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December 21, 2019

To: BLM Director (210)
Attn: Protest Coordinator
PO Box 71383
Washington, DC 20024

Subject: ADMINISTRATIVE PROTEST CONCERNING:

BLM Proposed Resource Management Plan Amendments to the Northwest and Coastal Oregon Record of Decision and Resource Management Plan (2016) and the Southwest Oregon Record of Decision and Resource Management Plan (2016) In Response to An Application for Right-Of-Way Submitted by Pacific Connector Gas Pipeline, LP.

Pursuant to 43 CFR §1610.5-2 and the below Code of Federal Regulation references, the Coos Bay Chapter Surfrider Foundation protests the approval of the amendment of the resource management plans (RMPs) referenced above by the BLM in order to facilitate the exportation of natural gas across public lands of the United States and export natural gas through the proposed Jordan Cove export facility. This administrative protest is filed with the Director within 30 days of the November 22, 2019 publication of the Notice of Receipt of the Final Environmental Impact Statement (FEIS) for the plan amendment in the Federal Register.

This protest pertains to the BLM plan amendments and analysis failure to adequately address Connected Actions (BLM NEPA Handbook (H-1790-1) Section 6.5.2.1 and 40 CFR 1508.25 (a)(1)); failure to respond to public comments as per 40 CFR §1503.4 Response to Comments; and failure to disclose the Conflict of Interest regarding Stantec Consulting Services Inc as per 40 CFR §1506.5 (c).

STATEMENT OF REASONS

1) Failure to adequately address Connected Actions

BLM NEPA Handbook (H-1790-1) states: *Section 6.5.2.1 (page numbers 45-48): Connected actions are those proposed Federal actions that are “closely related” and “should be discussed” in the same NEPA document (40 CFR 1508.25 (a)(1)).*

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The proposed *Jordan Cove Natural Gas Liquefaction and Pacific Connector Gas Pipeline Project* (JCPCGP) has been a connected action since it's inception nearly fifteen years ago. The proposed pipeline is useless without the proposed port facility and vice versa. In it's analysis and justification for approval, the BLM failed to address, either by direct analysis or reference, those direct, indirect and or cumulative adverse effects of the Jordan Cove portion of the proposed JCPCGP as per 18 CFR § 380.12 (o) (14) (a) *Avoidance or minimization of effects. The siting, construction, and maintenance of facilities shall be undertaken in a way that avoids or minimizes effects on scenic, historic, wildlife, and recreational values.*

The BLM failed to analyze or reference adverse affects from the proposed JCPCGP actions to the scenic, historic, wildlife, and recreational values within Coos Bay by *all* the actions associated with the construction and operation of the proposed port facility, the disturbance and adverse action of the associated pipeline, and the long term cumulative impacts to recreational crabbing, view shed/scenic to the Coos Bay estuary and the impacts to wildlife, including all Endangered Species dependent upon the Coos Bay estuary.

The BLM cannot adequately analyze impacts nor issue an approval, without considering *all* direct, indirect and cumulative effects that proposed actions may have upon the possible conflicts between the proposed action and the objectives of Federal, regional, State, and *local* land use plans, policies and controls for the area concerned. (40 CFR § 1508.8). (b))

2. Failure to respond to public comments

The Coos Bay Chapter Surfrider Foundation submitted written comments regarding the interconnected and interdependent actions described in the JCPCGP DEIS (20190705-5238, 07/05/2019).

The BLM failed to adhere to requirements under 40 CFR §1503.4 (5) regarding those comments. Specifically, the BLM did not explain why the comments did not warrant further agency response. The BLM did not cite the sources, authorities, or reasons which support the BLM's position, nor did the BLM indicate those circumstances which would trigger agency reappraisal or further response.

Specifically the BLM failed to explain why the Coos Bay Chapter Surfrider Foundation comments of 07/05/2019 related to Longterm Adverse Affect to Public Safety, Longterm Adverse Impacts to Livability and The Public Need for the proposed project did not merit a 40 CFR §1503.4 (5) response.

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The latter issue is particularly relevant as the recipients of the Public Need (the citizens of the United States in general and Oregon/Coos County in particular) will be subverted to the need of a foreign, for-profit company.

Until such time as the BLM fulfills their 40 CFR §1503.4 (5) requirements, the BLM analysis is inadequate, does not meet basic NEPA requirements and therefore must not be approved.

3. Failure to disclose the Conflict of Interest of Stantec Consulting Services Inc. (Stantec C.S. Inc).

The BLM failed their CFR 40 CFR § 1506.5 (c) obligations by not providing the public at large a disclosure Statement in a timely and open manner, regarding Stantec CS Inc specifying that they have no financial or other interest in the outcome of the project.

Stantec C.S. Inc is based in Edmonton, Alberta and has deep ties to the oil and gas industry. According to the Stantec C.S. Inc website, this Company *does* have an interest in the outcome of the proposal.

Just go to their web site <https://www.stantec.com/en/services/assessments-and-permitting> and there are statements such as:

“With more than 800 engineering, procurement, and construction management personnel, we design facilities, pipelines, terminals, and refineries as well as processing plants and field facilities. Our team is integrated—using consistent standards, procedures, and frameworks to produce project deliverables. We create project teams to suit your needs, considering the project location and the most qualified resources from FEED to detailed engineering and construction”

*“**Environmental permitting doesn’t need to be a roadblock in your project’s development** (authors bold). Early identification of constraints, client goals, regulatory agency needs, and stakeholder issues allows us to address problems before they can knock a project off course. We have excellent working relationships with regulatory agencies, which helps us streamline the permitting effort and create effective approaches to regulatory approvals. Our in-house experts across the globe collect and analyze atmospheric, aquatic, terrestrial, and socioeconomic data to support assessment and permitting efforts to help keep your project moving forward”*

*“**Keeping it SLIM***

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Stantec's Lifecycle Integrity Management (SLIM) approach lets us dig deep on a pipeline without breaking ground. This approach includes a customized portal that combines engineering and environmental information from the design, construction, operation, and decommissioning phases of pipelines. Like a string that ties everything together, SLIM has information attached to every fiber. One pull and data is at our—and our clients'—fingertips, ensuring pipeline integrity is top of mind. This program is uniquely ours. By providing clients with the right information and data when they need it, we can help protect communities and the environment"

"Helping our clients and communities navigate the ever evolving complexities of environmental regulation to improve tomorrow."

Trevor Macenski

Senior Principal, Environmental Services

The BLM's failure to provide the public a Disclosure Statement regarding Stantec C.S. Inc specifying that they have no interest in the outcome of the project, must result in at least a reevaluation of the BLM's analysis. At the very least, use our tax dollars to fund our public servants to create an unbiased, no conflict of interest analysis of this proposed project that will adversely effect so many U. S. citizens.

CONSLUSION

The BLM has failed their obligations under the above referenced Code of Federal Regulations. It is obvious the the BLM has failed the U. S. American public by relying on a biased, private Canadian consulting company, which has deep ties to the fossil fuel industry, who in turn, is shilling for another Canadian resource extraction conglomerate (Pembina Pipeline Corporation), to circumvent U. S. American Citizen's involvement in the NEPA process.

The Bureau of Land Management's mission *"is to sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations"*.

Pembina Pipeline Corp's stated corporate governance practices *"are designed with a view to ensure our businesses are effectively managed in the best interests of investors (<http://www.pembina.com/about-us/governance/>)*.

Which mission will the BLM adhere to, the Citizens of these United States, or corporate investor interests?

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So, in conclusion, until such time as the BLM addresses our appeal points, and completes an unbiased (or at least by an US American corporate share holder company) analysis, the BLM must deny this amendment to their Resource Management Plans.

Sincerely,

Todd D. Buchholz
Policy Chair
Coos Bay Chapter Surfrider Foundation
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