

Columbia County
Land Development Services
Attn: Planning
230 Strand Street
St. Helens, OR 97051

Submitted via email to: planning@columbiacountyor.gov

January 9, 2024

Columbia County Board of Commissioners:

Please accept the following comment submitted by the undersigned 238 people. Signatures to this comment petition were gathered through Columbia Riverkeeper's website, and they are compiled in the attached document.

The Commission should deny NXT's request to build miles of new rail track at Port Westward. NXT (formerly NEXT) initially promoted its refinery with a commitment not to use frequent, long trains to bring in feedstock for the refinery. The rail yard is a major bait-and-switch with significant negative effects on the community and local farms.

The portion of the proposed rail yard that goes through agricultural land would not be a "branchline." LUBA rejected this argument, and NXT still proposes a large rail facility that will bring in 100-car trains to Port Westward, violating NXT's earlier commitments not to use long trains.

NXT has also failed to obtain permission to alter drainage systems controlled by the Beaver Drainage Improvement Company (BDIC). Accordingly, the applications are premature, and the Commission should not waste its time approving a speculative land use application. Additionally, the permit applications submitted by NXT appear to conflict with other permits received by NXT, most importantly the permit renewed by Department of State Lands in 2023. The maps in the Land Use permit applications must be consistent with the DSL permit, and they are not.

The proposed applications conflict with the County's land use rules, and the applications fail to consider relevant local impacts. Instead, NXT is dodging issues related to the rail yard, such as impacts to farming, water resources, and land uses in the area, by relying on previous decisions. The prior review and approval of the refinery facility did not include consideration of the rail in its new proposed location, and so NXT must provide specific analysis about the rail-related impacts on local resources and land uses. LUBA denied a separate approval for the rail yard in 2022, and so the overturned approval should not be

relied upon to judge the impacts of the rail yard. Multiple miles of rail tracks are a change in scope and intensity, both.

In summary, NXT has failed to show that the “potential impact upon the area resulting from the proposed use has been addressed and any adverse impact will be able to be mitigated,” as required by the County’s rules.

Please listen to the members of the community with decades of experience living and working at Port Westward. They understand the implications and impact of NXT’s proposed rail yard better than the Houston-based company that is actively working to break its promise to the community.

Sincerely

The many signers of this letter provide a strong indication that there is deep, widespread concern about NXT’s impact on the community at Port Westward. Many added short comments of their own to the form comment above. Those are included in the attached table.

Thank you,

Dan Serres, Advocacy Director, Columbia Riverkeeper