

## Comment Submission 2

Stuart F. Bonney - Contract Seller  
Umatilla Buffalo Ranch  
P.O. Box 302  
Hermiston, OR 97838

Kenneth D. Peterson - Contract Buyer  
P.O. Box 211  
Hermiston, OR 97838

March 14, 2002

Robert Beraud  
Wallula Project Comments  
BPA Communications Office KC-7  
P.O. Box 12999  
Portland, OR 97212

Allen Fiksdal, Manager  
Energy Facility Site Evaluation Council  
P.O. Box 43172  
Olympia, WA 98512

**RECEIVED**

Re: Wallula Power Project and  
Wallula-McNary Transmission Line Project

MAR 19 2002

Dear Mr. Beraud and Mr. Fiksdal:

**ENERGY FACILITY SITE  
EVALUATION COUNCIL**

We are submitting this letter with some of our thoughts and concerns regarding the proposed 500 kV transmission line as it affects the property of which we both have an interest. The property is located south of Hat Rock State Park and referred to as 5N 29, Section 13 - Tax Lot 302 and 303, Umatilla County, Oregon. A tax lot map showing the approximate location of the property is attached.

Stuart F. and Jody Jo Bonney sold this property on a contract to Mr. Peterson in December 1999. The contract covering this 307 acres provides for the continuing operation, mining and licensing of minerals and mineral rights as well as Mr. Bonney's reserved rights to extract rock and fill materials. The contract also provides and requires that the Oregon Department of Geology and Mineral Industries Permit ID No. 30-0078 is kept current for the duration of the contract and in the name of Mr. Bonney. A copy of the current permit is attached for your information.

Mr. Bonney has lived in the Umatilla-Hermiston area for approximately 50 years and has conducted ranching, development and gravel, sand and rock mining in this area for most of that time. Mr. Peterson too has lived in the Hermiston area for approximately 50 years and in addition to his chiropractic business owns considerable amounts of real estate in the north Umatilla County area for development and resale purposes.

We both are well aware that our land can be directly affected by the amount of new and existing rights-of-way needed to establish transmission line corridors. Constructing new transmission lines (and widening existing rights-of-way) can and does often affect residential, commercial and industrial land because the new line segments and access roads intrude on existing land uses and can eliminate some land uses. They definitely can affect mining operations.

We wish to specify some of our concerns as they pertain to the property of which we both have an interest in.

Section 23 - Mining Activities

The proposed easement appears to run parallel of the existing 1965 BPA easement. That easement is 165 feet in width and approximately 3,250 feet in length.

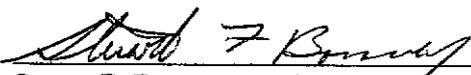
1. Our property is now available for sale and development. Additional power line easements reduce both the value and size of the property for development purposes. We are uncertain as to the type and kind of any proposed new easement. However, in reviewing the 1965 BPA easement it states that it is for "one line" and the easement is 82.5 feet on each side of the existing line. With the current easement being for just one line, and considering the size of the proposed new 500kV line, will additional right-of-way need to be acquired? 2-1
2. Any new easement may contain restrictions as to what can be done with the property under the power lines. We need to make certain that in addition to access we are entitled to install any and all utilities which may now exist or may be installed to service our property. For that reason access and maintenance for utility installation needs to be reserved to the property both on and below the surface. 2-2
3. For many years this area has been used for the mining of sand, gravel and rock materials. Much of its activity has been by Mr. Bonney. The Corps of Engineers owns Tax Lot 200 (shown on the attached map) of which is surrounded on three sides by our parcel. That site has been used for the mining and extracting of column rock. It appears that the rock available from that site has been approximately 80% mined. The approximate location of our gravel and rock pit is also shown on the map attached. It is close to the adjoining Corps of Engineer's property. 2-3
4. The transmission line easement may affect the location and height of stock piling materials. When a stock pile is near the line set back requirements must be considered for the creation of new stock piles as well as the unloading of them - especially with trucks raising beds to dump. The trucks also drive on top of the stock piles. 2-4
5. The height of a power line near this area makes a significant difference as to the use that can be made of these lands. 2-5

6. The mining of the rock requires drilling and shooting. That naturally involves certain hazards to nearby facilities or structures which is why I have tried to keep structures and facilities off the property so they would not interfere with the mining operations. Any further encroachment of facilities can severely restrict the normal and necessary mining operations. 2-6
7. Once an easement is granted I am unable to mine for sand, rock and rock products within and under the easement area. Our land contains significant quantities of those materials and once the easement is granted they are removed from my inventory. 2-7
8. By law it is necessary to maintain appropriate slopes for the excavation of the materials. That, as a practical matter, enlarges the easement area making less land available for mining. 2-8

An available supply of permitted mining sites is very important for growth and development in Umatilla County. Therefore, we do wish BPA and EFSCC to consider carefully the route, type, height and nature of transmission lines that may be installed across this property as well as any easement restrictions which may impair the marketability or use of the property for its intended purpose. 2-9

Please place this letter in the record of proceedings.

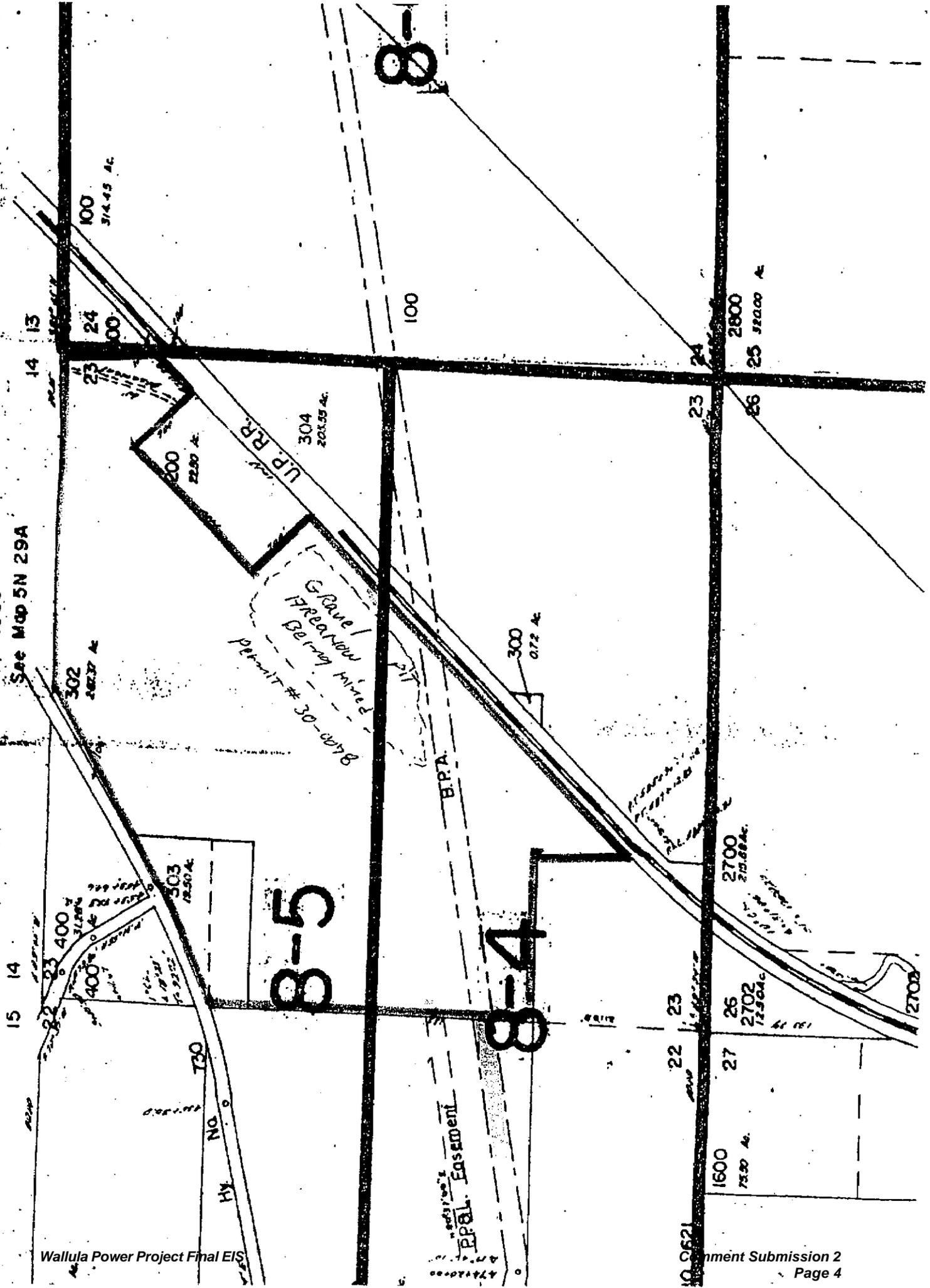
Respectfully,

  
Stuart F. Bonney, as Contract Seller

  
Kenneth D. Peterson, as Contract Buyer

encl.

1" = 1000'  
See Map 5N 29A



Oregon Dept. of Geology & Mineral Industries  
Mined Land Reclamation Program  
229 Broadalbin St. SW  
Albany OR 97321-2246  
(541) 967-2039

OPERATING PERMIT -- Renewal  
ISSUED SUBJECT TO ANY LISTED CONDITIONS

|||||  
Stuart Bonney  
PO Box 302  
Hermiston OR 97838

ID No.: 30-0078  
County: Umatilla  
Site: Hat Rock Pit  
Section: 23 TAX Lot 302  
Twp: 5N 287.37 ACRES  
Range: 29E

This permit shall be in effect, unless revoked or suspended for cause, from the date of issuance and shall remain in effect so long thereafter as the Permittee pays the annual fee to renew the permit, complies with the provisions of ORS 517.750 through 517.955 as applicable, the Rules as promulgated to administer the Oregon Mined Land Reclamation Act, the approved reclamation plan, and any conditions attached to this permit, and maintains a performance bond as required by the Act.

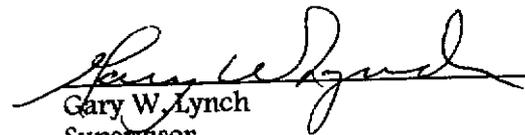
Issuance of this permit is not a finding of compliance with state-wide planning goals or the acknowledged comprehensive plan. The applicant must receive land-use approval from local government before using this permit.

NOTE: Reclamation plans may be modified per ORS 517.830(4) and OAR 632-(30) and (35)-035.

*CONDITIONS: (Conditions may be appealed per OAR 632-30-030. If an appeal is made, this permit is invalid until the condition(s) appealed is/are resolved and the permit reissued.)*

NONE

Issued 8-6, 2001

  
Gary W. Lynch  
Supervisor

**RENEWAL IS REQUIRED BY JUNE 30, 2002**

c: Umatilla County  
DEQ The Dalles

OPA-PERMITTS.DOC (REV 9/99)

## TOWNSHIP 5 NORTH, RANGE 29, E.W.M.

Section 23: All that portion of the North Half lying Southerly of U.S. Highway No. 730 and Northerly of the U.P.R.R. right of way.

All that portion of the North Half of the Southwest Quarter and of the Southeast Quarter of the Southwest Quarter and of the Southeast Quarter lying Northerly of the U.P.R.R. right of way.

Excepting therefrom that portion of the Northeast Quarter conveyed to the United States of America by deed recorded in Book 228, Page 177, Deed Records.

Excepting therefrom any portion lying within the County Road right of way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

### SUBJECT TO:

1. The premises herein described are within the boundaries of the Hermiston Irrigation District and this property is therefore subject to all easements, levies and assessments thereof.
2. Easement, including the terms and provisions thereof, granted to the United States of America, recorded July 15, 1965 in Book 280, Page 626, Deed Records.
3. Easement, including the terms and provisions thereof, granted to the United States of America, recorded August 28, 1968 in Book 296, Page 296, Deed Records.
4. Easement, including the terms and provisions thereof, granted to Pacific Power and Light Company, recorded February 26, 1969 in Book 298, Page 479, Deed Records.

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# EXHIBIT A

**Responses to Comment Submission 2,  
Letter from Stuart F. Bonney and Kenneth D. Peterson, Hermiston, OR**

- 2-1. Plans for development or sale by property owners should continue as if Bonneville were not going to further encumber the property. Any additional right-of-way needed will be appraised at fair market value, taking into consideration the value, size, and condition of the property at the time of acquisition by Bonneville. Should the proposed new 500-kV line be needed, additional right-of-way will be acquired.
- 2-2. Bonneville acquires the right to restrict other uses of the property. Any use not deemed a hazard to life or that does not interfere with the operation and maintenance of Bonneville's transmission system is generally granted limited permission. Please see response to comment 2-5.
- 2-3. Thank you for your comment.
- 2-4. The existing transmission line easement does affect the location and height of stockpiling materials. Any new right-of-way would also have the same limitations. All pit or quarry sites have setback requirements from property lines to ensure the integrity of the adjacent lands as well as for reclamation of the site.
- 2-5. Any appraisal at fair market value will consider the value, size, and condition of the property at the time of acquisition by Bonneville as well as any and all restrictions that would be placed on the easement area, such as height restrictions and limited use and the effect on the remainder.
- 2-6. All pit or quarry sites have setback requirements from property lines. As stated in response to comment 2-5, appraisal at fair market value will consider the value, size, and condition of the property at the time of acquisition by Bonneville. The appraisal will also consider restrictions that would be placed on the easement area.
- 2-7. Please see response to comment 2-5.
- 2-8. The impact of introducing a new right-of-way for transmission towers and lines can vary dramatically depending on the placement of the right-of-way in relation to the property's size, shape, and location of existing improvements. A transmission line may diminish the utility of a portion of the property if the line effectively severs this area from the remaining property. This is called "severance damage," as defined in the Uniform Appraisal Standards for Federal Land Acquisitions. The landowner would be compensated for the value of the transmission line right-of-way easement as well as the severance damage, if any.
- 2-9. Please see response to comment 2-8.