



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

Refer to NMFS No.:  
2010/05479

March 06, 2012

Kimberly D. Bose  
Secretary, Federal Energy Regulatory Commission  
888 First St., N.E., Room 1A  
Washington, D.C. 20426

Re: National Marine Fisheries Service's request for the Federal Energy Regulatory Commission to withdraw their request for Endangered Species Act consultation for the Oregon Liquefied Natural Gas Terminal and Pipeline Project, Eastern Pacific Ocean and Lower Columbia River Basin, Oregon (Docket Nos. CP09-6-000 and CP09-7-000)

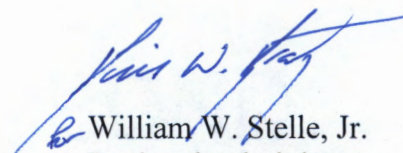
Dear Ms. Bose:

On November 3, 2010, the National Marine Fisheries Service (NMFS) received a request from the Federal Energy Regulatory Commission (FERC) for formal consultation under section 7 of the Endangered Species Act (ESA) and under section 305 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for the action named above. The NMFS reviewed the consultation request package, determined there was not enough information to continue with the consultation, and responded by sending an additional information request letter on December 9, 2010 (attached).

To date, the additional information requested by NMFS has not been provided. FERC has not issued a scheduling notice for the project, and the proposed action remains in development. We understand that several issues have delayed project progress, including vapor dispersal modeling, legal action, and potential modifications to the project purpose.

Given the delays mentioned above and an interest that our records remain accurate regarding active consultations, we request FERC, as the lead Federal agency, withdraw the consultation request. A withdrawal now would not prevent FERC from requesting consultation again at an appropriate time. If we do not hear from you in 30-days, we will assume the project has been withdrawn and will close our file. Please call Robert Markle, fisheries biologist in the Oregon Coast Habitat Branch of the Oregon State Habitat Office, at 503.230.5419, if you have any questions.

Sincerely,

  
William W. Stelle, Jr.  
Regional Administrator



Attachments: FERC Certificate of Service document  
Correspondence to FERC dated 12/09/2010

cc: Russ Berg (USCG)  
Peter Hansen (Oregon LNG)  
Paul Henson (FWS)  
James Holm (COE)  
Ross Reineke (USDOT)  
Yvonne Vallette (EPA)  
Doug Young (FWS)  
SERVICE LIST

UNITED STATES OF AMERICA

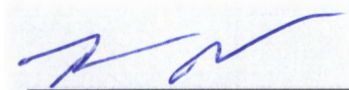
FEDERAL ENERGY REGULATORY COMMISSION

LNG Development Company, LLC	)	Docket Nos.	CP09-6-000
	)		
Oregon Pipeline Company, LLC	)		CP09-7-000
	)		
Application for Natural Gas Act	)		
Authorizations	)		
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by electronic mail, a letter to Kimberly D. Bose, Federal Energy Regulatory Commission, the National Marine Fisheries Service's request that the Endangered Species Act consultation request for the subject action be withdrawn, and this Certificate of Service has been served by first class mail or electronic mail to each person designated on the official service list compiled by the Commission in the above captioned proceeding.

Dated this 06<sup>th</sup> day of March, 2012.



Robert Markle  
N. Oregon Coast/Lower Columbia River Branch  
Oregon State Habitat Office  
National Marine Fisheries Service



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

Refer to NMFS No.:  
2010/05479

December 9, 2010

Kimberly D. Bose  
Secretary, Federal Energy Regulatory Commission  
888 First St., N.E., Room 1A  
Washington, D.C. 20426

Re: National Marine Fisheries Service's Response to Request for Formal Consultation for the Oregon Liquefied Natural Gas Terminal and Pipeline Project, Eastern Pacific Ocean and Lower Columbia River Basin, Oregon (Docket Nos. CP09-6-000 and CP09-7-000)

Dear Ms. Bose:

This letter is in response to your November 3, 2010, request for formal consultation under section 7(a)(2) of the Endangered Species Act (ESA) and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for the Federal Energy Regulatory Commission's (FERC) authorization of the proposed Oregon Liquefied Natural Gas (LNG) Import Terminal and Pipeline Project (Oregon LNG Project) (CP09-6-000 and CP09-7-000) under sections 3(a) and 7(c) of the Natural Gas Act. FERC is the lead Federal agency. Other Federal agencies with significant authorities over the Oregon LNG Project include the U.S. Army Corps of Engineers (COE) and U.S. Coast Guard (USCG).

Accompanying the request was a biological assessment (BA) that, in part, evaluates the effects of the Oregon LNG Project on 28 species under NMFS' jurisdiction that are listed or proposed for listing under the ESA and their critical habitat, where designated or proposed, in the action area. In the BA, FERC determined that 20 species are likely to be adversely affected (LAA) by the project and the remaining 8 species are not likely to be adversely affected (NLAA).

While NMFS agrees that formal consultation is warranted, the proposed action is still in development and not well defined at this time. The BA indicates additional information will be provided in the future. For example, FERC states that it will provide a pile driving plan, site-specific waterbody crossing information, large wood debris plan, and marine mammal level B harassment information later. The BA also indicates that some additional information will be provided via the NEPA process. A specific and stable proposed action is the foundation of an adequate ESA/MSA consultation. NMFS needs the additional information on the proposed action in order to evaluate the likely effects on the subject species and complete our jeopardy and adverse modification analyses. The kinds of information that FERC stated it will provide later all bear directly on the potential effects of the proposed action.



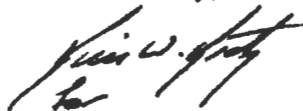
Consequently, NMFS finds the consultation initiation package is insufficient to initiate formal consultation or concur with FERC's NLAA determinations because the proposed action is not well defined and we have not received all of the information necessary to evaluate FERC's assessment of potential effects. NMFS expects that the completion of the NEPA process should further define the action and could aid in assessing its associated affects on the ESA-listed species identified in the BA. Following FERC's completion of the NEPA process, NMFS expects a sufficiently defined action should exist to allow NMFS to evaluate the action and identify for FERC specific information needs.

Until the proposed action is well defined, and NMFS information needs are addressed, consultation will not proceed. Consultation on the proposed action will begin with receipt of the requested information when NMFS determines that the information is sufficient to complete consultation.

Although this is not yet the right time to initiate formal consultation, we acknowledge the work FERC and the applicant have put into discussing and attempting to resolve NMFS' issues. We expect it to prove helpful as FERC develops their preferred alternative in the NEPA document, and during ESA consultation.

Please direct questions regarding this letter to Robert Markle, fishery biologist, in the Northern Oregon Coast/Lower Columbia River Branch of the Oregon State Habitat Office at 503.230.5419.

Sincerely,



Michael P. Tehan  
Assistant Regional Administrator  
Habitat Conservation Division

cc: Russ Berg (USCG)  
Peter Hansen (Oregon LNG)  
Paul Henson (FWS)  
James Holm (COE)  
Ross Reineke (USDOT)  
Doug Young (FWS)  
Yvonne Vallette (EPA)  
SERVICE LIST

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

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	)	
Application for Natural Gas Act	)	
Authorizations	)	
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by electronic mail, a letter to Kimberly D. Bose, Federal Energy Regulatory Commission, the National Marine Fisheries Service's Response to Request for Formal Consultation, and this Certificate of Service has been served by first class mail or electronic mail to each person designated on the official service list compiled by the Commission in the above captioned proceeding.

Dated this 9<sup>th</sup> day of December, 2010.



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Robert Markle  
N. Oregon Coast/Lower Columbia River Branch  
Oregon State Habitat Office  
National Marine Fisheries Service