Talking Points on Jordan Cove LNG Terminal Land Use Permit Remand – first three issues

Talk Points/Comments for County Remand File No. REM-19-001/LUBA Case No. 2016-095
Hearing Date: June 10, 2019 1:30 PM

General Comment:
On remand from LUBA the applicant must address each of the issues sustained by LUBA. However, the County can also broaden the scope of the remand. Given the changes to the applicant's plan since the 2016 application and the many other proposed developments pending in other land use proceedings, the County should open the remand hearing to address issues relating to the applicant's current plans and the cumulative impacts of all of these connected actions.

Specific Remand Issue Comments:

Issue 1: The proposed use will not provide a public benefit and is not meeting a demonstrated public need.

✎ **The applicant's economic study is outdated. Recent economic analysis indicates the project is economically unlikely to succeed, as it is more expensive than other comparable projects and has a locational and operational disadvantage, particularly after the shift away from using electricity to freeze the gas for shipping. See recent article with economic analysis:** https://www.gjsentinel.com/news/ western_colorado/energy-consultant-doubts-jordan-cove-economics/ article_6124f150-84f5-11e9-870b-20677ce85d90.html

✎**Any reduction is greenhouse gas emissions is likely to be offset by losses from methane tank leakage. See recent article on LNG tank leakage and danger Jenny Mandel et al., Leaks Threaten Safety – and Success – of America's Top Natural Gas Exporter, Houston Chronicle (May 30, 2019) https://www.houstonchronicle.com/ business/energy/ article/Leaks-threaten-safety-and-success- of-13904931.php#photo-17570798.**

Issue #2: The project will interfere with the public trust rights

✎ **Dungeness crab fishing can yield up to $100 million in income to the Oregon economy. Coos Bay provides important opportunities for both recreational and commercial crabbing. Most crabbing is undertaken using baited rings. Generally bay crab fishing has a two hour window and requires the crabber to be in the vicinity to check the rings frequently. A 30-minute interruption caused by a transiting LNG carrier at in the peak period of fishing activity having a 2 hour feasible time window centered over high tide can readily and reasonably be characterized as a *major* disruption of one of the most important (and valuable) recreational uses of the Coos Estuary.**

✎**Because of the locations of crab fishing locations in the channel, it is likely that some small vessels could become trapped between the shore and the moving safety/security**

zone of the LNG vessel moving through the channel. This is a substantial interference with the public trust rights in the channel.

✎ **There are areas in the Bay that are popular for water-based recreation such as surfing and paddling. Transiting LNG tank vessels will impact the access to surfing locations by blocking the estuary during high surf conditions.**

Third Remand issue: The proposed dredging will have negative impacts on the estuarine system and the applicant has failed to adequately identify and assess these impacts

✎ **The County should look at impacts to the estuary as a whole, not just the isolated (although still substantial) impacts of dredging the slip**

✎ **The applicant has included no new evidence responding to testimony in the record or the comments of state agencies regarding impacts to benthic communities, bi-valves, water quality and other estuarine ecosystem components.**

✎ **The County cannot make findings that demonstrate that the applicant is minimizing impacts when the full extents of the impacts has not been identified.**

P 17. Remand *Impacts that cannot be avoided or minimized will be mitigated for at the Kentuck, West Jordan Cove, West Bridge, and Eelgrass mitigation sites. Id.*

The mitigation is not a proven technology.