

Letter 1, Karen Wolfe

Ms. Wolfe raises the same concern raised several times previously dealing safety of the pipeline in the event of a slide, and resident access in the event of an emergency.

Comments:

"This photo shows one half of the old Wagon Road (aka Coos-Summer Lane) gone. It disappeared into the deep canyon during a recent, but not infrequent, slide. This is the controversial, alternative route for the gas pipeline.

Had the pipeline already been laid, it would now be lying down at the bottom of the canyon with the remains of the road.

This road is the only route in and out for many of its residents. It would also be the only access available for incoming assistance in the event of an emergency".

Response:

These issues have been discussed at numerous meetings, and as responses included in Appendix G2 of the Final Environmental Impact Statement (FEIS).

Project Design Features for the pipeline include the use of extra strength pipe in crossing streams and roads (see page J-2 of the FEIS). The design of the pipe utilized provides the strength necessary to avoid a pipeline failure in the event of road slides and slips as displayed in the photograph attached to Ms. Wolfe's letter. See also the response to question 12 (page G-2 - 3) and questions 5 and 6 (page G-2 - 5 in the FEIS) dealing with mass movement.

Emergency access has been discussed at numerous public meetings.

Letter 2, Harold Gardner

Mr Gardner raises similar concerns to those of Ms. Wolfe as noted above.

Comments:

"First, Coos County has had many slides, floods and road washouts in the past and there will be many more of the same in the future. I have seen the Coos Bay Wagon Road after a major flood and I do not believe that a pipeline would have withstood the onslaught of water.

I believe that the Coos Bay Wagon Road is the worst possible route for a gas pipeline, considering the potential for an environmental disaster.

And last, I see no valid reason to build this pipeline, since there are NO committed consumers of this natural gas."

Response: See the responses to letter 1 above regarding the safety issues.

Chapter 3 of the FEIS addresses the "Energy Market Competition in Coos County," which describes assumptions about potential customers.

E-mail 3, Rachel Burr, DEQ

Concerned with the close of the comment period on the FEIS.

Response : A response was provided on January 6, 2003.

E-mail 4, Bob Thomas

Supports the project.

Response: None required.

Letter 5, Ron Sadler

Mr. Sadler raised concerns that BLM has not adequately addressed the Indirect and Cumulative impacts of the pipeline project. These comments are similar to comments raised and responded to on the draft and Final EIS.

Concerns expressed:

"IT IS MY BELIEF, BASED ON THE ABOVE DISCUSSION, THAT THE PIPELINE FEIS DOES NOT COMPLY WITH APPLICABLE NEPA REGULATIONS BECAUSE OF ITS FAILURE TO ADEQUATELY IDENTIFY AND DISCUSS INDIRECT AND CUMULATIVE EFFECTS."

REQUEST

I ask that the BLM prepare and circulate a revision to the FEIS which identifies and addresses the indirect and cumulative effects of the pipeline in a manner consistent with the spirit and letter of applicable NEPA regulations.

I fully recognize that an analysis speaking to specific industries, occupying specific locations, emitting specific quantities and types of pollutants impacting specific components of the ecosystem is not possible or appropriate for the EIS at hand. I am not suggesting a quantified, comprehensive display, nor even a detailed literature search. I believe that, in this particular case, the intent of NEPA could be met by a concise, succinct narrative that made the following points:

1. It is reasonable to assume that the availability of natural gas may attract heavy industry to Coos County,
2. There is a reasonable probability that the new industrial facilities will be located on or immediately near the Coos Bay estuary.
3. The Coos Bay estuarine ecosystem has been compromised in the past, to an unknown degree, by physical alterations and the input of toxic pollutants. Known pollutants continue to reach the estuary under the terms of currently existing permits.
4. Great care should be taken to insure that the waste streams of any new planned industrial development are not of a quality or quantity so as to push the estuarine ecosystem beyond the point where irreparable and catastrophic effects are triggered.

Further, I ask that the Record of Decision, if and when issued, contain a section on mitigation. This section should suggest that the Applicant, prior to the completion of the pipeline, commission a study to determine the "state of the bay" in terms of how badly the estuary has been compromised by past actions. The study should also address those types of pollutants most likely to trigger irreparable and lasting effects, with an eye towards screening the types of industrial developments invited in.

I am not suggesting that this mitigation be a condition of granting the right-of-way permit, and I realize the BLM has no authority to monitor the implementation of mitigative measures in this instance. However I believe BLM has a duty to at least flag the potential value of mitigation of this type."

Response: In the FEIS, as Mr. Sadler indicated in his letter, it has been stated that;

1. "It is false to assume that the only place that an industrial facility might be sited is somewhere on the Coos Bay estuary." (FEIS, page G-2-7)
2. "Also, the commenter assumes that certain types of industrial facilities

might be enabled by the pipeline project." "There has been no evidence that those industries would actually have chosen to locate in Coos County if natural gas had been available." (Ibid) "Because no industrial commitments have yet occurred, it is not possible to quantify the potential environmental impacts of unknown future facilities and their potential locations." (FEIS, page 3)

3. "Various agencies have concluded that the pipeline project will not affect the Coos Bay estuary. .." (Ibid). This is a true statement when considering only direct effects. It illustrates the reluctance to address indirect and cumulative effects that permeates the entire FEIS. This posture is reflected by Chapter 2 of the FEIS "Affected Environment" which fails to acknowledge even the existence of the Coos Bay Estuary.

4. "Future new facilities utilizing natural gas will be required to undergo their own environmental impacts analyses, within the required permitting process for new construction" (FEIS, page 3). "Any new industrial facility constructed in Coos County will have to be permitted under Federal, State, and local regulations" (FEIS, page G-2- 7)."

Additionally, the FEIS indicated the Project Design Criteria as indicated in Appendix H (operation during the drier season of the year, directional drilling under larger perennial streams and Isthmus Slough, the use of the "bag and flume technique" in crossing several small flowing streams, hanging the pipeline on bridges in several locations for constructing the pipeline) would not result in degradation of water quality, for either of the action alternatives. Also as there are no known commercial or industrial businesses coming to the Coos Bay vicinity as a result of construction of the pipeline additional contaminants to existing waters were not anticipated.

The FEIS did recognize that the availability of natural gas within the area could result in conversion of existing heating sources to the use of a cleaner burning natural gas fuel. This could result in a reduction of particulates entering the airshed, and an improvement of air quality (page 37 of the FEIS).

Whereas Mr. Sadler desires a greater discussion of speculative impacts to the Coos Bay areas environment, we believe the analysis conducted in the FEIS is sufficient.

The Plan of Development for the pipeline project will include a monitoring plan. This plan will not include commissioning a study to determine the "state of the bay".

The Oregon Department of Land Conservation and Development letter of February 4, 2003 provides the consolidated state perspective on the project, including consistency with both state and local planning requirements. The State letter does not identify any problems associated with hypothetical environmental effects on the Coos Bay estuary and provides a conditional concurrence. Six conditions are requested and two advisories are noted, all of which are acceptable to BLM and the County. None require a "state of the bay" study.

Letter 6, James Nielsen

Supports the project and analysis conducted.

Response: None required.

Letter 7, Jim Brown

Mr. Brown questions the safety of the pipeline by quoting statistics used by the Oregonian. He also questions the response to his previous questions on gas line explosions and damage to powerlines, without providing any information to indicate that the response was incorrect.

Mr. Brown also indicated that BPA and PP&L have no agreements for location of the pipeline within the areas covered by the powerline Right-of-Way

Mr. Brown also questions moving the gate station for the pipeline to the Coos Bay Water Board property on Ocean Blvd.

Response: We do not know from where or how the statistics quoted by the Oregonian were derived. The statistics used in the FEIS (page 73 to 75) were well documented and explained. See also the response to letter 8.

Issuance of the BLM right-of-way will be contingent upon concurrence by BPA and PP&L. Prior to construction of the pipeline within the existing Right-of-Way corridors occupied by BPA and PP&L, both BPA and PP&L will issue a "license" to Coos County to co-locate the pipeline on their respective fee owned lands, or within their respective easements across non-owned lands.

Regarding the location of the gate station, as with all projects, as more information becomes available based on more knowledge, plans do change. According to the Project Advisors, the maps prepared for the 1999 bond election show the gate station in the middle of downtown Coos Bay. That location is improper for a number of reasons.

In the initial application to BLM in May 2000, the gate station was shown near Red Dike Road in Libby, but the Project Description noted "the exact location is not finalized". As more information became available, the location was moved to a more secure location on publicly owned land nearer the boundaries of Coos Bay and North Bend. In the application to US Army Corps of Engineers dated November 2000, the city gate station was shown at its present proposed location on CB-NB Water Board property.

Letter (E-mail) 8, Pat Simpson

Mrs. Simpson raises concerns about the Coos County planning commission hearings on granting a conditional use permit for the pipeline to cross lands in Coos County zoned farm or forest lands. She also provides statistics from the Office of Pipeline Safety implying that the analysis conducted in the EIS is not correct.

The following concerns were raised:

"RE: EIS Final Comments on Pipeline

See: BLM response to Pat Simpson as given on page g2-12, 13 on the EIS

A BLM response to my previous letter said: "The planning commission restricted the submission of pipeline safety information before the May 2 meeting, and did not allow any interpretation of or member questions about the data."

This is not true. Check the record. The County Planning Commission had asked for information on safety and had even put off the hearing for a month in order to get such information. This information was not forthcoming so the commission made their decision based on what was at hand and denied the request since no evidence was given.

BLM response said "The action of the planning commission have no impact on any decision the BLM will make."

I thought that the whole NEPA purpose of an EIS was that it was supposed to be done BEFORE any Planning Commission hearing so that the EIS could be used as input to that hearing -not the other way around! The EIS was too late to be input to the Planning Decision. Why is the BLM trying to make their tardiness sound like a virtue?

BLM said "There is very little statistical chance that this pipeline will ever suffer a serious incident, and no precedent in Oregon or Washington that such an incident would cause a serious forest fire." There is also statistically little chance that your house will catch on fire, but that does not mean that you should not plan for fire extinguishers or fire insurance. The BLM comment is misleading and makes it sound like there is nothing to worry about a natural gas pipeline.

Note that this chart is just for "transmission" incidents on pipelines. There are additional DOT statistics for natural gas chart for incidents on the "distribution" of natural gas to users. Having the transmission pipeline means that we will have distribution lines also and the probability of incidents for distribution lines. This is a part of the cumulative impact of having a transmission line. Percentage-wise, there is probably more land of the Coos County pipeline going thru forest than for the the average pipeline in the nation. Therefore, there would be more chance of an accident causing a forest fire here than else where. Our rural fire chiefs pointed out that they do not have the necessary equipment, water supply to fight such a fire -should it happen. And if the pipeline goes down the Old Wagon road, they could be extremely hampered by lack of alternative roads to use to fight the fire. If I were to use BLM's reasoning, I should consider canceling my fire insurance on my house, since "there is little statistical chance ...".

It appears that the BLM is not acting in an unbiased manner. Cumulative

impacts were not generally considered by the BLM. This makes a farce of a very expensive EIS that was done at the expense of the citizens of Coos County."

Response: The following is the comment answered in Appendix G-2.

"The public comment period on the Draft EIS is open until March 25, 2002. In spite of this fact, your March 8 memo to the Planning Commission announces that they will be discussing conditional use approval of "the only feasible route". Is this not prima facie evidence that the choice of reasonable alternatives has, in fact, been limited? Could any action be better designed to discourage and squelch the rational public discussion of other reasonable alternatives that the EIS process is designed to foster?"

"Your action makes a mockery of the EIS process. It indicates that a decision as to "the only feasible route" has already been made, and Coos County and the BLM view the EIS process as a pro forma exercise without any real utility. This is a direct insult to the citizens of Coos County, and a violation of federal regulations. It adds to the vulnerability of a process that is already on shaky ground legally."

The response included on page G-2 - 13 of the FEIS is correct. The question before the Coos County Planning commission was basically, "should a conditional use permit be granted to the Coos County Commissioners to permit construction of a natural gas pipeline on lands zoned by the county as farm or forest." That question is a local planning issue, and the answer to the question does not limit the ability of selecting a route for the project, or for the analysis conducted by the FEIS.

The analysis of "Pipeline Safety and Fire Data", and Natural Gas Transmission Pipeline Statistics, as described on page 73 and 74 of the FEIS provided an explanation for how the number of incidents was determined. Rather than using the "raw data" included in the Department of Transportation statistics for incidents on the distribution of natural gas, an analysis was conducted to compare frequency rates with pipelines of similar size and design characteristics as the transmission line to be built by the County. We believe this analysis correctly interprets the data for comparable size pipelines with the current safety design factors to arrive at the risk factors expressed in the FEIS.

A response to the concern about cumulative impacts was answered to in the letter 5 from Mr. Sadler.

Letter 9, Robert and Carol Doty

Mr. and Mrs. Doty expressed concern that the Coos Bay Estuary Management Plan was not considered in the EIS. They also raise concerns on cumulative impacts analysis, and the route changes prior to the FEIS.

Concerns raised:

"In the response #33 (G-2-14) to our earlier comments on the pipeline, we are unable to find an adequate response concerning land uses and the Coos Bay Estuary. We find no evidence that the Coos Bay Estuary Management Plan (CBEMP) was acknowledged or given any consideration throughout the document. How can the pipeline can be laid under the Estuary to provide natural gas to existing industrial lands and uses on the north shore of the Coos Bay Estuary, which contribute considerable pollution to the Estuary, without considering this impact in an FEIS? Most of the rationale for the pipeline was to encourage development of more industrial sites which will create more pollution in the Estuary. To state that such land uses will create no impact is false.

The Land Uses-Environmental Consequences on pages 75-77 state no impact. However, there is no evidence that BLM looked at the County's Coos Bay Estuary Management Plan, and we believe the EIS process requires consideration of both state and local laws. The CBEMP requires resource impact assessments and resource capability consistency findings. The FEIS does not address these requirements, and has made no legitimate findings concerning these requirements.

It is our understanding that the FEIS was to anticipate indirect and potential cumulative impacts of future industrial uses in light of current existing evidence, and to consider ways that cumulative impacts can be mitigated in the future. The FEIS fails to perform an analysis which responds to this requirement of the law.

Finally, the BLM began the EIS process considering one group of pipeline routes, but changed the routes prior to the final EIS. Did that action comply with NEPA requirements?"

Response: In preparing the Consistency determination as described in Appendix N of the FEIS, impacts on the Coos Bay Estuary Management Plan were considered, as were the other requirements of local and Statewide LCDC Planning Goals. As Isthmus Slough is the only waterway described in the Coos Bay Estuary Management Plan that will be affected by the project, and crossing of the slough is to be conducted by directionally drilling 15 feet under the slough, it has been concluded that there would be no impact to the estuary. The Coos County Planning Department concurred with this determination. In addition, the Oregon Department of Land Conservation and Development agreed (in their February 4, 2003 letter) with this finding and noted that the Oregon Department of State Lands circulated a proposed easement (state # EA-23406) for installation of the pipeline under state lands at Isthmus Slough.

See the response to the cumulative impacts analysis concern in the response to letter 5.

Preparation of the FEIS has followed NEPA requirements, including analysis of route changes.

Letter 10, Roberta Stewart

Mrs Stewart expressed several concerns including cumulative impact analysis, especially on the Coos Bay estuary; that the County required the pipeline must begin on the eastern boundary of the County at the terminus if the 17 mile connector pipeline in Douglas County, effectively eliminating the Highway 42 route as a reasonable alternative; Coos County did not follow the requirements for the DLCDC Land Use Planning Goals.

Concerns raised:

" I. NEPA compliance obligates the BLM to investigate and address the Indirect and Cumulative impacts of a natural gas pipeline project on the area which it will serve. Without a doubt the most critical of these areas is the Coos Bay Estuary. While acceding the probability that industrialization may occur in different areas, the entire aim of this pipeline project, and even documented on the website of the Port of Coos Bay, has been aimed at the North Spit, yet this EIS appears unaware of this objective throughout the analysis, and can only be discounted as unresponsive to the requirements of NEPA. I support the comments of Ron Sadler covering this deficiency of the Final EIS.

II. Federal regulations (CEQ 1506.1a2) state that until an agency issues a final record of decision, no action concerning a proposal undergoing the EIS process shall be taken which would "limit the choice of reasonable alternatives." Yet this is precisely what was performed in this process when, in a sleight-of-hand maneuver the County declared that one of the public service requirements of the pipeline in Coos county is that it must begin on the easterly boundary of the County at the terminus of the 17-mile connector pipeline in Douglas County, effectively eliminating the Highway 42 route beginning at Winston identified in the EIS as a reasonable alternative. Because the County summarily dismissed the original Highway 42 reasonable alternative on the basis that it did not meet their arbitrary public service requirement imposed after-the-fact, the BLM cannot so summarily be released from the above-stated CEQ requirement.

Additionally, as Mr. Sadler had quoted in an earlier document, Federal regulations (CEQ 1506.1b) state that, in cases like this where they are considering an application from a non-federal entity, the BLM has the responsibility to monitor the activities of the applicant "to ensure that the objectives and procedures of the National Environmental Policy Act are achieved." Clearly, by allowing Conditional Use permitting in Douglas County to effectively eliminate the afore-designated reasonable alternative, the BLM was derelict in their duty of ensuring that the objectives and procedures of NEPA are achieved.

III. In Chapter 5 of the Final EIS, Consultation and Coordination, it is noted that the Department of Land Conservation and Development (DLCDC) indicated the need to prepare a consistency determination. One of the statewide Goals that must be addressed is Goal I, Citizen Involvement, and another is Goal 2, Land Use Planning. My comments here incorporating these two Goals are directed at the conditional use permitting process utilized for the 17-mile section of the gas pipeline from Roseburg to the Coos/Douglas County line.

A. Coos County citizens were not provided legal notice of the public hearing for conditional use permits in Douglas County, violating their

"substantial rights" for standing in that process. Failure to provide notice to Coos County residents for that hearing violated State Land Use Goals 1 and 2.

B. The County and it's representatives have consistently maintained that permitting of the pipeline cannot be conducted on a segment-by-segment basis, yet here again this is exactly what was done in regards to the Douglas County portion through the Lookingglass Valley. Not only was the Highway 42 reasonable alternate route excluded by this "one segment" action, so, also, was the required citizen involvement participation in that hearing, denying Coos County citizens standing for appeal.

C. A final comment must be added regarding the approval of the conditional use permits in Douglas County. It is documented that several of the land owners in the Lookingglass Valley gave approval based solely on the condition that gas from that segment of the pipeline be made available to them. This can only be interpreted as bribery of the highest order, particularly in light of the fact that rural landowners in Coos County will not have access to gas from the very pipeline they are obligated to pay for. Although this may not be legally an issue for the BLM, it is certainly illustrative of the process that has been followed by the BLM and Coos County throughout this entire project."

Response: See the response to the cumulative impacts analysis concern in the response to letter 5.

It is assumed that Mrs. Stewart's claim on elimination of the Highway 42 route is associated with the County Conditional Use Permit application process. The County Conditional Use process results in a decision of granting or not granting the applicant a permit to cross lands zoned farm or forest in the County Comprehensive Plan. In the County Conditional Use hearing, it was demonstrated that any reasonable route selected would need to cross some lands that are zoned as farm land, therefore the proposed route met the need to cross farm land, and was addressed in greater detail. The County Conditional Use process has no affect on BLMs ability to select, or to eliminate selection of the Highway 42 Route in the Record of Decision.

In response to the comments: "

" A. Coos County citizens were not provided legal notice of the public hearing for conditional use permits in Douglas County, violating their "substantial rights" for standing in that process. Failure to provide notice to Coos County residents for that hearing violated State Land Use Goals 1 and 2.

B. The County and it's representatives have consistently maintained that permitting of the pipeline cannot be conducted on a segment-by-segment basis, yet here again this is exactly what was done in regards to the Douglas County portion through the Lookingglass Valley. Not only was the Highway 42 reasonable alternate route excluded by this "one segment" action, so, also, was the required citizen involvement participation in that hearing, denying Coos County citizens standing for appeal."

Response: Public notification to the Douglas County hearing was provided by Douglas County and the news services in Douglas County. There is no requirement for an agency to announce

meetings outside their jurisdiction.

Comment

"C. A final comment must be added regarding the approval of the conditional use permits in Douglas County. It is documented that several of the land owners in the Lookingglass Valley gave approval based solely on the condition that gas from that segment of the pipeline be made available to them. This can only be interpreted as bribery of the highest order, particularly in light of the fact that rural landowners in Coos County will not have access to gas from the very pipeline they are obligated to pay for. Although this may not be legally an issue for the BLM, it is certainly illustrative of the process that has been followed by the BLM and Coos County throughout this entire project."

Response: We are not aware of the allegations made above.

Letter 11. Coquille Indian Tribe to Sue Richardson

Concerns raised:

"First of all, I remain very concerned about the potential of this project to impact archeological resources in Coos County, particularly within those segments of the route between the communities of Sitkum and Sumner. Although the EIS reports that virtually all the route has experienced a cultural resource survey of some sort, with few exceptions all those surveys have been surface examinations- leaving open to further question whether- and what- cultural or archeological resources might be present subsurface within the proposed project corridor.

My concern is driven primarily by two considerations: 1) the success and accuracy of pedestrian/surface cultural resource surveys- and the assumptions derived from them- is hugely dependent on the time of year and thoroughness of the examination (which I believe was extremely limited by project scheduling and budget constraints); and 2) the project will excavate to a depth of three feet, which- whether the pipeline is placed within existing ROW's and/or previously disturbed areas or not- is significantly deep enough to contact native and undisturbed soils.

What is found on the surface is absolutely no indicator of what might lie below. Consequently I dispute that those locations noted in the EIS are the only locations that should be monitored for their archeological potential."

Secondly, I remain concerned that information about archeological sites or other important cultural resources that might have been provided by either of the two federally recognized tribes in Coos County has been overlooked. Here again, my concern is prompted by two considerations: 1) not all archeological sites are recorded at the State Historic Preservation Office (i.e. tribal oral traditions and history, information that private land-owners chose not to make public, tribal research not sufficiently completed to submit to SHPO); and 2) particularly in built environments (the community of Fairview as example), tribes and native people have long-standing social and cultural relationships with these places that allow them to "see" and to recognize those landscapes as they existed and were used long before modern settlement and development activities shaped what we see today.

My third point is this: although they are outside the scope of this EIS, the proposed "lateral lines" also have cultural resource considerations- for much the same reasons and concerns as above. Although there may not be a federal presence in the funding, siting, or construction of those laterals, the need to accurately and appropriately address the potential for impacts to cultural and archeological resources along the lateral routes is not diminished.

The final points I wish to make about archeological and cultural resources concern the future involvement of the two tribes in this project: 1) representatives of each of the two tribes in Coos County should be involved in the final design and location of the pipeline and its laterals, regardless of land ownerships or jurisdictions; 2) both tribes should be involved to determine where and how project monitoring should occur along the entire project corridor in Coos County; 3) both tribes should be considered as the most qualified and competent consultants to anticipate or mitigate the cultural resource elements of the pipeline project as it moves forward.."

Response: The concerns that you have raised are similar to those identified by Heritage Research Associates (HRA), in Appendix B of the FEIS. HRA included a number of recommendations (page B-17 and 18) to conduct additional surveys and monitor pipeline construction activities. As noted on page 39 of the FEIS, the recommendations have been accepted, and will be followed prior to and during construction.

The BLM right-of-way permit will require onsite monitoring be conducted by qualified archaeologists and the designated tribal representatives of the effected federally recognized tribes. In conducting this onsite monitoring, the tribes will be given the opportunity, and will be encouraged to identify the landscapes and cultural relationships that you described above.

Regarding your concerns on the laterals, it is the intent to employ the same Project Design Criteria and Best Management Practices described for the mainline in constructing the laterals (page 8 of the FEIS). This would include conducting the onsite monitoring for cultural values by qualified archaeologists and designated tribal representatives.

Letter 12. Coquille Indian Tribe to Bob Gunther

Concerns raised:

"Pipeline Laterals (g. 10).

Although the possibilities of laterals to the communities of Coquille, Myrtle Point, and Bandon have not been "finalized," it is apparent that they are intended. The EIS should strongly emphasize the need for thorough cultural resource surveys along each of the proposed lateral routes, particularly in the Fairview area (see comments concerning Appendix B below).

Effected Environment: Cultural Resources- Direct Impacts (g. 40).

Project monitoring, as it is suggested, is insufficient. 1) The term "tribal members" should be changed to "designated tribal representatives of the effected federally recognized tribes." 2) Language should be amended to include the possibility of inadvertent discovery of archeological sites and/or isolates; and that mitigation of such discoveries should occur immediately and in consultation with the appropriate tribal representatives. 3) Language should strongly emphasize that cultural resources surveys were limited to exposed surfaces only (see Appendix B-12); and that monitoring may be required in areas of "potential" or "probability"- especially: 1) those areas in the project corridor that were not surveyed because trespass was not granted; and 2) that were not surveyed because brush and vegetation cover did not allow it.

Appendix B: Cultural Resources.

The B.I.S. Report, prepared by Heritage Research Associates, does not address the need for extensive pre-project probing and project monitoring in the Fairview area. Although there is only one SHPO-recorded site, several decades of anecdotal reports from local informants, coupled with the oral histories of the local tribes, suggest the very strong potential for much of the Fairview valley to be one very large and extensive archeological site. The B.I.S. report also does not address the pipeline laterals, and thus has little merit in considering the scope or areas of focus for cultural resource surveys along any of those proposed routes.

Response: See the response to letter 11. The FEIS indicated a commitment to conduct surveys and monitoring along the route of the laterals.

We will revise the term to "designated tribal representatives of the effected federally recognized tribes" in future references.

Letter 13. Corps of Engineers

Letter request comments:

"In accordance with regulations published in 33 CFR 330, Appendix A on November 22, 1991, the following information regarding a proposed discharge or fill that could be authorized under nationwide permit NW12 is provided for response. If you have any views as to whether the net environmental impacts of this project would be more than minimal, this office should be notified by telephone within five calendar days. You will then have an additional ten calendar days to provide those views by letter."

Response: The COE was a cooperating agency of the BLM in the preparation of the FEIS. As such, there is agreement between the COE and BLM on the environmental impacts of the project.

Letter 14. Oregon Department of Environmental Quality

The following comments were raised:

"The project will include the crossing of 186 streams and 2 wetland areas. It is our understanding that these activities will be conducted under one or more Corps Nationwide Permits. Please be aware that Nationwide Permits contain Section 401 Water Quality Certification conditions which are part of the Permit. In order to comply with state water quality standards and beneficial uses you must adhere to those requirements.

These certification conditions outline measures that must be taken to protect water quality during fill and removal activities. Limited duration turbidity exceedances are allowed. If turbidity from any project exceeds 10% over background, project work must be stopped and best management practices implemented to alleviate these exceedances. Turbidity monitoring during instream work is a requirement.

Please note that any proposed project work requiring an individual 404 Fill and Removal permit also requires 401 Water Quality Certification.

The project proposal indicates that ground disturbing activities will exceed one acre and will require a National Pollutant Discharge Elimination System (NPDES) 1200-C Storm Water Construction Permit. The 1200-C permit basically requires the following:

- No discharge of significant amounts of sediment to surface waters.
- Preparation and implementation of an Erosion and Sediment Control Plan to prevent such discharges. A copy of the plan needs to be submitted to DEQ at least 30 days before starting work. The plan must be approved by DEQ prior to beginning any construction activities. (For construction activities disturbing 20 or more acres, the plan must be prepared and stamped by an Oregon Registered Professional Engineer, Oregon Registered Landscape Architect, or Certified Professional in Erosion and Sediment Control. It appears that his project will likely result in the disturbance of over 20 acres.)
- Maintenance of erosion and sediment controls, clean up of deposits of sediment that leave site, and proper storage, handling, and disposal of hazardous materials.
- Compliance with water quality standards in Oregon Administrative Rule (OAR) 340-041 and any Total Maximum Daily Loads established for specific basins. For example no discharge can cause more than a 10% increase in in-stream turbidity from background.
- Visual inspection of erosion and sediment control measures.

Potential disturbances in riparian areas are discussed in several areas of the document. There appears to be some contradictory statements regarding removal of vegetation. See section H-6 at top of page; it states that "where trees or vegetative root structures are removed tree plantings in the next dormant season may be appropriate". Throughout the rest of the document however it is made clear that no riparian vegetation will be removed.

Section A-I I (Sideslope Construction) it indicates that as much as 60 feet in width will be needed for equipment. This information provides little detail regarding potential impacts to riparian areas at these sites.

Removal of riparian vegetation should be limited to that deemed essential to the implementation of the project. There needs to be clarification

regarding the mechanisms that will guide decisions regarding riparian vegetation removal and proposed mitigation measures.

The EIS describes several areas as steep, nearly vertical, rock cliffs that are heavily eroded and have landslide deposits present. This portion of the project area runs very close the East Fork of the Coquille. If management related landslides and/or mass wasting events occur contingency measures should be in place to transport soils to storage areas that will prevent further movement into waterbodies. Side casting of soils into waters of the state is strongly discouraged and not allowed under state water quality rules. Site conditions should be evaluated on a regular basis.

Appendix E identifies several water quality parameters as "At Risk" and/or "Not Properly Functioning". These are indications that the current function of this system is rather fragile and susceptible to adverse effects that might result from disturbance based activities. What may appear to be insignificant effects at any given work site may result in adverse cumulative effects on a watershed scale. Turbidity and sediment inputs may have adverse effects on fishery resource as well as channel stability. Disturbances in riparian vegetation may have adverse effects on stream heating and temperature. Conscientious project management will be required to maintain this environmental baseline.

Response: The Section 401 Water Quality Certification requirements will be obtained prior to construction, as part of the Plan of Development, as will all other state and federal permits required for this project (see page 2 of the ROD).

Monitoring requirements, including Turbidity monitoring during instream work is included in the Plan of development for the project.

The County has committed to appointing a Environmental Compliance Representative to administer the Erosion Control Plan (page H-3 of the FEIS). Part of the responsibility for this person will be to designate waste areas for the deposit of materials generated by the project, and also slides and slumps that may occur along the project. Sidecasting into the river will not be permitted.

The required National Pollutant Discharge Elimination System (NPDES) 1200-C Storm Water Construction Permit will be obtained.

Letter 15. Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

Comments received:

"The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians do not object to the proposed project. However, please be aware that the proposed work area is in proximity to known Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians cultural resource sites and so may contain as yet unlocated cultural resources. In particular, areas along the shores or in the intertidal or subtidal areas of the Coos Estuary tributaries, including highly modified, former tidally influenced areas such as Blossom Gulch, may contain cultural resources. Additionally, the floodplain and proximate upland areas along the North Fork of the Coquille River and tributaries near Fairview may also contain cultural resources. We request that special attention be paid to these areas.

We also request that we be provided with at least 72 hours notice of work scheduled at any of the above-described locations or types of locations, and we request the opportunity to have a staff member or designated representative of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians present during work at these locations: in so doing, we affirm the Response (to an earlier Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians letter) in Appendix G2 that states "The BLM and County are committed to having a Tribal representative present or on call during construction operations." We further request that we be contacted immediately if any known or suspected cultural resources are encountered during any work. The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians would also like to express general concurrence with the other recommendations contained in Appendix B, in particular recommendations d) and e).

Please be aware that federal (43 CFR 10) and state (ORS 97.745; ORS 358.920) law prohibit intentional excavation of known or suspected cultural resources without an archaeological permit and require that we be notified immediately if resources are discovered, uncovered, or disturbed. 43 CFR 10 applies on tribal and federal lands, federal projects, federal agencies, as well as to federal actions and federally funded (directly or indirectly) projects. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of any native Indian. ORS 358.920 prohibits excavation injury, destruction, or alteration of an archaeological site or object or removal of an archaeological object from public or private lands."

Response: As was noted in the response to Letter 11, the concerns raised are similar to those identified by Heritage Research Associates (HRA), in Appendix B of the FEIS. HRA included a number of recommendations (page B-17 and 18) to conduct additional surveys and monitor pipeline construction activities. As noted on page 39 of the FEIS, the recommendations have been accepted, and will be followed prior to and during construction.

The BLM right-of-way permit will require onsite monitoring be conducted by qualified archaeologists and the designated tribal representatives of the effected federally recognized tribes. In conducting this onsite monitoring, the tribes will be given the opportunity, and will be encouraged to identify the landscapes and cultural relationships that you described above. Under

no circumstance is it intended to conduct any excavation that would result in injury, destruction, or alteration of an archaeological site or object or removal of an archaeological object from public or private lands.

In addition to the onsite monitoring noted above, it is anticipated that crossing of the larger streams and floodplains indicated in your letter will be accomplished by directionally drilling. This should provide an additional level of protection for archaeological items that may be present.

In a previous letter the Tribe indicated that joint monitoring be conducted when earth moving activities are occurring in fragile areas. Please advise if you still prefer to have joint monitoring with the Coquille Tribe occur, or if you desire to conduct the monitoring with designated tribal representatives of the Confederated Tribe.

Letter 16. Environmental Protection Agency

In the January 17, 2003 Federal Register (Volume 68, Number 12, Page 2540) EPA published the following under Final EISs:

"ERP No. F-BLM-L60107-OR, Coos County Natural Gas Transmission Pipeline Construction, Operation and Maintenance, Roseburg to Coos Bay, Right-of-Way Grant, Coos Bay District, Coos County, OR.

Summary: No formal comment letter was sent to the preparing agency."

Response: None required.

Letter 17. Oregon Ocean and Coastal Management Program, Department of Land Conservation and Development:

DLCD summarized comments they received on the project, and summarized the conclusions as follows:

"Conclusion

Based on review of the project documentation, including public comments received by DLCD, and the above findings, DLCD conditionally concurs that the proposed federal actions and project are consistent with the Ocean-Coastal Management Program. The following coastal zone management conditions must be met to ensure compliance with the local and state components of the Ocean-Coastal Management Program:

1. The applicant shall comply with all conditions of the Douglas County (#02-033) and Coos County (#HBCU-02-04) conditional use permits issued for the project.
2. The applicant shall comply with all conditions of the DSL EA (#EA-23406) for the Isthmus Slough crossing.
3. For the proposed stream/waterway crossings and any other work in waters of the state that will occur within the coastal zone, the applicant shall either obtain Removal-Fill permits or written verification from DSL that Removal-Fill permits are not required. This shall occur prior to project construction.
4. No exceptions to the in-water work period of July 1 to September 15 shall occur without prior consultation with ODFW.
5. Disturbance of riparian vegetation shall be minimized and any disturbed areas replanted with native vegetation. Such sites shall be monitored post-construction to ensure vegetation has been re-established.
6. Any materials removed during pipeline installation and not needed or suitable for compacting around the pipeline shall be deposited in uplands and such that erosion into waterways is avoided."

Response:

The BLM and Coos County agrees to, and will comply with the conditions cited above.