Dispute: Lawsuit could help other small grocers

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Acosta sided with the argument of McDaniel's lawyer, Andrew Tapp, that he committed no crime related to dishonesty in an agreement because he delivered the drugs as expected. The judge ordered the agency's denial vacated but did not go as far as Tapp's request to reverse the decision entirely. Instead, he ordered that the Food and Nutrition Service review McDaniel's application again.

Tapp, who specializes in food stamp-related cases, has argued that the government's screening of SNAP retailers is meant to uncover past fraud and dishonesty in business, not prior drug convictions.

"Congress didn't intend to bar prior criminal convictions, or they would have done so," Tapp said.

If they had, he argued, than employees at large businesses like Walmart, which comprise a large portion of food stamp spending, would also face scrutiny.

Allison Milne, a lawyer for the federal government, argued that the Food and Nutrition Service's decision was also based on reputation. McDaniel's convictions call into question his reputation, she argued.

But Acosta pointed out that the drug deal was more than a decade ago, long before McDaniel took ownership of Astoria Downtown Market, and did not occur at the place of business.

The federal government is more likely to amend its rules than appeal the case, Tapp predicted. McDaniel has said his lawsuit could help other small grocers who have been denied under similar circumstances.

More than 250,000 businesses are allowed to accept SNAP benefits as of Sept. 30, 2018, the end of the most recent fiscal year of statistics reported by the USDA. More than 20,000 retailers were authorized during the fiscal year to accept benefits. Of the nearly 2,500 that were denied, 101 were because of business integrity issues.

The ability to honor the federal benefits is key for McDaniel to serve low-income customers and expand his offerings at the Commercial Street market, downtown's only grocery source after the Astoria Co+op moved to its new location at 23rd Street and Marine Drive.

"I'm ecstatic," McDaniel said. "I hate to see anybody who's trying to better their lives be (stopped) by the government."

McDaniel said the judge's decision could help him expand produce and other grocery options for people downtown. The market used to accept food stamps before he took ownership.

"Groceries used to be 15% of my sales," he said. "Within a month of not having food stamps, it dropped to 5%."

Wind energy: 'It's still very early'

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The lease to WPD covers about 3,600 acres of timberland south of the Bradley State Scenic Viewpoint on U.S. Highway 30, where a plateau drops off into hills and agricultural land along the Columbia River to the east. It gives WPD exclusive rights to generate wind energy on the property and includes a 20-year lease extension that could take the company's presence there through 2085.

"It's still very early," said Jeffrey Wagner, director of Portland-based WPD Wind Projects Inc. "We have yet to measure the wind resource on the site, but we plan to get that underway, and then continue evaluating whether it's feasible to do a project."

Successful projects are about available wind and proximity to transmission lines, which can cost $1 million per mile to build, said Todd Cornett, secretary for the state Energy Facility Siting Council overseeing placement of large renewable projects.

Oregon ranks in the top 10 in wind generation, with more than 3,000 megawatts of capacity. As of last year, there were 34 wind projects of 10 megawatts or greater and another 10 facilities under 10 megawatts.

"The majority of the wind projects — maybe all of the wind projects — are in the mid-Columbia plateau," Cornett said. "That's where there's a good wind resource, and that's where the Bonneville Power Administration's grid is."

The county's comprehensive plan found several suitable sites for wind power, including Wickiup Ridge just west of WPD's lease. The lease is also in close proximity to Bonneville Power Administration transmission lines bringing electricity to the North Coast and the Wauna Mill, the county's largest single electricity consumer.

The North Coast has been a proving ground for potential offshore wind and wave energy technologies. But WPD's project could be the first land-based wind project along the Columbia River west of the Columbia River Gorge. WPD is also developing a 750-megawatt wind farm on 40,000 acres of dry agricultural land along the river in Benton County, Washington, near Hermiston.

As of next year, wind projects rated for more than 150 megawatts will be subject to state jurisdiction. Those below would fall under county review. Either route results in a robust conditional use permit process with reviews of the wind turbines and the site's geology, archaeology, wildlife habitat, endangered species and other factors.

Cornett said there is a 150-day clock to get to a local land use decision once the application is deemed complete.

Even if there is sufficient wind and infrastructure to make a project near the Wauna Mill feasible, Wagner cautioned not to expect anything soon.

"It's years," he said of developing wind projects. "It's not unheard of for a project to take 10 years or more."

Claire Withycombe/Oregon Capital Bureau

Gov. Kate Brown speaks at a rally in Salem in favor of a cap-and-trade bill in June.

Cap and trade: New proposal creates a staggered system to reduce emissions

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> *'WE THINK THAT TRYING TO RUN THESE HUGE POLICIES THAT'LL AFFECT EVERY OREGONIAN IN FIVE WEEKS IS CRAZINESS.'*
>
> **Senate Republican Leader Herman Baertschiger Jr., of Grants Pass**

But it prompted ire from Senate Republicans, who eventually fled the Capitol to prevent a vote on the bill. They maintained the proposal would hurt their largely rural districts.

House Bill 2020 also sparked a protest from timber companies and logging truck drivers, who spent a day in June encircling the Capitol, blowing horns to exhibit their discontent. The timber industry would have been exempt from regulation under the plan, however.

But Democrats, who fell short of the votes in the Senate, are adamant they'll pass policy through next year to address the growing threat of climate change.

State Sen. Michael Dembrow, D-Portland, a leading advocate for a climate policy, stressed on Friday that the concept is "extremely preliminary," and that he hopes another, updated version will become public in about a week.

"It's very much a work in progress," Dembrow said.

'Staggered system'

The new proposal creates a staggered system to reduce carbon emissions. It provides most polluters with emissions allowances. The allowances would scale back over a matter of years.

The allowances can be traded among those businesses covered by the policy so that firms who don't use all their allowances could sell the excess to those that don't have enough.

Unlike the earlier proposal, Oregon would be flying solo, rather than connecting to cap-and-trade programs in other places.

"The limit, broadly speaking, is on our state emissions, and it's got to come down each year gradually in order to get to where we need to be in the future," Dembrow said. "And industries or sectors that can't be below that amount will have to purchase allowances to continue to emit above that amount."

The earlier proposal would have created a new state bureaucracy to manage the program. The current concept, instead, puts the oversight role under the state Department of Environmental Quality, Dembrow said.

It also takes a different approach to a major point of contention last year: its impact on prices at the gas pump. Republicans argued rural Oregonians would feel the effects of a carbon policy more acutely because of the longer distances they must drive to get to work, school and to other duties of everyday life. Fuel suppliers would have faced added costs under the original proposal that would have been passed on to consumers.

The new proposal would instead mean that companies importing gas into the state would only adhere to the emissions system in the Portland area at first, starting in 2022, and then, three years later, metro areas with populations of 30,000 or more.

"That's a big change," Dembrow said.

While the details aren't "quite there yet," he added, it's generally an idea he supports.

"I think it really does address a lot of the concerns that we heard that the bill would put inordinate costs on our rural residents," Dembrow said. "So delaying the implementation for the most rural parts of the state is an acknowledgment that we're trying to address those concerns."

Labor concerns

Dembrow said the current concept doesn't include what he feels are important aspects of last year's proposal, such as worker retraining for those who could be impacted by economic changes wrought by a new climate policy.

The Oregon AFL-CIO, a federation of unions representing about 300,000 Oregon workers, issued a rejoinder to the draft on Friday.

Graham Trainer, Oregon AFL-CIO president, said the draft doesn't help workers whose industries could be affected by a climate policy and doesn't direct proceeds from the policy to creating "family wage, quality jobs."

"We have always believed that workers must be at the center of policy when debating how their work could be impacted, and especially in a cap-and-invest program that has the potential to produce major shifts in Oregon's economy," Trainor said in a written statement.

"Any climate action that leaves behind workers and communities disproportionately impacted by the effects of climate change is a policy and a process that should be rejected," Trainor said.

Sen. Fred Girod, R-Stayton, considered to be a point person for Senate Republicans as they negotiate a new climate policy, couldn't be reached for comment.

Sen. Cliff Bentz, R-Ontario, who is resigning in January to run for Congress, has taken a step back from his previously front-and-center role in carbon policy for Republicans, and said when reached Friday that he hadn't seen the latest proposal.

Senate Republican Leader Herman Baertschiger Jr., of Grants Pass, said he hasn't been involved in the discussions over the policy, and said he hadn't gotten very far into reading the 60-page proposal Friday.

But he said that it was "madness" to consider sweeping climate legislation during the five-week legislative session. The session starts Feb. 3.

"We think that trying to run these huge policies that'll affect every Oregonian in five weeks is craziness," Baertschiger said.

Brad Reed, a spokesman for Renew Oregon, a coalition of businesses and nonprofits pushing for state policy to address climate change, emphasized the concept is an early "starting point."

But Reed said the concept is missing key components that the group pushed for last session, and doesn't go far enough to make all major polluters pay or invest in moving the state to a clean energy economy.

"I want to stress that we consider this as where they will start negotiating," Reed said. "This is not a piece of legislation that the Renew Oregon coalition would be able to support."

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Hobbs: 'I refused to get old. I won't do it'

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industrialist Henry Ford, in logging camps and in a resort on Lake Superior.

Hobbs returned to Astoria at 15. She and a friend got a private room and went to work waiting tables and cooking aboard the Tourist No. 2 ferrying people between Oregon and Washington state. She remembers some mornings so foggy the ferry would end up a mile downriver from the northern landing in Megler, Washington.

"Megler was a population of five — three people and two dogs," she said.

Hobbs worked in canneries in Uppertown, downtown and Uniontown. She followed her husband, after he left the U.S. Marine Corps, to various jobs in California, back to Astoria and later in Montana. He eventually found a job at an aluminum mill in Longview, Washington, and their family settled in Clatskanie. Hobbs said she stopped working by then, aside from raising three boys and a girl.

Hobbs, who turns 90 in August, keeps herself healthy with trips to the gym, tai chi and walks. She's walked twice across the Astoria Bridge during the Great Columbia Crossing.

"I may have to look old, but I refuse to get old," she said. "I won't do it."