

JORDAN COVE ENERGY PROJECT
and
PACIFIC CONNECTOR GAS PIPELINE

JOINT COASTAL ZONE MANAGEMENT ACT CERTIFICATIONS
AND NECESSARY DATA AND INFORMATION

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EXHIBITS

- Exhibit A Copy of Consistency Certification to FERC
- Exhibit B Applications to FERC
- Exhibit B.1 JCEP Resource Reports
 - Exhibit B.2 PCGP Resource Reports
- Exhibit C Draft NEPA Documents
- Exhibit C.1 DEIS
- Exhibit D Corps Section 404 Application and Consistency Certification
- Exhibit D.1 Part 1 - JCEP
 - Exhibit D.2 Part 2 - PCGP
 - Exhibit D.3 Copy of Consistency Certification to the Corps
- Exhibit E DSL Removal-Fill Application
- Exhibit E.1 Part 1 - JCEP
 - Exhibit E.2 Part 2 - PCGP
- Exhibit F DSL Proprietary Authorizations
- Exhibit G DEQ 401 Water Quality Certification Package
- Exhibit G.1 Supplemental information, Feb. and May, 2018
 - Exhibit G.2 Supplemental Information, Sept. 2018
 - Exhibit G.3 Supplemental information, Nov. 2018
- Exhibit H DEQ Type B State New Source Review (NSR) Air Contaminant Discharge Permit Application
- Exhibit I DEQ Construction Stormwater NPDES 1200-C Permit Applications
- Exhibit I.1 Pipeline 1200-C Application
 - Exhibit I.2 Kentuck 1200-C Application
 - Exhibit I.3 TPP/101 1200-C Application
 - Exhibit I.4 APCO 1200-C Application
 - Exhibit I.5 Terminal 1200-C General Permit
- Exhibit J DEQ Wastewater Discharge Permit
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- Exhibit K ODFW Fish Passage Plan Approval Applications
- Exhibit K.1 Application for Kentuck and APCO Bridge
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 - Exhibit K.3 Application for Pipeline Crossings within coastal zone
 - Exhibit K.4 Summary of Communications with ODFW
- Exhibit L Coos County Permits and Applications
- Exhibit L.1 PCGP Early Works
 - Exhibit L.2 JCEP TPP/101
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- Exhibit N City of North Bend Permit Applications
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 - Exhibit O.2 JCEP NRIs
- Exhibit P OWRD Limited Water Use License Applications
 - Exhibit P.1 Application for Limited Water Use License - Coos River
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 - Exhibit P.3 Application for Limited Water Use License - Middle Fork Coquille River
- Exhibit Q Correspondence with EFSC
- Exhibit R SHPO Archeological Permits
 - Exhibit R.1 LNG Terminal Permits
 - Permit AP# 1806 for Industrial Wastewater Pipeline survey along TPP, 2013
 - Permit AP# 1807 for Site 35CS221 Investigations, 2013
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 - Permit AP #2513 for Site 35CS324 Investigations in 2018
 - Permit AP #2514 for Site 35CS327 Investigations in 2018
 - Permit AP #2518 and #2519 for Site 35CS326 Investigations, 2018
 - Permit AP #2520 for site 35CS261 Investigations, 2018 (w/email)
 - Permit AP #2539 for KBJ Geotechnical Investigations Archaeological Monitoring, 2018
 - Permit AP #2540 for East Bay Bridge Archaeological Excavation, 2018
 - Permit AP# 2629 for East Bay Road, 2019
 - Exhibit R.2 Pipeline Permits
 - Permit AP #980 for 35DO1053 Phase II testing, 2007
 - Permit AP #1004 for 35DO313 Phase II testing, 2007
 - Permit AP #1005 for 35DO1074 Phase II testing, 2007
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 - Permit AP #2532 for North Point Phase II/Deep Testing (amended), 2018
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 - Exhibit R.3 Cultural Resources Protection Agreement and Unanticipated Discovery Plan

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Exhibit S Substantially Complete List of Enforceable Policies from DLCDC

Exhibits supporting the Application have been provided to DLCDC electronically. The Applicant will provide supplemental filings with authorizations as they are received.

1. PROJECT OVERVIEW

On September 21, 2017, Jordan Cove Energy Project L.P. (“JCEP”) filed an application pursuant to Section 3(a) of the Natural Gas Act (“NGA”), as amended,¹ and Parts 153 and 380 of the regulations of the Federal Energy Regulatory Commission (“FERC” or the “Commission”),² for authorization to site, construct, and operate certain liquefied natural gas facilities (“LNG Terminal”). On the same day, Pacific Connector Gas Pipeline, LP (“PCGP”) filed an application pursuant to Section 7(c) of the NGA,³ and Parts 157 and 284 of the Commission’s regulations,⁴ for a certificate of public convenience and necessity authorizing PCGP to construct, install, own, and operate a new natural gas pipeline (“Pipeline”). JCEP and PCGP are together referred to as “Applicants.” The Pipeline and the LNG Terminal are together referred to as the “Project.” The Project requires federal licenses and permits, and because the Project is located within Oregon’s coastal zone (or, in the case of the Pipeline, the portion located within the coastal zone), it is subject to consistency review by the State of Oregon under the federal Coastal Zone Management Act, 16 U.S.C. § 1451 (“CZMA”).

The CZMA requires that federal agency activities affecting any use or resource of a state’s coastal zone must be consistent with the enforceable policies of the State’s federally approved coastal management program. The Department of Land Conservation and Development (“DLCD”) is the designated state agency that implements the Oregon Coastal Management Program (“OCMP”) and undertakes the CZMA consistency review in Oregon. To coordinate and simplify public review and comment of the CZMA consistency review process, DLCD has asked Applicants to combine their CZMA submissions into one document so that they can be reviewed through a single public process. This document, along with exhibits provided to the DLCD as documented in (together, the “Application”), consolidate materials for that review. Consolidated review is provided consistent with applicable National Oceanic and

¹ 15 U.S.C. § 717b(a) (2012).

² 18 C.F.R. Pts. 153 and 380 (2017).

³ 15 U.S.C. § 717f (2012).

⁴ 18 C.F.R. Pts. 157 and 284.

Atmospheric Administration (“NOAA”) regulations, 15 C.F.R. § 930.59(a), which is the federal agency charged with implementing CZMA.

1.1 SUMMARY OF PROJECT COMPONENTS

Each component of the Project is summarized at an introductory level in this Section 1.1. Each component is then described more fully in its own section: Section 2 (LNG Terminal) and Section 3 (Pipeline). In addition, those Sections include Applicants’ certifications of consistency as well as the necessary data and information (“NDI”) for consistency review.

1.1.1 LNG Terminal

JCEP proposes to construct the LNG Terminal on the bay side of the North Spit of Coos Bay, Oregon. The LNG Terminal will be capable of receiving and liquefying 1.2 million dekatherms per day (“Dth/d”) of natural gas, producing a maximum of 7.8 million metric tons per annum (“mtpa”) of liquefied natural gas (“LNG”) for export, storing the LNG in two 160,000 cubic meter full-containment storage tanks, and loading the LNG onto LNG carriers for delivery to Asian markets. The LNG Terminal includes a marine terminal slip containing two berths - a berth for LNG carriers and an emergency lay berth for disabled vessels and an access channel (together with the marine slip, the “Slip”) connecting the Slip to the Coos Bay Navigation Channel (“Channel”). The LNG Terminal also includes minor enhancements to the Channel to improve navigation reliability and enhance safety (“NRIs”).

Associated facilities and components to support the LNG Terminal include the placement of dredged material disposal (“DMD”) at APCO, which is a parcel of land owned by the Applicants in the City of North Bend. The DMD has supporting infrastructure such as temporary dredge lines to move the material from the NRIs to APCO, a bridge at APCO, and construction laydown facilities at APCO. JCEP proposes to create an eelgrass mitigation site, which is located within the City of Coos Bay, and a wetlands mitigation project at Kentuck, which is in Coos County jurisdiction. Intersection improvements are proposed at the junction of Highway 101 and Trans Pacific Parkway. This includes a proposed asymmetrical widening to the north to

facilitate two additional turn lanes. JCEP has requested land use authorizations for all necessary components at the LNG Terminal site which are detailed in two land use applications: Omnibus I and Omnibus II. The LNG Terminal site is shaped like a dumbbell with the LNG processing components located on the western side and administrative buildings, temporary workforce housing, and the pipeline metering station on the eastern side, with a utility and access corridor connecting the eastern and western parcels. The access corridor generally contains a roadway, utilities, and a pipeline.

The LNG Terminal requires two authorizations that are listed federal license or permit activities in the OCMP subject to consistency review: (1) an order from the FERC pursuant to Section 3 of the NGA, 15 U.S.C. § 717b, to site, construct, and operate a natural gas liquefaction and export facility; and (2) a permit from the United States Army Corps of Engineers (“Corps”) under Section 10 of the Rivers and Harbors Act, 33 U.S.C. § 403, for work in or affecting navigable waters of the United States and under Section 404 of the Clean Water Act, 33 U.S.C. § 1344, for discharges of dredged or fill material into waters of the United States.

1.1.2 Pacific Connector Gas Pipeline

PCGP proposes to construct and operate the Pipeline, an approximately 229-mile, 36-inch-diameter interstate natural gas transmission system and related facilities. The Pipeline will be capable of transporting 1.2 million Dth/d of natural gas from a point of origin near the intersection of two existing interstate natural gas pipelines (Ruby Pipeline LLC (“Ruby”) and Gas Transmission Northwest LLC (“GTN”)) to the proposed LNG Terminal. The Pipeline will include a new compressor station, three new meter stations, five new pig launcher/receiver units, 17 new mainline block valves, and communications towers and equipment buildings.

The Pipeline requires two authorizations that are listed federal license or permit activities in the OCMP subject to consistency review: (1) a Certificate of Public Convenience and Necessity under Section 7 of the NGA, 15 U.S.C. § 717f, from FERC to construct and operate an interstate natural gas pipeline; and (2) a permit from the Corps under Section 10 of the Rivers

and Harbors Act, 33 U.S.C. § 403, for work in or affecting navigable waters of the United States and under Section 404 of the Clean Water Act, 33 U.S.C. § 1344, for discharges of dredged or fill material into waters of the United States relating to the portion of the Pipeline within the coastal zone.

1.2 CZMA REQUIREMENTS

The CZMA requires that applicants for federal license and permit activities affecting any use or resource of a state's coastal zone must submit to the permitting agency a certification that the activity is consistent with the enforceable policies of the relevant state's coastal zone management program. The applicant must also furnish a copy of that certification to the state, along with the "necessary data and information" required by the state for its consistency analysis. As noted above, this filing for the Project combines the certifications and NDI submissions made by Applicants for the Project into a consolidated document for ease of public review.

The Corps directed JCEP and PCGP to combine their respective applications for Corps permits into a single application. Applicants did so, submitting that application on October 23, 2017 ("2017 Corps Application"). *See* Ex. B. The 2017 Corps Application describes impacts associated with the Project. JCEP and PCGP submitted separate applications to FERC under Sections 3 and 7 of the Natural Gas Act in September 2017. *See* Exs. B.1 and B.2.

Pursuant to 15 C.F.R. § 930.58, Applicants must submit the information set forth in this Section 1.2 in support of their certification of consistency, and pursuant to 15 C.F.R. § 930.60, DLCD has 30 days to advise of any missing information.

1.2.1 A copy of the application for the federal license or permit

NOAA's regulations governing the CZMA consistency certification process require Applicants to supply a copy of the application for the federal permit or license. 15 C.F.R. § 930.58(a). Copies of the applications for the relevant FERC certificates and Corps permits are included as Exhibits B and D hereto.

1.2.2 All material relevant to a state’s management program provided to the federal agency in support of the application

NOAA regulations also require that consistency certifications include all material relevant to a state’s management program provided to the federal agencies in support of the applications. 15 C.F.R. § 930.58(a)(1)(i). As set forth *infra*, these materials are included in this Application and the Exhibits hereto.

1.2.3 To the extent not provided pursuant to the above, a detailed description of the proposed activity, its associated facilities, the coastal effects, and any other information relied upon by the applicant to make the certification that “[t]he proposed activity complies with the enforceable policies of the Oregon Coastal Management Program and will be conducted in a manner consistent with such program”

NOAA regulations also require a detailed description of the proposed activity, its associated facilities, the coastal effects, and any other information relied upon by the applicant to make the consistency certification. 15 C.F.R. § 930.58(a)(1)(ii). The information necessary for DLCD to make the required certification is included in this Application and the Exhibits hereto. See discussion *infra* in Section 1.2.5.

1.2.4 Information specifically identified in the management program as required necessary data and information for an applicant’s consistency certification

This combined submittal includes all necessary data and information for DLCD to perform its 30-day review and to commence the CZMA statutory six-month review period for the Project.

DLCD staff and Applicants’ representatives have consulted to review the Project and identify applicable enforceable policies and the relevant state authorities listed in the OCMP. DLCD shared an Oregon Department of Energy (“ODOE”) memorandum, “Oregon State Agency Reviews for the Jordan Cove Energy Project and Pacific Connector Gas Pipeline,” with Applicants during a meeting on October 19, 2017, as a tentative list. Following that meeting, Applicants and state and local agencies continued to coordinate regarding applicable permits. ODOE then published a revised version of the memorandum on January 8, 2018 on ODOE’s

website. Applicants provided a draft CZMA application narrative to DLCDC on April 19, 2018. DLCDC provided written comments on the draft application on June 6, 2018. Applicants' representatives and DLCDC staff met on June 7, 2018 to review DLCDC staff's comments. On February 22, 2019, DLCDC provided a substantially complete list of the enforceable policies of the OCMP applicable to the Project. A copy of that list is provided as Exhibit S.

Applicants consulted both versions of the ODOE memorandum, DLCDC staff comments, and the DLCDC-provided list of applicable enforceable policies in preparing this Application and compiling the list of relevant state and local authorities listed below.

Local Land Use:

- Coos County comprehensive plan, Coos Bay Estuary Management Plan, and land use ordinance (limited to LNG Terminal and portion of the Pipeline within Coos County)
- City of North Bend comprehensive plan and land use ordinance (limited to LNG Terminal and Pipeline HDD/Early Works)
- City of Coos Bay comprehensive plan and land use ordinance (limited to eelgrass and the NRIs)
- Douglas County comprehensive plan and land use ordinance (limited to Pipeline in Coastal Zone)

Networked State Agency Authorities:

- Oregon Department of Environmental Quality
 - Type B State NSR application for a Standard Air Contaminant Discharge Permit (limited to LNG Terminal)
 - 401 Water Quality Certification (limited to LNG Terminal and Pipeline in Coastal Zone)
 - NPDES 1200-C Construction Stormwater General Permits (limited to: (1) LNG Terminal site, (2) Kentuck Slough mitigation site, (3) the North Point site, and (4) Pipeline in Coastal Zone)
 - NPDES Wastewater Discharge Permit (limited to LNG Terminal)

- Oregon Department of State Lands
 - Removal-Fill Permit (limited to LNG Terminal and Pipeline in Coastal Zone)
 - Proprietary Authorizations (limited to LNG Terminal and Pipeline in Coastal Zone)
- Oregon Water Resources Department
 - Limited Water Use Licenses (limited to Pipeline in Coastal Zone)
- Oregon Department of Fish and Wildlife
 - Department Consultation
 - Fish Passage Authorizations (limited to Pipeline, road crossings, Kentuck, and APCO in Coastal Zone)
 - In-Water Blasting Permit (limited to Pipeline in Coastal Zone)
- Oregon State Historic Preservation Office
 - Archeological Permits (limited to LNG Terminal and Pipeline in Coastal Zone)
- Oregon Department of Agriculture
 - Department Consultation

This combined submittal includes as Exhibits copies of applications that have been submitted for the relevant state and local authorities listed above, and copies of the permits where they have been granted. In some circumstances, where permit applications cannot yet be filed due to specific timing requirements (for example, limited water use licenses must be submitted during the water year the water is to be used), Applicants have submitted substantially complete copies of the permit applications to be filed with the respective agency in the future. As those permit applications are filed and permits are issued, Applicants will submit those applications and approvals to DLCD as supplements to this Application.

1.2.5 An evaluation that includes a set of findings relating the coastal effects of the proposal and its associated facilities to the relevant enforceable policies of the management program

Under the CZMA, applicants must “demonstrate that the activity will be consistent with the enforceable policies of the management program[,]” showing “adequate consideration of policies which are in the nature of recommendations.” 15 C.F.R. § 930.58(a)(3). According to the *1987 Oregon Coastal Management Program*, the enforceable policies of the OCMP include: (1) Oregon’s Statewide Planning Goals, (2) the applicable acknowledged county or city comprehensive plans and land use regulations, and (3) selected state authorities (*e.g.*, the Oregon Department of State Lands, the Oregon Department of Fish and Wildlife, the Oregon Department of Environmental Quality, etc.).⁵ See list of enforceable policies at Exhibit S.

This Application addresses consistency with the applicable enforceable policies of the OCMP in Tables 1, 2, and 3 of this Application. Table 1.1 sets forth the applicable local land use authorizations and authorization applications required for the Project, and Table 1.2 demonstrates how the Project, through these authorizations, will comply with the applicable OCMP enforceable policies implemented by Statewide Planning Goals and county and city comprehensive plans and land use regulations. Table 2 details the OCMP enforceable policies implemented by applicable provisions of the Oregon Revised Statutes (“ORS”) and administered by the aforementioned networked state agencies, and provides narratives and references to the pertinent state permits, permit applications and consultations demonstrating consistency with those enforceable policies.

Most of the enforceable policies of the OCMP are implemented through prior editions of the corresponding land use authorities or ORS. *See* Ex. S. For example, the 2013 edition of ORS Ch. 196 is approved in the OCMP. Because the relevant land use approvals and permits required for the Project are sufficient to demonstrate compliance with only the *current* edition of these standards, not the editions approved in the OCMP, it is necessary to address any changes to the

⁵ 1987 OCMP, Section II and Appendix.

applicable enforceable policies that have occurred since the date approved in the OCMP to the date the permits or permit applications were sought. Therefore, Table 3 identifies and summarizes any changes to the applicable enforceable policies of the OCMP since the date of approval to present. Any changes and the Project's consistency with the approved edition of the enforceable policies are discussed and addressed in turn throughout Tables 1.2 and 2. Together, these tables demonstrate that the Project complies with the enforceable policies of the OCMP and will be conducted in a manner consistent with the program.

1.2.6 Conditioning of CZMA Certification

To demonstrate consistency with the DLCD-identified enforceable policies of the OCMP, Applicants will need to obtain § 1200-C Construction Stormwater Permits from the Oregon Department of Environmental Quality and Limited Water Use Licenses from the Oregon Water Resources Department. These ministerial authorizations are issued close in time to the commencement of construction, because it is difficult, if not impossible, to secure these permits prior to pre-construction final engineering. Issuance of these permits in close temporal proximity to construction is a routine — and for the Limited Water Use Licenses, required — agency practice.

15 C.F.R. § 930.62(d) provides that during the period when the State agency is reviewing CZMA consistency certification, “the applicant and the State agency should attempt, if necessary, to agree upon conditions, which, if met by the applicant, would permit State agency concurrence.” *See also* 15 C.F.R. § 930.4 (providing for State “conditional concurrence”). Applicants will continue to engage with networked state permitting agencies to obtain and file “substantially complete” permit applications, and requests that DLCD find consistency, conditioned upon pre-construction issuance of these permits. Additional detail is provided *infra* in Table 2.

2. LIQUEFACTION PLANT AND LNG EXPORT TERMINAL CERTIFICATIONS AND NECESSARY DATA AND INFORMATION

2.1 CERTIFICATIONS

2.1.1 Certification to FERC regarding the Liquefaction Plant and LNG Export Terminal

A copy of JCEP's coastal zone consistency certification to FERC is provided as Exhibit A.

2.1.2 Certification to Corps regarding the Liquefaction Plant and LNG Export Terminal

A copy of JCEP's coastal zone consistency certification to the Corps is provided as part of the 2017 Corps Application, which is provided in relevant part as Exhibit D.3.

2.2 LIQUEFACTION PLANT AND LNG EXPORT TERMINAL NECESSARY DATA AND INFORMATION

2.2.1 Project Description

2.2.1.1 Summary of Facilities

The LNG Terminal will be capable of receiving natural gas from the Pipeline, processing the gas, liquefying the gas into LNG, storing the LNG, and loading the LNG onto ocean-going carriers at its marine dock. The LNG Terminal will be designed to receive a maximum of 1.2 million Dth/d of natural gas and produce a maximum of 7.8 mtpa of LNG for export. It is anticipated that approximately 110-120 LNG carriers per year will be required to transport the LNG from the LNG Terminal based on the estimated size of the LNG carriers expected to call upon the facility.

The facilities at the LNG Terminal include:

Gas Inlet and Gas Conditioning Facilities:

- a connection to the Pipeline metering station;
- gas inlet facilities; and

- a gas conditioning train, consisting of mercury removal via sulfur-impregnated activated carbon, carbon dioxide and other acid gases removal via an amine system, and dehydration via a molecular sieve adsorbent system.

Liquefaction Facilities:

- five liquefaction trains using the PRICO® LNG process (a Black & Veatch proprietary technology);
- gas turbine driven refrigeration, including a single-body, two-stage refrigerant compressor for each liquefaction train;
- waste heat recovery system from the gas turbines;
- heavy hydrocarbon removal units; and
- LNG expander, LNG flash drum, and boil-off gas (“BOG”) system.

LNG Storage:

- two full-containment, seismic-isolated LNG storage tanks, each designed for a working capacity of 160,000 m³.

LNG Loading and Marine Facilities:

- LNG loading line and LNG loading facilities;
- two LNG carrier berths, an emergency lay berth, and a product loading berth, each consisting of a sheet pile wall, mooring structures, and breasting structures;
- material offloading facility for delivery of LNG Terminal components that are too large or heavy to be delivered by road or rail, constructed using a sheet pile wall system; and
- access channel for approximately 110-120 LNG carriers annually connecting the slip to the Channel at approximately Channel Mile 7.3.

Terminal Utility (Support) Systems:

- two BOG compressor trains feeding the fuel gas system, one operating continuously to handle holding mode BOG volumes and the second only needed during loading mode or during an off-design condition that results in increased BOG generation;

- steam system providing heat for the gas conditioning systems and utility power generation;
- control systems including an operations building;
- safety systems that include flare and facility shutdowns;
- utility, potable water, and fire water systems; and
- the use of instrument air, utility air, and nitrogen.

Navigation Reliability Improvements:

- four submerged areas lying adjacent to the Channel that will be dredged to allow for transit of LNG vessels under a broader weather window.

Additional information regarding all of these facilities is provided below.

All facilities will be constructed in accordance with governing regulations, including the regulations of the United State Coast Guard (“USCG”) for Liquefied Natural Gas Waterfront Facilities, 33 C.F.R. Part 127; the U.S. Department of Transportation Federal Safety Standards for Liquefied Natural Gas Facilities, 49 CFR Part 193; and the National Fire Protection Association Standard 59A for LNG facilities and the codes and standards referenced therein.

Development of the liquefaction plant will occur almost entirely within upland areas. Minor wetland impacts in the northern portion of the liquefaction plant will occur as a result of the need to place surplus fill material on land owned and/or controlled by JCEP. The export terminal will be located on the east side of the slip. The export terminal will be developed on both upland and estuarine areas. Installation of the LNG loading arm and associated equipment will occur entirely on upland areas and will not result in any wetland or other aquatic impacts. The placement of fill for installation of the barge berth will result in some impacts to estuarine resources.

Access to the marine slip will be via a newly constructed access channel that will connect the slip to the Channel at approximate Channel Mile 7.3 at the beginning of the confluence between the Jarvis Turn and the Upper Jarvis Range A. The access channel will flare from the narrowest portion at the mouth of the slip, with a minimum width of 780 feet, to the intersection

with the Channel with an approximate width of 2,200 feet. The proposed access channel will allow for the safe transit of vessels between the berth and the Channel, and allow the safe turning of vessels during an inbound transit so that the LNG carrier can be backed into the slip and berthed bow out, according to industry best practice standards.

The total access channel would cover approximately 22 acres below the Highest Measured Tide elevation of 10.26 feet (NAVD88). The walls of the access channel would be sloped to meet the existing bottom contours at an angle of approximately 3 feet horizontal to 1 foot vertical (3:1). The marine slip and access channel will have a minimum depth of -45 feet below the mean lower low water (“MLLW” (-45.97 feet NAVD 88)) to ensure minimum under-keel clearance is achieved for the safe maneuvering and berthing of loaded LNG carriers. An allowance over and above the minimum depth will be made for advanced maintenance dredge and incidental over-dredge, in accordance with industry best practices. Dredging of the access channel would affect about 15 acres of currently existing deep subtidal area below -15.3 feet in depth below MLLW.

The new marine slip will be constructed by excavating an existing upland area. The majority of the marine slip will be excavated from existing uplands owned by JCEP. Part of the marine slip would be constructed within state waters of Coos Bay to the MLLW line, for which JCEP will obtain an easement from the Oregon Department of State Lands (ODSL). The slip will be bounded on the east and west sides by sheet pile walls, creating a vertical face to support mooring structures. The northern side of the slip will be sloped to meet the existing bottom contours at an angle of 3 feet horizontal to one foot vertical (3:1). The inside dimensions at the toe of the slope of the slip will measure a minimum of 800 feet between the vertical sheet pile walls along the east/west axis, and approximately 1,500 feet and 1,200 feet along the western and eastern boundaries, respectively. The slip is sized to provide the flexibility needed to safely maneuver an LNG carrier from the access channel into the slip when another LNG carrier is already berthed on the east or west sides and for tugs to move a temporarily disabled LNG vessel

away from the loading berth on the east side of the slip to the emergency lay berth on the west side of the slip if necessary.

The physical berth will be constructed of steel sheet piles to support surface structures (*i.e.*, the loading area) or provide the foundation for the breasting and mooring structures. Under the loading facility, the wall will extend from the bottom of the slip at elevation -45.97 (minimum) to approximate elevation +34.5 (NAVD88). This face will extend north and south to capture the outermost breasting structures and then turn to the east, creating a setback wall for the remainder of the slip. Mooring and breasting structures will be provided at both the loading berth and the emergency lay berth for the safe breasting, berthing, and mooring of the LNG carriers docked at either berth. Six mooring structures (three on each side of the LNG berth centerline) will be used to secure the LNG carrier at both the LNG loading berth and the emergency lay berth. The structures will be behind the sheet pile wall, set back approximately 145 feet from the face of each berth. These structures will have concrete platforms founded on steel pilings and will each have remote release mooring hooks with capstans, as well as all required equipment and instrumentation for safe mooring operations.

Four breasting structures will be located adjacent to the product loading facility (“PLF”): two north of the PLF and two south of the PLF. Like the mooring structures, each breasting structure will have a concrete platform founded on steel pilings and will have remote release mooring hooks with capstans, as well as all required equipment and instrumentation for safe mooring operations. Each breasting structure will also support a fender assembly sized to absorb and distribute berthing and mooring loads for the full range of LNG carriers that the LNG berth is designed for, thus preventing damage to the LNG carriers or the LNG berth. The fender system will allow the carriers to be moored a safe distance off the vertical face of the sheet pile wall. The emergency lay berth will have four breasting structures with fenders and capstans spaced equally about the mid-ship. There will be additional breasting fender structures, two to the north and two to the south of the main breasting structures, for a total of eight. The exact number, type, and location of the breasting structures for the emergency lay berth will be defined

during detail design to meet Oil Companies International Marine Forum requirements for non-parallel vessel approach and the full range of vessel sizes.

The PLF utilizes a pile-supported concrete slab that provides structural support to the marine loading arms, terminal gangway, and other ancillary equipment. The PLF is designed to support a number of elements that facilitate the safe transfer of LNG product between the LNG facility and the LNG carriers. The PLF will be constructed on top of the sheet pile wall at approximate elevation +34.5, and will be about 130 feet long and 86 feet wide. The foundation will be reinforced concrete supported by steel pilings.

The transfer equipment consists of four marine loading arms and ancillary equipment. There will be two dedicated liquid loading arms, one hybrid arm, and one ship vapor return arm to meet the design loading rate of 12,000 m³/h. The hybrid arm will be designed for dual service capable of transferring LNG to the LNG carriers or returning vapor from the LNG carriers to the BOG vapor management system. During normal operation the hybrid arm will be used in liquid service along with the two liquid arms, and the vapor return arm will be used to return vapor to the BOG vapor management system.

An emergency lay berth on the west side of the slip will be provided with facilities to safely moor a temporarily disabled LNG carrier. Berthing facilities will be supported by the west side sheet pile wall with a top-of-wall elevation of approximately +20 feet (NAVD 88). The lay berth will have pile-supported breasting structures with fenders extending above the vertical sheet pile and mooring structures on the land side of the sheet pile. A grated platform with a gangway will be placed behind the berthing breasting structures to allow for safe access and egress from the disabled LNG carrier at berth. Support infrastructure will include an access road down from the area of the tug berth building, duct bank with cabling for powering the mooring hooks and capstans, and limited lighting of the ship access area.

Along the western property line, a tsunami flow control wall will be constructed. The flow control wall shall be of sufficient height and strength to prevent overtopping into the buffer zone and limit the drag due to the tsunami current loads on LNG carriers within the marine slip.

The wall height shall be approximately 34.5 feet and determined in accordance with the design tsunami criteria. The wall will run from the southwest side of the LNG tank impoundment area down to the entrance to the slip.

The Marine Off-Loading Facility (“MOF”) will be constructed to deliver components of the LNG Terminal that are too large or heavy to be delivered by road or rail. The MOF will cover about 3 acres on the southeast side of the slip, adjacent to Roseburg Forest Products. The MOF will be constructed using the same sheet pile wall system as the LNG loading berth and the emergency lay berth. The top of the MOF will be at elevation approximately +13.0 feet (NAVD88), and the bottom of the exposed wall will be at the access channel elevation. The MOF will provide approximately 450 feet of dock face for the mooring and unloading of a variety of vessel types. During construction of the LNG Terminal, in addition to receiving equipment and large modules (upwards of 6,000 short tons) by break bulk cargo carriers, roll on roll off cargo carriers, and barges, the MOF will allow other bulk materials to be delivered by sea to minimize impacts on the local road network. After project construction, the MOF will be retained as a permanent feature of the LNG Terminal to support maintenance and replacement for large equipment components that are too large to be transported by rail and road.

The tug berth at the north side of the marine slip will accommodate four tugboats, as well as two sheriff’s boats and six other visitor boats with similar characteristics as the sheriff’s boats. For design purposes, the tugs are assumed to be 80-metric-ton bollard pull boats approximately 100 feet long with a beam of 40 feet. The basis for the sheriff’s boat is the Willard USCG Long Range Interceptor. The tug dock will generally be about 470 feet long and 18 feet wide; in addition, there is 360 feet of 8-foot-wide floats for mooring and accessing the security vessels. The tug dock will be concrete supported by steel piles. The security vessel docks will be precast concrete floats anchored by steel pile. The security boat dock will support two separate boat houses. The tug dock will be accessible from land by a pile-founded trestle, thus allowing vehicle and pedestrian access for service and support of operations. An onshore tug operations

building will provide storage, meeting, and sanitary facilities for the crews of the tug and security boats.

JCEP plans to excavate four submerged areas lying adjacent to the federally authorized Channel. These minor enhancements will allow for transit of LNG vessels under a broader weather window, as confirmed in the United States Coast Guard Letter of Recommendation and Analysis dated May 10, 2018. This allows for greater navigational efficiency and reliability to enable JCEP to export the full capacity of the optimized design production of 7.8 mtpa from the LNG Terminal. The total volume of capital dredge material from these excavations is approximately 700,000 cubic yards. Dredge material may be distributed between two upland disposal sites, termed APCO⁶ site 1 and APCO site 2, or placed entirely at APCO site 2 if shown to be feasible. The dredge areas are named Dredge Area 1 to 4 and located adjacent to the Channel roughly between River Mile (“RM”) 2 to RM 7 respectively.

- Enhancement #1 – Coos Bay Inside Range channel and right turn to Coos Bay Range: Excavation at this site will reduce the constriction to vessel passage at the inbound entrance to Coos Bay Inside Range for any ship making the 95 degree turn from the Entrance Range through the Entrance Turn and Range. JCEP proposes to widen the Coos Bay Inside Range channel from the current 300 feet to 450 feet, thereby making it easier for all vessels transiting the area to make this turn. In addition, the total corner cutoff on the Coos Bay Range side will be lengthened from the current 850 feet to about 1,400 feet from the turn’s apex.
- Enhancement #2 – Turn from Coos Bay Range to Empire Range channels: The current corner cutoff distance from the apex of this turn is about 500 feet, making it difficult for vessels to begin turning sufficiently early to be able to make the turn and be properly positioned in the center of the next channel range. JCEP

⁶ APCO is also referred to as the North Point site. APCO is composed of one island and one section of land in the City of North Bend, just east of the airport.

proposes to widen the turn area from the Coos Bay Range to the Empire Range from the current 400 feet to 600 feet at the apex of the turn and lengthen the total corner cutoff area from the current 1,000 feet to about 3,500 feet.

- Enhancement #3 – Turn from the Empire Range to Lower Jarvis Range channels: JCEP proposes to add a corner cut on the west side in this area that will be about 1,150 feet, thereby providing additional room for vessels to make this turn.
- Enhancement #4 – Turn from Lower Jarvis Range to Jarvis Turn Range channels: JCEP proposes to widen the turn area here from the current 500 feet to 600 feet at the apex of the turn and lengthen to total corner cutoff area of the turn from the current 1,125 feet to about 1,750 feet, thereby allowing vessels to begin their turn in this area earlier.

Maintenance materials will be disposed of in the upland dredge disposal sites located on APCO site 1 and APCO site 2, and management of the dredge areas would be the responsibility of Jordan Cove. APCO site 1 and site 2 are currently not connected, *i.e.*, one is attached to the mainland and the other is an island. As such, JCEP is constructing a temporary bridge to be used to construct a permanent bridge to connect APCO sites 1 and 2. The bridge will facilitate the placement of dredge material disposal. JCEP has requested land use approval from the City of North Bend for construction of the bridge and related components.

Placement of dredge material at the APCO sites would be through one of the following three methods:

- Discharge of a hydraulically dredged slurry from a dredge pipe, pumped directly from the dredge areas;
- Pumped offloading of dredged material from a scow (with the material dredged using either a hydraulic CS dredge or a clamshell); and
- Mechanical offloading of dredged material from a scow (with the material dredged using either a hydraulic CS dredge or a clamshell).

Associated Off-Site Project Components:

Additionally, because the Project will generate construction-related traffic that may have operational impacts on the nearby transportation network, specifically the intersection of U.S. Highway 101 and the TransPacific Parkway (“TPP”), the Oregon Department of Transportation is requiring, that Applicants mitigate such traffic impacts by widening the intersection of U.S. Highway 101 and the TPP to include: an additional 600-foot-long dedicated eastbound turn lane; temporary signalization of the intersection that will be removed following construction of the LNG terminal; and the use of a riprap embankment in unvegetated mudflats on the north side of the TPP/U.S. Highway 101 intersection to facilitate widening of the road for the turn lane (together, the “TPP Improvements”).

2.2.1.2 Purpose

The Project is a market-driven response to the burgeoning and abundant natural gas supply in the U.S. Rocky Mountain and western Canada markets, and the growth of international demand, particularly in Asia.

The overall Project purpose and need is to construct a natural gas liquefaction and deep-water export terminal capable of receiving and loading ocean-going LNG carriers, in order to export natural gas derived from a point near the intersections of the GTN Pipeline system and Ruby Pipeline system.

The Pipeline origin near the intersection of the GTN Pipeline system and Ruby Pipeline system is strategically located to give reliable and secure supplies of natural gas from two natural gas supply basins—one in the U.S. Rocky Mountains (through the existing Ruby Pipeline) and a second in western Canada (through the existing GTN Pipeline)—capable of delivering volumes of at least 1.2 million Dth/d in order to support export of 7.8 mtpa of LNG.

The LNG Terminal, proposed to be located on the bay side of the North Spit of Coos Bay, would support receipt, liquefaction, storage, and loading of LNG onto ocean-going LNG carriers for delivery to export markets, giving those supplies an efficient and cost-effective

outlet. The Pipeline is needed to transport natural gas from near the intersection of the GTN Pipeline system and Ruby Pipeline system to the LNG Terminal.

2.2.1.3 Schedule

To meet the projected in-service date in the first half of 2024, construction activities for the Project are expected to begin during the first half of 2020. Construction of the LNG Terminal and marine facilities is expected to take approximately 60 months. Dredging required to create the access channel and for the navigation reliability improvements will occur during the allowable in-water work window (October 1 through February 15).

2.2.2 Consistency with Statewide Planning Goals and Local Land Use Regulations

To establish consistency with the OCMP, JCEP must demonstrate consistency with the enforceable policies implemented through Statewide Planning Goals and local land use regulations. As detailed in Exhibit S, DLCD has identified as enforceable policies the 2013 Statewide Planning Goals and the 2013 (and in some cases, the 2015) editions of applicable local land use regulations, including county and city comprehensive plans and development ordinances.

Under ORS 197.175, the Statewide Planning Goals are to be implemented by local governments through the adoption of comprehensive plans that are consistent with the goals. In turn, the comprehensive plans are to be implemented through adoption and enforcement of land use regulations. Once the local government adopts, and the Oregon Land Conservation and Development Commission (“LCDC”) acknowledges, a local government’s comprehensive plan and land use regulations implementing that plan, the local government is to make land use decisions consistent with those acknowledged plan and regulations. Therefore, for any project component approved in a local land use decision as compliant under the applicable local comprehensive plan and implementing land use regulations, the project component necessarily is also consistent with Statewide Planning Goals.

The Coos County, City of Coos Bay, and City of North Bend comprehensive plans and land use regulations have been acknowledged by LCDC. Therefore, consistency with the Statewide Planning Goals is necessarily demonstrated by obtaining the required local land use approvals. To the extent that any post-acknowledgement plan amendments are required, consistency with Statewide Planning Goals is independently demonstrated below in Table 1.2.

The LNG Terminal and associated project components are shown in Figure 1.1-1 within JCEP's Application to FERC, *see* Ex. B.1, and discussed *supra* in Section 2.2.1.1. *See also* FERC LNG Terminal Application, Resource Report 1, General Project Description, provided in Ex. B.1. For purposes of land use authorizations, the LNG Terminal includes the following uses, accessory uses, and activities:

- LNG terminal
- Slip and access channel
- Barge berth
- Fire station and training center
- Gas processing area
- Road and utility corridor
- Fill
- Shoreline stabilization (including vegetative, riprap, retaining walls, and bulkheads)
- Dredging
- Dredge material disposal
- Land transportation facility

Other, associated off-site projects, including the Kentuck mitigation site, propose the following uses and activities:

- Mitigation
- Restoration
- Excavation to create new water surface
- Tide-gating
- Fish and wildlife habitat management

The LNG Terminal and associated project components, including the Kentuck mitigation site and TPP Improvements, are located within Coos County. However, three related components are located outside of Coos County: the eelgrass mitigation site (located in the City

of Coos Bay) and the NRIs and dredge material disposal activities at APCO (located in the City of Coos Bay and the City of North Bend).

The LNG Terminal and associated project components will comply with current Statewide Planning Goals and applicable Coos County, City of Coos Bay, and City of North Bend land use regulations. And, as discussed *supra* in Section 1.2.5 and demonstrated *infra* in Tables 1.1, 1.2, and 3, the LNG Terminal and associated project components are likewise consistent with the enforceable policies implemented by the OCMP-approved editions of the Statewide Planning Goals and applicable Coos County, City of Coos Bay, and City of North Bend land use regulations. Pertinent land use approvals and land use approval applications are provided in Exhibits L–O.

2.2.3 Consistency with State Agency Authorities

In addition to demonstrating consistency with the Statewide Planning Goals and applicable local land use regulations, JCEP also must demonstrate consistency with the OCMP enforceable policies implemented through applicable provisions of the ORS and administered by networked state agency authorities.

The LNG Terminal and associated project components comply with the current applicable provisions of the ORS administered by state agency authorities. And, as discussed *supra* in Section 1.2.5 and demonstrated *infra* in Tables 2 and 3, the LNG Terminal and associated project components are likewise consistent with the enforceable policies implemented by the OCMP-approved editions of the applicable provisions of the ORS administered by networked state agency authorities. Pertinent permits, permit applications, and other agency documentation are provided in Exhibits E–K and P–R.

3. PIPELINE CERTIFICATIONS AND NECESSARY DATA AND INFORMATION

3.1 CERTIFICATIONS

3.1.1 Certification to FERC regarding the Pipeline

A copy of PCGP's coastal zone consistency certification to FERC is provided as Exhibit A.

3.1.2 Certification to Corps regarding the Pipeline

A copy of PCGP's coastal zone consistency certification to the Corps is provided as part of the 2017 Corps Application, provided, in relevant part, as Exhibit D.3.

3.2 PIPELINE NECESSARY DATA AND INFORMATION

3.2.1 Project Description

3.2.1.1 Summary of Facilities

PCGP has applied to FERC for authorization under NGA Section 7(c) to construct and operate:

- approximately 229 miles of 36-inch-diameter pipeline;
- two turbine-driven centrifugal compressor units, each providing 31,100 ISO horsepower of compression (for a total installed operating capacity of 62,200 ISO horsepower), and one spare unit of 31,100 ISO horsepower (which is redundant and for reliability purposes only) at the Klamath Compressor Station in Klamath County, Oregon, approximately 1.75 miles northeast of Malin, Oregon;
- natural gas meter stations at three locations: the Jordan Cove Meter Station at MP 1.47R in Coos County, Oregon and the Klamath-Beaver and Klamath-Eagle meter stations, co-located with the compressor station in Klamath County, Oregon;
- new communications towers and equipment buildings;
- mainline block valves at approximately 17 locations along the pipeline; and

- five pig launcher/receiver units.

The 229-mile-long Pipeline would extend from a point of origin near the intersection of the Ruby Pipeline system and GTN Pipeline system, crossing portions of Klamath, Jackson, Douglas, and Coos Counties, Oregon to a western terminus at the Jordan Cove Meter Station on the LNG Terminal site in Coos County, Oregon. The description in this section addresses the entire Pipeline, although most of the Pipeline will be constructed outside of the Oregon Coastal Zone. The extent of the Pipeline within the Coastal Zone is from milepost 0.00 to 53.01. A map of the proposed Pipeline route is shown in Figure 1.1-1 within JCEP's Application to FERC, *see* Ex. B.1.

The federal permits and licenses applicable to the Pipeline outside the Coastal Zone are not listed activities subject to review for consistency under the OCMP, *see* 15 C.F.R. § 930.53(a)(2), and therefore are not addressed in this Application.

3.2.1.2 Purpose

The Pipeline origin near the intersection of the GTN Pipeline system and Ruby Pipeline system is strategically located to give reliable and secure supplies of natural gas from two natural gas supply basins capable of delivering volumes of at least 1.2 million Dth/d in order to support export of 7.8 mtpa of LNG.

3.2.1.3 Schedule

PCGP anticipates starting construction on the Pipeline in the first half of 2020 to allow the new facilities to be placed in service within a timeframe required by contractual commitments. PCGP plans to conduct clearing in some forested areas starting in 2020 prior to mainline construction in 2021. The Pipeline will be installed via trenchless construction techniques (either horizontal directional drills ("HDD") or via a Direct Pipe® installation technology) on five major waterbodies (Coos Bay Estuary, Coos River, South Umpqua River, Rogue River, and Klamath River) to mitigate the impacts to these waterbodies. These crossings

are scheduled to begin in 2020 with the Coos Bay Estuary crossings and continue through 2023 when the Pipeline is scheduled to be completed.

Mainline and facility construction is planned to begin spring 2021 with the in-service date scheduled for fourth quarter 2022. Restoration of construction disturbance in each given area is expected to begin once construction is completed in that area; restoration will be completed by the end of the winter season when forest, wetland, and riparian plantings will be installed. Depending on site-specific conditions, it may be necessary to continue restoration through the spring. Timber clearing in areas of northern spotted owl and marbled murrelet will be conducted outside the critical breeding seasons. Construction activities are scheduled to take advantage of the drier periods of the year to minimize winter construction and to reduce potential environmental impacts and construction safety risks.

PCGP plans to conduct forest clearing starting in the fourth quarter of 2020 prior to mainline construction, to minimize overall work space and temporary extra work area (“TEWA”) requirements. TEWA requirements have been minimized by proposing a two-year construction window because the same work areas used to stage right-of-way logging timber clearing activities and provide log storage and decking space would then be utilized for pipeline construction activities. Logging concurrently with pipeline construction would require additional space to work safely and efficiently, and potential clearing delays could force construction activities into the winter rainy season, increasing the potential for erosion and safety hazards. Therefore, scheduling clearing and mainline pipeline construction activities over a two-year period will minimize winter construction requirements resulting from seasonal and biological construction windows.

3.2.2 Consistency with Statewide Planning Goals and Local Land Use Regulations

To establish consistency with the OCMP, PCGP must demonstrate consistency with the enforceable policies implemented through Statewide Planning Goals and local land use regulations. As detailed in Exhibit S, DLCDC has identified as enforceable policies the 2013

Statewide Planning Goals and the 2013 (and in some cases, the 2015) editions of applicable local land use regulations, including county and city comprehensive plans and development ordinances.

Under ORS 197.175, the Statewide Planning Goals are to be implemented by local governments through the adoption of comprehensive plans that are consistent with the goals. In turn, the comprehensive plans are to be implemented through adoption and enforcement of land use regulations. Once the local government adopts, and LCDC acknowledges, a local government's comprehensive plan and land use regulations implementing that plan, the local government is to make land use decisions consistent with those acknowledged plan and regulations. Therefore, any project component approved in a local land use decision as compliant under the applicable local comprehensive plan and implementing land use regulations, the project component necessarily is also consistent with Statewide Planning Goals.

The Coos County, Douglas County, and City of North Bend comprehensive plans and land use regulations have been acknowledged by LCDC. Therefore, consistency with the Statewide Planning Goals is necessarily demonstrated by obtaining the required local land use approvals. There is one post-acknowledgment plan amendment required for the Pipeline, which addresses the HDD crossing in Coos County and constitutes a requested amendment to the text of the Coos County Coos Bay Estuary Management Plan ("CBEMP") to allow subsurface low-intensity utilities in the DDNC-DA CBEMP management unit. The consistency of this post-acknowledgement plan amendment with Statewide Planning Goals is independently demonstrated in Table 1.2.

The Pipeline will comply with current Statewide Planning Goals and applicable Coos County, Douglas County, and City of North Bend land use regulations. And, as discussed *supra* in Section 1.2.5 and demonstrated *infra* in Tables 1.1, 1.2, and 3, the Pipeline is likewise consistent with the enforceable policies implemented by the OCMP-approved editions of the Statewide Planning Goals and applicable Coos County, Douglas County, and City of North Bend

land use regulations. Pertinent land use approvals and land use approval applications are provided in Exhibits L–N.

3.2.3 Consistency with State Agency Authorities

In addition to demonstrating consistency with the Statewide Planning Goals and applicable local land use regulations, PCGP also must demonstrate consistency with the OCMP enforceable policies implemented through applicable provisions of the ORS and administered by networked state agency authorities.

The Pipeline will comply with the current applicable provisions of the ORS administered by state agency authorities. And, as discussed *supra* in Section 1.2.5 and demonstrated *infra* in Tables 2 and 3, the portion of the Pipeline within the coastal zone is consistent with the enforceable policies implemented by the OCMP-approved editions of the applicable provisions of the ORS administered by networked state agency authorities. Pertinent permits, permit applications, and other agency documentation are provided in Exhibits E–K and P–R.

Table 1.1: LNG Terminal and Pipeline - Local Land Use Authorizations

Land Use Entitlement	Agency	Authority & Enforceable Policies	Component	Description & Status
LNG Terminal and Associated Facilities (“Omnibus I”)	Coos County Planning	Coos County Comprehensive Plan; Coos Bay Estuary Management Plan; Coos County Zoning and Land Development Ordinance	LNG Terminal and associated facilities, including Kentuck and upland mitigation sites	Request for administrative conditional use approval of an LNG Terminal and associated facilities. Approved, then appealed and remanded. Narrative addressing issues on remand submitted. <i>See Ex. L.4.</i>
LNG Terminal Components (“Omnibus II”)	Coos County Planning	Coos County Comprehensive Plan; Coos Bay Estuary Management Plan; Coos County Zoning and Land Development Ordinance	LNG Terminal associated facilities, including workforce housing, meteorological tower	Request conditional use approval for project components including: workforce housing, meteorological tower, construction laydown, rock apron for pile dike, etc. Application filed. <i>See Ex. L.5.</i>
Trans Pacific Parkway/ Highway 101 Intersection (“TPP/101”)	Coos County Planning	Statewide Planning Goals; Coos County Comprehensive Plan; Coos Bay Estuary Management Plan; Coos County Zoning and Land Development Ordinance	TPP/101	Request map and text amendment and approval for placement of fill to widen TPP/101 Intersection. Application filed. <i>See Ex. L.2.</i>
Navigational Reliability Improvements (“NRIs”)	Coos County Planning	Statewide Planning Goals; Coos County Comprehensive Plan; Coos Bay Estuary Management Plan; Coos County Zoning and Land Development Ordinance	NRIs	Request map and text amendment and approval to widen and deepen three corners adjacent to the Channel. Application filed. <i>See Ex. L.3.</i>
Navigational Reliability Improvements (“NRIs”)	City of Coos Bay, Public Works & Community Development	Statewide Planning Goals; City of Coos Bay Comprehensive Plan; Coos Bay Estuary Management Plan; City of Coos Bay Land Development Ordinance	NRIs	Request map and text amendment and approval to widen and deepen one corner adjacent to the Channel. Application filed. <i>See Ex. O.2.</i>
Zoning Verification: Final Order for ZON2007-00034 dated June 15, 2007 (Eelgrass Mitigation)	City of Coos Bay, Public Works & Community Development	Statewide Planning Goals; City of Coos Bay Comprehensive Plan; Coos Bay Estuary Management Plan; City of Coos Bay Land Development Ordinance	Eelgrass Mitigation	Request to establish a 1-2 acre eelgrass bed mitigation site in aquatic unit 52-NA. Approved. <i>See Ex. O.1.</i>
Dredge Material Disposal Activities	City of North Bend Planning	Statewide Planning Goals; City of North Bend Comprehensive Plan; Coos Bay Estuary Management Plan; City of North Bend Zoning Ordinance	NRIs/APCO	Disposal of dredge material at APCO, pilings, dredge lines, offloading facilities, bridge. Application filed. <i>See Ex. N.2.</i>
Original Pipeline Route (MP 0.00 – 45.70)	Coos County Planning	Coos County Comprehensive Plan; Coos Bay Estuary Management Plan; Coos County Zoning and Land Development Ordinance	Pipeline	Majority of pipeline route in Coos County. Approved and extended. <i>See Ex. L.6.</i>
Blue Ridge Pipeline Route (MP 11.1 – 21.8)	Coos County Planning	Coos County Comprehensive Plan; Coos Bay Estuary Management Plan; Coos County Zoning and Land Development Ordinance	Pipeline	Alternative alignment in Coos County. Approved and extended. <i>See Ex. L.7.</i>
Brunschmid/Stock Slough Pipeline Route (MP 9.41 – 12.39 & 9.68 – 10.33)	Coos County Planning	Coos County Comprehensive Plan; Coos Bay Estuary Management Plan; Coos County Zoning and Land Development Ordinance	Pipeline	Alternative alignment in Coos County. Approved and extended. <i>See Ex. L.8.</i>
HDD/Early Works (MP 0.00 – 0.66 & 1.58 – 7.33)	Coos County Planning	Coos County Comprehensive Plan; Coos Bay Estuary Management Plan; Coos County Zoning and Land Development Ordinance	Pipeline	HDD crossing from Kentuck to APCO and APCO to South Dunes. Includes map and text amendment. Application filed. <i>See Ex. L.1.</i>
HDD/Early Works (MP 0.66 – 1.58)	City of North Bend Planning	Statewide Planning Goals; City of North Bend Comprehensive Plan; Coos Bay Estuary Management Plan; City of North Bend Zoning Ordinance	Pipeline	HDD crossing from Kentuck to APCO and APCO to South Dunes. Application filed. <i>See Ex. N.1.</i>
Pipeline Route within the Coastal Zone (MP 45.70 – 53.01)	Douglas County Planning	Douglas County Comprehensive Plan; Douglas County Land Use and Development Ordinance	Pipeline	Approximately 7 miles of pipeline in Douglas County. Application filed. <i>See Ex. M.1.</i>

Table 1.2: Pipeline and LNG Terminal - Consistency with Land Use Enforceable Policies

Jurisdiction	Authority and Enforceable Policies	Component	Statement of Consistency
Oregon Land Conservation and Development Commission ("LCDC")	<p><u>Statewide Planning Goals</u></p> <p>Goal 2 - Land Use Planning</p> <p>Goal 6 - Air, Water and Land Resources Quality</p> <p>Goal 16 - Estuarine Resources</p> <p>Goal 17 - Coastal Shorelands</p>	Trans Pacific Parkway/ Highway 101 Intersection ("TPP/101")	<p>As discussed <i>supra</i> in Section 2.2.2, there are four post-acknowledged plan amendments required for the Project: (1) TransPacific Parkway/U.S. Highway 101 intersection improvements; (2) the NRIs in Coos County; (3) the NRIs in the City of Coos Bay; and (4) the HDD Crossing in Coos County for the Pipeline. Because these amendments have not been acknowledged by LCDC, consistency with Statewide Planning Goals is not established necessarily by virtue of the respective land use authorizations. Thus, the amendments and their consistency with Statewide Planning Goals are discussed below.</p> <p>In November 2018, JCEP applied to the Coos County Planning Department requesting authorization to allow public transportation improvements to the intersection of U.S. Highway 101 and TransPacific Parkway as follows:</p> <ol style="list-style-type: none"> A post-acknowledgement amendment of the Coos Bay Estuary Management Plan ("CBEMP") map to change the zoning designation of approximately 1.37 acres of land on the north side of TransPacific Parkway from 10-NA to 11-RS; A post-acknowledgement amendment of the CBEMP to take a reasons exception to Statewide Planning Goal 16, to allow the above zone change; Amendment to the text of the Coos County Land and Development Ordinance to change the boundary description of the 10-NA and 11-RS estuarine districts to reflect the above zone change; Review of a proposal to widen TransPacific Parkway, an existing land transportation facility, in Coos County's 11-RS zone for compliance with general conditions; and Approval of an Administrative Conditional Use for the use of fill and riprap in the 11-RS zone to allow widening of TransPacific Parkway, an existing "land transportation facility." <p>These proposed changes' compliance with existing Statewide Planning Goals is detailed in JCEP's Narrative in Support of its Land Use Application for Intersection Improvements, Sec. 2 (Nov. 2, 2018), provided in Ex. L.2.</p> <p>Based on the list of identified enforceable policies provided by DLCD, the OCMP utilizes the current edition of the Statewide Planning Goals. As demonstrated in the Narrative in support of the Land Use Application referenced above, the TPP Improvements will comply with the current edition of the Statewide Planning Goals and, therefore, is necessarily consistent with the OCMP enforceable policies implemented through the Statewide Planning Goals.</p>
		Navigation Reliability Improvements ("NRIs")	<p>On November 21, 2018, JCEP applied with Coos County and, on February 4, 2019 with the City of Coos Bay, for authorization to dredge four submerged areas adjacent to the Coos Bay Deep Draft Navigation Channel to improve navigation efficiency and reliability as follows:</p> <p><u>Coos County:</u></p> <ol style="list-style-type: none"> Post-acknowledgment amendments to the CBEMP map at three Coos Bay locations to change the zoning designation at three locations from 59-CA to DDNC-DA; A post-acknowledgment amendment of the CBEMP, which is part of the Coos County Comprehensive Plan, to take a reasons exception to Statewide Planning Goal 16 text amendment adopted of the CBEMP in the form of reasons exception to Statewide Planning Goal 16 to authorize the rezone of the NRI Sites to DDNC-DA; An amendment of the text of the Coos County Zoning and Land Development Ordinance to clarify that the DDNC-DA designation is appropriate for application to area adjacent to, and not only within, the designated federal navigation channel; and Administrative conditional use permit to authorize new and maintenance dredging at the NRI Sites in the DDNC-DA zone. <p>These proposed changes' compliance with existing Statewide Planning Goals is detailed in JCEP's Narrative in Support of its Land Use Application for Intersection Improvements, Sec. 2 (Nov. 2, 2018), provided in Ex. L.3.</p> <p><u>City of Coos Bay:</u></p> <ol style="list-style-type: none"> Post-acknowledgment amendments to the CBEMP map to change the zoning designation from 52-NA to DDNC-DA; A post-acknowledgment text amendment of the CBEMP, which is part of the City of Coos Bay Comprehensive Plan, to take a reasons exception to Statewide Planning Goal 16 to authorize the rezone of the NRI Site to DDNC-DA; Estuarine and Coastal Shoreline Uses and Activities Permit in the DDNC-DA estuarine zone to allow new and maintenance dredging at the rezoned NRI Site; and Estuarine and Coastal Shoreline Uses and Activities Permit in the 52-NA, 53-CA, 54-DA, and 55-CA estuarine zones to allow a temporary pipeline to transport the dredge spoils from the NRI Site to approved disposal sites. <p>These proposed changes' compliance with existing Statewide Planning Goals is detailed in JCEP's Narrative in Support of its Land Use Application for Coos Bay Estuary Navigation Reliability Improvements, at 5-42 (Feb. 4, 2019), provided in Ex. O.2.</p> <p>Based on the list of identified enforceable policies provided by DLCD, the OCMP has approved the current edition of the Statewide Planning Goals. See Ex. S. As demonstrated in the Narrative in support of the application referenced above, the NRIs will comply with the current edition of the Statewide Planning Goals and, therefore, is necessarily consistent with the OCMP enforceable policies implemented through the Statewide Planning Goals.</p>
		Pipeline	<p>On November 21, 2018, PCGP applied to Coos County requesting approval to construct approximately 3.67 miles of the Pipeline, as part of the Early Works Alignment. See Ex. L.1. The application seeks a post-acknowledgment text amendment to allow subsurface low-intensity utilities in the DDNC-DA CBEMP management unit. This proposed change's consistency with existing Statewide Planning Goals is detailed in PCGP's Narrative in Support of the November 21, 2018 application, at 18-73, provided in Ex. L.1.</p> <p>Based on the list of identified enforceable policies provided by DLCD, the OCMP has approved the current edition of the Statewide Planning Goals. See Ex. S. As demonstrated in the Narrative in support of the application referenced above, this Pipeline alignment will comply with the current edition of the Statewide Planning Goals and, therefore, is necessarily consistent with the OCMP enforceable policies implemented through the Statewide Planning Goals.</p>
Coos County Planning Department	<p><u>Coos County Comprehensive Plan ("CCCP")</u></p> <p>Sec. 5.2, Strategies 2, 14 - Plan policies regarding Land Use & Community Development</p> <p>Sec. 5.3, Strategies 1, 10, 12, 13 - Plan policies regarding Agricultural Lands</p> <p>Sec. 5.4, Strategies 1, 3, 9 - Plan policies regarding Forest Lands</p> <p>Sec. 5.5, Strategies 1, 2, 4 - Plan policies regarding Mineral and Aggregate Resources</p> <p>Sec. 5.6, Strategies 1, 6 - Plan policies regarding Fish and Wildlife Habitats</p> <p>Sec. 5.7, Strategy 3 - Plan policies regarding Historical & Archaeological Resources, Natural Areas, etc.</p> <p>Sec. 5.10, Strategies 1, 2, 3, 5, 7, 8, 9, 10, 11 - Plan policies regarding Dunes, and Ocean and Coastal Lake Shorelands</p> <p>Sec. 5.11 Strategies 1, 4, 6, 7 - Plan policies regarding Natural Hazards</p> <p>Sec. 5.18 Strategies 4, 4a, 5, 6 - Plan policies regarding Public Facilities</p> <p>Sec. 5.22, Strategy 2 - Plan policies regarding Urbanization</p>	LNG Terminal and associated facilities (including Kentuck and upland mitigation sites, workforce housing, and meteorological tower)	<p>JCEP has applied for conditional use approval from Coos County for the LNG Terminal and associated facilities (see Omnibus I described in Table 1.1). A Conditional Use Permit previously was approved (the "CUP") on August 30, 2016 (Final Decision and Order No. 16-08-071PL). See Ex. L.4. However, the CUP currently is being addressed before Coos County on limited issues that were remanded by the Land Use Board of Appeals ("LUBA").⁷</p> <p>On April 5, 2019, JCEP submitted additional application materials addressing LUBA's limited remand. In addition to conditional use approval for the LNG Terminal and related facilities, the application requested a Floodplain Development Permit for a portion of the Project located in the Industrial zoning district; a Driveway Confirmation Permit for access connections to the Project site; determinations that various permitted uses and activities, including a fire station, processing facility, land transportation facility, utility facility excavation to create new water surface, fill, mitigation, and restoration comply with applicable standards; and time extensions for four conditional use permits previously approved by Coos County, including County File No. ACU-13-22 (upland LNG terminal), County File No. ACU-13-23 (port slip and access waterway), County File Nos. ACU-12-12/ABI-12-02 (fill in 6-WD management unit), and County File Nos. ACU-12-16/ACU-12/17/ACU-12/18 (fill in Industrial zone and 7-D management unit). See Ex. L.4, Narrative In Support of the Applications Filed by JCEP (Apr. 5, 2019). Additionally, on April 11, 2019, JCEP applied for approval to construct other facilities related to the LNG Terminal, including but not limited to workforce housing, a meteorological tower, and an industrial wastewater pipeline. See "Omnibus II" application at Ex. L.5. JCEP will supplement this CZMA Application with the permit once issued by the County, and Coos County's remand decision on Omnibus I once issued.</p> <p>The LNG Terminal and associated facilities' compliance with the current edition of the CCCP is discussed in detail in the prior CUP and the Omnibus I and II applications. See Ex. L.4, Narrative at 5-31, and CUP at 29-189; Ex. L.5. As demonstrated therein, the LNG Terminal and associated facilities will comply with the current edition of the CCCP. The 2013 edition of the CCCP is approved in the OCMP. As outlined in Table 3, there have been no changes to the CCCP since 2013. Thus, the LNG Terminal and associated facilities are and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the CCCP.</p>
		TPP/101	<p>On November 2, 2018, JCEP applied for approval to complete the required improvements at the intersection of the TPP at U.S. Highway 101, including, as described <i>supra</i> in the Statewide Planning Goals discussion, requests to rezone the TPP Improvement site, to amend the CBEMP, to take an exception to Goal 16 to allow the rezoning, and to amend the text of the CCZLDO to change the boundary descriptions of the 10-NA and 11-RS zones. See Ex. L.2.</p> <p>The TPP Improvements' consistency with the current edition of the CCCP is described throughout its Narrative in Support of the Nov. 2, 2018 application, at 3-70, provided in Ex. L.2. The 2013 edition of the CCCP is approved in the OCMP. As outlined in Table 3, there have been no changes to the CCCP since 2013. Thus, the TPP Improvements are and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the CCCP.</p>
		NRIs	<p>On November 21, 2018, JCEP applied for approval to complete NRIs for the Deep Draft Navigation Channel of the Coos Bay Estuary, including certain comprehensive plan, CBEMP map, and CCZLDO amendments, as described <i>supra</i> in the Statewide Planning Goals discussion; and to allow new and maintenance dredging in the County's DDNC-DA zone; accessory temporary dredge transport line in the 59-CA, 55A-CA, 2-NA, DDNC-DA, and 3-DA districts; and an accessory buoy in the 5-DA district. The NRIs' consistency with the current CCCP is described throughout its Narrative in Support of the Nov. 21, 2018 application, at 6-45, provided in Ex. L.3.</p> <p>The 2013 edition of the CCCP is approved in the OCMP. As outlined in Table 3, there have been no changes to the CCCP since 2013. Thus, the NRIs in Coos County are and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the CCCP.</p>
		Pipeline	<p>PCGP has obtained conditional use approval from Coos County for an alignment of the Pipeline that crosses Haynes Inlet ("Original Route") (County File No. HBCU-10-01/REM-11-01), as well as two alternative alignments: Brun Schmid/Stock Slough alignment (County File No. HBCU-13-04) and Blue Ridge alignment (County File No. HBCU-13-06). See Exs. L.6-8. Additionally, PCGP has requested approval of an alternative alignment of the Pipeline, after determining that realigning the Pipeline to avoid crossing Haynes Inlet and utilizing HDD (as opposed to open cut trenching) as a means for crossing Coos Bay would minimize regulatory impacts than the open trench crossing through Haynes Inlet. See Ex. L.1. (Note, the Early Works alignment also crosses the City of North Bend and is discussed further <i>infra</i>.)</p> <p><u>Original Route:</u></p> <p>In March 2012, PCGP obtained conditional use approval from Coos County for an alignment of the Pipeline that crosses Haynes Inlet, continues through Coos Bay, the Kentuck Slough under the Coos River, and following along an existing powerline. See Final Decision and Order on Remand, Coos County Board of Commissioners, No. 12-03-018PL, provided in Ex. L.6. On November 20, 2018, that approval was extended through April 2, 2019. See Coos County Final Decision and Order, No. 18-11-073PL, Att. A, at 39-40, provided in Ex. L.6. On March 28, 2019 PCGP applied for another extension, and that request is currently pending with Coos County. The original Pipeline's alignment's compliance with the 2012 through current CCCP is detailed throughout the approvals and extensions from Coos County, provided in Ex. L.6.</p> <p><u>Brun Schmid/Stock Slough Alignment:</u></p> <p>In February 2014, PCGP obtained conditional use approval for the Brun Schmid/Stock Slough alignment, to avoid an approved mitigation site on the north side of the Coos River. See Coos County Final Decision and Order, No. 14-01-007PL (Feb. 4, 2014), provided in Ex. L.8. That approval was subsequently extended to February 25, 2019. See Final Decision and Order, Coos County Board of Commissioners, No. 18-11-073PL, Att. A, at 40, and provided in Ex. L.8. On February 22, 2019, PCGP applied for another extension, and that request remains pending with Coos County. The Brun Schmid/Stock Slough alignment's compliance with the 2014 and subsequent CCCP is detailed throughout the approvals and extensions from Coos County, provided in Ex. L.8.</p> <p><u>Blue Ridge Alternative Alignment:</u></p> <p>In October 2014, PCGP obtained an alternative alignment along a ridgeline (aka, "Blue Ridge"). This route was intended to avoid sensitive lowland wetlands areas. Despite these changes, the new segment still crosses the same type of zoning as the original alignment, thus, as Coos County recognized, "the issues are similar to issues that have previously been addressed" in the Brun Schmid route. See Coos County Final Decision and Order, No. 14-09-062PL, Att. A, Findings of Fact and Conclusions of Law, HBCU 13-06, at 1 (Oct. 21, 2014), provided in Ex. L.7. The Blue Ridge Alignment approval was most recently extended to November 11, 2019. See Coos County Planning Department Staff Report Approving Extension of Conditional Use Application Authorization, at 5 (Jan. 24, 2019), provided in Ex. L.7. The Blue Ridge Route's compliance with the 2014 through current CCCP is detailed throughout the approvals and extensions from Coos County, provided in Ex. L.7. [Please note, in the DEIS, a route is referred to as the "Blue Ridge Variation," which is not the same as the Blue Ridge route and is in fact a route that traverses the sensitive lowland areas.]</p> <p><u>Early Works Alignment:</u></p> <p>On November 21, 2018, PCGP applied for approval to construct approximately 3.67 miles of the Pipeline within Coos County, as part of the Early Works Alignment. See Ex. L.1. This alignment passes through both Coos County and the City of North Bend, from Milepost 0.0, at the meter station at the JCEP campus on the North Spit, traveling south beneath Coos Bay and into the City of North Bend at approximately Milepost 0.66. After that, the Pipeline continues to the east, again beneath Coos Bay, before exiting the City of North Bend and re-entering the unincorporated area of the County at Milepost 1.58. Next, the Pipeline exits the estuary in approximately the Kentuck Slough area. The alignment then generally turns to the southeast along approximately the same route as the PCGP pipeline. This alignment would transverse land in the Industrial, Exclusive Farm Use, and Forest zoning districts and in CBEMP management units 7-D, 7-NA, 13A-NA, DDNC-DA, 45A-CA, 15-NA, 13B-NA, 14-DA, 14-WD, and 15-RS. As discussed <i>supra</i> with respect to compliance with Statewide Planning Goals, the permit application seeks text amendment to allow subsurface low-intensity utilities in the DDNC-DA CBEMP management unit; a conditional use permit to authorize the Pipeline in the Forest zoning district; compliance determinations for the Pipeline in the Exclusive Farm Use, Industrial, 7-D, 7-NA, 13A-NA, DDNC-DA, 45A-CA, 15-NA, 13B-NA, 14-DA, 14-WD, and 15-RS, where it is permitted, subject to compliance with conditions; and a Floodplain Development Permit to allow grading and installation of a pipeline in a Special Flood Hazard Area in the balance of the County. This alignment and portion of the Pipeline's compliance with the current CCCP is described throughout the Narrative in Support of the Nov. 21, 2018 application, at 18-73, provided in Ex. L.1.</p> <p>The 2013 edition of the CCCP is approved in the OCMP. As outlined in Table 3, there have been no changes to the CCCP since 2013. Therefore, based on the information in the Narrative supporting the Early Works alignment and post-2013 extensions of the initial pre-2013 Original Route, Brun Schmid, and Blue Ridge alignment conditional use approvals, the Pipeline is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the CCCP.</p>
Coos Bay Estuary Management Plan ("CBEMP")	<p>Sec. 3.3 Policy 4, including 4a - Resource Capability Consistency and Impact Assessment</p> <p>Sec. 3.3 Policy 5, including 5a-5d - Estuarine Fill and Removal</p> <p>Sec. 3.3 Policy 8 - Estuarine Mitigation Requirements</p> <p>Sec. 3.3 Policy 9 - Solutions to Erosion and Flooding Problems</p> <p>Sec. 3.3 Policy 14 - General Policy on Uses within Rural Coastal Shorelands</p> <p>Sec. 3.3 Policy 16, including 16a and 16b - Protection of Sites Suitable for Water-Dependent Uses and Special Allowance for new Non-Water- Dependent Uses in "Urban Water-Dependent (UW) Units"</p> <p>Sec. 3.3 Policy 18 - Protection of Historical, Cultural and Archaeological Sites</p> <p>Sec. 3.3 Policy 19 - Management of "Wet-Meadow" Wetlands within Coastal Shorelands</p> <p>Sec. 3.3 Policy 20, including 20b and 20c - Dredged Material Disposal Sites</p> <p>Sec. 3.3 Policy 22, including 22b - Mitigation Sites: Protection Against Preemptory Uses</p> <p>Sec. 3.3 Policy 30 - Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources</p> <p>Sec. 5 - ALL Management Units</p>	LNG Terminal and associated facilities	<p>The CBEMP is set forth in the CCCP, Volume II, Part I, Sections 3 and 5. As described above with respect to compliance with the applicable provisions of CCCP Sec. 5, the LNG Terminal and associated facilities' compliance with the current edition of the CBEMP is discussed in detail in the prior CUP and the Omnibus I and II applications. See Ex. L.4, Narrative at 5-31; CUP at 29-189; Ex. L.5. As demonstrated therein, the LNG Terminal and associated facilities will comply with the current edition of the CBEMP.</p> <p>The 2013 edition of the CBEMP is approved in the OCMP. As outlined in Table 3, there have been no changes to the CBEMP since 2003. Thus, the LNG Terminal and associated facilities are and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the CBEMP.</p>
		TPP/101	<p>The CBEMP is set forth in the CCCP, Volume II, Part I, Sections 3 and 5. As described above with respect to compliance with the applicable provisions of CCCP Sec. 5, the TPP Improvements' consistency with the current CBEMP is described at length in its Narrative in Support of the Nov. 2, 2018 application, at 17-84, provided in Ex. L.2.</p> <p>The 2013 edition of the CBEMP is approved in the OCMP. As outlined in Table 3, there have been no changes to the CBEMP since 2003. Thus, the TPP Improvements are and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the CBEMP.</p>
		NRIs	<p>The CBEMP is set forth in the CCCP, Volume II, Part I, Sections 3 and 5. As described above with respect to compliance with the applicable provisions of CCCP Sec. 5, the NRIs' compliance with the current CBEMP is described at length in its Narrative in Support of the Nov. 21, 2018 application, at 6-45, provided in Ex. L.3.</p> <p>The 2013 edition of the CBEMP is approved in the OCMP. As outlined in Table 3, there have been no changes to the CBEMP since 2003. Thus, the NRIs are and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the CBEMP.</p>
		Pipeline	<p>The CBEMP is set forth in the CCCP, Volume II, Part I, Sections 3 and 5. As described above with respect to compliance with the applicable provisions of CCCP Sec. 5, the Original Route, Brun Schmid, and Blue Ridge alignments' compliance with the CBEMP are discussed and demonstrated in the conditional use approvals and extensions provided in Exs. L.6-8. The Early Works alignment's compliance with the current CBEMP is described at length in the Narrative in Support of the Nov. 21, 2018 application, at 18-73, provided in Ex. L.1.</p> <p>The 2013 edition of the CBEMP is approved in the OCMP. As outlined in Table 3, there have been no changes to the CBEMP since 2003. Thus, the Pipeline is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the CBEMP.</p>

⁷ See *Oregon Shores Conservation Coalition v. Coos County*, 76 Or LUBA 346 (LUBA No. 2016-095, November 27, 2017), *aff'd without opinion*, 291 Or App 251 (2018), *rev denied*, 363 Or 481 (2018).

Table 1.2: Pipeline and LNG Terminal - Consistency with Enforceable Policies

Jurisdiction	Authority and Enforceable Policies	Component	Statement of Consistency
	<p><u>Coos County Zoning and Land Development Ordinance ("CCZLDO")</u></p> <p>Secs. 2.1.100 – 2.1.200; Definitions (Exception: OCRM does not approve "Continental Shelf")</p> <p>Sec. 4.2.500; Urban Residential Zoning District: Table 4.2.d</p> <p>Sec. 4.2.600; Commercial – Industrial Zoning District: Table 4.2.e</p> <p>Table 4.5.100; Purpose: Land Development Standards</p> <p>Sec. 4.5.175; Site-Specific Zoning Districts</p> <p>Sec. 4.5.180.2; Riparian protection standards re existing structures</p> <p>Sec. 4.5.201; Management Objective DDNC-DA</p> <p>Sec. 4.5.202; Uses, Activities, Special Conditions Table DDNCDA</p> <p>Sec. 4.5.240; Management Objectives for 3-WD</p> <p>Sec. 4.5.241; Uses, Activities, Special Conditions Table 3-WD</p> <p>Sec. 4.5.245; Management Objectives for 3W-NS</p> <p>Sec. 4.5.246; Uses, Activities, Special Conditions Table 3W-NS</p> <p>Sec. 4.5.255; Management Objectives for 4-CS</p> <p>Sec. 4.5.256; Uses, Activities, Special Conditions Table 4-CS</p> <p>Sec. 4.5.260; Management Objectives for 5-WD</p> <p>Sec. 4.5.261; Uses, Activities, Special Conditions Table 5-WD</p> <p>Sec. 4.5.265; Management Objectives for 5A-NS</p> <p>Sec. 4.5.266; Uses, Activities, Special Conditions Table 5A-NS</p> <p>Sec. 4.5.275; Management Objectives for 6-WD</p> <p>Sec. 4.5.276; Uses, Activities, Special Conditions Table 6-WD</p> <p>Sec. 4.5.280; Management Objectives for 6-DA</p> <p>Sec. 4.5.281; Uses, Activities, Special Conditions Table 6-DA</p> <p>Sec. 4.5.285; Management Objectives 7-D</p> <p>Sec. 4.5.286; Uses, Activities, Special Conditions 7-D</p> <p>Sec. 4.5.290; Management Objectives 7-NA</p> <p>Sec. 4.5.291; Uses, Activities, Special Conditions Table 7-NA</p> <p>Sec. 4.5.335; Management Objectives for ; 58-NA</p> <p>Sec. 4.5.336; Uses, Activities, Special Conditions Table ; 58-NA</p> <p>Sec. 4.5.370; Management Objectives for 8-WD</p> <p>Sec. 4.5.371; Uses, Activities, Special Conditions Table 8-WD</p> <p>Sec. 4.5.400; Management Objectives 11-RS</p> <p>Sec. 4.5.401; Uses, Activities, Special Conditions Table 11-RS</p> <p>Sec. 4.5.402; Land Development Standards Table 4.5</p> <p>Sec. 4.5.425; Management Objectives 13-NA</p> <p>Sec. 4.5.426; Uses, Activities, Special Conditions Table 13-NA</p> <p>Sec. 4.5.440; Management Objectives 14-WD</p> <p>Sec. 4.5.441; Uses, Activities, Special Conditions Table 14-WD</p> <p>Sec. 4.5.445; Management Objectives 14-DA</p> <p>Sec. 4.5.446; Uses, Activities, Special Conditions Table 14-DA</p> <p>Sec. 4.5.450; Management Objectives 15-RS</p> <p>Sec. 4.5.451; Uses, Activities, Special Conditions Table 15-RS</p> <p>Sec. 4.5.455; Management Objectives 15-NA</p> <p>Sec. 4.5.456; Uses, Activities, Special Conditions Table 15-NA</p> <p>Sec. 4.5.525; Management Objectives 45A-CA</p> <p>Sec. 4.5.526; Uses, Activities, Special Conditions Table 45A-CA</p> <p>Sec. 4.6.230; Procedural Requirements for Development within Special Flood Hazard Areas</p> <p>Table 4.7a; Special Regulatory Considerations Prescribed By The Coos County Comprehensive Plan</p> <p>Sec. 4.8.200; Uses Permitted</p> <p>Sec. 4.8.600; Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone</p> <p>Sec. 4.8.700; Fire Siting and Safety Standards</p> <p>Sec. 4.9.200; Uses Permitted Outright</p> <p>Sec. 4.9.300; Administrative Conditional Use</p> <p>Sec. 4.9.400; Review Criteria for Conditional Use</p>	LNG Terminal and associated project components	<p>As described above with respect to compliance with the applicable provisions of CCCP Sec. 5, the LNG Terminal and associated facilities' compliance with the current edition of the CCZLDO, too, is discussed in detail in the prior CUP and the Omnibus I and II applications. See Ex. L.4, Narrative at 5-31, CUP at 29-189; Ex. L.5. As demonstrated therein, the LNG Terminal and associated facilities will comply with the current edition of the CCZLDO.</p> <p>The 2013 edition of the CCZLDO is approved in the OCMF. As detailed in Table 3, there do not appear to have been any substantive changes to the applicable provisions of the CCZLDO since 2013. Thus, the LNG Terminal and associated facilities are and will be conducted in a manner consistent with the OCMF enforceable policies implemented through the CCZLDO.</p>
		TPP/101	<p>As described above with respect to compliance with the applicable provisions of CCCP Sec. 5, the TPP Improvements' consistency with the current CCZLDO, too, is described throughout the Narrative in Support of the Nov. 2, 2018 application, at 17-84, provided in Ex. L.2.</p> <p>The 2013 edition of the CCZLDO is approved in the OCMF. As outlined detailed in Table 3, there do not appear to have been any substantive changes to the applicable provisions of the CCZLDO since 2013. Thus, the TPP Improvements are and will be conducted in a manner consistent with the OCMF enforceable policies implemented through the CCZLDO.</p>
		NRIs	<p>As described above with respect to compliance with the applicable provisions of CCCP Sec. 5, the NRIs' consistency with the current CCZLDO, too, is described throughout the Narrative in Support of the Nov. 21, 2018 application, at 6-45, provided in Ex. L.3.</p> <p>The 2013 edition of the CCZLDO is approved in the OCMF. As outlined detailed in Table 3, there do not appear to have been any substantive changes to the applicable provisions of the CCZLDO since 2013. Thus, the NRIs are and will be conducted in a manner consistent with the OCMF enforceable policies implemented through the CCZLDO.</p>
		Pipeline	<p>As described above with respect to compliance with the applicable provisions of CCCP Sec. 5, the Original Route, Brunnschmid, and Blue Ridge alignments' compliance with the CCZLDO are discussed and demonstrated in the conditional use approvals and extensions provided in Exs. L.6-8. The Early Works alignment's compliance with the current CBEMP is described at length in the Narrative in Support of the Nov. 21, 2018 application, at 18-73, provided in Ex. L.1.</p> <p>The 2013 edition of the CCZLDO is approved in the OCMF. As outlined detailed in Table 3, there do not appear to have been any substantive changes to the applicable provisions of the CCZLDO since 2013. Thus, the Pipeline is and will be conducted in a manner consistent with the OCMF enforceable policies implemented through the CCZLDO.</p>
City of Coos Bay, Public Works & Community Development Department	<p><u>City of Coos Bay Comprehensive Plan ("CBCP")</u></p> <p>Section 7.10, ER.1 Estuarine Resources (adoption of CBEMP provisions)</p>	NRIs	<p>As discussed above with respect to Statewide Planning Goals, JCEP has applied for approval to authorize the NRIs on approximately 3.3 acres in the 52-NA zone. On February 4, 2019, JCEP submitted to the Lane Council of Governments⁸ additional information requested to support the approval. See Ex. O.2. This specific NRI location is currently zoned 52-NA under the CBEMP and is proposed for rezoning to the DDNC-DA designation. The NRIs are location-specific and it would not be possible for JCEP to locate them anywhere that does not require a new exception. In addition, JCEP is requesting an Estuarine and Coastal Shoreline Uses and Activities Permit to allow the proposed new dredging. See Narrative at 2, Ex. O.2. The NRIs' compliance with the current version of the CBCP is detailed in the Narrative in Support of its Application before the City of Coos Bay Planning Commission, at 5-43, provided in Ex. O.2.</p> <p>The 2013 edition of the CBCP is approved in the OCMF. As outlined in Table 3, there have been no changes to the CBCP since 2013. Thus, the NRIs are and will be conducted in a manner consistent with the OCMF enforceable policies implemented through the CBCP.</p>
		Eelgrass mitigation	<p>On June 15, 2007, JCEP received approval to establish a 1-2 acre eelgrass bed mitigation site, an allowed use, in aquatic unit 52-NA within the City of Coos Bay. The eelgrass mitigation project's compliance with the 2007 edition of the CBCP is demonstrated by the City of Coos Bay Zoning Verification, Final Order for ZON2007-00034 dated June 15, 2007, provided as Ex. O.1.</p> <p>The 2013 edition of the CBCP is approved in the OCMF. DLCD has not provided, and JCEP was unable to obtain, a copy of the 2007 edition of the CBCP to confirm any changes. However, because the only provision of the CBCP identified by DLCD as an enforceable policy is Sec. 7.10, adopting the provisions of the CBEMP, here, compliance with the CBEMP necessarily demonstrates compliance with Sec. 7.10 of the CBCP. The eelgrass mitigation site's compliance with the CBEMP is discussed below.</p>
	<p><u>CBEMP within City of Coos Bay limits</u></p> <p>Lower Bay/Upper Bay DA All requirements, Aquatic Unit/Deep-Draft Navigation Channel</p>	NRIs	<p>As discussed above with respect to compliance with the CBCP, the NRIs' compliance with the current version of the CBEMP, too, is detailed in the Narrative in Support of the Application before the City of Coos Bay Planning Commission, at 5-43, provided in Ex. O.2.</p> <p>The 2013 edition of the CBEMP, as adopted in the CBCP, is approved in the OCMF. As outlined in Table 3, there have been no changes to the CBEMP since 2013. Thus, the NRIs are and will be conducted in a manner consistent with the OCMF enforceable policies implemented through the CBEMP.</p>
		Eelgrass mitigation	<p>As discussed above with respect to compliance with the CBCP, the eelgrass mitigation project's compliance with the 2007 version of the CBEMP is demonstrated by the City of Coos Bay Zoning Verification, Final Order for ZON2007-00034 dated June 15, 2007, provided as Ex. O.1.</p> <p>The 2013 edition of the CBEMP, as adopted in the CBCP, is approved in the OCMF. As outlined in Table 3, there have been no changes to the CBEMP since 2003. Therefore, compliance with the CBEMP in 2007 necessarily demonstrates compliance with the 2013 edition of the CBEMP. Therefore, the eelgrass mitigation is and will be conducted in a manner consistent with the OCMF enforceable policies implemented through the CBEMP.</p>
	<p><u>City of Coos Bay Land Development Ordinance ("CCBLDO")</u></p> <p>Chapter 17.340, 17.340.010 – 17.340.080 Estuarine and Coastal Shorelands Uses and Activity</p>	NRIs	<p>As discussed above with respect to compliance with the CBCP, the NRIs' compliance with the current version of the CCBLDO, too, is detailed in the Narrative in Support of the Application before the City of Coos Bay Planning Commission, at 5-43, provided in Ex. O.2.</p> <p>The 2013 edition of the CCBLDO is approved in the OCMF. As outlined in Table 3, with the exception of a few minor procedural changes not relevant here, there have been no substantive changes to the applicable provisions of the CCBLDO since 2013. Therefore, the NRIs are and will be conducted in a manner consistent with the OCMF enforceable policies implemented through the CCBLDO.</p>
		Eelgrass mitigation	<p>As discussed above with respect to compliance with the CBCP, the eelgrass mitigation project's compliance with the 2007 version of the CCBLDO, too, is demonstrated by the City of Coos Bay Zoning Verification, Final Order for ZON2007-00034 dated June 15, 2007, provided as Ex. O.1.</p> <p>Similar to the discussion above with respect to the CBCP, the portion of the CCBLDO DLCD has identified as an applicable enforceable policy, CCBLDO Ch. 17.340, incorporates and utilizes the requirements of the CBEMP. Therefore, here too, compliance with the 2007 CBEMP necessarily demonstrates compliance with the 2013 edition of CCBLDO Ch. 17.340. The eelgrass mitigation site's compliance with the CBEMP is discussed above. Thus, the eelgrass mitigation is and will be conducted in a manner consistent with the OCMF enforceable policies implemented through the CBEMP.</p>
City of North Bend Planning Department	<p><u>City of North Bend Comprehensive Plan ("CNBCP")</u></p> <p>Chapter XII, Coastal, Article 12.5.100.1</p> <p>Chapter XIII, Land Use, Article 13.7.100</p>	Pipeline	<p>On December 27, 2018, PCGP applied for approval to develop an approximately 0.92-mile Early Works alignment of the Pipeline within the City of North Bend on land in the M-H zoning district and in CBEMP management units 48-CA, 48-CS, 47-UW, and 47-DA. The application also seeks an Estuary Permit to authorize the use in the four CBEMP management units and an application for a Floodplain Development Permit to authorize the use in certain portions of the M-H zoning district. See Ex. N.1. Compliance with the current edition of the CNBCP is detailed in the Narrative in Support of the Dec. 27, 2018 application, at 15-25, provided in Ex. N.1.</p> <p>The 2013 edition of the CNBCP is approved in the OCMF. As outlined in Table 3, there have been no changes to the CNBCP since 2013. Thus, the Early Works Pipeline alignment is and will be conducted in a manner consistent with the OCMF enforceable policies implemented through the CNBCP.</p>
		Dredge Disposal Activities at APCO Site	<p>On April 8, 2019, JCEP submitted an application for approval of an Estuarine Permit and a Floodplain Development Permit to authorize uses and activities related to dredge material disposal at APCO. APCO is primarily zoned Heavy Industrial and the placement of the dredge material will include ancillary activities (e.g., placement of dredge material at APCO, pilings, dredge lines, offloading equipment and the construction of a temporary work bridge and a permanent bridge), all of which are anticipated to be allowed uses under the City's land use regulations. See Ex. N.2.</p> <p>Compliance with the current edition of the CNBCP is detailed in the Narrative in Support of the Apr. 8, 2019 application, at 4-46, provided in Ex. N.2.</p> <p>The 2013 edition of the CNBCP is approved in the OCMF. As outlined in Table 3, there have been no changes to the CNBCP since 2013. Thus, the dredge disposal activities at APCO are and will be conducted in a manner consistent with the OCMF enforceable policies implemented through the CNBCP.</p>
		NRIs	<p>As discussed above with respect to compliance with the CNBCP, the NRIs' compliance with the current version of the CBEMP, too, is detailed in the Narrative in Support of the Dec. 27, 2018 application, at 15-25, provided as Ex. N.1.</p> <p>The 2013 edition of the CBEMP, as adopted in the CNBCP, is approved in the OCMF. As outlined in Table 3, there have been no changes to the CBEMP since 2013. Thus, the NRIs are and will be conducted in a manner consistent with the OCMF enforceable policies implemented through the CBEMP.</p>
* Note, DLCD has not supplied Applicants with a list of applicable enforceable policies implemented for the City of North Bend. As such, Applicants have identified the above provisions as applicable to the components to be located in the City of North Bend based on the pertinent land	<p><u>CBEMP within City of North Bend limits</u></p> <p>47-UW All requirements, Urban Waterfront</p> <p>48-CA All requirements, Conservation Aquatic</p> <p>48A-CA All requirements, Conservation Aquatic</p> <p>48-CS All requirements, Conservation Shoreland</p> <p>50-NA All requirements, Natural Aquatic</p>	Dredge Disposal Activities at APCO Site	<p>As discussed above with respect to compliance with the CNBCP, the APCO Dredge disposal activities' compliance with the current version of the CBEMP, too, is detailed in the Narrative in Support of the Apr. 8, 2019 application, at 4-46, provided in Ex. N.2.</p> <p>The 2013 edition of the CBEMP, as adopted in the CNBCP, is approved in the OCMF. As outlined in Table 3, there have been no changes to the CBEMP since 2013. Thus, the APCO Dredge</p>

⁸ The City of Coos Bay Planning Staff has engaged the Lane Council of Governments as a consultant to provide planning services and support on JCEP's NRI application.

Table 1.2: Pipeline and LNG Terminal - Consistency with Enforceable Policies

Jurisdiction	Authority and Enforceable Policies	Component	Statement of Consistency
use applications. Should DLCD wish to identify these applicable enforceable policies in the future. Applicants will amend and supplement this Application to demonstrate compliance with those enforceable policies.	51-CA All requirements, Conservation Aquatic 52-NA All requirements, Natural Aquatic		disposal activities are and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the CBEMP.
	<u>City of North Bend Zoning Ordinance ("CNBZO")</u> Section 3, Definitions Section 5, Classification of Zones Section 6, Zoning Map Sections 53 - 58, Light Industrial District M-L Sections 59 - 61, Heavy Industrial District M-H Sections 64 - 69, Floodplain Zone F-P	NRIs	As discussed above with respect to compliance with the CNBCP, the NRIs' compliance with the current version of the CNBZO, too, is detailed in the Narrative in Support of the Dec. 27, 2018 application, at 15-25, provided in Ex. N.1. The 2013 edition of the CNBZO is approved in the OCMP. As outlined in Table 3, the only substantive change identified in the CNBZO since 2013 was the addition of temporary workforce housing as an allowed conditional use in the heavy industrial zone. With the exception of minor amendments to unrelated provisions and recodification within the North Bend Municipal Code, there have been no other changes to the CNBZO since 2013. Thus, the NRIs are and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the CNBZO.
		Dredge Disposal Activities at APCO Site	As discussed above with respect to compliance with the CNBCP, the APCO Dredge disposal activities' compliance with the current version of the CNBZO, too, is detailed in the Narrative in Support of the Apr. 8, 2019 application, at 4-46, provided in Ex. N.2. The 2013 edition of the CNBZO is approved in the OCMP. As outlined in Table 3, the only substantive change identified in the CNBZO since 2013 was the addition of temporary workforce housing as an allowed conditional use in the heavy industrial zone. With the exception of minor amendments to unrelated provisions and recodification within the North Bend Municipal Code, there have been no other changes to the CNBZO since 2013. Thus, the APCO Dredge disposal activities are and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the CNBZO.
Douglas County Planning Department	<u>Douglas County Comprehensive Plan ("DCCP")</u> Rural Land Use Policies; Rural Resource Designations; Criteria for designating rural resource lands Rural Land Use Policies; Overlay Zones; Table specifies overlay zone designations and relationship to plan policies for twenty overlay zones	Pipeline	On April 5, 2019, PCGP submitted an application for approval to develop an approximately 7.5-mile alignment of the Pipeline within the coastal zone in Douglas County, on land in the Exclusive Farm Use-Grazing (FG), Timberland Resource (TR), and Farm Forest (FF) zones. The Pipeline qualifies as a utility facility necessary for public service and is allowed outright in the FG zone and is allowed as a conditional use within the TR and FF zones as a new distribution line with rights-of-way 50 feet or less in width. See Ex. M.1. Compliance with the DCCP is detailed throughout the Narrative in Support of the Apr. 5, 2019 application, at 6-30, provided in Ex. M.1. The 2015 edition of the DCCP is approved in the OCMP. As outlined in Table 3, with the exception of a comprehensive restructuring, there do not appear to have been any substantive changes made to the specific DCCP provisions applicable to the Pipeline since 2015. Thus, the Pipeline in Douglas County is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the DCCP.
	<u>Douglas County Land Use and Development Ordinance ("DCLUDO")</u> Chapter 1: Intro and General Provisions; Sections 1.010-1.090; Purpose, scope, compliance, definitions Chapter 3: Zoning: Article 3.1; Introductory Provisions Chapter 3: Zoning: Article 3.2; Timberland Resources (TR) Chapter 3: Zoning: Article 3.3; Exclusive Farm Use-Grazing (FG) Chapter 3: Zoning: Article 3.5; Farm Forest (FF) Chapter 3: Zoning: Article 3.6 (Except 3.36.000-3.36.040) Agriculture and Woodlot (AW) Chapter 3: Zoning: Article 3.32; Supplementary Provisions for Natural Resource Areas Chapter 3: Zoning: Article 3.39; Conditional use review	Pipeline	The Pipeline's compliance with the specific applicable provisions of the DCLUDO is detailed throughout the Narrative in Support of the Apr. 5, 2019 application, at 6-30, provided in Ex. M.1. The 2014 edition of the DCLUDO, is approved in the OCMP. As outlined in Table 3, with the exception of procedural changes surrounding LUBA remands and boundary line adjustment restrictions per measure 49 waivers, no substantive changes have been made to the DCLUDO since 2014. Thus, the Pipeline in Douglas County is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through the DCLUDO.

Table 2: Pipeline and LNG Terminal - Consistency with State Agency Enforceable Policies

Enforceable Policy (ORS §)	State Authorization	Networked Agency	Component	Authorization Status & Statement of Consistency
<p>196.682 Permits required for removal or fill; conditions on issuance of permit 196.687 Regulation of alteration or fill of artificially created wetlands 196.800 Definitions 196.805 Policy 196.815 Application for permit; rules; fees; disposition of fees 196.818 Wetland delineation reports; review by Department of State Lands; fees; rules 196.825 Criteria for issuance of permit; conditions; consultation with public bodies; hearing; appeal 196.830 Estuarine resource replacement as condition for fill or removal from estuary; considerations; other permit conditions 196.845 Investigations and surveys 196.825 Criteria for issuance of permit; conditions consultation with public bodies; hearing; appeal 196.855 Noncomplying removal of material or filling as public nuisance 196.880 Fill under permit presumed not to affect public rights; public rights extinguished 196.905 Applicability; rules</p>	<p>Removal-Fill permit</p>	<p>Oregon Department of State Lands (“DSL”)</p>	<p>LNG Terminal and Pipeline in Coastal Zone</p>	<p>JCEP filed a removal-fill application in November 2017 for all components of the LNG Terminal (including the slip and access channel) and Pipeline. DSL reviewed and provided an incompleteness response. JCEP filed a revised application on November 7, 2018. DSL then went out on public notice and comment which ended on February 3, 2019. DSL is currently reviewing comments received during the public comment period.</p> <p>Detailed information about removal-fill and marine facility-construction activities associated with the LNG Terminal is provided in the Removal-Fill Application, Part 1, Att. E, the Dredge Material Management Plan, provided in Ex. E.1 to this Application. Additional marine facility construction activities are described in the Removal-Fill Application, Part 1, Atts. A.1 and D, provided in Ex. E.1 to this Application. The specific measures that Applicants have taken or will take to meet the applicable requirements of the removal-fill laws and regulations, including avoiding and minimizing fill and removal in waters of the state and providing compensatory mitigation with respect to the LNG Terminal and associated facilities, are detailed in the Removal-Fill Permit Application Part I and its attachments, including but not limited to the Project Description, Att. A.1; the Compensatory Wetland Mitigation Plan, Att. I; and the Wetland Impacts Avoidance and Minimization Technical Memorandum, Att. B.2; all provided in Ex. E.1 to this Application. Detailed information about removal-fill and impact mitigation with respect to the Pipeline within the coastal zone is available in Part 2 of the Removal-Fill Application, including specifically, Atts. A, B, and C, all of which are provided in Ex. E.2.</p> <p>These documents demonstrate that the Project complies with the current edition of ORS Ch. 196.</p> <p>The 2013 edition of ORS Ch. 196 is approved in the OCMP. With the exception of a few unrelated amendments, detailed in Table 3, the applicable provisions of ORS Ch. 196 have not changed since 2013. Therefore, the Project is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through ORS Ch. 196.</p>
<p>274.005 Definitions 274.025 Jurisdiction over submersible and submerged lands generally 274.040 Sale or lease of submersible lands; easements; occupation of submerged and submersible lands for water works 274.043 Exemptions from leasing requirements; rules; registration; use without charge; use with charge; indemnification 274.060 Regulation of harbor improvements; oyster beds; public easement in submerged and submersible lands 274.400 Beds of Streams, Lakes, Bays; Definition for ORS 274.400 to 274.412 274.402 Exclusive jurisdiction to assert title to submerged or submersible lands in navigable waterway 274.550 Removal of material without payment of royalties; eligible material and uses 274.705 Tidal Submersible and Submerged; Definitions for ORS 274.705 to 274.860 274.710 Jurisdiction of department over tidal submerged lands; easements; leases for oil, gas and sulfur 274.860 Protection and location of filled lands 274.905 Submersible, submerged and new lands; Definitions for ORS 274.905 to 274.940 274.920 Creation of new lands upon submersible or submerged lands 274.940 Reservation of historically filled lands or new lands</p>	<p>Leasing Tidal Submerged and Submersible Lands</p>	<p>Oregon Department of State Lands (“DSL”)</p>	<p>LNG Terminal in Coastal Zone</p>	<p>To obtain the State of Oregon’s authorization to use the beds of State-owned waterbodies, Applicants have consulted with DSL to determine the required proprietary waterway authorizations. Since February 2015, Applicants have had regular correspondence with Gerry Hutson, Proprietary Coordinator – Aquatic Resource Management for DSL. DSL provided Applicants with a draft work scope of proprietary authorizations pertaining to the current Project as early as April 12, 2017. Applicants and DSL have had ongoing meetings, including most recently, when JCEP met with Ms. Hutson at DSL’s Salem offices in November 2018, and have been engaged in regular email and phone correspondence both before and since that time. Both JCEP and PCGP are currently working with Ms. Hutson to finalize the list of authorizations needed.</p> <p>The following are expected proprietary authorizations needed within the coastal zone, though the list is still in the process of being confirmed:</p> <p>Pipeline</p> <p>Easements on Non-Trust Lands:</p> <ul style="list-style-type: none"> Stock Slough (APP 56483) – new location, legal needs revision Vogel Creek (APP 56492) – new location, legal needs revision Coos River (APP 56495) – same location Kentuck Slough (APP 56494) – new location, legal needs revision HDD Crossing from South Dunes site to APCO – new application HDD Crossing from North Bend to Kentuck Slough – new application <p>LNG Terminal and Associated Components</p> <p>Easements on Non-Trust Lands:</p> <ul style="list-style-type: none"> Scour Apron and Access Channel – may need easement for riprap support Pile Dike Rock Apron west of Access Channel – may need easement or 5-year registration Stormwater Outflows to Coos Bay – Required if outflows are located on State-owned lands. JCEP confirming whether any exist. Stormwater Outflows to Kentuck Slough – On waterside of East Bay Dr. into Coos Bay. JCEP confirming if needed. Bridge easement for APCO – A permanent bridge will cross over the State-owned tidal channel. Dredge disposal pipeline – Temporary easement for the pipeline along the bay to carry the dredge material from the channel widening of the four corners to the APCO disposal site. Temporary fill for the slip construction and Material Off Loading site extending into State-owned waters <p>Leasing and Registration on State-Owned Submerged and Submersible Lands:</p> <ul style="list-style-type: none"> One Data Buoy for the Access Channel – registration is required and can be renewed every 5 years. <p>Special Uses on State-Owned Land:</p> <ul style="list-style-type: none"> Short Term Access Agreement for temporary barge for dredge material offloading at Kentuck Slough mitigation site Short Term Access Agreement for temporary construction of a steel cradle over eelgrass to assist in dredge disposal at APCO <p>State-Owned Submerged and Submersible Lands Subject to Remediation and Habitat Restoration Activities:</p> <ul style="list-style-type: none"> Eelgrass Conservation Easement Kentuck Slough Mitigation Project Conservation Easement Kentuck Slough Access Agreement <p>Sand and Gravel Licenses:</p> <ul style="list-style-type: none"> Scour Apron and Access Channel Ingram Yard Facility Siting and the Marine Slip Navigational Reliability Improvements <p>This ongoing consultation with DSL supports that the Project will comply with the current edition of ORS Ch. 274. Consistency will be demonstrated in full once the proprietary authorization applications are submitted and authorizations are issued.</p> <p>The 2013 edition of ORS Ch. 274 is approved in the OCMP. With the exception of a few unrelated amendments, detailed in Table 3, the applicable provisions of ORS Ch. 274 have not changed since 2013. Therefore, the Project is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through ORS Ch. 274.</p>
<p>390.010 Policy of state toward outdoor recreation resources 390.235 Permits and conditions for excavation or removal of archaeological or historical material; rules; criminal penalty 390.237 Removal without permit; exceptions</p>	<p>Archeological Permits</p>	<p>Oregon State Historic Preservation Office (“SHPO”)</p>	<p>LNG Terminal and Pipeline in Coastal Zone</p>	<p>Applicants have, since 2013, applied for and received over 20 SHPO permits authorizing necessary investigations, surveys, and testing activities associated with the LNG Terminal and Pipeline. A complete list of permits obtained is provided in Exhibit R. Additionally, Applicants continue to submit SHPO permit applications associated with ongoing work.</p> <p>As further evidence of compliance with this enforceable policy, Applicants have executed a Cultural Resources Protection Agreement (“CRPA”) with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians. Ex. R.3. Attached to the CRPA as Exhibit B is an Unanticipated Discovery Plan (“UDP”). The UDP details the process that will be followed in the event of an unanticipated discovery for human remains and archeological objects. The CRPA and UDP collectively provide additional assurance that Applicants will comply with the provisions of ORS Ch. 390.</p> <p>Applicants have not and will not excavate or alter any archaeological sites on public lands; make an exploratory excavation on public lands to determine the presence of an archaeological site; remove from public lands any material of an archaeological, historical, prehistorical, or anthropological nature; or excavate or remove any archaeological, historical, prehistorical, or anthropological materials from the land without first obtaining the necessary permit from SHPO. As such, the Project has complied and will continue to comply with the current edition of the applicable provisions of ORS Ch. 390 throughout the construction process.</p> <p>The 2013 edition of ORS Ch. 390 is approved in the OCMP. With the exception of one unrelated amendment, detailed in Table 3, the applicable provisions of ORS Ch. 390 have not changed since 2013. Therefore, the Project is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through ORS Ch. 390.</p>
<p>454.605 Definitions for ORS 454.605 to 454.755 454.607 Policy 454.610 Regulation of gray water discharge; permit; rules 454.655 Permit required for construction; application; time limit; special application procedure for septic tank installation on parcel of 10 acres or more 454.657 Variance from subsurface sewage disposal system rules or standards; conditions; hearing</p>	<p>NPDES Wastewater Discharge Permit</p>	<p>Oregon Department of Environmental Quality</p>	<p>LNG Terminal</p>	<p>Neither gray water discharge nor septic system is proposed in association with the Project. Thus, neither ORS 454.610 nor ORS 454.655 applies.</p> <p>As documented in JCEP’s January 31, 2019 NPDES Permit modification application, two sanitary package plant wastewater treatment facilities are to be constructed to treat wastewater generated by construction offices, construction workforce housing, and washcar facilities (portable worker sanitation/washing facilities). See Ex. J.2, NPDES Form 2D; NPDES Permit Modification Report at 5, 10. Wastewater treatment solids will be appropriately disposed of at an offsite disposal facility. No wastewater will be disposed of onsite. NPDES Permit Modification Report at 6, 10. The sewage system will be constructed and operated in compliance with all applicable requirements. As such, and as discussed further in Exhibit J.2, the Project will comply with the current edition of ORS Ch. 454.</p> <p>The 2013 edition of ORS Ch. 454 is approved in the OCMP. As documented in Table 3, the applicable provisions of ORS Ch. 454 have not changed since 2013. Therefore, the Project is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through ORS Ch. 454.</p>
<p>468A.005 Definitions for air pollution laws 468A.010 Policy 468A.020 Application of air pollution laws</p>	<p>Type B State NSR application for a Standard Air</p>	<p>Oregon Department of Environmental</p>	<p>LNG Terminal</p>	<p>The LNG Terminal was previously permitted as a Prevention of Significant Deterioration (“PSD”) source under ACDP No. 06-0118-ST-01 in 2015. However, after the terminal design changed, omitting plans for a 420 MW on-site power generation facility, in September 2017, JCEP applied to DEQ for a New Source</p>

Enforceable Policy (ORS §)	State Authorization	Networked Agency	Component	Authorization Status & Statement of Consistency
<p>468A.025 Air purity standards; air quality standards; treatment and control of emissions; rules 468A.040 Permits; rules 468A.045 Activities prohibited without permit; limit on activities with permit 468A.050 Classification of air contamination sources; registration and reporting of sources; rules; fees 468A.055 Notice prior to construction of new sources; order authorizing or prohibiting construction; effect of no order; appeal 468A.060 Duty to comply with laws, rules and standards 468A.070 Measurement and testing of contamination sources; rules 468A.075 Variances from air contamination rules and standards; delegation to local governments; notices</p>	<p>Contaminant Discharge Permit ("ACDP")</p>	<p>Quality ("DEQ")</p>		<p>Review application for an air contaminant discharge permit ("ACDP") for the Project. <i>See</i> Ex. H, JCEP ACDP Application, Sept. 2017. Within 12 months after LNG Terminal operations begin, JCEP will apply to DEQ for a renewable federal Clean Air Act Title V permit to authorize air emissions during the operating life of the LNG Terminal. <i>See</i> Ex. H, ACDP Application at 20.</p> <p>The LNG Terminal site, in Coos County, Oregon, is in attainment or unclassified for all pollutants. Air quality in the vicinity of the LNG Terminal meets all ambient air quality criteria and will continue to meet these criteria during the construction and operation of the LNG Terminal. The ACDP will ensure that the LNG Terminal meets these criteria and complies with all applicable federal and state air emissions regulations. As such, and as discussed at length in the ACDP Application, the Project will comply with the current edition of ORS Ch. 468A.</p> <p>The 2013 edition of ORS Ch. 468A is approved in the OCMP. With the exception of a few unrelated amendments, detailed in Table 3, the applicable provisions of ORS Ch. 468A have not changed since 2013. Therefore, the Project is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through ORS Ch. 468A.</p>
<p>468B.005 Definitions for water pollution control laws 468B.015 Policy 468B.020 Prevention of pollution 468B.025 Prohibited activities 468B.048 Rules for standards of quality and purity; factors to be considered; meeting standards 468B.050 Water quality permit; issuance by rule or order; rules 468B.052 Fees for water quality permit to operate suction dredge 468B.055 Plans and specifications for disposal, treatment and sewerage systems 468B.060 Liability for damage to fish or wildlife or habitat; agency to which damages payable 468B.075 Definitions for 468B.080 468B.080 Prohibitions relating to garbage or sewage dumping into waters of state 468B.085 Depositing vehicles or manufactured structures into water prohibited 468B.120 Definitions for 468B.120 to 468B.135 468B.125 Policy to reduce phosphorous pollution 468B.130 Prohibition on sale or distribution of cleaning agents containing phosphorous; rules 468B.135 Exemptions 468B.150 Definitions for 468B.150 to 468B.190 468B.155 State goal to prevent ground water contamination 468B.160 Ground water management and use policy 468B.300 Definitions for 468B.300 to 468B.500 468B.305 Entry of oil into waters of state prohibited; exceptions 468B.310 Liability for violation of 468B.305; exceptions 468B.315 Duty to collect and remove oil; dispersal of oil 468B.320 Action by state; liability for state expense; order; appeal 468B.337 Liquefied natural gas 468B.345 Oil spill contingency plan required to operate facility or covered vessel in state or state waters; exceptions 468B.350 Standards for contingency plans; oil spill response zones; rules 468B.355 Contingency plans; participation in maritime association; lien; liability of maritime association; exemption from liability 468B.360 Review of contingency plan 468B.365 Plan approval; change affecting plan; certificate of approval 468B.370 Determination of adequacy of plan; practice drills; rules 468B.375 Inspection of facilities and vessels; coordination with State of Washington 468B.380 Tank vessel inspection program; rules 468B.385 Modification of approval of contingency plan; revocation of approval; violation 468B.390 Compliance with federal Oil Pollution Act of 1990; proof of financial responsibility 468B.450 Willful or negligent discharge of oil; civil penalty; authority of director to mitigate 468B.460 Rules 468B.475 Legislative finding; need for evidence of financial assurance for ships transporting oil 468B.485 Methods of establishing financial assurance</p>	<p>401 Water Quality Certification; NPDES Wastewater Discharge Permit (LNG Terminal only); NPDES 1200-C Construction Stormwater Permit</p>	<p>Oregon Department of Environmental Quality ("DEQ")</p>	<p>LNG Terminal and Pipeline within Coastal Zone</p>	<p>DEQ implements ORS Ch. 468B through, as relevant here, its Clean Water Act Section 401 Certification and NPDES Industrial Wastewater and Stormwater permitting programs. Accordingly, the Project's consistency with the enforceable policies represented throughout ORS Ch. 468B is supported by the following permits and permit applications and in the FERC Application, Resource Report 2, Water Use and Quality, provided in Ex. B.</p> <p>Section 401 Certification: On October 23, 2017, Applicants submitted an application under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act ("Section 404/10 Application") to the U.S. Army Corps of Engineers. Concurrently, Applicants provided the Section 404/10 Application to DEQ to commence its review under Section 401 of the Clean Water Act with respect to Section 401 certification. DEQ is currently reviewing the application. The Project's compliance with Section 401 of the Clean Water Act is detailed in the Section 404/10 Application, provided in Ex. D, and the subsequent supplementary 401 Certification Application submittals, provided in Ex. G, including specifically, the Technical Memorandum from DEA, at 3-31 (Apr. 15, 2018).</p> <p>NPDES Industrial Wastewater: JCEP has an NPDES Wastewater Discharge Permit for current site conditions at the future LNG Terminal location, which allows discharge of treatment of leachate from an existing landfill through an ocean outfall line. <i>See</i> Ex. J.1, NPDES Permit No. 101499. On January 31, 2019, JCEP submitted an NPDES Permit Modification Application to reflect proposed changes to waste streams in the LNG Terminal wastewater discharges. As discussed in detail in the NPDES Permit Modification Application Report, operational wastewater discharges at the LNG Terminal will be treated through permanent treatment facilities associated with the site. <i>See</i> Ex. J.2, NPDES Permit Modification Application Report, at 7-9, Fig. 3. JCEP will comply with the conditions of the permit, which will ensure compliance with all applicable instream water quality standards and other applicable federal and state requirements. Other aspects of the LNG Terminal's compliance with the enforceable policies implemented through the NPDES industrial wastewater permitting program, including contact stormwater treatment systems, are detailed in the LNG Terminal NPDES Permit Modification Application, specifically, in the NPDES Industrial Discharge Permit Modification Application Report, provided at p. 40 of the modification application in Ex. J.2.</p> <p>NPDES 1200-C Construction Stormwater: During construction of the LNG storage tanks and other facilities, disturbed soils will be exposed to potential erosion. To minimize these impacts, land disturbing and construction activities will be conducted in compliance with NPDES General Permits 1200-C for stormwater discharges during construction activities. There will be four 1200-C permits to cover the following areas: (1) the LNG Terminal site, (2) the Kentuck Slough mitigation site, (3) APCO, and (4) the Pipeline within the coastal zone. Because the 1200-C permit applications cannot be approved until construction level detail is available, Applicants, DLCD, and DEQ are coordinating on the 1200-C applications. To support a finding of consistency with the enforceable policies, Applicants have included as exhibits to this Application, copies of substantially complete 1200-C applications. <i>See</i> Exs. I.1-5. Applicants expect that DLCD will certify CZMA consistency at this time, conditioned upon obtaining all final 1200-C permits based on final design and engineering, prior to construction, as is a routine practice in these situations. <i>See</i> 15 C.F.R. § 930.62(d). These documents, permits, and permit applications demonstrate that the Project will comply with the current edition of ORS Ch. 468B.</p> <p>The 2013 edition of ORS Ch. 468B is approved in the OCMP. With the exception of a few unrelated amendments, detailed in Table 3, the applicable provisions of ORS Ch. 468B have not changed since 2013. Therefore, the Project is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through ORS Ch. 468B.</p>
<p>468.936 Unlawful air pollution in the second degree 468.939 Unlawful air pollution in the first degree 468.941 Determination of number of punishable offenses under ORS 468.936 and 468.939 468.943 Unlawful water pollution in the second degree 468.946 Unlawful water pollution in the first degree 468.949 Determination of number of punishable offenses under ORS 468.943 and 468.946 468.951 Environmental endangerment</p>	<p>Type B State NSR application for a Standard ACDP; 401 Water Quality Certification; NPDES Wastewater Discharge Permit; NPDES 1200-C Construction Stormwater Permits</p>	<p>Oregon Department of Environmental Quality</p>	<p>LNG Terminal and Pipeline within Coastal Zone</p>	<p>ORS 468.936-951 criminalize violations of the aforementioned air and water quality laws.</p> <p>As discussed and demonstrated <i>supra</i>, the Project has and will continue to comply with all air and water quality laws. As such, no environmental crimes will be committed, and the Project will necessarily comply with the current edition of ORS 468.936-951.</p> <p>The 2013 edition of ORS Ch. 468 is approved in the OCMP. As documented in Table 3, the applicable provisions of ORS Ch. 468 have not changed since 2013. Therefore, the Project is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through ORS Ch. 468.</p>
<p>*The OCMP has approved the 1987 edition of ORS Ch. 469 469.300 Definitions 469.310 Policy 469.320 Siting certificate required; exceptions 469.500 (currently numbered 469.507(1)-(4)) 469.510 (currently numbered 469.501e, .501g, .501k, .501m, and 469.504)</p>	<p>n/a</p>	<p>Oregon Department of Energy, Oregon Energy Facility Siting Council ("EFSC")</p>	<p>n/a</p>	<p>ORS 469.500(1) (1987) authorizes EFSC to adopt standards for "all thermal power plants." Under ORS 469.300(21) (1987), a "thermal power plant" is a "facility using any source of thermal energy with a nominal electric generating capacity of more than 25,000 kilowatts, for generation and distribution of electricity"</p> <p>The Project is not a "thermal power plant" subject to EFSC jurisdiction because it will not have a nominal generating capacity of more than 25,000 kilowatts. <i>See</i> Ex. Q. As such, the enforceable policies implemented in ORS 469.300-.320, .500-510 (1987) do not apply. Rather, where EFSC has no jurisdiction over the facility, it is the local land use authority (here, Coos County), and not EFSC, that is responsible for the necessary land use approvals. Consistency with applicable land use-related enforceable policies is discussed in Table I.2.</p>
<p>496.012 Wildlife Policy 496.004 Definitions 496.007 "Game bird" defined 496.009 "Game fish" defined 496.012 Wildlife policy 496.162 Establishing seasons, amounts and manner of taking wildlife; rules 496.171 Th or E Wildlife Species. Definitions for ORS 496.171 to 496.182; applicability date 496.182 Protection and conservation programs; mitigation of adverse impact on local economies; compliance by state agencies; rules 498.301 Policy 498.306 Screening or by-pass devices for water diversions; fees; costs 498.316 Exemption from screening or by-pass devices 506.006 General definitions 506.011 Types of marine life defined 506.016 "Salmon" defined 506.025 "Unlawful to buy" defined 506.028 "Conservation" defined 506.109 Food fish management policy 506.220 Erecting markers of closed waters; interference with markers 506.450 Definitions for ORS 506.450 to 506.465; rules 506.455 Policy 506.610 When possession prima facie evidence of taking fish unlawfully 509.001 Definitions 509.112 Wasting food fish 509.115 Placing in waters fish harmful to food fish 509.120 Using electricity to disturb food fish 509.122 Definitions for ORS 509.125 to 509.155 509.125 Placing substances in water to drive fish from closed areas 509.130 Placing substances in water or using explosives to take or destroy food fish 509.140 Placing explosives or harmful substances in waters in course of lawful work; permit 509.505 Placing in water matter injurious to shellfish 509.510 Taking shellfish from marked beds without permission; disturbing beds 509.580 Definitions for ORS 509.580 to 509.590, 509.600 to 509.645 and 509.910; rules 509.585 Fish passage required for artificial obstructions; statewide inventory; waiver of requirement by commission; rules; exemptions 509.600 Destroying, injuring or taking fish near fishway; permits to take fish 509.610 Maintenance of fish passage required 509.625 Power of department to inspect artificial obstructions and have fish passage constructed or remove obstruction</p>	<p>Consultation with Oregon Department of Fish and Wildlife; Fish Passage Plans; In-Water Timing Guidelines</p>	<p>Oregon Department of Fish and Wildlife ("ODFW")</p>	<p>All Project Components</p>	<p>Applicants and their predecessors began communicating with ODFW in relation to the Wildlife Policy set out in ORS 496.12 in July 2006. The most recent meetings with ODFW were in March 2019. Exhibit K.4 describes in detail communications (including meetings, emails, and submittals) with ODFW and other state and federal agencies regarding habitat mapping and mitigation planning associated with the Project. Additionally, the Wildlife Policy is addressed by FERC in the Draft Environmental Impact Statement for the Project. <i>See</i> 2019 DEIS, Sections 1.5.2.5, 4.5.1.1, and 4.5.1.1, provided as Ex. C.1.</p> <p>Engagement with ODFW is ongoing to finalize habitat mapping, classifying habitats according to the Wildlife Policy, and developing mitigation to offset impacts.</p> <p>With respect to fish passage, JCEP submitted a Fish Passage Plan Permit Application for the Kentuck and APCO sites on February 22, 2019. <i>See</i> Ex. K.1. PCGP has prepared, but has not yet submitted, Fish Passage Plan Permit applications for Pipeline Stream Crossings and for locations where roads affected by Pipeline construction are located near waterbodies. <i>See</i> Exs. K.2, K.3. PCGP will supplement this application by providing final Fish Passage Plan Permit applications once they are submitted to ODFW.</p> <p>Additionally, unless authorized otherwise, dredging and other in-water work associated with the construction of the Project will be performed during ODFW's preferred in-water work period for protecting fish and wildlife resources. For the Coos Bay Estuary and River, the preferred period is October 1 through February 15. <i>See</i> Ex. E.1, JCEP Removal-Fill Permit Application, Section 8; <i>see also</i> ODFW, Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources, 6 (June 2008), https://www.dfw.state.or.us/lands/inwater/Oregon_Guidelines_for_Timing_of_%20InWater_Work2008.pdf. No in-water blasting will occur within the coastal zone.</p> <p>The ongoing consultation with ODFW, fish passage measures, and in-water work timing protocols demonstrate that the Project will comply with the current edition of ORS Chs. 496, 498, 506, and 509. As documented in Table 3, the applicable provisions of ORS Chs. 496, 498, 506, and 509 have not changed since 2013. Therefore, the Project is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through ORS Chs. 496, 498, 506, and 509.</p>
<p>536.220 Policy on water resources generally; integrated state water resources strategy 536.700 "Drainage basin" defined 536.710 Policy 537.010 Definition of "Water Rights Act" 537.110 Public ownership of waters 537.120 Right of appropriation; vested rights protected 537.130 Permit to appropriate water required; notification to owner of certain land 537.135 Permit required to appropriate water for recharging ground water sources;</p>	<p>Limited Water Use License</p>	<p>Oregon Water Resources Department ("OWRD")</p>	<p>Pipeline in Coastal Zone</p>	<p>PCGP has prepared applications for short-term or fixed duration Limited Water Use Licenses to draw from the Middle Fork Coquille River, East Fork Coquille River, and Coos River to support hydrostatic testing and/or dust control during construction of the Pipeline. Details, including compliance with the water appropriation requirements set forth in ORS Chs. 536 and 537, are provided in the Limited Water Use License Applications. <i>See</i> Exs. P.1-3. Because these applications cannot be submitted until during the relevant water year the water is to be used, these applications have not yet been submitted to OWRD. Applicants expect that DLCD will certify CZMA consistency at this time, conditioned upon obtaining all Limited Water Use Licenses within the appropriate timeframe, <i>i.e.</i>, within the applicable water year, as is a</p>

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Enforceable Policy (ORS §)	State Authorization	Networked Agency	Component	Authorization Status & Statement of Consistency
<p>minimum perennial streamflow required for permit; exception 537.140 Application for permit; contents; maps and drawings 537.150 Filing of application; determination of completeness; initial review; preliminary determination; notice; public comments; fees 537.160 Approval for beneficial use; agreement authorizing use of ditch for waste or seepage water 537.170 Contested case hearing on application; final order; appeal 537.240 Federal permit; time for obtaining; cancellation; time for beginning and completing work 537.400 Reservoir permits 537.410 Failure to commence or complete work, or to properly apply water, as grounds for cancellation of permit; irrigation districts, municipalities and public utilities excepted 537.420 Notice of hearing 537.440 Cancellation of permit; priorities of other permits 537.445 Hearing upon proposal to cancel permit or appropriation; cancellation suspended pending review 537.450 Rules for proof as to work and use of water under permits; noncompliance as evidence in cancellation proceedings 537.505 Short title 537.515 Definitions for ORS 537.505 to 537.795 and 537.992 537.525 Policy 537.535 Unlawful use or appropriation of ground water, including well construction and operation 537.545 Exempt uses; map; filing of use; fee; rules 537.575 Permits granted, approved or pending under former law 537.585 Beneficial use of ground water prior to August 3, 1955, recognized as right to appropriate water when registered 537.595 Construction or alteration of well commenced prior to August 3, 1955, recognized as right to appropriate water when registered 537.605 Registration of right to appropriate ground water claimed under ORS 537.585 or 537.595; registration statement 537.610 Recording registration statement; issuing certificate of registration; effect of certificate; rules; fees 537.615 Application for permit to acquire new right or enlarge existing right to appropriate ground water; plans and drawings 537.620 Determination of completeness of application; initial review; preliminary determination; notice; public comments 537.625 Final order; appeal; contents of permit 537.630 Time allowed for construction work under permit; extension; certificate of completion; survey; ground water right certificate; requirements for supplemental water right 537.635 Assignment of application, certificate of registration or permit 537.680 Taking testimony; inspecting evidence; contesting claim 537.685 Findings of fact and order of determination 537.690 Filing evidence, findings and determinations; court proceedings 537.695 Conclusive adjudication 537.705 Ground water appurtenant; change in use, place of use or point of appropriation 537.730 Designation of critical ground water area; rules; notice 537.780 Powers of Water Resources Commission; rules; limitations on authority 537.795 ORS 537.505 to 537.795 supplementary</p>				<p>routine practice in these situations. <i>See</i> 15 C.F.R. § 930.62(d)</p> <p>The proposed LNG Terminal facility will use a combination of potable and raw groundwater. <i>See</i> Ex. B.1, FERC Terminal Application, Resource Report 2, Water Use and Quality at 4-7; NPDES Permit Modification Application Report, at 4. Potable and raw groundwater will be supplied from the Coos Bay North Bend Water Board (“CBNBWB”) via existing pipelines. The CBNBWB potable water system relies primarily on surface water from reservoirs that is treated in the CBNBWB drinking water treatment plant. Potable water will satisfy normal operational water needs at the LNG Terminal, including fire water makeup, utility water, and potable water. A portion of the utility water will be demineralized for use as makeup to a steam system and acid gas removal unit. Raw groundwater, supplied from the CBNBWB raw water pipeline, will be used for construction water, including LNG tank hydrotesting. The raw water pipeline will remain connected after construction, use of raw water is not anticipated for normal facility operations, though raw water will be used to supplement discharge flow out the industrial wastewater pipeline (“IWWP”) to maintain a minimum flow rate for operation of the wastewater diffuser. Additional information about water sourcing and consistency with current water resources laws is discussed in the FERC Application, Resource Report 1, at secs. 1.3.8.6, 1.5.8.8, and Resource Report 2, at secs. 2.1, 2.2., App. B.2 and Table 2.1-1, provided in Ex. B.</p> <p>As the prepared Pipeline permit applications and the above documents show, the Project will comply with the current edition of ORS Chs. 536 and 537. The 2013 edition of these chapters is approved in the OCMP. With the exception of a few unrelated amendments, detailed in Table 3, the applicable provisions of ORS Chs. 536 and 537 have not changed since 2013. Therefore, the Project is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through ORS Chs. 536 and 537.</p>
<p>564.100 Definitions for ORS 564.100 to 564.135 564.115 Protection and conservation programs; action by state agencies; alternatives; findings required if agency fails to adopt alternatives 564.120 Transactions in threatened or endangered [plant] species; restrictions; prohibition</p>	<p>Consultation with Oregon Department of Agriculture</p>	<p>Oregon Department of Agriculture (“ODA”)</p>	<p>LNG Terminal and Pipeline in Coastal Zone</p>	<p>Applicants’ predecessors were in contact with ODA from as early as 2006 regarding potential impacts to State-listed plant species. Since 2007 to as recently as 2018, plant surveys have been completed on private lands where survey permission has been received, and the following Oregon-listed threatened or endangered plant species have been documented on or in close proximity (within 30 meters) of the Pipeline on private lands: Applegate’s milkvetch (federally and state endangered), Kincaid’s lupine (federally and state threatened), Gentner’s fritillary (federally and state endangered), and Pt. Reyes’ birds-beak (no federal status; state endangered). No listed plants were observed on State-managed lands. With FERC DEIS-recommended revisions, <i>see</i> Ex. C.1, DEIS, Section 4.6.1.6, to the proposed Pipeline route to avoid potential direct effects to Gentner’s fritillary, no direct impacts to the species listed above are expected associated with the Project. <i>See</i> also DEIS at § 4.6.3.3, Table 4.6.1-1.</p> <p>Surveys for Cox’s mariposa lily (federal species of concern; state endangered) have been completed on BLM-managed lands, but no permission to survey private lands adjacent to documented populations on BLM-managed lands has been received. Given the presence on BLM-managed lands and suitable habitat for Cox’s mariposa lily, it is suspected that this species likely also occurs on adjacent private lands and, therefore, could be affected by the Pipeline.</p> <p>Species observations on private lands to which Applicants have been able to obtain access starting in 2007 have been sent to the Oregon Biodiversity Information Center for their database. In accordance with current ODA guidelines, once the final Pipeline route has been determined, surveys will be completed for the final route and the survey results will be submitted to ODA. Potential impacts to state-listed plant species are discussed further in the FERC Application Resource Report 3, Fish, Wildlife, and Vegetation, at sec. 3.4, and Table 3.4-1.</p> <p>Thus, the Project will comply with the current edition of ORS Ch. 564. As documented in Table 3, the applicable provisions of ORS Ch. 564 have not changed since 2013. Therefore, the Project is and will be conducted in a manner consistent with the OCMP enforceable policies implemented through ORS Ch..</p>

Table 3. Changes to Identified Enforceable Policies Post-Oregon Coastal Management Plan Approval

The following table, based on the initial DLCD-provided list of enforceable policies of the OCMP, outlines changes between the current edition of referenced statutory provisions and the edition approved in the OCMP. Any changes are identified in the right-hand column. Where no changes were identified, the right-hand column is left blank. For certain provisions that have been recodified over the years, the current numbering is provided in the right-most column.

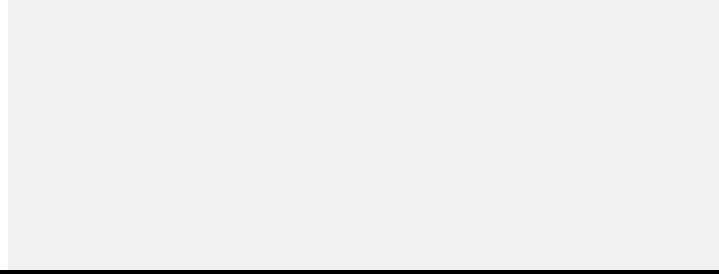
ENFORCEABLE POLICIES	Statute Section Title	Post-OCMP Approval Changes (Unchanged provisions left blank)
<p><i>ORS Chapter 196 (Removal-Fill)</i></p> <p><i>Statute Edition 2013 approved in Program</i></p>	.682 Permits required for removal or fill; conditions on issuance of permit	
	.687 Regulation of alteration or fill of artificially created wetlands	
	.800 Definitions for ORS 196.600 to 196.905	
	.805 Policy	
	.810 Permit required to remove material from bed or banks of waters; status of permit; exceptions; rules	196.810, .815, and .825 amended to address specific requirements for ocean renewable energy facilities. (Laws 2015, c. 386, § 11, eff. June 11, 2015).
	.815 Application for permit; rules; fees; disposition of fees	
	.816 General permits allowing removal of certain amount of material for maintaining drainage; rules; waiver of fees	
	.817 General permits; rules	
	.818 Wetland delineation reports; review by Department of State Lands; fees; rules	
	.825 Criteria for issuance of permit; conditions; consultation with public bodies; hearing; appeal	See above
	.830 Estuarine resource replacement as condition for fill or removal from estuary; considerations; other permit conditions	
	.845 Investigations and surveys	
	.850 Waiving permit requirement in certain cases; rules; notice; review; fees; disposition of fees	
	.855 Noncomplying removal of material or filling as public nuisance	196.905 amended to exempt from requirements certain removal-fill activities in exclusive farm use, forest use, or mixed farm and forest zones. (Laws 2017, c. 428, § 1, eff. Jan. 1, 2018).
.880 Fill under permit presumed not to affect public rights; public rights extinguished		
.905 Applicability; rules		
<p><i>ORS Chapter 273 (State Lands-Generally)</i></p> <p><i>Statute Edition 2013 approved in Program</i></p>	.551 Drilling Leases; Mining and drilling leases on state lands; fee	
	.553 South Slough Estuary; South Slough National Estuarine Research Reserve; agreement between Oregon and federal government; rules	
	.554 South Slough National Estuarine Research Reserve Management Commission; powers; rules; fees; membership; procedures; expenses	
	.775 Mineral and Geothermal Resource Rights; Definitions for ORS 273.775 to 273.790	
	.780 Retention of mineral and geothermal resource rights by state; exploration permit or lease; sale or exchange	
	.785 Application of ORS 273.551 and 273.775 to 273.790; rules	
<p><i>ORS Chapter 274 (Submersible and Submerged)</i></p> <p><i>Statute Edition 2013 approved in Program</i></p>	.005 Definitions	274.040 amended to exempt ocean renewable energy facilities from certain lease requirements. (Laws 2015, c. 386, § 7, eff. June 11, 2015).
	.025 Jurisdiction over submersible and submerged lands generally	
	.040 Sale or lease of submersible lands; easements; occupation of submerged and submersible lands for water works	
	.043 Exemptions from leasing requirements; rules; registration; use without charge; use with charge; indemnification	274.043 amended to allow DSL to add exemptions to leasing requirements by rulemaking. (Laws 2015, c. 205, § 1, eff. June 2, 2015).
	.060 Regulation of harbor improvements; oyster beds; public easement in submerged and submersible lands	
	.400 Beds of Streams, Lakes, Bays; Definition for ORS 274.400 to 274.412	
	.402 Exclusive jurisdiction to assert title to submerged or submersible lands in navigable waterway	
	.425 Definition for ORS 274.430 to 274.520	
	.430 State ownership of meandered lakes; status as navigable and public waters	
	.440 Acquisition of future rights to meandered lakes denied; extension of riparian ownership; lands overflowed by high water	
	.525 Removing Materials; City use of stream bed material	
	.530 Lease or license of stream beds for removal of material; rules for measurement of volume removed	
.550 Removal of material without payment of royalties; eligible material and uses		
.560 Lease terms; bond or security; prohibited lease or purchase option; monthly reports and payments; rules		

	<p>.705 Tidal Submersible and Submerged; Definitions for ORS 274.705 to 274.860</p> <p>.710 Jurisdiction of department over tidal submerged lands; easements; leases for oil, gas and sulfur</p> <p>.715 Sulfur leases</p> <p>.725 Scope of leases and permits; persons ineligible</p> <p>.735 Application for survey permit; effect of permit; rules</p> <p>.740 Issuance of survey permit; renewal; reports</p> <p>.745 Drilling logs and records</p> <p>.760 Considerations involved in granting lease or easement</p> <p>.770 Prohibited drilling requirements</p> <p>.790 Royalties</p> <p>.805 Drill sites</p> <p>.810 Commencement of drilling; operational requirements</p> <p>.820 Water contamination or pollution</p> <p>.825 Nonconflicting use of leased lands</p> <p>.830 Protecting lands from drainage</p> <p>.835 Conformance to laws and regulations; periodic negotiations</p> <p>.840 Continuation of lease after cessation of production</p> <p>.850 Cancellation of lease; partial retention of leasehold; removal of equipment</p> <p>.855 Restoration of leasehold to original condition</p> <p>.860 Protection and location of filled lands</p> <p>.867 (currently numbered 274.879) Financial assurance</p> <p>.885 Lease of kelp fields</p> <p>.890 Time allowed lessee for survey and erection of plant; filing copy of survey with department</p> <p>.895 Removing kelp without lease</p> <p>.905 Submersible, submerged and new lands; Definitions for ORS 274.905 to 274.940</p> <p>.920 Creation of new lands upon submersible or submerged lands</p> <p>.940 Reservation of historically filled lands or new lands</p>	<p>274.905 amended to add definition of “historically filled lands” and revise definition of “new lands” to include only lands created since May 28, 1963. (Laws 2015, c. 804, § 5, eff. July 27, 2015, operative Jan. 1, 2016).</p> <p>274.940 amended to prescribe procedures for how state may assert title to or other interest in historically filled lands (<i>Id.</i>)</p>
<p>ORS Chapter 390 (Parks and Recreation; Ocean Shores)</p> <p>Statute Edition 2013 approved in Program</p>	<p>.010 Policy of state toward outdoor recreation resources</p> <p>.235 Archeological Sites and Historic Material; Permits and conditions for excavation or removal of archaeological or historical material; rules; criminal penalty</p> <p>.237 Removal without permit; exceptions</p> <p>.605 Ocean Shores; Definitions</p> <p>.610 Policy</p> <p>.615 Ownership of Pacific shore; declaration as state recreation area</p> <p>.640 Permit required for improvements on ocean shore; exceptions</p> <p>.650 Improvement permit procedure; fee; waiver or reduction</p> <p>.655 Standards for improvement permits</p> <p>.661 Improvement without permit or contrary to permit conditions as public nuisance</p> <p>.663 Investigation of violation within ocean shore; cease and desist order; enforcement of order by state and local police</p> <p>.666 Revocation, suspension or nonrenewal of improvement permit</p> <p>.669 Action by state or any person to abate public nuisance; temporary restraining order or preliminary injunction; compensation to public</p> <p>.678 Motor vehicle and aircraft use regulated in certain zones; zone markers; proceedings to establish zones</p> <p>.705 Prohibition against placing certain conduits across recreation area and against removal of natural products</p>	<p>390.235 revised with respect to public universities’ handling of archeological materials. (Laws 2015, c. 767, § 171, eff. July 27, 2015).</p>

Table 3 - 2

	.715 Permits for pipe, cable or conduit across ocean shore, state recreation areas and submerged lands .725 Permits for removal of products along ocean shore; rules .729 Permits for operation of all-terrain vehicles on ocean shore .760 Exceptions from vegetation line .770 Vegetation line described .805 Scenic Waterways; Definitions for ORS 390.805 to 390.925 .826 Designated scenic waterways .835 Highest and best use of waters within scenic waterways; prohibitions; authority of various agencies; water rights; conditions; recreational prospecting; placer mining .845 Administration of scenic waterways and related adjacent lands; limitations on use; condemnation; rules	
<i>ORS Chapter 454 (Sewage and Disposal Systems) Statute Edition 2013 approved in Program</i>	.605 Definitions for ORS 454.605 to 454.755 .607 Policy .610 Regulation of gray water discharge; permit; rules .655 Permit required for construction; application; time limit; special application procedure for septic tank installation on parcel of 10 acres or more .657 Variance from subsurface sewage disposal system rules or standards; conditions; hearing	
<i>ORS Chapter 465 (Hazardous Waste and Materials) Statute Edition 2001 approved in Program</i>	EPs within ORS 465.003 to 465.037 EPs within ORS 465.101 to 465.180 EPs within ORS 465.200 to 465.455 EPs within ORS 465.475 to 465.482 EPs within ORS 465.500 to 465.555 EPs within ORS 465.900 to 465.992	
<i>ORS Chapter 468 (Env Quality Generally) Statute Edition 2013 approved in Program</i>	.936 Unlawful air pollution in the second degree .939 Unlawful air pollution in the first degree .941 Determination of number of punishable offenses under ORS 468.936 and 468.939 .943 Unlawful water pollution in the second degree .946 Unlawful water pollution in the first degree .949 Determination of number of punishable offenses under ORS 468.943 and 468.946 .951 Environmental endangerment	
<i>ORS Chapter 468A (Air Quality) Statute Edition 2013 approved in Program</i>	468A.005 Definitions for air pollution laws 468A.010 Policy 468A.020 Application of air pollution laws 468A.025 Air purity standards; air quality standards; treatment and control of emissions; rules 468A.040 Permits; rules 468A.045 Activities prohibited without permit; limit on activities with permit 468A.050 Classification of air contamination sources; registration and reporting of sources; rules; fees 468A.055 Notice prior to construction of new sources; order authorizing or prohibiting construction; effect of no order; appeal 468A.060 Duty to comply with laws, rules and standards 468A.070 Measurement and testing of contamination sources; rules 468A.075 Variances from air contamination rules and standards; delegation to local governments; notices	468A.020 amended to refer to air "pollution" rather than "quality" laws and to exempt from certain requirements carbon dioxide emissions from biomass combustion or decomposition. (Laws 2015, c. 500, § 1, eff. June 18, 2015).

<i>Motor Vehicle Pollution Control</i>	EPs within 468A.350 to 468A.455
<i>Solid Fuel Burning Devices</i>	EPs within 468A.460 to 468A.515
<i>Chlorofluorocarbons and Halon Control</i>	EPs within 468A.625 to 468A.645
<i>Aerosol Spray Control</i>	EPs within 468A.650 to 468A.660
<i>Asbestos Abatement Projects</i>	EPs within 468A.700 to 468A.760
<i>Indoor Air Pollution Control</i>	EPs within 468A.775 to 468A.785
<i>Diesel Engines</i>	EPs within 468A.793 to 468A.803



<i>ORS Chapter 468B</i>	468B.005 Definitions for water pollution control laws	
<i>Statute Edition 2013 approved in Program</i>	468B.015 Policy	
<i>Water Pollution Control-Surface Water</i>	468B.020 Prevention of pollution	
	468B.025 Prohibited activities	
	468B.040 Certification of hydroelectric power project; comments of affected state agencies	
	468B.045 Certification of change to hydroelectric power project; notification of federal agency	
	468B.046 Reauthorization of hydroelectric project not to limit authority of department related to certification of project for water quality purposes	
	468B.048 Rules for standards of quality and purity; factors to be considered; meeting standards	
	468B.050 Water quality permit; issuance by rule or order; rules	
	468B.052 Fees for water quality permit to operate suction dredge	468B.052 repealed, abolishing specific fees for permits to operate certain suction dredges (Laws 2017, c. 300, § 9, eff. Jan. 1, 2018.)
	468B.055 Plans and specifications for disposal, treatment and sewerage systems	
	468B.060 Liability for damage to fish or wildlife or habitat; agency to which damages payable	
	468B.070 Prohibited activities for certain municipalities	
	468B.075 Definitions for 468B.080	
	468B.080 Prohibitions relating to garbage or sewage dumping into waters of state	
	468B.083 When motor vehicle parts may be placed in waters of state; rules	
	468B.085 Depositing vehicles or manufactured structures into water prohibited	
	468B.090 Permit authorized for discharge of shrimp and crab processing byproducts; conditions	
	468B.093 General permit for discharge of geothermal spring water to surface water	
<i>Water Pollution Control-Phosphate Cleansing Agents</i>	468B.095 Use of sludge on agricultural, horticultural or silvicultural land; rules	
	468B.120 Definitions for 468B.120 to 468B.135	
	468B.125 Policy to reduce phosphorous pollution	
	468B.130 Prohibition on sale or distribution of cleaning agents containing phosphorous; rules	
<i>Water Pollution Control-Persistent Pollutants</i>	468B.135 Exemptions	
<i>Water Pollution Control-Ground Water</i>	EPs within 468B.138 to 468B.144	
	468B.150 Definitions for 468B.150 to 468B.190	
	468B.155 State goal to prevent ground water contamination	
<i>Animal Waste Control</i>	468B.160 Ground water management and use policy	
<i>Oil or Haz Material Spillage-Generally</i>	EPs within 468B.200 to 468B.230	
	468B.300 Definitions for 468B.300 to 468B.500	
	468B.305 Entry of oil into waters of state prohibited; exceptions	
	468B.310 Liability for violation of 468B.305; exceptions	
	468B.315 Duty to collect and remove oil; dispersal of oil	
	468B.320 Action by state; liability for state expense; order; appeal	468B.310 amended to exempt land bank authorities from liability under Oregon's cleanup law in certain circumstances. (Laws 2015, c. 631, § 11, eff. Jan. 1, 2016).
<i>Oil or Haz Material Spillage-Contingency Planning</i>	468B.337 Liquefied natural gas	
	468B.345 Oil spill contingency plan required to operate facility or covered vessel in state or state waters; exceptions	
	468B.350 Standards for contingency plans; oil spill response zones; rules	
	468B.355 Contingency plans; participation in maritime association; lien; liability of maritime association; exemption from liability	
	468B.360 Review of contingency plan	
	468B.365 Plan approval; change affecting plan; certificate of approval	
	468B.370 Determination of adequacy of plan; practice drills; rules	
	468B.375 Inspection of facilities and vessels; coordination with State of Washington	

<p><i>Oil or Haz Material Spillage-Willful Discharge</i></p> <p><i>Oil or Haz Material Spillage-Shipping</i></p>	<p>468B.380 Tank vessel inspection program; rules</p> <p>468B.385 Modification of approval of contingency plan; revocation of approval; violation</p> <p>468B.390 Compliance with federal Oil Pollution Act of 1990; proof of financial responsibility</p> <p>468B.450 Willful or negligent discharge of oil; civil penalty; authority of director to mitigate</p> <p>468B.460 Rules</p> <p>468B.475 Legislative finding; need for evidence of financial assurance for ships transporting oil</p> <p>468B.485 Methods of establishing financial assurance</p>	
<p>ORS Chapter 469 (Energy)</p> <p><i>Statute Edition 1987 approved in Program</i></p>	<p>.300 Definitions</p> <p>.310 Policy</p> <p>.320 Siting certificate required; exceptions</p> <p>.500 (currently numbered 469.507. Following are EPs: .507(1), .507(2), .507(3), .507(4))</p> <p>.510 (currently numbered 469.501 and 469.504. Following are EPs: .501e, .501g, .501i, .501k, .501m, and 469.504)</p>	<p>1987 version of ORS Ch. 469 addressed directly in Table 2.</p>
<p>ORS Chapter 496 (Wildlife Administration)</p> <p><i>Statute Edition 2013 approved in Program</i></p>	<p>.004 Definitions</p> <p>.007 "Game bird" defined</p> <p>.009 "Game fish" defined</p> <p>.012 Wildlife policy</p> <p>.162 Establishing seasons, amounts and manner of taking wildlife; rules</p> <p>.171 Th or E Wildlife Species. Definitions for ORS 496.171 to 496.182; applicability date</p> <p>.182 Protection and conservation programs; mitigation of adverse impact on local economies; compliance by state agencies; rules</p>	
<p>ORS Chapter 498 (Fish Screening)</p> <p><i>Statute Edition 2013 approved in Program</i></p>	<p>.301 Policy</p> <p>.306 Screening or by-pass devices for water diversions; fees; costs</p> <p>.316 Exemption from screening or by-pass devices</p>	
<p>ORS Chapter 506 (Commercial Fishing and Fisheries)</p> <p><i>Statute Edition 2013 approved in Program</i></p>	<p>.006 General definitions</p> <p>.011 Types of marine life defined</p> <p>.016 "Salmon" defined</p> <p>.025 "Unlawful to buy" defined</p> <p>.028 "Conservation" defined</p> <p>.109 Food fish management policy</p> <p>.220 Erecting markers of closed waters; interference with markers</p> <p>.450 Definitions for ORS 506.450 to 506.465; rules</p> <p>.455 Policy</p> <p>.610 When possession prima facie evidence of taking fish unlawfully</p>	
<p>ORS Chapter 509 (Additional Fishery Requirements)</p> <p><i>Statute Edition 2013 approved in Program</i></p>	<p>.001 Definitions</p> <p>.112 Wasting food fish</p> <p>.115 Placing in waters fish harmful to food fish</p> <p>.120 Using electricity to disturb food fish</p> <p>.122 Definitions for ORS 509.125 to 509.155</p> <p>.125 Placing substances in water to drive fish from closed areas</p> <p>.130 Placing substances in water or using explosives to take or destroy food fish</p> <p>.140 Placing explosives or harmful substances in waters in course of lawful work; permit</p> <p>.505 Placing in water matter injurious to shellfish</p> <p>.510 Taking shellfish from marked beds without permission; disturbing beds</p> <p>.580 Definitions for ORS 509.580 to 509.590, 509.600 to 509.645 and 509.910; rules</p>	

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	.585 Fish passage required for artificial obstructions; statewide inventory; waiver of requirement by commission; rules; exemptions .600 Destroying, injuring or taking fish near fishway; permits to take fish .610 Maintenance of fish passage required .625 Power of department to inspect artificial obstructions and have fish passage constructed or remove obstruction	
<i>ORS Chapter 517 (Mining and Mining Claims)</i> <i>Statute Edition 1987 approved in Program</i>	EPs within ORS 517.750 to 517.790	
<i>ORS Chapter 520 (Conservation of Gas and Oil)</i> <i>Statute Edition 1987 approved in Program</i>	EPs within ORS 520.005 to 520.095	
<i>ORS Chapter 527 (Forest Practices)</i> <i>Statute Edition 1991 approved in Program</i>	.620 Definitions for ORS527.610 to 527.770 .630 Policy .660 Committtees to review rules .670 Commencement of operations; when notice and written plan required; notice of chemical application; appeal of plan .700 Appeals from order of State Forester; hearings procedure; stay of operation .710 Duties and powers of board; rules to protect resources; inventory for resource protection; consultation with other agencies .722 Restrictions on local government adoption of rules regulating forest operations; exceptions .990 Criminal penalties	
<i>ORS Chapter 536 (Water Resources Administration)</i> <i>Statute Edition 2013 approved in Program</i>	.220 Policy on water resources generally; integrated state water resources strategy .700 Drainage basin" defined .710 Policy	

	.349 Processing request for in-stream water right.	
	.350 Legal status of in-stream water right.	
	.352 Precedence of uses.	
	.400 Reservoir permits.	
	.410 Failure to commence or complete work, or to properly apply water, as grounds for cancellation of permit; irrigation districts, municipalities and public utilities excepted.	
	.420 Notice of hearing.	
	.440 Cancellation of permit; priorities of other permits.	
	.445 Hearing upon proposal to cancel permit or appropriation; cancellation suspended pending review.	
	.450 Rules for proof as to work and use of water under permits; noncompliance as evidence in cancellation proceedings.	
<i>Ground Water</i>	.505 Short title.	
	.515 Definitions for ORS 537.505 to 537.795 and 537.992.	
	.525 Policy.	
	.535 Unlawful use or appropriation of ground water, including well construction and operation.	
	.545 Exempt uses; map; filing of use; fee; rules.	
	.575 Permits granted, approved or pending under former law.	
	.585 Beneficial use of ground water prior to August 3, 1955, recognized as right to appropriate water when registered.	
	.595 Construction or alteration of well commenced prior to August 3, 1955, recognized as right to appropriate water when registered.	
	.605 Registration of right to appropriate ground water claimed under ORS 537.585 or 537.595; registration statement.	
	.610 Recording registration statement; issuing certificate of registration; effect of certificate; rules; fees.	
	.615 Application for permit to acquire new right or enlarge existing right to appropriate ground water; plans and drawings.	537.610 and 537.620 amended to increase registration certificate and permit fees.
	.620 Determination of completeness of application; initial review; preliminary determination; notice; public comments	(Laws 2017, c. 571, §§ 5, 6, eff. July 19, 2017, operative July 1, 2017).
	.625 Final order; appeal; contents of permit.	
	.630 Time allowed for construction work under permit; extension; certificate of completion; survey; ground water right certificate; requirements for supplemental water right.	See above.
	.635 Assignment of application, certificate of registration or permit	
	.680 Taking testimony; inspecting evidence; contesting claim.	537.630 amended to define “undeveloped portion” of a water right and add certain requirements for permit for municipal use.
	.685 Findings of fact and order of determination.	(Laws 2017, c. 704, § 4, eff. Aug. 15, 2017).
	.690 Filing evidence, findings and determinations; court proceedings.	
	.695 Conclusive adjudication.	
	.705 Ground water appurtenant; change in use, place of use or point of appropriation.	
	.730 Designation of critical ground water area; rules; notice	
	.780 Powers of Water Resources Commission; rules; limitations on authority.	
	.795 ORS 537.505 to 537.795 supplementary.	
<i>ORS Chapter 543 (Hydroelectric Projects)</i>	.012 Applicability of chapter to reauthorization of existing hydroelectric project.	
	.014 repealed by 2015 c.386 §15	
	.015 Policy.	
<i>Statute Edition 2013 approved in Program</i>	.017 Minimum standards for development of hydroelectric power; public interest considerations; rules.	
	.060 Investigations; access to project, maps, books and other project data.	
	.110 Appropriation and use of water for power is governed by this chapter.	
	.120 Water power projects to be in conformity with this chapter.	
	.140 Projects or developments constructed by federal government excepted from law.	
	.150 Municipal corporations and utility districts; applicability of laws; powers of commission respecting districts.	
	.210 Preliminary permits; application; contents; fee.	

.225 Hearing on application; notice; policy.
 .250 Permit; duration; transfer; cancellation; priority; terms and conditions; denial.
 .255 Determination of cumulative impacts of proposed hydroelectric power projects; consolidated review; applicability.
 .260 Licenses; duration; terms and conditions; termination; denial of application; preference of municipality or utility district. Hy
 .265 Testing of fish protection measures as condition for hydroelectric project permit or license; scope and cost.
 .270 Preference in granting permit or license; municipal use.
 .280 Fee payments by licensee.
 .290 Filing of maps, plans, estimates and other materials; incorporation as part of license; alteration; further statements and data.
 .300 Conditions governing license; fees; waiver of conditions.
 .410 Construction of project; time for commencement and completion; supply of service; extension of time; nonperformance; termination of license.
 .440 Transfer of license, rights or property; effect.
 .610 Acquisition of project by state or municipality.
 .760 Definition of water right.
 .765 Certificate to use water for hydroelectric purposes within artificial delivery system; expedited application process; certificate conditions; annual payments; fees.

ORS Chapter 564
 (Threatened of Endangered Plants)

.100 Definitions for ORS 564.100 to 564.135
 .115 Protection and conservation programs; action by state agencies; alternatives; findings required if agency fails to adopt alternatives
 .120 Transactions in threatened or endangered species; restrictions; prohibition

Statute Edition 2013 approved in Program

STATEWIDE PLANNING GOALS

<i>Statewide Planning Goal 2</i>	Pg 2. Part II- Exceptions	
<i>Statewide Planning Goal 6</i>	Pg 1. First paragraph (unbolded)	
<i>Statewide Planning Goal 8</i>	Pg 2. Siting Standards Pg 3-7 Definitions	
<i>Statewide Planning Goal 16</i>	<p>Pg 1. Column 2: Introduction: Protection for estuarine ecosystems and priorities listed for management and use of estuarine resources.</p> <p>Pg 2. Column 1 thru Pg 4 Column 2: Management Units: Estuary resources maintained through three management units; definition of units and list of specific uses allowed in each unit.</p> <p>Pg 4 Column 2: Implementation Requirements, #1: Impacts assessment needed for actions that could alter the estuarine ecosystem and contents of assessment described.</p> <p>Pg 5 Column 1: Implementation Requirements, #2: Limitations on dredging/filling</p> <p>Pg 6 Column 1: Implementation Requirements, #5: Mitigation required when dredge/fill is permitted in intertidal or tidal marsh areas.</p> <p>Pg 6 Column 1: Implementation Requirements, #6: Prohibition on dredge material disposal in intertidal or tidal marsh areas</p> <p>Pg 6 Column 1: Implementation Requirements, #7: Limitations on size and shape of over water-structures and alternatives to over-water structures must be considered.</p>	
<i>Statewide Planning Goal 17</i>	<p>Pg. 2 Column 2 thru Pg. 3 Column 1: Identification of Coastal Shorelands; definition of coastal shorelands.</p> <p>Pg. 3 Column 1: Coastal shoreland Uses: Protection for significant areas and allowed uses.</p> <p>Pg. 3 Column 1 to Column 2: Location of shorelands: Protection for water-dependent uses in certain areas of shorelands.</p> <p>Pg. 3 Column 2 to Pg. 4 Column 1: Permissible Nonwater-Dependent Uses; definition of permissible nonwater-dependent uses.</p> <p>Pg. 4 Column 2: Implementation Requirements: #3: Dredged material disposal site protection from new uses</p> <p>Pg. 4 Column 2 to Pg. 5 Column 1: Implementation Requirements: #4: Riparian vegetation shall be maintained and where appropriate restored and enhanced.</p> <p>Pg. 5 Column 1: Implementation Requirements: #5: Practices and non-structural solutions will be preferred to structural solutions.</p> <p>Pg. 5 Column 1: Implementation Requirements: #6: Existing public ownership maintained.</p> <p>Pg 7 Column 1: Examples of Incidental Uses: Definitions of conjunction and incidental to water-dependent use; clarifies permissible nonwater-dependent use definition.</p>	

COOS COUNTY

<p><i>COOS COUNTY COMPREHENSIVE PLAN (CCCP)</i> <i>CCCP Volume I, Part 1, Section 5: Plan Provisions</i> 2013 version</p>	<p>Section 5.2, Strategies 2, 14 Plan policies regarding Land Use & Community Development</p> <p>Section 5.3, Strategies 1, 10, 12, 13 Plan policies regarding Agricultural Lands</p> <p>Section 5.4, Strategies 1, 3, 9 Plan policies regarding Forest Lands</p> <p>Section 5.5, Strategies 1, 2, 4 Plan policies regarding Mineral and Aggregate Resources</p> <p>Section 5.6, Strategies 1, 6 Plan policies regarding Fish and Wildlife Habitats</p> <p>Section 5.7, Strategy 3 Plan policies regarding Historical & Archaeological Resources, Natural Areas, etc.</p> <p>Section 5.10, Strategies 1, 2, 3, 5, 7, 8, 9, 10, 11 Plan policies regarding Dunes, and Ocean and Coastal Lake Shorelands</p> <p>Section 5.11 Strategies 1, 4, 6, 7 Plan policies regarding Natural Hazards</p> <p>Section 5.18 Strategies 4, 4a, 5, 6 Plan policies regarding Public Facilities</p> <p>Section 5.22, Strategy 2 Plan policies regarding Urbanization</p>	<p>* On Feb. 22, 2019, DLCD provided the Applicants with local copies of approved prior editions of the applicable land use enforceable policies. Some of the local copies do not contain effective dates, that is, for some of the applicable enforceable policies, the exact date of the approved edition provided is unclear. In those cases, the Applicants compared the local copies provided by DLCD with the most current edition available through the local jurisdiction to identify any changes.</p> <p>The local copy of the approved Coos County Comprehensive Plan is one such example. Based on information from Coos County Planning’s website, there do not appear to have been any changes between the local copy of CCCP Vol. 1, Part 1, Sec. 5 provided by DLCD and the edition currently available on Coos County Planning’s website. See http://www.co.coos.or.us/Portals/0/Planning/Vol%201%20Part%201%20CCP.pdf?ver=2015-05-19-132047-017.</p>
<p><i>CCCP Volume II, Part 1, Sections 3 and 5: Coos Bay Estuary Management Plan</i> 2013 version</p>	<p>Section 3.2 (exception: OCM does not approve “Continental Shelf”) Definitions same as 2013</p> <p>Section 3.3 Policy 1 Estuary Classifications</p> <p>Section 3.3 Policy 2 General Schedule of Permitted uses and General Use Priorities</p> <p>Section 3.3 Policy 3 Use of “Coos Bay Estuary Special Considerations Map” as the Basis for Special Policies Implementation</p> <p>Section 3.3 Policy 4, including 4a Resource Capability Consistency and Impact Assessment</p> <p>Section 3.3 Policy 5, including 5a-5d Estuarine Fill and Removal</p> <p>Section 3.3 Policy 6 Fill in Conservation and Natural Estuarine Management Units</p> <p>Section 3.3 Policy 8 Estuarine Mitigation Requirements</p> <p>Section 3.3 Policy 9 Solutions to Erosion and Flooding Problems</p> <p>Section 3.3 Policy 10 Proliferation of Single-Purpose Docks and Piers</p> <p>Section 3.3 Policy 13 Overall Use Priorities within Coastal Shorelands</p> <p>Section 3.3 Policy 14 General Policy on Uses within Rural Coastal Shorelands</p> <p>Section 3.3 Policy 15 Land Divisions within Rural Shorelands</p> <p>Section 3.3 Policy 16, including 16a and 16b Protection of Sites Suitable for Water-Dependent Uses and Special Allowance for new Non-Water- Dependent Uses in “Urban Water-Dependent (UW) Units”</p> <p>Section 3.3 Policy 18 Protection of Historical, Cultural and Archaeological Sites</p> <p>Section 3.3 Policy 19 Management of “Wet-Meadow” Wetlands within Coastal Shorelands</p> <p>Section 3.3 Policy 20, including 20b and 20c Dredged Material Disposal Sites</p> <p>Section 3.3 Policy 22, including 22b Mitigation Sites: Protection Against Preemptory Uses</p> <p>Section 3.3 Policy 25 Waste/Storm Water Discharge</p> <p>Section 3.3 Policy 29 Restricting Actions in Beach and Dune Areas that are “Unsuitable for Development”</p> <p>Section 3.3 Policy 30 Restricting Actions in Beach and Dune Areas with “Limited Development Suitability” and Special Consideration for Sensitive Beach and Dune Resources</p> <p>Section 3.3 Policy 46a Flow-Lane Disposal of Dredged Material Allowed in Development Aquatic Management Units</p> <p>Section 5 ALL Management Units</p>	<p>In what appears to have been a clerical error, DLCD provided Applicants with a local copy of the Coquille River Estuary Management Plan, CCCP Vol. III, rather than the applicable Coos Bay Estuary Management Plan, CCCP Vol. II. Even so, according to the most current edition of the CCCP, Vol. 2, Part 1 available on Coos County Planning’s website, there do not appear to have been any changes to CBEMP since 2003. See current version available on the Coos County Planning Website, codified in 2003, available at http://www.co.coos.or.us/Portals/0/Planning/Vol%202%20Part%201%20-%20CBEMP.pdf?ver=2015-05-18-145041-903 (last accessed April 10, 2019).</p>
<p><i>COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE</i> <i>Chapters 1-3</i> 2013 version</p>	<p>Chapter 1; Section 1.1.300 Requires compliance with provisions of Comprehensive Plan and Ordinances</p> <p>Chapter 2; Sections 2.1.100 – 2.1.200 (exception: OCPM does not approve “Continental Shelf”) Definitions</p> <p>Chapter 3; Section 3.2.175 Special allowance for accessory dwellings</p> <p>Chapter 3; Section 3.2.500 Right of way enhancement</p> <p>Chapter 3; Section 3.2.550 Routine road maintenance</p> <p>Chapter 3; Section 3.2.700 Process for tribal review at archeological sites</p>	<p>Several definitions in 2.1.200 amended to address medical marijuana facilities. See ORD AM 15-05-006PL (June 24, 2015), Att. A. Several definitions added in 2017 to “address updates to Exclusions, Definitions, Industrial and Commercial Uses, Land Use Procedures, Lawfully Created Parcels, Property Line Adjustments, Road Standards.” ORD AM 17-04-004PL (May 2, 2017).</p> <p><u>Currently recodified as:</u></p>

Chapter 4 2013 version	Section 4.1.100 Part B; Establishes overlay zones		
	Section 4.1.100 Part C; Establishes shoreland zones for Coquille River estuary		
	Section 4.1.100 Part D; Establishes aquatic unit zones for Coquille River estuary		
	Section 4.1.200; Zoning District Maps: specifies official zoning maps		
	Section 4.1.450; Interpretation of Shoreland boundary		
	Section 4.2.100; Use Matrices - General		
	Section 4.2.200; Open Space and Natural Resource District: Table 4.2a		
	Section 4.2.300; Resource Zoning Districts: refers to 4.8 and 4.9 for uses		
	Section 4.2.400; Rural Residential and Rural Unincorporated Table 4.2.c		
	Section 4.2.500; Urban Residential Zoning District: Table 4.2.d		4.3.200
	Section 4.2.600; Commercial – Industrial Zoning District: Table 4.2.e	Changes to current 4.3.200 reflected in ORD AM 18-09-009PL (Oct. 2, 2018), Att. A at 11-18.	4.3.200
	Section 4.2.700; Commercial – Industrial Rural Communities: Table 4.2.f		
	Section 4.2.800; Commercial – Industrial Urban Communities: Table 4.2.g		
	Section 4.2.900; Review Standards and Conditions (refers to tables)		
	Section 4.3.100; Use Matrix—CREMP Aquatic Units		
	TABLE 4.3a; CREMP Estuarine Uses/Activities Matrix		
	Section 4.4.100; Applies generally to 4.2.200 – 4.2.600		
	Section 4.4.200; Open Space and Natural Resource Districts		
	Section 4.4.300; General Standards for Resource Zoning Districts		
	Section 4.4.400; General Standards for Rural Residential Zoning Districts		
	Section 4.4.500; General Standards for Urban Residential Zoning Districts		
	Section 4.4.550; Manufactured Homes in Urban Residential Districts		
	Section 4.4.600; Commercial – Industrial Districts		
	Section 4.4.610; Site Plan Review		
	Table 4.5.100; Purpose: Land Development Standards		3.2.100
	Section 4.5.175; Site-Specific Zoning Districts	Section 4.5.100 amended in 2015 to add requirements for carnivals and solar energy systems. ORD AM 14-09-011PL (Feb. 3, 2015).	3.2.175
	Section 4.5.180.2; Riparian protection standards re existing structures		3.2.180
	Section 4.5.201; Management Objective DDNC-DA		3.2.201
	Section 4.5.202; Uses, Activities, Special Conditions Table DDNCDA		3.2.202
	Section 4.5.205; Management Objective CSDNC-DA		
	Section 4.5.206; Activities, Special Conditions Table CSDNC-DA		
	Section 4.5.210; Management Objectives for ISSDNC-DA		
	Section 4.5.211; Table ISSDNC-DA		
	Section 4.5.215; Management Objectives for CMRSDNC-DA		
	Section 4.5.216; Uses, Activities, Special Conditions Table CMRSDNC-DA		
	Section 4.5.220; Management Objectives for 1-CS		
	Section 4.5.221; Uses, Activities, Special Conditions Table 1-CS		
	Section 4.5.222; Land Development Standards		
	Section 4.5.225; Management Objectives for 1-CA		
	Section 4.5.226; Uses, Activities, Special Conditions Table 1-CA		
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Sec. 4.6.200-.230 amended to add as permitted or conditional uses utility facilities over and under public roads; certain water features; filming; wind, solar, and geothermal electricity; wineries; solid waste disposal sites; and other recreational, farm, and residential uses in the EFU zone. See ORD AM-15-05-004PL (July 15, 2015), Att. A.

CITY OF COOS BAY

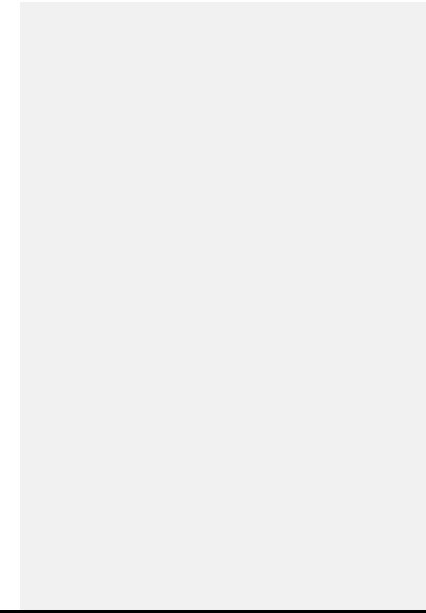
<p><i>CITY COOS BAY COMPREHENSIVE PLAN (CBCP)</i> <i>CBCP Chapter 7</i></p>	<p>Section 7.1, NRH.1 Natural Resources and Hazards Section 7.1, NRH.6 Natural Resources and Hazards Section 7.1, NRH.1.1 Regulation in dune areas to protect water quality Section 7.3, HP.3 Historic Preservation Section 7.4, R.6 Recreation and Open Space (buffer area) Section 7.7, PFS.10 Public Facilities and Services (coordination with Coos Bay-North Bend Water Board) Section 7.7, PFS.11 Public Facilities and Services (providing sewer service outside city limits) Section 7.9, UGM.9 Urban Growth Management (prohibits annexation solely for sewer service) Section 7.10, ER.1 Estuarine Resources (adoption of Coos Bay Estuary Management Plan provisions)</p>
<p><i>CITY COOS BAY LAND DEV. ORDINANCE</i> <i>TITLE 17 Division 1</i> 2013 version</p>	<p>Chapter 17.05, 17.05.20; 17.05.30 General Chapter 17.10, 17.10.010 Definitions Chapter 17.15, 17.15.010 Land Development Map Chapter 17.20, 17.20.010 – 17.20.020 Uses of Land Chapter 17.25, 17.25.010 – 17.25.110 Nonconformance</p>
<p><i>CITY COOS BAY LAND DEV. ORDINANCE</i> <i>TITLE 17 Division 2</i> 2013 version</p>	<p>Chapter 17.30, Table 17.30.010 Establishment of Zoning Districts Chapter 17.35, 17.35.020 – 17.35.050 R-1 Single Family Residential Chapter 17.40, 17.40.020 – 17.40.050 R-2 Single Family and Duplex Residential Chapter 17.45, 17.45.020 – 17.45.050 R-3 Multiple Residential Chapter 17.50, 17.50.020 – 17.50.050 R-4P Residential/Professional Chapter 17.55, 17.55.020 – 17.55.050 R-5 Residential Certified Factory-built Home Park Chapter 17.60, 17.60.020 – 17.60.050 R-W Restricted Waterfront Residential Chapter 17.65, 17.65.020 – 17.65.050 MP Medical Park Chapter 17.70, 17.70.020 – 17.70.050 C-1 Central Commercial Chapter 17.75, 17.75.020 – 17.75.050 C-2 General Commercial Chapter 17.80, 17.80.020 – 17.80.050 G-1 General Industrial Chapter 17.85, 17.85.020 – 17.85.050 I-C Industrial/Commercial Chapter 17.90, 17.90.020 – 17.90.050 W-I Waterfront Industrial Chapter 17.95, 17.95.020 – 17.95.050 QP-1 Park/Cemetery Chapter 17.100, 17.100.020 – 17.100.050 QP-2 Watershed Chapter 17.105, 17.105.020 – 17.105.050 QP-3 Public Educational Facilities Chapter 17.110, 17.110.020 – 17.110.030 QP-4 Transportation Facilities Chapter 17.115, 17.115.020 – 17.115.060 QP-5 Buffer Chapter 17.120, 17.120.020 – 17.120.050 R-6 Single Family/Duplex Residential & Factory-built Chapter 17.125, 17.125.020 – 17.125.090 WH Waterfront Heritage Chapter 17.127, 17.127.020 – 17.127.100 HP Hollering Place</p>
<p><i>CITY COOS BAY LAND DEV. ORDINANCE</i> <i>TITLE 17 Division 3</i> 2013 version</p>	<p>Chapter 17.145, 17.145.020 – 17.145.050 Access Management Chapter 17.170, 17.170.010 Utilities and Public Facilities Chapter 17.175, 17.175.010, Drainage Facilities Chapter 17.180, 17.180.010 – 17.180.050 Transportation Standards Chapter 17.185, 17.185.010 – 17.185.020 Open Space Chapter 17.190, 17.190.010 – 17.190.030 Recreational Area Chapter 17.195, 17.195.050 – 17.195.200 Flood Damage Prevention</p>

	Chapter 17.205, 17.205.010 Estuarine and Coastal Shoreland Uses and Activities Chapter 17.210, 17.210.010 Dredged Material Disposal Sites Chapter 17.215, 17.215.010 Land Clearing, Erosion Control, Steep Slopes Chapter 17.220, 17.220.010 Cultural Resources Chapter 17.225, 17.225.010 – 17.225.030 Air Surface Protection Chapter 17.235, 17.235.010 – 17.235.060 Manufactured Home Special Siting Standards Chapter 17.240, 17.240.020-17.240.030 Empire Waterfront Settlement Design Review
<i>CITY COOS BAY LAND DEV. ORDINANCE</i> <i>TITLE 17 Division 4</i> 2013 version	Chapter 17.275, 17.275.010 – 17.280.030 Manufacturing Chapter 17.280, 17.280.010 – 17.280.040 Manufacturing
<i>CITY COOS BAY LAND DEV. ORDINANCE</i> <i>TITLE 17 Division 5</i> 2013 version	Chapter 17.320, 17.320.010 – 17.320.080 Land Clearing, Erosion Control, Steep Slope Areas Chapter 17.325, 17.325.010 – 17.325.020 Alternatives for Reconfiguration of Property Chapter 17.330, 17.330.010 – 17.330.080 Land Division-Partition I Chapter 17.335, 17.335.010 – 17.335.090 Land Division-Partition II and Subdivision Chapter 17.340, 17.340.010 – 17.340.080 Estuarine and Coastal Shorelands Uses and Activity Chapter 17.345, 17.345.010 – 17.345.050 Site Plan and Architectural Review Chapter 17.350, 17.350.010 – 17.350.050 Variance Chapter 17.355, 17.355.010 – 17.355.050 Conditional Use Chapter 17.365, 17.365.020; 17.365.040 - .060 Cultural Resources Chapter 17.390, 17.390.010 – 17.390.070 Architectural Design Review
<i>CBEMP (EMU's within City of Coos Bay Limits)</i> <i>Part 1 Section 5</i> 2013 version	Lower Bay/Upper Bay DA All requirements, Aquatic Unit/Deep-Draft Navigation Channel Isthmus Slough DA All requirements, Aquatic Unit/Shallow-Draft Navigation Channel Coos River/Millicoma R DA All requirements, Aquatic Unit/Shallow-Draft Navigation Channel 15-NA All requirements Natural Aquatic 16-CA All requirements Conservation Aquatic 17-NA All requirements Natural Aquatic 18B-CA All requirements Conservation Aquatic 20-CA All requirements Conservation Aquatic 21-CA All requirements Conservation Aquatic 21-RS All requirements Rural Shorelands 21A-NA All requirements Natural Aquatic 23-DA All requirements Development Aquatic 23A-UW All requirements Urban Waterfront 23B-UD All requirements Urban Development 24-NA All requirements Natural Aquatic 24-CS All requirements Conservation Shorelands 25-NA All requirements Natural Aquatic 26-UD All requirements Urban Development 26A-CA All requirements Conservation Aquatic 26B-CA All requirements Conservation Aquatic 27-UW All requirements Urban Waterfront 27-DA All requirements Development Aquatic 28-UW/28-D All requirements Urban Waterfront 28B-DA All requirements Development Aquatic 38-CA All requirements Conservation Aquatic 42-UD All requirements Urban Development 43-DA All requirements Development Aquatic 43-UW All requirements Urban Waterfront 44-DA All requirements Development Aquatic

Amended to specify that Type I review is required. See current 17.352.020. Some statement of appeal requirements omitted. See current 17.352.080. Several non-substantive, clerical or restructuring changes throughout.

Now codified in Coos Bay Municipal Code Sec. 17.352.010-17.352.080

44-UW All requirements Urban Waterfront
44a-UW All requirements Urban Waterfront
44B-UD All requirements Urban Development
45-CS All requirements Conservation Shorelands
45-NA All requirements Natural Aquatic
45A-CA All requirements Conservation Aquatic
52-CS All requirements Conservation Shorelands
52-NA All requirements Natural Aquatic
52A-DA All requirements Development Aquatic
53-CS All requirements Conservation Shorelands
53-CA All requirements Conservation Aquatic
54-DA All requirements Development Aquatic
54-UW All requirements Urban Waterfront
55-UD All requirements Urban Development
55-CA All requirements Conservation Aquatic
55B-NA All requirements Natural Aquatic



CITY OF NORTH BEND⁹

<p><i>NORTH BEND COMPREHENSIVE PLAN (NBCP)</i></p> <p>2013 version</p>	<p>Chapter VI, Public Services/Facilities, Article 6.7.100.1 - 6.7.100.3; 6.7.100-11 Chapter VII, Recreation/Open Space, Article 7.6.100.4 Chapter VIII, Natural Disasters and Hazards, Article 8.5.100.1 Chapter X, Air, Land and Water Quality, Article 10.5.100.3 Chapter XII, Coastal, Article 12.5.100.1 Chapter XIII, Land Use, Article 13.7.100</p>		
<p><i>ZONING ORDINANCE 1192</i></p> <p>2013 version</p>	<p>Section 3, Definitions Section 5, Classification of Zones Section 6, Zoning Map Sections 7 - 13, Residential Zones R-7 and R-10 Sections 14 - 20, Residential Zone R-6 Sections 21 - 27, Residential Zone R-5 Sections 28 - 34, Residential Zone R-M Sections 35 - 36, Residential Transition Zone R-T Sections 37 - 42, Limited Commercial Zone C-L Sections 43 - 48, General Commercial Zone C-G Sections 49 - 52, Central Commercial District C-C Sections 53 - 58, Light Industrial District M-L Sections 59 - 61, Heavy Industrial District M-H Sections 62 - 63, Airport Zone A-Z Sections 64 - 69, Floodplain Zone F-P Sections 70, 71, 75, Conditional Uses Sections 76 - 78, Planned Housing Development Sections 79 - 85, Off-Street Parking and Loading Sections 86 - 95, Supplementary Provisions Sections 96 - 103, Non-Conforming Uses and Structures Sections 104 - 106, Variances Section 121, Wetland Notification Procedures</p>	<p>NBMC 18.04.030 amended to add definition of “factory-built housing,” “manufactured home,” and “temporary workforce housing.” See current NBMC 18.04.030(11),(32),(45). Clerical changes throughout to refer to current “title” as opposed to the former “ordinance.”</p> <p>M-H zoning provisions amended to add temporary workforce housing as conditional use in M-H zone. See current NBMC 18.44.020(5). Signage limitation in M-H zone rescinded. See current NBMC 18.44.030.</p> <p>F-P provisions amended to refer to most recent (2014) Coos County Flood Insurance Study. See current NBMC 18.48.020.</p>	<p>18.04.030 (recodified within North Bend Municipal Code) 18.04.050 18.04.060</p> <p>18.40 18.44 18.48</p>
<p><i>CBEMP (EMU's within City of North Bend Limits)</i></p> <p>2013 version</p>	<p>44-DA All requirements, Development Aquatic 44-UW All requirements, Urban Waterfront 44-UNW All requirements, Urban Non-water Related 46-DA All requirements, Development Aquatic 46-UD All requirements, Urban Development 47-DA All requirements, Development Aquatic 47-UW All requirements, Urban Waterfront 48-CA All requirements, Conservation Aquatic 48A-CA All requirements, Conservation Aquatic 48-CS All requirements, Conservation Shoreland</p>		<p>As adopted in NBMC Ch. 18.88</p>

⁹ DLCDC has not supplied the Applicants with a list of applicable enforceable policies implemented for the City of North Bend. As such, the Applicants are unable to identify the policies to be located in the City of North Bend based on the pertinent land use applications. Should DLCDC wish to identify these applicable enforceable policies in the future, Applicants will amend and supplement this Application to demonstrate compliance with those enforceable policies.

50-NA All requirements, Natural Aquatic

50-UD All requirements, Urban Development
51-CA All requirements, Conservation Aquatic
51-UD All requirements, Urban Development
51A-DA All requirements, Development Aquatic
52-NA All requirements, Natural Aquatic
53-CS All requirements, Conservation Shoreland

DOUGLAS COUNTY

DOUGLAS COUNTY COMPREHENSIVE PLAN
2015 version approved in Program

Forest Resource Policies; Policy 2; Land use policy implementation, requires certain farm/forest zones
 Forest Resource Policies; Policy 3; Timberlands policy implementation, standards for dwellings in timberland areas
 Natural Features Policies; Habitats; Policy 9; Specifies impact areas around certain habitats
 Natural Features Policies; Habitats; Policy 10; Specifies impact areas around osprey nests
 Natural Features Policies; Mineral/Energy; Policy 1; Mineral and aggregate extraction in certain zones
 Natural Features Policies; Mineral/Energy; Policy 2; Mineral and aggregate extraction in forest zones
 Natural Features Policies; Significant Wetlands; Policy 2; Prohibits development in certain wetlands
 Natural Features Policies; Significant Wetlands; Policy 3; Allows development in certain wetlands; prescribes conditions
Rural Land Use Policies; Rural Resource Designations; Criteria for designating rural resource lands
 Rural Land Use Policies; Rural Non-Resource Designations; Criteria for inventorying and designating rural non-resource lands in nine use categories
Rural Land Use Policies; Overlay Zones; Table specifies overlay zone designations and relationship to plan policies for twenty overlay zones

Though the DCCP was recodified and restructured in 2017, there do not appear to be any substantive changes with respect to the rural land use provisions identified as enforceable policies. The revised DCCP is available at http://www.co.douglas.or.us/planning/code_enforcement/pdf/CompPlan.pdf.

DOUGLAS COUNTY COASTAL RESOURCES PLAN
2015 version approved in Program

Element 1: Estuarine Resources; Estuarine Classification System; Specifies 3 EMU classes and criteria
 Element 1: Estuarine Management Unit Designations; Identifies 20 individual EMUs
 Element 2: Coastal Shorelands; Shorelands Planning Area Boundary; Specifies 7 criteria for determining boundary of Coastal Shorelands Planning Area
 Element 2: Coastal Shorelands; Shorelands Classifications system; specifies eleven shoreland classification use categories
 Element 2: Coastal Shorelands; Shoreland Mgmt Unit Designations; Identifies and specifies 33 shoreland mgmt units
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: General policy 5
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: General policy 6
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: General policy 8
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: General policy 9
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: General policy 12
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: General policy 13
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: General policy 15
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: General policy 19
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: General policy 20
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: General policy 22
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: General policy 23
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: Resource Conservation Shorelands policy 1
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: Urban shoreland policy 1
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: Urban shoreland policy 2
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: Urban shoreland policy 3
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: Rural shoreland policy 1
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: Rural shoreland policy 2
 Element 2: Coastal Shorelands; Shoreland Mgmt Policies; Mgmt policies for coastal shorelands: Rural shoreland policy 3
 Element 2: Coastal Shorelands; Significant Coastal Wetlands; Table identifies 16 significant coastal wetlands with maps
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredging policy 1
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredging policy 2
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredging policy 3

Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredging policy 4
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredging policy 5
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredged materials mgmt policy 1
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredged materials mgmt policy 2
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredged materials mgmt policy 3
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredged materials mgmt policy 4
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredged materials mgmt policy 5
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredged materials mgmt policy 6
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredged materials mgmt policy 7
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredged materials mgmt policy 8
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredged materials mgmt policy 9
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredged materials mgmt policy 10
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredged materials mgmt policy 11
 Element 3: Channel Dev and DMD for Umpqua River Estuary; Dredged materials mgmt policy 12
 Element 3: Channel Dev and DMD for Umpqua River Estuary; DMD sites 1-11; description, capacity, map etc.
 Element 4: Restoration and Mitigation; Mitigation Site Inventory; Descriptions of 5 mitigation sites
 Element 4: Restoration and Mitigation; Restoration Site Inventory- Degraded Estuarine Habitat; Description of 4 restoration sites
 Element 4: Restoration and Mitigation; Restoration Site Inventory Fill Sites and Diked Marshes; Description of 3 restoration sties
 Element 4: Restoration and Mitigation; Policy 1
 Element 4: Restoration and Mitigation; Policy 2
 Element 5: Beaches and Dunes; Findings/Inventory; Description/definition of beach and dune landforms
 Element 5: Beaches and Dunes; Classification System Conversion Table; Normalizes beach and dune terminology
 Element 5: Beaches and Dunes; Findings/Inventory; Description/definition of beach and dune landforms
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; General Policy 1
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; General Policy 2
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; General Policy 3
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; General Policy 4
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; General Policy 5
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Beach Policy 1
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Beach Policy 2
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Beach Policy 3
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Foredunes Policy 1
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Foredunes Policy 2
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Active Dune Forms Policy 1
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Recently Stabilized Dune Forms Policy 1
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Recently Stabilized Dune Forms Policy 2
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Recently Stabilized Dune Forms Policy 3
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Older Stablized Dune Forms Policy 5
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Older Stablized Dune Forms Policy 6
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Interdune Forms Policy 1
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Interdune Forms Policy 2
 Element 5: Beaches and Dunes; Beaches and Dunes Mgmt Policies; Interdune Forms Policy 3
 Element 5: Appendix C; Definitions

Chapter 3: Zoning; Article 3.1; Introductory Provisions	<p>In Dec. 2014, various provisions were amended to implement “minor clarifying amendments resulting from LCDC amendments to the OARs.” See Order 2014-12-02. In 2015, various provisions were revised per legislative changes in HB 2830 and 2831, regarding procedural modifications for LUBA remands and boundary line adjustment restrictions per measure 49 waivers. See Order 2015-12-02. For more information, see detailed compilation of amendments at http://www.co.douglas.or.us/planning/Plan_docs/LUDO/ORDA_MEND.pdf</p>
Chapter 3: Zoning; Article 3.2; Timberland Resources (TR)	
Chapter 3: Zoning; Article 3.3; Exclusive Farm Use-Grazing (FG)	
Chapter 3: Zoning; Article 3.4; Exclusive Farm Use-Cropland (FC)	
Chapter 3: Zoning; Article 3.5; Farm Forest (FF)	
Chapter 3: Zoning; Article 3.6 (Except 3.36.000-3.36.040) Agriculture and Woodlot (AW)	
Chapter 3: Zoning; Article 3.7; Public Reserve (PR)	
Chapter 3: Zoning; Article 3.8; Rural Residential-5 (5R)	
Chapter 3: Zoning; Article 3.9; Rural Residential-2 (RR)	
Chapter 3: Zoning; Article 3.10; Rural Residential-1 (1R)	
Chapter 3: Zoning; Article 3.11; Suburban Residential (RS)	
Chapter 3: Zoning; Article 3.12; Single Family Residential (R-1)	
Chapter 3: Zoning; Article 3.13; Multiple Family Residential (R-2)	
Chapter 3: Zoning; Article 3.14; Residential High Density and Prof Office (R-3)	
Chapter 3: Zoning; Article 3.15; Limited Commercial (C-1)	
Chapter 3: Zoning; Article 3.16; Tourist Commercial (CT)	
Chapter 3: Zoning; Article 3.17; Community Commercial (C-3)	
Chapter 3: Zoning; Article 3.18; General Commercial (C-3)	
Chapter 3: Zoning; Article 3.19A; Rural Service Center Commercial (CRS)	
Chapter 3: Zoning; Article 3.19B; Rural Community Commercial (CRC)	
Chapter 3: Zoning; Article 3.19C; Rural Commercial (CRE)	
Chapter 3: Zoning; Article 3.19D; Water-Oriented Tourist Commercial (WOTC)	
Chapter 3: Zoning; Article 3.19E; Water-Oriented Commercial Recreation (WOOCR)	
Chapter 3: Zoning; Article 3.19F; Marine Commercial (MC)	
Chapter 3: Zoning; Article 3.20; Light Industrial (M-1)	
Chapter 3: Zoning; Article 3.21; Medium Industrial (M-2)	
Chapter 3: Zoning; Article 3.22; Heavy Industrial (M-3)	
Chapter 3: Zoning; Article 3.23A; Rural Community Industrial (MRC)	
Chapter 3: Zoning; Article 3.23B; Rural Industrial (ME)	
Chapter 3: Zoning; Article 3.23C; Marine Industrial (MRI)	
Chapter 3: Zoning; Article 3.24; Estuarine Natural (EN)	
Chapter 3: Zoning; Article 3.25; Estuarine Conservation (EC)	
Chapter 3: Zoning; Article 3.26; Estuarine Development (ED)	
Chapter 3: Zoning; Article 3.27; Conservation Shorelands	
Chapter 3: Zoning; Article 3.28; Marine Rural (MR)	
Chapter 3: Zoning; Article 3.29; Water Impoundment (WI)	
Chapter 3: Zoning; Article 3.30; Floodplain Overlay (FP)	
Chapter 3: Zoning; Article 3.32; Supplementary Provisions for Natural Resource Areas	
Chapter 3: Zoning; Article 3.33; Beaches and Dunes Overlay (BD)	
Chapter 3: Zoning; Article 3.34; Shorelands Overlay (SO)	
Chapter 3: Zoning; Article 3.35; Supplemental Provisions; Section 3.35.400 Cultural, Historic and Archeological Resources Overlay (CHA)	
Chapter 3: Zoning; Article 3.35; Supplemental Provisions; Section 3.35.500 Geologic Hazards Overlay (GH)	
Chapter 3: Zoning; Article 3.35; Supplemental Provisions; Section 3.35.600 Potential Water Impoundment Overlay (WO)	
Chapter 3: Zoning; Article 3.35; Supplemental Provisions; Section 3.35.700 Dredged Material Disposal and Mitigation Site Overlay (D/MO)	

Chapter 3: Zoning; Article 3.35; Supplemental Provisions; Section 3.35.950 Exceptions Process Limited Use Overlay (EP)
Chapter 3: Zoning; Article 3.35; Supplemental Provisions; Section 3.35.960 Tsunami Inundation Overlay (TIO)
Chapter 3: Zoning; Article 3.36; Supplemental Provisions-Estuarine and Shoreland Areas; Section 3.36.020 Application
Chapter 3: Zoning; Article 3.36; Supplemental Provisions-Estuarine and Shoreland Areas; Section 3.36.030 Resource capabilities test for estuarine natural and conservation mgmt units
Chapter 3: Zoning; Article 3.36; Supplemental Provisions-Estuarine and Shoreland Areas; Section 3.36.040 Other alterations
Chapter 3: Zoning; Article 3.36; Supplemental Provisions-Estuarine and Shoreland Areas; Section 3.36.050 Standards and criteria applicable to use and activities in estuarine and shorelands areas
Chapter 3: Zoning; Article 3.36; Supplemental Provisions-Estuarine and Shoreland Areas; Section 3.36.060 Standards and criteria for estuarine zones
Chapter 3: Zoning; Article 3.36; Supplemental Provisions-Estuarine and Shoreland Areas; Section 3.36.070 Standards and criteria for shoreland zones
Chapter 3: Zoning; Article 3.37; Non-conforming Use
Chapter 3: Zoning; Article 3.38; Zone change
Chapter 3: Zoning; Article 3.39; Conditional use review
Chapter 3: Zoning; Article 3.40; Variances