

Note to: FERC Docket No. CP17-494-000 and CP17-495-00

From: John Peconom, Environmental Project Manager

Date: August 18, 2020

Subject: FWS Response to FERC Letter Concerning Reinitiation of
Consultation for the Jordan Cove Energy Project

In the attached letter dated August 14, 2020 the U.S. Fish and Wildlife Service responded to Commission Staff's August 5, 2020 letter concerning the reinitiation of consultation per the Endangered Species Act for the Jordan Cove Energy Project.



United States Department of the Interior



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August 14, 2020

James Martin, Ph.D.
Branch Chief, Gas Branch 3
Federal Energy Regulatory Commission
Office of Energy Projects
888 First Street NE
Washington, DC 20426

Subject: FERC request for confirmation of reinitiation of formal consultation for the Jordan Cove LNG Export Terminal and Pacific Connector Pipeline Project, Southwest Oregon (FERC Docket Nos. CP17-494-000 and CP17-495-000)

Dear Dr. Martin:

On August 05, 2020, U.S. Fish and Wildlife Service (Service) received a letter from the Federal Energy Regulatory Commission (FERC) requesting written confirmation that the Service is reinitiating consultation on the Jordan Cove Energy Project (Project), under Section 7 of the Endangered Species Act. The letter stated that FERC has addressed issues identified in a July 07, 2020, letter from the Service to FERC that discussed information needed to reinitiate consultation on the Project. Specifically, the FERC letter concludes that the 2019 Biological Assessment (BA) for the Project, including Appendix R, contains the information necessary to reinitiate consultation on the Project, as revised by FERC through selection of the Blue Ridge Alternative as the final Project route. FERC also requested a specific schedule and process for the consultation.

At this time, the Service reaffirms the determination expressed in its July 07, 2020 letter to FERC—the information provided to the Service by FERC in the 2019 BA, including Appendix R, is not adequate to identify and analyze the effects of the Blue Ridge Alternative route to listed

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species. FERC has not subsequently provided additional data regarding that route. However, as described below, the Service has been engaged in ongoing conversations with FERC regarding how to address these information needs. This letter documents these conversations and summarizes the specific information that would enable formal consultation to be reinitiated and completed in a timely manner.

The Service has provided FERC prior guidance regarding the specific nature, scale and scope of additional information necessary to reinitiate consultation. John Peconom of FERC recently indicated to Joe Zisa of my staff that FERC was aware there would be additional information needs associated with FERC's planned request for reinitiation. To eliminate any potential for misunderstanding or uncertainty, the information needed to reinitiate consultation includes the following:

1. Site-specific data to update sections and summaries for Appendices Q, V, and Z (including all sub-parts Z-1 through Z-3) of the 2019 BA, reflecting the changes in the proposed action;
2. Updated helicopter rotor wash impacts similar to Table 18.9 of the Service's August 27, 2019 Data Response to FERC; and
3. Updated GIS data reflecting the Blue Ridge route, including a figure (working from BA figure 2.1-8/BO Figure 3.2) depicting the Blue Ridge route along with the originally proposed action.

In the time between FERC's requested reinitiation of consultation on June 23, 2020, and its August 07, 2020, letter, including during a July 14, 2020, meeting, our agencies' respective points of contact for the Project and representatives of Pembina discussed the process, time, and resources required to address these information needs. In those discussions, the Service understood Mr. Peconom to indicate that Pembina would develop the additional information needed and provide the contractor assistance to enable the Service to complete the analysis for the Blue Ridge Alternative, and that Pembina would coordinate with the Service for this purpose. The Service believed this would a productive approach.

Accordingly, the specific timing for reinitiation of consultation is contingent on additional action by Pembina on behalf of FERC. Because the Service cannot dictate or predict such action, we cannot reasonably determine when consultation will formally begin. However, in communications between Pembina and the Service on July 24, July 29, August 07 and August 13, 2020, Michael Stapleton of Pembina indicated that the needed efforts are underway.

Based on this close coordination between FERC, the Service, and Pembina in the last several weeks, and the stated commitment of the parties to additional collaboration, the Service believes that a process of informal consultation is underway and making good progress. Assuming the requested information is forthcoming and collaboration continues as previously discussed, the Service is confident we can reinitiate and complete formal consultation in a timely fashion once we receive the needed information.

Please coordinate with Joe Zisa of my staff at 503.231.6961 or Joe.Zisa@fws.gov to continue the ongoing actions necessary to reinitiate formal consultation, or to address any comments or

questions regarding this letter.

Sincerely,

Paul Henson, Ph.D.
State Supervisor