

DEPARTMENT OF STATE LANDS

Bill Ryan, Deputy Director

Jordan Cove Energy Project – State Permitting Overview and Status

Senate Interim Committee on Environment and Natural Resources

September 16, 2019

Good morning, Chair Dembrow and members of the Committee. I'm Bill Ryan, Deputy Director of the Department of State Lands (DSL), here to provide you a brief overview and status update of agency Removal-Fill permitting and Proprietary Authorizations on the Jordan Cove Energy Project.

Removal-Fill Permit Review

Authority: ORS 196.825

(1) The Director of the Department of State Lands shall issue a permit applied for under ORS 196.815 (Application for permit) if the director determines that the project described in the application:

(a) Is consistent with the protection, conservation and best use of the water resources of this state as specified in ORS 196.600 (Definitions for ORS 196.600 to 196.655) to 196.905 (Applicability); and

(b) Would not unreasonably interfere with the paramount policy of this state to preserve the use of its waters for navigation, fishing and public recreation.

Chronology of JCEP Permit Process

- Application received 11/3/2017.
- Revised application received 11/7/2018.
- Public comment period opened 12/6/2018; closed 2/3/2019. (60 days)
- DSL reviewed public comments and sent JCEP our Public Review issues letter 4/10/19.
- DSL received applicant's initial response to issues letter on 5/9/2019.
- DSL met with applicant on 7/10/2019 to review their response.
- DSL will receive JCEP's responses to the areas of concern listed in our Public Review issues letter in two batches:
 - DSL received the applicant's first of two public comments responses on 9/4/19.
 - JCEP states that the second response will be submitted on 10/20/19.
- On 9/13/19 DSL agreed to JCEP's request to extend the permit decision timeline.
- DSL anticipates a RF decision by 1/31/20.

Proprietary Authorizations Needed

Projects, developments, or structures constructed over state owned waterways require authorization from the Dept. of State Lands, which is required to balance the need and function of the proposed project against the requirement to manage Oregon's waterways for public trust values such as navigation, commerce, fishing and recreation.

- DSL has identified 28 proprietary authorizations that are needed for the JCEP at this time. Includes easements,
 - 7 authorization applications have been received and deemed complete.
 - 7 authorization applications have been received and are in completion review.
 - 14 authorizations have yet to be received.
- Completeness is defined as applications that contain all the requested information.
- Once an application is complete, a 60-day public review process is opened.
- DSL reviews public comments received and shares public comment with the applicant.
- Applicant typically has 45-60 days to respond to comment before a decision is made.