Dear Jill and Amy,

Please find attached Oregon Shores Conservation Coalition’s comments on the Pacific Connector applications in file numbers HBCU-13-02 and HBCU-13-04. This is one letter that addresses both applications, so I request that it be placed in BOTH files for the record. Please contact me regarding payment for the requisite number of copies of testimony.

Thank you as always for your assistance.

Crag is a client-focused law center supporting community efforts to protect and sustain the Pacific Northwest’s natural legacy.

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Exhibit: 9
Date: 9/20/13
September 20, 2013

Via electronic mail

Hearings Officer Andrew Stamp
c/o Jill Rolfe, Planning Director
Coos County Planning Department
250 N. Baxter, Coos County Courthouse
Coquille, Oregon 97423

Re: Hearing on Pacific Connector Permit Amendment Applications; Files HBCU-13-02 & HBCU-13-04.

Hearings Officer Stamp:

On behalf of Oregon Shores Conservation Coalition and its members living in Coos County (collectively "Oregon Shores"), I submit these comments in response to Pacific Connector’s applications to amend approvals for natural gas pipeline siting associated with the Jordan Cove LNG terminal in Coos Bay. Oregon Shores is a nonprofit organization whose mission is to conserve Oregon’s public coastal resources, provide assistance and support to Oregonians in participating in land use and other public processes relating to the coast and their communities, and to protect public access to and along Oregon’s coast. Oregon Shores uses legal oversight, field monitoring, and public education to help protect Oregon coastal communities from the impacts of pollution and development. Please include this letter and its attachments in the records for each file and notify me of any decisions made regarding this matter. Oregon Shores requests that the record be left open to respond to new evidence.

HBCU-13-02: Amending Condition of Approval.

The applicant seeks to remove from the prior approval Condition of Approval 25, which states: "The conditional use permits approved by this decision shall not be used for the export of liquefied natural gas." This condition was originally agreed to by the applicant as part of the prior approval, and was not appealed or challenged during the initial review period for the prior approval.

Although the condition was tacked on as a "miscellaneous" condition in the permit approval final order, the character of the pipeline is relevant to approval criteria. For example, under CCZLDO §4.9.450 and ORS 215.283(1)(c), utility facilities necessary for public service may be allowed in an Exclusive Farm Use Zone. A facility is "necessary" if it must be situated in an agricultural zone in order for the service to be provided. ORS 215.275. The prior approval concluded that the PCGP was a "utility facility necessary for public service pursuant to ORS 215.275," referencing PCGP’s previously issued Certificate of Public Convenience and Necessity from FERC.
Oregon Shores Comment
September 20, 2013

After vigorously denying the possibility of using the proposed pipeline and terminal for the export of natural gas, Jordan Cove later reversed its position and acknowledged that the pipeline and terminal may be used for export. As a result, Jordan Cove submitted new applications to FERC and other agencies for review and determination that the project meets the public need test and complies with other applicable laws. Currently, the PCGP does not have a certificate of public necessity from FERC for export.

Additionally, because “utility” is defined by the CCZLDO as “public service structures” (falling into two categories, low intensity and high intensity) it is questionable whether an export pipeline remains a “utility,” because the pipeline would no longer be providing LNG service to the domestic public. CCZLDO § 2.1.200 (emphasis added). Thus, if the pipeline is allowed to change its flow to export, its compliance with CCZLDO §4.9.450 will be in question.

A similar issue arises with regard to Comprehensive Plan policy #50: Rural Public services. Policy 50 provides that Coos county shall consider “electrical and gas lines and similar low-intensity facilities and services traditionally enjoyed by rural property owners” as appropriate for all rural parcels. As quoted from Final Order (Sept. 8, 2010), The Board of Commissioners finds that the pipeline is a “low intensity” facility (as gas lines are defined as low intensity, under the utility definition), and that the policy is met. However, if the pipeline becomes an export line, it is difficult to see how it would fit within this allowance. As stated above, an export line does not provide a “service,” and certainly not one “traditionally enjoyed by rural property owners.”

The exporting of gas undermines the applicant’s assertions of public necessity. The necessity of the utility is central to several applicable criteria of the Coos County land use codes. Therefore, Coos County should not allow the applicant to reverse positions on the proposed use and utility service of the pipeline without knowing the results of the FERC public need assessment.


The applicant seeks approval for alternatives to the previously approved pipeline route. Oregon Shores opposes the application for many of the reasons raised in the proceedings of the prior approval: Adverse impacts to wetlands and waterways from erosion, fill and directional drilling; adverse impacts to cultural sites; adverse impacts to estuary habitat and wildlife; and risk to public safety within earthquake and tsunami hazard areas. The proposed pipeline is not a water-dependent use consistent with the policies of the CBEMP, and should not be approved.

Additionally, the permanent easement across forest lands will force a significant change in accepted forest practices by eliminating the ability to grow trees on that portion of the property. The Staff Report relies on the absence of tree growth in order to justify a finding of no significant increase in fire hazard, yet fails to find that this change in the use of the forest zoned land is significant.

Finally, Oregon Shores opposes Staff’s conclusion that the pipeline will not significantly increase fire hazard. Given the particular difficulties of the terrain and geological hazards along the proposed route, there is an increased risk of fire as a result of the pipeline. There are many
examples of pipeline fires and explosions. On February 8, 1997, a natural gas pipeline caught fire and exploded near Everson, Washington in a remote, wooded, mountainous terrain. A 26-inch pipe carrying natural gas failed because of ground movement of water-saturated soil. In 1998 a landslide triggered by rainfall from El Nino conditions broke a natural gas pipeline in San Benito, California. Deep-seated landslides pose the greatest threat to buried pipelines. According to the USGS, landslides with rotational and/or translational movement, and in rock or soil, all pose potential threats to pipeline integrity from displacements large enough to damage or rupture the pipe.

DOGAMI hazard maps show that areas within the proposed pipeline route are susceptible to severe shaking and liquefaction during earthquake events, and are highly susceptible to landslides:

If a pipeline moves during land movement, such as a landslide or earthquake, the pipeline can shear. When the shear moves across abrasive materials or comes in contact with an ignition source, then sparks can cause the fuel to explode or burn. This is a significant increase in fire hazard that requires further evaluation by the County.

Thank you for the opportunity to provide these comments.

Sincerely,

Courtney Johnson
On behalf of Oregon Shores Conservation Coalition