

Exhibit E

Permits for Construction and Operation

Boardman to Hemingway Transmission Line Project



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Preliminary Application for Site Certificate

February 2013

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ACRONYMS AND ABBREVIATIONS

Note: Not all acronyms and abbreviations listed will appear in this Exhibit.

°C	degrees Celsius
4WD	4-wheel-drive
A	ampere
A/ph	amperes/phase
AC	alternating current
ACDP	Air Contaminant Discharge Permit
ACEC	Area of Critical Environmental Concern
ACSR	aluminum conductor steel reinforced
AIMP	Agricultural Impact Mitigation Plan
AMS	Analysis of the Management Situation
aMW	average megawatt
ANSI	American National Standards Institute
APE	Area of Potential Effect
APLIC	Avian Power Line Interaction Committee
ARPA	Archaeological Resource Protection Act
ASC	Application for Site Certificate
ASCE	American Society of Civil Engineers
ASP	Archaeological Survey Plan
AST	aboveground storage tank
ASTM	American Society of Testing and Materials
ATC	available transmission capacity
ATV	all-terrain vehicle
AUM	animal unit month
B2H	Boardman to Hemingway Transmission Line Project
BCCP	Baker County Comprehensive Plan
BCZSO	Baker County Zoning and Subdivision Ordinance
BLM	Bureau of Land Management
BMP	best management practice
BPA	Bonneville Power Administration
BOR	Bureau of Reclamation
C and D	construction and demolition
CAA	Clean Air Act
CadnaA	Computer-Aided Noise Abatement
CAFE	Corona and Field Effects
CAP	Community Advisory Process
CBM	capacity benefit margin
CFR	Code of Federal Regulations
CH	critical habitat
CIP	critical infrastructure protection
CL	centerline
cm	centimeter
cmil	circular mil
COA	Conservation Opportunity Area

CO ₂ e	carbon dioxide equivalent
COM Plan	Construction, Operations, and Maintenance Plan
CPCN	Certificate of Public Convenience and Necessity
cps	cycle per second
CRP	Conservation Reserve Program
CRT	cathode-ray tube
CRUP	Cultural Resource Use Permit
CSZ	Cascadia Subduction Zone
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
CWA	<i>Clean Water Act of 1972</i>
CWR	Critical Winter Range
dB	decibel
dBA	A-weighted decibel
DC	direct current
DoD	Department of Defense
DOE	U.S. Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
DPS	Distinct Population Segment
DSL	Oregon Department of State Lands
EA	environmental assessment
EDRR	Early Detection and Rapid Response
EIS	Environmental Impact Statement (DEIS for Draft and FEIS for Final)
EFSC or Council	Energy Facility Siting Council
EFU	Exclusive Farm Use
EHS	extra high strength
EMF	electric and magnetic fields
EPA	Environmental Protection Agency
EPC	Engineer, Procure, Construct
EPM	environmental protection measure
EPRI	Electric Power Research Institute
ERO	Electric Reliability Organization
ERU	Exclusive Range Use
ESA	Endangered Species Act
ESCP	Erosion and Sediment Control Plan
ESU	Evolutionarily Significant Unit
EU	European Union
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FFT	find, fix, track, and report
FLPMA	Federal Land Policy and Management Act
Forest Plan	Land and Resource Management Plan
FPA	Forest Practices Act
FSA	Farm Services Agency
FWS	U.S. Fish and Wildlife Service

G	gauss
GeoBOB	Geographic Biotic Observation
GF	Grazing Farm Zone
GHG	greenhouse gas
GHz	gigahertz
GIL	gas insulated transmission line
GIS	geographic information system
GPS	Global Positioning System
GRMW	Grande Ronde Model Watershed
GRP	Grassland Reserve Program
HAC	Historic Archaeological Cultural
HCNRA	Hells Canyon National Recreation Area
HPFF	high pressure fluid-filled
HPMP	Historic Properties Management Plan
HUC	Hydrologic Unit Code
Hz	hertz
I-84	Interstate 84
ICC	International Code Council
ICES	International Committee on Electromagnetic Safety
ICNIRP	International Commission on Non-Ionizing Radiation Protection
IDAPA	Idaho Administrative Procedures Act
IDEQ	Idaho Department of Environmental Quality
IDFG	Idaho Department of Fish and Game
IDWR	Idaho Department of Water Resources
ILS	intensive-level survey
IM	Instructional Memorandum
INHP	Idaho Natural Heritage Program
INRMP	Integrated Natural Resources Management Plan
IPC	Idaho Power Company
IPUC	Idaho Public Utilities Commission
IRP	integrated resource plan
IRPAC	IRP Advisory Council
ISDA	Idaho State Department of Agriculture
JPA	Joint Permit Application
KCM	thousand circular mils
kHz	kilohertz
km	kilometer
KOP	Key Observation Point
kV	kilovolt
kV/m	kilovolt per meter
kWh	kilowatt-hour
L _{dn}	day-night sound level
L _{eq}	equivalent sound level
lb	pound
LCDC	Land Conservation and Development Commission
LDMA	Lost Dutchman's Mining Association
LiDAR	light detection and ranging

LIT	Local Implementation Team
LMP	land management plan
LOLE	Loss of Load Expectation
LRMP	land and resource management plan
LUBA	Land Use Board of Appeals
LWD	large woody debris
m	meter
mA	milliamperere
MA	Management Area
MAIFI	Momentary Average Interruption Frequency Index
MCC	Malheur County Code
MCCP	Morrow County Comprehensive Plan
MCE	Maximum Credible Earthquake
MCZO	Morrow County Zoning Ordinance
mG	milligauss
MHz	megahertz
mm	millimeter
MMI	Modified Mercalli Intensity
MP	milepost
MPE	maximum probable earthquake
MRI	magnetic resonance imaging
MVAR	megavolt ampere reactive
Mw	mean magnitude
MW	megawatt
$\mu\text{V/m}$	microvolt per meter
N ₂ O	nitrous oxide
NAIP	National Agriculture Imagery Program
NED	National Elevation Dataset
NEMS	National Energy Modeling System
NEPA	<i>National Environmental Policy Act of 1969</i>
NERC	North American Electric Reliability Corporation
NESC	National Electrical Safety Code
NF	National Forest
NFPA	National Fire Protection Association
NFS	National Forest System
NGDC	National Geophysical Data Center
NHD	National Hydrography Dataset
NHOTIC	National Historic Oregon Trail Interpretive Center
NHT	National Historic Trail
NIEHS	National Institute of Environmental Health Sciences
NIST	National Institute of Standards and Technology
NOAA	National Oceanic and Atmospheric Administration
NOAA Fisheries	National Oceanic and Atmospheric Administration Fisheries Division
NOI	Notice of Intent to File an Application for Site Certificate
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System

NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NSR	noise sensitive receptor
NTTG	Northern Tier Transmission Group
NWGAP	Northwest Regional Gap Analysis Landcover Data
NWI	National Wetlands Inventory
NWPP	Northwest Power Pool
NWR	National Wildlife Refuge
NWSRS	National Wild and Scenic Rivers System
NWSTF	Naval Weapons Systems Training Facility
O ₃	ozone
O&M	operation and maintenance
OAIN	Oregon Agricultural Information Network
OAR	Oregon Administrative Rules
OATT	Open Access Transmission Tariff
ODA	Oregon Department of Agriculture
ODEQ	Oregon Department of Environmental Quality
ODF	Oregon Department of Forestry
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy
ODOT	Oregon Department of Transportation
OHGW	overhead ground wire
OHV	off-highway vehicle
OPGW	optical ground wire
OPRD	Oregon Parks and Recreation Department
OPS	U.S. Department of Transportation, Office of Pipeline Safety
OPUC	Public Utility Commission of Oregon
OR	Oregon (State) Highway
ORBIC	Oregon Biodiversity Information Center
ORS	Oregon Revised Statutes
ORWAP	Oregon Rapid Wetland Assessment Protocol
OS	Open Space
OSDAM	Oregon Streamflow Duration Assessment Methodology
OSHA	Occupational Safety and Health Administration
OSSC	Oregon Structural Specialty Code
OSWB	Oregon State Weed Board
OWC	Oregon Wetland Cover
P	Preservation
PA	Programmatic Agreement
pASC	Preliminary Application for Site Certificate
PAT	Project Advisory Team
PCE	Primary Constituent Element
PEM	palustrine emergent
PFO	palustrine forested
PGA	peak ground acceleration
PGE	Portland General Electric
PGH	Preliminary General Habitats

Pike	Pike Energy Solutions
PNSN	Pacific Northwest Seismic Network
POD	Plan of Development
POMU	Permit to Operate, Maintain and Use a State Highway Approach
PPH	Preliminary Priority Habitats
Project	Boardman to Hemingway Transmission Line Project
PSD	Prevention of Significant Deterioration
PSS	palustrine scrub-shrub
R	Retention
R-F	removal-fill
RCM	Reliability Centered Maintenance
RCRA	Resource Conservation and Recovery Act
ReGAP	Regional Gap Analysis Project
RFP	request for proposal
RLS	reconnaissance-level survey
RMP	resource management plan
ROD	Record of Decision
ROE	right of entry
RNA	research natural area
ROW	right-of-way
SAIDI	System Average Interruption Duration Index
SAIFI	System Average Interruption Frequency Index
SC	Sensitive Critical
SEORMP	Southeastern Oregon Resource Management Plan
SF6	sulfur hexafluoride
Shaw	Shaw Environmental and Infrastructure, Inc.
SHPO	State Historic Preservation Office
SLIDO	Statewide Landslide Inventory Database for Oregon
SMS	Scenery Management System
SMU	Species Management Unit
SPCC	Spill Prevention, Containment, and Countermeasures
SRMA	Special Recreation Management Area
SRSAM	Salmon Resources and Sensitive Area Mapping
SSURGO	Soil Survey Geographic Database
STATSGO	State Soil Geographic Database
SUP	special-use permit
SV	Sensitive Vulnerable
SWPPP	Stormwater Pollution Prevention Plan
T/A/Y	tons/acre/year
TDG	Total Dissolved Gas
TES	threatened, endangered, and sensitive (species)
TG	Timber Grazing
TMIP	Transmission Maintenance and Inspection Plan
TNC	The Nature Conservancy
tpy	tons per year
TSD	treatment, storage, and disposal
TV	television

TVES	Terrestrial Visual Encounter Surveys
TVMP	Transmission Vegetation Management Program
UBAR	Umatilla Basin Aquifer Restoration
UBWC	Umatilla Basin Water Commission
UCDC	Umatilla County Development Code
UCZPSO	Union County Zoning, Partition and Subdivision Ordinance
UDP	Unanticipated Discovery Plan
U.S.	United States
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USFS	U.S. Department of Agriculture, Forest Service
USGS	U.S. Geological Survey
UWIN	Utah Wildlife in Need
V/C	volume to capacity
V	volt
VAHP	Visual Assessment of Historic Properties
VMS	Visual Management System
VQO	Visual Quality Objective
VRM	Visual Resource Management
WAGS	Washington ground squirrel
WCU	Wilderness Characteristic Unit
WECC	Western Electricity Coordinating Council
WHO	World Health Organization
WMA	Wildlife Management Area
WOS	waters of the state
WOUS	waters of the United States
WPCF	Water Pollution Control Facility
WR	winter range
WRCC	Western Regional Climate Center
WRD	(Oregon) Water Resources Division
WRP	Wetland Reserve Program
WWE	West-wide Energy
XLPE	cross-linked polyethylene

1 Exhibit E

2 Permits for Construction and Operation

3 1.0 INTRODUCTION

4 Exhibit E identifies the federal, state, and local permits that will be required for the construction
5 and operation of the Boardman to Hemingway Transmission Line Project (Project) in Oregon,
6 and provides the information required by Oregon Administrative Rule (OAR) 345-021-0010(1)(e)
7 paragraphs (A) through (G). Exhibit E identifies the state and local permits subject to the
8 jurisdiction of the Oregon Energy Facility Siting Council (EFSC or Council), and provides
9 evidence to support findings by the Council that construction and operation of the Project will
10 comply with the statutes, rules and standards applicable to the permit. Exhibit E also identifies
11 and describes permits outside the jurisdiction of the Council, which include federally-delegated
12 permits. Idaho Power Company (IPC) intends to obtain all permits necessary for the Project,
13 either directly or through a construction contractor under IPC's direction and control, and will not
14 rely on any third parties to obtain permits.

15 2.0 APPLICABLE RULES AND STATUTES

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 facility:

- 18 (A) *Identification of all federal, state and local government permits needed before*
19 *construction and operation of the proposed facility, legal citation of the statute, rule or*
20 *ordinance governing each permit, and the name, address and telephone number of*
21 *the agency or office responsible for each permit.*
- 22 (B) *A description of each permit and 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*
34 *agency 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 into, a*
38 *contract or other agreement with the third party for access to the resource or service*
39 *to be secured by that permit.*
- 40 (ii) *Evidence that the third party has, or has a reasonable likelihood of obtaining, the*
41 *necessary permit.*

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

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

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

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

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

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

14 Additionally, the Project Order provides the following additional direction regarding Exhibit E:

- 15 • State permits within the Council's jurisdiction, and permits that are necessary but outside
16 the Council's jurisdiction, should be described and discussed separately. Although the
17 Council does not review for compliance with federal permits, the application should
18 describe federal permits particularly as federal permitting requirements are often relied
19 on as evidence of compliance with EFSC or local standards.
- 20 • Ensure that Exhibit E identifies and discusses all the possible permits listed in Section I
21 of this project order.

22 **3.0 ANALYSIS**

23 **3.1 Permits Needed for Construction and Operation of the Facility**

24 **OAR 345-021-0010(1)(e)**

25 Information about permits needed for construction and operation of the facility, including:

26 (A) Identification of all federal, state and local government permits needed before construction and
27 operation of the proposed facility, legal citation of the statute, rule or ordinance governing each
28 permit, and the name, address and telephone number of the agency or office responsible for each
29 permit.

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

33 The following sections identify the permits needed for construction and operation of the Project,
34 provide relevant information regarding the permit (citation, agency, and contact information),
35 and describe the need for the permit. These sections are organized by federal, state, and local
36 permits.

37

3.1.1 Federal Permits – Not Included In or Governed by Site Certificate**Federal Aviation Administration (FAA)**

Permit: **Notice of Proposed Construction or Alteration**

Legal

Authority: 14 Code of Federal Regulations (CFR) 77

Contact:

Information: Federal Aviation Administration
Seattle Airports District Office
1601 Lind Avenue, S.W., Suite 250
Seattle, WA 98057-3356
(425) 227-2650

Technician: Chris Cody: chris.cody@faa.gov (404) 305-7083

Specialist: Donna O'Neill: donna.o'neill@faa.gov (816) 329-2525

Technician: Angelique Lestrade: angelique.m.lestrad@faa.gov (718) 553-2611

Description: Any construction or alteration exceeding 200 feet above ground level requires notification to the Administrator of the FAA, and requires submission of the FAA form 7460-1, "Notice of Proposed Construction or Alteration." Pertinent information about the alteration and appropriate attachments showing the type and location of the alteration must also be submitted. Notification must be submitted 45 days prior to initiation of construction. Given the time required to conduct an aeronautical study, FAA recommends a 45-60 day advance notification to accommodate the extensive review process and allow timely issuance of the FAA determination letter. Cranes used to construct the transmission towers will exceed 200 feet above ground level and IPC will submit the Notice of Proposed Construction or Alteration within the timeframe required for issuance of the FAA determination letter.

National Oceanic and Atmospheric Administration (NOAA) Fisheries

Permit: **Incidental Take Statement for Marine and Anadromous Fish – Federal Fish and Wildlife Permit**

Legal

Authority: Endangered Species Act (ESA), 16 United States Code (U.S.C.) 1531-1544
50 CFR 402

Contact

Information: Mr. Will Stelle
Regional Administrator
NOAA, Northwest Fisheries Science Center
2725 Montlake Blvd. East
Seattle, WA 98112-2097
(206) 860-3200

Description: IPC may need to obtain an incidental take permit from NOAA Fisheries for take of anadromous fish species that may occur as result of activities undertaken during construction and operation of the Project. The incidental take permit will ensure that actions undertaken during construction and operation of the Project are not likely to jeopardize the continued existence of any federally-listed anadromous fish species or result in the destruction or adverse modification of designated critical habitat of such species. See Exhibit Q for discussion regarding incidental take permit for anadromous fish.

1 **U.S. Department of Agriculture, U.S. Forest Service (USFS)**

2 Permit: ***Special Use Authorization for Right-of-Way***

3 Legal

4 Authority: 16 USC 460I–6a, 460I–6d, 472, 551, 580d, 1134, 3210
5 36 CFR 251, 261

6 Contact:

7 Information: Mr. Bill Gamble
8 District Ranger
9 Wallowa-Whitman National Forest
10 La Grande Ranger District
11 3502 Highway 30
12 La Grande, OR 97850

13 Description: A special use authorization is a legal document that allows occupancy, use,
14 rights, or privileges of National Forest System (NFS) land. The authorization is
15 granted for a specific use of the land for a specific period of time. The Project will
16 cross lands under the management of the Wallowa-Whitman National Forest and
17 will require a Special Use Authorization Permit. IPC submitted a revised
18 application for a special use authorization for the Project on November 21, 2011
19 and USFS is processing that application.
20

21 Permit: ***Special Use Authorization for Archaeological Investigations***

22 Legal

23 Authority: Archaeological Resource Protection Act (ARPA), 16 USC 470aa-mm
24 National Historic Preservation Act (NHPA), 16 USC 470
25 36 CFR 800

26 Contact

27 Information: Mr. Bill Gamble
28 District Ranger
29 Wallowa-Whitman National Forest
30 La Grande Ranger District
31 3502 Highway 30
32 La Grande, OR 97850

33 Description: Under the authority of the ARPA and NHPA, the USFS requires permits prior to
34 conducting cultural/archaeological investigations. This permit authorizes non-
35 collection surface survey activities including the identification, evaluation, and
36 recordation on national forest service lands. Surficial and non-collecting
37 cultural/archaeological investigations will be conducted all federally-managed
38 lands as part of the Project. IPC has a special use permit (Permit No. LAG 2008-
39 02) for archaeological investigations which was issued in September 2008 and
40 valid until December 31, 2013. Additional authorization may be required for site
41 testing or mitigation.
42

1 **U.S. Department of Interior, Bureau of Land Management (BLM)**

2 Permit: ***Right-of-Way (ROW) Grant***

3 Legal

4 Authority: FLPMA, 43 USC 1761-1771
5 43 CFR 2800

6 Contact

7 Information:	Mr. Donald Gonzalez	Ms. Natalie Cooper
8	Vale District Manager	Interim National Project Manager
9	100 Oregon Street	Washington D.C. Office (WO-350)
10	Vale, OR 97918	1387 S. Vinnell Way Boise, ID. 83709
11		(208) 373-3905

12 Description: A ROW grant is an authorization to use a specific piece of public land for a
13 certain project, such as a transmission line. A ROW grant authorizes rights and
14 privileges for a specific use of the land for a specific period of time. Generally, a
15 BLM ROW is granted for a term appropriate for the life of the project. IPC
16 submitted a revised application for a special use authorization for the Project on
17 November 21, 2011 and USFS is processing that application.
18

19 Permit: ***Cultural Resource Use Permit (CRUP)***

20 Legal

21 Authority: ARPA, 16 USC 470aa-mm
22 43 CFR 7.5, 7.6

23 Contact

24 Information:	Mr. Donald Gonzalez	Ms. Natalie Cooper
25	Vale District Manager	Interim National Project Manager
26	100 Oregon Street	Washington D.C. Office (WO-350)
27	Vale, OR 97918	1387 S. Vinnell Way Boise, ID. 83709
28		(208) 373-3905

29 Description: This permit authorizes non-collection surface survey activities including the
30 identification, evaluation, and recordation on BLM-managed lands throughout
31 Oregon. A cultural resources field authorization will be necessary prior to
32 conducting cultural surveys as part of the Project. IPC obtained permits for
33 archaeological investigations from the BLM in 2011 and 2012 to allow surface
34 and non-collection cultural/archaeological investigations for the project.
35 Additional CRUPs may be required for specific testing and data recovery
36 projects.
37

1 Permit: **CRUP, Field Authorization**
2 Legal
3 Authority: NHPA, 16 USC 470
4 43 CFR 7, 2920
5 Contact
6 Information: Mr. Donald Gonzalez Ms. Natalie Cooper
7 Vale District Manager Interim National Project Manager
8 100 Oregon Street Washington D.C. Office (WO-350)
9 Vale, OR 97918 1387 S. Vinnell Way Boise, ID. 83709
10 (208) 373-3905
11 Description: This permit authorizes surficial cultural surveys to identify, evaluate, and record
12 cultural resources on federally-managed public lands within the Project area.
13 Excavation is not included. A cultural resources field authorization will be
14 necessary prior to conducting cultural surveys in the proposed disturbance areas
15 as part of the Project. Amendments may be necessary for realignments. IPC was
16 issued a cultural resource use permit (OR-50827) in March 2011 and it is valid
17 until December 31, 2015.
18

19 **U.S. Army Corps of Engineers (USACE)**

20 Permit: **Permits for Discharges of Dredged or Fill Material into Waters of the U.S.**
21 Legal
22 Authority: Clean Water Act (CWA), 33 USC 1344
23 33 CFR 320, 323, 325-328, 330
24 Contact
25 Information: Ms. Karla Ellis - Project Manager, Team Leader
26 U.S. Army Corp of Engineers, Portland District
27 333 SW First Avenue
28 Portland, OR 97204
29 (503) 808-4377
30 Description: Under the CWA, a Section 404 permit will be required for construction of the
31 Project. The USACE can authorize activities by a standard individual permit,
32 letter-of-permission, nationwide permit, or regional permit and they will make the
33 determination on what type of permit is needed. See Exhibit J for additional
34 discussion regarding the Section 404 permit.
35

36 **U.S. Fish and Wildlife Service (FWS)**

37 Permit: **Endangered Species Act (ESA) Section 7**
38 Legal
39 Authority: ESA, 16 USC 1531-1544
40 50 CFR 402
41 Contact
42 Information: Ms. Suzanne Anderson
43 U.S. Fish and Wildlife Service
44 La Grande Field Office
45 3502 Highway 30
46 La Grande, OR 97850
47 (541) 962-8583
48 Description: IPC may need to obtain an incidental take permit from the FWS for take of
49 federally-listed plant, fish (bull trout), and wildlife species that may occur as result

1 of activities undertaken during construction and operation of the Project. The
2 incidental take permit will ensure that actions authorized on the Project are not
3 likely to jeopardize the continued existence of any federally-listed plant, fish, and
4 wildlife species or result in the destruction or adverse modification of designated
5 critical habitat of such species. See Exhibit Q for discussion regarding incidental
6 take permit.
7

8 **3.1.2 State Permits**

9 **3.1.2.1 State Permits – Included in and Governed by the Site Certificate**

10 **Oregon Department of Energy (ODOE): EFSC**

11 Permit: ***Energy Facility Site Certificate***

12 Legal

13 Authority: Oregon Revised Statutes (ORS) 469.300 et seq.
14 OAR Chapter 345, Division 21 (Application for Site Certificate)
15 OAR Chapter 345, Division 22 (General Standards for Siting Facilities)
16 OAR Chapter 345, Division 23 (Need Standard for Nongenerating Facilities)
17 OAR Chapter 345, Division 24 (Specific Standards for Siting Facilities)
18 OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities)
19 OAR Chapter 345, Division 27 (Site Certificate Conditions)

20 Contact

21 Information: Ms. Sue Oliver
22 Oregon Department of Energy
23 Energy Facility Analyst
24 395 E. Highland Avenue
25 Hermiston, OR 97838
26 (541) 567-3840

27 Description: A site certificate approved by the Energy Facility Siting Council.

28 **Oregon Department of Agriculture (ODA), Plant Division**

29 Permit: ***Public Land Action Permit***

30 Legal

31 Authority: ORS Chapter 564 (Wildflowers, Threatened or Endangered Plants)
32 OAR Chapter 603, Division 73 (Plants: Wildflowers and Endangered, Threatened
33 and Candidate Species)

34 Contact

35 Information: Ms. Rebecca Currin
36 Oregon Department of Agriculture-Plant Division
37 635 Capitol St. NE
38 Salem, OR 97301-2532 USA

39 Description: Any land action on Oregon non-federal public lands which results, or might result,
40 in the taking of a threatened or endangered species, requires either a permit or a
41 formal consultation with ODA. IPC will obtain a public land action permit. See
42 Exhibit Q for discussion regarding threatened or endangered plants species and
43 public land action permit.
44
45

ODEQ – Water Quality Division

Permit: **Water Pollution Control Facilities (WPCF) Permit**

Legal

Authority: ORS 468B.050
OAR Chapter 340, Division 45 (Regulations Pertaining to NPDES and WPCF Permits)

Contact

Information: Eastern Regional Office - DEQ
700 SE Emigrant, #330
Pendleton, OR 97801
(541) 276-4063

Description: IPC has consulted with ODEQ regarding permitting for batch plants and has received guidance from ODEQ that batch plant activities will be permitted through the 1200-C permit and that the WPCF-1000 permit will not be necessary for the Project.

Oregon Department of Fish & Wildlife (ODFW)

Permit: **In-Water Blasting Permit**

Legal

Authority: ORS 506.036, 506.109
ORS 509.140
OAR Chapter 635, Division 425 (In-Water Blasting Permits)

Contact

Information: Mr. Jon Germond
Habitat Resources Program Manager
3406 Cherry Avenue N.E.
Salem, OR 97303
(503) 947-6000

Description: IPC will not require an In-Water Blasting Permit for the Project.

Permit: **Fish Passage Plan**

Legal

Authority: ORS 509.580-509.910
OAR Chapter 635, Division 412 (Fish Passage)

Contact

Information: Mr. Greg Apke
Fish Passage Coordinator
Oregon Department of Fish and Wildlife Screening and Passage Program
3406 Cherry Avenue NE
Salem, OR 97303
(503) 947-6228

Description: Upstream and downstream fish passage is required at all artificial obstructions in Oregon waters in which migratory native fish are currently or have historically been present, except under certain clearly defined circumstances. IPC does not anticipate that development of the Project will result in obstruction of migratory fish passage, however, IPC will prepare a plan for approval by ODFW if it becomes necessary.

47

1 **Oregon Department of Forestry (ODF)**

2 Permit: **Notification and Prior Approval**

3 Legal

4 Authority: Oregon Forest Practices Act, ORS 527.610-527.770
5 OAR Chapter 629, Division 600 (Definitions)
6 OAR Chapter 629, Division 605 (Planning Forest Operations)
7 OAR Chapter 629, Division 610 (Reforestation Rules)
8 OAR Chapter 629, Division 611 (Afforestation Rules)
9 OAR Chapter 629, Division 615 (Treatment of Slash)
10 OAR Chapter 629, Division 620 (Chemicals and Petroleum Products)
11 OAR Chapter 629, Division 625 (Road Construction and Maintenance)
12 OAR Chapter 629, Division 630 (Harvesting)
13 OAR Chapter 629, Divisions 635 through 660 (Water Protection Rules)

14 Contact

15 Information: Scott Hayes, Forest Practices Operations Unit Manager
16 Oregon Department of Forestry
17 Salem Headquarters
18 2600 State Street
19 Salem, Oregon 97310
20 (503) 945-7475, Fax: (503) 945-7490

21 Description: Before beginning certain activities on forest lands, such as timber harvesting,
22 road construction, site preparation, chemical application, land clearing, slash
23 treatment, precommercial thinning, commercial firewood collection, and surface
24 mining, landowners, hired operators, or timber purchasers must notify ODF and
25 supply information on the activity. ODF tracks when, where, what and how forest
26 pesticides are applied through the "notification of operation" process. Locations
27 showing a significant potential for destructive landslides because of terrain, soil,
28 site, and rainfall characteristics have been identified as high-risk areas. Prior
29 approval is necessary before any road-building or timber-harvesting operations
30 can begin on high-risk sites, which include specific sites within high-risk areas,
31 such as slopes greater than 65 percent, steep headwalls, and highly dissected
32 land formations.. Additionally, some rules covering road location, design, and
33 maintenance specifically apply to high-risk areas and sites. If burning near
34 riparian areas along streams or other water bodies is proposed, a written plan
35 describing resource protection measures may be required.

36
37

1 **Oregon Department of State Lands (DSL)**

2 Permit: **Removal-Fill Permit**

3 Legal

4 Authority: ORS 196.800-196.990
5 OAR Chapter 141, Division 85 (Administrative Rules Governing the Issuance and
6 Enforcement of Removal-Fill Authorizations within Water of Oregon Including
7 Wetlands)

8 Contact

9 Information: Mr. Dan Cary
10 Oregon Department of State Lands
11 775 Summer Street, NE
12 Salem, Oregon 97301
13 (503) 986-5302

14 Description: A Removal-Fill is required for construction of Project. See Exhibit J for additional
15 discussion regarding the Removal-Fill Permit.
16

17 *3.1.2.2 State Permits – Not Included in or Governed by the Site Certificate*

18 **Oregon Department of Environmental Quality (ODEQ) – Air Quality Division**

19 Permit: **Prevention of Significant Deterioration (PSD) Permit, Federal Operating
20 Permit (Title V)**

21 Legal

22 Authority: Clean Air Act, 42 USC 7661-7661f
23 40 CFR 51, 52
24 ORS Chapter 468A (Air Quality, Public Health and Safety, Air Pollution Control)
25 OAR Chapter 340, Division 218 (Oregon Title V Operating Permits)

26 Contact

27 Information: Eastern Regional Office - DEQ
28 700 SE Emigrant, #330
29 Pendleton, OR 97801
30 (541) 276-4063

31 Description: IPC concludes that the GHG emissions that may be produced from construction
32 and operation of the Project are far below the threshold for which air quality
33 permitting would be required, and accordingly, no Title V or PSD permits under
34 the GHG Tailoring Rule will be required for the Project. See Exhibit BB for
35 additional discussion regarding GHG emissions.

36 Permit: **Basic Air Contaminant Discharge Permit**

37 Legal

38 Authority: ORS 468A.040-468A.060
39 OAR Chapter 340, Division 216 (Air Contaminant Discharge Permits)

40 Contact

41 Information: Eastern Regional Office - DEQ
42 700 SE Emigrant, #330
43 Pendleton, OR 97801
44 (541) 276-4063

45 Description: Any operation that can be considered an air contaminant source by the state of
46 Oregon must obtain an Air Contaminant Discharge Permit (ACDP) prior to
47 operation. Rock crushing and batch plant activities may fall under the Basic Air
48 Contaminant Discharge Permit and IPC will apply a ACDP if necessary.

1 **ODEQ – Water Quality Division**

2 Permit: **National Pollutant Discharge Elimination System (NPDES) Permit 1200-C**

3 Legal

4 Authority: ORS 468B.050
5 OAR Chapter 340, Division 45 (Regulations Pertaining to NPDES and WPCF
6 Permits)

7 Contact

8 Information: Jackie Ray
9 Eastern Regional Office - DEQ
10 700 SE Emigrant, #330
11 Pendleton, OR 97801
12 (541) 276-4063

13 Description: The U.S. Environmental Protection Agency has delegated authority to ODEQ to
14 issue NPDES Storm Water Discharge permits for construction and operation
15 activities. IPC has submitted a preliminary 1200-C application for the Project to
16 ODEQ, and the draft permit has been acknowledged by ODEQ. The letter from
17 ODEQ acknowledging IPC’s submittal of the draft NPDES 1200-C permit is
18 included as an attachment to Exhibit I.

19
20 Permit: **Clean Water Act Section 401 Water Quality Certification**

21 Legal

22 Authority: CWA, 33 USC 1341
23 OAR Chapter 340, Division 48 (Certification of Compliance with Water Quality
24 Requirements and Standards)

25 Contact

26 Information: Jackie Ray
27 Eastern Regional Office - DEQ
28 700 SE Emigrant, #330
29 Pendleton, OR 97801
30 (541) 278-4605

31 Description: The CWA Section 401 Water Quality Certification process may be triggered
32 during the USACE CWA Section 404 permitting process. However, IPC
33 anticipates obtaining a nationwide 404 permit that has previously received
34 ODEQ’s 401 certification.

35
36

1 **Oregon Parks and Recreation Department (OPRD) – State Historic Preservation Office**
2 **(SHPO)**

3 Permit: ***Archaeological Excavation Permit***
4 Legal
5 Authority: ORS 97.745
6 ORS 358.920
7 ORS 390.235
8 OAR Chapter 736, Division 51 (Archeological Permits)
9 Contact
10 Information: Mr. Dennis Griffin
11 State Archaeologist
12 Oregon Parks and Recreation Department – State Historic Preservation Office
13 725 Summer St NE, Ste. C
14 Salem, OR 97301
15 503-986-0674
16 Description: No entity can excavate or alter an archaeological site on public lands, make an
17 exploratory excavation on public lands to determine the presence of an
18 archaeological site, or remove from public lands any material of an
19 archaeological, historical, prehistorical, or anthropological nature without first
20 obtaining a permit issued by the OPRD-SHPO. It is likely that an excavation
21 permit(s) will be required for test excavations or data recovery of sites that
22 cannot be avoided.

23
24 **Oregon Department of State Lands (DSL) – Easement Authorizations**

25 Permit: ***Easements on Trust and Non-Trust Land***
26 Legal
27 Authority: ORS Chapter 273 (State Lands Generally)
28 OAR Chapter 141, Division 122 (Rules for Granting Easements on Trust and
29 Non-Trust Land)
30 Contact
31 Information: Ms. Nancy Pustis
32 Permit Coordinator
33 Oregon Department of State Lands, Eastern Region
34 1645 NE Forbes Rd., Suite 112
35 Bend, OR 97701
36 (541) 388-6355
37 Description: Written authorization in the form of an easement from DSL is required for
38 development activities on state land. The easement(s) will be obtained prior to
39 the start of facility construction. The DSL easement is not under Council
40 jurisdiction.
41
42

Oregon Department of Transportation (ODOT)

1 **Permit: *Permit to Construct, Operate, Maintain and Use a State Highway Approach***

2 Legal

3 Authority: ORS Chapter 374 (Control of Access to Public Highways)
4 OAR Chapter 734, Division 51 (Highway Approaches, Access Control, Spacing
5 Standards and Medians)
6

7 Contact

8 Information: Oregon Department of Transportation Region 5
9 3012 Island Avenue
10 La Grande, OR 97850
11 (541) 963-3177

12 Description: There are two components to state highway approach permitting process—the
13 Permit to Construct a State Highway Approach and the Permit to Operate,
14 Maintain and Use a State Highway Approach (POMU). The Project will require
15 construction and operational access off of state highways and IPC will need to
16 obtain both permits mentioned above. IPC will work with ODOT directly to obtain
17 the Permit to Construct a State Highway Approach and the POMU.
18

19 **Permit: *Oversize Load Movement Permit/Load Registration***

20 Legal

21 Authority: OAR Chapter 734, Division 82 (Variance Permits Issued for Non-Divisible Loads
22 and Road Use Assessment Fees)

23 Contact

24 Information: Oregon Department of Transportation Region 5
25 3012 Island Avenue
26 La Grande, OR 97850
27 (541) 963-3177

28 Description: This permit/registration applies to the operation of vehicles transporting loads
29 that exceed legal limits and is issued for vehicles or loads having weight or
30 dimension greater than that allowed by statute. Movement of construction cranes
31 and other equipment and materials may require that IPC obtain this permit.

32 **Permit: *Permit to Occupy or Perform Operations Upon a State Highway***

33 Legal

34 Authority: ORS Chapter 374 (Control of Access to Public Highways)
35 OAR Chapter 734, Division 55 (Pole Lines, Buried Cables, Pipe Lines, Signs,
36 Miscellaneous Facilities and Miscellaneous Operations)

37 Contact

38 Information: Oregon Department of Transportation Region 5
39 3012 Island Avenue
40 La Grande, OR 97850
41 (541) 963-3177

42 Description: Utility installations within the right-of-way of a state highway in Oregon require a
43 permit issued by the ODOT. No utilities may be installed within an interstate
44 highway right-of-way. Utilities may cross an interstate highway but may not be
45 sited longitudinally within the operating interstate highway ROW. The Site
46 Boundary for the Project boundary includes crossing the ROW of state and
47 interstate highways, but will not include transmission line structures within
48 highway ROWs. IPC will work with ODOT to obtain both permits mentioned
49 above.

1 **ODF**

2 Permit: **Permit to Operate Power Driven Machinery**
 3 Legal
 4 Authority: Oregon Forest Practices Act, ORS 527.610-527.770
 5 OAR 629-605-0680
 6 Contact
 7 Information: Mr. Kevin Birch – Forest Resources Planning Program Director
 8 Oregon Department of Forestry
 9 Salem Headquarters
 10 2600 State Street
 11 Salem, Oregon 97310
 12 (503) 945-7405
 13 Description: IPC intends to operate power driven machinery in forested areas during
 14 construction of the Project, and accordingly IPC will obtain this permit from ODF.
 15

16 **3.1.3 Local Government Permits – Included in and Governed by the Site**
17 **Certificate**

18 **3.1.3.1 Morrow County**

19 **Morrow County Public Works**

20 Permit: **Utility Crossing Permit**
 21 Legal
 22 Authority: ORS 374.305
 23 Contact
 24 Information: Mr. Bob Nairns
 25 PO Box 428
 26 Lexington, OR 97839
 27 (541) 989-8584
 28 bnairns@co.morrow.or.us
 29 Description: This permit is required any time a utility is constructed within or across a public
 30 ROW. The Project will cross county ROWs and IPC will apply for a Utility
 31 Crossing Permit.
 32

33 Permit: **Access Approach Site Permit**
 34 Legal
 35 Authority: ORS 374.305, Morrow County Zoning Ordinance Section (MCZO) 4.010(B)
 36 Contact
 37 Information: Mr. Bob Nairns
 38 PO Box 428
 39 Lexington, OR 97839
 40 (541) 989-8584
 41 bnairns@co.morrow.or.us
 42 Description: The Access Approach Site Permit will be required if the Project access roads
 43 intersect with public roads, or if necessary upgrades to existing access roads
 44 affect a public road. IPC intends to develop access roads that will intersect with
 45 public roads, and accordingly IPC will apply for an Access Approach Site Permit.
 46

1 Permit: **Construction Permit to Build on Right-of-Way**
2 Legal
3 Authority: MCZO Section 4.010(B) Contact
4 Information: Mr. Bob Nairns
5 PO Box 428
6 Lexington, OR 97839
7 (541) 989-8584
8 bnairns@co.morrow.or.us
9 Description: A construction permit is required to make improvements to access roads that
10 intersect with county road rights-of-way. Project access roads will intersect with
11 public roads and IPC will apply for a Construction Permit to Build on Right-of-
12 Way.

13 **Morrow County Planning**

14 Permit: **Flood Plain Development Permit**
15 Legal
16 Authority: MCZO 3.100(4)
17 Contact
18 Information: Ms. Carla McLane
19 Planning Director
20 205 NE Third St.
21 Irrigon, OR 97844
22 (541) 922-4624
23 cmclane@co.morrow.or.us
24 Description: Based on analysis of FEMA Q3 National Flood Hazard Layer data, IPC
25 anticipates there will be construction activity within an Special Flood Hazard Area
26 in Morrow County. IPC will apply for a Flood Plain Development Permit.
27

28 Permit: **Zoning Permit – Conditional Use Permit**
29 Legal
30 Authority: MCZO Article 6
31 Contact
32 Information: Ms. Carla McLane
33 Planning Director
34 205 NE Third St.
35 Irrigon, OR 97844
36 (541) 922-4624
37 cmclane@co.morrow.or.us
38 Description: IPC will apply for a conditional use permit in Morrow County.
39

1 3.1.3.2 Umatilla County

2 **Umatilla County – Department of Land Use Planning**

3 Permit: **Conditional Use Permit**

4 Legal

5 Authority: Umatilla County Development Code (UCDC) 152.060 Conditional Use Permit

6 Contact

7 Information: Ms. Tamra J. Mabbott

8 Planning Director

9 Department of Land Use Planning

10 216 SE 4th Street Room 104

11 Pendleton, OR 97801

12 (541) 278-6252

13 Description: IPC will apply for a conditional use permit in Umatilla County.

14

15 Permit: **Flood Plain Development Permit**

16 Legal

17 Authority: UCDC 152.351-152.359

18 Contact

19 Information: Ms. Tamra J. Mabbott

20 Planning Director

21 Department of Land Use Planning

22 216 SE 4th Street Room 104

23 Pendleton, OR 97801

24 (541) 278-6252

25 Description: Based on analysis of FEMA Q3 National Flood Hazard Layer data, IPC
26 anticipates there will be construction activity within an Special Flood Hazard Area
27 in Umatilla County. IPC will apply for a Flood Plain Development Permit.

28

29 **Umatilla County –Department of Public Works**

30 Permit: **Utilities Permit**

31 Legal

32 Authority: ORS 374.305-374.325

33 Contact

34 Information: Department of Public Works

35 Umatilla County Road Department

36 3920 Westgate Street

37 Pendleton, OR 97801

38 (541) 278-5424

39 Description: A utilities permit would be required for any activity that involved having the utility
40 cross a county or state road, pipelines, or installations adjacent to roadway and
41 require traffic control. The Project will cross roads and pipelines and IPC will
42 apply for a utilities permit.

1 3.1.3.3 Union County

2 **Union County Planning Department**

3 Permit: **Conditional Use Permit for Batch Plant and Rock Crusher**

4 Legal

5 Authority: Union County Zoning, Partition and Subdivision Ordinance, Articles 2.00
6 and 21.00

7 Contact

8 Information: Mr. Hanley Jenkins II
9 1001 Fourth Street, Suite C
10 La Grande, OR 97850
11 (541) 963-1014

12 Description: A conditional use permit for temporary batch plant and rock crushing operations
13 will be required if an existing operation is not used. Batch plants will be needed
14 during the construction of the Project and IPC will apply for a conditional use
15 permit in Union County.
16

17 Permit: **Flood Plain Development Permit**

18 Legal

19 Authority: UCZPSO Article 17.00

20 Contact

21 Information: Mr. Hanley Jenkins II
22 1001 Fourth Street, Suite C
23 La Grande, OR 97850
24 (541) 963-1014

25 Description: Based on analysis of FEMA Q3 National Flood Hazard Layer data, IPC
26 anticipates there will be construction activity within an Special Flood Hazard Area
27 in Union County. IPC will apply for a Flood Plain Development Permit in Union
28 County.
29

30 3.1.3.4 City of North Powder

31 **City of North Powder – City Recorder**

32 Permit: **Conditional Use Permit**

33 Legal

34 Authority: City of North Powder Zoning Ordinance Sections 3.02(9) and 4.02(12)

35 Contact

36 Information: Beth Wendt
37 City Recorder
38 City of North Powder
39 635 3rd Street
40 PO Box 309
41 North Powder, OR 97867

42 Description: A conditional use permit will be required for the multi-use area that will be located
43 in the commercial interchange zone. IPC will apply for a conditional use permit in
44 the City of North Powder.
45

1 3.1.3.5 Baker County

2 **Baker County – Road Department**

3 Permit: **Right Of Way Activities**

4 Legal

5 Authority: Baker County Road Department

6 Contact

7 Information: Mr. Ken Helgerson

8 Roadmaster

9 Baker County Road Department

10 3050 "E" Street

11 Baker City, OR 97814

12 (541) 523-6417

13 Description: If any activity takes place in a ROW within Baker County, an application must be
14 submitted for approval by the county prior to the activity being conducted.

15 Construction of the Project may require modifications within existing Baker
16 County road ROWs. IPC will apply for a ROW Activities permit in Baker County.
17

18 **Baker County – Planning Department**

19 Permit: **Conditional Use Permit**

20 Legal

21 Authority: Baker County Zoning and Subdivision Ordinance #83.3, Article 6

22 Contact

23 Information: Mr. Mark Bennett

24 Planning Director

25 Baker County Planning Department

26 1995 Third Street

27 Baker City, OR 97814

28 (541) 523-8219

29 Description: IPC will apply for a conditional use permit in Baker County.
30

31 3.1.3.6 Malheur County

32 **Malheur County – Planning**

33 Permit: **Conditional Use Permit**

34 Legal

35 Authority: Malheur County Zoning Ordinance

36 Contact

37 Information: Mr. Jon Beal - Planning Director

38 251 "B" St. West #12

39 Vale, OR 97918

40 (541) 473-5185

41 Description: IPC will apply for a conditional use permit in Malheur County.

3.2 Permits Included in and Governed by the Site Certificate

OAR 345-021-0010(1)(e)

(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.

The Council determines compliance with Oregon statutes and regulations for permits subject to the EFSC's siting jurisdiction for local government and state agencies, except for federally-delegated authorities or other state permits outside the EFSC siting decision. Upon issuance of the Council's determination of compliance and following submission by IPC of the appropriate applications and payment of proper fees, the affected state agencies and local governments will issue the permits addressed in the Site Certificate. This section identifies those state and local permits within EFSC's jurisdiction which will be issued by the respective state agency or local government.

Table E-1 lists the state permits subject to EFSC jurisdiction and includes cross-references to exhibits in IPC's Application for Site Certificate (ASC) to provide evidence to support findings by the Council that the construction and operation of the Project will comply with the statutes, rules, and standards applicable to the permit.

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

Agency	Permit	Location of Evidence
ODA	Public Land Action Permit	Exhibit Q
ODFW	Fish Passage Plan	Exhibit J
ODF	Notification and Prior Approval	Exhibit BB
DSL	Removal-Fill Permit	Exhibit J
Local Government Permits	All local government permits discussed in Section 3.1.3	Exhibit K

3.3 Federally-Delegated Permits

OAR 345-021-0010(1)(e)

(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.

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

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

Permit	Application Submitted	When Permit Will be Issued
Basic Air Contaminant Discharge Permit	After issuance of the ROD	Prior to ground-disturbing activities
Clean Water Act Section 401 Water Quality Certification	Triggered by Section 404 permit	Prior to ground-disturbing activities
NPDES 1200-C	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

2 **3.4 Third-Party Permits**3 **OAR 345-021-0010(1)(e)**

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

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

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

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

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

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

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

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

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

19 In some circumstances, IPC's construction contractor may obtain permits on behalf of IPC,
20 however such permits will not be third party permits for purposes of OAR 345-021-0010(1)(e)(E)
21 and (F), because the construction contractor will obtain these permits as an agent of IPC, and
22 under IPC's control and direction. Accordingly, IPC does not propose to rely on third parties to
23 obtain permits for the Project.

24 **3.5 Monitoring Program**25 **OAR 345-021-0010(1)(e)**

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

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

1 4.0 SUBMITTAL AND APPROVAL COMPLIANCE MATRICES

2 Table E-3 provides cross references between Exhibit submittal requirements of OAR 345-021-
3 0010 and the Council's Approval standards of OAR 345-022-0000 and where discussion can be
4 found in the Exhibit.

5 **Table E-3.** Submittal Requirements Matrix

Requirement	Location
OAR 345-0210-0010(1)(e)	
(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.	Section 3.1
(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.	Section 3.1
(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.	Sections 3.2
(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.	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. (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.	Section 3.4

6

1 **Table E-3. Submittal Requirements Matrix (continued)**

Requirement	Location
(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.	Section 3.4
(G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.	Section 3.5
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.	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.	Section 3.1

2

3 **5.0 RESPONSE TO COMMENTS FROM REVIEWING AGENCIES AND**

4 **THE PUBLIC**

5 There were no comments from reviewing agencies and the public regarding Exhibit E.

6 **6.0 REFERENCES**

7 No references.