
Dear Planning Department:

The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians respectfully submits these comments on AP-20-001 (Jordan Cove LNG Permit Extension Request).

Please include these comment into the record for this matter.

Rick Eichstaedt, Attorney
Wheat Law Offices
25 West Main Avenue, Suite 320
Spokane, WA 99201
Phone 509.209.2604
Cell 509.251.1424



December 17, 2020

Planning Department
Coos County Courthouse
250 N. Baxter
Coquille, Oregon 97423

SENT VIA EMAIL ([mailto: planning@co.coos.or.us](mailto:planning@co.coos.or.us))

RE: Comments on AP-20-001 (Jordan Cove LNG Permit Extension Request)

Dear Ms. Schnabel:

The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians (“Tribe”) respectfully submits these comments on AP-20-001 (Jordan Cove LNG Permit Extension Request) submitted on behalf of the Pacific Connector Gas Pipeline LP (“the applicant”).

The Coos County Zoning and Land Development Ordinance § 5.2.600(2), provides that the County may grant an extension of the permit if:

- i. The applicant submits an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for timelines for final decisions.
- ii. The Planning Department receives the applicable application and fee, and staff verifies that it has been submitted within the deadline;
- iii. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and
- iv. The county determines that the applicant was *unable to begin or continue development during the approval period for reasons for which the applicant was not responsible*.

The Tribe does not believe that the applicant has met the requirement under subsection vi stated above because the applicant has elected not to complete the permitting process required for the project. Failure to apply and seek permit approval is the applicant’s responsibility. Specifically:

- The applicant withdrew a request for a removal/fill application from the Department of State Lands. See Exhibit A. The applicant has provided no evidence that it has or intends to reapply.

- The applicant was denied a water quality certification from the Department of Environmental Quality for submitting insufficient information. *See Exhibit B.* The applicant has provided no evidence that it has or intends to reapply. The failure to reapply is entirely the applicant's failure to act.
- The Programmatic Agreement for the project requires the applicant to complete a cultural resource ethnographic study and an education and outreach plan before construction can begin. *See Exhibit C.* The applicant has yet to complete this project, despite ample time to do so. Without completion of these requirements, no construction can commence. This delay was the applicant's making.

The record before the County indicates the delay in implementing the project is, at least in part, the responsibility of the applicant. Accordingly, the extension should be denied and the applicant be directed to reapply once and if the required regulatory approvals are provided.

We appreciate your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'RIS', with a long horizontal stroke extending to the right.

Rick Eichstaedt
Attorney for the Confederated Tribes of Coos,
Lower Umpqua and Siuslaw Indians

ATTACHMENTS (3)



Jordan Cove LNG
111 SW 5th Ave Suite 1100
Portland OR 97204
T 971.940.7800



www.jordancovelng.com

January 23, 2020

Ms. Vicki Walker
Director, Department of State Lands
77 Summer St, NE
Suite 100
Salem, Oregon 97301

Subject: Withdrawal of Removal/Fill application – 60697-RF

Dear Director Walker:

Pursuant to OAR 141-085 Jordan Cove Energy Project, LP and Pacific Connector Gas Pipeline L.P. are hereby withdrawing the removal fill application filed with the Department of State Lands (“DSL” or the “Department”) on November 3, 2017 (60697 -RF) effective January 24, 2020.

We understand that by withdrawing the application we are forfeiting the application fee submitted to the Department.

We appreciate the effort the Department has expended in reviewing our application to date. Should you have any questions or require further information, please let me know.

Regards,

A handwritten signature in cursive script that reads "Natalie Eades".

Natalie Eades
Manager, Environment & Regulatory
Jordan Cove Project



Oregon

Kate Brown, Governor

Department of Environmental Quality

Western Region Eugene Office

165 East 7th Avenue, Suite 100

Eugene, OR 97401

(541) 686-7838

FAX (541) 686-7551

TTY 711

May 6, 2019

VIA EMAIL, CERTIFIED MAIL, AND U.S. FIRST CLASS MAIL

Derik Vowels
Jordan Cove LNG, LLC
Pacific Connector Gas Pipeline, LP
111 SW 5th Ave., Suite 1100
Portland, OR 97204

and

Jordan Cove LNG, LLC
Pacific Connector Gas Pipeline, LP
5615 Kirby, Suite 500
Houston, TX 77005

Tyler Krug, Regulatory Project Manager
North Bend Field Office, Portland District
United States Army Corps of Engineers
2201 N. Broadway Suite C
North Bend, Oregon 97459

Ms. Kimberly D. Bose,
Secretary
Federal Energy Regulatory Commission
888 First St., N.E., Room 1A
Washington, D.C. 20426
FERC Dockets No. CP17-494, CP17-495

Dear Mr. Vowels, Mr. Krug and Ms. Bose:

On October 24, 2017, the U.S. Army Corps of Engineers (Corps) notified the Oregon Department of Environmental Quality (DEQ) that it had received an application from Jordan Cove LNG LLC and Pacific Connector Gas Pipeline LP, (herein collectively referred to as "Jordan Cove" or the "Applicant") for Section 404 (Clean Water Act, or CWA) and Section 10 and 14 (Rivers and Harbors Act) permits related to construction and operation of LNG facilities and an associated pipeline (collectively, the "Project"). Consistent with its regulations, the Corps

determined that the initial application of October 24, 2017 was incomplete on November 3, 2017. Consistent with Corps regulations, the Corps requested additional information from November 2017 through May 2018 before the Corps determined it had received a complete application and issued a public notice on May 22, 2018, which commenced DEQ's water quality certification (401 WQC) review pursuant to CWA Section 401.

The proposed Project consists of two interconnected parts. The 200-acre Jordan Cove LNG Export Terminal would be located in Coos County, Oregon on the North Spit of Coos Bay. The facility would include a slip and access channel, modifications to the federal navigational channel, a marine terminal, a natural gas conditioning and liquefaction facility, temporary workforce housing, security and safety buildings, and wetland mitigation sites. The Pacific Connector gas pipeline is the second part of the Project, consisting of a 229-mile 36-inch diameter pipeline and associated roadways and work areas, extending from the terminal to interconnections with existing pipelines near Malin, Oregon. The Jordan Cove terminal would receive up to 1.2 billion cubic feet per day of natural gas from the Pacific Connector gas pipeline.

DEQ has evaluated the Project application pursuant to Section 401 of the Clean Water Act, 33 USC §1341, ORS 468B.035 through 468B.047, and DEQ's certification rules found in Oregon Administrative Rules 340, Division 048. To certify the Project, DEQ must have reasonable assurance that the proposed activities will be conducted in a manner that will not violate the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, and Oregon water quality standards in Oregon Administrative Rules 340, Division 041, adopted to implement these sections.

Following a preliminary review of the Project, DEQ filed a request for additional information with Jordan Cove on September 7, 2018. Jordan Cove filed responses on October 8, 2018. However, because many of the responses were incomplete or inadequate, the Department filed a supplemental information request with Jordan Cove on December 20, 2018. That request included examples of the information sought. Jordan Cove responded, in part, on January 22, February 20, and April 16, 2019, and committed to filing complete responses by the end of April 2019. DEQ filed additional requests for project information on September 25, 2018, and March 11 and 13, 2019. Jordan Cove filed a response to these requests on April 30, 2019; however, the late date of Jordan Cove's filing prevented any significant review of the material for this decision. OAR 340-048-0020(3).

On March 29, 2019, DEQ reviewed the FAST-41 Coordinated Project Plan for the Project. DEQ notes that the Corps has indicated that JCEP is considering pipeline route changes, and that the Corps intends to issue a revised public notice once it receives sufficient information regarding the changes. DEQ has not yet received information from Jordan Cove regarding these changes to the proposed Project.

DEQ denies Jordan Cove's request for 401 WQC for the Project. DEQ does not have a reasonable assurance that the construction and operation of the Project will comply with applicable Oregon water quality standards, as described in the attached Evaluation and Findings Report, which is incorporated in its entirety by this reference. DEQ's decision, however, is made without prejudice. Jordan Cove may reapply for 401 WQC for the Project, and DEQ will consider additional information that is responsive to the bases for denial in this decision.

In accordance with the Oregon Administrative Procedures Act (Oregon Revised Statute, chapter 183) and OAR 340-048-0045(2), Jordan Cove may request a contested case hearing if dissatisfied with the certification decision. Your request for a hearing must be made in writing to and received by the Department of Environmental Quality within 20 days of the date of mailing of this certification decision, and such request must comply with OAR 340-011-0530(2) and OAR 340-048-0045(2).

A request for a hearing must be mailed to:

Oregon Department of Environmental Quality
Attn: Chris Stine
165 East Seventh Avenue, Suite 100
Eugene, Oregon 97401

If a request for hearing is not received within this 20-day period, your right to a hearing will be considered waived. If you request a hearing, you will be notified of the time and place of the hearing and provided information on the procedures by which contested cases are heard, your rights, the import and effect of such a hearing, and your rights and remedies.

Contested cases are governed by the rules of the Office of Administrative Hearings, specifically OAR 137-003-0501 through -0700. As a corporation, you must be represented by legal counsel at this hearing, if any.

In accordance with OAR 340-048-0045(3), this certification decision is effective upon issuance of this decision, notwithstanding a request for a contested case or other judicial review, if any.

As noted above, this decision is being made without prejudice. Jordan Cove may resubmit an application for 401 WQC with DEQ. If Jordan Cove does so, DEQ strongly recommends that Jordan Cove, the Corps and DEQ hold a pre-application conference to ensure a shared understanding of the information and actions required to complete a subsequent review of an application in a timely manner that would avoid delays in consideration of the application by DEQ, and that is coordinated with both the Corps and the FAST-41 Project Plan being managed by the Federal Energy Regulatory Commission. DEQ also requests that if it does resubmit an application, Jordan Cove clearly indicate in such a submittal whether the applicant is seeking certification for purposes of the permits and licenses for the Project pending before both FERC and the Corps.

If you have any questions, please contact Chris Stine at stine.chris@deq.state.or.us or at (541) 686-7810 or at the address on this letterhead.

Sincerely,



Richard Whitman
Director
Oregon Department of Environmental Quality

Attachment: Evaluation and Findings Report

cc: Ms. Natalie Eades, Jordan Cove LNG
Mr. Mike Koski, Jordan Cove LNG,
Ms. Rose Haddon, Jordan Cove LNG
Mr. Bill Abadie, US Army Corp of Engineers
Mr. Sean Mole, Oregon Department of Energy
Mr. Jim Rue, Oregon Department of Land Conservation and Development
Mr. Keith Andersen, DEQ
Mr. David Belyea, DEQ
Mr. Chris Stine, DEQ
FERC Dockets No. CP17-494, CP17-495
DEQ (file)

NOTICE TO ACTIVE DUTY SERVICEMEMBERS

Active duty Service members have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

**PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL ENERGY REGULATORY COMMISSION,
THE OREGON STATE HISTORIC PRESERVATION OFFICE,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE JORDAN COVE LIQUIFIED NATURAL GAS TERMINAL
AND PACIFIC CONNECTOR GAS PIPELINE PROJECTS
(FERC Docket Nos. CP17-494-000 and CP17-495-000)**

WHEREAS, on March 19, 2020, the Federal Energy Regulatory Commission (FERC or Commission) issued authorizations to Jordan Cove Energy Project LP (Jordan Cove) and Pacific Connector Gas Pipeline LP (Pacific Connector) under Sections 3 and 7, respectively, of the Natural Gas Act (NGA, Title 15 United States Code [U.S.C.] § 717), for the Jordan Cove Liquefied Natural Gas (LNG) Terminal and Pacific Connector Gas Pipeline Projects (Project, or Undertaking), in Oregon, in FERC Docket Nos. CP17-494-000 and CP17-495-000; and

WHEREAS, the Undertaking consists of two related projects, that were the subject of two separate applications before FERC. In Docket No. CP17-495-000, Jordan Cove proposes to construct and operate an LNG export terminal to be located on the North Spit of Coos Bay, in Coos County, Oregon. In Docket No. CP17-494-000, Pacific Connector proposes to construct and operate a 229-mile-long 36-inch-diameter pipeline to connect the Malin Hub with the Jordan Cove LNG Terminal, crossing Klamath, Jackson, Douglas, and Coos Counties, Oregon. Project facilities are described in detail in section 2 of the final Environmental Impact Statement (EIS) issued by FERC on November 15, 2019; and

WHEREAS, FERC is the lead federal agency for compliance with the National Environmental Policy Act (NEPA, 42 U.S.C. § 4371) and the National Historic Preservation Act (NHPA, 54 U.S.C. § 306108) under Section 15 of the NGA, in accordance with the May 2002 Interagency Agreement.¹ As lead federal agency for

¹ *Interagency Agreement on Early Coordination of Required Environmental and Historic Preservation Reviews Conducted in Conjunction with the Issuance of Authorizations to Construct and Operate Interstate Natural Gas Pipelines Certificated by the Federal Energy Regulatory Commission* (May 2002) signed by the FERC, Advisory Council on Historic Preservation, Council on Environmental Quality, U.S. Environmental Protection Agency, U.S.

compliance with the NHPA, FERC will fulfill the collective responsibilities of the other federal cooperating agencies involved in the Undertaking per Title 36 Code of Federal Regulations (CFR) Part 800.2(a)(2); and

WHEREAS, FERC is using this Programmatic Agreement (PA or Agreement), to clarify the framework and protocols for consultations that will be followed to complete the identification of historic properties, and assessment and resolution of adverse effects for the Undertaking, in accordance with 36 CFR § 800.14(b)(3); and

WHEREAS, under authority delegated by the Commission to the Director of the Office of Energy Projects, FERC staff is tasked with ensuring that the Commission's responsibilities under Section 106 of the NHPA are fulfilled; and

WHEREAS, section 4.11 of the EIS summarized the status of compliance with Section 106 for the Project. FERC defined the Undertaking's area of potential effect (APE) in section 4.11.2 of the EIS.² Any changes to the APE, including construction rights-of-way/ancillary areas not authorized in the Commission Order, would require the review and approval of FERC staff, in accordance with Environmental Conditions 1 and 5 of the Order, and consulting parties would be notified by staff of such approvals and modifications of the APE; and

WHEREAS, as of the date of the execution of this Agreement, Jordan Cove has inventoried for cultural resources about 750 acres at its proposed LNG terminal facilities. Pacific Connector has inventoried about 209 miles of pipeline route, 609 miles of access

Department of Agriculture, U.S. Department of the Army, U.S. Department of Commerce, U.S. Department of Energy, U.S. Department of Interior, and U.S. Department of Transportation.

² The direct APE covers the footprint of all potential ground-disturbing actions. Construction of the Jordan Cove LNG Terminal Project would affect a total of about 1,355 acres, including the Marine Access Channel in Coos Bay, the Berth and Terminal facilities at the Ingram Yard, Access and Utility Corridor, South Dunes area, Meteorological Station, Industrial Wastewater Replacement Pipeline, Trans-Pacific Parkway/U.S. 101 Intersection, Boxcar Hill laydown area, Roseburg Forest Products laydown areas and haul road and on-land dredge slurry/water return pipelines, Port laydown area, APCO Sites 1 and 2, Myrtlewood Off-site Park and Ride, improvements to the navigation channel, dredge slurry pipelines in Coos Bay, and planned mitigation sites (Kentuck, Eelgrass, Lagoon, Panhandle, and North Bank). The direct APE for the Pacific Connector Project includes a 400-foot-wide corridor along the entire 229-mile pipeline route, additional temporary workspaces, uncleared storage areas, and staging areas outside the corridor, contractor and pipe yards, rock source and disposal areas, hydrostatic test water discharge areas, cathodic protection beds, new and improved access roads, and all aboveground facilities, such as the Klamath Compressor Station, meter stations, and communication towers. Pacific Connector estimated that the direct APE for its Project encompasses a total of about 17,037 acres.

roads, 1,557 workspaces, 26 pipe yards and 16 rock source and disposal sites, 35 hydrostatic test water discharge sites, and most aboveground facilities; and

WHEREAS, Jordan Cove facilities that have not yet been inventoried to date include the Rock Apron in Coos Bay, and the Lagoon, Panhandle, and North Bank Habitat Mitigation Sites. For the Pacific Connector Project, about 23 miles (totaling 793 acres) of proposed pipeline route, 41 workspaces (totaling about 28 acres), 17 pipe yards and rock source and disposal sites (totaling about 211 acres), 148 access roads (totaling about 81 miles), 2 mainline block valves, and 1 communication tower location remain to be inventoried; and

WHEREAS, as of the date of the execution of this Agreement, FERC has identified properties that may be eligible to the National Register of Historic Places (NRHP) that may be affected by the Jordan Cove LNG Terminal and Pacific Connector Pipeline Projects.³ Treatment for affected historic properties can be found in Stipulation V of this Agreement; and

WHEREAS, FERC has determined that the Undertaking will have an adverse effect on historic properties, and has consulted with the Oregon State Historic Preservation Office (SHPO).⁴ The SHPO has reviewed survey and testing reports, and avoidance and treatment plans submitted by Jordan Cove and Pacific Connector, and provided FERC with their assessments of NRHP eligibility for individual sites. In accordance with 36 CFR § 800.6(c)(1)(ii), the SHPO is required as a signatory to execute this PA; and

WHEREAS, the U.S. Army Corps of Engineers (COE), Portland District, in response to applications filed by Jordan Cove and Pacific Connector, may issue permits under Section 10 of the Rivers and Harbors Act (RHA, 33 U.S.C. § 403) and, Section 404 of the Clean Water Act (CWA, 33 U.S.C. § 1344), may issue a permission under Section 14 of the RHA (33 U.S.C. § 408), and may issue an Easement Amendment, Consent to Easement Structures for the easement the COE possess over a portion of the Jordan Cove LNG terminal tract, and may issue a license related to work at a federal pile dike structure. The COE was a cooperating agency in the production of the EIS (in

³ See tables L-12 and L-13 in Appendix L of the EIS.

⁴ The SHPO staff is located within the Oregon State Parks and Recreation Department, including the State Archaeologist. Consultations between FERC and SHPO are documented in section 4.11.1.1 and table L-1 of the EIS.

accordance with 40 CFR § 1501.6, regulations for implementing NEPA), has responsibilities under the NHPA, and was consulted by FERC regarding the effects of this Undertaking on historic properties. Per 36 CFR § 800.6(c)(2), the COE is invited to be an invited signatory to this PA; and

WHEREAS, the Pacific Connector pipeline route would cross about 47 miles administered by the U.S. Department of the Interior Bureau of Land Management (BLM), within the Coos Bay, Roseburg, Medford, and Lakeview Districts. The BLM serves as the lead federal land managing agency in accordance with the Federal Land Policy and Management Act (FLPMA, 43 U.S.C. § 1701), is responsible for issuing a Right-of-Way Grant across federal lands on behalf of all federal land managing agencies under the Mineral Leasing Act (30 U.S.C. § 185), and was a cooperating agency in the production of the EIS. The BLM has responsibilities under the Archaeological Resources and Protection Act (ARPA, 16 U.S.C. § 470aa-mm) and Section 110 of the NHPA, and was consulted by FERC regarding the effects of this Undertaking on historic properties. Per 36 CFR § 800.6(c)(2), the BLM is invited to be an invited signatory to this PA; and

WHEREAS, the Pacific Connector pipeline route would cross about 31 miles of land administered by the U.S. Department of Agriculture Forest Service (Forest Service), within the Umpqua, Rouge River-Siskiyou, and Fremont-Winema National Forests. The Forest Service must concur with the federal Right-of-Way Grant, and was a cooperating agency in the production of the EIS. The Forest Service has responsibilities under the ARPA and Section 110 of the NHPA, and was consulted by FERC regarding the effects of this Undertaking on historic properties. Per 36 CFR § 800.6(c)(2), the Forest Service is invited to be an invited signatory to this PA; and

WHEREAS, the Pacific Connector pipeline route would cross about 0.3 mile of land and 20 irrigation features administered by the U.S. Department of the Interior Bureau of Reclamation (Reclamation), within the Klamath Basin Area Office of Interior Region 10 California-Great Basin. Reclamation must concur with the federal Right-of-Way Grant, and was a cooperating agency in the production of the EIS. Reclamation has responsibilities under the ARPA and Section 110 of the NHPA, and was consulted by the FERC regarding the effects of this Undertaking on historic properties. Per 36 CFR § 800.6(c)(2), Reclamation is invited to be an invited signatory to this PA; and

WHEREAS, FERC has consulted with Indian tribes that may attach religious or cultural importance to properties within the APE, including the Burns Paiute Tribe, Confederated

Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI), Coquille Indian Tribe (Coquille Tribe), Cow Creek Band of Umpqua Tribe of Indians (Cow Creek Tribe), Fort Bidwell Paiute Tribe, Confederated Tribes of the Grand Ronde Community of Oregon (Grand Ronde Tribes), Hoopa Valley Tribe, Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Pit River Tribe, Confederated Tribes of Siletz Indians (Siletz Tribes), Tolowa Dee-ni' Nation (formerly Smith River Rancheria), and Yurok Tribe. The Coquille Tribe was a cooperator in the production of the EIS, is considered a consulting party (as recognized under 36 CFR § 800.2(c)(2)), was consulted by FERC regarding the effects of this Undertaking on historic properties, and is invited to concur in this PA, in accordance with 36 CFR § 800.6(c)(3). The CTCLUSI, Cow Creek Tribe, Grand Ronde Tribes, Siletz Tribes, and Klamath Tribes are also considered to be consulting parties, were consulted by FERC regarding the effects of this Undertaking on historic properties, and are invited to concur in this PA; and

WHEREAS, Jordan Cove and Pacific Connector would be responsible for constructing and operating the Project facilities. Jordan Cove and Pacific Connector may prepare information, analyses, and recommendations for this Undertaking, in accordance with 36 CFR § 800.2(a)(3), including conducting additional cultural resources investigations (such as surveys, testing, and ethnographic research), implementing historic properties treatment plans, and other tasks under this Agreement. Therefore, Jordan Cove and Pacific Connector are invited to concur in this PA, in accordance with 36 CFR § 800.6(c)(2)(iii) and 800.6(c)(3); and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), FERC notified the Advisory Council on Historic Preservation (ACHP), on September 10, 2019, of its adverse effects determination, and the ACHP, in letter to FERC dated October 2, 2019, has chosen to participate in the consultation process pursuant to 36 CFR § 800(a)(1)(iii) for this Undertaking. Therefore, the ACHP is required as a signatory to execute this PA, in accordance with 36 CFR § 800.6(c)(1)(ii); and

NOW, THEREFORE, FERC, ACHP, SHPO, COE, Forest Service, BLM, and Reclamation agree that the Undertaking shall be implemented in accordance with the following Stipulations in order to take into account the effect of the Undertaking on historic properties.

STIPULATIONS

FERC, BLM, Forest Service, Reclamation, and COE shall ensure that the following Stipulations are carried out:

I. STANDARDS

- A. All identification and evaluation studies and treatment measures will be conducted by or under the direct supervision of cultural resources professionals who meet, at a minimum, the Secretary of the Interior's "Draft Historic Preservation Professional Qualification Standards" (20 June 1997, *Federal Register* Vol. 62, No. 119; 36 CFR 61, section 112(a) (1)). Contract archaeologists working on this Project should meet Oregon's Qualified Archaeologist standards set forth under Oregon Revised Statutes (ORS) 390.235.
- B. All identification and evaluation studies, and treatment measures, and resulting reports shall be consistent with the Oregon SHPO's guidelines and standards,⁵ the Secretary of the Interior's "Standards and Guidelines" (48 *Federal Register* 44716-42, September 29, 1983), U.S. Department of the Interior National Park Service's *Bulletin* series, the ACHP's publication "Treatment of Archaeological Properties," and the FERC's Office of Energy Projects' "Guidelines for Reporting on Cultural Resources Investigations for Natural Gas Projects" (July 2017). On federal lands, inventories, testing, and treatment shall be conducted in accordance with permits issued by the applicable land managing agency, and the directions and guidance of the Forest Service, Reclamation, COE, and BLM (such as the BLM manual series 8100-8170).
- C. Jordan Cove and Pacific Connector shall document in a filing with FERC that they obtained whatever permits are necessary prior to the conduct of future cultural resources investigations. On federal lands this may include permits under the FLPMA and ARPA. On non-federal lands, permits shall be obtained from the SHPO and any applicable state land managing agency under ORS 358.920 and 390.235. ORS 97.750 requires written consent from an appropriate Indian tribe for a Oregon State Archaeological Permit for analyses. Jordan Cove and Pacific Connector shall apply for these permits as early as possible, so that the agencies

⁵ SHPO's *Guidelines for Conducting Field Archaeology in Oregon* (June 2015) and *Guidelines for Conducting Historic Resource Surveys in Oregon* (January 2016).

have 30 days to notify an Indian tribe, as required under the ARPA and ORS 97.750.

- D. While FERC staff shall coordinate overall activities under this PA, Jordan Cove and Pacific Connector, and their cultural resources consultants, shall conduct future identification and evaluation studies, and treatment measures, and shall prepare and distribute all reports to FERC staff, SHPO, COE, Forest Service, BLM, Reclamation, and consulting Indian tribes, as appropriate, and conduct other tasks associated with this PA, as necessary. While Jordan Cove and Pacific Connector may make recommendations about individual resources, final determinations will be made by FERC, and applicable federal land managing agencies (for sites on federal lands), in consultations with the SHPO, and applicable consulting Indian tribes as appropriate. Jordan Cove and Pacific Connector shall be responsible for covering all costs related to activities stipulated in this PA, including cultural resources fieldwork, analyses, curation, report production, public outreach, and dissemination of information.
- E. FERC staff, signatories, and invited signatories will continue to consult with consulting Indian tribes regarding future cultural resources investigations required pursuant to this PA, and Jordan Cove and Pacific Connector will support the participation of consulting Indian tribes in the process. The comments of consulting Indian tribes on future reports and plans, including recommendations of NRHP eligibility, assessments of effect, and resolution of adverse effects, will be taken into consideration by FERC staff and federal land managing agencies (for sites on federal lands) before making formal agency determinations.
- F. The signatories, invited signatories, and consulting parties⁶ to this Agreement acknowledge that public disclosure of the location of cultural sites may expose resources to harm. Therefore, the signatories, invited signatories, and consulting parties to this PA agree to treat site locational information in a confidential manner as sensitive data, use their best efforts to not publicly disclose such data, and protect cultural resources, consistent with Section 304 of the NHPA and 36 CFR § 800.6(a)(5), and other applicable federal and state laws.

⁶ “Consulting parties” are defined in 36 CFR § 800.2(c).

- G. For those portions of the Project where the provisions of this Agreement have been met, and that would function together to meet the Project objectives of transporting natural gas and exporting LNG, FERC staff, and/or the applicable federal land managing agency (for segments on federal lands), may provide Jordan Cove and Pacific Connector with a notice to proceed with construction. Construction shall not proceed on portions of the Project until after applicable provisions of this Agreement, including the implementation of measures outlined in treatment plans to resolve adverse effects at affected historic properties, have been carried out for that portion.

II. IDENTIFICATION AND EVALUATION

- A. Future phased identification and evaluation efforts will be conducted for the Project, in accordance with 36 CFR § 800.4(b)(2), because access to some areas may be restricted until after Pacific Connector uses the power of eminent domain under Section 7(h) of the NGA to acquire access, or at portions of the Jordan Cove LNG Terminal Project where cultural resources investigations have not yet been completed. The reporting of additional investigations shall be in accordance with Stipulations VIIC and E of this PA.
- B. Jordan Cove and Pacific Connector are responsible for conducting future inventories for all areas in the APE that have not been previously surveyed for cultural resources (including portions of the LNG terminal and related facilities, pipeline route, workspaces, yards, and new or improved access roads, and new workspace variances or route realignments).
- C. All archaeological and historic architectural sites, and TCP, found/revisited during surveys or other investigations for this Project need to be fully reported on. Appropriate state site forms shall be submitted by Jordan Cove and Pacific Connector and their contractors to the SHPO for any newly recorded or revisited sites, with copies filed with FERC. Jordan Cove and Pacific Connector and/or their contractors should also submit to the SHPO Geographic Information System (GIS) shape files of the LNG terminal and pipeline facilities, areas actually surveyed, and site locations; however, GIS data does not have to be filed with FERC.

- D. Following directions from FERC staff and applicable federal land managing agencies (for sites on federal lands), Jordan Cove and Pacific Connector may conduct future archaeological testing or other investigations to assess the National Register of Historic Places (NRHP) eligibility of previously unevaluated sites. Table L-11 in Appendix L of the EIS identifies sites that require additional investigations. Testing plans and evaluation reports shall be filed as further discussed in Stipulations VIIID and E.
- E. Prior to Project construction, Jordan Cove and Pacific Connector shall produce an Ethnographic Report, developed with consulting Indian tribes, consistent with Environmental Recommendation 5.2-30 of the EIS, and Environmental Condition 30 in the Appendix to the Commission's March 19, 2020 Order. This Ethnographic Report should identify properties of religious or cultural importance to Indian tribes and TCP within the APE for the Undertaking that may be affected by the Project, and make recommendations for treatment of potentially affected cultural properties. A draft Ethnographic Report shall be submitted for review and approval in accordance with Stipulations VIIIA and G , and Environmental Condition 30 of the Commission's Order.
- F. Those cultural resources which FERC staff determines do not meet the NRHP eligibility criteria, after consultations with the SHPO, appropriate federal land managing agencies (for sites on federal lands), and consulting Indian tribes, will require no further considerations. Historic properties will be treated in accordance with Stipulation V of this PA. If FERC staff, SHPO, and applicable federal agencies (for sites on federal lands) are unable to agree on a determination, or if the ACHP or Keeper of the National Register of Historic Places so request, FERC will follow the regulations at 36 CFR § 800.4(c)(2). If a consulting Indian tribe that attaches religious or cultural significance to a property off tribal lands does not agree, it may ask the ACHP to request that FERC obtain a determination of eligibility.

III. MONITORING

- A. Jordan Cove and Pacific Connector shall implement any required monitoring of construction and document the results in the comprehensive Treatment Report required by Stipulation VIIIJ.

- B. Jordan Cove shall invite representatives of the CTCLUSI, Coquille Tribe, and Siletz Tribes to participate in future archaeological investigations and monitoring of construction at LNG terminal facilities. Participation of the CTCLUSI shall be in accordance with the Cultural Resources Protection Agreement (CRPA) the tribes executed with Jordan Cove.⁷ Jordan Cove should consider negotiating similar agreements with other consulting Indian tribes.
- C. Pacific Connector shall invite other consulting Indian tribes, including, but not limited to, the CTCLUSI, Coquille Tribe, Cow Creek Tribe, Grand Ronde Tribes, Siletz Tribes, and Klamath Tribes, to participate in future archaeological investigations at proposed pipeline facilities, and/or to monitor construction. Pacific Connector should consider negotiating agreements with other consulting Indian tribes, similar to the CRPA between Jordan Cove and the CTCLUSI.
- D. Jordan Cove and Pacific Connector shall file with FERC Tribal Monitoring Plans, developed in communication with consulting Indian tribes. In accordance with Stipulation VIIIA and B, final plans shall address comments on drafts.

IV. AVOIDANCE

- A. FERC, signatories, invited signatories, and consulting parties to this PA encourage Jordan Cove and Pacific Connector to avoid adverse effects on historic properties where possible. Avoidance measures can include, but are not limited to, route realignments, use of a horizontal directional drill or bore, narrowing the width of the right-of-way, re-configuration of or not using temporary workspaces, re-designing or not using a specific yard or access road, and exclusionary fencing. Sites that can be avoided by the Pacific Connector Pipeline are listed on table L-10 in Appendix L of the EIS.
- B. Jordan Cove and Pacific Connector shall produce site-specific avoidance plans for all historic properties that can be avoided during construction, and the avoidance plans shall be incorporated into revised Project-wide Historic Properties Management Plans (HPMP), as discussed in Stipulation IVC, below.

⁷ On October 26, 2018, the CTCLUSI filed with the FERC a copy of its CRPA with Jordan Cove.

The documentation of avoidance of historic properties during construction shall be reported in the comprehensive Treatment Report required under Stipulation VIIIJ.

- C Jordan Cove and Pacific Connector each previously produced draft HPMPs,⁸ that shall be revised, to include site-specific avoidance plans. Jordan Cove and Pacific Connector shall seek comments on their draft HPMPs from FERC staff, SHPO, COE, Forest Service, BLM, Reclamation, ACHP, and consulting Indian tribes. Comments on the draft HPMPs shall be addressed in final HPMPs, filed after the entire APE has been inventoried and all historic properties identified.⁹

V. TREATMENT OF HISTORIC PROPERTIES

A. JORDAN COVE LNG TERMINAL PROJECT

1. As of the date of the execution of this PA, FERC has identified eight archaeological sites and one TCP that may qualify as historic properties within the APE for the Jordan Cove LNG Terminal Project. On November 15, 2019, the Oregon SHPO found the COE Pile Dikes in Coos Bay eligible for the NRHP, but stated that the Jordan Cove LNG Project would not adversely affect the pile dikes.¹⁰ Seven aboriginal fish weir archaeological sites (35CS261, 35CS263, 35CS324, 35CS326, 35CS327, 35CS342, and 35CS343), along the route of the proposed dredge slurry pipeline in Coos Bay between the LNG terminal and the Kentuck Slough Wetland Mitigation Area, were recommended by Jordan Cove's consultant to be eligible for the NRHP, and the SHPO and FERC staff agree. The FERC staff requested that Jordan Cove provide either avoidance or historic properties treatment plans for those sites,¹¹ for the review of FERC staff, SHPO, COE, and consulting Indian tribes. In addition, the SHPO indicated that it considers the CTCLUSI nominated TCP Historic District known as

⁸ Pacific Connector filed drafts of its HPMP with the FERC on October 5, 2018 and December 10, 2019. Jordan Cove filed its first draft HPMP with the FERC on August 16, 2019.

⁹ The filing of final HPMPs prior to construction, to be reviewed and approved by FERC, is also required by FERC staff's Environmental Recommendation 5.2-30 of the EIS, and Environmental Condition 30 in the Appendix to the Commission's March 19, 2020 Order.

¹⁰ As stated in FEIS and Order on Rehearing, FERC staff agrees with the SHPO's opinions on eligibility and effects, and therefore that concurrence represents agency determinations.

¹¹ See FERC Environmental Information Request dated July 22, 2019, Question 13.

Q'alya ta Kukwis schichdii me, which encompasses much of the Coos Bay estuary, to be eligible for the NRHP.¹² The FERC staff will assess Project-related impacts on the TCP Historic District, in consultations with the SHPO and appropriate consulting Indian tribes.

2. Additional investigations at previously identified sites within the APE for the Jordan Cove LNG Terminal Project may be necessary to update NRHP evaluations. This may include investigations at reported but unrecorded site leads within the LNG terminal APE (such as the Indian village of *Q'alya* (RR1), RR2, RR3, and RR7; see table L-13 in Appendix L of the EIS). Testing and evaluation plans shall be submitted in accordance with Stipulation VIIID, and evaluation reports submitted in accordance with Stipulation VIIIE.
3. There may be other historic properties identified by future investigations for the proposed Jordan Cove LNG Terminal Project. When Jordan Cove believes that preservation-in-place and avoidance is not prudent or feasible at a particular historic property, and that property may be adversely affected by the Undertaking, Jordan Cove shall submit a site-specific draft historic property treatment plan. The review of future historic properties treatment plans shall be in accordance with Stipulation VIIIF. FERC, or the appropriate federal land managing agency (for historic properties on federal lands), will provide Jordan Cove with written directions to implement the measures of any specific historic property treatment plan.
4. The results of treatment activities conducted at individual affected historic properties for the Jordan Cove LNG Terminal Project shall be documented in the comprehensive Treatment Report, required by Stipulation VIIIJ.

¹² See July 19, 2019 letter from SHPO to FERC staff. FERC staff concurs with the SHPO, as clarified in the Commission's May 22, 2020 Rehearing Order. As stated in section 4.11.3.1 of the EIS, because the SHPO found it eligible, FERC staff will treat this TCP as an historic property. The Coquille Tribe, in a letter to FERC staff dated September 4, 2019, raised objections about the SHPO's eligibility recommendation for the TCP Historic District, claiming that the SHPO exceeded its jurisdiction, since a portion of the historic district would cross Coquille lands, and information was lacking to justify the district boundary. Objections to the eligibility of the TCP Historic District were also raised by Jordan Cove, City of North Bend, Port, and Confederated Tribes of Siletz Indians (see Jordan Cove's December 6, 2019 letter to FERC). The SHPO considered those objections prior to making its findings. As noted in section 4.11.3.1 of the EIS, on July 2, 2019 the NPS returned the TCP Historic District nomination to the SHPO because of process and documentation deficiencies.

B. PACIFIC CONNECTOR PIPELINE PROJECT

1. The Pacific Connector pipeline route would cross 20 irrigation features associated with the Klamath Project. The Klamath Project, managed by Reclamation, was authorized in 1905. It includes 8 dams, 19 canals totaling 185 miles, 516 miles of laterals, 728 miles of drains, 3 major pumping plants, 2 tunnels, a diversion channel, and a main drain, to irrigate about 200,000 acres of land. Reclamation determined that the Klamath Project is eligible for the NRHP. Under the current Undertaking, Pacific Connector intends to bore under the irrigation features.¹³ Pacific Connector needs to file with FERC documentation that Reclamation and the SHPO agree that boring under the canals would avoid or minimize impacts on the Klamath Project, and result in a finding of “no adverse effects.”
2. As of the date of the execution of this PA, FERC staff has identified 20 historic properties along the proposed Pacific Connector pipeline route that cannot be avoided and would be adversely affected by the Undertaking. These affected historic properties are: 35CS226, 35DO313, 35DO1052, 35DO1053, 35DO1058, 35DO1070, 35DO1074, 35DO1075, 35DO1092, 35DO1104, 35DO1105, 35DO1106, 35DO1107, 35DO1110, 35DO1117, 35JA670/684, 35JA740, 35JA741, 35JA742, and 35JA752 (see table L-12 in Appendix L of the FEIS). Pacific Connector produced site-specific historic property treatment plans for these affected historic properties that were reviewed by FERC staff, SHPO, appropriate federal land managing agencies, and consulting Indian tribes. Pacific Connector shall implement the measures in the historic properties treatment plans, after receiving any forthcoming written notice to proceed from FERC, or the appropriate federal land managing agency (for historic properties on federal land).
3. Additional investigations at previously identified sites within the APE for the Pacific Connector Pipeline Project may be necessary to update NRHP evaluations. This may include investigations at reported but unrecorded site leads (such as Graveyard Point). Unevaluated sites along the Pacific

¹³ On September 18, 2019, Pacific Connector filed with the FERC its “Klamath Project Facilities Crossing Plan” (January 2018) as part of its revised Plan of Development.

Connector pipeline route that require testing or additional investigations to evaluate their NRHP eligibility are listed on table L-11 in Appendix L of the EIS. Testing and evaluation plans shall be submitted in accordance with Stipulation VIID, and evaluation reports submitted in accordance with Stipulation VIIE.

4. There may be other historic properties identified by future investigations for the Pacific Connector Project. When Pacific Connector believes preservation-in-place and avoidance is not prudent or feasible at a particular historic property, and that property may be adversely affected by the Undertaking, Pacific Connector shall submit a site-specific draft historic property treatment plan. The review of future treatment plans shall be in accordance with Stipulation VIIF. FERC, or the appropriate federal land managing agency (for historic properties on federal lands), will provide Pacific Connector with written directions to implement the measures of the plan.
5. The results of treatment activities conducted at individual affected historic properties for the Pacific Connector Pipeline Project shall be documented in the comprehensive Treatment Report, required by Stipulation VIJJ.

VI. POST-PA DISCOVERIES

If aboriginal human remains, funerary objects, sacred objects, and objects of cultural patrimony¹⁴ are discovered on non-federal lands during future cultural resources investigations (including data recovery excavations conducted under site-specific treatment plans), or if cultural resources or human remains are discovered during construction, or if unanticipated effects on historic properties are found, Jordan Cove or Pacific Connector shall implement the measures outlined in the final approved Unanticipated Discovery Plan (UDP), and shall be in compliance with ORS 97.740-760, and follow the document “Treatment of Native American Human Remains Discovered Inadvertently or Through Criminal Investigations on Private and Non-Federal Lands.” Where possible, the identification of aboriginal human remains, funerary objects, sacred objects, and objects of

¹⁴ As defined in the Native American Graves Protection and Repatriation Act (NAGPRA, 25 U.S.C. 3001-3013, 43 CFR Part 10).

cultural patrimony should occur in the field. Aboriginal human remains, funerary objects, sacred objects, and objects of cultural patrimony will not be excavated without communications from the appropriate Indian tribe; and such remains will be treated with dignity and respect. Jordan Cove and Pacific Connector submitted draft UDP¹⁵ for review to FERC staff, SHPO, appropriate federal land managing agencies, and consulting Indian tribes. In accordance with Stipulations VIIIA and B, Jordan Cove and Pacific Connector shall file a final UDP¹⁶ that addresses comments on the draft. If aboriginal human remains, funerary objects, sacred objects, and objects of cultural patrimony are discovered on federal lands, the appropriate federal land managing agency shall follow the procedures outlined in the Native American Graves Protection and Repatriation Act (NAGPRA).

VII. CURATION

- A. All materials and records resulting from archaeological investigations related to this Undertaking shall be curated in a manner consistent with 36 CFR 79, particularly the standards at Parts 79.9 and 79.10. The comprehensive Treatment Report (required under Stipulation VIIIJ) shall include an artifact catalog of all cultural materials collected during all post-PA archaeological investigations, giving their provenience, place of curation or disposition, and photographs or drawings of selected culturally diagnostic or unique items.

- B. Jordan Cove and Pacific Connector shall provide the appropriate consulting Indian tribe¹⁷ with an opportunity, within a thirty (30) calendar-day period from the completion of fieldwork, to review artifacts recovered from non-federal lands to determine if any sacred objects or objects of cultural patrimony are present, and should be repatriated to the appropriate Indian tribe. Analysis of aboriginal human remains, funerary objects, sacred objects, and objects of cultural patrimony should not be conducted without communication from the appropriate Indian tribe. No human remains, funerary objects, sacred objects, and objects of cultural patrimony excavated from non-federal land shall be permanently curated, publicly displayed, photographed, or sold. After treatment by Jordan Cove and

¹⁵ On September 18, 2019, Jordan Cove and Pacific Connector filed with the FERC a copy the May 7, 2019 version of their UDP, as part of the revised Plan of Development (POD).

¹⁶ The filing of a final UDP prior to construction, to be reviewed and approved by FERC, is also required by FERC staff's Environmental Recommendation 5.2-30 of the EIS and Environmental Condition 30 in the Appendix to the Commission's March 19, 2020 Order.

¹⁷ Under a State of Oregon Archaeological Permit only one of Oregon's nine federally-recognized Indian tribes is authorized to make a claim as to whether an item is a sacred object.

Pacific Connector and their contractors, aboriginal human remains, funerary objects, sacred objects, and objects of cultural patrimony excavated from non-federal lands shall be repatriated or reinterred under the supervision of the appropriate consulting Indian tribe, in accordance with the approved site-specific treatment plan, the UDP, and ORS 97.745-750. The comprehensive Treatment Report (required in Stipulation VIIIJ) should document if human remains, funerary objects, sacred objects, and objects of cultural patrimony were discovered or excavated from non-federal lands, and summarize their disposition or repatriation. Nothing in this PA requires any Indian tribe to publicly disclose what a tribe does with discovered aboriginal human remains funerary objects, sacred objects, and objects of cultural patrimony that are repatriated in accordance with Stipulations VI and VII.

- C. After analyses conducted by Jordan Cove and Pacific Connector and their contractors, all collected cultural materials (except human remains, funerary objects, sacred objects, and objects of cultural patrimony) recovered from privately-owned lands shall be returned to the landowner, unless donated by the landowner to the Oregon Museum of Natural and Cultural History (OMNCH).
- D. Cultural materials recovered from federal land remain the property of the appropriate federal land managing agency, and shall be curated at the OMNCH, unless the land managing agency specifies another repository. The appropriate federal land managing agency shall determine the disposition of human remains, funerary objects, sacred objects, and objects of cultural patrimony found on federal lands, in accordance with the NAGPRA.

VIII. REPORTING

- A. All reports and plans produced by Jordan Cove and Pacific Connector, and their cultural resources contractors, in regard to the measures stipulated in this PA, shall be filed with FERC, with separate copies simultaneously also provided by Jordan Cove and Pacific Connector to the SHPO, appropriate federal land managing agencies, and applicable consulting Indian tribes. Jordan Cove and Pacific Connector shall provide FERC staff and appropriate consulting parties with one (1) hard-copy of each report, and an electronic copy (.pdf file). Electronic copies of reports can also be provided by email.

- B. The time period for review of all draft reports and plans shall begin with the receipt of the electronic version, unless the signatories and invited signatories agree to another schedule. Any consulting party can provide comments to FERC staff and Jordan Cove and Pacific Connector on any draft report or plan resulting from this PA, including opinions on draft recommendations of eligibility and findings of effect. The standard review period for comments shall be thirty (30) calendar days after receipt of reports/plans unless extended by mutual written agreement by the signatories. If timely comments are not received during the review period, FERC can proceed based on consideration of timely comments received from other parties. FERC staff can make final determinations of NRHP-eligibility, Project effects, and treatment of affected historic properties, after considering comments from SHPO, appropriate federal land managing agencies (for sites on federal lands), and applicable consulting Indian tribes.
- C. Jordan Cove and Pacific Connector shall file draft reports documenting additional inventories. Inventory reports shall make recommendations on NRHP-eligibility (including justifications about how sites could qualify according to the criteria at 36 CFR 60.4), potential Project effects, and future work. The applicable federal land managing agency shall provide determinations of eligibility and findings of effects for sites on federal land to FERC staff, SHPO, and appropriate consulting Indian tribes. Within thirty (30) calendar days after receiving comments on drafts from FERC staff, Jordan Cove and Pacific Connector shall file final inventory reports that address all comments on drafts.
- D. If FERC staff, SHPO, and the appropriate federal land managing agencies (for sites on federal land), agree that additional investigations are necessary at any site to assess its NRHP eligibility, Jordan Cove and/or Pacific Connector shall file draft site-specific testing or research plans. Within thirty (30) calendar days after receiving FERC staff comments on drafts, Jordan Cove and Pacific Connector shall file final testing/research plans that address all comments on drafts.

- E. Jordan Cove and Pacific Connector shall conduct the evaluative investigations, in accordance with the approved site-specific testing/research plan, after receiving written notice to proceed from FERC and/or the appropriate federal land managing agencies (for sites on federal land). Jordan Cove and Pacific Connector shall file draft reports documenting the results of archaeological testing or other evaluative studies, including raw data from the studies, and recommendations of NRHP eligibility and Project effects. The SHPO, and applicable federal land-managing agencies (for sites on federal lands), shall specify in their reviews of evaluation reports if they consider a property eligible for the NRHP, and apply the criteria of adverse effect, pursuant to 36 CFR § 800.5(a). Within thirty (30) calendar days after receiving comments on drafts from FERC staff, Jordan Cove and Pacific Connector shall file final testing/evaluation reports that addresses all comments on drafts.
- F. If FERC staff, SHPO, and applicable federal land managing agency (for sites on federal lands) agree a site is eligible or listed on the NRHP, and may be adversely affected by the Project, Jordan Cove and/or Pacific Connector, or their contractors, shall submit a site-specific draft historic property treatment plan. Within thirty (30) calendar days after receiving comments on a draft from FERC staff, Jordan Cove and/or Pacific Connector shall file a final historic property treatment plan that addresses all comments on the draft.
- G. Prior to any Project construction, Jordan Cove and Pacific Connector shall file a draft Ethnographic Report. Within thirty (30) calendar days after receiving comments on the draft from FERC staff, Jordan Cove and Pacific Connector shall file a final report that addresses all comments on the draft.
- H. Starting with the execution of this Agreement until its termination, Jordan Cove and Pacific Connector shall yearly file a Cultural Resources Annual Report (by the end of February of the next calendar year). The Annual Report shall summarize all cultural resources fieldwork, reports and plans, comments of consulting parties on those reports and plans submitted within the previous year, the current status of investigations, and a schedule for upcoming work, plans, and reports.

- I. Within thirty (30) calendar days after the completion of the treatment fieldwork at an individual historic property, a summary letter report briefly describing results, and documenting that all the measures outlined in the site-specific treatment plan were implemented, shall be filed by Jordan Cove or Pacific Connector.
- J. A draft comprehensive report detailing the results of the treatment program shall be filed by Jordan Cove and Pacific Connector no later than one (1) year after the completion of all treatment fieldwork, unless the signatories and invited signatories agree to a different date. Within six (6) months after receiving comments on the draft from FERC staff, Jordan Cove and Pacific Connector shall file a final Treatment Report that addresses all comments on the draft.

IX. PUBLIC OUTREACH AND EDUCATION

- A. Jordan Cove and Pacific Connector shall develop a program for cultural resources public outreach and education. The Project Public Outreach and Education Program Plan can disseminate information to the general public through a variety of media, including but not limited to brochures, books, articles, lectures, exhibits, school-based activities, participation in data recovery excavations, videos, and interactive web sites, and other means.
- B. Within sixty (60) calendar days after execution of this Agreement, Jordan Cove and Pacific Connector shall file a draft Project Public Outreach and Education Program Plan. Within thirty (30) calendar days after receiving comments on the draft from FERC staff, Jordan Cove and Pacific Connector shall file a revised final Public Outreach and Education Program Plan that addresses all comments on the draft. Jordan Cove and Pacific Connector shall implement the measures outlined in the plan upon receiving written notice from FERC.

X. OTHER TERMS AND CONDITIONS

- A. This PA may be signed by the parties to the Agreement on photocopy, facsimile, e-mail, pdf, or counterpart signature pages. FERC shall distribute copies of all signed pages to all parties to this PA once the Agreement is executed. FERC shall provide the ACHP with a copy of the executed PA including all signed signature pages, and a copy of the executed Agreement shall be filed in the FERC's public record for these proceedings.
- B. This PA is limited in scope to the Jordan Cove LNG Terminal Project and Pacific Connector Gas Pipeline Project, in FERC Docket Nos. CP17-494-000 and CP17-495-000, as authorized in the Commission's March 19, 2020 Order.
- C. The signatories and invited signatories to this Agreement shall review its terms and conditions, and the status of activities conducted under the PA, within five (5) years of its execution. At that time, the signatories and invited signatories shall consult and agree that progress is satisfactory, or a signatory/invited signatory may suggest an amendment, in accordance with Stipulation XIII, or raise an objection which shall be resolved according to Stipulation XII.

XI. DURATION

This PA shall remain in effect until all Stipulations of the Agreement and requirements for survey, evaluations, treatment, analyses, reporting, curation, and dissemination of information have been met. However, this Agreement will expire if its terms are not carried out within ten (10) years from the date of its execution. Prior to such time, the FERC staff may consult with the other signatories and invited signatories to reconsider the terms of the Agreement and amend it in accordance with Stipulation XIII.

XII. DISPUTE RESOLUTION

Should any signatory or invited signatory to this Agreement object at any time to any actions conducted under this Agreement, or the manner in which the terms of this Agreement are implemented, the FERC staff shall consult with such party to resolve the objection. If the FERC determines that such objection cannot be resolved, the FERC will:

- A. Forward all documentation relevant to the dispute, including FERC's proposed resolution, to the ACHP. The ACHP shall provide FERC with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FERC staff shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and other consulting parties, and provide the ACHP and all other consulting parties with a copy of this written response. FERC will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, FERC may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FERC staff shall prepare a written response that takes into account any timely comments regarding the dispute from the other consulting parties, and the provide the ACHP and all other consulting parties with a copy of such written response.
- C. The FERC's responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

XIII. AMENDMENTS

This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XIV. TERMINATION

- A. If any signatory to this Agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation XIII. If within thirty (30) calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories.
- B. Once the Agreement is terminated, and prior to work continuing on the Undertaking, FERC must either (a) execute an Agreement pursuant to 36 CFR § 800.6 or (b)

request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FERC shall notify the signatories as to the course of action it will pursue.

XV. EXECUTION

This is a three-party Agreement, and the Agreement is considered executed when signed by FERC, SHPO, and ACHP, in accordance with 36 CFR § 800.6(b)(2). The effective date of execution of this Agreement is the date of the last signature affixed by a signatory.

XVI. COORDINATION WITH OTHER FEDERAL REVIEWS

In the event that another federal agency not initially a party to or subject to this PA receives an application for funding/license/permit for the Undertaking as described in this PA, that agency may fulfill its NHPA Section 106 responsibilities by stating in writing it concurs with the terms of this PA and notifying FERC, SHPO, and the ACHP that it intends to do so. Such agreement shall be evidenced by implementation of the terms of this PA and attachments as appropriate.

PROGRAMMATIC AGREEMENT AMONG THE FEDERAL ENERGY REGULATORY COMMISSION, OREGON STATE HISTORIC PRESERVATION OFFICE, AND ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE JORDAN COVE LIQUIFIED NATURAL GAS TERMINAL AND PACIFIC CONNECTOR GAS PIPELINE PROJECTS (FERC Docket Nos. CP17-494-000 and CP17-495-000)

Execution of this Agreement by FERC, SHPO, and ACHP, and implementation of its terms and Stipulations, is evidence that FERC, COE, BLM, Forest Service, and Reclamation have taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

FEDERAL ENERGY REGULATORY COMMISSION

By: Rich McGuire Date: 6/24/2020
Title: Rich McGuire, Director, Division of Gas - Environment and Engineering

PROGRAMMATIC AGREEMENT AMONG THE FEDERAL ENERGY REGULATORY COMMISSION, OREGON STATE HISTORIC PRESERVATION OFFICE, AND ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE JORDAN COVE LIQUIFIED NATURAL GAS TERMINAL AND PACIFIC CONNECTOR GAS PIPELINE PROJECTS (FERC Docket Nos. CP17-494-000 and CP17-495-000)


Execution of this Agreement by FERC, SHPO, and ACHP, and implementation of its terms and Stipulations, is evidence that FERC, COE, BLM, Forest Service, and Reclamation have taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

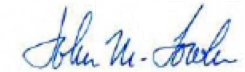
FEDERAL ENERGY REGULATORY COMMISSION

By: _____ Date: _____
Title: Rich McGuire, Director, Division of Gas - Environment and Engineering

OREGON STATE HISTORIC PRESERVATION OFFICE

By:  Date: 7/16/2020
Title: Christine Curran
Deputy Director, Oregon State Parks and Recreation Department
Deputy State Historic Preservation Officer, Oregon SHPO

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 7/17/2020
Title: _____

PROGRAMMATIC AGREEMENT AMONG THE FEDERAL ENERGY REGULATORY COMMISSION, OREGON STATE HISTORIC PRESERVATION OFFICE, AND ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE JORDAN COVE LIQUIFIED NATURAL GAS TERMINAL AND PACIFIC CONNECTOR GAS PIPELINE PROJECTS (FERC Docket Nos. CP17-494-000 and CP17-495-000)

Execution of this Agreement by FERC, SHPO, and ACHP, and implementation of its terms and Stipulations, is evidence that FERC, COE, BLM, Forest Service, and Reclamation have taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

FEDERAL ENERGY REGULATORY COMMISSION

By: _____ Date: _____
Title: Rich McGuire, Director, Division of Gas - Environment and Engineering

OREGON STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____
Title: _____

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____
Title: _____

PROGRAMMATIC AGREEMENT AMONG THE FEDERAL ENERGY REGULATORY COMMISSION, OREGON STATE HISTORIC PRESERVATION OFFICE, AND ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE JORDAN COVE LIQUIFIED NATURAL GAS TERMINAL AND PACIFIC CONNECTOR GAS PIPELINE PROJECTS (FERC Docket Nos. CP17-494-000 and CP17-495-000)

INVITED SIGNATORIES

U.S. ARMY CORPS OF ENGINEERS

By: _____ Date: _____
Title: _____

U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE

By: _____ Date: _____
Title: _____

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT

By: _____ Date: _____
Title: _____

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION

By: _____ Date: _____
Title: _____

PROGRAMMATIC AGREEMENT AMONG THE FEDERAL ENERGY REGULATORY COMMISSION, OREGON STATE HISTORIC PRESERVATION OFFICE, AND ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE JORDAN COVE LIQUIFIED NATURAL GAS TERMINAL AND PACIFIC CONNECTOR GAS PIPELINE PROJECTS (FERC Docket Nos. CP17-494-000 and CP17-495-000)

CONCURRING PARTIES:

JORDAN COVE ENERGY PROJECT LP

By _____ Date:
Title:

PACIFIC CONNECTOR GAS PIPELINE LP

By _____ Date:
Title:

CONFEDERATED TRIBES OF THE COOS, LOWER UMPQUA, AND SIUSLAW INDIANS

By _____ Date:
Title:

CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY

By _____ Date:
Title:

CONFEDERATED TRIBES OF THE SILETZ RESERVATION

By _____ Date:
Title:

PROGRAMMATIC AGREEMENT AMONG THE FEDERAL ENERGY REGULATORY COMMISSION, OREGON STATE HISTORIC PRESERVATION OFFICE, AND ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE JORDAN COVE LIQUIFIED NATURAL GAS TERMINAL AND PACIFIC CONNECTOR GAS PIPELINE PROJECTS (FERC Docket Nos. CP17-494-000 and CP17-495-000)

CONCURRING PARTIES (Continued):

COQUILLE INDIAN TRIBE

By _____ Date:
Title:

COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

By _____ Date:
Title:

KLAMATH TRIBES

By _____ Date:
Title:

PROGRAMMATIC AGREEMENT AMONG THE FEDERAL ENERGY REGULATORY COMMISSION, OREGON STATE HISTORIC PRESERVATION OFFICE, AND ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE JORDAN COVE LIQUIFIED NATURAL GAS TERMINAL AND PACIFIC CONNECTOR GAS PIPELINE PROJECTS (FERC Docket Nos. CP17-494-000 and CP17-495-000)

INVITED SIGNATORIES

U.S. ARMY CORPS OF ENGINEERS

By: _____ Date: _____
Title: _____

U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE

By: _____ Date: _____
Title: _____

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT

By: **BARRY BUSHUE** Digitally signed by BARRY BUSHUE
Date: 2020.07.17 12:55:36 -07'00' Date: _____
Title: Barry R. Bushue, Oregon/Washington State Director

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION

By: _____ Date: _____
Title: _____