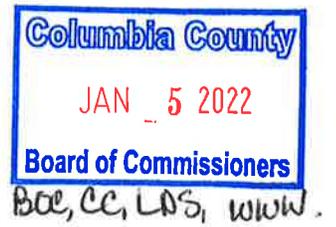


## Evidence to contribute to the NEXT Renewable Fuels

Save Port Westward <saveportwestward@gmail.com>

Wed 1/5/2022 10:30 AM

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



**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Thank you for curating all pertinent information regarding the NEXT Renewable Fuels project. We are grateful to have a space for all perspectives to be heard. Please find our library of resources attached to this email intended for curation. Additionally, here is a link to our city council presentation which can hopefully be curated as well: [Clatskanie City Council hears about NEXT Renewable Fuel proposal](#)

regards,  
Save Port Westward

**BEAVER DRAINAGE IMPROVEMENT COMPANY, INC.**  
**P.O. Box 201**  
**Clatskanie, OR 97016**  
**Email: [ajvelke@yahoo.com](mailto:ajvelke@yahoo.com) Telephone (360)751-8778**

**Application for Permit No: NWP-2020-383**

To whom it may concern:

We, the Beaver Drainage Improvement Company(Drainage Company), are writing to you in regards to the request for public comment on the Application for Permit number NWP-2020-383 by NEXT Renewable Fuels Oregon, LLC(NEXT). After extensive review of the proposed Permit we have the following comments to submit.

**Background**

Beaver Drainage District was created in 1915 for the express purpose "to reclaim said lands and acreage and protect same by one system of drainage, from the effects of water, for sanitary and agricultural purposes.....and to prevent overflow from flood waters and to regulate the rise of the level of the subsurface waters thereof". The system underwent several upgrades over the decades, with the last being in the late 1970s. In 1994, under authority of ORS 554.375, District landowners voted to dissolve the District and to reorganize as the Beaver Drainage Improvement Company, a public corporation under Oregon law, with authority to carry on the District's flood control, drainage, and irrigation functions in the same manner as permitted drainage districts under ORS Chapter 547. Article IV of the Drainage Company's Articles of Incorporation, filed May 13, 1994, states, "The particular lands to be improved by the works of the corporation are the same lands formerly included within the boundaries of the Beaver Drainage District."

Additionally, the Drainage Company delivers water to landowners for the irrigation of more than 2,700 acres within its service area. Under Certificate 83174 issued to its District predecessor, water is directed southward to Drainage Company lands for use on specified lands lying within Township 8 N., Range 4 W., W.M. Certificate 83174 is an irrigation-only water right; it does *not* expressly allow "wetland enhancement" or specialized purposes of use for which water rights may be authorized under Oregon law. The below-discussed Mitigation Site lies entirely within Certificate 83174's authorized place of use.

Commercial agriculture dominates within the Drainage Company's service area, as it has since its creation in 1915. Additionally, there are a handful of commercial/industrial operators, whose operations do not impair the operation of the Drainage Company or its farming members.

**The Mitigation Plan**

The proposed Next Fuels Facility is located within the Drainage Company and entirely inside the dike. As acknowledged in the Application, most of the project site is used by Drainage Company landowners for agriculture and pastureland purposes, with mint fields to the north and west and a tree farm to the south. The Mitigation Plan is intended to mitigate for Facility impacts on agricultural lands, including the permanent removal of 117.64 acres of wetlands, in the form of claimed "enhancements" to non-jurisdictional "wetlands" and waterways at a mitigation site located approximately one-quarter mile south of the Facility.

The proposed mitigation site comprises approximately 590 acres of Drainage Company lands proposed to be acquired by NEXT Fuels, within specified portions of Sections 27, 28, 33, and 34, Township 8 N., Range 4 W., MW (the "Mitigation Site"). Under the Application, Next fuels proposes to offset permanent wetlands impacts by fundamentally changing Mitigation Site hydrology and function by, among other measures:

- Filling approximately 26,800 linear ft. of the existing Mitigation Site drainage ditches operated by the Drainage Company.
- Creating "dendritic" channels throughout the Mitigation Site, intended to mimic naturally occurring channels found elsewhere in Lower Columbia sloughs.
- Digging shallow pools for potential reproductive habitat for amphibians and other aquatic wildlife.
- Roughening Mitigation Site surfaces for diversification of surface hydrology and resultant vegetation.
- Creating upland buffer zones along public access paths between Mitigation site wetlands.

In order to accomplish the above measures, the Mitigation Plan envisions the overall lowering of Mitigation Site surface levels, together with construction of an extensive network of onsite dendritic channels. Excavation will be as deep as six feet at some locations, with net elevation reduction averaging one and one-half feet across the Mitigation Site. In connection therewith, approximately six to 12 inches of topsoil will be removed sitewide.

#### **Comments**

- The Mitigation Plan is not an agricultural usage per ORS 215.203. The Drainage Company can only provide drainage and irrigation for agricultural and sanitary purposes per its bylaws, articles of incorporation and the specific tenants upon which it was formed. Since the Drainage Company cannot service the land under the Mitigation Plan, the Drainage Company may be unable to assess the per-acre rates necessary for the operation of the drainage, irrigation and levee system. This would severely curtail the ability of the Drainage Company to perform its duties and maintain the system and will force other landowners to bear an unreasonable financial burden to offset the lost assessments. If the Drainage Company is unable to maintain its operations, flooding of septic systems within the Drainage Company Boundaries would be catastrophic to water quality in the entire area.
- The Mitigation Plan proposes to fill in 26,800 linear feet of irrigation and drainage ditches within the Drainage Company boundaries. And while the Mitigation Plan asserts that hydraulic capacity will be maintained in at least certain ditches appurtenant to the Mitigation Plan Site, the ultimate consequences of radically restructuring drainage facilities cannot be accurately predicted without a comprehensive study of Mitigation Plan Site hydrology, including particular irrigation and drainage requirements at particular locations throughout. Per ORS 547.305-310 and 547.405, the Drainage Company has the sole authority to alter these works and has decided not to allow these alterations as they will significantly impact the drainage and irrigation water flows to the agricultural lands within the Drainage Company system.

- The purpose of the Mitigation Plan is to re-configure internal drainage to impede water movement, and create a series of shallow waterways and shallow ponds for habitat within the Mitigation Plan Site. This stagnation of water will promote disease and bacterial growth which will have significant adverse operational and financial impacts to other agricultural operations(including cattle, blueberries and mint) within the Drainage Company system who must abide by the provisions of the Food Safety Modernization Act.
- The conditions created under the Mitigation Plan will be ideal habitat for many agricultural pests in the area including(but not limited to) cutworm, armyworm, European Winter Cutworm, symphilons, strawberry root-weevil, slugs, rodents and mites. Additionally, the Mitigation Plan Site will also create a huge bank of seeds which will be transported via air, water and animals into neighboring fields. Per DSL regulations, no spraying or control will be allowed on the mitigation site, essentially creating a massive host site for agriculturally damaging weeds and pests. Per NEXT at the October meeting with the Drainage Company: "it is impossible to contain these to the Mitigation Plan Site" and thus agricultural operators would be burdened with significantly increased pest and weed pressures. This will significantly increase control costs and force neighboring operations to drastically alter control methods in order to maintain their viability.
- An identical, smaller scale mitigation project located in the north-east corner of the Drainage Company boundary highlights these concerns as adjacent operators are now battling weeds that were never before encountered and for which no registered treatment methods exist for the crops being raised. Additionally, after the construction of this mitigation site, significantly increased water flows from that area have been noted by both adjacent agricultural operations and Drainage Company personnel. This was further confirmed by NEXT in the September 30 meeting with the Drainage Company where they acknowledged that Sue Boyle(their specialist periodically monitoring the mitigation site) had noted increased water flows during her inspection in early 2021.
- The proposed staging area for construction materials for the Plant Site will potentially require altering Drainage Company infrastructure in order to access the Plant Site. No discussion on this issue has taken place. The Drainage Company cannot approve any alterations without assessing the impacts to the Drainage Company System and surrounding lands.
- Previous landowners of the proposed Mitigation Plan Site adjacent to Hermo Road utilized the site as a garbage dump for many years. A complete contamination investigation must be performed and cleanup provided as necessary to prevent damage to surrounding landowners and Drainage Company infrastructure from potentially harmful substances which would be uncovered as part of the Mitigation Plan construction.
- The Port Westward Industrial Park is located within a liquefaction zone with no bedrock existing for stabilizing construction. Previous projects have encountered serious difficulties obtaining stability and meeting foundation load criteria. Furthermore, the Plant Site is located immediately adjacent to some of the deepest peat soils in the Drainage Company boundaries which will make construction of the plant even more difficult. The combination of these issues are of grave concern to the Drainage Company as the Plant Site has a significant chance to become unstable during an earthquake, jeopardizing Drainage Company property and potentially contaminating surrounding agricultural lands. Additionally, primary power generation plants(considered critical infrastructure for the entire west coast) near the Plant Site could be affected as a result of catastrophic failure of the Plant during an earthquake, further jeopardizing the ability of the Drainage Company to operate their pumps and also impacting the entire west coast power grid, resulting in water quality concerns reaching far beyond the Drainage Company boundaries.
- Per ORS 215.296, the Drainage Company, as the Local Governing Body over the lands within its boundaries, has the ability to deny any land uses which will significantly impact the financial or operational conditions of agricultural operations within its boundaries. The Drainage Company board will not approve the Mitigation Plan due to the afore-mentioned impacts and therefore the Application for Permit number NWP-2020-383 is invalid and should not be approved by the USACE.

## **Conclusion**

In summary, the Beaver Drainage Improvement Company objects to NEXT Fuel's Application – and particularly to the Mitigation Plan – on the grounds that wholesale changes to the Drainage Company's essential drainage, flood control, and irrigation infrastructure within the Mitigation Site will adversely impact water resource quality under the Drainage Company's operational control and violate the agricultural nature of the system. Additionally, cumulative impacts to the agricultural operations within the Drainage Company's boundaries would force significant and costly burdens upon the other shareholders within the system and result in potential contamination of both surface water and food products.

Further, NEXT Fuel's proposed Mitigation Site changes are inconsistent with the Drainage Company's power and authority under ORS Chapters 215, 447 and 554, as well as under its charter documents and recorded easements.

Finally, the Mitigation Plan's proposal to "reconvert" currently farmed lands within the Mitigation Site to jurisdictional wetlands is antithetical to the best interests of the Drainage Company and its agricultural landowners and the integrity of the levee system and water quality as a whole.

Despite the above-described risks and uncertainties, we would welcome NEXT Energy as a valued industrial partner within the overall Drainage Company operations area. Unfortunately, unless and until those risks and uncertainties can be alleviated with sufficient certainty, the Drainage Company cannot support the Application as presented, and in fact fully intends to deny the Mitigation Plan due to the impacts to Drainage Company infrastructure and surrounding agricultural operations.

We very much appreciate your consideration of the Drainage Company's concerns in this case. Please feel free to contact me or my fellow Directors, if we can provide any additional information concerning the Drainage Company's rights, duties, and operational functions within the proposed Mitigation Site under the Application.

Very truly yours,

**Beaver Drainage Improvement Company**

Warren Seely, President/Secretary

Encls.

cc: (via email)

Mr. Tim Keranen, Beaver Drainage Improvement Company Director  
Mr. Truett Stolzenburg, Beaver Drainage Improvement Company Director

**BEAVER DRAINAGE IMPROVEMENT COMPANY, INC.**  
**P.O. Box 201**  
**Clatskanie, OR 97016**  
**Email: [ajvelke@yahoo.com](mailto:ajvelke@yahoo.com) Telephone (360)751-8778**

**Application for Permit No: NWP-2020-383**

Dear Mr. Brock,

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**Background**

Beaver Drainage District was created in 1915 for the express purpose "to reclaim said lands and acreage and protect same by one system of drainage, from the effects of water, for sanitary and agricultural purposes.....and to prevent overflow from flood waters and to regulate the rise of the level of the subsurface waters thereof". The system underwent several upgrades over the decades, with the last being in the late 1970s. In 1994, under authority of ORS 554.375, District landowners voted to dissolve the District and to reorganize as the Beaver Drainage Improvement Company, a public corporation under Oregon law, with authority to carry on the District's flood control, drainage, and irrigation functions in the same manner as permitted drainage districts under ORS Chapter 547. Article IV of the Drainage Company's Articles of Incorporation, filed May 13, 1994, states, "The particular lands to be improved by the works of the corporation are the same lands formerly included within the boundaries of the Beaver Drainage District."

Additionally, the Drainage Company delivers water to landowners for the irrigation of more than 2,700 acres within its service area. Under Certificate 83174 issued to its District predecessor, water is directed southward to Drainage Company lands for use on specified lands lying within Township 8 N., Range 4 W., W.M. Certificate 83174 is an irrigation-only water right; it does *not* expressly allow "wetland enhancement" or specialized purposes of use for which water rights may be authorized under Oregon law. The below-discussed Mitigation Site lies entirely within Certificate 83174's authorized place of use.

Commercial agriculture dominates within the Drainage Company's service area, as it has since its creation in 1915. Additionally, there are a handful of commercial/industrial operators, whose operations do not impair the operation of the Drainage Company or its farming members.

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The proposed Next Fuels Facility is located within the Drainage Company and entirely inside the dike. As acknowledged in the Application, most of the project site is used by Drainage Company landowners for agriculture and pastureland purposes, with mint fields to the north and west and a tree farm to the south. The Mitigation Plan is intended to mitigate for Facility impacts on agricultural lands, including the permanent removal of 117.64 acres of wetlands, in the form of claimed "enhancements" to non-jurisdictional "wetlands" and waterways at a mitigation site located approximately one-quarter mile south of the Facility.

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In order to accomplish the above measures, the Mitigation Plan envisions the overall lowering of Mitigation Site surface levels, together with construction of an extensive network of onsite dendritic channels. Excavation will be as deep as six feet at some locations, with net elevation reduction averaging one and one-half feet across the Mitigation Site. In connection therewith, approximately six to 12 inches of topsoil will be removed sitewide.

#### **Comments**

- The Mitigation Plan is not an agricultural usage per ORS 215.203. The Drainage Company can only provide drainage and irrigation for agricultural and sanitary purposes per its bylaws, articles of incorporation and the specific tenants upon which it was formed. Since the Drainage Company cannot service the land under the Mitigation Plan, the Drainage Company may be unable to assess the per-acre rates necessary for the operation of the drainage, irrigation and levee system. This would severely curtail the ability of the Drainage Company to perform its duties and maintain the system and will force other landowners to bear an unreasonable financial burden to offset the lost assessments.
- The Mitigation Plan proposes to fill in 26,800 linear feet of irrigation and drainage ditches within the Drainage Company boundaries. And while the Mitigation Plan asserts that hydraulic capacity will be maintained in at least certain ditches appurtenant to the Mitigation Plan Site, the ultimate consequences of radically restructuring drainage facilities cannot be accurately predicted without a comprehensive study of Mitigation Plan Site hydrology, including particular irrigation and drainage requirements at particular locations throughout. Per ORS 547.305-310 and 547.405, the Drainage Company has the sole authority to alter these works and cannot allow these alterations as they will significantly impact the drainage and irrigation water flows to the agricultural lands within the Drainage Company system.

- Oregon Division of State Lands(DSL) and NEXT have both admitted that a mitigation project of this magnitude has never been attempted before in a working irrigation and drainage district, and the impacts to surrounding lands are unknown. The Drainage Company consists primarily of high quality, class 2 agricultural land(including the Mitigation Plan Site) and has been operated as such since its creation in 1915. High-value, historical agricultural lands should not be sacrificed for a development project.
- The purpose of the Mitigation Plan is to re-configure internal drainage to impede water movement, and create a series of shallow waterways and shallow ponds for habitat within the Mitigation Plan Site. This stagnation of water will promote disease and bacterial growth which will have significant adverse operational and financial impacts to other agricultural operations(including blueberries and mint) within the Drainage Company system who must abide by the provisions of the Food Safety Modernization Act.
- The conditions created under the Mitigation Plan will be ideal habitat for many agricultural pests in the area including(but not limited to) cutworm, armyworm, European Winter Cutworm, symphilons, strawberry root-weevil, slugs, rodents and mites. Additionally, the Mitigation Plan Site will also create a huge bank of seeds which will be transported via air, water and animals into neighboring fields. Per DSL regulations, no spraying or control will be allowed on the mitigation site, essentially creating a massive host site for agriculturally damaging weeds and pests. Per NEXT at the October meeting with the Drainage Company: "it is impossible to contain these to the Mitigation Plan Site" and thus agricultural operators would be burdened with significantly increased pest and weed pressures. This will significantly increase control costs and force neighboring operations to drastically alter control methods in order to maintain their viability.
- The Mitigation Plan proposes to remove approximately 750,000 cubic yards of material from the Mitigation Plant Site by reducing the elevation of the land. The Drainage Company has a history of significant boil points and artesian wells within its boundaries, several of which are adjacent to the Mitigation Plan Site. The construction of the Mitigation Plan has a huge potential to uncover numerous areas that would compromise the integrity of the Drainage Company levee system. Per NEXT during the October meeting with the Drainage Company: "we cannot plan for hitting a boil point and we will just try to deal with them if we do". This is an unacceptable solution and a complete geotechnical investigation must be performed by a third party prior to any consideration of approval of the Mitigation Plan by the Drainage Company.
- An identical, smaller scale mitigation project located in the north-east corner of the Drainage Company boundary highlights these concerns as adjacent operators are now battling weeds that were never before encountered and for which no registered treatment methods exist for the crops being raised. Additionally, after the construction of this mitigation site, significantly increased water flows from that area have been noted by both adjacent agricultural operations and Drainage Company personnel. This was further confirmed by NEXT in the September 30 meeting with the Drainage Company where they acknowledged that Sue Boyle(their specialist periodically monitoring the mitigation site) had noted increased water flows during her inspection in early 2021.
- The Mitigation Plan Site is currently irrigated under part of a water right held by The Drainage Company covering approximately 2,700+ acres irrigation entitlement under Certificate 83174. Pursuant to ORS 540.610, if the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, such failure creates a rebuttable presumption of forfeiture of all or part of the water right. Since the Drainage Company cannot legally provide service to mitigation, forfeiture of the entire water right is at risk unless the Drainage Company is able to identify other shareholder acreage within its boundaries that would be willing and able to utilize a transfer of that portion of the water right covering the Mitigation Plan. The risk of crop loss to agricultural operations resulting from the loss of this irrigation water right would be tremendous.
- Levee traffic on the roads servicing both the Plant and the Mitigation Sites are of grave concern due to compaction and resulting height deficiencies to protect from flooding. The 750,000 cubic feet of material proposed to be removed from the Mitigation Plan Site cannot be relocated within the Drainage Company boundaries due to DSL regulations, and thus must be trucked out. Additionally, the Plant Facility modules will

be transported across the top of the Kallunki Road levee and weigh approximately 300 tons each. Previous industrial projects and related traffic have significantly lowered the height of the levee structure in multiple locations which poses a grave threat from flood waters overtopping the levee structure and damaging the levee and agricultural operations within the Drainage Company system. The Drainage Company will require a complete 408 review prior to even considering approving the Permit Activities.

- Per DSL and NEXT, there are no other mitigation sites available within the 8th HUC Code and any development done within the Drainage Company boundaries at Port Westward can only be mitigated within the Drainage Company boundaries. Per the Port of Columbia County(the Port), mitigation can only be performed on the private agricultural land within the Drainage Company boundaries. The Port also has plans for developing an additional 800+ acres within the Drainage Company boundaries. The installation of this Mitigation Plan will create a cumulative domino effect in which the thousands of acres of prime class 2 agricultural land within the Drainage Company boundaries will be lost to mitigation as the Port continues development.
- Per the USACE Levee Operation and Maintenance Manual, levee systems whose operations are geared towards wetlands and habitat(of which the Mitigation Plan and mitigation in general are part) lose the ability to retain their Accreditations with FEMA and the USACE and will be ineligible for assistance with flood damage and repairs. The installation of the Mitigation Plan will create a cumulative domino effect(see previous comment) which will change the operation of the levee system towards mitigation and result in the loss of flood protections for thousands of acres of prime class 2 agricultural lands.
- The proposed staging area for construction materials for the Plant Site will potentially require altering Drainage Company infrastructure in order to access the Plant Site. No discussion on this issue has taken place. The Drainage Company cannot approve any alterations without assessing the impacts to the Drainage Company System and surrounding lands.
- Previous landowners of the proposed Mitigation Plan Site adjacent to Hermo Road utilized the site as a garbage dump for many years. A complete contamination investigation must be performed and cleanup provided as necessary to prevent damage to surrounding landowners and Drainage Company infrastructure from potentially harmful substances.
- The Port Westward Industrial Park is located within a liquefaction zone with no bedrock existing for stabilizing construction. Previous projects have encountered serious difficulties obtaining stability and meeting foundation load criteria. Furthermore, the Plant Site is located immediately adjacent to some of the deepest peat soils in the Drainage Company boundaries which will make construction of the plant even more difficult. The combination of these issues are of grave concern to the Drainage Company as the Plant Site has a significant chance to become unstable during an earthquake, jeopardizing Drainage Company property and potentially contaminating surrounding agricultural lands. Additionally, primary power generation plants(considered critical infrastructure for the entire west coast) near the Plant Site could be affected as a result of catastrophic failure of the Plant during an earthquake, further jeopardizing the ability of the Drainage Company to operate their pumps and also impacting the entire west coast power grid.
- Per ORS 215.296, the Drainage Company, as the Local Governing Body over the lands within its boundaries, has the ability to deny any land uses which will significantly impact the financial or operational conditions of agricultural operations within its boundaries. The Drainage Company board will not approve the Mitigation Plan, and has concerns about the Plant Site due to the afore-mentioned impacts and therefore the Application for Permit number NWP-2020-383 is invalid and should not be approved by the USACE.

## **Conclusion**

In summary, the Beaver Drainage Improvement Company objects to NEXT Fuel's Application – and particularly to the Mitigation Plan – on the grounds that wholesale changes to the Drainage Company's essential drainage, flood control, and irrigation infrastructure within the Mitigation Site will adversely impact water resources under the Drainage Company's operational control and violate the agricultural nature of the system. Additionally, cumulative impacts to the agricultural operations within the Drainage Company's boundaries would force significant and costly burdens upon the other shareholders within the system and result in the loss of thousands of acres of prime, class 2 farmland.

Further, NEXT Fuel's proposed Mitigation Site changes are inconsistent with the Drainage Company's power and authority under ORS Chapters 215, 447 and 554, as well as under its charter documents and recorded easements.

Finally, the Mitigation Plan's proposal to "reconvert" currently farmed lands within the Mitigation Site to jurisdictional wetlands is antithetical to the best interests of the Drainage Company and its agricultural landowners and the integrity of the levee system as a whole.

Despite the above-described risks and uncertainties, we would welcome NEXT Energy as a valued industrial partner within the overall Drainage Company operations area. Unfortunately, unless and until those risks and uncertainties can be alleviated with sufficient certainty, the Drainage Company cannot support the Application as presented, and in fact fully intends to deny the Mitigation Plan due to the impacts to Drainage Company infrastructure and surrounding agricultural operations.

We very much appreciate your consideration of the Drainage Company's concerns in this case. Please feel free to contact me or my fellow Directors, if we can provide any additional information concerning the Drainage Company's rights, duties, and operational functions within the proposed Mitigation Site under the Application.

Very truly yours,

**Beaver Drainage Improvement Company**

Warren Seely, President/Secretary

Encls.

cc: (via email)

Mr. Tim Keranen, Beaver Drainage Improvement Company Director  
Mr. Truett Stolzenburg, Beaver Drainage Improvement Company Director



COLUMBIA RIVERKEEPER  
1125 SE Madison St., Suite 103A  
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September 30, 2021

WWC Comments  
Department of State Lands  
775 Summer St. NE, Suite 100  
Salem, OR 97301-1279

(Submitted via email to [dan.cary@dsl.state.or.us](mailto:dan.cary@dsl.state.or.us))

**Re: Application Number APP0063077, NEXT Energy Removal-Fill Authorization**

Dear Mr. Cary, Oregon Department of State Lands Staff, and Oregon State Land Board,

Columbia Riverkeeper requests that Oregon Department of State Lands (DSL) deny the permit application for NEXT Energy ([Application Number APP0063077](#)) because of likely adverse impacts to water quality, nearby water users, nearby residents and farms in the Beaver Drainage District, and significant concerns about the inadequacy and lack of clarity regarding proposed mitigation. The interests of Columbia Riverkeeper, its members in Columbia County and beyond, as well as many other organizations and individuals will be directly impacted by NEXT Energy's proposal. Since 2004, proposals to industrialize sensitive areas of Port Westward (for fracked gas, LNG, coal, and oil terminaling and refining) have drawn profound community interest and concern. DSL's rushed, haphazard process harms the long-standing effort to find consensus and compromise regarding issues at Port Westward. DSL's approach has done a disservice to the Columbia County community, particularly neighbors to NEXT Energy's proposal. As described below, NEXT's application includes a number of significant deficiencies that prevent both DSL and the public from fully assessing the potential impacts of the project.

At the outset, we strongly urge DSL to refrain from making a decision on NEXT's application until the Oregon Department of Environmental Quality (DEQ) has made a substantive determination regarding the 401 Certification for the project. ORS 196.825(3) sets forth the criteria DSL must consider during its review of a permit application, including "[w]hether the proposed fill or removal conforms to sound policies of conservation . . . ." In the absence of a Clean Water Act 401 certification from DEQ—a process designed to review and

evaluate the water quality impacts of a project—DSL cannot confirm that NEXT’s proposal meets this criteria. As DLS is aware, on September 1, 2021, DEQ denied NEXT’s request for a 401 certification because of NEXT’s failure to submit responses to DEQ’s initial review questions. We strongly urge DSL to wait to evaluate a removal-fill authorization to NEXT until the company has submitted a complete application to DEQ for review and DEQ has, in fact, completed that review. At this time, DSL cannot conclude that the project meets Oregon’s standards for protecting wetlands, waterways, and neighboring farm and residential uses. The impacts to waterways, wetlands, the nearby airshed, drainage infrastructure, traffic corridors, and uplands will be complex and potentially very detrimental to the health, safety, and environment for communities in the vicinity of the project and along the proposed rail route.

Furthermore, pursuant to ORS 196.825(3)(g), DSL must consider “[w]hether the proposed fill or removal is compatible with the acknowledged comprehensive plan and land use regulations for the area . . . or can be conditioned on a future local approval.” NEXT has applied to Columbia County for approval for a “Use Permitted Under Prescribed Conditions in RIPD Zone,” a site design review, and a conditional use permit for its rail branch line. However, Columbia County’s Planning Commission is not scheduled to review those applications until November 15, 2021. At this point in time, the land use reviews are still very much up in the air. It would be premature for DSL to assume that those approvals will be granted.

DSL should deny the permit for additional reasons. The proposed mitigation is not only inadequate but also in a state of flux, making this comment period and the underlying application premature and incomplete. The applicant has a responsibility to provide sufficient information to allow DSL and the public to evaluate whether the project meets the criteria for a removal-fill authorization. The incompleteness of NEXT Energy’s proposed plan makes it impossible for either DSL or the public to fully evaluate the application. For example, under OAR 141-085-0550, applications for remove and fill permits must include:

- 1) Sufficient documentation showing why the removal or fill activity is necessary to accomplish the project purpose, with sufficient enough detail that the Department can conduct an alternatives analysis.

Under OAR 141-085-0565(5), DSL can “issue a permit only upon the Department’s determination that a fill or removal project is consistent with the protection, conservation and best use of the water resources of this state . . . .” (emphasis added). The regulations are very clear that the applicant bears the burden of providing the Department with enough information to make this determination. The analysis of alternatives put forward by NEXT Energy fails to look at region-wide opportunities and alternative sites and designs to produce renewable diesel. The analysis is too narrow for the purposes defined in the project, which should be to produce renewable diesel (and not only from the Port Westward site or the Columbia River). Alternatives

are available for refining renewable diesel that may have fewer impacts to wetlands and adjacent landowners, such as train- and barge-transloading of renewable diesel rather than the production of it in a location with major natural resource and land use concerns.

Furthermore, the design and analysis of the proposed project configuration is incomplete. The geotechnical analysis for the entire project seems incomplete, including analysis for how roads and material stockpiles will impact area hydrology. For example, the Joint Permit Application states, “[a] geotechnical study of the road will be performed prior to construction.”<sup>1</sup> If road infrastructure is inadequate or must be altered, it will likely impact wetlands and drainage systems significantly. Many roads in the area depend on adequate drainage, maintained dikes, and some roads have weight-bearing limitations that have not been adequately evaluated by either Columbia County land use planners, neighboring farms and residents, or Oregon state agencies.

- 2) A description of alternative project sites and designs that would avoid impacts to waters of this state altogether, with an explanation of why each alternative is, or is not practicable, in light of the project purpose and need for the fill or removal.

As stated above, the description of alternative project sites and designs submitted by NEXT is too cursory for DSL to determine that the analysis is complete and accurate. NEXT has failed to provide a clear analysis for why other sites that can feed renewable diesel to Western North America markets, as well as other potential markets (potentially overseas), are not reasonable alternatives.

Additionally, NEXT has failed to explain why its proposed project is water dependent. Inland areas may offer better production sites for renewable diesel, with better rail access, stable soils, and adequate access to feedstock. The analysis provided in the JPA fails to name all other sites, why they were specifically excluded (site by site), and how other sites might lack the conflicts that NEXT Energy clearly imposes on neighboring farms, families, and natural resources. Furthermore, DSL should not accept as a foregone conclusion that a renewable diesel facility requires marine access—Oregon has an existing facility under construction without marine access, the Red Rock biofuels in Lakeview, OR. Red Rock has received significant financial support from Oregon, but has nonetheless faced financial difficulty in recent months.<sup>2</sup> Oregon’s experience with Red Rock should urge caution in permitting these facilities, particularly where the project is proposed for a sensitive area Port Westward.

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<sup>1</sup> Joint Permit Application. P. 7.

<sup>2</sup> Klamath Falls Herald and News. May 3, 2021. “Red Rock Biofuels out of money.” [https://www.heraldandnews.com/news/local\\_news/red-rock-biofuels-out-of-money-will-try-to-sell-bonds-to-keep-project-a-float/article\\_eaaf0c95-ccab-5220-89cf-8df77a415165.html](https://www.heraldandnews.com/news/local_news/red-rock-biofuels-out-of-money-will-try-to-sell-bonds-to-keep-project-a-float/article_eaaf0c95-ccab-5220-89cf-8df77a415165.html); see also Oregonian report, “Renewable biofuels plant to be built in Southern Oregon,” by Ted Sickinger. References \$245 million in bonds approved by Governor Kate Brown for the Lakeview-based project that has stalled in construction. January 30, 2019. [https://www.oregonlive.com/pacific-northwest-news/2018/04/renewable\\_biofuels\\_plant\\_to\\_be.html](https://www.oregonlive.com/pacific-northwest-news/2018/04/renewable_biofuels_plant_to_be.html)

- 3) A description of methods to repair, rehabilitate or restore the impact area to rectify the adverse impacts.

On September 22, DSL staff stated in a public meeting before the Port of Columbia County Commission that all aspects of the mitigation proposal had not been reviewed or finalized, and more important information was received during the comment period that could alter the impact analysis for the project. Further, DSL staff stated that the mitigation site can't actually be restored to its historic condition, and this may render the mitigation inadequate for achieving the desired repair and replacement of the loss of functions related to the NEXT Energy development at Port Westward. In light of this information, it is clear that the requirements set forth in OAR 141-085-0680, relating to compensatory mitigation, have not been met.

- 4) A description of methods to further reduce or eliminate the impacts over time through monitoring and implementation of corrective measures.

NEXT made only a vague commitment to adaptively managing the project and its very controversial mitigation proposal, which has triggered significant concerns from neighboring landowners, farmers, and families. We request that DSL require NEXT to provide this information, in full, prior to the closing of any comment period. DSL has given the public inadequate time and information to assess whether impacts will increase or diminish over time if the NEXT Energy facility is constructed and operated. DSL has also failed to consider all of the potential impacts of the facility, including issues that caused DEQ to deny the 401 Certification for NEXT Energy due to incompleteness. DSL should wait to review NEXT's application until the company reapplies to DEQ for a 401 Certification and DEQ makes a determination on that request. Until DEQ completes the 401 Certification process, DSL cannot know the full scope of potential water quality impacts that will be associated with NEXT's proposed project.

- 5) For each proposed removal-fill activity and physical mitigation site applied for in the application, a list of the names and addresses of the adjacent landowners, including those properties located across a street or stream from the proposed project.

The proposed project impacts the entire drainage system in the Beaver Drainage District, and all residents in the Drainage District should have been notified as impacted neighbors.

- 6) A signed local government land use affidavit.

The Columbia County Planning Commission plans to hold its first hearing on this project's land use development applications on November 15, 2021. DSL cannot conclude at this time that the land use issues have been resolved, when the Columbia County planning staff have

not even published a staff report on the proposed land use development applications for the NEXT Energy project, its mitigation, or its rail spur.

At this time, information suggests that this project will pose potentially unacceptable risks to water quality, local flood control and drainage for agriculture purposes, salmon and salmon habitat, public safety (due to high liquefaction risks and unstable soils in the area), and neighboring land uses. Port Westward is a complicated, sensitive location for agriculture, residences, and other businesses that provide jobs to the community and fresh, often organic, products. It is also highly vulnerable to spills, soil instability, and infrastructure in the area may be limited with respect to roads, emergency response, and response to drainage and flooding issues (particularly in the event of an emergency such as major flooding or a seismic event). DSL must give its important decisions the time and process necessary to protect the neighbors to this proposal.

Ultimately, NEXT Energy has failed to provide adequate information to prove that it will not have detrimental impacts to wetlands, waterways, and adjacent users of the area - residences, farms, businesses, and a Buddhist Zen monastery, all of which could face negative impacts from the project as a whole. The information gaps—e.g., land use approvals, a complete application to DEQ, a complete mitigation plan, an adequate alternatives analysis—hinder the public’s ability to understand and comment on the impacts of the proposal. We support the many public commenters already in the record, who stated:

- Consider an alternate site and an alternative design with less impacts.
- Expect adverse impacts to State- or federally-listed species.
- Expect adverse impacts to water resources.
- Compensatory mitigation is insufficient to compensate for the adverse impacts.
- Please deny the permit.

We strongly disagree with the statement made by Dan Cary, lead on this project for DSL, in front of the Port of Columbia County on September 22, that no comments have been submitted to date that raise substantive concerns. Neighbors to the proposed project submitted written comments to DSL in advance of the September 22nd public meeting and again during the very same meeting in which Mr. Cary made his statement. We are deeply troubled that a state agency would so summarily dismiss the comments of dozens of local residents who expressed alarm and concern over the haphazard approach DSL and NEXT Energy have taken with regard to public engagement for this authorization request. DSL should consider and respond to all comments thoroughly and completely.

In conclusion, Oregon's path to cleaner fuels should not include a poorly-conceived, rushed refinery in the sensitive Port Westward area. The refinery may pose outright safety

hazards in a liquefaction zone, in a critical bend of the Columbia River, next to sensitive, high-value farms and salmon habitat. The mitigation proposal for NEXT Energy is clearly incomplete; the design of the facility and an analysis of its overall impacts are impossible to judge without more detailed, comprehensive, and organized information from the application. For these reasons, we ask DSL to either deem the application incomplete or deny NEXT's application and require the company to reapply if/when DEQ's issues its 401 certificate and Columbia County completes its land use reviews.

Please feel free to contact me with any questions about these comments. I can be reached by email at [dan@columbiariverkeeper.org](mailto:dan@columbiariverkeeper.org).

Sincerely,

Dan Serres  
Conservation Director  
Columbia Riverkeeper

## **Frequently Asked Questions About NEXT Energy**

This FAQ addresses basic questions about [NEXT Energy](#), a proposal to build a renewable diesel refinery in the Columbia River estuary at an industrial site known as Port Westward. Columbia Riverkeeper does not support siting of NEXT Energy at Port Westward based on the development's significant impacts to local residents, water resources, air quality, and the troubling track record of the company.

### **What is proposed?**

At a critical bend in the Columbia River estuary, a company called NEXT Renewable Fuels, Inc., wants to build a renewable diesel refinery. Renewable diesel requires more refining than biodiesel, and the proposed refinery at Port Westward would be one of the largest producers of renewable diesel on the West Coast. Renewable diesel is a form of biofuel that is more easily used to replace diesel than conventional biodiesel. The process of converting feedstocks into a diesel fuel will demand power, fracked gas, and water.

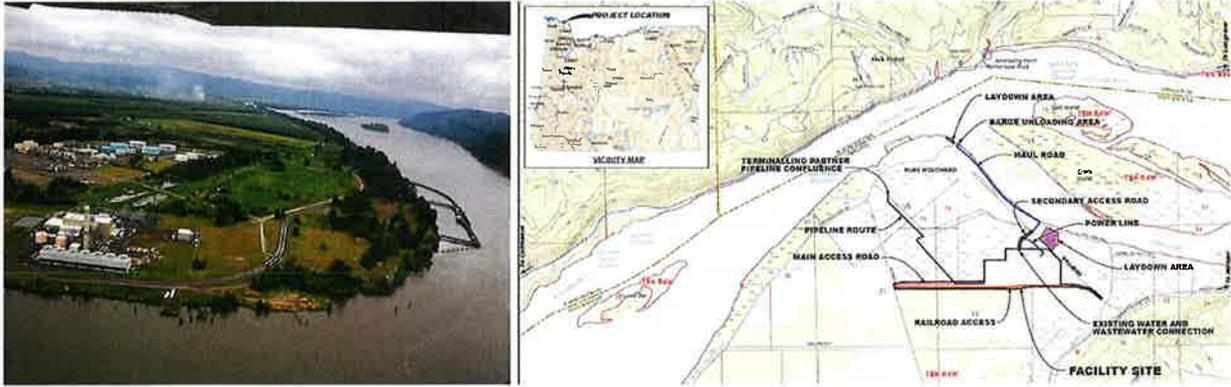
The [Port Westward project](#) would rely on transportation by water, railroad, and road to receive materials used in production (feedstock oils, tallows, bleaching earth) and to ship renewable diesel produced from the facility. Through an energy-intensive process—using a significant amount of fracked gas—the project would produce 50,000 barrels per day of renewable diesel and other fuels.

NEXT would impact over 137 acres of wetlands, and its proposed mitigation plan has received sharp criticism from the local drainage district and farmers. The process of constructing the NEXT facility and its pipelines for liquid fuel and gas, as well as other supporting infrastructure, will involve grading, filling, and altering wetlands and sensitive drainages at Port Westward. Construction of the NEXT project would impact neighbors, as well.

### **What does the area look like where NEXT proposes its refinery?**

The area known as Port Westward, Oregon, is located closest to the town of Clatskanie at a deep bend in the Columbia River.

The area is diked, and large areas of agricultural land are maintained through a system of sensitive drainage infrastructure. Local farmers in the diking district do not support NEXT or its mitigation proposal because of concerns about natural resource and water impacts.



Left: Port Westward area viewed by plane. Right: Location of NEXT facility.

## Is the NEXT project the only industrial project at Port Westward?

No. Industrial developments at Port Westward include PGE's gas-fired power plants and Global Partners, which receives ethanol and renewable diesel trains. The Port of Columbia County wants to rezone 837 acres of high-value farmland adjacent to Port Westward to heavy industrial zoning. If the rezone moves forward, Northwest Innovation Works (NWIW) proposes to build a fracked gas-to-methanol refinery at the expanded Port Westward site.

## Who lives at or near Port Westward, and who depends on it?

Port Westward is located in the midst of abundant berry fields, world-class mint production, forestry, salmon habitat, sensitive drainages, dikes, liquefiable soils, and current and historic fishing grounds. NEXT's proposed developments are close to people's homes, businesses, and rural, natural public gathering places.

Here are some additional notes about the area:

- Port Westward is a critical bend in the Columbia River for Tribes, salmon, farmers, and the entire Columbia River system. The area is home to local farmers, residents, a monastery, and visited frequently by agricultural and other workers.
- Nearby, Crims Island is a jewel of the Columbia River estuary restoration efforts. Homes are perched on the hillside on the bluff on the Washington side of the river.
- Air and water pollution from the area has the potential to impact a large and sensitive area of the Columbia River estuary. The Columbia River estuary is a critical area for salmon survival and recovery, and Port Westward continues to be used for fishing, boating and other uses. The area is very important for wildlife.
- Port Westward faces significant flooding and earthquake risks, and the area's peat soils are prone to liquefaction.

- Local farmers have opposed the NEXT facility and its mitigation site outright: you can find more about their concerns at [protectoregonfarms.com](http://protectoregonfarms.com).

## **How does renewable diesel compare to diesel or biodiesel?**

The lifecycle carbon content of biodiesel and renewable diesel are similar, and lower than, conventional diesel. However, burning any of these forms of diesel releases air pollutants that are harmful to vulnerable populations. Diesel particulates and other pollution created by the production raise questions about air quality impacts for communities that will experience a lot of diesel-burning vehicle traffic. Vehicle electrification is an agreed-upon critical path to limiting global warming and avoiding the worst impacts of climate change.

## **Would local residents' health and safety be impacted by NEXT?**

Yes, the NEXT project would impose significant construction and operation-related impacts on people in the area and downstream or downwind from the Port Westward site.

Rail traffic is a serious concern. Although NEXT contends that it hopes to cap its rail traffic at current levels, there is no firm guarantee. Although NEXT hopes to receive its feedstock (seed oil or tallow/waste products) and export its product (renewable diesel) via marine vessel, the company acknowledges that long trains will be used "on a limited basis" for feedstock receipts and product shipments. NEXT also plans to truck renewable diesel away from the site.

NEXT's proposal opens the door to more long train traffic and other transportation impacts for Port Westward and Columbia County. The troubling history of Global Partners' terminal, once an ethanol refinery, offers a compelling example for why the public should ask for more details about the NEXT project. For example, NEXT's potential neighbor, Global Partners, once a biofuels refinery, became a significant oil train terminal almost overnight in 2013-2014.

There are already significant risks for people living in the area due to unstable soils, a high water table, and sensitive drainage systems. The Port Westward area is prone to soil liquefaction, landslides, flooding, and other hazards that could exacerbate any public health or safety issues that arise with NEXT.

## **Have impacted Tribal Nations weighed in on this proposal?**

Given the relatively few opportunities to comment directly on NEXT thus far, not many governments or people are on the record supporting or opposing this project directly. There are major questions about the NEXT project, its design, impact, and its mitigation project. We urge key agencies to give adequate information and time for tribes to engage and to seek input from tribal entities before proceeding with decision-making on the NEXT project.

## How much pollution will come from the facility?

DEQ is in the process of reviewing this issue, but refers to the NEXT project as a “large, complex” source. Until DEQ puts NEXT’s proposed permits out for public comment, we won’t know for sure what the expected environmental impacts will be. A lot will depend on the overall fracked gas combustion and use of the facility, which originally planned to use up to 30 million cubic feet of gas per day for the refinery as a whole.<sup>1</sup>

What we do know, however, is that the project will demand a large quantity of power and fracked gas to upgrade the feedstocks into diesel. DEQ expects that the combustion of fracked gas will be the major driver for pollution from the NEXT site. Burning fracked gas both provides energy for converting the fuel, as well as potential energy for producing hydrogen used in the refining process. Burning and using fracked gas often contributes to smog-forming pollution and other air emissions. Other facilities of this size are major sources of air pollution. DEQ expects the NEXT facility to emit over 70 tons of VOCs per year, for instance.

The project will also discharge wastewater into the Port’s wastewater system, combining with other area facilities to create more water pollution that would have to be treated on a regular basis.

The pollution will combine with other existing and potential sources of air and water pollution, including PGE’s nearby fracked gas power plants, the Global Partners’ ethanol refinery and train terminal, and a lurking proposal for a new, massive, fracked gas-to-methanol refinery.

## Who decides the future of NEXT?

The key decision-makers for this project are:

- Local - The Columbia County Commission will decide on the land use applications for the project. This process will kick off in earnest on December 8, 2021, the date of NEXT’s likely first hearing in front of the Board of Commissioners.
- State - Oregon Department of State Lands (DSL), Oregon DEQ, and other state agencies will review air, water, removal-fill, mitigation, and other permitting aspects of the project. They will decide whether NEXT’s proposal complies with Oregon’s environmental laws. Oregon’s Energy Facility Siting Council (EFSC) will also have a decision to make, as NEXT has asked EFSC to exempt the facility entirely from Oregon’s siting review standards.

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<sup>1</sup> NEXT’s application to the Oregon Department of Energy for an exemption from Oregon’s siting rules may only acknowledge a portion of the refinery’s overall fracked gas use.

- Federal - The Army Corps of Engineers will review the removal-fill aspects of NEXT refinery project and its mitigation project, and NOAA Fisheries and other agencies may review other aspects of the project's impacts on fish and wildlife. They will determine whether the project meets these agencies' requirements for the Clean Water Act, Endangered Species Act, and National Environmental Policy Act (NEPA). We expect federal agencies to release an environmental analysis in 2022.

## What can I do to learn more and to take action?

Through 2022, there will be a number of permitting comment periods for the different agencies listed above.

1. In December 2021, the Columbia County Board of Commissioners will begin its initial hearing of NEXT's local land use applications. **The first hearing is scheduled for December 8, 2021.**
2. Right now, the Army Corps of Engineers and Oregon DEQ are accepting comments on the project. **All written comments are due December 4, 2021.** Through their respective Clean Water Act reviews, the Army Corps and Oregon DEQ will decide whether the NEXT project will meet Oregon's clean water and other environmental standards.

## Resources

1. Public notices for the Army Corps and Oregon DEQ Clean Water Act comment period open until December 4:  
<https://www.nwp.usace.army.mil/Missions/Regulatory/Notices/Article/2835083/nwp-2020-383/>
2. State of Oregon's pages here:
  - o DEQ Web Page - <https://www.oregon.gov/deq/Programs/Pages/NEXT-Renewable-Fuels.aspx>
  - o DEQ overview presentation - <https://www.oregon.gov/deq/Programs/Documents/NEXTPublicInfoMpres.pdf>
  - o EFSC Web Page - <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/PWB.aspx>
  - o DEQ [denial of NEXT's 401 certification](#) (without prejudice)
3. CRK [comments to DSL](#) on NEXT's dredge/fill permit application.
4. Contact [dan@columbiariverkeeper.org](mailto:dan@columbiariverkeeper.org) for more information on past comments to the Port and County regarding land use or Port decision-making.

COMING UP	How to Comment
12/4/2021	Comments due on Army Corps 404 permit application and Oregon DEQ

	<p><b>Clean Water Act 401 Certification- Info on how to comment is in the public notice:</b>  <a href="https://www.nwp.usace.army.mil/Missions/Regulatory/Notices/Article/2835083/nwp-2020-383/">https://www.nwp.usace.army.mil/Missions/Regulatory/Notices/Article/2835083/nwp-2020-383/</a></p> <p><b>1) Submit comments to the Corps this way:</b></p> <p>U.S. Army Corps of Engineers  Regulatory Branch  Mr. Joe Brock  P.O. Box 2946  Portland, Oregon 97208-2946  Email: <a href="mailto:joseph.w.brock@usace.army.mil">joseph.w.brock@usace.army.mil</a>  Telephone: (503) 808-4377</p> <p><b>2) Submit comments to DEQ by using their e-registration:</b></p> <p>Written comments on project elements related to water quality must be received at the Oregon Department of Environmental Quality by 5 p.m. on December 4, 2021.</p> <p>Written comments may be submitted electronically through “Your DEQ Online” web page:  <a href="https://ordeq-edms-public.govonlinesaas.com/pub/login">https://ordeq-edms-public.govonlinesaas.com/pub/login</a> ).</p> <p>For questions regarding account registration, system navigation, or training resources, please visit the Your DEQ Online help webpage  <a href="https://www.oregon.gov/deq/Permits/Pages/Your-DEQ-Online-Help.aspx">https://www.oregon.gov/deq/Permits/Pages/Your-DEQ-Online-Help.aspx</a>).</p>
12/8/2021	Columbia County Board of Commissioners expected to conduct initial hearing on NEXT's land use applications. Agenda available soon.
1/5/2022	Columbia County Board of Commissioners expected to make decision on NEXT's land use applications
2022 outlook	Key state and federal permitting processes will continue through 2022.

PAST/History	
3/30/2021	EFSC provided an initial evaluation of NEXT's exemption request and deemed the application incomplete until NEXT submits the necessary land use approvals.
7/12/2021	NEXT submitted revised / additional information to Columbia County in relation to its land use approval applications
7/28/2021	NEXT <a href="#">applied to the Army Corps &amp; DSL</a> for an individual dredge / fill permit
7/30/2021	NEXT submitted a revised 401 cert. application to DEQ
9/1/2021	DEQ <a href="#">denied NEXT's 401 certification</a> (without prejudice)
9/7/2021	DEQ held a public information session on NEXT's permit requests

9/30/2021	CRK <u>submitted comments to DSL</u> on NEXT's dredge/fill permit application
9/2021	Mike Seely and a coalition of farmers, residents, and other opponents of NEXT start <a href="http://protectoregonfarms.org">protectoregonfarms.org</a> .

Community opposed to the NEXT renewable fuels proposal:

**SavePortWestward**- a growing number of local Columbia County residents

**Columbia River Keepers**- an active legal organization protecting our waterways

**1000 Friends of Oregon**- an active legal organization protecting Oregon farmland

**Beaver Drainage Improvement Company (BDIC)**- the authority of the drainage district

**Protect Oregon Farms**- a growing community organization protecting valuable farmland, local food, and agricultural businesses.

**Neighboring land owners:**

David Long  
Lucy Blakey  
Gary Hollingsworth  
Bruce Olson  
Scott and Lori Wallace  
Ed Pinard  
Caryn Seely  
Derek Williams  
Richard A Kent  
Russell Spaulding  
Arthur Craig Worsham III  
Mike Seely  
Warren Seely  
Belinda A. Coalman  
Levi Coalman  
Steven E. Coalman  
Shyanne Stratton

**Protectoregonfarms.com petition signatures** include over *five hundred local community members and over 100 agricultural businesses and community organizations*

Key concerns that remain unaddressed:

NEXT has yet to publicly acknowledge that the BDIC and the majority of neighbors to the proposed site are against the permitting of this project.

NEXT has continued to hold *private meetings* with individual landowners and exclusive groups of leadership such as the Chamber of Commerce, Kiwanis, and many others instead of using NEXT's website, local government websites, and social media to reach the *actual* community at large.

NEXT's responses to our numerous concerns and questions have been untimely and incomplete.

NEXT has yet to publicly elaborate on Christopher Efir's involvement with the EPA Superfund site in Odessa, Washington. Our community feels a third-party review of the incident is mandatory.

NEXT has yet to publicly release the source of financial backing for this proposal.

NEXT has yet to put tax revenue and infrastructure development promises into contractual form.

NEXT has yet to explain why this project is water dependent through the specific exclusion of other viable sites in Oregon. Water dependency is fundamental to the permitting of this project.

NEXT has yet to address the fragility of existing dikes including "boil points," artesian springs, and the highest subsidence rate of soils on the Columbia River. Additionally, there is inadequate discussion regarding the site's liquefiable soils and *recent* and predicted earthquake activity.

NEXT has yet to disclose "contracted" feedstock agreements with BP.

NEXT has yet to address that their feedstock sourcing will promote the worldwide destruction of soils, communities, and habitats including the Land Use Change of wetlands, forests, and rainforests. This effect is amplified given a nationwide retooling for Renewable Diesel and increased demand for oil crops.

NEXT has yet to elaborate on an exit strategy. Given the self-proclaimed nature of this bridging technology and the progress of other technology like electrification, this should include a plan from our city for financial vacuums during instances of downscaled production or complete obsolescence.

NEXT and the Port of Columbia County (PCC) have yet to produce a clear docking schedule between Global's transloading operations and NEXT's "fully water dependent" operations. The Port has also yet to explain how future development could fit into a fully scheduled dock.

NEXT and PCC have yet to acknowledge potentially highly contaminated soils such as the historical tree farm dumpsite containing pesticides and other toxic chemicals, the PGE sand pile, and other soils on the recently purchased Teevin Bros. land which have been removed and filled without proper permitting.

NEXT has yet to disclose their full waste treatment protocol and the specific toxicity and ingredients that would travel via the highway 30 railway.

NEXT continues to change their proposal for water and land traffic, leaving the impact on local infrastructure and impacts to local school traffic throughout the county unclear.

PCC's funds are already tied up in a DEQ cleanup on the Columbia River at Milton Creek. Given PCC is the owner/operator of NEXT's would-be water treatment and discharge, how will they fund maintenance and repairs or another drastic EPA cleanup in the event of an incident?



Dearest Clatskanie,

Among the many things we should follow into this year is an eminent issue that relates to everyone reading this right now. NEXT Renewable Fuels is finalizing permits for a proposal to build one of the world's largest biofuel refineries in Clatskanie's backyard, and we are focusing on clearing up the many misconceptions Christopher Efird (NEXT's chairman) has shared with you about his project's impact on our local and global communities. In our experience NEXT's glowing presentations neglect and misconstrue the many serious concerns our local citizens, businesses, and organizations have expressed.

Most importantly the *majority* of landowners and farmers neighboring the proposed site are strongly opposed to this project, including the Beaver Drainage Improvement Company (BDIC) which manages the extensive waterways throughout the drainage district where this project is proposed. Additionally, over 500 citizens and 100 businesses (and quickly growing as you read) have signed a petition in opposition. NEXT has failed to publicly acknowledge this dynamic, instead insisting the opposite. In our opinion, NEXT has not been honest about its relationships with our community members. Furthermore, we feel it is our local government's responsibility to uphold local citizens' concerns and to facilitate an in-depth conversation with NEXT and its permitting agencies. This, unfortunately, has not happened. Instead, the permitting process rushes forward without due diligence.

NEXT has also skirted the conversation regarding Christopher Efird's involvement with an abandoned refinery in Odessa, Washington that left an entire community reeling from unpaid debts and taxes, laid off workers, and a hazardous mess of toxic chemicals forcing an EPA "superfund site" classification. One should note the Port of Longview turned down multiple proposals given this historic affiliation. Now, Columbia County may let NEXT in without public conversation concerning this management's questionable reputation. In our opinion good references are a base level requirement for doing business, and a third-party evaluation of the Odessa disaster should be mandatory.

Moreover, NEXT's project would promote wide-scale destruction of natural resources and communities that depend on them. NEXT's main ingredients would be virgin oil crops (corn, soy, canola, etc.) and animal fat derived almost exclusively from these same crops. This GMO-dominated market is *well recognized* for agricultural practices that destroy soil, promote greenhouse gas emissions, and create the very problems NEXT will tell you they are solving. Global Land Use Change (rezoning) to expand these damaging practices is forcing the bulldozing of critical habitats, like the Amazon Rainforest, as demand for these crops increases. While massive amounts of farmland are lost to "development" *every day*, wild spaces and agricultural communities are replaced with acres of life-destroying monocrops. NEXT offers their wetland mitigation as a service to our community when, in fact, this project would promote wetland destruction elsewhere. In our opinion, there is a bigger conversation to have before we accept this proposal as a solution to emission problems.

Perhaps the most critical concern is the unsuitable geographic nature of Port Westward for industrial development. PGE's facility proves even a relatively small development wreaks havoc on dike roads and surrounding infrastructure. Liquefiable soils, pervasive "boil points" along the dikes, and the highest subsidence (sinking) rate of soil along the Columbia River makes this proposal dangerous. Given its proximity to critical wild habitats and tidally influenced waterways, recent and predicted earthquake activity could prove catastrophic. In our opinion, Port Westward needs projects that are more aligned with the character of the land and its deeply integrated agricultural community.

There is much more to explore here, like an exit strategy for this "bridging technology," financial vacuums from reduced production or complete obsolescence, putting NEXT's lofty promises into contractual form, increased train and truck traffic (subject to increase), the costs of wear and tear on local infrastructure, and even existing contaminated soils requiring remediation. In our opinion Clatskanie is assuming all the risk on this one. Who's even paying for this project?

If we accept this project, every dollar we receive will come at the expense of other communities, their farmers, families, and natural resources. Are we comfortable providing a future for our children at the expense of other childrens' futures around the world?

We want to be clear: we are not against renewable diesel, and we are not anti-jobs or -tax revenues. We *are* against NEXT's proposal for where and how they want to operate. There is a safer, more dependable way to build local economy and reduce emissions, and we look forward to having that conversation after NEXT's proposal is off the table.

sincerely,  
Save Port Westward

## ATTENTION:

THERE ARE *SUBSTANTIAL* CHANGES COMING *QUICKLY* TO YOUR COMMUNITY.  
DO YOU KNOW THE IMPLICATIONS TO YOUR HEALTH, LAND, AIR, AND WATER RESOURCES?

### SAVE PORT WESTWARD FROM NEXT RENEWABLE'S FUEL PROJECT

- Management in NEXT's company has **a troubling track record**, including an abandoned **EPA superfund site** in Odessa, Washington.
- Local landowners and farmers neighboring the proposed site are **strongly against** this project and feel their concerns have been disregarded as plans push forward.
- The proposed site consists of **"liquefiable" soils, prone to flooding and slides**, and is inappropriate for such large industrial development.
- Surrounding habitats are home to critical environments for **threatened and endangered species**.
- The proposed wetland "mitigation" is invasive and has **received sharp criticism from the Beaver Drainage District**, neighboring residents, farmers, and landowners.
- NEXT curtailed its due diligence to determine more appropriate sites in Oregon.
- NEXT and local government have **failed to sufficiently inform the public** throughout this planning process including deadlines/opportunities for community involvement and feedback.
- Permit applications move forward with **insufficient information, planning, and community input**.
- Traditional inputs for manufacturing "Renewable" Diesel are **environmentally degrading, carbon intensive, and health compromising** despite their recorded carbon scoring.
- Proposed pollution from this facility is well above DEQ limits. **This facility will drastically degrade our air quality.**
- The proposed promises for jobs and tax revenue **are inflated and unrealistically geared towards our local community.**

**CALL TO ACTION!: January 12<sup>th</sup>, 6pm-7:30 show up at ANY time!**

Public practice session to help prepare statements for the County Commissioners hearing

**CALL TO ACTION!: January 19<sup>th</sup>, 10am**

PUBLIC HEARING with COUNTY COMMISSIONERS. Come with statements, participate!

PLEASE SPEAK UP! NOW IS THE TIME...or the largest industrial development Clatskanie has ever seen will be operating in your backyard without consideration of your needs.



### **WANT TO KNOW MORE?**

HERE IS A DEEPER DIVE INTO THESE ISSUES TO SUPPORT YOUR PUBLIC COMMENTS.  
THANK YOU FOR YOUR TIME TO READ THIS CRITICAL INFORMATION.

#### What is "Renewable" Diesel (RD)?

Considered a "drop-in" biofuel, RD does not require blending with petroleum-based fuel and can be used interchangeably in diesel engines. It is more refined than other biofuels, requiring immense energy inputs, significant amounts of fracked gas, and water. Although it combusts with less emissions, the life cycle of this product is harmful to humans and the environment, especially near a refinery like the one NEXT is proposing.

#### What "feedstocks" would NEXT's "Renewable Diesel" be made from?

NEXT will lead with "**recycled used cooking oil,**" or "**recycled organic material,**" but that is misleading. In actuality they propose as little as 15% of feedstocks will be used cooking oil. The **majority** of this fuel will come from **virgin** oil crops like soy, corn, canola, etc., (likely genetically modified-GMO) as well as fat from animals fed these same crops: soy, corn, canola, etc. So, really this product would be mostly derived from **virgin** oil crops, identified only as "renewable" because they are not fossil carbon.

These GMO crops are grown extensively in the United States and require toxic pesticides that **degrade our soil, poison our waters, and are linked to cancer, fertility problems and other illnesses in our farmers and their communities.** This type of agriculture is also a **leading cause of carbon destruction** through chemical use and outdated farming practices. The Environmental Protection Agency (EPA), the United States Department of Agriculture (USDA), the United States Judicial System, and many private scientific organizations have acknowledged this through policies, programs, and massive court settlements for pesticide injuries. **This is likely the agriculture NEXT will support.**

In addition, massive amounts of toxic and caustic chemicals are used to make this "renewable" biodiesel: bleaching earth, sulfuric & hydrochloric acid, methanol, methylate, sodium methoxide, propanol, heptane, sodium hydroxide, and potassium hydroxide among many others. These **chemicals will be transported, stored, processed, and disposed of in and around our communities and tidal waters.** Currently, NEXT has stated **toxic residue waste products** will also be transported via rail in and around our communities and waters to a still undetermined disposal site. NEXT has failed to publicly elaborate on the entirety of their waste disposal practices.

#### Who is/was NEXT Renewables?

Current and past management within this company (Christopher Efir and Lou Soumas) was involved with Transmissis Columbia Plateau, the company responsible for the failed facility in Odessa, Washington (SEARCH: "Columbia River Keepers Transmissis Info to Port Commissioners"). This failed **facility closed suddenly, fired its entire staff, and ignored debts owed to lenders and farmers due to "market conditions". Transmissis abandoned the property, leaving haphazardly stored toxic chemicals that called for EPA cleanup and designation as a superfund site.**

This management has also openly threatened community members with litigation for challenging rhetoric around this issue, as well as the misleading language in their project proposals and applications.

#### How will NEXT's project impact our community's economy?

NEXT's proposed job schedule accounts for approximately 240 permanent jobs. However, upon further examination and in quoting NEXT's exemption application, this facility will not be "labor intensive." One can hypothesize these jobs will be for highly skilled engineering, managerial, and technical employees likely not entirely available in Clatskanie and surrounding communities. NEXT's sense of urgency to open this facility is incongruent with any training plan to hire local workers. Additionally, **this production would require the handling of toxic and caustic chemicals, creating a potentially hazardous work environment for less skilled laborers.**

How has NEXT and our local government engaged with our community?

**NEXT and our local officials have not handled this project in accordance with the goals set forth by the Department of Land Conservation and Development (DLCD) for direct community involvement in the planning process.**

Multiple meetings with NEXT, the Department of Environmental Quality (DEQ), the EPA, the Department of State Lands (DSL) and the Columbia County Port Commission have ended with promises to fulfill and distribute unanswered questions from the community. **These questions remain unanswered** as permitting and planning continues.

The county commissioners **voted to cancel consultation with the local planning commission, which additionally canceled an opportunity for public comment.**

**Local leadership claims power is out of their hands** in affecting this process to ensure opportunities for citizens to be heard.

Deadlines for public comments on various permitting phases have come up **last minute with little to no advertisement to our community**, leaving concerned citizens scrambling to understand complex permitting language and submit feedback.

Many **citizens, including landowners and farmers neighboring the proposed project, are strongly against this project** and feel their concerns have been disregarded as plans push forward.

How will NEXT affect the land and local infrastructure?

**Preliminary reports from the DEQ state this project is “large and complex,” and estimate its main polluting source will be the combustion of fracked gas which often contributes to smog-forming pollution.** Additionally, proposed pollution including PM<sub>10</sub>, PM<sub>2.5</sub>, and Volatile Organic Compounds (VOCs) are two to three times the DEQ limits. Public agencies have failed to fully address the cumulative, combined impact of the major existing and proposed projects at Port Westward.

NEXT has proposed a massive alteration of the Beaver Drainage District (which keeps the dike lands from flooding) as well as an extensive fill dirt foundation for their facility. The drainage district is considered an extremely sensitive system whose board has expressed sharp criticism of NEXT's mitigation plan. Site construction will require grading, filling, wetland alteration, and the trucking out of 750,000 cubic yards of soil, all of which will require DEQ permitting for the discharging of soils into ground and tidally connected waters. Historically, much of that land has received pesticide applications, **risking water contamination and the destruction of essential habitat for endangered species such as bald eagles, white-tailed deer, salmon, and countless sensitive, threatened, and endangered species.** If you have more information regarding ecology that may be affected, please contact: [saveportwestward@gmail.com](mailto:saveportwestward@gmail.com).

Aside from initial construction, long-term pollution from the proposed facility would **stress this critical bend of the Columbia River vital for tribes, salmon, farmers, and the entire Columbia River system.** Directly adjacent to the site is a prime Columbia River Estuary restoration effort on Crims Island which is crucial to salmon survival and recovery.

The site's soil has also been identified as **“liquefiable.”** Liquefaction takes place when loosely packed, water-logged sediments at or near the ground surface lose their strength in response to strong ground shaking, be it earthquake or machine traffic. Additionally, **these soils are prone to landslides and flooding.** Wetland mitigation proposals surrounding the facility may make these issues more complicated for developed infrastructure. These unstable soils are the basis for all dikes and roads into and around the proposed site, potentially decreasing access in the event of an emergency. **Historically, development has wreaked havoc on these roads.**

NEXT also plans upwards of an additional sixty semi-trucks traveling highway 30, through Clatskanie, and down Quincy-Mayger Road monthly, as well as seventeen “trains” of loosely defined lengths and frequency. **These trucks and trains would carry everything from feedstock to toxic waste products.** NEXT has proposed its

"best case scenario," and has not guaranteed or capped its traffic presence, reserving the right to increase traffic as the market demands.

**NEXT has failed to explain why its proposed project is water dependent.** Other areas with better rail access, stable soils, and adequate access to feedstock have not been sufficiently investigated or specifically excluded. NEXT has also reserved the right to shift from waterway utilization to increase rail and road traffic if market conditions require.

Additionally, there are a number of potentially significant historic and Native American landmarks on and around this site that have yet to be investigated. **If you have any information regarding these landmarks, please contact: [saveportwestward@gmail.com](mailto:saveportwestward@gmail.com). We urge key agencies to give adequate information and time for tribes to participate and to seek input from tribal entities before proceeding with NEXT's proposal.** These tribes include, but are not limited to, the Cowlitz tribe, the Chinook tribe, the Confederated Tribes of the Umatilla Indian Reservation, and additional nearby tribal nations.

The effects of this project go far beyond our community.

There is a global emergency to unite against the corporate allowances our governments provide.

As the world is rapidly changing, now, more than ever,  
is the time to stand firm, to be heard, and to preserve democracy.

**YOUR VOICE IS NEEDED for PUBLIC COMMENT and HEARING ATTENDANCE! (see cover page)**

**Please contact [saveportwestward@gmail.com](mailto:saveportwestward@gmail.com) for further clarification or assistance with public comments.**

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## FLOOD WATCH - Columbia County

Columbia Alert Network <noreply@everbridge.net>

Wed 1/5/2022 11:02 AM

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

This is an important message from Columbia Alert Network in Columbia County, Oregon.

[Please click here to acknowledge receipt of this message](#)

The following is a message from Columbia County Emergency Management.

The National Weather Service has issued a Flood Watch for all of Columbia County from Thursday through Friday. Excessive runoff may result in flooding of rivers, creeks, streams, and other low-lying and flood-prone locations. Creeks and streams may rise out of their banks. Flooding may occur in poor drainage and urban areas. Heavy rain and snow melt from the lower elevations will contribute to additional river rises. Those living in areas prone to flooding should be prepared to take action should flooding develop. Seek more information from official channels and stay tuned. Thank you.

If you would like to edit the way you receive these messages, please [LOGIN](#) to your account to manage your information

