



FEDERAL ENERGY REGULATORY COMMISSION

Office of the Chairman

May 24, 2021

Governor Kate Brown
254 State Capitol
Salem, Oregon 97301

Dear Governor Brown:

Thank you for your February 18, 2021, letter regarding the Jordan Cove Energy Project (Docket Nos. CP17-494-000 and CP17-495-000) and your request that we provide meaningful consultation with Oregon's federally recognized tribes for this project. Your letter has been placed in the docket for this proceeding.

I appreciate and share your concerns regarding the importance of consultations with federally recognized tribes of Oregon. I can assure you that the Commission takes very seriously its consultation efforts and trust responsibilities.

Early in the pre-filing environmental review of this project, Commission staff engaged the Oregon Indian tribes to gain an understanding of the tribal concerns. Prior to the Commission's project authorization, Commission staff consulted in-person on multiple occasions with representatives of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians; the Coquille Indian Tribe; the Confederated Tribes of Grande Ronde; the Cow Creek Band of Umpqua Tribe of Indians; and the Klamath Tribes. Commission staff also reached out and held numerous telephone conversations with the tribes. The Commission's administrative record contains the records of these meetings, as well as comment letters from the tribes, all of which were considered by Commission staff during the environmental impact statement preparation.

The National Historic Preservation Act (NHPA) Section 106 Programmatic Agreement (Agreement) for the Jordan Cove Energy Project was prepared and executed in compliance with all relevant regulations. The Agreement was signed by the Commission staff, the Advisory Council on Historic Preservation and the Oregon State Historic Preservation Office. It clarifies the framework and protocols the parties will follow to ensure meaningful consultations with the federally recognized tribes to complete the identification of historic properties and the assessment and resolution of adverse effects resulting from the construction and operation of the Jordan Cove Energy Project and the Pacific Connector Gas Pipeline Project. In drafting the agreement, the signatories fully considered comments provided by the tribes and, to the extent possible, revised the Agreement to incorporate them.



It is the Commission's practice, consistent with the NHPA and the Advisory Council on Historic Preservation's implementing regulation, to invite tribes to be signatories to programmatic agreements when a project crosses reservation lands. In this proceeding, the proposed project did not cross reservation lands. So while the tribes were not invited to be signatories to the Agreement, they were invited to be consulting parties. The project does, however, cross federal lands, so the relevant federal land managing agencies – the Bureau of Land Management, the U.S. Forest Service and the Army Corps of Engineers – were invited to be signatories. During the implementation of the Agreement, the Commission and other signatories are required to consult further with the Oregon Indian tribes. I assure you the Commission will continue to respond to tribal concerns, solicit tribal input and afford tribes additional opportunities to comment.

If I can be of any further assistance in this or any other Commission matter, please let me know.

Sincerely,

Richard Glick
Chairman