


## DR 21-03 MOD Application - Reject

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To: Jacyn Normine <Jacyn.Normine@columbiacountyor.gov>

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 1 attachments (134 KB)

Local Leaders Put All the Cards on the Table.pdf;

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January 24, 2024

Columbia County Board of Commissioners  
Columbia County Courthouse  
St. Helens, OR 97051

RE: DR 21-03 MOD - In the Matter of an application submitted by NEXT Renewable Fuels, Inc. for a Modification of Prior Approval for a previously approved Site Design Review and a Conditional Use application for a proposed railroad branch line in the Primary Agriculture (PA-80) zone.

Dear County Commissioners:

I urge you to reject DR 21-03 MOD.

In the Columbia County Chronicle and Chief Newspaper article, dated January 17, 2024, page A4, Viewpoints Section, titled "Local Leaders Put all the Cards on the Table" the opinion piece lists many substantial reasons why you should reject this modified application. I link the online article for submission into the record: [https://www.thechiefnews.com/opinion/column-local-leaders-put-all-the-cards-on-the-table/article\\_22b4a768-b64a-11ee-bb53-0320c0037541.html](https://www.thechiefnews.com/opinion/column-local-leaders-put-all-the-cards-on-the-table/article_22b4a768-b64a-11ee-bb53-0320c0037541.html). I also attach a pdf copy of the publication.

Port Westward land mass has many environmental issues which have been neglected and glossed over for decades. I urge you to learn more about the history of pollution, excessive development costs over time and projects that have failed because they were not a good economic project for Port Westward.

Best regards,

Paulette Lichatowich  
P O Box 535  
Columbia City, OR 97018

## **Column: Local leaders put all the cards on the table**

- Brandon Schilling Chronicle & Chief Guest Column  
Jan 19, 2024 Updated Jan 21, 2024

Something I learned about conflicts growing up is that once your opponent resorts to name calling, they've revealed a weak spot or a clear lie in their defense. Basically, everyone becomes aware that an unshakeable truth has been illuminated.

Concerned citizens of Columbia County were blatantly disrespected by commissioners Garrett and Magruder at last week's rail yard hearing, with Magruder comparing the opposition to uneducated children whose negative outlooks on life informed testimonies that, in Garrett's opinion, were a "waste of time." This is not leadership, but rather a dismissive attitude that is astonishing and insulting, when dozens of people testified against NEXT's massive proposed rail yard. Many who spoke had studied the application and cited land use code. They know the project and live very close to the proposal. These folks have farms, businesses, and homes: they will breathe the diesel fumes, deal with the delays, and see their water and land polluted. Commissioners should be ashamed.

On the contrary, it could be said the real waste of time was wading through NEXT's doled out scripts that had nothing to do with the "applicable criteria" of the hearing. NEXT's opposition (who have outnumbered supporters at nearly every hearing, on the record) was there to talk about a rail yard. NEXT was there to parrot yet-realized promises of green jobs and economy. This wasn't the first time they've derailed a hearing with testimony, then being excused to their jobs and families, as if our jobs and families were just fine on hold while listening to "erroneous" testimony.

Elected officials and community leaders should welcome criticism and thoughtfully disprove it if incorrect, using facts, not emotions. To date, instead of remedy for our concerns, county staff and commissioners

Magruder and Garrett gas-light and dismiss. We've yet to experience a public process that actually arrives at the truth (save the Land Use Board of Appeals' reversal), with follow up and accountability to final findings and remedies. This was exactly our criticism that provoked such an unfriendly response from commissioners Magruder and Garrett, Deborah Hazen, Betsy Johnson and the usual local economic promoters of heavy industry over existing local agricultural businesses. Speaking of gas-lighting, let's unpack Deborah's latest rebuttal.

Smears like: "baloney," "hysteria," "NIMBY," and "paranoia," clearly reactive and emotionally based, were slung at well-educated, expertly experienced citizens who have meticulously crafted concerns within the "applicable criteria." In reality, Deborah is the one pandering untruths.

The strangest and most inaccurate dig was "anti-job-activists," with a jab at the Clatskanie Food Hub and Farmers Market.

Did you know that the Clatskanie Farmers Market (CFM, which includes the Clatskanie Food Hub) is on track to achieve nearly \$400,000 in direct to producer sales in 2024, 100% of which is going back into the pockets of locals. This past year CFM served and expanded over 80 agricultural enterprises, including the facilitation of five brand new businesses, and experienced \$220,000 in producer sales, that's 183% growth in one year. This is the project Deborah diminishes, yet has not patronized, all while preaching about the local economy. CFM's offerings are more than competitively priced with big box stores (and sometimes lower) and are made further affordable through food assistance programs. State agencies recognize the purchasing of food in the North Coast is a billion-dollar industry that is currently depending on 90% importation. That's a lot of potential being shipped out of our region. Thus, dedicated customers are walking the talk and have the long-term vision to see how vital a functional local food system is to a prospering community and county.

These projects, only in their infant stages, are mere cornerstones of what is possible, and never claimed to be the end-all-be-all for Columbia County. If a small, local, citizen-led closet-of-a-grocery-store in little ol' Clatskanie can experience such success, then each community in Columbia County could likely do the same. Scappoose and St. Helens' grocery sales alone could bring us into the millions annually not factoring shoppers coming in from bordering communities like Portland. It's hard to extrapolate the snowball potential without feasibility studies (something leadership should encourage), but consider the entire food system of aggregation, distribution, value-added processing, restaurants, schools, hospitals, and on. Billions, if we do it right. That's a lot of quality, life-giving jobs that impact other issues like drug addiction, homelessness, chronic illness, mental health, food accessibility, and any other challenges that strain our community services and citizens. Additionally, this strategy aligns strongly with regional emergency preparedness strategies, so why are elected officials resisting?

Imagine further if these county leaders actually shopped at local food hubs or put half as much energy into this existing enterprise with proven success and well-documented potential, as they do into taunting and dismissing their neighbors while chasing imaginary money promised by questionable business people with poor track records.

Furthermore, if local leadership hadn't allowed our thriving agricultural economy to deflate to 90% importation and thousands of acres of contaminated, abandoned hybrid tree farms surrounding Port Westward, (PW) we might not be having this conversation. Sorry, but calling PW and the surrounding area "swampland" while claiming it was only agriculturally focused for thirty years between diking and industry is about as far from reality as you could get. Just ask the indigenous peoples whose history and ongoing advocacy for the Estuary tell a beautiful story of working in harmony with the natural cycles and abundance of the lowlands. Also ask the long list of settlers who nicknamed the area the "prairie" and took advantage of the rhythms of

that same productivity. In actuality it was war and industry that were the short-lived interruptions to what was a vital landform for far more generations than the five generations of Hazens from the area.

Farmland is increasingly disappearing to industrial and urban destruction, with private and corporate land grabs gobbling up what's left. Those who oppose NEXT also oppose DSL's demand for 450 acres of wetland mitigation, with the most outspoken opponents being the farmers and homesteaders who live around Port Westward, some of whom manage the drainage system. Why on Earth would we want human-made wetlands in a district designed (partially by Magruder's father) to pump water out? Deborah's comments regarding returning valuable, productive farmland to "swampland" echoes comments made by Magruder during the Clatskanie town hall meeting between surrounding PW landowners and NEXT regarding the proposed mitigation site. During that meeting Magruder explicitly stated "Well it was all swampland before the dikes went in, why does it matter if it is returned to swampland?" Ironically, Magruder was also part of an invite-only meeting with a conglomeration of Columbia County representatives on September 19, 2023 plotting to fund and file an appeal on the new FEMA regulations which would have pretty much ended industrial development in low-lying lands. We can only assume that Deborah's opinions regarding wetlands match Magruder's: displace farmers and turn farmland into wetlands, and then destroy wetlands to create more heavy industry, air pollution, and water pollution in one of Columbia County's prime farming areas recognized by the Oregon Agricultural Trust as a "top investment zone." Regardless, major safety concerns about NEXT's proposed mitigation project could have severe impacts on the local drainage system. The people who manage the system say that both the rail yard and the mitigation will cause harm by ignoring ongoing structural concerns with the dikes.

Furthermore, DSL lacks the personnel, experience, scope, mandate and ability to review levees for structural integrity regarding the protection of

industrial and agricultural developments. DSL is only authorized and funded to review wetlands, and in fact, if one were to read their website (as well as the DSL mitigation proposal for NEXT) they would clearly see that DSL prefers the levees to be removed completely as natural water flow is the only way to satisfactorily recreate wetlands. Additionally, DSL admits that the proposed refinery site within the Beaver Drainage Improvement Company's (BDIC) district is unlikely to succeed due to the artificially regulated water levels. In short, DSL is aware of the levee's non-certification for protecting industry, and benefits from it.

Deborah understands the maintenance of the levees is undertaken by the BDIC, but does she know the impacts from industrial activities have already introduced serious, well-documented problems with the levees? Heavy traffic from multiple gas line installations and construction at Port Westward has substantially altered the levee profile to the point it has become non-certifiable. Additionally, construction of the much-touted "Hermo Road Mitigation Site" at Port Westward seriously undermined the levee and continues to endanger everyone. Attempts to resolve these issues with industry and the Port have been met with stonewalling, shifting blame and outright denial even in the face of overwhelming evidence from the BDIC and United States Army Corps of Engineers (USACE). In spite of these challenges, the BDIC has spent years and tens of thousands of dollars attempting to resolve these issues and pave a path forward. Ironically, the greatest hindrances to the certification process are those it would benefit almost exclusively: Industry.

Even if the levee system were fit, the issue of compatibility remains, which NEXT is attempting to skirt using two different applications for their rail yard, applying for a "branch line" going across Primary Agriculture-80 separately from the over three miles of parallel tracks for rail car sorting. There are two applications, but there is only one rail yard - a rail yard that was never part of the original industrial site proposal or permitting, thus has never been assessed for impacts. Nevertheless, county staff is encouraging minimal oversight under the guise of "prior

approval.” Separating these obviously connected tracks is like selling a house without a front door, or building a freeway without onramps. Additionally, cramming their railyard onto the industrial site breaks compliance with buffer zone rules, something county staff has yet to acknowledge.

One might wonder why over three miles of track is required. It’s because NEXT cannot proceed with the refinery without rail access to feedstocks. Gene Cotton, president of NEXT, is on the record discussing 100+ car unit trains, or “jumbo-manifest” if you prefer more comfortable semantics. Shockingly, NEXT’s application states a maximum of 311 rail cars to their facility per week, “excluding return cars”, which is a sneaky way of saying up to 622 rail cars per week. Look out South County, and heads up Rainier, your mayor spoke in favor of NEXT. This was one of the questions to answer at last week’s hearing, drawing a long pause from the applicant’s lawyers, on the record.

Further misleading information surrounding NEXT’s feedstock is the comparison of Memorandums Of Understanding to “agreements.” MOU’s are not agreements. Investors are blunt in clarifying they are not even agreements for agreements. Look for yourself at their most recent SEC filings. NEXT and their supporters have misled the public and county commissioners.

Here’s the truth: we don’t want virgin seed oil crops (questionably worse than fossil fuels depending on sourcing and practices), and we don’t want fossil fuels. We want wiser systems that demand less energy first and foremost, like local food systems and small scale agriculture for example. In general, quality over quantity. Otherwise we face Jeavon’s Paradox, humanity’s apparent inability to capitalize on efficiencies that could result in less consumption.

We also want to clean up our massively contaminated natural resources. PFAS, glyphosate, nanoplastics, and countless other toxic chemicals blanket our soils and waters. Deborah believes in federal, state, and county agencies to uphold the law, but has she ever heard of “industry capture,” the revolving doors of industry and regulators at every level? If these agencies were so effective would our planet and its people be so polluted? Forestry aerial spraying, chemically-laden mill waste water dumping, and billowing VOCs from riverbank industry (to only name a few) have deadened ecosystems, contaminated food and water, and ultimately wind up in the breast milk and tissues of humanity, on the record. With such mighty regulatory agencies and “state of the art” medical systems, one might wonder why we and our planet are so sick these days.

NEXT is conveniently a hair’s width away from the highest level “Title 5 polluter,” a fine line to walk, and a real stretch to say “the potential emissions meet health risk standards for the community and do not require additional controls to be protective of public health.” NEXT’s air permit will allow it to emit 99 tons of emissions per year, just shy of the 100 tons that would require it to take additional measures to protect public health.

These are the harsh realities my generation is faced with in wrestling to raise the next generation. NEXT and their supporters would have you believe we are conspiracy touting heretics trying to crush their livelihoods and any hope for our county. That’s sad, because it’s quite the opposite.

On that note, I’m proud that our county is known for sending union workers all over the state of Oregon. That means we’re supporting our neighbors and our state economy in a very specialized way. This certainly supports local resilience as well. If that is not the lifestyle union workers want, perhaps due diligence was in order, or a conversation with their



union recruiters about the truth. Honestly, it doesn't seem like a sustainable business plan to think you could have an entire career of local construction in this day and age and in a rural and sprawling county.

Besides, whoever said a burgeoning local food system wouldn't need construction unions?

On a final note, because the desire to be "clean energy leaders" seems pervasive and strong amongst this demographic: a true leader looks at the whole situation and understands it's not about generating more energy, but rather using what we have more wisely. That doesn't mean returning to the stone age. It means capitalizing on efficiencies to decrease consumption once and for all.

For anyone, including Deborah, Betsy, Commissioners Magruder and Garrett, who might care for more meaningful conversation on any of these subjects, the door is always open with a hot cup of tea or coffee and a friendly welcome because that's what building community is all about.

*Brandon Schilling, a citizen of Columbia County, not affiliated with any organizations*