



Oregon

John A. Kitzhaber, MD, Governor



3040 25th Street, SE
Salem, OR 97302-1125
Phone: (503) 378-4880
Toll Free: (800) 874-0102
FAX: (503) 373-1688

February 13, 2015

Department of Energy
625 Marion St. NE
Salem, OR 97310

Subject: **Oregon Department of Aviation evaluation of tall structures for the proposed construction of Jordan Cove, South Dunes Energy Plants, LNG and the Vessel Berth at North Bend, Coos County, Oregon.**

Aviation Reference: 2014-ODA-307-OE thru 2014-ODA-342-OE

Oregon Department of Aviation (ODA) has evaluated the proposed tall structures at the above referenced site located north of the Southwest Regional Airport located in Coos County Oregon. On June 16, 2014 the applicant provided ODA with 36 different *FAA 7460-1 Notice of Proposed Construction or Alteration* forms which identified the specific location of each tall structure for the overall project site. ODA understands that this project has two components, one being reviewed by the state of Oregon via the Oregon Department of Energy (EFSC Process) and the other on the Federal Department of Energy (FERC Process). The applicant did not identify which jurisdiction each of the tall structures was specifically located and as a consequence, the ODA reviewed all 36 *FAA form 7460-1s* as one overall project.

The authority of the review is based on ORS 469.350 and ORS 836.535 which directs the ODA to review proposed tall structures in the state of Oregon. In addition to the required ODA review, the Federal Aviation Administration (FAA) requires applicants to submit the same *FAA form 7460-1* to the FAA's Seattle District Office for their review and determination of each tall tower regardless of jurisdiction or reviewing agency (i.e., EFSC or FERC).

The ODA has completed its analysis of the 36 proposed structures and has determined that five (5) propose structures exceed the Horizontal Surface of the Obstruction Standards of OAR 738-70-0100 and FAA FAR Part 77, Imaginary Surfaces for Obstruction Evaluation Standards.

The five (5) propose structures as followed:

2014-ODA-307-OE LNG Tanks North
2014-ODA-308-OE LNG Tanks South
2014-ODA-333-OE Amine Tower 1
2014-ODA-334-OE Amine Tower 2
2014-ODA-341-IE LNG Carrier Vessel

As a result of our evaluation, the ODA has determined that the five proposed structures, as identified above as "Hazards to Air Navigation." According to ORS 836.535(1) "A person may not construct an object or structure that constitutes a physical hazard to air navigation ..." Subsection (2) identifies EFSC as the governing body to determine if a hazard exists. However it was stated above that the Department of Energy requested the ODA's participation and input for this determination.

It should also be noted that the FAA only determines if a hazard to air navigation exists, not an approval or denial of an application. To date, the FAA has not written a determination or approval/denial of the five (5) applications that penetrate the horizontal surface, as referenced in this letter for the proposed project; therefore, ORS 836.535 is in effect.

For the remaining 31 tall structures that are not "Hazards to Air Navigation" the ODA recommends that marking and lighting are appropriate for aviation safety in accordance with FAA Advisory Circular AC70/7460-1K Change 2.

Please contact me if you have any questions or need further information. I can be reached at 503-378-2340 or mitch.t.swecker@aviation.state.or.us . You can also reach our tall structures analyst, John Wilson at 503-378-2521 and john.p.wilson@aviation.state.or.us.

Sincerely,



Mitch Swecker,
Director
Oregon Department of Aviation