

Decision Record
Idaho Power Langley Gulch Power Plant Rights-of-Way
IDI-36707, IDI-36707-01 and IDI-36707-02

Proposed Action: Authorize rights-of-way to allow the construction, operation, and maintenance of the project components which will connect the Langley Gulch Power Plant (LGPP) to the existing transmission line system and provide water to LGPP.

Decision: It is my decision to grant the following rights-of-way to Idaho Power Company to allow the construction, operation, and maintenance of a new 138-kV transmission line from LGPP on public lands described as follows:

Boise Meridian, Payette County, Idaho

T. 6 N., R. 4 W., section 3: SW¹/₄NW¹/₄, N¹/₂SW¹/₄, SE¹/₄SW¹/₄;
section 10: E¹/₂W¹/₂;
section 15: E¹/₂W¹/₂;
section 22: E¹/₂W¹/₂;
section 25: S¹/₂SE¹/₄;
section 26: S¹/₂S¹/₂;
section 27: W¹/₂NE¹/₄, SE¹/₄NE¹/₄, NE¹/₄NW¹/₄, E¹/₂SE¹/₄.

(as shown on the attached Exhibit A)

- **IDI-36707** - A new 138 kV transmission line (constructed as a 230 kV transmission line and initially energized at 138 kV). The right-of-way shall be granted subject to the applicable regulations at 43 CFR 2800, the standard right-of-way stipulations and in conformance with their approved Plan of Development for 30 years (expires December 31, 2039). The right-of-way granted is approximately 150 feet wide 34,320 feet (6.5 miles) long and contains 118.2 acres, more or less.
- **IDI-36707-01** – Temporary work area including temporary staging areas and pulling and tensioning sites. The right-of-way shall be granted subject to the applicable regulations at 43 CFR 2800, the standard right-of-way stipulations and in conformance with their approved Plan of Development for 3 years expires December 31, 2013). The right-of-way granted is approximately 150 feet wide (75' on either side of the exterior boundary of the 150' wide 138kV transmission line) by 34,320 feet long and contains 118.2 acres, more or less. This right-of-way is on the same lands as described above for IDI-36707.
- **IDI-36707-02** – Use of existing roads with a 10 foot wide right-of-way to provide access to the new 138-kV transmission line. The right-of-way shall be granted subject to the applicable regulations at 43 CFR 2800, the standard right-of-way stipulations and in conformance with their approved Plan of Development for 30 years (expires December 31, 2039). The right-of-way granted is approximately 10 feet wide by 32,683 feet (6.19 miles) long and contains 7.5 acres more or less. This right-of-way is on public lands described as follows:

Boise Meridian, Payette County, Idaho

T. 6 N., R. 4 W., section 3: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
section 10: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
section 15: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
section 22: E $\frac{1}{2}$ W $\frac{1}{2}$;
section 25: SE $\frac{1}{4}$ SW $\frac{1}{4}$;
section 26: NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
section 35: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

(as shown on the attached Exhibit A)

Rationale: The purpose of the transmission line is to interconnect the proposed LGPP to Idaho Power's existing transmission system. The new transmission line would enable distribution of LGPP's generated electric power to Idaho Power's customers. The transmission line would start at the LGPP, which is located in Sections 33 and 28 of T. 7 N., R. 4 W. of the Boise Meridian in Payette County, Idaho. The new 16-mile 138-kV transmission line would be located on BLM land for approximately 6.5 miles and on private lands for approximately 9.5 miles, and would travel to the southeast and connect with an existing Idaho Power 138-kV transmission line. The LGPP is scheduled to be in service by 2012. The primary expected public benefit of the project would be the continued reliable supply of electricity to Idaho Power's residential, government, retail, commercial, and industrial users.

Environmental Assessment #DOI-BLM-ID-B010-2010-0014-EA was completed and documents that the impacts from granting the rights-of-way would be acceptable for the area. The key resource concerns identified in the EA are that the proposal is within the Long-billed Curlew Habitat Area of Critical Concern (ACEC) and the Consideration Zone for *Lepidium papilliferum*, (LEPA) a threatened species under the Endangered Species Act. With this mitigation the rights of way would not be inconsistent with the purposes of the ACEC. The U.S. Fish and Wildlife's Biological Opinion for this proposal found the potential impacts to LEPA with mitigation including avoidance would not jeopardize the survival and recovery of the species.

Conformance with Land Use Plans: This proposed action is subject to the Cascade Resource Management Plan which was approved July 1, 1988. The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions): Rights-of-way, under Title V of FLPMA, will be considered in the Cascade Resource Area except where specifically identified in the RMP for avoidance. (Resource Management Guidelines, page 43.) The subject area is not identified for avoidance.

However, the proposals lie within the Long-billed Curlew Habitat Area of Environmental Concern (ACEC). The Management Guidelines for the ACEC state "Rights-of-way construction activities for transmission lines, pipelines and other major projects will not be allowed during the nesting and brood-rearing periods" (ACECs, page 36). Thus, the grants will contain a stipulation which restricts construction activities from March 15 to June 30 each year which is the brood-rearing period.

Relationship to Statutes, Regulations, and Other Requirements: This document was prepared in conformance with the policy guidance provided in BLM's NEPA Handbook H 1790-1 (BLM 2008); Department of the Interior National Environmental Policy Act Procedures (Department Manual 516, Environmental Quality 516 DM 1-7) (USDOI 2005); BLM is responsible for ensuring that use of public lands occurs in a manner consistent with The Federal Land Policy Management Act (FLPMA) of 1976,

and the applicable RMP (discussed above). The decision is also subject to the requirements of the ESA, the National Historic Preservation Act (NHPA), the CWA, and the Clean Air Act (CAA). As the lead agency, BLM is responsible for analyses and documents that conform to NEPA, CEQ, and other pertinent federal laws and regulations.

Public Involvement: Public open house meetings were held for the LGPP and associated project components for the purpose of obtaining conditional use permits from Payette and Canyon counties. Two meetings were held specifically for siting the transmission lines in Payette and Canyon County. A Scoping/Information Package was mailed in March 2010 and the BLM consulted with the Shoshone-Paiute Tribes through the Wings and Roots process. All comments which were received during all of these public scoping/outreach efforts were carefully considered and incorporated into the EA, where appropriate.

Appeal: This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

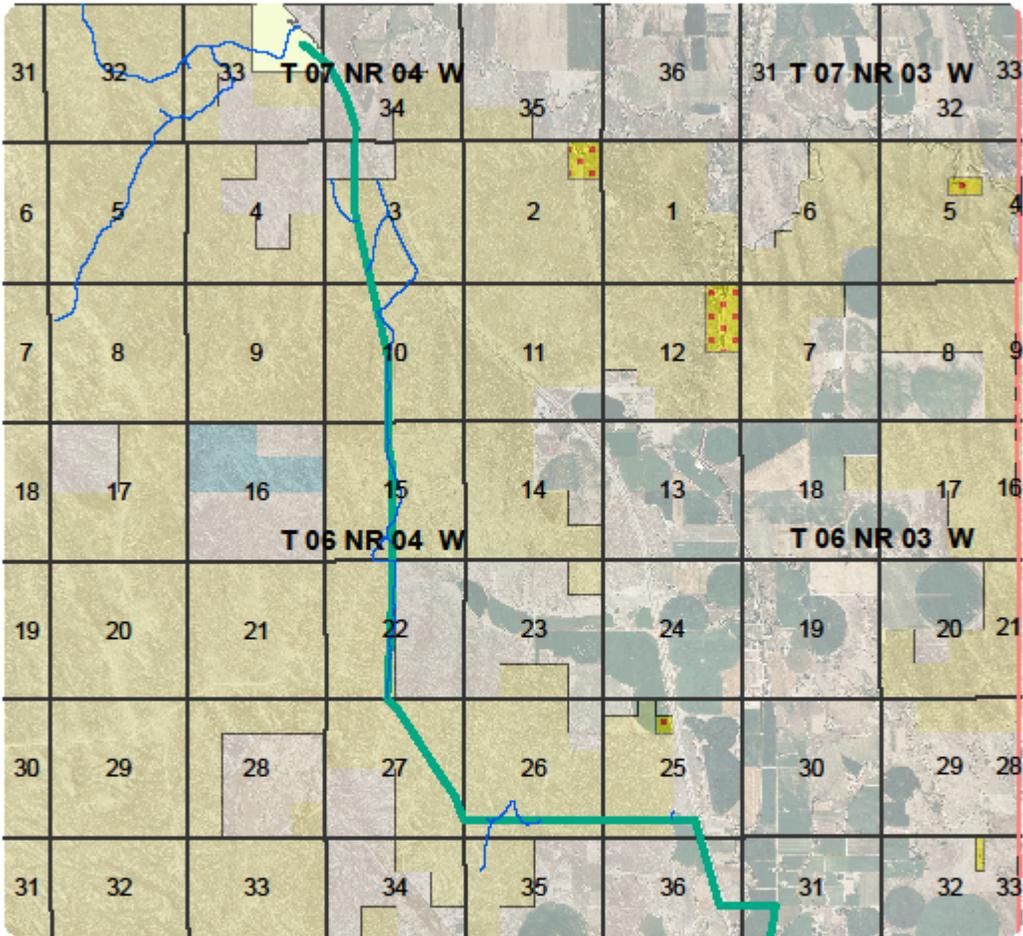
Standards for Obtaining a Stay - Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

_____/s/ Terry A. Humphrey
Terry A. Humphrey
Four Rivers Field Manager

_____/9/28/10
Date

Exhibit A
Langley Gulch Power Project
 IDI-36707 / IDI-36707-01 / IDI-36707-02
 September 20, 2010



Payette County, Idaho

-  Public Lands
-  Private Lands
-  Langley Gulch power plant
-  138kV Transmission Line
-  Roads

