Exhibit K
Land Use

Boardman to Hemingway Transmission Line Project

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Application for Site Certificate

September 2018

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ACRONYMS AND ABBREVIATIONS

ACEC	Area of Critical Environmental Concern
ASC	Application for Site Certificate
B2H	Boardman to Hemingway Transmission Line Project
BCCP	Baker County Comprehensive Plan
BCZSO	Baker County Zoning and Subdivision Ordinance
BLM	Bureau of Land Management
BOR	Bureau of Reclamation
BPA	Bonneville Power Administration
CAP	Community Advisory Process
CH	critical habitat
CHZO	City of Huntington Zoning Ordinance
CWR	Critical Winter Range
DLCD	Department of Land Conservation and Development
EA	environmental assessment
EIS	Environmental Impact Statement (DEIS for Draft and FEIS for Final)
EFSC or Council	Energy Facility Siting Council
EFU	Exclusive Farm Use
ERU	Exclusive Range Use
FERC	Federal Energy Regulatory Commission
FIRM	Flood Insurance Rate Map
GF	Grazing Farm Zone
GIS	geographic information system
HAC	Historic, Archaeological, or Cultural Site/Structure Overlay
HMA	Habitat Management Area
I-82	Interstate 82
I-84	Interstate 84
IPC	Idaho Power Company
IRP	integrated resource plan
kV	kilovolt
LCDC	Land Conservation and Development Commission
LDFY	light duty fly yard
LI	Light Industrial
LUBA	(Oregon) Land Use Board of Appeals
MCC	Malheur County Code
MCCP	Morrow County Comprehensive Plan
MCWMO	Morrow County Waste Management Ordinance
MCZO	Morrow County Zoning Ordinance
MOU	Memorandum of Understanding
MP	milepost
MW	megawatt
NEPA	National Environmental Policy Act of 1969

NERC	North American Electric Reliability Corporation
NF	National Forest
NHOTIC	National Historic Oregon Trail Interpretive Center
NOI	Notice of Intent to File an Application for Site Certificate
NPZO	North Powder Zoning Ordinance
NRCS	Natural Resources Conservation Service
NWSTF Boardman	Naval Weapons Systems Training Facility Boardman
OAR	Oregon Administrative Rules
OATT	Open Access Transmission Tariff
ODA	Oregon Department of Agriculture
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy
ODOT	Oregon Department of Transportation
OPUC	Public Utility Commission of Oregon
OR	Oregon (State) Highway
ORS	Oregon Revised Statutes
pASC	Preliminary Application for Site Certificate
PGE	Portland General Electric
Project	Boardman to Hemingway Transmission Line Project
RMP	resource management plan
RNA	research natural area
ROW	right-of-way
RTC	Rural Tourist Commercial
Second Amended Project Order	Second Amended Project Order, Regarding Statutes, Administrative Rules, and Other Requirements Applicable to the Proposed BOARDMAN TO HEMINGWAY TRANSMISSION LINE (July 26, 2018)
SAG	special advisory group
SFHA	Special Flood Hazard Area
SPCC	Spill Prevention, Containment, and Countermeasures
SSURGO	Soil Survey Geographic Database
UCDC	Umatilla County Development Code
UCZPSO	Union County Zoning, Partition and Subdivision Ordinance
U.S.	United States
USDA	U.S. Department of Agriculture
USFS	U.S. Forest Service
VAHP	Visual Assessment of Historic Properties
WAGS	Washington ground squirrel
WECC	Western Electricity Coordinating Council
WMA	Wildlife Management Area
WR	winter range
WW LRMP	Land and Resource Management Plan for the Wallowa-Whitman National Forest

Exhibit K
Land Use

1.0 INTRODUCTION

Exhibit K addresses the local substantive criteria in Morrow County, Umatilla County, Union County, Baker County, Malheur County, the City of North Powder, and the City of Huntington that are applicable to Idaho Power Company's (IPC) Boardman to Hemingway Transmission Line Project (Project). Moreover, Exhibit K demonstrates that the Project complies with the statewide planning goals adopted by the Land Conservation and Development Commission (LCDC). To demonstrate the same, IPC elects under Oregon Administrative Rule (OAR) 345-022-0030(2)(b) to have the Energy Facility Siting Council (EFSC or Council) determine that: (i) the Project complies with applicable substantive criteria, LCDC administrative rules, and directly applicable land use statutes; or (ii) the Project does not comply with one or more applicable substantive criteria, but the Project otherwise complies with the statewide planning goals or an exception is justified.

2.0 APPLICABLE STATUTES, RULES, AND SECOND AMENDED PROJECT ORDER PROVISIONS

2.1 General Standards for Siting Facilities

The Land Use Standard at OAR 345-022-0030 provides, in relevant part:

> *(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.*
>
> *(2) The Council shall find that a proposed facility complies with section (1) if:*
>
> *. . .*
>
> *(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:*
>
> *(A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);*
>
> *(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or*
>
> *(C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).*
>
> *(3) As used in this rule, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are*

required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.

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

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

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

(c) The following standards are met:

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

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

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

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

(6) If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(10)(a)(C) to (E) or for a related or supporting facility that does not pass through more than one local government jurisdiction or more than three zones in any one jurisdiction, the Council shall apply the criteria recommended by the special advisory group. If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(10)(a)(C) to (E) or a related or supporting facility that passes through more than one jurisdiction or more than three zones in any one jurisdiction, the Council shall review the recommended criteria and decide whether to evaluate the proposed facility against the applicable substantive criteria recommended by the special advisory group, against the statewide planning goals or against a combination of the applicable substantive criteria and statewide planning goals. In making the decision, the Council shall consult with the special advisory group, and shall consider:

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

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

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

2.2 Site Certificate Application Requirements

OAR 345-021-0010(1)(k) provides Exhibit K must include the following Information regarding the Project's compliance with the statewide planning goals:

The applicant shall state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, "affected local government" means a local government that has land use jurisdiction over any part of the proposed site of the facility. In the application, the applicant shall:

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

. . . .[1]

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

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

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

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

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

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

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

[1] The Amended Project Order provides Subsection (B) of OAR 345-021-0010(1)(k) does not apply to the Project (see Amended Project Order, p.14).

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

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

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

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

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

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

2.3 Statutes Relevant to Exclusive Farm Use Zones

Oregon Revised Statute (ORS) 215.283(1) provides, in relevant part:

(1) The following uses may be established in any area zoned for exclusive farm use:

. . .

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

(A) ORS 215.275; or . . . .

ORS 215.275 provides, in relevant part:

(1) A utility facility established under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

(2) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;

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

(c) Lack of available urban and nonresource lands;

(d) Availability of existing rights of way;

(e) Public health and safety; and

(f) Other requirements of state or federal agencies.

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

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

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

. . . .

ORS 215.276 provides:

(1) As used in this section:

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

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

(c) "Transmission line" means a linear utility facility by which a utility provider transfers the utility product in bulk from a point of origin or generation, or between transfer stations, to the point at which the utility product is transferred to distribution lines for delivery to end users.

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

respond within two weeks after the certified mail is sent, the utility provider has satisfied the provider's obligation to consult.

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

2.4 Second Amended Project Order Provisions

The Second Amended Project Order provides paragraphs (A), (C), and (D) of OAR 345-021-0010(1)(k) apply to the Project. Paragraph (B) does not apply. Additionally, the Second Amended Project Order includes the following discussion:

As there is federal land within the site boundary, the information required under Paragraph (D) must be provided. The applicant is seeking a Council determination of compliance with the Council's land use standard under ORS 469.504(1)(b). The applicant shall review the comments received from each county and city and contact each affected county and city planning department to ensure that the application addresses the applicable land use criteria in each jurisdiction.

Although local comprehensive plans and land use ordinances may have been amended since local comments were provided, ORS 469.504(1)(b)(A) and OAR 345-021-0050(6)(b)(A) require that the applicable local land use criteria are those in effect on the date the preliminary application for site certificate was submitted, February 27, 2013, for the local jurisdictions identified in the preliminary application. This includes Morrow, Union, Umatilla, Baker, and Malheur counties, and the City of North Powder. The governing bodies of these five counties were designated as special advisory groups (SAGs) on October 7, 2011, following receipt by ODOE of the B2H NOI. The City Council of North Powder was designated as a SAG on March 15, 2013.

After submittal of the preliminary application, ODOE received a letter from IPC on July 12, 2013, in which IPC identified a need for two new multi-use areas. One of the new multi-use areas is located in the City of Huntington, and the second multi-use area was to be located in both La Grande and Island City. In June, 2017, IPC confirmed that it had removed the proposed multi-use area and there were no longer any project components within the City limits of Island City or the City of La Grande. On June 6, 2018 the Department issued letters to the City of Island City and the City of La Grande explaining a reassignment from a SAG to a reviewing agency because, due to route modifications within the ApASC, proposed facility components are no longer proposed within their jurisdictions.

As Huntington was not identified in the preliminary application, the applicable substantive criteria for this jurisdiction will be those in effect on the date that ODOE received the amended preliminary application (ApASC) July 19, 2017. As provided in ORS 469.401(3), if the Council issues a site certificate for B2H, the counties and cities will be bound to issue all required permits and other land use approvals, subject to the conditions set forth in the site certificate. The Huntington City Council was designated as a SAG on August 2, 2013.

Exhibit K shall include information necessary to demonstrate compliance with the applicable substantive criteria from each county and city code and comprehensive plan that are applicable to issuance of the required permits and approvals.

Exhibit K shall also provide evidence that the proposed facility would comply with the applicable statutory requirements related to the proposed facility, including ORS 215.283

and 215.275, and specifically including all requirements regarding the location of the proposed facility within EFU zones.

(Second Amended Project Order, Section III(k)).

3.0 PROJECT OVERVIEW

3.1 Project Facilities and Location

IPC is proposing to construct, operate, and maintain a high-voltage electric transmission line between Boardman, Oregon, and the Hemingway Substation in southwestern Idaho as an extension of IPC's electric transmission system. This Application for Site Certificate (ASC) seeks authorization for the Project features within the Site Boundary located in Oregon and not Idaho.[2] The Site Boundary for the 500-kilovolt (kV) transmission line is a 500-foot-wide area within which IPC will locate the transmission line and is described in Exhibit C, Section 3.5, Site Boundary. The Site Boundary for the remaining Project features varies by the type of feature (see Exhibit C, Section 3.5, Table C-24).

The Project consists of approximately 296.6 miles of electric transmission line, with 272.8 miles located in Oregon and 23.8 miles in Idaho. The Project includes 270.8 miles of single-circuit 500-kV transmission line, removal of 12 miles of existing 69-kV transmission line, rebuilding of 0.9 mile of a 230-kV transmission line, and rebuilding of 1.1 miles of an existing 138-kV transmission line into a new right-of-way (ROW). Proposed ROW widths are discussed in Exhibit B, Section 3.5.2.

The Site Certificate will authorize the following Project features in Oregon:

- ***Transmission Lines.*** The proposed Project consists of an approximately 270.8-mile-long single-circuit 500-kV electric transmission line, removal of 12 miles of existing 69-kV transmission line, rebuilding of 0.9 mile of a 230-kV transmission line, and rebuilding of 1.1 miles of an existing 138-kV transmission line into a new ROW.[3] The ASC includes four alternative routes of the Proposed Corridor, totaling approximately 33.3 miles of transmission line.
- ***Station.*** IPC proposes to build a 20-acre switching station (station) located near the Port of Morrow, Oregon. A switching station provides a combination of switching, protection, and control equipment arranged to provide circuit protection and system switching flexibility for the transfer of electric power, but does not incorporate step-down or step-up voltage equipment.[4] The proposed station will serve to connect the Project to other 500-kV transmission lines and the Pacific Northwest power market. For ease of reference, both the proposed switching station and the Hemingway Substation are referred to simply as "stations" throughout this ASC.
- ***Communication Station Sites.*** Communication station sites will consist of a communication shelter and related facilities. The Project will include 10 communication station sites of less than ¼ acre in size and 2 alternative communication station sites.

[2] The Oregon Department of Energy (ODOE) has jurisdiction over the features located in Oregon and not Idaho. While the ASC discusses the Project features located in Idaho, it does so only to provide context for the analysis related to the Oregon Project features.
[3] The Project features located in Idaho would include an additional 23.8 miles of transmission line leading to the Hemingway Substation.
[4] A switching station is not a substation, which provides the additional function of stepping voltage up and down to allow for distribution to customers. The Project does not include a substation.

- ***Related and Supporting Facilities.*** The Project will include permanent access roads for the Proposed Route, including 206.3 miles of new roads and 223.2 miles of existing roads requiring substantial modification, and for the alternative routes including 30.2 miles of new roads and 22.7 miles of existing roads requiring substantial modification (see Exhibit B, Attachment B-5 – Road Classification Guide and Access Control Plan).
- ***Temporary Features***. The Project will include 30 temporary multi-use areas and 299 temporary pulling and tensioning sites, of which four will have light-duty fly yards within the pulling and tensioning sites.

A map of the Project location is set forth in Figure B-1 and details of the alternatives and rebuild routes are shown in Figure B-2 in Exhibit B. Additional information regarding the location of the Project features is set forth in Exhibit C.

3.2 Analysis Area

The analysis area for Exhibit K includes all areas within the Site Boundary and one-half mile from the Site Boundary (see Second Amended Project Order, Table 2). The Site Boundary is defined as "the perimeter of the site of a proposed energy facility, its related or supporting facilities, all temporary laydown and staging areas, and all corridors and micrositing corridors proposed by the applicant" (OAR 345-001-0010(55)).

Figure K-1 below is a map overview of the Site Boundary and Exhibit K analysis area across the Project. The Project Site Boundary is described in Exhibit C, Table C-24, which is incorporated below as Table K-1.

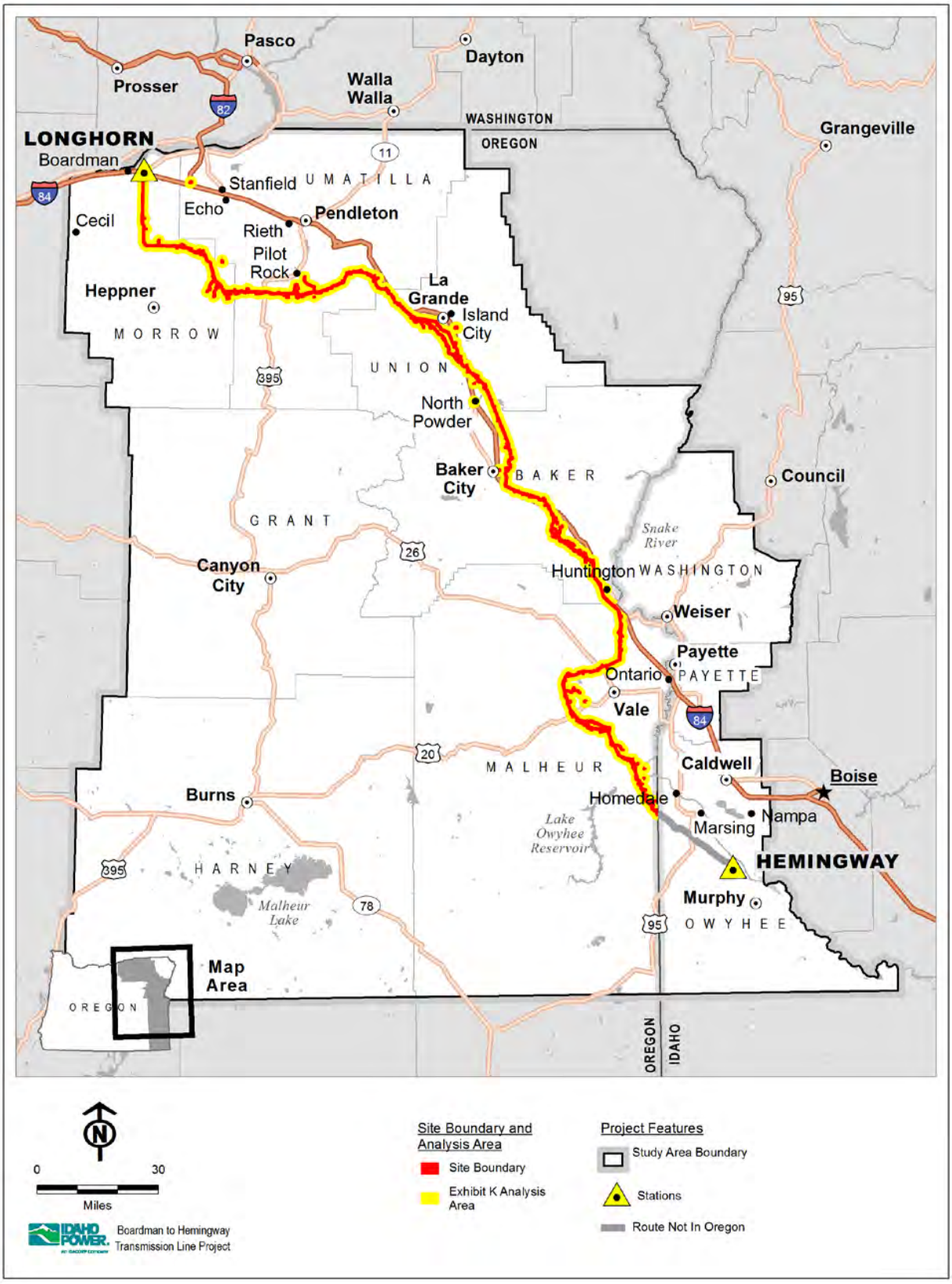

Figure K-1. Site Boundary and Exhibit K Analysis Area

Table K-1. Site Boundary and Average Temporary/Permanent Disturbance Areas by Project Component

Component	Length or Count	Site Boundary[1]	Construction Disturbance	Operations Disturbance
Transmission Lines				
Single-Circuit 500-kV	270.8 miles (Proposed)/ 33.3 miles (Alternatives)	500 feet (width)	–[2]	–[2]
Single-Circuit 230-kV	0.9 mile (Proposed)	500 feet (width)	–[2]	–[2]
Single-Circuit 138-kV	1.1 miles (Proposed)	500 feet (width)	–[2]	–[2]
Transmission Structures				
500-kV Lattice	1,085 (Proposed)/ 118 (Alternative)	–[3]	250 x 250 feet (1.4 acres)	50 x 50 feet (0.06 acre)
500-kV H-Frame (NWSTF area)	73 (Proposed)/ 34 (Alternative)	–[3]	250 x 90 feet (0.5 acres) on NWSTF / 250 x 150 feet (0.9 acres) off NWSTF	10 x 40 feet (0.001 acre)
500-kV H-Frame (Birch Creek area)	6 (Proposed)	–[3]	250 x 250 feet (1.4 acre)	10 x 40 feet (0.001 acre)
500-kV Y-Frame	8 (Alternative)	–[3]	Varies (0.4 acres)	8 x 8 feet (0.001 acre)
500-kV 3-Pole Dead-end (NWSTF area)	1 (Proposed)/ 2 (Alternative)	–[3]	250 x 90 feet (0.5 acre)	10 x 90 feet (0.02 acre)
500-kV 3-Pole Dead-end (Birch Creek area)	3 (Proposed)	–[3]	250 x 250 feet (1.4 acre)	10 x 90 feet (0.02 acre)
500-kV H-Frame Dead-end (NWSTF area)	3 (Alternative)	–[3]	250 x 90 feet (0.5 acre)	10 x 50 feet (0.01 acre)
230-kV H-Frame	5 (Proposed)	–[3]	250 x 100 feet (0.6 acre)	25 x 5 feet (0.01 acre)
230-kV H-Frame (Removal)	9 (Proposed)	–[3]	150 x 100 feet (0.3 acre)	–[4]
230-kV 3-Pole Dead-end	4 (Proposed)	–[3]	250 x 150 feet (0.6 acre)	40 x 130 feet (0.1 acre)
138-kV H-Frame	8 (Proposed)	–[3]	150 x 250 feet (0.9 acre)	16.5 x 5 feet (0.001 acre)
138-kV H-Frame (Removal)	10 (Proposed)	–[3]	100 x 100 feet (0.2 acre)	–[4]
138-kV 3-Pole Dead-end	3 (Proposed)	–[3]	250 x 150 feet (0.9 acre)	30 x 130 feet (0.09 acre)
69-kV H-Frame (Removal)	94 (Proposed)	–[3]	90 x 90 feet (0.2 acre)	–[4]

Component	Length or Count	Site Boundary[1]	Construction Disturbance	Operations Disturbance
Stations				
Longhorn	1	188.9 acres	24.4 acres	19.6 acres
Access Roads[5]				
Existing Road, Moderate Improvements (21-70%)	148.8 miles (Proposed)/ 13.2 miles (Alternatives)	100 feet (width)	16 feet (width)	14 feet (width)
Existing Road, Extensive Improvements (71-100%)	73.4 miles (Proposed)/ 6.3 miles (Alternatives)	100 feet (width)	30 feet (width)	14 feet (width)
New, Bladed	88.8 miles (Proposed)/ 12.8 miles (Alternatives)	200 feet (width)	35 feet (width)	14 feet (width)
New, Primitive	117.5 miles (Proposed)/ 12.8 miles (Alternatives)	200 feet (width)	16 feet (width)	10 feet (width)
Permanent Facilities				
Communication Station				
Distribution Power Lines to Communication Station[7]	7 (Proposed)/ 2 (Alternative)	50 feet (width)	25 feet (width)	14 feet (width)
Temporary Facilities				
Multi-use Areas				
Light Duty Fly Yards	4 (Proposed)	Mapped Area Outside of Transmission Line Site Boundary	5 acres	–
Pulling and Tensioning Sites	299 (Proposed)/ 32 (Alternative)	Mapped Area Outside of Transmission Line Site Boundary	4 acres	–

[1] Site Boundary size may be less than indicated in specific areas to avoid impacts to protected areas or for other reasons.
[2] No temporary or permanent disturbance expected along centerline, other than for specific Project features indicated below.
[3] Component will be sited entirely within centerline site boundary.
[4] No permanent disturbance expected once existing towers are removed.
[5] See the Road Classification Guide and Access Control Plan (Exhibit B, Attachment B-5) for more information about road types.
[6] Existing roads with no substantial improvements are defined as existing roads that require improvements along 20% or less of the entire road segment. These roads have minimal to no temporary or permanent disturbance impacts beyond their existing road surface/profile, are not included in site boundary.
[7] IPC will construct distribution lines to communication stations within their service territory.

4.0 STATUTORY EXCLUSIVE FARM USE ZONE SITING REQUIREMENTS

4.1 Utility Facilities Necessary for Public Service

4.1.1 Non-EFU Alternatives Considered

> ORS 215.283(1): The following uses may be established in any area zoned for exclusive farm use: . . . (c) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in: (A) ORS 215.275; or . . . .
>
> ORS 215.275: (1) A utility facility established under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. (2): To demonstrate that a utility facility is necessary, an applicant for approval under . . . ORS 215.283 must show that reasonable alternatives have been considered . . . .

ORS 215.275(2) requires an applicant, as a threshold matter, to demonstrate that it considered reasonable alternatives to siting the facility within an Exclusive Farm Use (EFU) zone. The following is a summary of certain Oregon court and Land Use Board of Appeals (LUBA) interpretations of the scope of the "reasonable alternatives" analysis required by ORS 215.275:

- **Defining What Is a "Reasonable" Alternative.** The reasonable alternatives analysis "refers to reasonable alternative sites to EFU land."[5] In other words, "under ORS 215.275, the focus of the alternative site analysis is on non-EFU land; and an applicant for a utility facility on EFU land is not required to evaluate alternative sites that are also zoned EFU."[6] Reasonable alternatives to EFU zone locations refers to alternatives that are fair, proper, just, moderate, and suitable under circumstances, not merely alternatives that have some likelihood of success.[7]
- **Efforts to Identify Alternatives.** According to LUBA, ORS 215.275 requires utilities to "make reasonable efforts to identify . . . non-EFU-zoned alternative facility sites," including consideration of reasonable alternative sites identified by other parties.[8] Thus, the utility must provide evidence regarding how it identified and analyzed non-EFU alternative locations. This analysis is by necessity "a case-specific inquiry based upon the nature of the project and the characteristics of the surrounding area."[9]
- **No Need to Consider Alternative Types of Projects.** The alternatives analysis "need not consider every hypothetical possibility for siting the facility on non-EFU land."[10] Moreover, the alternatives analysis does not require the utility to consider different technological methods of providing the necessary utility service.[11] Thus, for purposes of ORS 215.275, the implementation of additional energy conservation measures or the

[5] *Sprint PCS v. Washington County*, 186 Or. App. 470, 479 (2003).
[6] *Hamilton et al v. Jackson County et al.*, 2011 WL 1302345 (Or LUBA Mar. 16, 2011).
[7] *Friends of Parrett Mountain v. Northwest Natural Gas Company*, 336 Or. 93, 108 (2003).
[8] *Getz v. Deschutes County,* 58 Or. LUBA 559, 564 (2009) (internal citation omitted).
[9] *Jordan v. Douglas County*, 40 Or. LUBA 192, 201 (2001).
[10] *Id.*
[11] *Sprint PCS v. Washington County*, 186 Or. App. 470, 478-79 (2003).

construction of new generating plants is not a "reasonable alternative" to the construction of a transmission line.[12]

- **Should Consider EFU Zone as a Unit.** When analyzing reasonable alternatives, applicants are not required to perform a property-by-property analysis but rather must focus on the EFU zone as a whole unit.[13] Utility facilities do not have to be placed in the best location, and the project proponent does not have to analyze *all* alternative routes.[14]

4.1.1.1 Project Objectives

An applicant's objectives may inform the scope of alternatives that are considered "reasonable" for purposes of the ORS 215.275(2).[15] Here, IPC is required, by both federal and state laws, to plan for and meet forecasted load and transmission requirements. IPC has identified the Project as a critical component of an overall resource portfolio that best balances cost, risk, and environmental concerns and, as explained in detail in Exhibit N (Need for Facility), both the Idaho and Oregon public utility commissions have acknowledged resource portfolios that identify the Project as a key resource. The Project will enable IPC to accomplish the following critical objectives:

- ***Serve Native Loads.*** The primary objective of the Project is to create additional transmission capacity that would allow IPC to import power from the Pacific Northwest market to serve its retail customers located in the states of Idaho and Oregon. Historically, IPC has been a "summer peaking" utility, while most other utilities in the Pacific Northwest experience system peak loads during the winter. Currently, however, IPC does not have adequate transmission capacity to increase its on-peak power purchases on the western side of its system. As described in IPC's 2013 and 2015 Integrated Resource Plans (IRPs), the Project will remedy this transmission constraint by allowing IPC to import an average of 350 megawatts (MW) (500 MW in the summer, 200 MW in the winter) of market purchases to serve its native load (IPC 2013, 2015). In this way, the Project is properly viewed as a supply-side resource, similar to a generation plant, which will allow IPC to meet its expected loads. Further, better access to the Pacific Northwest power market is critical because that market is very liquid with a high number of participants and transactions. On the other hand, the accessible power markets south and east of IPC's system tend to be smaller, less liquid, and have greater transmission distances. Historically, during IPC's peak-hour load periods, off-system market purchases from the south and east have proven to be unavailable or very expensive. Many of the utilities to the south and east of IPC also experience a summer peak, and the weather conditions that drive IPC's summer peak-hour load are often

[12] *See Dayton Prairie Water Assoc. v. Yamhill County*, 170 Or. App. 6, 9 (2000) (petitioner's argued that "if an electrical power utility wished to develop wind-driven turbines on EFU lands, the utility would first have to demonstrate (1) that energy conservation measures are not a feasible way to address the identified need; (2) that fossil fuel, nuclear, hydro, solar or other alternative ways of generating power on non-EFU lands are not feasible alternatives, and (3) that there are no other non-EFU sites that could feasibl[y] accommodate the wind-driven turbine. We believe that [ORS 215.283 and ORS 215.283] impose the third requirement, but do not impose the first two requirements." (quoting a LUBA opinion with which the Court of Appeals agreed with the conclusion and analysis)). Although this case predated the enactment of ORS 215.275, it has been cited for this proposition by the Oregon Court of Appeals in a case subsequent to the enactment of ORS 215.275. *See Sprint PCS v. Washington County*, 186 Or. App. 470, 478-79 (2003).

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

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

[15] See *Sprint PCS v. Washington County,* 186 Or. App. 470, 481 (2003) (the aspects of a cellular tower proponent's objectives which advance the statutory goal of providing utility services should be considered in determining what is a reasonable alternative to siting the tower on EFU lands).

similar across the Intermountain Region. Therefore, IPC imports from the Intermountain Region are not a viable alternative to the Project.

- ***Meet Transmission Reliability Standards.*** The Project is an integral component of regional transmission planning because it will serve as a crucial high-capacity connection between two key points in the existing bulk electric system that currently lacks sufficient transmission capacity. The Project will relieve congestion of the existing transmission system and enhance the reliable, efficient, and cost-effective energy transfer capability between the Pacific Northwest and Intermountain regions. The addition of B2H to the regional grid would create additional redundancy in pathways that will enable IPC and other transmission providers to maintain reliable electric service pursuant to the standards set forth by the North American Electric Reliability Corporation (NERC) and implemented by the Western Electricity Coordinating Council (WECC). Excess transmission capacity created by the Project could accommodate additional regional energy transaction and would likely be utilized by other regional transmission providers.

- ***Provide Transmission Service to Wholesale Customers***. The Project allows IPC to comply with the requirements of the Federal Energy Regulatory Commission (FERC), which require IPC to construct adequate transmission infrastructure to provide service to wholesale customers in accordance with IPC's Open Access Transmission Tariff (OATT). IPC expects interconnection and transmission requests to continue as renewable resources are developed in northeast Oregon.

- ***Provide Sufficient Capacity***. The Project will provide sufficient capacity to: 1) transfer an additional 1,050 MW of power from the Bonneville Power Administration (BPA) 500-kV transmission system in the Pacific Northwest west-to-east across the Idaho-Northwest transmission path; 2) transfer an additional 1,000 MW of power east-to-west across the Idaho-Northwest transmission path; and 3) allow for actual power flows on the Project of up to approximately 1,500 MW, accounting for variations in actual power flows of the various transmission lines comprising the Idaho-Northwest transmission path.

Through study and planning, IPC concluded the Project objectives would best be met by connecting IPC's existing transmission system to the existing Pacific Northwest 500-kV transmission grid.

4.1.1.2 Project Endpoints

When IPC began the federal permitting process for the Project in 2007, other transmission development projects were being proposed in the Pacific Northwest that influenced IPC's northern terminus location options for the Project. Portland General Electric's (PGE) Cascade Crossing 500-kV project was of particular note. In fact, in 2008, IPC and PGE executed a Memorandum of Understanding (MOU) concerning Boardman area transmission development, with the intent of sharing development plans and developing facilities collaboratively to assist each company in fulfilling their respective service and system reliability obligations. The proposed Grassland Station was contemplated as an interconnection point between the two projects that could help each company with their respective project objectives. In IPC's 2013 preliminary ASC (pASC), the proposed termination point in the Boardman area was the Grassland Station.

However, since the 2013 pASC, the transmission development landscape has changed. Several of the development projects under consideration during the time of original application have subsequently been cancelled. Notably, in 2013, PGE indefinitely suspended the Cascade Crossing project. Even though the Grassland Station has been developed in connection with

PGE's Carty Generating station, with the cancellation of the Cascade Crossing project, additional 500-kV transmission infrastructure would have been required to provide connection into the transmission grid to meet the needs of the Project. Therefore, in the absence of Cascade Crossing, the Grassland and Horn Butte stations do not meet the Project objectives because neither one would provide the required approximately 1,000 MW of bi-directional capacity and up to 1,500 MW of actual power flow capability. Therefore, neither the Grassland Station nor the Horn Butte Station are analyzed in the ASC as a termination point. Rather, IPC is proposing to terminate the Project at the Longhorn Station.

4.1.1.3 Siting Process

IPC faced a unique set of challenges in selecting a Proposed Corridor for the Project. For the Project to meet IPC's objectives, the Project endpoints represented the only initial corridor selection criteria; the Project does not have necessary midpoints (i.e., other substations) that constrain the location of the corridor and there was no existing utility corridor that could be followed for all or a majority of the Project. Thus, IPC's initial corridor selection process involved evaluation of a large study area and a virtually unlimited number of possible corridors that could connect the identified endpoints.

As illustrated in a broad sense in Figure K-2, which shows selected key constraints, the study area identified by IPC includes an extremely complex assortment of siting constraints, including the following:

- Extensive areas of agricultural land (land zoned EFU);
- Vast areas that are owned and managed by the Bureau of Land Management (BLM), U.S. Forest Service (USFS), and other federal agencies charged with managing the numerous resources in the mountains and high desert; and
- The presence of many sensitive resources, including key wildlife habitat, protected areas, and cultural resources.

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

IPC's corridor selection process occurred primarily in three phases: Phase One between 2008 and 2010, Phase Two between 2010 and 2012, and Phase Three between 2013 and 2015. IPC has provided three studies that detail its siting process for the Project; see Exhibit B, Attachment B-1, 2010 Siting Study; Attachment B-2, 2012 Supplemental Siting Study; and Attachment B-4, 2015 Supplemental Siting Study. Those documents describe IPC's general approach to siting, each phase of IPC's corridor selection process, and how IPC selected its Proposed Corridor based on careful consideration of numerous siting criteria, including the eight criteria set forth in OAR 345-021-0010(1)(b)(D) and six factors in ORS 215.275(2).

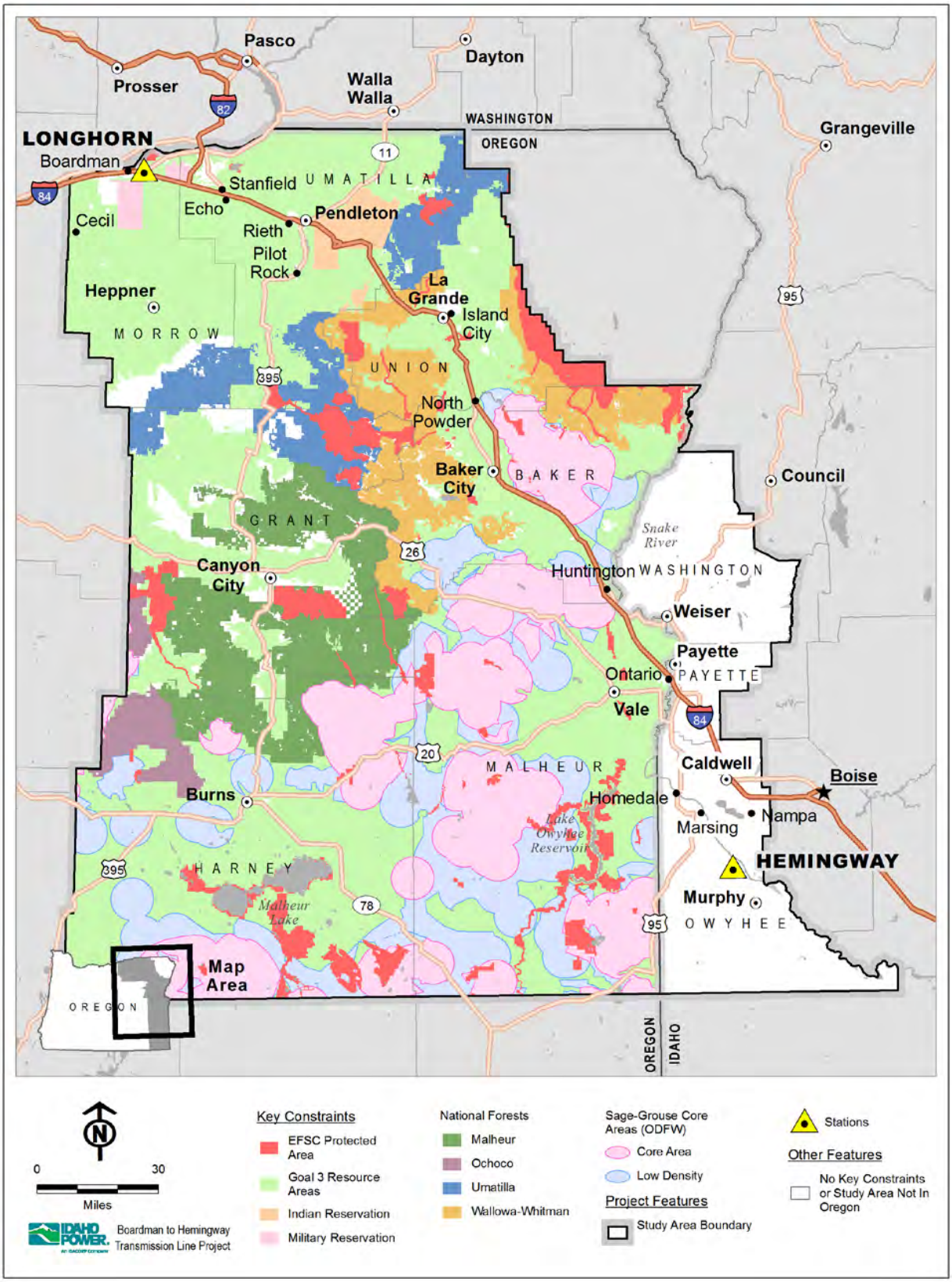

Figure K-2. Key Constraints

4.1.1.4 Non-EFU Alternatives

During the siting process, IPC considered numerous alternative corridors that were proposed by local stakeholders as part of the Community Advisory Process (CAP) process, by IPC, or by BLM in the National Environmental Policy Act (NEPA) process. Each of the alternative corridors located primarily in Oregon would have impacted EFU lands because the land use in the relevant areas of Oregon are mostly comprised of EFU lands and there is no corridor running through eastern Oregon that would avoid all EFU lands (see Figure K-3). Unless the Project is sited almost entirely outside of Oregon, IPC must site the Project in EFU lands to provide its intended service.[16]

IPC considered an alternative route sited almost entirely outside of Oregon in order to completely avoid EFU lands (see Figure K-3). The EFU avoidance route provides substantially the most direct route between the Project endpoints while avoiding EFU lands where possible. Because that approach to siting the EFU avoidance route was fair, proper, just, moderate, and suitable under the circumstances, the EFU avoidance route is a "reasonable" alternative for purposes of ORS 215.275(2).[17]

IPC applied the following principles as part of its ORS 215.275 alternatives analysis:

- Under the Malheur County Code, both EFU and Exclusive Range Use (ERU) are grouped together as resource lands, and the Malheur County Code expressly applies ORS 215.275 in both EFU and ERU for the siting of utility facilities necessary for public service. During a November 23, 2015 phone call, the Department of Land Conservation and Development (DLCD) confirmed to IPC that Malheur County's ERU zone was established under the same authority as the EFU zone, and that the ERU zone is considered EFU for purposes of the alternatives analysis in ORS 215.275. DLCD explained that the same statutory criteria apply in an EFU and ERU zone, and the only distinction is that the minimum lot or parcel sizes are greater for ERU than for EFU. Additionally, the Malheur County Planning Director confirmed this approach at the October 25, 2012 pre-pASC submittal meeting in La Grande. Accordingly, IPC considered ERU lands in Malheur County to be EFU lands for purposes of the ORS 215.275 analysis.
- Several of the agricultural areas in the project area are zoned a combination of timber and farm use, or rangeland and farm use. Based on discussions with DLCD, IPC did not consider such hybrid zoned lands to be EFU lands for purposes of the ORS 215.275 analysis.

[16] While EFU lands could not be avoided entirely, IPC has sited the Project to avoid or minimize impacts to EFU lands to the extent practicable. Furthermore, during construction and depending on final design and engineering, IPC will work with landowners to further avoid, minimize, or mitigation impacts to agricultural practices.
[17] *See Friends of Parrett Mountain v. Northwest Natural Gas Co.*, 336 Or. 93, 108 (2003) (the term "reasonable" in ORS 215.275(2) means fair, proper, just, moderate, or suitable under the circumstances).

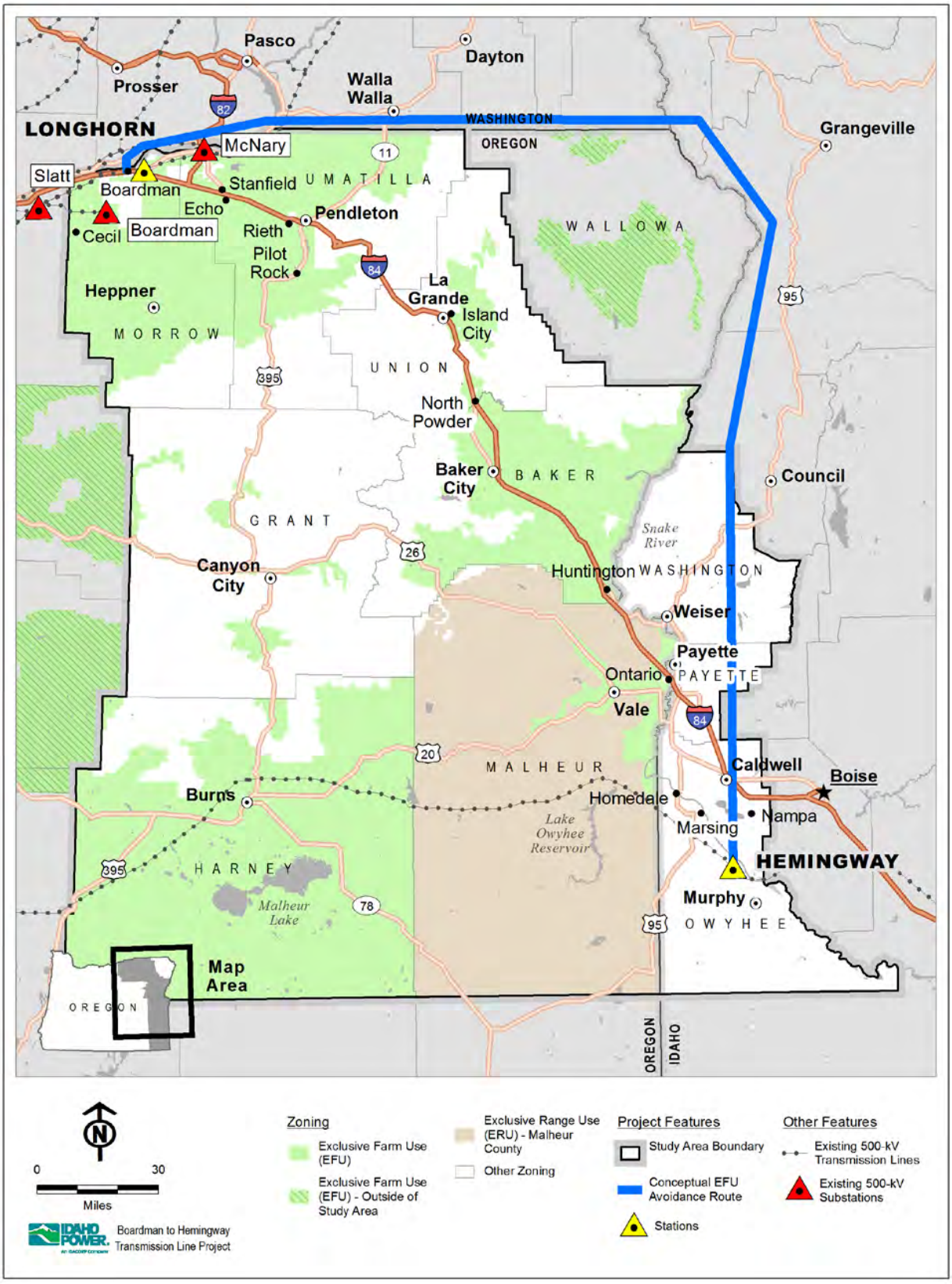

Figure K-3. Conceptual EFU Avoidance Route

4.1.2 Requirements for Siting the Project on EFU Lands

> ORS 215.275(2): . . . and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors: (a) Technical and engineering feasibility; (b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands; (c) Lack of available urban and nonresource lands; (d) Availability of existing rights of way; (e) Public health and safety; and (f) Other requirements of state or federal agencies.

ORS 215.275(2) requires IPC, after demonstrating that the company considered reasonable alternatives to placing the Project within an EFU zone, to show that it nevertheless must site the Project in an EFU zone due to one or more of six factors. Here, IPC demonstrates the Project must be sited in an EFU zone due to five of those factors: technical and engineering considerations; locational dependence; lack of available urban or nonresource lands; availability of existing ROWs; and public health and safety (see ORS 215.275(2)(a), (b), (c), (d), and (e)).

4.1.2.1 Technical and Engineering Feasibility

The need for siting the Project in EFU lands generally was not driven by technical or engineering feasibility considerations (see ORS 215.275(2)(a)). However, as discussed in Section 4.1.2.7, multiple technical and engineering considerations dictated the need to site certain Project features necessarily cross EFU lands.

4.1.2.2 Locational Dependence

A utility facility that must be sited in EFU lands due to the facility's locational dependency is considered necessary for public service under ORS 215.275(2)(b). A utility facility is considered locationally dependent if it "must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route" (ORS 215.275(2)(b)). Related to this factor, a transmission line may be necessary for public service even when it is not necessarily serving the public in the land it crosses, as long as it "must cross an EFU in order to serve territory beyond it."[18] Here, the Proposed Route represents the most direct route possible after taking into consideration the myriad of applicable siting constraints, and therefore, it should be considered a reasonably direct route for purposes of ORS 215.275(2)(b). Moreover, because the Project must cross EFU lands in order to achieve the reasonably direct route represented by the Proposed Route, the Project should be considered locationally dependent and necessary under ORS 215.275(2)(b).

The conceptual EFU-avoidance route set forth in Figure K-3, which was designed in part to provide the shortest route that would avoid EFU lands, is not a reasonably direct route. At roughly 338 miles long, the EFU-avoidance route is 42.5 miles or approximately 15 percent longer than the Proposed Route. Because the EFU-avoidance route would be much longer than the Proposed Route (which already was lengthened beyond the most direct route in order to avoid non-EFU constraints), the EFU-avoidance route cannot be considered a reasonably direct route for purposes of ORS 215.275(2)(b).

In sum, the Project must be sited in EFU lands in order achieve a reasonably direct route between the Project endpoints, and therefore, the Project is necessary for public service under ORS 215.275(2)(b).

[18] 42 Or. Op. Atty. Gen. 77 (Aug. 19, 1981).

4.1.2.3 Lack of Available Nonresource Lands

A utility facility that must be sited in EFU lands due to a lack of available urban and nonresource lands is considered necessary for public service under ORS 215.275(2)(c). "Nonresource lands" are lands that are not subject to statewide planning Goal 3 (Agricultural Land) or Goal 4 (Forest Land).[19] In other words, for purposes of the ORS 215.275(2)(c) analysis, "the lack of availability of nonresource lands" means the lack of lands in the Project area that are not zoned in accordance with Goal 3, Goal 4, or hybrid lands subject to both Goal 3 and Goal 4. The DLCD confirmed to IPC that, while hybrid lands subject to both Goal 3 and Goal 4 are not considered EFU for purposes of identifying a non-EFU alternative under the first level of analysis of ORS 215.275(2), hybrid lands are considered resource lands under ORS 215.275(2)(c).

In at least one other proceeding, EFSC has determined that an applicant's assessment of the availability of urban and nonresource lands need only focus on lands "in reasonable proximity to the intended site of the proposed facility," the use of which would cause a reduction in use of EFU lands.[20] Generally, this factor favors siting of utility facilities on nonresource lands where such lands are available.

Figure K-4 illustrates that the vast majority of the land in the Oregon study area is designated as either Goal 3 or Goal 4 land, with few areas comprising urban or nonresource lands. Indeed, approximately only 1.2 percent of the Oregon study area comprises urban or nonresource lands. Due to the lack of urban or nonresource lands in the Oregon study area providing alternative siting opportunities, the Project must be sited in EFU lands and the Project is necessary for public service under ORS 215.275(2)(b).

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

[20] *NWN SMPE Final Order Attachment B* at 9. While the Council's finding in the *NWN SMPE* order may not have been a general policy statement, it should be considered at least persuasive precedent here.

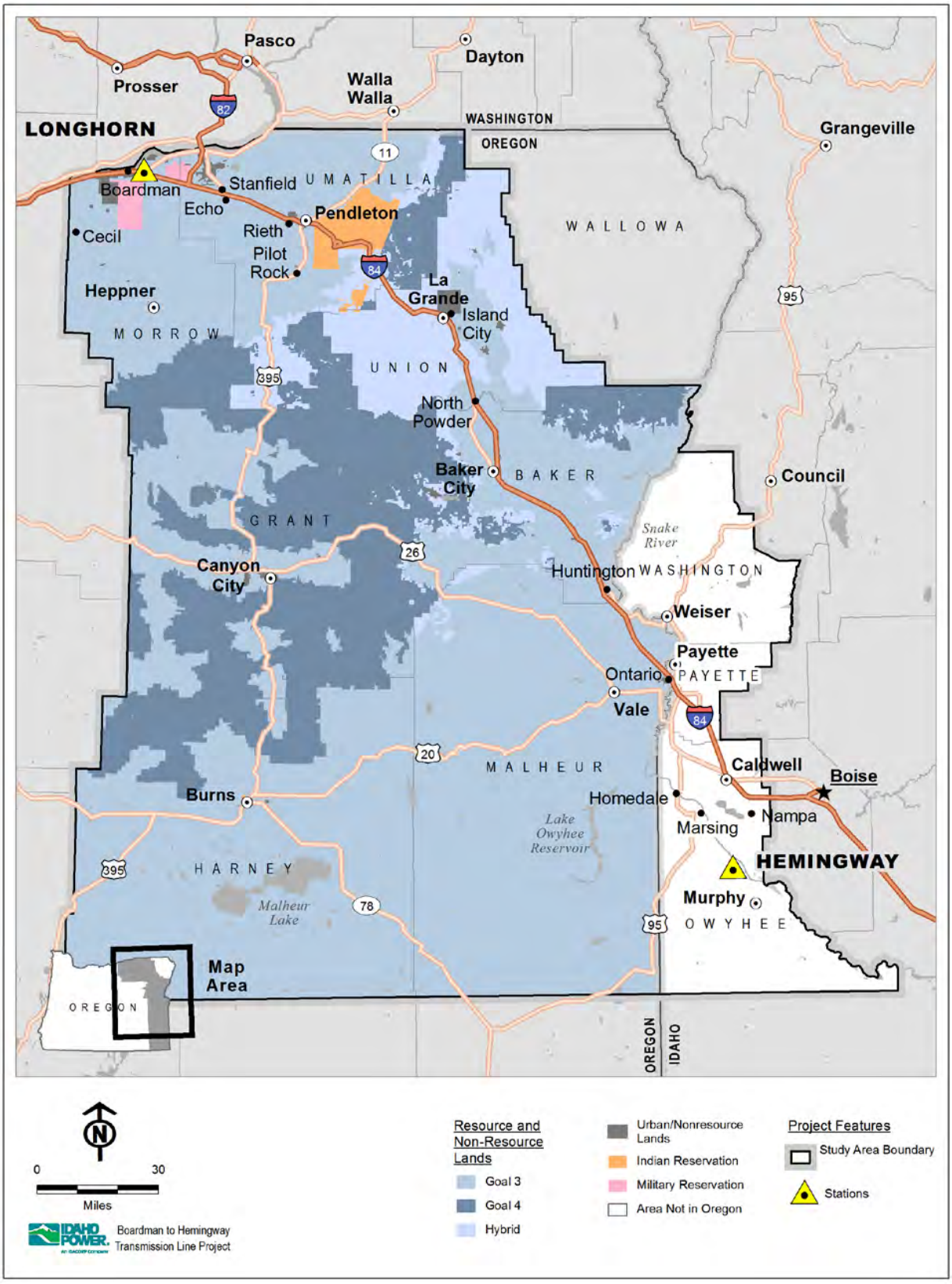

Figure K-4. Resource and Urban/Nonresource Lands

4.1.2.4 Availability of Existing Rights-of-Way

A utility facility that must be sited in EFU lands due to the availability of existing ROWs is considered necessary for public service under ORS 215.275(2)(d). This factor "reflects a preference for placing new linear facilities in existing public and private rights-of-way, as opposed to creating new right-of-way."[21] The phrase "existing right-of-way" refers to existing transportation and utility ROWs within which the Project could potentially co-locate.[22] Here, there was no existing utility ROW that traveled the entire path between the Project endpoints in a reasonably direct route. Even so, as discussed in Exhibit B, IPC made reasonable efforts to locate the Project in or adjacent to existing federal ROW corridors where possible, including the BLM Vale District Utility Corridor, West-wide Energy Corridor, and Wallowa-Whitman National Forest Utility Corridor. Indeed, 35.1 line miles of the Proposed Route were located in one of those utility corridors (see Figure K-5). Because most of eastern Oregon is zoned EFU, the Project must cross EFU lands to enter and exit the utility corridors. Therefore, to take advantage of the available utility corridors, the Project must be sited in EFU lands and the Project is necessary for public service under ORS 215.275(2)(c).

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

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

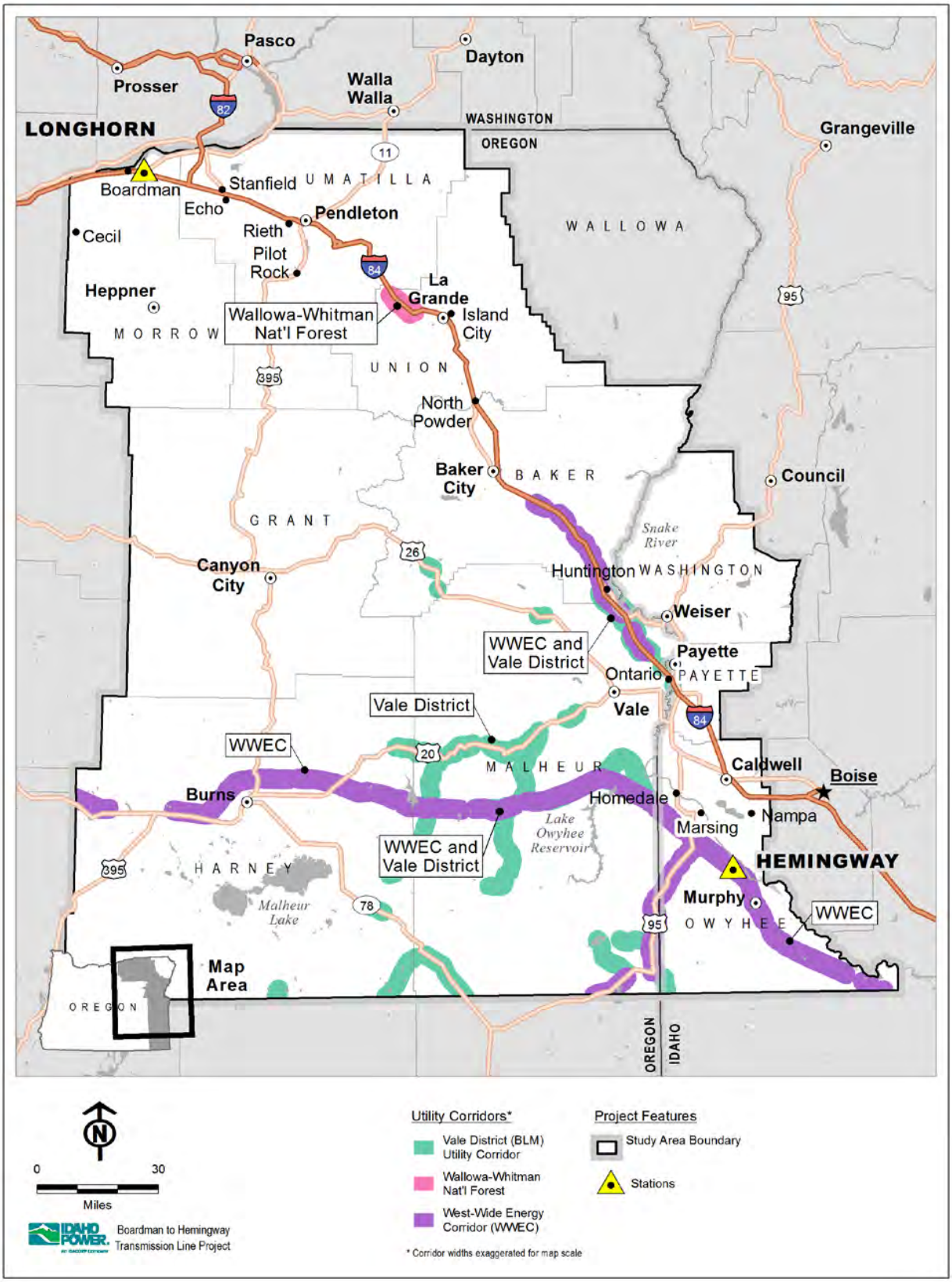

Figure K-5. Utility Corridors

4.1.2.5 Public Health and Safety

The need for siting the Project in EFU lands generally was not driven by public health and safety considerations (see ORS 215.275(2)(e)).[23] However, as discussed in Section 4.1.2.7, certain public health and safety considerations dictated the need to site the multi-use areas in certain EFU lands.

4.1.2.6 Other Requirements of State and Federal Agencies

The need for siting the Project in EFU lands was not driven by state or federal requirements beyond those set forth at ORS 215.275(a) through (e) (see ORS 215.275(2)(f)). However, the following additional state and federal requirements influenced the ultimate location of the Project, by creating constraints on particular EFU lands, thereby influencing which EFU lands the Project crosses.

USFS Preference for Designated Utility Corridors

Almost 58 percent of the land within the study area is owned by federal land management agencies. As illustrated in Figure K-2, the Wallowa-Whitman, Umatilla, Malheur, and Ochoco National Forests (NFs) are located within the study area from northeast to southwest and must be crossed by any line that is sited in a reasonably direct route from the proposed Longhorn Station to the Hemingway Substation. A key planning requirement that influenced the location of the Proposed Corridor in the central part of the study area, especially in Union and Umatilla counties, is the presence of a designated utility corridor crossing of the Wallowa-Whitman NF along Interstate 84 (I-84) west of La Grande and the absence of any designated corridor or existing utility corridor crossing National Forest elsewhere. The Land and Resource Management Plan for the Wallowa-Whitman National Forest (USFS 1990) (WW LRMP) states: "One Existing Utility Corridor […] is designated in order to facilitate authorization of future utility rights-of-way. It lies along I-84 west of La Grande and presently includes several facilities." Additionally, the WW LRMP provides that "[w]hen applications for rights-of-way for utilities are received, the Forest's first priority will be to utilize residual capacity in existing rights-of-way."[24]

EFSC Protected Area Standard

One key state requirement that influenced siting of the Project is EFSC's protected area standard, which does not permit siting of an energy facility in certain protected areas. For the Project, the key protected areas that the Project has been sited to avoid include state parks, multiple BLM Area of Critical Environmental Concern (ACECs), and other areas described in detail in Exhibit L. The trade-off for avoiding these resources often resulted in impacts to additional EFU lands.

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[23] The public health and safety factor does not require an applicant to demonstrate that siting a facility on non-EFU land is fundamentally unsafe in order for this factor to authorize siting the facility on EFU land. *NWN SMPE Final Order* at 27.

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

Environmentally Sensitive Areas

As discussed in Exhibit P2, IPC spent significant effort to avoid or minimize impacts to Greater sage-grouse habitat. BLM, in selecting the routes across BLM-administered lands, also sought to avoid or minimize sage-grouse habitat impacts. Avoiding sage-grouse habitat resulted, in many cases, in re-routing the Project onto EFU lands. Similar trade-offs occurred in trying to avoid Oregon Department of Fish and Wildlife (ODFW) Category 1 Habitat.

4.1.2.7 Communication Stations and Related and Supporting Facilities

As discussed above, the transmission line must be sited in an EFU zone due to locational dependence; lack of available urban or nonresource lands; and availability of existing ROWs. For similar reasons, certain communication stations and related and supporting facilities also must be located in EFU lands.

Communication Stations

The Project communication stations will be located within the transmission line ROW. For those communication stations in EFU lands, they are located there because the adjacent transmission line section is also located in EFU lands. For that reason, the communication stations in EFU lands are locationally dependent under ORS 215.275(2)(b).

Access Roads

The Project involves both new access roads and existing roads requiring substantial modification. Regarding IPC's use of existing roads, IPC sought to utilize existing roads as much as possible to, among other things, minimize new land and resource impacts that otherwise are associated with creating new roads. Where IPC will use existing roads in EFU lands, IPC will be using the existing road ROWs and therefore IPC's use of existing roads will be consistent with ORS 215.275(2)(d).

For new access roads in EFU lands, where the transmission line is located on EFU lands, new access roads serving those sections of the transmission line must necessarily cross EFU lands to connect to the transmission line because the transmission line itself if on EFU lands. That being so, new access roads serving transmission line segments on EFU lands are locationally dependent under ORS 215.275(2)(b). With respect to the new access roads serving sections of the transmission line located on non-EFU lands, none of those new access roads cross EFU lands, except where the access road is located within the transmission line ROW and it continues down the ROW to serve a transmission line tower on EFU lands. In that sense, even those roads are locationally dependent under ORS 215.275(2)(b) because they necessarily must cross onto EFU lands to serve a tower on EFU lands. Figure K-6 provides an example of an access road on the ROW that crosses both EFU and non-EFU lands.

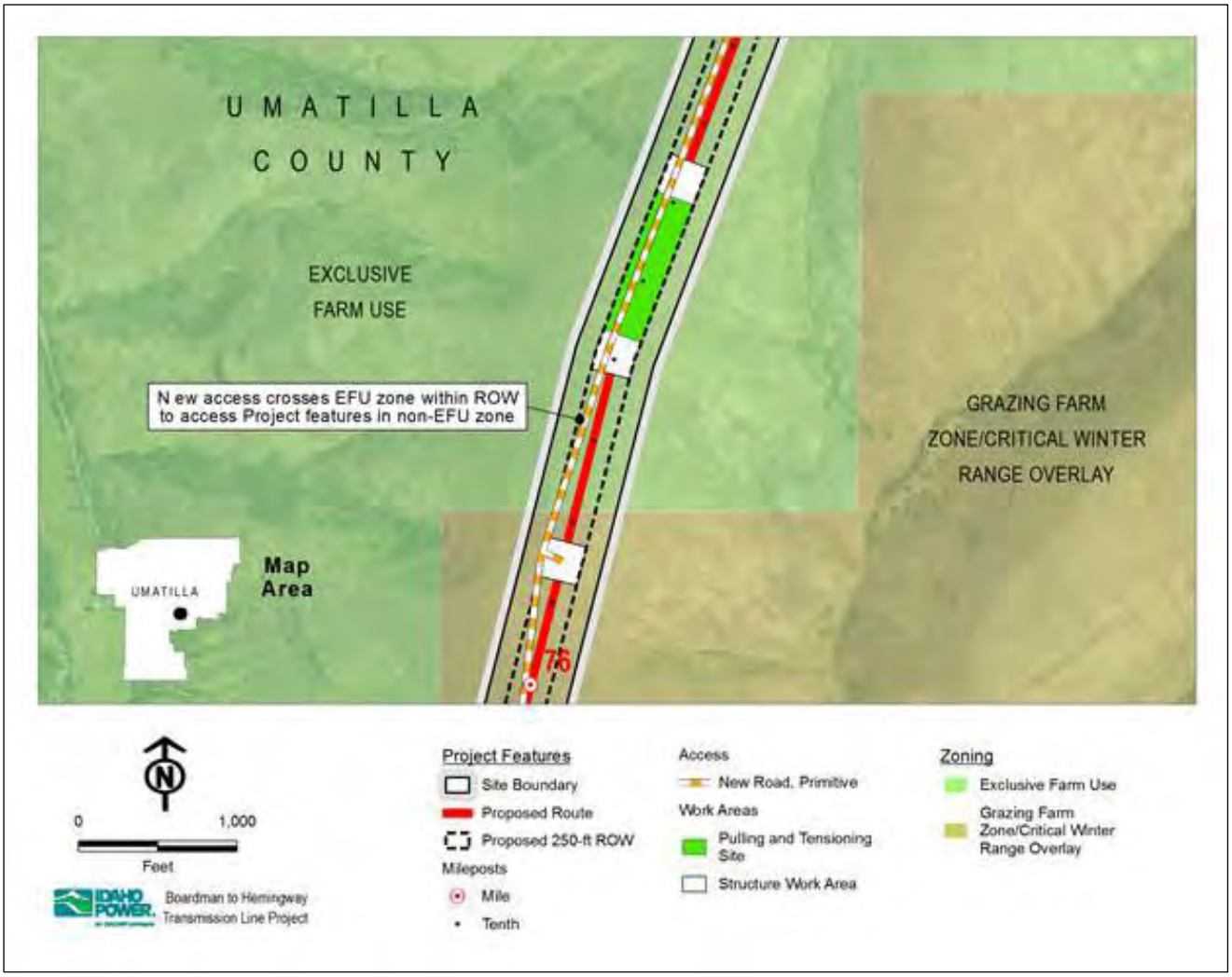

Figure K-6. Access Road Crossing EFU and Non-EFU Lands

Multi-Use Areas

Several multi-use areas will be located in EFU lands. IPC sited the multi-use areas in these locations to, among other reasons, provide safe and efficient transportation access and provide for the safe operation of helicopter operations. For those reasons, the need to site the multi-use areas in EFU lands was driven by public health and safety considerations under ORS 215.275(2)(e). Additionally, the multi-use areas must be sited in reasonable proximity to the transmission line corridor and must be staged throughout the Project area to provide efficient access for ground transport vehicles and helicopters. Combining the need for efficient siting throughout the Project with providing safe and efficient transportation access and safe surroundings for helicopter operations narrows the potential areas for siting the multi-use areas. In those areas, there is a lack of urban and non-resource areas under ORS 215.275(2)(d), and the multi-use areas must be sited in EFU lands.

Pulling and Tensioning Sites

Pulling and tensioning sites are located immediately adjacent to the transmission line. To the extent pulling and tensioning sites are located in EFU lands, it is because the transmission line

itself is on EFU lands. Accordingly, pulling and tensioning sites in EFU lands must be located within the EFU zone because they are locationally dependent (see ORS 215.275(2)(b)).

Communication Station Distribution Lines

The Project communication stations will be located within the transmission line ROW. For those communication stations in EFU lands, they are located there because the adjacent transmission line section is also located in EFU lands. In turn, distribution lines serving those communication stations also must be located in EFU lands. For those reasons, the communication station distribution lines in EFU lands are locationally dependent under ORS 215.275(2)(b).

4.1.3 Siting Costs Were Considered but Were Not Determinative

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

Costs were not the only factor in IPC's corridor selection process or its ORS 215.275(2) analysis. As discussed in Exhibit B and the siting studies, there were a variety of factors driving the Proposed Route, including permitting difficulty, construction difficulty, and engineering difficulty.

4.1.4 Restoration of Farmland and Associated Improvements

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

Once IPC receives approval to locate the Project on EFU lands due to one or more of the factors discussed in Section 4.1.2, ORS 215.275(4) requires IPC to take reasonable measures to restore agricultural lands and associated improvements that are disturbed during the construction and operation of the Project.[25] IPC prepared an Agricultural Lands Assessment, attached as Attachment K-1, which describes the current agricultural uses within the analysis area and analyzes impacts of the Project on those uses. Most of the impacts will be temporary; however, impacts on certain portions of agricultural crops will be present for the life of the Project. Table K-2 shows the acres of temporary and permanent impacts to agricultural lands, compared to the total acreage of agricultural lands for each county.

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

Table K-2. Agricultural Impact by County

Route	County	Total Agricultural Area (acres)[1]	Construction Impacts (acres)	Operation Impacts (acres)
Proposed Route	Morrow	3,391.5[2]	199.4	38.1
	Umatilla	450.3	15.0	1.4
	Union	316.1[3]	115.9	<0.1
	Baker	576.5	53.0	1.6
	Malheur	1,074.2[4]	64.2	5.1
Proposed Route - Total		**5,808.6**	**447.5**	**46.2**
Double Mountain Alternative	Malheur	1,074.24	–	–
Morgan Lake Alternative	Union	316.13	97.2	–
West of Bombing Range Road Alternative 1	Morrow	3,391.52	4.2	0.9
West of Bombing Range Road Alternative 2	Morrow	3,391.52	2.4	0.5

[1] The total agricultural area comprises the acres within the Site Boundary and a 500-foot buffer around the Site Boundary that were identified as having agricultural uses (see Attachment K-1, Agricultural Lands Assessment). For purposes of this calculation, agricultural uses did not include: cattle, fallow, poultry, rangeland, timber, river/stream, road/transport, or sheep/goats.
[2] The total agricultural area for Morrow County includes the assessment area for the Proposed Route, West of Bombing Range Alternative 1, and West of Bombing Range Alternative 2.
[3] The total agricultural area for Union County includes the assessment area for the Proposed Route and the Morgan Lake Alternative.
[4] The total agricultural area for Malheur County includes the assessment area for the Proposed Route and the Double Mountain Alternative.

Land used during construction of the transmission line will be restored, as nearly as possible, to former productivity. Crop reestablishment, where permissible, and crop production are expected to resume following construction. Structures (drainage systems, irrigation systems, fences, etc.) will be repaired, or landowners will be compensated to make repairs. Damage to crops and other crop losses due to construction of the transmission line will be assessed, and compensation will be paid at fair market rates. Specific measures to minimize and mitigate impacts to agricultural lands, both during the construction and operational phases, are set forth in IPC's Agricultural Lands Assessment (Attachment K-1). County-level analysis for each county is provided in Section 5, discussing measures to minimize and mitigate impacts to agricultural lands in the context of compliance with applicable local substantive criteria.

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

4.1.5 Mitigation and Minimization of Impacts to Farmland and Agricultural Practices

ORS 215.275(5): The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.213(1)(c)(A) or 215.283(1)(c)(A) to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

To comply with the requirements of ORS 215.275(5), the Agricultural Assessment proposes specific measures to avoid, mitigate, and minimize impacts to agricultural practices and uses on lands within the Site Boundary. These measures are based upon the assessment of all agricultural crops and practices on lands within the analysis area of the Agricultural Assessment and are similar to the restoration measures described above. To the extent required in order to "prevent a significant change in accepted farm practices or increase in the cost of farm practices on surrounding farmlands," IPC will implement the measures described in the Agricultural Lands Assessment, Attachment K-1, Section 7.0 to mitigate and minimize impacts to agricultural practices. The minimization and mitigation measures described in detail in the Agricultural Assessment include the following general provisions:

- Coordination with Landowners—IPC will approach each landowner to engage in discussions regarding minimization and mitigation measures for impacts on privately-owned agricultural lands.
- IPC Agricultural Specialists or Qualified Contractors—Unless otherwise specified, IPC may use its own qualified agricultural specialists or will retain qualified contractors to execute mitigation actions. However, IPC may be willing to negotiate mitigation actions to be performed by the landowner or landowner's designee or others.
- Agricultural Monitor—During construction and initial restoration, IPC will designate an inspector to serve as an Agricultural Monitor. IPC may use a qualified member of its staff or retain a qualified contract to serve as the Agricultural Monitor. The Agricultural Monitor will provide technical assistance to construction managers, other inspectors, and construction inspectors to facilitate the effective implementation of agricultural mitigation measures.
- Contact Information—Prior to construction, IPC will provide each landowner and landowner's designee with a telephone number and address that can be used to contact IPC regarding the agricultural impact mitigation work that is performed on the landowner's property. IPC will respond to Project inquiries and correspondence within a reasonable time.
- ROW Safety—IPC will communicate with landowners and designees regarding safe practices while working around transmission lines.

Additionally, IPC proposes the following specific minimization and mitigation measures described in detail in the Agricultural Assessment include the following general provisions:

- Tower Placement—IPC's engineering, land rights, and permitting staff will work together with landowners to address tower placement issues. Where feasible, IPC will avoid sensitive areas such as those with the potential to interrupt irrigation equipment and other areas identified by landowners.

- Construction Scheduling—Landowners will be contacted as soon as possible once construction time frames have been developed. IPC will consult with landowners when planning the construction schedule to minimize impacts on soils, crops, harvesting, and other activities.
- Drainage Tiles—IPC will make every attempt to locate and avoid impacts to drainage tiles. In the event that drainage tiles are damaged or adversely impacted by construction of the Project, IPC will repair affected drainage tiles as quickly as possible. IPC will install additional tile and other drainage measures as are necessary to properly drain wet areas in the ROW caused by construction of the Project. Additional standards and policies regarding drainage tiles are set forth in further detail in the Agricultural Lands Assessment, Attachment K-1, Sections 7.3.4 and 7.3.5.
- Construction Debris—Project-related construction debris and material will be removed from the landowner's property at IPC's cost. Such material would include excess construction materials or debris generated by the construction crews.
- Compaction—Agricultural land that has been compacted will be restored to its original condition using appropriate tillage equipment during suitable weather conditions.
- Rutted land—Rutted lands will be restored to preconstruction condition as much as practical.
- Soil conservation practices—Terraces and grassed waterways damaged by the Project construction will be restored as nearly as possible to their preconstruction condition.
- Weed Control— On permanent ROW areas where IPC has control of the surface use of the land such as towers, access roads, or stations, IPC will provide weed control in a manner that does not allow the spread of weeds to adjacent lands used for agriculture (see Exhibit P1, Attachment P1-5, Noxious Weed Plan).
- Equipment cleaning—Contractors will be required to thoroughly clean construction equipment with high-pressure washing prior to the initial move of those units to the general Project Site Boundary (see Exhibit P1, Attachment P1-5, Noxious Weed Plan).
- Certified Seed—When available, IPC will use Oregon-certified seed or equivalent for revegetation.
- Irrigation Systems—If Project construction or temporary work areas intersect a spray irrigation system, IPC will coordinate with the landowner and/or landowner's designee regarding the amount of time that the irrigation system will be unavailable and take appropriate and mutually agreeable steps to limit the interruption and/or implement temporary measures to allow irrigation to continue. To avoid damaging the pipes or creating difficult access to the irrigation lines for maintenance, IPC will work with landowners to identify the location of underground water lines to avoid siting the towers above or adjacent to buried lines. If irrigation lines or access to those lines for maintenance are adversely affected by the construction of the Project, IPC will restore the function of the irrigation lines, including the relocation, reconfiguration, and replacement of existing lines.
- Ingress and Egress Routes—IPC will seek a mutually acceptable agreement with the landowner on the proposed path(s) that will be used for entering and leaving the construction area prior to initiation of construction.
- Access Ramps or Pads—Where access ramps or pads from a road or highway to the construction area are required in agricultural fields, IPC will place a durable geotextile matting over the soil surface prior to the installation of temporary rock access fill material. Rock and geotextile matting will be completely removed upon completion of the

Project, unless otherwise agreed upon by a mutually acceptable agreement with the landowner.

- Temporary Roads—The location of temporary roads to be used for construction purposes will be agreed upon with the landowner and/or landowner's designee. Upon abandonment, temporary roads may be left intact through mutual agreement of the landowner and IPC. If a temporary road is to be removed, the agricultural land upon which it is constructed will be returned to its previous use and restored as nearly as possible to the condition that existed prior to construction.
- Topsoil Separation and Storage—To preserve productive soils, topsoil on agricultural land will be removed and stored separately prior to construction of temporary access roads, towers, and possibly specific locations within staging areas (see Exhibit I, Attachment I-3, Erosion and Sediment Control Plan, and Exhibit P1, Attachment P1-3, Reclamation and Revegetation Plan).
- Excess Rock—Any excess surface rock brought to the construction area by IPC for construction will be completely removed from agricultural land following the completion of all site restoration activities, unless otherwise specified in an agreement with the landowner.
- Construction in Wet Conditions—On excessively wet soils, IPC will restrict certain construction activities so that soil productivity is preserved or restored. As feasible, IPC will schedule construction activities to avoid the months of greatest precipitation. Damages that result from construction that occurs in wet conditions will be restored as determined by the Agricultural Monitor described in Section 7.0 of the Agricultural Assessment.
- Dust Control—IPC will control excessive dust generated during construction by controlling vehicle speed, by wetting the construction area, or by other means, and will coordinate with farm operators to provide adequate dust control in areas where specialty crops are susceptible to damage from dust.
- Prevention of Soil Erosion—IPC will implement erosion prevention and sediment control measures during construction in accordance with all applicable permit conditions and coordinate with the local Natural Resources Conservation Service soil conservation experts. IPC will follow best management practices set forth in approved stormwater and erosion control plans for the Project, which may include applying temporary mulch in the event of a seasonal shutdown, if construction or restoration activity is interrupted or delayed for an extended period, or if permanent seeding of non-cultivated areas is not completed during the recommended seeding period prior to the winter season.
- Reseeding—Following construction, cultivated agricultural land will generally be reseeded or replanted by the landowner. IPC will reseed and mulch non-cultivated agricultural land such as pastures and perennial grass hayfields in consultation with landowners, or will make arrangements with landowners who prefer to conduct the reseeding of these areas. IPC will reseed and mulch non-agricultural land in accordance with the Vegetation Management Plan found in Exhibit P1.
- Induced Voltage—Very rarely, barbed wire or other metal fences paralleling transmission lines may acquire induced voltage. Electric fences around livestock enclosures may also acquire an increase in voltage levels. Cathodic protection may be required to prevent excessive corrosion of irrigation distribution lines as a result of induced voltage. IPC will assist landowners in determining the best ways to safely ground permanent or temporary fences if problems arise and will compensate landowners for any additional

materials needed to properly ground or protect fences or irrigation equipment from induced voltage.

- Livestock Operations—IPC will work with the landowner or landowner's designee to coordinate and schedule construction activities to minimize impacts to livestock operations. The Agricultural Monitor will ensure that construction activities follow guidelines established with the landowner and/or landowner's designee to protect livestock and livestock operations.
- Livestock-Related Infrastructure—Any fences, gates, cattle guards, or corrals damaged by construction will be repaired or replaced. IPC will also construct temporary fences and gates during construction, as necessary.
- Temporary Relocation of Livestock—In the event livestock must be relocated temporarily, or supplemental feed is necessary, IPC will reimburse the reasonable cost incurred for the transport of livestock, acquisition of temporary pasture land and/or additional supplemental feed during construction and restoration activities.

To ensure compliance with the Agricultural Assessment, IPC proposes that the Council include the following conditions in the site certificate:

> ***Land Use Condition 1:*** *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Agricultural Assessment. The protective measures described in the draft Agricultural Assessment in ASC Exhibit K, Attachment K-1, shall be included and implemented as part of the final Agricultural Assessment, unless otherwise approved by the department.*
>
> ***Land Use Condition 15:*** *During construction, the certificate holder shall conduct all work in compliance with the final Agricultural Assessment referenced in Land Use Condition 1.*

For these reasons, IPC demonstrates that ORS 215.275(5) is satisfied.

4.1.6 Conclusions

The foregoing discussion demonstrates the Project's compliance with ORS 215.283(1)(c)(A) and ORS 215.275. The Project is a utility facility necessary for public service because it must be sited in an EFU zone: (i) due to its locational dependency; (ii) a lack of available urban and nonresource lands to site the Project on; and (iii) in order to take advantage of existing ROWs. IPC has completed a survey of existing conditions and uses of the agricultural lands within the Project's Site Boundary and, through implementation of the measures in the Agricultural Assessment, will minimize and mitigate the Project's impacts on those agricultural lands.

4.2 Consulting Requirement

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

constructing the transmission line in a manner that minimizes the impact on farming operations on high-value farmland. If the record owner does not respond within two weeks after the first documented effort to consult the record owner, the utility provider shall notify the record owner by certified mail of the opportunity to consult. If the record owner does not respond within two weeks after the certified mail is sent, the utility provider has satisfied the provider's obligation to consult. (3) The requirement to consult under this section is in addition to and not in lieu of any other legally required consultation process.

Following issuance of the site certificate, IPC will consult with landowners of high-value farmland regarding micrositing of the transmission line as required by ORS 215.276(2) (see also Attachment K-1, Agricultural Lands Assessment). As a practical matter, IPC will consult with *all* landowners regarding micrositing of the Project.

5.0 STATUTORY FOREST ZONE REQUIREMENTS

5.1 Background on Project Siting in Forest Zones

Forest lands must be crossed to achieve a reasonably direct route between the Project endpoints.[26] A key planning requirement that influenced the location of the Proposed Corridor in the central part of the study area was the presence of the designated utility corridor through the Wallowa-Whitman NF along I-84 west of La Grande and the absence of any designated corridor crossing the National Forest elsewhere. The WW LRMP states: "One Existing Utility Corridor . . . is designated in order to facilitate authorization of future utility rights-of-way. It lies along I-84 west of La Grande and presently includes several facilities." Additionally, the WW LRMP provides that "[w]hen applications for rights-of-way for utilities are received, the Forest's first priority will be to utilize residual capacity in existing rights-of-way."[27]

Here, the forested portion of the Proposed Corridor is relatively contiguous and extends from east of Pendleton, Oregon near Dead Man's Pass (MP 79 on the Project) to just east of La Grande, Oregon at MP 120. The Project crosses the following forest-related zones: (a) the Grazing-Farm Zone in Umatilla County (which is a hybrid farm-forest zone that includes agricultural land, rangeland, and forest land); and (b) the Timber-Grazing Zone in Union County. With respect to (a), the transmission line (9.9 line miles), new access roads (4.3 miles), substantially modified existing access roads (8.0 miles), and one light-duty fly yard will be located in the Grazing/Farm Zone in Umatilla County; no multi-use areas or communication stations will be located in this zone. Regarding (b) and the Proposed Route, the transmission line (32.1 line miles), new access roads (13.1 miles), substantially modified existing access roads (29.5 miles), and one communication station (CS UN-01) will be located in the Timber-

[26] See Figure K-2. The Wallowa-Whitman, Umatilla, Malheur, and Ochoco NFs are located within the study area from northeast to southwest and must be crossed by any line that is sited in a reasonably direct route from the proposed Longhorn Station to the Hemingway Substation.

[27] See WW LRMP at page 4-33, Standards and Guidelines for Energy Resources (USFS 1990). The WW LRMP is consistent with the federal mandate that the land management agencies to take steps to avoid the proliferation of utility ROW corridors. *See Federal Land Policy and Management Act,* 43 United States Code 1763 ("In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way, the utilization of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary concerned the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way granted pursuant to this Act. In designating right-of-way corridors and in determining whether to require that rights-of-way be confined to them, the Secretary concerned shall take into consideration national and State land use policies, environmental quality, economic efficiency, national security, safety, and good engineering and technological practices. The Secretary concerned shall issue regulations containing the criteria and procedures he will use in designating such corridors. Any existing transportation and utility corridors may be designated as transportation and utility corridors pursuant to this subsection without further review.")

Grazing Zone in Union County; there will be no multi-use areas or light-duty fly yards in the Timber-Grazing Zone in Union County with the Proposed Route. With the Morgan Lake Alternative, the transmission line (17.2 line miles), new access roads (14.3 miles), substantially modified existing access roads (15.8 miles), and one alternative communication station (CS UN-01 ALT) will be located in the Timber-Grazing Zone in Union County; there will be no multi-use areas or light-duty fly yards in the Timber-Grazing Zone in Union County with the Morgan Lake Alternative.

Figure K-7 below shows the location of the forest lands in relation to the Project. Detailed maps of the forested lands affected by the Project are provided in Exhibit BB, Attachment BB-1, Appendix A, Estimated Forest Disturbance Map Book.

Figure K-7. Forest Land Crossings

5.2 Project Authorizations in Forest Zones

5.2.1 New Electric Transmission Line

OAR 660-006-0025(4): The following uses may be allowed on forest lands subject to the review standards in section (5) of this rule: . . . (q) New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. . . .

Under OAR 660-006-0025(4)(q), a "new electric transmission line with right of way widths of up to 100 feet as specified in ORS 772.210" is a "conditional use," meaning a use allowed on Goal 4 forest lands subject to certain conditions. For the reasons explained below, the ROW required by the Project falls well within the "new electric transmission line" use set forth in OAR 660-006-0025(4)(q), and the Project ROW is therefore a conditional use on Goal 4 forest lands.

While OAR 660-006-0025(4)(q) expressly refers only to transmission lines with up to a 100-foot ROW, the Oregon Supreme Court has concluded that the use category defined in OAR 660-006-0025(4)(q) also includes new electric transmission lines with ROWs greater than 100 feet because of that provision's specific reference to ORS 772.210 (regarding condemnation) (see *Save Our Rural Oregon v. EFSC*, 339 Or. 353, 375-76 (2005) [concerning the EFSC application of the COB Energy Facility LLC, and hereinafter referred to as *COB*]). ORS 772.210 relates to "Rights of Ways for Public Uses" and public utility condemnation authority. It authorizes public utilities to "[c]ondemn such lands not exceeding 100 feet in width for its [transmission] lines." In addition, ORS 772.210(1) provides that "[i]f the lands are covered by trees that are liable to fall and constitute a hazard to its wire or line," the public utility may "condemn such trees for a width not exceeding 300 feet." ORS 772.210(2), a parallel provision tailored to address high-voltage transmission lines, similarly provides that a public utility may:

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

Thus, including the vegetative maintenance zone of 100 feet on either side of a 300-foot ROW, it is IPC's position that ORS 772.210(2) authorizes condemnation of a corridor of up to 500 feet for a 500-kV transmission line. This approach is consistent with the precedent set in the *COB* case, cited above, in which the Oregon Supreme Court interpreted OAR 660-006-0025(4)(q)),[28] taken together with ORS 772.210(1), to allow a new electric transmission line with a ROW in excess of 100 feet on Goal 4 forest lands without requiring an exception to Goal 4. In *COB*, the facility proposed for development in the forest zone included a 100-foot-wide corridor for a transmission line, as well as a vegetative maintenance zone of 54 feet on each side of the ROW and access roads.[29] In that case, the Supreme Court concluded that the 100-foot ROW was a permissive use, and that "ORS 772.210 allows a vegetative maintenance zone of up to 100 feet on either side of such a corridor."[30] Accordingly, the Court reasoned that no Goal 4 exception was required for the

[28] In the *COB* case, the Court was interpreting a provision of the Klamath County Land Development Code containing the same language as OAR 660-006-0025(4)(q).
[29] *Save Our Rural Oregon v EFSC,* 339 Or. 353.375.376 (2005).
[30] *Id.*

entire 154-foot corridor proposed by the applicant, and the entire 154-foot ROW was allowed in the forest zone as a conditional use.[31]

Given that OAR 660-006-0025(4)(q) specifically refers to ORS 772.210 in its entirety, not just subsection (1) of ORS 772.210,[32] the analysis in *COB* must be applied to include the wider ROWs identified in ORS 772.210(2) as within the scope of conditional uses authorized in Goal 4 forest lands. Although the *COB* opinion does not expand on the court's reasoning, it appears that the Court determined that the conditional use described in the Klamath County analogue of OAR 660-006-0025(4)(q) should be read broadly to include the wider corridors described in ORS 772.210. Thus, applying the reasoning in *COB,* OAR 660-006-0025(4)(q) encompasses up to a 300-foot ROW corridor for a new electric transmission line "designed for voltages in excess of 330,000 volts," as well as up to 100 feet on either side of such corridor for vegetative maintenance, in Goal 4 forest land. Accordingly, the Project is a "new electric transmission line" for the purposes of OAR 660-006-0025(4)(q) and up to a 500-foot ROW corridor should be considered a conditional use on Goal 4 forest lands.

While IPC's position is that the *COB* decision provides for a 500-foot ROW in Goal 4 forest lands, the Oregon Department of Energy (ODOE) disagrees. Instead, ODOE has stated that only a 300-foot ROW is authorized, unless a Goal 4 exception is provided. Without waiving its argument, IPC is agreeing to limit its ROW to no more than 300 feet in Goal 4 forest lands,[33] which under ODOE's interpretation complies with OAR 660-006-0025(4)(q), ORS 772.210, and the *COB* decision. To ensure compliance with ODOE's direction, IPC requests that the Council adopt the following conditions to be included in the site certificate:

> ***Land Use Condition 17:*** *During construction, the certificate holder shall limit its transmission line ROW in Goal 4 forest lands to no wider than 300 feet. The certificate holder shall limit its use of the outer 100 feet on each side of the ROW primarily to vegetation maintenance.*
>
> ***Land Use Condition 29:*** *During operation, the certificate holder shall limit its transmission line ROW in Goal 4 forest lands to no wider than 300 feet. The certificate holder shall limit its use of the outer 100 feet on each side of the ROW primarily to vegetation maintenance.*

The Project's compliance with the three conditional use siting criteria for forest lands provided in OAR 660-006-0025(5) is discussed below.

IPC's position is that the term "new electric transmission line" includes related and supporting facilities, including access roads, communication stations, and other such facilities, all of which should be conditionally permitted. Therefore, all Project features and related and supporting facilities are conditionally permitted in Goal 4 forest lands under OAR 660-006-0025(4)(q). However, if the Council were to find that OAR 660-006-0025(4)(q) does not cover access roads outside the transmission line corridor, IPC demonstrates in Section 6 that the substantially modified existing roads outside of the corridor are permitted outright on forest lands under OAR 660-006-0025(3)(h), and that new roads outside the corridor nonetheless comply with statewide

[31] The Supreme Court noted that "the council determined that the roads did not meet Goal 4, reviewed the Goal exception criteria of ORS 469.504(2)(c), and took an exception to Goal 4 for access roads."

[32] When interpreting the meaning of an administrative rule, the standard rules of statutory construction apply and courts use the same methodology to interpret rules as they use to construe statutes. *PGE v. BOLI*, 317 Or. 606, 611 (1993). When examining the text and context of the rule, one must not "insert what has been omitted, or . . . omit what has been inserted." ORS 174.010. If possible, rules and statutes should be read in such a way as to give full effect to both.

[33] While IPC may need to extend the ROW width up to 300 feet in certain forested areas to allow for maintenance of danger trees, those circumstances will be limited and the ROW will typically be 250 feet in most forested areas.

planning Goal 4. Alternatively, in the event EFSC concludes that the roads outside the transmission line corridor are not conditionally permitted as part of the new electric transmission line and are inconsistent with Statewide Planning Goal 4, IPC shows in Section 7.0 that the Council should provide an exception to Goal 4.

5.2.2 Access Roads

Again, IPC's position is that all Project features and related and supporting facilities are conditionally permitted in Goal 4 forest lands under OAR 660-006-0025(4)(q) as part of the "new electric transmission line." However, if the Council determines that roads proposed for development in Goal 4 forest lands outside of the transmission line corridor should not be included as part of the "new electric transmission line" that would be conditionally approved under OAR 660-006-0025(4)(q),[34] IPC demonstrates that the substantially modified existing roads outside of the corridor are permitted outright on forest lands under OAR 660-006-0025(3)(h), and that new roads outside the corridor nonetheless comply with statewide planning Goal 4.

5.2.2.1 Substantially Modified Existing Roads

> OAR 660-006-0025(3): The following uses may be allowed outright on forest lands: . . . (h) Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans and public road and highway projects as described in ORS 215.213(1) and 215.283(1); . . . .

OAR 660-006-0025(3)(h) provides that the following uses are allowed outright on forest lands: "[w]idening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans and public road and highway projects as described in ORS 215.213(1) and 215.283(1)." Here, the Project's "substantially modified existing roads" represent existing roads that will require improvements. The exact nature of the improvements will vary depending on the condition of the existing roads, but generally will include widening of roads to provide a 14-foot-wide travel surface, with a 16- to 20-foot-wide travel surface for horizontal curves. Additional improvements may be made to allow for the passage of heavy equipment. Importantly, none of these activities will result in the removal of a significant amount of Goal 4 land from forest use. Accordingly, the Project's substantially modified existing roads should be considered "widening of roads" and should be permitted outright in forest lands under OAR 660-006-0025(3)(h).

Alternatively, in the event EFSC concludes that the substantially modified existing roads outside the transmission line corridor are not conditionally permitted as part of the new electric transmission line or permitted outright under OAR 660-006-0025(3)(h), the Council should find that such roads nonetheless comply with statewide planning Goal 4 or grant IPC an exception to Goal 4 as discussed in Section 8.0.

5.2.2.2 New Access Roads

> OAR 345-022-0030: (1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission. (2) The Council shall find that a proposed facility complies with section (1) if: . . . (b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that: (A) The proposed facility complies with

[34] IPC notes that all of some of the Project's access roads may qualify as uses permitted in Goal 4 lands pursuant to OAR 660-006-0025((3)(h) (widening of roads within existing right-of-way permitted outright) or OAR 660-006-0025(4)(v)(certain public road and highway projects).

> applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3); (B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or (C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4). . . .

Pursuant to OAR 345-022-0030(2)(b)(A), the Council must find that a proposed facility complies with the statewide planning goals if the proposed facility complies with the applicable local substantive criteria and the applicable LCDC administrative rules and goals. As discussed below in Section 6.5.2.2 and Section 6.6.2.3, the new access roads will comply with applicable local substantive criteria. Specifically, in Union County, the new access roads in the predominantly forestland parcels in the Timber-Grazing Zone satisfy all applicable local substantive criteria as conditional uses under Union County Zoning, Partition and Subdivision Ordinance (UCZPSO) 5.04(8). In Umatilla County, the new access roads satisfy all applicable local substantive criteria as conditional uses under Umatilla County Development Code (UCDC) 152.085(U). Additionally, as discussed below, the new access roads are consistent with all Land Conservation and Development Commission administrative rules and goals. For those reasons, the new access roads comply with the statewide planning goals and the Council should find that the new access roads are authorized in the applicable forest zones pursuant to OAR 345-022-0030(2)(b)(A).

Additionally, or alternatively, under OAR 345-022-0030(2)(b)(B) and (C), if the Council were to find that the new access roads do not comply with one or more local substantive criteria, the Council may nonetheless issue a site certificate for the same if it finds (1) that the access roads comply with the applicable statewide planning goals; or (2) that an exception to a statewide planning goal is justified under OAR 345-022-0030(4). In this instance, the new access roads needed to access the transmission line will cross forest lands in Umatilla and Union counties and are consistent with statewide planning goals. IPC has attempted to minimize the development of new roads in forested areas, relying on existing roads where possible. While the new access roads will inevitably require a certain amount of forest lands to be removed from forest use, the overall acreage will not be significant.

If the new access roads outside of the transmission line corridor do not satisfy all applicable use criteria for siting in a forest zone, there is nonetheless substantial evidence to support a finding by the Council that the Project is consistent with Goal 4 because the Project access roads (1) will remove minimal Goal 4 land from forest use, (2) will not restrict forest practices on adjacent land, and (3) may even promote economically efficient forest practices on and recreational use of adjacent forest lands. EFSC could thus find that the new access roads are consistent with Statewide Planning Goal 4.

Alternatively, in the event EFSC concludes that the new roads outside the transmission line corridor are not conditionally permitted as part of the new electric transmission line and are inconsistent with Statewide Planning Goal 4, notwithstanding *COB* and ORS 772.210, IPC seeks an exception to Goal 4 in Section 8.0 below.

5.2.3 Communication Station Sites

OAR 660-006-0025(1): Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are: . . . (c) Locationally-dependent uses, such as communication towers, mineral and aggregate resources, etc. . . . ..

As mentioned above, IPC's position is that all Project features and related and supporting facilities, including the proposed communication station sites, are conditionally permitted in Goal 4 forest lands under OAR 660-006-0025(4)(q). In the event that EFSC concludes that the communication station sites are not conditionally permitted as part of the new electric transmission line, the communication station sites, as they relate to the Project, should alternatively be authorized as a "locationally-dependent use," as described in OAR 660-006-0025(1)(c).[35]

IPC proposes to locate one communication station site in a forest zone, and the lands where each of the alternative communication station sites are proposed to be located comprise shrub land with scattered trees.[36] The alternative communication station sites will be located within the transmission line ROW corridor to minimize impacts to the greatest extent possible, and will comply with applicable requirements for a "structure" developed in the forest zone (discussed below in response to OAR 660-006-0029 and OAR 660-006-0035). Finally, the communication stations are locationally-dependent in that they must be located nearby the transmission line, as their purpose is to monitor the operations of the line. For those reasons, the Council should find that the communication station sites are authorized in the applicable forest zones pursuant to OAR 660-006-0025(1)(c).

5.2.4 Helipads

OAR 345-022-0030: (1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission. (2) The Council shall find that a proposed facility complies with section (1) if: . . . (b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that: (A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3); (B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or (C)

[35] As described in detail in Exhibit B, IPC requires communication station sites approximately every 40 miles along the length of the transmission line to amplify the signals.

[36] CS UN-01 will be located at approximately MP 105.8 and approximately 0.4 mile west of the La Grande city limits. The land comprises shrub land with scattered trees and is zoned by Union County as Timber-Grazing (Attachment C-2, Map 51). CS UN-01 ALT will be located at approximately MP 6.6 of the Morgan Lake Alternative Route and is 0.3 mile south of Morgan Lake. The land comprises grass land and is zoned by Union County as Timber – Grazing (Attachment C-3, Map 7). The alternate communication site, CS UN-01 ALT, would be built only if the Morgan Lake Alternative is developed, in which case the proposed CS UN-01 would *not* be developed. Only one communication station will be developed in the Timber-Grazing zone, and in either case, the site proposed for development is not heavily forested.

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

Pursuant to OAR 345-022-0030(2)(b)(A), the Council must find that a proposed facility complies with the statewide planning goals if the proposed facility complies with the applicable local substantive criteria and the applicable LCDC administrative rules and goals. As discussed below in Section 6.5.2.2, there will be two helipads potentially located in the Grazing-Farm Zone in Umatilla County: one at light duty fly yard (LDFY) UM-01, and one at a pulling and tensioning site near LDFY UM-01. Also, as discussed in Section 6.5.2.2, the helipads will comply with all applicable local substantive criteria as conditional uses under UCDC 152.085(G). Additionally, for the same reasons as discussed above regarding the new access roads, the helipads are consistent with all LCDC administrative rules and goals. For those reasons, the helipads comply with the statewide planning goals and the Council should find that the helipads are authorized in the applicable forest zones pursuant to OAR 345-022-0030(2)(b)(A).

Additionally, or alternatively, under OAR 345-022-0030(2)(b)(B) and (C), if the Council were to find that the helipads do not comply with one or more local substantive criteria, the Council may nonetheless issue a site certificate for the same if it finds (1) that the helipads comply with the applicable statewide planning goals; or (2) that an exception to a statewide planning goal is justified under OAR 345-022-0030(4). In this instance, the helipads located in forest lands in Umatilla County are consistent with statewide planning goals. IPC has attempted to minimize the development of helipads in forested areas, relying on helipad sites outside of forest lands where possible. While the helipads will inevitably require a certain amount of forest lands to be removed from forest use, the overall acreage will not be significant and IPC has attempted to place the helipads in areas with few existing trees and in areas where tree removal will already be required to accommodate transmission line construction.

If the helipads do not satisfy all applicable use criteria for siting in a forest zone, there is nonetheless substantial evidence to support a finding by the Council that the Project is consistent with Goal 4 because the helipads (1) will remove minimal Goal 4 land from forest use, and (2) will not restrict forest practices on adjacent land. EFSC could thus find that the helipads are consistent with Statewide Planning Goal 4.

Alternatively, in the event EFSC concludes that the helipads are not conditionally permitted as part of the new electric transmission line and are inconsistent with Statewide Planning Goal 4, notwithstanding *COB* and ORS 772.210, IPC seeks an exception to Goal 4 in Section 8.0 below.

5.3 Effects on Farm and Forest Practices

> OAR 660-006-0025(5): A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands: (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; . . . .

The Agricultural Lands Assessment, Attachment K-1, analyzes in detail the accepted farm practices in the area surrounding the Project and the potential impacts of the Project on the same. Within the forested portion of the Project, the agricultural uses of the land are almost exclusively range uses. Only a very small area of managed pasture exists on one ownership, and no tilled cropland occurs. Potential impacts of the Project on farming practices include

temporary (construction) and permanent (operational) disturbances, as well as the indirect impacts associated with these disturbances and the type of agricultural use disturbed. Indirect impacts may include changes in the pattern of land use, population density or growth rate, and the related effects of those changes on agriculture. IPC will take certain minimization and mitigation actions to address potential impacts to agriculture, including but not limited to restoring land to its former condition, compensating landowners for damages and/or impacts to agricultural operations caused as a result of Project construction, micro-siting the towers to avoid agricultural areas, instituting weed control measures, preventing soil erosion, and other measures (see Attachment K-1, Section 7.3). The Project, taking into account measures to minimize or mitigate impacts, will not force a significant change in, or significantly increase the cost of, accepted farming practices in the areas surrounding the Project in forest lands.

The Right-of-Way Clearing Assessment, Attachment K-2, analyzes existing forestry practices adjacent to the Project and impacts to those practices that may occur as a result of the construction and operation of the Project. Potential impacts to existing forestry practices resulting from the logging operations for the new transmission corridor and associated with permanent removal of trees from the right of way include: land on the corridor may need to be converted from forestry to agriculture; future timber harvesting operations of trees within a tree length of the power line will have a higher risk factor; there may be some loss in tree volume along the new edges of the power line corridor; the risk of wildfire may be increased; new roads may allow access to more area for authorized and unauthorized users of the land (see Attachment K-2, Section 3.6.1). In some areas, the transmission line may separate blocks of forest land, which has the potential to impact access or the ability of landowners to perform forest practices. Where possible, IPC has attempted to locate the transmission line corridor along the boundaries of parcels to minimize such fragmentation. Additionally, IPC will consult with landowners regarding micrositing and will consider landowner input to the extent practicable, thus further reducing impacts. In some cases, landowner access may actually be improved through IPC's improvements to roads or development of new access roads. Furthermore, future timber harvesting operations in the immediate vicinity of the transmission line (and particularly within a tree length of the transmission line) may present greater risk in harvest activities, and in such circumstances, IPC may need to provide timber harvesting assistance for removal of trees. In such cases, IPC will work with landowners to ensure safe tree removal along the ROW.

Finally, to further address potential impacts to forestry practices on surrounding lands, IPC will implement certain minimization and mitigation measures, such as seasonal access restrictions; wildlife habitat restrictions; riparian area protections; herbicide best management practices; fire protection; and erosion control (see Attachment K-2, Section 5). The Project, taking into account measures to minimize or mitigate impacts, will not force a significant change in, or significantly increase the cost of, accepted forestry practices in the areas where the Project is in forest lands. To ensure compliance with the Right-of-Way Clearing Assessment, IPC proposes the following conditions:

> ***Land Use Condition 2:*** *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Right-of-Way Clearing Assessment. The protective measures described in the draft Right-of-Way Clearing Assessment in ASC Exhibit K, Attachment K-2, shall be included and implemented as part of the final Right-of-Way Clearing Assessment, unless otherwise approved by the department.*

Land Use Condition 16: *During construction, the certificate holder shall conduct all work in compliance with the final Right-of-Way Clearing Assessment referenced in Land Use Condition 2.*

5.4 Effects on Fire Hazards and Fire Suppression

OAR 660-006-0025(5)(b): The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and . . . .

IPC plans to design, construct, and operate the Project to minimize the risks of fire hazard. During design, IPC will comply with design codes that prevent fire hazards including Public Utility Commission of Oregon (OPUC) Construction Standards, the National Electric Safety Code requirements pertaining to the prevention of fire hazards related to outdoor public utility installations, and the National Fire Protection Association Uniform Fire Code Handbook guidance related to the clearance of brush and vegetative growth in and around transmission lines. During construction, IPC and its contractors will maintain an active program of worker training, strict requirements for smoking, equipment standards, fueling, road management, assistance in fire-fighting, and following restricted operations during high risk periods. During operation, IPC will maintain coordination with the Oregon Department of Forestry and USFS for state and federal lands, respectively, and local fire protection agencies. Routine maintenance of roads and ROWs in forested areas will reduce the risk that combustible materials would come into contact with the conductors and ignite a fire. Transmission line protection and control systems will be incorporated into the system and are designed to detect faults (such as arcing from debris contacting the line) and will rapidly shut off power flow (in 1/60th to 3/60th of a second) if arcing is detected. Accordingly, the Project will not significantly increase fire suppression costs or significantly increase risks to fire personnel, and this criterion is met.

5.5 Rights of Adjacent and Nearby Landowners

OAR 660-006-0025(5)(c): A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

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

5.6 Siting Criteria

OAR 660-006-0029: The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this rule together with the requirements OAR 660-0060-0035 to identify the building site: (1) Dwellings and structures shall be sited on the parcel so that: (a) They have the least impact on nearby or adjoining forest or agricultural lands; (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; (c) The amount of forest lands used to site access roads, service

corridors, the dwelling and structures is minimized; and (d) The risks associated with wildfire are minimized.

OAR 660-006-0029 requires the local governing body to consider certain factors when identifying a building site for dwellings and other structures on forest lands to minimize impacts associated with development in those lands. On forested lands, IPC proposes to locate only one enclosed "structure"—i.e., a communication station site.[37] While it is not clear whether the transmission line towers constitute a "structure" for purposes of this rule, IPC nonetheless discusses its efforts to site the transmission line ROW and transmission structures to minimize potential impacts in the forest zones as much as possible.

As discussed above, to achieve a reasonably direct route between the two Project endpoints, the Project must cross forest lands. IPC carefully sited the route for the transmission line corridor in the forest zones to take advantage of the existing Wallowa-Whitman NF utility corridor. Crossing forest lands at that point minimizes the overall amount of forest lands impacted, because the crossing location is the narrowest point of forest lands. Crossing at an alternate location would result in greater impacts to forest lands. Additionally, taking advantage of the existing utility corridor ensures that the impacts associated with the Project are consolidated to the greatest extent possible with existing utility infrastructure.

Within the forest lands that must be crossed, IPC has attempted to locate the transmission line corridor along the boundaries of parcels to minimize fragmentation, and to reduce the impact to nearby farm and forest lands and reduce the impact to farm and forest practices. IPC will consult with all landowners regarding micrositing of the transmission line, and to the extent practicable will consider landowner input regarding the placement of transmission line towers.

As much as possible, IPC has also attempted to consolidate ground-disturbing activities in forest lands so that they occur within the transmission line ROW. For example, pulling and tensioning sites to be used during construction will be located within the ROW to minimize temporary impacts outside the ROW in forest land as much as possible.

By implementing the siting considerations described above, IPC's siting of the Project will ensure that any adverse impacts on forest operations and accepted farming practices will be minimized.

To minimize risks associated with wildfire, IPC will undertake the measures described in its Fire Protection and Suppression Plan (Exhibit U, Attachment U-3), which generally include the following:

- **Design:** During design, IPC will comply with design codes that prevent fire hazards including OPUC Construction Standards, the National Electric Safety Code requirements pertaining to the prevention of fire hazards related to outdoor public utility installations, and the National Fire Protection Association Uniform Fire Code Handbook guidance related to the clearance of brush and vegetative growth in and around transmission lines.

[37] CS UN-01 will be located at approximately milepost (MP) 105.8 and approximately 0.4 mile west of the La Grande city limits. The land comprises shrub land with scattered trees and is zoned by Union County as Timber-Grazing (Attachment C-2, Map 51). CS UN-01 ALT will be located at approximately MP 6.6 of the Morgan Lake Alternative Route and is 0.3 mile south of Morgan Lake. The land comprises grass land and is zoned by Union County as Timber – Grazing (Attachment C-3, Map 7). The alternate communication site, CS UN-01 ALT, would be built only if the Morgan Lake Alternative is developed, in which case the proposed CS UN-01 would *not* be developed. Only one communication station will be developed in forested land.

- **Construction:** During construction, IPC and its contractor will maintain an active program of worker training, strict requirements for smoking, equipment standards, fueling, road management, and assistance in fire-fighting, and will follow restricted operations during high-risk periods.
- **Operation:** IPC will coordinate with the Oregon Department of Forestry and USFS for state and federal lands, respectively, and with local fire protection agencies. Routine maintenance of roads and ROWs in forested areas will reduce the risk that combustible materials would come into contact with the conductors and ignite a fire. Transmission line protection and control systems will be incorporated into the system and are designed to detect faults (such as arcing from debris contacting the line); these systems will rapidly shut off power flow (in 1/60th to 3/60th of a second) if arcing is detected.

The efforts discussed above show that the Project will be in compliance with the siting criteria set forth in OAR 660-006-0029.

5.7 Setbacks

OAR 660-006-0029(2): Siting criteria satisfying section (1) of this rule may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

IPC will comply with all applicable local setback requirements (see Section 6.5.2.2 and Section 6.6.2.3). Additionally, as discussed above in response to OAR 660-006-0029(1), IPC has attempted to locate the transmission line corridor to minimize impacts to nearby farm and forest lands, and will consult with all landowners regarding micrositing of the transmission line. To the extent feasible while still achieving a reasonably direct route, IPC will attempt to site the Project on the portion of the parcels crossed that are least suited for growing trees.

5.8 Water Supply

OAR 660-006-0029(3): The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means: (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; (b) A water use permit issued by the Water Resources Department for the use described in the application; or (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

OAR 660-006-0029(3) provides requirements related to domestic water supplies. Here, no Project feature within forest lands will have a domestic water supply. Therefore, this requirement is not applicable to the Project.

5.9 Dwelling Access Roads

OAR 660-006-0029(4): As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide

proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

OAR 660-006-0029(4) addresses road access to dwellings. The term "dwelling" is not defined in Chapter 660 of the OARs. However, a "dwelling" is commonly understood to mean real property inhabited for residential purposes.[38] In this instance, the Project will not include any residential buildings, and therefore, it will not include any dwellings. As a result, OAR 660-006-0029(4) is not applicable to the Project. That said, IPC will secure all necessary permits, approvals, and permissions for long-term road access.

5.10 Approval of Dwelling

OAR 660-006-0029(5): Approval of a dwelling shall be subject to the following requirements: . . . .

OAR 660-006-0029(5) identifies certain requirements for dwellings. Again, the Project will not include any dwellings, and therefore, this requirement is not applicable to the Project.

5.11 Fire-Siting Standards

OAR 660-006-0035: The following fire-siting standards or their equivalent shall apply to all new dwelling or structures in a forest or agriculture/forest zone: (1) The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source. (2) Road access to the dwelling shall meet road design standards described in OAR 660-006-0040. . . .

OAR 660-006-0035(1) and (2) identify certain fire protection and access road requirements for dwellings. The Project will not include any dwellings, and therefore, these requirements are not applicable to the Project. Even so, IPC will coordinate with the Oregon Department of Forestry and USFS for state and federal lands, respectively, and with local fire protection agencies. Routine maintenance of roads and ROWs in forested areas will reduce the risk that combustible materials would come into contact with the conductors and ignite a fire. Transmission line protection and control systems will be incorporated into the system and are designed to detect faults (such as arcing from debris contacting the line); these systems will rapidly shut off power flow (in 1/60th to 3/60th of a second) if arcing is detected. At the communication station, smoke

[38] See, e.g., ORS 215.236(1) (defining "dwelling" as a "single-family residential dwelling not provided in conjunction with farm use"); ORS 469.631(5) ("dwelling" means "real or personal property within the state inhabited as the principal residence of a dwelling owner or a tenant. . . .").

detectors will be installed that will alarm through the Supervisory Control and Data Acquisition system, which communicates to IPC's System Dispatch Center along the fiber optic lines. Any specific fire protection systems at the communication station will be determined during final design of these Project facilities. Additionally, access roads in forested areas will meet required Oregon Department of Forestry Standards.

5.12 Fuel Break Areas

> OAR 660-006-0035(3): The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry.

OAR 660-006-0035(3) requires fuel breaks for dwellings and structures. To the extent required at any structures proposed to be located in forested areas, IPC will maintain fuel-break areas consistent with the Oregon Department of Forestry's Recommended Fire Siting Standards for Dwellings and Structures and Fires Safety Design Standards for Roads.

5.13 Additional Dwelling Requirements

> OAR 660-006-0035(4): The dwelling shall have a fire retardant roof.
>
> OAR 660-006-0035(5) The dwelling shall not be sited on a slope of greater than 40 percent.
>
> OAR 660-006-0035(6) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

OAR 660-006-0035(4), (5), and (6) identify certain additional fire protection requirements for dwellings. Again, the Project will not include any dwellings, and therefore, these requirements are not applicable to the Project.

5.14 Fire Safety Design Standards for Roads

> OAR 660-006-0040: The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

OAR 660-006-0040 requires compliance with local road design standards. Here, IPC will comply with any applicable local road design standards (see Section 6.5.2.2 and Section 6.6.2.3). Further, access roads in forested areas will meet required Oregon Department of Forestry standards. For those reasons, the Project will be in compliance with OAR 660-006-0040.

5.15 Uses Authorized in Agriculture/Forest Zones

> OAR 660-006-0050: (1) Governing bodies may establish agriculture/forest zones in accordance with both Goals 3 and 4, and OAR chapter 660, divisions 6 and 33. . . .

OAR 660-006-0050(1) applies to the local governing body and provides that the local governing body may establish hybrid agriculture/forest zones. Both local governing bodies within the

forested portion of the Project, Umatilla County and Union County, have established agriculture/forest zones. In Umatilla County, the zone is called the Grazing-Farm zone, and in Union County, the zone is called the Timber-Grazing zone.

OAR 660-006-0050(2): Uses authorized in Exclusive Farm Use Zones in ORS Chapter 215, and in OAR 660-006-0025 and 660-006-0027, subject to the requirements of the applicable section, may be allowed in any agricultural/forest zone. The county shall apply either OAR chapter 660, division 6 or 33 standards for siting a dwelling in an agriculture/forest zone based on the predominant use of the tract on January 1, 1993.

As described in detail in Sections 6.5.2.2 and 6.6.2.3, IPC has worked closely with the Umatilla County Planning Department and Union County Planning Department to determine the predominant use of the parcels in the applicable agriculture/forest zones, and has analyzed the potential impacts of the Project accordingly.

(3) Dwellings and related structures authorized under section (2), where the predominant use is forestry, shall be subject to the requirements of OAR 660-006-0029 and 660-006-0035.

This requirement is inapplicable because the Project is not a dwelling.

6.0 COUNTY AND CITY APPLICABLE SUBSTANTIVE CRITERIA

6.1 Land Use Zone Designation Maps

OAR 345-021-0010(1)(k)(A): Include a map showing the comprehensive plan designations and land use zones in the analysis area.

Maps showing the comprehensive plan designations and land use zones in the analysis area are shown in Figure K-8 (Morrow County); Figure K-28 (Umatilla County); Figure K-36 (Union County); Figure K-46 (City of North Powder); Figure K-47 (Baker County); Figure K-53 (City of Huntington); and Figure K-54 (Malheur County).

6.2 Affected Local Governments

OAR 345-021-0010(1)(k)(C)(i): Identify the affected local government(s).

OAR 345-021-0010(1)(k)(C)(i) requires IPC to identify each "affected local government," which is defined as "a local government that has land use jurisdiction over any part of the proposed site of the facility" (OAR 345-021-0010(1)(k)). Here, the local governments affected by the Project include Morrow County, Umatilla County, Union County, the City of North Powder, Baker County, the City of Huntington, and Malheur County.[39]

6.3 Applicable Substantive Criteria from the Affected Local Governments

OAR 345-021-0010(1)(k)(C)(ii): Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria.

[39] Exhibit U identifies local governments in the analysis area that provide services—such as sewers and sewage treatment, water, stormwater drainage, solid waste management, police and fire protection, health care, and schools—that would likely be affected by the Project. Certain local governments identified in Exhibit U may not appear in Exhibit K as "affected local governments" because they do not have land use jurisdiction over any part of the Project.

The following sections analyze the Project's compliance with the applicable substantive criteria provided by each of the five counties and two cities traversed by the Project. The applicable substantive criteria were identified via letters from the local governments to ODOE.

Additionally, the following sections also address certain local government ordinances that were identified by IPC and not the relevant local governments. Because those ordinances were not identified by the local governments, they are not considered applicable substantive criteria under OAR 345-021-0010(1)(k)(C)(ii). IPC addresses those ordinances for informational purposes only.

6.4 Morrow County

The following section describes the elements of the Project that will be located in Morrow County and provides analysis regarding compliance with the applicable local substantive criteria.

6.4.1 Project Features and Location in Morrow County

6.4.1.1 Maps Showing the Project in Morrow County

Figure K-8 shows the location of the Project in Morrow County and the land use designations of the affected lands. Figure K-9 identifies additional land use constraints in the county.

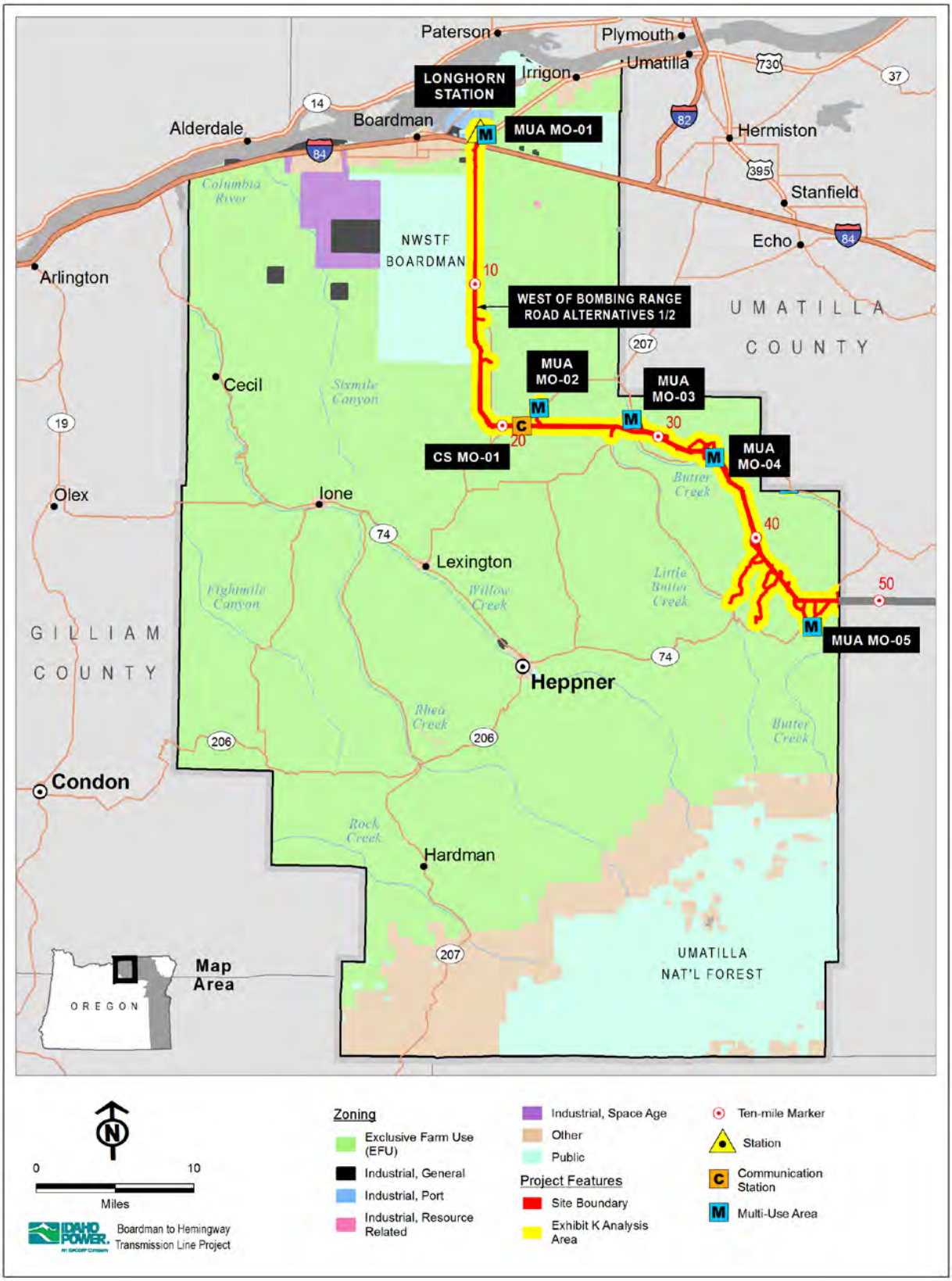

Figure K-8. Zoning

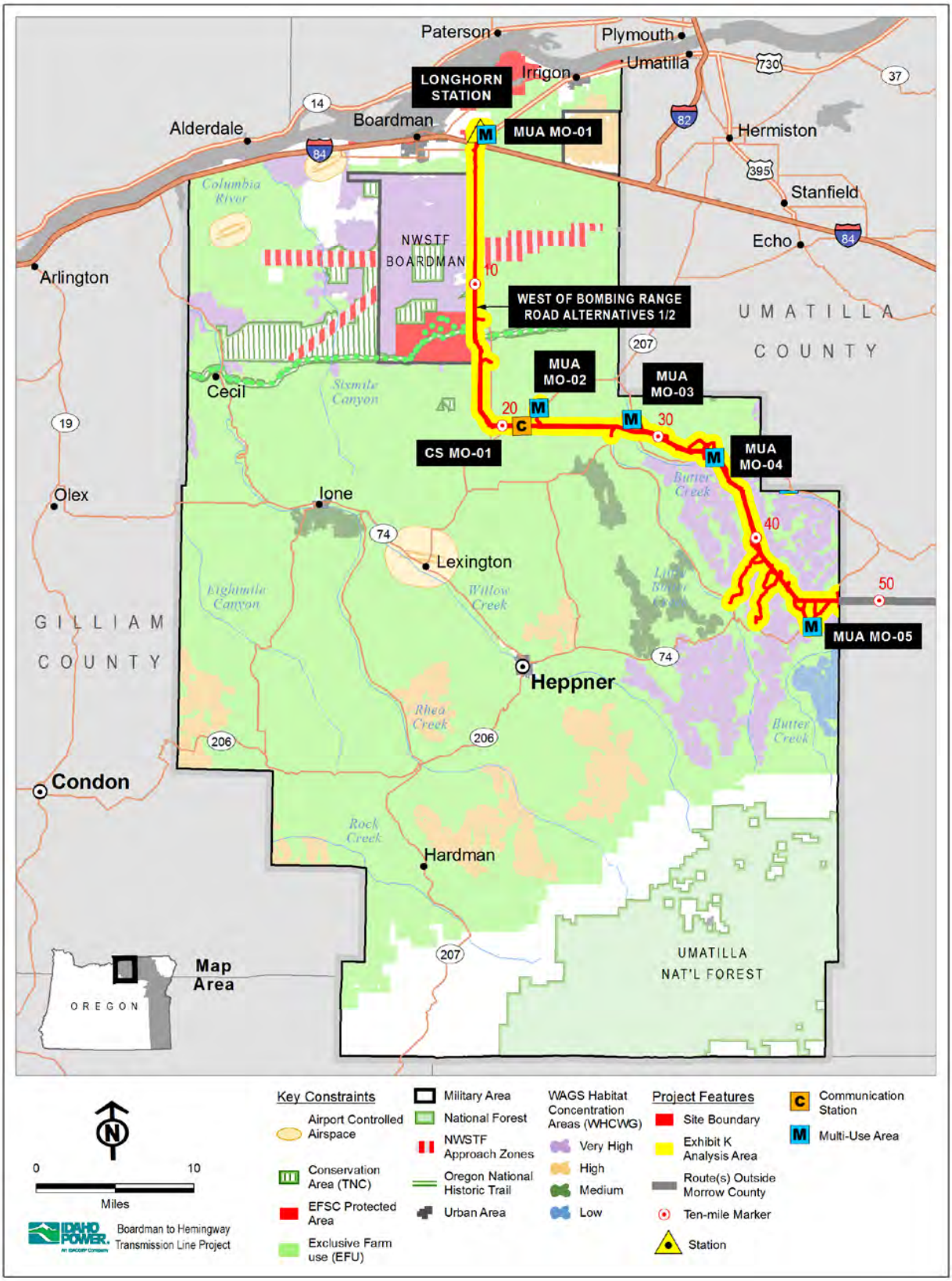

Figure K-9. Constraints

6.4.1.2 Proposed Longhorn Station

The northern terminus for the Project is the proposed Longhorn Station. BPA has planned the Longhorn Station on land it purchased from the Port of Morrow. In this application, IPC is requesting authorization to develop (construct and operate) the Longhorn Station if BPA does not develop the Longhorn Station on a timely basis.

The Longhorn Station will be 20 acres in size and will be located just west of the Port of Morrow, about 0.25 to 0.5 mile north of I-84 (see Figure K-10). BPA has planned the Longhorn Station to allow a 230-kV connection to the 500-kV transmission grid for an unrelated wind project. Typical equipment proposed to support the Project termination is described in Exhibit B.

6.4.1.3 Proposed Route in Morrow County

Location

The Proposed Route crosses approximately 47.5 miles in Morrow County beginning at the proposed Longhorn Station (see Figure K-8; Exhibit C, Attachment C-2, Maps 1-23). The Proposed Route exits the Longhorn Station to the west, generally paralleling an existing 500-kV transmission line for about 0.3 mile. The Proposed Route then turns south and crosses I-84, coming in parallel with Bombing Range Road on the east side until milepost (MP) 1.2. At that point, the Proposed Route crosses but stays in parallel with the west side of Bombing Range Road. At MP 3.0, the Proposed Route enters the Naval Weapons Systems Training Facility Boardman (NWSTF Boardman) property utilizing the existing 90-foot-wide BPA 69-kV ROW. Structures for the portion of the Project within the existing BPA ROW will be 100 feet or less in height. From MP 7 to MP 9, the Proposed Route passes through the NWSTF Boardman approach zone easement; tower heights in this stretch also will be less than100 feet.

From MP 10 to MP 11.2, the Proposed Route crosses a portion of the Boardman Research Natural Area (RNA) located on NWSTF Boardman. The Boardman RNA was established in 1978 as part of a federal government system established for research and educational purposes. It is co-managed by the Navy and The Nature Conservancy.

From MP 11.7 to MP 13.5 the Proposed Route crosses a portion of the NWSTF Boardman's Habitat Management Area (HMA). The Boardman HMA was established in 2016 as mitigation for training impacts to the Washington ground squirrel.

At MP 13.5, the Proposed Route leaves the existing BPA 69-kV ROW and the NWSTF Boardman and proceeds in a southeasterly direction. At MP 15.4, the irrigated agriculture along the Proposed Route comes to an end and dryland farming becomes the dominant land use. At MP 18, the Proposed Route turns southeast and then at MP 19.3 turns due east crossing Bombing Range Road. The Proposed Route continues due east crossing lands under dryland farming practices. At MP 21.2 the Proposed Route crosses State Highway 207, at MP 27.5 it crosses Pine City Road and Little Butter Creek, at MP 28.3 it crosses Butter Creek and Big Butter Creek Lane, and at MP 34 it again crosses Big Butter Creek Lane and Butter Creek.

From MP 34, the Proposed Route proceeds generally south paralleling a tributary of Buttermilk Creek. At MP 43.2, the Proposed Route crosses Huges-Hirl Road and Matlock Canyon. At MP 44.9, the Proposed Route turns due east and, at MP 47. 1, it crosses State Highway 74. The Proposed Route exits Morrow County at MP 47.5 and continues into Umatilla County.

Towers, Access Roads, and Crossings

Table K-3 lists the towers, access roads, and crossings by the Proposed Route in Morrow County.

Table K-3. Towers, Access Roads, and Crossings – Proposed Route

Project Features	Number of Features
Towers – Single Circuit 500-kV Lattice	147
Towers – Single Circuit 500-kV H-Frame	73
Towers – Single Circuit 500-kV 3-Pole Dead-end	1
Access Roads	**Miles**
Existing, 21-70% Improved	19.4
Existing, 71-100% Improved	10.8
New, Bladed	1.4
New, Primitive	36.1
Crossings	**Number of Crossings**
High Voltage Transmission Line Crossings[1]	2
Existing Road Crossings[2]	4
Existing Railroad Crossings[3]	1

[1] Source: ABB Ventyx (2016) and Idaho Power Company; includes only transmission lines over 69-kV.
[2] Source: Esri (2013); includes Interstate, federal, and state highways; existing roads include all federal and state highways.
[3] Source: Oregon Department of Transportation (2013).

Multi-Use Areas, Pulling and Tensioning Sites, Light-Duty Fly Yards, and Communication Stations

There will be five multi-use areas in Morrow County.

- MUA MO-01 will be located approximately 0.75 mile northeast of MP 1.0 and approximately 0.25 mile southeast of the Longhorn Station. This site is immediately north of United States (U.S.) Highway 730. The land comprises grassland and is zoned Port Industrial by Morrow County (Exhibit C, Attachment C-2, Map 1).
- MUA MO-02 will be located approximately 2 miles southeast of MP 18.8, adjacent to State Highway 207. The land comprises grassland and is zoned as Agriculture - Exclusive Farm Use by Morrow County (Exhibit C, Attachment C-2, Map 10).
- MUA MO-03 will be located along Big Butter Creek Lane. The land comprises grassland and is zoned as Agriculture - Exclusive Farm Use by Morrow County (Exhibit C, Attachment C-2, Map 13).
- MUA MO-04 will be located approximately 0.1 mile south of MP 34 along Big Butter Creek Lane. The land comprises grassland and is zoned as Agriculture - Exclusive Farm Use by Morrow County (Exhibit C, Attachment C-2, Map 15).
- MUA MO-05 will be located approximately 1.6 miles south of MP 46 along State Highway 74. The land comprises grassland and is zoned as Agriculture - Exclusive Farm Use by Morrow County (Exhibit C, Attachment C-2, Map 23).

There will be 39 pulling and tensioning sites in Morrow County.

There are no light-duty fly yards in Morrow County.

There is one communication station in Morrow County.

- CS MO-01 will be located at approximately MP 21.2 and is directly north of State Highway 207. The land comprises a dryland wheat field and is zoned as Agriculture - Exclusive Farm Use by Morrow County (Exhibit C, Attachment C-2, Map 9).

Affected Land Use Zones

Table K-4 identifies the Morrow County zoning designations for the lands affected by the Proposed Route.

Table K-4. Land Use Zone Designations – Proposed Route

Zone Designation	Centerline (miles)	Site Boundary (acres)	Existing Roads, Substantial Modifications (miles)	New Roads (miles)
Exclusive Farm Use	35.4	2,731.5	26.0	32.7
General Industrial	0.3	7.9	0	0.1
Major Road or RR ROW	0.3	8.6	0	0.1
Port Industrial	0.9	245.3	0	0
Public	10.5	140.3	5.3	4.5
Total[1]	**47.4**	**3,129.2**	**31.2**	**37.5**

Source: Morrow County 2015
[1] Sums may not total due to rounding.

6.4.1.4 West of Bombing Range Road Alternative 1

Location

The 3.7-mile West of Bombing Range Road Alternative 1 leaves the Proposed Route at MP 10.0 and crosses to the east side of Bombing Range Road (see Figure K-8; Exhibit C, Attachment C-3, Maps 1-2). This alternative continues along the east side of road until it rejoins the Proposed Route at MP 13.6.

The primary difference between West of Bombing Range Road Alternative 1 and the Proposed Route is that the alternative route shifts a portion of the Project from Navy land on the west side of the road to private land on the east side of the road. This alternative will result in impacts to agricultural operations on the east side that otherwise would be avoided with the Proposed Route. West of Bombing Range Road Alternative 1 was developed to avoid the Navy's RNA and HMA.

Towers, Access Roads, and Crossings

Table K-5 lists the towers, access roads, and crossings by West of Bombing Range Road Alternative 1.

Table K-5. Towers, Access Roads, and Crossings – West of Bombing Range Road Alternative 1

Project Features	Number of Features
Towers – Single Circuit 500-kV Lattice	1
Towers – Single Circuit 500-kV H-Frame	22
Access Roads	**Miles**
Existing, 21-70% Improved	1.1
Existing, 71-100% Improved	0
New, Bladed	0
New, Primitive	2.1
Crossings	**Number of Crossings**
High Voltage Transmission Line Crossings[1]	0
Existing Road Crossings[2]	0
Existing Railroad Crossings[3]	0

[1] Source: ABB Ventyx (2016) and Idaho Power Company; includes only transmission lines over 69-kV.
[2] Source: Esri (2013); includes Interstate, federal, and state highways.
[3] Source: Oregon Department of Transportation (2013).

Affected Land Use Zones

Table K-6 identifies the Morrow County zoning designations for the lands affected by the West of Bombing Range Road Alternative 1.

Table K-6. Land Use Zone Designations – West of Bombing Range Road Alternative 1

Zone Designation	Centerline (miles)	Site Boundary (acres)	Existing Roads, Substantial Modifications (miles)	New Roads (miles)
Exclusive Farm Use	3.7	97.8	1.1	2.3
Public	0.1	1.0	<0.1	0
Total[1]	**3.8**	**98.8**	**1.1**	**2.3**

Source: Morrow County, 2015
[1] Sums may not total due to rounding.

6.4.1.5 West of Bombing Range Road Alternative 2

Location

The 3.7-mile West of Bombing Range Road Alternative 2 starts at MP 10.0 (see Figure K-8; Exhibit C, Attachment C-3, Maps 3-4). From MP 10.0 to MP 11.6, West of Bombing Range Road Alternative 2 is located on Navy land on the west side of Bombing Range Road. At MP 11.6, it crosses to the east side of the road, continuing along the road until it rejoins the Proposed Route at MP 13.6.

Both the Proposed Route and West of Bombing Range Road Alternative 2 are located on Navy land between MP 10.0 to MP 11.6. However, West of Bombing Range Road Alternative 2 differs from the Proposed Route along that stretch by making use of an alternative Y-frame structure-type and by avoiding the Boardman RNA. After West of Bombing Range Road Alternative 2 crosses the road onto private lands at MP 11.6, it follows the same path as West of

Bombing Range Road Alternative 1. The West of Bombing Range Road Alternative 2 was developed to avoid the agricultural impacts associated with West of Bombing Range Road Alternative 1 on the east side of Bombing Range, while also avoiding the Boardman RNA.

Towers, Access Roads, and Crossings

Table K-7 lists the towers, access roads, and crossings by West of Bombing Range Road Alternative 2.

Table K-7. Towers, Access Roads, and Crossings – West of Bombing Range Road Alternative 2

Towers	Number of Features
Towers – Single Circuit 500-kV Lattice	1
Towers – Single Circuit 500-kV H-Frame	12
Towers – Single Circuit 500-kV H-Frame Dead-end	3
Towers – Single Circuit 500-kV Y-Frame	8
Towers – Single Circuit 500-kV 3-Pole Dead-end	1
Access Roads	**Miles**
Existing, 21-70% Improved	0.8
Existing, 71-100% Improved	0
New, Bladed	0
New, Primitive	1.5
Crossings	**Number of Crossings**
High Voltage Transmission Line Crossings[1]	0
Existing Road Crossings[2]	0
Existing Railroad Crossings[3]	0

[1] Source: ABB Ventyx (2016) and Idaho Power Company; includes only transmission lines over 69-kV.
[2] Source: Esri (2013); includes Interstate, federal, and state highways.
[3] Source: Oregon Department of Transportation (2013).

Affected Land Use Zones

Table K-8 identifies the Morrow County zoning designations for the lands affected by West of Bombing Range Road Alternative 2.

Table K-8. Land Use Zone Designations – West of Bombing Range Road Alternative 2

Zone Designation	Centerline (miles)	Site Boundary (acres)	Existing Roads, Substantial Modifications (miles)	New Roads (miles)
Exclusive Farm Use	2.0	73.2	0.8	1.4
Public	1.7	18.9	0	0.1
Total[1]	**3.7**	**92.1**	**0.8**	**1.5**

Source: Morrow County 2015
[1] Sums may not total due to rounding.

6.4.2 Morrow County Zoning Ordinance Provisions

On August 18, 2010, the Morrow County Planning Department submitted a letter to ODOE in response to IPC's July 2010 Notice of Intent to File an Application for Site Certificate (NOI) in

which the Morrow County Planning Department identified local substantive criteria potentially applicable to the Project, including certain Morrow County Zoning Ordinance (MCZO) provisions.[40] During preparation of Exhibit K, IPC identified potentially applicable MCZO provisions that were not identified by Morrow County in its August 18, 2010 letter. Table K-9 sets forth the potentially applicable MCZO provisions identified by Morrow County and IPC.

Table K-9. Potentially Applicable MCZO Provisions

Land Use Zone	Permit	Project Feature(s)	MCZO or Other Provision	Entity that Identified MCZO Provision
Exclusive Farm Use Zone	Land Use Decision	All Project Features	MCZO 3.010(C)(16) Uses Permitted Outright / Utility and Transmission Towers	Morrow County
			MCZO 3.010(D)(17) Conditional Uses Permitted / Utility Facilities	Morrow County
			ORS 215.283(1) Uses Permitted in Nonmarginal Lands Counties	Morrow County
			ORS 215.275 Utility Facilities Necessary for Public Service	Morrow County
			MCZO 3.010(G) Dimensional Standards	IPC
			MCZO 3.010(H) Yard Setbacks	IPC
			MCZO 3.010(I) Traffic Impact Analysis	Morrow County
General Industrial Zone	Zoning Permit	All Project Features	MCZO 3.070(A)	Morrow County
			MCZO 3.070(C)[1]	Morrow County
			MCZO 3.070(D)	Morrow County
			MCZO 3.070(E)	Morrow County
Port Industrial Zone	Zoning Permit	All Project Features	MCZO 3.073(A)	IPC
			MCZO 3.070(C)	IPC
			MCZO 3.070(D)	IPC
			MCZO 3.070(G)	IPC
Major Road or Rail Road Right-of-Way Zone	None applicable	All Project Features	None applicable	IPC
Public Zone	None applicable	All Project Features	None applicable	IPC

[40] On December 8, 2008, Morrow County submitted a letter in response to the 2008 NOI. The December 2008 and August 2010 letters contained the same local substantive criteria.

Land Use Zone	Permit	Project Feature(s)	MCZO or Other Provision	Entity that Identified MCZO Provision
Flood Plain Overlay Zone	Flood Plain Development Permit	All Project Features	MCZO 3.100(2)	Morrow County
Forest Use Zone	Not Applicable	Not Applicable	MCZO 3.020[2]	Morrow County
All	Utility Crossing Permit	Access Roads	MCZO 4.010(B)	Morrow County
All	Access Approach Site Permit	Access Roads	MCZO 4.010(B)	Morrow County
All	Construction Permit to Build on Right-of-Way	Access Roads	MCZO 4.010(B)	Morrow County
N/A	None	All Project Features	MCCP, Energy Conservation Element	Morrow County
N/A	None	All Project Features	MCCP, Agricultural Lands Element, Finding 19	Morrow County
N/A	None	All Project Features	MCCP, Agricultural Lands Element, Policy 1	Morrow County
N/A	None	All Project Features	MCCP, Natural Hazards Element	Morrow County
N/A	None	All Project Features	MCCP, General Policy F	Morrow County
N/A	None	All Project Features	MCCP, Utility Finding C	Morrow County
N/A	None	All Project Features	MCCP, Utility Finding D	Morrow County
N/A	None	All Project Features	MCCP, Utility Policy B	Morrow County
N/A	None	All Project Features	MCCP, Utility Policy C	Morrow County
Significant Resource Overly Map	None	All Project Features	MCCP, Goal 5 Resources	Morrow County

[1] Morrow County also identified MCZO 3.070(B) as being potentially applicable to the Project. However, that provision relates to conditional uses in the General Industrial Zone and each of the Project features here are permitted outright under MCZO 3.070(A) as discussed below, and therefore, MCZO 3.070(B) does not apply to the Project.
MCCP = Morrow County Comprehensive Plan; N/A = not applicable
[2] Morrow County identified MCZO 3.020 as being potentially applicable to the Project. Even so, MCZO 3.020 applies in the Forest Use Zone, and here, no Project features will be located in the Forest Use Zone. Therefore, MCZO 3.020 does not apply to the Project.

6.4.2.1 EFU Zone MCZO Provisions

With the Proposed Route, the transmission line (35.4 line miles), new access roads (32.7 miles), substantially modified existing access roads (26 miles), four multi-use areas (MUA MO-02, MUA MO-03, MUA MO-04, and MUA MO-05), and one communication station (CS MO-01) will be located in the EFU Zone in Morrow County (see Figure K-10 through Figure K-15; Table K-4). There will be no light-duty fly yards in the EFU Zone or elsewhere in Morrow County.

Bombing Range Road Alternative 1 would include the transmission line (3.7 line miles), new access roads (2.3 miles), and substantially modified existing access roads (1.1 miles) in the EFU Zone (see Figure K-10; Table K-4).

Bombing Range Road Alternative 2 would include the transmission line (2.0 line miles), new access roads (1.4 miles), and substantially modified existing access roads (0.8 mile) in the EFU Zone (see Figure K-10; Table K-4).

Figure K-10 through Figure K-15 show the location of the Project in the EFU Zone.

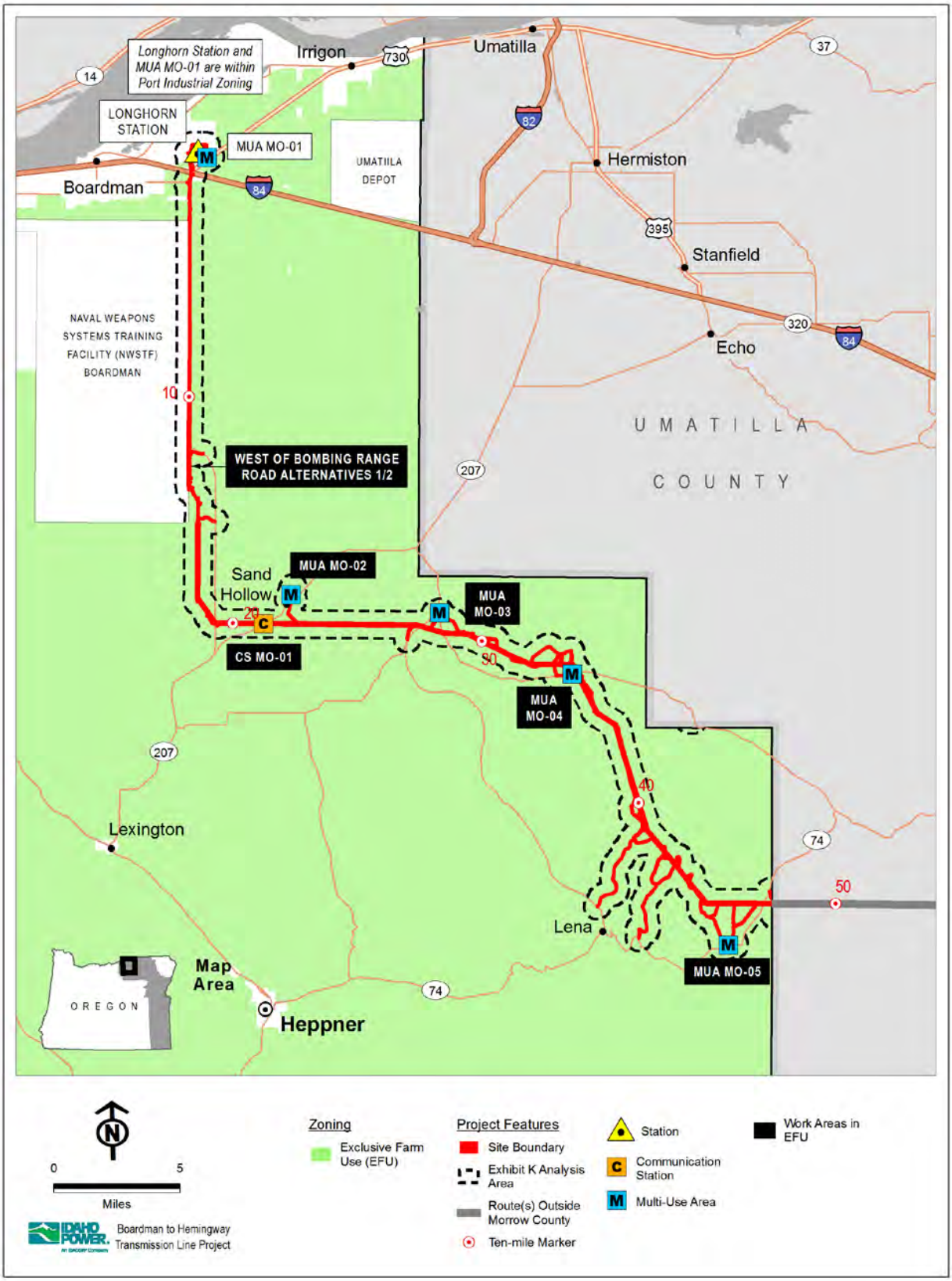

Figure K-10. Project Features in EFU Zone – All Features

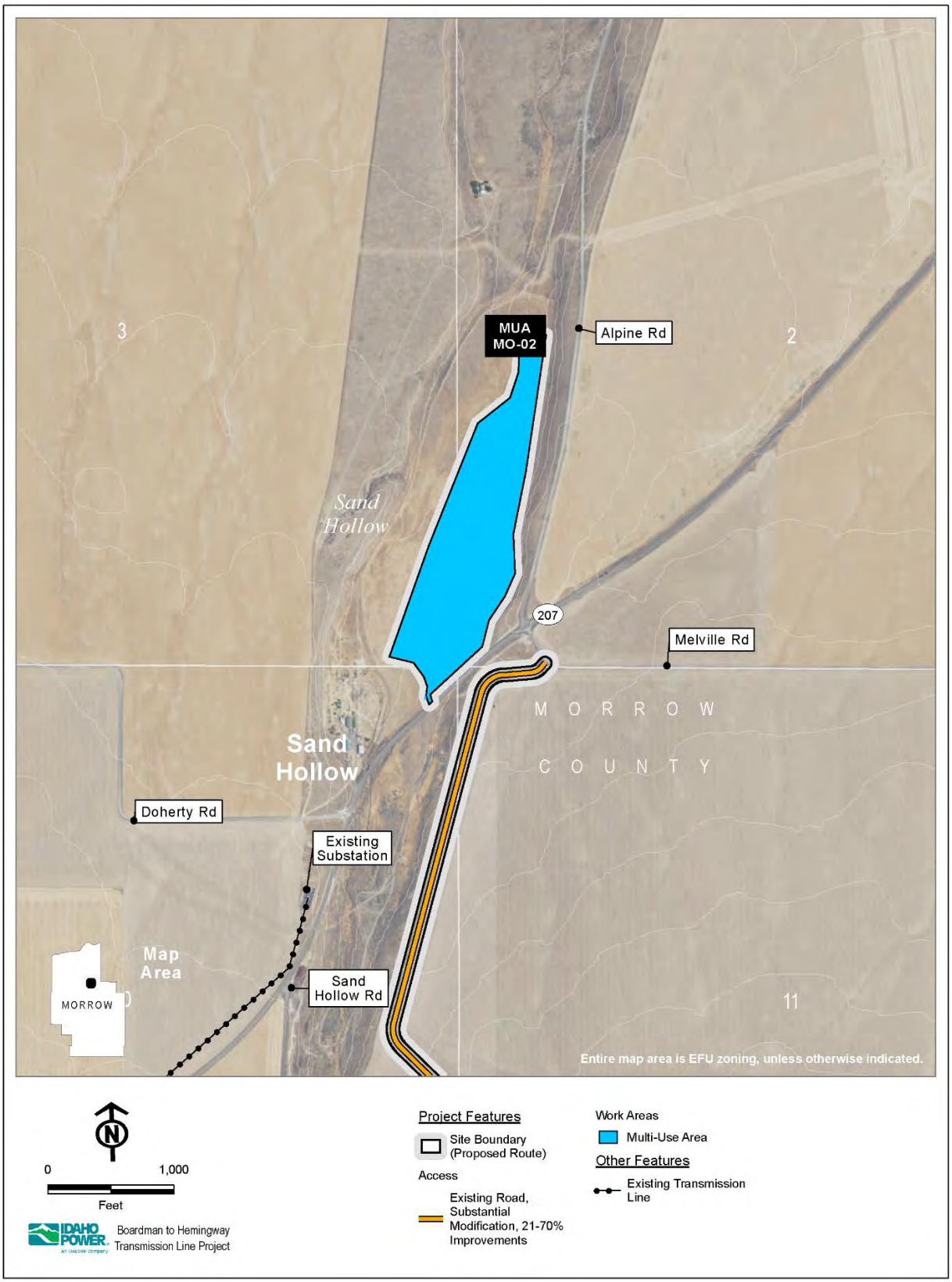

Figure K-11. Project Features in EFU Zone – MUA MO-02

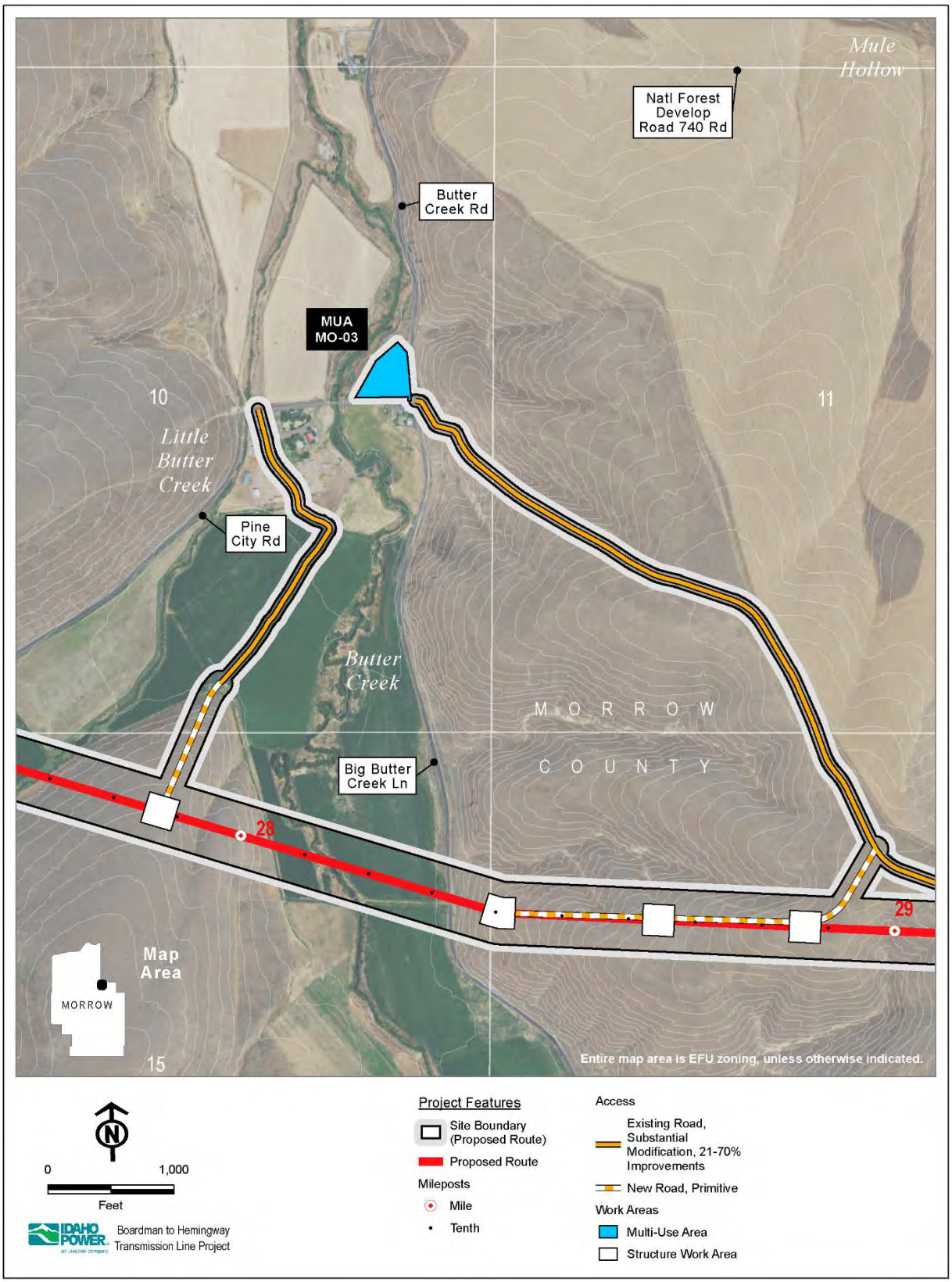

Figure K-12. Project Features in EFU Zone – MUA MO-03

Figure K-13. Project Features in EFU Zone – MUA MO-04

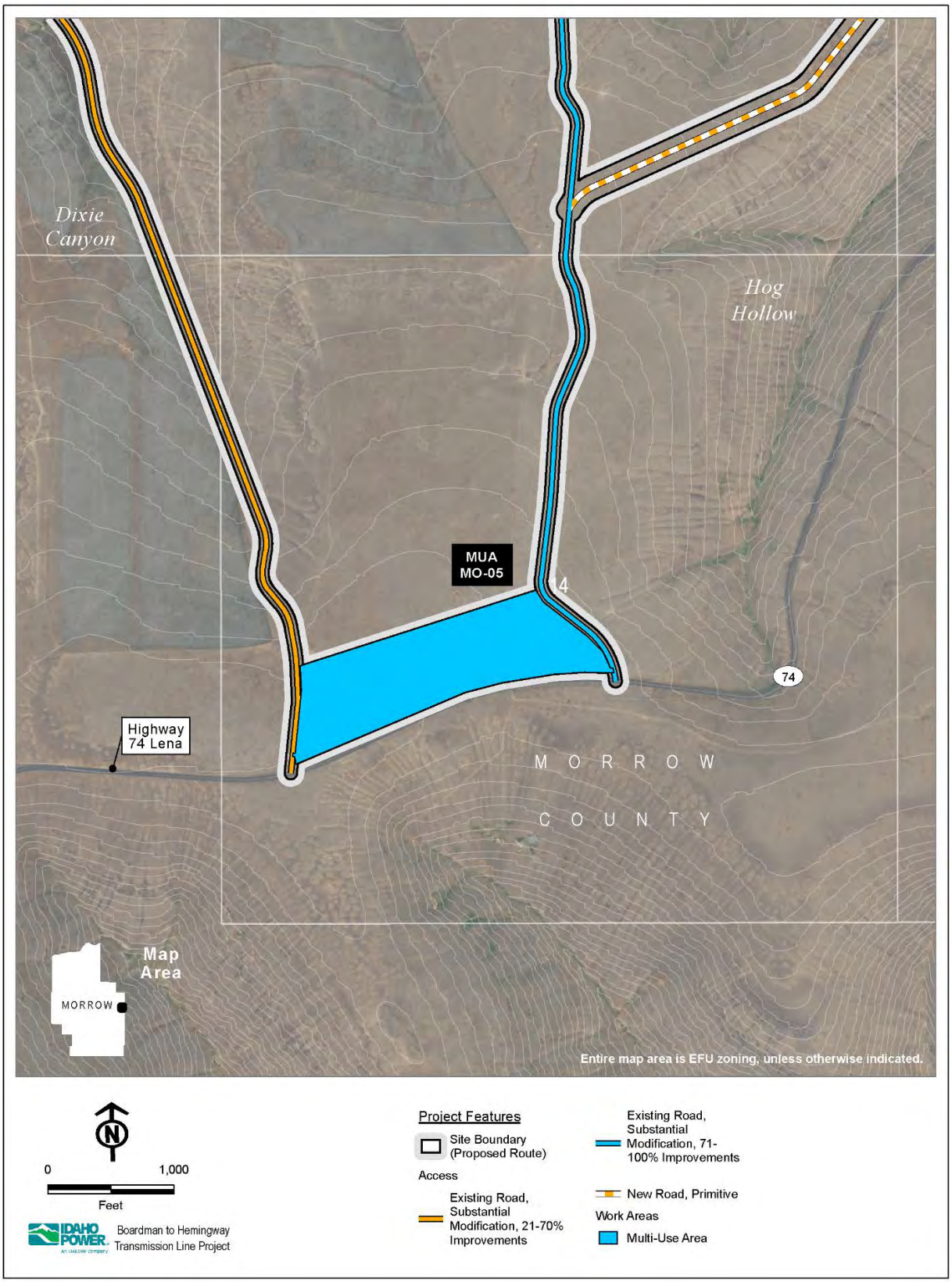

Figure K-14. Project Features in EFU Zone – MU MO-05

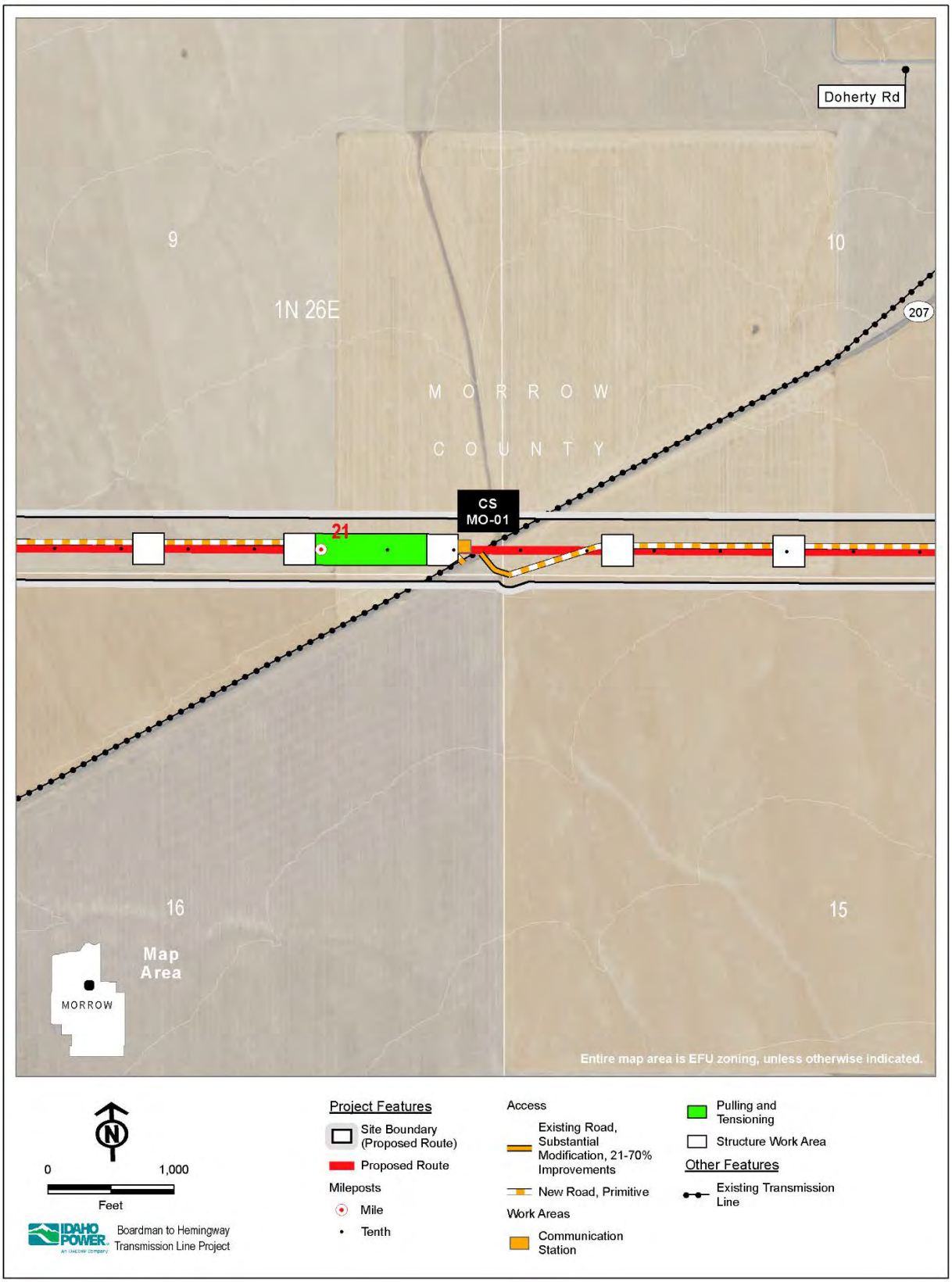

Figure K-15. Project Features in EFU Zone – CS MO-01

Zoning Permit (All Project Features)

Utility Facilities Defined

Under ORS 215.283(1)(c), transmission lines are permitted outright in EFU lands, provided the towers are no greater than 200 feet in height. Additionally, the Oregon courts have interpreted the term "utility facilities necessary for public service" as also including ancillary facilities.[41] Here, the Project consists of a transmission line with towers no greater than 200 feet in height, as well as the following ancillary[42] facilities: access roads, multi-use areas, light-duty fly yards, pulling and tensioning sites, communication stations, and communication station distribution lines (see Exhibit B). Therefore, the Project transmission line and its ancillary facilities are permitted outright in EFU lands under ORS 215.283(1)(c).

MCZO Provisions Identified by Morrow County

MCZO 3.010(C): USES PERMITTED OUTRIGHT. In an EFU Zone the following uses and accessory uses thereof are permitted outright: . . . 16. Utility and transmission towers not exceeding 200 feet in height.

MCZO 3.010(D): CONDITIONAL USES PERMITTED. In an EFU Zone, the following uses and their accessory uses are permitted subject to the demonstration of compliance with the requirements of Article 6 of this ordinance and Section (G) below: . . . 17. Utility facilities "necessary" for public service, excluding commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height. A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the factors list in OAR 660-033-0130(16).

ORS 215.283(1): USES PERMITTED IN NONMARGINAL LANDS COUNTIES. The following uses may be established in any area zoned for exclusive farm use: . . . (c) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in: (A) ORS 215.275 . . . ..

ORS 215.275: UTILITY FACILITIES NECESSARY FOR PUBLIC SERVICE. (1) A utility facility established under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. (2) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) must . . . .

In its August 18, 2010 letter, Morrow County identified as potentially applicable substantive criteria the provisions of MCZO 3.010(C)(16) and MCZO 3.010(D)(17), which relate to permitting utility facilities in an EFU Zone. In the same letter, Morrow County stated that those provisions

[41] *See Save Our Rural Or. v. Energy Facility Siting Council*, 339 Or. 353, 384 (2005) (upholding EFSC's determination that ancillary facilities are considered "utility facilities necessary for public service"); *Cox v. Polk County,* 174 Or. Ct. App. 332, 343-44 (2001) ("utility facilities necessary for public service" may include ancillary or off-site equipment).
[42] *See* Black's Law Dictionary (10th ed. 2014) (defining "ancillary" as meaning "supplementary; subordinate").

were out of date and in conflict with the Oregon Supreme Court's decision in *Brentmar v. Jackson County*, 321 Or. 481 (1995) because the provisions applied conditional criteria on utility facilities that are permitted outright under ORS 215.283(1).[43] The County indicated it would apply ORS 215.283(1) and ORS 215.275 to the Project, instead of MCZO 3.010(C)(16) and MCZO 3.010(D)(17).

As discussed above, the Project is considered a utility facility necessary for public service under ORS 215.283(1)(c)(A) and ORS 215.275 because it must be sited in an EFU zone: (i) due to its locational dependency; (ii) a lack of available urban and nonresource lands to site the Project on; and (iii) in order to take advantage of existing ROWs. Additionally, IPC has completed a survey of existing conditions and uses of the agricultural lands within the Project's Site Boundary and, through implementation of the measures in the Agricultural Lands Assessment (Attachment K-1), will minimize and mitigate the Project's impacts on those agricultural lands. Having shown the Project is permitted outright in EFU lands under ORS 215.283(1) and ORS 215.275, it is also permitted outright in EFU lands for purposes of Morrow County approval.

ORS 215.283(1)(c)(A) requires IPC demonstrate the need to site the Project on EFU lands only at a macro, project-wide level across all five relevant counties. Though beyond what is required by the statute, Section 6.4.5 makes a similar showing at the micro or county level, by discussing the necessity of siting the Project in EFU specifically in Morrow County.

Finally, in an undated conversation, Morrow County indicated to IPC that the zoning permit provisions of MCZO 3.010(C) applicable to utility facilities in an EFU Zone may not cover the helipad activities associated with the relevant multi-use areas. However, in an April 7, 2016 email from Morrow County Planning Department to IPC, the county stated that no separate conditional use permit was required for temporary helipads in EFU Zone lands, provided the Site Certificate include a condition of approval that the helipads are removed following construction. While it is IPC's position that the helipads are ancillary to the Project and therefore permitted outright in EFU lands under ORS 215.283(1)(c)(A), IPC will use the helipads only temporarily as part of Project construction and not as permanent helipads as requested by the county. Further, to address other concerns regarding impacts from the helipad operations, IPC proposes the following site certificate condition in response to Morrow County's request related to the helipads:

> ***Public Services Condition 2:*** *Prior to construction, the certificate holder shall submit to the department for its approval a Helicopter Use Plan, which identifies or provides:*
> *a. The type of helicopters to be used (all helicopters must be compliant with the noise certification and noise level limits set forth in 14 CFR § 36.11);*
> *b. The duration of helicopter use;*
> *c. Approximate helicopter routes to be used;*
> *d. Protected areas and recreation areas within 2 miles of the approximate helicopter routes;*
> *e. Roads or residences over which external loads will be carried;*
> *f. Multi-use areas and light-duty fly yards containing helipads shall be located: (i) in areas free from tall agricultural crops and livestock; (ii) at least 500 feet from*

[43] In *Brentmar v. Jackson County*, the Oregon Supreme Court concluded a county may not enact or apply criteria of its own beyond those found in ORS 215.283(1). Therefore, Morrow County must authorize the Project outright on EFU lands if it complies with ORS 215.283(1) and ORS 215.275 despite any MCZO provisions that may be stricter than ORS 215.283(1). For example, the provisions of MCZO 3.010(D)(17) indicating that a utility facility necessary for public service is a conditional use, and not a use permitted outright, would be contrary to the holding in *Brentmar v. Jackson County* and would not apply to the Project.

organic agricultural operations; and (iii) at least 500 feet from existing dwellings on adjacent properties;
g. Flights shall occur only between sunrise and sunset;
h. At least 30 days prior to initiating helicopter operations at any multi-use area, the certificate holder shall contact adjacent property owners within 1,000 feet of the relevant multi-use area; and
i. The certificate holder shall maintain a customer service telephone line to address, among other things, complaints regarding helicopter operations.

***Public Services Condition 5**: During construction, the certificate holder shall conduct all work in compliance with the Helicopter Use Plan referenced in Public Services Condition 2.*

MCZO Provisions Identified by IPC

The following MCZO provisions were identified by IPC and not Morrow County. IPC discusses these provisions for informational purposes only. The Project need not meet these provisions to satisfy the Land Use Standard, and the Council should not condition the Project based on these provisions, for the following reasons. First, the local governments have not identified these provisions as being potentially applicable substantive criteria under OAR 345-021-0010(1)(k)(C)(ii). Second, Morrow County stated that it will apply ORS 215.283(1) and ORS 215.275, and not the MCZO, in EFU lands. Third, applying these provisions to the Project would be akin to imposing requirements that are stricter than ORS 215.283(1) and thus would be contrary to the holding in *Brentmar v. Jackson County*.

Dimensional Standards

MCZO 3.010(G): In an EFU Zone, the following dimensional standards shall apply: 1. A lot or parcel of 160 acres or more shall be considered a farm unit. 2. A lot or parcel of less than 160 acres may be approved as a farm unit pursuant to the Conditional Use Permit process and when found to comply with the Agricultural Lands policies of the Comprehensive Plan and the provisions of Section 5.120 of the Morrow County Subdivision Ordinance. 3. The minimum average lot width shall be 150 feet with a minimum street frontage of 150 feet, excepting lots within an approved subdivision. 4. The minimum average lot depth shall be 150 feet. 5. Big Game Range Restrictions: In the case of Farm Use areas identified as Big Game Habitat no dwelling will be authorized where the overall density within a square mile exceeds one dwelling per 160 acres. Section 3.200 also applies to the siting of a dwelling on Big Game Habitat. 6. New parcels for nonfarm uses only as authorized by ORS 215.263 may be created. Such new parcels shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for the nonfarm dwellings authorized by Section F. The creation of new lots or parcels for dwellings not in conjunction with farm use may be created pursuant to Section F and ORS 215.263(4). The county shall not approve a subdivision or series partition for a dwelling not provided in conjunction with farm use. The provisions of MCZO 3.010H this subsection regarding a series partition apply only to applications for a land division submitted after July 1, 1997. For purposes of this subsection, "series partition" shall have the meaning given that term in ORS 92.305.

MCZO 3.010(G) addresses the size of subdivided parcels and is applicable only to the extent that a partition of a parcel zoned EFU in Morrow County is required. IPC intends to secure easements for the majority of Project features and does not expect to require the partitioning of any parcel zoned EFU in Morrow County. Because the Project likely will not involve lot splits, MCZO 3.010(G) likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Morrow County prior to

construction and will attempt to comply with the dimension standards of MCZO 3.010(G). However, for a partition in EFU lands, Morrow County may not unreasonably withhold the partition approval based on the dimension standards of MCZO 3.010(G), because doing so would be akin to imposing requirements on the Project that are stricter than ORS 215.283(1) and thus would be contrary to the holding in *Brentmar v. Jackson County.*

Yard and Stream Setbacks

MCZO 3.010(H): In an EFU Zone, the minimum yard setback requirements shall be as follows: 1. The front yard setback from the property line shall be a minimum of 100 feet if the property line is adjacent to an intensive agricultural use except as approved by the Commission; otherwise, front yards shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County. 2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet, and for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet, except as approved by the Commission. 3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use rear yards shall be a minimum of 100 feet, except as approved by the Commission. 4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

Yard Setbacks

MCZO 3.010(H)(1) through (3) establish yard setback requirements. MCZO 1.030 defines the terms “front setback,” “rear setback,” and “side setback” as consisting of a certain minimum distance between lot lines and buildings. The term “building” is defined as a “structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind” (MCZO 1.030). Therefore, the yard setback requirements of MCZO 3.010(H)(1) through (3) apply only to projects involving structures that support, shelter, or enclose persons or things. MCZO 1.030 defines the term “structure” as “[s]omething constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.”

- Access Roads: The Project access roads will not be built to support, shelter, or enclose anything. Therefore, the access roads are not considered buildings under the MCZO, and the yard setback requirements of MCZO 3.010(H)(1) through (3) do not apply to the access roads.
- Transmission Line Towers: The transmission line towers will be constructed objects with a fixed connection to the ground. Therefore, the transmission line towers are considered structures under the MCZO, and the setback requirements of MCZO 3.010(H)(1) through (3) will apply to the relevant transmission line towers.
- Multi-Use Areas and Communication Stations: The multi-use areas and communication station in the EFU Zone in Morrow County will include structures providing shelter for persons and property. Therefore, the multi-use areas and communication station are considered building under the MCZO, and the yard setback requirements of MCZO 3.010(H)(1) through (3) will apply to those project features.

While IPC is not required to do so under the Court's ruling in *Brentmar v. Jackson County,* IPC will site the Project buildings at the multi-use areas and communication station in the EFU zone in Morrow County to comply with yard setback requirements of MCZO 3.010(H)(1) through (3). To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 18****: During construction in Morrow County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
>
> *. . .*
>
> *In the EFU Zone:*
>
> *c. Buildings and the fixed bases of the transmission line towers shall be setback as follows: (i) front yards shall be set back at least 20 feet from minor collector road rights-of-way, 30 feet from major collector road rights-of-way, 80 feet from arterial road rights-of-way, and 100 feet from intensive agricultural uses; (ii) side yards shall be set back at least 20 feet from the property line, 30 feet for corner lots, and 100 feet from intensive agricultural uses; and (iii) rear yards shall be set back at least 25 feet from the property line, and 100 feet from intensive agricultural uses.*
>
> *. . . .*

Stream Setbacks

With respect to MCZO 3.010(H)(4), the first part of that provision relates to sewage disposal installations. The Project will not include any sewage disposal installations, and therefore, the provisions of MCZO 3.010(H)(4) related to sewage disposal installations are not applicable to the Project. The second part of MCZO 3.010(H)(4) applies to structures, buildings, and similar permanent fixtures, providing the same must be set back a minimum of 100 feet from the high water mark of any stream or lake.

- Access Roads: In a May 10, 2016, email to IPC, the Morrow County Planning Department provided the Project access roads—both new roads and substantially modified existing roads—are not considered "structures" under the MCZO, and therefore, the stream setback requirements of MCZO 3.010(H)(4) do not apply to the access roads.
- Transmission Line Towers: The transmission line towers will be constructed objects with a fixed connection to the ground. Therefore, the transmission line towers are considered structures under the MCZO, and the stream setback requirements of MCZO 3.010(H)(4) will apply to the relevant transmission line towers.
- Multi-Use Areas and Communication Stations: The multi-use areas and communication stations will include buildings. Therefore, the stream setback requirements of MCZO 3.010(H)(4) will apply to the relevant multi-use areas and communication stations.

While IPC is not required to do so under the Court's ruling in *Brentmar v. Jackson County,* IPC will site the fixed bases of the transmission line towers (i.e., the foundations) and the buildings at the multi-use areas and communication station in the EFU zone in Morrow County to comply with stream setback requirements of MCZO 3.010(H)(4). To ensure compliance with such requirements, Idaho Power proposes the following site certificate condition:

> ***Land Use Condition 18****: During construction in Morrow County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*

. . .
In the EFU Zone:
. . .
d. Buildings and the fixed bases of the transmission line towers shall be set back at least 100 feet from the high-water mark of all streams and lakes.
. . . .

Traffic Impact Analysis

MCZO 3.010(I): 1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MCC-8-98).

Under MCZO 3.010(I), a traffic impact analysis is required if a project involves 400 passenger car equivalent trips per day in the EFU Zone in Morrow County. During construction, the heaviest construction-related traffic will be located at the multi-use areas, which will be the centralized hubs of activity during construction. Each multi-use area will create approximately 174 passenger car equivalent trips per day (see Exhibit U and Attachment U-2 – Transportation and Traffic Plan). This number was determined through an analysis of the draft construction schedule and distribution of construction "sections" along the Proposed Route. The analysis considered the daily construction traffic impacts resulting from the maximum number of construction crews that may operate within that section at any one time. This analysis determined an estimated maximum number of 1,294 daily one-way trips divided over five sections of more concentrated traffic. Of these 1,294 trips, approximately 368 are estimated to be heavy vehicle trips. Therefore, using the heavy vehicle factor (2.2 passenger car equivalents per heavy vehicle) a factored total of approximately 1,736 passenger car equivalents trips per day are estimated in the first construction section. However, many of these trips are heavy vehicles moving from one work area to another, thus IPC concluded that 50 percent of heavy vehicles would not operate daily on public roads. This reduces passenger car equivalent trips to approximately 868 in the first construction section. The contractor is expected to locate approximately five multi-use sites per section. For planning purposes, the 868 trips were distributed among the five multi-use areas within the first construction section, for a total of 174 passenger car equivalents per multi-use area. During a December 21, 2015, discussion with the Morrow County Planning Department, Morrow County indicated that the 400-trip threshold applies to individual sites and not the cumulative impact of multiple sites associated with the same project. Accordingly, because IPC does not expect any individual multi-use area, the Longhorn Station, or any other discrete Project feature to produce 400 trips per day, no traffic impact analysis is required under MCZO 3.010(I) for construction activities.

During operation of the Project, traffic will be limited to maintenance trips to the Longhorn Station, communication stations, towers, and conductors. At no point will such maintenance require 400 passenger car equivalent trips per day in Morrow County. Therefore, no traffic impact study is triggered by traffic related to the operation of the Project.

While IPC is not required to do so under MCZO 3.010(I) because the Project will not involve 400 or more passenger car equivalent trips per day in the EFU Zone in Morrow County, IPC proposes the following site certificate conditions to mitigate the effects of the temporary increase in traffic related to construction activities:

***Land Use Condition 4**: Prior to construction in Morrow County, the certificate holder shall complete the following to address traffic impacts in the county:*
a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;
b. The certificate holder shall work with the Morrow County Road Department to identify concerns related to Project construction traffic; and
c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.

***Land Use Condition 19:** During construction in Morrow County, the certificate holder shall conduct all work in compliance with the Morrow County-specific transportation and traffic plan referenced in Land Use Condition 4.*

6.4.2.2 General Industrial Zone MCZO Provisions

With the Proposed Route, the transmission line (0.3 line miles) and a small new access road (0.1 miles) will be located in the General Industrial Zone in Morrow County. No multi-use areas, light-duty fly yards, communication stations, or substantially modified existing access roads will be located in the General Industrial Zone (see Figure K-16; Table K-4). The impacts to General Industrial lands will be mostly incidental, crossing the corner of two General Industrial zoned lots and running along the border of a third lot along Bombing Range Road as shown in Figure K-16.

Neither West of Bombing Range Road Alternative 1 nor West of Bombing Range Road Alternative 2 will include any project features in the General Industrial Zone.

Figure K-16 shows the location of the Proposed Route project features that will occur in the General Industrial Zone.

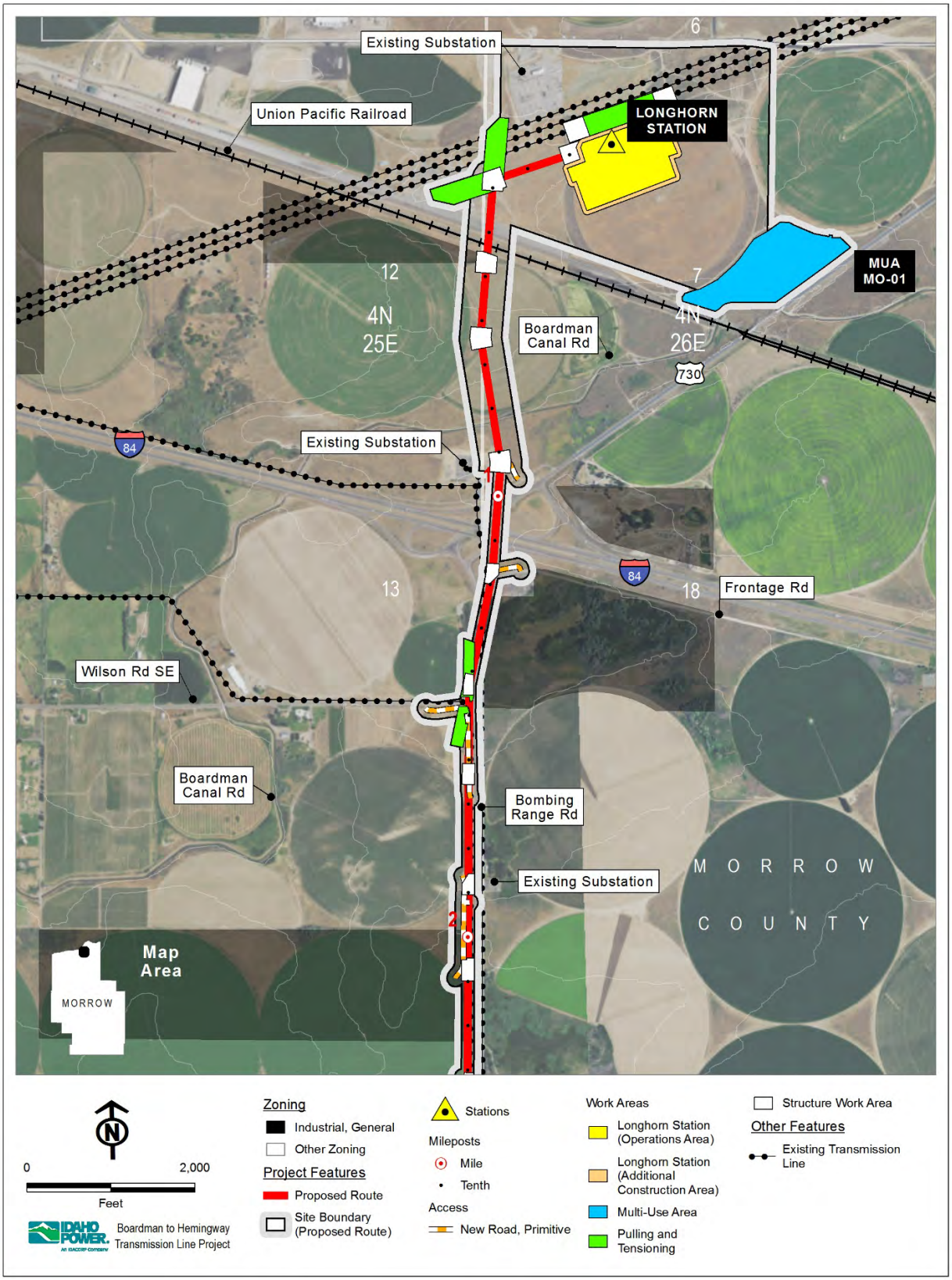

Figure K-16. Project Features in General Industrial Zone

Zoning Permit (All Project Features)

MCZO Provisions Identified by Morrow County

Each of the MCZO provisions discussed below as being potentially applicable to the Project features in the General Industrial Zone were identified by Morrow County.

Uses Permitted Outright

> MCZO 3.070(A): In an M-G Zone, the following uses and their accessory uses are permitted outright; except as limited by subsection C of this section. A Zoning Permit is required and projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review). . . . 15. Utility, transmission and communications towers less than 200 feet in height.

MCZO 3.070(A) provides utility towers less than 200 feet—and their accessory uses—are permitted outright in the General Industrial (MG) Zone in Morrow County[44] The term "accessory use" is defined as "[a] use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use." MCZO 1.030. Here, in the General Industrial Zone, IPC will be constructing transmission lines less than 200 feet tall along with a small access road. Because the access road will serve the transmission lines and will be located on the same lot as the transmission lines, the access road is considered an accessory use to the transmission lines. No multi-use areas, light-duty fly yards, or communication stations will be located in the General Industrial Zone. Accordingly, the transmission line and its accessory access road are permitted outright in the General Industrial Zone under MCZO 3.070(A)(15).

MCZO 3.070(A) states that a site development review is required for projects larger than 100 acres. Here, because the Project will affect less than 100 acres of the General Industrial Zone in Morrow County (see Table K-4, showing 7.9 acres of General Industrial Zone lands within the site boundary), the Project will not require a site development review by Morrow County.

Use Limitations

> MCZO 3.070(C): In an M-G Zone, the following limitations and standards shall apply to all permitted uses: 1. No use permitted under the provisions of this section that requires a lot area exceeding two (2) acres shall be permitted to locate adjacent to an existing residential lot in a duly platted subdivision, or a lot in a residential zone, except as approved by the Commission. 2. No use permitted under the provisions of this section that is expected to generate more than 20 auto-truck trips during the busiest hour of the day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone.

MCZO 3.070(C) limits uses located adjacent to an existing residential lot in a duly platted subdivision or a lot in a residential zone. Here, the Project will not be located adjacent to an existing residential lot in a duly platted subdivision or a lot in a residential zone, and therefore, MCZO 3.070(C) does not apply to the Project.

[44] In its August 18, 2010 letter, Morrow County noted that at the time of writing the letter, utility facilities were treated as a conditional use in the general industrial zone, but that the zoning ordinance was under review and there was a proposed change to designate transmission towers under 200 feet as a use permitted outright. By April 2011, Morrow County adopted that proposed change, and utility, transmission and communication towers less than 200 feet in height are a use permitted outright.

Dimension Requirements

MCZO 3.070(D): The following Dimensional requirements apply to all buildings and structures constructed, placed or otherwise established in the MG zone. 1. Lot size and frontage: A minimum lot size has not been determined for this zone although the lot must be of a size necessary to accommodate the proposed use, however, it is anticipated that most, if not all uses will be sited on lots of at least two acres. The determination of lot size will be driven by the carrying capacity of the land given the proposed use. Minimum lot frontage shall be 300 feet on an arterial or collector; 200 feet on a local street. 2. Setbacks: No specific side or rear yard setbacks are identified within this zone, but may be dictated by provisions of the Building Code or other siting requirements. The minimum setback between a structure and the right-of-way of an arterial shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from all lower class streets the minimum setback shall be 20 feet. There shall be no setback requirement where a property abuts a railroad siding or spur if the siding or spur will be utilized by the permitted use. 3. Stream Setback: All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 10 feet measured at right angles to the high-water line or mark. 4. Uses adjacent to residential uses. A sight-obscuring fence shall be installed to buffer uses permitted in the General Commercial Zone from residential uses. Additional landscaping or buffering such as diking, screening, landscaping or an evergreen hedge may be required as deemed necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.

MCZO 3.070(D)(1) addresses the size of parcels and is applicable only to the extent that a partition of a parcel zoned General Industrial in Morrow County is required. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel zoned General Industrial in Morrow County. Because the Project likely will not involve lot splits, MCZO 3.070(D)(1) likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Morrow County prior to construction.

MCZO 3.070(D)(2) provides setback requirements applicable to buildings and structures. Here, the Project will include construction of transmission line towers, a small access road (0.1 miles), and no buildings on lands zoned as General Industrial lands.

- Access Roads: The Project access roads will not be built to support, shelter, or enclose anything. Therefore, the access roads are not considered buildings under the MCZO. Moreover, the Morrow County Planning Department in a May 10, 2016 email to IPC provided the Project access roads—both new roads and substantially modified existing roads—are not considered structures under the MCZO. Accordingly, because the access roads are neither buildings nor structures, the setback requirements of MCZO 3.070(D)(2) do not apply to the access roads.
- Transmission Line Towers: The transmission line towers will be constructed objects with a fixed connection to the ground. Therefore, the transmission line towers are considered structures under the MCZO, and the setback requirements of MCZO 3.070(D)(2) will apply to the relevant transmission line towers.

MCZO 3.070(D)(2) provides, in part, that structures must be set back 30 feet from collector road ROWs. Here, in the General Industrial Zone, the fixed bases of certain transmission line towers

(i.e., the foundations) will be located near Bombing Range Road, which the County considers a collector road. Therefore, the fixed bases of the towers must be set back at least 30 feet from the Bombing Range Road ROW. To ensure compliance with the requirements of MCZO 3.070(D)(2), IPC proposes the following site certificate condition:

> ***Land Use Condition 18****: During construction in Morrow County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *. . .*
> *In the General Industrial Zone:*
> *e. Buildings and the fixed bases of the transmission line towers shall be set back at least 50 feet from arterial road rights-of-way, 30 feet from collector road rights-of-way, and 20 feet from lower-class road rights-of-way.*
> *. . . .*

MCZO 3.070(D)(3) requires structures be setback 10 feet from streams or lakes in the General Industrial Zone. In this instance, there are no streams or lakes within 10 feet of the portion of the route that goes through the General Industrial Zone. Therefore, the Project will be in compliance with MCZO 3.070(D)(3).

MCZO 3.070(D)(4) provides for fencing, landscaping, or buffering for uses adjacent to residential uses. Here, there are no residences adjacent to the portion of the route that goes through the General Industrial Zone. Accordingly, the Project will be in compliance with MCZO 3.070(D)(4).

Transportation Impacts Analysis

MCZO 3.070(E): 1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles - trucks, recreational vehicles and buses - will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98).

Under MCZO 3.070(E), a traffic impact analysis is required if a project involves 400 passenger car equivalent trips per day in the General Industrial Zone in Morrow County. Here, neither the construction nor operation of the Project in the General Industrial Zone will produce 400 trips per day (see Exhibit U and Attachment U-2 – Transportation and Traffic Plan), and therefore, no traffic impact analysis is required under MCZO 3.070(E). While IPC is not required to do so under MCZO 3.070(E) because the Project will not involve 400 or more passenger car equivalent trips per day in the General Industrial Zone in Morrow County, IPC is proposing Land Use Conditions 4 and 20 to mitigate the effects of the temporary increase in traffic related to construction activities.

6.4.2.3 Port Industrial Zone MCZO Provisions

The transmission line (0.9 line miles), the Longhorn Station, and one multi-use area (MUA MO-01) will be located in the Port Industrial Zone in Morrow County. No light-duty fly yards, communication stations, new access roads, or substantially modified existing access roads will be located in the Port Industrial Zone (see Figure K-17; Table K-4).

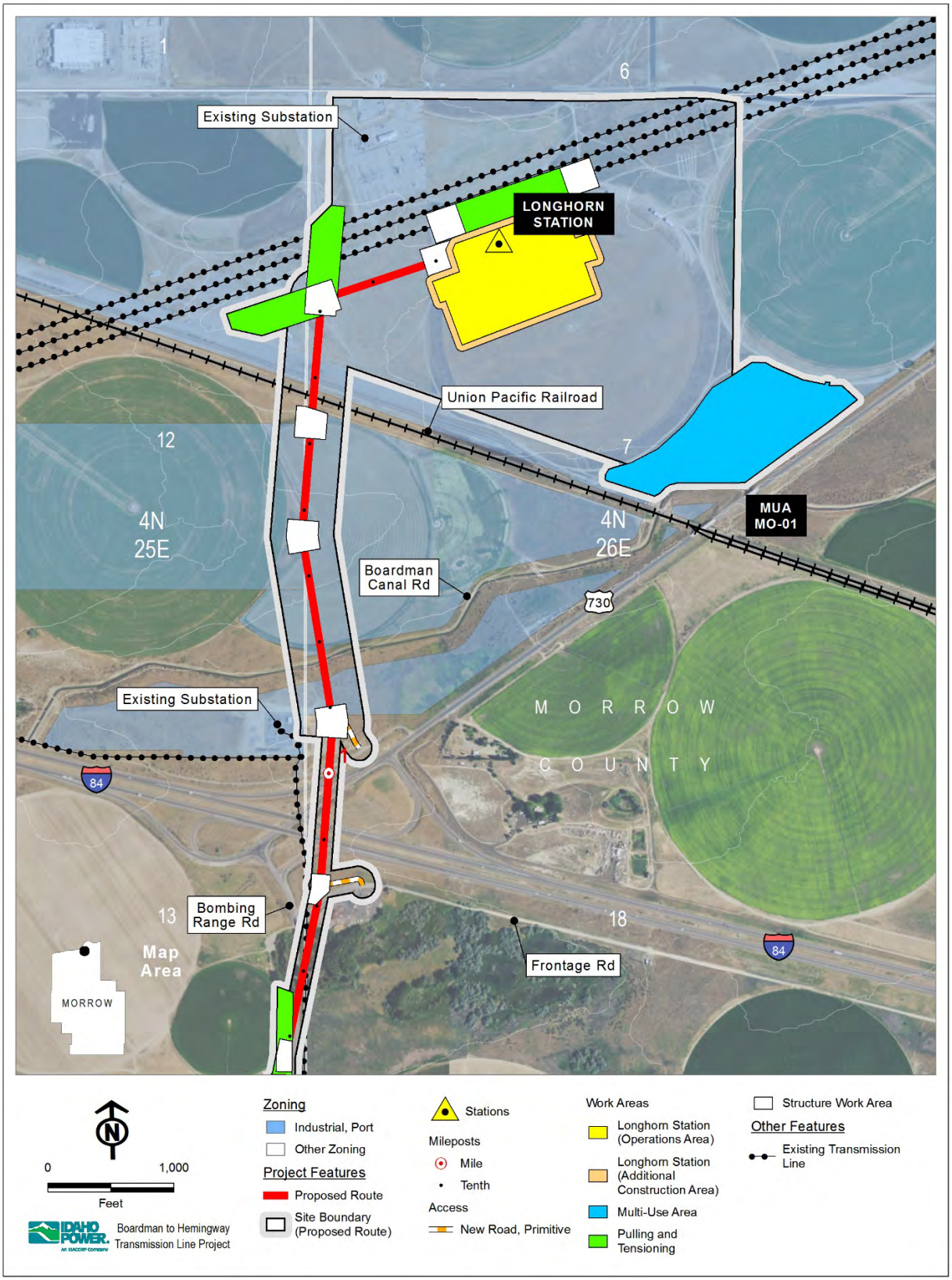

Figure K-17. Project Features in Port Industrial Zone

Zoning Permit (All Project Features)

MCZO Provisions Identified by IPC

Each of the MCZO provisions discussed below as being potentially applicable to the Project features in the Port Industrial Zone were identified by IPC and not Morrow County.

Uses Permitted Outright with a Zoning Permit

> MCZO 3.073(A): Outside activities are permitted within the scope of allowed uses outlined below. Projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review). . . . 9. Power generating and utility facilities.

A utility facility is a land use that is permitted outright in the Port Industrial Zone. The term "utility facility" means "[a]ny major structure owned or operated by a public, private, or cooperative electric, fuel, communication, sewage, or water company for the generation, transmission, distribution, or processing of its products or for the disposal of cooling water, waste, or byproducts, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills, and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines, and similar minor facilities allowed in any zone" (MCZO 1.030). Here, the transmission line and its related and supporting facilities will be owned and operated for the transmission of electricity, and therefore, each of the Project features located in the Port Industrial Zone is considered a utility facility or part thereof under MCZO 3.073(A)(9), and is permitted outright in the Port Industrial Zone.

MCZO 3.073(A) states that a site development review is required for projects larger than 100 acres. Here, the Project will affect more than 100 acres of the Port Industrial Zone in Morrow County (see Table K-4, showing 245.3 acres of Port Industrial Zone lands within the site boundary). Here, the site development review is not related to siting and not included or governed by the site certificate.

Limitations on Uses

> MCZO 3.073(C): 1. Material shall be stored and grounds shall be maintained in a manner which will not create a health hazard. 2. All related provisions of the Oregon Revised Statutes shall be complied with, particularly those dealing with hazardous substances and radioactive materials.

MCZO 3.073(C) provides projects in the Port Industrial Zone must store and manage materials in a manner so as not to create a health hazard and must comply with applicable hazardous materials statues. Here, IPC will fully comply with applicable non-hazardous waste handling and disposal regulations on all lands associated with the Project, during construction and operations. Solid waste will be stored in a manner that does not constitute a fire, health, or safety hazard until it can be hauled off for recycling or disposal, as appropriate. Exhibit V provides details on the types and amounts of waste, and procedures and systems for handling and disposal of non-hazardous waste materials. Exhibit G discusses hazardous waste, and describes IPC's compliance with the applicable Oregon Revised Statutes. Table G-3 provides a summary of type, quantity, and method for storing explosives and hazardous materials that will be used on the Project. To ensure compliance with MCZO 3.073(C), IPC request that the Council adopt the following conditions in the site certificate:

> ***Soil Protection Condition 1:*** *Prior to construction, the certificate holder shall submit to the department a copy of an Oregon Department of Environmental Quality (ODEQ)-approved construction-related final Spill Prevention Control and*

Countermeasures Plan (SPCC Plan). The protective measures described in the draft SPCC Plan in ASC Exhibit G, Attachment G-4, shall be included as part of the construction-related final SPCC Plan, unless otherwise approved by the department.

Soil Protection Condition 4: *During construction, the certificate holder shall conduct all work in compliance with the construction-related final SPCC Plan referenced in Soil Protection Condition 1.*

Soil Protection Condition 7: *Prior to operation, if the certificate holder is required by ODEQ statutes or rules to implement a SPCC Plan for operation of the facility, the certificate holder shall submit to the department a copy of an ODEQ-approved operation-related SPCC Plan.*

Soil Protection Condition 8: *During operation, the certificate holder shall conduct all work in compliance with the operation-related SPCC Plan referenced in Soil Protection Condition 7, if applicable.*

Dimension Requirements

MCZO 3.073(D): The following dimensional requirements apply to all buildings and structures constructed, placed or otherwise established in the PI zone, subject to subsection F of this Section. 1. Minimum front yard setback: Thirty (30) feet. No structure shall be erected closer than ninety (90) feet from the center line of any public, county or state road. Structures on corner or through lots shall observe the minimum front yard setback on both streets. 2. Minimum side and rear yard setback: ten (10) feet. 3. Minimum lot coverage: No limitation. 4. Maximum building height: No limitation. 5. Exceptions to the setback regulations are as follows: a. There shall be no setback requirement where a property abuts a railroad spur if the spur will be utilized by the permitted use. b. Side and rear lot requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinating vehicular access and parking development. Party wall or adjoining building walls must meet fire separation requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Code. The joint development agreement must be approved by the Port of Morrow as to form and content, recorded in the Morrow County Clerk's office and a copy must be provided to the Planning Department.

MCZO 3.073(D) provides certain setback requirements for buildings and structures in the Port Industrial Zone.

- Longhorn Station: The Longhorn Station will include a building. Therefore, the setback requirements of MCZO 3.073(D) will apply to the Longhorn Station.
- Transmission Line Towers: The transmission line towers will be constructed objects with a fixed connection to the ground. Therefore, the transmission line towers are considered structures under the MCZO, and the setback requirements of MCZO 3.073(D) will apply to the relevant transmission line towers.
- Multi-Use Areas: The multi-use areas will include buildings. Therefore, the setback requirements of MCZO 3.073 will apply to the relevant multi-use areas.

There is sufficient land around the fixed bases of the transmission line towers (i.e., the foundations), and the buildings at the Longhorn Station and multi-use areas, in the Port Industrial Zone in Morrow County that the structures and buildings can meet the setback requirements of MCZO 3.073(D). To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 18****: During construction in Morrow County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
>
> *. . .*
>
> *In the Port Industrial Zone:*
>
> *f. Buildings and the fixed bases of the transmission line towers shall be setback as follows: (i) front yards shall be set back at least 30 feet from the property line, and 90 feet from the centerline of any public, county, or state road; (ii) side yards shall be set back at least 10 feet from the property line; and (iii) rear yards shall be set back at least 10 feet from the property line.*

Transportation Impacts Analysis

MCZO 3.073(G): 1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles B trucks, recreational vehicles and buses B will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98).

Under MCZO 3.073(G), a traffic impact analysis is required if a project involves 400 passenger car equivalent trips per day in the Port Industrial Zone in Morrow County. Here, neither the construction nor operation of the Project in the Port Industrial Zone will produce 400 trips per day (see Exhibit U and Attachment U-2 – Transportation and Traffic Plan), and therefore, no traffic impact analysis is required under MCZO 3.073(G). While IPC is not required to do so under MCZO 3.073(G) because the Project will not involve 400 or more passenger car equivalent trips per day in the General Industrial Zone in Morrow County, IPC is proposing Land Use Conditions 4 and 20 to mitigate the effects of the temporary increase in traffic related to construction activities.

6.4.2.4 Major Road or Railroad Right-of-Way Zone MCZO Provisions

The transmission line (0.3 line mile) and one small new access road (0.1 mile) will be located in the Major Road or Railroad Right-of-Way Zone in Morrow County (see Figure K-18; Table K-4). No multi-use areas, light-duty fly yards, communication stations, or substantially modified existing access roads will be located in this zone.

There are no MCZO provisions related specifically to the Major Road or Railroad Right-of-Way Zone—i.e., there are no approval criteria for uses in this zone. No analysis is required, and no standard must be met, to comply with the MCZO with respect to Project activities within the Major Road or Railroad Right-of-Way Zone.

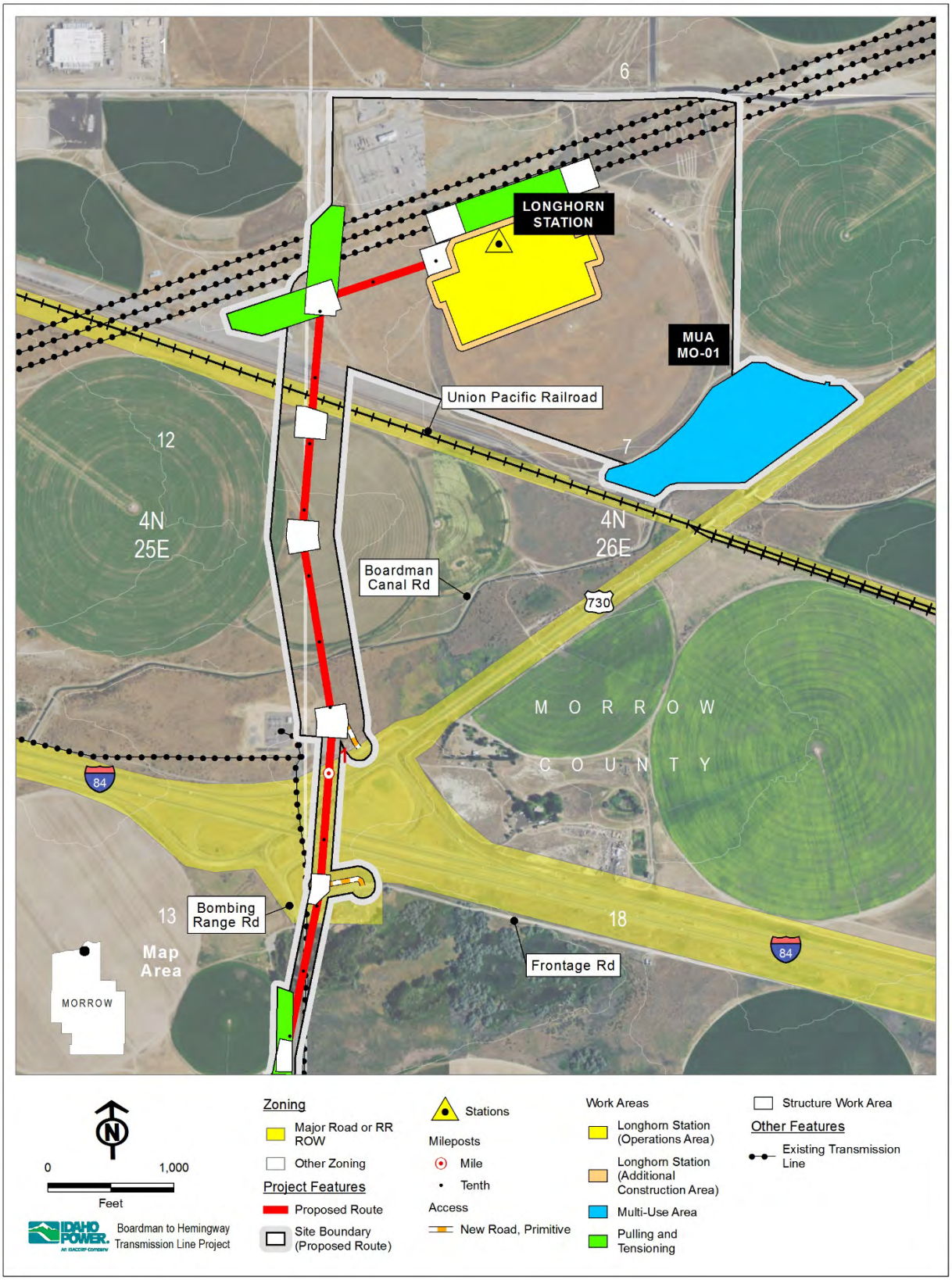

Figure K-18. Project Features in Major Road and Railroad Zone

6.4.2.5 Public Zone MCZO Provisions

For the Proposed Route, the transmission line (10.5 line miles), new access roads (4.5 miles), and substantially modified existing access roads (5.3 miles) will be located in the Public Zone in Morrow County (see Figure K-19; Table K-4). No multi-use areas, light-duty fly yards, or communication stations will be located in this zone.

Bombing Range Road Alternative 1 would include the transmission line (0.1 line miles) and new access roads (<0.1 mile) in the Public Zone (see Figure K-19; Table K-4).

Bombing Range Road Alternative 2 would include the transmission line (1.7 line miles) and new access roads (0.1 mile) in the Public Zone (see Figure K-19; Table K-4).

There are no MCZO provisions related specifically to the Public Zone—i.e., there are no approval criteria for uses in this zone. No analysis is required, and no standard must be met, to comply with the MCZO with respect to Project activities within the Public Zone.

Figure K-19. Project Features in Public Zone

6.4.2.6 Flood Plain Overlay Zone MCZO Provisions

In the April 13, 2012, teleconference, the Morrow County Planning Department identified the Flood Plain Overlay Zone as potentially applicable to the Project.

The MCZO discusses certain different types of flood-related management areas. Under the MCZO, a "floodway" is a channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (see MCZO 3.100(2)). Once established, nothing can be placed in the floodway that would cause any rise in base flood elevation—i.e., 0.0 feet. A "floodplain" is any land area susceptible to being inundated by water from any source. The Special Flood Hazard Areas (SFHAs) comprise the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year (see MCZO 3.100(2)).

To identify the location of SFHAs in Morrow County, IPC used SFHA data from the State of Oregon's Hazards Framework, which in turn utilizes spatial data from the Federal Emergency Management Agency or existing Flood Insurance Rate Maps (FIRM). Per that data, the following Project features will be located in a SFHA in Morrow County: one multi-use area and five access roads (three for the Proposed Route and two for the West of Bombing Range Road alternative routes), each of which roads is an existing road needing substantial modification and not a new road (see below Figure K-20). No new permanent Project features will be located in an SFHA.

There are no designated "floodways" in Morrow County. Therefore, no Project features are located in a designed floodway in Morrow County.

Figure K-20 and Figure K-21 show the relevant SFHAs in Morrow County.

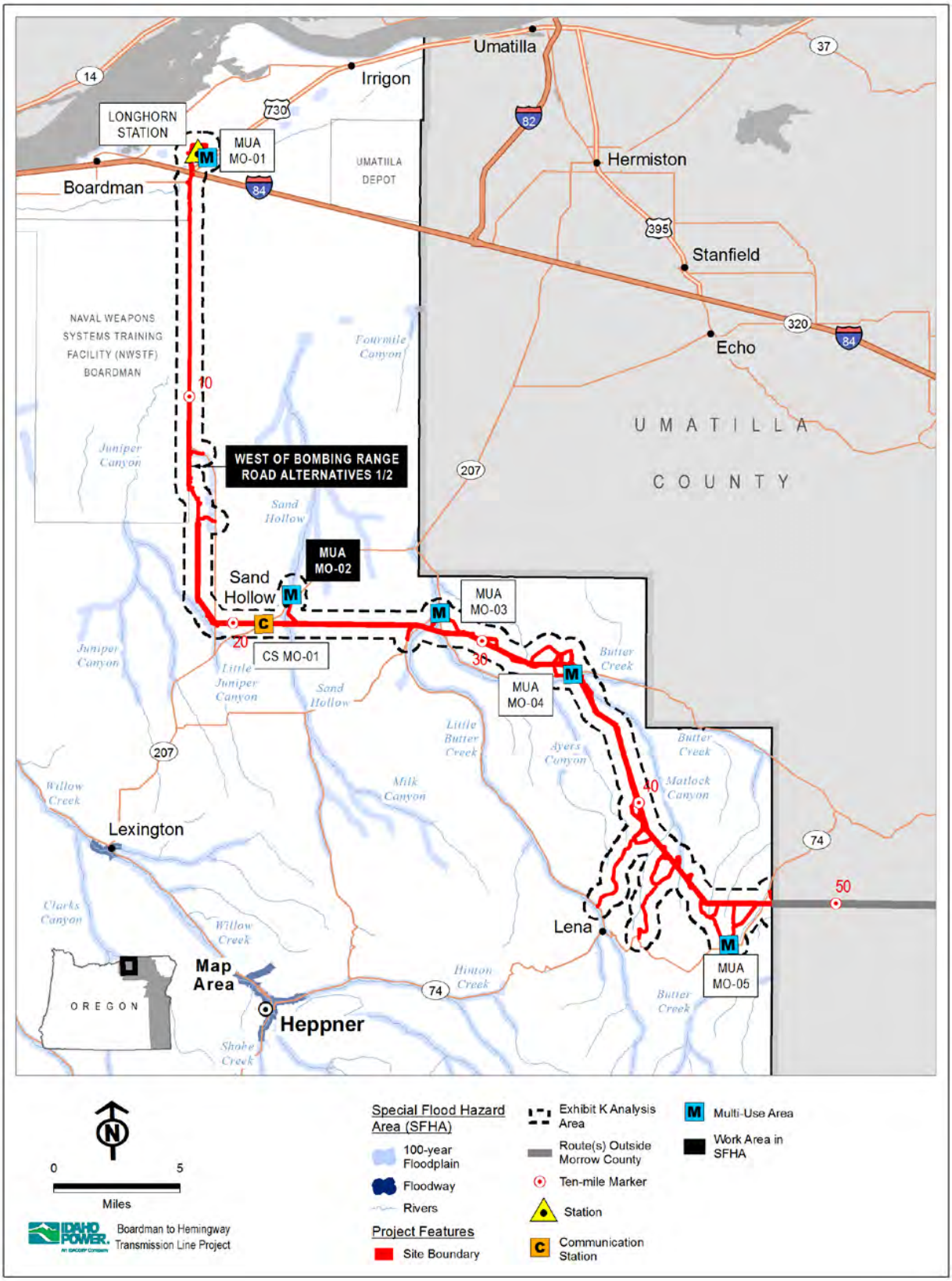

Figure K-20. Special Flood Hazard Areas

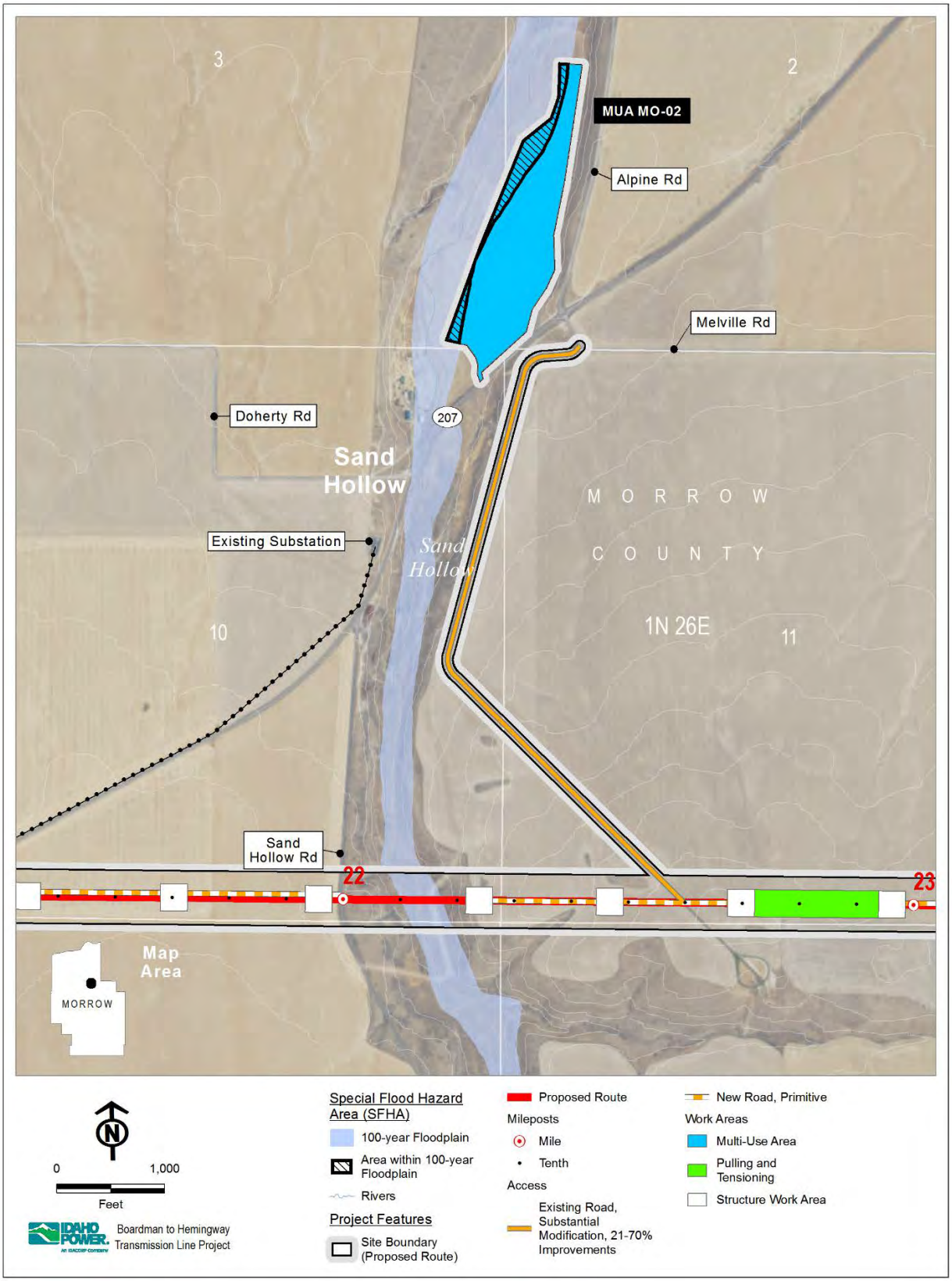

Figure K-21. Multi-Use Area within Special Flood Hazard Area

Flood Plain Development Permit

Development Permit Required

MCZO 3.100(4.1-1): A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".

Under MCZO 3.100(4.1-1), construction activities within a Special Flood Hazard Area require a flood plain development permit. Here, IPC will obtain directly from Morrow County a flood plain development permit for the multi-use area and existing road improvement construction activities related to the Project. The flood plain development permit will not be included in or governed by the site certificate (see Exhibit E, Section 3.2.9.4). IPC proposes the following site certificate condition requiring IPC to provide a copy of any necessary flood development permits to ODOE prior to construction:

> ***Land Use Condition 3****: Prior to construction in Morrow County, the certificate holder shall provide to the department a copy of the following Morrow County-approved permits, if such permits are required by Morrow County zoning ordinances:*
> *a. Flood plain development permit, for work in the Flood Plain Overlay Zone;*
> *. . . .*

Provisions for Flood Hazard Reduction; General Standards

MCZO 3.100(5) provides the following standards are required for all projects in a Special Flood Hazard Area.

Anchoring

MCZO 3.100(5.1-1): (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. (2) All manufactured homes must . . . .

MCZO 3.100(5.1-1)(1) provides new construction and substantial improvements must be sufficiently anchored. Here, the relevant multi-use area extends slightly into the Sand Hollow SFHA. While the multi-use area will include a temporary office building, that building will be located outside the SFHA. Further, no other Project buildings or structures will be located in the SFHA. Therefore, no Project features requiring anchoring will occur in the SFHA and the Project will be in compliance with MCZO 3.100(5.1-1)(1).

MCZO 3.100(5.1-1)(2) relates to mobile homes. Because the Project does not involve the construction of mobile homes, MCZO 3.100(5.1-1)(2) does not apply to the Project.

Construction Materials and Methods

MCZO 3.100(5.1-2): (1) Improvements shall be constructed with materials and utility equipment resistant to flood damage. (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

MCZO 3.100(5.1-2)(1) and (2) provide projects in a SFHA must be constructed to resist and minimize flood damage. MCZO 3.100(5.1-2)(3) requires electrical and other service facilities to

be designed to prevent water from entering its components during flooding conditions. The Project building and transmission line towers will be located outside the SFHA. Therefore, no Project features requiring flood protection will occur in the SFHA and the Project will be in compliance with MCZO 3.100(5.1-2)(1) and (2).

Utilities

MCZO 3.100(5.1-3) relates to water supply systems, sanitary sewage systems, and on-site waste disposal systems. Because the Project will not include any of those relevant systems, MCZO 3.100(5.1-3) does not apply to the Project.

Subdivision Proposals

MCZO 3.100(5.1-4) relates to subdivision developments. Because the Project will not include any of subdivision proposals, MCZO 3.100(5.1-4) does not apply to the Project.

Specific Standards; Non-Residential Construction

MCZO 3.100(5.2-1) through (5.2-5) provide standards for residential construction, non-residential construction, below-grade crawl spaces, manufactured homes, and recreation vehicles, respectively. Because the Project does not involve residential construction, below-grade crawl spaces, manufactured homes, or recreation vehicles, only subsection 5.2-2 applies to the Project.

> MCZO 3.100(5.2-2): New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall . . . .

MCZO 3.100(5.2-2) requires new industrial structures either have their lowest floor elevated to the level of the base flood elevation or meet certain conditions to show that the structures are flood proof. In this instance, the Project building and transmission line towers will be located outside the SFHA. Therefore, no Project features involving a “floor” will occur in the SFHA and the Project will be in compliance with MCZO 3.100(5.2-2).

Before Regulatory Floodway

> MCZO 3.100(5.3): In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the county’s FIRMs, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the Base Flood more than one foot (1.0 ft.) at any point within the county.

Under MCZO 3.100(5.3), if no regulatory floodways have been designated, no new construction or development is allowed in Zones A1-30 and AE on the county’s FIRMs unless certain circumstances apply. In this instance, no regulatory floodways have been designated in Morrow County and therefore the MCZO 3.100(5.3) restrictions apply. However, the Project will not be located in Zones A1-30 and AE, and therefore, the Project will be in compliance with MCZO 3.100(5.3).

Floodways

> MCZO 3.100(5.4): Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply: (1) Prohibit encroachments, including fill, new construction,

substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. (2) If Section 5.4(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.

MCZO 3.100(5.4) applies to new encroachments and development in floodways. Because the Project will not involve permanent encroachments or development, and because there are no designated floodways in Morrow County, MCZO 3.100(5.4) does not apply to the Project.

6.4.2.7 Public Right-of-Way Access MCZO Provisions

Utility Crossing Permit

MCZO 4.010(B): Where access to or construction on a county road is needed, an access permit or right-of-way permit from Morrow County Public Works department is required subject to the requirements in this Ordinance. Where access to a state highway is needed, an access permit from ODOT is required as part of the land use application. Where access is needed to a road managed by the Forest Service or other entity, an access permit or other authorization from the appropriate entity shall be required as part of the land use application.

A utility crossing permit from Morrow County is required any time a utility is constructed within or across a public ROW (see MCZO 4.010(B)).[45] Here, the Project will cross county ROWs and IPC will apply for a Utility Crossing Permit. IPC will obtain any necessary utility crossing permits directly from the Morrow County Public Works Department. The utility crossing permit will not be included in or governed by the site certificate (see Exhibit E, Section 3.2.12.1). IPC proposes the following site certificate condition requiring IPC to provide a copy of any necessary utility crossing permits to ODOE prior to construction:

> ***Land Use Condition 3****: Prior to construction in Morrow County, the certificate holder shall provide to the department a copy of the following Morrow County-approved permits, if such permits are required by Morrow County zoning ordinances:*
> *. . .*
> *b. Utility crossing permit;*
> *. . . .*

Access Approach Site Permit

MCZO 4.010(B): Where access to or construction on a county road is needed, an access permit or right-of-way permit from Morrow County Public Works department is required subject to the requirements in this Ordinance. Where access to a state highway is needed, an access permit from ODOT is required as part of the land use application. Where access is needed to a road managed by the Forest Service or other entity, an access permit or other authorization from the appropriate entity shall be required as part of the land use application.

An access approach site permit from Morrow County will be required if the Project access roads intersect with public roads, or if necessary upgrades to existing access roads affect a public road (see MCZO 4.010(B)). IPC intends to develop access roads that will intersect with public roads, and IPC will obtain any necessary access approach site permits directly from the Morrow

[45] See also ORS 374.305(1) (providing a person may not place, build, or construct on ROW of any county road without first obtaining written permission from the relevant county court or board of county commissioners).

County Public Works Department. The access approach site permit will not be included in or governed by the site certificate (see Exhibit E, Section 3.2.12.2). IPC proposes the following site certificate condition requiring IPC to provide a copy of any necessary access approach permits to ODOE prior to construction::

> ***Land Use Condition 3****: Prior to construction in Morrow County, the certificate holder shall provide to the department a copy of the following Morrow County-approved permits, if such permits are required by Morrow County zoning ordinances:*
> *. . .*
> *c. Access approach site permit; and*
> *. . . .*

Construction Permit to Build on Right-of-Way

MCZO 4.010(B): Where access to or construction on a county road is needed, an access permit or right-of-way permit from Morrow County Public Works department is required subject to the requirements in this Ordinance. Where access to a state highway is needed, an access permit from ODOT is required as part of the land use application. Where access is needed to a road managed by the Forest Service or other entity, an access permit or other authorization from the appropriate entity shall be required as part of the land use application.

A construction permit from Morrow County is required to make improvements to access roads that intersect with county road rights-of-way (see MCZO 4.010(B)). Here, Project access roads will intersect with public roads, and IPC will obtain a construction permit to build on a ROW directly from the Morrow County Public Works Department, as necessary. The construction permit to build on ROW will not be included in or governed by the site certificate (see Exhibit E, Section 3.2.12.3). IPC proposes the following site certificate condition requiring IPC to provide a copy of any necessary road ROW construction permits to ODOE prior to construction:

> ***Land Use Condition 3****: Prior to construction in Morrow County, the certificate holder shall provide to the department a copy of the following Morrow County-approved permits, if such permits are required by Morrow County zoning ordinances:*
> *. . .*
> *d. Construction permit to build on right-of-way.*
> *. . . .*

Additionally, IPC notes that it will obtain from the Oregon Department of Transportation (ODOT) any authorizations for work to be done on or across roadways under the Department's jurisdiction, as necessary.

6.4.3 Morrow County Comprehensive Plan Provisions

In its August 18, 2010 letter, the Morrow County Planning Department identified the following provisions of the Morrow County Comprehensive Plan (MCCP) as being potentially applicable to the Project: the energy conservation element; Finding 19 and Policy 1 of the agricultural lands element; the natural hazards element; and General Policy F, Utility Policies B and C, and Utility Findings B and C of the public facilities and services element.

6.4.3.1 Energy Conservation Element

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

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

6.4.3.2 Agricultural Lands Element

Maintaining Availability of Low-Cost Power

Agricultural Lands Element, Finding 19: Northern Morrow County's irrigated agricultural economy depends on the continued availability of relatively less expensive hydro-electric power.

Although IPC does not serve Morrow County, the County's August 18, 2010 letter indicated that, if the Project "can sustain or increase available power and keep it reasonably priced," the Project "would be considered to be in support of the Comprehensive Plan," particularly mentioning Finding 19 of the agricultural lands element.

Finding 19 of the agricultural lands element addresses the importance of low-cost power to the development and sustenance of Morrow County's irrigation systems. Here, as discussed in Exhibit N, the transmission system connecting the Pacific Northwest and Intermountain West regions—i.e., the Idaho-Northwest transmission path—is at capacity limits during peak electrical demand and is causing congestion-related issues. IPC operates the Idaho-Northwest transmission path, which consists of multiple high voltage transmission lines, connecting Idaho and eastern Oregon with the Pacific Northwest region. In the past, IPC has needed to utilize all of the transmission capacity on the path to serve the company's load. Also, due to congestion, IPC has had to cut transmission service schedules across the transmission path in order to maintain WECC accepted reliability limits.

The Project is designed to alleviate transmission constraints and provide operational flexibility by adding approximately 1,000 MW of much needed bi-directional capacity between the Pacific Northwest and Intermountain West regions. The additional capacity will help improve the regions' ability to transmit low-cost energy from a variety of generation sources to serve residences, farms, businesses, and other customers throughout the regions. The ability to exchange additional energy between the regions increases efficiencies, possibly helping to avoid the need to construct new power plants, which is good for the environment and helps to keep electricity rates lower. Accordingly, the Project is consistent with Finding 19 of the agricultural lands element.

Preservation of Agricultural Lands

> Agricultural Lands Element, Policy 1: It shall be the policy of Morrow County, Oregon, to preserve agricultural lands, to protect agriculture as its main economic enterprise, to balance economic and environmental considerations, to limit noncompatible nonagricultural development, and to maintain a high level of livability in the County.

The Agricultural Lands Element, Policy 1 is consistent with the Oregon statutes and rules regarding protection of Goal 3 resources. As discussed above in the description of the Project's compliance with the applicable Oregon statutes and Morrow County EFU zoning ordinances, Sections 4.1 and 6.4.2.1, the Project will minimize its impacts on agricultural lands as much as possible, and that the impacts to agricultural land that will occur are required to achieve the Project objectives. Where the Project will impact agricultural lands, construction and operations of the Project will minimize impacts to agricultural operations to the maximum extent possible, as described in detail in the Agricultural Lands Assessment (Attachment K-1, Appendix A-1). Additional discussion regarding the Project's compliance with statewide planning goals, and particularly Goal 3, is provided in Section 7.0. The discussion in the above-referenced sections demonstrates that IPC has made all possible efforts to avoid disruption to agricultural lands, and that the Project is consistent with Policy 1 of the agricultural lands element. To mitigate the effects on agricultural lands related to the Project, IPC will conduct all work in compliance with the final Agricultural Assessment (see Land Use Conditions 1 and 10).

6.4.3.3 Natural Hazards Element

Morrow County's August 18, 2010, letter acknowledges the natural hazards element of the MCCP is outdated, but requests analysis demonstrating that the Project will not conflict with any identified natural hazards. The MCCP defines natural hazards "as areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas" (MCCP p. 139). During the route selection process, IPC considered natural hazard constraints, including erodible soils (high, moderate, and low), slope conditions, fault lines, floodplains, and Oregon landslide features. The Project has and will be designed to avoid or minimize conflicts with natural hazards, and therefore, the Project is consistent with the natural hazards element.

In connection with the natural hazards element, in an April 13, 2012, teleconference, Morrow County requested analysis regarding compliance with the Flood Plain Overlay Zone set forth in MCZO 3.100 and analysis regarding potential liquefaction hazards. The Project's compliance with the construction standards set forth in MCZO Section 3.100(5) is set forth above in Section 6.4.2.6. Analysis of liquefaction hazards is provided in Section 6.4.6.2.

6.4.3.4 Public Facilities and Services Element

General Policies

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

In its August 18, 2010, letter, Morrow County states that the public facilities and services element focus on local providers of electric service and may not be directly relevant to a transmission line at the scale proposed by the Project. IPC believes that the public facilities and services element applies to local electrical distribution projects and to not long-distance transmission line projects, and therefore, the public facilities and services element is not

applicable to the Project. Nonetheless, IPC addresses the findings and policies identified by the County and shows compliance with the same.

With respect to General Policy F, due to the size of the ROW required for a 500-kV transmission line, it is usually not possible to locate Project facilities directly on existing ROWs. However, where feasible, the proposed facilities will be located on or adjacent to existing utility and transportation facilities. Additionally, IPC sited the Project on or near property lines to avoid dividing existing farm units to the extent practicable, and will work with landowners during construction to accomplish the same objective. IPC's siting efforts are consistent with General Policy F of the public facilities and services element.

Substation Siting

Utility Finding C: Electrical power substations can create negative impacts on nearby property. Careful site planning and physical design can minimize adverse environmental effects.
Utility Finding D: Power and other energy substations should be centrally located to the area served as much as possible to facilitate economic and energy conservation goals.
Utility Policy B: Power substations should be centrally located to the service area as much as possible to assure economic service and facilitate energy conservation.
Utility Policy C: Power substations should be planned and designed in a manner which will minimize the negative environmental impacts on nearby properties and the public as a whole.

IPC chose the Longhorn Station as the Project termination point after careful planning and consideration of the Project objectives. In order for the Project to meet its objective of adding approximately 1,000 MW of bi-directional capacity between the Pacific Northwest and Intermountain West regions, the point of interconnection at the northern terminus must provide sufficient capacity to: 1) transfer an additional 1,050 MW of power from the BPA 500-kV transmission system in the Pacific Northwest west-to-east across the Idaho-Northwest transmission path; 2) transfer an additional 1,000 MW of power east-to-west across the Idaho-Northwest transmission path; and 3) allow for actual power flows on the Project of up to approximately 1,500 MW, accounting for variations in actual power flows of the various transmission lines comprising the Idaho-Northwest transmission path.

When IPC began the federal permitting process for the Project in 2007, other transmission development projects were being proposed in the Pacific Northwest that influenced IPC's northern terminus location options for the Project. PGE's Cascade Crossing 500-kV project was of particular note. In fact, in 2008, IPC and PGE executed a MOU concerning Boardman Area transmission development, with the intent of sharing development plans and developing facilities collaboratively to assist each company in fulfilling their respective service and system reliability obligations. The proposed Grassland Station was contemplated as an interconnection point between the two projects that could help each company with their respective project objectives. The proposed Horn Butte Station was introduced as an alternative location to connect to the Cascade Crossing project.

However, since the EFSC process was initiated, the transmission development landscape has changed. Several of the development projects under consideration during the time of original application have subsequently been cancelled. Notably, in 2013, PGE indefinitely suspended the Cascade Crossing project. In the absence of the Cascade Crossing project, the Grassland and Horn Butte stations no longer meet the Project objectives. Neither the Grassland nor Horn Butte substations would provide the required approximate 1,000 MW of bi-directional capacity

and up to 1,500 MW of actual power flow capability. Therefore, the Project will terminate at the proposed Longhorn Station and not the Grassland or Horn Butte stations.

As discussed above, the Longhorn Station was chosen as the Project termination point after careful planning and consideration of the Project objectives. By ensuring that the termination point provides sufficient connection to the BPA 500-kV transmission system, IPC has sited the termination point in a manner that maximizes the economic and energy conservation benefits of the Project (see Public Facilities and Services Element, Utility Finding D and Utility Policy B).

The proposed Longhorn Station will be located on land that the Port of Morrow sold to BPA for the purpose of constructing an electrical switching station or substation. The Longhorn Station site is adjacent to existing transmission lines and a new substation. It will be surrounded by lands similarly zoned in the Port Industrial Zone. Given the similar existing impacts and land use zoning designations in the area, the incremental impact of constructing the Longhorn Station on the public and the environment will be minimal (see Public Facilities and Services Element, Utility Finding C and Utility Policy C).

For these reasons, the Project is consistent with the relevant findings and policies of the public facilities and services element.

6.4.4 Morrow County Goal 5 Resources

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

On August 25, 2015, IPC sent a letter to Morrow County, requesting additional information regarding the County's Goal 5 protections. On November 9, 2015, Morrow County responded, providing direction on interpreting and applying the County's Goal 5 provisions of the MCZO and MCCP. The County indicated that only those resources depicted on the 1986 Significant Resource Overly Map were considered Goal 5 designated resources in Morrow County. On December 7, 2015, the County provided to IPC Geographic Information System (GIS) information identifying the location of the Goal 5 designated resources in Morrow County under the 1986 Significant Resource Overly Map and the MCCP. Figure K-22 shows the 1986 Significant Resource Overly Map information provided by Morrow County.

The following Goal 5 resources occur within the Site Boundary:

- Butter Creek;
- Matlock Canyon Creek;
- Little Butter Creek;
- Sand Hollow Creek;
- NWSTF Boardman; and
- Certain Washington ground squirrel habitat.

In the following discussion, IPC addresses each of the Goal 5 resources occurring within the Site Boundary as well as other Goal 5 resources of interest.

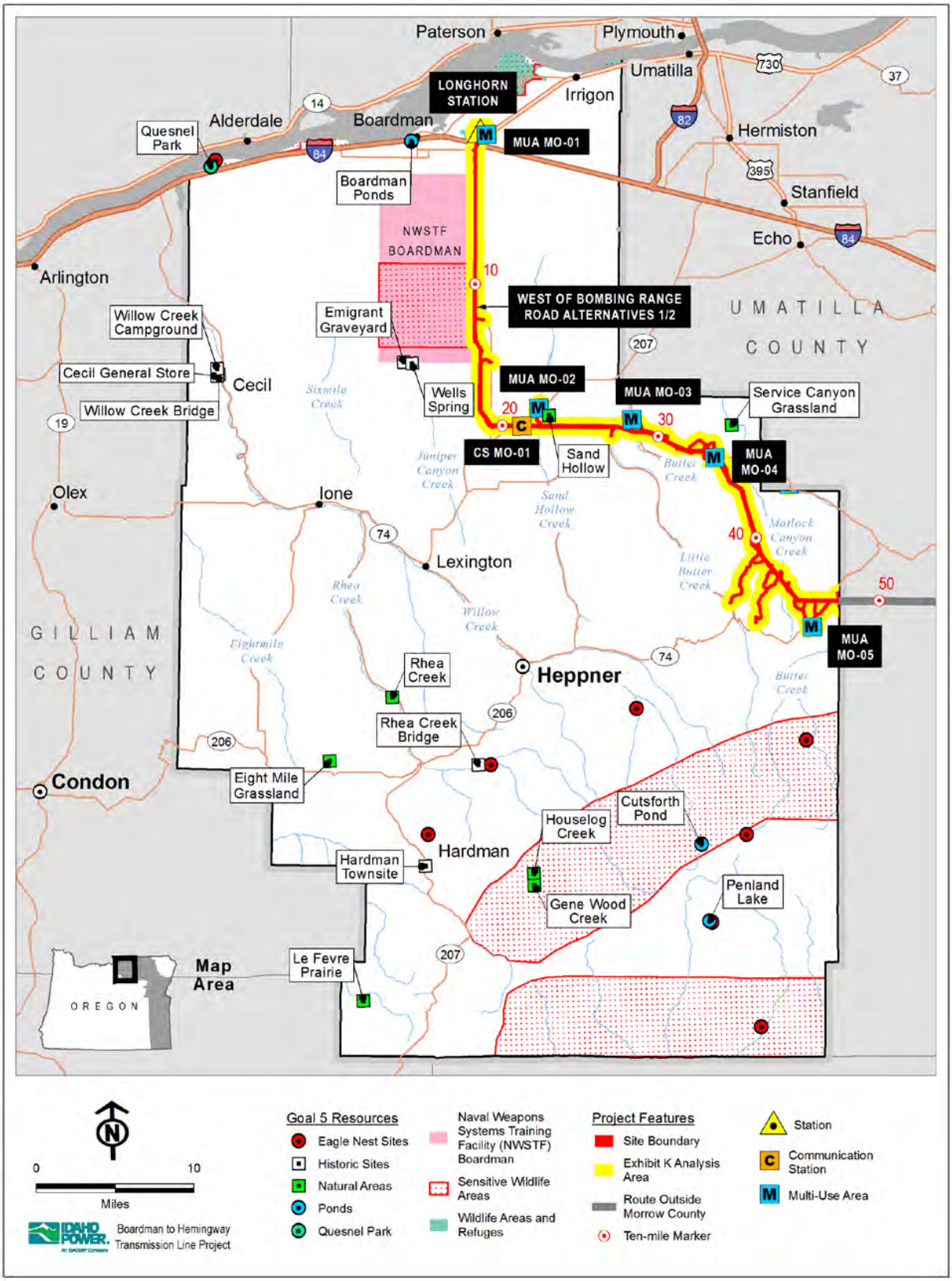

Figure K-22. Significant Resource Overlay Map

6.4.4.1 Riparian Habitat

None of the riparian habitats identified in the Significant Resource Overlay Map, if any, occur within the Analysis Area (see Figure K-22). No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting riparian habitat.

6.4.4.2 Streams

The following streams identified in the Significant Resource Overlay Map occur within the Site Boundary: Butter Creek; Matlock Canyon Creek; Little Butter Creek; and Sand Hollow Creek. The Project features that may impact these streams include: (a) a transmission line span across Sand Hollow Creek (see Figure K-23); (b) a transmission line span across Little Butter Creek (see Figure K-24); (c) two transmission line spans across Butter Creek (see Figures K-24 and K-25); (d) an existing access road requiring substantial modification, which is adjacent to Little Butter Creek (see Figure K-24); (e) an existing access road requiring substantial modification, which crosses Butter Creek (see Figure K-25); and (f) a transmission line span across Matlock Canyon Creek (see Figure K-26).

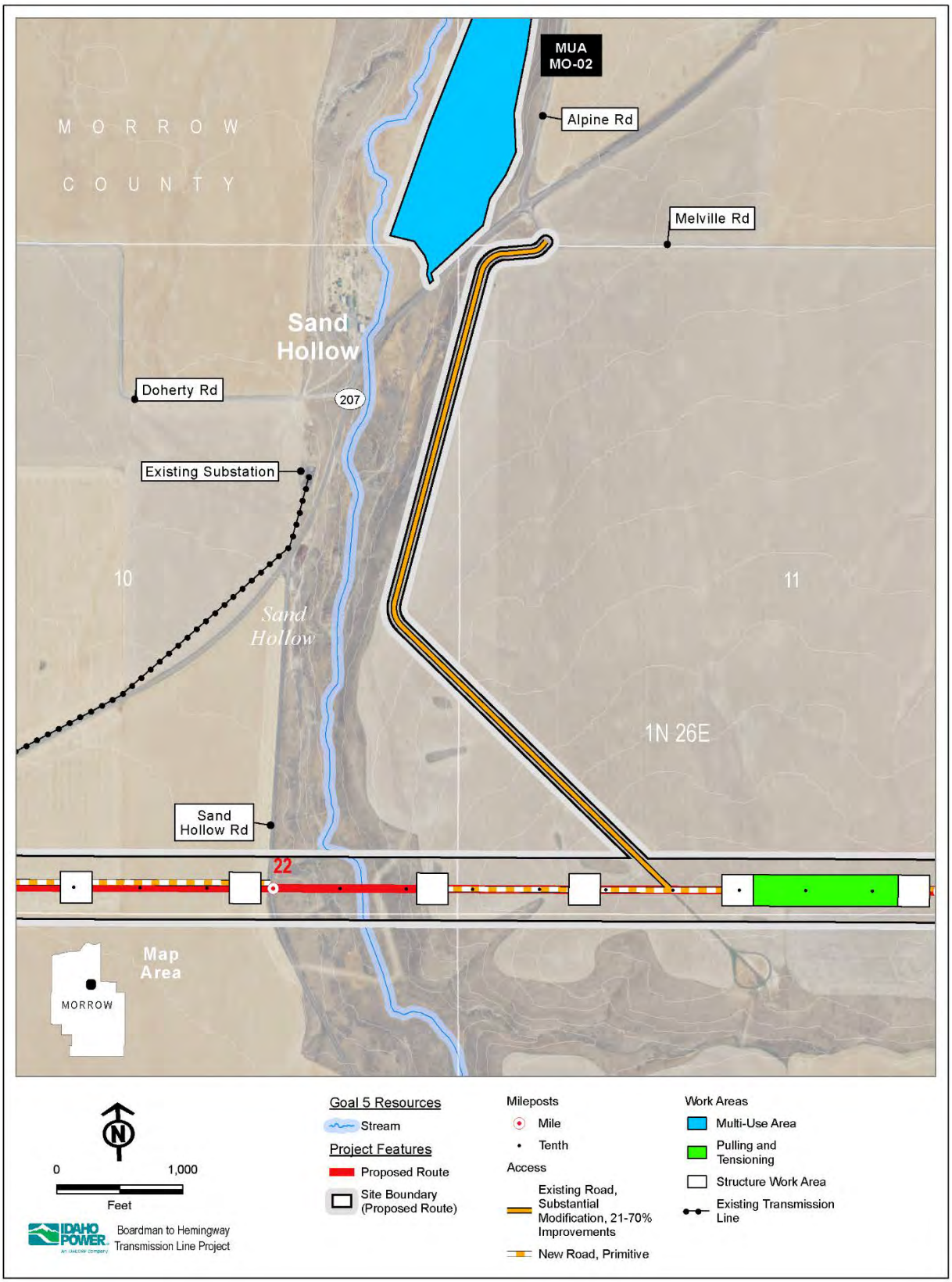

Figure K-23. Goal 5 Resources within the Site Boundary – Sand Hollow Creek

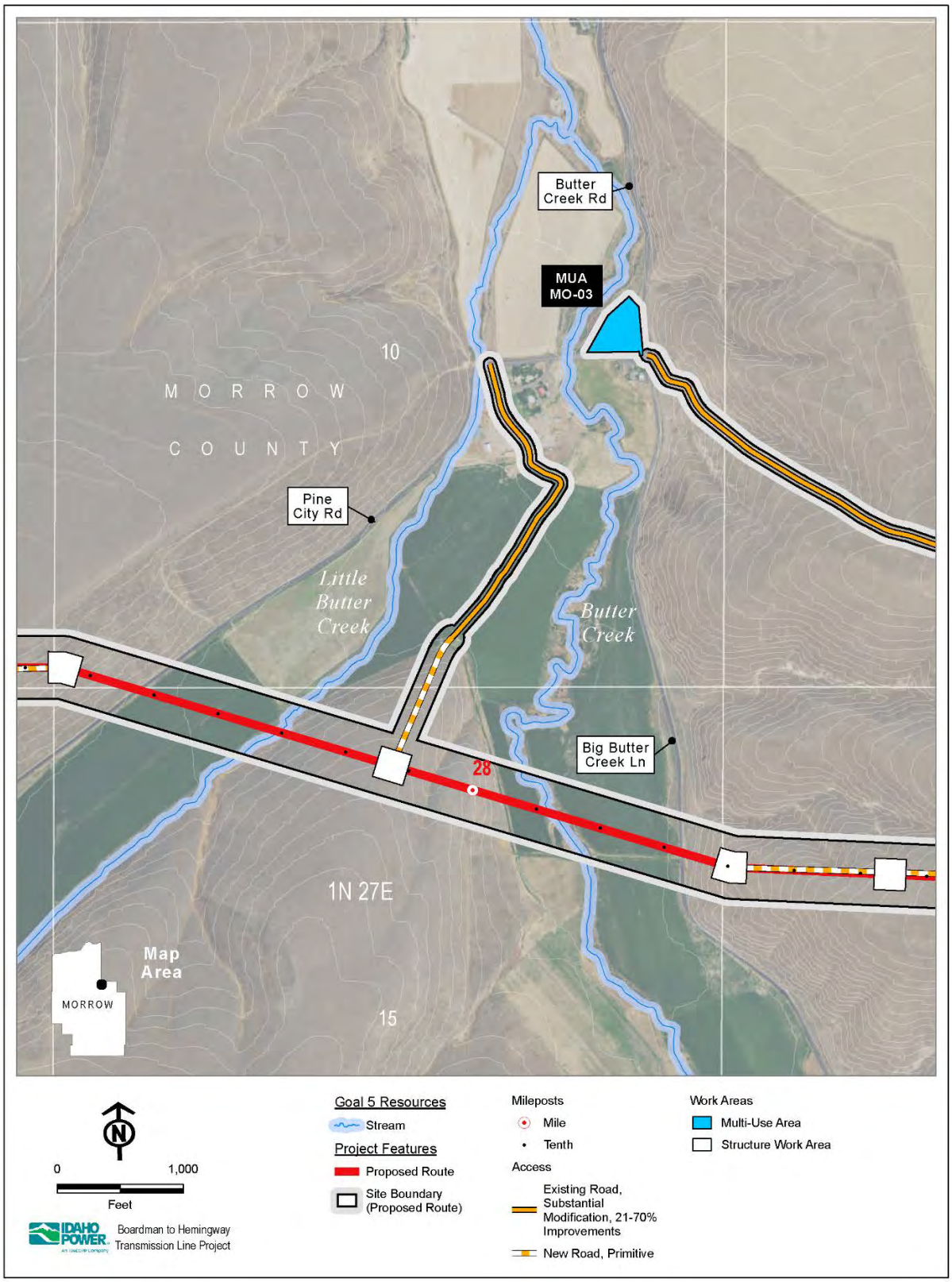

Figure K-24. Goal 5 Resources within the Site Boundary – Butter Creek and Little Butter Creek

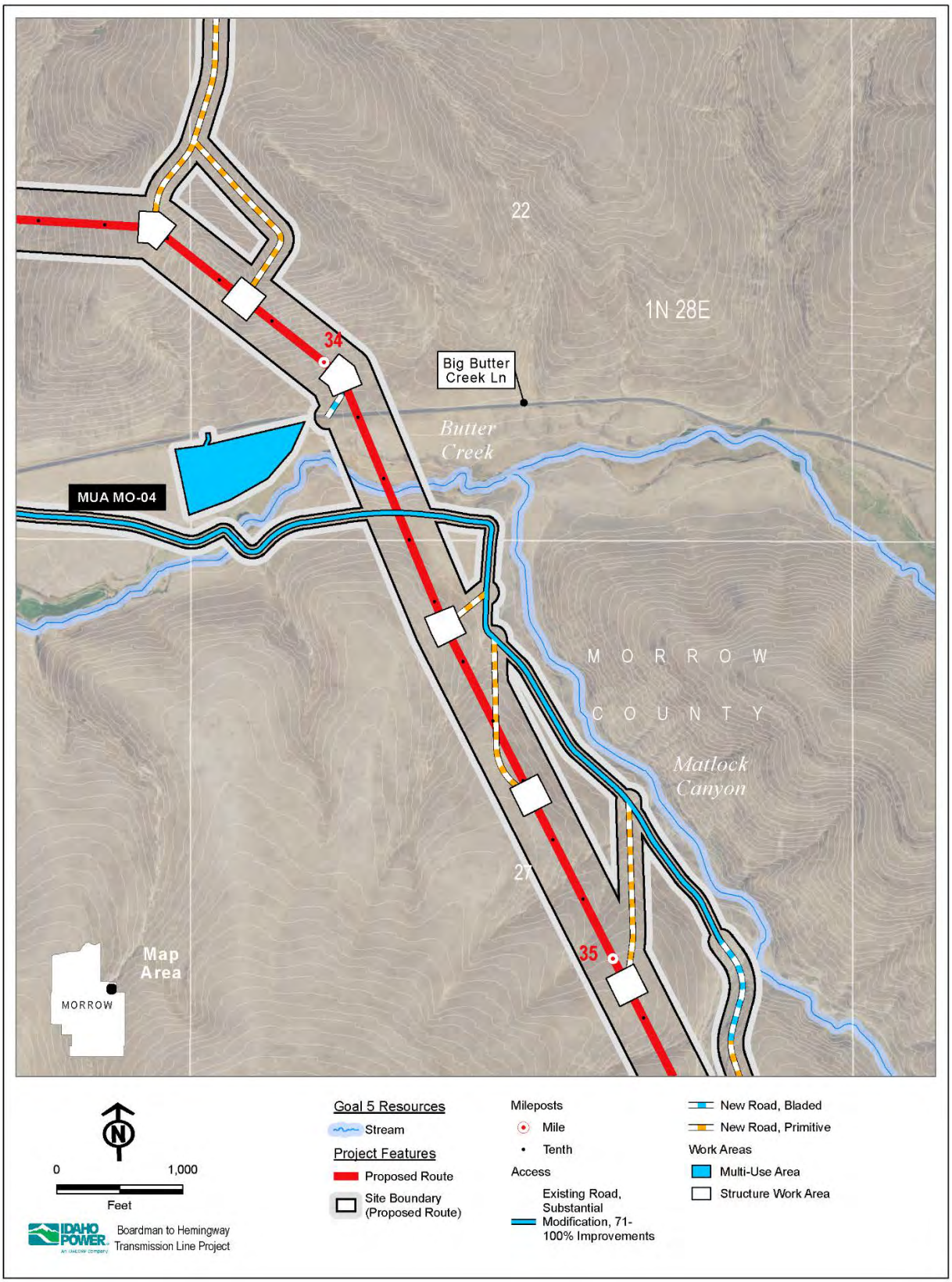

Figure K-25. Goal 5 Resources within the Site Boundary – Butter Creek

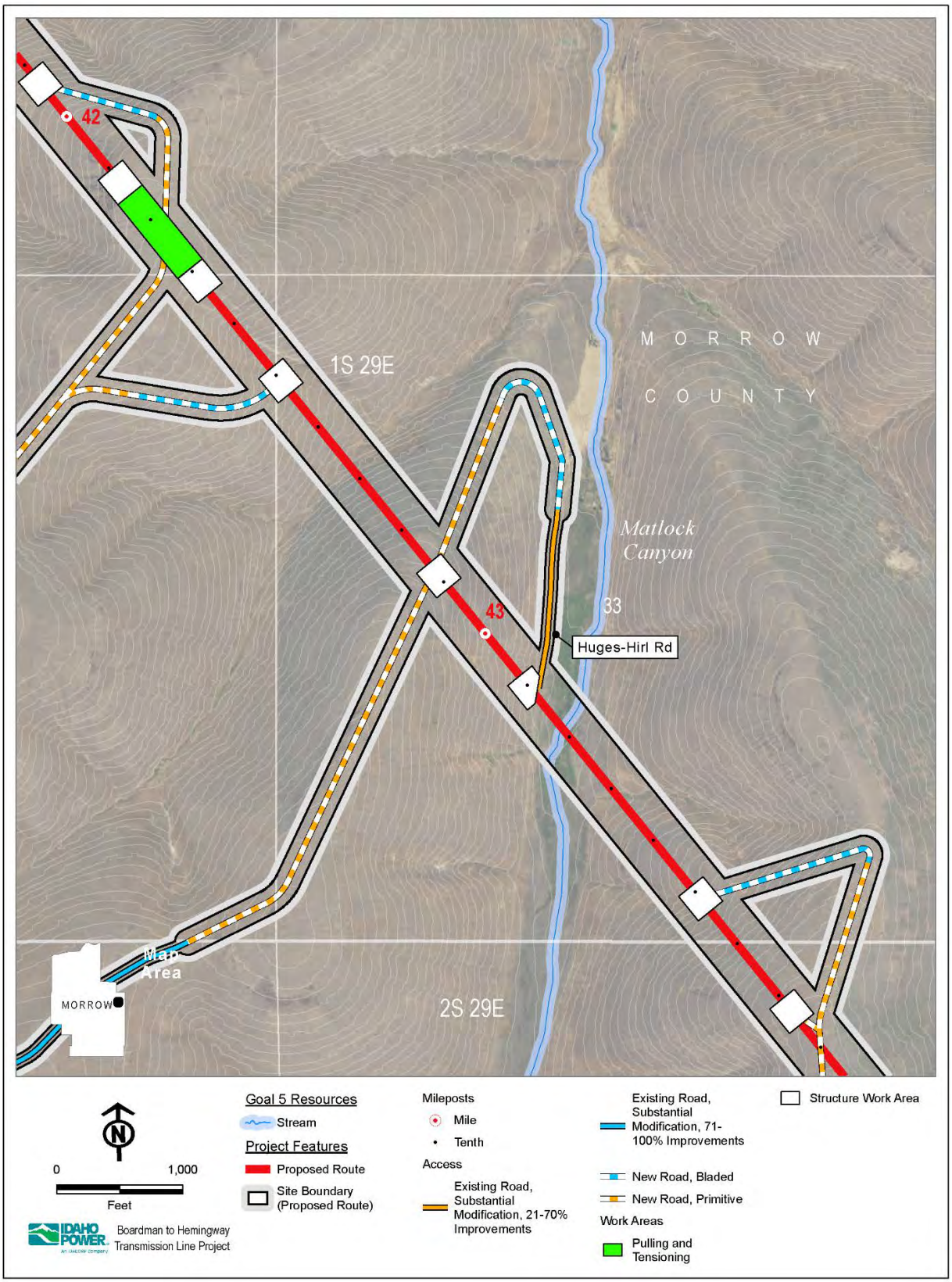

Figure K-26. Goal 5 Resources within the Site Boundary – Matlock Canyon

The portions of the Goal 5 designated streams located on private or state lands are designed as 3C resources (see MCCP pp. 100, 147-53). The portions of the Goal 5 designated streams located on federal lands are designated as 2A resources. For the 3C designated streams or stream segments, MCZO 3.200(D)(3), 3.200(E)(2), and certain provisions of 3.020 are the only MCZO provisions applicable to compliance with the county's Goal 5 planning goals regarding Goal 5 designated streams.[46] With respect to the 2A designated streams or stream segments, there are no applicable MCZO provisions or standards to meet to comply with the county's Goal 5 planning goals regarding Goal 5 designated streams.

Review Criteria

Review Criteria for All Significant Resource Sites

MCZO 3.200(D)(1)(a): The resource site shall not be altered or impacted to the point where it no longer has significant resource value. Such a point would be reached when the altered or impacted site would no longer meet the significant resource requirements used to designate the site in the comprehensive plan.

MCZO 3.200(D)(1)(a) provides the Goal 5 resource site shall not be impacted to the point where the resource loses its significant resource value. Here, the impacts to the affected Goal 5 streams will be minimal. IPC will be improving an existing road adjacent to Little Butter Creek (see Figure K-24) and an existing road that crosses Butter Creek (see Figure K-25). To the extend there are any impacts to the streams, they will only be minor and incremental to the impacts that already exist from the road. Moreover, the impacts will only occur along small segments of the streams, leaving the resource value of the streams as a whole largely unaffected. For these reasons, the Project will not alter or impact the streams to a point where they no longer will have significant resource value, and therefore, the Project will be in compliance with MCZO 3.200(D)(1)(a).

MCZO 3.200(D)(1)(b): The amount of alteration of or impact to the significant resource shall be the minimum necessary to accomplish the purpose of the proposed use or activity.

MCZO 3.200(D)(1)(b) provides the impacts to the Goal 5 resource shall be as minimal as possible. Here, IPC will limit any improvements to the existing roads along the Goal 5 streams to what is minimally necessary for Project vehicles to access the roads for Project construction and operations purposes. That being so, the Project will be in compliance with MCZO 3.200(D)(1)(b).

MCZO 3.200(D)(1)(c): There shall be no significant loss of habitat for threatened or endangered species of animals or plants as listed by the U.S. Fish and Wildlife Service or the Oregon Department of Fish and Wildlife.

MCZO 3.200(D)(1)(c) provides there shall be no significant loss of habitat for threatened or endangered species as listed by the U.S. Fish and Wildlife Service or ODFW. Here, there are

[46] MCZO Section 3.200 is applicable to significant mineral resources, scenic areas, natural areas, and fish and wildlife habitat and not the remaining categories of Goal 4 resources (see MCZO 3.200 ("The purpose of the Significant Resource Overlay Zone is to protect significant mineral resources, scenic areas, natural areas, and fish and wildlife habitat in Morrow County, and to permit development which is compatible with such protection.")). However, in discussions with IPC, the County identified MCZO 3.200(D)(3), 3.200(E)(2), and 3.200(H)(4) as being applicable to 3C Goal 5 designated streams. IPC addresses MCZO 3.200(D)(3) and 3.200(E)(2) in this section. Nonetheless, MCZO 3.200(H)(4) does not appear in the version of the MCZO in place at the time IPC filed its pASC, and therefore, it is not applicable to the Project.

no ODFW or U.S. Fish and Wildlife Service listed species in Little Butter Creek or Butter Creek, and therefore, the Project will be in compliance with MCZO 3.200(D)(1)(c).

MCZO 3.200(D)(1)(d): An alternative site for the proposed use or activity, which would have less impact to the resource value of the site, does not exist on the applicant's lot or parcel or on contiguous lots or parcels. For purposes of this section, continuous means lots or parcels with a common boundary, not separated by a public road, and in which greater than possessory interests are held by the same person, spouse or single partnership or business entity, separately or in tenancy in common.

MCZO 3.200(D)(1)(d) requests information on whether there is an alternative site for the proposed activity that does not impact the Goal 5 resource. In this instance, the Project will be improving existing roads that already occur along the two streams. IPC has diligently planned the Project road system to minimize impacts as much as possible. By using existing roads, the Project avoids creating new roads that would cause new impacts that are avoided by improving existing roads instead. There are no existing roads located on the same or contiguous lots as the ones proposed along the Goal 5 streams providing similar access for the Project. That being so, the Project will be in compliance with MCZO 3.200(D)(1)(d).

Riparian Vegetation/Wetlands Review Criteria

MCZO 3.200(D)(3)(a): Road construction within riparian zones shall be reviewed in cooperation with the responsible agency listed in Section 3.200.F. Road construction shall seek alternative methods whenever possible, to avoid disturbing wildlife; reducing the size of the riparian zone; and impacting water quality in the aquatic zone. New roads built along streams shall be avoided whenever possible unless no other alternative route is available. The safety and welfare of all road users shall be considered in determining the appropriate management strategy.

MCZO 3.200(D)(3)(a) requires that road construction projects avoid and minimize impacts to Goal 5 stream riparian zones and consult with appropriate agencies regarding the same. Here, IPC will be improving an existing road adjacent to Little Butter Creek (see Figure K-24) and an existing road that crosses Butter Creek (see Figure K-25). Both of the relevant roads are public roads, and therefore, IPC must obtain from Morrow county an access approach site permit, construction permit to build on ROW, or both. IPC will obtain relevant access approach site permits as discussed above.

MCZO 3.200(D)(3)(b): All dwellings and other non-water dependent structures shall be set back a minimum of 100 feet from the high water level of the stream or the water body reaches during normal seasonal run-off.

MCZO 3.200(D)(3)(b) includes Goal 5 stream setback requirements for dwellings and non-water dependent structures.

- Access roads: The Morrow County Planning Department in a May 10, 2016 email to IPC provided that the Project access roads—both new roads and substantially modified existing roads—are not considered “structures” under the MCZO and therefore the Goal 5 stream setback requirements of MCZO 3.200(D)(3)(b) do not apply to the relevant access roads.
- Transmission Line Towers: The transmission line towers will be constructed objects with a fixed connection to the ground. Therefore, the transmission line towers are considered structures under the MCZO, and the stream setback requirements of MCZO 3.200(D)(3)(b) will apply to the relevant transmission line towers.

- Longhorn Station, Multi-Use Areas, and Communication Stations: The Longhorn Station, multi-use areas, and communication stations will include buildings. Therefore, the stream setback requirements of MCZO 3.200(D)(3)(b) will apply to the Longhorn Station, multi-use areas, and communication stations.

The fixed bases of the transmission line towers (i.e., the foundations), and the buildings at the Longhorn Station, multi-use areas, and communication stations, in Morrow County will be sited to comply with stream setback requirements of MCZO 3.200(D)(3)(b). To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 18****: During construction in Morrow County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In All Zones:*
> *a. Buildings and the fixed bases of the transmission line towers shall be setback at least 100 feet from the high-water mark of all Goal 5 streams.*
> *. . . .*

MCZO 3.200(D)(3)(c): Permanent vegetation removal within the area defined as the riparian zone shall retain 75% of all layers or stratas of vegetation (e.g., deciduous trees, shrubs, sedges, rushes and emergents).

MCZO 3.200(D)(3)(c) requires permanent vegetation removal activities retain 75 percent of vegetation stratas. In general, transmission line stream crossings may require vegetation removal along the streams being crossed if necessary to provide sufficient clearance to protect against falling trees or other vegetation interference. Also, road crossing improvements may also require vegetation clearing along streams to accommodate the improvements. Here, the transmission line crossings and road improvements will meet the vegetation clearing compliance requirements of MCZO 3.200(D)(3)(c). To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 18****: During construction in Morrow County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In All Zones:*
> *. . .*
> *b. Permanent vegetation removal within the riparian zone of all Goal 5 streams shall retain 75% of all layers or stratas of vegetation.*
> *. . . .*

Permissible Uses; List of Conflicting Uses and Activities

MCZO 3.200(B): Permissible Uses. If a use or activity permitted outright in the underlying zone, or a use or activity requiring a zoning permit in the underlying zone is listed in Section 3.200.E as a conflicting use or activity, it shall become a conditional use subject to the provisions of Article 6 and the provisions of this ordinance. MCZO 3.200(E)(2): a. Road construction. b. Campgrounds. c. Any long term use adversely impacting water quality and quantity (including temperature). d. Any use impeding the movement of wildlife from one habitat to another. e. Any long term use adversely resulting in the loss of vegetation diversity within the riparian zone. f. Mining.

MCZO 3.200(B) indicates that a permitted use in the underlying zone shall become a conditional use if the use overlaps with the Significant Resource Overly Map. MCZO 3.200(E)(2) identifies

the conflicting uses relevant to Goal 5 designated streams in Morrow County. In this case, the areas where the Project will potentially impact Little Butter Creek and Butter Creek are zoned EFU. As discussed above, utility facilities and their related and supporting access roads are permitted outright by statute under ORS 215.283(1)(c). Because a county ordinance cannot conflict with state statute, the provisions of MCZO 3.200(B) and MCZO 3.200(E)(2) indicating that the Project access roads should be conditional uses and not permitted outright are in error and do not apply in this case. In the alternative, to the extent Project features will be located within the Goal 5 designated stream areas, IPC has shown that the Project will comply with the review criteria under MCZO 3.200(D), and therefore, the Project is an authorized conditional use (see MCZO 3.200(B)).

6.4.4.3 Ponds

None of the ponds identified in the Significant Resource Overlay Map, if any, occur within the Analysis Area (see Figure K-22). No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting ponds.

6.4.4.4 Wetlands

None of the wetlands identified in the Significant Resource Overlay Map, if any, occur within the Analysis Area (see Figure K-22). No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting wetlands.

6.4.4.5 Water Projects

There are no Goal 5 protected water projects in Morrow County. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting water projects.

6.4.4.6 Wildlife Habitat

Big Game

None of the big game habitat identified in the Significant Resource Overlay Map, if any, occur within the Analysis Area (see Figure K-22). No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting big game habitat.

Upland Game Bird

None of the upland game bird habitats identified in the Significant Resource Overlay Map occur within the Analysis Area (see Figure K-22). No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting upland game bird habitat.

Waterfowl Habitat

To the extent designated waterfowl habitat coincides with the Goal 5 designated streams identified in the Significant Resource Overlay Map, waterfowl habitat may occur within the Site Boundary (see Figure K-22; Section 6.4.4.2).

The portions of the Goal 5 designated waterfowl habitat located on private or state lands and within riparian habitat are designed as 3C resources (see MCCP pp. 134-36). Goal 5 designated waterfowl habitat on private or state lands and not located within riparian habitat is designed as a 2A resource. The portions of the Goal 5 designated riparian habitat located on federal lands are designated as 2A resources. For the 3C designated waterfowl habitat, MCZO 3.200(D)(3), 3.200(E)(2), and certain provisions of 3.020 are the only MCZO provisions applicable to compliance with the county's Goal 5 planning goals regarding Goal 5 designated

waterfowl habitat.[47] With respect to the 2A designated resources on federal lands, the County defers to the relevant federal management agency and its management prescriptions for the protection of the resource and the County does not impose any additional MCZO or MCCP protections for compliance with the County's Goal 5 planning goals. For these reasons, no analysis is required, and no standard must be met, to comply with the County's Goal 5 planning goals for protecting 2A designated waterfowl habitat.

There are no applicable MCZO provisions or standards to meet to comply with the county's Goal 5 planning goals regarding Goal 5 designated waterfowl habitat.

The provisions of MCZO 3.200(D)(3), 3.200(E)(2), and 3.020 are addressed above in Section 6.4.4.2 related to impacts to Goal 5 designated streams. The same analysis applies here.

Washington Ground Squirrels

The entire NWSTF Boardman property is 2A designated Goal 5 habitat for Washington ground squirrels.[48] No other property in the county is considered a Goal 5 designated Washington ground squirrel habitat resource. The Proposed Route will be located on the NWSTF Boardman property, and therefore, it will impact 2A designated Goal 5 Washington ground squirrel habitat.

Review Criteria

Review Criteria for All Significant Resource Sites

MCZO 3.200(D)(1)(a): The resource site shall not be altered or impacted to the point where it no longer has significant resource value. Such a point would be reached when the altered or impacted site would no longer meet the significant resource requirements used to designate the site in the comprehensive plan.

MCZO 3.200(D)(1)(a) provides the Goal 5 resource site shall not be impacted to the point where the resource loses its significant resource value. Here, the impacts to the NWSTF Boardman will be minimal. To the extent there are any impacts to Washington ground squirrel habitat on the NWSTF Boardman, the impacts will only be minor and incremental to the impacts that already exist from the existing transmission line. Moreover, the impacts will only occur along a small portion of the NWSTF Boardman and only along the edge of the same, leaving the habitat value of the NWSTF Boardman as a whole largely unaffected. Finally, as discussed in Exhibit P1 and Exhibit Q, the Project will not impact any Category 1 Washington ground squirrel habitat—the most important habitat to the species—or cause a significant adverse impact to the squirrel or its habitat. For these reasons, the Project will not alter or impact Washington ground squirrel habitat on the NWSTF Boardman to a point where the NWSTF Boardman no longer will have significant resource value to the squirrels, and therefore, the Project will be in compliance with MCZO 3.200(D)(1)(a).

MCZO 3.200(D)(1)(b): The amount of alteration of or impact to the significant resource shall be the minimum necessary to accomplish the purpose of the proposed use or activity.

[47] MCZO Section 3.200 is applicable to significant mineral resources, scenic areas, natural areas, and fish and wildlife habitat and not the remaining categories of Goal 4 resources (see MCZO 3.200 ("The purpose of the Significant Resource Overlay Zone is to protect significant mineral resources, scenic areas, natural areas, and fish and wildlife habitat in Morrow County, and to permit development which is compatible with such protection.")). However, in discussions with IPC, the County identified MCZO 3.200(D)(3), 3.200(E)(2), and 3.200(H)(4) as being applicable to 3C Goal 5 designated streams.

[48] NWSTF Boardman is also designated as a Goal 5 natural area. IPC discusses NWSTF in that context below in Section 5.4.4.10.

MCZO 3.200(D)(1)(b) provides the impacts to the Goal 5 resource shall be as minimal as possible. Here, IPC will be replacing an existing transmission line in the NWSTF Boardman and staying within the existing ROW of that line to minimize new impacts. IPC largely will use the existing road system within the natural area rather than creating unnecessary new roads. Finally, as discussed in Exhibit P1 and Exhibit Q, the Project will not impact any Category 1 Washington ground squirrel habitat—the most important habitat to the species—or cause a significant adverse impact to the squirrel or its habitat. Accordingly, IPC has designed the portion of the Project located in Washington ground squirrel habitat on the NWSTF Boardman to minimize impacts to only what is necessary for the Project. That being so, the Project will be in compliance with MCZO 3.200(D)(1)(b).

> MCZO 3.200(D)(1)(c): There shall be no significant loss of habitat for threatened or endangered species of animals or plants as listed by the U.S. Fish and Wildlife Service or the Oregon Department of Fish and Wildlife.

MCZO 3.200(D)(1)(c) provides there shall be no significant loss of habitat for threatened or endangered species as listed by the U.S. Fish and Wildlife Service or ODFW. Here, the Washington ground squirrel is a state-listed endangered species. Even so, as discussed in Exhibit P1 and Exhibit Q, the Project will not impact any Category 1 Washington ground squirrel habitat—the most important habitat to the species—or cause a significant adverse impact to the squirrel or its habitat. Therefore, the Project will be in compliance with MCZO 3.200(D)(1)(c).

> MCZO 3.200(D)(1)(d): An alternative site for the proposed use or activity, which would have less impact to the resource value of the site, does not exist on the applicant's lot or parcel or on contiguous lots or parcels. For purposes of this section, continuous means lots or parcels with a common boundary, not separated by a public road, and in which greater than possessory interests are held by the same person, spouse or single partnership or business entity, separately or in tenancy in common.

MCZO 3.200(D)(1)(d) requests information on whether there is an alternative site for the proposed activity that does not impact the Goal 5 resource. In this instance, the Navy owns the NWSTF Boardman lot and no other contiguous lots, and the entirety of the NWSTF Boardman lot is considered a Goal 5 resource for Washington ground squirrels. Accordingly, there is no alternative location on the NWSTF Boardman lot or alternative location on a contiguous lot owned by the Navy where the Project could be located. That being so, the Project will be in compliance with MCZO 3.200(D)(1)(d).

Washington Ground Squirrel Review Criteria

Morrow County has not adopted any Goal 5 protection program specific to Washington ground squirrel habitat. Moreover, Washington ground squirrel habitat is a 2A designated resource, and the NWSTF Boardman property where it is located is owned and administered by the Navy (see MCCP pp. 144-47). For 2A designated resources on federal lands, the County defers to the relevant federal management agency and its management prescriptions for the protection of the resource and the County does not impose any additional MCZO or MCCP protections for compliance with the County's Goal 5 planning goals. For these reasons, no analysis is required, and no review criteria specific to Washington ground squirrel habitat must be met, to comply with the County's Goal 5 planning goals for protecting natural areas.

Regardless, IPC has proposed the following site certificate condition to ensure protection of Washington ground squirrel habitat on the NWSTF Boardman property and elsewhere:

Threatened and Endangered Species Condition 1: *During construction, the certificate holder shall not conduct ground-disturbing activities within Category 1 Washington ground squirrel (WAGS) habitat, subject to the following:*
a. The identification and categorization of WAGS habitat shall be based on the surveys referenced in Fish and Wildlife Condition 2 and the results of the surveys shall apply for up to three years.
b. The certificate holder may span Category 1 WAGS habitat and may work within Category 1 WAGS habitat, provided such work does not cause any ground disturbance.
c. If an occupied WAGS colony is encountered in non-Category 1 habitat (based on the surveys referenced in Fish and Wildlife Condition 2), the certificate holder shall submit to the department for its approval a notification addressing the following:
i. Location of the colony; and
ii. Any actions the certificate holder will take to avoid, minimize, or mitigate impacts to the colony.

Permissible Uses; List of Conflicting Uses and Activities

MCZO 3.200(B): Permissible Uses. If a use or activity permitted outright in the underlying zone, or a use or activity requiring a zoning permit in the underlying zone is listed in Section 3.200.E as a conflicting use or activity, it shall become a conditional use subject to the provisions of Article 6 and the provisions of this ordinance.

MCZO 3.200(B) indicates that a permitted use in the underlying zone shall become a conditional use if the use overlaps with the Significant Resource Overly Map. In this case, the areas where the Project will potentially impact Washington ground squirrel habitat are zoned as a Public Zone. As discussed above, the Project is permitted outright in the Public Zone since there are no MCZO provisions related to the Public Zone and there are no approval criteria for uses in that zone. To the extent Project will be located within Goal 5 designated Washington ground squirrel habitat, IPC has shown that the Project will comply with the review criteria under MCZO 3.200(D), and therefore, the Project is an authorized conditional use (see MCZO 3.200(B)).

Non-Game Birds and Mammals

None of the non-game or mammal habitat identified in the Significant Resource Overlay Map, if any, occur within the Analysis Area (see Figure K-22). No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting non-game or mammal habitat.

Eagle Nest Sites

None of the eagle nest sites identified in the Significant Resource Overlay Map, if any, occur within the Analysis Area (see Figure K-22). No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting eagle nest sites.

Although beyond what is required by the MCZO or MCCP, IPC has conducted field surveys for eagle nest sites in the Project area. IPC's surveys did not identify any eagle nests within the Site Boundary in Morrow County. Further, to avoid and minimize impacts to eagle nest sites and other bird species, IPC will implement the avian protection measures described in Exhibit P1, which would include restricting vegetative clearing to times outside of the avian breeding season, restoring disturbed habitats, and building the Project in compliance with IPC's Fish and Wildlife Habitat Mitigation Plan (see Exhibit P1, Attachment P1-6).

Long-Billed Curlews

None of the long-billed curlew habitats identified in the Significant Resource Overlay Map, if any, occur within the Analysis Area (see Figure K-22). Further, Morrow County has not adopted any Goal 5 protection program for long-billed curlew habitat. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting long-billed curlew habitat.

Although beyond what is required by the MCZO or MCCP, to avoid and minimize impacts to long-billed curlews and other bird species, IPC will implement the avian protection measures described in Exhibit P1, which would include restricting vegetative clearing to times outside of the avian breeding season, restoring disturbed habitats, and building the Project in compliance with IPC's Fish and Wildlife Habitat Mitigation Plan (see Exhibit P1, Attachment P1-6).

Furbearers

None of the furbearer habitats identified in the Significant Resource Overlay Map, if any, occur within the Analysis Area (see Figure K-22). Further, Morrow County has not adopted any Goal 5 protection program for furbearer habitat. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting furbearer habitat.

Although beyond what is required by the MCZO or MCCP, IPC will implement measures to avoid and minimize impacts to furbearers including restoring impacted habitats and mitigating for impacts that could not be avoided or minimized. For additional discussion of proposed restoration and mitigation of impacted habitats, refer to Exhibit P1 and IPC's Fish and Wildlife Habitat Mitigation Plan (Exhibit P1, Attachment P1-6).

Ferruginous Hawk, Loggerhead Shrike, and Sage Sparrow

In its August 18, 2010 letter, Morrow County identified the ferruginous hawk, loggerhead shrike, and sage sparrow as "species of concern." The habitat for these species is not a Goal 5 designated resource and there are no applicable MCZO or MCCP criteria for protecting these species. No analysis is required, and no standard must be met, to comply with the County's Goal 5 planning goals for protecting ferruginous hawk, loggerhead shrike, and sage sparrow habitat.

Although beyond what is required by the MCZO or MCCP, IPC will implement measures to avoid and minimize impacts to ferruginous hawk, loggerhead shrike, and sage sparrow habitat including restoring impacted habitats and mitigating for impacts that could not be avoided or minimized. For additional discussion of proposed restoration and mitigation of impacted habitats, refer to Exhibit P1 and IPC's Fish and Wildlife Habitat Mitigation Plan (see Exhibit P1, Attachment P1-6).

6.4.4.7 Federal Wild and Scenic Rivers and Oregon Scenic Waterways

Morrow County has not designated any federal Wild and Scenic Rivers or Oregon Scenic Waterways as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the County's Goal 5 planning goals for protecting federal Wild and Scenic Rivers or Oregon Scenic Waterways.

6.4.4.8 Groundwater Resources

None of the groundwater resources identified in the Significant Resource Overlay Map, if any, occur within the Analysis Area (see Figure K-22). No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting groundwater resources.

6.4.4.9 Approved Oregon Recreation Trail

Morrow County has not designated any approved Oregon Recreation Trails as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the County's Goal 5 planning goals for protecting approved Oregon Recreation Trails.

6.4.4.10 Natural Areas

The following natural area identified in the Significant Resource Overlay Map occurs within the Site Boundary: NWSTF Boardman (see Figure K-22).[49]

Review Criteria

Review Criteria for All Significant Resource Sites

MCZO 3.200(D)(1)(a): The resource site shall not be altered or impacted to the point where it no longer has significant resource value. Such a point would be reached when the altered or impacted site would no longer meet the significant resource requirements used to designate the site in the comprehensive plan.

MCZO 3.200(D)(1)(a) provides the Goal 5 resource site shall not be impacted to the point where the resource loses its significant resource value. Here, the impacts to the NWSTF Boardman will be minimal. To the extent there are any impacts to the natural area, they will only be minor and incremental to the impacts that already exist from the existing transmission line. Moreover, the impacts will only occur along a small portion of the natural area and only along the edge of the same, leaving the resource value of the natural area as a whole largely unaffected. For these reasons, the Project will not alter or impact the streams to a point where they no longer will have significant resource value, and therefore, the Project will be in compliance with MCZO 3.200(D)(1)(a).

MCZO 3.200(D)(1)(b): The amount of alteration of or impact to the significant resource shall be the minimum necessary to accomplish the purpose of the proposed use or activity.

MCZO 3.200(D)(1)(b) provides the impacts to the Goal 5 resource shall be as minimal as possible. Here, IPC will be replacing an existing transmission line in the NWSTF Boardman and staying within the existing ROW of that line to minimize new impacts. Additionally, IPC largely will use the existing road system within the natural area rather than creating unnecessary new roads. Accordingly, IPC has designed the portion of the Project located on the natural area to minimize impacts to only what is necessary for the Project. That being so, the Project will be in compliance with MCZO 3.200(D)(1)(b).

MCZO 3.200(D)(1)(c): There shall be no significant loss of habitat for threatened or endangered species of animals or plants as listed by the U.S. Fish and Wildlife Service or the Oregon Department of Fish and Wildlife.

MCZO 3.200(D)(1)(c) provides there shall be no significant loss of habitat for threatened or endangered species as listed by the U.S. Fish and Wildlife Service or ODFW. Here, there are no ODFW or U.S. Fish and Wildlife Service listed species within the site boundary on the NWSTF Boardman, and therefore, the Project will be in compliance with MCZO 3.200(D)(1)(c).

[49] The Sand Hollow natural area is 0.75 miles from MUA MO-02 but not within the Site Boundary. The Service Canyon Grassland is 0.4 miles away from and not within the Site Boundary. Coyote Springs Wildlife Management Area is 0.4 miles from the Site Boundary and is not impacted by the Project.

MCZO 3.200(D)(1)(d): An alternative site for the proposed use or activity, which would have less impact to the resource value of the site, does not exist on the applicant's lot or parcel or on contiguous lots or parcels. For purposes of this section, continuous means lots or parcels with a common boundary, not separated by a public road, and in which greater than possessory interests are held by the same person, spouse or single partnership or business entity, separately or in tenancy in common.

MCZO 3.200(D)(1)(d) requests information on whether there is an alternative site for the proposed activity that does not impact the Goal 5 resource. In this instance, the Navy owns the NWSTF Boardman lot and no other contiguous lots, and the entirety of the NWSTF Boardman lot is considered a Goal 5 resource. Accordingly, there is no alternative location on the NWSTF Boardman lot or alternative location on a contiguous lot owned by the Navy where the Project could be located. That being so, the Project will be in compliance with MCZO 3.200(D)(1)(d).

Natural Area Review Criteria

Morrow County has not adopted any Goal 5 protection program specific to natural areas. Moreover, the NWSTF Boardman property is a 2A designated resource, and it is owned and administered by the Navy (see MCCP pp. 144-47). For 2A designated resources on federal lands, the County defers to the relevant federal management agency and its management prescriptions for the protection of the resource and the County does not impose any additional MCZO or MCCP protections for compliance with the County's Goal 5 planning goals. For these reasons, no analysis is required, and no review criteria specific to natural areas must be met, to comply with the County's Goal 5 planning goals for protecting natural areas.

Permissible Uses; List of Conflicting Uses and Activities

MCZO 3.200(B): Permissible Uses. If a use or activity permitted outright in the underlying zone, or a use or activity requiring a zoning permit in the underlying zone is listed in Section 3.200.E as a conflicting use or activity, it shall become a conditional use subject to the provisions of Article 6 and the provisions of this ordinance.

MCZO 3.200(B) indicates that a permitted use in the underlying zone shall become a conditional use if the use overlaps with the Significant Resource Overly Map. In this case, the areas where the Project will potentially impact the NWSTF Boardman are zoned as a Public Zone. As discussed above, the Project is permitted outright in the Public Zone since there are no MCZO provisions related to the Public Zone and there are no approval criteria for uses in that zone. To the extent Project will be located within Goal 5 designated natural area, IPC has shown that the Project will comply with the review criteria under MCZO 3.200(D), and therefore, the Project is an authorized conditional use (see MCZO 3.200(B)).

6.4.4.11 Wilderness Areas

Morrow County has not designated any wilderness areas as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the County's Goal 5 planning goals for protecting wilderness areas.

6.4.4.12 Mineral Aggregate

None of the mineral aggregate resources identified in the Significant Resource Overlay Map, if any, occur within the Site Boundary (see Figure K-22). No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting mineral aggregate resources.

6.4.4.13 Energy Resources

Morrow County has not designated any energy resources as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the County's Goal 5 planning goals for protecting energy resources.

6.4.4.14 Cultural Resources

Morrow County has not designated any cultural resources as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the County's Goal 5 planning goals for protecting cultural resources.

6.4.4.15 Historic Resources

None of the historic resources identified in the Significant Resource Overlay Map, if any, occur within the Analysis Area (see Figure K-22). No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting historic resource.

Although beyond what is required by the MCZO or MCCP, the following discussion addresses the three historic resources identified by the County in its August 18, 2010 letter: Cecil General Store; Willow Creek Campground; and Oregon Trail.[50]

Cecil General Store

> MCCP p. 123: Cecil General Store: Is private property and is used for what it was intended. The store is on the State Historic Preservation office list and subject to county historical resource policy and ordinances. Conflicts: Any action that would alter or destroy the store.

The Cecil General Store is located approximately 16.5 miles from the Proposed Route. The Project will not alter or destroy the Cecil General Store, and therefore development of the Project is not a conflict. Although not required through the protection afforded to the store under the MCCP, potential impact to the setting of the store will be assessed as part of a historic structures survey and described in Exhibit S.

Willow Creek Campground

> MCCP p. 131: Willow Creek Campground (Near Cecil): Was used by travelers along the Oregon Trail. There are no distinguishing features. The campground site is part of a private homestead. Conflicts: The campground site is within an agricultural section of the county. Homesteads and cropland usually occupy flats along stream courses. Although land use may change, the character of the land will most likely remain the same. The campground site is under private ownership and no conflicts anticipated. Designation: 2A (no conflicts).

The Willow Creek Campground is included as a Goal 5 historic resource in the MCCP. The text describing the Willow Creek Campground in the MCCP describes the location as being near Cecil. Additional information collected during IPC's Visual Assessment of Historic Properties (VAHP) study (see Exhibit S, Attachment S-2) has revealed maps of the Oregon Trail prepared by the BLM. The mapping reveals the location of the Willow Creek Campground but it is a generalized location. The mapping location is based solely upon historical narratives and no physical evidence of the campground has been previously recorded. The campground area is located on private property where access has been restricted so the exact location has not been physically verified. Once access is gained, IPC will ensure that archaeological study is

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

undertaken to determine if any physical remains of the campground exist. The visual effect to the campground will also be analyzed in Phase II of the VAHP Study. Due to restricted access to the campground location, these studies will be performed pursuant to the Programmatic Agreement and in consultation with the State Historic Preservation Office, BLM, and ODOE.

Oregon Trail

MCCP p. 131: Oregon Trail: Wells Spring Segment: This portion of the Oregon Trail contains visible wagon ruts. It is fenced and within the boundary of the Boardman Bombing Range. Designation: 2A (No conflicts).

Again, the Project does not cross the Oregon Trail segments identified in the Significant Resource Overlay Map (see Figure K-22). Even so, the portion of the Oregon Trail inventoried in the MCCP is fenced and within the boundary of the Boardman Bombing Range (see MCCP p. 131). And for 2A resources on federal lands, the county defers to the relevant federal management agency and its management prescriptions for the protection of the resource and the county does not impose any additional MCZO or MCCP protections for compliance with the county's Goal 5 planning goals. Accordingly, to the extent the Project will impact Oregon Trail segments not identified in the Significant Resource Overlay Map, no analysis is required, and no standard must be met, to comply with the County's Goal 5 planning goals for protecting the Oregon Trail as a historic resource.

6.4.4.16 Open Spaces

Morrow County has not designated any open spaces as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the County's Goal 5 planning goals for protecting open spaces.

6.4.4.17 Scenic Views or Sites

Morrow County has not designated any scenic views or sites as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the County's Goal 5 planning goals for protecting scenic views or sites.

6.4.5 Morrow County EFU Micro Analysis

As shown above in Section 4, the Project must be sited in an EFU zone in order to provide its intended services due to one or more of the factors set forth in ORS 215.275(2). ORS 215.283(1)(c)(A) requires IPC make that showing only at the "macro"[51] level, examining the need to site on EFU lands at a project-wide level across all five relevant counties. Though beyond what is required by the statute, the following section makes a similar showing at the "micro" or county level, by providing a detailed discussion of the necessity of siting the Project in EFU in Morrow County. This section is organized in the same way as the macro analysis, providing information specific to the siting of the Project in Morrow County.

6.4.5.1 Reasonable Alternatives Considered

As discussed in more detail above, locating the proposed terminus of the Project at the Longhorn Station is crucial to serving the Project's objectives. The Longhorn Station will be located along or near the existing 500-kV line in Morrow County. It will be constructed in Port Industrial zoned lands but cannot reasonably be reached without crossing EFU-zoned land (see Figures K-8 and K-9).

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

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

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

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

Technical and Engineering Feasibility

As discussed above, certain technical and engineering feasibility considerations required the Project to terminate at the Longhorn Station. To reach that end point, the Project was required to cross EFU lands in Morrow County. Accordingly, the need for siting the Project in EFU lands in Morrow County was driven in part by technical and engineering feasibility considerations.

Locational Dependence

A utility facility is considered locationally dependent if it must cross land in one or more areas zoned EFU in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on non-EFU lands. As shown in Figures K-6 and K-8, the Longhorn Station is surrounded by EFU lands and there is no feasible way to reach the station (let alone achieve a reasonably direct route) from the point at which the Project enters Morrow County (i.e., the designated utility corridor across the Wallowa-Whitman NF) without crossing EFU lands. Therefore, at a county level of analysis, the Project must be sited in EFU lands due to the Project's locational dependence.

Lack of Available Urban and Nonresource Lands

There is no path connecting the Longhorn Station and the point where the Project enters Morrow County that consists entirely of urban and nonresource lands. To the contrary, the Longhorn Station is surrounded by EFU lands. Consequently, there is a lack of available urban and nonresource lands in Morrow County, and EFU lands must be crossed by the Project.

Availability of Existing Rights of Way

The Project will be sited in place of the BPA line on the NWSTF Boardman allowing the Project to avoid certain impacts to EFU lands on the east side of Bombing Range Road. In order to take advantage of siting the Project within the exiting BPA ROW, the Project must be sited in EFU lands to enter and exit the BPA ROW.

Public Health and Safety

The need for siting the Project in EFU lands in Morrow County was not driven by public health and safety considerations.

Other Requirements of State or Federal Agencies

The need for siting the Project in EFU lands in Morrow County was not driven by state or federal requirements other than those set forth in ORS 215.275(2)(a) through (e).

6.4.5.3 Costs Were Not the Only Factor Considered

As discussed in Exhibit B and the attached siting studies, costs were not the only consideration in selecting IPC's Proposed Route. Avoidance of sensitive resources, permitting and construction factors, and extensive input from local citizens and officials and many other stakeholders were the primary factors in corridor selection (see ORS 215.275(3)).

6.4.5.4 Restoration of Agricultural Land

Table K-10 describes the temporary and permanent impacts on agricultural lands in Morrow County. The Agricultural Lands Assessment (Exhibit K, Attachment K-1) contains aerial photographs showing affected agricultural areas in the EFU zone. It discusses measures IPC will take to minimize and mitigate for potential impacts to agricultural operations within each zone. These measures can be adopted as conditions of approval to ensure that the Project will not result in significant adverse impacts to agricultural lands within this portion of the Project (see ORS 215.275(4)).

Table K-10. Temporary and Permanent Impacts on Agricultural Lands

Route	Agriculture Type[1]	Temporary/ Construction Impacts (acres)	Permanent/ Operations Impacts (acres)
Proposed Route	Dryland Farming	137.0	17.9
	Irrigated Agriculture	26.2	19.5
	Pasture/Hay[2]	36.2	0.7
	Total[3]	**199.4**	**38.1**
West of Bombing Range Road Alternative 1	Dryland Farming	–	–
	Irrigated Agriculture	4.2	0.9
	Pasture/Hay[2]	–	–
	Total[3]	**4.2**	**0.9**
West of Bombing Range Road Alternative 2	Dryland Farming	–	–
	Irrigated Agriculture	2.4	0.5
	Pasture/Hay[2]	–	–
	Total[3]	**2.4**	**0.5**

[1] Agricultural type determined from Agricultural Lands Assessment provided in Attachment K-1.
[2] Pasture/hay includes irrigated alfalfa/hay.
[3] Sums may not total due to rounding.

6.4.5.5 Mitigation and Minimization Conditions

As discussed in the Agricultural Assessment, IPC does not expect that the Project will have adverse impacts on surrounding lands, result in significant changes in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands (see ORS 215.275(5)). To the extent the Council has concerns about impacts to surrounding agricultural land, the Council may incorporate elements of the agricultural mitigation plan into the conditions required for issuance of a site certificate. Additionally, through its role as a SAG, Morrow County may provide recommendations to the Council regarding conditions to include in the site certificate.

6.4.6 Additional Morrow County Comments

6.4.6.1 Blue Mountain National Scenic Byway Interpretive Guide

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

The 130-mile Byway begins at I-84 and proceeds south and east along State Route 74 through Morrow County. It was designated in 1989 as a National Scenic Byway and in 1997 it was made a State Scenic Byway. In 1993, the Guide was issued by the Umatilla NF. The Guide states, "The purpose of this document is to guide development of a logical sequence of complimentary [sic] interpretive services and visitor accommodations associated with the Blue Mountain Scenic Byway. Included in the plan are guidelines and recommendations to accomplish this ambitious endeavor."

The Project no longer crosses the Blue Mountain Scenic Byway. A prior version of the Project crossed the byway. However, the Proposed Route is now approximately 8 to 10 miles from the byway. Accordingly, the Project will not affect the Blue Mountain Scenic Byway in Morrow County.

6.4.6.2 Pre-Disaster Mitigation Plan

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

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

Landslide Hazards—Geologic mapping to date indicates the Project may cross Statewide Landslide Information Database for Oregon 1316 in Morrow County, a known alluvial fan area that may be conducive to debris flow paths (*e.g.*, fan landslide) (see Figure K-27). In areas where micro-siting is not feasible for hazard mitigation, the geotechnical consultant will characterize each project tower area located within known or suspected alluvial fans. The consultant will evaluate each alluvial fan foundation area status, including active or potentially active debris flow type landslides, and/or what activities or improvements might activate the land sliding. Debris flows are typically associated with large precipitation events, but dry debris flows may also result from seismic events. The geotechnical consultant will evaluate the fan geometry, including depth to stable geologic materials, and debris flow frequency, direction, and thickness (see Exhibit H, Section 3.9.2). The geotechnical consultant will provide foundation design recommendations with consideration to each alluvial fan debris area, including the proposed project impact to the fan area (*i.e.*, stability), and tower foundation mitigation measures. Tower foundation design to mitigate lateral forces imparted by debris flows (or landslides) typically requires larger diameter and/or deeper shafts. The geotechnical consultant may also consider mitigation measures to reduce the debris flow (i.e., fan landslide) impacts upon proposed tower foundations. For example, deflection berms or similar can divert debris flows from tower foundation areas. Where economical, mitigation may consider stability measures to reduce the landslide frequency or velocity (see Exhibit H, Section 3.9.2).

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

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

Flood Hazards—Section 6.4.2.6 describes floodplains and measures to mitigate potential floodplain hazards.

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

Figure K-27. Alluvial Fan Area Crossed by Project – Morrow County

6.4.6.3 Solid Waste Management Plan and Ordinance

The August 18, 2010, letter from Morrow County identified the following Morrow County Waste Management Ordinance (MCWMO) provisions as potentially relevant local substantive criteria.

Public Responsibilities

MCWMO 5.000: Public responsibility requires the citizens of Morrow County comply with items two and five of Section 3.000 Purpose and Policy of this Ordinance. MCWMO 3.000: To protect the health, safety and welfare of the people of Morrow County, hereafter referred to as the County, and to meet the goals of the Solid Waste Management Plan, it is declared to be the policy of the County to regulate solid waste management by: . . . (2) Providing for the safe and sanitary accumulation, storage, collection, transportation and disposal of solid waste; . . . (5) Prohibiting accumulation of waste or solid waste on private property in such manner as to create a public nuisance, a hazard to health or a condition of unsightliness, and to provide for the abatement of such conditions were found.

Exhibit V estimates the amount of construction waste associated with construction and operation of the transmission line, communication sites, and substation. This includes vegetation waste, native earth materials (soil, rock and similar), and household-type solid waste. Exhibit V describes the management and disposal of the waste materials. IPC will store solid waste in a manner that does not constitute a fire, health or safety hazard until such waste can be hauled off for recycling or disposal, as appropriate. For instance, solid waste generated at a substation will be collected on site for recycling or disposal in accordance with ODEQ regulations. IPC will manage and dispose of solid waste in compliance with the Morrow County Solid Waste Ordinance Section 5.000.

Transportation of Solid Waste

MCWMO 5.010: No person shall transport or self-haul, as defined in the Solid Waste Management Plan, solid waste on a public road unless such waste or solid waste is covered and secured. "Covered and Secured" includes: 1. Loads which are totally contained within an enclosed vehicle or container; 2. Loads of solid waste contained in garbage cans with tightly fitting lids, tied plastic solid waste disposal bags or similar totally enclosed individual containers that are completely contained within the walls of a vehicle or container, such that no solid waste can reasonably be expected to escape during hauling; 3. Loads of brush, building materials and similar bulky materials which are secured in or on the hauling vehicle or completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling; or 4. Loads consisting entirely of rock, concrete, asphalt paving, stumps and similar materials that are completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling.

Solid waste suitable for disposal at municipal facilities will be transported by a disposal subcontractor. In Morrow County, the solid waste will be transported to the Finley Buttes Landfill in compliance with the above regulations. Finley Buttes Landfill is a modern municipal solid waste disposal facility permitted by the ODEQ and is in full compliance with ODEQ rules and regulations. The landfill is privately owned, but was approved by Morrow County in 1987 (see Exhibit U, Attachment U-1, for records of IPC's communications with Finley Buttes Landfill). IPC's transportation of solid waste in Morrow County related to the Project will be in compliance with Morrow County Solid Waste Ordinance Section 5.010.

Accumulation, Littering and Disturbance of Solid Waste

MCWMO 5.020. No person shall accumulate or store wastes in violation of the Morrow County Nuisance Ordinance or in violation of regulations of the Oregon Littering Provisions (ORS 164.775 - 805). No unauthorized person shall remove the lid from any solid waste container or collect, disturb or scatter solid waste stored in the container or deposit solid waste into the container.

As described in detail in Exhibit B, the multi-use areas[52] will serve as the collection points for solid waste generated at each of the tower construction or road construction sites along the Site Boundary. Waste generated at the Longhorn Station will be collected on-site for recycling or disposal in accordance with ODEQ regulations. Stockpile protection measures will be in place to reduce the potential for air and storm water pollution originating from stockpiles of construction materials, including the following:

- Stockpiles will be located a minimum of 100 feet away from storm drains, ditches, streams, and other water bodies.
- Physical diversions will be provided to protect stockpiles from concentrated runoff.
- Stockpiles will be covered with plastic or comparable material prior to a rain event and during the rainy season.

[52] The multi-use areas will serve as field offices; reporting locations for workers; parking space for vehicles and equipment; and sites for material delivery and storage, fabrication assembly of towers, cross arms and other hardware, concrete batch plants, and stations for equipment maintenance. Limited helicopter operations may be staged out of multi-use areas. Multi-use areas locations are listed in Exhibit C, Table C-16 and shown on maps in Exhibit C, Attachment C-2.

- Silt fences, fiber filtration tubes, or straw wattles will be placed around stockpiles to limit sediment migration.

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

Sanitary wastewater from portable toilets will be handled by a sanitary system subcontractor used to provide the sanitary facilities. This typically consists of periodic removal of the sanitary waste using a vacuum truck and proper disposal off-site into a sanitary sewer system. IPC's management of solid waste in Morrow County related to the Project will be in compliance with Morrow County Solid Waste Ordinance Section 5.020.

Responsibility for Proper Disposal of Hazardous Waste

MCWMO 5.030: The owner, operator, or occupant of any premise, business, establishment, or industry shall be responsible for the satisfactory and legal disposal of all hazardous solid waste generated or accumulated by them on the property. All hazardous solid wastes shall be disposed of at an appropriate solid waste disposal site licensed to receive such waste, or in a manner consistent with Department of Environmental Quality regulations. It shall be unlawful for any person to dump, deposit, bury, or allow the dumping, depositing or burying of any hazardous solid waste onto or under the surface of the ground or into the waters of the state, except at a State permitted solid or hazardous waste disposal site.

Although hazardous materials such as fuel, vehicle fluids and lubricants, herbicides, and blasting materials will be used, this Project will generate little or no hazardous waste. As discussed in Exhibit G, IPC will comply with ODEQ regulations for the management and disposal of any hazardous waste generated by the Project. The Project will not involve the dumping, depositing, or burying of any hazardous solid waste onto or under the surface of the ground or into the waters of the state, except at a State permitted solid or hazardous waste disposal site. Therefore, IPC's disposal of solid waste in Morrow County related to the Project will be in compliance with Morrow County Solid Waste Ordinance Section 5.030.

Open Burning

MCWMO 5.040: Woody debris, brush, leaves, grass, tumbleweeds, wood and cuttings from trees, lawns, shrubs and gardens (excepting paper, cardboard, or wood containers in commercial quantities) may be burned on private property only if the method of burning is approved by the local fire department and is done in accordance with the rules and regulations of the Oregon Department of Environmental Quality. Agricultural open burning is allowed pursuant to Oregon air pollution laws (ORS 468A.020) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

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

There will be no open burning as any part of construction or operations of the Project. Thus, the Project will be in compliance with Morrow County Solid Waste Ordinance Section 5.040.

6.4.6.4 Aggregate Sourcing

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

6.4.7 Idaho Power's Proposed Site Certification Conditions Relevant to MCZO Compliance

IPC proposes the following site certificate conditions to ensure the Project complies with the applicable Morrow County substantive criteria, as well as other relevant requirements.

Prior to Construction

Land Use Condition 1: *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Agricultural Assessment. The protective measures described in the draft Agricultural Assessment in ASC Exhibit K, Attachment K-1, shall be included and implemented as part of the final Agricultural Assessment, unless otherwise approved by the department.*

Public Services Condition 2: *Prior to construction, the certificate holder shall submit to the department for its approval a Helicopter Use Plan, which identifies or provides:*
a. The type of helicopters to be used (all helicopters must be compliant with the noise certification and noise level limits set forth in 14 CFR § 36.11);
b. The duration of helicopter use;
c. Approximate helicopter routes to be used;
d. Protected areas and recreation areas within 2 miles of the approximate helicopter routes;
e. Roads or residences over which external loads will be carried;
f. Multi-use areas and light-duty fly yards containing helipads shall be located: (i) in areas free from tall agricultural crops and livestock; (ii) at least 500 feet from organic agricultural operations; and (iii) at least 500 feet from existing dwellings on adjacent properties;
g. Flights shall occur only between sunrise and sunset;
h. At least 30 days prior to initiating helicopter operations at any multi-use area, the certificate holder shall contact adjacent property owners within 1,000 feet of the relevant multi-use area; and
i. The certificate holder shall maintain a customer service telephone line to address, among other things, complaints regarding helicopter operations.

Soil Protection Condition 1: *Prior to construction, the certificate holder shall submit to the department a copy of an Oregon Department of Environmental Quality (ODEQ)-approved construction-related final Spill Prevention Control and Countermeasures Plan (SPCC Plan). The protective measures described in the draft SPCC Plan in ASC Exhibit G, Attachment G-4, shall be included as part of the construction-related final SPCC Plan, unless otherwise approved by the department.*

Prior to Construction in Morrow County

Land Use Condition 3*: Prior to construction in Morrow County, the certificate holder shall provide to the department a copy of the following Morrow County-*

approved permits, if such permits are required by Morrow County zoning ordinances:
a. Flood plain development permit, for work in the Flood Plain Overlay Zone;
b. Utility crossing permit;
c. Access approach site permit; and
d. Construction permit to build on right-of-way.
If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.
Additionally, prior to construction in Morrow County, the certificate holder shall provide to the Morrow County Weed Supervisor a list of the suppliers that will be supplying the aggregate used in construction in Morrow County. The certificate holder shall ensure that said suppliers provide the Morrow County Weed Supervisor reasonable access to the aggregate sites for inspection for weeds.

Land Use Condition 4*: Prior to construction in Morrow County, the certificate holder shall complete the following to address traffic impacts in the county:*
a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;
b. The certificate holder shall work with the Morrow County Road Department to identify concerns related to Project construction traffic; and
c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic

During Construction

Land Use Condition 15: *During construction, the certificate holder shall conduct all work in compliance with the final Agricultural Assessment referenced in Land Use Condition 1.*

Public Services Condition 5*: During construction, the certificate holder shall conduct all work in compliance with the Helicopter Use Plan referenced in Public Services Condition 2.*

Soil Protection Condition 4: *During construction, the certificate holder shall conduct all work in compliance with the construction-related final SPCC Plan referenced in Soil Protection Condition 1.*

Threatened and Endangered Species Condition 1: *During construction, the certificate holder shall not conduct ground-disturbing activities within Category 1 Washington ground squirrel (WAGS) habitat, subject to the following:*
a. The identification and categorization of WAGS habitat shall be based on the surveys referenced in Fish and Wildlife Condition 2 and the results of the surveys shall apply for up to three years.
b. The certificate holder may span Category 1 WAGS habitat and may work within Category 1 WAGS habitat, provided such work does not cause any ground disturbance.
c. If an occupied WAGS colony is encountered in non-Category 1 habitat (based on the surveys referenced in Fish and Wildlife Condition 2), the certificate holder shall submit to the department for its approval a notification addressing the following:
i. Location of the colony; and

ii. Any actions the certificate holder will take to avoid, minimize, or mitigate impacts to the colony.

During Construction in Morrow County

***Land Use Condition 18**: During construction in Morrow County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
In All Zones:
a. Buildings and the fixed bases of the transmission line towers shall be setback at least 100 feet from the high-water mark of all Goal 5 streams.
b. Permanent vegetation removal within the riparian zone of all Goal 5 streams shall retain 75% of all layers or stratas of vegetation.
In the EFU Zone:
c. Buildings and the fixed bases of the transmission line towers shall be setback as follows: (i) front yards shall be set back at least 20 feet from minor collector road rights-of-way, 30 feet from major collector road rights-of-way, 80 feet from arterial road rights-of-way, and 100 feet from intensive agricultural uses; (ii) side yards shall be set back at least 20 feet from the property line, 30 feet for corner lots, and 100 feet from intensive agricultural uses; and (iii) rear yards shall be set back at least 25 feet from the property line, and 100 feet from intensive agricultural uses.
d. Buildings and the fixed bases of the transmission line towers shall be set back at least 100 feet from the high-water mark of all streams and lakes.
In the General Industrial Zone:
e. Buildings and the fixed bases of the transmission line towers shall be set back at least 50 feet from arterial road rights-of-way, 30 feet from collector road rights-of-way, and 20 feet from lower-class road rights-of-way.
In the Port Industrial Zone:
f. Buildings and the fixed bases of the transmission line towers shall be setback as follows: (i) front yards shall be set back at least 30 feet from the property line, and 90 feet from the centerline of any public, county, or state road; (ii) side yards shall be set back at least 10 feet from the property line; and (iii) rear yards shall be set back at least 10 feet from the property line.

***Land Use Condition 19:** During construction in Morrow County, the certificate holder shall conduct all work in compliance with the Morrow County-specific transportation and traffic plan referenced in Land Use Condition 4.*

Prior to Operation

***Soil Protection Condition 7:** Prior to operation, if the certificate holder is required by ODEQ statutes or rules to implement a SPCC Plan for operation of the facility, the certificate holder shall submit to the department a copy of an ODEQ-approved operation-related SPCC Plan.*

During Operation

***Soil Protection Condition 8:** During operation, the certificate holder shall conduct all work in compliance with the operation-related SPCC Plan referenced in Soil Protection Condition 7, if applicable.*

6.5 Umatilla County

The following section describes the Project features that will be located in Umatilla County and provides analysis regarding compliance with applicable local substantive criteria.

6.5.1 Project Features in Umatilla County

6.5.1.1 Maps showing the Project in Umatilla County

Figure K-28 shows the location of the Project in Umatilla County and the land use designations of the affected lands. Figure K-29 identifies additional land use constraints in the county.

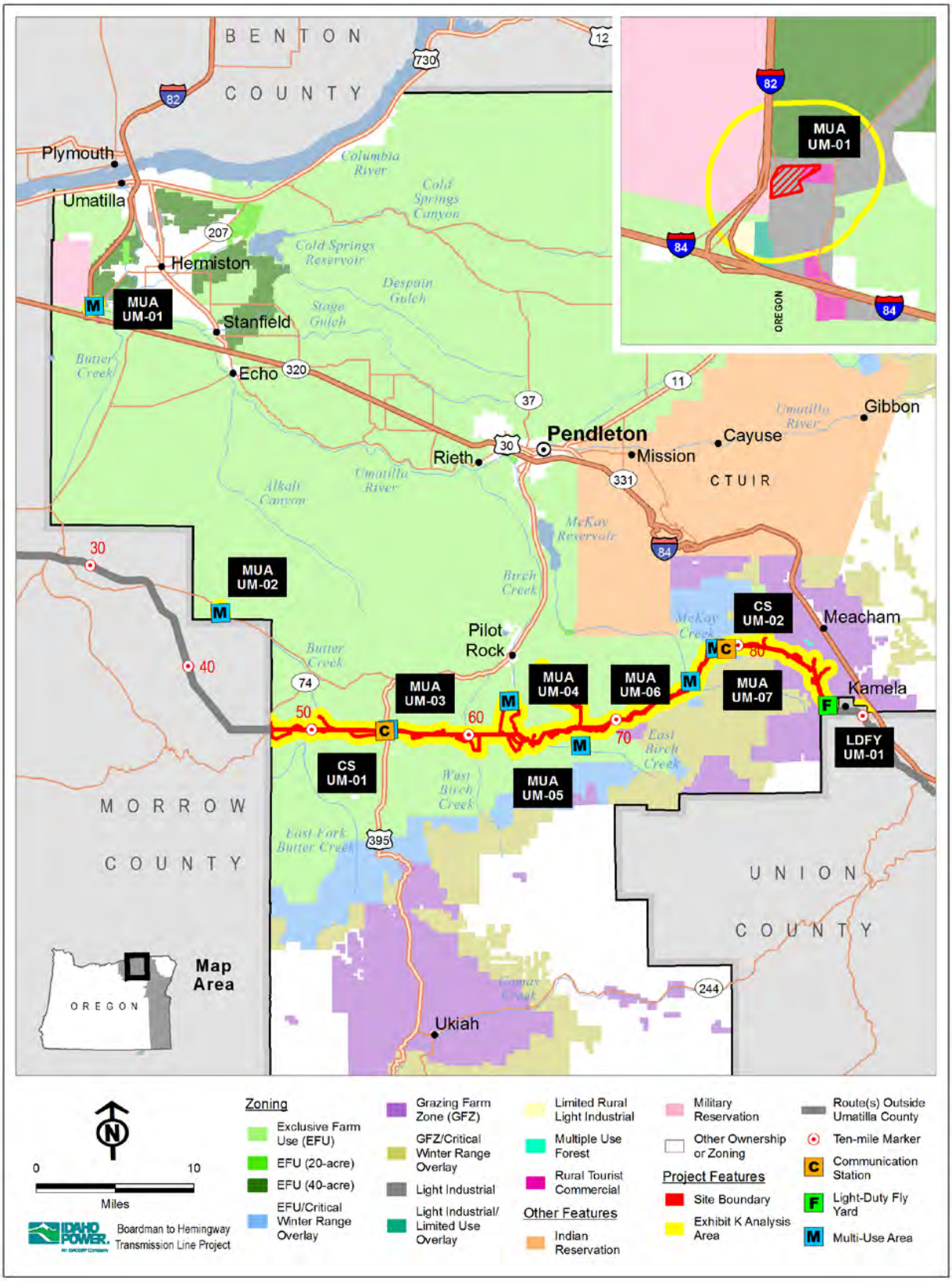

Figure K-28. Umatilla County Zoning

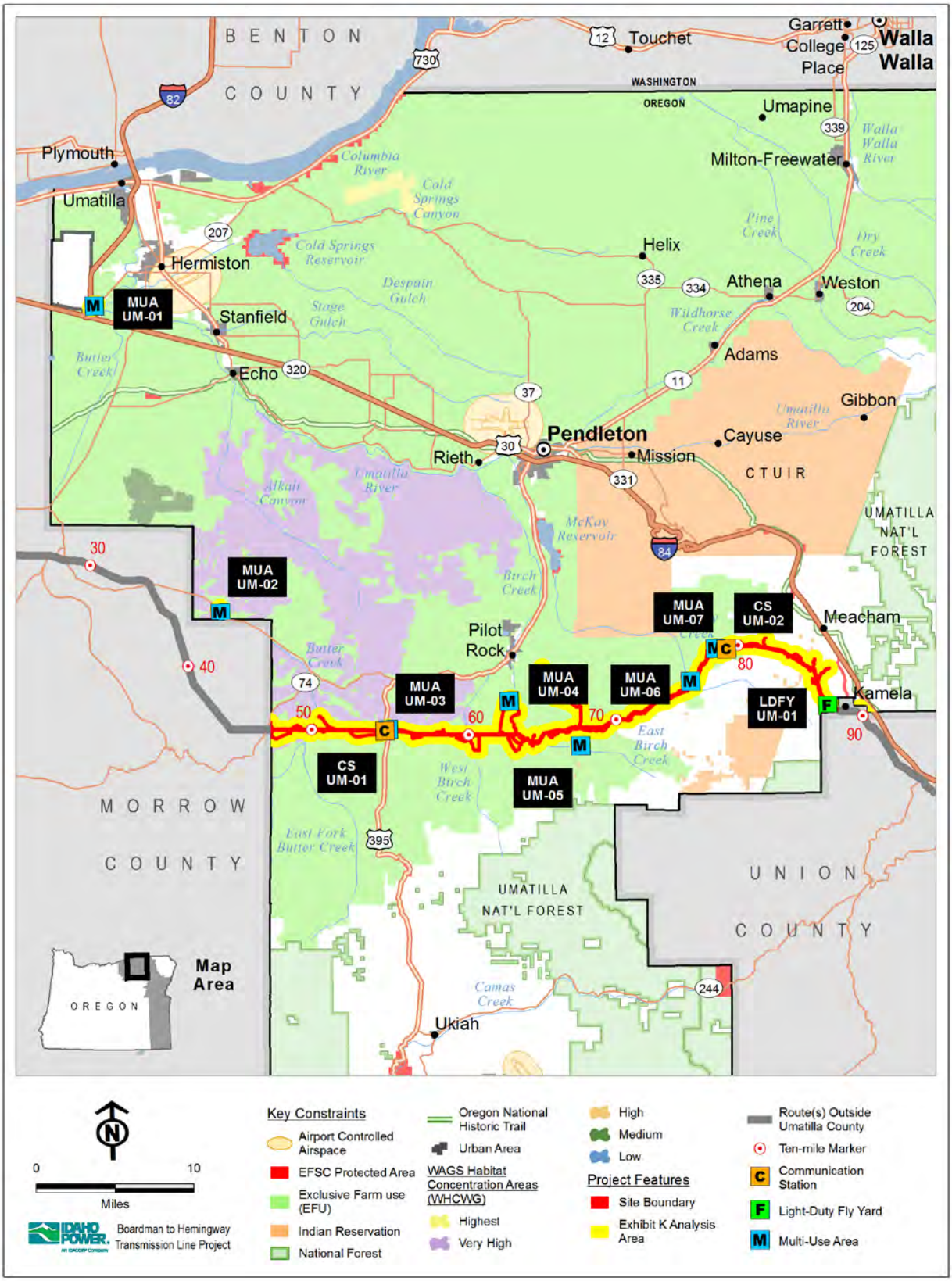

Figure K-29. Umatilla County Key Constraints

6.5.1.2 Location

The Proposed Route crosses approximately 40.8 miles of privately-owned land in Umatilla County (see Exhibit C, Attachment C-2, Maps 24-44). The Proposed Route crosses into Umatilla County from Morrow County at MP 47.5, approximately 4 miles southwest of the community of Vinson, Oregon. The Proposed Route proceeds due east through lands predominantly under dryland farming practice and zoned as Exclusive Farm Use. At MP 50.0, the Proposed Route crosses U.S. Route 395 and Butter Creek. At MP 58.6, the Proposed Route crosses Bear Creek, and then at MP 59.7 it crosses West Birch Creek. At MP 64.7, the Proposed Route crosses East Birch Creek. At this point, the Proposed Route is approximately 5.5 miles south of the town of Pilot Rock. Now heading northeast, the Proposed Route begins climbing into the foothills of the Blue Mountains. Land use transitions from dryland farming to open rangeland with scattered timber stands along north-facing slopes. At MP 75.6, the Proposed Route crosses McKay Creek.

After crossing McKay Creek, the Proposed Route turns north and proceeds across rangeland with scattered stands of trees for about 2.5 miles before turning again to the east. Here the Proposed Route enters predominantly forested lands for roughly the next 10 miles. Between MP 84 and MP 85, approximately 2.8 miles southwest of the community of Meacham, the Proposed Route remains west of a segment of the Blue Mountain Forest State Scenic Route, passing into Union County at MP 88.3.

6.5.1.3 Towers, Access Roads, and Crossings

Table K-11 lists the towers, access roads, and crossings by the Proposed Route in Umatilla County.

Table K-11. Towers, Access Roads, and Crossings – Umatilla County

Towers	**Number of Sites**
Towers – Single Circuit 500-kV Lattice	161
Access Roads	**Total Miles**
Existing, 21-70% Improved	15.6
Existing, 71-100% Improved	21.2
New, Bladed	5.1
New, Primitive	28.7
Crossings	**Number of Crossings**
High-Voltage Transmission Line Crossings[1]	0
Existing Road Crossings[2]	1
Existing Railroad Crossings[3]	0

[1] Source: ABB Ventyx (2016) and Idaho Power Company; includes only transmission lines over 69-kV.
[2] Source: Esri (2013); includes Interstate, federal, and state highways; existing roads include all federal and state highways.
[3] Source: Oregon Department of Transportation (2013).

6.5.1.4 Multi-Use Areas, Pulling and Tensioning Sites, Light-Duty Fly Yards, and Communication Stations

There will be seven multi-use areas in Umatilla County.

- MUA UM-01 will be in the northwest part of the county adjacent to Interstate 82 (I-82) approximately 0.6 mile north of I-84. The land is bare. The western two-thirds is zoned

by Umatilla County as Light Industrial while the eastern third is zoned Rural Tourist Commercial (Exhibit C, Attachment C-2, Map 24).

- MUA UM-02 will be approximately 3.0 miles east of MP 37, on the west side of Big Butter Creek Road. The land comprises grassland and is zoned by Umatilla County as Agriculture - Exclusive Farm Use (Exhibit C, Attachment C-2, Map 25).
- MUA UM-03 will be located just north of MP 54.9 and west of U.S. Highway 395. The land comprises rangeland and is zoned by Umatilla County as Agriculture - Exclusive Farm Use (Exhibit C, Attachment C-2, Map 28).
- MUA UM-04 will be located approximately 2.8 miles south of Pilot Rock and west of East Birch Creek Road. The land comprises grassland and zoned by Umatilla County as Agriculture - Exclusive Farm Use (Exhibit C, Attachment C-2, Map 32).
- MUA UM-05 will be located approximately 1.2 mile south of MP 68 on the south side of East Birch Creek Road. The land comprises grassland and is zoned by Umatilla County as Agriculture - Exclusive Farm Use (Exhibit C, Attachment C-2, Map 37).
- MUA UM-06 will be located approximately 0.2 mile northwest of MP 75.5 on the west side of McKay Creek Road. The land comprises grassland and is zoned by Umatilla County as Agriculture - Exclusive Farm Use (Exhibit C, Attachment C-2, Map 39).
- MUA UM-07 will be located approximately 0.3 mile northeast of MP 78. The land comprises grassland and is zoned by Umatilla County as Agriculture - Exclusive Farm Use and Critical Winter Range Overlay (Exhibit C, Attachment C-2, Map 41).

There will be 41 pulling and tensioning sites in Umatilla County.

There will be one light-duty fly yard in Umatilla County.

- LDFY UM-01 will be located at MP 87.6 and is zoned by Umatilla County as Grazing Farm Zone (Exhibit C, Attachment C-2, Map 44).

There are two communication station in Umatilla County.

- CS UM-01 will be located at approximately MP 54.6 and is 0.4 mile west of U.S. Route 395. The land comprises grassland and is zoned by Umatilla County as Agriculture - Exclusive Farm Use (Exhibit C, Attachment C-2, Map 28).
- CS UM-02 will be located at approximately MP 79.2 and just south of Ross Road. The land comprises grassland and is zoned by Umatilla County as Agriculture - Exclusive Farm Use and Critical Winter Range Overlay (Exhibit C, Attachment C-2, Map 41).

6.5.1.5 Affected Land Use Zones

Table K-12 identifies the Umatilla County zoning designations for the lands affected by the Project.

Table K-12. Umatilla County Land Use Zone Designations

Zoning Designation	Centerline (miles)	Site Boundary (acres)	Existing Roads, Substantial Modifications (miles)	New Roads
Exclusive Farm Use	27.9	2,397.8	27.7	27.8
Exclusive Farm Use/Critical Winter Range	3.1	230.7	1.2	1.8
Exclusive Farm Use – 20 Acre	0.0	0.0	0.0	0.0
Grazing Farm Zone	7.1	493.7	6.1	2.7
Grazing Farm Zone/Critical Winter Range	2.8	192.6	1.9	1.6
Light Industrial	0.0	31.8	0.0	0.0
Rural Tourist Commercial	0.0	5.8	0.0	0.0
Total[1]	**40.9**	**3,804.3**	**36.9**	**33.9**

[1] Sums may not total due to rounding.

6.5.2 Umatilla County Development Code Provisions

On September 15, 2010, the Umatilla County Planning Department submitted a letter to ODOE in response to IPC's July 2010 NOI, in which the Umatilla County Planning Department identified local substantive criteria potentially applicable to the Project, including certain UCDC provisions. During preparation of Exhibit K, IPC identified potentially applicable UCDC provisions that were not identified by Umatilla County in its September 15, 2010 letter. Table K-13 sets forth the potentially applicable UCDC provisions identified by Umatilla County and IPC.

Table K-13. Potentially Applicable UCDC Provisions

Land Use Zone	Permit	Project Feature(s)	UCDC or Other Provision	Entity that Identified UCDC Provision
Exclusive Farm Use Zone	Land Use Decision and Zoning Permit	All Project Features	UCDC 152.059(C) Land Use Decisions / Utility Facilities Necessary for Public Service	Umatilla County
			UCDC 152.617 Standards for Review of Conditional Uses and Land Use Decisions on EFU Zoned Land	Umatilla County
			UCDC 152.062 Parcel Sizes	IPC
			UCDC 152.063 Development Standards	IPC
	Conditional Use Permit	Helipads[1]	UCDC 152.060(G) Conditional Uses Permitted	Umatilla County
			UCDC 152.061 Standards for All Conditional Uses	IPC
			UCDC 152.617 Standards for Review	IPC
			UCDC 152.545 Zoning Permit Required to Erect, Move, or Alter Signs	IPC
			UCDC 152.546(C) Types of Signs	IPC
			UCDC 152.547 Limitations on Signs	IPC
			UCDC 152.560 Off-Street Parking Requirements	IPC
			UCDC 152.561 Off-Street Loading Requirements	IPC
			UCDC 152.562 Additional Off-Street Parking and Loading Requirements	IPC

Land Use Zone	Permit	Project Feature(s)	UCDC or Other Provision	Entity that Identified UCDC Provision
Grazing Farm Zone	Conditional Use Permit	All Project Features	UCDC 152.085(R) Conditional Uses Permitted	Umatilla County
			OAR 660-006-0025(4)(q) Uses Authorized in Forest Zones	IPC
			OAR 660-006-0025(5) Standards for Authorized Uses	IPC
	Conditional Use Permit and Land Use Decision	Helipads[2]	UCDC 152.085(G) Conditional Uses Permitted	IPC
			UCDC 152.617(I)(N) EFU and Grazing Zone Conditional Uses	IPC
			UCDC 152.086 Limitations on Conditional Uses	IPC
			UCDC 152.616(B) Standards for Review of Conditional Uses and Land Use Decisions	IPC
	Conditional Use Permit	Access Roads[3]	UCDC 152.085(U) Conditional Uses Permitted	IPC
			UCDC 152.086 Limitations on Conditional Uses	IPC
			UCDC 152.545 Zoning Permit Required to Erect, Move, or Alter Signs	IPC
			UCDC 152.546(C) Types of Signs	IPC
			UCDC 152.547 Limitations on Signs	IPC
			UCDC 152.616(CCC) Standards for Review of Conditional Uses and Land Use Decisions	IPC

Land Use Zone	Permit	Project Feature(s)	UCDC or Other Provision	Entity that Identified UCDC Provision
Light Industrial Zone	Conditional Use Permit	All Project Features	UCDC 152.303(A)(19) Conditional Uses Permitted	IPC
			UCDC 152.303(B) General Criteria	IPC
			UCDC 152.304 Limitations on Use	IPC
			UCDC 152.306 Dimensional Standards	IPC
			UCDC 152.306(C) Setback Requirements	IPC
			UCDC 152.306(D) Stream Setback	IPC
	Conditional Use Permit	Batch Plant[4]	UCDC 152.303(A)(8) Conditional Uses Permitted	IPC
			UCDC 152.616(U) Standard for Review of Conditional Uses and Land Use Decisions	IPC
Rural Tourist Commercial Zone	Conditional Use Permit	All Project Features	UCDC 152.283(D) Conditional Uses Permitted	IPC
			UCDC 152.284 Limitations on Use	IPC
			UCDC 152.286 Dimensional Standards	IPC
			UCDC 152.286(C) Setback Requirements	IPC
			UCDC 152.286(D) Stream Setback	IPC
General UCDC Provisions	n/a	All Project Features	UCDC 152.010 Access to Buildings	Umatilla County
			UCDC 152.016 Riparian Vegetation	Umatilla County
			UCDC 152.017 Conditions for Development Proposals	Umatilla County
			UCDC 152.615 Additional Conditional Use Permit Restrictions	Umatilla County
			UCDC 152.439 Historical,	Umatilla County

Land Use Zone	Permit	Project Feature(s)	UCDC or Other Provision	Entity that Identified UCDC Provision
			Archeological or Cultural Site/Structure Overlay; Criteria for Review	
			UCDC 152.456 Critical Winter Range Overlay; Applicability	Umatilla County
			Goal 5 Technical Report D-63	Umatilla County

[1] As discussed below, the Umatilla County Planning Department indicated to IPC that the zoning permit provisions of UCDC 152.059(C) applicable to utility facilities in the EFU Zone may not cover the helipads associated with the multi-use areas. Umatilla County indicated that, instead, the provisions of UCDC 152.060(G) relating to personal-use airports might apply. However, under ORS 215.283(1)(c)(A) and UCDC 152.059(C), utility facilities and their related and supporting facilities—such as the helipads—are permitted outright in the EFU Zone. Regardless, and in the alternative, IPC discusses the provisions of UCDC 152.060(G), showing the helipads would be permitted in the EFU Zone as conditional uses under UCDC 152.060(G).

[2] As discussed below, OAR 660-006-0025(4)(q) should be interpreted as authorizing new electric transmission lines as well as all related and supporting facilities in the Grazing Farm Zone. Nonetheless, and in the alternative, IPC shows below that the Project features in the Grazing Farm Zone beyond the transmission line are permitted as conditional uses under UCDC 152.085(G) (helipads) and UCDC 152.085(U) (access roads).

[3] *Id.*

[4] Umatilla County commented to ODOE, as discussed below, that in order to operate a batch plant at the multi-use area in the Light Industrial Zone, IPC would need a separate conditional use permit from the one related to the multi-use area itself. IPC disagrees—the batch plant is related to and supports the Project transmission line, and therefore, the batch plant is considered a utility facility under UCDC 152.303(A)(16) just like the multi-use area. Regardless, and in the alternative, ICP shows that batch plant should be authorized as a conditional use as a concrete manufacturing plant under UCDC 152.303(A).

6.5.2.1 EFU Zone UCDC Provisions

The transmission line (31 line miles), new access roads (29.6 miles), substantially modified existing access roads (28.9 miles), six multi-use areas (MUA UM-02 through MUA UM-07), and two communication station (CS UM-01 and CS UM-02) will be located in an EFU Zone[53] in Umatilla County. No light-duty fly yards will be located in the EFU Zone.

Utility Facility Land Use Decision and Zoning Permit (All Project Features)

Utility Facilities Defined

Under ORS 215.283(1)(c), "utility facilities necessary for public service" are permitted outright in EFU lands. Here, the Project includes a transmission line of up to 200 feet in height and the following related and supporting facilities: access roads, multi-use areas, light duty fly yards, pulling and tensioning sites, communication stations, and communication station distribution lines (see Exhibit B, Section 3.2 and Section 3.3). By its plain text, ORS 215.283(1)(c) defines "utility facilities necessary for public service" as including transmission lines up to 200 feet in

[53] This includes lands zoned by Umatilla County as EFU, EFU/Critical Winter Range, or EFU-20 acres.

height. Additionally, the Oregon courts have interpreted the term "utility facilities necessary for public service" as also including ancillary facilities.[54] Because the Project's related and supporting facilities supplement the transmission line, those facilities are considered ancillary facilities included in the definition of "utility facilities necessary for public service."[55] Therefore, the Project transmission line and its related and supporting facilities are permitted outright in EFU lands under ORS 215.283(1)(c)(A).

UCDC Provisions Identified by Umatilla County

In its September 15, 2010 letter, the Umatilla County Planning Department identified UCDC 152.029(c), 159.059, and no other UCDC provisions as being potentially applicable to the Project in the EFU Zone. In this section, we discuss UCDC 152.029(c) and 152.617(II)(7), which is referenced in UCDC 152.029(c).

Land Use Decision and Zoning Permit

> UCDC 152.059: In an EFU zone the following uses may be permitted through a land use decision via administrative review (§ 152.769) and subject to the applicable criteria found in 152.617. Once approval is obtained a zoning permit (§ 152.025) is necessary to finalize the decision§ . . . . (C) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission or communication towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275 and in § 152.617(II)(7).

UCDC 152.059(C) provides that a utility facility necessary for public service may be permitted through a land use decision, and, once approval is obtained, a zoning permit is necessary to finalize the decision. Under Oregon law, utility facilities necessary for public service are permitted outright in an EFU zone and a county may not enact or apply criteria of its own that supplement those found in ORS 215.283(1).[56] Here, because the Project is authorized on EFU lands as a utility facility necessary for public service under ORS 215.283(1)(c)(A) (see above), the county must also authorize the Project outright on EFU lands despite any UCDC provisions that may be more strict than ORS 215.283(1)(c)(A).

ORS 215.283(1)(c)(A) requires IPC demonstrate the need to site the Project on EFU lands only at a macro, project-wide level across all five relevant counties. Though beyond what is required by the statute, Section 6.5.5 makes a similar showing at the micro or county level, by discussing the necessity of siting the Project in EFU specifically in Umatilla County.

Standards for Review of Conditional Uses and Land Use Decisions on EFU Zoned Land

> UCDC 152.617: The following standards shall apply for review by the Planning Director or designated planning authority of the specific conditional uses and land use decisions listed below: . . . (II) EFU LAND USE DECISIONS . . . (7) Utility Facility Necessary for Public Service. (a) Demonstrate that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors: (1) Information provided in the technical and engineering feasibility; (2) The proposed

[54] *See Save Our Rural Or. v. Energy Facility Siting Council*, 339 Or. 353, 384 (2005) (upholding EFSC's determination that ancillary facilities are considered "utility facilities necessary for public service"); *Cox v. Polk County,* 174 Or. Ct. App. 332, 343-44 (2001) ("utility facilities necessary for public service" may include ancillary or off-site equipment).
[55] *See* Black's Law Dictionary (10th ed. 2014) (defining "ancillary" as meaning "supplementary; subordinate").
[56] See Brentmar v. Jackson County, 321 Or. 481 (1995).

facility is locationally dependent. (It must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands.) (A) Show a lack of available urban and non-resource lands; (B) Due to availability of existing rights of way. (C) Due to public health and safety concerns; and (D) Show it must meet other requirements of state and federal agencies. (b) Costs associated with any of the factors listed above may be considered, but cost alone, including the cost of land, may not be the only consideration in determining that a utility facility is necessary for public service. (c) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. (d) Mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands. (e) Any proposed extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060. (f) The provisions of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

Again, the Project is permitted outright on EFU lands according to ORS 215.283(1)(c)(A) and ORS 215.275 (see Section 4), and the county may not impose any conditions on those portions of the Project in EFU Zone lands that are more strict than ORS 215.283(1)(c)(A). Even so, the provisions of UCDC 152.617(II)(7)(a) through (d) mirror ORS 215.275, and IPC demonstrates in Section 5.5.5 that the Project must be located on EFU lands in Umatilla County, meeting the requirements of UCDC 152.617(II)(7)(a) through (d).

UCDC 152.617(II)(7)(e) applies to sewer system extensions. Because the Project does not involve sewers, UCDC 152.617(II)(7)(e) does not apply to the Project.

UCDC 152.617(II)(7)(f) states that UCDC 152.617(II)(7) does not apply to certain gas pipelines. Because the Project does not involve a gas pipeline, UCDC 152.617(II)(7)(f) does not apply to the Project.

UCDC Provisions Identified by IPC

Each of the UCDC provisions discussed below as being potentially applicable to the Project features in the EFU Zone were identified by IPC and not Umatilla County.

Parcel Sizes

UCDC 152.062: In an EFU zone, the following standards shall apply for the creation of new parcels: . . . .

UCDC 152.062 addresses the size of parcels and is applicable only to the extent that a partition of a parcel zoned EFU is required. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel zoned EFU. Because the Project likely will not involve lot splits, UCDC 152.062 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Umatilla County prior to construction. In no event, however, may the Council or the county rely on UCDC 152.062 to refuse to site the Project on EFU lands (see *Brentmar v. Jackson County*, 321 Or. 481 (1995)).

Development Standards; Minimum Parcel Frontage

UCDC 152.063: In the EFU zone, the following dimensional and development standards shall apply: (A) *Minimum parcel frontage.* A parcel shall have a minimum street or road frontage of 30 feet.

UCDC 152.063(A) addresses the size of parcels and is applicable only to the extent that a partition of a parcel zoned EFU is required. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel zoned EFU. Because the Project likely will not involve lot splits, UCDC 152.063(A) likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Umatilla County prior to construction. In no event, however, may the Council or the county rely on UCDC 152.062 to refuse to site the Project on EFU lands (see *Brentmar v. Jackson County*, 321 Or. 481 (1995)).

Front Yard Setbacks

UCDC 152.063(B): All buildings shall be set back from front property lines and side or rear property lines adjoining county roads, public roads, state highways, or public or private access easements as follows: (1) At least 30 feet from the property line or easement boundary; or (2) At least 60 feet from the center line of the road, highway, or easement, whichever is greater.

UCDC 152.063(B) provides that buildings must meet certain lot line and road setback requirements. UCDC 152.003 defines the term "building" as "[a] structure built for the support, shelter or enclosure of person, animals, chattels, or property of any kind. For the purposes of this chapter, a canopy is not a building."

- Access roads: The Project access roads will not be built to support, shelter, or enclose anything. Therefore, the yard setback requirements of UCDC 152.063(B) do not apply to the relevant access roads.
- Transmission Line Towers: The Project transmission towers will not be built to support, shelter, or enclose anything. Therefore, the yard setback requirements of UCDC 152.063(B) do not apply to the relevant transmission towers.
- Multi-Use Areas: By letter dated May 12, 2016, the Umatilla County Planning Department stated the UCDC setback requirements do not apply to temporary facilities such as the Project multi-use areas, and therefore, the yard setback requirements of UCDC 152.063(B) do not apply to the relevant multi-use areas.
- Communication Stations: The communication stations will contain permanent buildings, and therefore, the yard setback requirements of UCDC 152.063(B) will apply to the relevant communication station.

While IPC is not required to do so under the Court's ruling in *Brentmar v. Jackson County,* IPC will site the Project buildings at the communication stations in the EFU zone in Umatilla County to comply with yard setback requirements of UCDC 152.063(B). To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 20:*** *During construction in Umatilla County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
>
> *. . .*

In the EFU Zone:
g. Buildings shall be setback as follows: (i) at least 30 feet from the property line or private road easement boundary; or (ii) at least 60 feet from the center line of the road, highway, or private road easement, whichever is greater.
. . . .

Side and Rear Yard Setbacks

UCDC 152.063(C): Except as provided in division (B) above, the following standards shall apply for side and rear yard setbacks: (1) The minimum yard setback for farm or non farm dwellings shall be 20 feet. (2) The minimum yard setback for accessory buildings or structures, for both farm and non farm uses, shall be five feet, except as otherwise provided in applicable conditions of approval, or as constrained by division (D) below. (3) Special minimum yard setbacks may be established for an approved conditional use to protect the public health, safety and welfare and to mitigate possible adverse impacts to adjacent land uses.

UCDC 152.063(C) provides certain yard setback requirements. UCDC 152.003 defines the term "setback" as "[t]he open yard space on a lot between any building and a lot line or a line defining an access easement or road right-of-way." Applying this definition, the side and rear yard setback requirements of UCDC 152.063(C) apply only to buildings.

- Access roads: The Project access roads will not be built to support, shelter, or enclose anything. Therefore, the yard setback requirements of UCDC 152.063(C) do not apply to the relevant access roads.
- Transmission Line Towers: The Project transmission towers will not be built to support, shelter, or enclose anything. Therefore, the yard setback requirements of UCDC 152.063(C) do not apply to the relevant transmission towers.
- Multi-Use Areas: By letter dated May 12, 2016, the Umatilla County Planning Department stated the UCDC setback requirements do not apply to temporary facilities such as the Project multi-use areas, and therefore, the yard setback requirements of UCDC 152.063(C) do not apply to the relevant multi-use areas.
- Communication Stations: The communication stations will contain permanent buildings, and therefore, the yard setback requirements of UCDC 152.063(C) will apply to the relevant communication station.

IPC is not required to comply with yard setback requirements of UCDC 152.063(B) under the Court's ruling in *Brentmar v. Jackson County*. Even so, because the Project will comply with the setbacks in subsection (B) of UCDC 152.063, the setbacks will exceed those in subsection (C). Therefore, the setbacks in UCDC 152.063(C) are duplicative and already covered by Proposed Land Use Condition 20(g).

Stream Setback

UCDC 152.063(E): To permit better light, air, vision, stream pollution control, to protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands, and to prevent construction in flood prone areas along streams not mapped as part of the National Flood Insurance Program, the following setbacks shall apply: (1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the DEQ

sanitarian finds that a chosen location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake, or wetland, but in no case closer than 50 feet. (2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark, except that this setback can be reduced to 20 feet if all of the following criteria are met: (a) The parcel contains one acre or less; and (b) It can be shown with photographs and maps that due to topography the proposed building will be located outside of a flood-prone area; and (c) Location of the proposed building in compliance with the 100 foot setback would be inconvenient and inefficient with respect to the location of existing buildings on the property or due to topographic constraints.

UCDC 152.063(E) provide certain setback requirements related to streams. The Project will not include any form of sewage disposal installations, and therefore, the provisions of UCDC 152.063(E)(1) related to such installations are not applicable to the Project.

The remaining provisions of UCDC 152.063(E)(2) apply to structures, buildings, and similar permanent fixtures.

- Access roads: The Project access roads will not be built to support, shelter, or enclose anything; and therefore, they are not considered "buildings" (see UCDC 152.003). Moreover, the Umatilla Planning Department in a May 18, 2016 email to IPC provided that the Project access roads—both new roads and substantially modified existing roads—are not considered "structures" under the UCDC. Accordingly—because the access roads are neither buildings nor structures—the stream setback requirements of UCDC 152.063(E) do not apply to the access roads.
- Multi-Use Areas: By letter dated May 12, 2016, the Umatilla County Planning Department stated the UCDC setback requirements do not apply to temporary facilities such as the Project multi-use areas, and therefore, the stream setback requirements of UCDC 152.063(E) do not apply to the relevant multi-use areas.
- Transmission Line Towers: The Project transmission towers are considered structures, and therefore, the stream setback requirements of UCDC 152.063(E) will apply to the relevant transmission towers.
- Communication Stations: The communication stations will contain permanent buildings, and therefore, the stream setback requirements of UCDC 152.063(E) will apply to the relevant communication station.

While IPC is not required to do so under the Court's ruling in *Brentmar v. Jackson County,* IPC will site the fixed bases of the transmission line towers (i.e., the foundations) and the buildings at the communication stations in the EFU zone in Umatilla County to comply with stream setback requirements of UCDC 152.063(E)(2). To ensure compliance with such requirements, Idaho Power proposes the following site certificate condition:

> ***Land Use Condition 20:*** *During construction in Umatilla County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
>
> *. . .*
>
> *In the EFU Zone:*
>
> *. . .*
>
> *h. Buildings and the fixed bases of the transmission line towers shall be set back at least 100 feet from the high-water mark of all streams, lakes, and wetlands.*
>
> *. . . .*

Conditional Use Permit (Helipads)

In its September 15, 2010, letter, the Umatilla County Planning Department identified UCDC 152.059(C) and no other UCDC provisions as being potentially applicable to the Project in EFU lands. In subsequent conversations, the Planning Department indicated to IPC that the zoning permit provisions of UCDC 152.059(C) applicable to utility facilities in the EFU Zone may not cover the helipads associated with the multi-use areas. Umatilla County indicated that, instead, the provisions of UCDC 152.060(G) relating to personal-use airports might apply. However, under ORS 215.283(1)(c)(A) and UCDC 152.059(C), utility facilities are permitted outright in the EFU Zone. And, here, the helipads relate to and support the utility transmission line Project, and therefore, the helipads should be considered utility facilities or parts thereof for purposes of UCDC 152.059(C) and should be permitted outright in the EFU Zone. Regardless, and in the alternative, the helipads would be permitted in the EFU Zone as conditional uses under UCDC 152.060(G).

Figures K-30a through K-30f show the multi-use area locations where the helipads may occur in the EFU Zone.

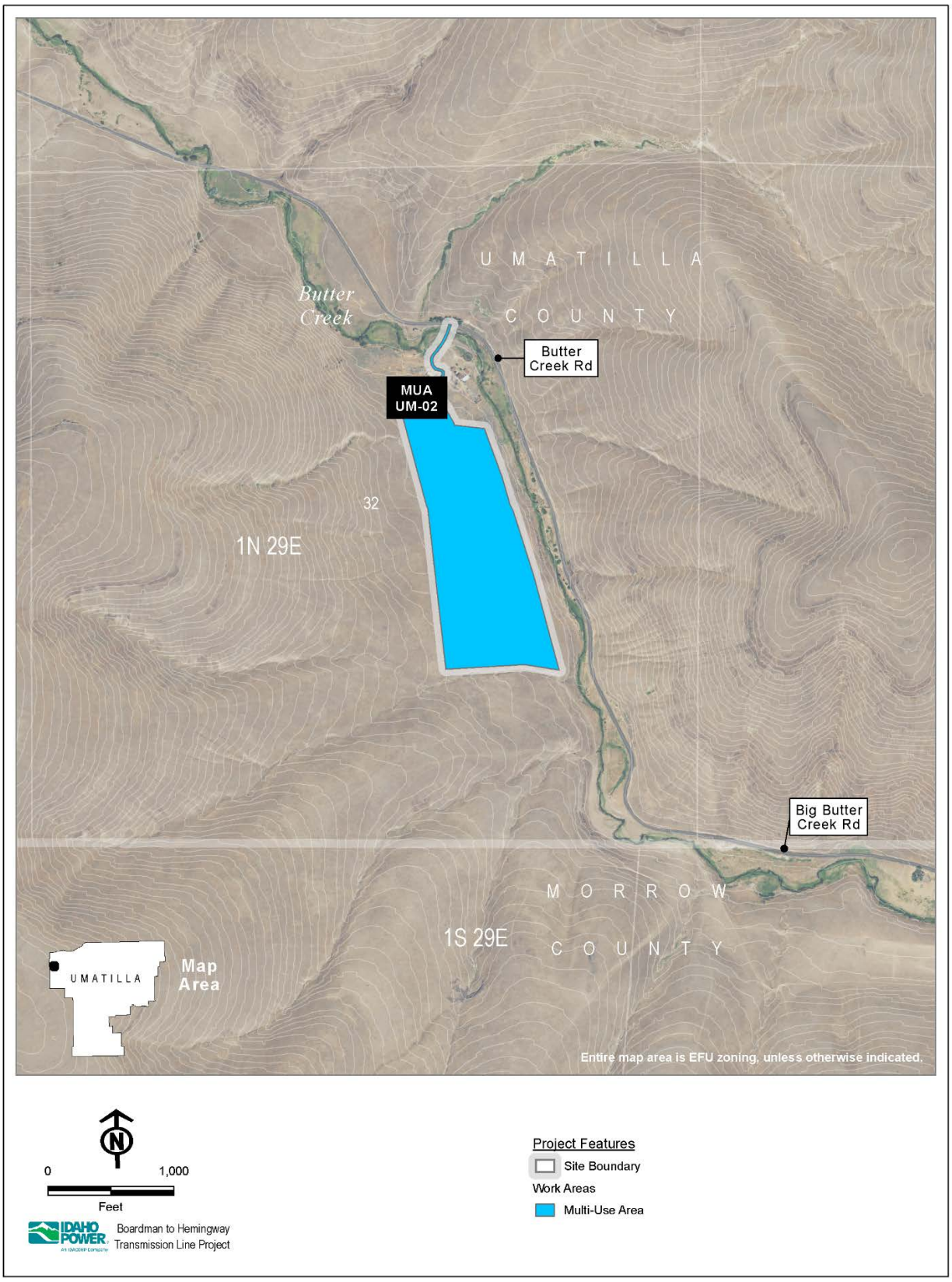

Figure K-30a. Multi-Use Areas in EFU Zone – Umatilla County (MUA UM-02)

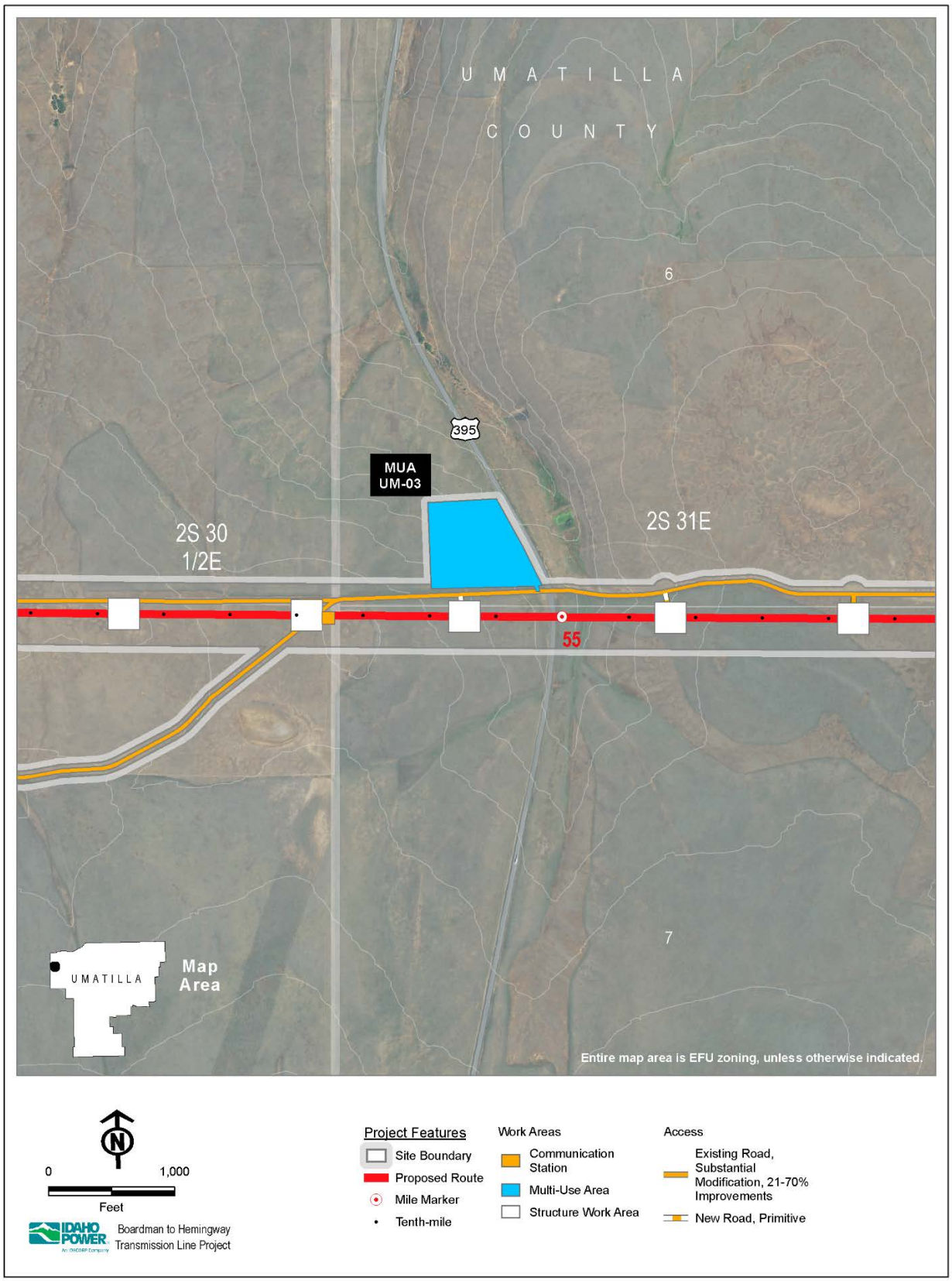

Figure K-30b. Multi-Use Areas in EFU Zone – Umatilla County (MUA UM-03)

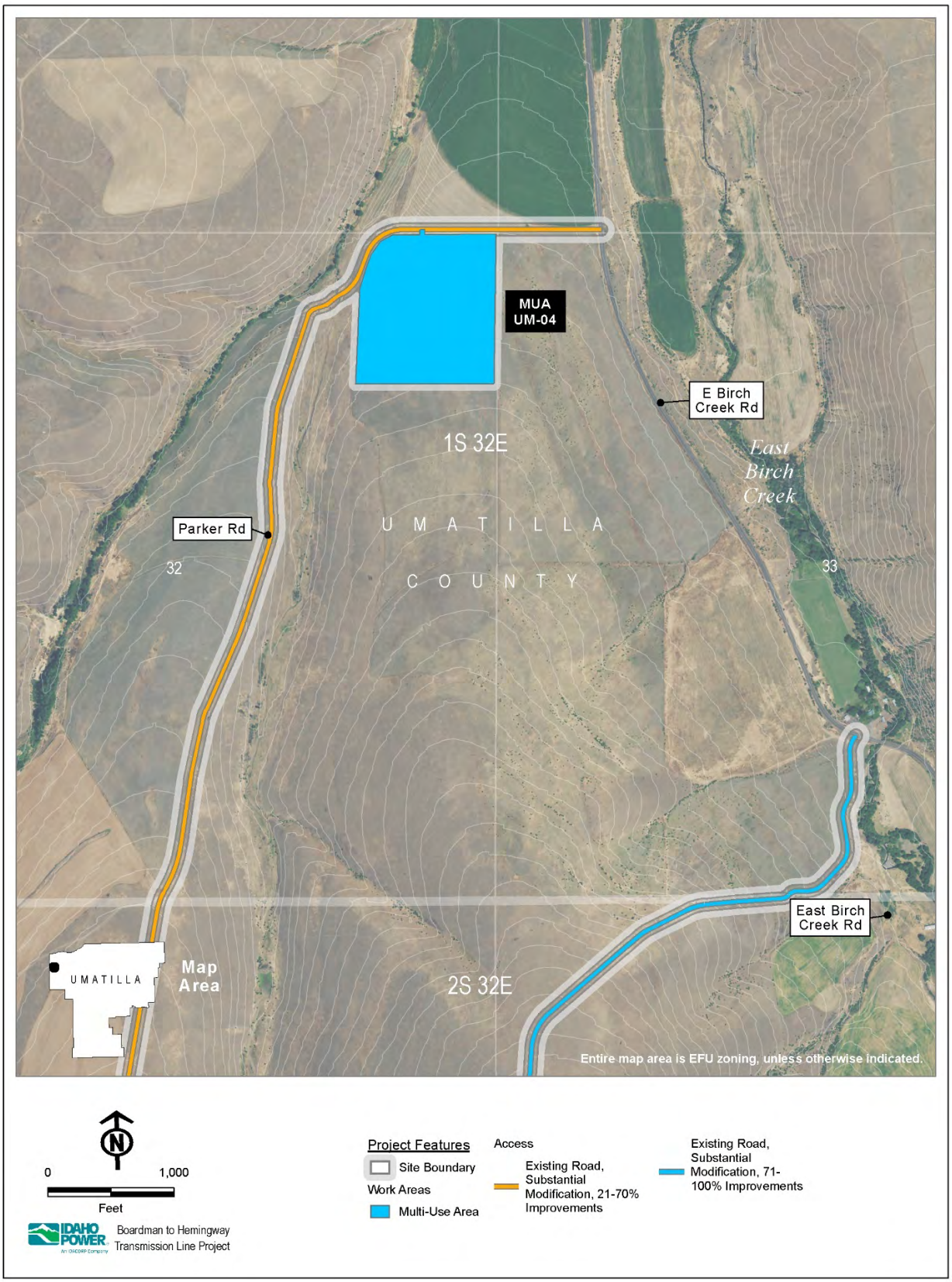

Figure K-30c. Multi-Use Areas in EFU Zone – Umatilla County (MUA UM-04)

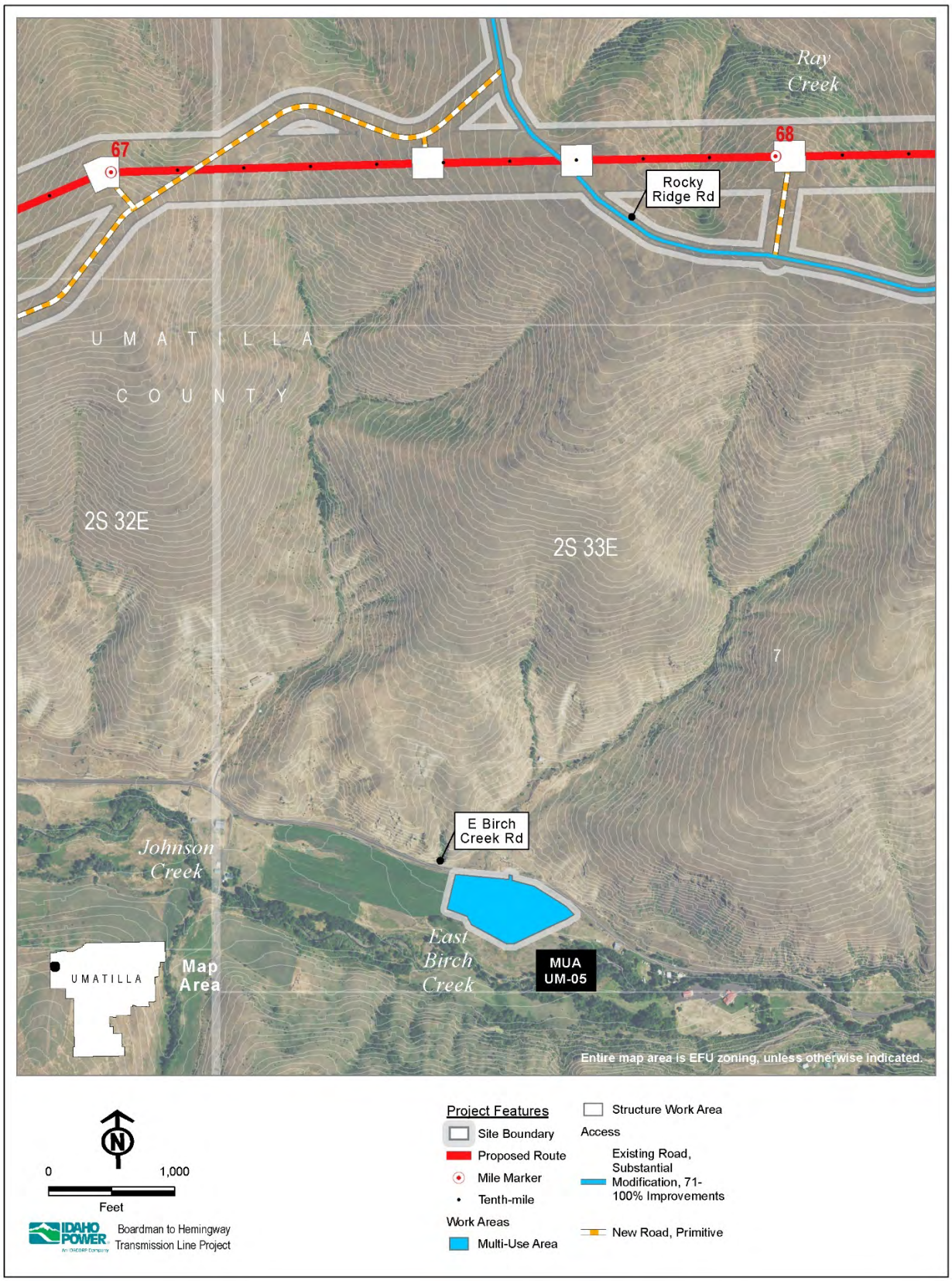

Figure K-30d. Multi-Use Areas in EFU Zone – Umatilla County (MUA UM-05)

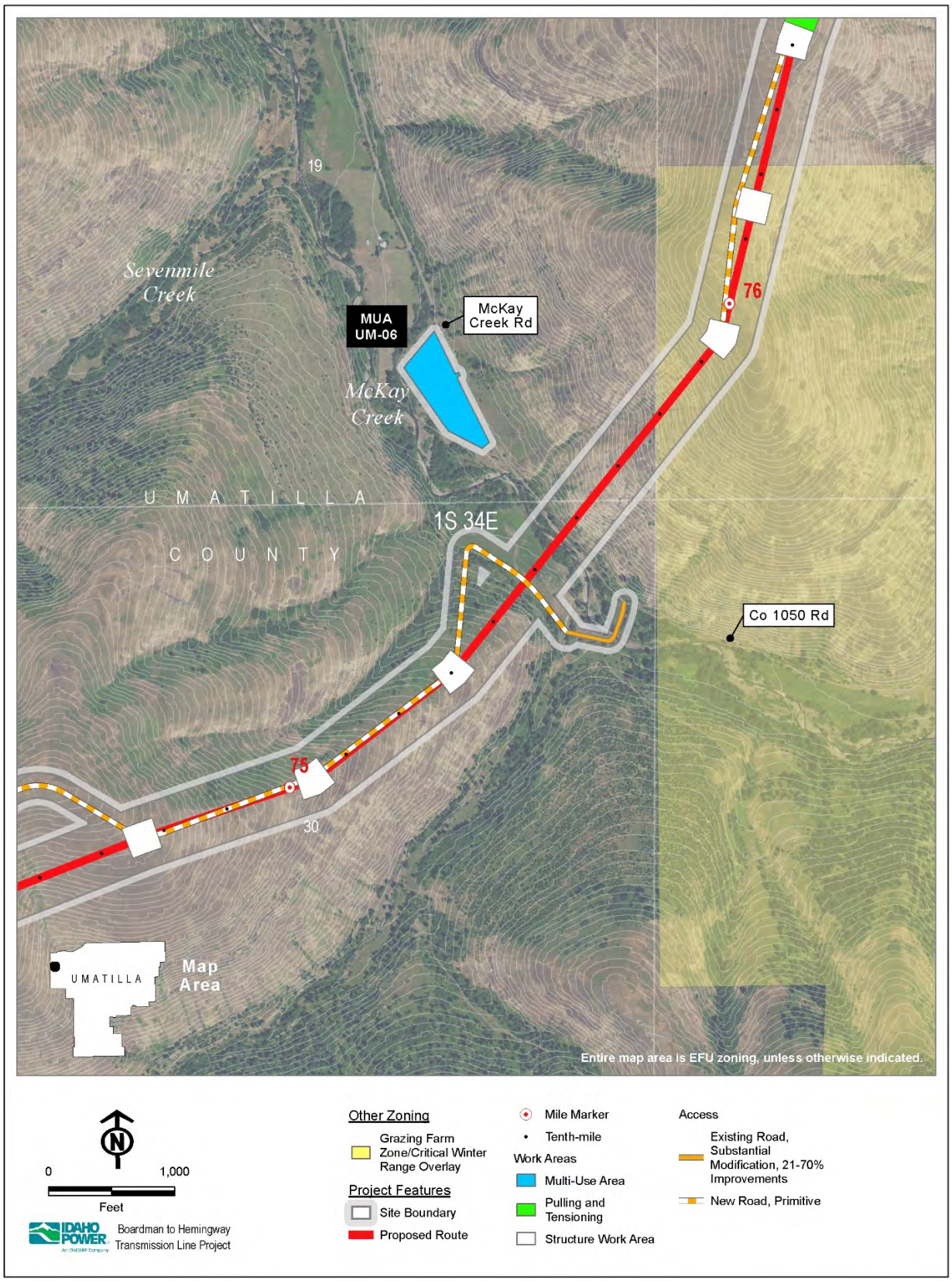

Figure K-30e. Multi-Use Areas in EFU Zone – Umatilla County (MUA UM-06)

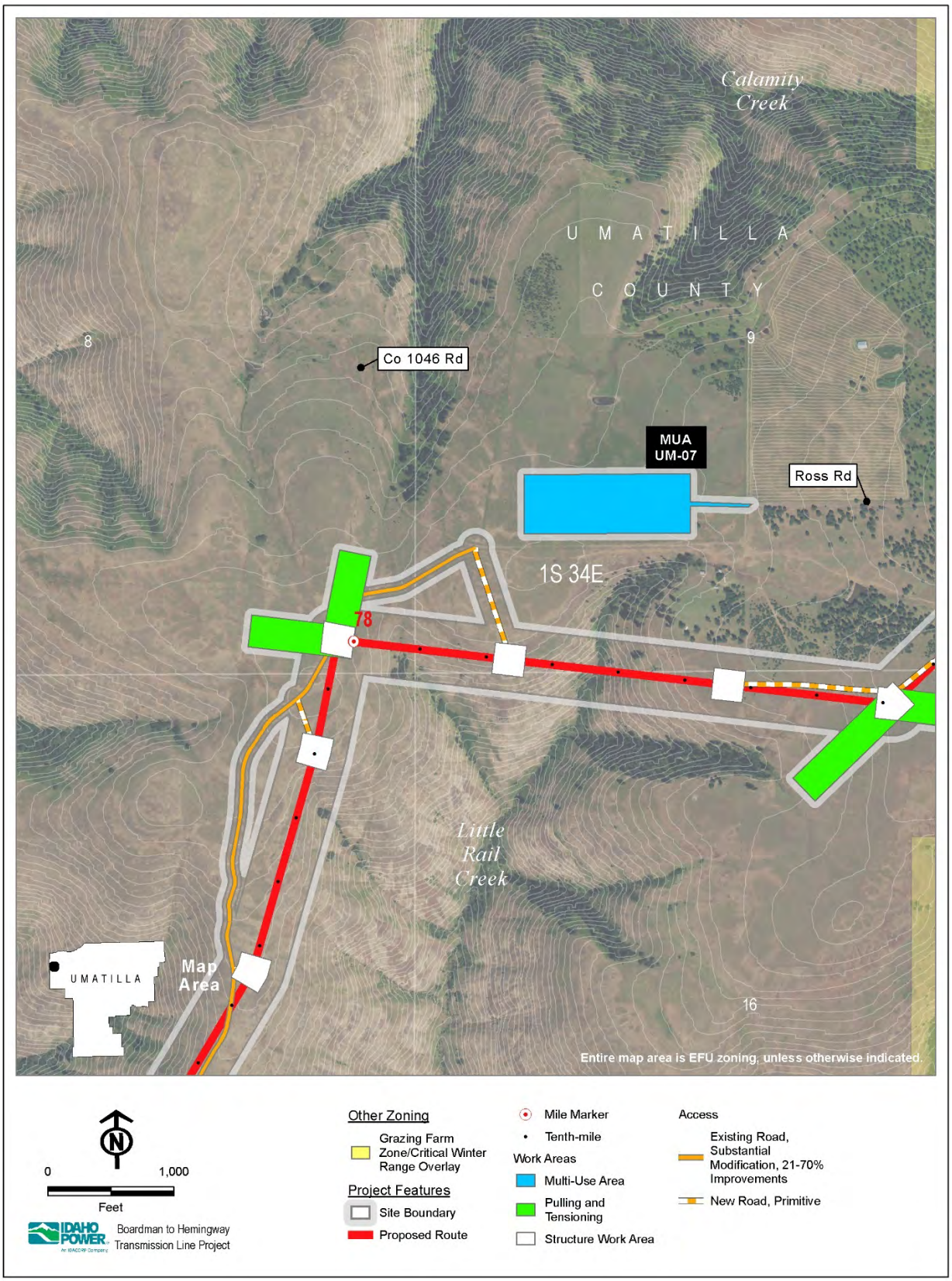

Figure K-30f. Multi-Use Areas in EFU Zone – Umatilla County (MUA UM-07)

UCDC Provisions Identified by Umatilla County

Umatilla County identified UCDC 152.060(G) and no other UCDC provisions as being potentially applicable to the helipads in EFU lands.

Conditional Uses Permitted

> UCDC 152.060: In an EFU zone the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of this section, the applicable criteria in § 152.061, §§ 152.610 through 152.615, 152.617 and §§ 152.545 through 152.562. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. . . . (G) Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.

Six multi-use areas (MUA UM-02 through MUA UM-07) will be located in lands zoned as EFU. Helicopter operations may be staged out of the multi-use areas in Umatilla County. Project construction activities potentially facilitated by helicopters may include delivery of construction laborers, equipment, and materials to structure sites; structure placement; hardware installation; and wire stringing operations. Helicopters may also be used to support the administration and management of the Project by IPC, the Construction Contractor, or both.

IPC will own or control each helicopter that uses the helipads. Thus, the Project helipads are considered "personal-use airports" under UCDC 152.060(G) (see UCDC 152.617(N)(defining personal use airport)) and may be authorized as conditional uses in the EFU Zone.

UCDC Provisions Identified by IPC

Each of the UCDC provisions discussed below as being potentially applicable to the helipads in the EFU Zone were identified by IPC and not Umatilla County.

Standards for All Conditional Uses

> UCDC 152.061: The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses: (A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and (B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

UCDC 152.061 provides that conditional uses must not force significant changes to farm or forest practices or significantly increase costs to the same. Here, helicopter operations at the multi-use areas have the potential to affect adjacent agricultural and forestry operations through:

- Blow down of tall crops, such as corn, from rotor wash;
- Spread of weed seeds and/or insect pests to other fields. This potential impact is of particular importance if helicopters are to be used in close proximity to organic farming operations;
- Noise impacts from helicopters on livestock; and
- Temporary reduction in the area of pasture/range available to livestock during line construction.

(See Attachment K-1, Agricultural Lands Assessment, and Attachment K-2, Right-of-Way Clearing Assessment, for further discussion of impacts to agricultural and forestry practices). The helipads will only be used during construction activities and will not be permanent airports, and therefore, any such impacts will be temporary and not significant. Even so, to ensure

impacts to surrounding agricultural lands are avoided or minimized, IPC proposes the following site certificate conditions:

> ***Public Services Condition 2:*** *Prior to construction, the certificate holder shall submit to the department for its approval a Helicopter Use Plan, which identifies or provides:*
> *a. The type of helicopters to be used (all helicopters must be compliant with the noise certification and noise level limits set forth in 14 CFR § 36.11);*
> *b. The duration of helicopter use;*
> *c. Approximate helicopter routes to be used;*
> *d. Protected areas and recreation areas within 2 miles of the approximate helicopter routes;*
> *e. Roads or residences over which external loads will be carried;*
> *f. Multi-use areas and light-duty fly yards containing helipads shall be located: (i) in areas free from tall agricultural crops and livestock; (ii) at least 500 feet from organic agricultural operations; and (iii) at least 500 feet from existing dwellings on adjacent properties;*
> *g. Flights shall occur only between sunrise and sunset;*
> *h. At least 30 days prior to initiating helicopter operations at any multi-use area, the certificate holder shall contact adjacent property owners within 1,000 feet of the relevant multi-use area; and*
> *i. The certificate holder shall maintain a customer service telephone line to address, among other things, complaints regarding helicopter operations.*
>
> ***Public Services Condition 5****: During construction, the certificate holder shall conduct all work in compliance with the Helicopter Use Plan referenced in Public Services Condition 2.*

Standards for Review: Conditional Uses and Land Use Decisions on EFU and GF Zoned Lands

UCDC 152.617: Standards for Review of Conditional Uses in EFU lands: (N) *Personal Use Airport or Airstrip*. PERSONAL USE AIRPORT, as used in this division, means an airstrip restricted, except for aircraft emergencies to use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural operation. . . .

Under UCDC 152.617(N), to be considered a personal use airport, the airport must be restricted to use by the owner or by the owner's invited guests on an infrequent or occasional basis (see also UCDC 152.003 [defining "personal-use airport"]). In this instance, IPC may either purchase the heliport properties or acquire access to the properties through a license, lease, or other agreement. If IPC purchases the heliport properties, IPC would be the owner of the heliport property and heliport itself, and therefore, the heliport would be considered a personal use airport under UCDC 152.617(N). If IPC does not purchase the heliport properties but instead acquires access from third-party property owners, the heliport would still be considered a personal use airport under UCDC 152.617(N), because IPC's use of the heliport would be at the invitation of the property owners and would be infrequent and occasional.

UCDC 152.617(N)(1): No aircraft shall be based on a personal use airport other than those owned or controlled by the owner of the airstrip; . . .

UCDC 152.617(N)(1) provides no aircraft may be used at a personal use airport other than those owned or controlled by the airstrip owner. Here, the helicopters will be owned by either

IPC or IPC's contractors. If IPC purchases the heliport properties, the heliports will comply with UCDC 152.617(N)(1) because either IPC will own the helicopters using the heliports or the contractors' helicopter operations will be subject to the terms of the contract between IPC and the operators and will therefore be considered "controlled" by IPC for purposes of UCDC 152.617(N)(1). If IPC acquires access from third-party property owners, the helicopters (whether owned by IPC or IPC's contractors) will be subject to the terms of the agreement between IPC and the property owners and will therefore be considered "controlled" by the property owners for purposes of UCDC 152.617(N)(1).

UCDC 152.617(2): A site plan is submitted with the application showing topography of the surrounding area;

UCDC 152.617(2) requires a site plan for the helipads. Site plans for typical multi-use area setups, including the helipads, are provided in Exhibit C Section 3.3.2. Maps showing the location and topography of each multi-use area in the EFU Zone in Umatilla County are set forth at Exhibit C, Attachment C-2, Maps 25, 28, 32, 37, 39, and 41.

UCDC 152.617(3): The location of the facility will not be hazardous to the safety and general welfare of surrounding properties;

UCDC 152.617(3) provides personal use airports must not be hazardous to the surrounding properties. In siting the helipads, IPC chose areas where there are few, if any, overhead obstructions or nearby noise sensitive uses. Specifically, no multi-use area helipad will be located within 500 feet from an existing dwelling. Moreover, IPC designed the helipads and helipad setbacks to provide safe clearance for helicopter operations. As a result of those efforts, the location and design of the helipads will not be hazardous to the safety or general welfare of the surrounding properties (see UCDC 152.617(3)).

UCDC 152.617(4): The facility is designed not to materially alter the stability of the overall land use pattern of the area;

UCDC 152.617(3) requires that personal use airports not materially alter the stability of the overall land use pattern in the area. Here, the multi-use area helipads will be used temporarily during construction activities and will not be permanent airports. Because the helipads will only have temporary impacts, if any, on the surrounding lands, they will not materially alter the stability of the overall land use pattern of the area (see UCDC 152.617(3)).

UCDC 152.617(5): Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality.

As required by UCDC 152.617(5), IPC will keep land and construction clearing at the helipads to a minimum.

UCDC 152.617(6): Facility be located 500 feet or more from existing dwellings on adjacent properties;

UCDC 152.617(6) provides that personal use airports not be located within 500 feet of a dwelling. Here, no Project helipad will be located 500 feet from an existing dwelling. To ensure compliance with UCDC 152.617(6), IPC proposes the following site certificate condition:

> ***Public Services Condition 2:*** *Prior to construction, the certificate holder shall submit to the department for its approval a Helicopter Use Plan, which identifies or provides:*
>
> *. . .*

f. Multi-use areas and light-duty fly yards containing helipads shall be located: . . .
(iii) at least 500 feet from existing dwellings on adjacent properties;
. . . .

UCDC 152.617(7): The location will not necessarily restrict existing and future development of surrounding properties as indicated in the Comprehensive Plan;

UCDC 152.617(7) provides personal use airports must not necessarily restrict existing or future development. The Project helipads will be used only temporarily during construction activities and will not be permanent airports. Because the helipads will only have temporary impacts, if any, on the surrounding lands, they will not necessarily restrict existing or future development in the area (see UCDC 152.617(7)).

UCDC 152.617(8): Complies with other conditions deemed necessary.

UCDC 152.617(8) provides the county may impose necessary conditions on a personal use airport. Here, the Council will impose conditions on the Project to ensure the Project meets the Council's standards, if necessary. Further, IPC shows in this exhibit that the Project will comply with the provisions of the UCDC, Umatilla County Comprehensive Plan (UCCP), and statewide planning goals. For these reasons, no further conditions are necessary under UCDC 152.617(8).

UCDC 152.617(9): The personal use landing strip lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Department of Aviation.

UCDC 152.617(9) applies to personal use airports existing as of September 13, 1975. Because the Project involves new helipads, UCDC 152.617(9) does not apply to the Project.

UCDC 152.617(10): Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances.

UCDC 152.617(10) provides for exceptions to the personal use airport definition. Because the Project will involve activities consistent with UCDC 152.060 and 152.617, UCDC 152.617(10) does not apply to the Project.

Zoning Permit Required to Erect, Move, or Alter Signs; Exemptions; Permitted Signs

UCDC 152.545: (A) No sign shall hereafter be erected, moved, or structurally altered without a zoning permit, except for a Type 1 and Type 3 sign, and without being in conformity with the provisions of this chapter. Official signs of the state, county or municipalities are exempt from all provisions of this chapter. All signs shall be on the same lot as the subject matter of the sign, except as specifically allowed otherwise. (B) Allowed signs in the various zones are indicated by the following tables (for types of signs, see § 152.546):

Zone	*Types Allowed*
EFU-10, EFU-20, EFU-40, EFU, GF	1, 2, 3, 4, 5, 6
UC	1, 2, 3, 4, 5, 8, 9
RR-2, RR-4, RR-10	1, 2, 3, 4, 5, 6
MUF, FR, MR	1, 2, 3, 4, 5, 6
RSC, RRSC, CRC	1, 2, 3, 4, 5, 7, 8, 9, 10, 11
TC, RTC	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
AB	1, 3, 4, 5, 7, 8, 9, 11
LI	1, 3, 4, 5, 7, 8, 9, 10, 11, 12
RLI, LRLI	1, 3, 4, 5, 7, 8, 9, 10, 11
HI, RHI, LRHI	1, 3, 4, 5, 8, 9, 11
FU-10	1, 2, 3, 4, 5, 6

Zone	*Types Permitted*
EFU-10, EFU-20, EFU-40, EFU, GF	2, 3, 4, 5, 6
UC	2, 3, 4, 5, 8, 9
RR-2, RR-4, RR-10	2, 3, 4, 5, 6
MUF 10, FR-5	2, 3, 4, 5, 6
MR	1, 2, 3, 4, 5, 6
RSC, RRSC, CRC	2, 3, 4, 5, 7, 8, 9, 10, 11
TC	3, 4, 5, 6, 7, 8, 9, 10, 11, 12
RTC	3, 4, 5, 6, 7, 8, 9, 10, 11,12
AB	3, 4, 5, 7, 8, 9, 11
LI	3, 4, 5, 7, 8, 9, 10, 11, 12
RLI, LRLI	3, 4, 5, 7, 8, 9, 10, 11
HI, RHI, LRHI	3, 4, 5, 8, 9, 11
FU-10	2, 3, 4, 5, 6

UCDC 152.545 identifies the types of signs that require a permit or that do not need a permit. Here, each of the signs associated with the multi-use areas in Umatilla County where the helipads will be located are considered Type 3 signs under the UCDC (see discussion of sign types below).) Therefore, no permit is required for the multi-use area helipad signs (see UCDC 152.545(A)).

Types of Signs

UCDC 152.546(C): *Type 3.* (1) Signs permitted in all zones and exempt from zoning permit requirements. Type 3 signs include: . . . (d) Temporary signs identifying proposed or existing construction; . . . (f) Signs for the purpose of protection of property, such as no hunting, trespassing, or dumping signs; or signs warning of potential danger due to physical or health hazards; (2) Type 3 signs shall not exceed 32 square feet in area and shall not be placed or extend into a road right-of-way. Type 3 signs shall not require a zoning permit.

The types of signs that may be used at the multi-use areas include: temporary signs identifying construction areas; "no trespassing" or similar signs; and signs warning of potential dangers. Each of the signs that potentially will be used at the multi-use areas are Type 3 signs under UCDC 152.546(C), and therefore, no permit is required for the signage (see UCDC 152.545(A)).

Limitations on Signs

> UCDC 152.547: (A) No sign shall be placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection. (B) No sign shall be illuminated by flashing lights. (C) No sign shall contain, include, or be composed of any conspicuous animated part. (D) Light from signs shall be directed away from and not be reflected upon adjacent premises. (E) Signs shall be maintained in a neat, clean and attractive condition. (F) Signs shall be removed by the property owner within 60 days after the advertising business, product or service is abandoned or no longer in use. (G) In addition to the limitations on signs as provided by divisions (A) through (C) of this section, additional sign restrictions may be required as determined by the Hearings Officer in approving conditional uses, as provided by §§ 152.610 through 152.616 of this chapter or by the Planning Director in approving a Type 5, Type 9, Type 10 or Type 11 sign.

UCDC 152.547 provides limitations on signs. IPC's signage at the multi-use areas in Umatilla County will comply with the limitations set forth in UCDC 152.547.

Off-Street Parking Requirements

> UCDC 152.560:[57] (A) Each use shall provide the following minimum off-street parking spaces. Each parking space shall be a minimum of nine feet wide and 20 feet in length. (B) Off-street parking requirements. . . . (10) Industrial uses: one space per 200 square feet of public space, plus one space per employee.

UCDC 152.560(A) provides minimum dimensions for each required parking space. The parking spaces at the multi-use areas will comply with the minimum dimension requirements of UCDC 152.560(A).

UCDC 152.560(B)(10) addresses the number of parking spaces required. The multi-use areas will not include any public space, so the off-street parking requirements of UCDC 152.560(B)(10) regarding the same do not apply to the Project. The multi-use areas will provide for at least one space per employee, consistent with the remaining provisions of UCDC 152.560(B)(10).

Off-Street Loading Requirements

> UCDC 152.561: (A) Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students. (B) Merchandise. Off-street parking areas used to fulfill the requirements of this chapter shall not be used for loading and unloading operations except during periods they are not required for parking.

UCDC 152.561(A) relates to offloading of children. The Project will not involve offloading of children, and therefore, UCDC 152.561(A) does not apply to the Project.

[57] UCDC 152.060 provides conditional uses in the EFU Zone must comply with, among other things, the applicable criteria in UCDC 152.545 through 152.562. However, there are no UCDC sections numbered 152.549 through 152.559.

UCDC 152.561(A) prohibits using required parking spaces for loading or unloading except when parking is not required. Here, the multi-use areas will not use the off-street parking areas for loading or unloading, as required by UCDC 152.561(B).

Additional Off-Street Parking and Loading Requirements

UCDC 152.562(A): Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this chapter to begin such altered use until the required increase in off-street parking or loading is provided;

UCDC 152.562(A) prohibits proceeding with a conditional use until the requisite parking is provided. IPC will not begin using the multi-use area for construction purposes until the requisite off-street parking and loading is provided.

UCDC 152.562(B): Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission or Hearings Officer, based upon the requirements of comparable uses listed;

UCDC 152.562(B) provides that the county may impose additional requirements for buildings or uses not specifically listed in UCDC 152.560. Because the helipads are addressed in UCDC 152.560 as "industrial uses" under subsection (10), UCDC 152.562(B) does not apply to the Project.

UCDC 152.562(C): In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately;

UCDC 152.562(C) provides that, if there are several uses at a parcel, the off-street parking requirements will be cumulative. Here, the multi-use areas will be used for the sole purpose of constructing the Project. The off-street parking requirements of UCDC 152.560(A)(10) (providing for at least one space per employee) are the only requirements applicable to the Project.

UCDC 152.562(D): Owner of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Director in the form of deeds, leases, or contracts to establish the joint use;

UCDC 152.562(D) allows owners of two or more uses, structures, or parcels to jointly use parking and loading spaces. IPC will not share the parking or loading spaces at the multi-use areas, therefore, UCDC 152.562(D) does not apply to the Project.

UCDC 152.562(E): Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located no farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building;

UCDC 152.562(E) prohibits locating parking spaces farther than 500 feet from the building they are intended to serve. Here, the parking spaces at the multi-use areas will be located no farther than 500 feet from the building or use they are required to serve.

UCDC 152.562(F): Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use;

The required parking spaces at the multi-use areas will be used for employees and contractors only, and will not be used for storage of vehicles or materials or for parking of trucks (see UCDC 152.562(F)).

UCDC 152.562(G): Unless otherwise provided, required parking and loading spaces shall not be located in a required yard;

Required parking and loading spaces at the multi-use areas will not be located in a required yard (see UCDC 152.562(G)).

UCDC 152.562(I): Design requirements for parking lots: (1) Areas used for standing and maneuvering of vehicles shall have paved surfaces maintained adequately for all weather use and so drained as to avoid flow of water across public sidewalks; (2) Except for parking to serve residential use, parking and loading areas adjacent to residential use shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence of not less than five feet in height except where vision clearance is required; (3) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the property line, or by a bumper rail; (4) Artificial lighting which may be provided shall not create or reflect glare in a residential zone or on any adjacent dwelling; (5) Service drives to off-street parking areas of four or more spaces shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives; (6) Service drives shall have a minimum vision clearance area bounded by the driveway centerline, the street right-of-way line, and a straight line joining said lines 20 feet from their intersection.

UCDC 152.562(I) provides design requirements for parking lots. The multi-use areas in the EFU Zone in Umatilla County will be consistent with UCDC 152.562(I) as follows:

- Areas used for standing and maneuvering of vehicles at the multi-use areas will have paved surfaces maintained adequately for all weather use and so drained as to avoid flow of water across public sidewalks (see UCDC 152.562(1)).
- The multi-use areas will not be located adjacent to residential uses; therefore, UCDC 152.562(2) does not apply to the Project.
- Parking spaces along the outer boundaries of any multi-use area parking lot will be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the property line, or by a bumper rail (see UCDC 152.562(3)).
- Artificial lighting, if provided, will not create or reflect glare in a residential zone or on any adjacent dwelling (see UCDC 152.562(4)).
- There will be no service drives at the multi-use areas. Accordingly, UCDC 152.562(5) and (6) do not apply to the Project.

To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 20:*** *During construction in Umatilla County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *. . .*
> *In the EFU Zone:*
> *. . .*
> *i. Parking lots shall be designed and operated as follows: (i) areas used for standing and maneuvering of vehicles at the MUAs will have paved surfaces maintained adequately for all weather use and will be drained as to avoid flow of water across public sidewalks; (ii) parking spaces along the outer boundaries of any MUA parking lot will be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the property line, or by a bumper rail; and (iii) artificial lighting, if provided, will not create or reflect glare in a residential zone or on any adjacent dwelling.*

6.5.2.2 Grazing/Farm Zone UCDC Provisions

The transmission line (9.9 line miles), new access roads (4.3 miles), substantially modified existing access roads (8.0 miles), and one light-duty fly yard will be located in the Grazing/Farm Zone[58] in Umatilla County. No multi-use areas or communication stations will be located in this zone.

Description and Purpose

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

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

The UCDC does not specify an approach for determining whether a particular parcel zoned GF is Goal 3 or Goal 4 land. Consistent with Umatilla County Planning Department policy, county planning staff reviewed aerial photographs and determined that the land within the Site Boundary in the GF Zone is forested Goal 4 land (see Figure K-28 and Figure K-29). Therefore, for purposes of this ASC, the portion of the GF Zone that is crossed by the Project is considered to be located entirely in Goal 4 forestlands.

[58] This includes lands zoned by Umatilla County as Grazing Farm Zone or Grazing Farm Zone/Critical Winter Range.

Conditional Use Permit (All Project Features)

UCDC Provisions Identified by Umatilla County

In its September 15, 2010 letter, the Umatilla County Planning Department identified UCDC 152.085(R) and no other UCDC provisions as being potentially applicable to the Project in the Grazing Farm Zone.

Conditional Uses Permitted; Commercial Utility Facilities

> UCDC 152.085: In the GF Zone, the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of § 152.086, applicable supplementary regulations in §§ 152.010 through 152.016 and §§ 152.545 through 152.562, and applicable §§ 152.610 through 152.615. Specific standards for some of the conditional uses listed below are contained in § 152.616. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional use and listed in this section may be expanded subject to administrative review and subject to the requirements listed in this section, except expansions on a parcel or tract meeting the definition of high value farmland will not be permitted. . . . (R) Construction of new utility facilities, including transmission lines and towers, necessary for public service as provided in § 152.617(I)(C).
>
> UCDC 152.617(I)(C): Commercial utility facilities for the purposes of generating and distributing power for public use by sale. Such facilities shall include, but are not limited to, electrical substations, power trams, water storage tanks, sewage disposal facilities, water treatment facilities, towers or transmitting facilities for radar and television, and dams. This does not include Wind Power Generation Facility (See specific criteria, Section 152.616 (HHH), or local distribution lines for sewer, water, gas, telephone, and power and similar minor facilities. These uses are allowed provided that:: . . . .

In its September 15, 2010 letter, Umatilla County identified UCDC 152.085(R) as being potentially applicable to the Project. However, UCDC 152.085(R) does not appear to apply to the Project for the following reasons. First, UCDC 152.085(R) references UCDC 152.617(I)(C), which provides conditional use criteria for commercial utility facilities that "generat[e] and distribut[e] power for public use by sale." Here, there is no power generation component to the Project, and therefore, the Project does not meet the definition of a commercial utility facility under UCDC 152.617(I)(C) or in turn the definition of a utility facility necessary for public service under UCDC 152.085(R). Second, UCDC 152.085(R) addresses "utility facilities necessary for public service," which is a term of art describing certain utility facilities that be sited in agricultural lands under ORS 215.283(1)(c). Because the GF Zone lands affected by the Project are considered forest lands and not agricultural lands, UCDC 152.085(R) and its agricultural-lands-based analysis are not applicable to the Project. Further, the remaining provisions of the UCDC in the GF Zone also do not include a Goal 4 analysis methodology related to siting electric transmission lines in Goal 4 forest lands. Therefore, because the GF Zone lands affected by the Project are considered Goal 4 forest lands and the UCDC GF Zone provisions do not include a Goal 4 analysis methodology applicable to forest lands, IPC analyzes the Project in the following section as a conditional use under OAR 660-006-0025(4) regarding "uses authorized in forest zones" and not under the UCDC.

UCDC Provisions Identified by IPC

Each of the OAR or UCDC provisions discussed below as being potentially applicable to the Project features in the Grazing Farm Zone were identified by IPC and not Umatilla County.

Uses Authorized in Forest Zones

OAR 660-006-0025(4): The following uses may be allowed on forest lands subject to the review standards in section (5) of this rule: . . . (q) New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. . . .

Under OAR 660-006-0025(4)(q), a "new electric transmission line with right of way widths of up to 100 feet as specified in ORS 772.210" is a "conditional use," meaning a use allowed on Goal 4 forest lands subject to certain conditions. For the reasons explained below, the ROW required by the Project falls well within the "new electric transmission line" use set forth in OAR 660-006-0025(4)(q), and the Project ROW is therefore a conditional use on Goal 4 forest lands in Umatilla County.

While OAR 660-006-0025(4)(q) expressly refers only to transmission lines with up to a 100-foot ROW, the Oregon Supreme Court has concluded that the use category defined in OAR 660-006-0025(4)(q) also includes new electric transmission lines with ROWs greater than 100 feet because of that provision's specific reference to ORS 772.210 (regarding condemnation) (see *Save Our Rural Oregon v. EFSC*, 339 Or. 353, 375-76 (2005) [concerning the EFSC application of the COB Energy Facility LLC, and hereinafter referred to as *COB*]). ORS 772.210 relates to "Rights of Ways for Public Uses" and public utility condemnation authority. It authorizes public utilities to "[c]ondemn such lands not exceeding 100 feet in width for its [transmission] lines." In addition, ORS 772.210(1) provides that "[i]f the lands are covered by trees that are liable to fall and constitute a hazard to its wire or line," the public utility may "condemn such trees for a width not exceeding 300 feet." ORS 772.210(2), a parallel provision tailored to address high-voltage transmission lines, similarly provides that a public utility may:

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

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

This approach is consistent with the precedent set in the *COB* case, cited above, in which the Oregon Supreme Court interpreted OAR 660-006-0025(4)(q),[59] taken together with ORS 772.210(1), to allow a new electric transmission line with a ROW in excess of 100 feet on Goal 4 forest lands without requiring an exception to Goal 4. In *COB*, the facility proposed for development in the forest zone included a 100-foot-wide corridor for a transmission line, as well as a vegetative maintenance zone of 54 feet on each side of the ROW and access roads.[60] In that case, the

[59] In the *COB* case, the Court was interpreting a provision of the Klamath County Land Development Code containing the same language as OAR 660-006-0025(4)(q).
[60] *Save Our Rural Oregon v EFSC,* 339 Or. 353.375.376 (2005).

Supreme Court concluded that the 100-foot ROW was a permissive use, and that "ORS 772.210 allows a vegetative maintenance zone of up to 100 feet on either side of such a corridor."[61] Accordingly, the Court reasoned that no Goal 4 exception was required for the entire 154-foot corridor proposed by the applicant, and the entire 154-foot ROW was allowed in the forest zone as a conditional use.[62]

Given that OAR 660-006-0025(4)(q) specifically refers to ORS 772.210 in its entirety, not just subsection (1) of ORS 772.210,[63] the analysis in *COB* must be applied to include the wider ROWs identified in ORS 772.210(2) as within the scope of conditional uses authorized in Goal 4 forest lands. Although the *COB* opinion does not expand on the court's reasoning, it appears that the Court determined that the conditional use described in Klamath County analogue of OAR 660-006-0025(4)(q) should be read broadly to include the wider corridors described in ORS 772.210. Thus, applying the reasoning in *COB,* OAR 660-006-0025(4)(q) should be read to authorize up to a 300-foot ROW corridor for a new electric transmission line "designed for voltages in excess of 330,000 volts," as well as up to 100 feet on either side of such corridor for vegetative maintenance, in Goal 4 forest land. Accordingly, the Project is a "new electric transmission line" for the purposes of OAR 660-006-0025(4)(q) and up to a 500-foot ROW corridor should be considered a conditional use on Goal 4 forest lands in Umatilla County.

While IPC's position is that the *COB* decision provides for a 500-foot ROW in Goal 4 forest lands, ODOE disagrees. Instead, ODOE has stated that only a 300-foot ROW is authorized, unless a Goal 4 exception is provided. Without waiving its argument, IPC is agreeing to limit its ROW to no more than 300 feet in Goal 4 forestlands,[64] which under ODOE's interpretation complies with OAR 660-006-0025(4)(q), ORS 772.210, and the *COB* decision. To ensure compliance with ODOE's direction, IPC requests that the Council adopt the following conditions to be included in the site certificate:

> ***Land Use Condition 17:*** *During construction, the certificate holder shall limit its transmission line right-of-way in Goal 4 forest lands to no wider than 300 feet. The certificate holder shall limit its use of the portion of the transmission line right-of-way located beyond the center 100 feet to vegetation maintenance activities, except to the extent Project features other than the transmission line are located within the same area.*[65]
>
> ***Land Use Condition 29:*** *During operation, the certificate holder shall limit its transmission line right-of-way in Goal 4 forest lands to no wider than 300 feet. The certificate holder shall limit its use of the portion of the transmission line*

[61] *Id.*
[62] The Supreme Court noted that "the council determined that the roads did not meet Goal 4, reviewed the Goal exception criteria of ORS 469.504(2)(c), and took an exception to Goal 4 for access roads."
[63] When interpreting the meaning of an administrative rule, the standard rules of statutory construction apply and courts use the same methodology to interpret rules as they use to construe statutes. *PGE v. BOLI*, 317 Or. 606, 611 (1993). When examining the text and context of the rule, one must not "insert what has been omitted, or . . . omit what has been inserted." ORS 174.010. If possible, rules and statutes should be read in such a way as to give full effect to both.
[64] While IPC may need to extend the ROW width up to 300 feet in certain forested areas to allow for maintenance of danger trees, those circumstances will be limited and the ROW will typically be 250 feet in most forested areas.
[65] Land Use Condition 17 and Land Use Condition 29 restrict the size of the of the transmission line right-of-way in Goal 4 forestlands to no greater than 300 feet wide. The conditions put no limitations on the use of the center 100 feet, but the use of the area outside the center 100 feet is limited to vegetation maintenance activities. To clarify, the vegetation maintenance limitation only applies to transmission line construction and operation activities, and it does not apply to or otherwise limit construction or operation of non-transmission-line Project features that occur within the vegetation maintenance areas. For example, IPC may construct and operate roads and communication stations within the portion of the transmission line right-of-way located beyond the center 100 feet.

right-of-way located beyond the center 100 feet to vegetation maintenance activities, except to the extent Project features other than the transmission line are located within the same area.

The Project's compliance with the three conditional use siting criteria for forest lands provided in OAR 660-006-0025(5) is discussed below.

IPC's position is that the term "new electric transmission line" includes related and supporting facilities, including access roads, communication stations, and other such facilities, all of which should be conditionally permitted. Therefore, all Project features and related and supporting facilities are conditionally permitted in Goal 4 forest lands under OAR 660-006-0025(4)(q). However, arguably, even if the Council finds that OAR 660-006-0025(4)(q) does not cover access roads outside the transmission line corridor, IPC demonstrates in Section 6 that the substantially modified existing roads outside of the corridor are permitted outright on forest lands under OAR 660-006-0025(3)(h), and that new roads outside the corridor nonetheless comply with statewide planning Goal 4. Alternatively, in the event EFSC concludes that the roads outside the transmission line corridor are not conditionally permitted as part of the new electric transmission line and are inconsistent with Statewide Planning Goal 4, IPC shows in Section 7.0 that the Council should provide an exception to Goal 4.

OAR 660-006-0025(5): A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands: (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

The Agricultural Lands Assessment, Attachment K-1, analyzes in detail the accepted farm practices in the area surrounding the Project and the potential impacts of the Project on the same. The following is a summary of that information. The Agricultural Lands Assessment evaluates farm practices either observed or expected on lands within the Site Boundary and on surrounding lands within 500 feet of the Site Boundary (Agricultural Assessment Area). The agricultural practices within the Agricultural Assessment Area in Umatilla County included rangeland, rangeland/timber, unknown crops, pasture, wheat, and alfalfa hay (see Attachment K-1, Table 3-4). Potential impacts of the Project include temporary (construction) and permanent (operational) disturbances, as well as the indirect impacts associated with these disturbances and the type of agricultural use disturbed. Indirect impacts may include growth inducing effects caused by the Project but occur later in time or farther removed in distance. Indirect impacts may include changes in the pattern of land use, population density or growth rate, and the related effects of those changes on agriculture. IPC will take certain minimization and mitigation actions to address potential impacts to agriculture, including but not limited to restoring land to its former condition, compensating landowners for damages and/or impacts to agricultural operations caused as a result of Project construction, micro-siting the towers to avoid agricultural areas, instituting weed control measures, preventing soil erosion, and other measures (see Attachment K-1, Section 7.3). The Project, taking into account measures to minimize or mitigate impacts, will not force a significant change in, or significantly increase the cost of, accepted farming practices in the areas surrounding the Project in Umatilla County (see Attachment K-1, Section 14.0).

The Right-of-Way Clearing Assessment, Attachment K-2, addresses existing forestry practices adjacent to the Project and impacts to those practices that may occur as a result of the construction and operation of the Project. The Right-of-Way Clearing Assessment looked at forest practices in the Site Boundary and within 500 feet of the Site Boundary (Forestry

Assessment Area). In the forest lands in Umatilla County, forestry was the predominant land use within the Forestry Assessment Area (see Attachment K-2, Section 3.2). Range or managed pastureland also is intermixed among the forested lands. Potential impacts to existing forestry practices resulting from the logging operations for the new transmission corridor and associated with permanent removal of trees from the right of the way include: land on the corridor may need to be converted from forestry to agriculture; future timber harvesting operations of trees within a tree length of the power line will have a higher risk factor; there may be some loss in tree volume along the new edges of the power line corridor; the risk of wildfire may be increased; new roads may allow access to more area for authorized and unauthorized users of the land; new roads may provide new, beneficial access to the underlying landowner; and well-maintained powerline corridors can serve as a fire break or provide access for firefighting purposes (see Attachment K-2, Section 3.6.1). To address potential impacts to forestry practices on surrounding lands, IPC will implement certain minimization and mitigation measures, such as: seasonal access restrictions; wildlife habitat restrictions; riparian area protections; flagging and marking important areas; herbicide best management practices; fire protection; and erosion control (see Attachment K-2, Section 5). The Project, taking into account measures to minimize or mitigate impacts, will not force a significant change in, or significantly increase the cost of, accepted forestry practices in the areas surrounding the Project in Umatilla County (see Attachment K-1, Section 6.0). To ensure compliance with the Right-of-Way Clearing Assessment, IPC proposes the following conditions:

> ***Land Use Condition 2:*** *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Right-of-Way Clearing Assessment. The protective measures described in the draft Right-of-Way Clearing Assessment in ASC Exhibit K, Attachment K-2, shall be included and implemented as part of the final Right-of-Way Clearing Assessment, unless otherwise approved by the department.*
>
> ***Land Use Condition 16:*** *During construction, the certificate holder shall conduct all work in compliance with the final Right-of-Way Clearing Assessment referenced in Land Use Condition 2.*

OAR 660-006-0025(5)(b): The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

Fire protection and risk mitigation begins with the Project design and continues through construction with a strict set of rules governing worker activities and equipment use, and during operations through surveillance, maintenance, and coordination with local fire responders. Exhibit U, Section 3.4.6 and the Fire Protection and Suppression Plan (Exhibit U, Attachment U-3) describe measures in detail.

- **Design:** During design IPC will comply with design codes that prevent fire hazards including OPUC Construction Standards, the National Electric Safety Code requirements pertaining to the prevention of fire hazards related to outdoor public utility installations and the National Fire Protection Association Uniform Fire Code Handbook guidance related to the clearance of brush and vegetative growth in and around transmission lines.
- **Construction:** During construction, IPC and its contractor will maintain an active program of worker training, strict requirements for smoking, equipment standards, fueling, road management, assistance in fire-fighting, and following restricted operations during high risk periods.

- **Operation:** IPC will maintain coordination with the Oregon Department of Forestry and USFS for state and federal lands, respectively, and local fire protection agencies. Routine maintenance of roads and ROWs in forested areas will reduce the risk that combustible materials would come into contact with the conductors and ignite a fire. Transmission line protection and control systems will be incorporated into the system and are designed to detect faults (such as arcing from debris contacting the line) and will rapidly shut off power flow (in 1/60th to 3/60th of a second) if arcing is detected.

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

OAR 660-006-0025(5)(c): A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

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

Conditional Use Permit (Helipads)

UCDC Provisions Identified by IPC

OAR 660-006-0025(4)(q) authorizes new electric transmission lines in the GF Zone. IPC's position is that OAR 660-006-0025(4)(q) should be construed to authorize, in addition to the transmission line, the Project features that relate to and support the Project transmission line, including any light-duty fly yards and the Project access roads.

Nonetheless, and in the alternative, IPC shows below that the Project features in the GF Zone beyond the transmission line are permitted as conditional uses under UCDC 152.085. Specifically, the light-duty fly yard is an authorized conditional use under UCDC 152.085(G). Each of the UCDC provisions discussed below as being potentially applicable to the light-duty fly yard were identified by IPC and not Umatilla County.

There will be two helipads potentially located in the GF Zone: one at LDFY UM-01, and one at a pulling and tensioning site immediately adjacent to LDFY UM-01.

Figure K-31 and Figure K-32 show the location of helipads in the GF Zone that may be located at LDFY UM-01 and the pulling and tensioning sites.

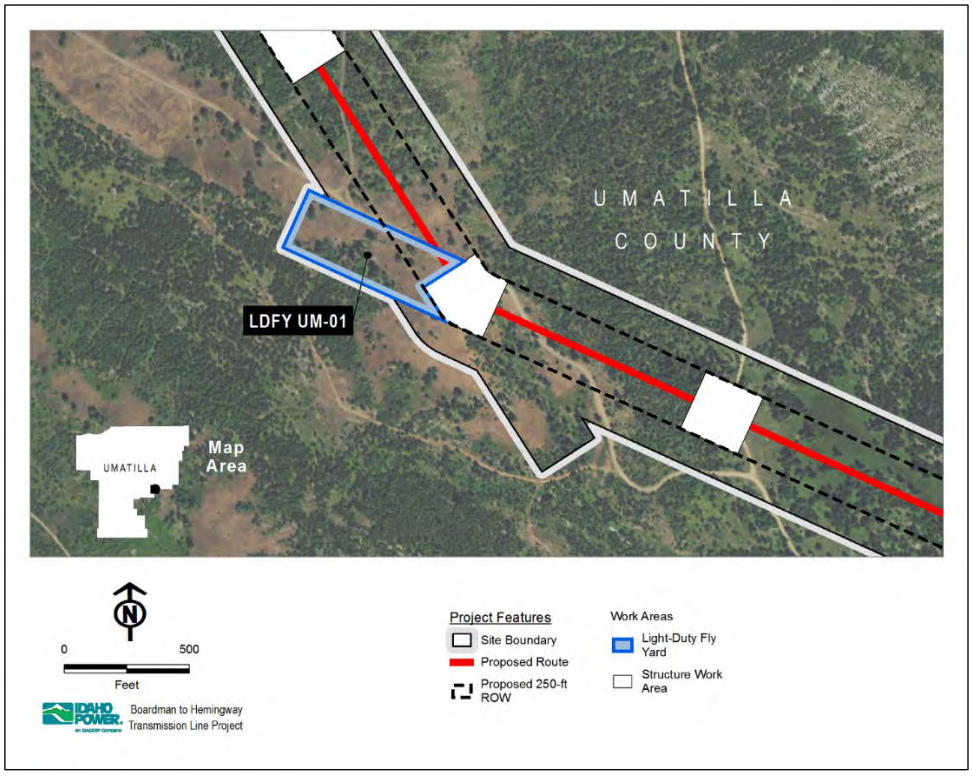

Figure K-31. Light-Duty Fly Yard in Grazing Farm Zone – Umatilla County (LDFY UM-01)

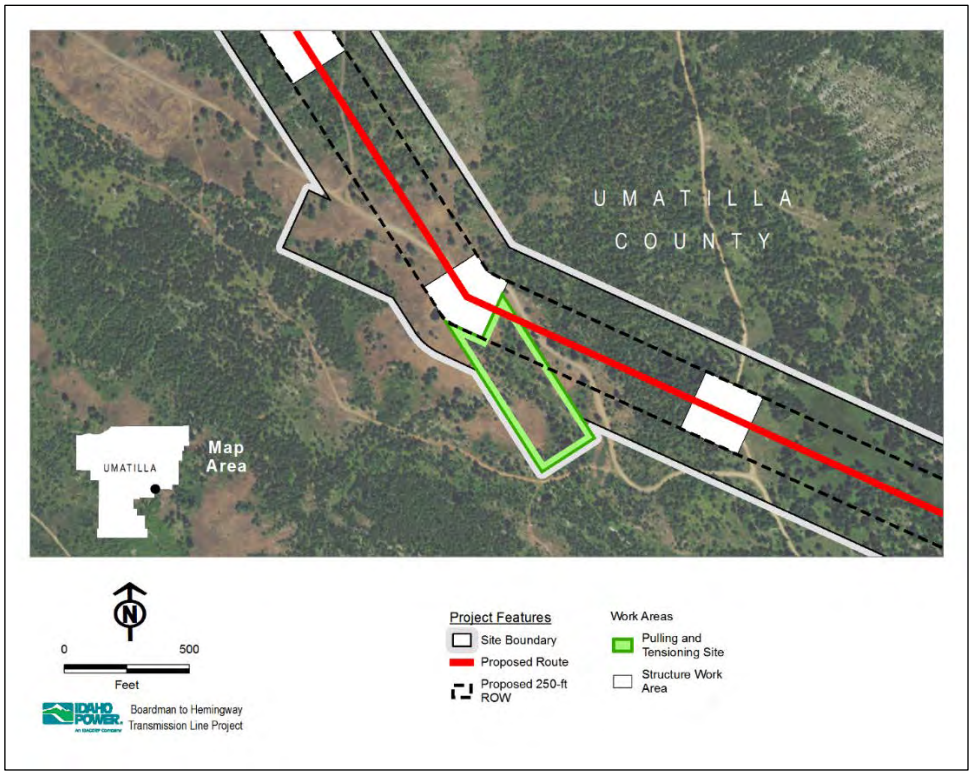

Figure K-32. Pulling and Tensioning Site in Grazing Farm Zone – Umatilla County

Conditional Uses Permitted

UCDC 152.085: In the GF Zone, the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of § 152.086, applicable supplementary regulations in §§ 152.010 through 152.016 and §§ 152.545 through 152.562, and applicable §§ 152.610 through 152.615. Specific standards for some of the conditional uses listed below are contained in § 152.616. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional use and listed in this section may be expanded subject to administrative review and subject to the requirements listed in this section, except expansions on a parcel or tract meeting the definition of high value farmland will not be permitted . . . . (G) Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as provided in § 152.617(I)(N).

UCDC 152.617: The following standards shall apply for review by the Hearings Officer, the Planning Director or designated planning authority of the specific conditional uses and land use decisions listed below: (I) EFU CONDITIONAL USES . . . (N) *Personal Use Airport or Airstrip*.

As discussed above in Section 6.5.2.2 above, the Project helipads are considered personal use airports under UCDC 152.617(I)(N). Therefore, light-duty fly yard LDFY UM-1 may be authorized as a conditional use in the GF Zone under UCDC 152.085(G).

IPC analyzes and shows compliance with UCDC 152.010 and 152.016 above in Section 6.5.2.1. Compliance with UCDC 152.011 through 152.015, UCDC 152.545 through 152.562, and UCDC 152.610 through 152.615 is shown above in Section 6.5.2.2. The following discussion addresses the remaining UCDC sections referenced in UCDC 152.085—that is, UCDC 152.086 and UCDC 152.616.

Limitations on Conditional Uses

UCDC 152.086: The following limitations shall apply, if determined appropriate, to all conditional uses in the GF Zone as found in OAR 660-006-0025(5), except as noted for non-farm dwellings in § 152.059(K)(IV) and referenced in §152.084(K)(I): (A) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; (B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and (C) A written statement (i.e. Covenant Not to Sue Agreement) recorded with the deed or written contract with the County or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in § 152.085 (H), (J), (BB), (HH), and (NN) of this chapter.

UCDC 152.086 is made applicable to the Project by reference in UCDC 152.085. UCDC 152.086(A) provides the personal use airports must not significantly change or increase costs of farming or forest practices in the surrounding area. Here, the helipads will be used temporarily during construction activities and will not be permanent airports. Because the helipads will only have temporary impacts, if any, on the surrounding lands, they will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands or significantly increase costs on affected farm or forest practices (see UCDC 152.086(A)).

UCDC 152.086(B) provides the personal use airports must not significantly increase fire hazards or fire suppression costs. In siting the helipads, IPC chose areas where there are few, if any, overhead obstructions to reduce accidents, which will reduce the possibility of an accident that might start a fire (see Figure K-33 and Figure K-34 in Sections 6.5.2.3 and 6.5.2.4, respectively). As a result of those efforts, the location and design of the helipads will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel (see UCDC 152.086(B)).

UCDC 152.086(C) requires a written statement from adjacent land owners recognizing their rights under the Forest Practices Act and Rules. If the Council determines a conditional use permit is required for the helipads in the GF Zone in Umatilla County, IPC will obtain prior to construction written recognition by the relevant landowners of the rights of adjacent and nearby land owners to conduct the forest operations specified in UCDC 152.086(C).

Standards for Review of Conditional Uses and Land Use Decisions; Airport or Landing Strips

UCDC 152.616(B): *Airport or landing strips*. (1) The proposed use will not be hazardous to the safety and general welfare of surrounding properties; (2) The location of the airport or landing strip will not unnecessarily restrict existing or future development of surrounding lands as indicated in the Comprehensive Plan; (3) The airport or landing strip is located 500 feet from the existing dwellings on adjacent lands; (4) A site plan is submitted with the application showing topography of the surrounding area, especially those areas in the flight path.

UCDC 152.616(B) is made applicable to the Project by reference in UCDC 152.085. UCDC 152.616(B)(1) and (2) provide personal use airports must not be hazardous or unnecessarily restrict existing or future development. In siting the helipads, IPC chose areas where there are few, if any, overhead obstructions or nearby noise sensitive uses. Moreover, IPC designed the helipads and helipad setbacks to provide safe clearance for helicopter operations. As a result of those efforts, the location and design of the helipads will not be hazardous to the safety or general welfare of the surrounding properties (see UCDC 152.616(B)(1)). Also, the helipads will be used only temporarily during construction activities and will not be permanent airports. Because the helipads will only have temporary impacts, if any, on the surrounding lands, they will not unnecessarily restrict existing or future development in the area (see UCDC 152.616(B)(2)).

Consistent with 152.616(B)(3), no helipad will be located 500 feet from an existing dwelling (see Land Use Condition 3(a)(iii)).

UCDC 152.616(B)(4) relates to the forms of certain Umatilla County applications. Because the Council and not the county has jurisdiction over the land use decisions and conditional use authorizations covered by the site certificate, the Council's and not the county's procedures for obtaining such decisions and authorizations apply to the Project. Even so, a site plan for a typical light-duty fly yard setup is provided in Exhibit B, Section 3.3.3, Figure B-28. Also, a map showing the location and topography of light-duty fly yard LDFY UM-01 is set forth at Exhibit C, Attachment C-2, Map 44.

Conditional Use Permit (Access Roads)

UCDC Provisions Identified by IPC

OAR 660-006-0025(4)(q) authorizes new electric transmission lines in the GF Zone. IPC's position is that OAR 660-006-0025(4)(q) should be construed to authorize, in addition to the

transmission line, the Project features that relate to and support the Project transmission line, including any light-duty fly yards and the Project access roads.

Nonetheless, and in the alternative, IPC shows below that the Project features in the GF Zone beyond the transmission line are permitted as conditional uses under UCDC 152.085. Specifically, the access roads are authorized as a conditional use under UCDC 152.085(U). Each of the UCDC provisions discussed below as being potentially applicable to the access roads in the GF Zone were identified by IPC and not Umatilla County.

Conditional Uses Permitted

> UCDC 152.085: In the GF Zone, the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of § 152.086, applicable supplementary regulations in §§ 152.010 through 152.016 and §§ 152.545 through 152.562, and applicable §§ 152.610 through 152.615. Specific standards for some of the conditional uses listed below are contained in § 152.616. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional use and listed in this section may be expanded subject to administrative review and subject to the requirements listed in this section, except expansions on a parcel or tract meeting the definition of high value farmland will not be permitted. . . . (U) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria: (1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning. (2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities. (3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features. (4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

UCDC 152.085(U) provides road construction projects that are not designated in the Transportation System Plan and are not constructed as part of a subdivision or planned development may be authorized as a conditional use in the GF Zone. Here, the construction of new access roads and improvements to existing roads that will occur as part of this Project are not designated in the Transportation System Plan and are not constructed as part of a subdivision or planned development. Therefore, IPC's access road activity may be authorized as a conditional use under UCDC 152.085(U).

Review criteria (1) under UCDC 152.085(U) provides the project must be compatible with existing land use and social patterns, including noise generation, safety, and zoning. As discussed throughout this application, the Project—including the access roads—was designed to be compatible with existing land use, social patterns, and zoning (Exhibit K); noise generation (Exhibit X); and safety (Exhibit U) (see UCDC 152.085(U)(1)).

Regarding review criteria (2), the Project, including the access roads, was designed to minimize avoidable environmental impacts to wetlands (Exhibit J), wildlife (Exhibits P1 and P2), air quality (Exhibit BB), water quality (Exhibits J and O), cultural resources (Exhibit S), and scenic resources (Exhibit R) (see UCDC 152.085(U)(2)).

Consistent with review criteria (3), access to the Project access roads will be managed to meet safety needs as well as to protect certain natural resources (see Exhibits P1 and P2) (see UCDC 152.085(U)(3)).

With respect to review criteria (4), IPC is not aware of any Umatilla County Comprehensive Plan or UCDC provisions requiring bicycle or pedestrian accommodations related to IPC's access road activities (see UCDC 152.085(U)(4)).

IPC analyzes and shows compliance with UCDC 152.010 and 152.016 above in Section 6.5.2.1. Compliance with UCDC 152.011 through 152.015 and UCDC 152.610 through 152.615 is shown above in Section 5.5.2.2. The following discussion addresses the remaining UCDC sections referenced in UCDC 152.085: UCDC 152.086, UCDC 152.545 through 152.562, and UCDC 152.616(CCC)(8) and (9).

Limitations on Conditional Uses

UCDC 152.086: The following limitations shall apply, if determined appropriate, to all conditional uses in the GF Zone as found in OAR 660-006-0025(5), except as noted for non-farm dwellings in § 152.059(K)(IV) and referenced in §152.084(K)(I): (A) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; (B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and (C) A written statement (i.e. Covenant Not to Sue Agreement) recorded with the deed or written contract with the County or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in § 152.085 (H), (J), (BB), (HH), and (NN) of this chapter.

UCDC 152.086 is made applicable to the Project by reference in UCDC 152.085.
UCDC 152.086(A) provides the access roads must not significantly change or increase costs of farming or forest practices in the surrounding area. On this project, Improvements to existing roads will occur within the existing road ROW, and in most cases, will not involve expanding the road prism beyond its current scope. Therefore, impacts to the underlying land from road improvements should be limited. Further, the improvements should make vehicle travel easier, and not more difficult, for farm and forestry uses, providing a benefit to the same. For new access roads, IPC will obtain ROWs from the underlying landowners and negotiate acceptable terms related to impacts on the landowner's use of the property. Accordingly, new roads and improvements to existing roads will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands (see Agricultural Lands Assessment [Attachment K-1] and Right-of-Way Clearing Assessment [Attachment K-2]).

UCDC 152.086(B) provides the access roads must not significantly increase fire hazards or fire suppression costs. As discussed in Exhibit U, Sections 3.4.6 and 3.5.6, the Project, including the access roads, will not will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel (see UCDC 152.086(B)).

UCDC 152.086(C) requires a written statement from adjacent landowners recognizing their rights under the Forest Practices Act and Rules. If the Council determines a conditional use permit is required for the access roads in the GF Zone in Umatilla County, IPC will obtain prior to construction written recognition by the relevant landowners of the rights of adjacent and nearby landowners to conduct the forest operations specified in UCDC 152.086(C).

Zoning Permit Required to Erect, Move, or Alter Signs; Exemptions; Permitted Signs

UCDC 152.545: (A) No sign shall hereafter be erected, moved, or structurally altered without a zoning permit, except for a Type 1 and Type 3 sign, and without being in conformity with the provisions of this chapter. Official signs of the state, county or municipalities are exempt from all provisions of this chapter. All signs shall be on the same lot as the subject matter of the sign, except as specifically allowed otherwise. (B) Allowed signs in the various zones are indicated by the following tables (for types of signs, see § 152.546):

Zone	*Types Allowed*
EFU-10, EFU-20, EFU-40, EFU, GF	1, 2, 3, 4, 5, 6
UC	1, 2, 3, 4, 5, 8, 9
RR-2, RR-4, RR-10	1, 2, 3, 4, 5, 6
MUF, FR, MR	1, 2, 3, 4, 5, 6
RSC, RRSC, CRC	1, 2, 3, 4, 5, 7, 8, 9, 10, 11
TC, RTC	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
AB	1, 3, 4, 5, 7, 8, 9, 11
LI	1, 3, 4, 5, 7, 8, 9, 10, 11, 12
RLI, LRLI	1, 3, 4, 5, 7, 8, 9, 10, 11
HI, RHI, LRHI	1, 3, 4, 5, 8, 9, 11
FU-10	1, 2, 3, 4, 5, 6

UCDC 152.545 is made applicable to the Project by reference in UCDC 152.085. IPC may use the following signs along the access roads: temporary signs identifying construction areas, “no trespassing” or similar signs, and signs warning of potential dangers. Each of these signs are considered Type 3 signs under the UCDC, and therefore, no permit would be required for the signs (see UCDC 152.545(A)).

Types of Signs

UCDC 152.546(C): *Type 3.* (1) Signs permitted in all zones and exempt from zoning permit requirements. Type 3 signs include: . . . (d) Temporary signs identifying proposed or existing construction; . . . (f) Signs for the purpose of protection of property, such as no hunting, trespassing, or dumping signs; or signs warning of potential danger due to physical or health hazards; (2) Type 3 signs shall not exceed 32 square feet in area and shall not be placed or extend into a road right-of-way. Type 3 signs shall not require a zoning permit.

UCDC 152.546 is made applicable to the Project by reference in UCDC 152.085. The temporary signs identifying construction areas, “no trespassing” or similar signs, and signs warning of potential dangers are Type 3 signs under UCDC 152.546(C), and no permit is required for the signage (see UCDC 152.545(A)).

Limitations on Signs

UCDC 152.547: (A) No sign shall be placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection. (B) No sign shall be illuminated by flashing lights. (C) No sign shall contain, include, or be composed of any conspicuous animated part. (D) Light from signs shall be directed away from and not be reflected upon adjacent premises. (E) Signs shall be maintained in a neat,

clean and attractive condition. (F) Signs shall be removed by the property owner within 60 days after the advertising business, product or service is abandoned or no longer in use. (G) In addition to the limitations on signs as provided by divisions (A) through (C) of this section, additional sign restrictions may be required as determined by the Hearings Officer in approving conditional uses, as provided by §§ 152.610 through 152.616 of this chapter or by the Planning Director in approving a Type 5, Type 9, Type 10 or Type 11 sign.

UCDC 152.547 is made applicable to the Project by reference in UCDC 152.085. IPC's signage associated with the access roads in Umatilla County will comply with the limitations set forth in UCDC 152.547.

Standards for Review of Conditional Uses and Land Use Decisions

UCDC 152.616(CCC): *Utility facility. . . .* (8) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director; (9) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality; . . . .

UCDC 152.616 is made applicable to the Project by reference in UCDC 152.085. However, there is no UCDC 152.616 category directly related to the construction of new roads or modification of existing roads. Accordingly, there are no standards under UCDC 152.616 that IPC must meet to obtain a conditional use for the access roads.

Even so, and in the alternative, IPC addresses the access road provisions of the Utility Facility category under UCDC 152.616(CCC), which seem to be the most relevant provisions of UCDC 152.616. With respect to UCDC 152.616(CCC)(8) and (9), IPC will consult with the Public Works Director on building standards for the road improvements and construction, and will ensure road construction is consistent with the Oregon Forest Practices Act. To ensure compliance with 152.616(CCC)(8) and (9), IPC proposes the following site certificate condition:

> ***Land Use Condition 5****: Prior to construction in Umatilla County, the certificate holder shall work with the Public Works Department on building standards for the road improvements and construction, and will ensure road construction is consistent with the Oregon Forest Practices Act.*

6.5.2.3 Light Industrial Zone UCDC Provisions

The western two-thirds of multi-use area MU UM-1 will be located in the Light Industrial (LI) Zone (see Figure K-33). No transmission line, light-duty fly yards, or communication stations will be located in this zone.

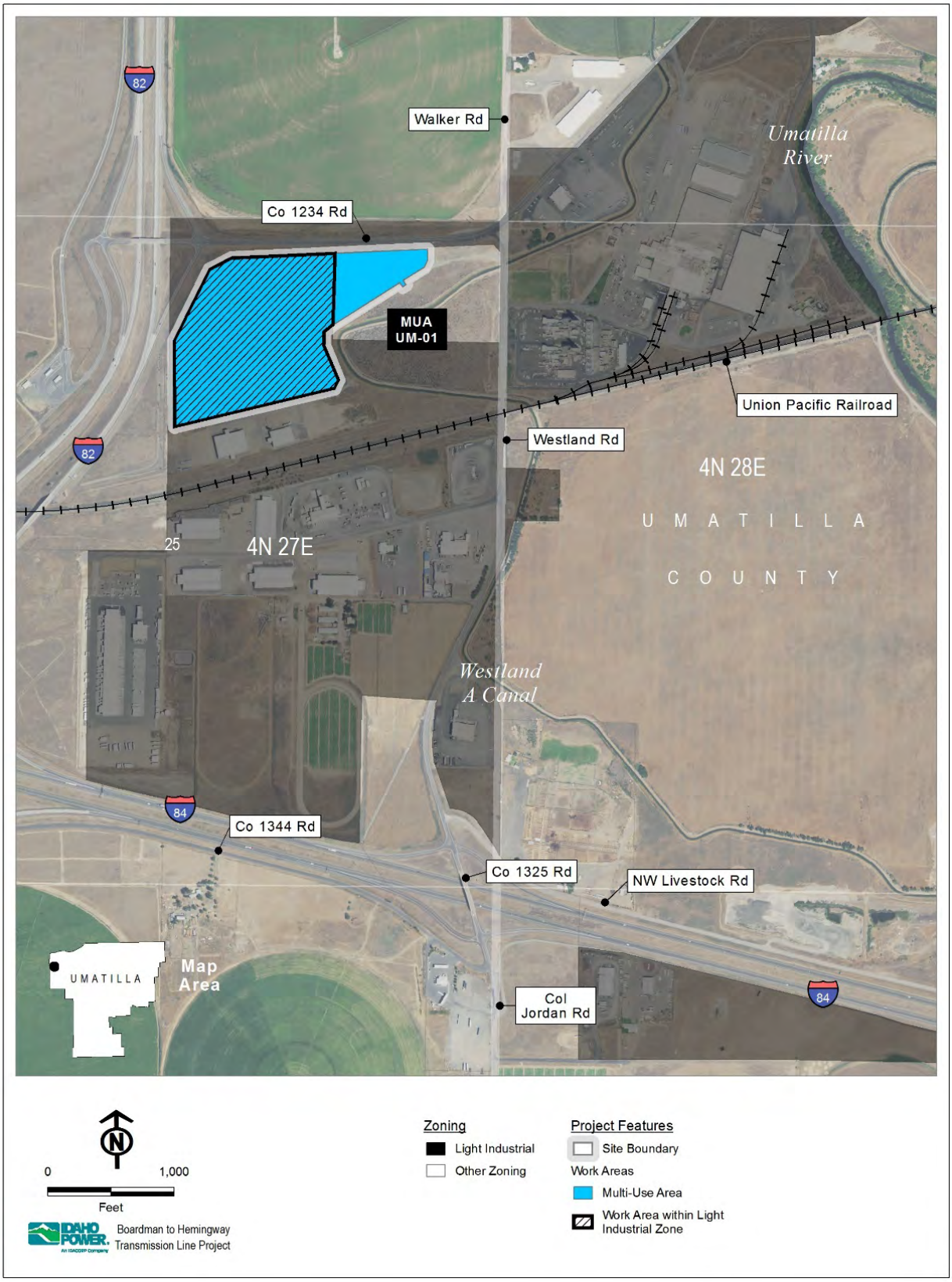

Figure K-33. Multi-Use Areas in Light Industrial Zone – Umatilla County

Permitted Use (All Project Features)

UCDC Provisions Identified by IPC

In its September 15, 2010 letter, the Umatilla County Planning Department did not identify any potentially applicable local substantive criteria regarding Project features in the Light Industrial Zone. Accordingly, each of the UCDC provisions discussed below as being potentially applicable to the multi-use area in the LI Zone were identified by IPC and not Umatilla County.

Conditional Uses Permitted; General Criteria

UCDC 152.303(A): In a LI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ 152.610 through 152.616, and upon the issuance of a zoning permit: . . . (19) Construction of . . . temporary storage, and processing sties;

UCDC 152.303(A) authorizes as a conditional use in the LI Zone temporary storage and processing sites. Here, the relevant multi-use area will be a temporary storage, staging, and processing site to support the construction of the Project. Therefore, it may be conditionally permitted in the LI Zone (see UCDC 152.303(A)(19)).

IPC analyzes and shows compliance with UCDC 152.610 through 152.615, as they related to multi-use areas, above in Section 6.5.2.2. The following discussion addresses the general criteria for conditional uses in the LI Zone, UCDC 152.303(B) through 152.306.

General Criteria

UCDC 152.303(B): The following general criteria shall be used to review all conditional uses listed in the LI Zone, notwithstanding any other criteria listed in this chapter for a particular use: (1) The use will be compatible with other uses allowed in a LI Zone; (2) The use will be in conformance with policies listed in the text of the Comprehensive Plan; (3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by the existing adjacent industrial uses.

UCDC 152.303(B) provides conditional uses must be consistent with other uses in the LI Zone. UCDC 152.302(B)(8) lists as a permitted use in the LI Zone "[h]auling, freighting and trucking yard or terminal," which are the same types of construction related activities proposed at the relevant multi-use area. Moreover, MU UM-01 is bordered on the north by County Road 1234, large industrial and shipping distribution facilities to the east and south, and I-82 to the west. The Hermiston Generating Plant is less than one-quarter mile to the east. The constructed related staging, distribution, and construction related activities that will take place at the multi-use area are light industrial activities consistent with the surrounding uses in the area. Thus, the multi-use area uses will be compatible with the other uses in the LI Zone (see UCDC 152.303(B)(1)).

The site where the multi-use area will be located was zoned for industrial use because, among other reasons, it has direct access to the freeway system making it attractive for industrial development (see UCCP p. 18-348). Here, highway access was one of the primary drivers for IPC choosing the site for the multi-use area, and in that sense, IPC's use of the site will be in conformance with the policies that the County relied on to designate the site as light industrial (see UCDC 152.303(B)(2)).

The multi-use area will be used temporarily during construction activities and will not be a permanent facility. Because the multi-use area will only have temporary impacts, if any, on the

surrounding lands, it will not have any long-term adverse impacts on existing industries (see UCDC 152.303(B)(3)). Moreover, temporary activities, including helipad operations, will be conducted in a manner that is compatible with the noise, dust, vibrations, and odors emanating or caused by existing industrial uses (see UCDC 152.303(B)(3)).

For these reasons, the Project will be in compliance with UCDC 152.303(B).

Limitations on Use

> UCDC 152.304: (A) All business, commercial and industrial activities, and storage allowed in an LI Light Industrial Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in farm, residential or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation; (B) All off-street loading areas shall be screened from view if adjoining properties are in a residential zone; (C) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.

UCDC 152.304 provides for screening of certain activities within the LI Zone, or in the alternative, such activities must be set back 500 feet from surrounding properties or roads. By letter dated May 12, 2016, the Umatilla County Planning Department stated the UCDC setback requirements do not apply to temporary facilities, such as the Project multi-use areas. It would appear that screening requirements should similarly be excluded. As such UCDC 152.304(b)(A) would not apply to the Project.

UCDC 152.304(b) applies only where the adjacent property is zoned residential. Because none of the properties adjacent to the multi-use area is zoned residential, this UCDC provision does not apply to the Project.

UCDC 152.304(c) requires that all noise, vibration, dust, odor, smoke, appearance, or other objectionable factors involved in any activity must comply with appropriate state and federal regulations. The permits and authorizations set forth in Exhibit E comprise the state and federal requirements relevant to the noise, vibration, dust, odor, smoke, appearance, and other objectionable factors involved with the facility. Compliance with the permits and authorizations covered by the site certificate are addressed in this ASC. The permits and authorizations outside the site certificate are identified in Exhibit E, and compliance with those permits and authorizations will be ensured through the relevant permitting processes

Dimensional Standards; Lot Size; Minimum Lot Width

> UCDC 152.306: In a LI Zone, the following dimensional standards shall apply: (A) *Lot size*. The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre; (B) *Minimum lot width*. The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

UCDC 152.306 applies to all uses in the LI Zone. UCDC 152.306(A) and (B) provide for minimum lot sizes and lot frontages. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel zoned EFU. Because the Project likely will not involve lot splits, UCDC 152.306(A) and (B) likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Umatilla County prior to construction.

Setback Requirements

UCDC 152.306(C): The minimum setback requirements shall be as follows: (1) Front yard: 20 feet, except if the front yard area is used for off-street parking space, then the front yard shall be a minimum of 40 feet; (2) Side yard: 20 feet; (3) Rear yard: 20 feet; (4) The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to § 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

UCDC 152.306(C) provides certain setback requirements. By letter dated May 12, 2016, the Umatilla County Planning Department stated the UCDC setback requirements do not apply to temporary facilities, such as the Project multi-use areas. Here, the only Project feature proposed in the LI Zone is a multi-use area, and therefore, the setback requirements of UCDC 152.306(C) do not apply to the Project.

Stream Setback

UCDC 152.306(D): To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply: (1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be setback from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet. (2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.

UCDC 152.306(D) provides certain setback requirements. UCDC 152.306(D)(1) relates to sewage disposal installations. The Project will not include any sewage disposal installations, and therefore, the provisions of UCDC 152.306(D)(1) do not apply to the Project.

UCDC 152.306(D)(2) relates to permanent structures. By letter dated May 12, 2016, the Umatilla County Planning Department stated the UCDC setback requirements do not apply to temporary facilities, such as the Project multi-use areas. Here, the only Project feature proposed in the Light Industrial Zone is a multi-use area, and therefore, the setback requirements of UCDC 152.306(D)(2) do not apply to the Project.

Conditional Use Permit (Batch Plant)

Umatilla County's comments to ODOE on the pASC indicated that, if IPC uses a batch plant at the multi-use area in the LI Zone, IPC may need to permit the batch plant separately from the multi-use area. IPC disagrees. The batch plant is related to and supports the Project transmission line, and therefore, the batch plant is considered a utility facility under UCDC 152.303(A)(16) and will be conditionally permitted in the LI Zone as part of the multi-use area (see discussion of multi-use area Conditional Use Permit in the LI Zone above). Nevertheless, and in the alternative, the batch plant would be permitted as a conditional use under UCDC 152.303(A)(8) as follows.

UCDC Provisions Identified by IPC

Neither in its September 15, 2010, letter nor its comments on the pASC did Umatilla County Planning Department identify any potentially applicable local substantive criteria regarding Project features in the Light Industrial Zone. Accordingly, each of the UCDC provisions discussed below as being potentially applicable to the batch plant in the Light Industrial Zone were identified by IPC and not Umatilla County.

Conditional Uses Permitted

> UCDC 152.303(A): In a LI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ 152.610 through 152.616, and upon the issuance of a zoning permit: . . . (8) Concrete manufacturing plant as provided in §152.616 (U); . . .

The concrete batch plants at the multi-use areas will be used to combine ingredients to form concrete. Therefore, the concrete batch plants at the multi-use areas are considered concrete manufacturing plants under UCDC 152.303(A)(8) and are conditional uses in the LI Zone in Umatilla County.

IPC analyzes and shows compliance with UCDC 152.610 through 152.615 above in Section 6.5.2.2. Compliance with UCDC 152.303(B) through 152.306 is shown above in this Section 6.5.2.4, as they relate to multi-use area activities including batch plant operations. The following discussion addresses the remaining UCDC provisions related to the batch plant conditional use permit—that is, UCDC 152.616(U).

Standard for Review of Conditional Uses and Land Use Decisions

> UCDC 152.616(U): Concrete manufacturing plant or concrete block or dice manufacturing plant. (1) The activity is compatible with the existing surrounding land uses; (2) Adequate area is available for the activity and expansion of the activity in the future; (3) Areas used for stockpiling, storing and parking of vehicles are constructed of a durable, all weather surface; (4) Measures are taken to eliminate dust created by the activity conducted on the site; (5) Measures are taken to minimize dust and vibration caused by the activity; (6) Haul roads are constructed on an oil mat surface, at a minimum, and are maintained by the applicant in good repair, as determined by the County Public Works Director; (7) Complies with other conditions as deemed necessary provided in § 152.615.

UCDC 152.616(U) provides standards for review for conditional use concrete manufacturing facilities. UCDC 152.616(U)(1) requires that the use be compatible with existing surrounding uses. Here, the surrounding uses include a warehouse area, manufacturing facility, natural gas plant, and a highway interchange. The construction related activities at the multi-use area are similar to or compatible with the industrial and transportation related uses on the surrounding lands (see UCDC 152.616(U)(1)).

Consistent with UCDC 152.616(U)(2), the site identified for the multi-use area will be sufficient to allow for the concrete batch plant. Use of the multi-use area, including the batch plant, will be temporary and there will be no need for expansion (see UCDC 152.616(U)(2)).

Areas used for stockpiling, storing and parking of vehicles will be constructed of a durable, all-weather surface (see UCDC 152.616(U)(3)).

Measures will be taken to eliminate or minimize dust and vibration created by the activity conducted on the site (see UCDC 152.616(U)(4) and (5)).

No haul roads will be used to access the relevant multi-use area. Therefore, UCDC 152.616(U)(6) does not apply to the Project.

UCDC 152.616(U)(7) provides the county may impose certain additional conditions on the conditional use. Here, the Council will impose conditions on the Project to ensure the Project meets the Council's standards, if necessary. Further, IPC shows in this Exhibit that the Project will comply with the provisions of the UCDC, UCCP, and statewide planning goals. For these reasons, no further conditions are necessary under UCDC 152.616(U)(7).

6.5.2.4 Rural Tourist Commercial Zone UCDC Provisions

The eastern one-third of multi-use area MU UM-1 will be located in the Rural Tourist Commercial (RTC) Zone (see Figure K-34). No transmission line, new access roads, substantially modified existing access roads, light-duty fly yards, or communication stations will be located in this zone.

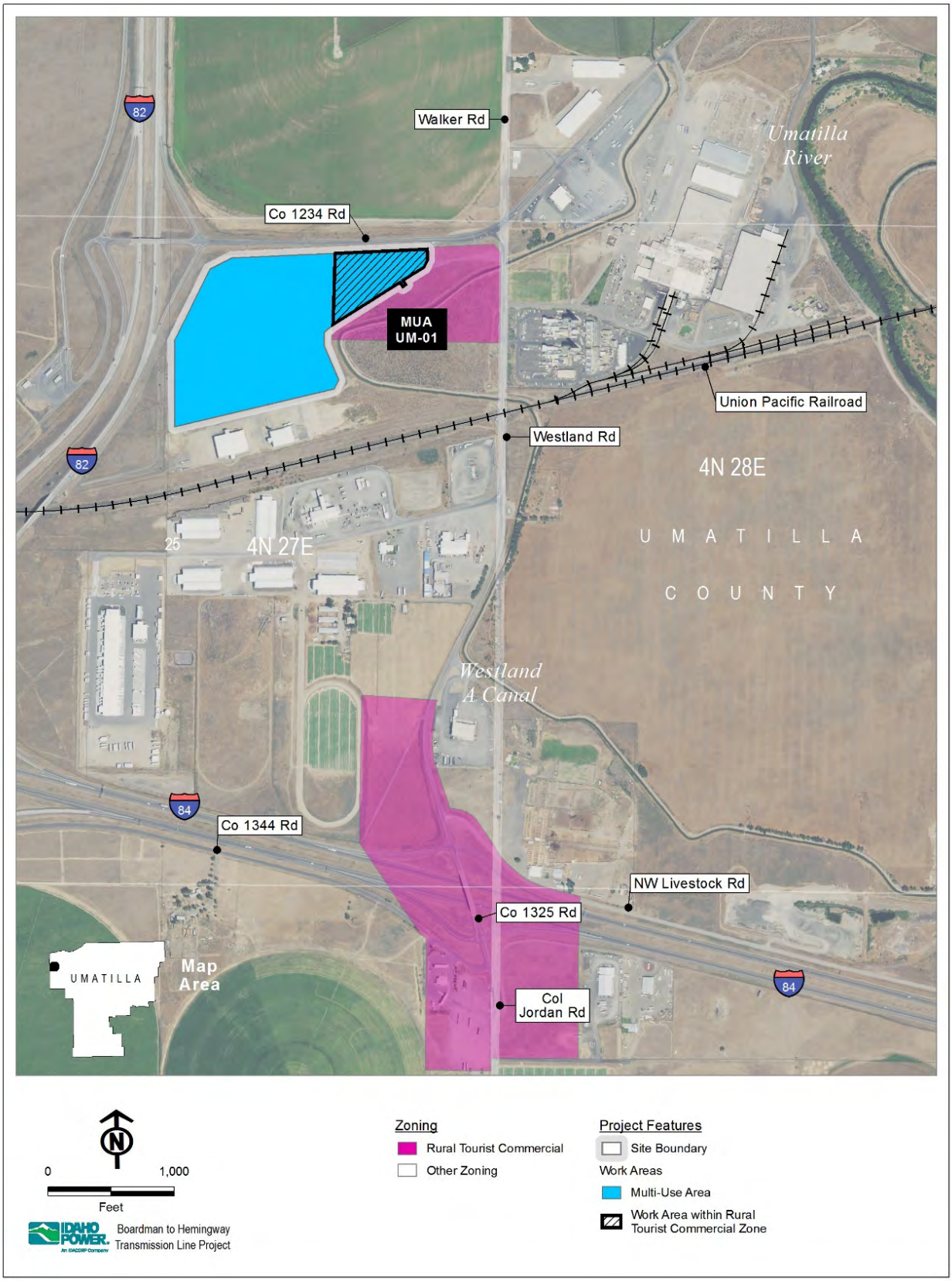

Figure K-34. Multi-Use Areas in Rural Tourist Commercial Zone – Umatilla County

Conditional Use Permit (All Project Features)

UCDC Provisions Identified by IPC

In its September 15, 2010, letter, the Umatilla County Planning Department did not identify any potentially applicable local substantive criteria regarding Project features in the Rural Tourist Commercial Zone. Accordingly, each of the UCDC provisions discussed below as being potentially applicable to the multi-use area in the RTC Zone were identified by IPC and not Umatilla County.

Conditional Uses Permitted

> UCDC 152.283: In an RTC Zone, the following uses and their accessory uses are permitted subject to the requirements of §§152.610 through 152.616 and 152.284 through 152.286 of this chapter, and upon the issuance of a zoning permit: . . . (D) Utility facility as provided in § 152.616(CCC);

The relevant multi-use area is considered a utility facility or part thereof under the UCDC 152.283(D) and 152.616(CCC) (see above Section 6.5.2.4, discussing multi-use areas under 152.616(CCC)), and therefore, it may be authorized as a conditional use in the Rural Tourist Commercial Zone.

IPC analyzes and shows compliance with UCDC 152.610 through 152.615, as they related to multi-use areas, above in Section 6.5.2.2. Compliance with UCDC 152.616(CCC) is shown above in Section 6.5.2.4. The following discussion addresses the remaining UCDC provisions referenced in UCDC 152.283—that is, UCDC 152.284 through 152.286.

Limitations on Uses

> UCDC 152.284: In the RTC Zone, the following limitations on uses shall apply: (A) Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from the traveling public and surrounding properties; (B) Storage of scrap or salvage materials shall be prohibited. (C) Except as provided in Paragraphs D and E of this Section, buildings shall not exceed 3,500 square feet of floor space. (D) Motels and hotels that existed on July 1, 2005 may expand up to 35 units or up to 50% of the number of existing units, whichever is larger, with no limitation on square footage. (E) Structures that existed on July 1, 2005 may expand to a building size of 4,500 square feet or to a size that is 50% larger than the building size that existed on July 1, 2005, whichever is larger.
> (F) Notwithstanding the size limitations for structures contained in this chapter, a lawfully approved or lawfully constructed structure existing as of July 1, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

UCDC 152.284 is made applicable to the Project by reference in UCDC 152.283.
UCDC 152.284(A) provides outside storage must be screened. By letter dated May 12, 2016, the Umatilla County Planning Department stated the UCDC setback requirements do not apply to temporary facilities, such as the Project multi-use areas. It would appear that screening requirements should similarly be excluded. As such, UCDC 152.304(b)(A) would not apply to the Project.

UCDC 152.284(B) prohibits the storage of scrap or salvage materials in the RTC Zone. The term “scrap” refers to small pieces of materials that are left over after the greater part has been used (see Oxford Dictionaries online at http://www.oxforddictionaries.com/us/definition/american_english/scrap). “Salvage” materials are materials taken from a wrecked or disabled vehicle or ship (see Oxford Dictionaries online at http://www.oxforddictionaries.com/us/

definition/ american_english/salvage). “Storage” is the action of storing something for future use (see Oxford Dictionaries online at http://www.oxforddictionaries.com/us/definition/ american_english/storage). IPC will not hold scrap and salvage material at the multi-use area for future use; instead, leftover construction material will be transferred off-site for recycling or disposal in compliance with UCDC 152.284(B), as discussed in ASC Exhibit V.

UCDC 152.284(C) relates to buildings over 3,500 square feet. In this instance, the multi-use areas will not include any buildings exceeding 3,500 square feet in floor space, and therefore, UCDC 152.284(C) does not apply to the Project.

UCDC 152.284(D) and (E) apply only to projects involving the expansion of existing buildings. Activities at the multi-use areas will not include expanding any existing buildings. Accordingly, UCDC 152.284(D) and (E) do not apply to the Project.

UCDC 152.284(F) addresses existing structures. Because the relevant multi-use area will not involve an existing structure, UCDC 152.284(F) does not apply to the Project.

Dimensional Standards; Lot Size; Minimum Lot Width

> UCDC 152.286: In an RTC Zone, the following dimensional standards shall apply: (A) *Lot size*. The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided that shows that an approvable subsurface disposal system can be located on less than one acre; (B) *Minimum lot width*. The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

UCDC 152.286 is made applicable to the Project by reference in UCDC 152.283. UCDC 152.286(A) and (B) provide for minimum lot sizes and lot frontages and are applicable only to the extent that a partition of a parcel is required. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel. Because the Project likely will not involve lot splits, UCDC 152.286(A) and (B) likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Umatilla County prior to construction.

Setback Requirements

> UCDC 152.286(C): No building shall be located closer than 20 feet from a property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the center line of the road, highway, or easement, or 25 feet from the property line, whichever is greater. The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to § 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

UCDC 152.286(C) provides certain setback requirements. By letter dated May 12, 2016, the Umatilla County Planning Department stated the UCDC setback requirements do not apply to temporary facilities, such as the Project multi-use areas. Here, the only Project feature proposed in the Rural Tourist Commercial Zone is a multi-use area, and therefore, the setback requirements of UCDC 52.286(C) do not apply to the Project.

Stream Setback

> UCDC 152.286(D): To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply: (1) All sewage disposal installations,

such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Hearings Officer may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet; (2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.

UCDC 152.286(D) provides certain setback requirements. UCDC 152.286(D)(1) relates to sewage disposal installations. The Project will not include any sewage disposal installations, and therefore, the provisions of UCDC 152.286(D)(1) do not apply to the Project.

UCDC 152.286(D)(2) relates to permanent structures. By letter dated May 12, 2016, the Umatilla County Planning Department stated the UCDC setback requirements do not apply to temporary facilities, such as the Project multi-use areas. Here, the only Project feature proposed in the RTC Zone is a multi-use area, and therefore, the setback requirements of UCDC 52.286(D)(2) do not apply to the Project.

Conditional Use Permit (Batch Plant)

Umatilla County's comments on the pASC indicated that the conditional use provisions of UCDC 152.283(D) applicable to utility facilities in the RTC Zone may not cover the batch plants associated with the multi-use areas. However, the batch plant is related to and supports the Project transmission line, and therefore, the batch plant is considered a utility facility or part thereof under UCDC 152.283(D) and may be authorized as conditional use in the RTC Zone as part of the multi-use area (see discussion above on the multi-use area Conditional Use Permit in the RTC Zone). In the alternative, if the batch plant cannot be authorized under UCDC 152.283(D) or otherwise, IPC will locate the batch plant on the portion of the multi-use area parcel that is zoned Light Industrial, which allows batch plants as conditional use under UCDC 152.303(A)(8).

6.5.2.5 General UCDC Provisions

UCDC Provisions Identified by Umatilla County

In its September 15, 2010 letter, the Umatilla County Planning Department identified the following UCDC general provisions.

Access to Buildings; Private Driveways and Easements

UCDC 152.010: (A) Every building hereafter erected or moved shall be on a lot that abuts a public street or a recorded easement. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. In commercial and industrial zones, access points shall be minimized. To accomplish this, access shall be limited to one every 200 feet and shall be reviewed during the design review stage or the conditional use hearing. If necessary to accomplish this, driveways may be shared between two lots. (B) Private driveways and easements that enter onto a public or county road or state or federal highway shall be constructed of at least similar if not the same material as the public or county road or state or federal highway to protect the edge of the road from rapid deterioration. The improvements shall extend at least 25 feet back from the edge of the existing travel lane surface.

Each of the multi-use areas in Umatilla County will include a temporary building. Communication station CS UM-01 will involve construction of a permanent building. Both the multi-use areas and communication station CS UM-01 will be located on lots that abut a public street or a recorded easement, that include access for servicing and fire protection, and that provide required off-street parking (see Figures K-33 and K-34 above, showing Umatilla County multi-use areas and communication station CS UM-01). To ensure compliance with the requirement that access shall be limited to one every 200 feet, IPC proposes the following condition:

> ***Land Use Condition 20:*** *During construction in Umatilla County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In All Zones:*
> *. . .*
> *e. Access points to multi-use areas and communication stations shall be limited to one every 200 feet.*
> *. . . .*

UCDC 152.010(B) provides private driveways must be constructed using the same or similar material as the receiving roadway, extending at least 25 feet from the edge of the existing travel surface. Here, private Project driveways or easements will be constructed using the same or similar material as the receiving roadway, extending at least 25 feet, in compliance with UCDC 152.010(B). IPC proposes the following related condition:

> ***Land Use Condition 20:*** *During construction in Umatilla County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In All Zones:*
> *. . .*
> *f. New roads that enter onto a public or county road or state or federal highway shall be constructed of at least similar if not the same material as the public or county road or state or federal highway, and the material shall extend at least 25 feet back from the edge of the existing travel lane surface.*
> *. . . .*

Riparian Vegetation; Wetland Drainage

UCDC 152.016: (A) The following standards shall apply for the maintenance, removal and replacement of riparian vegetation along streams, lakes and wetlands which are subject to the provisions of this chapter: (1) No more of a parcel's existing vegetation shall be cleared from the setback and adjacent area than is necessary for uses permitted with a zoning

permit, accessory buildings, and/or necessary access. (2) Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in subdivision (A)(1) above. Where vegetation removal beyond that allowed in subdivision (A)(1) above cannot be avoided, the site shall be replanted during the next replanting season to avoid water sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area. (3) A maximum of 25% of existing natural vegetation may be removed from the setback area. (4) The following uses and activities are excepted from the above standards: .. . . (B) Minor drainage improvements necessary to ensure effective drainage on surrounding agricultural lands shall be coordinated with the Oregon Department of Fish and Wildlife and Soil and Water Conservation District. Existing drainage ditches may be cleared to original specifications without review.

As discussed in Exhibit J, IPC has designed and located the transmission line and related and supporting facilities to avoid impacts to water resources including streams, rivers, and lakes, and where avoidance is not practicable, IPC will use stream crossing techniques to minimize impacts to waters and adjacent riparian zones. However, given the Project's linear nature, it will not be feasible to avoid crossing riparian zones. The location of conductors between transmission structures may require thinning of vegetation in riparian zones and temporary access roads will cross riparian zones. For areas where temporary construction disturbance results in removal of riparian vegetation, natural vegetation will be replanted with indigenous species in the next replanting season as outlined in the Reclamation and Revegetation Plan (see Exhibit P1, Attachment P1-3). IPC will aim to meet the 25 percent maximum removal criteria of subsection (3), except where necessary to protect the transmission line from potential falling trees and other vegetation obstructions (see Vegetation Management Plan, Exhibit P1, Attachment P1-4). In compliance with UCDC 152.016(B), IPC will coordinate minor drainage improvements with ODFW and the Soil and Water Conservation District where required. To ensure compliance with the relevant UCDC 152.016 requirements, IPC proposes the following conditions:

> ***Land Use Condition 20:*** *During construction in Umatilla County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In All Zones:*
> *. . .*
> *c. Within the transmission line right-of-way, a maximum of 25% of existing natural vegetation along streams, lakes, and wetlands may be removed, unless necessary for reliability purposes.*
> *d. The certificate holder shall coordinate with the Oregon Department of Fish and Wildlife and Soil and Water Conservation District on minor drainage improvements necessary to ensure effective drainage on surrounding agricultural lands. Existing drainage ditches may be cleared to original specifications without review.*
> *. . . .*

In compliance with UCDC 152.016(B), IPC will coordinate minor drainage improvements with ODFW and the Soil and Water Conservation District where required.

Conditions for Development Proposals

UCDC 152.017(A): The proposed use shall not impose an undue burden on the public transportation system. Any increase meeting the definition of significant change in trip generation constitutes an undue burden.

UCDC 152.003: For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning: . . . SIGNIFICANT CHANGE IN TRIP GENERATION. A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: (1) for gravel surfaced County roads, 30 vehicles of less than 10,000 pounds Gross Vehicle Weight (GVW) and/or 20 vehicles of greater than 10,000 pounds GVW; (2) for paved County roads, 75 vehicles of less than 10,000 GVW; and (3) for State paved Highways, 150 vehicles 0f 10,000 pounds GVW or less and/or 100 vehicles of greater than 10,000 pounds GVW.

During construction of the Project, site-specific traffic impacts are expected to be limited in duration to approximately 36 months. In Umatilla County, Project construction activities and related vehicle trips will be centered around multi-use areas.[66] Typical activities at multi-use areas include material deliveries, show-up sites for construction workers, and the dispatching of material to tower work areas. If a batch plant is co-located at a multi-use area, concrete trucks will also be making several daily trips during foundation construction. In Umatilla County, there will be seven multi-use areas. For each of the multi-use areas, there will be approximately 130 vehicle trips per day, and it is possible that the threshold of 75 trips per day could be exceeded, but because there are two or more roads from which vehicles will travel to and from each multi-use area, it is more likely that traffic will be dispersed between the two or more roads and that the total for any road will be under the threshold. Even so, by letter dated May 12, 2016, the Umatilla County Planning Department stated Umatilla County would not require a traffic impact analysis for construction-related traffic. To the extent that the proposed use may exceed the trip generation threshold for local paved or gravel roads, IPC will address such impacts in a Road Use Agreement with Umatilla County. IPC requests that the Council adopt the following site certificate conditions regarding the same:

> ***Land Use Condition 7****: Prior to construction in Umatilla County, the certificate holder shall complete the following to address traffic impacts in the county:*
> *a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;*
> *b. The certificate holder shall work with the Umatilla County Road Department to identify concerns related to Project construction traffic; and*
> *c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.*
>
> ***Land Use Condition 21:*** *During construction in Umatilla County, the certificate holder shall conduct all work in compliance with the Umatilla County-specific transportation and traffic plan referenced in Land Use Condition 7.*

During operation of the Project, IPC expects to generate two trips per year for maintenance inspections along the length of the line, which is below the traffic study threshold in UCDC 152.003.

[66] The multi-use areas will serve as field offices; reporting locations for workers; parking space for vehicles and equipment; and sites for material delivery and storage, fabrication assembly of towers, cross arms and other hardware, concrete batch plants, and stations for equipment maintenance. Limited helicopter operations may be staged out of multi-use areas. Multi-use area locations are listed in Exhibit C, Table C-16 and shown on maps in Exhibit C, Attachment C-2.

For these reasons, the Project will not impose an undue burden on the public transportation system (see UCDC 152.017(A)).

UCDC 152.017(B): For developments likely to generate a significant increase in trip generation, applicant shall be required to provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding system. The scope of the impact study shall be coordinated with the providers of the transportation facility. Proposals that meet the requirements in §152.019(B) are subject to §152.019(C), Traffic Impact Analysis Requirements.

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

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

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

In its May 12, 2016, letter, the Umatilla County Planning Department provided that the County would not require a traffic impact analysis to assess traffic related to Project construction activities, which will be temporary.

UCDC 152.017(C): The applicant or developer may be required to mitigate impacts attributable to the project. Types of mitigation may include such improvements as paving, curbing, bridge improvements, drainage, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways or paths. The determination of impact or effect should be coordinated with the providers of affected transportation facilities.

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

UCDC 152.017(D): Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or accessways may be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

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

6.5.2.6 Flood Hazard Overlay Zone UCDC Provisions

In its September 15, 2010, letter, the Umatilla County Planning Department did not identify any directly applicable local substantive criteria regarding the flood hazard overlay zone. However, in subsequent conversations, the Department indicated an analysis of flood hazards should be presented in this application.

Project Features Affecting Special Flood Hazard Areas

The Project does not cross, and the Site Boundary does not include, any SFHAs in Umatilla County.

Flood Plain Development Permit

General Provisions; Floodplain Development Permit Required

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

Under UCDC 152.353(D), development activities within a SFHA require a floodplain development permit. As currently proposed, the Project does not cross, and the Site Boundary does not include, any SFHAs in Umatilla County. Therefore, no Floodplain Development Permit is required and the Floodplain Development Permit UCDC requirements are not applicable to the Project.

6.5.2.7 Historic, Archeological or Cultural Site/Structure Overlay Zone UCDC Provisions

UCDC 152.437(A): When a development, alteration or demolition is proposed for a HAC site or structure, the Planning Director or Hearings Officer shall review the proposal to insure that it meets the requirements of this section. A zoning permit is required for any alteration or demolition of a HAC site or structure.

The Historic, Archeological or Cultural Site/Structure Overlay (HAC) Zone is located at the north end of Umatilla County along the Columbia River, over 25 miles away from Project.[67] As a result, no impact to resources in the HAC Overlay Zone is expected.

Additionally, UCDC 152.439 sets forth specific criteria applicable to proposed uses for HAC sites. UCDC 152.436 defines a HAC site as "any historic, archeological or cultural site or structure, or geographic area listed on the Umatilla County Register of Historic Landmarks or recognized as significant by the County Comprehensive Plan and Technical Report." Umatilla County has not identified any specific HAC sites or structures in the Project analysis area (see UCDC 152.422 (providing that the Umatilla County Planning Commission is responsible for preparing and maintaining the inventory of HAC sites and structures).

[67] The County requested that IPC include an analysis of the proposed transmission line's compliance with the County's Historic, Archeological or Cultural Site/Structure Overlay Zone.

As explained in detail in Exhibit S, IPC has conducted extensive analysis of historic, cultural, and archeological resources in the analysis area (see Exhibit S, Section 3.2 [discussing survey methods]).

6.5.2.8 Critical Winter Range Overlay Zone UCDC Provisions

> UCDC 152.458: (A) Dwelling units shall be limited to a maximum density of three dwellings within a radius of one half mile of any proposed dwelling. All requests for dwellings or land divisions that will result in eventual placement of a dwelling, or administrative review of non-resource dwellings, shall be referred to the Oregon Department of Fish and Wildlife (ODFW) for review and recommendation. (B) Dwellings shall be sited to minimize impact on critical winter range by application of the following: .. . . .

The Critical Winter Range Overlay (CWR) Zone is intended to protect elk and deer winter range (see UCDC 152.455). The requirements and standards included in the CWR Zone apply to requests for dwellings or land divisions that will result in placement of a dwelling (see UCDC 152.458). Because the construction of the Project does not include the construction of dwellings, the requirements and standards of the CWR Zone do not apply to the Project.

Even so, potential impacts on deer and elk are discussed in Exhibit P1. The Proposed Route centerline crosses 2.2 miles of EFU/Critical Winter Range and 2.0 miles of Grazing Farm Zone/Critical Winter Range, for a total of 4.2 miles of CWR crossed in Union County. The Site Boundary includes 642.3 acres and 142.3 acres, respectively, for a total of 784.6 acres. As discussed in Exhibit P1 and P3, while there may be short-term impacts to elk and deer winter range during construction, the Project overall will not result in significant impacts to elk and deer winter range. For the elk and deer winter range crossed by the Proposed Route in Umatilla County, IPC will establish construction windows at time periods when big game are less sensitive to disturbances—i.e., IPC will not conduct ground-disturbing activities within elk or mule deer winter range between December 1 to March 31 (see Fish and Wildlife Condition 10), thereby minimizing the risk of disturbing big game during sensitive periods. There is a risk of big game mortalities occurring due to wildlife-vehicle collisions; however, the risk of vehicle collisions would be minimized by speed limits that would be imposed on construction vehicles within the Site Boundary (see Fish and Wildlife Conditions 16 and 26, imposing a speed limit of 25 miles per hour on facility access roads). For additional discussion of impacts and proposed mitigation for big game, see Exhibit P1 and Exhibit P3, and their attachments.

6.5.2.9 Additional Conditional Use Permit Restriction UCDC Provisions

> UCDC 152.615: In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions: (A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare or odor; (B) Establishing a special yard, other open space or lot area or dimension; (C) Limiting the height, size or location of a building or other structure; (D) Designating the size, number, location and nature of vehicle access points; (E) Increasing the required street dedication, roadway width or improvements within the street right of way; (F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area; (G) Limiting or otherwise designating the number, size, location, height and lighting of signs; (H) Limiting the location and intensity of outdoor lighting and requiring its shielding; (I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance. (J) Designating the size, height, location and materials for a fence; (K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife

habitat, or other significant natural resources; (L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter.

In its September 15, 2010, letter, the Umatilla County Planning Department identified UCDC 152.615 as constituting potentially applicable local substantive criteria. UCDC 152.615 provides the county may impose certain conditions on a conditional use. Here, the Council will impose conditions on the Project to ensure the Project meets the Council's standards, if necessary. Further, IPC shows in this exhibit that the Project will comply with the provisions of the UCDC, UCCP, and statewide planning goals. For these reasons, no further conditions are necessary under UCDC 152.615.

6.5.3 Umatilla County Comprehensive Plan Provisions

Umatilla County identified in its September 15, 2010, letter the following provisions of the UCCP as being potentially applicable to the Project: Finding 37 and Policy 37 of the open space, scenic and historic areas, and natural resources element; Finding 19 and Policy 19 of the public facilities and services element; and Finding 20 and Policy 20 of the transportation element.

6.5.3.1 Open Space, Scenic and Historic Areas, and Natural Resources Element

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

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

IPC is not aware of any areas specifically set aside for natural resource exploitation, future development of reservoirs, energy generation and transmission facilities in the analysis area for the Project. However, it appears that the Project is consistent with Finding 37 and Policy 37 because, for the majority of the lands crossed in Umatilla County, the Project will be located on agriculturally designated land that may be considered open space appropriate for energy facility use. For additional discussion of the location of the Project on agricultural lands, see Section 4.0, Section 6.5.2.1, Section 6.5.2.2, and Section 6.5.5.

6.5.3.2 Public Facilities and Services Element

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

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

Due to the size of the ROW required for a 500-kV transmission line, and NERC and WECC reliability requirements that provide minimum separation distances for high voltage transmission lines, it is not feasible to site the Project on or adjacent to existing public or private ROWs. Additionally, where feasible, IPC has followed property lines to avoid dividing existing farm or

forest units. To the extent this finding and policy create local land use standards additional to the criteria contained in ORS 215.275, the finding and policy are inapplicable.[68]

6.5.3.3 Transportation Element

Finding 20: Major transmission lines (natural gas and electricity) traverse the county with additional expansion proposed, and additional new lines or pipelines could be proposed through the county.
Policy 20: The county will review right-of-way acquisitions and proposals for transmission lines and pipelines so as to minimize adverse impacts to the community.

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

6.5.4 Umatilla County Goal 5 Resources

In correspondence dated September 15, 2015 and November 13, 2015, Umatilla County provided to IPC information regarding the county's Goal 5 resources and applicable substantive criteria regarding the same. Figure K-35 shows the Goal 5 resources in Umatilla County.

The following Goal 5 resources are crossed by the Project site boundary:

- Five (5) waterfowl/furbearer areas are crossed: Butter Creek, Bear Creek, West Birch Creek, East Birch Creek, and McKay Creek;
- Four (4) anadromous fish streams are crossed: Bear Creek, West Birch Creek, California Gulch Creek, and East Birch Creek;
- MU UM-01 is within a high density archaeological area near the Columbia River, and the site boundary (including two structures and one pulling-tensioning site) clips the southwest corner of another high density area in the Blue Mountains; and
- Project Site Boundary crosses a medium density archaeological area between MP 59.5 and MP 80.5; 78 structures, several pulling-tensioning sites, four (4) multi-use areas (MU UM-04 to -07), and one (1) communication station site (CS UM-02) are within this large area.

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

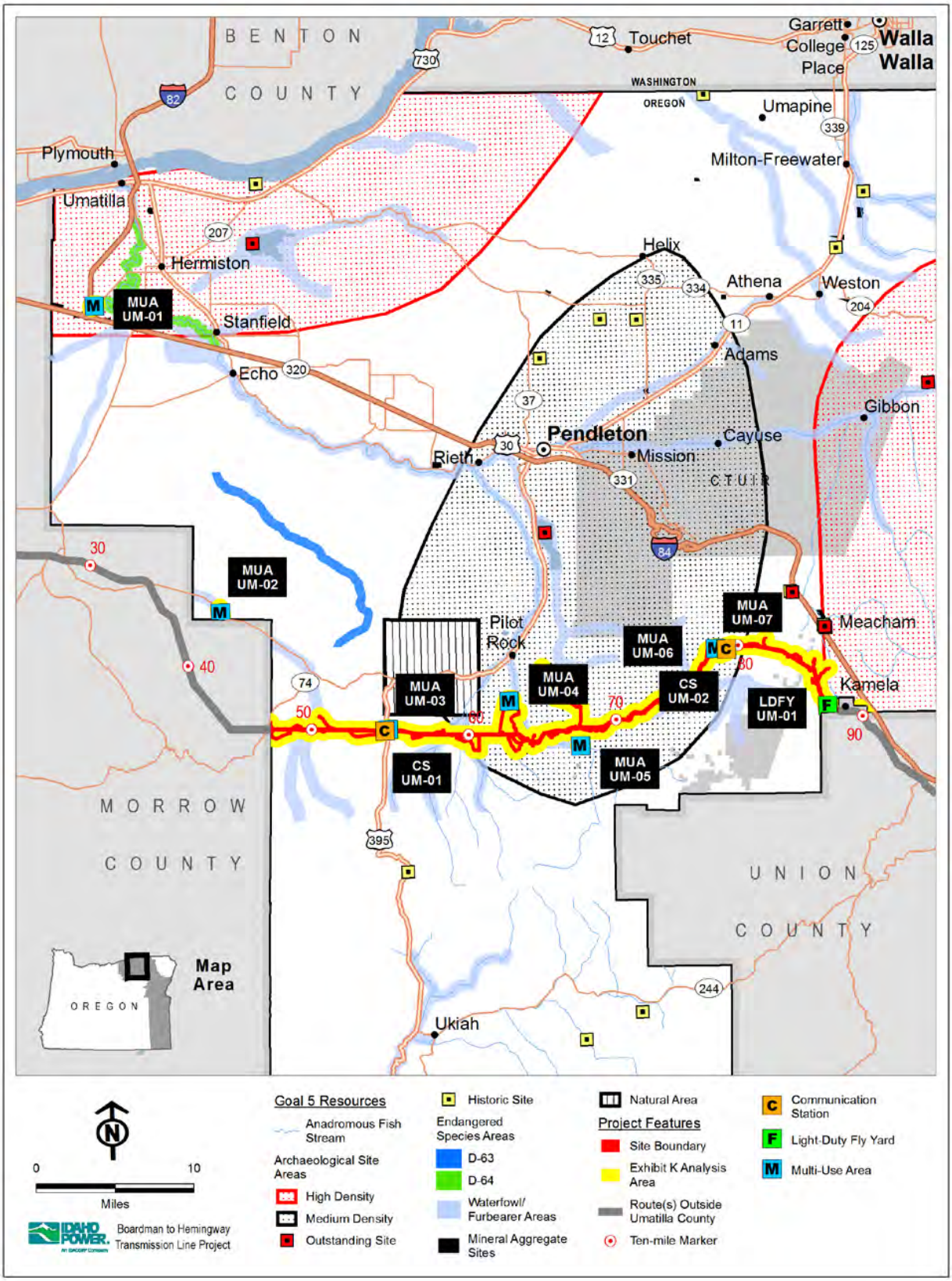

Figure K-35. Umatilla County Goal 5 Resources

6.5.4.1 Riparian Habitat

Umatilla County has not adopted any Goal 5 protection program for riparian habitat. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting riparian habitat.

6.5.4.2 Streams

Umatilla County has not adopted any Goal 5 protection program for streams. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting streams.

6.5.4.3 Wetlands, Lakes, Ponds, and Reservoirs

No Goal 5 designated wetlands, lakes, ponds, or reservoirs occur within the Site Boundary (see Figure K-35). No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting wetlands, lakes, ponds, or reservoirs.

6.5.4.4 Wildlife Habitat

Big Game Critical Winter Range Habitat

In its November 13, 2015, letter to IPC, the Umatilla County Planning Department indicated that the Goal 5 designated big game critical winter range habitat is included in the Critical Winter Range Overlay Zone. The Proposed Route centerline crosses 3.1 miles of EFU/Critical Winter Range and 2.8 miles of Grazing Farm Zone/Critical Winter Range, for a total of 5.9 miles of critical winter range crossed. The Site Boundary includes 230.7 acres and 192.6 acres, respectively, for a total of 423.3 acres.

Big game critical winter range habitat is considered a 3C resource (see UCCP Tech Report D-5 through D-27; Umatilla County November 13, 2015, letter). UCDC 152.455 through 152.458 are the only UCDC provision applicable to complying with the county's Goal 5 planning goals for big game critical winter range habitat.

UCDC 152.455 through 152.457 address the purpose, applicability, and effect of the Critical Winter Range Overlay Zone, and provide no standards that IPC must meet to show compliance with the county's Goal 5 planning goals. UCDC 152.458 is addressed above in Section 6.5.2.8, where IPC shows that the Project will be in compliance with the same. Therefore, the Project will comply with the county's Goal 5 planning goals for big game critical winter range habitat.

Prairie Falcons

Goal 5 designated prairie falcon habitat consists of: (i) Alkali Canyon Area D-63; and (ii) Pilot Rock Area D-96 (see UCCP Technical Report p. D-62, rev. Sept. 1984). Each of these areas are 3C designated Goal 5 resources (see UCCP Technical Report p. D-62). The Proposed Route will not cross any Goal 5 designated prairie falcon habitat. Moreover, Umatilla County has not adopted any Goal 5 protection program for prairie falcon habitat. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting prairie falcon habitat.

Although beyond what is required by the UCCP, IPC has been in regular consultation with ODFW regarding avoidance and minimization of impact to prairie falcon habitat, and IPC has developed a habitat mitigation plan in collaboration with ODFW. For additional information, refer to IPC's Fish and Wildlife Habitat Mitigation Plan (Exhibit P1, Attachment P1-6).

Long-Billed Curlews

Goal 5 designated long-billed curlew habitat consists of: (i) Deer Flat (T2N R30 S25, S36) D-90; (ii) Cold Springs National Wildlife Refuge D-45; (iii) Pilot Rock Grassland; (iv) along Umatilla River (between Stanfield and .3-mile dam) D-64; (v) Alkali Canyon Area D-63; and Echo Meadows D-51 (see UCCP Technical Report p. D-62, rev. Sept. 1984). The Proposed Route will not cross any Goal 5 designated long-billed curlew habitat. Moreover, Umatilla County has not adopted any Goal 5 protection program for long-billed curlew habitat. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting prairie falcon habitat.

Although beyond what is required by the UCCP, IPC has been in regular consultation with ODFW regarding avoidance and minimization of impact to long-billed curlew habitat, and IPC has developed a habitat mitigation plan in collaboration with ODFW. For additional information, refer to IPC's Fish and Wildlife Habitat Mitigation Plan (Exhibit P1, Attachment P1-6).

Bald Eagle Nests

Certain bald eagle nests are 1A designated Goal 5 resources in Umatilla County (see UCCP Technical Report p. D-62). The Proposed Route does not cross the designated bald eagle nest habitat—i.e., Bob's Sled Ridge (see Figure K-35; UCCP Technical Report p. D-62). Therefore, no analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting bald eagle nests.

Osprey Nests

Certain osprey nests are 1A designated Goal 5 resources in Umatilla County (see UCCP Technical Report p. D-62). The Proposed Route does not cross the designated osprey nest habitat—i.e., along Umatilla River below Mission Bridge (see Figure K-35; UCCP Technical Report D-62). Therefore, no analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting osprey nests.

Heron Rookeries

Certain heron rookeries are 1B designated Goal 5 resources in Umatilla County (see UCCP Technical Report p. D-62). The Proposed Route does not cross the designated heron rookery habitat—i.e., along Walla Walla River near Tum-a-Lum or along Umatilla River near Nolin (see Figure K-35; UCCP Technical Report p, D-62). Therefore, no analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting heron rookeries.

Regardless, Umatilla County has not adopted any Goal 5 protection program for bald eagle nests, osprey nests, or heron rookeries. Therefore, even if such habitats were impacted by the Project, no analysis would be required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting bald eagle nests, osprey nests, or heron rookeries.

Upland Game Birds

Umatilla County has not adopted any Goal 5 protection program for upland game birds. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting upland game birds.

Waterfowl

Umatilla County has not adopted any Goal 5 protection program for waterfowl. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting waterfowl.

Furbearers and Hunted Non-Game Wildlife

The Project will cross five (5) waterfowl/furbearer areas: Butter Creek, Bear Creek, West Birch Creek, East Birch Creek, and McKay Creek. Even so, Umatilla County has not adopted any Goal 5 protection program for furbearers and hunted non-game wildlife. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting furbearers and hunted non-game wildlife.

Other Non-Game Wildlife

Umatilla County has not adopted any Goal 5 protection program for other non-game wildlife. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting other non-game wildlife.

6.5.4.5 Fish Habitat

The Project will cross four (4) anadromous fish streams: Bear Creek, West Birch Creek, California Gulch Creek, and East Birch Creek. Umatilla County has not adopted any Goal 5 protection program for Goal 5 fish streams. And to the extent the UCDC includes stream setback requirements applicable in the land use zones where the Project will be located, IPC has proposed site certificate conditions ensuring that the Project will comply with the same (see Site Certificate Condition 20(a) through (c)). No further analysis is required, and no additional standards must be met, to comply with the County's Goal 5 planning goals for protecting fish habitat.

6.5.4.6 Federal Wild and Scenic Rivers and Oregon Scenic Waterways

Umatilla County has not designated any federal Wild and Scenic Rivers or Oregon Scenic Waterways as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting federal Wild and Scenic Rivers or Oregon Scenic Waterways.

6.5.4.7 Groundwater Resources

Umatilla County has not designated any groundwater resources as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting groundwater resources.

6.5.4.8 Approved Oregon Recreation Trail

Umatilla County has not designated any approved Oregon Recreation Trails as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting approved Oregon Recreation Trails.

6.5.4.9 Natural Areas

No designated natural areas are located within the Site Boundary. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting natural areas.

6.5.4.10 Wilderness Areas

Umatilla County has not designated any wilderness areas as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting wilderness areas.

6.5.4.11 Mineral Aggregate

No designated mineral aggregate sites are located within the Site Boundary. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting mineral aggregate sites.

6.5.4.12 Energy Resources

Umatilla County has not adopted any Goal 5 protection program for energy resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting energy resources.

6.5.4.13 Cultural Resources

Umatilla County has not designated any cultural resources as Goal 5 designated resources, except to the extent they are protected as Goal 5 designated historic sites. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting cultural resources.

6.5.4.14 Historic Resources

MUA UM-01 is within a high density archaeological area near the Columbia River, and the site boundary (including two structures and one pulling-tensioning site) clips the southwest corner of another high density area in the Blue Mountains; and the Project site boundary crosses a medium density archaeological area between MP 59.5 to MP 80.5; 78 structures, several pulling-tensioning sites, four (4) multi-use areas (MU UM-04 to 07), and one (1) communication station site (CS UM-02) are within this large area.

The Historic, Archeological or Cultural Site/Structure Overlay Zone UCDC provisions, UCDC 152.435 through 152.443, are the only UCDC provisions applicable to compliance with the County's planning goals regarding Goal 5 designated historic resource. UCDC 152.439 sets forth specific criteria applicable to proposed uses on HAC sites. UCDC 152.436 defines a HAC site as "any historic, archeological or cultural site or structure, or geographic area listed on the Umatilla County Register of Historic Landmarks or recognized as significant by the County Comprehensive Plan and Technical Report." Umatilla County has not identified any specific HAC sites or structures in the Project analysis area (see UCDC 152.422 (providing that the Umatilla County Planning Commission is responsible for preparing and maintaining the inventory of HAC sites and structures)). Therefore, no analysis is required, and no standard must be met, to comply with the County's Goal 5 planning goals for historic resources.

As explained in detail in Exhibit S, IPC has conducted extensive analysis of historic, cultural, and archeological resources in the analysis area (see Exhibit S, Section 3.2 [discussing survey methods]). IPC will continue to work with Umatilla County to ensure no HAC sites are impacted by the Project. If the Project will impact a HAC site, IPC will comply with the provisions of UCDC 152.435 through 152.443.

6.5.4.15 Open Spaces

Umatilla County has not designated any open spaces as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting open spaces.

6.5.4.16 Scenic Views or Sites

No designated scenic views or sites are located within the Site Boundary. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting scenic views or sites.

6.5.5 Umatilla County EFU Micro Analysis

As shown in Section 4.0 above, the Project must be sited in an EFU zone in order to provide its intended services due to one or more of the factors set forth in ORS 215.275(2). ORS 215.283(1)(c)(A) requires IPC make that showing only at the "macro"[69] level, examining the need to site on EFU lands at a project-wide level across all five relevant counties. Though beyond what is required by the statute, the following section makes a similar showing at the "micro" or county level, by providing a detailed discussion of the necessity of siting the Project in EFU in Umatilla County. This section is organized in the same way as the macro analysis, providing information specific to the siting of the Project in Umatilla County.

6.5.5.1 Reasonable Alternatives Considered

Through the CAP, IPC considered approximately 11 alternative routes or segments in Umatilla County, all of which cross EFU (see Exhibit B, Attachment B-1, 2010 Siting Study and Attachment B-2, 2012 Supplemental Siting Study). The Supplemental Siting Study contains additional discussion regarding the consideration of alternatives in this area that led to the selection of the Proposed Corridor and identification of alternative corridor segments. However, EFU-zoned lands in Umatilla County are unavoidable in reaching the Longhorn Station from the designated Wallowa-Whitman NF utility corridor (see Figure K-28 and Figure K-29). As a result, there are no reasonable non-EFU alternative routes in Umatilla County.

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

Of the six factors justifying location of a utility facility necessary for public service on EFU, four factors drove IPC's location of the Project in Umatilla County: locational dependence; lack of available urban and nonresource land; availability of existing ROWs; and federal requirements related to the existing ROWs.

Technical and Engineering Feasibility

The need for siting the Project in EFU lands in Umatilla County was not driven by technical or engineering feasibility considerations.

Locational Dependence

A utility facility is considered locationally dependent if it must cross land in one or more areas zoned EFU in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on non-EFU lands. Here, the Project must travel between the western portion of Umatilla County where the line crosses the border with Morrow County to the eastern portion of the county near the Wallowa-Whitman NF Utility Corridor (see Figure K-5). As shown

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

in Figure K-28 and Figure K-29, there is no reasonably direct route between these two points that avoids crossing EFU lands in Umatilla County. Therefore, at a county level of analysis, the Project must be sited in EFU lands due to the Project's locational dependence.

Lack of Available Urban and Nonresource Lands

There is no path connecting the western portion of Umatilla County where the line crosses the border with Morrow County to the eastern portion of the county near the Wallowa-Whitman National Forest Utility Corridor that consists entirely of urban and nonresource lands. To the contrary, a large swath of Umatilla County running north to south where the Project must cross is EFU lands (see Figure K-28). Consequently, there is a lack of available urban and nonresource lands in Umatilla County, and EFU lands must be crossed by the Project.

Availability of Existing Rights of Way

There was no existing utility ROW traveling between the Project endpoints in Umatilla County. Even so, IPC made reasonable efforts to locate the Project in the Wallowa-Whitman NF Utility Corridor in Union County. In order to enter the utility corridor, the Project must cross the Umatilla County-Union County border near or at the location where the Proposed Route crosses the border. As well, the Project must cross EFU to get to the northwestern portion of the county from the current Umatilla County-Union County border crossing. Therefore, to take advantage of the Wallowa-Whitman NF Utility Corridor, the Project must be sited in EFU lands in Umatilla County.

Public Health and Safety

The need for siting the Project in EFU lands in Umatilla County was not driven by public health and safety considerations.

Other Requirements of State or Federal Agencies

As stated above, the Project's use of the Wallowa-Whitman National Forest Utility Corridor drove the location of the Umatilla County-Union County border crossing. The use of the corridor was a matter of federal regulation. To take advantage of the Wallowa-Whitman NF Utility Corridor, the Project must be sited in EFU lands in Umatilla County.

6.5.5.3 Costs Were Not the Only Factor Considered

As discussed in Exhibit B and the attached siting studies, costs were not the only consideration in selecting IPC's Proposed Route. Avoidance of sensitive resources, permitting and construction factors, and extensive input from local citizens and officials and many other stakeholders were the primary factors in corridor selection (see ORS 215.275(3)).

6.5.5.4 Restoration of Agricultural Land

Table K-14 describes the temporary and permanent impacts on agricultural lands in Umatilla County. The Agricultural Lands Assessment (Exhibit K, Attachment K-1) contains aerial photographs showing affected agricultural areas in the EFU zone. It discusses measures IPC will take to minimize and mitigate for potential impacts to agricultural operations within each zone. These measures can be adopted as conditions of approval to ensure that the Project will not result in significant adverse impacts to agricultural lands within this portion of the Project (see ORS 215.275(4)).

Table K-14. Temporary and Permanent Impacts on Agricultural Lands in Umatilla County

Route	Agriculture Type[1]	Temporary/ Construction Impacts (acres)	Permanent/ Operations Impacts (acres)
Proposed Route	Conservation Reserve Program	–	–
	Dryland Farming	6.8	1.2
	Pasture/Hay[2]	8.2	0.2
Proposed Route – Total[3]		**15.0**	**1.4**

[1] Agricultural type determined from Agricultural Lands Assessment provided in Attachment K-1.
[2] Pasture/hay includes irrigated alfalfa/hay.
[3] Sums may not total due to rounding.

6.5.5.5 Mitigation and Minimization Conditions

As discussed in Section 4.0 and in the Agricultural Assessment, IPC does not expect that the Project will have adverse impacts on surrounding lands, result in significant changes in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands (see ORS 215.275(5)). To the extent the Council has concerns about impacts to surrounding agricultural land, the Council may incorporate elements of the agricultural mitigation plan into the conditions required for issuance of a site certificate. Additionally, through its role as a Special Advisory Group, Umatilla County may provide recommendations to the Council regarding conditions to include in the site certificate.

6.5.6 Additional Umatilla County Comments

In its September 15, 2010, letter, the Umatilla County Planning Department raised the following additional issues.

6.5.6.1 Fire and Emergency Response Plan

The Umatilla County Planning Department identified UCDC 162.615 as being potentially applicable to the Project with respect to fire and emergency response. However, that code provision does not appear in the relevant version of the UCDC, and therefore, there is no applicable local substantive criteria to respond to. Even so, IPC developed—as part of Exhibit U—a Fire Prevention and Suppression Plan (see Exhibit U, Attachment U-3) that details how IPC will prevent, respond to, and manage fire risk during the Project's construction and operations. Specific measures and precautions will be taken on forest lands to address fire risks. IPC will coordinate with the Oregon Department of Forestry and the USFS for state and federal lands, respectively, and will manage fire prevention activities on privately owned timber lands. Section 2 of the Fire Prevention and Suppression Plan discusses fire precautions during construction and operations. Accordingly, IPC has shown that it has sufficiently addressed fire and emergency response, and that the Project will not significantly increase fire suppression costs or significantly increase risks to fire personnel.

6.5.6.2 Landowner Authorization

Umatilla County Comment: The EFSC process does not require landowner authorization prior to submittal of an application. However, landowner authorization is required by Umatilla County prior to action on a land use permit application, for example before the processing a

Conditional Use Permit pursuant to issuance of a Site Certificate. Authorization may be provided in the form of a landowner signature(s) or other legal authorization.

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

6.5.6.3 Regional Transmission Impacts

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

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

Under EFSC's rules, the Council is not authorized or required to consider "methods of planning for and consolidating transmission corridors" in the sense contemplated by Umatilla County's comment. Rather, so long as the Council finds that OPUC has recognized the need for a proposed transmission line in an acknowledged IRP, the Council must conclude that the Project meets the EFSC need standard. This is a public policy approach established by the legislature and is based on the fact that, in order to meet the OPUC's guidelines and goals, the IRP process requires a utility to identify several portfolios of different combinations of resources that can be used to meet the utility's load over a twenty-year planning horizon. OPUC acknowledgement of an IRP means that the IRP is "reasonable, based on information available at the time." The OPUC's IRP guidelines recognize that all utility planning encompasses uncertainty and requires only that utilities consider the uncertainties in their planning and that the preferred portfolio represent the best combination of expected costs and associated risks and uncertainties. Exhibit N provides a detailed summary of IPC's least-cost plan (or IRP). IPC's 2009, 2011, 2013, and 2015 IRPs include the Project as an essential component. The 2009, 2011, 2013, and 2015 IRPs were acknowledged by the OPUC. The 2017 IRP is pending before the OPUC. To the extent that the Planning Commission believes that additional transmission planning should be required at the state level, that issue must first be raised with the legislature.

Moreover, since 2001, several regional initiatives have evaluated the cost and benefits of new transmission additions in the Northwest. These studies have all identified constraints on the existing transmission system between the Mid-Columbia market in the Pacific Northwest and load centers in the intermountain region, including southeastern Oregon and southwestern Idaho, and have identified the need for new transmission additions to alleviate constraints. Several studies have specifically concluded that the Project would provide key benefits to the region, both with regard to reliability and cost of power (see Northern Tier Transmission Group's 2009, 2011, and 2013 Biennial Transmission Plans). In summary, the Project will provide additional capacity of needed energy to IPC's service area, alleviate reliability constraints, and relieve existing transmission congestion in the two affected regions.

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

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

For analysis of application of the Forest Rules OAR 660-006-0025(4)(q), see the discussion of the GF zone in Section 6.5.2.3.

6.5.6.5 Use of Easement and Right-of-Way

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

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

6.5.6.6 Use of Land Underneath the Transmission Lines

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

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

6.5.6.7 Mitigation

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

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

6.5.6.8 Project Roads

Umatilla County Comment: You requested input on a road standard. The county does not have a particular design to recommend but acknowledges the merit of a single design for the

entire project. Generally, it is recommended that roadways be designed to minimize impact to resource ground and that the surface be managed to abate noxious weeds.

As discussed in additional detail in Exhibit B, IPC has designed and sited roads to minimize impact to resource lands. IPC will manage areas within the Site Boundary to abate noxious weeds. IPC's Reclamation and Revegetation Plan and Vegetation Management Plan (see Exhibit P1, Attachments P1-3 and P1-4), including management of noxious weeds, is discussed further in Exhibit P1. IPC will develop a Road Use Agreement with Umatilla County and IPC will apply for any necessary road access permits for new access roads connecting with or crossing an existing road. IPC will work directly with Umatilla County to obtain any necessary road access permits, and expects to obtain the permits prior to construction (see Section 6.5.2.10).

6.5.6.9 Permits Outside the Site Certificate

Certain Umatilla County permits are related to the siting of the Project and not included in or governed by the site certificate. IPC will obtain those permits prior to construction in Umatilla County, IPC proposes the following site certificate conditions regarding the same:

> ***Land Use Condition 6****: Prior to construction in Umatilla County, the certificate holder shall provide to the department a copy of the following Umatilla County-approved permits, if such permits are required by Umatilla County zoning ordinances:*
> *a. Installation of Utilities on County and Public Roads Permit;*
> *b. Road Approach and Crossing Permit; and*
> *c. Flood plain development permit.*
> *If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.*

6.5.7 Idaho Power's Proposed Site Certification Conditions Relevant to UCDC Compliance

IPC proposes the following site certificate conditions to ensure the Project complies with the applicable Umatilla County substantive criteria, as well as other relevant requirements.

Prior to Construction

> ***Land Use Condition 1:*** *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Agricultural Assessment. The protective measures described in the draft Agricultural Assessment in ASC Exhibit K, Attachment K-1, shall be included and implemented as part of the final Agricultural Assessment, unless otherwise approved by the department.*
>
> ***Land Use Condition 2:*** *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Right-of-Way Clearing Assessment. The protective measures described in the draft Right-of-Way Clearing Assessment in ASC Exhibit K, Attachment K-2, shall be included and implemented as part of the final Right-of-Way Clearing Assessment, unless otherwise approved by the department.*
>
> ***Public Services Condition 2:*** *Prior to construction, the certificate holder shall submit to the department for its approval a Helicopter Use Plan, which identifies or provides:*
> *a. The type of helicopters to be used (all helicopters must be compliant with the noise certification and noise level limits set forth in 14 CFR § 36.11);*

b. The duration of helicopter use;
c. Approximate helicopter routes to be used;
d. Protected areas and recreation areas within 2 miles of the approximate helicopter routes;
e. Roads or residences over which external loads will be carried;
f. Multi-use areas and light-duty fly yards containing helipads shall be located: (i) in areas free from tall agricultural crops and livestock; (ii) at least 500 feet from organic agricultural operations; and (iii) at least 500 feet from existing dwellings on adjacent properties;
g. Flights shall occur only between sunrise and sunset;
h. At least 30 days prior to initiating helicopter operations at any multi-use area, the certificate holder shall contact adjacent property owners within 1,000 feet of the relevant multi-use area; and
i. The certificate holder shall maintain a customer service telephone line to address, among other things, complaints regarding helicopter operations.

Prior to Construction in Umatilla County

Land Use Condition 5*: Prior to construction in Umatilla County, the certificate holder shall work with the Public Works Department on building standards for the road improvements and construction, and will ensure road construction is consistent with the Oregon Forest Practices Act.*

Land Use Condition 6*: Prior to construction in Umatilla County, the certificate holder shall provide to the department a copy of the following Umatilla County-approved permits, if such permits are required by Umatilla County zoning ordinances:*
a. Installation of Utilities on County and Public Roads Permit;
b. Road Approach and Crossing Permit; and
c. Flood plain development permit.
If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.

Land Use Condition 7: *Prior to construction in Umatilla County, the certificate holder shall complete the following to address traffic impacts in the county:*
a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;
b. The certificate holder shall work with the Umatilla County Road Department to identify concerns related to Project construction traffic; and
c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.

During Construction

Land Use Condition 15: *During construction, the certificate holder shall conduct all work in compliance with the final Agricultural Assessment referenced in Land Use Condition 1.*

Land Use Condition 16: *During construction, the certificate holder shall conduct all work in compliance with the final Right-of-Way Clearing Assessment referenced in Land Use Condition 2.*

Land Use Condition 17: *During construction, the certificate holder shall limit its transmission line right-of-way in Goal 4 forest lands to no wider than 300 feet. The certificate holder shall limit its use of the portion of the transmission line right-of-way located beyond the center 100 feet to vegetation maintenance activities, except to the extent Project features other than the transmission line are located within the same area.*

Public Services Condition 5*: During construction, the certificate holder shall conduct all work in compliance with the Helicopter Use Plan referenced in Public Services Condition 2.*

During Construction in Umatilla County

Land Use Condition 20: *During construction in Umatilla County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
In All Zones:
a. Buildings, the fixed bases of transmission line towers, and new access roads shall be set back from Class I streams at least 25-feet or one-half the stream width, whichever is greater.
b. Permanent vegetation removal within the riparian zone of all Class I streams shall retain 75% of all layers or stratas of vegetation.
c. Within the transmission line right-of-way, a maximum of 25% of existing natural vegetation along streams, lakes, and wetlands may be removed, unless necessary for reliability purposes.
d. The certificate holder shall coordinate with the Oregon Department of Fish and Wildlife and Soil and Water Conservation District on minor drainage improvements necessary to ensure effective drainage on surrounding agricultural lands. Existing drainage ditches may be cleared to original specifications without review.
e. Access points to multi-use areas and communication stations shall be limited to one every 200 feet.
f. New roads that enter onto a public or county road or state or federal highway shall be constructed of at least similar if not the same material as the public or county road or state or federal highway, and the material shall extend at least 25 feet back from the edge of the existing travel lane surface.
In the EFU Zone:
g. Buildings shall be setback as follows: (i) at least 30 feet from the property line or private road easement boundary; or (ii) at least 60 feet from the center line of the road, highway, or private road easement, whichever is greater.
h. Buildings and the fixed bases of the transmission line towers shall be set back at least 100 feet from the high-water mark of all streams, lakes, and wetlands.
*i. Parking lots shall be designed and operated as follows: (i) a*reas used for standing and maneuvering of vehicles at the multi-use areas will have paved surfaces maintained adequately for all weather use and will be drained as to avoid flow of water across public sidewalks; (ii) parking spaces along the outer boundaries of any multi-use area parking lot will be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the property line, or by a bumper rail; and (iii) artificial lighting, if provided, will not create or reflect glare in a residential zone or on any adjacent dwelling.

Land Use Condition 21: *During construction in Umatilla County, the certificate holder shall conduct all work in compliance with the Umatilla County-specific transportation and traffic plan referenced in Land Use Condition 7.*

During Operation

Land Use Condition 29: *During operation, the certificate holder shall limit its transmission line right-of-way in Goal 4 forest lands to no wider than 300 feet. The certificate holder shall limit its use of the portion of the transmission line right-of-way located beyond the center 100 feet to vegetation maintenance activities, except to the extent Project features other than the transmission line are located within the same area.*

6.6 Union County

The following section describes the elements of the Project that will be located in Union County and provides analysis regarding compliance with applicable local substantive criteria.

6.6.1 Project Facilities and Location in Union County

6.6.1.1 Maps Showing the Project in Union County

Figure K-36 shows the location of the Project in Union County and the land use designations of the affected lands. Figure K-37 identifies additional land use constraints in the county, including the Wallowa-Whitman NF Utility Corridor, Wildlife Management Areas, and State Parks.

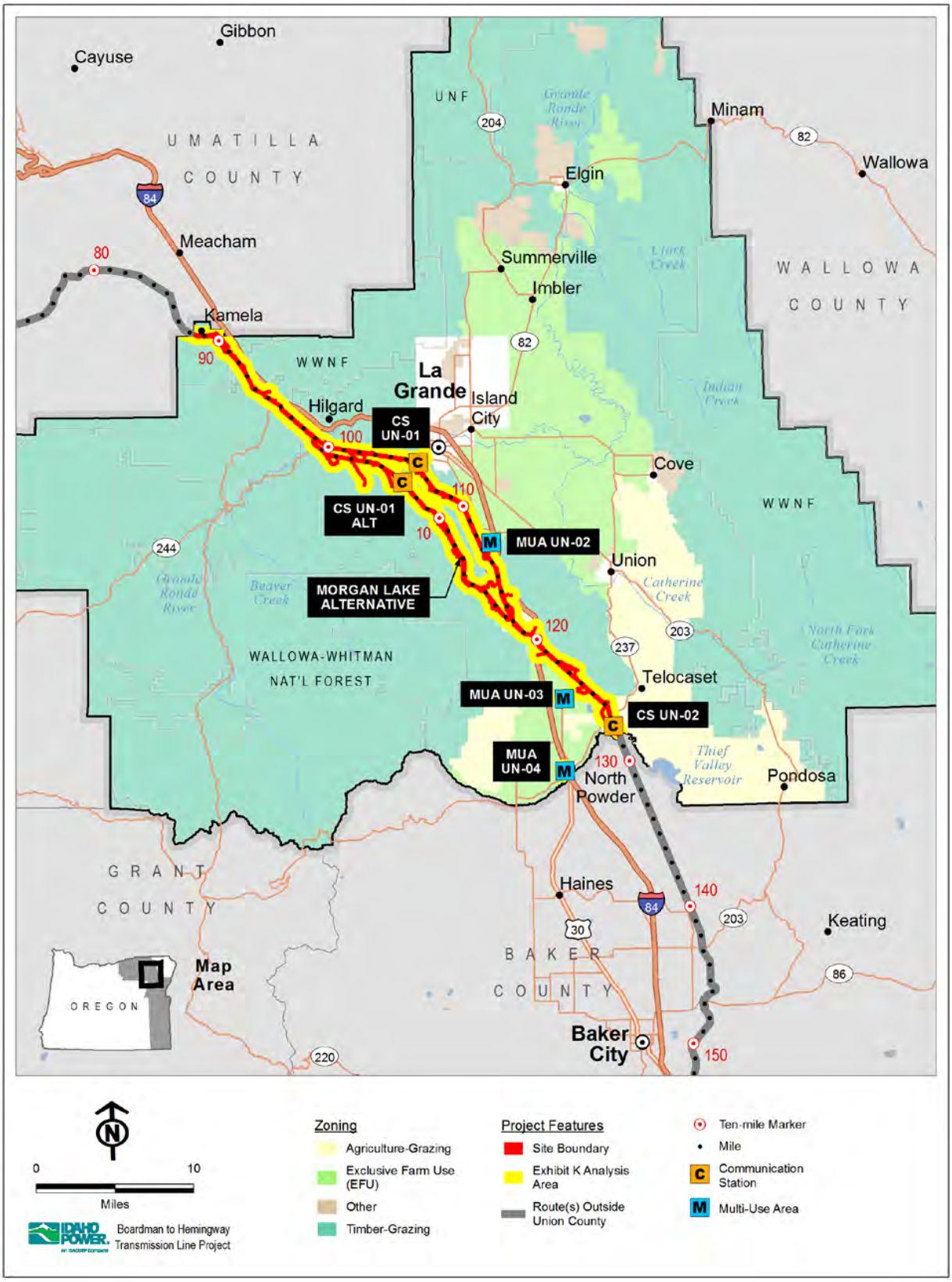

Figure K-36. Union County Zoning

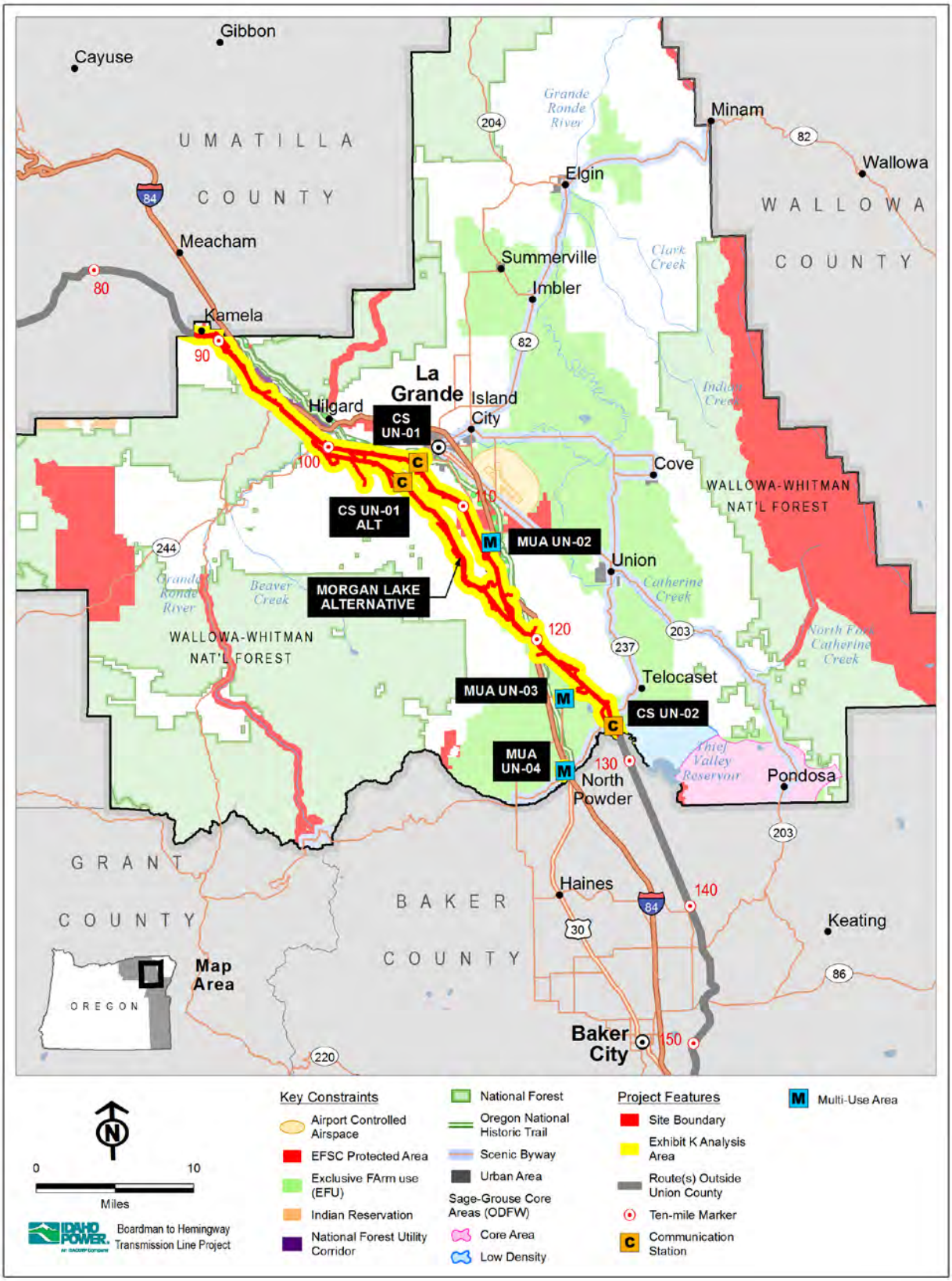

Figure K-37. Union County Constraints

6.6.1.2 Proposed Route in Union County

Location

The Proposed Route traverses Union County for 39.9 miles (see Exhibit C, Attachment C-2, Maps 45-62). After entering Union County at MP 88.3, the Proposed Route turns southeast, passing between two segments of the Blue Mountain Forest State Scenic Corridor, adjacent and offset to the southwest from the existing BPA 230-kV transmission line. At MP 91.4, the Proposed Route enters the Wallowa-Whitman NF, where it is within the designated utility corridor for 6.3 of the total 7.5 miles of Wallowa-Whitman NF land crossed. The utility corridor of the Wallowa-Whitman NF is designated NF Management Area 17, and is identified as the Power Transportation Facility Retention Corridor (USFS 1990). The Proposed Route shares the Wallowa-Whitman NF utility corridor with I-84, a Union Pacific railway line, a 230-kV transmission line, a refined petroleum products pipeline, and a large diameter natural-gas pipeline. The land is predominantly forested with areas of open shrub and grassland on some south facing slopes.

Between MP 94.6 and MP 94.8, while still inside the designated utility corridor, the Proposed Route crosses Railroad Canyon, a portion of the Blue Mountain Forest State Scenic Corridor. The Blue Mountain Forest State Scenic Corridor comprises six separate areas located along I-84 and the Old Oregon Trail Highway. These parcels extend from Deadman's Pass Rest Area in Umatilla County south to Spring Creek in Union County (OPRD 2011a).

Between MP 96 and 105.8, the Proposed Route parallels within 250 feet of BPA's existing Round Up to La Grande 230-kV transmission line.

At MP 98.8, the Proposed Route exits the Wallowa-Whitman NF and the designated utility corridor. At MP 99.6, the Proposed Route crosses over the Grande Ronde River approximately 1.0 mile south of Hilgard Junction State Park. Hilgard Junction State Park is located 8 miles west of La Grande at the intersection of I-84 and State Highway 244 near the Grande Ronde River (OPRD 2011b). At MP 100, the Proposed Route proceeds easterly for approximately 5.8 miles, generally parallel to the south side and offset 250 feet from the existing BPA 230-kV transmission line.

At MP 105.8, the Proposed Route angles to the south, away from the existing 230-kV line, which continues east into the city of La Grande. At this point, the Proposed Route is approximately 0.4 mile west of the La Grande city limits. The Proposed Route continues south until reaching MP 107.9, at which point it again turns to the east. At MP 110, the Proposed Route turns to the southeast. For the next 43.4 miles, the Proposed Route parallels at varying distances to the existing Quartz to La Grande 230-kV transmission line. In most cases, the two lines will be separated by 250 feet for this distance.

Between MP 110.5 and MP 111.5, the Proposed Route crosses over the Glass Hill Unit of the Ladd Marsh Wildlife Management Area (WMA). The Ladd Marsh WMA was established in 1949, with the primary objectives of protecting and improving waterfowl habitat and providing a public hunting area. The portion of the Ladd Marsh WMA crossed by the Project is an area that supports forest and mixed shrub uplands and the existing Quartz to La Grande 230-kV transmission line. The Proposed Route crosses over Ladd Creek and I-84 at MP 114.1, crosses I-84 again at MP 115.6 and a third time at MP 119.4.

The Proposed Route continues southeast crossing mostly open rangeland. At MP 126.8, the Proposed Route crosses State Highway 237, which is a segment of the state designated scenic byway called the Grande Tour Route. At MP 128.2, the Proposed Route is approximately

3.5 miles northeast of the city of North Powder. At this point, the Proposed Route crosses the Union Pacific Railroad and the Powder River, and exits Union County crossing into Baker County.

Towers, Access Roads, and Crossings

Table K-15 lists the towers, access roads, and crossings by the Proposed Route in Union County.

Table K-15. Towers, Access Roads, and Crossings – Proposed Route in Union County

Towers	Number of Features
Towers – Single Circuit 500-kV Lattice	169
Access Roads	**Miles**
Existing, 21-70% Improved	31.1
Existing, 71-100% Improved	6.4
New, Bladed	7.2
New, Primitive	9.4
Crossings	**Number of Crossings**
High Voltage Transmission Line Crossings[1]	3
Existing Road Crossings[2]	5
Existing Railroad Crossings[3]	3

[1] Source: ABB Ventyx (2016) and Idaho Power Company; includes only transmission lines over 69-kV.
[2] Source: Esri (2013); includes Interstate, federal, and state highways.
[3] Source: Oregon Department of Transportation (2013).

Multi-Use Areas, Light-Duty Fly Yards, and Communication Stations

There will be three multi-use areas in Union County.

- MUA UN-02 will be located approximately 0.2 mile west of the ODOT Charles Reynolds East Bound Rest Area on I-84. The land is under agricultural production and zoned by Union County as Exclusive Farm Use A-1 (Attachment C-2, Map 54).
- MUA UN-03 will be located approximately 1.8 miles west of MP 125 on the corner of Olsen and Bagwell roads. The land is grassland but may have previously supported agricultural production and is zoned by Union County as Exclusive Farm Use A-1 (Attachment C-2, Map 60).
- MUA UN-04 will be southwest of North Powder along the west side of I-84 and along the north side of U.S. Highway 30. It will be partially within the city limits of North Powder. This multi-use area will be located on a parcel of land that is bare ground. A portion of the site is zoned by North Powder as Commercial Interchange. The remainder of the parcel is zoned by Union County as Exclusive Farm Use A-1 (Attachment C-2, Map 62).

There are no light-duty fly yards in Union County.

There are two communication stations in Union County:

- CS UN-01 will be located at approximately MP 105.8 and approximately 0.4 mile west of the La Grande city limits. The land comprises shrub land with scattered trees and is zoned by Union County as Timber-Grazing (Attachment C-2, Map 51).

- CS UN-02 will be located at approximately MP 127.5 and is 0.7 mile south of State Highway 237. The land comprises shrub land and is zoned by Union County as Agriculture – Grazing (Attachment C-2, Map 61).

There is one alternative communication station in Union County:

- CS UN-01 ALT will be located at approximately MP 6.6 of the Morgan Lake Alternative Route and is 0.3 mile south of Morgan Lake. The land comprises grass land and is zoned by Union County as Timber – Grazing (Attachment C-3, Map 8).

Affected Land Use Zones

Table K-16 identifies the Union County zoning designations for the lands affected by the Proposed Project.

Table K-16. Union County Land Use Zone Designations, Proposed Route

Zoning Designation	Centerline (miles)	Site Boundary (acres)	Existing Roads, Substantial Modifications (miles)	New Roads
Exclusive Farm Use A-1	1.5	217.1	1.9	0.5
Agricultural Grazing A-2	6.1	448.3	6.1	3.1
Timber-Grazing A-4	32.1	2,302.8	29.5	13.1
Total[1]	**39.7**	**2,968.2**	**37.5**	**16.7**

[1] Sums may not total due to rounding.

6.6.1.3 Morgan Lake Alternative

Location

The 18.5-mile Morgan Lake Alternative leaves the Proposed Route at MP 98.2 approximately 1.0 mile west of the Hilgard Junction State Park (see Attachment C-3, Maps 5-14). The Morgan Lake Alternative proceeds south and then southeast crossing the Grand Ronde River at MP 0.8. This alternative then turns east crossing open rangeland with scattered forest stands on north facing slopes. At MP 4.7, the alternative turns southeast and at MP 6.3 passes about 0.2 mile southwest of Morgan Lake. Morgan Lake is a park managed by the City of La Grande. The Morgan Lake Alternative continues to the southwest and MP 11.0 crosses just to the west of the Ladd Marsh WMA. At that point, the alternative crosses lands that are predominantly forested or have undergone recent timber harvest. At MP 15, the Morgan Lake Alternative crosses over Ladd Canyon and at MP 18.5 rejoins the Proposed Route at MP 117.9.

In comparison with the Proposed Route, the Morgan Lake Alternative crosses fewer parcels with residences, does not cross the Ladd Marsh WMA, does not cross I-84, and is 0.5 mile shorter. The Morgan Lake Alternative was developed by IPC based on input from land owners.

Table C-9 lists the Project features and existing roads, railroads, and transmission lines crossed by the Morgan Lake Alternative. Table C-21 lists the acres along the alternative route that would be disturbed during construction or affected during operations.

Towers, Access Roads, and Crossings

Table K-17 lists the towers, access roads, and crossings by the Proposed Route in Union County.

Table K-17. Towers, Access Roads, and Crossings – Morgan Lake Alternative

Towers	Number of Sites
Towers – Single Circuit 500-kV Lattice	82
Access Roads	**Total Miles**
Existing, 21-70% Improved	12.0
Existing, 71-100% Improved	2.5
New, Bladed	5.9
New, Primitive	0
Crossings	**Number of Crossings**
High Voltage Transmission Line Crossings[1]	0
Existing Road Crossings[2]	1
Existing Railroad Crossings[3]	0

[1] Source: ABB Ventyx (2016) and Idaho Power Company; includes only transmission lines over 69-kV.
[2] Source: Esri (2013); includes Interstate, federal, and state highways.
[3] Source: Oregon Department of Transportation (2013).

Multi-Use Areas, Light-Duty Fly Yards, and Communication Stations

With the Morgan Lake Alternative, there will be no new multi-use areas or light-duty fly yards in Union County.

There is one alternative communication station in Union County:

- CS UN-01 ALT will be located at approximately MP 6.6 of the Morgan Lake Alternative Route and is 0.3 mile south of Morgan Lake. The land comprises grass land and is zoned by Union County as Timber – Grazing (Attachment C-3, Map 7).

Affected Land Use Zones

Table K-18 identifies the Union County zoning designations for the lands affected by the Morgan Lake Alternative.

Table K-18. Union County Land Use Zone Designations, Morgan Lake Alternative

Zoning Designation	Centerline (miles)	Site Boundary (acres)	Existing Roads, Substantial Modifications (miles)	New Roads
Exclusive Farm Use A-1	–	78.5	–	–
Agricultural Grazing A-2	1.3	85.0	–	1.0
Timber-Grazing A-4	17.2	1,333.0	15.8	14.3
Total[1]	**18.5**	**1,496.5**	**15.8**	**15.3**

[1] Sums may not total due to rounding.

6.6.2 Union County Zoning, Partition, and Subdivision Ordinance Provisions

On October 30, 2008, the Union County Planning Department submitted a letter to ODOE in response to IPC's 2008 NOI, in which the Planning Department identified local substantive criteria potentially applicable to the Project, including certain UCZPSO provisions. During preparation of Exhibit K, IPC identified potentially applicable UCZPSO provisions that were not identified by Union County in its October 30, 2008 letter. Table K-19 sets forth the potentially applicable UCZPSO provisions identified by Union County and IPC.

Table K-19. Potentially Applicable UCZPSO Provisions

Land Use Zone	Permit	Project Feature(s)	UCZPSO or Other Provision	Entity that Identified UCZPSO Provision
Exclusive Farm Use Zone	Utility Facility Land Use Decision	All Project Features	UCZPSO 2.03 Administrative Uses	Union County
			UCZPSO 2.07 Development Standards	Union County
			UCZPSO 2.06 Minimum Parcel Size	IPC
			UCZPSO 20.07 Clear-Vision Areas	Union County
	Helipad Conditional Use Permit and Land Use Decision	Helipads[1]	UCZPSO 2.04 Conditional Uses with General Review Criteria	Union County
			UCZPSO 1.08 Definitions	Union County
			UCZPSO 21.06 General Standards Governing Conditional Uses	Union County
			UCZPSO 21.05 Time Limit on a Conditional Use	IPC
	Concrete Batch Plant Conditional Use Permit and Land Use Decision	Concrete Batch Plants at the MUAs[1]	UCZPSO 2.04 Conditional Uses with General Review Criteria	Union County
			UCZPSO 1.08 Definitions	IPC
			UCZPSO 21.06 General Standards Governing Conditional Uses	IPC
			UCZPSO 21.05 Time Limit on a Conditional Use	IPC
Agricultural-Grazing Zone	Utility Facility Land Use Decision	All Project Features	UCZPSO 3.03 Administrative Uses	IPC
			UCZPSO 3.07 Development Standards	IPC
			UCZPSO 3.08 Development and Fire Siting Standards	IPC

Land Use Zone	Permit	Project Feature(s)	UCZPSO or Other Provision	Entity that Identified UCZPSO Provision
Timber-Grazing Zone	Predominant Use Land Use Decision	All Project Features – Timber Grazing Zone	UCZPSO 5.03 Administrative Uses	Union County
			UCZPSO 1.08 Definitions	Union County
	Utility Facility Land Use Decision – Predominantly Farmland Parcels	All Project Features – Predominantly Farmland Parcels	UCZPSO 5.03(8) Administrative Uses	Union County
			UCZPSO 5.07 Siting Standards for Dwellings and Structures	Union County
			UCZPSO 5.08 Development and Fire Siting Standards	Union County
			UCZPSO 5.06 Minimum Parcel Size	IPC
	Transmission Line Conditional Use Permit – Predominantly Forestland Parcels	Transmission Line	UCZPSO 5.04(3) Predominantly Forestland Conditional Uses	IPC
			UCZPSO 5.06 Minimum Parcel Size	IPC
			UCZPSO 5.08 Development and Fire Siting Standards	IPC
			UCZPSO 21.05 Time Limit on a Conditional Use	IPC
			UCZPSO 21.06 General Standards Governing Conditional Uses	Union County
	Access Roads Conditional Use Permit – Predominantly Forestland Parcels	Access Roads	UCZPSO 5.04(8) Predominantly Forestland Conditional Uses	IPC
			UCZPSO 5.06 Minimum Parcel Size	IPC
			UCZPSO 5.08 Development and Fire Siting Standards	IPC
			UCZPSO 21.05 Time Limit on a Conditional Use	IPC

Land Use Zone	Permit	Project Feature(s)	UCZPSO or Other Provision	Entity that Identified UCZPSO Provision
			UCZPSO 21.06 General Standards Governing Conditional Uses	Union County
Supplementary Provisions	N/A	All Project Features	UCZPSO 20.08 Riparian Zone Setbacks	Union County
	N/A		UCZPSO 20.09 Significant Goal 5 Resource Areas	
			UCZPSO 20.10 Site Plan Requirements	
			UCZPSO 20.14 Nonfarm Use Partitions	
Conditional Uses	N/A	All Project Features	UCZPSO 25.09(8) General Design & Improvement Standards	
Land Division Regulations	N/A	All Project Features	UCZPSO 25.05(1) Tentative Plan Requirements	
			UCZPSO 25.06(1) Final Plat Requirements	
Variance	N/A	All Project Features	UCZPSO 30.01 Authorization to Grant or Deny Variances	
			UCZPSO 30.03 Variance Procedure	

[1] As discussed below, the Union County Planning Department indicated to IPC that the zoning permit provisions of UCZPSO 2.03(7) applicable to utility facilities in the EFU Zone may not cover the helipads or concrete batch plants associated with the multi-use areas. Union County indicated that, instead, the provisions of UCZPSO 2.04(21) relating to personal-use airports and UCZPSO 2.04(16) or (17) relating to concrete batch plants might apply. However, under ORS 215.283(1)(c)(A) and UCZPSO 2.03(7), utility facilities and their related and supporting facilities—such as the helipads and concrete batch plants—are permitted outright in the EFU Zone. Regardless, and in the alternative, IPC discusses the provisions of UCZPSO 2.04(21) and UCZPSO 2.04(17), showing the helipads would be permitted in the EFU Zone as conditional uses.
N/A = not applicable

6.6.2.1 EFU Zone (A-1) UCZPSO Provisions

With the Proposed Route, the transmission line (1.5 line miles), new access roads (0.5 miles), substantially modified existing access roads (1.9 miles), and two multi-use areas (MUA UN-03 and and MUA UN-04) will be located in the EFU Zone in Union County (see Figure K-38a and

Figure K-38b). There will be no light-duty fly yards or communication stations in the EFU Zone in Union County.

The Morgan Lake Alternative includes no transmission lines, new roads, substantially modified existing access roads, multi-use areas, light-duty fly yards, or communication stations in the EFU Zone in Union County.

Figure K-38a and Figure K-38b show the location of the Project in the EFU Zone.

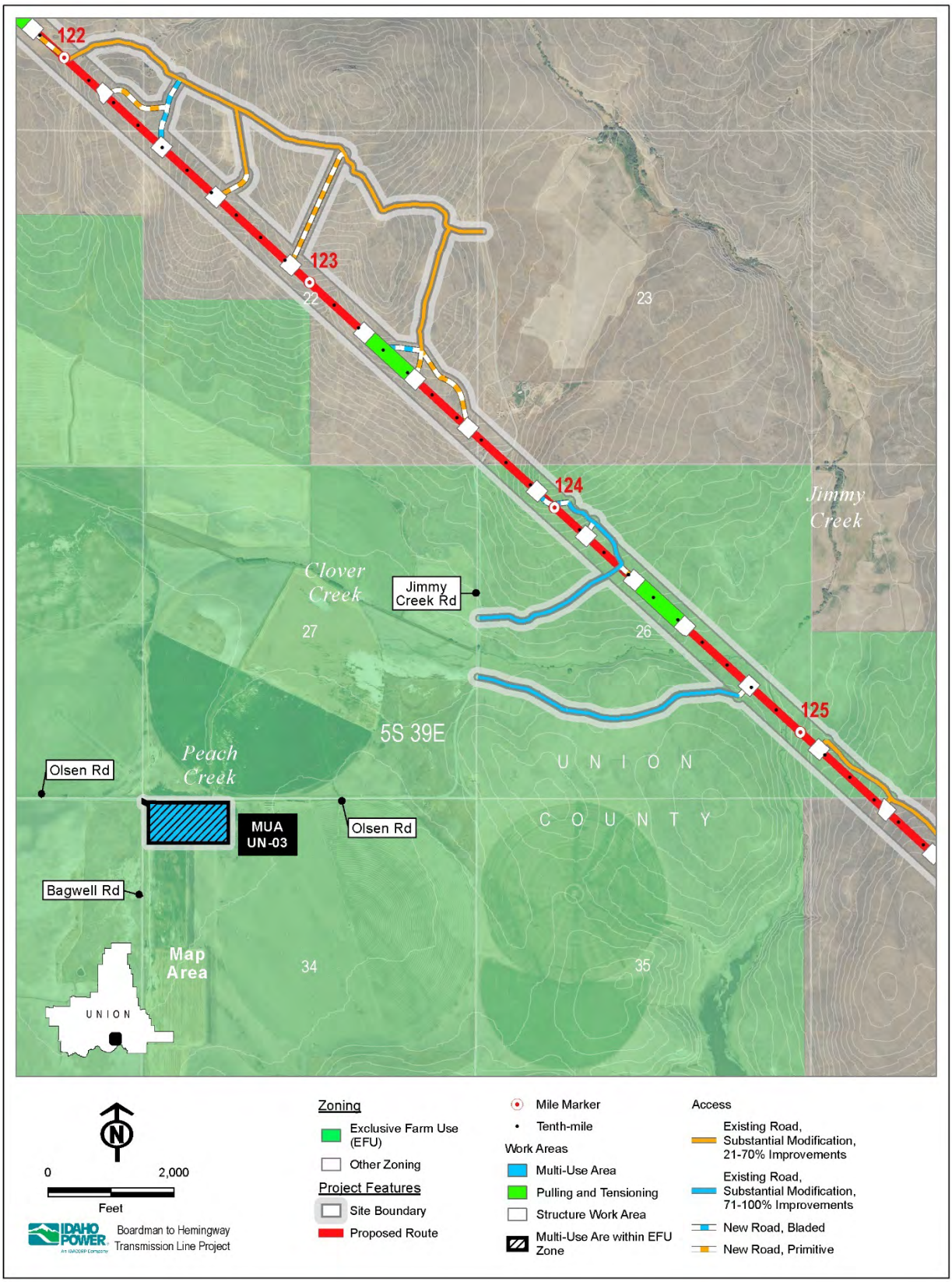

Figure K-38a. Project Features in Exclusive Farm Use (EFU) Zone – Union County

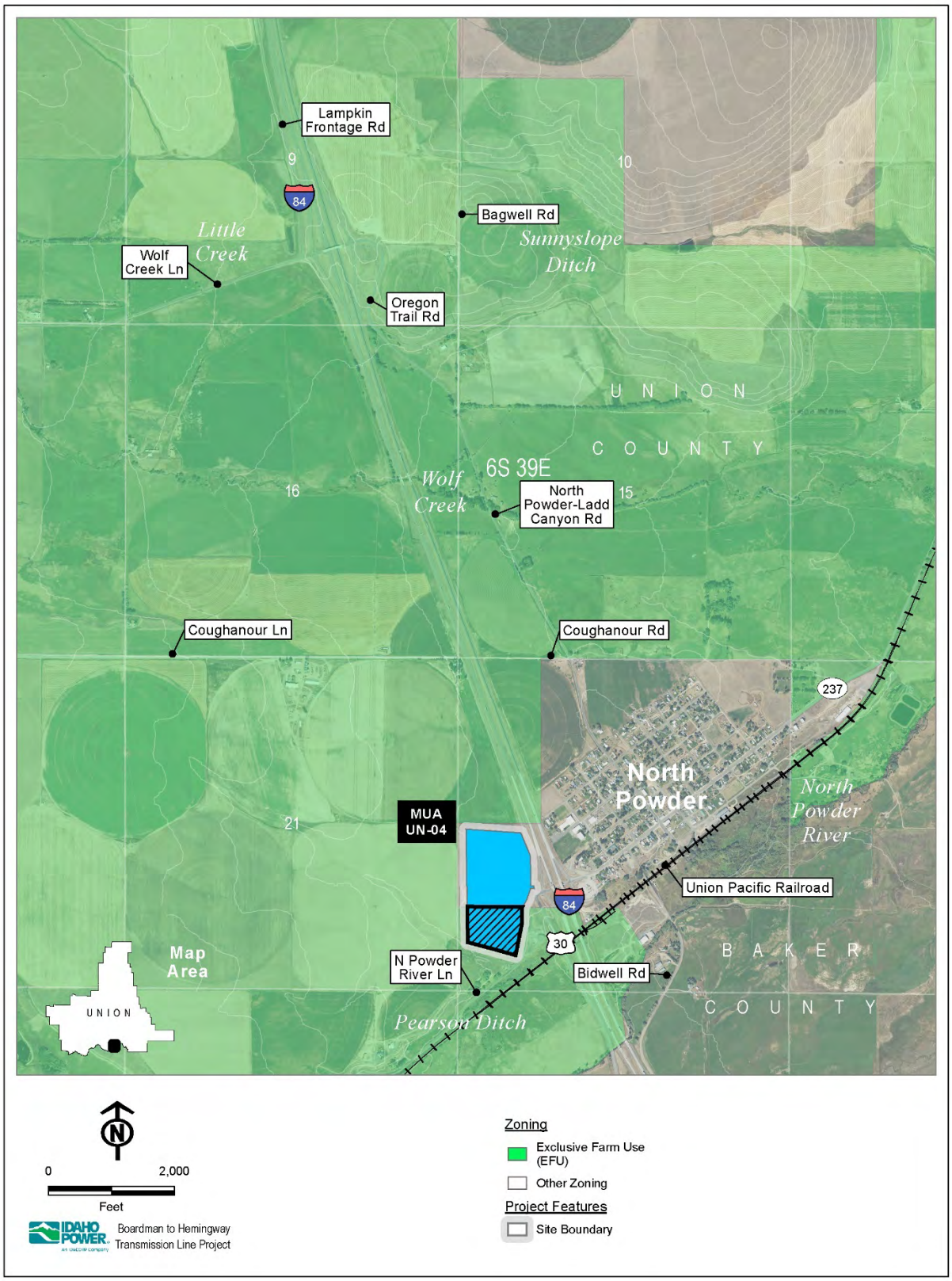

Figure K-38b. Project Features in Exclusive Farm Use (EFU) Zone – Union County

Land Use Decision (All Project Features)

UCZPSO Provisions Identified by Union County

In its October 30, 2008 letter, the Union County Planning Department identified UCZPSO 2.07 and no other UCZPSO provisions as being potentially applicable to the Project in the EFU Zone. In this section, we discuss UCZPSO 2.07 as well as UCZPSO 2.03, which applies by implication through UCZPSO 2.07.

Administrative Uses

> UCZPSO 2.03: The following uses may be established in an A-1 Zone subject to the review process identified in Section 24.02 (Planning Director Land Use Decision). The USDA Natural Resources Conservation Service soil information shall be used to determine the applicable standards to identify rangeland vs. cropland. . . . 7. Utility facilities, and similar minor facilities necessary for public service and repair, replacement and maintenance thereof, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A facility is considered necessary if it must be situated in an agricultural zone in order for the service to be provided.

UCZPSO 2.03(7) provides that a utility facility necessary for public service may be permitted in the EFU Zone in Union County through a land use decision. However, under Oregon law, utility facilities necessary for public service are permitted outright in an EFU zone and a county may not enact or apply criteria of its own that supplement those found in ORS 215.283(1).[70] Here, because the Project is authorized on EFU lands under ORS 215.283(1)(c)(A) (see Section 4.0), the county must also authorize the Project on EFU lands. To the extent UCZPSO Article 2.00 or other related provisions of the UCZPSO are more strict than ORS 215.283(1)(c)(A), those more onerous provisions of the UCZPSO do not apply to the Project (see *Brentmar v. Jackson County*, 321 Or. 481 (1995)).

ORS 215.283(1)(c)(A) requires IPC to demonstrate the need for siting the Project on EFU lands only at a macro, project-wide level across all five relevant counties. Though beyond what is required by the statute, IPC makes a similar showing at the micro or county level in Section 6.6.5, by discussing the necessity of siting the Project in EFU specifically in Union County.

Additionally, while also not required under the UCZPSO, Union County requested that IPC determine the predominant uses of the EFU zoned lands affected by the Project. Section 6.6.5 also discusses the predominate uses affected by the Project in the EFU Zone.

Development Standards

> UCZPSO 2.07: The following standards shall apply to all development in an A-1 Exclusive Farm Use Zone. 1. Any proposed division of land included within the A-1 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County (ORS 215.263).

UCZPSO 2.07 applies to all uses in the EFU Zone. UCZPSO 2.07(1) applies to projects involving lot splits or the creation of new lots in the EFU Zone. Because the Project likely will not involve lot splits UCZPSO 2.07 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from the county prior to construction. In no event, however, may the Council or the county rely on UCZPSO 2.07

[70] See *Brentmar v. Jackson County,* 321 Or. 481 (1995).

to refuse to site the Project on EFU lands (see *Brentmar v. Jackson County*, 321 Or. 481 (1995)).

UCZPSO 2.07(2): Setbacks from property lines or road rights-of-way shall be a minimum of 20-feet front and rear yards and 10-feet side yards.

UCZPSO 2.07(2) provides certain lot line and road setback requirements. The following UCZPSO 1.08 definition of "building setback line" indicates that the lot line and road setback requirements of UCZPSO 2.07(2) apply only to buildings: "A line beyond which a building cannot be constructed. The building setback line is referenced by and measured from the property line or road or street ROW line where applicable." And the term "building" means "[a] structure built for the shelter or enclosure of persons, animals, chattels or property of any kind" (UCZPSO 1.08).

- Access roads: The Project access roads will not be built to support, shelter, or enclose anything. Therefore, the access roads are not considered buildings and the lot line and road setback requirements of UCZPSO 2.07(2) do not apply to the relevant access roads.
- Transmission Line Towers: The Project transmission towers will not be built to support, shelter, or enclose anything. Therefore, the transmission towers are not considered buildings and the lot line and road setback requirements of UCZPSO 2.07(2) do not apply to the relevant towers.
- Multi-Use Areas and Communication Stations: The Project multi-use areas will include buildings. Therefore, the lot line and road setback requirements of UCZPSO 2.07(2) will apply to the relevant multi-use areas and communication stations.

While IPC is not required to do so under the Court's ruling in *Brentmar v. Jackson County*, IPC will site the Project buildings at the multi-use areas in the EFU zone in Union County to comply with the lot line and yard setback requirements of UCZPSO 2.07(2). To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 22:*** *During construction in Union County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
>
> *. . .*
>
> *In the EFU Zone:*
>
> *c. Buildings shall be setback as follows: (i) front yards shall be set back at least 20 feet from property lines and road rights-of-way; (ii) and rear yards shall be set back at least 10 feet from property lines and road rights-of-way.*
>
> *. . . .*

UCZPSO 2.07(3): Animal shelters shall not be located closer than 100 feet to an R-1 or R-2 Zone.

UCZPSO 2.07(3) addresses siting standards for animal shelters. Because the Project does not involve an animal shelter, UCZPSO 2.07(3) does not apply to the Project.

UCZPSO 2.07(4): Signs shall be limited to the following: a. All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval. b. All on-premise signs shall meet the Oregon Administrative Rule regulations for on-premise signs which have the following standards: A. Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less. B. Display area maximum is 825 square feet for each

face of any one sign, or half the total allowable sign area, whichever is less. C. Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign. D. Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign. c. All on-premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorists vision except for emergency purposes.

UCZPSO 2.07(4) includes siting and other standards for signs. IPC's signage will comply with UCZPSO 2.07(4).

Clear-Vision Areas

UCZPSO 20.07: A clear-vision area shall be maintained on the corners of all property at the intersection of two or more streets or a street and a railroad. 1. A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified below in subsection 3, or where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides. 2. A clear-vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street or road center line grade except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade. 3. The following measurements shall establish clear-vision areas: A. In an A-1, A-2, A-3, A-4, R-1, R-2, or R-3 Zone the minimum distance shall be 30-feet or, at intersections including an alley, 10-feet. B. In all other zones where yards are required, the minimum distance shall be 20-feet or, at intersections including an alley, 10-feet, except that when an angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 30 feet.

UCZPSO 20.07 requires certain clearances be maintained on the corners of properties involving intersections of two or more streets or a street and a railroad. To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 22:*** *During construction in Union County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
>
> *. . .*
>
> *In the EFU Zone:*
>
> *. . .*
>
> *d. A clear-vision area shall be maintained on the corners of all multi-use area properties at the intersection of two or more streets or a street and a railroad as follows: (i) the clear-vision area shall consist of a triangular area with the two lot lines measuring a distance of 30 feet or at an intersection involving an alley of 10 feet; and (ii) the clear-vision area shall not contain any planting, fence, wall, structure, or temporary or permanent obstruction exceeding 2.5 feet in height, except for trees with branches removed to a height of 8 feet.*
>
> *. . . .*

Minimum Parcel Size

> UCZPSO 2.06: 1. Farm Related Parcels. a. The minimum parcel size for farm related parcels in the A-1 Exclusive Farm Use Zone shall be as follows: A. 160 acres for land not designated rangeland. B. 320 acres for land designated rangeland. C. On a predominantly agricultural parcel a variance application may be submitted per Article 30.00 to create parcels per ORS 215.780(1) for resource related purposes only. 2. Non-farm Parcels. a. Parcels that are not related to farm use may be created only if all of the following criteria can be satisfied: A. No new lot or parcel may be created for this purpose until the dwelling to be sited on the new parcel is first approved pursuant to Section 2.05 4. (non-farm dwelling), and B. The new parcel is a pre-existing substandard lot or parcel created prior to the adoption of this ordinance and when the parcel is the result of a transfer of a portion of land between adjacent landowners as described in the definition of a minor partition in Section 1.08.

UCZPSO 2.06 applies to all uses in the EFU Zone. It provides for minimum lot sizes and is applicable only to the extent that a partition of a parcel zoned EFU is required. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel. Because the Project likely will not involve lot splits, UCZPSO 2.06 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from the county prior to construction. In no event, however, may the Council or the county rely on UCZPSO 2.06 to refuse to site the Project on EFU lands (see *Brentmar v. Jackson County*, 321 Or. 481 (1995)).

Conditional Use Permit and Land Use Decision (Helipads)

In undated communications subsequent to its October 30, 2008 letter, the Union County Planning Department indicated that the land use decision provisions of UCZPSO 2.03(7) applicable to utility facilities in the EFU Zone may not cover the helipads associated with the multi-use areas. The county indicated that, instead, the provisions of UCZPSO 2.04(21) relating to personal-use airports might apply. However, under ORS 215.283(1)(c)(A) and UCZPSO 2.03(7), utility facilities are permitted outright in the EFU Zone. Here, the helipads are related and supporting facilities of the utility transmission line, and therefore, the helipads should be considered utility facilities or parts thereof for purposes of UCZPSO 2.03(7) and should be authorized in the EFU Zone under that UCZPSO provision.

Regardless, and in the alternative, the helipads are permitted in the EFU Zone as conditional uses under UCZPSO 2.04(21).

UCZPSO Provisions Identified by Union County

The Union County Planning Department identified UCZPSO 2.04(21) and UCZPSO 21.06, no other UCZPSO provisions, as being potentially applicable to the Project in the EFU Zone. In this section, we discuss UCZPSO 2.04(21) and UCZPSO 21.06, as well as UCZPSO 1.08(1), which is incorporated by reference in UCZPSO 2.04(21).

Conditional Uses with General Review Criteria

> UCZPSO 2.04: In addition to the applicable standards in Article 21.00 the following uses may be established in an A-1 Zone subject to the review process identified in Section 24.03 and subject to the applicant demonstrating with adequate findings to the Planning Commission that the following criteria [OAR 660-33-130(5)] have been satisfied: Criteria No. 1-Such uses will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and Criteria No. 2-Such uses will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. . . . 21.

Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities (personal use airport definition Section 1.08).

UCZPSO 1.08(1): For the purpose of this Ordinance certain words, terms and phrases are defined as follows: . . . PERSONAL USE AIRPORT: Means an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis by invited guests and by commercial aviation activities in connection with agricultural operations. No aircraft may be used on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

The following three multi-use areas will be located in lands zoned as EFU: MUA UN-02, MUA UN-03, and MUA UN-4. Helicopter operations may be staged out of the multi-use areas. Project construction activities potentially facilitated by helicopters may include delivery of construction laborers, equipment, and materials to structure sites; structure placement; hardware installation; and wire stringing operations. Helicopters may also be used to support the administration and management of the Project by IPC, the Construction Contractor, or both.

The helipads will be used by IPC or its contractor on IPC's behalf. IPC will own or control each helicopter that uses the helipads. Thus, the Project helipads are considered "personal-use airports" under UCZPSO (see UZPSO 1.08(1) [defining personal use airport]), and are conditional uses authorized in the EFU Zone (see UCZPSO 2.04(21)).

With respect to review criteria no. 1 and no. 2, the helipads will be used temporarily during construction activities and will not be permanent airports. Because the helipads will only have temporary impacts, if any, on the surrounding lands, the helipads will not force a significant change in accepted farm or forest practices on surrounding lands (see UCZPSO 2.04 Criteria No. 1) or significantly increase costs on affected farm practices or forest use (see UCZPSO 2.04 Criteria No. 2).

UCZPSO 2.04 provides that conditional uses must not force significant changes to farm or forest practices or significantly increase costs to the same. Here, helicopter operations have the potential to affect adjacent agricultural and forestry operations through:

- Blow down of tall crops, such as corn, from rotor wash;
- Spread of weed seeds and/or insect pests to other fields. This potential impact is of particular importance if helicopters are to be used in close proximity to organic farming operations;
- Noise impacts from helicopters on livestock; and
- Temporary reduction in the area of pasture/range available to livestock during line construction.

(See Attachment K-1, Agricultural Lands Assessment, and Attachment K-2, Right of Way Clearing Assessment, for further discussion of impacts to agricultural and forestry practices.) The helipads will only be used during construction activities and will not be permanent airports, and therefore, any such impacts will be temporary and therefore not significant. Even so, to ensure impacts to surrounding agricultural lands are avoided or minimized, IPC proposes the following site certificate conditions:

Public Services Condition 2: *Prior to construction, the certificate holder shall submit to the department for its approval a Helicopter Use Plan, which identifies or provides:*
a. The type of helicopters to be used (all helicopters must be compliant with the noise certification and noise level limits set forth in 14 CFR § 36.11);
b. The duration of helicopter use;
c. Approximate helicopter routes to be used;
d. Protected areas and recreation areas within 2 miles of the approximate helicopter routes;
e. Roads or residences over which external loads will be carried;
f. Multi-use areas and light-duty fly yards containing helipads shall be located: (i) in areas free from tall agricultural crops and livestock; (ii) at least 500 feet from organic agricultural operations; and (iii) at least 500 feet from existing dwellings on adjacent properties;
g. Flights shall occur only between sunrise and sunset;
h. At least 30 days prior to initiating helicopter operations at any multi-use area, the certificate holder shall contact adjacent property owners within 1,000 feet of the relevant multi-use area; and
i. The certificate holder shall maintain a customer service telephone line to address, among other things, complaints regarding helicopter operations.

Public Services Condition 5*: During construction, the certificate holder shall conduct all work in compliance with the Helicopter Use Plan referenced in Public Services Condition 2.*

General Standards Governing Conditional Uses

UCZPSO 21.06: The following standards and criteria shall govern conditional uses, except as provided in subsection 21.07: 1. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use. 2. Other uses similar to those enumerated within specified zones except in the A-1, A-2, A-3 and A-4 Zones which are consistent with the purposes and intent of the applicable zone may be modified by the Planning Commission if the use is found: A. To be compatible with outright or conditional uses of the applicable zone. B. Not to interfere seriously with established and accepted practices on adjacent lands. C. Not to materially alter the stability of the overall land use pattern of the area. D. That the proposed use can comply with the standards of the zone, and E. To comply with such other conditions as the Planning Commission or its designate considers necessary to carry out the purposes of this ordinance.

UCZPSO 21.06 applies to all conditional uses in Union County. UCZPSO 21.06(1) provides conditional uses in EFU lands must meet the standards relevant to uses permitted outright in the zone—that is, UCZPSO 2.06 and 2.07. Here, the minimum parcel size provisions of UCZPSO 2.06 and development standards of UCZPSO 2.07 are addressed above in this Section 6.6.2.1 in relation to utility facilities in the EFU Zone in Union County. The same analysis applies here.

UCZPSO 21.06(2) provides the Planning Commission may modify conditional uses in the EFU Zone under certain circumstances. Here, the Council will impose conditions on the Project to ensure the Project meets the Council's standards, if necessary. Further, IPC shows in this exhibit that the Project will comply with the provisions of the UCZPSO and statewide planning goals. For these reasons, no further conditions are necessary under UCZPSO 21.06(2).

UCZPSO Provisions Identified by IPC

IPC and not Union County identified the following UCZPSO provisions as potentially applicable to the helipads in the EFU Zone. IPC addresses these ordinances for informational purposes only.

Time Limit on a Conditional Use

> UCZPSO 21.05: Authorization of a conditional use shall be void after one year unless substantial construction pursuant thereto has taken place. However, one year time extensions may be granted by the Planning Director if the applicable circumstances are unchanged.

UCZPSO 21.05 applies to all conditional uses in Union County. It provides all conditional use permits are void after one year unless substantial construction has taken. Because the Council and not the county has jurisdiction over the land use decisions and conditional use authorizations covered by the site certificate, the Council's and not the county's construction deadlines apply to the Project.

Conditional Use Permit and Land Use Decision (Concrete Batch Plants)

In its October 12, 2017 comments on the Amended pASC, Union County indicated that the land use decision provisions of UCZPSO 2.03(7) applicable to utility facilities in the EFU Zone may not cover the concrete batch plants associated with the multi-use areas. The county indicated that, instead, the provisions of UCZPSO relating to processing aggregates or processing aggregates into asphalt or Portland cement might apply. However, under ORS 215.283(1)(c)(A) and UCZPSO 2.03(7), utility facilities are permitted outright in the EFU Zone. Here, the concrete batch plants are related and supporting facilities of the utility transmission line, and therefore, the concrete batch plants should be considered utility facilities or parts thereof for purposes of UCZPSO 2.03(7) and should be authorized in the EFU Zone under that UCZPSO provision.

Regardless, and in the alternative, the concrete batch plants are permitted in the EFU Zone as conditional uses under UCZPSO 2.04(17) or (18).

UCZPSO Provisions Identified by Idaho Power

In its October 12, 2017 comments, Union County identified several UCZPSO provisions that were taken from the 2017 version of the code. However, ORS 469.504(1)(b)(A) and OAR 345-021-0050(6)(b)(A) provide that the applicable local land use criteria are those in effect on the date the pASC was submitted or February 27, 2013. IPC discusses below the UCZPSO from the February 27, 2013 version of the code that appear to be equivalent to those identified by the County, although, the County identified many provisions that did not exist or did not have an equivalent in the February 27, 2013 version. In this section, we discuss UCZPSO 2.04(17), UCZPSO 2.04(18), UCZPSO 21.06, and UCZPSO 21.05.

Conditional Uses with General Review Criteria

> UCZPSO 2.04: In addition to the applicable standards in Article 21.00 the following uses may be established in an A-1 Zone subject to the review process identified in Section 24.03 and subject to the applicant demonstrating with adequate findings to the Planning Commission that the following criteria [OAR 660-33-130(5)] have been satisfied: Criteria No. 1-Such uses will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and Criteria No. 2-Such uses will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. . . . 17. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298. 18. Processing as defined by ORS

517.750 of aggregate into asphalt or Portland cement except the proposed location of an asphalt plant cannot be within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date of the application for batching and blending is filed. [OAR 660-33-130(15)] . . . .

The following three multi-use areas will be located in lands zoned as EFU: MUA UN-02, MUA UN-03, and MUA UN-04. Concrete batch plants may be used at any of the multi-use areas and will be used to store and combine ingredients to form concrete. That being so, the batch plants may be considered conditional uses under either UCZPSO 2.04(17) or (18).

With respect to review criteria no. 1 and no. 2, the batch plants will be used temporarily during construction activities and will not be permanent operations. Because the batch plants will only have temporary impacts, if any, on the surrounding lands, the batch plants will not force a significant change in accepted farm or forest practices on surrounding lands (see UCZPSO 2.04 Criteria No. 1) or significantly increase costs on affected farm practices or forest use (see UCZPSO 2.04 Criteria No. 2).

UCZPSO 2.04 provides that conditional uses must not force significant changes to farm or forest practices or significantly increase costs to the same. Here, batch plants have the potential to affect adjacent agricultural and forestry operations by creating dust that might travel off of the multi-use area property and affect adjacent crops. The batch will only be used during construction activities and will not be permanent, and therefore, any such impacts will be temporary and therefore not significant. Even so, to ensure impacts to surrounding agricultural lands are avoided or minimized, IPC will implement dust mitigation measures at the multi-use areas.

To address the provision providing that cement batch plants not be located within 2 miles of a planted vineyard, Idaho Power proposes the following condition:

> ***Land Use Condition 22****: During construction in Union County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
>
> *. . .*
>
> *In the EFU Zone:*
>
> *. . .*
>
> *e. Concrete batch plants shall not be located within 2 miles of a vineyard totaling at least 40 acres and which was planted as of February 27, 2013.*
>
> *. . . .*

General Standards Governing Conditional Uses

UCZPSO 21.06: The following standards and criteria shall govern conditional uses, except as provided in subsection 21.07: 1. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use. 2. Other uses similar to those enumerated within specified zones except in the A-1, A-2, A-3 and A-4 Zones which are consistent with the purposes and intent of the applicable zone may be modified by the Planning Commission if the use is found: A. To be compatible with outright or conditional uses of the applicable zone. B. Not to interfere seriously with established and accepted practices on adjacent lands. C. Not to materially alter the stability of the overall land use

pattern of the area. D. That the proposed use can comply with the standards of the zone, and E. To comply with such other conditions as the Planning Commission or its designate considers necessary to carry out the purposes of this ordinance.

UCZPSO 21.06 applies to all conditional uses in Union County. UCZPSO 21.06(1) provides conditional uses in EFU lands must meet the standards relevant to uses permitted outright in the zone—that is, UCZPSO 2.06 and 2.07. Here, the minimum parcel size provisions of UCZPSO 2.06 and development standards of UCZPSO 2.07 are addressed above in this Section 6.6.2.1 in relation to utility facilities in the EFU Zone in Union County. The same analysis applies here.

UCZPSO 21.06(2) provides the Planning Commission may modify conditional uses in the EFU Zone under certain circumstances. Here, the Council will impose conditions on the Project to ensure the Project meets the Council's standards, if necessary. Further, IPC shows in this Exhibit that the Project will comply with the provisions of the UCZPSO and statewide planning goals. For these reasons, no further conditions are necessary under UCZPSO 21.06(2).

Time Limit on a Conditional Use

UCZPSO 21.05: Authorization of a conditional use shall be void after one year unless substantial construction pursuant thereto has taken place. However, one year time extensions may be granted by the Planning Director if the applicable circumstances are unchanged.

UCZPSO 21.05 applies to all conditional uses in Union County. It provides all conditional use permits are void after one year unless substantial construction has taken. Because the Council and not the county has jurisdiction over the land use decisions and conditional use authorizations covered by the site certificate, the Council's and not the county's construction deadlines apply to the Project.

6.6.2.2 Agriculture-Grazing Zone (A-2) UCZPSO Provisions

With the Proposed Route, the transmission line (6.1 line miles), new access roads (3.1 miles), substantially modified existing access roads (6.1 miles), and one (1) communication station (CS UN-02) will be located in the Agricultural-Grazing Zone in Union County. There will be no multi-use areas or light-duty fly yards in the Agricultural-Grazing Zone in Union County with the Proposed Route.

With the Morgan Lake Alternative, the transmission line (1.3 line miles), new access roads (1.0 miles), and one (1) alternative communication station (CS UN-01) will be located in the Agricultural-Grazing Zone in Union County. There will be no multi-use areas or light-duty fly yards in the Agricultural-Grazing Zone in Union County with the Morgan Lake Alternative.

Figure K-39a and Figure K-39b show the location of the Project in the Agricultural-Grazing Zone.

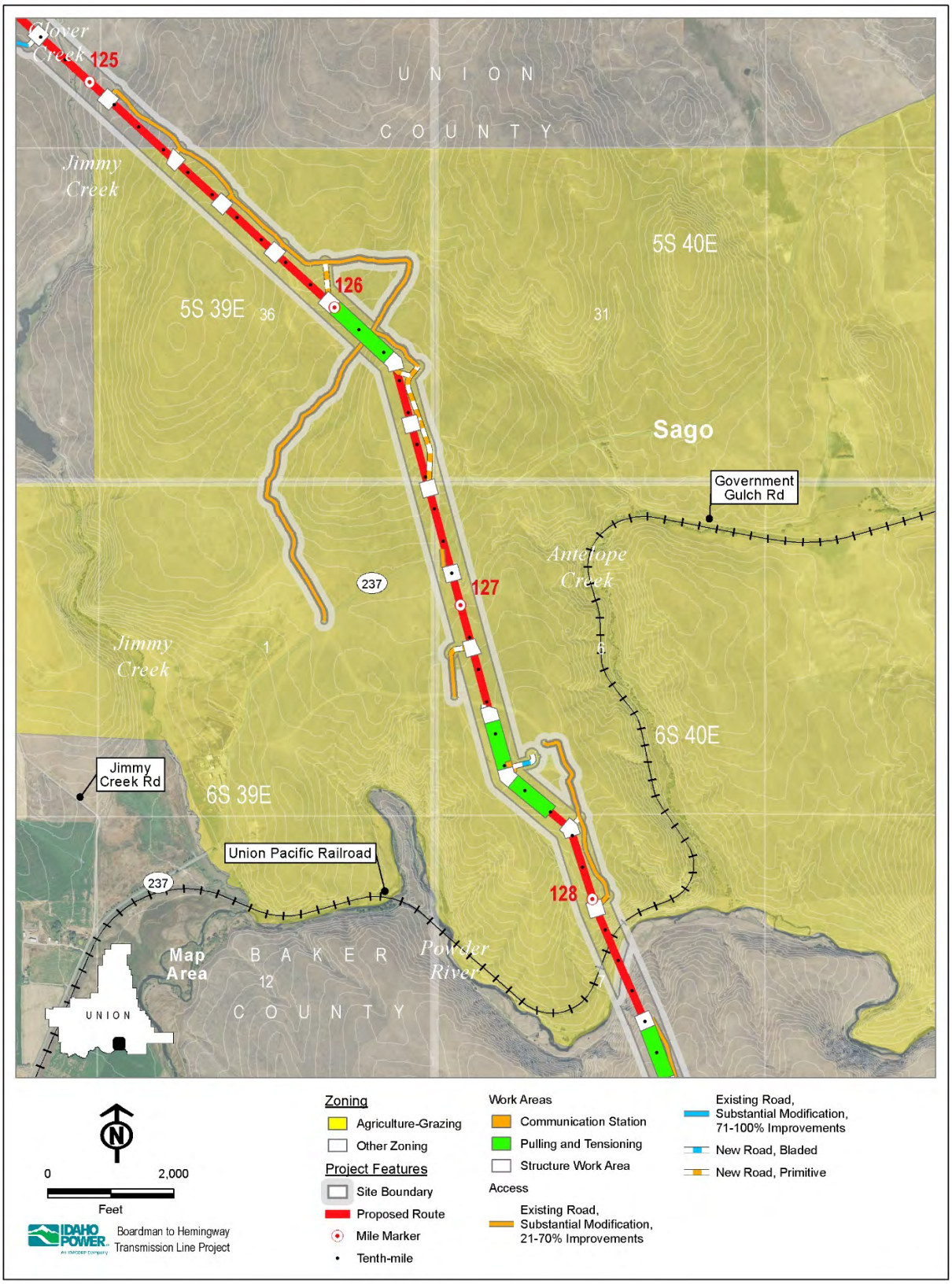

Figure K-39a. Project Features in Agriculture-Grazing Zone – Union County

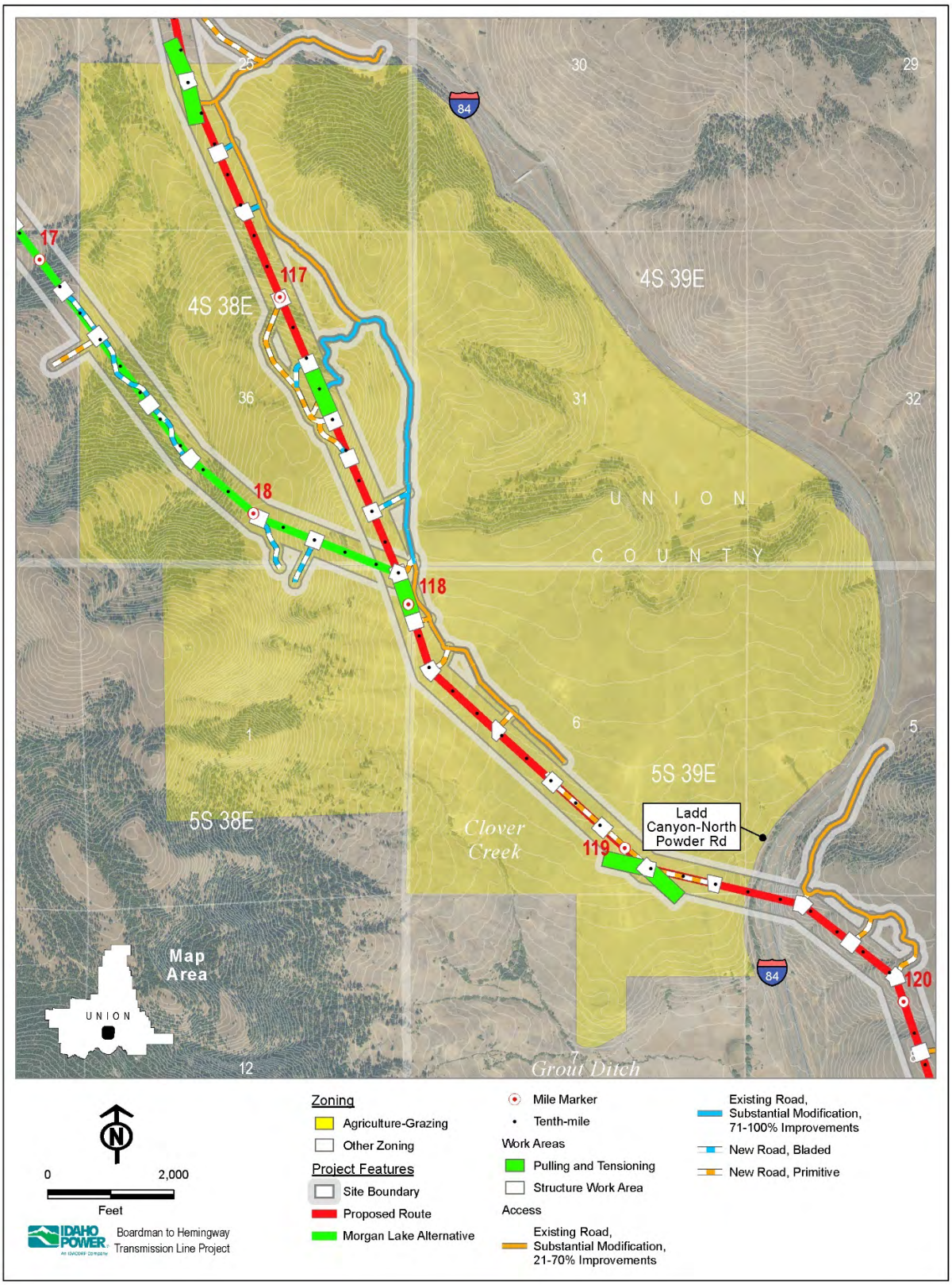

Figure K-39b. Project Features in Agriculture-Grazing Zone – Union County

Land Use Decision (All Project Features)

UCZPSO Provisions Identified by IPC

In its October 30, 2008, letter, the Union County Planning Department identified no UCZPSO provisions as being potentially applicable to the Project in the Agriculture-Grazing Zone. However, IPC and not Union County identified the following UCZPSO provisions as potentially applicable to the Project in the Agriculture-Grazing Zone. IPC addresses these ordinances for informational purposes only.

Administrative Uses

> UCZPSO 3.03: The A-2 Agriculture-Grazing Zone allows the following uses to be established in an A-2 Zone subject to the review process identified in Section 24.02 (Planning Director Land Use Decision). The USDA Natural Resources Conservation Service soil information shall be used to determine the applicable standards to identify rangeland vs. cropland. . . . 7. Utility facilities, and similar minor facilities necessary for public service and repair, replacement and maintenance thereof, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A facility is considered necessary if it must be situated in an agricultural zone in order for the service to be provided.

Under UCZPSO 3.03, the Agricultural-Grazing Zone includes both rangeland and cropland. As stated in UCZPO 3.03, Union County uses the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service soil information to identify whether a particular parcel zoned Agricultural-Grazing is considered either rangeland or cropland. On August 6, 2012, IPC representatives received clarification from the Union County Planning Department that a "utility facility necessary for public service" in the Agricultural-Grazing Zone is permitted consistent with ORS 215.283(1)(c)(A) and ORS 215.275, regardless of whether it is considered rangeland or cropland according to the relevant soil type. Accordingly, if a utility facility complies with ORS 215.283(1)(c)(A) and ORS 215.275, it is considered compliant with UCZPSO 3.03(7). Here, because the Project meets the standards of ORS 215.283(1)(c)(A) and ORS 215.275 (see Section 4), the Project also is an authorized use in the Agricultural-Grazing Zone.

Additionally, while not required under the UCZPSO 3.03(7), Union County requested that IPC discuss the predominant uses of the Agricultural-Grazing Zone lands affected by the Project. IPC discusses those predominant uses in Section 5.6.5 below.

Development Standards

> UCZPSO 3.07(1): Any proposed division of land included within the A-2 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County (ORS 215.263).

UCZPSO 3.07 applies to all uses in the Agricultural-Grazing Zone. UCZPSO 3.07(1) applies to projects involving lot splits or the creation of new lots in the EFU Zone. Because the Project likely will not involve lot splits UCZPSO 3.07(1) likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from the county prior to construction.

> UCZPSO 3.07(2): Setbacks from property lines or road rights-of-way shall be a minimum of 20-feet front and rear yards and 10-feet side yards.

UCZPSO 3.07(2) provides certain lot line and road setback requirements. The following UCZPSO 1.08 definition of "building setback line" indicates that the lot line and road setback requirements of UCZPSO 3.07(2) apply only to buildings: "A line beyond which a building

cannot be constructed. The building setback line is referenced by and measured from the property line or road or street right-of-way line where applicable." And the term "building" means "[a] structure built for the shelter or enclosure of persons, animals, chattels or property of any kind" (UCZPSO 1.08).

- Access roads: The Project access roads will not be built to support, shelter, or enclose anything. Therefore, the lot lit and road setback requirements of UCZPSO 3.07(2) do not apply to the relevant access roads.
- Transmission Line Towers: The Project transmission towers will not be built to support, shelter, or enclose anything. Therefore, the lot lit and road setback requirements of UCZPSO 3.07(2) do not apply to the relevant transmission towers.
- Communication Station: The Project communication stations will include a building. Therefore, the lot lit and road setback requirements of UCZPSO 3.07(2) will apply to the relevant multi-use areas.

To ensure compliance with the setback requirements of UCZPSO 3.07(2), IPC proposes the following site certificate condition:

> ***Land Use Condition 22:*** *During construction in Union County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *. . .*
> *In the Agricultural Grazing Zone:*
> *f. Buildings shall be setback as follows: (i) front yards shall be set back at least 20 feet from property lines and road rights-of-way; and (i) rear yards shall be set back at least 10 feet from property lines and road rights-of-way.*
> *. . . .*

UCZPSO 3.07(3): Animal shelters shall not be located closer than 100 feet to an R-1 or R-2 Zone.

UCZPSO 3.07(3) addresses siting standards for animal shelters. Because the Project does not involve an animal shelter, UCZPSO 3.07(3) does not apply to the Project.

UCZPSO 3.07(4): Signs shall be limited to the following: a. All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval. b. All on-premise signs shall meet the Oregon Administrative Rule regulations for on-premise signs which have the following standards: A. Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less. B. Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less. C. Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign. D. Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign. E. All on-premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorists vision except for emergency purposes.

UCZPSO 3.07(4) includes siting and other standards for signs. IPC's signage will comply with UCZPSO 3.07(4).

Development and Fire Siting Standards

UCZPSO 3.08 applies to all uses in the Agricultural-Grazing Zone. The development standards set forth in UCZPSO 3.08(1) through 3.08(4)(c) are identical to the provisions of UCZPSO 2.07(1) through 2.07(4)(c), which are discussed above in Section 6.6.2.1. The analysis is the same here.

The fire siting standards of UCZPSO 3.08(5) through (8) apply only to new dwellings and related structures. Because the Project does not include any dwellings, those provisions do not apply to the Project. Nonetheless, IPC recognizes the importance of fire prevention and suppression, and has developed a draft Fire Prevention and Suppression Plan (see Exhibit U, Attachment U-3). Further, IPC will comply with design codes that prevent fire hazards including OPUC Construction Standards, the National Electric Safety Code requirements pertaining to the prevention of fire hazards related to outdoor public utility installations, and the National Fire Protection Association Uniform Fire Code Handbook guidance related to the clearance of brush and vegetative growth in and around transmission lines.

The remaining provisions of UCZPSO 3.08—that is, UCZPSO 3.08(4)(d) through (f)—are discussed as follows.

UCZPO 3.08(4)(d): All dwelling addresses shall be uniquely designated in accordance with the Union County Road Naming and Addressing Ordinance (Court Order 1988-03) on signs clearly visible and placed at the intersection of the driveway and named road. Rural address markers provided and installed by the Union County Public Works Department shall not be removed, modified or obstructed.

UCZPSO 3.08(4)(d) includes siting and other standards for signs. IPC's signage will comply with UCZPSO 3.08(4)(d).

UCZPO 3.08(4)(e): Signs identifying pertinent information such as "dead end road", "bridge out", and so forth, shall be appropriately placed as designated by Union County.

UCZPSO 3.08(4)(e) includes siting and other standards for signs. IPC's signage will comply with UCZPSO 3.08(4)(e).

UCZPSO 3.08(4)(f): Signs identifying location of a fire-fighting water source and each assess to that source shall be permanently identified and shall indicate whether it is a fire hydrant, a dry hydrant, or another type of water supply.

UCZPSO 3.08(4)(f) includes siting and other standards for signs. IPC's signage will comply with UCZPSO 3.08(4)(f).

6.6.2.3 Timber-Grazing Zone (A-4) UCZPSO Provisions

With the Proposed Route, the transmission line (32.1 line miles), new access roads (13.1 miles), substantially modified existing access roads (29.5 miles), and one communication station (CS UN-01) will be located in the Timber-Grazing Zone in Union County (see Figures K-40a and K-40b). There will be no multi-use areas or light-duty fly yards in the Timber-Grazing Zone in Union County with the Proposed Route.

With the Morgan Lake Alternative, the transmission line (17.2 line miles), new access roads (14.3 miles), substantially modified existing access roads (15.8 miles), and one alternative communication station (CS UN-01 ALT) will be located in the Timber-Grazing Zone in Union

County (see Figures K-40a and K-40b). There will be no multi-use areas or light-duty fly yards in the Timber-Grazing Zone in Union County with the Morgan Lake Alternative.

Figure K-40a and Figure K-40b show the location of the Project in the Timber-Grazing Zone.

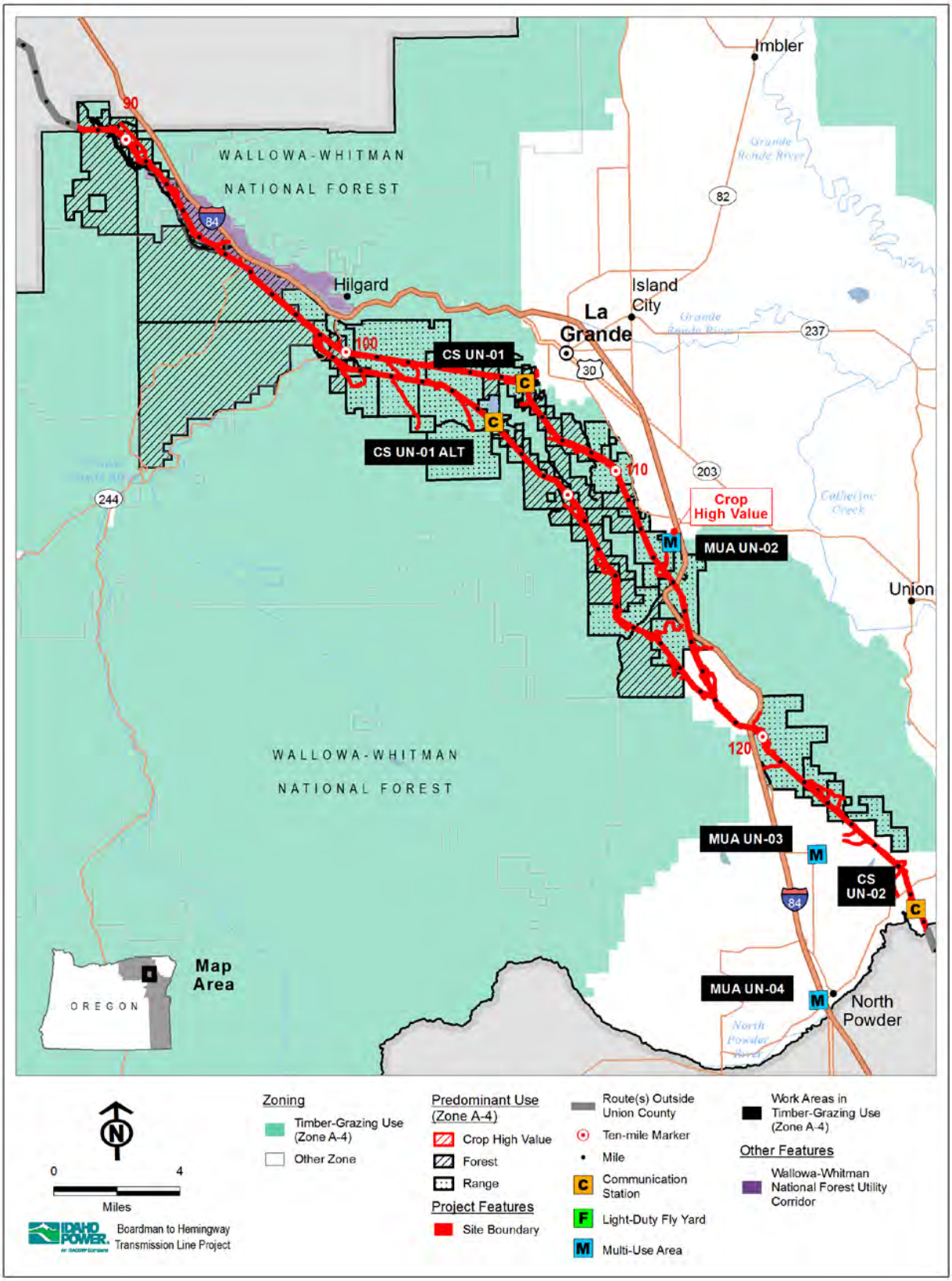

Figure K-40a. Project Features in Timber-Grazing Zone – Union County

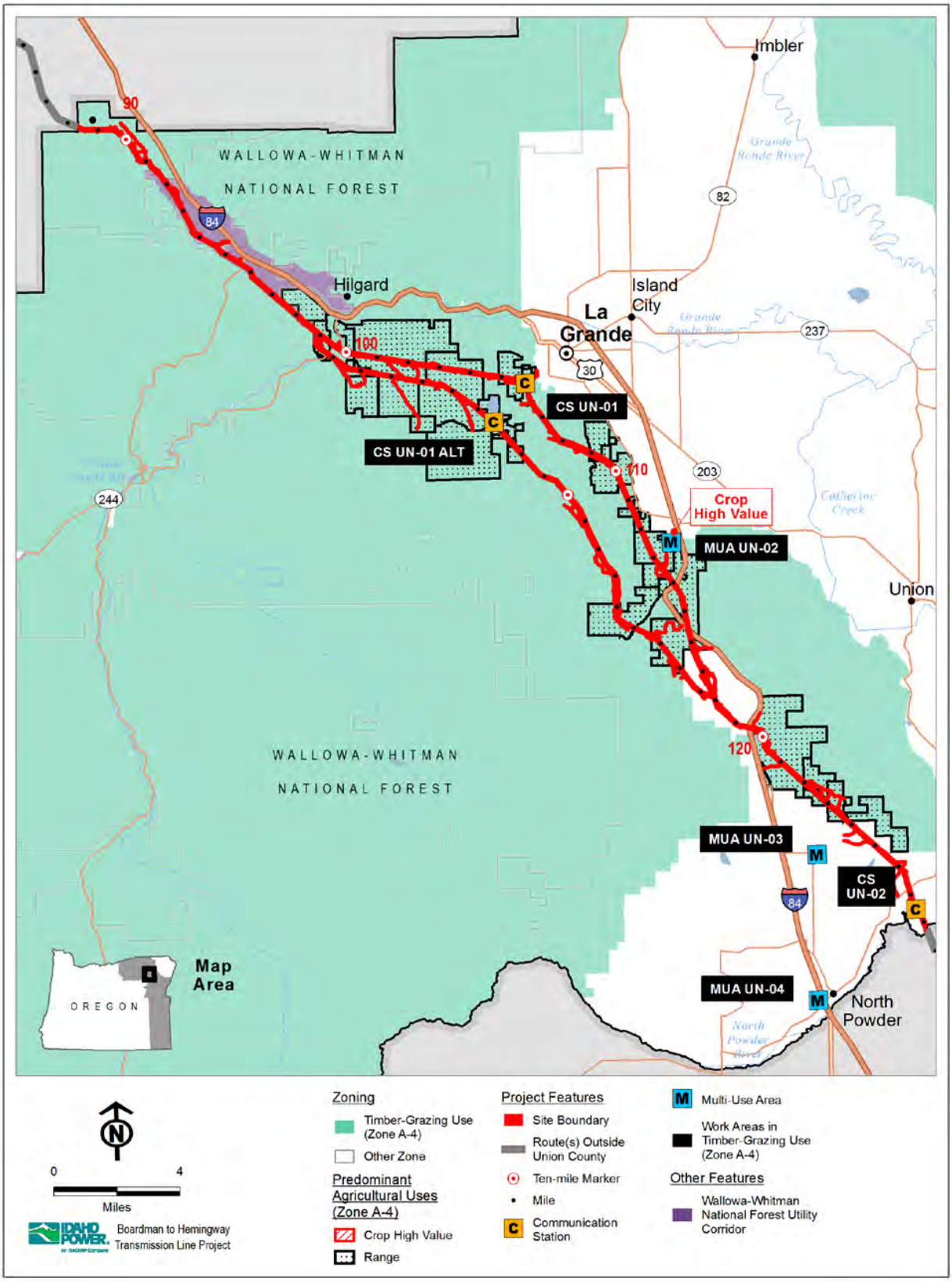

Figure K-40b. Project Features in Timber-Grazing Zone – Union County

Predominant Use Land Use Decision

UCZPSO Provisions Identified by Union County

In its October 30, 2008, letter, the Union County Planning Department identified UCZPSO 5.07 and UCZPSO 5.08, and no other UCZPSO provisions, as being potentially applicable to the Project in the Timber-Grazing Zone. In this section, we discuss UCZPSO 5.03 and UCZPSO 1.08, which apply by implication through UCZPSO 5.07 and UCZPSO 5.08.

Administrative Uses; Definitions

> UCZPSO 5.03: The A-4 Timber-Grazing Zone allows both farm and forest uses, is acknowledged to be in compliance with Statewide Planning Goals 3 (agriculture) & 4 (forestry) and is a qualifying exclusive farm use zone. The County shall apply either forest or farm standards for siting a dwelling in the A-4 Timber-Grazing Zone based on the predominant use of the tract on January 1, 1993. Predominant use shall be determined as defined in Section 1.08. . . .
>
> UCZPSO 1.08: For the purpose of this Ordinance certain words, terms and phrases are defined as follows: . . . PREDOMINANT USE: The term used to describe the most common use of a parcel when differentiating between farmland and forest land. In determining predominant use NRCS Soil Conservation Service soil maps will be used to determine soil designations and capabilities. The results of this process will be the most important method in determining the predominant use of the parcel. Other factors which may contribute to determining predominant use include parcel characteristics such as a commercial stand of timber, and the current use of the property. Removing a commercial stand of timber from a property will not result in a conversion of predominant use unless the property is disqualified as forest land by the Oregon Department of Forestry. . . .

The Timber-Grazing Zone is a hybrid zone and includes both farm and forest uses.[71] Under UCZPSO Section 5.03, the Timber-Grazing Zone "is acknowledged to be in compliance with Statewide Planning Goals 3 (agriculture) and 4 (forestry) and is a qualifying exclusive farm use zone." The applicable standards are dependent on the predominant use of the tract of land as of January 1, 1993.[72] Here, IPC worked closely with Union County to determine the predominant use on each of the 61 parcels that are crossed by the Site Boundary that are located wholly or partially within the Timber-Grazing Zone. In order to determine the predominant use on each parcel, data from Soil Survey Geographic Database (SSURGO) was used along with the Union County taxlot data (parcel data). GIS mapping software was used to determine which SSURGO soil type comprised the most acres within each parcel. Using a table provided by Union County listing each SSURGO soil type and the corresponding predominant use value,[73] each parcel was then initially given one of the following predominant use values: Crop High Value, Crop High Value if Irrigated, Crop, Range, Forest, Gravel Pit, Miscellaneous/Water or Urban/Not Rated. This analysis resulted in a preliminary predominant use value for each parcel within the Site Boundary based on SSURGO soils data. Union County then reviewed each parcel's initial

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

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

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

predominant use value against 2011 aerial photography and tax lot records and adjusted the predominant use to reflect current land use. In the Timber-Grazing zone, none of the parcels involved in the analysis had their initial predominant use value adjusted through the Union County review process. However, SSURGO data for 18 of the total 61 parcels was not available and therefore the above analysis could not be performed. These 18 parcels are located in the vicinity of the National Forest. For these parcels, the predominant use analysis was determined solely by Union County review process. All 18 parcels were determined to have a predominant use of forest.

Table K-20 and Figure K-40a show the predominant uses of the Timber-Grazing Zone lands affected by the Project. Figure K-40b shows whether the predominantly farmland parcels in the Timber-Grazing Zone are being used for crop, high value crop, or range use.

Table K-20. Timber-Grazing Zone Predominant Uses

Predominant Use	Number of Parcels[1]	Centerline (miles)	Site Boundary (acres)
Proposed Route			
Forest	33	15.2	1,063.7
Range	28	16.5	1,205.2
Crop High Value	1	–	0.1
Proposed Route – Total[2]	**62**	**31.7**	**2,269.0**
Morgan Lake Alternative			
Forest	20	7.0	525.2
Range	18	10.1	802.0
Crop High Value	–	–	–
Morgan Lake Alternative – Total[2]	**38**	**17.1**	**1,327.2**

[1] Number of parcels crossed by the site boundary.
[2] Sums may not total due to rounding.

Where the Project will be sited in predominant use agricultural lands in the Timber-Grazing Zone, it is considered an administrative use under UCZPSO 5.03(8), subject the standards for siting in EFU-zoned land (see OAR Chapter 660, Division 33 and ORS Chapter 215). Where the Project will be sited in predominant use forest lands in the Timber-Grazing Zone, it is considered a conditional use under UCZPSO 5.04(3), subject to the siting standards for forest zones (see OAR Chapter 660, Division 6).

Land Use Decision – Predominantly Farmland Parcels (All Project Features)

With the Proposed Route, the transmission line (6.0 line miles), new access roads (3.1 miles), and substantially modified existing access roads (6.0 miles) will be located in predominantly farmland parcels in the Timber-Grazing Zone in Union County. No multi-use areas, communication stations, or light-duty fly yards will be located in predominantly farmland parcels in the Timber-Grazing Zone.

With the Morgan Lake Alternative, the transmission line (1.3 line miles), new access roads (1.0 mile), and 1 communication station (CS UN-01 ALT) will be located in predominantly farmland parcels in the Timber-Grazing Zone in Union County. No substantially modified existing access roads, multi-use areas, or light-duty fly yards will be located in predominantly farmland parcels in the Timber-Grazing Zone.

UCZPSO Provisions Identified by Union County

In its October 30, 2008 letter, the Union County Planning Department identified UCZPSO 5.07 and UCZPSO 5.08, and no other UCZPSO provisions, as being potentially applicable to the Project in the Timber-Grazing Zone. In this section, we discuss UCZPSO 5.07 and UCZPSO 5.08, as well as UCZPSO 5.03(8), which applies by implication through UCZPSO 5.07 and UCZPSO 5.08.

Administrative Uses

> UCZPSO 5.03: . . . The following uses may be established in an A-4 Zone subject to the Planning Director Land Use Decision review procedure identified in Section 24.02. . . . 8. On predominantly farmland parcels utility facilities, and similar minor facilities necessary for public service and repair, replacement and maintenance thereof, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A facility is considered necessary if it must be situated in an agricultural zone in order for the service to be provided. [OAR 660-33-130(16)]

UCZPSO 5.03(8) references OAR 660-33-130(16), which provides criteria for determining whether a utility facility is necessary. The criteria under OAR 660-33-130(16) are the same as, or similar to, the criteria under ORS 215.283(1)(c)(A) and ORS 215.275. Here, as discussed in Section 4, the Project is considered a utility facility necessary for public service under ORS 215.283(1)(c)(A) and ORS 215.275. Thus, the Project is also considered necessary under OAR 660-33-130(16) and UCZPSO 5.03(8), and is an administrative use authorized in predominant use agricultural lands in the Timber-Grazing Zone (see UCZPSO 5.03(8); Table K-20). Further, because the access roads and communication station located in predominantly farmland parcels support and relate to the utility transmission line, those Project features are considered utility facilities or parts thereof for purposes of UCZPSO 5.03(8) and are permitted uses in the Timber-Grazing Zone.

ORS 215.283(1)(c)(A) requires IPC demonstrate the need to site the Project on EFU lands only at a macro, project-wide level across all five relevant counties. Though beyond what is required by the statute, Section 5.6.5 makes a similar showing at the micro or county level, by providing a detailed discussion of the necessity of siting the Project in EFU specifically in Union County.

Siting Standards for Dwellings and Structures

> UCZPSO 5.07: The following siting standards shall apply to all new dwellings and related structures in the A-4 Zone where the predominant use is forestry [OAR 660-06-050(3)] and where dwellings are on rangeland within one quarter mile of forest land areas. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks, and to conserve values found on forest lands. The standards in Sections 5.07 and 5.08 shall be considered when identifying the building site. . ..

UCZPSO 5.07 provides siting standards for dwellings and related structures. “Dwellings” are buildings containing one or more rooms designed for occupancy by a family (see UCZPSO 1.08, defining “single-family dwelling” and “dwelling unit”). Here, the Project includes no buildings designed for family occupancy, and thus, there are no Project dwellings. Even so, in its October 12, 2107 comments and a June 5, 2018 letter, Union County asserted that communication stations are subject to Subsections 1 and 2 of UCZPSO 5.07 as “related structure[s].” IPC’s position is that UCZPSO 5.07 states that it applies to “new dwellings and related structures,” and the County’s use of the phrase “and related structures” shows that UCZPSO 5.07 is not intended to apply to all structures but rather only to structures that are related to dwellings. The County could have listed dwellings *and* structures separately, but

instead, the County used language requiring a relationship between the structures and a dwelling. Here, the Project includes no dwellings, so by extension there are no structures *related to* dwellings. For those reasons, UCZPSO 5.07 does not apply to the communication stations in the Timber-Grazing Zone.

Even so, if the Council finds that a communication station is a "related structure" and UCZPSO 5.07 applies to a communication station, IPC shows below that the Project will comply with Subsections 1 and 2.

> 1. Dwellings and structures shall be sited on the parcel so that:
> a. They have the least impact on nearby or adjoining forest or agricultural lands;
> b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the parcel will be minimized;
> c. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
> d. The risks associated with wildfire are minimized.

The communication stations were sited within the transmission line right-of-way to minimize unnecessary cumulative impacts. This will have the least impact on nearby or adjoining forest and agricultural lands because it will site the communications in an area already impacted by the transmission line, thereby avoiding and minimizing impacts to adjacent lands that otherwise might have been impacted if the station was sited on those lands and not the portion of the parcel that is already going to be impacted. Siting the communication stations within the transmission line right-of-way also ensures adverse impacts on forest operations on the parcels will be minimized, because forest operations will already be limited to protect the transmission line and adding the communication stations will not add any additional or cumulative limitations. Siting the communication stations within the transmission line right-of-way minimizes the amount of forest lands used for access roads and the station because, again, forest lands in the area will already be impacted to accommodate the transmission line thereby avoiding or minimizing unnecessary cumulative impacts related to the station and the station will take advantage of access roads that will already be used for accessing the transmission line. Regarding wildfire risk, the risks associated with wildfire from or to the communication stations are low (see Exhibit U). Even so, by siting the communication stations within the transmission line right-of-way, this will consolidate the Project features in a smaller area providing an opportunity to concentrate any necessary wildfire response activities. For these reasons, the communication stations have been sited in compliance with UCZPSO 5.07.1.

> 2. Siting criteria satisfying subsection 5.07 1. may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

Because the communication stations were sited in a way to minimize unnecessary cumulative impacts, no additional siting criteria are required to satisfy Subsection 5.07.

Development and Fire Siting Standards

> UCZPSO 5.08: The following standards shall apply to all development in an A-4 Timber-Grazing Zone. Fire siting standards (items 5-8) shall apply only to new dwellings and related structures in the A-4 Zone where the predominant use is forestry [OAR 660-06-055(3)] and where dwellings are on rangeland within one quarter mile of forest land areas. . . . 2. Setbacks from property lines or road rights-of-way shall be a minimum of 20-feet front and rear yards and 10-feet side yards. . . .

UCZPSO 5.08(2) provides certain lot line and road setback requirements. The following UCZPSO 1.08 definition of "building setback line" indicates that the lot line and road setback requirements of UCZPSO 5.08(2) apply only to buildings: "A line beyond which a building cannot be constructed. The building setback line is referenced by and measured from the property line or road or street right-of-way line where applicable." And the term "building" means "[a] structure built for the shelter or enclosure of persons, animals, chattels or property of any kind" (UCZPSO 1.08).

- Access roads: The Project access roads will not be built to support, shelter, or enclose anything. Therefore, the access roads are not considered buildings and the lot line and road setback requirements of UCZPSO 5.08(2) do not apply to the relevant access roads.
- Transmission Line Towers: The Project transmission towers will not be built to support, shelter, or enclose anything. Therefore, the transmission towers are not considered buildings and the lot line and road setback requirements of UCZPSO 5.08(2) do not apply to the relevant towers.
- Multi-Use Areas and Communication Stations: The Project multi-use areas and communication stations will include buildings. Therefore, the lot line and road setback requirements of UCZPSO 5.08(2) will apply to the relevant multi-use areas and communication stations.

To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 22:*** *During construction in Union County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
>
> *. . .*
>
> *In the Timber-Grazing Zone:*
>
> *h. Buildings shall be setback as follows: (i) front and rear yards shall be set back at least 20 feet from property lines and road rights-of-way; (ii) and side yards shall be set back at least 10 feet from property lines and road rights-of-way.*
>
> *. . . .*

UCZPSO 5.08(4): Signs shall be limited to the following: a. All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval. b. All on-premise signs shall meet the Oregon Administrative Rule regulations for on-premise signs which have the following standards: A. Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less. B. Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less. C. Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign. D. Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign. c. All on-premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorist's vision except for emergency purposes. d. All dwelling addresses shall be uniquely designated in accordance with the Union County Road Naming and Addressing Ordinance

(Court Order 1988-03) on signs clearly visible and placed at the intersection of the driveway and named road. Rural address markers provided and installed by the Union County Public Works Department shall not be removed, modified or obstructed. e. Signs identifying pertinent information such as "dead end road", "bridge out", and so forth, shall be appropriately placed as designated by Union County. f. Signs identifying location of a fire-fighting water source and each assess to that source shall be permanently identified and shall indicate whether it is a fire hydrant, a dry hydrant, or another type of water supply..

UCZPSO 5.08(4) includes siting and other standards for signs. IPC's signage will comply with UCZPSO 5.08(4).

UCZPSO 5.08: The following standards shall apply to all development in an A-4 Timber-Grazing Zone. Fire siting standards (items 5-8) shall apply only to new dwellings and related structures in the A-4 Zone where the predominant use is forestry [OAR 660-06-055(3)] and where dwellings are on rangeland within one quarter mile of forest land areas. . . .

The preamble to UCZPSO 5.08 states that subsections (5) through (8) apply only to "new dwellings and related structures." The use of the phrase "and related structures" shows that UCZPSO 5.08 is not intended to apply to all structures but rather only to structures that are related to dwellings. The County could have listed dwellings and structures separately, but instead, the County used language requiring a relationship between the structures and a dwelling. Here, the Project includes no dwellings, so by extension, there also are no structures related to dwellings. For those reasons, UCZPSO 5.08(5) through (8) do not apply to communication stations in the Timber-Grazing Zone.

UCZPSO Provisions Identified by IPC

In its October 30, 2008 letter, the Union County Planning Department identified UCZPSO 5.07 and UCZPSO 5.08, and no other UCZPSO provisions, as being potentially applicable to the Project in the Timber-Grazing Zone. IPC and not Union County identified the following UCZPSO provisions as potentially applicable to the Project features in predominantly farmland parcels in the Timber-Grazing. IPC addresses these ordinances for informational purposes only.

Minimum Parcel Size

UCZPSO 5.06: 1. For farmland not designated rangeland the minimum parcel size shall be 160 acres. 2. For land designated rangeland the minimum parcel size shall be 320 acres. 3. For new parcels which will be predominantly comprised of forest land the minimum parcel size shall be 240 acres. 4. On predominantly agricultural parcels (cropland or rangeland) a variance application may be submitted per Article 30.00 to create parcels per ORS 215.780(1) for resource related purposes only. 5. New land divisions less than required in Section 5.06 3. above: [OAR 660-06-026(2)] a. New land divisions on predominantly forest land parcels less than the parcel size in 5.06 3. may be approved only for the uses listed in 5.02 3. & 12.; 5.04 1., 2., 5., 6., 10., & 11.; and 5.05 3. provided that such uses have been approved pursuant to 5.04 Criteria No's 1, 2 & 3. b. Such divisions shall create a parcel that is the minimum size necessary for the use. 6. Non-farm parcels on predominantly farmland parcels. a. Predominantly farmland parcels that are not customarily provided in conjunction with farm use may be created only if all of the following criteria can be satisfied: A. No new lot or parcel may be created for this purpose until the dwelling to be sited on the new parcel is first approved pursuant to Section 5.05 4. (non-farm dwelling). B. The new parcel is a pre-existing substandard lot or parcel created prior to the adoption of this ordinance and when the parcel is the result of a transfer of a parcel of land between adjacent landowners as described in the definition of a minor partition in Section 1.08.

UCZPSO 5.06 provides for minimum lot sizes and is applicable only to the extent that a partition is required. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel. Because the Project likely will not involve lot splits, UCZPSO 5.06 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from the county prior to construction.

Conditional Use Permit – Predominantly Forestland Parcels (All Project Features)

With the Proposed Route, the transmission line (31.6 line miles), new access roads (13.1 miles), substantially modified existing access roads (29.4 miles), 1 communication station (CS UN-01), and 1 multi-use area (MUA UN-02) will be located in predominantly forestland parcels in the Timber-Grazing Zone in Union County. No light-duty fly yards will be located in predominantly forestland parcels in the Timber-Grazing Zone.

With the Morgan Lake Alternative, the transmission line (17.1 line miles), new access roads (14.2 miles), substantially modified existing access roads (15.9 miles), and 1 multi-use area (MUA UN-02) will be located in predominantly forestland parcels in the Timber-Grazing Zone in Union County. No communication stations or light-duty fly yards will be located in predominantly forestland parcels in the Timber-Grazing Zone.

UCZPSO Provisions Identified by IPC

IPC and not Union County identified the following UCZPSO provisions as potentially applicable to the portion of the Project occurring in predominantly forestland parcels in the Timber-Grazing. IPC addresses these ordinances for informational purposes only.

Predominantly Forestland Conditional Uses

> UCZPSO 5.04: The following uses may be established on predominantly forestland parcels or tracts in an A-4 Zone subject to the review procedures identified in Section 24.03 and subject to approval by the Planning Commission based on applicable standards in Article 21.00 and the following criteria: . . . 3. New electrical transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal) with rights-of-way 50 feet or less in width.

UCZPSO 5.04(3) provides that new electric transmission lines are considered conditional uses in predominant use forest lands in the Timber-Grazing Zone. UCZPSO 5.04(3) contains criteria identical to OAR 660-006-0025(4)(q), and Union County identified OAR 660-006-0025(4)(q) as a substantive criterion applicable to the Project. That being so, IPC analyzes the Project in the following section as a conditional use subject to the provisions of OAR 660-006-0025(4) regarding "uses authorized in forest zones."

Uses Authorized in Forest Zones

> OAR 660-006-0025(4): The following uses may be allowed on forest lands subject to the review standards in section (5) of this rule: . . . (q) New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. . . .

Under OAR 660-006-0025(4)(q), a "new electric transmission line with right of way widths of up to 100 feet as specified in ORS 772.210" is a "conditional use," meaning a use allowed on Goal 4 forest lands subject to certain conditions. For the reasons explained below, the ROW required by the Project falls well within the "new electric transmission line" use set forth in OAR 660-006-0025(4)(q), and the Project ROW is therefore a conditional use on Goal 4 forest lands in Union County.

While OAR 660-006-0025(4)(q) expressly refers only to transmission lines with up to a 100-foot ROW, the Oregon Supreme Court has concluded that the use category defined in OAR 660-006-0025(4)(q) also includes new electric transmission lines with ROWs greater than 100 feet because of that provision's specific reference to ORS 772.210 (regarding condemnation) (see *Save Our Rural Oregon v. EFSC*, 339 Or. 353, 375-76 (2005) (concerning the EFSC application of the COB Energy Facility LLC, and hereinafter referred to as *COB*)). ORS 772.210 relates to "Rights of Ways for Public Uses" and public utility condemnation authority. It authorizes public utilities to "[c]ondemn such lands not exceeding 100 feet in width for its [transmission] lines." In addition, ORS 772.210(1) provides that "[i]f the lands are covered by trees that are liable to fall and constitute a hazard to its wire or line," the public utility may "condemn such trees for a width not exceeding 300 feet." ORS 772.210(2), a parallel provision tailored to address high-voltage transmission lines, similarly provides that a public utility may:

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

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

This approach is consistent with the precedent set in the *COB* case, cited above, in which the Oregon Supreme Court interpreted OAR 660-006-0025(4)(q)),[74] taken together with ORS 772.210(1), to allow a new electric transmission line with a ROW in excess of 100 feet on Goal 4 forest lands without requiring an exception to Goal 4. In *COB*, the facility proposed for development in the forest zone included a 100-foot wide corridor for a transmission line, as well as a vegetative maintenance zone of 54 feet on each side of the ROW and access roads.[75] In that case, the Supreme Court concluded that the 100-foot ROW was a permissive use, and that "ORS 772.210 allows a vegetative maintenance zone of up to 100 feet on either side of such a corridor."[76] Accordingly, the Court reasoned that no Goal 4 exception was required for the entire 154-foot corridor proposed by the applicant, and the entire 154-foot ROW was allowed in the forest zone as a conditional use.[77]

Given that OAR 660-006-0025(4)(q) specifically refers to ORS 772.210 in its entirety, not just subsection (1) of ORS 772.210,[78] the analysis in *COB* must be applied to include the wider ROWs identified in ORS 772.210(2) as within the scope of conditional uses authorized in Goal 4 forest lands. Although the *COB* opinion does not expand on the court's reasoning, it appears that the Court determined that the conditional use described in Klamath County analogue of

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

OAR 660-006-0025(4)(q) should be read broadly to include the wider corridors described in ORS 772.210. Thus, applying the reasoning in *COB,* OAR 660-006-0025(4)(q) should be read to authorize up to a 300-foot ROW corridor for a new electric transmission line "designed for voltages in excess of 330,000 volts," as well as up to 100 feet on either side of such corridor for vegetative maintenance, in Goal 4 forest land. Accordingly, the Project is a "new electric transmission line" for the purposes of OAR 660-006-0025(4)(q) and up to a 500-foot ROW corridor should be considered a conditional use on Goal 4 forest lands in Union County.

While IPC's position is that the *COB* decision provides for a 500-foot ROW in Goal 4 forest lands, ODOE disagrees. Instead, ODOE has stated that only a 300-foot ROW is authorized, unless a Goal 4 exception is provided. Without waiving its argument, IPC is agreeing to limit its ROW to no more than 300 feet in Goal 4 forestlands,[79] which under ODOE's interpretation complies with OAR 660-006-0025(4)(q), ORS 772.210, and the *COB* decision. To ensure compliance with ODOE's direction, IPC requests that the Council adopt the following conditions to be included in the site certificate:

> ***Land Use Condition 17:*** *During construction, the certificate holder shall limit its transmission line right-of-way in Goal 4 forest lands to no wider than 300 feet. The certificate holder shall limit its use of the portion of the transmission line right-of-way located beyond the center 100 feet to vegetation maintenance activities, except to the extent Project features other than the transmission line are located within the same area.*[80]
>
> ***Land Use Condition 29:*** *During operation, the certificate holder shall limit its transmission line right-of-way in Goal 4 forest lands to no wider than 300 feet. The certificate holder shall limit its use of the portion of the transmission line right-of-way located beyond the center 100 feet to vegetation maintenance activities, except to the extent Project features other than the transmission line are located within the same area.*

The Project's compliance with the three conditional use siting criteria for forest lands provided in OAR 660-006-0025(5) is discussed below.

IPC's position is that the term "new electric transmission line" includes related and supporting facilities, including access roads, communication stations, and other such facilities, all of which should be conditionally permitted. And therefore, all Project features and related and supporting facilities are conditionally permitted in Goal 4 forest lands under OAR 660-006-0025(4)(q). However, arguably, even if the Council finds that OAR 660-006-0025(4)(q) does not cover access roads outside the transmission line corridor, IPC demonstrates in Section 6 that the substantially modified existing roads outside of the corridor are permitted outright on forest lands under OAR 660-006-0025(3)(h), and that new roads outside the corridor nonetheless comply with statewide planning Goal 4. Alternatively, in the event EFSC concludes that the roads outside the transmission line corridor are not conditionally permitted as part of the new

[79] While IPC may need to extend the ROW width up to 300 feet in certain forested areas to allow for maintenance of danger trees, those circumstances will be limited and the ROW will typically be 250 feet in most forested areas.
[80] Land Use Condition 17 and Land Use Condition 29 restrict the size of the of the transmission line right-of-way in Goal 4 forest lands to no greater than 300 feet wide. The conditions put no limitations on the use of the center 100 feet, but the use of the area outside the center 100 feet is limited to vegetation maintenance activities. To clarify, the vegetation maintenance limitation only applies to transmission line construction and operation activities, and it does not apply to or otherwise limit construction or operation of non-transmission-line Project features that occur within the vegetation maintenance areas. For example, IPC may construct and operate roads and communication stations within the portion of the transmission line right-of-way located beyond the center 100 feet.

electric transmission line and are inconsistent with Statewide Planning Goal 4, IPC shows in Section 7.0 that the Council should provide an exception to Goal 4.

OAR 660-006-0025(5): A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands: (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

The Agricultural Lands Assessment, Attachment K-1, analyzes in detail the accepted farm practices in the area surrounding the Project and the potential impacts of the Project on the same. The following is a summary of that information. The Agricultural Lands Assessment evaluates farm practices either observed or expected on lands within the Site Boundary and on surrounding lands within 500 feet of the Site Boundary (Agricultural Assessment Area). The agricultural practices within the Agricultural Assessment Area in Union County included rangeland, rangeland/timber, and pasture (see Attachment K-1, Table 3-5). Potential impacts of the Project include temporary (construction) and permanent (operational) disturbances, as well as the indirect impacts associated with these disturbances and the type of agricultural use disturbed. Indirect impacts may include growth inducing effects caused by the Project but occur later in time or farther removed in distance. Indirect impacts may include changes in the pattern of land use, population density or growth rate, and the related effects of those changes on agriculture. IPC will take certain minimization and mitigation actions to address potential impacts to agriculture, including but not limited to restoring land to its former condition, compensating landowners for damages and/or impacts to agricultural operations caused as a result of Project construction, micro-siting the towers to avoid agricultural areas, instituting weed control measures, preventing soil erosion, and other measures (see Attachment K-1, Section 7.3). The Project, taking into account measures to minimize or mitigate impacts, will not force a significant change in, or significantly increase the cost of, accepted farming practices in the areas surrounding the Project in Union County (see Attachment K-1, Section 14.0).

The Right-of-Way Clearing Assessment, Attachment K-2, addresses existing forestry practices adjacent to the Project and impacts to those practices that may occur as a result of the construction and operation of the Project. The Right-of-Way Clearing Assessment looked at forest practices in the Site Boundary and within 500 feet of the Site Boundary (Forestry Assessment Area). In the forest lands in Union County, forestry was the predominant land use within the Forestry Assessment Area (see Attachment K-2, Section 3.2). Range or managed pastureland also is intermixed among the forested lands. Potential impacts to existing forestry practices resulting from the logging operations for the new transmission corridor and associated with permanent removal of trees from the right of the way include: land on the corridor may need to be converted from forestry to agriculture; future timber harvesting operations of trees within a tree length of the power line will have a higher risk factor; there may be some loss in tree volume along the new edges of the power line corridor; the risk of wildfire may be increased; new roads may allow access to more area for authorized and unauthorized users of the land; new roads may provide new, beneficial access to the underlying landowner; and well-maintained powerline corridors can serve as a fire break or provide access for firefighting purposes (see Attachment K-2, Section 3.6.1). To address potential impacts to forestry practices on surrounding lands, IPC will implement certain minimization and mitigation measures, such as: seasonal access restrictions; wildlife habitat restrictions; riparian area protections; herbicide best management practices; fire protection; and erosion control (see Attachment K-2, Section 5). The Project, taking into account measures to minimize or mitigate impacts, will not force a significant change in, or significantly increase the cost of, accepted forestry practices in the areas surrounding the Project in Union County (see Attachment K-1,

Section 6.0). To ensure compliance with the Right-of-Way Clearing Assessment, IPC proposes the following conditions:

> ***Land Use Condition 2:*** *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Right-of-Way Clearing Assessment. The protective measures described in the draft Right-of-Way Clearing Assessment in ASC Exhibit K, Attachment K-2, shall be included and implemented as part of the final Right-of-Way Clearing Assessment, unless otherwise approved by the department.*
>
> ***Land Use Condition 16:*** *During construction, the certificate holder shall conduct all work in compliance with the final Right-of-Way Clearing Assessment referenced in Land Use Condition 2.*

OAR 660-006-0025(5)(b): The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

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

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

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

OAR 660-006-0025(5)(c): A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

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

Predominantly Forestland Conditional Uses – Review Criteria

UCZPSO 5.04: . . . Criteria No. 1- The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and

As discussed above in relation to OAR 660-006-0025(5)(a), the Project will not force a significant change in or significantly increase the cost of accepted farming or forestry practices in the predominantly forest lands in the Timber-Grazing Zone in Union County.

UCZPSO 5.04: . . . Criteria No. 2- The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

As discussed above in relation to OAR 660-006-0025(5)(b), the Project will not significantly increase fire suppression costs or significantly increase risks to fire personnel in the predominantly forest lands in the Timber-Grazing Zone in Union County.

UCZPSO 5.04: . . . Criteria No. 3- A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules for 12. home occupations, 5. parks and campgrounds, and 4. temporary hardship dwellings.

Criteria No. 3 applies to uses authorized under UCZPSO 5.04 subsections (4) (hardship dwellings), (5) (parks and campgrounds), and (12) (home occupations). Criteria No. 3 is not applicable to the Project as a use authorized under subsection (3) (new electrical transmission line).

Minimum Parcel Size

UCZPSO 5.06: 1. For farmland not designated rangeland the minimum parcel size shall be 160 acres. 2. For land designated rangeland the minimum parcel size shall be 320 acres. 3. For new parcels which will be predominantly comprised of forest land the minimum parcel size shall be 240 acres. 4. On predominantly agricultural parcels (cropland or rangeland) a variance application may be submitted per Article 30.00 to create parcels per ORS 215.780(1) for resource related purposes only. 5. New land divisions less than required in Section 5.06 3. above: [OAR 660-06-026(2)] a. New land divisions on predominantly forest land parcels less than the parcel size in 5.06 3. may be approved only for the uses listed in 5.02 3. & 12.; 5.04 1., 2., 5., 6., 10., & 11.; and 5.05 3. provided that such uses have been approved pursuant to 5.04 Criteria No's 1, 2 & 3. b. Such divisions shall create a parcel that is the minimum size necessary for the use. 6. Non-farm parcels on predominantly farmland parcels. a. Predominantly farmland parcels that are not customarily provided in conjunction with farm use may be created only if all of the following criteria can be satisfied: A. No new lot or parcel may be created for this purpose until the dwelling to be sited on the new parcel is first approved pursuant to Section 5.05 4. (non-farm dwelling). B. The new parcel is a pre-existing substandard lot or parcel created prior to the adoption of this ordinance and when

the parcel is the result of a transfer of a parcel of land between adjacent landowners as described in the definition of a minor partition in Section 1.08.

UCZPSO 5.06 provides for minimum lot sizes and is applicable only to the extent that a partition is required. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel. Because the Project likely will not involve lot splits, UCZPSO 5.06 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from the county prior to construction.

Development and Fire Siting Standards

The provisions of UCZPSO 5.08 are identical to the provisions of UCZPSO 3.08, which are discussed above in relation to utility facilities in the Agricultural-Grazing Zone. The analysis is the same here.

Time Limit on a Conditional Use

UCZPSO 21.05: Authorization of a conditional use shall be void after one year unless substantial construction pursuant thereto has taken place. However, one year time extensions may be granted by the Planning Director if the applicable circumstances are unchanged.

UCZPSO 21.05 provides all conditional use permits are void after one year unless substantial construction has taken. Because the Council and not the county has jurisdiction over the land use decisions and conditional use authorizations covered by the site certificate, the Council's and not the county's construction deadlines apply to the Project.

UCZPSO Provisions Identified by Union County

In its October 30, 2008, letter, the Union County Planning Department identified UCZPSO 21.06 as being potentially applicable to conditional uses related to the Project.

General Standards Governing Conditional Uses

UCZPSO 21.06: The following standards and criteria shall govern conditional uses, except as provided in subsection 21.07: 1. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use. 2. Other uses similar to those enumerated within specified zones except in the A-1, A-2, A-3 and A-4 Zones which are consistent with the purposes and intent of the applicable zone may be modified by the Planning Commission if the use is found: A. To be compatible with outright or conditional uses of the applicable zone. B. Not to interfere seriously with established and accepted practices on adjacent lands. C. Not to materially alter the stability of the overall land use pattern of the area. D. That the proposed use can comply with the standards of the zone, and E. To comply with such other conditions as the Planning Commission or its designate considers necessary to carry out the purposes of this ordinance.

UCZPSO 21.06(1) provides conditional uses ordinarily must meet the standards relevant to uses permitted outright in the relevant zone—that is, in the Timber-Grazing Zone, UCZPSO 5.06 (Minimum Parcel Size), UCZPSO 5.07 (Siting Standards for Dwellings and Structures), and UCZPSO 5.08 (Development and Fire Siting Standards). Here, the minimum parcel size provisions of UCZPSO 5.06, siting standards for dwellings and related structure in UCZPSO 5.07, and the development standards of UCZPSO 5.08 are addressed above in relation to utility facilities in the predominantly farmland parcels in Union County. The same analysis applies here.

UCZPSO 21.06(2) provides the Planning Commission may modify conditional uses under certain circumstances. Here, the Council will impose conditions on the Project to ensure the Project meets the Council's standards, if necessary. Further, IPC shows in this Exhibit that the Project will comply with the provisions of the UCZPSO and statewide planning goals. For these reasons, no further conditions are necessary under UCZPSO 21.06(2).

Conditional Use Permit – Predominantly Forestland Parcels (Access Roads)

UCZPSO 5.04(3) and OAR 660-006-0025(4)(q) authorize new utility facilities and new electric transmission lines, respectively, in the Timber-Grazing Zone. UCZPSO 5.04(3) and OAR 660-006-0025(4)(q) should be construed to authorize, in addition to the transmission line, the access roads.

Nonetheless, and in the alternative, IPC shows below that the access roads in the predominantly forestland parcels in the Timber-Grazing Zone would be permitted as conditional uses under UCZPSO 5.04(8).

UCZPSO Provisions Identified by IPC

In its October 30, 2008 letter, the Union County Planning Department identified UCZPSO 5.07 and UCZPSO 5.08, and no other UCZPSO provisions, as being potentially applicable to the Project in the Timber-Grazing Zone. IPC and not Union County identified the following UCZPSO provisions as potentially applicable to the Project features—other than the transmission line—occurring in predominantly forestland parcels in the Timber-Grazing. IPC addresses these ordinances for informational purposes only

Predominantly Forestland Conditional Uses

> UCZPSO 5.04: The following uses may be established on predominantly forestland parcels or tracts in an A-4 Zone subject to the review procedures identified in Section 24.03 and subject to approval by the Planning Commission based on applicable standards in Article 21.00 and the following criteria: . . . 8. Roads, highways and other transportation facilities, and improvements not otherwise allowed under this rule subject to the adoption of an exception to Statewide Planning Goal 3, Agricultural Lands, and to any other applicable goal with which the facility or improvement does not comply.

UCZPSO 5.04(8) provides that road construction projects are considered conditional uses in predominant use forest lands in the Timber-Grazing Zone, subject to adoption of an exception, if necessary, to applicable planning goals. Here, as discussed below in Section 6.0, if the Council finds that the Project's proposed access roads do not comply with all applicable substantive criteria for predominant use forest lands in the Timber-Grazing Zone, the Project and all or some of its proposed access roads nonetheless comply with all statewide planning goals.

Predominantly Forestland Conditional Uses – Review Criteria

> UCZPSO 5.04: . . . Criteria No. 1- The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and

As discussed above in relation to OAR 660-006-0025(5)(a), the Project will not force a significant change in or significantly increase the cost of accepted farming or forestry practices in the predominantly forest lands in the Timber-Grazing Zone in Union County.

UCZPSO 5.04: . . . Criteria No. 2- The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

As discussed above in relation to OAR 660-006-0025(5)(b), the Project will not significantly increase fire suppression costs or significantly increase risks to fire personnel in the predominantly forest lands in the Timber-Grazing Zone in Union County.

UCZPSO 5.04: . . . Criteria No. 3- A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules for 12. home occupations, 5. parks and campgrounds, and 4. temporary hardship dwellings.

Criteria No. 3 applies to uses authorized under UCZPSO 5.04 subsections ((4) (hardship dwellings), (5) (parks and campgrounds), and (12) (home occupations). Criteria No. 3 is not applicable to the Project as a use authorized under subsection (8) (roads).

Minimum Parcel Size

UCZPSO 5.06: 1. For farmland not designated rangeland the minimum parcel size shall be 160 acres. 2. For land designated rangeland the minimum parcel size shall be 320 acres. 3. For new parcels which will be predominantly comprised of forest land the minimum parcel size shall be 240 acres. 4. On predominantly agricultural parcels (cropland or rangeland) a variance application may be submitted per Article 30.00 to create parcels per ORS 215.780(1) for resource related purposes only. 5. New land divisions less than required in Section 5.06 3. above: [OAR 660-06-026(2)] a. New land divisions on predominantly forest land parcels less than the parcel size in 5.06 3. may be approved only for the uses listed in 5.02 3. & 12.; 5.04 1., 2., 5., 6., 10., & 11.; and 5.05 3. provided that such uses have been approved pursuant to 5.04 Criteria No's 1, 2 & 3. b. Such divisions shall create a parcel that is the minimum size necessary for the use. 6. Non-farm parcels on predominantly farmland parcels. a. Predominantly farmland parcels that are not customarily provided in conjunction with farm use may be created only if all of the following criteria can be satisfied: A. No new lot or parcel may be created for this purpose until the dwelling to be sited on the new parcel is first approved pursuant to Section 5.05 4. (non-farm dwelling). B. The new parcel is a pre-existing substandard lot or parcel created prior to the adoption of this ordinance and when the parcel is the result of a transfer of a parcel of land between adjacent landowners as described in the definition of a minor partition in Section 1.08.

UCZPSO 5.06 applies to all uses in the Timber-Grazing Zone. It provides for minimum lot sizes and is applicable only to the extent that a partition is required. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel. Because the Project likely will not involve lot splits, UCZPSO 5.06 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from the county prior to construction.

Development and Fire Siting Standards

UCZPSO 5.08 applies to all uses in the Timber-Grazing Zone. The provisions of UCZPSO 5.08 are identical to the provisions of UCZPSO 3.08, which are discussed above in relation to utility facilities in the Agricultural-Grazing Zone. The analysis is the same here.

Time Limit on a Conditional Use

> UCZPSO 21.05: Authorization of a conditional use shall be void after one year unless substantial construction pursuant thereto has taken place. However, one year time extensions may be granted by the Planning Director if the applicable circumstances are unchanged.

UCZPSO 21.05 provides all conditional use permits are void after one year unless substantial construction has taken. Because the Council and not the county has jurisdiction over the land use decisions and conditional use authorizations covered by the site certificate, the Council's and not the county's construction deadlines apply to the Project.

UCZPSO Provisions Identified by Union County

In its October 30, 2008 letter, the Union County Planning Department identified UCZPSO 21.06 as being potentially applicable to conditional uses related to the Project.

General Standards Governing Conditional Uses

> UCZPSO 21.06: The following standards and criteria shall govern conditional uses, except as provided in subsection 21.07: 1. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use. 2. Other uses similar to those enumerated within specified zones except in the A-1, A-2, A-3 and A-4 Zones which are consistent with the purposes and intent of the applicable zone may be modified by the Planning Commission if the use is found: A. To be compatible with outright or conditional uses of the applicable zone. B. Not to interfere seriously with established and accepted practices on adjacent lands. C. Not to materially alter the stability of the overall land use pattern of the area. D. That the proposed use can comply with the standards of the zone, and E. To comply with such other conditions as the Planning Commission or its designate considers necessary to carry out the purposes of this ordinance.

UCZPSO 21.06(1) provides conditional uses ordinarily must meet the standards relevant to uses permitted outright in the relevant zone—that is, in the Timber-Grazing Zone, UCZPSO 5.06 (Minimum Parcel Size), UCZPSO 5.07 (Siting Standards for Dwellings and Structures), and UCZPSO 5.08 (Development and Fire Siting Standards). Here, the minimum parcel size provisions of UCZPSO 5.06, siting standards for dwellings and related structure in UCZPSO 5.07, and the development standards of UCZPSO 5.08 are addressed above in relation to utility facilities in the predominantly farmland parcels in Union County. The same analysis applies here.

UCZPSO 21.06(2) provides the Planning Commission may modify conditional uses under certain circumstances. Here, the Council will impose conditions on the Project to ensure the Project meets the Council's standards, if necessary. Further, IPC shows in this exhibit that the Project will comply with the provisions of the UCZPSO and statewide planning goals. For these reasons, no further conditions are necessary under UCZPSO 21.06(2).

6.6.2.4 Riparian Zone Setbacks UCZPSO Provisions

> UCZPSO 20.08: In order to maintain vegetative cover along Class I streams, rivers and lakes known as riparian habitat a setback for any new development such as structures or roads shall be required on a sliding scale proportional to one-half the stream width, at right angles to the annual high-water line or mark. A minimum of 25-feet either side of streams will be recognized. Woody vegetation presently existing in the riparian zone shall be maintained,

however, thinning or harvesting of merchantable tree species may occur within the riparian zone where 75 percent of the existing shade over the stream is maintained.

UCZPSO 20.08 provides certain riparian area setback requirements applicable to new structures and roads near Class I streams. Figure K-41 shows the locations where the Project will cross or be near Class I streams.

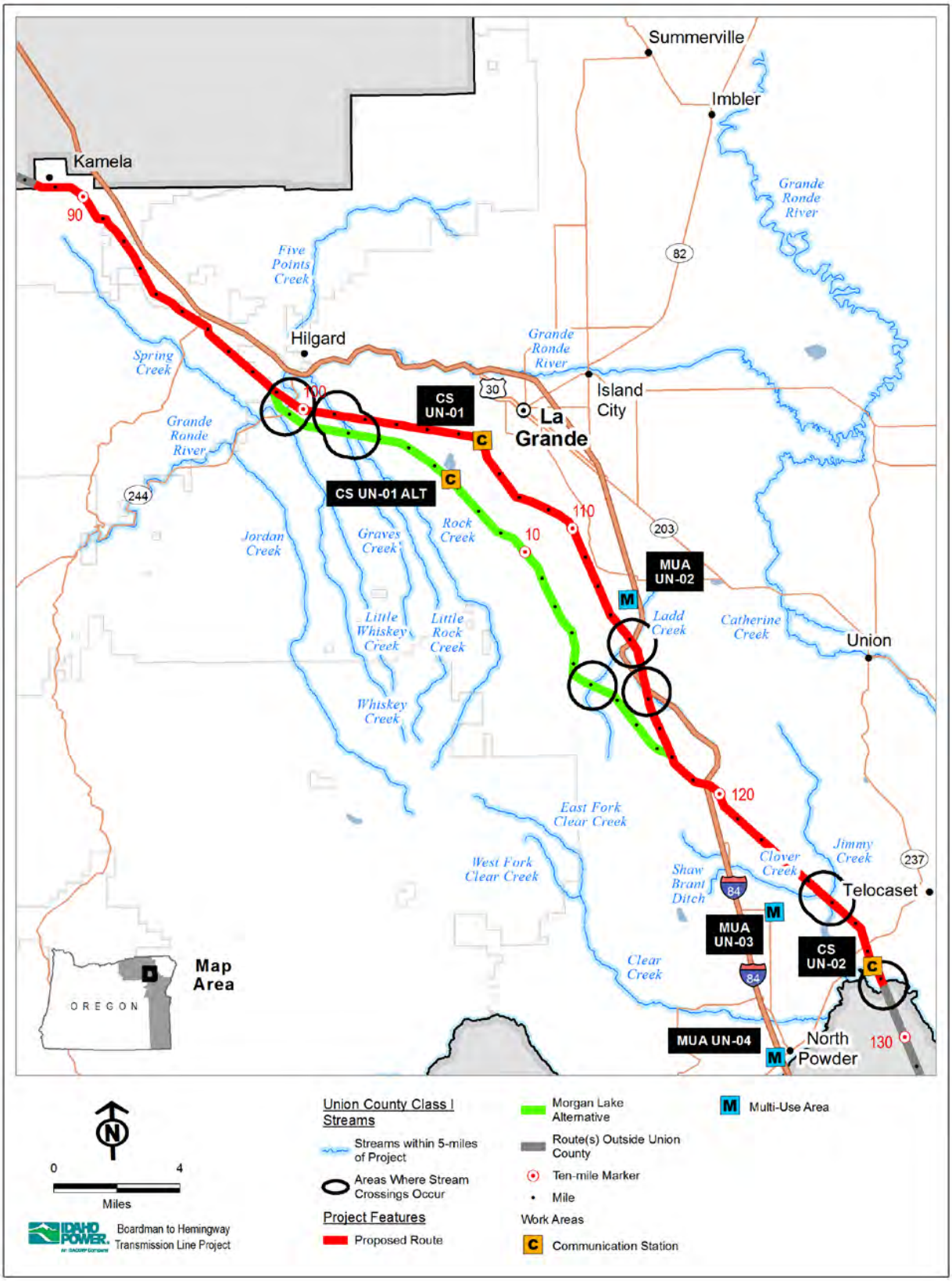

Figure K-41. Potentially Affected Class I Streams – Union County

UCZPSO 1.08 defines "structure" as meaning: "That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some manner and which requires location on the ground or which is attached to something having a location on the ground." And the term "building" means "[a] structure built for the shelter or enclosure of persons, animals, chattels or property of any kind" (UCZPSO 1.08).

- Access roads: UCZPSO 20.08 applies to "new developments" including "roads." Because substantially modified existing roads are not "new developments," the certain riparian area setback requirements or UCZPSO 20.08 do not apply to the Project's substantially modified existing roads. However, UCZPSO 20.08 does apply to the Project's new access roads.
- Transmission Line Towers: The Project transmission towers are built and constructed, and are located on the ground. Therefore, the riparian area setback requirements or UCZPSO 20.08 will apply to the relevant transmission line towers.
- Multi-Use Areas and Communication Stations: The Project multi-use areas and communication stations will include a building. Therefore, the riparian area setback requirements or UCZPSO 20.08 will apply to the multi-use areas and communication stations.

To ensure compliance with the riparian area setback requirements of UCZPSO 20.08, IPC proposes the following site certificate condition:

> ***Land Use Condition 22:*** *During construction in Union County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In All Zones:*
> *a. Buildings, the fixed bases of transmission line towers, and new access roads shall be set back from Class I streams at least 25-feet or one-half the stream width, whichever is greater.*
> *b. Permanent vegetation removal within the riparian zone of all Class I streams shall retain 75% of all layers or stratas of vegetation.*
> *. . . .*

6.6.2.5 Flood Plain Overlay Zone UCZPSO Provisions

The Proposed Route spans SFHAs in Union County where it spans the Grande Ronde River at MP 95.7 and the Powder River at MP 124.0.

The Morgan Lake Alternative spans SFHAs in Union County where it spans the Grande Ronde River at MP 0.8.

Figure K-42 shows where the Project spans the SFHAs.

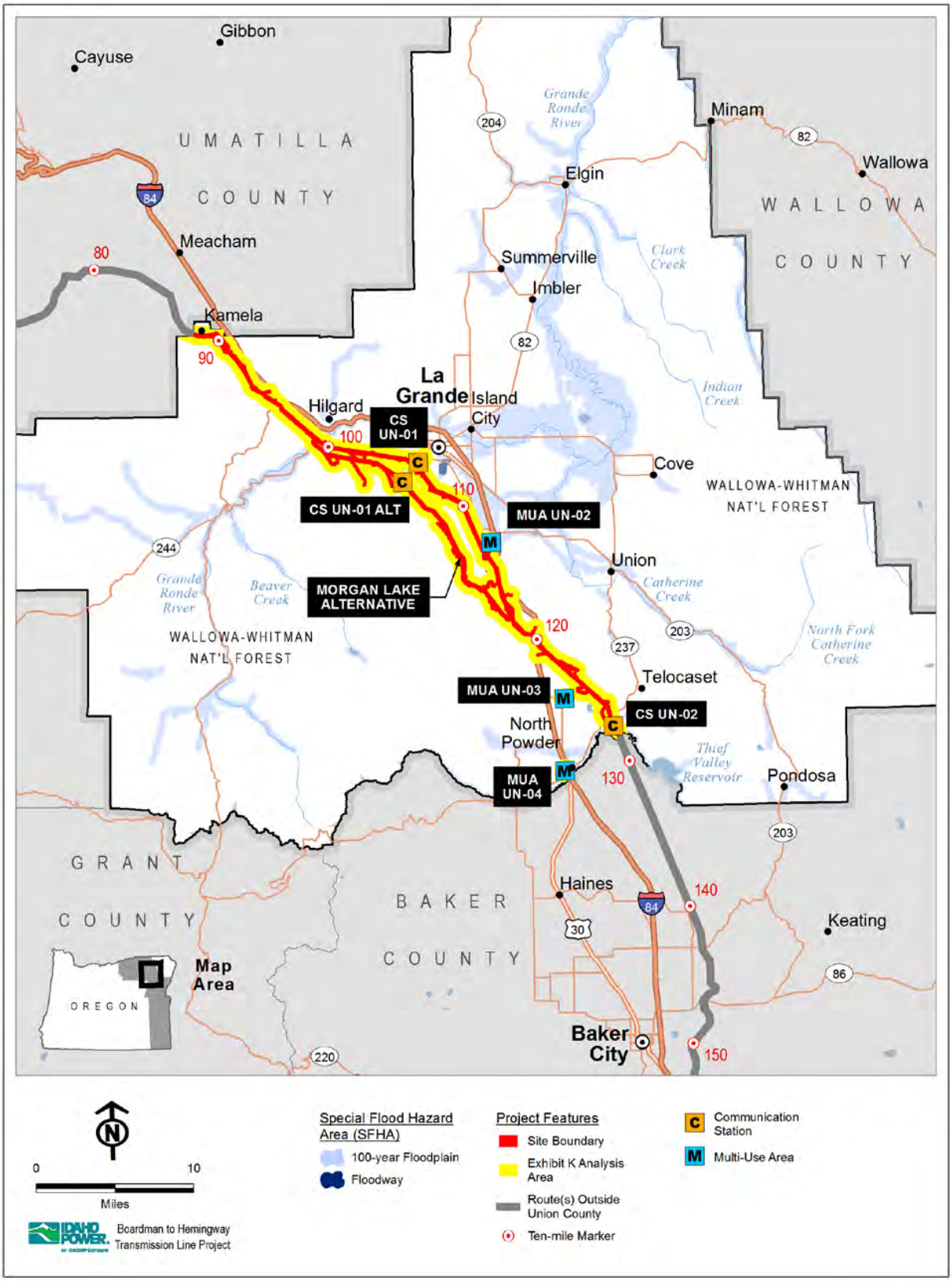

Figure K-42. Union County Special Flood Hazard Areas

Flood Plain Development Permit

Permit Requirement

UCZPSO 17.03(1)(A): Filing of a development permit or building permit, where applicable, shall be obtained before construction or development begins within any area of special flood hazard. Development permits are required for all structures including manufactured homes and for all other development including fill, except low investment structures; building permits shall be for all structures. Application for a development and building permit shall be made to and maintained by the County Building Inspector and findings submitted to the County Planning Department.

UCZPSO 17.03 applies to all uses in an SFHA. Under UCZPSO 17.03(1)(A), development activities within a SFHA require a flood plain development permit. To the extent the Project will include development activities within a SFHA, IPC will obtain directly from Union County any necessary flood plain development permit. The flood plain development permit will not be included in or governed by the site certificate (see Exhibit E, Section 3.2.10.3). IPC proposes the following site certificate condition requiring IPC to provide a copy of any necessary flood plain development permits to ODOE prior to construction:

> ***Land Use Condition 8:*** *Prior to construction in Union County, the certificate holder shall provide to the department a copy of the following Union County-approved permits, if such permits are required by Union County zoning ordinances or state statutes:*
> *a. Flood plain development permit;*
> *. . . .*

Anchoring

UCZPSO 17.03(1)(B)(1): All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

UCZPSO 17.03(1)(B) applies to all uses in an SFHA. Typical lattice and tubular steel structures on the Project will be anchored to large drilled pier foundations, which are designed to resist the heavy loads that are transferred from the structure from the application of various temperature, wind, and icing conditions to the conductors. The foundations are also designed to resist uplift pressures (buoyancy forces) that can occur in areas with high water tables. That being so, the relevant Project features will be anchored to prevent flotation, collapse, or lateral movement of the structure, and will be incompliance with UCZPSO 17.03(1)(B)(1).

UCZPSO 17.03(1)(B)(2): All mobile homes shall be anchored to resist floatation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that: . . . .

UCZPSO 17.03(1)(B)(2) applies to mobile homes. Because the Project does not involve mobile homes, UCZPSO 17.03(1)(B)(2) does not apply to the Project.

UCZPSO 17.03(1)(B)(3): An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles-per-hour or greater. Certification must be provided to the County Building Inspector that this standard has been met.

UCZPSO 17.03(1)(B)(3) provides for methods other than those otherwise set forth in UCZPSO 17.03(1)(B). Here, IPC intends to comply with UCZPSO 17.03(1)(B)(1) and not need an exception. If IPC needs an exception, IPC will comply with this provision.

UCZPSO 17.03(1)(B)(4): All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement . . . .

UCZPSO 17.03(1)(B)(4) applies to mobile homes. Because the Project does not involve mobile homes, UCZPSO 17.03(1)(B)(4) does not apply to the Project.

Construction, Materials and Methods

UCZPSO 17.03(1)(C): (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

UCZPSO 17.03(1)(C)(1) and 17.03(1)(C)(2) provide all Project features will be constructed to resist and minimize flood damage. The concrete drilled piers that will be used in the Project are highly resistant to the presence of water and are commonly used in the utility industry for structures located in high water tables or standing or flowing water. The foundations will also have a minimum foundation reveal, the length the foundation extends above the ground line, of one foot or more to protect the steel structure from low levels of standing or flowing water. In the rare event of free standing water above the top of the foundation, the structures are made of galvanized or weathering steel for corrosion protection. For these reasons, the transmission line towers located in a SFHA in Union County will be constructed with materials and equipment resistant to flood damage (see UCZPSO 17.03(1)(C)(1) and 17.03(1)(C)(2)).

UCZPSO 17.03(1)(C)(3) requires electrical and other service facilities to be designed to prevent water from entering its components during flooding conditions. Here, the transmission line towers will be located above the elevation of the 100-year floodplain, and otherwise will be designed and located to prevent water from entering the equipment components during flooding conditions (see UCZPSO 17.03(1)(C)(3)).

Utilities

UCZPSO 17.03(1)(D): (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

UCZPSO 17.03(1)(D) relates to water supply systems, sanitary sewage systems, and on-site waste disposal systems. Because the Project will not include any of those relevant systems, UCZPSO 17.03(1)(D) does not apply to the Project.

Specific Standards; Non-Residential Construction

UCZPSO 17.03(2)(B): New construction and substantial improvement of any commercial, industrial or non-residential structure other than low investment accessory structures shall either have the lowest floor, including the basement, elevated to the level of the base flood elevation, or together with the attendant utility and sanitary facilities, shall: (1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water. (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and (3) Be certified by a

registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the County Building Inspector.

UCZPSO 17.03(2)(B) requires that the lowest floor of a structure within an SFHA be elevated above the base flood elevation. Because the transmission line towers will be located above the elevation of the 100-year floodplain, UCZPSO 17.03(2)(B) does not apply to the Project.

Floodways

UCZPSO 17.03(2)(E): Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and have erosion potential, the following provisions apply: (1) Encroachments are prohibited, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. (2) If Section (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 17.03 limitations. . . .

To the extent Project features will be located in a floodway, and as part of the flood plain development permit process, IPC will obtain certification by a registered professional engineer or architect providing that the encroachments will not result in an increase in flood levels during the occurrence of the base flood discharge. Therefore, the Project will be in compliance with UCZPSO 17.03(2)(E).

6.6.2.6 Public Right-of-Way Access Provisions

Road Approach Permit

ORS 374.305(1): A person may not place, build or construct on the right of way of any state highway or county road, any approach road, structure, pipeline, ditch, cable or wire, or any other facility, thing or appurtenance, or substantially alter any such facility, thing or appurtenance or change the manner of using any such approach road without first obtaining written permission from the Department of Transportation with respect to state highways or the county court or board of county commissioners with respect to county roads.

A road approach permit will be required if the Project access roads intersect with public roads, or if necessary upgrades to existing access roads affect a public road (see ORS 374.305(1)). IPC intends to develop access roads that will intersect with public roads, and IPC will obtain any necessary access approach site permits directly from Union County. The access approach site permit will not be included in or governed by the site certificate (see Exhibit E, Section 3.2.10.1). IPC proposes the following site certificate condition requiring IPC to provide a copy of any necessary road approach permits to ODOE prior to construction:

> ***Land Use Condition 8:*** *Prior to construction in Union County, the certificate holder shall provide to the department a copy of the following Union County-approved permits, if such permits are required by Union County zoning ordinances or state statutes:*
> *. . .*
> *b. Road approach permit; and*
> *. . . .*

Work in County Right-of-Way Permit

ORS 374.305(1): A person may not place, build or construct on the right of way of any state highway or county road, any approach road, structure, pipeline, ditch, cable or wire, or any other facility, thing or appurtenance, or substantially alter any such facility, thing or appurtenance or change the manner of using any such approach road without first obtaining written permission from the Department of Transportation with respect to state highways or the county court or board of county commissioners with respect to county roads.

A work in county ROW permit is required for any construction on a county road or county ROW (see ORS 374.305(1)). Here, the Project may require improvements to county roads, construction of the transmission line across a county road, or both; and IPC will obtain any necessary work in county ROW permits directly from Union County. The access approach site permit will not be included in or governed by the site certificate (see Exhibit E, Section 3.2.10.1). IPC proposes the following site certificate condition requiring IPC to provide a copy of any necessary work in county ROW permits to ODOE prior to construction:

> ***Land Use Condition 8:*** *Prior to construction in Union County, the certificate holder shall provide to the department a copy of the following Union County-approved permits, if such permits are required by Union County zoning ordinances or state statutes:*
> *. . .*
> *c. Work in county right-of-way permit.*
> *. . . .*

6.6.2.7 Supplementary Provisions

Site Plan Requirements

UCZPSO 20.10: Land development in areas classified within the Zoning Ordinance as I-1: Light Industrial; I-2: Heavy Industrial; PA: La Grande Public Airport; SM: Surface Mining; AP: Airport Overlay Zone; and multi-family dwellings, allowed either outright or conditionally shall be subject to the provisions of this section. Before a new building may be constructed or an existing building may be enlarged or substantially altered, a site development plan shall be submitted to the Planning Commission for approval. . . .

UCZPSO 20.10 provides for a site plan review by the Union County Planning Commission. Because the Council and not the county has jurisdiction over the land use decisions and conditional use authorizations covered by the site certificate, the Council's and not the county's procedures for obtaining such decisions and authorizations apply to the Project. Even so, with respect to UCZPSO 20.10, site plans for typical multi-use areas and communication stations are provided in Exhibit C, Section 3.3. Maps showing the location and topography of each multi-use area and communication station in Union County are set forth at Exhibit C, Attachment C-2, Maps 51, 54, 60, 61, and 62.

Nonfarm Use Partitions

UCZPSO 20.14: Partition applications to create a parcel for a nonfarm use, except dwellings, shall be processed according to this ordinance's Article 25.00 Land Division Regulations and reviewed through a quasi-judicial land use process per Sections 24.09 through 24.12 and the following criteria:

UCZPSO 20.14 relates to proposed land partitions. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel in Union

County. Because the Project likely will not involve lot splits, UCZPSO 20.14 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Union County prior to construction.

Tentative Plan Requirements

UCZPSO 25.05(1): A tentative plan map shall be prepared by a registered professional land surveyor for all partitions and subdivisions creating parcels and lots. The boundaries of parcels in partitions greater than 80 acres in size shall be described by a registered professional land surveyor but are not required to be drawn on the tentative plan. [ORS 92.025(3)]

UCZPSO 25.05(1) relates to proposed land partitions. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel in Union County. Because the Project likely will not involve lot splits, UCZPSO 20.14 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Union County prior to construction.

Final Plat Requirements

UCZPSO 25.06(1): Surveys and final plats of all partitions, subdivisions, property line adjustments and re-plats shall be prepared by a registered professional land surveyor and shall conform to requirements in ORS Chapter 92 (ORS 92.050 - 92.100) and ORS 209.250 and the plat standards of the Union County Surveyor.

UCZPSO 25.06(1) relates to proposed land partitions. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel in Union County. Because the Project likely will not involve lot splits, UCZPSO 20.14 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Union County prior to construction.

General Design and Improvement Standards

UCZPSO 25.09(8): Road Widths and Improvements (a) Road standards shall not be less than those set forth in Table 7-2 in the Transportation System Plan, except where it can be shown that probable future traffic development or physical characteristics are such as to unquestionably justify modification of the standards. (b) In areas designed and zoned for commercial use, road widths may be increased by such amount as may be deemed necessary by the Commission to provide for the free flow of through traffic without interference by parked or parking vehicles, and to provide safe parking space for such commercial or business districts. (c) Road and related improvements shall be completed or bonded for completion prior to final plat consideration and shall be constructed under the direction of the County Planning Department, according to the minimum Road Standard Table 7-2: . . . .

IPC will coordinate with the Union County Planning Department to ensure that road improvements and the development of any new roads for the Project are consistent with UCZPSO 25.09(8) and Road Standard Table 7-2, to the extent applicable.

While not required by UCZPSO 25.09(8), IPC proposes the following site certificate condition to mitigate the effects of the temporary increase in traffic related to construction activities:

> ***Land Use Condition 9:*** *Prior to construction in Union County, the certificate holder shall complete the following to address traffic impacts in the county:*

a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;
b. The certificate holder shall work with the Union County Road Department and the City of La Grande Public Works Department to identify concerns related to Project construction traffic; and
c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.

Authorization to Grant or Deny Variances

UCZPSO 30.01: The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary physical hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purposes of this Ordinance.

IPC intends to satisfy EFSC's land use standard, OAR 345-022-0030, by seeking a Council determination under ORS 469.504(1)(b) rather than by obtaining local land use approval under ORS 469.504(1)(a).

6.6.3 Union County Comprehensive Plan Provisions

The October 30, 2008, letter from Union County identifying applicable substantive criteria for the Project did not identify applicable substantive criteria from the Union County Comprehensive Plan.

6.6.4 Union County Goal 5 Resources

Union County indicated to IPC that big game habitat may be applicable to the Project as a Goal 5 resource, and Union County requested that IPC provide analysis of potential impacts to big game habitat. In correspondence dated October 20, 2015, Union County provided to IPC additional information regarding the county's Goal 5 resources and applicable substantive criteria regarding the same.

6.6.4.1 Riparian Habitat

No riparian habitat areas are located within the Site Boundary. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting riparian habitat.

6.6.4.2 Wetlands

Union County has not designated any wetlands as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting wetlands.

6.6.4.3 Wildlife Habitat

Big Game Critical Wildlife Habitat and Winter Range

Big game habitat is mapped in the Union County Comprehensive Plan as winter range (WR) and critical habitat (CH) Overlay areas. Figure K-43 shows the location of the WR and CH Overlays in the portion of Union County crossed by the Project. Union County has indicated that its mapping is intended to be over-inclusive of possible habitat areas.

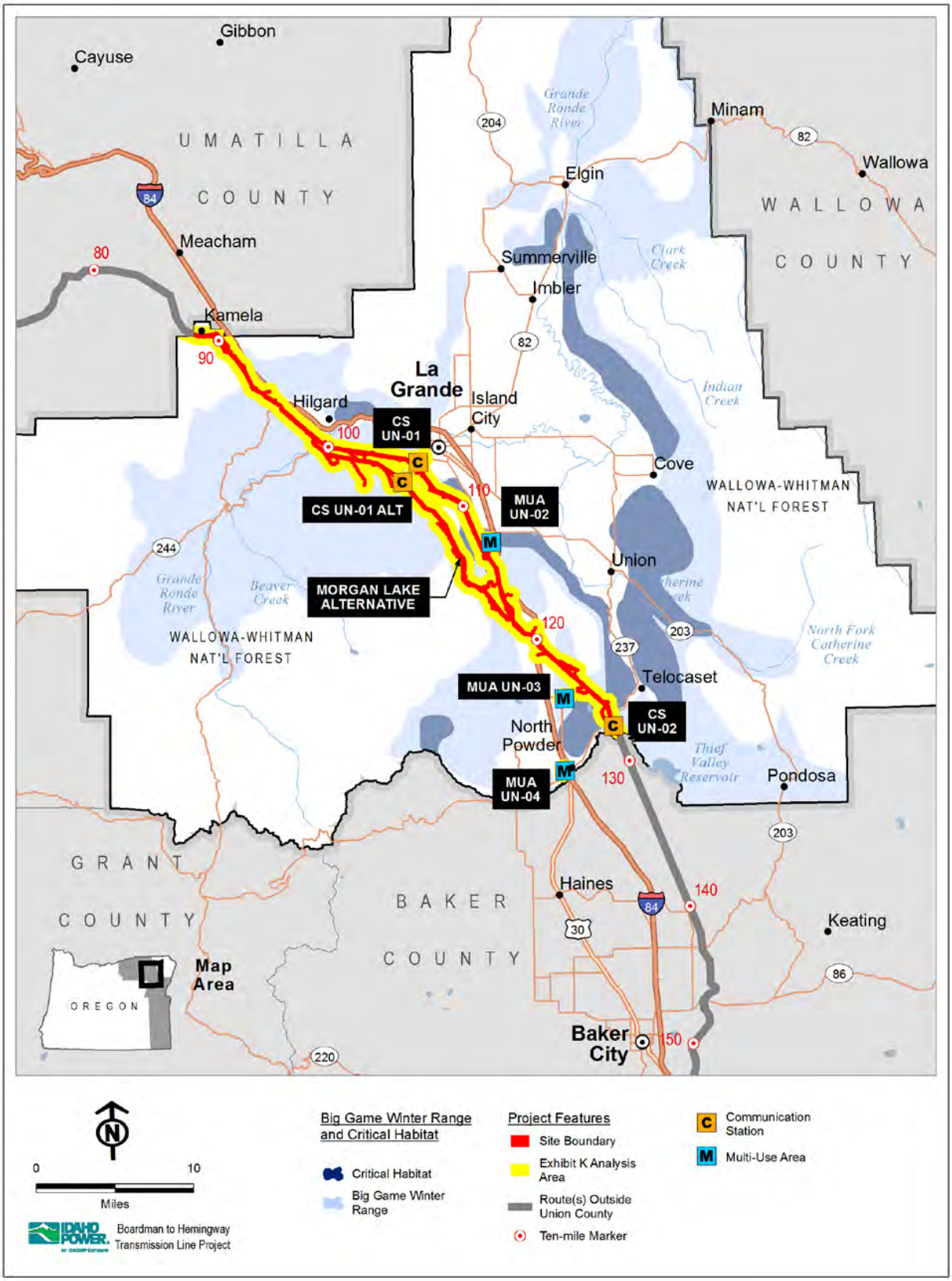

Figure K-43. Union County Big Game Winter Range and Critical Habitat

With the Proposed Route, the transmission line (28.0 line miles), new access roads (9.7 miles), substantially modified existing access roads (25.5 miles), 2 communication stations (CS UN-01 and CS UN-02), and 2 multi-use areas (MUA UN-02 and MUA UN-03) will be located in Big Game Winter Range or Critical Habitat Zone in Union County. No light-duty fly yards will be located in the Big Game Winter Range or Critical Habitat Zone.

With the Morgan Lake Alternative, the transmission line (16.4 line miles), new access roads (14.5 miles), substantially modified existing access roads (13.1 miles), 1 communication stations (CS UN-02 ALT), and 1 multi-use area (MUA UN-02) will be located in Big Game Winter Range or Critical Habitat Zone in Union County. No light-duty fly yards will be located in the Big Game Winter Range or Critical Habitat Zone.

Table K-21 shows the length of Proposed Route and Morgan Lake Alternative transmission lines affecting critical habitat or winter range.

Table K-21. Big Game Habitat Crossed by Proposed Route

Habitat[1]	Proposed Route (miles)	Morgan Lake Alternative (miles)
Critical Habitat	7.5	0.9
Winter Range	20.5	15.5

Source: Union County Goal 5 resources (2015).

IPC has sited the transmission line structures and roads to minimize impacts to wildlife where possible, as discussed in Exhibit P1. However**,** given the Project's linear nature, it will not be feasible to avoid all temporary or permanent disturbance in big game CH and big game WR.[81] As discussed in Exhibit P1, even where the Project will intersect with CH and WR, IPC has considered impacts to CH and WR and expects the Project will not result in significant impacts to these habitat areas.

There may be short-term impacts to CH and WR during construction. For example, displacement of big game from both winter and parturition area can affect winter survival by causing animals to use energy reserves that are needed to survive the winter. For the CH and WR crossed by the Project in Union County, IPC will establish construction windows at time periods when big game are less sensitive to disturbances—i.e., IPC will not conduct ground-disturbing activities within elk or mule deer winter range between December 1 to March 31 (see Fish and Wildlife Condition 10), thereby minimizing the risk of disturbing big game during sensitive periods. There is a risk of big game mortalities occurring due to wildlife-vehicle collisions; however, the risk of vehicle collisions would be minimized by speed limits that would be imposed on construction vehicles within the Site Boundary (see Fish and Wildlife Conditions 16 and 26, imposing a speed limit of 25 miles per hour on facility access roads). For additional discussion of impacts and proposed mitigation for big game, see Exhibit P1 and Exhibit P3, and their attachments).

Review Classification

UCZPSO 20.09(3)(A): When a 3A or 3C (limit conflicting uses) decision has been made as indicated in the comprehensive plan, the applicant must, in coordination with the responsible agency, develop a management plan which would allow for both resource preservation and the proposed use. If the responsible agency and the applicant cannot agree on such a management plan, the proposed activity will be reviewed through the conditional use

[81] UCZPSO 20.09 governs both the WR and CH Overlays and makes no distinction between the two overlay zones.

process. 3A sites will be preserved where potential conflicts may develop. Conflicts will be mitigated in favor of the resource on 3C sites.

In its October 20, 2015, correspondence, Union County indicated that big game habitat is considered a 3C resource.

IPC's Fish and Wildlife Habitat Mitigation Plan (see Exhibit P1, Attachment P1-6) will comply with the substantive requirements of UCZPSO 20.09 and demonstrate that the Project will have no significant conflicts with big game habitat and will, to the extent necessary, mitigate any minor conflicts.

Review Criteria

UCZPSO 20.09(4): Under the conditional use process land use decisions will consider the economic, social, environmental, and energy consequences when attempting to mitigate conflicts between development and resource preservation.

UCZPSO 20.09(5): The following criteria shall be considered, as applicable, during the appropriate decision making process: A. ECONOMIC: The use proposed is a benefit to the community and would meet a substantial public need or provide for a public good which clearly outweighs retention of the resources listed in Section 20.09 (1): . . .

As described below, the Project has been proposed by IPC to meet a substantial public need for increased transmission capacity. For additional discussion of need for the Project, see also Exhibit N. Section 4.1.1.1 of this Exhibit describes the purpose and public need for the Project, presented herein in summary form:

- ***Serve Native Loads.*** The primary objective of the Project is to create additional transmission capacity that would allow IPC to import power from the Pacific Northwest market to serve its retail customers located in the states of Idaho and Oregon. Historically, IPC has been a "summer peaking" utility, while most other utilities in the Pacific Northwest experience system peak loads during the winter. Currently, however, IPC does not have adequate transmission capacity to increase its on-peak power purchases on the western side of its system. As described in the Company's 2013 and 2015 IRPs, the Project will remedy this transmission constraint by allowing IPC to import an average of 350 MW (500 MW in the summer, 200 MW in the winter) of market purchases to serve its native load (IPC 2013, 2015). In this way, the Project is properly viewed as a supply-side resource, similar to a generation plant, which will allow IPC to meet its expected loads. Further, better access to the Pacific Northwest power market is critical because that market is very liquid with a high number of participants and transactions. On the other hand, the accessible power markets south and east of IPC's system tend to be smaller, less liquid, and have greater transmission distances. Historically, during IPC's peak-hour load periods, off-system market purchases from the south and east have proven to be unavailable or very expensive. Many of the utilities to the south and east of IPC also experience a summer peak, and the weather conditions that drive IPC's summer peak-hour load are often similar across the Intermountain Region. Therefore, IPC imports from the Intermountain Region are not a viable alternative to the Project.
- ***Meet Transmission Reliability Standards.*** The Project is an integral component of regional transmission planning because it will serve as a crucial high-capacity connection between two key points in the existing bulk electric system that currently lack sufficient transmission capacity. The Project will relieve congestion of the existing

transmission system and enhance the reliable, efficient, and cost-effective energy transfer capability between the Pacific Northwest and Intermountain regions. The addition of B2H to the regional grid would create additional redundancy in pathways that will enable IPC and other transmission providers to maintain reliable electric service pursuant to the standards set forth by NERC and implemented by WECC. Excess transmission capacity created by the Project could accommodate additional regional energy transaction and would likely be utilized by other regional transmission providers.

- ***Provide Transmission Service to Wholesale Customers***. The Project allows IPC to comply with the requirements of the FERC, which require IPC to construct adequate transmission infrastructure to provide service to wholesale customers in accordance with IPC's OATT. IPC expects interconnection and transmission requests to continue as renewable resources are developed in northeast Oregon.
- ***Provide Sufficient Capacity***. The Project will provide sufficient capacity to: 1) transfer an additional 1,050 MW of power from the BPA 500-kV transmission system in the Pacific Northwest west-to-east across the Idaho-Northwest transmission path; 2) transfer an additional 1,000 MW of power east-to-west across the Idaho-Northwest transmission path; and 3) allow for actual power flows on the Project of up to approximately 1,500 MW, accounting for variations in actual power flows of the various transmission lines comprising the Idaho-Northwest transmission path.

In addition, as discussed Exhibit U, development of the Project creates direct economic benefits, including creation of new jobs, increased ad valorem taxes, new dollars supporting the local economy, and a stimulus to the local economy in the form of expenditures on materials and supplies. During construction, the Project will result in the creation of up to 250 construction jobs during peak construction in Union County.

As discussed in Exhibit P1, IPC does not expect that the Project will result in long-term adverse impacts to big game. Because expected impacts to big game will be for a limited duration, the public benefit from the Project clearly outweighs the limited impacts on the resource. For these reasons, the Project complies with UCZPSO 20.09(5)(A).

UCZPSO 20.09(5)(B): SOCIAL: The proposed development would not result in the loss of or cause significant adverse impact to, a rare, one of a kind or irreplaceable resource as listed in Section 20.09(1).

Land within the WR and CH Overlays provides big game areas historically used by big game during periods of above normal snowfall and low temperatures. These are known areas that provide habitat for big game and are critical to the continued welfare of animals dependent upon such areas. As discussed in Exhibit P1, these areas of big game habitat are regarded as Category 2 habitat in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy, and by definition are not "irreplaceable." Similarly, the County has not identified the WR and CH Overlay areas as "irreplaceable" for purposes of UCZPSO 20.09(5)(B). Even so, IPC does not expect that the Project will result in a loss or significant adverse impact to areas used by big game, and to the extent there are potential impacts, IPC will mitigate for such impacts in favor of the resource. For these reasons, the Project complies with UCZPSO 20.09(5)(B).

UCZPSO 20.09(5)(C): ENERGY: The development, as proposed, would support energy efficient land use activities for such things as transportation costs, efficient utilization of urban services, and retention of natural features which create micro climates conducive to energy efficiency.

This criterion is focused on traditional development and, consequently, is not directly relevant to the Project, which is intended to transmit power and enhance reliability of the regional electric transmission system. The Project has minimal impact to the existing land uses in Union County. Further, as noted in Exhibit U, the Project will have no adverse impacts on the transportation system or municipal facilities or services, including urban services. Operation of the Project will free up capacity constraints on the lower voltage distribution system, thereby allowing for orderly development within Union County. Finally, as described in Exhibit B, Section 3.1 and below, IPC considered big game habit and many natural features as constraints during the siting process. The selected location strikes an acceptable balance of impacts to the many natural and man-made resources taken into consideration. For these reasons, the Project complies with UCZPSO 20.09(5)(C).

> UCZPSO 20.09(5)(D): ENVIRONMENTAL: If alternative sites in Union County for proposed development are available which would create less of an environmental impact of any of the resources listed in Section 20.09(1), major consideration should be given to these options.

In order to select a corridor for the Project that avoids impacts to these and other resources where an alternative with lesser impacts exists, IPC engaged in a 4-year corridor selection process including consideration of alternative corridors in Union County as well as in six other Oregon counties. In choosing the Proposed Corridor and the Glass Hill Alternate, IPC evaluated over 200 data sets developed through data collection and county meetings including Union County. Approximately 49 routes and route segments totaling over 3,000 miles were developed during the initial phase of the study. As the study narrowed down, six discrete route segments and multiple variations were evaluated in Union County. No other route was found to be preferred over the selected Proposed Corridor or Glass Hill Alternate. As discussed in greater detail in Exhibits B, J, P, and Q, a comprehensive avoidance and minimization analysis was done for all environmental resources and other resources to create the least impact, which in some instances has required portions of the Project to be relocated. For these reasons, the Project complies with UCZPSO 20.09(5)(D).

> UCZPSO 20.09(6): The reviewing body may impose the following conditions, as applicable upon a finding of fact that warrants such restrictions: . . . (C) BIG GAME WINTER RANGE AND BIG GAME CRITICAL HABITAT: A proposed new structure requiring a conditional use may be required to: 1. Be located as close as possible to an ADJACENT compatible structure (a compatible structure shall be any structure which does not adversely affect the intended use of another structure); . . .

The Project follows an existing electric, natural gas, and highway corridor as much as feasible in Union County. The Proposed Corridor follows segments of the existing 230-kV transmission line from Baker to La Grande and then from La Grande through the Wallowa-Whitman NF, deviating only to meet reliability criteria or to avoid steep terrain or site-specific constraints.[82] Certain portions of the Union County Proposed Route also follow the I-84 corridor, both adjacent to existing transmission lines and separately. Accordingly, IPC has located the Project as close as possible to adjacent compatible structures, consistent with UCZPSO 20.09(6)(C)(1).

> UCZPSO 20.09(6)(C)(2): Share a common access road or where it is impossible to share a common access road, locate as closely as possible to the nearest existing public road in order to minimize the length of access from the nearest road.

[82] To meet reliability criteria as minimum separation from existing transmission lines of 230-kV or greater is required except in limited circumstances. For siting purposes that distance was assumed to be 1,500 feet, thereby dictating the minimum distance between existing and proposed transmission lines serving the same load.

Access roads fall into two categories: existing roads needing improvement and new roads. Both categories of access roads are shown on maps in Exhibit C, Attachment C-2. As part of Project design, IPC has made every effort to use existing roads and to limit the development of new roads in CH and WR. These efforts have resulted in the development of an access road system to support the construction of the transmission line that substantially relies on the system of publicly maintained roads as well as unimproved roads on public and private lands. IPC has minimized the length of access roads to the extent practicable, consistent with UCZPSO 20.09(6)(C)(2).

For these reasons, the Project will be in compliance with the substantive requirements in UCZPSO 20.09, and the Project, taking into account mitigation, will not conflict with Union County's big game resource areas.

Critical Avian Wildlife Areas

No designated critical avian wildlife areas are located within the Site Boundary. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting critical avian wildlife areas.

6.6.4.4 Federal Wild and Scenic Rivers and Oregon Scenic Waterways

Union County has not adopted any Goal 5 protection program for federal Wild and Scenic Rivers or Oregon Scenic Waterways. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting federal Wild and Scenic Rivers or Oregon Scenic Waterways.

6.6.4.5 Groundwater Resources

Union County has not designated any groundwater resources as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting groundwater resources.

6.6.4.6 Approved Oregon Recreation Trail

Union County has not designated any approved Oregon Recreation Trails as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting approved Oregon Recreation Trails.

6.6.4.7 Natural Areas

No designated natural areas are located within the Site Boundary. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting natural areas.

6.6.4.8 Wilderness Areas

The Project will not be located in the Eagle Cap Wilderness, the only Goal 5 designated wilderness area in Union County.

6.6.4.9 Mineral Aggregate

Union County has not adopted any Goal 5 protection program for mineral aggregate resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting mineral aggregate resources.

6.6.4.10 Energy Resources

No designated energy resources are located within the Site Boundary. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting energy resources.

6.6.4.11 Cultural Resources

Union County has not designated any cultural resources as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting cultural resources.

6.6.4.12 Historic Resources

The Site Boundary intersects the Ladd Canyon site (35), which is considered a 1A resource. Union County has not adopted any Goal 5 protection program for 1A historic resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting 1A historic resources.

6.6.4.13 Open Spaces

Union County has not designated any open spaces as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting open spaces.

6.6.4.14 Scenic Views or Sites

The transmission line crosses the Blue Mountain State Scenic Corridor in one area located between MP 94.6 and MP 94.8. Union County has not adopted any Goal 5 protection program for scenic views or sites—i.e., there are no standards in the UCZPSO, 1979 Land Use Plan, or the 1984 Goal 5 Resources Supplement addressing specifically protections of designated scenic views or sites. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting scenic views or sites.

6.6.5 EFU Micro Analysis (Zones A-1, A-2, and A-4 Agricultural Lands)

During the CAP, IPC received input from stakeholders requesting avoidance of irrigated agriculture and high value cropland, and IPC considered the avoidance of these areas as a high priority during the development of the Proposed Corridor and alternate corridor segments.

Although the analysis required by ORS 215.275 does not require separate consideration of range, cropland, irrigated cropland, or high value cropland, IPC nonetheless made efforts to avoid these areas to the extent practicable.

As shown in Section 4.0 above, the Project must be sited in an EFU zone in order to provide its intended services due to one or more of the factors set forth in ORS 215.275(2). ORS 215.283(1)(c)(A) requires IPC make that showing only at the macro level, examining the need to site on EFU lands at a project-wide level across all five relevant counties. Though beyond what is required by the statute, the following section makes a similar showing at the micro or county level, by providing a detailed discussion of the necessity of siting the Project in EFU in Union County. This section is organized in the same way as the macro analysis, providing information specific to the siting of the Project in Union County.

6.6.5.1 Reasonable Alternatives Considered

Through the CAP, IPC considered approximately eight alternative routes or segments in Union County, all of which cross EFU (see Exhibit B, Attachment B-1, 2010 Siting Study; Attachment

B-2, 2012 Supplemental Siting Study). The Supplemental Siting Study contains additional discussion regarding the consideration of alternatives in this area that led to the selection of the Proposed Corridor and identification of alternative corridor segments. However, as discussed above in Section 3.1, the Project must cross EFU to connect the Project southern endpoint at the Hemingway Substation with the northern endpoint at the Longhorn Station. As a result, there are no reasonable alternatives that would avoid EFU lands at a macro level. At the micro, county level, the impacts on EFU lands are minimal, with the transmission line crossing only 3.5 miles of EFU.

6.6.5.2 Factors Requiring Siting of the Project on EFU

Of the six factors requiring the siting of the Project on EFU, the following three primary factors drove the Project onto EFU lands: locational dependence; lack of available urban and nonresource lands; and other federal agency requirements.

Technical and Engineering Feasibility

The need for siting the Project in EFU lands in Union County was not driven by technical or engineering feasibility considerations.

Locational Dependence

A utility facility is considered locationally dependent if it must cross land in one or more areas zoned EFU in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on non-EFU lands. Here, the Project must travel between the northwestern portion of Union County through the Wallowa-Whitman National Forest Utility Corridor (see Figure K-5) and the certain border crossing with Baker County. As shown in Figures K-36 and K-37, there is no reasonably direct route between these two points that avoids crossing EFU lands in the southeast corner of Union County. Therefore, at a county level of analysis, the Project must be sited in EFU lands due to the Project's locational dependence.

Lack of Available Urban and Nonresource Lands

The lack of available urban and nonresource lands was a primary factor resulting in the Project location in EFU. As shown on Figures K-36 and K-37, there is little in the way of available urban and nonresource lands in the vicinity of the Project in Union County. As a result, there are no urban or nonresource lands upon which to locate the Project in Union County between the point at which the Project exits Umatilla County and point at which the Project enters Baker County. Consequently, EFU lands must be crossed by the Project.

There is no path connecting the point where the Project crosses the Umatilla County-Union County border and the point where the Project crosses the Union County-Baker County border that consists entirely of urban and nonresource lands (see Figure K-4). Indeed, there is no way to cross Union County north-to-south without crossing urban or nonresource lands. Consequently, there is a lack of available urban and nonresource lands in Union County.

Availability of Existing Rights of Way

The need for siting the Project in EFU lands in Union County was not driven by the availability of existing rights of way.

Public Health and Safety

The need for siting the Project in EFU lands in Union County was not driven by public health and safety considerations.

Other Requirements of State or Federal agencies

This factor influenced the location of the Project in Union County. As stated above in Section 4.1.2.6, an important planning requirement in the development of the Project was the presence of the USFS-designated utility corridor to cross the Wallowa-Whitman NF. The most direct route proceeding south and east from the Wallowa-Whitman NF utility corridor toward the Hemingway Substation passes through EFU in Union County.

6.6.5.3 Costs Were Not the Only Factor Considered

As discussed in Exhibit B and the attached siting studies, costs were not the only consideration in selecting IPC's Proposed Route. Avoidance of sensitive resources, permitting and construction factors, and extensive input from local citizens and officials and many other stakeholders were the primary factors in corridor selection (see ORS 215.275(3)).

6.6.5.4 Restoration of Agricultural Land

Table K-22 describes the temporary and permanent impacts on agricultural lands in Union County. The Agricultural Lands Assessment (Exhibit K, Attachment K-1) contains aerial photographs showing affected agricultural areas in the EFU zone. It discusses measures IPC will take to minimize and mitigate for potential impacts to agricultural operations within each zone. These measures can be adopted as conditions of approval to ensure that the Project will not result in significant adverse impacts to agricultural lands within this portion of the Project (see ORS 215.275(4)).

Table K-22. Temporary and Permanent Impacts on Agricultural Lands in Union County

Route	Agriculture Type[1]	Temporary/ Construction Impacts (acres)	Permanent/ Operations Impacts (acres)
Proposed Route	Dryland Farming	–	–
	Irrigated Agriculture	78.5	–
	Pasture/Hay[2]	37.4	<0.1
	Total[3]	**115.9**	**<0.1**
Morgan Lake Alternative	Dryland Farming	–	–
	Irrigated Agriculture	78.5	–
	Pasture/Hay[2]	18.7	–
	Total[3]	**96.6**	**–**

[1] Agricultural type determined from the Agricultural Lands Assessment provided in Attachment K-1.
[2] Pasture/hay includes irrigated alfalfa/hay.
[3] Sums may not total due to rounding.

6.6.5.5 Mitigation and Minimization Conditions

As discussed in Section 4.0 and in the Agricultural Lands Assessment, IPC does not expect that the Project will have adverse impacts on surrounding lands, result in significant changes in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands (see ORS 215.275(5)). To the extent the Council has concerns about impacts to surrounding agricultural land, the Council may incorporate elements of the agricultural mitigation plan into the conditions required for issuance of a site certificate. Additionally, through its role as

a Special Advisory Group, Union County may provide recommendations to the Council regarding conditions to include in the site certificate.

6.6.6 Additional Union County Comments

Predominant Use – EFU Zone

The Project is an outright permitted use in the EFU Zone (see Section 6.6.2.1). Even so, Union County requested that IPC voluntarily conduct a predominant use analysis for those parcels that are crossed by the Site Boundary within the EFU Zone. IPC worked closely with Union County to determine the predominant use on each of the 11 parcels that are crossed by the Site Boundary that are located within or partially within the EFU Zone. In order to determine the predominant use on each parcel, data from SSURGO were used along with the Union County taxlot data (parcel data). GIS mapping software was used to determine which SSURGO soil type comprised the most acres within each parcel. Using a table provided by Union County listing each SSURGO soil type and the corresponding predominant use value,[83] each parcel was then initially given one of the following predominant use values: crop high value, crop high value if irrigated, crop, range, forest, gravel pit, miscellaneous/water, or urban/not rated. This analysis resulted in a preliminary predominant use value for each parcel within the Site Boundary based on SSURGO soils data. Union County then reviewed each parcel's initial predominant use value against 2011 aerial photography and taxlot records and adjusted the predominant use to reflect current land use. Five of the 11 parcels involved in the EFU Zone analysis had their initial predominant use value adjusted through the Union County review process.

Table K-23 and Figure K-44 show the predominant uses of the EFU Zone lands affected by the Project.

Table K-23. Union County EFU A-1 Zone Predominant Uses, Proposed Route and Morgan Lake Alternative

Predominant Use	Number of Parcels[1]	Centerline (miles)	Site Boundary (acres)
Proposed Route			
Crop, High Value	6	–	110.1
Crop	–	–	–
Range	2	1.5	106.6
Total[2]	**8**	**1.5**	**216.7**
Morgan Lake Alternative			
Crop, High Value	2	–	78.5
Crop	–	–	–
Range	–	–	–
Total[2]	–	–	**78.5**

[1] Number of parcels crossed by the Site Boundary.
[2] Sums may not total due to rounding

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

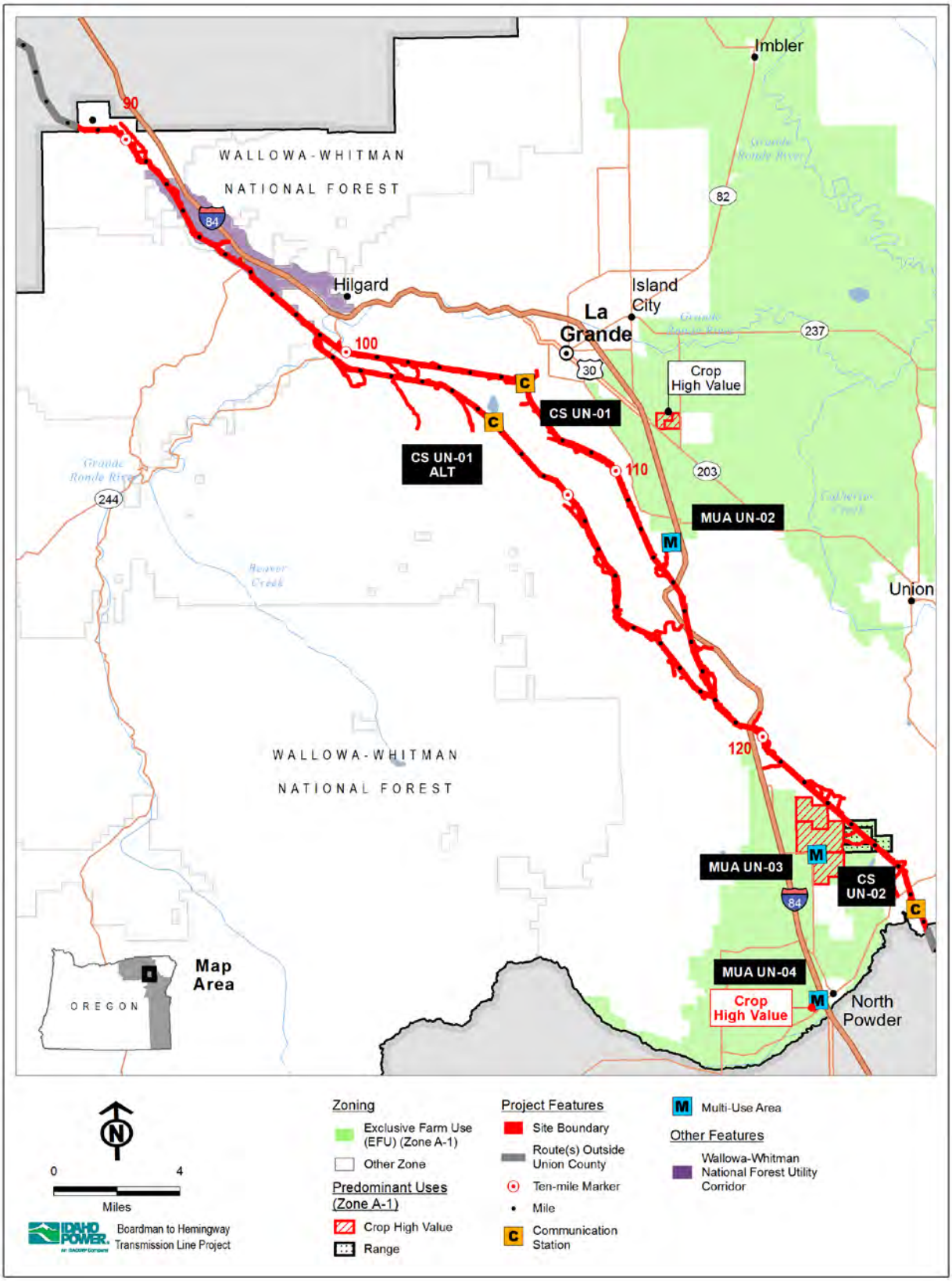

Figure K-44. Exclusive Farm Use Zone Predominant Parcel Use

Predominant Use – Agriculture-Grazing Zone

The Project is an outright permitted use in the Agricultural-Grazing Zone (see Section 6.6.2.2). Even so, Union County requested that IPC voluntarily conduct a predominant use analysis for those parcels that are crossed by the Site Boundary within the Agriculture-Grazing zone. IPC worked closely with Union County to determine the predominant use on each of the 11 parcels that are crossed by the Site Boundary that are located within or partially within the Agricultural-Grazing Zone. In order to determine the predominant use on each parcel, data from SSURGO was used along with the Union County taxlot data (parcel data). GIS mapping software was used to determine which SSURGO soil type comprised the most acres within each parcel. Using a table provided by Union County listing each SSURGO soil type and the corresponding predominant use value,[84] each parcel was then initially given one of the following predominant use values: crop high value, crop high value if irrigated, crop, range, forest, gravel pit, miscellaneous/water, or urban/not rated. This analysis resulted in a preliminary predominant use value for each parcel within the Site Boundary based on SSURGO soils data. Union County then reviewed each parcel's initial predominant use value against 2011 aerial photography and taxlot records and adjusted the predominant use to reflect current land use. Only 3 of the 11 parcels involved in the Agricultural-Grazing Zone analysis had their initial predominant use value adjusted through the Union County review process.

Table K-24 and Figure K-45 show the predominant uses of the Agriculture-Grazing Zone lands affected by the Project.

Table K-24. Union County Agriculture-Grazing Zone Predominant Use

Predominant Use	Proposed Route		
	Number of Parcels	**Centerline (miles)**	**Site Boundary (acres)**
Range	8	4.9	321.6
Other[1]	NA	<0.1	3.5
Agriculture-Grazing A-2 Zone - Total	**8**	**4.9**	**325.1**

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

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

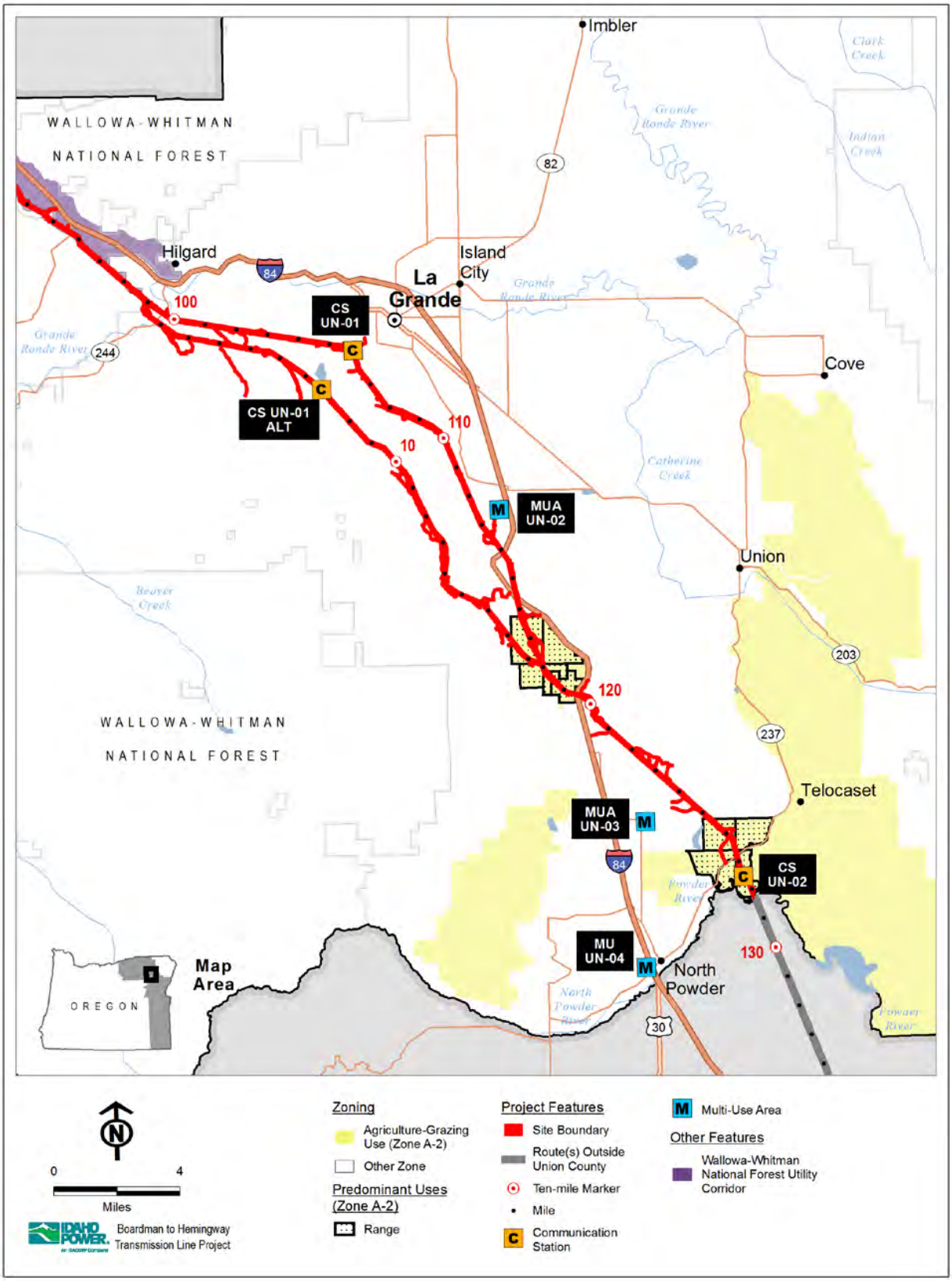

Figure K-45. Agriculture-Grazing Zone Predominant Parcel Use

6.6.7 Idaho Power's Proposed Site Certification Conditions Relevant to UCDC Compliance

IPC proposes the following site certificate conditions to ensure the Project complies with the applicable Union County substantive criteria, as well as other relevant requirements.

Prior to Construction

Land Use Condition 1: *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Agricultural Assessment. The protective measures described in the draft Agricultural Assessment in ASC Exhibit K, Attachment K-1, shall be included and implemented as part of the final Agricultural Assessment, unless otherwise approved by the department.*

Land Use Condition 2: *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Right-of-Way Clearing Assessment. The protective measures described in the draft Right-of-Way Clearing Assessment in ASC Exhibit K, Attachment K-2, shall be included and implemented as part of the final Right-of-Way Clearing Assessment, unless otherwise approved by the department.*

Public Services Condition 2: *Prior to construction, the certificate holder shall submit to the department for its approval a Helicopter Use Plan, which identifies or provides:*
a. The type of helicopters to be used (all helicopters must be compliant with the noise certification and noise level limits set forth in 14 CFR § 36.11);
b. The duration of helicopter use;
c. Approximate helicopter routes to be used;
d. Protected areas and recreation areas within 2 miles of the approximate helicopter routes;
e. Roads or residences over which external loads will be carried;
f. Multi-use areas and light-duty fly yards containing helipads shall be located: (i) in areas free from tall agricultural crops and livestock; (ii) at least 500 feet from organic agricultural operations; and (iii) at least 500 feet from existing dwellings on adjacent properties;
g. Flights shall occur only between sunrise and sunset;
h. At least 30 days prior to initiating helicopter operations at any multi-use area, the certificate holder shall contact adjacent property owners within 1,000 feet of the relevant multi-use area; and
i. The certificate holder shall maintain a customer service telephone line to address, among other things, complaints regarding helicopter operations.

Prior to Construction in Union County

Land Use Condition 8: *Prior to construction in Union County, the certificate holder shall provide to the department a copy of the following Union County-approved permits, if such permits are required by Union County zoning ordinances or state statutes:*
a. Flood plain development permit;
b. Road approach permit; and
c. Work in county right-of-way permit.
If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.

Land Use Condition 9: *Prior to construction in Union County, the certificate holder shall complete the following to address traffic impacts in the county:*
a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;
b. The certificate holder shall work with the Union County Road Department and the City of La Grande Public Works Department to identify concerns related to Project construction traffic; and
c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.

During Construction

Land Use Condition 15: *During construction, the certificate holder shall conduct all work in compliance with the final Agricultural Assessment referenced in Land Use Condition 1.*

Land Use Condition 16: *During construction, the certificate holder shall conduct all work in compliance with the final Right-of-Way Clearing Assessment referenced in Land Use Condition 2.*

Land Use Condition 17: *During construction, the certificate holder shall limit its transmission line right-of-way in Goal 4 forest lands to no wider than 300 feet. The certificate holder shall limit its use of the portion of the transmission line right-of-way located beyond the center 100 feet to vegetation maintenance activities, except to the extent Project features other than the transmission line are located within the same area.*

Public Services Condition 5*: During construction, the certificate holder shall conduct all work in compliance with the Helicopter Use Plan referenced in Public Services Condition 2.*

During Construction in Union County

Land Use Condition 22: *During construction in Union County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
In All Zones:

a. Buildings, the fixed bases of transmission line towers, and new access roads shall be set back from Class I streams at least 25-feet or one-half the stream width, whichever is greater.
b. Permanent vegetation removal within the riparian zone of all Class I streams shall retain 75% of all layers or stratas of vegetation.
In the EFU Zone:
c. Buildings shall be setback as follows: (i) front yards shall be set back at least 20 feet from property lines and road rights-of-way; (ii) and rear yards shall be set back at least 10 feet from property lines and road rights-of-way.
d. A clear-vision area shall be maintained on the corners of all multi-use area properties at the intersection of two or more streets or a street and a railroad as follows: (i) the clear-vision area shall consist of a triangular area with the two lot lines measuring a distance of 30 feet or at an intersection involving an alley of 10 feet; and (ii) the clear-vision area shall not contain any planting, fence, wall, structure, or temporary or permanent obstruction exceeding 2.5 feet in height, except for trees with branches removed to a height of 8 feet.
e. Concrete batch plants shall not be located within 2 miles of a vineyard totaling at least 40 acres and which was planted as of February 27, 2013.
In the Agricultural Grazing Zone:
f. Buildings shall be setback as follows: (i) front yards shall be set back at least 20 feet from property lines and road rights-of-way; and (i) rear yards shall be set back at least 10 feet from property lines and road rights-of-way.
g. All signage shall comply with the provisions of UCZPSO 3.08.
In the Timber-Grazing Zone:
h. Buildings shall be setback as follows: (i) front and rear yards shall be set back at least 20 feet from property lines and road rights-of-way; (ii) and side yards shall be set back at least 10 feet from property lines and road rights-of-way.
i. All signage shall comply with the provision of UCZPSO 5.08.

Land Use Condition 23: *During construction in Union County, the certificate holder shall conduct all work in compliance with the Union County-specific transportation and traffic plan referenced in Land Use Condition 9.*

During Operation

Land Use Condition 29: *During operation, the certificate holder shall limit its transmission line right-of-way in Goal 4 forest lands to no wider than 300 feet. The certificate holder shall limit its use of the portion of the transmission line right-of-way located beyond the center 100 feet to vegetation maintenance activities, except to the extent Project features other than the transmission line are located within the same area.*

6.7 City of North Powder

The following section describes the Project features that will be located within the city limits of the City of North Powder and provides analysis regarding compliance with applicable substantive criteria.[85]

[85] IPC's July 2010 Notice of Intent to file an application for site certificate for the Project did not include any proposed features in the City of North Powder. Accordingly, ODOE did not notify the City of North Powder as a reviewing agency or request that it provide substantive local criteria as a Special Advisory Group. The City Council of North Powder was designated as a SAG on March 15, 2013 (see Amended Project Order p. 14).

6.7.1 Project Features and Location in the City of North Powder

6.7.1.1 Maps Showing the Project in the City of North Powder

Figure K-46 shows the location of the Project in the City of North Powder and the land use designations of the affected lands.

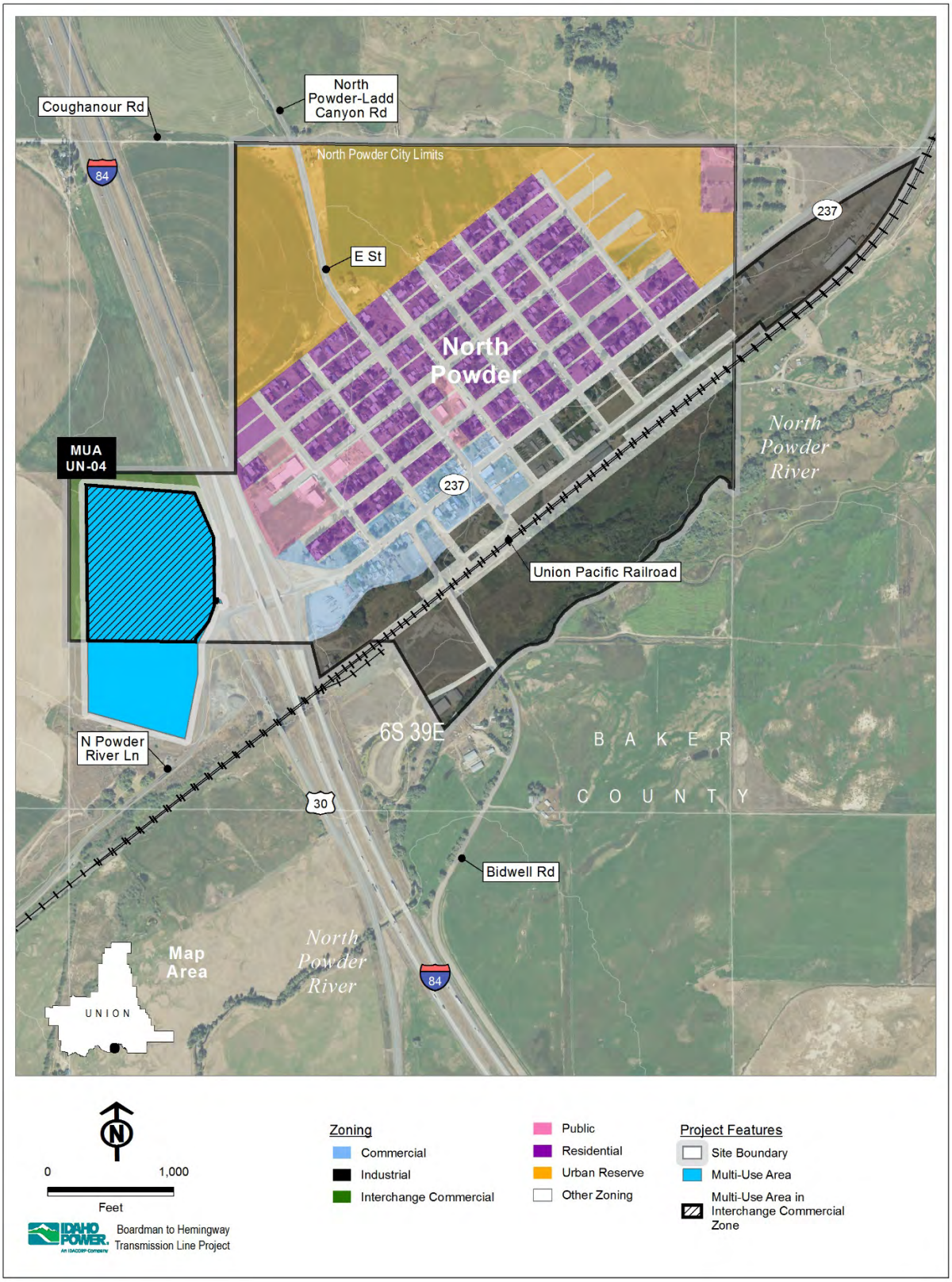

Figure K-46. City of North Powder

6.7.1.2 Multi-Use Area

The Project is a utility facility necessary for public service, and includes related and supporting facilities. As shown on Figure K-46, an approximately 27.2-acre portion of one of the Project's related and supporting features—i.e., a multi-use area—will be located within the city limits of the City of North Powder. The remaining portion of the multi-use area is located outside the city limits and under the jurisdiction of Union County, and is analyzed in accordance with applicable provisions of the UCZPSO. The multi-use site is located southwest of the City of North Powder along the west side of I-84 and along the north side of U.S. Highway 30. The City of North Powder has zoned this area as Commercial Interchange.

The multi-use area is a temporary use and will be used only during construction of the Project. The multi-use area will serve as field offices; reporting locations for workers; parking space for vehicles and equipment; and sites for material delivery and storage, fabrication assembly of towers, cross arms and other hardware, concrete batch plants, and stations for equipment maintenance. Limited helicopter operations may be staged out of multi-use areas.

6.7.2 City of North Powder Zoning Ordinance Provisions

On April 10, 2013, the City of North Powder submitted a memorandum to ODOE in which the City identified local substantive criteria potentially applicable to the Project, including certain North Powder Zoning Ordinance (NPZO) provisions. During preparation of Exhibit K, IPC identified potentially applicable NPZO provisions that were not identified by the City in its April 10, 2013 memorandum. Table K-25 sets forth the potentially applicable NPZO provisions identified by City of North Powder and IPC.

Table K-25. Potentially Applicable NPZO Provisions

Land Use Zone	Permit	Project Feature(s)	NPZO or Other Provision	Entity that Identified NPZO Provision
Commercial Interchange Zone	Multi-Use Area Conditional Use Permit	Multi-Use Area	NPZO 4.02(12) Conditional Uses/ Other Uses	City of North Powder
			NPZO 4.04(B) Development Standards; Signs	City of North Powder
			NPZO 3.02(9) Conditional Use Findings	City of North Powder
			NPZO 10.02 Application for Conditional Uses	City of North Powder
			NPZO 4.03 Dimension Standards	IPC
			NPZO 8.06 Front Yard Exception	IPC

6.7.2.1 Multi-Use Area Conditional Use Permit

NPZO Provisions Identified by Union County

In its April 10, 2013, memorandum, the City of North Powder identified NPZO 4.02(12), NPZO 3.02(9), and NPZO 10.02—and no other NPZO provisions—as being potentially applicable to the Project in North Powder.

Conditional Uses

NPZO 4.02: In a (C-2) Commercial Interchange Zone the following uses and their accessory uses are permitted by conditional use approval when authorized in accordance with Articles VIII and X of this ordinance: . . . 12. Other uses per criteria in Section 3.02(9).

In its April 10, 2013, memorandum, the City of North Powder indicated that the Project, including the relevant multi-use area, can be permitted as an "other use" under NPZO 4.02(12).

Development Standards

NPZO 4.04(B): Signs. In the (C-2) Commercial Interchange Zone, the following signs are permitted: A. Businesses and firms in the Commercial Interchange Zone are permitted to use signs provided the aggregate of the signs do not exceed an area equal to one square foot of sign face for each foot of lot frontage or 300 square feet of sign face, whichever is the least, and the sign is not in or extending over a street. Such sign shall not exceed a maximum height of forty-five (45) feet above the grade below the sign. Such sign shall be located on the premises of the business or firm which it advertises or identifies and within 300 feet of the advertised activity. B. On premise signs advertising the sale or lease of property provided the sign does not exceed forty-two (42) square feet in area and the sign is not in or extending over a street. C. Signs in the Commercial Interchange Zone may be illuminated, but shall not be a flashing or moving type of lighting. D. Permitted signs may not be erected or maintained within one hundred (100) feet of an occupied dwelling unless the owner thereof consents in writing to the erection or maintenance of such a sign. E. All off-premise signs within the view of any State Highway shall be regulated by State regulations under ORS Chapter 377 and receive building permit approval. F. All off-premise signs not within view of a State Highway shall be limited to identification and location of a business and be no larger than sixteen (16) square feet in area and receive building permit approval.

The types of signs that may be used at the multi-use areas include temporary signs identifying construction areas; "no trespassing" or similar signs; and signs warning of potential dangers. NPZO 4.04(B) provides limitations on signs. IPC's signage at the multi-use areas in the City of North Powder will comply with the limitations set forth in NPZO 4.04(B). To ensure compliance with the sign limitations of NPZO 4.04(B), IPC proposes the following site certificate condition:

> ***Land Use Condition 24:*** *During construction in City of North Powder, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In the Commercial Interchange Zone:*
> *a. All signs shall comply with the limitations set out in NPZO 4.04(B).*
> . . . .

Conditional Use Findings

NPZO 3.02(9): Based upon the following finding the City Council may approve other uses similar to those enumerated and consistent with purpose and intent of this zone if: a. The proposed use will be compatible with the traffic flow of vehicles and/or pedestrians frequenting the area.

NPZO 3.02(9) is made applicable to the Project by reference in NPZO 4.02. At the outset, it is important to note that the proposed use, the multi-use area, is a temporary use. Based on undated consultation with a representative from the City of North Powder, there is not significant pedestrian or vehicle traffic in the Commercial Interchange Zone. The majority of the pedestrian traffic occurs on the east side of I-84, with very limited pedestrian traffic traffic occuring in the vicinity of the Commercial Interchange Zone. Vehicle traffic in the Commercial Interchange Zone is primarily related to adjacent agricultural operations. IPC expects that vehicle traffic at this multi-use area will primarily use the on and off-ramps for I-84, as well as Highway 30, and will not significantly impact traffic within the city. During undated communications with ODOT, ODOT indicated this interchange is currently under capacity and will easily accommodate increased traffic resulting from the multi-use area. Accordingly, IPC expects that the proposed multi-use area will be compatible with the existing flow of traffic and pedestrians in the area (see NPZO 3.02(9)(a)).

NPZO 3.02(9)(b): The site plan and use are compatible with the surrounding commercial uses and the intent of this zone.

The surrounding commercial uses include a motel, restaurants, and convenience stores, and are located in the Commercial Zone on the east side of I-84. Because those commecial uses are located on the opposite side of I-84 from the multi-use area site and I-84 will act as a buffer between the multi-use area site and the surrounding commercial uses, any noise or dust associated with construction activities at the multi-use area should not impact the commercial uses. Therefore, the multi-use area will be compatible with the surrounding commercial uses.

The intent of the commercial zone is to provide a place for businesses to operate, and the multi-use area will occupy a lot that has been vacant for many years and will generate activity in the surrounding commercial uses (see NPZO 3.02(9)(b)).

NPZO 3.02(9)(c): The proposed use will encourage an influx of people who are likely to benefit from the availability of adjacent commercial wares and/or services.

The multi-use area will serve as field offices, reporting locations for workers, parking space for vehicles and equipment, sites for material delivery and storage, fabrication assembly of towers, cross arms and other hardware, concrete batch plants, and stations for equipment maintenance. Accordingly, during construction of the Project, the multi-use area will encourage an influx of people working on the Project who will consume goods and services from local businesses in the City of North Powder (see NPZO 3.02(9)(c)).

Application for Conditional Uses

NPZO 10.02: A request for a conditional use or modification of an existing conditional use may be initiated by property owner or his authorized agent by filing an application with the City Council. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development, and the names of record and addresses thereof for all landowners within 300 feet of the parcel in question. The City Council may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

NPZO 10.02 relates to the forms of certain City of North Powder applications. Because the Council and not the city has jurisdiction over the land use decisions and conditional use authorizations covered by the site certificate, the Council's and not the city's procedures for obtaining such decisions and authorizations apply to the Project. Even so, a site plan for a typical multi-use area setup is provided in Exhibit B, Section 3.3. Also, a map showing the location and surrounding zoning of the multi-use area is set forth above.

NPZO Provisions Identified by IPC

IPC and not the City of North Powder identified the following NPZO provisions as potentially applicable to the Project. IPC addresses these ordinances for informational purposes only.

Dimension Standards

NPZO 4.03: In the (C-2) Commercial Interchange Zone, yards shall be maintained as follows: 1. There shall be a front yard of at least thirty (30) feet. 2. There shall be no side yard setback except at least twenty (20) feet when adjacent to a Residential Zone, or on the street side of a corner lot. 3. There shall be no rear yard setback, except at least twenty (20) feet when adjacent to a Residential Zone. 4. No buildings or structure hereafter erected or enlarged shall exceed a height of forty-five (45) feet.

NPZO 4.03 provides for certain setbacks in the Commercial Interchange Zone. NPZO 4.03(1) requires a 30-foot front yard setback, measured from the front lot line to the nearest point of a building (see NPZO 1.03, defining "front yard"). Here, any building at the relevant multi-use area will be set back 30 feet from the front lot line in compliance with NPZO 4.03(1).

NPZO 4.03(2) requires a 20-foot side yard setback when adjacent to a Residential Zone, street, or corner lot. Here, the sides of the relevant multi-use area will not be adjacent to a Residential Zone, street, or corner lot; and therefore, NPZO 4.03(2) does not apply to the Project.

NPZO 4.03(3) requires a 20-foot rear yard setback when adjacent to a Residential Zone. Here, the rear of the relevant multi-use area will not be adjacent to a Residential Zone; and therefore, NPZO 4.03(3) does not apply to the Project.

NPZO 4.03(4) provides that no building or structure shall exceed 45 feet in height. Because the buildings at the multi-use areas will not exceed 45 feet, the Project will be in compliance with NPZO 4.03(4).

To ensure compliance with the setback requirements of NPZO 4.03, IPC proposes the following site certificate condition:

> ***Land Use Condition 24:*** *During construction in City of North Powder, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In the Commercial Interchange Zone:*
> *. . .*
> *b. Buildings shall be setback as follows: (i) front yards shall be set back at least 30 feet from property lines; (ii) side yards shall be setback at least 20 feet from a Residential Zone, street, or corner lot; and (iii) rear yards shall be set back at least 20 feet from a Residential Zone.*
> *c. Buildings shall not exceed 45 feet in height.*

Front Yard Exception

NPZO 8.06: The front yard requirement of this ordinance shall not apply where the average depth of the existing front yard on developed lots, located within one hundred (100) feet on each side of the lot and within the same block and zoning area and fronting on the same street as such lot, differs from the minimum specified front yard depth. In such cases, the depth of the front yard on such lot shall not be less than the average existing front yard depth on said developed lots.

NPZO 8.06 provides that the depth of the front yard setback shall not be less than the average existing front yard depth of buildings on neighboring lots. Here, there are no buildings on the lots neighboring the relevant multi-use area, and thus, NPZO 8.06 does not provide for a front yard setback different than what's set forth in NPZO 4.03(1).

6.7.3 Idaho Power's Proposed Site Certification Conditions Relevant to NPZO Compliance

IPC proposes the following site certificate condition to ensure the Project complies with the applicable City of North Powder substantive criteria, as well as other relevant requirements.

During Construction in North Powder

Land Use Condition 24: *During construction in City of North Powder, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
In the Commercial Interchange Zone:
a. All signs shall comply with the limitations set out in NPZO 4.04(B).
b. Buildings shall be setback as follows: (i) front yards shall be set back at least 30 feet from property lines; (ii) side yards shall be setback at least 20 feet from a Residential Zone, street, or corner lot; and (iii) rear yards shall be set back at least 20 feet from a Residential Zone.
c. Buildings shall not exceed 45 feet in height.

6.8 Baker County

The following section describes the Project features that will be located in Baker County and provides analysis regarding compliance with applicable local substantive criteria.

6.8.1 Project Features and Location in Baker County

6.8.1.1 Maps Showing the Project in Baker County

Figure K-47 shows the location of the Project in Baker County and the land use designations of the affected lands. Figure K-48 identifies additional land use constraints in the county.

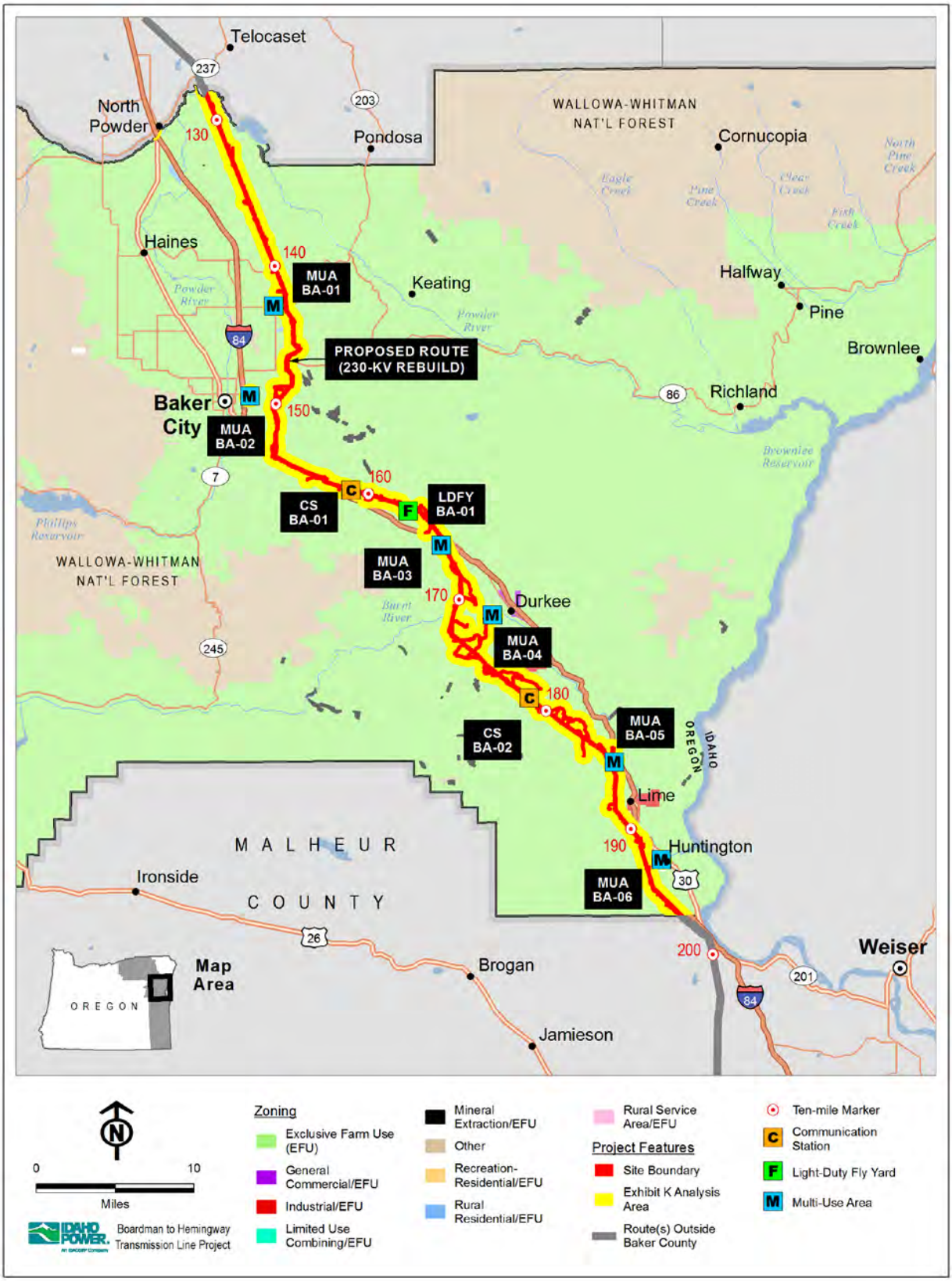

Figure K-47. Baker County Zoning

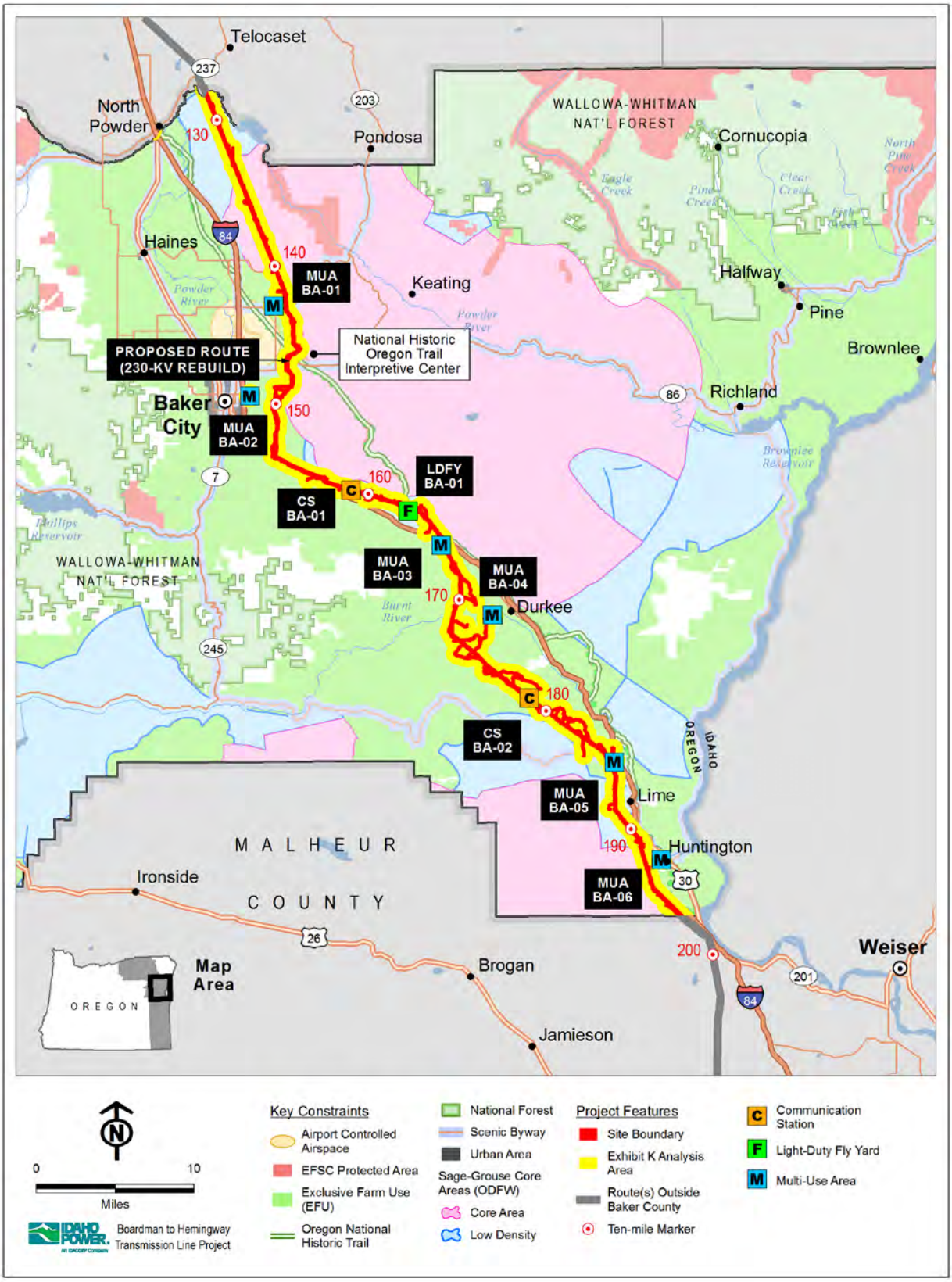

Figure K-48. Baker County Key Constraints

6.8.1.2 Location

The portion of the Proposed Route in Baker County includes 68.4 miles of new transmission line and the 0.9-mile 230-kV rebuild (see Exhibit C, Attachment C-2, Maps 63-92). Once across the Powder River (the border between Baker and Union Counties in this location) and into Baker County, the Proposed Route crosses about 13.1 miles of rangeland as it continues southeast, parallel and offset about 250 feet west of the existing IPC Quartz to La Grande 230-kV transmission line. At MP 132, the Proposed Route passes about 2 miles west of the Thief Valley Reservoir, which is located on the North Powder River.

At MP 142.7, the Proposed Route angles to the southeast, across State Highway 203. Approximately 0.8 mile beyond this road crossing, the Proposed Route crosses over the existing IPC 230-kV transmission line proceeding almost due south about 2.2 miles along the eastern edge of agricultural fields to MP 146.2.

Between MP 146.2 and MP 146.9, the Proposed Route crosses the Oregon Trail and passes west of the National Historic Oregon Trail Interpretive Center (NHOTIC). Between MP 146.5 and 147.3, the existing 230-kV line would be rebuilt to allow both the 500-kV and 230-kV towers to be co-located in a valley between ridgelines in the Prospects Range. The rebuild shifts the 230-kV towers several hundred feet to the east to make room for the 500-kV towers within this valley, minimizing visibility from surrounding vantage points by locating the towers at the lowest elevation for maximum screening from topography of the surrounding landscape. At MP 146.8, the Proposed Route crosses over State Highway 86, a designated scenic route by Baker County.

Land use in the area between State Highway 203 to State Highway 86 includes 0.1 mile of irrigated agricultural land and 4.0 miles of shrub-steppe and grassland at the eastern edge of the Baker Valley. The Proposed Route passes within 125 feet of a segment of the Oregon Trail ACEC and within about 0.7 mile of the NHOTIC.

At MP 147.3, the Proposed Route temporarily leaves the corridor with the existing IPC 230-kV transmission line. The Proposed Route then crosses an abandoned gravel pit and continues south around an agricultural pivot. At MP 150.3, the Proposed Route again parallels the existing IPC 230-kV transmission line. After crossing another 3.0 miles of rangeland, the Proposed Route turns southeast at MP 153.4.

The Proposed Route angles and proceeds southeasterly from MP 153.4 and begins to parallel the existing IPC Quartz to Weiser 138-kV transmission line and a 69-kV line and an existing pipeline along the northeast side of I-84. At MP 157.0, the existing transmission line is crossed to avoid indirect impacts to sage-grouse habitat. At MP 159.4, the existing 69-kV line is crossed and at MP 162.7 the 138-kV transmission line is again crossed to avoid the Oregon Trail Straw Ranch 1 ACEC, an ODOE protected area. Once around the ACEC, the Proposed Route once again crosses to the south side of the existing transmission lines at MP 164.7 and MP 165.4, and at MP 166 crosses I-84, the Union Pacific Railroad, and an existing underground pipeline.

For the next 5 miles, the route diverts from I-84 heading south and crosses open rangeland with little or no development. At MP 171.2, the Proposed Route crosses the Burnt River about 1.2 miles upstream from the mouth of the Burnt River Canyon. The Proposed Route at this point is approximately 3.9 miles east of the community of Durkee. At MP 172.3, the Proposed Route turns east crossing the hills to the south and east of the irrigated farmlands of the Durkee Valley.

After crossing the Burnt River, the Proposed Route climbs steeply, crossing the hills south of Durkee reaching over 5,000 feet in elevation as it crosses the shoulder of Juniper Mountain. This area consists of open range land with scattered stands of juniper and ponderosa pine on north facing slopes. At MP 185.4, the Proposed Route crosses Dixie Creek and Dixie Creek

Road. From here, the Proposed Route turns south and again parallels the existing IPC Quartz to Weiser 138-kV transmission line and an existing underground pipeline. In this section, the Proposed Route crosses trough steep terrain that supports open range lands.

At the southern end of the Weatherby Mountains, near MP 191, the Proposed Route leaves the Burnt River Canyon and no longer parallels the existing 138-kV transmission line. From here, the Proposed Route begins paralleling the west side of I-84 at a distance of approximately 0.3 mile. At MP 193, the Proposed Route is about 1.3 miles west of the city of Huntington. From MP 192 to MP 194.4 and again from MP 196.2 to MP 196.8, the Proposed Route is located within the West-wide Energy corridor. The Proposed Route exits Baker County and crosses into Malheur County at MP 196.5.

6.8.1.3 Towers, Access Roads, and Crossings

Table K-26 lists the towers, access roads, and crossings by the Proposed Route in Baker County.

Table K-26. Towers, Access Roads, and Crossings – Proposed Route in Baker County[1]

Towers	Number of Features
Towers – Single Circuit 500-kV Lattice	281
Towers – Single Circuit 500-kV H-Frame	5
Towers – Single Circuit 500-kV H-Frame Dead-end	4
Access Roads	**Miles**
Existing, 21-70% Improved	41
Existing, 71-100% Improved	22.2
New, Bladed	22.2
New, Primitive	26.2
Crossings	**Number of Crossings**
High Voltage Transmission Line Crossings[2]	9
Existing Road Crossings[3]	4
Existing Railroad Crossings[4]	1

[1] Includes single-circuit 230-kV and double-circuit 138/69-kV rebuilds.
[2] Source: ABB Ventyx (2016) and Idaho Power Company; includes only transmission lines over 69-kV.
[3] Source: Esri (2013); includes Interstate, federal, and state highways.
[4] Source: Oregon Department of Transportation (2013).

6.8.1.4 Multi-Use Areas, Light-Duty Fly Yards, and Communication Stations

There will be five multi-use areas in Baker County.

- MUA BA-01 will be located approximately 0.6 mile east of MP 142.7 on State Highway 203. The area is vacant land and appears to support shrub-steppe, and is zoned by Baker County as Agriculture – Exclusive Farm Use (Attachment C-2, Map 68).
- MUA BA-02 will be located approximately 0.25 mile east of I-84 immediately east and south of Baker City. It will be about 1.6 miles northwest of the Proposed Route at MP 150. The area is vacant and appears to be predominantly shrub-steppe; however, there is evidence that it may have been farmed in the past. It is zoned by Baker County as Agriculture - Exclusive Farm Use (Attachment C-2, Map 71).

- MUA BA-03 will be located just west of MP 166 on Hill Creek Road. The land consists of grassland and shrub-steep, and is zoned by Baker County as Agriculture – Exclusive Farm Use (Attachment C-2, Map 78).
- MUA BA-04 will be located approximately 1.2 miles east of the community of Durkee and 2.5 miles northeast of MP 174 on Oxman Ranch Road. The land is vacant and predominantly shrub-steppe, and is zoned by Baker County as Agriculture – Exclusive Farm Use EFU. It is bounded on three sides by irrigated agriculture (Attachment C-2, Maps 81 and 82).
- MUA BA-05 will be located approximately 0.25 mile southwest of the I-84 Exit 340 on Rye Valley Lane. It is directly adjacent to the Proposed Route between MP 185.2 and MP 185.3. The land is currently vacant but may have supported agriculture in the past. It is zoned by Baker County as Agriculture – Exclusive Farm Use (Attachment C-2, Map 88).

There will be one light-duty fly yard in Baker County.

- LDFY BA-01 will be located at MP 167.7. The area is zoned by Baker County as Agriculture – Exclusive Farm Use (Attachment C-2, Map 76).

There will be two communication stations in Baker County.

- CS BA-01 will be located at approximately MP 158.9 and is approximately 0.5 mile northeast of I-84. The land comprises shrub land and is zoned by Baker County as Agriculture – Exclusive Farm Use (Attachment C-2, Map 75).
- CS BA-02 will be located at approximately MP 178.6 and is just west of Shirttail Creek Road. The land comprises shrub land and is zoned by Baker County as Agriculture – Exclusive Farm Use (Attachment C-2, Map 85).

6.8.1.5 Affected Land Use Zones

Table K-27 identifies the Baker County zoning designations for the lands affected by the Project.

Table K-27. Baker County Land Use Zone Designations1

Zoning Designation[2]	Centerline (miles)	Site Boundary (acres)	Existing Roads, Substantial Modifications (miles)	New Roads
Exclusive Farm Use	69.2	5,436.6	63.0	48.2
Rural Service Area	–	2.2	0.2	–
Total[2]	**69.2**	**5,438.8[3]**	**63.2**	**48.2**

[1] Includes single-circuit 230-kV and double-circuit 138/69-kV rebuilds.
[2] Source: Bake County (2015).
[3] Sums may not total due to rounding.
[4] 8.8 acres of the 5,483.9-acre Site Boundary in Baker County is located in the city of Huntington and is analyzed in Section 6.9.

6.8.2 Baker County Zoning and Subdivision Ordinance Provisions

By letter dated September 22, 2010, Baker County identified certain applicable substantive criteria from the Baker County Zoning and Subdivision Ordinance (BCZSO). During preparation of Exhibit K, IPC identified potentially applicable BCZSO provisions that were not identified by Baker County in its September 22, 2010, letter. Table K-28 sets forth the potentially applicable BCZSO provisions identified by Baker County and IPC.

Table K-28. Potentially Applicable BCZSO Provisions

Land Use Zone	Permit	Project Feature(s)	BCZSO or Other Provision	Entity that Identified BCZSO Provision
Exclusive Farm Use Zone	Utility Facility Land Use Decision	All Project Features	BCZSO 401 Setbacks and Frontage Requirements	Baker County
			BCZSO 1001, 1001.01, 1001.02, and 1001.03 Subdivisions, Partitions, and Lot Line Adjustments	Baker County
			BCZSO 1002 Applications for Approval of Tentative Plans	Baker County
			BCZSO 1006, 1006.01, 1006.02, and 1006.03 Approval of Preliminary Partition Plans	Baker County
			BCZSO 301.01 Permitted Uses	IPC
			BCZSO 301.02(D) Conditional Uses	IPC
			BCZSO 301.05 Minimum Parcel Size	IPC
			BCZSO 401 Setbacks and Frontage Requirements	IPC
Rural Service Area Zone	Utility Facility Conditional Use Permit	All Project Features	BCZSO 305.02 Conditional Uses	IPC
			BCZSO 602 Standards for Granting a Conditional Use	IPC
Flood Plain Development	Flood Plain Development Permit	All Project Features	BCZSO 410 Flood Plain Development	IPC
Historic / Cultural and Natural Area Protection	None	All Project Features	BCZSO 412 Historic / Cultural and Natural Area Protection	IPC

6.8.2.1 EFU Zone BCZSO Provisions

The transmission line (69.2 line miles), five multi-use areas, one light-duty fly yard, and two communication stations will be located in an EFU Zone in Baker County.

Land Use Decision (All Project Features)

BCZSO Provisions Identified by Baker County

In its September 22, 2010, letter, Baker County identified BCZSO 401, BCZSO 1001, BCZSO 1002, and BCZSO 1006 as being potentially applicable to the Project. Those BCZSO provisions apply generally to certain zoning decisions and are not specific to uses in the EFU Zone. The County identified no BCZSO provisions relating to the EFU Zone specifically. In this section, IPC discusses certain BCZSO provisions identified by IPC and not Baker County as being potentially applicable to the Project features in the EFU Zone. IPC addresses these ordinances for informational purposes only.

Permitted Uses; Conditional Uses

> BCZSO 301.01: In the EFU zone the following uses and their accessory uses are permitted. . . .
>
> BCZSO 301.02: In the EFU zone the following uses may be permitted when authorized in accordance with the requirements of Subsections 301.05 and 301.06 of this Section and Article 6 of this Ordinance. . . . D. Major utility facilities as defined in Section 108(B) of this ordinance.

The list of permitted uses in the EFU Zone in Baker County does not include electrical transmission line projects (see BCZSO 301.01). Instead, BCZSO 301.02(D) indicates that an electrical transmission line project would be considered a conditional use in the EFU Zone in Baker County. Even so, under Oregon law, utility facilities necessary for public service are permitted outright in an EFU zone and a county may not enact or apply criteria of its own that supplement those found in ORS 215.283(1).[86] Here, because the Project is authorized on EFU lands under ORS 215.283(1)(c)(A) (see Section 4), Baker County must also permit outright the Project on EFU lands. Accordingly, IPC discusses the BCZSO provisions related to permitted uses under BCZSO 301.01 and not conditional uses under BCZSO 301.02.

Baker County's response to the NOI appears to be consistent with treating the Project as a permitted use. The county did not identify local substantive criteria from the BCZSO regarding permitting utility facilities in EFU land. Instead, Baker County identified ORS 215.283(1)(d), ORS 215.275, and OAR 660-033-0130(16) as applicable criteria—the same criteria discussed in Section 4 above.

ORS 215.283(1)(c)(A) requires IPC demonstrate the need to site the Project on EFU lands only at a macro, project-wide level across all five relevant counties. Though beyond what is required by the statute, Section 6.8.5 makes a similar showing at the micro or county level, by providing a detailed discussion of the necessity of siting the Project in EFU in Baker County.

[86] See Brentmar v. Jackson County, 321 Or. 481 (1995).

Minimum Parcel Sizes

BCZSO 301.05: Except as provided for under Section 502 of this Ordinance, new parcels in the EFU Zone shall comply with the following minimum parcel size requirements. A. 80 acres if fully covered by valid primary water rights. B. 160 acres for non-irrigated land, or two acres for each dry acre less than 80 for land partially covered by valid primary water rights. For example, 60 acres of irrigated land would require a minimum parcel size of 100 acres (80 - 60 = 20; 20 x 2 = 40; 60 irrigated acres + 40 non-irrigated acres = 100 acres). C. In the EFU Zone, a parcel created to accommodate a conditional use shall comply with the following requirements. 1) The proposed parcel shall be the minimum amount of land necessary for the proposed use, considering applicable state and local standards and the criteria set forth in this Ordinance, but shall be no less than 2 acres; and 2) The remaining parcel complies with the requirements under Section 301.05(A) or (B), as applicable. D. If land in the EFU Zone is also located in the Big Game Habitat Overlay, the minimum parcel size for a non-farm or lot of record dwelling shall be 40 acres, unless the parcel on which the dwelling is to be located was legally created prior to January 1, 1986. If the parcel was legally created prior to January 1, 1986, a dwelling may be allowed subject to the following conditions: 1) The dwelling will be located within 200 feet of a public road. If the road access to the dwelling is owned or maintained by the Oregon Department of Forestry, the Bureau of Land Management, or the U.S. Forest Service, the applicant shall provide proof of a road access use agreement. For non-farm partitions in the Big Game Habitat Overlay, generally, the minimum parcel size shall be 40 acres. 2) There is no other dwelling located on the property. E. The minimum parcel size for a farm related dwelling based on minimum parcel sizes established by statute and/or rule shall be 160 acres irrigated or 320 acres nonirrigated, or a combination thereof in accordance with 301.05(b) above, except that there shall be 2 acres for each dry acre less than 160. For example, 100 acres of irrigated land would require a minimum parcel size of 220 acres (160 - 100 = 60; 60 x 2 = 120; 100 irrigated acres + 120 non-irrigated acres = 220 acres).

BCZSO 301.05 is applicable to all uses in the EFU Zone. It addresses the size of parcels and is applicable only to the extent that a partition of a parcel zoned EFU in Baker County is required. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel zoned EFU in Baker County. Because the Project likely will not involve lot splits, BCZSO 301.05 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from Baker County prior to construction.

BCZSO Provisions Identified by IPC

In its September 22, 2010, letter, Baker County identified BCZSO 401, BCZSO 1001, BCZSO 1002, and BCZSO 1006 as being potentially applicable to the Project.

Setbacks and Frontage Requirements

BCZSO 401(B)(1): The minimum land width at the front building lines shall be 220 feet.

BCZSO 401(B)(1) appears to provide that the front yard of building must be set back 220 feet. BCZSO 108a(B) defines the term “building” as “[a] structure designed or intended for the support, shelter or enclosure of persons, animals, goods, chattel, or property of any kind.”

- Access roads: The Project access roads will not be built to support, shelter, or enclose anything. Therefore, the access roads are not considered buildings, and the yard setback requirements of BCZSO 401(B)(1) do not apply to the relevant access roads.

- Transmission Line Towers: The Project transmission towers will not be built to support, shelter, or enclose anything. Therefore, the transmission towers are not considered buildings, and the yard setback requirements of BCZSO 401(B)(1) do not apply to the relevant towers.
- Light-Duty Fly Yards: The light-duty fly yards will not contain any structures that will be built to support, shelter, or enclose anything. Therefore, the light-duty fly yards are not considered buildings, and the yard setback requirements of BCZSO 401(B)(1) do not apply to the relevant light-duty fly yards.
- Multi-Use Areas: The multi-use areas will contain buildings, and therefore, the yard setback requirements of BCZSO 401(B)(1) will apply to the relevant multi-use areas.
- Communication Stations: The communication stations will contain buildings, and therefore, the yard setback requirements of BCZSO 401(B)(1) will apply to the relevant communication stations.

In *Brentmar v. Jackson County*, the Oregon Supreme Court concluded that a county may not enact or apply criteria of its own beyond those found in ORS 215.283(1). Under ORS 215.283(1), there are no criteria requiring that transmission lines meet any specific setback requirements, and therefore, the setback requirements of BCZSO 401(B)(1) are beyond those set forth in ORS 215.283(1) and IPC is not required to meet those setbacks under the decision in *Brentmar*.

While not required to do so under *Brentmar*, IPC is willing to follow certain building setbacks in EFU lands. However, those setbacks must be more reasonable than the 220-foot setbacks under BCZSO 401(B)(1). First, the typical communication station sites will be 100 feet by 100 feet (see Exhibit C, Table C-24) and therefore a 220-foot setback would not allow for any buildings on the site. Second, and similarly, a 220-foot setback would potentially affect IPC's ability to configure the multi-use areas as currently proposed. Moreover, the multi-use areas will be active, and the buildings at the multi-use areas will be present, only temporarily during construction; therefore, any impacts from the multi-use area buildings will only be temporary. Third, the Project complies with statewide planning goals for the reasons discussed below in Section 6.0.[87] For these reasons, the setback requirements for buildings in the EFU lands in Baker County should be less than 220 feet. Specifically, IPC proposes the following site certificate condition providing the same setbacks in EFU Zone that are required in nearby Union County:

> ***Land Use Condition 25:*** *During construction in Baker County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In the EFU Zone:*
> *a. Buildings shall be setback as follows: front yards shall be set back at least 20 feet from property lines and road rights-of-way.*
>
> *. . . .*

[87] Pursuant to OAR 345-022-0030(2)(b)(B), if a facility "does not comply with one or more of the applicable substantive criteria," the Council must find that "the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4)" in order to issue a Site Certificate. Accordingly, where the Project may not comply with an applicable substantive criterion such as the EFU setback requirements, IPC demonstrates how the Project otherwise complies with the applicable statewide planning goal by providing a full discussion of each statewide planning goal in Section 6.0 of Exhibit K.

BCZSO 401(B)(2): No part of a structure shall be constructed or maintained closer than 60 feet to the center line of a road or street, or 30 feet from any right-of-way in excess of 60 feet.

BCZSO 401(B)(2) provides for a 60-foot setback from roads and streets, and a 30-foot setback from rights-of-way greater than 60 feet. BCZSO 108a(B) defines the term "structure" as "[s]omething constructed or built and having fixed base on, or fixed connection to, the ground or another structure."

- Access roads: By email dated May 4, 2016, the Baker County Planning Department provided that roads are not considered structures under the BCZSO. Therefore, the setback requirements of BCZSO 401(B)(2) do not apply to the Project access roads.
- Transmission Line Towers: The Project transmission line towers will have fixed bases connected to the ground. Therefore, the transmission towers are considered structures, and the setback requirements of BCZSO 401(B)(2) will apply to the relevant towers.
- Light-Duty Fly Yards: The light-duty fly yards will not contain anything constructed or built that will be fixed to the ground or other structures. Therefore, the light-duty fly yards will not involve any structures, and the yard setback requirements of BCZSO 401(B)(2) do not apply to the relevant light-duty fly yards.
- Multi-Use Areas: The multi-use areas will contain buildings, and therefore, the yard setback requirements of BCZSO 401(B)(2) will apply to the relevant multi-use areas.
- Communication Stations: The communication stations will contain buildings, and therefore, the yard setback requirements of BCZSO 401(B)(2) will apply to the relevant communication stations.

While IPC is not required to do so under the Court's ruling in *Brentmar v. Jackson County*, IPC will site the Project buildings and transmission line towers in the EFU zone in Baker County to comply with yard setback requirements of BCZSO 401(B)(2). To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 25:*** *During construction in Baker County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In the EFU Zone:*
> *. . .*
> *b. Buildings and the fixed bases of transmission line towers shall be set back at least 60 feet from the center line of a road or street or 30 feet from any right-of-way in excess of 60 feet.*
> *. . . .*

BCZSO 401(B)(3): No part of a building or other structure, except for a sign, shall be constructed or maintained closer than 10 feet to any property line.

BCZSO 401(B)(3) provides no building or other structure may be constructed within 10 feet of a lot line.

- Access roads: By email dated May 4, 2016, the Baker County Planning Department provided that roads are not considered structures under the BCZSO. Therefore, the setback requirements of BCZSO 401(B)(3) do not apply to the Project access roads.
- Transmission Line Towers: The Project transmission line towers will have fixed bases connected to the ground. Therefore, the transmission towers are considered structures, and the setback requirements of BCZSO 401(B)(2) will apply to the relevant towers.

- Light-Duty Fly Yards: The light-duty fly yards will not contain anything constructed or built that will be fixed to the ground or other structures. Therefore, the light-duty fly yards will not involve any structures, and the yard setback requirements of BCZSO 401(B)(3) do not apply to the relevant light-duty fly yards.
- Multi-Use Areas: The multi-use areas will contain buildings, and therefore, the yard setback requirements of BCZSO 401(B)(3) will apply to the relevant multi-use areas.

  Communication Stations: The communication stations will contain buildings, and therefore, the yard setback requirements of BCZSO 401(B)(3) will apply to the relevant communication stations.

While IPC is not required to do so under the Court's ruling in *Brentmar v. Jackson County*, IPC will site the Project buildings and transmission line towers in the EFU zone in Baker County to comply with yard setback requirements of BCZSO 401(B)(3). To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 25:*** *During construction in Baker County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In the EFU Zone:*
> *. . .*
> *c. Buildings and the fixed bases of transmission line towers shall be set back at least 10 feet from property lines.*
> *. . . .*

BCZSO 401(B)(4): No part of a building or other structure requiring a building permit or farm use affidavit or a road to access such development, shall be constructed within 50 feet of a naturally occurring riparian area, bog, marsh or waterway.

BCZSO 401(B)(4) provides no building or other structure requiring a building permit or farm use affidavit may be constructed within 50 feet of a riparian area, bog, marsh, or waterway.

- Access roads: By email dated May 4, 2016, the Baker County Planning Department provided that roads are not considered structures under the BCZSO. Therefore, the setback requirements of BCZSO 401(B)(3) do not apply to the Project access roads.
- Transmission Line Towers: The Project transmission line towers will have fixed bases connected to the ground. Therefore, the transmission towers are considered structures, and the setback requirements of BCZSO 401(B)(2) will apply to the relevant towers.
- Light-Duty Fly Yards: The light-duty fly yards will not contain anything constructed or built that will be fixed to the ground or other structures. Therefore, the light-duty fly yards will not involve any structures, and the yard setback requirements of BCZSO 401(B)(3) do not apply to the relevant light-duty fly yards.
- Multi-Use Areas: The multi-use areas will contain buildings, and therefore, the yard setback requirements of BCZSO 401(B)(3) will apply to the relevant multi-use areas.

  Communication Stations: The communication stations will contain buildings, and therefore, the yard setback requirements of BCZSO 401(B)(3) will apply to the relevant communication stations.

While IPC is not required to do so under the Court's ruling in *Brentmar v. Jackson County*, IPC will site the Project buildings and transmission line towers in the EFU zone in Baker County to

comply with riparian area setback requirements of BCZSO 401(B)(4). To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 25:*** *During construction in Baker County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In the EFU Zone:*
> *. . .*
> *d. Buildings and the fixed bases of the transmission line towers shall be set back at least 50 feet from the high-water mark of naturally-occurring riparian area, bog, marsh, or waterway.*

Subdivisions, Partitions, and Lot Line Adjustments

BCZSO 1001: As authorized by law, subdivisions, major and minor partitions and streets created for the purpose of partitioning land shall be approved in accordance with this Article. This Article applies to all land within the unincorporated territory of the County. A person desiring to subdivide land, to partition land, or to create a street or a private road shall submit preliminary plans and final documents for approval as provided in this Article and state statutes.

BCZSO 1001—including subsections BCZSO 1001.01 through 1001.03—addresses applications for partitions and is applicable only to the extent that a partition is required. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel. Because the Project likely will not involve lot splits, BCZSO 1001 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from the county prior to construction. In no event, however, may the Council or the county rely on BCZSO 1001 to refuse to site the Project on EFU lands (see *Brentmar v. Jackson County*, 321 Or. 481 (1995)).

Applications for Approval of Tentative Plans

BCZSO 1002: A. Any landowner, or landowner's authorized agent or representative, proposing to create a subdivision shall make application to the Planning Department for a public hearing before the Planning Commission for review and approval of the subdivision. Application for a subdivision shall be on forms provided for that purpose and shall be accompanied by the required fee and twenty-one copies of the tentative plan of the proposed subdivision. The tentative plans required by this Section shall meet the standards for such plans as required by this Ordinance and ORS Chapters 92, 197 and 209. Tentative plans for subdivisions can only be approved in nonresource zones. Tentative plans for partitions can be approved in both resource zones and nonresource zones. . . .

BCZSO 1002 relates to the forms of certain Baker County subdivision applications. Because the Council and not the county has jurisdiction over the land use decisions and conditional use authorizations covered by the site certificate, the Council's and not the county's procedures for obtaining such decisions and authorizations apply to the Project. Even so, site plans for typical multi-use area and communication station setups are provided in Exhibit B, Section 3.3. Also, a map showing the location and surrounding zoning of the multi-use areas and communication stations in the EFU Zone in Baker County is set forth above.

Approval of Preliminary Partition Plans

> BCZSO 1006: An application for a partition in any zone shall be reviewed by the Planning Director, subject to the applicable provisions in this Ordinance, statutory requirements, and the notice requirements contained in ORS 215.416(11). The Planning Director may refer an application to the Planning Commission if the Director determines that the proposal could have significant impacts beyond the abutting properties that are not likely to be adequately addressed by response to the notice requirements under ORS 215.416(11), or that the proposal requires a public hearing to clarify County policy regarding issues of concern raised by the proposal that are not otherwise addressed by this Ordinance. . . .

BCZSO 1006—including subsections BCZSO 1006.01 through 1006.03—addresses the form of applications to partition a land use zone in Baker County. Here, IPC is not proposing to partition any land use zone in Baker County, and therefore, BCZSO 1006 does not apply to the Project.

6.8.2.2 Rural Service Area Zone

Certain of the Project access roads will cross land in Baker County that is zoned as Rural Service Area Zone (see Figure K-49).

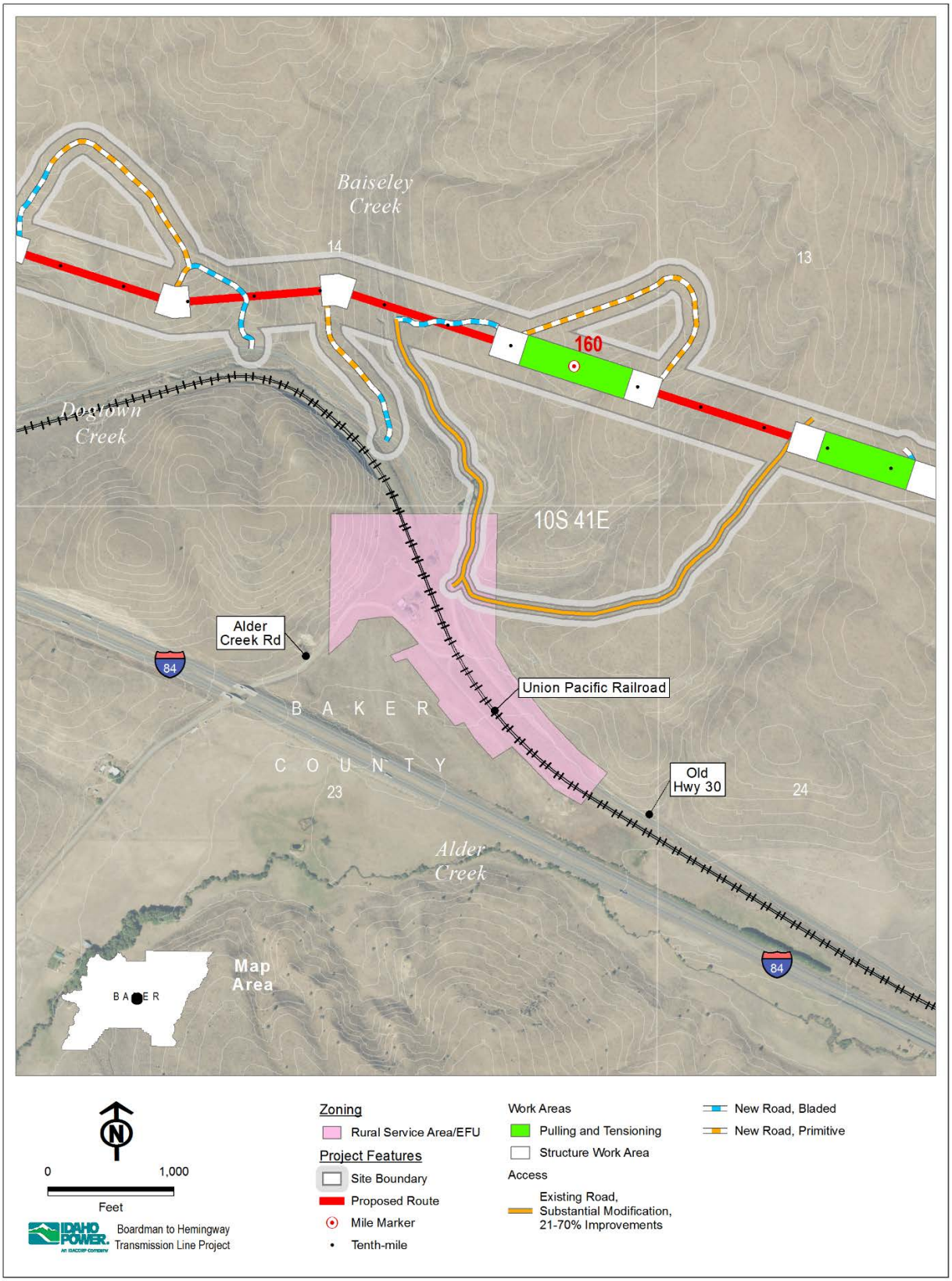

Figure K-49. Rural Service Area Zone – Baker County

Conditional Use Permit (All Project Features)

UCZPSO Provisions Identified by IPC

In its September 22, 2010 letter, Baker County identified no BCZSO provisions relating specifically to the Rural Service Area Zone. In this section, IPC discusses certain BCZSO provisions identified by IPC and not Baker County as being potentially applicable to the Project features in the Rural Service Area Zone. IPC addresses these ordinances for informational purposes only.

Conditional Uses

> BCZSO 305.02: In an RSA zone the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 6 of this Ordinance and the provisions of Subsection 305.03 of this Section. . . . D. Major utility facilities as described in Section 108(B) of this Ordinance.

As discussed above, the Project and its related and supporting facilities (including access roads) is considered a utility facility for purposes of BCZSO 108(B). Therefore, the Project features in the Rural Service Area Zone are permitted conditional uses.

Standards for Granting a Conditional Use

> BCZSO 602: To determine whether a Conditional Use proposal shall be approved or denied, the Commission shall find that the following standards, where applicable, are met. A. The proposal will be consistent with the Comprehensive Plan and objectives of this Zoning and Subdivision Ordinance and other applicable policies of the County. B. Taking into account location, size, design and operating characteristics, the proposal will have a minimal adverse impact on the (1) livability, (2) value, and (3) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright. C. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant. D. The proposal will preserve assets of particular interest to the community. E. In permitting a new Conditional Use or the alteration of an existing Conditional Use, the Planning Commission may impose in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interests of the surrounding area or the County as a whole. These conditions may include, but are not limited to, ...

As discussed in this section, the Project is consistent with the BCZSO and Baker County Comprehensive Plan (BCCP) (see BCZSO 602(A)).

BCZSO 602(B) provides for minimal adverse impact on the livability, value, and appropriate development of abutting properties and the surrounding area when compared to permitted uses, which include single family residences, churches, schools, local utility distribution facilities, and temporary mobile homes. In this case, the only Project feature located in the Rural Services Area Zone will be 0.2 miles of an existing road requiring substantial improvement. Traffic and noise impacts from construction activities may occur to abutting properties during improvements on the road segment, but the impacts will be very temporary given the small length of the road within that zone and the impacts will be minimal or de minimis because: (i) there appears to be only one occupied property in that zone, minimizing the number of people who will be affected by the impacts; (ii) there is a railroad track and separate road (Old U.S. Route 30) between the Project road and the occupied property, both of which contribute their own traffic and noise impacts to the abutting properties and surround area; and (iii) the Project road serves primarily unoccupied rangeland, meaning it is not highly trafficked and construction delays on that road

will not impact a significant amount of users, if any. During operations, the access road will only be used approximately twice per year for line inspections. In comparison, permitted uses such as single-family residences, churches, schools, and temporary mobile homes generally involve many more vehicle trips than that, and generally will require some level of construction at some point in their lives that is equal to or more than the time needed to improve the 0.2 miles of roads for this Project. For all these reasons, the impact of the Project on the livability, value, and appropriate development of abutting properties and the surrounding area when compared to permitted uses will be minimal (see BCZSO 602(B)). While IPC is not required to do so, IPC proposes the following site certificate conditions to mitigate the effects of the temporary increase in traffic related to construction activities:

> ***Land Use Condition 12****: Prior to construction in Baker County, the certificate holder shall complete the following to address traffic impacts in the county:*
> *a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;*
> *b. The certificate holder shall work with the Baker County Road Department to identify concerns related to Project construction traffic; and*
> *c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.*
>
> ***Land Use Condition 26:*** *During construction in Baker County, the certificate holder shall conduct all work in compliance with the Baker County-specific transportation and traffic plan referenced in Land Use Condition 12.*

BCZSO 602(C) provides that the location and design of the Project must be as attractive as the nature of the use and its setting warrant. Here, IPC is improving a road that already exists. IPC does not intend to change the location of the road at all, and will design the improvements to be consistent with its current status as a dirt, unpaved road. Because IPC will be improving the road consistent with its current nature, it will be as attractive as the current nature and setting warrant (see BCZSO 602(C)).

BCZSO 602(D) requires that projects within this zone preserve assets of particular interest to the community. In this instance, IPC has not identified any assets of particular interest that will be impacted by the access roads. Additionally, Baker County has not identified any such assets (see BCZSO 602(D)).

BCZSO 602(E) provides that the conditional use permit may include additional conditions which the Planning Commission considers necessary to protect the best interests of the surrounding area or the County as a whole. Here, due to the limited impacts in the Rural Service Area Zone, no conditions specific to the Project in the Rural Service Area Zone are necessary (see BCZSO 602(E)).

6.8.2.3 Historic, Cultural, and Natural Area Protection BCZSO Provisions

Historic/Cultural and Natural Area Protection Procedure

BCZSO 412: This Section shall not apply to sites designated as 3A or 3B sites, pursuant to OAR 660-16-010 (1) and (2), respectively. Major alteration or destruction of a Natural Area designated as 2A or 3C shall first require an ESEE analysis, justification, and Plan Amendment. A permit shall be required to destroy or make major alteration to a historic/cultural/natural site or structure inventoried as significant in the County Comprehensive Plan. Upon receipt of an application for said permit, the Planning Department shall institute a 30-day hold. During that time various actions will be initiated by the County depending upon the nature of the threatened resource. All of the inventoried natural sites, historic sites and the cultural sites identified with one, two or three stars will be subject to a public hearing. Notice of the proposed change and public hearing will be provided to the general public, the State Historic Preservation Office, the State Natural Heritage Advisory Council, the State Department of Fish and Wildlife and/or affected local historical, cultural, or governmental entities. The opportunity to educate, persuade, pay for, and/or require the preservation of a significant resource will be provided by the County. At the hearing before the Planning Commission a review will be conducted to determine: A. If the change will destroy the integrity of the resource. B. If the proposal can be modified to eliminate its destructive aspects. C. If any agency or individual is willing to compensate the resource owner for the protection of the resource. D. If the resource can be moved to another location. If, after this review, it is determined by the County that the integrity of a significant historic/cultural structure or other townsite or a Natural Area resource is threatened, the following criteria will be applied to decide whether to allow, allow with conditions, or disallow the proposed change.

The Baker County Planning Department provided to IPC information on inventoried historic/cultural resources that may be in the analysis area and that should be considered in the resources analysis below. IPC integrated the information into the archaeological study and VAHP study (see Exhibit S, Attachment S-2), and impacts to the identified historic/cultural sites or structures will be further analyzed during the intensive level survey of the VAHP study that will be appended to Exhibit S.

There are no inventoried natural areas within the Site Boundary.

BCZSO 412: . . . FOR SIGNIFICANT HISTORIC/CULTURAL STRUCTURES AND TOWNSITES. A. The historic/cultural structure or townsite constitutes a hazard to the safety of the public occupants and cannot reasonably be repaired; or B. The retention of the historic/cultural structure or townsite would cause financial hardship to the owner which is not offset by public interest in the structure's/townsite's preservation; or C. The improvement project is of substantial benefit to the County and cannot be reasonably located elsewhere, and overrides the public's interest in the preservation of the historic/cultural structure or townsite; or D. Major exterior alteration shall, to the extent possible, be consistent with the historic/cultural character of the structure.

IPC does not expect that development of the Project will result in destruction or alteration of any of the historic/cultural structures or townsites. As explained further in Exhibit S, IPC has conducted analysis of historic, cultural, and archeological resources in the analysis area. See Exhibit S, Section 3.2 for a discussion of survey methods. As shown on Figure K-50, IPC has reviewed Baker County's inventory of Historic and Cultural Sites, Structures, Districts contained within the BCCP Goal V Supplement and has identified the following resources that may be located in the analysis area for the Project:

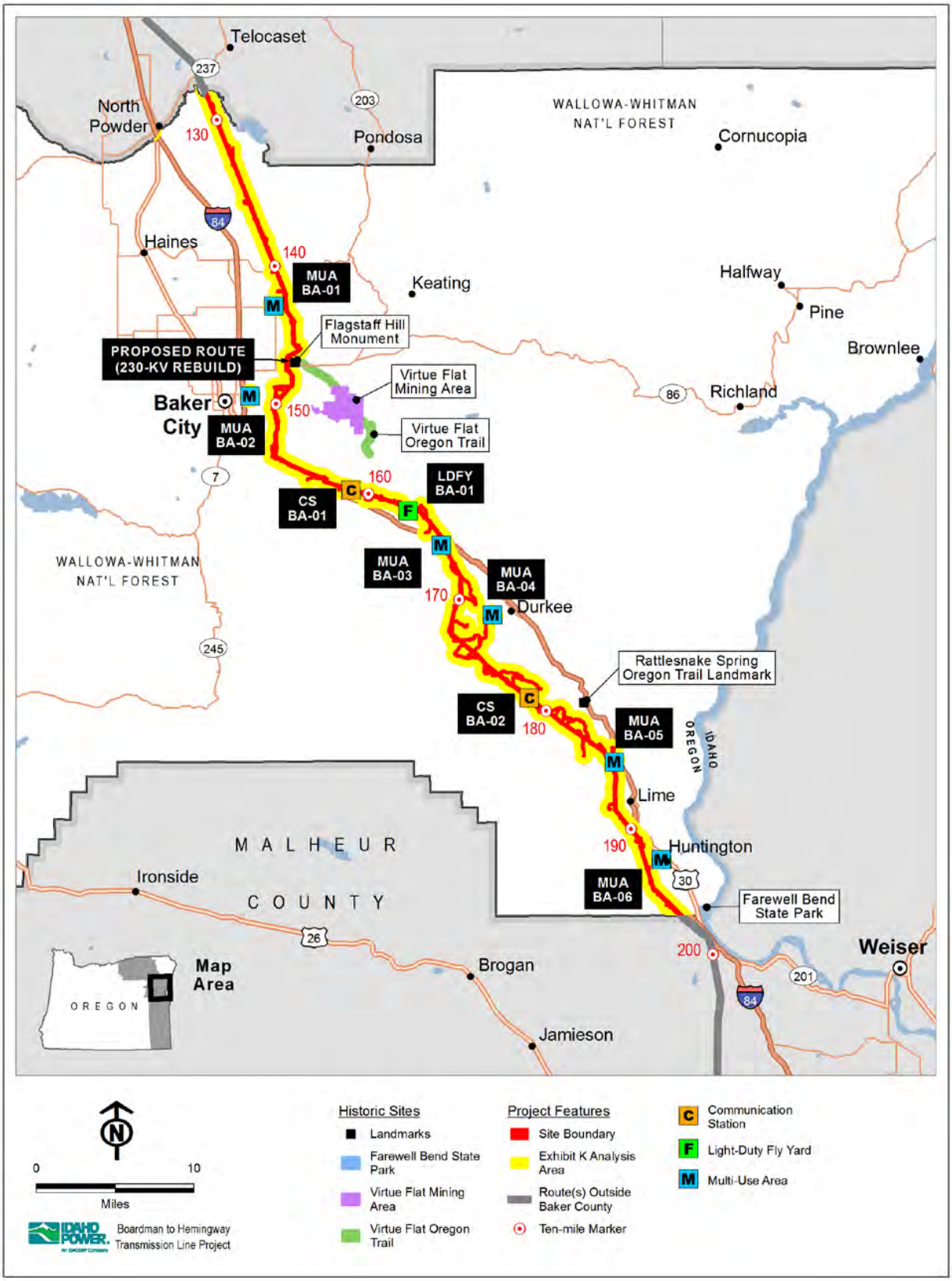

Figure K-50. Baker County Historic Sites

	Twp	Rge	Sec	Tax Lot	Date	Inventory	Ownership
Rattlesnake Springs Landmark	12	44	30	2200	1922	1 ***	ODOT

The Rattlesnake Springs Landmark is designated as a significant resource on Baker County's inventory of Historic and Cultural Sites, Structures, Districts. The Rattlesnake Springs Landmark is located in the analysis area approximately 0.5 mile west of the Proposed Route and would largely be screened from view by Gold Hill. It is not in the Site Boundary. The Project will not directly or indirectly impact the Rattlesnake Springs Landmark.

	Twp	Rge	Sec	Tax Lot	Date	Inventory	Ownership
Virtue Flat Oregon Trail (visible undisturbed wagon train ruts)	9	41			1843	6**	BLM

The Virtue Flat Oregon Trail (visible undisturbed wagon train ruts) is designated "of probable National Register eligibility or local significance" in Baker County's inventory of Historic and Cultural Sites, Structures, Districts. The resource may be indirectly affected by the Project and potential impacts will be discussed in the forthcoming intensive level survey for the VAHP study (see Exhibit S, Attachment S-2).

	Twp	Rge	Sec	Tax Lot	Date	Inventory	Ownership
Farewell Bend State Park	14	45	33	1600		1***	ODOT

The Project will not directly or indirectly impact the Farewell Bend State Park. The Farewell Bend State Park is located more than a mile from permanent Project features. Exhibit T, Section 3.3.2, analyzes potential impacts of the Project to the Farewell Bend State Park, and finds that the Project would have no long-term adverse effect on the opportunity for visitors to use Farewell Bend. Indirect/disturbance impacts would be limited to visual resource effects, which would be minimal or nonexistent. Therefore, the recreational experience for park users would not be adversely affected by the Project.

	Twp	Rge	Sec	Tax Lot	Date	Inventory	Ownership
Flagstaff Hill Monument	9	41	6	500	1943	1,2***	BLM

The Flagstaff Hill Monument is in the analysis area of the Project but is not within the Site Boundary of the Project. Based on a review of photographs taken from this location along with site visits, it appears that the Proposed Route would not be viewed from this location; however, several structures may be visible at a distance of about 0.6 mile and backdropped by the valley and mountains in the background. Due to the nature of the resource and the fact that the Project will not affect the characteristics that make the monument important, no additional analysis will be conducted as a part of the VAHP.

BCZSO 412: . . . FOR SIGNIFICANT NATURAL AREAS. A. The existence of a site report: The site's relative significance is indicated by the existence of a site report indicating a field survey with one or more elements verified. B. Number of elements: The site is elevated to a higher priority if it contains a diversity of natural elements. C. Past use of land: The degree to which man's activities have already impacted an area is a significant factor in determining the value of protecting the resource. D. Abundance and quality of the same resource elsewhere on the County's inventory: In reviewing such comparative information the County will be able

to make its decision knowing the relative significance of the resource in question. E. Financial impact: A determination that the retention of the natural area would cause financial hardship to the owner not offset by public interest in the site's preservation would be a determining factor in the County's decision. F. Public benefit from the proposed change: A finding that the change is of substantial benefit to the County and cannot be accommodated feasibly elsewhere on the applicant's property would be a significant factor in the County's decision.

There are no inventoried natural areas within the analysis area for the Project in Baker County.[88]

BCZSO 412: . . . FOR RESOURCES NOT INVENTORIED OR DESIGNATED AS 1B. For resources of unknown significance or resources not on the inventory, a local review will be conducted by BLM and USFS personnel with the consent of their supervisors, Oregon Department of Fish and Wildlife, State and/or college historians and local museum and historical society members to evaluate the resource's comparative worth and make a recommendation as to whether a full public hearing is warranted.

IPC is unaware of any resources of unknown significance or resources not on the inventory which are be located within the analysis area of the Project. IPC has conducted extensive analysis of historic, cultural, and archeological resources in the analysis area. See Exhibit S, Section 3.2 for a discussion of survey methods.

6.8.2.4 Flood Plain BCZSO Provisions

BCZSO 410: A. When during the planning, sanitation or building permit sign-off procedure the Planning Director, by use of the Federal Insurance Administration (FIA) flood hazard maps and SCS soil maps, determines that unusual soil or flooding conditions present a hazard to the structure or land use being proposed, such conditions shall be noted on the permit application and brought to the attention of the applicant. These conditions include, but are not limited to: flood plain, slope, soil instability, shrink-swell, and high water table. B. For Exceptions areas, any application for a building permit in flood hazard areas or upon soils judged unstable by SCS and inventoried as such by the County shall be denied. The Planning Office shall inform the applicant of the reasons for denial within 30 days. Before a building permit can subsequently be authorized, the County shall require submittal of a method and plan to the Planning Commission to ensure a reasonably safe building and site during and after construction; such a plan must be endorsed by an appropriate professional such as a registered, professional engineer, licensed in the State of Oregon or a professional engineer employed by a federal agency who is not required to be licensed in the State of Oregon, or a registered surveyor or hydrologist. If construction has already begun, construction shall not proceed until certification is received. C. For structures in resource zones, the Planning Office will provide the information regarding inventoried hazardous soil conditions in an advisory capacity, on the premise that resource lands offer a variety of building sites and that a safer site will be selected. D. In addition to hazard procedures, described above, the Flood plain Ordinance of Baker County, (Ordinance No. 84-3), will be implemented wherever applicable. E. Requirements made pursuant to this Section may be appealed in conformance with Section 1104 of this Ordinance.

Baker County has indicated that, under the BCZSO 410, construction activity within a SFHA in Baker County requires review and approval. To the extent the Project will include construction

[88] See Baker County Comprehensive Plan, Part 2. Section V., page 35 referencing Technical Information and Inventory Data for Land Use Planning in Baker County, Plate 17.

activities within a SFHA, IPC will obtain any necessary Flood Plain Development Permit directly from Baker County. The Flood Plain Development Permit will not be included in or governed by the site certificate (see Exhibit E, Section 3.2.13.1). IPC proposes the following site certificate condition requiring IPC to provide a copy of any necessary flood plain development permits to ODOE prior to construction:

> ***Land Use Condition 11:*** *Prior to construction in Baker County, the certificate holder shall provide to the department a copy of the following Baker County-approved permits, if such permits are required by Baker County ordinances:*
> *a. Flood plain development permit;*
> *. . . .*

6.8.2.5 Road Approach Permit

Pursuant to ORS 374.305(1), Baker County requires a Road Approach Permit to make improvements to access roads that intersect with county road ROWs. Project access roads will intersect with public roads and IPC will obtain any necessary Road Approach Permit directly from Baker County. This Road Approach Permit will not be included in or governed by the site certificate (see Exhibit E, Section 3.2.15.2). IPC proposes the following site certificate condition requiring IPC to provide a copy of any necessary road approach permits to ODOE prior to construction:

> ***Land Use Condition 11:*** *Prior to construction in Baker County, the certificate holder shall provide to the department a copy of the following Baker County-approved permits, if such permits are required by Baker County ordinances:*
> *. . .*
> *b. Road approach permit; and*
> *. . . .*

6.8.2.6 Right-of-Way Permit

If any activity takes place in a ROW within Baker County, an application must be submitted for approval by the county prior to the activity being conducted. Construction of the Project may require modifications within existing Baker County road ROWs, including improvements to county roads that may be used as access roads. IPC will apply for this permit directly from Baker County. This Right-of-Way Permit will not be included in or governed by the site certificate (see Exhibit E, Section 3.2.15.3). IPC proposes the following site certificate condition requiring IPC to provide a copy of any necessary work in county ROW permits to ODOE prior to construction:

> ***Land Use Condition 11:*** *Prior to construction in Baker County, the certificate holder shall provide to the department a copy of the following Baker County-approved permits, if such permits are required by Baker County ordinances:*
> *. . .*
> *c. Work in county right-of-way permit.*
> *If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.*

6.8.3 Baker County Goal 5 Resources

Baker County identified the County's Goal 5 Resources provisions of the BCCP as being potentially applicable to the Project.

6.8.3.1 Riparian Habitat

Baker County has not designated any riparian habitats as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting riparian habitat.

6.8.3.2 Wetlands and Other Waters

No designated wetlands or other waters are located within the Site Boundary. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting riparian habitat.

6.8.3.3 Fish and Wildlife Habitat

Big Game Habitat

The Site Boundary includes 3,938.6 acres of big game habitat as depicted on the county's Big Game Overlay map (see Figure K-51). Each of those acres is located in the EFU zone. Baker County has not adopted any Goal 5 protection program applicable to permitted uses in the EFU zone, such as transmission line projects, finding that the County's land use regulations for the EFU zone are compatible with big game habitat.[89] Exceptions are made for riparian setbacks.[90] Here, because the Project is a permitted use in the EFU Zone and IPC will comply with the relevant riparian setbacks (see Proposed Land Use Condition 25(d)), the Project will comply with the County's Goal 5 planning goals for protecting big game habitat.

[89] *See* Baker County Comprehensive Plan, Part 2. Section V., page 25.
[90] *See id.*

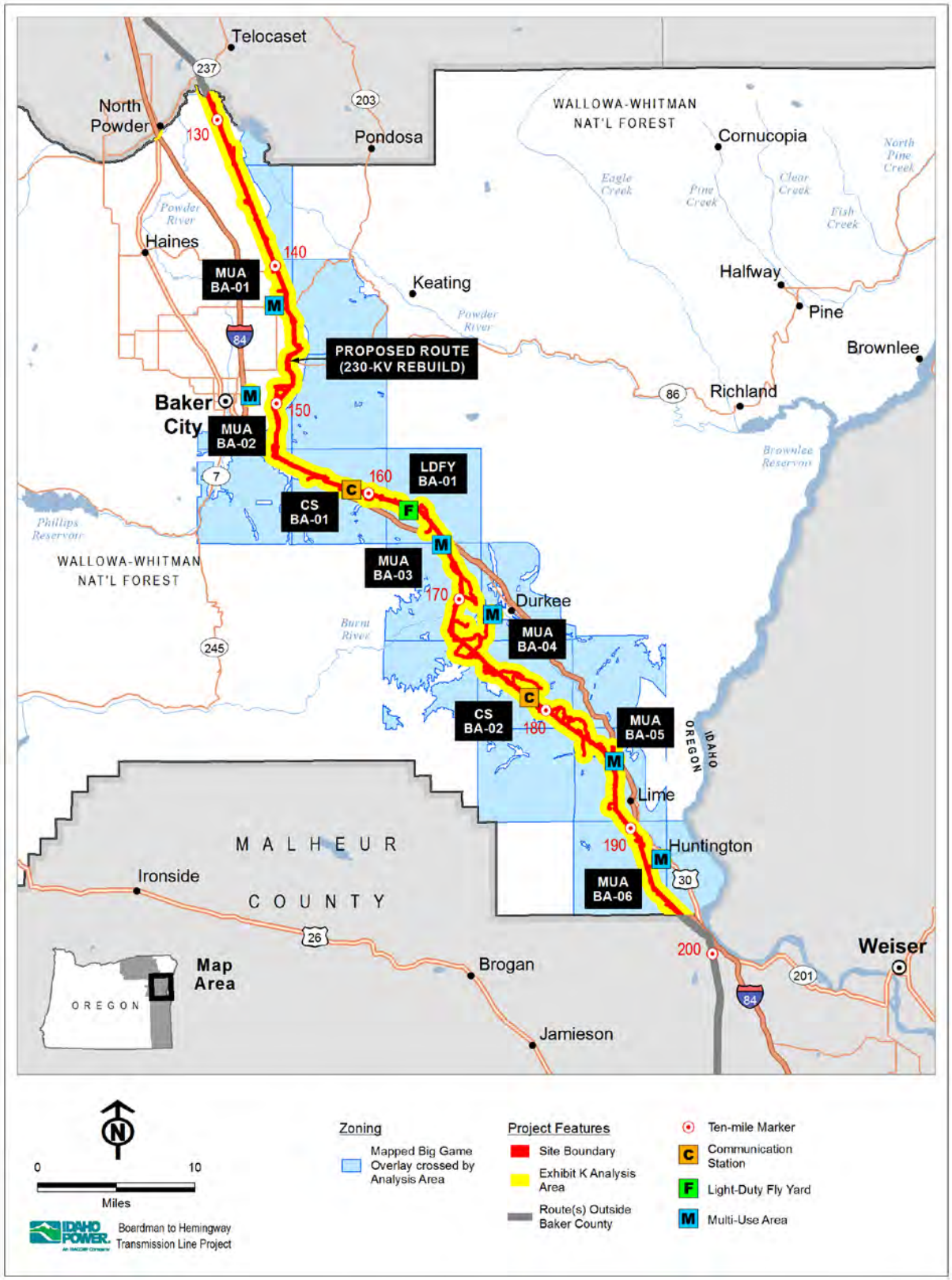

Figure K-51. Baker County Big Game Habitat

Rookeries

Baker County has not designated any rookeries as Goal 5 designated resources. Baker County has not adopted any Goal 5 protection program for rookeries. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting rookeries.

Fish Habitat

Baker County has not designated any fish habitats as Goal 5 designated resources. Baker County has not adopted any Goal 5 protection program for fish habitat. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting fish habitat.

6.8.3.4 Federal Wild and Scenic Rivers and Oregon Scenic Waterways

Baker County has not designated any federal wild and scenic rivers or Oregon scenic waterways as Goal 5 designated resources. Baker County has not adopted any Goal 5 protection program for federal wild and scenic rivers or Oregon scenic waterways. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting federal wild and scenic rivers or Oregon scenic waterways.

6.8.3.5 Groundwater Resources

Baker County has not adopted any Goal 5 protection program for groundwater resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting groundwater resources.

6.8.3.6 Approved Oregon Recreation Trails

Baker County has not adopted any Goal 5 protection program for approved Oregon recreation trails. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting approved Oregon recreation trails.

6.8.3.7 Natural Areas

No designated natural areas are located within the Site Boundary. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting natural areas.

6.8.3.8 Wilderness Areas

Baker County has not adopted any Goal 5 protection program for wilderness areas. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting wilderness areas.

6.8.3.9 Mineral Aggregate Sites

No designated mineral aggregate sites are located within the Site Boundary. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting mineral aggregate sites.

Regardless, Baker County in its October 2, 2017 comments on the Amended pASC requested that IPC ensure any aggregate sites supplying construction materials to the Project in Baker County have in place any required land use permits. While there is no requirement to do so, IPC proposes the following site certificate condition responding to the County's request:

> ***Land Use Condition 10:*** *Prior to construction in Baker County, the certificate holder shall provide to the Baker County Planning Department a list of the*

suppliers that will be supplying the aggregate used in construction in Baker County along with a copy of the suppliers' land use permits.

6.8.3.10 Energy Resources

Baker County has not adopted any Goal 5 protection program for energy resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting energy resources.

6.8.3.11 Cultural Resources

See information regarding cultural resources above in Section 6.8.2.5.

6.8.3.12 Historic Resources

Baker County has combined historic and cultural resources into one analysis, inventory, and map (see BCCP p. V-69). Those resources are addressed above in Section 6.8.3.11 regarding cultural resources.

6.8.3.13 Open Spaces

Baker County has not designated any open spaces as Goal 5 designated resources. Baker County has not adopted any Goal 5 protection program for open spaces. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting open spaces.

6.8.3.14 Scenic Views/Sites

Baker County appears to consider the following resources to be important scenic resources per OAR 345-022-0080: (i) Oregon State Route 86 (OR 86), including the Transamerica Bikeway; (ii) the NHOTIC ACEC, adjacent to I-84 near MP 142 (Figure K-52); and (ii) I-84. Baker County has not adopted any Goal 5 protection program for scenic views or sites—i.e., there are no standards in the BCZSO, 1993 Comprehensive Plan, or Goal 5 Resources Supplement addressing specifically protections for designated scenic views or sites. Therefore, no analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting scenic views or sites. Even so, IPC discusses OR 86 and the NHOTIC, and shows impacts to the same resulting from the Project will be less than significant.

Oregon State Route 86

OR 86 is a designated scenic corridor representing scenic views and sites considered indigenous to Baker County (Baker County 2000). The designated scenic segment of OR 86 extends for approximately 36 miles from MP 4.81 (near Sunnyslope Lane) to MP 40.64 (Eagle Creek). OR 86 is used as a primary travel corridor between Baker City and the towns of Richland and Keating. This road is also used by people touring on the scenic byway. This stretch of the highway experiences average daily traffic volume of approximately 930 vehicles [ODOT 2012]).

Visual impacts to OR 86 will be of medium intensity, resulting from low viewer perception and medium resource change. Impacts will result from the combined influence of the Project and other past or present actions, notably the existing and rebuilt 138-kV transmission line. Since no specific management direction has been established for this scenic resource, and IPC's impacts are localized, IPC has not found the Project to preclude the resource from providing the scenic value for which it is recognized. Therefore, visual impacts to OR 86 are less than significant (see Scenic Resources Impact Assessment, Exhibit R, Attachment R-3, Section 3.0 for a comprehensive assessment of visual impacts to this area).

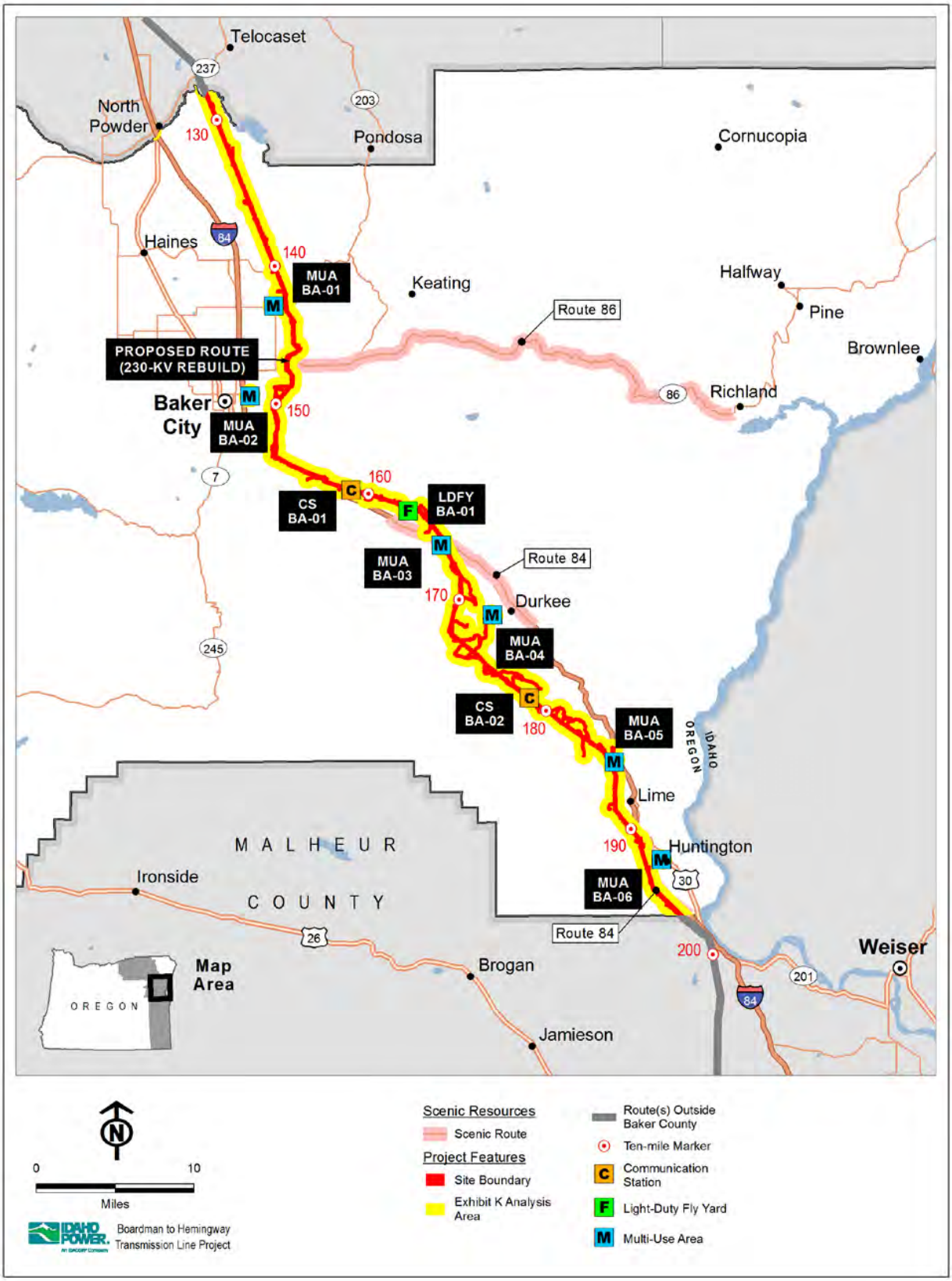

Figure K-52. Baker County Scenic Routes

National Historic Oregon Trail Interpretive Center (NHOTIC)

The NHOTIC ACEC is designated and managed by the BLM as an ACEC to preserve the unique historic resource and visual qualities of this area. Because of this management direction, the NHOTIC ACEC is considered an important scenic resource per OAR 345-022-0080. The Proposed Route would not bisect the ACEC and therefore would not fragment the resource.

Visual impacts to the Oregon Trail ACEC – NHOTIC Parcel will be medium intensity, resulting from both medium resource change and viewer perception. Impacts will result from the combined influence of the Project and other past or present actions. Medium intensity impacts will not preclude the NHOTIC Parcel from providing the visual qualities that exist within the ACEC, or as influenced from the surrounding landscape. Therefore, visual impacts to the NHOTIC Parcel will be less than significant (see Scenic Resources Impact Assessment, Exhibit R, Attachment R-3, Section 9.0 for a comprehensive assessment of visual impacts to this area).

Interstate 84

Route I-80N - Highway 6
a. From milepoint 317.39 (Pleasant Valley Interchange) To milepoint 329.24 (1.81 miles SE Durkee Interchange)
b. From milepoint 345.78 (Huntington Interchange) To milepoint 352.00 (Baker/Malheur County Line)

The BCCP includes “I80-N” as an inventoried scenic resource. Since the time of adoption of the BCCP, I-80N has been renamed I-84. The Proposed Corridor parallels two portions of I-84 that are designated as scenic.

Pleasant Valley—Durkee

The northerly segment of I-84 that is identified by Baker County as a scenic highway extends from MP 317.39 (at the Pleasant Valley Interchange) to MP 329.24 (1.8 mile southeast of the Durkee Interchange), a distance of about 12 miles. The Proposed Route is roughly parallel to the entire scenic highway segment. For the majority of this segment, the Proposed Route parallels two existing transmission lines (138-kV and 69-kV).

In some locations, particularly where the Project would be close to the freeway, the facilities would be seen against a backdrop of low ridges flanking the highway. At other locations, the Project facilities would be skylined along those ridges. In those locations where the Project would be visible, it would be viewed in conjunction with one or two existing transmission lines. In other locations, there would be limited visibility of the Project, particularly in the central portion of the scenic segment where the Proposed Route ranges from 1 to 3 miles from I-84.

The Project would have a variable visual presence along the Pleasant Valley to Durkee scenic highway segment, with the degree of contrast at specific locations ranging from none to moderate or strong. Viewed within a context limited to this 12-mile freeway segment, there would be some degree of visual impact for approximately half of the identified scenic resource. Throughout this highway segment, existing development features have had a substantial influence on the character of the landscape. The freeway itself introduces considerable contrast and often dominates the landscape. In addition, Old Highway 30 runs directly adjacent to I-84 in most of the segment and is never more than about 0.5 mile distant; an active Union Pacific railroad line is similarly close for more than 10 miles of the highway segment; existing 69-kV and 138-kV transmission lines are typically within 0.5 mile and are a nearly continuous visual presence; and developed land uses are noticeable in the Durkee area and at several scattered

locations along I-84. The existing landscape surrounding the scenic highway segment exhibits considerable modification as a result of human activity, and the incremental change to that landscape as a result of the Project would be relatively small.

Impacts to the I-84 Pleasant Valley-Durkee Area will be of high intensity, resulting from high resource change and medium viewer perception. Impacts will result solely form the Project, and not from other past or present actions. The Project will not preclude the ability of the resource to provide the scenic value for which it was designated, as impacts would be localized and not affect scenic resources at a regional scale. Therefore, visual impacts will be less than significant (see Scenic Resources Impact Assessment, Exhibit R, Attachment R-3, Section 4.0 for a comprehensive assessment of visual impacts to this area).

Huntington Area

The southerly segment of I-84 that is identified by Baker County as a scenic highway extends from MP 345.78 (at the Huntington Interchange) to MP 352.0 (at the Baker/Malheur County line), a distance of about 6 miles. The Proposed Route northwest of Huntington approaches within about 0.3 mile of the northern end of the scenic highway segment. The Proposed Route continues to parallel within 0.3 mile to the east and then southwest of the remainder of the scenic highway segment, before angling to the southeast and away from I-84.

Visual impacts to the I-84 Huntington to Baker/Malheur County Line will be of high intensity, resulting from high resource change and medium viewer perception. Impacts will result solely from the Project, and not from other past or present actions. The Project will not preclude the ability of the resource to provide the scenic value for which it was designated, as impacts would be localized and not affect scenic resources at a regional scale. Therefore, visual impacts will be less than significant (see Scenic Resources Impact Assessment, Exhibit R, Attachment R-3, Section 5.0 for a comprehensive assessment of visual impacts to this area).

6.8.4 Noxious Weed Management Plan

Baker County identified the Baker County Noxious Weed Management Plan and ORS 570.500 through ORS 570.575 as applicable substantive criteria. The above-referenced sections of the statutes identified by Baker County have since been renumbered, and are now contained within Chapter 569 (specifically ORS 569.350 through ORS 569.450). Relevant portions of the statutes and the Baker County Noxious Weed Management Plan are excerpted below:

ORS 569.390 Owner or occupant to eradicate weeds.

Each person, firm or corporation owning or occupying land within the district shall destroy or prevent the seeding on such land of any noxious weed within the meaning of ORS 569.360 to 569.495 in accordance with the declaration of the county court and by the use of the best means at hand and within a time declared reasonable and set by the court, except that no weed declared noxious shall be permitted to produce seed.

Baker County Noxious Weed Management Plan

THEREFORE, IT SHALL BE THE POLICY OF BAKER COUNTY TO:

1. Increase awareness of potential economic loss due to existing and new invading weeds through continuous education with the public.

2. Rate and classify weeds at the county level

3. Prevent the establishment and spread of noxious weeds.

4. Encourage and implement the control or containment of infestations of designated weed species and, where possible, their eradication. When budgets allow, offer a landowner cost share program for "A" rated weeds, as well as those weeds designated appropriate for cost share assistance by the Board of Commissioners.

5. Manage a biological control of weeds program for yellow starthistle, leafy spurge, St. Johnswort, Canada thistle, rush skeletonweed, diffuse knapweed, spotted knapweed, and others, in cooperation with ODA's Biological Control of Weeds Program.

6. Cooperate with other states, federal agencies, private citizens, the Tri-County Weed Management Area and other groups in enhancing the Baker County Vegetation Management Program.

IPC will undertake measures to manage noxious weeds consistent with ORS 569.350 through ORS 569.450 and consistent with Baker County's Noxious Weed Management Plan. For additional discussion, refer to IPC's Reclamation and Revegetation Plan (Exhibit P1, Attachment P1-3) and Vegetation Management Plan (Exhibit P1, Attachment P1-4).

6.8.5 EFU Micro Analysis for Baker County

As shown above in Section 4, the Project must be sited in an EFU zone in order to provide its intended services due to one or more of the factors set forth in ORS 215.275(2). ORS 215.283(1)(c)(A) requires IPC make that showing only at the "macro"[91] level, examining the need to site on EFU lands at a project-wide level across all five relevant counties. Though beyond what is required by the statute, the following section makes a similar showing at the "micro" or county level, by providing a detailed discussion of the necessity of siting the Project in EFU in Baker County. This section is organized in the same way as the macro analysis, providing information specific to the siting of the Project in Baker County.

6.8.5.1 Reasonable Alternatives Considered

Through the CAP, IPC considered approximately 31 alternative routes or segments in Baker County, nearly all of which cross EFU (see 2010 Siting Study).[92] The Supplemental Siting Study contains additional discussion regarding the consideration of alternatives in this area that led to the selection of the Proposed Corridor and identification of alternative corridor segments. However, EFU-zoned lands in Baker County are unavoidable in reaching the Wallowa- Whitman NF utility corridor from the Hemingway Substation. As a result, there are no reasonable non-EFU alternative routes in Baker County.

6.8.5.2 Factors Requiring Siting of the Project on Baker County Land Zoned EFU

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

Technical and Engineering Feasibility

The need for siting the Project in EFU lands in Baker County was not driven by technical or engineering feasibility considerations.

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

[92] Although two of the route segments identified in the southwestern portion of Baker County during the CAP did not cross EFU in Baker County, the route segments were not considered viable because they would force the Project to cross several EFSC-designated protected areas and other sensitive resources. See Exhibit B, Attachment B-1, 2010 Siting Study.

Locational Dependence

A utility facility is considered locationally dependent if it must cross land in one or more areas zoned EFU in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on non-EFU lands. As shown in Figures K-47 and K-48, the two points where the Project enters and exits Baker County are surrounded by EFU lands and there is no feasible way to connect those endpoints (let alone achieve a reasonably direct route between the points) without crossing EFU lands. Therefore, at a county level of analysis, the Project must be sited in EFU lands due to the Project's locational dependence.

Lack of Available Urban and Nonresource Lands

As shown in Figure K-4, there are very few urban and nonresource lands in Baker County and there is no apparent path through urban or nonresource lands upon which to locate the Project from the Union County line south to the Malheur County line. Consequently, there is a lack of available urban and nonresource lands in Baker County, and EFU lands must be crossed by the Project.

Availability of Existing Rights of Way

A utility facility that must be sited in EFU lands due to the availability of existing ROWs is considered necessary for public service under ORS 215.275(2)(d). This factor "reflects a preference for placing new linear facilities in existing public and private rights-of-way, as opposed to creating new right-of-way."[93] The phrase "existing right-of-way" refers to existing transportation and utility ROWs within which the Project could potentially co-locate.[94] Here, there was no existing utility ROW that traveled the entire path between the Project endpoints in a reasonably direct route. Even so, as discussed in Exhibit B, Section 3.1.1.2, IPC made reasonable efforts to locate the Project in or adjacent to existing federal ROW corridors where possible, including the West-wide Energy Corridor traveling through Baker County. Indeed, 35.7 line miles of the Proposed Route were located in one of those utility corridors (see Figure K-5). Because most of Baker County is zoned EFU, the Project must cross EFU lands to enter or exit the utility corridors. Therefore, to take advantage of the available utility corridors, the Project must be sited in EFU lands and the Project is necessary for ORS 215.275(2)(c).

Public Health and Safety

The need for siting the Project in EFU lands in Baker County was not driven by public health and safety considerations.

Other Requirements of State or Federal Agencies

The need for siting the Project in EFU lands was not driven by state or federal requirements beyond those set forth at ORS 215.275(a) through (e) (see ORS 215.275(2)(f)). However, the following certain state and federal requirements influenced the ultimate location of the Project, by creating constraints on particular EFU lands, thereby influencing which EFU lands the Project crosses. The BLM-managed lands traversed by the Proposed Route are protected by several federal and state requirements, including key sage-grouse habitat recognized by both BLM and

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

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

ODFW and the BLM Virtue Flats ACEC. Those federal and state requirements drove the location of the Proposed Route on EFU land in Baker County.

6.8.5.3 Costs Were Not the Only Factor Considered

As discussed in Exhibit B and its attached siting studies, costs were not the only consideration in selecting IPC's Proposed Route. Avoidance of sensitive resources, permitting and construction factors, and extensive input from local citizens and officials and many other stakeholders were the primary factors in corridor selection (see ORS 215.275(3)).

6.8.5.4 Restoration of Agricultural Land

Table K-29 describes the temporary and permanent impacts on agricultural lands in Baker County. Appendix A of the Agricultural Lands Assessment (Attachment K-1) contains aerial photographs showing affected agricultural areas in the EFU zone.

Table K-29. Temporary and Permanent Impacts on Agricultural Lands in Baker County[1]

Route	Agriculture Type[2]	Temporary Impacts (acres)	Permanent Impacts (acres)
Proposed	Dryland Farming	–	–
	Irrigated AG	3.4	–
	Pasture/Hay	49.7	1.6

[1] Includes single-circuit 230-kV and double-circuit 138/69-kV rebuilds.
[2] Agricultural type determined from the Agricultural Lands Assessment provided in Attachment K-1.

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

6.8.5.5 Mitigation and Minimization Conditions

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

6.8.6 Idaho Power's Proposed Site Certification Conditions Relevant to BCZSO Compliance

IPC proposes the following site certificate conditions to ensure the Project complies with the applicable Baker County substantive criteria, as well as other relevant requirements.

Prior to Construction

Land Use Condition 1: *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Agricultural Assessment. The protective measures described in the draft Agricultural Assessment in ASC Exhibit K, Attachment K-1, shall be included and implemented as part of the final Agricultural Assessment, unless otherwise approved by the department.*

Public Services Condition 2: *Prior to construction, the certificate holder shall submit to the department for its approval a Helicopter Use Plan, which identifies or provides:*

a. The type of helicopters to be used (all helicopters must be compliant with the noise certification and noise level limits set forth in 14 CFR § 36.11);
b. The duration of helicopter use;
c. Approximate helicopter routes to be used;
d. Protected areas and recreation areas within 2 miles of the approximate helicopter routes;
e. Roads or residences over which external loads will be carried;
f. Multi-use areas and light-duty fly yards containing helipads shall be located: (i) in areas free from tall agricultural crops and livestock; (ii) at least 500 feet from organic agricultural operations; and (iii) at least 500 feet from existing dwellings on adjacent properties;
g. Flights shall occur only between sunrise and sunset;
h. At least 30 days prior to initiating helicopter operations at any multi-use area, the certificate holder shall contact adjacent property owners within 1,000 feet of the relevant multi-use area; and
i. The certificate holder shall maintain a customer service telephone line to address, among other things, complaints regarding helicopter operations.

Prior to Construction in Baker County

Land Use Condition 10: *Prior to construction in Baker County, the certificate holder shall provide to the Baker County Planning Department a list of the suppliers that will be supplying the aggregate used in construction in Baker County along with a copy of the suppliers' land use permits.*

Land Use Condition 11: *Prior to construction in Baker County, the certificate holder shall provide to the department a copy of the following Baker County-approved permits, if such permits are required by Baker County ordinances:*
a. Flood plain development permit;
b. Road approach permit; and
c. Work in county right-of-way permit.
If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.

Land Use Condition 12*: Prior to construction in Baker County, the certificate holder shall complete the following to address traffic impacts in the county:*
a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;
b. The certificate holder shall work with the Baker County Road Department to identify concerns related to Project construction traffic; and
c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.

During Construction

Land Use Condition 15: *During construction, the certificate holder shall conduct all work in compliance with the final Agricultural Assessment referenced in Land Use Condition 1.*

Public Services Condition 5*: During construction, the certificate holder shall conduct all work in compliance with the Helicopter Use Plan referenced in Public Services Condition 2.*

During Construction in Baker County

Land Use Condition 25: *During construction in Baker County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
In the EFU Zone:
a. Buildings shall be setback as follows: front yards shall be set back at least 20 feet from property lines and road rights-of-way.
b. Buildings and the fixed bases of transmission line towers shall be set back at least 60 feet from the center line of a road or street or 30 feet from any right-of-way in excess of 60 feet.
c. Buildings and the fixed bases of transmission line towers shall be set back at least 10 feet from property lines.
d. Buildings and the fixed bases of the transmission line towers shall be set back at least 50 feet from the high-water mark of naturally-occurring riparian area, bog, marsh, or waterway.

Land Use Condition 26: *During construction in Baker County, the certificate holder shall conduct all work in compliance with the Baker County-specific transportation and traffic plan referenced in Land Use Condition 12.*

6.9 City of Huntington

6.9.1 Project Features in Huntington

Multi-use area MUA BA-6 will be located inside the limits of the city of Huntington (Attachment C-2, Map 91). As with the other MUAs along the proposed transmission line route, MUA BA-06 would be a temporary use and would be used only during construction of the proposed transmission line. The MUA would serve as a field office, reporting location for workers; a parking area for vehicles and equipment; a material delivery and storage area, location for fabrication assembly of towers, cross arms and other hardware, a concrete batch plant, and an equipment maintenance station. Limited helicopter operations may be staged out of the MUA. Zoning is split, with approximately 85 percent being Commercial Industrial and the remaining portion being Commercial Residential according to the City of Huntington (see Figure K-53).

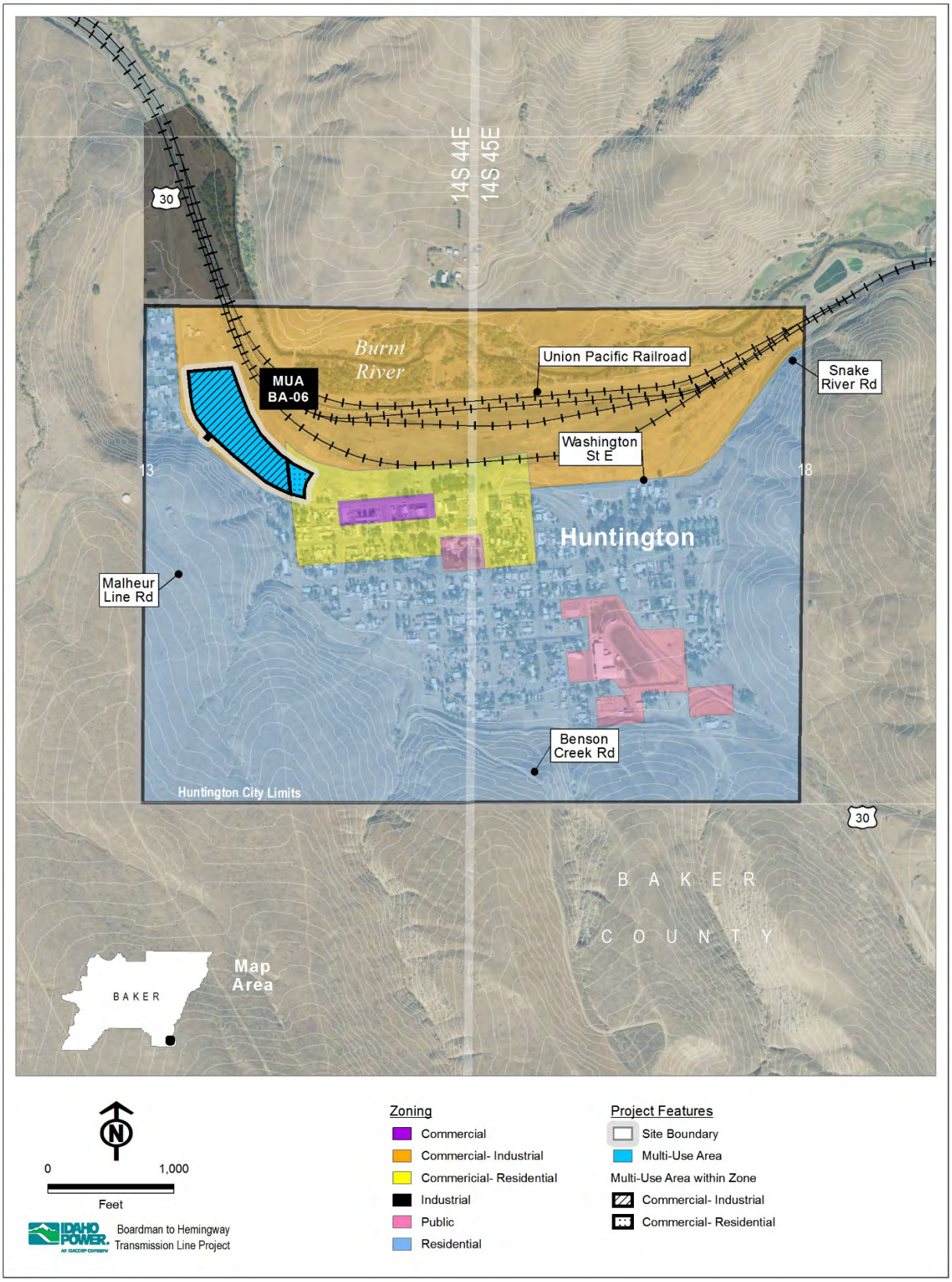

Figure K-53. Multi-Use Area (MUA BA-06) within the City of Huntington

6.9.2 City of Huntington Zoning Ordinance Provisions

6.9.2.1 Commercial Industrial Zone CHZO Provisions

City of Huntington Zoning Ordinance Provisions Identified by the City

The City of Huntington has not provided a letter to ODOE identifying potentially applicable local substantive criteria. However, the City indicated to IPC in a June 2, 2016, email that the multi-use area would require no City permits because it will be a temporary and not a permanent use.

City of Huntington Zoning Ordinance Provisions Identified by Idaho Power

IPC identified the following City of Huntington Zoning Ordinance (CHZO) provisions as being potentially applicable to the Project. IPC discusses these provisions for informational purposes only.

Multi-Use Area Land Use Decision

Uses Permitted Outright

CHZO 153.080: (A) In the CI Zone, the following uses are permitted outright: (I) Any commercial use permitted outright in the CR Zone. (2) Industrial: manufacturing, compounding, fabricating, processing, repairing, packing or storage. (B) Any industrial or commercial use according to this section shall meet the requirements of § 153.050(B) and (C).

The multi-use area activities are considered industrial uses, and therefore, they are permitted outright in the Commercial Industrial Zone (see CHZO 153.080(A)(2)).

Minimum Lot Size

CHZO 153.082: In the CI Zone, the minimum lot size shall be the same as provided for commercial uses in the CR Zone. CHZO 153.052: (A) In the CR Zone, the minimum lot or parcel size for dwellings shall be as follows: (1) Single, two-family, and mobile dwellings: 4,000 square feet. (2) Multiple-family dwellings and rooming houses: 4,000 square feet, plus the additional areas according to § 153.032. (3) Mobile home parks or recreational vehicle parks: See §§ 153.095 et seq. (B) In the CR Zone, the minimum lot or parcel size for commercial use shall be 4,000 square feet. (C) All uses shall have adequate area to meet the property line setback requirements and off-street parking requirements of this chapter.

CHZO 153.082 applies to all uses in the Commercial Industrial Zone. CHZO 153.052 is made applicable to the Project by reference in CHZO 153.080. Both CHZO 153.082 and CHZO 153.052 address the size of parcels and is applicable only to the extent that a partition is required. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel. Because the Project likely will not involve lot splits, CHZO 153.080 and CHZO 153.052 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from the city prior to construction.

Property Line Setback

CHZO 153.083: In the CI Zone, the property line setback distances shall be the same as provided for commercial uses in the CR Zone. CHZO 153.053(A): In the CR Zone, all dwellings, including attached structures and accessory buildings, and any other building, including attached structures and accessory buildings, providing dwelling units, boarding or rooming facilities shall maintain a setback

distance from property lines as follows: (1) Front property line: 10 feet. (2) Side and rear property lines: 5 feet.

CHZO 153.083 applies to all uses in the Commercial Industrial Zone. CHZO 153.053 is made applicable to the Project by reference in CHZO 153.083. CHZO 153.053(A) provides all dwellings, and other buildings that include dwelling facilities, must be certain setback requirements. Here, the Project includes no buildings or structures that will be used for living purposes or intended to be lived in. Therefore, the setback requirements of CHZO 153.053(A)(1) do not apply to the Project

CHZO 153.053(B): In the CR zone, commercial buildings and structures shall not be required to maintain a setback distance from property lines, except where a property line abuts or faces the R Zone, in which case a setback distance of 15 feet from the abutting or facing property line or lines shall be maintained.

CHZO 153.053(B) provides commercial buildings and structures requires a 15-foot setback where the relevant property abuts or faces a Residential Zone. Here, because the City indicated that no permits are required for temporary facilities such as the multi-use area, the setback requirements of CHZO 153.053(B) will not apply to the Project.

6.9.2.2 Commercial-Residential Zone CHZO Provisions

City of Huntington Zoning Ordinance Provisions Identified by Idaho Power

IPC and not the City identified the following CHZO provisions as being potentially applicable to the Project. IPC discusses these provisions for informational purposes only.

Multi-Use Area Conditional Use Permit

Permitted Uses; Conditional Uses

CHZO 153.050: (A) In the CR Zone, the following uses are permitted outright: (1) Any use permitted outright in the CR Zone. (2) Commercial: limited to the customary and ordinary sales and/or services establishments conforming to divisions (B) and (C) of this section. (B) Any commercial use according to this section, except for parking and loading activity, shall be conducted entirely within buildings and shall require no outside storage of materials, supplies or products. (C) Any commercial use according to this section shall be reasonably free of objectionable odor, noise, smoke, glare, heat, vibration, or other adverse effect on neighboring property.

CHZO 153.051: In the CR Zone, the following uses and their accessory uses are permitted when authorized in accordance with §§ 153.145 et seq.: (A) Any use that is subject to such approval in the R Zone. (B) Any commercial use that reasonably cannot meet the standards of§ 153 .050(B) and (C).

Zoning for the multi-use area is split, with approximately 85 percent being Commercial Industrial and the remaining portion being Commercial Residential. Here, because the City indicated that no permits are required for temporary facilities such as the multi-use area, the setback requirements of CHZO 153.053(B) will not apply to the Project. Even so, the Project nonetheless complies with statewide planning goals for the reasons discussed below in Section 6.0.[95]

[95] Pursuant to OAR 345-022-0030(2)(b)(B), if a facility "does not comply with one or more of the applicable substantive criteria," the Council must find that "the facility otherwise complies with the statewide planning goals or an

6.10 Malheur County

The following section describes the elements of the Project that will be located in Malheur County and provides analysis regarding compliance with the applicable local substantive criteria.

6.10.1 Project Facilities and Location in Malheur County

6.10.1.1 Maps Showing the Project Location in Malheur County

Figure K-54 shows the location of the Project in Malheur County and the land use designations of the affected lands. Figure K-55 identifies siting constraints in the county.

exception to any applicable statewide planning goal is justified under section (4)" in order to issue a Site Certificate. Accordingly, where the Project may not comply with an applicable substantive criterion such as the EFU setback requirements, IPC demonstrates how the Project otherwise complies with the applicable statewide planning goal by providing a full discussion of each statewide planning goal in Section 6.0 of Exhibit K.

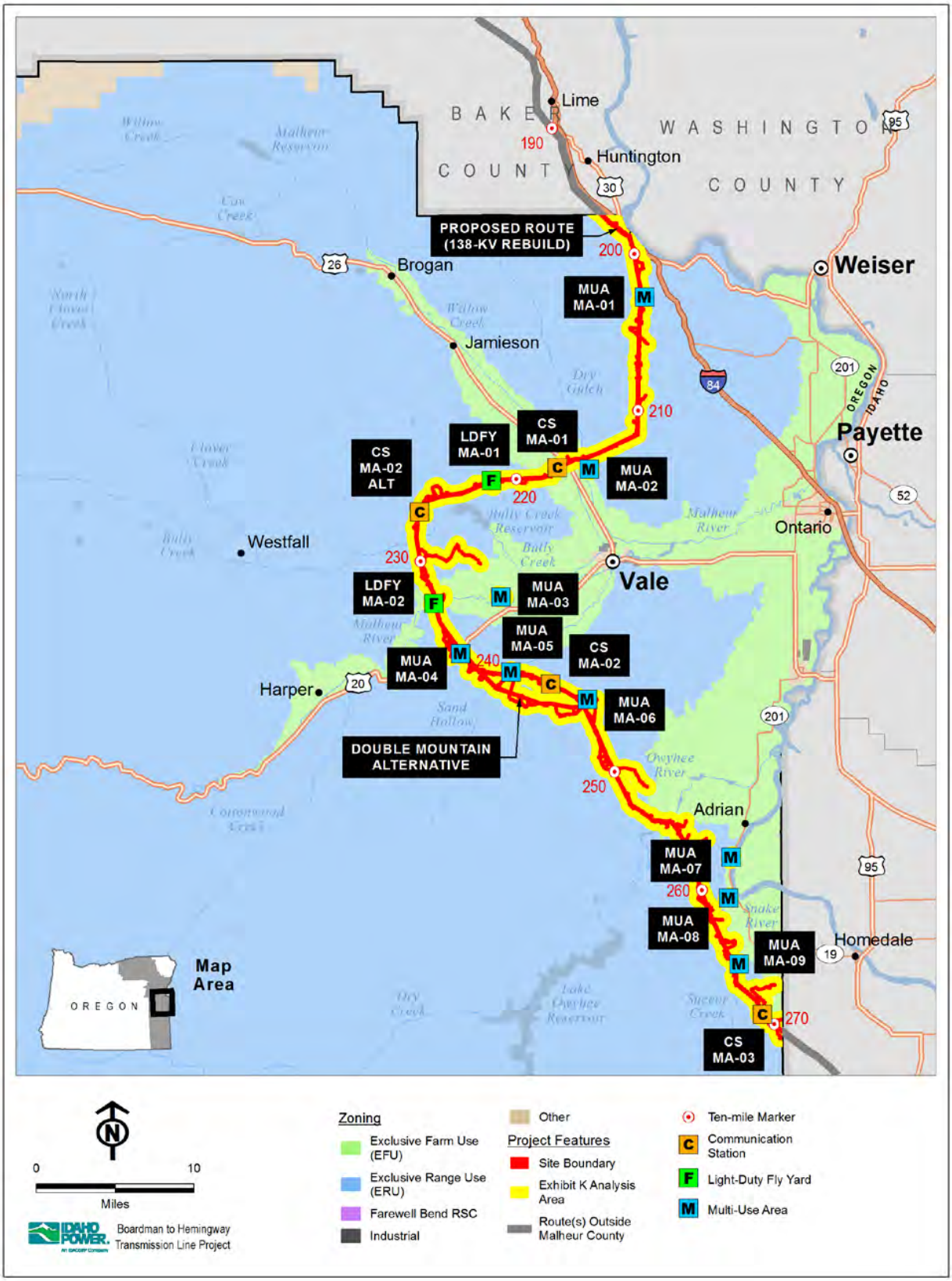

Figure K-54. Malheur County Zoning

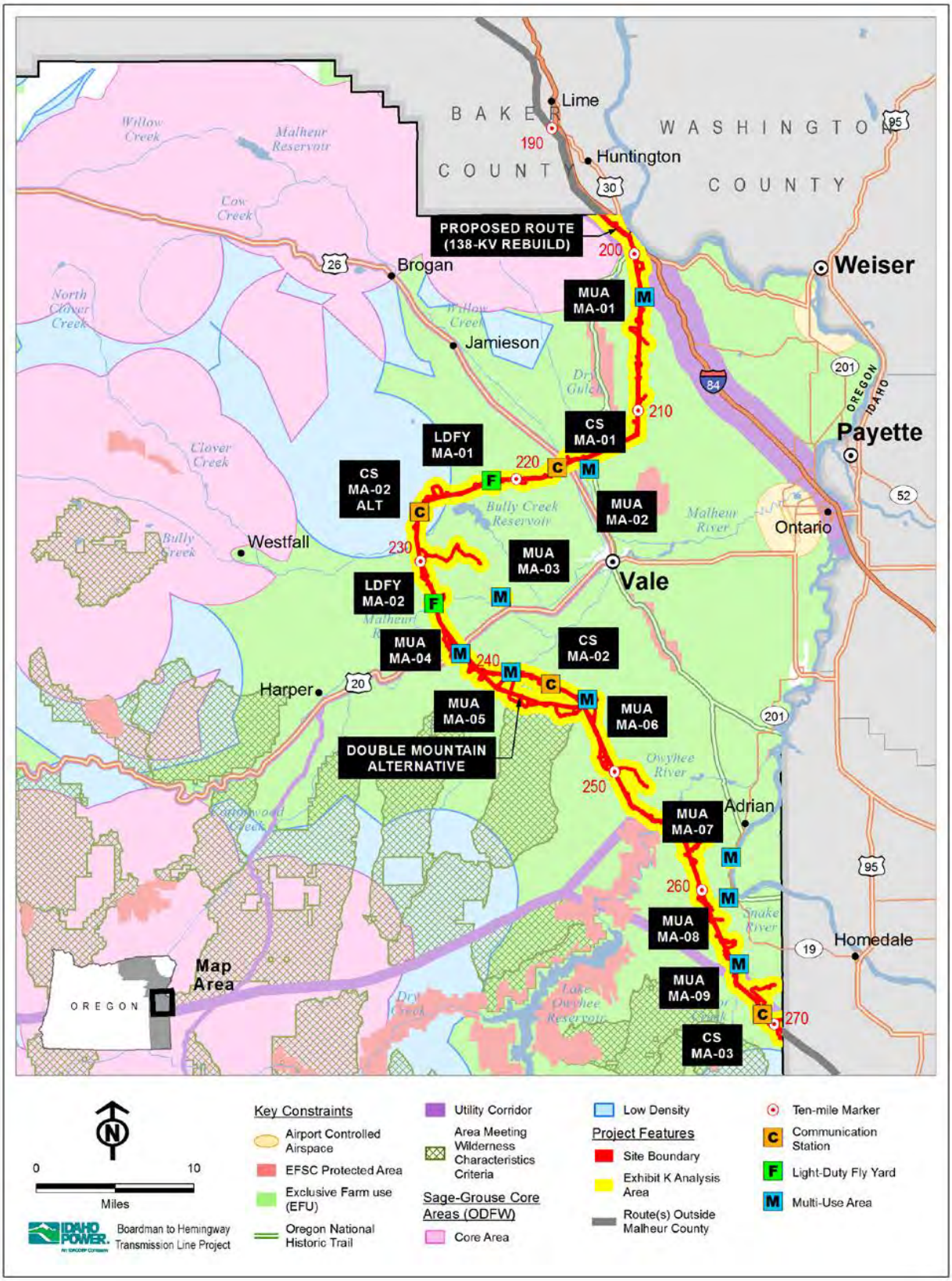

Figure K-55. Malheur County Key Constraints

6.10.1.2 Proposed Route in Malheur County

Location

The Proposed Route traverses 75.1 miles across northeast Malheur County (see Exhibit C, Attachment C-2, Maps 93-125). Heading southeast across rangeland from the Malheur County line, the Proposed Route crosses several small segments of the West-wide Energy corridor. The Proposed Route crosses several parallel sections of the Oregon National Historic Trail and it passes directly to the east of the Oregon Trail Birch Creek ACEC, an ODOE protected area at MP 199. Between MP 197.6 and MP 198.8, the Proposed Route will be located in the existing IPC 138-kV transmission line ROW. The 138-kV transmission line will be rebuilt to the southwest of the Proposed Route in a new ROW. This is being done to reduce visual impacts to the Oregon Trail Birch Creek ACEC. In addition, between MP 198 and MP 199, the Proposed Route will use H-frame structures ranging in height from 65 to 100 feet.

Shortly thereafter, the Proposed Route turns sharply south at MP 199 and continues until reaching MP 211.5 and some challenging topography. The Oregon Trail Tub Mountain ACEC, another ODOE protected area, is located approximately 1 mile west of the Proposed Route for nearly this entire segment. To avoid steep terrain and the South Alkali Sand Hills ACEC, another ODOE protected area, the Proposed Route angles southwest and crosses Willow Creek and U.S. Highway 26 at MP 216.4. The highway is a designated utility corridor under the BLM's Southeastern Oregon Resource Management Plan (BLM 2002). The Proposed Route crosses through approximately 3 miles of irrigated agriculture along both sides of Willow Creek. From MP 218, the Proposed Route continues to the west passing north of Bully Creek Reservoir until it is about 1 mile north of Cottonwood Creek at MP 226. At this point, the Proposed Route turns abruptly south, crosses Cottonwood Creek, and proceeds south along the eastern foothills of the Cottonwood Mountains.

The Proposed Route continues south, crossing Bully Creek at MP 228.5, the Vale Irrigation Canal at MP 231.6, the Union Pacific Railroad at MP 232, and the Malheur Canyon, which the Malheur River flows through, at MP 232.1. Headed southeasterly, the Proposed Route crosses U.S. Highway 20 near Vines Hill at MP 236.4. U.S. Highway 20 is a BLM designated utility corridor under BLM's Southeastern Oregon Resource Management Plan (BLM 2002). The Proposed Route passes to the north avoiding the Double Mountain Wilderness Characteristic Unit between MP 238.1 and MP 245.4. The Proposed Route continues southeasterly, crossing Cow Hollow and passing west of Leaky Reservoir and east of Chalk Reservoir.

At MP 253.2, the Proposed Route enters a BLM designated utility corridor. This segment of the utility corridor was developed to provide a corridor that avoided the area of the Owyhee Dam, and to provide an alternative to the utility corridor designated along the existing PacifiCorp 500-kV line that crosses the Owyhee River below the Owyhee Dam.

At MP 254.2, the Proposed Route turns to the east to avoid crossing the Owyhee River Below the Dam ACEC (an ODOE protected area). At MP 254, the Proposed Route passes within 1,000 feet of the northeast boundary of the Owyhee River Below the Dam ACEC. At MP 254.8, the Proposed Route exits the utility corridor and proceeds across the Owyhee River at approximately MP 255.3. From here, the Proposed Route turns to the south and, at MP 256, re-enters the BLM utility corridor. At MP 266.1, the Proposed Route crosses the existing PacifiCorp Summer Lake to Hemingway 500-kV transmission line at MP 266.1. At MP 266.4, the Proposed Route exits the utility corridor and turns to the southeast. From here, the Proposed Route proceeds parallel to and offset approximately 1,500 to 3,500 feet from the southwest side of the existing 500-kV line to the Oregon/Idaho state line at MP 270.7.

Towers, Access Roads, and Crossings

Table K-30 lists the towers, access roads, and crossings by the Proposed Route in Malheur County.

Table K-30. Towers, Access Roads, and Crossings – Proposed Route – Malheur County

Towers	Number of Sites
Towers – Single Circuit 500-kV Lattice	327
Towers – Single Circuit 500-kV H-Frame	6
Towers – Single Circuit 500-kV 3-Pole Dead-end	3
Towers – Single Circuit 138-kV H-Frame	8
Towers – Single Circuit 138-kV 3-Pole Dead-end	3
Access Roads	**Total Miles**
Existing, 21-70% Improved	41.7
Existing, 71-100% Improved	12.8
New, Bladed	53.1
New, Primitive	13.8
Crossings by Proposed Route	**Number of Crossings**
High Voltage Transmission Line Crossings[1]	4
Existing Road Crossings[2]	2
Existing Railroad Crossings[3]	1

[1] Source: ABB Ventyx (2016) and Idaho Power Company; includes only transmission lines over 69-kV.
[2] Source: Esri (2013); includes Interstate, federal, and state highways.
[3] Source: Oregon Department of Transportation (2013).

Multi-Use Areas, Light-Duty Fly Yards, and Communication Stations

With the Proposed Route, there will be nine multi-use areas in Malheur County.

- MUA MA-01 will be approximately 0.2 mile east of MP 203 on Love Reservoir Road. The area is undeveloped and comprises shrub-steppe habitat, and is zoned by Malheur County as Agriculture – Exclusive Range Use (Attachment C-2, Map 95).
- MUA MA-02 will be approximately 0.5 mile south of MP 215 and 1 mile east of U.S. Highway 26 on Old Oregon Trail Road and is zoned by Malheur County as Agriculture – Exclusive Range Use and Agriculture – Exclusive Farm Use (Attachment C-2, Map 100).
- MUA MA-03 will be approximately 4 miles east of MP 233 and 0.75 mile north of U.S. Highway 20 on Loop Road. The area is vacant land but previously supported agricultural production. It now supports non-native grasses and mixed shrubs, and is zoned by Malheur County as both Agriculture – Exclusive Farm Use and Rural Industrial (Attachment C-2, Map 108).
- MUA MA-04 will be adjacent to the Proposed Route between MP 236.5 and MP 236.6 and directly south of U.S. Highway 20. The area supports shrub-steppe and grassland habitat, and is zoned by Malheur County as Agriculture – Exclusive Range Use (Attachment C-2, Map 109).
- MUA MA-05 will be 0.1 mile north of MP 240 on Rock Canyon Road. The area supports shrub-steppe and grassland habitat, and is zoned by Malheur County as Agriculture – Exclusive Range Use (Attachment C-2, Map 111).

- MUA MA-06 will be located 0.5 mile northeast of MP 245 at the intersection of Cow Hollow Road and Twin Springs Road. The area supports shrub-steppe and grassland habitat, and is zoned by Malheur County as Agriculture – Exclusive Range Use (Attachment C-2, Maps 112 and 113).
- MUA MA-07 will be approximately 2.1 miles south of the town of Adrian, Oregon. It will be immediately adjacent to State Highway 201 and about 2.4 miles east of MP 258. The area is vacant and comprised entirely of non-native grassland habitat. Zoning is split nearly equally between Agriculture – Exclusive Farm Use and Agriculture – Exclusive Range Use. Industrial, agricultural, and residential uses are apparent on all sides of this area except the west side. The Union Pacific Railroad shown on the maps for this area has been abandoned and all infrastructure has been removed (Attachment C-2, Map 119).
- MUA MA-08 will be approximately 1.3 miles east of MP 260.5 and 0.4 mile west of State Highway 201. The area is vacant and comprised of non-native grassland, and is zoned by Malheur County as Agriculture – Exclusive Farm Use (Attachment C-2, Map 121).
- MUA MA-09 will be located approximately 0.3 mile northwest of MP 265 on Succor Creek Road. The area is undeveloped and supports shrub-steppe habitat, and is zoned by Malheur County as Agriculture – Exclusive Range Use (Attachment C-2, Map 123).

With the Proposed Route, there will be two light-duty fly yards in Malheur County.

- LDFY MA-01 will be located at approximately MP 222.4. The area is zoned by Malheur County as Agriculture – Exclusive Range Use (Attachment C-2, Map 102).
- LDFY MA-02 will be located at approximately MP 232.9. The area is zoned by Malheur County as Agriculture – Exclusive Range Use (Attachment C-2, Map 107).

With the Proposed Route, there will be three communication stations in Malheur County.

- CS MA-01 will be located at approximately MP 218.9 and is 0.6 mile southwest of U.S. Route 26. The land comprises irrigated farm field and is zoned by Malheur County as Agriculture – Exclusive Farm Use (Attachment C-2, Map 101).
- CS MA-02 will be located at approximately MP 242.8. The land comprises shrub and grass land and is zoned by Malheur County as Agriculture – Exclusive Range Use (Attachment C-2, Map 112).
- CS MA-03 will be located at approximately MP 269 and is 1.7 miles northwest of the Oregon-Idaho state line. The land comprises shrub and grass land and is zoned by Malheur County as Agriculture – Exclusive Range Use (Attachment C-2, Map 125).

Affected Land Use Zones

Table K-31 identifies the Malheur County zoning designations for the lands affected by the Proposed Route.

Table K-31. Land Use Zone Designations – Proposed Route[1] – Malheur County

Zoning Designation	Centerline (miles)	Site Boundary (acres)	Existing Roads, Substantial Modifications (miles)	New Roads
EFU Zone	5.7	458.5	4.9	3.2
ERU Zone	69.4	5,380.6	49.6	66.8
Rural Industrial Uses Zone	<0.1	48.4	–	–
Total[2]	**75.1**	**5,887.5**	**54.5**	**70.3**

[1] Includes 138-kV Rebuild.
[2] Sums may not total due to rounding.

6.10.1.3 Double Mountain Alternative

Location

The 7.4-mile Double Mountain Alternative leaves the Proposed Route at MP 238.1, stays north of the Double Mountains, and rejoins the Proposed Route at MP 245.4 (see Attachment C-3, Maps 15-19). The large majority of land along the Double Mountain Alternative, which is located entirely on BLM-managed land, is rangeland and sagebrush. Almost the entire length of this alternative route is located within the BLM-designated Double Mountain Wilderness Characteristic Unit.

Towers, Access Roads, and Crossings

Table K-32 lists the towers, access roads, and crossings by the Double Mountain Alternative in Malheur County.

Table K-32. Towers, Access Roads, and Crossings – Double Mountain Alternative – Malheur County

Towers	Number of Sites
Towers – Single Circuit 500-kV Lattice	34
Communication Station(s)	1
Access Roads	**Total Miles**
Existing, 21-70% Improved	1.2
Existing, 71-100% Improved	3.8
New, Bladed	7.0
New, Primitive	0
Crossings by Proposed Alternative	**Number of Crossings**
High Voltage Transmission Line Crossings[1]	0
Existing Road Crossings[2]	0
Existing Railroad Crossings[3]	0

[1] Source: ABB Ventyx (2016) and Idaho Power Company; includes only transmission lines over 69-kV.
[2] Source: Esri (2013); includes Interstate, federal, and state highways.
[3] Source: Oregon Department of Transportation (2013).

Multi-Use Areas, Light-Duty Fly Yards, and Communication Stations

With the Double Mountain Alternative, there will be no alternative multi-use areas or light-duty fly yards in Malheur County.

With the Double Mountain Alternative, there is one alternative communication station in Malheur County:

- CS MA-02 ALT will be located at approximately MP 226.7 of the Proposed Route and is 0.2 mile north of Bully Creek Road. The land comprises shrub and grass land and is zoned by Malheur County as Exclusive Range Use (Attachment C-3, Map 19).

Affected Land Use Zones

Table K-33 identifies the Malheur County zoning designations for the lands affected by the Double Mountain Alternative.

Table K-33. Malheur County Land Use Zone Designations, Double Mountain Alternative

Zoning Designation	Centerline (miles)	Site Boundary (acres)	Existing Roads, Substantial Modifications (miles)	New Roads
ERU Zone	7.4	669.3	6.0	11.3
Total[1]	**7.4**	**669.3**	**6.0**	**11.3**

[1] Sums may not total due to rounding.

6.10.2 Malheur County Code Provisions

In its November 19, 2009 letter, Malheur County identified Malheur County Code (MCC) 6-3A-2 and MCC 6-3A-3, and no other MCC provision, as being potentially applicable to the Project. During preparation of Exhibit K, IPC identified potentially applicable MCC provisions that were not identified by Malheur County in its November 19, 2009 letter. Table K-34 sets forth the potentially applicable MCC provisions identified by Malheur County and IPC.

Table K-34. Potentially Applicable MCC Provisions

Land Use Zone	Permit	Project Feature(s)	MCC or Other Provision	Entity that Identified MCC Provision
Exclusive Farm Use and Exclusive Range Zone	Utility Facility Land Use Decision	All Project Features	MCC 6-3A-2(A)(14) Permitted Uses	Malheur County
			MCC 6-3A-5 Division of Land	IPC
			MCC 6-3A-6(A) Dimensional Standards	IPC
Conditional Uses	Conditional User Permit	Helipads	MCC 6-3A-3(I) Conditional Uses	Malheur County
			MCC 6-6-7 General Criteria to Evaluate Suitability	IPC
Flood Plain Management		All Project Features	MCC 6-3K-3 Flood Plain Development	IPC

Land Use Zone	Permit	Project Feature(s)	MCC or Other Provision	Entity that Identified MCC Provision
	Flood Plain Development Permit		MCC 6-3K-3 Development Standards	IPC
			MCC 5-2-5-1 Flood Hazard Reduction	IPC
			MCC 5-2-5-2 Flood Hazard Reduction	IPC

6.10.2.1 EFU and ERU Zone MCC Provisions

Land Use Decision (All Project Features)

MCC Provisions Identified by Malheur County

Permitted Uses

> MCC 6-3A-2: (A) The following uses may be permitted outright by ministerial permit in each of the three (3) resource zones except as specifically added or excluded: . . . (14) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use or sale or transmission towers over two hundred (200) feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275 and section 6-6-8-8- "Wireless Communication Facilities" of this title.

MCC 6-3A-2 provides that utility facilities necessary for public service are a permitted use in land zoned in EFU and ERU and "may be established as provided in ORS 215.275." Additionally, Malheur County identified ORS 215.283(1)(d), ORS 215.275, and OAR 660-033-0016(16) as applicable criteria in its letter. Under Oregon law, utility facilities necessary for public service are permitted outright in an EFU zone and a county may not enact or apply criteria of its own that supplement those found in ORS 215.283(1).[96] Here, because the Project is authorized on EFU lands under ORS 215.283(1)(c)(A) (see Section 4), the county must also authorize the Project outright on EFU lands despite any MCC provisions that may be stricter than ORS 215.283(1)(c)(A).[97]

ORS 215.283(1)(c)(A) requires IPC demonstrate the need to site the Project on EFU lands only at a macro, project-wide level across all five relevant counties. Though beyond what is required by the statute, Section 6.10.5 makes a similar showing at the micro or county level, by providing a detailed discussion of the necessity of siting the Project in EFU and ERU specifically in Malheur County.

MCC Provisions Identified by IPC

In its November 19, 2009 letter, Malheur County identified MCC 6-3A-2, and no other MCC provision, as being potentially applicable to the Project. In this section, IPC discusses certain MCC provisions identified by IPC and not Malheur County as being potentially applicable to the Project in the EFU Zone. IPC addresses these ordinances for informational purposes only.

[96] *See Brentmar v. Jackson County*, 321 Or 481 (1995).
[97] *Id.*

Division of Land

MCC 6-3A-5: Subdivisions and planned developments are not consistent with the purpose and intent of this zone and are prohibited. Proposed lot line adjustments and partitions of land in an EFU, ERU or EFFU zone are subject to the provisions of the Malheur County subdivision and partitioning ordinance 1 . In addition, proposed lot line adjustments and partitions shall meet the following requirements: . . . .

MCC 6-3A-5 applies to all uses in the EFU or ERU zones. It addresses the size of parcels and is applicable only to the extent that a partition is required. IPC intends to secure easements for the majority of Project features and does not expect to require partition of any parcel. Because the Project likely will not involve lot splits, MCC 6-3A-5 likely will not be applicable to the Project. In the event that a partition becomes necessary, IPC will obtain approval of the partition directly from the county prior to construction. In no event, however, may the Council or the county rely on MCC 6-3A-5 to refuse to site the Project on EFU lands (see *Brentmar v. Jackson County*, 321 Or. 481 (1995)).

Dimensional Standards

MCC 6-3A-6(A): Setbacks: No building or sight obscuring fence, other than a fence or facility associated with irrigation activities, shall be located closer than forty feet (40') from a street or road right of way line and fifteen feet (15') from any other property line. . . .

MCC 6-3A-6(A) provides certain setback requirements. The first setback requires all buildings and site-obscuring fences to be set back 40 feet from roads and 15 feet from lot lines. MCC 6-1-2 defines the term “building” as “[a]ny temporary or permanent structure built and maintained for the support, shelter or enclosure of people, motor vehicles, animals or personal or real property of any kind.”

- Access roads: The Project access roads will not be built to support, shelter, or enclose anything. Therefore, the access roads are not considered buildings, and the first setback requirements of MCC 6-3A-6(A) do not apply to the relevant access roads.
- Transmission Line Towers: The Project transmission towers will not be built to support, shelter, or enclose anything. Therefore, the transmission towers are not considered buildings, and the first setback requirements of MCC 6-3A-6(A) do not apply to the relevant towers.
- Light-Duty Fly Yards: The light-duty fly yards will not include any structure built to support, shelter, or enclose anything. Therefore, the light-duty fly yards will not include buildings, and the first setback requirements of MCC 6-3A-6(A) do not apply to the relevant light-duty fly yards.
- Multi-Use Areas: The multi-use areas will contain buildings, and therefore, the first setback requirements of MCC 6-3A-6(A) will apply to the relevant multi-use areas.
- Communication Stations: The communication stations will contain buildings, and therefore, the first setback requirements of MCC 6-3A-6(A) will apply to the relevant communication stations.

While IPC is not required to do so under the Court’s ruling in *Brentmar v. Jackson County*, IPC will site the Project buildings in the EFU zone in Malheur County to comply with the setback requirements of MCC 6-3A-6(A). To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 27****: During construction in Malheur County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In the EFU and ERU Zones:*
> *a. Buildings shall be setback as follows: (i) at least 40 feet from a street or road right-of-way; and (ii) at least 25 feet from any other property line.*
>
> *. . . .*

MCC 6-3A-6(A): Setbacks: . . . No sight obscuring fence exceeding three feet (3') in height shall be placed within the forty foot (40') street setback, also within this setback shrubbery other than trees shall be maintained at heights not exceeding three feet (3'). . . .

The second part of MCC 6-3A-6(A) provides that no sight obscuring fences over three feet may be placed in the 40-foot setback and trees in the setback must be no taller than three feet.

- Access roads: The Project access roads will not involve fences. Therefore, the second part of MCC 6-3A-6(A) does not apply to the relevant access roads.
- Transmission Line Towers: The Project transmission towers will not involve fences. Therefore, the second part of MCC 6-3A-6(A) does not apply to the relevant towers.
- Light-Duty Fly Yards: The light-duty fly yards will not involve fences. Therefore, the second part of MCC 6-3A-6(A) does not apply to the relevant light-duty fly yards.
- Multi-Use Areas: The multi-use areas may involve fences, and therefore, the fencing requirements of MCC 6-3A-6(A) will apply to the relevant multi-use areas.
- Communication Stations: The communication stations may involve fences, and therefore, the fencing requirements of MCC 6-3A-6(A) will apply to the relevant communication stations.

While IPC is not required to do so under the Court's ruling in *Brentmar v. Jackson County*, IPC will site the Project buildings in the EFU zone in Malheur County to comply with the fencing requirements of MCC 6-3A-6(A). To ensure compliance with such requirements, IPC proposes the following site certificate condition:

> ***Land Use Condition 27****: During construction in Malheur County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
> *In the EFU and ERU Zones:*
> *. . .*
> *b. No sight obscuring fence exceeding 3 feet in height shall be placed within the 40-foot street setback, also within this setback shrubbery other than trees shall be maintained at heights not exceeding 3 feet.*

MCC 6-3A-6(A): Setbacks: . . . Dwellings and inhabitable structures, including associated sewage disposal facilities and removal of vegetation, shall be prohibited within one hundred feet (100') of rivers, streams, lakes, reservoirs and other wetlands, unless topographic features make such setback unnecessary to protect riparian habitat.

The third part of MCC 6-3A-6(A) provides dwellings and inhabitable structures must be setback 100 feet from rivers, streams, lakes, reservoirs, and other wetlands. MCC 6-1-2 defines the term "dwelling" as "[a]ny building or portion thereof which is not an apartment house, lodging house or hotel, which contains one dwelling unit intended or designed to be built, used, rented, leased, let or hired out or sold to be occupied or which is occupied for living purposes. . . ." The term

"inhabitable" means "suitable to live in."[98]

Here, the Project includes no buildings or structures that will be used for living purposes or intended to be lived in. Therefore, setback requirements of the third part of MCC 6-3A-6(A) do not apply to the Project.

Conditional Use Permit (Helipads)

In conversations subsequent to its November 19, 2009 letter, Malheur County indicated that the land use decision provisions of MCC 6-3A-2 applicable to utility facilities in the EFU and ERU zones may not cover the helipads associated with the multi-use areas and light-duty fly yards. The County indicated that, instead, the provisions of MCC 6-3A-3(I) relating to personal-use airports might apply. However, under ORS 215.283(1)(c)(A) and MCC 6-3A-2, utility facilities are authorized in the EFU Zone. And, here, the helipads relate to and support the utility transmission line Project, and therefore, the helipads should be considered utility facilities or parts therefore for purposes of MCC 6-3A-2 and should be authorized in the EFU and ERU zones under that MCC provision.

Regardless, and in the alternative, the helipads would be permitted in the EFU and ERU zones as conditional uses under MCC 6-3A-3.

MCC Provisions Identified by Malheur County

Malheur County identified MCC 6-3A-3, and no other MCC provision, as being potentially applicable to the helipads in the EFU Zone.

Conditional Uses

> MCC 6-3A-3: The following conditional uses and their accessory uses may be established when authorized in accordance with chapter of this title: . . . (I) Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A "personal use airport" means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with resource management operations.

Nine multi-use areas and two light-duty fly yards will be located in lands zoned as EFU or ERU. Helicopter operations may be staged out of the multi-use areas or light-duty fly yards in Malheur County. Project construction activities potentially facilitated by helicopters may include delivery of construction laborers, equipment, and materials to structure sites; structure placement; hardware installation; and wire stringing operations. Helicopters may also be used to support the administration and management of the Project by IPC, the Construction Contractor, or both.

IPC will own or control each helicopter that uses the helipads. Thus, the Project helipads will be considered "personal-use airports" (see MCC 6-3A-3(I), defining personal use airport), and IPC will need a conditional use permit for the helipads.

MCC Provisions Identified by Idaho Power

Malheur County identified MCC 6-3A-3, and no other MCC provision, as being potentially applicable to the helipads in the EFU Zone. In this section, IPC discusses certain MCC provisions identified by IPC and not Malheur County as being potentially applicable to the helipads in the EFU Zone. IPC addresses these ordinances for informational purposes only.

[98] Oxford Dictionaries, at http://www.oxforddictionaries.com/us/definition/american_english/inhabitable (last visited May 23, 2016).

General Criteria to Evaluate Suitability

MCC 6-6-7: In considering the suitability of proposed conditional uses, the planning commission shall base its decision upon the following criteria: A. Comprehensive Plan Goals: Comprehensive plan goals and policies, as applicable. . . .

MCC 6-6-7 applies to all conditional uses in Malheur County. Because the multi-use area and light-duty fly yard helipads are proposed to be located in ERU and EFU, Goal 3 of the Malheur County Comprehensive Plan may be applicable. While the multi-use areas and helipads may have temporary impacts in EFU and ERU, there will be no permanent impacts to Goal 3 Agricultural Lands. As described in Section 6.10.3 and Section 6.10.5, IPC will restore all restore all temporary impacts to agricultural lands associated with multi-use areas and helipads. The proposed use is consistent with Goal 3. While it is IPC position that the helipads are ancillary to the Project and therefore permitted outright in EFU lands under ORS 215.283(1)(c)(A), IPC proposes the following site certificate conditions in response to Morrow County's request related to the helipads:

> ***Public Services Condition 2:*** *Prior to construction, the certificate holder shall submit to the department for its approval a Helicopter Use Plan, which identifies or provides:*
> *a. The type of helicopters to be used (all helicopters must be compliant with the noise certification and noise level limits set forth in 14 CFR § 36.11);*
> *b. The duration of helicopter use;*
> *c. Approximate helicopter routes to be used;*
> *d. Protected areas and recreation areas within 2 miles of the approximate helicopter routes;*
> *e. Roads or residences over which external loads will be carried;*
> *f. Multi-use areas and light-duty fly yards containing helipads shall be located: (i) in areas free from tall agricultural crops and livestock; (ii) at least 500 feet from organic agricultural operations; and (iii) at least 500 feet from existing dwellings on adjacent properties;*
> *g. Flights shall occur only between sunrise and sunset;*
> *h. At least 30 days prior to initiating helicopter operations at any multi-use area, the certificate holder shall contact adjacent property owners within 1,000 feet of the relevant multi-use area; and*
> *i. The certificate holder shall maintain a customer service telephone line to address, among other things, complaints regarding helicopter operations.*
>
> ***Public Services Condition 5****: During construction, the certificate holder shall conduct all work in compliance with the Helicopter Use Plan referenced in Public Services Condition 2.*

MCC 6-6-7(B). Specific Plans: Specific plan recommendations.

The site plans for typical multi-use area and light-duty fly yard setups are provided in Exhibit C, Sections 3.3.1 and 3.3.2, respectively. Maps showing the location and topography of each specific multi-use area and light-duty fly yard in Malheur County are set forth at Exhibit C, Attachment C-2, Maps 95, 100, 102, 107, 108, 109, 111, 112-113, 119, 121, and 123.

MCC 6-6-7(C). Developments And Viewpoints: Existing development and viewpoints of property owners in the surrounding area.

The Project, including each multi-use area, has been designed to minimize conflicts with scenic resources (see Exhibit R). Moreover, because the multi-use areas and helipads are temporary,

they will have no significant adverse impact on existing developments and viewpoints of property owners in the surrounding area.

MCC 6-6-7(D). Services And Utilities: Availability of services and utilities.

The multi-use areas and helipads have been designed to be centrally located to provide access to the Project as well as access to major transportation corridors and services.

MCC 6-6-7(E). Effect: The effect of the proposed use on the stability of the community's social and economic characteristics.

Because the multi-use areas and helipads are temporary, there will be no negative effect of the proposed use on the stability of the community's social and economic characteristics. The multi-use areas are a show-up site for construction workers, thus potential positive effects may include increased activity for local businesses.

MCC 6-6-7(F). Fish and Wildlife: It does not interfere with traditional fish and wildlife use of habitats determined critical or sensitive in the fish and wildlife habitat protection plan for Malheur County.

In a June 15, 2017, phone conversation, Malheur County Planning Department indicated that the County does not have a county-adopted fish and wildlife habitat protection plan. Rather, the County consults with ODFW on a case-by-case basis to determine critical or sensitive habitat. Here, consultation with ODFW has occurred through ODOE and compliance with EFSC's Fish and Wildlife Habitat Standard and Threatened and Endangered Species Standard (see Exhibits P1, P2, P3, and Q). Because the Project will comply with those standards, by extension, the Project will comply with the requirements and intent of MCC 6-6-7(F).

MCC 6-6-7(G): General Criteria: 1. Increasing setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances. 2. Landscaping improvements for the visual benefit of the subject site and for the improved appearance of the neighborhood and county. 3. Location and size of driveway access points and right of way widening and improvement for present and future traffic circulation consistent with the adopted county road standards or the standards of the appropriate road district and the access management standards of the Malheur County transportation system plan. 4. Visual screening of outdoor waste and storage areas. 5. Control and focusing of outdoor lighting to avoid glare being directed beyond property limits. 6. Special criteria listed below, as applicable.

IPC designed the multi-use areas and multi-use area setbacks to provide safe clearance for helicopter operations. All noise, vibration, dust, odor, and smoke involved with IPC's multi-use area activities will comply with applicable state and federal regulations. (MCC 6-6-7(G)(1)).

IPC's multi-use area activities likely will not be fenced, landscaped, or screened. The proposed use is temporary and the area will be restored to pre-construction conditions. (MCC 6-6-7(G)(2) and (4)).

IPC will design driveway access points and right of way widening and improvements to be consistent with the adopted county road standards or the standards of the appropriate road district and the access management standards of the Malheur County transportation system plan. (MCC 6-6-7(G)(3)). While not required to address traffic-related concerns, IPC proposes the following site certificate conditions:

> ***Land Use Condition 14****: Prior to construction in Malheur County, the certificate holder shall complete the following to address traffic impacts in the county:*
> *a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;*
> *b. The certificate holder shall work with the Malheur County Road Department to identify concerns related to Project construction traffic; and*
> *c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.*
>
> ***Land Use Condition 28:*** *During construction in Malheur County, the certificate holder shall conduct all work in compliance with the Malheur County-specific transportation and traffic plan referenced in Land Use Condition 14.*

Artificial lighting, if provided, will not create or reflect glare in a residential zone or be directed beyond property limits. (MCC 6-6-7(G)(6)).

There are no special criteria applicable to the proposed multi-use area and helipad use. (MCC 6-6-7(G)(6)).

MCC 6-6-7(H). Allowance of Certain Uses: A use allowed under section 6-3A-3 of this title shall be approved only where it is found that the use will not: 1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or 2. Significantly increase cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

The multi-use areas and helipads will be used temporarily during construction activities and will not be permanent airports. Because the multi-use areas and helipads will only have temporary impacts, if any, on the surrounding lands, they will not force a significant change in accepted farm or forest practices on surrounding lands or significantly increase costs on affected farm practices or forest uses.

6.10.2.2 Rural Industrial Uses Zone

The Site Boundary for the Project includes 48.4 acres in the Rural Industrial Uses Zone in Malheur County (see Table K-31). While the site boundary includes Rural Industrial Uses Zone, no Project features are proposed to be located within this zone. Malheur County has not adopted any Malheur County Code provisions regulating activities within the Rural Industrial Uses Zone. No analysis is required, and no standard must be met, to comply with the Malheur County Code with respect to Project activities within the Rural Industrial Uses Zone.

6.10.2.3 Flood Plain Management Zone

In an email dated January 22, 2014, Alvin Scott, Malheur County Interim Planning Director, identified the Flood Plain Management Zone as potentially applicable to the Project, and indicated that permits may be required if Project structures infringe on the Flood Plain Management Zone. Based on analysis of spatial data available from Federal Emergency Management Agency, it appears that the Proposed Route will cross a number of floodplains and a SFHA in Malheur County (see Figure K-56).

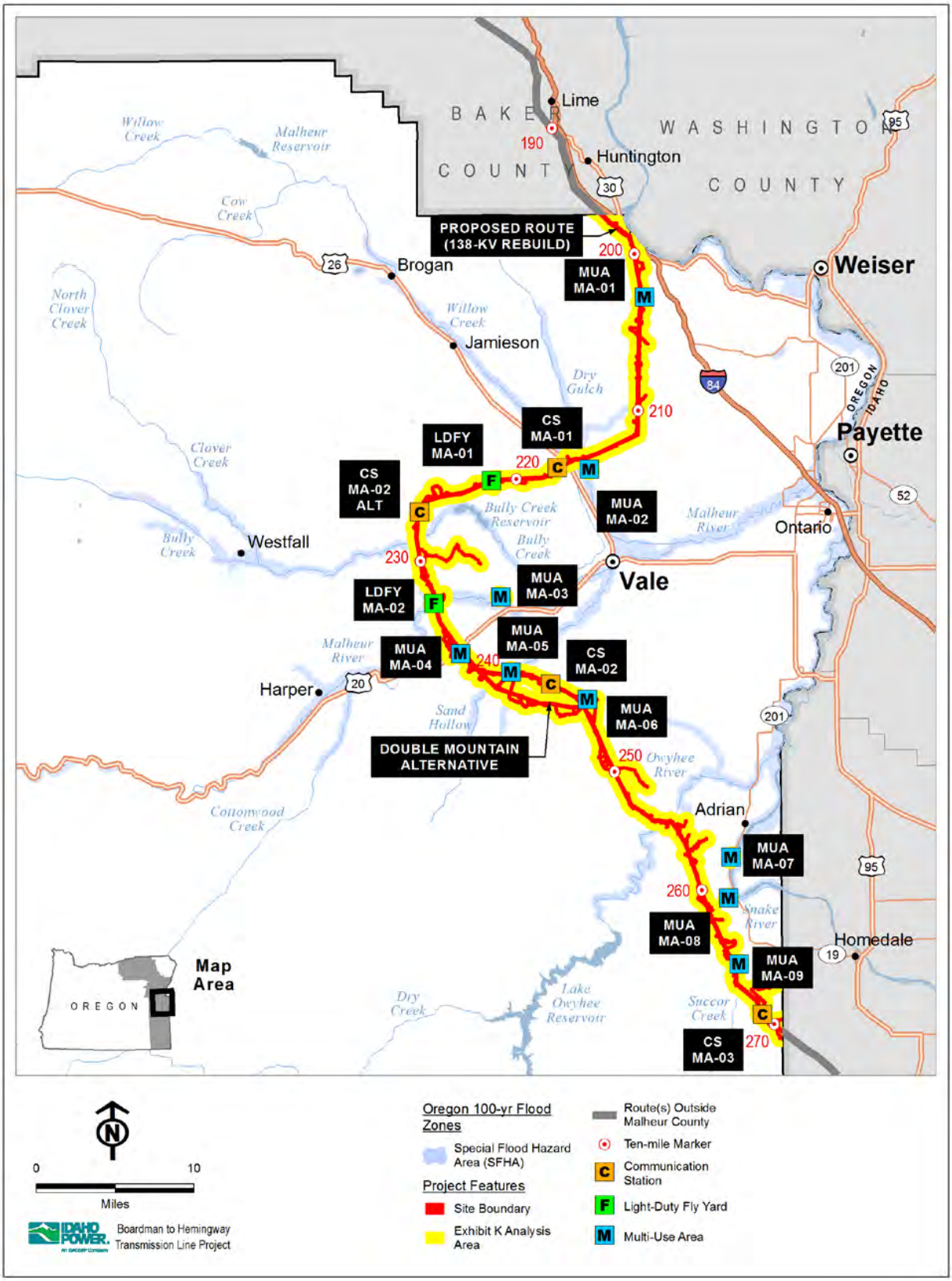

Figure K-56. Malheur County Special Flood Hazard Areas

MCC 6-3K-3: The following standards shall be applicable to any area designated as being within the 100-year flood plain: A. Any development shall comply with Title 5, Chapter 2 of this Code and the Federal Insurance Administration requirements for minimizing flood hazards. B. Any development shall also comply with the standards of the underlying primary zone. C. If a conflict in regulations or procedures occurs, the more restrictive provisions shall govern.

Under MCC 6-3K-3, any development within the 100-year flood plain requires compliance with MCC Title 5, Chapter 2, the Federal Insurance Administration requirements, and the standards of the underlying primary zone. IPC does not anticipate that any permanent Project features will be located with the 100-year flood plain in Malheur County. To the extent the Project will include construction activities within the 100-year flood plain, IPC will obtain directly from Malheur County any necessary flood plain development permit. The flood plain development permit will not be included in or governed by the site certificate (see Exhibit E, Section 3.2.16.2). IPC proposes the following site certificate condition requiring IPC to provide a copy of any necessary flood plain development permits to ODOE prior to construction::

> ***Land Use Condition 13:*** *Prior to construction in Malheur County, the certificate holder shall provide to the department a copy of the following Malheur County-approved permits, if such permits are required by Malheur County zoning ordinances:*
> *a. Flood plain development permit.*
> *If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.*

Flood Hazard Reduction

MCC 5-2-5-1 and 5-2-5-2 include provisions for reducing flood hazards. Those provisions appear to relate only to development of new encroachments, substantial improvements to existing encroachments, or deposit of fill in the SFHAs. Because the Project will not include installing any new Project features in the SFHAs, including any fill, or improving any existing encroachments, the provisions of MCC 5-2-5-1 do not apply to the Project.

6.10.3 Malheur County Comprehensive Plan Provisions

On April 17, 2012, Malheur County provided to IPC a copy of the Goal 3, Agricultural Lands Policies in the Malheur County Comprehensive Plan. Malheur County amended its Goal 3, Agricultural Lands Policies on December 8, 2010.

6.10.3.1 Goal 3: Agricultural Lands

Goal 3: Agricultural Lands Goal: To preserve and maintain the agricultural land in the county for agricultural purposes. 1. Public and private land classified by the Natural Resources Conservation Service (formerly U.S. Department of Agriculture Soil Conservation Service) as being in Capability Classes I through VI, as well as High Value Farmland as defined by applicable Oregon Revised Statutes and Oregon Administrative Rules and any other lands determined to be necessary and required for farm use, are considered to be agricultural lands. 2. High Value Farmlands (ORS and OAR designated) shall be given the greatest protection. Lands classified by the Natural Resources Conservation Service, as Capability Classes I through VI shall be afforded the next highest protection with Class I having the highest protection and Class VI the least.

3. In addition to the Natural Resources Conservation Service classification system, county assessor's records may be considered in evaluating individual parcels for the purpose of planning and zoning.
4. Urban growth boundaries, exclusive farm use zoning, and farm use tax assessment be will be the major tools used to protect agricultural lands.
5. The county will support viable water resource projects for additional storage, power generation, water quality, conservation and recreation.
6. The county will review and consult with the irrigation and drainage districts on land use decisions to assure they will not negatively impact the integrity or operation of water for irrigation or drainage purposes.
7. In addition to county code and the State of Oregon's land use laws and administrative rules for non-farm dwellings, it is the policy of Malheur County that there be no net loss of farmlands listed on the High Value Farmlands Soils list or soils classified as types I-III by the Natural Resources Conservation Service.
8. Current and future accepted farming and ranching practices and activities shall have priority and continue without interference.
9. Any utility transmission line should avoid adverse impacts on any agricultural operation in the entire agricultural area. This protection should prioritize High Value Farmland [ORS and OAR designated] and the Natural Resources Conservation soil classes I through III.
10. The County Court will appoint a citizens advisory committee on agriculture to review the agricultural lands element of the comprehensive plan on an as needed basis.
11. The county will not discourage the creation of special land use districts so that landowners can impose more restrictive land use regulations than those imposed by the county.

Malheur County's Goal 3 policies provide direction to the county to guide its land use decision-making in Goal 3 agricultural lands. Policies 1, 3, 4, 5, 6, 10, and 11 direct the county's classification of agricultural lands and provide policy statements concerning the protection of agricultural lands that do not appear to apply to analysis regarding siting the Project in agricultural lands. Policies 2, 7, 8, and 9 could be considered to be applicable to siting the Project, however, to the extent that these criteria constitute additional substantive criteria beyond those provided by the legislature in ORS 215.275 for a use permitted under ORS 215.283(1) they are inapplicable.[99]

Policies 2 and 9

Policies 2 and 9 direct Malheur County to prioritize protection of High Value Farmland and Natural Resources Conservation Service (NRCS) Soil Classes I through III. Policy 2 provides generic direction to the county and Policy 9 specifically addresses transmission lines. Although beyond what is required to demonstrate that the Project must be located in EFU and ERU, IPC worked extensively with landowners in Malheur County to avoid impacts to irrigated agricultural land located within the EFU zone through the CAP process. As shown on Figure K-57, the EFU zone encompasses both High Value Farmland soils[100] and the NRCS soil classes I through III[101] across Malheur County. As shown in Table K-35 and Figure K-57, through IPC's efforts to avoid the EFU zone, IPC has also avoided High Value Farmland soils and NRCS soil classes I through III to the extent possible.

[99] *See Brentmar v. Jackson County*, 321 Or. 481 (1995).
[100] For this analysis, IPC considered high value farmland soils as defined in ORS 215.710.
[101] For a definition of the NRCS soil classes I-III, see the USDA Soil Capability Class Definitions, Land Capability Classification (622.02): http://soils.usda.gov/technical/handbook/contents/part622.html.

Table K-35. Temporary and Permanent Impacts on High Value Farmland Soils and NRCS Soil Classes I-III in Malheur County, Proposed Route[1]

Route	Type	Construction Impacts (acres)	Operations Impacts (acres)
Proposed Route	EFU Zone	99.8	13.7
	NRCS Soil Classes I-III	76.3	4.9
	High Value Farmland Soils	42.5	3.0
	Total[2]	**218.6**	**16.3**

[1] Double Mountain Alternative does not cross High Value Farmland Soils or NRCS Soil Classes I-III.
[2] Sums may not total due to rounding.

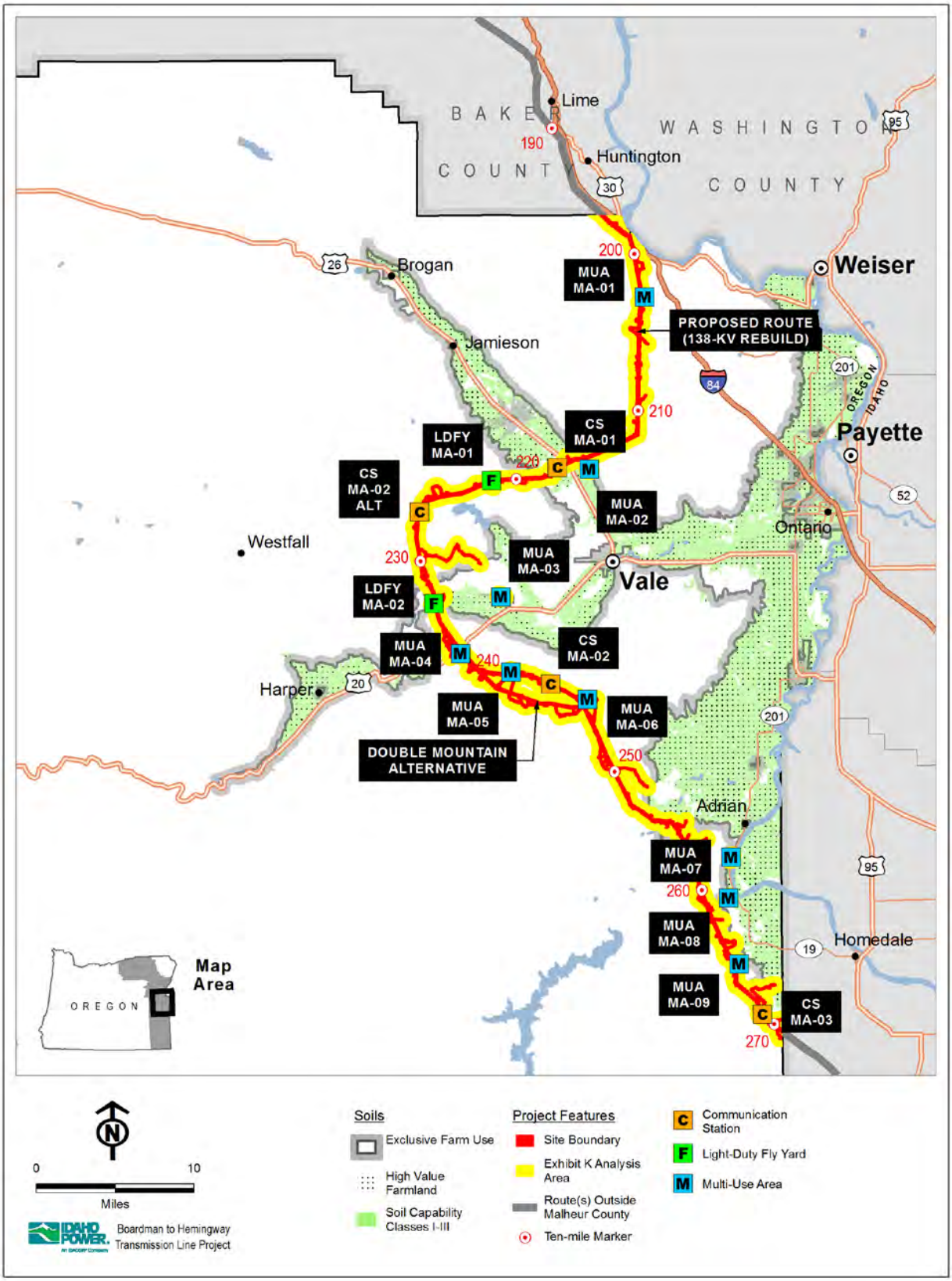

Figure K-57. Malheur County Soils

As the Proposed Route has evolved since the CAP, IPC has continued to avoid irrigated agricultural land to the extent possible. When the Proposed Route was moved from northeast of the original CAP corridor in the vicinity of the Owyhee River to its current location, it was sited to avoid irrigated agricultural lands. In this relocation, an additional short segment of the EFU zone was crossed by the transmission line in order to avoid an ACEC, a protected area in Oregon under EFSC standards. However, the land crossed by the transmission line within the EFU zone at the north end of the ACEC is not irrigated or comprising High Value Farmland soils or NRCS soil classes I through III. An earlier route variation avoided further impacts to EFU by staying to the west of EFU as the route continued north around Brogan and into Baker County, however, this route has not been carried forward for additional analysis by the BLM. Instead, the BLM selected a route that would avoid and minimize impacts to sage-grouse habitat in Malheur County, but which resulted in additional impacts to EFU.[102] To the extent that the Project may be inconsistent with Policies 2 and 9, the Project nonetheless complies with applicable statewide planning goals as discussed in Section 7.0.

Policy 7

Policy 7 directs Malheur County to protect High Value Farmland and NRCS Soil Classes I through III to achieve "no net loss" of these lands. To the extent that this criterion constitutes additional substantive criteria beyond those provided by the legislature in ORS 215.275 for a use permitted under ORS 215.283(1), it is inapplicable.[103] Although beyond what is required, as explained above, IPC has attempted to avoid and minimize impacts to High Value Farmland and NRCS Soil Classes I through III to the extent practicable. However, due to the BLM's selection of a route that crosses EFU, IPC was not able to avoid all impacts to High Value Farmland and NRCS Soil Classes I through III. To the extent that the Project may be inconsistent with Policy 7, the Project nonetheless complies with applicable statewide planning goals as discussed in Section 7.0.

Policy 8

Policy 8 directs Malheur County to prioritize current and future accepted farming and ranching practices and to provide that they shall continue without interference. To the extent that this criterion constitutes additional substantive criteria beyond those provided by the legislature in ORS 215.275 for a use permitted under ORS 215.283(1) it is inapplicable.[104] To the extent that Policy 8 is intended to be consistent with ORS 215.275(4) and (5), IPC discusses compliance with those criteria in Sections 6.10.5.4 and 6.10.5, below. To the extent that the Project may be inconsistent with Policy 8, the Project nonetheless complies with applicable statewide planning goals as discussed in Section 7.0.

6.10.4 Malheur County Goal 5 Resources

On September 3, 2015, IPC requested that Malheur County provide information regarding the identification of certain Goal 5 resources and the applicable MCC provisions regarding the same. To date, however, Malheur County has not responded.

[102] In Malheur County, the original corridor selected through the CAP crossed only one short segment (less than a mile) of the EFU zone where the land was not irrigated or comprised of High Value Farmland soils or NRCS soil classes I through III. Malheur County Planning Director Jon Beal provided a letter dated February 9, 2011, in support of this corridor and which states "[the Proposed Corridor] is not located on, or near any irrigated farmland to have any significant negative effects. The "Proposed Corridor" referenced in the letter from Malheur County is an alternative that has been removed from consideration by the BLM, previously referred to as the "Malheur S Alternate."
[103] *See Brentmar v. Jackson County*, 321 Or. 481 (1995).
[104] *See Brentmar v. Jackson County*, 321 Or. 481 (1995).

6.10.4.1 Riparian Habitat

Malheur County has not designated any riparian habitats as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting riparian habitat.

6.10.4.2 Wetlands and Other Waters

Malheur County has not designated any wetlands or other waters as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting wetlands or other waters.

6.10.4.3 Fish and Wildlife Habitat

Fish Habitat

The Proposed Route will cross the following inventoried fish habitat resources: Bully Creek near MP 223.5; and Owyhee River at MP 250. However, Malheur County has not adopted any Goal 5 protection program for fish habitat. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting fish habitat.

Wildlife Habitat

The Proposed Route will cross the following inventoried wildlife habitat resources: antelope winter range near MP 200; and deer winter range near MPs 220-30. However, Malheur County has not adopted any Goal 5 protection program for wildlife habitat. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting wildlife habitat.

6.10.4.4 Federal Wild and Scenic Rivers and Oregon Scenic Waterways

There are no federal Wild and Scenic Rivers or Oregon Scenic Waterways in the Analysis Area. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting groundwater resources.

6.10.4.5 Groundwater Resources

Malheur County has not designated any groundwater resources as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting groundwater resources.

6.10.4.6 Approved Oregon Recreation Trail

Malheur County has not designated any approved Oregon recreation trails as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting approved Oregon recreation trails.

6.10.4.7 Natural Areas

No inventoried natural areas occur in the Analysis Area. Malheur County has not adopted any Goal 5 protection program for natural areas. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting natural areas.

6.10.4.8 Wilderness Areas

Malheur County has not designated any wilderness areas as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting wilderness areas.

6.10.4.9 Mineral Aggregate

Malheur County has not adopted any Goal 5 protection program for mineral aggregate sites. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting mineral aggregate sites.

6.10.4.10 Energy Resources

The Proposed Route may impact the Vale Potential Geothermal Resource Area or Vale Known Geothermal Resource Area near MP 220 to the Oregon-Idaho state line (MCCP p. 73). However, Malheur County has not adopted any Goal 5 protection program for energy resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting energy resources.

6.10.4.11 Cultural Resources

Malheur County has not designated any cultural resources areas as Goal 5 designated resources. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting cultural resources areas.

6.10.4.12 Historic Resources

Malheur County has not adopted any Goal 5 protection program for historic resources areas. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting historic resources areas.

6.10.4.13 Open Spaces

Malheur County has not designated any open spaces as Goal 5 designated resources. Malheur County has not adopted any Goal 5 protection program for open spaces. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting open spaces.

6.10.4.14 Scenic Views or Sites

Malheur County has not designated any scenic views or sites as Goal 5 designated resources. Malheur County has not adopted any Goal 5 protection program for scenic views or sites. No analysis is required, and no standard must be met, to comply with the county's Goal 5 planning goals for protecting scenic views or sites.

6.10.5 EFU Micro Analysis

As shown above in Section 4, the Project must be sited in an EFU zone in order to provide its intended services due to one or more of the factors set forth in ORS 215.275(2). ORS 215.283(1)(c)(A) requires IPC make that showing only at the "macro"[105] level, examining the need to site on EFU lands at a project-wide level across all five relevant counties. Though beyond what is required by the statute, the following section makes a similar showing at the "micro" or county level, by providing a detailed discussion of the necessity of siting the Project in EFU in Malheur County. This section is organized in the same way as the macro analysis, providing information specific to the siting of the Project in Malheur County.

During the CAP, IPC received input from stakeholders requesting avoidance of irrigated agriculture and high value farmland, and IPC considered the avoidance of these areas as a high priority during the development of the Proposed Route. Although the analysis required by ORS

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

215.275 does not require separate consideration of range, irrigated agriculture, or high value farmland, IPC nonetheless made efforts to avoid irrigated agriculture and high value farmland to the extent practicable.

6.10.5.1 Reasonable Alternatives Considered

Through the CAP, IPC considered approximately 13 alternative routes or segments in Malheur County, all of which cross EFU (see Exhibit B, Attachment B-1, 2010 Siting Study and Attachment B-2, 2012 Supplemental Siting Study). The Supplemental Siting Study contains additional discussion regarding the consideration of alternatives in this area that led to the selection of the Proposed Corridor and identification of alternative corridor segments. However, because EFU lands in Malheur County comprise approximately 99 percent of the county (see Malheur County Comprehensive Plan, page 12), EFU lands are unavoidable. As a result, there are no reasonable non-EFU alternative routes in Malheur County.

6.10.5.2 Factors Requiring Siting of the Project on EFU in Malheur County

Of the six EFU factors, three factors primarily drove the necessity to cross EFU-zoned land: locational dependence, the lack of available urban and nonresource lands, and other requirements of state and federal agencies.

Technical and Engineering Feasibility

The need for siting the Project in EFU lands in Malheur County was not driven by technical or engineering feasibility considerations.

Locational Dependence

A utility facility is considered locationally dependent if it must cross land in one or more areas zoned EFU in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on non-EFU lands. Any route proceeding through Malheur County and to the south and east toward the Hemingway Substation must cross EFU-zoned land. As shown in Figure K-54 and Figure K-55, there is no reasonably direct route that avoids crossing EFU lands in Malheur County. Therefore, at a county level of analysis, the Project must be sited in EFU lands due to the Project's locational dependence.

Lack of Available Urban and Nonresource Lands

As shown on Figure K-54 and Figure K-55, almost all of the lands in Malheur County are zoned as Goal 3 and Goal 4 resources. There is no path connecting the northern Malheur County with the Hemingway Station that consists entirely of urban and nonresource lands. Consequently, there is a lack of available urban and nonresource lands in Malheur County, and EFU lands must be crossed by the Project.

Availability of Existing Rights-of-Way

There was no existing utility ROW traveling between the Project endpoints in Malheur County. Even so, IPC made reasonable efforts to locate the Project in existing ROWs, and sited the Project to be co-located with 73.8 miles of major road ROWs in Malheur County and to be co-located with 14.3 miles of transmission line ROW. The Project is sited within a BLM-designated utility corridor for approximately 12 miles. The opportunity to site the Project parallel to existing ROWs, as well as the opportunity to site the Project within a BLM-designated utility corridor, has influenced the location of the Project in Malheur County. To take advantage of the BLM-designated utility corridor, the Project must be sited in EFU lands in Malheur County.

Public Health and Safety

The need for siting the Project in EFU lands in Malheur County was not driven by public health and safety considerations.

Other Requirements of State or Federal Agencies

The requirements of state and federal agencies influenced the location of the Project in Malheur County. In Malheur County, there are many state and federal routing constraints, including sage-grouse core and low-density habitat (as designated by ODFW), ACECs, federally designated Wilderness Areas, Wilderness Characteristic Units, Wild and Scenic Rivers, state parks, and RNAs. Because of these state and federal siting constraints, the Project must be sited in EFU lands in Malheur County.

6.10.5.3 Costs Were Not the Only Factor Considered

As discussed in Exhibit B and the attached siting studies, costs were not the only consideration in selecting IPC's Proposed Route. Avoidance of sensitive resources, permitting and construction factors, and extensive input from local citizens and officials and many other stakeholders were the primary factors in corridor selection (see ORS 215.275(3)).

6.10.5.4 Restoration of Agricultural Land

Table K-36 describes the temporary and permanent impacts on agricultural lands in Malheur County. The Agricultural Lands Assessment (Exhibit K, Attachment K-1) contains aerial photographs showing affected agricultural areas in the EFU zone. It discusses measures IPC will take to minimize and mitigate for potential impacts to agricultural operations within each zone. These measures can be adopted as conditions of approval to ensure that the Project will not result in significant adverse impacts to agricultural lands within this portion of the Project (see ORS 215.275(4)).

Table K-36. Temporary and Permanent Impacts on Agricultural Lands in Malheur County, Proposed Route[1]

Route	Agriculture Type[2]	Construction Impacts (acres)	Operations Impacts (acres)
Proposed Route	Dryland Farming	<0.1	–
	Irrigated[3]	30.9	3.3
	Pasture/Hay[4]	37.2	2.6
	Total[5]	**68.1**	**5.9**

[1] Double Mountain Alternative does not cross agricultural lands.
[2] Agricultural type determined from the Agricultural Lands Assessment provided in Attachment K-1.
[3] Irrigated totals do not include fallow land.
[4] Pasture/hay includes irrigated alfalfa/hay.
[5] Sums may not total due to rounding.

6.10.5.5 Mitigation and Minimization Conditions

As discussed in Section 4.1.5 and in the Agricultural Assessment, IPC does not expect that the Project will have adverse impacts on surrounding lands, result in significant changes in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands (see ORS 215.275(5)). To the extent the Council has concerns about impacts to surrounding agricultural land, the Council may incorporate elements of the agricultural mitigation

plan into the conditions required for issuance of a site certificate. Additionally, through its role as a Special Advisory Group, Malheur County may provide recommendations to the Council regarding conditions to include in the site certificate.

6.10.6 Idaho Power's Proposed Site Certification Conditions Relevant to MCC Compliance

IPC proposes the following site certificate conditions to ensure the Project complies with the applicable Malheur County substantive criteria, as well as other relevant requirements.

Prior to Construction

Land Use Condition 1: *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Agricultural Assessment. The protective measures described in the draft Agricultural Assessment in ASC Exhibit K, Attachment K-1, shall be included and implemented as part of the final Agricultural Assessment, unless otherwise approved by the department.*

Public Services Condition 2: *Prior to construction, the certificate holder shall submit to the department for its approval a Helicopter Use Plan, which identifies or provides:*
a. The type of helicopters to be used (all helicopters must be compliant with the noise certification and noise level limits set forth in 14 CFR § 36.11);
b. The duration of helicopter use;
c. Approximate helicopter routes to be used;
d. Protected areas and recreation areas within 2 miles of the approximate helicopter routes;
e. Roads or residences over which external loads will be carried;
f. Multi-use areas and light-duty fly yards containing helipads shall be located: (i) in areas free from tall agricultural crops and livestock; (ii) at least 500 feet from organic agricultural operations; and (iii) at least 500 feet from existing dwellings on adjacent properties;
g. Flights shall occur only between sunrise and sunset;
h. At least 30 days prior to initiating helicopter operations at any multi-use area, the certificate holder shall contact adjacent property owners within 1,000 feet of the relevant multi-use area; and
i. The certificate holder shall maintain a customer service telephone line to address, among other things, complaints regarding helicopter operations.

Prior to Construction in Malheur County

Land Use Condition 13: *Prior to construction in Malheur County, the certificate holder shall provide to the department a copy of the following Malheur County-approved permits, if such permits are required by Malheur County zoning ordinances:*
a. Flood plain development permit.
If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.

Land Use Condition 14*: Prior to construction in Malheur County, the certificate holder shall complete the following to address traffic impacts in the county:*
a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective

measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;
b. The certificate holder shall work with the Malheur County Road Department to identify concerns related to Project construction traffic; and
c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.

During Construction

Land Use Condition 15: *During construction, the certificate holder shall conduct all work in compliance with the final Agricultural Assessment referenced in Land Use Condition 1.*

Public Services Condition 5*: During construction, the certificate holder shall conduct all work in compliance with the Helicopter Use Plan referenced in Public Services Condition 2.*

During Construction in Malheur County

Land Use Condition 27*: During construction in Malheur County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
In the EFU and ERU Zones:
a. Buildings shall be setback as follows: (i) at least 40 feet from a street or road right-of-way; and (ii) at least 25 feet from any other property line.
b. No sight obscuring fence exceeding 3 feet in height shall be placed within the 40-foot street setback, also within this setback shrubbery other than trees shall be maintained at heights not exceeding 3 feet.

Land Use Condition 28: *During construction in Malheur County, the certificate holder shall conduct all work in compliance with the Malheur County-specific transportation and traffic plan referenced in Land Use Condition 14.*

7.0 STATEWIDE PLANNING GOALS

OAR 345-021-0010(1)(k)(C): . . . (iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes. (iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals.

Section 7.0 describes each of the 19 statewide planning goals and discusses how the Project complies with each goal.

7.1 Citizen Involvement

Goal 1: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Goal 1 requires counties, or in this case EFSC, to ensure public participation in the land use process.[106] The EFSC site certificate process provides public involvement opportunities through informational meetings, public hearings, a written comment period, and the option of a contested case proceeding, if requested by a member of the public. The EFSC process satisfies Goal 1 as it applies to the Project. Moreover, beginning in 2008 and continuing today, IPC has made it a priority to involve the public in the siting process for the Project. Through the CAP, which took place in 2009 and 2010, IPC partnered with communities from northeast Oregon to southwest Idaho to identify possible routes for the Project. The CAP allowed substantial citizen involvement, provided a meaningful mechanism for communication between IPC and affected landowners and the general public, and allowed IPC to provide technical information to the public regarding the transmission line itself and its routing.

In addition to the CAP, in August 2010, BLM and ODOE conducted public scoping meetings that led to consideration of additional routes. These meetings were held along the potential routes under consideration at the time and allowed another opportunity for public involvement in the siting process.

In December 2014, BLM released its Draft Environmental Impact Statement (DEIS) for the Project, identifying the agency's preliminary preferred route. The public was given 90 days to provide comments to BLM.

Exhibit B and the siting studies (Attachments B-1, B-2, B-4, and B-6) provide a more detailed description of the public involvement that has occurred to date and further demonstrates the Project's compliance with this goal.

7.2 Land Use Planning

Goal 2: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 requires the development of land use plans by local governments.[107] Strictly speaking, Goal 2 does not apply to the Project, because IPC has elected to have EFSC provide the land use approval for the Project, pursuant to ORS 469.504(1)(b). The EFSC siting process is, however, consistent with the general policies of Goal 2. In order to obtain a land use approval from EFSC, an applicant must demonstrate compliance with applicable substantive criteria from the affected local governments or, alternatively, demonstrate that the Project is consistent with the statewide planning goals or is entitled to an exception to a statewide planning goal. The Project's compliance with local applicable substantive criteria is discussed above in Section 4.0.

7.3 Agricultural Lands

Goal 3: To preserve and maintain agricultural lands.

Goal 3 is designed to preserve and maintain agricultural lands for farm use.[108] For the most part, Goal 3 is implemented at the county level through establishment of EFU zones. Oregon law specifically regulates how land zoned EFU can be used so as to minimize significant adverse effects on agricultural lands and accepted farming practices. For example, as a part of

[106] *See Oregon's Statewide Planning Goals & Guidelines* at 1-2 (Oregon Department of Land Conservation and Development, March 2010) (hereinafter *DLCD Guidelines*).
[107] *DLCD Guidelines* for Goal 2.

[108] *DLCD Guidelines* for Goal 3.

Goal 3, counties are required to establish minimum parcel sizes to preserve large tracts of agricultural land.

As demonstrated above in Section 4.0, the Project is permitted outright in Goal 3 EFU lands because it is a utility facility necessary for public service under ORS 215.283(1)(c)(A) and ORS 215.275. In compliance with ORS 215.275, IPC will both minimize impacts to accepted farming practices, and mitigate temporary and permanent impacts where necessary, in accordance with the measures outlined in the Agricultural Lands Assessment (Attachment K-1).

As explained above in Section 5.0, certain aspects of the Project may not meet local substantive setback development standards or dimensional requirements that apply to development on EFU lands. These setbacks are, however, a development standard or dimensional requirement imposed at each county's discretion, and are not among the Goal 3 land use requirements identified by LCDC in OAR Chapter 660, Division 33 (Agricultural Land). In fact, the particular circumstances in which the Project may not meet an EFU setback requirement may involve Project design or construction decisions that IPC has made specifically to reduce impacts to agricultural lands and practices. For example, IPC may intentionally opt to locate a transmission tower or related ROW as close as possible to the edge of a property line or irrigation system in order to minimize impacts on affected agricultural land. While decisions aimed at preserving agricultural lands may cause the Project to be in conflict with a setback that a county has set for development in its EFU zones, the Project is in fact more consistent with Goal 3 than it would be if it strictly complied with the setback requirements and had greater impacts on the Goal 3 lands.

Further, in *Brentmar v. Jackson County*, the Oregon Supreme Court concluded a county may not enact or apply criteria of its own that supplement those found in ORS 215.283(1). Here, because the Project is authorized on EFU lands as a utility facility necessary for public service under ORS 215.283(1)(c)(A) (see Section 4.0 above), the counties must also authorize the Project outright on EFU lands despite any zoning provisions that may be more strict than ORS 215.283(1)(c)(A). For example, setback or other dimensional standards not found in ORS 215.283(1) cannot be relied upon by the Council or the counties to refuse to site the Project on EFU lands because doing so would be contrary to the holding in *Brentmar v. Jackson County*.

Moreover, the Project is consistent with Goal 3's policy of protecting and preserving agricultural lands, because IPC will mitigate for temporary and permanent impacts to agricultural practices, as discussed above in Section 4.0 and more fully in the Agricultural Lands Assessment, Attachment K-1. There are adequate reasons to support a finding that even though the Project may not meet all setback standards or dimensional requirements in EFU, it can nonetheless comply with Goal 3 and demonstrate that the Project meets the EFSC land use standard.

7.4 Forest Lands

Goal 4: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on the forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

7.4.1 Project as a Whole

The purpose of Goal 4 is to conserve forest lands.[109] To comply with Goal 4, an applicant must demonstrate compliance with LCDC's applicable rules set forth in OAR Chapter 660, Division 6. IPC has demonstrated that, for the majority of the Goal 4 forest lands that the Project crosses in Umatilla and Union counties, it is conditionally permitted as a "new electric transmission line." IPC's position is that the term "new electric transmission line" includes related and supporting facilities, including access roads, communication stations, and other such facilities, all of which should be conditionally permitted. And therefore, all Project features and related and supporting facilities are conditionally permitted in Goal 4 forest lands under OAR 660-006-0025(4)(q).

7.4.2 Access Roads

Arguably, roads proposed for development in Goal 4 forest lands outside of the transmission line corridor should not be included as part of the "new electric transmission line" that would be conditionally approved under OAR 660-006-0025(4)(q).[110] However, even if the Council finds that OAR 660-006-0025(4)(q) does not cover access roads outside the transmission line corridor, IPC demonstrates that the substantially modified existing roads outside of the corridor are permitted outright on forest lands under OAR 660-006-0025(3)(h), and that new roads outside the corridor nonetheless comply with statewide planning Goal 4.

7.4.2.1 Substantially Modified Existing Roads

OAR 660-006-0025(3)(h) provides that the following uses are allowed outright on forest lands: "[w]idening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans and public road and highway projects as described in ORS 215.213(1) and 215.283(1)." Here, the Project's "substantially modified existing roads" represent existing roads that will require improvements. The exact nature of the improvements will vary depending on the condition of the existing roads, but generally will include widening of roads to provide a 14-foot-wide travel surface, with a 16- to 20-foot-wide travel surface for horizontal curves. Additional improvements may be made to allow for the passage of heavy equipment. Importantly, none of these activities will result in the removal of a significant amount of Goal 4 land from forest use. Accordingly, the Project's substantially modified existing roads should be considered "widening of roads" and should be permitted outright in forest lands under OAR 660-006-0025(3)(h).

Alternatively, in the event EFSC concludes that the substantially modified existing roads outside the transmission line corridor are not conditionally permitted as part of the new electric transmission line or permitted outright under OAR 660-006-0025(3)(h), the Council should find that such roads nonetheless comply with statewide planning Goal 4 or grant IPC an exception to Goal 4 as discussed in Section 8.0.

7.4.2.2 New Access Roads

Pursuant to OAR 345-022-0030(b)(B) and (C), if a facility does not comply with one or more substantive criteria, the Council may nonetheless issue a site certificate if it finds (1) that the facility complies with the applicable statewide planning goals; or (2) that an exception to a statewide planning goals is justified under OAR 345-022-0030(4). In this instance, new access roads needed to access the transmission line will cross forest lands in Umatilla and Union

[109] *DLCD Guidelines* for Goal 4.

[110] IPC notes that all of some of the Project's access roads may qualify as uses permitted in Goal 4 lands pursuant to OAR 660-006-0025((3)(h) (widening of roads within existing right-of-way permitted outright) or OAR 660-006-0025(4)(v)(certain public road and highway projects).

counties. IPC has attempted to minimize the development of new roads in forested areas, relying on existing roads where possible. While the new access roads will inevitably require a certain amount of forest lands to be removed from forest use, the overall acreage will not be significant.

Thus, while the new access roads outside of the transmission line corridor may not satisfy all applicable use criteria for siting in a forest zone, there is substantial evidence to support a finding by the Council that the Project is consistent with Goal 4 because the Project access roads will remove minimal Goal 4 land from forest use, will not restrict forest practices on adjacent land, and may even promote economically efficient forest practices on and recreational use of adjacent forest lands.

Alternatively, in the event EFSC concludes that the new roads outside the transmission line corridor are not conditionally permitted as part of the new electric transmission line and are inconsistent with Statewide Planning Goal 4, notwithstanding *COB* and ORS 772.210, IPC seeks an exception to Goal 4 in Section 8.0 below.

7.5 Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5: To conserve open space and protect natural and scenic resources.

Goal 5 is focused on protecting inventoried natural resources. The DLCD Guidelines identify the following as Goal 5 resources: riparian corridors, wetlands, wildlife habitat, federal wild and scenic rivers, state scenic waterways, groundwater resources, approved Oregon recreational trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources, and cultural areas.[111] Goal 5 is quite broad, and the resources identified above as Goal 5 resources are specifically provided with additional protection by the following EFSC standards:

- **Protected Areas**: The Council must find that, taking into account mitigation, the design, construction and operation are not likely to result in significant adverse impact to the protected areas listed in the standard (including inventoried Goal 5 resources if enumerated in standard) (see Exhibit L).
- **Wildlife Habitat:** The Council must find that the design, construction, and operation of the facility, taking into account mitigation, are consistent with ODFW's habitat mitigation policy. This standard will protect inventoried Goal 5 wildlife and habitats that are also protected by ODFW's habitat mitigation policy (see Exhibits P1, P2, P3, and Q).
- **Scenic Resources**: The Council must find that the design, construction, and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified as significant or important in local land use plans**,** tribal land management plans, and federal land management plans for any lands located within the analysis area (see Exhibit R).
- **Historic, Cultural and Archaeological Resources**: The Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to qualified historic, cultural, and archaeological resources (including all inventoried Goal 5 cultural and historic resources that fall within definitions of protected resources under the standard) (see Exhibit S).
- **Wetlands:** The Council must conclude that the Project will comply with the criteria required for issuance of Removal/Fill permit from the Department of State Lands, including impacts to any inventoried Goal 5 riparian corridors, wetlands (see Exhibit J).

[111] *DLCD Guidelines* for Goal 5.

- **Recreation:** The Council must find that the design, construction, and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities in the analysis area, including inventoried Goal 5 recreation resources if "important" (see Exhibit T).

With the exception of riparian zones, the Project will satisfy the local criteria implementing Goal 5 protections in all five counties with regard to each of the above resources (see above Section 6.4.4, Section 6.5.4, Section 6.6.4, Section 6.8.3, and Section 6.10.4).

Riparian Zones, Setbacks, and Corridors

As discussed in Exhibit J, IPC has designed and located the transmission line and related and supporting facilities to avoid impacts to water resources including streams, rivers and lakes, and where avoidance is not practicable, IPC will use stream crossing techniques to minimize impacts to waters and adjacent riparian zones. However, given the Project's linear nature, it will not be feasible to avoid crossing riparian zones. The location of conductors between transmission structures may require thinning of vegetation in riparian zones and temporary access roads will cross riparian zones. IPC will continue to collaborate with federal, state, and local resource agencies to minimize impact to riparian areas and to incorporate agreements into final plans and specifications. For areas where temporary construction disturbance results in removal of riparian vegetation, natural vegetation will be replanted with indigenous species in the next replanting season as outlined in the Reclamation and Revegetation Plan (see Exhibit P1, Attachment P1-3).

However, to the extent the Project cannot satisfy stream setbacks or riparian vegetation removal standards, the Project is nonetheless consistent with the policies underlying Goal 5. This is because IPC will minimize, mitigate and ultimately provide compensatory mitigation for permanent impacts in riparian zones. IPC has proposed a draft Compensatory Wetland and Stream Mitigation Plan that will compensate for removal-fill impacts to streams, as well as wetlands. Additionally, for areas where temporary construction disturbance results in removal of riparian vegetation, natural vegetation will be replanted with indigenous species in the next replanting season as outlined in the Reclamation and Revegetation Plan (see Exhibit P1, Attachment P1-3).

Accordingly, the Project is consistent with the underlying policies of Goal 5 because of IPC's efforts to minimize and mitigate for impacts to riparian zones. In the event that EFSC does not conclude that the Project is consistent with Goal 5, IPC will demonstrate that the Project warrants an exception to Goal 5.

7.6 Air, Water, and Land Resources Quality

Goal 6: To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 provides for the maintenance of the quality of air, water, and land resources.[112] To comply with this goal, the applicant must demonstrate that its waste and process discharges do not threaten to violate or actually violate applicable local, state, or federal environmental quality statutes, rules, or standards.[113] As discussed extensively in Exhibit V, the Project will have minimal waste discharges and will not degrade any air, water, or land resources. IPC demonstrates compliance with this goal in Exhibit G (Materials Analysis), Exhibit E (Other

[112] *DLCD Guidelines* for Goal 6.

[113] *DLCD Guidelines* for Goal 6.

Permits), and Exhibit V (Waste and Wastewater). Accordingly, the Project is consistent with Goal 6.

7.7 Areas Subject to Natural Hazards

Goal 7: To protect life and property from natural disasters and hazards.

Goal 7 requires the protection of people and property from natural hazards, which for purposes of Goal 7 include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires.[114] To comply with Goal 7, an applicant must demonstrate that the proposed facility can be constructed in such a way that it does not pose a risk to people and property in the event of a natural disaster or demonstrate that the risks posed are appropriately mitigated.

As set forth in Exhibit H (Geological Hazards and Soil Stability), the Project has been designed and will be constructed to account for floods, landslides, and earthquakes in a manner that will not pose a risk of injury to persons or property. Furthermore, IPC has proposed adequate safeguards for those portions of the Project that do cross hazardous areas, including addressing geological risks and landslide hazards (see Exhibit H). For the reasons outlined in Exhibit H, IPC has demonstrated that the Project complies with Goal 7.

7.8 Recreation Needs

Goal 8: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 protects the recreational needs of Oregon's citizens and visitors. As demonstrated in Exhibit T (Recreation), the Project will not result in a significant adverse impact to any recreational opportunities or facilities within the analysis area. Accordingly, the Project is consistent with Goal 8.

7.9 Economic Development

Goal 9: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.

The purpose of Goal 9 is to "provide an adequate land supply for economic development and employment growth in Oregon."[115] In particular, the planning guidelines in the Goal emphasize the use of "geographically appropriate" sites for major facilities and also the expansion and increased productivity of such facilities." IPC's proposed Project is consistent with Goal 9 in that the purpose of the Project is to strengthen the state and region's critical transmission infrastructure as described more fully in Exhibit N. Additionally, as discussed extensively in Section 4.0 of this Exhibit, the Project has been carefully sited to maximize positive impacts to Oregon's economy, while minimizing impacts to protected resources, including agricultural and forest lands. Additionally, construction of the Project will provide economic development opportunities as described in Exhibit U (Public Services).

[114] *DLCD Guidelines* for Goal 7.

[115] OAR 660-009-0000; *DLCD Guidelines* for Goal 9.

7.10 Housing

Goal 10: To provide for the housing needs of citizens of the state.

Goal 10 ensures that land use planning provides for the housing needs of Oregon's citizens.[116] The rule that defines the standards for compliance with Goal 10, is intended to "assure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs."[117] The Project is not located in any residential zones, and should not have any impact on local government's ability to meet projected housing needs. The Project will not prevent residential development on buildable lands and will not result in any land being removed from the inventoried buildable lands. Accordingly, the Project is consistent with Goal 10.

7.11 Public Facilities and Services

Goal 11: To plan and develop timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 requires local governing bodies to "plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."[118] This goal applies primarily to local governments and not necessarily to applicants. The Project will not require public sewer or water facilities, and impacts to public roads during construction will be minimized in accordance with site certificate conditions. Accordingly, the Project is consistent with Goal 11.

7.12 Transportation

Goal 12: To provide and encourage a safe, convenient and economic transportation system.

The purpose of Goal 12 is to "provide and encourage a safe, convenient and economic transportation system."[119] Goal 12 requires local governments to develop and implement transportation planning consistent with LCDC's rules in OAR Chapter 660, Division 12.

As discussed in Exhibit U (Public Services) and the Project's Transportation and Traffic Plan (Exhibit U, Attachment U-2), the Project does involve construction of both temporary and permanent access roads, most of which will be private roads. Project operations will not result in any permanent impacts to local transportation systems, other than improvements to public roads in some cases. IPC will coordinate with the affected local public works and road departments during the final design phase preconstruction regarding any such improvements. With regard to traffic impacts during construction, the Project will have only temporary short-term impacts, which are not addressed by Goal 12 or its implementing rules. Accordingly, the Project is consistent with Goal 12.

[116] *DLCD Guidelines* for Goal 10.

[117] OAR 660-008-0000(1).

[118] *DLCD Guidelines* for Goal 11; *see also* OAR 660-011-0000 *et seq.*

[119] OAR 660-012-0000(1).

7.13 Energy Conservation

Goal 13: To conserve energy.

Goal 13 provides for land and uses authorized on the land to be managed and controlled so as to maximize energy conservation.[120] To the extent that this goal is applicable to the Project, which does not itself consume energy, Exhibit N (Need) demonstrates that this resource fits into IPC's overall resource management strategy and is designed to support IPC in its continuing efforts to promote energy efficiency and demand response as an alternative to the construction of additional generation plants. Exhibit V (Waste and Wastewater) also addresses IPC's efforts to reuse and recycle waste to the maximum extent practicable.[121]

7.14 Urbanization

Goal 14: To provide for an orderly and efficient transition from rural to urban land use.

The purpose of Goal 14 is to "provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."[122] The Project is located primarily in rural areas, but development of the Project does not represent a transition of those areas from rural to urban. The Project is consistent with rural land uses, and is not expected to result in any short-term or permanent urbanization in the Project vicinity. Accordingly, Goal 14 is not directly applicable to the Project.

7.15 Willamette River Greenway; Estuarine Resources; Coastal Shorelands; Beaches and Dunes; Ocean Resources

Goal 15 through Goal 19: Willamette Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes

Goal 15 through Goal 19 are related to the Willamette Greenway or ocean resources. Because the Project does not implicate those resources, Goal 15 through Goal 19 do not apply to the Project and the Project complies with the same.

8.0 GOAL 4 EXCEPTION

ORS 469.504(2): The council may find goal compliance for a facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to an exception process goal, the council may take an exception to a goal if the council finds: (a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal; (b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or (c) The following standards are met: (A) Reasons justify why the state policy embodied in the applicable goal should not apply; (B) The significant

[120] *DLCD Guidelines* for Goal 13.

[121] *DLCD Guidelines* for Goal 13.

[122] *DLCD Guidelines* for Goal 14.

environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the council applicable to the siting of the proposed facility; and (C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

OAR 345-022-0030(4): The Council may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the exception process, the Council may take an exception to a goal if the Council finds: (a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal; (b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or (c) The following standards are met: (A) Reasons justify why the state policy embodied in the applicable goal should not apply; (B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility; and (C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

8.1 Access Roads Outside the Transmission Line Right-of-Way

8.1.1 Overview of Access Roads

For development of the Project in forested areas of the GF zone in Umatilla County, and the Timber-Grazing zone in Union County, the Project is a “new electric transmission line” within the meaning of OAR 660-006-0025(4)(q). Moreover, the Project complies with the applicable conditional use criteria set forth in OAR 660-006-0025(5). Arguably, however, access roads outside of a 500-foot ROW corridor are not included in the “new electric transmission line” conditional use. Accordingly, IPC seeks a finding by the Council that the Project (1) nevertheless complies with the policies underlying Goal 4 (see Section 7.0), or, alternatively, (2) warrants an exception to Goal 4 for any permanent access roads in forest lands that are outside of the transmission line corridor included in the “new electric transmission line” use.

IPC estimates that the Proposed Route and Morgan Lake Alternative will require approximately 28.5 miles and 17.1 miles, respectively, of new or substantially modified existing access roads in Goal 4 forest lands in Umatilla and Union counties outside the transmission line corridor (see Table K-37). As described in detail in Exhibit B, the Project’s Site Boundary conservatively provides for a 15-foot buffer on each side of each 30-foot-wide access road. The forestland around the road would need to be removed from Goal 4 protection and commercial forest operations in order to facilitate construction and operation of the Project.

Table K-37. Miles of Access Roads Outside 500-foot Corridor on Goal 4 Forest Lands

Corridor	County[1]	Access Road Type	Total (miles)
Proposed Route	Umatilla	Existing Roads, Substantial Modifications	5.8
		New Roads	0.5
	Union	Existing Roads, Substantial Modifications	18.2
		New Roads	14.0
		Total	**28.5**
Morgan Lake Alternative	Union	Existing Roads, Substantial Modifications	13.0
		New Roads	4.1
		Total	**17.1**

[1] Goal 4 forest lands include "GF" zone in Umatilla County, and "Timber-Grazing" zone in Union County.

8.1.2 Reasons that Justify an Exception

ORS 469.504(2): [T}he council may take an exception to a goal if the council finds: . . . (c) The following standards are met: (A) Reasons justify why the state policy embodied in the applicable goal should not apply;

In accordance with OAR 660-015-0000(4), the policy of Goal 4 is:

> *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

In the following discussion, IPC will explain that Goal 4 should not apply to the forest lands that would be impacted by proposed access roads because: (1) the Project—which cannot be built without the proposed access roads—serves an important public interest; (2) the adverse impact to forest lands imposed by the access roads would be relatively small; and (3) concerns regarding the relatively minor impacts to forest lands raised by the Project are outweighed by the harm that would be caused if the Project could not be permitted.

8.1.2.1 The Project Cannot be Built Without the Proposed Access Roads in Forest Lands

As described in Section 3.3.2 of Exhibit B, the proposed access roads are an essential component of the Project facilities. During the construction phase, the access roads are required to allow materials, equipment, and personnel to access the construction sites. During operations, the access roads are required to allow for necessary maintenance of the transmission line and structures. Therefore, without the access roads, the Project could not be built or maintained.

Moreover, the location of certain access roads in Goal 4 forest lands cannot reasonably be avoided. As described in Exhibit B and Attachment B-1 (2010 Siting Study), IPC engaged in a detailed and thorough process to identify its Proposed Corridor connecting a substation in the Boardman area with IPC's existing Hemingway Substation. As further discussed in detail in Section 4.0, the Project is locationally-dependent, in that there were a limited number of potential routes that would meet the Project's purpose and need. More specifically, the Project's fairly limited crossing of Goal 4 forest lands is necessary for the Project to cross the Wallowa-

Whitman NF in the designated utility corridor. Alternative routes would, in fact, have resulted in a far greater number of acres of Goal 4 forest land being removed from forest or related uses.

8.1.2.2 The Project Serves a Critical Public Interest

Exhibit N explains in detail the critical public interest served by the Project. That information is summarized here.

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

The Project will enable IPC to accomplish the following critical objectives:

- ***Serve Native Loads.*** The primary objective of the Project is to create additional transmission capacity that would allow IPC to import power from the Pacific Northwest market to serve its retail customers located in the states of Idaho and Oregon. Historically, IPC has been a "summer peaking" utility, while most other utilities in the Pacific Northwest experience system peak loads during the winter. Currently, however, IPC does not have adequate transmission capacity to increase its on-peak power purchases on the western side of its system. As described in IPC's 2013 and 2015 IRPs, the Project will remedy this transmission constraint by allowing IPC to import an average of 350 MW (500 MW in the summer, 200 MW in the winter) of market purchases to serve its native load (IPC 2013, 2015). In this way, the Project is properly viewed as a supply-side resource, similar to a generation plant, which will allow IPC to meet its expected loads. Further, better access to the Pacific Northwest power market is critical because that market is very liquid with a high number of participants and transactions. On the other hand, the accessible power markets south and east of IPC's system tend to be smaller, less liquid, and have greater transmission distances. Historically, during IPC's peak-hour load periods, off-system market purchases from the south and east have proven to be unavailable or very expensive. Many of the utilities to the south and east of IPC also experience a summer peak, and the weather conditions that drive IPC's summer peak-hour load are often similar across the Intermountain Region. Therefore, IPC imports from the Intermountain Region are not a viable alternative to the Project.
- ***Meet Transmission Reliability Standards.*** The Project is an integral component of regional transmission planning because it will serve as a crucial high-capacity connection between two key points in the existing bulk electric system that currently lack sufficient transmission capacity. The Project will relieve congestion of the existing transmission system and enhance the reliable, efficient, and cost-effective energy transfer capability between the Pacific Northwest and Intermountain regions. The addition of B2H to the regional grid would create additional redundancy in pathways that will enable IPC and other transmission providers to maintain reliable electric service pursuant to the standards set forth by the NERC and implemented by the WECC. Excess transmission capacity created by the Project could accommodate additional regional energy transaction and would likely be utilized by other regional transmission providers.
- ***Provide Transmission Service to Wholesale Customers***. The Project allows IPC to comply with the requirements of the FERC, which require IPC to construct adequate transmission infrastructure to provide service to wholesale customers in accordance with

IPC's OATT. IPC expects interconnection and transmission requests to continue as renewable resources are developed in northeast Oregon.

- ***Provide Sufficient Capacity***. The Project will provide sufficient capacity to: 1) transfer an additional 1,050 MW of power from the BPA 500-kV transmission system in the Pacific Northwest west-to-east across the Idaho-Northwest transmission path; 2) transfer an additional 1,000 MW of power east-to-west across the Idaho-Northwest transmission path; and 3) allow for actual power flows on the Project of up to approximately 1,500 MW, accounting for variations in actual power flows of the various transmission lines comprising the Idaho-Northwest transmission path.

Through study and planning, IPC concluded that the Project objectives would best be met by connecting IPC's existing transmission system to the existing Pacific Northwest 500-kV transmission grid.

8.1.2.3 The Benefit to the Public of the Project Outweighs the Minimal Detriment Posed by the Project, Justifying an Exception

As described above, the access roads proposed to be improved or constructed in forest lands will impose relatively minor impacts. Moreover, the improvements proposed for existing roads will not remove any significant amount of forest lands from existing uses. For these reasons, the Council can be assured that the Project will not result in significant adverse impacts to, or significantly increase the cost of, commercial forest operations. Indeed, as noted above, in some cases the new and improved roads might actually assist commercial forest operations.

In this case, IPC has demonstrated that the access roads are necessary to the construction and maintenance of the Project, that the Project is necessary to serve a critical public interest, and that the access roads are locationally-dependent.[123] The evidence provided by IPC is sufficient to override the competing Goal 4 policy to preserve forest lands; therefore, if the Council determines that an exception to Goal 4 is required, the Council should grant the exception.[124]

For these reasons, EFSC should find that the public interest in developing the Project outweighs the state policy embodied in Goal 4, and the state policy embodied in Goal 4 should not apply to the Project's related and supporting facility (access roads).

[123] *See* OAR 660-04-022(1) ("1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-014-0030 or 660-014-0040, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to, the following:
(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either: (A) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this paragraph must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or (B) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

[124] *See e.g., Hammack & Associates, Inc., Burns Bros., Inc., Ralph Elligsen, Cmty. First Fed. Sav. & Elvin H. Foster, Petitioners,*, 16 Or LUBA 75 (1987) ("It is the demonstrated need for the proposed use and the uniqueness of the site under OAR 660-04-022(1) that warrants overriding the competing state policies and other goals to allow an exception. This demonstration requires more than simply showing a proposed use would be consistent with another goal.").

8.1.3 Economic, Social, Environmental, and Energy Analysis

ORS 469.504(2)(c)(B): The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the council applicable to the siting of the proposed facility; and

IPC has carefully identified and considered the environmental, economic, social, and energy consequences that can be anticipated as a result of the Project, and will mitigate any adverse impacts.[125]

8.1.3.1 Environmental

There are approximately 776 acres of forest land within the Project site boundary and 500 feet of the site boundary.[126] All forest clearing will occur in accordance with Forest Practices Act (see Exhibit BB, Attachment BB-1, Plan for an Alternate Practice).

The Project would result in permanent habitat conversion in forested areas, where trees would be cleared and mature forest would be permanently replaced by shrub-scrub or other non-forested habitat. Most of the habitat conversion attributable to roads proposed in forest lands would be the result of development of new access roads, and to a lesser extent, improvements to existing roads. However, once the Project and associated access roads have been developed, no further habitat conversion will take place. Permanent impacts to forest lands will be mitigated in accordance with the Fish and Wildlife Habitat Mitigation Plan (see Exhibit P1, Attachment P1-6).

8.1.3.2 Economic

The Project is a crucial regional transmission project that will have a positive economic impact for the region over both the short term (construction jobs) and long term (Pacific Northwest power market and bringing renewables to market). As discussed under Reasons that Justify an Exception (Section 8.1.2), the Project has been selected as one of seven vital national transmission projects. According to the Council on Environmental Quality:[127]

> *These seven pilot projects are estimated to create more than 11,000 construction and operation jobs. In selecting the seven pilot projects, the following principles were considered:*
>
> - *Projects that address reliability and/or provide capacity for new commercial scale renewable and clean energy sources (on and off Federal lands);*
> - *Projects with some level of geographic diversity in both the eastern and western interconnections;*
> - *Projects with opportunities to expand or improve agency cooperation such as "Qualifying Projects" as defined by the 2009 MOU with unique permitting challenges and near-term critical milestones; and*
> - *Projects (in the west) which use corridors designated on Federal lands through Section 368 of the Energy Policy Act of 2005.*

[125] For purposes of this discussion, IPC focuses on the environmental, economic, social, and energy consequences of development of the Project, including access roads, on Goal 4 forest lands. For analysis of the impacts from the entire Project, see discussion and analysis in Exhibits J, L, M, O, P, Q, R, S, T, U, V, and X.
[126] See Exhibit K, Attachment K-2, Right-of-Way Clearing Assessment.
[127] See also http://www.whitehouse.gov/administration/eop/ceq/initiatives/interagency-rapid-response-team-for-transmission.

Transmission development will create many regional economic benefits. Indeed, as discussed Exhibit U, development of the Project creates direct economic benefits, including creation of new jobs, increased ad valorem taxes, new dollars supporting the local economy, and a stimulus to the local economy in the form of expenditures on materials and supplies.

Moreover, as discussed in Section 5.0, the development and improvement of access roads associated with the Project may provide for more efficient entry of personnel and vehicles for the harvesting and removal of trees for existing timber operations.

8.1.3.3 Social/Energy

The Project will have no significant adverse impacts on public services or facilities, including hospitals, schools, or transportation systems, as discussed in Exhibit U.

Exhibit N (Need) demonstrates that the Project fits into IPC's overall resource management strategy and is designed to support IPC in its continuing efforts to promote energy efficiency and demand response as an alternative to the construction of additional generation plants. Additionally, the Project is important for renewable resource development in northeastern Oregon such as wind and geothermal resources. The 500-kV transmission line is expected to relieve congestion on the existing 230-kV transmission system, which could facilitate transmission of renewable energy. The Project will promote energy efficiency and integration of renewable generation resources.

8.1.4 Compatibility with Adjacent Uses

ORS 469.504(2)(c)(C): The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

The development of access roads associated with the Project is compatible with adjacent land uses. Although there may be temporary disturbances to adjacent commercial forest operations during the development of access roads, there will likely not be any long-term impacts associated with the Project.

Commercial forest operations on surrounding lands occur periodically and may occur during construction of the Project. Potential interference with such use during Project construction would be limited to traffic interference between logging activities—primarily log hauling—and movement of Project construction equipment and supplies, or improvement of access roads that may be used by the Project and concurrent non-Project forest operations. To the extent necessary, IPC will coordinate with local road departments and other forest operators to time large-load deliveries to the extent such deliveries could potentially conflict with other forest or agricultural uses on surrounding lands. Ongoing forestland maintenance activities on surrounding lands are unlikely to be impacted by the development of access roads associated with the Project.

IPC will implement erosion control measures in these areas to minimize impacts to wetlands, wildlife habitat, and agricultural operations and forest roads. Any grading to prepare the roads will be conducted under a National Pollutant Discharge Elimination System 1200-C permit, which will incorporate an erosion and sediment control plan (Exhibit I, Attachment I-3). As described in the Reclamation and Revegetation Plan and the Vegetation Maintenance Plan (see Exhibit P1, Attachments P1-3 and P1-4, respectively), IPC will restore temporarily disturbed areas to preconstruction conditions and will implement a weed control plan.

During Project operations, limited activities will occur on access roads, and will be compatible with adjacent land uses. IPC will use the access roads to inspect the Project components

located within the ROW and manage vegetation, consistent with the Vegetation Management Plan (Exhibit P1, Attachment P1-4, Section 2), but generally, such activities will have relatively low impact and are unlikely to cause potential adverse impacts on surrounding forest operations. Access roads will be monitored for drainage or erosion control problems and repaired as necessary.

For the foregoing reasons, IPC demonstrates that the Project is compatible with adjacent land uses, and that measures will be taken to reduce any potential adverse impacts.

8.2 Light-Duty Fly Yard in Goal 4 Forestlands

8.2.1 Overview

Light-duty fly yard LDFY UM-01 will be located at MP 87.6 in land zoned by Umatilla County as Grazing Farm Zone, which is considered Goal 4 forestland (see Exhibit C, Attachment C-2, Map 39). As discussed above, the light-duty fly yards are considered personal use airports under UCDC 152.617(I)(N) and may be authorized as a conditional use in the Grazing Farm Zone under UCDC 152.085(G). That said, OAR 660-006-0025 identifies uses that may be authorized in Goal 4 forestlands and development of new temporary airports is not included in that list. In the event the Council finds light-duty fly yard LDFY UM-01 cannot be authorized without a Goal 4 exception, IPC herein provides information supporting such an exception under ORS 469.504(2).

8.2.2 Reasons that Justify an Exception

ORS 469.504(2): [T]he council may take an exception to a goal if the council finds: . . . (c) The following standards are met: (A) Reasons justify why the state policy embodied in the applicable goal should not apply;

In accordance with OAR 660-015-0000(4), the policy of Goal 4 is:

> *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

In the following discussion, IPC will explain that Goal 4 should not apply to the forest lands that would be impacted by the proposed light-duty fly yard because: (1) the Project—which cannot be built without the proposed light-duty fly yards—serves an important public interest; (2) the adverse impact to forest lands imposed by the light-duty fly yards would be relatively small and temporary; and (3) concerns regarding the relatively minor impacts to forest lands raised by the Project are outweighed by the harm that would be caused if the Project could not be permitted.

8.2.2.1 The Project Cannot be Built Without the Proposed Light-Duty Fly Yard in Forest Lands

As described in Section 3.3.2 of Exhibit B, the proposed light-duty fly yards are an essential component of the Project facilities. During the construction phase, helicopter operations may be staged out of the light-duty fly yards. Project construction activities potentially facilitated by helicopters may include delivery of construction laborers, equipment, and materials to structure sites; structure placement; hardware installation; and wire stringing operations. Helicopters may also be used to support the administration and management of the Project by IPC, the Construction Contractor, or both. Therefore, without the light-duty fly yards, the Project could not be constructed.

Moreover, locating the light-duty fly yards in Goal 4 forest lands cannot reasonably be avoided. The light-duty fly yards are located at certain pulling and tensioning sites. IPC sited the light-duty fly yards at those sites in order to, among other reasons: (i) reduce the flight times necessary to construct the Project by locating the helicopter operations nearest to the transmission line; and (ii) minimize resource impacts by siting the helipads in areas already impacted by the pulling and tensioning sites. In this instance, the transmission line section to be served by the light-duty fly yards will be located primarily in Goal 4 forestlands and the light-duty fly yard sites provide the best location in the area for a helipad because it has few overhead obstructions and will require minimal, if any, clearing of vegetation. Figure K-58, Figure K-59, and Figure K-60 provide an aerial view of the sites.

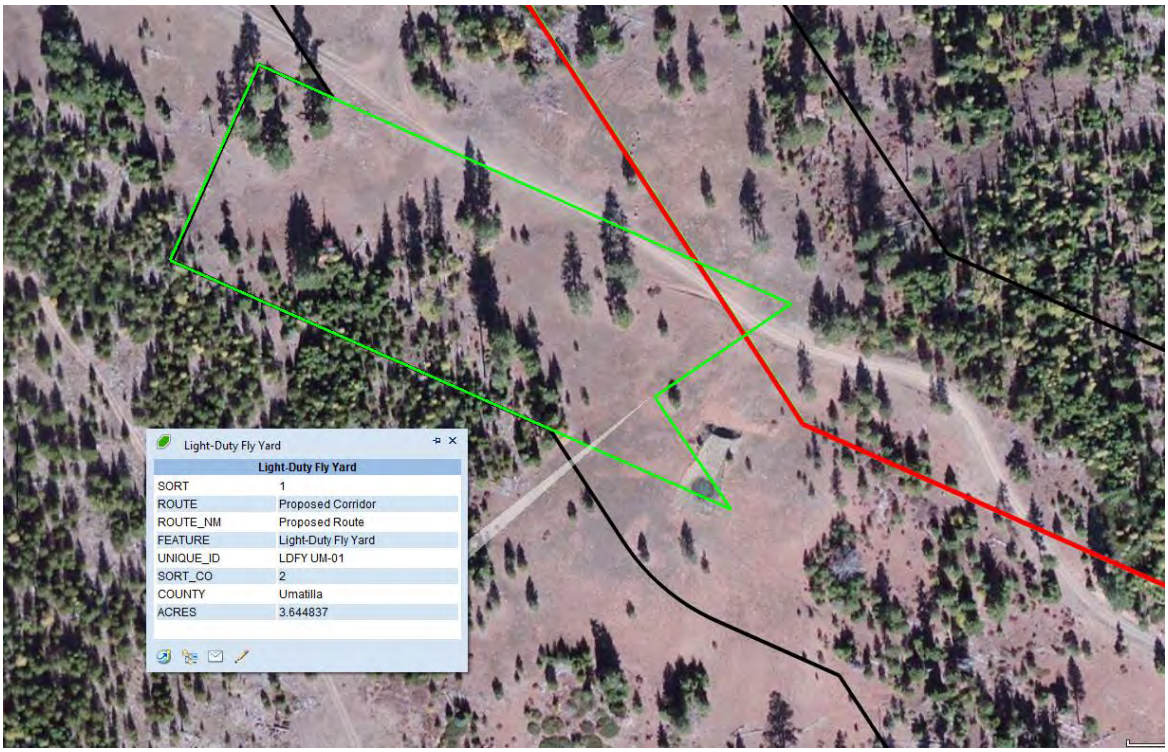

Figure K-58. Light-Duty Fly Yard UM-01

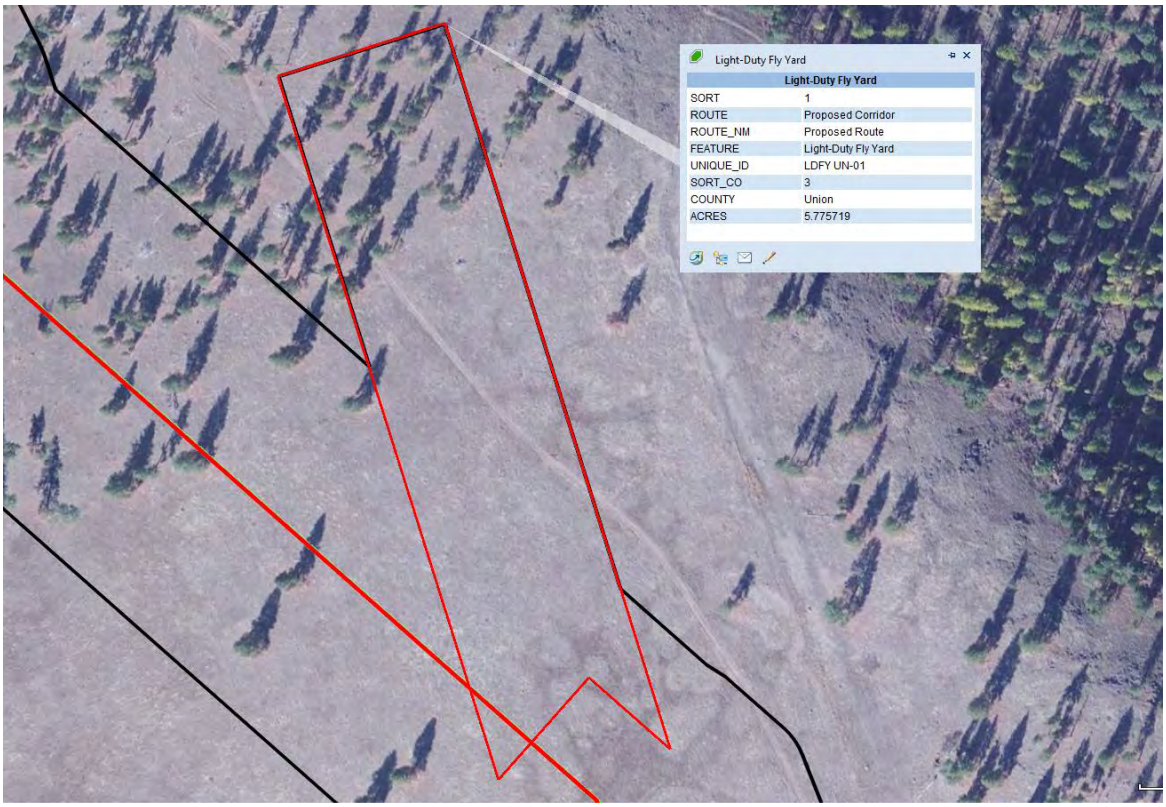

Figure K-59. Light-Duty Fly Yard UN-01

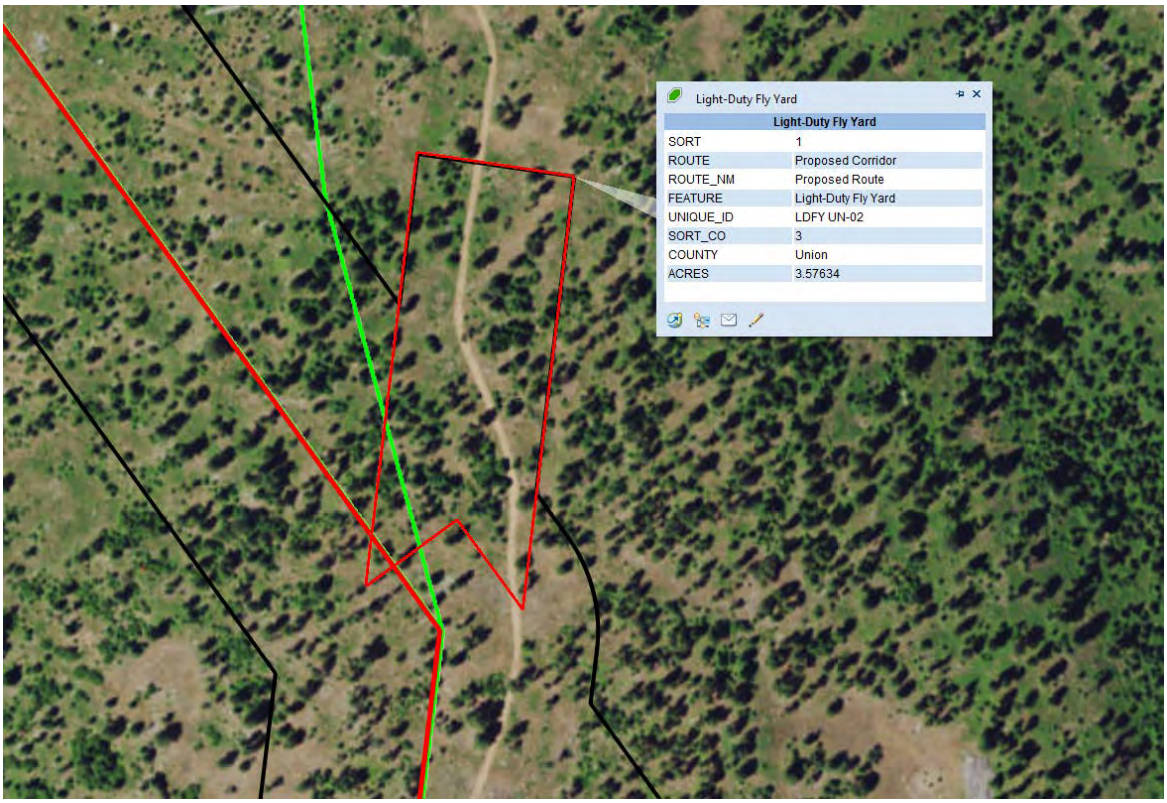

Figure K-60. Light-Duty Fly Yard UN-02

Because the pulling and tensioning sites are authorized in the Grazing-Farm Zone and Timber-Grazing Zone as part of the transmission line construction area under OAR 660-006-0025(4)(q), the sites already will be impacted by the Project. That being so, the cumulative impacts of adding helicopter operations to the pulling and tensioning site will be minimal.

8.2.2.2 The Project Serves a Critical Public Interest

As explained above in Section 8.1.2.2, the Project, including the necessary light-duty fly yards, serves a critical public interest.

8.2.2.3 The Benefit to the Public of the Project Outweighs the Minimal Detriment Posed by the Project, Justifying an Exception

As described above, the light-duty fly yards will impose relatively minor impacts. Moreover, the light-duty fly yards will only be used during construction and areas cleared of forestland, if any, may be revegetated to the extent consistent with the Project's vegetation management plan. For these reasons, the Council can be assured that the Project will not result in significant adverse impacts to, or significantly increase the cost of, commercial forest operations.

In this case, IPC has demonstrated that the light-duty fly yards are necessary to the construction of the Project, the Project is necessary to serve a critical public interest, and the relevant the light-duty fly yards are locationally-dependent. For these reasons, EFSC should find that the public interest in developing the Project outweighs the state policy embodied in Goal 4, and the state policy embodied in Goal 4 should not apply to LDFY UM-01, LDFY UN-01, and LDFY UN-02.

8.2.3 Economic, Social, Environmental, and Energy Analysis

ORS 469.504(2)(c)(B): The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the council applicable to the siting of the proposed facility; and

IPC has carefully identified and considered the environmental, economic, social, and energy consequences that can be anticipated as a result of the Project, and will mitigate any adverse impacts.

8.2.3.1 Environmental

The light-duty fly yards are located within pulling and tensioning sites and are small in acreage. Because the light-duty fly yard areas already are authorized as pulling and tensioning sites, the sites already may be impacted by the Project. That being so, the cumulative impacts of adding helicopter operations to the pulling and tensioning sites will be minimal. Moreover, because the light-duty fly yard work will be temporary, any permanent forest clearing would be attributable to transmission line or access road maintenance and not to the helipads. Any forest clearing will occur in accordance with Forest Practices Act (see Exhibit BB, Attachment BB-1, Plan for an Alternate Practice) and will be mitigated in accordance with the Fish and Wildlife Habitat Mitigation Plan (see Exhibit P1, Attachment P1-6).

Additionally, one of the reasons for using helicopters to help construct the Project is to avoid using ground-based equipment that would have greater impacts on local natural resources. On balance, the minimal impacts of the helipad may avoid greater impacts to Goal 4 forestlands if ground-based equipment was used in the alternative.

8.2.3.2 Economic

The economic justifications for the Project and a Goal 4 exception are discussed above in Section 8.1.3.2.

8.2.3.3 Social/Energy

The social and energy justifications for the Project and a Goal 4 exception are discussed above in Section 8.1.3.3.

8.2.4 Compatibility with Adjacent Uses

ORS 469.504(2)(c)(C): The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

The development of the helipads to support the Project is compatible with adjacent land uses. Although there may be temporary noise or dust impacts to adjacent commercial forest operations during the use of the helipads, there will be no long-term impacts associated with the helipads (see Attachment K-2, Right-of-Way Clearing Assessment).

For the foregoing reasons, IPC demonstrates that the Project is compatible with adjacent land uses, and that measures will be taken to reduce any potential adverse impacts.

9.0 EVIDENCE OF COMPLIANCE WITH FEDERAL MANAGEMENT PLANS

9.1 Applicable Land Management Plans Adopted by Federal Government

OAR 345-021-0010(1)(k)(D)(i): Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land.

9.1.1 Wallowa-Whitman National Forest Land and Resource Management Plan

The Wallowa-Whitman NF is in the northeast corner of Oregon and on the border between Oregon and Idaho encompassing over 23 million acres of land. The WW LRMP (USFS 1990) guides all natural resource management activities and establishes management standards and guidelines for the Wallowa-Whitman NF, those portions of the Nez Perce and Payette National Forests that are administered by the Wallowa-Whitman NF Supervisor, and other lands within the Hells Canyon National Recreation Area.

The forest provides a wide variety of recreation activities, such as snowmobiling, skiing, hiking, horseback riding, and camping. The Wallowa-Whitman NF contains two complete wilderness areas plus portions of two others, for a total designated wilderness of 582,700 acres. There are 10 Wild and Scenic Rivers on the Wallowa-Whitman NF for a total of 269 miles. Of the 2.3 million acres of the NF, approximately 1.3 million are classified as suitable for livestock grazing under controlled management conditions that will maintain or improve the range resource. About 1.09 million acres (46 percent of the NF) are classified as suitable forest land—land at least 10 percent forested which is available for timber management activities and which can be managed with existing technology. At present there are some 173,000 acres on the Wallowa-Whitman NF that meet the definition of old growth; there are 131 specifically defined areas varying in size from 100 to 3,000 acres that are to be managed for old-growth forest. Transportation facilities for the Forest include 9,300 miles of road (7,000 miles of which are open for use), 1,750 miles of trail, and five landing strips. Goals and objectives for each resource are described in the LRMP. The LRMP states, “When applications for

rights-of-way for utilities are received, the Forest's first priority will be to utilize residual capacity in existing rights-of-way" and "Additional utility rights-of-way or corridors may be identified and approved subject to site-specific environmental analysis" (USFS 1990).

9.1.2 BLM Vale District Resource Management Plan

The BLM land use planning process (43 Code of Federal Regulations 1610) combines Section 202 of the Federal Land Policy and Management Act of 1976 and NEPA regulations. To ensure the best balance of uses and resource protections for America's public lands, the BLM undertakes extensive land use planning through a collaborative approach with local, state, and Tribal governments; the public; and stakeholder groups. BLM resource management plans (RMPs) provide land use planning and management direction on a broad scale and guide future actions on BLM-managed lands. Land use plan decisions consist of desired outcomes (goals and objectives) and allowable uses and management actions. Land use plans are used by managers and the public to allocate resources and determine appropriate multiple uses for the public lands; develop a strategy to manage and protect resources; and set up systems to monitor and evaluate status of resources and effectiveness of management practices over time.

Land use plans and planning decisions are the basis for every on-the-ground action the BLM undertakes. Land use plans ensure that the public lands are managed under the principles of multiple use and sustained yield. As required by Federal Land Policy and Management Act and BLM policy, the public lands must be managed in a manner that protects the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; that will provide for outdoor recreation and human occupancy and use; and that recognizes the nation's need for domestic sources of minerals, food, timber, and fiber from the public lands by encouraging collaboration and public participation throughout the planning process (BLM and Office of the Solicitors 2001). The Vale District is addressed by the Baker RMP and the Southeastern Oregon RMP.

9.1.3 BLM Baker Resource Management Plan

The Baker RMP/Record of Decision (BLM 1989) provides direction for managing public lands under the jurisdiction of the Vale District Office, Baker Resource Area, Oregon. The RMP planning area encompasses approximately 429,754 acres bordered by the Snake River to the east; the Umatilla NF to the west; the Oregon-Washington state line and the Columbia River to the north, including portions of Asotin and Garfield counties in Washington; and by Gilliam, Wheeler, Grant, and Malheur counties to the west and south. Wallowa-Whitman NF, a portion of the Umatilla NF, the Hells Canyon National Recreation Area, Boardman Bombing Range and the Umatilla Army Depot are other major federal lands within the boundaries of the planning area. The Umatilla Indian Reservation and Bureau of Reclamation (BOR)-managed lands are also within the planning area.

The RMP identifies the following key planning issues regarding management of resources or uses on the planning area's public lands:

- Manage the total forestland base of 88,603 acres (29,330 acres commercial forestland, 59,273 acres woodlands);
- Continue to authorize grazing permits/leases for 55,437 Animal Unit Months of livestock forage on 418,601 acres (374 allotments);

- Range improvements will continue to be implemented on 61 I and M category grazing allotments. Non-intensive management will continue on 277 Custodial (C) category allotments;
- Inventory and implement riparian recovery and enhancement as needed for 240 miles of currently known and classified riparian habitat;
- Continue inventories, develop and implement habitat management plans to protect or enhance important wildlife habitat for big game animals, native fisheries, bald eagles and other raptors, and native game birds including sage grouse and Columbian sharp-tailed grouse;
- Implement land tenure adjustments through exchange, transfer or sale of 18,306 acres in Zone 2 areas to consolidate or otherwise promote efficient management of the public lands in Zone 1 areas;
- Off-road vehicle use is open on approximately 287,611 acres, limited on 138,042 acres, and closed on 4,101 acres of public lands;
- Nine areas totaling 38,988 acres are designated ACECs, with one area designated as an Outstanding Natural Area and one area designated as a Research Natural Area;
- Maintain the public lands open to locatable mineral entry under the 1872 Mining Law, as amended. Pursue withdrawal from mineral entry under the mining laws on 907.31 acres to protect natural and historic values. Maintain the availability of the public mineral estate for mineral leasing, except for 16,531 acres which are closed; and
- Cultural resources, soil, water, botanical, visual resources and recreational opportunities will be protected or enhanced.

9.1.4 BLM Southeastern Oregon Resource Management Plan

The Southeastern Oregon RMP (BLM 2002) provides direction for managing public lands under the jurisdiction of the Malheur and Jordan resource areas, Vale District, Oregon, in southeastern Oregon. The Southeastern Oregon RMP planning area covers approximately 4.4 million acres of BLM-administered land in Malheur, Grant, and Harney counties.

The RMP establishes and addresses the following key planning issues regarding management of resources or uses on the planning area's public lands:

- Management of resource uses to improve unacceptable upland conditions or maintain acceptable upland conditions;
- Management of resource uses to improve unacceptable riparian conditions or maintain acceptable riparian conditions;
- Maintain or improve forest and woodland communities, and management of woodlands to maintain or improve rangeland and wildlife habitat;
- Management of energy and mineral resources on public land;
- Management of special management areas, including ACECs, Wilderness Study Areas, National Wild and Scenic Rivers, caves, historic interpretive sites and districts, national trails, and other areas of national significance;
- Management of wildland fire to be consistent with resource objectives while protecting life and property;
- Management of recreation opportunities for both developed and dispersed recreation uses;

- Provide for fish and wildlife habitat, botanical resources, and special status species while considering other resource uses; and
- Consider exchanging BLM-administered land for other land with higher public values or consider selling isolated or difficult-to-manage land, level of access to public land, consider selling land for public purposes and community.

9.1.5 Sage-Grouse Amendments to Resource Management Plans

In September 2015, BLM issued a record of decision approving amendments to its resource management plans in Oregon to provide certain conservation measures for Greater sage-grouse. The Project was exempt from the new conservation measures set forth in the amendments; instead, conservation measures for sage-grouse are being analyzed through the Project's NEPA process (see Oregon Greater Sage-Grouse Approved Resource Management Plan Amendment, p. 2-28 [BLM 2015]).

9.2 Differences between State and Federal Requirements

OAR 345-021-0010(1)(k)(D)(ii): Explain any differences between state or local land use requirements and federal land management requirements.

The local and state land use requirements and the federal land management requirements are different, and compliance with local and state plans does not necessarily ensure compliance with the applicable federal land management plans, or vice versa. However, because the NEPA review for the Project will include an evaluation of the Project's consistency with the applicable federal land management plans, the Council is required to review the application, to the extent feasible, in a manner that is consistent with and does not duplicate review under NEPA.[128] At this time, IPC has not identified any differences between state/local and federal land management requirements that require discussion here.

9.3 Compliance with Federal Land Management Plans

OAR 345-021-0010(1)(k)(D)(iii): Describe how the proposed facility complies with the applicable federal land management plan.

BLM's 2017 record of decision included amendments to the relevant resource management plans to ensure the Project is in compliance with the same.

9.4 Status of Federal Land Use Approvals and Timing

OAR 345-021-0010(1)(k)(D)(iv): Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval.

The Project will cross lands managed by the BLM and USFS. IPC must obtain ROW grants from the BLM and a special use authorization from the USFS. The BLM is the lead federal agency for purposes of environmental analysis under NEPA and will coordinate preparation of the EIS, which will cover the Project and any needed plan amendments. In November 2015, IPC submitted to the BLM, USFS, and BOR updated SF 299 Applications for Transportation and Utility Systems and Facilities on Federal Lands and a Plan of Development. The Plan of Development provides general information on the Project's purpose and need, the currently proposed Project facilities, and the steps that IPC would follow during construction, operation, and maintenance. The timeline for issuance of ROW grants from the BLM and BOR and a special use authorization from the USFS is a function of the NEPA review process and any

[128] ORS 469.370(13).

required forest plan amendments and the ROW negotiation between IPC and the agencies regarding appropriate mitigation.

OAR 345-021-0010(1)(k)(D)(v): Provide an estimate of time for issuance of federal land use approvals.

Records of decision from the relevant federal agencies are expected in 2017 or 2018. ROW grants for the Project would be issued shortly thereafter.

9.5 Request for Waiver Because of Conflicting Land Use Requirements

OAR 345-021-0010(1)(k)(D)(vi): If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver.

There are no conflicts between federal law or applicable land management plans and applicable state or local land use requirements.

10.0 IDAHO POWER'S PROPOSED SITE CERTIFICATE CONDITIONS

IPC proposes the following site certificate conditions to ensure compliance with the EFSC Land Use Standard, among other standards:

Prior to Construction

Land Use Condition 1: *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Agricultural Assessment. The protective measures described in the draft Agricultural Assessment in ASC Exhibit K, Attachment K-1, shall be included and implemented as part of the final Agricultural Assessment, unless otherwise approved by the department.*

Land Use Condition 2: *Prior to construction, the certificate holder shall finalize, and submit to the department for its approval, a final Right-of-Way Clearing Assessment. The protective measures described in the draft Right-of-Way Clearing Assessment in ASC Exhibit K, Attachment K-2, shall be included and implemented as part of the final Right-of-Way Clearing Assessment, unless otherwise approved by the department.*

Public Services Condition 2: *Prior to construction, the certificate holder shall submit to the department for its approval a Helicopter Use Plan, which identifies or provides:*
a. The type of helicopters to be used (all helicopters must be compliant with the noise certification and noise level limits set forth in 14 CFR § 36.11);
b. The duration of helicopter use;
c. Approximate helicopter routes to be used;
d. Protected areas and recreation areas within 2 miles of the approximate helicopter routes;
e. Roads or residences over which external loads will be carried;
f. Multi-use areas and light-duty fly yards containing helipads shall be located: (i) in areas free from tall agricultural crops and livestock; (ii) at least 500 feet from organic agricultural operations; and (iii) at least 500 feet from existing dwellings on adjacent properties;
g. Flights shall occur only between sunrise and sunset;

h. At least 30 days prior to initiating helicopter operations at any multi-use area, the certificate holder shall contact adjacent property owners within 1,000 feet of the relevant multi-use area; and
i. The certificate holder shall maintain a customer service telephone line to address, among other things, complaints regarding helicopter operations.

Soil Protection Condition 1: *Prior to construction, the certificate holder shall submit to the department a copy of an Oregon Department of Environmental Quality (ODEQ)-approved construction-related final Spill Prevention Control and Countermeasures Plan (SPCC Plan). The protective measures described in the draft SPCC Plan in ASC Exhibit G, Attachment G-4, shall be included as part of the construction-related final SPCC Plan, unless otherwise approved by the department.*

Prior to Construction in Morrow County

Land Use Condition 3*: Prior to construction in Morrow County, the certificate holder shall provide to the department a copy of the following Morrow County-approved permits, if such permits are required by Morrow County zoning ordinances:*
a. Flood plain development permit, for work in the Flood Plain Overlay Zone;
b. Utility crossing permit;
c. Access approach site permit; and
d. Construction permit to build on right-of-way.
If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.
Additionally, prior to construction in Morrow County, the certificate holder shall provide to the Morrow County Weed Supervisor a list of the suppliers that will be supplying the aggregate used in construction in Morrow County. The certificate holder shall ensure that said suppliers provide the Morrow County Weed Supervisor reasonable access to the aggregate sites for inspection for weeds.

Land Use Condition 4*: Prior to construction in Morrow County, the certificate holder shall complete the following to address traffic impacts in the county:*
a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;
b. The certificate holder shall work with the Morrow County Road Department to identify concerns related to Project construction traffic; and
c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.

Prior to Construction in Umatilla County

Land Use Condition 5*: Prior to construction in Umatilla County, the certificate holder shall work with the Public Works Department on building standards for the road improvements and construction, and will ensure road construction is consistent with the Oregon Forest Practices Act.*

Land Use Condition 6*: Prior to construction in Umatilla County, the certificate holder shall provide to the department a copy of the following Umatilla County-*

approved permits, if such permits are required by Umatilla County zoning ordinances:
a. Installation of Utilities on County and Public Roads Permit;
b. Road Approach and Crossing Permit; and
c. Flood plain development permit.
If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.

Land Use Condition 7: *Prior to construction in Umatilla County, the certificate holder shall complete the following to address traffic impacts in the county:*
a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;
b. The certificate holder shall work with the Umatilla County Road Department to identify concerns related to Project construction traffic; and
c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.

Prior to Construction in Union County

Land Use Condition 8: *Prior to construction in Union County, the certificate holder shall provide to the department a copy of the following Union County-approved permits, if such permits are required by Union County zoning ordinances or state statutes:*
a. Flood plain development permit;
b. Road approach permit; and
c. Work in county right-of-way permit.
If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.

Land Use Condition 9: *Prior to construction in Union County, the certificate holder shall complete the following to address traffic impacts in the county:*
a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;
b. The certificate holder shall work with the Union County Road Department and the City of La Grande Public Works Department to identify concerns related to Project construction traffic; and
c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.

Prior to Construction in Baker County

Land Use Condition 10*: Prior to construction in Baker County, the certificate holder shall provide to the Baker County Planning Department a list of the suppliers that will be supplying the aggregate used in construction in Baker County along with a copy of the suppliers' land use permits.*

Land Use Condition 11: *Prior to construction in Baker County, the certificate holder shall provide to the department a copy of the following Baker County-approved permits, if such permits are required by Baker County ordinances:*
a. Flood plain development permit;
b. Road approach permit; and
c. Work in county right-of-way permit.
If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.

Land Use Condition 12*: Prior to construction in Baker County, the certificate holder shall complete the following to address traffic impacts in the county:*
a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;
b. The certificate holder shall work with the Baker County Road Department to identify concerns related to Project construction traffic; and
c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.

Prior to Construction in Malheur County

Land Use Condition 13: *Prior to construction in Malheur County, the certificate holder shall provide to the department a copy of the following Malheur County-approved permits, if such permits are required by Malheur County zoning ordinances:*
a. Flood plain development permit.
If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the department a copy of those additional permits.

Land Use Condition 14*: Prior to construction in Malheur County, the certificate holder shall complete the following to address traffic impacts in the county:*
a. The certificate holder shall finalize, and submit to the department for its approval, a final county-specific transportation and traffic plan. The protective measures described in the draft Transportation and Traffic Plan in ASC Exhibit U, Attachment U-2, shall be included and implemented as part of the final county-specific plan, unless otherwise approved by the department;
b. The certificate holder shall work with the Malheur County Road Department to identify concerns related to Project construction traffic; and
c. The certificate holder shall develop traffic control measures to mitigate the effects of Project construction traffic.

During Construction

Land Use Condition 15: *During construction, the certificate holder shall conduct all work in compliance with the final Agricultural Assessment referenced in Land Use Condition 1.*

Land Use Condition 16: *During construction, the certificate holder shall conduct all work in compliance with the final Right-of-Way Clearing Assessment referenced in Land Use Condition 2.*

Land Use Condition 17: *During construction, the certificate holder shall limit its transmission line right-of-way in Goal 4 forest lands to no wider than 300 feet. The certificate holder shall limit its use of the portion of the transmission line right-of-way located beyond the center 100 feet to vegetation maintenance activities, except to the extent Project features other than the transmission line are located within the same area.*

Public Services Condition 5*: During construction, the certificate holder shall conduct all work in compliance with the Helicopter Use Plan referenced in Public Services Condition 2.*

Soil Protection Condition 4: *During construction, the certificate holder shall conduct all work in compliance with the construction-related final SPCC Plan referenced in Soil Protection Condition 1.*

Threatened and Endangered Species Condition 1: *During construction, the certificate holder shall not conduct ground-disturbing activities within Category 1 Washington ground squirrel (WAGS) habitat, subject to the following:*
a. The identification and categorization of WAGS habitat shall be based on the surveys referenced in Fish and Wildlife Condition 2 and the results of the surveys shall apply for up to three years.
b. The certificate holder may span Category 1 WAGS habitat and may work within Category 1 WAGS habitat, provided such work does not cause any ground disturbance.
c. If an occupied WAGS colony is encountered in non-Category 1 habitat (based on the surveys referenced in Fish and Wildlife Condition 2), the certificate holder shall submit to the department for its approval a notification addressing the following:
i. Location of the colony; and
ii. Any actions the certificate holder will take to avoid, minimize, or mitigate impacts to the colony.

During Construction in Morrow County

Land Use Condition 18*: During construction in Morrow County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
In All Zones:
a. Buildings and the fixed bases of the transmission line towers shall be setback at least 100 feet from the high-water mark of all Goal 5 streams.
b. Permanent vegetation removal within the riparian zone of all Goal 5 streams shall retain 75% of all layers or stratas of vegetation.
In the EFU Zone:
c. Buildings and the fixed bases of the transmission line towers shall be setback as follows: (i) front yards shall be set back at least 20 feet from minor collector road rights-of-way, 30 feet from major collector road rights-of-way, 80 feet from arterial road rights-of-way, and 100 feet from intensive agricultural uses; (ii) side yards shall be set back at least 20 feet from the property line, 30 feet for corner lots, and 100 feet from intensive agricultural uses; and (iii) rear yards shall be set back at least 25 feet from the property line, and 100 feet from intensive agricultural uses.
d. Buildings and the fixed bases of the transmission line towers shall be set back at least 100 feet from the high-water mark of all streams and lakes.

In the General Industrial Zone:
e. Buildings and the fixed bases of the transmission line towers shall be set back at least 50 feet from arterial road rights-of-way, 30 feet from collector road rights-of-way, and 20 feet from lower-class road rights-of-way.
In the Port Industrial Zone:
f. Buildings and the fixed bases of the transmission line towers shall be setback as follows: (i) front yards shall be set back at least 30 feet from the property line, and 90 feet from the centerline of any public, county, or state road; (ii) side yards shall be set back at least 10 feet from the property line; and (iii) rear yards shall be set back at least 10 feet from the property line.

Land Use Condition 19: *During construction in Morrow County, the certificate holder shall conduct all work in compliance with the Morrow County-specific transportation and traffic plan referenced in Land Use Condition 4.*

During Construction in Umatilla County

Land Use Condition 20: *During construction in Umatilla County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
In All Zones:
a. Buildings, the fixed bases of transmission line towers, and new access roads shall be set back from Class I streams at least 25-feet or one-half the stream width, whichever is greater.
b. Permanent vegetation removal within the riparian zone of all Class I streams shall retain 75% of all layers or stratas of vegetation.
c. Within the transmission line right-of-way, a maximum of 25% of existing natural vegetation along streams, lakes, and wetlands may be removed, unless necessary for reliability purposes.
d. The certificate holder shall coordinate with the Oregon Department of Fish and Wildlife and Soil and Water Conservation District on minor drainage improvements necessary to ensure effective drainage on surrounding agricultural lands. Existing drainage ditches may be cleared to original specifications without review.
e. Access points to multi-use areas and communication stations shall be limited to one every 200 feet.
f. New roads that enter onto a public or county road or state or federal highway shall be constructed of at least similar if not the same material as the public or county road or state or federal highway, and the material shall extend at least 25 feet back from the edge of the existing travel lane surface.
In the EFU Zone:
g. Buildings shall be setback as follows: (i) at least 30 feet from the property line or private road easement boundary; or (ii) at least 60 feet from the center line of the road, highway, or private road easement, whichever is greater.
h. Buildings and the fixed bases of the transmission line towers shall be set back at least 100 feet from the high-water mark of all streams, lakes, and wetlands.
*i. Parking lots shall be designed and operated as follows: (i) a*reas used for standing and maneuvering of vehicles at the multi-use areas will have paved surfaces maintained adequately for all weather use and will be drained as to avoid flow of water across public sidewalks; (ii) parking spaces along the outer boundaries of any multi-use area parking lot will be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the

property line, or by a bumper rail; and (iii) artificial lighting, if provided, will not create or reflect glare in a residential zone or on any adjacent dwelling.

Land Use Condition 21: *During construction in Umatilla County, the certificate holder shall conduct all work in compliance with the Umatilla County-specific transportation and traffic plan referenced in Land Use Condition 7.*

During Construction in Union County

Land Use Condition 22: *During construction in Union County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
In All Zones:
a. Buildings, the fixed bases of transmission line towers, and new access roads shall be set back from Class I streams at least 25-feet or one-half the stream width, whichever is greater.
b. Permanent vegetation removal within the riparian zone of all Class I streams shall retain 75% of all layers or stratas of vegetation.
In the EFU Zone:
c. Buildings shall be setback as follows: (i) front yards shall be set back at least 20 feet from property lines and road rights-of-way; (ii) and rear yards shall be set back at least 10 feet from property lines and road rights-of-way.
d. A clear-vision area shall be maintained on the corners of all multi-use area properties at the intersection of two or more streets or a street and a railroad as follows: (i) the clear-vision area shall consist of a triangular area with the two lot lines measuring a distance of 30 feet or at an intersection involving an alley of 10 feet; and (ii) the clear-vision area shall not contain any planting, fence, wall, structure, or temporary or permanent obstruction exceeding 2.5 feet in height, except for trees with branches removed to a height of 8 feet.
e. Concrete batch plants shall not be located within 2 miles of a vineyard totaling at least 40 acres and which was planted as of February 27, 2013.
In the Agricultural Grazing Zone:
f. Buildings shall be setback as follows: (i) front yards shall be set back at least 20 feet from property lines and road rights-of-way; and (i) rear yards shall be set back at least 10 feet from property lines and road rights-of-way.
g. All signage shall comply with the provisions of UCZPSO 3.08.
In the Timber-Grazing Zone:
h. Buildings shall be setback as follows: (i) front and rear yards shall be set back at least 20 feet from property lines and road rights-of-way; (ii) and side yards shall be set back at least 10 feet from property lines and road rights-of-way.
i. All signage shall comply with the provision of UCZPSO 5.08.

Land Use Condition 23: *During construction in Union County, the certificate holder shall conduct all work in compliance with the Union County-specific transportation and traffic plan referenced in Land Use Condition 9.*

During Construction in City of North Powder

Land Use Condition 24: *During construction in City of North Powder, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
In the Commercial Interchange Zone:
a. All signs shall comply with the limitations set out in NPZO 4.04(B).

b. Buildings shall be setback as follows: (i) front yards shall be set back at least 30 feet from property lines; (ii) side yards shall be setback at least 20 feet from a Residential Zone, street, or corner lot; and (iii) rear yards shall be set back at least 20 feet from a Residential Zone.
c. Buildings shall not exceed 45 feet in height.

During Construction in Baker County

Land Use Condition 25: *During construction in Baker County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
In the EFU Zone:
a. Buildings shall be setback as follows: front yards shall be set back at least 20 feet from property lines and road rights-of-way.
b. Buildings and the fixed bases of transmission line towers shall be set back at least 60 feet from the center line of a road or street or 30 feet from any right-of-way in excess of 60 feet.
c. Buildings and the fixed bases of transmission line towers shall be set back at least 10 feet from property lines.
d. Buildings and the fixed bases of the transmission line towers shall be set back at least 50 feet from the high-water mark of naturally-occurring riparian area, bog, marsh, or waterway.

Land Use Condition 26: *During construction in Baker County, the certificate holder shall conduct all work in compliance with the Baker County-specific transportation and traffic plan referenced in Land Use Condition 12.*

During Construction in Malheur County

Land Use Condition 27*: During construction in Malheur County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:*
In the EFU and ERU Zones:
a. Buildings shall be setback as follows: (i) at least 40 feet from a street or road right-of-way; and (ii) at least 25 feet from any other property line.
b. No sight obscuring fence exceeding 3 feet in height shall be placed within the 40-foot street setback, also within this setback shrubbery other than trees shall be maintained at heights not exceeding 3 feet.

Land Use Condition 28: *During construction in Malheur County, the certificate holder shall conduct all work in compliance with the Malheur County-specific transportation and traffic plan referenced in Land Use Condition 14.*

Prior to Operation

Soil Protection Condition 7: *Prior to operation, if the certificate holder is required by ODEQ statutes or rules to implement a SPCC Plan for operation of the facility, the certificate holder shall submit to the department a copy of an ODEQ-approved operation-related SPCC Plan.*

During Operation

Land Use Condition 29: *During operation, the certificate holder shall limit its transmission line right-of-way in Goal 4 forest lands to no wider than 300 feet. The certificate holder shall limit its use of the portion of the transmission line right-of-way located beyond the center 100 feet to vegetation maintenance*

activities, except to the extent Project features other than the transmission line are located within the same area.

***Soil Protection Condition 8:** During operation, the certificate holder shall conduct all work in compliance with the operation-related SPCC Plan referenced in Soil Protection Condition 7, if applicable.*

11.0 CONCLUSION

Exhibit K demonstrates that the Project complies with the EFSC approval standard for land use, in accordance with OAR 345-022-0030, based on information provided pursuant to OAR 345-021-0010(1)(k), paragraphs (A), (C), and (D).

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

12.0 COMPLIANCE CROSS-REFERENCES

Table K-38 identifies the location within the ASC of the information responsive to the application submittal requirements in OAR 345-021-0010(1)(a) and to the relevant Second Amended Project Order provisions.

Table K-38. Compliance Requirements and Relevant Cross-References

Requirement	Location
OAR 345-021-0010(1)(k)	
(k) Exhibit K. Information about the proposed facility's compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant shall state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Notwithstanding OAR 345-021-0090(2), once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, "affected local government" means a local government that has land use jurisdiction over any part of the proposed site of the facility. In the application, the applicant shall:	Exhibit K, Section 1.0, Section 2.0, Section 3.0, Section 5.0
(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area;	Section 6.1, Section 6.4.1, Section 6.5.1, Section 6.6.1, Section 6.7.1, Section 6.8.1, Section 6.9.1, and Section 6.10.1

Requirement	Location
(B) If the applicant elects to obtain local land use approvals: * * *	N/A
(C) If the applicant elects to obtain a Council determination on land use:	Section 2.1
(i) Identify the affected local government(s);	Section 6.2
(ii) Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria;	Section 6.4 through Section 6.10
(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes;	Section 7.0
(iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals; and	Section 7.0
(v) If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2); and	Section 8.0
(D) If the proposed facility will be located on federal land:	Section 9.0
(i) Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land;	Section 9.1
(ii) Explain any differences between state or local land use requirements and federal land management requirements;	Section 9.2
(iii) Describe how the proposed facility complies with the applicable federal land management plan;	Section 9.3
(iv) Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval;	Section 9.4
(v) Provide an estimate of time for issuance of federal land use approvals; and	Section 9.4
(vi) If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver;	Section 9.5
ORS 215.275 Utility facilities necessary for public service; criteria; rules; mitigating impact of facility.	Section 4.1.1
(1) A utility facility established under ORS 215.213(1)(c) or 215.283(1)(c) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.	Section 4.1.1

Requirement	Location
(2) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.213 (1)(c)or 215.283(1)(c) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors: (a) Technical and engineering feasibility; (b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands; (c) Lack of available urban and nonresource lands; (d) Availability of existing rights of way; (e) Public health and safety; and (f) Other requirements of state or federal agencies.	Section 4.1
(3) Costs associated with any of the factors listed in subsection (2) of this section may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities. The Land Conservation and Development Commission shall determine by rule how land costs may be considered when evaluating the siting of utility facilities that are not substantially similar.	Section 4.1.3
(4) The owner of a utility facility approved under ORS 215.213 (1)(c) or 215.283 (1)(c) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.	Section 4.1.5 and Attachment K-1
(5) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.213 (1)(c) or 215.283 (1)(c) to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.	Section 4.1.5, Section 6.4.7, Section 6.5.7, Section 6.6.7, Section 6.7.3, Section 6.8.6, Section 6.10.6, and Attachment K-1
(6) The provisions of subsections (2) to (5) of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.	N/A
OAR 345-022-0030	
(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.	Section 7.0

Requirement	Location
(2) The Council shall find that a proposed facility complies with section (1) if: * * * (b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:	Section 6.4, Section 6.5, Section 6.6, Section 6.7, Section 6.8, Section 6.9, and Section 6.10
(A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3); (B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or (C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).	
(3) As used in this rule, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.	Section 6.4, Section 6.5, Section 6.6, Section 6.7, Section 6.8, Section 6.9, and Section 6.10

Requirement	Location
(4) The Council may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the exception process, the Council may take an exception to a goal if the Council finds: (a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal; (b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or (c) The following standards are met: (A) Reasons justify why the state policy embodied in the applicable goal should not apply; (B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility; and (C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.	Section 8.0
Second Amended Project Order	
As there is federal land within the site boundary, the information required under Paragraph (D) must be provided. The applicant is seeking a Council determination of compliance with the Council's land use standard under ORS 469.504(1)(b). The applicant shall review the comments received from each county and city and contact each affected county and city planning department to ensure that the application addresses the applicable land use criteria in each jurisdiction.	Section 9.0

Requirement	Location
Although local comprehensive plans and land use ordinances may have been amended since local comments were provided, ORS 469.504(1)(b)(A) and OAR 345-021-0050(6)(b)(A) require that the applicable local land use criteria are those in effect on the date the preliminary application for site certificate was submitted, February 27, 2013, for the local jurisdictions identified in the preliminary application. This includes Morrow, Union, Umatilla, Baker, and Malheur counties, and the City of North Powder. The governing bodies of these five counties were designated as special advisory groups (SAGs) on October 7, 2011, following receipt by ODOE of the B2H NOI. The City Council of North Powder was designated as a SAG on March 15, 2013. After submittal of the preliminary application, ODOE received a letter from IPC on July 12, 2013, in which IPC identified a need for two new multi-use areas. One of the new multi-use areas is located in the City of Huntington, and the second multi-use area was to be located in both La Grande and Island City. In June, 2017, IPC confirmed that it had removed the proposed multi-use area and there were no longer any project components within the City limits of Island City or the City of La Grande. On June 6, 2018 the Department issued letters to the City of Island City and the City of La Grande explaining a reassignment from a SAG to a reviewing agency because, due to route modifications within the ApASC, proposed facility components are no longer proposed within their jurisdictions. As Huntington was not identified in the preliminary application, the applicable substantive criteria for this jurisdiction will be those in effect on the date that ODOE received the amended preliminary application (ApASC) July 19, 2017. As provided in ORS 469.401(3), if the Council issues a site certificate for B2H, the counties and cities will be bound to issue all required permits and other land use approvals, subject to the conditions set forth in the site certificate. The Huntington City Council was designated as a SAG on August 2, 2013. Exhibit K shall include information necessary to demonstrate compliance with the applicable substantive criteria from each county and city code and comprehensive plan that are applicable to issuance of the required permits and approvals.	Section 6.0
Exhibit K shall also provide evidence that the proposed facility would comply with the applicable statutory requirements related to the proposed facility, including ORS 215.283 and 215.275, and specifically including all requirements regarding the location of the proposed facility within EFU zones.	Section 4.0

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ATTACHMENT K-1
AGRICULTURAL LANDS ASSESSMENT

Attachment K-1
Agricultural Lands Assessment

Boardman to Hemingway Transmission Line Project

1221 West Idaho Street
Boise, Idaho 83702

September 2018

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ACRONYMS AND ABBREVIATIONS

AIMP	Agricultural Impact Mitigation Plan
ASC	Application for Site Certificate
AUM	Animal Unit Month
BPA	Bonneville Power Administration
CFR	Code of Federal Regulations
CRP	Conservation Reserve Program
EFSC	Energy Facility Siting Council
EFU	Exclusive Farm Use
FSA	Farm Service Agency
GIS	Geographic Information System
GPS	Global positioning system
HVF	High Value Farmland
IPC	Idaho Power Company
kV	kilovolt
NAIP	National Agriculture Imagery Program
NASS	National Agricultural Statistics Service
NOP	National Organic Program
NRCS	Natural Resources Conservation Service
OAIN	Oregon Agricultural Information Network
OAR	Oregon Administrative Rule
ODA	Oregon Department of Agriculture
ODOE	Oregon Department of Energy
ORS	Oregon Revised Statutes
OSP	Organic System Plan
OSU	Oregon State University
Project	Boardman to Hemingway Transmission Line Project
RAI	Request for Additional Information
ROW	Right-of-way
USC	United States Code
USDA	U.S. Department of Agriculture

DEFINITIONS

Agricultural Land: Annually cultivated or rotated land used in the production of crops; land in perennial field crops, orchards, or vineyards; land used for small fruit, nursery crops, greenhouses, or Christmas trees; improved pasture/range and hayfields; land in the Conservation Reserve Program (CRP); and previously cultivated land in government-sponsored environmental or conservation programs, not including land converted to wetlands.

Agricultural Monitor: A monitor retained and funded by Idaho Power Company (IPC), reporting directly to the Oregon Department of Agriculture (ODA) and responsible for auditing IPC's compliance with the provisions of this mitigation plan.

Agricultural Specialist: A specialist retained and funded by IPC, reporting directly to IPC and responsible for providing expert advice during each phase including construction planning, construction, restoration, post-construction monitoring, and follow-up restoration.

Cropland: Includes all *agricultural land* except land used for pasture/range.

Easement: The agreement(s) and/or interest in privately owned agricultural land held by IPC by virtue of which it has the right to construct, operate, and maintain the transmission line together with such other rights and obligations as may be set forth in such agreements.

Final Clean-up: Transmission line activity that occurs after the power line has been constructed. Final clean-up activities include, but are not limited to, removal of construction debris, decompaction of soil as required, installation of permanent erosion control structures, final grading, restoration of fences, and required reseeding. Once final clean-up is finished, landowners will be contacted to settle all damage issues and will be provided a form to sign confirming final settlement.

Landowner: Person(s), or their representatives, holding legal title to agricultural land in the Proposed Corridor, from whom IPC is seeking, or has obtained, a temporary or permanent easement.

Landowner's Designee: Any person(s) legally authorized by a landowner or court of law to make decisions regarding the mitigation or restoration of agricultural impacts to such landowners' property. Any landowner's designee shall provide IPC with a written document signed by the landowner or a court with jurisdiction authorizing the designee to discuss, negotiate, and reach agreements with IPC.

Non-Agricultural Land: Any land that is not *agricultural land* as defined above.

Right-of-Way: The agricultural land included in permanent and temporary easements that IPC acquires for the purpose of constructing, operating, and maintaining the transmission line.

Tenant: Any person lawfully residing on or in possession of property and who operates a farm, has a lease, or pays rent on property for which IPC is seeking or has obtained temporary or permanent easement for from the landowner.

Tile: Artificial subsurface drainage system.

Topsoil: The uppermost part of the soil including the plow layer (Ap horizon) and other A horizons (A1, A2, etc.), but not including transition horizons (AB, AC, BA, E, etc.). It is the surface layer of the soil and generally has the darkest color and the highest content of organic matter.

1.0 OVERVIEW

Idaho Power Company (IPC) is proposing to construct, operate, and maintain a high-voltage electric transmission line between Boardman, Oregon, and the Hemingway Substation in southwestern Idaho as an extension of IPC's electric transmission system. The Project consists of approximately 296.6 miles of electric transmission line, with 272.8 miles located in Oregon and 23.8 miles in Idaho. The Project includes 270.8 miles of single-circuit 500-kilovolt (kV) transmission line, removal of 12 miles of existing 69-kV transmission line, rebuilding of 0.9 mile of a 230-kV transmission line, and rebuilding of 1.1 miles of an existing 138-kV transmission line into a new right-of-way (ROW). Overview maps of the Project location and details of the alternative routes are included as Figures 1-1 and 1-2. Refer to Exhibit B for a complete Project description and maps of the Project.

In support of its Energy Facility Siting Council (EFSC) Application for Site Certificate (ASC), IPC provides this Agricultural Lands Assessment, describing agricultural crops and existing agricultural practices on agricultural lands[1] and analyzing the temporary and permanent impacts that would occur as a result of the construction and operation of the Project. The Agricultural Lands Assessment identifies all lands devoted to farm use within the site boundary and surrounding lands within 500 feet of the Site Boundary (Agricultural Assessment Area). The Site Boundary for the 500-kilovolt (kV) transmission line is a 500-foot-wide area within which IPC will locate the transmission line and is described in Exhibit C, Section 3.5, Site Boundary. The Site Boundary for the remaining Project features varies by the type of feature (see Exhibit C, Section 3.5, Table C-24).

[1] For the purposes of this document, the term "agricultural lands" is used to describe lands defined in Oregon Revised Statute (ORS) 215.203(2)(a) as "farm use lands."

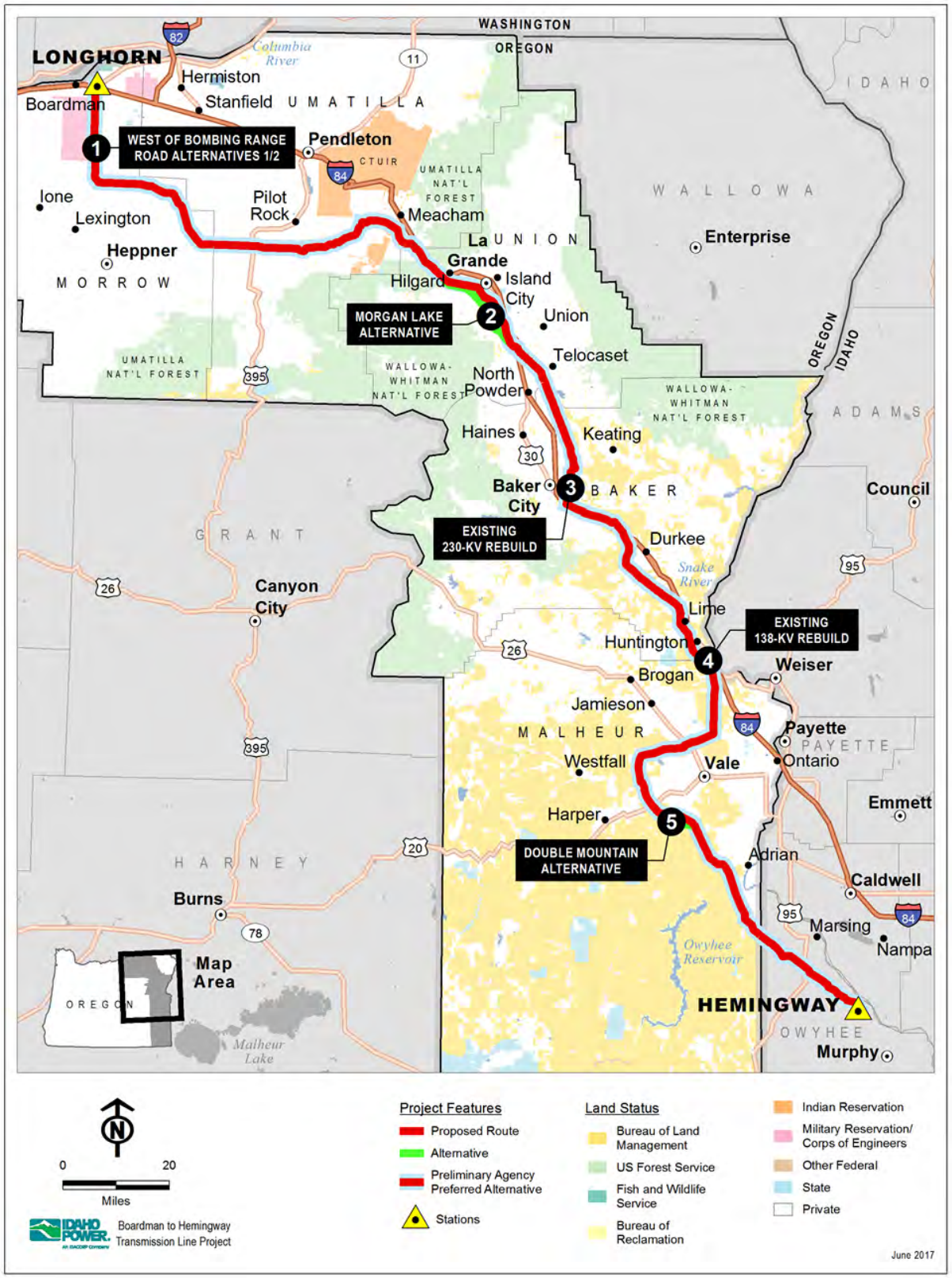

Figure 1-1. Location Map

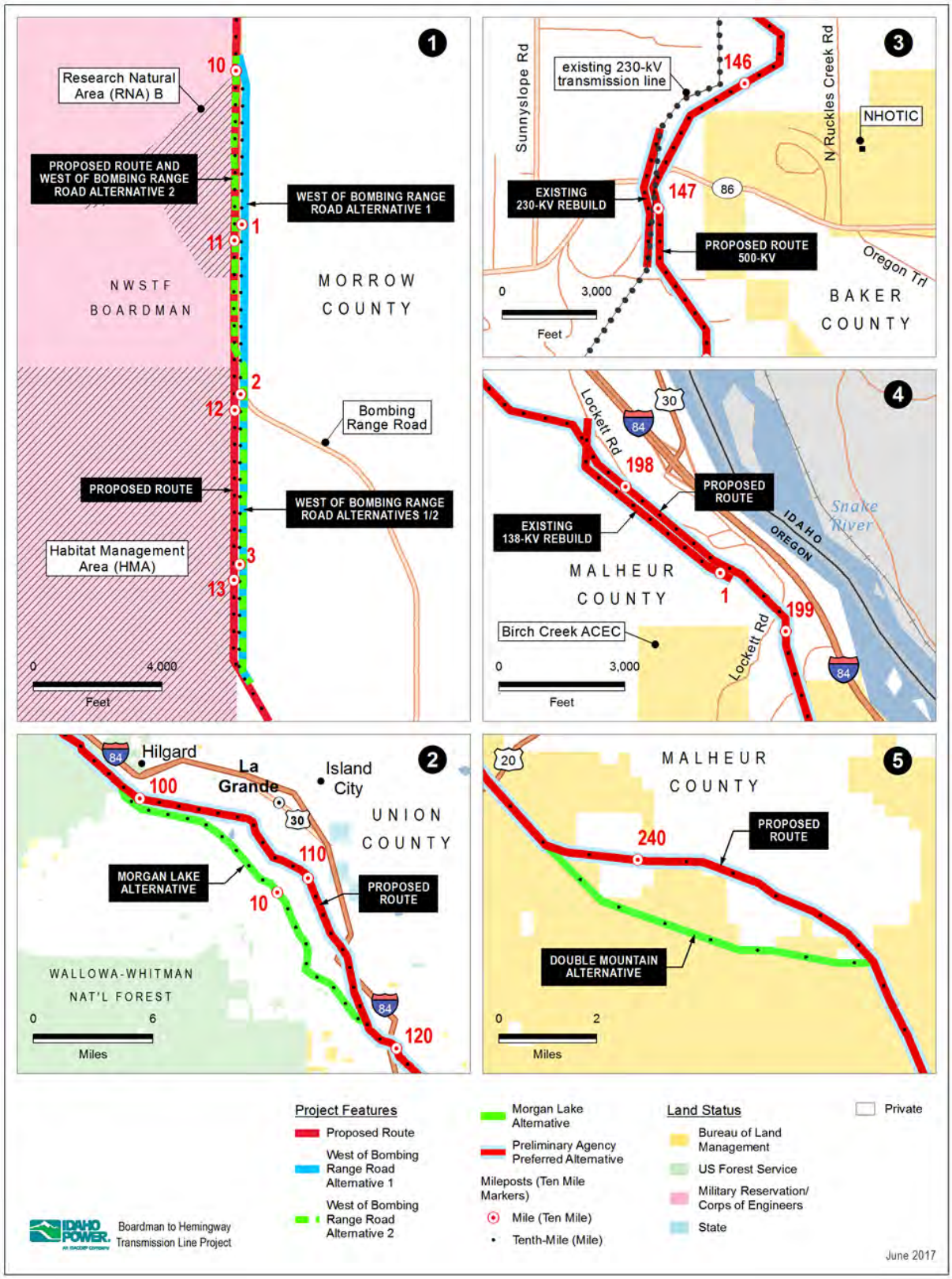

Figure 1-2. Detail of Alternatives and 230-kV and 138-kV Rebuilds

2.0 METHODOLOGY

2.1 Analysis Area

The Analysis Area for Exhibit K is the Site Boundary and one-half mile from the Site Boundary (see Second Amended Project Order, Table 2). For purposes of this Agricultural Assessment, IPC analyzed the agricultural lands within the Analysis Area by reviewing agricultural practices within each relevant county (see Section 3.0). IPC analyzed in more detail those agricultural lands occurring within the Site Boundary and 500 feet from the Site Boundary by conducting an agricultural lands field survey, landowner survey, and analyzing the potential impacts to the farm practices on those lands (see Section 2.2 through 2.4, and Section 5.0).

2.2 Agricultural Assessment Area

The Agricultural Assessment evaluates all farm practices either observed or expected on lands within the site boundary[2] and on surrounding lands within 500 feet of the site boundary (Agricultural Assessment Area), as provided by the Oregon Department of Energy (ODOE). *See* Request for Additional Information 2 (Sept. 25, 2014) (request number K15 states that the assessment should include "surrounding lands within 500 feet of any site boundary, in addition to those lands within the site boundary").

2.3 Agricultural Lands Field Survey

Areas potentially containing agricultural lands within the Agricultural Assessment Area were visually surveyed from public roads. Prior to beginning field surveys, potential agricultural use areas were identified using aerial imagery from 2014 and 2015 National Agriculture Imagery Program and 2016 Google Earth imagery for verification. Fieldwork was conducted during October 2016. The field crew verified the presence and absence of agricultural land uses and noted, where visible from public roads, the type of crop or crops being grown and whether land was under irrigation. Data from the visual surveys were recorded using a laptop computer loaded with aerial imagery and a global positioning system (GPS). A customized data collection form allowed the crew to record information about individual field sites, discernable crop types, and irrigation practices. Crop boundaries were digitized from aerial imagery using ArcGIS. Data gathered from field surveys and landowner surveys were used to estimate the amount and type of agricultural land within the Agricultural Assessment Area. Crop boundaries and resulting acreages in this analysis were derived from ground-truthing aerial imagery and represent an estimate of actual agricultural land uses and practices.

Most of the federal lands were categorized as rangeland or rangeland/timber, except for any federally owned lands that are managed for an agricultural purpose. In those cases, the agricultural crop observed was noted.

2.4 Agricultural Landowner Survey

A survey of agricultural landowners was undertaken based on land parcels crossed by the route as planned in 2011. Landowners identified as having agricultural land uses on their parcels were sent a letter and questionnaire to complete regarding the agricultural uses of their lands. They were provided an opportunity to complete the questionnaire online or return a form. Landowners who did not complete the survey online or return a form were contacted by e-mail then by

[2] The Site Boundary is defined in OAR 345-001-0010(55) as "the perimeter of the site of the proposed energy facility, its related or supporting facilities, all temporary laydown and staging areas, and all corridors and micrositing corridors proposed by the applicant."

telephone to complete the survey. Of the 344 parcels identified to have agricultural land uses in 2011, survey data were obtained on 211 (61.3 percent). Because the ASC route was only recently determined, subsequent surveys of agricultural landowners were not attempted.

2.5 Identification of Conservation Reserve Program Agricultural Lands

Some of the agricultural lands within the ApASC corridor in eastern Oregon are currently under contract in U.S. Department of Agriculture (USDA) reserve programs. These programs include the Farm Service Agency's (FSA) CRP, the Natural Resources Conservation Service's (NRCS) Grassland Reserve Program, and the Wetland Reserve Program administered by the NRCS. These lands are not presently used for agriculture, but would likely revert to agricultural use if they were not part of one of the reserve programs. Section 1619 of the 2008 Food, Conservation and Energy Act, 7 United States Code (USC) 8791, limits the disclosure of information about individual landowners or the programs they participate in. IPC will obtain property specific reserve program data for landowners in advance of developing specific mitigation programs.

CRP lands undergo a lengthy certification process that does not allow for easy entry into nor exit from the program. Using several dates of aerial imagery ranging from 1996 to 2014, our analyst was able to determine whether lands recently underwent any tilling, crop cycling, or harvest. The categorization of CRP land was further bolstered by field observations of tilled soil, standing crop stubble, or other typically weedy species. Tilling and standing stubble presence are both indicators of active farming. Presence of weedy or semi-natural species coupled with no evidence of land preparation indicated CRP participation within a particular parcel.

2.6 Compilation of Agricultural Lands Data

Agricultural survey data were compiled based on four main datasets: 1) Individual parcels, 2) county boundaries, 3) field\land use boundaries, and 4) the Agricultural Assessment Area. Although the data were mostly complete for each of these datasets, the parcel data included several unaccounted for areas that coincided with road and water features. These areas appeared to be state or federally owned or federally administered areas. To account for the potential crop/land use of these areas, we returned to the data to assess what type of right-of-way (ROW) best represented these areas. Both transportation (road/transport ROW) and river/stream ROW categories were used to account for these parcel omissions coinciding with either rail-lines or roads and waterbodies.

Performing an exhaustive accounting of crop and land use from data that do not align adds potential error and complexity. Field boundaries, county boundaries, and ROWs often crossed each other within the digital GIS layers. Many of the digital boundaries did not overlap neatly to create clean intersections. For example, a field boundary (digitized from the aerial photo) may cross several parcels and a road ROW. The county line may also intersect one or more of the polygons. Each additional overlapping, but non-aligned, dataset added to gaps, slivers, and overlaps in the final dataset.

Since several areas of the Project corridor were inaccessible, photo-interpretation of crop type required reviewing multiple years of imagery. To determine whether fields were dryland farmed, wheat, or CRP required referencing multiple dates of imagery as well.

In order to account for permanent and temporary construction impacts, areas outside the corridor were assessed. While the total area was relatively small, 1,500+ polygons were examined to determine land use and presence of existing roads.

Additionally, we found it useful to differentiate between areas of rangeland, primarily composed of shrubs and grasses, and rangeland areas with timber. The rangeland timber category is only found in the Blue Mountains between Pilot Rock, Oregon, and La Grande, Oregon.

Maps depicting aerial photographs of the agricultural types in the five-county assessment area were prepared and are provided in Appendix A.

3.0 OREGON AGRICULTURE

In Oregon, gross farm and ranch sales were approximately $5.7 billion in 2014 (USDA National Agricultural Statistics Service (2015). There were approximately 2,928,680 acres harvested for agricultural crops in 2012, not including livestock range or pastureland. In the five-county study area crossed by the Project, gross farm and ranch sales accounted for $1,534,118,000 in 2012.

This section of the report provides a snapshot of Oregon agriculture for the 2012 season in the five-county study area. The crops that farmers choose to grow in any season are generally market-driven but sometimes is a matter of personal preference based on the operator's farming background and is influenced by soil quality, government programs and regulations, proximity to markets, labor availability, land values, availability of adequate irrigation water, and other factors specific to a particular area. Crop selection and planting practices tend to vary from year to year.

The information shown in Figure 3-1 and Table 3-1 was obtained from the Oregon Agricultural Information Network (OAIN) database (Oregon State University [OSU] 2013a) and shows the 2012 gross farm and ranch sales.

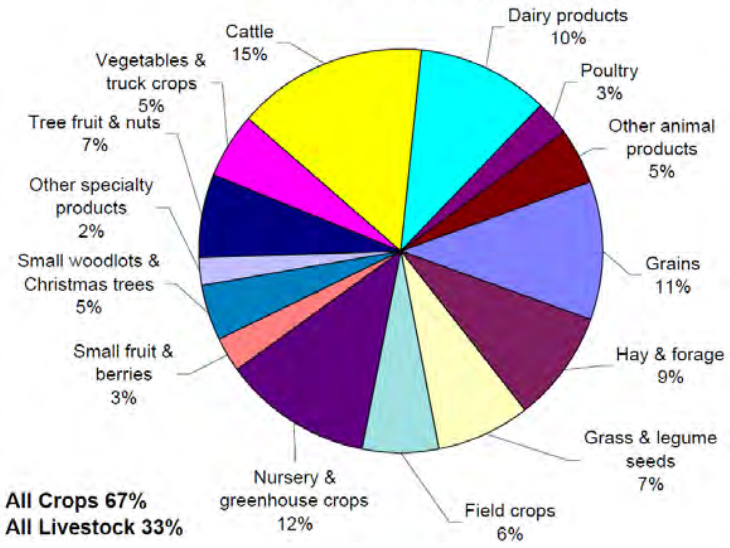

Figure 3-1. 2012 Preliminary Oregon Commodity Sales (OSU 2013a)

Table 3-1. Gross Farm and Ranch Sales by County and Rank within Oregon

County	2012 Gross Farm and Ranch Commodity Sales
Morrow	$482,379,000
Umatilla	$487,096,000
Union	$99,003,000
Baker	$92,244,000
Malheur	$373,396,000
Total for five counties	**$1,534,118,000**

Source: OSU 2013b

Table 3-2 presents acreage summaries of agricultural practices (e.g., crop types) or farm uses identified during the 2016 Agricultural Assessment field surveys. Rangeland, rangeland timber, wheat, and CRP accounted for approximately 80 percent of the total acreage observed. Field crop acreage within the Agricultural Assessment Analysis Area consisted of berries, canola, corn, grass seed, onions, peppermint, potatoes, and sugar beets. Alfalfa hay and wheat made up a major portion of the agricultural crop total and are addressed separately. Hybrid poplar farms, common in Morrow County, are identified in Table 3-2 as woody crops/wood lots. Project routing avoided Concentrated Animal Feeding Operations (CAFOs) within the Analysis Area; consequently, they are not identified in Table 3-2. The primary changes in agricultural use between 2014 and the 2016 surveys were acreage increases in field crops (alfalfa hay, corn, grapes, dry beans, potatoes, sugar beets, and wheat) in 2016 and increases in acres of rangeland and timber.

Table 3-2. Acreages of Agricultural Practices or Farm Uses in the Five-County Assessment Area during 2014 Field Surveys

Agricultural Practice/Farm Use	Temporary Use Area Plus 500-Foot Buffer (acres)	Temporary Construction Disturbance (acres)	Permanent Operations Disturbance (acres)	Total (acres)
Non-irrigated				
Rangeland	16,991.1	574.6	75.1	17,640.8
Rangeland/timber	3,259.8	29.4	7.2	3,296.4
Wheat	681.1	20.8	0.9	702.8
CRP	2,219.6	92.8	12.8	2,325.2
Fallow	275.5	6.9	1.1	283.5
Road/transport ROW	279.4	135.5	117.5	632.4
Pasture	273.7	78.5	0	352.2
Livestock	11.7	0	0	11.7
River/stream ROW	14.7	0	0	14.7
Irrigated				
Field crops	75.4	0	0	75.4
Wheat	157.0	5.0	0	162.0
Christmas trees/woody crops/wood lot	9.8	0	0	9.8

Agricultural Practice/Farm Use	Temporary Use Area Plus 500-Foot Buffer (acres)	Temporary Construction Disturbance (acres)	Permanent Operations Disturbance (acres)	Total (acres)
Alfalfa hay	365.2	22.9	7.8	395.9
Fallow	15.4	0	0	15.4
Irrigated pasture	199.3	34.9	0.2	234.4
Unknown	205.4	78.5	0	283.9

3.1 Morrow County

Morrow County was second highest in the state of Oregon for agricultural sales in 2012.The top reported commodities in Morrow County in 2012, in order of total sales, were wheat, potatoes, cattle, and alfalfa hay. Gross farm sales in 2012 for crops were $258 million, and livestock and poultry sales were $252 million. The harvested acreage in Morrow County in 2012 was 252,175 acres[3]. Acreage of irrigated and non-irrigated agricultural lands within the Agricultural Assessment Area in 2016 is shown in Table 3-3.

Table 3-3. Estimated Irrigated and Non-Irrigated Agricultural Acreage in the Morrow County Portion of the Agricultural Assessment Area in 2016

Agricultural Practice/Farm Use	Irrigated Lands (acres)	Non-Irrigated Lands (acres)	Total (acres)
Rangeland		8,649.2	8,649.2
Road/transport ROW		390.2	390.2
River/stream ROW		5.9	5.9
Pasture		107.1	107.1
Wheat	385.9	2,244.2	2,630.1
Alfalfa hay	207.1	7.9	215
Berries	15.9		15.9
Christmas trees/woody crops/wood lots	88.1		88.1
Corn for grain	130.2		130.2
Potatoes	66.3		66.3
Grapes	60.5		76.5
Onions	56.0		56.0
Unknown crop	12.0	8.7	20.7
Livestock		8.7	8.7
Total	**1,022.0**	**11,421.9**	**12,443.9**

3.2 Umatilla County

Umatilla County was third highest in the state of Oregon for agricultural sales in 2012.The top reported commodities in Umatilla County in 2012, in order of total sales, were wheat, cattle, potatoes, apples, and dry storage onions. Gross farm sales in 2012 for crops were $395 million, and livestock and poultry sales were $92 million. The harvested acreage in Umatilla County in

[3] The Oregon Agricultural Information Network (OAIN) no longer publishes detailed county agricultural statistics, consequently the 2012 data best reflects the value of farm sales and harvested acreage and is presented here.

2012 was 297,125 acres[3]. Acreage of irrigated and non-irrigated agricultural lands within the Agricultural Assessment Area in 2016 is shown in Table 3-4.

Table 3-4. Estimated Irrigated and Non-Irrigated Agricultural Acreage in the Umatilla County Portion of the Agricultural Assessment Area in 2016

Agricultural Practice/Farm Use	Irrigated Lands (acres)	Non-Irrigated Lands (acres)	Total (acres)
Rangeland		9,387.0	9,387.0
Rangeland/timber		2,316.9	2,316.9
Road/transport ROW		146.1	146.1
Unknown crop		344.2	344.2
Pasture	5.5	52.0	57.5
Wheat	33.0		33.0
Alfalfa hay	6.6		6.6
Total	**54.1**	**12,246.2**	**12,300.2**

3.3 Union County

The top reported commodities in Union County in 2012, in order of total sales, were wheat, cattle, peppermint for oil, potatoes, and alfalfa hay. Gross farm sales in 2012 for crops were $77 million, and livestock and poultry sales were $22 million. The harvested acreage in Union County in 2012 was 94,680 acres[3]. Acreage of irrigated and non-irrigated agricultural lands within the Agricultural Assessment Area in 2016 is shown in Table 3-5.

Table 3-5. Estimated Irrigated and Non-Irrigated Agricultural Acreage in the Union County Portion of the Agricultural Assessment Area in 2016

Agricultural Practice/ Farm Use	Irrigated Lands (acres)	Non-Irrigated Lands (acres)	Total (acres)
Rangeland		2,925.1	2,925.1
Rangeland/timber		10,700.5	10,700.5
Road/transport ROW		258.09	282.3
River/stream ROW		8.6	8.6
Pasture	27.82	63.96	126.2
Alfalfa hay	31.95		65.4
Livestock	3.6		3.6
Wheat	8.95		49.3
Unknown crop	20.8		75.3
Total	**240.9**	**13,995.3**	**14,236.2**

3.4 Baker County

The top reported commodities in Baker County in 2012, in order of total sales, were cattle, potatoes, wheat, alfalfa hay, and other hay. Gross farm sales in 2012 for crops were $38 million, and livestock and poultry sales were $55 million. The harvested acreage in Baker County in 2012 was 91,700 acres[3]. Acreage of irrigated and non-irrigated agricultural lands within the Agricultural Assessment Area in 2016 is shown in Table 3-6.

Table 3-6. Estimated Irrigated and Non-Irrigated Agricultural Acreage in the Baker County Portion of the Agricultural Assessment Area in 2016

Agricultural Practice/Farm Use	Irrigated Lands (acres)	Non-Irrigated Lands (acres)	Total (acres)
Rangeland	6.5	12,289.3	12,295.8
Rangeland/timber		5,394.2	5,394.2
Road/transport ROW		364.3	364.3
River/stream ROW		1.2	1.2
Pasture	118.1	319.3	437.4
Unknown crop	4.5		4.5
Wheat	21.4		21.4
Marijuana	3.4		3.4
Alfalfa hay	109.9	0.1	110.0
Total	**263.8**	**18,368.4**	**18,632.0**

3.5 Malheur County

Malheur County was fourth in the state of Oregon for agricultural sales in 2012. The top reported commodities in Malheur County in 2012, in order of total sales, were cattle, dry storage onions, corn for grain, alfalfa hay, and wheat. Gross farm sales in 2012 for crops were $219 million, and livestock and poultry sales were $154 million. The harvested acreage in Malheur County in 2012 was 131,080 acres[3]. Acreage of irrigated and non-irrigated agricultural lands within the Agricultural Assessment Area in 2016 is shown in Table 3-7.

Table 3-7. Estimated Irrigated and Non-Irrigated Agricultural Acreage in the Malheur County Portion of the Agricultural Assessment Area in 2014

Agricultural Practice/ Farm Use	Irrigated Lands (acres)	Non-Irrigated Lands (acres)	Total (acres)
Rangeland	4.0	21,575.6	21,579.6
Road/transport ROW	0.1	184.2	184.3
River/stream ROW		22.1	22.1
Pasture	89.2	244.0	333.2
Wheat	35.3		35.3
Fallow	8.6		8.6
Alfalfa hay	225.5	3.8	225.5
Corn for grain	219.6		219.6
Sugar beets	156.4		156.4
Dry beans	13.6		13.6
Unknown crop	87.0		87.0
Fallow	8.6		8.6
Livestock		3.5	
Total	**847.9**	**22,033.2**	**22,872.3**

The CRP, the largest by far of the reserve programs, is a voluntary federal program for agricultural landowners that protects highly erodible cropland. The USDA is authorized to provide monetary and technical support to private landowners who reserve agricultural lands for protection of wildlife, wildlife habitat, and wetlands. Through CRP, landowners can receive

annual rental payments and cost-share assistance to establish long-term, resource-conserving covers on eligible farmland. Contracts are made with landowners to set aside acreage for the reserve programs. The set-asides consist of leases that limit land use to the conservation purposes established within the programs.

In exchange for retiring highly erodible land for a 10- to 15-year period, the landowner is paid a per-acre annual rent and one-half the cost of establishing a permanent cover. The Natural Resource Conservation Service (NRCS) awards contracts based on the following factors:

- Water quality
- Air quality
- Soil erosion
- Wildlife enhancement
- Enduring benefits

Construction of the proposed transmission line could threaten compliance with a CRP contract if above-listed factors are jeopardized. In addition, CRP contracts would need to be revised to compensate for the area occupied by the tower. This area would need to be removed from the contract.

In 2011, 2,271 Oregon farms with over 551,000 acres were enrolled in CRP and received payments totaling $28,631,923 (USDA 2011). Currently the average per acre payment to landowners enrolled in CRP in Oregon is $60 per acre and CRP payments totaled approximately $35,000,000 in 2016.

According to the FSA (Loop 2012), CRP payments made on the tower footprint area will have to be repaid to the FSA at the rate specified in the CRP contract plus interest. The tower footprint area will have to be removed from the CRP contract and not be eligible for future payments. The largest tower has a footprint of about 0.05 acre; therefore, the cost will be minimal. Temporary access roads can be constructed across CRP fields for the installation of transmission towers and lines as long as a waiver is obtained from the FSA and the land is reseeded to CRP specifications immediately after the road has been decommissioned. The acreage of CRP land impacted by permanent access roads would be disqualified from the CRP program.

4.0 AGRICULTURAL CROP PRACTICES

The following information on agricultural practices information for the B2H Project was obtained through visual surveys of the route and from surveys of landowners currently farming and ranching within the Agricultural Assessment Area. This information is provided as a general description of common agricultural practices. This section also addresses the types of impacts associated with transmission lines. The agricultural practices discussed here may vary based on location, equipment types used, variety of crops being grown, seasonal weather conditions, technology, market demands, and other factors. For purposes of this Agricultural Lands Assessment, agricultural land includes annually cultivated or rotated land used in the production of crops; land in perennial field crops, orchards, or vineyards; land used for small fruit, nursery crops, greenhouses, or Christmas trees; improved pasture/range and hayfields; land in the CRP; and previously cultivated land in government-sponsored environmental or conservation programs, not including land converted to wetlands. Cropland includes all agricultural land except land used for pasture/range.

Throughout the planning process, IPC has attempted to avoid siting the transmission line on agricultural lands wherever practical and technically feasible. Public ROWs are used wherever possible to reduce the overall impact on agricultural lands. It is, however, necessary to use agricultural lands for access during construction and to site portions of the Project on agricultural lands.

Most of the agricultural lands within the Agricultural Assessment Area can be considered suitable for the production of field crops. Field crops include a variety of different crop types, and production techniques vary somewhat between each crop. Field crops include all plants grown for agricultural purposes in cultivated fields but do not include orchards, Christmas trees, vineyards, or nursery stock. The most common perennial field crops grown within the Agricultural Assessment Area are field seed and grass seed crops (multiple types), wheat, and alfalfa hay. Descriptions of practices used in production of the field crops shown in Figure 3-1 are presented in this section.

4.1 Establishment of Field Crops

Establishment of field crops includes weed control, field preparation, seed bed preparation, fertilization, and seeding or planting of the crop. Annual crops mature within one season and are replanted each year. Perennial crops live and produce for several years. Perennial crops may require one or more years of development before a crop is produced.

Herbicides may be applied prior to field cultivation where perennial weeds or a heavy sod are present. Soils are tested and analyzed to determine nutrient levels and are supplemented, if necessary, according to the nutrient requirements of the crop being planted. Fertilizer and other soil amendments, such as agricultural lime and dolomite, are applied based on soil tests and previous crop history. Depending on the crop, field preparation may include mowing or chopping of the remaining residue. A subsoiler may be used to break up compacted soils. Fertilizer can be applied with ground-based equipment, a broadcast spreader, aerially, during seed application, or by injection through irrigation lines. Field preparation includes several cultivation operations with a plow, disc, field chisel, or harrow to incorporate residue from the previous crop, control weeds, incorporate fertilizer and soil amendments, and smooth the soil surface. If present, rocks may be removed from the field. The field is cultivated with a harrow or roller to create a smooth, firm seed bed. Seed is planted into a prepared field using a seed drill, which places the proper amount of seed in rows at appropriate depths and then firms the soil around the seed.

Equipment typically used for establishing field crops includes a chopper or flail pulled by a tractor; a subsoiler pulled by a tractor to reduce soil compaction; a plow pulled by a tractor to cut and bury crop residue and weeds; a disk pulled by a tractor to cultivate the soil, cut and mix weeds, and incorporate fertilizer; a chisel plow pulled by a tractor to smooth the soil surface; a harrow pulled by a tractor to prepare a smooth seedbed; a roller pulled by a tractor to lightly compact the soil and provide a firm seedbed; a fertilizer spreader to broadcast plant nutrients or other soil amendments on the seedbed; a sprayer to apply agricultural chemicals; or a seed drill pulled by a tractor to place seed.

Details of agricultural practices associated with key field crops agricultural land uses are presented in this section.

Alfalfa Hay

Alfalfa is a perennial plant with a normal plant life of 5 years or longer. Alfalfa is usually grown in irrigated fields east of the Cascades. Its livestock value is highest of all common legume hay crops. Growers harrow the fields for early weed control. Most growers apply herbicides to

control weeds only once a year. Chemical and cultural controls are available for controlling leaf and root diseases. Cultural strategies include removing infested plant debris from farm equipment; mowing dry plants; rotating with non-legume crops for 2 or more years; cutting early to reduce foliage loss; avoiding excessive irrigation; planting fully mature seed; avoiding weed spread through irrigation water or animal waste; breaking up compacted soil; and avoiding fertilization with nitrogen, which favors weed growth.

Onions

Onions are produced in the highest quality soil in the United States, and production costs are relatively higher than most vegetables because of this crop's requirements for water, pest management protection, and manual labor (in the case of fresh market onions). Product quality and volume are severely affected by extreme weather conditions during the growing and harvesting periods, as well as by the storage-to-market time period. Most commercial operations are large-scale, integrated production-processing-packing systems that have ample irrigation and processing water, as well as specialized processing and storage equipment. Many field operations, such as land preparation, planting, and harvesting, can be custom hired, and most of the equipment needed for production and processing can be used for other vegetable crops.

Specialized harvesting equipment is required for the different types of onions. For storage onion harvesting, topper/loader, topper/windrower, flailer, hand-topped, and untopped harvesting may be employed. Storage onions are undercut by the harvesting machine, which picks them up out of the soil and moves them into the body of the machine where forced air vertically orients the onion so that the top can be cut by a moving blade. The waste material is deposited behind the machine and onto the field. For fresh market onions, harvest is far less mechanically oriented.

Standard practices in onion harvesting include undercutting the onions and allowing them to cure (air dry) for 2 to 3 days, clipping the tops and roots, bagging the onions in burlap sacks, transporting them to a warehouse, drying, grading, bagging or boxing, and shipping. Onions also need an appropriate "curing period" where the neck opening closes. Inadequate curing will lead to onion rot and loss of the bulbs; prolonging curing can lower bulb quality. Additional processing may include washing, peeling, coring, and cutting for special packaged products or ingredients for the prepared foods industry.

Berries

Berry crops are perennial and include cane fruit, blueberries, and strawberries. Cane berry crops include Marion berry, blackberry, and raspberry. Cane berries are generally planted in rows and attached to a trellis system. Land preparation for berry crops is similar to preparation for field crops. Fields are sometimes fumigated prior to planting to control pests. Cane berries and blueberries remain in production for many years. Strawberry fields are generally rotated to other crops after approximately 3 years of production because of buildup of insect pest and plant disease.

Canola

Canola can be grown under dryland or irrigated conditions. Canola seeds are usually planted with a conventional grain drill and rolled with the last tillage of the field. Winter canola is typically planted in mid-August while spring canola is planted in the spring. Canola seedlings develop quickly and complete well with annual weeds.

Livestock

Cattle and sheep are raised for commercial purposes within the Assessment Area and require intensive management. Cattle are generally raised in cow-calf operations or as feeder cattle. Feeder cattle are purchased to graze on summer pasture before being re-sold in the fall.

In cow-calf operations, cows are bred by artificial insemination or by mating with a bull usually in late spring. Bred cows usually graze in a pasture during the summer and fall months. Calves are born in the winter or early spring. Calves are vaccinated and provided supplemental feed, vitamins, and minerals as necessary. During the winter, when pastures do not provide adequate grazing, cattle are provided supplemental feed and sometimes a shelter to escape inclement weather. Calves remain with their mothers through summer until they are weaned at about 6 months in age. They are placed in a separate pen or pasture, given supplemental feed, and sold as feeder cattle, or they are raised to market size on the farm.

Sheep are generally raised in a pasture. They are bred in the fall, and lambs are born in the winter (usually December through March). After birth, lambs are raised with their mothers until at least 3 months in age. Ewes are generally shorn for wool in late spring. Lambs usually remain in a pasture and are sometimes provided supplemental feed. They are sent to market around the age of 5 to 6 months.

Poultry and other livestock such as horses and goats are raised for both personal and commercial use. All of these animals require careful management, including supplemental feed and protection from adverse weather.

Impacts to livestock from the transmission lines will primarily result from reduced access to certain fields during construction. Farmers may be required to move livestock to allow construction crews to access their property, which may result in the need to provide supplemental feed or additional pasture space for the animals. There will be additional costs to the rancher associated with moving cattle and having to provide supplemental feed. Temporary fences may be installed during construction for the protection of livestock and Project workers. Once construction is complete, cattle will be able to use pasture land occupied by transmission towers; however, a small amount of grazable land will be lost directly within the tower footprint. Livestock may or may not need to be moved from the ROW for construction crews to perform regular maintenance.

Impacts similar to those discussed for cattle are likely to occur for sheep, bison, and horse operations. Prior to any construction, IPC together with the landowner, the landowner's designee, and/or tenant will need to schedule and coordinate activities to minimize impacts to livestock during and following construction.

Pasture and Rangeland

Pasture is used to provide feed for livestock during the growing season. Some pastures are used all year, but in some areas soils become excessively wet or snow covered in the winter. Pasture plants consist of natural grasses, seeded grass, or grass and clover combinations that are adapted to grazing and that provide nutritious livestock forage. In eastern Oregon, some pastureland is intensively managed, but in other areas, livestock are allowed to range freely across large tracts of open grass land. New pastures are allowed to fully establish and develop a vigorous root system before being grazed. In 2014, cattle and calves were identified as the top agricultural product in Oregon.

In a well-managed pasture system, livestock are permitted to graze pasture plants down to a certain height and are then moved to another pasture. Livestock are rotated between pastures,

allowing the plants in each pasture to recover before the next grazing period. A well-managed pasture can be productive for decades.

Weeds are controlled with herbicides or by hand removal. Some pastures are irrigated to increase forage production. If fertilized, fertilizer is generally applied in the fall or spring to increase forage production. Pastures are routinely harrowed to break up manure piles and to smooth out mole and gopher mounds.

Marijuana

ODA does not currently include marijuana in its annual crop statistics because of federal policy regarding this plant's federal classification as an illegal substance. For outdoor cultivation in areas where it is legal, growers choose areas that receive 12 hours or more of sunlight a day. As of January 2016, 89 cities and counties had opted to prohibit the processing, wholesaling, or retail sales of medical marijuana. In the Northern Hemisphere, plants are started in mid-April, late May, or early June to provide plants a full 4 to 9 months of growth. Harvest is usually between mid-September and early October.

4.2 Pre-Harvest Period for Field Crops

Weeds, insects, plant diseases, and rodents are controlled as necessary with the use of agricultural chemicals. Row crops are cultivated to remove weeds from between plant rows. Additional fertilizer may be applied to increase crop production. Certain crops are supplemented with irrigation water pumped from a well or nearby waterbody, generally through an underground mainline. Sprinklers attached to the mainline deliver water to the crops during dry summer growing periods. Sprinkler types vary by region and crop type, but the most common types used within the Agricultural Assessment Area are center-pivot and side-roll (wheel-line) lines. Center-pivot irrigation lines propel themselves automatically in a circular pattern around the field and result in a round field (crop circle). Side-roll or wheel-line irrigation systems are generally moved mechanically with the assistance of an operator. Other irrigation methods used within the Agricultural Assessment Area are hose/pipe and sprinkler type, drip-irrigation, and flood irrigation. Impacts to irrigated lands are discussed in Section 5.0, Potential Impacts to Irrigated Lands.

Certain field crops that produce certified seed must be inspected by ODA, or by other accredited certifiers such as Oregon Tilth, to determine eligibility for the certification program under the USDA's National Organic Program (NOP).

4.3 Harvest Period for Field Crops

Field crops are generally harvested from May to late fall, depending on the crop and annual weather conditions. Certain crops, such as alfalfa hay, may be harvested several times during the summer. Other field crops such as wheat, grass seed, and vegetables are harvested once annually. Corn may be harvested as late as December or January depending on soil moisture levels.

Cereal grain crops, including wheat, oats, and barley, are harvested directly when the grain is mature and are harvested from standing plants with a self-propelled field combine. In eastern Oregon, wheat is most commonly planted in the fall and harvested in late summer to early fall. Most dryland wheat fields are only farmed every other year, and the field is allowed to lie fallow for one crop season between plantings to help increase soil moisture. Occasionally, back-to-back crops are grown when conditions or market demand are appropriate. Some farmers use a "no-till" method where the field is sprayed with an herbicide following harvest. Crop stubble is

left on the field during periods when the field is fallow. This term is commonly referred to as "chem-fallow."

Grass seed is swathed into rows at maturity and allowed to dry until the seed is sufficiently dry for safe storage. Self-propelled combines pick up the rows of cut plant material and separate the seed from the straw. The harvested seed is transferred to a nearby truck and hauled to a seed-processing and storage facility. After harvest, the straw remaining in the field is baled or burned, depending on seed type. Some grass seed fields are sanitized by propane flaming with a propane-fueled burner that is pulled slowly over the field.

Forage crops such as alfalfa hay, grass hay, and silage are harvested at a time when forage nutritional quality and crop yields are both relatively high. Hay crops are swathed by cutting the plants close to ground level and placing the material into windrows. The windrows are allowed to dry and then picked up and baled using a baling machine that is towed behind a tractor when the crop is sufficiently dry. If moisture is high, windrows may be turned and fluffed using a hay rake. If moisture levels become too low, baling may need to occur at night when dew is present. Bales are picked up mechanically or by hand and moved to a storage facility. After harvest, alfalfa fields are usually irrigated to stimulate growth for the next cutting.

Vegetable crops are harvested at maturity by hand or with specialized mechanical equipment.

Certain crops are rotated with other crops on a regular basis to increase soil fertility and to prevent establishment of certain pests and diseases. For instance, in potato cropping rotations, a crop of mustard may be grown and incorporated into the soil to suppress nematodes, weeds, and soil-borne fungal pathogens.

Many farmers now use a GPS on farm equipment to increase efficiency and to avoid over or under coverage of seed, herbicide, and other chemicals.

5.0 POTENTIAL IMPACTS TO AGRICULTURAL LANDS

5.1 Areas Potentially Impacted

The Analysis Area covers a distance of approximately 360 miles, of which 88,759 acres are considered agriculture lands. These lands include irrigated and non-irrigated cropland and also support rangeland, pasture, and CRP land.

The Agricultural Assessment Area contains approximately 2,421 acres of irrigated agricultural cropland and 78,065 acres of non-irrigated cropland. Non-irrigated pasture and rangeland occur in all five counties and account for nearly 55,628 acres of the total agricultural acreage with the largest rangeland acreage occurring in Malheur County. Tables 5-1 through 5-5 show potential impacted acreage by the major agricultural practice or farm use in each of the five counties crossed by the Project. The major agricultural practices and farm uses are summarized by irrigated versus non-irrigated status in Table 5-6.

Table 5-1. Estimated Temporary and Permanent Impact Acreage by Agricultural Practice or Farm Use in the Morrow County Portion of the Agricultural Assessment Area

Agricultural Practice/Farm Use	Irrigated Lands (acres)	Non-Irrigated Lands (acres)	Total (acres)
Rangeland		8,649.2	8,649.2
Road/transport ROW		390.2	390.2
Pasture		107.1	107.1
Livestock		8.6	8.6
Wheat	385.9	2,244.2	2,630.1
Alfalfa hay	207.1	7.9	215.0

Table 5-2. Estimated Temporary and Permanent Impact Acreage by Agricultural Practice or Farm Use in the Umatilla County Portion of the Agricultural Assessment Area

Agricultural Practice/Farm Use	Irrigated Lands (acres)	Non-Irrigated Lands (acres)	Total (acres)
Rangeland		9,387.0	9,387.0
Rangeland/timber		2,316.9	2,316.9
Road/transport ROW		146.1	146.1
Pasture	5.5	52.0	57.5
Wheat	33.0		33.0
Alfalfa hay	6.6		6.6

Table 5-3. Estimated Temporary and Permanent Impact Acreage by Agricultural Practice or Farm Use in the Union County Portion of the Agricultural Assessment Area

Agricultural Practice/Farm Use	Irrigated Lands (acres)	Non-Irrigated Lands (acres)	Total (acres)
Rangeland		2,925.1	2,925.1
Rangeland/timber		10,700.5	10,700.5
Road/transport ROW		282.2	282.2
Pasture	49.4	78.8	128.2
Wheat	10.2		49.3
Alfalfa hay	65.4		65.4

Table 5-4. Estimated Temporary and Permanent Impact Acreage by Agricultural Practice or Farm Use in the Baker County Portion of the Agricultural Assessment Area

Agricultural Practice/Farm Use	Irrigated Lands (acres)	Non-Irrigated Lands (acres)	Total (acres)
Rangeland		124.4	124.4
Rangeland/timber		5,394.2	5,394.2
Road/transport ROW		364.3	364.3
Pasture	118.1	319.3	437.4
Wheat	21.4		
Alfalfa hay	109.9	0.1	110.0

Table 5-5. Estimated Temporary and Permanent Impact Acreage by Agricultural Practice or Farm Use in the Malheur County Portion of the Agricultural Assessment Area

Agricultural Practice/Farm Use	Irrigated Lands (acres)	Non-Irrigated Lands (acres)	Total (acres)
Rangeland	4.0	21,575.6	21,579.6
Road/transport ROW	0.1	184.2	184.3
Pasture	89.2	244.0	333.2
Wheat	35.3		35.3
Fallow	8.6		8.6
Alfalfa hay	225.5	3.8	229.3

Table 5-6. Summary Table of Acres of Temporary (Construction) and Permanent (Operations) Impacts by Agricultural Practice or Farm Use for the Five-County Area

Agricultural Practice/Farm Use	Irrigated Lands (acres)	Non-Irrigated Lands (acres)	Total (acres)
Rangeland	4.0	42,661.3	42,665.3
Rangeland/timber		18,411.6	18,411.6
Road/transport ROW	0.1	1,367.0	1,367.1
Pasture	262.2	801.2	1,063.4
Wheat	524.9	2,244.2	2,769.1
Fallow	8.6		8.6
Alfalfa hay	614.5	11.8	626.3

Project features proposed within the site boundary and the size of their projected disturbance area are presented in Table 5-7.

Table 5-7. Site Boundary and Average Temporary/Permanent Disturbance Areas by Project Component

Component	Length or Count	Site Boundary[1]	Construction Disturbance	Operations Disturbance
Transmission Lines				
Single-Circuit 500-kV	270.8 miles (Proposed)/ 33.3 miles (Alternatives)	500 feet (width)	–[2]	–[2]
Single-Circuit 230-kV	0.9 mile (Proposed)	500 feet (width)	–[2]	–[2]
Single-Circuit 138-kV	1.1 miles (Proposed)	500 feet (width)	–[2]	–[2]
Transmission Structures				
500-kV Lattice	1,085 (Proposed)/ 118 (Alternative)	–[3]	250 x 250 feet (1.4 acres)	50 x 50 feet (0.06 acre)
500-kV H-Frame (NWSTF area)	73 (Proposed)/ 34 (Alternative)	–[3]	250 x 90 feet (0.5 acres) on NWSTF / 250 x 150 feet (0.9 acres) off NWSTF	10 x 40 feet (0.001 acre)
500-kV H-Frame (Birch Creek area)	6 (Proposed)	–[3]	250 x 250 feet (1.4 acre)	10 x 40 feet (0.001 acre)
500-kV Y-Frame	8 (Alternative)	–[3]	Varies (0.4 acres)	8 x 8 feet (0.001 acre)
500-kV 3-Pole Dead-end (NWSTF area)	1 (Proposed)/ 2 (Alternative)	–[3]	250 x 90 feet (0.5 acre)	10 x 90 feet (0.02 acre)
500-kV 3-Pole Dead-end (Birch Creek area)	3 (Proposed)	–[3]	250 x 250 feet (1.4 acre)	10 x 90 feet (0.02 acre)
500-kV H-Frame Dead-end (NWSTF area)	3 (Alternative)	–[3]	250 x 90 feet (0.5 acre)	10 x 50 feet (0.01 acre)
230-kV H-Frame	5 (Proposed)	–[3]	250 x 100 feet (0.6 acre)	25 x 5 feet (0.01 acre)
230-kV H-Frame (Removal)	9 (Proposed)	–[3]	150 x 100 feet (0.3 acre)	–[4]
230-kV 3-Pole Dead-end	4 (Proposed)	–[3]	250 x 150 feet (0.6 acre)	40 x 130 feet (0.1 acre)
138-kV H-Frame	8 (Proposed)	–[3]	150 x 250 feet (0.9 acre)	16.5 x 5 feet (0.001 acre)
138-kV H-Frame (Removal)	10 (Proposed)	–[3]	100 x 100 feet (0.2 acre)	–[4]
138-kV 3-Pole Dead-end	3 (Proposed)	–[3]	250 x 150 feet (0.9 acre)	30 x 130 feet (0.09 acre)
69-kV H-Frame (Removal)	94 (Proposed)	–[3]	90 x 90 feet (0.2 acre)	–[4]
Stations				
Longhorn	1	188.9 acres	24.4 acres	19.6 acres

Component	Length or Count	Site Boundary[1]	Construction Disturbance	Operations Disturbance
Access Roads[5]				
Existing Road, Moderate Improvements (21-70%)	148.8 miles (Proposed)/ 13.2 miles (Alternatives)	100 feet (width)	16 feet (width)	14 feet (width)
Existing Road, Extensive Improvements (71-100%)	73.4 miles (Proposed)/ 6.3 miles (Alternatives)	100 feet (width)	30 feet (width)	14 feet (width)
New, Bladed	88.8 miles (Proposed)/ 12.8 miles (Alternatives)	200 feet (width)	35 feet (width)	14 feet (width)
New, Primitive	117.5 miles (Proposed)/ 12.8 miles (Alternatives)	200 feet (width)	16 feet (width)	10 feet (width)
Permanent Facilities				
Communication Station	10 (Proposed)/ 2 (Alternative)	–[2]	100 x 100 feet (0.2 acre)	75 x 75 feet (0.1 acre)
Distribution Power Lines to Communication Station[7]	7 (Proposed)/ 2 (Alternative)	50 feet (width)	25 feet (width)	14 feet (width)
Temporary Facilities				
Multi-use Areas	31 (Proposed)/ 4 (Alternative)	Mapped Area Outside of Transmission Line Site Boundary	23 acres	–
Light Duty Fly Yards	4 (Proposed)	Mapped Area Outside of Transmission Line Site Boundary	5 acres	–
Component	Length or Count	Site Boundary[1]	Construction Disturbance	Operations Disturbance
Pulling and Tensioning Sites	299 (Proposed)/ 32 (Alternative)	Mapped Area Outside of Transmission Line Site Boundary	4 acres	–

[1] Site Boundary size may be less than indicated in specific areas to avoid impacts to protected areas or for other reasons.
[2] No temporary or permanent disturbance expected along centerline, other than for specific Project features indicated below.
[3] Component will be sited entirely within centerline site boundary.
[4] No permanent disturbance expected once existing towers are removed.
[5] See the Road Classification Guide and Access Control Plan (Exhibit B, Attachment B-5) for more information about road types.
[6] Existing roads with no substantial improvements are defined as existing roads that require improvements along 20% or less of the entire road segment. These roads have minimal to no temporary

or permanent disturbance impacts beyond their existing road surface/profile, are not included in site boundary.
[7] IPC will construct distribution lines to communication stations within their service territory.

Table 5-8 shows the acres of potential site boundary and temporary and permanent disturbance for each Project component. The locations of these features are shown in Exhibit C, Attachments C-1 and C-2.

Table 5-8. Acres of Temporary and Permanent Impacts to Agricultural Areas by Project Component

Component	Site Boundary (acres)	Agricultural Assessment Area Including 500-Foot Buffer (acres)	Temporary Disturbance (acres)	Permanent Disturbance (acres)
Transmission Structures				
Tower Single-circuit 500-kV lattice	70.3	–	–	70.3
Tower Single-circuit 500-kV H-frame	19.2	–	–	19.2
Tower Single-circuit 500-kV 3-Pole Deadend	0.19	–	–	0.19
Tower Single-circuit 230-kV 3-Pole Deadend	0.45	–	–	0.45
Tower Single-circuit 138-kV H-frame	0.1	–	–	0.1
Tower Single-circuit 138-kV 3-Pole Deadend	0.2	–	–	0.2
Stations				
Longhorn	188.9	–	24.4	19.6
Access roads				
New and existing roads	1,323.5	–	553.0	770.5
Permanent facilities				
Communication sites	2.1	–	–	–
Distribution power lines to communication sites	5.1	–	–	5.1
Temporary facilities				
Multi-use areas	656.95	–	565.95	–
Light duty fly yards	20.0	–	5	–
Pulling and tensioning sites	1,275.2	–	1,275.2	–
Structure work areas	1,838.1	–	1,838.1	–

5.2 Potential Impacts

Potential impacts of the Project include temporary (construction) and permanent (operational) disturbances, as well as the indirect impacts associated with these disturbances and the type of agricultural use disturbed. Indirect impacts may include growth-inducing effects caused by the

Project but that occur later in time or farther removed in distance. Indirect impacts may include changes in the pattern of land use, population density or growth rate, and the related effects of those changes on agriculture. The area affected by the Project will be smaller than the site boundary and will be based on the specific locations of towers, access roads, laydown areas, pulling and tensioning areas, structure work areas, and fly pads. Impacts described in the following sections are examples of the most common impacts likely to occur as a result of the Project and do not constitute an absolute list of all possible impacts.

5.3 Temporary Direct and Indirect Impacts to Field Crops from Transmission Line Construction

It is estimated that transmission line construction will occur over the course of 2 to 3 months in a particular area, depending on weather conditions and other factors. Disruption of agricultural practices near Project construction will generally be short term. Temporary impacts to field crops during construction may include the following:

- Dust during construction
- Loss or damage to standing crops if access is needed prior to harvest
- Temporary access restrictions for farm equipment and livestock during construction
- Temporary disruptions to irrigation equipment
- Disruptions to farm practices including harvest, field preparation, spraying, and fertilization through temporary direct impacts from construction equipment and staging areas.

Some grading may be needed to provide a narrow construction zone that will allow unobstructed passage of line construction equipment. Poles and other material are transported to the construction site where arms, braces, and other items will be attached to the poles while they are lying horizontally on the ground. Holes will be augured or drilled, reinforced-concrete foundations will be poured, and the towers will be set vertically and plumbed. After the towers and support structures are installed, workers will install insulators and suspension hardware and stringing blocks. Transmission wire will then be pulled in, tightened, and attached to the suspension hardware.

For agricultural land within the construction area, topsoil will be segregated and placed in a separate storage area. It will be replaced in the agricultural areas followed by cleanup and restoration work, where applicable. This will occur primarily where temporary access roads are built for construction but are then removed and the site reclaimed following construction.

Temporary direct impacts from Project construction equipment and staging areas would result in approximately 601 acres of impact to farmland. More than half of this acreage is classified as rangeland, agriculture-related roadways, CRP, and non-irrigated pasture. Temporary construction impacts include temporary facilities such as multi-use areas, light-duty fly yards, and pulling and tensioning sites.

5.4 Permanent Impacts to Field Crops from Transmission Line Construction

In both the construction area and the permanent ROW, most types of agriculture will resume after construction. IPC will provide landowners with information regarding safe operation of equipment and practices around transmission lines and towers. There are not likely to be limitations placed on the type of field crops raised directly below and within a certain distance of the transmission line; however, certain practices and types of equipment may be restricted from

operating under or around the transmission line or towers. For example, equipment taller than 15 feet off the ground will not be allowed directly beneath the lines, and field burning of grass seed crops will not be allowed within the ROW. Most modern tractors and equipment, including combines, are less than 15 feet tall, but certain implements, accessories, booms, or antennas may extend to heights greater than 15 feet during normal operation. Irrigation equipment (including center-pivot irrigation equipment) will be allowed to operate under the lines as long as no portion of the equipment is greater than 15 feet tall and the equipment is properly grounded. Water cannot be directed at the line or the towers. Maintenance of irrigation equipment will not be allowed directly beneath the lines.

Permanent impacts to agricultural land as a result of the Project are likely to include the following:

- Loss of farmable acreage due to direct impacts from permanent access roads and transmission line towers
- Loss of farmable acreage due to indirect impacts from access roads and transmission line towers (due to maneuverability issues with farm equipment)
- Soil compaction
- Damage to drainage systems (drain tiles)
- Restricted range of irrigation systems
- Soil erosion
- Distribution of noxious weeds
- Movement of soil-borne pathogens
- Dust from vehicles during maintenance activities
- Restrictions on certain crop types that can be grown under the conductors such as orchard trees, hops, or pulpwood trees
- Restrictions on certain equipment that can be used
- Safety issues for farmers and ranchers
- Yield loss due to water restrictions

Overall, permanent direct impacts from Project operations would result in impacts to 863 acres of agricultural land in the five-county area.

5.5 Impacts to Use of Aircraft for Farming Activities

Farmers frequently use helicopters and/or airplanes to aerially apply chemicals to a crop rather than using traditional ground-based equipment for application. Aerial application can be used to apply chemicals to a field as a method of avoiding crop or soil damage when soils are too wet or crops are too close to maturity to be accessed by heavy equipment. The presence of transmission lines prevents aerial access to crops directly beneath the lines, potentially decreasing crop yields. Transmission lines may also indirectly impede aerial application of chemicals to other portions of the field depending on orientation, wind direction, and other factors. Some crops receive aerial applications of chemicals up to five or six times per year. In addition, herbicides that control weeds around the base of the towers may need to be applied by hand, potentially increasing costs to the farmer. Costs could include acquisition of specialized equipment and chemicals and increased labor costs.

Farmers are increasingly using unmanned aircraft (drones) equipped with relatively low-cost sensors and cameras to survey their lands and to increase the precision of their farming

activities. Drones can identify irrigation problems and pest and fungal infestations not apparent from eye level. They can also collect infrared data highlight to differences between healthy and distressed plants. In addition, drone imagery can be used in a time-series manner to show crop changes and trouble spots. Drones have the capability to easily fly both above and below transmission lines; consequently, Project impacts on drone use is expected to be minor.

The construction of the transmission line could have a minor effect on crop spraying when applicators need to modify spraying patterns on the unaffected portion of a cultivated field or adjacent fields. The presence of construction workers in the area could delay applications.

The presence of a transmission line increases the risk to aerial applicators. However, large high-voltage transmission lines like those proposed are easier to see and provide more clearance than smaller distribution lines. The Project is not proposing the use of tower guy wires, which is a safety advantage to aerial applicators because guy wires are difficult to see and cover a larger ground space than towers without them. Aerial spraying near hills and ridges can cause downdrafts and updrafts, which means increased risks to the applicator if transmission lines are located near that type of terrain. Spray coverage uniformity could be affected by the presence of transmission lines. In order to fly safely, a safe distance between the aircraft and the line must be maintained, which may result in less-than-optimal coverage or application rate. Adverse effects on the ability of aerial applicators to provide uniform coverage could increase costs by reducing efficiency and decreasing crop yields.

Transmission lines located along the edges of fields, existing roadways, or natural boundaries, rather than through existing fields, will result in less risk to the applicator and more efficiency to the producer.

The construction of the transmission line could have a minor effect on crop spraying when applicators need to modify spraying patterns on the unaffected portion of a cultivated field or adjacent fields. The presence of construction workers in the area could delay applications.

5.6 Impacts to Field Burning

Crop residues remaining after harvest of certain grass seed or wheat on eastern Oregon irrigated land have historically been burned to control diseases and weeds, stimulate yield, remove large volumes of straw and stubble that might interfere with crop management operations, and recycle nutrients into the soil. Field burning of grass seed crops has been reduced substantially in Oregon over the past two decades. In cases where a field is intersected by a power line, the landowner is required to register the crop as two separate fields and perform burning at two separate times, when wind and other conditions are appropriate. Burning is not allowed within a 150-foot-wide strip directly beneath the lines.[4] This rule was established to protect large power lines (greater than 230 kV) by controlling the burning and reducing the possibility that smoke would impact the transmission lines. For safety reasons, IPC will not allow field burning within the ROW.

Transmission lines are already present in some fields within the site boundary where field burning is performed. Landowners have indicated that the cost increases dramatically and efficiency is reduced when field burning is carried out around transmission lines. The land within the no-burn area beneath the lines does not produce yields comparable to the adjacent areas that are burned. To date, no suitable alternative method to burning has been developed to produce desired yields for these grass seed species. Some landowners have switched to farming other crops as a result of previous transmission line projects. Landowners that lease

[4] See OAR 340-266-0075(2)(a)(A) & (f).

their land to grass seed farmers growing species that require burning may lose their tenants if the cost of burning outweighs the benefits of farming the parcel. In addition, the amount of rent received by the owner from the tenant may be reduced if perceived land value is reduced because of the presence of the transmission line. Farming operations with specialized equipment and established infrastructure to produce certain crops may suffer as a result of additional transmission lines bisecting their crop lands.

5.7 Impacts to Crop Production and Irrigation

Mechanical irrigation, automated farming methods, and farming equipment with large spans (up to 100 feet) are all affected by overhead conductors and support structures. Acreages are taken out of production around the base of support structures, and the support structures are in the way of all equipment. Production costs increase as farmers need to divert their equipment around structures, make additional passes, take additional time to maneuver, skip acres, or re-treat acres. Micrositing the transmission line will avoid crossing most agricultural fields. If crossing a field is necessary, structures will be placed on the outside edges of the field or parallel to the rows and will avoid diagonal field crossings. It should be noted that in areas of dense agricultural activity, such as Morrow County, the opportunity for micrositing is reduced because center-pivot irrigation circles are close to each other. In some cases, the diamond-shaped areas between pivot circles are being used by landowners to produce specialty crops. Recent (January 2015) actions by the FSA make it possible for farm operators to enroll these unirrigated corners of center-pivot crop fields in the CRP.

In currently cultivated farmland, existing crops could be damaged by transmission line construction requiring entry to fields during the active growing season. Irrigation schedules could be impacted by interruptions in power or the need to shut off the irrigation for safety purposes even if there are no direct damages to crops. Proper coordination between IPC and farm operators can help to segregate and protect topsoil and reduce potential impacts associated with ingress and egress to the ROW, damage to irrigation systems, and compaction.

Center pivots operate most efficiently when they complete the entire circle and continue in the same direction on a permanent basis. Imbalanced application of irrigation could affect crop production. Extraordinary effort was put into routing the location of the transmission line to avoid irrigated areas. Micrositing will be used to the maximum extent possible to minimize the interference of transmission structures on irrigation systems.

A tower located near the outer perimeter of a center pivot could result in the pivot being shortened and thereby reducing the total acres covered by the pivot for its entire circumference. A 100-foot reduction in the length of a quarter-section pivot will reduce the area covered by 18 acres. A common solution to deal with an immovable obstacle like a transmission tower is to use a corner machine so the last section of the pivot folds back to avoid the structure. Wheel-line irrigation systems cannot be adjusted if a structure is placed in its path. If a tower is placed in its path, the line must be partially disassembled, moved around the tower, then reassembled for continued operation, resulting in permanent inconvenience and increased labor costs.

There is an additional loss of production when structures are set close to the edge of a field such that farm equipment cannot fit between the structure and the edge of the field. It is difficult to achieve uniformity of application of pesticides and fertilizer around towers when using ground application around towers. After a ground application is made around a tower, it is difficult on the next pass for the operator to determine where the outer edge of the spray application was made and align the sprayer to avoid overlapping; consequently, double spraying is likely to occur. Depending on the product, this could result in crop damage. A transmission line crossing a field at an odd angle will also make it more difficult to maintain a uniform application. When

crossing a cultivated field is necessary, effects can be minimized in some cases by placing structures parallel to the rows, avoiding diagonal field crossings, and placing structures on edges of fields.

Approximately 104 of a total of 993 parcels within the site boundary are irrigated using a variety of methods. The remaining 889 parcels are currently non-irrigated.

Twenty-six of the proposed 1,461 towers are sited within the irrigated portion of an agricultural field. The most common irrigation method within these fields is the center-pivot style (Figure 5-1). Some towers are likely to interfere with current irrigation practices and will likely result in a reduction in overall crop yield. Proposed tower locations are only preliminary, and IPC will work with landowners to locate towers in areas that have the least impact to agricultural operations where feasible.

Placing a transmission tower in a location that obstructs the range of irrigation equipment can have a greater impact to a crop than just the footprint of the tower itself. Towers placed within a field using center-pivot–style irrigation require the irrigation line to stop and reverse direction when it reaches the tower. This irrigation practice results in a pie-shaped wedge of the field not receiving water and being effectively removed from production (Figure 5-2). Installing reversers on the center pivot incurs an additional cost. Some center-pivot–style systems have booms or sprinklers that are elevated greater than 15 feet above the ground surface. Systems in excess of 15 feet above the ground surface will not be allowed to operate under the transmission lines.

Figure 5-1. Example of a Center-Pivot–Style Irrigation System in Morrow County

Figure 5-2. Aerial Photograph Showing Reduced Farmable Acreage within a Center-Pivot–Irrigated Parcel Resulting from the Placement of a Transmission Line Tower (approximately 2 acres of this 40-acre field are lost to production because of the presence of a transmission line tower)

Side-roll or wheel-line irrigation (Figure 5-3) impacts are similar to those of center-pivot–style systems. Although more common in western Oregon, some eastern Oregon farmers use this method as well. Placement of a tower in the middle of a side-roll–irrigated field will isolate the irrigation equipment on one side of the field leaving the remainder un-irrigated. The farmer would be required to either install an additional set of irrigation equipment lines, dismantle and re-assemble the lines more frequently, switch the crop being grown to a type not requiring irrigation, or alter the method of irrigation. Placing transmission towers along the edge of a field would allow for irrigation equipment to travel the full length of the field, but its extent would likely need to be shortened, reducing the coverage of the irrigation water and overall crop yield.

Most irrigated parcels have underground water mainlines that deliver the water to the sprinklers. Placement of a transmission line over or adjacent to these mainlines may cause damage to the lines or make accessing the buried lines for maintenance difficult.

Figure 5-3. Example of Wheel-Line–Style Irrigation Equipment

Occasionally, induced voltage from the lines to nearby metal objects occurs and can deliver a small shock to humans or livestock if the object is not grounded. Cathodic protection on buried or above-ground irrigation supply or delivery lines may be required. Water can also conduct electricity; therefore, a continuous stream of water should never be sprayed onto a line or tower.

Irrigation equipment (including center pivots) will be allowed to operate under the lines as long as no portion of the equipment is greater than 15 feet tall and the equipment is properly grounded. Water cannot be directed at the line or the towers. For safety reasons, maintenance on the irrigation equipment will not be allowed directly beneath the lines.

5.7.1 Farming Around Tower Structures

The amount of agricultural land acquired for the transmission line ROW is greater than the amount of farmable land lost to agricultural production. A large proportion of the ROW may remain available for normal cultivation; however, a portion of agricultural land may become unproductive because of the difficulty of moving farm machinery around structures. The amount of crop acreage lost to cultivation within the Proposed Corridor varies based on several factors, as follows:

- Type of tower structures used
- Crop type and the type of equipment and machinery used
- Location of the tower structures and access roads within a given field
- Orientation of the transmission lines in relation to the crop

Based on conversations with landowners who currently have transmission line towers in their fields, it appears that some tower locations within a field can create a loss in farmable acreage greater than the actual footprint of the tower itself. Towers located in a field headland (the area at the edge of a field required to turn the tractors and farm equipment around) hinder the maneuverability of the equipment and can expand the headland by up to four times the normal size. Towers located on steep slopes may also result in a larger un-farmable area around the base of the tower if equipment is only able to approach from one angle (Figure 5-4). Farming around towers generally results in increased time and effort. This increases the cost to the farmer and lowers his profit. Farms operating equipment over 15 feet will lose farmable acreage under the lines unless they can convert their operation and use smaller equipment.

There has been some concern about transmission lines interfering with GPS equipment used on tractors and equipment. There is no evidence to suggest that transmission lines interfere with GPS satellite signals.

Figure 5-4. Photograph Showing a Harvested Wheat Field with existing Transmission Line Structures Present within the Field. Towers located on hillsides may result in less farmable acreage compared to placement on flat ground because of reduced equipment maneuverability.

5.8 Impacts to Livestock Operations

Impacts to livestock from the transmission lines will primarily result from reduced access to certain fields during construction. Ranchers may be required to move livestock to allow construction crews to access their property, which may result in the need to provide supplemental feed or additional pasture space for the animals. There will be additional costs to the rancher associated with moving cattle and having to provide supplemental feed. Temporary fences may be installed during construction for the protection of livestock and Project workers. Once construction is complete, cattle will be able to use pastureland occupied by transmission towers; however, a small amount of grazable land will be lost directly within the tower footprint.

Livestock may or may not need to be moved from the ROW for construction crews to perform regular maintenance.

The construction of the transmission line could affect livestock grazing. Temporary loss of forage areas and disruption to grazing activities may occur during construction. Depending on access control, additional access could result in the harassment of livestock or allow livestock to access areas they may not have had access to previously (for example, if an access road crosses a ravine that livestock had previously been unable to cross or if a fence is cut or a gate left open). Transmission line construction is linear in nature, with intervals of activity and intervals of little or no activity. IPC will require construction contractors to maintain all fences and gates to allow normal activities to occur as much as possible. Nevertheless, during intense construction periods, some areas will be off limits to livestock or ranchers.

During operations and maintenance, pasture and rangelands will be removed from grazing when they are occupied by support structures, substations, communication stations, or access roads. Other operations and maintenance activities will not affect livestock grazing.

Impacts similar to those discussed for cattle are likely to occur for sheep, bison, and horse operations. Prior to any construction, IPC, together with the landowner, the landowner's designee, and/or tenant, will need to schedule and coordinate activities to minimize impacts to livestock during and following construction.

5.9 Impacts to Pasture/Rangeland

Pasture is used to provide feed for livestock during the growing season. Some pastures are used all year, but in some areas, soils become excessively wet or snow covered in the winter. Pasture plants consist of natural grasses, seeded grass, or grass and clover combinations that are adapted to grazing and provide nutritious livestock forage. In eastern Oregon, some pastureland is intensively managed, but in other areas, livestock are allowed to range freely across large tracts of open grass land. New pastures are allowed to fully establish and develop a vigorous root system before being grazed.

In a well-managed pasture system, livestock are permitted to graze pasture plants down to a certain height and are then moved to another pasture. Livestock are rotated between pastures, allowing the plants in each pasture to recover before the next grazing period. A well-managed pasture can be productive for decades.

Weeds are controlled with herbicides or by hand removal. Some pastures are irrigated to increase forage production. Fertilizer is generally applied in the fall or spring to increase forage production. Pastures are routinely harrowed to break up manure piles and to smooth out mole and gopher mounds.

Temporary and permanent impacts to pastureland will be similar to those discussed above for livestock.

5.10 Impacts to Fencing

Constructing fences within the ROW is generally discouraged because of safety concerns and access issues for maintenance crews. Generally, it is preferred that fences be located at least 50 feet away from tower structures. Barbed wire and woven wire fences insulated from ground on wooden posts have the potential to assume an induced voltage when located near power lines. The fences may require grounding at each end and every 200 feet or more with a metal post. Electric fences may require a filter that is installed to remove voltages induced by the power lines. IPC will assist landowners in determining the best ways to safely ground permanent and/or temporary fences if problems arise.

5.11 Impacts to Organic Farming

Organic farms occurs within the Agricultural Assessment Area. Practices employed by organic farms are similar to conventional farming and livestock husbandry but typically do not use pesticides, herbicides, fertilizers (non-organic), or other chemicals in their operations unless they are properly certified for use. Organic operations generally cost more to operate on a per-unit-yield basis, and the products usually command higher market prices. These operations can be especially sensitive to impacts from construction activities such as introduction of noxious weeds from road building, dust from construction equipment, and soil compaction. A specialized Organic Systems Plan will be developed between IPC and each organic farm landowner to identify site-specific construction practices that will minimize the potential for decertification as a result of construction activities. Possible practices may include equipment cleaning, planting a deep-rooted cover crop in lieu of mechanical decompaction, applying composted manure or rock phosphate, preventing the introduction of disease vectors from tobacco use, restoring and replacing beneficial bird and insect habitat, maintaining organic buffer zones, and using organic seeds for any cover crop.

5.12 Impacts to Agricultural Workers

Agricultural workers performing duties and operating equipment near and under transmission lines are at risk of electrical shock. IPC is committed to educating landowners (which may include landowners' employees and/or tenants) about these risks and safe working practices. Some farm employees must also adhere to certain U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) rules while working around transmission lines.

5.13 Impacts from Helicopter Operations Related to Transmission Line Construction

Transmission line construction involves ROW access, staging and laydown areas, grading areas, tower/pole installation, and conductor installation. Any of these activities may involve the use of helicopters which may be staged out of multi-use areas or light-duty fly yards. Specific Project construction activities potentially involving the use of helicopters may include: delivery of construction laborers, equipment, and materials to structure sites; structure placement; hardware installation; and wire stringing operations. The use of helicopter construction methods will not change the length of access road required for the Project because vehicle access is required for each tower site regardless of the construction method used.

Helicopter operations have the potential to affect adjacent agricultural and livestock operations through:

- Blow down of tall crops, such as corn, from rotor wash.
- Spread of weed seeds and/or insect pests to other fields. This potential impact is of particular importance if helicopters are to be used in close proximity to organic farming operations.
- Noise impacts from helicopters on livestock.
- Temporary reduction in the area of pasture/range available to livestock during line construction.

Estimated acreage of agricultural lands surrounding multi-use areas and light-duty fly yards is presented in Table 5-9.

Table 5-9. Estimated Agricultural Acreage and Associated Crops near Helicopter Operations

Helipad Location	Acres of Agricultural Lands within 500 feet of Helipad	Crops Grown on Relevant Agricultural Lands
LDFY BA-01	0.0	
LDFY MA-01	0.0	
LDFY MA-02	0.0	
LDFY UM-01	0.0	
MU BA-01	0.0	
MU BA-02	0.0	Unknown Crop
MU BA-03	4.5	
MU BA-04	0.0	Alfalfa hay
MU BA-05	3.3	
MU BA-06	0.0	Marijuana
MU MA-01	3.0	
MU MA-02	0.0	
MU MA-03	0.0	
MU MA-04	0.0	
MU MA-05	0.0	
MU MA-06	0.0	
MU MA-07	0.0	Alfalfa hay
MU MA-08	7.1	Alfalfa hay
MU MA-09	16.6	
MU MO-01	0.0	Corn; Onions
MU MO-02	21.9	Wheat
MU MO-03	18.2	Alfalfa hay; Wheat
MU MO-04	11.4	
MU MO-05	0.0	
MU OW-01	0.0	
MU OW-02	0.0	
MU OW-03	0.0	
MU OW-04	0.0	
MU OW-05	0.0	Alfalfa hay; Unknown Crop
MU UM-01	4.6	Corn (for grain)
MU UM-02	9.0	
MU UM-03	0.0	
MU UM-04	0.0	Unknown Crop; Wheat
MU UM-05	12.6	Alfalfa hay
MU UM-06	4.3	
MU UM-07	0.0	Unknown Crop
MU UN-02	256.6	
MU UN-03	0.0	Alfalfa hay; Potatoes; Unknown Crop
MU UN-04	23.7	Alfalfa hay; Unknown Crop

5.14 Impacts to Future Development, Crops, and Practices

Agriculture in Oregon is subject to rapidly changing market conditions as well as to changes in crop rotation cycles. Agricultural practices also change alongside changes in crop type and

available technology. Agricultural land currently used for one purpose may be converted to crop land or pastureland in the future depending on its associated costs and benefits. Farm practices or equipment may also change in the future. Land that is currently used as pastureland/rangeland or dryland wheat could be converted to higher value crops if irrigation water and infrastructure become available. IPC will work with landowners during the siting process to identify potential impacts that may arise in the future.

6.0 ECONOMIC IMPACTS TO AGRICULTURAL OPERATIONS

6.1 Production Values

If the crop or pastureland/rangeland is rented or leased by the landowner to a tenant, the value of the land to the landowner is different than the value of the crop or the value to the tenant. Actual net income derived from crops and livestock is often much less than the market value of the crop produced as a result of production costs, many of which vary from year to year.

6.2 Crop Production Values

Some crops, such as vegetables, require intensive management and incur high production costs. Conversely some crops, such as hay, require less maintenance and management between crop establishment and harvest.

Annual variation in crop yield contributes to variations in crop value and net income generated by the crops. Crop yields can vary based on factors such as geographic location, climatic conditions, soil type and quality, soil moisture, elevation, topography, seed variety, disease and pest outbreaks, noxious weed infestations, and other factors. Annual yields and prices can vary greatly between years. Crop yields, prices, and values in the Proposed Corridor would be expected to be different at the time of implementation than the crop selection and market conditions researched in 2012 and visually surveyed in 2016.

6.3 Pastureland/Rangeland Production Values

Much of the pastureland/rangeland within the Proposed Corridor and alternate corridor segments is rented or leased to neighboring ranchers for cattle or sheep grazing. Pastureland/rangeland rental rates can be calculated on a per-acre, a cow-calf, per-head, or per–animal unit month (AUM) basis. An AUM is the amount of forage needed to sustain one cow and calf, one horse, or five sheep or goats for 1 month. The most common methods for determining pasture rental rates are on a per-acre or AUM basis. On a per-acre basis, the livestock producer pays the landowner either a monthly or annual fee based on the number of acres used for grazing. On an AUM basis, the producer pays the landowner based on the number of AUMs used. Rental rates vary widely based on factors such as forage quality, location and proximity to roads, the availability of stock water, pasture size, lease term (long- or short-term), and other factors.

For livestock production, factors such as annual climatic conditions can have severe implications on the forage production and stocking rate of a parcel of pastureland/rangeland, influencing the amount and quality of livestock that can be produced. Prices for livestock fluctuate similarly to prices of crops discussed above, but they can also vary greatly based on the quality of the livestock produced.

6.4 Crop Production Costs

Production expenses include both operating and fixed costs. Operating costs include those incurred in the production process during the course of the crop year and include tillage, planting, irrigating, spraying, fertilizing, and harvesting. Fixed costs are those that are incurred regardless of production. They include insurance, a charge for machinery and equipment depreciation, interest, and housing, plus a charge for land.

Costs to the landowners in this Project will include both one-time costs that will occur during the construction period and annual costs that will continue indefinitely after the construction is completed. The one-time costs will vary within each crop depending on when construction commences within the crop production cycle and how many operating costs have been incurred up to that point. The total cost to the landowner will depend on the month construction commences and the value of the crop being grown.

Annual costs will continue indefinitely after construction is completed because of the possible placement of towers within the field. Additional costs will result from both the lack of crops in the tower footprint and the extra cost of traversing around the tower for specific field operations.

Dryland pasture yields and available replacement forage vary greatly depending on location, soil types, and varying precipitation from year to year. If no replacement pastures are available, the only alternative for feed substitutes is to purchase replacement hay for the land removed from production by the power line area. This would be for a 2-year period: one for construction and one for pasture re-establishment.

Weed control around towers would likely require two applications per year separate from weed-control measures undertaken during the regular field operations.

Land other than that located in the tower footprint may be removed from production with the installation of a power line. Examples would be roadways or land that may be unreachable by the irrigation system because of tower interference. Added per-acre annual costs would include fixed costs, lost profit, and a charge for weed-control measures.

Planting and harvesting certain row crops such as potatoes, onions, and corn around towers can be difficult because of the large equipment size and, if necessary, the need to lift the equipment out of the ground after stopping at the tower. It may require up to 40 feet on both ends to allow for ample maneuvering and 10 feet for each side to allow for safe traversing of the equipment around the tower. This will result in a tower footprint for row crops of 0.193 acre in the middle of the field and 0.165 acre on the field edge. The width of planting machinery can make it difficult to get close to the side of the tower. Spraying and fertilizing equipment can more easily traverse around a tower base without stopping just as with the other crops.

The crop loss from edge structures is less than crop loss from structures placed in the middle of the field because irrigation lines cannot encircle the tower and equipment must maneuver around the structure. Compaction caused by the additional maneuvering plus the overlap of the fertilizer and chemicals could result in a reduction of crop yield.

6.4.1 Intangible Impacts

Many scenarios could occur that would affect crop production in agricultural fields transected by a transmission line. Determining actual damages depends on the nature and frequency of the occurrence. Destructive plant diseases or insect outbreaks may require aerial applications on a regular basis. The placement of a tower in a field will affect future aerial applications necessary to combat various production problems. Ground spraying could be considered in lieu of aerial

spraying if field conditions allow. Tillage such as disking in specific isolated areas in the field of an infected crop may be considered in some extreme situations. These types of occurrences would vary within the Project area and would have to be handled on an individual basis.

It should be noted that costs and returns are constantly changing and their future levels cannot be accurately predicted. Consequently, any future economic considerations that refer to the economic data in this report should be adjusted to reflect changes in conditions.

In assessing the economic impact on a specific property, the components included are as follows:

- One-time costs per disturbed/impacted acre to include roadways and the actual construction area
- Annual costs including the fixed costs, lost profit, and weed control in the tower footprint area plus the duplication of operations for the extra costs of farming around the tower or towers
- Annual per-acre costs for land taken out of production other than that in the tower footprint area, including roadways and land unable to be irrigated because of field obstructions
- Costs associated with the disruption of CRP programs where applicable
- The costs of reorganizing irrigation systems, including the added investment increased labor requirements

6.4.2 Hybrid Poplars

Farms producing hybrid poplars occur in the Agricultural Assessment Area and are being considered separately in this plan. If a planting is interrupted by a powerline, there would be no opportunity for replanting the impacted area, which would result in permanent lost production. It takes 10 years after planting for hybrid poplars to reach harvestable size with no income derived during that period.

Additional costs include fixed and variable costs required to produce a marketable crop. If crop removal is undertaken, there would be an indefinite period of no production whereby the landowner would incur annual costs. These would be fixed and would include water assessment fees, land charges, weed control, lost opportunity for profit, a management fee, and general overhead costs.

The approximately 25,000-acre hybrid poplar tree farm in Morrow County was sold in early 2016 and will gradually transition to dairy and more traditional irrigated agricultural crops.

7.0 EFFORTS TO MINIMIZE IMPACTS TO AGRICULTURAL LANDS

IPC estimates that most agricultural impacts will be temporary; however, impacts to certain portions of agricultural lands will be permanent. Where possible, a perpetual easement and associated temporary workspace will be purchased on private lands by means of a negotiated settlement, and payment will be based on a certified appraisal. Land used during construction of the transmission line will be restored, as nearly as possible, to former productivity. Crop reestablishment, where permissible, and crop production are expected to resume following construction. Agricultural structures such as drainage systems, irrigation systems, and fences will be repaired, or landowners will be compensated to make repairs. Damage to cropland and pasturelands/rangelands due to construction of the transmission line will be assessed, and compensation will be paid at fair market rates.

Specific construction practices will be implemented to mitigate construction impacts on soil productivity. A post-construction monitoring plan will identify remaining soil and agricultural impacts associated with construction that require additional mitigation. IPC will implement follow-up mitigation as necessary. These actions are outlined in Section 7.3. Prior to any construction, IPC, together with the landowner and/or the landowner's designee (which may include employees, tenants, or other representatives), will strive to schedule activities to minimize impacts and identify reasonable measures to restore agricultural land to its original productivity.

7.1 Purpose of Agricultural Mitigation Plan

This Agricultural Impact Mitigation Plan identifies measures that IPC will take to avoid, mitigate, repair, and/or provide compensation for impacts that may result from the construction or operation of the Project on privately owned agricultural land. The construction standards and policies in this plan apply only to construction and operations activities occurring on privately owned agricultural land.

Activities occurring entirely on public ROWs, railroad ROWs, publicly owned land, or private land that is not agricultural land may be subject to other standards and policies. IPC will, however, adhere to the same construction standards relating to the repair of agricultural drainage tile when tiles are encountered on public highway ROWs, railroad ROWs, or publicly or privately owned land.

Section 13.0 applies only to Organic Agricultural Land as described in the NOP Rules, 7 Code of Federal Regulations (CFR) Parts 205.100, 205.101 and 205.202.

7.2 General Provisions

- IPC will approach the landowner to engage in discussions regarding mitigation measures and compensation for impacts on privately-owned agricultural land. If the landowner has tenants, lessees, employees, agents, or others with whom IPC may or should engage in such discussions, it is the landowner's responsibility to inform IPC. In such cases, the landowner must provide appropriate consent, authorization(s), and/or release(s) before IPC will formally engage in discussions with non-owners (i.e., agents, employees, lessees, tenants, etc.) serving as a landowner's designee.
- Upon request, IPC will provide a copy of this mitigation plan to any landowner or landowner's designee prior to obtaining a ROW.
- The mitigation actions are subject to change by landowner or landowner's designee, when changes are negotiated with and acceptable to IPC.
- Unless otherwise specified, IPC will retain qualified contractors to execute mitigation actions. However, IPC may be willing to negotiate mitigation actions to be performed by the landowner or landowner's designee or others.
- Mitigation actions employed by IPC pursuant to this mitigation plan, unless otherwise specified in this mitigation plan or other agreement negotiated with an individual landowner, will be implemented within 45 days following completion of final cleanup on an affected property, or as conditions allow. Temporary repairs will be made by IPC during construction or operation as needed to minimize the risk of additional property damage or interference with access to or use of the property that may result from an extended time period needed to implement mitigation actions.
- IPC will implement the mitigation actions contained in this mitigation plan as required by all applicable permit conditions for the Project. This mitigation plan shall impose

requirements upon IPC only to the extent that such requirements are imposed as conditions of the Energy Facility Siting Council Site Certificate.

- IPC will implement the mitigation actions contained in this mitigation plan to the extent that they:
  - do not conflict with the requirements of any applicable federal, state, or local rules or regulations,
  - do not conflict with the requirements of other permits and approvals that are obtained by IPC for the Project, and
  - are not determined to be unenforceable by reason of other requirements of federal, state, or local permits or authorizations issued for the Project. To the extent a mitigation action required by this agreement is determined to be unenforceable in the future due to requirements of other federal, state, or local permits or authorizations issued for the Project, IPC will inform the landowner and will work to develop a reasonable alternative mitigation action.
- Prior to construction, IPC will provide each landowner and landowner's designee with a telephone number and address that can be used to contact IPC regarding the agricultural impact mitigation work that is performed on the landowner's property. IPC will respond to Project inquiries and correspondence within a reasonable time.
- IPC will use good-faith efforts to obtain a written acknowledgement from each landowner or landowner's designee upon the completion of Final Cleanup on landowner's respective properties.
- IPC will communicate with landowners and designees regarding safe practices while working around transmission lines.
- Nothing in this document is intended to grant or suggest State jurisdiction over remedies for property compensation resolved in accordance with law.

7.3 Mitigation Actions

IPC's negotiations for an easement are exclusively with the landowner and/or landowner's designee. IPC will require landowner consent regarding the use of the ROW. To the maximum extent practical, IPC will reasonably restore the land to its former condition or compensate each landowner, as appropriate, for damages and/or impacts to agricultural operations caused as a result of Project construction, and as outlined in this plan. The decision to restore land or provide compensation will be made by IPC after discussion with the landowner and/or landowner's designee. The following mitigation actions apply to private agricultural land where applicable, unless otherwise mutually agreed upon by IPC and the landowner.

7.3.1 Tower Placement

During Project design, IPC's engineering, ROWs, and permitting staff will work with landowners to address tower placement, where feasible. Sensitive areas such as those with the potential to interrupt irrigation equipment and other areas identified by landowners will be avoided, where feasible. When the preliminary design is complete, the land rights agents will review the staked tower locations with landowners. In general, towers will be located along field boundaries. Placement in field headlands or in the middle of fields will be avoided to the maximum extent possible.

7.3.2 Construction Scheduling

IPC will contact landowners as soon as possible once construction time frames have been developed. IPC will consult with landowners when planning the construction schedule to

minimize impacts on soils, crops, harvesting, and other activities. Landowners might prefer to slightly alter cropping practices to decrease the potential for soil damage if they know in advance that construction crews would be working on their land.

7.3.3 Helicopter Operations

Impacts from helicopter operations will be minimized or avoided by:

A. Siting multi-use areas and light-duty fly yards in areas free from tall agricultural crops and livestock.
B. Coordinating with landowners to avoid conflicts with crops and livestock.
C. Avoiding take-offs/landings in close proximity to organic agriculture operations to reduce the potential for transfer of weed seeds and/or insect pests.
D. Avoiding flying in certain areas where tall crops are susceptible to blow down from rotor wash.

7.3.4 Damaged and Adversely Affected Drainage Tile

IPC will contact affected landowners and designees for their knowledge of tile locations prior to construction. IPC will make every attempt to probe for tile if the landowner does not know whether tile is located near a proposed tower location. Tile that is damaged, cut, or removed as a result of this probe will be repaired. The repair will be reported to the inspector. If tile is damaged by construction activities, it will be repaired in a manner that restores the tile's operating condition. If tiles on or adjacent to transmission line construction areas are adversely affected by construction, IPC will restore the function of the tiles, including the relocation, reconfiguration, and replacement of existing tiles. Landowners may negotiate to make repairs in fair settlement with IPC. In the event the landowner chooses to take on this responsibility, IPC will not be responsible for correcting tile repairs after completion of the Project. Where damaged tiles are repaired by IPC, the following standards and policies will apply:

A. On excessively wet soils, IPC will restrict the operation of vehicles and heavy equipment or will take appropriate action where deep rutting might damage drain tiles. Damaged tiles will be repaired with materials of the same or better quality as those that were damaged. If water is flowing through a damaged tile, temporary repairs will be promptly installed and maintained until permanent repairs can be made.
B. Before completing permanent tile repairs, tiles will be examined within the work area to check for damage by construction equipment. If tiles are found to be damaged, they will be repaired to pre-construction conditions.
C. Taking into account weather and soil conditions, IPC will make efforts to complete permanent tile repairs for which it is responsible within a reasonable time frame after Final Cleanup.
D. The tile repairs will be performed by a qualified contractor or by the landowner at the landowner's discretion.
E. IPC will be responsible for correcting and repairing tile breaks or other damages to tile systems that are discovered in the ROW, to the extent that such breaks are the result of Project construction. These damages are usually discovered after the first significant rain event. IPC will not be responsible for tile repairs IPC has paid the landowner or landowner's designee to perform.

7.3.5 Installation of Additional Tiles

IPC will be responsible for installing such additional tile and other drainage measures as are necessary to properly drain wet areas in the ROW caused by construction of the Project.

7.3.6 Construction Debris

Project-related construction debris and material will be removed from the landowner's property.

7.3.7 Compaction, Rutting, Fertilization, and Soil Restoration

A. Compaction will be alleviated on agricultural land traversed by construction equipment. Agricultural land that has been compacted will be restored to its original condition using appropriate tillage equipment, and will be performed during suitable weather conditions, as determined by the Agricultural Monitor.
B. IPC will restore rutted land as much as is practical to its pre-construction condition.
C. If there is a dispute between the landowner and IPC, the Agricultural Monitor's opinion will be considered by IPC.
D. Decompaction and soil fertility restoration will be performed by a qualified contractor using methods and equipment suitable for the site, as approved by the Agricultural Monitor.

7.3.8 Damaged Soil Conservation Practices

Soil conservation practices, such as terraces and grassed waterways that are damaged by the Project construction will be restored as nearly as possible to their pre-construction condition.

7.3.9 Weed Control

A. On permanent ROW areas where IPC has control of the surface use of the land such as towers, access roads, or substations, IPC will provide for weed control in a manner that does not allow the spread of weeds to adjacent lands used for agriculture. Herbicide application on such areas will be conducted by an applicator licensed by the State of Oregon, in a manner mutually agreed upon with the landowner or landowner's designee.
B. To prevent the introduction of weeds from other geographic regions, IPC will require contractors to thoroughly clean construction equipment with high-pressure washing prior to the initial move of those units to the Project construction site.
C. Construction equipment will also be cleaned periodically, especially when operating in areas with an abundance of noxious weeds, prior to moving equipment to the next construction location.
D. IPC will make reasonable efforts to obtain straw bales for erosion control and straw for mulch that are certified free of noxious and nuisance weed contamination.
E. When available, IPC will use Oregon-certified seed or equivalent for revegetation.
F. IPC will monitor the construction areas for infestations of noxious weeds and treat new infestations resulting from construction activities.

7.3.10 Irrigation Systems

A. If Project construction or temporary work areas intersect a spray irrigation system, IPC will establish with the landowner and/or landowner's designee an acceptable amount of time during which the irrigation system may be out of service.
B. For crops that are being irrigated during the construction period, the maximum time that application of irrigation water can be interrupted will be 24 hours, unless otherwise agreed upon with the landowner or landowner's designee.
C. If Project construction activities cause an interruption in irrigation which results in crop damages, appropriate compensation will be determined as described in this mitigation plan.
D. If it is feasible and mutually acceptable to IPC and the landowner, temporary measures will be implemented to allow an irrigation system to continue to operate across land on

which the transmission line is also being constructed. IPC will work with the landowner and/or landowner's designee to identify preferable construction timeframes.

E. To avoid damaging the pipes or creating difficult access to the irrigation lines for maintenance, IPC will work with landowners to identify the location of underground water lines to avoid siting the towers above or adjacent to buried lines.

F. If irrigation lines or access to those lines for maintenance are adversely affected by the construction of the Project, IPC will restore the function of the irrigation lines, including the relocation, reconfiguration, and replacement of existing lines. The affected landowner may negotiate to undertake the responsibility for repair, relocation, reconfiguration, or replacement of damaged lines in fair settlement with IPC. In the event the landowner chooses to take on this responsibility, IPC will not be responsible for correcting repairs after construction is complete.

7.3.11 Ingress and Egress Routes

A. IPC will seek a mutually acceptable agreement with the landowner on the proposed corridor that will be used for entering and leaving the construction area prior to initiation of construction.

B. Where access ramps or pads from a road or highway to the construction area are required in agricultural fields, an underlayment of durable geotextile matting will be placed over the soil surface prior to the installation of temporary rock access fill material. The geotextile matting will be sufficiently strong to prevent rock from becoming embedded in the soil and to withstand removal of the rock without tearing. Rock and geotextile matting will be completely removed upon completion of the Project, unless otherwise agreed upon by a mutually acceptable agreement with the landowner.

7.3.12 Temporary Roads

The location of temporary roads to be used for construction purposes are identified in Exhibit C, but will also require agreement with the landowner and/or landowner's designee.

A. Temporary roads will be designed to not impede proper drainage and will be built to mitigate soil erosion on or near the temporary roads.

B. IPC will attempt to identify existing farm lanes as preferred temporary access roads for construction.

C. Upon abandonment, temporary roads may be left intact through mutual agreement of the landowner and IPC.

D. If a temporary road is to be removed, the agricultural land upon which it is constructed will be returned to its previous use and restored as nearly as possible to the condition that existed prior to construction.

7.3.13 Topsoil Separation and Storage

Prior to construction, topsoil will be removed and stored separately at segregated locations within Project staging areas. Once construction is complete, topsoil will be replaced in the proper sequence and the disturbed area will be reclaimed, unless otherwise specified in an agreement with the landowner.

7.3.14 Excess Rock

Rock contained in any material brought to the construction area will be removed from agricultural land and used or disposed of within the Project Construction site, unless otherwise specified in an agreement with the landowner.

7.3.15 Construction in Wet Conditions

A. On excessively wet soils, IPC will restrict certain construction activities so that soil productivity is preserved or restored.

B. As feasible, IPC will schedule construction activities to avoid the months of greatest precipitation.

C. Damages that result from construction that occurs in wet conditions will be restored as determined by the Agricultural Monitor described in Section 7.0.

7.3.16 Dust Control

IPC will:

A. Control excessive dust generated during construction by controlling vehicle speed, by wetting the construction area, or by other means.

B. Coordinate with farm operators to provide adequate dust control in areas where specialty crops are susceptible to damage from dust.

7.3.17 Prevention of Soil Erosion

IPC will:

A. Implement erosion prevention and sediment control measures during construction in accordance with all applicable permit conditions.

B. Coordinate with the local Natural Resources Conservation Service soil conservation experts.

C. Following construction, cultivated agricultural land will generally be reseeded or replanted by the landowner. IPC will reseed and mulch non-cultivated agricultural land such as pastures and perennial grass hayfields in consultation with landowners, or will make arrangements with landowners who prefer to conduct the reseeding of these areas. IPC will reseed and mulch non-agricultural land in accordance with the Vegetation Management Plan found in Exhibit P1.

D. Follow best management practices set forth in approved stormwater and erosion control plans for the Project, which may include applying temporary mulch in the event of a seasonal shutdown, if construction or restoration activity is interrupted or delayed for an extended period, or if permanent seeding of non-cultivated areas is not completed during the recommended seeding period prior to the winter season. Temporary straw mulch may be applied to bare soil surfaces, including topsoil piles, at the rate of 4,000 pounds per acre. Interim seeding of a cover crop may be used in lieu of temporary mulching in some areas.

E. Work with the landowner or landowner's designee to prevent erosion on cultivated agricultural lands in instances where the area disturbed by construction cannot be planted before the first winter season.

F. Excess soil and rock will be disposed of at an approved upland site within the Project construction site. IPC and the landowner may negotiate placement of fill material on site (within the Project construction site) on a case-by-case basis.

7.3.18 Induced Voltage

A. Very rarely, barbed wire or other metal fences paralleling transmission lines may acquire induced voltage. Electric fences around livestock enclosures may also acquire an increase in voltage levels. Cathodic protection may be required to prevent excessive corrosion of irrigation distribution lines as a result of induced voltage.

B. IPC will assist landowners in determining the best ways to safely ground permanent or temporary fences if problems arise. IPC will compensate landowners for any additional materials needed to properly ground or protect fences or irrigation equipment from induced voltage, as provided in any applicable easement or access agreement between IPC and the landowner.

7.3.19 Livestock Operations

A. IPC will work with the landowner or landowner's designee to coordinate and schedule construction activities to minimize impacts to livestock operations. IPC will also construct temporary fences and gates during construction, as necessary. The Agricultural Monitor will ensure that construction activities follow guidelines established with the landowner and/or landowner's designee to protect livestock and livestock operations.

B. Any fences, gates, cattle guards, or corrals damaged by construction will be repaired or replaced. The affected landowner may negotiate to undertake the responsibility for repair, relocation, reconfiguration, or replacement of damaged fences, or other livestock-related infrastructure in fair settlement with IPC. In the event the landowner chooses to take on the responsibility for repair, relocation, reconfiguration, or replacement of damaged infrastructure, IPC will not be responsible for correcting the repairs after completion of the Project.

C. In the event livestock must be relocated temporarily, or supplemental feed is necessary, IPC will reimburse the reasonable cost incurred for the transport of livestock, acquisition of temporary pastureland and/or additional supplemental feed during construction and restoration activities.

8.0 PROCEDURES FOR DETERMINING CONSTRUCTION-RELATED DAMAGES AND PROVIDING COMPENSATION

A. IPC will establish a procedure for processing claims for construction-related damages. The procedure will standardize and minimize concerns in the recovery of damages and provide a degree of certainty and predictability for landowners, others, and IPC.

B. Prior to construction, IPC together with the landowner or the landowner's designee will examine each affected property to inventory crops, livestock, fences, irrigation systems, drain tiles, roads, etc.

C. Negotiations between IPC and any affected landowner and/or landowner's designee will be voluntary and no party is obligated to follow any particular method for computing the amount of loss for which compensation is sought or paid. Landowner or landowner's designee may elect to settle damages with IPC in advance of construction on a mutually acceptable basis or settle after construction based on a mutually agreeable determination of actual damages.

D. If construction- or operation-related damages occur or are expected to occur, IPC and the landowner or landowner's designee may agree to monetary or other compensation in lieu of implementing the mitigation actions set forth in Section 4.0 above.

9.0 ADVANCE NOTICE OF ACCESS TO PRIVATE PROPERTY

Once an agreement has been reached between IPC and the landowner and scheduling of construction activities has been discussed, IPC will provide the landowner or landowner's designee advance notice before beginning construction on the property. Prior notice will consist

of a personal contact, email, letter, or a telephone contact informing the landowner or landowner's designee of IPC's intent to access the land.

A. Where feasible, IPC will coordinate its activities to provide access for farm equipment and livestock to fields otherwise isolated by construction activities.
B. IPC will construct temporary fences and gates across the construction area, as necessary.

10.0 AGRICULTURAL SPECIALISTS

IPC will retain qualified agricultural specialists on each work phase including construction planning, construction, restoration, post-construction monitoring, and follow-up restoration. During construction and initial restoration, IPC will designate an inspector to serve as an Agricultural Monitor. The Agricultural Monitor will provide technical assistance to construction managers, other inspectors, and construction inspectors to facilitate the effective implementation of agricultural mitigation measures.

10.1 Qualifications and Selection of Agricultural Monitor

The Agricultural Monitor will have a bachelor's degree in agronomy or soil science or equivalent work experience and/or practical experience with electric transmission line construction and restoration on agricultural land. The Agricultural Monitor will also have demonstrated practical experience in animal and range management.

10.2 Role of the Agricultural Monitor

IPC's Agricultural Monitor will:

A. Be a full-time member of the inspection team;
B. Be responsible for verifying compliance with provisions of this mitigation plan during construction;
C. Work collaboratively with other inspectors, ROW agents, and other Project personnel in achieving compliance with this mitigation plan;
D. Observe construction activities on agricultural land regularly;
E. Have the authority to stop construction activities that are determined to be out of compliance with provisions of this mitigation plan;
F. Document instances of noncompliance and work with construction personnel to identify and implement appropriate corrective actions as needed;
G. Provide construction personnel with training on provisions of this mitigation plan before construction begins; and
H. Provide construction personnel with field training on specific topics as needed.

11.0 IMPACTS TO CONSERVATION RESERVE PROGRAM LANDS

IPC will work with the local USDA/FSA with jurisdiction over the CRP lands that may be impacted. CRP programs on affected areas will require special attention. Costs may include rental payments plus interest, cost share payments plus interest, CRP-Signup Incentive Payment plus interest, Conservation Practice-Wetland Restoration (CP23), one time Wetland Restoration Incentive payment plus interest and liquidated damages and any penalties for early termination of contract, if applicable, according to paragraph 577 of USDA Handbook 2-CRP.

Generally, the placement of transmission line towers within CRP fields does not reduce the payments a landowner will receive due to loss of acreage within the tower footprint.

Temporary access roads will require a waiver from the FSA as long as the road is decommissioned and reseeded to FSA specifications. New permanent access roads that impact CRP land will require coordination with the FSA, and IPC will be required to refund money to the FSA at a rate specified in the CRP for the acreage impacted from the footprint of the new road. IPC will compensate the landowner for the lost payment resulting from the reduction of those acres enrolled in the CRP contract according to the procedures for determining construction-related damages and providing compensation stated above. Since the land removed from CRP will no longer be eligible for future enrollment in CRP or for the production of crops, these factors will be considered when developing appropriate compensation.

12.0 IMPACTS TO LANDOWNERS REGARDING LAND USE AND TAX ISSUES

Landowners may be enrolled in certain county, state, or federal programs that influence taxes or land use on their property. Land that is used exclusively for farm use, but is located outside of an Exclusive Farm Use (EFU) zone, can qualify for tax reductions through the *Farm Use Special Assessment* if it meets certain criteria and can demonstrate that a certain amount of gross income is generated through farm use. The amount of income required to qualify for the state program varies by acreage: parcels over 30 acres must demonstrate a minimum annual gross income of $3,000 from farming; parcels between 6.5 and 30 acres must demonstrate gross income of at least $100 per acre annually; and parcels less than 6.5 acres must demonstrate gross income of $650 annually. These income requirements must be met in 3 of the 5 previous years. At the time of enrollment, the land must be under current farm use and have been used for the 2 previous years exclusively for farm use. Land within an EFU zone can qualify for the Special Assessment, but the landowner must demonstrate that the land is currently used and was used during the previous year exclusively for farm use. If the Project affects a parcel of farmland receiving the *Special Assessment* to the degree that the farm could not meet the requirements of the program, the landowner's annual property taxes may increase and they may be responsible for paying back taxes if the land is used for something incompatible with farm use.

13.0 MITIGATION ACTIONS FOR ORGANIC AGRICULTURAL LAND

IPC recognizes that organic agricultural land is a unique feature of the landscape and will treat this land with the same level of care as other sensitive environmental features. The provisions of this section identify mitigation measures that apply specifically to farms that are Organic Certified or farms that are in active transition to become Organic Certified, and are intended to address the unique management and certification requirements of these operations. All protections provided in this mitigation plan will also be provided to organic agricultural land, in addition to the provisions of this section.

13.1 Organic System Plan

IPC recognizes the importance of the individualized Organic System Plans (OSPs) to the Organic Certification process. IPC will work with the landowner or landowner's designee and a mutually acceptable third-party organic consultant to identify site-specific construction practices that will minimize the potential for decertification as a result of construction activities. Possible practices may include, but are not limited to: equipment cleaning, planting a deep-rooted cover

crop in lieu of mechanical decompaction, applications of composted manure or rock phosphate, preventing the introduction of disease vectors from tobacco use, restoration and replacement of beneficial bird and insect habitat, maintenance of organic buffer zones, use of organic seeds for any cover crop, or similar measures. IPC recognizes that some OSPs may be proprietary in nature and will respect the need for confidentiality, as appropriate.

13.2 Prohibited Substances

IPC will avoid the application of prohibited substances onto organic agricultural land. No herbicides, pesticides, fertilizers, or seeds will be applied unless requested and approved by the landowner. Likewise, no refueling, fuel or lubricant storage, or routine equipment maintenance will be allowed on organic agricultural land. Equipment will be checked prior to entry to make sure that fuel, hydraulic, and lubrication systems are in good working order before working on organic agricultural land. If prohibited substances are used on land adjacent to organic agricultural land, these substances will be used in such a way as to prevent them from entering organic agricultural land.

13.3 Temporary Road Impacts

Topsoil and subsoil layers that are removed during construction on organic agricultural land for road construction will be stored separately and replaced in the proper sequence after construction. Unless otherwise specified in the site-specific plan described above, IPC will not use this soil for other purposes, including creating access ramps at road crossings. No topsoil or subsoil (other than incidental amounts) may be removed from organic agricultural land. Likewise, organic agricultural land will not be used for storage of soil from nonorganic agricultural land.

13.4 Erosion Control

On organic agricultural land, IPC will, to the extent feasible, implement erosion control methods that are consistent with the then-current, applicable version of the OSP during construction and restoration efforts. On land adjacent to organic agricultural land, IPC's erosion control procedures will be designed so that sediment from adjacent non-organic agricultural land will not flow along the ROW and be deposited on organic agricultural land.

13.5 Weed/Pest Control

On organic agricultural land, IPC will, to the extent feasible, implement weed and pest control methods during its construction and/or restoration efforts that are consistent with the then current, applicable version of the OSP. No prohibited substances will be used in weed or pest control on organic agricultural land. In addition, IPC will not use prohibited substances in weed or pest control on land adjacent to organic agricultural land in such a way as to allow these materials to drift onto organic agricultural land. An integrated pest management plan will be developed in accordance with current, applicable OSP and will establish appropriate methods for controlling pests within organic agricultural land during construction of the Project.

13.6 Monitoring

In addition to the responsibilities of the Agricultural Monitor described in the mitigation plan, the following will apply:

A. The Agricultural Monitor will monitor construction and restoration activities on organic agricultural land for compliance with the provisions of this section and will document any activities that may result in decertification.

B. Instances of noncompliance will be documented according to Independent Organic Inspectors Association protocol, consistent with the then-current, applicable OSP, and will be made available to the ODA, the landowner and/or landowner's designee, the Utility Inspector, and to IPC. The Agricultural Monitor is responsible for monitoring activities on organic agricultural land and will be trained in organic inspection by the Independent Organic Inspectors Association.

13.7 Compensation for Construction Damages

The settlement of damages will be based on crop yield and/or crop quality determination and the need for additional restoration measures. Unless the landowner of organic agricultural land or landowner's designee and IPC agree otherwise, a mutually agreed upon professional agronomist will make crop yield and quality determinations. If the crop yield or crop quality determinations indicate the need for soil testing, the testing will be conducted by a commercial laboratory that is properly certified to conduct the necessary tests and is mutually agreeable to IPC and the landowner or landowner's designee. Fieldwork for soil testing will be conducted by a professional Soil Scientist or licensed Professional Engineer. IPC will be responsible for sampling, testing, and additional restoration activities, if needed. Landowner and/or landowner's designee may elect to settle damages with IPC in advance of construction on a mutually acceptable basis, or to settle after construction based on a mutually agreeable determination of actual damages.

13.8 Compensation for Damages Due to Decertification

Should any portion of organic agricultural land be decertified as a result of construction activities, the settlement of damages will be based on the difference between revenue generated from the land affected before decertification and after decertification so long as a good-faith effort is made by the landowner, tenant, or other personnel to regain certification.

13.9 Definitions

In the event of a conflict between this section and the mitigation plan with respect to definitions, the definition provided in this section will prevail but only to the extent such conflicting terms are used in this section. The definition provided for the defined words used herein shall apply to all forms of the words.

Apply: To intentionally or inadvertently spread or distribute any substance onto the exposed surface of the soil.

Certifying Agent: As defined by the NOP Standards, 7 CFR Part 205.2.

Decertified or Decertification: Loss of Organic Certification.

Organic Agricultural Land: Farms or portions thereof described in 7 CFR Parts 205.100,24 205.202, and 205.101.

Organic Buffer Zone: As defined by the NOP Standards, 7 CFR Part 205.2.

Organic Certification or Organic Certified: As defined by the NOP Standards, 7 CFR Part 205.100 and 7 CFR Part 205.101.

Organic System Plan: As defined by the NOP Standards, 7 CFR Part 205.2.

Prohibited Substance: As defined by the NOP Standards, 7 CFR Part 205.600 through 7 CFR 205.605 using the criteria provided in 7 USC 6517 and 7 USC 6518.

14.0 CONCLUSIONS

The proposed Project Route crosses a total of 272.8 miles of irrigated and non-irrigated farmland in Oregon. This total consists of 4.5 miles of irrigated farmland and 277.3 miles of non-irrigated farmland. The Agricultural Assessment Area, which is larger than the Proposed Corridor for the Project, includes approximately 80,486 acres of agricultural land of which 2,421 acres are irrigated lands. Within the site boundary, agricultural lands subject to temporary impacts through construction disturbance are estimated to be 553 acres. Permanent impacts to agricultural lands related to Project operations are estimated to be approximately 771 acres. IPC estimates the potential temporary construction impact to all agricultural lands, including a 500-foot buffer around all temporary use areas outside of the site boundary, to be approximately 996 acres of irrigated land and 24,007 of non-irrigated land.

- Temporary impacts to field crops discussed in Section 5.3 will be mitigated by the measures described in Sections 7.3.2 and 7.3.6–7.3.16 of the impact mitigation section.
- Permanent impacts to field crops discussed in Section 5.4 will be mitigated by the measures presented in Sections 7.3.1–7.3.18.
- Impacts to use of aircraft for farming activities (Section 5.5) will be mitigated by the measures presented in Section 7.3.3.
- Impacts associated with field burning (Section 5.6) will be mitigated by the measures presented in Section 7.2.
- Impacts to crop production and irrigation discussed in Section 5.7 will be mitigated through the measures presented in Section 7.3.10.
- Impacts to farming activities around tower structures (Section 5.7.1) will be mitigated by the measures presented in Section 7.3.1.
- Impacts to livestock operations discussed in Section 5.8 will be mitigated through the measures presented in Section 7.3.19.
- Impacts to pastureland/rangeland are discussed in Section 5.9. Impacts to these lands will be mitigated through the actions presented in Sections 7.3.6, 7.3.8, 7.3.10, 7.3.11, and 7.3.16.
- Certain fences within the ROW will have to be re-located to reduce the potential for assumption of induced voltage from power lines. Measures to address these impacts are addressed in Sections 7.3.18 and 7.3.19.
- Although specific impacts to organic agricultural lands are not anticipated based on current Project routing, protections are discussed in Section 10.0 of this document.
- Impacts to agricultural workers and measures to mitigate those impacts are discussed in Section 5.12.
- Impacts to future development, crops, and practices and measures to mitigate those impacts are discussed in Section 5.14.
- Potential economic impacts to agricultural operations are discussed in Sections 6.1–6.4. Procedures for mitigating economic impacts are addressed in Section 8.0.

Based on the results of the agricultural survey and analysis of the potential impacts and efforts to minimize and mitigate for Project impacts, the Project will not cause 1) a substantial change

in accepted farming practices; or 2) a marked increase in the cost of accepted farm practices on either lands to be directly impacted by the Project or on surrounding lands devoted to farm use.

15.0 REFERENCES

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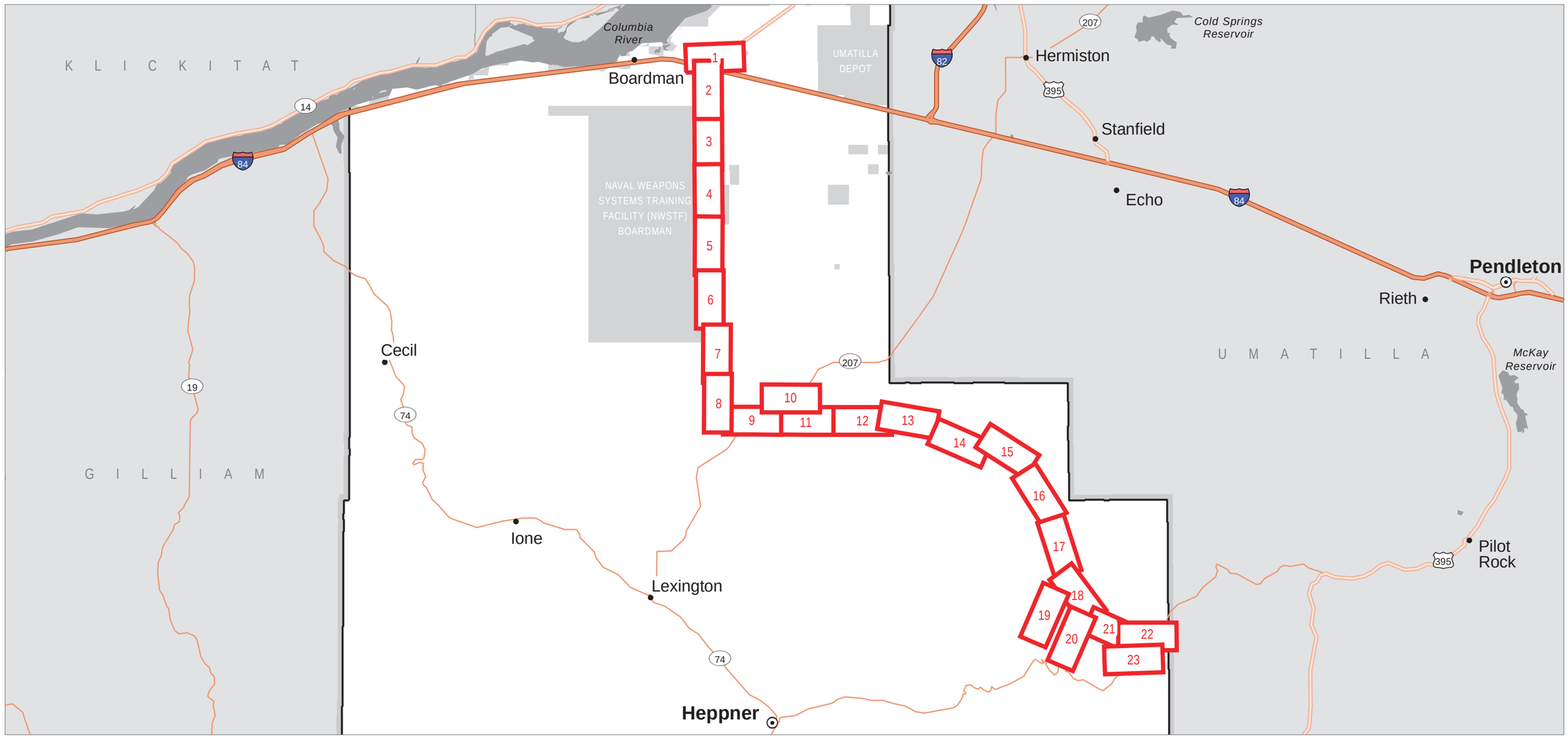
APPENDIX A
MAPS SHOWING AGRICULTURAL TYPES WITHIN THE ANALYSIS AREA



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Miles

Map Area

Source(s): BLM, IPC, Esri

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Map Index

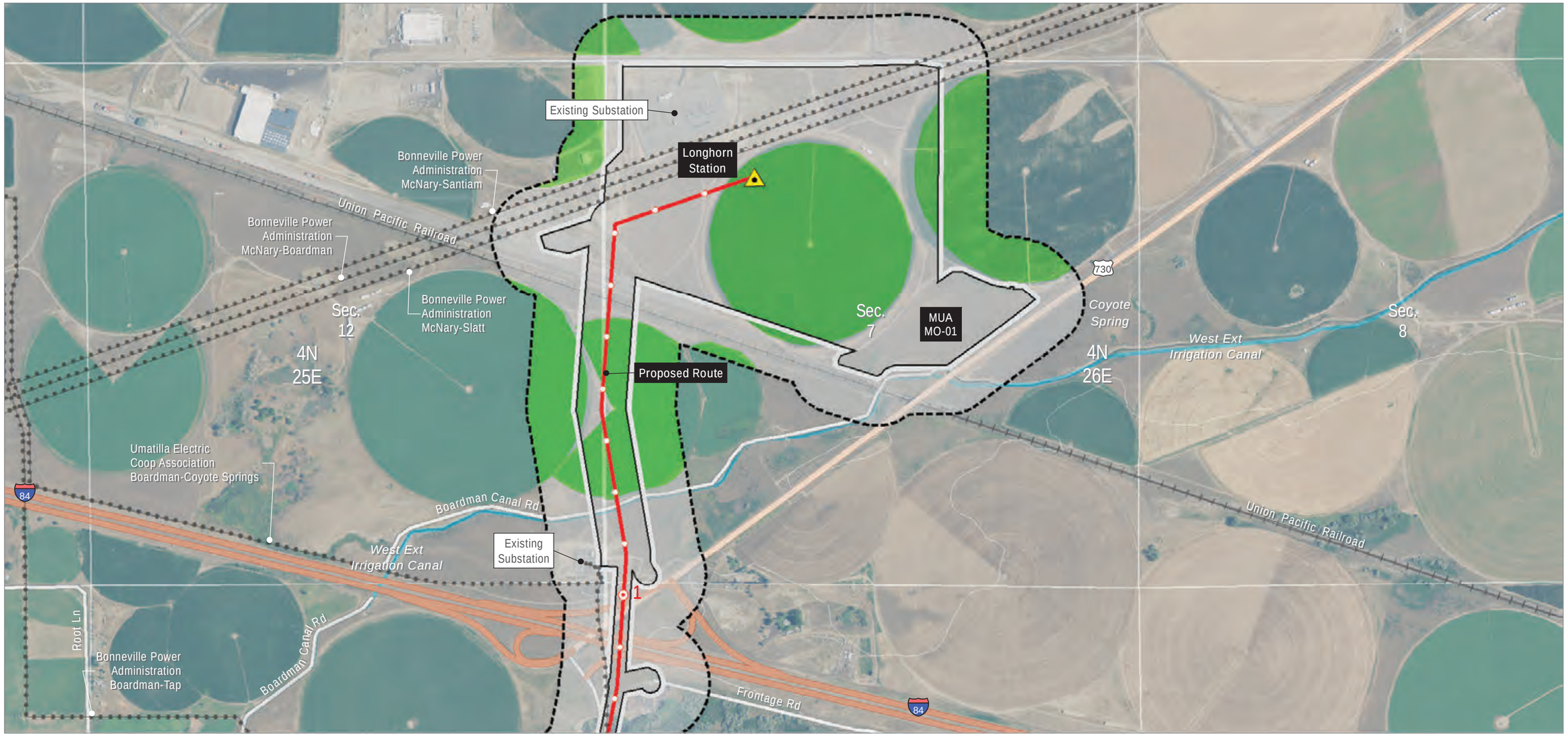
Location Map (Map #)

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map Index



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile
- Stations

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Highway
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
An IDACORP Company

Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 1

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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Highway
- Road
- Stream

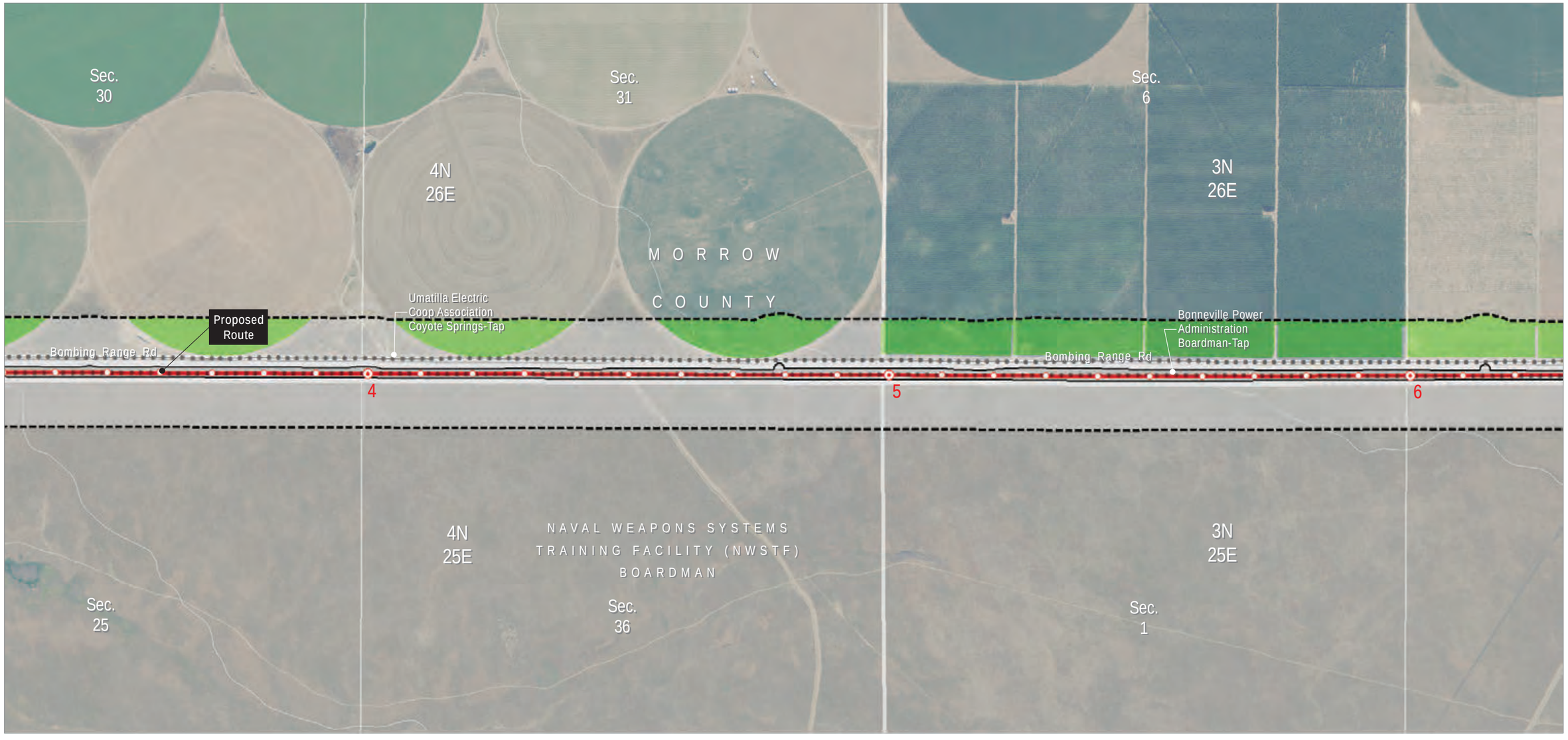
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 2



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 3

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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road

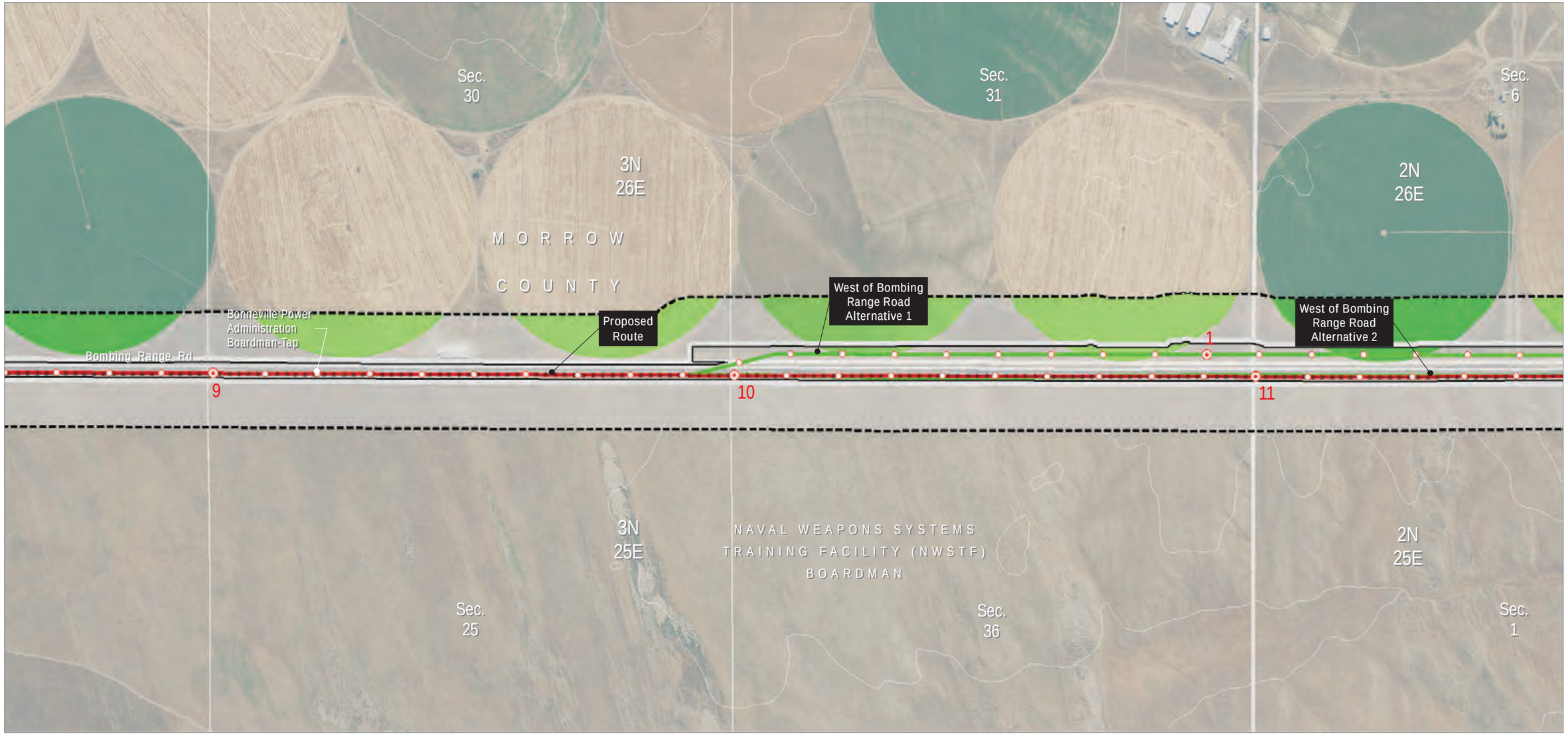
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 4



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Map Area

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road

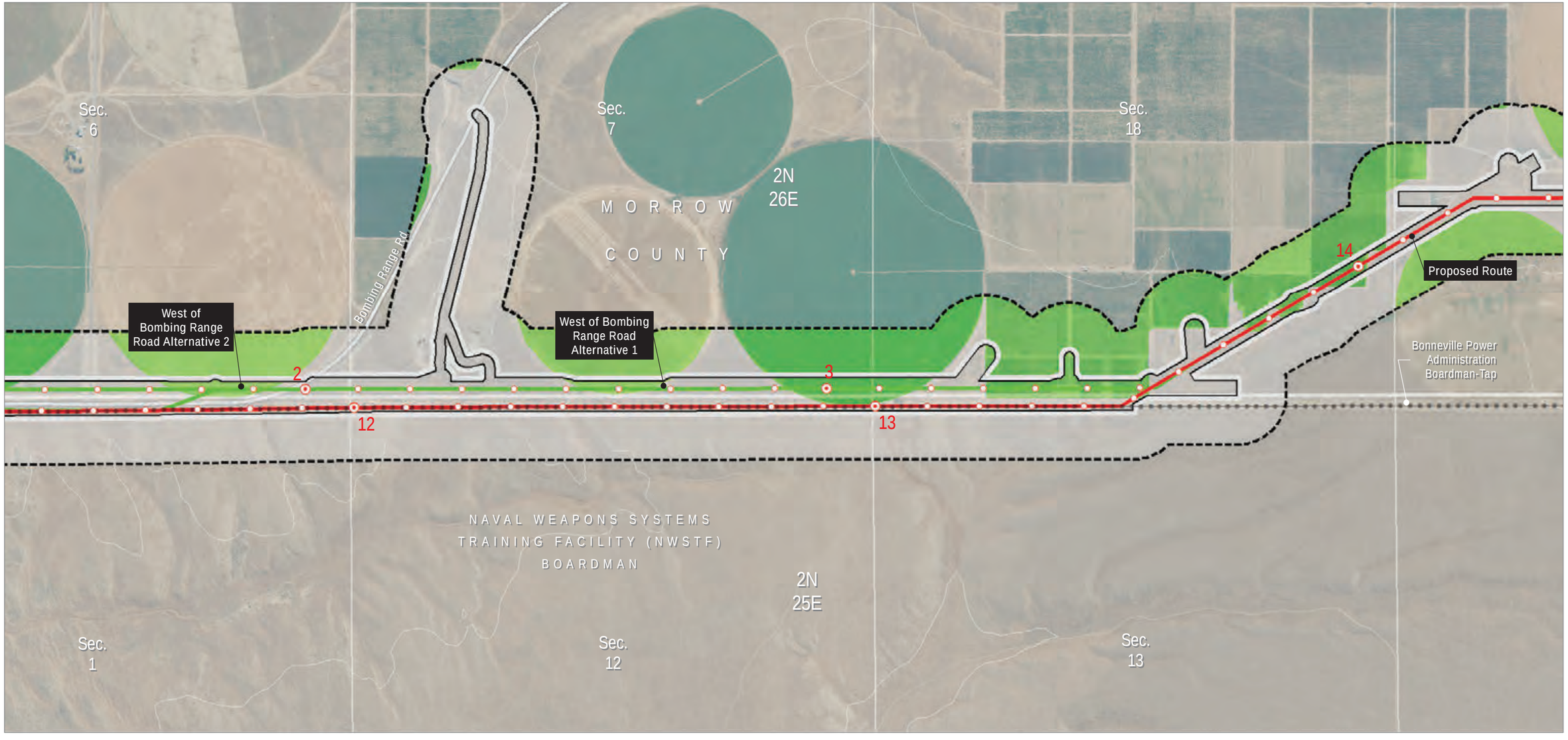
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 5



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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road

Boardman to Hemingway Transmission Line Project
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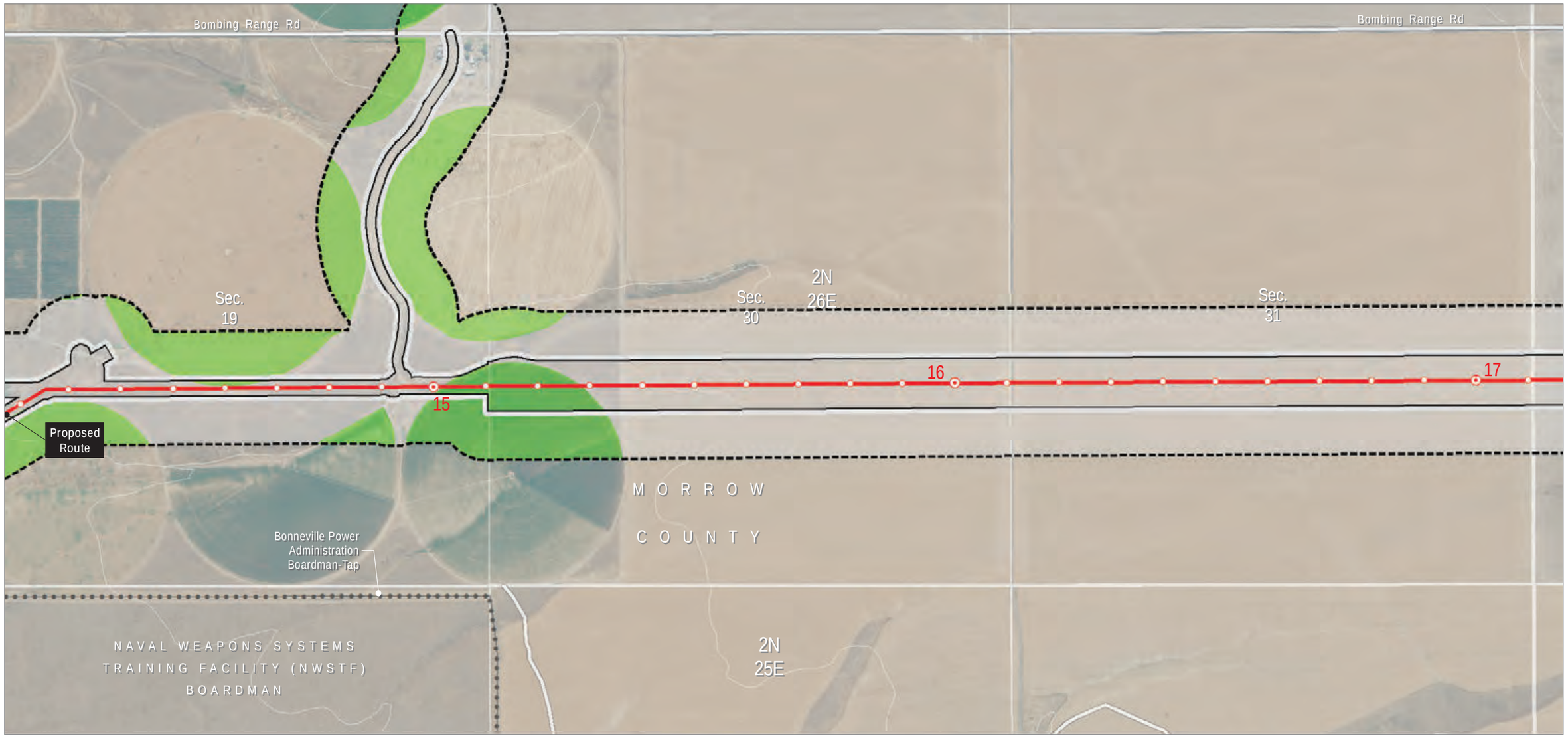
Agricultural Types

Morrow County

Map 6



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road

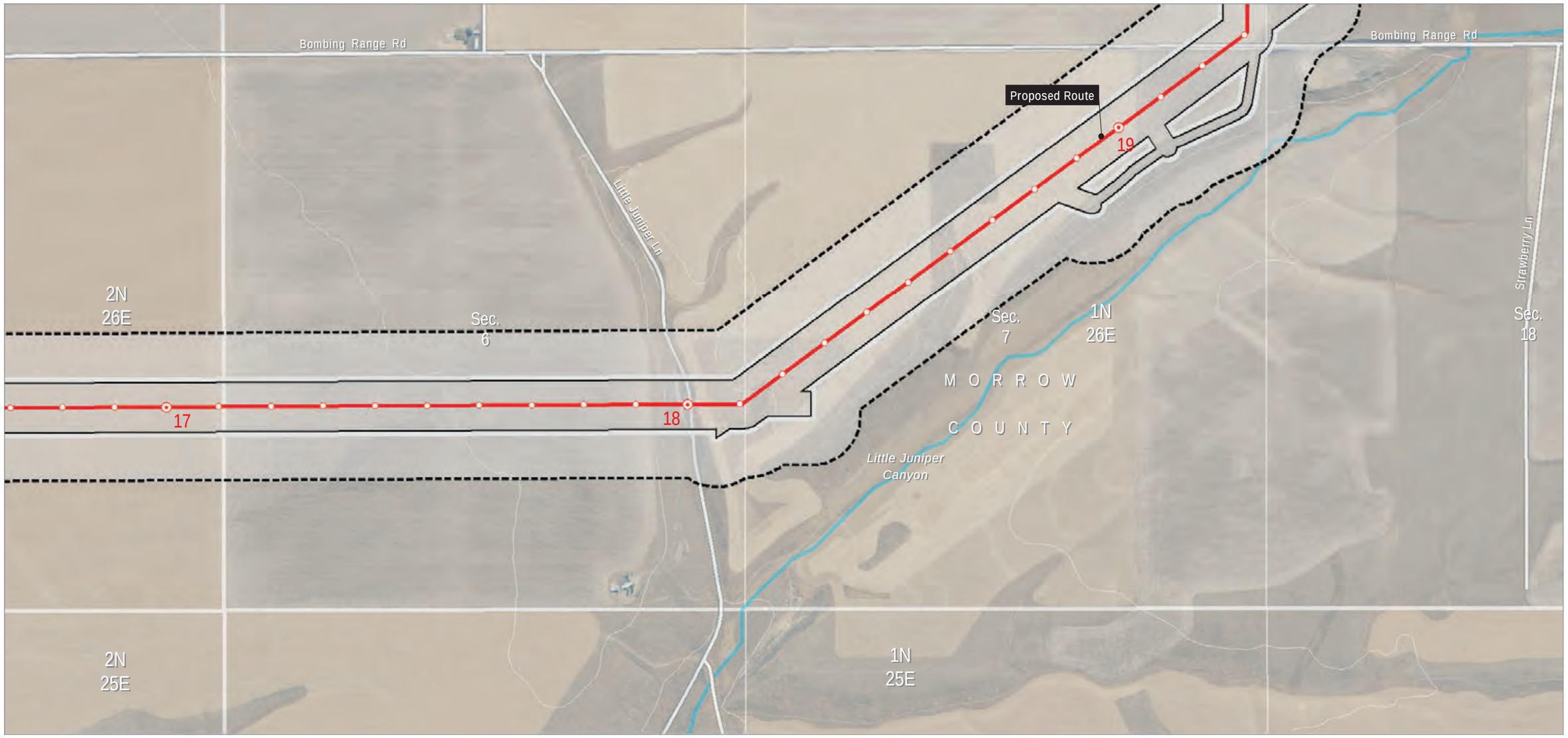
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 7



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Map Area

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

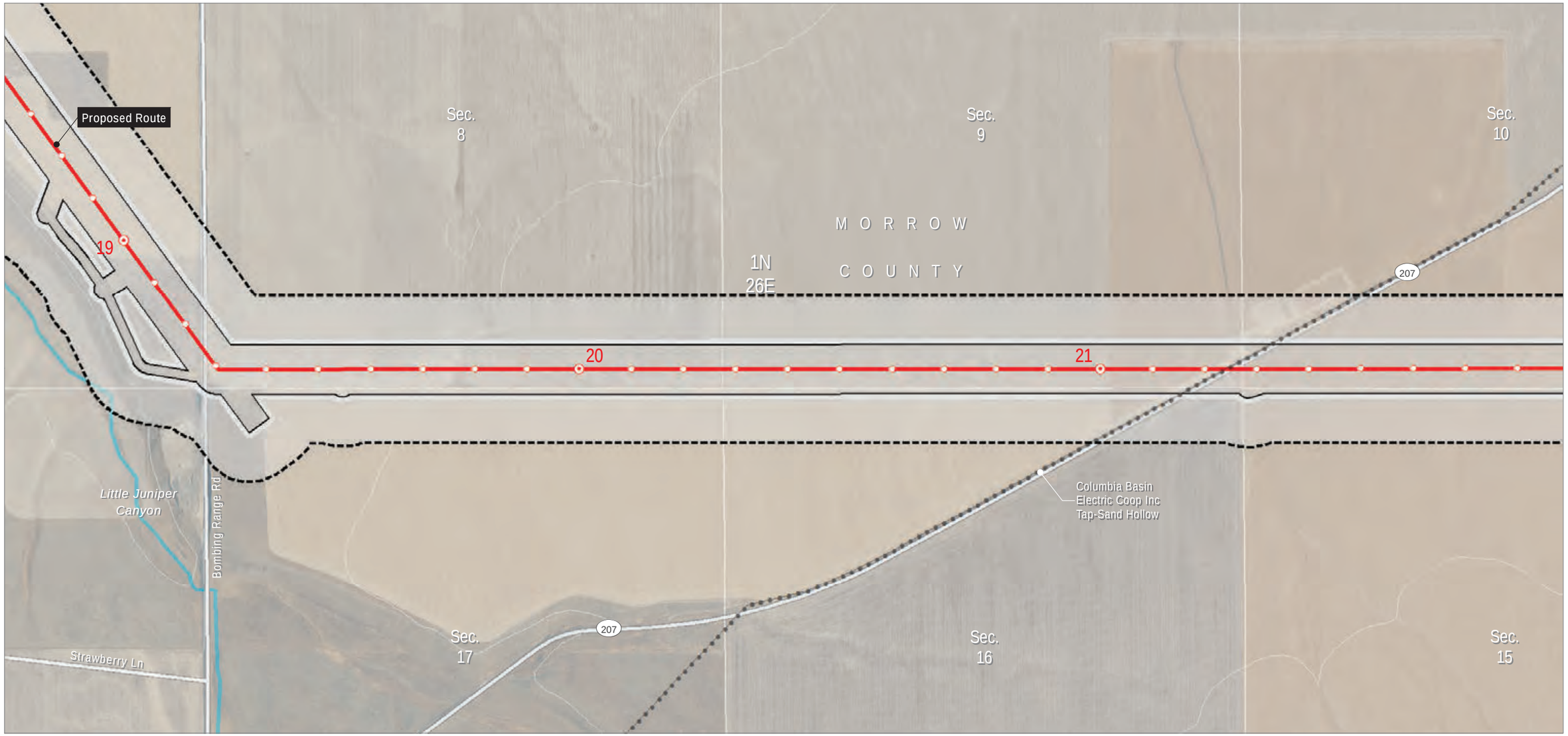
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 8



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Map Area

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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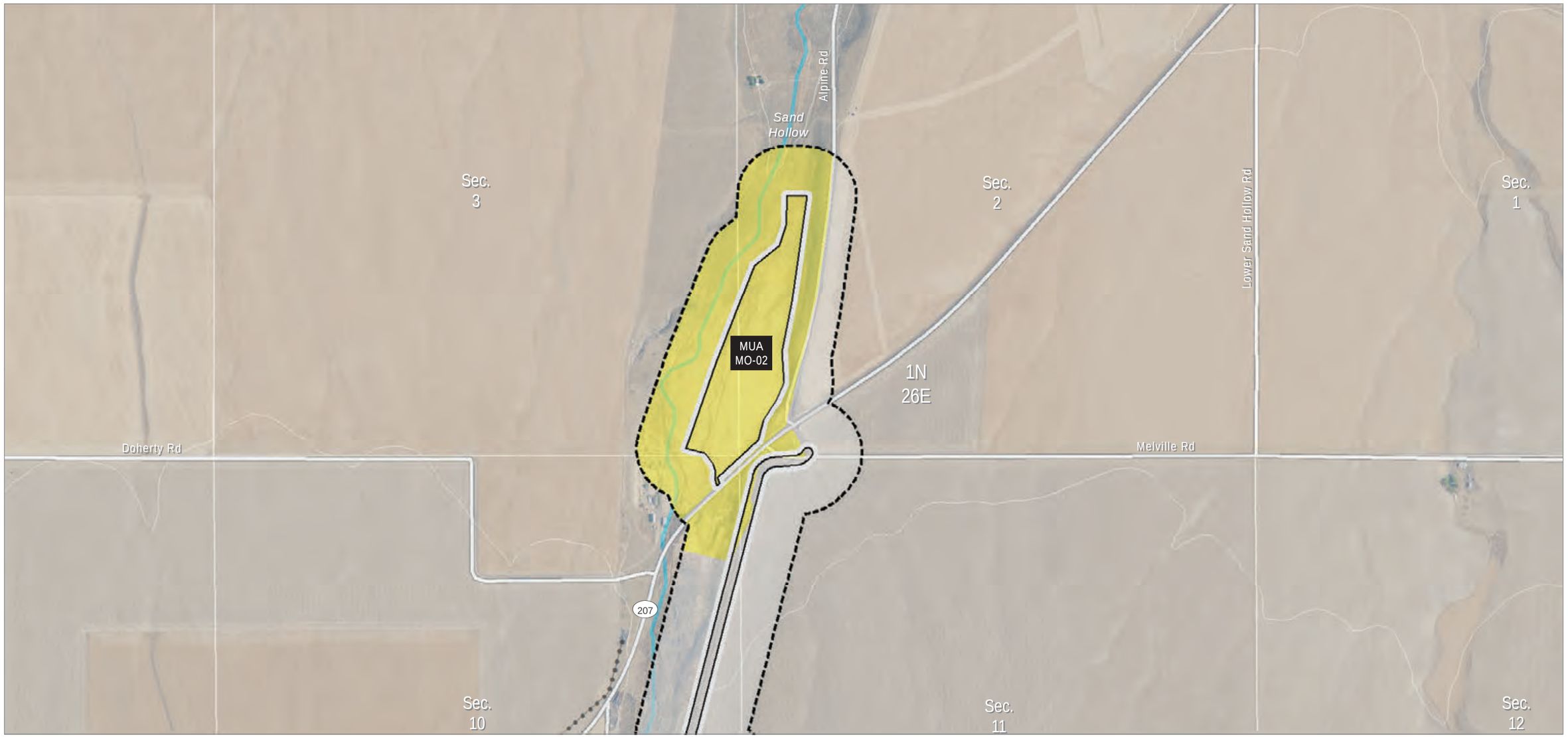
Agricultural Types

Morrow County

Map 9



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

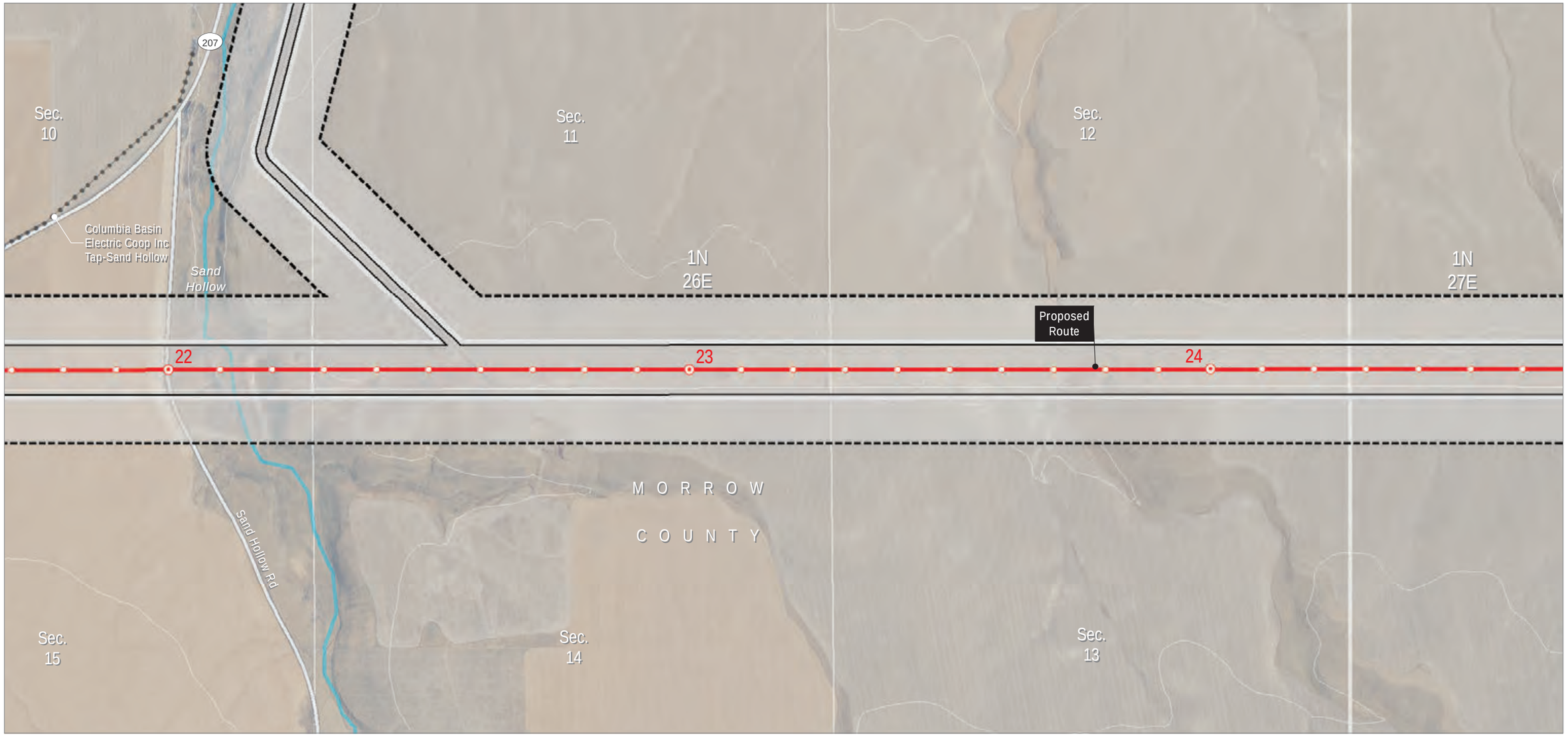
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 10



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
An IDACORP Company

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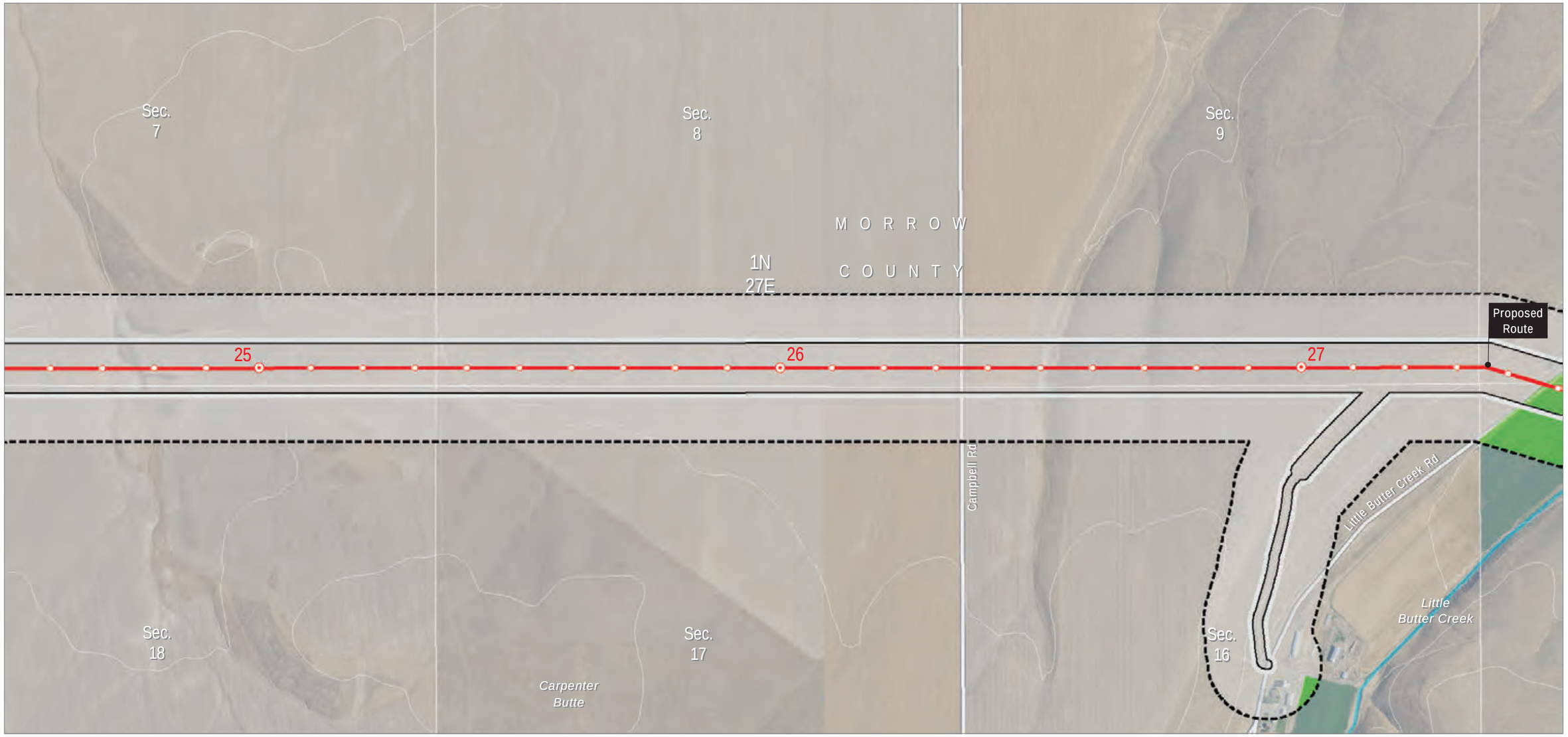
Agricultural Types

Morrow County

Map 11



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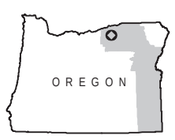

Map Area

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
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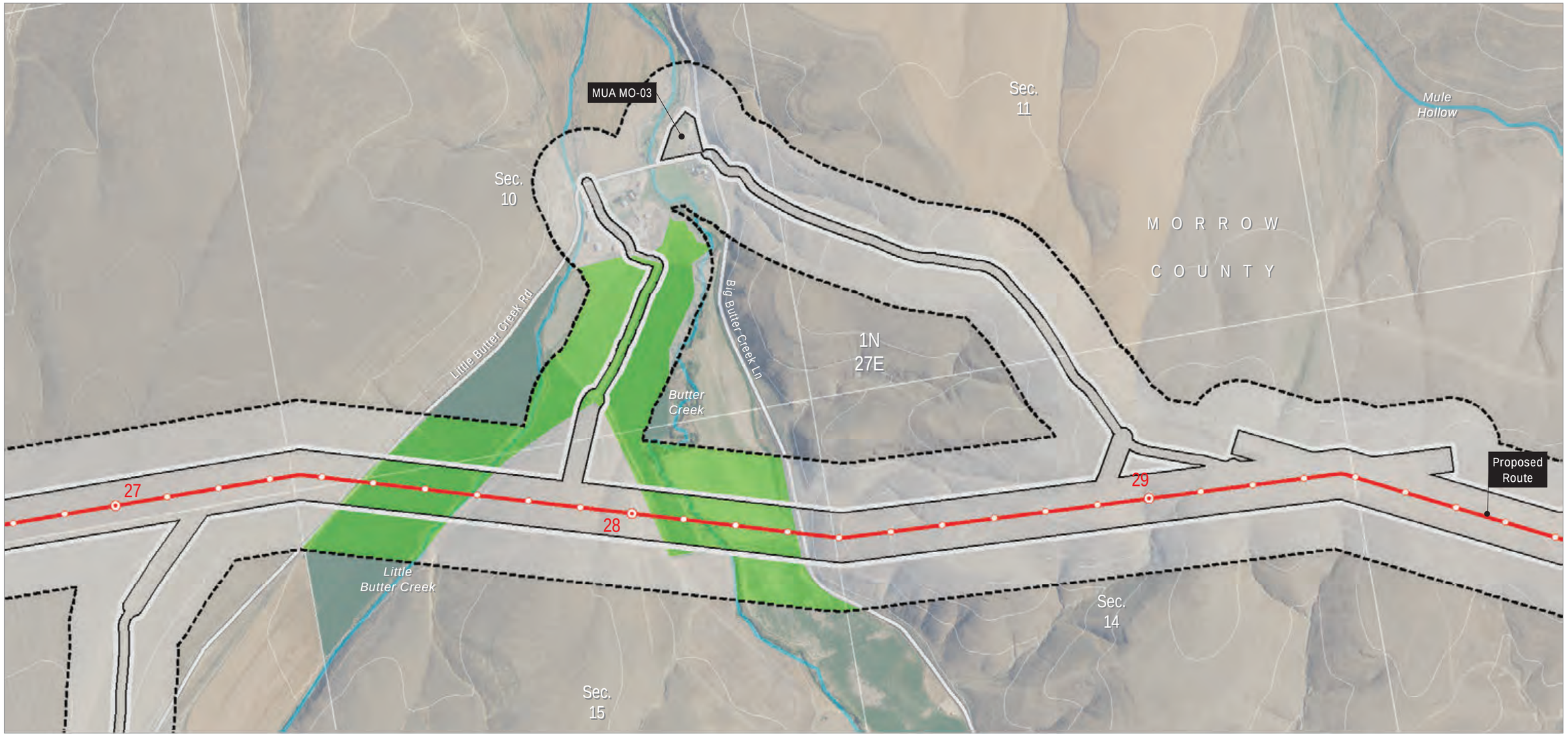
Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 12



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

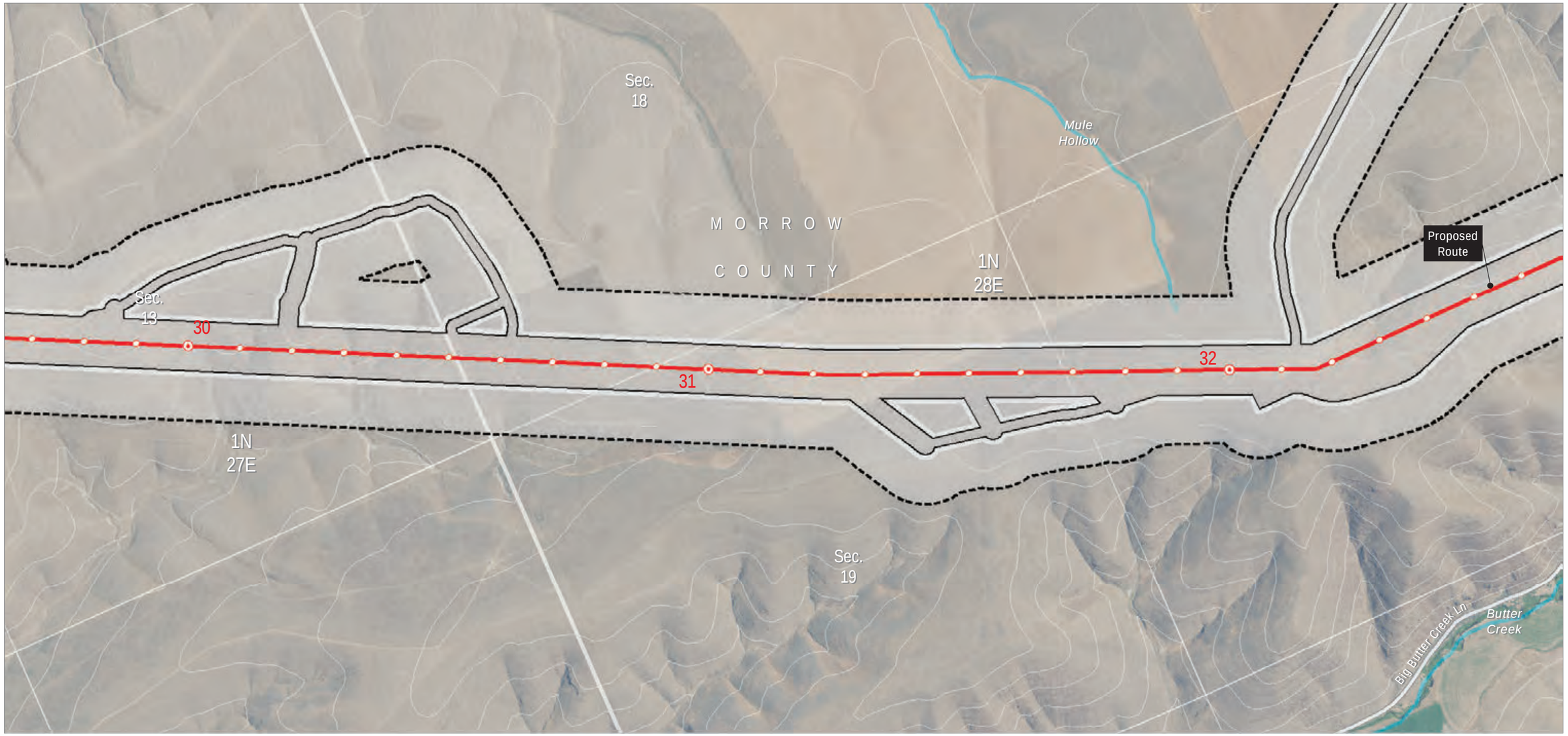
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
An IDACORP Company

Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 13



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Map Area

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Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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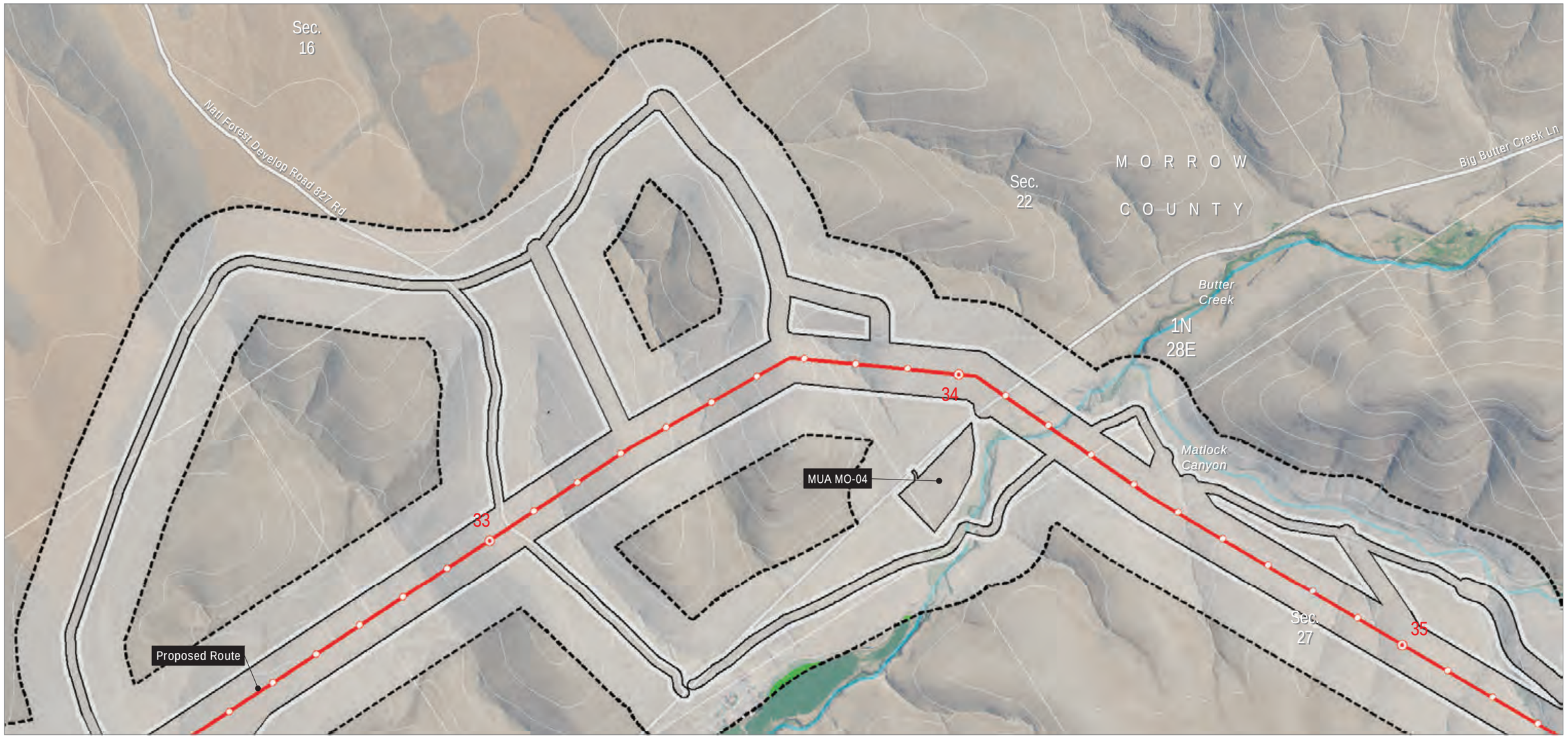
Agricultural Types

Morrow County

Map 14



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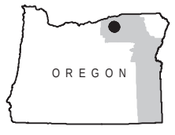
Map Area



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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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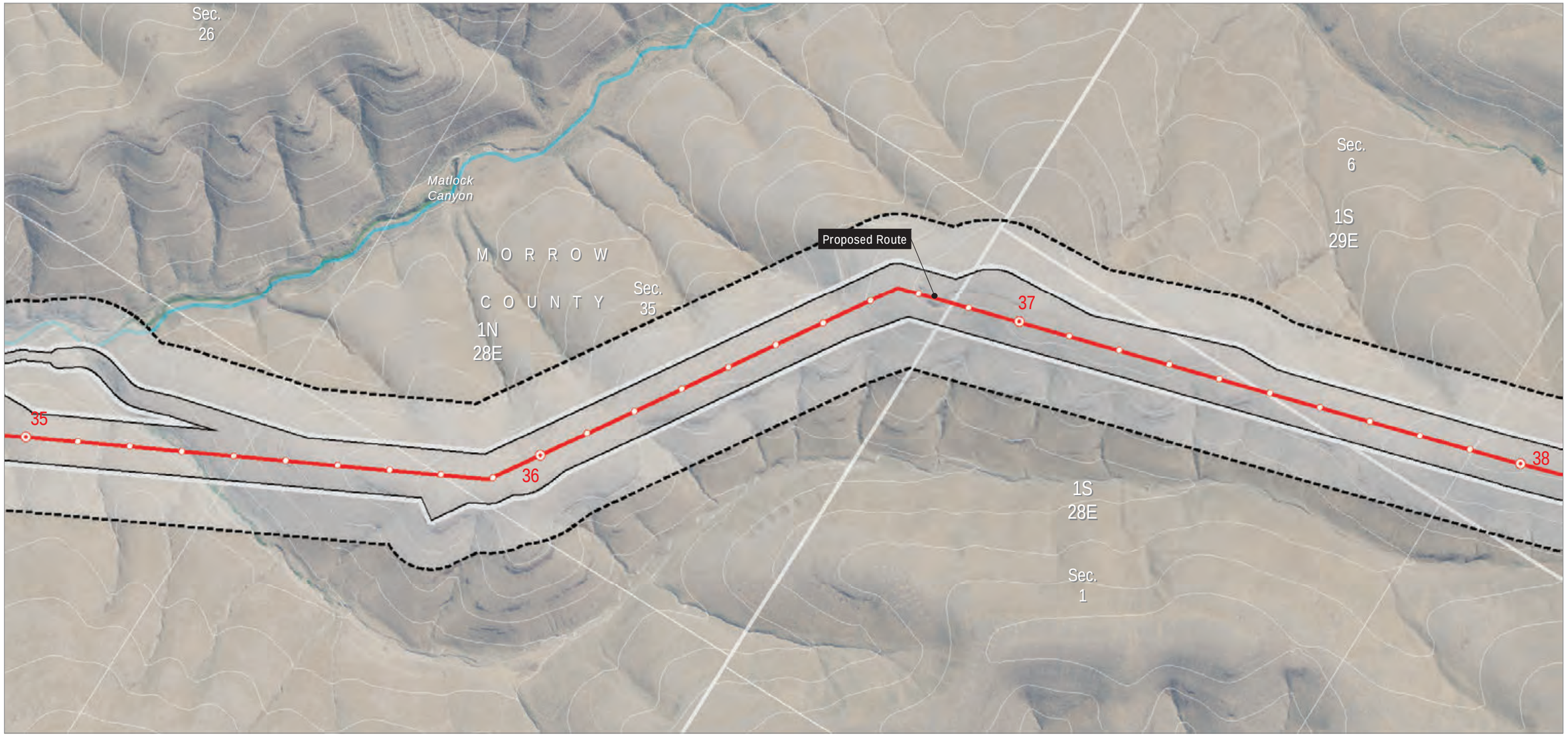
Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 15



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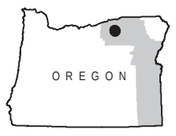
Map Area



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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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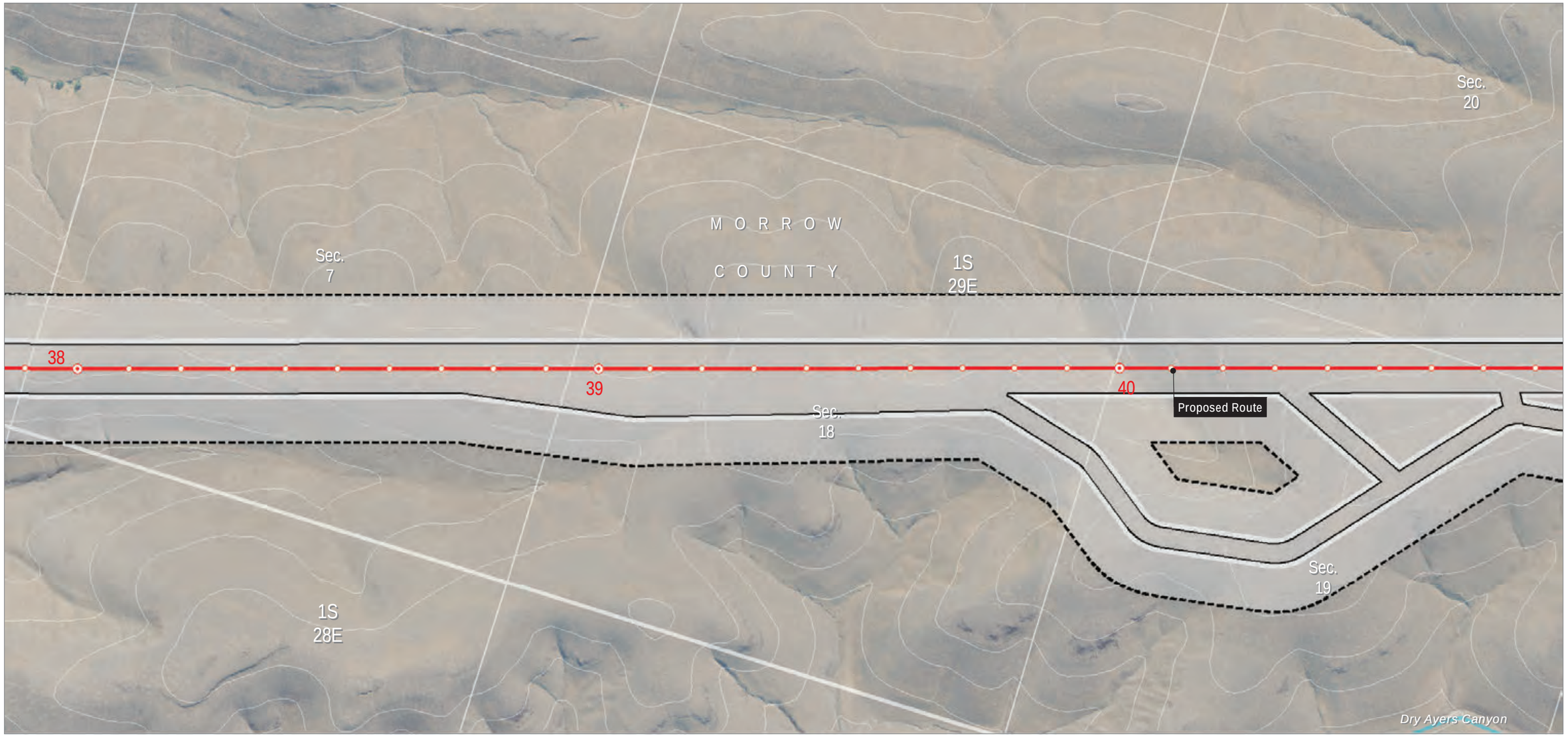
Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 16



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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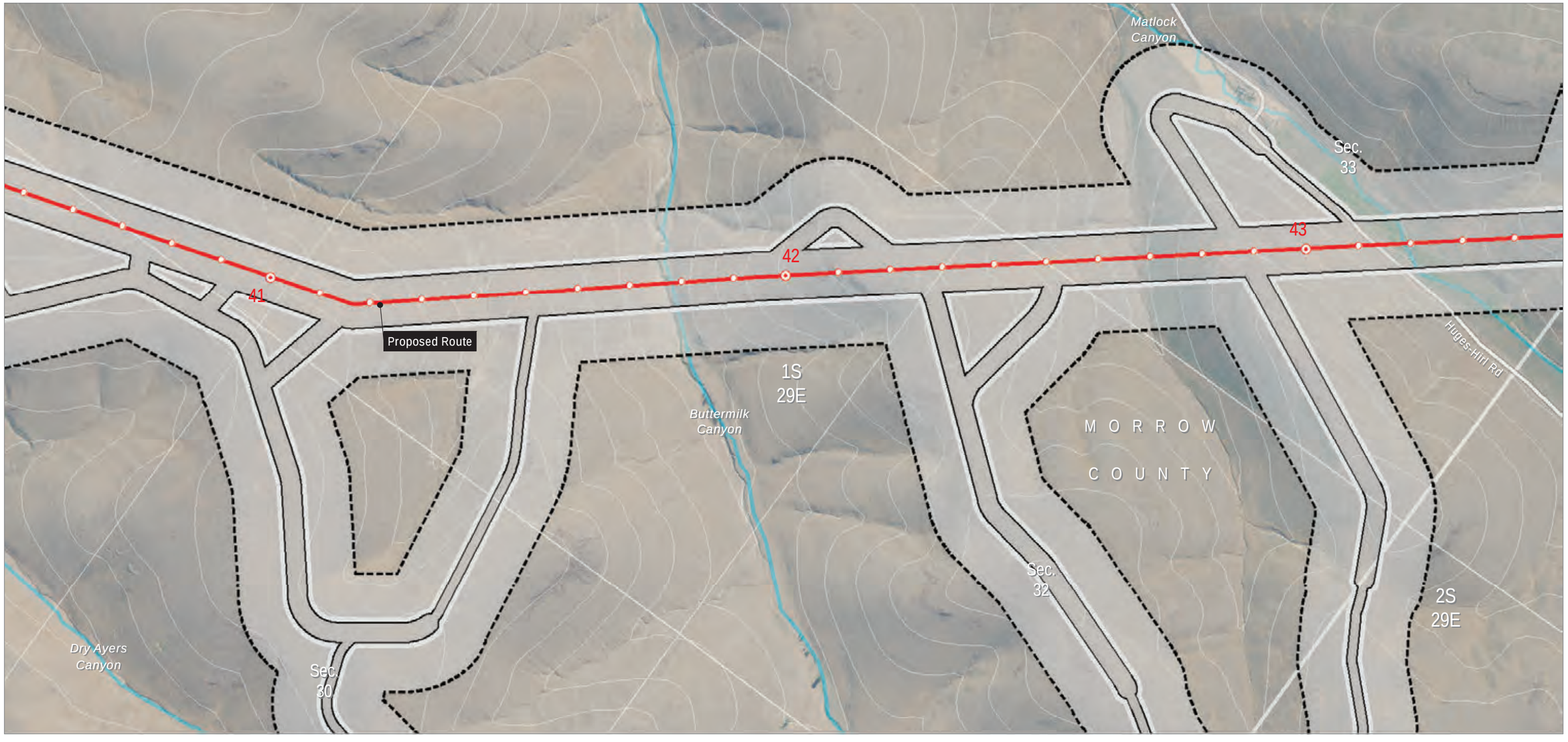
Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 17



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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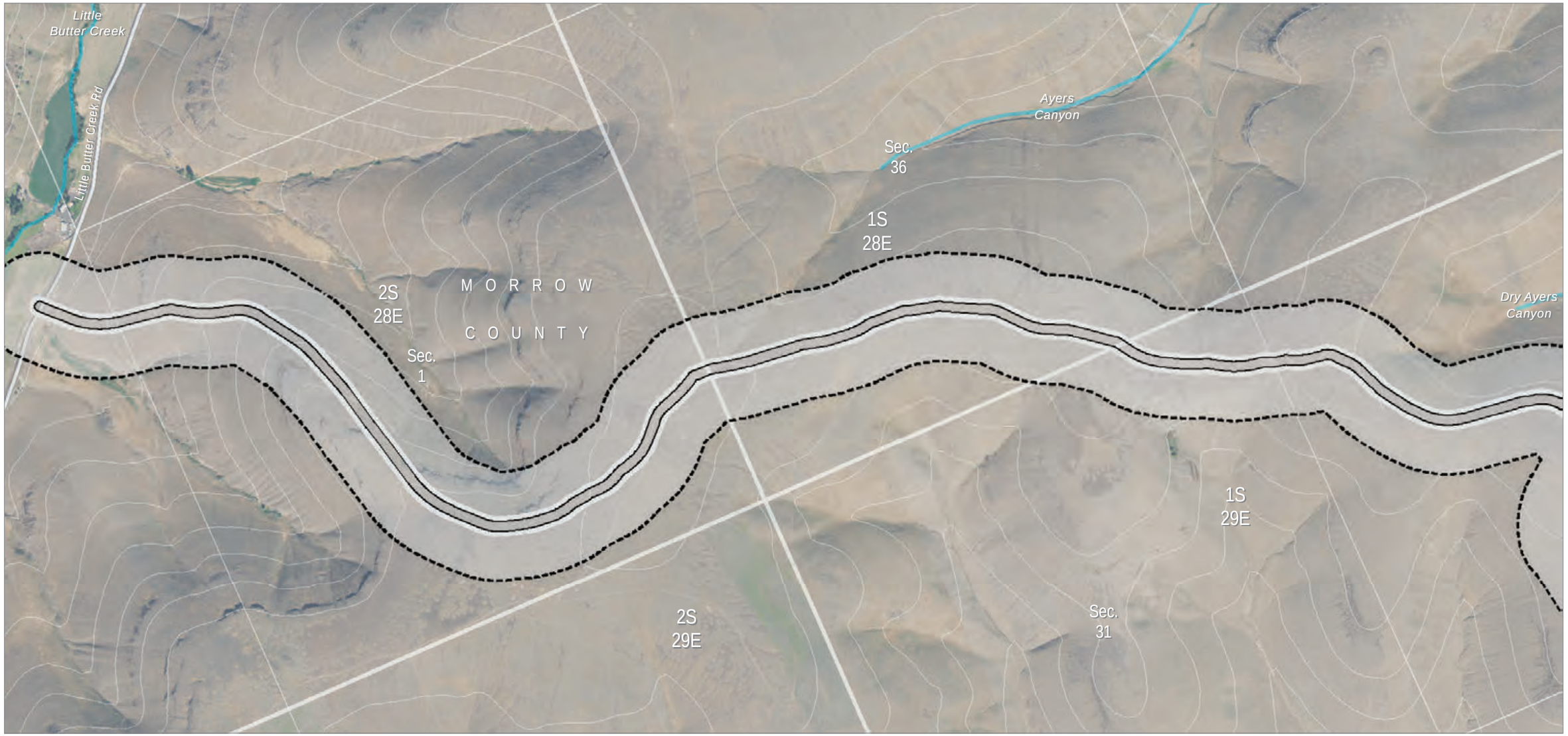
Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 18



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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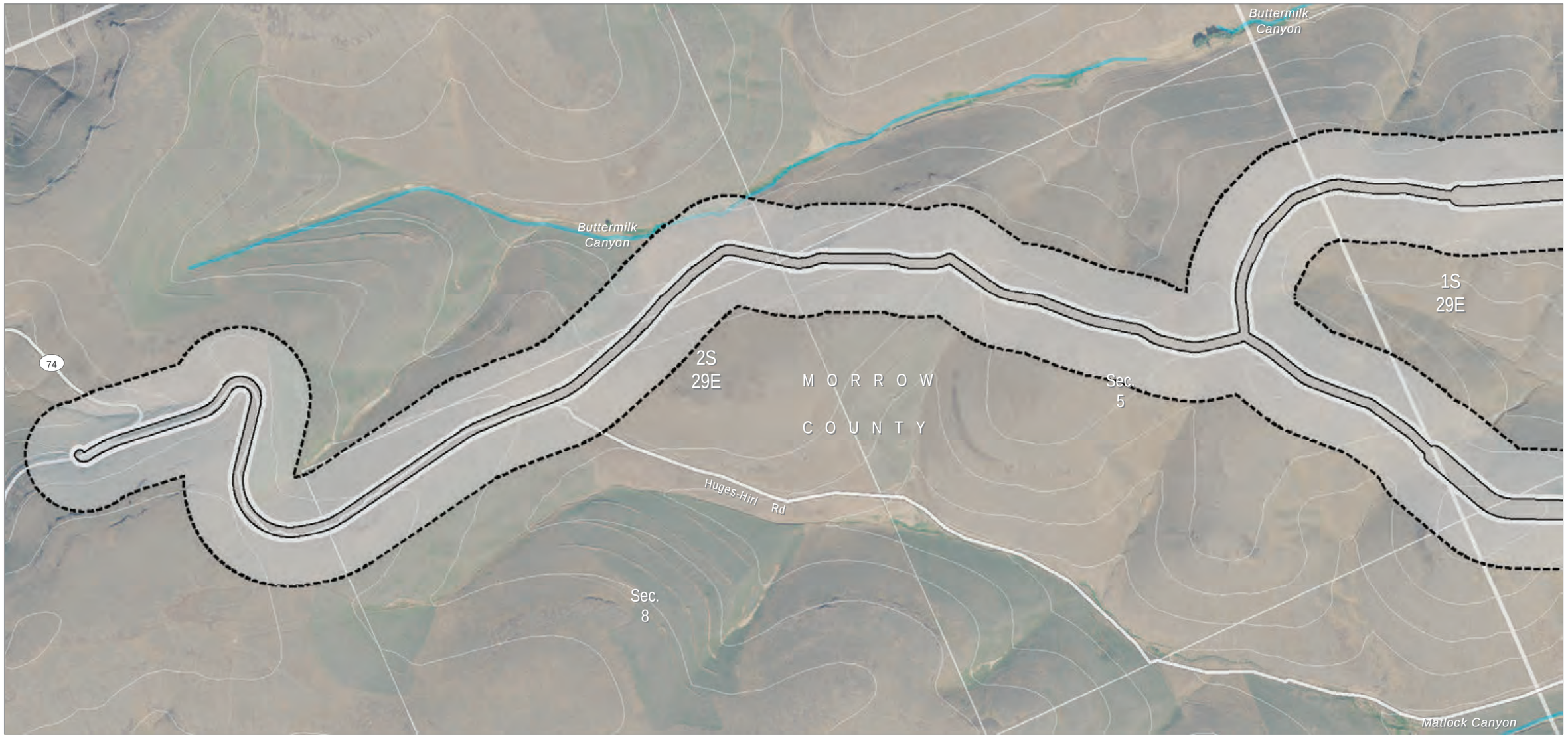
Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 19



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Road
- Stream

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Application for Site Certificate

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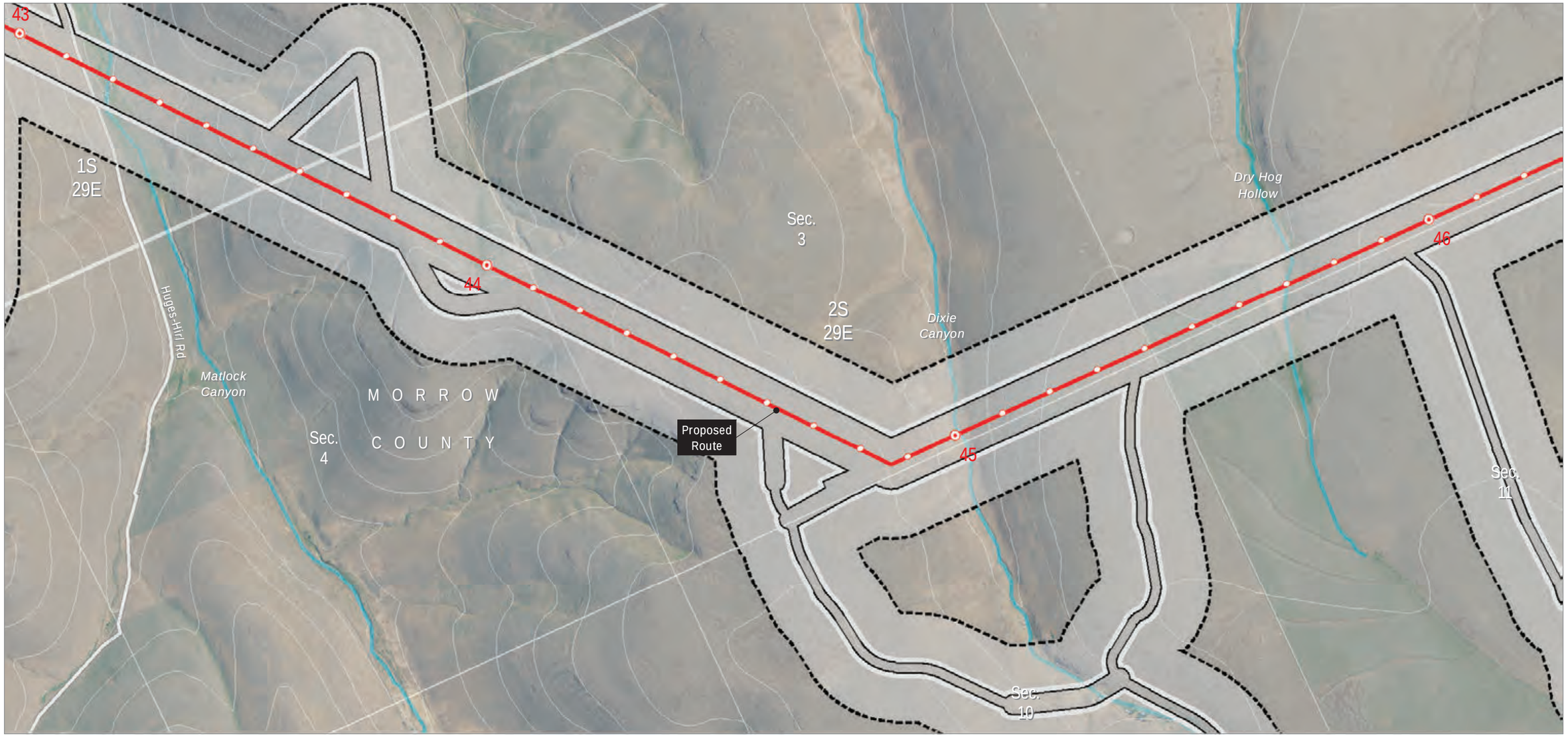
Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 20



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

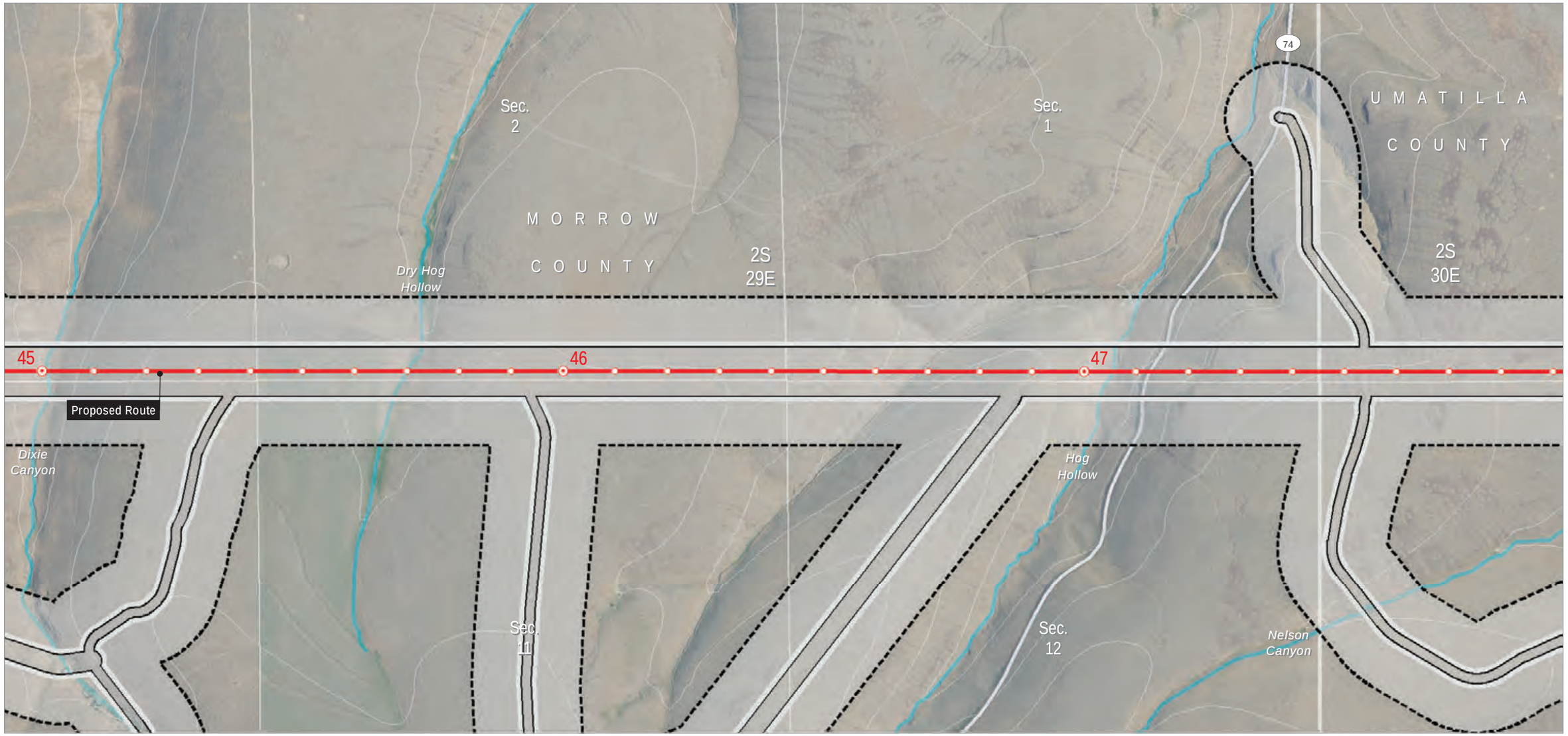
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
An IDACORP Company

Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 21



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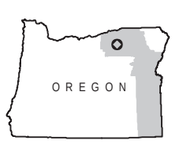

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

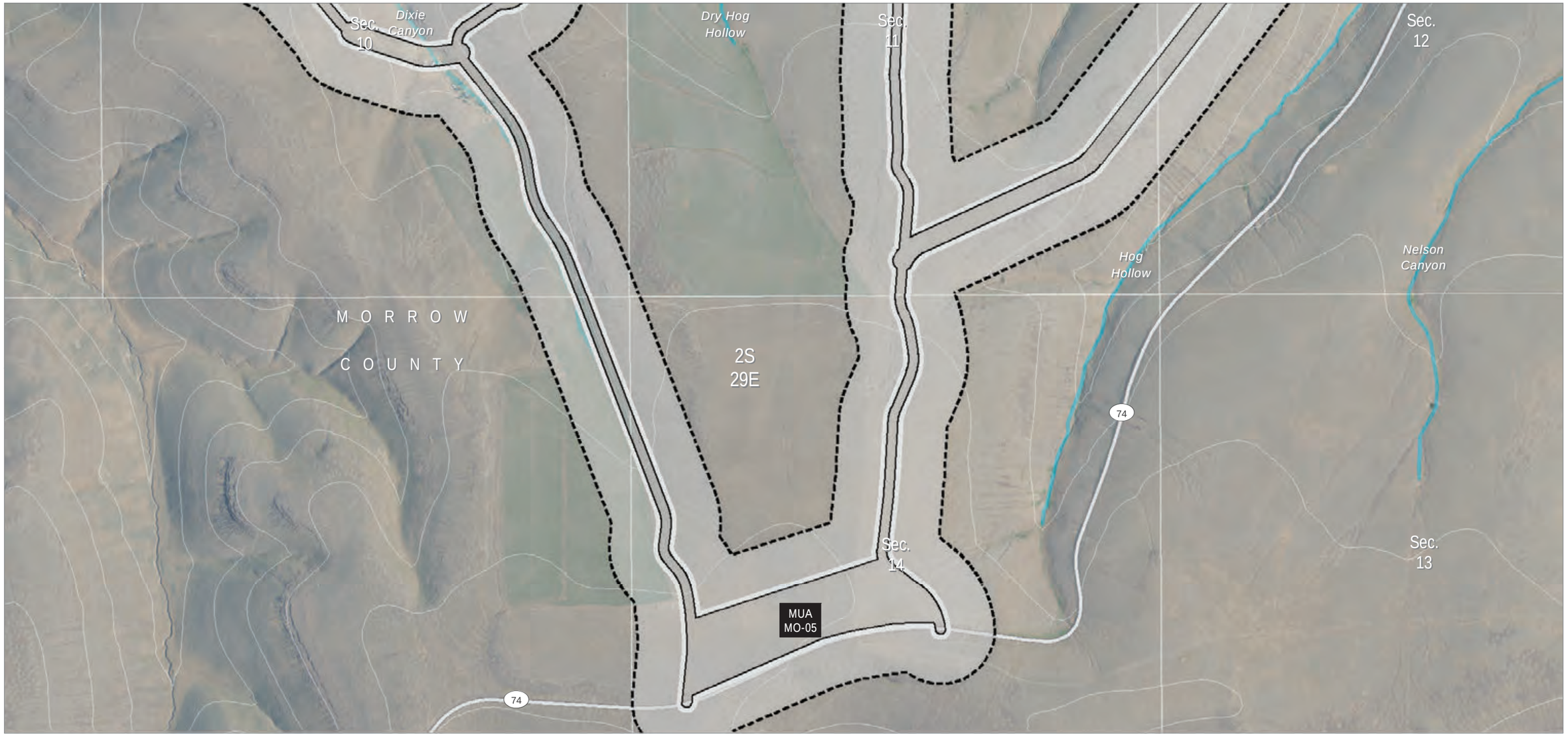
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Morrow County

Map 22



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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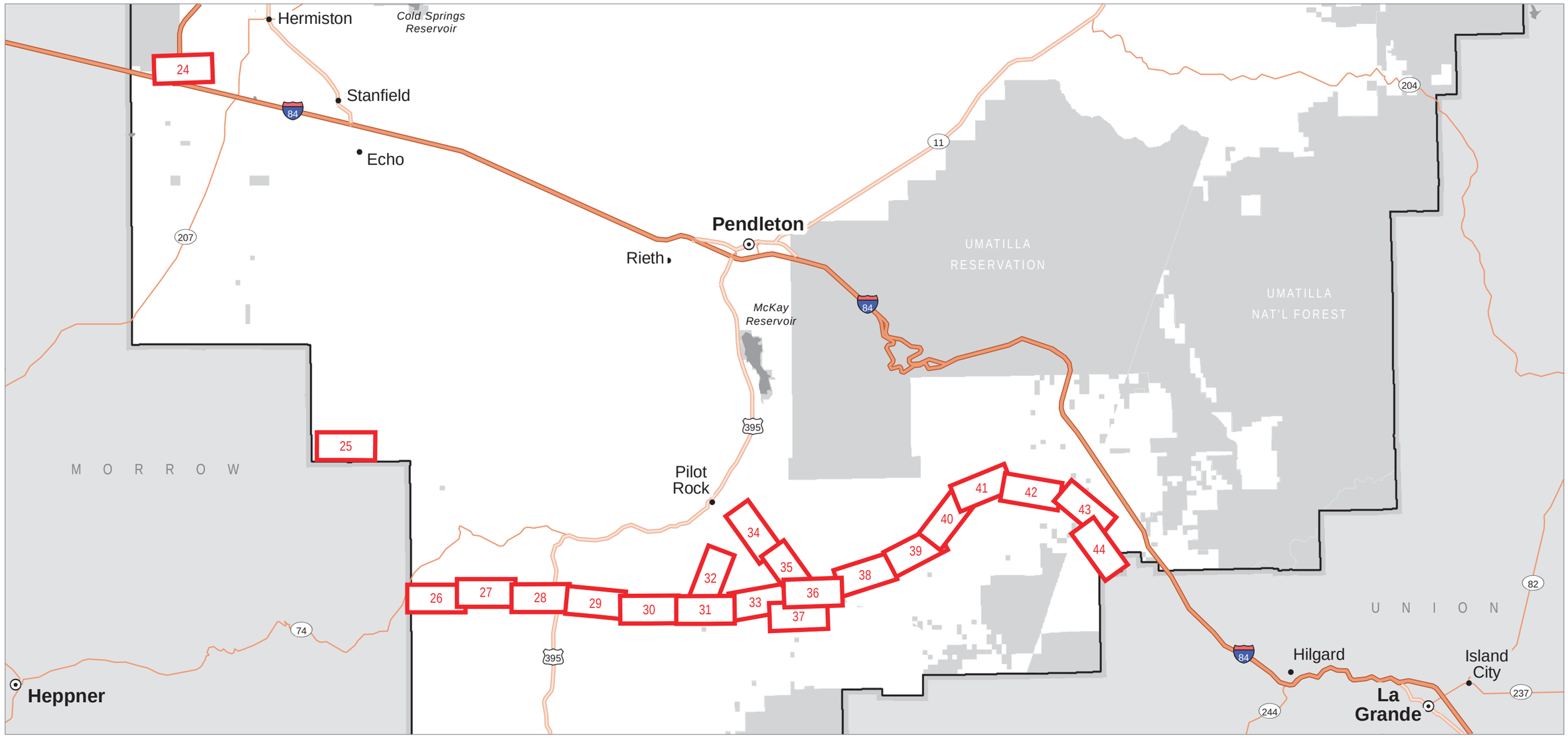
Agricultural Types

Morrow County

Map 23



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OREGON

Map Area

Source(s): BLM, IPC, Esri

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Map Index

Location Map (Map #)

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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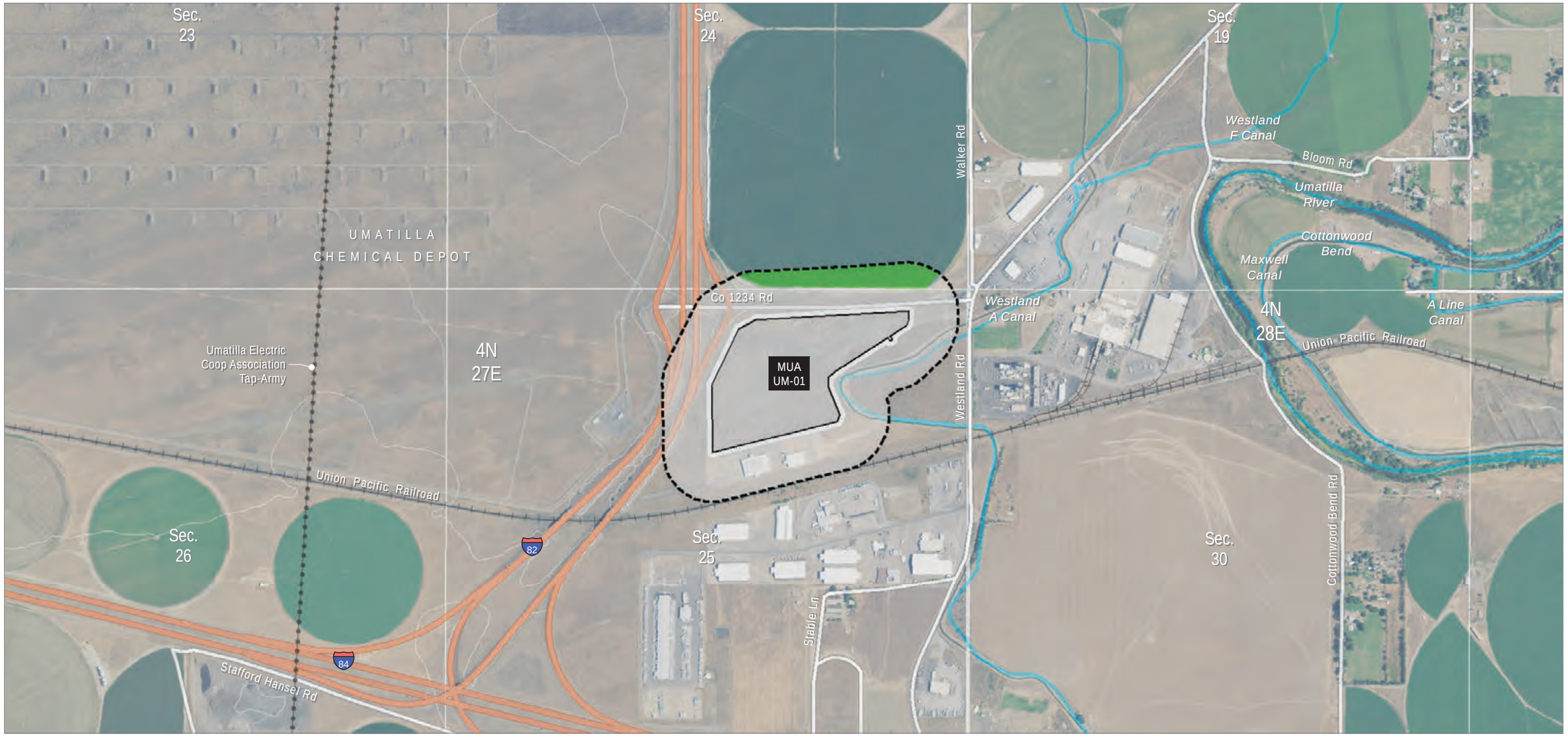
Agricultural Types

Umatilla County

Map Index



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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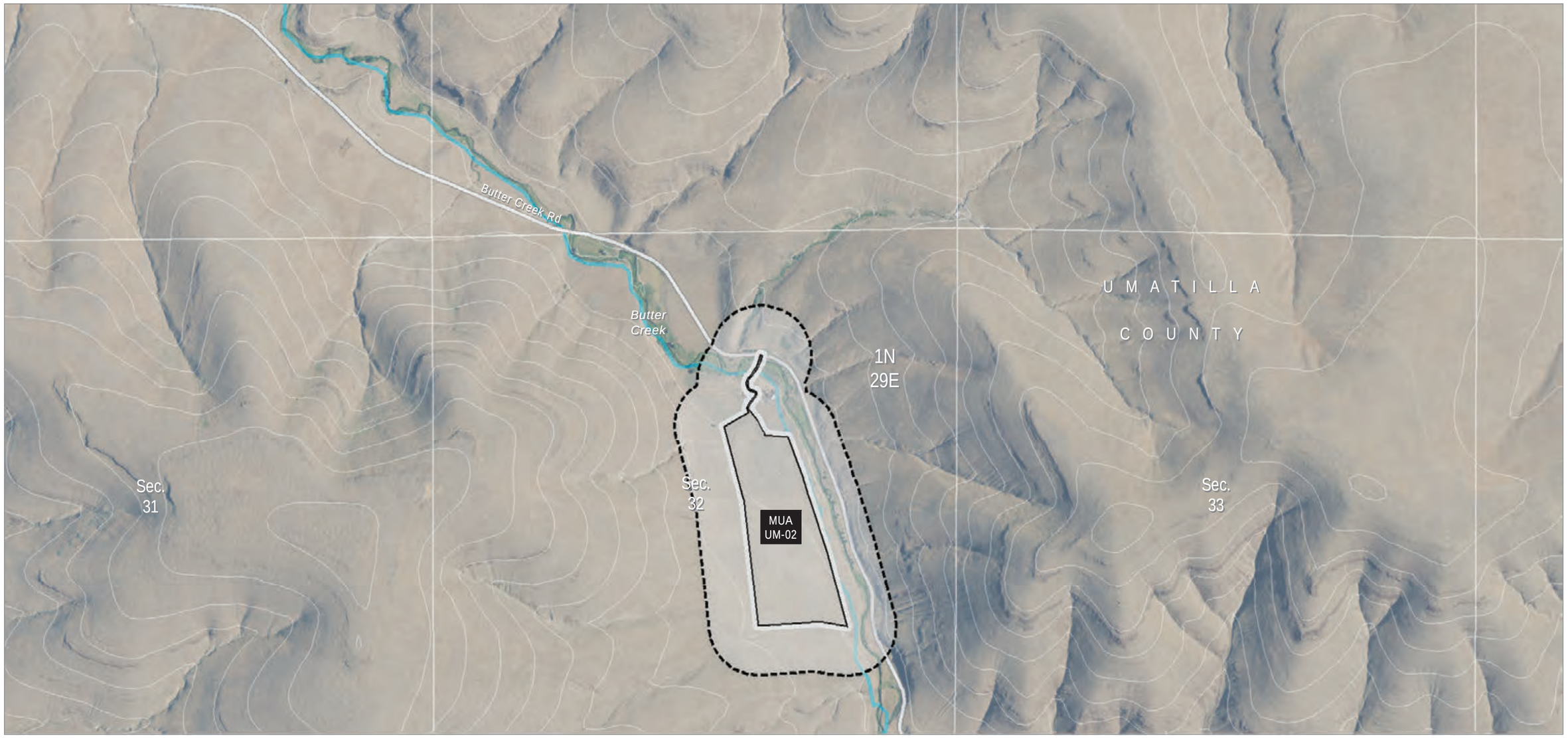
Agricultural Types

Umatilla County

Map 24



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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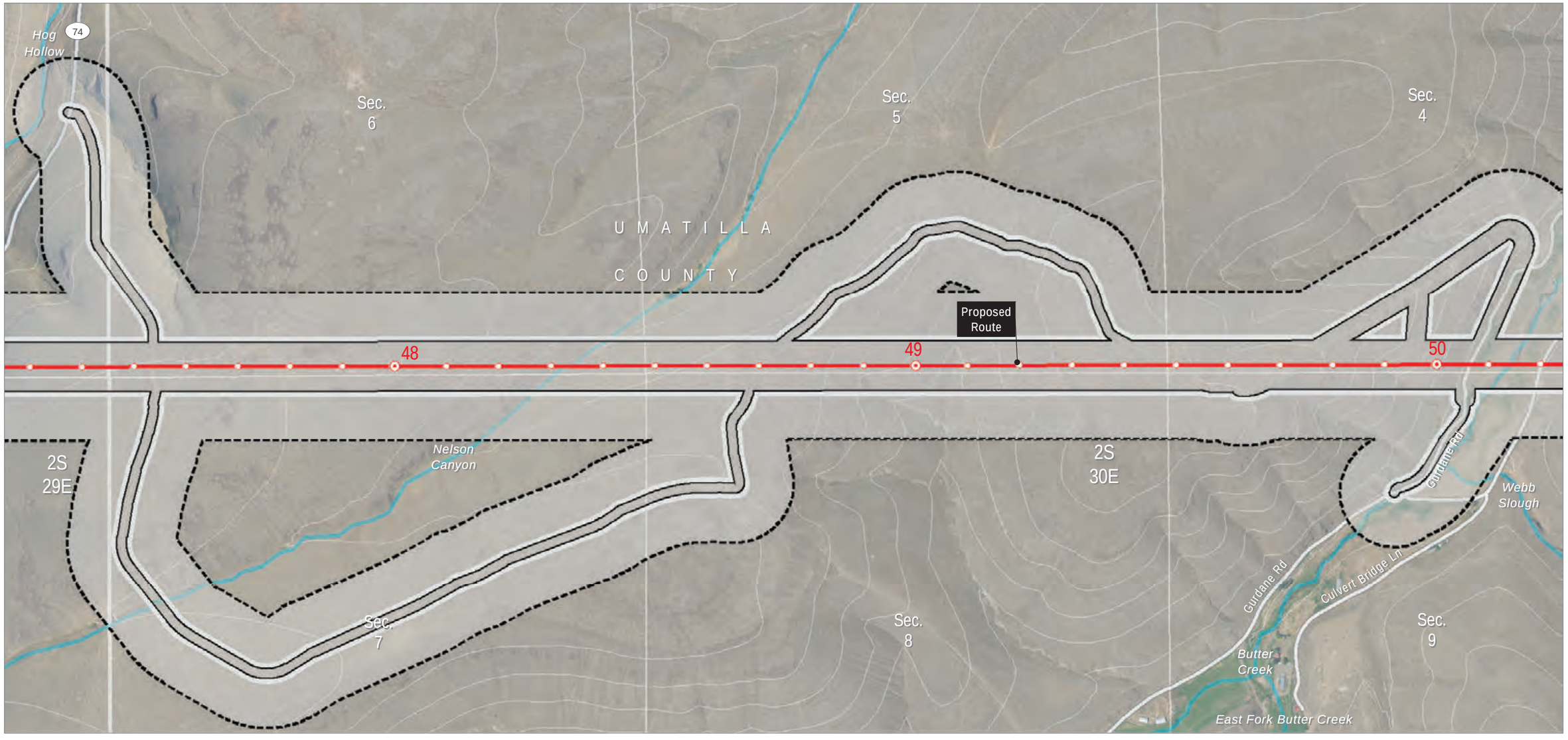
Agricultural Types

Umatilla County

Map 25



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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

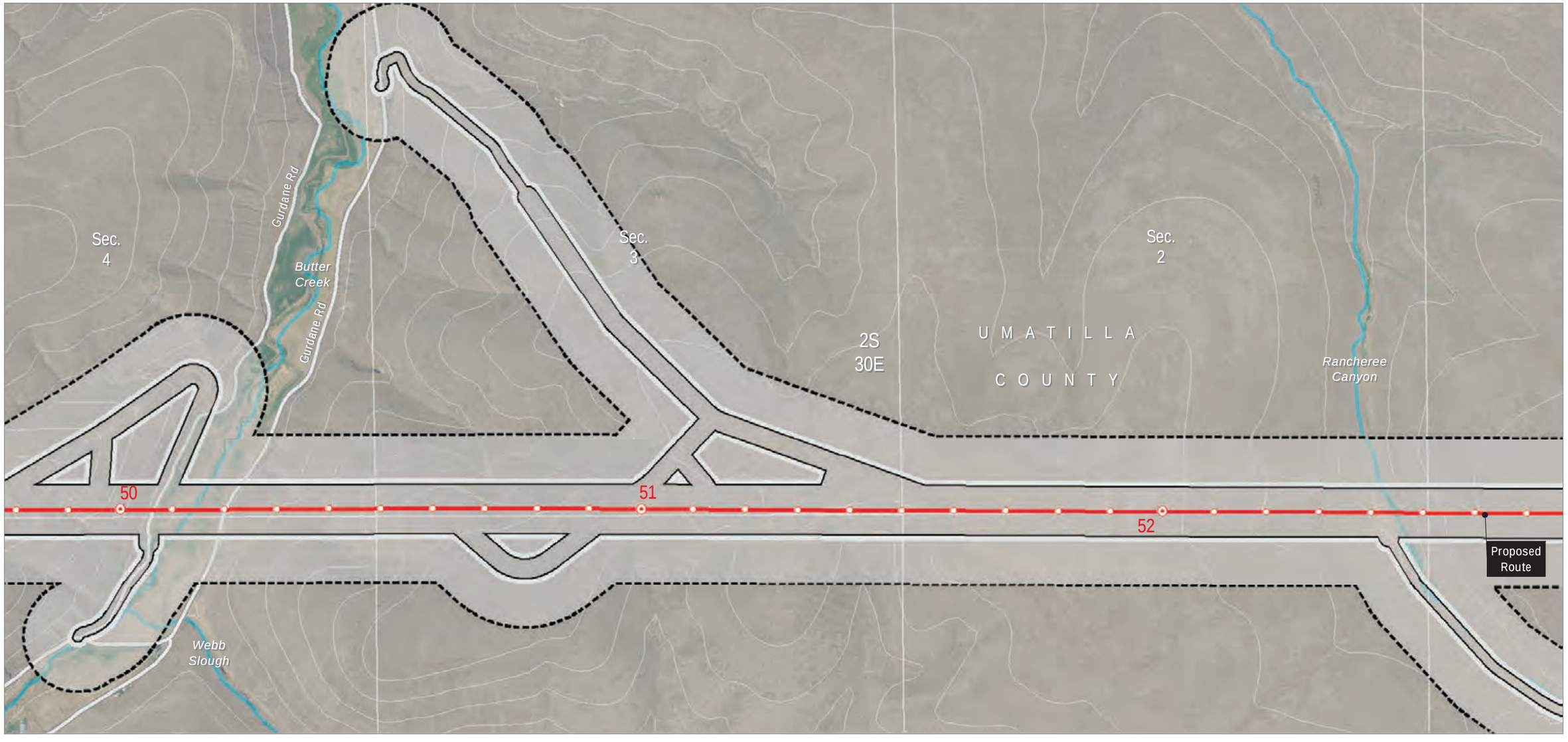
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Umatilla County

Map 26



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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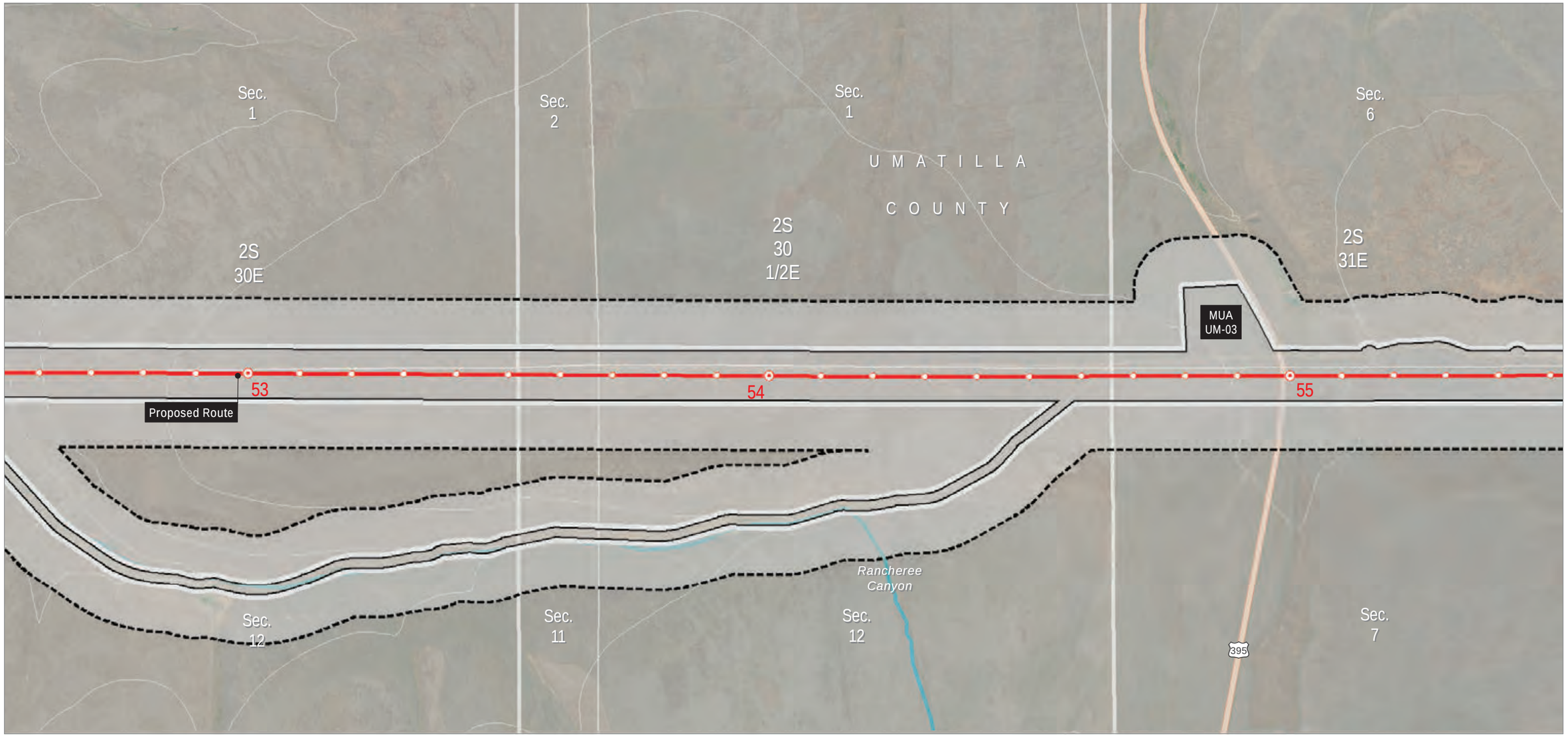
An IDACORP Company

Attachment K-1, Appendix A
Agricultural Types

Umatilla County

Map 27



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Highway
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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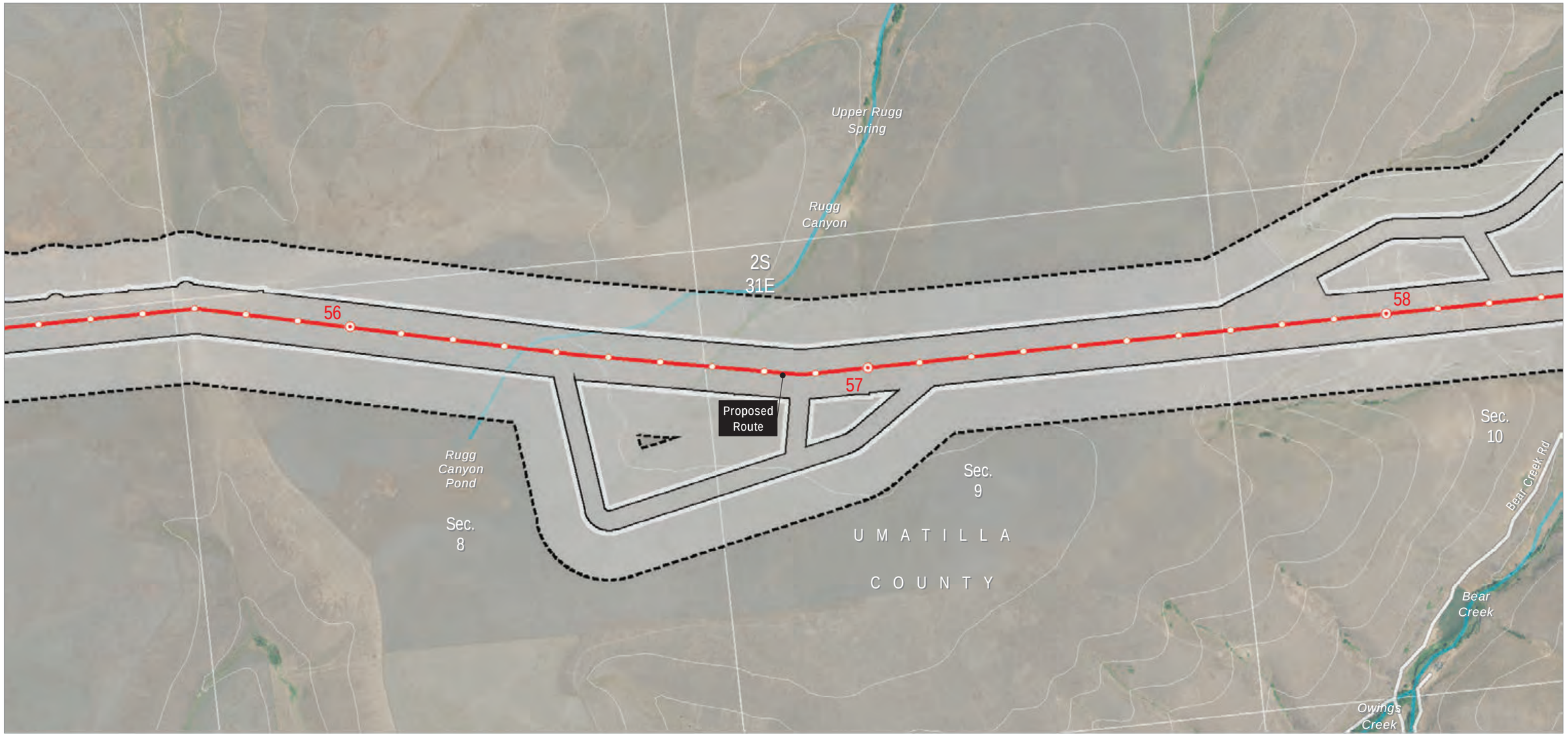
Agricultural Types

Umatilla County

Map 28



Map Area

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Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

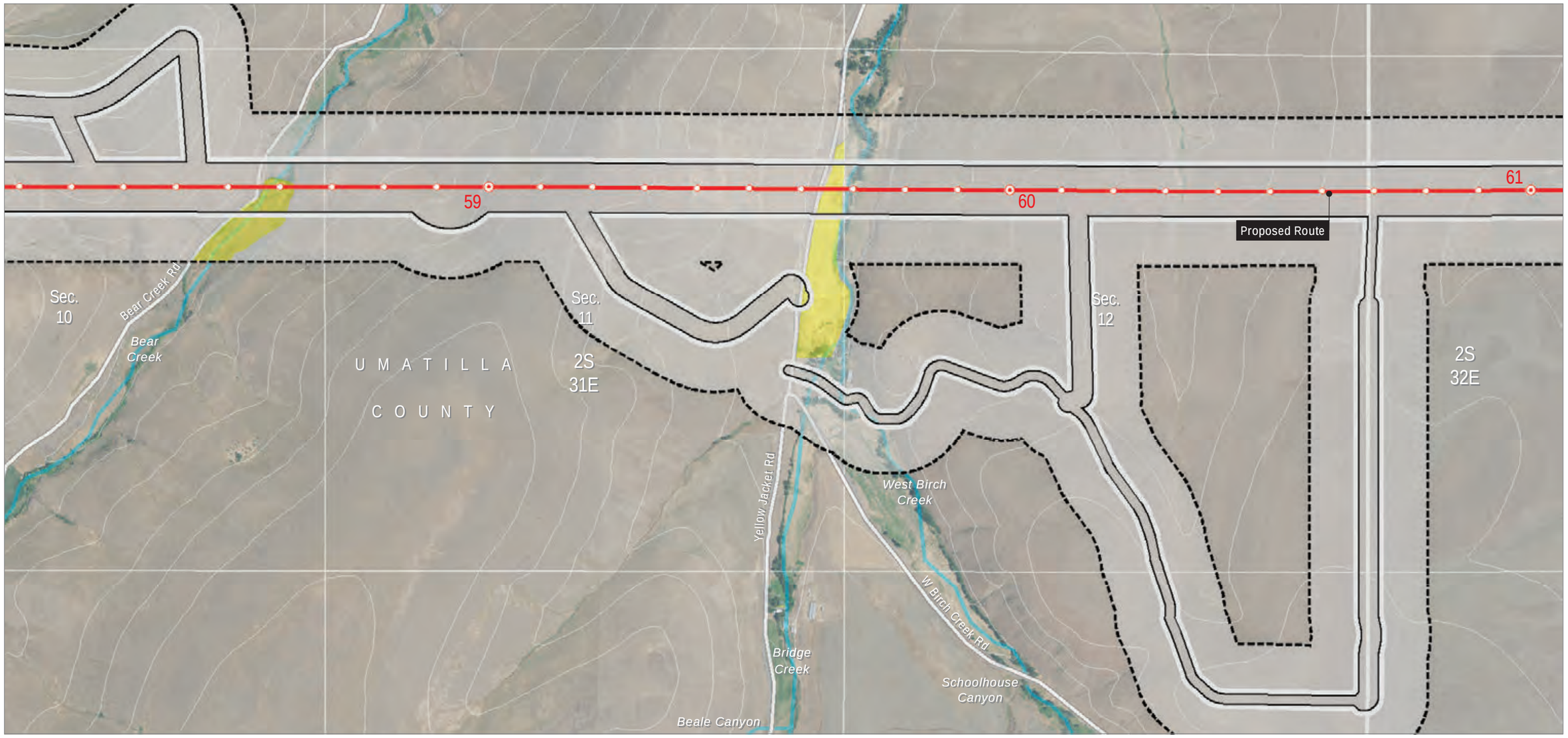
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Umatilla County

Map 29



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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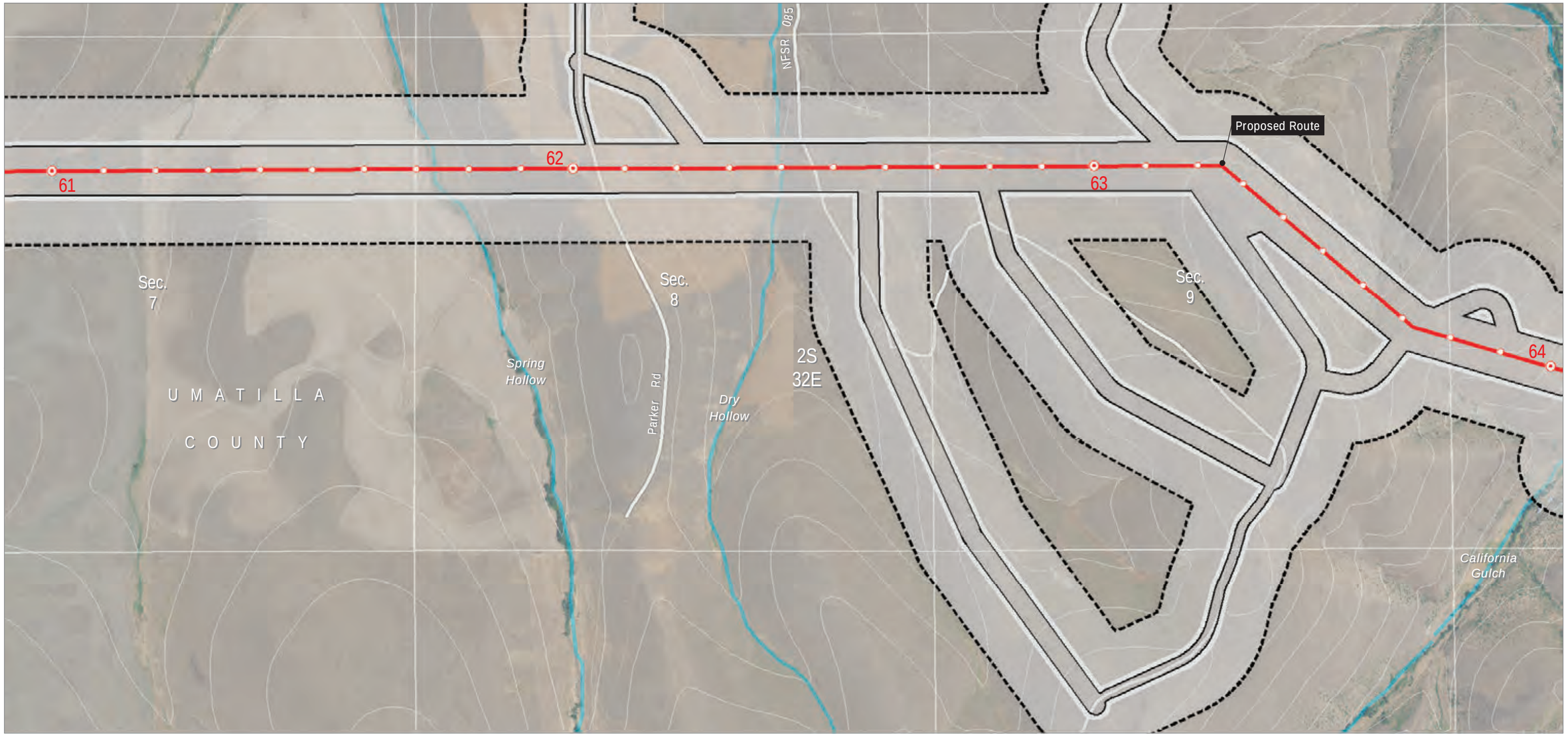
Agricultural Types

Umatilla County

Map 30



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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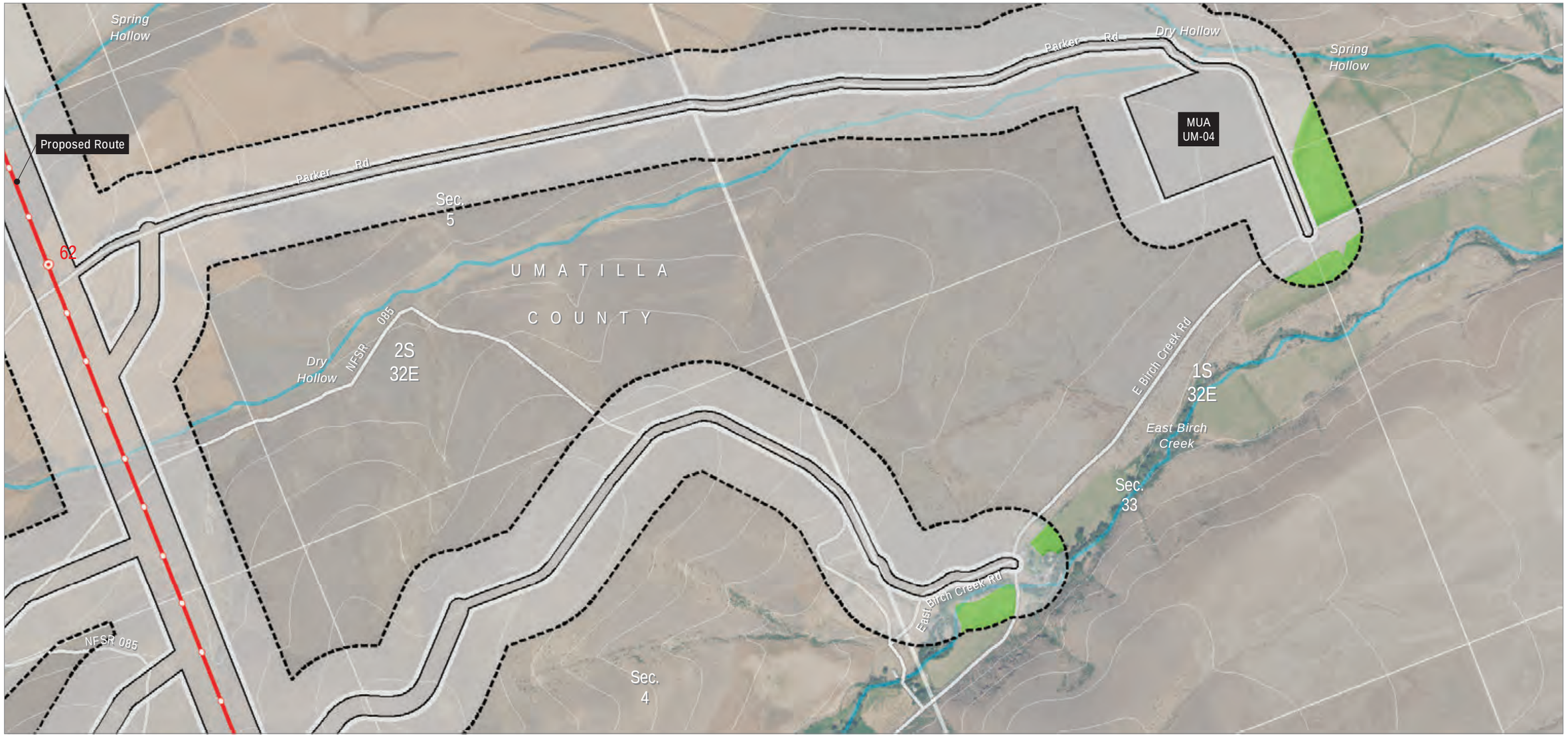
Agricultural Types

Umatilla County

Map 31



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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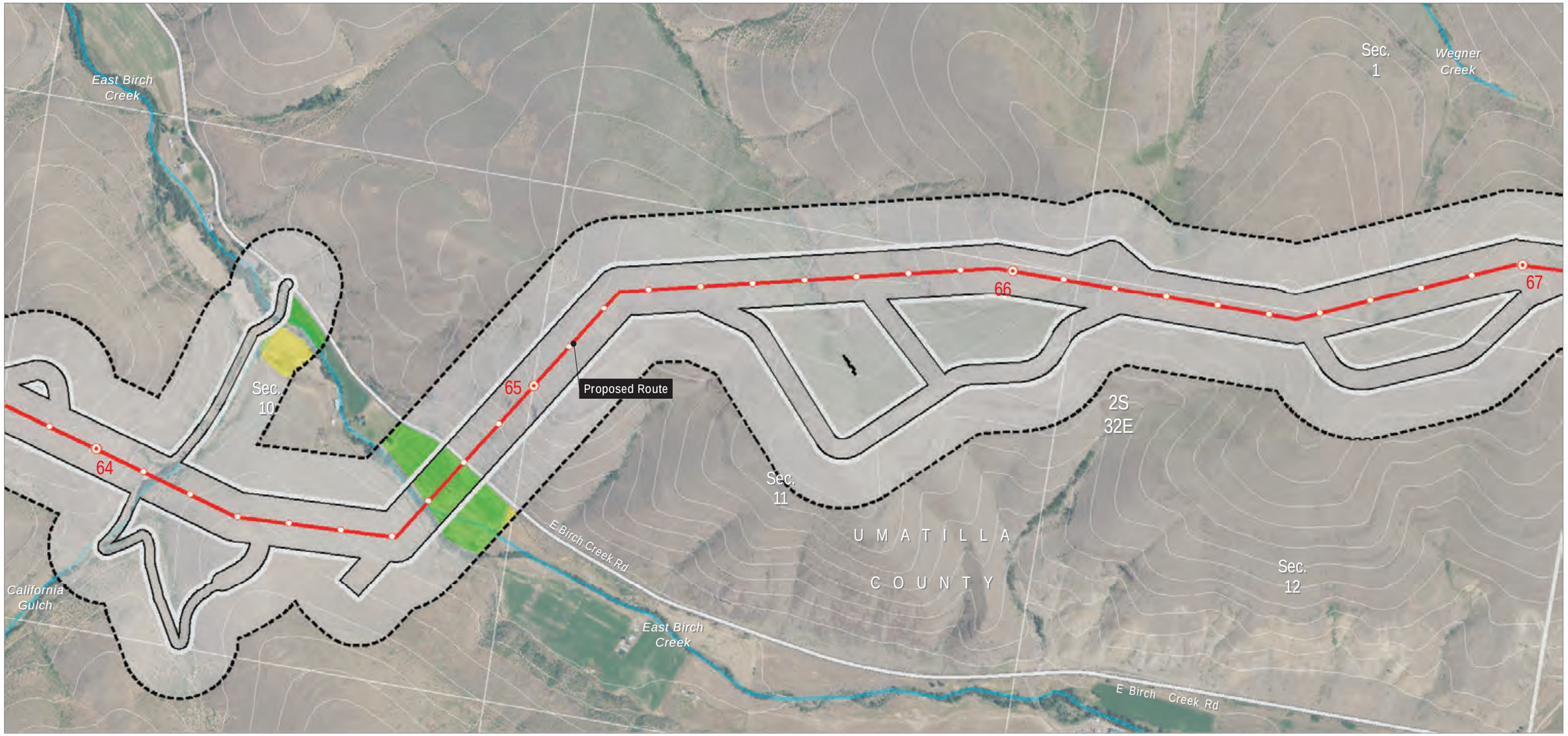
Agricultural Types

Umatilla County

Map 32



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Feet

O R E G O N

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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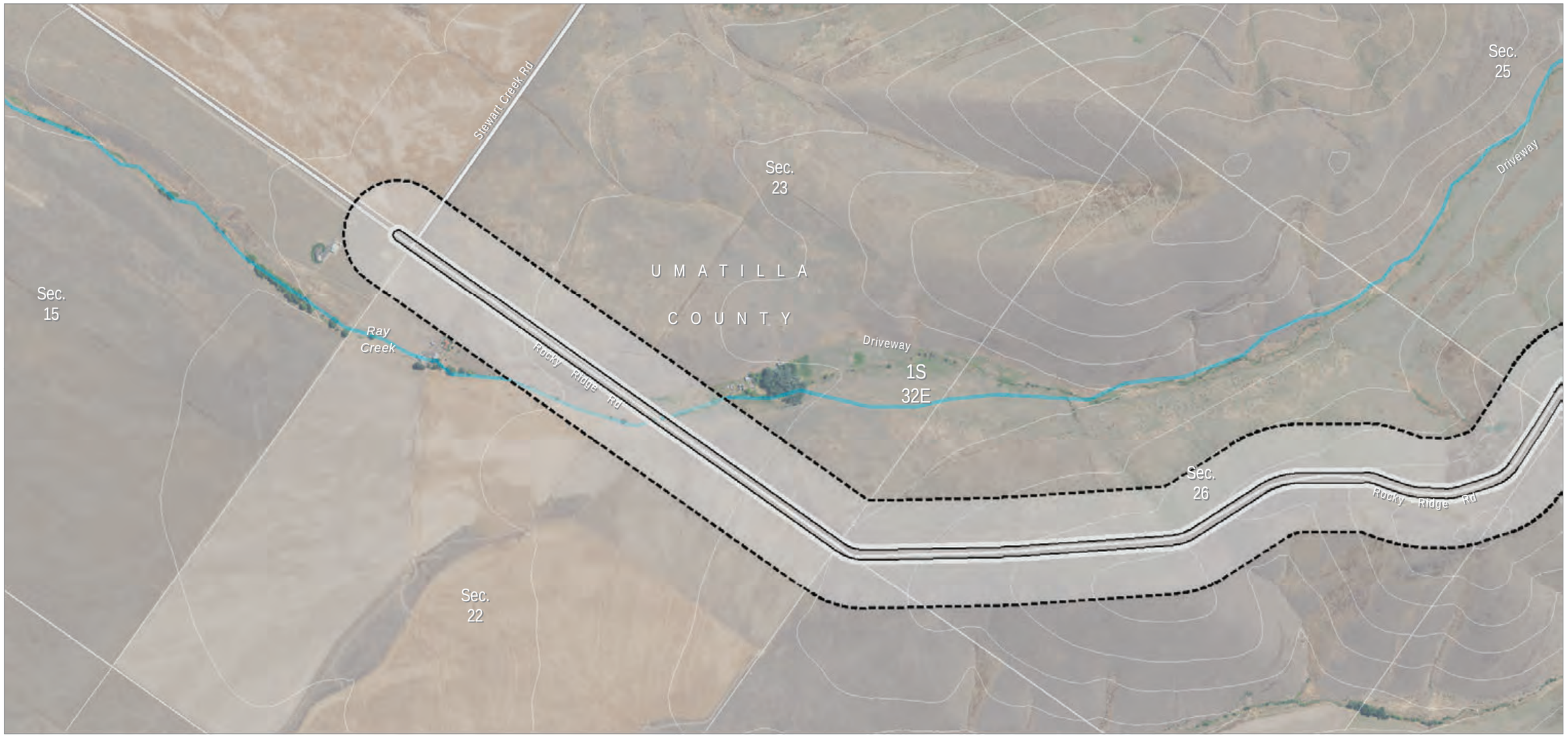
Agricultural Types

Umatilla County

Map 33



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
An IDACORP Company

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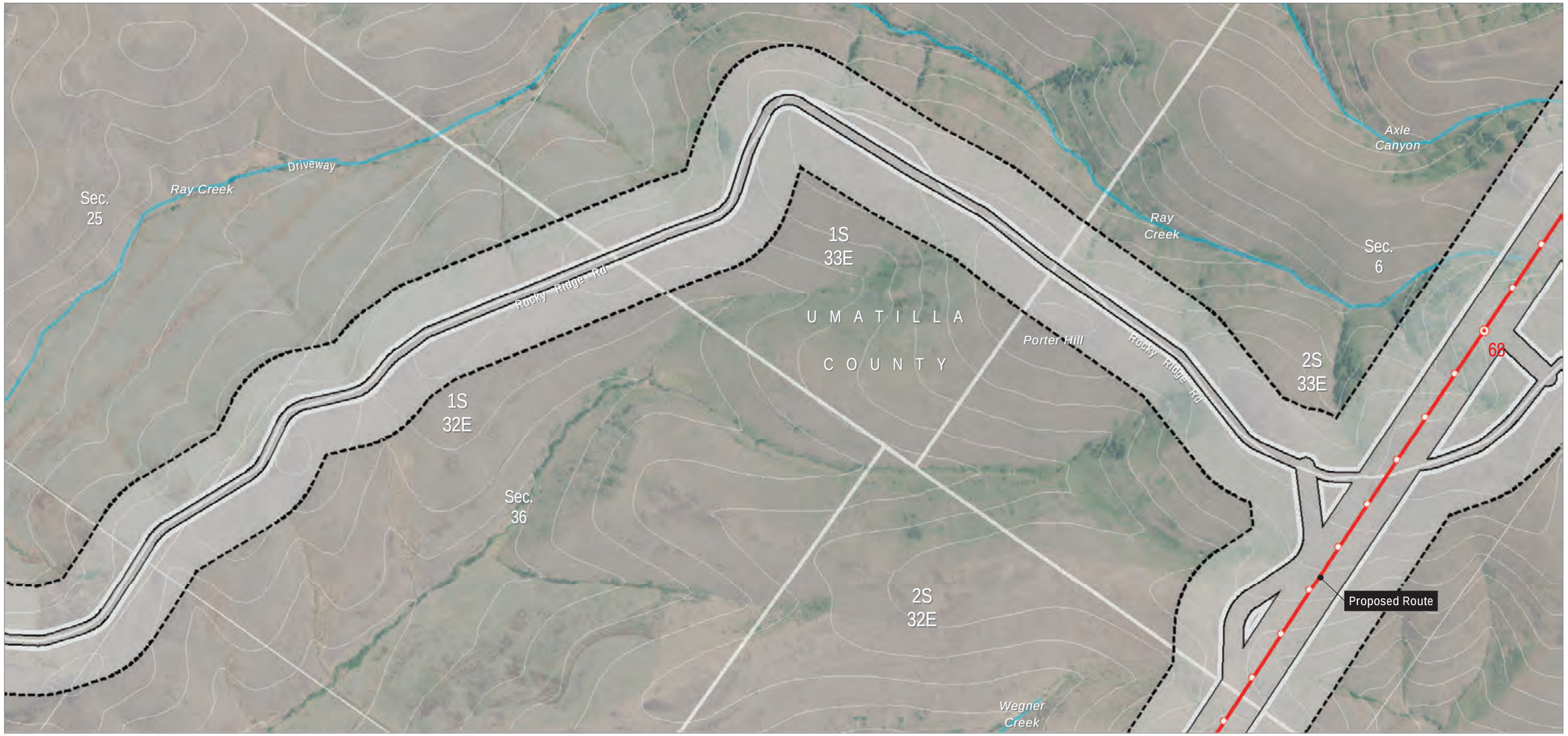
Agricultural Types

Umatilla County

Map 34



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
An IDACORP Company

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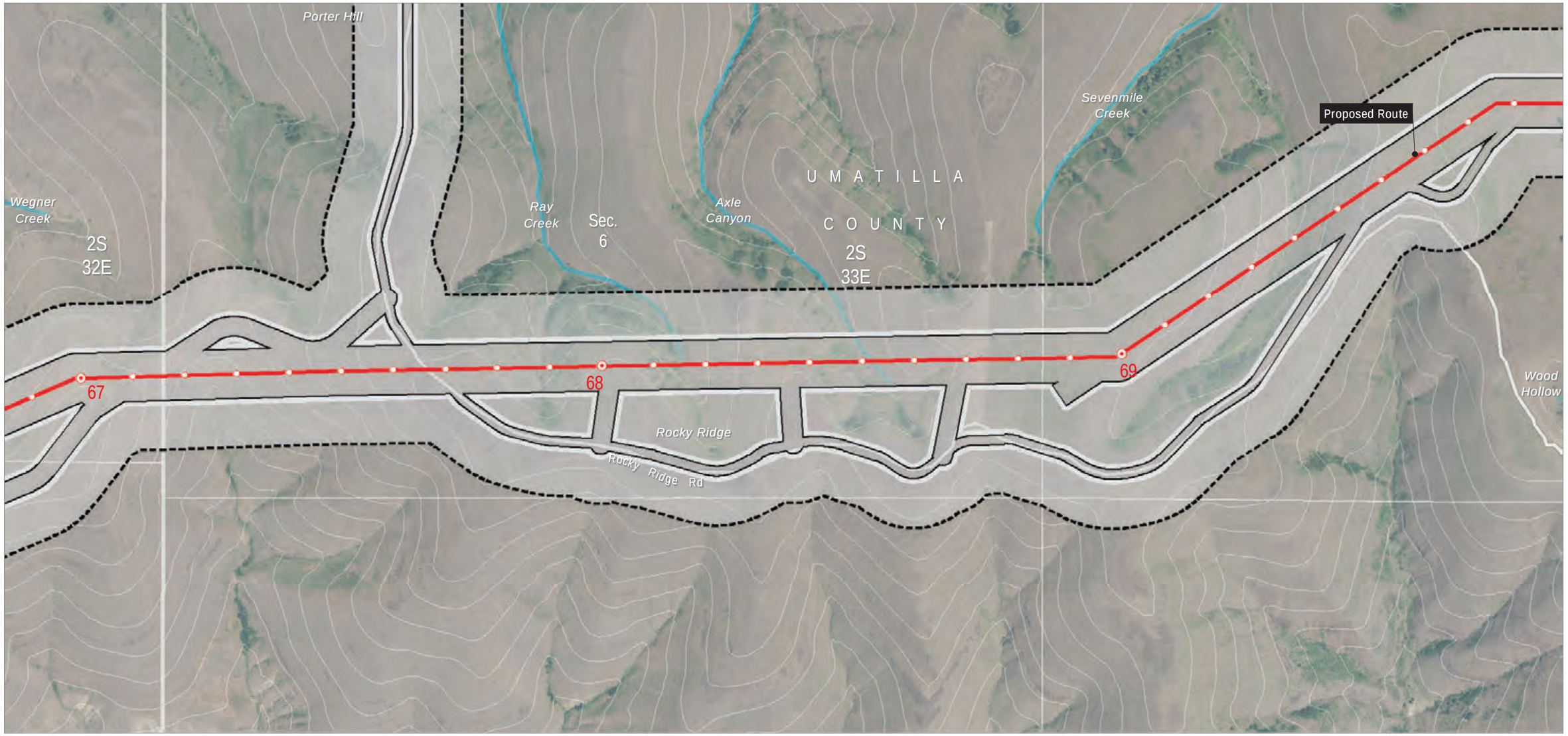
Agricultural Types

Umatilla County

Map 35



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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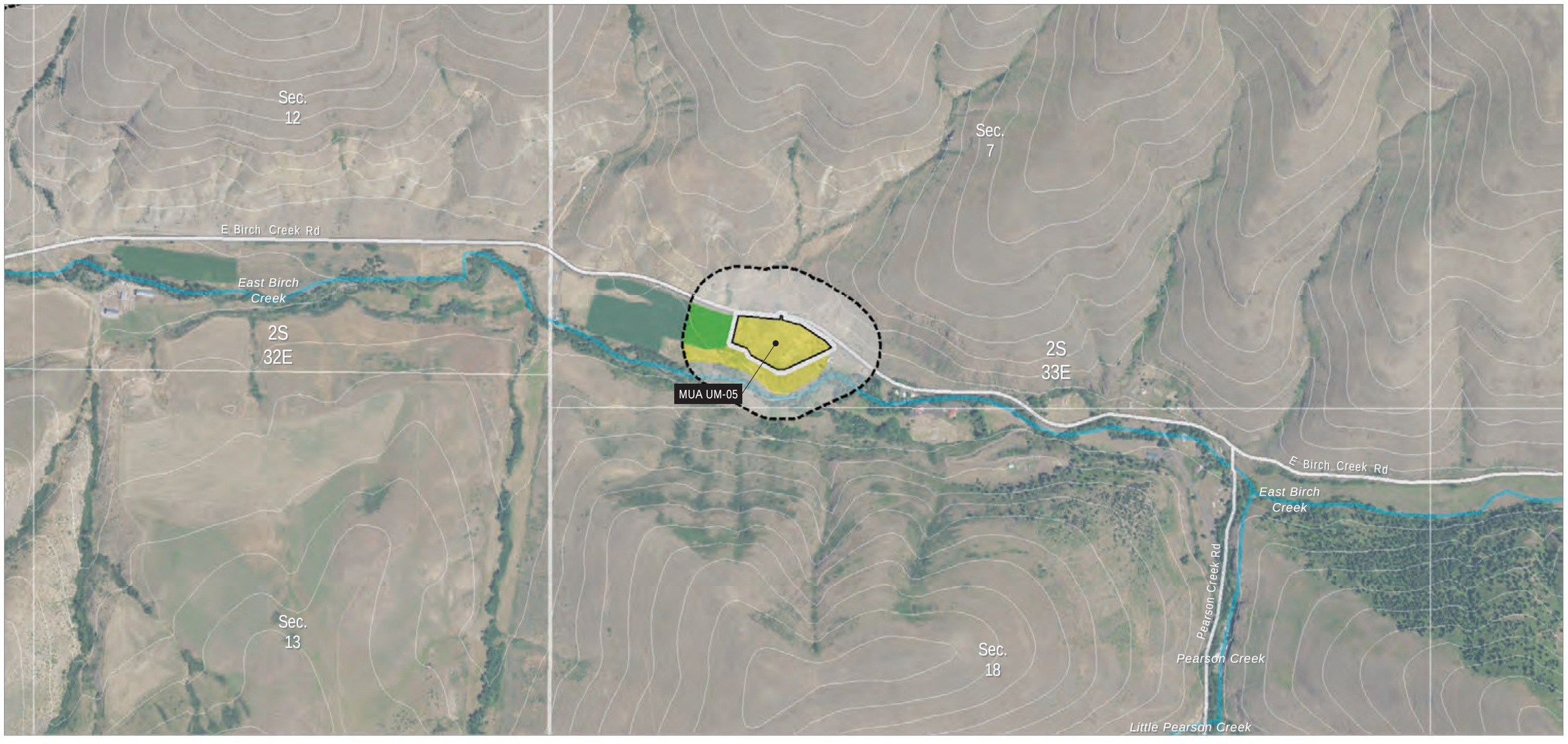
Agricultural Types

Umatilla County

Map 36



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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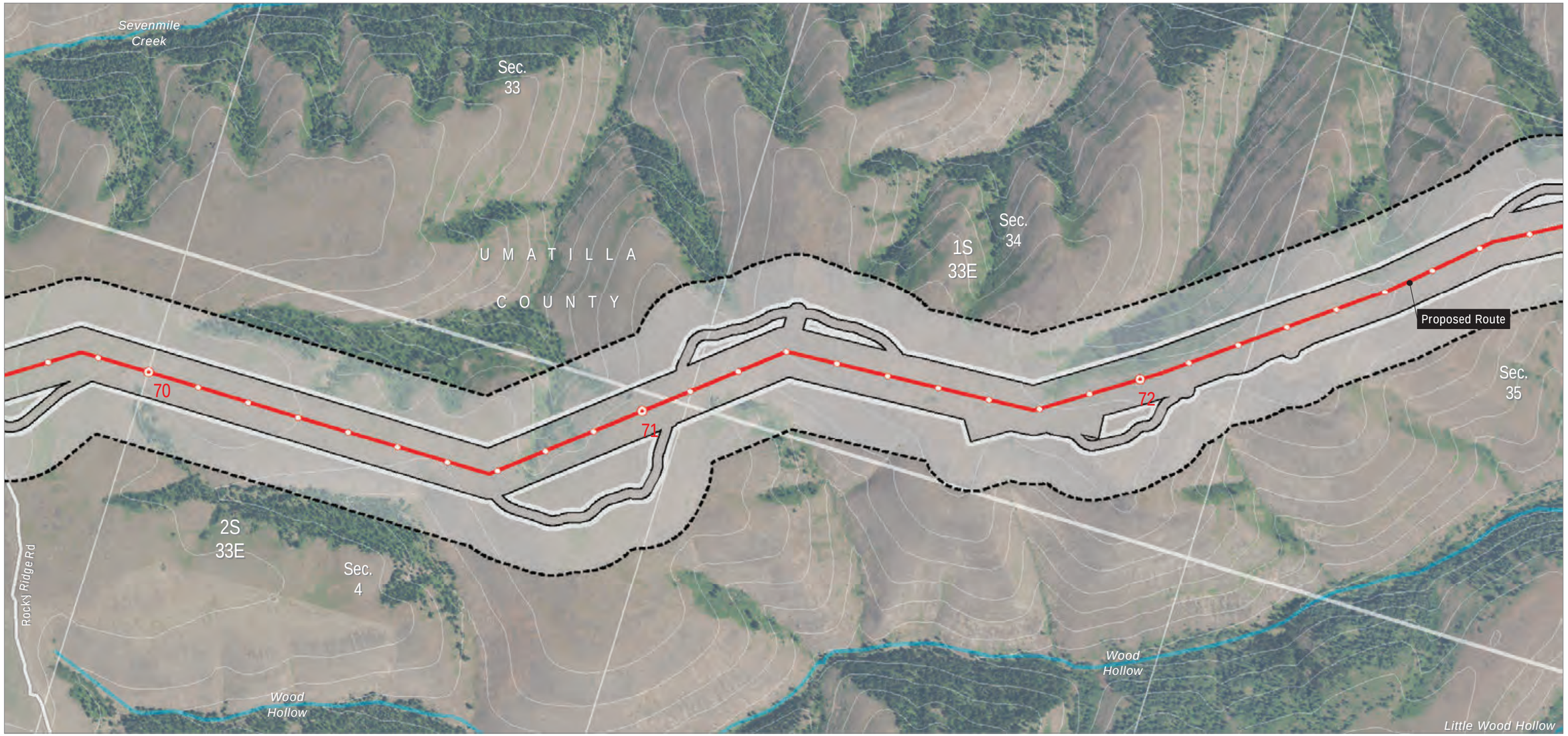
Agricultural Types

Umatilla County

Map 37



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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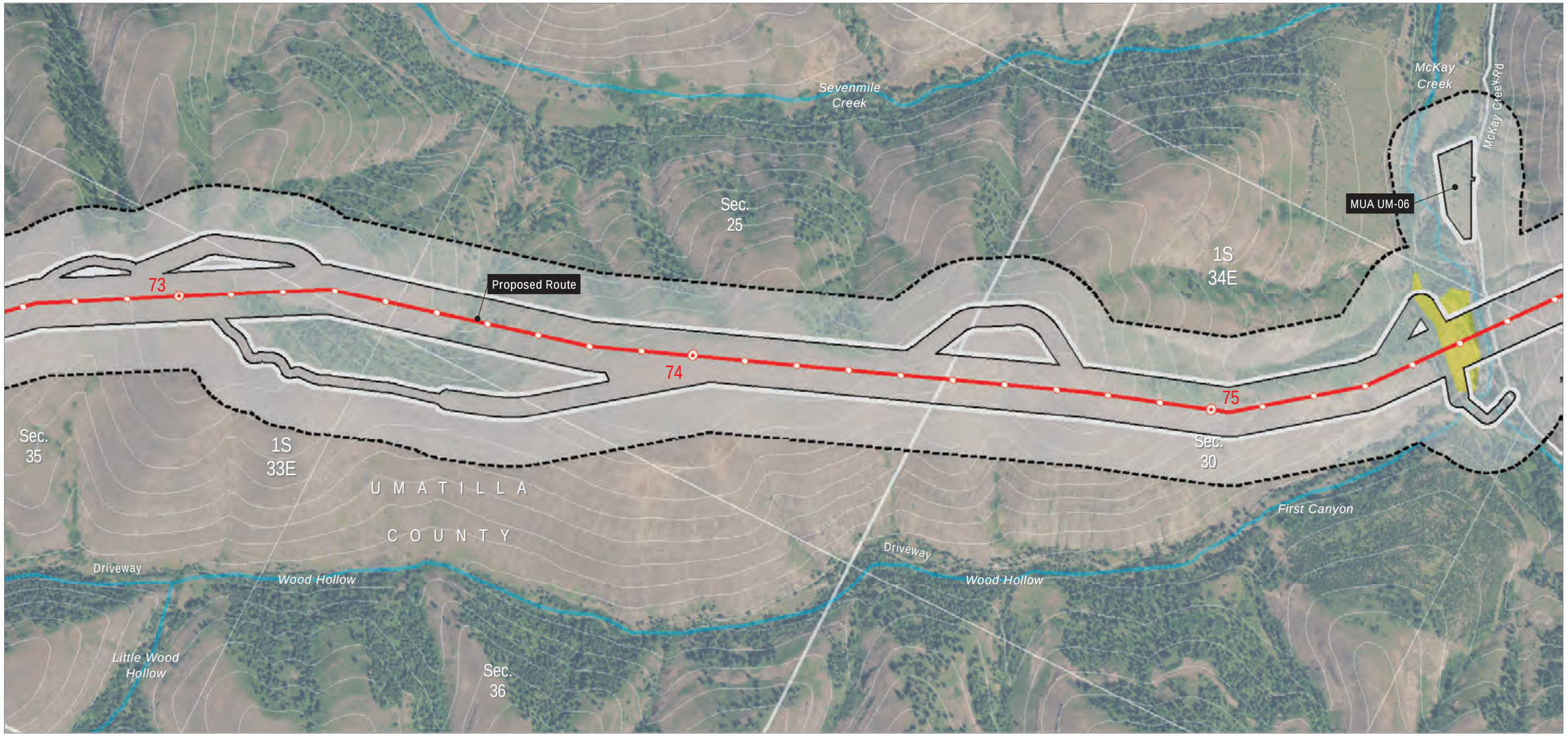
Agricultural Types

Umatilla County

Map 38



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

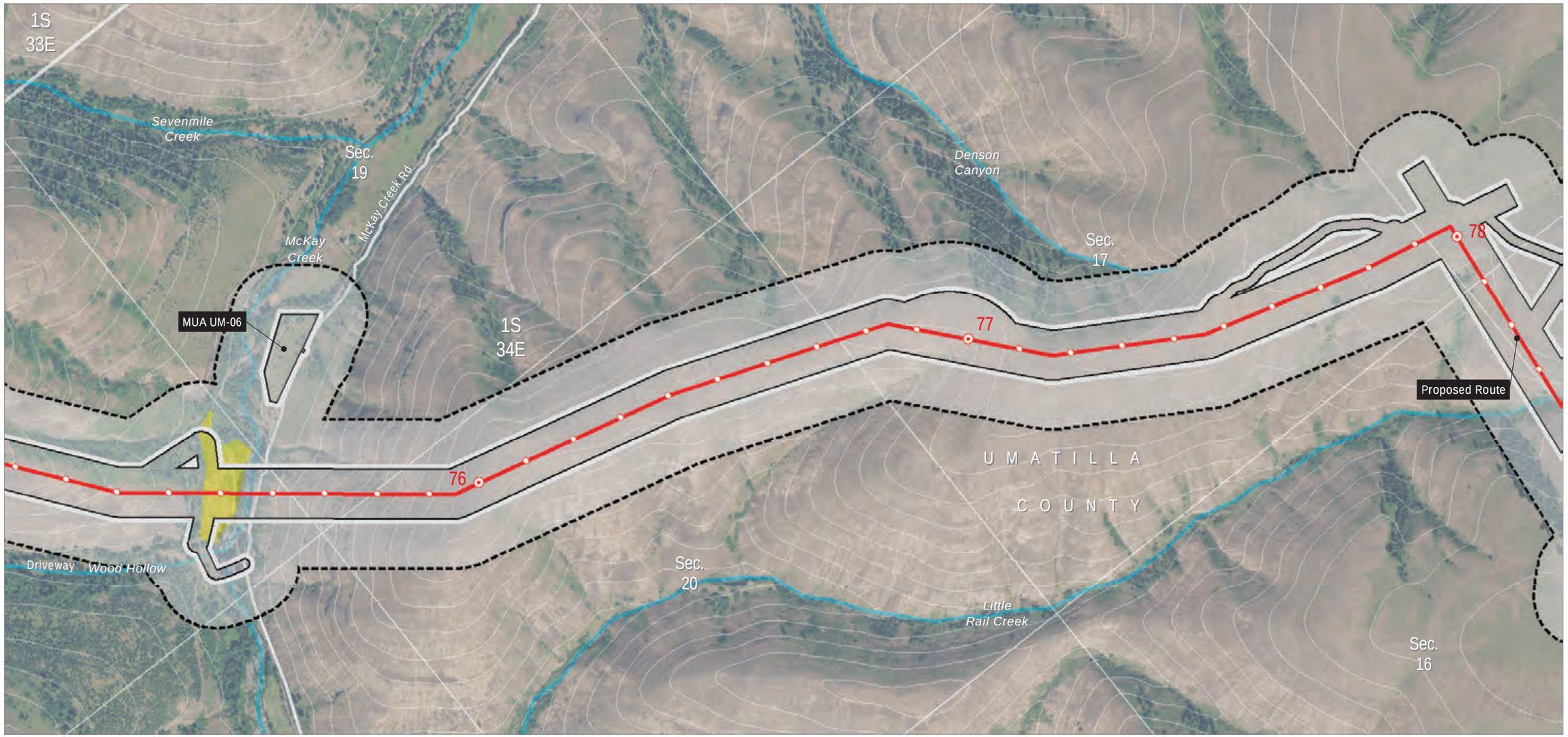
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Umatilla County

Map 39



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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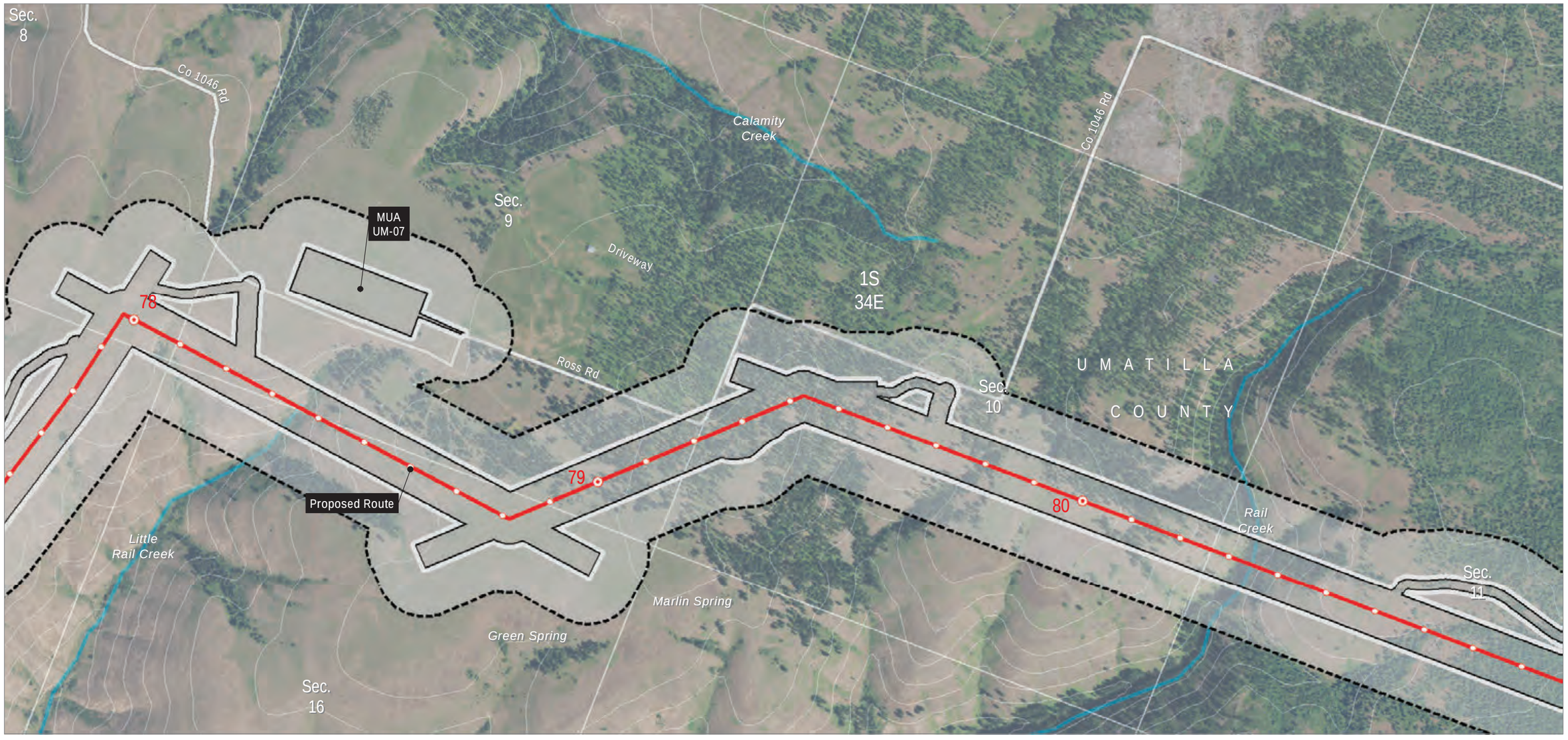
Agricultural Types

Umatilla County

Map 40



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Map Area

OREGON

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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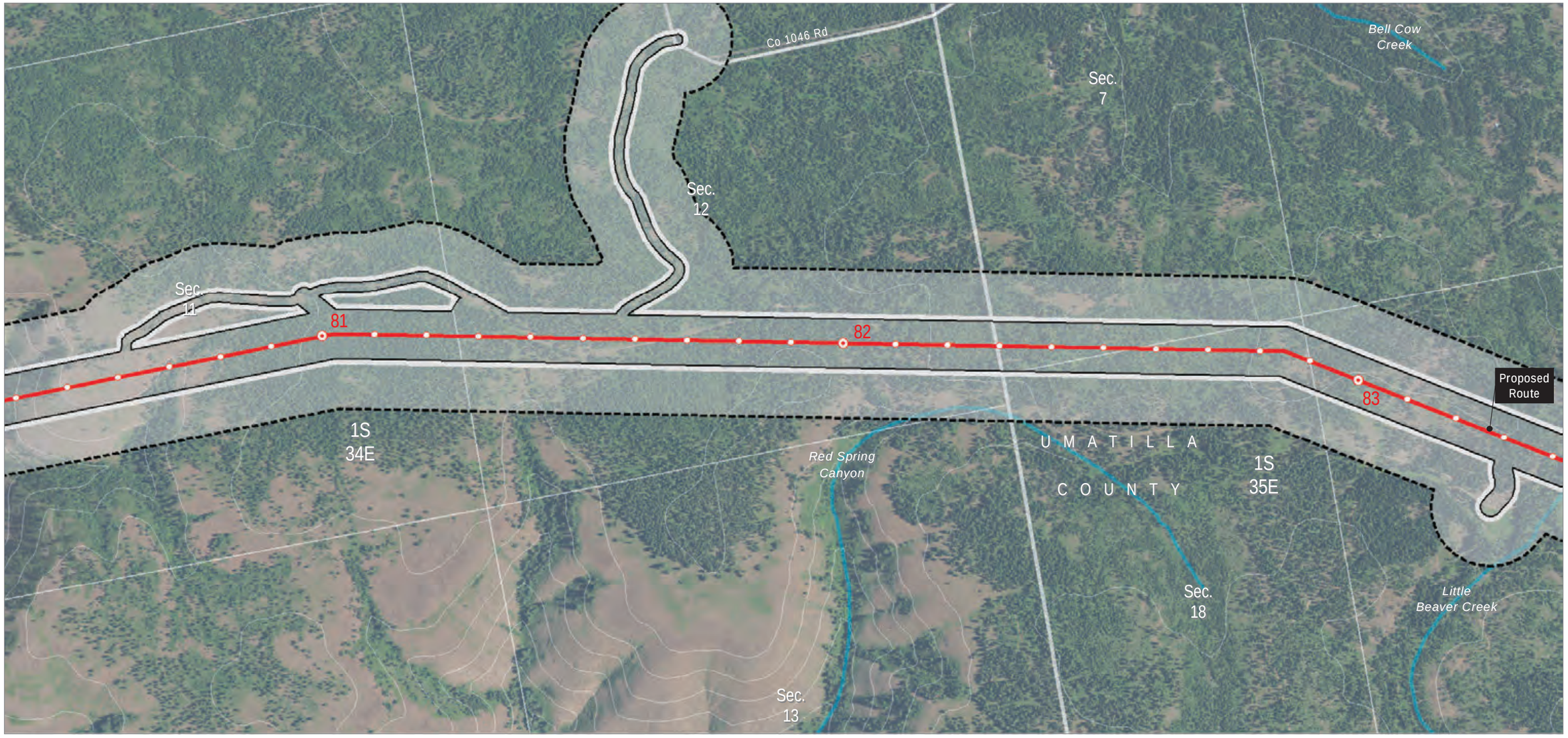
Agricultural Types

Umatilla County

Map 41



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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
An IDACORP Company

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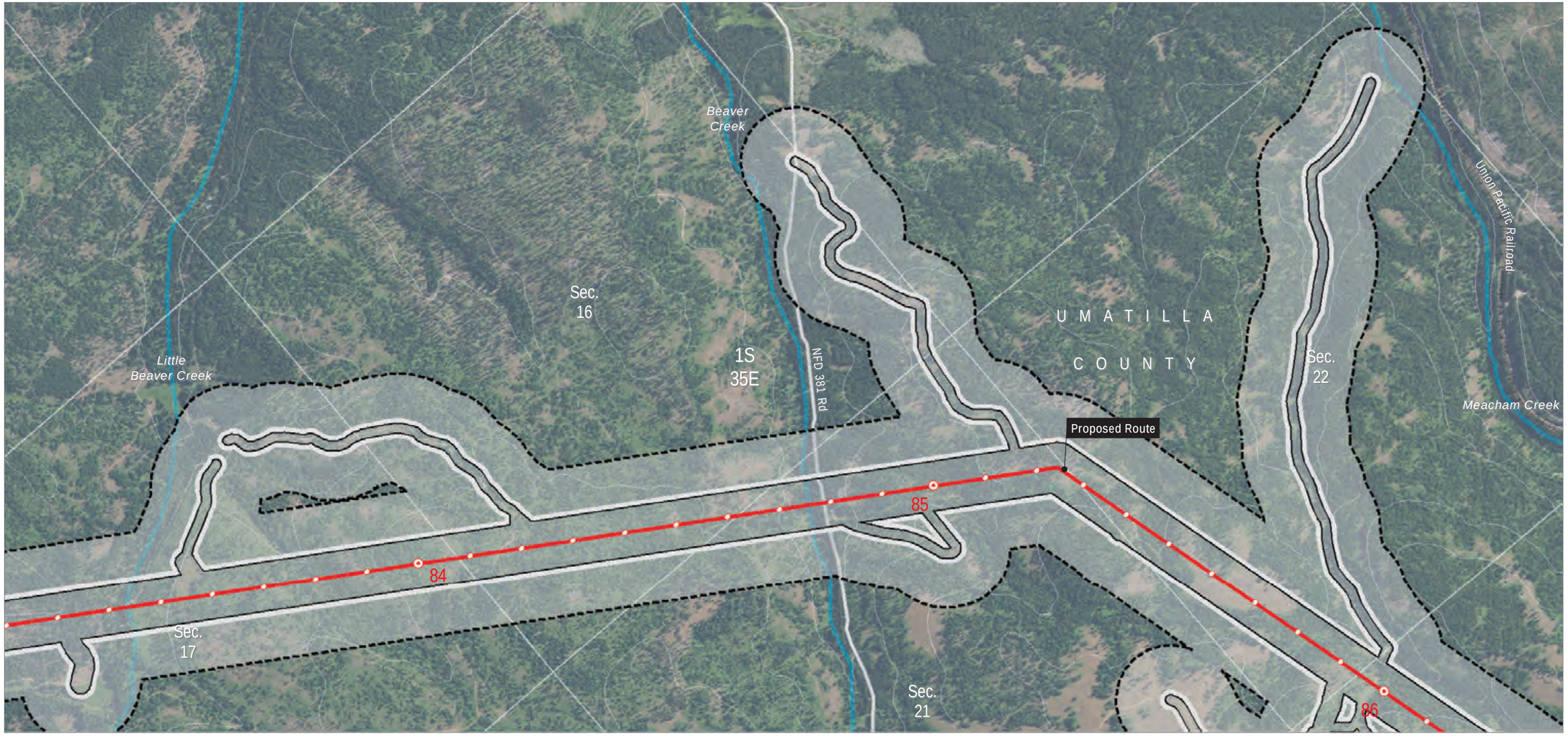
Umatilla County

Map 42



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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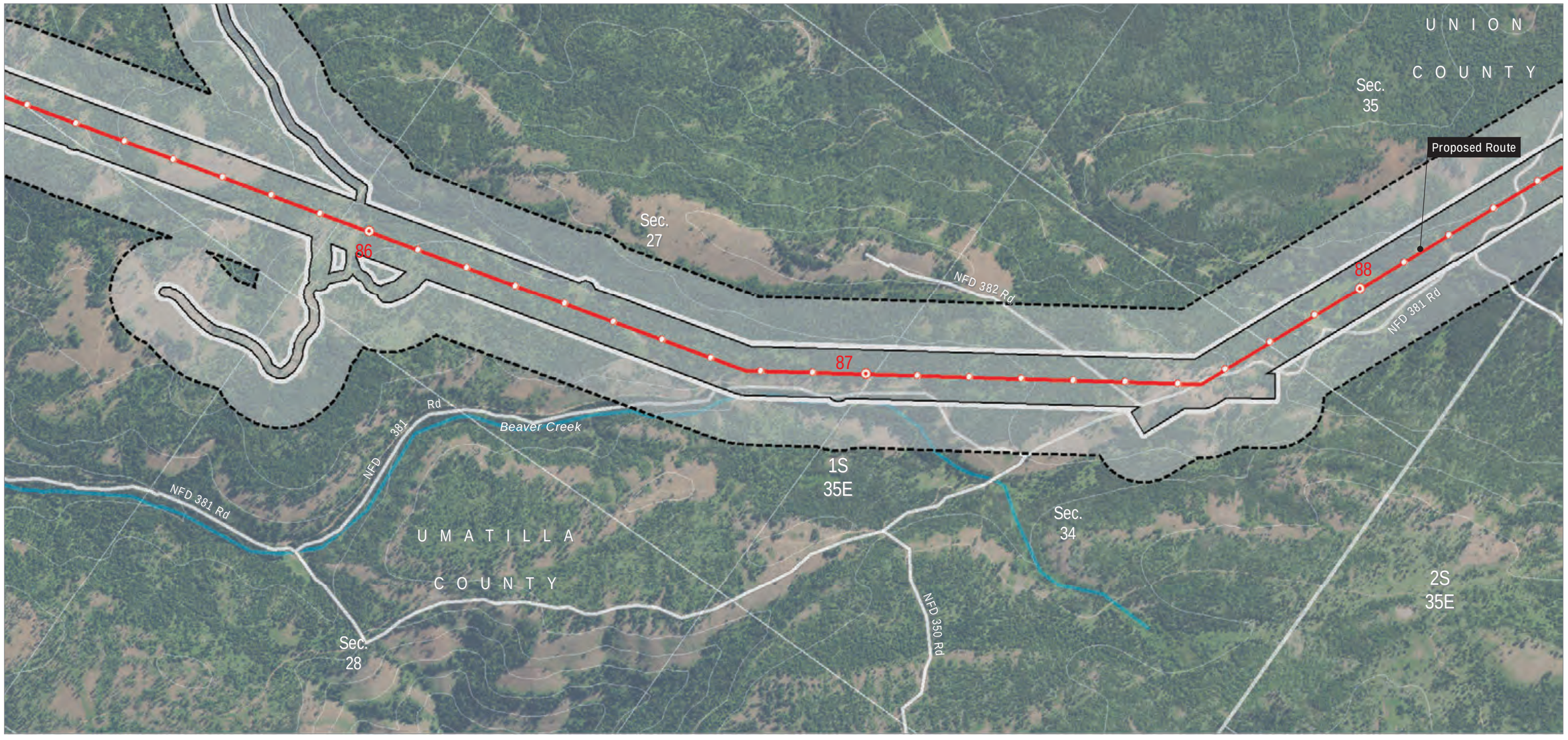
Agricultural Types

Umatilla County

Map 43



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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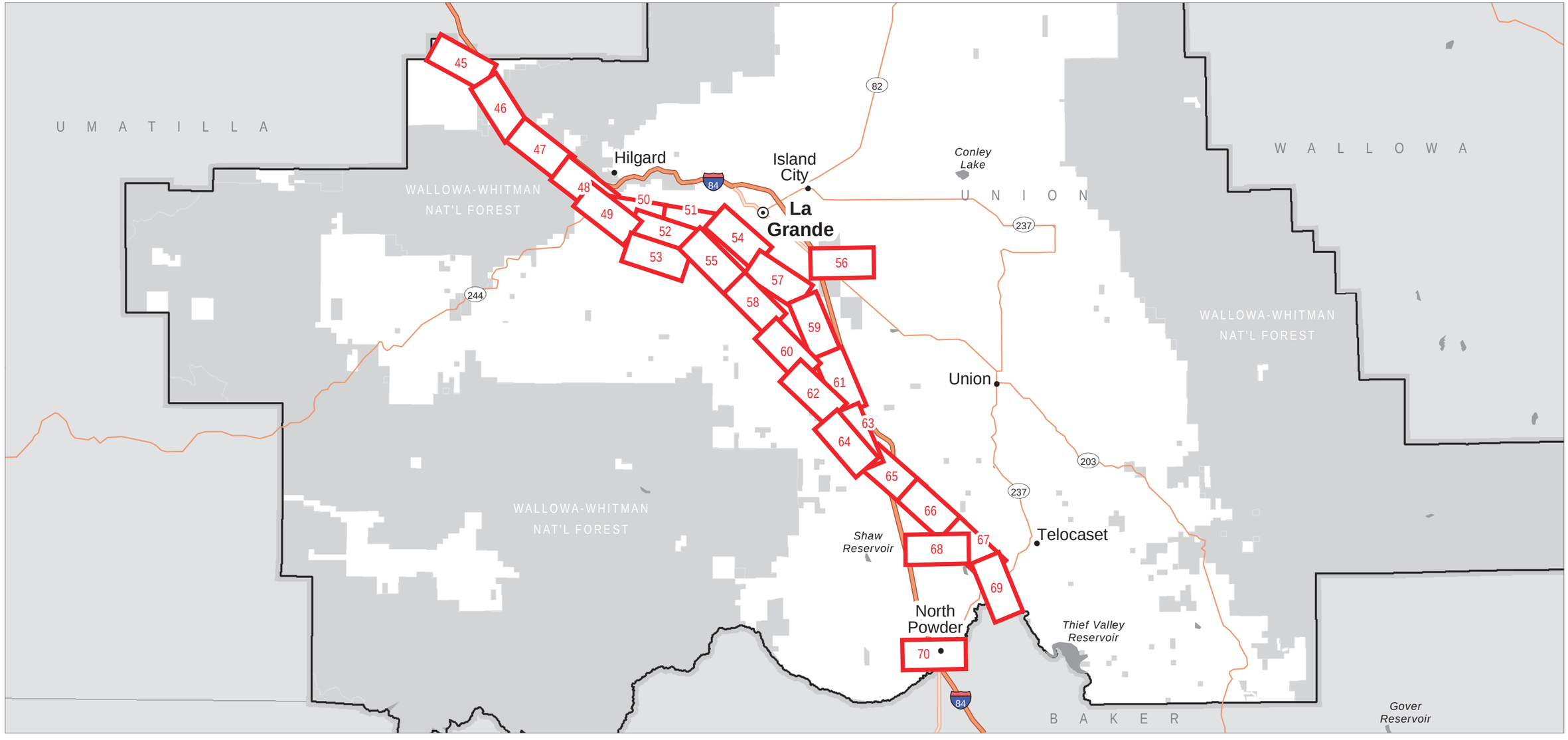
Agricultural Types

Umatilla County

Map 44



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Miles

OREGON

Map Area

Source(s): BLM, IPC, Esri

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Map Index

Location Map (Map #)

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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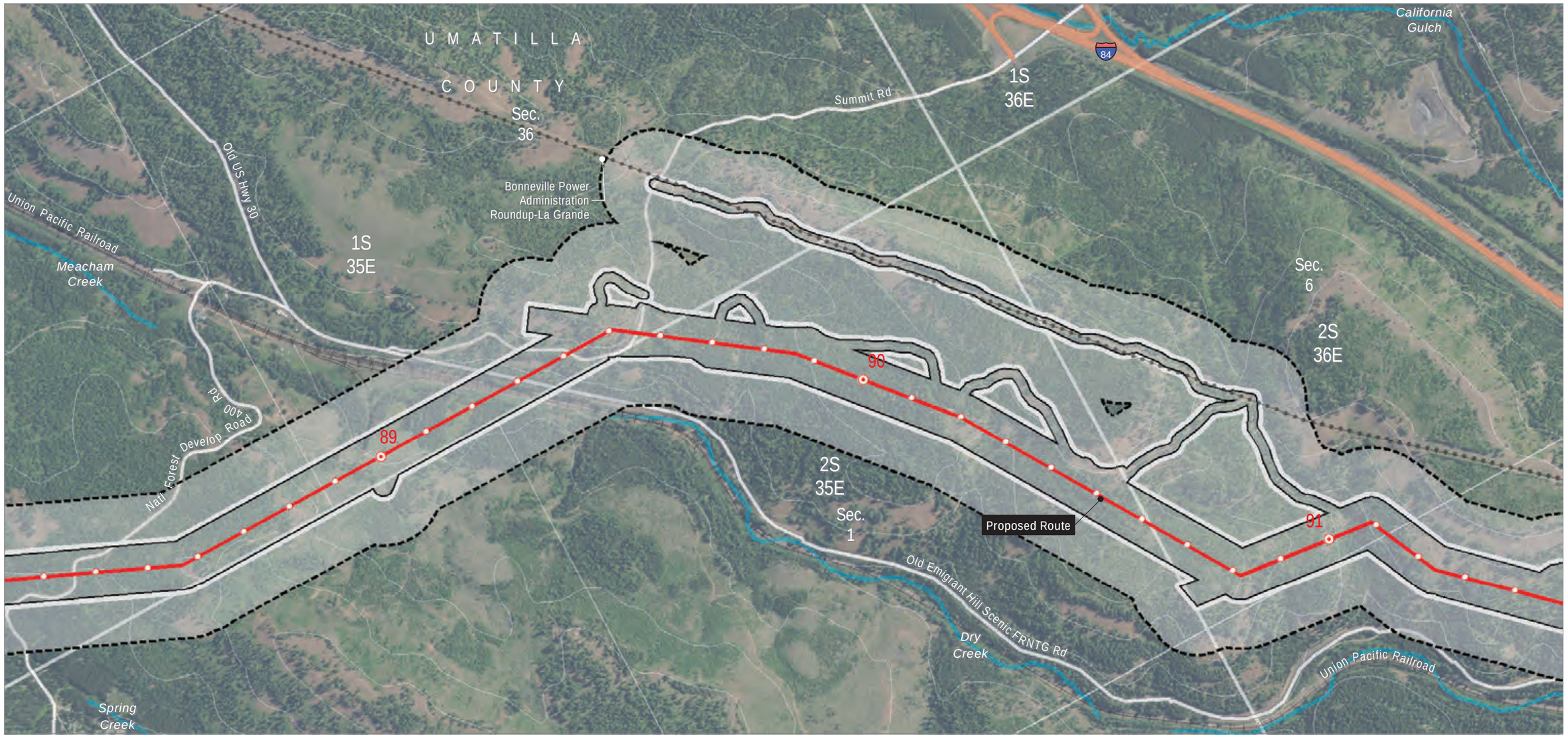
Agricultural Types

Union County

Map Index



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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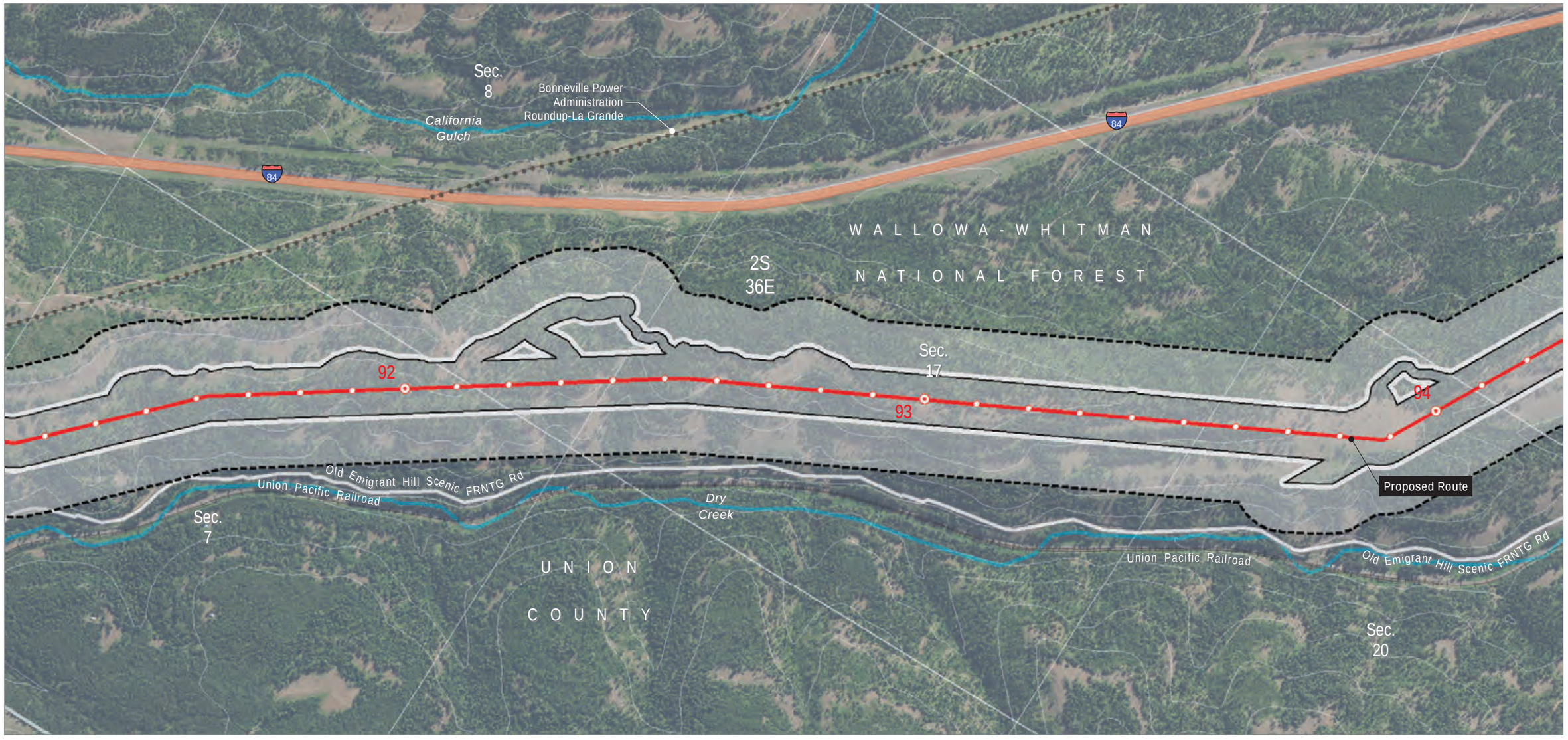
Agricultural Types

Union County

Map 45



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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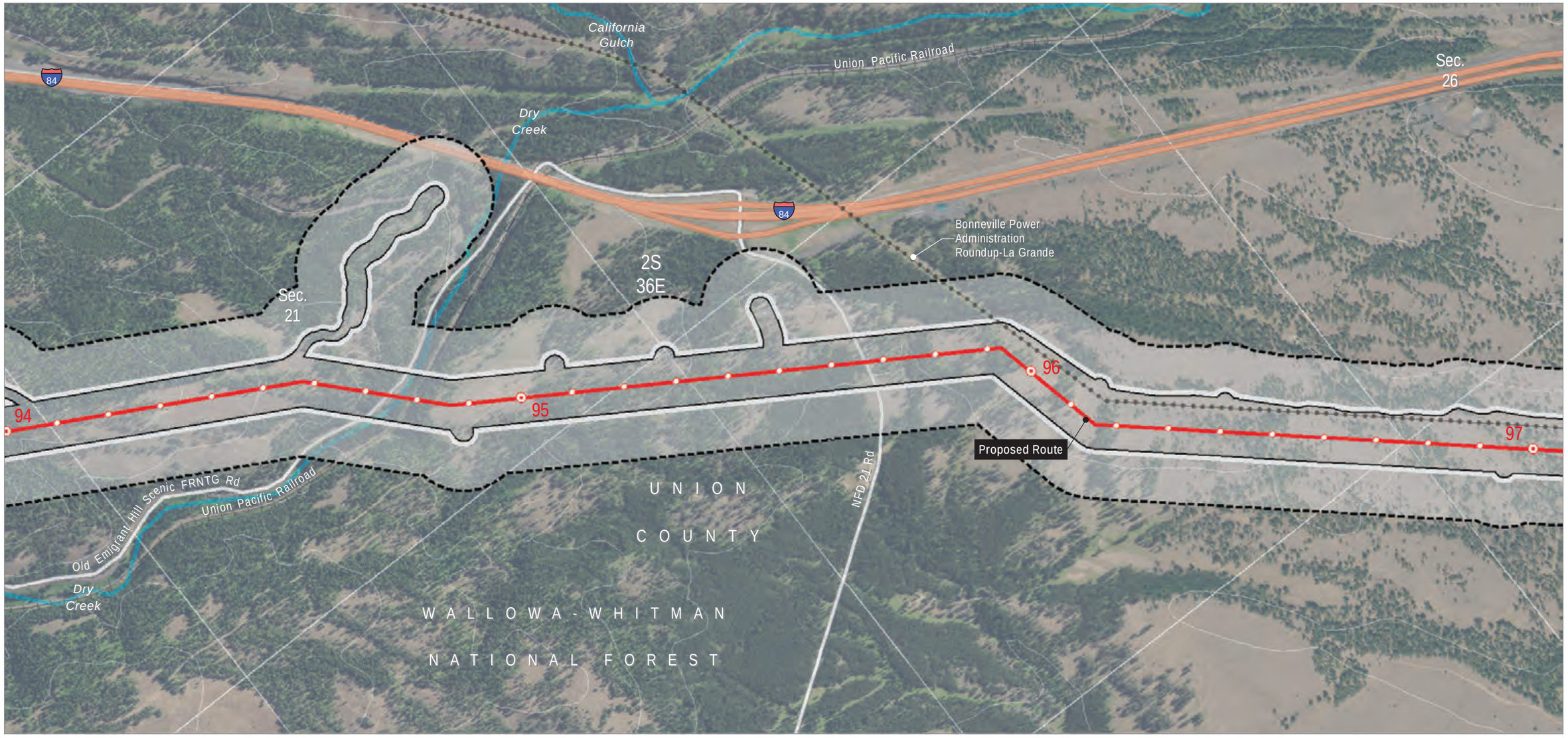
Agricultural Types

Union County

Map 46



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
An IDACORP Company

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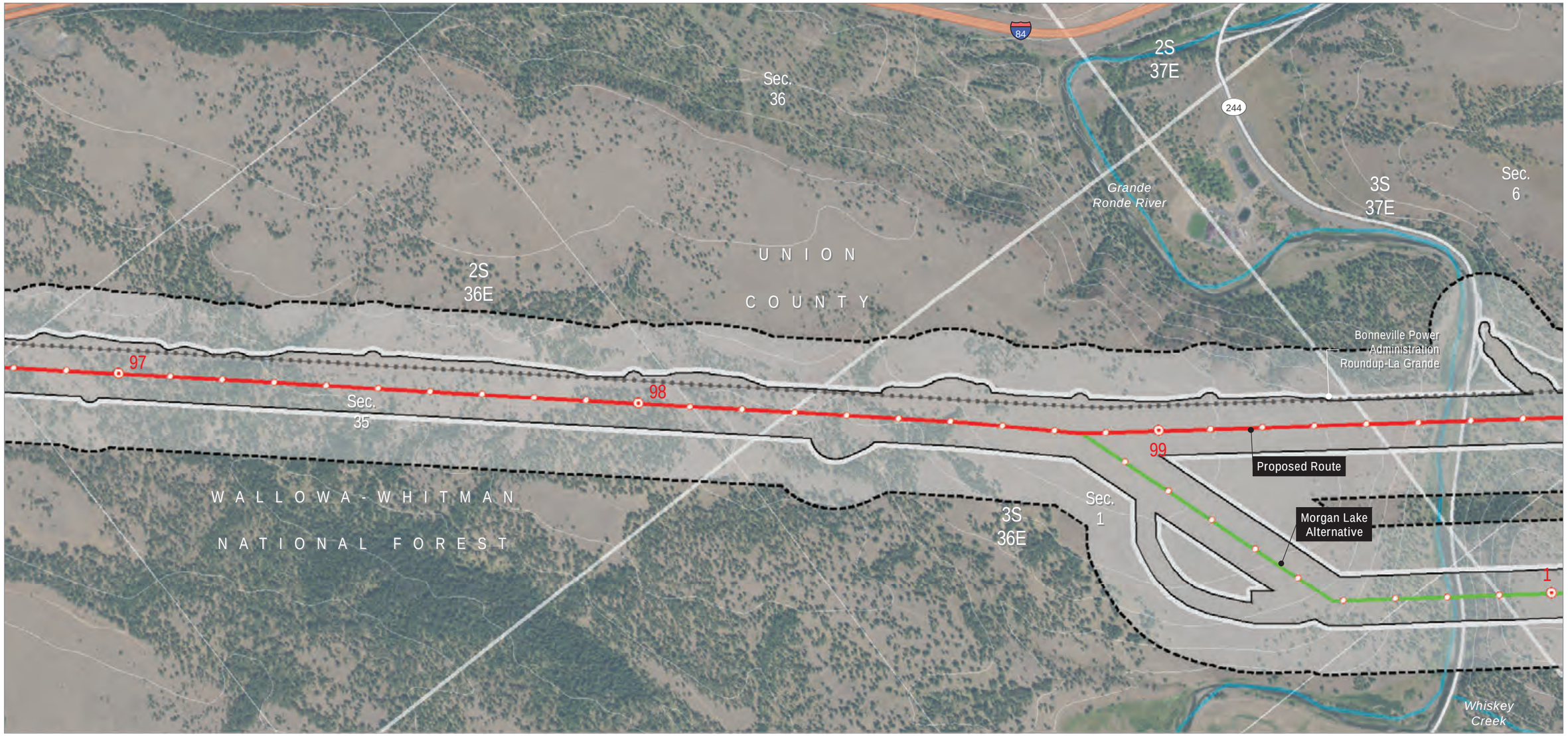
Union County

Map 47



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Stream

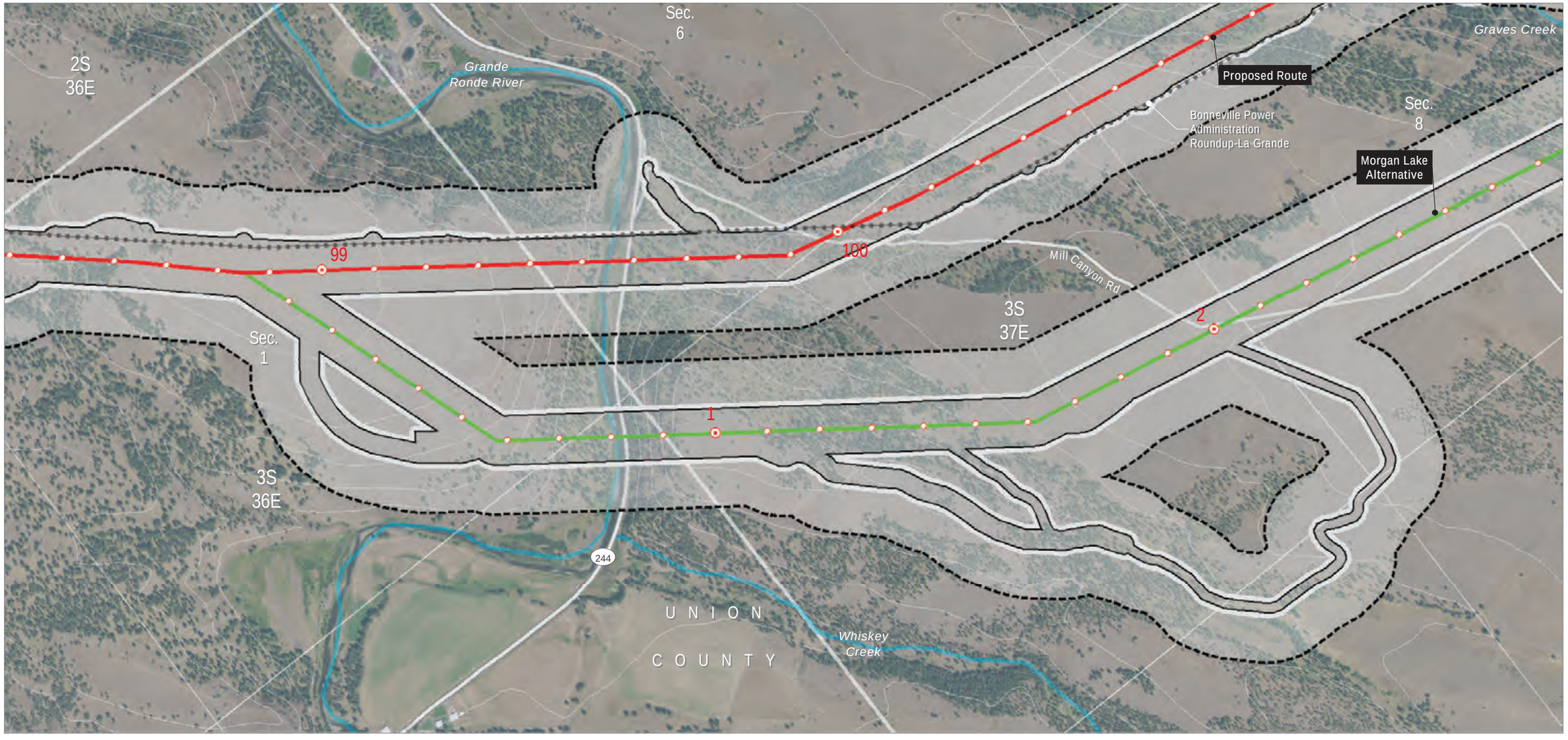
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Union County

Map 48



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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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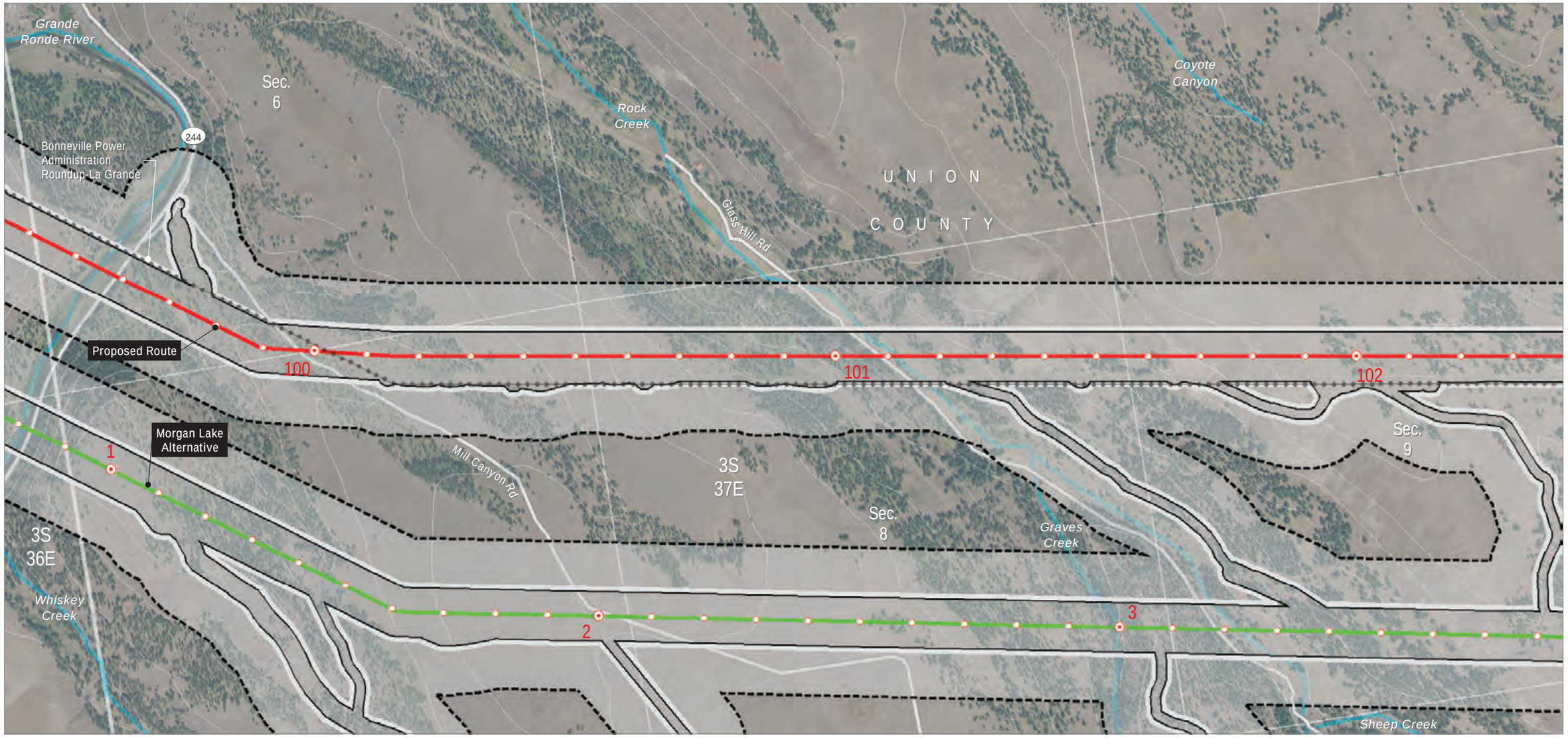
Union County

Map 49



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
An IDACORP Company

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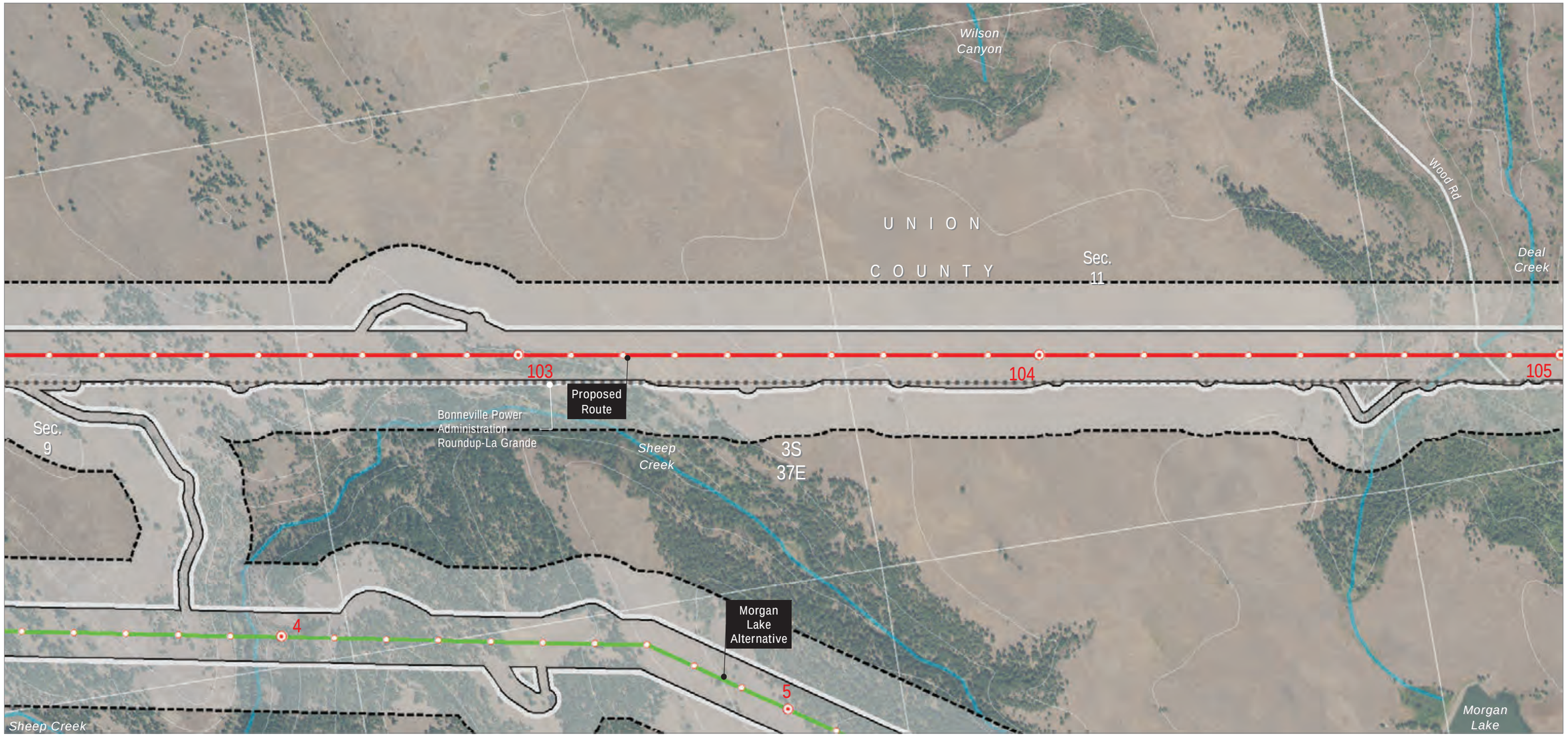
Agricultural Types

Union County

Map 50



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
An IDACORP Company

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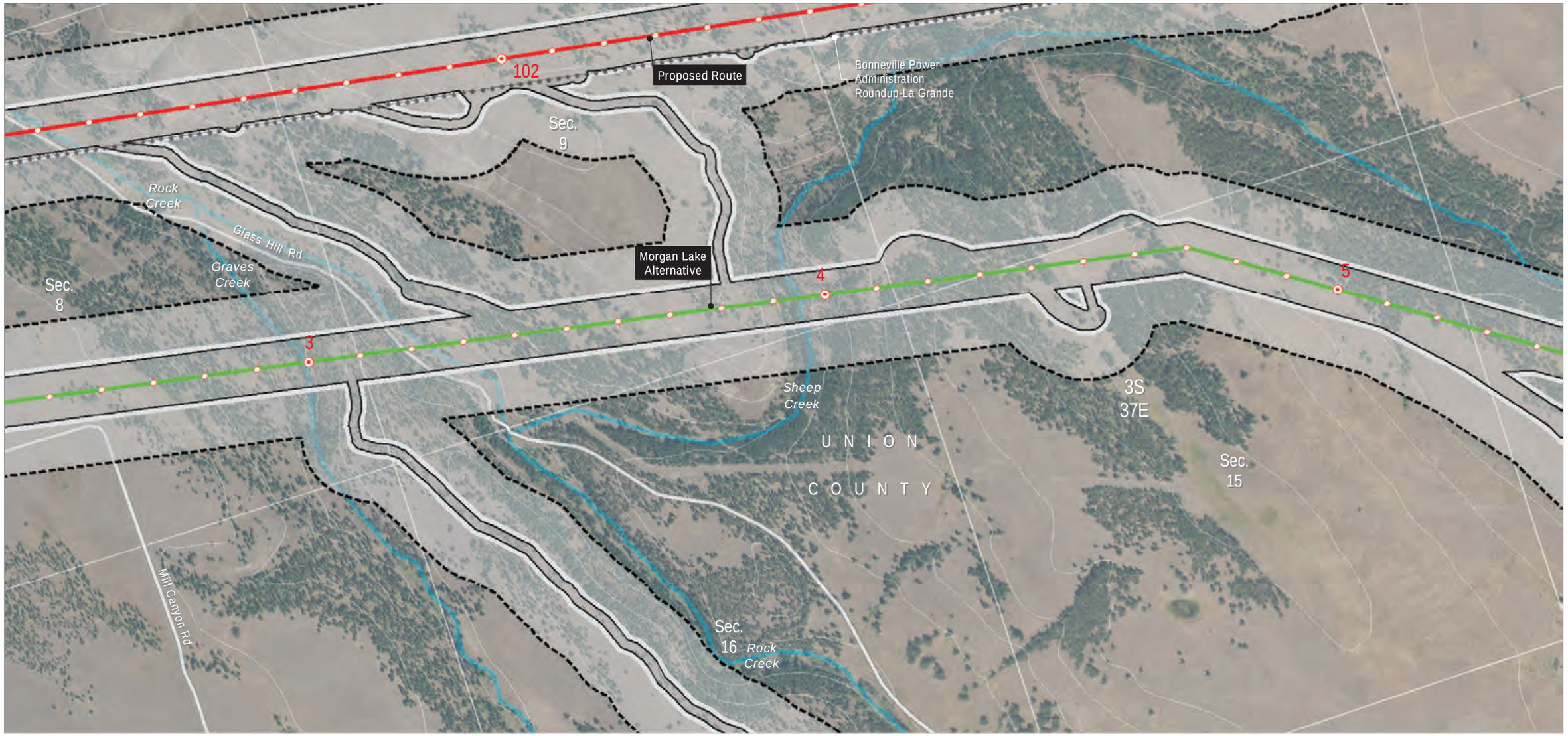
Union County

Map 51



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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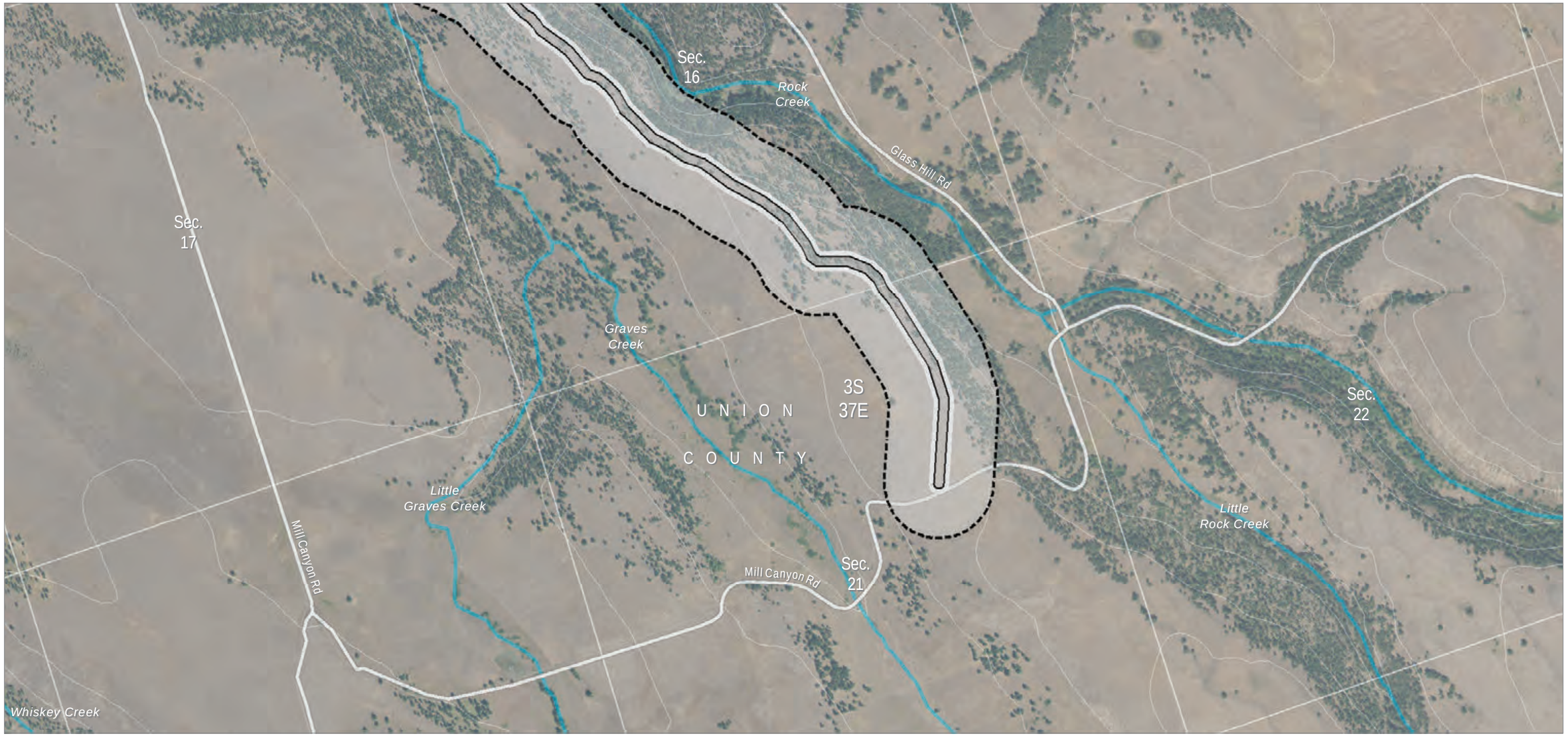
Union County

Map 52



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
An IDACORP Company

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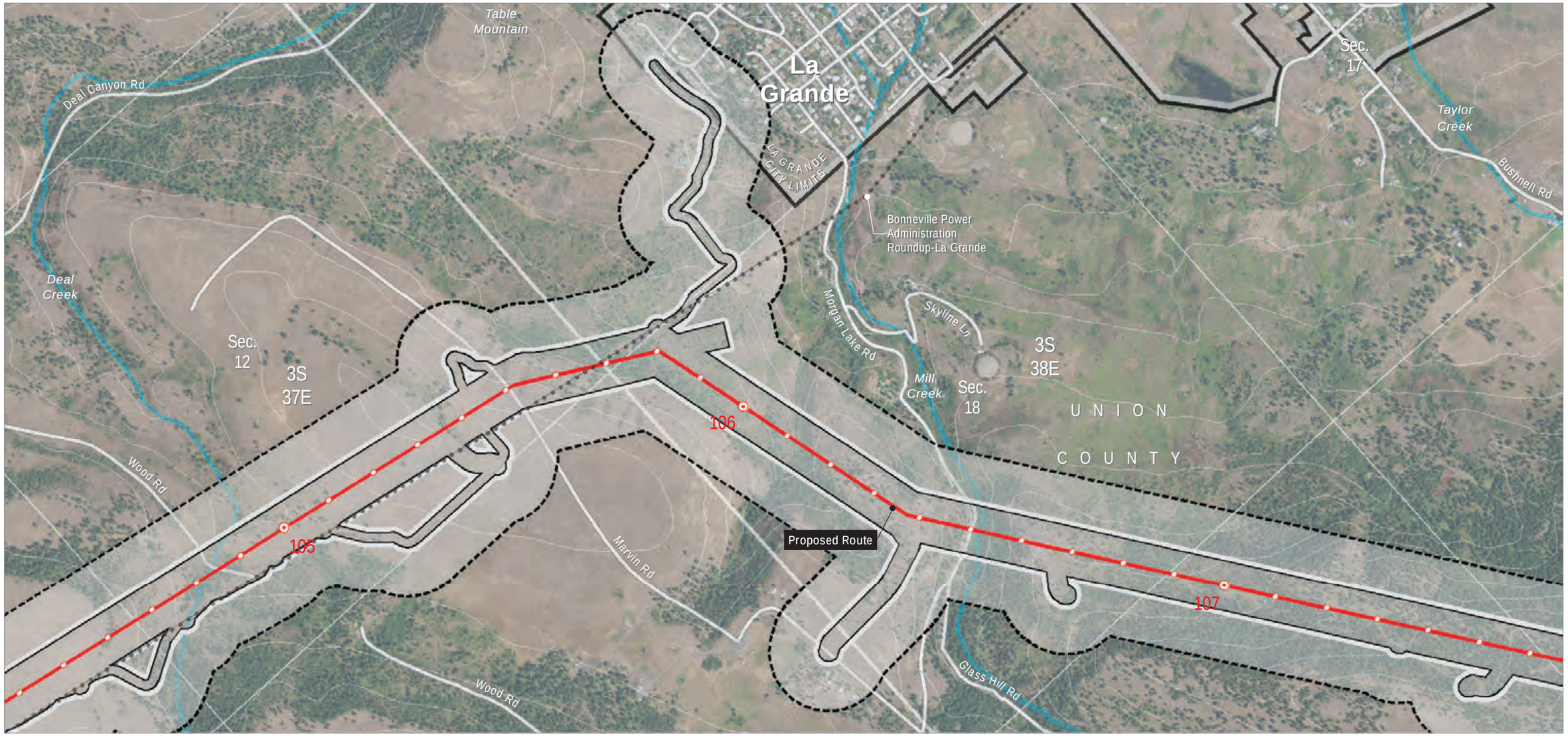
Union County

Map 53



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream
- City Limits

Boardman to Hemingway Transmission Line Project
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IDAHO POWER

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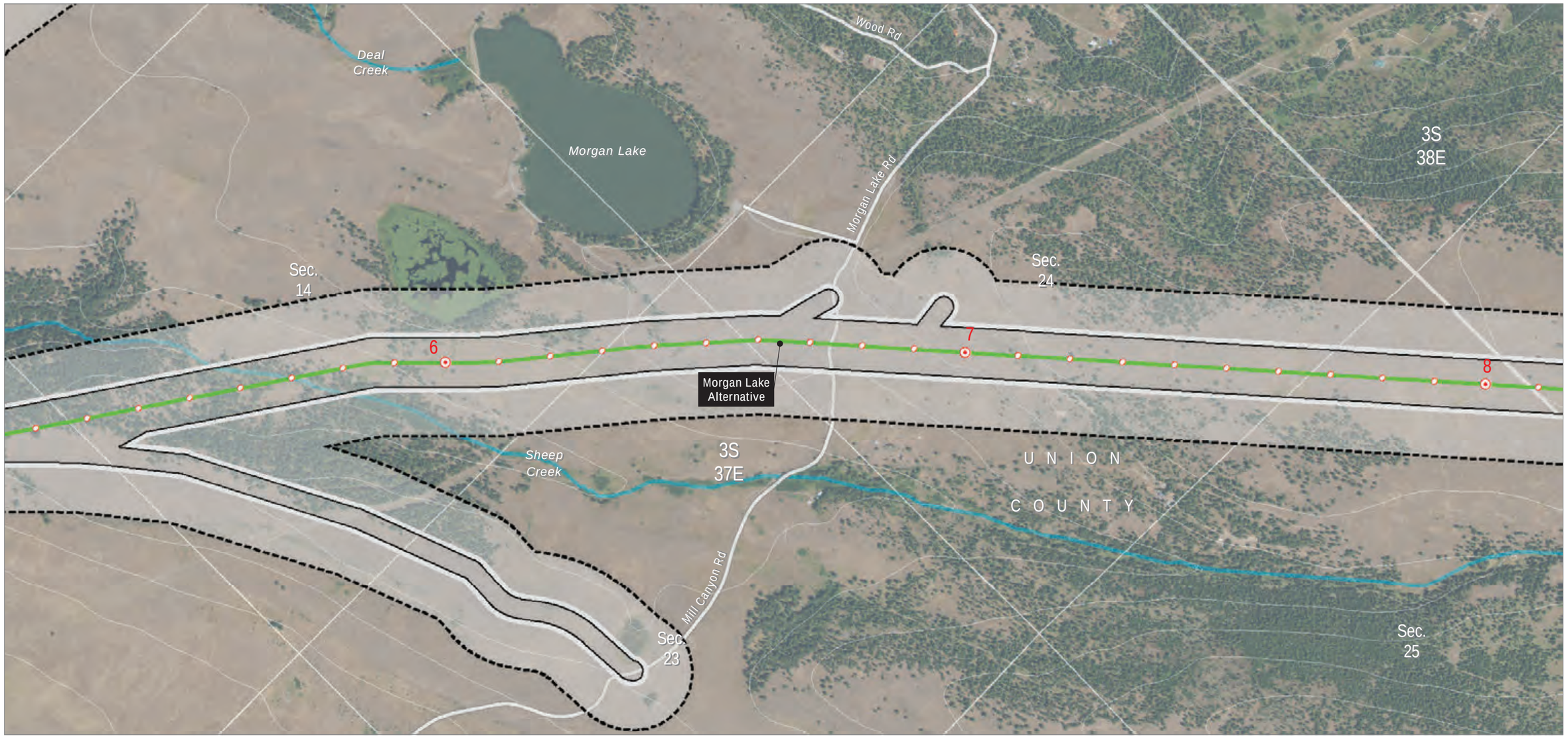
Union County

Map 54



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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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Union County

Map 55

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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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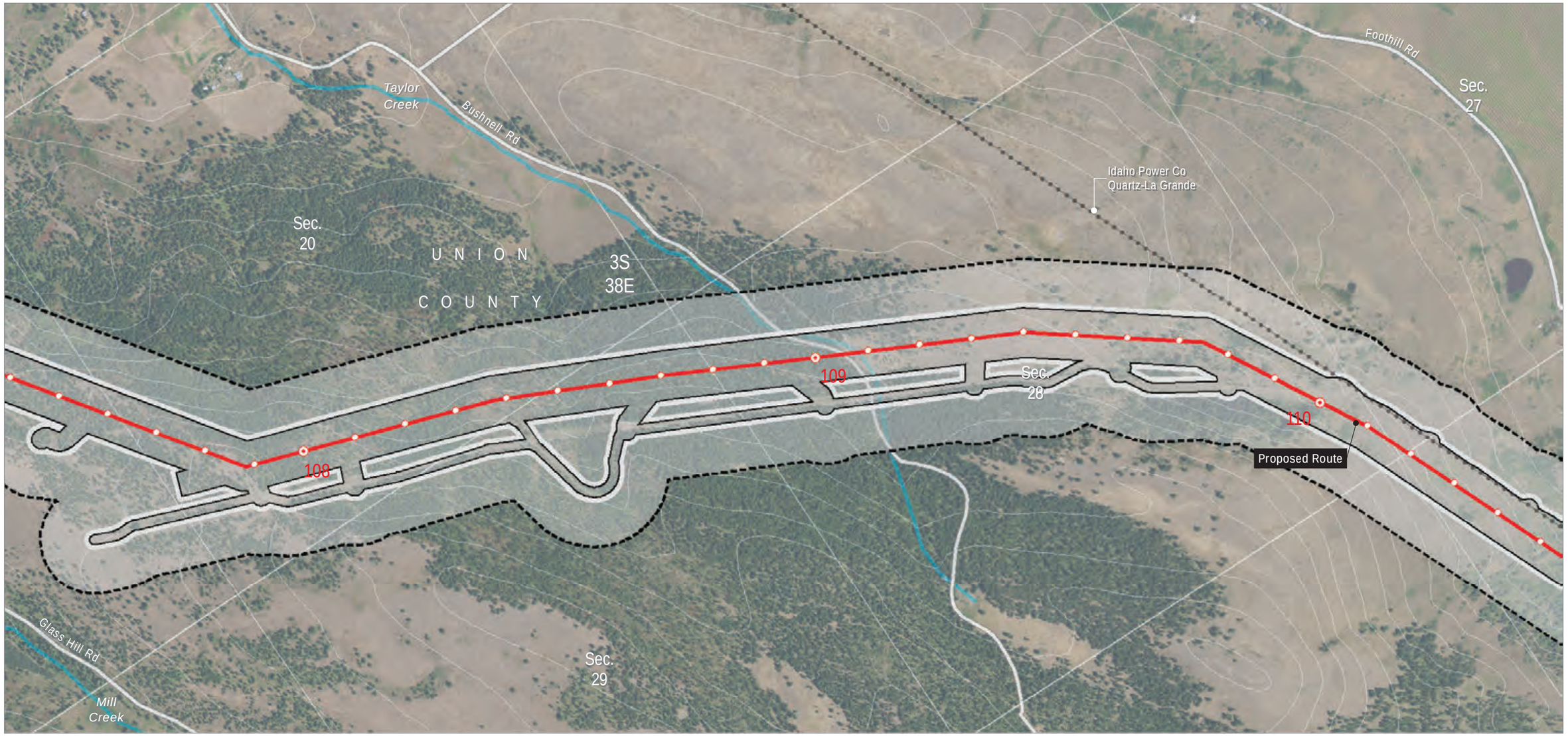
Map 56



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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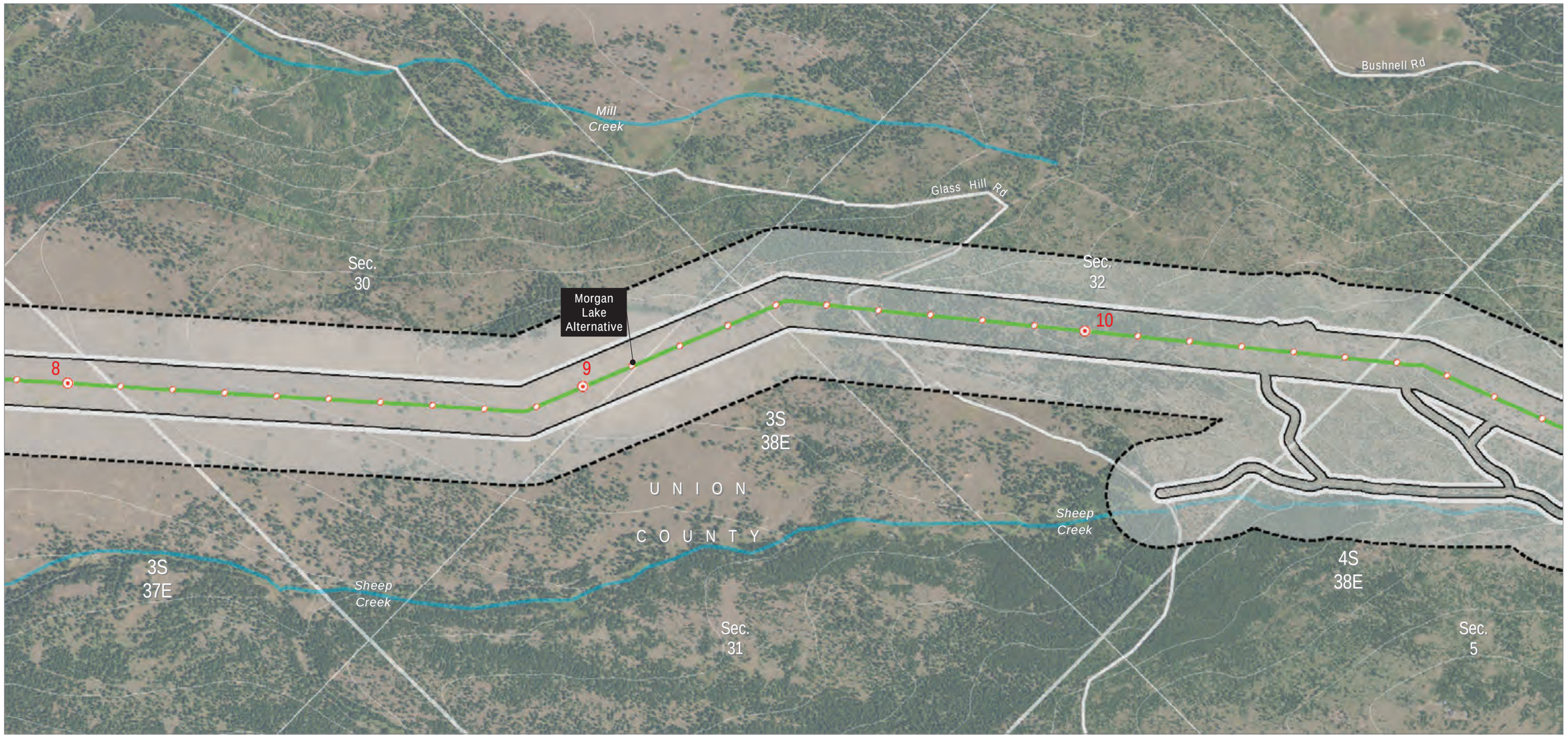
Map 57



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Map Area

OREGON

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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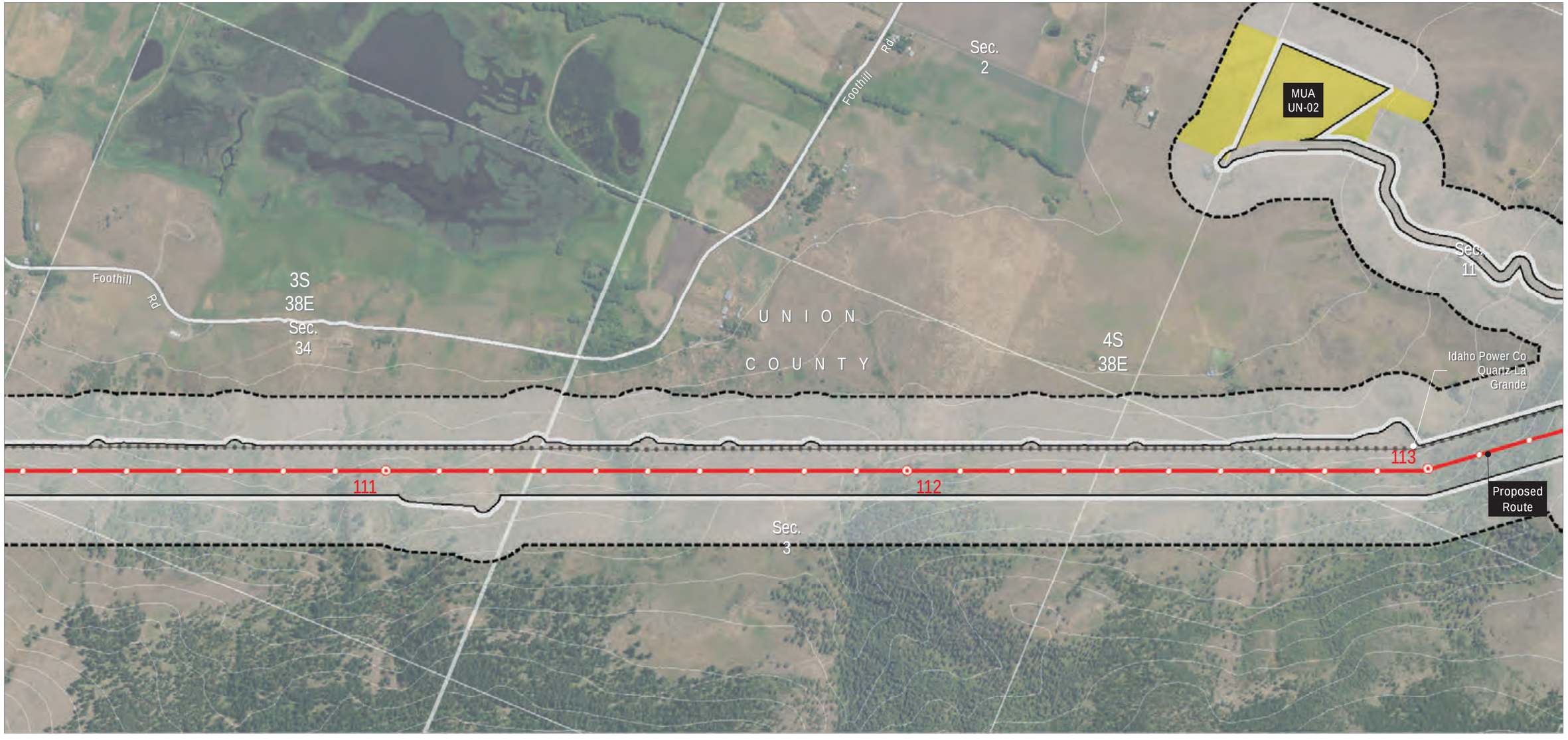
Union County

Map 58



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Map Area

OREGON

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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Union County

Map 59

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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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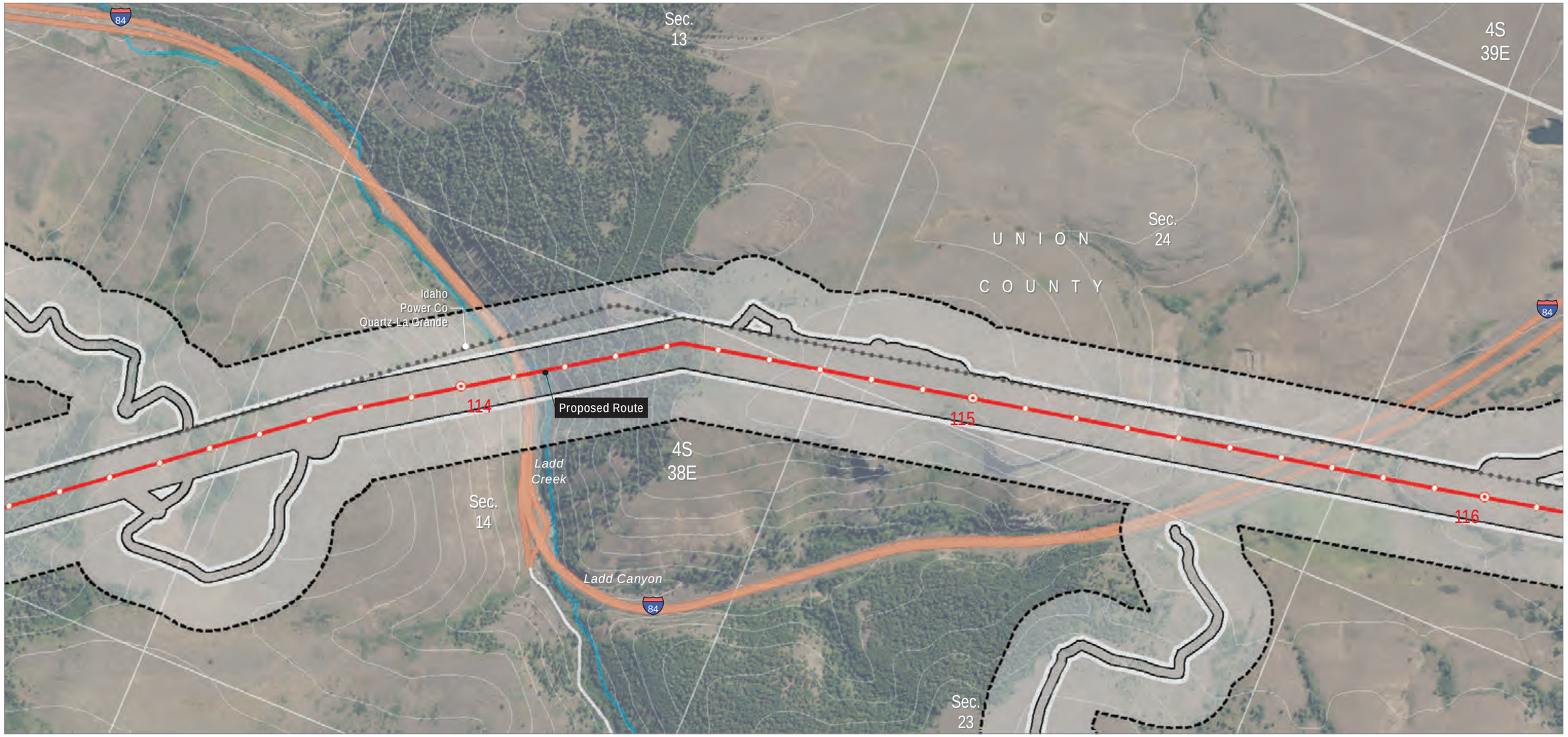
Agricultural Types

Union County

Map 60



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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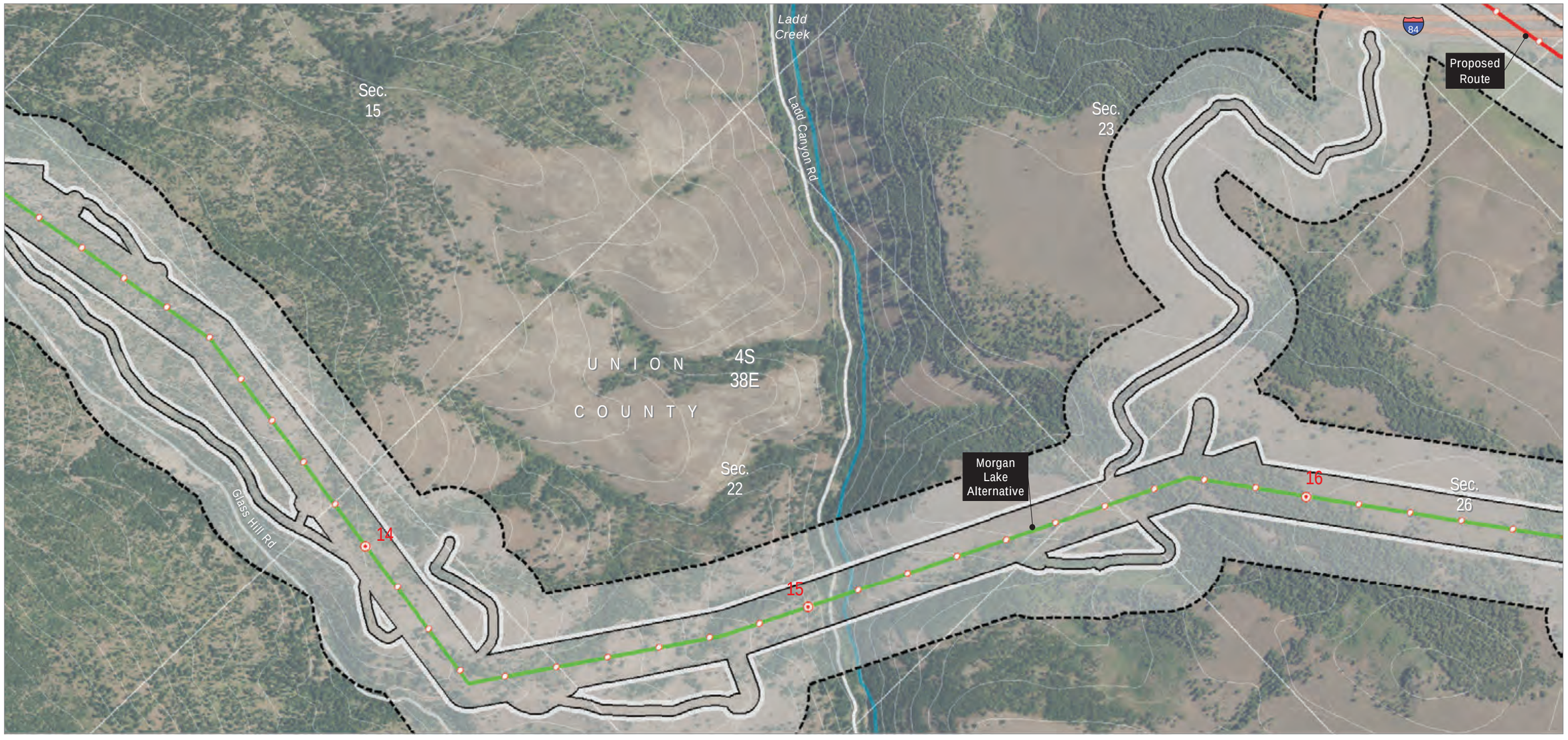
Agricultural Types

Union County

Map 61



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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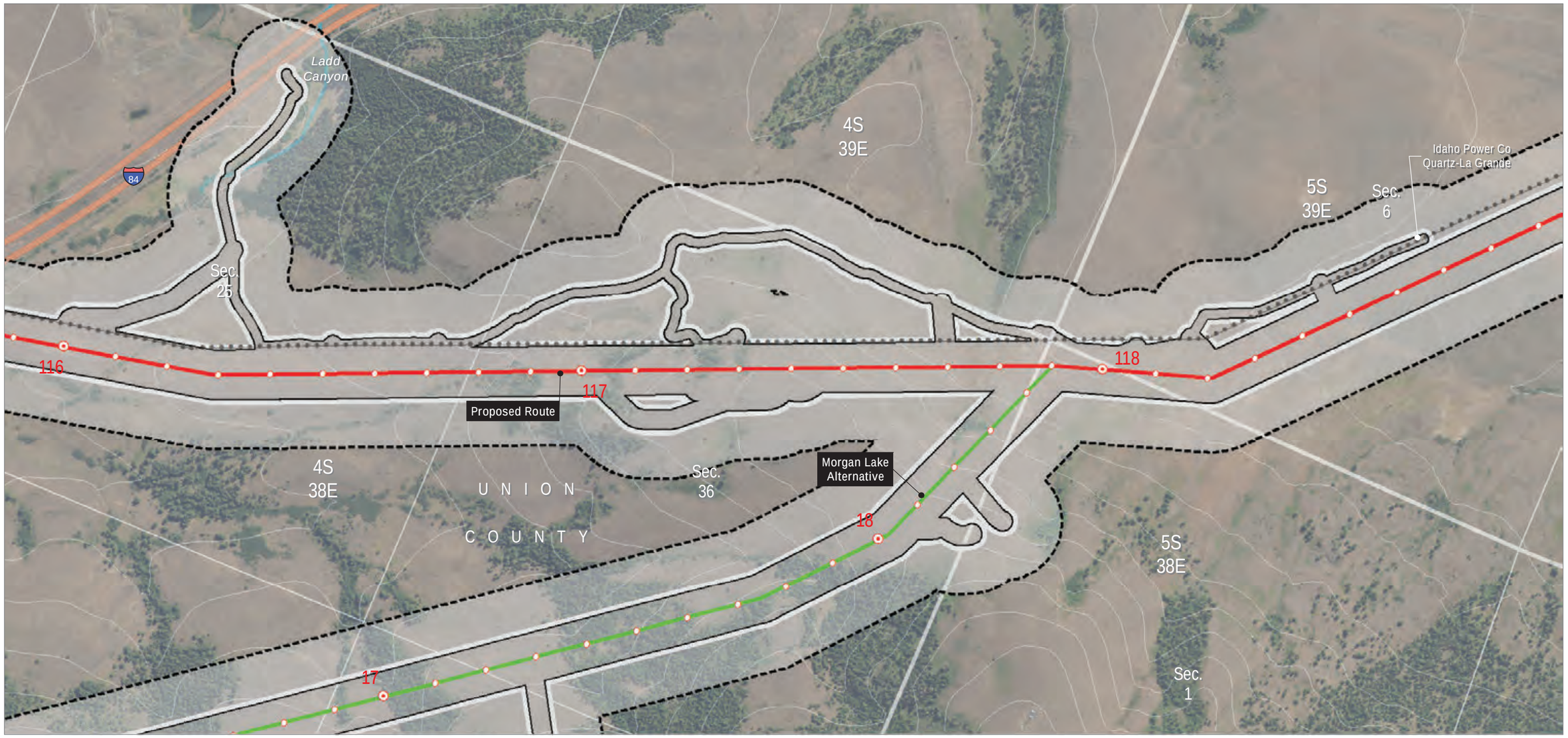
Agricultural Types

Union County

Map 62



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Stream

Boardman to Hemingway Transmission Line Project
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IDAHO POWER
An IDACORP Company

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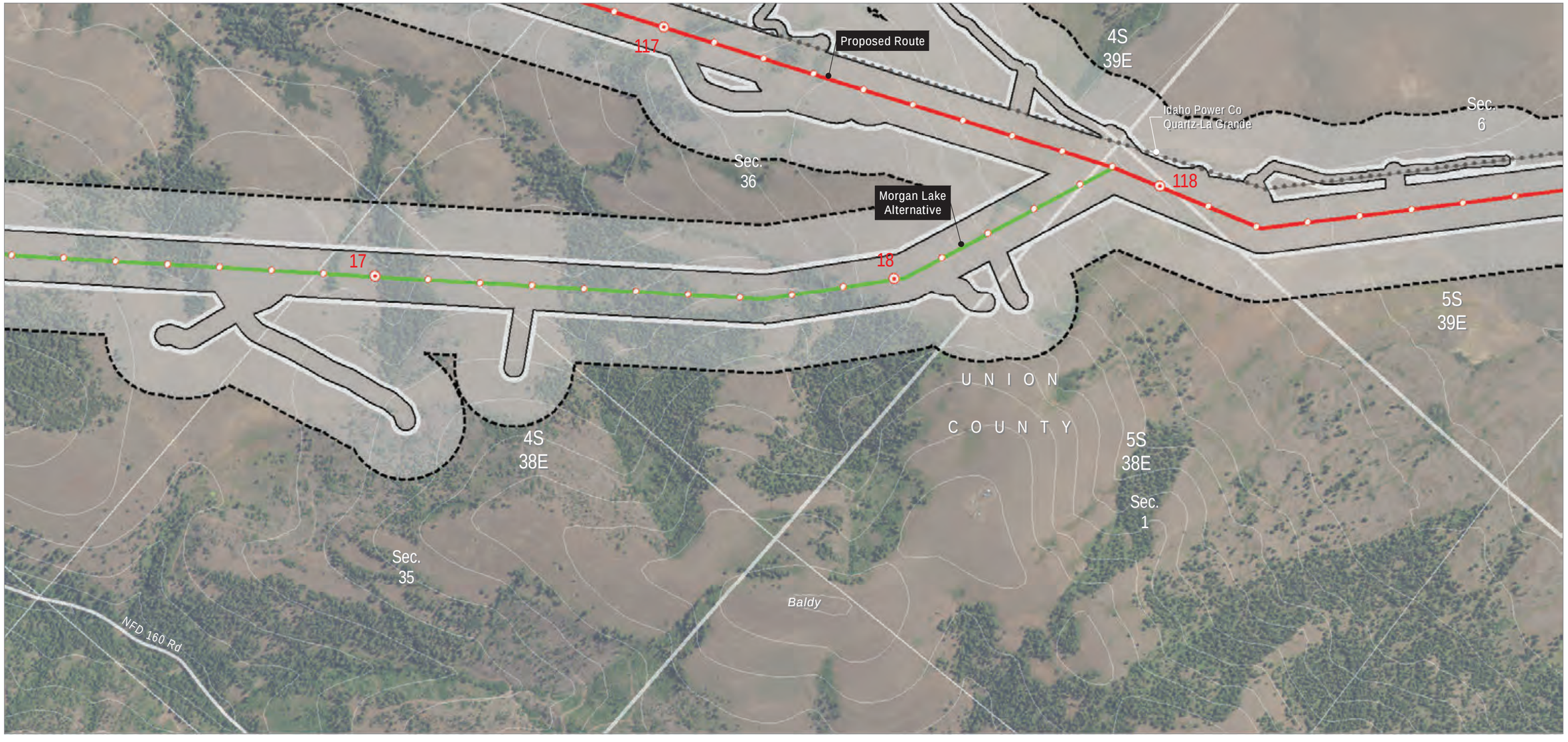
Union County

Map 63



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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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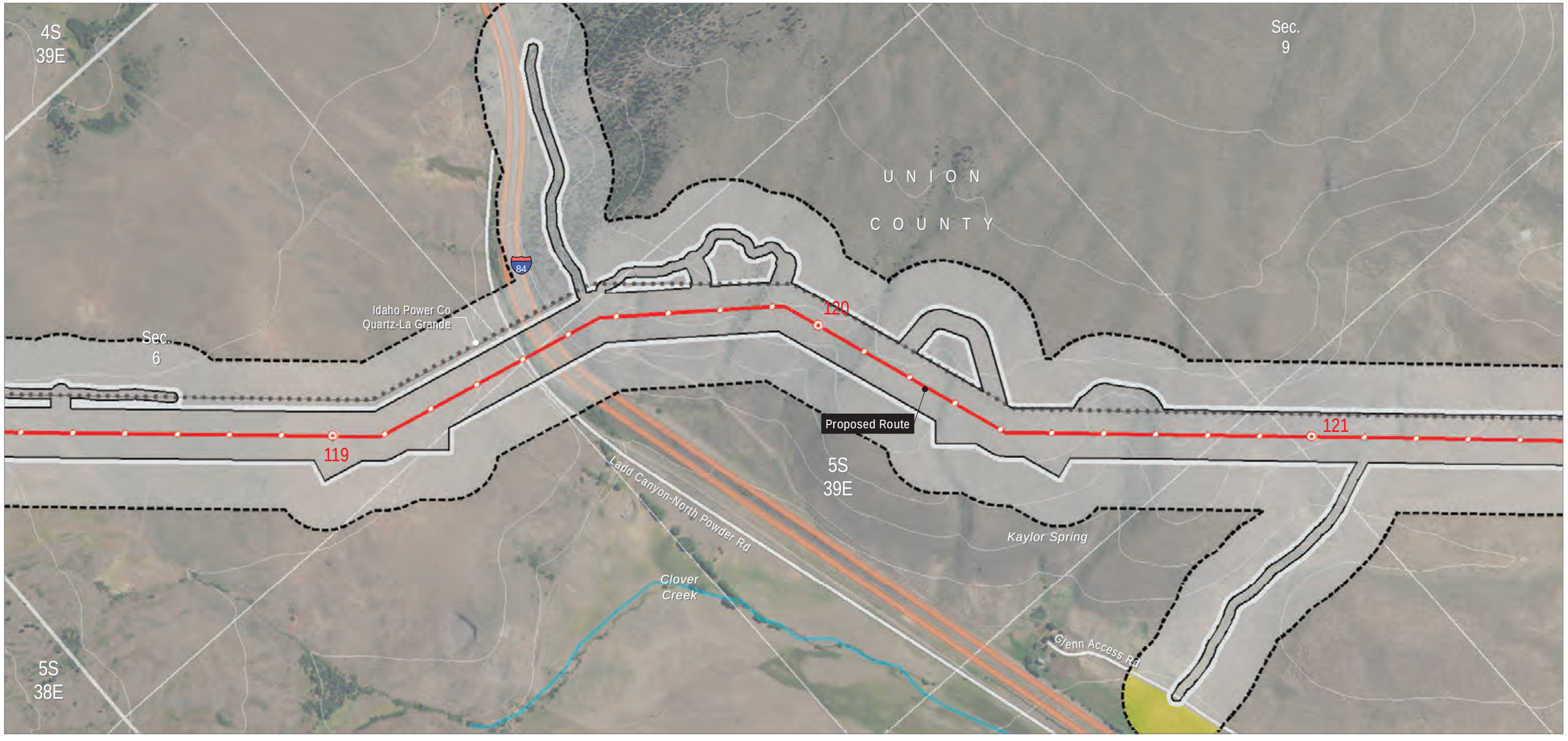
Agricultural Types

Union County

Map 64



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Stream

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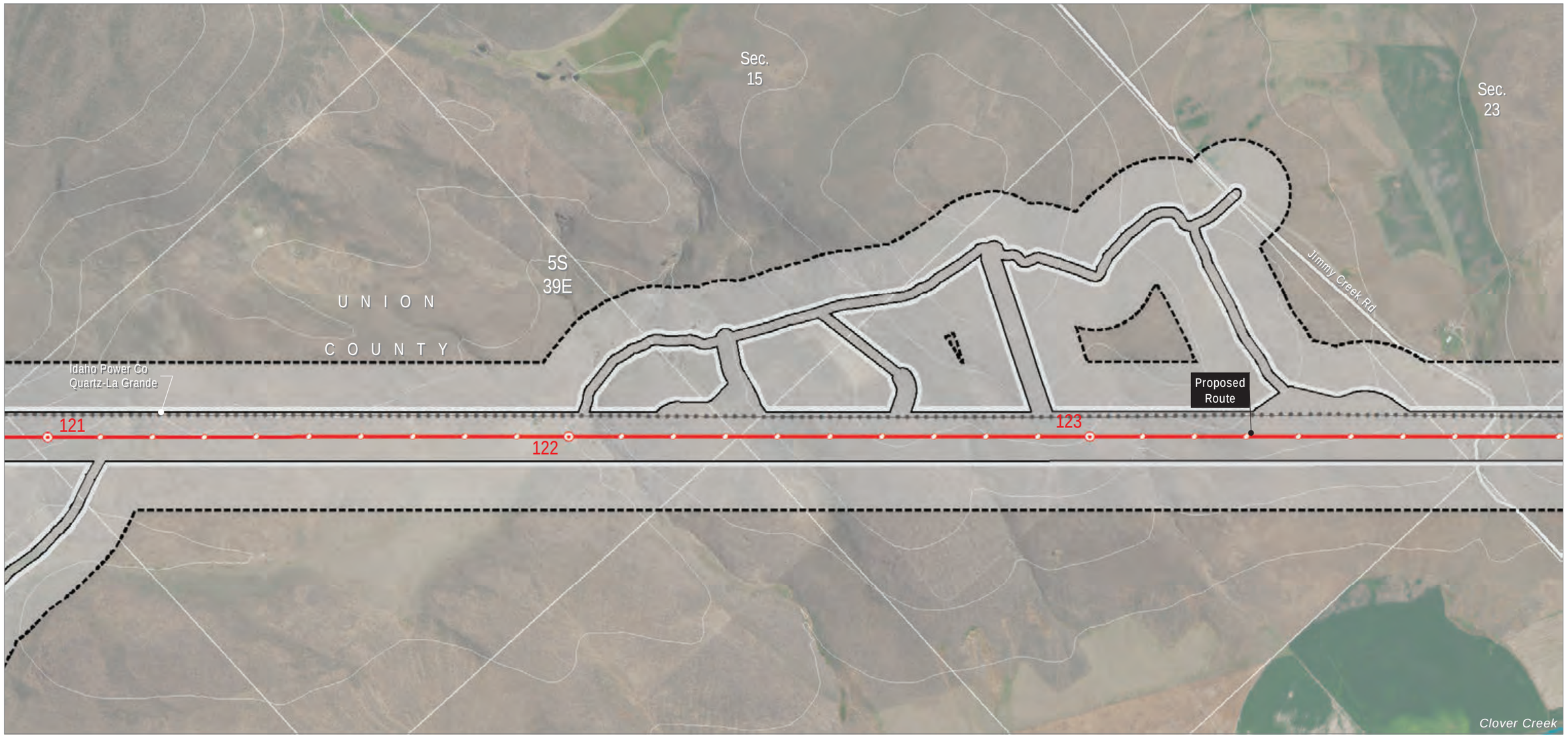
Map 65



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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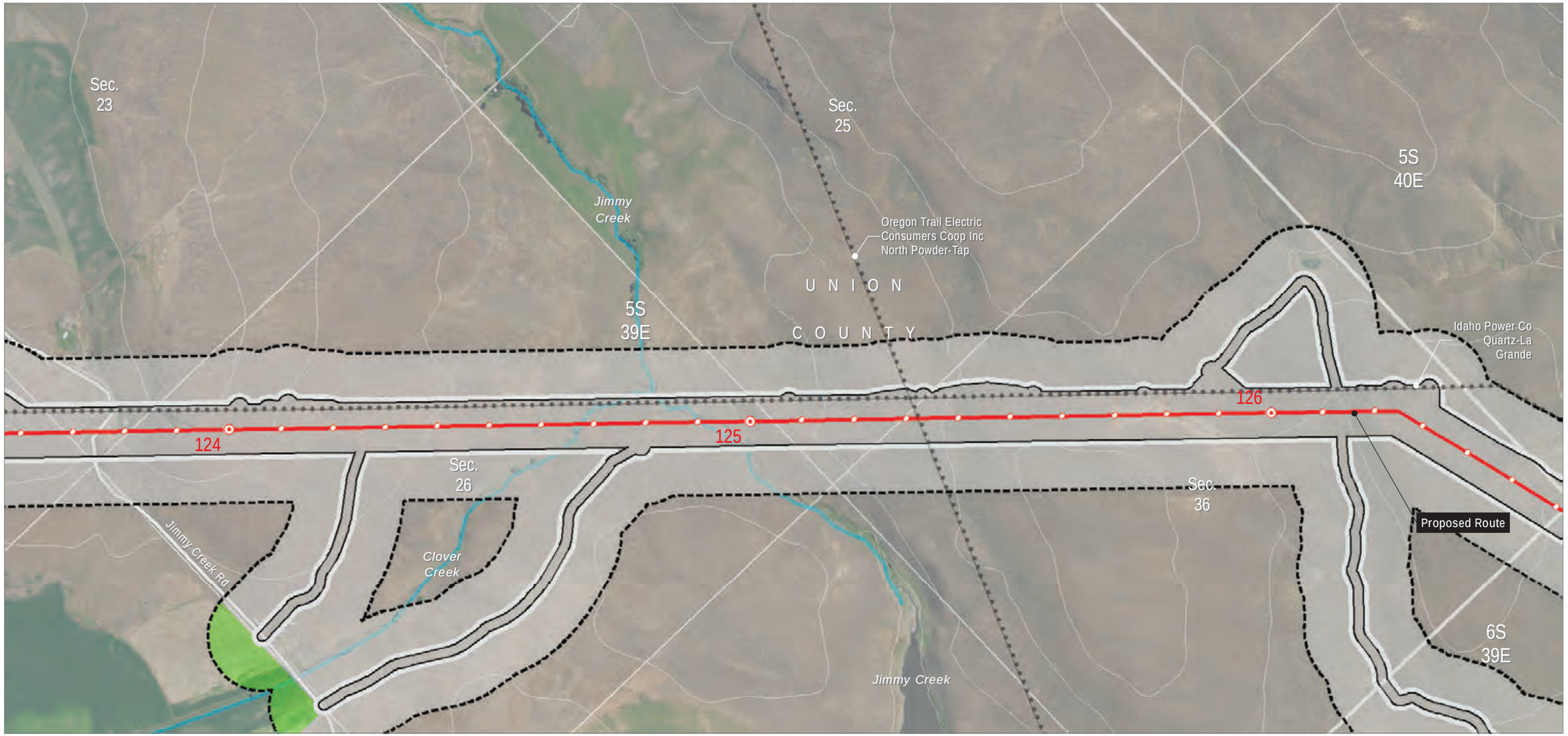
Union County

Map 66



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

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Application for Site Certificate

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Union County

Map 67

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Feet

Map Area

OREGON

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Stream

Boardman to Hemingway Transmission Line Project
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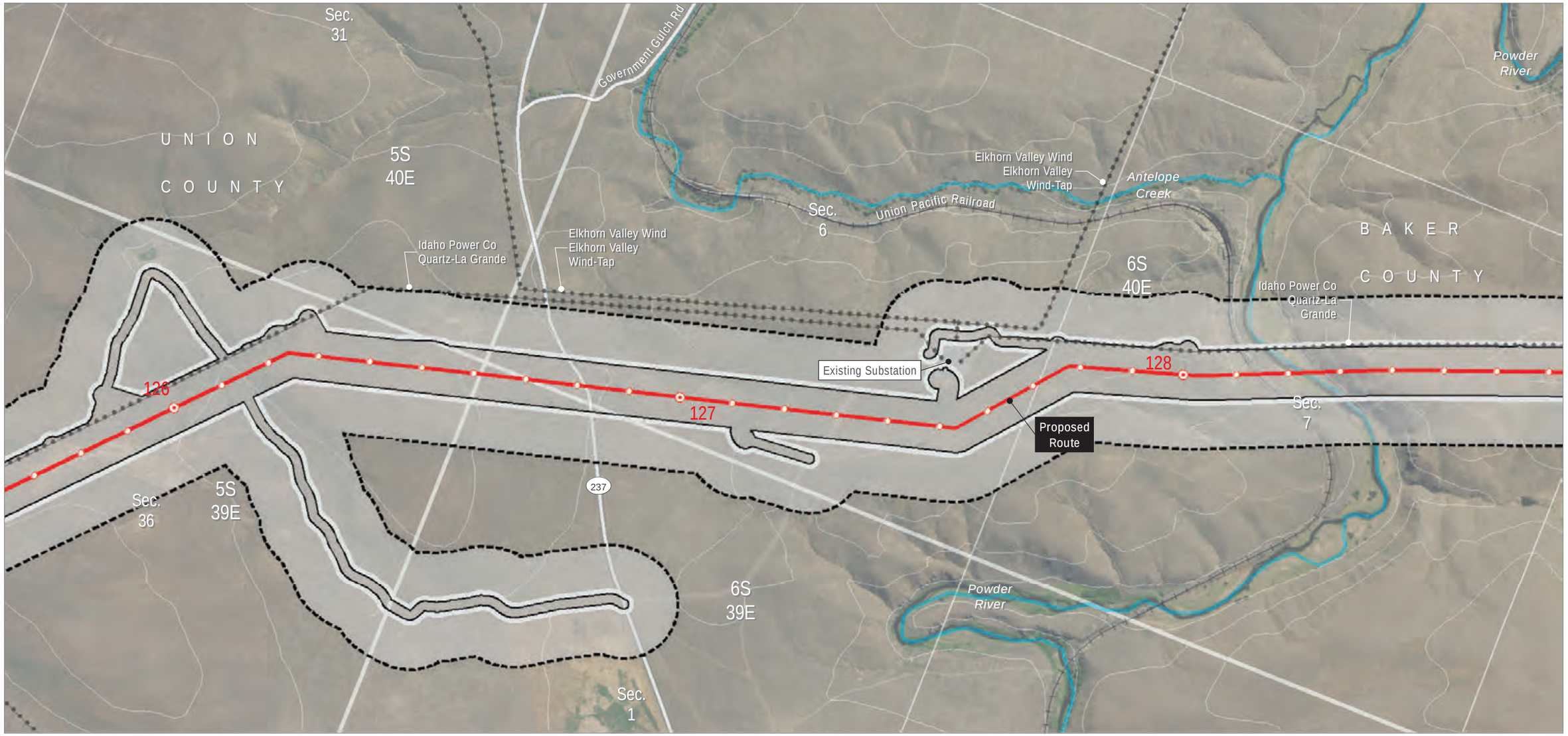
Union County

Map 68



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Railroad
- Stream

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Union County

Map 69

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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Highway
- Road
- Railroad
- Stream
- City Limits

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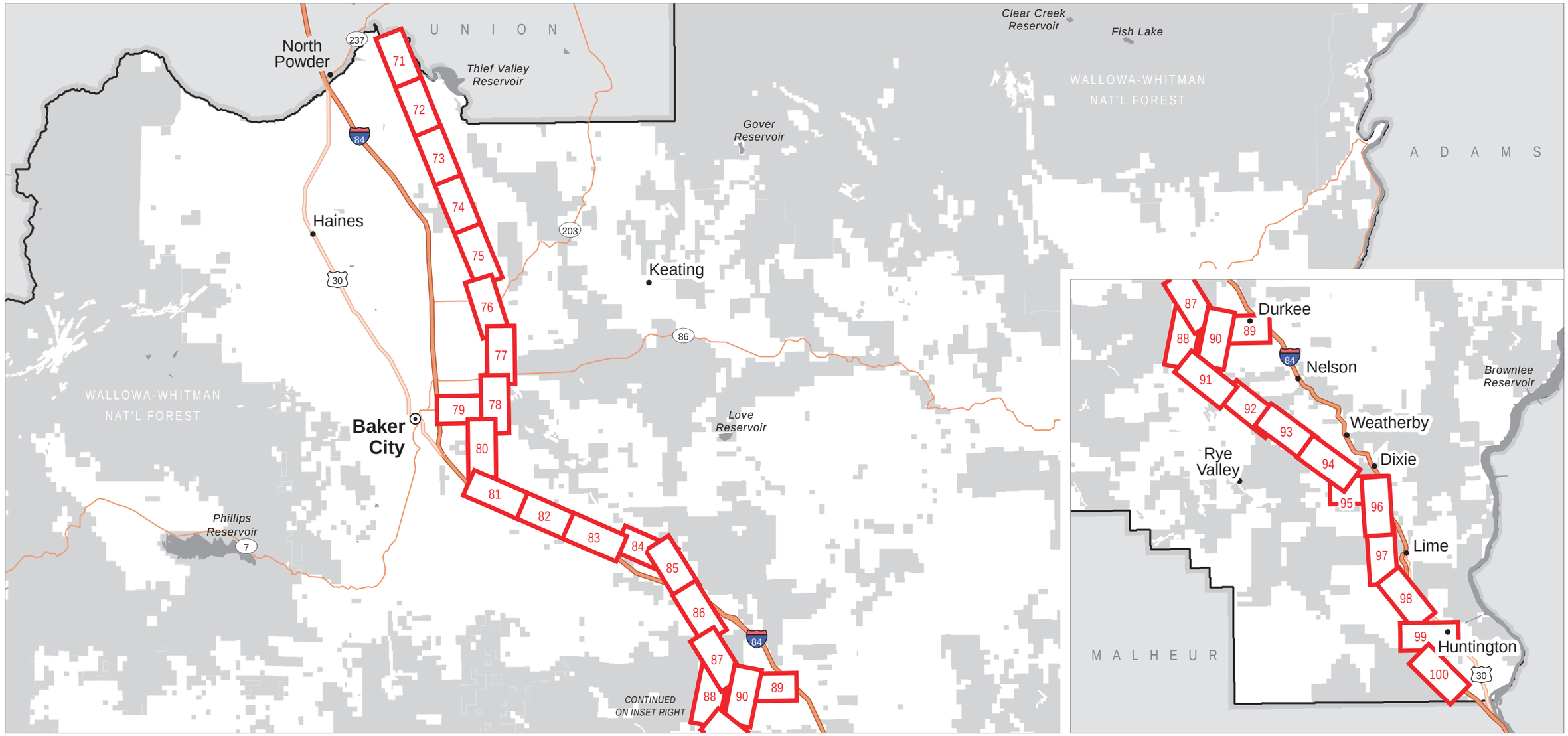
Map 70



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Miles

OREGON

Map Area

Source(s): BLM, IPC, Esri

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Location Map (Map #)

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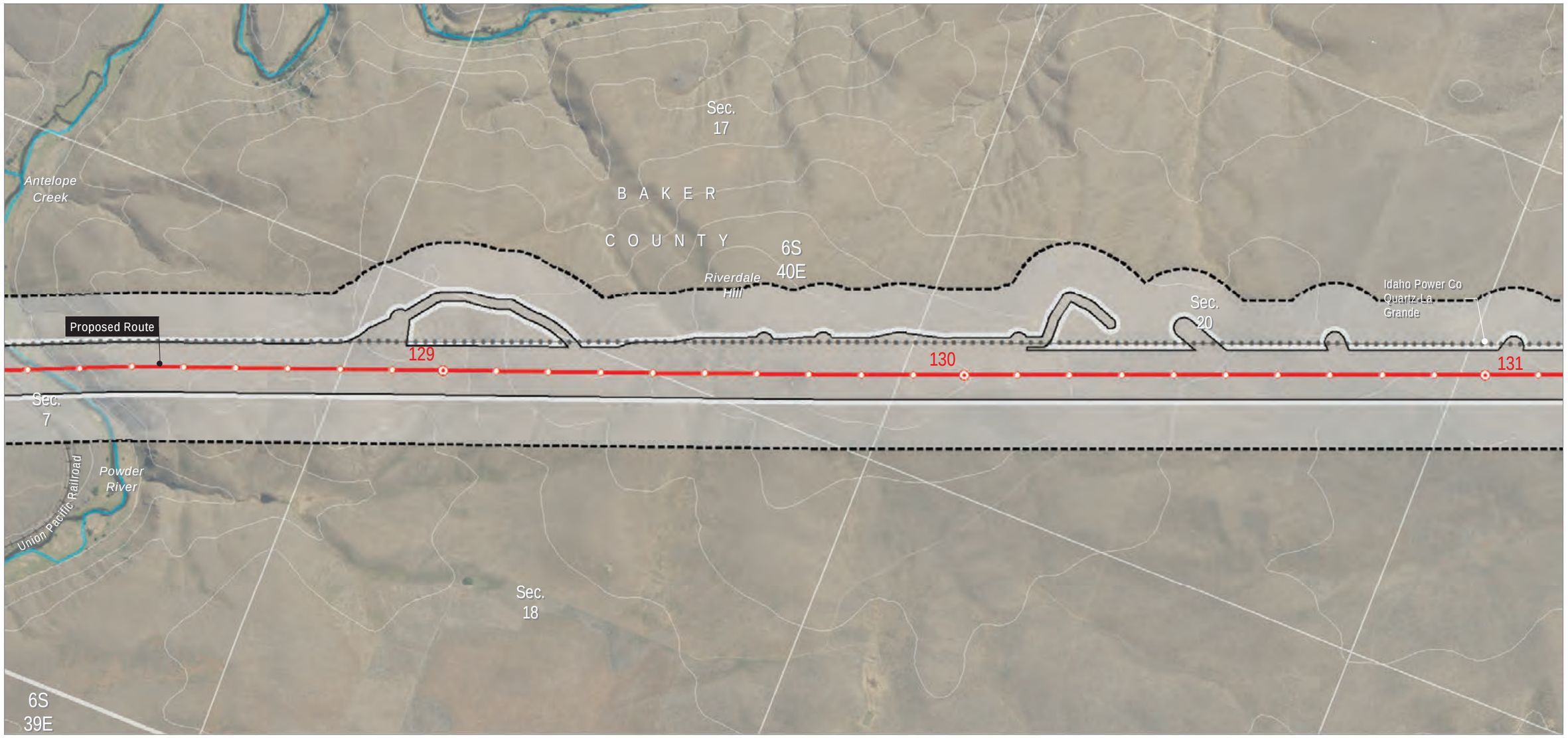

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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
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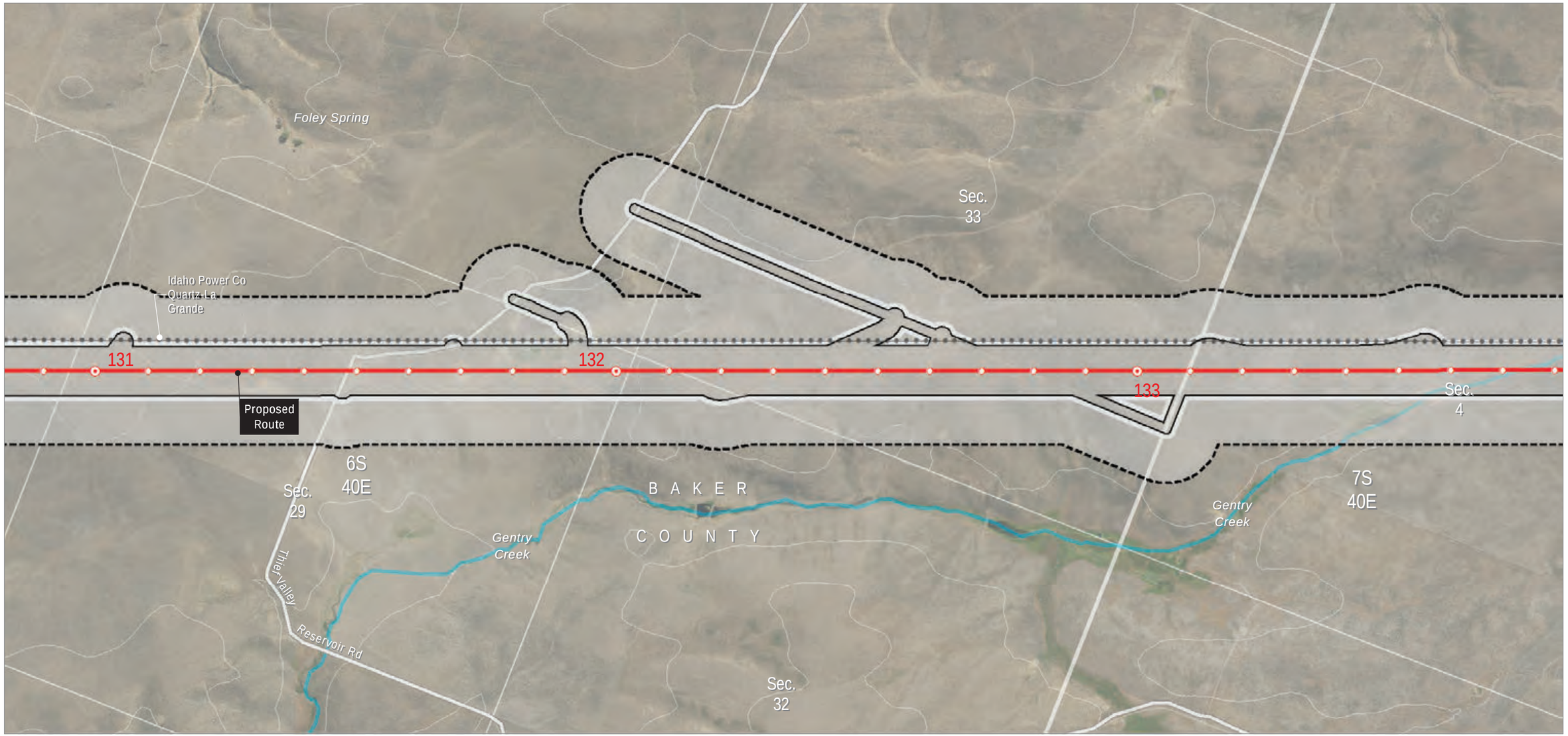
Baker County

Map 71



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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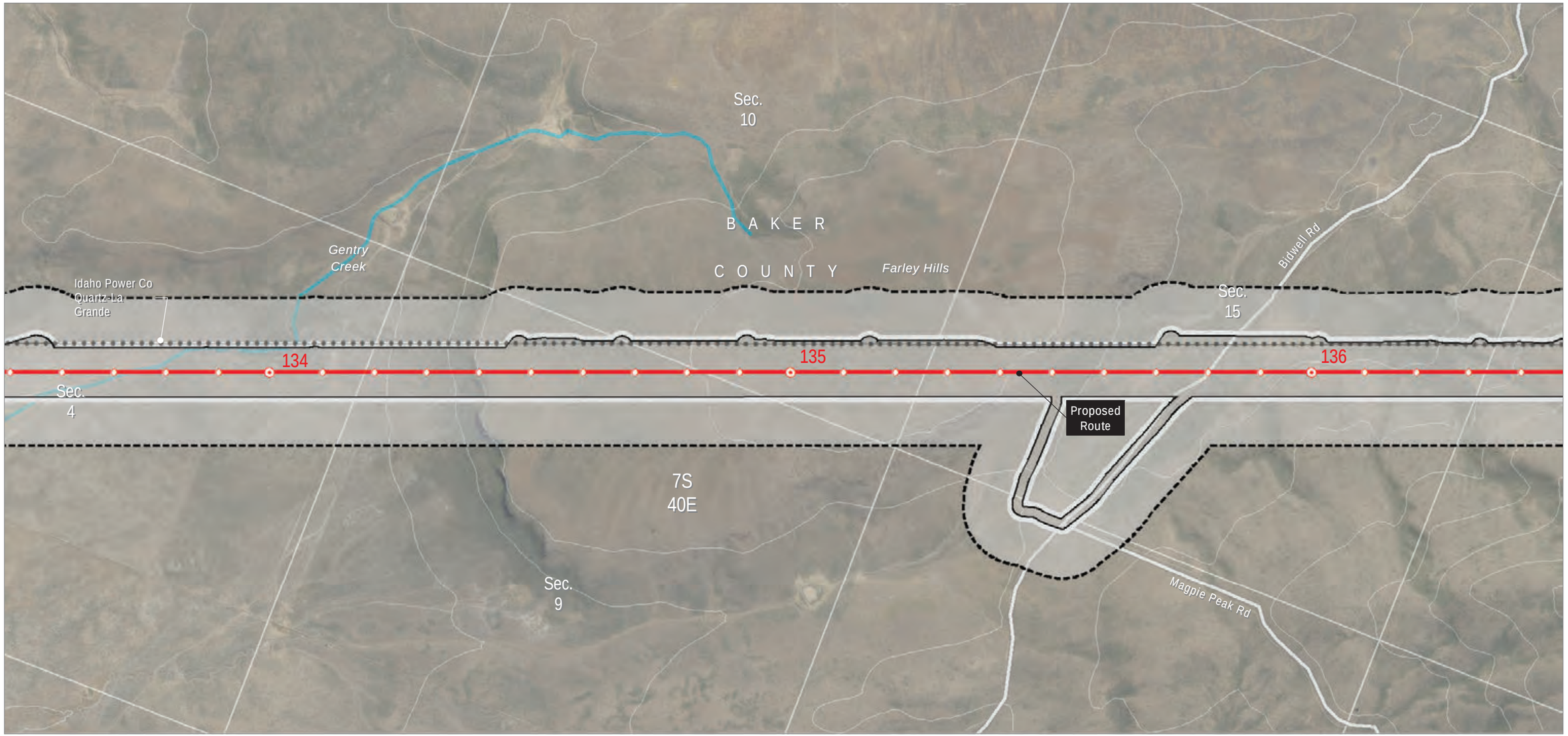
Map 72



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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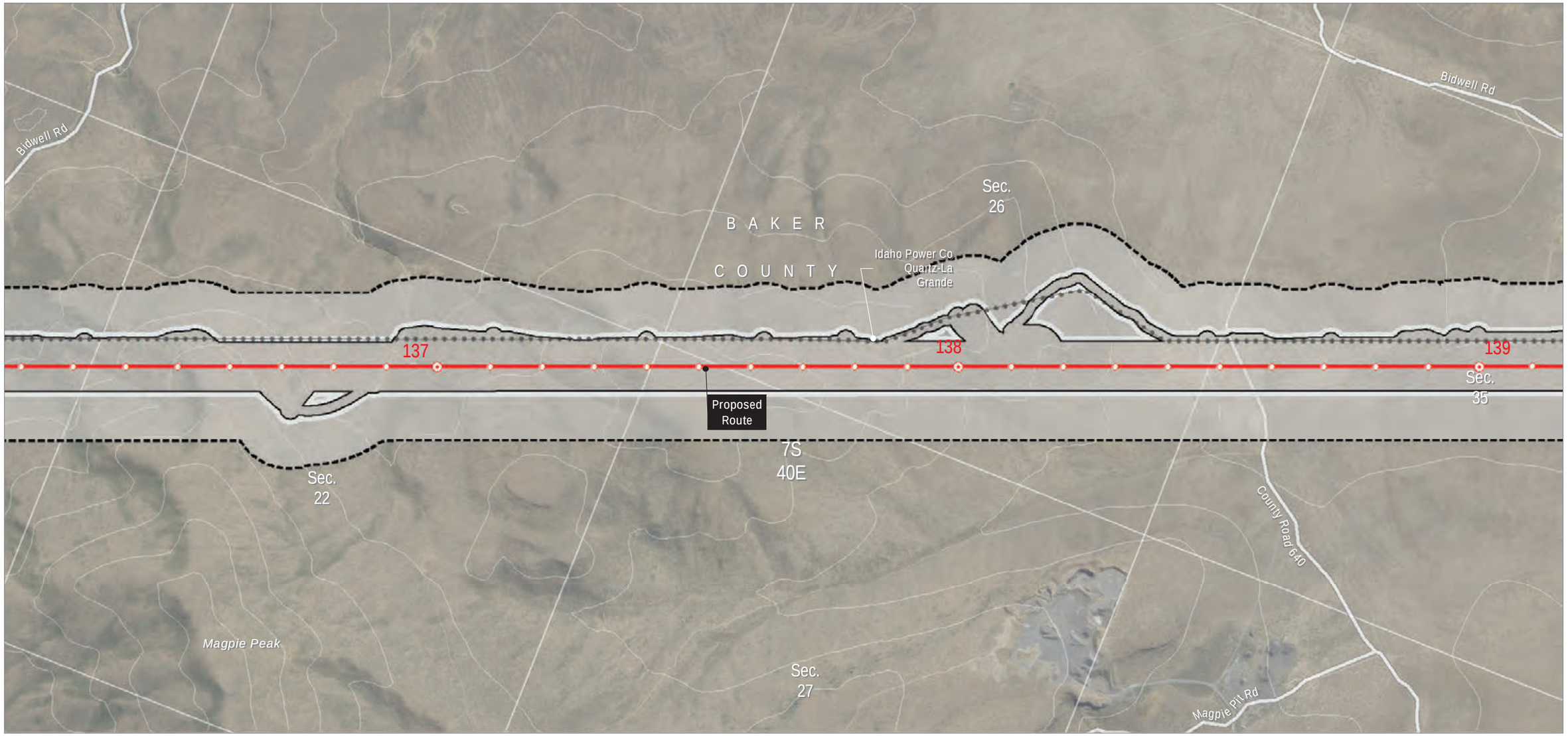
Baker County

Map 73



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road

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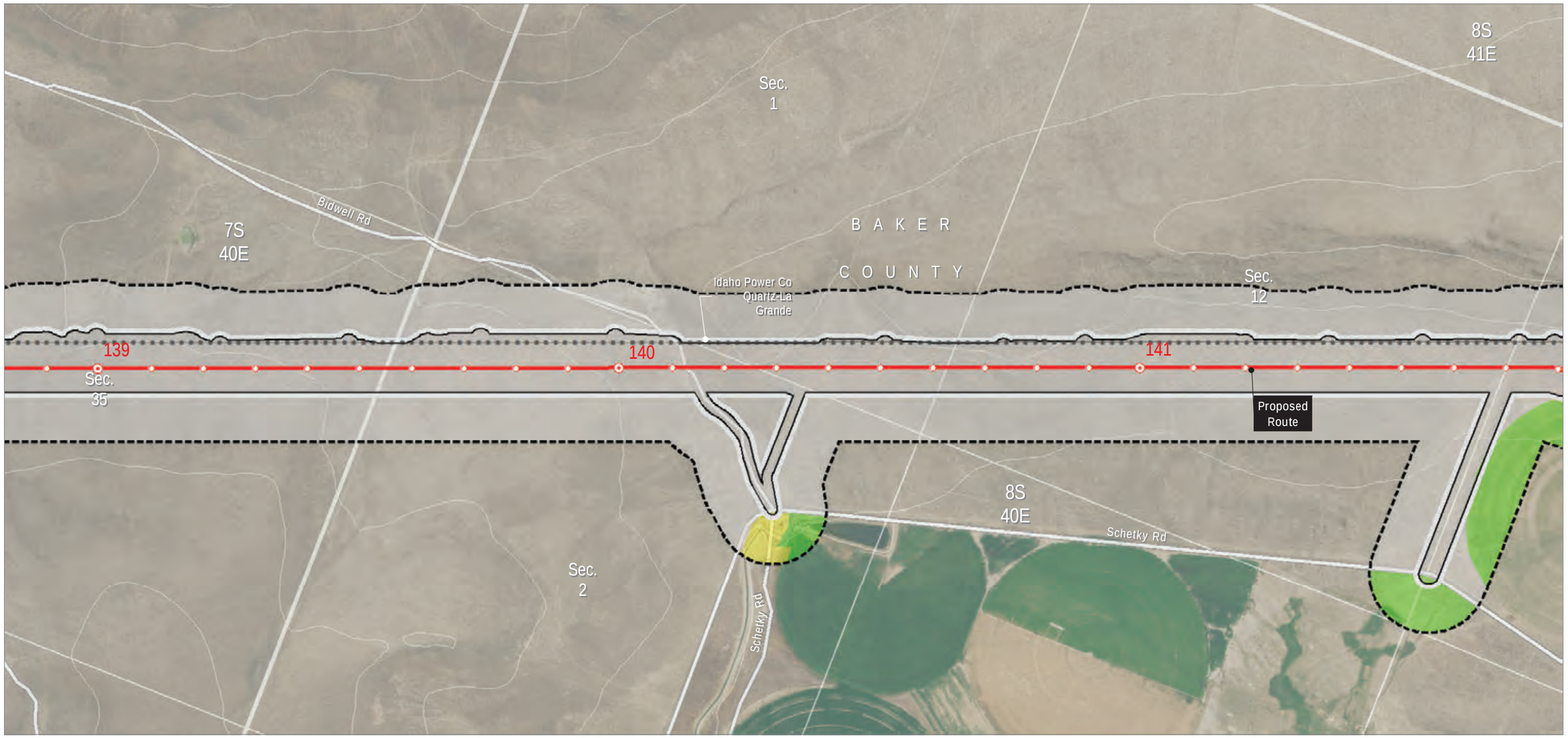
Map 74



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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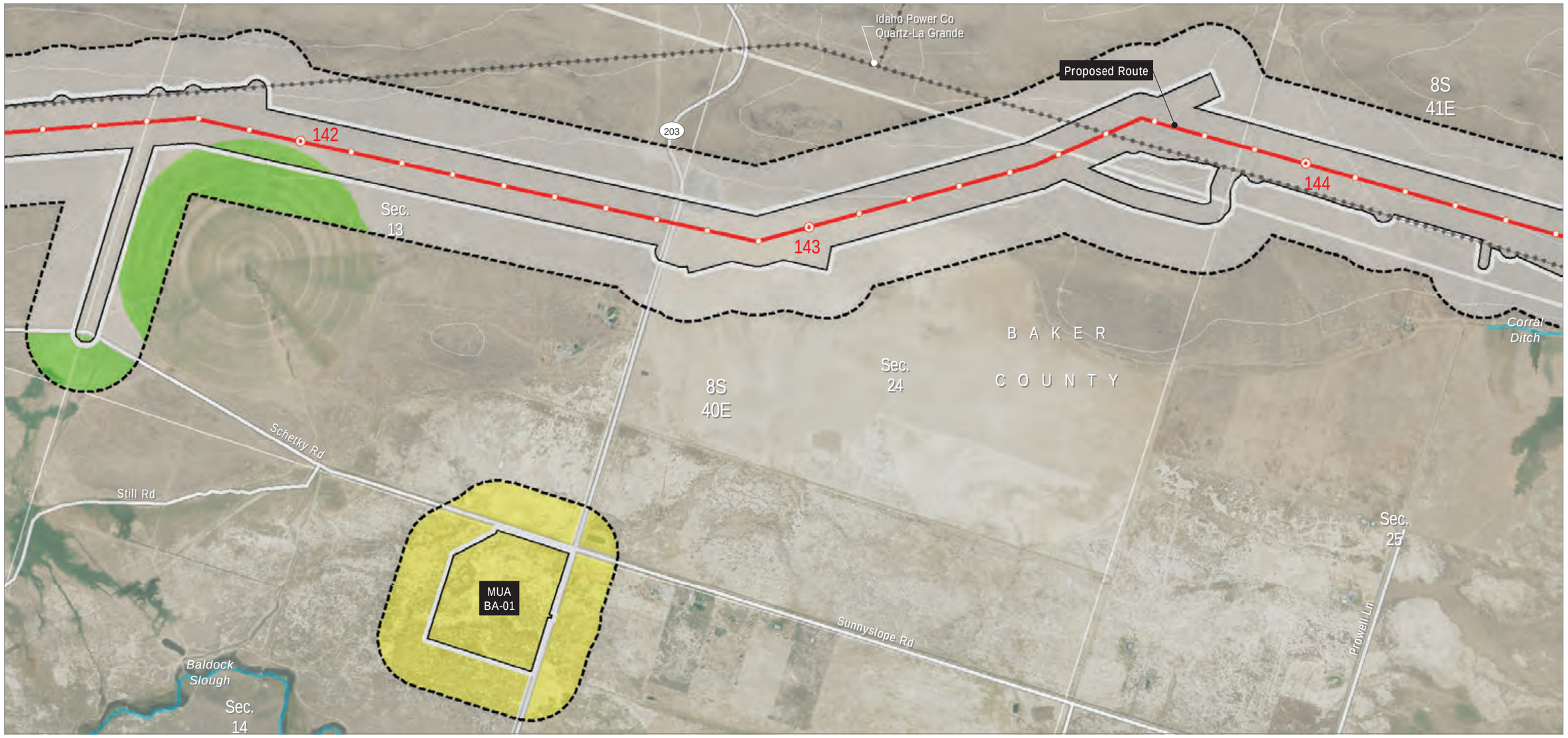
Baker County

Map 75



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Feet

Map Area

OREGON

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

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Application for Site Certificate

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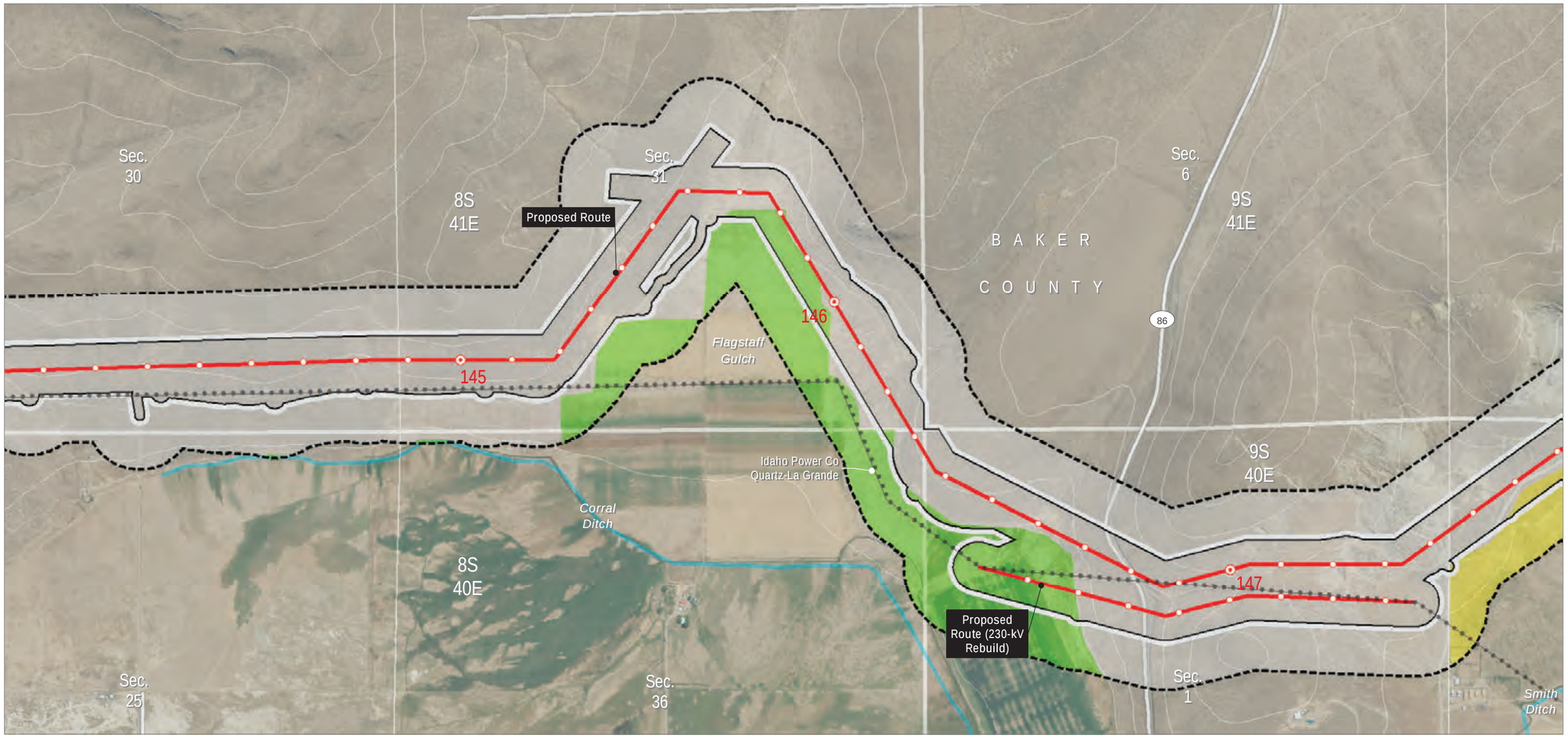
Map 76



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

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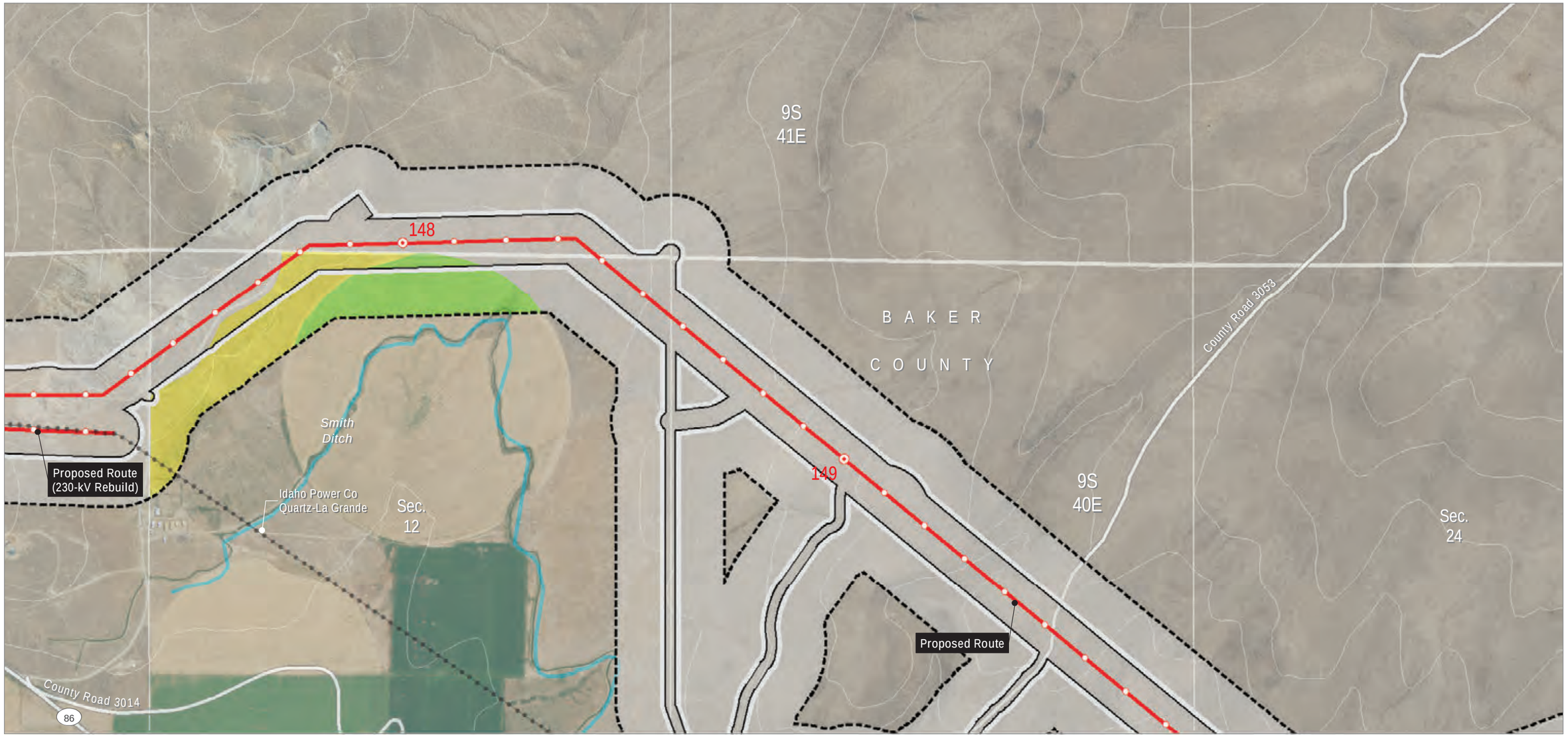
Map 77



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Map Area

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

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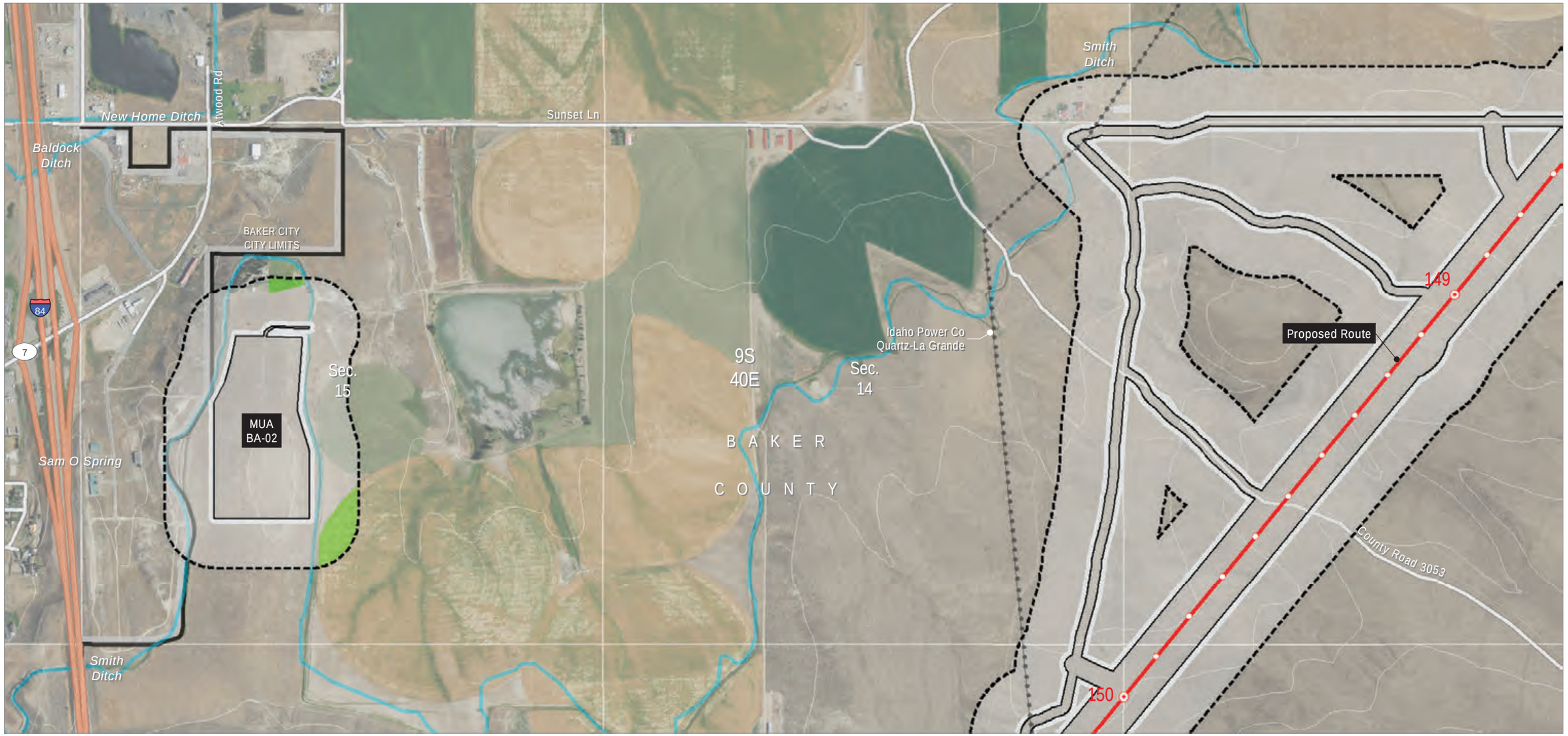
Map 78



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Stream
- City Limits

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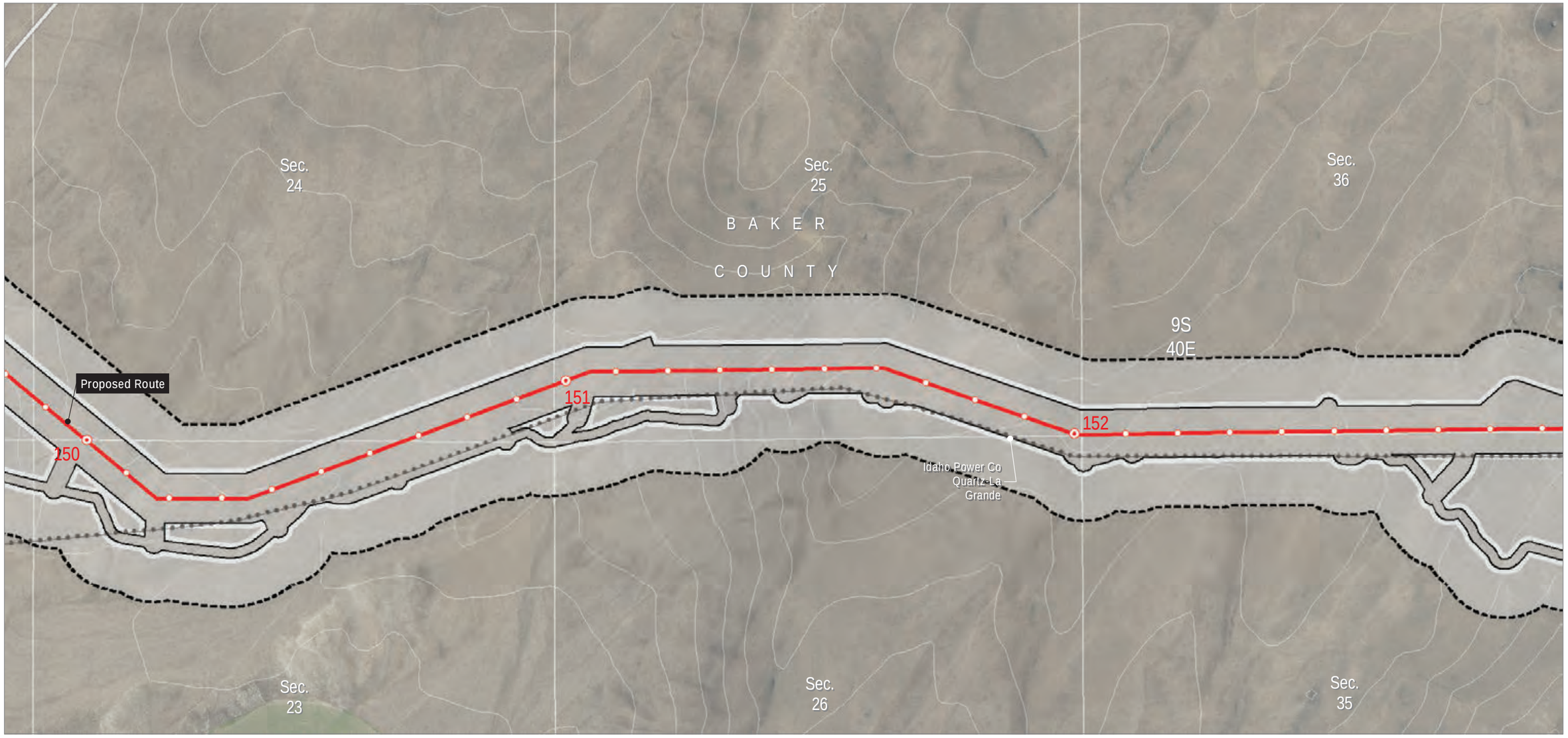
Map 79



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road

Boardman to Hemingway Transmission Line Project
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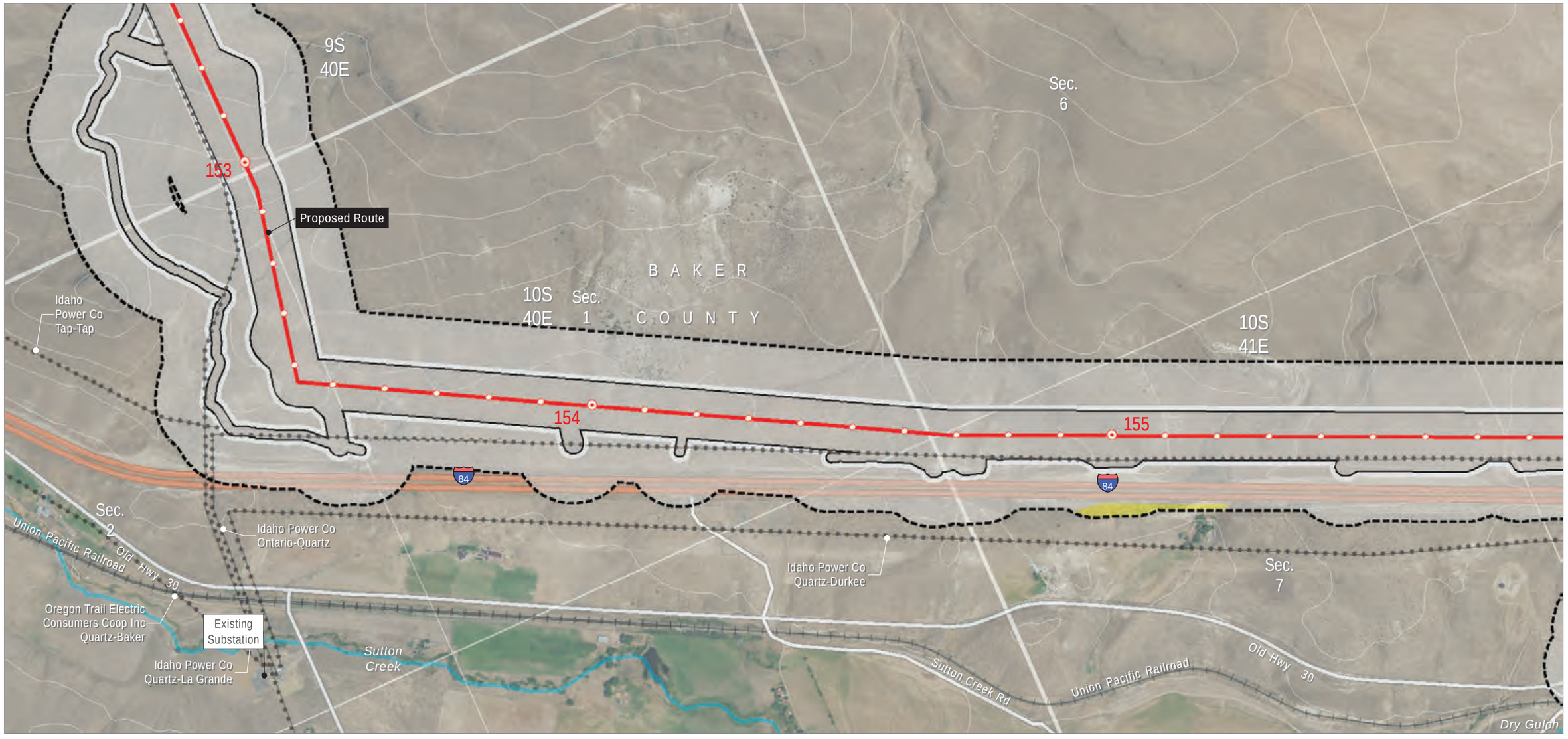
Map 80



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

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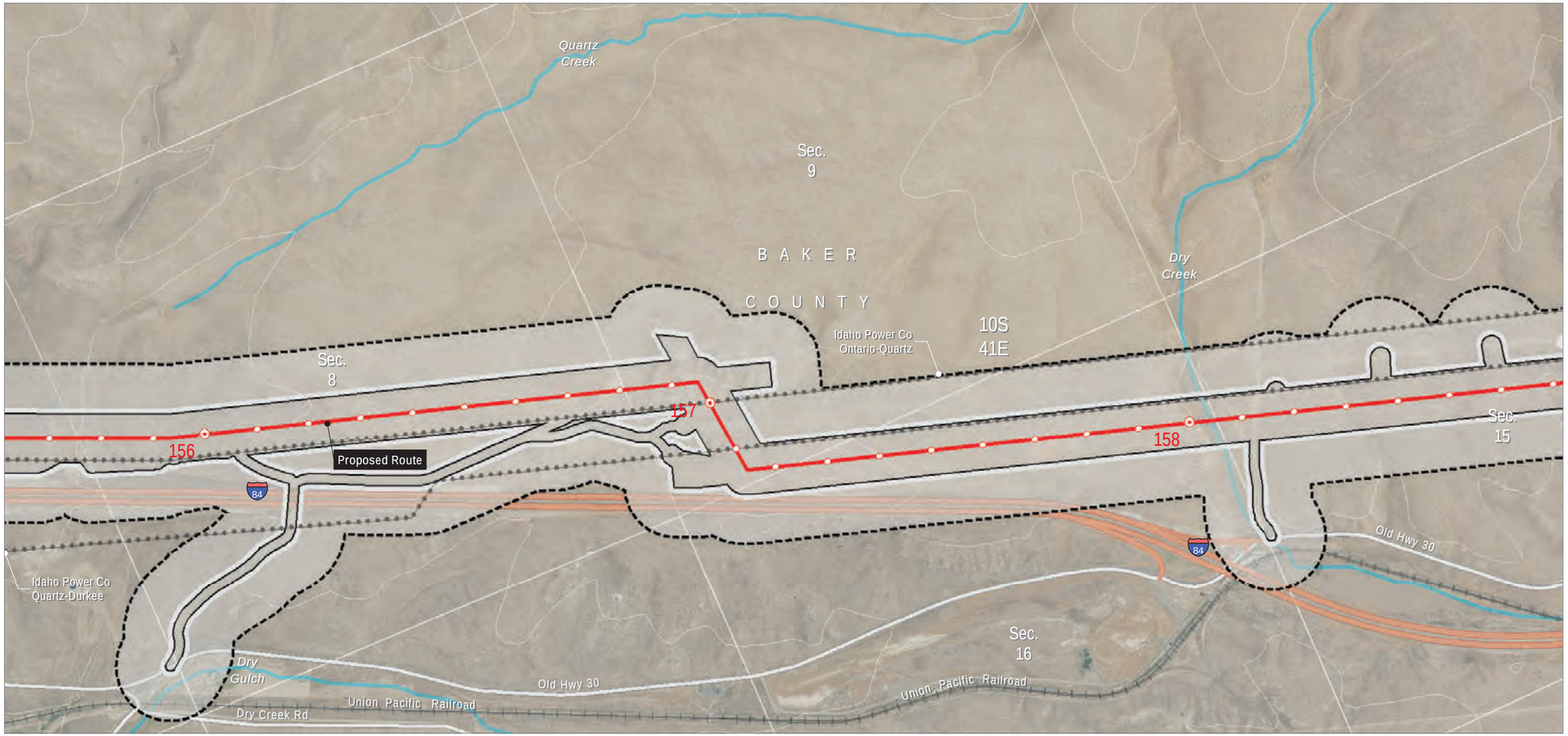
Map 81



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

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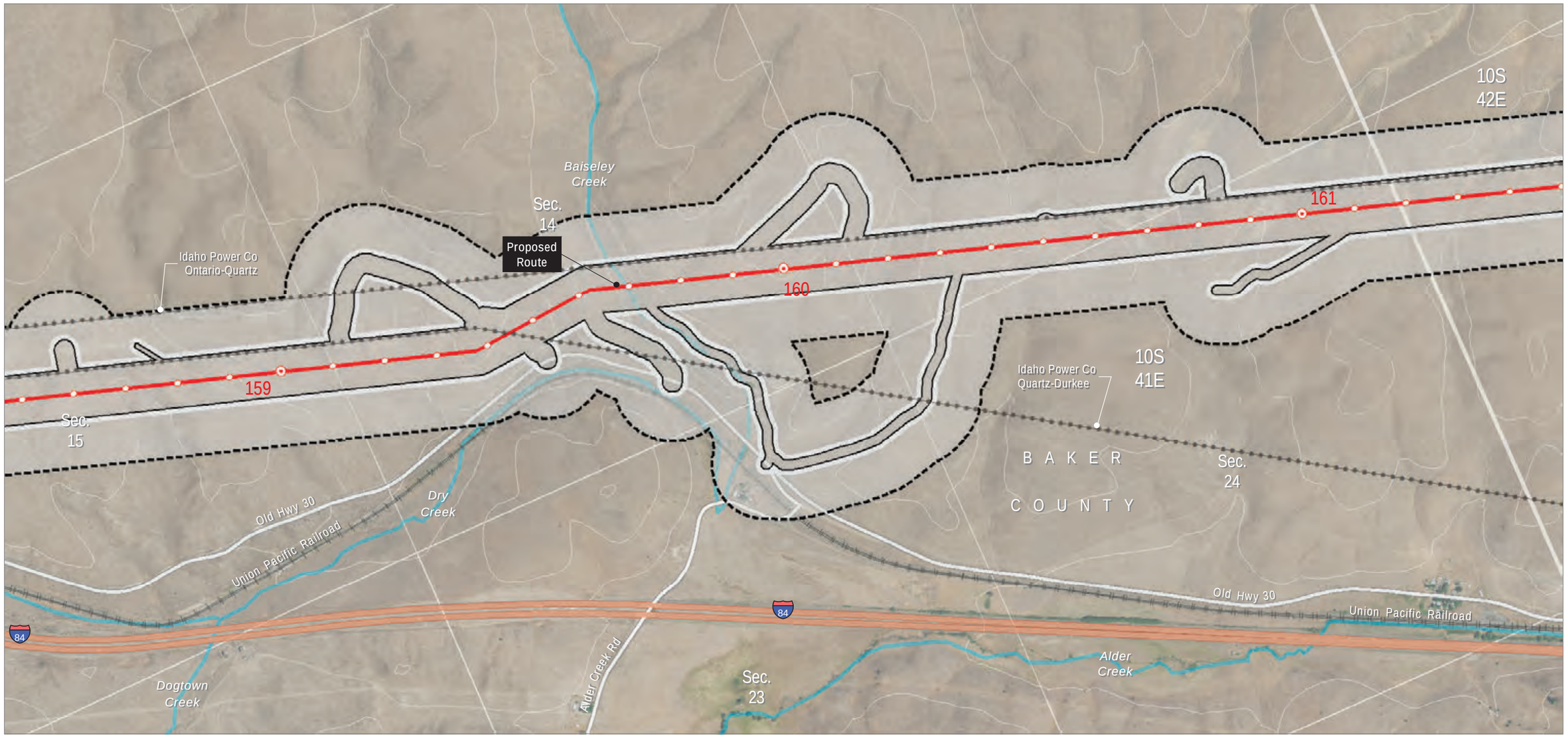
Baker County

Map 82



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
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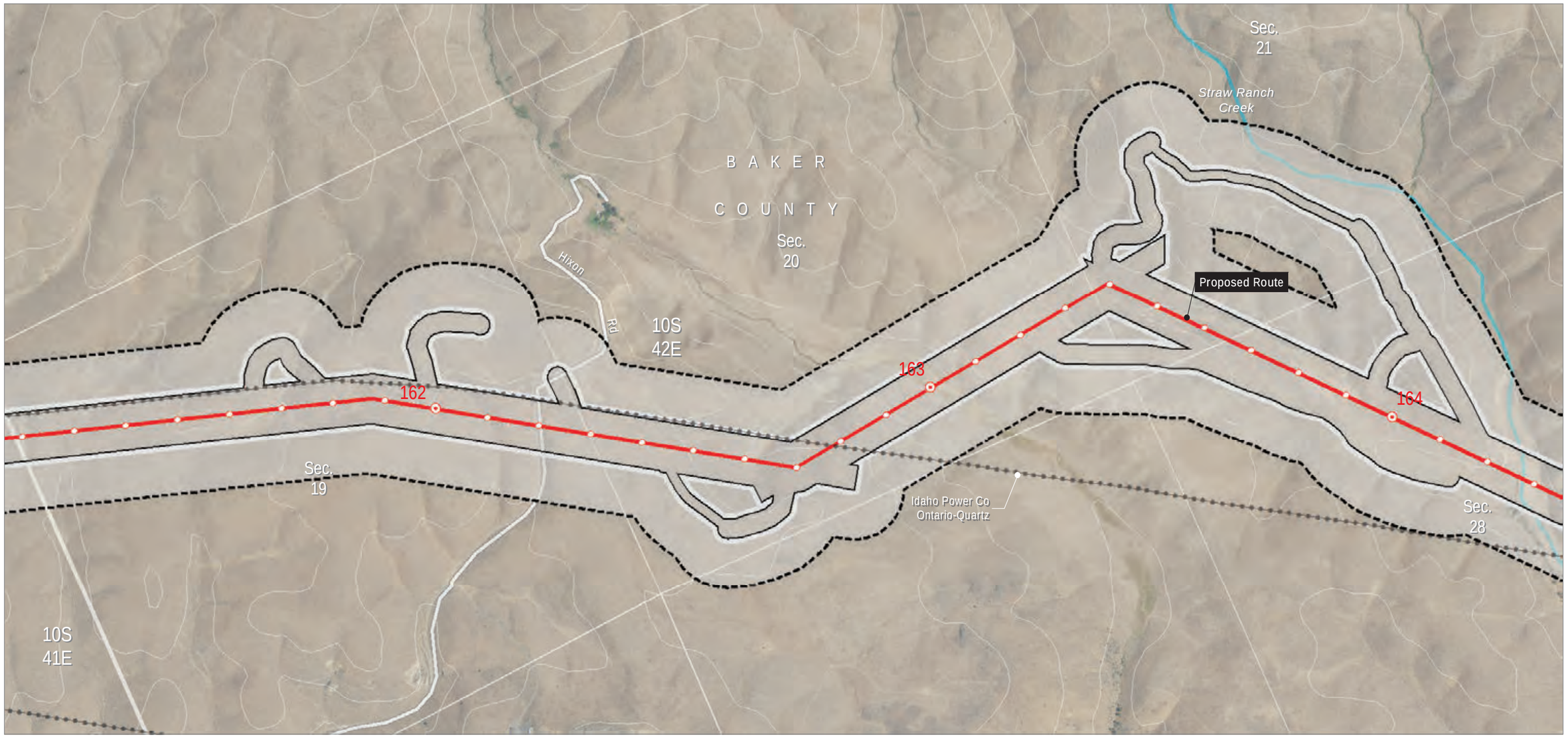
Map 83



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
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Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
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Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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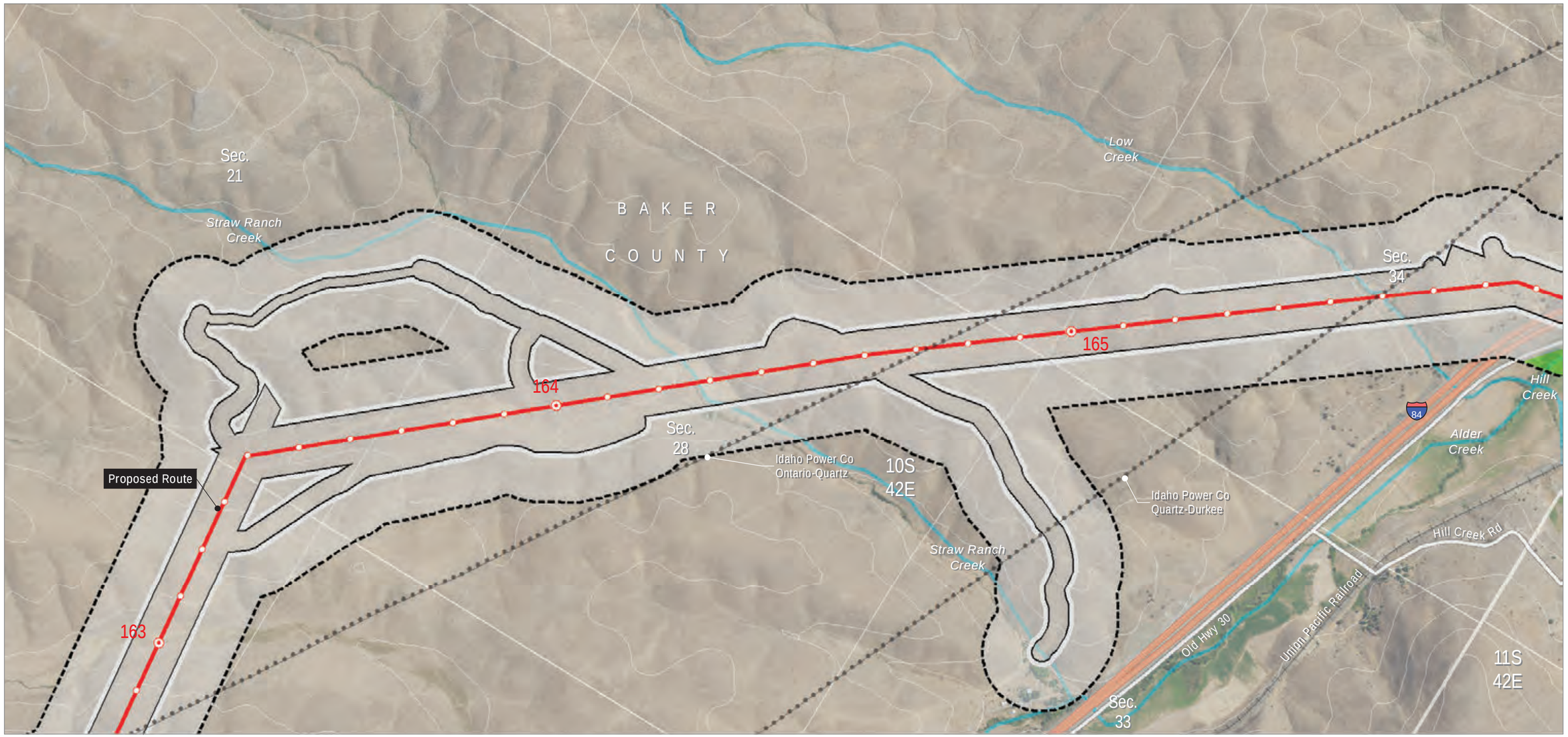
Map 84



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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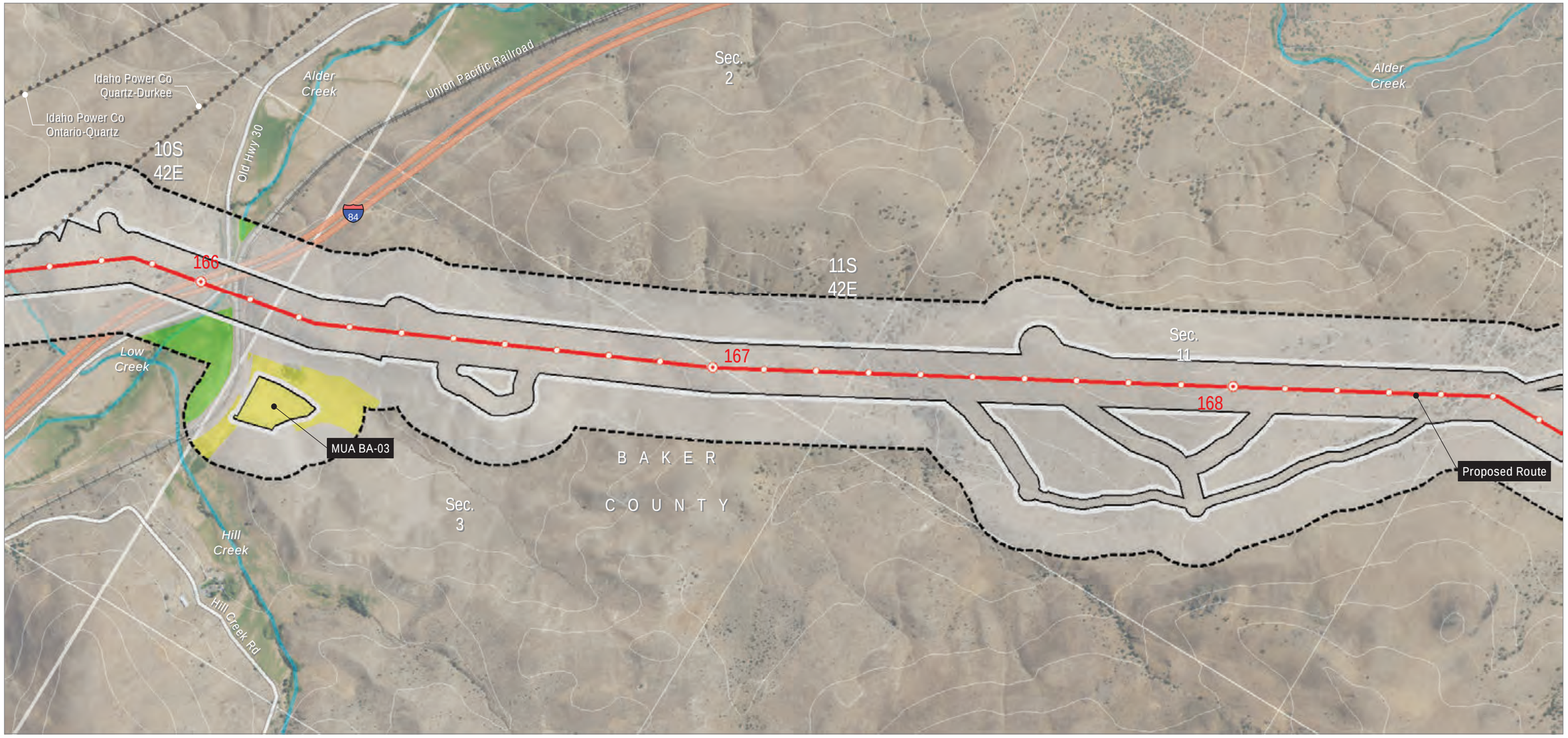
Agricultural Types

Baker County

Map 85



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
An IDACORP Company

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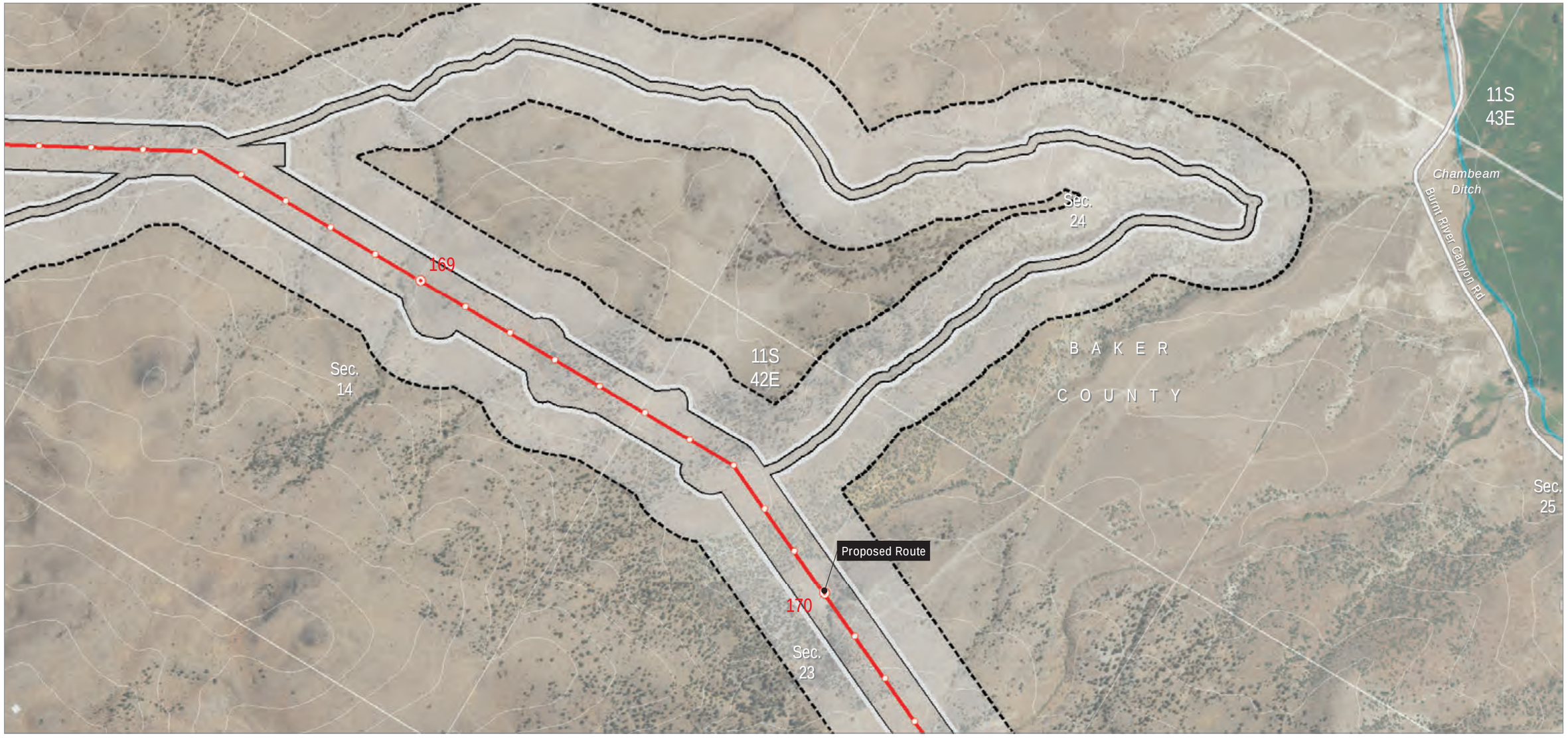
Baker County

Map 86



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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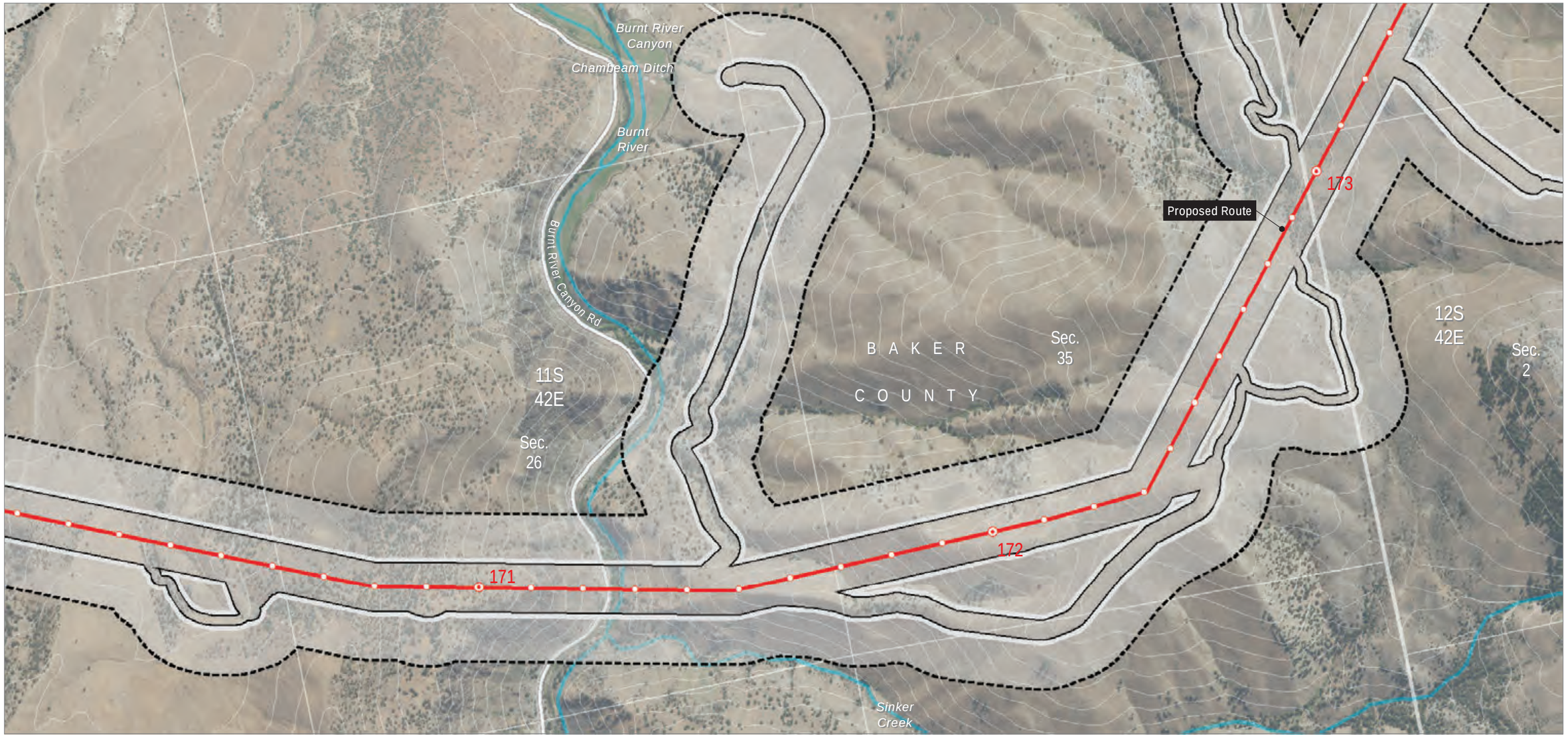
Baker County

Map 87



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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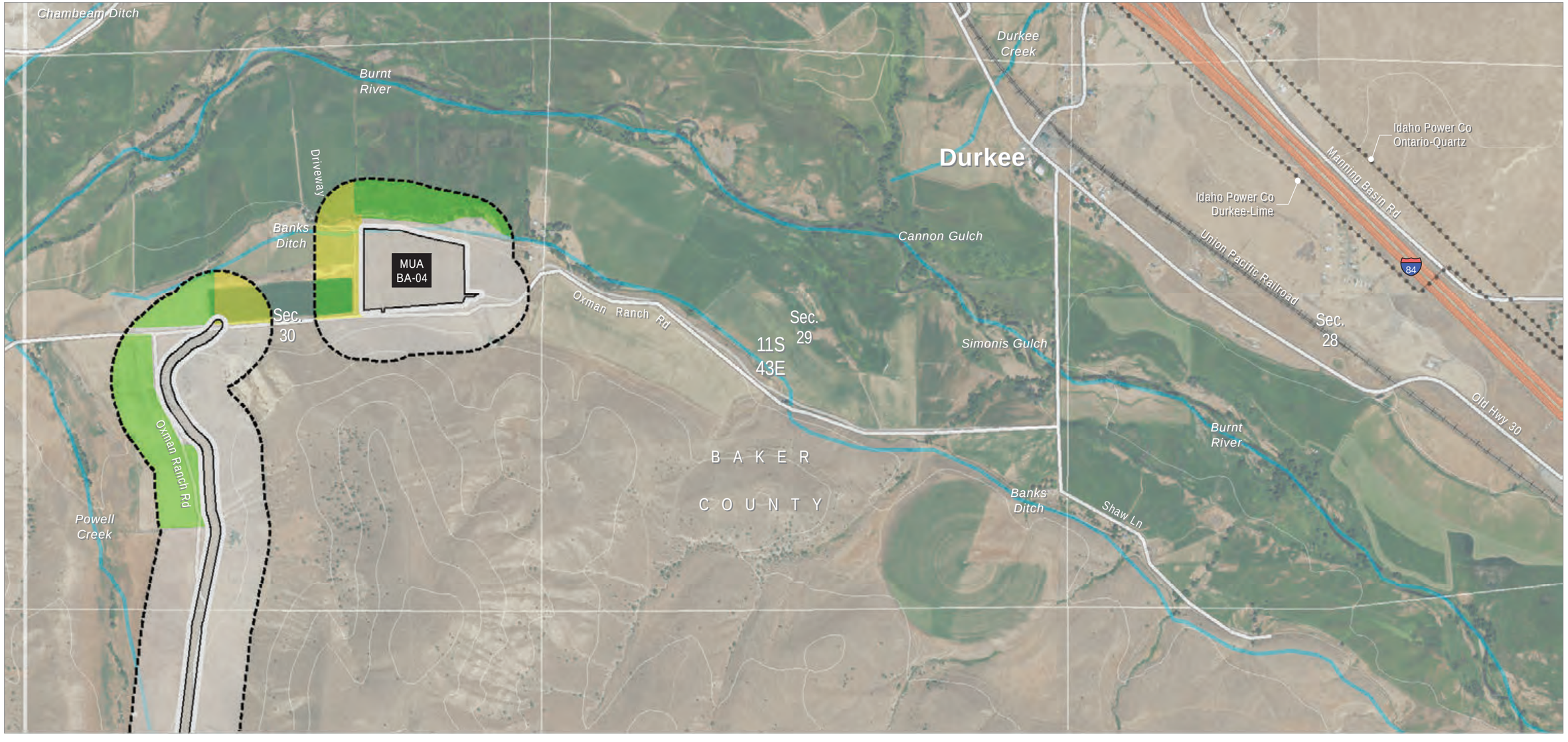
Agricultural Types

Baker County

Map 88



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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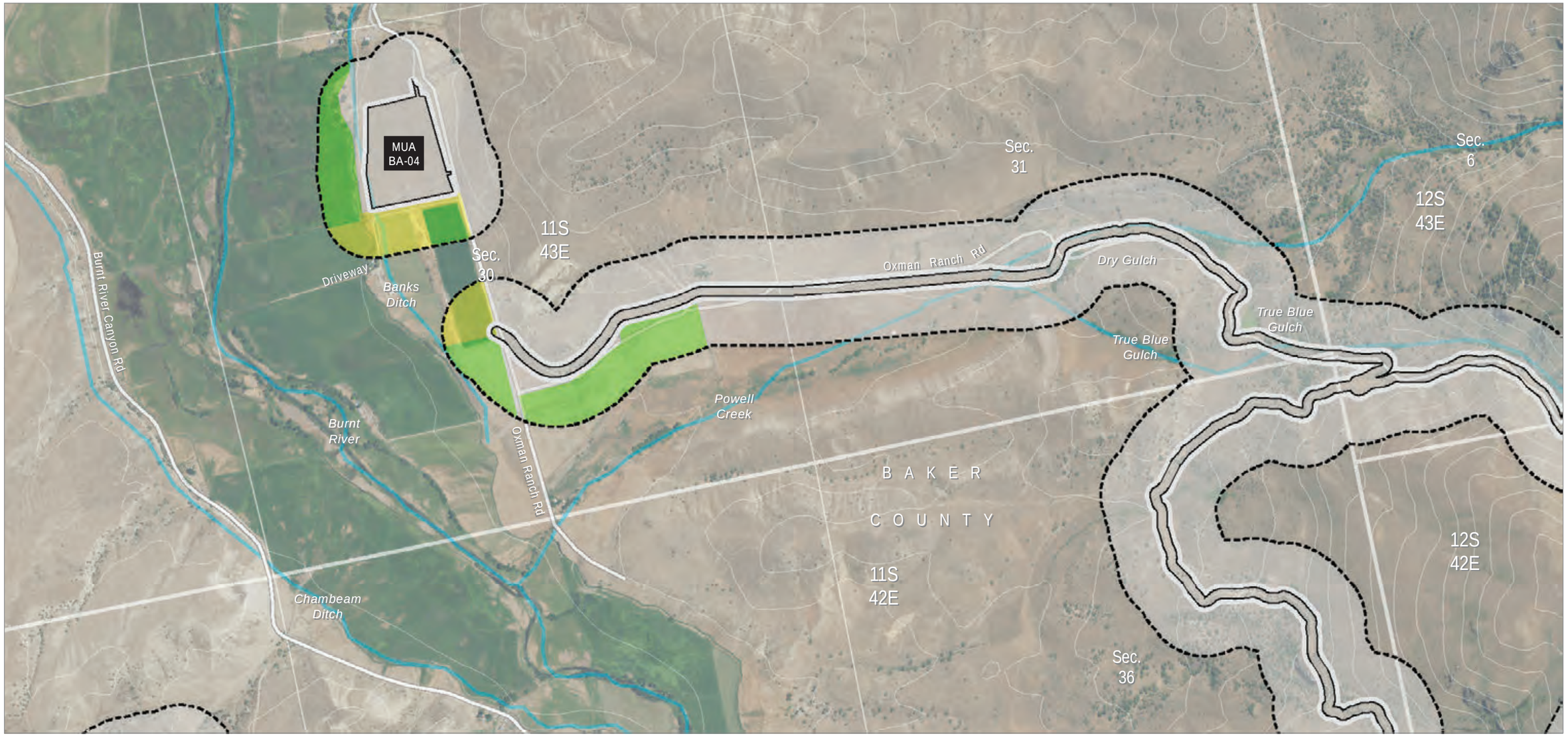
Agricultural Types

Baker County

Map 89



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Road
- Stream

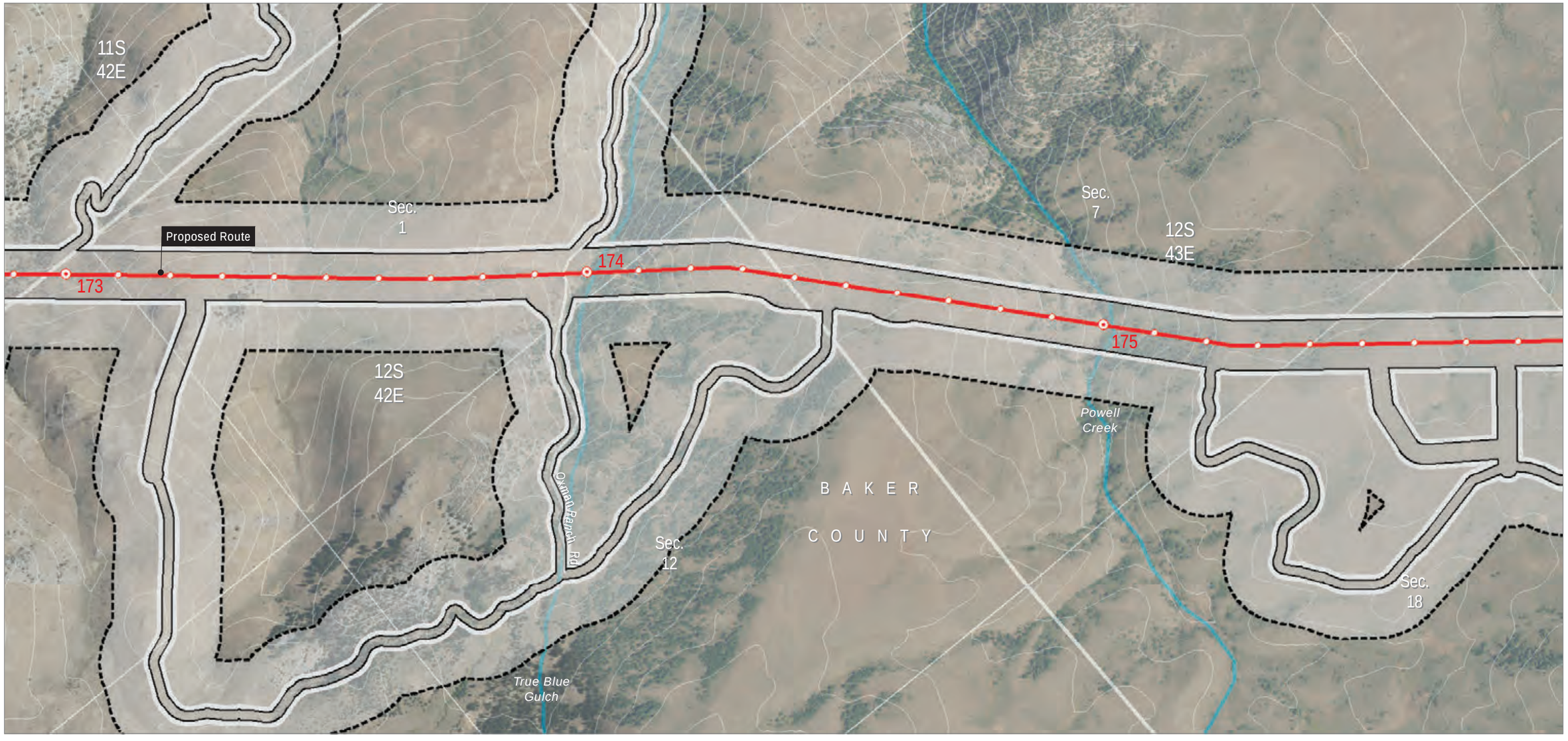
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Baker County

Map 90



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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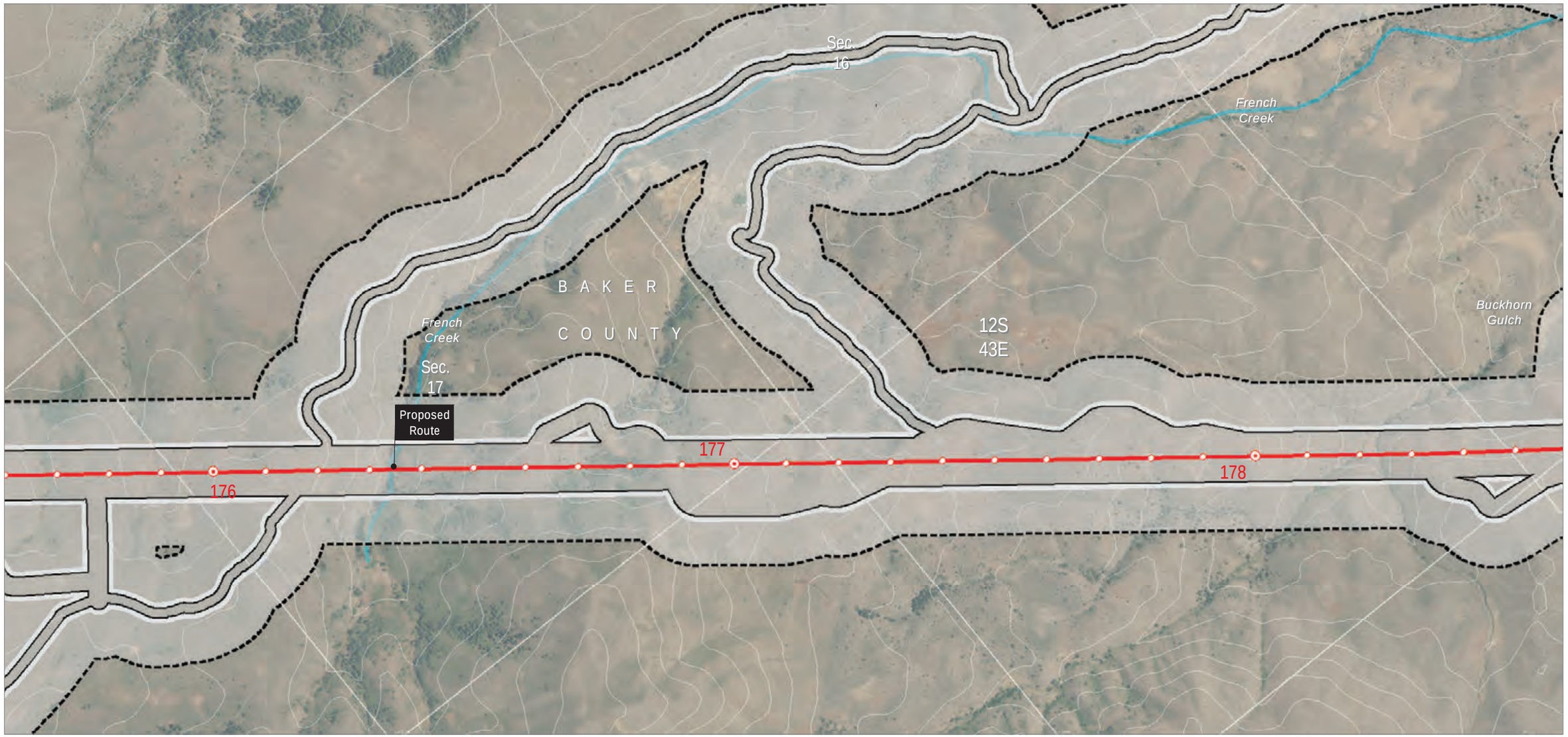
Agricultural Types

Baker County

Map 91



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Map Area

OREGON

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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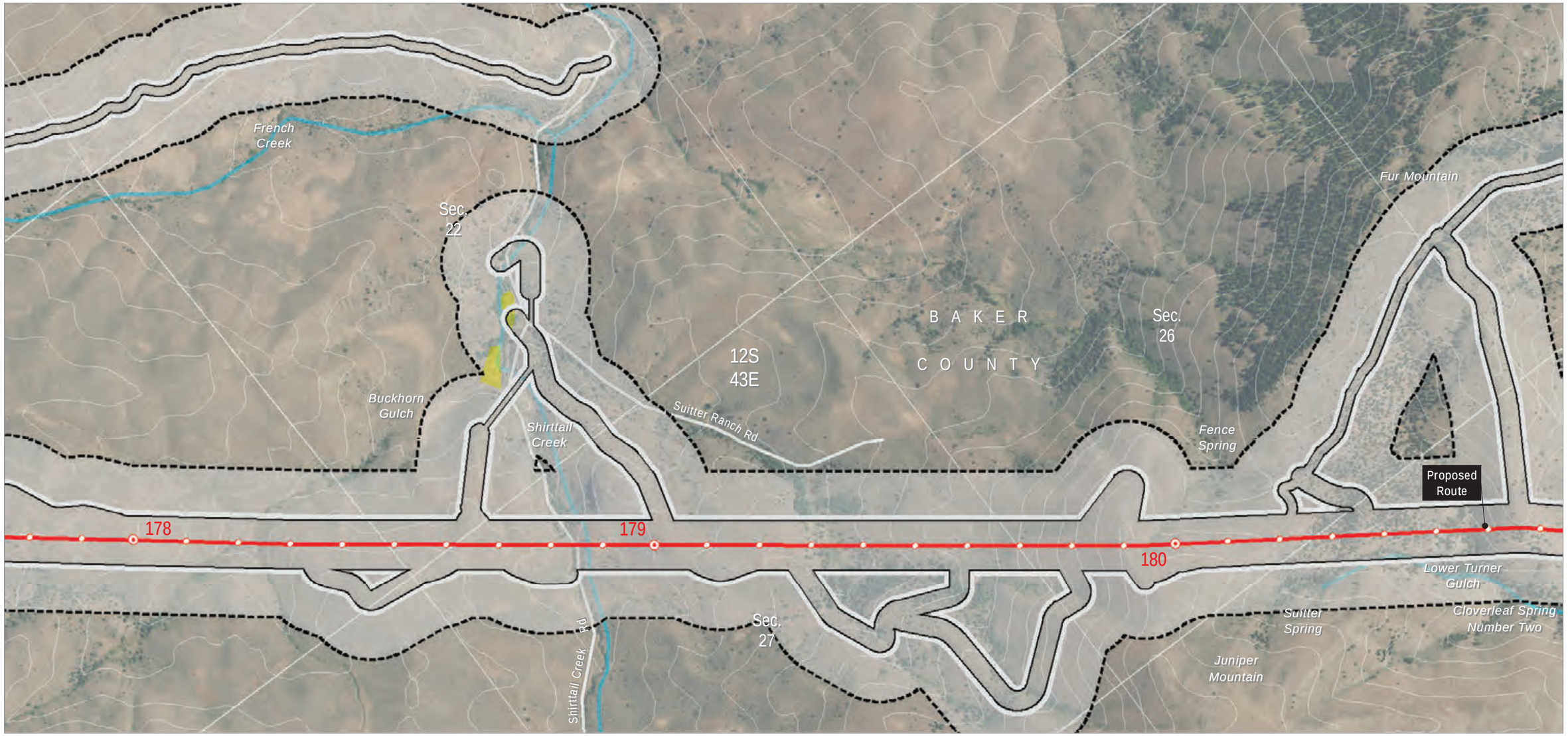
Baker County

Map 92



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
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IDAHO POWER

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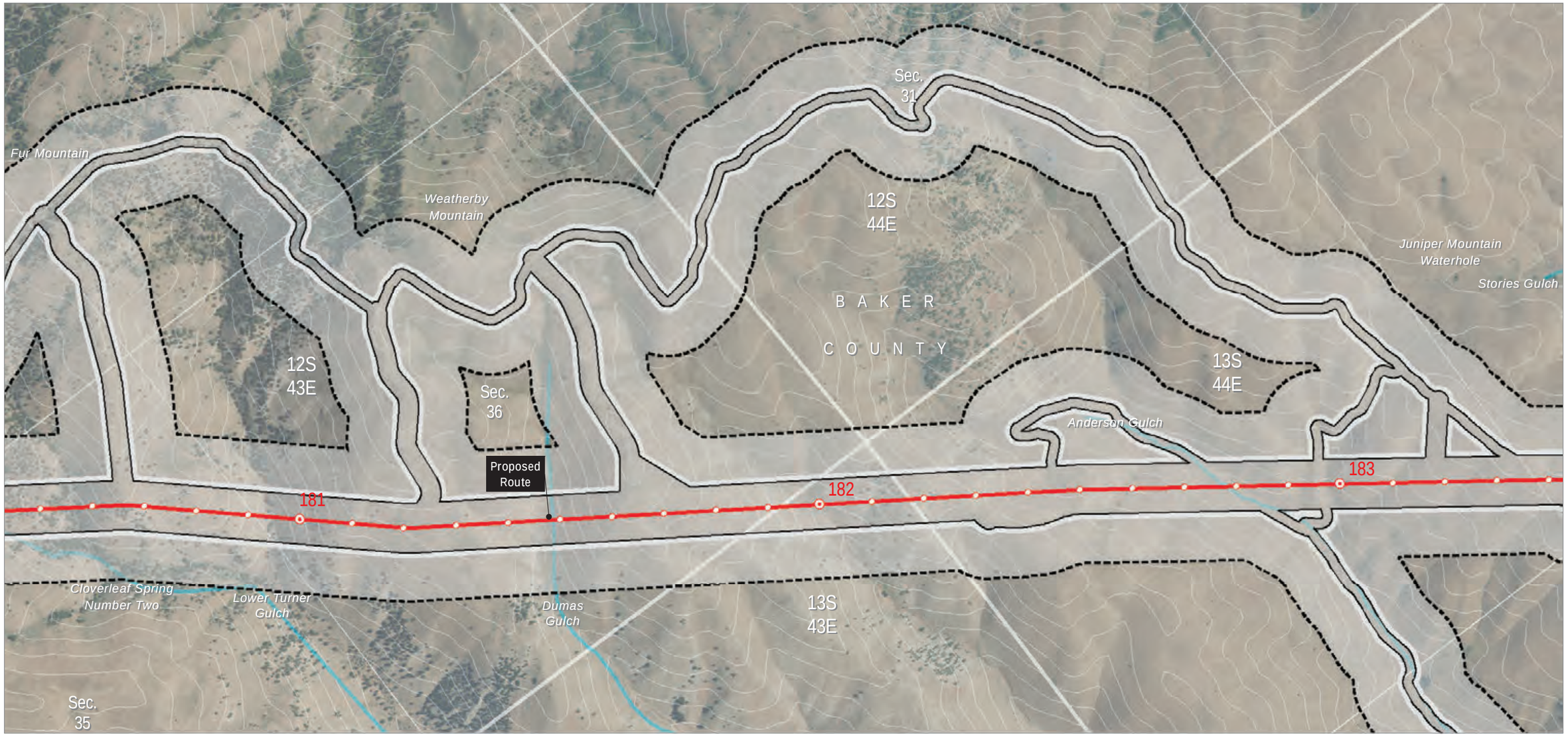
Baker County

Map 93



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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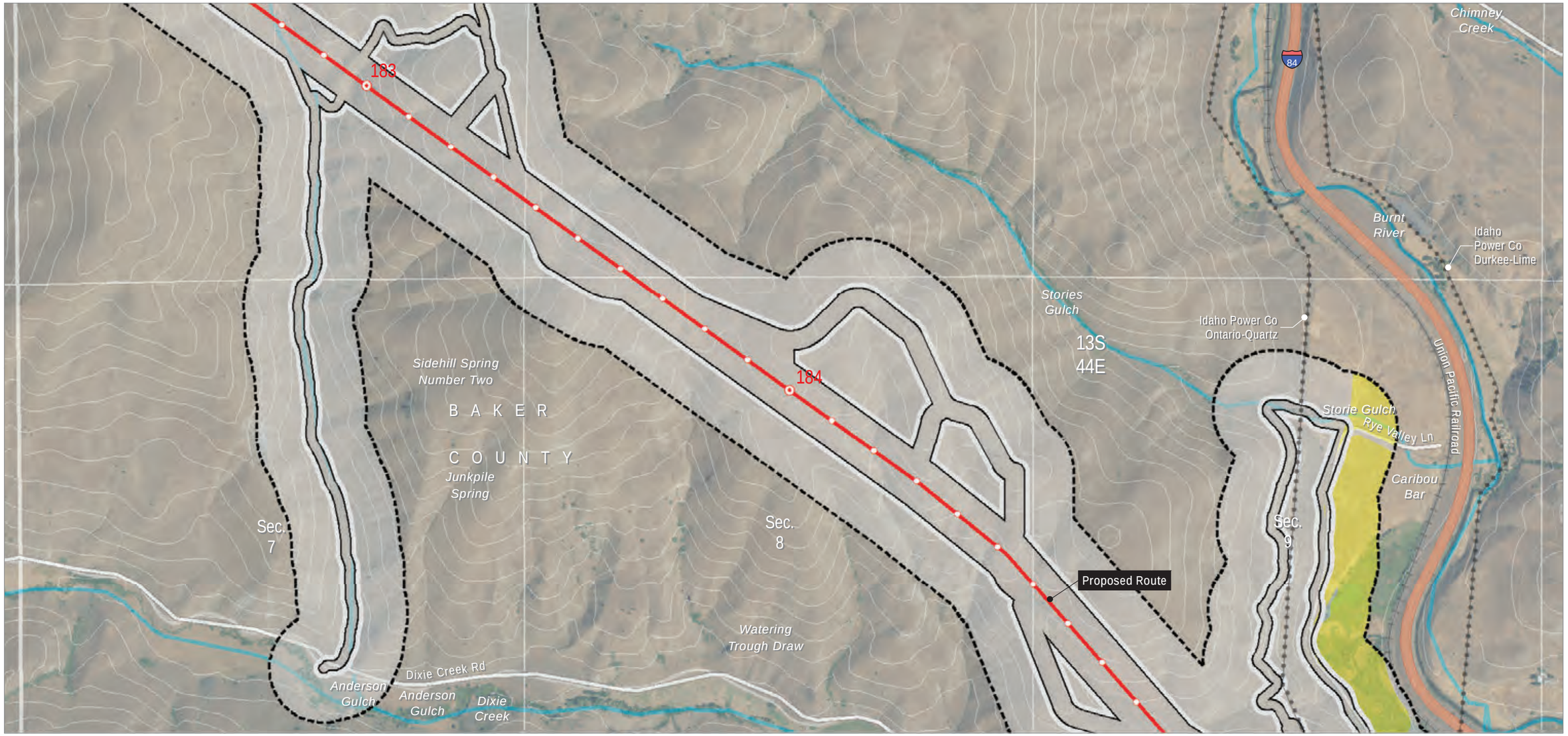
Baker County

Map 94



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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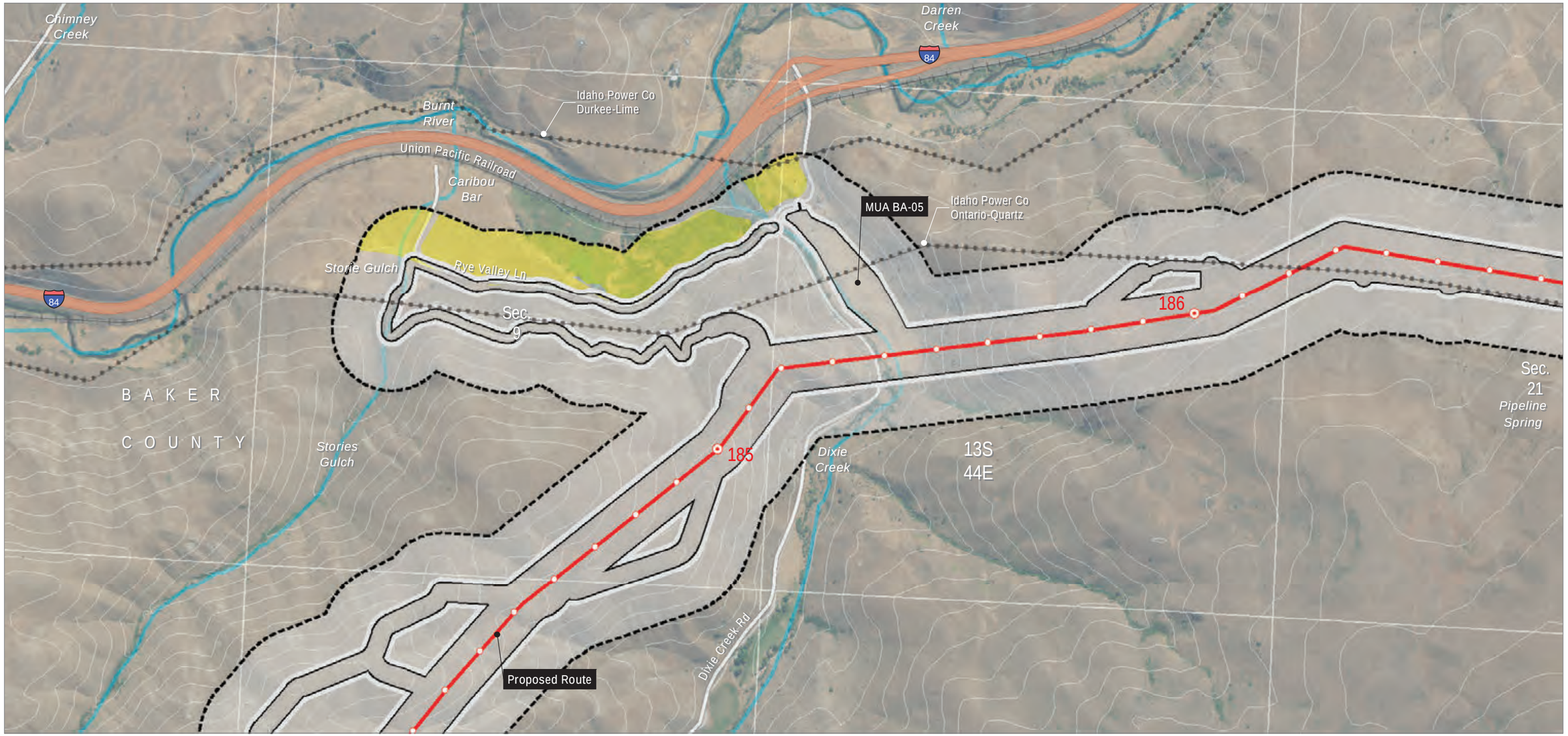
Baker County

Map 95



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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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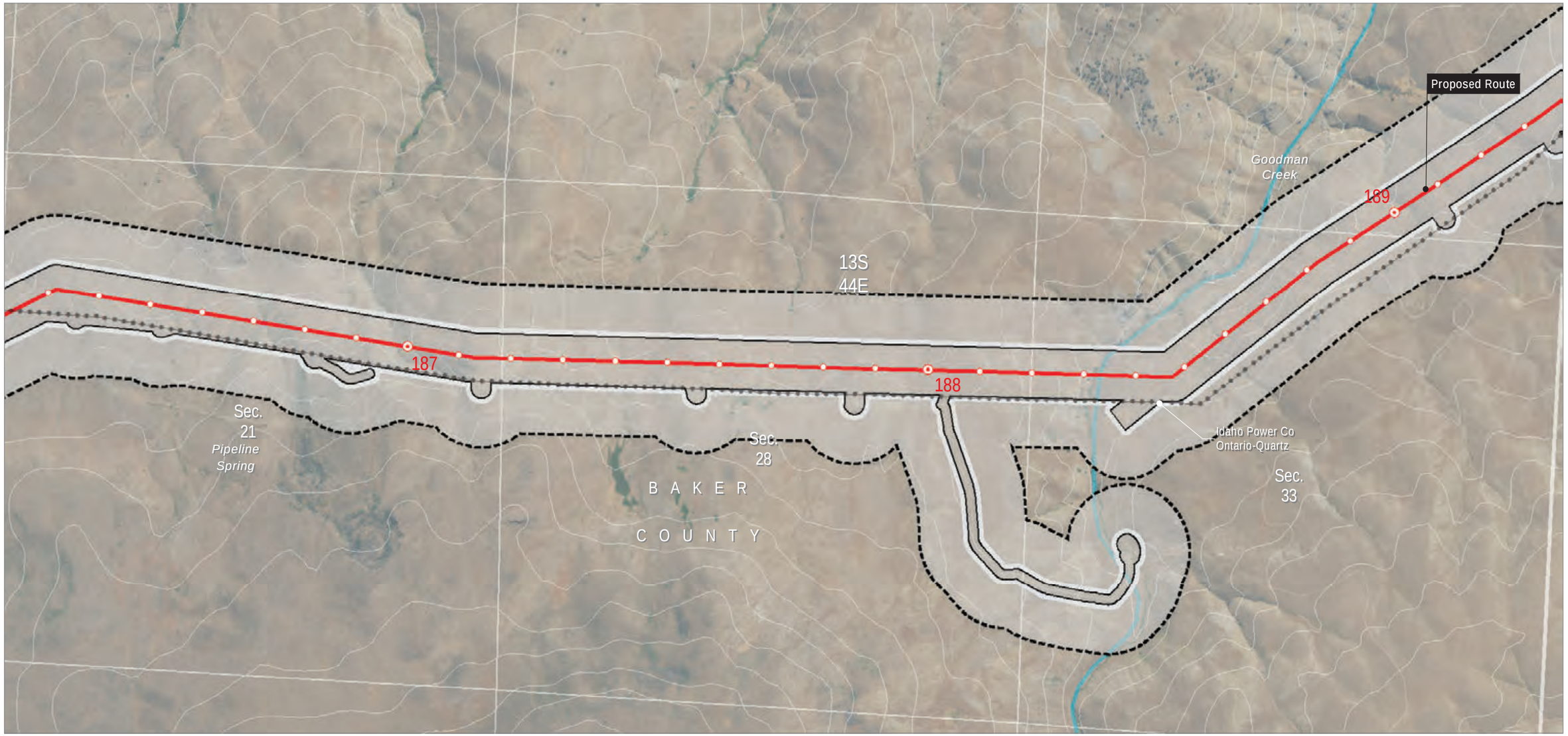
Baker County

Map 96



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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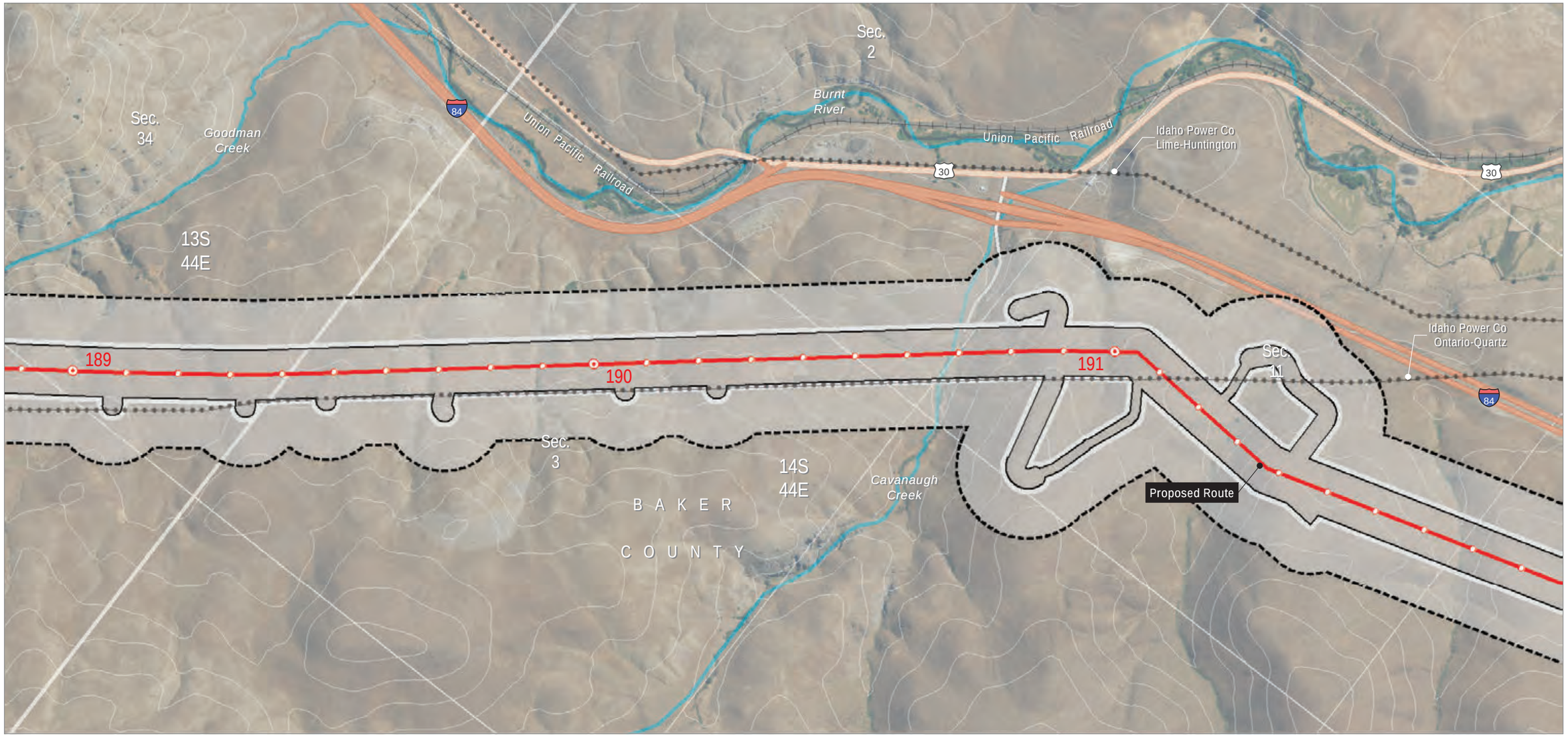
Baker County

Map 97



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Highway
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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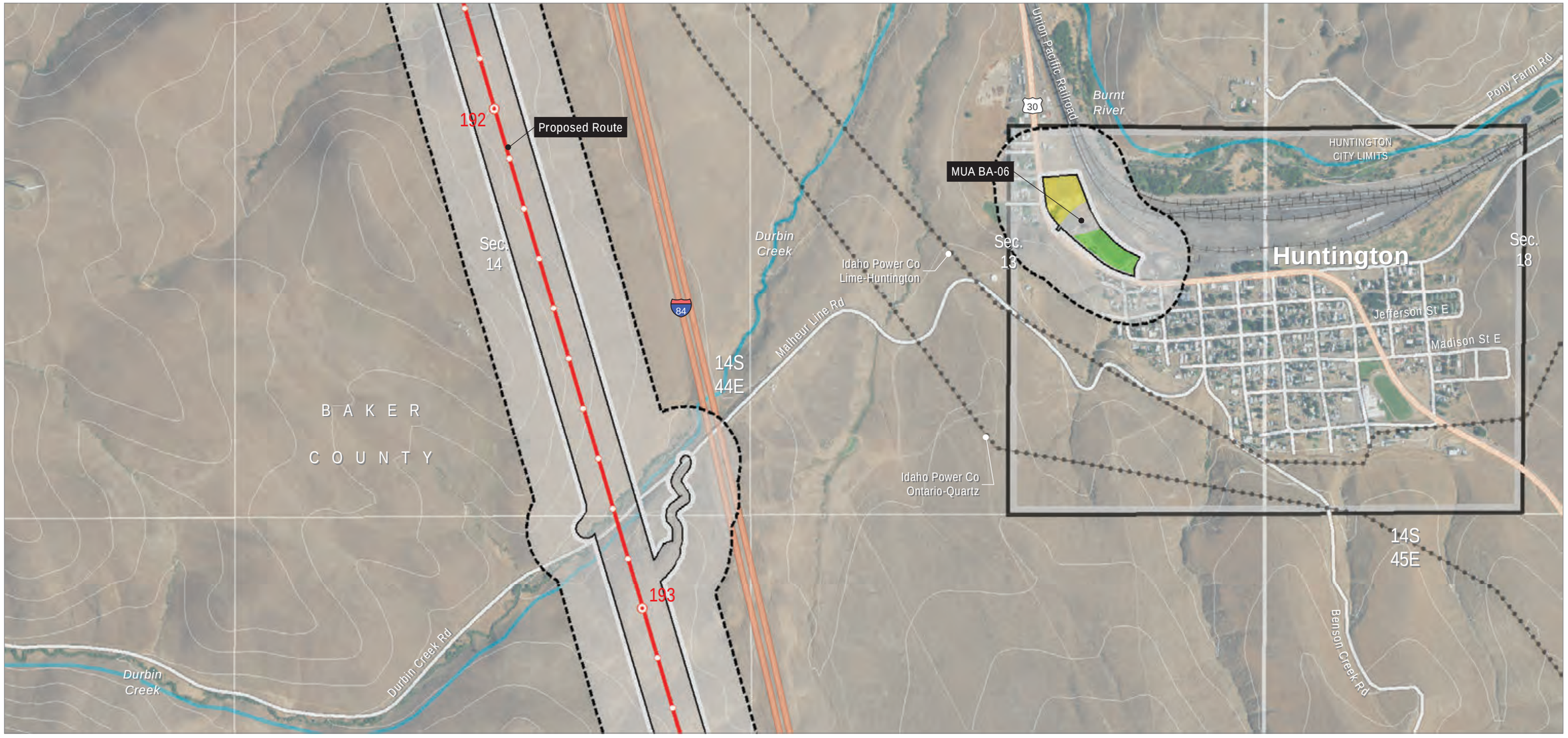
Baker County

Map 98



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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Highway
- Road
- Railroad
- Stream
- City Limits

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An IDACORP Company

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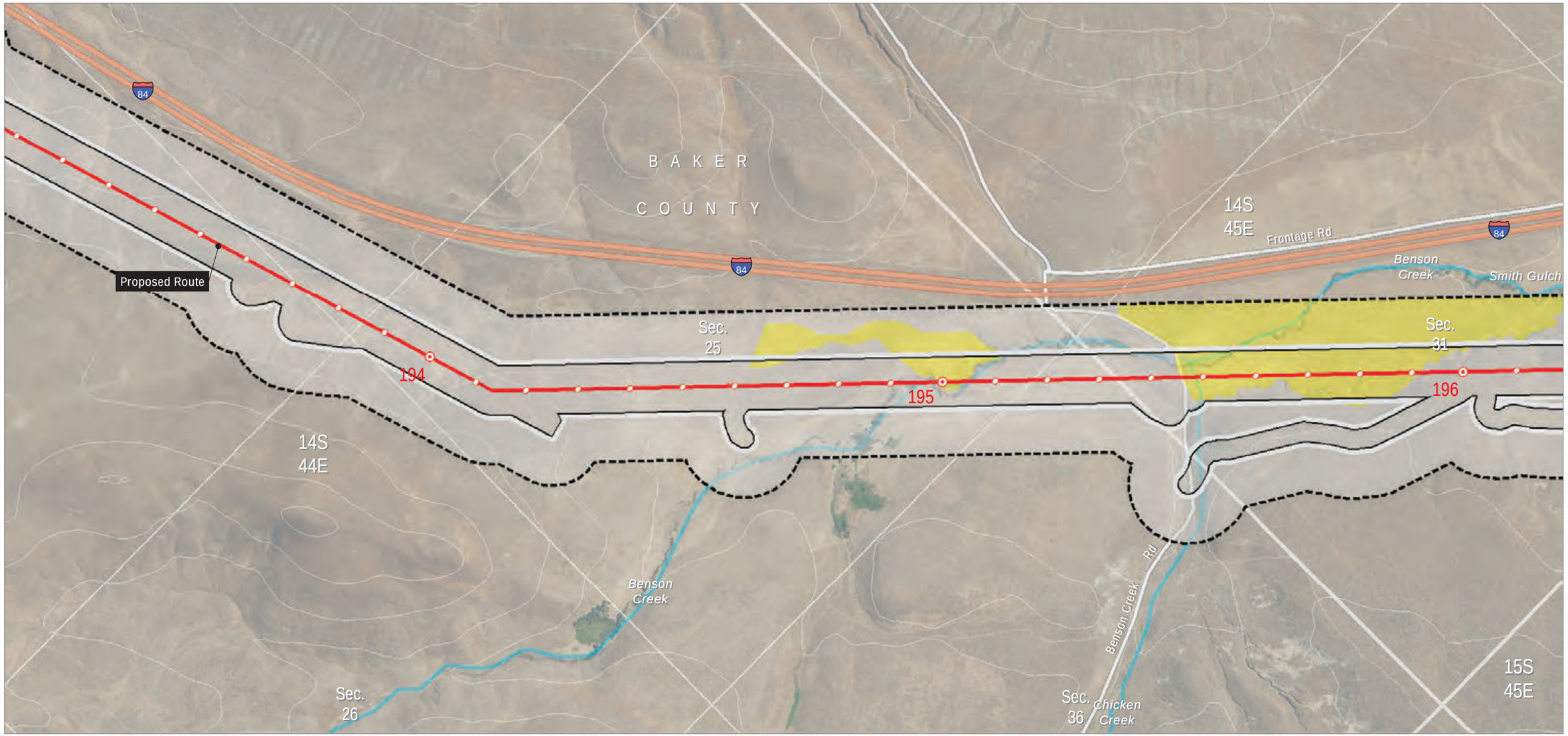
Agricultural Types

Baker County

Map 99



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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Interstate
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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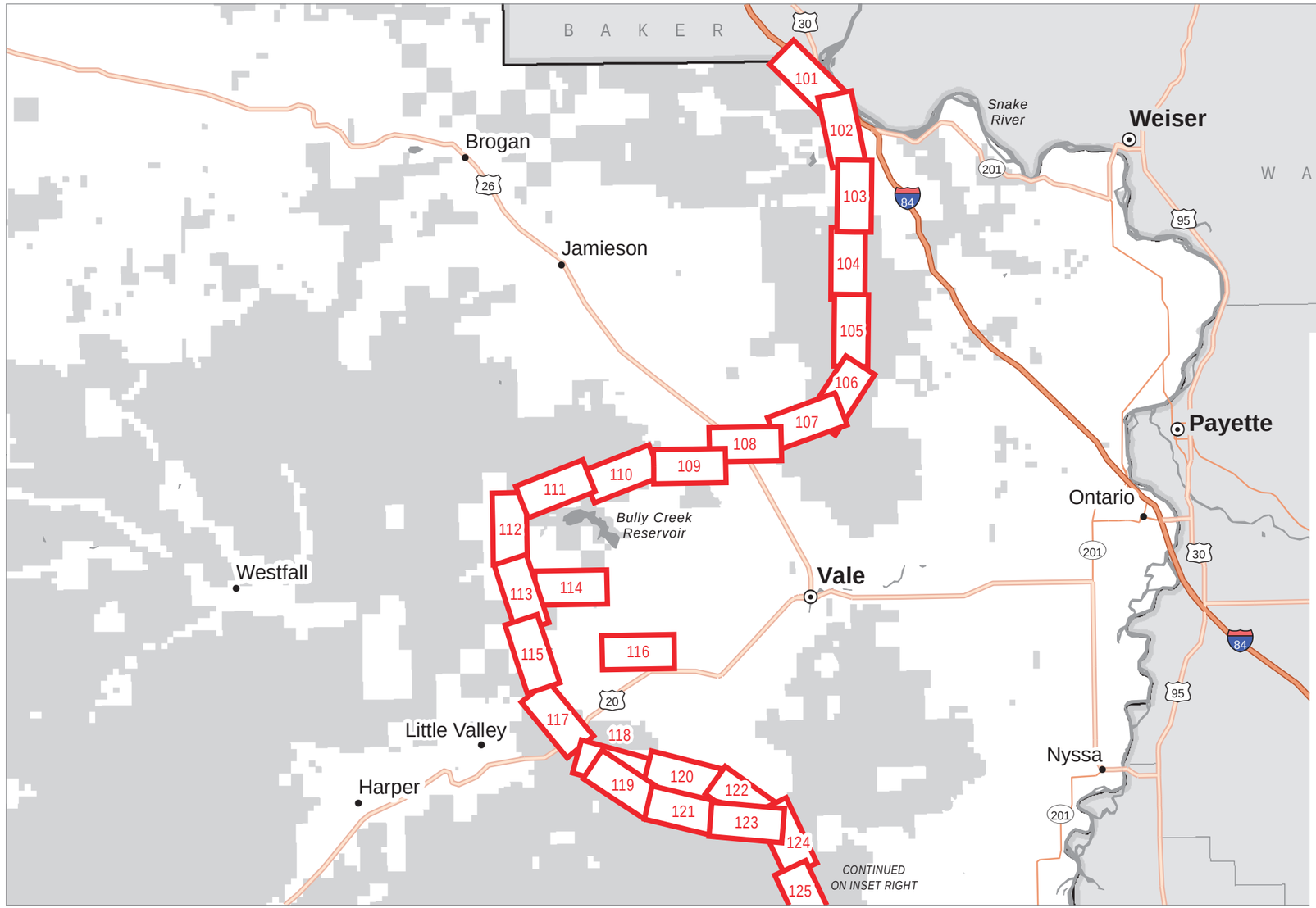
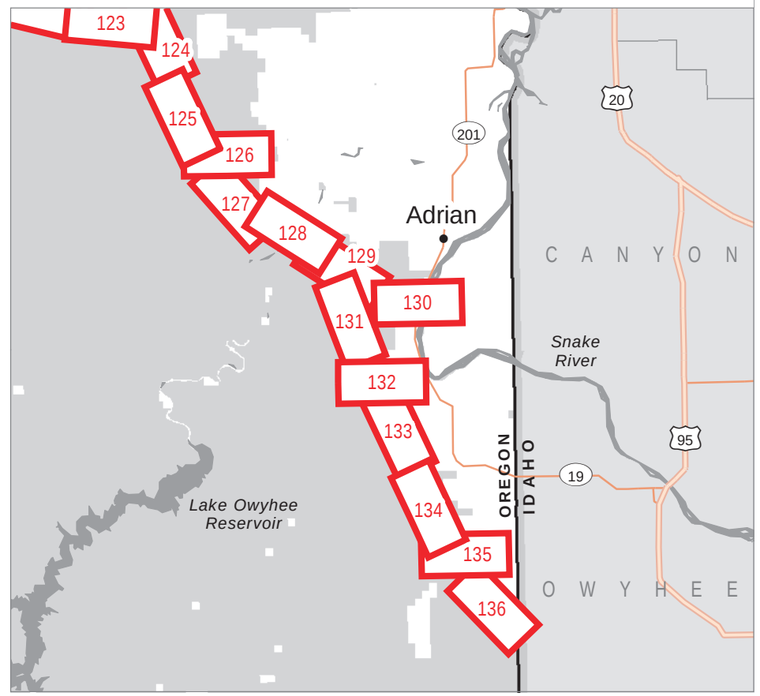
Baker County

Map 100





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Miles

Source(s): BLM, IPC, Esri

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Location Map (Map #)

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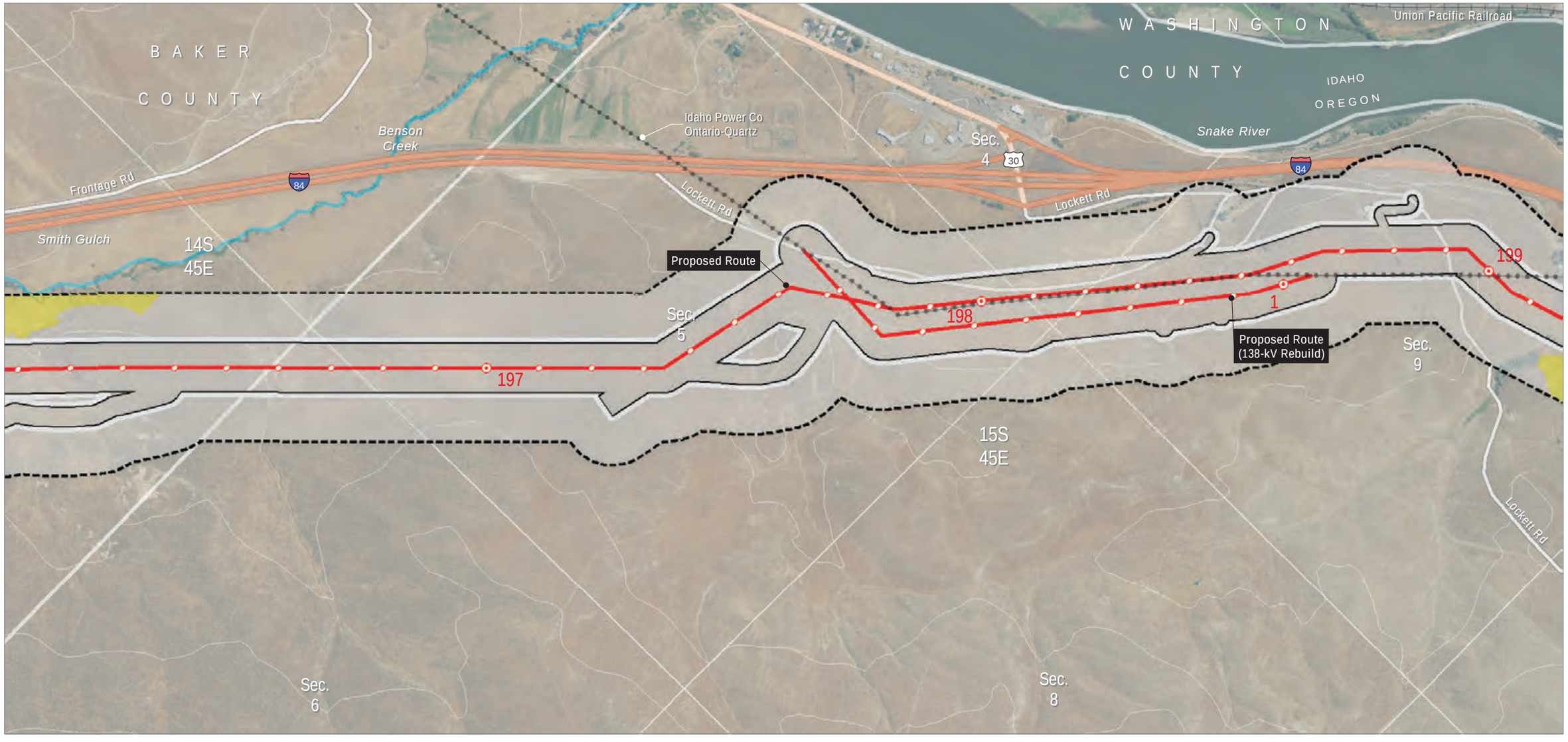

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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Highway
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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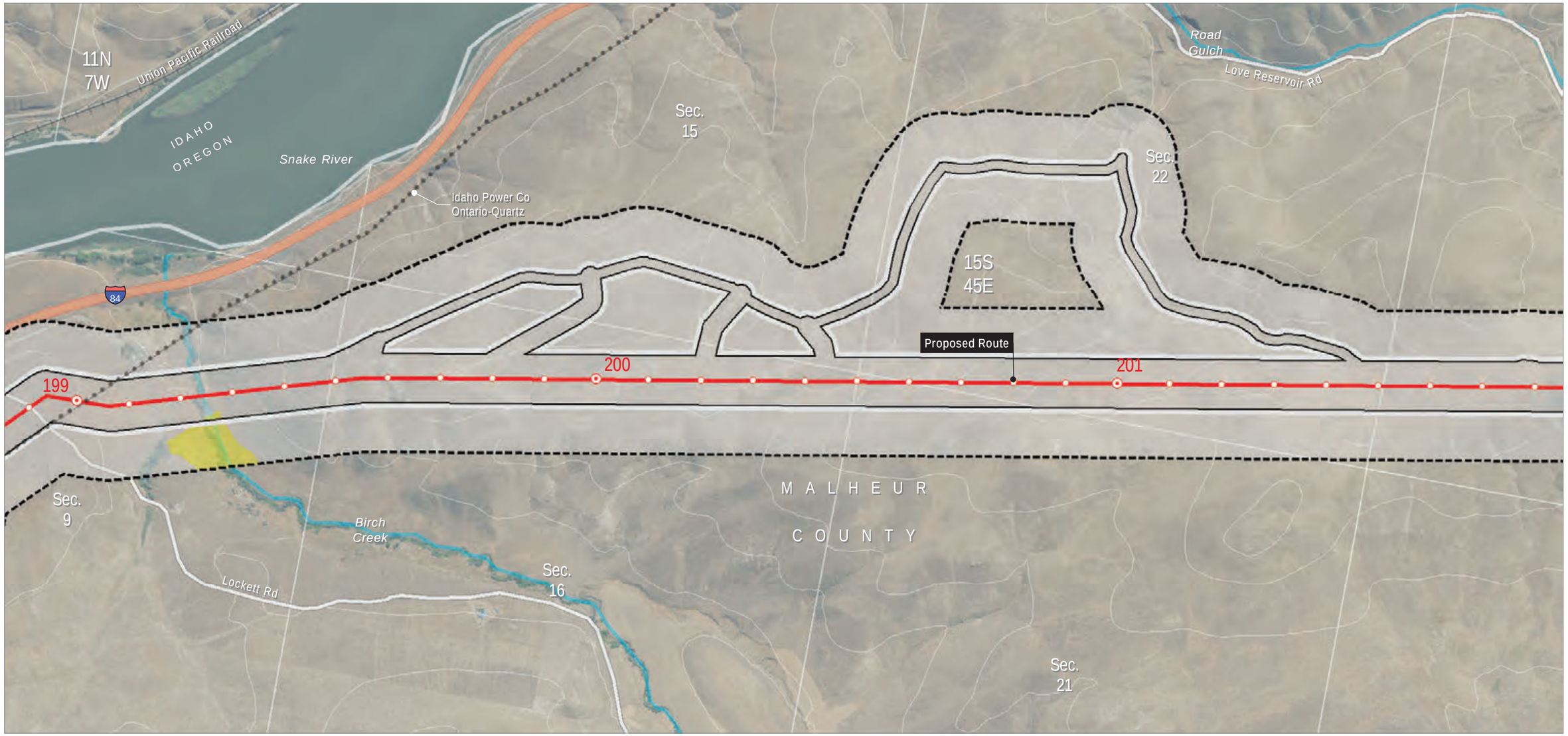
Agricultural Types

Malheur County

Map 101



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Interstate
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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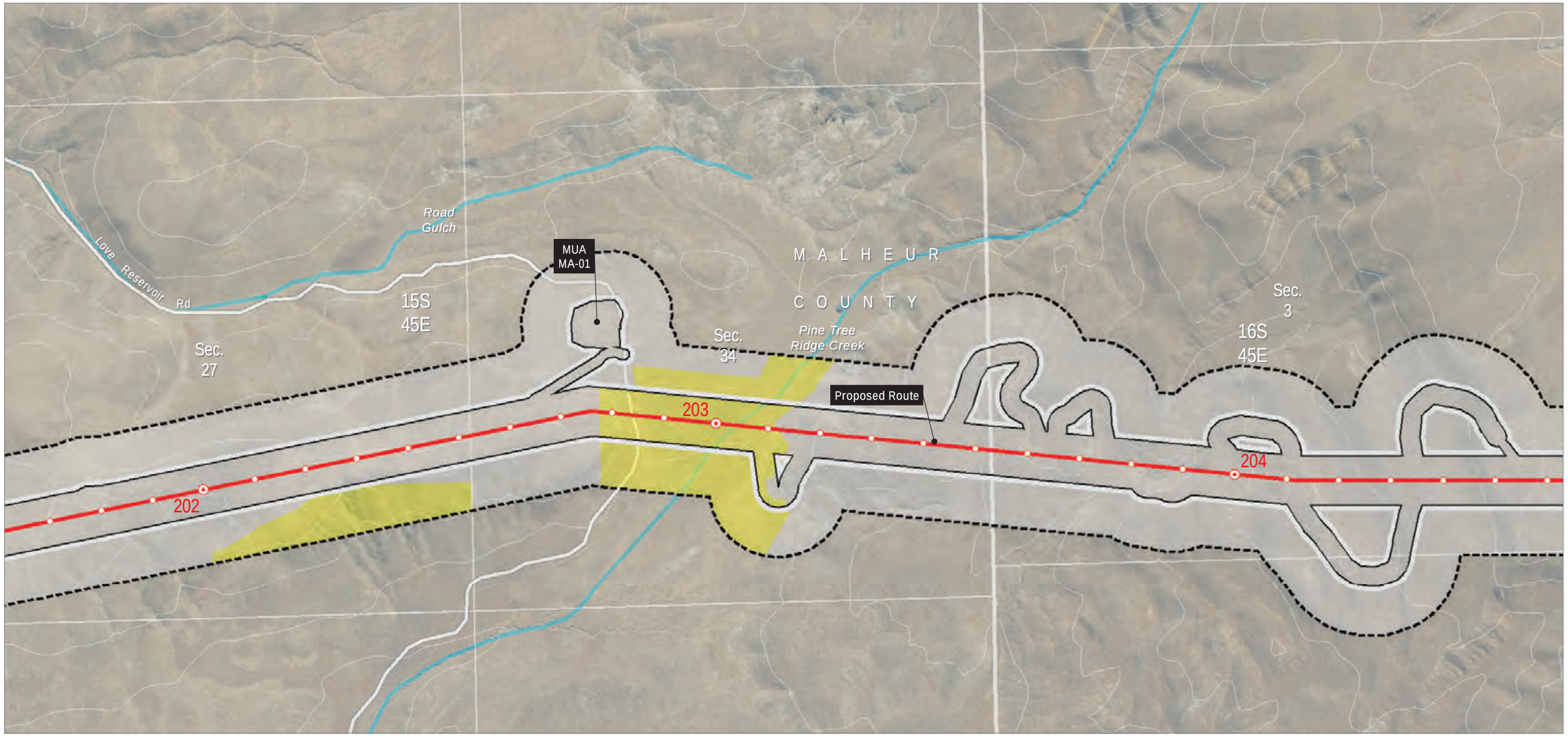
Malheur County

Map 102



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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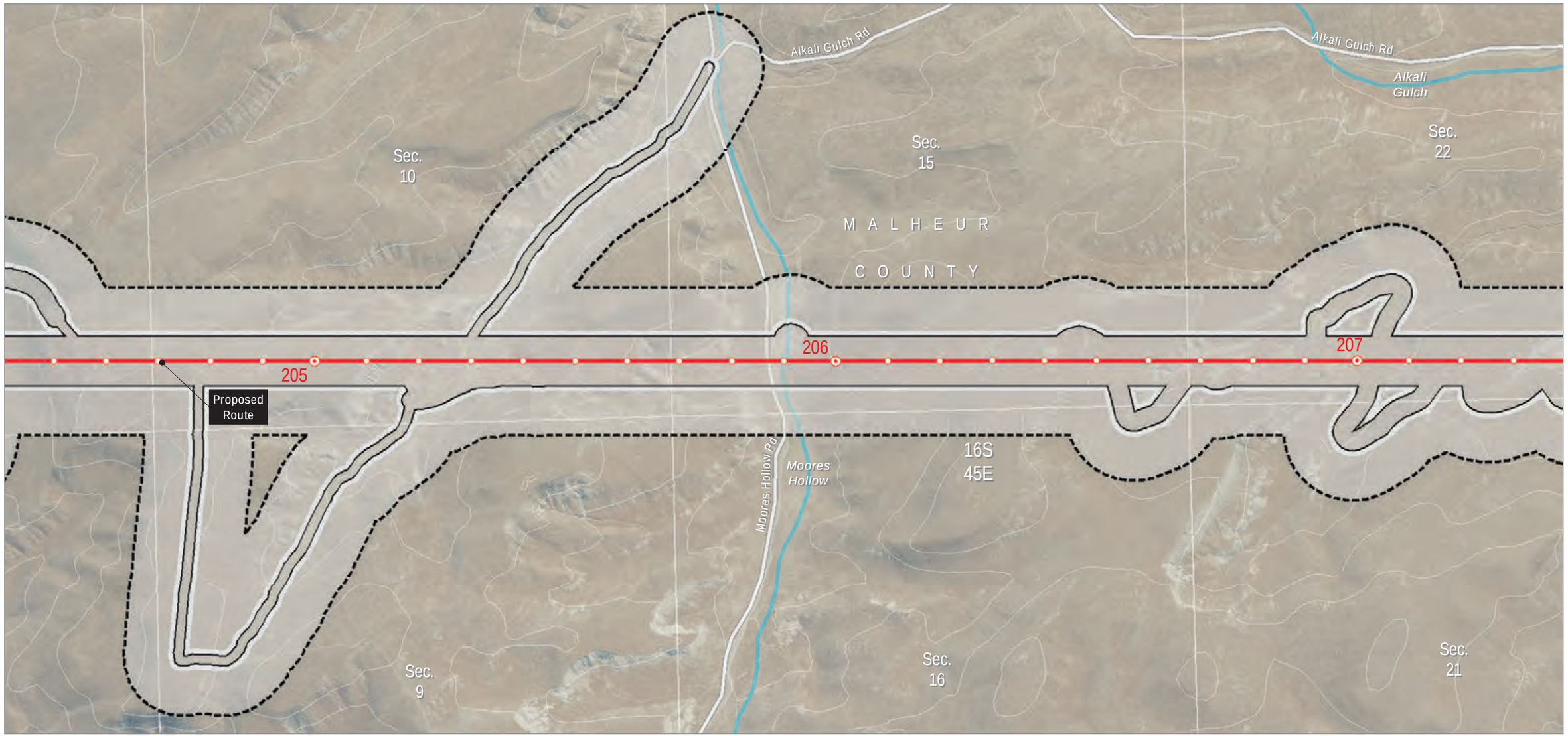
Agricultural Types

Malheur County

Map 103



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

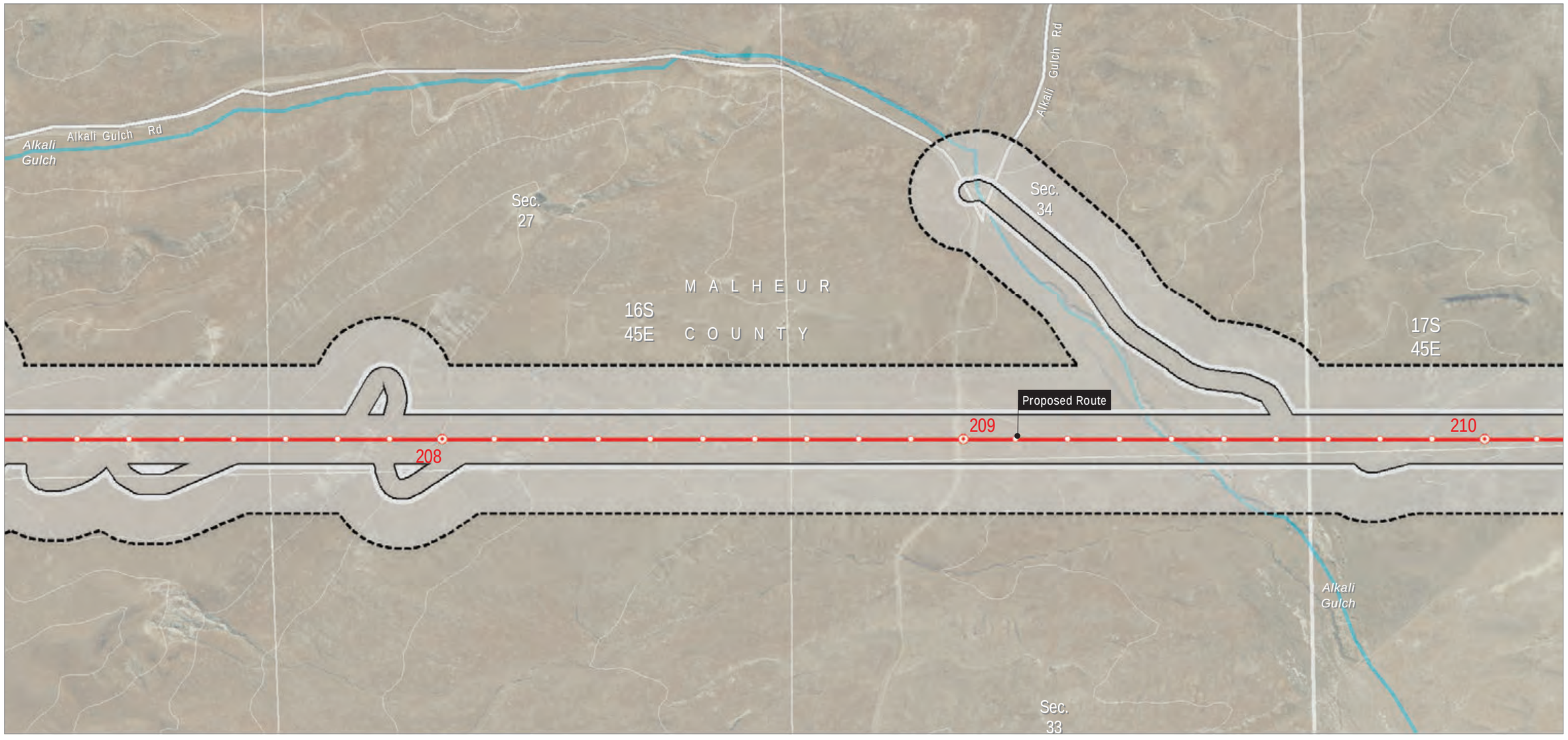
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 104



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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

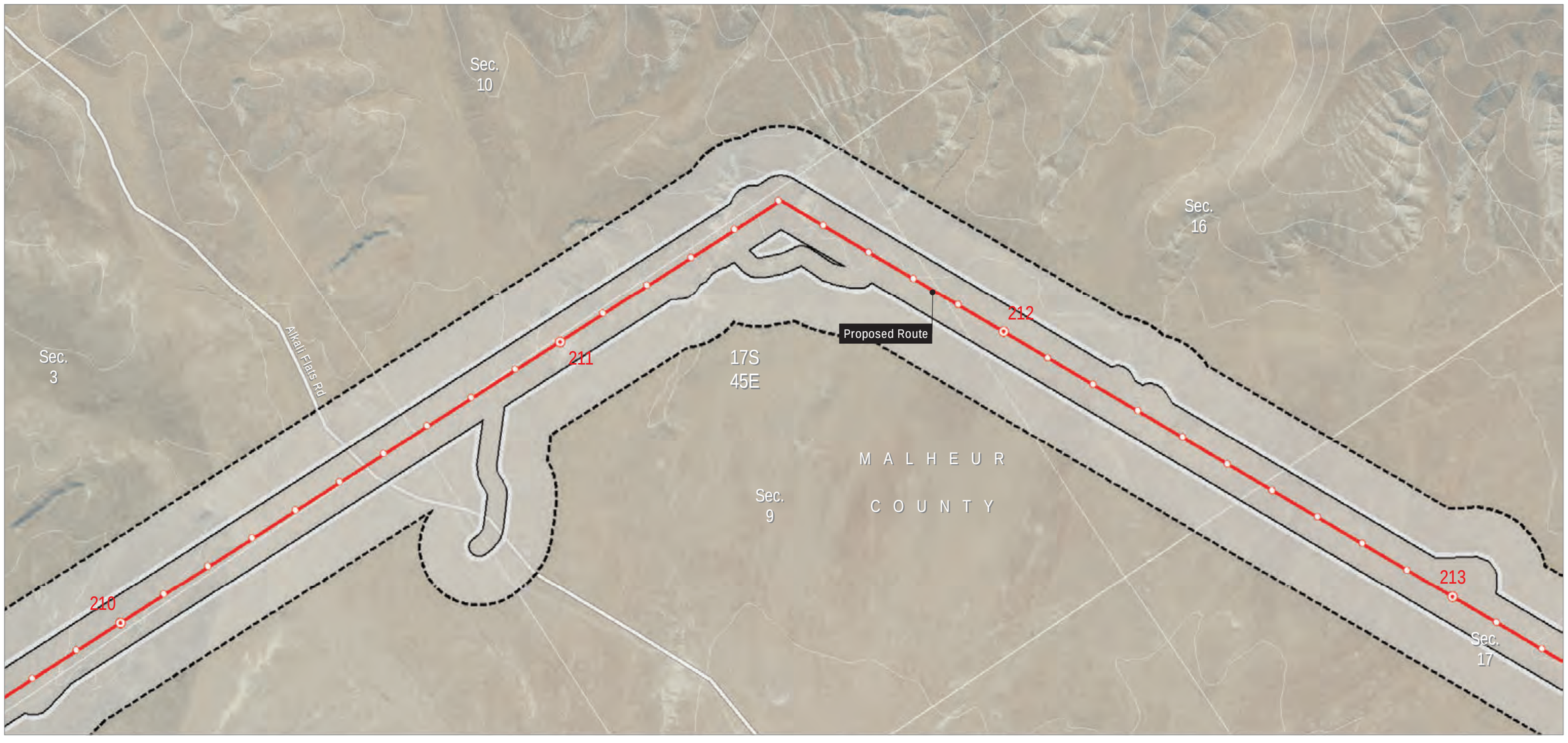
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 105



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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
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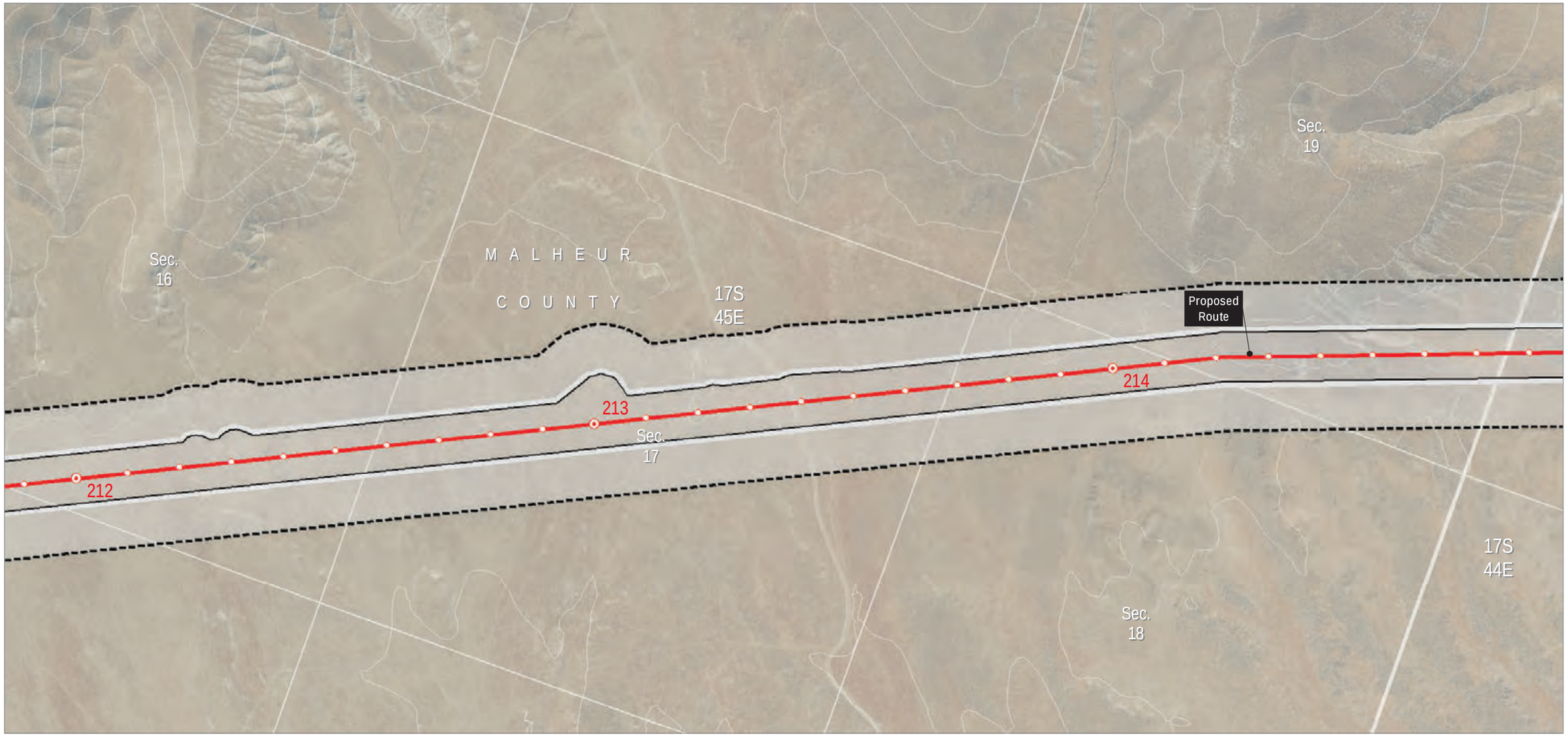
Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 106



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
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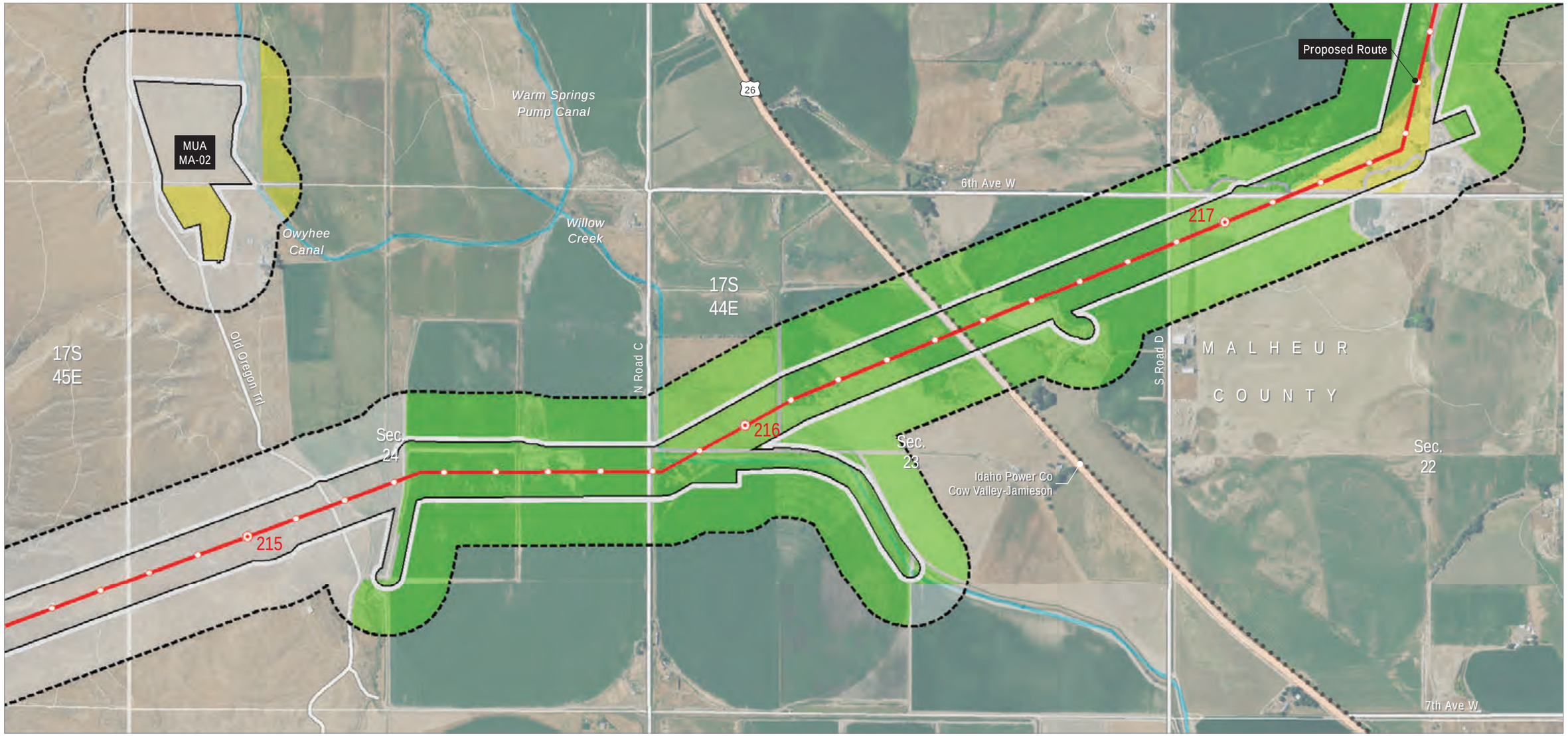
Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 107



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Highway
- Road
- Stream

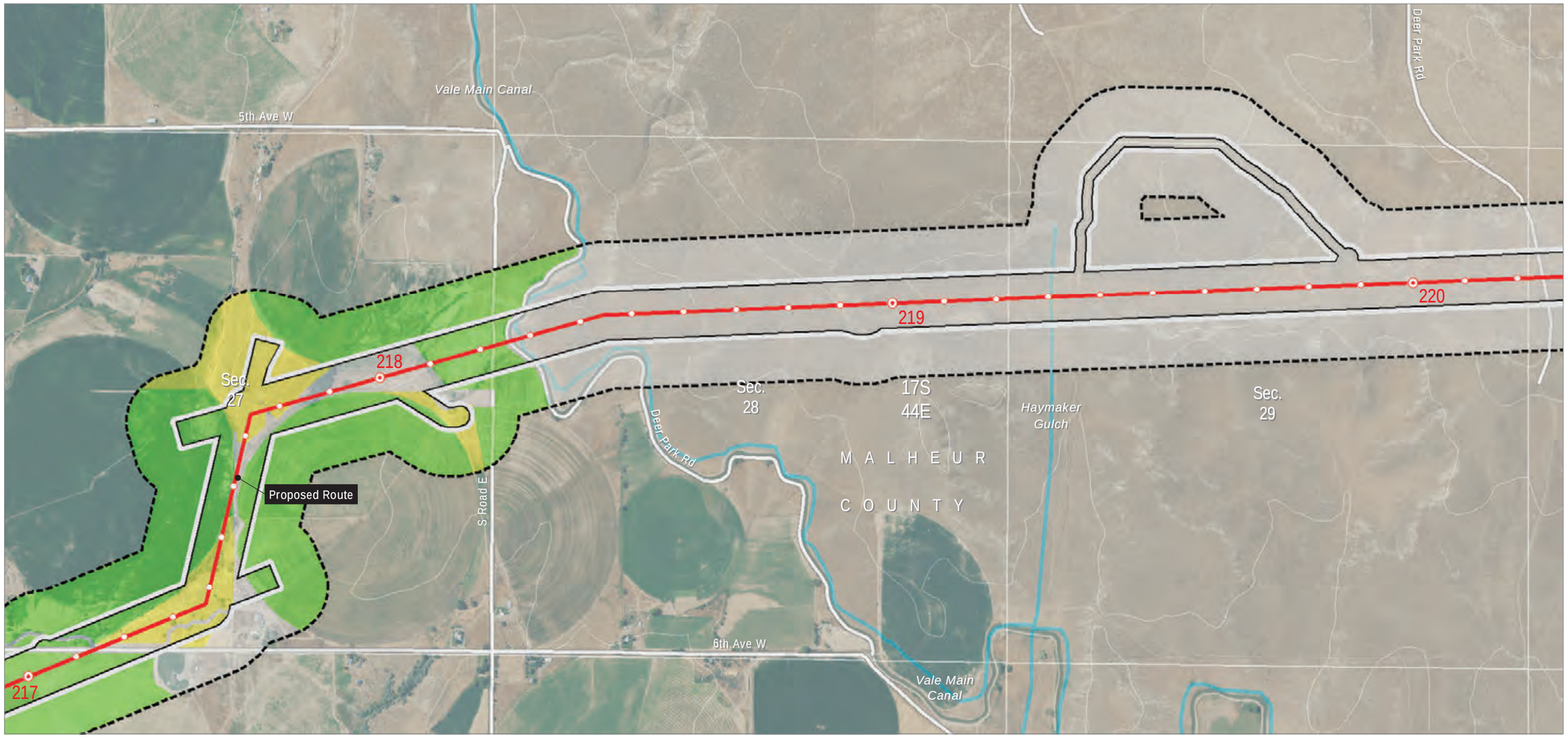
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 108



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

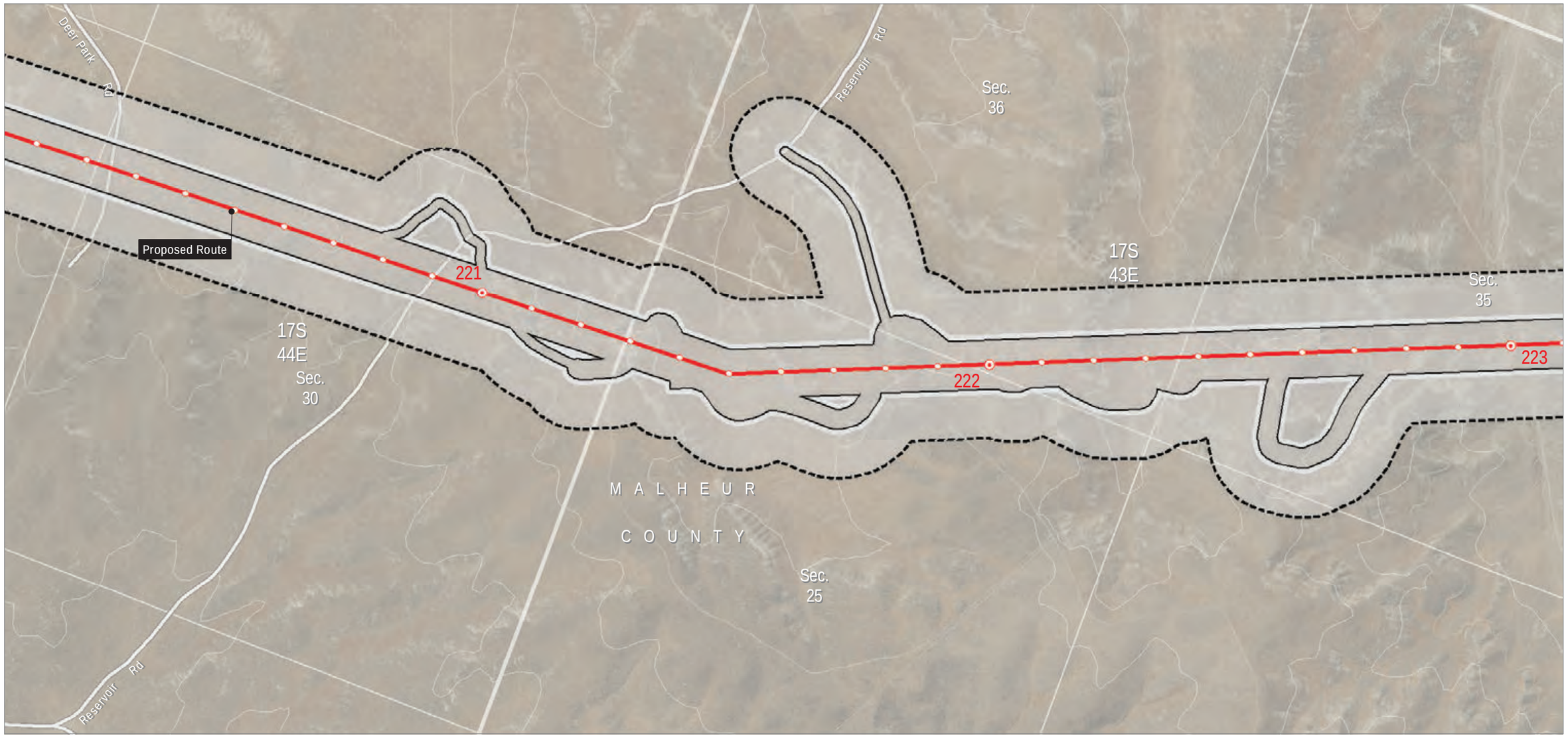
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 109



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Feet

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road

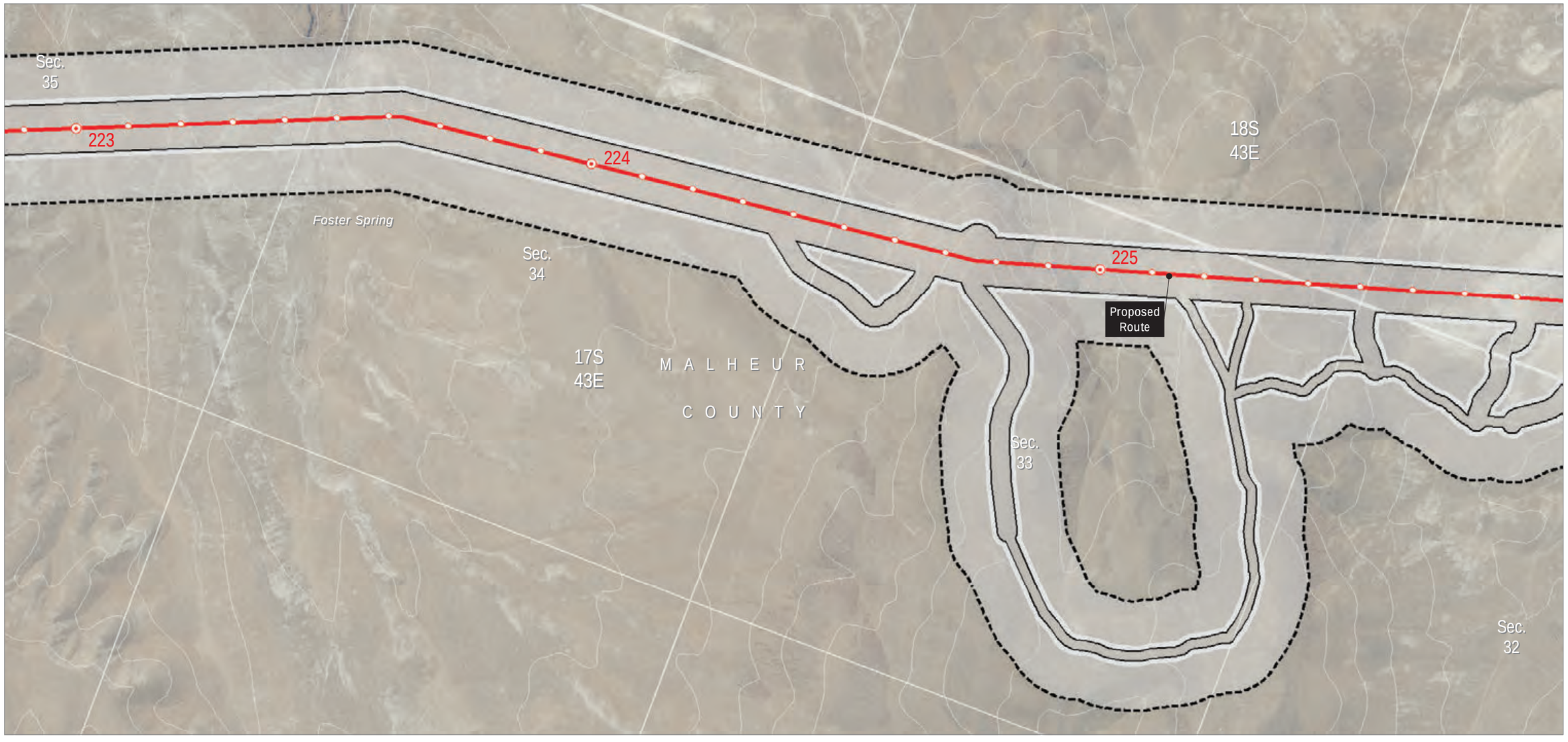
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 110



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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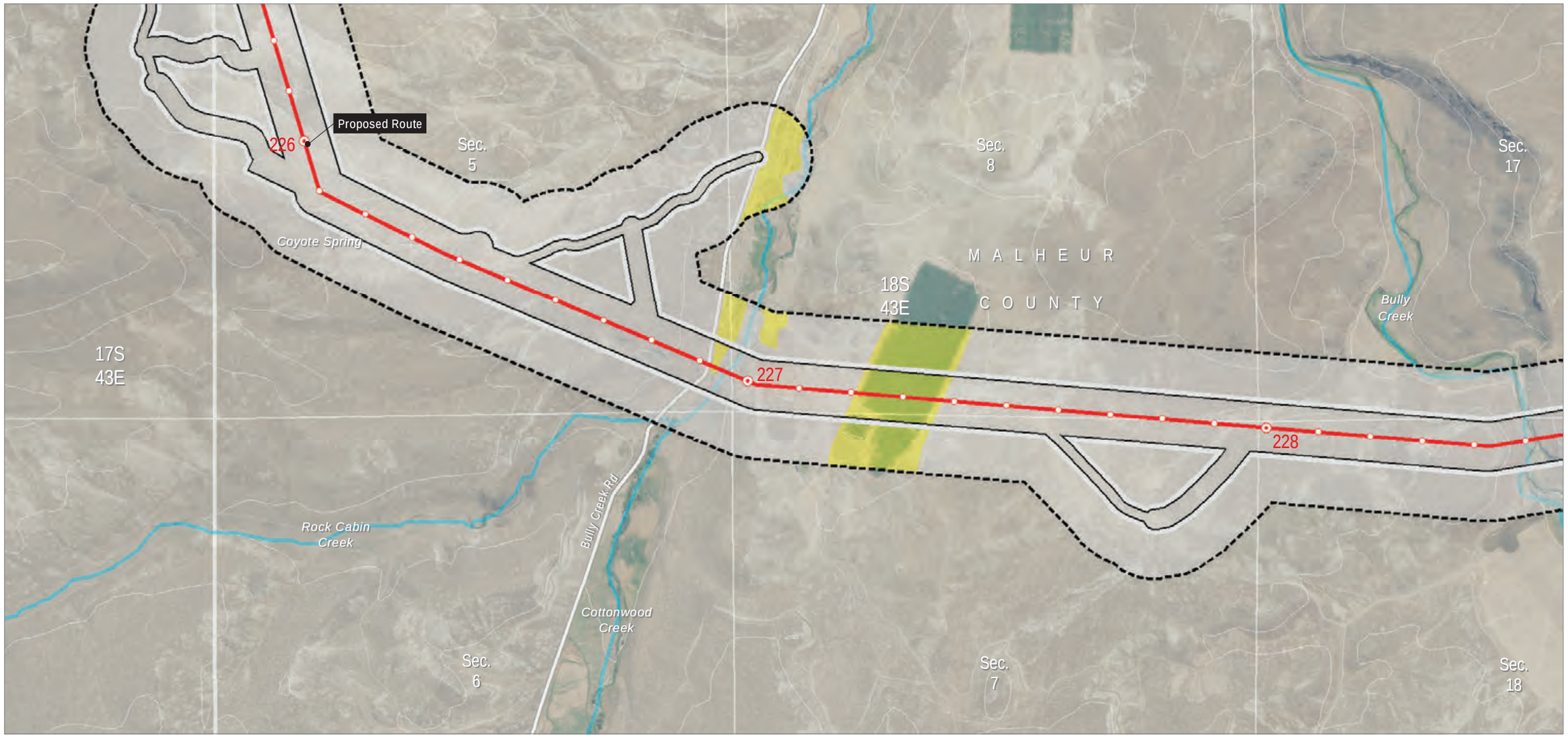
Agricultural Types

Malheur County

Map 111



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Map Area

OREGON

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

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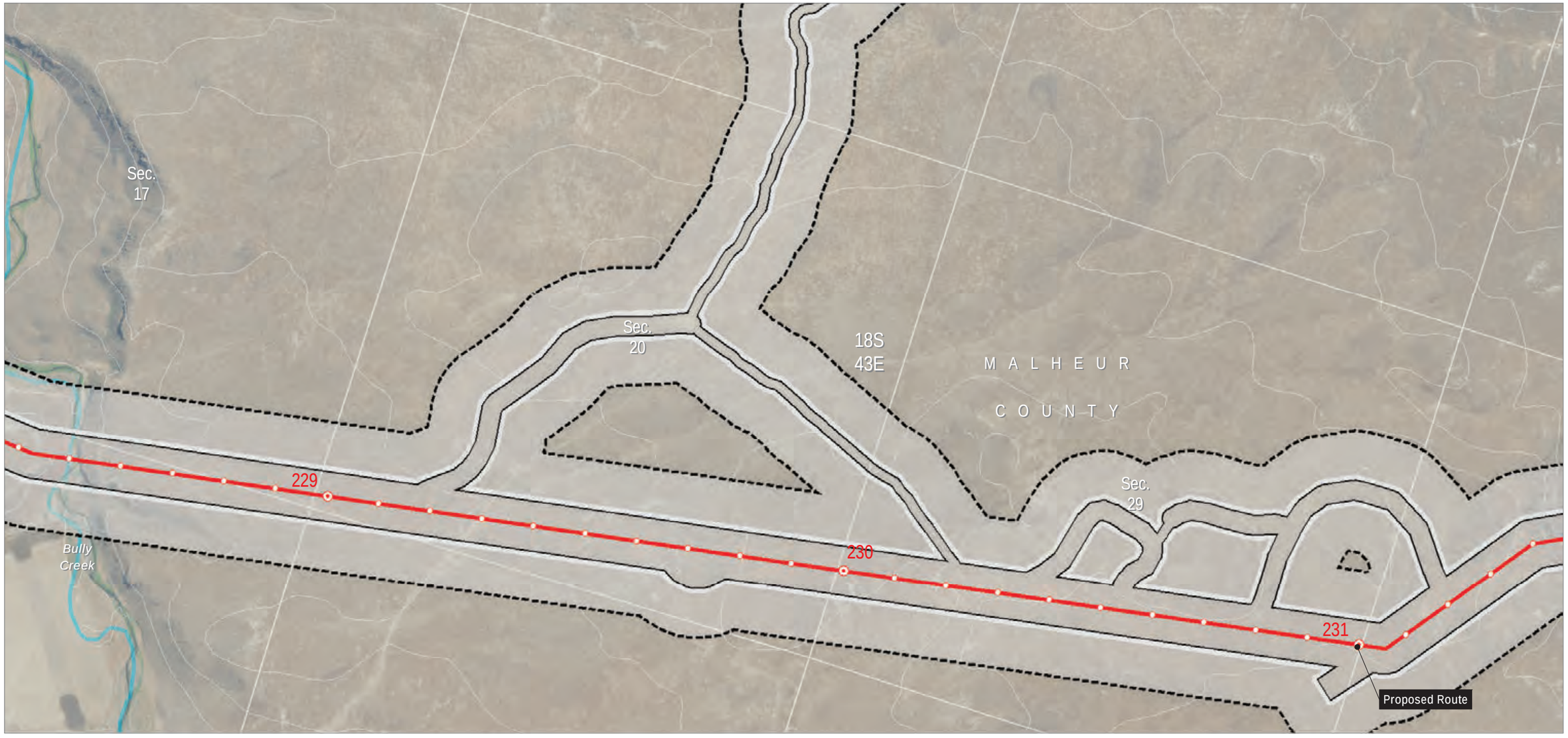
Agricultural Types

Malheur County

Map 112



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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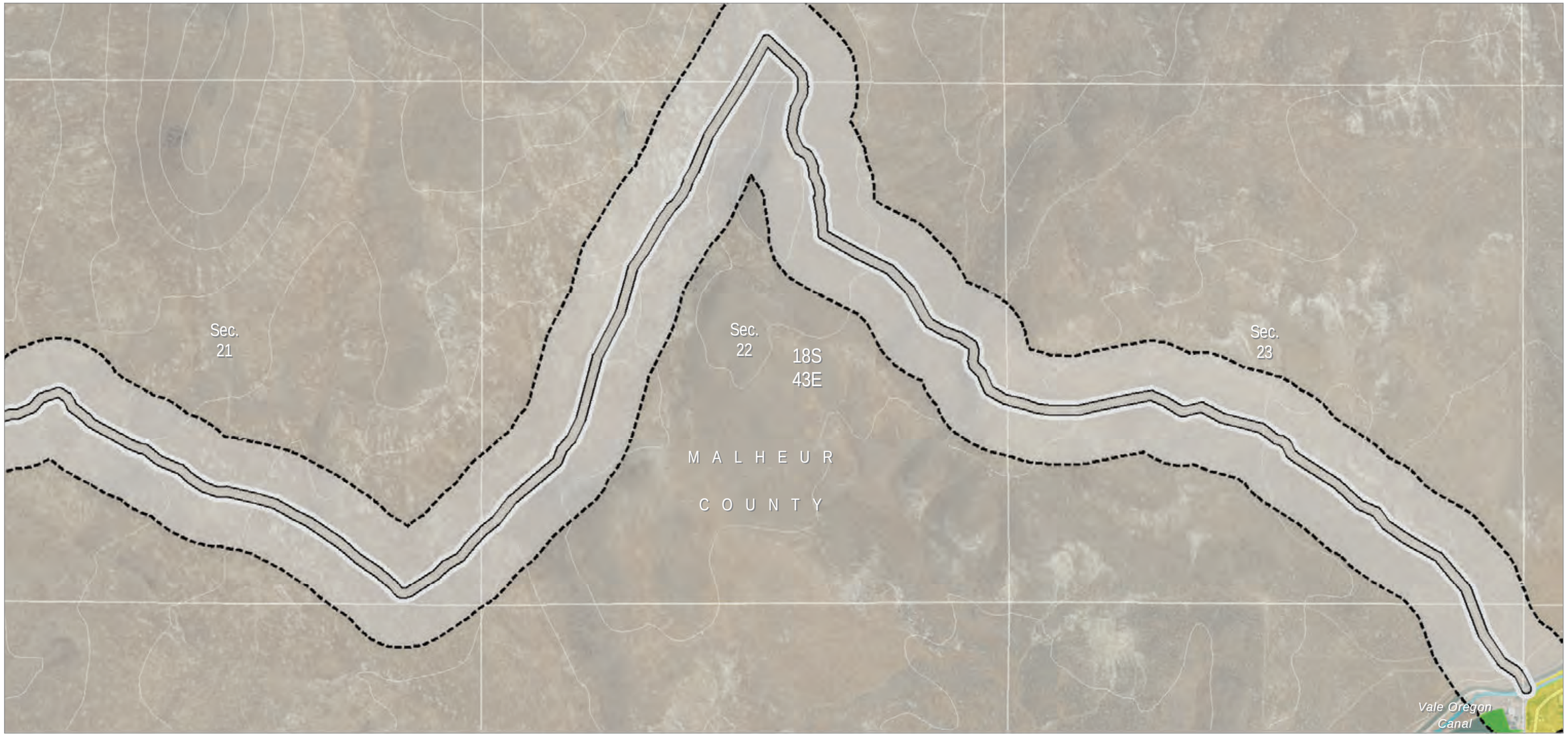
Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 113



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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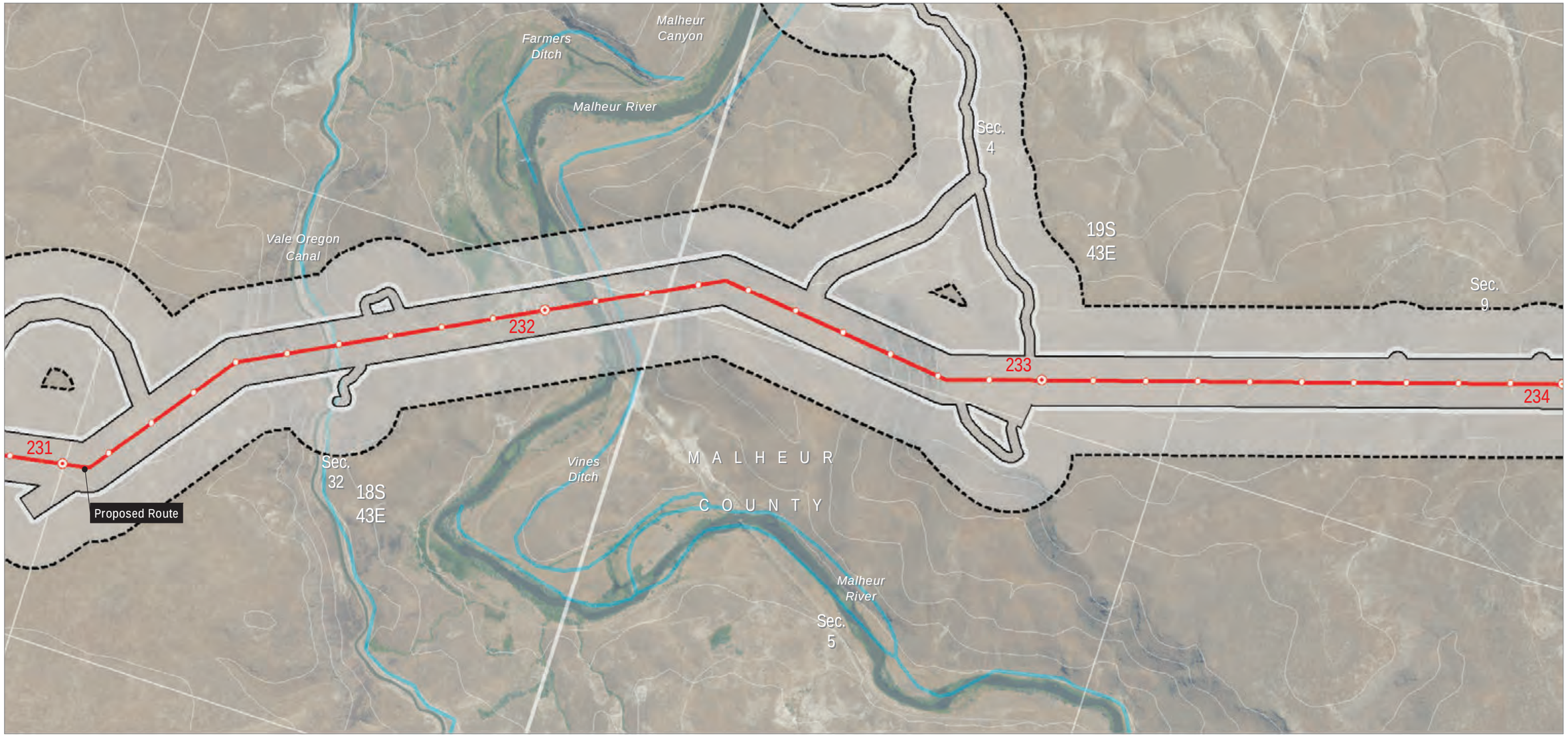
Agricultural Types

Malheur County

Map 114



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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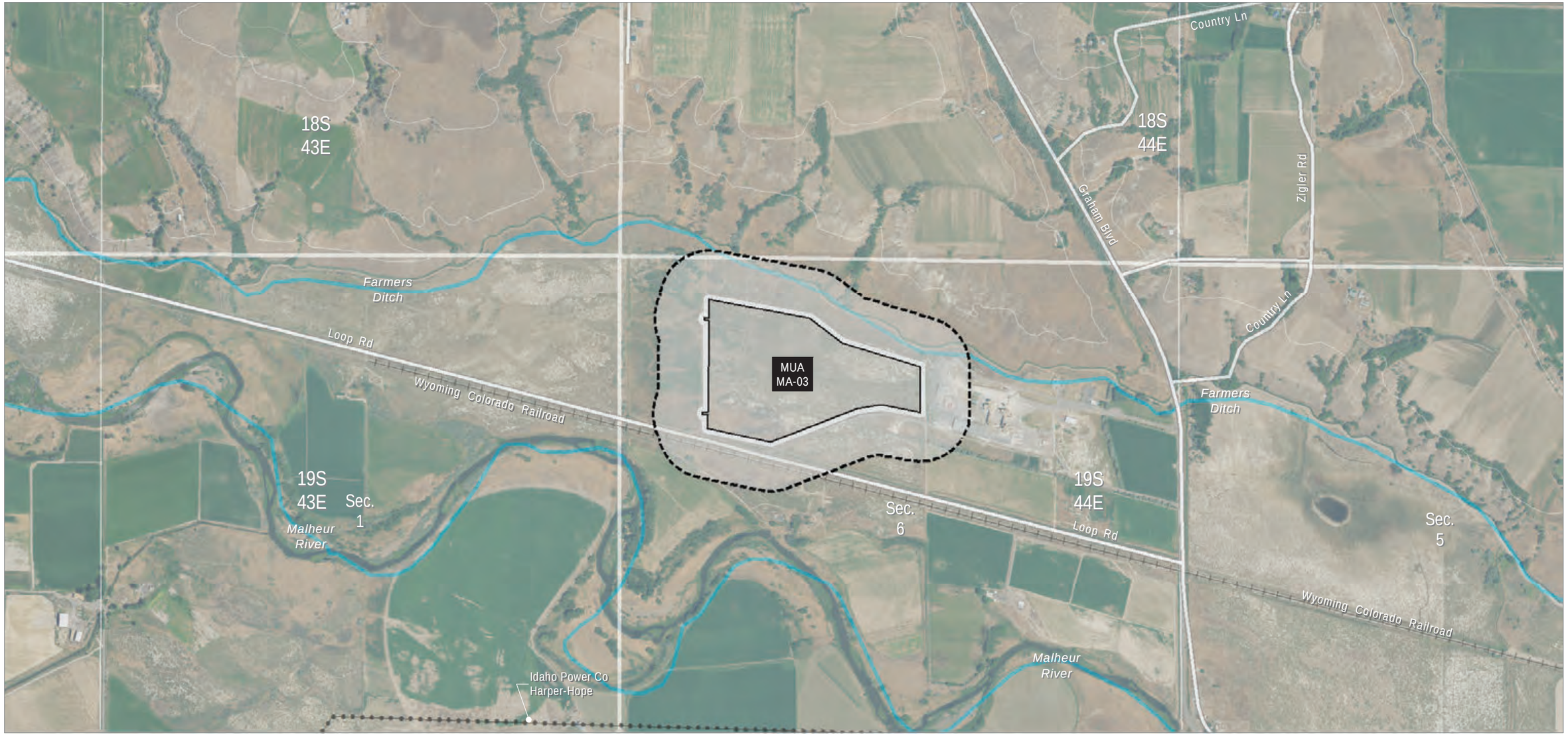
Agricultural Types

Malheur County

Map 115



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Road
- Railroad
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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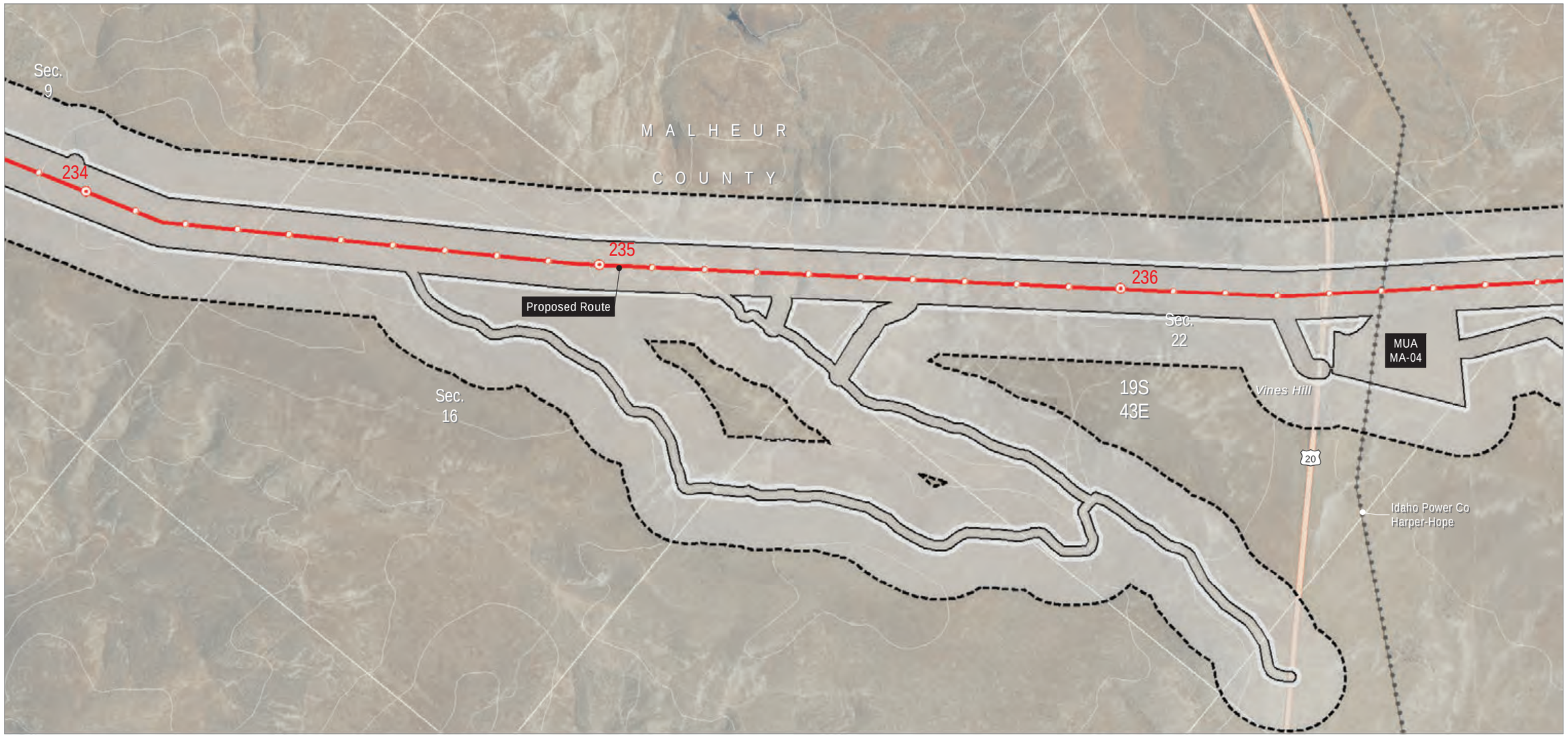
Agricultural Types

Malheur County

Map 116



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Existing Transmission Lines
- Highway

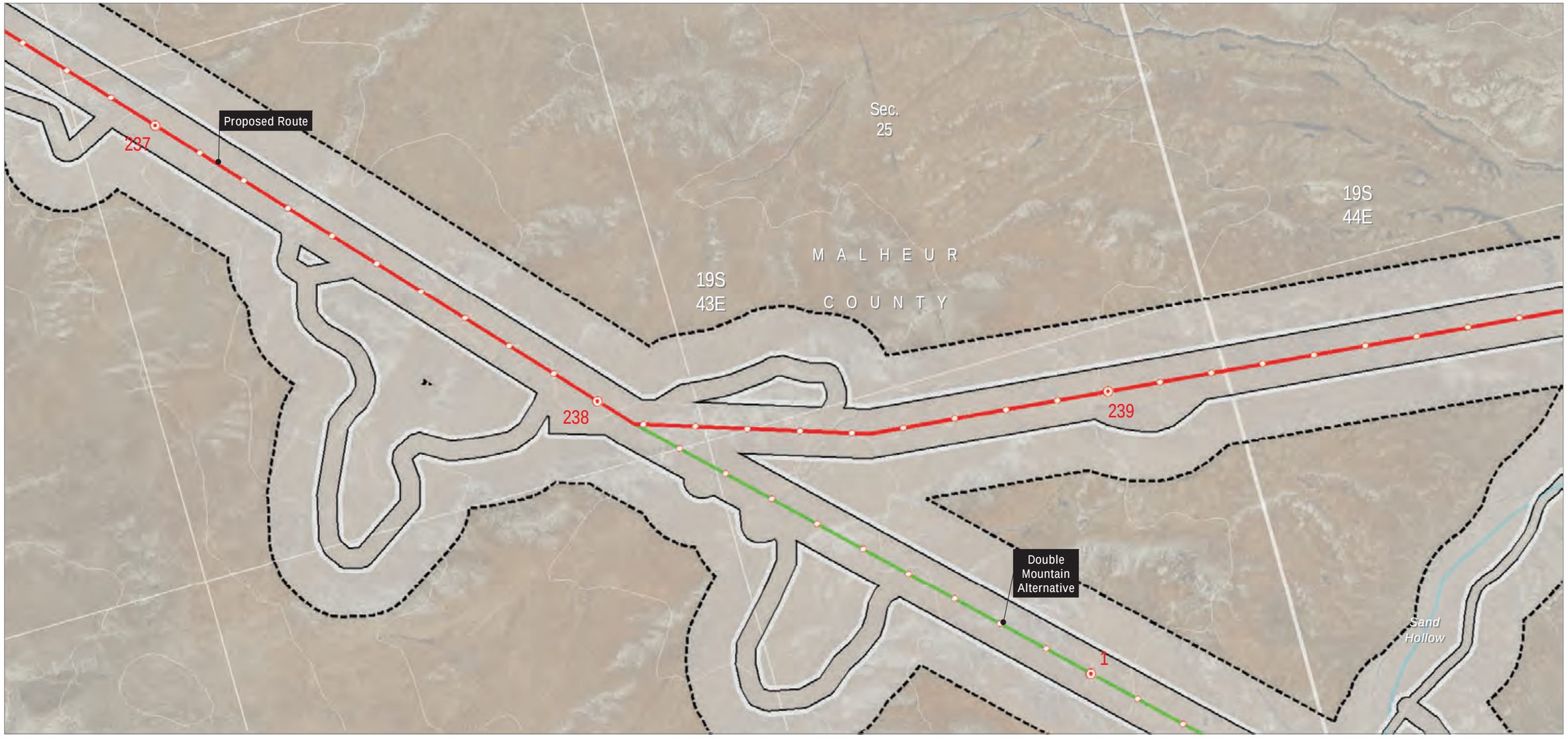
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 117



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Stream

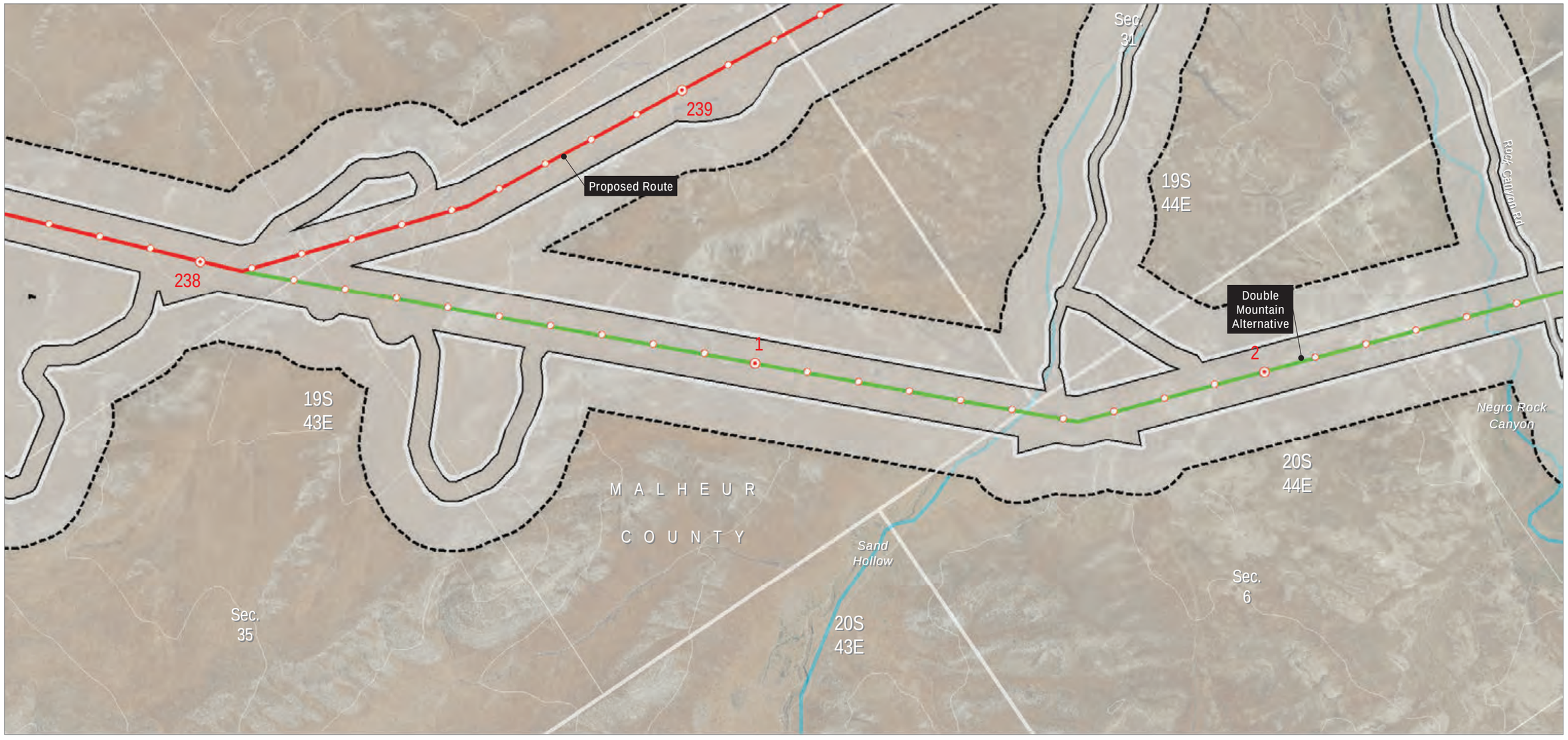
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 118



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER
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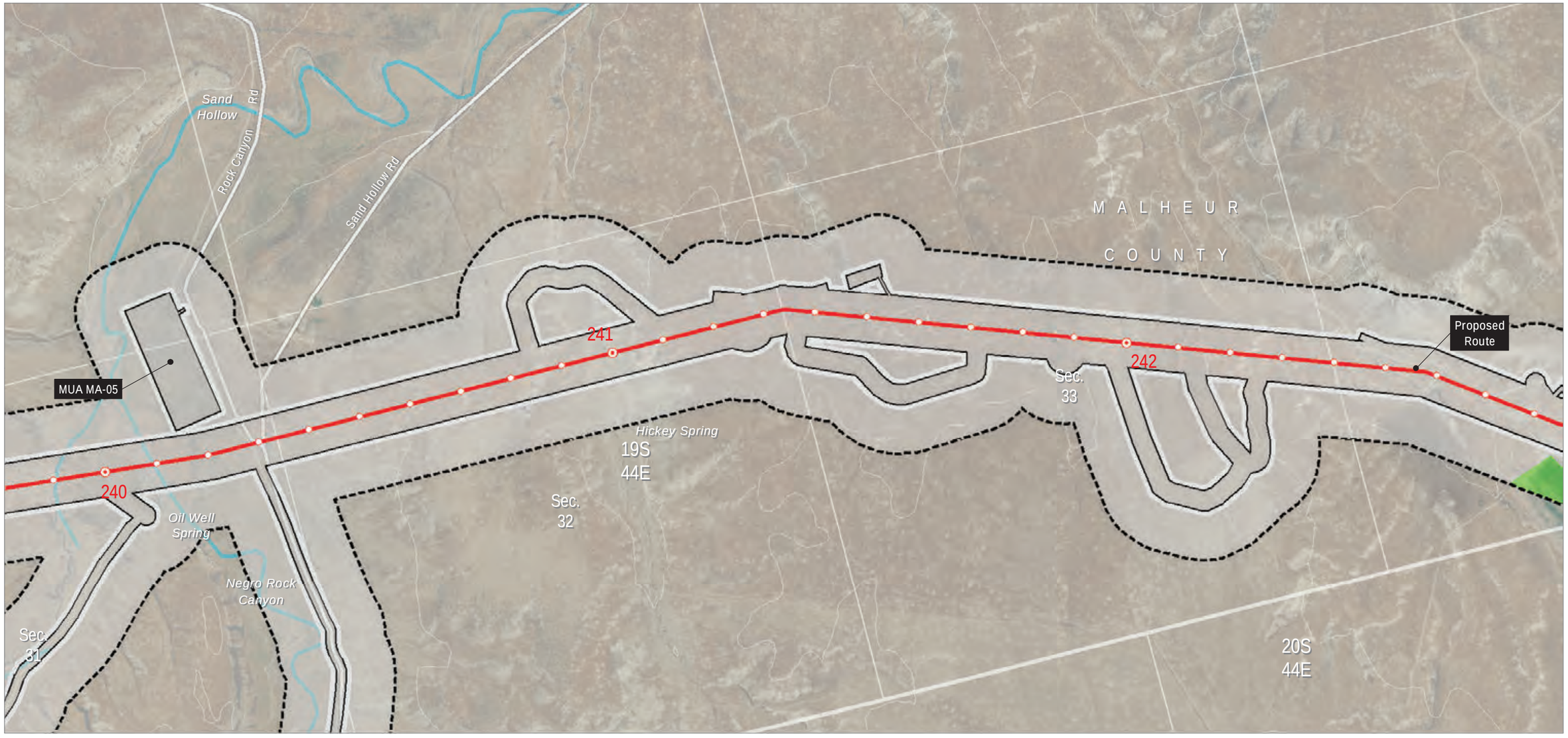
Agricultural Types

Malheur County

Map 119



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Map Area

OREGON

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

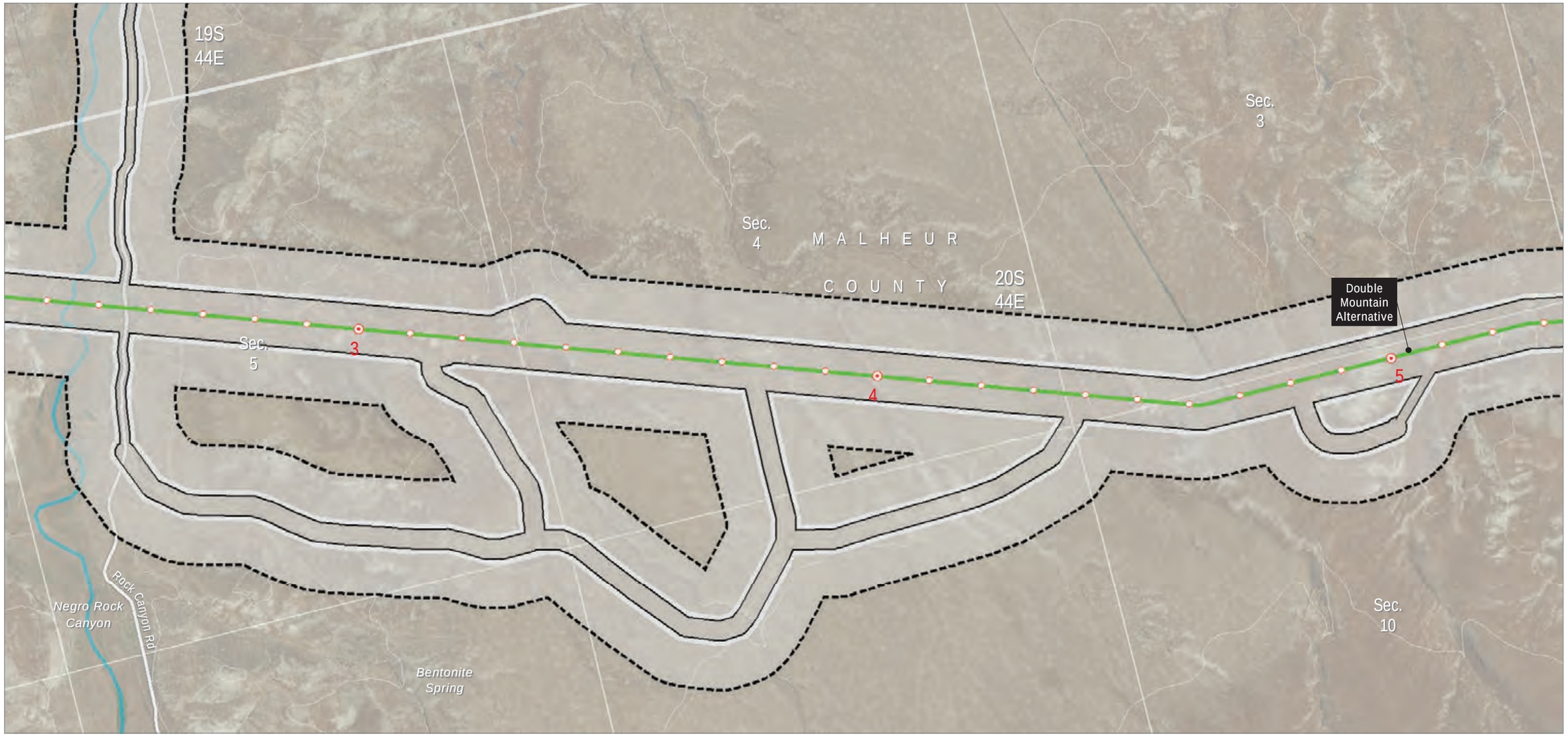
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 120



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OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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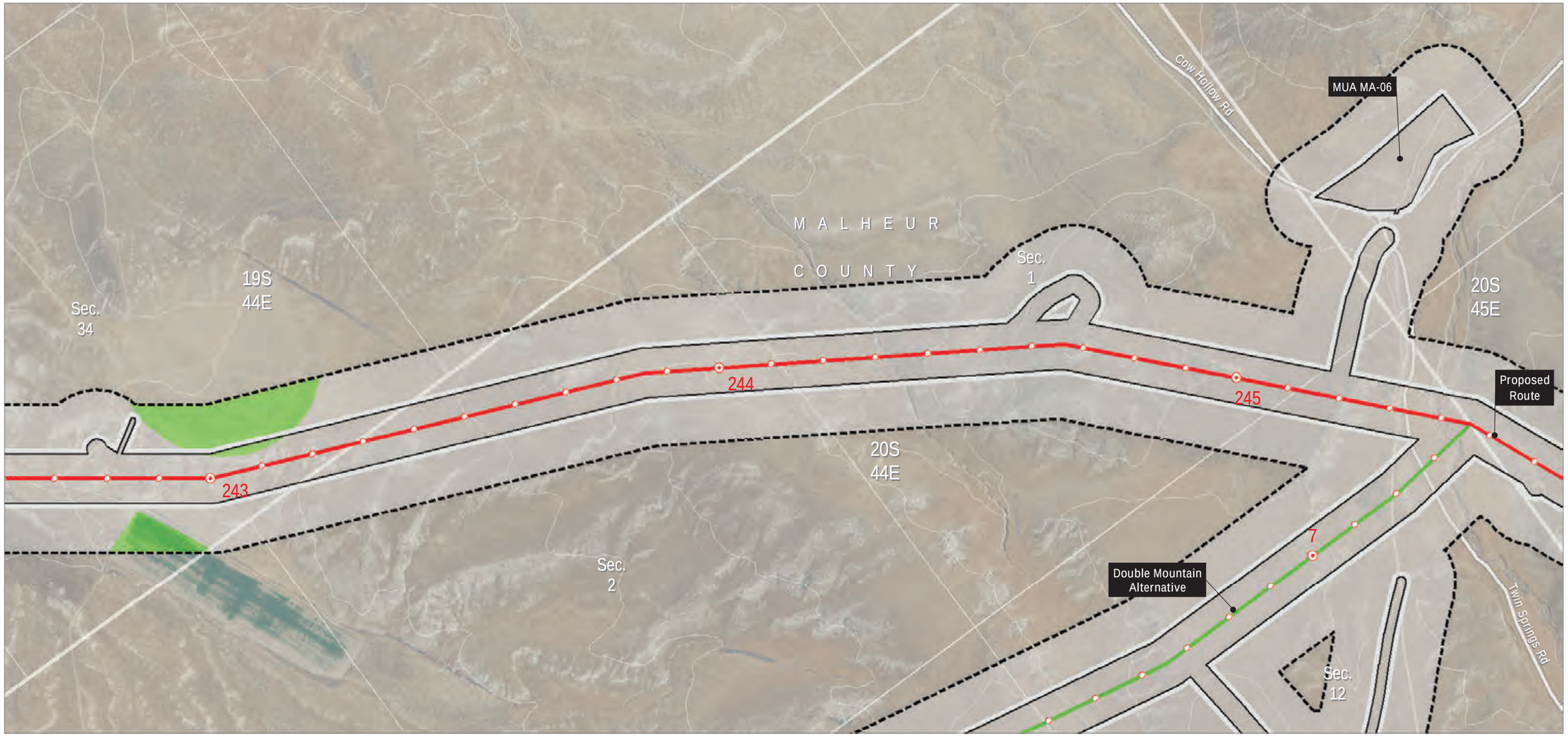
Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 121



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Irrigated Agriculture
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road

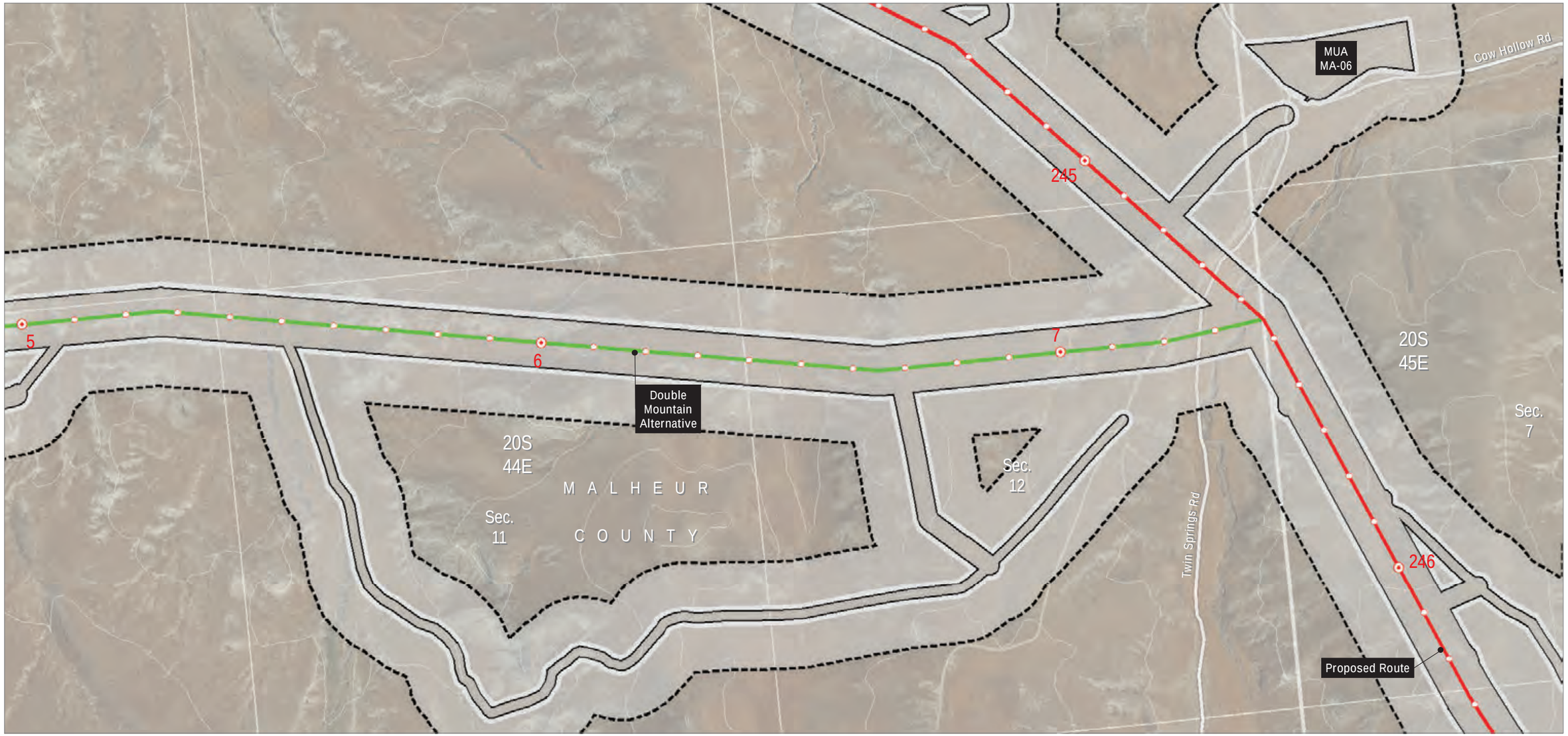
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 122



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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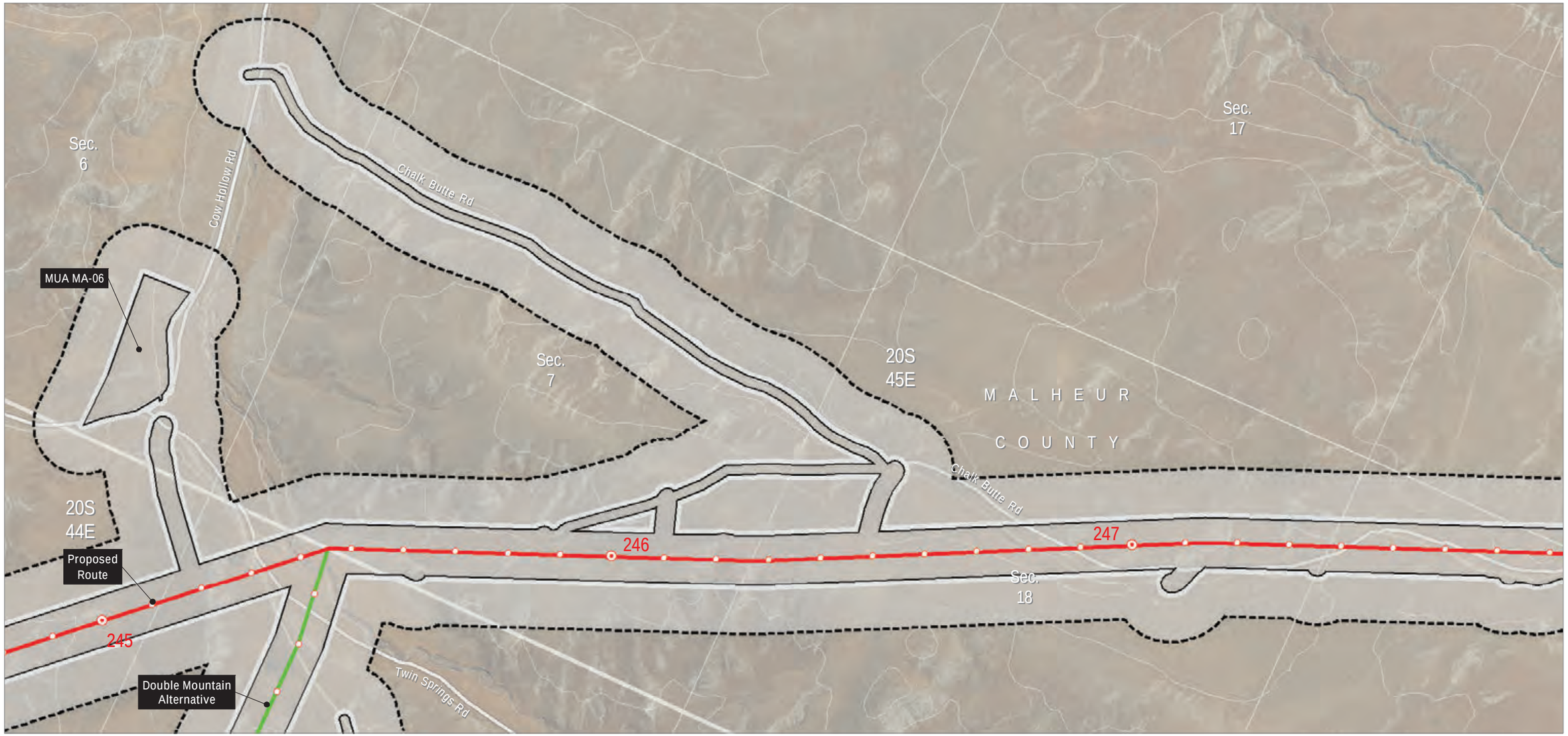
Agricultural Types

Malheur County

Map 123



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline
- Alternative

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road

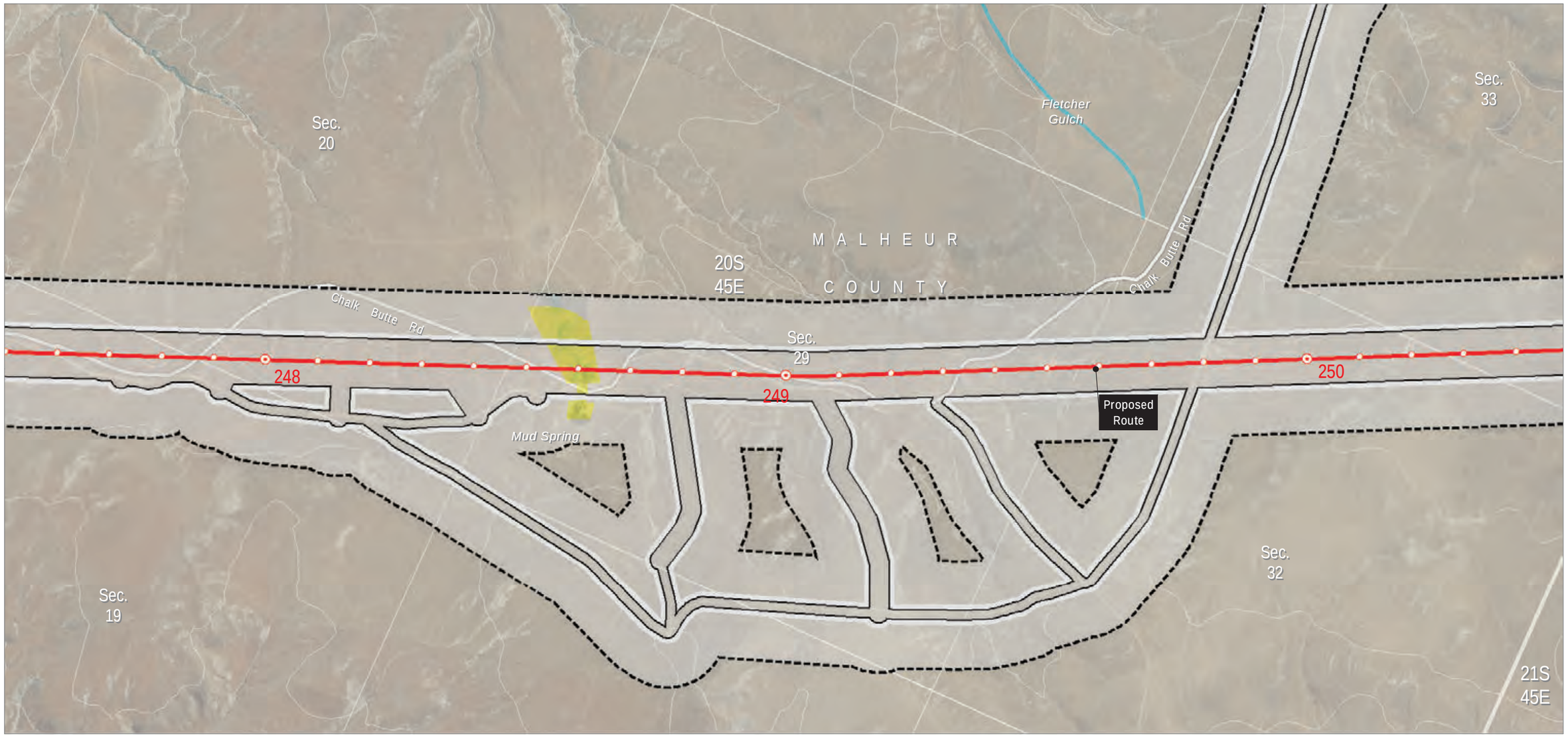
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 124



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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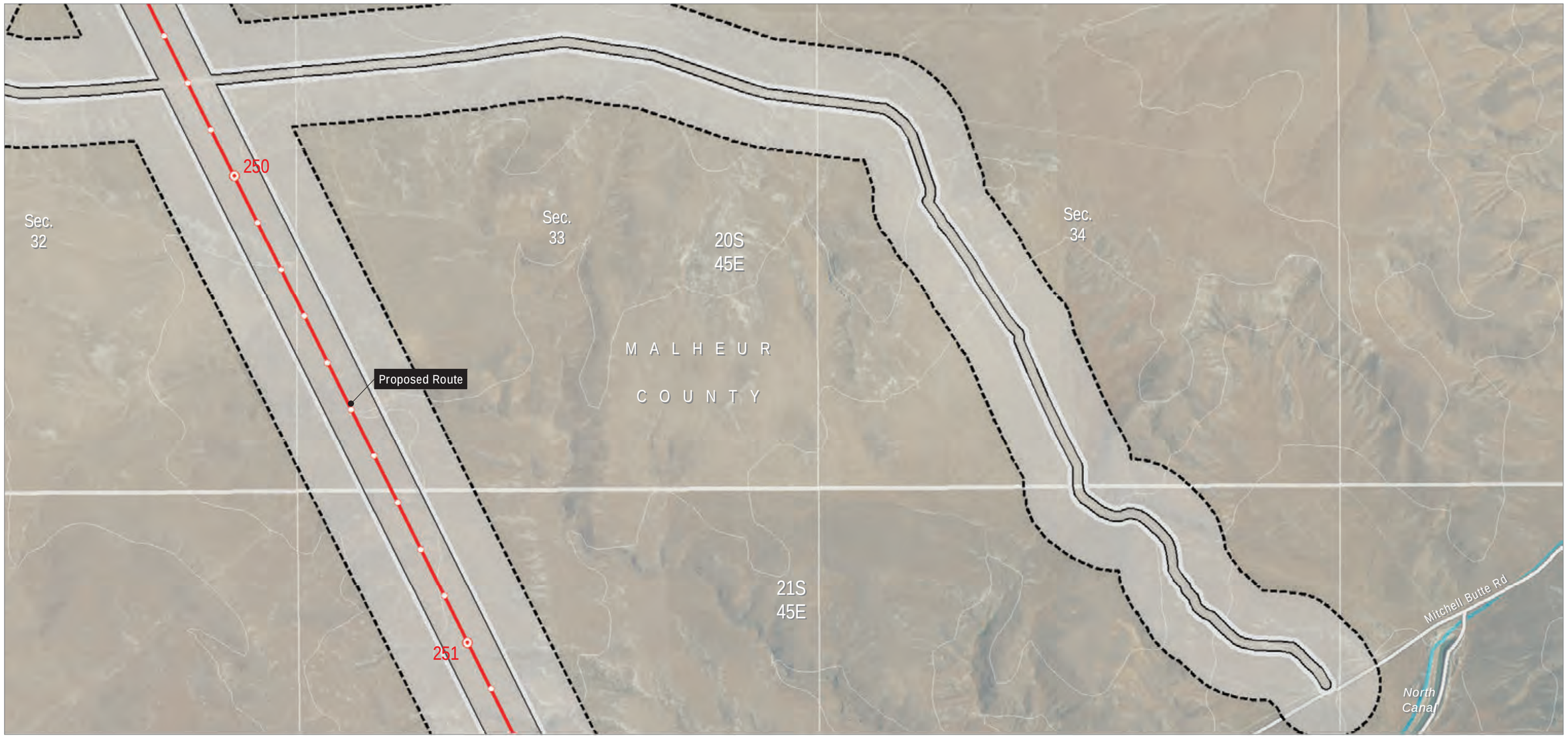
Agricultural Types

Malheur County

Map 125



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Feet

OREGON

Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

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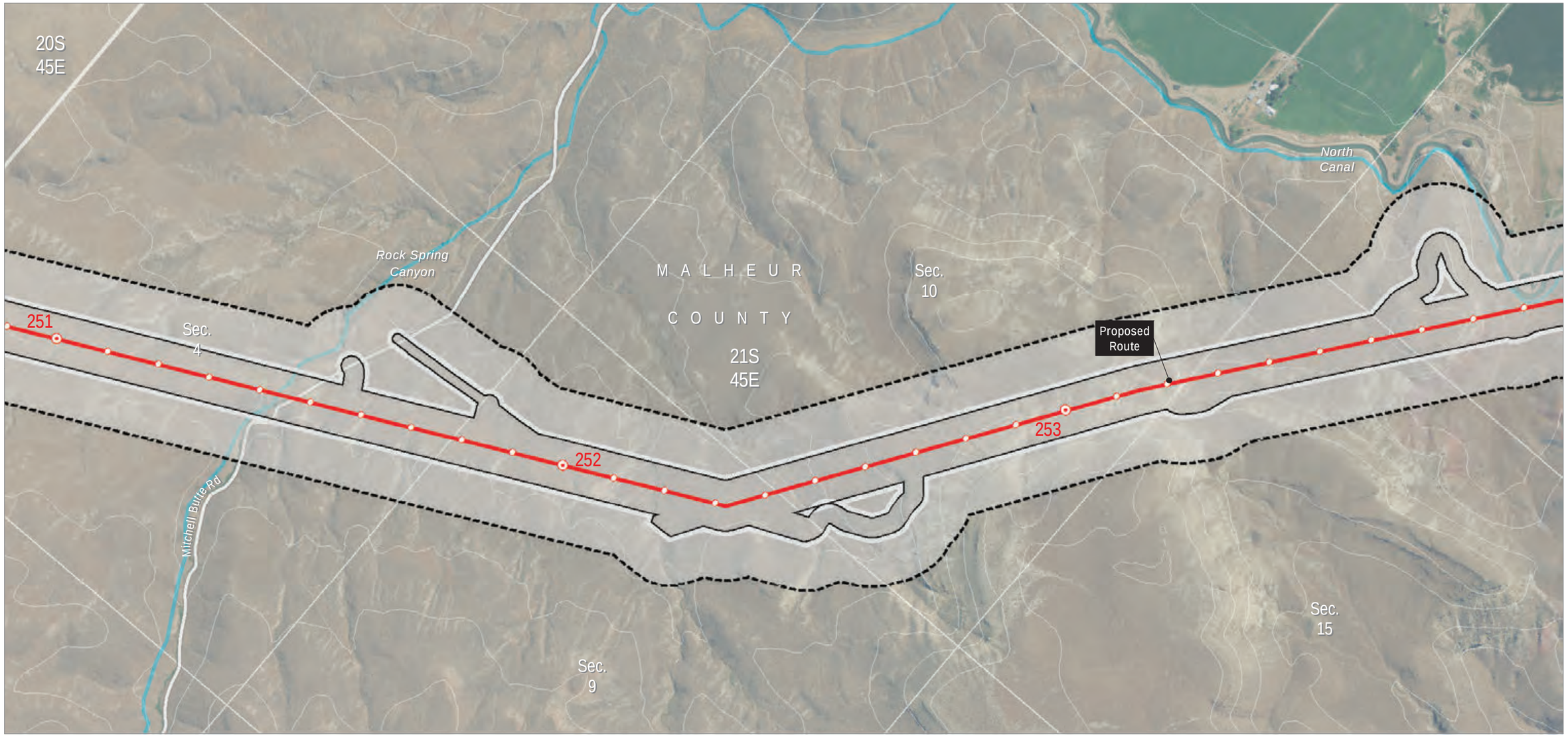
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 126



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Map Area

Source(s): IPC, ODOT, NRCS, USDA, USGS, Ventyx, Esri

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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

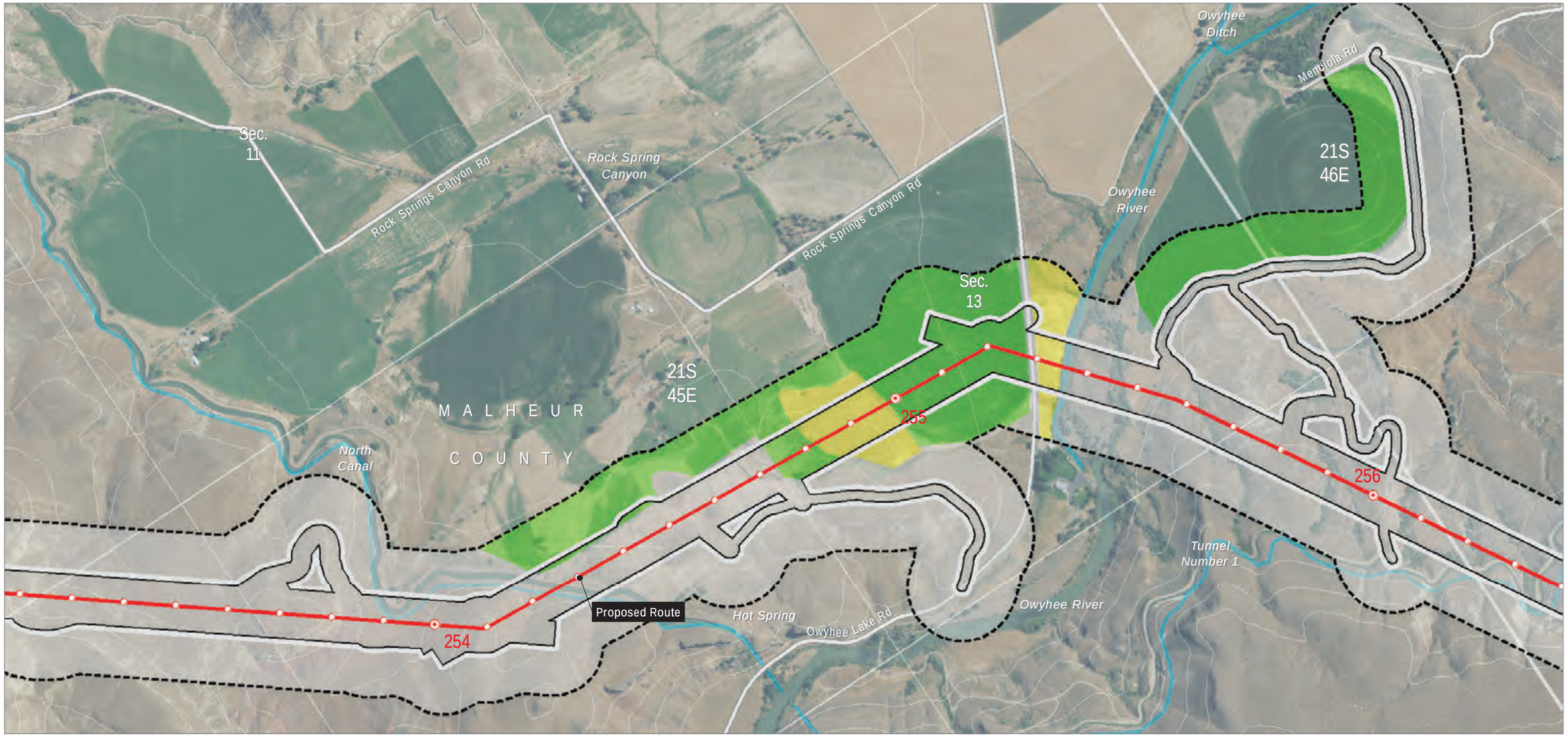
Boardman to Hemingway Transmission Line Project
Application for Site Certificate

IDAHO POWER

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 127



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Agricultural Assessment
- Analysis Area (500-ft buffer of Site Boundary)

Agricultural Type
- Irrigated Agriculture
- Pasture/Hay
- Other

Project Features
- Site Boundary
- Transmission Centerline

Mileposts
- Mile
- Tenth-mile

Other Features
- 100-foot Contours
- Road
- Stream

Boardman to Hemingway Transmission Line Project
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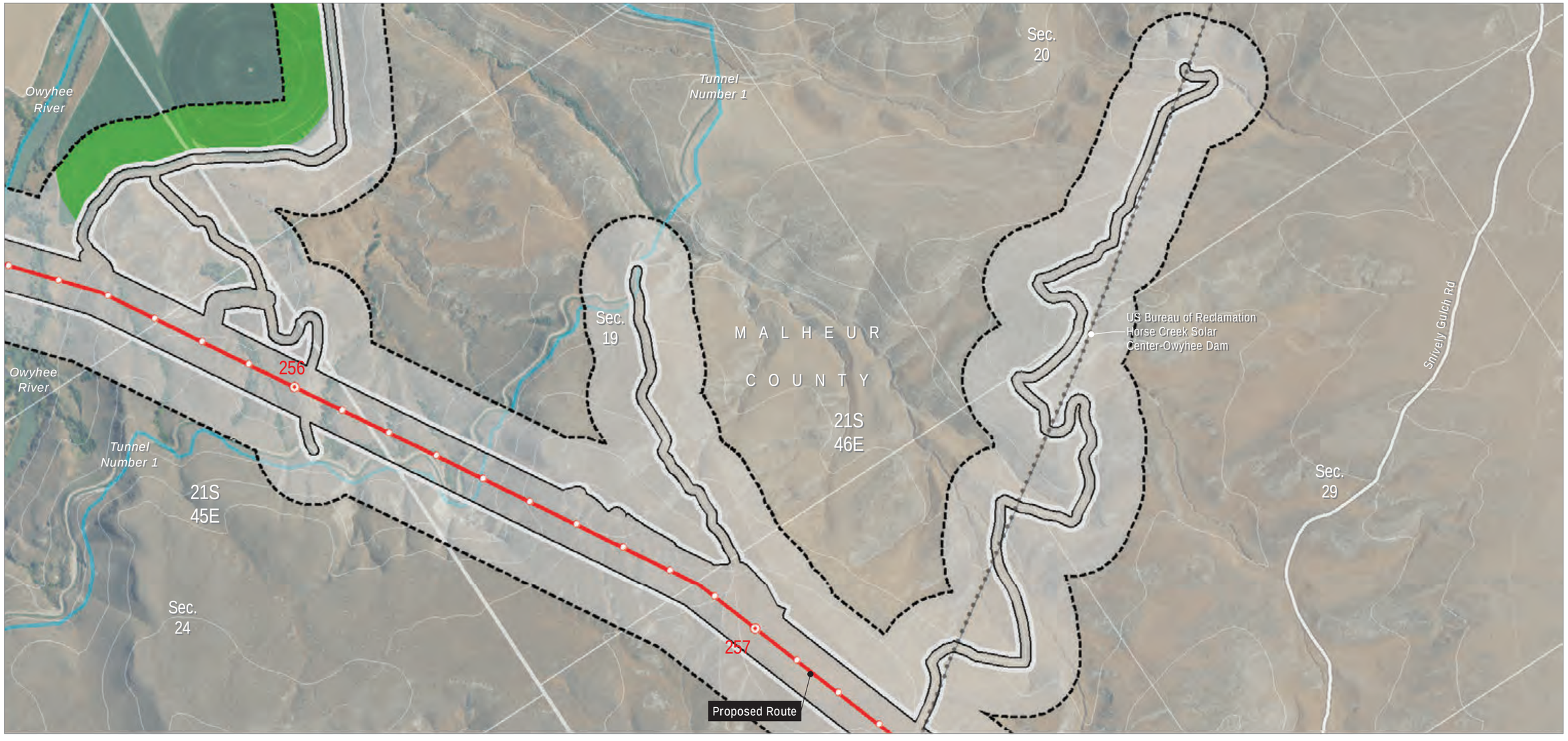
IDAHO POWER
An IDACORP Company

Attachment K-1, Appendix A
Agricultural Types

Malheur County

Map 128



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Project Features
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- Tenth-mile

Other Features
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- Stream

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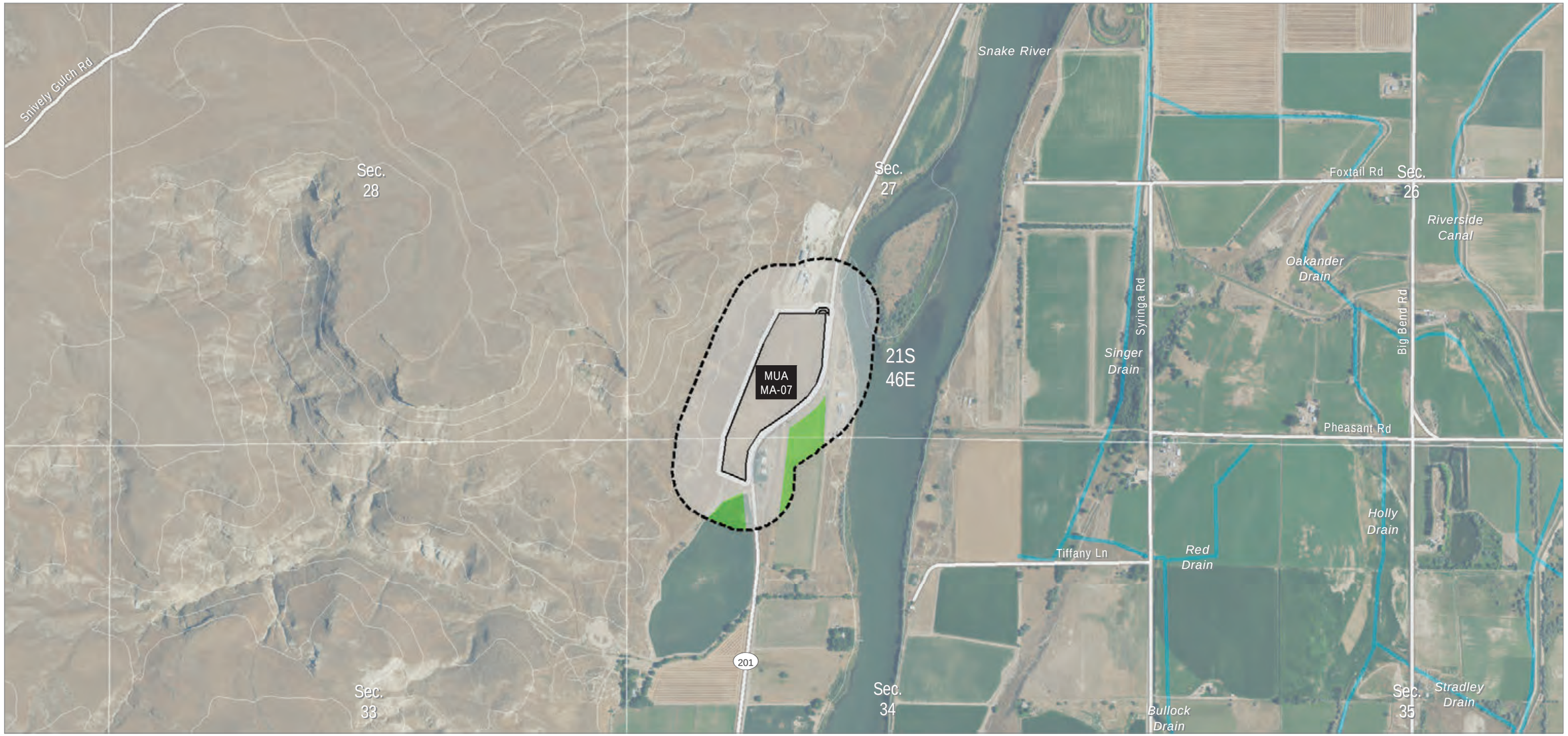
Malheur County

Map 129



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Boardman to Hemingway Transmission Line Project
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IDAHO POWER
An IDACORP Company

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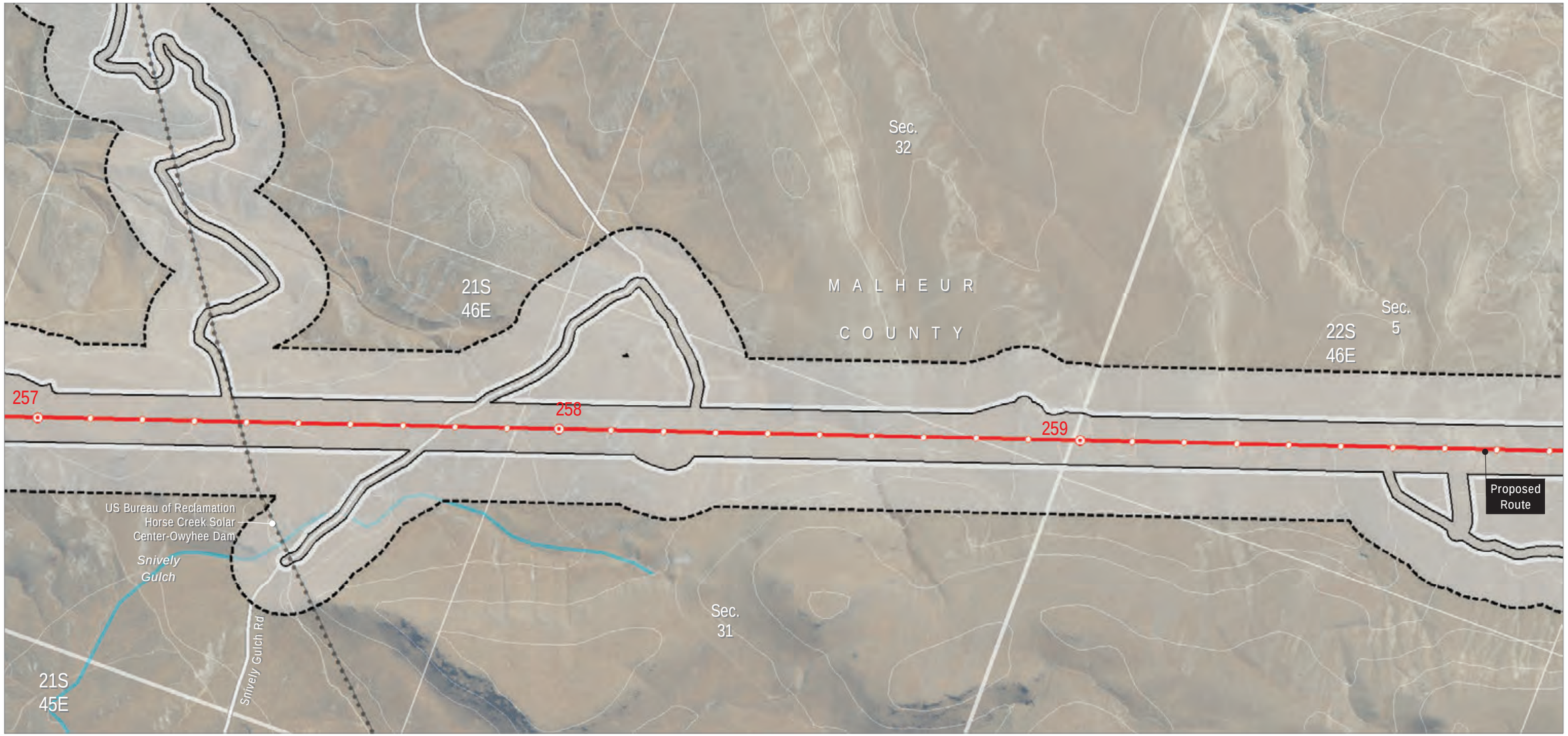
Agricultural Types

Malheur County

Map 130



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Malheur County

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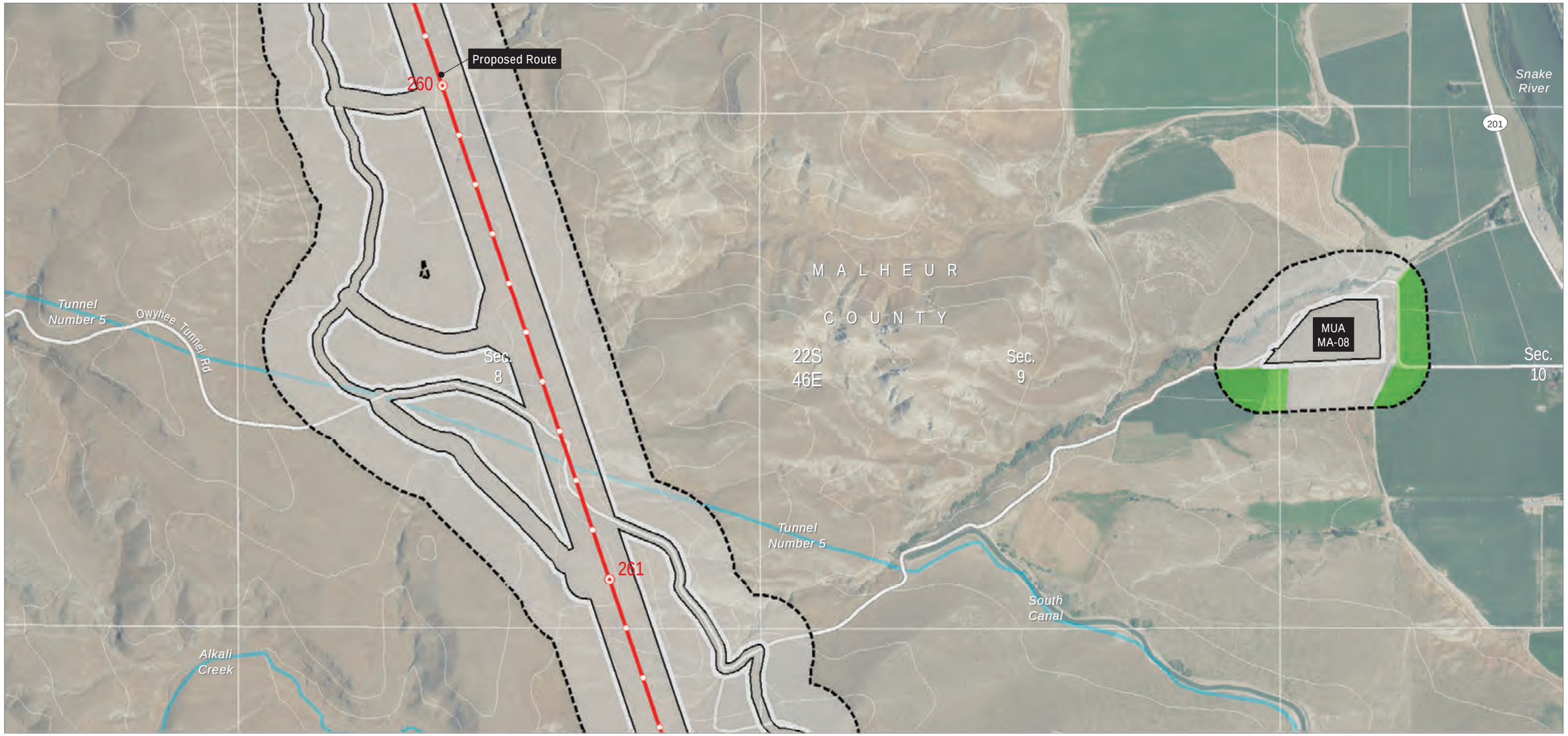

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Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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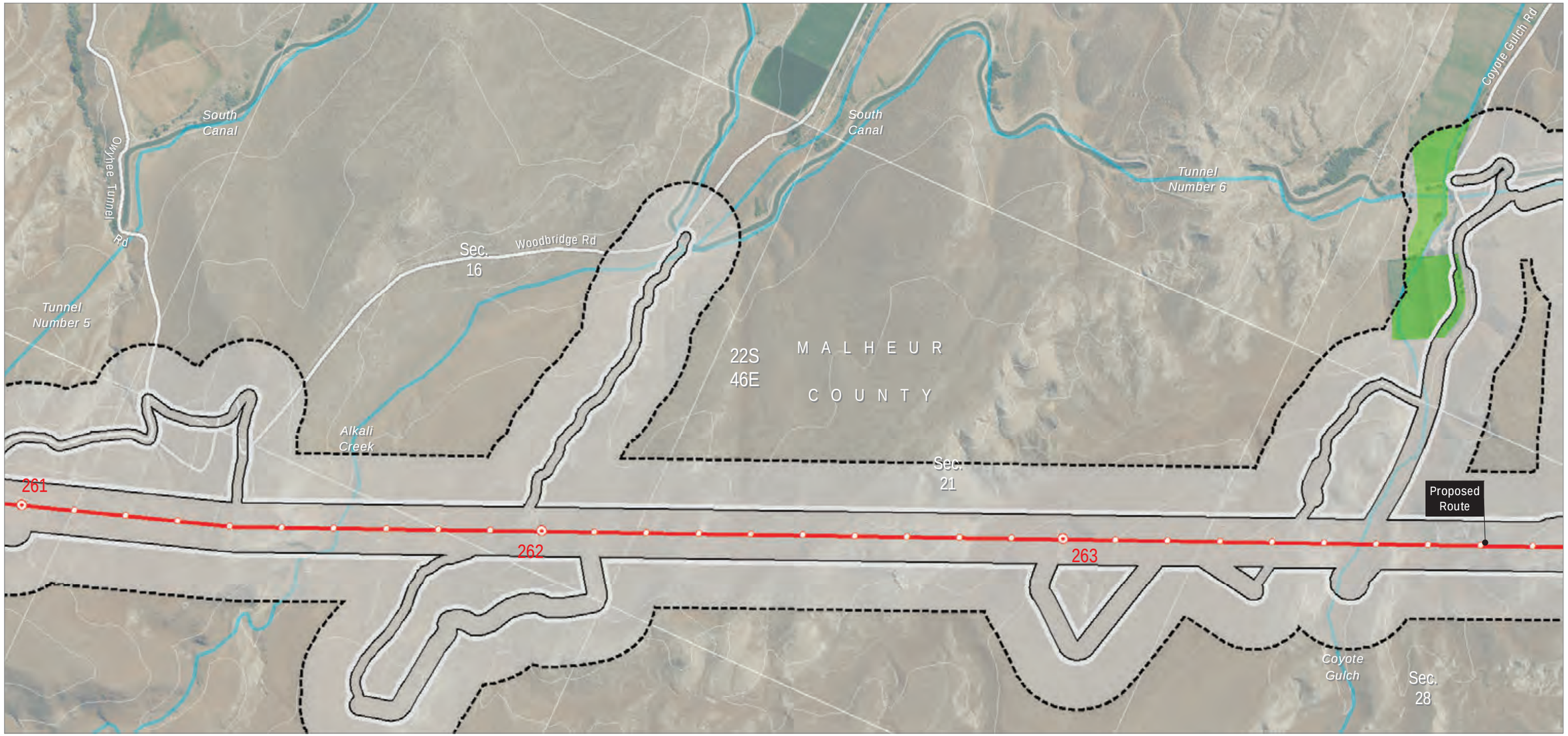
Agricultural Types

Malheur County

Map 132



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Boardman to Hemingway Transmission Line Project
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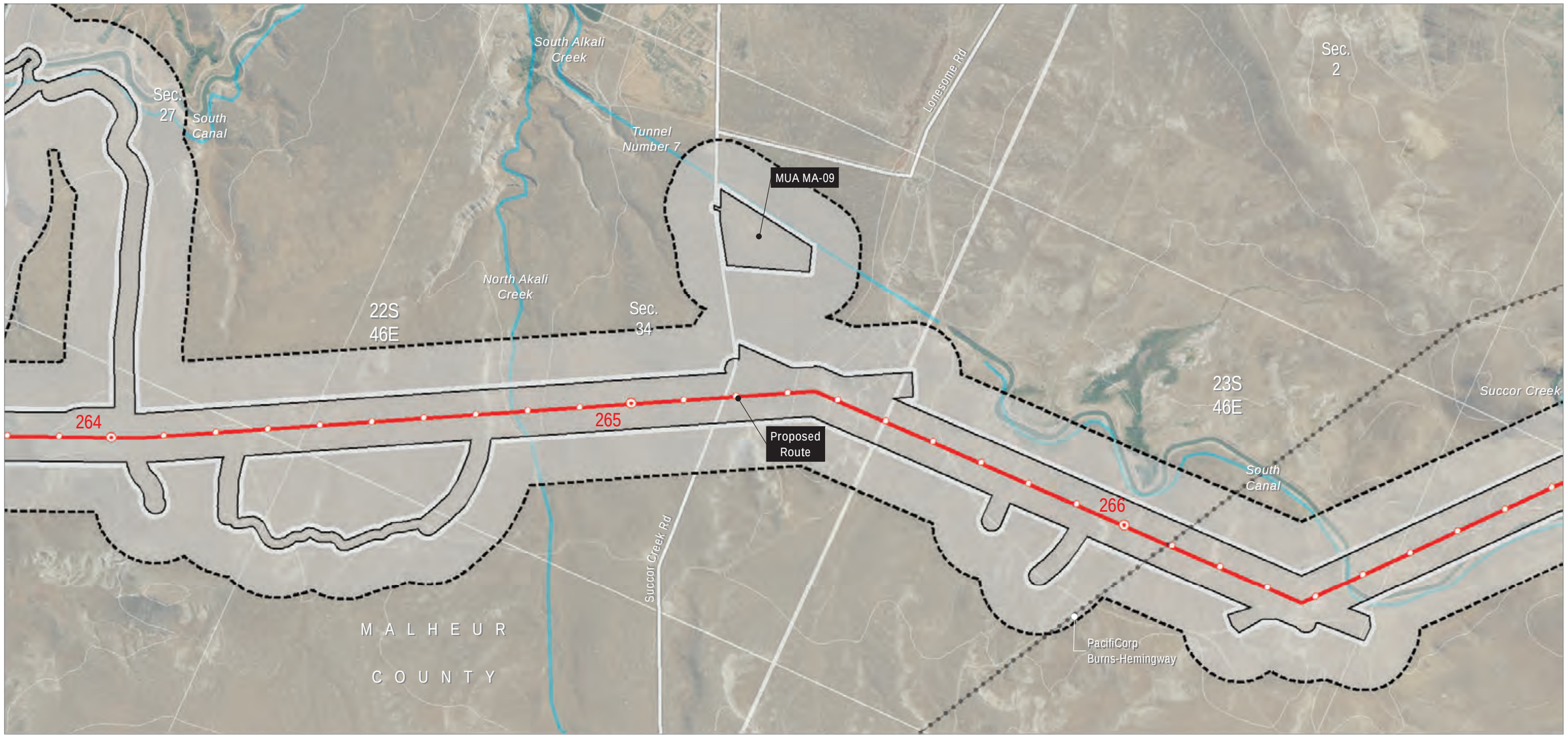
Agricultural Types

Malheur County

Map 133



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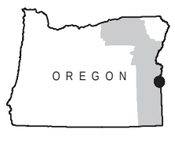

Map Area

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Agricultural Type
- Other

Project Features
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Mileposts
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- Existing Transmission Lines
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- Stream

Boardman to Hemingway Transmission Line Project
Application for Site Certificate

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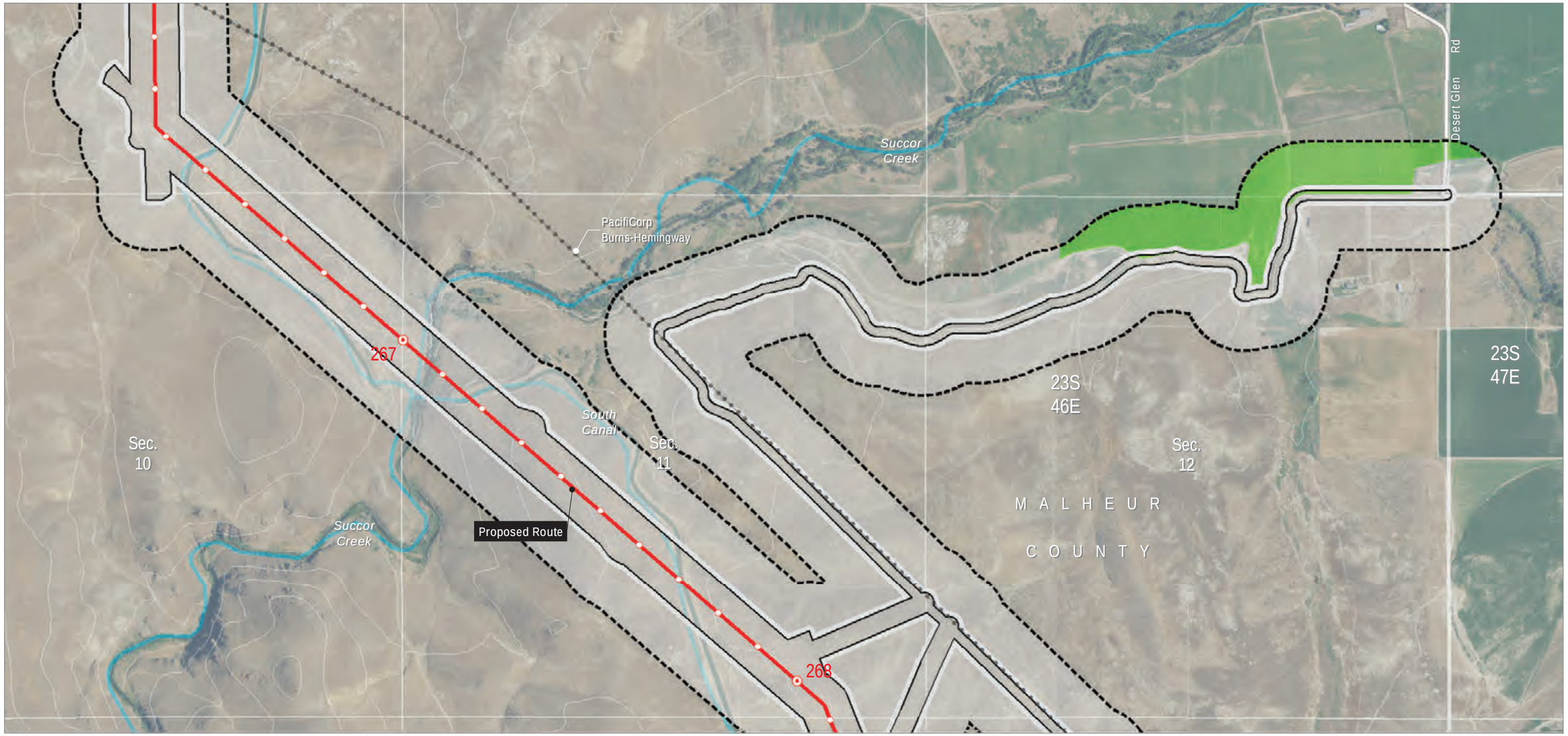
Agricultural Types

Malheur County

Map 134



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- Other

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- Existing Transmission Lines
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Boardman to Hemingway Transmission Line Project
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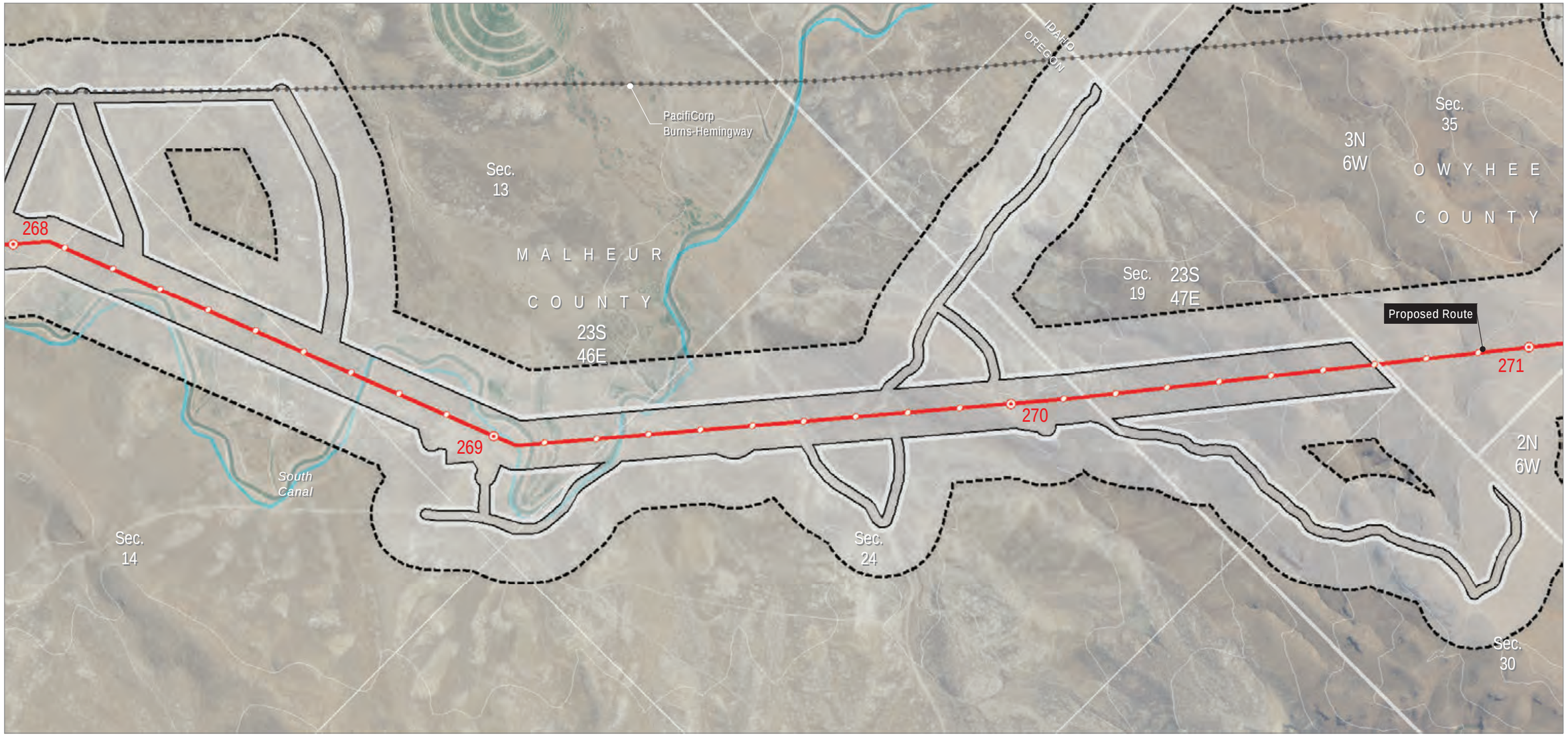
Map 135



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Agricultural Type
- Other

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- 100-foot Contours
- Existing Transmission Lines
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Boardman to Hemingway Transmission Line Project
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Agricultural Types

Malheur County

Map 136

ATTACHMENT K-2
RIGHT-OF-WAY CLEARING ASSESSMENT

Attachment K-2
Right-of-Way Clearing Assessment

Boardman to Hemingway Transmission Line Project

1221 West Idaho Street
Boise, Idaho 83702

September 2018

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ACRONYMS AND ABBREVIATIONS

ASL	above sea level
AUM	Animal Unit Month
BLM	Bureau of Land Management
EFSC	Energy Facility Siting Council
GIS	Geographic Information System
IPC	Idaho Power Company
kV	kilovolt
NAIP	National Agriculture Imagery Program
NWSTF	Naval Weapons Systems Training Facility
OAR	Oregon Administrative Rule
ODF	Oregon Department of Forestry
ODOE	Oregon Department of Energy
ODSL	Oregon Department of State Lands
OPUC	Public Utility Commission of Oregon
Project	Boardman to Hemingway Transmission Line Project
ROW	Right of Way
TVES	Terrestrial Visual Encounter Survey
USFS	U.S. Forest Service

1.0 INTRODUCTION

Idaho Power Company (IPC) is proposing to construct, operate, and maintain a high-voltage electric transmission line between Boardman, Oregon, and the Hemingway Substation in southwestern Idaho as an extension of IPC's electric transmission system. The Project consists of approximately 296.6 miles of electric transmission line, with 272.8 miles located in Oregon and 23.8 miles in Idaho. The Project includes 270.8 miles of single-circuit 500-kilovolt (kV) transmission line, removal of 12 miles of existing 69-kV transmission line, rebuilding of 0.9 mile of a 230-kV transmission line, and rebuilding of 1.1 miles of an existing 138-kV transmission line into a new right-of-way (ROW).

This ROW Clearing Assessment provides an assessment of forested lands in the Project area, including existing farm and forestry practices adjacent to forested lands and any impacts to those practices that may occur as a result of the construction and operation of the Project, in support of Exhibit K of IPC's Application for a Site Certificate with the Oregon Department of Energy (ODOE) for the Energy Facility Siting Council (EFSC) review. The ROW Clearing Assessment identifies all forested lands and associated farm and forest practices within the site boundary and surrounding lands within 500 feet of the site boundary. It describes the timber harvesting and associated activities that are required to prepare the rights of way to construct and subsequently maintain the Project. And it describes the impacts the Project will have on the relevant farm and forest practices within the forested lands.

As described in Exhibit B, the typical ROW width for the 500-kV portion of the Project will be 250 feet. In forested areas, the ROW width may extend up to 300 feet to allow for maintenance of danger trees, while in other areas, the ROW width will be narrower to facilitate avoidance of resources or land owner or agency requests. Specific areas where the ROW width will vary include the following:

- While crossing the Naval Weapons Systems Training Facility (NWSTF) Boardman, the 500-kV line will use the existing 69-kV line 90-foot ROW. The existing 90-foot ROW will not be widened.
- The new ROW width for the single-circuit 230-kV rebuild portion will be up to 125 feet. The existing 230-kV ROW will be widened to 250 feet to facilitate placement of the 500-kV line.
- The new ROW width for the 1.1 miles of 138-kV rebuild will be 100 feet. The existing 138-kV ROW will be widened from 100 feet to 250 feet to accommodate placement of the 500-kV line.

The ROW width for Project roads will vary between 10 and 14 feet. For new primitive roads, the ROW width will be 10 feet. For new bladed roads, the ROW will be 14 feet. For existing road with substantial modification and existing roads with no substantial modification, the ROW width will be 14 feet. In areas of steep terrain, ROW width for roads may need to wider (up to 35 feet).

The site-specific required ROW width will be determined and finalized during the final design of the Project.

2.0 APPLICABLE RULES

Oregon Administrative Rule (OAR) 660-006-0025(4)(q) provides that transmission lines may be allowed in Goal 4 Forestlands provided the following requirements under OAR 660-006-0025(5) are met:

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

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

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

3.0 ANALYSIS

3.1 Analysis Area

The analysis area for Exhibit K is the Site Boundary and one-half mile from the Site Boundary (see Second Amended Project Order, Table 2). For purposes of this ROW Clearing Assessment, IPC analyzed the Project's operational area, which is a 125-foot buffer on each side of the transmission line centerline (250-foot-wide corridor),[1] the construction footprint of all Project features outside of the centerline corridor, and a 15-foot buffer each side (30-foot width) of proposed new roads (the "Forested Lands Analysis Area").

3.2 Maps of Forested Lands

The forested portion of the transmission line corridor is relatively contiguous and extends from east of Pendleton, Oregon, near Dead Man's Pass (mile 79 on the Project) to just east of La Grande, Oregon, at mile 120. The remainder of the transmission line corridor traverses prairie or agricultural lands, with only scattered patches of trees. The analysis presented in this ROW Clearing Assessment focuses on the contiguous forested area between Pendleton and La Grande.

Detailed maps of the forested lands affected by the Project are provided in Exhibit BB, Attachment BB-1, Appendix A Estimated Forest Disturbance Map Book. Figures 1 through 3 below provide an overview and details of the Project location.

[1] While IPC may need to extend the ROW width up to 300 feet in certain forested areas to allow for maintenance of danger trees, those circumstances will be limited and the ROW will typically be 250 feet in most forested areas. Therefore, the 250-foot ROW width used by IPC to define the Forest Lands Analysis Area provides the best representation of the typical impact area.

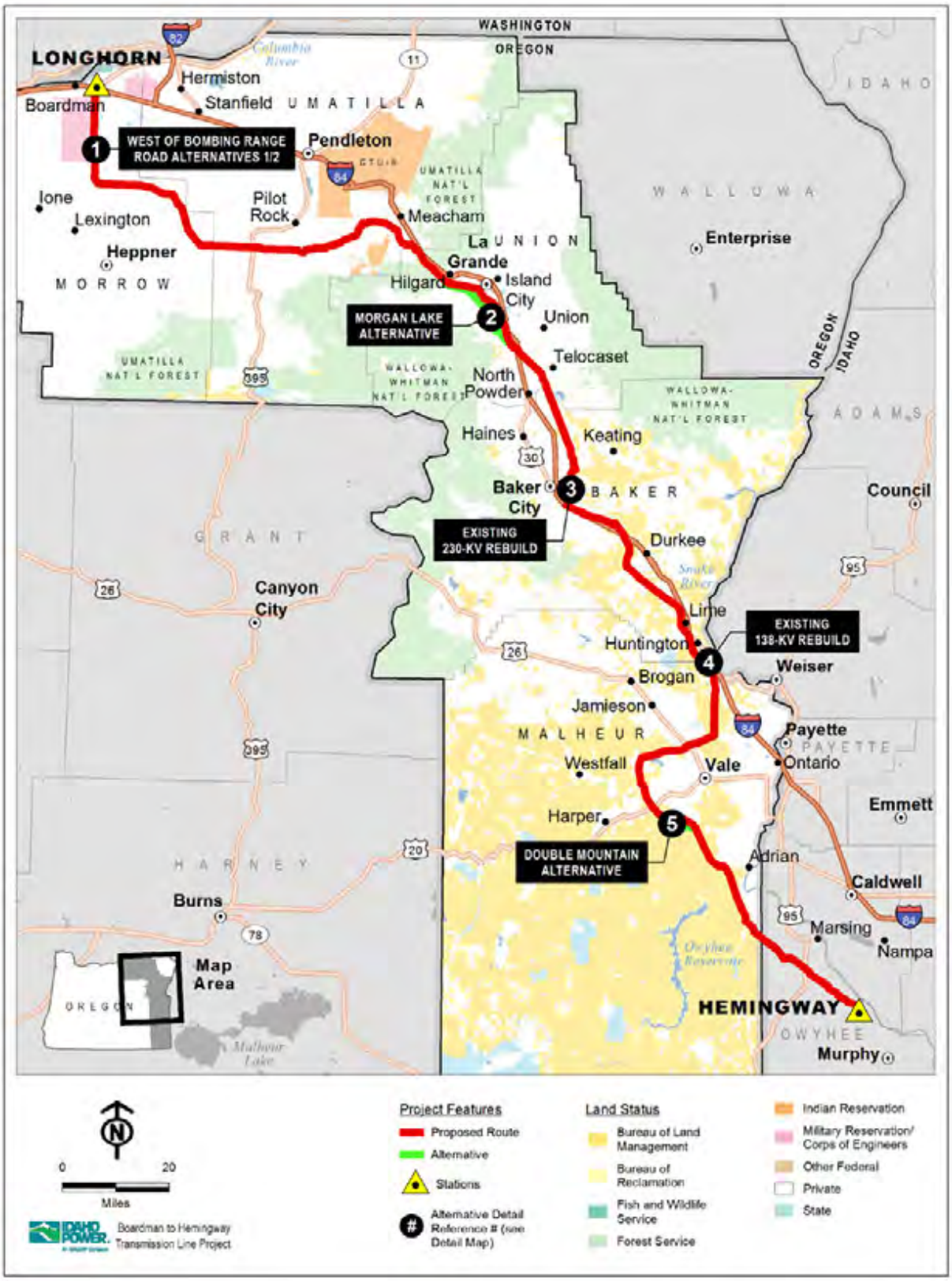

Figure 1. Location Map

Figure 2. Portion of Site Boundary in Forested Land

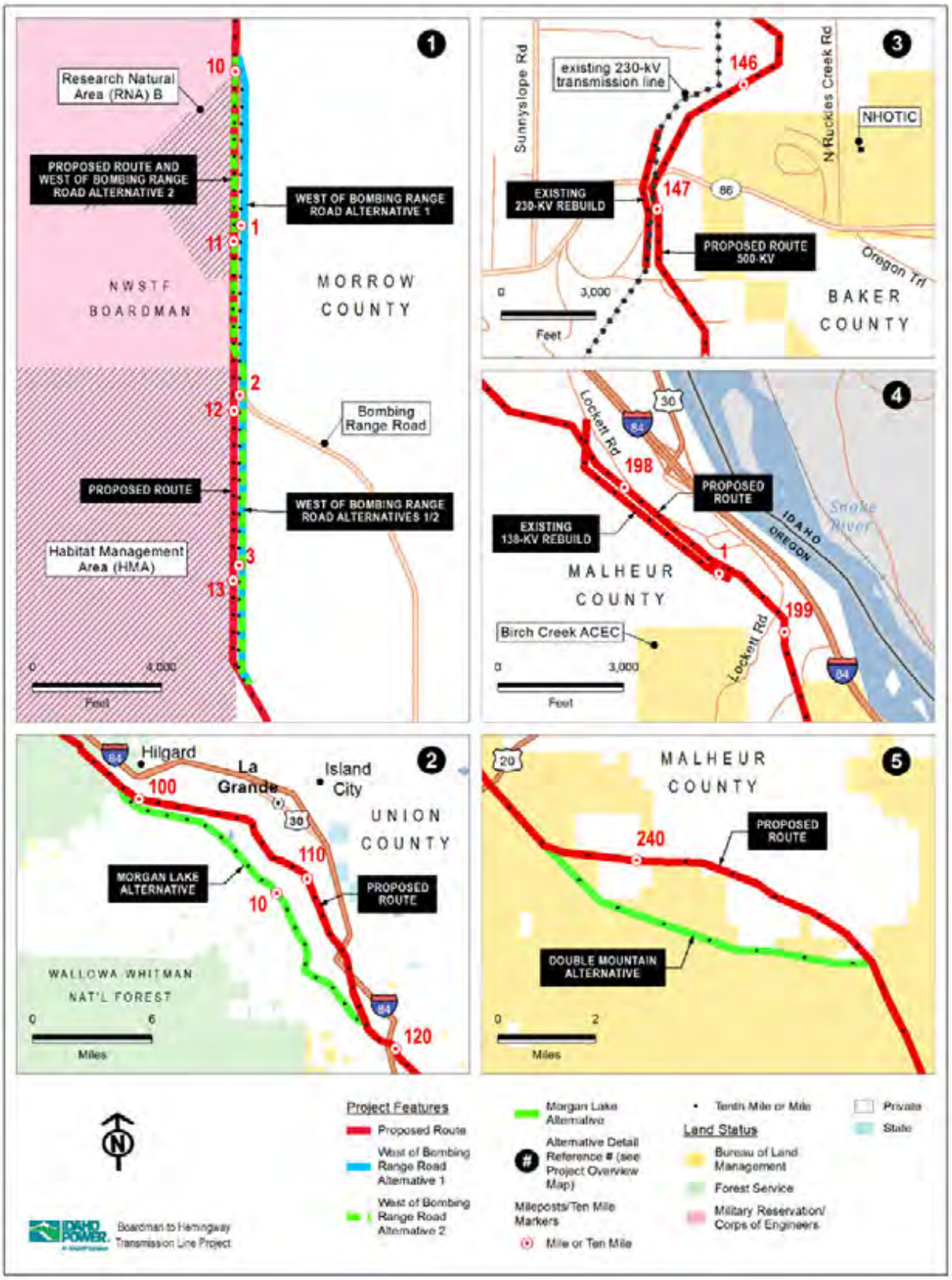

Figure 3. Detail of Alternatives and 230-kV and 138-kV Rebuilds

3.3 Methods

IPC identified existing forestry use areas by a combination of ground survey and aerial photo interpretation using 2013 National Agriculture Imagery Program (NAIP) aerial photography.

The certified forester verified (ground-truthed) the presence and typing of forested land versus the other land uses that are not forestry.

The baseline forest cover data were field collected using the Terrestrial Visual Encounter Survey (TVES) method across the Project area. One of the goals of the TVES was to define the ecological systems (forest cover types) within the Project Boundary and describe those systems with a "habitat category." The habitat category code given to each forest cover type depended on the presence of forest cover in the field, along with the species and size of trees encountered in the forest cover type. Where right-of-entry was denied to acquire TVES survey data, IPC reviewed aerial photography and habitat categorization values assigned to adjacent polygons during TVES to assign a forest cover type classification and habitat category to areas of no access.

Data from the ground surveys were then mapped using an ArcGIS application on the aerial imagery layer with the transmission line route overlain.

To field verify the ground and aerial imagery assessments and determine the logging systems necessary to harvest timber on the corridor, IPC's certified forester did reconnaissance of the forested portion of the Forested Lands Analysis Area.

In December 2016, IPC mailed landowner survey questionnaires to owners of forested parcels in the Project area. Of the 60 surveys mailed out, IPC received 19 responses. IPC reviewed the survey responses to confirm the results of the field surveys and geographic information system (GIS) surveys.

The resulting forest and non-forest acreages in this analysis were derived from the ArcGIS mapping of the forest cover types. Range and pasture lands were segregated from the forest lands. There was no tilled cropland on this portion of the Project.

3.4 Analysis

3.4.1 Baseline

3.4.1.1 Forest Cover Types

The forest cover in the Forested Lands Analysis Area transitions from a shrub-steppe plant community on either side of the forested lands assessment area to an upland forest community with at least two forest zones including:

- *Abies grandis zone* (Grand fir) (58%); and
- *Pinus ponderosa* zone (Ponderosa pine) (37%).

The Grand fir forest zone dominates the study route. This zone includes Douglas-fir (*Pseudotsuga menziesii*) and other species. The Ponderosa pine zone also includes lodgepole pine (*Pinus contorta*) and other species, with mixed transitional zones across the broad ridge tops and valleys of the forested portion of the transmission line corridor. The forest transitions are due mainly to changes in elevation, soil type and aspect. In some cases, they may be influenced by or due to fire, land management activity, or other some other disturbance.

The forest cover was stratified across the study area by species composition size and density for the purpose of description. The forest cover types cross all of the above zones. Table 1 summarizes the forest cover types and approximate acreage in the Forested Lands Analysis Area.

Table 1. Summary of Analysis Area by Land Ownership and Forest Cover Type

County	Landowner	Forest Cover Type	Forested Acres
Umatilla	Private	Forested Other	32
Umatilla	Private	Douglas-fir/Mixed Grand fir	160
Umatilla	Private	Ponderosa Pine	55
Union	BLM	Douglas-fir/Mixed Grand fir	5
Union	Private	Forested Other	14
Union	Private	Douglas-fir/Mixed Grand fir	175
Union	U.S. Forest Service (USFS)	Douglas-fir/Mixed Grand fir	77
Union	Private	Ponderosa Pine	157
Union	USFS	Ponderosa Pine	101
	Forested Acreage		**776**
	Range - Non-Forest Acreage		**473**
	Total Area of Corridor		**1,249**

The forest within the corridor is predominantly small sawtimber (74%), with lesser acres of pole-sized trees (20%) and reproduction (6%). The balance (473 acres) is non-forest (rangeland) acreage. Table 2 describes the stand size classes of the forest cover within the Forested Land Analysis Area.

Table 2. Forested Areas by Stand Size Classes and Stocking Class Across the Analysis Area

Stocking Class	Stand Size Classes[1]				Sum	Percentage
	Reprod 1 to 4"	Poles 5 to 8"	Small Sawtimber 9 to 20"	Non-Forest		
	Acres					
Rangeland				473	473	37.9%
<10% Stocking	1	48	7		56	4.5%
10-39%	44	61	115		220	17.6%
40-69%		39	267		306	24.5%
>70%		10	184		194	15.5%
Sum	45	158	573	473	1,249	100.0%
% of Total ROW Area	**3.6%**	**12.7%**	**45.9%**	**37.9%**	**100.0%**	

[1] There were no stands with 21"+ average stand DBH (diameter at 4.5 feet above the groundline.

3.4.1.2 Land Ownership

The forested area of the Project is predominantly (85.3%) privately held land surrounded by federal lands including the Umatilla National Forest, the Wallowa-Whitman National Forest, and the Bureau of Land Management (BLM).

Table 3. Land Ownership within the Analysis Area

Landowner	Acreage	%
Private	1,066	85.3%
U.S. Forest Service	178	14.3%
BLM	5	<1%
Sum	**1,249**	

3.4.1.3 Farm and Forest Practices

Forestry is the predominant land use in the Forested Lands Analysis Area, most of which appears to be managed for long-term forest management. Over 62 percent of the corridor is classified as forest land with the balance being rangeland. Some lands are used for both forestry and grazing as well as recreation. There is no tilled cropland within the 776 acres of the Forested Lands Analysis Area, and only 473 acres of rangeland, which includes a very small acreage of managed pastureland.

3.4.1.4 Topography

The Forested Lands Analysis Area of the Project transitions from the shrub-steppe zone at about 3,000 feet above sea level (ASL) to a high of about 4,500 feet ASL in the forest zone. The proposed corridor crosses a broad, gently rolling ridge top (summit) crossing over the Grande Ronde River and a number of smaller, seasonal streams and normally dry drainages. The slopes are gentle, ranging from 0 to 30 percent, and occasional slopes that are steep for short distances, up to 70 percent. With the exception of the small number of short, steep slopes, timber harvesting operations will be ground-based.

3.4.1.5 Soils

The underlying parent material in the study area is Columbia River Basalt. It is capped by dark brown fine sandy loams or silt loam soils with a depth of 0.5 to 1 meter. Occasional areas of cobbly silt loams occur. These are well-drained soils that support year-round timber harvesting, but may be wet following significant rain events. Existing permanent roads may need to be surfaced with gravel. Temporary roads may support light use during dry season without gravel. It is not uncommon for roads to have only seasonal use (called summer roads) with no gravel surfacing in this area.

3.4.1.6 Aspect

The aspects in the rolling hills of the Project area are quite variable. Where northerly and easterly aspects occur, they are typically forested. Harsh, steep southerly exposures tend to be less densely stocked with trees or support rangeland vegetation. Soils tend to be thinner, with more rock, and lower in tree productivity on the south and sometimes the west facing slopes.

3.5 Project Activities Potentially Affecting Forested Lands

3.5.1 Right of Way Clearing

3.5.1.1 Timber Felling for Construction and Maintenance Hazard Trees

The timber on the right of way corridor will be directionally felled using mechanized machines on the lesser slopes, with oversized trees and trees on steeper slopes being directionally hand-felled. Trees outside the ROW within one site potential tree height of the wire zone (150 feet) that could be hazardous to the new transmission line will be cut by the feller-buncher if it can reach the tree, or hand-felled it the machine cannot reach the tree.

- Feller-buncher: Most trees on the right of way where slopes are 35 percent and less can be felled with a feller-buncher. This is a tracked machine with a felling head on a short boom. Trees are cut above the root flare and placed in turns (piles) for the skidder or shovel to yard to the landing. Disturbance of vegetation and soil compaction is low since the machine normally only passes over the ground once or twice as it moves from tree to tree. Understory vegetation may be uprooted as the machine turns, however many shrubs will simply resprout from roots or broken stems and resume growth. Use of the feller-buncher improves yarding efficiency since trees are placed in piles, eliminating the skidder's need to accumulate individual trees.
- Hand-falling: Used on slopes or where trees are too large to be cut with a feller-buncher. The upper size limits varies by type of machine and the head, with the upper limit that a feller-buncher can cut normally being in the range of 22 to 28 inches diameter. On slopes, the hand falling operations typically fall the timber parallel to the slope to avoid breakage. In some cases, it will be beneficial to fell the timber at an angle toward the right of way center to facilitate access for yarding by the shovel. This may causes some loss of timber volume, but will minimize site disturbance.

3.5.1.2 Ground Based Logging

The majority of the timber harvesting on the Project will be suitable for ground-based timber harvesting systems. Where slopes exceed 35 percent, directional felling of timber into the ROW coupled with the long-reach of a shovel (38-42 feet in many cases and sometimes add a long choker), timber can be removed without the need to use a cable harvesting system. A ground based system typically includes a feller-buncher, skidder or grapple cat, a shovel, and a log processor.

- Rubber-tired skidder: These are articulated 4-wheel-drive machines equipped with a grapple on the back, a blade on the front, and a cable winch. They are used for yarding individual trees or turns (piles) of trees or logs to the landing. They are fast and often used when yarding distances are long, such as on a new power line corridor. Yarding distances are normally limited to 1,000 to 1,200 feet. The machines are kept on skid trails to limit vegetation disturbance and soil compaction, leaving the skid trails only to back up to piles of trees or logs. Soil compaction on the skid trails can be high, but normally returns to pre-logging levels in approximately 6 years depending on the soil type and level of compaction. In some cases, ripping skid trails coupled with waterbarring and erosion control seeding when necessary will speed the restoration of soil productivity. The rubber-tired skidder will likely be used on most portions of the corridor that has slopes less than 35 percent.
- Grapple cat: The grapple cat is a high-tracked dozer with a grapple on the back, a blade on the front and a winch on the back. While much slower than the rubber-tired skidder,

the grapple cat can access turns and pull more logs, with less ground pressure and soil compaction that the rubber-tired machine. Yarding distances are normally less than a rubber-tired machine due to the slower nature of the machine. This may require the use of more landings.

- Shovel: Shovel logging is normally limited to about 2 tree lengths on either side of the logging road or skid trail. This tracked machine, with its reach of 38 to 42 feet simply reaches out and grabs the felled trees or piles of trees and drags them the length of its reach. It normally requires 2 or 3 “throws” to get the trees/logs to the edge of the road. For distances greater than 300 feet or so, the skidder or grapple cat is normally used. The shovel is a tracked machine with low ground pressure. Soil disturbance is typically low and understory vegetation is normally broken down, but most is not uprooted, so it will recover and continue to grow. Soil compaction is low since the machine is low ground pressure, and is not going back over its tracks more than once or twice. This machine is also used on the landing to sort logs and load the log trucks.
- Log processor: A log processor is a computer-based head that dangles off the boom of a log shovel. It normally has two saws, and is used to remove branches, buck log butts flush, measure log lengths and diameters, and buck the top of the log at the appropriate length. The processor head is mounted on the end of the boom of a log shovel. It can be used to fell timber, but is less efficient than a feller-buncher.

3.5.1.3 Cable-Based Logging Systems

There will be short slopes where ground based mechanized felling and yarding cannot be used. In these cases cable yarding systems will need to be used to remove the timber from the slope. Small, mobile cable yarding systems will be used since log size and log volumes in each area will be small.

Using a cable yarding system, the butt end of the tree or log is suspended with the tree top or small end of the log touching the ground as it is pulled up or down the slope. On short slopes, understory vegetation disturbance will be minimal, as will soil disturbance. Little to no soil compaction will occur. On longer slopes, yarding “trails” will develop as multiple trees or logs are yarded up the hill. The understory vegetation is often scarified in these narrow “trails,” with intact vegetation between the trails.

A cable setting will normally include timber that is hand-felled, the trees or logs are yarded with the yoder or a small high-lead tower, a shovel with processor head on the landing to make the logs, and shovel on the landing. In some cases, trucks may be loaded with the shovel with processor head, though this is less efficient. Given the small volumes, it is likely that the shovel with the processor will be used to load the logs to avoid use of another machine.

- Yoder: This cable harvesting system gets its name because it is a combination of a log loader (shovel) and a yarder. The log loader is equipped with drums and cables that with the boom extended can provide adequate lift to cable yard trees and logs on short slopes. It is also faster and easier to set up than the normal high lead cable yarding system. Given the small acreage and short slopes in this project, along with the availability of these machines in Oregon, this will likely be the machine of choice to complete the cable yarding.
- High Lead: Small high-lead towers are also available with truck mounts. These shorter towers can be set up quickly and since they are truck mounted, can be easily moved from site to site. The height of the towers varies, but these machines are available in many sizes. Availability is less certain since some of the new machines are just being

put into service. There will be no need for the larger yarding towers or helicopters for yarding logs.

3.5.1.4 Log Landing Locations

Log landing locations will depend on the type of logging system that is in use. Typically on ground based harvest systems, landings will be spaced no more than 2,000 feet apart along the right of way when rubber-tired skidders are used. If the right of way is being shovel logged, the logs are thrown to the logging road at the center of the right of way, skidded to a landing, or loaded directly onto log trucks from the road edge.

Where a cable system is required, the tower will be situated at the top or base of the slope and logs will be yarded to that point, and then loaded on a log truck. These landing locations, logging system, and other decisions will be made during preparation of the written logging plan for the Forest Practices permit applications.

After harvest, landing restoration will occur. The logging debris at the landing will be haystacked and burned during the appropriate season. Burning permits will be required and are obtained from the Oregon Department of Forestry (ODF) for private lands and public lands other than U.S. Forest Service (USFS). Pile burning in USFS lands will be permitted by that agency.

3.5.2 Road Construction, Repair, and Use

The level of improvement and maintenance required on existing logging roads used to access the right of way depends on the easement agreement with the landowner as well as regulatory requirements and engineering needs. If these existing logging roads do not meet standards required in OAR Chapter 629, Division 625, then they will need to be improved to meet this road standard. Roads improved to support log hauling and other forest practices will be satisfactory for line construction activity. All roads used in the project will be assessed, and prescriptions prepared for improvement of the vegetation clearances on the road shoulders, and for surface, drainage, culverts and water protection needs. Necessary repair or erosion control work will then be done in the appropriate season prior to the start of operations.

Similar to road improvement, new road construction will meet the OAR Chapter 629, Division 625 road construction standards. Standards on USFS lands will be similar to ODF standards. Roads constructed for the logging operations will be used for line construction as well.

Following construction, all roads are expected to be used for future maintenance and inspection of the transmission line, vegetation management access, and line maintenance. Roads will be seeded with erosion control seed mix and mulched as necessary at the end of operations, or when otherwise necessary. Waterbars or other water control structures will be installed as needed after line construction is complete, but will be designed to allow pick-ups to traverse the structure for patrol and maintenance access.

Erosion control seeding, mulching, straw wattles, and other erosion control measures will be completed according to the schedule of activity in the prescription for the work. For newly constructed road, all measures will be completed during construction. For log landings and road betterment after logging, then the erosion control measures will be completed after logging, log hauling, and slash abatement activity is completed.

3.5.2.1 Existing Access Roads

Harvested logs will likely be delivered to La Grande and Elgin, Oregon, to the east of the forested zone. The timber harvesting operations will utilize Interstate 84, state highways, and improved and unimproved county roads. These roads will support the operations with no

easements, additional fees, or maintenance required. USFS and private roads, both existing and newly constructed will likely require easements, road-use fees, and require betterment before and at the end of the logging and line construction.

3.5.2.2 New Access Roads

- Logging roads and standards for construction are detailed in the Oregon Forest Practices regulations Division 625: Road Construction and Maintenance. All new road construction must meet these requirements.
- Maintenance during operations: Once an existing logging road is improved at the start of the operations, little additional work will need to be done to maintain the road during operations. Newly constructed roads often will normally require additional rock during the operations to patch or repair fills or soft spots in the road surface.
- Post-harvest betterment: An assessment of the road conditions will be made at the end of the line construction operations, and necessary repairs made.
- Post-harvest put-to-bed: Logging roads that are intending to be temporary to facilitate logging, but are not to be used for line construction will be put-to-bed. This includes grading to smooth ruts, installation of water bars where required, and seeding with an erosion control seed mix. Mulching may be necessary on slopes. In most cases, these roads will be used for line construction and maintenance of the line and vegetation in the future, and will be left in a condition that can be accessed with a line truck, a pick-up, or at the least, an all-terrain vehicle.
- Post-harvest abandonment: If any roads require post-harvest or post-construction abandonment, the surface of the road is scarified, waterbars are installed, the road is seeded with an erosion control seed mix, and mulched as required. Care will be used in decision making—do not abandon roads that are necessary for patrol and line maintenance. Abandonment procedures will follow Oregon Forest Practices regulations.

3.5.3 Slash Abatement

The abatement of slash will be similar across all public and private land ownerships and will comply with OAR Chapter 629, Division 615.

- Logging operations
    - Pile and burn: Landings and fuel concentrations
        - Treatment of slash is required for protection of adjacent lands from the risk of fire and to minimize the potential for materials to enter a stream.
        - Filing of a “smoke management plan” (OAR 629-048-0001) and obtaining a burn permit for landing or pile burning may be required. Special restrictions for the pile size and site will be provided on the burn permit.
    - Mower mastication: This option may be used where slash (fuel) loads are moderate to heavy. A brush mower is used to break up fuel concentrations and cause them to be in contact with the soil. This will cause increased moisture content of the fuel and speeds decomposition, while reducing the fire hazard. The typical machine used for mower mastication includes a small track loader such as a Takeuchi equipped with a Fecon type mowing head on the front. This machine would be used in gentle topography. A second type of machine would be an excavator equipped with a “Slashbuster" or “Fecon” type head. Either machine will work, with the track loader being the faster machine where terrain

permits. Both machines can be used to mow non-merchantable brush that has a projected mature height of over 15 feet. The disturbance with the tracks of either machine is similar to a log loader. The mowing operation breaks down the logging slash and cuts understory shrubs that are intermingled. These shrubs typically restock the right of way quickly.

- Lop and scatter: This slash abatement method is typically used where fuel loads are light, or on slopes too steep for mowers. The branches are lopped by hand into lengths of 3 feet or shorter using chainsaws, so that they lay on the soil surface or close to the soil surface. Downed wildlife logs are similarly cut, usually in longer length, but so the log is on the soil surface to facilitate decay.

- Forest, but no logging operations: In forest cover types that are sparse or young, with no merchantable logs and thus no logging, tall growing tree and brush species will be hand slashed or mowed using either the track loader with the mower head, or the larger excavator with a mowing head (described above), or on steeper slopes the slash will be treated by hand using lop and scattering methods.
  - Mowing: In most cases, the mower will follow the logging operations to mow undesirable brush and break up fuel concentrations. Stump heights of the mowed material are typically 6 inches or so, but may be higher if rocks, larger stumps, uneven soil surface, or other materials prevent mowing lower. Soil disturbance will be minimized with these mowing operations to prevent creating a seedbed for pioneer tree species (all are incompatible with power lines) and invasive weeds. Where fuel concentrations are high, piling and burning will likely be the slash abatement practice of choice.
  - Lop and scatter: Used on steeper slopes in areas where slash is light, or slopes too steep for the mowing machines.
  - Pile and burn: To be used in logged areas where fuel concentrations are moderate to heavy and contiguous. The slash will be piled with the log shovel for burning at the appropriate time.
  - Chipping of slash: To be used only in residential settings or road crossings where other treatments methods are not appropriate.

3.6 Potential Impacts to Forested Lands

3.6.1 Impacts to Surrounding Forestry Practices

Installation of a new corridor with electrical transmission lines has the potential to impact the operations on adjacent forest and farming operations. In this case, the farming activity mostly appears to be grazing, in addition to the forestry operations. The following are potential impacts to the current land use practices associated with the logging operations for the new transmission corridor and associated with permanent removal of large trees from the ROW:

- During construction of the Project the entire ROW will be cleared of trees and tall shrubs. It is not possible to safely “feather-cut” the trees within the ROW. Doing so would also eliminate much of the timber value of the trees. After initial clearing, a wire-border zone method will be used during maintenance of the ROW in forested and woodland habitats to control tall vegetation and to ensure adequate ground-to-conductor clearances (Figure 4). This method results in two zones of clearing and revegetation: the wire zone and the border zone. The wire zone includes the linear area along the ROW located under the wires as well as the area extending approximately 10 feet outside of the outermost

phase-conductor. After initial clearing, vegetation in the wire zone will be maintained to consist of native grasses, legumes, herbs, ferns, shrubs, and other low-growing vegetation that remain under approximately 5 feet tall at maturity. The border zone is the linear area along each side of the ROW extending from the edge of the wire zone to the edge of the ROW. Vegetation in the border zone will be maintained to consist of tall shrubs or short trees (up to approximately 25 feet high at maturity), grasses, and forbs. These cover plants along the border zone benefit the ROW by competing with and excluding undesirable plants. No clearing will be conducted in areas where the height of mature trees will not come within 50 feet of the wires (e.g., a canyon or ravine crossing with high ground clearance at mid-span). Minimum clearance values are affected by circuit voltage, terrain, span length, ruling span length, conductor size and tension, anticipated wind conditions, and structure framing parameters. Exhibit P1, Attachment P1-4 illustrates specifications for the wire-border zones under varying site conditions.

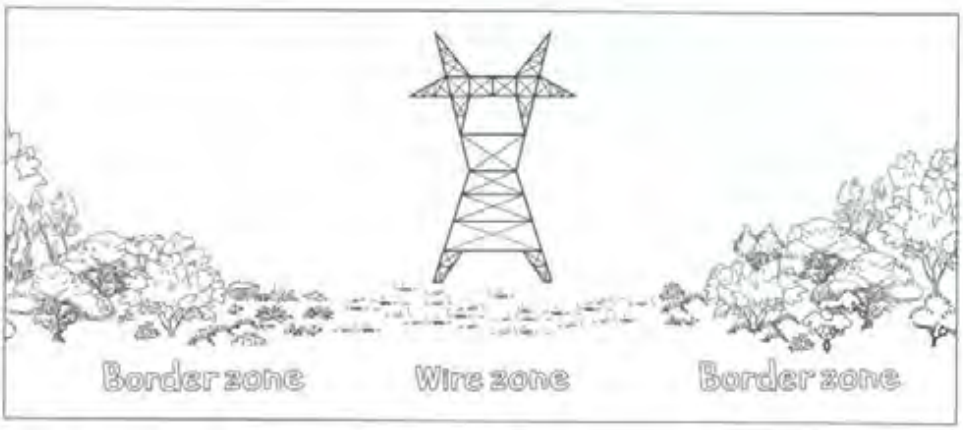

Figure 4. Wire Zone-Border Zone Illustration for Vegetation Management on Transmission Rights of Ways (*Source:* Miller 2014)

- The vegetation on the new corridor will be grasses, forbs, shrubs, and small trees. It is well documented that wildlife usage of a powerline corridor increases dramatically with creation of new vegetation including pioneer tree and shrub species (Bramble 1992; Yahner 2001, 2004). Songbirds, small and large mammals, and other wildlife usage will benefit from the diverse and layered vegetation growing on the powerline corridor.
- Future timber harvesting operations of trees within a site potential tree height[2] (150 feet) of the power line will have a higher risk factor. IPC may need to provide timber harvesting assistance for removal of trees within the minimum approach distances for non-qualified electrical workers. Often this is necessary for only select edge trees, however if the entire right of way is cleared and the line situated in the center, then forestry logging operators will have adequate clearances and be able to cut the timber safely.

[2] Site-potential tree height (150 feet) was determined from the GAP data. The USFS and BLM (1997) indicated that site potential tree height in the forested areas of the Project is 150 feet in areas considered to be “Moist Forest” and 120 feet in “Dry Forest.” The GAP data and associated analysis sorted vegetation types into forest, which include all class designated as having trees, "non-forest" were all types classified as not having trees (e.g. shrubs/grasses or wetlands), "mixed" indicates that the area adjacent (within 150 feet of the stream) to the stream that included some area of forest and non-forest vegetation types.

- There may be some loss in tree volume along the new edges of the Project ROW, since windthrow of some edge trees is inevitable due to exposure from tree removal on the corridor and sunburn/decay often occurs to newly exposed bark.
- The risk of wildfire may be increased since powerlines are an incendiary source if a tree falls on the lines, or there is an equipment failure. Following the guidelines of the Project's vegetation management plan (Exhibit P1, Attachment P1-4) will reduce the potential for an increase in wildfire as a result of the Project.
- Additional roads allow access to more area for authorized and unauthorized users of the land. Risk of wildfire, dumping, timber theft, and vandalism may increase, but not significantly. Strategic placement of gates will help to control this potential increased risk (see Exhibit B, Attachment B-5, Section 2.3 Access Control).
- Roads constructed for logging and line construction access could prove useful to the underlying landowner, reducing necessary road construction on their part for their forestry operations.
- Well-maintained powerline corridors can serve as a fire break in the case of a wildfire, or may provide a strategic point of wildfire defense due to increased access and lack of aerial fuels within the ROW
- For discussion regarding impacts of ROW clearing on wildlife, please see Exhibits P1, P2, and P3.

3.6.2 Impacts to Surrounding Agricultural Operations

For discussion of impacts to surrounding agricultural operations, please see discussion of impacts to rangeland in the Agricultural Lands Assessment, Attachment K-1.

3.7 Permits Required for Impacts

3.7.1 Timber Harvest

For timber harvesting on federal lands, IPC will need a temporary special use permit from the USFS along with a timber settlement agreement outlining how the USFS timber will be harvested (e.g., marking boundaries, removal techniques authorized, valuation methods, and payment requirements). The Special Use Authorization permit and Timber Settlement Agreement will be obtained directly from USFS and should not be included in and governed by the site certificate.

For timber harvesting on non-federal lands, IPC will need to obtain the following permits from, or provide the following notification to, ODF:

- Permit to Operate Power Driven Machinery, required for any forestry operations involving power driven machinery inside or within one-eighth of one mile of a forest protection district;
- Burn Permit, required for slash burning on all ODF protected lands during fire season;
- Notification of Operation, required before beginning certain activities on forest lands, including timber harvesting and road construction; and
- Notice of an Alternate Practice, required if forestlands will be converted to a use not compatible with maintaining forest tree cover.

Each of the above ODF permits and notifications will be obtained directly from ODF and should not be included in and governed by the site certificate.

3.7.2 Hydraulic Permits

ODF regulates forest-practices stream-crossings under OAR Chapter 629, Division 625. Additionally, ODFW provides guidance on fish passage for forest-practices stream-crossings through ODFW's Forest Practices Technical Note Number 4, Fish Passage Guidelines for New and Replacement Stream Crossing Structures. Finally, certain stream-crossings will require a Oregon Department of State Lands (ODSL) removal-fill permit and U.S. Army Corps of Engineers Clean Water Act Section 404 Dredge and Fill Permit (see Exhibit J). Compliance with the ODF, ODFW, and ODSL regulatory processes and permit requirements is governed by and included in the EFSC site certificate. The U.S. Army Corpsof Engineers' Section 404 Permit is outside EFSC jurisdiction and not included in the site certificate.

3.7.3 Forest Road Easements

Haul roads used to move forest products over private and public lands will require separate easements or road use agreements. These easements or agreements typically are acquired and paid for based on the board foot volume hauled across the road, and include stipulations that the roads are left in as good or better condition compared with the condition of the road prior to the use. For new roads over private or public lands, the condition of the road after the project is complete will need to be negotiated with the landowner. In most cases, the roads will be stabilized or put-to-bed, but still kept in a condition to provide pick-up or line truck access for patrols and maintenance of the line.

4.0 MINIMIZATION AND MITIGATION OF IMPACTS TO FORESTED LANDS

The conversion of the forested portions of the Project ROW to a powerline corridor is permanent, since tall growing trees are not compatible with transmission of power. A ROW and will be negotiated on private lands by means of a negotiated settlement, and payment will be based on a certified appraisal. Prior to any construction, IPC or its agent, together with the landowner and/or the landowner's designee (which may include employees, tenants, or other representatives), will strive to schedule activities to minimize impacts to forest practices.

4.1 Efforts to Minimize and Mitigate Impacts to Forested Lands During Logging Operations and Construction of the Project

4.1.1 Logging Best Management Practices

Due to the gently sloping nature of the topography across most of the forested area and since most land uses currently are long-term forest management, there will be limited restrictions to logging operations. Some restrictions that are likely to impact logging operations include:

- Seasonal restrictions
    - Fire season – typically the late summer and early fall time period brings restrictions on the hours of operation for timber harvesting, the need for water trailers or trucks on site, the need for fire watches after operations, and in some cases all spark emitting operations are shut down.
    - Freeze-thaw conditions may limit road use during the spring, but the duration is normally short. Use of a road during the spring thaw will cause significant damage and reconstruction costs.
- Wildlife habitat restrictions – IPC has proposed the following restrictions to address potential impacts to wildlife habitat that may impact forestry activities (see Exhibit P1,

Section 3.5.4, Section 3.5.5, and Attachment P1-4, Appendix A, Section 2.2; Exhibit P3, Sections 3.5.4 and 3.5.5; Exhibit Q, Section 3.5.1):

Fish and Wildlife Condition 10: *During construction, the site certificate holder shall not conduct ground-disturbing activities within elk or mule deer winter range between December 1 to March 31. Upon request by the site certificate holder, the department may provide exceptions to this restriction. The site certificate holder's request must include a justification for the request, including any actions the site certificate holder will take to avoid, minimize, or mitigate impacts to elk and mule deer in the relevant area.*

Fish and Wildlife Condition 12: *During construction, the site certificate holder shall not conduct ground-disturbing activities within the following timeframes and spatial buffers surrounding occupied nests of certain raptor species. Upon request by the site certificate holder, the Department may provide exceptions to this restriction. The site certificate holder's request must include a justification for the request, including any actions the site certificate holder will take to avoid, minimize, or mitigate impacts to the raptor and its nest.*

Nesting Species	Spatial Buffers (radius around nest site):	Temporal Restrictions
Bald eagle	0.5 mile	January 1 to August 15
Golden eagle	0.5 mile	February 1 to August 15
Ferruginous hawk	0.50 mile	March 15 to August 15
Flammulated owl	0.25 mile	March 1 to August 15
Great gray owl	0.25 mile	March 1 to August 15
Northern goshawk	0.5 mile	May 1 to August 15
Peregrine falcon	0.25 mile	January 1 to July 1
Prairie falcon	0.25 mile	March 15 to July 1
Red-tailed hawk	300 to 500 feet	March 1 to August 15
Swainson's hawk	0.25 mile	April 1 to August 15
Western burrowing owl	0.25 mile	April 1 to August 15

Fish and Wildlife Condition 13*: During construction, if the site certificate holder will be conducting ground-disturbing activities during the migratory bird nesting season between April 1 and July 15, the site certificate holder shall conduct, as applicable, biological surveys for native, non-raptor bird species nests on all portions of the site boundary a maximum of 7 days prior to ground-disturbing activities, regardless of whether those portions have been previously surveyed. If the site certificate holder identifies a native, non-raptor bird species nest, the site certificate holder shall submit to the department for its approval a notification addressing the following:*
a. Identification of the native, non-raptor species observed;
b. Location of the nest; and
c. Any actions the site certificate holder will take to avoid, minimize, or mitigate impacts to the nest.

Fish and Wildlife Condition 14*: During construction, if the roost of a State Sensitive bat species is observed during the biological surveys set*

forth in Fish and Wildlife Conditions 1, 2, or 3, the site certificate holder shall submit to the department for its approval a notification addressing the following:
a. Identification of the State Sensitive bat species observed;
b. Location of the roost; and
c. Any actions the site certificate holder will take to avoid, minimize, or mitigate impacts to the roost.

Fish and Wildlife Condition 15: *During construction, the site certificate holder shall flag the following environmentally sensitive areas as restricted work zones:*
a. State protected plant species;
b. Wetlands and waterways that are not authorized for construction impacts;
c. Areas with active spatial and seasonal restrictions; and
d. Category 1 habitat.
The site certificate holder shall submit a mapset showing the location of environmentally sensitive areas and restricted work zones to the department for its approval. The site certificate shall make the mapset available to all construction personnel.

Fish and Wildlife Condition 16*: During construction, the site certificate holder shall employ a speed limit of 25 miles per hour on facility access roads, unless the applicable land-management agency or landowner has designated an alternative speed limit.*

Fish and Wildlife Condition 28: *During operation, the site certificate holder shall conduct all work in compliance with the final Vegetation Management Plan referenced in Fish and Wildlife Condition 5.*

- Riparian – Critical areas, buffers, and other restrictions
    - Stream crossings – In some cases, it will not be possible to maintain timber (tall growing tree species) in stream buffers on powerline corridors due to necessary clearance requirements as described abover. Crown reduction may be possible for some tall growing conifer trees, but is not desirable for deciduous trees.

    - Slash created in a stream buffer will be removed to prevent smothering of desirable shrubs, grass and forb species. However, the degree of removal will be limited to 80 percent or less, to provide habitat for wildlife and to restore nutrients to the forest floor. Removal of trees and slash from buffers will be done using cable yarding systems or with equipment sitting outside of the required buffer unless other provisions are made with the regulatory authority. All desirable understory vegetation in the buffer will be protected as much as possible. Breaking branches or stems on shrub species is not a serious concern, since all will likely resprout and produce viable, new growth. This new growth is often preferred forage for wildlife species.

4.1.2 Survey Marking of Access and ROW Clearing Limits – Flagging and Painting

It is important to be consistent in initial survey staking and flagging across the entire project. This will limit the potential for confusion on the part of a logging or line contractor that results in violations of the permits. The following are the suggested color flagging for the survey work.

- Property lines – Fluorescent pink
- Road centerlines – Pink/black striped
- Clearing limits/ right of way corridor delineation – Fluorescent orange
- Critical area delineation – Fluorescent blue
- Log landing delineation – Pink/Black striped and Orange (double flagging)
- Off-ROW hazard tree designation – Orange aerospot tree marking paint with a dot at eye level and a dot on the stump. If tree is hard to spot from new ROW due to brush, hang orange/black striped flagging at edge of right of way.

4.1.3 Hazardous Materials during Logging

Logging operations use motor fuel, hydraulic oil, and lubricants in all of the equipment on the logging side. As the equipment moves around the logging unit, there is potential for leakage during operation and refueling, or repairs and maintenance. The logging operations are required to observe the ODF regulations regarding hazardous materials (OAR Chapter 629, Division 620 – Chemical and other Petroleum Product Rules). These rules will be observed across all land ownerships.

4.1.4 Forest Herbicides

Treatment of brushy or tall growing tree species that have a mature height of over 5-25 feet is necessary to tailor the right of way to low growing, compatible plant species. This improves the safety of the powerline by reducing outages and their potential to cause fires, reduces entries by vegetation management crews that potentially could cause disturbance of plant communities, wildlife and soils.

- Stump treatments – deciduous tree species that are mowed or handcut on a right of way need to be treated with an approved herbicide to prevent resprouting. This allows desirable low growing shrubs and other plants to colonize that growing space, providing long-term weed control. Stump treatments are typically applied using a backpack sprayer equipped with a Spraying Systems 5500 wand and a Y-3 tip. The product typically used is Garlon 4 Ultra mixed at 25 percent herbicide with 75 percent canola oil or a refined mineral oil. Pathfinder II, a similar formulation that is ready-to-use could also be used. Within 10 feet of a stream or other type of water, the product of choice is Garlon 3A mixed 50 percent herbicide with water and applied to the cambial region of the freshly cut stump. Rodeo could also be used at the same formulation with water.
- Low Volume Foliar – foliar applications are typically used where undesirable stem densities are light to moderate (less than 300 stems/acre). The applications are made during the growing season when the deciduous tree species are in full leaf. Applications in late May or June are preferred, when the waxy cuticle on the leaves or needles of conifers is less well developed. The formulation used depends on the species and will be developed in the prescriptions that are site specific.

- High Volume Foliar – where undesirable tree or brush species are moderate to dense (more than 300 stems/acre), the use of high volume foliar applications are prescribed. This could be from a tank on a truck, skidder, farm tractor or other 4x4 rig. The applications could be made using a handgun or with a boomless nozzle system. Target trees or brush are normally shorter than 8 feet tall for this application. Where taller trees occur, they are typically cut or mowed prior to a stump treatment. The formulations will be developed during the prescriptive phase of the right of way management plan on a site specific basis.

4.1.5 Fire Protection during Logging Operations

Forest fire control rules are included in OAR 629. All logging operations shall be required to comply with these regulations, with recognition of the limitations of the specific wildfire hazard zone (OAR 629-044-0200). The activities to comply with include, but are not limited to:

- Fire equipment requirements on the landing which include observation of current industrial fire precaution levels, the required tools for the type of operation, no smoking while in an operation area, and fire watch when required.
- Treatment of slash for protection of adjacent lands from the risk of fire and to minimize the potential for materials to enter a stream.
- Filing of a “smoke management plan” (OAR 629-048-0001) and obtaining a burn permit for landing burning. Special restrictions for the pile size and site will be provided on the burn permit.

4.1.6 Existing Access Road Protection

- Improvement – Existing farm or graveled logging roads used for log hauling and line construction may require improvement as per Oregon Forest Practices Act - OAR 629-625-0600, and depending on the road use agreement with the landowner.
- Maintenance – Best Management Practices are detailed in *The Forest Practices Notes* (No. 4, 1999 – ODF).
- Post-harvest betterment – the responsibility for betterment depends on the easement or road-use agreement with the landowner. However, as a rule, the road will be left in as good or better condition as it was when use was started. Improvement of gravel roads to meet forest practices standards will speed turn-around times for log delivery, while reducing wear and tear on equipment.

This maintenance may include cleaning of ditches and culverts, grading to eliminate potholes, wash boarding and to improve surface drainage, daylighting to assist in melting of ice and snow and drying of the surface, and mowing road shoulders to improve visibility and safety.

4.1.7 Logging Worker Safety

Safety on all logging operations is regulated by the Oregon Occupational Safety and Health Administration for all employees.

- OAR Chapter 437, Division 7 covers forest activities. This division has guide books related to all aspects of these logging operations.
- A logging safety plan will be required for each operator as per OAR Chapter 437, Division 7.
- Where the corridor crosses electrical distribution or transmission facilities of other utilities, these operations need to be in compliance with regulations related to working

around electrical lines. These regulations are addressed in the following code: OAR 436-007-0230 and OSHA 1910.266 and 1910.269.

4.1.8 Erosion Control

The highest potential for erosion from these operations is from the roads. Road construction and maintenance is regulated by Oregon Forest Practices regulations (OAR Chapter 629, Division 625) or the USFS. The greatest potential for erosion outside of the roads is on landings. Properly managed logging jobs have low potential soil erosion outside of the roads and landings.

4.2 Efforts to Minimize and Mitigate Impacts to Forested Lands During Operation of the Project

During operation of the Project, IPC expects to access the forest portion of the Project infrequently, approximately once a year for routine inspection and maintenance. IPC will perform vegetation maintenance as needed and will ensure removal of danger trees. Upon request by a timber harvest operator adjacent to the Project, IPC will provide timber harvesting assistance for removal of trees on the edge of the right of way within the minimum approach distances for non-qualified electrical workers. IPC will use gates to minimize the risk of unauthorized access to access roads in forested lands (see Exhibit B, Attachment B-5, Section 2.3 Access Control).

5.0 HELICOPTOR USE IN THE PROJECT FORESTRY OPERATIONS

The topography in the Forested Lands Analysis Area is flat to gently rolling with short sections of slopes up to 70 percent. Ground-based timber harvesting systems are expected to be used for the entire operations including shovel, tracked and rubber-tired skidders, and cable yarding (on the slopes greater than 30 percent). No helicopter logging is anticipated.

If any helipcopter use is required, then the landings will all be within the logged corridor, and the helicopters will operate from the “light duty fly yards” planned for use during line construction. The forest cover type analysis includes all of the light duty fly yards.

The use of helicopters whether for logging or line construction will have no impacts to the forestry or rangeland use on the lands adjacent to the Project in the short or long term. No ROW maintenance operations will utilize helicopters after the initial construction is complete. Helicopters will be used annually for patrols of the line.

6.0 FOREST ZONES CONDITIONAL USE CRITERIA

Under OAR 660-006-0025(4)(q), a “new electric transmission line with right of way widths of up to 100 feet as specified in ORS 772.210” is a “conditional use,” meaning a use allowed on Goal 4 forest lands subject to certain conditions. The Project’s compliance with the three conditional use siting criteria for forest lands provided in OAR 660-006-0025(5) is discussed below.

> OAR 660-006-0025(5): A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands: (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

The Agricultural Lands Assessment, Attachment K-1, analyzes in detail the accepted farm practices in the area surrounding the Project and the potential impacts of the Project on the

same. Within the forested portion of the Project, the agricultural uses of the land are almost exclusively range uses. Only a very small area of managed pasture exists on one ownership, and no tilled cropland occurs. Potential impacts of the Project on farming practices include temporary (construction) and permanent (operational) disturbances, as well as the indirect impacts associated with these disturbances and the type of agricultural use disturbed. Indirect impacts may include changes in the pattern of land use, population density, or growth rate, and the related effects of those changes on agriculture. IPC will take certain minimization and mitigation actions to address potential impacts to agriculture, including but not limited to restoring land to its former condition, compensating landowners for damages and/or impacts to agricultural operations caused as a result of Project construction, micro-siting the towers to avoid agricultural areas, instituting weed control measures, preventing soil erosion, and other measures (see Attachment K-1, Section 7.3). The Project, taking into account measures to minimize or mitigate impacts, will not force a significant change in, or significantly increase the cost of, accepted farming practices in the areas surrounding the Project in forest lands.

Potential impacts to existing forestry practices resulting from the logging operations for the new transmission corridor and associated with permanent removal of trees from the ROW include: land on the corridor may need to be converted from forestry to agriculture; future timber harvesting operations of trees within a tree length of the power line will have a higher risk factor; there may be some loss in tree volume along the new edges of the power line corridor; the risk of wildfire may be increased; new roads may allow access to more area for authorized and unauthorized users of the land.

In some areas, the transmission line will separate blocks of forestland, which has the potential to impact access or the ability of landowners to perform forest practices. Where possible, IPC has attempted to locate the transmission line corridor along the boundaries of parcels to minimize fragmentation. Additionally, IPC will consult with landowners regarding micrositing and will consider landowner input to the extent practicable, thus further reducing impacts. In some cases, landowner access may be improved through IPC's improvements to roads or development of new access roads.

Future timber harvesting operations of trees in the immediate vicinity of the transmission line (and particularly within a site potential tree length (150 feet) of the transmission line) may present greater risk in harvest activities, and in such circumstances, IPC may need to provide timber harvesting assistance for removal of trees. In such cases, IPC will work with landowners to ensure safe tree removal along the ROW.

To further address potential impacts to forestry practices on surrounding lands, IPC will implement certain minimization and mitigation measures, such as seasonal access restrictions; wildlife habitat restrictions; riparian area protections; herbicide best management practices; fire protection; and erosion control. The Project, taking into account measures to minimize or mitigate impacts, will not force a significant change in, or significantly increase the cost of, accepted forestry practices in the areas the Project in forest lands.

OAR 660-006-0025(5)(b): The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

IPC plans to design, construct, and operate the Project to minimize the risks of fire hazard.

During design IPC will comply with design codes that prevent fire hazards including Public Utility Commission of Oregon (OPUC) Construction Standards, the National Electric Safety Code requirements pertaining to the prevention of fire hazards related to outdoor public utility

installations and the National Fire Protection Association Uniform Fire Code Handbook guidance related to the clearance of brush and vegetative growth in and around transmission lines.

During construction, IPC and its contractor will maintain an active program of worker training, strict requirements for smoking, equipment standards, fueling, road management, assistance in fire-fighting, and following restricted operations during high risk periods.

During operation of the Project, IPC will maintain coordination with the ODF and USFS for state and federal lands, respectively, and local fire protection agencies. Routine maintenance of roads and ROWs in forested areas will reduce the risk that combustible materials could come into contact with the conductors and ignite a fire. Transmission line protection and control systems will be incorporated into the system and are designed to detect faults (such as arcing from debris contacting the line) and will rapidly shut off power flow (in 1/60th to 3/60th of a second) if arcing is detected.

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

OAR 660-006-0025(5)(c): A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

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

7.0 COUNTY COSTS OF THE PROJECT WITHIN THE FORESTED LANDS ANALYSIS AREA

Forest lands in Umatilla County cover 715,000 acres (35%) of the 2,058,00 land base (Oregon Forest Resources Institute 2013). Conversion of of 245.6 acres of forestland to agriculture or range, removes only 0.0034 percent of this land base, which will not be lost but will still be productive for agricultural and range use. The economic impact to forest sector jobs in Umatilla County is approximately $120,000, again partially offset by agriculture or rangeland uses after the conversion.

Union County has 899,000 acres (69%) of forest land out of a total land area of 1,303,000 acres. Conversion of 530.1 acres to agriculture or range is a loss of 0.00059 percent of the forest land base, but again, the lands will still have value and be productive as agriculture or range lands. The economic impact to forest sector jobs in Union County is approximately $97,000, which will be partially offset by agriculture or range land uses after the conversion.

8.0 CONCLUSIONS

The Forested Lands Analysis Area includes approximately 1,249 acres of forest and range lands; however, the forested acreage subject to permanent impact by conversion is substantially less (approximately 776 acres). Based on the results of the forested lands survey and analysis of the potential impacts and efforts to minimize and mitigate for project impacts, the Project will

not cause (1) a substantial change in accepted forest of farm practices; or (2) a significant increase in the cost of accepted forest or farm practices on either lands to be directly impacted by the Project or on surrounding lands devoted to farm use.

9.0 REFERENCES

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