Opposing Liquid Natural Gas Development in Coos Bay

Oregon Shores Talking Points

Produced for Providing Public Comment on the Jordan Cove Energy Project's Removal-Fill Permit Application to the Oregon Department of State Lands (DSL)

DSL Number: 60697 Revised

Important Links

For current status, timely updates, and information on how to submit your comment, please see the DSL's Jordan Cove Energy Project (JCEP) Project Page.

Oregon Department of State Lands (DSL) Dec. 6, 2018 News Release – "Public comment period open for Jordan Cove Energy Project removal-fill permit application"

Call to Action: Protect Our Shores from Harmful Liquid Natural Gas (LNG)

Current Status - Public Comment Period Now Open – The DSL is now accepting comment from members of the public on the Jordan Cove Energy Project removal-fill permit application. The deadline is Sunday, Feb. 3 by 5 PM.

DSL Removal-Fill Permit, In a Nutshell: DSL requires a "removal-fill" permit for activities that involve removing or filling in (i.e. disposing of) material in wetlands, rivers, and streams. "Removal-fill" includes any activities that involve moving material, such as rocks, sand, or gravel within waters of Oregon or depositing such materials at any one location.

You can raise your voice against harmful LNG development on the Oregon coast. Please see the end of this document for talking points designed to help you prepare your own comments in opposition to approval of Jordan Cove's removal-fill permit.

What is the Jordan Cove Energy Project (JCEP)?

The Jordan Cove Energy Project has two parts

(1) The construction of the Jordan Cove Liquid Natural Gas Terminal (LNG Terminal); and

(2) The construction of the Pacific Connector Gas Pipeline (the Pipeline).

Together, these are often referred to as "Jordan Cove."

Where will the LNG Terminal and the Pipeline be located?

Jordan Cove is proposing to build the LNG Terminal on the bay side of the North Spit of Coos Bay, opposite the city of North Bend. Their proposed 229-mile natural gas Pipeline would stretch from Malin, Oregon to the shores of Coos Bay. The Pipeline would be installed 36 inches underground for its entire span, and cut through more than 485 rivers and streams, including the Coos River and the South Coast Watershed (Coos and Coquille Subbasins).

How will the LNG Terminal and the Pipeline be used?

The Pipeline would transport natural gas fracked from Canada and possibly locations in the western United States to the LNG terminal. The LNG terminal would receive a maximum of 1.2 million dekatherms[1] per day of natural gas, and cool it into its liquid form so that it can be transported to Asian markets from Coos Bay.[2] The LNG will produce a maximum of 7.8 million tons of LNG for export each year.

How will the LNG Terminal and the Pipeline impact the natural communities, ecosystems, and landscapes of Oregon's shores?

Jordan Cove Will Hurt Oregon and Oregon's Shores.

Constructing the LNG Terminal will require dredging approximately 5.7 million cubic yards of material from the bottom of Coos Bay in order to reshape it for LNG tanker traffic.

> This is twice the size of the dredging previously proposed for a similarly problematic fossil fuel project in Boardman, Oregon. In that case, the Oregon Department of Environmental Quality (DEQ) denied a permit citing harmful impacts to clean water, and effectively stopped the project.
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> Dredging and its related activities will disturb bay-bottom sediment, and hence impair water quality by decreasing dissolved oxygen, changing salinity levels, increasing temperature, and possibly even liberating buried toxins. The degradation of water quality has the potential for serious short-term and long-term harm of oyster and clam beds.[3]

[1] A dekatherm is a unit of energy used primarily to measure natural gas.
[2] Technical Memorandum from Betz, Sarah and Derik Vowels (Feb. 2, 2018) (Water Quality Considerations – Implications for Clean Water Act Sections 401 and 404 Permitting) hereinafter Technical Memorandum.
[3] Remember that salmon and shellfish (such as oysters and clams) that live in Coos Bay are protected under Oregon regulations. See OAR 340-041-0300.

Dredging would directly remove vital benthic organisms, such as worms, clams, starfish, and vegetation from the bottom of the bay. Crabs, shrimp, clams, oysters, and fish could become entrained in the operation of the dredging equipment.

Dredging will degrade habitat and aquatic resources used by threatened and endangered species such as Coho salmon, green sturgeon (Acipenser medirostris), and eulachon by permanently converting 6.8 acres of highly productive intertidal habitat to low productive deep-water habitat.

Dredging the bay and navigation channel could significantly increase risks to public safety in the event of a tsunami.

Constructing the LNG Terminal will result in permanent loss of critical habitat and vital coastal riparian vegetation (such as eelgrass) [4] **in Coos Bay, its estuary, and adjacent freshwater marshes and saltmarsh habitats.** Specifically, it will permanently destroy at least 1.9-acres of eelgrass beds that provide habitat and food base[5] for fish and invertebrate species including juvenile Dungeness crab, juvenile lingcod, salmonids, starry flounder, and English sole.

Constructing the 229-mile Pipeline to carry fracked natural gas has the potential to degrade 485 waterways and 6 miles of wetlands across Oregon. Over the 229-mile pipeline route, the applicants propose to cross Coos Bay, the South Coast watershed (Coos and Coquille Subbasins), the Umpqua watershed, the Rogue watershed, and the Klamath watershed (Upper Klamath and Lost Subbasins).

Pipeline construction would impact 30,778 feet (5.83 miles) of wetlands and 3,028 feet of waterways. Approximately 48,675 cubic yards of material would be excavated and discharged into wetlands and 9,519 cubic yards of material would be excavated and discharged into waterways.

The Horizontal Directional Drilling (HDD) involved with construction of the Pipeline will degrade fish habitat and impair water quality. Horizontal Directional Drilling (HDD) is the proposed technology for crossing beneath Coos Bay and the Coos, Rogue, and Klamath rivers. Within Coos Bay, Jordan Cove proposes to install the 36-inch pipeline across the bay using two horizontal directional drills of 5,200 and 9,000 feet each. The current route proposal would cross the navigation channel in not one but two places, increasing exposure and risk of water quality degradation.

Construction rights-of-way at each Pipeline crossing would require clearing a 75-foot buffer.

[4] **Eelgrass** is a type of marine, flowering seagrass that exists in temperate zones around the world. It thrives in soft seafloor environments, typically in shallow bays and estuaries.
[5] Coastal riparian vegetation like eelgrass is an essential component of the food chain for fish and aquatic life.

The removal of streamside vegetation and the damming, dredging, or diverting of waterways caused by Pipeline construction will likely increase pollution by raising stream temperature and causing turbidity (murkiness). This will impair healthy aquatic habitat for fish and shellfish, and impede the public's ability to recreate and navigate.

Table 1. Summary of Waterways Impacted by Pipeline

County	Impacted Waters Identified by Applicants
Coos	44 perennial and/or intermittent waterways, 2 estuarine waters, and 29 wetlands
Douglas	86 perennial and/or intermittent waterways, 1 pond, and 38 wetlands
Jackson	89 perennial and/or intermittent waterways, 2 lakes and/or ponds, and 22 wetlands
Klamath	107 perennial and/or intermittent waterways, 4 ponds, and 61 wetlands

What do we want?

We want to protect the places that we love here in Oregon for present and future Oregonians – from our rugged coastline at Coos Bay, to our gorgeous rivers (like the Coos River), to our wild forests – it's why we love where we live.

> **Oregon Shores is deeply concerned** about Jordan Cove's potential for harmful impacts to clean water, fish, wildlife, and forests. With regard to the present application, the impacts of dredging and filling have the potential to permanently damage Coos Bay and its estuary.
>
> If this project moves forward, our communities would shoulder the harmful impacts to our coast for the benefit of a multinational Canadian corporation to use a fracked gas pipeline and terminal for overseas export.

We want DSL to fulfill its duties under Oregon removal-fill law. The primary purpose of this statute is to avoid or minimize the need to conduct removal and fill activities in the waters of Oregon.

> **The Department of State Lands is required to review the public need for the project**, the economic costs to the public, public health and safety, compatibility

with existing land uses, proposed mitigation for impacts to waterways, and whether the project conforms to sound policies of conservation. See ORS 196.825(3)(e).

The Department of State Lands should deny the removal-fill permit for the Jordan Cove Energy Project because it is inconsistent with the protection, conservation, and best use of our estuaries, rivers and streams. Further, the Project will unreasonably interfere with the preservation of our waterways for navigation, fishing, and public recreation. See ORS 196.825(1)(a)-(b).

What is the Department of State Lands Removal-Fill Permit?

DSL Removal-Fill Permit: Oregon DSL requires a "removal-fill" permit for activities that involve removing or filling in material in wetlands, rivers, and streams.

Jordan Cove proposes to dredge Coos Bay and cross the Coos River using Horizontal Directional Drilling (HDD) technology, and to discharge any materials (soil, sediment, drilling chemicals) removed or excavated during dredging or drilling at in the waters of Coos Bay or at other sites. Hence, the Jordan Cove is required under Oregon law to obtain a removal-fill permit from the Oregon Department of State Lands (DSL). See ORS 196.810.

What is removal-fill? "Removal-fill" refers to a specific permit required by the state of Oregon under the Department of State Lands for activities that involve moving material, such as rocks, sand, or gravel within waters of the state or depositing materials at any one location. See ORS 196.800.

Permit	State Removal-Fill Permit
Agency	Oregon Department of State Lands (DSL)
What is DSL reviewing?	DSL is one of several state agencies that can shut down the Jordan Cove project by denying necessary 'removal-fill' permits needed for dredging related to the pipeline and terminal. Under Oregon law (ORS 196.795-990), DSL is required to determine whether (1) the project is consistent with the protection, conservation, and best uses of the water resources of the state; (2) the project is the practicable alternative with the least adverse impacts on the water resources; and (3) the project does not unreasonably interfere with the preservation of waters for navigation, fishing, or public recreation. DSL is also required to review the public need for the project, the economic costs to the public, public health and safety, compatibility with existing land uses, and proposed mitigation for impacts to waterways.

Deadline	60 days to comment starting Thursday, December 6th 2018; **The comment deadline is February 3, 2019, at 5 p.m. Comments must be received by this date and time to be considered.**
How do I submit my comment?	Comments may be submitted: • By web form. *Please note: attachments cannot be uploaded to the web form.* • By email to DSL at jordancove@dsl.state.or.us. *Please note: this is a new email address. All comments submitted to the previous address have been added to the comment record.* • By fax to DSL Coordinator Bob Lobdell at 503-378-4844 • By postal mail to Jordan Cove comments, Oregon Department of State Lands, 775 Summer St. N.E., Ste 100, Salem, Ore.

What is Oregon Shores doing to fight LNG on the Oregon Coast?

Oregon Shores has been a leader in the fight against the Jordan Cove LNG project for over a decade. Working with a large coalition of conservation and landowner groups opposed to the development, Oregon Shores has taken the lead in the land use aspects of the case, and the aspects of the case that affect our coastal communities.

We are carefully monitoring the permitting process and reading through thousands of permit application pages. We will let you know about important hearings and comment periods.

And most importantly, we're writing and submitting hundreds of pages of substantive comments on behalf of you, your waterways, and your communities.

How can we stop the project?

Provide public comment to DSL and tell them to DENY a state removal-fill permit for Jordan Cove.

Your voice counts. As with the case in Boardman, Oregon (mentioned above), the denial of critical state-issued water permits successfully stopped harmful fossil fuel development in the past.

History of the Jordan Cove LNG Project

2005 Round: DENIED

2011 project pulled when switched from import to export.

2013 Round: DENIED

March 2016 FERC denied the project. Public benefits did not outweigh adverse effects to landowners.

2019 Round: Factors to Consider

New Trump administration

Support for the project from the administration

Jordan Cove re-applied January 2017

New FERC commissioners that are pro-pipeline

Date	Action
Jan-17	Jordan Cove submits pre-filing application to FERC
Mar-17	Jordan Cove holds Open Houses
April - May 2017	Jordan Cove submits Resource Reports to FERC
6/9/17	FERC begins scoping period for Jordan Cove application
6/27, 6/28, 6/29	Scoping hearings in Coos Bay, Douglas County, and Klamath Falls - FERC
7/10/2017	Deadline for scoping comments – FERC
9/24/2017	Jordan Cove submits final application to FERC
10/23/2017	Jordan Cove submits Joint Permit Application to USACE and DEQ
11/3/2017	USACE determines JPA is incomplete
11/3/2017	Jordan Cove submits removal-fill permit application to DSL
12/1/2017	DSL determines that removal-fill permit application is incomplete
5/22/2018	USACE and DEQ initiate 60-day public comment period for 404/401
7/21/2018	DEQ and USACE 60-day comment period was supposed to close
8/20/2018	DEQ and USACE comment period closed
9/1/2018	ODOE recommends denying JC request for EFSC exemption
9/28/2018	DEQ submits letter accepting JC's re-request for application for 401 for full project under FERC
12/6/2018	DSL determines removal-fill application is complete
1/7 - 1/15/18	DSL hearings on removal-fill permit

Writing Your Comment

Here are five talking points to include in your comment:

> The dredge and fill activities required to build the LNG terminal will cause permanent loss of critical habitat for protected salmon and shellfish, such as the Dungeness crab. It will make enjoying protected recreational uses (such as fishing, surfing, and boating) on Coos Bay and its adjacent waters more difficult.
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> The dredging required for construction of Jordan Cove LNG terminal is twice the size of the dredging previously proposed for a similar dirty fossil fuel project in Boardman, Oregon. In that case, the Oregon Department of Environmental Quality (DEQ) denied a permit citing harmful impacts to clean water, and effectively stopped the project.
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> The removal of streamside vegetation and the damming, dredging, or diverting of waterways caused by Pipeline construction will likely increase pollution by raising stream temperature and causing turbidity (murkiness). This will impair healthy aquatic habitat for fish and shellfish such as the Dungeness crab, and impede the public's ability to recreate and navigate in Coos Bay.
>
> If this project moves forward, our communities would shoulder the harmful impacts to our coast to benefit a multinational Canadian corporation using a fracked gas pipeline and terminal for overseas export.
>
> The proposed dredging of Coos Bay will permanently alter the contours of the bay bottom. Dredging could exacerbate existing risks associated with a possible Cascadia Subduction Zone earthquake and a subsequently triggered tsunami, exposing the Coos Bay region to even more extreme public safety hazards. DSL must deny this fill and removal permit until further information detailing the impact of dredging operations on tsunami risk in Coos Bay is provided.

Finally, be sure to share with DSL how Jordan Cove's construction activities will affect how you experience Coos Bay (from near and far). Examples include:

> Sharing how dredging activities will impact your fishing, boating, or water contact sports in the bay. If you enjoy recreational crab fishing or whale watching, would LNG Terminal construction make you re-think doing those activities in Coos Bay?
>
> Sharing how LNG carrier traffic would disrupt your surfing, paddle boarding, or boating plans in the Coos estuary.

Thanks to Rogue Riverkeeper for developing portions of the material included in this document.