



Oregon

Kate Brown, Governor

Parks and Recreation Department

Coastal Region Office

12735 NW Pacific Coast Hwy

Seal Rock, OR 97376-9632

(541) 563-8500

www.oregonstateparks.org



October 1, 2020

Facebook

c/o Kathy Rushmore, Environmental Manager

1601 Willow Rd.

Menlo Park, CA 94025-1452

RE: ERM Independent Hazard Analysis for Edge Cable Holdings

Sent Via U.S. Certified Mail and Email

Dear Kathy,

Thank you for providing OPRD with the Independent Hazard Analysis prepared by Environmental Resources Management (ERM) and dated August 28, 2020. The provided document did not fully address certain specific concerns regarding potential impacts to the ocean shore. Therefore, the following questions and comments are for ERM to answer to further our ability to effectively evaluate the potential impacts on the ocean shore. This additional and clarifying information will be critical for OPRD to determine compliance with the conditions of Ocean Shore Alteration Permit #2900-18, and to enhance our agency's ability to communicate effectively with the public.

The introduction to the ERM analysis states *"On 28 April 2020, during the drilling operation and 500 feet from the exit point, the HDD drilling pipe broke, resulting in drill tooling and drilling mud (collectively "Remaining Materials") being left at an average depth of approximately 50 feet below the seafloor between approximately 1,690 and 520 feet offshore, as described further below."* In general, the ERM analysis appears to focus on the potential impacts to the seafloor and marine environment, and to a much lesser extent on impacts to the ocean shore. For the purpose of OPRD's regulatory concerns in this matter, the ocean shore means "the land lying between extreme low tide of the Pacific Ocean and the statutory vegetation line as described by ORS 390.770 or the line of established upland shore vegetation, whichever is farther inland." It will be important for the responses to address not only potential impacts to the seafloor and marine environment, but also to distinctly and specifically analyze impacts to the ocean shore. Use of the word "offshore" should be limited to analysis of areas below extreme low tide.



Section 2.2.1 of the report refers to an Incident Report provided to ERM to aid in their analysis. Please provide a copy of the same report and any other documents that Facebook or Edge Cable Holdings provided to ERM for use in preparing the Independent Hazard Analysis, including the work order for this report, to aid OPRD in understanding the details of what happened, and to understand what served as the basis for the analysis.

The ERM analysis does not clearly specify the location of the Remaining Materials in relation to the “ocean shore” boundaries identified above. There are several references to the remaining materials being left “*at an average depth of approximately 50 feet below the seafloor between approximately 1,690 and 520 feet offshore.*” If all of the Remaining Materials are located entirely seaward of extreme low tide of the Pacific Ocean, then it will be important to indicate so. If some of the Remaining Materials were left landward of extreme low tide under the ocean shore, then it is necessary to identify what portion of the ocean shore contains Remaining Materials, and what those materials are (steel bore casing, drilling mud, drill pipe, or other). In addition, the depth of the bore hole and any Remaining Materials nearest the bore entry hole are necessarily at a shallower depth than those under the seafloor, so it is important to identify their depth under the ocean shore instead of identifying the “*average depth of 50 feet.*” In order to clarify the location and depth of the bore hole path across the ocean shore and the location of the Remaining Materials, please direct ERM to provide a cross section, drawn to scale, which visually illustrates these features in relation to both the ocean shore and the seafloor. For example, the analysis suggests all remaining materials are located seaward of 7.5 feet past Joint #15. This location should be identified in your cross section.

Section 2.2.3 identifies the drilling mud composition including additives. The Independent Hazard Analysis list does not match the list of drilling fluid components previously provided to the public by Edge Cable Holdings. This discrepancy needs to be reconciled with some explanation in order to properly inform OPRD and the public.

Section 2.3.2 states that consultation with the U.S. Army Corps of Engineers identified 17 ESA listed species within the project area. The section states “*The Oregon Parks and Recreation Department (OPRD), in consultation with the Oregon Department of Fish and Wildlife, indicated that there were no listed species known to inhabit the site.*” This statement requires clarification. The term “site” in our Staff Report assessment is specific to the ocean shore, which is a subset of the project area, and focused on species that would be likely to occur on the ocean shore. The marine environment and the species using that portion of the project area are not within OPRD’s jurisdiction. Additional analysis should identify specifically which species may occupy (vs. inhabit) the ocean shore and the potential impacts to those species.

Section 2.3.3 states “*no known water quality concerns exist in the vicinity of the Landing Site and localized offshore area, based on the Oregon Health Authority (2020), which lists the nearby Neskowin Beach as ‘open,’ meaning swimming and bathing are permitted.*” Neskowin Beach is over 30 miles south of the project, with Cape Kiwanda and the Nestucca River mouth between there and the Landing Site. The Independent Hazard Analysis does not establish that the criteria the Oregon Health Authority employs to test water quality in Neskowin would identify water quality impacts to ocean shore users or resources proximate to the incident in terms of location or time of testing.

Section 3.1.1.1 focuses on potential eco toxicity levels on the benthic zone and water column. As mentioned above, the bore hole under the ocean shore, particularly nearest the bore entry point is shallower than the “average” depth of 50 feet. It is essential that additional analysis focus on potential toxicity levels if any remaining drilling fluid emerged to the surface of the ocean shore for any reason. As mentioned above, if no remaining drilling fluid is located under the ocean shore, then the analysis should indicate so, and also distinguish the potential of any release within OPRD’s ocean shore jurisdiction. The additional analysis should include potential emergence of drilling fluid from geologic events discussed in Section 3.2.1.

One last matter of concern is that of any risks associated with attempts to drill a new bore hole in close proximity to, and along the same path as the failed bore hole, considering that the lithology surrounding the bore hole has likely collapsed since the drill pipe and steel bore casing was removed, as stated in Section 2.2.1.

In summary, OPRD has not yet accepted the ERM Independent Hazard Analysis as adequate to address the agency’s concerns about potential impacts to the ocean shore resulting from the Jupiter Cable HDD drilling failure. It will be necessary for Facebook to provide a better understanding of the matter in order to satisfy the above-stated concerns, in order to accept the information as adequate to satisfy OPRD and to confirm that the permittee is complying with conditions of ocean Shore Permit #2900-18.

Please provide the requested additional information to supplement the August 28, 2020 Independent Hazard Analysis by October 16, 2020. If you have questions of OPRD regarding this letter, feel free to contact me directly, at (541) 270-3226, or Stewardship Manager Trevor Taylor at (541) 501-4463.

Sincerely,



Jay Sennewald
Ocean Shores Coordinator

Copy: Trevor Taylor, OPRD
Chris Havel, OPRD
Steve Shipsey, DOJ
Blake Helm, DSL
Steve Mrazik, DEQ
Nina DeConcini, DEQ