



900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

March 3, 2008

MICHELLE RUDD
Direct (503) 294-9390
mrudd@stoel.com

Mr. Mitch Rohse
Clatsop County
Department of Community Development
800 Exchange Street, Suite 100
Astoria, OR 97103

BY EMAIL AND REGULAR MAIL

Mr. E Andrew Jordan
Jordan Schrader Ramis, PC
P.O. Box 230669
Portland, OR 97281

BY EMAIL AND REGULAR MAIL

Re: Bradwood Landing LNG

Dear Mr. Rohse and Mr. Jordan:

Thank you for providing us with a copy of the staff report on the findings. We also appreciate the opportunity provided by Mr. Rohse to address some of his questions prior to issuance of the staff report. We understand, however, that due to time constraints, Mr. Rohse was not able to discuss all of his concerns and suggested edits prior to release of the staff report. In the attached table, we walk through each of staff's comments and provide a response. As to many of staff's comments, we have incorporated the suggested change. As to some of the staff comments, we provide clarification and explanation of why we disagree with the position taken in the staff report or suggest alternate language.

Also enclosed with this letter is a redlined copy of the draft findings, including revisions discussed in the staff report and our response table. We have not run a clean copy of the findings and then corrected the page references in the finding's tables to reference number changes as a result of the edits. We propose that the ministerial "cleaning up" of page numbers on a nonredline version occur after the Board has reviewed the findings, identified the changes to be made, and completed the first reading of the ordinance.



Mr. Mitch Rohse
Mr. E Andrew Jordan
March 3, 2008
Page 2

We will deliver hard copies of these materials to the County offices tomorrow.

Very truly yours,

Michelle Rudd

MR/dlcr

Enclosures

cc (w/enc.): Mr. Ed Wegner
Mr. Gary Coppedge
Mr. Ed Sullivan

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>2. GENERAL ISSUES We identify as “general issues” six areas in the findings, as summarized below. We describe them as “general” because they involve large portions of the document or multiple passages rather than just a word or sentence. Whether these “general issues” require modifications to the draft findings is, of course, for the board to decide.</p>		5
<p>2.1 Quality of Bradwood Landing’s Mitigation Efforts The findings periodically express qualitative judgments about Bradwood Landing’s mitigation efforts, declaring them, for example, to be “state of the art.”</p> <p align="center">* * *</p> <p>We do not assert that the qualitative judgments mentioned above are necessarily wrong. We simply say that Clatsop County lacks the ability to determine whether such statements are accurate, and it need not do so. The most Clatsop County can say about the mitigation effort is that applicant’s submittal of a suitable mitigation plan, as required by a condition of approval, will be sufficient to satisfy applicable county policies and standards. For that reason, we recommend that the qualitative judgments be removed from the findings.</p>	<p>Staff expressed concerns about qualitative statements made in the findings describing the nature of Bradwood Landing’s mitigation plans. We have no objections to describing these statements as Bradwood Landing’s description of its mitigation plan and have proposed edits at pages 41-43 in response to staff’s concern.</p> <p>We also note that although staff has stated that it did not review the plan, the plan was placed in the record and commented upon by parties. We understand that the conditions of approval require submission of a mitigation plan to the County for review. The County has, however, in approving the project, found, based on upon the record, that mitigation is feasible.</p>	40-42
<p>2.2 Approval of Only Two LNG Storage Tanks The staff, planning commission, applicant, and board all agree that the county’s approval of the Bradwood application extends only to construction of two LNG storage tanks, not three.</p>	<p>The additional language suggested by staff is consistent with Applicant’s understanding of the local review process for a third tank, and we have no objection to the suggested edit. In his staff report, Mr. Rohse stated that “there remains a possibility</p>	96

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p align="center">* * *</p> <p>We do not believe that the staff, planning commission, or board ever has found the present application sufficient to justify a third tank. We believe that point ought to be expressed in these findings. We therefore suggest that the last paragraph on page 99 of the draft findings be deleted and replaced with the following paragraph:</p> <p>Some passages in the application materials describe an LNG terminal that would have three LNG storage tanks. Other passages describe a terminal with only two tanks, and space for a third. It thus is unclear whether the application's data and analysis on matters such as noise, air pollution, runoff, etc., pertain to a two-tank or three-tank development. For some variables, the number of tanks may make no difference, but for others, a three-tank development might have impacts significantly different from a two-tank development. We find the evidence in this record adequate to justify approval of an LNG terminal with two tanks. We make no finding regarding the sufficiency of that evidence to justify approval of an LNG terminal with three tanks. If applicant seeks to construct a third tank at some point in the future, applicant must apply for and obtain all necessary permits and approvals from the county, and submit suitable evidence showing the likely effects and impacts of a third tank.</p>	<p>that FERCC could override local conditions of approval. If it did so, a three-tank development might be affirmed in spite of the county's intent to approve only two tanks." Reaffirming the commitment made by Bradwood Landing during the local proceedings (see letter from William S. Garrett to the Board of Commissioners, November 14, 2007 as well as testimony of Paul Soanes before the Board), we suggest adding the following language at the end of the text proposed by Mr. Rohse.</p> <p>"Applicant has committed to the County that it will not appeal the conditions of approval set forth in Table 2 of these findings to FERCC. See November 14, 2007 from William S. Garrett to Board of Commissioners."</p>	

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>2.3 Findings on Draft State Agency Comments on DEIS From the last paragraph on page 130 through most of page 132, the draft findings address preliminary state agency comments on the Bradwood DEIS. There is some question, however, whether such analysis should be in these findings. The findings are intended to present the board's conclusions and reasoning, and the board decided not to consider the preliminary comments from the state agencies. Chair Lee said, "The state made the EIS draft report for FERC and not for the County's process and they [the board] should move forward." Commissioner Hazen agreed "that the county process needed to be followed." The board then voted not to extend its deliberations to allow consideration of final agency comments, due to be finished later in December.¹</p> <p>We note also that the findings regarding the agencies may contain some errors. On page 131, the first sentence declares that a December 3, 2007, letter "makes clear" that "the state" said the draft agency comment document was "incomplete and should not have been released and should not be relied upon." Likewise, the citation at the end of the quoted material indicates the author of the letter was "State of Oregon." The letter in question presumably is the December 3 letter from ODOE's director to Margaret Kirkpatrick. We are not aware of any evidence in the record to indicate that ODOE's director was speaking for the "State of Oregon."</p> <p>We therefore recommend that the first seven paragraphs on page 131, including the paragraph mentioned above, be deleted from the findings.</p>	<p>We have deleted six of seven of the paragraphs referenced by staff. We believe the Board should retain, with clarification as to the author, the letter from the State of Oregon's Department of Energy Director concerning the release of the comments.</p> <p>The staff report states that the Board decided not to consider the preliminary comments from the state agencies. The Board discussed whether or not it would include the draft comments submitted by Columbia Riverkeepers in the record. Material that is submitted into the record and not specifically rejected is part of the record. The county minutes reflect Commissioner Roberts' statement "that it did not matter how the information came to be in the record, what mattered was how much weight they should give the information." Minutes 12/13/07, page 1, lines 36-37. The Board did not exclude the draft comments from the record.</p> <p>Commissioner Lee stated, "that the hearings had been going on for 10 months so far, that the record was open and not much new evidence came in at all, that the state made the EIS draft report for FERC and not for the County's process and they should now move forward." Minutes, page 2, lines 27-30. We believe this statement goes to the decision not to reopen the record. There was no decision to reject the draft comments. Thus, we believe the findings as edited on page 131 accurately reflect the Board's action. ODOE was charged with coordinating state comments to the DEIS. Understanding, however,</p>	<p align="center">127-128</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>Minutes of the Clatsop County Board of Commissioners Meeting of December 13, 2007, page 2.</p>	<p>that the concern expressed by the staff that ODOE's Director may not have spoken on behalf of the state, we have suggested edits to clarify the source of the letter.</p>	
<p>2.4 Mitigation Plan At several places in the findings, language about Bradwood's mitigation plan is ambiguous or conflicting. In some places, such as the first line of the last paragraph on page 136, the applicant's mitigation plan is described as "final." In other places, as on page 135, the plan is discussed in the future tense, as a document that will be submitted for review by staff.</p>	<p>We have inserted this language in the redline with one change: "We recognize that Bradwood Landing's mitigation <i>has been and continues to be</i> reviewed as part of the federal government's development of a draft Environmental Impact Statement..."</p>	<p align="center">133</p>
<p align="center">* * *</p> <p>Staff conferred by telephone with Bradwood legal counsel Michelle Rudd about this issue. She agreed to submit revised wording about the status of the mitigation plan. In a February 15, 2007, email message to Mitch Rohse, she proposed that the following wording be used in the findings:</p> <p>During the County process, Bradwood Landing submitted to the County copies of mitigation plans marked "draft" that Bradwood Landing had submitted to federal regulators. We understand that the August 2007 mitigation plan submitted to the County is in the process of being reviewed by the following governmental agencies: NMFS, USFWS, Corps, EPA, DLCD, ODFW, DEQ, DSL, ODOE, with potential review also by OWRD, ODF, and in WA: Cowlitz County, Ecology, WDFW, and</p>		

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>WDNR.</p> <p>In response to staffs conclusion that it was unable to review a mitigation plan designated “draft”, Bradwood Landing committed to, at a minimum, perform all the mitigation set forth in the plan submitted in August 2007. Bradwood Landing labeled that plan “Final Mitigation Plan.” The “final” label was applied because Bradwood Landing had committed to treat that plan as final for County purposes.</p> <p>The County agrees with the analysis provided by Bradwood Landing establishing that federal and state mitigation standards meet or exceed County standards. We recognize that Bradwood Landing’s mitigation program has been [is being?] reviewed as part of the federal governments development of a draft Environmental Impact Statement for the project and the County agrees with the conclusion in the draft Environmental Impact Statement that it is possible to construct the project with adequate mitigation.</p> <p>Staff concluded, however, that due to time and expertise constraints it was unable to advise the County concerning the consistency of the plan designated “Final Mitigation Plan” with the County’s standards. The County, in approving the Project, finds that solutions consistent with the County regulations addressing mitigation are</p>		

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>possible, likely and reasonably certain to succeed and that it is therefore feasible for the mitigation plan to be developed in a manner consistent with the Clatsop County regulations. Given, however, that staff was not able to advise the Board on the specifics of the "Final Mitigation Plan" submitted at the time of the Board's action in this case, the Board has decided to impose a condition of approval requiring Type IIa review of a Bradwood Landing Mitigation Plan. We understand that subsequent to issuance of these findings, Bradwood Landing will submit to the County for Type IIa review a mitigation plan for the required, detailed review and approval. This plan may incorporate the feedback Bradwood Landing received from federal regulators since August 2007.</p> <p>Staff believes that the above paragraphs accurately describe the status of the mitigation plan and should be inserted in the findings. Note that in the third paragraph, we put the words "has been" in italic, followed by "is being" in brackets. It is our understanding that the federal review has not been completed, so the present-tense wording ("is being") seems preferable. Michelle Rudd indicated via email on February 26 that she agrees with use of the present tense.</p> <p>2.5 Land Use Compatibility Statements (LUCS) Section 28, on LUCS, consists of one paragraph on page 292 of the findings:</p> <p>As part of its consolidated action, Bradwood</p>	<p>In asking for approval of issuance of the LUCS as part of this process, Bradwood Landing has requested that the Board instruct staff to perform the ministerial action of confirming on state agency permit forms that the Project is in compliance with</p>	<p align="center">285</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>Landing requested that the County instruct staff to sign land use compatibility statements for the project. Land use compatibility statements are forms prepared by state agencies which include a place for local governments to sign off, indicating whether the proposed action requiring a state permit or other authorization, is consistent with local land use provisions. If the local government has determined that local land use provisions are met, staff checks the affirmative box and attaches a copy of the underlying decision. Based upon the findings herein, we find the consolidated application to be consistent with the applicable Clatsop County land use provisions and instruct County staff to, upon receipt of LUCs forms from Bradwood Landing, indicate on the form that the Project is in compliance as set forth in the attached findings and attach thereto a copy of this County decision.</p> <p>This is new material that was not in the planning commission's findings. Among other things, this finding instructs staff to respond to all LUCS requests by indicating on the form that "the Project is in compliance" with applicable county land use requirements. We believe that this simplistic directive is too prescriptive and may have unintended consequences. It fails to give staff latitude necessary to respond appropriately to agency LUCS requests ***</p> <p>We therefore recommend that the last clause of the paragraph on page 292 of the draft findings be modified thus: "... instruct County staff to, upon receipt of LUCs</p>	<p>the applicable regulations as set forth in the findings, avoiding serial reviews of the matter the County has been reviewing for over a year. We understand Mr. Rohse to have the same objective.</p> <p>In the LUBA case cited by Mr. Rohse, LUBA found that a general description of the status of the land use application with the County neither affirming nor denying that a project was compatible with the land use program was not a land use decision. Our concern is that state agencies may not process an application where the LUCS does not answer the consistency statement. In an earlier LUBA case concerning the same project (<i>Wolfgarm v. Douglas County</i>, LUBA No. 2006-73 (Sept 2006), LUBA held a LUCS was a land use decision because it was not clear what exception the County relied upon for its conclusion that the LUCS was not a land use decision. With an instruction in these findings to staff to issue the LUCS forms, issuance of the requested LUCS forms by staff will not be a land use decision in this case pursuant to ORS 197.015(10)(b) (A). (Land use decision does not include a decision of a local government that is made under land use standards that do not require interpretation or the exercise of policy or legal judgment.)</p> <p>As you know, land use compatibility statements are required before certain state agencies will process permit applications. We have sought to incorporate</p>	

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>forms from for Bradwood Landing, indicate on the form that the Project is in compliance as set forth in enter the appropriate responses based on the attached findings and attach thereto a copy of this County decision."</p>	<p>a directive to staff to issue the LUCCS because we believe the exhaustive land use proceedings before the County establish that subject to the approval as issued by the Board, the Project is consistent with Clatsop County's land use program. Thus, we proposed staff respond to requests by stating that the Project was in compliance as set forth in the attached findings and provide the state agencies with a copy of the approval, including these findings. Our concern is that without clear direction, staff may feel compelled to set each land use compatibility statement for a public hearing, subject to appeal proceedings, notwithstanding the extensive review already completed or that serial LUBA appeals of LUCCS statements may be filed. To address staff's concern of "unintended consequences," we propose the following:</p> <p>"Project is in compliance as set forth in the attached findings. This LUCCS is completed in this manner at the direction of the Board of Commissioners in Ordinance 08_ and Resolution No. _ . No discretion has been exercised."</p>	<p align="center">301</p>
<p>2.6 Attachment 6 and Excerpts from Draft EIS Attachment 6 (pages 305 to 324) of the draft findings is titled "Text of Comprehensive Plan Amendment." The attachment consists of three pages of text as well as "Exhibit 1" (a map) and "Exhibit 2" (14 pages of material excerpted from the Bradwood draft environmental impact statement (DEIS)). We have three concerns about including Exhibit 2 in the findings.</p>	<p>We disagree with deletion of this attachment and note that the content of the attachment was submitted to the County on November 19, 2007 independent of the DEIS along with excerpts from the DEIS describing pipeline installation.</p> <p>First, to address the confusion concerning factual statements in Attachment 6: The DEIS referenced up</p>	<p align="center">301</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>First, the DEIS was introduced into the record by Bradwood Landing in November, but none of it has been reviewed by staff, the planning commission, or the board. The board's December 13, 2007, deliberations indicated that a majority of board members consider the DEIS (and Oregon state agency comments on it) to be directed toward FERC and therefore outside the scope of the county's review. The board therefore made no findings regarding any of the DEIS material, including the excerpts in Exhibit 2.</p> <p>Second, Exhibit 2 contains several passages regarding the Palomar pipeline (at pages 310, 313, 314, 319, and 322). Many commenters at the public hearings urged the planning commission and the board to consider the Palomar pipeline in their review of the Bradwood application. The county has consistently stated, however, that the Palomar pipeline should not be considered in this application. This is reflected in the draft findings at pages 288-289, which end with these words: "We conclude that impacts on (sic) the Palomar line are not properly considered as part of this application review." [Bolding in the original] Given that strong statement, it seems contradictory to include the above-cited passages on that pipeline in these findings. (Note: the word "on" in the bolded sentence should "of".)</p> <p>Third, we find little material in Exhibit 2 that pertains to the plan amendment. For all of these reasons, staff therefore recommends that Exhibit 2 be removed from the findings.</p>	<p>to 750 workers. This is not inconsistent with the terminal narrative stating that there will be a peak estimated terminal workforce of 526. The draft EIS considers not only the terminal workers, but also considers other elements of project construction such as workers on the 30+-mile pipeline (only 6 miles of which is within Clatsop County.)</p> <p>The statement that approximately three acres of wetlands to the north will be avoided by development is simply a conservative estimate and a note can be added to reflect the more precise number of 4.7 acres if the Board wishes.</p> <p>Staff objects to the inclusion of information from the DEIS because staff states it was not reviewed by staff, the planning commission or board. The DEIS was placed into the record and not rejected by the Board and is properly considered. We disagree that the Board concluded on December 13, 2007 that evidence in the DEIS was, because of its presence in that document, outside the scope of review. Again, the question was the weight to be given to draft state comments submitted into the record by a third party where the Director of the agency in charge of comment coordination stated in a letter that the comments were not final and should not have been released. The Board observed that the document had been prepared for the federal process and that draft state comments on that document that the state, fully aware of the local proceedings, chose not to submit</p>	

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>With regard to the three pages of narrative in Attachment 6 on the plan amendments, we see two lesser concerns. On page 307, in the third paragraph from the bottom of the page (beginning with the word “Further”), the second sentence speaks of avoiding development on “approximately three acres of wetland . . . to the north of the site.” The acreage cited here conflicts with the earlier finding on page 118, which speaks of “4.7 acres of MI zoned wetlands being avoided.”</p> <p>On pages 307- 308, the last paragraph of the plan amendment narrative in Attachment 6 says:</p> <p style="padding-left: 40px;">This change was requested to facilitate a water dependent industrial development on the site. The proposed facility is undergoing federal review and a draft Environmental Impact Statement for the project was prepared. The cumulative impact analysis in the DEIS considered geology and soils, waterbodies and wetlands, vegetation and wildlife, land use, recreation and special interest areas, and visual resources; socioeconomics (economy and employment, housing, infrastructure and public services; transportation and traffic (including road and ship traffic), cultural resources, air quality and noise, reliability and safety. For purposes of this amendment, the County accepts the conclusions concerning cumulative effects set forth in that DEIS and attached in Exhibit 2. [Emphasis added]</p> <p>As we noted above, the county has not reviewed the draft</p>	<p>locally, should not be given significant weight. Bradwood Landing requested in its submissions that the cumulative impact study be incorporated and still requests that the Board do so. After the Planning Commission meetings DLCD advised the County that it did not believe that all zone changes in an aquatic designation are inconsistent with Goal 16 and require a Goal exception. The argument has been made below by Columbia Riverkeepers that consistency with Goal 16 requires a general cumulative impacts analysis (See for example CRK letter of 10-24-07). The analysis in Attachment 6 provides such an analysis.</p> <p>Staff states that the Board made no findings regarding any portion of the DEIS. The detailed findings are, however, made at the March 5 hearing, not on December 13. Further, the Board, on numerous occasions during the December 13 hearing, expressed the expectation that whatever decision they made, that decision would be appealed to LUBA and a desire to make their decision as substantiated as possible. Some opponents including Columbia Riverkeepers have argued that Goal 16 requires inclusion of a general cumulative impact analysis in the plan. We have proposed that the Board respond to this concern by incorporating Attachment 6 into the plan and suggested this action November 19, 2007. If the Board is concerned with the references to the phrase “DEIS” in the cumulative impact study in Attachment 6, it can strike these</p>	

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>EIS. For that reason, we believe the findings should neither draw on the DEIS for evidence nor declare that the county accepts its conclusions. We therefore recommend that the last sentence of the paragraph be deleted.</p>	<p>references.</p> <p>The references to the Palomar pipeline in the Exhibit do not support a different result. The Board has properly concluded that the Palomar is a separate and independent potential project. The purpose of the discussion of Palomar in Attachment 6 is <u>not</u> as part of the Bradwood Landing Development. Palomar remains a separate project with separate review.</p> <p>The Board may limit this language to provide “for the sole purpose of this amendment, the County accepts the cumulative impacts analysis set forth in Exhibit 2.”</p>	
<p>3. DETAILED REVIEW</p> <p>The bolded subheadings for each staff comment below describe the specific page or place in the draft findings toward which the comment is directed. The comments start with the cover page of the findings document and proceed through the document page by page.</p>		
<p>Cover Page, last line –</p> <p>After the board acts, this entry (“February 2008”) should be changed to indicate the day on which the board adopted the findings.</p>	<p>Changed to March 2008.</p>	<p align="center">Cover Page</p>
<p>Page 1, second paragraph –</p> <p>The third sentence mentions that “a commenter” submitted a letter dated December 12, 2007. The paragraph then goes on to respond to issues raised in that letter. Similar references to unnamed commenters appear at several other</p>	<p>Change incorporated.</p>	<p align="center">1</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>places in the findings. It would be helpful to specify the names of such commenters so that they and others reading the findings understand which commenters and comments the findings are responding to.</p>		
<p>Page 3-4, Table 1 – The middle column should be titled “Permits or Approvals Requested” rather than “Permits and Approvals Acted on by Board.” Reason: The board did not act on all permits and approvals listed in that column. For example, the second entry in the middle column describes applicant’s request to consider the proposed concrete batch plants as “water-dependent uses” allowed outright in the MI Zone. The board did not act on that request, however, because it found the batch plants to be “water-related uses” and therefore issued a condition use permit for them.</p>	<p>Change incorporated to add “Board” before action. Name of table column not revised from “Permits or Approvals Acted On By Board” because not all alternative applications requested listed. Concrete batch plant entry corrected to reflect it was reviewed as a conditional use.</p>	<p align="center">3, 4</p>
<p>The third column should be titled “Board Action” rather than “Action.” Reason: Adding the word “Board” would eliminate any possibility of misunderstanding that the specified actions were taken by the planning commission or staff. In the fifth entry in the third column, the word “dredging” should be changed to “dredged material disposal.” Reason: The present wording makes it seem that “dredging” was approved outright, which is incorrect. Rather, it is “dredged material disposal” that was approved outright.</p>	<p align="center">Correction from dredging to dredged material disposal made</p>	
<p>Page 7, first condition listed for Clifton and Bradwood Roads – Following the first word, “Improvements,” insert the word “are.” Reason: The verb was omitted from the sentence. In that same entry, insert the word “All” at the beginning of</p>	<p align="center">Change incorporated.</p>	<p align="center">7</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>the sentence, and delete the final two words, "are approved." Reason: Theses changes would make the sentence match the condition adopted by the board. See condition 1 on page 153.</p>		
<p>Page 9, "ODE" – Change to "ODOE." Reason: "ODOE" is the abbreviation used by the state for its Oregon Department of Energy.</p>	Change incorporated.	9
<p>Page 19, last three sentences of first paragraph in Subsection 1.7 – The sentence that begins "Having found that..." seems to have no subject. It may be that the two sentences are intended to be one and the comma is intended to be a period. We suggest recasting the two sentences to read as follows: The board Having found that, subject to the conditions of approval set forth herein, Bradwood Landing's application satisfies applicable County standards. Staff therefore is instructed to issue the land use compatibility statements for the Project with the applicable land use provisions and attach these Findings thereto. (<i>See also</i> Section 28 of these Findings.)</p>	Change incorporated.	18
<p>Page 19, last sentence on page – This sentence calls for an "emergency clause" to expedite the land use compatibility statements. Legal counsel and staff recommend against the use of an emergency clause in the adoption ordinances. If those ordinances do not contain an emergency clause, then this sentence should be deleted. Reason: The deletion would make the findings consistent with the adoption ordinance.</p>	Change incorporated.	18
<p>Page 21, last paragraph – The paragraph cites "a letter from an engineer" and a</p>	Change incorporated.	20

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>different “engineer’s letter.” These citations, as well as footnote 25, need to be more specific and should include at least a date and the engineer’s name. Reason: Findings are intended to demonstrate precisely which evidence the board relied on in making its decisions. These citations are too imprecise to accomplish that. Also, all evidence “in the record” must have been submitted before the official closing of that record. Without dates, it is unclear whether the letters in question were timely submitted.</p>		
<p>Page 25, next to last paragraph – This paragraph cites “a letter from David Glessner” in response to an “allegation.” It does not specify which of several communications from Mr. Glessner is meant, and it does not describe who made the allegation or when. Such citations lack sufficient detail to serve as adequate findings.</p>	<p>Change incorporated.</p>	<p align="center">24</p>
<p>Page 36, middle of page – Three paragraphs of new quoted material end with the citation, “See Columbia Channel Deepening Web page.” The citation seems too vague. We suggest that the actual URL be cited instead, along with a description of the organization or agency from which the quoted material comes.</p>	<p>Change incorporated with URL citation present in the record. Given that web page sponsor was not requested while the record was open we have not added it to the findings but have provided that information to Mr. Rohse via email.</p>	<p align="center">35</p>
<p>Page 38, last sentence of next-to-last paragraph – The sentence “We believe it does” should be changed to “We believe they do.” Reason: A plural pronoun (“they”) is needed for the plural antecedent (“actions”) in the preceding sentence.</p>	<p>Change incorporated.</p>	<p align="center">37</p>
<p>Page 38, last paragraph, sentence that begins “Pursuant to L1.035” – The quotation marks in that sentence need to be deleted. Reason: The words paraphrase L1.035; they do not quote it.</p>	<p>Change incorporated.</p>	<p align="center">37</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>Page 40, last paragraph – In the long sentence that begins with the words “Disturbance of benthic invertebrates...,” the first two words “Disturbance of ...” should be deleted. Reason: The deletion would clarify that benthic invertebrates are the subject of the sentence, and it would make the sentence grammatical by establishing a plural subject to match the plural verb.</p>	<p>Change incorporated.</p>	<p align="center">39</p>
<p>Page 42, first line of main paragraph in middle of page – The paragraph starts with these words: “Bradwood is proposing to mitigate for unavailable impact at four sites: ... We assume the word “unavailable” was inadvertently used where the word “unavoidable” was intended.</p>	<p>Change incorporated.</p>	<p align="center">41</p>
<p>Page 42, bulleted paragraph at bottom of page – This paragraph starts with the assertion that “Bradwood Landing will go well beyond conventional compensatory mitigation to: ...” We recommend deleting the seven words following “will.” Likewise, in the next paragraph, we recommend that the finding be reworded to remove qualitative judgments about the mitigation “improving” salmon productivity and “overall ecosystem health.” Reason: See discussion of this issue in Subsection 2.1 above.</p>	<p>Suggested modification in redline.</p>	<p align="center">41</p>
<p>Page 45, footnote 36 – The footnote refers to a photograph in Appendix D. We find no photo and no Appendix D in the draft findings.</p>	<p>Made Attachment 8.</p>	<p align="center">45</p>
<p>Page 47, second and third lines – These lines say that Bradwood’s mitigation will occur “at <i>three</i> geographically distinct locations in Oregon and Washington.” Findings on page 42, however, say, “Bradwood is proposing to mitigate for unavailable</p>	<p>This has been edited to clarify that there are four mitigation sites in the August 2007 mitigation plan.</p>	<p align="center">46</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>[unavoidable] impacts at <i>four</i> sites.” As we understand it, mitigation is proposed at Peterson Point; Svensen Island; Hunt Creek; and Delameter Creek (W/A). A fifth site, the Marshland Triangle, is mentioned on page 129 of the draft findings. The findings need to be modified to reconcile these discrepancies.</p>		
<p>Page 53, after the second paragraph – The first two paragraphs on this page discuss the application’s compliance with standards from the county’s estuarine and coastal shorelands element. The rest of page 53 and the first half of page 54 appear to deal with some other subject related to Goal 16. It appears that a heading or perhaps some text has been omitted.</p>	<p>Change incorporated.</p>	<p>52</p>
<p>Page 54, second “Approve” statement at the bottom of the page – We suggest that the sentence be reworded to say “Approve applicant’s request to rezone the turning basin (the 46.4 acres shown as Area 5 in Attachment 4) and amend the Comprehensive Plan as discussed in these Findings, including the attachments and authorize dredging therein.” Reason: Addition of the parenthetical comment will clarify what area and how many acres are to be rezoned.</p>	<p>Change incorporated.</p>	<p>54</p>
<p>Page 58, middle of the second paragraph – Delete the quotation marks after the words “DMMD planning and policies.” Reason: The quotation goes on to include the next sentence, which already has a “close quote” at its end.</p>	<p>Change incorporated.</p>	<p>57</p>
<p>Page 79, last line on the page – After the period at the end of the last sentence on the page, insert a “close quote.” Reason: The quotation ends there.</p>	<p>Change incorporated.</p>	<p>78</p>
<p>Page 80, second line –</p>	<p>Change incorporated.</p>	<p>78</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>Insert the word "ratio" between "v/c" and "is." Reason: The word "ratio" has been omitted.</p>	<p>Change incorporated.</p>	<p>79</p>
<p>Page 80, the first "condition 1," regarding a stop sign – After the words "County Engineer," insert a comma and delete the word "to." Reason: The comma is needed for grammatical reasons. The "to" is superfluous. The two changes together make the condition stated here match the same condition (#4) stated on page 82.</p>	<p>Change incorporated.</p>	<p>79</p>
<p>Page 80, the second "condition 2," regarding vegetation clearance –Replace this wording with Condition 3 on page 82. Reason: These are supposed to be the same condition, but the draft words them differently. The wording of Condition 3 on page 82 is preferable.</p>	<p>Change incorporated.</p>	<p>79</p>
<p>Page 80, next to last paragraph, starting "With the conditions ...:" – Change the second word ("these") to "the." After the next word ("conditions"), insert the words "set forth on pages 82-83 below." Reason: There's some difference between the conditions discussed on page 80 and those officially stated on page 82. This change would help make clear which wording is to prevail.</p>	<p>Board action required.</p>	<p>79</p>
<p>Page 82, condition 2 – One of the conditions recommended by staff and approved by the board in Section 7 (on the park-and-ride lot) was to require a flagger for controlling traffic on narrow Rulysville Road. On page 82 of the draft findings, however, that condition has been replaced by a new one: "2. The applicant shall widen the travel lane on Rulysville Road so that two vehicles can pass." The applicant apparently prefers to widen the road rather than use a flagger, and the staff has no objection to that. The board, however, needs to decide whether it agrees with that.</p>	<p>Bradwood Landing discussed with staff allowing either use of a flagger or widening of the road as opposed to providing only for a flagger.</p>	<p>79</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>Pages 88-89 – The formatting on these two pages does not enable a reader to distinguish between the five county policies quoted there and the finding that follows each. We therefore suggest that the policies be printed in italics.</p>	<p>Change incorporated, with explanation the staff suggested formatting is not in the original quote.</p>	<p align="center">85-86</p>
<p>Page 101, paragraph numbered “3” – The last clause of the sentence seems to be missing some words and probably is not needed. We suggest the sentence be modified to read, “Amend County planning and zoning maps to rezone 5.35 acres from AN to ML, and redesignate the area ‘Development’ and appropriate Comprehensive Plan Amendment to Statewide Planning Goal 16; <i>Estimate Resources, to allow such rezoning.</i>”</p>	<p>Suggest insertion of word “adopt” between “and” and “appropriate” and retain remainder of text.</p>	<p align="center">98</p>
<p>Page 112, second paragraph under “Proximity to Wildlife Refuge” – We suggest deleting the first sentence of the paragraph (“There will be a substantial net gain in habitat function”). We don’t believe the county has made or can make such a finding. See our discussion of this issue in subsection 2.1 above.</p>	<p>Suggest clarifying language.</p>	<p align="center">109</p>
<p>Page 112, first and second sentences under “Salmon Enhancement” – We suggest deleting “that ensures a significant net benefit” in the first sentence and “significantly improves and” in the second sentence. We don’t believe the county has made or can make such findings. See our discussion of this issue in subsection 2.1 above.</p>	<p>Suggest clarifying language.</p>	<p align="center">109</p>
<p>Page 114, fourth bullet – This bullet says, “A very small (0.27 percent) increase in the amount of ML zoned land to be utilized.” Our calculations produced a different result (1.1 percent), so we asked Bradwood how they arrived at the figure. From our email</p>	<p>Changes incorporated.</p>	<p align="center">110-111</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>exchange with Michelle Rudd, we learned that the percentage had not been recalculated to reflect a recent minor change in the acreage of one wetland (from 5.19 to 4.7 acres). Using that more recent figure, the 0.27 percent would change to 1.1 percent. In an email message of February 25, 2008, from Ms. Rudd to Mitch Rohse, Ms. Rudd suggests that the bullet be changed to say, "The increase in used MI acreage is minimal." Staff agrees with that suggestion.</p>		
<p>Page 114, last paragraph, first two sentences and fourth sentence – We suggest that the first two sentences and the fourth sentence be deleted as shown here:</p>	<p>Change incorporated.</p>	<p align="center">111</p>
<p>Staff's expansive reading of the "small to medium" language inappropriately transforms it into approval criteria. The Planning Commission action rejects this approach. The County specifically adopted policies relating the scale of development to the amount of fill. The Project is consistent with those policies. Other issues staff has raised concerning items such as proximity to the wildlife refuge and the scale of the dredging are addressed by other policies the County chose to adopt and are the appropriate mechanism for determining whether the scale of the Project is appropriate. The broader approach suggested results in creation of new criteria and is impermissible. As discussed, the Project is consistent with the applicable policies and therefore consistent with the "small to medium" size narrative language.</p>		

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>Reason: The sentences in question seem inaccurate for three reasons. First, staff did not “transform” the “small to medium” language into an approval criterion. The language in question is an approval criterion — a mandatory policy from the NE Community Plan. Second, the planning commission did not “reject this approach.” In fact, the planning commission discussed the “small to medium size” question at great length and eventually concluded that the proposed development satisfies the policy in question. Likewise, the board also devoted considerable time to the size criterion. Since the planning commission and board both considered project size relevant, a finding that the staff “inappropriately transformed” the small-to-medium wording into an approval criterion seems incorrect.</p>	<p>Change incorporated.</p>	<p align="center">115</p>
<p>Page 118, first complete paragraph, next to last line – The “is” following “terminal results” should be changed to “in.” Reason: to correct typo.</p>	<p>Change incorporated.</p>	<p align="center">115</p>
<p>Page 118, second complete paragraph, first sentence – This sentence says that, “Oregon LNG either does not understand the Project or intentionally misrepresents it.” This sentence should be deleted. Reason: These findings are meant to express what the <i>board of commissioners</i> concludes about the Bradwood application. The board did not discuss Oregon LNG’s understanding of the Bradwood project or evaluate Oregon LNG’s intent, so the quoted sentence seems inappropriate.</p>	<p>Modification suggested to state: “It has not been established that these needs can be served...” Staff suggested below that the existence of the proposed</p>	<p align="center">115</p>
<p>Page 118, footnote 88 – The second sentence of the footnote says, “None of these needs can be served in an economical manner by the Oregon</p>	<p>suggested below that the existence of the proposed</p>	<p align="center">115</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>LNG project proposed in Warrenton, and environmental impacts would increase with the additional pipeline length required.” This sentence should be deleted. Reason: The board did not evaluate the Oregon LNG site.</p>	<p>Oregon LNG facility as a potential site required denial of Bradwood Landing’s application. This finding is responsive to that position.</p>	
<p>Page 119, footnote 89 – Our calculations (4.7 divided by 1.7 acres) suggest that the figure should be 2.76, not 2.5.</p>	<p>As the revised math is not in the record we suggest modifying the language to state at least 2.5.</p>	116
<p>Page 120, last sentence of the large paragraph in center of page – We suggest placing a period after the second “wetlands” and deleting the words “that will provide a net benefit to the estuarine system.” Reason: We don’t believe the board has made or can make such a finding. See our discussion of this issue in subsection 2.1 above.</p>	<p>Change incorporated.</p>	117
<p>Page 121, second sentence of next to last paragraph – The sentence declares that “The existing public police, fire, and medical services will likely rarely be called upon and are adequate to serve the Project.” It is our understanding that the board found some public emergency services to be currently <i>inadequate</i> to serve the project unless they are augmented with additional funding and resources. We suggest that the sentence be modified to add these words at the end: “if additional funding and resources are provided by the applicant.”</p>	<p>Change incorporated.</p>	118
<p>Page 123, last sentence of the large paragraph in center of page – This sentence declares, “Thus, both industrial development and aquatic resources will benefit from the zone changes.” We suggest that the sentence be deleted. Reason: As we have noted in Section 2.1 above, the county is able to determine only whether an application meets applicable</p>	<p>Suggest concluding, “The proposed change will encourage the most appropriate use of land throughout Clatsop County.” This is shown on the redline.</p>	120

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>approval criteria. Its review does not enable it to make broad qualitative judgments about net benefits.</p>		
<p>Page 130, first complete sentence on the page (“Because the …”) – We suggest the sentence be deleted. Reason: It speaks of a “substantial net gain in habitat function.” As we have noted in Section 2.1 above, the county is able to determine only whether an application meets applicable approval criteria. Its review does not enable it to make broad qualitative judgments about net benefits.</p>	<p>This is a quote.</p>	<p>126</p>
<p>Page 136, first line of last paragraph – We suggest deleting the word “final” in the phrase “final mitigation plan.” Reason: See Subsection 2.4 above.</p>	<p>Change incorporated.</p>	<p>132</p>
<p>Page 145, last sentence on page – We suggest that this sentence be deleted. Reason: It repeats information already stated in the first sentence of the paragraph, and it is an incomplete sentence, lacking a verb.</p>	<p>Change incorporated.</p>	<p>141</p>
<p>Page 147, first complete sentence – Add the year “2007” to the phrase “July 16 drawings.” Reason: Bradwood Landing has submitted a large number of drawing and diagrams over a period of several years. Adding “2007” to this phrase would eliminate any possibility of confusion about which drawings are meant.</p>	<p>Change incorporated.</p>	<p>142</p>
<p>Page 151, first sentence of fourth paragraph – This sentence states, “The foregoing provisions of Standards Document Section 6 demonstrate that the basic argument supporting Bradwood Landing’s assertions are untrue.” We are unsure what this sentence was intended to say, but it appears to be missing one or more key words (perhaps “not”). We presume that applicant intended to declare that the provisions of Section 6 “do not demonstrate..that</p>	<p>No change appropriate. County accepted staff’s argument that Table 1 is, absent a variance, applicable to all development.</p>	<p>147</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
Bradwood Landing's assertions are untrue."		
<p>Page 154, first two lines – The "close quote" at the end of the sentence should be placed after the word "Construction." Reason: The quoted title of Chapter S600 does not include the six words at the end of the sentence ("except as provided by County variance").</p>	Change incorporated.	150
<p>Page 168, end of first paragraph under heading "Rulville Road," etc. – The last sentence of this paragraph needs to end with a "close quote."</p>	Change incorporated.	164
<p>Page 171, footnote at the end of "See conditions under Chapter 13" – This footnote ("134") seems to be left over from a "cut and paste" operation. It should be deleted.</p>	Change incorporated.	167
<p>Page 181, third full paragraph, second sentence – The sentence says, "These resource where outlined in detail in Bradwood Landing's letter to Mr. Wegner of October 19, 2007." The third word, "where," should be changed to "were."</p>	Change incorporated.	177
<p>Page 182, first sentence of first full paragraph – This sentence observes that "Clatsop County will not incur any net cost to service the [public safety] needs of Bradwood Landing." We are unsure whether the board made such a finding. It is our understanding that some matters of funding for public safety services are still being discussed. To the extent that all dollar amounts have not been settled, it would seem that no finding about net cost can be made yet.</p>	Change incorporated.	177
<p>Page 192, last sentence of last paragraph – This sentence finds that "the pipeline is not generally a water-dependent use <i>though in some instances it may be.</i>" [Emphasis added] We suggest that the six words beginning</p>	Change incorporated.	188

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>with “though” be deleted and replaced with these words:</p> <p>“though we find that the MI-zoned segment may be considered water-dependent at the point where it connects with the LNG terminal. See Section 19, pages 199-200 for details.”</p> <p>Reason: The current wording in the draft seems ambiguous and likely to raise questions about whether the county may regard the entire natural gas pipeline as “water-dependent.” We understand the staff, planning commission, and board all agree that no part of the pipeline is water-dependent beyond the point where it connects to the LNG facility in the MI Zone.</p>		
<p>Page 229, last line on page – The reference to page numbers 111-130 is no longer correct. The correct page numbers are 121-122 and 281.</p>	<p>Clarification is provided that these references relate to the pipeline narrative and the page references are correct.</p>	<p align="center">223</p>
<p>Page 230, sentence in middle of page beginning “Based on our analysis” – In the bolded passage at the end of the sentence, the word “the” should be deleted from the phrase “we find that <i>the</i> all ordinance provisions...”</p>	<p>Change incorporated.</p>	<p align="center">224</p>
<p>Page 240, first complete sentence “Goal 13” bullet – The number in “Statewide Planning Goal 12” should be changed to “13.”</p>	<p>Change incorporated.</p>	<p align="center">234</p>
<p>Page 253, second complete paragraph from bottom of page – Near the end of the paragraph the word “in” should be inserted before the words “Resource Reports 11 and 13.”</p>	<p>Change incorporated.</p>	<p align="center">247</p>
<p>Page 256, last sentence on page – This sentence suggests that an erosion control plan already submitted by the applicant has been found by the board to</p>	<p>The remainder of the existing sentence establishes that the County is finding erosion control is feasible. Clarification is added by inserting a reference to the</p>	<p align="center">250</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>be in “compliance with applicable standards.” This is incorrect. No erosion control plan has been reviewed by the county or found to be in compliance with applicable standards. In fact, one of the conditions of approval adopted by the board is that the applicant “must prepare an erosion control plan that satisfies all applicable requirements...”² We recommend that the sentence be reworded to indicate that the county has not yet reviewed or approved an erosion control plan.</p> <p>² See condition at bottom of page 257 of the applicant’s proposed findings.</p>	<p>condition requiring submittal and review of an erosion control plan.</p>	
<p>Page 260, end of first complete paragraph – The last four words say “in these consolidated cases.” We are unsure what “cases” are meant. It may be that the applicant means “this consolidated application” or “in the case of a consolidated application such as this.”</p>	<p>Change incorporated.</p>	<p align="center">253</p>
<p>Page 260, last three lines – We suggest that the phrase “a number of hearings” be changed to “two.” We further suggest that the words “two more” be inserted after “October 19, 2007.”</p> <p>Reason: Such changes would make it clear that a total of four public hearings were held, two before the planning commission, and two before the board.</p>	<p>Change incorporated.</p>	<p align="center">253</p>
<p>Page 270, second paragraph – The last sentence of this paragraph declares that the board believes “it has been demonstrated that adequate public services for fire protection, police, emergency medical services, and roads will be available, especially during the three years when the LNG terminal is being built.” We understand the board to have found that adequate public</p>	<p>Added language “as conditioned.”</p>	<p align="center">262</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>services will <i>not</i> be available, and that Bradwood Landing therefore must provide additional resources for certain service providers and also provides its own on-site resources and emergency services. Applicant has agreed to do both. Our concern here is that the quoted passage may inadvertently suggest the board determined that public agencies will have the necessary capacity now without any help from Bradwood.</p>	<p>Change incorporated.</p>	<p align="center">264</p>
<p>Page 271, section on Goal 2 – Unlike several other sections regarding compliance with statewide planning goals, this section has no conclusion. We suggest that a sentence be added simply declaring that “Goal 2 has been met” or “The application therefore complies with Goal 2.”</p>	<p>Changes incorporated.</p>	<p align="center">267 268 269 270 271</p>
<p>Page 274, end of section on Goal 5 – Unlike some other sections regarding compliance with statewide planning goals, this section has no conclusion. We suggest that a sentence be added simply declaring that “Goal 5 has been met” or “The application therefore complies with Goal 5.”</p> <p>We make the same comment with regard to findings for Goal 6 (p. 276); Goal 7 (p. 276); Goal 8 (p. 277); Goal 9 (p. 278); and Goal 10 (p. 278).</p>	<p>Change incorporated.</p>	<p align="center">277</p>
<p>Page 284, first complete paragraph – The next-to-last sentence refers to “impact of fisherman.” We suggest that it be changed to read “impact on fishermen.” Reason: It is the impact of the project <i>on</i> fishermen (plural), not the impact <i>of</i> a fisherman (singular) on the project, that is addressed here. Also, the board may wish to use the word “fishers,” a gender-neutral term, in</p>	<p>Change incorporated.</p>	<p align="center">277</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>place of the word “fishermen.”</p> <p>Page 284, last sentence of third complete paragraph (“The science...”) – The paragraph quotes material concluding that “ecosystem restoration measures” associated with the Columbia navigation channel deepening will “leave the river better than it was before the project.” The next sentence then declares “The same is true here” (presumably of the Bradwood project). We believe that the board cannot make such a finding about Bradwood. The county’s review of the Bradwood application is for the purpose of determining compliance with applicable county policies and ordinances. Although the Bradwood project perhaps could “leave the river better than it was before,” we are not aware of evidence in the record that would enable the board to make such a finding now.</p>	<p>Suggest in redline revision to replace the sentences with the following: “As conditioned, the ecosystem is protected here.”</p>	<p align="center">277</p>
<p>Page 285, fourth paragraph from bottom, beginning “over 99 percent” – There appear to be one or more words missing from the first sentence’s phrase “for the turning basin the area juvenile salmonids frequent.”</p>	<p>Change incorporated.</p>	<p align="center">278</p>
<p>Page 285, last sentence on page (continuing on to p. 286) – This sentence declares that “None of these needs can be served in an economical manner by the Oregon LNG project proposed in Warrenton and environmental impacts would increase with the additional pipeline length required.” Because the county has not reviewed the Oregon LNG project, we do not believe the board can make this finding.</p>	<p>Suggest modification: “It has not been established that these needs can be served...”</p>	<p align="center">279</p>
<p>Page 286, first complete sentence – This sentence speculates that there may be “a risk of contaminated dredge materials” at the Oregon LNG site in Warrenton. Because the county has not reviewed the Oregon LNG project, we do not believe the board can make</p>	<p>Rephrasing suggested.</p>	<p align="center">279</p>

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
this finding.		
Page 292, on Land Use Compatibility Statements – See Subsection 2.5 above for discussion about LUCS.	See prior discussion.	285
Page 296, entry 4 – The “narrative” cited here should have a date.	Change incorporated	289
Page 298, first and only sentence under “conclusion” – The sentence states, “ We conclude that impacts on the Palomar line are not properly considered as part of this application review. ” [Bolding in the original] The word “on” should be changed to “of”. Reason: The subject being discussed is how the Palomar line might affect the county — i.e., impacts <i>from</i> or <i>of</i> the Palomar line.	Change incorporated.	282
Diagram of Property in Attachment 3 – The title of this page is “Diagram of Bradwood Property.” The diagram, however, shows only about a third of the entire 411 acres referred to as “the subject property” or “the Bradwood property” throughout the Bradwood application. We therefore believe a more accurate title would be “Diagram of Bradwood LNG Terminal Site and Surrounding Wetlands.”	Change made on cover page for Attachment 3.	295
Page 320, First paragraph under “Economy and Employment” – The second sentence of this paragraph says, “The Bradwood Landing Project expects to employ up to 750 workers during the peak construction months.” This figure, from the Bradwood draft EIS, is almost half-again as large as the work-force estimate submitted by Bradwood Landing to Clatsop County. For example, Bradwood’s December 12, 2006, <i>Terminal Narrative</i> at page 14 says, “The estimated average daily construction workforce will be 331, and the estimated peak workforce will be 526.” This estimate is repeated on page 12 of the draft findings.	As previously explained, Bradwood Landing believes this attachment should be retained and has suggested narrowing language. The dEIS referenced up to 750 workers. This is not inconsistent with the terminal narrative stating that there will be a peak estimated terminal workforce of 526. The draft EIS considers not only the terminal workers, but also considers elements such as workers on the 30+-mile pipeline (only 6 miles of which is within Clatsop County.)	301

Bradwood Landing Response to Issues Raised in 2-27-08 Staff Report

ISSUES FROM 2/27/08 STAFF REPORT	BRADWOOD LANDING RESPONSE	See Redline Page
<p>For reasons explained in Subsection 2.6 of this memo above, we believe that <i>all</i> of Attachment 6, including page 320, should be removed from the findings. If the attachment is not removed, then the significant difference between a peak workforce estimate of 526 workers (cited on page 12) and a workforce of 750 workers (cited on page 320) must be reconciled.</p>		