

Field burning controversy up in air

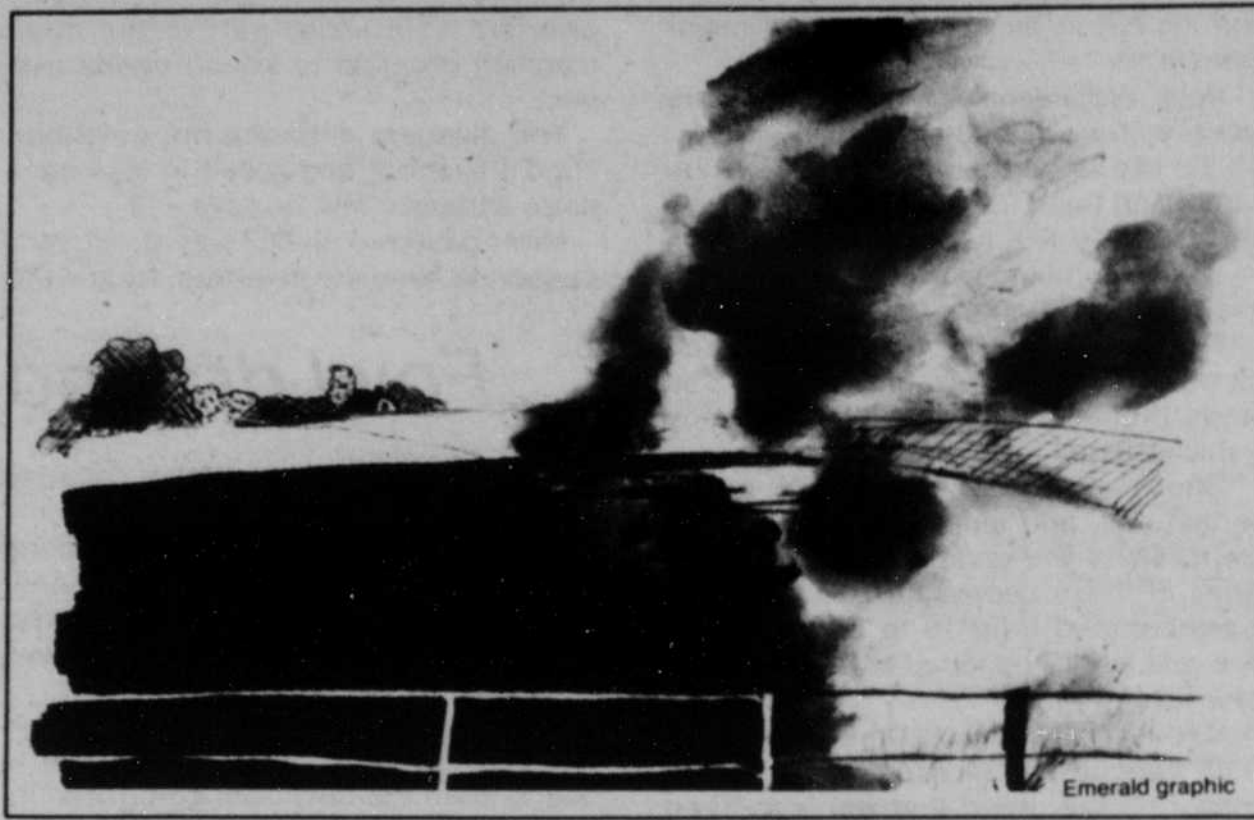
By PHIL LEMMAN
Of the Emerald

The field burning controversy has brought out combatants on all fronts. Participants now include Gov. Victor Atiyeh, the federal Environmental Protection Agency, the state's Environmental Quality Commission and Department of Environmental Quality, the City of Eugene and two grass seed growers' organizations.

The latest entrant is Atiyeh, who says he might exercise his power under the federal Clean Air Act to invoke a temporary emergency suspension of the field burning limit. Any such action would be precedent-setting in Oregon and would be subject to an EPA veto. Atiyeh also has powers under the State Implementation Plan, which is designed to carry out the provisions of the Clean Air Act. It is not clear whether a suspension of the burning limit under this authority would be subject to an EPA veto.

Atiyeh has entered into negotiations with the grass seed growers and the City of Eugene in an attempt to forge a compromise between the two parties. Eugene Mayor Gus Keller met with Atiyeh last Thursday to inform the governor of the city's position. Keller urged the Governor not to mandate an extensive or unregulated burn.

City Attorney Stan Long, in a statement released Friday, said Atiyeh had spoken of some specific suggestions that the governor said would be of benefit to



Emerald graphic

Eugene. He added that the precise terms of a new burning limit would be very important. Long also said a decision is expected early next week and that Atiyeh believes he has the authority to make such a decision.

However, Atiyeh's authority in the matter is not entirely clear. The implementation plan gives him the power to prevent the closing of a source of pollution should he find a substantial increase in unemployment, an infestation of disease, damage to the land or an extreme economic hardship. These are potential

dangers if additional burning is not allowed, but it is not clear if the plan specifies existing problems or merely potential ones. That will probably have to be determined in court, according to Dave Gemma, spokesperson for the DEQ.

The Clean Air Act gives governors the power to invoke a temporary suspension of burning limits, provided the suspension doesn't violate federal clean air standards; is necessary to prevent a substantial increase in unemployment; or follows an EPA delay of more than four

months in answer to a request asking an increase in burning.

This last point could be a bone of contention, should Atiyeh exercise his option to suspend the current 50,000-acre limit. It is not clear what date would be used to determine the four-month limitation. The state submitted a plan in May, but has since revised the plan twice, the latest revision occurring July 5. It is also unclear whether Atiyeh could order an emergency suspension on the grounds that an EPA decision would not be forthcoming within the four-month limit. An official decision from the EPA is not expected until December.

The EPA said it has had no contact with the governor's office regarding Atiyeh's plans. EPA representative Bob Jacobson said response from that agency to any action from Atiyeh would be determined by the governor's approach to his decision.

Any decision by Atiyeh would be carried out by the Environmental Quality Commission, which was supposed to discuss action on burning permits in a meeting Friday morning. Action was postponed, however, upon a written request from Atiyeh to the commission. His letter described the negotiations going on as "sensitive" and said it would be "inappropriate to take action at this time." The meeting was enlivened by a telephoned bomb threat to the county courthouse, where the meeting was held. No bomb was found.

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Land-use splinters board

By KEVIN HARDEN
Of the Emerald

Lane County officials may be heading for trouble because of a proposed land-use plan that would allow a more flexible system in determining the size of land parcels that can be sold in rural areas.

The plan was introduced to the public two weeks ago as a proposal to ease the burden of present county land-use regulations. Under the proposal, rural landowners could divide their land into smaller

parcels than the allowed five-acre lots, for sale to developers or private homeowners.

Although the proposal has been discussed by the Lane County Commissioners several times, Commissioner Jerry Rust, the Eugene City Council and the County Planning Commission have some doubts about the plan.

During a confrontation in last Wednesday's regular commission meeting, Rust asked the other four commissioners to consider a slower, more prudent approach to the plan, set to go before a public hearing Wednesday. Rust argued that he was in favor of a new plan that allowed greater freedom to zone land for small parcel sales, but that those sales should be planned through the county and not be haphazard.

"It's very serious, and I don't believe we're applying the Land Conservation and Development Commission (LCDC) goals as any sort of yardstick to this activity," Rust told the other commissioners.

Commissioner Archie Weinstein, however, argued that rural landowners should be allowed to divide and sell their

property as they saw fit. Rural housing would not be such a bad thing, he said.

"What do you want to do with all these people who want houses?" Weinstein asked. "You might believe in communes, but you cannot force people to live in communes."

LCDC goals are part of the planning process required by state law to be applied to rural land in Oregon. If the commissioners' plan does not meet those requirements, the county could face legal action by the state.

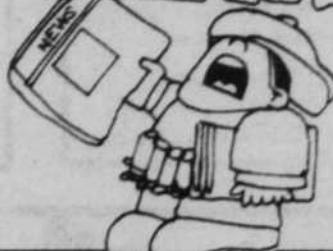
The county planning agency, which normally handles land-use planning for rural areas, asked the commissioners last week for a large part in developing the proposed plan.

In a letter to the commissioners, the agency asked that it be briefed on the plan by the commissioners' staff. Rust and several members of the agency are dissatisfied with the lack of citizen participation in the planning process.

A public hearing on the proposal is scheduled for Wednesday in Harris Hall, beginning at 7:30 p.m.

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