

HEARLEY Henry O

From: Deb <quackerranch@gmx.com>
Sent: March 19, 2019 7:40 AM
To: HEARLEY Henry O
Subject: Re: Coos bay/estuary

Thank you Mr. Hearley for the information. I guess my last few questions are why would we make decisions based on the "applicants" assessment of the environmental impacts to the estuary, wouldn't those conclusions obviously be in their favor? How about a third party science based study by a local university that has zero interest in the Jordan Cove project? I've read your "impartial third party responses", and have sadly come to the conclusion that you and Mr. Callister are not impartial as every one of your responses favors the dredging near/at the estuary border and/or the Pembina/Jordan Cove project. If you and Mr. Callister we're impartial I would assume there would be at least a couple negative responses along with the positive ones, that's simply common sense. The meeting on Thursday evening is therefore simply for the illusion that ordinary citizens can have any meaningful impact. I'm also curious as to if you or Mr. Callister have had any prior contact and/or personal relationships with any of the Coos Bay city council members, the Coos Bay planning department or Pembina/Jordan Cove project staff. I'm not accusing, I'm just a concerned home owner and citizen of Coos County, wanting to hope that our elected officials and their decisions are based on facts and not for sale to the highest bidder. Thank you for calling me back yesterday I very much appreciated your response. Thank you in advance for any more clarity you could give me.

Sincerely,

Debra New
541-217-0278

Sent from my iPad

> On Mar 18, 2019, at 3:08 PM, HEARLEY Henry O <HHEARLEY@Lcog.org> wrote:

>

> Hi Deborah, certainly.

>

>

> <https://nam01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fcoosbay.org%2Fdepartments%2Fcommunity-development-department&data=02%7C01%7CHHEARLEY%40Lcog.org%7Cfde99d0e15e5467f967d08d6ac78cab7%7C9a80ddb717904782a634ef32f273169c%7C0%7C1%7C636886032144556831&data=5k2nvVHZRgVrOfAZD4EYH16CgcHUXQZc%2B7tDxfuNKbl%3D&reserved=0>

>

> I've attached the link where you can find the application and staff report (try downloading the file). I've also attached a map showing where the area is located.

>

> The applicant has submitted an assessment of environmental impacts that is included as Exhibit 5.

>

> Let me know if you have any other questions.

>

> Respectfully,

> Henry

>

> -----Original Message-----

> From: Deb <quackerranch@gmx.com>
> Sent: March 18, 2019 3:01 PM
> To: HEARLEY Henry O <HHEARLEY@Lcog.org>
> Subject: Coos bay/estuary
>
> Hi, I was wondering about any information you may have as to the location of the zoning that will be changed for the Jordan cove pipeline from estuary to improved ? Unsure as to the exact terminology used, but was interested in the place say on a map of the bay, also the science behind doing this and how much if any damage it would do to the estuary itself. Just a concerned citizen, I live here. Thank you for your help.
>
> Debra New
>
> Sent from my iPhone
> <Fig 1 CBEMP Zoning NRI Dredge Area 4.pdf>

HEARLEY Henry O

From: CALLISTER Jacob (LCOG)
Sent: March 20, 2019 8:32 AM
To: Deb
Cc: HEARLEY Henry O
Subject: RE: Coos bay/estuary

Good Morning Ms. New,

Your concern is understood. I took no offense at your questioning. It is clear that there are many who care deeply about this matter and it is important that all have an opportunity to weigh in and better understand the core issues.

When I review an application I do my best to approach it objectively. Applicants are required to provide evidence. Many application types (like subdivisions or conditional use permits) require studies, drawings and plans by licensed/certified professionals. Although this comprehensive plan amendment does not carry explicit requirements for such certification, the supporting materials are often generated by certified individuals. We are very mindful of the qualifications of the experts relied upon for the consultant's supporting materials. Generally speaking, the certification/licensing process assures that these firms are not willing to risk their reputation to cater to the desired outcomes of a particular applicant.

Even for larger cities (and particularly for smaller cities) it is impractical for the city to sponsor redundant studies on all related topics. LCOG was hired to review the submitted application. We have performed analysis, asked questions and been skeptical about certain elements of the proposal. Though we have significant experience in natural resources planning, we do not have the expertise to independently refute the findings of engineers and biologists from an established firm like David Evans and Associates (DEA).

The public testimony process can reveal alternate perspectives from other expert sources. For example, we have received an item of testimony from a marine biologist in Corvallis who asserts that the impacts to crustaceans in the Bay will be more significant than DEA's findings in Attachment A, Exhibit 5 suggest. This is something that we can bring forward and make sure that the Planning Commission is aware of.

I hope this is helpful.
Feel free to follow up with any other questions.

Jacob L. Callister
Principal Planner
Lane Council of Governments
541-682-4114

From: Deb [mailto:quackerranch@gmx.com]
Sent: Tuesday, March 19, 2019 5:54 PM
To: CALLISTER Jacob (LCOG)
Subject: Re: Coos bay/estuary

Mr. Callister,

Thank you so very much for the clarification on the process. I'm just an ordinary person trying to figure this whole thing out. I'm wanting to make sure things are above board, so far I haven't seen this in our county. I meant no disrespect, I just want facts and not filibuster. So from what I am understanding is that your

conclusions are made by the information that is brought to you. This information that was brought to you was from the applicant, who I'm assuming is either Pembina/Jordan Cove project, and/or the city of Coos Bay planning department and/or council. The conclusions reached by your office therefore are made from information/data/studies from these applicants with a vested interest in the outcome and no third party impartial studies/information, is that correct? Thank you again for your time and responses, I do appreciate it.

Debra New

Sent from my iPad

On Mar 19, 2019, at 9:36 AM, CALLISTER Jacob (LCOG) <jcallister@lcog.org> wrote:

Good Morning Ms. New,

Thank you for your note. We will include your feedback in the record and speak to it at the hearing on Thursday.

From what you have noted you are concerned that LCOG, although hired to provide a non-biased staff report, has not done so, as evidenced by the absence of oppositional conclusions in the staff report we have prepared. Though I will validate our reasoning, I do think your initial response is understandable.

In a land use application, the onus is on the applicant to show consistency with the approval criteria. For this reason, the applicant is required to submit a significant amount of evidence and supporting material to show that their proposal is, in fact, consistent with the criteria. Our staff report uses the applicant's response/evidence as the key object of analysis. Staff have had significant back and forth with the applicant on matters within the application (including the formal "completeness" review process). In instances where criteria are more subjective in nature, we provide an analysis that we hope can be useful for evaluation and we leave to the local decision/policy makers to exercise their subjective decision making authority. We also propose conditions of approval to address, where possible, instances where we feel the application falls short or is unclear about the criteria. We often provide a "staff recommendation," in our staff reports. In this instance we were inclined to provide only our preliminary "conclusion" that the application can meet the criteria with the proposed conditions. It is important to note that the staff report can (and often does) change based on testimony from hearings, written comments and other information relevant to applicable criteria that is contributed while the record is open. These are critical steps in the process.

LCOG is genuinely impartial on the matter. Neither Henry nor I, nor the Lane Council of Governments have any particular interest in the outcome of the application. LCOG is a public agency and we provide planning services to cities both within and outside of Lane County, including many in Douglas County and several in Curry County. It is not uncommon that we are asked to weigh in on more sensitive applications to provide an unbiased perspective, but also just to help over-extended staff on time-consuming applications. We barely cover costs in performing these services. Our mission compels us to help, but we do not seek out this work.

Regarding how we came to work on the application: LCOG was approached by the City of Coos Bay's Community Development Director in December. We have never provided planning services to the City of Coos Bay, and it is entirely possible that we won't do it again any time soon. Neither Henry nor I have

spoken with any City of Coos Bay decision makers until this week (Planning Commissioners) – by way of responding to a few of their questions about the staff report. City of Coos Bay staff have provided no direction and have indicated no preference on the matter.

Our previous and current contacts with Pembina/Jordan Cove staff have only been through their representatives (Perkins Coie) and have been focused on details surrounding their current pending application.

I am happy to answer any other questions you have regarding the application.

Have a good day,

Jacob L. Callister
Principal Planner
Lane Council of Governments
541-682-4114

From: Deb [<mailto:quackerranch@gmx.com>]
Sent: Tuesday, March 19, 2019 8:11 AM
To: CALLISTER Jacob (LCOG)
Subject: Fwd: Coos bay/estuary

Sent from my iPad

Begin forwarded message:

From: Deb <quackerranch@gmx.com>
Date: March 19, 2019 at 7:40:07 AM PDT
To: HEARLEY Henry O <HHEARLEY@Lcog.org>
Subject: Re: Coos bay/estuary

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Hi Deborah, certainly.

<http://coosbay.org/departments/community-development-department>

I've attached the link where you can find the application and staff report (try downloading the file). I've also attached a map showing where the area is located.

The applicant has submitted an assessment of environmental impacts that is included as Exhibit 5.

Let me know if you have any other questions.

Respectfully,

Henry

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Sent: March 18, 2019 3:01 PM

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damage it would do to the estuary itself. Just a concerned citizen, I live here. Thank you for your help.

Debra New

Sent from my iPhone

<Fig 1 CBEMP Zoning NRI Dredge Area 4.pdf>

HEARLEY Henry O

From: Carolyn Johnson <cjohnson@coosbay.org>
Sent: April 15, 2019 3:36 PM
To: Deb
Cc: HEARLEY Henry O
Subject: RE: Planning commission/Jordan Cove project

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Ms. New,
Thanks for reaching out to me, and thank you for your comments. I'd like to spend a little time going over your requests and get back to you in the next couple days.
I appreciate your patience,
Carolyn

-----Original Message-----

From: Deb <quackerranch@gmx.com>
Sent: Monday, April 15, 2019 3:29 PM
To: Carolyn Johnson <cjohnson@coosbay.org>
Subject: Planning commission/Jordan Cove project

Hi Ms. Johnson,

I've contacted you before and you answered my questions and helped me quite a bit plus you were kind on top of it! I can't figure out how to comment on the estuary rezoning that Jordan Cove Project/Pembina has applied for so they can dredge for their ships. I contacted the third party out of Lane county that the city contracted with to advise on the approval for rezoning the estuary. They let me know that they have to base their decisions on the information/studies given to them. They also let me know that with exception of one or two all of the studies/information given to them where from the applicant themselves. With that being the case, I can't feel good about a decision in our estuary being based off of studies by people who have a vested interest in the outcome, that would be like being at trial and only listening to the defendants expert witnesses. I would also like to inquire about the sitting Coos Bay planning commissioners and if any of them have outside business/patronage with/from the Jordan Cove Project/Pembina. If so I can't imagine one could be impartial on the approval of this rezoning of the estuary. I'm just trying to get the facts surrounding this issue so we can all make informed decisions. Thank you very much for your help in this matter.

Sincerely,

Debra New
North Bend, OR
541-217-0278

Sent from my iPad