

From: Natalie Ranker [mailto:nattim7072@gmail.com]
Sent: Friday, December 18, 2020 11:42 AM
To: Jill Rolfe; Natalie Ranker
Subject: AP-20-001

This Message originated outside your organization.

Dear Planning Director Rolfe,
Please accept the attached comments as my oral testimony for the
AP-20-001 hearing. I will mail a hard copy today. I'll be testifying online.

Thank you,
Natalie Ranker

Natalie R Ranker
414 Simpson Ave.
North Bend, OR 97459

December 18, 2020

Andrew H Stamp, PC
Attorney at Law
4248 Galewood St.
Lake Oswego, OR 97205

Re: AP-20-001

Dear Hearings Officer Stamp,

Ten years ago Coos County approved the Applicant's request for a conditional use permit authorizing the development of a pipeline and associated facilities, subject to certain conditions. One of these conditions is that the Applicant obtain all necessary state and federal permits prior to beginning construction. Since that time, the Applicant has filed for eight extensions for this CUP, each time stating that the reason for the extension was that additional time was needed to obtain the necessary state and federal permits prior to beginning pipeline construction. Coos County found this reason to be acceptable and granted extensions for each application.

However, the Applicant has not been diligent in trying to obtain all necessary permits, and in some instances their actions are the exact opposite. Numerous examples can be cited from a DLCD News Release of Feb. 19, 2020.

Enforceable Policy	Mechanism for Inconsistency
Goal 6 - Air, Water, Land Resources	Permit Application Denied
ORS chapter 196 - Removal-Fill-DSL	Permit Application Withdrawn
ORS chapter 274 - Submersible and Submerged Lands	Authorization Applications Withdrawn
ORS chapter 468B - Water Quality	Permit Application Denied
ORS chapter 469 - Energy, Conservation Programs; Energy Facilities Public Health and Safety	Insufficient Information to Establish Consistency

ORS Chapter 496 - Wildlife Administration Insufficient Information to
Establish Consistency

ORS chapter 509 - General Protective Insufficient Information to
Regulations (Fish Passage) Establish Consistency

It should be noted that JCEP has had the opportunity to reapply to DEQ for their water quality permit and to provide additional information to establish consistency but has failed to do so. They also withdrew their Removal-Fill application in January of this year, one week before DSL was to make a decision on it and have yet to reapply.

DLCD states in the same News Release that they are responsible for reviewing the required certification of consistency with the Oregon Coastal Management Program (OCMP) pursuant to CZMA section 307(c)(3)(A). After completing its evaluation of the Federal Consistency Application and Joint CZMA Certifications submitted by JCEP, DLCD determined that the proposed project has not established consistency with the multiple enforceable policies of the OCMP, and DLCD objects to JCEP's consistency certifications. As a result of this objection, FERC and the USACE cannot authorize the project unless this objection is overridden on appeal by the US Secretary of Commerce. JCEP has elected to take this course of action, but it seems unlikely that the Secretary would make a determination that a Canadian company exporting Canadian gas is necessary in the interest of national security.

The county's decision states that "The applicant has provided a reason that prevented the applicant to continue development which was based on obtaining permits from other agencies. Therefore, the reason the development cannot continue is that it requires additional state and federal permitting to be completed. This is necessary to comply with the conditions of approval placed on the application by the County to comply with federal law." However, JCEP is making no attempt to apply for any state permits. It has been 11 months since they withdrew their DSL Removal Fill permit and 19 months since DEQ denied their 401 Water Quality Certification. JCEP also gives no evidence that it is pursuing or plans to pursue in future any of the necessary permits from the state or federal government required for this section of pipeline. They are not in compliance with ORS 215.416(2)a.iii. and viii. They do not require an

extension because they need more time to obtain necessary state and federal permits if they have no intention of applying for these permits.

Perhaps the county has made an error in accepting PCGP's explanation for their extension request.

Another very valid reason for denying the extension is the unnecessary hardship being imposed on residents living in this area of the pipeline. FERC issued their decision in March of this year, and the route they approved is not the route that is described in this extension request. Yet these people have not had free access to their own property for years even though they are not on the FERC approved route. This permit encumbers the landowners ability to sell and otherwise fully utilize their property. The county should take care of its residents first and foremost and not approve any application until FERC has approved the pipeline alignment and PCGP has agreed to it.

Finally, I would like to request a continuation so that appellants and opponents can present additional testimony on the application. We should have that right under ORS 197.763(6). It seems that we often spend the run up to the holidays writing comments about JCEP, so we ask that you might keep the record open until January 8th. This extension has progressed very slowly with 158 days passing between the initial application and staff report and over 70 days since the first appeal was filed. There does not appear to be any rush, and we would greatly appreciate the freedom to enjoy the holidays.

Thank you for your consideration.

Natalie R Ranker