor for the Project that avoids impacts to these and other resources where an alternative with lesser impacts exists, IPC engaged in a 4-year corridor selection process including consideration of alternative corridors in Union County as well as in six other Oregon counties. In choosing the Proposed Corridor and the Glass Hill Alternate, IPC evaluated over 200 data sets developed through data collection and county meetings including Union County. Approximately 49 routes and route segments totaling over 3,000 miles were developed during the initial phase of the study. As the study narrowed down, six discrete route segments and multiple variations were evaluated in Union County. No other route was found to be preferred over the selected Proposed Corridor or Glass Hill Alternate. As discussed in greater detail in Exhibits B, J, P, and Q, a comprehensive avoidance and minimization analysis was done for all environmental resources and other resources to create the least impact, which in some instances has required portions of the Project to be relocated. For these reasons, the Project complies with UCZPSO 20.09(5)(D).

20.09 SIGNIFICANT GOAL 5 RESOURCE AREAS

6. The reviewing body may impose the following conditions, as applicable upon a finding of fact that warrants such restrictions:

C. BIG GAME WINTER RANGE AND BIG GAME CRITICAL HABITAT:

A proposed new structure requiring a conditional use may be required to:

1. Be located as close as possible to an ADJACENT compatible structure (a compatible structure shall be any structure which does not adversely affect the intended use of another structure);

The Project follows an existing electric, natural gas, and highway corridor as much as feasible in Union County. The Proposed Corridor follows segments of the existing 230-kV transmission line from Baker to La Grande and then from La Grande through the Wallowa-Whitman NF, deviating only to meet reliability criteria or to avoid steep terrain or site-specific constraints.[106] The Union County Proposed Corridor also follows the I-84 corridor, both adjacent to existing transmission lines and separately. Accordingly, IPC has located the Project as close as possible to adjacent compatible structures, consistent with UCZPSO 20.09(6)(C)(1).

20.09 SIGNIFICANT GOAL 5 RESOURCE AREAS

2. Share a common access road or where it is impossible to share a common access road, locate as closely as possible to the nearest existing public road in order to minimize the length of access from the nearest road.

Access roads fall into two categories: existing roads needing improvement and new roads. Both categories of access roads are shown on maps in Exhibit C, Attachment C-2. As part of Project design, IPC has made every effort to use existing roads and to limit the development of new roads in CH and WR. These efforts have resulted in the development of an access road system to support the construction of the transmission line that substantially relies on the system of publicly maintained roads as well as unimproved roads on public and private lands. IPC has minimized the length of access roads to the extent practicable, consistent with UCZPSO 20.09(6)(C)(2).

4.3.1.6 UCZPSO Section 20.14—Nonfarm Partitions

20.14 NONFARM USE PARTITIONS

Partition applications to create a parcel for a nonfarm use, except dwellings, shall be processed according to this ordinance's Article 25.00 Land Division Regulations and reviewed through a quasi-judicial land use process per Sections 24.09 through 24.12 and the following criteria:

This section addresses partition of parcels for nonfarm uses. IPC intends to secure easements for the majority of Project features, and therefore does not expect to require partition of any parcel in Union County. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Union County prior to construction.

[106] To meet reliability criteria as minimum separation from existing transmission lines of 230-kV or greater is required except in limited circumstances. For siting purposes that distance was assumed to be 1,500 feet, thereby dictating the minimum distance between existing and proposed transmission lines serving the same load.

4.3.1.7 UCZPSO Section 21.06—General Standards Governing Conditional Uses

21.06 GENERAL STANDARDS GOVERNING CONDITIONAL USES

The following standards and criteria shall govern conditional uses, except as provided in subsection 21.07:

1. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use.

As discussed above, the Project is a conditional use in the A-4 Timber-Grazing zone. IPC intends to satisfy the EFSC's land use standard, OAR 345-022-0030, by seeking a Council determination under ORS 469.504(1)(b) rather than by obtaining local land use approval under ORS 469.504(1)(a). Therefore, substantive requirements of the Union County standards governing conditional uses will be addressed in the EFSC Site Certificate process. The Union County Planning Commission, through its role as a Special Advisory Group, may advise the Council regarding the standards of the A-4 Timber-Grazing zone.

2. Other uses similar to those enumerated within specified zones except in the A-1, A-2, A-3 and A-4 Zones which are consistent with the purposes and intent of the applicable zone may be modified by the Planning Commission if the use is found:

A. To be compatible with outright or conditional uses of the applicable zone.

B. Not to interfere seriously with established and accepted practices on adjacent lands.

C. Not to materially alter the stability of the overall land use pattern of the area.

D. That the proposed use can comply with the standards of the zone, and

E. To comply with such other conditions as the Planning Commission or its designate considers necessary to carry out the purposes of this ordinance.

This standard does not apply because the Project is within the A-1, A-2, and A-4 zones and the standard governs only "other uses similar to those enumerated within specified zones *except* in the A-1, A-2, A-3, and A-4 [z]ones" (emphasis added).

4.3.1.8 UCZPSO Section 21.07—General Design and Improvement Standards

25.09 GENERAL DESIGN & IMPROVEMENT STANDARDS

* * *

(8) Road Widths and Improvements

(a) Road standards shall not be less than those set forth in Table 7-2 in the Transportation System Plan, except where it can be shown that probable future traffic development or physical characteristics are such as to unquestionably justify modification of the standards.

(b) In areas designed and zoned for commercial use, road widths may be increased by such amount as may be deemed necessary by the Commission to provide for the free flow of through traffic without interference by parked or parking vehicles, and to provide safe parking space for such commercial or business districts.

(c) Road and related improvements shall be completed or bonded for completion prior to final plat consideration and shall be constructed under the direction of the County Planning Department, according to the minimum Road Standard Table 7-2:

IPC will coordinate with the Union County Planning Department to ensure that road improvements and the development of any new roads for the Project are consistent with UCZPSO 25.09(8) and Road Standard Table 7-2, to the extent applicable.

4.3.1.9 UCZPSO Section 25.05—Tentative Plan Requirements

25.05 TENTATIVE PLAN REQUIREMENTS

(1) A tentative plan map shall be prepared by a registered professional land surveyor for all partitions and subdivisions creating parcels and lots. The boundaries of parcels in partitions greater than 80 acres in size shall be described by a registered professional land surveyor but are not required to be drawn on the tentative plan. [ORS 92.025(3)]

IPC intends to secure easements for the majority of Project features, and therefore does not expect to require partition of any parcel in Union County. In the event that a partition becomes necessary, IPC will obtain approval of compliance with tentative plan requirements for the partition directly from Union County prior to construction.

4.3.1.10 UCZPSO Section 25.06—Final Plat Requirements

25.06 FINAL PLAT REQUIREMENTS

(1) Surveys and final plats of all partitions, subdivisions, property line adjustments and re-plats shall be prepared by a registered professional land surveyor and shall conform to requirements in ORS Chapter 92 (ORS 92.050 - 92.100) and ORS 209.250 and the plat standards of the Union County Surveyor.

IPC intends to secure easements for the majority of Project features, and therefore does not expect to require partition of any parcel in Union County. In the event that a partition becomes necessary, IPC will obtain approval of compliance with final plat requirements for the partition directly from Union County prior to construction.

4.3.1.11 UCZPSO Section 30.01—Authorization to Grant or Deny Variances

30.01 AUTHORIZATION TO GRANT OR DENY VARIANCES

The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary physical hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purposes of this Ordinance.

IPC intends to satisfy EFSC's land use standard, OAR 345-022-0030, by seeking a Council determination under ORS 469.504(1)(b) rather than by obtaining local land use approval under ORS 469.504(1)(a).

4.3.2 Applicable Substantive Criteria from Union County Comprehensive Plan

The October 30, 2008, letter from Union County identifying applicable substantive criteria for the Project did not identify applicable substantive criteria from the Union County Comprehensive Plan. However, based on further discussions with Union County, big game habitat is included as a Goal 5 resource in the Union County Comprehensive Plan, and Union County requested that IPC provide analysis of potential impacts to big game habitat. The provisions of the Union County Comprehensive Plan applicable to big game habitat provide standards for dwellings and do not contain substantive criteria applicable to the Project. For additional discussion regarding IPC's analysis of impacts to big game habitat in Union County, see Section 4.3.1.5.

4.3.3 EFU Micro Analysis (Zones A-1, A-2, and A-4 Agricultural Lands)

During the CAP, IPC received input from stakeholders requesting avoidance of irrigated agriculture and high value cropland, and IPC considered the avoidance of these areas as a high priority during the development of the Proposed Corridor and alternate corridor segments. As illustrated by Figure K-19, although the analysis required by ORS 215.275 does not require separate consideration of range, cropland, irrigated cropland, or high value cropland, IPC nonetheless made efforts to avoid these areas to the extent practicable.

As discussed above in Section 3.1, IPC has complied with ORS 215.275 at the "macro"[107] level, which is all that ORS 215.275 requires. Additionally, though beyond what is required by the statute, the following section demonstrates compliance with ORS 215.275 at the "micro" level, by providing a detailed discussion of the necessity of siting the Project in Zone A-1 EFU, Zone A-2 Agriculture-Grazing, and predominant farmland parcels in the A-4 Timber-Grazing zone in Union County (these zones are collectively referred to as "EFU" for purposes of the EFU Micro Analysis for Union County). This section mirrors the framework of the "macro" analysis provided in Section 3.1, and provides information specific to the siting of the Project in Union County.

4.3.3.1 Reasonable Alternatives Considered

Through the CAP, IPC considered approximately 8 alternative routes or segments in Union County, all of which cross EFU (see 2010 Siting Study). The Supplemental Siting Study contains additional discussion regarding the consideration of alternatives in this area that led to the selection of the Proposed Corridor and identification of alternative corridor segments.

As discussed above in Section 3.1, the Project must cross EFU in Union County to connect the Project southern endpoint at the Hemingway Substation with the northern endpoint at the Grassland Substation. As a result, there are no reasonable alternatives that would avoid EFU lands.

4.3.3.2 Factors Requiring Siting of the Project on EFU

Of the six factors requiring the siting of the Project on EFU, the two primary factors driving the Project onto EFU lands are locational dependence and lack of available urban and nonresource lands.

Technical and Engineering Feasibility

There are no technical or engineering criteria that resulted in the proposed or alternate corridors crossing EFU-zoned lands.

Locational Dependence

Locational dependence is the primary factor driving the location of the Project on EFU in Union County. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands. As shown on Figure K-19, the Project must cross EFU to achieve a reasonably direct route between the Wallowa-Whitman NF utility corridor, through Union County, and towards Baker County to proceed toward the Hemingway Substation. Accordingly, the Project is locationally dependent because EFU-zoned lands must be crossed in proceeding south and east in the only reasonably direct route.

[107] In the context of Exhibit K, "macro" analysis refers to analysis of the Project across all five counties, and "micro" analysis is a county-specific analysis.

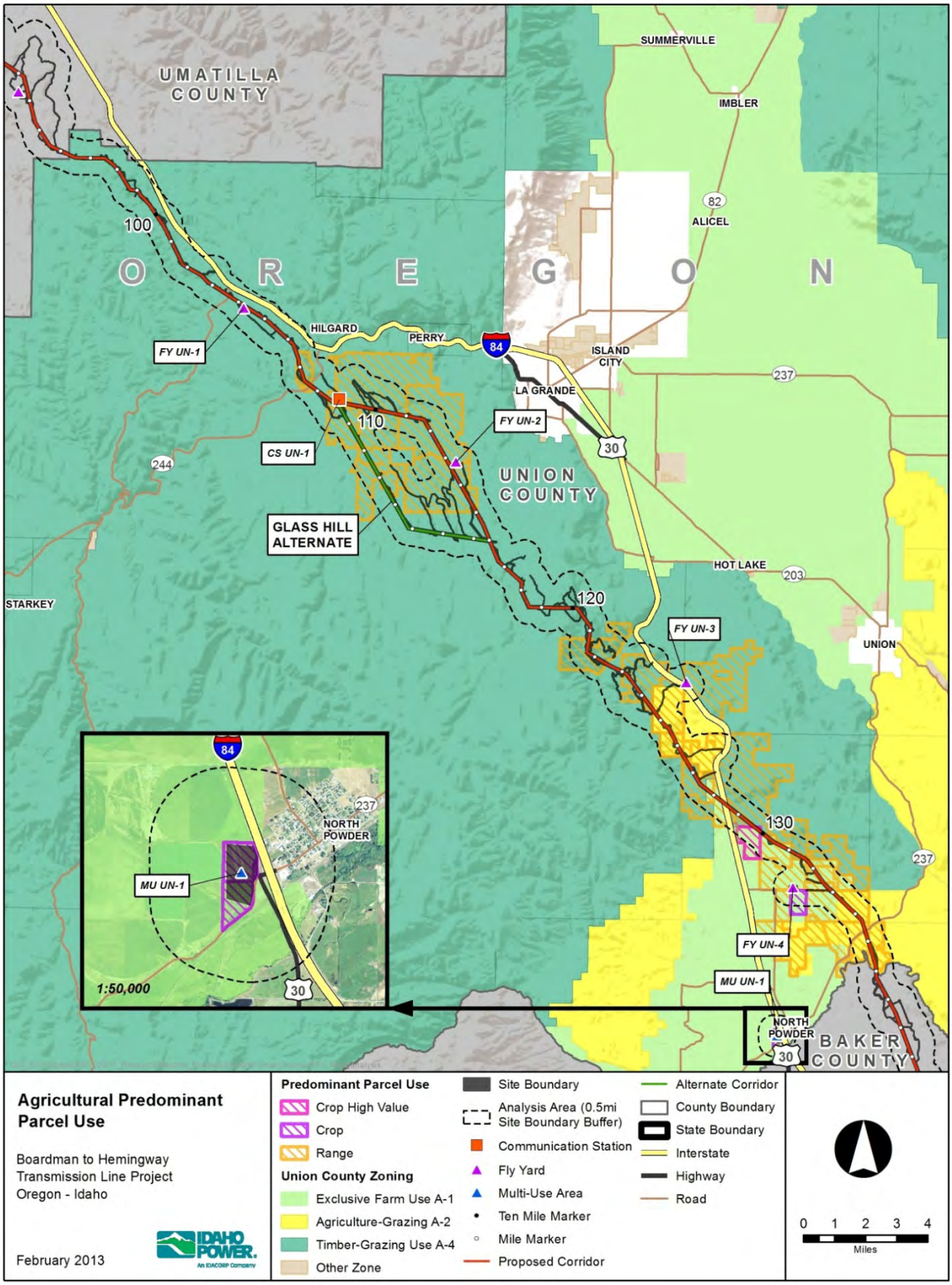

Figure K-19. Agricultural Predominant Parcel Use

Lack of Available Urban and Nonresource Lands

The lack of available urban and nonresource lands was a primary factor resulting in the Project location in EFU. As shown on Figure K-19, there is little in the way of available urban and nonresource lands in the vicinity of the Project in Union County. As a result there are no urban or nonresource lands upon which to locate the Project in Union County between the point at which the Project exits Umatilla County and point at which the Project enters Baker County. Consequently, EFU lands must be crossed by the Project.

Availability of Existing Rights of Way

Availability of existing ROWs was not a factor influencing the location of the Project on EFU land because there are no existing ROWs available for the Proposed Corridor to occupy in Union County. Although the Proposed Corridor parallels an existing 230-kV across EFU-zoned lands, IPC requires a separation equal to the length of the adjacent span (assumed to be 1,500 feet for a 500-kV transmission line) to ensure electrical reliability. The separation requirement precludes IPC's ability to combine existing and proposed transmission lines in the existing ROW.

Public Health and Safety

This factor did not lead to the siting of the Project in EFU-zoned lands.

Other Requirements of State or Federal agencies

This factor influenced the location of the Project in Union County. As stated above in Section 3.1.2.6, an important planning requirement in the development of the Project was the presence of the USFS-designated utility corridor to cross the Wallowa-Whitman NF. The most direct route proceeding south and east from the Wallowa-Whitman NF utility corridor toward the Hemingway Substation passes through EFU in Union County.

4.3.3.3 Costs Were Not the Only Factor Considered

As discussed in the Siting Study (Exhibit B, Attachment B-1), costs were not the only consideration in selecting IPC's Proposed Corridor and Alternate Corridor Segments. Avoidance of sensitive resources, permitting, and construction factors and extensive input from local citizens and officials and many other stakeholders were the primary factors in corridor selection.

4.3.3.4 Restoration of Agricultural Land

Table K-12 describes the temporary and permanent impacts on agricultural lands in Union County. Appendix B of the Agricultural Assessment (Attachment K-1) contains aerial photographs showing affected agricultural areas in the EFU zone.

Table K-12. Temporary and Permanent Impacts on Agricultural Lands in Union County

Corridor	Agriculture Type[1]	Temporary Impacts (acres)	Permanent Impacts (acres)
Proposed Corridor	Dryland Farming	3.1	0.8
	Pasture/Hay	7.3	0.8

[1] Dataset comprises ReGAP vegetation layer (2009) and desktop analysis (aerial interpretation to reclassify agriculture categories into irrigated agriculture or dryland farming using 2012 NAIP).

Appendix B of the Agricultural Assessment (Attachment K-1) is the AIMP, which discusses measures IPC will take to minimize and mitigate for potential impacts to agricultural operations within each zone. These measures can be adopted as conditions of approval to ensure that the Project will not result in significant adverse impacts to agricultural lands within this portion of the Project.

4.3.3.5 Mitigation and Minimization Conditions

As discussed in Section 3.1.4.2 and in the AIMP, IPC does not expect that the Project will have adverse impacts on surrounding lands, result in significant changes in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

To the extent that the Council or Union County has concerns about impacts to surrounding agricultural land, the Council may incorporate elements of the agricultural mitigation plan into the conditions required for issuance of a site certificate. Additionally, through its role as a Special Advisory Group, Union County may provide recommendations to the Council regarding conditions to include in the site certificate.

4.4 City of North Powder

The following section describes the Project in the city of North Powder, and provides analysis regarding compliance with local substantive criteria identified by the City of North Powder.[108]

The Project is a utility facility necessary for public service, and includes related and supporting facilities. As shown on Figure K-20, the Site Boundary for the Project in the city of North Powder consists of a related and supporting facility to the Project, an approximately 27.2-acre portion of a multi-use area to be used for construction of the Proposed Corridor. The remaining portion of the multi-use area is located outside the city of North Powder, under the jurisdiction of Union County, and analyzed in accordance with applicable provisions of the UCZPSO. The multi-use site is located southwest of the City of North Powder along the west side of I-84 and along the north side of U.S. Highway 30. The City of North Powder has zoned this area as Commercial Interchange.

The multi-use area is a temporary use and will be used only during construction of the Project. The multi-use area will serve as field offices; reporting locations for workers; parking space for vehicles and equipment; and sites for material delivery and storage, fabrication assembly of towers, cross arms and other hardware, concrete batch plants, and stations for equipment maintenance. Limited helicopter operations may be staged out of multi-use areas.

[108] IPC's July 2010 Notice of Intent to file an application for site certificate for the Project did not include any proposed features in the City of North Powder. Accordingly, ODOE did not notify the City of North Powder as a reviewing agency or request that it provide substantive local criteria as a Special Advisory Group. IPC understands that ODOE will invite the City of North Powder to be a Special Advisory Group upon receipt of IPC's ASC.

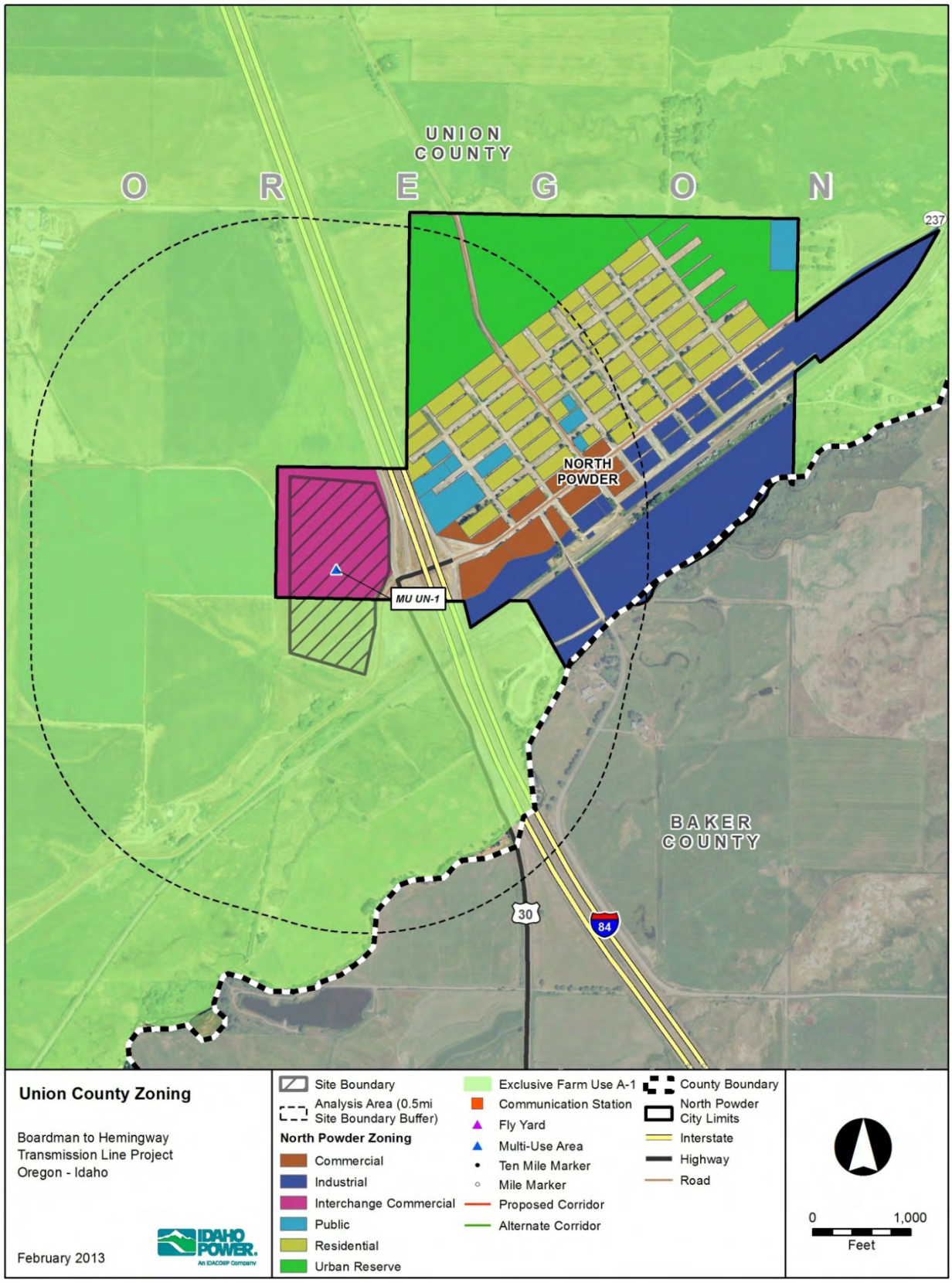

Figure K-20. City of North Powder

4.4.1 Applicable Substantive Criteria from the City of North Powder

Article IV (C-2) Commercial Interchange Zone

4.02 Conditional Uses

In a (C-2) Commercial Interchange Zone the following uses and their accessory uses are permitted by conditional use approval when authorized in accordance with Articles VIII and X of this ordinance:

* * *

12. Other uses per criteria in Section 3.02(9).

The Project is a utility facility necessary for public service, which is not one of the uses enumerated as a permitted or conditional use in the Commercial Interchange Zone. IPC consulted with a representative of the City of North Powder, and was informed that the Project could be permitted as an "other use" under 4.02(12), including the multi-use area.

SECTION 3.02 Commercial Zone Conditional Use Criteria

9. Based upon the following finding the City Council may approve other uses similar to those enumerated and consistent with purpose and intent of this zone if:

a. The proposed use will be compatible with the traffic flow of vehicles and/or pedestrians frequenting the area.

At the outset, it is important to note that the proposed use, the multi-use area, is a temporary use. Based on consultation with a representative from the City of North Powder, there is not significant pedestrian or vehicle traffic in the Commercial Interchange zone. The majority of the pedestrian traffic occurs on the east side of I-84, with very limited pedestrian traffic traffic occuring in the vicinity of the Commercial Interchange Zone. Vehicle traffic in the Commercial Interchange zone is primarily related to adjacent agricultural operations. IPC expects that vehicle traffic at this multi-use area will primarily use the on and off-ramps for I-84, as well as Highway 30, and will not significantly impact traffic within the city of North Powder. IPC has consulted with ODOT this interchange is currently under capacity, and will easily accommodate increased traffic resulting from the multi-use area. Accordingly, IPC expects that the proposed multi-use area will be compatible with the existing flow of traffic and pedestrians in the area.

b. The site plan and use are compatible with the surrounding commercial uses and the intent of this zone.

The surrounding commercial uses include a motel, restaurants, and convenience stores, and are located in the Commercial zone, on the east side of I-84. Because I-84 creates a buffer from the noise and dust that are associated with construction activities, the multi-use area is compatible with the surrounding commercial uses.

The intent of the commercial zone is to provide a place for businesses to operate, and the multi-use area will occupy a lot that has been vacant for many years and will generate activity in the surrounding commercial uses.

c. The proposed use will encourage an influx of people who are likely to benefit from the availability of adjacent commercial wares and/or services.

The multi-use area will serve as field offices, reporting locations for workers, parking space for vehicles and equipment, sites for material delivery and storage, fabrication assembly of towers, cross arms and other hardware, concrete batch plants, and stations for equipment maintenance. Accordingly, during construction of the Project, the multi-use area will encourage an influx of

people working on the Project who will consume goods and services from local businesses in the City of North Powder.

4.5 Baker County

The following section describes the Project in Baker County, and provides analysis regarding compliance with local substantive criteria identified by Baker County.

As shown on Figure K-21, the Site Boundary in Baker County consists of the Proposed Corridor, the Flagstaff Alternate Corridor Segment and Willow Creek Alternate Corridor Segment, as well as both permanent and temporary related and supporting facilities. The Site Boundary is located primarily within EFU-zoned lands in Baker County, though a significant portion of those EFU-zoned lands are federally owned BLM-managed lands. Table K-13 summarizes the length and acreage of the Project in EFU for both the Proposed Corridor and alternate corridor segments, as well as for the two overlay zones crossed by the Site Boundary. Project structures include transmission structures and a small building at each of the communication station site locations. Figure K-22 shows siting constraints in Baker County, including the National Historic Oregon Trail Interpretive Center, the Oregon Trail, ACECs, and sage-grouse habitat.

Table K-13. Baker County Site Boundary Acres and Corridor Miles by County Zoning Designation

Baker County Zones	Proposed Corridor[1]		Flagstaff Alternate		Willow Creek Alternate	
	Centerline (miles)	Site Boundary (acres)	Centerline (miles)	Site Boundary (acres)	Centerline (miles)	Site Boundary (acres)
Total	***74.45***	***6,213.14***	***15.1***	***1,195.5***	***3.8***	***362.0***
Exclusive Farm Use	74.0	6,183.5	15.1	1,195.5	3.8	362.0
Mineral Extraction Zone/Exclusive Farm Use	0.4	28.3	–	–	–	–
Rural Service Area/Exclusive Farm Use	–	1.3	–	–	–	–

[1] Includes 138/69 double-circuit rebuild.

Proposed Corridor

The Proposed Corridor in Baker County includes 69.2 miles of 500-kV line, with 5.3 miles of 138/69-kV rebuild (see Exhibit C, Attachment C-2). The majority of the proposed 500-kV transmission line will be supported by single-circuit steel lattice towers on a 250-foot-wide ROW and the 138/69-kV lines will be carried on steel-pole structures (see Exhibit B, Figures B-13 and B-16). Approximately 16.7 miles of the Proposed Corridor cross BLM-managed lands in the Vale District, about 2.9 miles cross state land, and 49.5 miles cross private land. Approximately 0.9 mile of the 138/69-kV rebuild is located on BLM-managed lands, with the other 4.3 miles located on private land. IPC's selection of the Proposed Corridor was influenced significantly by feedback received during the CAP process requesting that the transmission line be routed to preserve the viewshed looking to the west from the NHOTIC.

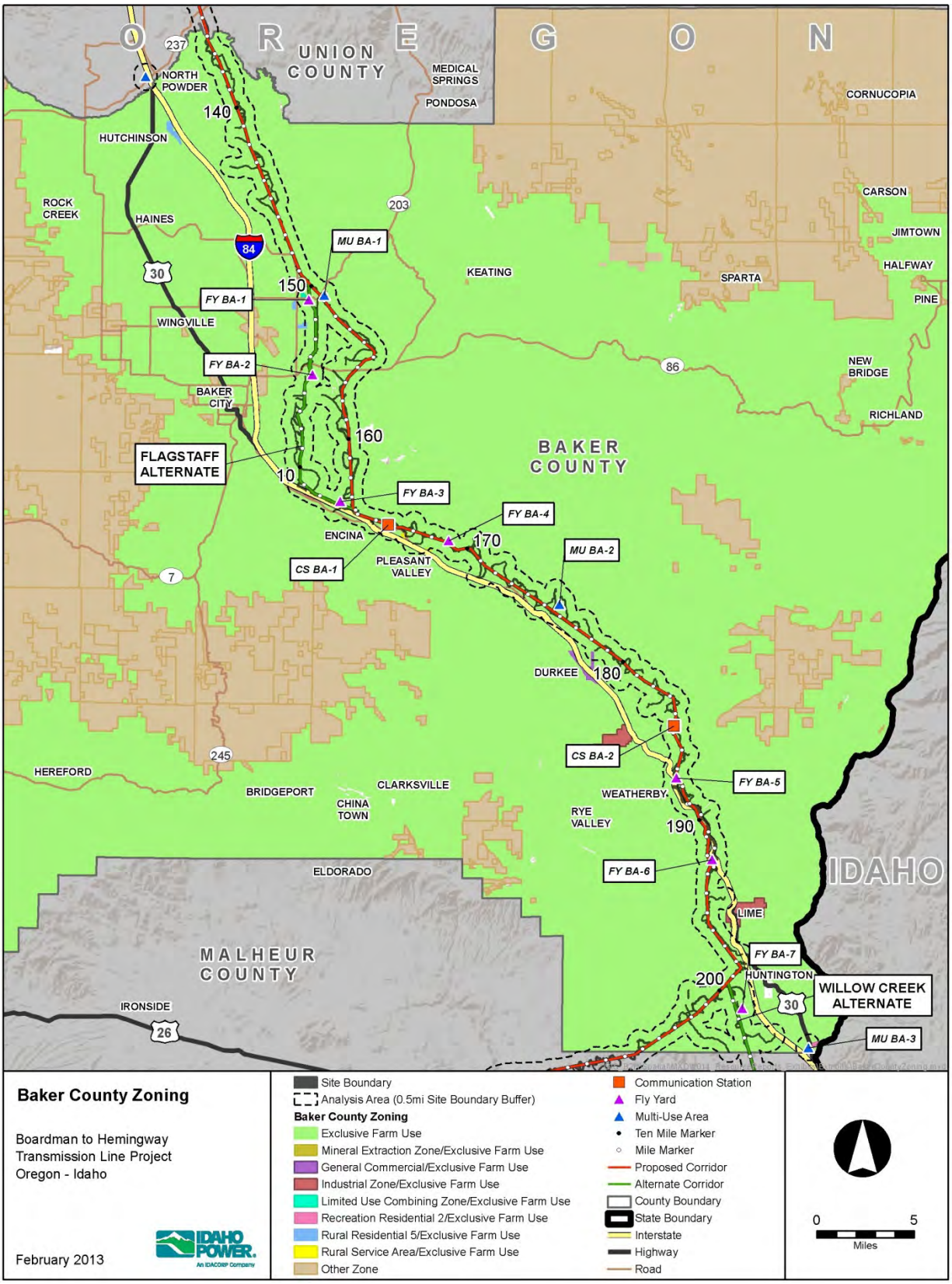

Figure K-21. Baker County Zoning

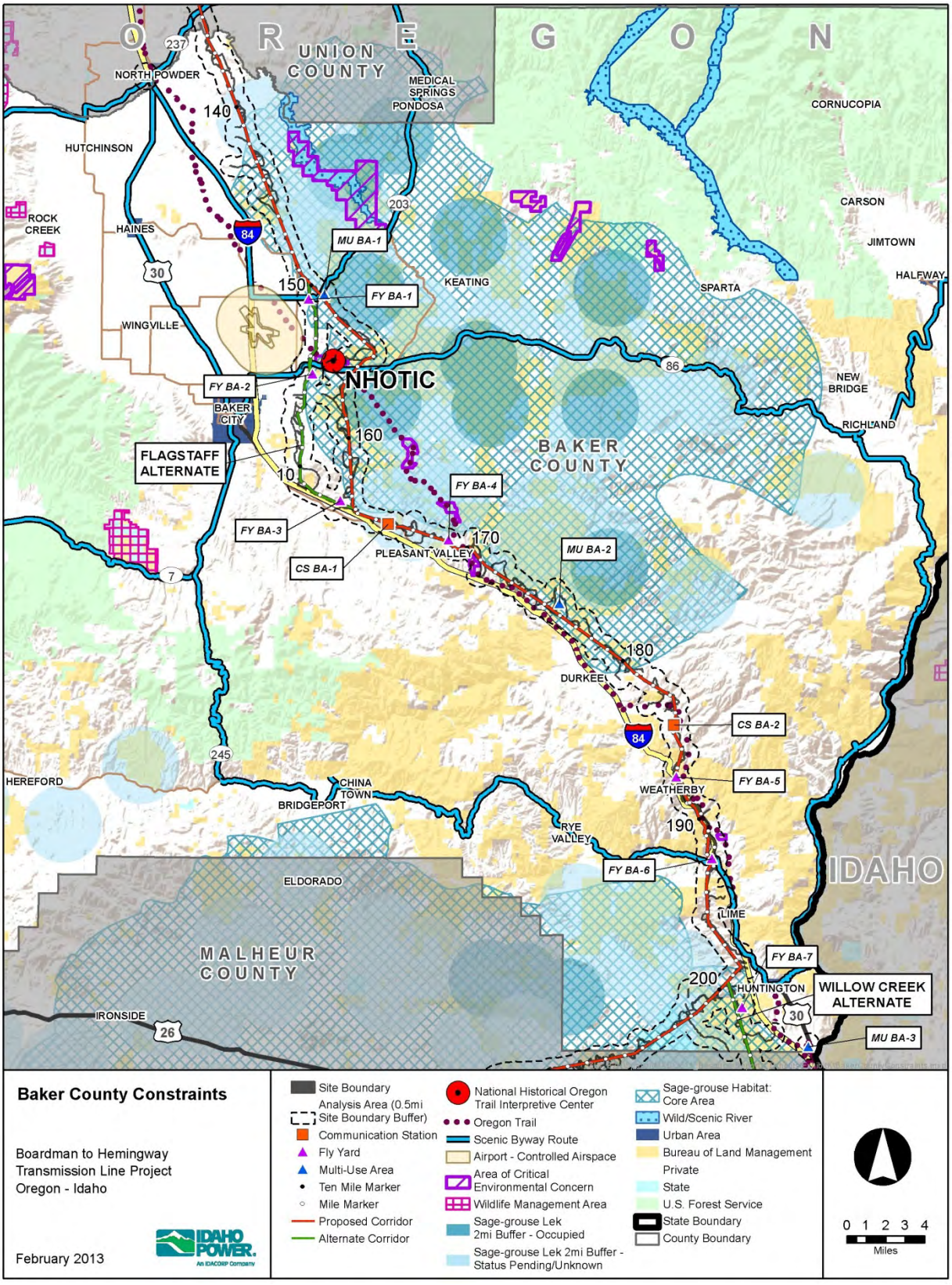

Figure K-22. Baker County Constraints

The Proposed Corridor also includes two communication station sites. One is located southwest of the proposed 500-kV line and two existing lines (69-kV line and 138-kV line) near MP 165.6. The other communication station site is located on the west side of Plane Road on the west side of the Proposed Corridor at about MP 184.6. Each communication station site will be 100 feet by 100 feet, with a fenced area of 75 feet by 75 feet. A prefabricated concrete communications shelter with dimensions of approximately 11.5 feet by 32 feet by 12 feet tall will be placed on the site and access roads to the site and power from the local electric distribution circuits will be required. An emergency generator with a liquid petroleum gas tank will be installed at the site inside the fenced area. Two diverse cable routes (aerial and/or buried) from the transmission ROW to the equipment shelter will be required. Exhibit B, Figure B-21 illustrates the plan arrangement of a typical communications facility site layout.

After crossing the Powder River into Baker County at MP 136.1, the Proposed Corridor crosses about 13.1 miles of rangeland as it continues southeast, parallel to and offset about 1,500 feet west from an existing IPC 230-kV transmission line. At MP 139, the Proposed Corridor passes about 2 miles west of the Thief Valley Reservoir. From MP 149.2, the Proposed Corridor angles to the southeast, crossing an existing IPC 230-kV transmission line at MP 150, State Route 203 at about MP 150.7, and another existing IPC 230-kV transmission line at MP 151.3. Beginning at MP 154.7 the Proposed Corridor turns south, passing between steep hills before angling southwest across Hells Canyon Scenic Byway (State Highway 86) and in proximity to the NHOTIC. From State Highway 86, the Proposed Corridor proceeds southwest to the ridgeline of the Prospects at about MP 157.4. It then turns and proceeds directly south for approximately 6.3 miles through rangeland to MP 163.7, where it crosses existing 69-kV and 138-kV IPC transmission lines just northeast of I-84. The Proposed Corridor angles and proceeds southeasterly from MP 163.7 generally in a corridor with the existing IPC 138-kV and 69-kV lines and an existing pipeline along the northeast side of I-84. For the next approximately 23.6 miles, the corridor crosses mostly rangeland with little or no development and passes north and east of farmland located along I-84 including the Durkee Valley. Entering steep, mountainous terrain at MP 187.3, the Proposed Corridor again becomes part of the existing transportation-utility corridor with I-84, IPC's existing 69-kV and 138-kV transmission lines, and the Union Pacific Railroad. For approximately 4.1 miles the Proposed Corridor is located within the existing 138-kV transmission line ROW and the 138-kV line will be relocated to the existing 69-kV ROW where the lines will be rebuilt onto double-circuit structures. At the southern end of the Weatherby Mountains, near MP 192.5, the Proposed Corridor leaves the I-84 corridor and continues south for about 6 miles passing east of Table Rock and parallel to the west side of the existing 138-kV transmission line ROW. At MP 198.4, approximately 2.0 miles northwest of Huntington, the Proposed Corridor leaves the 138-kV line and proceeds southwest for the next 6.9 miles through an area of steep topography and rangeland to the Baker/Malheur County line.

IPC is requesting a Site Certificate for two alternate corridor segments within or partially within Baker County: the northern segment of the Willow Creek Alternate and the Flagstaff Alternate.

Flagstaff Alternate

The Flagstaff Alternate is a BLM-sponsored National Environmental Policy Act of 1973 (NEPA) alternative that IPC has determined it must include in its Application for Site Certificate (ASC); it is not, however, an alternate location that IPC sponsors or supports.[109] BLM announced in August 2012 that it will include the Flagstaff Alternate in its EIS for the Project based on its

[109] The Flagstaff Alternate was originally proposed by the Company in 2008. However, during the Community Advisory Process, IPC learned that there was substantial public opposition to that route—primarily because it was thought to negatively impact the viewshed from the Oregon Trail Interpretative Center—and as a result IPC developed a new proposed route through the area. IPC's Proposed Corridor in the NHOTIC vicinity has not changed.

assessment that the Proposed Corridor in the NHOTIC vicinity could impact several resources, including sage-grouse habitat, historic mining areas, and intact segments of the Oregon Trail. Accordingly, IPC must propose Flagstaff as an alternate corridor segment in its ASC so that, in the event that BLM selects Flagstaff as its preferred alternative, the EFSC and NEPA processes can result in permitting of the same Project location.

The Flagstaff Alternate is located west of the Proposed Corridor in the vicinity of the NHOTIC to avoid potential conflicts with sage-grouse core habitat designated Category 1 Habitat by ODFW.[110] This is a 15.3-mile alternate corridor segment in Baker County, comprising 14.4 miles of single-circuit 500-kV line supported by single-circuit steel lattice towers on a 250-foot-wide ROW (see Exhibit B, Figure B-13). It also includes the relocation of a 0.9-mile segment of the existing IPC 230-kV transmission line (see Attachment C-2 and Exhibit B, Figure B-13). The Flagstaff Alternate crosses 0.3 mile of Vale District, BLM-managed land, and 15.0 miles of privately owned land.

The Flagstaff Alternate leaves the Proposed Corridor at MP 149.7, angling to the southwest across State Highway 203 at MP 0.8. Approximately 0.7 mile beyond this road crossing, the Flagstaff Alternate joins in a corridor with an existing IPC 230-kV wood pole H-frame transmission line proceeding almost due south for 2.0 miles along the eastern edge of agricultural fields to MP 3.6. The Flagstaff Alternate continues to follow the existing 230-kV line as it angles to the southwest, crosses State Highway 86, and then proceeds south between two hills. The Flagstaff Alternate crosses the existing 230 kV line and then an abandoned gravel pit at MP 5.0 before angling to the southwest, again crossing rangeland, to rejoin the corridor with the existing 230-kV transmission line at MP 7.5. After crossing another 4.4 miles of rangeland the Flagstaff Alternate joins the transportation/utility corridor with I-84, a 69-kV line, and a 138-kV line that it parallels to its intersection with the Proposed Corridor at MP 163.9.

Willow Creek Alternate

Unlike the Flagstaff Alternate, the Willow Creek Alternate was developed by IPC. In April 2012, IPC became aware that its Proposed Corridor in the Brogan area (both Baker and Malheur counties) would impact sage-grouse habitat that ODFW considers to be Category 1 habitat , thereby rendering siting in that area inconsistent with EFSC fish and wildlife habitat standard. Accordingly, IPC developed the Willow Creek Alternate to include in its ASC. Given the competing resource constraints in this area, IPC was not able to develop an alternative that avoids *both* Category 1 sage-grouse habitat *and* EFU (especially irrigated agricultural land). IPC remains committed to avoiding irrigated agricultural land in Baker and Malheur County and has not changed its Proposed Corridor to the Willow Creek Alternate even though its Proposed Corridor may not meet EFSC standards.[111]

The 24.6-mile-long Willow Creek Alternate spans from Baker County (3.5 miles) south into Malheur County (21.1 miles), with 11.3 miles located on BLM-managed land and 13.3 miles on private land (see Exhibit C, Attachment C-2). The Willow Creek Alternate was developed to avoid sage-grouse habitat designated as Category 1 Habitat by ODFW.[112] The 500-kV line along the Willow Creek Alternate would be supported by single-circuit steel lattice towers on a 250-foot-wide ROW (see Exhibit B, Figure B-13).

[110] See Exhibit P for additional discussion of consideration of impacts to sage-grouse habitat.

[111] Since initial development of the Willow Creek Alternate, IPC has learned that the Willow Creek Alternate may cross sage-grouse Category 1 habitat. In the event that the Project impacts Category 1 habitat, IPC will either refine the Project location to avoid Category 1 habitats or ask the Council to exercise balancing authority under OAR 345-022-0000(2). For additional discussion of IPC's analysis of potential impacts to sage-grouse habitat, see Exhibit P, Section 3.3.5.

[112] See Exhibit P for additional discussion of consideration of impacts to sage-grouse habitat.

The Willow Creek Alternate leaves the Proposed Corridor at MP 199.4, approximately 2.5 miles west of Huntington. Proceeding south, the Willow Creek Alternate crosses Durbin Creek at MP 1.0 before passing east of Lost Tom Mountain and across Benson Creek (MP 2.3). Continuing south, the Willow Creek Alternate leaves Baker County and enters Malheur County at MP 3.8.

4.5.1 Applicable Substantive Criteria from Baker County

By letter dated September 22, 2010, Baker County identified applicable local substantive criteria from the Baker County Zoning and Subdivision Ordinance (BCZSO) and Baker County Comprehensive Plan. During preparation of Exhibit K, representatives of IPC[113] had numerous communications with the Baker County Planning Department to clarify the interpretation of the applicable substantive criteria.

Baker County is in the process of updating its zoning and subdivision ordinance; however, Baker County Planning Department staff could not provide additional information as to when new or revised ordinances will be adopted.

4.5.1.1 BCZSO 301 – EFU

Baker County did not identify local substantive criteria from the BCZSO regarding permitting utility facilities in EFU land. Instead, Baker County identified ORS 215.283(1)(d), ORS 215.275, and OAR 660-033-0130(16) as applicable criteria. In Section 3.1, IPC demonstrates that the Project complies with ORS 215.283 and ORS 215.275 on a "macro" level. Additionally, though beyond what is required to demonstrate compliance with ORS 215.283 and ORS 215.275, IPC also demonstrates that the Project location on EFU Baker County complies with the requirements of ORS 215.283, ORS 215.275, and OAR 660-033-0130(16) on a "micro" level (Section 4.5.4). This approach is consistent with the direction provided to IPC in the Project Order.

4.5.1.2 BCZSO 305 – Rural Service Area Overlay Zone

It appears that the Project may cross land in Baker County that is zoned as Rural Service Area; however, analysis of Baker County's GIS data is inconclusive.[114] IPC is working with Baker County to confirm the county zoning and will provide analysis for this zone if it is determined to be applicable to the Project.

4.5.1.3 BCZSO 307 – Mineral Extraction Zone

It appears that the Project may cross land in Baker County that is zoned as Mineral Extraction Zone; however, analysis of Baker County's GIS data is inconclusive.[115] IPC is working with Baker County to confirm the county zoning and will provide analysis for this zone if it is determined to be applicable to the Project.

[113] Throughout Exhibit K, "representatives of IPC" refers to Tetra Tech, Inc. or McDowell Rackner & Gibson, PC.
[114] As of January 23, 2013, IPC has not had access to the zoning maps needed to reconcile inconsistencies in the GIS data.
[115] As of January 23, 2013, IPC has not had access to the zoning maps needed to reconcile inconsistencies in the GIS data.

4.5.1.4 BCZSO 401— Setbacks and Frontage Requirements

SECTION 401 SETBACKS AND FRONTAGE REQUIREMENTS

A. APPLICATION

These requirements shall apply to all structures except for adjustments permitted in Section 402. See also Section 407(B).

B. STANDARDS

1) The minimum land width at the front building lines shall be 220 feet.

2) No part of a structure shall be constructed or maintained closer than 60 feet to the center line of a road or street, or 30 feet from any right-of-way in excess of 60 feet.

3) No part of a building or other structure, except for a sign, shall be constructed or maintained closer than 10 feet to any property line.

4) No part of a building or other structure requiring a building permit or farm use affidavit or a road to access such development, shall be constructed within 50 feet of a naturally occurring riparian area, bog, marsh or waterway.

The Project will attempt to satisfy the setback requirements. However, in some locations, the Project may not meet front, rear, or side setbacks given the Project's linear nature and other routing constraints. For example, the location of the transmission line and towers closer to a parcel's property line in order to minimize potential impacts to agricultural operations might not meet setback requirements. The communication station will be sited to meet the setback requirements to extent possible. To the extent that IPC cannot meet an EFU dimensional setback requirement, the Project nonetheless complies with statewide planning Goal 3 for the reasons discussed below in Section 5.0.[116]

As discussed in Exhibit J, IPC has designed and located the transmission line and related and supporting facilities to avoid impacts to water resources including streams, rivers, lakes, bogs, and marshes, and where avoidance is not practicable, IPC will use stream crossing techniques to minimize impacts to waters and adjacent riparian zones. However, given the Project's linear nature, it will not be feasible to avoid crossing riparian zones. The location of conductors between transmission structures may require thinning of vegetation in riparian zones and temporary access roads will cross riparian zones. IPC will continue to collaborate with federal, state and local resource agencies to minimize impact to riparian areas and to incorporate agreements into final plans and specifications. For areas where temporary construction disturbance results in removal of riparian vegetation, natural vegetation will be replanted with indigenous species in the next replanting season as outlined in the draft Reclamation and Revegetation Plan (Exhibit P, Attachment P-4).

4.5.1.5 BCZSO 412—Historic/Cultural and Natural Area Protection Procedure

SECTION 412 HISTORIC/CULTURAL AND NATURAL AREA PROTECTION PROCEDURE

This Section shall not apply to sites designated as 3A or 3B sites, pursuant to OAR 660-16-010 (1) and (2), respectively. Major alteration or destruction of a Natural Area designated as 2A or 3C shall first require an ESEE analysis, justification, and Plan Amendment.

[116] Pursuant to OAR 345-022-0030(2)(b)(B), if a facility "does not comply with one or more of the applicable substantive criteria," the Council must find that "the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4)" in order to issue a Site Certificate. Accordingly, where the Project may not comply with an applicable substantive criteria such as the EFU setback requirements, IPC demonstrates how the Project otherwise complies with the applicable statewide planning goal by providing a full discussion of each statewide planning goal in Section 5.0 of Exhibit K.

A permit shall be required to destroy or make major alteration to a historic/cultural/natural site or structure inventoried as significant in the County Comprehensive Plan. Upon receipt of an application for said permit, the Planning Department shall institute a 30-day hold. During that time various actions will be initiated by the County depending upon the nature of the threatened resource. All of the inventoried natural sites, historic sites and the cultural sites identified with one, two or three stars will be subject to a public hearing. Notice of the proposed change and public hearing will be provided to the general public, the State Historic Preservation Office, the State Natural Heritage Advisory Council, the State Department of Fish and Wildlife and/or affected local historical, cultural, or governmental entities. The opportunity to educate, persuade, pay for, and/or require the preservation of a significant resource will be provided by the County. At the hearing before the Planning Commission a review will be conducted to determine:

A. If the change will destroy the integrity of the resource.

B. If the proposal can be modified to eliminate its destructive aspects.

C. If any agency or individual is willing to compensate the resource owner for the protection of the resource.

D. If the resource can be moved to another location.

If, after this review, it is determined by the County that the integrity of a significant historic/cultural structure or other to allow, allow with conditions, or disallow the proposed change.

Representatives of IPC have requested information from the Baker County Planning Department regarding inventoried historic/cultural resources that may be in the analysis area and analyzes these resources as applicable substantive criteria below. Additionally, IPC has integrated this information into the archaeological study and VAHP study (see Exhibit S, Attachment S-2), and impacts to the identified historic/cultural sites or structures will be analyzed during the intensive level survey of the VAHP study that will be appended to Exhibit S.

There are no inventoried natural areas within the analysis area.

FOR SIGNIFICANT HISTORIC/CULTURAL STRUCTURES AND TOWNSITES

A. The historic/cultural structure or townsite constitutes a hazard to the safety of the public occupants and cannot reasonably be repaired; or

B. The retention of the historic/cultural structure or townsite would cause financial hardship to the owner which is not offset by public interest in the structure's/townsite's preservation; or

C. The improvement project is of substantial benefit to the County and cannot be reasonably located elsewhere, and overrides the public's interest in the preservation of the historic/cultural structure or townsite; or

D. Major exterior alteration shall, to the extent possible, be consistent with the historic/cultural character of the structure.

IPC does not expect that development of the Project will result in destruction or alteration of any of the historic/cultural structures or townsites. As explained further in Exhibit S, IPC has conducted analysis of historic, cultural, and archeological resources in the analysis area. See Exhibit S, Section 3.2 for a discussion of survey methods. As shown on Figure K-23, IPC has reviewed Baker County's inventory of Historic and Cultural Sites, Structures, Districts contained within the Baker County Comprehensive Plan Goal V Supplement and has identified the following resources that may be located in the analysis area for the Project.

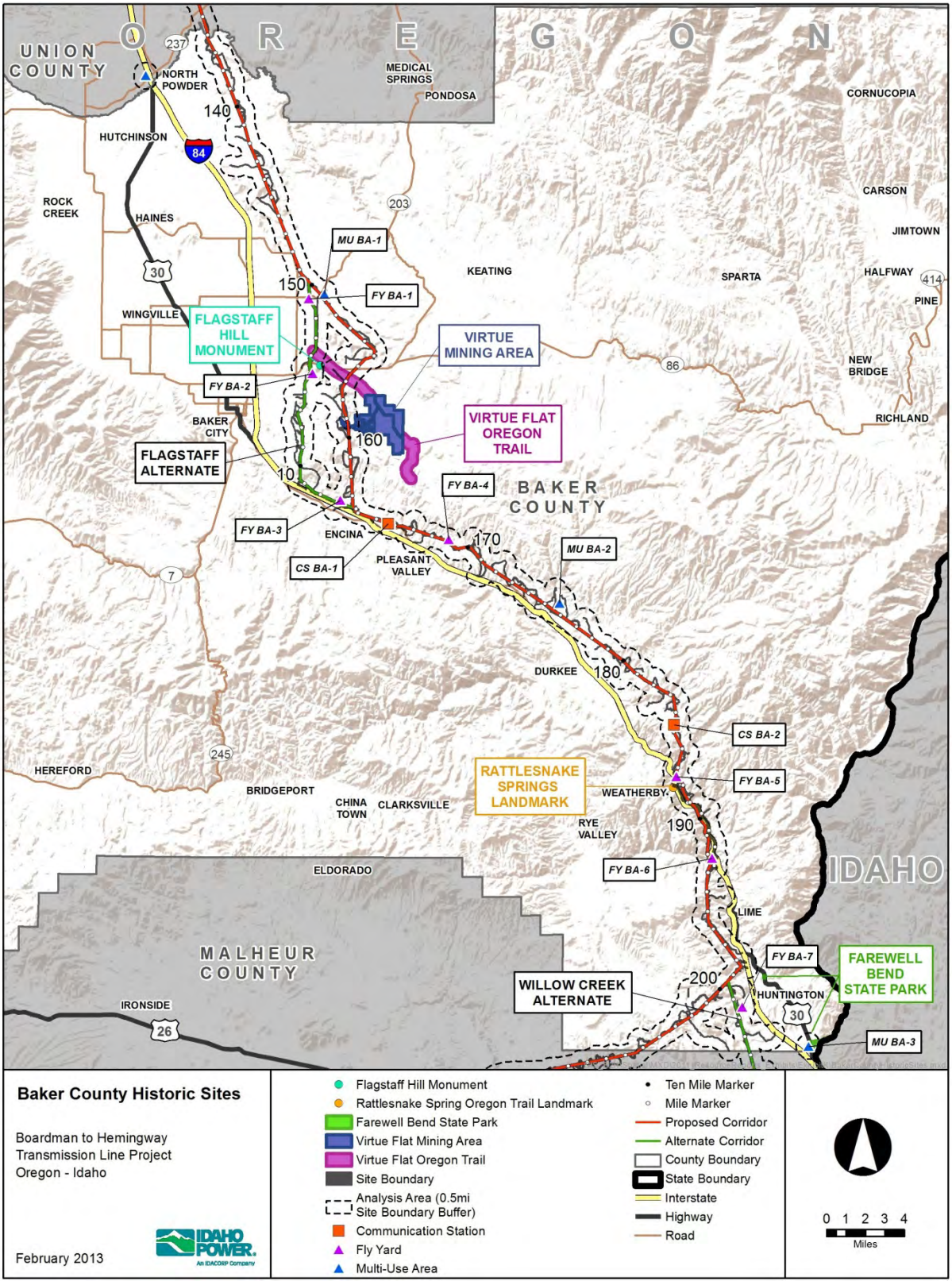

Figure K-23. Baker County Historic Sites

	Twp	Rge	Sec	Tax Lot	Date	Inventory	Ownership
Rattlesnake Springs Landmark	12	44	30	2200	1922	1 ***	ODOT

The Rattlesnake Springs Landmark is designated as a significant resource on Baker County's inventory of Historic and Cultural Sites, Structures, Districts. The Rattlesnake Springs Landmark is located in the analysis area approximately 0.5 mile west of the Proposed Corridor and would largely be screened from view by Gold Hill. The Project will not directly or indirectly impact the Rattlesnake Springs Landmark.

	Twp	Rge	Sec	Tax Lot	Date	Inventory	Ownership
Virtue Mining Area	9	41	20, 21	1900, 2500, 2600, 2700, 2800, 2900, 2205, 2206, 2207, 2208	1862	2**	BLM Private

The Virtue Mining Area is designated "of probable National Register eligibility or local significance" in Baker County's inventory of Historic and Cultural Sites, Structures, Districts. The Proposed Corridor crosses two tax lots on which the Virtue Mining Area is located. The resource may be indirectly affected by the Project and potential impacts will be discussed in the intensive level survey for the VAHP study (see Exhibit S, Attachment S-2).

	Twp	Rge	Sec	Tax Lot	Date	Inventory	Ownership
Virtue Flat Oregon Trail (visible undisturbed wagon train ruts)	9	41			1843	6**	BLM

The Virtue Flat Oregon Trail (visible undisturbed wagon train ruts) is designated "of probable National Register eligibility or local significance" in Baker County's inventory of Historic and Cultural Sites, Structures, Districts and is crossed by the Proposed Corridor and is in proximity to the Flagstaff Alternate. The resource may be indirectly affected by the Project and potential impacts will be discussed in the forthcoming intensive level survey for the VAHP study (see Exhibit S, Attachment S-2).

	Twp	Rge	Sec	Tax Lot	Date	Inventory	Ownership
Farewell Bend State Park	14	45	33	1600		1***	ODOT

The Project will not directly or indirectly impact the Farewell Bend State Park. The Farewell Bend State Park is located more than a mile from permanent Project features. Exhibit T, Section 3.3.2, analyzes potential impacts of the Project to the Farewell Bend State Park, and finds that the Project would have no long-term adverse effect on the opportunity for visitors to use Farewell Bend. Indirect/disturbance impacts would be limited to visual resource effects, which would be minimal or nonexistent. Therefore, the recreational experience for park users would not be adversely affected by the Project.

	Twp	Rge	Sec	Tax Lot	Date	Inventory	Ownership
Flagstaff Hill Monument	9	41	6	500	1943	1,2***	BLM

The Flagstaff Hill Monument is in the analysis area of the Project but is not within the Site Boundary of the Project. Based on a review of photographs taken from this location along with

site visits, it appears that the Proposed Corridor would not be viewed from this location; however, several structures may be visible at a distance of about 0.6 miles and back-dropped by the valley and mountains in the background. Due to the nature of the resource and the fact that the Project will not affect the characteristics that make the monument important, no additional analysis will be conducted as a part of the VAHP.

FOR SIGNIFICANT NATURAL AREAS

A. The existence of a site report: The site's relative significance is indicated by the existence of a site report indicating a field survey with one or more elements verified.

B. Number of elements: The site is elevated to a higher priority if it contains a diversity of natural elements.

C. Past use of land: The degree to which man's activities have already impacted an area is a significant factor in determining the value of protecting the resource.

D. Abundance and quality of the same resource elsewhere on the County's inventory: In reviewing such comparative information the County will be able to make its decision knowing the relative significance of the resource in question.

E. Financial impact: A determination that the retention of the natural area would cause financial hardship to the owner not offset by public interest in the site's preservation would be a determining factor in the County's decision.

F. Public benefit from the proposed change: A finding that the change is of substantial benefit to the County and cannot be accommodated feasibly elsewhere on the applicant's property would be a significant factor in the County's decision.

There are no inventoried natural areas within the analysis area for the Project in Baker County.[117]

FOR RESOURCES NOT INVENTORIED OR DESIGNATED AS 1B

For resources of unknown significance or resources not on the inventory, a local review will be conducted by BLM and USFS personnel with the consent of their supervisors, Oregon Department of Fish and Wildlife, State and/or college historians and local museum and historical society members to evaluate the resource's comparative worth and make a recommendation as to whether a full public hearing is warranted.

IPC is unaware of any resources of unknown significance or resources not on the inventory which are be located within the analysis area of the Project. IPC has conducted extensive analysis of historic, cultural, and archeological resources in the analysis area. See Exhibit S, Section 3.2 for a discussion of survey methods.

4.5.1.6 BCZSO 1001 – Subdivisions, Partitions, and Lot Line Adjustments

SECTION 1001 SUBDIVISIONS, PARTITIONS, AND LOT LINE ADJUSTMENTS

As authorized by law, subdivisions, major and minor partitions and streets created for the purpose of partitioning land shall be approved in accordance with this Article. This Article applies to all land within the unincorporated territory of the County. A person desiring to subdivide land, to partition land, or to create a street or a private road shall submit preliminary plans and final documents for approval as provided in this Article and state statutes.

[117] See Baker County Comprehensive Plan, Part 2. Section V., page 35 referencing Technical Information and Inventory Data for Land Use Planning in Baker County, Plate 17.

IPC intends to secure easements for the majority of Project features, and therefore does not expect to require partition of any parcel in Baker County. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Baker County prior to construction.

4.5.2 Applicable Substantive Criteria from Baker County Comprehensive Plan

4.5.2.1 Goal V—Open Space, Scenic, and Historic Areas and Natural Resources

GOAL V

OPEN SPACE, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

GOAL: To conserve open space and protect natural resources.

OPEN SPACES AND SCENIC AREAS

State Highway Scenic Routes

The Oregon State Highway Division has the responsibility for designating scenic areas along State Highways. The designated scenic areas in the County are as follows: (See Plate # 10 of Appendix I)

Goal V Open Spaces and Scenic Areas Findings

1. Land needed or desirable for open space includes agricultural and forest lands (public and private); public parks and campgrounds; lakes, streams and reservoirs; and other special purpose lands such as wilderness areas, recreation areas and wildlife areas.

2. "Scenic Views and Sites" are a resource indigenous to Baker County. Of particular significance are those scenic areas identified by the Oregon Department of Transportation and mapped on Plate 10 of Appendix I. The county, in its application of the Goal 5 Administrative Rule, identifies these as 2A resources pursuant to OAR 660-10-000.

As shown on Figure K-24, the Proposed Corridor crosses or parallels two scenic routes identified in the Baker County Comprehensive Plan: State Route 86 and I-84. The Flagstaff Alternate parallels approximately 1.2 miles of the northern scenic segment of I-84. These scenic resources are identified as 2A resources.

Route Oregon 86 - Highway 12

a. From milepoint 4.81 (.28 miles E of Sunnyslope Lane) To milepoint 40.64 (Eagle Creek)

b. From milepoint 43.03 (.76 miles E of Richland) To milepoint 53.05 (.19 miles E Sage Road)

c. From milepoint 55.03 (Clear Creek) To milepoint 70.64 (Homestead Road)

The scenic portion of State Route 86 is crossed by the Proposed Corridor and Flagstaff Alternate at its western end in the Virtue Flat area east of the entrance to the NHOTIC.

Viewshed analysis indicates that transmission facilities on the Proposed Corridor would potentially be visible from the majority of this stretch of State Route 86, particularly in the area within approximately 4 miles to the east of the Project crossing of the highway.

In some locations, portions of the Project would be highly visible because several towers north of the highway would be seen above the skyline. While some of the Project facilities would be seen against a terrain backdrop, contrast levels for this location were rated as moderate to strong (see Exhibit R, Attachment R-1 for additional discussion). Based on the existing scenic quality, this would result in a moderate to high overall resource change. With a moderate to high overall viewer response (based on moderate to high sensitivity, brief view duration, and high viewer numbers), this would result in visual impacts rated as moderate to high, and potentially significant at this specific location on State Route 86.

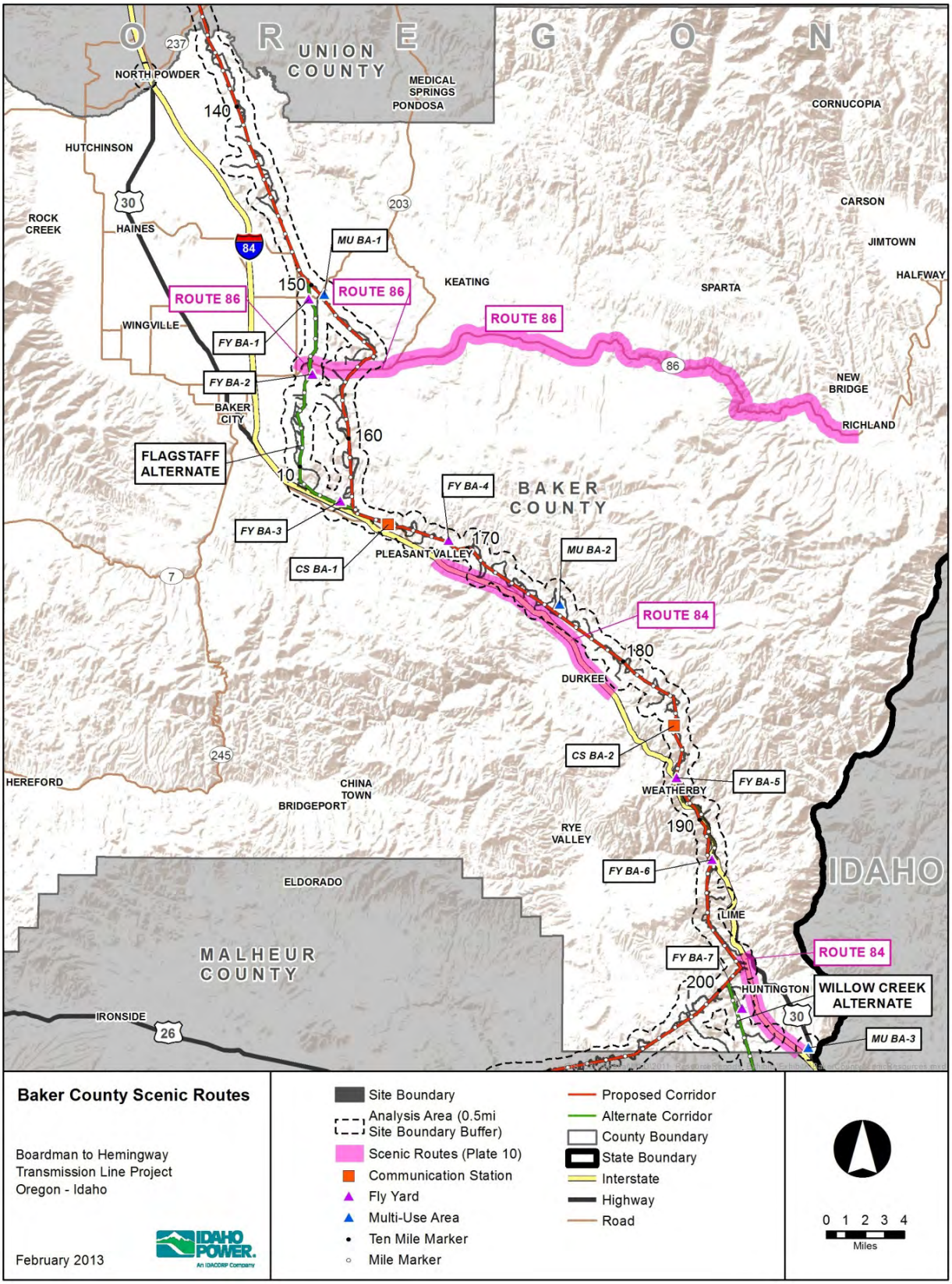

Figure K-24. Baker County Scenic Routes

The Project would not have significant visual impacts along most of the scenic segment of State Route 86. Based on the analysis described in detail in Exhibit R, the Proposed Corridor would have a moderate to high (potentially significant) visual impact in the western end of the scenic segment of State Route 86 near the NHOTIC. The visual impact for the Flagstaff Alternate might also reach the moderate to high level for a short section near the western end of the scenic segment (Exhibit R, Section 3.4.2.2). As necessary, IPC will develop a mitigation plan to reduce visual impacts from the Project to the scenic portion of State Route 86 to less than significant. For a discussion of IPC's proposed mitigation for impacts to scenic resources, see Exhibit R, Section 3.4.3.

Route I-80N - Highway 6

a. From milepoint 317.39 (Pleasant Valley Interchange) To milepoint 329.24 (1.81 miles SE Durkee Interchange)

b. From milepoint 345,78 (Huntington Interchange) To milepoint 352.00 (Baker/Malheur County Line)

The Baker County Comprehensive Plan includes "I80-N" as an inventoried scenic resource. Since the time of adoption of the Baker County Comprehensive Plan, I-80N has been renamed I-84. The Proposed Corridor parallels two portions of I-84 that are designated as scenic.

Pleasant Valley—Durkee

The northerly segment of I-84 that is identified by Baker County as a scenic highway extends from MP 317.39 (at the Pleasant Valley Interchange) to MP 329.24 (1.8 mile southeast of the Durkee Interchange), a distance of about 12 miles. The Proposed Corridor is roughly parallel to the entire scenic highway segment. For the majority of this segment, the Proposed Corridor parallels two existing transmission lines (138-kV and 69-kV). The distance between the Project and I-84 ranges from approximately 250 to 7,000 feet (1.3 mile) for the Proposed Corridor and from 250 to 700 feet for the Flagstaff Alternate.

In some locations, particularly where the Project would be close to the freeway, the facilities would be seen against a backdrop of low ridges flanking the highway. At other locations the Project facilities would be skylined along those ridges. In those locations where the Project would be visible it would be viewed in conjunction with one or two existing transmission lines. In other locations there would be limited visibility of the Project, particularly in the central portion of the scenic segment where the Proposed Corridor is typically 1 mile or more from I-84.

The Project would have a variable visual presence along the Pleasant Valley to Durkee scenic highway segment, with the degree of contrast at specific locations ranging from none to moderate or strong. Viewed within a context limited to this 12-mile freeway segment, there would be some degree of visual impact for approximately half of the identified scenic resource. Throughout this highway segment, existing development features have had a substantial influence on the character of the landscape. The freeway itself introduces considerable contrast and often dominates the landscape. In addition, Old Highway 30 runs directly adjacent to I-84 in most of the segment and is never more than about 0.5 mile distant; a busy railroad line is similarly close for more than 10 miles of the highway segment; existing 69-kV and 138-kV transmission lines are typically within 0.5 mile and are a nearly continuous visual presence; and developed land uses are noticeable in the Durkee area and at several scattered locations along I-84. In summary, the existing landscape surrounding the scenic highway segment exhibits considerable modification as a result of human activity, and the incremental change to that landscape as a result of the Project would be relatively small. Considering the range of Project viewing conditions and the context of the viewer experience, the assessment developed in

Exhibit R, Section 3.4.2.2, indicates that the overall visual impact of the Project on the I-84 Pleasant Valley-Durkee scenic resource would be moderate, and less than significant.

Huntington Area

The southerly segment of I-84 that is identified by Baker County as a scenic highway extends from MP 345.78 (at the Huntington Interchange) to MP 352.0 (at the Baker/Malheur County line), a distance of about 6 miles. A short segment of the Proposed Corridor northwest of Huntington approaches within about 1 mile of the northern end of the scenic highway segment, before angling to the southwest and away from I-84. The Willow Creek Alternate Corridor Segment is located roughly parallel to the entire scenic highway segment, at a distance ranging from approximately 1 to 3 miles.

As discussed in greater detail in Exhibit R, Section 3.4.2.2, the visual impacts of the Proposed Corridor on the Huntington Area segment of I-84 would not rise above moderate and would not be significant. The Willow Creek Alternate would likely be more visible in this area, however, and might create contrast levels sufficient to result in moderate to high (potentially significant) visual impacts at specific locations along the northern portion of the scenic highway segment. The 6-mile segment of I-84 south of Huntington would represent a relatively small portion of the trip for a typical traveler. Considering the range of Project viewing conditions and the overall context of the viewer experience, the assessment developed in Exhibit R, Section 3.4.2.2 indicates that the overall visual impact of the Willow Creek Alternate on the I-84 Huntington scenic resource would be moderate and less than significant.

4.5.2.2 Goal V—Natural Areas Policies

Goal V Natural Areas Policies
Natural Areas designated as 2A sites are to be protected to ensure the preservation of the resource site.

There are no inventoried natural areas within the analysis area for the Project in Baker County.[118]

4.5.3 Noxious Weed Management Plan

Baker County identified the Baker County Noxious Weed Management Plan and ORS 570.500 through ORS 570.575 as applicable substantive criteria. The above-referenced sections of the statutes identified by Baker County have since been renumbered, and are now contained within Chapter 569 (specifically ORS 569.350 through ORS 569.450). Relevant portions of the statutes and the Baker County Noxious Weed Management Plan are excerpted below:

ORS 569.390 Owner or occupant to eradicate weeds.
Each person, firm or corporation owning or occupying land within the district shall destroy or prevent the seeding on such land of any noxious weed within the meaning of ORS 569.360 to 569.495 in accordance with the declaration of the county court and by the use of the best means at hand and within a time declared reasonable and set by the court, except that no weed declared noxious shall be permitted to produce seed.

[118] See Baker County Comprehensive Plan, Part 2. Section V., page 35 referencing Technical Information and Inventory Data for Land Use Planning in Baker County, Plate 17.

Baker County Noxious Weed Management Plan

THEREFORE, IT SHALL BE THE POLICY OF BAKER COUNTY TO:

1. Increase awareness of potential economic loss due to existing and new invading weeds through continuous education with the public.

2. Rate and classify weeds at the county level

3. Prevent the establishment and spread of noxious weeds.

4. Encourage and implement the control or containment of infestations of designated weed species and, where possible, their eradication. When budgets allow, offer a landowner cost share program for "A" rated weeds, as well as those weeds designated appropriate for cost share assistance by the Board of Commissioners.

5. Manage a biological control of weeds program for yellow starthistle, leafy spurge, St. Johnswort, Canada thistle, rush skeletonweed, diffuse knapweed, spotted knapweed, and others, in cooperation with ODA's Biological Control of Weeds Program.

6. Cooperate with other states, federal agencies, private citizens, the Tri-County Weed Management Area and other groups in enhancing the Baker County Vegetation Management Program.

IPC will undertake measures to manage noxious weeds consistent with ORS 569.350 through ORS 569.450 and consistent with Baker County's Noxious Weed Management Plan. For additional discussion refer to IPC's draft Reclamation and Revegetation Plan (Exhibit P, Attachment P-4) and draft Vegetation Management Plan (Exhibit P, Attachment P-5).

4.5.4 EFU Micro Analysis for Baker County

As discussed above in Section 3.1, IPC has complied with ORS 215.275 at the "macro"[119] level, which is all that ORS 215.275 requires. Though beyond what is required by the statute, the following section demonstrates compliance with ORS 215.275 at the "micro" level, by providing a detailed discussion of the necessity of siting the Project in EFU in Baker County. This section mirrors the framework of the "macro" analysis provided in Section 3.1, and provides information specific to the siting of the Project in Baker County.

4.5.4.1 Reasonable Alternatives Considered

Through the CAP, IPC considered approximately 31 alternative routes or segments in Baker County, nearly all of which cross EFU (see 2010 Siting Study).[120] The Supplemental Siting Study contains additional discussion regarding the consideration of alternatives in this area that led to the selection of the Proposed Corridor and identification of alternative corridor segments. However, EFU-zoned lands in Baker County are unavoidable in reaching the Wallowa- Whitman NF utility corridor from the Hemingway Substation. As a result, there are no reasonable non-EFU alternative routes in Baker County.

4.5.4.2 Factors Requiring Siting of the Project on Baker County Land Zoned EFU

In Baker County, the primary factors driving the location of the Project on lands zoned EFU are locational dependence and the lack of available urban and nonresource lands. Additionally, state and federal requirements have influenced the ultimate location of the Project, by creating constraints on particular EFU lands, thereby influencing *which* EFU lands the Project crosses.

[119] In the context of Exhibit K, "macro" analysis refers to analysis of the Project across all five counties, and "micro" analysis is a county-specific analysis.

[120] Although two of the route segments identified in the southwestern portion of Baker County during the CAP did not cross EFU in Baker County, the route segments were not considered viable because they would force the Project to cross several EFSC-designated protected areas and other sensitive resources. See Exhibit B, Attachment B-1, 2010 Siting Study.

Technical and Engineering Feasibility

Technical and engineering feasibility was not a factor that influenced the location of the proposed or alternate corridor segments in Baker County on EFU-zoned lands.

Locational Dependence

Locational dependence is the primary factor driving the location of the Project on EFU. A utility facility is locationally dependent if it must cross land in one or more areas zoned for EFU to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands. Proceeding in a reasonably direct route from where the Proposed Corridor enters and exits Baker County, there are only EFU-zoned lands available for routing the Proposed Corridor. From where the Flagstaff Alternate departs from the Proposed Corridor and returns to the Proposed Corridor, there is only EFU land available for routing the Flagstaff Alternate. From where the Willow Creek Alternate departs from the Proposed Corridor and enters Malheur County, there is only EFU land available for routing the Willow Creek Alternate. The primary factor driving the location of the Proposed Corridor and the Willow Creek Alternate at the southern edge of Baker County area is locational dependence on EFU. Regardless of whether the Project exits Baker County via the Proposed Corridor or the Willow Creek Alternate, it is impossible to avoid crossing EFU-zoned lands.

Lack of Available Urban and Nonresource Lands

The lack of available nonresource lands is also a key factor. As shown in Figure K-21, there are very few urban and nonresource lands in Baker County and there is no apparent path through urban or nonresource lands upon which to locate the Project from the Union County line south to the Malheur County line.

Availability of Existing Rights of Way

The availability of existing ROWs was not a factor influencing the location of the Project on EFU land because there are no existing ROWs available for the Proposed Corridor to occupy in Baker County. IPC requires a separation equal to the length of the adjacent span (assumed to be 1,500 feet for a 500-kV transmission line) to ensure electrical reliability. The separation requirement precludes IPC's ability to combine existing and proposed transmission lines in the existing ROW. However, locating the Project *adjacent* to existing ROW corridors has influenced the exact location of the Project in Baker County.

Proposed Corridor: For approximately 5.1 miles in the vicinity of Weatherby, the Proposed Corridor will occupy an existing, to be vacated, 138-kV transmission line ROW of 100 feet plus 150 feet of expanded ROW to accommodate the new 500-kV transmission line on 250 feet of ROW. The 138-kV line will be relocated to an existing 69-kV ROW where the lines will be rebuilt onto double-circuit structures. In this segment, additional ROWs will be required to accommodate the new 138/69-kV transmission line. In other locations, the Proposed Corridor is located immediately adjacent to existing 138-kV and 230-kV ROWs, and in others the Proposed Corridor is offset 1,500 feet from an existing IPC 230-kV line. However, east of Baker City, IPC selected a Proposed Corridor that is not within the transportation/utility corridor in response to citizen concerns regarding impacts on the view from the NHOTIC.

Flagstaff Alternate: The Flagstaff Alternate, which crosses privately-owned EFU parcels to the west of the NHOTIC, parallels adjacent to an existing 230-kV line on new ROW for several miles, at the same point that IPC's Proposed Corridor diverges from the existing ROW. It appears that the location of the Flagstaff Alternate parallel to existing ROW and avoidance of

sage-grouse habitat[121] were primary factors in BLM's selection of the Flagstaff Alternate for detailed analysis.

Public Health and Safety

This was not a factor that influenced the location of the Project in Baker County.

Other Requirements of State or Federal Agencies

Due to the prevalence of EFU in the Baker County, it is not possible to avoid EFU lands. However, the other requirements of state and federal agencies created constraints on particular EFU lands, thereby influencing *which* EFU lands the Flagstaff Alternate crosses. The BLM-managed lands traversed by the Proposed Corridor are protected by several federal and state requirements, including key sage-grouse habitat recognized by both BLM and ODFW and the BLM Virtue Flats ACEC. As explained above in Section 4.5, IPC has included BLM's Flagstaff Alternate because of concerns that IPC's Proposed Corridor in this area may be un-permittable, under either federal or state law, due to evolving sage-grouse habitat protection measures. Thus, the "other federal and state requirements" factor is a key factor influencing the location of the Flagstaff Alternate on EFU land in Baker County.

4.5.4.3 Costs Were Not the Only Factor Considered

As discussed in the Siting Study (Exhibit B, Attachment B-1), costs were not the only consideration in selecting IPC's Proposed Corridor and alternate corridor segments. Avoidance of sensitive resources, permitting, and construction factors and extensive input from local citizens and officials and many other stakeholders were the primary factors in corridor selection.

4.5.4.4 Restoration of Agricultural Land

Table K-14 describes the temporary and permanent impacts on agricultural lands in Baker County. Appendix B of the Agricultural Assessment (Attachment K-1) contains aerial photographs showing affected agricultural areas in the EFU zone.

Table K-14. Temporary and Permanent Impacts on Agricultural Lands in Baker County

Corridor	Agriculture Type[1]	Temporary Impacts (acres)	Permanent Impacts (acres)
Proposed Corridor	Dryland Farming	8.4	0.1
	Irrigated AG	0.0	0.0
	Pasture/Hay	11.3	1.3
Proposed 138/69kV Rebuild	Dryland Farming	0.4	0.2
	Irrigated AG	0.3	0.2
	Pasture/Hay	4.0	2.2
Flagstaff Alternate including 230kV Rebuild	Dryland Farming	8.6	0.7
	Irrigated AG	22.2	3.0
Willow Creek Alternate	Pasture/Hay	6.6	0.2

[1] Dataset comprises ReGAP vegetation layer (2009) and desktop analysis (aerial interpretation to reclassify agriculture categories into irrigated agriculture or dryland farming using 2012 NAIP).

[121] ODFW's habitat mitigation requirements for protection of sage grouse habitat treats core habitat adjacent to an existing utility line as Category 2 habitat. For additional discussion, refer to Exhibit P.

Appendix B of the Agricultural Assessment (Attachment K-1) is the AIMP, which discusses measures IPC will take to minimize and mitigate for potential impacts to agricultural operations within each zone. These measures can be adopted as conditions of approval to ensure that the Project will not result in significant adverse impacts to agricultural lands within this portion of the Project.

4.5.4.5 Mitigation and Minimization Conditions

As discussed in Section 3.1.4.2 and in the AIMP, IPC does not expect that the Project will have adverse impacts on surrounding lands, result in significant changes in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

To the extent that the Council or Baker County has concerns about impacts to surrounding agricultural land, the Council may incorporate elements of the agricultural mitigation plan into the conditions required for issuance of a Site Certificate. Additionally, through its role as a Special Advisory Group, Baker County may provide recommendations to the Council regarding conditions to include in the Site Certificate.

4.6 Malheur County

The following section describes the Project in Malheur County, and provides analysis regarding compliance with local substantive criteria identified by Malheur County.

As shown on Figure K-25, in Malheur County, permanent facilities of the Proposed Corridor, the Willow Creek Alternate, the Double Mountain Alternate, and the Malheur S Alternate are located primarily on land zoned Exclusive Range Use (ERU), with small portions of the Proposed Corridor and the Willow Creek Alternate crossing EFU-zoned lands. In Malheur County, EFU and ERU are both zoning designations for Goal 3 agricultural lands. The Malheur County Planning Department has indicated that the local zoning designation "EFU" generally corresponds to irrigated agricultural lands in Malheur County and "ERU" is rangeland in Malheur County, and both are considered EFU for the purpose of analysis under ORS 215.275. For clarity, Malheur County's EFU zone is referred to as "MC-EFU"; the term "EFU" refers to all Goal 3 agricultural lands in Malheur County (both the MC-EFU and ERU zones).

Table K-15 summarizes the zoning districts crossed by the Site Boundary and also the centerline of the Proposed Corridor and alternate corridor segments. The locations of the proposed communication station sites in Malheur County are all located on ERU-zoned land. Project structures include transmission structures and a small building at each of the communication station site locations. Figure K-26 shows siting constraints in Malheur County, including the the Oregon Trail, Areas of Critical Environmental Concern, Wilderness Charateristic Units, and sage-grouse habitat.

Table K-15. Malheur County Site Boundary Acres and Corridor Miles by County Zoning Designation

Malheur County Zones	Proposed Corridor		Double Mountain Alternate Corridor		Malheur S Alternate Corridor		Willow Creek Alternate Corridor	
	Centerline (miles)	Site Boundary (acres)	Centerline (miles)	Site Boundary (acres)	Centerline (miles)	Site Boundary (acres)	Centerline (miles)	Site Boundary (acres)
Total	***72.0***	***5,756.8***	***7.4***	***791.2***	***33.6***	***2,973.6***	***20.8***	***1,649.7***
MC-EFU Zone	1.7	204.3	–	–	–	0.4	1.0	73.8
ERU Zone	70.3	5,550.8	7.4	791.2	33.6	2,973.2	19.9	1,575.9
Industrial Uses	0.0	1.6	–	–	–	–	–	–

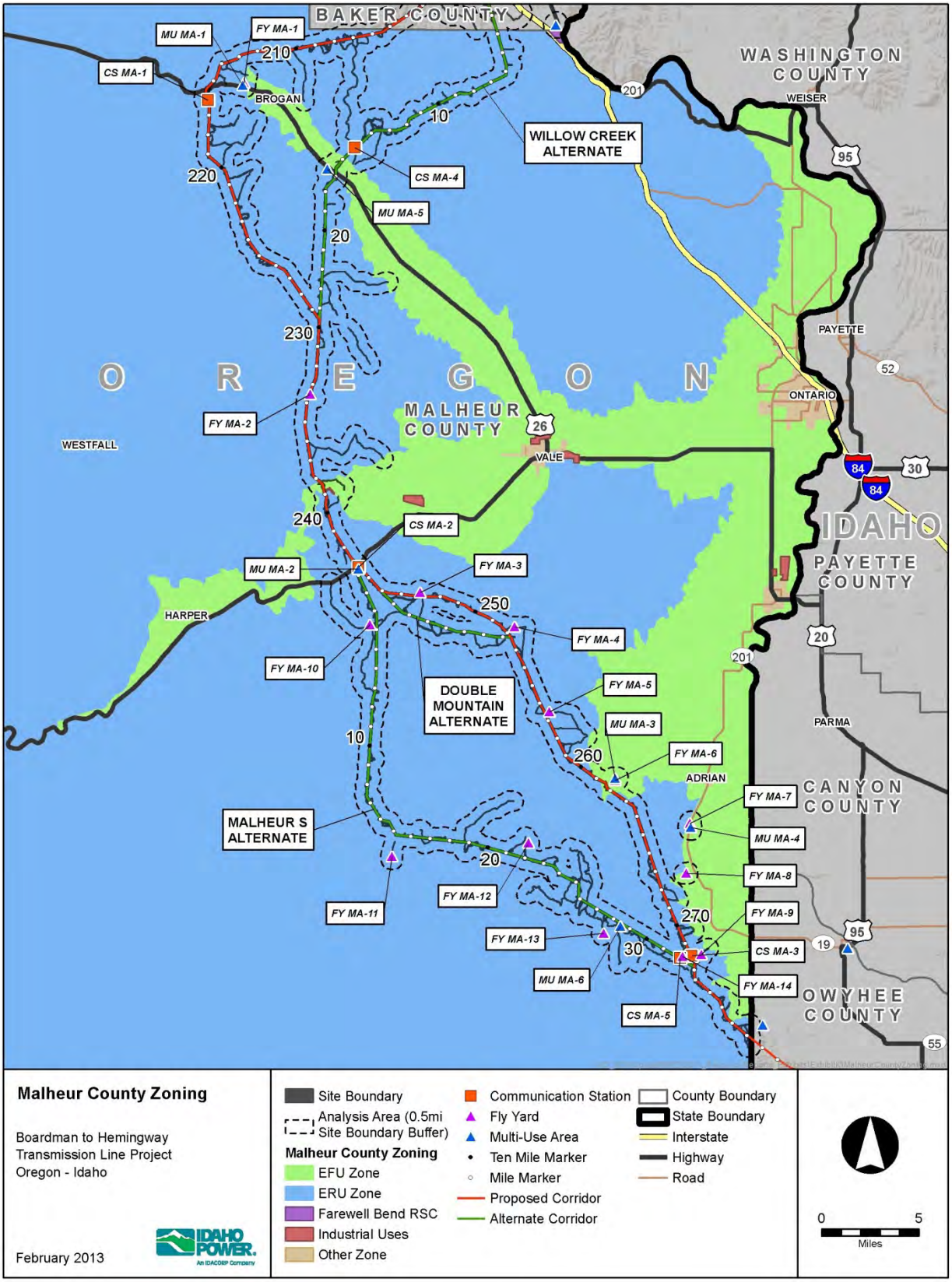

Figure K-25. Malheur County Zoning

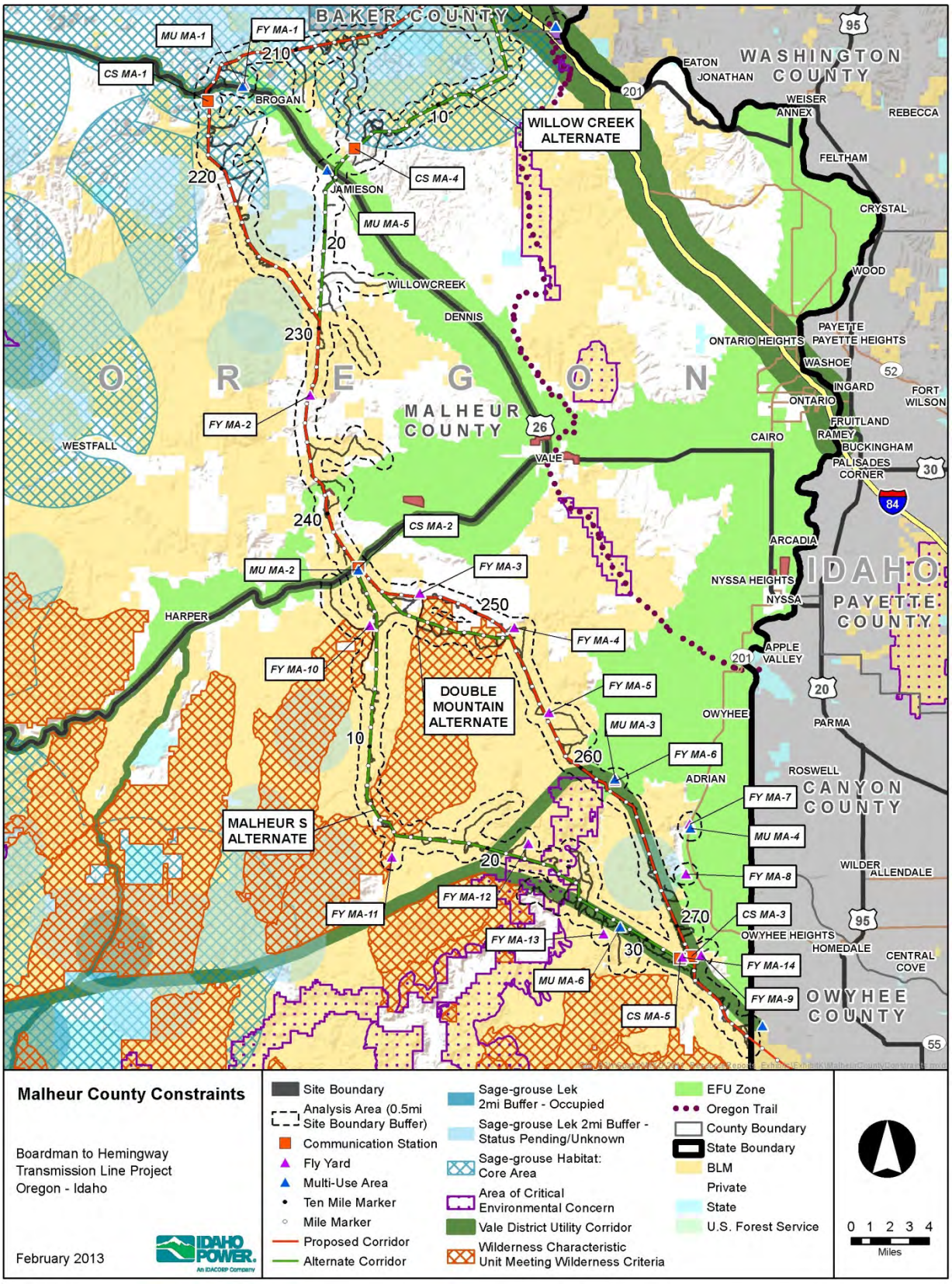

Figure K-26. Malheur County Constraints

Proposed Corridor

IPC's Proposed Corridor in Malheur County[122] includes 72.0 miles of 500-kV transmission line and three communication sites located in northeast Malheur County (see Exhibit C, Attachment C-2,). The majority of the proposed 500-kV transmission line will be supported by single-circuit steel lattice towers on a 250-foot-wide ROW (see Exhibit B, Figure B-13). Of the 72.0 miles of line, 20.6 miles cross privately owned lands, 50.5 miles cross BLM-managed lands, and 0.8 mile crosses BOR-managed lands. Most of the land along the Proposed Corridor in Malheur County is rangeland and sagebrush with little or no development.

The most northerly of the three communication sites is located on the east side of the Proposed Corridor at MP 216.2 about 0.5 miles south of U.S. Route 26 and 1.4 miles west of Pole Creek Reservoir. The second is sited on the west side of the Proposed Corridor just southwest of US Route 20 on the east side of Vines Hill. The third communication site is located on the eastside of the Proposed Corridor at MP 271.7. This location is just north of Succor Creek Road about 1.6 miles west of its intersection with Lonesome Road. Each communication site will be 100 feet by 100 feet, with a fenced area of 75 feet by 75 feet. A prefabricated concrete communications shelter with dimensions of approximately 11.5 feet by 32 feet by 12 feet tall will be placed on each site and access roads to the sites and power from the local electric distribution circuits will be required. An emergency generator with a liquid petroleum gas tank will be installed at each site inside the fenced area. Two diverse cable routes (aerial and/or buried) from the transmission ROW to the equipment shelters will be required. Figure B-21 in Exhibit B illustrates the plan arrangement of a typical communications station site layout.

Heading southwest across rangeland from the Baker County line (MP 205.3), the Proposed Corridor traverses steep mountainous terrain north of the community of Brogan. Approximately 1.4 miles west of the Pole Creek Reservoir, the corridor angles across U.S. Highway 26 at about MP 215.6, and proceeds south along the eastern foothills of the Cottonwood Mountains. The Proposed Corridor continues south, crossing the Vale Oregon Canal (MP 238.3), the Union Pacific Railroad (MP 238.8), and the Malheur River and Malheur Canyon at about MP 238.9. At MP 243.2, the Proposed Corridor crosses U.S. Highway 20 near Vines Hill. Between MP 247.1 and MP 252.2 the Proposed Corridor passes along and outside of the northern boundary of the Double Mountain Wilderness Characteristic Unit (WCU). The Proposed Corridor continues southeasterly, crossing Cow Hollow and passing west of Lealy Reservoir and east of Chalk Reservoir.

At MP 260.8, the Proposed Corridor passes within 250 feet of the northern boundary of the Owyhee River Below the Dam ACEC. Then at MP 261.2 the Proposed Corridor crosses the North Canal before turning south where it crosses the Owyhee River at MP 261.7. The corridor crosses the existing Summer Lake to Midpoint 500-kV transmission line at MP 272.6 to MP 272.9 where it turns to the southeast. For the next 4.6 miles, the corridor proceeds parallel to and offset approximately 1,500 to 3,500 feet from the southwest side of the existing 500-kV line to the Oregon/Idaho state line (MP 277.3).

IPC is requesting Site Certificate authorization of three alternate corridor segments within or partly within Malheur County: the Willow Creek Alternate, the Double Mountain Alternate, and the Malheur S Alternate. IPC's reasons for developing each of these alternate corridor segments are explained in the text below and on Figure K-26.

[122] In its June 2010 NOI, IPC proposed a corridor in Malheur County that was based primarily on the CAP. As explained in detail in Section 3.5 of the Supplemental Siting Study (Exhibit B, Attachment B-2), IPC subsequently changed to the current Proposed Corridor for a number of reasons, including to maximize use of the BLM's Vale District Utility Corridor and to avoid BLM's inventoried "units with wilderness characteristics." In order to honor its CAP commitments, IPC has retained a variation of its 2010 proposed route in the form of the Malheur S Alternate Corridor Segment.

Willow Creek Alternate

The Willow Creek Alternate was developed by IPC. In April 2012, IPC became aware that its Proposed Corridor in the Brogan area (both Baker and Malheur counties) would impact sage-grouse habitat that ODFW considers Category 1 habitat, thereby rendering it inconsistent with the EFSC fish and wildlife habitat standard. Accordingly, IPC developed the Willow Creek Alternate to include in its ASC. Given the competing resource constraints (see Figure K-26) in this area, IPC was not able to develop an alternative that avoids both Category 1 sage-grouse habitat and EFU land (especially irrigated EFU). IPC remains committed to avoiding EFU land in Malheur County and has not changed its Proposed Corridor to the Willow Creek Alternate even though its Proposed Corridor may not meet EFSC standards.[123]

The Willow Creek Alternate includes about 24.6 miles of 500-kV transmission line that would be supported by single-circuit steel lattice towers on a 250-foot-wide ROW (see Exhibit B, Figure B-13). The Willow Creek Alternate includes one communication station site located on the northwest side of the corridor and 1.7 miles northeast of US Route 26 at MP 15.1 and will be configured as described above.

The Willow Creek Alternate leaves the Proposed Corridor at MP 199.4 and heads southeast, west of I-84, crossing into Malheur County at MP 3.8. It continues southeast, crossing Birch Creek, and then turns southwest at MP 6.2. The Willow Creek Alternate proceeds southwest for 10.6 miles to its crossing of U.S. Route 26 (MP 16.8) north of the community of Jamieson. After crossing the highway, the Willow Creek Alternate heads south for about 7.7 miles where it joins the Proposed Corridor at MP 229.6.

Malheur S Alternate

The Malheur S Alternate is a refined version of IPC's July 2010 Proposed Corridor, which was one of the routes developed in this vicinity during the CAP. The Malheur S Alternate is IPC's 2010 Proposed Corridor, refined to avoid BLM's Broken Rim WCU, Double Mountain WCU, and Sourdough Mountain WCU, as illustrated in Figure K-26. This alternate includes 33.6 miles of 500-kV line that would be supported by steel single-circuit steel lattice towers on a 250-foot-wide ROW (see Exhibit B, Figure B-13) and two alternate communication station sites. The first communication station is located on the east side of the Malheur S Alternate just south of U.S. Route 20 at MP 0.7. The second communication station site is located on the north side of Succor Creek Road about 1.2 miles west of its intersection with Lonesome Road at MP 32. Each communication station site will be 100 feet by 100 feet, with a fenced area of 75 feet by 75 feet and the facilities described above.

The Malheur S Alternate leaves the Proposed Corridor at MP 242.6, northwest of Route 20, and proceeds south and southeast in Malheur County for 33.6 miles to MP 273.1, where it rejoins the Proposed Corridor. The Malheur S Alternate crosses 32.4 miles of BLM-managed land, 0.1 mile of BOR-managed land, and 1.1 miles of private land (see Exhibit C, Attachment C-2). After snaking between the Double Mountain and Sourdough Mountain WCUs, the Malheur S Alternate proceeds to the east across the northern end of Grassy Mountain and the Owyhee River. The Malheur S Alternate crosses the Owyhee River approximately 5 miles downstream from the Owyhee Dam at MP 23.9. At MP 25.2, the Malheur S Alternate turns south to join with the existing PacifiCorp 500-kV Summer Lake to Midpoint transmission line corridor. Entering the

[123] Since initial development of the Willow Creek Alternate, IPC has learned that the Willow Creek Alternate may cross sage-grouse Category 1 habitat. In the event that the Project impacts Category 1 habitat, IPC will either refine the Project location to avoid Category 1 habitats or ask the Council to exercise balancing authority under OAR 345-022-0000(2). For additional discussion of IPC's analysis of potential impacts to sage-grouse habitat, see Exhibit P, Section 3.3.5.

Vale District utility corridor at MP 25.8, the Malheur S Alternate parallels or is within a West-Wide Energy corridor for the next approximately 8 miles. From MP 25.9 to MP 30, the Malheur S Alternate parallels the northeast side of the West-wide Energy corridor and from MP 30 to its intersection with the Proposed Corridor it is located within the West-wide Energy corridor.

Double Mountain Alternate

IPC developed the 7.4-mile Double Mountain Alternate as a "public land" alternative to the comparable segment of IPC's Proposed Corridor, which crosses 6.2 miles of private land.[124] IPC has retained the Double Mountain segment as an alternate (rather than proposed) because, as illustrated in Figure K-26, the Double Mountain Alternate Corridor Segment crosses the BLM Double Mountain WCU and may not be permittable.

The Double Mountain Alternate comprises a 500-kV transmission line that would be supported by single-circuit steel lattice towers on a 250-foot-wide ROW (see Exhibit B, Figure B-13). The Double Mountain Alternate leaves the Proposed Corridor at MP 244.9, stays north of the Double Mountains, and rejoins the Proposed Corridor at MP 252.3 (see Exhibit C, Attachment C-2). The large majority of land along the Double Mountain Alternate, which is located entirely on BLM-managed land, is rangeland and sagebrush. Almost the entire length of the Double Mountain Alternate route is located within the Double Mountain WCU designated by the BLM**.**

4.6.1 Applicable Substantive Criteria from Malheur County

In a letter dated December 2, 2008, Malheur County identified the following applicable local substantive criteria from the Malheur County Code (MCC) and Malheur County Comprehensive Plan as applicable to the Project. Additionally, Malheur County included provisions of the Oregon Revised Statutes and Oregon Administrative Rules. During preparation of Exhibit K, representatives of IPC[125] had numerous communications with the Malheur County Planning Department to clarify the interpretation of the applicable substantive criteria.

4.6.1.1 MCC 6-3A-2 Permitted Uses – MC-EFU and ERU

MCC Chapter 3, Article A. Resources Lands, EFU-Exclusive Farm Use, ERU-Exclusive Range Use, EFFU-Exclusive Farm Forest Use

Section 6-3A-2: PERMITTED USES:

(A) The following uses may be permitted outright by ministerial permit in each of the three (3) resource zones except as specifically added or excluded:

(14) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use or sale or transmission towers over two hundred (200) feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275 and section 6-6-8-8- "Wireless Communication Facilities" of this title.

MCC 6-3A-2 provides that utility facilities necessary for public service are a permitted use in land zoned in MC-EFU and ERU and "may be established as provided in ORS 215.275." Additionally, Malheur County identified ORS 215.283(1)(d), ORS 215.275, and OAR 660-033-0016(16) as applicable criteria in its letter. In Section 3.1, IPC demonstrates that the Project complies with ORS 215.283 and ORS 215.275 on a "macro" level. Additionally, though beyond what is required to demonstrate compliance with ORS 215.283 and ORS 215.275, IPC also demonstrates that the Project location on MC-EFU and ERU in Malheur County complies with

[124] During the CAP in Malheur County, IPC received many comments in favor of siting the Project on public land (BLM land) rather than private land.
[125] Throughout Exhibit K, "representatives of IPC" refers to Tetra Tech, Inc. or McDowell Rackner & Gibson, PC.

the requirements of ORS 215.283, ORS 215.275, and OAR 660-033-0016(16) on a "micro" level (Section 4.6.3). This approach is consistent with the direction provided to IPC in the Project Order.

4.6.2 Applicable Substantive Criteria from MCCP

4.6.2.1 Goal 3: Agricultural Lands

> **Goal 3: Agricultural Lands**
>
> Goal: To preserve and maintain the agricultural land in the county for agricultural purposes.
>
> * * *
>
> 9. Any utility transmission line should avoid adverse impacts on any agricultural operation in the entire agricultural area. This protection should prioritize High Value Farmland [ORS and OAR designated] and the Natural Resources Conservation soil classes I through III.

To the extent that this criterion constitutes additional substantive criteria beyond those provided by the legislature in ORS 215.275 for a use permitted under ORS 215.283(1) it is inapplicable.[126] Although beyond what is required to demonstrate that the Project must be located in EFU, IPC worked extensively with landowners in Malheur County to avoid impacts to irrigated agricultural land located within the MC-EFU zone through the CAP process. As shown on Figure K-26, the MC-EFU zone encompasses both High Value Farmland soils[127] and the NRCS soil classes I through III[128] across Malheur County. As shown in Table K-16 and Figure K-27, through IPC's efforts to avoid the MC-EFU zone, IPC has also avoided High Value Farmland soils and NRCS soil classes I through III to the extent possible.

Table K-16. Temporary and Permanent Impacts on High Value Farmland Soils and NRCS Soil Classes I-III in Malheur County

	Temporary Impact Acres			Permanent Impact Acres		
Corridor	MC-EFU Zone	Soil Classes I-III	HVFS	MC-EFU Zone	Soil Classes I-III	HVFS
Proposed Corridor	105.6	45.2	20.0	5.6	0.3	0.0
Willow Creek Alternate	16.3	14.1	14.1	1.9	1.9	1.9
Malheur S Alternate	–	–	–	–	–	–
Double Mountain Alternate	–	–	–	–	–	–

In Malheur County, the original corridor selected through the CAP (now currently comprised of the portions of the current Proposed Corridor and the Malheur S Alternate) crossed only one short segment (less than a mile) of the MC-EFU zone where the land was not irrigated or comprised of High Value Farmland soils or NRCS soil classes I through III. Malheur County Planning Director Jon Beal provided a letter dated February 9, 2011, in support of this corridor and which states "[the Proposed Corridor] is not located on, or near any irrigated farmland to have any significant negative effects."[129]

[126] *See Brentmar v. Jackson County*, 321 Or. 481 (1995).
[127] For this analysis, IPC considered high value farmland soils as defined in ORS 215.710.
[128] For a definition of the NRCS soil classes I-III, see the USDA Soil Capability Class Definitions, Land Capability Classification (622.02): http://soils.usda.gov/technical/handbook/contents/part622.html.
[129] The "Proposed Corridor" referenced in the letter from Malheur County is the Malheur S Alternate.

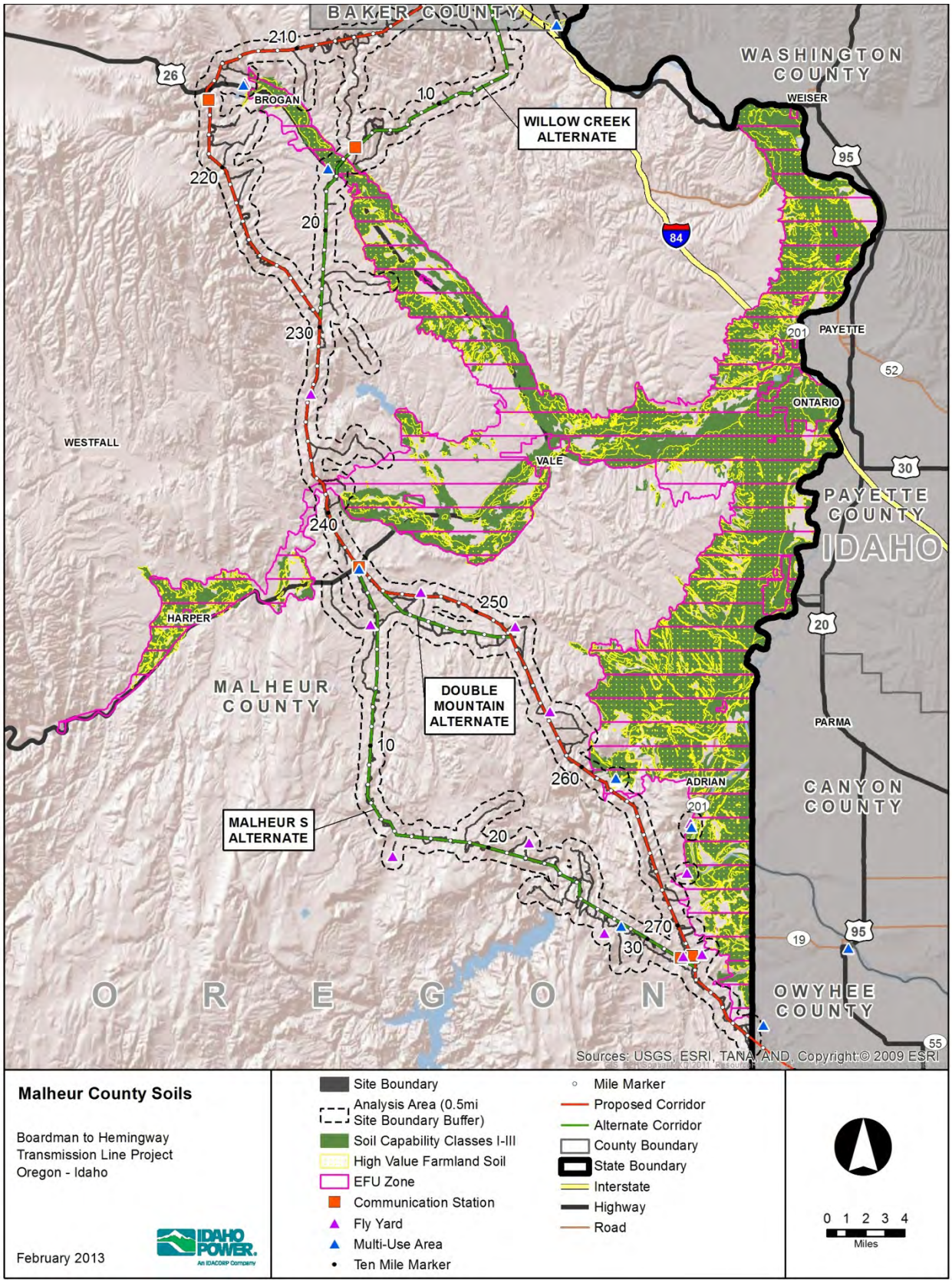

Figure K-27. Malheur County Soils

As the Proposed Corridor has evolved since the CAP, IPC has continued to avoid irrigated agricultural land where possible. When the Proposed Corridor was moved from northeast of the original CAP corridor in the vicinity of the Owyhee River to its current location, it was sited to avoid irrigated agricultural lands. In this relocation, an additional short segment of the MC-EFU zone was crossed by the transmission line in order to avoid an ACEC, a protected area in Oregon under EFSC standards. However, the land crossed by the transmission line within the MC-EFU zone at the north end of the ACEC is not irrigated or comprising High Value Farmland soils or NRCS soil classes I through III.

The Willow Creek Alternate corridor segment, developed after the CAP, crosses approximately 1.0 mile of irrigated land within the MC-EFU zone (comprised of High Value Farmland soils and NRCS soil classes I through III) in order to avoid impacts to sage-grouse Category 1 habitat. The other alternate corridor segments in Malheur County, the Malheur S and Double Mountain alternates, do not cross irrigated lands in the MC-EFU zone, High Value Farmland soils, or NRCS soil classes I through III. As demonstrated above, IPC has made every effort to avoid siting the Project in the MC-EFU zone, which encompasses High Value Farmland and NRCS soil classes I-III, and therefore complies with Malheur County's Goal 3 criterion.

4.6.3 EFU Micro Analysis

During the CAP, IPC received input from stakeholders requesting avoidance of irrigated agriculture and high value farmland, and IPC considered the avoidance of these areas as a high priority during the development of the Proposed Corridor and alternate corridor segments. Although the analysis required by ORS 215.275 does not require separate consideration of range, irrigated agriculture, or high value farmland, IPC nonetheless made efforts to avoid these areas to the extent practicable.

In the analysis area for the Project, Malheur County has two different zoning designations for Goal 3 agricultural lands: EFU (MC-EFU) and ERU. The Malheur County Planning Department has indicated that the local zoning designation "EFU" corresponds to irrigated agricultural lands in Malheur County and "ERU" is rangeland in Malheur County, and both are considered EFU for the purpose of analysis under ORS 215.275. For purposes of the EFU micro analysis for Malheur County, MC-EFU and ERU are referred to collectively as EFU.

As discussed above in Section 3.1, IPC has complied with ORS 215.275 at the "macro"[130] level, which is all that ORS 215.275 requires. Additionally, though beyond what is required by the statute, the following section demonstrates compliance with ORS 215.275 at the "micro" level, by providing a detailed discussion of the necessity of siting the Project in EFU. This section mirrors the framework of the "macro" analysis provided in Section 3.1, and provides information specific to the siting of the Project in Malheur County.

4.6.3.1 Reasonable Alternatives Considered

Through the CAP, IPC considered approximately 13 alternative routes or segments in Malheur County, all of which cross EFU (see Exhibit B, Attachment B-1, 2010 Siting Study). The Supplemental Siting Study contains additional discussion regarding the consideration of alternatives in this area that led to the selection of the Proposed Corridor and identification of alternative corridor segments. However, because EFU lands in Malheur County comprise approximately 99 percent of the county (see MCCP, page 12), EFU lands are unavoidable. As a result, there are no reasonable non-EFU alternative routes in Malheur County.

[130] In the context of Exhibit K, "macro" analysis refers to analysis of the Project across all five counties, and "micro" analysis is a county-specific analysis.

4.6.3.2 Factors Requiring Siting of the Project on EFU in Malheur County

Of the six EFU factors, two factors primarily drove the necessity to cross EFU-zoned land: locational dependence and the lack of available urban and nonresource lands. Additionally, state and federal requirements have influenced the ultimate location of the Project, by creating constraints on particular EFU lands, thereby influencing *which* EFU lands the Project crosses.

Technical and Engineering Feasibility

There are no technical or engineering criteria that resulted in the proposed or alternate corridors crossing EFU-zoned lands.

Locational Dependence

Locational dependence is the primary factor driving the Project onto EFU land. A utility facility is locationally dependent if it must cross land in one or more areas zoned for EFU to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands. As can be seen on Figure K-25, because EFU zoned lands in comprise approximately 99 percent of Malheur County (see MCCP, page 12), EFU-zoned lands are unavoidable. Any route proceeding through Malheur County and to the south and east toward the Hemingway Substation must cross EFU-zoned land.

Lack of Available Urban and Nonresource Lands

The lack of available and nonresource lands is another primary factor driving the Project onto EFU land. As shown on Figure K-25, almost all of the lands in Malheur County are zoned as Goal 3 and Goal 4 resources. To proceed northwest from the Hemingway Substation toward the Grassland Substation or the alternate substation sites in the Boardman area, the proposed and alternate corridors must cross EFU lands. There are no available urban or nonresource lands upon which to locate the Project in Malheur County.

Availability of Existing Rights-of-Way

The availability of existing ROWs was not a factor influencing the location of the Project on EFU land because there are no existing ROWs available for the Proposed Corridor to occupy in Malheur County. IPC requires a separation equal to the length of the adjacent span (assumed to be 1,500 feet for a 500-kV transmission line) to ensure electrical reliability. The separation requirement precludes IPC's ability to combine existing and proposed transmission lines in the existing ROW.

However, the opportunity to site the Project parallel to existing ROWs, as well as the opportunity to site the Project within a BLM-designated utility corridor, has influenced the location of the Project in Malheur County. During the CAP, existing ROWs were designated as siting opportunities and, in part due to CAP feedback, the Proposed Corridor parallels the existing Summer Lake – Midpoint 500-kV line for at least 4 miles (the Malheur S Alternate parallels an additional 7 miles of this existing line). In addition, the Proposed Corridor is within a BLM-designated utility corridor for approximately 12 miles. The location of IPC's Proposed Corridor was largely driven by efforts to site the Project within the designated utility corridor to the east of the Owyhee River Below the Dam ACEC.

Public Health and Safety

This factor did not lead to the siting of the proposed and alternate corridors in EFU lands.

Other Requirements of State or Federal Agencies

The requirements of state and federal agencies influenced the location of the Project in Malheur County. In Malheur County, there are many state and federal routing constraints, including sage-grouse Category 1 habitat (as designated by ODFW), ACECs, federally-designated Wilderness Areas, WCUs, Wild and Scenic Rivers, state parks, and Research Natural Areas.

4.6.3.3 Costs Were Not the Only Factor Considered

As discussed in the Siting Study (Exhibit B, Attachment B-1), costs were not the only consideration in selecting IPC's Proposed Corridor and alternate corridor segments. Avoidance of sensitive resources, permitting and construction factors and extensive input from local citizens and officials and many other stakeholders were the primary factors in corridor selection.

4.6.3.4 Restoration of Agricultural Land

Table K-17 describes the temporary and permanent impacts on agricultural lands in Malheur County. Appendix B of the Agricultural Assessment (Attachment K-1) contains aerial photographs showing affected agricultural areas in the EFU zone.

Table K-17. Temporary and Permanent Impacts on Agricultural Lands in Malheur County

Corridor	Agriculture Type[1]	Temporary Impacts (acres)	Permanent Impacts (acres)
Proposed Corridor	Dryland Farming	37.5	1.3
	Irrigated AG	53.0	0.7
	Pasture/Hay	1.9	0.9
Willow Creek Alternate	Dryland Farming	11.8	0.2
	Irrigated AG	26.3	2.2
	Pasture/Hay	0.1	0.0
Malheur S Alternate	Dryland Farming	0.2	0.5

[1] Dataset comprises ReGAP vegetation layer (2009) and desktop analysis (aerial interpretation to reclassify agriculture categories into irrigated agriculture or dryland farming using 2012 NAIP).

Appendix B of the Agricultural Assessment (Attachment K-1) is the AIMP, which discusses measures IPC will take to minimize and mitigate for potential impacts to agricultural operations within each zone. These measures can be adopted as conditions of approval to ensure that the Project will not result in significant adverse impacts to agricultural lands within this portion of the Project.

4.6.3.5 Mitigation and Minimization Conditions

As discussed in Section 3.1.4.2 and in the AIMP, IPC does not expect that the Project will have adverse impacts on surrounding lands, result in significant changes in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

To the extent that the Council or Malheur County has concerns about impacts to surrounding agricultural land, the Council may incorporate elements of the agricultural mitigation plan into the conditions required for issuance of a site certificate. Additionally, through its role as a Special Advisory Group, Malheur County may provide recommendations to the Council regarding conditions to include in the Site Certificate.

5.0 EVIDENCE OF COMPLIANCE WITH STATEWIDE PLANNING GOALS

OAR 345-021-0010(1)(k)(C) – LCDC Rules, Statewide Planning Goals, and Land Use Statutes

(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes.

(iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals.

This section presents a brief description of each of the 19 statewide planning goals, and discusses how the Project complies with each goal.

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Goal 1 requires counties, or in this case EFSC, to ensure public participation in the land use process.[131] The EFSC site certificate process provides public involvement opportunities through informational meetings, public hearings, a written comment period, and the option of a contested case proceeding, if requested by a member of the public. The EFSC process satisfies Goal 1 as it applies to the Project. Moreover, beginning in 2008 and continuing today, IPC has made it a priority to involve the public in the siting process for the Project. Through the CAP, which took place in 2009 and 2010, IPC partnered with communities from northeast Oregon to southwest Idaho to identify possible routes for the Project. The CAP allowed substantial citizen involvement, provided a meaningful mechanism for communication between IPC and affected landowners and the general public, and allowed IPC to provide technical information to the public regarding the transmission line itself and its routing.

In addition to the CAP, in August 2010, the BLM and ODOE conducted public scoping meetings that led to consideration of additional routes. These meetings were held along the potential routes under consideration at the time and allowed another opportunity for public involvement in the siting process. Exhibit B and the Siting Study (Attachment B-1) and Supplemental Siting Study (Attachment B-2) provide a more detailed description of the public involvement that has occurred to date and further demonstrates the Project's compliance with this goal.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 requires the development of land use plans by local governments.[132] Strictly speaking, Goal 2 does not apply to the Project, because IPC has elected to have EFSC provide the land use approval for the Project, pursuant to ORS 469.504(1)(b). The EFSC siting process is, however, consistent with the general policies of Goal 2. In order to obtain a land use approval from EFSC, an applicant must demonstrate compliance with applicable substantive criteria from the affected local governments or, alternatively, demonstrate that the Project is consistent with

[131] *See Oregon's Statewide Planning Goals & Guidelines* at 1-2 (Oregon Department of Land Conservation and Development, March 2010) (hereinafter *DLCD Guidelines*).
[132] *DLCD Guidelines* for Goal 2.

the statewide planning goals or is entitled to an exception to a statewide planning goal. The Project's compliance with local applicable substantive criteria is discussed above in Section 4.0.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

Goal 3 is designed to preserve and maintain agricultural lands for farm use.[133] For the most part, Goal 3 is implemented at the county level through establishment of EFU zones. Oregon law specifically regulates how land zoned EFU can be used so as to minimize significant adverse effects on agricultural lands and accepted farming practices. For example, as a part of Goal 3, counties are required to establish minimum parcel sizes to preserve large tracts of agricultural land.

As demonstrated in Sections 3.0 and 4.0 above, the Project is permitted outright in Goal 3 EFU lands because it is a utility facility necessary for public service under ORS 215.275. In compliance with ORS 215.275, IPC will both minimize impacts to accepted farming practices, and mitigate temporary and permanent impacts where necessary, in accordance with the measures outlined in the AIMP (Attachment K-1, Appendix B).

As explained above in Section 4.0, certain aspects of the Project may not meet local substantive setback development standards or dimensional requirements that apply to development on EFU lands in Morrow, Umatilla, Union, and Baker counties. These setbacks are, however, a development standard or dimensional requirement imposed at each county's discretion, and are not among the Goal 3 land use requirements identified by LCDC in OAR Chapter 660, Division 33 (Agricultural Land). In fact, the particular circumstances in which the Project may not meet an EFU setback requirement may involve Project design or construction decisions that IPC has made specifically to *reduce* impacts to agricultural lands and practices. For example, IPC may intentionally opt to locate a transmission tower or related ROW as close as possible to the edge of a property line or irrigation system in order to minimize impacts on affected agricultural land. While decisions aimed at preserving agricultural lands may cause the Project to be in conflict with a setback that a county has set for development in its EFU zones, the Project is in fact *more* consistent with Goal 3 than it would be if it strictly complied with the setback requirements and had greater impacts on the Goal 3 lands. Moreover, the Project is consistent with Goal 3's policy of protecting and preserving agricultural lands, because IPC will mitigate for temporary and permanent impacts to agricultural practices, as discussed above in Section 4.0 and more fully in the AIMP. There are adequate reasons to support a finding that even though the Project may not meet all setback standards or dimensional requirements in EFU, it can nonetheless comply with Goal 3 and demonstrate that the Project meets the EFSC land use standard.

Goal 4: Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on the forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

The purpose of Goal 4 is to conserve forest lands.[134] To comply with Goal 4, an applicant must demonstrate compliance with LCDC's applicable rules set forth in OAR Chapter 660, Division 6.

[133] *DLCD Guidelines* for Goal 3.

[134] *DLCD Guidelines* for Goal 4.

IPC has demonstrated that, for the majority of the Goal 4 forest lands that the Project crosses in Umatilla and Union counties, it is conditionally permitted as a "new electric transmission line."[135] Arguably, however, access roads proposed for development in Goal 4 forest lands outside of a 500-foot corridor are *not* included in the "new electric transmission line" use provided for in OAR 660-006-0025(4)(q).[136] Accordingly, IPC demonstrates that, although the Project's proposed access roads may not comply with applicable substantive criteria for Goal 4 forest lands, the Project and all or some of its proposed access roads nonetheless comply with statewide planning Goal 4.[137]

As described in greater detail in Table K-18 below, the access roads proposed for the Project cross approximately 35.5 miles of forest lands in Umatilla and Union counties.[138] IPC has attempted to minimize the development of new roads in forested areas. Of the 35.5 miles of roads in forested areas, IPC proposes to improve approximately 31.3 miles of existing roads. The exact nature of the improvements will vary depending on the condition of the existing roads, but generally will include widening of roads to provide a 14-foot-wide travel surface, with a 16- to 20-foot-wide travel surface for horizontal curves. Additional improvements may be made to allow for the passage of heavy equipment. Importantly, none of these activities will result in the removal of a significant amount of Goal 4 land from forest use. Thus, any incremental change to the existing forest regulated land-use pattern associated with the improvement of access roads is expected to be minor.

Moreover, in some locations, IPC's improvements to existing roads may even be consistent with Goal 4's express provision to "make possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on the forest land." In this respect, the additional roads may provide for more efficient entry of personnel and vehicles for the harvesting and removal of trees.

Additionally, IPC proposes construction of approximately 4.2 miles of new roads. While these new access roads will inevitably require a certain amount of forest lands to be removed from forest use, the overall acreage will not be significant.

Thus, while the access roads outside of the 500-foot corridor may not satisfy all applicable use criteria for siting in a forest zone, there is substantial evidence to support a finding by the Council that the Project is consistent with Goal 4 because the Project access roads will remove

[135] As explained in detail above in Sections 4.2 and 4.3, the Project is a conditional use allowed on Goal 4 forest lands because it is a "new electric transmission line" within the meaning of OAR 660-006-0025(4)(q). Based on the analysis in the *COB* case, OAR 660-006-0025(4)(q) authorizes up to a 300-foot ROW corridor for a new electric transmission line "designed for voltages in excess of 330,000 volts," as well as up to 100 feet on either side of such corridor for vegetative maintenance on Goal 4 forest lands. The Project requires a permanent 250-foot ROW in most areas and not more than a 500-foot corridor in any event, and is therefore a conditional use on Goal 4 forest lands in Umatilla County. Additionally, IPC has provided evidence demonstrating that the Project will comply with the applicable conditional use siting criteria for forest lands provided in OAR 660-006-0025(5) above in Sections 4.2 and 4.3.

[136] IPC notes that all of some of the Project's access roads may qualify as uses permitted in Goal 4 lands pursuant to OAR 660-006-0025((3)(h)(widening of roads within existing right-of-way permitted outright) or OAR 660-006-0025(4)(v)(certain public road and highway projects). IPC will develop further design information regarding the nature of improvement activities required for existing roads and will provide additional analysis regarding whether improvements to existing roads may qualify as permitted use in Goal 4 forest lands.

[137] Pursuant to OAR 345-022-0030(b)(B) and (C), if a facility does not comply with one or more substantive criteria, the Council may nonetheless issue a site certificate if it finds (1) that the facility complies with the applicable statewide planning goals; or (2) that an exception to a statewide planning goals is justified under OAR 345-022-0030(4).

[138] 35.5 miles includes roads proposed for the Proposed Corridor in Umatilla and Union counties, and does not include roads proposed for the Glass Hill Alternate, which will require 6.2 miles of new or improved access roads in Goal 4 forest lands.

minimal Goal 4 land from forest use, will not restrict forest practices on adjacent land, and may even promote economically efficient forest practices on and recreational use of adjacent forest lands. Alternatively, IPC asserts that the Project warrants an exception to Goal 4 for any permanent access roads in forest lands that are outside of the 500-foot corridor included in the "new electric transmission line" use. See Section 6.0.[139]

Goal 5: Open Spaces, Scenic, Historic and Natural Resources

To conserve open space and protect natural and scenic resources.

Goal 5 is focused on protecting inventoried natural resources. The DLCD Guidelines identify the following as Goal 5 resources: riparian corridors, wetlands, wildlife habitat, federal wild and scenic rivers, state scenic waterways, groundwater resources, approved Oregon recreational trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources, and cultural areas.[140] Goal 5 is quite broad, and the resources identified above as Goal 5 resources are specifically provided with additional protection by the following EFSC standards:

- **Protected Areas**: The Council must find that, taking into account mitigation, the design, construction and operation are not likely to result in significant adverse impact to the protected areas listed in the standard (including inventoried Goal 5 resources if enumerated in standard). See Exhibit L.
- **Wildlife Habitat:** The Council must find that the design, construction, and operation of the facility, taking into account mitigation, are consistent with ODFW's habitat mitigation policy. This standard will protect inventoried Goal 5 wildlife and habitats that are also protected by ODFW's habitat mitigation policy. See Exhibit P.
- **Scenic Resources**: The Council must find that the design, construction, and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified as significant or important in local land use plans**,** tribal land management plans, and federal land management plans for any lands located within the analysis area.
- **Historic, Cultural and Archaeological Resources**: The Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to qualified historic, cultural, and archaeological resources (including all inventoried Goal 5 cultural and historic resources that fall within definitions of protected resources under the standard). See Exhibit S.
- **Wetlands:** The Council must conclude that the Project will comply with the criteria required for issuance of Removal/Fill permit from the Department of State Lands (DSL), including impacts to any inventoried Goal 5 riparian corridors, wetlands. See Exhibit J.
- **Recreation:** The Council must find that the design, construction, and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities in the analysis area, including inventoried Goal 5 recreation resources if "important".

With the exception of riparian zones, the Project will satisfy the local criteria implementing Goal 5 protections in all five counties with regard to each of the above resources. See Section 4.0.

Riparian Zones, Setbacks, and Corridors

[139] Also, in the event that EFSC concludes that the portion of the Site Boundary in Goal 4 forest lands that exceeds the 100-foot ROW provided for in OAR 660-006-0025(4)(q) is not a conditional use and is inconsistent with Statewide Planning Goal 4, notwithstanding COB and ORS 772.210, IPC seeks an exception to Goal 4.

[140] *DLCD Guidelines* for Goal 5.

As discussed in Exhibit J, IPC has designed and located the transmission line and related and supporting facilities to avoid impacts to water resources including streams, rivers and lakes, and where avoidance is not practicable, IPC will use stream crossing techniques to minimize impacts to waters and adjacent riparian zones. However, given the Project's linear nature, it will not be feasible to avoid crossing riparian zones. The location of conductors between transmission structures may require thinning of vegetation in riparian zones and temporary access roads will cross riparian zones. IPC will continue to collaborate with federal, state, and local resource agencies to minimize impact to riparian areas and to incorporate agreements into final plans and specifications. For areas where temporary construction disturbance results in removal of riparian vegetation, natural vegetation will be replanted with indigenous species in the next replanting season as outlined in the draft Reclamation and Revegetation Plan (see Exhibit P, Attachment P-4).

However, to the extent the Project cannot satisfy stream setbacks or riparian vegetation removal standards, the Project is nonetheless consistent with the policies underlying Goal 5. This is because IPC will minimize, mitigate and ultimately provide compensatory mitigation for permanent impacts in riparian zones. IPC has proposed a draft Compensatory Wetland and Stream Mitigation Plan that will compensate for removal-fill impacts to streams, as well as wetlands. Additionally, for areas where temporary construction disturbance results in removal of riparian vegetation, natural vegetation will be replanted with indigenous species in the next replanting season as outlined in the draft Reclamation and Revegetation Plan (see Exhibit P, Attachment P-4).

Accordingly, the Project is consistent with the underlying policies of Goal 5 because of IPC's efforts to minimize and mitigate for impacts to riparian zones. In the event that EFSC does not conclude that the Project is consistent with Goal 5, IPC will demonstrate that the Project warrants an exception to Goal 5.

Goal 6: Air, Water and Land Resources

To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 provides for the maintenance of the quality of air, water, and land resources.[141] To comply with this goal, the applicant must demonstrate that its waste and process discharges do not threaten to violate or actually violate applicable local, state, or federal environmental quality statutes, rules, or standards.[142] As discussed extensively in Exhibit V, the Project will have minimal waste discharges and will not degrade any air, water, or land resources. IPC demonstrates compliance with this goal in Exhibit G (Materials Analysis), Exhibit E (Other Permits), and Exhibit V (Waste and Wastewater). Accordingly, the Project is consistent with Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters and hazards.

Goal 7 requires the protection of people and property from natural hazards, which for purposes of Goal 7 include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires.[143] To comply with Goal 7, an applicant must demonstrate that the proposed facility can be constructed

[141] *DLCD Guidelines* for Goal 6.

[142] *DLCD Guidelines* for Goal 6.

[143] *DLCD Guidelines* for Goal 7.

in such a way that it does not pose a risk to people and property in the event of a natural disaster or demonstrate that the risks posed are appropriately mitigated.

As set forth in Exhibit H (Geological Hazards and Soil Stability), the Project has been designed and will be constructed to account for floods, landslides, and earthquakes in a manner that will not pose a risk of injury to persons or property. Furthermore, IPC has proposed adequate safeguards for those portions of the Project that do cross hazardous areas, including addressing geological risks and landslide hazards. *See* Exhibit H. For the reasons outlined in Exhibit H, IPC has demonstrated that the Project complies with Goal 7.

Goal 8: Recreation Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 protects the recreational needs of Oregon's citizens and visitors. As demonstrated in Exhibit T (Recreation), the Project will not result in a significant adverse impact to any recreational opportunities or facilities within the analysis area. Accordingly, the Project is consistent with Goal 8.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.

The purpose of Goal 9 is to "provide an adequate land supply for economic development and employment growth in Oregon."[144] In particular, the planning guidelines in the Goal emphasize the use of "geographically appropriate" sites for major facilities and also the expansion and increased productivity of such facilities." IPC's proposed Project is consistent with Goal 9 in that the purpose of the Project is to strengthen the state and region's critical transmission infrastructure as described more fully in Exhibit N. Additionally, as discussed extensively in Section 3.0 of this Exhibit, the Project has been carefully sited to maximize positive impacts to Oregon's economy, while minimizing impacts to protected resources, including agricultural and forest lands. Additionally, construction of the Project will provide economic development opportunities as described in Exhibit U (Public Services).

In Morrow County, it is possible that the Project will not comply with setback requirements applicable to development in the Port Industrial zone. However, the Project as a whole is nonetheless consistent with Goal 9. The focus of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens, and Morrow County has designated the Port Industrial zone pursuant to statewide planning Goal 9. The setback requirements, however, are not directly relevant to Goal 9. Thus, while the Project may not comply with certain setback requirements in a Goal 9 zone, the Project is nonetheless consistent with Goal 9 because the Port Industrial zone is a "geographically appropriate" site for a substation, and the purpose of the Project is to strengthen the state and region's critical transmission infrastructure.

[144] OAR 660-009-0000; *DLCD Guidelines* for Goal 9.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

Goal 10 ensures that land use planning provides for the housing needs of Oregon's citizens.[145] The rule that defines the standards for compliance with Goal 10, is intended to "assure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs."[146] The Project is not located in any residential zones, and should not have any impact on local government's ability to meet projected housing needs. The Project will not prevent residential development on buildable lands and will not result in any land being removed from the inventoried buildable lands. Accordingly, the Project is consistent with Goal 10.

Goal 11: Public Facilities and Services

To plan and develop timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 requires local governing bodies to "plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."[147] This goal applies primarily to local governments and not necessarily to applicants. The Project will not require public sewer or water facilities, and impacts to public roads during construction will be minimized in accordance with site certificate conditions. Accordingly, the Project is consistent with Goal 11.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

The purpose of Goal 12 is to "provide and encourage a safe, convenient and economic transportation system."[148] Goal 12 requires local governments to develop and implement transportation planning consistent with LCDC's rules in OAR Chapter 660, Division 12.

As discussed in Exhibit U (Public Services) and the Project's Transportation and Traffic Plan (Exhibit U, Attachment U-2), the Project does involve construction of both temporary and permanent access roads, most of which will be private roads. Project operations will not result in any permanent impacts to local transportation systems, other than improvements to public roads in some cases. IPC will coordinate with the affected local public works and road departments during the final design phase preconstruction regarding any such improvements. With regard to traffic impacts during construction, the Project will have only temporary short-term impacts, which are not addressed by Goal 12 or its implementing rules. Accordingly, the Project is consistent with Goal 12.

[145] *DLCD Guidelines* for Goal 10.

[146] OAR 660-008-0000(1).

[147] *DLCD Guidelines* for Goal 11; *see also* OAR 660-011-0000 *et seq.*

[148] OAR 660-012-0000(1).

Goal 13: Energy Conservation

To conserve energy.

Goal 13 provides for land and uses authorized on the land to be managed and controlled so as to maximize energy conservation.[149] To the extent that this goal is applicable to the Project, which does not itself consume energy, Exhibit N (Need) demonstrates that this resource fits into IPC's overall resource management strategy and is designed to support IPC in its continuing efforts to promote energy efficiency and demand response as an alternative to the construction of additional generation plants. Exhibit V (Waste and Wastewater) also addresses IPC's efforts to reuse and recycle waste to the maximum extent practicable.[150]

Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

The purpose of Goal 14 is to "provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."[151] The Project is located primarily in rural areas, but development of the Project does not represent a transition of those areas from rural to urban. The Project is consistent with rural land uses, and is not expected to result in any short-term or permanent urbanization in the Project vicinity. Accordingly, Goal 14 is not directly applicable to the Project.

Goal 15 through Goal 19

Willamette Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes

These Goals are not applicable to the Project as the Project is not located in any of the geographic areas included within Goals 15-19.

6.0 EVIDENCE IN SUPPORT OF GOAL 4 EXCEPTION

ORS 469.504(2)

The council may find goal compliance for a facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to an exception process goal, the council may take an exception to a goal if the council finds:

(a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goal should not apply;

[149] *DLCD Guidelines* for Goal 13.

[150] *DLCD Guidelines* for Goal 13.

[151] *DLCD Guidelines* for Goal 14.

(B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the council applicable to the siting of the proposed facility; and

(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

OAR 345-022-0030

(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.

* * * *

(4) The Council may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the exception process, the Council may take an exception to a goal if the Council finds:

(a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goal should not apply;

(B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility; and

(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

The following sections demonstrate why the Project warrants a Goal 4 exception under ORS 469.504(2).

6.1 Overview of Project Access Roads in Goal 4 Forest Lands

For development of the Project in forested areas of the GF zone in Umatilla County, and the Timber-Grazing zone in Union County, the Project is a “new electric transmission line” within the meaning of OAR 660-006-0025(4)(q). Moreover, the Project complies with the applicable conditional use criteria set forth in OAR 660-006-0025(5). Arguably, however, access roads outside of a 500-foot ROW corridor are not included in the “new electric transmission line” conditional use. Accordingly, IPC seeks a finding by the Council that the Project (1) nevertheless complies with the policies underlying Goal 4 (see Section 5.0), or, alternatively, (2) warrants an exception to Goal 4 for any permanent access roads in forest lands that are outside

of the 500-foot corridor included in the "new electric transmission line" use.[152] IPC seeks a Goal 4 exception authorizing the development of the necessary access roads on Goal 4 lands.[153]

IPC estimates that the Project will require approximately 35.5 miles of new and improved access roads in Goal 4 forest lands in Umatilla and Union counties outside the 500-foot corridor.[154] See Table K-18 below. As described in detail in Exhibit B, the Project's Site Boundary conservatively provides for a 15-foot buffer on each side of each 30-foot-wide access road.

Table K-18. Miles of Access Roads Outside 500-foot Corridor on Goal 4 Forest Lands

Corridor	County	Access Road Type	Total (miles)
Proposed Corridor	Umatilla [1]	New Road	0.6
		Improve Existing Road	16.4
	Union [2]	New Road	3.6
		Improve Existing Road	14.9
Glass Hill Alternate	Union [2]	New Road	1.8
		Improve Existing Road	4.4
		Total	**41.7**

[1] Mileage based on Grazing Farm Zone determined to be Goal 4 land by Umatilla County Planning Department.
[2] Mileage based on Timber-Grazing zone determined to be Goal 4 land based on a predominant use parcel analysis determination.

Thus, the road miles above in Table K-18 would need to be removed from Goal 4 and commercial forest operations in order to facilitate construction and operation of the Project.

6.1.1 Reasons that Justify an Exception

ORS 469.504(2)

Pursuant to ORS 469.504(2), the Council may grant an exception to any applicable statewide planning goal if the Council finds the following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goal should not apply;

In accordance with OAR 660-015-0000(4), the policy of Goal 4 is:

> *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

In the following discussion, IPC will explain that Goal 4 should not apply to the forest lands that would be impacted by proposed access roads because: (1) the Project—which cannot be built without the proposed access roads—serves an important public interest; (2) the adverse impact

[152] In Section 5 above, IPC demonstrates that, although the Project's proposed access roads may not comply with the counties' applicable substantive criteria, the Project, all or some of its proposed access roads, nonetheless comply with statewide planning Goal 4.
[153] Also, in the event that EFSC concludes that the portion of the Site Boundary in Goal 4 forest lands that exceeds the 100-foot ROW provided for in OAR 660-006-0025(4)(q) is not a conditional use and is inconsistent with Statewide Planning Goal 4, notwithstanding COB and ORS 772.210, IPC seeks an exception to Goal 4 (discussed in detail in Section 6.0).
[154] 35.5 miles includes access roads associated with the Proposed Corridor in Umatilla and Union counties, and does not include the Glass Hill Alternate, which will require 6.2 miles of new or improved access roads in Goal 4 forest lands.

to forest lands imposed by the access roads would be relatively small; and (3) concerns regarding the relatively minor impacts to forest lands raised by the Project are outweighed by the harm that would be caused if the Project could not be permitted.

The Project Cannot be Built Without the Proposed Access Roads in Forest Lands

As described in Section 3.3.2 of Exhibit B, the proposed access roads are an essential component of the Project facilities. During the construction phase, the access roads are required to allow materials, equipment, and personnel to access the construction sites. During operations, the access roads are required to allow for necessary maintenance of the transmission line and structures. Therefore, without the access roads, the Project could not be built or maintained.

Moreover, the location of certain access roads in Goal 4 forest lands cannot reasonably be avoided. As described in Exhibit B and Attachment B-1 (2010 Siting Study), IPC engaged in a detailed and thorough process to identify its Proposed Corridor connecting a substation in the Boardman area with IPC's existing Hemingway Substation. As further discussed in detail in Section 3.0, the Project is locationally-dependent, in that there were a limited number of potential routes that would meet the Project's purpose and need. More specifically, the Project's fairly limited crossing of Goal 4 forest lands is necessary for the Project to cross the Wallowa-Whitman NF in the designated utility corridor. Alternative routes would, in fact, have resulted in a far greater number of acres of Goal 4 forest land being removed from forest or related uses.

The Project Serves a Critical Public Interest

Exhibit N explains in detail the critical public interest served by the Project. That information is also discussed in Section 3.1.1.2 of this Exhibit. We will discuss that information only briefly here.

First, the Project has been identified as crucial infrastructure not just by IPC but on a regional and national level. The Project is one of seven pilot transmission projects selected by President Obama's Administration for the Rapid Response Team for Transmission. As explained by the Council for Environmental Quality, adding necessary transmission infrastructure will integrate renewable electricity sources into the grid, accommodate the growing number of electric vehicles on America's roads, help avoid blackouts, restore power more quickly when outages occur, and reduce the need for new power plants.[155] The Project was selected as a Rapid Response Team for Transmission pilot project because it will "increase electric reliability, integrate new renewable energy into the grid, and save consumers money."[156]

Second, and more specifically, the Project is critical to IPC's ability to provide its customers in Oregon and Idaho with safe and reliable energy. The primary purpose of the Project is to provide IPC with the additional transmission capacity that will be necessary to import power from the Pacific Northwest power market to serve its retail customers located in Oregon and Idaho. In this way, the Project is properly viewed as a supply-side resource, similar to a generation plant, which will allow IPC to meet its expected loads and thereby allow local communities to experience economic growth due to ample and cost efficient electricity. As such, the Project has been selected by IPC and acknowledged by the Oregon and Idaho state public utility commissions as an essential component of the utility's preferred portfolio, representing the mix of resources that presents the best balance of cost and risk for serving IPC's customers.

[155] See also http://www.whitehouse.gov/administration/eop/ceq/initiatives/interagency-rapid-response-team-for-transmission.
[156] See also http://www.whitehouse.gov/administration/eop/ceq/initiatives/interagency-rapid-response-team-for-transmission.

Implicit in this finding then is the recognition that failure to build the Project could impose higher costs and greater risks on IPC's customers.

Thus, the Project has been acknowledged on both a state and federal level to be critical to national, regional, and Oregon state goals.

The Benefit to the Public of the Project Outweighs the Minimal Detriment Posed by the Project, Justifying an Exception

As described above, the access roads proposed to be improved or constructed in forest lands will impose relatively minor impacts. The new roads proposed make up only 4.2 miles (12 percent) of the total number of miles of forest lands crossed. Moreover, the improvements proposed for existing roads will not remove any significant amount of forest lands from existing uses. For these reasons, the Council can be assured that the Project will not result in significant adverse impacts to, or significantly increase the cost of, commercial forest operations. Indeed, as noted above, in some cases the new and improved roads might actually assist commercial forest operations.

In this case, IPC has demonstrated that the access roads are necessary to the construction and maintenance of the Project, that the Project is necessary to serve a critical public interest, and that the access roads are locationally-dependent.[157] The evidence provided by IPC is sufficient to override the competing Goal 4 policy to preserve forest lands; therefore, if the Council determines that an exception to Goal 4 is required, the Council should grant the exception.[158]

For these reasons, EFSC should find that the public interest in developing the Project outweighs the state policy embodied in Goal 4, and the state policy embodied in Goal 4 should not apply to the Project's related and supporting facility (access roads).

6.1.2 ESEE Analysis

ORS 469.504(2)

(B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the council applicable to the siting of the proposed facility; and

[157] *See* OAR 660-04-022(1) ("1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-014-0030 or 660-014-0040, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to, the following:
(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either
(A) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this paragraph must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or
(B) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

[158] *See e.g., Hammack & Associates, Inc., Burns Bros., Inc., Ralph Elligsen, Cmty. First Fed. Sav. & Elvin H. Foster, Petitioners,*, 16 Or LUBA 75 (1987) ("It is the demonstrated need for the proposed use and the uniqueness of the site under OAR 660-04-022(1) that warrants overriding the competing state policies and other goals to allow an exception. This demonstration requires more than simply showing a proposed use would be consistent with another goal.").

IPC has carefully identified and considered the environmental, economic, social, and energy consequences that can be anticipated as a result of the Project, and will mitigate any adverse impacts.[159]

Environmental

Access roads associated with the Proposed Corridor will cross approximately 35.5 miles of forest land in Umatilla and Union counties, depending on the route selected.[160] Of the 35.3 miles of roads proposed in forest land, approximately 31.3 miles (88 percent) is associated with existing access roads that IPC will improve. IPC will only develop approximately 4.2 miles of new access roads associated with the Proposed Corridor in forested areas.[161]All forest clearing will occur in accordance with Forest Practices Act (se Exhibit BB, Attachment BB-1, Plan for an Alternate Practice).

The Project would result in permanent habitat conversion in forested areas, where trees would be cleared and mature forest would be permanently replaced by shrub-scrub or other non-forested habitat. Most of the habitat conversion attributable to roads proposed in forest lands would be the result of development of new access roads, and to a lesser extent, improvements to existing roads. However, once the Project and associated access roads have been developed, no further habitat conversion will take place. Permanent impacts to forest lands will be mitigated in accordance with the Habitat Mitigation Plan (see Exhibit P, Attachment P-7).

Economic

The Project is a crucial regional transmission project that will have a positive economic impact for the region over both the short term (construction jobs) and long term (Pacific Northwest power market and bringing renewables to market). As discussed under Reasons that Justify an Exception (Section 6.1.1), the Project has been selected as one of seven vital national transmission projects. According to the Council on Environmental Quality:[162]

> *These seven pilot projects are estimated to create more than 11,000 construction and operation jobs. In selecting the seven pilot projects, the following principles were considered:*
>
> - *Projects that address reliability and/or provide capacity for new commercial scale renewable and clean energy sources (on and off Federal lands);*
> - *Projects with some level of geographic diversity in both the eastern and western interconnections;*
> - *Projects with opportunities to expand or improve agency cooperation such as "Qualifying Projects" as defined by the 2009 MOU with unique permitting challenges and near-term critical milestones; and*
> - *Projects (in the west) which use corridors designated on Federal lands through Section 368 of the Energy Policy Act of 2005.*

[159] For purposes of this discussion, IPC focuses on the environmental, economic, social, and energy consequences of development of the Project, including access roads, on Goal 4 forest lands. For analysis of the impacts from the entire Project, see discussion and analysis in Exhibits J, L, M, O, P, Q, R, S, T, U, V, and X.
[160] 35.5 miles of forest land includes the Proposed Corridor in Umatilla and Union counties, and does not include the Glass Hill Alternate. The Glass Hill Alternate will require 6.2 miles of new or improved access roads in Goal 4 forest lands.
[161] The Glass Hill Alternate will require 2.4 miles of new access roads.
[162] See also http://www.whitehouse.gov/administration/eop/ceq/initiatives/interagency-rapid-response-team-for-transmission.

Transmission development will create many regional economic benefits. Indeed, as discussed Exhibit U, development of the Project creates direct economic benefits, including creation of new jobs, increased ad valorem taxes, new dollars supporting the local economy, and a stimulus to the local economy in the form of expenditures on materials and supplies.

Moreover, as discussed in Section 5.0, the development and improvement of access roads associated with the Project may provide for more efficient entry of personnel and vehicles for the harvesting and removal of trees for existing timber operations.

Social/Energy

The Project will have no significant adverse impacts on public services or facilities, including hospitals, schools, or transportation systems, as discussed in Exhibit U.

Exhibit N (Need) demonstrates that the Project fits into IPC's overall resource management strategy and is designed to support IPC in its continuing efforts to promote energy efficiency and demand response as an alternative to the construction of additional generation plants. Additionally, the Project is important for renewable resource development in northeastern Oregon such as wind and geothermal resources. The 500-kV transmission line is expected to relieve congestion on the existing 230-kV transmission system, which could facilitate transmission of renewable energy. The Project will promote energy efficiency and integration of renewable generation resources.

ORS 469.504(2)

(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

The development of access roads associated with the Project is compatible with adjacent land uses. Although there may be temporary disturbances to adjacent commercial forest operations during the development of access roads, there will likely not be any long-term impacts associated with the Project.

Commercial forest operations on surrounding lands occur periodically and may occur during construction of the Project. Potential interference with such use during Project construction would be limited to traffic interference between logging activities—primarily log hauling—and movement of Project construction equipment and supplies, or improvement of access roads that may be used by the Project and concurrent non-Project forest operations. To the extent necessary, IPC will coordinate with local road departments and other forest operators to time large-load deliveries to the extent such deliveries could potentially conflict with other forest or agricultural uses on surrounding lands. Ongoing forestland maintenance activities on surrounding lands are unlikely to be impacted by the development of access roads associated with the Project.

IPC will implement erosion control measures in these areas to minimize impacts to wetlands, wildlife habitat, and agricultural operations and forest roads. Any grading to prepare the roads will be conducted under an NPDES 1200-C permit, which will incorporate an erosion and sediment control plan (Exhibit I, Attachment I-3). As described in the draft Reclamation and Revegetation Plan and the draft Vegetation Maintenance Plan (see Exhibit P, Attachments P-4 and P-5), IPC will restore temporarily disturbed areas to preconstruction conditions and will implement a weed control plan.

During Project operations, limited activities will occur on access roads, and will be compatible with adjacent land uses. IPC will use the access roads to inspect the Project components located within the ROW and manage vegetation, consistent with the Vegetation Management Plan (Exhibit P, Attachment P-5, Section 2), but generally, such activities will have relatively low impact and are unlikely to cause potential adverse impacts on surrounding forest operations. Access roads will be monitored for drainage or erosion control problems and repaired as necessary.

For the foregoing reasons, IPC demonstrates that the Project is compatible with adjacent land uses, and that measures will be taken to reduce any potential adverse impacts.

7.0 EVIDENCE OF COMPLIANCE WITH FEDERAL MANAGEMENT PLANS

7.1 Applicable Land Management Plans Adopted by Federal Government

OAR 345-021-0010(1)(k)(D)(i) – Applicable Federal Land Management Plans

Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land.

7.1.1 Wallowa-Whitman National Forest Land and Resource Management Plan

The Wallowa-Whitman NF is in the northeast corner of Oregon and on the border between Oregon and Idaho encompassing over 23 million acres of land. The WW LRMP (USFS 1990) guides all natural resource management activities and establishes management standards and guidelines for the Wallowa-Whitman NF, those portions of the Nez Perce and Payette National Forests that are administered by the Wallowa-Whitman NF Supervisor, and other lands within the Hells Canyon National Recreation Area (HCNRA).

The forest provides a wide variety of recreation activities, such as snowmobiling, skiing, hiking, horseback riding, and camping. The Wallowa-Whitman NF contains two complete wilderness areas plus portions of two others, for a total designated wilderness of 582,700 acres. There are 10 Wild and Scenic Rivers on the Wallowa-Whitman NF for a total of 269 miles. Of the 2.3 million acres of the NF, approximately 1.3 million are classified as suitable for livestock grazing under controlled management conditions that will maintain or improve the range resource. About 1.09 million acres (46 percent of the NF) are classified as suitable forest land—land at least 10 percent forested which is available for timber management activities and which can be managed with existing technology. At present there are some 173,000 acres on the Wallowa-Whitman NF that meet the definition of old growth; there are 131 specifically defined areas varying in size from 100 to 3,000 acres that are to be managed for old-growth forest. Transportation facilities for the Forest include 9,300 miles of road (7,000 miles of which are open for use), 1,750 miles of trail, and five landing strips. Goals and objectives for each resource are described in the LRMP.

The proposed transmission line crosses the Wallowa-Whitman NF for 5.9 miles, of which 5.5 miles are located within the designated utility corridor west of La Grande along I-84. The LRMP states, “When applications for rights-of-way for utilities are received, the Forest’s first priority will be to utilize residual capacity in existing rights-of-way” and “Additional utility rights-of-way or corridors may be identified and approved subject to site-specific environmental analysis” (USFS 1990).

7.1.2 BLM Vale District Resource Management Plan

The BLM land use planning process (43 Code of Federal Regulations 1610) combines Section 202 of the Federal Land Policy and Management Act (FLPMA) of 1976 and NEPA regulations. To ensure the best balance of uses and resource protections for America's public lands, the BLM undertakes extensive land use planning through a collaborative approach with local, state, and Tribal governments; the public; and stakeholder groups. BLM Resource Management Plans (RMPs) provide land use planning and management direction on a broad scale and guide future actions on BLM-managed lands. Land use plan decisions consist of desired outcomes (goals and objectives) and allowable uses and management actions. Land use plans are used by managers and the public to allocate resources and determine appropriate multiple uses for the public lands; develop a strategy to manage and protect resources; and set up systems to monitor and evaluate status of resources and effectiveness of management practices over time.

Land use plans and planning decisions are the basis for every on-the-ground action the BLM undertakes. Land use plans ensure that the public lands are managed under the principles of multiple use and sustained yield. As required by FLPMA and BLM policy, the public lands must be managed in a manner that protects the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; that will provide for outdoor recreation and human occupancy and use; and that recognizes the nation's need for domestic sources of minerals, food, timber, and fiber from the public lands by encouraging collaboration and public participation throughout the planning process (BLM and Office of the Solicitors 2001).

The Vale District is addressed by the Baker RMP and the Southeastern Oregon RMP. The Proposed Corridor crosses 210.5 miles of land included in the Baker RMP and 72.0 miles of land managed by the Southeastern Oregon RMP.

7.1.3 BLM Baker Resource Management Plan

The Baker RMP/Record of Decision (ROD) (BLM 1989) provides direction for managing public lands under the jurisdiction of the Vale District Office, Baker Resource Area, Oregon. The RMP planning area encompasses approximately 429,754 acres bordered by the Snake River to the east; the Umatilla NF to the west; the Oregon-Washington state line and the Columbia River to the north; and by Gilliam, Wheeler, Grant, and Malheur counties to the west and south. Wallowa-Whitman NF, a portion of the Umatilla NF, the HCNRA, Boardman Bombing Range and the Umatilla Army Depot are other major federal lands within the boundaries of the planning area. The Umatilla Indian Reservation and BOR-managed lands are also within the planning area.

The RMP identifies the following key planning issues regarding management of resources or uses on the planning area's public lands:

- Manage the total forestland base of 88,603 acres (29,330 acres commercial forestland, 59,273 acres woodlands);
- Continue to authorize grazing permits/leases for 55,437 Animal Unit Months of livestock forage on 418,601 acres (374 allotments);
- Range improvements will continue to be implemented on 61 I and M category grazing allotments. Non-intensive management will continue on 277 Custodial (C) category allotments;

- Inventory and implement riparian recovery and enhancement as needed for 240 miles of currently known and classified riparian habitat;
- Continue inventories, develop and implement habitat management plans to protect or enhance important wildlife habitat for big game animals, native fisheries, bald eagles and other raptors, and native game birds including sage grouse and Columbian sharp-tailed grouse;
- Implement land tenure adjustments through exchange, transfer or sale of 18,306 acres in Zone 2 areas to consolidate or otherwise promote efficient management of the public lands in Zone 1 areas;
- Off-road vehicle use is open on approximately 287,611 acres, limited on 138,042 acres, and closed on 4,101 acres of public lands;
- Nine areas totaling 38,988 acres are designated ACECs, with one area designated as an Outstanding Natural Area and one area designated as a Research Natural Area;
- Maintain the public lands open to locatable mineral entry under the 1872 Mining Law, as amended. Pursue withdrawal from mineral entry under the mining laws on 907.31 acres to protect natural and historic values. Maintain the availability of the public mineral estate for mineral leasing, except for 16,531 acres which are closed; and
- Cultural resources, soil, water, botanical, visual resources and recreational opportunities will be protected or enhanced.

7.1.4 BLM Southeastern Oregon Resource Management Plan

The Southeastern Oregon RMP (BLM 2001) provides direction for managing public lands under the jurisdiction of the Malheur and Jordan resource areas, Vale District, Oregon, in southeastern Oregon. The Southeastern Oregon RMP planning area covers approximately 4.4 million acres of BLM-administered land in Malheur, Grant, and Harney counties.

The RMP establishes and addresses the following key planning issues regarding management of resources or uses on the planning area's public lands:

- Management of resource uses to improve unacceptable upland conditions or maintain acceptable upland conditions;
- Management of resource uses to improve unacceptable riparian conditions or maintain acceptable riparian conditions;
- Maintain or improve forest and woodland communities, and management of woodlands to maintain or improve rangeland and wildlife habitat;
- Management of energy and mineral resources on public land;
- Management of special management areas, including ACECs, Wilderness Study Areas, National Wild and Scenic Rivers, caves, historic interpretive sites and districts, national trails, and other areas of national significance;
- Management of wildland fire to be consistent with resource objectives while protecting life and property;
- Management of recreation opportunities for both developed and dispersed recreation uses;
- Provide for fish and wildlife habitat, botanical resources, and special status species while considering other resource uses; and

- Consider exchanging BLM-administered land for other land with higher public values or consider selling isolated or difficult-to-manage land, level of access to public land, consider selling land for public purposes and community.

7.2 Differences between State and Federal Requirements

OAR 345-021-0010(1)(k)(D)(ii) – Explanation of Differences Between State or Local Land Use Requirements and Federal Land Management Requirements

Explain any differences between state or local land use requirements and federal land management requirements.

The local and state land use requirements and the federal land management requirements are different, and compliance with local and state plans does not necessarily ensure compliance with the applicable federal land management plans, or vice versa. However, because the NEPA review for the Project will include an evaluation of the Project's consistency with the applicable federal land management plans, the Council is required to review the Application, to the extent feasible, in a manner that is consistent with and does not duplicate review under NEPA.[163]

At this time, IPC has not identified any differences between state/local and federal land management requirements that require discussion here. Based on feedback and guidance received from ODOE and the counties on Exhibit K, IPC will develop a discussion of any conflicting requirements identified for inclusion in its ASC.

7.3 Compliance with Federal Land Management Plans

OAR 345-021-0010(1)(k)(D)(iii) – Compliance with Applicable Federal Land Management Plan

Describe how the proposed facility complies with the applicable federal land management plan.

An analysis of consistency with federal land management plans was submitted to the BLM and USFS in February 2012. The analysis is currently under review. In the event that the Project is not consistent with a current land management plan, a land use plan amendment will be proposed and analyzed in the Environmental Impact Statement for the Project. A final determination regarding any required land use plan amendments will be made prior to issuance of a ROW grant by each agency.

7.4 Status of Federal Land Use Approvals and Timing

OAR 345-021-0010(1)(k)(D)(iv) – Federal Land Use Approvals

Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval.

The Project will cross lands managed by the BLM, USFS, and BOR. IPC must obtain ROW grants from the BLM and BOR and a special use authorization from the USFS. The BLM is the lead federal agency for purposes of environmental analysis under NEPA and will coordinate preparation of the EIS, which will cover the Project and any needed plan amendments. In November 2011, IPC submitted to the BLM, USFS, and BOR updated SF299 Applications for Transportation and Utility Systems and Facilities on Federal Lands and a Plan of Development (POD). The POD provides general information on the Project's purpose and need, the currently proposed Project facilities, and the steps that IPC would follow during construction, operation, and maintenance. The timeline for issuance of ROW grants from the BLM and BOR and a special use authorization from the USFS is a function of the NEPA review process and any

[163] ORS 469.370(13).

required forest plan amendments and the ROW negotiation between IPC and the agencies regarding appropriate mitigation.

OAR 345-021-0010(1)(k)(D)(v) – Estimate of Time for Issuance of Approvals

Provide an estimate of time for issuance of federal land use approvals.

IPC's 2011 IRP identified the need for a 2016 in-service date for the Project. However, the completion date of the Project is subject to siting, permitting, regulatory approvals, in-service date requirements of the parties electing to construct the line, the terms of any resulting joint construction agreements, and other conditions. Based on IPC's assessment of those and other factors, IPC now estimates that a project in-service date will be in 2018.

The BLM and USFS are currently completing analysis of the Project's impact on important resources for inclusion in the Draft EIS. The Draft EIS is scheduled to be released for a 90-day public review period in the summer of 2013. Following review of public and agency comments on the Draft EIS, the Final EIS will be completed in the summer of 2014 with a ROD issued in February 2015. A ROW grant for the Project would be issued shortly thereafter.

7.5 Request for Waiver Because of Conflicting Land Use Requirements

OAR 345-021-0010(1)(k)(D)(vi) – Request for Waiver Because of Conflicting Land Use Requirements

If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver.

There no conflicts between federal law or applicable land management plans and applicable state or local land use requirements.

8.0 CONCLUSION

Exhibit K demonstrates that the Project complies with the EFSC approval standard for land use, in accordance with OAR 345-022-0030, based on information provided pursuant to OAR 345-021-0010(1)(k), paragraphs (A), (C), and (D).

Exhibit K provides comprehensive evidence and analysis of the local, state, and federal land use requirements applicable to the Project, and demonstrates that the Project either complies with applicable local land use laws, complies with Oregon's statewide planning goals, or qualifies for an exception. Exhibit K also demonstrates that the Project complies with applicable federal land management plans.

9.0 SUBMITTAL AND APPROVAL COMPLIANCE MATRICES

Tables K-19 and K-20 provide cross references between Exhibit submittal requirements of OAR 345-021-0010 and the Council's approval standards of OAR 345-022-0000 and where discussion can be found in the Exhibit.

Table K-19. Submittal Requirements Matrix

Requirement	Location
OAR 345-021-0010(1)(k)	
(k) **Exhibit K.** Information about the proposed facility's compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant shall state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Notwithstanding OAR 345-021-0090(2), once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, "affected local government" means a local government that has land use jurisdiction over any part of the proposed site of the facility. In the application, the applicant shall:	Section 1.0, Section 2.0, Section 3.0
(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area;	Section 4.1, Section 4.2, Section 4.3, Section 4.4, Section 4.5, Section 4.6
(B) If the applicant elects to obtain local land use approvals: * * *	**N/A**
(C) If the applicant elects to obtain a Council determination on land use:	Section 2.1
(i) Identify the affected local government(s);	Section 4.0
(ii) Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria;	Section 4.1, Section 4.2, Section 4.3, Section 4.4, Section 4.5, Section 4.6
(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes;	Section 5.0
(iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals; and	Section 5.0
(v) If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2); and	Section 6.0
(D) If the proposed facility will be located on federal land:	Section 7.0
(i) Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land;	Section 7.1

Table K-19. Submittal Requirements Matrix (continued)

Requirement	Location
(ii) Explain any differences between state or local land use requirements and federal land management requirements;	Section 7.2
(iii) Describe how the proposed facility complies with the applicable federal land management plan;	Section 7.3
(iv) Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval;	Section 7.4
(v) Provide an estimate of time for issuance of federal land use approvals; and	Section 7.4
(vi) If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver;	Section 7.5
Project Order Section VI(k).Comments	
Paragraphs (A), (C), and (D) of the rule apply.	Discussed above in response to OAR 345-021-0010(1)(k).
ORS 215.275 Utility facilities necessary for public service; criteria; rules; mitigating impact of facility.	Section 3.1
(1) A utility facility established under ORS 215.213(1)(c) or 215.283(1)(c) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.	Section 3.1
(2) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.213 (1)(c)or 215.283(1)(c) 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 the following factors: (a) Technical and engineering feasibility; (b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands; (c) Lack of available urban and nonresource lands; (d) Availability of existing rights of way; (e) Public health and safety; and (f) Other requirements of state or federal agencies.	Section 3.1, Section 3.2, Section 4.1.4, Section 4.2.3, Section 4.3.3, Section 4.5.4, Section 4.6.3
(3) Costs associated with any of the factors listed in subsection (2) of this section may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities. The Land Conservation and Development Commission shall determine by rule how land costs may be considered when evaluating the siting of utility facilities that are not substantially similar.	Section 3.1, Section 3.2, Section 4.1.4, Section 4.2.3, Section 4.3.3, Section 4.5.4, Section 4.6.3

Table K-19. Submittal Requirements Matrix (continued)

Requirement	Location
(4) The owner of a utility facility approved under ORS 215.213 (1)(c) or 215.283 (1)(c) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.	Section 3.1, Section 3.2, Section 4.1.4, Section 4.2.3, Section 4.3.3, Section 4.5.4, Section 4.6.3
(5) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.213 (1)(c) or 215.283 (1)(c) to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.	Section 3.1, Section 3.2, Section 4.1.4, Section 4.2.3, Section 4.3.3, Section 4.5.4, Section 4.6.3
(6) The provisions of subsections (2) to (5) of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.	N/A
ORS 215.283 Uses permitted in exclusive farm use zones in nonmarginal lands counties; rules. (1) The following uses may be established in any area zoned for exclusive farm use: (c) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275.	Section 3.1, Section 3.2, Section 4.1.4, Section 4.2.3, Section 4.3.3, Section 4.5.4, Section 4.6.3
Applicable Local Substantive Criteria	Section 4.1, Section 4.2, Section 4.3, Section 4.4, Section 4.5, Section 4.6

Table K-20. Approval Standard

Approval Standard	Location
OAR 345-022-0030	
(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.	Section 5.0
(2) The Council shall find that a proposed facility complies with section (1) if: * * * (b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:	Section 4.1, Section 4.2, Section 4.3, Section 4.4, Section 4.5, Section 4.6

Table K-20. Approval Standard (continued)

Approval Standard	Location
(A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3); (B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or (C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).	
(3) As used in this rule, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.	Section 4.1, Section 4.2, Section 4.3, Section 4.4, Section 4.5, Section 4.6
(4) The Council may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the exception process, the Council may take an exception to a goal if the Council finds: (a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal; (b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or (c) The following standards are met: (A) Reasons justify why the state policy embodied in the applicable goal should not apply; (B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility; and (C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.	Section 6.0

10.0 REFERENCES

Baker County (Baker County Planning Department). 1993. Baker County Comprehensive Land Use Plan. Ordinance 83-2. Originally adopted March 9, 1983. Baker County Planning Department. Baker City, Oregon.

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ATTACHMENT K-1
AGRICULTURAL ASSESSMENT

Attachment K-1
Agricultural Assessment

Boardman to Hemingway Transmission Line Project

1221 West Idaho Street
Boise, Idaho 83702

February 2013

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1.0 PROJECT OVERVIEW

Idaho Power Company (IPC) is proposing to construct, operate, and maintain an approximately 305-mile-long electric transmission line between Boardman, Oregon and the Hemingway Substation located in southwestern Idaho. The Project is primarily a single-circuit 500-kilovolt (kV) electric transmission line, with 305 miles of single-circuit 500-kV and a rebuild of 5.0 miles of existing 138/69-kV transmission lines onto double-circuit structures (with relocation of 0.3 mile of 138-kV transmission line).

An overview map of the Project location is included as Figure 1-1.

1.1 Purpose

The purpose of this document is to describe the agricultural crops and practices that typically occur in the five county area crossed by the Project (Section 2); describe the specific agricultural resources that could be potentially affected (Section 3); identify potential construction and operations impact of the Project on agriculture (Section 4); and describe the mitigation measures developed by IPC to avoid or reduce the potential for construction and operational impacts (Section 5).

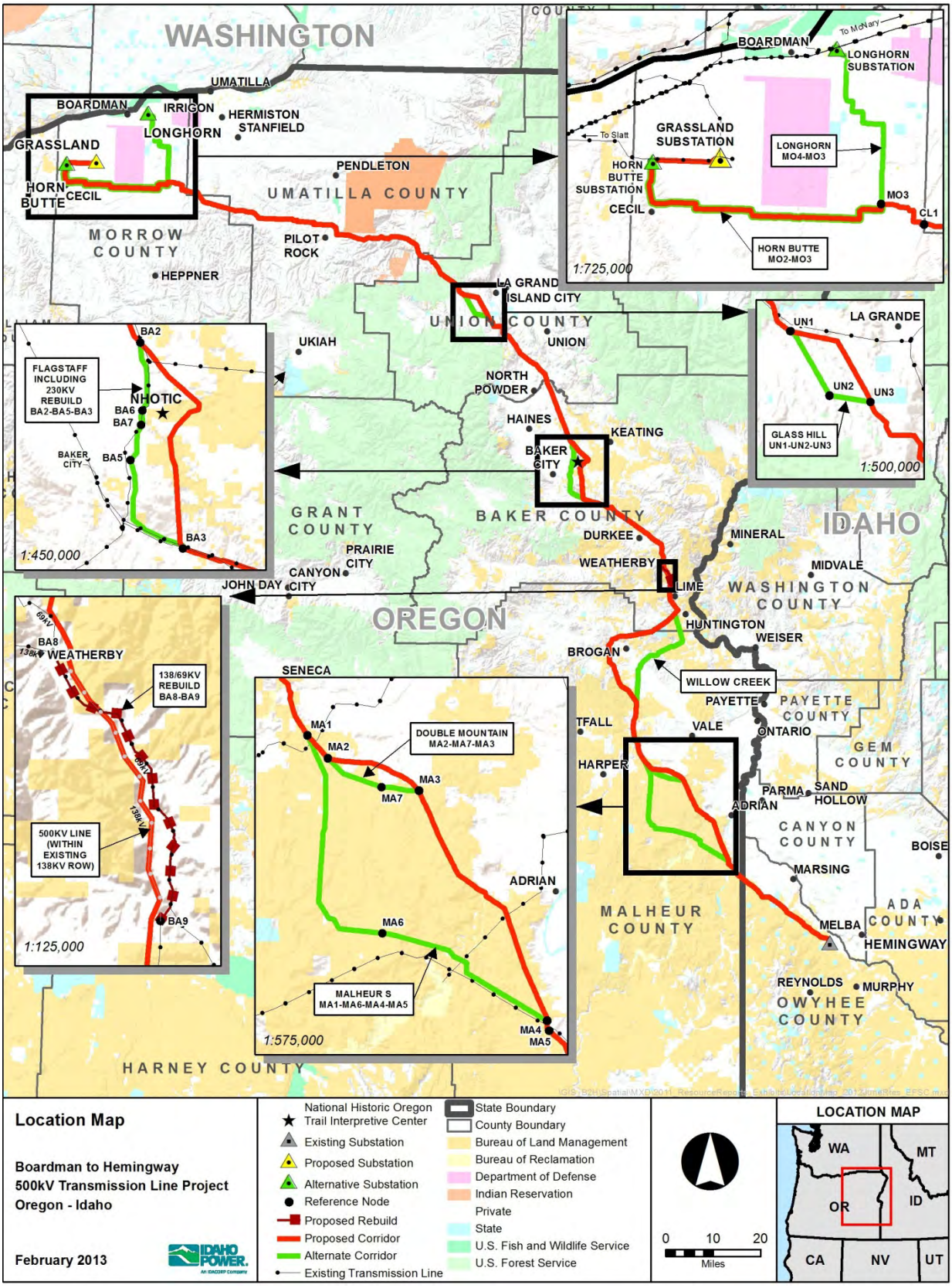

Figure 1-1. Location of Boardman to Hemingway Transmission Line Corridors

2.0 OVERVIEW OF AGRICULTURE

In Oregon, gross farm and ranch sales were $4.29 billion in 2010 (OSU 2010). There were approximately 3,142,096 acres harvested for agricultural crops in 2010, not including livestock range or pasture land. In the five county study area crossed by the Project gross farm and ranch sales account for $1,194,198,000.

This report provides a snapshot of agriculture for the 2010 season in the five county study area. What crops farmers choose to grow in any season is generally market-driven but sometimes is a matter of personal preference based on the operator's farming background and is influenced by soil quality, government programs and regulations, proximity to markets, labor availability, land values, availability of adequate irrigation water, and other factors specific to a particular areas. Crop selection and planting practices would be expected to vary from year to year.

The information shown in Figure 2-1 and Table 2-1 was obtained from the Oregon Agricultural Information Network (OAIN) database (OSU 2010) and shows the 2010 gross farm and ranch sales.

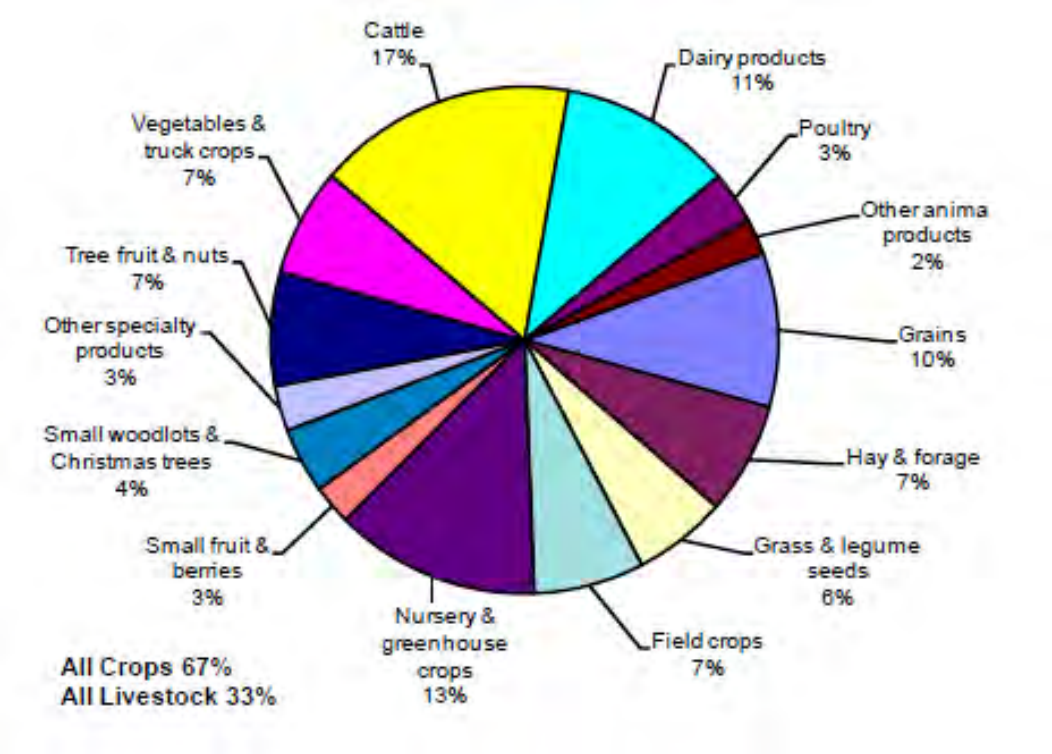

Figure 2-1. 2010 Preliminary Oregon Commodity Sales (OSU 2010)

Table 2-1. Gross Farm and Ranch Sales by County and Rank within Oregon

County	2010 Gross Farm and Ranch Commodity Sales
Morrow	$395,759,000
Umatilla	$396,108,000
Union	$67,688,000
Baker	$61,540,000
Malheur	$273,093,000
Total for 5 Counties	$1,194,188,000

Source: OSU 2010

2.1 Morrow County

The top reported commodities in Morrow County in 2010, in order of total sales, were potatoes, wheat, cattle, and dry storage onions (see Table 2-2). Gross farm sales in 2010 for crops were $223 million, and livestock and poultry sales were $172 million. The harvested acreage in Morrow County in 2010 was 378,056 acres

Table 2-2. Top Five Grossing Commodities in Morrow County 2010

Rank	Commodity	Sales
1	Not Disclosed	N/A
2	Potatoes	$53,975,250
3	Wheat	$51,374,250
4	Cattle	$46,500,000
5	Dry Storage Onions	$45,027,000

Source: OSU 2012

Not Disclosed – Some information is hidden in the report to protect the confidentiality of the producers.

2.2 Umatilla County

The top reported commodities in Umatilla County in 2010, in order of total sales, were wheat, cattle, potatoes, apples, and dry storage onions (see Table 2-3). Gross farm sales in 2010 for crops were $326 million, and livestock and poultry sales were $71 million. The harvested acreage in Umatilla County in 2010 was 313,529 acres.

Table 2-3. Top Five Grossing Commodities in Umatilla County, 2010

Rank	Commodity	Sales
1	Wheat	$100,674,000
2	Cattle	$58,153,000
3	Potatoes	$51,468,750
4	Apples	$29,797,706
5	Dry Storage Onions	$29,367,000

Source: OSU 2012

2.3 Union County

The top reported commodities in Union County in 2010, in order of total sales, were cattle, wheat, peppermint for oil, potatoes, and alfalfa hay (see Table 2-4). Gross farm sales in 2010 for crops were $50 million, and livestock and poultry sales were $18 million. The harvested acreage in Union County in 2010 was 99,200 acres.

Table 2-4. Top Five Grossing Commodities in Union County, 2010

Rank	Commodity	Sales
1	Cattle	$17,066,000
2	Wheat	$13,230,000
3	Peppermint For Oil	$11,856,000
4	Potatoes	$5,937,120
5	Alfalfa Hay	$4,657,500

Source: OSU 2012

2.4 Baker County

The top reported commodities in Baker County in 2010, in order of total sales, were cattle, potatoes, alfalfa hay, and wheat (see Table 2-5). Gross farm sales in 2010 for crops were $18 million, and livestock and poultry sales were $43 million. The harvested acreage in Baker County in 2010 was 88,150 acres.

Table 2-5. Top Five Grossing Commodities in Baker County, 2010

Rank	Commodity	Sales
1	Cattle	$42,334,000
2	Potatoes	$10,432,800
3	Alfalfa Hay	$3,705,000
4	Wheat	$2,469,600
5	Not Disclosed	N/A

Source: OSU 2012

Not Disclosed – Some information is hidden in the report to protect the confidentiality of the producers.

2.5 Malheur County

The top reported commodities in Malheur County in 2010, in order of total sales, were cattle, dry storage onions, corn for grain, sugar beets for sugar, and dairy products (see Table 2-6). Gross farm sales in 2010 for crops were $138 million, and livestock and poultry sales were $135 million. The harvested acreage in Malheur County in 2010 was 128,630 acres.

Table 2-6. Top Five Grossing Commodities in Malheur County, 2010

Rank	Commodity	Sales
1	Cattle	$119,238,000
2	Dry Storage Onions	$45,348,660
3	Corn For Grain	$16,165,485
4	Sugar beets For Sugar	$15,264,000
5	Dairy Products	$14,100,480

Source: OSU 2012

2.6 Description of Reserve Lands

Some of the agricultural lands within the Proposed Corridor in eastern Oregon are currently under contract in the U.S. Department of Agriculture (USDA) reserve programs. These programs include the Conservation Reserve Program (CRP), administered by the Farm Service Agency (FSA), and the Grassland Reserve Program (GRP) and the Wetland Reserve Program (WRP), both administered by the Natural Resources Conservation Service (NRCS). These lands are not presently used for agriculture, but would likely revert to agricultural use if they were not part of one of the reserve programs. The 2008 Food, Conservation and Energy Act (Section 1619) prevents disclosure of specific information about individual landowners or the

programs they participate in. IPC will obtain property specific Reserve program data for landowners in advance of developing specific mitigation programs.

The CRP, the largest by far of the reserve programs, is a voluntary federal program for agricultural landowners. The USDA is authorized to provide monetary and technical support to private landowners who reserve agricultural lands for protection of wildlife, wildlife habitat, and wetlands. Contracts are made with landowners to set aside acreage for the reserve programs. The set-asides consist of leases that limit land use to the conservation purposes established within the programs.

Through CRP, landowners can receive annual rental payments and cost-share assistance to establish long-term, resource-conserving covers on eligible farmland. Participants enroll in CRP contracts for 10 to 15 years. The FSA division of the USDA administers CRP. In 2010, 2,214 Oregon farms with nearly 550,000 acres were enrolled in CRP and received payments totaling $26,965,958 (USDA 2011). The average payment to landowners enrolled in CRP in 2010 was $49.20 per acre.

According to FSA (Loop 2012), CRP payments made on the tower footprint area will have to be repaid to FSA at the rate specified in the CRP contract plus interest. The tower footprint area will have to be removed from the CRP and not be eligible for future payments. The largest tower has a footprint of about 0.05 acre; therefore, the cost will be minimal. Temporary access roads can be constructed across CRP fields for the installation of transmission lines as long as a waiver is obtained from the FSA and the land is reseeded to CRP specifications immediately after the road has been decommissioned. The acreage of CRP land impacted by permanent access roads would be disqualified from the CRP program.

3.0 AGRICULTURAL RESOURCES POTENTIALLY AFFECTED

3.1 Analysis Area

The analysis area for land use is referred to in Section VII of the Energy Facility Siting Council Project Order and consists of the “area within the site boundary and one-half mile from the site boundary.” The Analysis Area covers approximately 383,416 acres, of which 68,905 acres would be considered as used for agriculture (CRP, dryland farming, irrigated agriculture, or pasture/hay).

Regional Gap Analysis Program (ReGAP) data were used to characterize agricultural uses along with desktop interpretation of 2012 National Agriculture Imagery Program (NAIP) imagery. Appendix A maps show the overall pattern of agricultural use within the Analysis Area. The data displayed on the maps and in Table 3-1 comprise the of ReGAP vegetation data from 2009 that have been supplemented with a desktop analysis (aerial interpretation to reclassify agriculture categories into irrigated agriculture or dryland farming using 2012 NAIP).

Table 3-1. Agricultural Types within the Analysis Area in Oregon

County, State	Agriculture Type[1] (Acres)				
	CRP	Dryland Farming	Irrigated Agriculture	Pasture/Hay	Other[2]
Morrow County, OR	1,539	20,157	23,058	79	22,566
Umatilla County, OR	109	11,827	1,287	869	34,297
Union County, OR	–	140	1,093	187	40,151
Baker County, OR	–	194	1,958	864	80,484
Malheur County, OR	–	771	4,343	430	136,400

[1] Regional Gap Analysis Program data were used to characterize agricultural uses along with desktop interpretation of 2012 National Agriculture Imagery Program imagery.
[2] In the five-county study area this is mainly rangeland but also includes scattered non-agricultural uses such as forest, wetlands, and developed areas.

3.2 Site Boundary

The Site Boundary is "the perimeter of the site of the proposed energy facility, its related or supporting facilities, all temporary laydown and staging areas, and all corridors and micrositing corridors proposed by the applicant" that may be disturbed.[1] This area is larger than the actual disturbance area as described below. The Site Boundary covers 31,396 acres of which approximately 5,000 acres are considered agricultural land. Table 3-2 shows the types of agriculture within the Site Boundary that might be affected by the Project.

Table 3-2. Agricultural Types within the Site Boundary

County, State	Agriculture Type[1] (Acres)				
	CRP	Dryland Farming	Irrigated Agriculture	Pasture/Hay	Other[2]
Morrow County, OR	137	1,761	1,408	16	2,039
Umatilla County, OR	–	1,052	26	81	2,814
Union County, OR	–	10		29	3,600
Baker County, OR	–	42	104	85	7,325
Malheur County, OR	–	63	164	22	10,618

[1] Regional Gap Analysis Program data were used to characterize agricultural uses along with desktop interpretation of 2012 National Agriculture Imagery Program imagery.
[2] In the five-county study area this is mainly rangeland but also includes scattered non-agricultural uses such as forest, wetlands, and developed areas.

3.3 Disturbance Area

The actual effects of the Project are a function of lands where temporary and permanent disturbances occur, as well as the indirect effects associated with these disturbances and the type of agricultural use disturbed. The area affected by disturbance is smaller than the Site Boundary based on the specific locations or towers, roads, staging areas, etc.

Table 3-3 shows the acres of potential disturbance for each proposed and alternate corridor segment. The locations of these features are shown in Exhibit C, Attachments C-1 and C-2.

[1] Project Order , Section I, Page 3

Table 3-3. Features Causing Construction and Operation Disturbance

Features	Temporary Construction Disturbance Size	Permanent Operation Disturbance Size
500-kV Transmission Line Structure Pad	250 feet x 250 feet = 1.43 acre	50 feet x 50 feet = 0.06 acre
138/69-kV Transmission line Structure Pad	100 feet x 100 feet = 0.23 acre	50 feet x 50 feet = 0.06 acre
Relocated 138-kV Structure Pad	100 feet x 100 feet = 0.23 acre	50 feet x 50 feet = 0.06 acre
Relocated 230-kV (Flagstaff Alternate Corridor) Structure Pad	100 feet x 100 feet = 0.23 acre	50 feet x 50 feet = 0.06 acre
New Access Roads	30’ width	14’ width
Improved access Roads	30’ width	14’ width
Multi-use Area	20 acres –typical	None
Fly Yard	15 acres – typical	None
Off-ROW Pulling and Tensioning	5.5 acres – typical	None

3.3.1 Refinement of Agricultural Resource Data

To complement the characterization of agricultural resources potentially affected, a survey of agricultural operators was undertaken, based land parcels crossed by the route as it was planned in 2011. Landowners identified as having agricultural land uses were sent a letter and questionnaire to complete regarding the agricultural uses of their lands. They were provided an opportunity to complete the questionnaire online or returning a form. The survey included the following questions:

- Are you planning to actively farm this parcel in 2012?
- If not, what year was the parcel last in production?
- If being actively farmed, what would you estimate the acres for each type of crop in the area of the project corridor?
- What is your typical crop rotation?
- Which months cover the typical harvest period for your crops? (Jan – Dec)
- Do you irrigate your crops?
- If so by what irrigation method (pivot, wheel line, flood, etc.)?
- Which government agricultural programs are this parcel enrolled in (CRP, GRP, WRP, none)?
- How many times a year do you cultivate?
- How many times a year and how do you spray (aerial, tractor, hand)?
- Are there drain tiles or other irrigation infrastructure that would be affected?
- What is the maximum height in feet of your harvesting equipment?
- Do you use GPS in coordination with crop management activities?
- Is your land actively grazed by livestock?
- If yes, which livestock?
- If so, which months are livestock present on the property?

Landowners who did not complete the survey online or return a form were contacted by e-mail then by telephone to complete the survey. Of the 344 parcels identified to have agricultural land uses, survey data were returned on 211 (61.3 percent).

The survey of agricultural information provided additional information on the activities and methods occurring on parcels crossed.

- CRP is by far the most common reserve program used, although the grazing reserve program is also used. No one identified use of the wetlands reserve program.
- Cattle along with crops are produced within the Site Boundary. The crops identified by the survey include corn, alfalfa, wheat, barley, onions, mint, potatoes, poplars, oats, winter triticale, straw, timber, canola, and grass.
- Other uses include energy development.
- Crops grown on any particular parcel vary from year to year.

4.0 AGRICULTURAL IMPACT ANALYSIS

The economic impact for each crop affected by the Project will vary based on its cost of production and income generation capacity. The stage of growth at the time of construction will affect the one-time costs incurred up to the time when construction commences. Annual production costs each succeeding year after construction is completed will vary greatly by crop type. Crop rotations will have to considered, where appropriate, when calculating costs for extended periods. Included in this analysis are the one-time costs incurred during the construction period and the annual costs incurred in succeeding years.

4.1 Temporary and Permanent Impacts

Table 4-1 shows the number of acres of agricultural land by type temporarily disturbed during construction for the proposed and alternate corridor segments based on the location and frequency of the features described in Table 3-3. Temporary impacts (Table 4-1) during construction include ground disturbance to areas that would be restored to preconstruction conditions following completion of construction; these include temporary access roads, multi-use areas, fly yards, pulling and tensioning sites, and construction areas around tower pads. Permanent impacts are associated with areas that are disturbed during construction, but which cannot be restored due to future access needs or locations of structures. Table 4-2 shows the number of acres permanently disturbed. The maps in Appendix A show the current agricultural types for proposed and alternate corridor segments and substations.

Construction Phase

The clearing and grading of land, transportation and mobilization of equipment and tower materials, active construction, and site restoration all have the potential to affect farming and ranching operations. In temporary work spaces and permanent easements, most types of agricultural practices will resume after construction. Disruption of agricultural practices will generally be short term. The potential for impacts within the construction area will vary depending on the crop and soil characteristics. After construction, soil restoration will occur in accordance with procedures described in the Agricultural Impact Mitigation Plan (AIMP) contained in Appendix B, and crops will be reestablished within the construction area.

Impacts on agricultural include:

- Removal of standing crops;
- Loss of farmable acreage from direct impacts from access roads and transmission line towers;
- Loss of farmable acreage from indirect impacts from access roads and transmission line towers because of issues with maneuverability of farm equipment;
- Soil compaction;
- Soil erosion, including dust;
- Damage to drainage systems including drain tiles;
- Restricted range of irrigation systems;
- Spread or introduction of noxious weeds;

- Movement of soil-borne pathogens;
- Temporary access restrictions for equipment and livestock during construction;
- Restriction on crop types that can be grown and methods or equipment that can be used;
- Risks of accidents for farmers and ranchers; and
- Temporary and permanent loss of pasture land.

Operations Phase

Crop reestablishment will take from one to several years, depending on the growth characteristics of the specific crop. For most annual crops, production may be interrupted only during the year of construction. Impacts on agricultural lands at expanded and new substations, communication facility sites, permanent access roads and poplar plantations would be permanent.

After the transmission line has been energized, agricultural and non-agricultural land uses that are compatible with safety regulations will be permitted in the ROW, subject to limitations. Limitations on uses include:

- Buildings or structures may not be placed within the ROW;
- Equipment taller than 15 feet may not be used under the transmission line or around towers except as noted below;
- Crops that can exceed 15 feet at maturity (such as timber) may not be grown within 25 feet of the outermost phase conductor;
- Flammable materials may not be stored in the ROW;
- Equipment may not be refueled under the transmission line;
- Material may not be graded, recontoured, or stockpiled under the transmission line or near structure locations; and
- Coordination with IPC is required for the construction of fences, irrigation lines, or other facilities that could be subject to induced current, and use of some agricultural equipment taller than 20 feet.

Some limitations will be placed on the types of crops raised directly below and within a certain distance of the transmission line. Certain types of equipment will be restricted from operating under or around the transmission line or towers.

A large proportion of the ROW will remain available for normal cultivation. However, a portion of agricultural land may become unproductive due to the difficulty of moving farm machinery around structures. The amount of crop acreage lost to cultivation under and adjacent to the ROW would vary based on several factors:

- Type of tower structures used;
- Crop type and the type of equipment and machinery used;
- Location of the tower structures and access roads within a given field; and
- Orientation of the transmission lines in relation to the crop (at the end of a row vs. side of a row).

The final tower structure type and location and final access road location are not yet available.

Impacts on lands outside areas designated as agricultural crop land and pasture/range land could affect agricultural lands or livestock on adjacent parcels. For instance, irrigation lines, access roads, or structures (corrals, barns, storage areas, etc.) may be located outside of an area identified as agricultural land, but are important components in the production of the crops/livestock. Some areas may be used frequently, while others may be used once every couple of years during certain conditions. Disruptions, either temporary or permanent, to any land or structure that is used in agricultural production can have negative effects on the value of a crop or livestock.

1 **Table 4-1.** Acres of Temporary Impacts by Agriculture Type

Corridor	County	Agriculture Type[1] (Acres)				
		CRP	Dryland Farming	Irrigated Agriculture	Pasture / Hay	Other[2]
Proposed Corridor[3]	Morrow	10	372	86	1	320
Proposed Corridor	Umatilla	–	268	2	10	630
Proposed Corridor	Union	–	3	–	7	706
Proposed Corridor	Baker	–	8	0	11	1,162
Proposed Corridor	Malheur	–	38	53	2	1,196
Proposed 138/69kV Rebuild	Baker	–	–	–	4	31
Total Proposed Corridor[3]		***10***	***689***	***141***	***36***	***4,044***
Horn Butte Alternate[3]	Morrow	7	245	53	0	202
Longhorn Alternate[3]	Morrow/ Umatilla	15	39	158	3	196
Glass Hill Alternate	Union	–	–			140
Flagstaff Alternate including 230-kV Rebuild	Baker	–	9	22		301
Willow Creek Alternate	Baker/Malheur	–	12	26	7	429
Malheur S Alternate	Malheur	–	0			689
Double Mountain Alternate	Malheur	–	–			145

[1] Regional Gap Analysis Program data were used to characterize agricultural uses along with desktop interpretation of 2012 National Agriculture Imagery Program imagery.
[2] In the five-county study area this is mainly rangeland but also includes scattered non-agricultural uses such as forest, wetlands, and developed areas.
[3] Includes associated substation impact acres.

2 **Table 4-2.** Acres of Permanent Impacts by Agriculture Type

Corridor	County	Agriculture Type[1] (Acres)				
		CRP	Dryland Farming	Irrigated Agriculture	Pasture / Hay	Other[2]
Proposed Corridor[3]	Morrow	4	69	11	–	65
Proposed Corridor	Umatilla	–	39	–	4	142
Proposed Corridor	Union	–	1	–	1	144
Proposed Corridor	Baker	–	0	–	1	300
Proposed Corridor	Malheur	–	1	1	1	291
Proposed 138/69kV Rebuild	Baker	–	0	–	2	13
Total Proposed Corridor[3]		***4***	***110***	***12***	***10***	***956***
Horn Butte Alternate[3]	Morrow	3	41	11	–	46
Longhorn Alternate[3]	Morrow	4	12	30	2	27
Glass Hill Alternate	Union	–		–	–	44
Flagstaff Alternate including 230-kV Rebuild	Baker	–	1	3	–	54
Willow Creek Alternate	Baker/ Malheur	–	–	2	–	96
Malheur S Alternate	Malheur	–	1	–	–	185
Double Mountain Alternate	Malheur	–	–	–	–	31

[1] Regional Gap Analysis Program data were used to characterize agricultural uses along with desktop interpretation of 2012 National Agriculture Imagery Program imagery.
[2] In the five-county study area this is mainly rangeland but also includes scattered non-agricultural uses such as forest, wetlands, and developed areas.
[3] Includes associated substation impact acres.

4.2 Economic Impact Analysis

In addition to the physical disruption to agricultural resources, the transmission line can have operational impacts that can affect the efficiency of agricultural operations.

The total estimated operations disturbance represents a very small share of farms in the affected counties and is unlikely to noticeably affect overall agricultural production and employment in any of the counties. However, impacts on individual farmers will occur and could be significant to the individual operations affected. IPC recognizes that operation of the Project could have detrimental impacts on farms. IPC will negotiate damage-related issues, such as reductions in the acreage available for cultivation, with affected farmers during the easement acquisition process. ROWs for transmission line facilities on private agricultural lands will be obtained in perpetual easement by IPC.

4.2.1 Livestock

The construction of the transmission line could affect grazing. Temporary loss of forage areas and disruption to grazing activities may occur during construction. Depending on access control, additional access could result in the harassment of livestock or allow livestock to access areas they may not have had access to previously (for example, if an access road crosses a ravine that livestock had previously been unable to cross or if a fence is cut or a gate left open). Transmission line construction is linear in nature, with intervals of activity and intervals of little or no activity. IPC will require the contractors to maintain all fences and gates to allow normal activities to occur as much as possible. Nevertheless, during intense construction periods, some areas will be off limits to livestock or ranchers.

During operations and maintenance, pasture and rangeland will be removed from grazing when they are occupied by support structures, substations, communication stations, or access roads. Other operations and maintenance activities will not affect livestock grazing.

4.2.2 Crop Production and Irrigation

Mechanical irrigation, automated farming methods, farming equipment with large spans (up to 100 feet), etc., are all affected by overhead conductors and support structures. Acreages are taken out of production around the base of support structures, and the support structures are in the way of all equipment. Production costs increase as farmers need to divert their equipment around structures, make additional passes, take additional time to maneuver, skip acres, or re-treat acres. Micrositing the transmission line should be able to avoid crossing most fields. If crossing a field is necessary, structures should be placed on the outside edges of the field or parallel to the rows and avoid diagonal field crossings.

In currently cultivated farmland, existing crops could be damaged due to transmission line construction requiring untimely entry to fields during the active growing season. Irrigation schedules could be impacted by interruptions in power or the need to shut off the irrigation for safety even if there are no direct damages to crops. Proper coordination between IPC and farm operators can help to segregate and protect topsoil and reduce potential impacts associated with ingress and egress to the ROW, damage to irrigation systems, and compaction.

Center pivots operate most efficiently when they complete the entire circle and continue in the same direction on a permanent basis. Extraordinary effort was put into routing the location of the transmission line to avoid irrigated areas and micrositing will be used to minimize the interference of irrigation systems from structures. If any structure is placed in its path, a pivot can be programmed to reverse its path. This requires additional equipment at a cost of approximately $5,000. When reversing direction is required, the frequency of application to a

specific ground site becomes imbalanced depending on where in the arc of the pivot circle the specific site is located. For example, a pivot is programmed to complete its entire circle in 24 hours in the same direction on a continual basis. If it is required to reverse its path due to a structure preventing it from completing the entire circle, the frequency of application on each end of the path will be 48 hours and 24 hours halfway around the circle. This imbalanced application could affect crop production. Alternatively, the direction could be reversed with no water being applied, then start over each cycle and only apply water going one direction. At a minimum, this will result in 12 hours with no water being applied.

A tower located near the outer end of a center pivot could result in the one pivot being shortened and thereby reduce the total acres covered by the pivot for its entire circumference. A 100-foot reduction in the length of a quarter-section pivot will reduce the area covered by 18 acres. Another common solution is to use a corner machine so te last section of pivot folds back to avoid the structure. Wheel-line systems cannot be adjusted if a structure is placed in its path. If a tower is placed in its path, the line must be partially disassembled, moved around the tower, then reassembled for continued operation. This will result in an permenant inconvenience and increased labor costs.

There is an additional loss of production when structures are set close to the edge of a field such that farm equipment cannot fit between the structure and the edge of the field. It is difficult to achieve uniformity of application of pesticides and fertilizer around towers when using ground application around towers. After a ground application is made around a tower, it is difficult on the next pass for the operator to determine where the outer edge of the spray application was made and align the sprayer to avoid overlapping; consequently, double spraying is likely to occur. Depending on the product, this could result in crop damage. A transmission line crossing a field at an odd angle will also make it more difficult to maintain a uniform application. When crossing a cultivated field is necessary, effects can be minimized in some cases by placing structures parallel to the rows, avoiding diagonal field crossings, and placing structures on edges of fields.

4.2.3 Aerial Spraying

The construction of the transmission line could have a minor effect on crop spraying when applicators need to modify spraying patterns on the unaffected portion of a cultivated field or adjacent fields. The presence of construction workers could delay applications.

The presence of a transmission line increases the risk to aerial applicators. However, large high voltage transmission lines like those proposed are easier to see and provide more clearance than smaller distribution lines. The Project is not proposing the use of tower guy wires, which is a safety advantage to aerial applicators because guy wires are difficult to see and cover a larger ground space than towers without them. Aerial spraying near hills and ridges can cause downdrafts and updrafts, which means increased risks to the applicator if transmission lines are located near that type of terrain. Spray coverage uniformity could be affected by the presence of transmission lines. In order to fly safely, a safe distance between the aircraft and the line must be maintained, resulting in less than optimal coverage or application rate. Transmission lines located along the edges of fields, existing roadways, or natural boundaries rather than through existing fields will result in less risk to the applicator and more efficiency to the producer, as well as more land being used to its capacity compared to lines traversing across the field.

Adverse effects on the ability of aerial applicators to provide uniform coverage could increase costs by reducing efficiency, and decreasing crop yields.

4.3 Production Values

The annual crop values per acre from the top five production crops by county shown in Section 2.0 do not include expenses incurred by the farmer or rancher to produce the crop/livestock. If the crop or pasture/range land is rented or leased by the landowner to a tenant, the value of the land to the landowner is different than the value of the crop or the value to the tenant. Actual net income derived from crops and livestock is often much less than the market value of the crop produced as a result of production costs, many of which vary from year to year.

4.3.1 Crop Production Values

Some crops, such as vegetables, require intensive management and incur much higher production costs, while other crops, such as hay, require less maintenance and management between crop establishment and harvest.

Annual variation in crop yield contributes to variations in crop value and net income from the crops. Crop yields can vary based on factors such as geographic location, climatic conditions; soil type and quality, soil moisture, elevation, topography, seed variety, disease and pest outbreaks, noxious weed infestations, and other factors. Annual yields and prices can vary greatly between years. Crop yields, prices, and values in the Proposed Corridor and alternate corridor segments would be expected to be different at the time of implementation based on crop selection and market conditions than what was researched in 2010 and surveyed in 2011.

4.3.2 Pasture/Range Land Production Values

Much of the pasture and range land within the Proposed Corridor and alternate corridor segments is rented or leased to neighboring ranchers for cattle or sheep grazing. Pasture and range land rental rates can be calculated on a per-acre, a cow-calf, per-head, or per–animal unit month (AUM) basis. An AUM is the amount of forage needed to sustain one cow and calf, one horse, or five sheep or goats for one month. The most common methods for determining pasture rental rates are on a per-acre or AUM basis. On a per-acre basis, the livestock producer pays the landowner either a monthly or annual fee based on the number of acres used for grazing. On an AUM basis, the producer pays the landowner based on the number of AUMs used. Rental rates vary widely based on factors such as forage quality, location and proximity to roads, the availability of stock water, pasture size, lease term (long- or short-term), and other factors.

For livestock production, factors such as annual climatic conditions can have severe implications on the forage production and stocking rate of a parcel of pasture or range land, influencing the amount and quality of livestock that can be produced. Prices for livestock fluctuate similarly to prices of crops discussed above, but they can also vary greatly based on the quality of the livestock produced.

4.4 Production Costs

Expenses include both operating and fixed costs. Operating costs include those incurred in the production process during the course of the crop year including tillage, planting, irrigating, spraying, fertilizing, and harvesting. Fixed costs are those that are incurred regardless of production. They include insurance, and a charge for machinery and equipment depreciation, interest, and housing, plus a charge for land.

Costs to the landowners in this project will include both one-time costs that will occur during the construction period and annual costs that will continue indefinitely after the construction is completed. The one-time costs will vary within each crop depending on when construction

commences within the crop production cycle and how many operating costs have been incurred up to that point. The total cost to the landowner will depend on the month construction commences and the crop being grown.

Annual costs will continue indefinitely after construction is completed due to the possible placement of towers within the field. Additional costs will result from both the lack of crop in the tower footprint and the extra cost of traversing around the tower for specific field operations. The footprint for most of the crops, excluding row crops, for the tower in the middle of the field equals 0.117 acre and the field edge tower 0.142 acre.

Dry land pasture yields and available replacement forage varies greatly depending on location, soil types, and varying precipitation from year to year. If no replacement pastures are available the only alternative for feed substitutes is to purchase replacement hay for the land removed from production by the power line area. This would be for a 2-year period: one for construction and one for pasture re-establishment.

Weed control around towers would likely require two applications per year separate from weed control measures undertaken during the regular field operations.

Land other than that located in the tower footprint may be removed from production with the installation of a power line. Examples would be roadways or land that may be unreachable by the irrigation system due to tower interference. Added per acre annual costs would include fixed costs, lost profit, and a charge for weed control measures.

Planting and harvesting certain row crops such as potatoes, onions, and corn around towers can be difficult due to the large equipment size and if necessary, the need to lift the equipment out of the ground after stopping at the tower and the inability to turn some of the equipment while still in the ground. After lifting the equipment out of the ground at the tower edge it must then back up and go around the tower and then maneuver back into position on the other end to resume the operation (end refers in this discussion to the incoming direction where the equipment comes to a stop and the other “end” where the operation resumes). This is particularly cumbersome during harvest when the tractor, harvester, and trucks all have to maneuver and get back to the proper position to continue the operation. It may require up to 40 feet on both ends to allow for ample maneuvering and 10 feet for each side to allow for safe traversing of the equipment around the tower. This will result in a tower footprint for row crops of 0.193 acre in the middle of the field and 0.165 on the field edge. Due to the width of planters utilized, can be difficult to get close to the side of the tower so the actual distance will vary from 5 to 20 feet depending on the distance from the tower the planter is as it makes its last pass alongside. The spraying and fertilizing operations will allow for traversing around the tower circumference without stopping just as with the other crops.

The crop loss for edge structures is less than for the middle of the field structures because encircling the tower is not possible. Compaction caused by the additional maneuvering plus the overlap of the fertilizer and chemicals would result in a reduction of crop yield.

4.4.1 Intangibles

Many scenarios could occur which would affect crop production in agricultural fields transected by a transmission line, but determining actual damages is difficult due to the nature and frequency of the occurrence. Most of these situations can be very destructive and involve some type of either a plant disease such as late blight on potatoes or stripe rust on wheat or an insect outbreak. The placement of a tower in a field will affect aerial applications which are necessary to combat various production problems. Ground spraying could be considered in lieu of aerial spraying if field conditions allow. Tillage such as disking specific isolated areas in the field of an

infected crop may be considered in some extreme situations. These types of occurrences would vary within the project area and would have to be handled on an individual basis.

It should be noted that costs and returns are constantly changing and their future levels cannot be accurately predicted. Consequently, any future economic considerations that refer to the economic data in this report should be adjusted to reflect changes in conditions.

In assessing the economic impact on a specific property, the components included are:

- One-time costs per disturbed /impacted acre to include roadways and the actual construction area;
- Annual costs including the fixed costs, lost profit, and weed control in the tower footprint area plus the duplication of operations for the extra costs of farming around the tower(s);
- Annual per acre costs for land taken out of production other than that in the tower footprint area including roadways and land unable to be irrigated due to field obstructions;
- Costs associated with the disruption of CRP programs where applicable; and
- The costs of reorganizing irrigation systems including the added investment increased labor requirements.

4.4.2 Hybrid Poplars

Farms which produce hybrid poplars occur in the analysis area and arebeing considered separately in this plan. If a planting is interrupted by a powerline there would be no opportunity for replanting the impacted area, which would result in permanent lost production. It takes 10 years after planting for hybrid poplars to reach harvestable status with no income derived during the entire period.

Additional costs include fixed and variable costs required to produce a marketable crop. If crop removal is undertaken there would be an indefinite period of no production whereby the landowner would incur annual costs. These would be fixed and include water assessment fees, land charges, weed control, lost opportunity for profit, a management fee, and general overhead.

5.0 EFFORTS TO MINIMIZE AGRICULTURAL IMPACTS

IPC estimates that most of the impact will be temporary; however, impacts on a certain portions of agricultural lands will be permanent. Where possible, a perpetual easement and associated temporary workspace will be purchased on private lands by means of a negotiated settlement, and payment will be based on a certified appraisal. Land used during construction of the transmission line will be restored, as nearly as possible, to former productivity. Crop reestablishment, where permissible, and crop production are expected to resume following construction. Agricultural structures (drainage systems, irrigation systems, fences, etc.) will be repaired, or landowners will be compensated to make repairs. Damage to crops and other crop losses due to construction of the transmission line will be assessed, and compensation will be paid at fair market rates.

Specific construction practices will be implemented to mitigate construction impacts on soil productivity. A post-construction monitoring plan will identify remaining soil and agricultural impacts associated with construction that require additional mitigation. IPC will implement follow-up mitigation as necessary.

The AIMP (Appendix B) establishes the framework for minimizing and mitigating agricultural impacts. Prior to any construction, IPC or its agent, together with the landowner and/or the

landowner's designee (which may include employees, tenants, etc.), will strive to schedule activities to minimize impacts and identify reasonable measures to restore land to its original productivity.

Adherence to the construction plan and AIMP (Appendix B) will identify, minimize, and mitigate impacts to agricultural land. Except during the period of construction, impacts to agricultural practices and to agricultural land in the construction area will be kept to a minimum.

6.0 REFERENCES

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APPENDIX A
MAPS SHOWING AGRICULTURAL TYPES WITHIN THE ANALYSIS AREA

KLICKITAT COUNTY

BENTON COUNTY

WASHINGTON

LONGHORN SUBSTATION

LONGHORN ALTERNATE

HORN BUTTE SUBSTATION

GRASSLAND SUBSTATION

HORN BUTTE ALTERNATE

MORROW COUNTY

UMATILLA COUNTY

GILLIAM COUNTY

PROPOSED CORRIDOR

14 84 730 82 395 207 320 74

O R E G O N

WASHINGTON
1 2 3 4 5 6 7
OREGON IDAHO

0 1 2 3
Miles
1 in = 3 miles

- Proposed Substation
- Alternative Substation
- Analysis Area
- Proposed Rebuild
- Proposed Corridor
- Alternate Corridor

Agriculture Type*

- Land in Conservation Reserve Program
- Dryland Farming
- Irrigated Agriculture
- Pasture/Hay
- Other**

*Regional Gap Analysis Program (ReGAP) data was used to characterize agricultural uses along with desktop interpretation of 2012 National Agriculture Imagery Program (NAIP) imagery.

**In the 5 county study area this is mainly rangeland but also includes scattered non-agricultural uses such as forest, wetlands, and developed areas.

Attachment K-1 Appendix A

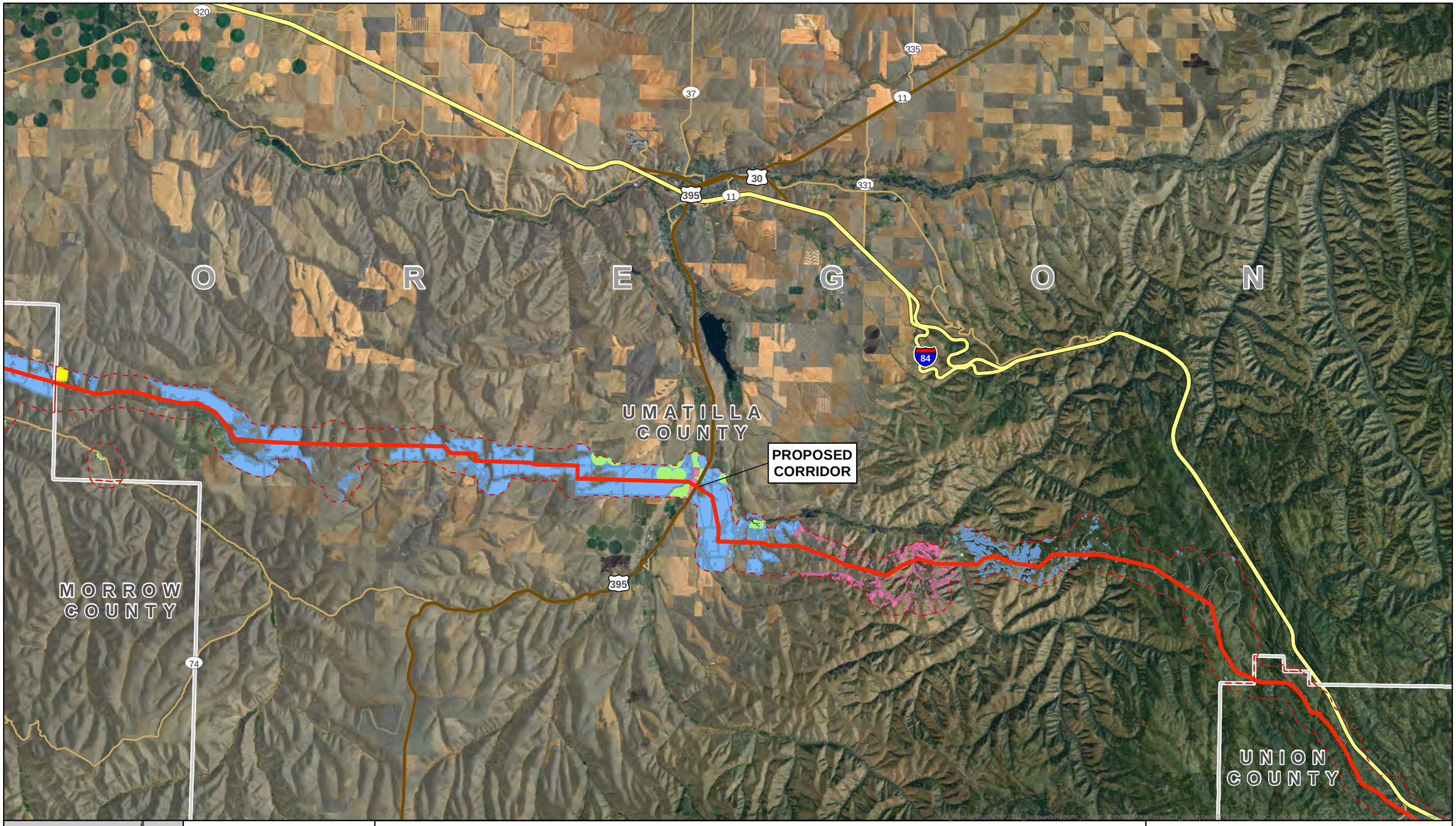
Agricultural Types within the Analysis Area

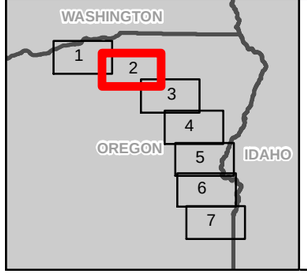
Morrow County

Boardman to Hemingway
Transmission Line Project
Oregon-Idaho

February 2013

IDAHO POWER
An IDACORP Company





0 1 2 3

Miles

1 in = 3 miles

- Proposed Substation
- Alternative Substation
- Analysis Area
- Proposed Rebuild
- Proposed Corridor
- Alternate Corridor

Agriculture Type*

- Land in Conservation Reserve Program
- Dryland Farming
- Irrigated Agriculture
- Pasture/Hay
- Other**

*Regional Gap Analysis Program (ReGAP) data was used to characterize agricultural uses along with desktop interpretation of 2012 National Agriculture Imagery Program (NAIP) imagery.

**In the 5 county study area this is mainly rangeland but also includes scattered non-agricultural uses such as forest, wetlands, and developed areas.

Attachment K-1 Appendix A

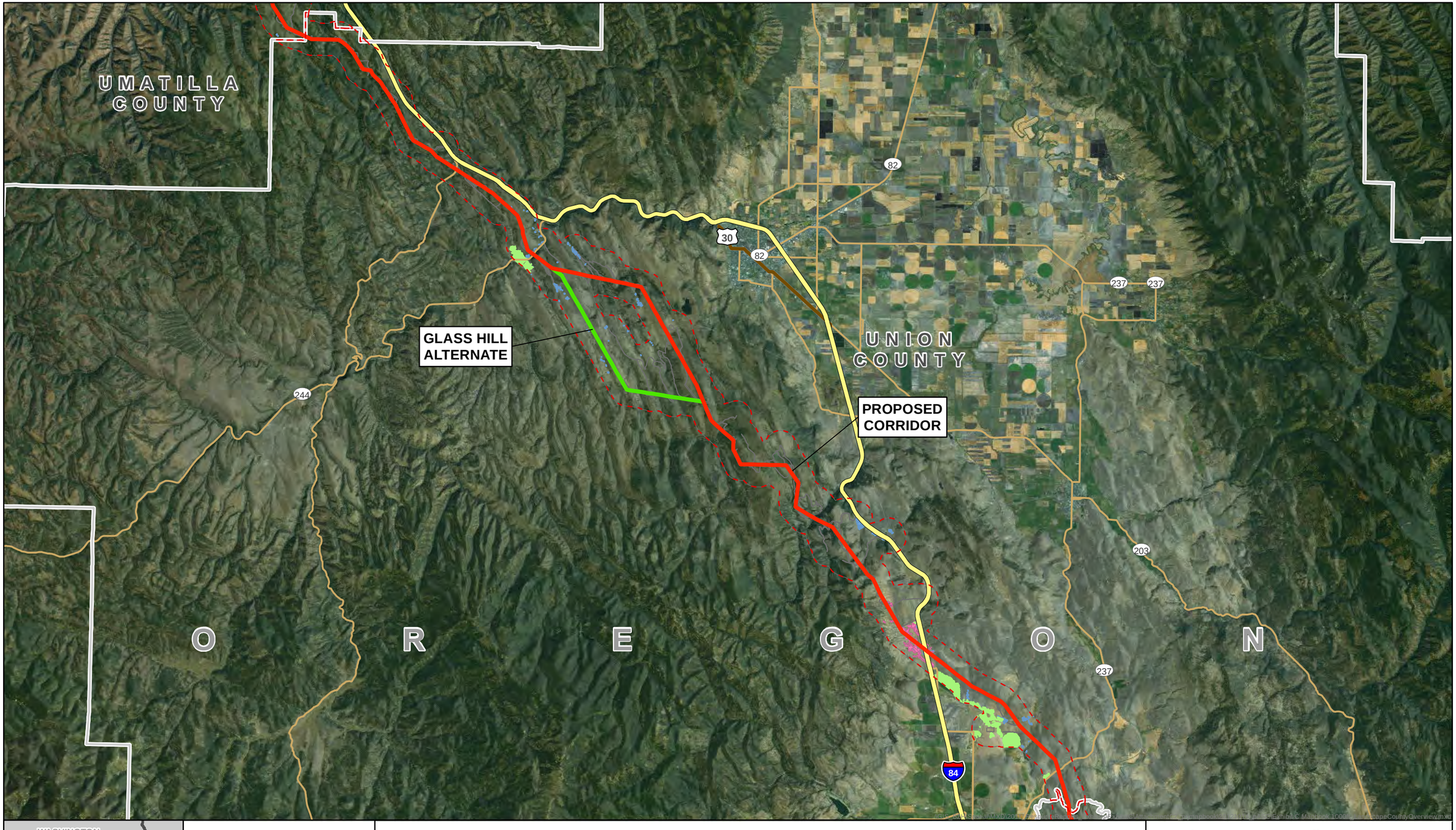
Agricultural Types within the Analysis Area

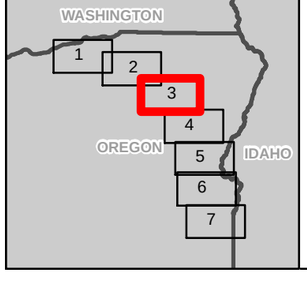
Umatilla County

Boardman to Hemingway
Transmission Line Project
Oregon-Idaho

February 2013

IDAHO POWER
An IDACORP Company





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Miles

1 in = 3 miles

- Proposed Substation
- Alternative Substation
- Analysis Area
- Proposed Rebuild
- Proposed Corridor
- Alternate Corridor

Agriculture Type*

- Land in Conservation Reserve Program
- Dryland Farming
- Irrigated Agriculture
- Pasture/Hay
- Other**

*Regional Gap Analysis Program (ReGAP) data was used to characterize agricultural uses along with desktop interpretation of 2012 National Agriculture Imagery Program (NAIP) imagery.

**In the 5 county study area this is mainly rangeland but also includes scattered non-agricultural uses such as forest, wetlands, and developed areas.

Attachment K-1 Appendix A

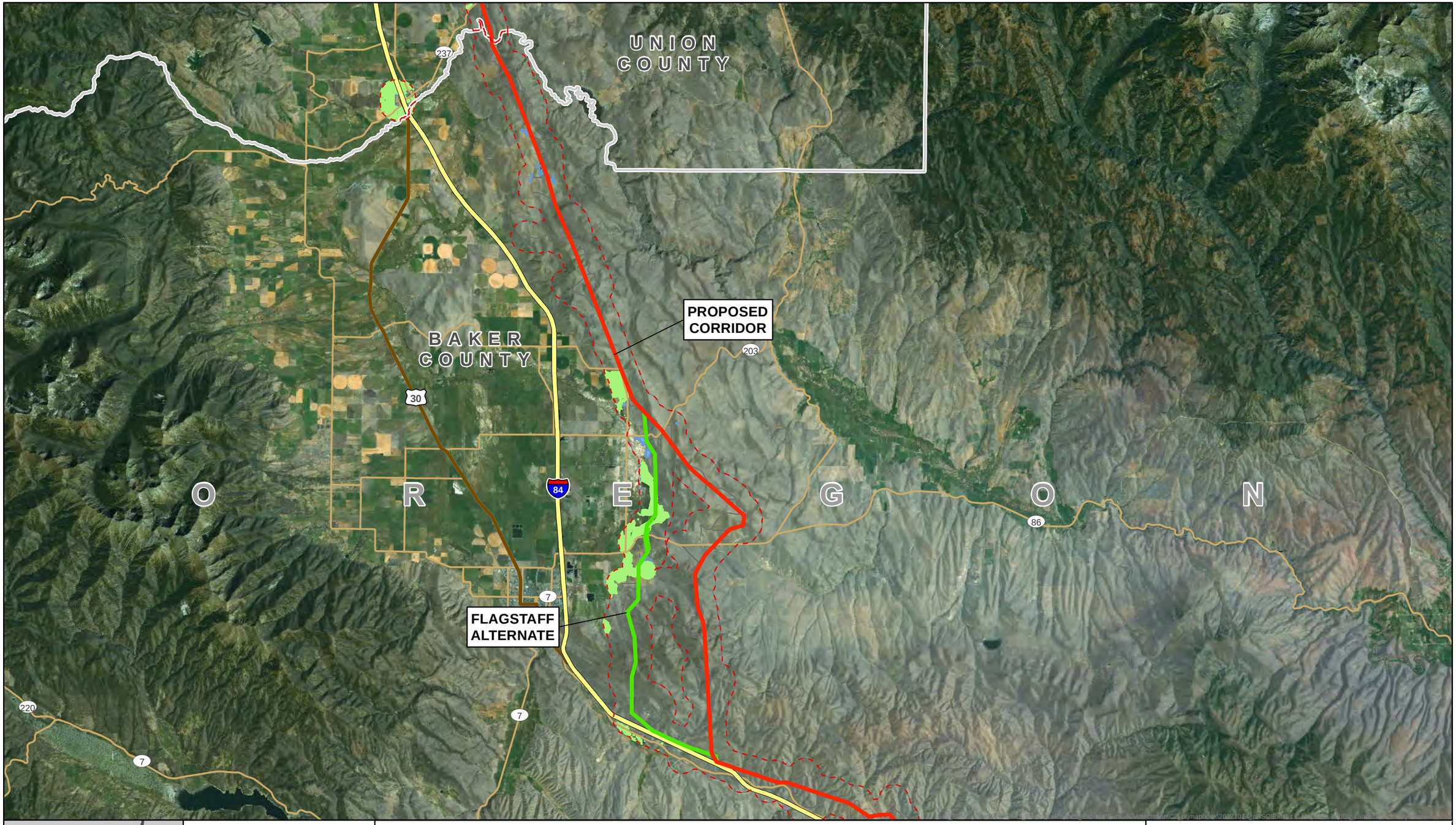
Agricultural Types within the Analysis Area

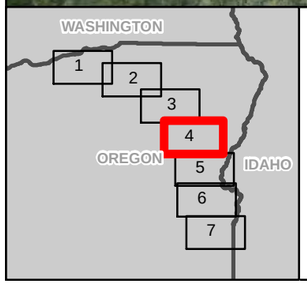
Union County

Boardman to Hemingway
Transmission Line Project
Oregon-Idaho

February 2013

IDAHO POWER





0 1 2 3

Miles

1 in = 3 miles

- Proposed Substation
- Alternative Substation
- Analysis Area
- Proposed Rebuild
- Proposed Corridor
- Alternate Corridor

Agriculture Type*

- Land in Conservation Reserve Program
- Dryland Farming
- Irrigated Agriculture
- Pasture/Hay
- Other**

*Regional Gap Analysis Program (ReGAP) data was used to characterize agricultural uses along with desktop interpretation of 2012 National Agriculture Imagery Program (NAIP) imagery.

**In the 5 county study area this is mainly rangeland but also includes scattered non-agricultural uses such as forest, wetlands, and developed areas.

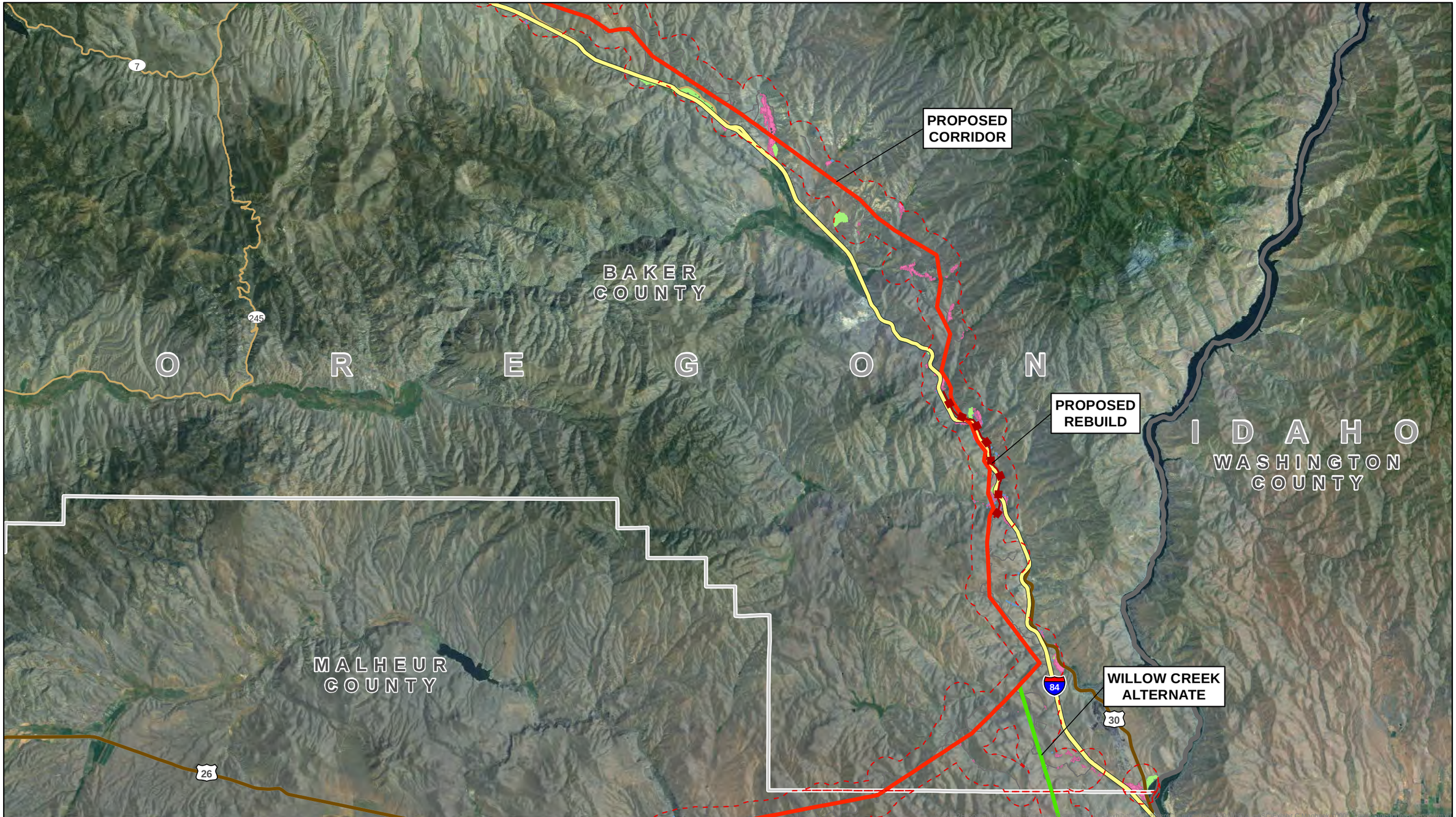
Attachment K-1 Appendix A

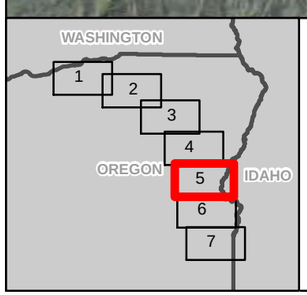
Agricultural Types within the Analysis Area

Baker County (North)

Boardman to Hemingway
Transmission Line Project
Oregon-Idaho

February 2013





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Attachment K-1 Appendix A

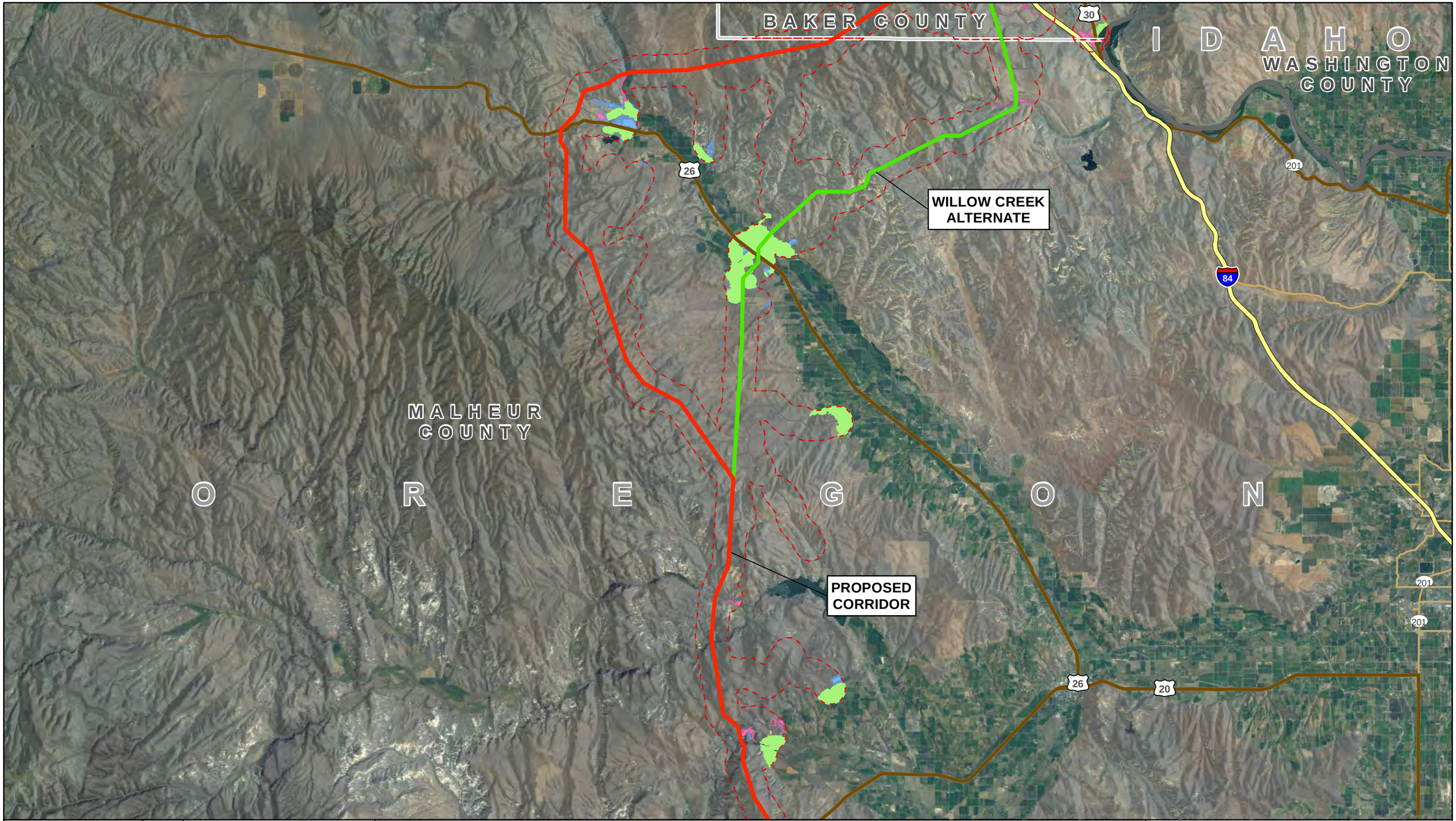
Agricultural Types within the Analysis Area

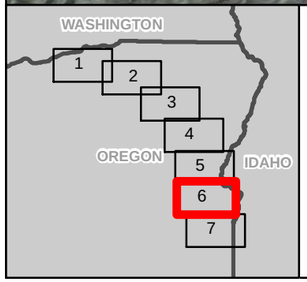
Baker County (South)

Boardman to Hemingway
Transmission Line Project
Oregon-Idaho

February 2013

IDAHO POWER
An IDACORP Company





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- Alternative Substation
- Analysis Area
- Proposed Rebuild
- Proposed Corridor
- Alternate Corridor

Agriculture Type*

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- Dryland Farming
- Irrigated Agriculture
- Pasture/Hay
- Other**

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Attachment K-1 Appendix A

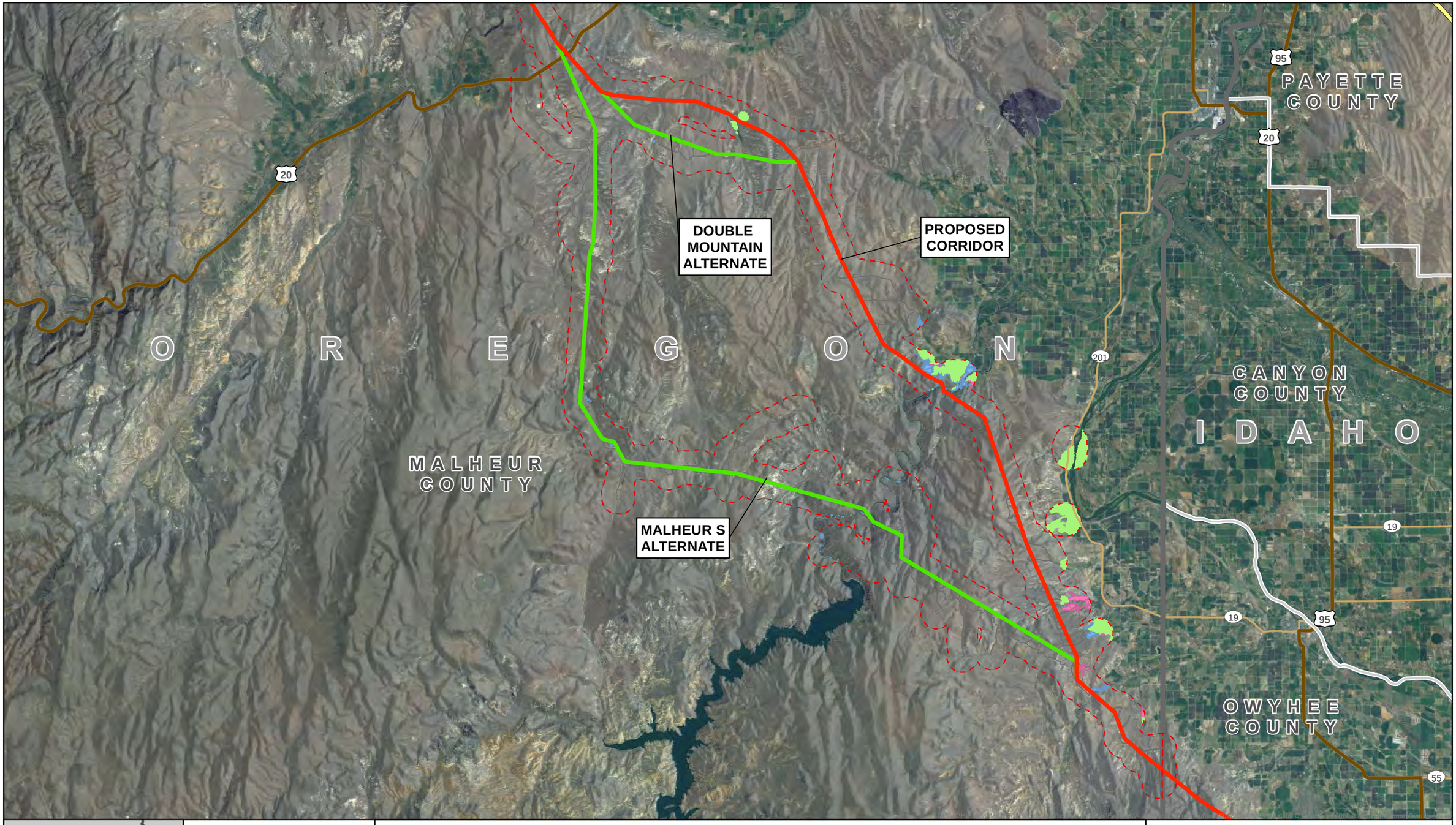
Agricultural Types within the Analysis Area

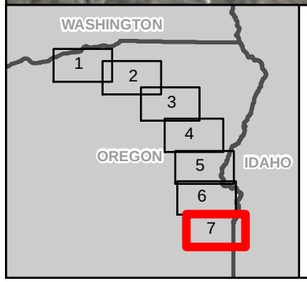
Malheur County (North)

Boardman to Hemingway
Transmission Line Project
Oregon-Idaho

February 2013

IDAHO POWER
An IDACORP Company





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- Alternative Substation
- Analysis Area
- Proposed Rebuild
- Proposed Corridor
- Alternate Corridor

Agriculture Type*

- Land in Conservation Reserve Program
- Dryland Farming
- Irrigated Agriculture
- Pasture/Hay
- Other**

*Regional Gap Analysis Program (ReGAP) data was used to characterize agricultural uses along with desktop interpretation of 2012 National Agriculture Imagery Program (NAIP) imagery.

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Attachment K-1 Appendix A

Agricultural Types within the Analysis Area

Malheur County (South)

Boardman to Hemingway
Transmission Line Project
Oregon-Idaho

February 2013

IDAHO POWER
An IDACORP Company

APPENDIX B
AGRICULTURAL IMPACT MITIGATION PLAN

Appendix B
Agricultural Impacts Mitigation Plan

Boardman to Hemingway Transmission Line Project

1221 West Idaho Street
Boise, Idaho 83702

February 2013

TABLE OF CONTENTS

ACRONYMS AND ABBREVIATIONS

CFR	Code of Federal Regulations
CP23	Conservation Practice- Wetland Restoration
CRP	Conservation Reserve Program
EFU	Exclusive Farm Use
FSA	Farm Services Agency
IPC	Idaho Power Company
kV	kilovolt
ODA	Oregon Department of Agriculture
OSP	Organic System Plan
USC	United States Code

Definitions

Agricultural Land: Annually cultivated or rotated land used in the production of crops; land in perennial field crops, orchards, or vineyards; land used for small fruit, nursery crops, greenhouses, or Christmas trees; improved pasture/range and hayfields; land in the Conservation Reserve Program; and previously cultivated land in government-sponsored environmental or conservation programs, not including land converted to wetlands.

Agricultural Monitor: A monitor retained and funded by Idaho Power Company (IPC), reporting directly to the Oregon Department of Agriculture (ODA) and responsible for auditing IPC's compliance with the provisions of this mitigation plan.

Agricultural Specialist: A specialist retained and funded by IPC, reporting directly to IPC and responsible for providing expert advice during each phase including construction planning, construction, restoration, post-construction monitoring, and follow-up restoration.

Cropland: Includes all *agricultural land* except land used for pasture/range.

Easement: The agreement(s) and/or interest in privately owned agricultural land held by IPC by virtue of which it has the right to construct, operate, and maintain the transmission line together with such other rights and obligations as may be set forth in such agreements.

Final Clean-up: Transmission line activity that occurs after the power line has been constructed. Final clean-up activities include, but are not limited to, removal of construction debris, decompaction of soil as required, installation of permanent erosion control structures, final grading, restoration of fences, and required reseeding. Once final clean-up is finished, landowners will be contacted to settle all damage issues and will be provided a form to sign confirming final settlement.

Landowner: Person(s), or their representatives, holding legal title to agricultural land in the Proposed Corridor, from whom IPC is seeking, or has obtained, a temporary or permanent easement.

Landowner's Designee: Any person(s) legally authorized by a landowner or court of law to make decisions regarding the mitigation or restoration of agricultural impacts to such landowners' property. Any landowner's designee shall provide IPC with a written document signed by the landowner or a court with jurisdiction authorizing the designee to discuss, negotiate, and reach agreements with IPC.

Non-Agricultural Land: Any land that is not *agricultural land* as defined above.

Right-of-Way: The agricultural land included in permanent and temporary easements that IPC acquires for the purpose of constructing, operating, and maintaining the transmission line.

Tenant: Any person lawfully residing on or in possession of property and who operates a farm, has a lease, or pays rent on property for which IPC is seeking or has obtained temporary or permanent easement for from the landowner.

Tile: Artificial subsurface drainage system.

Topsoil: The uppermost part of the soil including the plow layer (Ap horizon) and other A horizons (A1, A2, etc.), but not including transition horizons (AB, AC, BA, E, etc.). It is the surface layer of the soil and generally has the darkest color and the highest content of organic matter.

1.0 INTRODUCTION

Idaho Power Company (IPC) is proposing to construct, operate, and maintain an approximately 305-mile-long electric transmission line between Boardman, Oregon, and the Hemingway Substation located in southwestern Idaho, as an extension of IPC's electric transmission system. The Boardman to Hemingway Transmission Line Project (Project) is primarily a single-circuit 500-kilovolt (kV) electric transmission line, with 305 miles of single-circuit 500-kV and a rebuild of 5.0 miles of existing 138/69-kV transmission lines onto double-circuit structures (with relocation of 0.3 mile of 138-kV transmission line).

2.0 PURPOSE

The purpose of this Agricultural Impact Mitigation Plan is to identify measures that IPC will take to avoid, mitigate, repair, and/or provide compensation for impacts that may result from the construction and operation of the Project on privately owned agricultural land. The construction standards and policies in this plan apply only to construction and operations activities occurring on privately owned agricultural land.

Activities occurring entirely on public rights-of-way, railroad rights-of-way, publicly owned land, or private land that is not agricultural land may be subject to other standards and policies. IPC will, however, adhere to the same construction standards relating to the repair of agricultural drainage tile when tiles are encountered on public highway rights-of-way, railroad rights-of-way, or publicly or privately owned land.

Section 10 of Appendix B applies only to Organic Agricultural Land as described in the National Organic Program Rules, 7 Code of Federal Regulations (CFR) Parts 205.100, 205.101 and 205.202.

3.0 GENERAL PROVISIONS

- IPC will approach the landowner to engage in discussions regarding mitigation measures and compensation for impacts on privately owned agricultural land. If the landowner has tenants, lessees, employees, agents, or others with whom IPC may or should engage in such discussions, it is the landowner's responsibility to inform IPC. In such cases, the landowner must provide appropriate consent, authorization(s), and/or release(s) before IPC will formally engage in discussions with non-owners (i.e. agents, employees, lessees, tenants, etc.) serving as a landowner's designee.
- IPC will provide a copy of this mitigation plan to any landowner or landowner's designee prior to obtaining a right-of-way.
- The mitigation actions are subject to change by landowner or landowner's designee, when changes are negotiated with and acceptable to IPC.
- Unless otherwise specified, IPC will retain qualified contractors to execute mitigation actions. However, IPC may be willing to negotiate mitigation actions to be performed by the landowner or landowner's designee or others.
- Mitigation actions employed by IPC pursuant to this mitigation plan, unless otherwise specified in this mitigation plan or other agreement negotiated with an individual landowner, will be implemented within 45 days following completion of final cleanup on an affected property, or as conditions allow. Temporary repairs will be made by IPC during construction or operation as needed to minimize the risk of additional property

damage or interference with access to or use of the property that may result from an extended time period needed to implement mitigation actions.

- IPC will implement the mitigation actions contained in this mitigation plan as required by all applicable permit conditions or the Project. This mitigation plan shall impose requirements upon IPC only to the extent that such requirements are imposed as conditions of the Energy Facility Siting Council Site Certificate.
- IPC will implement the mitigation actions contained in this mitigation plan to the extent that they:
  - do not conflict with the requirements of any applicable federal and/or state rules and regulations,
  - do not conflict with the requirements of other permits and approvals that are obtained by IPC for the Project, and
  - are not determined to be unenforceable by reason of other requirements of federal and state permits issued for the Project. To the extent a mitigation action required by this agreement is determined to be unenforceable in the future due to requirements of other federal or state permits issued for the Project, IPC will inform the landowner and will work to develop a reasonable alternative mitigation action.
- Prior to construction, IPC will provide each landowner and landowner's designee with a telephone number and address that can be used to contact IPC regarding the agricultural impact mitigation work that is performed on the landowner's property. IPC will respond to Project inquiries and correspondence within a reasonable time.
- IPC will use good-faith efforts to obtain a written acknowledgement from each landowner or landowner's designee upon the completion of Final Cleanup on landowner's respective properties.
- IPC will communicate with landowners and designees regarding safe practices while working around transmission lines.
- Nothing in this document is intended to grant or suggest State jurisdictions over remedies for property compensation resolved in accordance with law.

4.0 MITIGATION ACTIONS

IPC's negotiations for an easement are exclusively with the landowner and/or landowner's designee. IPC will require landowner consent regarding the use of the right-of-way. To the maximum extent practical, IPC will reasonably restore the land to its former condition or compensate each landowner, as appropriate, for damages and/or impacts to agricultural operations caused as a result of Project construction, and as outlined in this plan. The decision to restore land or provide compensation will be made by IPC after discussion with the landowner and/or landowner's designee. The following mitigation actions apply to private agricultural land where applicable, unless otherwise mutually agreed upon by IPC and the landowner.

4.1 Tower Placement

During Project design, IPC's engineering, rights-of-way, and permitting staff will work with landowners to address tower placement, where feasible. Sensitive areas such as those with the potential to interrupt irrigation equipment and other areas identified by landowners will be avoided, where feasible. When the preliminary design is complete, the land rights agents will review the staked tower locations with landowners. In general, towers will be located along field

boundaries. Placement in field headlands or in the middle of fields will be avoided to the maximum extent possible.

4.2 Construction Scheduling

IPC will contact landowners as soon as possible once construction time frames have been developed. IPC will consult with landowners when planning the construction schedule to minimize impacts on soils, crops, harvesting, and other activities. Landowners might prefer to slightly alter cropping practices to decrease the potential for soil damage if they know in advance that construction crews would be working on their land.

4.3 Damaged and Adversely Affected Drainage Tile

IPC will contact affected landowners and designees for their knowledge of tile locations prior to construction. IPC will make every attempt to probe for tile if the landowner does not know whether tile is located near a proposed tower location. Tile that is damaged, cut, or removed as a result of this probe will be repaired. The repair will be reported to the inspector. If tile is damaged by construction activities, it will be repaired in a manner that restores the tile's operating condition. If tiles on or adjacent to transmission line construction areas are adversely affected by construction, IPC will restore the function of the tiles, including the relocation, reconfiguration, and replacement of existing tiles. Landowners may negotiate to make repairs in fair settlement with IPC. In the event the landowner chooses to take on this responsibility, IPC will not be responsible for correcting tile repairs after completion of the Project. Where damaged tiles are repaired by IPC, the following standards and policies will apply:

A. On excessively wet soils, IPC will restrict the operation of vehicles and heavy equipment or will take appropriate action where deep rutting might damage drain tiles. Damaged tiles will be repaired with materials of the same or better quality as those that were damaged. If water is flowing through a damaged tile, temporary repairs will be promptly installed and maintained until permanent repairs can be made.

B. Before completing permanent tile repairs, tiles will be examined within the work area to check for damage by construction equipment. If tiles are found to be damaged, they will be repaired to pre-construction conditions.

C. Taking into account weather and soil conditions, IPC will make efforts to complete permanent tile repairs for which it is responsible within a reasonable time frame after Final Cleanup.

D. The tile repairs will be performed by a qualified contractor or by the landowner at the landowner's discretion.

E. IPC will be responsible for correcting and repairing tile breaks or other damages to tile systems that are discovered in the right-of-way, to the extent that such breaks are the result of Project construction. These damages are usually discovered after the first significant rain event. IPC will not be responsible for tile repairs IPC has paid the landowner or landowner's designee to perform.

4.4 Installation of Additional Tiles

IPC will be responsible for installing such additional tile and other drainage measures as are necessary to properly drain wet areas in the right-of-way caused by construction of the Project.

4.5 Construction Debris

Project-related construction debris and material will be removed from the landowner's property.

4.6 Compaction, Rutting, Fertilization, and Soil Restoration

A. Compaction will be alleviated on agricultural land traversed by construction equipment. Agricultural land that has been compacted will be restored to its original condition using appropriate tillage equipment, and will be performed during suitable weather conditions, as determined by the Agricultural Monitor.

B. IPC will restore rutted land as much as is practical to its pre-construction condition.

C. If there is a dispute between the landowner and IPC, the Agricultural Monitor's opinion will be considered by IPC.

D. Decompaction and soil fertility restoration will be performed by a qualified contractor using methods and equipment suitable for the site, as approved by the Agricultural Monitor.

4.7 Damaged Soil Conservation Practices

Soil conservation practices, such as terraces and grassed waterways that are damaged by the Project construction will be restored as nearly as possible to their pre-construction condition.

4.8 Weed Control

A. On permanent right-of-way areas where IPC has control of the surface use of the land such as towers, access roads, or substations, IPC will provide for weed control in a manner that does not allow the spread of weeds to adjacent lands used for agriculture. Herbicide application on such areas will be conducted by an applicator licensed by the State of Oregon, in a manner mutually agreed upon with the landowner or landowner's designee.

B. To prevent the introduction of weeds from other geographic regions, IPC will require contractors to thoroughly clean construction equipment with high-pressure washing prior to the initial move of those units to the Project construction site..

C. Construction equipment will also be cleaned periodically, especially when operating in areas with an abundance of noxious weeds, prior to moving equipment to the next construction location.

D. IPC will make reasonable efforts to obtain straw bales for erosion control and straw for mulch that are certified free of noxious and nuisance weed contamination.

E. When available, IPC will use Oregon-certified seed or equivalent for revegetation.

F. IPC will monitor the construction areas for infestations of noxious weeds and treat new infestations resulting from construction activities.

4.9 Irrigation Systems

A. If Project construction or temporary work areas intersect a spray irrigation system, IPC will establish with the landowner and/or landowner's designee an acceptable amount of time during which the irrigation system may be out of service.

B. For crops that are being irrigated during the construction period, the maximum time that application of irrigation water can be interrupted will be 24 hours, unless otherwise agreed upon with the landowner or landowner's designee.

C. If Project construction activities cause an interruption in irrigation which results in crop damages, appropriate compensation will be determined as described in this mitigation plan.

D. If it is feasible and mutually acceptable to IPC and the landowner, temporary measures will be implemented to allow an irrigation system to continue to operate across land on which the transmission line is also being constructed. IPC will work with the landowner and/or landowner's designee to identify preferable construction timeframes.

E. To avoid damaging the pipes or creating difficult access to the irrigation lines for maintenance, IPC will work with landowners to identify the location of underground water lines to avoid siting the towers above or adjacent to buried lines.

F. If irrigation lines or access to those lines for maintenance are adversely affected by the construction of the Project, IPC will restore the function of the irrigation lines, including the relocation, reconfiguration, and replacement of existing lines. The affected landowner may negotiate to undertake the responsibility for repair, relocation, reconfiguration, or replacement of damaged lines in fair settlement with IPC. In the event the landowner chooses to take on this responsibility, IPC will not be responsible for correcting repairs after construction is complete.

4.10 Ingress and Egress Routes

A. IPC will seek a mutually acceptable agreement with the landowner on the proposed corridor that will be used for entering and leaving the construction area prior to initiation of construction.

B. Where access ramps or pads from a road or highway to the construction area are required in agricultural fields, an underlayment of durable geotextile matting will be placed over the soil surface prior to the installation of temporary rock access fill material. The geotextile matting will be sufficiently strong to prevent rock from becoming embedded in the soil and to withstand removal of the rock without tearing. Rock and geotextile matting will be completely removed upon completion of the Project, unless otherwise agreed upon by a mutually acceptable agreement with the landowner.

4.11 Temporary Roads

The location of temporary roads to be used for construction purposes are identified in Exhibit C, but will also require agreement with the landowner and/or landowner's designee.

A. Temporary roads will be designed to not impede proper drainage and will be built to mitigate soil erosion on or near the temporary roads.

B. IPC will attempt to identify existing farm lanes as preferred temporary access roads for construction.

C. Upon abandonment, temporary roads may be left intact through mutual agreement of the landowner and IPC.

D. If a temporary road is to be removed, the agricultural land upon which it is constructed will be returned to its previous use and restored as nearly as possible to the condition that existed prior to construction.

4.12 Topsoil Separation and Storage

Prior to construction, topsoil will be removed and stored separately at segregated locations within Project staging areas. Once construction is complete, topsoil will be replaced in the proper sequence and the disturbed area will be reclaimed, unless otherwise specified in an agreement with the landowner.

4.13 Excess Rock

Rock contained in any material brought to the construction area will be removed from agricultural land and used or disposed of within the Project Construction site, unless otherwise specified in an agreement with the landowner.

4.14 Construction in Wet Conditions

A. On excessively wet soils, IPC will restrict certain construction activities so that soil productivity is preserved or restored.

B. As feasible, IPC will schedule construction activities to avoid the months of greatest precipitation.

C. Damages that result from construction that occurs in wet conditions will be restored as determined by the Agricultural Monitor described in Section 7.0.

4.15 Dust Control

IPC will:

A. Control excessive dust generated during construction by controlling vehicle speed, by wetting the construction area, or by other means.

B. Coordinate with farm operators to provide adequate dust control in areas where specialty crops are susceptible to damage from dust.

4.16 Prevention of Soil Erosion

IPC will:

A. Implement erosion prevention and sediment control measures during construction in accordance with all applicable permit conditions.

B. Coordinate with the local Natural Resources Conservation Service soil conservation experts.

C. Following construction, cultivated agricultural land will generally be reseeded or replanted by the landowner. IPC will reseed and mulch non-cultivated agricultural land such as pastures and perennial grass hayfields in consultation with landowners, or will make arrangements with landowners who prefer to conduct the reseeding of these areas. IPC will reseed and mulch non-agricultural land in accordance with the Vegetation Management Plan found in Exhibit P.

D. Follow best management practices set forth in approved stormwater and erosion control plans for the Project, which may include applying temporary mulch in the event of a seasonal shutdown, if construction or restoration activity is interrupted or delayed for an extended period, or if permanent seeding of non-cultivated areas is not completed during the recommended seeding period prior to the winter season. Temporary straw mulch may be applied to bare soil surfaces, including topsoil piles, at the rate of 4,000 pounds

per acre. Interim seeding of a cover crop may be used in lieu of temporary mulching in some areas.

E. Work with the landowner or landowner's designee to prevent erosion on cultivated agricultural lands in instances where the area disturbed by construction cannot be planted before the first winter season.

F. Excess soil and rock will be disposed of at an approved upland site within the Project construction site. IPC and the landowner may negotiate placement of fill material on site (within the Project construction site) on a case-by-case basis.

4.17 Induced Voltage

A. Very rarely, barbed wire or other metal fences paralleling transmission lines may acquire induced voltage. Electric fences around livestock enclosures may also acquire an increase in voltage levels. Cathodic protection may be required to prevent excessive corrosion of irrigation distribution lines as a result of induced voltage.

B. IPC will assist landowners in determining the best ways to safely ground permanent or temporary fences if problems arise. IPC will compensate landowners for any additional materials needed to properly ground or protect fences or irrigation equipment from induced voltage, as provided in any applicable easement or access agreement between IPC and the landowner.

4.18 Livestock Operations

A. IPC will work with the landowner or landowner's designee to coordinate and schedule construction activities to minimize impacts to livestock operations. IPC will also construct temporary fences and gates during construction, as necessary. The Agricultural Monitor will ensure that construction activities follow guidelines established with the landowner and/or landowner's designee to protect livestock and livestock operations.

B. Any fences, gates, cattle guards, or corrals damaged by construction will be repaired or replaced. The affected landowner may negotiate to undertake the responsibility for repair, relocation, reconfiguration, or replacement of damaged fences, or other livestock-related infrastructure in fair settlement with IPC. In the event the landowner chooses to take on the responsibility for repair, relocation, reconfiguration, or replacement of damaged infrastructure, IPC will not be responsible for correcting the repairs after completion of the Project.

C. In the event livestock must be relocated temporarily, or supplemental feed is necessary, IPC will reimburse the reasonable cost incurred for the transport of livestock, acquisition of temporary pasture land and/or additional supplemental feed during construction and restoration activities.

5.0 PROCEDURES FOR DETERMINING CONSTRUCTION-RELATED DAMAGES AND PROVIDING COMPENSATION

A. IPC will establish a procedure for processing claims for construction-related damages. The procedure will standardize and minimize concerns in the recovery of damages and provide a degree of certainty and predictability for landowners, others, and IPC.

B. Prior to construction, IPC's agent, together with the landowner or the landowner's designee will examine each affected property to inventory crops, livestock, fences, irrigation systems, drain tiles, roads, etc.

C. Negotiations between IPC and any affected landowner and/or landowner's designee will be voluntary and no party is obligated to follow any particular method for computing the amount of loss for which compensation is sought or paid. Landowner or landowner's designee may elect to settle damages with IPC in advance of construction on a mutually acceptable basis or settle after construction based on a mutually agreeable determination of actual damages.

6.0 ADVANCE NOTICE OF ACCESS TO PRIVATE PROPERTY

Once an agreement has been reached between IPC and the landowner and scheduling of construction activities has been discussed, IPC will provide the landowner or landowner's designee advance notice before beginning construction on the property. Prior notice will consist of a personal contact, email, letter, or a telephone contact informing the landowner or landowner's designee of IPC's intent to access the land.

A. Where feasible, IPC will coordinate its activities to provide access for farm equipment and livestock to fields otherwise isolated by construction activities.

B. IPC will construct temporary fences and gates across the construction area, as necessary.

7.0 AGRICULTURAL SPECIALISTS

IPC will retain qualified agricultural specialists on each work phase including construction planning, construction, restoration, post-construction monitoring, and follow-up restoration. During construction and initial restoration, IPC will designate an inspector to serve as an Agricultural Monitor. The Agricultural Monitor will provide technical assistance to construction managers, other inspectors, and construction inspectors to facilitate the effective implementation of agricultural mitigation measures.

7.1 Qualifications and Selection of Agricultural Monitor

The Agricultural Monitor will have a bachelor's degree in agronomy or soil science or equivalent work experience and/or practical experience with electric transmission line construction and restoration on agricultural land. The Agricultural Monitor will also have demonstrated practical experience in animal and range management.

7.2 Role of the Agricultural Monitor

IPC's Agricultural Monitor will:

A. Be a full-time member of the inspection team;

B. Be responsible for verifying compliance with provisions of this mitigation plan during construction;

C. Work collaboratively with other inspectors, right-of-way agents, and other Project personnel in achieving compliance with this mitigation plan;

D. Observe construction activities on agricultural land regularly;

E. Have the authority to stop construction activities that are determined to be out of compliance with provisions of this mitigation plan;

F. Document instances of noncompliance and work with construction personnel to identify and implement appropriate corrective actions as needed;

G. Provide construction personnel with training on provisions of this mitigation plan before construction begins; and

H. Provide construction personnel with field training on specific topics as needed.

8.0 IMPACTS TO CONSERVATION RESERVE PROGRAM LANDS

IPC will work with the local United States Department of Agriculture/Farm Services Agency (FSA) with jurisdiction over the Conservation Reserve Program (CRP) lands that may be impacted. CRP programs on affected areas will require special attention. Costs may include rental payments plus interest, cost share payments plus interest, CRP-Signup Incentive Payment plus interest, Conservation Practice-Wetland Restoration (CP23), one time Wetland Restoration Incentive payment plus interest and liquidated damages and any penalties for early termination of contract, if applicable, according to paragraph 577 of USDA Handbook 2-CRP. Generally the placement of transmission line towers within CRP fields does not reduce the payments a landowner will receive due to loss of acreage within the tower footprint.

Temporary access roads will require a waiver from the FSA as long as the road is decommissioned and reseeded to FSA specifications. New permanent access roads that impact CRP land will require coordination with the FSA, and IPC will be required to refund money to the FSA at a rate specified in the CRP for the acreage impacted from the footprint of the new road. IPC will compensate the landowner for the lost payment resulting from the reduction of those acres enrolled in the CRP contract according to the procedures for determining construction-related damages and providing compensation stated above. Since the land removed from CRP will no longer be eligible for future enrollment in CRP or for the production of crops, these factors will be considered when developing appropriate compensation.

9.0 IMPACTS TO LANDOWNERS REGARDING LAND USE AND TAX ISSUES

Landowners may be enrolled in certain county, state, or federal programs that influence taxes or land use on their property. Land that is used exclusively for farm use, but is located outside of an Exclusive Farm Use (EFU) zone, can qualify for tax reductions through the *Farm Use Special Assessment* if it meets certain criteria and can demonstrate that a certain amount of gross income is generated through farm use. The amount of income required to qualify for the state program varies by acreage: parcels over 30 acres must demonstrate a minimum annual gross income of $3,000 from farming; parcels between 6.5 and 30 acres must demonstrate gross income of at least $100 per acre annually; and parcels less than 6.5 acres must demonstrate gross income of $650 annually. These income requirements must be met in 3 of the 5 previous years. At the time of enrollment, the land must be under current farm use and have been used for the 2 previous years exclusively for farm use. Land within an EFU zone can qualify for the Special Assessment, but the landowner must demonstrate that the land is currently used and was used during the previous year exclusively for farm use. If the Project affects a parcel of farmland receiving the *Special Assessment* to the degree that the farm could not meet the requirements of the program, the landowner's annual property taxes may increase and they may be responsible for paying back taxes if the land is used for something incompatible with farm use.

10.0 MITIGATION ACTIONS FOR ORGANIC AGRICULTURAL LAND

IPC recognizes that organic agricultural land is a unique feature of the landscape and will treat this land with the same level of care as other sensitive environmental features. The provisions of this section identify mitigation measures that apply specifically to farms that are Organic Certified or farms that are in active transition to become Organic Certified, and are intended to address the unique management and certification requirements of these operations. All protections provided in this mitigation plan will also be provided to organic agricultural land, in addition to the provisions of this Section.

10.1 Organic System Plan

IPC recognizes the importance of the individualized Organic System Plans (OSPs) to the Organic Certification process. IPC will work with the landowner or landowner's designee and a mutually acceptable third-party organic consultant to identify site-specific construction practices that will minimize the potential for decertification as a result of construction activities. Possible practices may include, but are not limited to: equipment cleaning, planting a deep-rooted cover crop in lieu of mechanical decompaction, applications of composted manure or rock phosphate, preventing the introduction of disease vectors from tobacco use, restoration and replacement of beneficial bird and insect habitat, maintenance of organic buffer zones, use of organic seeds for any cover crop, or similar measures. IPC recognizes that some OSPs may be proprietary in nature and will respect the need for confidentiality, as appropriate.

10.2 Prohibited Substances

IPC will avoid the application of prohibited substances onto organic agricultural land. No herbicides, pesticides, fertilizers, or seeds will be applied unless requested and approved by the landowner. Likewise, no refueling, fuel or lubricant storage, or routine equipment maintenance will be allowed on organic agricultural land. Equipment will be checked prior to entry to make sure that fuel, hydraulic, and lubrication systems are in good working order before working on organic agricultural land. If prohibited substances are used on land adjacent to organic agricultural land, these substances will be used in such a way as to prevent them from entering organic agricultural land.

10.3 Temporary Road Impacts

Topsoil and subsoil layers that are removed during construction on organic agricultural land for road construction will be stored separately and replaced in the proper sequence after construction. Unless otherwise specified in the site-specific plan described above, IPC will not use this soil for other purposes, including creating access ramps at road crossings. No topsoil or subsoil (other than incidental amounts) may be removed from organic agricultural land. Likewise, organic agricultural land will not be used for storage of soil from nonorganic agricultural land.

10.4 Erosion Control

On organic agricultural land, IPC will, to the extent feasible, implement erosion control methods that are consistent with the then-current, applicable version of the OSP during construction and restoration efforts. On land adjacent to organic agricultural land, IPC's erosion control procedures will be designed so that sediment from adjacent non-organic agricultural land will not flow along the right-of-way and be deposited on organic agricultural land.

10.5 Weed/Pest Control

On organic agricultural land, IPC will, to the extent feasible, implement weed and pest control methods during its construction and/or restoration efforts that are consistent with the then current, applicable version of the OSP. No prohibited substances will be used in weed or pest control on organic agricultural land. In addition, IPC will not use prohibited substances in weed or pest control on land adjacent to organic agricultural land in such a way as to allow these materials to drift onto organic agricultural land. An integrated pest management plan will be developed in accordance with current, applicable OSP and will establish appropriate methods for controlling pests within organic agricultural land during construction of the Project.

10.6 Monitoring

In addition to the responsibilities of the Agricultural Monitor described in the mitigation plan, the following will apply:

A. The Agricultural Monitor will monitor construction and restoration activities on organic agricultural land for compliance with the provisions of this Section and will document any activities that may result in decertification.

B. Instances of noncompliance will be documented according to Independent Organic Inspectors Association protocol, consistent with the then-current, applicable OSP, and will be made available to the ODA, the landowner and/or landowner's designee, the Utility Inspector, and to IPC. The Agricultural Monitor is responsible for monitoring activities on organic agricultural land and will be trained in organic inspection by the Independent Organic Inspectors Association.

10.7 Compensation for Construction Damages

The settlement of damages will be based on crop yield and/or crop quality determination and the need for additional restoration measures. Unless the landowner of organic agricultural land or landowner's designee and IPC agree otherwise, a mutually agreed upon professional agronomist will make crop yield and quality determinations. If the crop yield or crop quality determinations indicate the need for soil testing, the testing will be conducted by a commercial laboratory that is properly certified to conduct the necessary tests and is mutually agreeable to IPC and the landowner or landowner's designee. Fieldwork for soil testing will be conducted by a professional Soil Scientist or licensed Professional Engineer. IPC will be responsible for sampling, testing, and additional restoration activities, if needed. Landowner and/or landowner's designee may elect to settle damages with IPC in advance of construction on a mutually acceptable basis, or to settle after construction based on a mutually agreeable determination of actual damages.

10.8 Compensation for Damages Due to Decertification

Should any portion of organic agricultural land be decertified as a result of construction activities, the settlement of damages will be based on the difference between revenue generated from the land affected before decertification and after decertification so long as a good-faith effort is made by the landowner, tenant, or other personnel to regain certification.

10.9 Definitions

In the event of a conflict between this Section and the mitigation plan with respect to definitions, the definition provided in this Section will prevail but only to the extent such conflicting terms are

used in this Section. The definition provided for the defined words used herein shall apply to all forms of the words.

- **Apply:** To intentionally or inadvertently spread or distribute any substance onto the exposed surface of the soil.
- **Certifying Agent:** As defined by the National Organic Program Standards, Federal Regulations 7 CFR Part 205.2.
- **Decertified or Decertification:** Loss of Organic Certification.
- **Organic Agricultural Land:** Farms or portions thereof described in 7 CFR Parts 205.100,24 205.202, and 205.101.
- **Organic Buffer Zone:** As defined by the National Organic Program Standards, Federal Regulations 7 CFR Part 205.2.
- **Organic Certification or Organic Certified:** As defined by the National Organic Program Standards, Federal Regulations 7 CFR Part 205.100 and 7 CFR Part 205.101.
- **Organic System Plan:** As defined by the National Organic Program Standards, Federal Regulations 7 CFR Part 205.2.
- **Prohibited Substance:** As defined by the National Organic Program Standards, Federal Regulations 7 CFR Part 205.600 through 7 CFR 205.605 using the criteria provided in 7 United States Code (USC) 6517 and 7 USC 6518.