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Submitted electronically

To:

Kimberly D. Bose
Secretary, Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Subject:

Coos Bay Chapter Surfrider Foundation comments to the Draft Environmental Impact Statement for the Jordan Cove Energy Project, Docket Nos. CP17-494-000 and CP17-495-000

[PROJECT DEIS IDENTIFICATION OEP/DG2E/Gas Branch 3 Jordan Cove Energy Project, L.P. Docket No. CP17-495-000 Pacific Connector Gas Pipeline, LP Docket No. CP17-494-000 FERC/EIS-0292D]

The Surfrider Foundation appreciates the opportunity to provide comments on the Jordan Cove Energy Project Draft Environmental Impact Statement (DEIS). As a grassroots organization representing coastal and ocean recreational users, Surfrider Foundation would like to express our concerns with impacts to bay and ocean recreation, public safety and livability that are not sufficiently identified, analyzed, mitigated, addressed or realized within the project's DEIS. In particular, many of the threats to recreation may permanently eliminate existing opportunities that in some cases are not accounted for by the applicant or are improperly deemed "temporary" in nature.

The Surfrider Foundation ("Surfrider") is a 501(c)3 non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches through a powerful network. As a grassroots organization, Surfrider's efforts include promoting the right of low-impact, free and open access to the coastal environment, protecting coastal and ocean recreational opportunities, as well as conservation of coastal habitat and resources. Surfrider Foundation is also concerned about the effects of climate change on coastal resources, leading to the need for more active coastal adaptation. The Surfrider Foundation is represented by over 250,000 supporters, activists and members nationwide. Surfrider members from across the U.S., and the world, recreate in Oregon.

At the statewide level, Surfrider Foundation is deeply involved representing non-consumptive recreational users on Oregon's Ocean Policy Advisory Council (OPAC) and within the state's Territorial Sea Planning (TSP) process which works to represent a number of ocean

stakeholders, state and federal agencies and tribal nations in ocean planning and policy recommendations for the Governor's office and the state of Oregon.

In order to best represent non-consumptive coastal and ocean recreational users in these statewide planning processes, Surfrider Foundation has conducted an extensive survey of non-consumptive recreational ocean use for the entire Oregon coast, including estuary waters. Surfrider reached out to ordinary beach goers and also to specific user groups through dive shops, surf shops, kayak and paddling shops, certain charter boats, as well as clubs and schools focused on their activities. This data was intended to help guide state and federal decision-making alike with spatial and economic information to make responsible ocean energy siting decisions and most importantly, recognize existing uses and their economic value in this process.

There is a considerable amount of recreational activity in the area of the proposed project, including beachgoing, stand up paddling, kayaking, diving, wildlife viewing, boating, beachcombing, photography, fishing, recreational sailing, and aesthetic enjoyment. The project site proposed and the surrounding or affected area is used by members of the public and by Surfrider Foundation members, particularly our Coos Bay Chapter members which offer a strong, local, grassroots interest in the effects of the Project. Representing a deep knowledge of local recreational use and the resources that these activities depend upon, our Coos Bay chapter confirms locally much of what our statewide recreational data suggests for activities in the area. Surfrider's interests, and those of its members, will be irreparably harmed by the project.

As the project poses a threat to the aforementioned activities of both statewide and local recreational users, the estuary and ocean environment, and the well-being and livelihood of Surfrider's Coos Bay Chapter members, Surfrider Foundation is concerned that the DEIS does not a) identify the existence or impact to many of these recreational activities b) adequately address or mitigate threats to or displacement of these traditional, recreational activities or c) adequately address safety and livability concerns with local residents. Because of the long term and cumulative adverse impacts to Coos Bay recreational users and citizens - which must be addressed in the DEIS under the National Environmental Policy Act (discussed further below) - we insist that the Federal Energy Regulatory Commission (FERC) deny this project with prejudice.

Legal Requirements Under NEPA

The National Environmental Policy Act of 1969 ("NEPA") establishes a policy to encourage a productive and enjoyable harmony between man and his environment, prevent or eliminate damage to the environment, and enrich the understanding of the ecological systems and natural resources important to the nation. (42 USC § 4321). In furtherance of this policy, NEPA requires the Federal government to use all practicable means such that the Nation may, among other duties, fulfill its responsibilities as trustee of the environment for future generations; assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings; attain the widest range of beneficial uses of the environment without

degradation, risk to health or safety, or other undesirable and unintended consequences; and enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. (42 USC § 4331(b)).

One of NEPA's key mandates requires Federal agencies, "to the fullest extent possible" to prepare a detailed EIS for any major Federal action significantly affecting the environment, which addresses: (1) the environmental impact of the proposed action; (2) any adverse environmental effects which cannot be avoided if the proposal is implemented; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. (42 USC § 4332). The primary purpose of an EIS is to force the government to take a "hard look" at its proposed action, and to provide a full and fair discussion of significant environmental impacts and inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. (Baltimore Gas and Electric Co. v. Natural Resources Defense Council, Inc., 462 U.S. 87 (1983); 40 C.F.R. § 1502.1)

To comply with NEPA, an EIS must describe the affected environment, that is, the area(s) to be affected by the proposed project. (40 C.F.R. § 1502.15.) Further, an EIS must fully and fairly discuss all significant environmental impacts of the project. (40 C.F.R. § 1502.1) All environmental consequences, including direct and indirect impacts, potential conflicts between the proposed action and other Federal, state, regional, or local land use plans or policies, and cumulative impacts must be addressed (40 C.F.R. §§ 1502.10(g) 1508.7, 1508.8.) The lead agency also has a duty to consult with other agencies that have jurisdiction by law or expertise with respect to any environmental impact involved. (42 U.S.C. § 4332.) An EIS must also address all reasonable alternatives that will avoid or minimize adverse effects to the environment; and the regulations describe this alternatives analysis as being the "heart of the [EIS]". (40 C.F.R. § 1502.14.) An EIS must also include mitigation measures. (40 C.F.R. § 1502.14(f), (h).) NEPA also recognizes the need for a programmatic EIS for certain projects.

Therefore, in accordance with the foregoing, the EIS for the Jordan Cove Energy Project must address the affected environment and its resources, all impacts related to the project including cumulative impacts on recreation, all alternatives to the project, and mitigation measures which could be implemented.

With these requirements in mind, we further outline some of Surfrider's concerns below. Not addressing these significant impacts in the EIS would be a violation of NEPA. As we further detail in this letter, the DEIS is legally insufficient under NEPA in numerous respects. To adequately and legally protect Oregon natural resources, public enjoyment, and economic interests, the environmental review of the Project must be of the highest quality. The current DEIS does not, and without revision, will not meet that high standard.

Long Term Adverse Impacts to Livability

FERC must deny the applicant, with prejudice, as the proposed project will have long term adverse impacts on the livability within the Coos Bay Area.

1. Recreation and Tourism

- a. The economic feasibility study that supports the proposed project is out of date and out of sync with the current growth in the Coos Bay tourism and recreational economy. The local economy has diversified and grown substantially in the service and recreation industry and FERC must demand a new, third party, peer reviewed economic feasibility study.
- b. The Draft EIS completely fails to identify existing in-water recreation and does not address potential threats and displacement of those activities. The DEIS represents many land-based activities and a few traditional bay activities such as clamming, boating and fishing; however, critical and unique recreational dive locations and surfing locations that exist within the bay and within close proximity to the proposed project site are completely overlooked and are not referenced anywhere in the DEIS (Ex. see Figure 1 for a map of unique dive sites). The project's siting and channel modification stand to permanently eliminate some of these recreational opportunities and in some cases put recreational users in highly hazardous and unsafe situations with tankers. FERC must demand that the applicant address these lost and threatened recreational opportunities or deny this project proposal with prejudice. Specifically, Surfrider Foundation would like to understand:
 - i. How will the safety of ocean-going recreational non-motorized vessels be accounted for in the operations of the LNG vessels and facility? This is a rapidly growing recreational industry specific to Coos Bay and important to the tourism industry. Motorized and larger vessels may be able to respond to bar and bay closures immediately whereas non-motorized vessels such as stand up paddle boards, canoes and kayaks cannot move out of harm's way fast enough or safely hold an ocean position for an extended period of time. Every minute a paddler is in or on our cold ocean and bay waters is critical to account for survivability and safety.
 - ii. How will channel modification and project development impact unique surfing and diving opportunities within the bay and along the north spit? The DEIS fails to recognize these activities even exist within the bay and only makes light mention of their existence in the ocean on the north spit. Furthermore, many of these recreational activities are entirely dependent on the intact nature of the benthic ecosystem and unique bathymetry of the bay and channel. Any modification of the benthic ecosystem and bathymetry of the channel and bay will have significant and potentially permanent impacts on these recreational opportunities. FERC must demand that the applicant identify and address all recreational activities and the specific resources associated with those activities that may be impacted or potentially lost.
 - iii. How will project operations impact unique surfing and diving opportunities within the bay and along the north spit? The DEIS fails to recognize these activities even exist within the bay and only makes light mention of their existence in the ocean on the north spit and at other Recreational Management

Areas (RMAs) identified to the north and the south of the bay. While we were pleased to see some level of understanding for important RMAs in the area, the applicant seemingly overlooked the recreational area in closest proximity to the ship operations within the bay. Project operations offer an extremely unique safety challenge for those participating in non-motorized recreational activities in the water and have significant adverse impacts on the safety or ability to participate in these recreational opportunities.

- c. The DEIS not only fails to recognize many of the above recreational opportunities, but it also fails to recognize the importance of these activities to the growing tourism industry – essential for the economy and livability of the region. The Coos Bay Area is a destination point for coastal recreational activities – surfing and bay activities in particular – due to the scenic nature of the coastline, pristine beaches and incredible bay opportunities.
- d. Dungeness crab fishing can yield up to \$100 million in income to the Oregon economy. Coos Bay provides important opportunities for both recreational and commercial crabbing and the industry serves as an important driver both within Coos Bay’s workforce and for the identify and tourism of the region. Crabbing in Coos Bay is undertaken during high tide, the only time LNG carriers can transit the channel with sufficient water under keel. Generally, bay crab fishing has less than a two hour window and requires the crabber to be in the vicinity to check the rings frequently. A 30-minute interruption caused by a transiting LNG carrier during the peak period of fishing activity (again, only having a 2 hour feasible time window centered over high tide) can readily and reasonably be characterized as a major disruption of one of the most important and valuable recreational uses of the Coos Estuary.
- e. DEIS 4-591 *“Additionally, during peak construction worker demand, tourists would likely be displaced, particularly during summer weekends”*. The local economy depends on tourist dollars, especially during the summer. Any displacement of the critical influx of tourists to the area may very well be the line between business failure and success. Many local business would not be able to survive with three summers of “displaced tourists”.

2. Housing

- a. DEIS 5-11 states *“Specifically, we conclude that constructing the Project would temporarily but significantly impact housing in Coos Bay and that constructing and operating the Project would permanently and significantly impact the visual character of Coos Bay”*. Such impacts will reverberate through this community, lasting well beyond the three years of proposed construction activities.
- b. The Housing Analysis and Action Plan for Coos County Oregon 2018 Rental Gap Analysis states *“P18 Housing in Coos County is increasingly impacted by fewer job opportunities and lower wages for residents. A homeowner or tenant’s ability to afford housing is determined by their income potential within the community in which they live and work. That potential has gradually diminished over the past two decades as the economy has transitioned to the lower-wage service sector.... There is a deficit of rental units affordable to all groups except those earning \$20,000 - \$35,000 (and a small surplus for those earning \$35,000 - \$50,000). In short, Coos County is mostly a \$500 to \$1,000 per month rental market (with some availability in the \$1,000 – 1,500*

per month market)." The proposed Jordan Cove project will only exacerbate this issue. Temporary labor with specialized skills will come from outside the region. These employees typically are given incentives to work far from home, including high wages and generous per diem rates. When a temporary employee makes over \$4000/month in per diem, rental housing in the \$1000-2000/range is very affordable. The rental market for locals will be adversely affected by this influx of high paid temporary employees.

- c. FERC must deny this applicant as the adverse impacts to our community will be long term. The DEIS does not identify where the proposed project will get the water needed to operate the terminal, nor the temporary man camp. *CITY OF NORTH BEND COMPREHENSIVE PLAN PLAN PROVISIONS AND POLICIES UPDATED AND CODIFIED JANUARY 2019: P 22. Article 4.3.100 – Problems and Planning Issues 1. Housing costs are generally increasing. Many people are not able to afford conventional housing types. More low and moderate-income housing types need to be provided for both owners and renters. P 24. Article 4.6.100 – Policies 1. Recognizing the difficulty for low-income groups to acquire adequate housing, the City shall promote the availability of lower-cost housing by advocating the interests of the North Bend City Housing Authority. P 36 Article 6.3.100 – Problems and Planning Issues 2. There is a possibility that industries that use large amounts of water may locate in North Bend. This may result in a need for additional water sources and storage.*
- d. *DEIS 4-591: Jordan Cove proposes to build a workforce housing facility at the South Dunes site to address concern that demand for rental housing by construction workers will have a negative impact on the availability and cost of rental housing for local residents.* Nowhere in the DEIS are statements requiring any temporary employees to actually stay in this housing facility.

Long Term Adverse Effect to Public Safety

FERC's summary for the DEIS dated 3/29/2019 states *"We conclude that constructing and operating the Project would result in temporary, long-term, and permanent impacts on the environment. Many of these impacts would not be significant or would be reduced to less than significant levels with the implementation of proposed and/or recommended impact avoidance, minimization, and mitigation measures."*

FERC must deny this application with prejudice because the applicant does not incorporate the Society of International Gas Tanker and Terminal Operators (SIGTTO) industry standards in the siting of the terminal, turning basin and shipping channel as described in SIGTTO information paper no. 14:

1. *"LNG terminals should not be sited in areas close to population centers."* FERC must deny this application if for no other reason than the safety of United States citizens in the Oregon coast's most populated city – located within five miles of the proposed project. Many of those residents live within Zones 1 (yellow) and Zone 2 (green). When an LNG spill and subsequent ignition occurs, those residents not killed outright in Zone 1, will receive 2nd degree burns in Zone 2.

2. *“Place LNG terminals in sheltered locations remote from other port users”*. The proposed terminal site is surrounded by existing port facilities, including Roseburg Forest Products, Southwest Oregon Regional Airport, and eight additional terminals and docks.
3. *“Simultaneous LNG operations and ship movements in adjacent berths should be avoided”*. The Roseburg Forest Products dock is immediately adjacent to the proposed Jordan Cove terminal. Southport Forest Products and D.B. Western dock facilities are immediately south of the proposed terminal. The potential for accidental ship to ship impacts is the reason that LNG terminals should be sited away from busy shipping lanes.
4. *“LNG terminals should not be sited on an outside bend of a shipping channel”* in order to minimize the risk of other ships colliding with a berthed LNG tanker if a ship fails to make the turn. The proposed terminal site is in the outside bend of the bay, just downstream of the railroad swing bridge. This is a particularly hazardous turn for existing size ships, let alone the larger, less maneuverable LNG carriers.
5. *“LNG Tankers should have a ready escape route to open water”*. FERC must deny this applicant because at tides lower than 6 feet, a loaded LNG tanker cannot leave the terminal as there is insufficient water under the keel in the Federal navigation channel.
6. *“Harbor channels should have a minimum width equal to five times the width of the largest ship to allow for safe maneuvering”*. A typical LNG carrier is 160 feet wide and 990 feet long. $5 \times 160 = 800$ feet. Most of the Coos Bay channel is only 300 feet wide. FERC must deny this applicant as this recommendation is not met.

In addition to the above, FERC must deny this application because the terminal site is located on a sand spit in a Tsunami zone and within the Cascadia Subduction fault zone. The tsunami risk reduction strategies are woefully inadequate. It has been suggested that “tugboats will hold LNG vessel in place during an event” which is unrealistic. The overdue subduction earthquake and associated tsunami will not only cause potential fire and associated impacts, but also the proposed deepening and widening of the channel with this project would increase the extent of the tsunami effects. The increased volume of water that could be moved into the bay will increase the predicted damage and displacement in our region. The entire extent of this has not been dealt with in revised mapping. As discussed above, NEPA requires that an EIS describe the affected environment, that is, the area(s) to be affected by the proposed project and the impacts on that environment.

Other Laws

Surfrider also reminds the agency that it is the agency’s duty to demonstrate compliance with the applicable laws, not for the public to show the agency how to comply.

In addition to NEPA, Surfrider has grave concerns that the project violates other federal, state, and local laws. Notably, Surfrider has concerns that the provisions of the Project draft EIS will result in a final decision that authorizes project activities that may violate federal laws including, but not limited to:

- Bald and Gold Eagle Protection Act, 16 U.S.C. § 668 et seq.

- Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq.
- Clean Air Act, 42 U.S.C. § 7401 et seq.
- Clean Water Act, 33 U.S.C. § 1251 et seq.
- Coastal Zone Management Act, 16 U.S.C. § 1452 et seq.
- Civil Rights Act, 42 U.S.C. 1981, 1983
- Endangered Species Act, 15 U.S.C. 1531 et seq.
- Emergency Planning and Community Right to Know Act, 42 U.S.C. § 11001 et seq.
- Federal Land and Policy Management Act, 43 U.S.C. § 1701 et seq.
- Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801 et seq
- Marine Mammal Protection Act, 16 U.S.C. § 1361 et seq.
- Marine Protection Research and Sanctuaries Act of 1972 (MPRSA), 16 U.S.C. § 1431 et seq.
- Maritime Transportation and Security Act, 42 U.S.C. 70103 et seq. and the SAFE Port Act, 6 U.S.C. § 901 et seq.
- Migratory Bird Treaty Act, 16 U.S.C. § 707
- Natural Gas Act, 15 U.S.C. § 717 et seq.
- Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.
- Rivers and Harbors Act, 33 U.S.C. § 403 et seq.
- Safe Drinking Water Act, 42 U.S.C. § 300g et seq.

In conclusion, FERC must deny this applicant with prejudice. The proposed project will adversely affect the quality of life here on Oregon's southern coast. Oregonians treasure the beauty and bounty that occur here, which this proposed project threatens to destroy.

Sincerely,

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Charleston SCUBA Diving

The nearshore ocean of Charleston is filled with exciting dive sites. Popular harvest targets such as black rockfish, lingcod, and rock scallops can be found in good numbers on just about every rocky area. Viewing dives are excellent among the kelp beds and boulder fields. Highlights include: stalked pink hydroids found at Norton Gulch, estuarine populations of Copper rockfish, and the beautifully colored 'Simpson Reef' rock greening in the shallow kelp beds.

Gregory Point Research Reserve is one of the state's oldest subtidal reserve areas. It allows fishing but not for invertebrate harvest. The site provides refuge for species important to local fisheries such as red sea urchins and rock scallops. The Cape Arago Research Reserves (areas A,B & C) pertain only to intertidal areas and does not restrict harvest below the lowest low tide levels. See current sport regulations for details.

Boat dives are best, but some good shore dives can be accessed with rugged walking and swimming. Visibility tends to be best in winter and spring through 10-15 visibility can frequently be found in the summer. Wave heights, current, and boat traffic are critical to consider on any dive. Diving offshore takes extra skill and expertise. This chart should not be used for navigation.

North Jetty/ The Cribs:
Consider drift dives on the jetty. Anchor carefully at "The Cribs", dive during slack water. Rockfish and lingcod can be found.

Further up the bay:
Empire boat ramp is an easy shore dive. Additionally, there are good boat dives on the east side of the lower bay for crab and clams. Beds of orange sea pens can be found east of the channel around buoy #10A (not on map)

Tri-leg buoy #1:
Demarcating the entry to the Charleston nav channel and a subtidal jetty that extends from Fossil Point. Many species of fish and invertebrates are found.

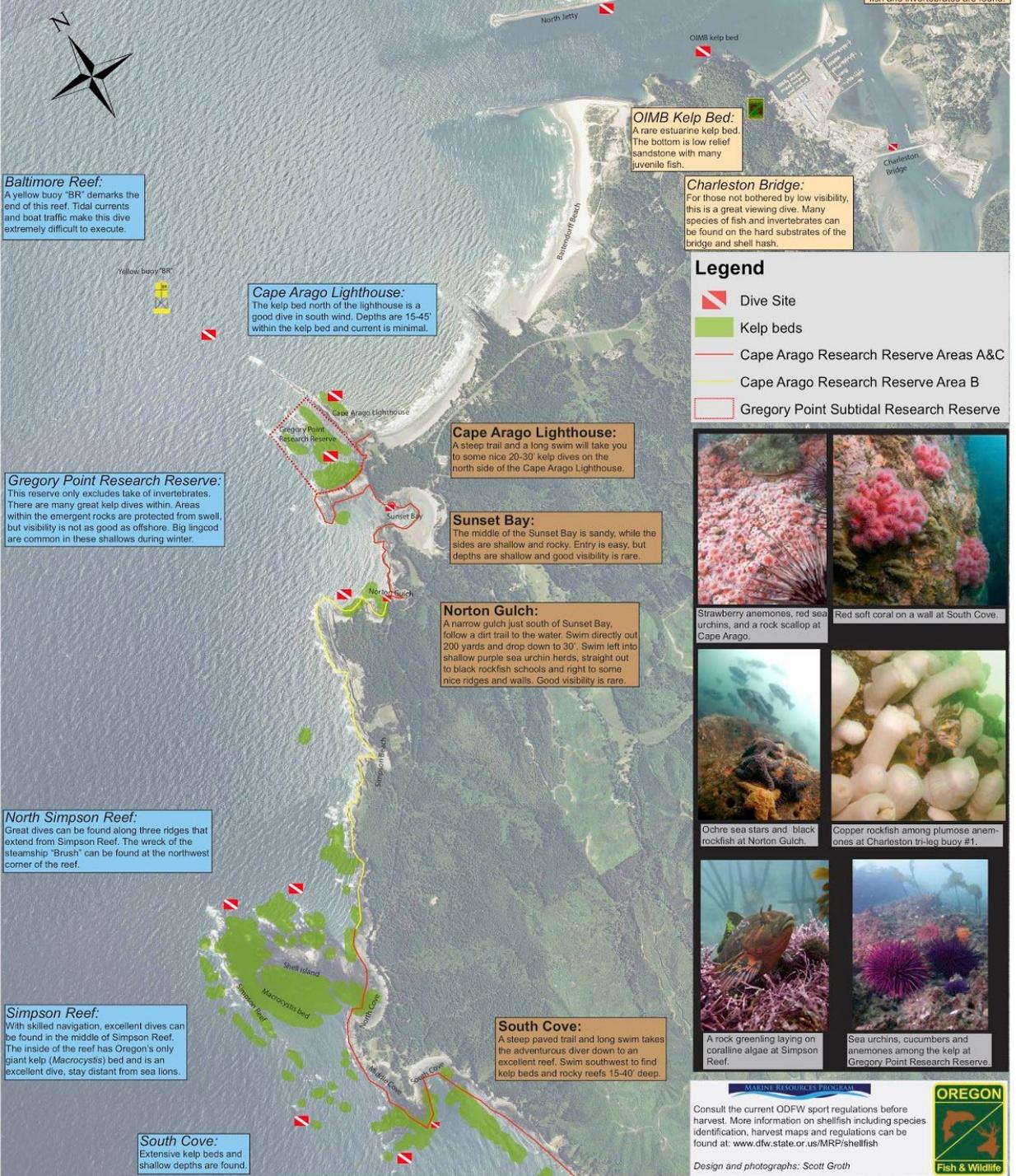


Figure 1: Map of recreational diving sites in Coos Bay