Oregon
Kate Brown, Governor

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May 13, 2019

Ms. Natalie Eades
Jordan Cove Energy Project, LP
Pacific Connector Gas Pipeline, LP
Email: neades@pembina.com

Project: Jordan Cove Energy Project/Pacific Connector Gas Pipeline
US Army Corps Federal Permit No.: NWP-2017-41
FERC Docket Nos: CP17-495-000 and CP17-494-000
Applicants: Jordan Cove Energy Project, LP and Pacific Connector Gas Pipeline, LP
Location: Coos Bay, Oregon and Pipeline Route within Coastal Zone
Necessary Data and Information: Complete
Review Deadline: October 12, 2019

Dear Ms. Eades:

On April 12, 2019, the Department of Land Conservation and Development (DLCD) received the federal consistency application package from Jordan Cove Energy Project LP and Pacific Connector Gas Pipeline Project, LP (Applicants).

The federal Coastal Zone Management Act (CZMA) of 1972, as amended, requires that activities permitted by federal licenses and permits, and which affect any use or resource of a state's coastal zone, be consistent with that state's coastal management program. This process is known as "federal consistency." Your project is proposed to occur within the boundaries of Oregon's coastal zone, and will affect coastal uses and resources. The 1987 Oregon Legislature designated DLCD as the state agency that implements the Oregon Coastal Management Program (Program) and undertakes the CZMA federal consistency review in Oregon. The federal regulations applicable to this project are available at 15 CFR Part 930, Subpart D. DLCD is reviewing two major federal permits/licenses needed for the proposed project: the Army Corps Section 404/Section 10 permit and the Federal Energy Regulatory Commission's energy siting certificate. In the case of multiple federal permits for one project, per 15 CFR § 930.59, DLCD has asked the Applicants for one federal consistency application so that these two federal permits/licenses can be reviewed together.

DLCD's review will determine the proposed project's consistency with the

Program. To be consistent with the Program, the proposed project must comply with enforceable policies contained in: 1) the statewide land use planning goals; 2) the applicable acknowledged city or county comprehensive plan and land use regulations; and 3) selected state authorities (*e.g.* those governing removal-fill, water quality, and fish & wildlife protections). The enforceable policies for the project have been identified. More enforceable policies will apply as more information is available from the local jurisdictions reviewing the Applicant's local applications.
Per 15 CFR § 930.60(a)(1), before consistency review occurs as described above, DLCD has 30 days to review whether the application includes all necessary data and information (NDI). To initiate federal consistency review, applicants must provide DLCD with the NDI required by 15 CFR § 930.58.

Your consistency review has been initiated. The NDI required has been submitted and is described in Table 1.

Table 1. Necessary data and information for the proposed project.

List of Necessary Data and Information	NDI Requirement Satisfied
Coastal Effects Evaluation (Resource Reports and DEIS)	Yes
Enforceable Policies Analysis	Yes
Consistency Certification Statement	Yes
Federal Application: FERC	Yes
Federal Application: Corps	Yes

Not necessary to initiate review, but still needed in order to come to a federal consistency decision, are copies of local and state permits obtained for the project that relate to some of the enforceable policies of the program. DLCD has listed outstanding, incomplete, or denied state and local permits and authorizations and the related enforceable policies in Table 2. Applicants will need to supply DLCD the following local and state permits to establish consistency of the project with the identified enforceable policies of the Program in Table 2.

Table 2. Additional information necessary to determine consistency.

Permits and Authorizations	Status of Permit Process	Related Enforceable Policies of the OCMP
STATE		**Oregon Revised Statutes**

ODEQ: Air Contaminant Discharge Permit (JC)	Application received October 16, 2017. In administrative review.	(2013) 468.936; 468.939; 468.941; 468.951; 468A.005; 468A.010; 468A.020; 468A.025; 468A.040; 468A.045; 468A.050; 468A.055; 468A.060; 468A.070; 468A.075
ODEQ: CWA Section 401 Water Quality Cert (JC and PCGP)	Denied without prejudice on May 6, 2019. Applicant may submit a new application.	(2013) 468.943; 468.946; 468.949; 468.951; 468B.005; 468B.015; 468B.020; 468B.025; 468B.048; 468B.050; 468B.052; 468B.055; 468B.060; 468B.075; 468B.080; 468B.085; 468B.120; 468B.125; 468B.130; 468B.135; 468B.150; 468B.155; 468B.160; 468B.300; 468B.305; 468B.310; 468B.315; 468B.320; 468B.337; 468B.345; 468B.350; 468B.355; 468B.360; 468B.365;
ODEQ: 1200-C Construction Stormwater (JC Terminal)	Application not yet submitted.	
ODEQ: 1200-C Construction Stormwater (Kentuck Slough)	Application not yet submitted.	
ODEQ: 1200-C Construction Stormwater (US HWY 101/TPP)	Application not yet submitted.	
ODEQ: NPDES General Permit 1200C (PCGP)	Application received January 4, 2019. In administrative review.	
ODEQ: 1200-C Construction Stormwater (APCO)	Application not yet submitted.	
ODEQ: Individual WPCF- Hydrostatic Testing (PC) -CZ	Application received February 6, 2019. In administrative review.	

		468B.370; 468B.375; 468B.380; 468B.385; 468B.390; 468B.450; 468B.460; 468B.475; 468B.485
ODEQ: NPDES-Wastewater Treatment Plant	Application received January 31, 2019. In administrative review.	(2013) 454.605; 464.607; 454.610; 454.655; 454.657
ODFW Fish Passage Plans Kentuck/APCO	Application received March 1, 2019 incomplete.	(2013) 509.580; 509.585; 509.600; 509.610; 509.625
ODFW Fish Passage Plan Access Road Steam Crossing in CZ;	Application received March 29, 2019 incomplete.	
ODFW Fish Passage Plans Pipeline Stream Xings in CZ	Application received April 24, 2019 incomplete.	
DSL Removal-Fill Authorization (All)	Application received November 7, 2018. DSL requested additional info on April 10, 2019.	(2013) 196.682; 196.687; 196.800; 196.805; 196.810; 196.815; 196.818; 196.825; 196.830; 196.845; 196.855; 196.880; 196.905
DSL Proprietary Authorizations: Easements JC	Applications not yet submitted.	(2013) 274.005; 274.025; 274.040; 274.043; 274.060; 274.400; 274.402; 274.550; 274.705; 274.710; 274.860; 274.905; 274.920; 274.940
DSL Proprietary Authorizations: Sand and Gravel Licenses JC	Applications not yet submitted.	
DSL Proprietary Authorizations: Waterway Use JC	Applications not yet submitted.	
DSL Proprietary Authorizations: Mitigation JC	Applications not yet submitted.	

DSL Proprietary Authorizations: State-owned land xings PC	Applications not yet submitted.	
DSL Proprietary Authorizations: Special Use	Applications not yet submitted.	
OWRD: Limited License: Coos River	Applications not yet submitted.	(2013) 536.220; 536.700; 536.710; 537.010; 537.110; 537.120; 537.130; 537.135; 537.140; 537.150; 537.160; 537.170; 537.240; 537.400; 537.410; 537.420; 537.440; 537.445; 537.450; 537.505; 537.515; 537.525; 537.535; 537.545; 537.575; 537.585; 537.595; 537.605; 537.610; 537.615; 537.620; 537.625; 537.630; 537.635; 537.680; 537.685; 537.690; 537.695; 537.705; 537.730; 537.780; 537.795
OWRD: Limited License: East Fork Coquille	Applications not yet submitted.	
OWRD: Limited License: Middle Fork Coquille	Applications not yet submitted.	
OPRD/SHPO: State Archeological Permits(Various) JC Terminal	Active applications and permits. Additional applications necessary.	(2013) 390.010; 390.235; 390.237
OPRD/SHPO: State Archeological Permits (Various) PCGP-CZ	Active applications and permits. Additional applications necessary.	
ODOE Energy Facility Siting Certificate	Application not yet submitted.	(1987) 469.300; 469.310; 469.320; 469.500; 469.510

LOCAL		Land Use Regulations
Coos County: Omnibus 1	Active application. Remand findings submitted to county on March 14, 2019. Consideration by Board of County Commissioners pending.	CCCP Volume 1 Section 5.2, Strategies 2, 14; Section 5.3, Strategies 1, 10, 12, 13; Section 5.4, Strategies 1, 3, 9; Section 5.5, Strategies 1, 2, 4; Section 5.6 Strategies 1, 6; Section 5.7, Strategy 3; Section 5.10, Strategies 1, 2, 3, 5, 7, 8, 9, 10, 11; Section 5.11, Strategies 1, 4, 6, 7; Section 5.18 Strategies 4, 4a, 5, 6; Section 5.22 Strategy 2; CCCP Volume 2 Section 3.3, Policy 4, 5, 8, 9, 14, 16, 18, 19, 20, 22, 30; Section 5 All mgmt units; ZO Chapter 2, Sections 2.1.100-2.1.200; Section 4.3.200; Section 3.2.100; Section 3.2.175; Section 3.2.180; Section 3.2.201, Section 3.2.202; Section 3.2.240; Section 3.2.241; Section 3.2.245;
Coos County: Combo App: Transpacific Pkwy items	Active application. First hearing was February 1, 2019.	
Coos County: Combo App: PCGP early works items	Active application. First hearing was February 22, 2019.	

Coos County: Combo App: Nav Reliability Improv (NRI)- Channel mods	Active application. First hearing was March 8, 2019.	Section 3.2.246; Section 3.2.255; Section 3.2.256; Section 3.2.260; Section 3.2.261; Section 3.2.265; Section 3.2.266; Section 3.2.275; Section 3.2.276; Section 3.2.280; Section 3.2.281; Section 3.2.285; Section 3.2.286; Section 3.2.290; Section 3.2.291; Section 3.2.335; Section 3.2.336; Section 3.2.370; Section 3.2.371; Section 3.2.400; Section 3.2.401; Section 3.2.402; Section 3.2.425; Section 3.2.426; Section 3.2.440; Section 3.2.441; Section 3.2.445; Section 3.2.446; Section 3.2.450; Section 3.2.451; Section 3.2.455; Section 3.2.456; Section 3.2.525; Section 3.2.526; Section 4.11.217; Section 4.11.125.1-.7; Section 4.6.100; Section 4.6.140; Section 4.6.200; Section 4.6.210; Section 4.6.230

Coos County: Omnibus 2	Application received April 12, 2019 incomplete. County requested additional info.	Additional EPs will be identified when county application complete and applied to review.
Coos County: Conditional Use: PCGP Blue Ridge Route	Permit issued. Time extension granted by County. Under appeal to Board of County Commissioners.	EPs will be identified when appeal concluded and applied to review.
Coos County: Conditional Use: PCGP Alternate Routes	Permit issued. Time extension granted by County. Affirmed by Land Use Board of Appeals April 25, 2019.	EPs to be identified.
Coos County: Conditional Use: PCGP Original Route	Permit issued. Time extension granted by County. Affirmed by Land Use Board of Appeals April 25, 2019.	EPs to be identified.
City Coos Bay: Estuarine Activity in 52-NA	Previous order expired. Application not yet submitted.	Additional EPs will be identified when city application complete and applied to review.
City Coos Bay: Combo App: Nav Reliability Improv	Active application. First hearing was March 21, 2019.	CBCP Section 7.10, ER.1; Dev Ord 17.352.010-17.352.080; CBEMP Lower/Upper Bay DA all requirements, aquatic unit/deep-draft nav channel; 52-NA All requirements; 54-DA All requirements; 55-CA All requirements

City North Bend: Combo App: Floodplain Dev and CB Estuary Permit PCGP	Active application. First hearing was March 18, 2019.	ZO Sections 59-61; 64-69; CBEMP 47-DA All requirements; 47-UW all requirements; 48-CA All requirements; 48-CS All requirements; 50-NA All requirements; 51-CA All requirements
City North Bend: Combo App: DMD at APCO site Floodplain Dev and CB Estuary Permit	Application received April 9, 2019 incomplete. City requested additional info.	Additional EPs will be identified when city application complete and applied to review.
Douglas County: Conditional Use Application PCGP in CZ	Application received April 8, 2019 incomplete. County requested additional info.	RLUP-RRD-Criteria for Designating rural resource lands; RLUP-OZ-Table specifies overlay zone designations; Ch1 Section 1.010-1.090; Ch3 Article 3.1; Article 3.2; Article 3.3; Article 3.5; Article 3.6; Article 3.32; Article 3.39

If DLCD has not issued a decision by July 12, 2019, we will notify you of the status of the federal consistency review and the basis for delay. Under 15 CFR § 930.60(b), Applicants and DLCD may mutually agree in writing to stay our federally mandated six-month review period which ends October 12, 2019. A stay may be beneficial because the Program is a "networked" program that integrates authorities of local governments and other state agencies, and DLCD will not concur that a proposed project is consistent with the Program until the applicant has obtained the approvals from local government and state agencies with regulatory authority for the project listed in Table 2.

If DLCD issues an objection because the proposed project is not consistent with Program enforceable policies the federal permits cannot be issued. If you have

any questions or comments regarding the consistency review process or the Program, please contact our Coastal Program Manager, Patty Snow, at (503) 934-0052 or by e-mail at: patty.snow@state.or.us.

Sincerely,

Jim Rue
Director
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