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Gas terminal plan sent back to county for closer scrutiny

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COOS BAY — The prospect of a liquefied natural gas terminal on the North Spit grew a little dimmer on Wednesday when the state Land Use Board of Appeals dealt a major setback to Coos County's approval of the project.

In a convoluted ruling that sided at times with those who appealed the county's decision and in other ways against them, the bottom line is this: County commissioners will be forced to grapple with the massive project again and do a better job of addressing safety, environmental and archaeological questions before it will pass muster with the state.

Any delay threatens the Jordan Cove Energy Project at this point. A new administration in the White House in January could mean a less friendly demeanor toward energy siting by the Federal Energy Regulatory Commission, and there's universal agreement that if there's demand enough for one liquefied natural gas terminal in Oregon, there's only enough for one.

Jordan Cove project manager Bob Braddock didn't return phone calls on Wednesday, but he said in April that the market wouldn't allow more than one terminal in Oregon. Four proposals are in various stages throughout the state right now; the other three are along the Columbia River. The furthest along is at Bradwood Landing, where FERC recently agreed to remove consideration of the project from this week's agenda as a result of pressure from Gov. Ted Kulongoski and Northwest congressional leaders, who have become increasingly vocal critics of LNG siting at that location.

If Bradwood Landing, about 20 miles upriver from Astoria, or any other site got approved first and landed the contracts to build on the Columbia, Braddock said earlier this year, "our project is gone. The need is not great. There's not a need for more than one."

Thus, any delay in the process for Jordan Cove is welcome news to its opponents, who are hopeful that the issues LUBA identified in its remand are too insurmountable to be resolved in a timely fashion.

Perhaps the most significant setback is the state's finding that the county hadn't adequately addressed safety issues at the 170-acre project site; namely, that the terminal would sit atop a sand dune prone to liquefaction in the event of a major

earthquake — a phenomenon similar to the ground turning into instant quicksand — and that it's squarely in the middle of a tsunami hazard zone, which the state Department of Geology and Mineral Industries has expressly advised against, said James Nicita, co-chairman of the Pacific Green Party, which contributed arguments in the LUBA appeal.

LUBA rejected several portions of the hazards argument, but sustained at least part of the case, which will force the county to consider the risk, Nicita said.

“In the 1990s, (the Department of Geology and Mineral Industries) actually recommended to Coos County to zone hazardous facilities away from areas of high earthquake risk,” Nicita said. “Jordan Cove will say there's an engineering solution to everything. We'll see how this all plays out.”

Other key findings held that the county hadn't properly considered the project's impact on wetlands or archaeological sites — issues that will take time to overcome.

“Delay will stop the project, if it lasts until the next administration,” said Randy Prince, one of the appellants.

If not delay, then the hazard issues could be a problem, said Dan Serres, program coordinator for the Friends of Living Oregon Waters, which has helped bolster community opposition to the project.

“Building a hazardous facility on a sand dune in the middle of a tsunami zone raises a lot of red flags (Coos County) didn't address,” Serres said. “The comments were 10 to 1 against this project. Speaker after speaker raised this issue, and the county chose to accept the company's arguments.”

Coos County Commissioner Kevin Stufflebean said he wasn't surprised at LUBA's decision, given the complicated nature of the case and the myriad points of appeal.

“Anytime you have a major project, there always seems to be at least one or two reasons LUBA remands something back to the county for review,” Stufflebean said.

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