

# Easements

## A guide for property owners

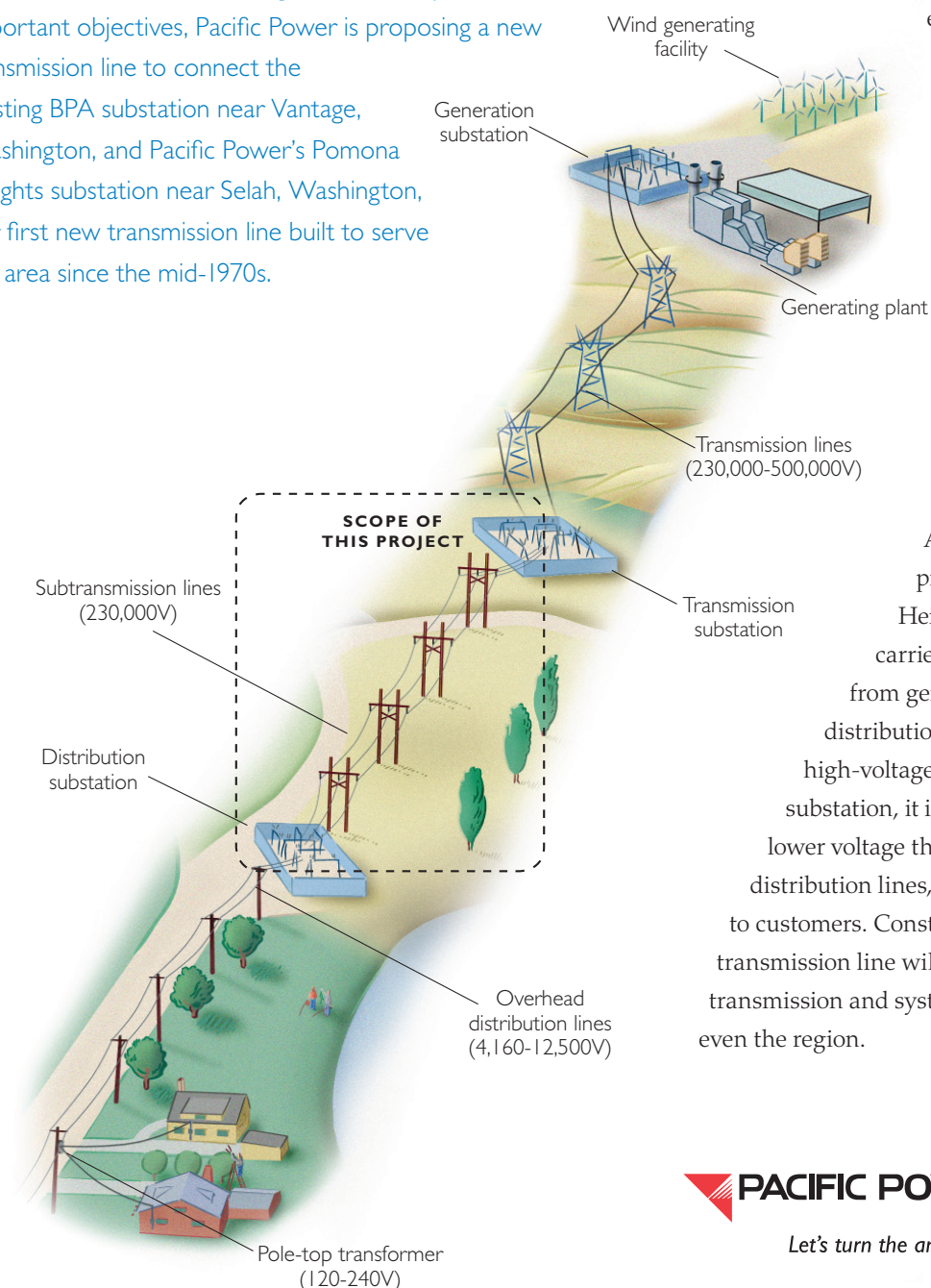
Pacific Power is an electric utility committed to providing reliable, safe and cost-effective energy to our customers as well as working to enhance the overall reliability, security and operating flexibility of the regional electric transmission grid. To accomplish these important objectives, Pacific Power is proposing a new transmission line to connect the existing BPA substation near Vantage, Washington, and Pacific Power's Pomona Heights substation near Selah, Washington, our first new transmission line built to serve the area since the mid-1970s.

### Introduction

As part of the project, and once the final route of the proposed transmission line has been determined,

Pacific Power will need to work with landowners to acquire easements to ensure we

have the legal right to build and operate the line. This brief guide is designed to provide general information to property owners regarding Pacific Power's easement acquisition process.



### What is a transmission line?

A transmission line like the proposed Vantage to Pomona Heights 230-kilovolt line carries high-voltage electricity from generating power plants to distribution substations. Once the high-voltage electricity reaches the substation, it is "stepped down" to a lower voltage that is then carried by smaller distribution lines, providing electric service to customers. Construction of the proposed transmission line will provide critical new transmission and system reliability in the area – even the region.



Let's turn the answers on.



### What is an easement?

In order for Pacific Power to place and operate our electric lines, we must secure access and property rights for the property across which the lines are located. In most cases, Pacific Power secures these property rights in the form of an "easement." In general terms, an easement is a legal agreement that authorizes one party the right to use another parties' land for a stated purpose without conveying title to or affecting the ownership of the land. Pacific Power acquires easements from landowners in order to preserve a perpetual (continuing) legal right for Pacific Power to install, access, operate and maintain electric facilities, as well as to upgrade the facilities in the future. Typically, the easement provides Pacific Power the right to use a limited strip of land known as a "right of way" (ROW) for its electric line. The electric line is typically located down the center of the ROW, but the company has the right and responsibility to maintain the areas of the ROW on either side of the line in a condition which ensures safe operation. Safe operation requires that the ROW be kept clear of structures and vegetation which could interfere with safe operation and maintenance of the line. Specifically, Pacific Power is required to maintain safety clearances prescribed by applicable laws and regulations, including the National Electrical Safety Code. However, the landowner who grants the easement may utilize the right of way for their own purposes, such as agricultural usage, which do not interfere with Pacific Power's use, as mutually agreed upon between the parties.

### Pacific Power's power line construction approach

Constructing new power lines will generally require the acquisition of access/use rights from the underlying landowners – which may include private, federal, tribal, state, county and city lands.

Our goal in these projects is to foster positive, long-term relationships that can benefit the property owner,

customers and Pacific Power. As the landowner, Pacific Power believes you have the right to:

- Be treated with respect and trust and be confident that Pacific Power will work towards a mutual understanding of issues and goals
- Receive accurate and timely information
- Expect good faith negotiations
- Be paid a just compensation for the rights negotiated

### How easements are obtained

**Survey work** – Once the preferred line route is identified, a specific easement area (legal description of the ROW) is established. A combination of aerial surveys, environmental and engineering field studies and geologic investigations may be necessary to determine routes, tower sites and to design the structures. Structures are located at specific sites to satisfy structural design criteria, maintain adequate line-to-ground clearance and minimize impacts to the property being crossed.

**Right-of-way agent** – If you own land that will potentially be crossed by a power line project and needs to be surveyed or tested, a right-of-way agent representing Pacific Power will contact you to explain the steps involved in the route selection, land acquisition and construction, and ask your permission. If any proposed construction activities interfere with your land use, the right-of-way agent will discuss your needs and try to accommodate them. The right-of-way agent may also request permission from you for a "right of entry" which will allow entry onto your property to gather information and conduct surveys, appraisals and other studies that may be necessary for the project. This work will likely be performed by people who are under contract to Pacific Power. The work will be done in a way that minimizes any foreseeable disturbances to you and your property. However, should any damages to crops, fences, or

other property occur as a result of these surveys and studies, the right-of-way agent will work with you to remedy these situations.

**Acquiring easement and other property**

**rights** – Pacific Power will acquire land rights through easements for the utility line right of way as well as roads to access the lines. These easements will be purchased through negotiations with landowners according to the appraised value of the rights acquired. Where the proposed transmission line would parallel existing transmission lines or other linear utilities, the roads to access the existing utilities would be used wherever possible to minimize the amount of new road construction.

The process to compensate landowners starts with valuation of the affected land. An independent appraiser will develop a qualified opinion of value using standard appraisal practices, including careful analysis of any available market data and comparable sales, and by taking into consideration the rights being acquired from the landowner. Landowners will be invited to accompany the appraiser during property inspection. Landowners can then identify any property features and uses of importance in determining the value of the easement.

Easement payments are based on a percentage of the appraised land value, corresponding with the property type, rights acquired and impact on land use. Typically, this percentage ranges from 30 to 75 percent of the appraised land value. The independent appraiser will prepare a report of value. Landowners are presented with a written offer based on the appraised value. Pacific Power makes every effort to obtain an agreement that is fair and reasonable to both parties. Once the conditions of the agreement are met, the transactions are processed as efficiently as possible. Pacific Power will make payment for easement to landowners and pay all fees for recording the easement.

The example below shows what the easement payment would be for an encumbrance totaling a 10-acre area

strip of land, with a property value of \$5,000 per acre or \$50,000 total with percentages applied at the low (30 percent), mid (50 percent) and high (75 percent) range:

Estimated land value per acre	\$5,000	\$5,000	\$5,000
Easement area/acre	10	10	10
Land value	\$50,000	\$50,000	\$50,000
Percentage (low, mid, high)	30%	50%	75%
Easement payment	\$15,000	\$25,000	\$37,500

Pacific Power makes every effort to acquire the necessary easement through successful negotiation with landowners. However, if a necessary easement cannot be acquired through negotiation, Pacific Power may, in certain circumstances, need to acquire the easement interest through eminent domain (condemnation) proceedings. Federal and state laws grant utilities the power to acquire, through the courts if necessary, property rights for facilities to be built in the public interest.

Eminent domain proceedings *are a last resort* and are only used in instances where an agreement cannot be reached. Through the eminent domain process, a court determines the just compensation to be paid to the landowner.

**Damages/Crop loss**

Landowners are also compensated for crop loss, structure removal, and for property damage that occurs as a result of construction or maintenance of the transmission line.

Compensation for crop loss due to project activities is determined by inspecting the type of crop, yield, crop area affected by the project and current market value of the crop for the year.

Other structural removal or damages to fences, structures, irrigation systems, etc., will be evaluated on a case-by-case basis.

## Construction and operation of the transmission line

During construction, Pacific Power's right-of-way agent will inform landowners of the construction schedule.

Reasonable attempts will be made to take into account the use and condition of the land such as any planting, irrigation and harvest schedules to minimize any inconvenience.

Preparing the right of way for construction may require gates and culverts to be installed as well as vegetation cleared, trees pruned or removed and structures removed that reduce adequate ground clearance for the conductors or access to the right of way.

After construction, all work areas and access roads not required for line maintenance will be restored as closely as practical to their previous condition.

**Maintenance** – After the line is energized, Pacific Power crews will periodically inspect, repair and maintain the line. Transmission lines are inspected from the air and from the ground. Ground inspections are usually performed annually to detect items needing repair or replacement.

**Living and working around electrical facilities** – Electric utilities design, construct, operate and maintain transmission lines and substation facilities to meet or exceed the requirements of the National Electric Safety Code. These standards provide for the safety and protection of landowners and their property, the general public and utility employees.

**Compatible activities** – Many activities are compatible with transmission line rights of way. For example, certain ranching and farming activities, gardening, various recreational activities and many other uses are permitted as long as care is taken to prevent damage, and access to the transmission line structures is maintained.

No building or structures can be erected within the ROW because buildings or structures could impede safe operation of the line or interfere with access necessary for line maintenance. For electric safety reasons, pumps, wells, swimming pools and flammables must not be placed in the easement area, though properly grounded sprinkler systems and irrigation equipment are acceptable.

Pacific Power also has other requirements for transmission rights of way to maintain system reliability. For example, Pacific Power has regulations on vegetation management because trees may grow too close to the transmission line potentially resulting in fire hazards and/or power outages.

### For more information

This guide is designed to provide property owners with general information about Pacific Power's easement acquisition process. Should you need additional information or have specific questions, please contact us:

**Project website:** [pacificpower.net/transmission](http://pacificpower.net/transmission)  
Information for this project can be found by clicking on "Vantage to Pomona Heights"

**Toll-free project contact:** 1-877-620-7678

**Project e-mail address:**  
[ConstructionProjects@pacificcorp.com](mailto:ConstructionProjects@pacificcorp.com) (Please specify Vantage to Pomona Heights line in your inquiry)

