

Crystal Orr

From: Steve Miller [slmiller4547@gmail.com]
Sent: Monday, September 23, 2019 5:40 PM
To: Planning Department
Subject: Comment Re: HBCU-REM 19-001
Attachments: Dear Hearings Officer Stamp.docx

This Message originated outside your organization.

Dear Ms. Rolfe,

Please find attached my Comment Re: HBCU-REM 19-001 to the attention of Hearings Officer Andrew Stamp who recently invited further public comment on the subject of the Coast Guard security zone surrounding LNG carriers transiting Coos Bay as part of the proposed Jordan Cove Energy Project.

Thank you very much for your assistance with this important process.

Kind Regards,

Steve Miller
1556 N. 20th St.
Coos Bay, OR. 97420

Exhibit: 70
Date: 9/23/19

Coos County Planning Dept.
250 N. Baxter St.
Coquille, OR 97423

To Attn. of: Hearings Officer Andrew Stamp
Comment Re: HBCU-REM 19-001
Clarification of Citation in Aug. 23, 2019 Order; Final Argument

Dear Hearings Officer Stamp,

I am not a lawyer, so it was difficult following your submission and discussion of legal precedents as they may apply to the Coast Guard Security Zone proposed for LNG carriers transiting Coos Bay as part of the proposed Jordan Cove Energy Project---and to then quickly try to write something in response at the last minute. But this feeling of being overwhelmed is typical for citizens concerned about the many impacts of the Pembina project on our lives in the Coos Bay region. The process itself is very murky and difficult to follow, the onslaught of many thousands of pages of documents an incredible burden, and for me, there is a rising sense that citizens have no actual ability to participate in the permitting of projects big, powerful, wealthy corporations are determined to carry out. Also, a number of us, pro or con, have demands on our time, businesses to operate and work for a living.

I have really only one point. I probably share your view that when it comes to navigation and public trust rights, navigation may be favored to some extent. I and my fishing and crabbing friends typically yield to a log or chip ship plying the bay when we are on the bay. But the example you present of the predicament of a fisherman and his nets and a ship's captain and his outsized craft coming into conflict is not a very precise fit for our looming example here in Coos Bay. Recreational and commercial uses of the bay for fishing, crabbing, commercial clamming and paddle craft are long-existing uses, while the JCEP would be a newcomer of extraordinary size and impact moving into that neighborhood. The applicant's suggestion that it would prioritize nighttime travel when possible, eliminating security zone conflict, is really not convincing and injects a lot of uncertainty into recreationists' setting their day's schedule for pursuing their interests.

I hope you would take note that Coos County, on page 36 of the JCEP Land Use Application (HBCU-19-003, FP-19-003) out for review, gives a definition of Compatibility as it relates to those land use issues. "Compatibility means that the proposed use is capable of existing together with the surrounding uses without conflict or disharmony. The test is where this proposed use is compatible with the existing surrounding uses...". (Note: this is from CCZLDO 4.3.220.6 – IND zone- Additional Conditional Use Review Standards).

While the above described "compatibility" relates to neighboring properties, I believe this standard of compatibility constitutes a principle which reasonably applies in the same way when it comes to pre-existing and new uses that would occupy that same general estuarine space---especially since the new arrival would often effectively shut out the other uses in very

significant and impactful ways. Many have concluded, looking at the proposed security zone for LNG carrier transit, that the security zone will, at important times, effectively exclude their rightful use of our public trust resources. The size of the security zone will practically force small craft users to cease their pursuits, leave the water entirely or move into shallows risking grounding. A look at the map overlay of the security zone moving with LNG carriers through lower Coos Bay and the experience of recreational users expressed in their comments will readily confirm this conclusion.

Thank you for considering my comments, which I hope you will find valuable in your recommendations to our Coos County government, entrusted with the responsibility of representing the concerns and well-being of all its citizens.

Sincerely,

Steve Miller
1556 N. 20th St.
Coos Bay, OR. 97420