
Appendix N Consistency Determination

Appendix N “Consistency Determination” has been added to this document.

Federal Agencies

The Proposed Action is believed to be consistent with the following plans of other federal agencies:

- The Record of Decision for *Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl*.
- The Coastal Barrier Improvement Act of 1990 and draft (proposed) Pacific Coastal Barriers Study for areas under consideration for inclusion in the Coastal Barriers Resource System, as administered by the U.S. Fish & Wildlife Service.
- The Bonneville Power Administration’s latest annual Transmission System Facilities Resource Program.
- The Endangered Species Act and the following Fish and Wildlife Service plans (see Effects on Threatened and Endangered Species and Appendix F for the letter of concurrence from the U.S. Fish and Wildlife Service. See also Appendix E-1 for the letter of Concurrence from the National Marine Fisheries Service).
- This pipeline will fall under the jurisdiction of the US Department of Transportation (DOT), Office of Pipeline Safety, as a gas transmission pipeline. It will be built and operated to all current specifications in 49 CFR Part 192 (Natural Gas Pipelines) and other relevant sections. The Oregon Public Utilities Commission has authority to administer DOT regulations over intrastate pipelines in Oregon.
- The COE will be responsible for issuing a fill and removal permit for waters under their jurisdiction.

State Government

The Proposed Action is believed to be consistent with the following plans, programs, and policies of State of Oregon agencies:

Department of Environmental Quality

Smoke Management Plan (see affects on Air).

Water Quality (this will be addressed thru a 401 certification linked to federal permits).

Water Resources Department river basin programs for the Mid-Coast, Umpqua, South Coast, and Rogue River basins.

Water Resources Commission rules and statutes.

Department of Human Resources, Health Division, standards for public water systems.

Department of Agriculture

Weed control plans.

State-listed endangered plant species (see Effects on Special Status and SEIS Special Attention Species).

Division of State Lands.

Removal - Fill Law (Both the Division of State Lands and the U. S. Army Corps of Engineers will be issuing fill and removal permit for the proposed action).

Parks and Recreation Department.

Statewide Comprehensive Outdoor Recreation Plan.

State Historic Preservation Program. (See Appendix B).

Department of Transportation, Highway Division.

Oregon Highway Plan.

Economic Development Department, Regional Economic Development Strategies.

Department of Fish and Wildlife (ODFW)

Oregon Statutory Wildlife Policy

State Plan/Statute - Oregon Threatened and Endangered Species Act

State Plan/Statute - Oregon's Sensitive Species Rule

State Plan/Statute - Nongame Wildlife Plan

State Plan/Statute - Big Game Population Management Objectives

State Plan/Statute - Wild Fish Policy

State Plan/Statute - Coho, Steelhead and Trout Plans

State Plan/Statute - Basin Fish Management Plans

The ODFW mitigation policy and in-water work guidelines.

Department of Forestry

State Plan/Statute - Oregon Forest Practices Act Rules

Consistency with the statewide planning goals and guidelines administered by the Land Conservation and Development Commission (LCDC) through the Department of Land Conservation and Development is variable among the 15 goals relevant to the proposed action. A complex body of land use policy and goal interpretations exists due to the acknowledgment process, goal amendments, LCDC rule making, and Land Use Board of Appeals and appellate court decisions. The matter of BLM consistency with the statewide goals involves a number of interrelated issues of policy, intergovernmental coordination, and state and federal legal requirements. Consistency with these goals is characterized below. That discussion also addresses consistency of BLM's proposed action with the goals established for the Oregon Coastal Management Program (OCMP).

The statewide planning goals are legally binding on all planning activity relating to land use undertaken by cities, counties, special districts, and state agencies. The planning goals function similarly for affected federal agencies that make consistency determinations under the OCMP in accordance with the (Federal) Coastal Zone Management Act (CZMA). All applicable local government plans have been acknowledged by LCDC to be in conformance with the CZMA.

A section of the CZMA requires that "each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs" [15 CFR Part 930, Subpart 930.32 (a)(1)]. The term "consistent to the maximum extent practicable" means fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency.

The OCMP mandatory enforceable policies consist of the statewide planning goals, acknowledged city and county comprehensive plans and land use regulations, and the statutory authorities and regulations of state agencies listed in the OCMP. Although federal lands are excluded from the boundaries of the coastal zone, the "affecting" provision requires federal agencies to examine their activities for offsite effects. An effect may be either a primary, secondary, or cumulative effect on the coastal zone.

Local Government

The Oregon statewide planning program attached substantial importance to the coordination of federal plans with acknowledged local comprehensive plans. To the extent that BLM actions and programs are consistent with acknowledged county and city comprehensive plans and land use regulations, they can also be considered consistent with statewide planning goals.

The District has contributed data for development of county comprehensive plans, followed the development of those plans through the years, and consulted on issues of mutual interest. Based on knowledge gained through this

involvement, the district planning staff believes that the Proposed Action is consistent with the comprehensive plans, and land use regulations cited above, and Coos County, as the project proponent, is seeking all required local government approvals.

Tribal and Other Agency Plans

The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw, and the Coquille Indian Tribes control lands within the planning area, but the proposed action does not cross or affect any of these lands. Consultation and communications with the Tribes have occurred regularly throughout the project development.

Consistency of the Proposed Action with Oregon Statewide LCDC Planning Goals and Objectives

Statewide Goal Number 1: Citizen Involvement

Description - To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process. Federal and other agencies shall coordinate their planning efforts with the affected government bodies and make use of existing local citizen involvement programs established by cities and counties.

Consistency of the Proposed Action - BLM's planning process provides for public input at various stages. Public input was specifically requested in developing issues and planning criteria (during the Scoping process). The public was also afforded the opportunity to comment on the Draft and Final EIS. Numerous informational public meetings were held throughout the process, and Coos County and the Coos Bay District developed websites to provide information on the project and answer questions. Coordination with affected government bodies, has been ongoing and will continue. BLM has used county planning departments to provide linkage to local citizen involvement programs.

Statewide Goal Number 2: Land Use Planning

Description - To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Consistency of the Proposed Action - The proposed action has been developed in accordance with the land use planning process authorized by the Federal Land Policy and Management Act of 1976, which provides a policy framework for all decisions and actions. The process includes issue identification, inventories, and evaluation of alternative choices of action. The proposed action has been reviewed by both the Coos and Douglas County planning departments for consistency with applicable County Comprehensive Plans. Necessary Conditional Use Permits have been issued by the respective County. The proposed action is also considered to be consistent with the Coos Bay Estuary Management Plan. Intergovernmental coordination in the planning process is discussed in Chapter 5 of the EIS.

Statewide Goal Number 3: Agricultural Land

Description - To preserve and maintain existing commercial agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest, and open space.

Consistency of the Proposed Action - The proposed action is located within an existing designated ROW corridor and would be constructed within existing roads or under existing electronic transmission lines. The proposed action does not exclude grazing use or affect the use of other lands for agriculture use. The Planning Departments for both Coos and Douglas Counties granted conditional use permits for construction of the pipeline within the Forest and Exclusive Farm Use Zones.

Statewide Goal Number 4: Forest Lands

Description - To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with the sound management of soil, air, water, and fish and wildlife resources and provision for recreational opportunities and agriculture.

Consistency of the Proposed Action - BLM-administered and private lands within the proposed action have been previously converted to a designated ROW corridor for an electronic transmission line. Conversion areas such as utility rights-of-way have been limited to the minimum width necessary for management and safety, and limited to existing corridors where practical. The proposed action is located entirely within existing road and powerline ROW, with approximately 0.2 acres of 20-year old trees under the powerline to be removed. The proposed action is consistent with the state's forest land protection policies.

Statewide Goal Number 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Description - To protect natural resources and conserve scenic and historic areas and open spaces.

Programs shall be provided that will:

- Protect natural resources and conserve scenic, historic, and open space resources for present and future generations.
- Promote a healthy environment and natural landscape that contributes to Oregon's livability.

The location, quality and quantity of the following resources shall be inventoried:

- Riparian corridors, including water and riparian areas and fish-habitat.
- Wetlands.
- Wildlife-habitat;
- Federal Wild and Scenic Rivers;
- State Scenic Waterways;
- Groundwater resources;
- Approved Oregon Recreation Trails;
- Natural Areas;
- Wilderness Areas;
- Mineral and Aggregate resources;
- Energy sources;
- Cultural areas.

Local governments and state agencies are encouraged to maintain current inventories of the following resources:

- Historic Resources.
- Open Space;
- Scenic Views and Sites.

Following procedures, standards, and definitions contained in commission rules, local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.

Consistency of the Proposed Action - The resources listed above were considered in the development of the proposed action. Availability of mineral, aggregate and energy sources would continue. The proposed action would have no impact on Federal Wild and Scenic Rivers, Natural Areas, State Scenic Waterways, Approved Oregon Recreation Trails, or Wilderness Areas.

Adverse impacts to Riparian corridors, including water and riparian areas and fish-habitat, wetlands, wildlife-habitat, groundwater resources or; Cultural areas would be slight. Potentially impacted resources would be protected to the maximum extent practicable through the use of project design criteria and best management practices. See Chapter 4 for further discussions.

The DSL and COE permit process will address avoidance, minimization, and compensation for impacts to wetland and stream resources.

The proposed action attempts to balance conflicting uses in light of their consequences. Conflicting resource uses are most often resolved by protecting the Goal 5 resource sites or severely limiting conflicting uses to meet environmental goals.

Statewide Goal Number 6: Air, Water and Land Resources Quality

Description - To maintain and improve the quality of the air, water, and land resources of the state.

Consistency of the Proposed Action - The federal and state water quality standards would be met and water quality would be maintained and/or improved. See Chapter 4, Effects on Water, for discussion. Burning of natural gas rather than continuing the use of existing fuels would have a potential beneficial effect on air quality. The proposed action would not affect the Oregon Smoke Management Plan and the state implementation plan. Any future development that might be encouraged by the availability of natural gas would be regulated in accord with all applicable County, State, and Federal permit requirements. See Chapter 4 for further discussion.

Statewide Goal Number 7: Areas Subject to Natural Disasters and Hazards

Description - To protect life and property from natural disasters and hazards.

Consistency of the Proposed Action - Natural hazard areas, including wetlands, floodplains, earthquakes, and areas with highly erosive soils, have been identified and evaluated. The proposed action, including the use of project design criteria and best management practices provides for appropriate management of natural hazard areas (see Appendix A, Geotechnical Engineering Report for further discussions). Permits required for the construction, maintenance, and operation of the natural gas pipeline will also address requirements for public safety.

Statewide Goal Number 8: Recreational Needs

Description - To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Consistency of the Proposed Action - The proposed action would not result in any long-term impact on the ability to satisfy the recreational needs within the project area. Short-term impacts may result from delayed access to recreational sites during the construction period. Opportunities would continue to be provided to meet recreation demand (identified in Oregon's Statewide Comprehensive Outdoor Recreation Plan). There has been no specific interest in development of destination resort sites on BLM-administered lands.

Statewide Goal Number 9: Economic Development

Description - To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Consistency of the Proposed Action - The proposed action would provide opportunity for residential, commercial, or industrial users within the immediate service area to utilize natural gas. Natural gas has traditionally been a clean, economical, efficient fuel for use to heat dwellings and water at a lower cost than existing available fuels. Providing this opportunity to the service area may also encourage future commercial and/or industrial development for this economically depressed area. Any future development that might be encouraged by the availability of natural gas would be regulated in accord with all applicable County, State, and Federal permit requirements, and would be subject to its own consistency determination. See Chapter 4, Effects on Socioeconomic Conditions, for further discussion.

Statewide Goal Number 10: Housing

Not considered applicable.

Statewide Goal Number 11: Public Facilities and Services

Description - To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Consistency of the Proposed Action - BLM-administered lands within the designated ROW corridor have been made available for development of the natural gas pipeline project by Coos county as permitted under the local government comprehensive plan and land use regulations and the relevant state siting requirements.

Statewide Goal Number 12: Transportation

Description - To provide and encourage a safe, convenient, and economic transportation system.

Consistency of the Proposed Action - The proposed action provides for the construction, operation, and maintenance of a natural gas pipeline within a designated right-of way corridor. Consideration of existing use of public roads/user safety resulted in the selection of the location for the proposed action. Project design criteria and best management practices as required by the various State and Federal permits further address the safety issue.

Statewide Goal Number 13: Energy Conservation

Not considered applicable.

Statewide Goal Number 14: Urbanization

Not considered applicable.

Statewide Goal Number 15: Willamette Greenway

Not considered applicable.

Statewide Goal Number 16: Estuarine Resources

Description - To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity, and benefits of Oregon's estuaries.

Consistency of the Proposed Action - The construction, operation, and maintenance of the proposed natural gas pipeline are considered to be consistent with the Coos Bay Estuary management Plan. No measurable impacts on estuarine resources from BLM-authorized activities are anticipated. Any future development that might be encouraged by the availability of natural gas would be regulated in accord with all applicable County, State, and Federal permit requirements.

Statewide Goal Number 17: Coastal Shorelands

Description - To conserve, protect, where appropriate, develop, and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wild-life habitat, water-dependent uses, economic resources, recreation, and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters. To reduce the hazard to

human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

Consistency of the Proposed Action - The proposed action would preserve and protect BLM-administered and other coastal shorelands delineated in acknowledged city and county comprehensive plans and land use regulations, and the Coos Bay Estuary management Plan. Any future development that might be encouraged by the availability of natural gas would be regulated in accord with all applicable County, State, and Federal permit requirements.

Statewide Goal Number 18: Beaches and Dunes

Not considered applicable.

Statewide Goal Number 19: Ocean Resources

Not considered applicable.