

# LNG: Pipeline remains a sticking point

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impact of the proposed \$6 billion project on state waters.

In addition, the department noted that Oregon LNG's applications lacked evidence that the project is compatible with local land use rules.

Last year, the state Land Use Board of Appeals upheld Clatsop County's 2013 decision to deny a permit for Oregon LNG's pipeline that would link to an export terminal on the peninsula.

"Your county's decision to not approve that pipeline is really the biggest stumbling block that they have right now. That's the big barrier to a complete application at this point," Ryan said. "If we don't have that approval, we can't issue a permit, nor can we deny one, because we don't have a complete application."

## 'Keep pushing'

Since it appears the pipeline will remain a sticking point for the company into the

foreseeable future, Laurie Caplan, of Astoria, asked the panel: "Why are you and other state agencies having to spend so much time and talent and energy to process an application for a project that, as of now, can't go forward because there is no pipeline?"

Ryan replied that there's nothing in state statute that says a person or organization can't apply for a land use permit. "We get applications for incomplete projects pretty frequently," he said.

"Energy companies have a very, very long business plan and time frame, so their MO is to keep pushing, keep pushing, keep pushing until something gives," he continued, "and so we anticipate we will continue to get applications until who knows."

If Oregon LNG manages to resolve the local land use issue and submits complete applications, the department would then send them out for public review. Citizens and regulatory agencies on the local, state and

federal levels would examine the applications while the department does a technical review.

"Honestly, we rely upon the public and our sister agencies for that review of those application materials," Ryan said, adding that the state departments of environmental quality and of fish and wildlife play major roles. "And, of course, something like an LNG terminal and pipeline application gets a lot more scrutiny than a small individual driveway expansion or something like that."

If the department rejects Oregon LNG's applications, the company could challenge the decision in court.

What's more, if Oregon LNG is eventually granted a license to operate by the Federal Energy Regulatory Commission, it's possible that the federal agency could override the adverse decisions by local and state agencies.

"There is an issue of federal pre-emption of local environmental regulations," Ryan said.

"That is a potential path that I'm sure the applicants are looking at."

"I can tell you: That's not something that we would support," he continued. "And we would really want to avoid that happening, as would the governor's office."

The company would have to demonstrate, however, that the local environmental regulations place an unreasonable burden on them, and "there's pretty well-established case law that states do have the ability to regulate for environmental concerns and environmental issues," he said.

## Standing in solidarity

Right now, the Department of State Lands is reviewing land use permit applications for another controversial project: the Jordan Cove LNG terminal and Pacific Connector Gas Pipeline in Coos Bay.

The department—which has until Feb. 8 to decide whether to issue the permits — held two well-attended meetings, in Coos

Bay and Medford, to record public testimony.

"I would expect us to do something similar to that if we do get completed applications for Oregon LNG," Castelli said.

Cheryl Johnson—an activist who has helped lead the charge against Oregon LNG and its previous incarnations for more than a decade — told the panel that Oregon LNG's opponents stand in solidarity with Coos Bay. She asked the department to deny the permits for Jordan Cove, which would set a precedent "for our community and our river," she said.

"We are tired of going to meetings. And we are tired of giving testimony. And we are tired of writing letters. And we have met with every local and state and federal agency for 10 years," she said.

Johnson added that she expects the Federal Energy Regulatory Commission to grant Oregon LNG authorization to operate on the Skipanon Peninsula. The company is also awaiting a decision from

Daniel Kearns, a Portland land use attorney appointed by Warrenton to review local land use applications.

"We have played by the rules. We have done everything correctly. We have participated fully, intelligently, articulately, over and over and over. Do not leave us in this situation," she said.

Reminding the crowd that the department is still waiting for Oregon LNG to resubmit the permit applications, Ryan responded: "We play by the rules also. And we have really specific rules that we need to play by, and that's what we've been doing all along."

"I've heard, 'Do the right thing, do the right thing, do the right thing.' And, for me, within my job, 'doing the right thing' means to implement the laws of the state of Oregon to the best of my ability," he continued. "So that's what I'm doing. That's what we do, and we're operating within the legal framework that we have to work within. I can commit to doing that."

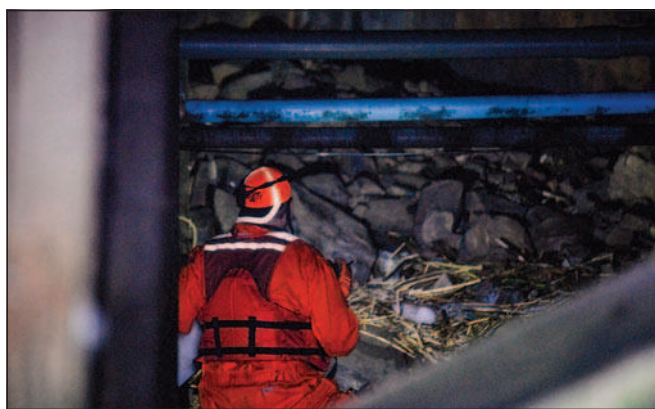
# Pier 2: Port of Astoria is trying to extend pier's life

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## Fix before fail

"One of the things that we're trying to get away from is, unfortunately, the status quo of decades past is 'Well, we'll just run it until it fails, and then get a grant to repair it,'" Evert said. "This way, we're actually keeping up on the maintenance, extending the service life and, overall, reducing our operational costs, because we're repairing things before they fail."

The need for a current engineering report on Pier 2 is fresh in the mind of the Port. Two years ago, the agency secured a \$1 million ConnectOregon IV infrastructure grant to build a new dock on the eastern side of Pier 2. But the Port nearly lost the grant after a gross under-estimation by engineers on the cost of the project. The grant was saved, and the Port has a brand-new dock on Pier 2, albeit an empty one.



Joshua Bessex/The Daily Astorian  
A member of the state Department of Transportation bridge inspection team works during their inspection of Pier 2 Tuesday.

Separate of any grant cycle, Evert said Port staff has already been trying to extend the life of Pier 2, which is seemingly known as much for huge potholes and uneven decking as the fish crossing the docks.

In the past, staffers at the

rotten wood and replacing it with metal pan decking topped by concrete, which Evert said will extend the life of the surface for another 25 to 30 years.

## Fixing for fishing

The engineering report comes as the Port is trying to secure another state grant, ConnectOregon VI, to fix the ailing west side of Pier 2, where commercial fishing boats pull up to the dock alongside the Port's long fish-processing warehouse to deliver their catch.

The dock they deliver to belies Pier 2's importance to the seafood industry, with many pilings bent, broken or missing, and a deck pockmarked with holes covered by raised metal sheeting. Nearly two years ago, the Port declared an emergency on the dock and brought in former Astorian and expert

marine engineer Bill Gunderson of PND Engineers Inc. of Seattle to report on its condition.

"Overall, the condition of the Pier 2 West facility was found to range from critical to good condition; many of the deficiencies observed appear to be due to deferred maintenance," Gunderson's report said.

Gunderson's engineering report, much like the Department of Transportation's now, was meant to help Port staff prioritize fixes. The Port ended up shifting around seafood cranes and blocking access to particularly weak spots.

Now the Port is asking the state for just over \$1.5 million, not including the agency's \$660,000 local match, to overhaul Pier 2's western dock. The plan is to replace 35,000 square feet of the failing dock, along with the damaged and missing pilings underneath.

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