

Via Hand Delivery

April 14, 2015

To: Representative Brian Clem and members of the House Committee on Rural Communities,  
Land Use, and Water

CC: Ian Davidson, Committee Administrator

**Re: HB 2508 (Testimony in Support)**

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Chair Clem and Members of the Committee

On behalf of the Northeast Oregon Water Association (NOWA) we would like to thank you for hearing HB 2508. NOWA is a non-profit organization that advocates for the protection and enhancement of our value added natural resource based economy in Northeast Oregon. Our membership includes over 140,000 acres of the highest valued food production land in Oregon as well as the counties, cities, ports, businesses and NGO's that generate over \$2 billion a year in agri-business output in our region. As you no doubt understand, the maintenance of our geographically limited and irreplaceable value-added agricultural land base is critical to maintaining our strong rural economy. For this reason, we want to thank the Oregon Farm Bureau for working with us in the development of SB 873 this session which is now being heard has HB 2508 and wish to express our support.

**1) Intent of HB 2508**

We worked with the OFB on HB 2508 in an attempt to develop a common sense approach, balancing specific energy needs with the needs and societal values of Oregonians who agree that productive agricultural land should be valued and protected from unnecessary impacts that limit access and utilization for future generations of Oregonians. HB 2508 is designed to bring energy development in line with all other non-farm development, respective to review classes between high-value and non-high-value agricultural land in Oregon and continues to value the foundation of Oregon's legendary and award winning land use planning program.

Specifically, HB 2508 does three things:

1. Requires developers of overhead electrical transmission lines to complete an alternatives analysis of routes around highly productive agricultural lands before seeking permit approval to cross such lands



NOWA Testimony (HB 2508)  
April 14, 2015

2. If the determination is made that a route must cross highly productive land, the Bill requires developers to minimize impacts and ensure maintenance of the land base
3. Identifies, specifically, those lands that are most impacted by overhead transmission lines via a current statutory definition (ORS 195.300 and ORS 468B.205 which defines CAFOs)

Other than including CAFOs under the definition of highly productive agricultural land, the other requirements of HB 2508 are consistent with standard land use practice in Oregon governing zone changes and non-farm uses on lands protected for farm use (Exclusive Farm Use zoning).

## **2) Specific Needs of Our Region that HB 2508 Addresses**

NOWA is aware that our high-value agricultural lands seen to be of critical economic importance to northeastern Oregon, are threatened by multiple high voltage transmission lines and other energy facility proposals currently being considered in our region. Many of our members have been working to collaboratively address this issue for over 6 years. While we do not oppose these facilities in particular or energy development in general, we have discovered that the current process does not give our members much hope that a plan that minimizes impacts will be adhered to by energy developers due to the fact that State law does not currently require them to do so. Memorializing some legal sideboards via HB 2508 would allow our local region to ensure that planning in conjunction with the energy facility siting process is commensurate with agriculture's role in Oregon's economy and Oregon's history of meaningful and consistent land use planning.

As an example of how HB 2508 could help, NOWA members, landowners and interested parties have identified two feasible corridor alternatives that could ensure that the Idaho Power, Boardman to Hemmingway (B2H) line and other energy development and transmission in the queue are able to move forward while also minimizing any impacts to our agricultural land base. These two alternatives include:

1. A southerly corridor connecting to and existing substation owned by BPA
2. A corridor along the west side of Bombing Range Road in Morrow County via an easement granted by the U.S. Navy

The problem with the two corridors are that our region does not even know how detailed they will be analyzed or seriously considered as the process does not currently make it a requirement. The preferred alternative (#1 above) has not been analyzed formally and there is nothing official that would lead our region to believe that the route will truly be analyzed through the EFSC process. Due to Navy directorates that state that the Navy will only issue an easement if all other routes are determined to be "not viable" the second option above can only happen if State leadership intervenes (executive, legislative or preferably both) to document that the current northerly routes as shown along the east side of Bombing Range Road are not viable due to the irreplaceable impacts to the value added agriculture economy of eastern Oregon (documentation from the Navy attached). We believe HB 2508 to be our only hope to document the unsuitability of the current routes absent direct intervention from the Governor's Office and/or the legislature through an alternative vehicle that can memorialize, legally, a corridor planning process that must be adhered to by B2H and other future transmission proposals.

NOWA Testimony (HB 2508)

April 14, 2015

Absent one of those two alternatives our region will lose a significant amount of value-added ag production directly from the B2H line and indirectly from the cumulative impacts of other lines that are sure to follow.

**3) HB 2508 Would Enable the State and Local Regions to Weigh the Impacts of One Analyzed Route Over Others, Including Permanent Loss of Land Production on the Economy**

The current permitting process does not adequately require a strong economic analysis of the loss of prime, irrigated farmland and appears to gloss over the dire economic losses on local farmers.

Again, using the B2H effort as the most recent example we offer the following on how HB 2508 would assist permitting agencies in weighing alternatives through economic analysis.

The Columbia-Snake River Irrigators Association (CSRIA) estimates that impacts to irrigated farmland during both construction and operations of B2H will be substantial -- in the range of 350 to 1,050 acres. Technical Memorandum from Darryll Olsen, CSRIA, to Tamara Gertsch, BLM at 3 (Mar. 17, 2015). The CSRIA, through a technical expert, recently estimated that the fair market value of irrigated farmland in the region is \$7,500 - \$10,000 per acre. Thus, the total value of impacted irrigated agriculture would be approximately \$2.6 million to \$10.5 million, and the estimated present value of associated regional income loss would be about \$12.5 million to \$17.4 million.

Our region has been informed by the project proponents that it would take approximately 14 additional miles of transmission line should they decide to move forward with a southerly route. At \$2 million per mile of transmission line the total capital cost of the longer route would be \$28 million. Taking into account the value of the acreage lost and the present value of regional income loss to the local economy and State (+/- \$27.9 million), it appears that an analysis, as required under HB 2508 would show that the southerly route is approximately the same. Additionally, adding legal costs of eminent domain and other costs associated with right of way acquisition the southerly route could in fact be cheaper.

Additionally, there is a mistaken belief that irrigated farmland can simply be replaced. However, this is not the case, as irrigated farming is highly dependent on soils, geography, water delivery, and irrigation conditions -- lost farmland cannot merely be moved to or recovered in other locales. Given the unique circumstances required for irrigated farming, the cost of the loss is significant to the State of Oregon and to Oregon's rural economy.

In summary, HB 2508 would enable the ability for these discussions to happen during the permitting process prior to irreplaceable impacts to the regional economies as a result of overhead transmission permitting.

**4) HB 2508 Would Minimize Cumulative Impacts**

As the state is aware, activity for wind and other energy projects in Morrow and nearby counties remains high. The B2H Project presents a continuing threat to surrounding farmland because it potentially creates a transmission line corridor straight through productive irrigated farmland. This is a particular concern because Oregon law provides that one of the factors in evaluating whether a project should be granted an exception to allow siting in areas designated for exclusive farm use is whether the project uses an existing

NOWA Testimony (HB 2508)  
April 14, 2015

right of way (ORS 215.275). Thus, there is a high likelihood that this corridor will continue to expand and in turn consume additional farmland to meet increasing demands for transmission capacity should the corridor be originally sited through high value farmland.

In light of the above, the cumulative impact analysis included in HB 2508 appears critical for high-value agricultural regions. For instance, locally the DEIS for B2H omits discussion of the proposed 500 MW Wheatridge Wind Energy Facility, which has provided notice that it may connect to the grid through the Longhorn Variation corridor. The Wheatridge project should have been included and was inexplicably absent from the DEIS. Moreover, we understand that additional energy projects, including Perennial Windchaser and Ella Butte, could potentially utilize the transmission corridor created by the Longhorn Variation based on their location. Together, these projects generate an influx of power and create a risk of further cumulative impacts to irrigated farmland along the transmission corridor. We have urged BLM to consider these impacts in detail and carefully weigh the severe effects on nearby farmland in light of other feasible routes such as the southerly route but without a State law to fall back on we are at the mercy of the Federal Government to consider such impacts or not.

#### 5) Conclusion

As stated previously, NOWA and the land base and economy we represent are not opposed to energy development or the transmission needs to accommodate such development. We are opposed to development that unnecessarily impacts an irreplaceable high-value land base that provides multiple times over to Oregon's economy.

Additionally, while we are supportive of corridor planning or collaborative planning efforts, most of the potential impacts to our region are imminent and could happen before we were even to get to a coordinated planning effort. A lack of legal sideboards has led to a lack of trust in our Basin and generally in some other high-value ag regions in other parts of the state, that the collaborative work we have already done and may do under a planning process will actually be honored by some developers and by EFSC. Without legal sideboards that protect the integrity of the plan and the alternatives analysis the plans will consider there is concern that the planning effort will be viewed as another delay tactic to keep local efforts planning while the permit process for the current developments continues forward. As you know, that is not healthy for an area when we are dealing with entities that possess the power of eminent domain. HB 2508 could put some integrity and trust behind proactive planning efforts by ensuring that the process is honored and that both parties are working with all of the facts and all of the alternatives.

Thank you for the opportunity to comment in support of HB 2508.

Sincerely,



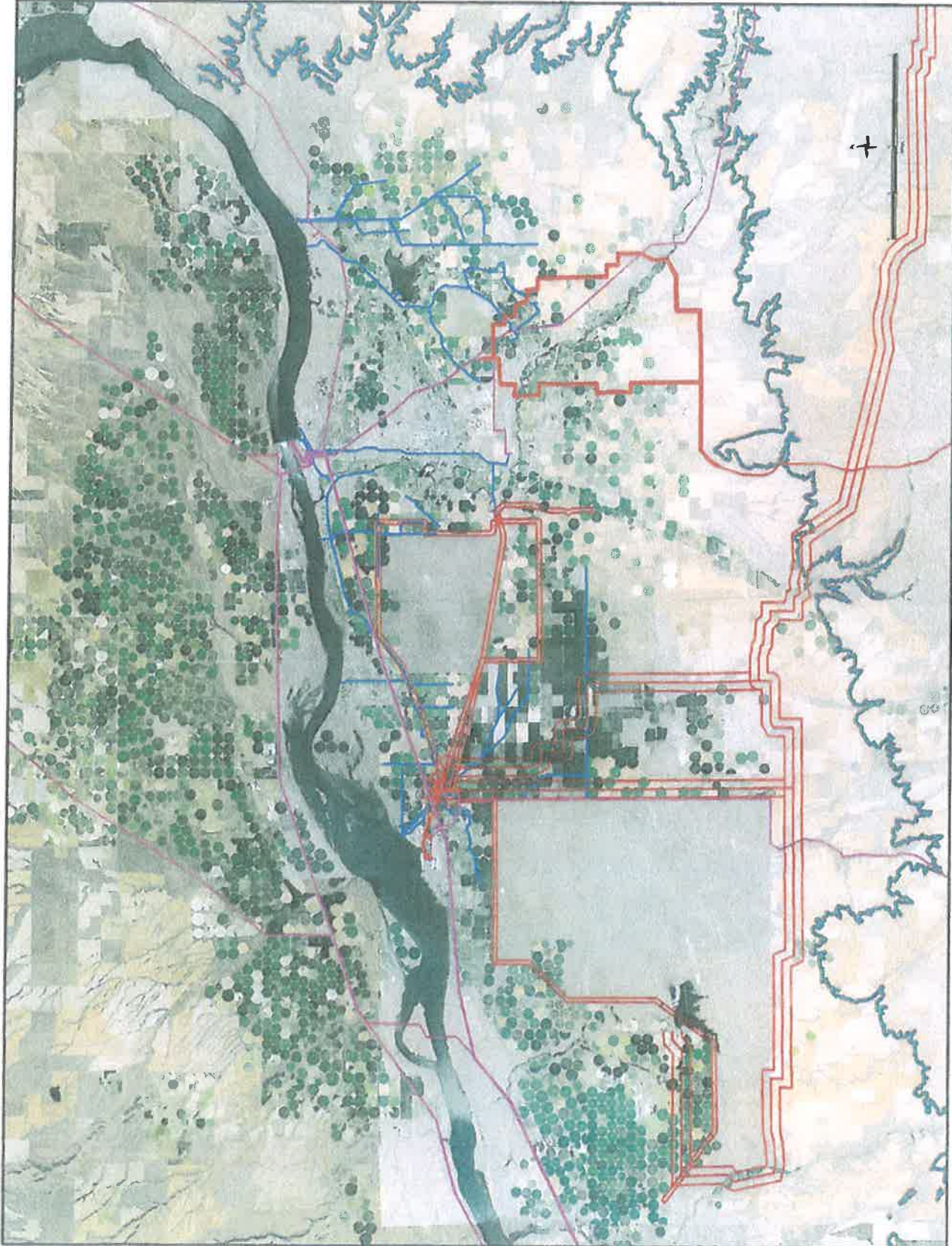
J.R. Cook  
Director



# Proposed Transmission Line Area

## Legend

- Existing & Proposed Columbia River Irrigation Infrastructure
- Existing BPA Lines
- Proposed Transmission Lines
- 1260 ft Contour Line







DEPARTMENT OF THE NAVY  
NAVAL AIR STATION WHIDBEY ISLAND  
3730 NORTH CHARLES PORTER AVENUE  
OAK HARBOR, WASHINGTON 98278-5000

11011  
Ser NOORM/0401  
April 2, 2015

Mr. Terry Martens  
Senior Real Estate Specialist  
Idaho Power Company  
PO Box 70  
Boise, ID 83707

Dear Mr. Martens:

SUBJECT: EASEMENT APPLICATION FOR 500KV TRANSMISSION LINE AT  
NAVAL WEAPONS SYSTEMS TRAINING FACILITY BOARDMAN, OR

This is in response to Idaho Power Company (IPC) request letter and application packages dated January 12, 2015 for a 10-mile long by 200 foot easement along the west side of Bombing Range Road within the eastern boundary of the Navy property identified as Naval Weapons Systems Training Facility (NWSTF) Boardman located in Morrow County, Oregon.

The Navy is returning the request packages as submitted at this time. As discussed during your visit with Naval Air Station (NAS) Whidbey Island staff on March 4, 2015, the Navy is requesting a single packet and route proposal submission for evaluation. We are not able to evaluate separate easement proposals for the same requirement. Additionally, the request package should include greater detail of all ground impacts to include specific proposal for access roads, existing survey results, identification of research natural area (RNA) impacts and clarification of why other reasonable alternatives, such as those analyzed within the current Environmental Impact Study (EIS), are not viable and require consideration of Navy land. The technical deficiencies of the application packages aside, neither of the route designs submitted by IPC within the easement requests are acceptable to the Navy due to the additional encumbrance on range property and corresponding impact that encroachment presents to current and future NWSTF Boardman activities.

The Navy believes any encumbrance of additional Navy land along the west side of Bombing Range Road would degrade future training capability at NWSTF Boardman. The Navy and Department of Defense have previously expressed preferences for route alternatives in comments submitted on the Boardman to Hemingway

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April 2, 2015

(B2H) Draft EIS. Consideration of any easement on NWSTF Boardman property should not be expected unless the other route alternatives are shown to be not viable. Future requests that do not remain within the boundaries of currently encumbered Navy land are unlikely to be approved. The Navy will continue to partner in the B2H EIS process and can work with you and your staff to ensure any future easement request packages provide sufficient information to allow a full review and consideration.

My point of contact for this matter is Mr. Mike Grose at commercial (360) 257-1466 or email at [michael.grose@navy.mil](mailto:michael.grose@navy.mil).

Sincerely,



M. K. NORTIER  
Captain, U.S. Navy  
Commanding Officer

Copy:  
Tamara Gertsch  
Project Manager  
Bureau of Land Management  
5353 Yellowstone Road  
Cheyenne, WY 82009

PDASN (EI&E)  
OPNAV (N45)  
OSD Siting Clearinghouse  
COMPACFLT (N7)  
COMNAVREGNW  
COMVAQWINGPAC  
NAVFAC NW  
Region 10, REC