

Stop NEXT In Its Tracks: Houston-based NEXT Proposes Major Rail Yard at Port Westward



Site of proposed refinery and rail yard. Photo by Alex Milan-Tracy

Join us on Monday, June 26 at 6:30pm to urge the Columbia County Commission to Deny NEXT Energy's Rail Yard Application

Years ago, in a beautiful sweep of land adjacent to the Columbia River known as Port Westward, a Houston-based developer named Lou Soumas arrived touting a false promise of sustainable development. What emerged was a hair-brained scheme to build one of the world's largest non-conventional diesel refineries on unstable soil near homes, amid blueberry farms, on mint fields, and across the road from a Buddhist monastery. Soumas promoted the proposal with a commitment not to use long trains to bring soybean oil or other feedstocks to the refinery.

What a difference a few years make. For the second time, Houston-based NEXT Renewables LLC is asking Columbia County to approve over 3 miles of rail tracks to bring in mile-long trains of feedstock for its proposed refinery. The rail yard will displace farming, impact local water resources, and disrupt the community. Local farmers, Columbia Riverkeeper, and 1000 Friends of Oregon successfully blocked the plan in 2022, when the Oregon Land Use Board of Appeals (LUBA) denied the rail yard.

Now, NEXT is at it again. NEXT proposes to add miles of rail tracks close to the refinery. Basically, NEXT has shifted its previously rejected rail yard north, and the impacts to farmland and water resources are direct, significant, and negative.

Join us to speak up against the rail yard aspect of NEXT's plan on Monday, June 26. The public is invited to participate either in person or remotely.

Columbia County Planning Commission Public Hearing Monday, June 26, 2023, starting at 6:30 p.m.

- 1) **You can attend in person.** The hearing will be held at Healy Hall within the Columbia County Public Works Department, 1054 Oregon Street in St. Helens, OR.

2) **You can attend online.** Go-To-Meeting Meeting Link:

<https://meet.goto.com/475936085>

(Get the app now so you'll be ready when the meeting starts: <https://meet.goto.com/install>)

3) **You can dial in using your phone.**

Call: 1 866 899 4679

Enter the Access Code: 475-936-085

Details for Testimony:

You may only have 2-3 minutes to speak, so try to focus on one or two key points. You can submit additional written testimony to Planning@ColumbiaCountyOR.gov before the hearing, as well.

- 1) The Planning Commission should deny NEXT's proposed modification of the prior approval for the refinery. The proposed modification would allow the company to establish miles of rail tracks at Port Westward. NEXT initially promoted its refinery with a commitment not to use frequent, long trains to bring in feedstock for the refinery. The rail yard is a major bait-and-switch. NEXT's proposal would impact both the local community and people who live in communities near the rail line along Highway 30 by increasing long train traffic.
- 2) The rail yard will have a major, negative impact on the community and area farms. NEXT continues to ignore and downplay community concerns, and NEXT has failed to demonstrate that it has agreements to use PGE-leased property or to alter drainage systems controlled by the Beaver Drainage Improvement Company (BDIC). The application is premature, with glaring flaws.
- 3) The proposed modification conflicts with the County's land use rules, and the application fails to consider relevant local impacts. Instead, NEXT is dodging issues related to the rail yard and trying to rely on prior decisions.
 - NEXT asserts, "...there is no basis for the County to conclude that scope and intensity of the use is any greater than that already approved. As the use is not proposed to change with this application, no further analysis is provided here." This is incorrect, and NEXT's lack of further analysis is a fatal flaw in the application.
 - The County's prior review and approval of the refinery facility did not consider the rail yard. A previous rail yard proposal was reviewed under a separate application and different criteria, and ultimately rejected by LUBA. NEXT's procedural response—trying to jam the rail yard into the previously approved land use determination for the refinery—significantly increases the scope and intensity of NEXT's proposal.

- The prior rail yard approval was a separate application, not part of the refinery application that NEXT now proposes to modify. And that prior approval was reversed by LUBA, so there is no basis to rely on that decision to establish the potential impacts of the rail yard.
 - **In summary, the rail yard component of the proposal was never evaluated under the criteria that apply here. The Planning Commission cannot approve the proposed modification without additional analysis and findings that are specific to the changed location and configuration of the proposed rail facility.**
- 4) Columbia County Zoning Ordinance, CCZO 683.1.B, requires NEXT to consider impacts to area land uses, water, and the community.
- NEXT failed to show that the “potential impact upon the area resulting from the proposed use has been addressed and any adverse impact will be able to be mitigated,” as required by County rules. NEXT must specifically consider the *particular land use and improvements* with respect to the rail yard and road infrastructure, taking into account: physiological characteristics of the site (i.e., topography, drainage, etc.); the suitability of the site for the particular land use and improvement; existing land uses; and both private and public facilities and services in the area.
 - Specific examples of issues NEXT’s failure to address major issues include:
 - i) NEXT’s proposal entails new locations for filling ditches and new impacts to drainage ditches, irrigation systems, and waterways. Without specific information about these new effects, NEXT cannot claim to have considered or mitigated the impacts of its new proposal.
 - ii) NEXT lacks agreements with the BDIC and PGE to use or alter the land and drainage systems where the rail yard is proposed.
 - iii) NEXT’s proposal conflicts with the interests of local farmers who have decades of first-hand knowledge regarding the hydrology and surface water movement in the area.
 - iv) NEXT does not provide adequate information about the new proposal’s effects on drainage and groundwater. During many times of the year, groundwater is at or near the surface of the ground. Everyone who lives and works at Port Westward knows this. NEXT fails to adequately address the impact of the modification when groundwater levels remain close to the surface for long periods of time, as is often the case.

- v) NEXT even admits in its stormwater report that NEXT does not fully understand groundwater levels. (See Stormwater report [p. 7](#) which states, "Groundwater elevations will be further studied, and the pond design may be refined during the final design phase to minimize groundwater intrusion, if needed.") NEXT's application and stormwater plan fail to show that NEXT can mitigate the impacts of the proposed modification.
- vi) NEXT does not explain how its proposal will avoid causing water level problems on the site and adjacent lands, and it fails to provide sizing for culverts needed. (See [Stormwater report p. 3](#) which states, "The culvert will be sized during final design when more information about the wetland drainage conditions becomes available. Wetland water levels will be monitored over the next year to evaluate seasonal fluctuations.")
- vii) NEXT's proposed modification conflicts with land uses in the area.
 - (1) NEXT's new rail yard proposal would fill and impact drainage and ditch systems that are integral for providing manageable water levels, irrigation, and drainage. The BDIC's maintenance and use of the drainage system is a land use that must be considered and addressed. NEXT's proposal will interfere with the BDIC's ability to maintain its infrastructure.
 - (2) NEXT must assess potential impacts to farming. The proposed modification including the rail yard and road infrastructure will directly displace local farming. The area of the proposed modification has been recently, actively farmed. The farmer has an ongoing right to use and farm the land. NEXT fails to address this conflict.
 - (3) The rail facility is going to cause impacts to farming through potential transportation delays and a blocked crossing at Kallunki Rd. (NEXT hasn't adequately addressed the issue of blocked crossings in other parts of the County, either.) NEXT may potentially have made the situation worse by changing the location and size of the rail facility, which they previously said was necessary in its former location in order to keep rail cars from blocking any crossings for any significant period of time.
 - (4) NEXT has no agreement with PGE to use the land that PGE leases, which overlaps with the rail yard. PGE considers the area a "buffer" for its future industrial use. According to NEXT's 2022 Application to the Army Corps, "PGE has informed the Applicant

that they are not willing to release their long-term lease at either property for further industrial development. PGE indicated that the property would be utilized as a buffer for their facility and for any future PGE expansion." (See pdf page 587 of NEXT's [Joint Permit Application](#) to the Corps/DSL/DEQ.) Unless NEXT can provide evidence to the contrary, the proposed modification conflicts with PGE's use of the land it leases.

- 5) For nearby residents of the area, consider submitting information about your own experience living and working at Port Westward and visiting the area.
- How will long trains carrying feedstock along the Highway 30 corridor, and through the Port Westward area, impact your home, livelihood, and community?
 - How do you rely on drainage systems that would be impacted by the rail yard? NEXT proposes to fill areas of the drainage ditches maintained by the BDIC. Does your farm depend on water from the BDIC? How could changes in water levels or availability impact you?
 - Highlight your residence, business, or farm and how it would be impacted by the proposed rail yard. Pollution and transportation are important factors. Do you travel often on Kallunki Road? How would delays impact your ability to farm and to timely move your product to market? How long do you expect it to take for a mile-long train to pass a particular location as it is rolling to a stop, and how long will a fully loaded mile-long train departing from a stop interfere with local road access? (NEXT claims that trains will move 10 mph and only block Kallunki Rd for 7.5 minutes). What has been your own lived experience regarding water levels, soil stability, and road infrastructure in the area that the rail yard and proposed new roads could impact?

Put it in writing! Submit written testimony!

You can submit additional written testimony before the day of the hearing.

Email testimony to: Planning@ColumbiaCountyOR.gov

Or you can mail testimony to:

Columbia County
Land Development Services
Attn: Planning
230 Strand Street
St. Helens, OR 97051

More information: Contact Dan Serres, dan@columbiariverkeeper.org, 503.890.2441