



LEAGUE OF WOMEN VOTERS OF ROGUE VALLEY

MAKING
DEMOCRACY WORK

January 8, 2016

Lorna Stafford, Executive Assistant to the Director
Oregon Department of State Lands
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Bob Lobdell, Aquatic Resource Coordinator – Curry, Coos, Jackson
Oregon Department of State Lands
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Re: Deny the Jordan Cove & Pacific Connector LNG Export Project
APP0054908 and APP0054484

Dear Ms. Stafford and Mr. Lobdell:

After careful review and consideration, The League of Women Voters Rogue Valley (LWVRV) opposes approval by DSL of the Jordan Cove & Pacific Connector LNG Export Project's (Applicant) application for removal and fill operations required to build the Pacific Connector Gas Pipeline (PCGP).

The League of Women Voters of Oregon (of which LWVRV is a member), "...opposes degradation of all of Oregon's surface and ground water. The League supports policies and legislation that integrate water quality into resource management..." It is with this position in mind that the LWVRV submits comments regarding Applicant's project.

The LWVRV reviewed the Draft and Final Environmental Impact Statements (DEIS and FEIS) prepared by the Federal Energy Regulatory Commission (FERC). Included was a letter with enclosures dated February 12, 2015 to Kimberly D. Bose, Secretary of FERC, from the Office of Governor John A. Kitzhaber, M.D., signed by Richard Whitman, Natural Resources Policy Director (Governor's Letter). Attention was focused on the comments submitted by the Oregon Department of State Lands (DSL) and Oregon Department of Fish & Wildlife (ODFW). Additionally, we include in our comments a letter to the United States Congress dated August 27, 2013 from the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA Report), a copy of which is attached.

The LWVRV opposes the permit approval for the following reasons:

*“Oregon Statute 196.825 **Criteria for issuance of permit**; ... (1)(a) Is consistent with the protection, conservation and best use of the water resources of this state...*

*(1)(b) Would not unreasonably interfere with the **paramount** (emphasis added) policy of this state to preserve the use of its waters for navigation, fishing and public recreation.... (3) In determining whether to issue a permit, the director shall consider all of the following: ... (3)(e) Whether the proposed fill or removal conforms to sound policies of conservation and would not interfere with public health and safety. (3)(f) Whether ... is in conformance with existing public uses of the waters and with uses designated for adjacent land... ”*

DSL’s Strategic Goal 2 includes the directive “to conserve, restore and protect wetlands and waterways for their contribution to aquatic life and habitat, fisheries, aquatic-based economies, public recreation, navigation, water quality, floodwater storage, and other natural resource functions.”

Applicant’s project, as defined in its statement of work, is in direct and unresolvable conflict with the aforementioned statute and goals of DSL.

Applicant proposes to cross 400 water bodies, 35 of which are water quality limited or impaired (Impaired Waterways) through various means with a Class 1 thirty-six inch underground pipeline. We note that Class 1 standards include the thinnest allowable gauge pipeline and weld quality requirements. Applicant has failed to present plans to prevent further degradation of Impaired Waterways caused by such crossings. Any degradation of Impaired Waterways is a violation of DSL’s goals to conserve and restore waterways and cannot be permitted. Mitigation is not a viable option since fouling the Impaired Waterways will further endanger already endangered species of fish, impair water quality and impair the fishing and recreation industries in Southern Oregon.

DSL’s Strategic Goal 1 is to “Manage state lands to benefit schools, sustain healthy landscape and meet public trust obligations.” To allow installation and maintenance of the PCGP, Applicant proposes to harvest 1,712 acres of large trees and approximately 1,237 acres of younger small to medium sized trees, hampering the habitat of a variety of endangered species including owls and fish. During the operation of the pipeline, a 30 to 50 foot wide corridor will be maintained in an herbaceous state, resulting in the removal of approximately 545 acres of forest. Large swaths of old growth forests and vegetation that are integral parts of the canopy and maintenance of water quality in the watershed, and especially in Impaired Waterways, are scheduled for permanent elimination. The effects of the elimination of tree canopy near Impaired Waterways and their tributaries to make way for PCGP construction and burial are not

adequately addressed and the permanent elimination of this canopy will inevitably result in an increase in water temperature of adjacent Impaired Waterways in violation of ORS 196.825.

In its effort to permanently eliminate large swaths of forests and vegetation Applicant proposes to use pesticides in the PCGP easement which abuts the 400 waterways it will cross. Applicant has failed to adequately demonstrate its ability to prevent said pesticides from fouling ground and surface water or from entering Impaired Waterways or their tributaries, as well as wetlands, again endangering the habitat of endangered animals and fish and contributing to the overall degradation of Oregon waters. We see no plans for adequate monitoring to insure that such contamination is prevented. The resulting pollution will further endanger at least six species of fish listed on the endangered species list, could contaminate the sole source of drinking water for residents of the City of Shady Cove and damage the recreation industry upon which Shady Cove heavily depends. This is only one example. Town after town is at risk.

In its effort to replant certain parts of the PCGP easement, Applicant proposes to use fertilizers in the PCGP easement. Applicant has failed to adequately demonstrate its ability to prevent said fertilizers from fouling ground and surface water or from entering Impaired Waterways or their tributaries. We see no plans for adequate monitoring to insure that such contamination is prevented.

While Applicant purports to have plans to clean up *after the fact* for the effects of landslides, leaks, explosions, frac-outs, fires and earthquakes, we urge DSL to deny this permit because no amount of *after the fact* clean up could adequately mitigate the short and long-term damage caused by any of these events.

On page 102 of the Governor's Letter ODFW states, "Pipeline crossings using HDD or other subsurface methodologies *can be expected to cause frac-outs...*" (*Emphasis added*). ODFW bases this assertion on their experience with other pipeline projects. HDD (horizontal direction drilling) is planned for use at several crossings. The Rogue River (Rogue) which is known to contain mercury and arsenic in the surrounding soils, highlights our concerns about the consequences of a frac-out at the Rogue crossing near Shady Cove, Oregon.

Stirring up the aforementioned heavy metals, not to mention the drilling pollutants unleashed in a frac-out at the Rogue crossing, will irreparably damage the endangered fish, poison drinking water supply, and destroy the recreation economy. The consequences will be devastating. Shady Cove is a community of approximately 3,000 residents, most of whom obtain drinking water from private wells. These wells and many others along the PCGP route provide the only source of drinking water to residents. There are an estimated 150 wells within a mile of the planned HDD crossing with a Class 1 thirty-six inch pipeline. Several hundred residents obtain drinking water from a private water company that takes water from the Rogue to serve its customers. Historically, Shady Cove has had challenges with private wells going dry as the population grew. The aquifer into which private wells are drilled has pockets of water that are

interconnected in ways that are difficult, if not impossible, to discern. Drilling a well in one location, or fouling a well in one location, could have widespread detrimental effects on wells throughout the system. Applicant's project primarily benefits foreign or out of state corporations. Any failure of the PCGP will endanger the economy of the Rogue Valley which heavily depends on fishing, recreation and other water-related tourist activities and is in direct conflict with DSL's goals and violates ORS 196.825 (3)(e) and (f).

On page 102 of the Governor's letter, ODFW indicates that in its experience when frac-outs occur there is leaking of drilling fluids that "can be water or oil based and can include additives..." As previously quoted, ODFW's experience is that frac-outs can be expected to happen. When a frac-out occurs it will contaminate the aquifer used by private wells. Contamination could include not only contaminated drilling fluids, but mercury and arsenic flushed into the aquifer. A frac-out will likely also contaminate the Rogue itself, fouling the only water supply available to hundreds of residents of Shady Cove and potentially Medford, since the Rogue is a back up source of drinking water for the City of Medford. The Rogue is also home to several species of endangered fish. Fouling the water of the Rogue and aquifer will have devastating consequences to the drinking water supply and to the local economy which depends on tourism, fishing, rafting and recreation. All of Oregon depends on DSL to protect our waterways.

Applicant's project anticipates 400 stream crossings, thereby exponentially increasing the risks of significant incidents along the PCGP. The PHMSA Letter, p. 7, Paragraph G, "Hazardous liquid pipeline operators reported 5,094 accidents from 1991 to 2009 and 2,653 exceeded PHMSA's significant incident threshold. The PHMSA determined that 13 accidents from this time period occurred at inland water crossings. All 13 failures exceeded PHMSA's significant incident threshold. ...A depletion of cover, sometimes in the waterway and other times in new channels cut by flood waters, has been a factor in all 13 of these failures."

In Paragraph H., p.8 of the PHMSA Report it states "...Hazardous liquid pipeline operators reported 972 accidents from 2010 through October 2012, and 352 exceeded PHMSA's significant incident threshold. Seven of these accident reports indicated that the pipeline crossed a body of water. Two occurred in 2010 and five occurred in 2011. A depletion of cover in the waterway has been a factor in three out of seven failures. All three of the accidents where depletion of cover was a factor exceeded PHMSA's significant incident threshold..."

The PHMSA Report goes on to identify that one incident occurred in a buried pipeline water crossing that had a defective weld. Two incidents resulted from internal corrosion, one was caused by scouring during flooding, and two were caused by failures at the girth weld as a result of external loading caused by exposure to flood conditions. The thirty-six inch pipeline proposed by Applicant will have thousands of such welds, all of which will be installed at the lowest allowable standard (Class 1), making each weld more susceptible to failure. Despite prior planning, inspections and analysis, poor construction and accidents occur. The few million

dollars that Applicant proposes to give to local governments in taxes cannot offset the huge risks Oregonians, as taxpayers, are being asked to bear. A natural gas pipeline accident and explosion in 2010 in San Bruno, California resulted in almost \$400 million in property damage. Money paid after the fact could never mitigate the damage done to the environment, loss of life, endangered species, recreation, the watershed and the economy of Oregon. On this basis alone, DSL should deny Applicant's permits.

Applicant's plans for the hydrostatic discharge structures do not address fill removal requirements in the construction process. The Applicant proposes to withdraw millions of gallons of water from Oregon waters (including Lake of the Woods which is protected from water withdrawal, ORS 538.190) for use in hydrostatic testing. It is reasonable to expect that two or more tests could be required in some areas to insure that the PCGP is leak-free. Some of the water acquired for hydrostatic testing will come from Impaired Waterways and their tributaries. It is also probable that the water table will be significantly impaired, harming wetlands and habitats of endangered species of fish and other animals. Applicant does not address the impact of removing such a significant amount of water from Impaired Waterways and their tributaries, such as increased temperature. Applicant is nonspecific regarding the manner and location for removing and returning water used in hydrostatic testing to the watershed. The statement of work includes deliberate contamination which will further degrade Oregon's Impaired Waterways and habitat of endangered species of fish that the State of Oregon has spent so much time, money and commitment to restore.

The LWVRV urges DSL to explicitly address all of the potential complexities of the 400 water bodies to be crossed—the dangers of landslides and wild fires that could cause contamination of nearby rivers, the danger of liquefaction conditions created by construction, and the possibility of frac-outs during HDD and construction or when operation begins. All of these circumstances, or any one of them, will degrade the waters of Oregon. DSL and other state agencies have enumerated thousands of unaddressed problems with Applicant's request for approval of its application. Mitigation is simply not possible in situations where Impaired Waterways will be contaminated or further degraded by Applicant's project.

The League of Women Voters Rogue Valley urges DSL to reject the permits requested by Applicant due to the direct conflict with DSL's statutory responsibilities stipulated in ORS 196.825 and DSL's stated goals.

Sincerely,

THE LEAGUE OF WOMEN VOTERS ROGUE VALLEY, submitted Jan 8 2016
Lorraine Werblow, Co-President, Joann Z. Cleckner, Co-President
[Enclosure](#) Pipeline and Hazardous Materials Safety Administration (PHMSA)
-Report_to_Congress_Water_Crossings_Study