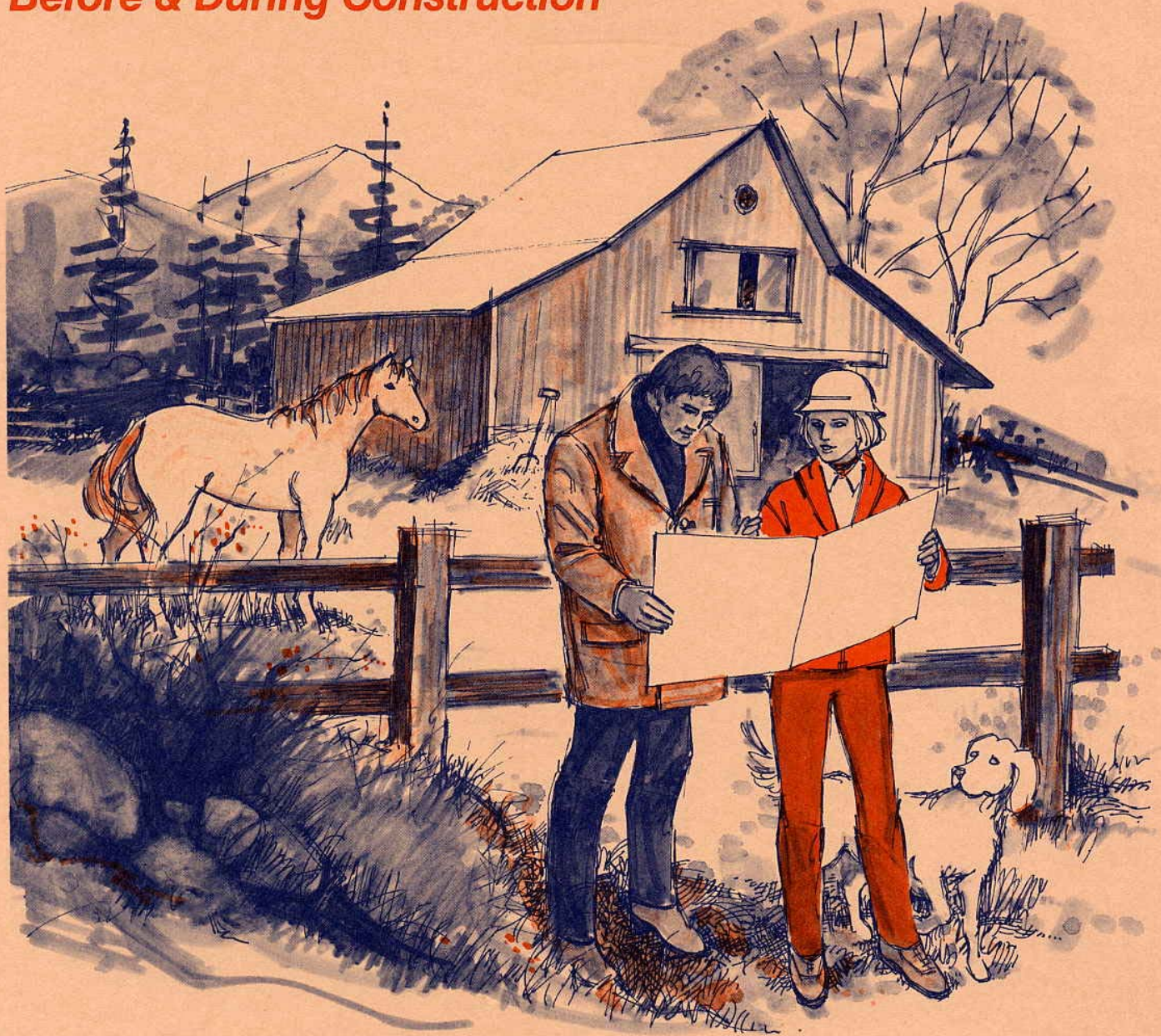
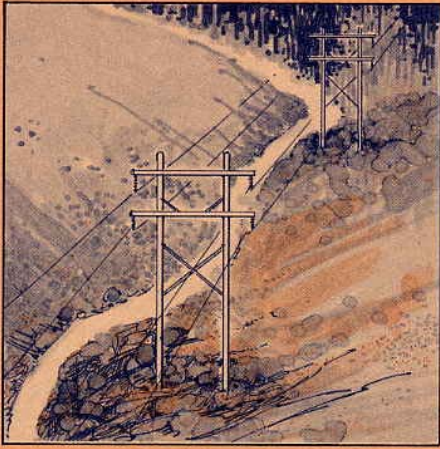
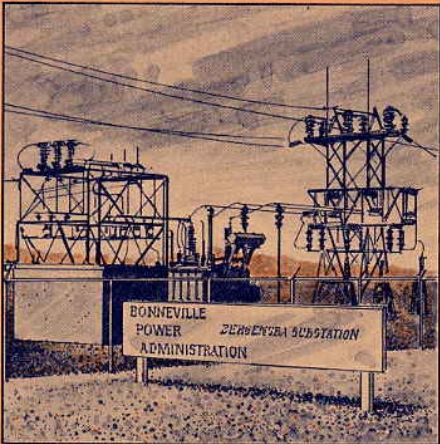


**Landowner's Guide to BPA Projects:
Before & During Construction**





Access road and wood transmission line.



Substation.



Steel tower transmission line.

This brochure tells you how the Bonneville Power Administration (BPA) goes about acquiring land or land rights for our projects. It identifies the choices and rights you have as a landowner and explains each step in the process. Finally, should you have more questions in the future, it tells you how to get more information and answers.

Introduction

Generally, BPA builds transmission lines and substations for two reasons: to bring electrical power to meet the needs of people in the Northwest, and to ensure that they continue to have a reliable supply of electricity. For this to work, we must acquire land or land rights for electrical transmission lines and substations like those shown in the drawing. We also acquire land or land rights for building support facilities for communications, access roads to maintain the facilities, and test facilities used to improve our operation. We also acquire land or land rights to protect, mitigate, and enhance fish and wildlife affected by the development and operation of hydroelectric facilities on the Columbia River and its tributaries.

We acquire *land* by estimating the value, negotiating the price, and purchasing the property. When we acquire *land rights* (also called an "easement" for our right-of-way), we purchase the right to use the land in specific ways and to control other uses that may conflict with ours. The landowner retains title to the land itself and continues to pay taxes on that land.

Preliminary Activities

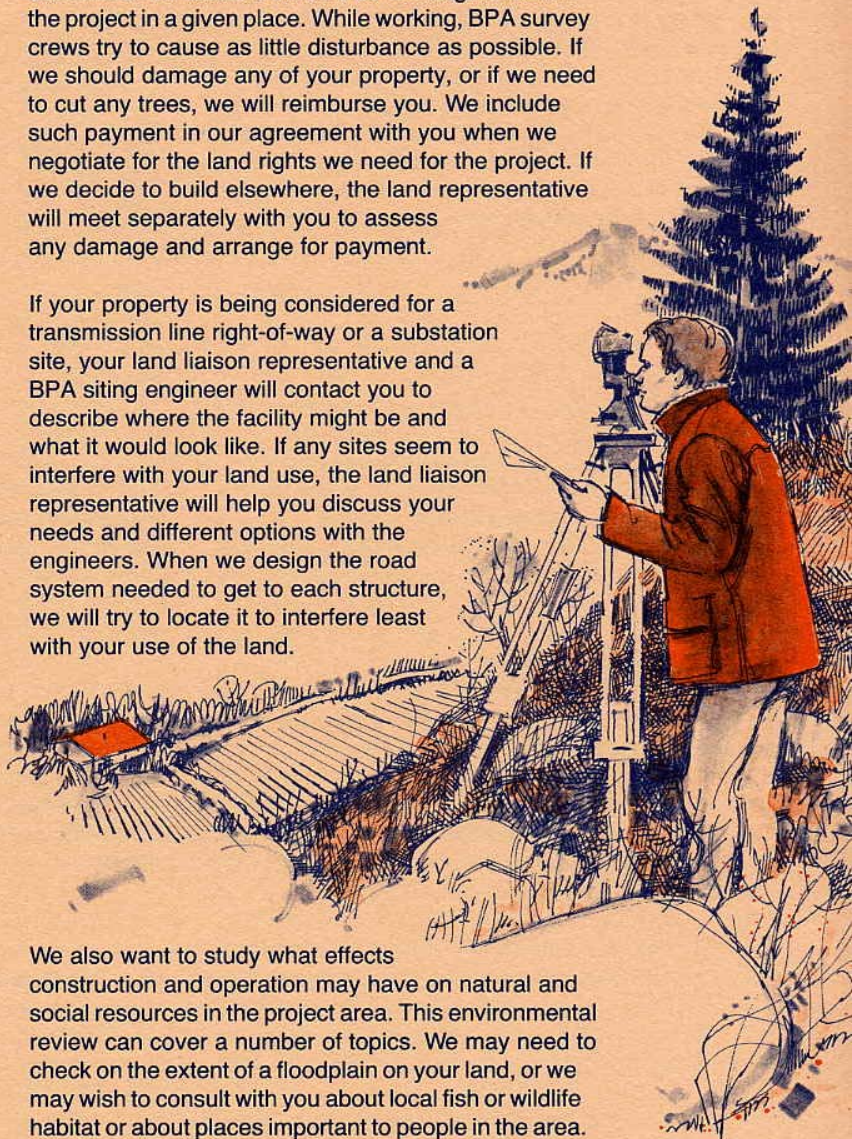
When we foresee a need for additional power, better facilities, or protection for fish and wildlife in an area, we begin to look for ways to meet that need, often in cooperation with the local utilities. BPA engineers explore the area, looking at the different possible locations for the project. Next, we need to do surveying, geological sampling, and an environmental review. (A separate brochure on the facility siting process, covering engineering and environmental work, is planned for release in 1988.) If we need to enter your land at this point, a land liaison representative will contact you for permission. If you have special

restrictions on or concerns about our entry on your property, you may list them on the "Permission to Enter Property" form. We will respect your wishes.

Initial surveying or geological sampling is done to determine how feasible it would be to design and build the project in a given place. While working, BPA survey crews try to cause as little disturbance as possible. If we should damage any of your property, or if we need to cut any trees, we will reimburse you. We include such payment in our agreement with you when we negotiate for the land rights we need for the project. If we decide to build elsewhere, the land representative will meet separately with you to assess any damage and arrange for payment.

If your property is being considered for a transmission line right-of-way or a substation site, your land liaison representative and a BPA siting engineer will contact you to describe where the facility might be and what it would look like. If any sites seem to interfere with your land use, the land liaison representative will help you discuss your needs and different options with the engineers. When we design the road system needed to get to each structure, we will try to locate it to interfere least with your use of the land.

We also want to study what effects construction and operation may have on natural and social resources in the project area. This environmental review can cover a number of topics. We may need to check on the extent of a floodplain on your land, or we may wish to consult with you about local fish or wildlife habitat or about places important to people in the area. If document research shows that your land may have historical or archeological significance, a specialist may need to examine the site to assess its condition and importance.



Appraisals

After we have decided where to build a project, an appraisal will be made to estimate the fair market value of the land rights needed. This "Estimate of Just Compensation" forms the basis of our negotiations for the land rights. You will be invited to accompany the appraiser during the inspection of your property. The appraiser may be either a BPA staff appraiser or an independent contractor; in either case, he or she must follow the appraisal standards specified in the "Uniform Appraisal Standards for Federal Land Acquisitions." If you would like more information about how appraisals must be prepared, the appraiser can give you a copy of these standards.

Land Acquisition Policy

Once our preliminary work and the appraisal are complete, a negotiator—usually the land liaison representative—will meet with you. We negotiate through personal contact with you or your representative, unless distance or other circumstances make it impractical. The negotiator will explain the reason for the project, the right-of-way land requirements, and the anticipated construction and maintenance activities that will occur. He or she will present BPA's offer for your land and will give you a written summary listing the amount established as Just Compensation for the property rights we need. The summary will also describe the basis for that figure.

In acquiring land, we are guided by the Uniform Relocation Assistance and Land Acquisition Policies Act of the 1970 (Public Law 91-646). It provides, among other things, the following rights:

- Property or property rights must be appraised before negotiations begin.
- A reasonable effort must be made to acquire property rights by negotiation.
- You do not have to allow BPA to take possession of the needed rights before you have been paid for them. (BPA easements contain a provision granting entry before payment, but this can be deleted if you wish.)

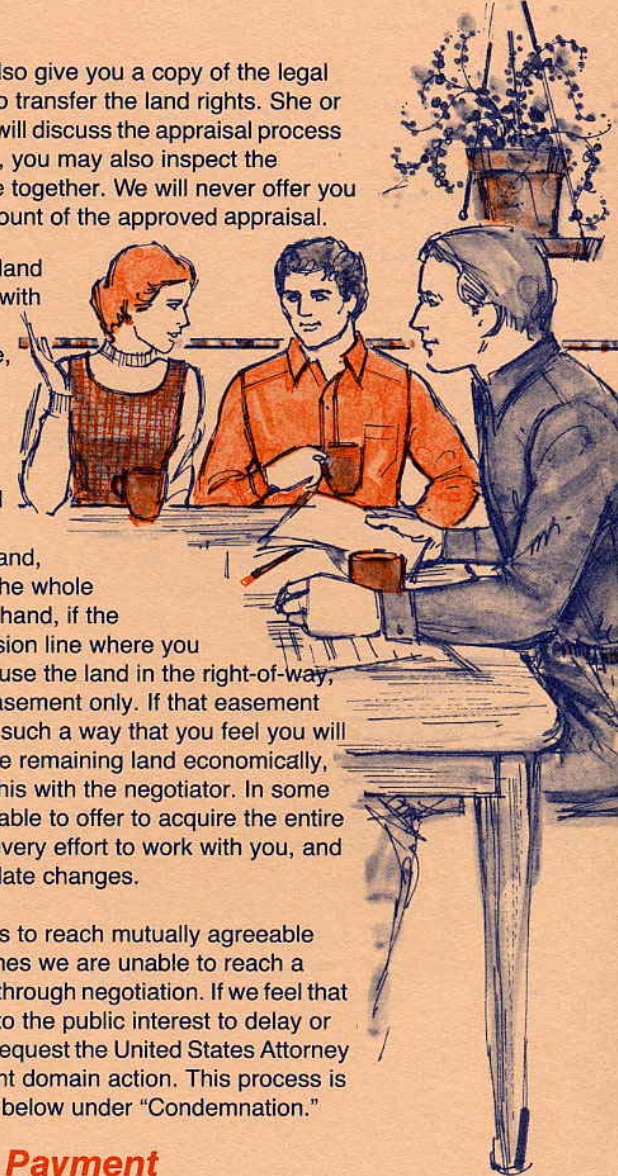
The negotiator will also give you a copy of the legal document required to transfer the land rights. She or he will explain it and will discuss the appraisal process with you. If you wish, you may also inspect the proposed project site together. We will never offer you less than the full amount of the approved appraisal.

BPA tries to plan its land acquisition activities with your use of the land in mind. For example, when we plan a substation, we buy the land outright. If, however, a substation site would leave you with a useless remnant of land, we can offer to buy the whole parcel. On the other hand, if the project is a transmission line where you may still continue to use the land in the right-of-way, we will acquire an easement only. If that easement crosses your land in such a way that you feel you will not be able to use the remaining land economically, you should discuss this with the negotiator. In some cases, BPA may be able to offer to acquire the entire property. We make every effort to work with you, and can often accommodate changes.

Although BPA prefers to reach mutually agreeable settlements, sometimes we are unable to reach a common agreement through negotiation. If we feel that it would be contrary to the public interest to delay or cancel a project, we request the United States Attorney to institute an eminent domain action. This process is more fully described below under "Condemnation."

Closing and Payment

Once agreement is reached, BPA prepares all documents necessary to establish its needed rights across your property, records the easement document at your county courthouse, and pays any related fees. We obtain title insurance to make sure that there are no payments due (i.e., outstanding mortgage or taxes) which could become a financial liability for us. With title insurance, BPA can be sure that our rights will be secure. Those rights continue, even if the property should be transferred to a new owner.



Payment occurs after all the required documents and the title insurance have been obtained. Most landowners are paid within three months after the deed or easement is signed. However, it may take longer if the ownership situation is unusually complicated. When negotiations are completed, our negotiator will be able to give you an estimate of the time required to process your payment. If you have questions about the payment, you should contact your land liaison representative.

Condemnation

BPA views condemnation as a last resort and uses the power of eminent domain* reluctantly. However, we will ask the Federal court for assistance if negotiations fail to produce an agreement. We also begin these proceedings if the record does not tell us clearly who the proper people are to sign the legal document required to transfer the land rights.

The courts usually give us immediate possession of the land (before the trial that determines compensation), so that the project may proceed. However, you are not left unpaid. We deposit the amount of our appraisal with the court. If you wish to withdraw this money, you may usually do so by contacting the court (it is *not* automatically sent to you). Withdrawing the money does not compromise your right to claim a higher value at the trial.

At this point, the United States Attorney has jurisdiction over the case. However, we are always open to continued negotiations. If you or your representative wishes to begin action to settle the disagreement, the U.S. Attorney will refer any offer to us for consideration. We would rather settle cases without going to trial. In fact, most cases are settled this way.

If a case actually goes all the way to trial, you and your representative will have the opportunity, as will BPA, to present evidence supporting opinions of "fair market value." This trial focuses only on real property values and may include the testimony of expert witnesses. A

**This is a constitutional right of the Federal Government to acquire land needed for public use, even without the consent of the owner, so long as Just Compensation is paid.*

decision on the amount of money to be paid is then made by the judge or a jury. Judges may also appoint commissioners to hear the case and to make an award.

Relocation

If you, as the owner or tenant of real property, must move from your residence, business, or farm operation because BPA acquires it, you may be entitled to relocation benefits as provided by Public Law 91-646 (the Uniform Relocation Assistance and Real Property Acquisition Act of 1970).

BPA has a relocation specialist whose main job is to assist you in relocating and in claiming benefits. Please do *not* move or make a commitment to move, however, until you have discussed the matter with the relocation specialist and have received a formal written notice to vacate. *If you move or make a commitment to move too soon, you could lose your relocation benefits.*

If you would prefer, you may be able to move your building or structure off the right-of-way (to a new location). If you wish to do so, you need to discuss the procedures with your relocation specialist before you take any action.

Construction

Private contractors perform nearly all of BPA's construction. After we have bought all required land or land rights, construction may begin. The contractor's activities are restricted to the right-of-way unless other *separate* arrangements are made *between you and the contractor*. For your own protection, we encourage you to put any such separate agreements *in writing*.

Before any construction activities occur, we notify all property owners along the line. You are given the name, address, and telephone number of the contractor, the BPA construction representative, and the BPA land representative (who is usually the negotiator). Should problems arise during construction, contact one of these representatives immediately. The sooner you tell us about any problems, the sooner we will be able to do something about them.

Your use of the right-of-way may be impeded during construction, but every effort is made to limit this

inconvenience to the shortest possible time. The contractor is also required to minimize damage to the environment and to clean up the right-of-way after the work is completed.

Damage to Crops or Improvements within the Easement Area

Since BPA cannot accurately predict when construction will occur on each individual ownership, crops are sometimes damaged before harvest occurs. On occasion, improvements within the right-of-way (fences, drain fields, etc.) are unavoidably damaged. If damage does occur from our construction work or from maintenance activities, BPA will either correct the problem or pay for the damage. This promise is contained in every land acquisition legal document. Such damage payment is figured in addition to compensation for the land rights already acquired.



Mitigation/Monitoring

During construction, BPA construction inspectors will monitor placement of towers, installation of gates, and/or building of roads. The land liaison representative will be available to ensure that any special agreements with you are carried out.

Other BPA staff will occasionally check on the progress of the project to make sure that safe construction practices are being followed and that measures specified to reduce impacts are being carried out. Some environmental specialists may be assigned to photograph areas "before" and "after" construction to check on mitigation techniques—special steps taken to reduce the impacts on the environment. You may contact your land representative or construction representative for information about these methods.

We design our transmission facilities to minimize interference with radio and television reception. However, sometimes they do interfere. If you are in an area that has marginal reception before the line is built, you should mention this fact to the land representative during negotiations. We may want to make some preliminary signal measurements. If, after the line is energized (put into operation), you feel that your television or radio reception has been affected by the line, contact either your land representative or the BPA office nearest to you. BPA will correct any radio and television reception problems caused by the line, and will restore reception at least to its original level.

Maintenance

After construction is complete, most transmission lines are patrolled by helicopter. In addition, periodic ground patrol inspections are made. Within the right-of-way, trees and brush on the right-of-way that could endanger the transmission line are cut or controlled from time to time. Our line crews make every effort to be good neighbors and to cause as little disturbance to crops and other improvements as possible.

Normally, you may continue to use the right-of-way for a number of activities after construction is completed. To learn more about arranging for these uses, please ask your land liaison representative for a copy of "The Landowner's Guide to Use of BPA Rights-of-way."

