

# LNG: Appeal of terminal decision would be difficult

Continued from Page 1A

River-based environmental group opposing the LNG project. "It wasn't just a technical or procedural problem. He found that impacts to salmon were too great, agreed with the state that Oregon LNG could block commercial crabbing and other fishing boats as well as recreational boats on a pretty regular basis, and all of that violates the public trust rights of the people of Warrenton and throughout our state."

In addition to a loading terminal for tankers and a pipeline that would link to an existing natural gas pipeline in Washington state, the project design includes a facility to liquefy the natural gas and two storage tanks.

"The terminal is certainly the important part of this," VandenHeuvel said, adding that the project "can't proceed without the terminal."

## Appeal process

With the arrival of Kearns' decisions, a two-week appeal period began.

The parties and any person who submitted written and oral testimony can file an appeal with Urling.

If Kearns' decision is appealed, the Warrenton City Commission may hold a pub-

lic hearing on it in the near future.

Kujala said that the commission can expect an appeal from Oregon LNG and, perhaps, opponents dissatisfied with the pipeline decision.

"For that reason, it's imperative that the City Commission remain objective and unbiased because we will be tasked with hearing any appeal that comes on the land use matter."

If the commission's decision is then appealed, the case will come before the state Land Use Board of Appeals.

## Back in September

At the two-part hearing in September, Mike Connors, the Portland attorney representing the energy company, argued that the city designated the land for marine industrial development a decade ago, making way for Oregon LNG-type proposals.

Oregon LNG's supporters cited the need for well-paid employment opportunities in the county. The company has claimed that the terminal and pipeline construction phase would create thousands of new jobs and more than 100 permanent jobs, while boosting Clatsop County's annual tax revenues by more than \$90 million.

But Lauren Goldberg, a staff attorney for Columbia Riverkeeper, countered that the city's



Daniel Kearns, a Portland land use attorney, speaks during an Oregon LNG permit public hearing at the Warrenton Community Center in September.

move to rezone the land doesn't predetermine that a project of that scale is appropriate.

Additional opponents argued that the scenic North Coast environment is not an acceptable home for the project, or that the Cascadia Subduction Zone — where an earthquake and tsunami may one day level and scour the seafront — is not a logical setting for a fossil fuel hub. They also worry the project will increase traffic conges-

tion, decrease property values and endanger tourism.

## Roadblocks

The Warrenton decision — which Dan Serres, conservation director at Columbia Riverkeeper, called a "very good decision, super clean-cut" — represents the latest setback for the company, a subsidiary of Leucadia National Corp., a New York-based holding company.

For example, Oregon LNG can't submit a complete state land use application to the Department of State Lands until the company can prove the project's compatibility with Clatsop County's land use rules. Last year, the state Land Use Board of Appeals upheld the county's 2013 decision to deny a permit for 41 miles of pipeline that would connect to the export terminal along the peninsula.

More recently, a federal magistrate judge ruled against Oregon LNG in a property dispute with the U.S. Army Corps of Engineers, which holds a nearly 60-year-old easement with the city of Warrenton to deposit dredge spoils on the land where the company intends to build.

The company is also awaiting the final Federal Energy Regulatory Commission's environmental review, scheduled for release in June. The draft review states that the project would result in adverse environmental impacts, but that these would be reduced to less-than-significant levels through minimization and mitigation measures Oregon LNG has proposed.

## Challenges to an appeal

Though Oregon LNG has the right to appeal Kearns' denial of the terminal, that portion of the project will be difficult to appeal, given its potential to significantly impact the estuary, VandenHeuvel said.

"This wasn't that Oregon LNG forgot to dot the i's and cross the t's. This was a thorough analysis on the impacts on fishing in the estuary, on public access, and found that the project doesn't meet Warrenton's land use laws," VandenHeuvel said, "and we think that there's nothing that's going to change that."

# Terminal: It would create a 109-acre dredge footprint

Continued from Page 1A

These are the conclusions reached by Portland-based land use attorney Daniel Kearns, who denied the company's applications for the bidirectional terminal on behalf of the city of Warrenton last week.

Though he approved the company's separate applications for a 2-mile stretch of LNG pipeline, Kearns' decision details why Oregon LNG's plans to build a terminal appear to run afoul of the city's development code.

## Fishing

The attorney found that Oregon LNG "has not adequately characterized and quantified the impact of its operations on commercial and recreational fishing, nor has it demonstrated that these impacts will not be unreasonable."

Oregon LNG has acknowledged a "500-yard exclusion zone for LNG vessels while in

transit, a 200-yard exclusion zone for LNG vessels moored at dock, and a 50-yard exclusion zone from the dock facilities with no vessels present," Kearns' decision states.

"The applicant also discusses possible impacts to popular Buoy 10 fishing and offers vaguely to minimize impacts by 'restrict(ing) LNG marine carrier arrivals and departures to nighttime periods or when the number of fishermen has decreased during the Buoy 10 fishing season,'" he continues, quoting Oregon LNG's hearing submissions.

Pointing out that the Youngs Bay Control Zone already restricts recreational fishing access, the company has argued that its own exclusion zones won't further impact recreational fishing in the area.

However, the Youngs Bay Control Zone "only restricts angling for a portion of the year, while the proposed security zones are effective the entire

year," the Oregon Department of Fish and Wildlife said in a statement.

"The existing restricted fishing areas and periods are intended to help endangered and diminished fish populations recover to the point that fishing can again expand," Kearns wrote.

He added, based on comments from the state Department of Fish and Wildlife, that "the agency either believes that the LNG terminal operation will work against those recovery efforts by causing unacceptable habitat impacts, or that the applicant has not provided enough detailed information for ODFW to determine that it won't have that adverse effect."

In addition, "recreational vessels will be periodically prohibited (about 250 times each year) from movement in and out of the Skipanon River during the times that the LNG marine carriers travel between the berth and the federal navigation channel,"

the department wrote. "These safety closures will permanently prohibit recreational fishing and crabbing from a 100 acre area at the marine terminal, and will prohibit transit through the turning basin area over a period of about 125 hours each year."

Kearns concluded that Oregon LNG's mitigating measures are "not sufficient to prevent unacceptable losses, irreversible damage, unacceptable degradation or reduction in estuary resources from this project, all of which affects public trust rights."

## Fish

As designed, the terminal would create a 109-acre dredge footprint in the estuary and require filling in roughly 35 acres of wetland.

The state Department of Fish and Wildlife has written that the terminal could, among other concerns, "potentially impact salmonid rearing and migration habitat, lamprey

migration habitat, eulachon rearing, spawning and migration habitat, and green sturgeon feeding habitat" within the estuary.

Meanwhile, the 35-acre wetland habitat is "critical for rearing habitat for several (Environmental Species Act-listed) salmonids and is also used by a variety of other estuarine-dependent species," the department wrote.

For the wetland area, the Fish and Wildlife Department recommended that the project result in zero net loss of wetland habitat quantity or quality, that Oregon LNG avoid impacting the area altogether by finding another development action or that the company find some way to mitigate the impact.

However, Oregon LNG's wetland mitigation plan is "unproven and unverified from a biological or ecological perspective."

Oregon LNG has also claimed that "the mere pres-

ence of ESA-listed fish in the vicinity of the proposed project does not necessarily imply negative impact" — a statement that Kearns wrote "defies logic."

He said that a permanent wetland impact of 35 acres is a "significant loss of habitat in the context of the Lower Columbia River Estuary, which has seen big wetland losses since pre-settlement times."

Kearns said he cannot credit the applicant's attempts to minimize the impacts of the dredge footprint or the impact on the wetland, "which state and federal environmental agencies regarded as significant."

Although it is theoretically possible the company could meet the criteria for Warrenton's development code by submitting more or different evidence, "that seems unlikely based on the fundamental nature of the project and the estuary and shorelands that will be impacted," Kearns wrote.

# TV LISTINGS

Evening listings  
MONDAY

MONDAY EVENING													MARCH 7	
A	L	6 PM	6:30	7 PM	7:30	8 PM	8:30	9 PM	9:30	10 PM	10:30	11 PM	11:30	
2	KATU	(2) KATU News at 6		Jeopardy!	Wheel of Fortune	The Bachelor	The Women Tell All" (N)			Castle "G.D.S." (N)		KATU News at 11	(3:5) Jimmy Kimmel	
3	KRCW	(3) Seinfeld	Seinfeld	Modern Family	Modern Family	ExGirl "Josh is Going to Hawaii" (N)	Jane the Virgin "Chapter Thirty-Six" (N)			KGW News at 10	(3:35) Access H.	Met Your Mother	Met Your Mother	
4	KOMO	(4) KOMO 4 News		Wheel of Fortune	Jeopardy!	The Bachelor	The Women Tell All" (N)			Castle "G.D.S." (N)		KOMO 4 News	(3:5) Jimmy Kimmel	
5	KING	(5) NBC Nightly News	KING 5 News	KING 5 News	Evening	The Voice	"The Blind Auditions, Part 3" (N)			Blindspot "Scientists Hollow Fortune" (N)		KING 5 News	(3:5) Tonight Show	
6	KOIN	(6) KOIN Local 6 at 6	CBS Evening News	Extra	Ent. Tonight	Big Bang Theory	Big Bang Theory	Scorpion "Tech, Drugs and Rock 'N Roll"		NCIS: LA "Command and Control"		KOIN 6 News @ 11	(3:5) S.Colbert	
7	KIRO	(7) KIRO 7 News	CBS Evening News	The Insider	Ent. Tonight	Big Bang Theory	Big Bang Theory	Scorpion "Tech, Drugs and Rock 'N Roll"		NCIS: LA "Command and Control"		KIRO News	(3:5) S.Colbert	
8	KGW	(8) KGW News at 6:00 p.m.		Live at Seven	Inside Edition	The Voice	"The Blind Auditions, Part 3" (N)			Blindspot "Scientists Hollow Fortune" (N)		KGW News at 11	(3:5) Tonight Show	
10	KOPB	(10) This Old House	Business (N)	PBS NewsHour		Rick Steves' Europe Travel Skills	Rick Steves shares the essentials of smart travel.			Rick Steves' Europe Travel Skills	Rick Steves shares the essentials of smart travel.			
12	KPTV	(12) 6 O'Clock News		Family Feud	Family Feud	Gotham	"A Dead Man Feels No Cold" (N)	Lucifer	"Wingman" (N)	10 O'Clock News		11 O'Clock News	Loves Ray	
13	KPDx	(13) Mike & Molly	Mike & Molly	Big Bang Theory	Big Bang Theory	FOX 12's 8 O'Clock News on PDX-TV		FOX 12's 9 O'Clock News on PDX-TV		Law & Order: S.V.U. "Asunder"		Law & Order: S.V.U.	"Taken"	
14	KCPQ	(14) Name Game	Modern Family	Big Bang Theory	Big Bang Theory	Gotham	"A Dead Man Feels No Cold" (N)	Lucifer	"Wingman" (N)	Q13 News at 10		Q13 News	Modern Family	
20	TBS	(20) American Dad	American Dad	Family Guy	Family Guy	Modern Family	Modern Family	Q13 News at 9		Big Bang Theory	Big Bang Theory	Friends	Friends	
22	KZJL	(22) Two and a Half Men	Two and a Half Men	The Simpsons	The Simpsons	Modern Family	Modern Family	Q13 News at 9		Big Bang Theory	Big Bang Theory	Friends	Friends	
29	ESPN	(29) NCAA Basketball	WCC Tournament (L)			SportsCenter				SportsCenter		SportsCenter		
30	ESPN2	(30) NCAA Basketball	SoCon Tournament (L)			Basketball Score.	NCAA Basketball	WCC Tournament Semifinal (L)		College Basketball		Jalen & Jacoby (N)	College Basketball	
31	NICK	(31) The Thundermans	The Thundermans	Paradise Run	Henry Danger	Henry Danger	Nicky/Ricky/Dicky	Full House		Full House		Friends	Friends	
32	DISN	(32) Jessie	Jessie	Austin & Ally	Liv and Maddie	Cloud 9 (2014, Family)	Luke Benward, Dove Cameron.	(4:40) K.C. Underc.		(:05) Best Friends		Liv and Maddie	Bunk'd	
34	FAM	(34) (4:45) *** Harry Potter and the Deathly Hallows: Part 2	(11) Daniel Radcliffe.			The Fosters	"Sixteen" (N)	Recovery Road "Sick as Our Secrets" (N)		The Fosters	"Sixteen"		The 700 Club	
35	FMC	(35) (5:00) Wild Hogs	(:55) ** Wild Hogs	(07, Comedy) William H. Macy, Martin Lawrence, John Travolta.	(45) FXM Presents	** The Brothers Solomon	(07, Com) Will Forte, Will Arnett.	(:50) FXM Presents		The Brothers Solomon	(07) Will Arnett.		War and Peace	
36	LIFE	(36) (5:00) To Be Announced		War and Peace		War and Peace				War and Peace				
38	ROOT	(38) Mariners Access	Mariners Access	Mariners Mondays	"Taijuan Walker" (N)					UFC 163	Jose Aldo and the Korean Zombie headline this event.			
39	F51	(39) NCAA Basketball	Big 12 Tournament (L)			Fox Sports Live With Jay and Dan		TMZ Sports (N)	Best I Heard (N)	Fox Sports Live With Jay and Dan		Fox Sports Live With Jay and Dan		
43	SPIKE	(43) Cops	Jail	Cops	Cops	Cops	Cops	Cops	Cops	Cops	Cops	Cops	Cops	
44	COM	(44) Futurama	Futurama	Archer	Archer	South Park	South Park	South Park	South Park	South Park	South Park	The Daily Show (N)	Nightly Show (N)	
45	HIST	(45) Pawn Stars	Pawn Stars	Pawn Stars	Pawn Stars	Pawn Stars	Pawn Stars	Pawn Stars	Pawn Stars	To Be Announced		(:05) True Monsters		
46	A&E	(46) (5:30) Bates Motel	(:35) Bates Motel "Crazy"			Bates Motel		Bates Motel		Damien	"The Beast Rises" (P) (N)	Damien	"The Beast Rises"	
47	TLC	(47) Dateline NBC	Dateline	"Secrets of the Snake River"		Dateline NBC	"Lethal Weapon"	Dateline NBC	"What Lies Beneath"	Dateline NBC	"Fatal Attraction"	Dateline	"Secrets of the Snake River"	
48	DISC	(48) Street Outlaws	"New Orleans Cookin'"	Street Outlaws	"These Ain't No Saints"	St.Out. "New Orleans: List Busters" (N)		Street Outlaws: New Orleans (N)		Misfit Garage (N)		Outlaws	"Heads I Win, Tails You Lose"	
49	NGEO	(49) The Great Human Race	"Hunt"	The Great Human Race	"Thirst"	Wicked Tuna	"Pissed Off on Pissah" (N)	Tuna "Big Hauls and Downfalls" (N)		The Great Human Race	"Adrift" (N)	Wicked Tuna	"Big Hauls and Downfalls"	
50	TNT	(50) ** Limitless (2011, Mystery)	Anna Friel, Bradley Cooper.			Major Crimes	"Hindsight, Part Three"	Major Crimes	"Hindsight, Part Four" (N)	Major Crimes	"Hindsight, Part Four" 4/5	Law & Order	"The Sixth Man"	
51	USA	(51) *** Jurassic Park (1993, Sci-Fi)	Laura Dern, Jeff Goldblum, Sam Neill.			Better Call Saul	"Amarillo"	Better Call Saul		Better Call Saul		(:05) Colony	"In from the Cold"	
52	USA	(52) NCIS "Up in Smoke" Pt. 1 of 2		NCIS "Till Death Do Us Part" Pt. 2 of 2		WWE Monday Night Raw		Cake Wars "Sesame Street" (N)		Chopped	"Family Food Fight" (N)	Chopped	"Chopped Family Feud"	
53	FOOD	(53) Guy's Grocery Games		Diners, Drive-Ins	"Diners, Drive-Ins	House Hunters (N)	House Hunters	Ellen's Design	"The Finale" (SF) (N)	House Hunters (N)	House Hunters (N)	Tiny House Hunters	Tiny House Hunters	
54	HGTV	(54) Love It or List It	"New Kid on the Block"	Love It or List It		Fast and Furious 6 (2013, Action)	Paul Walker, Dwayne Johnson, Vin Diesel.			House Hunters (N)	House Hunters (N)	Runner Runner	"13 Justin Timberlake.	
55	FX	(55) Runner Runner (2013, Action)	Ben Affleck, Gemma Arterton, Justin Timberlake.			CNN Tonight With Don Lemon		Anderson Cooper 360		Anderson Cooper 360		CNN Tonight With Don Lemon		
58	CNN	(58) The Kelly File with Megyn Kelly		Hannity		The O'Reilly Factor		The Kelly File with Megyn Kelly		Hannity		On the Record		
61	FNC	(61) Shark Tank		Shark Tank		The Profit		The Profit		The Profit		Paid Program	Paid Program	
63	BRVA	(63) Vanderpump Rules	"Bitch Ghost"	Vanderpump Rules	"Beach, Please"	Vanderpump Rules Social (N)		Vanderpump Rules	"Just the T.I.P." (N)	WatchWhat (N)	After Show (N)	Vanderpump Rules	"Just the T.I.P."	
64	TCM	(64) (5:00) *** The Agony and the Ecstasy	(65) Charlton Heston.   *** Moulin Rouge	(1952, Biography) Zsa Zsa Gabor, Suzanne Flon, Jose Ferrer.	(45) *** The Naked Maja	(59) Anthony Franciosa, Amedeo Nazzari, Ava Gardner.				Bizzari	"A Quiet Dog" (N)		Movie	
65	SYFY	(65) (4:00) The Mummy Returns		** The Scorpion King	(02) Kelly Hu, Steven Brand, Dwayne "The Rock" Johnson.	The Magicians	"The Strangled Heart" (N)	Lost Girl (N)		American Rancher	Red Steagall		Product Showcase	
162	RFD	(162) American Rancher	Red Steagall	Horse Master	Inside Reining	Craig Cameron	Rural Eve. News	Rural America "Live"		American Rancher	Red Steagall		Product Showcase	

**HUMP'S**

No reservations, please

**14 OUNCE NEW YORK STEAK & BAKED POTATO \$9.95**

Must present coupon to server. Not valid with other offers.

Guess what day it is!

**It's Hump's Day!!!**

**AT HUMP'S RESTAURANT EVERY WEDNESDAY**

**4-8 PM**

Just 15 min. from the Lewis & Clark Bridge on Hwy. 30

Hump's Restaurant- 50 W. Columbia River Highway Clatskanie, OR. 503.728.2626

**NOW OPEN Friday & Saturday 6am-10pm**