



**League of Women Voters of Coos County**  
**PO Box 1571**  
**Coos Bay, OR 97420**

July 23, 2019

Planning Commission  
City of North Bend  
North Bend, Oregon 97459

To the Hearings Officer:

The League of Women Voters of Coos County stands in opposition to granting a permit to Pembina to construct a natural gas pipeline, a portion, approximately 1-mile, of which would extend through North Bend city limits.

Since the 1950s, the League has been in the forefront of efforts to protect air, land, and water resources. The League of Women Voters of the United States (LWVUS) “believes that natural resources should be managed as interrelated parts of life-supporting ecosystems. Resources should be conserved and protected to assure their future availability. Pollution of these resources should be controlled in order to preserve the physical, chemical and biological integrity of ecosystems and to protect public health.” The League of Women Voters of Oregon (LWVOR) “. . . opposes degradation of all of Oregon’s surface and ground water. . . .” and declares that climate change is the greatest environmental challenge of our generation. The following resolution passed almost unanimously at the 2018 National LWV Convention: “The League of Women Voters supports a set of climate assessment criteria that ensures that energy policies align with current climate science. These criteria require that the latest climate science be used to evaluate proposed energy policies and major projects in light of the globally-agreed-upon goal of limiting global warming to 1.5 degrees C, informed by the successful spirit of global cooperation as affirmed in the UN COP 21 Paris agreement.” Finally, at the 2019 LWVOR Convention, a resolution declaring a “climate emergency” passed unanimously.

The local Leagues in all four counties affected by the Jordan Cove Energy Project are on record in opposition to the entire project based on the above positions. We have submitted statements in opposition at various levels, including response to the Draft Environmental Impact Statement (DEIS) of the Federal Energy Regulatory Commission (FERC) and testimony to the Division of State Lands (DSL).

The Coos County League was an active participant in preparation of the Coos Bay Estuary Management Plan, attending meetings, testifying, and serving on support committees that prepared White Papers. We believe that the proposed project does not conform to that plan, and by extension the North Bend City Comprehensive Plan. Our League has a long record of

involvement in land use planning issues in the county, and a number of our members, including myself, reside in North Bend.

We oppose this permit on the following grounds:

- 1) The proposed activity appears to violate the provision in North Bend City Code Chapter 18.44 which prohibits a use having a primary function of storing, utilizing, or manufacturing explosive materials.

**North Bend City Code Chapter 18.44 HEAVY INDUSTRIAL ZONE M-H Sections: 18.44.010 Uses permitted outright. 18.44.020 Conditional uses permitted. 18.44.030 Limitations on use**

**18.44.010 Uses permitted outright. In an M-H zone, the following uses and their accessory uses are permitted outright: (1)A use permitted outright in an M-L zone. (2) Manufacturing, repairing, compounding, fabricating, processing, packing or storage. (Ord. 1952 § 1(4), 2006) 18.44.030 Limitations on use. In an M-H zone, the following conditions and limitations shall apply: (1) A use having a primary function of storing, utilizing, or manufacturing explosive materials is prohibited. (2)A use which creates a nuisance because of noise, smoke, odor, dust or gas is prohibited. (3) Wastes and other materials shall be stored and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or otherwise create a health hazard. (Ord. 1952 § 1(4), 2006**

- 2) We contend that the proposed project is not within the permitted activities in the management units affected by this proposal. The applicant claims that it is permitted as a low-intensity utility, and such facilities are allowed in these management units. We, like most other opponents, contend that the proposed use is NOT a “low-intensity utility facility” or a “utility operations facility”.

**According to the The Coos County Zoning and Land Development Ordinance (CCZLDO) under SECTION 2.1.200. Specific Definitions “utilities” in the Coos Bay Estuary Management Plan means:**

**UTILITIES: Public service structures which fall into two categories:**

1. low-intensity facilities consist of communication facilities (including power and telephone lines), sewer, water and gas lines, and
2. high-intensity facilities, which consist of storm water and treated waste water outfalls (including industrial waste water)

Because gas lines are included in the above definition, the argument is made that this proposal is permitted. We believe that argument cannot stand because the project is not a public service structure—it meets no local need and is not being conducted by an organization licensed or identified as a utility by the Oregon Utility Commission to provide natural gas service. The entire volume of gas proposed to be transmitted through the pipeline would be exclusively used for export for the benefit of

a private Canadian fossil fuel corporation and thus not provide a public service for the people of Oregon. Furthermore, according to FERC, the capacity is 1.07 billion cu. ft. per day, and at a pressure of 1900 pounds per second (psi) and a diameter of 36-inches, the Pacific Connector Pipeline is not “low-intensity.” Ordinary gas lines, usually 2 to 24-inches, operate up to 200psi.

In Coos County, we know what a gas line is. We passed a bond measure to build just such a gas line to provide the public service of bringing gas to Coos County for use by Coos County residents. We agree with Mike Graybill that a project such as the Pacific Connector Pipeline was not envisioned by the Coos Bay Estuary Management Plan (CBEMP) and is not covered by the CBEMP provisions. As a use that is not permitted, it must be denied. Chapter 3 of the Coos County Land Use Development Ordinance (hereinafter CCLUDO or the code) addresses “Estuary Zones”. SECTION 3.1.400 is entitled “prohibited uses” which states the following: “PROHIBITED USES: Unless an exception is specifically listed in the Ordinance, any use not listed or specifically identified as not permitted are prohibited.”

- 3) **There are numerous conflicts with management objectives identified in the Coos Bay Estuary Management Plan for specific units (48-CA (Conservation Aquatic) and 48-CS (Conservation Shorelands), 47-UW (Urban Water-dependent) and 47-DA (Development Aquatic).** The applicant asserts that such conflicts will be alleviated by use of hydraulic directional drilling (HDD) techniques. We are not persuaded that HDD has been demonstrated to be an appropriate strategy for this project. It has been noted by others that a previous application to the Federal Energy Regulatory Commission rejects HDD as not being feasible. (See DSL permit application Table A entitled “Jordan Cove LNG project and Pacific Connector Pipeline Project SEF level 1 site history information and Pipeline stream Crossing Information” (Page 1016). The current applicant, however, submits feasibility studies that purport to demonstrate the efficacy of using HDD.

In written comments, the attorney for the Applicant has called into question opponents’ concerns for the safety and feasibility of hydraulic directional drilling (HDD) technology to complete the under-the-bay crossings. We acknowledge that this technology has been progressing and achieved some impressive results, but there have been failures and limitations. GeoEngineers, which performed the feasibility study referred to by the applicant, cautions at the front of the study: “Our feasibility evaluation of the proposed Coos Bay West HDD is based on limited subsurface data. **Our conclusions should be considered preliminary** pending completion of a subsurface exploration program.” The same statement also accompanies their discussion of feasibility for the Coos Bay East HDD crossing.

The East HDD boring (in one or two stages, as proposed) would reach nearly 9,000 feet from North Point in North Bend to its Kentuck Slough terminus. This is an extremely long boring for a 36” diameter pipeline and would probably stand as a North American record for length of bore. The HDD contractor, Michels, claims to have completed the longest North American HDD installation of 7,200 feet for a 42” pipeline in Canada in November, 2015. **No reports have been found that longer HDD installations of pipelines this large are being successfully completed anywhere worldwide.**

GeoEngineers presents in its feasibility study for the applicant a lengthy treatment titled: "Failure Mode Procedure for the HDD Pipeline Installation Method" in which it details various possible scenarios of failure and what can sometimes be done to rectify a failed attempted HDD. But with certain specific causes, abandonment of the attempted HDD installation is mentioned as the only practical course. If one of these certain types of failures referred to by GeoEngineers were to occur in this project, re-routing of the pipeline, using an open trench and fill installation, or both in combination would be the only remaining alternatives. This would raise a variety of major new technical, regulatory, and environmental questions and problems.

In the more recent update to the feasibility study the contractor still finds the two HDD bores to be feasible, with various significant qualifications listed in both the original feasibility study and the update. Though a total of five (5) sonic borings were additionally done along the routes of the two (2) proposed HDD pipeline bores for the update, we believe the applicant has not presented sufficient subsurface exploration information necessary for the City to be fully informed as to the feasibility of the proposed HDD crossings of Coos Bay to allow them to make a final decision for this permit.

Also, in that update there is a **recommendation for another study on the HDD East boring** as it approaches its east exit point where soft soils would be encountered. Installation of approximately 700 feet of oversize casing was recommended from the eastern end, through the soft soils out to where bedrock would be encountered, reducing the high risk of frac-outs present along this section. The contractor recommends the use of the Direct Pipe method for installing that casing. The feasibility contractor's recommendation reads: "**The use of Direct Pipe would require additional study to determine the feasibility of the application.**" We see no evidence that this additional study has been done.

Pullback loads may be an important factor, with the feasibility study stating as much as 1.7 million lbs. pullback force could be required for the East HDD, which might be reduced to approx. 700,000 lbs with effective water balancing, preventing the pipeline being installed from floating to the top of the bore hole. Michels, the industry and world leader in the technique has machinery capable of pulling 1.2 million lbs." With all the variables and unknowns, will feasibility be the same thing as success? This particular proposal appears to be experimental, with the health of our estuary at risk.

If HDD is used, we are concerned that crossing bodies of water via the use of HDD technology has the potential to cause serious adverse impacts to public health, the environment, and estuarine wildlife. In our comments on FERC's DEIS, we note questions about where the excavated sediments would be placed and contained and about the chemical characteristics of the sediments, as well as questions as to treatment and disposal of drilling fluids. We reference comments submitted by Michael Graybill, among others. The HDD operations would take place in close proximity to the shoreline of the estuary, including in the vicinity of the McCullough Bridge. Thus, we remain concerned about the adverse impacts on water quality, shoreline habitat, shallow-draft vessels and other water-dependent activities.

- 4) **Finally, we question whether** North Bend should even be considering issuance of permits to JCEP because of the amount of information being requested by federal and state agencies. Given FERC's recent request for additional information and the denial of a permit by the Oregon Department of Environmental Quality, perhaps it is premature to issue the requested permit.

We have noted in statements to FERC and DSL that there are many unanswered questions and unsupported assertions in the materials submitted by Pembina in support of the Jordan Cove Energy Project. Given the lack of factual basis of support, we do not believe that the City of North Bend can meet its responsibility under state planning laws if it approves this permit.

Sincerely,

Alice Carlson, Co-President  
League of Women Voters of Coos County

The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government. It influences public policy through education and advocacy. It neither supports nor opposes any political party or candidate. It is open to men and women of voting age.

