

EXHIBIT E

PERMITS NEEDED FOR CONSTRUCTION AND OPERATION

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

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E.1 INTRODUCTION

OAR 345-021-0010(1)(e) *Information about permits needed for construction and operation of the facility, including:*

E.2 IDENTIFICATION OF NECESSARY PERMITS

OAR 345-021-0010(1)(e)(A) *Identification of all federal, state and local government permits needed before construction and operation of the proposed facility, legal citation of the statute, rule or ordinance governing each permit, and the name, address and telephone number of the agency or office responsible for each permit.*

Response: Responses are provided in Sections E.2.1 through E.2.3, below.

E.2.1 Federal Permits

E.2.1.1 Bonneville Power Administration

42 USCA 4332; 40 CFR pt 1500.

Permit: None required. NEPA compliance and tiered ROD will be led by BPA.

Agency: Gene Lynard, Environmental Protection Specialist
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97208
(503) 230-3970

E.2.1.2 U.S. Army Corps of Engineers

33 USCA 1344; 33 CFR parts 320, 323, 325-28, and 330.

Permit: Clean Water Act, Section 404.

Agency: Karla Ellis, Permit Evaluator
U.S. Army Corps of Engineers, Portland District
333 SW First Avenue
Portland, OR 97204
(503) 808-4377

E.2.1.3 U.S. Fish and Wildlife Service

16 USCA 1536, 1539; 50 CFR 402.

Permit: Potential incidental take statement.

Agency: Nancy Gilbert, Field Supervisor
U.S. Fish and Wildlife Service – Pacific Region
Bend Field Office

20310 Empire Avenue, Suite A-100
Bend, OR 97701
(541) 383-7146

E.2.1.4 Federal Aviation Administration

14 CFR 77.13, 77.15, 77.17

Proposed Construction and Actual Construction

14 CFR 77.13

Permit: Notice of Proposed Construction or Alteration (Form 7460.1).
Notice of Actual Construction or Alteration (Form 7460.2).

Agency: Don Larsen
Northwest Mountain Regional Office
Air Traffic Division, ANM-520
1601 Lind Avenue, SW
Renton, WA 98055-4056
(425) 227-2520

E.2.2 State Permits: Not Federally Delegated

The Energy Facility Siting Council (EFSC) determines compliance with Oregon statutes and rules for state agencies. This section lists authorizations that will be required under state law.

Permit: Energy Facility Site Certificate

ORS 469.300 *et seq.*; OAR Chapter 345, Divisions 1, 21, 22, 24, 26, 27.

Agency: Adam Bless, Energy Facility Analyst
Oregon Office of Energy
625 Marion St., NE
Salem, OR 97301
(503) 378-3194

Permit: **Plant Conservation Biology Program**

ORS 564; OAR Chapter 603, Division 73

Permit: No permit needed; however review by ODA is required to meet the Council's threatened and endangered species standard.

Agency: Oregon Department of Agriculture
635 Capitol St NE
Salem, OR 97301
(503) 986-4550

Permit: **Onsite Sewage Disposal**

ORS 454 and 468B; OAR Chapter 340, Divisions 45, 71

Permit: Onsite sewage disposal.

Agency: Glen Pierce, John Zalzanik, or Karl Smit
Wasco-Sherman Public Health Department
419 E 7th Street
The Dalles, OR 97058
(541) 506-2600

Permit: **Hazardous Materials**

ORS 465 and 566; OAR Chapter 340, Divisions 100-122

Permit: None needed; however the Applicant must comply with DEQ hazardous materials regulations.

Agency: Department of Environmental Quality
419 E 7th Street
The Dalles, OR 97058
(541) 506-2600

Permit: **Noise**

ORS 467.020 and 467.030; OAR Chapter 340, Division 35.

Permit: None required, but facility must meet state noise standards.

Permit: **Removal Fill Permit**

ORS 196.800-.990; OAR Chapter 141, Division 85.

Permit: Removal-Fill.

Agency: Kevin Herkamp, Resource Coordinator
Oregon Department of State Lands
20300 Empire Avenue, Suite 1
Bend, OR 97701
(541) 388-6345

Permit: **Water Right Permit or Water Use Authorization**

ORS 536 and 540; OAR Chapter 690.

Permit: None required; exempt well.

Agency: Oregon Water Resources Department – Water Rights Division
725 Summer St., NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

Permit: **Archaeological Permit**

ORS 97, 358, and 390; OAR Chapter 736, Division 51.

Permit: Archaeological permit

Agency: Dr. Dennis Griffin, Lead Archaeologist
Oregon Department of Parks and Recreation, SHPO
725 Summer St., NE, Suite C
Salem, OR 97301
(503) 986-0674

Permit: **Fish and Wildlife**

ORS 496; OAR Chapter 635, Divisions 100 and 415.

Permit: None required, but project must comply with habitat mitigation policies.

Agency: Rose Owens
Oregon Department of Fish and Wildlife
3406 Cherry Avenue NE
Salem, OR 97303
(503) 947-6000

Permit: **Structural Standard**

OAR Chapter 345-022-0020.

Permit: None required, but project must comply with hazard mitigation and structural standard.

Agency: Bill Burns
Oregon Department of Geology and Mineral Industries
800 NE Oregon St., Suite 965
Portland, Oregon 97232
Phone: (971) 673-1555

E.2.3 State Permits: Federally Delegated

EFSC does not determine compliance with statutes and rules if the federal government has delegated the decision on compliance to a state agency other than EFSC. This section lists state permits issued by state agencies under federally delegated programs.

Permit: **Construction Stormwater General and NPDES Permit 1200-C**

ORS 468 and 468B; OAR Chapter 340, Divisions 40, 45

Permit: Construction Storm Water Permit 1200-C

Agency: Walt West
Oregon Department of Environmental Quality, Eastern Region
2146 NE 4th
Bend, OR 97701
(541) 388-6146 x232

Permit: **Water Quality Certification**

33 USCA 1341 , Section 401; OAR Chapter 340, Division 48.

Permit: Water Quality Certification

Agency: Alex Cyril
Oregon Department of Environmental Quality, Eastern Region
800 SW Sixth Ave
Portland, OR 97204
(503) 229-6030

E.2.4 Local Permits

Permit: **Conditional Use Permit**

E.2.4.1 Sherman County Zoning Ordinance (SCZO)

SCZO § 11.8— Design & Improvement Standards and Requirements, Streets and Other Public Facilities

Permit: Conditional Use Permit. Determination of compliance will be sought through the Council.

Agency: Georgia Macnab, Planner
Planning Department & Planning Commission
Sherman County
110 Main St., Unit 2
Moro, OR 97039
(541) 565-3601

E.3 DESCRIPTION OF NECESSARY PERMITS

OAR 345-021-0010(1)(e)(B) *A description of each permit and the reasons the permit is needed for construction or operation of the facility.*

E.3.1 Federal Permits

Record of Decision (ROD)/NEPA Compliance

42 USCA 4332; 40 CFR pt 1500.

Permit: None required for the Project. BPA's actions with respect to the Project (i.e., BPA's decision to construct a new transmission line and interconnect/buy electricity), will be subject to review under the National Environmental Policy Act (NEPA) as part of BPA's decision-making process - in this case a tiered Record of Decision. The NEPA review will include review under the Endangered Species Act, the National Historic Preservation Act, and related cultural resources protection statutes. Any other federal permitting actions referenced below also would be subject to some form of NEPA review.

Clean Water Act, Section 404

33 USCA 1344; 33 CFR parts 320, 323, 325-28, and 330

Permit: A Clean Water Act Section 404 permit will be required because fill may be placed in the waters of the US including wetlands.

Notice of Proposed Construction or Alteration; Actual Construction (Form 7460.1)

14 CFR Part 77

Permit: None required; however, the FAA requires notice of any and all proposed construction of more than 200 feet in height above the ground level (FAA Form 7460-1 and 2).

E.3.2 State Permits: Not Federally Delegated

Energy Facility Site Certificate

ORS 469.300 et seq.; OAR Chapter 345, Divisions 1, 21-24.

Permit: Energy Facility Site Certificate required before construction or operation.

Removal/Fill Permit

ORS 196; OAR Chapter 141, Division 85.

Permit: A removal-fill permit will be required because removal and fill will occur within wetland, which are waters of the state,.

Water Right Permit or Water Use Authorization

ORS 537 and 540; OAR Chapter 690.

Permit: The new O&M facility will be served by a new well. No permit is required. Commercial uses of up to 5000 gallons per day from groundwater wells are exempt from permitting requirements.

Onsite Sewage Disposal

ORS 454 and 468B; OAR Chapter 340, Divisions 71 and 73.

Permit: The new O&M facility will require an onsite sewage permit from the Wasco-Sherman Public Health Department. The process for siting a septic system requires a soil evaluation permit and a construction permit.

E.3.3 State Permits: Federally Delegated

Construction Stormwater General and NPDES Permit 1200-C

ORS 468 and 468B; OAR Chapter 340, Divisions 14, 41, 45, 52, and 55.

Permit: Construction storm water permit 1200-C for ground disturbance of more than one acre.

Water Quality Certification

33 USCA 1341 , Section 401; OAR Chapter 340, Division 48.

Permit: Water Quality Certification will be required, because a federal (Clean Water Act Section 404) permit is required to build the facility.

E.3.4 Local Permits

Building Permit

Sherman County Zoning Ordinance (SCZO)

SCZO § 11.8—Design & Improvement Standards and Requirements, Streets and Other Public Facilities

Permit: Determination of compliance with land use criteria will be sought through the council. Building permit approvals will be sought through the County.

E.4 NON-FEDERALLY DELEGATED PERMIT APPLICATION

OAR 345-021-0010(1)(e)(C) *For any state or local government agency permits, licenses or certificates that are subject to the Council's siting decision, 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;*

Response: See Exhibit J; a Removal-Fill permit application is included in Exhibit J, and includes all of the evidence needed for the council to determine compliance with the applicable rules and standards.

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

Response: No new water rights are required for this Project. Water for construction will be purchased from an existing water right holder(s). Water for operations will be supplied by an exempt well.

E.5 FEDERALLY DELEGATED PERMIT APPLICATION

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.*

Response: The Department of Environmental Quality will review the 1200-C permit application when they receive a copy of this ASC. The 1200-C application is included in Exhibit I.

E.6 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; and*
- (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.*

Response: The Applicant will not rely on any third party permits in order to construct or operate the Project.

E.7 FEDERALLY DELEGATED PERMIT ISSUED TO A THIRD PARTY

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

Response: The Applicant will not rely on any third party for a federally delegated permit.

E.8 MONITORING PROGRAM

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

Response: Monitoring requirements, if any, will be determined by the Council and federal agencies responsible for issuing permits or approvals for the Project. The Applicant's proposed monitoring for compliance with permit conditions are described within this application, e.g. 1200-C permit requirements for erosion control monitoring and reporting.