

End of canola acreage limit may free cultivation — or trigger battle

By MATEUSZ PERKOWSKI
Capital Press

AMITY, Ore. — The 500-acre limit on canola planting in Oregon's Willamette Valley expires next year, either allowing its free cultivation — or triggering another legislative battle over crop restrictions.

This summer, farmers in the region must obtain approval to plant fall canola from the Oregon Department of Agriculture for the final time under Senate Bill 885, which caps the crop's annual acreage.

Supporters of expanding canola production in the valley are hopeful that changed political circumstances and a lack of conflicts over the crop will impede efforts to restrict its production.

"I think trying to stop a commodity will face greater opposition than it has in the past," said Anna Scharf, a farmer near Amity and a state representative. "There are no disaster cases to fall back on. I don't think there's an appetite to regulate anymore where there are no major issues."

Lawmakers passed the 500-acre restriction in 2019 at the request of specialty seed companies, extending a limit that had been imposed six years earlier when a study of canola's impacts was initiated.

That Oregon State University study concluded that canola posed no greater threat to the specialty seed industry than other brassica crops, such as radish and turnips.

The Willamette Valley Specialty Seed Association has long opposed unrestricted canola planting, fearing cross-pollination with related seed crops and a greater potential for diseases affecting other brassica plants.

Canola proponents point out that canola's been grown in the valley for nearly a decade but specialty seed buyers haven't contended with gene flow problems or seen their customers abandon the region.

"Since then, we've never had a single issue that's been brought to ODA," Scharf said.

As SB 885 approaches its sunset in mid-2023, officials from ODA do not plan to propose canola-specific planting regulations as they did in 2019, when the previous cap was nearing its end.

In 2019, the agency proposed a 937,000-acre "isolation area" in the central valley where farmers couldn't plant canola, leaving roughly 1.5 million acres available to the crop.

The time-consuming rule-making process ultimately proved moot when SB 885's approval preempted the agency's proposed regulations.

"Over the years, the Oregon Legislature has shown a keen interest in canola and the conversation will likely come up again in 2023. ODA looks forward to working with the Legis-

lature if they decide to take on canola once again," said Andrea Cantu-Schomus, the agency's communications director.

Meanwhile, the WVSSA isn't commenting on how it plans to deal with the legislation's sunset next year, said Angie Smith, its executive director.

Radish and turnips grown for cover crop seed have been grown without an acreage limit in the valley while coexisting with the specialty seed industry. Critics of SB 885 say this undermines the rationale for singling canola out for tougher regulations than other brassicas.

"I'd like to see them treating it like any other crop. We don't have an acreage cap for any other crop," said Kathy Hadley, a farmer near Rickreall, Ore.

Like Scharf, Hadley urged lawmakers and ODA against subjecting canola to more burdensome rules, but she's not sure whether resistance to the crop has decreased.

"There's still a lot of people who don't want it grown, so a lot will depend on how hard they push and how much money they spend," she said.

It's possible the lack of problems with canola simply means the crop's been "out of sight, out of mind," but won't actually reduce opposition to expanded cultivation, Hadley said.

"I don't know that it's changed anybody's mind, per se," she said.

Scharf said she's optimistic because many lawmakers will be newcomers to the statehouse next year, unburdened by opinions formed during past battles over canola.

Though she's long advocated for the crop, Scharf only became a legislator herself last year.

She expects to win re-election in her conservative-leaning district this fall and educate other lawmakers about benefits of canola production, should new restrictions be proposed next year.

Canola is a globally traded commodity, so farmers can plant it without obtaining contracts, which dictate the terms of specialty seed production and often require they wait for payment.

Growers can be paid for canola immediately upon delivery while hedging and locking in prices using the futures and options markets.

Rotating canola with grass seed production would provide farmers with agronomic advantages, said Jason Scharf, Anna's husband.

"I've always compared it to wheat because it's one of our grass seed rotations," he said. "I can control grass in it better than I can with wheat."

Prices for canola have also made it more attractive to regional farmers: The crop is currently fetching up to 48 cents per pound, up 10 cents from a year ago and 30 cents more than two years ago, he said.

Renewable diesel refinery reaches milestones, faces continued opposition

By GEORGE PLAVERN
Capital Press

CLATSKANIE, Ore. — County officials in northwest Oregon have signed off on a \$2 billion proposal to build what would be the largest renewable diesel refinery on the West Coast, despite objections from nearby farms and landowners.

NEXT Renewable Fuels wants to build the refinery at Port Westward Industrial Park near the Columbia River in Clatskanie, producing up to 50,000 barrels of renewable diesel per day from recycled organic materials such as used cooking oil.

The Columbia County Board of Commissioners voted in February to approve conditional use permits for both the refinery and a railway branch line to the property. Part of the track would cross land zoned for Exclusive Farm Use.

State regulators also approved the project's wetland mitigation plan at a site within the neighboring Beaver Slough Drainage District, where farmers raise livestock and grow high-value crops such as mint and blueberries.

Opponents argue the development threatens local agriculture and the environment, while supporters say it will create hundreds of jobs and displace more than 7 million tons of carbon dioxide every year by supplying cleaner-burning renewable diesel.

"I see extraordinary opposition to this project from my neighbors and the Beaver Drainage District, all of whom may be severely impacted by NEXT's deeply flawed plan," said Mike Seely, who farms about 650 acres of mint in the area with his son, Warren.

Branch line or rail yard?

Seely, Columbia Riverkeeper and 1000 Friends of Oregon and challenging the legality of the rail portion of the project.

Their appeal hinges on whether the 4.7 miles of track constitutes a branch line, which is permitted on Exclusive Farm Use land, or a rail yard, which is not allowed unless the developer gets an exception under Oregon's land use planning laws.

Rail transport to and from the refinery would be capped at 318 cars per week, according to the permit issued by Columbia County.

In written comments submitted to the county on Jan. 18, Gordon Howard, community services division manager for the Oregon Department of Land Conservation and Development, said the facility "appears to be a storage yard or rail yard" and not a branch line.

"The applicant provided no narrative to address how this line will be used,



George Plaven/Capital Press

Warren Seely, left, and his father, Mike, farm about 650 acres, most of it peppermint, in the Beaver Drainage District. They say a proposed wetland mitigation project could affect how the district operates and put farms at risk.

where and how the on- and off-loading will occur and what measures are in place to ensure that adjacent uses and resources are protected from the activity that may take place there," Howard wrote.

Mary Kyle McCurdy, deputy director of 1000 Friends for Oregon, said the county should have required a deeper analysis of how the rail would impact surrounding farms.

"We have heard the significant concerns of area farmers," McCurdy said. "The county's failure to address these puts at risk many acres of irreplaceable farmland."

NEXT spokesman Michael Hinrichs said the refinery will receive feedstocks and ship out renewable diesel mostly via barges on the Columbia River. The rail line, he said, is a contingency measure in the event river passage is closed.

"We are a water-dependent facility," Hinrichs said. "The rail (proposal) is a permit for an unlikely scenario."

Hinrichs estimated 1,000 to 2,000 feet of track is needed to connect the refinery to the main rail line. The remaining mileage will be on the project site and allow NEXT to move trains without holding up rail traffic and blocking intersections, he said.

Seely said he and other farmers remain concerned about possible spills, and setting a future precedent for more rail development on farmland.

"If this gets approved, then it basically allows anybody to do whatever they want on agricultural ground with a rail," he said.

Wetland mitigation

The Beaver Slough Drainage District is also appealing whether the state erred in granting NEXT a removal-fill permit for wetland mitigation related to building its refinery.

Since construction would disturb a little more than 117 acres of wetlands at

Port Westward, the Oregon Department of State Lands ordered NEXT to enhance 476 acres of wetlands elsewhere to compensate for plants and wildlife.

After scouting for mitigation sites along a 40-mile stretch of the Columbia River, NEXT contracted to buy the land it needs from the former Greenwood Resources Lower Columbia Tree Farm, about a mile from where the refinery will be built.

That property, however, is within the 5,717-acre drainage district, which manages water levels for irrigation and flood control. The district is in a low-lying area that has been farmed since the 1860s. Dikes were built in the 1920s by the U.S. Army Corps of Engineers to hold back the Columbia River.

Warren Seely — Mike's son — is the district president. He said NEXT's mitigation project poses several issues, including the spread of new weeds and pests into neighboring fields.

Ground excavation could also hit areas of high underground water pressure, known as "boil points," that could overwhelm the district's pumping capacity, Warren Seely said, leaving farmland submerged and crops ruined.

"Ultimately, what we're responsible for is maintaining the integrity of the levees and drainage system," he said. "We feel that pretty much all of our concerns up to this point have not been addressed, or have been brushed off."

The district filed its appeal to Department of State Lands on April 11.

Even with DSL and county permits in hand, NEXT still has a ways to go before breaking ground.

The U.S. Army Corps of Engineers must complete an Environmental Impact Statement for the project, which Hinrichs said could take up to a year. The state Department of Environmental Quality is also considering whether to issue an air quality permit for the refinery.

Oregon land use agency names new director

By PETER WONG
Oregon Capital Bureau



Brenda Ortigoza Bateman

SALEM — Brenda Ortigoza Bateman will move from Business Oregon to lead the Department of Land Conservation and Development, effective May 2.

Her appointment was announced by Robin McArthur, chairwoman of the Land Conservation and Development Commission, whose seven members are empowered to choose the director of the state land use planning agency. The commission and agency were created by the 1973 Legislature, which required city, county and metro plans to follow statewide planning requirements known as goals.

Bateman, a veteran of two state agencies, will succeed Jim Rue, who at 11 years was the agency's longest-serving director.

The agency has a two-

year budget of just under \$30 million and employs 65 people.

McArthur said in a statement that Bateman was the right choice as the agency takes on new responsibilities.

"From clean energy development, to managing our coast, taking on issues of housing supply and preserving our natural resources, clear guidance and strong direction is imperative to DLCD's success in these areas," McArthur said.

"While we were fortunate to have had a number of qualified candidates, which made the decision difficult, we are enthusiastic about our support of Dr. Bateman. I am confident the agency will thrive under her direction."

For the past three years, Bateman has been the chief operating officer and assistant director for operations and finance at the Oregon Business Development Department, known as Business Oregon, where she worked in strategic planning, implementation and management roles with a focus on natural resources policy. She serves on the Governor's Climate Cabinet and is an appointee of the governor on the Oregon Geographic Information Council.

From 2007 until 2019, as administrator of its technical services division, Bateman was science chief and senior policy adviser at the Oregon Water Resources Department, where she co-authored the 2012 and 2017 versions of Oregon's integrated water resources strategy. As a past president of the American Water Resources Associ-

ation, she represented the association internationally in venues such as the World Water Forum and World Water Congress.

From 2004 to 2007, she was a policy coordinator for the Tualatin Valley Water District.

She earned a doctorate in public policy in 2003 from the University of Maryland Baltimore County, and bachelor's and master's degrees in international relations and international law/economics in 1992 and 1993 from Johns Hopkins University.

Rue joined the state land use agency in 2009, became its acting director in 2011 and elevated to the job permanently in mid-2012. Before then, he had been general manager for environmental affairs at the R.B. Pamplin Corp. He also sat on the state Board of Agriculture for eight years.

Washington mulls rule for working in smoke

By DON JENKINS
Capital Press

Washington farms will have to require workers to wear smoke-filtering masks whenever wildfires make the air hazardous to inhale, under a rule being considered by the state Department of Labor and Industries.

The mask mandate would kick in if the concentration of tiny smoke particles reaches 555 micrograms per cubic meter. The Environmental Protection Agency classifies concentrations of 205.5 and higher as likely to affect everyone.

The mandate would apply to other outdoor workers, as well as farmworkers. During

last summer's fire season, L&I adopted an emergency rule for working outdoors in wildfire smoke. The rule has expired.

The department plans to impose another emergency rule for this summer, while it continues working on a permanent regulation. L&I has not formally proposed a new emergency rule, but has circulated a draft. The department will host an online meeting from 1 to 4 p.m. April 27 to talk about its proposal.

The 2022 emergency rule likely will carry over requirements from last year. Employers will be responsible for checking air quality and required to inform

workers about the hazards of smoke. Workers sickened by smoke must be treated.

Last year's rule did not include a mask mandate. Under the draft proposal, employers would have to provide N95 masks or other respirators certified by the Centers for Disease Control and Prevention.

Surgical masks, scarves or bandanas are examples of face coverings that would not be good enough, according to L&I.

If the EPA's air-quality index hits 69, or 20.5 micrograms per cubic meter, employers would be "encouraged" to provide respirators and "implement exposure controls."

Best Prices on Irrigation Supplies

IrrigationKing.com

Sprinklers • Rain Guns
Drip Tape • Dripline • Filters • Poly Hose
Lay Flat Hose • Micro • Valves • Air Vents
Fertilizer Injectors ...and much more!

Fast & Free Shipping from Oregon
1-844-259-0640
www.irrigationking.com

10% OFF
PROMO CODE:
CAP10

5280808-1