

## **Exhibit CC Other Legal Citations**

### **Boardman to Hemingway Transmission Line Project**



*1221 West Idaho Street  
Boise, Idaho 83702*

Mark Stokes, Project Leader  
(208) 388-2483  
[mstokes@idahopower.com](mailto:mstokes@idahopower.com)

Zach Funkhouser, Permitting  
(208) 388-5375  
[zfunkhouser@idahopower.com](mailto:zfunkhouser@idahopower.com)

*Application for Site Certificate*

*September 2018*

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## ACRONYMS AND ABBREVIATIONS

DLCD	Department of Land Conservation and Development
DOGAMI	Oregon Department of Geology and Mineral Industries
EFSC or Council	Energy Facility Siting Council
EPCRA	Emergency Planning and Community Right-to-Know Act
IPC	Idaho Power Company
OAR	Oregon Administrative Rules
ODA	Oregon Department of Agriculture
ODEQ	Oregon Department of Environmental Quality
ODF	Oregon Department of Forestry
ODFW	Oregon Department of Fish and Wildlife
OPUC	Public Utility Commission of Oregon
ORS	Oregon Revised Statutes
Project	Boardman to Hemingway Transmission Line Project
SAG	Special Advisory Group
Second Amended Project Order	Second Amended Project Order, Regarding Statutes, Administrative Rules, and Other Requirements Applicable to the Proposed BOARDMAN TO HEMINGWAY TRANSMISSION LINE (July 26, 2018)

## Exhibit CC

### Other Legal Citations

#### 1.0 INTRODUCTION

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

#### 2.0 APPLICABLE RULES AND SECOND AMENDED PROJECT ORDER PROVISIONS

##### 2.1 Site Certificate Application Requirements

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

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

##### 2.2 Second Amended Project Order Provisions

The Second Amended Project Order provides:

*Exhibit CC requires the applicant to identify all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules, and ordinances identified in Exhibit E, if necessary. The Department has not identified any other applicable statutes or rules that are not addressed elsewhere in this project order.*

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

#### 3.0 ANALYSIS

##### 3.1 Oregon Department of Environmental Quality (ODEQ)

###### 3.1.1 Hazardous Materials Management

**Statute and Rule References:**

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

**Contact Information:**

Randy Jones  
Oregon Department of Environmental Quality  
Regional Solutions Center  
Eastern Oregon University  
1 University Blvd.  
La Grande, OR 97850

**Discussion:**

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

**3.1.2 Solid Waste Management**

**Statute and Rule References:**

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

**Contact Information:**

Same as above.

**Discussion:**

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

**3.1.3 Noise Control Regulations**

**Statute and Rule References:**

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

**Contact Information:**

Same as above.

**Discussion:**

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

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

**3.2.1 Fish and Wildlife Habitat Mitigation Policy**

**Statute and Rule References:**

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

**Contact Information:**

Nigel Seidel  
Oregon Department of Fish and Wildlife  
NE Region Office  
107 20<sup>th</sup> Street  
La Grande, OR 97850-3465

**Discussion:**

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

**3.2.2 State Threatened and Endangered Wildlife Species****Statute and Rule References:**

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

**Contact Information:**

Same as above.

**Discussion:**

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

**3.3 Oregon Department of Forestry's (ODF) Forest Practice Rules****Statute and Rule References:**

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

**Contact Information:**

Rick Wagner, Stewardship Forester  
Oregon Department of Forestry  
611 20th Street  
La Grande, OR 97850  
(541) 963-3168

John Tokarczyk – Forest Resources Planning  
Oregon Department of Forestry  
Salem Headquarters  
2600 State Street  
Salem, Oregon 97310  
(503) 945-7414

**Discussion:**

Compliance with the Forest Practices Act and Rules is discussed in Exhibit BB and Attachment BB-1; and Exhibit K.

**3.4 Oregon Parks and Recreation Department****3.4.1 State Historic Preservation Office****Statute and Rule References:**

ORS 97.745 (Indian Graves and Protected Objects); ORS 358.920 (Archaeological Objects and Sites); ORS 390.010 (Outdoor Recreation); ORS 390.235 (Archaeological Sites and Historical Material); and OAR 345-022-0090 (Historic, Cultural and Archaeological Resources Standard).

**Contact Information:**

John O. Pouley  
Oregon State Historic Preservation Officer  
Assistant State Archaeologist

725 Summer St NE Suite C  
Salem, OR 97301

**Discussion:**

Exhibit S analyzes compliance with the Historic, Cultural and Archaeological Resources Standard and above-referenced statutes.

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

**Statute and Rule References:**

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

**Contact Information:**

Robert Meinke  
Native Plant Conservation Program Lead, Oregon Department of Agriculture  
Department of Botany and Plant Pathology, Cordley Hall 2082  
Oregon State University  
Corvallis OR 97331-2902

**Description:**

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

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

**Statute and Rule References:**

OAR 345-022-0020 (Structural Standard)

**Contact Information:**

Yumei Wang  
Oregon Department of Geology and Mineral Industries  
800 NE Oregon Street #28 Suite 965  
Portland, OR 97232

**Discussion:**

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

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

**Statute and Rule References:**

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

**Contact Information:**

Tim Murphy  
Oregon Department of Land Conservation and Development



635 Capital Street NE  
Suite 150  
Salem, OR 97301-2540

**Discussion:**

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

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

**Statute and Rule References:**

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

**Contact Information:**

Public Utility Commission of Oregon  
550 Capitol Street NE Suite 215  
Salem, OR 97301

**Discussion:**

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

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

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

**Statute and Rule References:**

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

**Contact Information:**

Michael Heffner  
Assistant Chief Deputy  
Emergency Response Services Branch  
Office of State Fire Marshal  
Oregon State Police  
3565 Trelstad Ave. SE  
Salem, OR 97317

**Discussion:**

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

#### **3.9.2 Explosives Handling Program**

**Statute and Rule References:**

OAR Chapter 837, Division 12

**Contact Information:**

Same as above.

**Discussion:**

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

**3.10 Local Governments**

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

**4.0 CONCLUSION**

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

**5.0 COMPLIANCE CROSS-REFERENCES**

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

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

Requirement	Location
<b>OAR 345-021-0010(1)(cc)</b>	
Exhibit CC. Identification, by legal citation, of all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules and ordinances identified in Exhibit E, and identification of the agencies administering those statutes, administrative rules and ordinances. The applicant shall identify all statutes, administrative rules and ordinances that the applicant knows to be applicable to the proposed facility, whether or not identified in the project order. To the extent not addressed by other materials in the application, the applicant shall include a discussion of how the proposed facility meets the requirements of the applicable statutes, administrative rules and ordinances.	Exhibit CC, Section 3
<b>Second Amended Project Order</b>	
Exhibit CC requires the applicant to identify all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules, and ordinances identified in Exhibit E, if necessary. The Department has not identified any other applicable statutes or rules that are not addressed elsewhere in this project order.	Exhibit CC, Section 3.0