

Comments and Public Inquiries Received for Application No. 187-19-000035-PLNG: Eelgrass Mitigation (second open record period from October 2 to October 7)

Number	Name	Date Received	For or against	Synopsis (please see attachment for full comments)
1	Martin Callery	October 4, 2019	For	The task regarding eelgrass mitigation is simply administrative. Eelgrass mitigation is an allowed activity in the CBEMP. It is evident that JCEP has met all permitting requirements for the proposed mitigation and has demonstrated that they have necessary resources to successfully complete all aspects of the project.
2	Jody McCaffree	October 7, 2019	Against	Proposal is not considered enhancement as it would actually destroy existing eelgrass plants that are already growing at the proposed site and within estuarine zones. There is still no indication that Coos County has authorized the removal of any eelgrass from their jurisdiction. The applicant is stating that the recontouring of the tidal areas is necessary because without recontouring the sandbar to a lower elevation, eelgrass mitigation would not be successful. That reasoning is flawed because eelgrass is already found in a portion of the proposed recontouring area and would destroy eelgrass in the process and be adversely affected by increased turbidity. A resource capability assessment finding and impacts assessment analysis must be completed prior to any decision by Coos Bay.
3	Oregon Shores Conservation Coalition	October 7, 2019	Against	<p>Applicant has not demonstrated compliance with applicable approval criteria as set forth in CBEMP and 17.352 of CBMC. New dredging for any purpose other than that specifically enumerated by 52-NA's uses and activity matrix is prohibited. The applicant has not presented evidence sufficient to (1) support an assertion that its prohibited dredging activity is for the purpose of dredging a small channel on the north side of the proposed airport fill as necessary to maintain tidal currents or (2) demonstrate that adverse impacts have been minimized in accordance with CBEMP Policy #5, as required by the uses and activities matrix of 52-NA.</p> <p>Applicant fails to address Policy #8, which recognizes that mitigation will be required when estuarine dredge or fill activities are permitted in inter-tidal areas such as the area proposed for dredging 52-NA.</p> <p>Applicant has not obtained a removal fill permit from DSL and is not likely to receive a determination on its proposal from DSL within the decision-making timeline for this application.</p> <p>ODFW serves as a consultant to DSL on permit and authorization applications and resolution of violations to reduce a proposed project's impact to fish and wildlife. In their "response to comments" the applicant fails to properly address the concerns raised by ODFW.</p> <p>Neither the City nor applicant may rely on the referenced 2007 permit approval for the eelgrass mitigation proposed by the Port. As such, the applicant has failed to provide evidence of why a previous authorization is relevant. The 2007 permit and the current request are significantly different: the 2007 application did not involve dredging in the intertidal area of 52-NA. Applicant must submit sufficient evidence to independently justify authorization of its several proposed uses and activities in accordance with the applicable criteria.</p> <p>The County must evaluate the cumulative impacts of the proposals contained within Land Use Application #187-19-000035-PLNG alongside those contained in the concurrent applications submitted by the applicant regarding uses and activities associated with the proposed LNG Terminal Facility.</p> <p>Please see comment for further details.</p>
4	Sarah Reif (ODFW)	October 4, 2019		Follow up regarding DEA's comments and ODFW IWWW.
5	Steve Pfeiffer (Applicant's representative, and technical staff)	October 7, 2019	For	Please see submittal for full details and responses to comments received. Technical memo included.