

# State Appeals Board Denies LNG Project

**Oregon Land Use Board of Appeals Upholds Clatsop County's Decision Denying Gas Pipeline for LNG Terminal**

A state appeals board agreed with Clatsop County's decision that a liquefied natural gas (LNG) pipeline would threaten public safety and improperly harm protected rivers and farmland.

On April 29 the Oregon Land Use Board of Appeals (LUBA) ruled in favor of Clatsop County, upholding the County's decision to deny a key permit for the Oregon LNG pipeline. Without the critical land use permit, the proposed LNG pipeline cannot be built, as state law prohibits the LNG company from securing state environmental permits or certifications without county land use permits.

"We are thrilled that LUBA chose to respect our county's decision to deny Oregon LNG's proposed natural gas export pipeline," said Laurie Caplan, an Astoria resident and local activist representing Columbia Pacific Common Sense.

In the decision, LUBA ruled that Clatsop County properly decided that the LNG pipeline violates local laws designed to protect public safety and salmon. The County found that the pipeline operates with pressurized flammable and explosive gases that present a well-documented safety risk to nearby residential uses. The County also found that Oregon LNG's plans to bore the pipeline under salmon-bearing rivers violated the requirement to protect the Columbia River estuary, an area at the center of regional and national efforts to recover endangered salmon.

"Today's decision marks a significant turning point for LNG on the Columbia River," stated Brett VandenHeuvel, Executive Director for Columbia Riverkeeper. "The people of Clatsop County want clean water, safe communities, and strong salmon runs. LNG development would take us in the wrong direction."

LUBA's decision comes after years of legal wrangling by the LNG company. In October 2013, the Clatsop County Board of Commissioners voted 5-0 to reject the Oregon LNG pipeline. The County Commissioners concluded that Oregon LNG's proposed 41-mile long, high-pressure gas pipeline violated the county's land use laws on dozens of grounds. Oregon LNG claimed the Commissioners were biased, but the Oregon Court of Appeals rejected that argument.

The Oregon LNG company proposes building an LNG terminal in Warrenton, Oregon, and exporting North American natural gas to overseas markets. Among the project's many impacts, the company proposes dredging a massive hole that spans 135 acres of the Columbia River in Youngs Bay — roughly the size of 102 football fields — for a turning basin to accommodate LNG tankers that would dock at the terminal. This area is the heart of what has historically been the most popular sport and commercial salmon fishing area on the Columbia River. Oregon LNG's dredging alone would destroy critical habitat for twelve stocks of endangered and threatened salmon and steelhead. The project also requires taking private property using eminent domain to build the gas pipeline from the United States-Canada border to Warrenton.

The LUBA decision is the latest setback for the struggling LNG company. In August 2014, Oregon LNG filed a lawsuit against the U.S. Army Corps of Engineers (Army Corps) over a property dispute. The Army Corps claims that it owns permanent rights to use the site of the proposed LNG terminal. If a federal court upholds the Army Corps' property right, Oregon LNG cannot build the terminal.

Currently, there are two proposals to locate LNG facilities on the Oregon Coast and the Columbia River, coupled with associated proposals to construct hundreds of miles of new natural gas pipelines throughout Oregon and Washington.

# County Commissioners

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safety of pipelines and the gas industry, the lack of transparency by the project's financial backers, and the responsibility of the Commissioners to look out for the welfare and common good of the citizens of Columbia County.

The Commissioners also discussed Ballot Measure 5-243, which would increase the Natural Resources Depletion tax (and specifically targets the gravel industry in the county) to provide revenue to maintain county roads and fund the Columbia County Rider public transportation system. Local business owner Mike Pihl told the Commissioners and the audience that if the increase passes it would impact his business and he might be forced to purchase rock for road building from Washington County instead of supporting local Columbia County businesses. "We need to exercise common sense and I'm going to vote no on it," said Pihl.

Hyde told the audience that Columbia County is the only county in the state that taxes aggregate, which currently funds road maintenance. Hyde said he is very concerned about setting a precedent of taxing a specific industry when the county has a compelling need. "There is no doubt in my mind that we have a compelling need," said Hyde. "I think our transit system and the way it serves our citizens and particularly our senior citizens, is an important issue for us. We do have to find a way to be responsible enough to fund it. But just to go after an industry because there is an opportunity to tax them on what they produce, I think is very dangerous. What's next-timber?"

Heimuller and Fisher agreed with Hyde. Heimuller stated that he is in favor of road projects and that he has a passion for public transit.

When asked how they fund the transportation system if the ballot measure is rejected, Heimuller said many public transit systems are funded through a special tax district and tax all property owners to pay for operations. Others use a business tax on all businesses. Heimuller did not expound on other options for funding public transit.

When asked about a proposed moratorium on marijuana dispensaries in Columbia County, Commissioner Hyde explained that the County is waiting for the state to establish guidelines for where retail marijuana sales will be allowed. "We're not trying to stop marijuana consumption in Columbia County," said Hyde. "The people of this state have spoken, on both medical marijuana in the 1990s and on recreational last year." Hyde went on to say that they have heard complaints about grow operations from neighboring properties. Hyde said a temporary moratorium on medical dispensaries and retail establishments would allow time for the state to formulate specific guidelines and doesn't impact the 975 medical marijuana card holders or the 768 licensed medical marijuana growers in the county. Hyde confirmed that the county moratorium only effects unincorporated areas of the county. Hyde added that the state is considering dispensing marijuana through liquor stores.

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The topics of gun violence, gun control, and the right to bear arms are constantly in the news. The Second Amendment guarantees Americans the freedom to own guns. Why wasn't this freedom incorporated into the First Amendment, along with freedom of the press, speech, religion, and right of assembly? What special circumstances made the freedom to own guns important enough to merit its own amendment?

Savery is professor of English, humanities, and American studies at Reed College, where he teaches courses in American literature post-1850, African American literature, and modern and contemporary American and European drama. For the past twelve years, he has worked with Oregon Humanities on the Humanity in Perspective program.

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O. Hm.  
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