

Board overturns LNG terminal approval

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The Oregon Land Use Board of Appeals on Tuesday overturned Clatsop County's zoning approval of the Bradwood Landing liquefied natural gas terminal, proposed for a site 20 miles east of Astoria on the Columbia River.

The board's remand of the county's decision was on two fairly narrow questions. It was unclear Tuesday how big of a roadblock either could be for the controversial project.

It is not uncommon for LUBA to kick back land-use decisions to county authorities for more work, particularly on a decision as complicated as a natural-gas import terminal on such a heavily used river. At the very least, however, the decision makes it more difficult for the state to move forward with various permitting processes under way for the facility, said Richard Whitman, director of the Department of Land Conservation and Development.

"This certainly makes things murkier than they were before the decision," Whitman said.

The board asked the county to analyze and further clarify two findings in the land-use compatibility statement that it approved last March for Bradwood.

First, the board ruled that the county had adopted an overly narrow definition of the word "protect" when the county determined the project met the requirement to protect traditional fishing areas and endangered species habitat from incompatible development.

Second, the board asked the county to further justify the basis on which it determined the terminal would be a small- to medium-size industrial facility, versus a large one, and thus consistent with the county's land-use plan. The issue of scale has been controversial from the start and could be difficult to resolve, Whitman said.

Columbia Riverkeeper, a conservation group that was the lead petitioner in the appeal, described the decision as a big victory that

would bring state agencies to a halt in processing a number of necessary permits for Bradwood.

Yet the board rejected the majority of the petitioners' complaints, including a raft of substantive and procedural errors alleged by the Columbia River Inter-Tribal Fish Commission.

Bradwood's developer, Houston-based NorthernStar Natural Gas Inc., said it was comfortable with the findings and confident that the county will be able to address them in a timely manner.

On Monday, the state of Oregon asked the 9th Circuit Court of Appeals to overturn federal energy regulators' approval of the Bradwood project. State leaders believe the decision was unlawful because it was made before state permits were granted or a sufficiently rigorous analysis of the project's environmental impacts were completed.