Chapter 1
Purpose and Need

1.1 Introduction

Idaho Power Company (IPC) proposes to construct, operate, and maintain the Boardman to Hemingway Transmission Line Project (B2H Project), which is a 305-mile-long single-circuit 500-kilovolt (kV) alternating-current overhead electric transmission line and ancillary facilities. The transmission line would be constructed within a 250-foot right-of-way to connect Portland General Electric's (PGE) Grassland Substation, which is currently under construction, adjacent to the Boardman Generating Plant near the city of Boardman in Morrow County, Oregon, to the existing Hemingway Substation, near the city of Melba in Owyhee County, Idaho. The proposed B2H Project would include the relocation of approximately 4.5 miles of existing 138-kV transmission line. The 138-kV transmission line would be relocated to a proposed double-circuit rebuild of the 138/69-kV transmission line in the existing 69-kV right-of-way in the vicinity of Weatherby, Oregon. The project's goal is to provide additional electrical load capacity between the Pacific Northwest region and the Intermountain region of southwestern Idaho. The B2H Project would alleviate existing transmission constraints and ensure sufficient capacity to meet present and forecasted load requirements.

The proposed transmission line would cross federal, state, and private lands in five counties in Oregon and one county in Idaho (Figure 1-1). The proposed transmission line would cross approximately 93 miles of lands administered by federal agencies, including the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS). The B2H Project would affect lands and assets administered by the Bureau of Reclamation (Reclamation) and may potentially affect land and military Special Use Airspace administered by the U.S. Navy.

This Draft Environmental Impact Statement (EIS) is being prepared under the National Environmental Policy Act (NEPA) of 1969 in response to an Application for Transportation and Utility Systems and Facilities on Federal Lands (Standard Form 299, or SF 299) and a project Plan of Development (POD) submitted by IPC to the BLM, USFS, and Reclamation. IPC submitted its original SF 299 application and POD on December 19, 2007. The BLM determined that approval of the request would be a major federal action requiring the preparation of an EIS; the BLM published a Notice of Intent to prepare the EIS on September 12, 2008, in the *Federal Register* to formally initiate the EIS process (BLM and USFS 2008). IPC (2010a) subsequently submitted a revised SF 299 application and POD in June 2010, and the BLM published a revised Notice of Intent on July 27, 2010 (BLM and USFS 2010). IPC (2011a, 2011b) submitted additional revisions to its SF 299 application and POD in February and November 2011. Copies of these documents are available for review or downloading at: http://www.boardmantohemingway.com/documents.aspx.

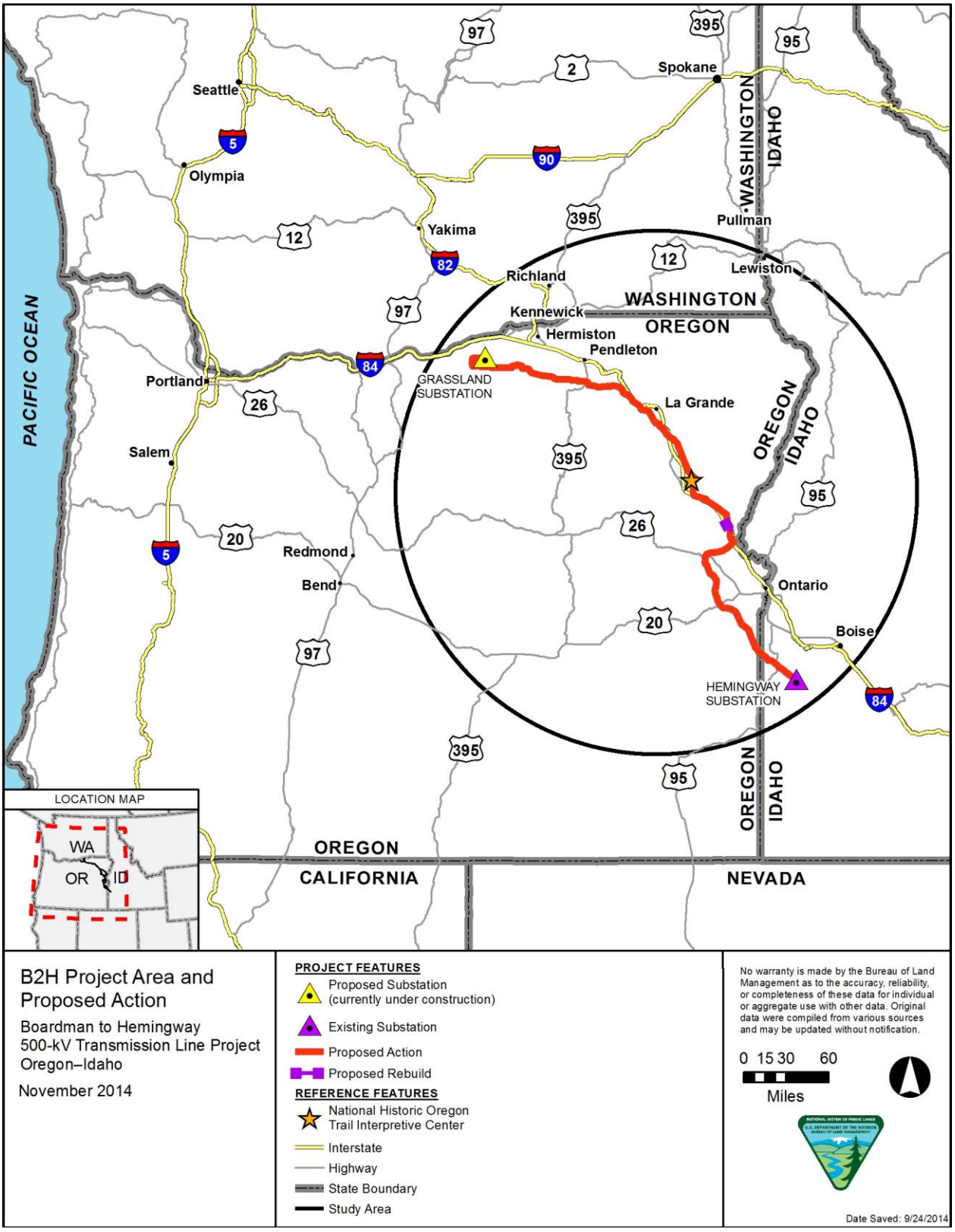

Figure 1-1. B2H Project Area and Proposed Action

The BLM is the lead federal agency responsible for preparing the EIS in accordance with NEPA; Council on Environmental Quality regulations for implementing NEPA (40 Code of Federal Regulations [CFR] 1500–1508); Department of the Interior NEPA implementing regulations; the BLM NEPA Handbook (H-1790-1) and other guidance; and other pertinent laws, regulations, and policies. NEPA requires that the federal government take a hard look and consider the impact of an action on the natural and human environment before making decisions. NEPA documents should concentrate on the issues that are significant to the action in question (40 CFR 1500.1(b)). The NEPA process is intended to help public officials make decisions that are informed by an understanding of environmental consequences (40 CFR 1500.1(c)). If decommissioning of the transmission line were to occur, additional analysis of the effects of decommissioning would be required under NEPA and would take place at that time.

Federal cooperating agencies for the B2H Project, in addition to the USFS Wallowa-Whitman National Forest, include the U.S. Navy, Naval Weapons Systems Training Facility, Boardman; U.S. Environmental Protection Agency (EPA), Region 10; U.S. Fish and Wildlife Service (USFWS) Region 1; U.S. Army Corps of Engineers (USACE), Portland District; Reclamation; and Bonneville Power Administration (BPA).

State cooperating agencies for the B2H Project include the Oregon Department of Energy; Oregon Department of Fish and Wildlife; Idaho Department of Fish and Game; and the State of Idaho by and through the Governor's Office of Idaho.

Local cooperating agencies for the B2H Project include Baker County, Oregon; Malheur County, Oregon; Morrow County, Oregon; Umatilla County, Oregon; Union County, Oregon; Canyon County, Idaho; Payette County, Idaho; Washington County, Idaho; City of Boardman, Oregon; City of Parma, Idaho; Black Canyon Irrigation District, Idaho (*participated as a cooperating agency until July 26, 2012*); Joint Committee of the Owyhee Project, Oregon; Owyhee Irrigation District, Oregon; Ten Davis Recreation District, Idaho (*participated as a cooperating agency until February 8, 2011*); and Owyhee County, Idaho, was also invited to participate as a local cooperating agency in the preparation of this EIS but declined. However, the BLM provides the Owyhee County Commission with regular B2H Project updates and invites County participation in public meetings.

This Draft EIS presents analysis of the Proposed Action and 13 alternatives, as well as the No Action Alternative. Among the alternatives are 268 miles of alternative transmission line routing, two alternative substation locations, and one route variation. In addition to analyzing and disclosing the potential impacts of the Proposed Action and alternatives on the natural and human environment, this Draft EIS analyzes the consistency of the Proposed Action and alternatives with the BLM resource management plans (RMPs) and the USFS land and resource management plan (LRMP) and possible amendments to these plans. This Draft EIS does not recommend the approval or denial of the Proposed Action; it will be used by the BLM, USFS, and potentially other federal agencies in considering whether or not to authorize the Proposed Action or any of the alternatives.

This chapter is organized in the following sections:

Section 1.2 Agencies' Purpose and Need for Federal Action

- Describes the federal agencies' purpose and need for action

Section 1.3 Decisions to be Made

- Describes the decisions to be made by the BLM, USFS, and other federal agencies

Section 1.4 IPC's Objectives for the Project

- Describes IPC's objective for the project

Section 1.5 NEPA and Land Use Planning Process

- Describes the BLM and USFS land use planning process

Section 1.6 Scoping and Public Involvement

- Summarizes the scoping process and other public involvement, issues identified for detailed analysis in the Draft EIS, and issues considered but eliminated from detailed analysis

Section 1.7 Relationships to Federal Plans and Programs

- Describes BLM and USFS resource management plans, the West-Wide Energy Corridor Programmatic EIS, and consultation with tribes and agencies

Section 1.8 Major Authorizing Laws, Regulations, and Policies

- Lists the main federal laws, regulations, and executive-order policy directions relevant to the project

Section 1.9 Nonfederal Laws, Regulations, and Plans

- Describes relevant local land use plans and state and local regulations applicable to the project

Section 1.10 Required Permits, Licenses, and Authorizations

- Lists the federal, state, and local permits and authorizations that could be required for the project

1.2 Agencies' Purpose and Need for Federal Action

1.2.1 Bureau of Land Management

The BLM's purpose is to respond to IPC's application for a right-of-way across public lands. The need is to grant, grant with modifications, or deny IPC's application for use of BLM-managed public lands to construct, operate, and maintain the B2H Project. The BLM's purpose and need is further guided by the Energy Policy Act of 2005, Executive Order 13604, and the President's Climate Action Plan (June 25, 2013), which recognized the need to improve domestic energy production, to develop renewable energy resources, and to improve infrastructure for collection and distribution of energy resources.

In accordance with Sections 103(c), 202(c)(1), and 302(a) of the Federal Land Policy and Management Act of 1976 (FLPMA, 43 United States Code [U.S.C.] 1701 et seq.), as amended, public lands and resources under the BLM's stewardship are to be managed in accordance with the principles of multiple use and sustained yield that take into account the long-term needs of future generations for renewable and nonrenewable resources. The Secretary of the Interior is authorized to grant rights-of-way on public lands for systems of generation, transmission, and distribution of electric energy (FLPMA, Section 501(a)(4)). FLPMA authorizes the BLM to manage public lands to protect the quality and the scientific, scenic, historical, archaeological, and other values of those lands (43 U.S.C. 1701(a)(8)). Right-of-way decisions by the BLM are guided by FLPMA and its implementing regulations under 43 CFR Part 2800.

1.2.2 U.S. Forest Service

The USFS's need is to respond to IPC's request for use of National Forest System lands. The purpose of the USFS's action is to determine whether to issue a special-use authorization for the construction, operation, and maintenance of the Proposed Action and, if issued, to determine what terms and conditions should apply.

The USFS, a cooperating agency, has legal jurisdiction to manage National Forest System lands. Title 36 CFR Part 214, Subpart B, provides for USFS authority to review and to grant or deny special-use authorizations for transmission lines. The sixth standard in the "Energy Resources and Power Transmission Facilities, Standards and Guidelines" section of the *Land and Resource Management Plan: Wallowa-Whitman National Forest* (USFS 1990:4–33) states the following about utility corridors: "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."

1.2.3 U.S. Bureau of Reclamation

Reclamation's purpose and need is to consider an application for a use authorization under the above provisions and to determine whether to grant, grant with modifications, or deny IPC's application for use of Reclamation-managed lands to construct, operate, and maintain the Proposed Action or alternatives. Reclamation's use authorization may be issued when it is determined that the proposed B2H Project is compatible with authorized Reclamation project purposes, operations, safety, and security. Reclamation could issue its use authorization in one of two forms: (1) as an easement on acquired lands or (2) as consent to use an 1890s reserved right-of-way, with other factors determining the use authorization's length of term.

Authorization from Reclamation, a cooperating agency with legal jurisdiction to manage its lands, would be required for features of the Proposed Action or alternatives that would be located on or cross over Reclamation lands or facilities. The Reclamation Act of June 17, 1902, as amended and supplemented, 32 Statute 388; 43 U.S.C. 391, et seq., provides for Reclamation authority to review and to approve or deny use of Reclamation-administered lands. Reclamation's regulations set forth a process for application and agency consideration of use authorizations under 43 CFR Part 429 (Use of Bureau of Reclamation Land, Facilities, and Waterbodies).

1.2.4 U.S. Department of the Navy

IPC may need to file an application for a use authorization with the U.S. Department of the Navy. The U.S. Department of the Navy's purpose and need is to consider applications filed for a use authorization and determine whether to grant, grant with modifications, or deny such application. Any approved application would ensure appropriate mitigation measures to protect the integrity of military airspace in the B2H Project vicinity. The use authorization may be issued when it is determined that the Proposed Action or alternative is compatible with environmental compliance requirements and the mission, operation, safety, and security of military training assets.

As a branch of the Department of Defense, the U.S. Navy is a cooperating agency with legal jurisdiction to manage its lands within the project area. Authorization from the U.S. Navy would be required for features of the Proposed Action or alternatives that would be located on or cross over lands that are under its jurisdiction or that underlay designated military airspace.

1.2.5 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE), as a cooperating agency, has legal jurisdiction to grant authorization for features of the proposed B2H Project that cross over, through, or under navigable waters, as defined under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401 et seq.). Authorization from USACE is also required for any activity that results in discharges of dredged or fill material into waters of the United States, as defined under Section 404 of the Clean Water Act (33 U.S.C. 1344). The USACE will respond to IPC's application for a Section 10 permit, a Section 404 permit, or both permits if the Proposed Action or an alternative is selected.

1.2.6 Bonneville Power Administration

The Bonneville Power Administration (BPA) is a cooperating agency with special expertise in electrical power generation and transmission. BPA is a federal power-marketing agency that markets wholesale electrical power from 31 federal hydroelectric projects in the Columbia River Basin (known as the Federal Columbia River Power System), 1 nonfederal nuclear plant, and several small nonfederal power plants. BPA also owns and operates more than 15,000 circuit miles of transmission line in the Pacific Northwest. BPA's customers include public utility districts, municipalities, cooperatives, tribal utilities, investor-owned utilities, and large direct-service industries throughout the Pacific Northwest. BPA's utility customers, in turn, provide electricity to industries, homes, businesses, and farms.

BPA has electric power supply and transmission service obligations that serve six preference customers (i.e., those customers with preference status under the Bonneville Project Act) located in southeastern Idaho. BPA currently meets those obligations through contractual arrangements with PacifiCorp. In June 2011, PacifiCorp gave BPA notice that it will terminate those contractual arrangements in June 2016. BPA is now considering various options for replacing those arrangements and continuing to serve southeastern Idaho customers after June 2016. One potential option would be for BPA to participate in the proposed B2H Project as a joint owner and to acquire partial ownership in other existing transmission facilities in the region so that BPA could have sufficient ownership of power

transmission between the Federal Columbia River Power System and its southeastern Idaho customers.

Accordingly, BPA will use this Draft EIS to help support any decision concerning its need to participate in the B2H Project to continue serving its customers in southeastern Idaho. In evaluating the need for action, BPA will consider the following purposes:

- Maintain BPA's transmission system reliability and performance
- Meet BPA's contractual and statutory obligations
- Minimize impacts on the environment
- Minimize costs while meeting BPA's power and transmission service needs

1.3 DECISIONS TO BE MADE

The BLM, USFS, Reclamation, U.S. Navy, USACE, and BPA would use analyses in this Draft EIS to support decisions related to the proposed B2H Project. The BLM and the USFS must also decide whether one or more land use plans would be amended to allow for a right-of-way for the proposed transmission line and associated facilities. The BLM and USFS are integrating the land-use planning process for amending agency land use plans as describe in 43 CFR 171 and 37 CFR 219.13, respectively, with NEPA compliance for the proposed rights-of-way for the Project on BLM and USFS administered land. The potential land use plan amendments that may be required for approval of the Proposed Action are described in Section 3.4 with the results of the analysis of the environmental consequences of amending the land-use plans. The land use planning process is described in Section 1.5.

1.3.1 BUREAU OF LAND MANAGEMENT

The BLM will decide whether or not to grant, grant with modifications, or deny IPC's application for right-of-way on public lands for the construction, operation, and maintenance of the Proposed Action or alternatives. If the BLM grants the requested right-of-way, the BLM will determine the terms, conditions, and stipulations of the right-of-way grant.

As part of the decision-making process, the BLM will determine whether the Proposed Action and alternatives conform with RMPs for the management areas through which it passes. If the Proposed Action does not conform with an existing RMP, the Proposed Action may be modified for conformance, the applicable RMP may be amended, or the application may be denied. Portions of the Proposed Action and alternatives may require amendments to one or more of the affected RMPs; this Draft EIS analyzes the potential environmental effects of possible RMP amendments. The B2H Project Notice of Intent, as revised and issued in the July 27, 2010, *Federal Register* (BLM and USFS 2010), provides that authorization of the B2H Project may require amendments to the BLM's 1989 Baker RMP, 2002 Southeastern Oregon RMP, and 1999 Owyhee RMP. The BLM's decisions would be documented in a Record of Decision (ROD).

1.3.2 U.S. Forest Service

The USFS will decide whether to grant a special-use authorization on National Forest System lands for the construction, operation, and maintenance of the Proposed Action or an alternative. Furthermore, the USFS will determine the terms, conditions, and stipulations of the special-use authorization that would be in the public interest.

As part of the decision-making process for the special-use authorization, the USFS will determine whether the Proposed Action and alternatives conform with its 1990 LRMP for the Wallowa-Whitman National Forest. If the Proposed Action and alternatives are not in conformance with the existing LRMP, the project may be modified for conformance, the LRMP may be amended, or the application may be denied and the LRMP may not be amended. An LRMP amendment, if required, is subject to NEPA analysis and is addressed in this Draft EIS.

The B2H Project Notice of Intent, as revised and issued in the July 27, 2010, *Federal Register* (BLM and USFS 2010), included the notification of a possible amendment to the 1990 Wallowa-Whitman National Forest LRMP.

Chapter 3 describes the relevant elements of the Wallowa-Whitman National Forest LRMP for all the affected resources, and provides information on the extent to which the Proposed Action and alternatives conform with LRMP elements.

1.3.3 U.S. Bureau of Reclamation

Reclamation will decide whether to grant, grant with conditions, or deny the request to use Reclamation-managed lands for the construction, operation, and maintenance of certain features associated with the Proposed Action and alternatives. If Reclamation adopts the Final EIS as its NEPA compliance for the federal action under its jurisdiction, the Reclamation would issue a separate ROD for this EIS that would describe the decision and the terms, conditions, and stipulations subject to its implementing regulations under 43 CFR Part 429.

As part of the decision-making process, Reclamation will determine whether the Proposed Action and alternatives are consistent with the Reclamation's 1994 Owyhee Reservoir RMP for the management areas through which it passes. If the Proposed Action or alternatives do not conform with the RMP, the project may be modified for conformance, the RMP may be amended, or the application may be denied and the RMP not amended. Portions of the Malheur A Alternative may require an amendment to the RMP.

1.3.4 U.S. Department of the Navy

The U.S. Navy will decide whether to grant, grant with conditions, or deny applications filed for use authorization. A use authorization may be issued when it is determined that the Proposed Action or alternative is compatible with environmental compliance requirements and the mission, operation, safety, and security of military training assets.

1.3.5 U.S. Army Corps of Engineers

Discharges of dredged or fill material into waters of the United States (tributary streams, adjacent wetlands, etc.) require USACE authorization pursuant to Section 404 of the Clean Water Act. Work in or affecting navigable waters (including aerial crossings) requires USACE authorization pursuant to Section 10 of the Rivers and Harbors Act. In making permit decisions, the USACE must ensure that impacts on waters of the United States are avoided or minimized to the maximum extent practicable. USACE will evaluate proposed crossings and determine whether to authorize the activity. If activity is authorized, USACE will determine the type of authorization, and whether or not compensatory mitigation is required, in accordance with 33 CFR 320–332.

1.3.6 Bonneville Power Administration

BPA will decide whether to participate in construction and ownership of the B2H Project.

1.4 Idaho Power Company's Objectives for the Project

IPC's objective for the B2H Project is to provide additional capacity to connect the Pacific Northwest region with the Intermountain region of southern Idaho to alleviate existing transmission constraints between the two areas and to ensure sufficient capacity so that IPC can meet present and forecasted load requirements. The number of customers in IPC's service area is expected to increase from approximately 490,000 in 2009 to over 680,000 by 2029. Firm peak-hour load (the peak hourly electricity that the system must supply when demand is at its highest) has increased from 2,052-megawatts (MW) in 1990 to over 3,000 megawatts (MW) in 2006, 2007, 2008, and 2009. Average firm load (the average annual demand from customers) has increased from 1,200 MW in 1990 to 1,800 MW in 2008 (IPC 2011d).

The proposed transmission line would connect with other transmission lines at the Portland General Electric's Grassland Substation or one of two alternative substations at the northern terminus near Boardman, Oregon and the Hemingway Substation at the southern terminus near Melba, Idaho. These connections would permit transmission of electricity on a regional scale, would serve native loads, and would help to provide reliable electrical service. The B2H Project is neither required to support any particular new generation project nor justified by any particular existing generation project. Rather, the B2H Project would provide a high-capacity connection between two key points in the existing bulk electric system. 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 the system to work reliably, a network of high-capacity transmission lines must connect to 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.

Capacity refers to the amount of power a transmission line can reliably deliver from its sending to its receiving end. In addition, capacity can be limited by transmission line outages. Capacity limitations also restrict transmission customers' operations and can create significant reliability problems. When operating conditions exceed operating limits, mitigation measures such as resource and load

curtailment may be required to relieve actual loading on the transmission system to ensure reliable system operation (IPC 2011d).

The B2H Project would add capacity to transmit electricity during high summer-month loading conditions and to accommodate third-party transmission requests. The proposed transmission line is needed to avert resource capacity deficits during the summer months. During peak usage, there is:

- No transmission capacity to transfer additional energy from the Pacific Northwest to Idaho and beyond
- Limited transmission capacity to deliver resources from the east into the Pacific Northwest
- No existing capacity to integrate new resources proposed for development in eastern Oregon

IPC has received more than 4,000 MW of transmission service requests on the Idaho to Pacific Northwest path between 2005 and 2014. Of the service requests, only 133 MW were granted up through 2007 due to the limited available transmission capacity of the system. There are currently active requests in study status that are expected to commence operations when the B2H Project is completed. The development of wind and other renewable resources in response to state renewable portfolio standards is anticipated to further increase the demand for transmission capacity between the Intermountain region and the Pacific Northwest (IPC 2011d).

The B2H Project will improve IPC's ability to provide reliable electrical service to its customers as mandated by federal and state agencies. Transmission systems in the United States are planned, operated, and maintained under North American Electric Reliability Council (NERC) standards. Additionally, IPC is governed by the Western Electricity Coordinating Council (WECC) policy, procedures, criteria, and standards that may be more stringent than those required by NERC. In compliance with NERC and WECC standards, transmission systems must be planned, built, and continually operated with sufficient redundancy. The redundancy enables the bulk transmission system to reliably operate in any single element (i.e., generation unit, transmission line segment or substation equipment) or multiple elements are lost. Adding new transmission facilities to the network adds additional redundancy during outages (IPC 2011d).

The B2H Project is a key component of an overall resource portfolio that would enable IPC to meet federal and state requirements. IPC must adhere to federal requirements to plan for and construct transmission necessary to serve all network transmission customer requirements, in addition to responding to requests for service from current and future customers through IPC's transmission tariff. The subsections below describe the federal and state requirements.

1.4.1 Federal Energy Regulatory Commission Requirements

IPC has identified the B2H Project as a cost-effective resource allowing it to meet the transmission system requirements imposed by federal laws implemented by the Federal Energy Regulatory Commission (FERC). Under FERC tariff requirements, public utilities, such as IPC, must plan, design, construct, operate, and maintain an adequate electric transmission system that not only meets the customers' energy demands but also meets the customer's peak load demands.

1.4.2 Idaho and Oregon Public Utility Commission Requirements

IPC operates under the oversight and regulatory controls of the Oregon Public Utility Commission and the Idaho Public Utility Commission and is required to furnish to its customers adequate, safe, and reliable electrical service (Oregon Revised Statute 756.040; Idaho Code 61-302). Toward this end, IPC is required to file an integrated resource plan (IRP) with both commissions every 2 years. The IRP is IPC's primary planning document, demonstrating the analysis and conclusions as to the best and most cost-effective portfolio of resources to fulfill its short and long-term service obligations. In developing the IRP, IPC considers all relevant contingencies, including projected loads, economic conditions, and regulatory changes with the intent of minimizing risks of both energy service and costs for customers and owners. The resulting IRP evaluates supply-side resources and demand-side programs that help balance growing energy demand with viable supply. After fully analyzing the data, the IRP presents IPC's preferred portfolio which contains the combination of resources that best balances cost, risk, and environmental concerns. Notably, the B2H Project—or a general resource similar to it—has served as a critical component of every acknowledged IPC IRP since 2000.

1.5 NEPA and Land Use Planning Process

All actions approved or authorized by the federal land-managing agencies must conform to current land use plans for the lands they administer (43 CFR 1610.5-3 [BLM] and 36 CFR 214 [USFS]). New authorizations or actions approved based on a project-specific EIS must be provided for specifically in the land use plan or be consistent with the terms, conditions, and decisions in the approved land use plan. A land use plan amendment (i.e., a modification of one or more parts of an existing plan) may be necessary in order to consider a proposed action that may result in a change in the scope of resource uses or a change in the decisions of the approved land use plan. If the federal land-managing agency determines that a plan amendment may be necessary, preparation of a project-specific EIS and the analysis necessary for the plan amendments may occur simultaneously (43 CFR 1610.5 and 36 CFR 219.5).

For the B2H Project, the BLM and USFS are integrating the land use planning process for amending agency land use plans as described in 43 CFR 171 and 37 CFR 219.13, respectively, with NEPA compliance for the proposed rights-of-way on BLM and USFS administered land. The BLM Land Use Planning Handbook (H-1601-1) and the USFS Land Management Planning Handbook (Forest Service Handbook 1909.12) outline the NEPA and land use plan amendment process. The potential land use plan amendments for the Proposed Action are described in Section 3.4.

1.6 Scoping and Public Involvement

1.6.1 Scoping

IPC submitted its initial SF 299 application to the BLM on December 19, 2007, and to the USFS on March 25, 2008. On September 12, 2008, the BLM published a Notice of Intent to prepare the B2H EIS (BLM and USFS 2008). The BLM, USFS, and Oregon Department of Energy hosted six public scoping

meetings in October 2008 to provide information to the public and agencies and to allow the meeting attendees to identify issues and concerns.

Following IPC-initiated activities (see Section 1.6.2 below), IPC (2010a) submitted a revised SF 299 application and POD to BLM, USFS, and Reclamation on June 21, 2010. On July 27, 2010, the BLM published a revised Notice of Intent to prepare the B2H Project EIS (BLM and USFS 2010). Due to the revised application, the BLM and USFS initiated an additional scoping period that occurred from July 27 through September 27, 2010, with eight public scoping meetings conducted during August 2010 in Oregon and Idaho. The Revised Scoping Report published in April 2011 (BLM 2011a) lists the dates and locations of the public scoping meetings and the issues identified during the two scoping periods. The Revised Scoping Report also incorporates the comments received during the IPC-sponsored public outreach. This report is available online at http://www.boardmantohemingway.com/documents.aspx.

In July 2012, the BLM conducted four landowner meetings in Oregon (Baker City, Durkee, Brogan, and North Powder) to update landowners about the status of the B2H Project. In August 2012, the BLM hosted six public open houses—five in Oregon (Boardman, Pilot Rock, La Grande, Baker City, and Ontario) and one in Idaho (Marsing)—to discuss the alternatives being considered for analysis in the Draft EIS, to answer questions, and to identify future comment and input opportunities.

In addition to the formal scoping activities, the BLM and IPC jointly developed a project website (http://www.boardmantohemingway.com/) to publish project status updates and information and to solicit questions and input from agencies, stakeholders, and the general public. Newsletters, meeting announcements, and project documents are also available on the project website.

1.6.2 Idaho Power Company-Initiated Activities

Given public feedback from the initial scoping period in 2008, IPC sent a letter to the BLM in April 2009 proposing to delete the Sand Hollow Substation from the proposed project and announcing the initiation of the IPC-sponsored Community Advisory Process (CAP) to solicit additional input from the public regarding routing of the proposed transmission line (Dockter 2009).

IPC conducted the CAP, apart from the BLM NEPA process, to consider alternatives to its initial proposed route and to identify a revised routing location for the proposed B2H Project transmission line. During the CAP, stakeholders suggested 46 alternative route segments, and IPC analyzed those suggested routes with respect to several factors, including impacts on resources and properties, permitting difficulty, constructability, and costs of mitigating impacts. Figure 1-2 shows routes considered by IPC to develop the Proposed Action. IPC documented the CAP and its analysis results in the August 2010 *Boardman to Hemingway Transmission Line Project Siting Study* (IPC 2010b), which is available online at http://www.boardmantohemingway.com/documents.aspx.

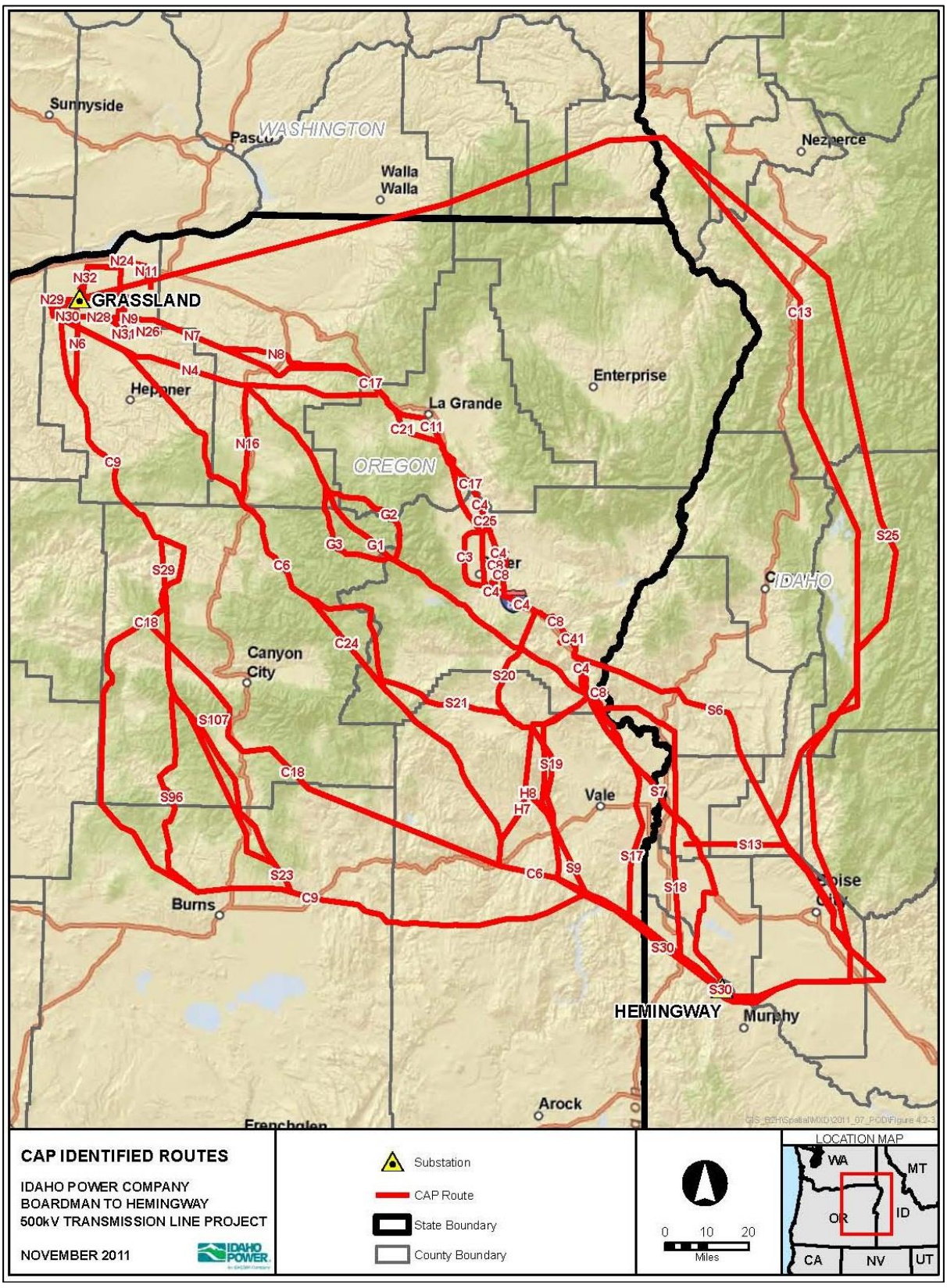

Figure 1-2. CAP-Identified Routes

As a result of the CAP, IPC identified a new Proposed Action and, on June 21, 2010, submitted a revised SF 299 application (2010a) and an updated Preliminary POD (2010c). The BLM reopened public scoping from July through September 2010, during which it took additional comments and conducted additional scoping meetings. At the request of the public, BLM agreed to include comments generated during the IPC-sponsored CAP as scoping comments for the NEPA process. The BLM Revised Scoping Report (BLM 2011a) incorporates the comments received during the IPC-sponsored CAP public outreach.

IPC continued discussion with stakeholders and agencies through 2010 and into 2011, and upon reviewing new information, IPC submitted a revised SF 299 application and Plan of Development (2011a, 2011c) to the BLM, USFS, and Reclamation in February 2011; it submitted another revised SF 299 application and Plan of Development to these agencies in November 2011 (IPC 2011b, 2011d).

1.6.3 Issues Identification

BLM evaluated comments submitted during public scoping and the IPC-sponsored CAP to formulate issue statements. The identified issues address the project area, the project purpose and need, alternative routes, and effects on resources. These issues were considered where applicable based on resources present in the project area.

According to the BLM's NEPA Handbook, H-1790-1 (2008:Section 6.4), "for the purposes of BLM NEPA analysis, an 'issue' is a point of disagreement, debate, or dispute with a proposed action, based on some anticipated environmental effect." The handbook also states that an issue:

- has a cause and effect relationship with the proposed action or alternatives;
- is within the scope of the analysis;
- has not been decided by law, regulation, or previous decision; and
- is amenable to scientific analysis rather than conjecture.

While many issues are identified during the scoping process, not all identified issues warrant analysis in the Draft EIS. Issues identified in scoping warrant inclusion in the Draft EIS if analysis of the issue is necessary to make a reasoned choice among the alternatives; if the issue is associated with a significant direct, indirect, or cumulative impact; or if analysis of the issue is necessary to determine the significance of the impacts.

Over 2,400 comment letters were received during the 2008 and 2010 scoping periods. The following summarizes the main categories of issues identified for analysis in this Draft EIS. A detailed listing of issues analyzed is provided in each subsection of Chapter 3.

Geological Hazards

- Can the soils and geology sustain the construction and operation of the B2H Project?
- A seismic fault and geothermal resources occur in the area. The area is composed of steep canyons, hills, valleys, and mountains that often experience seismic instability. What are the hazards associated with those features?
- What are the hazards posed by rock slides and landslides?
- What would project effects be to cliffs and rock outcrops in the project area?

Soils

- Will removing vegetative cover cause soil erosion during spring runoff?
- What hazards are posed by soils that are highly erosive and unstable?
- Silt loam soil in some portions of the project area is highly wind erodible. What measures will be taken to prevent soil erosion by wind?
- What will be the project effects regarding soil compaction?

Mineral Resources

- What would be the project effects on well sites and the injection field for the Neal Hot Springs Geothermal Project?
- What effects on highly mineralized areas of gold, silver, platinum, opals, diamonds, agates, and other valuable minerals found in Baker County are possible?
- What effect would the project have on mining claims in Owyhee County between Marsing and Murphy?
- Would the B2H Project restrict the ability to extract minerals?

Paleontological Resources

- Would the B2H Project violate the federal Paleontological Resources Preservation Act (16 U.S.C. 470aaa)?
- Would the project adversely affect petrified wood on Lindsey Mountain and in the Kitchen Creek Valley (Oregon)?
- Would the project damage fossils?

Water Resources

- Would ground-disturbing activities affect surface waters, including water quality, quantity, and hydrologic behavior of surface waters?
- Would project construction, operations, and maintenance affect groundwater levels, contamination, or ability to recharge (especially as it relates to potential blasting)?
- Could the project affect drinking water?
- Could the loss of riparian vegetation affect stream temperature?
- Would National or Oregon scenic waterways be affected?

- Are there wetlands in the project area?
- Would there be any negative impacts on wetlands?
- What will the project's effects be on water quality?
- Does IPC need to acquire water rights for the project? If so, from where?
- Will post-construction stormwater runoff have impacts?

Vegetation

- Will the project introduce and spread weeds during construction?
- Will there be any effects on old-growth forests?
- Would there be any effect on endangered and sensitive plant species?
- Where will herbicides be used?

Wildlife

- Would there be any effects on wildlife refuges?
- Would the project disturb wildlife breeding habits?
- Would the project affect threatened, endangered, proposed, or sensitive wildlife species?
- Would wildlife habitat be fragmented?
- Would the route disturb Sage-Grouse habitat?
- Would waterfowl and shorebird migration routes be affected?
- Would the transmission line injure or kill birds that perch on or strike the lines?
- Would bats and their migratory corridors be affected by the transmission line?
- What would the effects of ground disturbance have on pygmy rabbits or the Washington ground squirrel?
- Would the transmission line affect elk, antelope, deer, or bighorn sheep?

Fish

- Will loss of riparian vegetation affect stream temperature, organic input, large woody debris supply, or stream bank stability?
- What in-stream sediment increases from road and right-of-way construction and ongoing road runoff would impact fish?
- Could hazardous substances runoff such as oils and herbicides from construction and maintenance–related activities impact fish?
- Would stream crossing activities like culvert installation impede fish passage?
- Stream crossing structures could impede natural large woody debris, water, or sediment movement.
- What precautions would be taken to prevent invasive aquatic species from being introduced from construction, operations, and maintenance actions?

- How would stream crossings modify fish habitat? Would adding hard bank structures reduce habitat quality?
- What would be the effects of in-stream construction on fish that may be present in the crossing area?
- Will water withdrawals from streams entrain or impinge on fish?
- What effects would blasting near or in streams have on fish?
- Will tribes access to fish be affected by construction, operation and/or decommissioning of the Project?

Land Use

- What forest plan and RMP amendments will be needed?
- Would lands with wilderness characteristics be affected?
- Could the transmission line be constructed only on public lands rather than private lands?
- How much land area will be required for the project?
- Will the project be located in existing utility corridors?
- What kinds of effects would occur on Native American reservations?
- How will the project affect Native American treaty rights?
- What is the potential impact on the Umatilla Indian Reservation? And, would the project affect the tribal use of land?
- Will increased access to the project area result in damage to land and resources?
- What effects will the project have on conservation and special-designation lands like areas of critical environmental concern or suitable wild and scenic rivers?
- Is the project consistent with local county land use plans?

Agriculture

- Will there be negative economic effects on agricultural and ranching operations?
- How much Exclusive Farm Use land would be affected?
- How would the project affect Prime Farmland?
- Would there be changes to irrigation water use?
- What would be the effects of spraying herbicides have on agricultural crops?
- Do transmission lines pose a danger for agricultural workers?

Recreation

- Would there be any effects on recreational facilities?
- Would any recreation activities change?
- Will the project adversely affect the BLM National Historic Oregon Trail Interpretive Center?
- Would there be any changes in hunting and fishing activities?

Transportation

- Could project construction cause an increase in local road traffic or cause lane closures?
- Would the project cause wear and tear on existing roads?
- Would the project create new roads?
- Would construction and operation activities affect highways, bridges, and railroads?
- Would the project disrupt access for emergency service providers, school buses, and mail delivery?
- Would the project affect airports or create hazards to local airplane traffic?
- Would the power lines and towers reduce aircraft routes for recreation, commercial use, or crop management?

Visual Resources

- Would scenic views be impacted by the electrical towers?
- How would the construction of the transmission line impact visual resources near the National Historic Oregon Trail and the Interpretive Center?
- How would the project affect designated scenic byways?
- Does the project conform to existing federal visual resource management objectives?

Cultural Resources

- What will be the effects on places of cultural importance?
- How would the project affect the National Historic Oregon Trail?
- What will the effects be on archaeological resources and historic properties?
- Can adverse effects on archaeological resources and historic properties be avoided?
- What will be the effects on first foods [foods traditionally gathered by Native American tribes]?

Socioeconomics and Environmental Justice

- Would the project reduce property values, and therefore reduce the amount of state and local tax revenues?
- Will the project affect local electricity rates?
- What is the potential for disproportionate adverse impacts on minority and low-income communities?
- How will the project affect local quality of life and business?
- Will there be a loss of income to local businesses?
- Will any of the counties benefit financially?
- How would the project affect the economy of small towns and cities along the transmission line?
- Will there be economic effects on recreation and tourism?
- Will there be economic impacts on the Baker City community and on the community's economic development potential as a premier outdoor recreation and tourism center?

- Will there be impacts on the Blue Mountain Heritage Trails network regional economic development initiative and on the Base Camp Baker branding and economic development program now under way?

Public Health and Safety

- Would there be an increase in fire danger from the proposed electrical lines?
- What are the risks of adverse effects on human health?
- Would electrical fields interfere or cause harm to nearby metal objects, such as vehicles, animal feeders, watering stations, or other equipment and fences?
- Would electrical fields affect or cause harm to people, livestock, or wildlife?
- Will there be any interference from electrical fields to communications or navigation services?

Noise

- Would noise from construction or the electrical line be harmful to people, livestock, and wildlife?
- Would the project cause ground vibrations?

Air Quality and Climate Change

- Will the project be inconsistent with county, state, and federal air quality plans?
- Will emissions of air pollutants exceed what is allowable by state and federal law?
- Will the project cause any adverse impacts on air quality in wilderness areas?
- How much dust will be generated by construction activities? How will it be managed?

Consistent with the BLM NEPA Handbook, the issues identified during internal agency scoping and public scoping helped shape the proposed action and alternatives analyzed in the Draft EIS. The issues guided the gathering of data and helped identify mitigation measures and design features to avoid or minimize adverse effects.

1.7 Relationships to Federal Plans and Programs

1.7.1 BLM Resource Management Plans

Portions of the B2H Project would be located within three BLM planning areas (Baker, Oregon; Southeastern Oregon; and Owyhee, Idaho). Current land use policies for the project area are contained in the 1989 Baker RMP; the 2002 Southeastern Oregon RMP; and the 1999 Owyhee RMP. In 2011, the BLM Vale District Office published a draft revision of the Baker RMP (BLM 2011b) and is in the process of amending the Southeastern Oregon RMP. The Southeastern Oregon RMP, Baker RMP, and Owyhee RMP are also being amended to address Greater Sage-Grouse management (BLM IM 2012-043). Depending on the dates of final approval of the revised Baker RMP and the amended Southeastern Oregon and Owyhee RMPs, the proposed B2H Project would be evaluated for conformance with the provisions of those updated RMPs. The plan amendments to the Baker RMP, the Southeastern Oregon RMP, and Owyhee RMP are considered reasonably foreseeable future actions. Therefore, these plan amendments are considered in the cumulative effects analyses for the affected

resources in Chapter 3 of this Draft EIS. The proposed BLM plan amendments are described in Section 3.4.

The BLM RMPs govern BLM land management practices and site-specific implementation decisions in accordance with FLPMA. These RMPs are comprehensive long-range plans with goals and specific actions for the management, use, development, and protection of the resources and public lands within the planning areas. In accordance with BLM Handbook H-1601-1, *Land Use Planning Handbook* (2005), project proposals that are not in conformance with these RMPs either require a plan amendment, if determined to be warranted by the BLM, or are denied.

This Draft EIS meets the NEPA requirements of any plan amendment process and provides the analysis required to support an amendment to any of the above listed plans, if warranted, that identifies the location of the transmission line as suitable or unsuitable for development with regard to the provisions of each RMP.

1.7.2 USFS Land and Resource Management Plan

A portion or portions of the B2H Project would be located within the USFS Wallowa-Whitman National Forest planning area. This area is managed under the 1990 Wallowa-Whitman National Forest LRMP. The LRMP establishes management objectives for the Wallowa-Whitman National Forest and identifies where and under what conditions a proposed activity or project can proceed.

Proposed land uses that are not in conformance with a forest plan require a plan amendment, if deemed appropriate by the USFS, or are denied. Plan amendments are considered based on plan evaluations and management reviews. The plan amendments to the Wallowa-Whitman National Forest LRMP are described in Section 3.4.

1.7.3 West-Wide Energy Corridors

In response to Section 368 of the Energy Policy Act of 2005, the BLM and USFS participated in a Programmatic EIS for the designation of energy corridors on federal land in the 11 western states, commonly known as West-Wide Energy Corridors. The U.S. Department of Energy and the BLM were the lead federal agencies, and the USFS and other agencies were cooperating agencies. The Final Programmatic EIS was published on November 28, 2008 (DOE and BLM 2008), and two RODs were signed on January 14, 2009 (BLM 2009; USFS 2009).

The RODs designated energy corridors and provided guidance, best management practices, and mitigation measures (called “interagency operating procedures” in the RODs) to be used where linear facilities are proposed to cross federally managed lands. The RODs amended 92 relevant land management plans to include those new corridors identified in the Programmatic EIS. Designation of corridors does not require their use, nor does designation exempt the federal agencies from conducting an environmental review on each project. While the RODs amended the relevant land management plans to add corridors, they did not necessarily amend underlying land allocations. In the B2H Project area, the RODs designated West-Wide Energy Corridor 250-251 on Federal land, which generally follows Interstate 84 from the Idaho-Oregon border northwest to Baker City, and West-Wide Energy

Corridor 11-228 on Federal land, which extends from the Idaho-Oregon border south of Nyssa and crosses the Owyhee River near the dam. A settlement agreement filed July 3, 2012, in the federal case *The Wilderness Society et al. v. United States Department of Interior et al.*, No. 3:09-cv-03048-JW (N.D. Cal.), provides for periodic review of West-Wide Energy Corridors identified in the Final Programmatic EIS. Discussion regarding the relationship of the West-Wide Energy Corridors to the B2H Project is included in Chapter 2. There are no Corridors of Concern described in the July 3, 2012 settlement agreement within the B2H Project.

The final West-Wide Energy Corridor Record of Decision contains interagency operating procedures which were developed under the Section 368 Corridor program (BLM 2009; USFS 2009). These operating procedures were adopted as part of the BLM RMP amendments incorporated in the BLM's ROD as practicable means to avoid or minimize environmental harm from future project development that may occur within the designated corridors. IPC has incorporated a number of measures comparable to the interagency operating procedures into the B2H Project as design features; these operating procedures also informed the development of construction and operation standards for the B2H Project (see Appendix C). The 2012 settlement agreement provides for periodic review and update of interagency operating procedures; therefore, the operating procedures identified for implementation in the Final EIS for the B2H Project may differ from those presented in this Draft EIS for this project.

1.7.4 Government-to-Government Tribal Consultation

The BLM, as the lead agency, is responsible for compliance with laws, executive orders and memoranda, treaties, departmental policies, and other mandates regarding its legal relationships with and responsibilities to federally recognized Native American Tribes. This government-to-government relationship applies to all federal agencies and is memorialized in the U.S. Constitution, federal laws and case law and policies and executive orders, including but not limited to the National Historic Preservation Act; NEPA; the Archaeological Resources Protection Act; the American Indian Religious Freedom Act; Religious Freedom Restoration Act; the Native American Graves Protection and Repatriation Act; the Religious Freedom Restoration Act; and Executive Orders 12875 (Enhancing the Intergovernmental Partnership), 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), 13007 (Indian Sacred Sites), and 13175 (Consultation and Coordination with Indian Tribal Governments).

In compliance with this body of law, consultation with tribes addresses Tribal concerns and the potential effects of the proposed action and alternatives on treaty rights, land use, cultural and traditional resources, and other Tribal issues. Tribal concerns and issues are addressed in relevant Chapter 3 subsections.

Specific guidance includes but is not limited to formal government-to-government consultation, treatment of discoveries of burials and Native American objects, treatment of historic properties and archaeological sites, and treatment of traditional cultural properties, sacred sites, and landscapes. Tribes that have been contacted to date and invited to participate in government-to-government consultation are listed in Appendix A of this Draft EIS.

1.7.5 National Historic Preservation Act, Section 106 Consultation

Consultation under Section 106 addresses historic properties—that is, cultural resources eligible for listing in the National Register of Historic Places. Section 106 consultation is underway between the BLM and the State Historic Preservation Officers of Oregon, Idaho, and Washington and the Tribal Historic Preservation Officers with lands affected by the project. In addition, Section 106 of the NHPA consultation is also occurring with Native American Tribes who do not have Tribal Historic Preservation Officers and with other identified consulting parties, including the Advisory Council on Historic Preservation, Bonneville Power Administration, United States Forest Service, U.S Fish and Wildlife Service, U.S. Department of the Navy, National Park Service, Oregon Department of Energy, Idaho Power Company, Oregon California Trails Association, Oregon Historic Trails Advisory Council, and members of the public. .Through consultation with these parties, a Programmatic Agreement is under development for the project. The Programmatic Agreement is a legally binding document that describes the BLM's process of identifying and evaluating impacts on historic properties, and the plans for resolving adverse effects, in accordance with 36 CFR 800.14(b) and 36 CFR 800.16(t).

Many natural and cultural resources important to Native American tribes may not be eligible for listing and thus fall outside the purview of Section 106 consultation. Contemporary use of cultural resources sites, in particular, is an issue that may fall outside the parameters of Section 106 consultation. These issues are addressed by the BLM through government to government consultation with the Tribes and are addressed in this document in relevant resource subsections of Chapter 3.

1.7.6 Endangered Species Act, Section 7 Consultation

Consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration may be required for compliance with Section 7 of the Endangered Species Act. The BLM must analyze the effects of the proposed B2H Project on species listed or proposed for listing under this act, as well as on their designated critical habitat. Although the USFS is responsible for conducting Section 7 consultation for actions on USFS lands, the BLM will serve as the lead federal agency for consultation. Special status species, including proposed, listed, and candidate species, identified for the B2H Project area are discussed in Chapter 3 of this Draft EIS.

Before release of the Final EIS, a biological assessment (BA) of the Agency Preferred Alternative will identify the nature and extent of project-related effects and will recommend mitigation measures to reduce potential adverse impacts to ESA species. If the BLM concludes that the action may affect, but is not likely to adversely affect, a listed or proposed species and/or its critical habitat, it will submit a BA to the USFWS and NMFS with a request for concurrence through informal consultation. However, if there are potential adverse effects on listed or proposed species and/or critical habitats, the BLM would submit a BA to the USFWS and NMFS with a request for formal consultation.

Following an analysis of effects based on the BLM's BA and other available information, the USFWS and NMFS may provide biological opinions, if needed. The biological opinion would be released before

signing of the ROD. The biological opinion would include a biological conclusion about whether or not the Agency Preferred Action would jeopardize the continued existence or recovery of the species. Similarly, the USFWS and NMFS would also make biological conclusions about whether or not the Agency Preferred Action would destroy or adversely modify critical habitat for listed species. The USFWS and NMFS biological opinions would contain reasonable and prudent measures and associated nondiscretionary terms and conditions intended to minimize the level of incidental "take" of proposed or listed species caused by the project. Mitigation measures identified in the biological opinions would be incorporated into the terms and conditions of the BLM right-of-way grant, USFS special-use authorization, the Records of Decision, and IPC's POD.

1.8 Major Authorizing Laws, Regulations, and Policies

FLPMA, the National Forest Management Act of 1976, and all the accompanying implementing regulations provide the legal framework within which the BLM and USFS manage public lands and assess the effects of their management actions. Review and possible authorization of the B2H Project is also subject to requirements for consistency and conformance with a number of other applicable federal laws, regulations, and policies. Table 1-1 summarizes most of the other federal laws, regulations, and policies relevant to the B2H Project.

Table 1-1. Summary of Other Applicable Federal Laws, Regulations, and Policies

Relevant Authority	Description
American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996)	This act protects Native American religious practices, ethnic heritage sites, and land uses.
Antiquities Act of 1906 (16 U.S.C. 431–433)	This act protects historic and prehistoric remains and sites of scientific value on federal lands; establishes criminal sanctions for unauthorized destruction or removal of antiquities; authorizes the President to establish national monuments by proclamation; and authorizes scientific investigation of antiquities on federal lands, subject to permit and regulations.
Archaeological Resources Protection Act (16 U.S.C. 470aa to 470ee)	This act provides felony-level penalties for the unauthorized excavation, removal, damage, alteration, or defacement, or the attempt to do so, to any archaeological resource more than 100 years old on public lands or Indian lands (not restricted to resources eligible for the National Register of Historic Places). It prohibits the sale, purchase, exchange, transportation, receipt, or offering of any archaeological resource obtained from public lands or Indian lands in violation of any provision, rule, regulation, ordinance, or permit under the act or under any federal, state or local law.
Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668–668d)	This act prohibits anyone without a permit issued by the Secretary of the Interior from "taking" bald or golden eagles. Taking includes killing, molesting, or disturbing the birds, their nests, or their eggs.
Clean Air Act (42 U.S.C. 7401 et seq., as amended)	This act regulates air emissions and pollutants from area, stationary, and mobile sources to improve air quality. It authorizes the Environmental Protection Agency to establish National Ambient Air Quality Standards to protect public health and the environment.

Relevant Authority	Description
Clean Water Act (33 U.S.C. 1251 et seq.)	This act establishes structure for regulating quality standards for surface waters and requires states to set standards to protect water quality, including regulation of stormwater and wastewater discharges during construction and operation of a facility.
Clean Water Act Section 404(b)(1) Guidelines (40 CFR 230)	These guidelines are the substantive environmental standards by which all Section 404 permit applications are evaluated. The guidelines fundamentally stipulate that discharges of dredged or fill material into waters of the United States, including wetlands, should not occur unless it can be demonstrated that such discharges, either individually or cumulatively, will not result in unacceptable adverse effects on the aquatic ecosystem.
Endangered Species Act of 1973 (16 U.S.C. 1513 et seq.)	This act federally protects threatened and endangered plants, invertebrates, fish, and wildlife through listing; requires consultation with the U.S. Fish and Wildlife Service on federal projects (known as Section 7 consultation); prohibits the "taking" of listed species; and provides for permits to allow the "incidental taking" of listed species.
Energy Policy Act of 2005 (42 U.S.C. 13201)	This act establishes a comprehensive, long-range national energy policy, including both traditional energy production and newer energy technologies and conservation.
Engineering and O&M Guidelines for Crossings: Bureau of Reclamation Water Conveyance Facilities (Canal, Pipelines, and Similar Facilities) (Bureau of Reclamation April 2008)	These guidelines are for Reclamation offices to follow when reviewing the engineering and operations and maintenance factors in outside entity requests for authorization to cross Reclamation lands that contain project features such as levees, canals, pipelines, or other water conveyance facilities owned or administered by Reclamation. These engineering and construction recommendations are minimum guidelines for Reclamation use in reviewing and evaluating.
Executive Order 11593, Protection and Enhancement of the Cultural Environment (May 6, 1971)	This order identifies several actions required of federal agencies to contribute to the protection and enhancement of the cultural environment.
Executive Order 11988, Floodplain Management (May 24, 1977, as amended)	This order requires each federal agency to avoid, to the extent possible, impacts associated with the occupancy and modification of floodplains and to avoid supporting floodplain development when there is a practicable alternative.
Executive Order 11990, Protection of Wetlands (May 24, 1977)	This order directs each federal agency to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands in carrying out its responsibilities.
Executive Order 12088, Federal Compliance with Pollution Control Standards; amended by Executive Order 12580, Superfund Implementation (October 13 and February 23, 1987)	This order requires each federal agency to ensure that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to federal facilities and activities under the control of the agency.
Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994)	This order directs each federal agency to identify and address any disproportionately high and adverse human health or environmental effects that its programs, policies, and activities may have on minority and low-income populations.

Relevant Authority	Description
Executive Order 13007, Indian Sacred Sites (May 24, 1996)	This order directs federal land management agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites.
Executive Order 13112, Invasive Species (February 3, 1999)	This order requires federal agencies to take actions to prevent the introduction and spread of invasive species; to provide for invasive-species control; and to minimize the economic, ecological, and human health impacts of invasive species.
Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (November 9, 2000)	This order reiterates the requirement for regular and meaningful government-to-government consultation between the federal government and tribal officials.
Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds (January 10, 2001)	This order outlines a collaborative approach to promote the conservation of migratory bird populations and directs agencies to take certain actions to further implement the migratory bird conventions, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and other pertinent statutes.
Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2010)	This order directs federal agencies to identify impacts that their actions may have on the supply, distribution, or use of energy in the United States.
Executive Order 13212, Actions to Expedite Energy-Related Projects (May 18, 2010)	This order directs federal agencies to expedite their reviews of permits or other actions for energy-related projects, to accelerate the completion of those projects.
Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management (January 24, 2007)	This order instructs federal agencies to conduct their environmental, transportation, and energy-related activities in a manner that is environmentally, economically, and fiscally sound; integrated; continuously improving; efficient; and sustainable. The order sets goals in the following areas: energy efficiency, acquisition, renewable energy, toxic chemical reduction, recycling, sustainable buildings, electronics stewardship, fleets, and water conservation.
Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (October 5, 2009)	This order sets forth policies and goals to establish an integrated strategy toward sustainability in the federal government and to make reduction of greenhouse-gas emissions a priority for federal agencies.
Executive Order 13604, Improving Performance of Federal Permitting and Review of Infrastructure Projects (March 28, 2012)	This order identifies steps for federal agencies to execute to ensure efficient Federal permitting and review processes that address the health, safety, and security of communities and the environment while supporting vital economic growth through infrastructure projects.
Federal Aviation Act of 1958 (14 CFR 77)	This act implements standards for determining obstructions in navigable airspace, set forth requirements for notice to the Federal Aviation Administration of certain proposed construction or alteration activities, and provide for aeronautical studies of obstruction to air navigation to determine their effects on the safe and efficient use of airspace.

Relevant Authority	Description
Federal Noxious Weed Act of 1974, as amended	This act established a federal program to control the spread of noxious weeds. The Secretary of Agriculture is authorized to designate plants as noxious weeds. The movement of all such weeds in interstate or foreign commerce is prohibited, except under permit.
Farmland Protection Policy Act (Agriculture and Food Act of 1981, Title XV, Subtitle I, 1539–1549)	This act is intended to minimize the impact of federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It ensures that, to the extent possible, federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland.
Fish and Wildlife Coordination Act (16 U.S.C. 661-667e; the Act of March 10, 1934; Ch. 55; 48 Stat. 401),	The Act of March 10, 1934, authorizes the Secretaries of Agriculture and Commerce to provide assistance to and cooperate with Federal and State agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as to study the effects of domestic sewage, trade wastes, and other polluting substances on wildlife.
Hazardous Materials Transportation Guides (43 CFR 171–177 and 350–399)	This regulation governs the transportation of hazardous materials and related guidelines.
Greater Sage-Grouse Interim Management Policies and Procedures (BLM Instruction Memorandum No. 2012-043)	Provides interim conservation policies and procedures to be applied to ongoing and proposed authorizations and activities that affect the Greater Sage-Grouse and its habitat.
Draft – Regional Mitigation, Manual Section 1794 (BLM Instruction Memorandum No. 2013-142, Interim Policy)	Manual Section 1794 provides policy, procedures, and instructions for regional mitigation strategies, regional mitigation planning, and mitigation implementation.
Migratory Bird Treaty Act of 1918 (16 U.S.C. 703–711)	This act makes it unlawful to take or possess any migratory bird (or any part of such migratory bird, including active nests) as designated, unless permitted by regulation (for example, duck hunting).
National Forest Management Act of 1976 (P.L. 94-588)	The National Forest Management Act (NFMA) of 1976 (P.L. 94-588) is a United States federal law that is the primary statute governing the administration of national forests and was an amendment to the Forest and Rangeland Renewable Resources Planning Act of 1974, which called for the management of renewable resources on national forest lands.
National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.)	This act established the National Register of Historic Places for listing historic properties that are significant in American history, architecture, archaeology, and culture. Section 106 requires federal agencies to take into account the effect of a proposed undertaking on resources listed or eligible for listing on the National Register of Historic Places.
National Trails System Act (P.L. 90-543, as amended through P.L. 111-11, March 30, 2009)	The Act created a series of National trails "to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation." Specifically, the Act authorized three types of trails: the National Scenic Trails, National Recreation Trails and connecting-and-side trails.

Relevant Authority	Description
Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001–3002)	This act established additional requirements for ownership and control of Native American cultural items, human remains, and associated funerary objects. It also establishes requirements for the treatment of Native American human remains and cultural objects found on federal land. This act further provides for the protection, inventory, and repatriation of Native American human remains, objects of cultural patrimony, sacred objects, unassociated funerary objects, and associated funerary objects.
Paleontological Resources Preservation Act of 2009 (Public Law 111-011)	This act authorizes the Secretaries of the Interior and Agriculture to manage the protection of paleontological resources on federal lands.
Presidential Memorandum—Federal Leadership on Energy Management (December 2013)	This memorandum establishes new goals for renewable energy and energy-management practices.
Presidential Memorandum—Modernizing Federal Infrastructure Review and Permitting Regulations, Policies, and Procedures (May 2013)	This memorandum directs agencies to advance the goal of cutting timelines for major infrastructure projects in half while improving outcomes for communities and the environment.
Presidential Memorandum—Transforming Our Nation's Electric Grid Through Improved Siting, Permitting, and Review (June 2013)	This memorandum directs agencies to continue to identify and designate energy right-of-way corridors most suitable for siting transmission projects.
Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901–1908)	This act establishes and reaffirms the national policy and commitment to inventory and identify current public rangeland conditions and trends; to manage, maintain, and improve the condition of public rangelands in accordance with management objectives and the land use planning process; and to continue to protect wild free-roaming horses and burros from capture, branding, harassment, or death while simultaneously facilitating the removal and disposal of excess wild free-roaming horses and burros that pose a threat to themselves, their habitat, and to other rangeland values.
Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.)	This act authorizes the Environmental Protection Agency to control hazardous waste from "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. This act sets forth a framework for managing nonhazardous solid wastes. The 1986 amendments enable the Environmental Protection Agency to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.
Rivers and Harbors Act of 1899, Section 10 (33 U.S.C. 403)	The U.S. Army Corps of Engineers regulates work in waters of the United States. Section 10 of this act requires prior approval for any work that occurs in or over "navigable waters" of the United States or that affects the course, location, condition or capacity of such waters.
Safe Drinking Water Act Amendments of 1996 (42 U.S.C. 300f)	This act and its amendments emphasize preventing contamination through source water protection and enhanced water system management to better provide for the sustainable use of water by our nation's public water systems.

Relevant Authority	Description
Use of Bureau of Reclamation Land, Facilities, and Waterbodies (43 CFR Part 429)	This regulation implements the processes for which Reclamation authorizes or denies possession or occupancy of any portion of, and the extraction or disturbance of any natural resources from Reclamation land, facilities, or waterbodies.
Wild and Scenic Rivers Act of 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.)	This act established a National Wild and Scenic Rivers System for rivers that possess "outstandingly remarkable" values so that their free-flowing condition could be preserved. This act designated the initial components of this system and prescribed how future additions to the system would be evaluated.

1.9 NONFEDERAL LAWS, REGULATIONS, AND PLANS

In addition to the federal laws, regulations, policies, and plans described above, state and local laws, and plans are relevant to the B2H Project.

1.9.1 OREGON ENERGY FACILITY SITING COUNCIL

In order to construct and operate an energy facility in the state of Oregon, an energy project developer must obtain a site certificate from the Oregon Energy Facility Siting Council (EFSC) (Oregon Revised Statutes (ORS) 469.300(11)(a)). ORS 469.300 to 469.520 provide the statutory requirements for a site certificate application and EFSC's evaluation process. EFSC has also adopted rules at Oregon Administrative Rules (OAR) Chapter 345 that govern the site certificate application process and decision. In order to issue a site certificate, EFSC must conclude that the proposed facility complies with applicable standards set forth in the EFSC rules at OAR Chapter 345, Divisions 22, 23 and 24. The Oregon Department of Energy serves as staff to EFSC, and assists in the site certificate process by evaluating the application, drafting proposed findings and conditions, and making recommendations to EFSC. When EFSC issues a site certificate, it binds state and local jurisdictions to EFSC's action and requires those entities to issue permits, licenses, and certificates for construction and operation of the facility that are addressed in the site certificate without hearings or further proceedings, and subject only to conditions set forth in the site certificate. Pursuant to 469.300(11)(a)(C), the definition of "energy facility" includes a high-voltage transmission line (230 kV or more) that is more than 10 miles long and located in more than one city or county in Oregon. The B2H Project meets this definition. Therefore, prior to construction, EFSC must find that the B2H Project complies with applicable EFSC siting standards and issue a site certificate for the B2H Project.

1.9.2 GREATER SAGE-GROUSE CONSERVATION ASSESSMENT AND STRATEGY PLAN FOR OREGON

This conservation assessment and strategy plan, developed by the Oregon Department of Fish and Wildlife (Hagen 2011), provides biological recommendations for long-term conservation of Greater Sage-Grouse in Oregon, using the best available science. The plan is intended to inform federal, state, and local land-use decision makers of the biological consequences of various actions on Greater Sage-Grouse, but it is not intended to dictate land management decisions.

1.9.3 COUNTY LAND USE PLANS

Since 1973, Oregon has maintained a strong statewide program for land use planning. The program consists of 19 statewide planning goals that express the State's policies on land use and related topics, such as citizen involvement, housing, and natural resources. Most of the goals are accompanied by guidelines, which are suggestions, not mandates, about how a goal may be applied. Oregon's statewide goals are achieved through local comprehensive planning by Oregon counties. These county plans must be consistent with the statewide planning goals. The EFSC will consider county plans in its evaluation of IPC's application for a site certificate.

Idaho counties also prepare comprehensive land use plans. Table 1-2 identifies the land use plans of the affected Oregon and Idaho counties, each plan's purpose, and how each plan addresses transmission line development.

Table 1-2. Relevant Oregon and Idaho County Plan Provisions

County Plan	Purpose of Plan	Guidance on Transmission Line Development
Morrow County, Oregon, Comprehensive Plan (1986, as amended)	To establish goals for the desired development and management of the County, and to identify objectives for implementation to achieve the County's goals.	The goal of the plan is to develop a timely, orderly, and efficient arrangement of public services and utilities to serve as a framework for future development. With regard to utility facilities, the plan provides that substations should be centrally located to the service area, and should be planned and designed to minimize negative impacts on nearby properties and the public. The plan also provides that all utility lines and facilities should be located on or adjacent to existing public or private rights-of-way or through "generally unproductive lands to avoid dividing existing farm units."
Umatilla County, Oregon, Comprehensive Plan (1983, as amended)	The purpose of the plan is to identify the character of growth and change in Umatilla County and provide the basis for coordinated public and private action to guide this growth. It seeks to ensure that decisions related to land use are consistent with policies expressed through the public planning process.	The plan provides that, 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 that transmission lines should be located within existing corridors as much as possible.

County Plan	Purpose of Plan	Guidance on Transmission Line Development
Union County, Oregon, Land Use Plan (1979, as amended)	The plan has three main purposes: (1) to guide future land use decisions by local citizens and governing officials in an objective process, (2) to provide a basis for administering zoning and subdivision ordinances, and (3) to meet statutory requirements for land use planning.	The goal for public facilities and services is to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as the framework for urban and rural development. The plan policy provides that (1) development will be approved only where existing capacity or planned capability of public or private utilities and facilities can accommodate such, unless the development provides funding for the increased services which will be needed, (2) public facilities and services will be encouraged to be designed and maintained so as to be as visually attractive as possible, and (3) underground installation of utilities will be encouraged and that new utility improvements will be located in existing rights-of-way wherever possible.
Baker County, Oregon, Comprehensive Plan (1983, as amended) *Baker County Natural Resources Plan* (2010)	The purpose of the 1983 Comprehensive Plan is to establish land use goals and policies as a basis for all decisions and actions related to land use, and to ensure an adequate factual base for such decisions. The purpose of the 2010 Natural Resources Plan is to provide a framework to plan and coordinate decisions related to the county's natural resources, and to provide meaningful input into state and federal agency decisions that affect those natural resources.	The Comprehensive Plan states that the public facilities services goal is to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for rural development. Regarding electrical transmission lines, such as the B2H Project, the plan provides for electrical energy distribution and telecommunications services consistent with the applicable public utility laws and other applicable state and federal laws.
Malheur County, Oregon, Comprehensive Plan (1982, as amended)	The purpose of the plan is to identify the present and future needs of Malheur County and to guide its future growth and development. The plan is meant to influence and be responsive to change rather than to restrict opportunities for growth. The plan addresses all phases of land use and resource utilization, including agriculture, forestry, housing, transportation, public services, recreation and energy.	The plan provides that utility transmission lines should avoid adverse impacts on agricultural operations in the entire agricultural area. The plan provides that the protection should prioritize High Value Farmland and Natural Resources Conservation Service soil classes I through III.
Owyhee County, Idaho, Comprehensive Plan (2002, as amended)	The purpose of the plan is to preserve and protect the historic customs, traditions, and way of life unique to Owyhee County, consistent with a reasonable and orderly rate of growth and development and with the protection of private property rights. The plan also provides a guide and framework to provide for ". . . a reasonable and sound land development, a safe and healthy living environment, and a successful economic climate while at the same time conserving the best of the historic ranching and farming tradition and way of life."	No plan goals or policies directly address utilities or transmission line development.

1.10 Required Permits, Licenses, and Authorizations

In addition to the applications for a BLM right-of-way grant and USFS special-use authorization, the B2H Project would require a number of additional permits and approvals from local, state, and federal agencies. Table 1-3 summarizes federal authorizations that could be necessary for the construction of the B2H Project. The federal authorizations would be granted once the Records of Decision are made.

Table 1-3. Summary of Federal Environmental Permitting Requirements

Required Permit/Review for Approval	Description
BLM right-of-way grant	BLM would approve the construction, operation, and maintenance of the B2H Project on BLM-administered lands through issuance of a right-of-way grant once the ROD is signed.
BLM Cultural Resource Use Permit	BLM would approve conducting surface archaeological survey work on public lands.
BLM Issuance of Archaeological Excavation Permit	BLM would approve the excavation of archaeological resources on public lands.
USFS special-use authorization	USFS would approve the construction, operation, and maintenance of the B2H Project on National Forest System lands through issuance of a written authorization.
USFS Permit for Archaeological Investigations	USFS would approve conducting surface archaeological survey work and the excavation of archaeological resources on National Forest System lands.
U.S. Department of the Navy use authorization permit	Department of the Navy may need to approve an use authorization permit to access the U.S. Navy, Naval Weapons Systems Training Facility Boardman and military flight avigation easements.
Reclamation use authorization	Reclamation would approve a consent-to-use for portions of the transmission line that cross lands or assets under Reclamation jurisdiction, including lands withdrawn for Reclamation Project purposes in Oregon and Idaho.
USACE Section 404 permit (conditional, only if waters of the United States are affected)	The USACE would issue a permit under Section 404 of the federal Clean Water Act to discharge materials into jurisdictional waters of the United States. If the proposed project or any ancillary facilities are constructed in jurisdictional waters, USACE would issue a Section 404 permit.
USACE Section 10 permit	The USACE would issue a permit for activities that would cross or occur in, under, or over navigable waters.

Table 1-4, Table 1-5, and Table 1-6 summarize state and local environmental permitting requirements that would likely be required for approval of the proposed project facilities in Oregon and Idaho. Oregon state and local government permits that will be substantively addressed within the EFSC process are also listed (Table 1-4). These lists include only permit applications that have a significant environmental component.

Table 1-4. Summary of Oregon Environmental Permitting Requirements

Agency/Permit	Required Permit or Review for Approval	Description
Energy Facility Siting Council (EFSC)		
Energy Facility Site Certificate	Pursuant to Oregon Revised Statutes (ORS) 469.300, and 469.320(1), transmission lines of 230 kilovolts or more that are more than 10 miles long and that are to be constructed in more than one city or county in the state must apply for and receive an Energy Facility Site Certificate.	In order to issue a site certificate, the EFSC must find that the B2H Project complies with the Oregon Facility Siting statutes, beginning at ORS 469.300, and that the proposed facility meets the standards adopted pursuant to ORS 469.501. If the proposed facility meets the standards, EFSC must issue the site certificate. If the facility does not meet one or more of the standards, EFSC cannot issue the site certificate unless the applicant can show that "the overall public benefits of the facility outweigh the damage to the resources protected by the standards the facility does not meet" as described in Section (2) of Oregon Administrative Rules (OAR) 345-022-0000. In making the decision, EFSC considers not only its own standards but also the applicable rules and ordinances of state and local agencies. EFSC's decision is binding on all state and local agencies whose permits are addressed in EFSC's review. These agencies must issue necessary permits and licenses, subject only to the conditions adopted by EFSC. EFSC's decision does not apply to federally-delegated state issued permits.
Oregon Public Utility Commission (OPUC)		
Acknowledgement of Idaho Power Company's (IPC's) Integrated Resource Plan (IRP), including the B2H transmission line	According to OAR 345-023-0020(2), IPC can meet the EFSC's Need for Facility Standard if OPUC acknowledges IPC's IRP.	Pursuant to OPUC Orders Nos. 89-507 and 07-002, IPC is required to file a biannual IRP for acknowledgement by the OPUC. OPUC conducts a review of the IRP, which includes opportunities for public comment. The IRP is the investor-owned utility's comprehensive plan that describes the utility's projected need for additional electricity and the resources necessary to meet that need while balancing reliability, environmental concerns, efficiency and low cost. OPUC would acknowledge IPC's addendum to its Acknowledged IRP to provide the determination of "need" to support issuance of a Site Certificate by EFSC.
Certificate of Public Convenience and Necessity (CPCN)	A CPCN is not required for the project but may be requested by IPC.	A CPCN, if issued by OPUC, would provide IPC with the power of eminent domain to acquire private lands for construction of the project.

Agency/Permit	Required Permit or Review for Approval	Description
Oregon Department of Environmental Quality (ODEQ)		
Notice of Intent to Construct	ODEQ must issue a permit for all new construction of air emissions sources before an owner or operator is allowed to begin construction.	Under the federal Clean Air Act, a state program must include the opportunity for the state agency to review all new construction of air emissions sources before an owner or operator is allowed to begin construction. This applies to new sources and to changes or modifications of existing sources. Construction of equipment that will cause air pollution, or installation of emissions control devices, cannot commence without notification to the ODEQ. Changes that involve new construction or modifications of stationary sources of air pollution control equipment are divided into Types 1, 2, 3, and 4. Detailed discussions of the types are described in OAR 340-210-0225.
National Pollutant Discharge Elimination System Drainages Associated with Construction Activity (federally delegated from the EPA to the ODEQ)	The ODEQ would evaluate the potential for stormwater discharges associated with construction of the proposed project, and determine whether to issue a permit to allow stormwater discharge from the project site before construction begins.	This permit will be needed for stormwater management associated with construction. A permit requires a land use compatibility statement signed by the local land use authority and an ODEQ-approved erosion and sediment control plan before beginning any on-site activities. The permit provides for a public review process for those projects that disturb 5 acres or more of land. If the application is approved, ODEQ assigns the source to the appropriate stormwater discharge general permit.
Clean Water Act Section 401 Water Quality Certification (federally delegated; ODEQ is the responsible agency)	Section 401 requires that any application for a federal license or permit to conduct any activity that may result in a discharge to waters of the state must provide the licensing or permitting agency a certification from the state that the activity complies with state water quality requirements and standards. The Section 404 permits triggers the 401 certification requirement.	The proposed project may be required to incorporate protective measures into its construction and operational plans, such as bank stabilization, treatment of stormwater runoff, spill protection, and fish and wildlife protection. A 401 Water Quality Certification is necessary if activities would place fill into waters of the United States.
Land use compatibility determination	Change from current land use to allow transmission lines and facilities	The land use compatibility determination will be addressed as part of the EFSC Application for Site Certification permitting process. This determination is required for issuance of ODEQ Permits.

Agency/Permit	Required Permit or Review for Approval	Description
Oregon Water Resources Department		
Surface water permit	Existing water use	This permit would be required if an existing surface-water-use permit is used.
Oregon Department of State Lands (DSL)		
Removal/fill permit	This permit is required if 50 cubic yards or more of material would be removed, filled, or altered within natural wetlands and waterways. This permit is also required for the removal or fill of any material regardless of the number of cubic yards affected in a stream designated as essential salmon habitat or designated as a scenic waterway.	A permit application to the Oregon DSL must be submitted for the B2H Project. After a comment period that includes notifications to resource agencies, interest groups, local governments, and neighbors, the DSL determines whether the proposed B2H Project will meet permit standards. Typically the permit application is submitted jointly to both the DSL and the U.S. Army Corps of Engineers, although each agency conducts an independent review according to their respective authority.
Easement for construction on Department of State Lands—state-owned lands	Encroachment on, through or over state-owned lands. Applicable to development on state-owned land. Written authorization in the form of an easement from the DSL is required prior to development.	The DSL may grant easements or leases for roads and electric lines, and for other purposes.
Oregon Department of Fish and Wildlife		
Fish and Wildlife Coordination Act of 1934, as amended 1946, 1958, 1977 (U.S.C. 661–667e)	Potential Project impacts to fish and wildlife species and their habitat would require coordination with Oregon Department of Fish and Wildlife. Oregon habitat standards must be met.	Oregon Department of Fish and Wildlife will coordinate with BLM, U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration Marine Fisheries Service on fish and wildlife issues/impacts associated with the project. Oregon Department of Fish and Wildlife will provide comment and oversight through the Oregon EFSC permitting process.
Fish Passage Waiver or Exemption	The owner or operator of an artificial obstruction located in waters in which native migratory fish are currently or were historically present must address fish passage requirements prior to certain trigger events. Laws regarding fish passage may be found in ORS 509.580 through 910 and in OAR 635, Division 412.	Addressing fish passage requirements entails the owner/operator obtaining from Oregon Department of Fish and Wildlife (1) approval for a passage plan when passage will be provided, (2) a waiver from providing passage, or (3) an exemption from providing passage. It is the intent of state fish passage laws (ORS 509.585(1)) that, in most cases, Option 1 should be sought and passage should be provided at the artificial obstruction. Road culverts are potential obstructions.

Agency/Permit	Required Permit or Review for Approval	Description
Oregon Department of Parks and Recreation–Historic Preservation Section		
National Historic Preservation Act Section 106	Oregon State Historic Preservation Office (SHPO) has regulatory review authority of federal Undertakings under 36 CFR 800, the regulations implementing Section 106 of the National Historic Preservation Act.	Oregon SHPO is a signatory to the project Programmatic Agreement developed for the Undertaking and will review determinations of NRHP eligibility and project effect to historic properties per 36 CFR 800.2.
Archaeological permitting on state and private lands	Oregon SHPO issues archaeological permits for ground disturbing archaeological field investigations on non-federal (state and private) lands.	For archaeological investigations involving subsurface disturbance (testing, data recovery) SHPO would need to issue an archaeological permit pursuant to ORS 390.235 (1)(a) and OAR 736-051-0080.
Oregon Department of Transportation		
Highway Division—variance permit for oversized/overweight loads	A permit from the Oregon Department of Transportation would be required for transportation of over-size or over-weight materials or equipment during construction.	In addition to other requirements for operating in Oregon, such as registration requirements, motor carriers transporting oversize or overweight loads that originate in Oregon must obtain a variance permit and the driver must have possession of that permit before transport.
Oregon Office of State Fire Marshal		
Permit to install flammable/ combustible liquid tanks	The State Fire Marshal would review all plans for storage of combustible fluids.	Before installation of aboveground tanks over 1,000 gallons for the storage of flammable or combustible liquids, applicants must prepare plans showing compliance with the Uniform Fire Code and submit the plans for review by the State Fire Marshal.
Hazardous materials survey	Use or storage of hazardous substances would be reported to the Fire Marshal.	Businesses that use or store hazardous substances are required to report such substances annually to the Fire Marshal and pay hazardous substance possession fees. If the construction period is less than 2 years, no construction reporting would be necessary.
Emergency response notification and reporting	The Fire Marshal may require an emergency plan for use or storage of established quantities of “extremely hazardous substances.”	Emergency planning notification and reporting may be required under the Emergency Planning and Community Right-to-Know Act depending on the quantities of “extremely hazardous substances” present at the energy facility site. If any listed substance is present at the site in an amount over the threshold quantities, initial notification (to local emergency/fire agency) is required within 60 days of handling threshold quantities.

Agency/Permit	Required Permit or Review for Approval	Description
Oregon Department of Forestry		
Notification to the State Forester—Types of Operations (OAR 629-605-0140)	IPC would be required to notify the Oregon Department of Forestry of proposed practices for clearance and maintenance of right-of-way in forested areas.	The operator, landowner, or timber owner is required to comply with the practices described in the forest practice statutes and rules unless approval has been obtained from the State Forester for a plan for an alternate practice that is designed to result in the same effect or to meet the same purpose or provide equal or better results as those practices described in statute or administrative rule.
Oregon Counties		
Land Development Services	Each Oregon county has a conditional use permitting process for transmission facilities.	EFSC review would issue a conditional-use permit and other required zoning permits under the Path B option. A conditional-use permit would be required for any facilities located outside of lands zoned for industrial or commercial uses.
Land Development Services	Utility permits would be required for crossing county roads with the transmission line.	Transmission-line facilities that cross county roadways require a utility permit. ORS 758.010 authorizes, outside cities, the construction, maintenance, and operation of “water, gas, electric or communications service lines, fixtures and other facilities along the public roads in this state,” subject to reasonable requirements for location, construction, operation, and maintenance.
Building Codes Division	Building permits would be required for construction of a substation at Boardman switching yard and its associated facilities.	Building permits would be required for plumbing, structural/mechanical/energy, elevator, and electrical.

Table 1-5. Summary of Idaho Environmental Permitting Requirements

Agency/Permit	Required Permit/Review for Approval	Description
EPA [1]		
National Pollutant Discharge Elimination System General Permit for Stormwater Drainages Associated with Construction Activity	In Idaho, the EPA would evaluate the potential for stormwater discharges associated with construction of the proposed project, and determine whether to issue a permit to allow stormwater discharge from the project site before construction begins.	This permit will be needed for stormwater management associated with construction. The permit requires the operator to develop a detailed stormwater pollution prevention plan (SWPPP) to identify erosion, sediment, and on-site materials management controls to be used during the active construction phase in order to comply with Idaho water quality standards. A Notice of Intent application must be submitted to the EPA to receive authorization to discharge stormwater. Idaho-specific requirements applicable to all construction projects within the state are included in the permit in accordance with Idaho Department of Environmental Quality's Clean Water Act Section 401 certification at the time EPA issued the statewide general permit. (*Note:* For the State of Idaho (except for Indian county), this permit became effective on April 9, 2012; in the near future EPA will reissue a subsequent construction stormwater permit in Idaho, which may contain revised application and/or SWPPP requirements.)
Idaho Department of Environmental Quality (IDEQ)		
Fugitive dust control plan	IDEQ would require that fugitive dust emissions be reasonably controlled at each site of construction or operations, based upon best management practices outlined in the Rules for the Control of Air Pollution in Idaho (Idaho Administrative Code 58.01.01.220).	IDEQ would require a fugitive dust control plan to address construction and ongoing maintenance, including paved public roadways; unpaved haul roads; transfer points, screening operations, and stacks and vents; crushers and grinding mills; and stockpiles.
Section 401 certification	Section 401 of the federal Clean Water Act requires that any applicant for a federal license or permit to conduct any activity that may result in a discharge to waters of the state must provide the licensing or permitting agency a certification from IDEQ that the activity complies with water quality requirements and standards. The Section 404 permit triggers the 401 certification requirement.	The project would be required to incorporate protective measures into its construction and operational plans, such as bank stabilization, treatment of stormwater runoff, spill protection, and fish and wildlife protection. The IDEQ certification process requires a land use compatibility statement signed by the local government land use authority.

Agency/Permit	Required Permit/Review for Approval	Description
Idaho State Board of Land Commissioners		
Lease across state lands or rivers	A lease across state land would be required for any encroachment on, through or over state lands, including rivers, reservoirs and lakes.	The State Board of Land Commissioners may issue a lease for roads and electric lines, and for other purposes. If the B2H Project is approved, the Board would grant a 30-year lease on state land. Substations sited on state land would require a lease agreement with Idaho Department of Lands (Idaho Code, Title 58, Chapter 6).
Idaho Department of Water Resources		
Stream channel alteration permit and wetland removal-fill permit (Idaho Code, Title 42, Chapter 38)	A stream channel alteration permit would be required for all crossings of rivers or streams, or for filling or removing material from wetlands.	This permit would be needed if any roads or other project features would require the alternation of any stream channel or wetland.
Idaho Department of Fish and Game		
Fish and Wildlife Coordination Act of 1934, as amended 1946, 1958, 1977 (U.S.C. 661–667e)	The Idaho Department of Fish and Game is required to coordinate mitigation of potential project impacts to fish and wildlife species and their habitat with other jurisdictional agencies.	The Idaho Department of Fish and Game would coordinate with the BLM, the U.S. Fish and Wildlife Service, and the NMFS on fish and wildlife issues/impacts and mitigation requirements associated with the B2H Project.
Idaho Historical Society- State Historic Preservation Office		
National Historic Preservation Act Section 106	Idaho State Historic Preservation Office (SHPO) has regulatory review authority of federal Undertakings under 36.CFR 800, the regulations implementing Section 106 of the National Historic Preservation Act.	Idaho SHPO is a signatory to the project Programmatic Agreement developed for the Undertaking and will review determinations of NRHP eligibility and project effect to historic properties per 36 CFR 800.2.
Local Governments (Cities and Counties)		
Building/Planning Division—building and conditional use permits	Building permits would be required for construction of the transmission line, substations, and associated infrastructure. A conditional use permit may be required for any facilities located outside of lands zoned for industrial or commercial uses.	Building permits would be issued by local governments. Conditional-use permits, if required, would also be issued by local governments.

Table Note: [1] The EPA issues National Pollutant Discharge Elimination System permits in Idaho.

Table 1-6. Summary of Washington Environmental Permitting Requirements

Agency/Permit	Required Permit/Review for Approval	Description
State Historic Preservation Office (SHPO)		
National Historic Preservation Act Section 106	Washington SHPO has regulatory review authority of federal Undertakings under 36.CFR 800, the regulations implementing Section 106 of the National Historic Preservation Act.	Washington SHPO is a signatory to the project Programmatic Agreement developed for the Undertaking and will review determinations of NRHP eligibility and project effect to historic properties per 36 CFR 800.2.

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