



Oregon

Kate Brown, Governor

Department of State Lands

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January 30, 2020

Ms. Natalie Eades
Jordan Cove LNG
111 SW 5th Ave, Suite 1100
Portland, OR 97204
Via Email: NEades@pembina.com

Subject: Response to email January 24, 2020, regarding Wetland Delineation
Report and Proprietary Applications

Dear Ms. Eades:

The Department of State Lands (Department or DSL) is in receipt of your January 23 email withdrawing the Jordan Cove Energy Project (JCEP) removal-fill application 60697-RF from further consideration.

As a follow up, I inquired by email dated January 24, 2020, whether JCEP wished to withdraw the remaining applications from review, or whether you wished them to remain active. To recap, the applications remaining with the Department for processing as of January 24, 2020 were:

Wetland Delineation Report review: WD2018-0281 (I incorrectly identified it as -2081 previously)

Proprietary applications for use of state-owned waterways:

- 56483-EA Stock Slough crossing
- 56492-EA Vogel Creek crossing
- 56494-EA Kentuck Slough crossing
- 56495-EA Coos River crossing
- 56517-EA T34S, R01W, Section 2 temporary use
- 56518-EA T34S, R01W, Section 2 temporary use
- 62041-EA Coos Bay crossing
- 62042-EA Coos Bay crossing
- 62168-EA Pile Dike Rock Apron
- 62173-EA Kentuck Outflow
- 62174-EA APCO site (bridge easement)
- 62176-RG Navigation Buoy

In response to my email inquiry on January 24, you replied the same day indicating the following: *"Please continue processing the Wetland Delineation Report review (WD 2018-*

State Land Board

Kate Brown
Governor

Bev Clarno
Secretary of State

Tobias Read
State Treasurer

2081). *Jordan Cove hereby withdraws its applications for proprietary easements as listed in your email below.*” As I mentioned above, the correct identification for the Wetland Delineation Report is WD2018-0281.

Pursuant to your direction on behalf of JCEP, the Department has now withdrawn all proprietary applications from further review.

The Department will continue its review of the Wetland Delineation Report for proposed re-route sections of the Pacific Connector Gas Pipeline (DSL file no. WD2018-0281).

To recap the history of this report, the Department originally received your Wetland Delineation Report for the proposed re-route sections on May 14, 2018. The purpose of this report was, and is, to obtain the Department’s concurrence on state-jurisdictional wetland and waterway boundaries within the study area as defined in the report. As you know, a DSL-concurred Wetland Delineation Report is one requirement for the state removal-fill permit process. However, DSL’s review of, and concurrence with, a Wetland Delineation Report can be done independently of a removal-fill permit application.

On September 10, 2018, the Department completed its initial review of this delineation report. Additional information needs were identified and sent to JCEP at that time. On April 30, 2019, the Department received JCEP’s first response to the identified needs. On July 16, 2019, the Department replied to JCEP identifying items that were still not sufficiently resolved in order to concur with the report. On January 20, 2020, the Department received JCEP’s second response to our comments.

Per your January 24, 2020 email request, the Department will continue with its review of the delineation report and, specifically, the “second response” materials we received on January 20. We anticipate completing our review of this additionally submitted material by approximately March 31, 2020. If this submittal adequately responds to the remaining information needs, then DSL concurrence with the report will be issued at that time. If it does not, the Department will identify what deficiencies remain.

Finally, and for clarity, I want to make sure you understand that when the Department does concur with this delineation report, it will be a partial concurrence. This means that for those parcels within the study area that you did not have legal access to, preliminary jurisdictional determinations (PJDs) will be made by the Department. Preliminary jurisdictional determinations are not sufficient for state removal-fill permitting purposes. At whatever time you may obtain legal access to those parcels, additional field work and subsequent DSL review will be required to convert those preliminary determinations to final determinations (JDs) and thus be suitable for permitting purposes.

Please feel free to contact me if you have any questions on this submittal.

Sincerely,



Vicki L. Walker, Director
Department of State Lands

Cc: Mike Koski, Pembina

Governor Kate Brown

Treasurer Tobias Read

Secretary of State Bev Clarno

Jason Miner, Natural Resource Policy Manager/Land Board Assistant, Office of Gov. Kate Brown

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Sen. Arnie Roblan

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Director Jim Rue, Oregon Department of Land Conservation and Development

Director Curt Melcher, Oregon Department of Fish and Wildlife

Director Janine Benner, Oregon Department of Energy

Jesse Ratcliffe, Oregon Department of Justice