

Exhibit CC Other Legal Citations

Boardman to Hemingway Transmission Line Project



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Amended Preliminary Application for Site Certificate

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ACRONYMS AND ABBREVIATIONS

Amended Project Order	First Amended Project Order, Regarding Statutes, Administrative Rules and Other Requirements Applicable to the Proposed Boardman to Hemingway Transmission Line (December 22, 2014)
DLCD	Department of Land Conservation and Development
DOGAMI	Oregon Department of Geology and Mineral Industries
EFSC or Council	Energy Facility Siting Council
EPCRA	Emergency Planning and Community Right-to-Know Act
IPC	Idaho Power Company
OAR	Oregon Administrative Rules
ODA	Oregon Department of Agriculture
ODEQ	Oregon Department of Environmental Quality
ODF	Oregon Department of Forestry
ODFW	Oregon Department of Fish and Wildlife
OPUC	Public Utility Commission of Oregon
ORS	Oregon Revised Statutes
Project	Boardman to Hemingway Transmission Line Project
SAG	Special Advisory Group

1 Exhibit CC 2 Other Legal Citations

3 1.0 INTRODUCTION

4 Exhibit CC identifies state statutes and administrative rules and local government ordinances
5 containing approval criteria that the Boardman to Hemingway Transmission Line Project
6 (Project) must meet for the Oregon Energy Facility Siting Council (EFSC or Council) to issue a
7 site certificate for the Project, other than those statutes, rules, or ordinances identified in
8 Exhibit E.

9 2.0 APPLICABLE RULES AND AMENDED PROJECT ORDER 10 PROVISIONS

11 2.1 Site Certificate Application Requirements

12 Oregon Administrative Rule (OAR) 345-021-0010(1)(cc) states that the EFSC application must
13 include:

14 *Identification, by legal citation, of all state statutes and administrative rules and local*
15 *government ordinances containing standards or criteria that the proposed facility must*
16 *meet for the Council to issue a site certificate, other than statutes, rules and ordinances*
17 *identified in Exhibit E, and identification of the agencies administering those statutes,*
18 *administrative rules and ordinances. The applicant shall identify all statutes,*
19 *administrative rules and ordinances that the applicant knows to be applicable to the*
20 *proposed facility, whether or not identified in the project order. To the extent not*
21 *addressed by other materials in the application, the applicant shall include a discussion*
22 *of how the proposed facility meets the requirements of the applicable statutes,*
23 *administrative rules and ordinances.*

24 2.2 Amended Project Order Provisions

25 The Amended Project Order provides:

26 *Exhibit CC requires the applicant to identify all statutes, administrative rules, and*
27 *ordinances that the applicant knows to be applicable to the proposed facility that are not*
28 *identified in Exhibit E because they do not result in the issuance of a permit or other*
29 *approval. Following is a preliminary list of those statutes, administrative rules and*
30 *ordinances that the Department expects to be applicable to the proposed facility. This list*
31 *may not be exhaustive. The applicant shall include in this exhibit other statutes,*
32 *administrative rules or ordinances not identified in Exhibit E but that are applicable to the*
33 *proposed facility, including but not limited to the following:*

34 *Oregon Department of Environmental Quality – Land Quality Division*

35 *Statute and Rule References: ORS Chapters 465 and 466 (Hazardous Waste and*
36 *Hazardous Materials I and II); and OAR Chapter 340, Divisions 100 through 122*
37 *(Hazardous Waste Management); ORS Chapter 459 (Solid Waste Management); OAR*
38 *Chapter 340, Division 93 (Solid Waste General Provisions).*

39 *Discussion: The ODEQ Hazardous Waste program implements requirements of the EPA*
40 *and is a federally-delegated program. The applicant must comply with ODEQ regulations*

1 concerning the storage and management of hazardous materials and the clean-up and
2 disposal of hazardous waste. The applicant must also comply with the ODEQ's
3 requirements regarding solid waste management.

4 These requirements are incorporated in the Council's general standard of review, 1 OAR
5 345-022-0000. The application for site certificate must include information on hazardous
6 materials use and storage and solid waste management.

7 Oregon Department of Environmental Quality – Noise Control Regulations

8 Statute and Rule References: ORS 467.020 and ORS 467.030 (Noise Control); and
9 OAR Chapter 340, Division 35 (Noise Control Regulations).

10 Discussion: Pursuant to OAR 345-021-0010(1)(x) (Exhibit X), the proposed facility must
11 comply with the noise control regulations applicable to industrial facilities at OAR 340-
12 035-0035.

13 Oregon Department of Fish and Wildlife

14 Statute and Rule References: OAR Chapter 635, Division 415.

15 Discussion: ODFW's Fish and Wildlife Habitat Mitigation Policy (OAR Chapter 635,
16 Division 415) classifies six habitat categories and establishes a mitigation goal for each
17 category. ODFW provides technical review and recommendations regarding compliance
18 with the Fish and Wildlife Habitat Mitigation Policy. The applicant shall analyze
19 consistency with the ODFW Fish and Wildlife Habitat Mitigation Policy to demonstrate
20 compliance with the Council's Fish and Wildlife Habitat Standard (OAR 345-022-0060),
21 and provide evidence of compliance in Exhibit P.

22 Oregon Department of Forestry

23 Statute and Rule References: OAR Chapter 629, Divisions 600-680 (Oregon Forest
24 Practice Rules)

25 Discussion: ODF provides technical review and recommendations regarding compliance
26 with the Oregon Forest Practice Rules. The applicant shall provide analysis of
27 compliance with the Oregon Forest Practice Rules in Exhibit BB.

28 Oregon Parks and Recreation Department – State Historic Preservation Office

29 Statute and Rule References: ORS 97.745 (Indian Graves and Protected Objects); ORS
30 358.920 Archaeological Objects and Sites); ORS 390.010 (Outdoor Recreation); ORS
31 390.235 (Archaeological Sites and Historical Material).

32 Discussion: OPRD-SHPO provides technical review and recommendations related to the
33 Council's Historic, Cultural and Archaeological Resources Standard (OAR 345-022-
34 0090). The applicant should incorporate analysis of compliance with the above-listed
35 statutes and rules into Exhibit S or Exhibit BB of the application.

36 Oregon Parks and Recreation Department – Scenic Waterways Program

37 Statute and Rule References: ORS 390.805 through 390.925 (Scenic Waterways)

38 Discussion: OPRD administers the state's Scenic Waterways Program. The application
39 for a site certificate should include all of the information required by ORS 390.845
40 regarding the crossing of Scenic Waterways designated by rule. The applicant should
41 incorporate this information into Exhibit L of the site certificate application.

1 *Local Governments: Morrow County; Umatilla County, Union County, Baker County,*
2 *Malheur County City of North Powder; City of Island City; City of La Grande; City of*
3 *Huntington*

4 *In addition to the required land use permits listed in Exhibit E, the affected local*
5 *governments may have other ordinances that apply to the proposed facility. Those*
6 *ordinances may or may not be included in the list of applicable substantive criteria*
7 *provided by each SAG pursuant to ORS 469.504(5). If the SAG does not include non-*
8 *land use ordinances in its list of applicable substantive criteria, the applicant should*
9 *obtain a list of other local ordinances that apply in each affected jurisdiction. The list of*
10 *those ordinances should be included in Exhibit CC and addressed under the pertinent*
11 *Council standard.*

12 (Amended Project Order, Section III(cc)).

13 **3.0 ANALYSIS**

14 **3.1 Oregon Department of Environmental Quality (ODEQ)**

15 **3.1.1 Hazardous Materials Management**

16 ***Statute and Rule References:***

17 Oregon Revised Statutes (ORS) Chapters 465 and 466 (Hazardous Waste and Hazardous
18 Materials I and II); and OAR Chapter 340, Divisions 100 through 122 (Hazardous Waste
19 Management).

20 ***Contact Information:***

21 Randy Jones
22 Oregon Department of Environmental Quality
23 Regional Solutions Center
24 Eastern Oregon University
25 1 University Blvd.
26 La Grande, OR 97850

27 ***Discussion:***

28 Exhibit G discusses Idaho Power Company's (IPC) plans to manage hazardous materials during
29 construction and operation of the Project and to comply with ODEQ's hazardous materials
30 management statutes and rules.

31 **3.1.2 Solid Waste Management**

32 ***Statute and Rule References:***

33 ORS Chapter 459 (Solid Waste Management) and OAR Chapter 340, Division 93 (Solid Waste
34 General Provisions).

35 ***Contact Information:***

36 Same as above.

37 ***Discussion:***

38 Exhibit V discusses IPC's plans to manage solid waste during construction and operation of the
39 Project and to comply with ODEQ's solid waste management statutes and rules.

1 **3.1.3 Noise Control Regulations**

2 **Statute and Rule References:**

3 ORS 467.020 and ORS 467.030 (Noise Control) and OAR Chapter 340, Division 35 (Noise
4 Control Regulations)

5 **Contact Information:**

6 Same as above.

7 **Discussion:**

8 Exhibit X describes how the Project will comply with the noise control regulations applicable to
9 industrial facilities at OAR 340-035-0035.

10 **3.2 Oregon Department of Fish and Wildlife (ODFW)**

11 **3.2.1 Fish and Wildlife Habitat Mitigation Policy**

12 **Statute and Rule References:**

13 OAR Chapter 635, Division 415 (Fish and Wildlife Habitat Mitigation Policy).

14 **Contact Information:**

15 Nigel Seidel
16 Oregon Department of Fish and Wildlife
17 NE Region Office
18 107 20th Street
19 La Grande, OR 97850-3465

20 **Discussion:**

21 IPC analyzes the consistency of the Project with the ODFW Fish and Wildlife Habitat Mitigation
22 Policy in Exhibits P1, P2, and P3. Additional discussions regarding potential impacts to fish and
23 wildlife habitat are provided in Exhibit Q.

24 **3.2.2 State Threatened and Endangered Wildlife Species**

25 **Statute and Rule References:**

26 OAR Chapter 625, Division 100 (Wildlife Diversity Plan) and OAR 635-044-0130.

27 **Contact Information:**

28 Same as above.

29 **Discussion:**

30 ODFW provides technical review and recommendations for compliance with statutes and rules
31 relating to the protection of state-listed threatened and endangered species. Discussion of state-
32 listed threatened and endangered species is provided in Exhibit Q.

33 **3.3 Oregon Department of Forestry's (ODF) Forest Practice Rules**

34 **Statute and Rule References:**

35 ORS 527.610 to 527.770, 527.990 (1) and 527.992 (Forest Practices Act), and OAR Chapter
36 629, Divisions 600-680 (Oregon Forest Practice Rules).

1 **Contact Information:**
2 Rick Wagner, Stewardship Forester
3 Oregon Department of Forestry
4 611 20th Street
5 La Grande, OR 97850
6 (541) 963-3168

7 John Tokarczyk – Forest Resources Planning
8 Oregon Department of Forestry
9 Salem Headquarters
10 2600 State Street
11 Salem, Oregon 97310
12 (503) 945-7414

13 **Discussion:**
14 Compliance with the Forest Practices Act and Rules is discussed in Exhibit BB and
15 Attachment BB-1; and Exhibit K.

16 **3.4 Oregon Parks and Recreation Department**

17 **3.4.1 State Historic Preservation Office**

18 **Statute and Rule References:**
19 ORS 97.745 (Indian Graves and Protected Objects); ORS 358.920 (Archaeological Objects and
20 Sites); ORS 390.010 (Outdoor Recreation); ORS 390.235 (Archaeological Sites and Historical
21 Material); and OAR 345-022-0090 (Historic, Cultural and Archaeological Resources Standard).

22 **Contact Information:**
23 John O. Pouley
24 Oregon State Historic Preservation Officer
25 Assistant State Archaeologist
26 725 Summer St NE Suite C
27 Salem, OR 97301

28 **Discussion:**
29 Exhibit S analyzes compliance with the Historic, Cultural and Archaeological Resources
30 Standard and above-referenced statutes.

31 **3.5 Oregon Department of Agriculture (ODA) Native Plant Conservation** 32 **Program**

33 **Statute and Rule References:**
34 ORS Chapter 564 (Wildflowers, Threatened or Endangered Plants); OAR Chapter 603, Division
35 73 (Plants: Wildflowers and Endangered, Threatened and Candidate Species)

36 **Contact Information:**
37 Robert Meinke
38 Native Plant Conservation Program Lead, Oregon Department of Agriculture
39 Department of Botany and Plant Pathology, Cordley Hall 2082
40 Oregon State University
41 Corvallis OR 97331-2902

1 **Description:**

2 The ODA, through the Native Plant Conservation Program, is responsible for conservation and
3 management of Oregon's listed plant species. Discussion of state-listed plant species is
4 provided in Exhibit Q.

5 **3.6 Oregon Department of Geology and Mineral Industries (DOGAMI)**

6 **Statute and Rule References:**

7 OAR 345-022-0020 (Structural Standard)

8 **Contact Information:**

9 Yumei Wang

10 Oregon Department of Geology and Mineral Industries

11 800 NE Oregon Street #28 Suite 965

12 Portland, OR 97232

13 **Discussion:**

14 DOGAMI provides technical review and recommendations for compliance with EFSC's
15 Structural Standard. Discussion of the geotechnical investigation is provided in Exhibit H.

16 **3.7 Oregon Department of Land Conservation and Development (DLCD)**

17 **Statute and Rule References:**

18 ORS Chapter 195 (Local Government Planning Coordination); ORS Chapter 197
19 (Comprehensive Land Use Planning Coordination); ORS Chapter 215 (County Planning,
20 Zoning, Housing Codes); ORS Chapter 469 (Energy, Conservation Program, Energy Facilities);
21 OAR Chapter 660, Divisions 4 (Interpretation of Goal 2 Exception Process); OAR Chapter 660,
22 Divisions 12 (Requirements and Application Procedures for Complying with Statewide Goal 5);
23 OAR Chapter 660, Divisions 33 (Agricultural Land)

24 **Contact Information:**

25 Tim Murphy

26 Oregon Department of Land Conservation and Development

27 635 Capital Street NE

28 Suite 150

29 Salem, OR 97301-2540

30 **Discussion:**

31 The DLCD provides technical review and recommendations for compliance with statewide
32 planning goals and applicable comprehensive planning requirements. Discussion of applicable
33 state and local land use statutes, administrative rules, and ordinances is provided in Exhibit K.

34 **3.8 Public Utility Commission of Oregon (OPUC) Safety Standards**

35 **Statute and Rule References:**

36 ORS 757.045; OAR Chapter 860, Division 24 (Safety Standards)

37 **Contact Information:**

38 Public Utility Commission of Oregon

39 550 Capitol Street NE Suite 215

40 Salem, OR 97301

1 **Discussion:**

2 The OPUC oversees transmission line safety and may recommend safety conditions to include
3 in the site certificate as they do not offer a permit. Discussion regarding transmission line safety
4 is provided in Exhibits B and D.

5 **3.9 Oregon Department of State Police, Office of State Fire Marshal**

6 **3.9.1 Emergency Planning and Community Right-To-Know Act (EPCRA)**

7 **Statute and Rule References:**

8 OAR Chapter 837, Division 85 (Community Right-To-Know Survey and Compliance Programs)

9 **Contact Information:**

10 Michael Heffner
11 Assistant Chief Deputy
12 Emergency Response Services Branch
13 Office of State Fire Marshal
14 Oregon State Police
15 3565 Trelstad Ave. SE
16 Salem, OR 97317

17 **Discussion:**

18 The EPCRA may require notification to the State Fire Marshal for certain activities. Discussion
19 of emergency response procedures and coordination with state or local emergency responders
20 is provided in Exhibit U.

21 **3.9.2 Explosives Handling Program**

22 **Statute and Rule References:**

23 OAR Chapter 837, Division 12

24 **Contact Information:**

25 Same as above.

26 **Discussion:**

27 An operator must notify the Fire Marshal when re-locating an explosives magazine. Discussion
28 of coordination with the relevant state or local emergency responders is provided in Exhibit G
29 and Exhibit U.

30 **3.10 Local Governments**

31 The local government ordinances containing standards or criteria applicable to the Project are
32 identified and discussed in Exhibit K.

33 **4.0 CONCLUSION**

34 Exhibit CC includes the application information provided for in OAR 345-021-0010(1)(cc) and
35 the relevant Amended Project Order provisions.

1 **5.0 COMPLIANCE CROSS-REFERENCES**

2 Table CC-1 identifies the location within the Amended Preliminary Application for Site Certificate
 3 of the information responsive to the application submittal requirements in OAR 345-021-
 4 0010(cc) and the relevant Amended Project Order provisions.

5 **Table CC-1. Compliance Requirements and Relevant Cross-References**

Requirement	Location
OAR 345-021-0010(1)(cc)	
Exhibit CC. Identification, by legal citation, of all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules and ordinances identified in Exhibit E, and identification of the agencies administering those statutes, administrative rules and ordinances. The applicant shall identify all statutes, administrative rules and ordinances that the applicant knows to be applicable to the proposed facility, whether or not identified in the project order. To the extent not addressed by other materials in the application, the applicant shall include a discussion of how the proposed facility meets the requirements of the applicable statutes, administrative rules and ordinances.	Exhibit CC, Section 3
Amended Project Order	
Exhibit CC requires the applicant to identify all statutes, administrative rules, and ordinances that the applicant knows to be applicable to the proposed facility that are not identified in Exhibit E because they do not result in the issuance of a permit or other approval. Following is a preliminary list of those statutes, administrative rules and ordinances that the Department expects to be applicable to the proposed facility. This list may not be exhaustive. The applicant shall include in this exhibit other statutes, administrative rules or ordinances not identified in Exhibit E but that are applicable to the proposed facility, including but not limited to the following:	Exhibit CC, Section 3