

**Boardman to Hemingway Transmission Line Project
Community Advisory Process**

Regulatory Framework Table

Accepting Authority/ Approving Agency	Permit/Approval	Action Requiring Permit, Approval, or Review	Applicable Regulations, Policies, Guidance, Executive Orders, Standards, Acts, Instructional Memos, Strategy, Manuals, And Plans	Where to Get More Information
FEDERAL				
U.S. Department of the Interior, Bureau of Land Management (BLM)	Right-of-Way grant	Proposed action on BLM lands	The National Environmental Policy Act of 1969 (NEPA) [42 U.S.C. 4321 et seq.]	http://nepa.gov/nepa/regs/nepa/nepaegia.htm
			BLM NEPA Handbook - 2008 [43 CFR 2800]	http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/blm_handbook.Par.24487.File.dat/h1790-1-2008-1.pdf
			BLM Energy and Mineral Policy of 8/26/2008	http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/ib_attachments/2008.Par.15798.File.dat/IB2008-107_att1.pdf
			Executive Order 13212 of 5/18/2001	http://ceq.hss.doe.gov/nepa/regs/eos/eo13212.html
			BLM Draft Right-of-Way Manual	http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS_REALTY_AND_RESOURCE_PROTECTION_/lands_and_realty/row_manuals_2800-2889.Par.6895.File.dat/2801.pdf
			Federal Land Policy and Management Act of 1976 (FLPMA) [PL94-579]	http://www.blm.gov/flpma/

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	Antiquities and Cultural Resource Use Permit	Research and studies conducted on cultural resources located on federal lands	Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470aa-470mm; Public Law 96-95 and amendments to it] Antiquities Act of 1906 (16 U.S.C. 431-433)	http://www.nps.gov/archeology/tools/laws/
	Plan Amendment	Any actions that do not comply with existing Resource Management Plans	See plans listed below	
Vale District Office (lead BLM office)	Compliance with RMP or Plan Amendment	Construction and/or operation within district office boundaries	Southeastern Oregon Resource Management Plan (RMP) and Record of Decision (ROD) – 2002. Baker Resource Area RMP Revision – In Progress Historical Baker RMP - 1989	http://www.blm.gov/or/districts/vale/plans/valermph.php
Burns District Office	Compliance with RMP or Plan Amendment	Construction and/or operation within district office boundaries	Andrews Management Unit Resource Management Plan – 2005 Steens Mountain Cooperative Management and Protection Area RMP – 2005 Three Rivers Resource Area RMP - 1992	http://www.blm.gov/or/districts/burns/plans/burnsrmp.php
Prineville District Office	Compliance with RMP or Plan Amendment	Construction and/or operation within district office boundaries	Draft John Day Basin RMP Revision John Day RMP - 1995	http://www.blm.gov/or/districts/prineville/plans/prinevillermph.php
Boise District Office	Compliance with RMP or Plan Amendment	Construction and/or operation within district office boundaries	Bruneau Management Framework Plan – 1983 Cascade Resource Management Plan – 1987	http://www.blm.gov/id/st/en/fo/bruneau/planning/bruneau_management.html http://www.blm.gov/id/st/en/fo/four_rivers/Planning/cascade_resou

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			<p>Four Rivers Resource Management Plan – Draft</p> <p>Kuna Management Framework Plan - 1983</p> <p>Jarbidge Resource Management Plan Revision – 1987 and amendments</p> <p>Owyhee Resource Management Plan – 1999</p>	<p>rce_management.html</p> <p>http://www.blm.gov/id/st/en/fo/four_rivers/Planning/four_rivers_resource.html</p> <p>http://www.blm.gov/id/st/en/fo/four_rivers/Planning/Kuna_Management_Framework_Plan.html</p> <p>http://www.blm.gov/id/st/en/fo/jarbidge/planning/0.html</p> <p>http://www.blm.gov/id/st/en/fo/owyhee/planning0/planning.html</p>
U.S. Department of Agriculture, Forest Service	Special Use Permit Easement	Encroachment upon Forest Service lands	The National Environmental Policy Act of 1969 (NEPA) [42 U.S.C. 4321 et seq.]	http://nepa.gov/nepa/regs/nepa/nepaegia.htm
	Forest Land and Resource Management Plan Amendment		Forest Service Handbook 1909.15 (2008)	http://www.fs.fed.us/cgi-bin/Directives/get_dirs/fsh?1909.15!
			Forest Service Manual 2701 and 2710.1	http://www.fs.fed.us/im/directives/fsm/2700/2710.doc
Malheur National Forest	Compliance with Forest Plan or Plan Amendment	Construction and/or operation within district office boundaries	Malheur National Forest Land and Resource Management Plan (1990)	http://www.fs.fed.us/r6/uma/blue_mtn_planrevision/documents.shtml
Umatilla National Forest	Compliance with RMP or Plan Amendment	Construction and/or operation within forest boundaries	Umatilla National Forest Land and Resource Management Plan (1990)	http://www.fs.fed.us/r6/uma/projects/
Wallowa-Whitman National Forest	Compliance with RMP or Plan Amendment	Construction and/or operation within forest boundaries	Wallowa-Whitman National Forest Land and Resource Management Plan (1990)	http://www.fs.fed.us/r6/uma/blue_mtn_planrevision/documents.shtml
Ochoco National Forest	Compliance with RMP or Plan Amendment	Construction and/or operation within forest boundaries	Ochoco National Forest Land and Resource Management Plan (1989)	http://www.fs.fed.us/r6/uma/blue_mtn_planrevision/documents.shtml

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Advisory Council on Historic Preservation	Has the opportunity to comment if the Project may affect cultural resources that are either listed on or eligible for listing on the National Register of Historic Places.	Activities that could affect historic properties. Historic properties are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register.	Section 106 of the National Historic Preservation Act of 1966 (NHPA) as amended [Public Law 89-665; 16 U.S.C. 470 et seq.] 36 CFR Part 800 – Protection of Historic Properties	http://www.achp.gov/106summary.html
Federal Aviation Administration (FAA)	No Hazard Declaration	Any construction or alteration exceeding 200 ft above ground level or encroachment upon public air fields	14 CFR Part 77 – Objects Affecting Navigable Airspace	http://www.access.gpo.gov/nara/cfr/waisidx_08/14cfr77_08.html
U.S. Fish and Wildlife Service (FWS) and National Oceanic and Atmospheric Administration Marine Fisheries Service (NOAA Fisheries Service) [collectively known as the Services]	Consultation with the Services Biological Assessment Biological Opinion	Any federal actions (including issuance of ROW grant) authorized that have the potential to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat	Endangered Species Act of 1973 (ESA) [16 U.S.C. 1531 et seq.] 50 CFR 402 – Interagency Cooperation, ESA	http://www.fws.gov/Endangered/consultations/index.html
U.S. Department of Defense, Army Corps of Engineers	Permit to Discharge Dredged or Fill Material	Dredge or fill activities in waters of the United States	Section 404 of Clean Water Act (CWA) 1972 [33 U.S.C. 1251 et seq.] CFR 40 Part 230 Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material U.S. Army Corps of Engineers Regulatory Program Regulations (33 CFR 320-332)	http://www.usace.army.mil/CEC/W/Pages/reg_materials.aspx
	Section 10, Rivers and Harbors Act Permit	Construction across navigable waters	Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C.	http://www.usace.army.mil/CEC/W/Pages/reg_materials.aspx

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			403) U.S. Army Corps of Engineers Regulatory Program Regulations (33 CFR 320-332)	
Department of Defense (Boardman Bombing Range)	Lease	Location of facilities across DOD managed lands	Title 10, Subtitle A, Part IV, Chapter 159, Section 2667	http://www.law.cornell.edu/uscode/10/uscode_sec_10_00002667----000-.html
U.S. Department of Transportation, Federal Highway Administration	Accommodation of utilities in Federal highways	Consider issuance of permit for transmission lines in federally funded highways (typically delegated to the state DOT).	Utility Relocation and Accommodation on Federal-Aid Highway Projects	http://www.fhwa.dot.gov/realstate/guidutil_a.htm
U.S. Environmental Protection Agency	NPDES General Permit for Stormwater Drainages Associated with Construction Activity in Idaho	Potential for stormwater discharges associated with construction of the proposed project.	The 1972 amendments to the Federal Water Pollution Control Act (known as the Clean Water Act or CWA) provide the statutory basis for the NPDES permit program and the basic structure for regulating the discharge of pollutants from point sources to waters of the United States. Section 402 of the CWA specifically required EPA to develop and implement the NPDES program.	http://cfpub.epa.gov/npdes/stormwater/cgp.cfm
TRIBAL				
Burns-Paiute Tribe Confederated Tribes of the Umatilla Indian Reservation Confederate Tribes of	Consultation	Activities that could affect historic properties. Historic properties are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register.	NHPA, 36 CFR 800.2(c)(2)(ii), Archaeological Resources Protection Act (ARPA)(P.L. 96- 95, as amended), American Indian Religious Freedom Act (AIRFA)(P.L. 95-341, as amended), and Native	http://www.achp.gov/nhpa.html http://www.nps.gov/history/local-law/fhpl_indianrelfreact.pdf http://www.nps.gov/history/nagpra/

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Warm Springs Nez Perce Tribe Confederate Tribes of the Colville Reservation Shoshone-Paiute			American Graves Protection and Repatriation Act (NAGPRA)(P.L. 101-601), applicable regulations (e.g., 36 CFR 60, 63, 296, and 800; 43 CFR 10), and Executive Order 13175,	http://www.burnspaiute-nsn.gov/ http://www.umatilla.nsn.us/ http://www.warmsprings.com/ http://www.nezperce.org/content/ index.html http://www.colvilletribes.com/ http://www.shopaitribes.org/spt- 15/index.php
STATE OF OREGON				
Oregon Department of Energy (ODOE), Energy Facility Siting Council (EFSC)	Issuance of Site Certificate	Construction of Energy Facilities	Oregon Energy Facility Siting Standards – OAR 345-022	http://www.oregon.gov/ENERGY/ SITING/standards.shtml#Protect ed_Areas
Oregon Department of Fish and Wildlife (in consultation with ODOE)	Compliance with EFSC Fish and Wildlife Habitat Standard	Construction of Energy Facilities	EFSC Fish and Wildlife Habitat Standard – OAR 345-022-0060; ORS Chapters 496, 498, 506, and 509; OAR Chapter 635, Divisions 100, 415, and 425	http://www.oregon.gov/ENERGY/ SITING/standards.shtml#Protect ed_Areas
Oregon Public Utilities Commission (OPUC)	Certificate of Public Convenience and Necessity (CPCN)	Construction of overhead transmission lines	OAR 860-011	http://egov.oregon.gov/PUC/inde x.shtml
Oregon Department of Transportation (ODOT)	Access Management permit and Utility Facility permit	Utilities may cross an interstate highway but may not be sited longitudinally within the operating interstate highway right of way. Installations within the right of way of a state highway in Oregon will require a utility permit	ORS 184 OAR 734-051 and 055	http://licenseinfo.oregon.gov/inde x.cfm?fuseaction=license_seng& link_item_id=14273

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Oregon Department of Environmental Quality	NPDES General Permit for Stormwater Drainages Associated with Construction Activity in Idaho	Potential for stormwater discharges associated with construction of the proposed project	The 1972 amendments to the Federal Water Pollution Control Act (known as the Clean Water Act or CWA) provide the statutory basis for the NPDES permit program and the basic structure for regulating the discharge of pollutants from point sources to waters of the United States. Section 402 of the CWA specifically required EPA to develop and implement the NPDES program which it then delegated to Oregon.	http://www.deq.state.or.us/wq/stormwater/stormwater.htm
Oregon Department of Parks and Recreation - Historic Preservation Office	Section 106 Consultation	Activities that could affect historic properties. Historic properties are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register	Section 106 of the National Historic Preservation Act of 1966 (NHPA) as amended [Public Law 89-665; 16 U.S.C. 470 et seq.] 36 CFR Part 800 – Protection of Historic Properties	http://www.oregon.gov/OPRD/HCD/SHPO/index.shtml
Oregon Department of State Lands (ODSL)	Wetland Removal-Fill Permit	Projects requiring the removal or fill of 50 cubic yards or more of material in waters of the state.	Oregon's Removal-Fill Law (ORS 196.795-990) OAR 141-085-0540 to 141-085-0675	http://www.oregon.gov/DSL/PERMITS/r-fintro.shtml
Oregon Department of Agriculture – Plant Conservation Biology Program	Consultation	Technical review and recommendations regarding compliance with the Council's threatened and endangered species standard	OAR 345-022-0070 as it relates to plant species, ORS Chapter 564, OAR Chapter 603, Division 73	http://www.oregon.gov/ODA/PLANT/CONSERVATION/index.shtml
Oregon Department of Land Conservation and Development	Consultation	The proposed facility must comply with the Council's General Standard regarding Land Use to ensure the facility complies with statewide planning goals	ORS Chapter 469, Division 504, OAR 345-022-0030	http://www.oregon.gov/LCD/goals.shtml

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OREGON COUNTIES				
Counties	Consultation with counties as part of their participation through the NEPA process and Energy Facilities Siting Council (EFSC) process which substitutes for substantive review leading to decision on issuance of county-specific conditional use permits and zoning permits.	Construction and Operation of Transmission Line	Applicable substantive criteria from comprehensive land use plans	http://www.oregon.gov/ENERGY/SITING/docs/rules/div22.pdf
Baker County			Baker County Comprehensive Land Use Plan	http://www.bakercounty.org/planning/planning.html
Morrow County			Morrow County Comprehensive Plan	http://www.morrowcountyoregon.com/planning/index.html
Umatilla			Umatilla County Comprehensive Plan	http://www.co.umatilla.or.us/planning/index.htm
Malheur County			Malheur County Comprehensive Plan	http://www.malheurco.org/planning
Union County			Union County Comprehensive Plan	http://www.union-county.org/
Grant County			Grant County Comprehensive Plan	http://www.gcoregonlive2.com/svc_display.php/652
Harney County			Grant County Comprehensive Plan	http://www.co.harney.or.us/planning.html
STATE OF IDAHO				
Idaho Department of Transportation (ITD)	Right-of-Way Encroachment Permit	Cross or bore under state highways or be within a state highway ROW.	The ITD's "Utility Accommodation Policy, as established by IDAPA 39.03.43, ITD's Guide to Utility Management	http://itd.idaho.gov/manuals/ManualsOnline.htm
The Idaho State Historic Preservation Office (SHPO), a division of the Idaho State Historical Society	Section 106 Consultation, NHPA	Activities that could affect historic properties. Historic properties are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register	Section 106 of the National Historic Preservation Act of 1966 (NHPA) as amended [Public Law 89-665; 16 U.S.C. 470 et seq.] 36 CFR Part 800 – Protection of Historic Properties	http://www.idahohistory.net/shpo.html
Idaho Department of Lands	Easement Across State Lands or Rivers	Issuance of ROWs across state lands.	IC Title 58 Chapter 6	http://www3.state.id.us/cgi-bin/newidst?scid=580060001.K http://www.idl.idaho.gov/

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Idaho Department of Fish and Game	Consultation	Determine potential project impacts to fish and wildlife species and their habitat	IC Title 01 Chapter 6	http://fishandgame.idaho.gov/cm s/wildlife/
Idaho Department of Water Resources	Stream Channel Alteration Permit and Wetland Removal Fill Permit	Alteration of any stream channel or wetland.	IC Title 42 Chapter 38	http://www.idwr.idaho.gov/Water Management/StreamsDams/Stre ams/main.htm
IDAHO COUNTIES				
Canyon County	Conditional use permits and zoning permits. Consultation with counties as part of their participation in NEPA process.	Construction and Operation of Transmission Line	Applicable criteria from comprehensive land use plans	http://www.canyonco.org/dsd.asp x?id=1116
Payette County	Conditional use permits and zoning permits. . Consultation with counties as part of their participation in NEPA process.	Construction and Operation of Transmission Line	Applicable criteria from comprehensive land use plans	http://www.payettecounty.org/pnz /pnz.htm
Washington County	Conditional use permits in some cases and zoning permits. Consultation with counties as part of their participation in NEPA process.	Construction and Operation of Transmission Line	Applicable criteria from comprehensive land use plans	http://www.co.washington.id.us/pl an_zone/index.htm
Owyhee County	Conditional use permits in some cases and zoning permits. Consultation with counties as part of their participation in NEPA process.	Construction and Operation of Transmission Line	Applicable criteria from comprehensive land use plans	http://owyheecounty.net/index1.p hp?pz