# Chapter 1
# PURPOSE AND NEED

## 1.1 INTRODUCTION

Idaho Power Company (Applicant) proposes to construct, operate, and maintain the Boardman to Hemingway Transmission Line Project (B2H Project), which is an approximately 300-mile-long, single-circuit, 500-kilovolt (kV), alternating-current, overhead electric transmission line and ancillary facilities; also referred to in this document as the Proposed Action. The transmission line would be constructed within a 250-foot-wide right-of-way to connect the northern terminus, the Longhorn Substation, a substation planned by Bonneville Power Administration (BPA) approximately 4 miles east of the city of Boardman in Morrow County, Oregon, to the existing Hemingway Substation, west of the city of Melba in Owyhee County, Idaho. The Applicant's goal for the B2H Project is to provide additional electrical load capacity between the Pacific Northwest region and the Intermountain region of southwestern Idaho. The B2H Project would alleviate existing transmission constraints and ensure sufficient electrical capacity to meet present and forecasted customer needs.

The proposed transmission line would cross federal, state, and private lands in five counties in Oregon and one county in Idaho (Map 1-1). The proposed transmission line would cross federal lands administered by federal agencies, including the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS). The B2H Project would affect lands and assets administered by the Bureau of Reclamation (Reclamation) and potentially affect land of the Naval Weapons System Training Facility (NWSTF) Boardman and associated military special-use airspace administered by the U.S. Department of the Navy (Navy).

The Applicant submitted its initial Application for Transportation and Utility Systems and Facilities on Federal Lands (Standard Form 299) and a preliminary Plan of Development (POD) for the B2H Project to the BLM Vale District Office on December 19, 2007 (Idaho Power Company 2007a, 2007b), and to the Wallowa-Whitman National Forest on March 25, 2008. The BLM, serving as the lead federal agency, determined that approval of the request would be a major federal action requiring preparation of an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA). The BLM published a Notice of Intent to prepare the EIS in the *Federal Register* on September 12, 2008, to formally initiate the NEPA process (BLM and USFS 2008). In response to public feedback during the initial scoping period in 2008, the Applicant sent a letter to the BLM in April 2009 stating its proposal to institute an Applicant-sponsored Community Advisory Process to solicit additional input from the public regarding routing of the proposed transmission line. The Applicant conducted the Community Advisory Process, separately from the NEPA process, to consider alternatives to its initially proposed route and identify a revised proposed route for the proposed transmission line. At the request of the public, the BLM agreed to include comments generated during the Community Advisory Process as scoping comments for the NEPA process (Revised Scoping Report, BLM 2011).

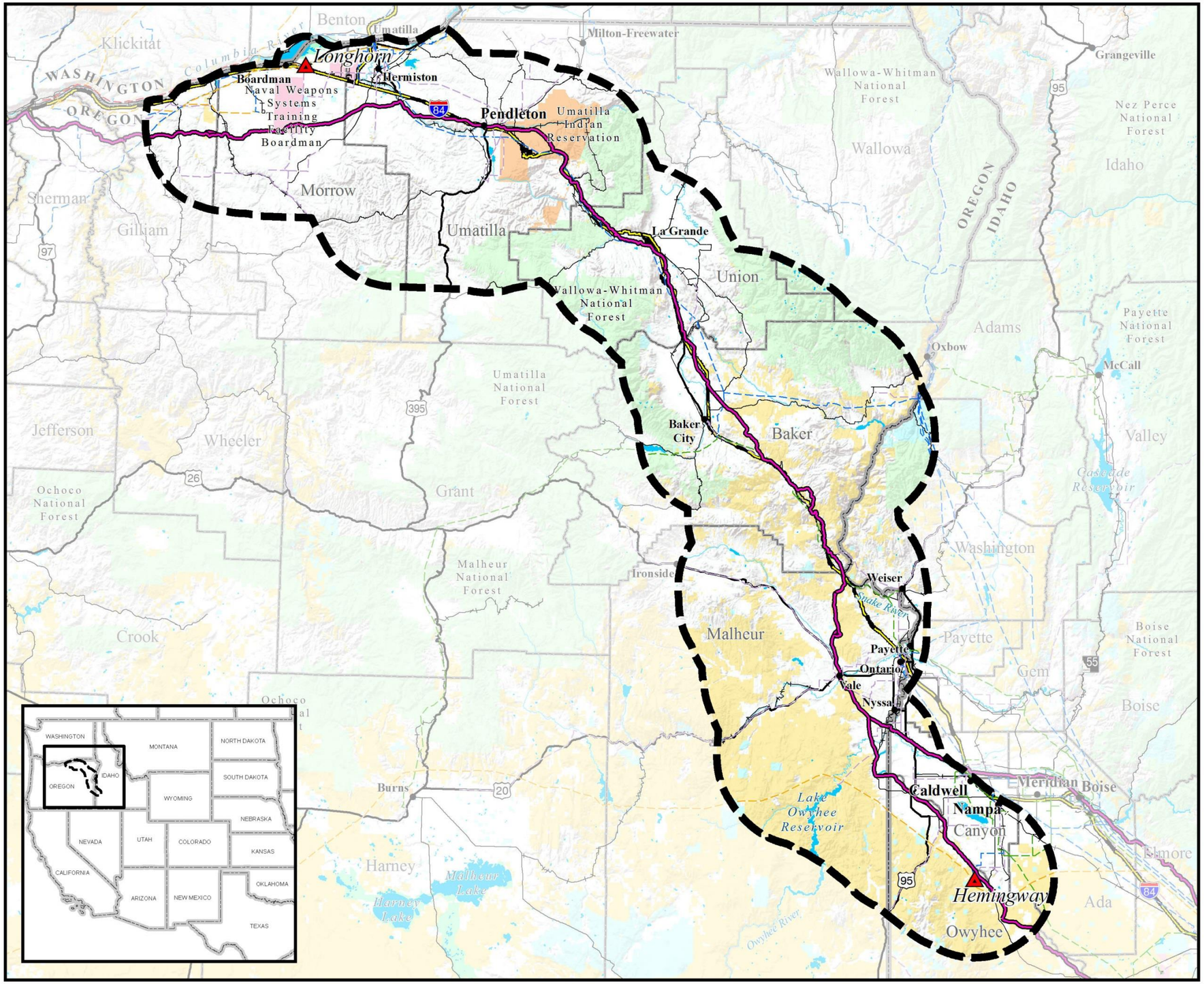
The Applicant then submitted a revised right-of-way application and preliminary POD on June 21, 2010 (Idaho Power Company 2010a), and a revised Notice of Intent was published in the *Federal Register* on July 27, 2010 (BLM and USFS 2010). In February and November 2011, May 2012, and May 2013, the Applicant submitted additional revisions to its application and preliminary POD (Idaho Power Company 2011a, 2011b).

In its comments on the Draft EIS, the Applicant indicated a modification to its Proposed Action and submitted revisions to the application in September and November 2015 and May 2016 (Idaho Power Company 2015a, 2015b, 2016). Because the modification involves crossing the NWSTF Boardman, the Applicant submitted an application for an easement to the Navy in June 2015 (Idaho Power Company 2015c).

A list of the applications and revisions is summarized in Table 1-1 and copies of the application and revisions to the application are available for review or downloading at http://www.boardmantohemingway.com/documents.aspx.

**Table 1-1. Application for Transportation and Utility Systems and Facilities on Federal Lands and Revisions**

| Date | Purpose |
|---|---|
| December 19, 2008 | Original application and preliminary Plan of Development submitted by Applicant |
| April 3, 2009 | Application revised to remove Sand Hollow Station as part of the Proposed Action and to commence a Community Advisory Process |
| June 21, 2010 | Application and preliminary POD revised to reflect the outcome of the Community Advisory Process (prior to additional BLM scoping) |
| February 28, 2011 | Application revised to modify the Proposed Action following additional BLM scoping; addition of the 138/69-kilovolt double circuit, and addition of alternative routes |
| November 28, 2011 | Application revised after BLM scoping; addition of Longhorn Substation, Glass Hill Alternative, Double Mountain Alternative, and additional routing options in Segment 5 to cross the Owyhee River |
| May 4, 2012 | Application and preliminary POD updated |
| May 22, 2013 | Application updated to include the Longhorn Variation |
| June 22, 2015 | Application for an easement on Naval Weapons System Training Facility (NWSTF) Boardman to Naval Air Station Whidbey Island submitted to Navy |
| September 9, 2015 | Application revised to modify the Proposed Action in Morrow County |
| November 24, 2015 | Application revised to modify the Proposed Action to eliminate the Grassland and Horn Butte substations and alternative routes into those substations, making the northern terminus of the B2H the Longhorn Substation, and add a routing option south of Longhorn Substation along the west side of Bombing Range Road |
| May 9, 2016 | Application revised to address the additional action of removing BPA's 69-kV transmission line from the NWSTF Boardman and relocating the line to the east of the NWSTF Boardman |




Map 1-1

## Project Area

BOARDMAN TO HEMINGWAY TRANSMISSION LINE PROJECT

**Project Features**

- Project Area Boundary
- Substation (Project Terminal)

**Land Ownership**

- Bureau of Land Management
- Bureau of Reclamation
- Indian Reservation
- National Park Service
- U.S. Department of Defense
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- Other Federal
- State Land
- Private Land

**General Reference**

- City or Town
- 500-kV Transmission Line
- 345-kV Transmission Line
- 230-kV Transmission Line
- 138-kV Transmission Line
- 69- to 115-kV Transmission Line
- Railroad
- Interstate Highway
- U.S. Highway
- State Highway
- Lake or Reservoir
- State Boundary
- County Boundary
- Oregon National Historic Trail Congressionally Designated Alignment

SOURCES:
Land Status, BLM 2014, 2015; Cities and Towns, ESRI 2013;
Transmission Lines, Bonneville Power Administration 2009, Idaho Power Company 2007, Logan Simpson Design 2011, Ventyx 2012; Pipelines, ESRI 2012;
Railroads, Idaho DOT 2006, Oregon DOT 2014; Highways, ESRI 2013;
Waterbodies, ESRI 2013; State and County Boundaries, ESRI 2013;
Oregon National Historic Trail Congressionally Designated Alignment, BLM 2015

NOTES:
- Substation symbols do not necessarily represent precise locations.
- The B2H Project area boundary is defined by buffering the alternative route centerlines.
- Other federal land ownership may include lands administered by the U.S. Department of Energy, Bonneville Power Administration, Federal Aviation Administration, General Services Administration, or U.S. Department of Agriculture (except U.S. Forest Service).
- Each alternative route is composed of links, which are discrete sections of the route sharing common endpoints determined by the point of intersection with other adjacent links; the common endpoint is referred to as a link node. Links generally are numbered from north to south. Similarly, a segment is composed of alternative routes that share common endpoints determined by the point of intersection with other adjacent alternative routes; the common endpoint is referred to as a segment node.
- No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

Alternative routes last revised: February 18, 2016
Final EIS: November 2016

0 5 10 20 30 40
Miles
1:1,393,920 or 1 inch = 22 miles

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The BLM, as the lead federal agency, is responsible for preparing the EIS in accordance with the NEPA; Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations [CFR] 1500–1508); Department of the Interior (USDI) NEPA implementing regulations; the BLM NEPA Handbook (H-1790-1) (BLM 2008) and other guidance; and other pertinent laws, regulations, and policies. The NEPA requires that the federal government take a hard look and consider the impact of an action on the natural and human environment before making decisions. The NEPA documents should focus on the issues that are significant to the action in question (40 CFR 1500.1(b)). The NEPA process is intended to help public officials make decisions that are informed by an understanding of environmental consequences (40 CFR 1500.1(c)). If decommissioning of the transmission line were to occur, additional analysis of the effects of decommissioning would be required under the NEPA and would take place at that time.

Agencies cooperating in the preparation of the EIS include the following:

**Federal**

- Department of Agriculture
  - Forest Service, Wallowa-Whitman National Forest
- Department of Defense
  - Department of the Army
    - Army Corps of Engineers (USACE)
  - Department of the Navy
    - Naval Air Station Whidbey Island (for Naval Weapons Systems Training Facility Boardman)
- Department of Energy
  - Bonneville Power Administration
- Department of the Interior
  - Bureau of Reclamation
  - Fish and Wildlife Service (USFWS), Region 1
- Environmental Protection Agency (EPA), Region 10

**State**

- Idaho Governor's Office (Idaho Office of Energy Resources)
- Oregon Department of Energy (ODOE)
- Oregon Department of Fish and Wildlife (ODFW)

**Local**

- Morrow County, Oregon
- Umatilla County, Oregon
- Union County, Oregon
- Baker County, Oregon
- Malheur County, Oregon
- Payette County, Idaho

- City of Boardman, Oregon
- Owyhee Irrigation District, Oregon
- Joint Committee of the Owyhee Project, Oregon

Other entities participated as cooperating agencies, but have since withdrawn their participation. Canyon County, Washington County, and City of Parma in Idaho participated as cooperating agencies until June 2015. Ten Davis Recreation District participated as a cooperating agency until February 8, 2011. Black Canyon Irrigation District participated as a cooperating agency until July 26, 2012. Owyhee County, Idaho, was invited to participate as a cooperating agency in the preparation of the EIS, but declined. However, the BLM provides the Owyhee County Commission with regular B2H Project updates and invites county participation in public meetings.

This Final EIS presents analysis of the B2H Project, as well as the No Action Alternative. In addition to analyzing and disclosing the potential impacts of the B2H Project on the human environment, including the natural and physical environment and the relationship of people with that environment, the EIS evaluates conformance of the B2H Project with the relevant BLM resource management plans (RMPs) and the USFS land and resource management plan (LRMP) and possible amendments to these plans. This Final EIS does not recommend the approval or denial of the B2H Project; it will be used by the BLM, USFS, and potentially other federal agencies in considering whether to authorize the B2H Project through development of their respective Records of Decision (ROD).

### 1.1.1 Summary of Changes from the Draft Environmental Impact Statement

Substantive changes made between the Draft and the Final EIS are demarcated on the left margin of the page by a vertical black line, or otherwise specifically noted.

### 1.1.2 Organization of Chapter 1

This chapter is organized with 10 sections. Section 1.2 describes the federal agencies' purpose and need for action. Section 1.3 describes the decisions to be made by the BLM, USFS, and other federal agencies. Section 1.4 describes the Applicant's objectives for the B2H Project. Section 1.5 describes the BLM and USFS land-use planning process. Section 1.6 summarizes the scoping process and other public involvement, issues identified for detailed analysis in the EIS, and issues considered but eliminated from detailed analysis. Section 1.7 describes BLM and USFS land-use plans, the West-Wide Energy Corridor Programmatic EIS, and consultation with Native American tribes and agencies. Section 1.8 lists the main federal laws, regulations, and executive-order policy directions relevant to the B2H Project. Section 1.9 describes relevant local land-use plans and state and local regulations applicable to the B2H Project. Section 1.10 lists the federal, state, and local permits and authorizations that could be required for the B2H Project.

## 1.2 AGENCIES' PURPOSE AND NEED FOR FEDERAL ACTION

The B2H Project has been recognized as a nationally important transmission project. In October 2009, the Department of Energy (DOE) and eight other federal agencies entered into a Memorandum of Understanding to improve coordination among project applicants, federal agencies, states, and tribes involved in the siting and permitting process for electric transmission facilities on federal land and recognizing that "[e]xpanding and modernizing the transmission grid by siting proposed electric transmission facilities will help to accommodate additional electrical generation capacity over the next several decades, including renewable generation as well as improve reliability and reduce congestion" (Memorandum of Understanding Regarding Coordination in Federal Agency Review of Electric Transmission Facilities on Federal Land [October 23, 2009]). The other eight agencies include the Department of Agriculture (USDA), Department of Commerce (USDOC), Department of Defense (DoD), CEQ, Advisory Council on Historic Preservation (ACHP), USDI, and the Federal Energy Regulatory Commission (FERC). In October 2011, the President formed the Rapid Response Team for Transmission (RRTT), composed of the nine agencies that signed the 2009 Memorandum of Understanding, to prioritize and expedite the development of seven certain transmission projects. The B2H Project is one of those priority projects, which the President determined would help increase electric reliability, integrate new renewable energy into the grid, and save money for consumers (CEQ RRTT website at https://www.whitehouse.gov/administration/eop/ceq/initiatives/interagency-rapid-response-team-for-transmission).

The federal agencies are guided further by the Energy Policy Act of 2005, Executive Order 13604, and the President's Climate Action Plan (June 25, 2013), which recognized the need to improve domestic energy production, to develop renewable-energy sources, and to improve infrastructure for collection and distribution of energy resources.

### 1.2.1 BUREAU OF LAND MANAGEMENT

The BLM's need is to respond to the Applicant's application for a right-of-way across public lands. The purpose is to grant, grant with modifications, or deny the Applicant's application for use of BLM-managed public lands to construct, operate, and maintain the B2H Project.

In accordance with Sections 103(c), 202(c)(1), and 302(a) of the Federal Land Policy and Management Act of 1976 (FLPMA, 43 United States Code [U.S.C.] 1701 et seq.), as amended, public lands and resources under the BLM's stewardship are to be managed in accordance with the principles of multiple use and sustained yield (except that, where a tract of such land has been dedicated to specific uses according to any other provisions of law, it will be managed in accordance with such law [e.g., Wild and Scenic Rivers Act, National Trails Act]) that take into account the long-term needs of future generations for renewable and nonrenewable resources. The Secretary of the Interior is authorized to grant rights-of-way on public lands for systems of generation, transmission, and distribution of electric energy (FLPMA, Section 501(a)(4)). The FLPMA authorizes the BLM to manage public lands to protect the quality and the scientific, scenic, historical, archaeological, and other values of those lands (43 U.S.C.

1701(a)(8)). Right-of-way decisions by the BLM are guided by the FLPMA and its implementing regulations under 43 CFR Part 2800.

### 1.2.2 U.S. Forest Service

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

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

### 1.2.3 U.S. Bureau of Reclamation

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

Authorization from Reclamation, a cooperating agency with legal jurisdiction to manage its lands, would be required for features of the B2H Project that would be located on or cross over Reclamation lands or facilities. The Reclamation Act of June 17, 1902, as amended and supplemented, 32 Statute 388; 43 U.S.C. 391, et seq., provides for Reclamation authority to review and to approve or deny use of Reclamation-administered lands. Reclamation's regulations set forth a process for application and agency consideration of use authorizations under 43 CFR Part 429 (Use of Bureau of Reclamation Land, Facilities, and Waterbodies).

### 1.2.4 U.S. Department of the Navy

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

As a branch of the DoD, the Navy is a cooperating agency with legal jurisdiction to manage its lands within the B2H Project area. Authorization from the Navy would be required for features of the B2H Project that would be located on or cross over lands that are under its jurisdiction or that underlay designated military airspace.

### 1.2.5 U.S. ARMY CORPS OF ENGINEERS

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

### 1.2.6 BONNEVILLE POWER ADMINISTRATION

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

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

Accordingly, BPA will use this EIS to help support any decision concerning its need to participate in the B2H Project to continue serving its customers in southeastern Idaho, including whether to remove and relocate its 69-kV transmission line that would be displaced by the proposed 500-kV transmission line if the 500-kV line is constructed on the west side of Bombing Range Road. In evaluating the need for action, BPA will consider the following purposes:

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

## 1.3 DECISIONS TO BE MADE

The BLM, USFS, Reclamation, Navy, USACE, and BPA will use analyses in this EIS to support decisions related to the proposed B2H Project. For the BLM and USFS, these decisions include whether the agencies will amend one or more land-use plans to make them consistent with the right-of-way for the proposed transmission line and associated facilities. The BLM and USFS are integrating the land-use planning process for amending agency land-use plans as described in 43 CFR 1600 and 36 CFR 219.10(f) of the planning regulations in effect before November 9, 2000, respectively, by analyzing the effects in this Final EIS of the proposed land-use amendments for the proposed rights-of-way for the B2H Project on BLM- and USFS-administered land. The land-use plan amendments that may be necessary for the B2H Project, and the environmental effects, are described in Section 3.4 of the Final EIS. The land-use planning process is described in Section 1.5.

Approximately two-thirds of the B2H Project would be located on nonfederal lands. The nature and scope of right-of-way crossing nonfederal land would be decided by applicable state, county, or local government entities rather than federal entities. With respect to this document and the related ROD, the federal agencies are not deciding the nature and scope of the right-of-way crossing nonfederal lands.

### 1.3.1 BUREAU OF LAND MANAGEMENT

The BLM will decide whether to grant, grant with modifications, or deny all or part the Applicant's application for right-of-way on BLM-administered lands for the construction, operation, and maintenance of the B2H Project. If the BLM grants the requested right-of-way, the BLM will determine the terms, conditions, and stipulations of the right-of-way grant.

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

### 1.3.2 U.S. FOREST SERVICE

The USFS will decide whether to grant a special-use authorization on National Forest System lands for the construction, operation, and maintenance of the B2H Project. As part of this decision, the USFS will

determine the terms and conditions of the special-use authorization, pursuant to 36 CFR 251.56. The USFS also will decision whether the portion of the B2H Project that will be located on the Wallowa-Whitman National Forest is consistent with the 1990 LRMP for the Wallowa-Whitman National Forest, as amended. If the B2H Project is not consistent the LRMP, the B2H Project may be modified for conformance, the LRMP may be amended, or the application may be denied. The LRMP amendments that would be required to make the LRMP consistent with the B2H Project are analyzed in this EIS.

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

Chapter 3 of the EIS describes the relevant elements of the LRMP for all the affected resources and provides information on the extent to which the B2H Project is consistent with the LRMP. The USFS will document its decision in a ROD.

### 1.3.3 U.S. Bureau of Reclamation

Reclamation will decide whether to grant, grant with conditions, or deny the request to use Reclamation-managed lands for the construction, operation, and maintenance of certain features associated with the B2H Project. If Reclamation adopts the EIS as its NEPA compliance for the federal action under its jurisdiction, Reclamation would issue a separate ROD for this EIS that would describe the decision and the terms, conditions, and stipulations subject to its implementing regulations under 43 CFR Part 429.

As part of the decision-making process, Reclamation will determine whether the B2H Project is consistent with the Reclamation's 1994 Owyhee Reservoir RMP for the management areas through which it passes (Reclamation 1994). If the B2H Project does not conform with the RMP, the B2H Project may be modified for conformance, the RMP may be amended, or the application may be denied and the RMP not amended.

### 1.3.4 U.S. Department of the Navy

The Navy will decide whether to grant, grant with conditions, or deny applications filed for use authorization. A use authorization may be issued when it is determined that the B2H Project is compatible with environmental compliance requirements and the mission, operation, safety, and security of military training assets.

### 1.3.5 U.S. Army Corps of Engineers

Discharges of dredged or fill material into waters of the U.S. (tributary streams, adjacent wetlands, etc.) require the USACE authorization pursuant to Section 404 of the Clean Water Act. Work in or affecting navigable waters (including aerial crossings) requires USACE authorization pursuant to Section 10 of the Rivers and Harbors Act. In making permit decisions, the USACE must ensure that impacts on waters of the U.S. are avoided or minimized to the maximum extent practicable. The USACE will evaluate proposed crossings and determine whether to authorize the activity. If activity is authorized,

the USACE will determine the type of authorization, and whether compensatory mitigation is required, in accordance with 33 CFR 320–332.

### 1.3.6 BONNEVILLE POWER ADMINISTRATION

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

## 1.4 APPLICANT'S INTERESTS AND OBJECTIVES FOR THE B2H PROJECT

The Applicant's interests and objectives for the B2H Project include the following:

- Relieve existing transmission constraints between the Pacific Northwest and Intermountain West regions;
- Increase opportunities for the exchange of energy between the regions;
- Ensure sufficient capacity for the Applicant to meet its forecasted customer demand requirements; and
- Improve system reliability as demands on the transmission system continue to grow.

The transmission system connecting the Pacific Northwest and Intermountain West regions is at capacity limits during peak electrical demand and is causing congestion-related issues. The Northern Tier Transmission Group—a Western Electricity Coordinating Council (WECC) planning group—determined in its 2009, 2011, 2013, and 2015 Biennial Transmission Plans that the existing regional transmission system was not adequate to serve the projected regional needs and that additional transmission system upgrades would be needed to reliably meet the projected regional needs. The B2H Project was one of the major regional transmission upgrades identified and included in the Biennial Transmission Plans to meet the future needs of the region.

The B2H Project would alleviate transmission constraints and provide operational flexibility by adding approximately 1,000 megawatts (MW) of much needed bi-directional capacity between the Pacific Northwest and Intermountain West regions. The additional capacity would 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 helps to keep electricity rates lower and is favorable for the environment.

With respect to the Applicant's customer demand requirements, the B2H Project has been identified consistently as part of the preferred resource portfolio in the company's Integrated Resource Plans (IRPs) dating back to 2009. The IRPs describe the company's projected need for additional electricity and the resources necessary to meet the needs while balancing reliability, environmental responsibility, efficiency, and cost. As discussed in the Applicant's 2015 IRP, the number of customers in the Applicant's service area is expected to increase from approximately 515,000 in 2014 to more than 711,000 by 2034. Peak-hour energy demand in the Applicant's service territory is expected to grow by

1.5 percent per year and average energy demand is expected to grow by 1.2 percent per year from 2015 to 2034 (Idaho Power Company 2015d).

Transmission systems in the United States are planned, operated, and maintained under North American Electric Reliability Council (NERC) standards. Additionally, the Applicant is governed by the WECC policy, procedures, criteria, and standards that may be more stringent than those required by NERC. In compliance with NERC and WECC standards, transmission systems must be planned, built, and continually operated with sufficient redundancy. Adding the B2H Project to the existing transmission system would create additional redundancy, additional capacity, and would make the transmission system more robust. The subsections below describe the federal and state requirements.

Further, wind- and solar-resource development has accelerated in recent years. The B2H Project would help to reliably interconnect these often remote renewable resources and efficiently deliver power to local load centers. The B2H Project would help facilitate access to new market tools such as energy imbalance markets, which could help reduce power supply costs for customers and integrate intermittent resources such as wind and solar. These tools allow energy companies to take advantage of the real-time regional diversity of load and generation and move energy back and forth between balancing areas, but can be implemented only if transmission capacity is available (or created). The President identified the B2H Project as a Rapid Response Transmission Team "priority project," determining the Project would help increase electric reliability, integrate new renewable energy into the grid, and save consumers money.

In order for the B2H Project to meet its objective, the B2H Project 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 to Northwest transmission path, (2) transfer an additional 1,000 MW of power east-to-west across the Idaho to Northwest transmission path, and (3) allow for actual power flows on the B2H Project transmission line of up to approximately 1,500 MW, accounting for variations in actual power flows of the various transmission lines comprising the Idaho to Northwest transmission path.

### 1.4.1 Federal Energy Regulatory Commission

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

### 1.4.2 Idaho and Oregon Public Utility Commission Requirements

The Applicant operates under the oversight and regulatory controls of the Oregon Public Utility Commission and the Idaho Public Utility Commission and is required to furnish to its customers adequate, safe, and reliable electrical service (Oregon Revised Statute 756.040; Idaho Code 61-302).

Toward this end, the Applicant is required to file an IRP with both commissions every 2 years. The IRP is the Applicant's primary planning document, demonstrating the analysis and conclusions as to the best and most cost-effective portfolio of resources to fulfill its short and long-term service obligations. In developing the IRP, the Applicant considers all relevant contingencies, including projected loads, economic conditions, and regulatory changes with the intent of minimizing risks of both energy service and costs for customers and owners. The resulting IRP evaluates supply-side resources and demand-side programs that help balance growing energy demand with viable supply. After fully analyzing the data, the IRP presents the Applicant's preferred portfolio, which contains the combination of resources that best balances cost, risk, and environmental concerns. Notably, the B2H Project—or a general transmission system upgrade between Idaho and the Pacific Northwest similar to it—has been documented in the Applicant's IRP dating back to 2002.

## 1.5 NEPA and Land-use planning Process

All actions approved or authorized by the federal land-managing agencies must conform to current land-use plans for the lands they administer (43 CFR 1610.5-3 [BLM] and 36 CFR 219.10(f) of the planning regulations in effect before November 9, 2000 [USFS]). New authorizations or actions approved based on a project-specific EIS must be provided for specifically in the land-use plan or be consistent with the terms, conditions, and decisions in the approved land-use plan. A land-use plan amendment (i.e., a modification of one or more parts of an existing plan) may be necessary in order to consider a proposed action that may result in a change in the scope of resource uses or a change in the decisions of the approved land-use plan. If the federal land-managing agency determines that a plan amendment may be necessary, preparation of a project-specific EIS and the analysis necessary for the plan amendments may occur simultaneously (43 CFR 1610.5 and 36 CFR 219.15).

For the B2H Project, the BLM and USFS are integrating the land-use planning process for amending agency land-use plans as described in 43 CFR 1600 and 36 CFR 219.13, respectively, with NEPA compliance for the proposed rights-of-way on BLM- and USFS-administered land. The BLM Land Use Planning Handbook (H-1601-1) and the USFS Land Management Planning Handbook (Forest Service Handbook 1909.12) outline the NEPA and land-use plan amendment process. The potential land-use plan amendments for the B2H Project are described in Section 3.4.

## 1.6 Scoping and Public Involvement

### 1.6.1 Scoping

The Applicant submitted its initial application to the BLM on December 19, 2007 (Idaho Power Company 2007) and to the USFS on March 25, 2008 (Idaho Power Company 2008). On September 12, 2008, the BLM published a Notice of Intent to prepare the B2H Project EIS (BLM and USFS 2008). The BLM, USFS, and ODOE hosted six public scoping meetings in October 2008 to provide information to the public and agencies and to provide an opportunity for meeting attendees to identify issues and concerns.

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

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

In addition to the formal scoping activities, the BLM, ODOE, and Applicant jointly developed a B2H Project website (http://www.boardmantohemingway.com/) to publish status updates and information and to solicit questions and input from agencies, stakeholders, and the general public. Newsletters, meeting announcements, and B2H Project documents also are available on the B2H Project website.

### 1.6.2 Idaho Power Company Initiated Activities

Given public feedback from the initial scoping period in 2008, the Applicant sent a letter to the BLM in April 2009 proposing to eliminate the Sand Hollow Station from the Proposed Action and announcing the initiation of the Applicant-sponsored Community Advisory Process to solicit additional input from the public regarding routing of the proposed transmission line (Idaho Power Company 2009).

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

As a result of the Community Advisory Process, the Applicant revised its Proposed Action and, on June 21, 2010, submitted a revised application (Idaho Power Company 2010a) and an updated preliminary POD (Idaho Power Company 2010c). The BLM reopened public scoping from July through September 2010, during which the BLM accepted additional comments and conducted additional

scoping meetings. At the request of the public, BLM agreed to include comments generated during the Applicant-sponsored Community Advisory Process as scoping comments for the NEPA process. The BLM Revised Scoping Report (BLM 2011a) incorporates the comments received during the Applicant-sponsored Community Advisory Process public outreach.

The Applicant continued discussion with stakeholders and agencies through 2010 and into 2011 and, on reviewing new information, the Applicant submitted a revised application and preliminary POD (Idaho Power Company 2011a, 2011d) to the BLM, USFS, and Reclamation in February 2011; it submitted another revised application and preliminary POD to these agencies in November 2011 (Idaho Power Company 2011b, 2011c).

### 1.6.3 Issues Identification

The BLM evaluated comments submitted during public scoping and the Applicant-sponsored Community Advisory Process to formulate issue statements. The identified issues address the B2H Project area, the B2H Project purpose and need, alternative routes, and effects on resources. These issues were considered where applicable based on resources present in the B2H Project area.

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

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

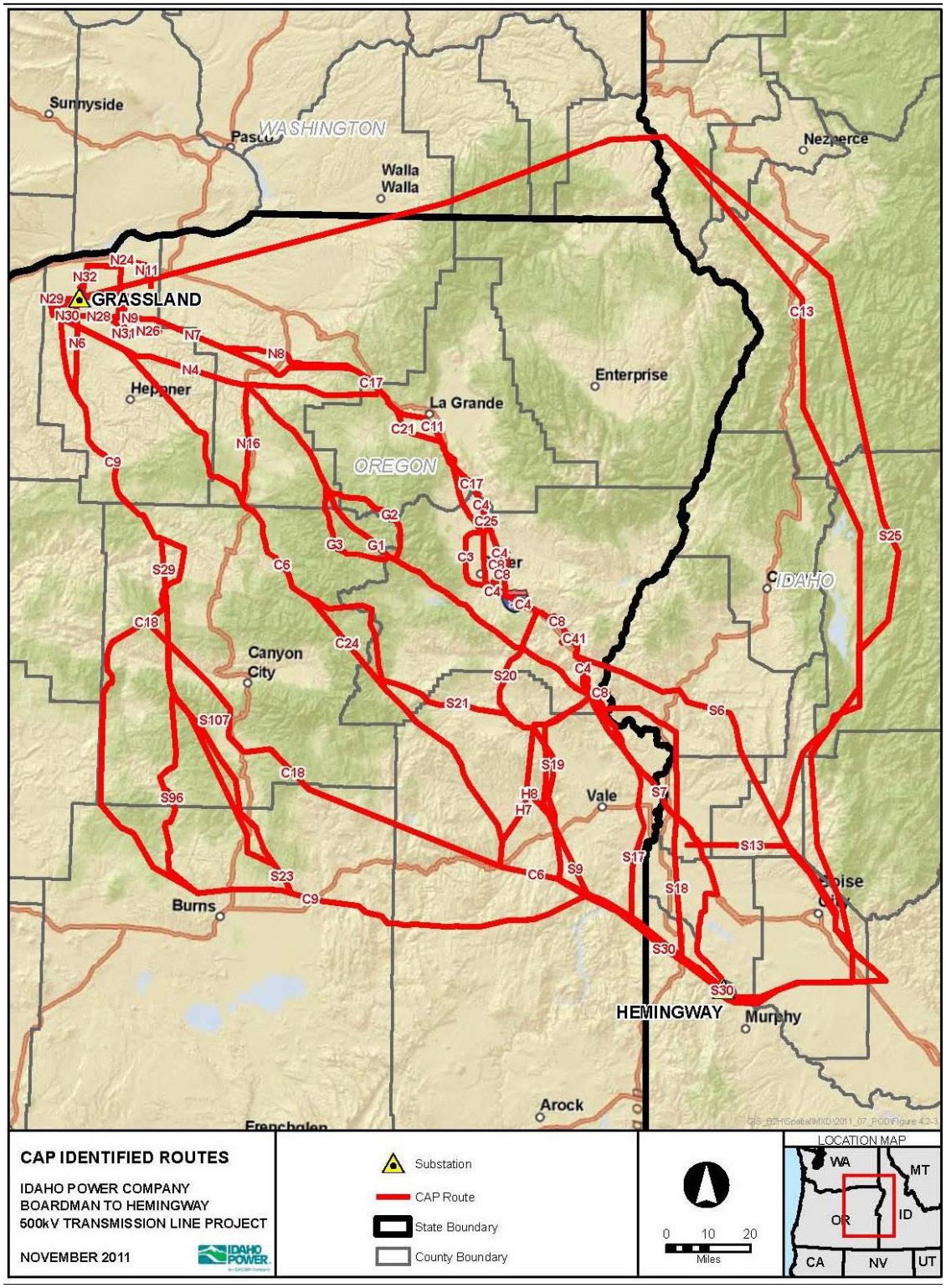
While many issues are identified during the scoping process, not all identified issues warrant analysis in the EIS. Issues identified in scoping warrant inclusion in the EIS if analysis of the issue is necessary to make a reasoned choice among the alternatives; if the issue is associated with a significant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

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

**Geological Hazards**

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

What would effects be to cliffs and rock outcrops in the B2H Project area?




**Map 1-2. Routes Identified Through the Community Advisory Process**

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**Soils**

- Would removing vegetative cover cause soil erosion during spring runoff?
- What hazards are posed by soils that are highly erosive and unstable?
- Silt loam soil in some portions of the B2H Project area is highly wind erodible. What measures would be taken to prevent soil erosion by wind?
- To what extent would ground-disturbing activities, associated with the B2H Project, result in soil compaction?

**Mineral Resources**

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

**Paleontological Resources**

- To what extent would the B2H Project adversely affect petrified wood on Lindsey Mountain and in the Kitchen Creek Valley (Oregon)?
- To what extent would the B2H Project affect paleontological resources important to the scientific record?

**Water Resources**

- Would ground-disturbing activities affect surface waters, including water quality, quantity, and hydrologic behavior of surface waters?
- Would B2H Project construction, operations, and maintenance affect groundwater levels, contamination, or ability to recharge (especially as it relates to potential blasting)?
- Could the B2H Project affect drinking water?
- Could the loss of riparian vegetation affect stream temperature?
- Would National or Oregon scenic waterways be affected?
- To what extent would wetlands be affected by the B2H Project?
- What would the effects of the B2H Project be on water quality?
- Does the Applicant need to acquire water rights for the B2H Project? If so, from where?
- Would post-construction stormwater runoff have impacts?

**Vegetation**

- Would the B2H Project introduce and spread weeds during construction?
- To what extent would old-growth forests be affected by the B2H Project?
- To what extent would endangered and sensitive plant species be affected by the B2H Project?

- To what extent would herbicides, used in association with the B2H Project, affect surrounding resources?

**Wildlife**

- To what extent would wildlife refuges be affected by the B2H Project?
- To what extent would the B2H Project disturb wildlife breeding habits?
- To what extent would the B2H Project affect threatened, endangered, proposed, or sensitive wildlife species?
- To what extent would wildlife habitat be fragmented?
- To what extent would Greater Sage-Grouse habitat be affected by the B2H Project?
- To what extent would waterfowl and shorebird migration routes be affected by the B2H Project?
- To what extent would the transmission line injure or kill birds that perch on or strike the lines?
- To what extent would bats and their migratory corridors be affected by the transmission line?
- What would the effects of ground disturbance have on pygmy rabbits or the Washington ground squirrel?
- To what extent would the transmission line affect elk, antelope, deer, or bighorn sheep?

**Fish Resources**

- Would loss of riparian vegetation affect stream temperature, organic input, large woody debris supply, or stream bank stability?
- What in-stream sediment increases from road and right-of-way construction and ongoing road runoff would affect fish?
- Could hazardous substances runoff such as oils and herbicides from construction and maintenance–related activities impact fish?
- Would stream-crossing activities like culvert installation impede fish passage?
- Stream-crossing structures could impede natural large woody debris, water, or sediment movement.
- What precautions would be taken to prevent invasive aquatic species from being introduced from construction, operations, and maintenance actions?
- How would stream crossings modify fish habitat? Would adding hard bank structures reduce habitat quality?
- What would be the effects of in-stream construction on fish that may be present in the crossing area?
- Would water withdrawals from streams entrain or impinge on fish?
- What effects would blasting near or in streams have on fish?
- Would Native American tribes access to fish be affected by construction, operation and/or decommissioning of the B2H Project?

**Land Use**

- What forest plan and RMP amendments would be needed?
- Would lands with wilderness characteristics be affected?
- Could the transmission line be constructed only on public lands rather than private lands?
- How much land area would be required for the B2H Project?
- Would the B2H Project be located in existing utility corridors?
- What kinds of effects would occur on Native American reservations?
- How would the B2H Project affect Native American treaty rights?
- What is the potential impact on the Umatilla Indian Reservation? And, would the B2H Project affect the tribal use of land?
- Would increase access to the B2H Project area result in damage to land and resources?
- What effects would the B2H Project have on conservation and special-designation lands like areas of critical environmental concern or suitable Wild and Scenic Rivers?
- Is the B2H Project consistent with local county land-use plans?

**Agriculture**

- Would there be negative economic effects on agricultural and ranching operations?
- How much Exclusive Farm Use land would be affected?
- What would be the impacts on agricultural and ranching operations?
- What would be the impacts on irrigated farmland and irrigation water use?
- What would be the effects of spraying herbicides on agricultural crops adjacent to the right-of-way?
- What would be the impacts on Prime or Unique Farmlands and high-value farmlands?
- Do transmission lines pose a danger for agricultural workers?

**Recreation**

- Would there be any effects on recreational facilities?
- Would any recreation activities change?
- Would the B2H Project adversely affect the BLM National Historic Oregon Trail Interpretive Center?
- Would there be any changes in hunting and fishing activities?

**Transportation**

- Could construction of the B2H Project cause an increase in local road traffic or cause lane closures?
- Would the B2H Project cause wear and tear on existing roads?
- Would the B2H Project create new roads?
- Would construction and operation activities affect highways, bridges, and railroads?

- Would the B2H Project disrupt access for emergency service providers, school buses, and mail delivery?
- Would the B2H Project affect airports or create hazards to local airplane traffic?
- Would the power lines and towers reduce aircraft routes for recreation, commercial use, or crop management?

**Visual Resources**

- Would scenic views be affected by the electrical towers?
- How would the construction of the transmission line affect visual resources near the Oregon National Historic Trail and the Interpretive Center?
- How would the B2H Project affect designated scenic byways?
- Would the B2H Project conform to existing federal visual resource management objectives?

**Cultural Resources**

- What would be the effects on places of cultural importance?
- How would the B2H Project affect the Oregon National Historic Trail?
- What would be the effects on archaeological resources and historic properties?
- Can adverse effects on archaeological resources and historic properties be avoided?
- What would be the effects on resources of tribal significance (e.g., archaeological sites, human remains, plant-gathering locations, cultural landscapes, historic properties of religious and cultural significance to Indian tribes, traditional cultural properties [TCPs])?
- What would be the effects on traditional foods (foods traditionally gathered by Native American tribes)?

**Socioeconomics and Environmental Justice**

- Would the B2H Project reduce property values and, therefore, reduce the amount of state and local tax revenues?
- Would the B2H Project affect local electricity rates?
- What is the potential for disproportionate adverse impacts on minority and low-income communities?
- How would the B2H Project affect local quality of life and business?
- Would there be a loss of income to local businesses?
- Would any of the counties benefit financially?
- How would the B2H Project affect the economy of small towns and cities along the transmission line?
- Would there be economic effects on recreation and tourism?
- Would there be economic impacts on the Baker City community and on the community's economic development potential as a premier outdoor recreation and tourism center?

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

**Public Health and Safety**

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

**Noise**

- Would noise from construction or the electrical line be harmful to people, livestock, and wildlife?
- Would the B2H Project cause ground vibrations?

**Air Quality and Climate Change**

- Would the B2H Project conform with county, state, and federal air quality plans?
- Would the B2H Project cause any adverse impacts on air quality in wilderness areas?
- How much dust would be generated by construction activities? How would dust be managed?

Consistent with the BLM NEPA Handbook (H-1790-1), the issues identified during internal agency scoping and public scoping helped shape the Proposed Action and alternatives analyzed in the Draft EIS. The issues guided the gathering of data and helped identify environmental protection measures to avoid or minimize adverse effects.

## 1.7 Relationships to Federal Plans and Programs

### 1.7.1 Bureau of Land Management Resource Management Plans

Portions of the B2H Project would be located within three BLM planning areas (Baker, Oregon; Southeastern Oregon; and Owyhee, Idaho). Current land-use policies for the B2H Project area are contained in the 1989 Baker RMP (BLM 1989); 2002 Southeastern Oregon RMP (BLM 2002); and 1999 Owyhee RMP (BLM 1999). On September 24, 2015, the BLM announced the availability of the Record of Decision and Approved Resource Management Plan Amendments (ARMPAs) for the Oregon Greater Sage-Grouse ARMPA (BLM 2015a), which amended Southeastern Oregon and Baker RMPs, and the Idaho and Southwestern Montana Greater Sage-Grouse ARMPA (BLM 2015b), which amended the Owyhee RMP. The ARMPAs identify and incorporate conservation measures to protect, restore, and enhance Greater Sage-Grouse habitat by avoiding, minimizing, and compensating for unavoidable impacts of threats on Greater Sage-Grouse habitat. The BLM ARMPAs designate certain habitat management areas as avoidance areas for high-voltage transmission lines, except for specific priority high-voltage transmission projects, which include the B2H Project. The ARMPAs also

recognized that the NEPA process for the B2H Project had been underway for several years and impacts on sage-grouse are assessed in this EIS. Further, the ARMPA acknowledges that B2H Project-specific conservation measures and the mitigation plan framework were developed for the B2H Project through the Project NEPA process. While the conservation measures in the ARMPAs would not apply to the B2H Project, the Applicant has made commitments to comply with seasonal restrictions in the ARMPAs and to develop a comprehensive mitigation plan (based on the components outlined in the Compensatory Mitigation Framework, included in Appendix C), which will identify appropriate levels of compensatory mitigation to demonstrate a net conservation gain.

In 2011, the BLM Vale District Office published a draft revision of the Baker RMP (BLM 2011b) and is in the process of amending the Southeastern Oregon RMP. The BLM plan amendments are described in Section 3.4.

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

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

### 1.7.2 U.S. Forest Service Land and Resource Management Plan

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

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

### 1.7.3 Navy Integrated Natural Resources Management Plan

The Range Complex Management Plan (RCMP) (Navy 2013) is the cornerstone Navy Fleet range sustainment document. It addresses all aspects of fleet tactical training range sustainment, including long-term sustainable use, management procedures, and record-keeping. The RCMP organizes the interaction between tactical training range capability investment needs, environmental, and mission compatibility mitigation program components to achieve sustainment.

The Integrated Natural Resources Management Plan (INRMP) for the NWSTF Boardman (Navy 2012) is a long-term planning document to guide the installation commander (Command of Naval Air Station Whidbey Island) in the management of natural resources. The primary purpose of the INRMP is to ensure that natural resources conservation measures and military operations on the NWSTF Boardman are integrated and consistent with environmental stewardship, legal requirements, and the military mission. The INRMP and the management of natural resources comply with legal mandates and, to the extent practicable, are integrated with ecosystem goals outside the installation's boundaries. The INRMP was developed in partnership with USFWS and ODFW, as required by the Conservation Programs on Military Installations (Sikes Act), as amended; Public Law 86-797, 16 U.S.C. § 670(a) et seq. The INRMP is reviewed annually and updated as needed.

In January 2014, as part of the annual INRMP metrics with the USFWS, the Navy entered into an agreement with the USFWS to support Washington ground squirrel conservation and committed to implement all Washington ground squirrel conservation actions in the INRMP, Boardman EIS conference opinion, and Boardman EIS regardless of the USFWS listing decision to support the conservation of the Washington ground squirrel and to reduce the need for federal listing of the species.

The Integrated Cultural Resources Management Plan (ICRMP) for the NWSTF Boardman (Navy 2015) is a long-term planning document to guide the installation commander (Naval Air Station Whidbey Island) in the management of cultural resources. It integrates the entirety of the installation's cultural resources program with ongoing mission activities, allows for ready identification of potential conflicts between the installation's mission and cultural resources, and identifies compliance-driven actions necessary to maintain the availability of mission-essential properties and acreage.

Although not a management plan, the Navy, in cooperation with the National Guard Bureau and Federal Aviation Administration (FAA), recently prepared an EIS to assess the potential environmental effects with ongoing and proposed training activities for the Navy and Oregon National Guard within the NWSTF Boardman. The action provides for the construction and operation of new range facilities and other enhancements, and increases in training and testing activities. The action also establishes new special-use airspace in the form of a Military Operations Area (MOA) and an extension to the existing Boardman MOA, both to the northeast of NWSTF Boardman. A ROD was published in the *Federal Register* on April 8, 2016 (Navy 2016). West-Wide Energy Corridors

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

The RODs designated energy corridors and provided guidance, best management practices, and mitigation measures (called "interagency operating procedures" in the RODs) to be used where linear facilities are proposed to cross federally managed lands. The RODs amended 92 relevant land-

management plans to include those new corridors identified in the Programmatic EIS. Designation of corridors does not require their use, nor does designation exempt the federal agencies from conducting an environmental review on each project. While the RODs amended the relevant land-management plans to add corridors, they did not necessarily amend underlying land allocations. In the B2H Project area, the RODs designated West-Wide Energy Corridor 250-251 on federal land, which generally follows Interstate 84 from the Idaho-Oregon border northwest to Baker City, and West-Wide Energy Corridor 11-228 on federal land, which extends from the Idaho-Oregon border south of Nyssa and crosses the Owyhee River near the dam. A settlement agreement filed July 3, 2012, in the federal case *The Wilderness Society et al. v. United States Department of Interior et al.*, No. 3:09-cv-03048-JW (N.D. Cal.) provides for periodic review of West-Wide Energy Corridors identified in the Final Programmatic EIS. Discussion regarding the relationship of the West-Wide Energy Corridors to the B2H Project alternative routes is included in Chapter 2. There are no Corridors of Concern described in the July 3, 2012 settlement agreement within the B2H Project area.

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

### 1.7.4 Government-to-Government Tribal Consultation

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

In compliance with this body of law, consultation with Native American tribes addresses tribal concerns and the potential effects of the B2H Project on treaty rights, land use, cultural and traditional resources, and other tribal concerns. Native American concerns are addressed in relevant Chapter 3 subsections.

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

### 1.7.5 National Historic Preservation Act, Section 106 Consultation

Consultation under Section 106 addresses historic properties; that is, cultural resources that are either eligible for or listed in the National Register of Historic Places (NRHP). Section 106 consultation is underway between the BLM and the State Historic Preservation Officers (SHPO) of Oregon, Idaho, and Washington and the Tribal Historic Preservation Officers (THPO) for lands potentially affected by the B2H Project. In addition, Section 106 (54 U.S.C. 306108) of the NHPA (54 U.S.C. 300101 et seq.) consultation also is occurring with Native American tribes who do not have a THPO and with other identified consulting parties, including the ACHP, BPA, USFS, USFWS, Navy, National Park Service (NPS), ODOE, Oregon-California Trails Association (OCTA), Oregon Historic Trails Advisory Council (OHTAC), the Applicant, and members of the public. Through consultation with these parties, a Programmatic Agreement is under development for the B2H Project. The Programmatic Agreement is a legally binding document that describes the BLM's process of identifying and evaluating impacts on historic properties, and the plans for resolving adverse effects, in accordance with 36 CFR 800.14(b) and 36 CFR 800.16(t). Appendix I of this EIS provides the draft Programmatic Agreement. It should be noted that the Navy is responsible for Section 106 consultation on Navy-administered land and would lead consultation, if needed, for sensitive historic properties that could be affected on the NWSTF Boardman.

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

### 1.7.6 Endangered Species Act, Section 7 Consultation

Consultation with the USFWS and the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration may be required for compliance with Section 7 of the Endangered Species Act (ESA). The BLM must analyze the effects of the proposed B2H Project on species listed or proposed for listing under this act, as well as on their designated critical habitat.

Although the USFS is responsible for conducting Section 7 consultation for actions on USFS-administered land, the BLM is serving as the lead federal agency for consultation. Also, the Navy is responsible for Section 7 consultation on Navy-administered land and would lead consultation, if needed, for ESA species that could be affected on the NWSTF Boardman. Special status species, including proposed, listed, and candidate species, identified for the B2H Project area are discussed in Chapter 3 of this EIS.

Before release of the Final EIS, a biological assessment of the Agency Preferred Alternative will identify the nature and extent of B2H Project-related effects and will recommend mitigation measures to reduce potential adverse impacts on ESA species. If the BLM concludes that the action may affect, but is not likely to adversely affect, a listed or proposed species and/or its critical habitat, it would submit a biological assessment to the USFWS and NMFS with a request for concurrence through informal consultation. However, if there are potential adverse effects on listed or proposed species and/or critical habitats, the BLM would submit a biological assessment to the USFWS and NMFS with a request for formal consultation.

Following an analysis of effects based on the BLM's biological assessment and other available information, the USFWS and NMFS may provide biological opinions, if needed. The biological opinion would be released before signing of the ROD. The biological opinion would include a biological conclusion about whether the Agency Preferred Alternative would jeopardize the continued existence or recovery of the species. Similarly, the USFWS and NMFS also would make biological conclusions about whether the Agency Preferred Alternative would destroy or adversely modify critical habitat for listed species. The USFWS and NMFS biological opinions would contain reasonable and prudent measures and associated nondiscretionary terms and conditions intended to minimize the level of incidental "take" of proposed or listed species caused by the B2H Project. Mitigation measures identified in the biological opinions would be incorporated into the terms and conditions of the BLM right-of-way grant, USFS special-use authorization, the ROD, and the Applicant's POD.

## 1.8 MAJOR AUTHORIZING LAWS, REGULATIONS, AND POLICIES

The FLPMA, National Forest Management Act of 1976, and all the accompanying implementing regulations provide the legal framework within which the BLM and USFS manage public lands and assess the effects of their management actions. Review and possible authorization of the B2H Project also is subject to requirements for consistency and conformance with a number of other applicable federal laws, regulations, and policies. Table 1-2 summarizes most of the other federal laws, regulations, and policies relevant to the B2H Project.

**Table 1-2. Summary of Other Applicable Federal Laws, Regulations, and Policies**

| Relevant Authority | Description |
|---|---|
| American Indian Religious Freedom Act of 1978 (42 United States Code [U.S.C.] 1996) | This act protects Native American religious practices, ethnic heritage sites, and land uses. |
| Antiquities Act of 1906 (54 U.S.C. 320301 et seq.) | This act protects historic and prehistoric remains and sites of scientific value on federal lands; establishes criminal sanctions for unauthorized destruction or removal of antiquities; authorizes the President to establish national monuments by proclamation; and authorizes scientific investigation of antiquities on federal lands, subject to permit and regulations. |
| Archaeological Resources Protection Act of 1979 (54 U.S.C. 302101) | This act provides felony-level penalties for the unauthorized excavation, removal, damage, alteration, or defacement, or the attempt to do so, to any archaeological resource more than 100 years old on public lands or Indian lands (not restricted to resources eligible for the National Register of Historic Places [NRHP]). It prohibits the sale, purchase, exchange, transportation, receipt, or offering of any archaeological resource obtained from public lands or Indian lands in violation of any provision, rule, regulation, ordinance, or permit under the act or under any federal, state or local law. |
| Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668–668d) | This act prohibits anyone without a permit issued by the Secretary of the Interior from "taking" bald or golden eagles. Taking includes killing, molesting, or disturbing the birds, their nests, or their eggs. |
| Clean Air Act (42 U.S.C. 7401 et seq., as amended) | This act regulates air emissions and pollutants from area, stationary, and mobile sources to improve air quality. It authorizes the Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards to protect public health and the environment. |
| Clean Water Act (33 U.S.C. 1251 et seq.) | This act establishes structure for regulating quality standards for surface waters and requires states to set standards to protect water quality, including regulation of stormwater and wastewater discharges during construction and operation of a facility. Section 404(b)(1) guidelines (40 CFR 230) are the substantive environmental standards by which all Section 404 permit applications are evaluated. The guidelines fundamentally stipulate that discharges of dredged or fill material into waters of the United States (U.S.), including wetlands, should not occur unless it can be demonstrated that such discharges, either individually or cumulatively, would not result in unacceptable adverse effects on the aquatic ecosystem. |
| Endangered Species Act of 1973 (16 U.S.C. 1513 et seq.) | This act federally protects threatened and endangered plants, invertebrates, fish, and wildlife through listing; requires consultation with the U.S. Fish and Wildlife Service on federal projects (known as Section 7 consultation); prohibits the "taking" of listed species; and provides for permits to allow the "incidental taking" of listed species. |
| Energy Policy Act of 2005 (42 U.S.C. 13201) | This act establishes a comprehensive, long-range national energy policy, including both traditional energy production and newer energy technologies and conservation. |

**Table 1-2. Summary of Other Applicable Federal Laws, Regulations, and Policies**

| Relevant Authority | Description |
|---|---|
| *Engineering and O&M* [operation and maintenance] *Guidelines for Crossings: Bureau of Reclamation Water Conveyance Facilities (Canal, Pipelines, and Similar Facilities)* (Bureau of Reclamation April 2008) | These guidelines are for Reclamation offices to follow when reviewing the engineering and operations and maintenance factors in outside entity requests for authorization to cross Reclamation lands that contain project features such as levees, canals, pipelines, or other water conveyance facilities owned or administered by Reclamation. These engineering and construction recommendations are minimum guidelines for Reclamation use in reviewing and evaluating. |
| Executive Order 11593, Protection and Enhancement of the Cultural Environment (May 6, 1971) | This order identifies several actions required of federal agencies to contribute to the protection and enhancement of the cultural environment. |
| Executive Order 11988, Floodplain Management (May 24, 1977, as amended) | This order requires each federal agency to avoid, to the extent possible, impacts associated with the occupancy and modification of floodplains and to avoid supporting floodplain development when there is a practicable alternative. |
| Executive Order 11990, Protection of Wetlands (May 24, 1977) | This order directs each federal agency to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands in carrying out its responsibilities. |
| Executive Order 12088, Federal Compliance with Pollution Control Standards; amended by Executive Order 12580, Superfund Implementation (October 13 and February 23, 1987) | This order requires each federal agency to ensure that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to federal facilities and activities under the control of the agency. |
| Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994) | This order directs each federal agency to identify and address any disproportionately high and adverse human health or environmental effects that its programs, policies, and activities may have on minority and low-income populations. |
| Executive Order 13007, Indian Sacred Sites (May 24, 1996) | This order directs federal land-managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. |
| Executive Order 13112, Invasive Species (February 3, 1999) | This order requires federal agencies to take actions to prevent the introduction and spread of invasive species; to provide for invasive-species control; and to minimize the economic, ecological, and human health impacts of invasive species. |
| Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (November 9, 2000) | This order reiterates the requirement for regular and meaningful government-to-government consultation between the federal government and tribal officials. |
| Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds (January 10, 2001) | This order outlines a collaborative approach to promote the conservation of migratory bird populations and directs agencies to take certain actions to further implement the migratory bird conventions, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and other pertinent statutes. |
| Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2010) | This order directs federal agencies to identify impacts that their actions may have on the supply, distribution, or use of energy in the U.S. |

**Table 1-2. Summary of Other Applicable Federal Laws, Regulations, and Policies**

| Relevant Authority | Description |
|---|---|
| Executive Order 13212, Actions to Expedite Energy-Related Projects (May 18, 2010) | This order directs federal agencies to expedite their reviews of permits or other actions for energy-related projects, to accelerate the completion of those projects. |
| Executive Order 13287, Preserve America (March 3, 2003) | This order provides leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the federal government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. |
| Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management (January 24, 2007) | This order instructs federal agencies to conduct their environmental, transportation, and energy-related activities in a manner that is environmentally, economically, and fiscally sound; integrated; continuously improving; efficient; and sustainable. The order sets goals in the following areas: energy efficiency, acquisition, renewable energy, toxic chemical reduction, recycling, sustainable buildings, electronics stewardship, fleets, and water conservation. |
| Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (October 5, 2009) | This order sets forth policies and goals to establish an integrated strategy toward sustainability in the federal government and to make reduction of greenhouse-gas emissions a priority for federal agencies. |
| Executive Order 13604, Improving Performance of Federal Permitting and Review of Infrastructure Projects (March 28, 2012) | This order identifies steps for federal agencies to execute to ensure efficient federal permitting and review processes that address the health, safety, and security of communities and the environment while supporting vital economic growth through infrastructure projects. |
| Federal Aviation Act of 1958 (14 Code of Federal Regulations [CFR] 77) | This act implements standards for determining obstructions in navigable airspace, set forth requirements for notice to the Federal Aviation Administration of certain proposed construction or alteration activities, and provide for aeronautical studies of obstruction to air navigation to determine their effects on the safe and efficient use of airspace. |
| Federal Noxious Weed Act of 1974, as amended | This act established a federal program to control the spread of noxious weeds. The Secretary of Agriculture is authorized to designate plants as noxious weeds. The movement of all such weeds in interstate or foreign commerce is prohibited, except under permit. |
| Farmland Protection Policy Act (Agriculture and Food Act of 1981, Title XV, Subtitle I, 1539–1549) | This act is intended to minimize the impact of federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It ensures that, to the extent possible, federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. |
| Fish and Wildlife Coordination Act (16 U.S.C. 661-667e; the Act of March 10, 1934; Ch. 55; 48 Stat. 401), | The Act of March 10, 1934, authorizes the Secretaries of Agriculture and Commerce to provide assistance to and cooperate with federal and state agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as to study the effects of domestic sewage, trade wastes, and other polluting substances on wildlife. |
| *Hazardous Materials Transportation Guides* (49 CFR 171–177 and 350–399) | This regulation governs the transportation of hazardous materials and related guidelines. |
| Historic Sites Act of 1935 (54 U.S.C. 320101 et seq.) | This act declared that it is a national policy "to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the U.S." |

**Table 1-2. Summary of Other Applicable Federal Laws, Regulations, and Policies**

| Relevant Authority | Description |
|---|---|
| *Draft – Regional Mitigation*, Manual Section 1794 (BLM Instruction Memorandum No. 2013-142, Interim Policy) | Manual Section 1794 provides policy, procedures, and instructions for regional mitigation strategies, regional mitigation planning, and mitigation implementation. |
| Migratory Bird Treaty Act of 1918 (16 U.S.C. 703–711) | This act makes it unlawful to take or possess any migratory bird (or any part of such migratory bird, including active nests) as designated, unless permitted by regulation (for example, duck hunting). |
| National Forest Management Act (NFMA) of 1976 (Public Law [P.L.] 94-588) | The NFMA is a U.S. federal law that is the primary statute governing the administration of national forests and was an amendment to the Forest and Rangeland Renewable Resources Planning Act of 1974, which called for the management of renewable resources on national forest lands. |
| National Historic Preservation Act (NHPA) of 1966 and regulations implementing NHPA (54 U.S.C. 300101 et seq.; 36 CFR 800) | This act established the NRHP for listing historic properties that are significant in American history, architecture, archaeology, and culture. Section 106 requires federal agencies to take into account the effect of a proposed undertaking on resources listed or eligible for listing on the NRHP. |
| National Trails System Act (P.L. 90-543, as amended through P.L. 111-11, March 30, 2009) | The Act created a series of national trails "to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation." Specifically, the Act authorized three types of trails: the National Scenic Trails, National Recreation Trails and connecting-and-side trails. |
| Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001–3002) | This act established additional requirements for ownership and control of Native American cultural items, human remains, and associated funerary objects. It also establishes requirements for the treatment of Native American human remains and cultural objects found on federal land. This act further provides for the protection, inventory, and repatriation of Native American human remains, objects of cultural patrimony, sacred objects, unassociated funerary objects, and associated funerary objects. |
| Paleontological Resources Preservation Act of 2009 (P.L. 111-011) | This act authorizes the Secretaries of the Interior and Agriculture to manage the protection of paleontological resources on federal lands. |
| Presidential Memorandum—Federal Leadership on Energy Management (December 2013) | This memorandum establishes new goals for renewable energy and energy-management practices. |
| Presidential Memorandum—Modernizing Federal Infrastructure Review and Permitting Regulations, Policies, and Procedures (May 2013) | This memorandum directs agencies to advance the goal of cutting timelines for major infrastructure projects in half while improving outcomes for communities and the environment. |
| Presidential Memorandum—Transforming Our Nation’s Electric Grid Through Improved Siting, Permitting, and Review (June 2013) | This memorandum directs agencies to continue to identify and designate energy right-of-way corridors most suitable for siting transmission projects. |

| Table 1-2. Summary of Other Applicable Federal Laws, Regulations, and Policies | |
|---|---|
| **Relevant Authority** | **Description** |
| Public Rangelands Improvement Act of 1978 (43 U. S.C. 1901–1908) | This act establishes and reaffirms the national policy and commitment to inventory and identify current public rangeland conditions and trends; to manage, maintain, and improve the condition of public rangelands in accordance with management objectives and the land-use planning process; and to continue to protect wild free-roaming horses and burros from capture, branding, harassment, or death while simultaneously facilitating the removal and disposal of excess wild free-roaming horses and burros that pose a threat to themselves, their habitat, and to other rangeland values. |
| Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.) | This act authorizes the EPA to control hazardous waste from "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. This act sets forth a framework for managing nonhazardous solid wastes. The 1986 amendments enable the EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. |
| Rivers and Harbors Act of 1899, Section 10 (33 U.S.C. 403) | The U.S. Army Corps of Engineers regulates work in waters of the United States (U.S.). Section 10 of this act requires prior approval for any work that occurs in or over "navigable waters" of the U.S. or that affects the course, location, condition or capacity of such waters. |
| Safe Drinking Water Act Amendments of 1996 (42 U.S.C. 300f) | This act and its amendments emphasize preventing contamination through source water protection and enhanced water system management to better provide for the sustainable use of water by our nation's public water systems. |
| Secretarial order 3175, Departmental Responsibilities for Indian Trust Resources | This order requires Interior bureaus and offices to consult with the recognized tribal government with jurisdiction over the trust property that a proposal may affect. |
| Use of Bureau of Reclamation Land, Facilities, and Waterbodies (43 CFR Part 429) | This regulation implements the processes for which Reclamation authorizes or denies possession or occupancy of any portion of, and the extraction or disturbance of any natural resources from Reclamation land, facilities, or waterbodies. |
| Wild and Scenic Rivers Act of 1968 (P.L. 90-542; 16 U.S.C. 1271 et seq.) | This act established a National Wild and Scenic Rivers System for rivers that possess "outstandingly remarkable" values so that their free-flowing condition could be preserved. This act designated the initial components of this system and prescribed how future additions to the system would be evaluated. |

## 1.9 NONFEDERAL LAWS, REGULATIONS, AND PLANS

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

### 1.9.1 OREGON ENERGY FACILITY SITING COUNCIL

In order to construct and operate an energy facility in Oregon, a nonfederal energy-project developer must obtain a site certificate from the Oregon Energy Facility Siting Council (EFSC) (Oregon Revised Statutes (ORS) 469.300(11)(a)). ORS 469.300 to 469.520 provide the statutory requirements for a site certificate application and EFSC's evaluation process. The EFSC also has adopted rules at Oregon Administrative Rules (OAR) Chapter 345 that govern the site certificate application process and

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

### 1.9.2 Greater Sage-Grouse Conservation Assessment and Strategy Plan for Oregon

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

### 1.9.3 County Land-use Plans

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

Idaho counties also prepare comprehensive land-use plans. Table 1-3 identifies the land-use plans of the potentially affected Oregon and Idaho counties, each plan's purpose, and how each plan addresses transmission line development.

County land-use plans and zoning ordinances are discussed further in Section 3.2.6.2.

| Table 1-3. Relevant Oregon and Idaho County Plan Provisions | | |
|---|---|---|
| **County Plan** | **Purpose of Plan** | **Guidance on Transmission Line Development** |
| *Morrow County, Oregon, Comprehensive Plan* (1986, as amended) | To establish goals for the desired development and management of Morrow County, and to identify objectives for implementation to achieve the county's goals. | The goal of the plan is to develop a timely, orderly, and efficient arrangement of public services and utilities to serve as a framework for future development. With regard to utility facilities, the plan provides that substations should be centrally located to the service area, and should be planned and designed to minimize negative impacts on nearby properties and the public. The plan also provides that all utility lines and facilities should be located on or adjacent to existing public or private rights-of-way or through "generally unproductive lands to avoid dividing existing farm units." |
| *Umatilla County, Oregon, Comprehensive Plan* (1983, as amended) | The purpose of the plan is to identify the character of growth and change in Umatilla County and provide the basis for coordinated public and private action to guide this growth. It seeks to ensure that decisions related to land use are consistent with policies expressed through the public planning process. | The plan provides that, where feasible, all utility lines and facilities will be located on or adjacent to existing public or private rights-of-way, so as to avoid dividing existing farm or forest units, and that transmission lines should be located within existing corridors as much as possible. |
| *Union County, Oregon, Land Use Plan* (1979, as amended) | The plan has three main purposes: (1) to guide future land-use decisions by local citizens and governing officials in an objective process, (2) to provide a basis for administering zoning and subdivision ordinances, and (3) to meet statutory requirements for land-use planning. | The goal for public facilities and services is to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as the framework for urban and rural development. The plan policy provides that (1) development would be approved only where existing capacity or planned capability of public or private utilities and facilities can accommodate such, unless the development provides funding for the increased services which would be needed, (2) public facilities and services would be encouraged to be designed and maintained so as to be as visually attractive as possible, and (3) underground installation of utilities would be encouraged and that new utility improvements would be located in existing rights-of-way wherever possible. |
| *Baker County, Oregon, Comprehensive Plan* (1983, as amended) *Baker County Natural Resources Plan* (2010 ) | The purpose of the 1983 Comprehensive Plan is to establish land-use goals and policies as a basis for all decisions and actions related to land use, and to ensure an adequate factual base for such decisions.<br>The purpose of the 2010 Natural Resources Plan is to provide a framework to plan and coordinate decisions related to the county's natural resources, and to provide meaningful input into state and federal agency decisions | The 1983 Comprehensive Plan states that the public-facilities services goal is to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for rural development. Regarding electrical-transmission lines, such as the B2H Project, the plan provides for electrical-energy distribution and telecommunications services consistent with the applicable public utility |

| Table 1-3. Relevant Oregon and Idaho County Plan Provisions | | |
|---|---|---|
| **County Plan** | **Purpose of Plan** | **Guidance on Transmission Line Development** |
| | that affect those natural resources. | laws and other applicable state and federal laws. |
| *Malheur County, Oregon, Comprehensive Plan* (1982, as amended) | The purpose of the plan is to identify the present and future needs of Malheur County and to guide its future growth and development. The plan is meant to influence and be responsive to change rather than to restrict opportunities for growth. The plan addresses all phases of land use and resource use, including agriculture, forestry, housing, transportation, public services, recreation, and energy. | The plan provides that utility transmission lines should avoid adverse impacts on agricultural operations in the entire agricultural area. The plan provides that the protection should prioritize High-Value Farmland and Natural Resources Conservation Service soil classes I through III. |
| *Owyhee County, Idaho, Comprehensive Plan* (2002, as amended) | The purpose of the plan is to preserve and protect the historic customs, traditions, and way of life unique to Owyhee County, consistent with a reasonable and orderly rate of growth and development and with the protection of private property rights. The plan also provides a guide and framework to provide for ". . . a reasonable and sound land development, a safe and healthy living environment, and a successful economic climate while at the same time conserving the best of the historic ranching and farming tradition and way of life." | No plan goals or policies directly address utilities or transmission line development. |

## 1.10 REQUIRED PERMITS, LICENSES, AND AUTHORIZATIONS

In addition to the applications for a BLM right-of-way grant and USFS special-use authorization, the B2H Project would require a number of additional permits and approvals from local, state, and federal agencies. Table 1-4 summarizes federal authorizations that could be necessary for the construction of the B2H Project. The federal authorizations would be granted once the RODs are approved.

| Table 1-4. Summary of Federal Environmental Permitting Requirements | |
|---|---|
| **Required Permit/Review for Approval** | **Description** |
| BLM right-of-way grant | BLM would approve the construction, operation, and maintenance of the B2H Project on BLM-administered lands through issuance of a right-of- way grant once the Record of Decision is signed. |
| BLM Cultural Resource Use Permit | BLM would approve conducting surface archaeological-survey work on public lands. |
| BLM Issuance of Archaeological Excavation Permit | BLM would approve the excavation of archaeological resources on public lands. |
| BLM Paleontological Resources Use Permit | BLM would approve collecting or disturbing fossil resources on BLM-administered lands. |
| EPA Construction General Permit | The EPA would approve construction under the National Pollutant Discharge Elimination System for the Idaho portion of the B2H Project. |
| USFS special-use authorization | USFS would approve the construction, operation, and maintenance of |

| Table 1-4. Summary of Federal Environmental Permitting Requirements | |
|---|---|
| **Required Permit/Review for Approval** | **Description** |
| | the B2H Project on National Forest System lands through issuance of a written authorization. |
| USFS Permit for Archaeological Investigations | USFS would approve conducting surface archaeological-survey work and the excavation of archaeological resources on National Forest System lands. |
| Navy use-authorization permit | The Navy may need to approve a use-authorization permit for the Applicant to access the Naval Weapons Systems Training Facility Boardman and real property agreement. |
| NMFS Endangered Species Act (ESA) consultation and/or incidental take permit | ESA compliance by consultation with NMFS (may require a permit for incidental take of listed species) |
| Reclamation use authorization | Reclamation would approve a consent-to-use for portions of the transmission line that cross lands or assets under Reclamation jurisdiction, including lands withdrawn for Reclamation project purposes in Oregon and Idaho. |
| USACE Section 404 permit (conditional, only if waters of the United States (U.S.) are affected) | The USACE would issue a permit under Section 404 of the federal Clean Water Act to discharge materials into jurisdictional waters of the U.S. If the proposed B2H Project or any ancillary facilities are constructed in jurisdictional waters, USACE would issue a Section 404 permit. |
| USACE Section 10 permit | The USACE would issue a permit for activities that would cross or occur in, under, or over navigable waters. |
| USFWS ESA Consultation and/or Incidental Take Permit | ESA compliance by consultation with USFWS (may require a permit for incidental take of listed species) |

Tables 1-5, 1-6, and 1-7 summarize state and local environmental permitting requirements that would likely be required for approval of the proposed B2H Project facilities in Oregon and Idaho. It should be noted that although the B2H Project physically does not cross into Washington, the indirect-effects area of potential effects (APE) on six of the alternative routes in the northern portion of the B2H Project area (Segment 1—Morrow-Umatilla) extends into Washington. Oregon state and local government permits that will be addressed substantively in the EFSC process also are listed (Table 1-5). These lists include only permit applications that have a significant environmental component.

| Table 1-5. Summary of Oregon Environmental Permitting Requirements | | |
|---|---|---|
| **Agency/Permit** | **Required Permit or Review for Approval** | **Description** |
| **Energy Facility Siting Council** | | |
| Energy Facility Site Certificate | Pursuant to Oregon Revised Statutes (ORS) 469.300, and 469.320(1), transmission lines of 230 kilovolts or more that are more than 10 miles long and that are to be constructed in more than one city or county in the state must apply for and receive an Energy Facility Site Certificate. | In order to issue a site certificate, the Energy Facility Siting Committee (EFSC) must find that the B2H Project complies with the Oregon Facility Siting statutes, beginning at ORS 469.300, and that the proposed facility meets the standards adopted pursuant to ORS 469.501. If the proposed facility meets the standards, EFSC must issue the site certificate. If the facility does not meet one or more of the standards, EFSC cannot issue the site certificate unless the Applicant can show that "the overall public benefits of the facility outweigh the damage to the |

| Table 1-5. Summary of Oregon Environmental Permitting Requirements | | |
|---|---|---|
| **Agency/Permit** | **Required Permit or Review for Approval** | **Description** |
| | | resources protected by the standards the facility does not meet" as described in Section (2) of Oregon Administrative Rules (OAR) 345-022-0000.<br><br>In making the decision, EFSC considers not only its own standards but also the applicable rules and ordinances of state and local agencies. EFSC's decision is binding on all state and local agencies whose permits are addressed in EFSC's review. These agencies must issue necessary permits and licenses, subject only to the conditions adopted by the EFSC. The EFSC's decision does not apply to federally delegated state issued permits. |
| **Oregon Public Utility Commission** | | |
| Acknowledgement of the Applicant's Integrated Resource Plan (IRP), including the B2H transmission line | According to OAR 345-023-0020(2), the Applicant can meet the EFSC's Need for Facility Standard if the Oregon Public Utilities Commission (OPUC) acknowledges the Applicant's IRP. | Pursuant to OPUC Orders Nos. 89-507 and 07-002, the Applicant is required to file a biannual IRP for acknowledgement by the OPUC. The OPUC conducts a review of the IRP, which includes opportunities for public comment. The IRP is the investor-owned utility's comprehensive plan that describes the utility's projected need for additional electricity and the resources necessary to meet that need while balancing reliability, environmental concerns, efficiency and low cost. The OPUC would acknowledge the Applicant's addendum to its Acknowledged IRP to provide the determination of "need" to support issuance of a Site Certificate by the EFSC. |
| Certificate of Public Convenience and Necessity (CPCN) | A CPCN is not required for the B2H Project, but may be requested by the Applicant. | A CPCN, if issued by the OPUC, would provide the Applicant with the power of eminent domain to acquire private lands for construction of the B2H Project. |
| **Oregon Department of Environmental Quality** | | |
| Notice of Intent to Construct | The Oregon Department of Environmental Quality (ODEQ) must issue a permit for all new construction of air emissions sources before an owner or operator is allowed to begin construction. | Under the federal Clean Air Act, a state program must include the opportunity for the state agency to review all new construction of air emissions sources before an owner or operator is allowed to begin construction. This applies to new sources and to changes or modifications of existing sources. Construction of equipment that would cause air pollution, or installation of emissions control devices, cannot commence without notification to the ODEQ. Changes that involve new construction or modifications of stationary sources of air pollution control equipment are divided into Types 1, 2, 3, and 4. Detailed discussions of the types are described in OAR 340-210-0225. |
| National Pollutant Discharge Elimination System (NPDES) Drainages | The ODEQ would evaluate the potential for stormwater discharges associated with | A NPDES 1200-C permit would be needed for stormwater management associated with construction. A permit requires a land-use |

| Table 1-5. Summary of Oregon Environmental Permitting Requirements | | |
|---|---|---|
| **Agency/Permit** | **Required Permit or Review for Approval** | **Description** |
| Associated with Construction Activity (federally delegated from the Environmental Protection Agency [EPA] to the ODEQ) | construction of the proposed B2H Project, and determine whether to issue a permit to allow stormwater discharge from the B2H Project site before construction begins. | compatibility statement signed by the local land-use authority and an ODEQ-approved erosion and sediment control plan before beginning any on-site activities. The permit provides for a public review process for those projects that disturb 5 acres or more of land. If the application is approved, the ODEQ assigns the source to the appropriate stormwater discharge general permit. |
| Clean Water Act Section 401 Water Quality Certification (federally delegated; the ODEQ is the responsible agency) | Section 401 requires that any application for a federal license or permit to conduct any activity that may result in a discharge to waters of the state must provide the licensing or permitting agency a certification from the state that the activity complies with state water-quality requirements and standards. The Section 404 permits triggers the 401 certification requirement. | The proposed B2H Project may be required to incorporate protective measures into its construction and operational plans, such as bank stabilization, treatment of stormwater runoff, spill protection, and fish and wildlife protection.<br>A 401 Water Quality Certification is necessary if activities would place fill into waters of the United States. |
| Water Quality Division Water Pollution Control Facilities (WPCF) Permit, issued pursuant to OAR 468B.050 | Unless specifically authorized by this permit, by another NPDES or WPCF permit, or by OAR, any other direct or indirect discharge to waters of the state is prohibited, including discharge to an underground injection-control system. | This permit applies to facilities that generate industrial wastewaters suitable for direct reuse by seasonal irrigation, as a water source in nonresidential landscape ponds, and in limited industrial, commercial, or construction uses. |
| Land-use compatibility determination | Change from current land use to allow transmission lines and facilities | The land-use compatibility determination would be addressed as part of the EFSC Application for Site Certification permitting process. This determination is required for issuance of ODEQ permits. |
| **Oregon Water Resources Department** | | |
| Surface-water permit | Existing water use | This permit would be required if an existing surface-water-use permit is used. Surface-water permit, as well as groundwater permit or water-rights transfers are all permitted in and governed by the EFSC site certificate. [Note: The Applicant has indicated that the B2H Project may not need any of these permits, and all water will be purchased from existing municipal suppliers.] |

**Table 1-5. Summary of Oregon Environmental Permitting Requirements**

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

| Table 1-5. Summary of Oregon Environmental Permitting Requirements | | |
|---|---|---|
| **Agency/Permit** | **Required Permit or Review for Approval** | **Description** |
| | | EFSC process. EFSC standards consider impacts on threatened and endangered plant species. [Note: The Applicant has indicated that this permit may not be necessary for the B2H Project.] |
| **Oregon Department of Parks and Recreation–Historic Preservation Section** | | |
| Section 106 (54 U.S.C. 306108) of the National Historic Preservation Act (NHPA [54 U.S.C. 300101 et seq.]) | Oregon State Historic Preservation Officer (SHPO) has regulatory review authority of federal undertakings under 36 CFR 800, the regulations implementing Section 106 of the NHPA. | Oregon SHPO is a signatory to the B2H Project Programmatic Agreement developed for the undertaking and will review determinations of eligibility to the National Register of Historic Places and B2H Project effect on historic properties per 36 CFR 800.2. |
| Archaeological permitting on state and private lands | Oregon SHPO issues archaeological permits for ground-disturbing archaeological field investigations on nonfederal (state and private) lands. | For archaeological investigations involving subsurface disturbance (testing, data recovery) the SHPO would need to issue an archaeological permit pursuant to ORS 390.235 (1)(a) and OAR 736-051-0080. |
| **Oregon Department of Transportation** | | |
| Highway Division – variance permit for oversized/ overweight loads | A permit from the Oregon Department of Transportation would be required for transportation of oversize or overweight materials or equipment during construction. | In addition to other requirements for operating in Oregon, such as registration requirements, motor carriers transporting oversize or overweight loads that originate in Oregon must obtain a variance permit and the driver must have possession of that permit before transport. |
| **Oregon Office of State Fire Marshal** | | |
| Permit to install flammable/ combustible liquid tanks | The State Fire Marshal would review all plans for storage of combustible fluids. | Before installation of aboveground tanks more than 1,000 gallons for the storage of flammable or combustible liquids, applicants must prepare plans showing compliance with the Uniform Fire Code and submit the plans for review by the State Fire Marshal. |
| Hazardous materials survey | Use or storage of hazardous substances would be reported to the State Fire Marshal. | Businesses that use or store hazardous substances are required to report such substances annually to the State Fire Marshal and pay hazardous substance possession fees. If the construction period is less than 2 years, no construction reporting would be necessary. |
| Emergency response notification and reporting | The State Fire Marshal may require an emergency plan for use or storage of established quantities of “extremely hazardous substances.” | Emergency planning notification and reporting may be required under the Emergency Planning and Community Right-to-Know Act depending on the quantities of “extremely hazardous substances” present at the energy facility site. If any listed substance is present at the site in an amount over the threshold quantities, initial notification (to local emergency/fire agency) is required within 60 days of handling threshold quantities. |
| **Oregon Department of Forestry** | | |
| Notification to the State Forester – Types of | The Applicant would be required to notify the Oregon Department of | The operator, landowner, or timber owner is required to comply with the practices described in the forest |

| Table 1-5. Summary of Oregon Environmental Permitting Requirements | | |
|---|---|---|
| **Agency/Permit** | **Required Permit or Review for Approval** | **Description** |
| Operations (OAR 629-605-0140) | Forestry of proposed practices for clearance and maintenance of right-of-way in forested areas. | practice statutes and rules unless approval has been obtained from the State Forester for a plan for an alternate practice that is designed to result in the same effect or to meet the same purpose or provide equal or better results as those practices described in statute or administrative rule. |
| Notification of Operation or Permit to Operate Power Driven Machinery | The Oregon Forest Practices Act requires a notification to be filed before beginning any forest operation and a permit to be obtained for any operation that uses fire or power driven machinery. | If the Applicant intends to operate power driven machinery in forested areas, the Applicant would obtain this permit from the Oregon Department of Forestry (ODF). |
| **Oregon Counties** | | |
| Land Development Services | Each Oregon county has a conditional-use-permitting process for transmission facilities. | In the Exclusive Farm Use zone, which encompasses the majority of land on which the B2H Project would be sited, transmission facilities under 200 feet in height are a permitted use that requires a less significant review than a conditional-use review, subject only to the standards established in statute. In the EFSC process Path B review, the EFSC considers county and city land-use and zoning requirements when evaluating a site certificate application. When the EFSC issues a site certificate, the affected counties and cities must issue permits and other approvals addressed in the site certificate, subject only to the site certificate conditions. The EFSC relies on the affected local jurisdiction(s) to provide applicable substantive criteria and required permits based on the jurisdictions. unique land-use ordinance requirements. The Applicant has selected the Path B process. |
| Land Development Services | Utility permits would be required for crossing county roads by the transmission line. | Transmission line facilities that cross county roadways require a utility permit. ORS 758.010 authorizes, outside cities, the construction, maintenance, and operation of “water, gas, electric or communications service lines, fixtures and other facilities along the public roads in this state,” subject to reasonable requirements for location, construction, operation, and maintenance. |
| Building Codes Division | Building permits would be required for construction of a substation at Boardman switching yard and its associated facilities. | Building permits would be required for plumbing, structural/mechanical/energy, elevator, and electrical. |

| Table 1-6. Summary of Idaho Environmental Permitting Requirements | | |
|---|---|---|
| **Agency/Permit** | **Required Permit or Review for Approval** | **Description** |
| **Environmental Protection Agency[1]** | | |
| National Pollutant Discharge Elimination System General Permit for Stormwater Drainages Associated with Construction Activity | In Idaho, the Environmental Protection Agency (EPA) would evaluate the potential for stormwater discharges associated with construction of the proposed B2H Project, and determine whether to issue a permit to allow stormwater discharge from the B2H Project site before construction begins. | This permit would be needed for stormwater management associated with construction. The permit requires the operator to develop a detailed stormwater pollution prevention plan (SWPPP) to identify erosion, sediment, and on-site materials management controls to be used during the active construction phase in order to comply with Idaho water-quality standards. A Notice of Intent application must be submitted to the EPA to receive authorization to discharge stormwater. Idaho-specific requirements applicable to all construction projects within the state are included in the permit in accordance with Idaho Department of Environmental Quality's (IDEQ) Clean Water Act Section 401 certification at the time EPA issued the statewide general permit.<br>(Note: For Idaho [except for Indian county], this permit became effective on April 9, 2012; in the near future EPA will reissue a subsequent construction stormwater permit in Idaho, which may contain revised application and/or SWPPP requirements.) |
| **Idaho Department of Environmental Quality** | | |
| Fugitive dust control plan | The IDEQ would require that fugitive dust emissions be reasonably controlled at each site of construction or operations, based on best management practices outlined in the Rules for the Control of Air Pollution in Idaho (Idaho Administrative Code 58.01.01.220). | The IDEQ would require a fugitive dust control plan to address construction and ongoing maintenance, including paved public roadways; unpaved haul roads; transfer points, screening operations, and stacks and vents; crushers and grinding mills; and stockpiles. |
| Section 401 certification | Section 401 of the federal Clean Water Act requires that any applicant for a federal license or permit to conduct any activity that may result in a discharge to waters of the state must provide the licensing or permitting agency a certification from IDEQ that the activity complies with water-quality requirements and standards. The Section 404 permit triggers the 401 certification requirement. | The B2H Project would be required to incorporate protective measures into its construction and operational plans, such as bank stabilization, treatment of stormwater runoff, spill protection, and fish and wildlife protection. The IDEQ certification process requires a land-use-compatibility statement signed by the local government land-use authority. |

| Table 1-6. Summary of Idaho Environmental Permitting Requirements | | |
|---|---|---|
| **Agency/Permit** | **Required Permit or Review for Approval** | **Description** |
| Lease across state lands or rivers | A lease across state land would be required for any encroachment on, through or over state lands, including rivers, reservoirs, and lakes. | The State Board of Land Commissioners may issue a lease for roads and electric lines, and for other purposes. If the B2H Project is approved, the Board would grant a 30-year lease on state land. Substations sited on state land would require a lease agreement with Idaho Department of Lands (Idaho Code, Title 58, Chapter 6). |
| **Idaho Department of Water Resources** | | |
| Stream channel alteration permit and wetland removal-fill permit (Idaho Code, Title 42, Chapter 38) | A stream channel alteration permit would be required for all crossings of rivers or streams, or for filling or removing material from wetlands. | This permit would be needed if any roads or other B2H Project features would require the alternation of any stream channel or wetland. |
| **Idaho Department of Fish and Game** | | |
| Fish and Wildlife Coordination Act of 1934, as amended 1946, 1958, 1977 (U.S.C. 661–667e) | The Idaho Department of Fish and Game (IDFG) is required to coordinate mitigation of potential B2H Project impacts on fish and wildlife species and their habitat with other jurisdictional agencies. | The IDFG would coordinate with the BLM, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service on fish and wildlife issues, impacts, and mitigation requirements associated with the B2H Project. |
| **Idaho Historical Society – State Historic Preservation Office** | | |
| Section 106 (54 U.S.C. 306108) of the National Historic Preservation Act (NHPA [54 U.S.C. 300101 et seq.]) | The Idaho State Historic Preservation Officer (SHPO) has regulatory review authority of federal undertakings under 36.CFR 800, the regulations implementing Section 106 of the NHPA. | The SHPO is a signatory to the B2H Project Programmatic Agreement developed for the undertaking and will review determinations of eligibility to the National Register of Historic Places and B2H Project effect on historic properties per 36 CFR 800.2. |
| **Local Governments (Cities and Counties)** | | |
| Building/Planning Division – building and conditional-use permits | Building permits would be required for construction of the transmission line, substations, and associated infrastructure. A conditional-use permit may be required for any facilities located outside of lands zoned for industrial or commercial uses. | Building permits would be issued by local governments. Conditional-use permits, if required, also would be issued by local governments. |
| *Table Note:* [1]The EPA issues National Pollutant Discharge Elimination System permits in Idaho. | | |

| Table 1-7. Summary of Washington Environmental Permitting Requirements | | |
|---|---|---|
| **Agency/Permit** | **Required Permit or Review for Approval** | **Description** |
| **State Historic Preservation Office** | | |
| Section 106 (54 U.S.C. 306108) of the National Historic Preservation Act (NHPA) [54 U.S.C. 300101 et seq.]) | Washington State Historic Preservation Officer (SHPO) has regulatory review authority of federal undertakings under 36 CFR 800, the regulations implementing Section 106 of the NHPA. | Washington SHPO is a signatory to the B2H Project Programmatic Agreement developed for the undertaking and will review determinations of eligibility to the National Register of Historic Places and B2H Project effect on historic properties per 36 CFR 800.2. |