



## OREGON STATE AGENCY REVIEWS FOR THE JORDAN COVE ENERGY PROJECT AND PACIFIC CONNECTOR GAS PIPELINE

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### Oregon Department of Land Conservation and Development (DLCD)

#### Coastal Zone Management Act Federal Consistency Review for Jordan Cove and Pacific Connector

The Coastal Zone Management Act of 1972 is a federal law that requires applicants seeking federal permits within the Oregon Coastal Zone to provide DLCD with sufficient information to show compliance with the enforceable policies of the Oregon Coastal Management Program (OCMP). A map of the area with the Oregon Coastal Zone can be found at <http://www.coastalatlantlas.net/czfinder/>. Enforceable policies are selected from state statutes, statewide planning goals, and the authorities of local jurisdictions like land use ordinances. DLCD has six months to either concur or object to the proposed action/project once it has determined that the applicant has submitted “all necessary data and information.” DLCD has 14 days to notify the applicant if more information is needed. Any time spent by the applicant in gathering and submitting additional information could prolong the timeframe for securing CZMA federal consistency decision. DLCD generally does not issue a decision until all necessary state and local permits for the project are provided by the applicant.

For the Jordan Cove portion of the project, the enforceable policies of the OCMP are within the statewide planning goals, state statutes, and the City of Coos Bay Comprehensive Plan and Land Development Ordinance. The Pacific Connector portion of the project will also require a CZMA federal consistency decision, but DLCD is requesting that the applicant only submit one application covering the entire project. There may be different enforceable policies applied if the pipeline enters another county or goes through city boundaries. Applicable statewide planning goals and state statutes may vary as well. See [http://www.oregon.gov/LCD/OCMP/Pages/OCMP\\_Enforceable-Policies.aspx](http://www.oregon.gov/LCD/OCMP/Pages/OCMP_Enforceable-Policies.aspx) for a complete list of enforceable policies of the OCMP.

## Oregon Department of Aviation (ODA)

### Hazards to Air Navigation Review

Pursuant to ORS 836.535 and OAR 738 Division 070, applicant is required to give notice to the Oregon Department of Aviation of potential hazards to air navigation by submitting Federal Aviation Administration (FAA) Form 7460-1 at least 30 days prior to the earliest of submission for a building permit or construction for each potential hazard. It is recommended that the applicant contact ODA prior to submission to determine the number of FAA Form 7460-1 notices to submit and the specific locations to study. ODA is required to acknowledge receipt in writing for each notice submitted within 20 work days and provide an initial or preliminary determination of whether the intended construction or alteration would constitute a hazard to air navigation. However, final determinations are usually made within that initial 20 work day period. The final determination states whether ODA deems the potential obstruction a hazard to air navigation, whether a hazard can be mitigated and, if so, what mitigation measures (i.e., marking and lighting) are recommended by ODA.

## Oregon Department of Environmental Quality (DEQ)

### Industrial Landfill Closure Plans for Jordan Cove

Jordan Cove has a permit for a landfill constructed by the previous owner. To close the landfill, Jordan Cove will need to submit several plans to DEQ. The approval process typically takes about six to 12 months and will include a public comment period and public hearing. Jordan Cove will also need a construction stormwater permit because more than one acre of land will be disturbed during the closure of the landfill.

### Air Contaminant Discharge Permit for Jordan Cove

In October 2017, Jordan Cove submitted an Air Contaminant Discharge Permit application to DEQ for potential emissions from the liquid natural gas terminal on the North Spit, in Coos County. The review process typically takes 12-18 months and will include a public notice, public comment period, hearing and coordination with the U.S. Environmental Protection Agency.

The applicant will initially operate their proposed facility under an Air Contaminant Discharge Permit and then is required to apply for a Title V permit after one year of operations. The review process typically takes 12 months and will include a public notice, public comment period, hearing and coordination with the U.S. Environmental Protection Agency.

### Air Contaminant Discharge Permit for Pacific Connector

In October 2017, Jordan Cove submitted an Air Contaminant Discharge Permit application to DEQ for potential emissions from the Malin compressor station in Klamath County. The review process typically takes about nine months and will include a public notice, public comment period, hearing and coordination with the U.S. Environmental Protection Agency.

The applicant will initially operate under an Air Contaminant Discharge Permit application to DEQ and then apply for a Title V permit after one year of operations. The review process typically takes 12 months and will include a public notice, public comment period, hearing and coordination with the U.S. Environmental Protection Agency.

### Clean Water Act (CWA) 401 Water Quality Certification for Both Facilities

Under Section 401 of the Clean Water Act, Oregon must certify any project requiring a federal permit or license that could discharge to a body of water including dredge and fill material. The proposed projects may have impacts to wetlands, Coos Bay, and rivers along the pipeline route. DEQ has one year to certify or deny the 401 request.

In October the U.S. Army Corps of Engineers and DEQ received dredge and fill material applications on Jordan Cove's liquid natural gas facility and Pacific Connector's proposed pipeline projects. The U.S. Army Corps of Engineers will hold a 60-day joint public comment period with DEQ on Jordan Cove's and Pacific Connector's application.

Once DEQ makes a draft decision to certify or deny the project, DEQ will hold a public comment period and public hearings before making a final determination. DEQ will make a final determination once public comments have been addressed.

DEQ will coordinate with other agencies – including the Oregon Department of Fish and Wildlife, the Oregon Water Resource Department, the Oregon Department of State Lands, the federal Bureau of Land Management, U.S. Forest Service and U.S. Army Corps of Engineers -- to evaluate water quality effects.

### 1200-C Construction Stormwater General Permits for Jordan Cove Site

Any project that disturbs more than an acre of land must receive a 1200-C Construction Stormwater General Permit from DEQ. The review process generally takes two to four months and will include a public comment period. Jordan Cove will need separate construction stormwater permits for its liquid natural gas facilities, Kentuck Slough mitigation site, and the North Point site.

### 1200-C Construction Stormwater General Permit for Pacific Connector

Pacific Connector will also need a 1200-C Construction Stormwater General Permit for its construction activities. It plans to submit one application for the Malin Station and pipeline route.

### Individual Water Pollution Control Facilities – Hydrostatic Test Water for Pacific Connector

Jordan Cove will need an Individual Water Pollution Control Facilities Permit to land apply water after hydrostatic testing the pipeline for leaks. The review process typically takes about six months and will include a public meeting on the permit application, followed by a public notice and a public hearing on the draft permit.

### Individual Industrial Wastewater Permit for Jordan Cove

Jordan Cove will generate wastewater during construction, hydrostatic water testing of tanks, and operations of its liquid natural gas facilities. It will need to modify its current individual industrial wastewater permit that covers leachate from the permitted landfill. Once the applicant submits its permit application, the review process will take about 10 months and will include a public meeting on the permit application, followed by a public notice and a public hearing on the draft permit.

## Oregon Department of Fish and Wildlife (ODFW)

### Wildlife Policy

Oregon's Wildlife Policy (ORS 496.012) states that wildlife (including fish) will be managed to prevent serious depletion of any native species. The policy also states that Oregon's lands and waters should be developed and managed in a way that will enhance production and public enjoyment of wildlife. This is an enforceable policy of the OCMP and helps demonstrate consistency to obtain a CZMA federal decision. The following permits and policies show compliance with Oregon's Wildlife Policy:

### Fish Passage Authorization Permits for Pacific Connector

The applicant must secure a Fish Passage Authorization Permit with fish passage plans for all temporary and permanent stream crossings and all necessary points of access for the construction and maintenance of the liquefied natural gas (LNG) pipeline (ORS 509.580.910 and OAR 635 Division 412). Each stream crossing that triggers fish passage regulations requires its own fish passage plan submittal and fish passage permit authorization.

When project activities associated with stream crossings have unavoidable impacts to fish and wildlife habitat, ODFW uses the Fish and Wildlife Habitat Mitigation Policy (as described below)

to develop conditions of the fish passage permit authorization. The applicant may choose to submit a comprehensive package outlining stream crossing and fish passage best management practices for the common types of stream crossings, and then reference the general plan for site-specific permit applications.

ODFW anticipates the applicant will submit its fish passage permit requests in two batches: one for work within the coastal zone and one for work outside the coastal zone. ODFW estimates seven months is needed to review and authorize these permits.

The Fish Passage Authorization Permits within the coastal zone are related to an enforceable policy of the OCMP and help demonstrate consistency to obtain a CZMA federal consistency decision.

### Fish Screening and By-Pass Devices for Water Diversions or Obstructions

If the applicant proposes any water diversion from any body of water in Oregon, either for pipeline construction or facilities operations, fish screening and/or by-pass devices are required to provide adequate protection for fish populations present at the diversion (ORS 498.301-346 and OAR 635 Division 412).. As part of its comments on an Oregon Water Resources Division (OWRD) Water Use and Withdrawal permit application, ODFW recommends the applicant install a fish screening and/or by-pass device, as appropriate, at any new point of diversion consistent with ODFW design and construction standards. If unavoidable impacts to fish are identified despite the fish screening measures taken, ODFW will use its Fish and Wildlife Habitat Mitigation Policy to guide its recommendations to OWRD.

Prior to installation, the permit holder should obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW criteria. Criteria can be found in [Section 11 of the 'Anadromous Salmonid Passage Facility Design'](#), NMFS, July 2011.

Oregon's fish screening laws are an enforceable policy of the OCMP and help demonstrate consistency to obtain a CZMA federal consistency decision. The fish screening requirements are carried out through OWRD's Water Use and Withdrawal Permit. The timeline for fish screening review falls under the OWRD permitting process.

### In-Water Blasting Permit for Pacific Connector

The applicant may be considering blasting for some of the pipeline's stream or water body crossings. The Oregon Fish and Wildlife Commission discourages in-water blasting unless it is the only feasible method to meet project goals.

ODFW may issue in-water blasting permits only if they contain conditions that prevent injury to fish and wildlife and their habitats. If impacts are unavoidable, ODFW uses the Fish and Wildlife Habitat Mitigation Policy in its permit conditions.

Site-specific, in-water blasting permit applications must be submitted at least 90 days prior to the anticipated activity. In-Water Blasting Permits for areas within the coastal zone are related to an enforceable policy of the OCMP and help demonstrate consistency to obtain a CZMA federal consistency decision. Even if all in-water blasting is expected to occur outside of the coastal zone, securing the permits necessary for the project can help demonstrate federal consistency.

### Fish and Wildlife Habitat Mitigation Plan for Pacific Connector

ODFW uses the Fish and Wildlife Habitat Mitigation Policy (OAR 635-415) to carry out habitat goals of Oregon's Wildlife Policy. Oregon's Fish and Wildlife Habitat Mitigation Policy governs ODFW's biological advice and recommendations on mitigating fish and wildlife habitat loss caused by development actions.

ODFW's role is only regulatory when development activities are subject to ODFW's regulatory jurisdiction (i.e., fish passage, fish screening, in-water blasting), and when implementing its own development actions. The Fish and Wildlife Habitat Mitigation Policy directs ODFW to recommend mitigation consistent with OAR 635-415-0025 goals and standards of for development actions administered by other regulatory agencies that impact fish and wildlife habitat. In the case of this project, ODFW requests habitat mitigation be included as a condition of approval in the following state and federal permitting processes:

- FERC Environmental Impact Statement (EIS) and licensing;
- USFS, BLM and Bureau of Reclamation right-of-way permits;
- ACOE sections 404 and 408 of the Clean Water Act;
- DEQ Clean Water Act 401 permit and other permits pertaining to impacts to water quality;
- DSL's removal-fill permits;
- OWRD's water use and withdrawal permits; and
- DOGAMI's surface mining operations permits.

In the FERC EIS process, mitigation plans should address both federal and non-federal lands. Because many agencies have a role in permitting, which will result in fish and wildlife habitat mitigation, ODFW recommends FERC and the applicant provide an overall Habitat Mitigation Plan. This plan must contain mitigation provisions resulting from all the various permits to provide a full picture of how the combined Jordan Cove and Pacific Connector project is mitigating impacts to Oregon's fish and wildlife habitat resources. The applicant should provide approximately three months for ODFW concurrence after submittal of a final Habitat Mitigation Plan.

## Oregon Department of Geology and Mineral Industries (DOGAMI)

### Surface Mining Operating Permit for Both Facilities

A surface mining operating permit (ORS 517.750(15)) is required for material extraction activity that exceeds one acre of disturbance and/or 5,000 cubic yards of material in any 12-month period. The Jordan Cove facility and pipeline are expected to need a surface mining operating permit. Once a complete application is submitted to DOGAMI, technical review of the application typically takes one month, unless additional information is required. Once DOGAMI's technical review is complete, the application is circulated to selected federal, state and local agencies, and tribal entities, for review and comment. The inter-agency review process is 30 days.. There is no public comment period for this permit. It is expected to take a minimum of three to four months to obtain a surface mining operating permit. This permit is related to an enforceable policy of the OCMP and helps demonstrate consistency to obtain a CZMA federal consistency decision.

## Oregon Department of State Lands (DSL)

### Removal-Fill Authorization – Jordan Cove Energy Project

The application covers the three main elements of the project: 1) the liquefied natural gas (LNG) slip and access channel; 2) the LNG terminal; and 3) the natural gas pipeline. DSL must first do a completeness review of the application. This process may take up to 30 days from the day the application was received. If the application is not complete, it is returned to the applicant for additional information, and another 30-day review period begins. Once the application is deemed complete, there is a minimum 30-day public review period, which may be extended and additional 30 days. DSL has a statutorily mandated 120 day review timeline to make an approval or denial decision regarding the application. This 120 day period may be extended upon agreement with the applicant. For the Jordan Cove project, DSL expects to schedule at least two public hearings in areas where the project would be located. More information will be posted on the Department of State Lands web page. This permit is related to an enforceable policy of the OCMP and helps demonstrate consistency to obtain a CZMA federal consistency decision.

### Proprietary Authorizations for Jordan Cove

Uses of state-owned waterways require a DSL authorization to use the waterway. State-owned waterways are “submerged and submersible land (“beds and banks”) underlying all navigable and tidally influenced waterways”. Proprietary authorizations are conditioned upon the applicant obtaining all required federal, state, and local permits and approvals, but are obtained through a separate process that does not involve the issuing bodies of those permits and approvals. After receipt of an application, DSL reviews it to ensure it is complete prior to

convening a 30-day public review period. Incomplete applications will require additional information before the public review period can begin and will likely delay the review process. These authorizations are related to an enforceable policy of the OCMP and help demonstrate consistency to obtain a CZMA federal consistency decision. Jordan Cove is expected to need at least the following proprietary authorizations:

### 1. Easements

The applicant needs to submit completed applications at least 60 days prior to the anticipated approval date in order to secure easements for: stormwater outflows to Coos Bay; stormwater outflows to the Kentuck Slough mitigation site; bridge access for the APCO laydown site; construction of a scour apron and access channel; and ocean pipeline outfall.

### 2. Sand and Gravel Licenses

The applicant needs to submit completed applications at least 90 days prior to the anticipated approval date in order to secure sand and gravel licenses for: construction of a scour apron and access channel; construction of a marine slip, Ingram yard and facility work; Coos Bay channel turn enhancement; and dredge disposal at the APCO laydown site.

### 3. Waterway Use

The applicant needs to submit a completed application at least 90 days prior to the anticipated approval date in order to secure waterway use authorizations for: wharf certification; mooring dolphins; and material offloading facility.

### 4. Mitigation

The applicant needs to hold pre-application meeting and submit a completed application at least 120 days prior to the anticipated approval date in order to secure mitigation authorizations for: eel grass conservation; and the Kentuck Slough mitigation/conservation easement.

## Proprietary Authorizations at State-Owned Land Crossings for Pacific Connector

Easements are required for the construction of utility crossings of state-owned land which includes waterways. During the previous application process, 12 different easement applications were submitted to DSL for the Pacific Connector pipeline. Changes will need to be made to existing easements and new applications may need to be submitted for the new alignment. Individual easements may be contingent upon removal-fill permits. The applicant needs to submit completed applications at least 60 days prior to the anticipated approval date in order to secure easements for state-owned land crossings. These easements are related to

an enforceable policy of the OCMP and help demonstrate consistency to obtain a CZMA federal consistency decision.

## Oregon Department of Transportation (ODOT)

### Cooperative Improvement Agreement (CIA) for Jordan Cove

In Coos County's land use approval for the Jordan Cove site (ACU-14-31 / CD-14-02 Jordan Cove Energy Project LP), the county required the project developer to make certain improvements to the intersection of US-101 and Jordan Cove Road. Prior to constructing those improvements, the developer is required to prepare a Traffic Impact Analysis (TIA) in order to secure a Cooperative Improvement Agreement with the Oregon Department of Transportation, granting the developer permission to conduct work within the state right-of-way. Currently ODOT is waiting on the developer/applicant to finalize the TIA and submit to ODOT for review and approval. ODOT expects the CIA to be completed/approved once the TIS is complete.

### Oversize Load Permit(s)

Motor vehicles operating on Oregon roads are limited to 8-feet, 6-inches in width, 14 feet in length, and 80,000 pounds gross weight, unless the operator first obtains an over-dimension permit. It is expected to take up to 12 months to secure oversize load permits.

### Overweight Load Permit(s)

Motor vehicles operating on Oregon roads are limited to 8-feet, 6-inches in width, 14 feet in length, and 80,000 pounds gross weight, unless the operator first obtains an over-dimension permit. It is expected to take up to 12 months to secure overweight load permits.

### Railroad Flagging Permit(s) for Pacific Connector

Work within the railroad right-of-way requires an ODOT issued railroad flagging permit. It is expected to take up to 12 months to secure railroad flagging permits.

### Road Approach Permit(s) for Jordan Cove

The installation of a new highway access and modifications to an existing highway access require the developer to obtain a road approach permit. It is expected to take up to 12 months to secure these permits.

### Traffic Management Plan(s), Traffic Control Plan(s), and Mitigation Agreement(s)

Work on or within that state highway right-of-way requires a traffic management plan(s), traffic control plan(s), and mitigation agreement(s) to be approved by ODOT. Any required traffic control plan(s) will be completed and approved prior to construction. All other documents

should be approved by ODOT during the National Environmental Policy Act (NEPA) process and included in the Environmental Impact Statement.

### Utility Permit(s) for Pacific Connector

Utility permits are required for the installation of utilities within the state highway right-of-way. A utility permit must be obtained from ODOT for any location in which the pipeline will be located within the state highway right-of-way. It is expected to take up to 12 months to secure utility permits.

## Oregon Department of Water Resources (OWRD)

### Water Use or Groundwater Appropriation and Withdrawal Permit for Pacific Connector

Oregon law requires that water users obtain water rights in the form of a water use and withdrawal permit prior to diverting or using naturally occurring Oregon waters, which includes groundwater and water from streams, rivers, and reservoirs. If the applicant needs a water use or groundwater appropriation permit for Oregon waters within the coastal zone, it is related to an enforceable policy of the OCMP and helps demonstrate consistency to obtain a CZMA federal consistency decision.

## Oregon Parks and Recreation Department – State Historic Preservation Office (SHPO)

### National Historic Preservation Act – Section 106 Consultation

“Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires every federal agency to ‘take into account’ how its projects and expenditures will affect historic properties, which includes prehistoric and historic sites.” Once the federal agency determines a potential exists to affect such properties, they consult with SHPO, Tribes, and the public on the Section 106 process. Consultation with SHPO involves the area of potential effect, and methods to identify historic properties, in addition to consideration of applicable state laws. If properties are known, or identified from field inspection methods, they are evaluated for eligibility to the NRHP. If a historic property is determined or treated as eligible to the NRHP, the effect from the project is assessed. If there will be an adverse effect, a Memorandum of Agreement (MOA) between SHPO and the federal agency is developed that describes the plan for mitigation. For large projects with many historic properties in the APE, federal agencies may agree up front that adverse effects are going to happen, prior to any assessment. As such, it is possible to enter into an MOA early, before archaeological or historic investigations. A previous MOA

between FERC and SHPO was terminated when the project was on-hold, and may need to be replaced by a new agreement.

#### **State Archaeological Permit - Chappell Parkway/workforce house site for Jordan Cove**

According to ORS 390.235, “a person may not excavate or alter an archaeological site on public lands, make an exploratory excavation on public lands to determine the presence of an archaeological site or remove from public lands any material of an archaeological, historical, prehistorical or anthropological nature without first obtaining a permit” issued by SHPO. The applicant is therefore required to secure an “Oregon qualified archaeologist” to apply for an archaeological permit from SHPO prior to conducting exploratory excavations, or excavating or altering archaeological sites on public lands. The landowner, appropriate tribes, city/county planning department, Oregon Museum of Natural & Cultural History and the Oregon Legislative Commission on Indian Services have review authority for archaeological permits. The normal permit review process can take up to 33 days. An informal dispute resolution process can add up to an additional 30 days in the event a reviewer objects to the issuance of the permit. According to ORS 192.501(11), locations of archaeological sites are exempt from public records requests.

#### **State Archeological Permit - Kentuck Slough wetland mitigation site for Jordan Cove**

According to ORS 390.235, “a person may not excavate or alter an archaeological site on public lands, make an exploratory excavation on public lands to determine the presence of an archaeological site or remove from public lands any material of an archaeological, historical, prehistorical or anthropological nature without first obtaining a permit” issued by SHPO. The applicant is therefore required to secure an “Oregon qualified archaeologist” to apply for an archaeological permit from SHPO prior to conducting exploratory excavations, or excavating or altering archaeological sites on public lands. The landowner, appropriate tribes, city/county planning department, Oregon Museum of Natural & Cultural History and the Oregon Legislative Commission on Indian Services have review authority for archaeological permits. The normal permit review process can take up to 33 days. An informal dispute resolution process can add up to an additional 30 days in the event a reviewer objects to the issuance of the permit. According to ORS 192.501(11), locations of archaeological sites are exempt from public records requests.