

Record of Decision for the Coos County Natural Gas Pipeline Right-of-Way Grant

Decision

This Record of Decision (ROD) adopts and approves for immediate implementation the Proposed Action as described in the Final Environmental Impact Statement (FEIS) for the Coos County Natural Gas Pipeline project published November, 2002. The ROD is supported by, and is consistent with the *Coos Bay District Record of Decision and Resource Management Plan* May 1995, and the *Roseburg District Record of Decision and Resource Management Plan* May 1995. The ROD is also consistent with the February 1994 *Final Supplemental Environmental Impact Statement on Management of Habitat of Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* and its associated April 1994 interagency *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl*.

This ROD approves the May 19, 2000, application (as amended) from the Coos County Board of Commissioners, for a Right-of-Way grant to cross lands administered by the Bureau of Land Management (BLM) for the construction, operation, and maintenance of a 12-inch natural gas pipeline located in the following sections in Douglas and Coos Counties, Oregon:

Douglas County	T28S, R8W, portions of Sections 7, 15 and 17
Coos County	T28S, R11W, portion of Section 3
Coos County	T27S, R11W, portions of Sections 19 and 29

Right-of-Way Grant

As discussed in the FEIS Proposed Action, the U.S. Department of Interior (USDI) BLM will issue a Mineral Leasing Act Right-of-Way grant for the Federal lands involved. The permanent width of the Right-of-Way will be limited to 40 feet. The term of the Right-of-Way grant (OR 55754) will be for 30 years from the effective date. The route is described in Chapter 2 of the FEIS as the Proposed Action. Location of the route was included in the FEIS as Appendix C sheets 1 to 10. The Right-of-Way grant will be subject to the terms and conditions specified in this ROD, as well as all Project Design Criteria and Best Management Practices described in the Coos County Natural Gas Pipeline FEIS.

Temporary Use Permits

Also, as discussed in the FEIS, the USDI will grant to Coos County a Temporary Use Permit for Temporary Use Areas on the Federal lands for the purpose of constructing the 12-inch natural gas pipeline associated with Right-of-Way grant OR 55754. The Temporary Use Permits will be limited to 20 feet in width, immediately adjacent to the permanent Right-of-Way noted above. The term of the Temporary Use Permits will be for up to three years from the effective date of the Grant. The Temporary Use Permits will be subject to the terms and conditions specified in this ROD, as well as all Project Design Criteria and Best Management Practices described in the Coos County Natural Gas Pipeline FEIS.

As a condition for issuing these Right-of-Way Grants and Permits, Coos County is to obtain all necessary permits required by the state of Oregon and other federal agencies. Appendix A of this ROD includes a list of agencies and required permits.

Alternatives Including the Proposed Action

The FEIS analyzed two action alternative locations for the natural gas pipeline between the existing Williams Company pipeline near Roseburg in Douglas County and the Coos Bay Gate Station located on Ocean Boulevard in Coos Bay. The FEIS also analyzed the No Action Alternative, which would not authorize the crossing of federally administered lands with the pipeline. Each alternative would “transfer ownership” of the natural gas delivered by the Coos County pipeline to Northwest Natural Gas at the Coos Bay Gate Station. Northwest Natural Gas would then distribute the natural gas to their customers (residential, commercial, and industrial) through its private distribution system. Coos County anticipated the availability of natural gas would encourage locating new, or expanding existing commercial or industrial developments within the county. However, no new or expanded development has been proposed at this time; therefore, the initial use would be by existing residential, commercial, or industrial establishments converting from existing energy sources to the utilization of natural gas. As new developments are proposed in the future, they would be required to conduct all applicable analysis required to obtain local, state, and federal operating permits. The following is a brief description of each alternative.

The Proposed Action would permit construction, operation, and maintenance of a 12-inch natural gas pipeline from near Lookingglass in Douglas County to the Coos Bay Gate Station in Coos County. The pipeline would be buried within the existing rights-of-way of the Coos Bay Wagon Road or in the outer edge of the Bonneville Power Administration (BPA) or PacifiCorp (PP&L) electric transmission line right-of-way. The total length of the pipeline is approximately 60 miles, with approximately 3.0 miles located on lands administered by the BLM. (See Sheets 1 through 10 in Appendix C of the FEIS.)

The Highway 42 Alternative would permit construction, operation, and maintenance of a 12-inch natural gas pipeline from near Winston in Douglas County to the Coos Bay Gate Station in Coos County. The pipeline would be buried within the existing rights-of-way of Oregon Highway 42 or US Highway 101, and BPA electric transmission line right-of-way. The total length of the pipeline under this alternative is approximately 83 miles. (See Map 3 in the FEIS.)

The No Action Alternative for the purposes of the FEIS, the “No Action Alternative” is defined as the BLM not issuing Coos County a discretionary Right-of-Way grant for a natural gas pipeline on lands administered by BLM. Affects addressed in the FEIS associated with the No Action Alternative assume that the result would be the present condition, that is, the proposed natural gas pipeline is not constructed.

However, “No Action” by BLM will not necessarily result in stopping a new pipeline. If the

Proposed Action is denied or unduly delayed, Coos County may likely proceed with constructing the pipeline completely within public roads and private easements included in the Proposed Action, avoiding federal land administered by BLM.

This re-routing was not assessed as a unique or separate alternative, because the environmental impacts are nearly identical to those of the Proposed Action. That is, about 86 percent of the proposed route (Segments A-B-D-F-H-I-J-K, as displayed on Map 1 of the FEIS) could be built as described. Segments C-E-G of the proposed project could be built mostly in the Coos Bay Wagon Road, instead of within nearby powerline corridors across federal land as described in the Proposed Action. The total length of the pipeline under the No Action Alternative is approximately 64 miles, none of which would be located on federal lands.

In addition to the three alternatives described above, the FEIS also considered and dismissed without intensive studies a Straight-line Alternative, the Highway 38 Alternative, and Alternative Sources of Natural Gas.

The Straight-line Alternative, although potentially shorter in total length (44 miles as opposed to 60 miles for the Proposed Action), was dismissed due to the need to cross steep topography potentially containing critical-habitat for federally protected special status species. Significant impacts to the environment would likely be unavoidable, because no road or utility corridors exist along the route.

The Highway 38 Alternative was dismissed because it would connect to the Williams pipeline on the upstream side of the Winchester compressor station, requiring the construction of a new compressor station, or installing a larger diameter pipeline. Additionally, the length of this alternative is approximately 20 miles longer than the Proposed Action.

The **Alternate Sources of Natural Gas Alternative** was dismissed because the additional costs for alternative sources of natural gas such as Compressed Natural Gas or Liquefied Natural Gas were considered to be economically infeasible alternatives for Coos County.

Management Considerations and Rationale for Selection of the Proposed Action

The Proposed Action provides the Coos County Board of Commissioners the opportunity to have natural gas delivered to the Coos Bay Gate Station at the lowest cost, with the least environmental impacts to lands within the routes considered for the pipeline, and resulting in the least inconvenience for the public. In November 1999, residents of Coos County voted to authorize the County to issue bonds not to exceed \$27 million to partially fund the construction of the proposed pipeline. To pass the bond measure required at least 50 percent of the registered voters in the county to vote, with more than 50 percent of those voting in favor of the measure (the measure required a double majority). Although the results of the election were close, passing the bond measure indicated the general support of the pipeline project by a majority of the voting residents in the County. With passage of the bond measure, the State of Oregon, acting through its Economic Development Department, has granted Coos County approximately

\$24 million for the construction of the natural gas pipeline.

Of the action alternatives considered by the FEIS, the Proposed Action provides for the shortest route for the pipeline within designated right-of-way corridors as directed by both the Coos Bay and Roseburg District Resource Management Plans. Location of the pipeline would be almost entirely within previously disturbed and denuded road and power line rights-of-way, minimizing the potential loss of wildlife habitat, while retaining a greater amount of land available for timber production. The cost of construction for the Proposed Action is approximately \$34 million. The Proposed Action would result in short-term (less than one week) disruptions for travelers and residents along most of the route. With lower levels of traffic volume on the Proposed Action route, pipeline workers would be exposed to a slightly lower risk of accidental injury from road users than either the No Action or Highway 42 Alternatives.

The Highway 42 Alternative would be located entirely within existing road or powerline rights-of-way. This would result in no impact to the potential timber land base or wildlife habitat. However, as the majority of the construction would occur within the roadway, the potential for travel delays to the southern Oregon coast would continue for a relatively long period of time (potentially up to six months). The delays would be most severe while construction was occurring in those areas where Highway 42 is only two-lanes wide. Workers on the project would also be exposed to the risk of accidental injury by road users for a longer period than for the other alternatives. As this alternative passes through the communities/cities of Winston, Porter Creek/Tenmile, Camas Valley, Bridge, Myrtle Point, and Coquille construction activities would inconvenience higher population areas than either the Proposed Action or No Action Alternatives. Additionally, the potential for disturbing existing fibre optic cables buried in each side of the highway is fairly high. The additional length of this alternative would increase construction costs by approximately \$14 million over the proposed action.

In a like manner, the No Action Alternative would also have a lower impact on the timber land base, as the entire project would be located within either existing power line rights-of-way on non-federal lands or the Coos Bay Wagon Road. This alternative would be approximately 4.0 miles longer than, and would increase the construction costs by approximately \$2.3 million over the Proposed Action. The No Action Alternative would result in short-term (less than one week) disruptions for travelers and residents along most of the route. With lower levels of traffic volume, pipeline workers would be exposed to a lower risk of accidental injury from road users than the Highway 42 Alternative.

Included in the FEIS (Appendix F) is documentation of the U.S. Fish and Wildlife Service (USFWS) review of the Biological Assessment, dated February 12, 2002. The Biological Opinion found that the construction of the pipeline may affect spotted owls and marbled murrelets, because of short-duration (less than 10 days) moderate noise above normal ambient levels. Project design criteria have been designed to minimize potential disturbance effects detrimental to any listed species by providing daily and seasonal timing restrictions within established buffer zones that should eliminate all adverse effects. The USFWS determined that the project “may affect, but is not likely to adversely affect” the spotted owl or marbled murrelet.

Also included in the FEIS (Appendix E) is the Aquatic Biological Assessment submitted to the National Marine Fisheries Service (NMFS) for consultation under the Endangered Species Act (ESA). The NMFS Letter of Concurrence (LOC) dated August 21, 2002, indicated that under the ESA "... Based on information provided by the BLM and developed during informal consultation, NOAA Fisheries concurs with the BLM's determination that the project is not likely to adversely affect (NLAA) Oregon Coast (OC) coho salmon, because: (1) the pipeline is buried and does not cross any perennial or OC coho salmon bearing streams; (2) the four stream crossings are small intermittent streams that will be dry during construction; and (3) no OC coho salmon will be present in the project area at the time of construction."

NMFS also provided Magnuson-Stevens Fishery Conservation and Management Act (MSA) consultation for Essential Habitat Consultation on the project. NMFS concluded ... "Because the habitat requirements (i.e essential fish habitat [EFH] for the MSA-managed species in the project area) are similar to that of the ESA-listed species, and because the conservation measures that the BLM included as part of the proposed action to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to designated EFH, conservation recommendations pursuant to MSA (§305(b)(4)(A)) are not necessary."

The Environmentally Preferable Alternative

Environmental preferability is judged using the criteria suggested in the National Environmental Policy Act of 1969 (NEPA), which is guided by the Council on Environmental Quality (CEQ). The CEQ has stated that "The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Generally, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources." (Council on Environmental Quality, "Forty Most Asked Questions" Concerning CEQ's National Environmental Policy Act Regulations (40 CFR 1500-1598), *Federal Register* Vol. 46, No. 55, 18026-18038, March 23, 1981: Question 6a.)

NEPA's Section 101 establishes the following goals:

- Fulfills the responsibility of this generation as trustee of the environment for succeeding generations (NEPA §101(b)(1)).
- Assures for all Americans productive and aesthetically and culturally pleasing surroundings (NEPA §101(b)(2)).
- Attains the widest range of beneficial uses of the environment without degradation or other undesirable and unintended consequences (NEPA §101(b)(3)).
- Preserves important natural aspects of our national heritage and maintains an environment which supports diversity and variety of individual choice (NEPA §101(b)(4)).

- Achieves a balance between population and resource use, which permits high standards of living and a wide sharing of life's amenities (NEPA §101(b)(5)).
- Enhances the quality of renewable resources and approach the maximum attainable recycling of depletable resources (NEPA §101(b)(6)).

The table below displays a comparison of potential impacts by alternative.

Resource Value	Proposed Action	No Action ¹	Highway 42
Total length (miles)	60	64	83
Streams crossed (total number)	188	188	209
Large streams (number)	2	2	18
Medium streams (number)	6	6	12
Small streams (number)	180	180	179
Wetlands crossed (miles)	1	1	9
Adjacent Floodplain (miles)	2.2	2.2	15.3
Potential for soil and vegetation disturbance outside road right-of-way (acres)	56	56	0
Potential wildlife habitat loss (acres)	0.2	0.2	0
Replacement of fish blockage culverts	3	3	2
Long-term water quality improvement - new road pavement (miles)	15	15	0
Traffic delays - miles of in-road construction	40	44	79

¹ This comparison is based on construction on non-federal lands.

The Proposed Action and No Action Alternatives require crossing fewer streams of all sizes and potentially impacts lesser amounts of wetlands and floodplain areas than the Highway 42 Alternative. These alternatives also result in a greater long-term improvement of water quality and fish habitat resulting from the replacement of several culverts blocking passage by fish and other aquatic organisms, and replacement of, and installation of additional cross drain culverts and paving 15 miles of existing gravel-surfaced portions of the Coos Bay Wagon Road. The Proposed Action and No Action Alternatives have a greater potential for soil and vegetation disturbance and potential loss of early-successional wildlife habitat as a portion of the project would be located within existing power line rights-of-way and also could remove approximately 0.2 acres of 20- year-old timber located on non-federal land.

The Proposed Action, being the shortest alternative route considered, would in general, have a

reduced amount of directly caused human-induced effects on the physical environment.

Based on the above, the Proposed Action is considered to be the “environmentally preferable alternative.”

Mitigation and Monitoring

Utilization of Project Design Criteria and Best Management Practices as described in the FEIS for the construction, operation, and maintenance of the pipeline are identical for all alternatives. These measures would be employed throughout the implementation phases of the project. All practical means to avoid or reduce environmental harm will be adopted, monitored and evaluated, as appropriate. Project inspectors will monitor compliance requirements for cultural resources, wildlife values, and erosion control methods as the project is implemented. The monitoring plan is included as part of the Plan of Development.

The Right-of-Way, Temporary Use Permits, Plan of Development, and other required approvals will be subject to agency (BLM, Corps of Engineers, BPA, USFWS, NMFS, and state of Oregon) stipulations and Project Design Criteria and Best Management Practices as described in the FEIS. These standards have been developed over the course of the environmental process governed by NEPA for this project. They take into account the various jurisdictions and management agencies along the proposed pipeline right-of-way.

As part of these standards, Coos County will be required to post a performance bond to ensure adequate adherence to mitigation and reclamation requirements and Right-of-Way grant stipulations.

These measures will apply to all federal lands crossed by this project. They also will be incorporated into the final Coos County Plan of Development, which will become part of the Right-of-Way grant (OR 55754).

Plan of Development

Prior to any construction or other surface disturbance associated with issuing the Right-of-Way grant (OR 55754) or related Temporary Use Permits, the Authorized Officer or delegated agency representative will issue a written Notice to Proceed. Any Notice to Proceed shall authorize construction or use only as therein expressly stated and only for the particular location, segment, area, or use described. Coos County is required to provide the BLM a Plan of Development that details how the pipeline and associated facilities will be constructed. The final Plan of Development will be completed and approved by the BLM prior to the issuance of the Notice to Proceed for Federal lands, subject to the condition that Coos County includes all required environmental protection measures from this ROD in the Plan of Development as directed by the Authorized Officer.

Public Involvement

Initial scoping for this project began following the initial County Commissioner's meeting on April 28, 2000. The scoping identified environmental issues and alternatives appropriate for inclusion in an Environmental Analysis (EA) document. Concerns received from four open house or pipeline town hall meetings conducted between May 2000 and November 2000 were considered. This resulted in the list of specific impact topics for analysis in the EA.

In February 2001 a decision was made to prepare an EIS rather than complete the EA. The formal scoping notice for preparation of the EIS was published in the *Federal Register* on March 29, 2001 (Vol. 66, No. 61). A public "scoping meeting" was held in Coos Bay on April 4, and at the McKinley Grange on April 18, 2001. The formal EIS scoping period closed on April 30, 2001. A total of 40 letters were received during the scoping period. The general issues raised by the public included socio-economic impacts of the proposed action, fish and wildlife concerns, and future impacts of the proposed action in regard to potential industrial growth within the county. Comments received from the public through the formal scoping process were similar to the issues previously identified in the initial scoping process with the BLM management team and Coos County for preparation of the EA. Concerns regarding potential human/environment impacts have been addressed in the EIS.

On December 27, 2001, the BLM published its Notice of Availability for the Draft Environmental Impact Statement (DEIS) in the *Federal Register* (Vol. 66, No. 248). Approximately 250 copies of the DEIS were mailed to those on the mailing list, and reading copies were available at all local public libraries. Electronic copies were also available on both the Coos Bay District and Coos County web sites. Newspaper and other media were also notified of the document availability

On January 25, 2002, the Environmental Protection Agency published its Notice of Availability for the DEIS in the *Federal Register* (Vol. 67, No. 17), beginning the formal 60-day public comment period for the DEIS.

On February 19, 2002, two open house meetings were held in Coos Bay to provide the public the opportunity to ask questions about the project of BLM employees, County Commissioners, contractors, consultants, and Northwest Natural Gas Company. A total of 42 people signed the sign in sheets.

A total of 39 comment letters were received on the DEIS. The comment letters and responses are included in the FEIS.

On August 19, 2002, Coos County conducted a hearing before Hearings Officer Robert Lovlien of Bend, on obtaining a conditional use permit to build the natural gas pipeline across forest and exclusive farm use zones along the Coos Bay Wagon Road. Approximately 80 people attended the meeting, with many people speaking both in favor of, and in opposition to the project crossing exclusive farm use zones. As part of the process, the County consultants developed several "alternative routes" designed to avoid impacting the exclusive farm use zone. These

“alternatives” were developed strictly to address avoidance of the farm zone issue as required by ORS 215.275(2). These “alternatives” have not been considered as viable alternatives under the NEPA process in the EIS because, as described by one of the County’s attorneys “...Unlike an EIS, ORS 215.275(2) requires a type of analysis that could perhaps be described as a “straw man” analysis. This is because ORS 215.275(2) requires an applicant to first consider “reasonable alternatives” and then to prove that each and every one of those so-called “reasonable alternatives” are infeasible. In other words, ORS 215.275(2) in essence requires an applicant to first set up “reasonable” straw men alternatives and then knock them down by showing that they are infeasible.”

On November 19, 2002, the BLM published its Notice of Availability for the FEIS in the *Federal Register* (Vol. 67, No. 223). Copies of the FEIS were mailed to those on the mailing list, and reading copies were available at all local public libraries. Electronic copies were also available on both the Coos Bay District and Coos County web sites. Newspaper and other media were also notified of the document availability.

On December 13, 2002, the Environmental Protection Agency published its Notice of Availability for the FEIS in the *Federal Register* (Vol. 67, No. 240), beginning the official 30-day public comment period for the FEIS. Newspaper and other media were also notified of the document availability and the official public comment period. Seventeen letters were received by the District Manager. There were no objections by the Governor on behalf of any State or local government entities. The Department of Land Conservation and Development included six conditions to ensure compliance with local and state components of the Ocean-Coastal Management Program. These conditions will be included in Plan of Development for the project. There are no known inconsistencies with officially approved or adopted natural resource related plans, policies or programs of applicable State or local governments or Indian tribes. A copy of the letters received and responses to the concerns raised on the FEIS is available at the Coos Bay District Office during normal business hours, and have been posted on the District web page.

The official period to appeal this decision will close 30-days after publication of the Notice of Availability of the Record of Decision in the *Federal Register*.

Appeals Procedures

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Coos Bay District Office Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459) within 30-days of publication of the Notice of Availability of the Record of Decision in the *Federal Register*. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition pursuant to regulations at 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellants success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

- (1) This decision is adverse to you,
- AND
- (2) You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE
NOTICE OF APPEAL Bureau of Land Management
Coos Bay District Office
1300 Airport Lane
North Bend, Oregon 97459

SOLICITOR
ALSO COPY TO Regional Solicitor
U.S. Department of the Interior
Lloyd 500 Building, Suite 607
500 NE Multnomah Street
Portland, OR 97232

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR
ALSO COPY TO Regional Solicitor
U.S. Department of the Interior
Lloyd 500 Building, Suite 607
500 NE Multnomah Street
Portland, OR 97232

INTERIOR BOARD OF
LAND APPEALS
ALSO COPY TO Department of the Interior
Board of Land Appeals
4015 Wilson Blvd.
Arlington, Virginia 22203

- 4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413).
- 5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail “Return Receipt Card” signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: *A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))*

SUBPART 1821.2–OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10 a.m. to 4 p.m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

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See 43 CFR Sec. 4.21 for appeal general provisions.

Appendix A

Agencies requiring permits for this project, or with enforcement responsibilities are listed in the Table below.

Agency	Permit/Authority/Enforcement Responsibility ¹
Federal Government	
USDI, Bureau of Land Management	Issuance of the Record of Decision to grant Right-of-Way grants/permit (OR-55754) for the location and construction of the pipeline on federal lands under Section 28 of the Mineral Leasing Act.
USDOD, US Army Corps of Engineers	Record of Decision to grant a Section 404 Clean Waters Act Nationwide Permit 12 (2000-544) for fill or removal of materials in streams or wetlands (joint permit with the Oregon Department of State Lands [DSL]), Section 10 Rivers and Harbors Act Permit to cross navigable waterway (Isthmus Slough).
USDI, Fish and Wildlife Service	Consultation and Concurrence, Issuance of a Biological Opinion under Section 7 of the Endangered Species Act.
NOAA, National Marine Fisheries Service	Consultation and Concurrence, Issuance of a Letter of Concurrence under Section 7 of the Endangered Species Act, and Magnuson-Stevens Act Essential Fish Habitat Consultation.
USDOE, Bonneville Power Administration	Issuance of a “license” to co-locate sections of the project within BPA fee owned land and within BPA easements across non-owned lands.
USDOT, Office of Pipeline Safety	Administers pipeline safety regulations for natural gas pipelines from 49 CFR Part 192. Safety oversight for intrastate pipelines in Oregon (of which the Coos County system will be) is contracted to the Oregon Public Utilities Commission (OPUC). There is no permit issued by OPS or OPUC for this project, but there is OPUC oversight of every facet of design, construction and operations.
State of Oregon	
Department of Environmental Quality	Section 401 Water Quality Certification, National Pollutant Discharge Elimination System 1200-C Storm Water Construction Permit.
Division of State Lands	Applications to COE are dual applications to DSL, which administers navigable streams. This DSL permit is for the Isthmus Slough, the only navigable stream. DSL assigned case 23405RF for a Removal and Fill permit, but because the slough will be crossed by directionally drilling and there is no cut and fill, DSL waived the permit. DSL assigned case 23405EA for an easement across State-owned land under the slough.

Department of Land Conservation and Development	Determination of Compliance with the Coastal Zone Management Act Program.
Oregon Public Utility Commission	Responsible for inspection and enforcement of the USDOT safety requirements.
Oregon Department of Transportation	Road crossing permit to cross US Highway 101 by Isthmus Slough.
County/City	
Coos County Planning Department	Conditional Use Permit for the Forest, Exclusive Farm Use (EFU) and Rural Residential (5R) lands.
Coos County Road Department	County road permit for occupying the Coos Bay Wagon Road for about 27 miles, using minor county roads in Libby, and crossing CBWR and several other paved county roads.
Douglas County Planning Department	Permits for conditional use, utility facility necessary for public service, and utility facility certification. These 3 different types of permits are required in Douglas County across Forest, Exclusive Farm Use (EFU) and Rural Residential (5R) lands, respectively.
Douglas County Road Department	County road permit for occupying the Coos Bay Wagon Road for about 2 miles, and crossing CBWR and 2 other paved county roads.
City of Coos Bay	Street permit to occupy or cross several minor city streets.
Non-Government	
Pacific Power & Light	PP&L will issue a “license” to co-locate the pipeline within the PP&L easements across non-owned lands.
Union Pacific Railroad Co.	Railroad crossing permit (02104-10) for Southern Pacific RR right-of-way at Isthmus Slough.
Individual Landowners	Easements across all private lands.

¹ The list is not intended to be all inclusive.

For the smaller pipeline laterals to Coquille, Myrtle Point and Bandon, permits similar to the mainline permits (COE Section 404 Clean Waters Act Nationwide Permit 12, and a Section 10 Rivers and Harbors Act Permit to cross the Coquille River, National Pollutant Discharge Elimination System 1200-C Storm Water Construction Permit, BPA “license”) will be required. The following permits will be needed:

Agency	Permit/Authority/Enforcement Responsibility ¹
Federal Government	

USDOD, US Army Corps of Engineers	Record of Decision to grant a Section 404 Clean Waters Act Nationwide Permit 12 (2000-544) for fill or removal of materials in streams or wetlands (joint permit with DSL), Section 10 Rivers and Harbors Act Permit to cross navigable waterway (Coquille River).
USDOE, Bonneville Power Administration	Issuance of a “license” to co-locate sections of the project within BPA fee owned land and within BPA easements across non-owned lands.
State of Oregon	
Department of Environmental Quality	Section 401 Water Quality Certification, National Pollutant Discharge Elimination System 1200-C Storm Water Construction Permit.
Division of State Lands	Applications to COE are dual applications to DSL, which administers navigable streams. This DSL permit is for Crossing the Coquille River, the only navigable stream.
Department of Land Conservation and Development	Determination of Compliance with the Coastal Zone Management Act Program.
Oregon Department of Transportation	Road crossing permit to cross Oregon Highway 42.
County/City	
Coos County Planning Department	Conditional Use Permit for the Forest, Exclusive Farm Use (EFU) and Rural Residential (5R) lands.
Coos County Road Department	County road permit for occupying and crossing several paved county roads.
Non-Government	
Union Pacific Railroad Co.	Railroad crossing permit (02104-10) for Southern Pacific RR right-of-way at Isthmus Slough.
Individual Landowners	Easements across all private lands.

¹ The list is not intended to be all inclusive.