

Exhibit E

Permits for Construction and Operation

Boardman to Hemingway Transmission Line Project



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Amended Preliminary Application for Site Certificate

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ACRONYMS AND ABBREVIATIONS

ACDP	Air Contaminant Discharge Permit
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)
ASC	Application for Site Certificate
BCZSO	Baker County Zoning and Subdivision Ordinance
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
CHZO	City of Huntington Zoning Ordinance
CWA	Clean Water Act of 1972
EFSC or Council	Energy Facility Siting Council
EFU	Exclusive Farm Use
ERU	Exclusive Range Use
FLPMA	Federal Land Policy and Management Act
IPC	Idaho Power Company
MCC	Malheur County Code
MCZO	Morrow County Zoning Ordinance
NPDES	National Pollutant Discharge Elimination System
NPZO	City of North Powder Zoning Ordinance
OAR	Oregon Administrative Rules
ODEQ	Oregon Department of Environmental Quality
ODF	Oregon Department of Forestry
ODFW	Oregon Department of Fish and Wildlife
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statutes
PA	Programmatic Agreement
Project	Boardman to Hemingway Transmission Line Project
ROW	right-of-way
UCDC	Umatilla County Development Code
UCZPSO	Union County Zoning, Partition and Subdivision Ordinance
U.S.	United States
USACE	United States Army Corps of Engineers
U.S.C.	United States Code
USFS	United States Forest Service

1 Exhibit E

2 Permits for Construction and Operation

3 1.0 INTRODUCTION

4 Exhibit E identifies the federal, state, and local permits needed for construction and operation of
5 the Boardman to Hemingway Transmission Line Project (Project) in Oregon, as required by
6 Oregon Administrative Rule (OAR) 345-021-0010(1)(e). Exhibit E identifies all state and local
7 permits that will be included in and governed by the site certificate, as well as state and local
8 permits related to the siting and operation of the Project that will not to be included in and
9 governed by the site certificate. Idaho Power Company (IPC) intends to obtain the permits
10 necessary for the Project directly or through a construction contractor under IPC's direction and
11 control, except for certain local approvals required for the electric distribution lines serving the
12 communication stations, which will be obtained by the relevant third-party local service provider.

13 2.0 APPLICABLE RULES AND AMENDED PROJECT ORDER

14 PROVISIONS

15 2.1 Site Certificate Application Requirements

16 In accordance with OAR 345-021-0010(1)(e), Exhibit E must include the following information
17 about permits needed for construction and operation of the Project:

18 *(A) Identification of all federal, state and local government permits related to the siting of*
19 *the proposed facility, a legal citation of the statute, rule or ordinance governing each*
20 *permit, and the name, mailing address, email address and telephone number of the*
21 *agency or office responsible for each permit.*

22 *(B) A description of each permit, the reasons the permit is needed for construction or*
23 *operation of the facility and the applicant's analysis of whether the permit should or*
24 *should not be included in and governed by the site certificate.*

25 *(C) For any state or local government agency permits, licenses or certificates that are*
26 *proposed to be included in and governed by the site certificate, evidence to support*
27 *findings by the Council that construction and operation of the proposed facility will*
28 *comply with the statutes, rules and standards applicable to the permit. The applicant*
29 *may show this evidence:*

30 *(i) In Exhibit J for permits related to wetlands.*

31 *(ii) In Exhibit O for permits related to water rights.*

32 *(D) For federally-delegated permit applications, evidence that the responsible agency*
33 *has received a permit application and the estimated date when the responsible agency*
34 *will complete its review and issue a permit decision.*

35 *(E) If the applicant relies on a state or local government permit or approval issued to a*
36 *third party, identification of any such third-party permit and for each:*

37 *(i) Evidence that the applicant has, or has a reasonable likelihood of entering*
38 *into, a contract or other agreement with the third party for access to the resource*
39 *or service to be secured by that permit.*

1 (ii) Evidence that the third party has, or has a reasonable likelihood of obtaining,
2 the necessary permit.

3 (iii) An assessment of the impact of the proposed facility on any permits that a
4 third party has obtained and on which the applicant relies to comply with any
5 applicable Council standard.

6 (F) If the applicant relies on a federally-delegated permit issued to a third party,
7 identification of any such third-party permit and for each:

8 (i) Evidence that the applicant has, or has a reasonable likelihood of entering
9 into, a contract or other agreement with the third party for access to the resource
10 or service to be secured by that permit.

11 (ii) Evidence that the responsible agency has received a permit application.

12 (iii) The estimated the date when the responsible agency will complete its review
13 and issue a permit decision.

14 (G) The applicant's proposed monitoring program, if any, for compliance with permit
15 conditions.

16 2.2 Amended Project Order Provisions

17 The Amended Project Order includes the following discussion:

18 *Exhibit E shall describe and discuss all state and local permits that the applicant*
19 *proposes to be included in and governed by the site certificate, as well as state and local*
20 *permits that are related to the siting and operation of the proposed facility but are not to*
21 *be included in and governed by the site certificate.¹ Exhibit E shall also describe*
22 *required federal and federally-delegated permits. For federally delegated permits needed*
23 *for construction or operation, the Applicant must submit a copy of the permit application*
24 *to the Department, as required under OAR 345-021-000(7).*

25 *Although the Council does not have jurisdiction over the federally-delegated permits, the*
26 *Council may rely on the determinations of compliance and the conditions in federally-*
27 *delegated permits in evaluating the application for compliance with Council standards.*

28 (Amended Project Order, Section III(e)).

29 3.0 ANALYSIS

30 OAR 345-021-0010(1)(e): Information about permits needed for construction and operation
31 of the facility, including: (A) Identification of all federal, state and local government permits
32 related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance
33 governing each permit, and the name, mailing address, email address and telephone number
34 of the agency or office responsible for each permit. (B) A description of each permit, the
35 reasons the permit is needed for construction or operation of the facility and the applicant's
36 analysis of whether the permit should or should not be included in and governed by the site

¹ The Amended Project Order includes the following footnote text: "This amended project order includes permits that are known at the time this order is issued to be related to the siting of the proposed facility. This list does not include permits that are statutorily excluded from the site certificate under ORS 469.401(4) and may exclude other permits that may not be related to the siting of the proposed facility or will otherwise not be included in or governed by the site certificate."

1 certificate. (C) For any state or local government agency permits, licenses or certificates that
2 are proposed to be included in and governed by the site certificate, evidence to support
3 findings by the Council that construction and operation of the proposed facility will comply
4 with the statutes, rules and standards applicable to the permit. The applicant may show this
5 evidence: (i) In Exhibit J for permits related to wetlands. (ii) In Exhibit O for permits related to
6 water rights.

7 Exhibit E identifies all federal, state, and local government permits related to the siting of the
8 Project. All state statutes, state administrative rules, and local government ordinances that
9 contain standards or criteria that the proposed facility must meet in order for the Council to issue
10 a site certificate but which do not require issuance of a permit or approval are identified and
11 discussed in Exhibit CC.

12 **3.1 Permits Under the Council's Jurisdiction (Included in and Governed** 13 **by the Site Certificate)**

14 The Oregon Energy Facility Siting Council (EFSC or Council) determines compliance with all
15 Oregon and local government statutes, regulations, and permitting requirements related to siting
16 the facility, except for federally-delegated state permits.² For purposes of determining whether a
17 permit or approval is "related to siting" the Project, "siting" is understood to mean the placement
18 of something on a site or in a position.³ Upon issuance of the site certificate and following
19 submission by IPC of the appropriate applications and payment of proper fees, the affected
20 state agencies and local governments will issue the permits addressed in the site certificate.⁴

21 Section 3.1 identifies the state and local permits and approvals that IPC requests be included in
22 and governed by the site certificate. It contains the information required for issuance of the
23 permit, so the Council can make the necessary findings to conclude that the permit should be
24 issued.

25 **3.1.1 Energy Facility Site Certificate**

26 **Permit Description and Necessity:**

27 Under Oregon law, no energy facility shall be constructed or expanded unless a site certificate
28 has been issued (see Oregon Revised Statutes [ORS] 469.320(1)). The term "energy facility"
29 includes a "high voltage transmission line of more than 10 miles in length with a capacity of
30 230,000 volts or more to be constructed in more than one city or county in this state"
31 (ORS 469.300(11)(a)(C)). Because the Project consists of a transmission line of more than 10
32 miles and with a capacity greater than 230 kilovolts, it is therefore an "energy facility" and
33 cannot be constructed without a site certificate issued by the Council. The Oregon Department
34 of Energy, Siting Division, serves as staff to the Council by reviewing all applications for site
35 certificate, administering and enforcing current site certificates, and making recommendations to
36 the Council.

² See ORS 469.401(4) (explaining that matters not included in and governed by the Site Certificate "include but are not limited to employee health and safety, building code compliance, wage and hour or other labor regulations, local government fees and charges or other design or operational issues that do not relate to siting the facility")

³ See <http://dictionary.reference.com/browse/siting> (last visited Oct. 25, 2015) (defining the term "siting").

⁴ See ORS 469.401(3) ("after issuance of the site certificate, or amended site certificate, any affected state agency, county, city and political subdivision shall, upon submission by the applicant of the proper applications and payment of the proper fees, but without hearings or other proceedings, promptly issue the permits, licenses and certificates addressed in the site certificate or amended site certificate, subject only to conditions set forth in the site certificate or amended site certificate . . .").

1 **Legal Authority:**

2 ORS 469.300 et seq.; OAR Chapter 345, Division 21 through Division 27.

3 **Contact Information:**

4 Mr. Maxwell Woods
5 Oregon Department of Energy
6 Energy Facility Siting Analyst
7 625 Marion Street NE
8 Salem, Oregon 97301-3737
9 (503) 378-5050

10 **3.1.2 Removal-Fill Permit**

11 **Permit Description and Necessity:**

12 Oregon's Removal-Fill statutes, ORS 196.795 through 196.910, require a permit from the
13 Department of State Lands to remove material from, or to fill in, waters of the state. The Project
14 will require removal of material from, or the filling in of, waters of the state; therefore, IPC will
15 need a Removal-Fill Permit. Because the removal or fill activities will be site-specific and related
16 to the location of the transmission line (and related and supporting facilities) in waters of the
17 state, the Removal-Fill Permit is within the Council's jurisdiction. Exhibit J includes the evidence
18 required for issuance of the Removal-Fill Permit. Accordingly, IPC requests that the Council
19 approve the Removal-Fill Permit under ORS 469.401(3) and that the approval be included in
20 and governed by the site certificate.

21 **Legal Authority:**

22 ORS 196.800-196.990; OAR Chapter 141, Division 85 (Removal-Fill Authorizations).

23 **Contact Information:**

24 Mr. Dan Cary
25 Oregon Department of State Lands
26 775 Summer Street, NE
27 Salem, Oregon 97301
28 (503) 986-5302

29 **3.1.3 Fish Passage Plan Approval**

30 **Permit Description and Necessity:**

31 Under Oregon law, upstream and downstream fish passage is required at all artificial
32 obstructions in Oregon waters in which migratory native fish are currently or have historically
33 been present, except under certain circumstances. Because the Project may require artificial
34 obstructions in native fish streams, IPC will need an Oregon Department of Fish and Wildlife
35 (ODFW) approved Fish Passage Plan. Approval of a Fish Passage Plan or waiver for these
36 crossings is related to siting of the Project, because the approval or waiver relate to locationally-
37 dependent features, such as access roads, dictates the extent to which the Project can be built
38 and maintained in its proposed location. Requiring IPC to pursue a fish passage plan approval
39 directly from ODFW and outside of (and after) the EFSC process would be counter to the
40 Council's objective of providing's comprehensive system for siting energy facilities (see
41 ORS 469.310). In particular, the EFSC process is intended to serve as a centralized public
42 review process; in the event that IPC requests a waiver of the fish passage requirements at one
43 or more locations, the public review and comment on that waiver should occur as part of the
44 EFSC process, not through a separate ODFW public process. Requiring IPC to seek approval
45 and/or waiver under Oregon's fish passage law outside of the EFSC process would create an
46 unacceptable risk that a Project location for which IPC has sought and received approval from
47 EFSC and federal land management agencies would not receive approval and/or waiver from

1 ODFW. Accordingly, IPC requests that the Council approve the Fish Passage Plan under
2 ORS 469.401(3) and that the approval be included in and governed by the site certificate. The
3 Fish Passage Plan is included as an attachment to Exhibit BB.

4 **Legal Authority:**

5 ORS 509.580-509.910; OAR Chapter 635, Division 412 (Fish Passage).

6 **Contact Information:**

7 Mr. Greg Apke
8 Fish Passage Coordinator
9 Oregon Department of Fish and Wildlife Screening and Passage Program
10 3406 Cherry Avenue NE
11 Salem, Oregon 97303
12 (503) 947-6228

13 **3.1.4 Public Land Action Permit**

14 **Permit Description and Necessity:**

15 Any land action on Oregon non-federal public lands which results, or might result, in the taking
16 of a threatened or endangered plant species, requires either a permit or a formal consultation
17 with the Oregon Department of Agriculture. The Project may include activities on state lands
18 that result, or might result, in the taking of a threatened or endangered plant species, requiring a
19 Public Land Action Permit. Because a Public Land Action Permit is site-specific and directly
20 related to the location of the transmission line (and related and supporting facilities), it is within
21 the Council's jurisdiction. To the extent a Public Land Action Permit is necessary, IPC has
22 included evidence in Exhibit Q in support of the permit or evidence regarding the required
23 consultation. If a Public Land Action Permit is required, IPC requests that the Council approve
24 the Public Land Action Permit under ORS 469.401(3) and that the approval be included in and
25 governed by the site certificate.

26 **Legal Authority:**

27 ORS Chapter 564 (Wildflowers, Threatened or Endangered Plants); OAR Chapter 603, Division
28 73 (Plants: Wildflowers and Endangered, Threatened and Candidate Species).

29 **Contact Information:**

30 Dr. Robert Meinke
31 Oregon Department of Agriculture – Plant Division
32 635 Capitol St. NE
33 Salem, Oregon 97301-2532
34 (503) 986-4550

35 **3.1.5 Morrow County Land Use Permits**

36 IPC requests Council approval of the following local land use permits and decisions under ORS
37 469.504(1)(b) and requests that these approvals be included in and governed by the site
38 certificate (see OAR 345-021-0010(1)(k) (requiring applicant to state whether it will elect to
39 address the Council's land use standard by obtaining local land use approvals under ORS
40 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b))). As discussed
41 in more detail in Exhibit K, IPC elects to address the Council's land use standard by obtaining a
42 determination from the Council.

1 3.1.5.1 *Land Use Decision (Utility Facility; EFU Zone)*

2 **Permit Description and Necessity:**

3 For those portions of the Project occurring in an Exclusive Farm Use (EFU) Zone in Morrow
4 County, the Project will require a land use decision determining whether the Project is permitted
5 outright as a utility facility necessary for public service and whether the Project consists of
6 transmission towers less than 200 feet. Under Oregon law, utility facilities necessary for public
7 service are permitted outright in an EFU Zone (see ORS 215.275). Additionally, Morrow County
8 Zoning Ordinance (MCZO) 3.010(C)(16) provides that utility and transmission towers less than
9 200 feet in height and their accessory uses are permitted outright in the EFU Zone. In Exhibit K,
10 Section 5.4.2.1, IPC provides evidence that the Project is a utility facility necessary for public
11 service and consists of transmission towers less than 200 feet in height. IPC requests the
12 Council determine under ORS 469.504(1)(b) that the Project complies with the relevant
13 substantive criteria for obtaining these land use decisions and that the approvals be included in
14 and governed by the site certificate.

15 **Legal Authority:**

16 ORS 215.275; MCZO 3.010(C)(16).⁵

17 **Contact Information:**

18 Ms. Carla McLane
19 Planning Director
20 205 NE Third St.
21 Irrigon, Oregon 97844
22 (541) 922-4624
23 cmclane@co.morrow.or.us

24 3.1.5.2 *Zoning Permit (Utility Facility; General Industrial Zone)*

25 Where the Project occurs in a General Industrial Zone in Morrow County, the Project will require
26 a land use decision determining whether the Project consists of transmission towers less than
27 200 feet in height. Under MCZO 3.070(A)(15), transmission towers less than 200 feet tall and
28 their accessory uses are permitted outright in the General Industrial Zone. Exhibit K,
29 Section 5.4.2.2 shows that the Project consists of transmission towers less than 200 feet in
30 height. IPC requests the Council determine under ORS 469.504(1)(b) that the Project complies
31 with the relevant substantive criteria for obtaining the Zoning Permit and that the permit be
32 included in and governed by the site certificate.

33 **Legal Authority:**

34 MCZO 3.070.

35 **Contact Information:**

36 Same as above.

37 3.1.5.3 *Zoning Permit (Utility Facility; Port Industrial Zone)*

38 **Permit Description and Necessity:**

39 A zoning permit will be required for the portions of the Project occurring in a Port Industrial Zone
40 in Morrow County. MCZO 3.073(A)(9) provides that utility facilities are permitted outright with a
41 zoning permit in the Port Industrial Zone. IPC has included in Exhibit K, Section 5.4.2.3
42 evidence that the Project is a utility facility entitled to be permitted outright in the Port Industrial

⁵ Morrow County has indicated that MCZO sections 3.010(C) and (D) are out-of-date and therefore not applicable due to *Brentmar v. Jackson County*, 321 Or 481, 496 (1995) (concluding that the uses delineated in ORS 215.213(1) may not be subjected to additional local criteria).

1 Zone. IPC requests the Council determine under ORS 469.504(1)(b) that the Project complies
2 with the relevant substantive criteria for obtaining the Zoning Permit and that the permit be
3 included in and governed by the site certificate.

4 **Legal Authority:**

5 MCZO 3.073.

6 **Contact Information:**

7 Same as above.

8 **3.1.6 Umatilla County Land Use Permits**

9 IPC requests Council approval of the following Umatilla County local land use permits and
10 decisions under ORS 469.504(1)(b) and requests that these approvals be included in and
11 governed by the site certificate. As discussed in more detail in Exhibit K, IPC elects to address
12 the Council's land use standard by obtaining a determination from the Council (see OAR 345-
13 021-0010(1)(k)).

14 **3.1.6.1 Land Use Decision and Zoning Permit (Utility Facility; EFU Zone)**

15 **Permit Description and Necessity:**

16 For those portions of the Project in an EFU Zone in Umatilla County, the Project will require a
17 land use decision determining whether it is considered a utility facility necessary for public
18 service and a zoning permit finalizing the decision. Under Oregon law, utility facilities necessary
19 for public service are permitted outright in an EFU Zone (see ORS 215.275). Umatilla County
20 Development Code (UCDC) 152.059(C) provides that a utility facility necessary for public
21 service may be permitted through a land use decision, and once approval is obtained, a zoning
22 permit is necessary to finalize the decision. In Exhibit K, Section 5.5.2.1, IPC provides evidence
23 that the Project is a utility facility necessary for public service. IPC requests the Council
24 determine under ORS 469.504(1)(b) that the Project complies with the relevant substantive
25 criteria for obtaining this land use decision and Zoning Permit and that the permit and approvals
26 be included in and governed by the site certificate.

27 **Legal Authority:**

28 UCDC 152.059 and 152.617; ORS 215.275 and ORS 215.283.

29 **Contact Information:**

30 Ms. Tamra J. Mabbott
31 Planning Director
32 Department of Land Use Planning
33 216 SE 4th Street Room 104
34 Pendleton, Oregon 97801
35 (541) 278-6252

36 **3.1.6.2 Conditional Use Permit (Helipads; EFU Zone)**

37 **Permit Description and Necessity:**

38 The Umatilla County Planning Department indicated to IPC that the zoning permit provisions of
39 UCDC 152.059(C) applicable to utility facilities in the EFU Zone may not cover the helipads
40 associated with the multi-use areas. Umatilla County indicated that, instead, the provisions of
41 UCDC 152.060(G) relating to personal-use airports might apply. However, under
42 ORS 215.283(1)(c)(A) and UCDC 152.059(C), utility facilities and their related and supporting
43 facilities—such as the helipads—are permitted outright in the EFU Zone. Regardless, and in the
44 alternative, IPC requests a Conditional Use Permit for the helipads under UCDC 152.060(G). In
45 Exhibit K, Section 5.5.2.1, IPC provides evidence the Project can comply with the applicable

1 criteria for issuance of a conditional use permit for the Project. IPC requests the Council
2 determine under ORS 469.504(1)(b) that the Project complies with the relevant substantive
3 criteria for obtaining the Conditional Use Permit, including necessary land use decisions, and
4 that the approvals be included in and governed by the site certificate.

5 **Legal Authority:**
6 UCDC 152.060(G).

7 **Contact Information:**
8 Same as above.

9 **3.1.6.3 Conditional Use Permit (Utility Facility; Grazing-Farm Zone/Goal 4**
10 **Forestlands)**

11 **Permit Description and Necessity:**

12 Where the Project occurs in a Grazing-Farm Zone/Goal 4 Forestlands in Umatilla County, the
13 Project will require a Conditional Use Permit. Under Oregon law, “[n]ew electric transmission
14 lines with right of way widths of up to 100 feet as specified in ORS 772.210” may be allowed on
15 Goal 4 forestlands subject to certain conditions. OAR 660-006-0025(4)(q). Further,
16 UCDC 152.083(C) provides that, in a Grazing-Farm Zone, utility facilities necessary for public
17 service and their accessory uses are permitted upon the issuance of a zoning permit. Here, the
18 Project route travels across approximately 8 miles of land zoned Grazing-Farm that Umatilla
19 County has directed be treated as Goal 4 forestland. In Exhibit K, Section 5.5.2.2, IPC provides
20 evidence that the Project can comply with the applicable criteria for issuance of a conditional
21 use permit for the Project. IPC intends that the Conditional Use Permit will provide for the full
22 width of the right-of-way (ROW)—i.e., 250 feet. IPC requests the Council determine under
23 ORS 469.504(1)(b) that the Project complies with the relevant substantive criteria for obtaining
24 this Conditional Use Permit and that the approvals be included in and governed by the site
25 certificate.

26 **Legal Authority:**
27 OAR 660-006-0025(4)(q) (UCDC does not include up-to-date parallel section);
28 UCDC 152.083(C); UCDC 152.085(R).

29 **Contact Information:**
30 Same as above.

31 **3.1.6.4 Exception to Goal 4 (ROW Width; Grazing-Farm Zone/Goal 4 Forestlands)**

32 **Permit Description and Necessity:**

33 For access roads located in Goal 4 forestlands, IPC will be required under Oregon law to obtain
34 an exception to Goal 4 under ORS 469.504(2).

35 With respect to the transmission line route, IPC believes that the Council should determine that
36 the Project complies with the relevant substantive criteria for obtaining a Conditional Use Permit
37 for the full ROW width of 250 feet. However, if the Council determines that the full ROW width of
38 250 feet will not be permitted as a conditional use, IPC requests in the alternative that the full
39 ROW width be permitted through an exception to Goal 4 pursuant to ORS 469.504(2).

40 The evidence necessary to support IPC’s request for an exception is provided in Exhibit K,
41 Sections 5.5.2.2. and 7.0. IPC requests that the Council grant this exception under ORS
42 469.504(2) and requests that the approval be included in and governed by the site certificate.

43 **Legal Authority:**
44 ORS 469.504(2).

1 **Contact Information:**

2 Same as above.

3 **3.1.6.5 Conditional Use Permit and Land Use Decision (Helipads; Grazing-Farm**
4 **Zone)**

5 **Permit Description and Necessity:**

6 OAR 660-006-0025(4)(q) authorizes new electric transmission lines in the Grazing-Farm Zone.
7 OAR 660-006-0025(4)(q) should be construed to authorize, in addition to the transmission line,
8 the Project features that relate to and support the Project transmission line, including light-duty
9 fly yards. Nonetheless, and in the alternative, IPC requests a Conditional Use Permit for the
10 helipads under UCDC 152.085(G). In Exhibit K, IPC provides evidence the Project can comply
11 with the applicable criteria for issuance of a conditional use permit for the Project. The
12 applicable substantive criteria include a land use decision that the helipad will not be hazardous
13 or unnecessarily restrict development (see UCDC 152.617(I)(N)). IPC requests the Council
14 determine under ORS 469.504(1)(b) that the Project complies with the relevant substantive
15 criteria for obtaining the Conditional Use Permit, including necessary land use decisions, and
16 that the approvals be included in and governed by the site certificate.

17 **Legal Authority:**

18 UCDC 152.085(G) and UCDC 152.617(I)(N).

19 **Contact Information:**

20 Same as above.

21 **3.1.6.6 Conditional Use Permit (Access Roads; Grazing-Farm Zone)**

22 **Permit Description and Necessity:**

23 OAR 660-006-0025(4)(q) authorizes new electric transmission lines in the Grazing-Farm Zone.
24 OAR 660-006-0025(4)(q) should be construed to authorize, in addition to the transmission line,
25 the Project features that relate to and support the Project transmission line, including the Project
26 access roads. Nonetheless, and in the alternative, IPC requests a Conditional Use Permit for
27 the access roads under UCDC 152.085(U). In Exhibit K, Section 5.5.2.2, IPC provides evidence
28 the Project can comply with the applicable criteria for issuance of a conditional use permit for
29 the Project. IPC requests the Council determine under ORS 469.504(1)(b) that the Project
30 complies with the relevant substantive criteria for obtaining the Conditional Use Permit,
31 including necessary land use decisions, and that the approvals be included in and governed by
32 the site certificate.

33 **Legal Authority:**

34 UCDC 152.085(U).

35 **Contact Information:**

36 Same as above.

37 **3.1.6.7 Conditional Use Permit (Utility Facility; Light Industrial Zone)**

38 **Permit Description and Necessity:**

39 The Project includes a temporary multi-use area at the intersection of Lamb and Westland
40 Roads in Umatilla County that is zoned both Rural Tourist Commercial and Light Industrial. In a
41 Light Industrial Zone, utility facilities and “other buildings and uses” and their accessory uses are
42 permitted conditionally under UCDC 152.303(16) and (17), subject to the requirements of UCDC
43 152.610 through 152.616. In Exhibit K, Section 5.5.2.3, IPC demonstrates that the multi-use
44 area is considered a utility facility or “other building and use” related to a utility facility, the
45 Project meets the criteria of UCDC 152.610 through 152.616, and therefore, it is a permitted

1 conditional use. IPC requests Council approval of this conditional use permit under ORS
2 469.504(1)(b) and requests that the approval be included in and governed by the site certificate.

3 **Legal Authority:**

4 UCDC 152.303.

5 **Contact Information:**

6 Same as above.

7 **3.1.6.8 Conditional Use Permit (Batch Plant; Light Industrial Zone)**

8 **Permit Description and Necessity:**

9 Umatilla County's comments to the Oregon Department of Energy on the preliminary Application
10 for Site Certificate indicated that, if IPC uses a batch plant at the multi-use area in the Light
11 Industrial Zone, IPC may need to permit the batch plant separately from the multi-use area.
12 However, the batch plant is related to and supports the Project transmission line, and therefore,
13 the batch plant is considered a utility facility under UCDC 152.303(A)(16) and will be
14 conditionally permitted in the LI Zone as part of the multi-use area. Regardless, and in the
15 alternative, Idaho Power requests a Conditional Use Permit for the batch plant under UCDC
16 152.303(A)(8). In Exhibit K, Section 5.5.2.3, IPC provides evidence the Project can comply with
17 the applicable criteria for issuance of a conditional use permit for the Project. IPC requests the
18 Council determine under ORS 469.504(1)(b) that the Project complies with the relevant
19 substantive criteria for obtaining the Conditional Use Permit, including necessary land use
20 decisions, and that the approvals be included in and governed by the site certificate.

21 **Legal Authority:**

22 UCDC 152.303(A)(8).

23 **Contact Information:**

24 Same as above.

25 **3.1.6.9 Conditional Use Permit (Multi-Use Area; Rural Tourist Commercial Zone)**

26 **Permit Description and Necessity:**

27 The Project includes a temporary multi-use area at the intersection of Lamb and Westland
28 Roads in Umatilla County that is zoned both Rural Tourist Commercial and Light Industrial. In a
29 Rural Tourist Commercial Zone, utility facilities and "[o]ther uses similar to the uses permitted or
30 the conditional uses normally located in a Rural Tourist Commercial Zone, providing that it has
31 the approval of the Planning Commission" and their accessory uses are permitted conditionally
32 under UCDC 152.238(D) and (E), subject to the requirements of UCDC 152.610 through
33 152.616 and 152.284 through 152.286. In Exhibit K, Section 5.5.2.3, IPC demonstrates that the
34 multi-use area is considered a utility facility or a use similar to the uses permitted or the
35 conditional uses normally located in a Rural Tourist Commercial Zone, the Project meets the
36 criteria of UCDC 152.610 through 152.616 and 152.284 through 152.286, and therefore, it is a
37 permitted conditional use. IPC requests Council approval of this conditional use permit under
38 ORS 469.504(1)(b) and requests that the permit be included in and governed by the site
39 certificate.

40 **Legal Authority:**

41 UCDC 152.283.

42 **Contact Information:**

43 Same as above.

1 **3.1.7 Union County Land Use Permits**

2 IPC requests Council approval of the following Union County local land use permits and
3 decisions under ORS 469.504(1)(b) and requests that these approvals be included in and
4 governed by the site certificate. As discussed in more detail in Exhibit K, IPC elects to address
5 the Council's land use standard by obtaining a determination from the Council (see OAR 345-
6 021-0010(1)(k)).

7 **3.1.7.1 Land Use Decision (Utility Facility; EFU Zone)**

8 **Permit Description and Necessity:**

9 Under Oregon law, utility facilities necessary for public service are permitted outright in an EFU
10 Zone (see ORS 215.275). Union County Zoning, Partition, and Subdivision Ordinance
11 (UCZPSO) 2.03(7) provides that, in an EFU Zone, a utility facility necessary for public service
12 may be permitted through a land use decision. Therefore, for those portions of the Project in the
13 EFU Zone in Union County, the Project will require a land use decision determining whether it is
14 considered a utility facility necessary for public service. In Exhibit K, Section 5.6.2.1, IPC
15 provides evidence that the Project is a utility facility necessary for public service where it is
16 located in the EFU Zone in Union County. IPC requests Council approval of this local land use
17 decision and zoning permit under ORS 469.504(1)(b) and requests that the approval be
18 included in and governed by the site certificate.

19 **Legal Authority:**

20 UCZPSO 24.02 (land use decision); 2.03 (EFU); ORS 215.275 and ORS 215.283.

21 **Contact Information:**

22 Scott Hartell
23 Planning Department
24 1001 Fourth Street, Suite C
25 La Grande, Oregon 97850
26 (541) 963-1014

27 **3.1.7.2 Conditional Use Permit and Land Use Decision (Helipads; EFU Zone)**

28 **Permit Description and Necessity:**

29 The Union County Planning Department indicated to IPC that the zoning permit provisions of
30 UCZPSO 2.03(7) applicable to utility facilities in the EFU Zone may not cover the helipads
31 associated with the multi-use areas. Union County indicated that, instead, the provisions of
32 UCZPSO 2.04(21) relating to personal-use airports might apply. However, under
33 ORS 215.283(1)(c)(A) and UCZPSO 2.03(7), utility facilities and their related and supporting
34 facilities—such as the helipads—are permitted outright in the EFU Zone. Regardless, and in the
35 alternative, IPC requests a Conditional Use Permit for the helipads under UCZPSO 2.04(21). In
36 Exhibit K, IPC provides evidence the Project can comply with the applicable criteria for issuance
37 of a conditional use permit for the Project. The applicable substantive criteria include a land use
38 decision that the helipad will not force a significant change in accepted farm or forest practices
39 (see UCZPSO 2.04). IPC requests the Council determine under ORS 469.504(1)(b) that the
40 Project complies with the relevant substantive criteria for obtaining the Conditional Use Permit,
41 including necessary land use decisions, and that the permit and approvals be included in and
42 governed by the site certificate.

43 **Legal Authority:**

44 UCZPSO 2.04(21).

1 **Contact Information:**

2 Same as above.

3 **3.1.7.3 Land Use Decision (Utility Facility; Agriculture-Grazing Zone)**

4 **Permit Description and Necessity:**

5 UCZPSO 3.03(7) provides that, in an Agriculture-Grazing Zone, a utility facility necessary for
6 public service may be permitted through a land use decision. Therefore, for those portions of the
7 Project in the Agriculture-Grazing Zone in Union County, the Project will require a land use
8 decision determining whether it is considered a utility facility necessary for public service. In
9 Exhibit K, Section 5.6.2.2, IPC provides evidence that the Project is a utility facility necessary for
10 public service where it is located in the Agriculture-Grazing Zone in Union County. IPC requests
11 Council approval of this local land use decision and zoning permit under ORS 469.504(1)(b) and
12 requests that the approval be included in and governed by the site certificate.

13 **Legal Authority:**

14 UCZPSO 24.02 (land use decision) and 3.03(7).

15 **Contact Information:**

16 Same as above.

17 **3.1.7.4 Land Use Decision (Predominant Use Determination; Timber-Grazing Zone)**

18 **Permit Description and Necessity:**

19 The Timber-Grazing Zone is a hybrid zone including both farm and forest uses. UCZPSO 5.03
20 provides the county will apply either farm or forest standards based on the predominant use of
21 the relevant tract. Therefore, for those portions of the Project in the Timber-Grazing Zone, the
22 Project will require a land use decision determining the predominant use of the affected parcels.
23 In Exhibit K, Section 5.6.2.3, IPC provides evidence of the process it used, and the conclusions
24 it made, with respect to the predominant use of the affected parcels. IPC requests Council
25 approval of this local land use decision under ORS 469.504(1)(b) and requests that the approval
26 be included in and governed by the site certificate

27 **Legal Authority:**

28 UCZPSO 24.02 (land use decision) and 5.03.

29 **Contact Information:**

30 Same as above.

31 **3.1.7.5 Land Use Decision (Utility Facility; Timber-Grazing Zone, Predominantly**
32 **Farmland Parcels)**

33 **Permit Description and Necessity:**

34 UCZPSO 5.03(8) provides that, in an Timber-Grazing Zone, a utility facility necessary for public
35 service may be permitted through a land use decision. Therefore, for those portions of the
36 Project in the Timber-Grazing Zone in Union County, the Project will require a land use decision
37 determining whether it is considered a utility facility necessary for public service. In Exhibit K,
38 Section 5.6.2.3, IPC provides evidence that the Project is a utility facility necessary for public
39 service where it is located in the Timber-Grazing Zone in Union County. IPC requests Council
40 approval of this local land use decision and zoning permit under ORS 469.504(1)(b) and
41 requests that the approval be included in and governed by the site certificate.

42 **Legal Authority:**

43 UCZPSO 24.02 (land use decision) and 5.03(8).

1 **Contact Information:**

2 Same as above.

3 **3.1.7.6 Conditional Use Permit (Utility Facility; Timber-Grazing Zone, Predominantly**
4 **Forestland Parcels)**

5 **Permit Description and Necessity:**

6 UCZPSO 5.04(3) contains criteria consistent with OAR 660-006-0025(4)(q), which specifies that
7 “new electric transmission lines with right of way widths of up to 100 feet as specified in ORS
8 772.210” may be allowed on Goal 4 forestlands subject to certain conditions. The Project route
9 travels across several miles of land zoned Timber-Grazing, much of which Union County has
10 directed be treated as Goal 4 forestland. In Exhibit K, Section 5.6.2.3, IPC has provided
11 evidence that the Project will comply with the applicable criteria for issuance of a conditional use
12 permit for the Project in this zone. IPC requests Council approval of this conditional use permit
13 under ORS 469.504(1)(b) and requests that the approval be included in and governed by the
14 site certificate.

15 **Legal Authority:**

16 UCZPSO 5.04; OAR 660-006-0025(4)(q).

17 **Contact Information:**

18 Same as above.

19 **3.1.7.7 Exception to Goal 4 (Transmission Line Right-of-Way Width; Timber-Grazing**
20 **Zone, Predominantly Forestland Parcels)**

21 **Permit Description and Necessity:**

22 While UCZPSO 5.04(3) references a 100-foot ROW for transmission lines authorized as a
23 conditional use in the Timber-Grazing Zone, the Oregon Supreme Court decision in *Save Our*
24 *Rural Oregon v. EFSC*, 339 Or. 353 (2005) taken together with ORS 772.210(1) indicates that a
25 new electric transmission line with a ROW in excess of 100 feet is allowed in Goal 4 forest lands
26 without requiring an exception to Goal 4. Regardless, and in the alternative, if the Council finds that
27 an exception is required for a ROW greater than 100 feet, IPC requests that the transmission line
28 and ROW greater than 100 feet be permitted through an exception to Goal 4 pursuant to ORS
29 469.504(2). In Exhibit K, Section 7.0, IPC provides evidence that such an exception is
30 warranted.

31 **Legal Authority:**

32 ORS 469.504(2).

33 **Contact Information:**

34 Same as above.

35 **3.1.7.8 Conditional Use Permit (Access Roads; Timber-Grazing Zone, Predominantly**
36 **Forestland Parcels)**

37 **Permit Description and Necessity:**

38 UCZPSO 5.04(3) and OAR 660-006-0025(4)(q) authorize new utility facilities and new electric
39 transmission lines, respectively, in the Timber-Grazing Zone. Those provisions should be
40 construed as authorizing, in addition to the transmission line, related and supporting facilities,
41 including access roads. Regardless, and in the alternative, IPC requests a Conditional Use
42 Permit for the access roads under UCZPSO 5.04(8). In Exhibit K, Section 5.6.2.3, IPC provides
43 evidence the Project can comply with the applicable criteria for issuance of a conditional use
44 permit for the Project. IPC requests the Council determine under ORS 469.504(1)(b) that the

1 Project complies with the relevant substantive criteria for obtaining the Conditional Use Permit,
2 including necessary land use decisions, and that the permit and approvals be included in and
3 governed by the site certificate.

4 **Legal Authority:**

5 UCZPSO 5.04(8).

6 **Contact Information:**

7 Same as above.

8 **3.1.8 Baker County Land Use Permits**

9 IPC requests Council approval of the following Baker County local land use decisions and
10 permits under ORS 469.504(1)(b) and requests that these approvals be included in and
11 governed by the site certificate (see OAR 345-021-0010(1)(k)). As discussed in more detail in
12 Exhibit K, IPC has elected to address the Council's land use standard by obtaining a
13 determination from the Council (see OAR 345-021-0010(1)(k)).

14 **3.1.8.1 Land Use Decision (Utility Facility; EFU Zone)**

15 **Permit Description and Necessity:**

16 Under Oregon law, a "utility facility necessary for public service," as defined in ORS 215.275, is
17 a use permitted outright in an Exclusive Farm Use zone. Exhibit K, Section 5.8.2.1,
18 demonstrates that the Project is a "utility facility necessary for public service" where it is located
19 in the EFU zone in Baker County. IPC requests the Council determine under ORS 469.504(1)(b)
20 that the Project complies with the relevant substantive criteria for obtaining this land use
21 decision and that the approval be included in and governed by the site certificate.

22 **Legal Authority:**

23 ORS 215.275.⁶

24 **Contact Information:**

25 Ms. Holly Kerns
26 Interim Planning Director
27 Baker County Planning Department
28 1995 Third Street
29 Baker City, Oregon 97814
30 (541) 523-8219

31 **3.1.8.2 Conditional Use Permit (Rural Service Area Zone)**

32 **Permit Description and Necessity:**

33 The Project features located in a Rural Service Area Zone in Baker County will require a
34 Conditional Use Permit (see Baker County Zoning and Subdivision Ordinance [BCZSO]
35 305.02(D)). In Exhibit K, Section 5.8.2.2, IPC provides evidence the Project can comply with the
36 applicable criteria for issuance of a conditional use permit for the Project. IPC requests the
37 Council determine under ORS 469.504(1)(b) that the Project complies with the relevant
38 substantive criteria for obtaining the Conditional Use Permit, including necessary land use
39 decisions, and that the permit be included in and governed by the site certificate.

⁶ Baker County has indicated that ORS 215.275 and ORS 215.283 should apply directly in lieu of a Baker County ordinance. It appears that BCZSO sections 301.01 and 301.02 are out-of-date and therefore not applicable due to *Brentmar v. Jackson County*, 321 Or 481 (1995) (holding that counties cannot impose condition use criteria beyond the criteria provided in ORS 215.275).

1 **Legal Authority:**
2 BCZSO 305.02(D).

3 **Contact Information:**
4 Same as above.

5 **3.1.9 Malheur County Land Use Permits**

6 IPC requests Council approval of the following Malheur County local land use decisions under
7 ORS 469.504(1)(b) and requests that these approvals be included in and governed by the site
8 certificate (see OAR 345-021-0010(1)(k)). As discussed in more detail in Exhibit K, IPC has
9 elected to address the Council's land use standard by obtaining a determination from the
10 Council (see OAR 345-021-0010(1)(k)).

11 **3.1.9.1 Land Use Decision (Utility Facility; EFU and ERU Zones)**

12 **Permit Description and Necessity:**

13 Malheur County Code (MCC) 6-3A-2(A)(14) provides that a "utility facility necessary for public
14 service" may be "permitted outright by ministerial permit" in the EFU and Exclusive Range Use
15 (ERU) zones. IPC refers to this as a land use decision for consistency with the other counties,
16 and because utility facilities necessary for public service are permitted outright in an EFU zone
17 under Oregon law. Exhibit K, Section 5.10.2.1, demonstrates that the Project is a "utility facility
18 necessary for public service" where it is located in the EFU and ERU zones in Malheur County.
19 The Project will therefore require a land use decision to this effect. IPC requests Council
20 approval of this local land use decision under ORS 469.504(1)(b) and requests that this
21 approval be included in and governed by the site certificate.

22 **Legal Authority:**
23 MCC 6-3A-2(A)(14).

24 **Contact Information:**
25 Mr. Alvin Scott
26 Interim Planning Director
27 251 B St. West #12
28 Vale, Oregon 97918
29 (541) 473-5185

30 **3.1.9.2 Conditional Use Permit (Helipads; EFU and ERU Zones)**

31 **Permit Description and Necessity:**

32 ORS 215.283(1)(c)(A) and MCC 6-3A-2(A)(14) authorize new utility facilities in the EFU Zone.
33 Those provisions should be construed as authorizing, in addition to the transmission line,
34 related and supporting facilities, including the helipads. Regardless, and in the alternative, Idaho
35 Power requests a Conditional Use Permit for the helipads under MCC 6-3A-4(I). In Exhibit K,
36 Section 5.10.2.2, IPC provides evidence the Project can comply with the applicable criteria for
37 issuance of a conditional use permit for the Project. IPC requests the Council determine under
38 ORS 469.504(1)(b) that the Project complies with the relevant substantive criteria for obtaining
39 the Conditional Use Permit, including necessary land use decisions, and that the permit be
40 included in and governed by the site certificate.

41 **Legal Authority:**
42 MCC 6-3A-4(I).

43 **Contact Information:**
44 Same as above.

1 **3.1.10 City of North Powder**

2 IPC requests Council approval of the following City of North Powder local conditional use
3 permits under ORS 469.504(1)(b) and requests that these approvals be included in and
4 governed by the site certificate (see OAR 345-021-0010(1)(k)). As discussed in more detail in
5 Exhibit K, IPC has elected to address the Council's land use standard by obtaining a
6 determination from the Council (see OAR 345-021-0010(1)(k)).

7 **3.1.10.1 Conditional Use Permit (Multi-Use Area; Commercial Interchange Zone)**

8 **Permit Description and Necessity:**

9 A conditional use permit under City of North Powder Zoning Ordinance (NPZO) 4.02(12) will be
10 required for the multi-use area that will be located in the commercial interchange zone. In
11 Exhibit K, Section 5.7.2.1, IPC provides evidence the Project can comply with the applicable
12 criteria for issuance of a conditional use permit for the Project. IPC requests the Council
13 determine under ORS 469.504(1)(b) that the Project complies with the relevant substantive
14 criteria for obtaining the Conditional Use Permit, including necessary land use decisions, and
15 that the permit be included in and governed by the site certificate.

16 **Legal Authority:**

17 NPZO 3.02(9) and 4.02(12).

18 **Contact Information:**

19 Beth Wendt
20 City Recorder
21 City of North Powder
22 635 3rd Street
23 PO Box 309
24 North Powder, Oregon 97867

25 **3.1.11 City of Huntington**

26 IPC requests Council approval of the following City of Huntington local conditional use permit
27 under ORS 469.504(1)(b) and requests that these approvals be included in and governed by the
28 site certificate (see OAR 345-021-0010(1)(k)). As discussed in more detail in Exhibit K, IPC has
29 elected to address the Council's land use standard by obtaining a determination from the
30 Council (see OAR 345-021-0010(1)(k)).

31 **3.1.11.1 Land Use Decision (Multi-Use Area; Commercial Industrial Zone)**

32 The only Project feature located within City of Huntington city limits is a multi-use area. Zoning
33 for the multi-use area is split, with approximately 85 percent being Commercial Industrial and
34 the remaining portion being Commercial Residential. City of Huntington Zoning Code (CHZO)
35 153.080 provides industrial uses are permitted outright in the Commercial Industrial Zone. The
36 City indicated to IPC in a June 2, 2016, email that the multi-use area would require no City
37 permits because it will be a temporary and not a permanent use. Regardless, or in the
38 alternative, IPC requests a land use decision determining whether the multi-use area is
39 considered an industrial use. In Exhibit K, Section 5.9.2.1, IPC provides evidence that the
40 Project is an industrial use. IPC requests Council approval of this local land use decision under
41 ORS 469.504(1)(b) and requests that the approval be included in and governed by the site
42 certificate.

43 **Legal Authority:**

44 CHZO 153.080.

1 Contact Information:

2 Tracy McCue
 3 City Recorder
 4 PO Box 369
 5 Huntington, OR 97907

**6 3.1.11.2 Land Use Decision/Temporary Use Permit (Multi-Use Area; Commercial-
7 Residential Zone)****8 Permit Description and Necessity:**

9 For the portion of the multi-use area located in the Commercial-Residential Zone, CHZO
 10 153.050 provides that commercial uses are permitted outright in the Commercial-Residential
 11 Zone. The City indicated to IPC in a June 2, 2016 email that the multi-use area would require no
 12 City permits because it will be a temporary and not a permanent use. Regardless, or in the
 13 alternative, IPC requests a land use decision determining whether the multi-use area is
 14 considered an commercial use. Alternatively, IPC requests a temporary use permit for the multi-
 15 use area, and that the same be included and governed by the site certificate.

16 Legal Authority:

17 CHZO 153.050.

18 Contact Information:

19 Same as above.

20 3.1.12 Summary of State and Local Permits under Council Jurisdiction

21 Table E-1 lists the state and local government permits subject to EFSC jurisdiction and includes
 22 cross-references to Exhibits in IPC's Amended preliminary Application for Site Certificate to
 23 provide evidence to support findings by the Council that the construction and operation of the
 24 Project will comply with the statutes, rules, and standards applicable to the permit.

25 Table E-1. State and Local Permits Included in and Governed by Site Certificate

Agency	Permit	Project Feature	Land Use Zone	Location of Evidence
EFSC	Site Certificate	All Features	N/A	All Exhibits
DSL	Removal-Fill Permit	All Features	N/A	Exhibit J
ODFW	Fish Passage Plan Approval	Access Roads	N/A	Exhibit BB
Oregon Department of Agriculture	Public Land Action Permit	N/A	N/A	Exhibit Q
Morrow County	Land Use Decision	All Features	EFU Zone	Exhibit K
Morrow County	Zoning Permit	All Features	General Industrial Zone	Exhibit K
Morrow County	Zoning Permit	All Features	Port Industrial Zone	Exhibit K
Umatilla County	Land Use Decision and Zoning Permit	All Features	EFU Zone	Exhibit K
Umatilla County	Conditional Use Permit	Helipads	EFU Zone	Exhibit K
Umatilla County	Conditional Use Permit	All Features	Grazing-Farm Zone	Exhibit K

Agency	Permit	Project Feature	Land Use Zone	Location of Evidence
EFSC	Exception to Goal 4	Transmission Line ROW Width	Umatilla County Grazing-Farm Zone	Exhibit K
Umatilla County	Conditional Use Permit and Land Use Decision	Helipads	Grazing-Farm Zone	Exhibit K
Umatilla County	Conditional Use Permit	Access Roads	Grazing-Farm Zone	Exhibit K
Umatilla County	Conditional Use Permit	All Features	Light Industrial Zone	Exhibit K
Umatilla County	Conditional Use Permit	Batch Plant	Light Industrial Zone	Exhibit K
Umatilla County	Conditional Use Permit	Multi-use Area	Rural Tourist Commercial Zone	Exhibit K
Union County	Land Use Decision	All Features	EFU Zone	Exhibit K
Union County	Conditional Use Permit and Land Use Decision	Helipads	EFU Zone	Exhibit K
Union County	Land Use Decision	All Features	Agriculture-Grazing Zone	Exhibit K
Union County	Land Use Decision – Predominant Use Decision	All Features	Timber-Grazing Zone	Exhibit K
Union County	Land Use Decision	All Features	Timber-Grazing Zone, Predominantly Farmland Parcels	Exhibit K
Union County	Conditional Use Permit	All Features	Timber-Grazing Zone, Predominantly Forestland Parcels	Exhibit K
EFSC	Exception to Goal 4	Transmission Line ROW Width	Union County Timber-Grazing Zone, Predominantly Forestland Parcels	Exhibit K
Union County	Conditional Use Permit	Access Roads	Timber-Grazing Zone, Predominantly Forestland Parcels	Exhibit K
Baker County	Land Use Decision	All Project Features	EFU Zone	Exhibit K
Baker County	Conditional Use Permit	All Project Features	Rural Service Area Zone	Exhibit K

Agency	Permit	Project Feature	Land Use Zone	Location of Evidence
Malheur County	Land Use Decision	All Project Features	EFU and ERU Zones	Exhibit K
Malheur County	Conditional Use Permit	Helipads	EFU and ERU Zones	Exhibit K
City of North Powder	Conditional Use Permit	Multi-use Area	Commercial Interchange Zone	Exhibit K
City of Huntington	Land Use Decision	Multi-use Area	Commercial Industrial Zone	Exhibit K
City of Huntington	Land Use Decision/ Temporary Use Permit	Multi-use Area	Commercial Residential Zone	Exhibit K

DSL = Oregon Department of State Lands; EFSC = Energy Facility Siting Council; EFU = Exclusive Farm Use; ERU = Exclusive Rangeland Use; N/A = not applicable; ODFW = Oregon Department of Fish and Wildlife

1

2 **3.2 Permits Outside the Council's Jurisdiction (Not Included In or** 3 **Governed by Site Certificate)**

4 Section 3.2 identifies the federal, state, and local permits and approvals related to the siting of
5 the Project and not included in or governed by the site certificate.

6 **3.2.1 Bureau of Land Management Permits**

7 **3.2.1.1 Right-of-Way Grant**

8 **Permit Description and Necessity:**

9 A ROW grant is an authorization to use a specific piece of public land for a certain project, such
10 as a transmission line. A ROW grant authorizes rights and privileges for a specific use of the
11 land for a specific period of time. Generally, a Bureau of Land Management (BLM) ROW is
12 granted for a term appropriate for the life of the project. IPC submitted a revised application for a
13 special use authorization for the Project on November 21, 2011, and BLM is processing that
14 application. This permit will be obtained directly from BLM and should not be included in and
15 governed by the site certificate.

16 **Legal Authority:**

17 Federal Land Policy and Management Act (FLPMA), 43 United States Code (U.S.C.)1761-1771,
18 43 Code of Federal Regulations (CFR) 2800.

19 **Contact Information:**

20 Mr. Donald Gonzalez
21 Vale District Manager
22 100 Oregon Street
23 Vale, Oregon 97918

24 Ms. Tamara Gertsch
25 BLM National Project Manager
26 5353 Yellowstone Road
27 Cheyenne, Wyoming 82009

1 3.2.1.2 *Permit for Archaeological Investigations*

2 **Permit Description and Necessity:**

3 Application for this permit is required when an individual or organization wants to perform any
4 archaeological testing on BLM-managed land. This permit will authorize specific testing and
5 data recovery work within a specific prehistoric archaeological site. Application for this permit
6 will require a research design, a plan of work for the project, and consultation with Native
7 American Tribes. This permit will be obtained directly from BLM and should not be included in
8 and governed by the site certificate.

9 **Legal Authority:**

10 FPLMA (PL 94-579, 43 U.S.C. 1701).

11 **Contact Information:**

12 Same as above.

13 3.2.1.3 *Cultural Resource Use Permit and Site-Specific Authorizations*

14 **Permit Description and Necessity:**

15 This is a blanket survey permit that authorizes surface-only surveys to identify, evaluate, and
16 record cultural resources on federally-managed public lands within the Project Area. Blanket
17 survey permits are for non-collection, non-testing survey only. IPC was issued a blanket survey
18 permit (OR-50860) which covers BLM-administered lands in Oregon. The permit expires
19 5/1/2018. Holders of a Cultural Resource Use Permit are required to obtain field work
20 authorizations from the appropriate BLM manager for major episodes of fieldwork or individual
21 projects. Field work authorizations are not separate permits but are authorizations to conduct
22 specific field work under the terms and conditions of an already approved permit. The Cultural
23 Resource Use Permit and related authorizations will be obtained directly from BLM and should
24 not be included in and governed by the site certificate.

25 **Legal Authority:**

26 FLPMA (PL 94-579, 43 U.S.C. 1701).

27 **Contact Information:**

28 Same as above.

29 3.2.1.4 *Paleontological Resources Use Permit*

30 **Permit Description and Necessity:**

31 Application for this permit is required when an individual or organization needs to perform any
32 paleontological surface survey/limited surface collection and/or excavation and removal on
33 federally-managed public lands within the Project Area only. Application for this permit must be
34 made to the Bureau of Land Management State Cultural Resources Program Lead and comply
35 with special conditions and stipulations that are a part of or attached to the permit. The
36 completed application for a survey permit must be submitted at least 30 calendar days prior to
37 beginning field work. The Paleontological Resources Use Permit and related authorizations will
38 be obtained directly from BLM and should not be included in and governed by the site
39 certificate.

40 **Legal Authority:**

41 FLPMA, PL 94-579, 43 U.S.C. 1701.

42 **Contact Information:**

43 Same as above.

1 **3.2.2 United States Forest Service Permits**

2 **3.2.2.1 Special Use Authorization for Right-of-Way**

3 **Permit Description and Necessity:**

4 A special use authorization is a legal document that provides private individuals or entities the
5 right to occupancy or use of United States Forest Service (USFS) land. The authorization is
6 granted for a specific use of the land for a specific period of time. The Project will cross lands
7 under the management of the Wallowa-Whitman National Forest and will require a Special Use
8 Authorization Permit. IPC submitted a revised application for a special use authorization for the
9 Project on November 21, 2011, and the USFS is processing that application. The Special Use
10 Authorization permit will be obtained directly from USFS and should not be included in and
11 governed by the site certificate.

12 **Legal Authority:**

13 16 U.S.C. 460l-6a, 460l-6d, 472, 551, 580d, 1134, 3210; 36 CFR 251, 261.

14 **Contact Information:**

15 Mr. Bill Gamble
16 District Ranger
17 Wallowa-Whitman National Forest
18 La Grande Ranger District
19 3502 Highway 30
20 La Grande, Oregon 97850

21 **3.2.2.2 Special Use Authorization for Archaeological Investigations**

22 **Permit Description and Necessity:**

23 Under the authority of the Archaeological Resources Protection Act and NHPA, the USFS
24 requires permits prior to conducting cultural/archaeological investigations. This permit
25 authorizes non-collection surface survey activities including the identification, evaluation, and
26 recordation on national forest service lands. Surficial and non-collecting cultural/archaeological
27 investigations will be conducted on all federally-managed lands as part of the Project. IPC has a
28 special use permit (Permit No. LAG 2008-02) for archaeological investigations which was issued
29 in September 2008 and is valid until December 31, 2013. Additional authorization may be
30 required for site testing or mitigation. The archaeological investigation permit and related
31 authorizations will be obtained directly from USFS and should not be included in and governed
32 by the site certificate.

33 **Legal Authority:**

34 Archaeological Resources Protection Act, 16 U.S.C. 470aa-mm; National Historic Preservation
35 Act (NHPA), 16 U.S.C. 470.

36 **Contact Information:**

37 Mr. Bill Gamble
38 District Ranger
39 Wallowa-Whitman National Forest
40 La Grande Ranger District
41 3502 Highway 30
42 La Grande, Oregon 97850

3.2.3 *United States Department of Navy Easement*

Permit Description and Necessity

An easement is a recordable interest in land, not revocable at will, to use or restrict the use of real property of the owner for a specific purpose. In June 2015, IPC submitted to the Department of the Navy a revised application for an easement to site a portion of the Project on the Naval Weapons Systems Training Facility Boardman bombing range in Morrow County. The easement will be obtained directly from the Department of the Navy and should not be included in and governed by the site certificate.

Legal Authority:

10 U.S.C. 2668

Contact Information:

Kent Mathes
Range Program Manager
Naval Air Station Whidbey Island
3730 North Charles Porter Ave.
Oak Harbor, Washington 98728
(360) 257-3315

3.2.4 *United States Army Corps of Engineers (USACE) CWA Section 404 Nationwide Permit 12 (Utility Line Activities)*

Permit Description and Necessity:

Under the Clean Water Act (CWA), a Section 404 permit is required for construction of the Project, which will include the discharge of dredged or fill material into waters of the United States, including wetlands. IPC anticipates that the Project will be authorized under the Nationwide Permit 12, which authorizes activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project. IPC has provided extensive information, including a draft Joint Permit Application, in Exhibit J. IPC will satisfy the requirements of this permit in direct coordination with USACE and this permit should not be included in and governed by the site certificate.

Legal Authority:

Clean Water Act, 33 U.S.C. 1344, 33 CFR 320, 323, 325-328, 330.

Contact Information:

Mr. Peter Olmstead, Regulatory Branch Biologist
La Grande Field Office
U.S. Army Corp of Engineers
3502 Highway 30
La Grande, Oregon 97850-5628
(541) 962-0401

3.2.5 *Federal Aviation Administration Notice of Proposed Construction or Alteration*

Permit Description and Necessity:

CFR Title 14, Part 77 establishes standards and notification requirements for objects affecting navigable airspace. Any construction activities involving cranes exceeding 200 feet above ground level require notification to the Federal Aviation Administration. Because the Project will

1 require the use of cranes exceeding 200 feet in height, IPC will need to submit to the Federal
2 Aviation Administration a Notice of Proposed Construction or Alteration.

3 **Legal Authority:**

4 CFR Title 14, Part 77

5 **Contact Information:**

6 Gary Gates
7 Federal Aviation Administration
8 Northwest Mountain Region Airports Division, ANM-600
9 1601 Lind Avenue, SW, Suite 315
10 Renton, WA 98057-3356
11 (435) 227-2600

12 **3.2.6 Oregon Department of Environmental Quality (ODEQ) Permits**

13 **3.2.6.1 National Pollutant Discharge Elimination System (NPDES) Permit 1200-C**

14 **Permit Description and Necessity:**

15 The United States (U.S.) Environmental Protection Agency has delegated authority to ODEQ to
16 issue NPDES Storm Water Discharge permits for construction and operation activities. IPC has
17 submitted a preliminary 1200-C application for the Project to ODEQ, and the draft permit has
18 been acknowledged by ODEQ. The letter from ODEQ acknowledging IPC's submittal of the
19 draft NPDES 1200-C permit is included as an attachment to Exhibit I. IPC will satisfy the
20 requirements of this permit in direct coordination with ODEQ and this permit should not be
21 included in and governed by the site certificate.

22 **Legal Authority:**

23 ORS 468B.050, OAR Chapter 340, Division 45 (Regulations Pertaining to NPDES and Water
24 Pollution Control Facility Permits).

25 **Contact Information:**

26 Jackie Ray
27 Eastern Regional Office – DEQ
28 700 SE Emigrant, #330
29 Pendleton, Oregon 97801
30 (541) 276-4063

31 **3.2.6.2 NPDES Permit 1200-C**

32 **Permit Description and Necessity:**

33 The U.S. Environmental Protection Agency has delegated authority to ODEQ to issue NPDES
34 Storm Water Discharge permits for gravel mining and concrete batch plant operations. Rock
35 crushing and batch plant activities may require an NPDES 1200-A permit. IPC will submit, prior
36 to the Final Application for Site Certificate (ASC), a preliminary NPDES 1200-A permit
37 application for the Project to ODEQ and obtain an acknowledgement from ODEQ that the
38 agency received the application. Should an NPDES 1200-A permit be necessary, IPC will obtain
39 it directly from ODEQ and it should not be included in or governed by the site certificate.

40 **Legal Authority:**

41 ORS 468B.050, OAR Chapter 340, Division 45 (Regulations Pertaining to NPDES and Water
42 Pollution Control Facility Permits).

43 **Contact Information:**

44 Same as above.

1 3.2.6.3 CWA Section 401 Water Quality Certification

2 **Permit Description and Necessity:**

3 The CWA Section 401 Water Quality Certification process may be triggered during the USACE
4 CWA Section 404 permitting process. However, IPC anticipates obtaining a Nationwide 12
5 permit that has previously received water quality certification.

6 **Legal Authority:**

7 CWA, 33 U.S.C. 1341, OAR Chapter 340, Division 48 (Certification of Compliance with Water
8 Quality Requirements and Standards)

9 **Contact Information:**

10 Same as above.

11 3.2.6.4 Air Contaminant Discharge Permit

12 **Permit Description and Necessity:**

13 Any operation that can be considered an air contaminant source by the state of Oregon must
14 obtain an Air Contaminant Discharge Permit (ACDP) prior to operation. Rock crushing and
15 batch plant activities may fall under the Basic Air Contaminant Discharge Permit. IPC will
16 submit, prior to the Final ASC, a preliminary ACDP application for the Project to ODEQ and
17 obtain an acknowledgement from ODEQ that the agency received the application. Should an
18 ACDP be necessary, IPC will obtain it directly from ODEQ and it should not be included in or
19 governed by the site certificate.

20 **Legal Authority:**

21 ORS 468A.040-468A.060, OAR Chapter 340, Division 216 (Air Contaminant Discharge
22 Permits).

23 **Contact Information:**

24 Same as above.

25 3.2.7 Oregon Parks and Recreation Department – State Historic Preservation 26 Office Permits

27 3.2.7.1 Archaeological Excavation Permit

28 **Permit Description and Necessity:**

29 No entity can excavate or alter an archaeological site on public lands, make an exploratory
30 excavation on public lands to determine the presence of an archaeological site, or remove from
31 public lands any material of an archaeological, historical, prehistorical, or anthropological nature
32 without first obtaining a permit issued by the Oregon Parks and Recreation Department – State
33 Historic Preservation Office. It is likely that an excavation permit(s) will be required for test
34 excavations or data recovery of sites that cannot be avoided. Should IPC need archaeological
35 permits for preconstruction surveys, it will obtain the permits directly from State Historic
36 Preservation Office.

37 **Legal Authority:**

38 ORS 97.745, ORS 358.920, ORS 390.235, OAR Chapter 736, Division 51 (Archeological
39 Permits).

40 **Contact Information:**

41 Mr. Dennis Griffin
42 State Archaeologist
43 Oregon Parks and Recreation Department – State Historic Preservation Office

1 725 Summer St NE, Ste. C
2 Salem, Oregon 97301
3 (503) 986-0674

4 **3.2.8 Oregon Department of Transportation (ODOT)**

5 **3.2.8.1 Permit to Construct a State Highway Approach; Permit to Operate, Maintain,** 6 **and Use a State Highway Approach**

7 **Permit Description and Necessity:**

8 There are two components to state highway approach permitting process—the Permit to
9 Construct a State Highway Approach and the Permit to Operate, Maintain and Use a State
10 Highway Approach. The Project will require construction and operational access off of state
11 highways and IPC will need to obtain both permits mentioned above. IPC will work with ODOT
12 directly to obtain the Permit to Construct a State Highway Approach and the Permit to Operate,
13 Maintain and Use a State Highway Approach, as these approvals involve design and
14 operational issues and are not directly related to siting the facility⁷

15 **Legal Authority:**

16 ORS Chapter 374 (Control of Access to Public Highways); OAR Chapter 734, Division 51
17 (Highway Approaches, Access Control, Spacing Standards and Medians).

18 **Contact Information:**

19 Oregon Department of Transportation Region 5
20 3012 Island Avenue
21 La Grande, Oregon 97850
22 (541) 963-3177

23 **3.2.8.2 Oversize Load Movement Permit/Load Registration**

24 **Permit Description and Necessity:**

25 This permit/registration applies to the operation of vehicles transporting loads that exceed legal
26 limits and is issued for vehicles or loads having weight or dimension greater than that allowed
27 by statute. Movement of construction cranes and other equipment and materials may require
28 that IPC obtain this permit. If necessary, IPC will obtain this permit directly from ODOT. This
29 permit should not be included in and governed by the Site Certificate because it relates to IPC's
30 operation of vehicles during construction and not to siting.

31 **Legal Authority:**

32 OAR Chapter 734, Division 82 (Variance Permits Issued for Non-Divisible Loads and Road Use
33 Assessment Fees).

34 **Contact Information:**

35 Same as above.

36 **3.2.8.3 Permit to Occupy or Perform Operations Upon a State Highway**

37 **Permit Description and Necessity:**

38 Utility installations within the ROW of a state highway in Oregon require a permit issued by the
39 ODOT. No utilities may be installed within an interstate highway ROW. Utilities may cross an

⁷ IPC recognizes that the ODOT state highway approach permits could, in the context of a different facility, properly viewed as "related to siting"; for example, where construction of a generation facility hinged on ODOT's approval of a particular state highway approach. For the Project, however, IPC anticipates that even if ODOT were to impose conditions or design changes on IPC's proposed highway approach locations, such minor modifications would not have an impact on the siting of the facility.

1 interstate highway but may not be sited longitudinally within the operating interstate highway
2 ROW. The Site Boundary for the Project boundary includes crossing the ROW of state and
3 interstate highways, but will not include transmission line structures within highway ROWs. IPC
4 will work with ODOT to obtain both permits. This permit should not be included in and governed
5 by the Site Certificate because it relates to IPC's work within a highway ROW during
6 construction and not to siting.⁸

7 **Legal Authority:**

8 ORS Chapter 374 (Control of Access to Public Highways); OAR Chapter 734, Division 55 (Pole
9 Lines, Buried Cables, Pipe Lines, Signs, Miscellaneous Facilities and Miscellaneous
10 Operations).

11 **Contact Information:**

12 Same as above.

13 **3.2.9 Oregon Department of Forestry (ODF)**

14 **3.2.9.1 Permit to Operate Power Driven Machinery**

15 **Permit Description and Necessity:**

16 Operations inside or within one-eighth of one mile of a forest protection district that uses fire in
17 any form or power driven machinery requires a Permit to Operate Power Driven Machinery (see
18 ORS 477.625). Here, the Project will involve forest clearing and road construction activities in
19 forest lands that will require the operation of power driven machinery. IPC will submit its
20 application for a Permit to Operate Power Driven Machinery to ODF at least 15 days prior to
21 commencing timber harvesting or road construction operations in forest lands.⁹ This permit
22 should not be included in and governed by the site certificate because it relates to IPC's forestry
23 operations during construction and not to siting.¹⁰

24 **Legal Authority:**

25 ORS 477.625 (Permit to Operate Power Driven Machinery).

26 **Contact Information:**

27 Rick Wagner, Stewardship Forester
28 Oregon Department of Forestry
29 611 20th Street
30 La Grande, Oregon 97850
31 (541) 963-3168

32 John Tokarczyk – Forest Resources Planning

33 Oregon Department of Forestry

34 Salem Headquarters

⁸ IPC recognizes that the ODOT permit to occupy a state highway ROW could, in the context of a different facility, properly viewed as "related to siting"; for example, where construction of a transmission line facility hinged on ODOT's approval of location of the transmission line longitudinally within the state highway ROW. For the Project, however, IPC anticipates that even if ODOT were to impose conditions or design changes on IPC's proposed highway spanning locations, such minor modifications would not have an impact on the siting of the facility.

⁹ ODF provides a single form that comprises both: (a) an application for a Permit to Operate Power Driven Machinery; and (b) a Notification of Operation required to operate in forest lands (see Exhibit E, Section 3.2.9.2).

¹⁰ IPC recognizes that this Oregon Forest Practices Act notice and prior approval could, in the context of a different facility, be properly viewed as "related to siting"; for example, where construction of a generation facility hinged on ODF's approval of certain clearing activities. For the Project, however, IPC anticipates that even if ODF were to impose conditions or design changes on IPC's proposed, such minor modifications would not have an impact on the siting of the facility.

1 2600 State Street
2 Salem, Oregon 97310
3 (503) 945-7414

4 3.2.9.2 Notification of Operation

5 **Permit Description and Necessity:**

6 Under the Oregon Forest Practices Act, individuals or entities must notify the ODF before
7 beginning certain activities on forest lands, including timber harvesting and road construction,
8 and obtain prior approval from ODF for those activities. The notification is not a permit. It is only
9 information to ODF of an operator's intent. On state and private land, IPC plans to contract with
10 a qualified timber operator to perform timber removal as needed for the Project. After the
11 construction contractor finalizes the Project design and at least 15 days prior to commencing
12 forestry activities, IPC or its timber contractor will submit the Notification of Operation to ODF.
13 The USFS will manage timber removal on federal lands. The notification should not be included
14 in and governed by the site certificate because it is not a permit and because it relates to IPC's
15 forestry operations during construction and not to siting.¹¹

16 **Legal Authority:**

17 ORS 527.670 (Notification of Operation).

18 **Contact Information:**

19 Same as above.

20 3.2.10 Morrow County

21 3.2.10.1 Utility Crossing Permit

22 **Permit Description and Necessity:**

23 This permit is required any time a utility is constructed within or across a public ROW. The
24 Project will cross county ROWs and IPC will apply for a Utility Crossing Permit. IPC will obtain
25 any necessary utility crossing permits directly from the Morrow County Public Works
26 Department. This permit should not be included in and governed by the Site Certificate because
27 it relates to IPC's work within a road ROW during construction and not to siting.

28 **Legal Authority:**

29 ORS 374.305, MCZO 4.010(B).

30 **Contact Information:**

31 Mr. Bob Nairns
32 PO Box 428
33 Lexington, Oregon 97839
34 (541) 989-8584

35 3.2.10.2 Access Approach Site Permit

36 **Permit Description and Necessity:**

37 The Access Approach Site Permit will be required if the Project access roads intersect with
38 public roads, or if necessary upgrades to existing access roads affect a public road. IPC intends
39 to develop access roads that will intersect with public roads, and IPC will obtain any necessary

¹¹ IPC recognizes that this Oregon Forest Practices Act notice and prior approval could, in the context of a different facility, be properly viewed as "related to siting"; for example, where construction of a generation facility hinged on ODF's approval of certain clearing activities. For the Project, however, IPC anticipates that even if ODF were to impose conditions or design changes on IPC's proposed, such minor modifications would not have an impact on the siting of the facility.

1 Access Approach Site Permits directly from the Morrow County Public Works Department. This
2 permit should not be included in and governed by the Site Certificate because it relates to IPC's
3 work within a road ROW during construction and not to siting.

4 **Legal Authority:**

5 ORS 374.305, MCZO 4.010(B).

6 **Contact Information:**

7 Same as above.

8 **3.2.10.3 Construction Permit to Build on Right-of-Way**

9 **Permit Description and Necessity:**

10 A construction permit is required to make improvements to access roads that intersect with
11 county road ROWs. Project access roads will intersect with public roads and IPC will obtain any
12 necessary a Construction Permit to Build on Right-of-Way directly from the Morrow County
13 Public Works Department. This permit should not be included in and governed by the site
14 certificate because it relates to IPC's work within a road ROW during construction and not to
15 siting.

16 **Legal Authority:**

17 ORS 374.305, MCZO Section 4.010(B).

18 **Contact Information:**

19 Same as above.

20 **3.2.10.4 Flood Plain Development Permit**

21 **Permit Description and Necessity:**

22 Under MCZO 3.100, construction activity within a Special Flood Hazard Area in Morrow County
23 requires a Flood Plain Development Permit. To the extent the Project will include construction
24 activities within a Special Flood Hazard Area, IPC will obtain any necessary Flood Plain
25 Development Permit directly from the Morrow County. This permit should not be included in and
26 governed by the Site Certificate because it relates to IPC's work within a certain flood plain area
27 during construction and not to siting.

28 **Legal Authority:**

29 MCZO 3.100(4).

30 **Contact Information:**

31 Ms. Carla McLane
32 Planning Director
33 205 NE Third St.
34 Irrigon, Oregon 97844
35 (541) 922-4624

36 **3.2.11 Umatilla County**

37 **3.2.11.1 Installation of Utilities on County and Public Roads Permit (Utilities Permit)**

38 **Permit Description and Necessity:**

39 Umatilla County requires a utilities permit for any activity that involves having the utility cross a
40 county or state road, pipelines, or installations adjacent to roadway and requiring traffic control.
41 The Project will cross roads and pipelines and IPC will apply for a utilities permit directly from
42 Umatilla County. This permit should not be included in and governed by the Site Certificate
43 because it relates to IPC's work within a road ROW during construction and not to siting.

1 **Legal Authority:**
2 ORS 374.305-374.325.

3 **Contact Information:**
4 Tom Fellows
5 Department of Public Works
6 Umatilla County Road Department
7 3920 Westgate Street
8 Pendleton, Oregon 97801
9 (541) 278-5424

10 **3.2.11.2 Road Approach and Crossing Permit**

11 **Permit Description and Necessity:**
12 A Road Approach and Crossing Permit from Umatilla County will be required to make
13 improvements to access roads that intersect with county road ROWs. Project access roads will
14 intersect with public roads and IPC will obtain any necessary Road Approach and Crossing
15 Permit directly from Umatilla County. This permit should not be included in and governed by the
16 Site Certificate because it relates to IPC's work within a road ROW during construction and not
17 to siting.

18 **Legal Authority:**
19 ORS 374.305.

20 **Contact Information:**
21 Same as above.

22 **3.2.11.3 Flood Plain Development Permit**

23 **Permit Description and Necessity:**
24 Under UCDC 152.353(D), construction activity within an Area of Special Flood Hazard in
25 Umatilla County requires a Flood Plain Development Permit. To the extent the Project will
26 include construction activities within an Area of Special Flood Hazard, IPC will obtain any
27 necessary Flood Plain Development Permit directly from the Umatilla County. This permit
28 should not be included in and governed by the Site Certificate because it relates to IPC's work
29 within a certain flood plain area during construction and not to siting.

30 **Legal Authority:**
31 UCDC 152.353.

32 **Contact Information:**
33 Ms. Tamra J. Mabbott
34 Planning Director
35 Department of Land Use Planning
36 216 SE 4th Street Room 104
37 Pendleton, Oregon 97801
38 (541) 278-6252

39 **3.2.12 Union County**

40 **3.2.12.1 Union County Public Works Department – Road Approach Permit**

41 **Permit Description and Necessity:**
42 A Road Approach Permit from Union County will be required to make improvements to access
43 roads that intersect with county road ROWs. Project access roads will intersect with public

1 roads and IPC will obtain any necessary Road Approach Permit directly from Union County.
2 This permit should not be included in and governed by the Site Certificate because it relates to
3 IPC's work within a road ROW during construction and not to siting.

4 **Legal Authority:**

5 ORS 374.305.

6 **Contact Information:**

7 Doug Wright
8 Union County Public Works Department
9 P.O. Box 1103
10 La Grande, Oregon 97850
11 (541) 963-1014

12 *3.2.12.2 Work in County Right-of-Way Permit*

13 **Permit Description and Necessity:**

14 If any activity takes place in a county road ROW within Union County, an application must be
15 submitted for approval by the county prior to the activity being conducted. IPC will apply for this
16 permit directly from Union County. This permit should not be included in and governed by the
17 Site Certificate because it relates to IPC's work within a road ROW during construction and not
18 to siting.

19 **Legal Authority:**

20 ORS 374.305.

21 **Contact Information:**

22 Same as above.

23 *3.2.12.3 Flood Plain Development Permit*

24 **Permit Description and Necessity:**

25 Under UCZSPO Article 17.00, construction activity within a Special Flood Hazard Area in Union
26 County requires a Flood Plain Development Permit. To the extent the Project will include
27 construction activities within a Special Flood Hazard Area, IPC will obtain any necessary Flood
28 Plain Development Permit directly from the Union County. This permit should not be included in
29 and governed by the Site Certificate because it relates to IPC's work within a certain flood plain
30 area during construction and not to siting.

31 **Legal Authority:**

32 UCZSPO Article 17.00.

33 **Contact Information:**

34 Scott Hartell
35 Planning Department
36 1001 Fourth Street, Suite C
37 La Grande, Oregon 97850
38 (541) 963-1014

1 **3.2.13 Baker County**

2 **3.2.13.1 Right-of-Way Activities Authorization**

3 **Permit Description and Necessity:**

4 If any activity takes place in a ROW within Baker County, an application must be submitted for
5 approval by the county prior to the activity being conducted. Construction of the Project may
6 require modifications within existing Baker County road ROWs, including improvements to
7 county roads that may be used as access roads. IPC will apply for this permit directly from
8 Baker County. This permit should not be included in and governed by the Site Certificate
9 because it relates to IPC's work within a road ROW during construction and not to siting.

10 **Legal Authority:**

11 ORS 374.305.

12 **Contact Information:**

13 Mr. Jeff Smith
14 Roadmaster
15 Baker County Road Department
16 3050 E Street
17 Baker City, Oregon 97814
18 (541) 523-6417

19 **3.2.13.2 Flood Plain Development Permit**

20 **Permit Description and Necessity:**

21 Under the BCZSO 410, construction activity within a Special Flood Hazard Area in Baker
22 County requires review and approval. To the extent the Project will include construction
23 activities within a Special Flood Hazard Area, IPC will obtain any necessary Flood Plain
24 Development Permit directly from Baker County. This permit should not be included in and
25 governed by the Site Certificate because it relates to IPC's work within a certain flood plain area
26 during construction and not to siting.

27 **Legal Authority:**

28 BCZSO 410.

29 **Contact Information:**

30 Ms. Holly Kerns
31 Interim Planning Director
32 Baker County Planning Department
33 1995 Third Street
34 Baker City, Oregon 97814
35 (541) 523-8219

36 **3.2.14 Malheur County**

37 **3.2.14.1 Permit to Occupy or Perform Operations upon Public Roads**

38 **Permit Description and Necessity:**

39 If any activity takes place in a ROW within Malheur County, an application must be submitted for
40 approval by the county prior to the activity being conducted. Construction of the Project may
41 require modifications within existing Malheur County road ROWs, including improvements to
42 county roads that may be used as access roads and installation of distribution lines across or
43 within a county ROW. IPC will apply for a Permit to Occupy or Perform Operations upon Public
44 Roads directly from Malheur County. This permit should not be included in and governed by the

1 Site Certificate because it relates to IPC's work within a road ROW during construction and not
2 to siting.

3 **Legal Authority:**

4 ORS 374.305.

5 **Contact Information:**

6 Mr. Richard Moulton
7 Road Master
8 251 B St. West #8
9 Vale, OR 97918
10 (541) 473-5191

11 **3.2.14.2 Flood Plain Development Permit**

12 **Permit Description and Necessity:**

13 Under MCC 3K-3, MCC 5-1-2, and MCC 5-2-4, construction of structures or development
14 involving fill and related activities within a Flood Plain Management Zone in Malheur County
15 requires a Flood Plain Development Permit. To the extent the Project will include construction of
16 a structure or fill activities within a Flood Plain Management Zone, IPC will obtain any necessary
17 Flood Plain Development Permit directly from Malheur County. This permit should not be
18 included in and governed by the Site Certificate because it relates to IPC's work within a certain
19 flood plain area during construction and not to siting..

20 **Legal Authority:**

21 MCC 3K-3; MCC 5-1-2; MCC 5-2-4.

22 **Contact Information:**

23 Mr. Alvin Scott
24 Interim Planning Director
25 251 B St. West #12
26 Vale, Oregon 97918
27 (541) 473-5185

28 **3.3 Federally Delegated Permits**

29 **OAR 345-021-0010(1)(e)(D):** For federally-delegated permit applications, evidence that the
30 responsible agency has received a permit application and the estimated date when the
31 responsible agency will complete its review and issue a permit decision.

32 The Council does not determine compliance for permits that are federally delegated. IPC will
33 coordinate the submission of applications for federally-delegated permits with the National
34 Environmental Policy Act process currently underway in support of IPC's ROW application on
35 federally managed lands. Table E-2, below, provides a summary of application dates and permit
36 status for federally delegated permits.

37 **Table E-2. Federally Delegated Permit Application Status**

Permit	Application Submitted	When Permit Will be Issued
Air Contaminant Discharge Permit	After issuance of the Record of Decision	Prior to ground-disturbing activities
NPDES 1200-A	Preliminary permit application will be submitted prior to Final ASC	Per consultation with ODEQ, permit may be issued two to three weeks following issuance of the site certificate
Clean Water Act	Triggered by Section 404	Prior to ground-disturbing activities

Permit	Application Submitted	When Permit Will be Issued
Section 401 Water Quality Certification	permit	
NPDES 1200-C	Preliminary permit application submitted on May 3, 2012	Per consultation with ODEQ, permit may be issued two to three weeks following issuance of the site certificate

NPDES = National Pollution Discharge Elimination System; ODEQ = Oregon Department of Environmental Quality

3.4 Third-Party Permits

OAR 345-021-0010(1)(e)(E): If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third-party permit and for each: (i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit. (ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit. (iii) An assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard.

OAR 345-021-0010(1)(e)(F): If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each: (i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit. (ii) Evidence that the responsible agency has received a permit application. (iii) The estimated the date when the responsible agency will complete its review and issue a permit decision.

3.4.1 State or Local Third-Party Permits

3.4.1.1 Identification of State or Local Third-Party Permits

IPC will rely on Umatilla Electric Co-Op, Pacific Power, and Oregon Trail Electric Cooperative to install the distribution lines serving the communication stations (see Exhibit A, Section 3.2). The distribution lines may require the following local permits or approvals depending on the final design and alignment of the distribution lines:

- **Communication Station MO-01, Morrow County, EFU Zone, Utility Crossing Permit**

Communication station MO-01 will be located in the EFU Zone in Morrow County. Utility lines not exceeding 200 feet in height are permitted outright in EFU lands in Morrow County. However, a Utility Crossing Permit is required any time a utility is constructed within or across a public ROW in Morrow County. If the distribution lines serving Communication Station MO-01 cross or are located in a public ROW in Morrow County, the third-party local service provider will obtain any necessary Utility Crossing Permit from the Morrow County Public Works Department.

- **Communication Station UM-01 and UM-02, EFU Zone, Umatilla County, Utilities Permit**

Communication stations UM-01 and UM-02 will be located in the EFU Zone in Umatilla County. Utility lines that are located on one or more of the following are permitted outright in EFU: (1) a public ROW; (2) land immediately adjacent to a public ROW, provided the written consent of all adjacent property owners has been obtained; or (3) the property to be served by the utility. However, a Utilities Permit is required if a utility line does not meet those criteria and is constructed within or across a public ROW in

1 Umatilla County. If the distribution lines servicing communication stations UM-01 and
 2 UM02 require a Utilities Permit, the third-party local service provider will obtain any
 3 necessary Utilities Permit from Umatilla County.

4 • **Communication Stations UN-01 and UN-01 ALT, Timber-Grazing Zone, Union**
 5 **County, Work in County Right-of-Way Permit**

6 Communication stations UN-01 and UN-01 ALT will be located in the Timber-Grazing
 7 Zone in Union County. Local distribution lines and accessory equipment are permitted
 8 outright in Timber-Grazing Zone in Union County. However, if any activity will take place
 9 in a county road ROW within Union County, an application must be submitted for
 10 approval by the county prior to the activity being conducted. If the distribution lines
 11 serving communication stations UN-01 and UN-01 ALT cross or are located in a public
 12 ROW in Union County, the third-party local service provider will obtain any necessary
 13 Work in County Right-of-Way Permit from Union County.

14 • **Communication Station UN-02, Agriculture-Grazing Zone, Union County, Land Use**
 15 **Decision and Work in County Right-of-Way Permit**

16 Communication station UN-02 will be located in the Agriculture-Grazing Zone in Union
 17 County. Utility facilities may be established in an Agricultural-Grazing Zone subject to a
 18 review process. Additionally, if any activity will take place in a county road ROW within
 19 Union County, an application must be submitted for approval by the county prior to the
 20 activity being conducted. If the distribution lines serving communication station UN-02
 21 crosses or is located in a public ROW in Union County, the third-party local service
 22 provider will obtain any necessary Land Use Decision and Work in County Right-of-Way
 23 Permit from Union County.

24 • **Communication Stations BA-01 and BA-02, EFU Zone, Baker County, Right Of**
 25 **Way Activities Permit**

26 Communication stations BA-01 and BA-02 will be located in the EFU Zone in Baker
 27 County. Local distribution utility facilities are permitted outright in EFU Zone in Baker
 28 County. However, if any activity takes place in a ROW within Baker County, an
 29 application must be submitted for approval by the county prior to the activity being
 30 conducted. If the distribution lines serving communication stations BA-01 and BA-02
 31 cross or are located in a public ROW in Baker County, the third-party local service
 32 provider will obtain any necessary Right of Way Activities Permit from Baker County.

33 Other than the local or state permits or authorizations set forth above, IPC will not rely on any
 34 state or local permits issued to a third-party.¹²

35 Table E-3 summarizes the permitting requirements for the distribution lines in Morrow, Umatilla,
 36 Union, and Baker counties.

37 **Table E-3. Communication Station Distribution Line Permitting**

Communication Station	County	Zones or Public Right-of-Way Impacts	Relevant Legal Authority	Permit Requirement
CS MO-01	Morrow	Exclusive Farm Use	Morrow County Dev.	None

¹² In some circumstances, IPC's construction contractor may obtain permits on behalf of IPC. However, because the construction contractor will obtain these permits as an agent of IPC under IPC's control and direction, such permits are not considered third-party permits for purposes of OAR 345-021-0010(1)(e)(E) or (F).

Communication Station	County	Zones or Public Right-of-Way Impacts	Relevant Legal Authority	Permit Requirement
		(EFU)	Code § 3.10.C.16: Utility and transmission lines not exceeding 200 feet in height are permitted outright in EFU	
		If crossing or located within a public right-of-way	Oregon Revised Statute (ORS) § 374.305	Utility Crossing Permit
CS UM-01 CS UM-02 CS UM-02 ALT	Umatilla	EFU	Umatilla County Dev. Code § 152.056: Utility facility service lines that are located on one or more of the following are permitted outright in EFU: (1) a public right of way; (2) land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or (3) the property to be served by the utility.	None
		If crossing or located within a public right-of-way and is not permitted outright	ORS §§ 374.305	Utilities Permit
CS UN-01 CS UN-01 ALT	Union	Timber-Grazing Use A-1	Union County Dev. Code § 5.02.10: Local distribution lines and accessory equipment are permitted outright in Timber-Grazing Zone	None
		If crossing or located within a public right-of-way	ORS § 374.305	Work in County Right-of-Way Permit

Communication Station	County	Zones or Public Right-of-Way Impacts	Relevant Legal Authority	Permit Requirement
CS UN-02	Union	Agricultural-Grazing Use A-2	Union County Dev. Code § 3.03.7: Utility facilities may be established in an Agricultural-Grazing Zone subject to a review process (Planning Director Land Use Decision)	Land Use Decision
		If crossing or located within a public right-of-way	ORS § 374.305	Work in County Right-of-Way Permit
CS BA-01 CS BA-02	Baker	EFU	Baker County Dev. Code § 301.01.C: Local distribution utility facilities are permitted outright in EFU	None
		If crossing or located within a public right-of-way	ORS § 374.305	Right of Way Activities Permit

1 **3.4.1.2 Likelihood Idaho Power Company Will Be Able to Enter into an Agreement**
2 **with the Local Service Provider**

3 Under Oregon law, a local electrical service provider generally must provide service to
4 requesting customers within the utility's service territory (see *In re Columbia Basin Elec. Coop.,*
5 *Inc. v. PacifiCorp et al.*, Docket No. UM 1670, Order No. 15-110 at 6 (April 10, 2015) ("When an
6 entire load is located within the service territory of a single utility, that utility has the right and
7 obligation to serve that load.")). Because Umatilla Electric Co-Op, Pacific Power, and Oregon
8 Trail Electric Cooperative are required to provide electrical service to IPC for use at the
9 communication stations, IPC has a reasonable likelihood of entering into a contract or
10 agreement with each of them for the installation of the distribution lines.

11 **3.4.1.3 Likelihood the Local Service Provider Will Be Able to Obtain Necessary**
12 **Permits**

13 The Morrow, Umatilla, and Union County planning departments have indicated to IPC that there
14 is a high likelihood that the local service providers will be able to obtain any necessary
15 authorizations to install the Project's communication station distribution lines in those counties.

16 **3.4.1.4 Impact of Third-Party Permits on Council Standard Compliance**

17 At this time, no third party has obtained any permits related to the Project. Further, IPC will not
18 rely on any third-party permits to comply with any applicable Council standard.

19 **3.4.2 Federally-Delegated Permits**

20 IPC will not rely on any federally-delegated permits issued to a third party.

3.5 Monitoring Program

OAR 345-021-0010(1)(e)(G): The applicant's proposed monitoring program, if any, for compliance with permit conditions.

To the extent that monitoring may be required for any permit conditions, monitoring programs are discussed in the Exhibit in which the permit is more fully discussed. For example, monitoring for compliance with removal-fill permit conditions is discussed in Exhibit J. For additional information regarding the location of discussion of monitoring programs, see the cross-references to ASC Exhibits provided in Sections 3.2 and 3.3.

4.0 COMPLIANCE CROSS-REFERENCES

Table E-4 provides cross references between Exhibit submittal requirements of OAR 345-021-0010 and the Council's Approval standards of OAR 345-022-0000 and where discussion can be found in the Exhibit.

Table E-4. Compliance Requirements and Relevant Cross-References

Requirement	Location
OAR 345-0210-0010(1)(e)	
Exhibit E. Information about permits needed for construction and operation of the facility, including:	
(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit.	Exhibit E, Section 3.1 and Section 3.2
(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant's analysis of whether the permit should or should not be included in and governed by the site certificate.	Exhibit E, Section 3.1 and Section 3.2
(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. The applicant may show this evidence: (i) In Exhibit J for permits related to wetlands. (ii) In Exhibit O for permits related to water rights.	Exhibit E, Section 3.1
(D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision.	Exhibit E, Section 3.3
(E) If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third-party permit and for each: (i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit. (ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit.	Exhibit E, Section 3.4

Requirement	Location
OAR 345-0210-0010(1)(e)	
(iii) An assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard.	
(F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each: (i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit. (ii) Evidence that the responsible agency has received a permit application. (iii) The estimated the date when the responsible agency will complete its review and issue a permit decision.	Exhibit E, Section 3.4
(G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.	Exhibit E, Section 3.5
Amended Project Order Requirements	
State permits within the Council's jurisdiction, and permits that are necessary but outside the Council's jurisdiction, should be described and discussed separately. Although the Council does not review for compliance with federal permits, the application should describe federal permits particularly as federal permitting requirements are often relied on as evidence of compliance with EFSC or local standards.	Exhibit E, Section 3.1 and Section 3.2
Ensure that Exhibit E identifies and discusses all the possible permits listed in Section I of this project order.	Exhibit E, Section 3.1, Section 3.2, Section 3.3, and Section 3.4