

# Acres at Clatskanie port to remain farmland, for now

## Plans for an industrial plant

By **TONY SCHICK**  
Oregon Public Broadcasting

Columbia County's plan to turn 837 acres of farmland into an industrial site along the Columbia River is headed back to the county for revisions — again.

The Port of Columbia County has been seeking to rezone land at its Port Westward site near Clatskanie since 2013, with potential uses including a gas-to-methanol plant or a refinery for diesel made from palm and vegetable oils.

Columbia Riverkeeper has been fighting it at every step, appealing the decision first to the state Land Use Board of Appeals, declaring that a victory and nonetheless appealing yet again to the Oregon Court of Appeals seeking further rebuke of the county's efforts.

The county, in turn, argued it had addressed all questions necessary to rezoning the land.

Neither side won on appeal. Instead, both now proceed knowing there is just one question left to address: Whether the port's new industrial tenants would be compatible with nearby uses, which include a 450-acre mint farm.

The appeals court decided last week the county had satisfied all criteria but this one, upholding the previous decision of the Land Use Board of



Ecotrust

One of two methanol plants proposed for the Northwest would be built at Port Westward.

Appeals.

"We're hopeful that the court decision provides the county and the port a new opportunity to set a high bar for protecting high-value farmland and for protecting strong salmon runs," said Dan Serres, conservation director for Columbia Riverkeeper.

Port of Columbia County Executive Director Doug Hayes said he expected the county to have its latest proposal back in front of state officials in the next two months, depending on whether they would be revising their old application or starting the process over.

"I'm excited that we're down to one final question remaining," Hayes said. "Since 2013, there have been several questions we needed to answer and so to get it down to one is significant progress."

At least two proposed projects could hinge on

that farmland becoming available.

Last week, port commissioners canceled a lease with Northwest Innovation Works, a Chinese-backed group looking to build a gas-to-methanol plant on 82 acres of existing industrial land at the port. Instead, the port has now offered Northwest Innovation Works the chance to use a patch of that farmland.

Hayes said Northwest Innovation Works agreed to move to the farmland, pending the rezone. That would allow the port to try and bring in another company that would be ready to provide jobs sooner.

"They recognize the need for jobs," he said. "And right now that 82 acres is the only piece of property that is properly zoned that does not have an existing tenant ready to go."

A spokeswoman for Northwest Innovation Works told the Capital

Press the company was in the early stages of planning at Port Westward. The company has promised hundreds of local jobs and billions of dollars in investment in Northwest communities.

Northwest Innovation Works previously had plans for a site in Tacoma, and recently Washington Gov. Jay Inslee voiced his opposition to the company's proposal for another methanol plant in Kalama.

Another project, known as NEXT Renewable Fuels, has also eyed that 837 acres of farmland. NEXT would make renewable diesel, which is a replacement for traditional diesel the company plans to market to West Coast buyers as a way to lower greenhouse gas emissions.

Hayes said NEXT is further along than any other project the port has considered, and could be a candidate for moving into the

# Judge dismisses lawsuit over dairy pollution

## Problems in Tillamook Bay

By **MATEUSZ PERKOWSKI**  
Capital Press

A lawsuit alleging insufficient regulation of dairy pollution in Tillamook Bay cannot proceed for procedural and jurisdictional reasons, according to a state judge.

However, the oyster company that filed the complaint against the state Department of Environmental Quality plans to appeal that decision.

Two years ago, the Hayes Oyster Co. accused the department of enacting total maximum daily load standards for fecal coliform bacteria that were too lenient, effectively allowing dairy pollution to shut down or restrict oyster harvest on 600 acres of flats in the bay.

Hayes contended that the state wrongly assumed that confined animal feeding operation permits for dairies prohibited all wastewater discharge even though such effluent continued to enter waterways, amounting to a "pollution easement" across the Tillamook Bay.

Last year, Tillamook County Circuit Court Judge Mari Garric Trevino found that the Department of Environmental Quality hadn't properly finalized the load order in 2001, which at the time allowed Hayes to continue pursuing litigation against the agency.

In her most recent opinion, however, Trevino has determined that she doesn't



Jesse Hayes

Bags of oysters are pulled from Tillamook Bay before they're graded and packaged by a worker with the Hayes Oyster Co.

have an independent basis for jurisdiction over the case due to how agency actions must be challenged under Oregon's administrative procedures law.

"The fact that other relief may not be available to plaintiff or that his property rights are impacted does not affect this restriction," the judge said.

The judge also ruled that Hayes doesn't have the legal standing to challenge the department's regulation and that the case was untimely filed due to a 10-year statute of limitations, since the oyster company would have been aware of the effect on oyster harvests since the

early 2000s.

"The court finds that a reasonable person in plaintiff's situation would perceive that it had been injured by the implementation of the TMDL and that the drafter and approving agency for the TMDL, defendant DEQ, was responsible for this injury," Trevino said.

The Department of Environmental Quality's inadequate regulation has harmed Hayes, as well as people

who recreationally harvest clams and crabs from the bay, said Thomas Benke, the attorney for Hayes, in an email.

"Hayes is disappointed in the court's ruling in that it effectively insulates the department from any accountability for its failure to establish a TMDL that is intended to achieve the shellfish harvesting water quality standard in Tillamook Bay," he said.

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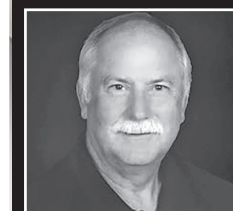
"We are following land developments at Port Westward closely, and thoughtfully considering our requirements and options. We have no further comments at this time and will make an announcement at the appropriate time in the future," said Lou Soumas, one of the project backers.

Like Northwest Innova-

tion Works, the Port Westward site is not Soumas's first attempt at a Northwest energy project. He and others previously were involved in an attempt to site an oil refinery in Longview, Washington, as well as a biofuels plant in Odessa, Washington, which was later the subject of a \$400,000 federal environmental cleanup and allegations of more than \$1.6 million in unpaid debt.

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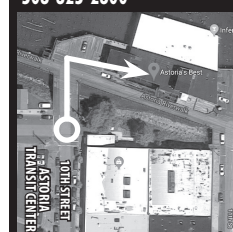
**A:** Although you probably understand that poor dental care can lead to cavities, did you know that other, more serious health problems can also result from poor oral care? The truth is that if you don't take proper care of your teeth you could face far more serious consequences that a simple tooth-ache or some unsightly stains. You could face Cardiovascular Disease, Dementia Respiratory Infection and Diabetic Complications and more.



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