



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT PROGRAM

May 4, 2018

In reply refer to: FOIA #BPA-2018-00519-F

Richard Chapman

(b) (6)

Mr. Chapman:

This communication the Bonneville Power Administration's (BPA) final response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on January 10, 2018, followed by a January 25, 2018 email to the FOIA Office clarifying your original request. BPA formally acknowledged your FOIA request on January 26, 2018.

Request

On January 10, 2018, you requested:

"All correspondence and phone records between 12-1-2016 and 1-9-2018 related to use of right-of-way known as tract Id: V-K-2-A-22 for the purpose of accessing NE 25th Avenue from Clark County Parcel number 144718-000 (a.k.a. 3016 NE 78th Street, Vancouver, Washington) or the crossing of said right-of-way with piping."

On January 25, 2018 you clarified your original request as follows:

"All correspondence and phone records between 12-1-2016 and 1-9-2018 related to use of right-of-way known as tract Id: V-K-2-A-22 for the purpose of accessing **NE 30th** Avenue from Clark County Parcel number 144718-000 (a.k.a. 3016 NE 78th Street, Vancouver, Washington) or the crossing of said right-of-way with piping."

Response

BPA conducted a search of electronic records in the agency's Real Property Field Services office, Real Property Services Projects office, and the Office of General Counsel. Those searches located 55 pages of agency records responsive to your request. BPA is releasing those 55 pages of responsive records in full with a single redaction made under Exemption 6, as explained in detail below. Those agency records accompany this communication.

The Freedom of Information Act generally requires the release of all responsive government records on request. However, FOIA permits withholding certain, limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)).

Exemption 6

Exemption (b)(6) protects information in “personnel and ... similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy,” (5 U.S.C. § 552(b)(6)) providing there is no public interest outweighing the privacy interest. In this case BPA has applied an Exemption 6 redaction on one page to protect a personal phone number. BPA finds no public interest in this information as it is not relevant to the business of BPA, as a Federal agency.

Certification

Your FOIA request is now closed with all available agency records provided. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the release and exemption determinations described above.

Fees

There are no fees associated with the processing of FOIA request BPA-2018-00519-F.

Appeal

This decision, as well as the adequacy of the search, may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to:

Director, Office of Hearings and Appeals,
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal to OHA.filings@hq.doe.gov, including the phrase “Freedom of Information Appeal” in the subject line. The appeal must contain all of the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either: 1) in the district where you reside; 2) where you have your principal place of business; 3) where DOE's records are situated; or 4) in the District of Columbia.

You may contact BPA's FOIA Public Liaison, Jason Taylor, at the address on this letter header, at jetaylor@bpa.gov or at 503-230-3537, for any further assistance and to discuss any aspect of your request or this communication.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov
Phone: 202-741-5770; Toll-free: 1-877-684-6448; Fax: 202-741-5769

Thank you for your interest in the Bonneville Power Administration.

Sincerely,



C. M. Frost
Freedom of Information/Privacy Act Officer

Enclosure: responsive agency records



Department of Energy

Bonneville Power Administration
PO Box 3621
Portland, OR 97208-3621

September 27, 2017

In reply refer to: TERR/3

LINE: Ross - Lexington Transmission Line
TRACT NO.: V-K-2-A-22
LOCATION: Vancouver, Washington

AKS Engineering
Attn: Thatch Moyle
9600 NE 126th Ave
Vancouver, WA 98682

via email. moylet@aks-eng.com

Subject: C & E Tool Rental
Parcel No. 1447180000
PAC2017-00128

To Whom It May Concern:

The Bonneville Power Administration (BPA) has reviewed the above-referenced permit application and its relationship to the BPA fee-owned transmission line corridor that this project impacts. It is noted on your development plan that your access will be off of 30th Ave across BPA fee-owned property. Please note that the following will need to occur in order for us to consider your request:

- o Applicant will need to submit an application to have the paved access reviewed by our engineers for compatibility with the transmission lines.
- o If approved, application is required to be reviewed by planning and environment prior to disposing of any federal property. This can take up to 6 months.
- o If approved, Applicant will need to purchase the easement from BPA for this access at fair market value.

Additional information is available at
<https://www.bpa.gov/PublicInvolvement/LandsCommunity/Pages/default.aspx>.

If you have any questions or need additional information, please feel free to contact me at 503-230-5518 or by email at erbelt@bpa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Charlene Belt".

Charlene Belt
Realty Specialist

cc:
Kirsher, Vicki <Vicki.Kirsher@clark.wa.gov>

00000001

Pre-Application Conference Agenda

Date: Thursday, September 7, 2017

Location: Public Service Center
 1300 Franklin Street, third Floor
 Vancouver, WA 98660

Project Name:	C & E TOOL RENTAL VANCCOVER	Case:	PAC2017-00128
Room:	313	Time:	11:00 a.m.
Project Contact:	Thaech Moyle 9600 NE 126TH AVE VANCOUVER WA 98682	Phone:	360-882-0419
		Fax:	
		Email:	moylet@aks-cng.com
Description:	8,000 SF Tool Rental Facility & (3) 10,875 SF Flex Office Pads With Associated Parking, Driving Aisles & Access From Ne 30 Ave Via Bpa Access Easement - Cc Zr	Project Location:	3016 NE 78TH ST Vancouver, WA 98665
Neighborhood:	NE Hazel Dell Nbhnd Association	Parcel number:	1447180000
		Zoning:	CC
Planner:	Vicki Kirsher (360) -397-2375 ext. 4178	Team:	Land Use Review
Engineer:	Brad Hazen (360) -397-2375 ext. 4910	Wcrk Order:	20.213
Association Cases:	PAC2017-00128 VICKI KIRSHER BRAD HAZEN	Section, Township and Range	Q3 S01 T2N R1E

Revised 5/30/13

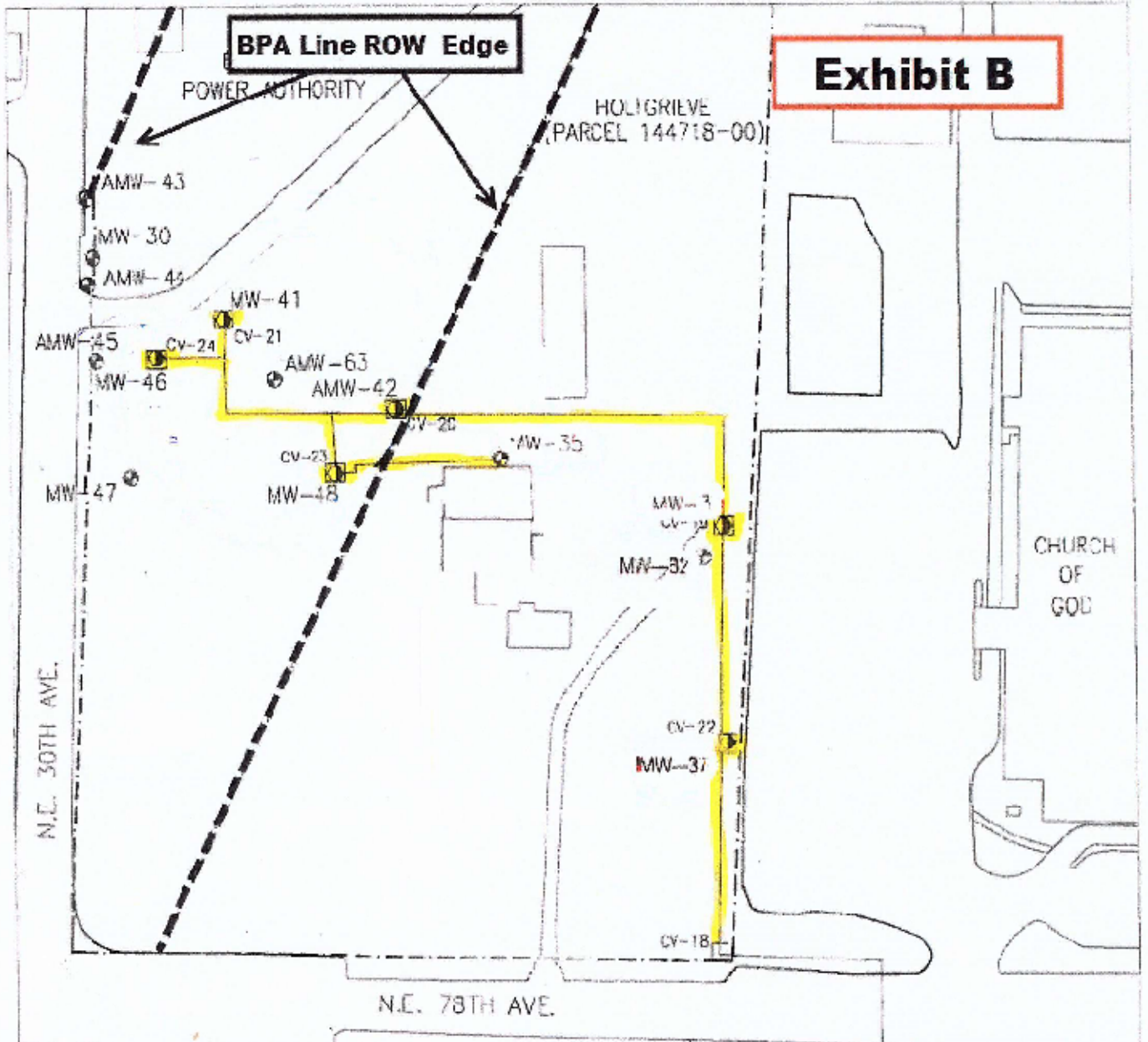


Community Development
 1300 Franklin Street, Vancouver, Washington
 Phone: (360) 397-2375 Fax: (360) 397-2011
www.clark.wa.gov/development



For an alternate format, contact the
 Clark County ADA Compliance Office.
 Phone: (360) 397-2322
 Relay: 711 or (800) 833-6334
 E-mail: ADA@clark.wa.gov

Exhibit B



LEGEND	
	PROPOSED WELL TO BE DECOMMISSIONED
	PROPOSED CONTAINMENT VAULT TO BE REMOVED
	PROPOSED PIPE AND CONDUIT TO BE REMOVED
	GROUNDWATER MONITORING WELL
	GROUNDWATER EXTRACTION WELL
	CONTAINMENT VAULT
	EXTRACTION SYSTEM FORCE MAIN

NOTES: MONITORING WELL LOCATIONS ARE APPROXIMATE

BOOMSNUB/AIRCO SUPERFUND SITE
HAZEL DELL, WASHINGTON

FIGURE 2.
PROPOSED INFRASTRUCTURE REMOVAL AREA

EA EA ENGINEERING,
SCIENCE, AND
TECHNOLOGY, INC., PBC

Case File: 19960067

From: Belt, Charlene R (BPA) - TERR-3

Sent: Wed Jan 17 18:15:16 2018

To: Teeny, Hala H (BPA) - LN-7

Cc: Fenton, Sholley N (BPA) TERR 3

Subject: FW: [EXTERNAL] Requirement to pay for easement

Importance: Normal

Attachments: image001.gif, Letter V-K-2-A-22.pdf, 19400243 AG ESMT.pdf

Hi Hala,

Richard Chapman would like to put in a commercial business on his property. Access to this property would require crossing our fee property – See attached letter.

Legal Question: Before I respond to this email I would like to verify that the AG easement (attached) in place does not allow for a commercial paved road.

He has attempted to develop this property in one way or another since 2007. BPA has told him many times in the past that if he planned on crossing our property he would need to purchase an easement. There is additional

information available if you would like to see it.

Thank you,

Charlene Belt

Realty Specialist / COTR

Real Property Field Services, TERR/3

Bonneville Power Administration
905 NE 11th Avenue, Portland, OR 97208
(503) 230-5518 (office)/crbelt@bpa.gov

From: Richard Chapman [<mailto:rchapman73@gmail.com>]

Sent: Wednesday, January 17, 2018 1:46 PM

To: Belt, Charlene R (BPA) - TERR-3

Subject: [EXTERNAL] Requirement to pay for easement

Charlene,

I am Richard Chapman the sole heir and personal representative of the Estate of Daphne Ellen Holtgrieve which consists almost entirely of real property located at 3016 NE 78th Street in Vancouver, Washington. The late Daphne Holtgrieve was my grandmother.

With regard to this property I note your response to Vicki Kirsher at Clark County Community Development on September 7th of 2017 with regard to C&E Rental's proposed development of the property at 3016 NE 78th Street.

In that response I note at the third bullet point regarding "a 40' paved drive for access"; that you indicated that "If approved, Applicant will need to purchase the easement from BPA for this access at fair market value "

With regard to this requirement for payment for access; I assume that you are aware of the easement granted by BPA in favor of the Holtgrieve's, their heirs and assigns; dated July 5, 1910 recorded under Clark County file # G06980.

I further assume that you are likewise aware of the contention of previous BPA staff and legal counsel that the rights to ingress and egress; upon an over the BPA right-of-way; spelled out in the afore referenced easement; was somehow contingent upon such access being only for agricultural purposes and therefore not allowing for use by a commercial development of office and or retail buildings.

Is this indeed the case?

To be clear, I am asking if it is still BPA's position that the easement granted to the Holtgrieve's in 1940, pertained solely to agricultural use of the easement by the Holtgrieve's, their heirs and assigns?

Please advise as soon as possible.

Thank you,

Richard Chapman

Personal Representative of

The Estate of Daphne Ellen Holtgrieve

Cell (702) 556-1636

Email – rchapman73@gmail.com

US Mail

P.O. Box 1041

Kellogg, ID 83837

UNITED STATES
DEPARTMENT OF THE INTERIOR
BONNEVILLE POWER ADMINISTRATION
PORTLAND, OREGON

IN REPLY REFER TO:

RMK - VK-22

October 31, 1940

Mr. and Mrs. Lester M. Holtgrieve
Route 5, Box 506-A
Vancouver, Washington

Dear Mr. and Mrs. Holtgrieve:

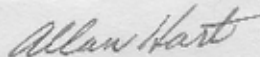
I am enclosing an executed easement deed covering the land acquired from you by the United States for a right of way, and a mimeographed sheet explaining in full the terms and conditions of the easement deed.

As you undoubtedly know, the United States acquired the fee simple title to the land within this right of way. This would give it the right to exercise complete control over and to exclude all persons from this land. However, it is not the intention of the Government to deprive the former owners of the right to use this land, so long as their use does not interfere with the use of the right of way for power transmission towers and lines.

I believe that you will agree with me that it is to the advantage of all concerned to have the land within the right of way used for any and all productive purposes that are not inconsistent with the Government's use of it. It is pursuant to this belief that the Bonneville Power Administration adopted the policy of granting a perpetual easement to the prior owners.

It is hoped that you will find this easement deed satisfactory. If you have any questions, please feel free to communicate with us.

Yours very truly,



ALLAN HART
General Counsel

Enclosures--2

0000003

G06989

EASEMENT DEED

THE UNITED STATES OF AMERICA, Department of the Interior, acting by and through the Bonneville Power Administrator, hereinafter called the grantor, has this day granted and conveyed, and by these presents does hereby grant and convey unto Lester M. Holtgrieve and Dorothy C. Holtgrieve, husband and wife, hereinafter called the grantees, their heirs and assigns, a perpetual easement over and upon the following described land, to-wit:

A parcel of land being all that portion of the James Fitzgerald D.L.C. lying in Sections 1 and 2, Township 2 North, Range 1 East, W.M., Clark County, Washington, which lies within a strip of land 250 feet in width, of which 62.50 feet lie on the westerly side of and 187.50 feet lie on the easterly side of the Vancouver-Kelso transmission line survey;

Said survey line being located as follows: Beginning at a point which is the intersection of said survey line with the south line of the SW $\frac{1}{4}$ of said Section 1, said point being S. 89° 52' 40" E. along said south line a distance of 12.27 feet from the section corner common to Sections 1, 2, 11, and 12, Township 2 North, Range 1 East, W.M.; thence running N. 23° 55' 27" E. a distance of 5765.10 feet to a point on the north line of the NW $\frac{1}{4}$ of said Section 1, said point being N. 89° 45' 50" E. along said north line a distance of 2365.23 feet from the northwest corner of Section 1, Township 2 North, Range 1 East, W.M.

The aforesaid easement is for ingress and egress over, across and upon said parcel of land; for use thereof for customary agricultural purposes, except as herein limited; for use of any well or natural springs or water courses thereon and the water therefrom; and for laying and maintaining water pipes under, upon and across said parcel of land; all in such manner as in the opinion of the grantor will not interfere with use and occupancy of said parcel of land by the grantor for the present or future construction, operation and maintenance of an electric transmission and distribution system thereon with wires and appurtenances convenient thereto.

TO HAVE AND TO HOLD the said easement to the said Lester M. Holtgrieve and Dorothy C. Holtgrieve, husband and wife, their heirs and assigns forever.

The rights granted herein shall be appurtenant to and shall inure only to the benefit of the grantees' land adjoining this said above described parcel of land.

In consideration of the grant of this easement, the grantees hereby covenant for themselves, their heirs and assigns forever, that at all times said parcel of land will be kept and maintained free and clear of trees, brush, noxious weeds, buildings or other structures, and that no material will be stored, stacked or piled thereon.

Dated at Portland, Oregon, this 5 day of July, 1940.

UNITED STATES OF AMERICA
BY Karl R. Brown
Bonneville Power Administrator

Ek.448, Pg. 40

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

ON THIS DAY personally appeared before me Paul J. Ravor, to me known to be the Bonneville Power Administrator described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the purposes and uses therein mentioned.

Given under my hand and official seal this 5 day of
July, 1940.



Donna Lee Keeler
Notary Public for the State of Oregon
residing at Portland, therein.
My Commission Expires Nov. 4, 1942.

Recorded Aug. 5, 1940 at 12:40 P.M., by Lester Holtgraves,
J.W. Albinoe, County Auditor.

EXPLANATION OF EASEMENT DEED

The following explanation of the easement deed is no more than a general explanation. In so far as specific activities are concerned, you should consult the Bonneville Power Administration patrolman who resides in your neighborhood and who will discuss with you all problems concerning the use of the right of way.

The enclosed easement deed grants you the following:

1. The right to cross the right of way and to establish trails or private roads thereon for your use.
2. The right to construct or use an irrigation or water system upon the right of way.
3. The right to use the land within the right of way for such customary agricultural purposes as do not interfere with the transmission lines and supporting poles or towers.

PRIVATE ROADWAYS

If you establish a private road across the right of way, it is suggested that it be located at the point where there is the greatest possible clearance between the ground and the transmission lines. In most cases this will be close to the transmission line towers. It should be remembered that no machinery, hay carriages or farm equipment should be moved under the transmission lines that come closer than fifteen feet to them.

IRRIGATION OR WATER SYSTEMS

If you wish to locate pipes on the right of way for the carrying of water, please get in touch with the Bonneville office or with your local Bonneville patrolman, in order that the patrolman may advise you as to the proper method of installation. Under no circumstances should metal pipes be placed above the ground on standards.

USE OF LAND

The use of the land within the right of way for all customary agricultural purposes which do not interfere with the power transmission towers and lines is granted by this deed. The land may therefore be used for all normal agricultural and grazing activities except the following: (a) the planting and establishment of a new orchard or hop yard, (b) the construction of buildings, and (c) the piling, stacking or storing of any material upon the right of way. This last prohibition, however, does not apply to small shocks of grain or ricks of hay that are temporarily placed upon the right of way for harvesting.

You will note that the easement deed provides that the Administrator will be the judge of the types of agricultural activities that are permissible. Consequently, in the event that you desire to use the land for any unusual agricultural purpose or one that is not specifically discussed herein, please contact the Pennsville office or your local Pennsville patrolman in order that the patrolman may discuss the matter with you.

FUTURE INCONVENIENCE

If you accept the easement deed, it should be recognized that the land within the right of way is subject to two ownerships. Inasmuch as the ownership of the United States is paramount, it is probable that you will suffer some inconvenience if you use the land for agricultural purposes.

The right of way probably will eventually contain one more transmission circuit of the same type as the one now constructed upon it. In addition, it may contain a wood pole circuit which will be used to conduct low voltage electricity or to carry communication lines. In the construction of either or both of these circuits the construction crews and construction equipment will of course have to go upon the right of way.

The right of way will also be used by the patrolman to make a periodic inspection of the transmission lines and by the maintenance crew and their equipment in the event that it is necessary to repair the lines. This activity may result in some damage to growing crops. However, it will be the policy of the Bonneville Power Administration employees to conduct their operations in the manner which will cause the least inconvenience or damage to cultivated areas.

In the event that a wood pole circuit is constructed upon the right of way, it will be necessary to keep growing crops and grass out back from the pole for an area six feet in diameter to protect it against fire.

FENCES

The easement deed permits the enclosure of the right of way with a fence. The only condition is that the fence must contain a gate at a convenient location at both ends of the right of way for use by the Bonneville Power Administration employees.

OBLIGATIONS ASSUMED BY LANDOWNER

The obligations to be assumed by the landowner under this easement deed are set out in the last paragraph of the deed. It provides that the landowner will at all times keep the right of way free and clear of trees, brush, noxious weeds, buildings or other structures, and that he will not permit any material to be stored, stacked or piled thereon. The erection of buildings or other structures, or the storing, stacking or piling of material on the right of way is not permitted under any circumstances.

The provision that the right of way will be kept free of trees, brush and noxious weeds, however, must be interpreted in the light of the condition of the land crossed by the right of way. For instance, land used for pasture need not be kept free of all weeds or brush. However, if a landowner does not expect

to make enough use of the land within the right of way to prevent a substantial growth of brush and trees, then it is probable that he does not have a need for the easement. In cases of this type, the easement deed should be returned to the Bonneville Power Administration.

The easement deed provides that the easement will always be owned by the owner of the adjoining land. This provision was included to prevent the right of way from coming into the hands of a person who did not have adjoining land and therefore would not have an incentive to make full use of it.

RECORDATION OF EASEMENT DEED

You will note that this deed is acknowledged. For your own protection and in order to avoid future expense and trouble in the event the ownership of your adjoining land is transferred, you should have the deed recorded. This, however, is entirely optional with you.

It should at all times be kept in mind that the Bonneville Power Administration maintains a patrolman in your community. If you contemplate making any use of the right of way that is out of the ordinary, please contact the Bonneville Power Administration in order that the patrolman may call upon you and discuss the matter with you. It is our hope that by this means the fullest possible benefit can be obtained by the landowner from the land within the right of way.

Recorded

8-5-48

G-6989

7-5-48 RT
VE-22

EASEMENT DEED

THE UNITED STATES OF AMERICA, Department of the Interior, acting by and through the Bonneville Power Administrator, herein-after called the grantor, has this day granted and conveyed, and by these presents does hereby grant and convey unto Lester N. Holtgrieve and Dorothy G. Holtgrieve, husband and wife, herein-after called the grantees, their heirs and assigns, a perpetual easement over and upon the following described land, to-wit:

A parcel of land being all that portion of the James Fitzgerald D.L.G. lying in Sections 1 and 2, Township 2 North, Range 1 East, W.M., Clark County, Washington, which lies within a strip of land 250 feet in width, of which 62.50 feet lie on the westerly side of and 187.50 feet lie on the easterly side of the Vancouver-Kelso transmission line survey;

Said survey line being located as follows: Beginning at a point which is the intersection of said survey line with the south line of the SW $\frac{1}{4}$ of said Section 1, said point being S. 89° 32' 40" E. along said south line a distance of 12.27 feet from the section corner common to Sections 1, 2, 11, and 12, Township 2 North, Range 1 East, W.M.; thence running S. 23° 38' 27" E. a distance of 5765.10 feet to a point on the north line of the NW $\frac{1}{4}$ of said Section 1, said point being N. 89° 43' 50" E. along said north line a distance of 2365.23 feet from the northeast corner of Section 1, Township 2 North, Range 1 East, W.M.

The aforesaid easement is for ingress and egress over, across and upon said parcel of land; for use thereof for customary agricultural purposes, except as herein limited; for use of any well or natural springs or water courses thereon and the water therefrom; and for laying and maintaining water pipes under, upon and across said parcel of land; all in such manner as in the opinion of the grantor will not interfere with use and occupancy of said parcel of land by the grantor for the present or future construction, operation and maintenance of an electric transmission and distribution system thereon with wires and appurtenances convenient thereto.

TO HAVE AND TO HOLD the said easement to the said Lester N. Holtgrieve and Dorothy G. Holtgrieve, husband and wife, their heirs and assigns forever.

The rights granted herein shall be appurtenant to and shall inure only to the benefit of the grantees' land adjoining this said above described parcel of land.

In consideration of the grant of this easement, the grantees hereby covenant for themselves, their heirs and assigns forever, that at all times said parcel of land will be kept and maintained free and clear of trees, brush, noxious weeds, buildings or other structures, and that no material will be stored, stacked or piled thereon.

Done at Portland, Oregon, this 5 day of July, 1940.

UNITED STATES OF AMERICA

By /s/ PAUL J. RAVER

BONNEVILLE POWER ADMINISTRATOR

STATE OF OREGON }
 } ss.
COUNTY OF MULTNOMAH }

ON THIS DAY personally appeared me Paul J. Raver, to me known to be the Bonneville Power Administrator described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the purposes and uses therein mentioned.

Gives under my hand and official seal this 5 day of
July, 1940.

(SEAL)

/s/ DORIS RAE KEESLER
Notary Public for the State of Oregon
residing at Portland, therein.
My Commission Expires Nov. 7, 1942.

From: Teeny,Hala H (BPA) - LN-7

Sent: Fri Jan 26 13:16:05 2018

To: Belt,Charlene R (BPA) - TERR-3

Cc: Fenton,Shelley N (BPA) TERR 3

Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Importance: Normal

Attachments: image001.gif; image002.png; image003.png

I can do 2:00!

From: Belt,Charlene R (BPA) - TERR-3

Sent: Friday, January 26, 2018 1:14 PM

To: Teeny,Hala H (BPA) - LN-7

Cc: Fenton,Shelley N (BPA) - TERR-3

Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Shelley is available at 2:00. We can call you a few minutes after. Does that work for you? If not, I will just give you a call and fill her in later.

From: Teeny,Hala H (BPA) - LN-7
Sent: Friday, January 26, 2018 1:04 PM
To: Belt,Charlene R (BPA) - TERR-3
Cc: Fenton,Shelley N (BPA) - TERR-3
Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Do you want Shelley on the call too? If so, can you guys call me since I'm working remotely? (b)(6)

From: Belt,Charlene R (BPA) - TERR-3
Sent: Friday, January 26, 2018 12:54 PM
To: Teeny,Hala H (BPA) - LN-7
Cc: Fenton,Shelley N (BPA) - TERR-3
Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

I am available all afternoon.

From: Teeny,Hala H (BPA) - LN-7
Sent: Friday, January 26, 2018 12:23 PM
To: Belt,Charlene R (BPA) - TERR-3
Cc: Fenton,Shelley N (BPA) - TERR-3
Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Are you available for a quick chat?

From: Belt, Charlene R (BPA) - TERR-3
Sent: Wednesday, January 24, 2018 5:37 PM
To: Teeny, Hala H (BPA) - LN-7
Cc: Fenton, Shelley N (BPA) - TERR-3
Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Hi Hala,

Just checking in to see if you have had a chance to review this yet.

Thank you,

Charlene Belt

Realty Specialist / COTR

Real Property Field Services, TERR/3

Donneville Power Administration
905 NE 11th Avenue, Portland, OR 97208
(503) 230-5518 (office)/crbelt@bpa.gov

From: Belt, Charlene R (BPA) - TFRR-3
Sent: Friday, January 19, 2018 4:38 PM
To: Teeny, Hala H (BPA) - LN-7
Cc: Fenton, Shelley N (BPA) - TERR-3
Subject: RE. [EXTERNAL] RE. [EXTERNAL] Requirement to pay for easement

This is the same easement.

They want to put a commercial building on their property. The city will not allow them to access their property from 78th Street. See below:

cid:image002.png@01D39143.CB60A020

The one lane paved road above was granted to the church as an exit. They did not pay BPA for that road. The dirt road is just two tracks where people have driven. This site (and the applicants site) had/has contamination and monitoring wells on it. We just wrote a LUA to cap some of the wells. EPA is aware of their project.

Please let me know if you have any questions or want to discuss.

Thank you,

Charlene

From: Teeny, Hala H (BPA) - LN-7
Sent: Friday, January 19, 2018 6:38 AM
To: Belt, Charlene R (BPA) - TERR-3
Cc: Fenton, Shelley N (BPA) - TERR-3
Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Is this the same easement you sent me the other day? I didn't see a cover letter or explanation with that one...that cover letter sure complicates things for folks!! What is this person proposing to do with the easement (assuming this isn't the commercial developer)?

From: Belt, Charlene R (BPA) - TERR-3
Sent: Thursday, January 18, 2018 3:53 PM
To: Teeny, Hala H (BPA) - LN-7
Cc: Fenton, Shelley N (BPA) - TERR-3
Subject: FW: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Hi Hala,

Please see landowners interpretation of deed in email below and attached BPA explanation of easement. Explanation of easement allows for a private road.

Legal Question: Before I respond to this email I would like to verify that the AG easement explanation(attached) does not allow for a commercial paved road and irrigation system/water line.

Thank you,

Charlene Belt

Realty Specialist / COTR

Real Property Field Services, TERR/3

Bonneville Power Administration
905 NE 11th Avenue, Portland, OR 97208
(503) 230-5518 (office)/crbelt@bpa.gov

From: Richard Chapman [<mailto:rchapman73@gmail.com>]
Sent: Thursday, January 18, 2018 3:31 PM
To: Belt, Charlene R (BPA) - TERR-3
Subject: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Charlene,

While it is certainly clear that one of the grants of the referenced easement was for customary agricultural purposes; such was but one of at least three grants conveyed by the easement. The other two being the right to cross the right-of-way and to establish trails or private roads for the grantee's use and the right to construct or use an irrigation or water system upon the right of way.

I do not find anywhere in the cover letter, the easement nor the explanation of the easement, language that limits the right of ingress and egress or the right to construct and use an irrigation or water system upon the right-of-way being predicated upon such uses serving only an agricultural purpose. indeed I find nothing in these documents calling it an agricultural easement or that limits uses as being "only for", "limited to" or other modifiers that suggest only a singular enterprise that can be served by the access and water systems grants.

Indeed it is abundantly clear in the cover letter accompanying the easement that it was the intent that the right-of-way be "used for any and all productive purposes that are not inconsistent with the Government's use of it."

Thus it is my contention as sole heir to the Estate of Daphne Holtgrieve; that the referenced easement and

accompanying cover letter and explanation of the easement do not limit the use of the right-of-way for private roads or water systems exclusively to agricultural purpose or support of such.

I am attaching a copy of the cover letter, easement and explanation of easement sent to the Holtgrieve's on or about October 31, 1940 for your review and edification.

Please review the foregoing and advise as to whether or not in light of such; it is still BPA's position to require the Estate and or it's assigns to pay for the use of the right-of-way for private roads and or water piping that serves other than an agricultural purpose.

I am making this request for clarification on my own behalf as sole heir to the Estate and therefore the net proceeds from the sale of the previously referenced property.

Please respond with specificity to the question of requiring payment for the rights to use the right-of-way for access and water piping for other than agricultural purpose so that I can determine how to proceed.

Thank you,

Richard Chapman

(702) 556-1636

PO Box 1041

Kellogg, ID 83837

From: Delt, Charlene R (BPA) - TCRR-3 [<mailto:crbelt@bpa.gov>]

Sent: Thursday, January 18, 2018 9:52 AM

To: Richard Chapman

Subject: RE: [EXTERNAL] Requirement to pay for easement

Mr. Chapman,

Thank you for your email. It is BPA's position that the easement granted to the Holtgrieve's and their assigns dated July 5, 1940 was for customary agricultural purposes.

Please feel free to contact me if you have any additional questions.

Thank you,

Charlene Belt

Realty Specialist / COTR

Real Property Field Services, TERR/3

Bonneville Power Administration
905 NE 11th Avenue, Portland, OR 97208
(503) 230-5518 (office)/crbelt@bpa.gov

From: Richard Chapman [<mailto:rchapman73@gmail.com>]
Sent: Wednesday, January 17, 2018 1:46 PM
To: Belt, Charlene R (BPA) - TERR-3
Subject: [EXTERNAL] Requirement to pay for easement

Charlene,

I am Richard Chapman the sole heir and personal representative of the Estate of Daphne Ellen Holtgrieve which consists almost entirely of real property located at 3016 NE 78th Street in Vancouver, Washington. The late Daphne Holtgrieve was my grandmother.

With regard to this property I note your response to Vicki Kirsher at Clark County Community Development on September 7th of 2017 with regard to C&E Rental's proposed development of the property at 3016 NE 78th Street.

In that response I note at the third bullet point regarding "a 40' paved drive for access"; that you indicated that "If

approved, Applicant will need to purchase the easement from BPA for this access at fair market value.”

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Is this indeed the case?

To be clear; I am asking if it is still BPA’s position that the easement granted to the Holtgrieve’s in 1940, pertained solely to agricultural use of the easement by the Holtgrieve’s, their heirs and assigns?

Please advise as soon as possible.

Thank you,

Richard Chapman

Personal Representative of

The Estate of Daphne Ellen Holtgrieve

Cell (702) 556-1636

Email – rchapman73@gmail.com

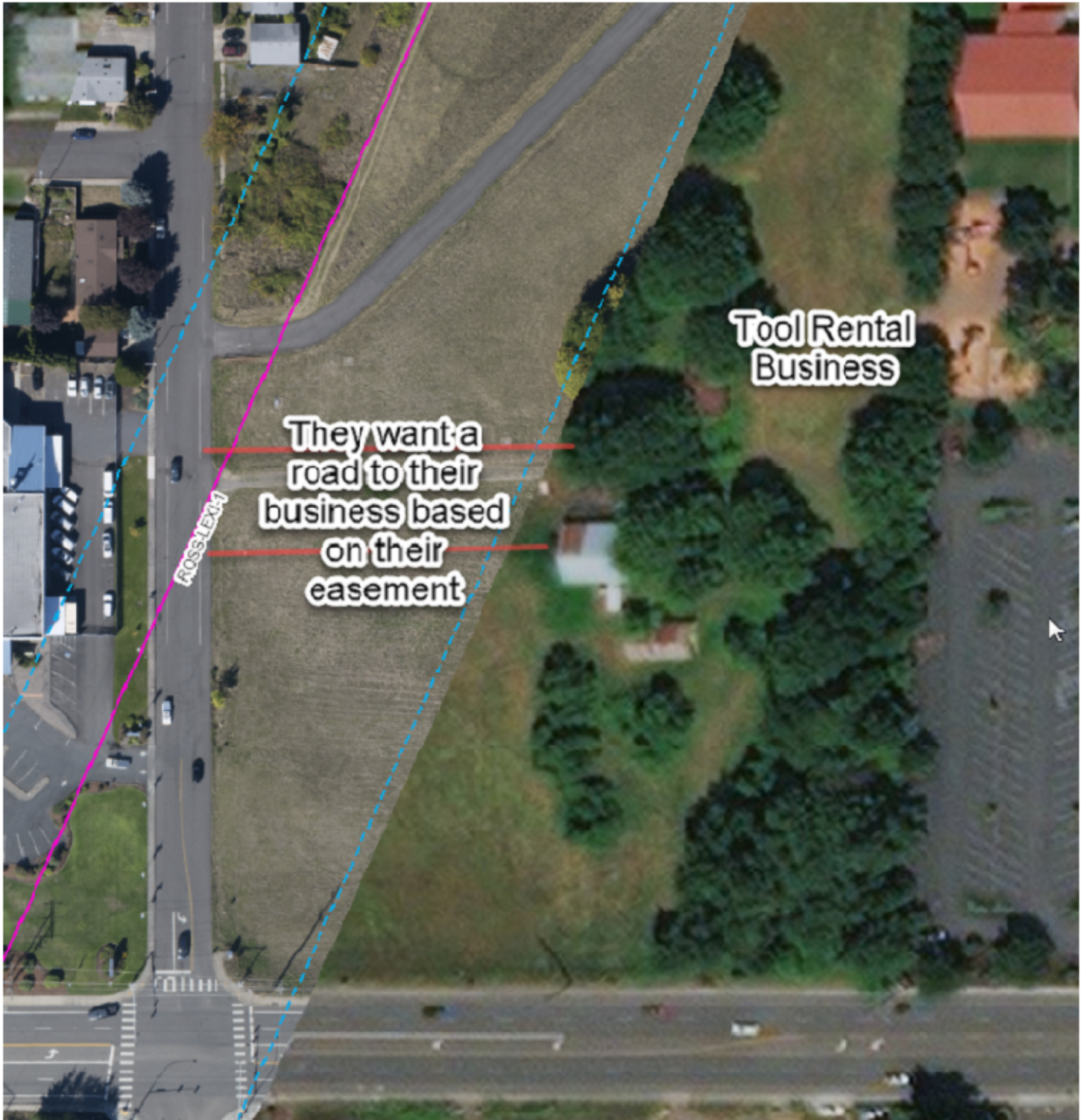
US Mail

P.O. Box 1041

Kellogg, ID 83837

<https://ipmcdn.avast.com/images/icons/icon-envelope-tick-green-avg-v1.png>

Virus-free. www.avg.com



From: Belt,Charlene R (BPA) - TERR-3

Sent: Wed Jan 24 17:44:04 2018

To: Teeny,Hala H (BPA) - LN-7

Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Importance: Normal

Attachments: image001.gif; image002.png; image003.png

Thank you!! I appreciate it J

From: Teeny,Hala H (BPA) - LN-7

Sent: Wednesday, January 24, 2018 5:44 PM

To: Belt,Charlene R (BPA) - TERR-3

Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Sorry Charlene! Ally and I are still working on it. The letter complicated things. I haven't forgotten you and should have something by Friday.

Sent from my Verizon 4G LTE smartphone

----- Original message -----

From: "Belt, Charlene R (BPA) - TERR-3" <crbelt@bpa.gov>

Date: 1/24/18 5:37 PM (GMT-08:00)

To: "Teeny, Hala H (BPA) - LN-7" <hhteeny@bpa.gov>

Cc: "Fenton, Shelley N (BPA) - TERR-3" <snfenton@bpa.gov>

Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Hi Hala,

Just checking in to see if you have had a chance to review this yet.

Thank you,

Charlene Belt

Realty Specialist / COTR

Real Property Field Services, TERR/3

Bonneville Power Administration
905 NE 11th Avenue, Portland, OR 97208

(503) 230-5518 (office)/crbelt@bpa.gov

From: Belt, Charlene R (BPA) - TERR-3
Sent: Friday, January 19, 2018 4:38 PM
To: Teeny, Hala H (BPA) - LN-7
Cc: Fenton, Shelley N (BPA) - TERR-3
Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

This is the same easement.

They want to put a commercial building on their property. The city will not allow them to access their property from 78th Street. See below:

cid:image002.png@01D39143.CB60A020

The one lane paved road above was granted to the church as an exit. They did not pay BPA for that road. The dirt road is just two tracks where people have driven. This site (and the applicants site) had/has contamination and monitoring wells on it. We just wrote a LUA to cap some of the wells. EPA is aware of their project.

Please let me know if you have any questions or want to discuss.

Thank you,

Charlene

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Cc: Fenton,Shelley N (BPA) - TERR-3
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Realty Specialist / COIR

Real Property Field Services, TERR/3

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Thank you,

Richard Chapman

(702) 556-1636

PO Box 1041

Kellogg, ID 83837

From: Belt, Charlene R (BPA) - TERR-3 [<mailto:crbelt@bpa.gov>]

Sent: Thursday, January 18, 2018 9:52 AM

To: Richard Chapman

Subject: RE: [EXTERNAL] Requirement to pay for easement

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Please feel free to contact me if you have any additional questions.

Thank you,

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Really Specialist / COTR

Real Property Field Services, TERR/3

Bonneville Power Administration
905 NE 11th Avenue, Portland, OR 97208
(503) 230-5518 (office)/crbelt@bpa.gov

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Cell (702) 556-1636

Email – rchapman73@gmail.com

US Mail

P.O. Box 1041

Kellogg, ID 83837

<https://ipmcdn.avast.com/images/icons/icon-envelope-tick-green-avg-v1.png>

Virus-free. www.avg.com

From: Teeny,Hala H (BPA) - LN-7

Sent: Fri Jan 26 12:59:17 2018

To: Belt,Charlene R (BPA) - TERR-3

Cc: Fenton,Shelley N (BPA) TERR 3

Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Importance: Normal

Attachments: image001.gif; image002.png; image003.png

I'll call shortly!

From: Belt,Charlene R (BPA) - TERR-3

Sent: Friday, January 26, 2018 12:54 PM

To: Teeny,Hala H (BPA) - LN-7

Cc: Fenton,Shelley N (BPA) - TERR-3

Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

I am available all afternoon.

From: Teeny,Hala H (BPA) - LN-7
Sent: Friday, January 26, 2018 12:23 PM
To: Belt,Charlene R (BPA) - TERR-3
Cc: Fenton,Shelley N (BPA) - TERR-3
Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

Are you available for a quick chat?

From: Belt,Charlene R (BPA) - TERR-3
Sent: Wednesday, January 24, 2018 5:37 PM
To: Teeny,Hala H (BPA) LN 7
Cc: Fenton,Shelley N (BPA) - TERR-3
Subject: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

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Really Specialist / COTR

Real Property Field Services, TERR/3

Bonneville Power Administration
905 NE 11th Avenue, Portland, OR 97208
(503) 230-5518 (office)/crbelt@bpa.gov

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Cc: Fenton, Shelley N (BPA) - TERR-3
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cid:image002.png@01D39143.CB60A020

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<https://ipmcdn.avast.com/images/icons/icon-envelope-tick-green-avg-v1.png>

Virus-free. www.avg.com

From: Teeny,Hala H (BPA) - LN-7

Sent: Mon Jan 22 13:55:03 2018

To: Cooper,Alexandra K (CONTR) - L-7 (akcooper@bpa.gov)

Subject: ag easement

Importance: Normal

Attachments: RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement; RE: [EXTERNAL] RE: [EXTERNAL] Requirement to pay for easement

GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO CENTER UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS ARE TO CENTER UNLESS NOTED OTHERWISE.
5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

SITE STATISTICS

AREA TOTAL	4000 SF
AREA LOT 1	1000 SF
AREA LOT 2	1000 SF
AREA LOT 3	1000 SF
AREA LOT 4	1000 SF

