



Oregon

Theodore R. Kulongoski, Governor

Ocean and Coastal Management Program

Department of Land Conservation and Development

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COOS BAY DIST OFFICE

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February 4, 2003

Mr. Bob Gunther
Bureau of Land Management
Coos Bay District
1300 Airport Lane
North Bend, OR 97459

Mr. Ron Marg
Corps of Engineers
Portland District
P.O. Box 2946
Portland, Oregon 97208

Dear Mr. Gunther and Mr. Marg,

Project: Coos County Natural Gas Pipeline
Applicant: Coos County Board of Commissioners
Federal Actions: - Bureau of Land Management Right-of-Way crossing of federal lands, Record of Decision
 - Corps of Engineers, Nationwide Permit #12 and § 10 Letter of Permission 2000-00544
Location: from near Roseburg, Douglas County to Coos Bay, Coos County
Description: Construction of a 12 inch diameter natural gas pipeline approximately 60-miles in length, located primarily within existing right-of-way for roads and other utilities, with 188 stream/waterway crossings

The Department of Land Conservation and Development (DLCD) has reviewed the above referenced federal actions for consistency with the Oregon Ocean-Coastal Management Program. To be consistent with the Ocean-Coastal Management Program, the proposed actions and subsequent project must be consistent with: ❶ the statewide planning goals, ❷ the applicable acknowledged city or county comprehensive plans (those plans approved by the Land Conservation & Development Commission as being in compliance with the statewide planning goals), ❸ selected state authorities (e.g. Oregon Removal - Fill law, water quality standards, fish and wildlife statutes, etc.).

Findings

❶ Statewide Planning Goals

- The statewide planning goals do not apply directly in this case. The goals are implemented through

the applicable local comprehensive plans and ordinances.

② Applicable Local Comprehensive Plans

- The eastern part of the project would occur in Douglas County. Douglas County has an acknowledged comprehensive plan. The County reviewed the proposed project and determined that a conditional use permit would be required. In a letter dated May 2002, Douglas County notified DLCD that the conditional use permit (local file #02-033) was granted to the Coos County Board of Commissioners. The project is consistent with the Douglas County comprehensive plan and implementing ordinances provided all conditions of the conditional use permit are met.
- The western part of the project would occur in Coos County. Coos County also has an acknowledged comprehensive plan. The County reviewed the proposed project for compliance with its plan and associated ordinances. The county determined that a conditional use permit would be required. The conditional use permit was granted, as documented in the Hearings Officer Decision for local application #HBCU-02-04. The project is consistent with the Coos County comprehensive plan and implementing ordinances provided all conditions of the conditional use permit are met.

③ Selected State Authorities

- The Department of Environmental Quality (DEQ) pre-certified Nationwide Permit #12 as being in compliance with the Oregon water quality standards as required under Section 401 of the federal Clean Water Act. The §10 Letter of Permission is not being reviewed by DEQ pursuant to §401. DEQ did not raise any concerns about water quality impacts to DLCD during this review process.
- The Oregon Department of Fish and Wildlife (ODFW) provided comments to DLCD during the public comment period. ODFW's comments included various recommendations for ensuring project impacts to fish and wildlife are minimized or avoided, as is required by the fish and wildlife statutes of the Ocean-Coastal Management Program. Some of the recommendations were already accounted for in the project proposal (see discussion below), and others are addressed in this decision.
- The project proposal includes various best management practices for avoiding and minimizing water quality and aquatic habitat impacts. For example, we note for the record that the project design criteria (see Appendix E-Aquatic Biological Assessment, Final Environmental Impact Statement (FEIS)) include the requirement that all in-water work, whether trenching in streams, culvert work, or directional drilling involving streams, shall be limited to the time period of July 1 through September 15. We also note that use of sediment barriers such as silt fences and sediment bales/blankets is proposed according to Appendix E and Appendix H-Erosion Control Plan of the FEIS. The Erosion Control Plan further outlines construction protocols for the various types of stream crossings anticipated and provides design criteria for culvert installation and removal.

Project documentation explains how impacts to species listed under the federal Endangered Species Act will be avoided or minimized. We are pleased to see the efforts taken in this regard.

We further note that the proposed project includes mitigation for unavoidable impacts to streams and other waterways. Paving of gravel roads in coastal watersheds will occur in various locations to address sedimentation and turbidity problems. In addition, three deteriorated culverts in the East Fork

Coquille watershed will be replaced to address fish passage problems. (For the culvert work, see also the discussion below about Removal-Fill permits.)

- Under the Oregon Removal - Fill Law, the Division of State Lands (DSL) administers the state permit program for removal-fill work in waters of the State, including wetlands and waterways. DSL did not provide comments to DLCD during the coastal zone review. Nonetheless, the applicant will need to consult with DSL to determine permit requirements for the many stream/waterway crossings and mitigation culvert work proposed. Any Removal-Fill permits required shall need to be positively obtained prior to construction. Those permits would include conditions necessary to ensure compliance with the Removal - Fill Law.
- DSL separately circulated for review a proposed easement (state # EA-23406) that is required for installation of the pipeline under state lands at Isthmus Slough. The pipeline will be directionally drilled under the Slough. Apparently, a Removal-Fill permit is not required for this crossing because of the installation method.

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.

Advisories

Should any in-water blasting be required, the applicant is advised that a blasting permit must first be

obtained from ODFW. Also, the applicant is advised that any structures placed in streams must meet ODFW fish passage criteria. Please contact ODFW's Charleston District office for more information.

DLCD has been notified by the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians (CTCLUS) that certain areas within the project footprint contain known or suspected culture resource sites. Within these areas, special attention must be paid during project construction for cultural resources. These areas are along the shores or intertidal/subtidal areas of the Coos Bay estuary, including its tributaries, and the floodplain and proximate uplands along the North Fork of the Coquille River. CTCLUS requests that notification be provided to the Tribe at least 72 hours in advance of work in these areas. DLCD strongly recommends that CTCLUS and the Coquille Indian Tribe be contacted prior to work in these areas. Furthermore, representatives of both Tribal governments must be immediately notified in the event that known or suspected cultural resources are encountered anywhere during project construction. We do note that project documents discuss protocols for coordination with tribal governments.

We are required to include the following advisories regarding appeals: Should one or both of the federal agencies have a serious disagreement with DLCD's decision, then the federal agency or agencies would have certain appeal rights under the federal Coastal Zone Management Act (CZMA) and 15 CFR Part 930. The applicant would also have certain appeal rights under the CZMA. A copy of Oregon's decision has been provided to the Office of Ocean and Coastal Resource Management in the U.S. Department of Commerce in accordance with 15 CFR 930. In addition, the federal agency, applicant, and other parties as defined in ORS 183.310(6) may request review of this coastal zone decision by the Oregon Land Conservation and Development Commission (LCDC) pursuant to OAR 660-035-0040(11) and 660-035-0080(1). Review by LCDC of a petition does not preclude the federal agencies from seeking appeals under 15 CFR 930. A petition must be filed within fifteen (15) days of the Department's consistency decision.

In closing, I can be reached at 503-373-0050 Ext. 250 or by e-mail at christine.valentine@state.or.us if you have any questions or comments regarding this coastal consistency decision, the consistency review process, or the Ocean-Coastal Management Program. Thank you for your agencies' continuing coordination and cooperation with the Ocean-Coastal Management Program.

Sincerely,



Christine Valentine
Coastal Agency Coordinator

cc: Coos County Board of Commissioners, applicant
Cheryl Goodhue, Douglas County Planning Dept.
Patty Evernden, Coos County Planning Dept.
Jerry Hedrick/Bob Lobdell, DSL-Salem
Patty Snow, ODFW-Portland
Alan Ritchey, ODFW-Charleston
Tom Melville, DEQ-Portland
Howard Crombie, CTCLUS
Don Ivy, Coquille Tribe

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