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## **EXHIBIT CC**

### **ADDITIONAL STATUTES, RULES, AND ORDINANCES**

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#### **Table of Contents**

|  |      |
|--|------|
| Introduction.....  | CC-1 |
| CC.1 Additional Statutes, Rules, and Ordinances .....                    | CC-1 |
| CC.1.1 Statutes, Rules, and Ordinances not Identified in Exhibit E ..... | CC-1 |
| CC.1.1.1 Hazardous Materials.....  | CC-1 |
| CC.1.1.2 Geotechnical Investigation.....                                 | CC-2 |
| CC.1.1.3 Land Use .....  | CC-2 |
| CC.1.1.4 Fish and Wildlife Regulations .....                             | CC-2 |
| CC.1.1.5 Plant Conservation.....   | CC-3 |
| CC.1.1.6 Solid Waste.....  | CC-3 |
| CC.1.1.7 Noise Control Regulations.....                                  | CC-3 |
| CC.1.1.8 Transmission Line Safety .....                                  | CC-4 |



## Introduction

Exhibit CC identifies and discusses compliance with Oregon state statutes and administrative rules and local government ordinances pertaining to the Facility, other than those requiring a specific permit and/or approval, which are discussed in Exhibit E. This exhibit is organized in accordance with the application requirements contained in OAR 345-021-0010(1)(cc).

### CC.1 Additional Statutes, Rules, and Ordinances

**OAR 345-021-0010(1)(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.*

#### CC.1.1 **Statutes, Rules, and Ordinances not Identified in Exhibit E**

##### **RESPONSE**

The following statutes, rules, and ordinances apply to the Facility and may be referenced in various exhibits, but do not require a permit or approval, and are therefore not addressed in Exhibit E. A discussion of how the project will comply with each of the regulations has been included and the applicable exhibits have been identified.

##### CC.1.1.1 **Hazardous Materials**

Agency: Oregon Department of Environmental Quality  
811 SW 6th Avenue  
Portland, OR 97204  
(503) 229-5696

Authority: ORS Chapters 465 and 466; OAR Chapter 340, Divisions 100 through 122

Although there is no permit required, the Applicant will comply with DEQ regulations concerning the use, clean up, and disposal of hazardous materials. The Applicant has listed all hazardous materials that will potentially be stored or used at the Facility site during construction or operation in Exhibit G. Additionally, Exhibit G contains an estimate of the amount of each type of hazardous material that will be on-site at any one time during construction and operation of the Facility, including proposed methods for storage of the new materials and used materials being held for disposal or recycling.

### **CC.1.1.2 Geotechnical Investigation**

Agency: Oregon Department of Geology and Mineral Industries  
800 NE Oregon Street #28, Suite 965  
Portland, Oregon 97232  
(971) 673-1555

Authority: OAR 345-022-0020

The DOGAMI provides technical review and recommendations on compliance with EFSC's Structural standard, OAR 345-022-0020. Exhibit H includes a discussion of the information required by OAR 345-021-0010(1)(h) and OAR 345-021-0010(1)(i). Once final turbine locations have been selected, a site-specific geotechnical exploration study will be conducted. The Applicant will consult with DOGAMI before the detailed geotechnical exploration study, after micro siting has occurred.

### **CC.1.1.3 Land Use**

Agency: Oregon Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540  
(503)-373-0050

Authority: ORS Chapters 195, 197, 215 and 469; OAR Chapter 660, Divisions 4, 12, 33

The Oregon Department of Land Conservation and Development (DLCD) requires that all new construction projects comply with statewide planning goals and meet applicable comprehensive planning requirements. Exhibit K demonstrates the Facility's compliance with the applicable substantive criteria from the GCCP and GCZO. Exhibit K also demonstrates the Facility's compliance with the LCDC statewide land use policies, goals, administrative rules, and statutes directly applicable to the Facility. Exhibit K provides evidence upon which the EFSC may find that the proposed Facility complies with OAR 345-022-0030.

### **CC.1.1.4 Fish and Wildlife Regulations**

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

Authority: ORS Chapters 496, 498, 506 and 509; OAR Chapter 635, Divisions 100 and 415

The ODFW provides technical review and recommendations on compliance with EFSC standards. ODFW will base its review and recommendations on state wildlife policy (ORS 496.012) and threatened and endangered species policy (ORS 496.171.192) as well as statutes regarding screening and bypass devices for water diversions or obstructions (ORS 498.301.346), protection and propagation of fish (ORS 506.036), food fish management (ORS 506.109), placing explosives in water (ORS 509.140), and fish passage statutes and requirements (ORS 509.580.910). ODFW's review will include State Sensitive Species and State Threatened and Endangered Species rules (OAR Chapter 635,

Division 100) and habitat mitigation goals and standards (OAR Chapter 635, Division 415). OAR Chapter 635, Division 100, provides authority for adoption of the State Sensitive Species list and the Wildlife Diversity Plan and contains the State list of threatened and endangered wildlife species.

Exhibits P and Q provide information about state- and federally-listed species with potential to occur in the study area, as well as a summary of coordination with the ODFW regarding field surveys. These exhibits also discuss temporary and permanent impacts to the habitat categories present and proposed mitigation and monitoring.

#### **CC.1.1.5 Plant Conservation**

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

Authority: ORS Chapter 564; OAR Chapter 603, Division 73

A Plant Conservation permit is not required. However, the ODA provides technical review and recommendations regarding compliance with the EFSC's Threatened and Endangered Species standard (OAR 345-022-0070) as it relates to plant species.

The state list of threatened and endangered plant species is contained in OAR 603-073-0070. In addition, OAR 603-073-0080 gives ODA the authority to designate candidate plants. Exhibit Q provides information under OAR 345-021-0010(1)(q), which demonstrates that the Threatened and Endangered Species standard in OAR 345-022-0070 is satisfied.

#### **CC.1.1.6 Solid Waste**

Agency: Oregon Department of Environmental Quality  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696

Authority: ORS Chapter 459; OAR Chapter 340, Division 93

A Solid Waste permit is not required. However, DEQ requires effective and efficient solid waste collection, insuring highest and best practicable protection of the public health and welfare and air, water and land resources. Exhibit V provides information under OAR 345-021-0010(1)(v), which demonstrated that the Solid Waste standard in OAR 345-022-0120 is satisfied.

#### **CC.1.1.7 Noise Control Regulations**

Agency: Oregon Department of Environmental Quality  
811 SW 6th Avenue  
Portland, OR 97204  
(503) 229-5696

Authority: ORS 467.020 and 467.030; OAR 340-035-0035

The Facility will comply with the noise control regulations applicable to wind energy facilities. The requirement is incorporated in the general standard of review, OAR 345-022-0000. Exhibit X contains the information necessary to show Facility conformance with applicable noise requirements of OAR 340-035-0035.

**CC.1.1.8 Transmission Line Safety**

Agency: Oregon Public Utility Commission  
550 Capitol Street NE, Suite 215  
Salem, Oregon 97301  
(503)- 378-6634

Authority: ORS 757.035; OAR Chapter 860, Division 24

Although no permit is required, the Oregon Public Utility Commission reviews transmission line safety and may recommend site certificate conditions.