

APPENDIX C

Legal Descriptions and Ownership Interests (463-42-135 WAC)

C.1 463-42-135 WAC Proposal—Legal Descriptions and Ownership Interests

C.1.1 Introduction

Starbuck Power Company, L.L.C. (SPC) plans to construct the proposed Starbuck Power Project (SPP) on a 99.5-acre site located approximately 5.5 miles northwest of the Town of Starbuck, in Sections 29 and 32 of Township 13 North, Range 37 East, Willamette Meridian, Columbia County, Washington. The property currently is owned by the Bar-Z Ranch, Inc., a Washington corporation. SPC has entered into an option agreement with the Bar-Z Ranch, Inc., to purchase the property.

The property is located above the Snake River between the Little Goose Dam and Lower Monumental Dam. Adjacent to the property to the northwest is undeveloped Bar-Z Ranch grazing land and the Snake River. Adjacent to the property to the northeast is an approximately 400-foot-wide strip of undeveloped land owned by the U.S. Corps of Engineers (Corps), primarily a steep embankment that runs down into the Snake River. Adjacent to the property to the south is the Columbia Cooperative Grain Growers granary. State Route (SR) 261, a two-lane highway, runs alongside the south and southwest boundary of the property. The Corps owns lands between the property and SR-261. A Union Pacific Railroad rail line parallels and then crosses SR-261 south of the property.

SPC proposes to construct the generation plant on approximately 40 acres of the southeast portion of the property. The generation plant will include the gas connection, substation, and onsite well. Associated facilities are as follows:

Gas Lateral and Transmission Line. Associated facilities that are not within the permitting jurisdiction of the Energy Facility Site Evaluation Council (EFSEC) include the gas lateral (to be sited and constructed by Gas Transmission-Northwest [GTN]) and a transmission line and switchyard (to be sited and constructed by the Bonneville Power Administration [BPA]). This section does not provide legal metes and bounds descriptions of the selected gas lateral and transmission line centerlines and corridors.

Water Pipeline Alternative. This section provides legal metes and bounds descriptions of the easements necessary to construct the water pipeline alternative.

Access Roads. This section provides legal metes and bounds descriptions of the Corps and BPA easements that will provide access to the site.

C.2 Principal Facility: Generation Plant Site

SPC has an option agreement to purchase all property owned by the Bar-Z Ranch, Inc., as of June 19, 1993, lying between SR-261 (formerly known as the Starbuck-Lyons Ferry Road) and the south bank of the Snake River (approximately 99.5 acres). The property currently is zoned for heavy industrial uses, including energy facilities such as the generation plant. Currently, the Bar-Z Ranch leases a portion of the property to a private party. Bar-Z Ranch has agreed to cancel this lease upon written request by SPC.

This property will include the proposed generation plant, gas connections, BPA switchyard, and onsite well.

See Figure 2.2-2 for a survey drawing of the generation plant site.

C.2.1 Legal Description of Site

The following described property including any and all fixtures, buildings and appurtenances located thereon, in Columbia County, State of Washington: All that part of the following described real property lying between the former Starbuck-Lyons Ferry Road and the south bank of the Snake River; the south half of the Southwest Quarter; the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 29; the north half of the Northwest Quarter of Section 32; all in Township Thirteen (13) North, Range Thirty-Seven (37) East of the Willamette Meridian.

SUBJECT TO easement for electric power transmission line and access road as granted to the United States of America, as described in that Easement Deed recorded in Book 49 at page 486, records of Columbia County, Washington.

Save and except the following two tracts:

C.2.1.1 Tract 1:

A tract of land lying in Government Lots 6 and 7 and the Southwest quarter of the Southwest Quarter of section 29, the east half of the Southeast Quarter of Section 30, and the east half of the Northwest Quarter and the northwest quarter of the Northwest Quarter and the northeast quarter of the Southwest Quarter of Section 32, all in Township 13 North, Range 37, East of the Willamette Meridian, Columbia County, Washington, said tract of land being more particularly described as follows:

Beginning at the point of intersection with the north-south center line of said Section 32 and a line bearing North 55° 03' 20" West from a point lying South 41° 27' 11" East a distance of 4,653.64 feet from the Northwest corner of said Section 32; thence northerly along said north-south center line to a point lying 1,450.0 feet south of the north line of said Section 32; thence North 69° 30' West, a distance of 1,450.0 feet; thence northerly along a straight line to a point on the north line of said Section 32, said point lying 725.0 feet easterly of the northwest corner of said Section 32; thence northerly along a straight line to a point on the west line of said Section 29, said point lying 1,100.0 feet southerly of the quarter corner on the west line of said Section 29; thence northerly along said west line of Section 29 a distance of 900.0 feet; thence southerly along a straight line to a point on the north-south center line of said Section 32, said point lying 400.0 feet southerly of the north line of said Section 32;

thence northerly along said north-south center line, a distance of 400.0 feet to the north line of said Section 32; thence easterly along the north line of said Section 32 to the line of ordinary high water (south bank) of the Snake River; thence northwesterly along said line of ordinary high water to the west line of Section 29; thence southerly along said west line of Section 29 to the Quarter corner thereof; thence westerly along the north line of the east half of the Southeast Quarter of said Section 30, to the Northwest corner thereof; thence southerly along the west line of said east half of the Southeast Quarter to the existing center line of state highway 261 (formerly the Starbuck-Lyons Ferry County Road); thence southeasterly along said center line to the west line of the east half of the Northwest Quarter of said Section 32; thence southerly along said west line of the east half of the Northwest Quarter to a point lying 400.0 feet southerly of the Southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 32; thence South 52° 38' 00" East, a distance of 890.0 feet; thence South 34° 56' 40" West, a distance of 460.0 feet; thence southeasterly along a straight line to the point of beginning.

C.2.1.2 Tract 2:

All that portion of the north half of the Northwest Quarter of Section 32, and the southwest quarter of the Southwest Quarter of Section 29, all in Township 13 North, Range 37, East of the Willamette Meridian, Columbia County, Washington, lying southwesterly of a line lying northeasterly, a distance of 50 feet, when measured at right angles and/or radially from the following described centerline survey:

Commencing at a point lying South 55° 43' 59" East, a distance of 2,251.01 feet, from the northwest corner of said Section 32; thence South 65° 32' East, a distance of 630.74 feet, to Survey Station 97+09.18 P.T., and the TRUE POINT OF BEGINNING; thence northwesterly along a 2° 00' curve to the right, a distance of 1241.67 feet, to Survey Station 84+67.51 P.C.; thence North 40° 42' West, a distance of 1,400.0 feet, and point of terminus of the above described line.

There is excepted therefrom all that portion lying southwesterly of the following described line: Beginning at a point on the north-south centerline of said Section 32, said point lying south, a distance of 1,450.0 feet, from the north line thereof; thence North 69° 30' West, a distance of 1,450.0 feet; thence northwesterly along a straight line to a point on the north line of said Section 32, said point lying 725.0 feet easterly of the northwest corner of said Section 32; thence northwesterly along a straight line to a point on the west line of said Section 29, said point lying 1,100.0 feet southerly of the quarter corner thereof and the point of terminus of the above described line.

Government Lots 2 and 3 in Section 32, Township 13 North, Range 37, East of the Willamette Meridian, save and except for the following tract:

Beginning at a point lying on the west line of said Government Lot 3, said point lying southerly 1,750.00 feet from the north line of said Section 32; thence South 71° 47' 00" East a distance of 1,420.0 feet; thence South 55° 08' 00" East to the East line of said Section 32; thence northerly along the east line of said Section 32 to the line of ordinary high water (south bank) of the Snake River; thence northwesterly along said line of ordinary high water to the north line of said Section 32; thence westerly along said north line of Section 32 to the northwest corner of said Government Lot 2; thence southerly along the west line of said

Government Lot 2, a distance of 400 feet; thence South 41° 08' 00" East, a distance of 1,830.0 feet; thence North 74° 30' 00" West to the west line of said Government Lot 3; thence southerly along the west line of said Government Lot 3 to the place of beginning.

C.3 Natural Gas Transmission and Lateral Pipelines

The generation plant will obtain natural gas via an existing 36-inch-diameter natural gas mainline, operated by GTN, located approximately 200 feet from the southeast corner of the plant site. The primary natural gas transmission pipeline is currently operated by GTN. The Corps owns the lands between this mainline and the site boundary. GTN will construct a lateral natural gas pipeline across Corps lands and the site to connect the mainline to the generation plant.

Both the mainline and lateral will be regulated under the authority of the Federal Energy Regulatory Commission (FERC). These pipelines, therefore, are not part of this Application for Site Certification (ASC). See *Revised Code of Washington* [RCW] 80.50.020(7)(b).

C.4 Electrical Transmission Lines

The SPP will use existing BPA 500-kV electrical transmission lines that bisect the generation plant site. BPA will site and construct the proposed additional transmission line connecting the site to the Lower Monumental Dam switchyard. This transmission line will be located approximately 1,200 feet north of and parallel to the two existing lines. Generally, the transmission line will cross properties in Columbia and Walla Walla Counties. Both the existing transmission lines and the proposed transmission line are within BPA's regulatory jurisdiction. These transmission lines, therefore, are not part of this ASC.

C.5 Water Pipeline and Well

If the onsite well proves infeasible, SPC will install an alternative water supply (a new well near the existing Town well) and construct and operate a 6-mile-long, 4-inch-diameter, polyvinyl chloride (PVC) underground water pipeline connecting the Town well to the generation plant site. SPC would locate this water pipeline primarily within an abandoned railroad right-of-way that parallels SR-261 from the Town to just south of the site. SPC would acquire easements over the abandoned railroad right-of-way and over Corps land to construct the water pipeline. As the water pipeline currently is an alternative, the pipeline route has not been surveyed. However, metes and bounds descriptions of the Corps and railroad right-of-way easements are provided below.

The projected water pipeline route is shown on Figure 2.4-2.

C.5.1 Legal Metes and Bounds Description of Water Pipeline Easements

Easement across lands of the U.S. Government (U.S. Army Corps of Engineers):
Commencing at state highway No 261 (ssh 11B) Station 151+42.76 p.c. as shown on U.S. Army Engineers Lower Monumental Lock and Dam Map No. E-68-33-14; thence N30°59'01"W along the centerline of said state highway a distance of 203.43 feet to highway station 149+39.33; thence at right angles S59°00'59"W a distance of 50.00 feet to a point on

the southwesterly right of way of said state highway and the true point of beginning for this easement description; thence S30°59'01"E along said highway right of way line a distance of 203.43 feet to the point of curvature of a 1482.25-foot radius curve to the left; thence along the arc of said 1482.25 foot radius curve having a central angle of 1°49'41" and an arc length of 47.29 feet, a long chord of S31°53'51"E 47.29 feet; thence S59°00'59"W a distance of 27.13 feet to a point on the northeasterly right of way of the abandoned Tucannon Branch of the Oregon-Washington railroad and navigation company railroad; thence N55°03'00"E along the northeasterly right of way of said abandoned railroad a distance of 109.57 feet; thence N05°44'01"W a distance of 166.58 feet to the point of beginning.

Easement across the abandoned railroad easement (c.m. Bishop) commencing at state highway No. 261 (ssh 11b) Station 137+90.27 p.t. as shown on U.S. Army Engineers Lower Monumental Lock and Dam Map No. E-68-33-14; thence S30°59'01"E along the centerline of said state highway a distance of 1352.49 feet to highway station 151+42.76 p.c.; thence at right angles S59°00'59"W a distance of 50.00 feet to a point on the southwesterly right of way of said state highway; thence along the southwesterly right of way line of said state highway along the arc a 1482.25 foot radius curve to the left having a central angle of 1°49'41" and an arc length of 47.29 feet, a long chord of S31°53'51"E 47.29 feet; thence S59°00'59"W a distance of 27.13 feet to a point on the northeasterly right of way of the abandoned Tucannon Branch of the Oregon-Washington railroad and navigation company railroad and the true point of beginning for this easement description; thence S59°00'59"W a distance of 131.42 feet to a point on a line drawn parallel to and 40.00 feet northeasterly, when measured at right angles, from the centerline of said abandoned railroad; thence S55°03'00"E along said parallel line a distance of 53.59 feet; thence S34°57'00"W a distance of 100.00 feet to a point on a line drawn parallel and 60.00 feet southwesterly, when measured as right angles, from the centerline of said abandoned railroad; thence N55°03'00"W along said line parallel with the centerline of said abandoned railroad a distance of 1922.03 feet to a point on the southwesterly right of way of the union pacific railroad Tekoa-ayer Branch line; thence along the right of way of said Union Pacific Railroad, said right of way being a line drawn parallel with and 115.00 feet distant from the centerline of said railroad, along the arc of a 1642.89 foot radius curve to the left having a center angle of 28°20'32" and an arc length of 812.68 feet, a long chord of S81°38'07"E 804.45 feet, to a point on a line drawn parallel to and 300.00 feet northeasterly, when measured at right angles, from the centerline of the abandoned Tucannon Branch of the Oregon-Washington Railroad and Navigation Company Railroad; thence S55°03'00"E along said parallel line a distance of 202.17 feet; thence along the arc of a 439.27 foot radius curve to the left having a central angle of 52°16'27" and an arc length of 400.77 feet, a long chord of S12°50'37"E 387.02 feet to a point on a line drawn parallel with and 40.00 feet northeasterly, when measured at right angles, from the centerline of said abandoned railroad; thence along said parallel line S55°03'00" east a distance of 550.65 feet; thence N59°00'59"E a distance of 131.42 feet to a point on the northeasterly right of way of the abandoned Tucannon Branch of the Oregon-Washington Railroad and Navigation Company Railroad; thence S55°03'00"E along said railroad right of way a distance of 109.57 feet to the point of beginning.

C.5.1.1 Corridor Width

The water pipeline corridor is 50 feet wide.

The portion of the water pipeline corridor that is not in this description runs along the Town of Starbuck's right-of-way adjacent to town streets between the abandoned railroad bed and the town well. If the water pipeline becomes the proposed action, the Application will provide a more comprehensive legal description of the corridor easement.

C.5.1.2 Applicant's and Other's Interests in Lands Over Which the Preferred Centerline Is Described

Ownership interests in the lands over which the pipeline centerline would run include the following:

- Bar-Z Ranch, Inc. (option to purchase held by Starbuck Power Company, L.L.C.)
- U.S. government (Corps)
- C.M. Bishop (abandoned railroad right-of-way)
- Columbia County Grain Growers Association
- Town of Starbuck

C.6 SPP Access Roads

The SPP will use two access roads to create a "loop" allowing for site access to SR-261. The proposed access roads are shown on Figure 2.2-7. Figure 2.2-3 shows property ownership for lands within ¼ mile of the access roads.

C.6.1 Corps Access Road

SPC has obtained preliminary approval from the Corps for an easement allowing SPC to construct, operate, and maintain an access road ("Corps access road") across an undeveloped strip of Corps land lying between SR-261 and the site to the southwest of the site. This access road will continue over the southwest portion of the SPC-owned site to the generation plant.

C.6.1.1 Legal Metes and Bounds Description of the Corps Access Road

This legal description will be provided when SPC receives it from the Corps.

C.6.1.2 Applicant's and Other's Interests in Lands Over Which the Corps Access Road Will Be Located and of Those Lands Lying Equidistant for ¼ Mile Either Side of the Corps Access Road

Ownership interests in lands over which the Corps access road would run, and within ¼ mile equidistant of the road, include the following:

- U.S. government (Corps) (fee ownership)
- Bar-Z Ranch, Inc. (fee ownership)
- Starbuck Power Company, L.L.C. (under option to purchase from Bar-Z Ranch, Inc.)

C.6.2 BPA Access Road

Pursuant to a land use agreement dated May 31, 2001, SPC has obtained permission from BPA to use a portion of BPA's transmission line corridor easement area for construction and installation, use, and maintenance of an access road and gate for the site ("BPA access

road"). The BPA access road will run from SR-261 across Corps property and then across the site, north of the proposed Corps access road. SPC also will pursue obtaining permission from the Corps to use the BPA easement where it traverses Corps property. SPC's option agreement to purchase the site already is subject to BPA's transmission line corridor easements.

C.6.2.1 Legal Metes and Bounds Description of the BPA Access Road

The BPA access road will be situated within Lot 6 of Section 29 and the Northeast Quarter of the Northwest Quarter of Section 32, Township 13 North, Range 37 East, Willamette Meridian, Columbia County, State of Washington.

C.6.2.2 Applicant's and Other's Interests in Lands Over Which the BPA Access Road Will Be Located and of Those Lands Lying Equidistant for ¼ Mile Either Side of the BPA Access Road

Ownership interests in the lands over which the BPA access road would run, and within ¼ mile equidistant of the road, include the following:

- U.S. government (Corps) (fee ownership)
- Bonneville Power Administration (easement ownership)
- Bar-Z Ranch, Inc. (fee ownership)
- Starbuck Power Company, L.L.C. (under option to purchase from Bar-Z Ranch)