



Port of St. Helens

The Port of St. Helens in Oregon's Columbia County. Environmental groups have appealed a decision by the county to rezone 837 acres of high-value farmland to expand the port's industrial park.

# County land use decision faces appeal

## Proposal would rezone 837 acres of farmland

By **GEORGE PLAVERN**  
Capital Press

For the second time, environmental groups are challenging a decision in Columbia County, Ore., to rezone 837 acres of high-value farmland for industrial use at Port Westward near Clatskanie.

The proposal would nearly double the size of the industrial park, owned by the Port of St. Helens along the Columbia River. Port Westward is already home to three Portland General Electric natural gas power plants and the Columbia Pacific Bio-Refinery.

Columbia County commissioners voted 2-1 to approve the port's rezoning application in 2017, allowing businesses to process, store and ship natural gas, wood products and other bulk commodities at the property.

Opponents, however, argue the industrial zone will not only disrupt neighboring farms, but flies in the face of state land use laws intended to protect high-value farms. Columbia Riverkeeper, along with 1000 Friends of Oregon, filed an appeal March 14 to the Oregon Land Use Board of Appeals, or LUBA, seeking to over-

turn the county's ruling.

At the heart of the issue is whether such industrial development is compatible with local agriculture. Jasmine Zimmer-Stucky, senior organizer with Columbia Riverkeeper, says the answer is "no."

"Industrial development is not a compatible use for farmers, especially farms that are growing sensitive crops," Zimmer-Stucky said.

Most soils in the rezoned area are Class II and III, which according to the Oregon Department of Agriculture are considered high-value farmland under state law. Irrigation canals and ditches are also interconnected along the low-lying diked lands, Zimmer-Stucky said, meaning that an industrial spill or runoff could spread quickly to nearby mint, blueberry, cattle and poplar tree farms.

Jim Hoffman, owner of Hopville Farms, said water quality is a top priority for his blueberry farm, and the community at large. He said he remains disappointed with the county's decision to open farmland to "industrial polluters."

Tracy Prescott-MacGregor, who with her husband, Scott, farms on Erickson Dike Road near Port Westward, said she is also concerned about a potential spill and toxic byproducts of industrial business — especially fossil

fuels development.

"My biggest concern is that almost all industry, especially fossil fuel industry, creates byproducts," Prescott-MacGregor said. "There's also a potential for spillage of any of these caustic materials. It wouldn't take very long before the soils would be contaminated."

If that happens, Prescott-MacGregor said she and her husband would likely have to leave the area. They came in 1999 from Portland to grow their own food, including a large garden, goats, chickens, ducks, geese and turkeys.

"The soils out here are pretty fantastic," she said. "We are lucky farmers."

The Port of St. Helens bought the land in 2010, and Paula Miranda, the port's property and development manager, said they have been approached by a number of companies in recent years interested in the deep water access on the Columbia River.

County commissioners first approved the rezoning in 2014, though it was appealed to LUBA and ultimately remanded back to the county. While the port's latest application does not mention any specific project, Miranda said they will continue to work with farmers to mitigate impacts on their land. She added there are no plans to develop crude oil fa-

cilities on the property.

"I personally feel pretty confident that whatever we bring here, we'll do it the proper way," Miranda said.

Margaret Magruder, a county commissioner, said expanding Port Westward would provide a boost to the local economy, and any industrial business looking to site there would be subject to further conditions to protect the neighbors.

"Just because it gets rezoned doesn't mean that any business that comes along is going to get to site," Magruder said.

But Scott Hilgenberg, a land use fellow at the non-profit Crag Law Center in Portland, said the proposal does not justify rezoning agricultural land under Oregon statewide planning goals.

In particular, Statewide Planning Goal 3 aims to preserve and maintain high-value farmland. Hilgenberg, who is representing Columbia Riverkeeper, said the port's application does not reasonably describe why it needs a Goal 3 exception.

"The concern is the more industrial development that occurs here, the more risk the agricultural community is going to face," Hilgenberg said. "It's a question about what the future vision of Columbia County is going to be, and what products does it want to focus on."

LUBA has not yet scheduled a hearing in the case.

# Profit outlook mixed for Northwest agriculture

By **CAROL RYAN DUMAS**  
Capital Press



Capital Press File

Dairy farmers will continue to face low prices this year, an analyst says.

Most agricultural sectors in the Northwest will be slightly profitable in 2018, and some will be very profitable, but many will face challenges of one type or another, an analyst says.

"There's good and bad in the story. The economy is strong, but there are some concerns with trade risks," Karen Witt, vice president of industry and portfolio insights at Northwest Farm Credit Services, said.

Strong profits are expected in the fisheries and forestry industries based on strong demand for fish and lumber. Profitable returns are also forecast for the wine/vineyards industry, supported by the strong economy, she said.

Dairy, however, faces significant challenges that will spill over somewhat into the hay markets, she said.

There are definitely some challenges in dairy, a long road of challenges not helped by bad weather last year and high inventories of cheese, butter and skim milk powder, she said.

"There is significant inventory out there both nationally and globally that continues to put significant pressure on milk prices," she said.

"The dairy industry should expect milk prices to remain unprofitable through the second quarter as the world oversupply is sold at clearance prices," she said.

Hay should be slightly profitable, but alfalfa hay will face downward pressure from weak dairy demand, she said.

Cattle producers should see slightly profitable returns, but drought in other areas of the country could push more cattle to slaughter and bring some downward pressure on prices. There are also concerns on the trade side regarding beef exports, she said.

Wheat prices have seen some improvement, and U.S. production is projected to be lower, so the wheat industry should see slight profitability this year, she said.

Pulse crops face tariffs from India, which has caused difficult returns. But production seems to be good from what Farm Credit is hearing from producers in the area, she said.

Demand for potatoes is good, and shrinking supplies should bolster prices on the open market. A mild winter for processors should bring good profits and good returns to producers, she said.

## Washington: If our culverts break treaties, what about federal dams?

By **DON JENKINS**  
Capital Press

half the salmon harvest to tribes.

In final written arguments before next week's U.S. Supreme Court hearing, Washington focuses on a chief concern of farm groups: If fish-impeding culverts violate tribal fishing rights, what about dams?

The brief, filed Monday by the state Attorney General's Office, strikes back at Justice Department accusations that state culverts violate treaties by pointing to federally licensed dams.

"Today, these dams provide most of the electricity in Washington, Oregon and Idaho and irrigate thousands of farms in arid areas," according to the brief.

The court will hear oral arguments April 18 on Washington's appeal of an order by the 9th U.S. Circuit Court of Appeals to replace more than 800 culverts to restore salmon habitat. The bigger question is whether the Stevens treaties of 1854 and 1855 guarantee 21 Washington tribes a moderate living by fishing.

The case could result in another landmark decision interpreting tribal fishing rights in the Northwest. A previous phase of this litigation led to the 1974 Boldt decision that allocated up to

While tribes are entitled to half the fish, they weren't promised a particular amount, the state maintains.

The federal government and tribes say that tribes didn't cede their land to dip nets into empty rivers.

The state, along with farm groups, argues the circuit court order makes any activity that potentially harms fish a treaty violation.

The fears are exaggerated, according to the Justice Department and tribes. The case involves only culverts that substantially degrade fish runs, they say.

Tribes would have understood the treaties to protect fish runs because territorial law prohibited blocking rivers, according to the Justice Department.

The state Attorney General's Office counters that the Justice Department and tribes are ignoring 20th century dams.

"Respondents now claim that the treaty parties understood that any obstruction that would substantially degrade a fishery would violate the treaties. Yet for decades starting in the early 1900s, the federal government built or licensed dams across the Northwest that would have failed this test," according to the state's brief.

# Judge: Oregon emergency horse roundup violated law

## Federal government approved removal of 150 horses after 2016 wildfire

By **MATEUSZ PERKOWSKI**  
Capital Press



BLM

The emergency roundup of 150 wild horses in Oregon after a 2016 fire violated environmental law, a judge has ruled.

removing 150 horses — up from about 50 before the fire occurred — leaving about 80 to 120 in the area.

Friends of Animals alleged the emergency action "went far beyond what was necessary to control the immediate impacts" of the fire without a proper review under the National Environmental Policy Act, or NEPA.

Instead of permanently removing the horses, BLM could have examined "relocation, temporary removal, fencing and providing supplemental water" to mitigate the fire's immediate effects, the group argued.

U.S. District Judge Michael Simon has found that BLM's emergency gather went further than necessary to counter the fire's immediate impacts, requiring additional analysis under NEPA.

"Its stated rationale for conducting the gather was not just to control the immediate effects of the fire, but to ensure survival of the horses over the next two seasons, and

aid in the habitat's recovery," he said.

The BLM claimed the emergency action met that requirement because it was based on reviews conducted for the previous roundup decisions and other plans for the region.

However, the judge disagreed that BLM took the necessary "hard look" at the emergency gather's environmental consequences, since the agency didn't analyze the effects of the fire itself or why it was necessary to remove more horses.

"The Emergency Gather Decision does not discuss whether there are any new circumstances, information, or effects not previously analyzed since the earlier NEPA documents," he said.

While the approval was "arbitrary and capricious" contrary to the law, the judge said he will separately deliberate on the appropriate remedy for this violation.

Lucinda Bach, attorney for the government in this case, said she couldn't comment on the ruling. Capital Press was unable to reach an attorney from Friends of Animals for comment.

## Weekly fieldwork report

	Ore.	Wash.	Idaho	Calif.
<b>Item/description</b> (Source: USDA, NASS, NOAA)				
• Days suitable for fieldwork (As of April 8)	4	4.2	2.9	4.5
• Topsoil moisture, surplus	16%	6%	35%	20%
• Topsoil moisture, percent short	16%	12%	1%	5%
• Subsoil moisture, surplus	11%	5%	19%	20%
• Subsoil moisture, percent short	33%	16%	10%	10%
• Precipitation probability (6-10 day outlook as of April. 10)	40-50% above	40% above	40-50% above	33-60% above

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