

# Opal Creek cleanup plans completed

■ **WASTE:** The wilderness area is polluted with mine tailings and other hazards

The Associated Press

Toxic mine tailings and other hazardous waste will be hauled out of the newly created Opal Creek Wilderness area by the end of the year, if all goes according to plan.

The waste removal was called for in the bill creating the 12,800-acre Opal Creek preserve. The legislation was pushed through Congress by Oregon Sen. Mark Hatfield. It was one of his last legislative acts before his retirement this month.

Hatfield's legislation included

\$750,000 in federal money to cover about half the cost of cleaning up the debris, which is considered one of Oregon's worst toxic waste problems.

The rest of the cost will be covered by Persis Corp., the Hawaii-based company that deeded most of the land to Friends of Opal Creek several years ago, said Mark Truebe, cleanup project manager for the Willamette National Forest.

The tailings come from several old mines in the Jawbone Flats area.

The U.S. Forest Service already has spent several hundred thousand dollars moving the tailings away from the Little North Santiam River east of Salem.

Metals from the tailings have

oozed into the river.

"I'll sleep better with one more potential source of contamination no longer being present in my watershed," said Michael Donnelly, a Mill City-area environmentalist who has fought for years to protect the Opal Creek area from logging and development.

The area is considered one of the largest tracts of old growth forest in the western Cascades.

The Forest Service has outlined its plans for removing the waste in an environmental study and decision document.

Truebe said the Forest Service wants to start improving the main access road to the area in April, with waste removal beginning sometime this summer.

# Oregon Supreme Court to look at Measure 40

■ **CRIME:** The controversial victim rights measure seems likely to be reviewed soon

The Associated Press

The Oregon Supreme Court apparently intends to tackle legal issues surrounding a crime victim rights measure soon. The measure was approved by voters in November.

Attorneys say the high court wants to move speedily because of the measure's potentially far-reaching impact on hundreds of criminal cases and because of confusion in lower courts over the initiative's effects.

In letters sent to the attorney general's office and to criminal defense lawyers with cases pending before the Supreme Court, the justices asked that briefs be submitted on the applicability and validity

of Measure 40.

The initiative amended the state constitution with provisions which included expanding the kinds of evidence admissible in criminal trials and limiting pretrial release of suspects from jail.

The court's request appears to open the entire measure to judicial review all at once, said Jim Rice, a lawyer for the Public Defender Services of Lane County.

Diane Alessi, a lawyer with the state's public defender service, said the urgency of the court's request is in contrast to the arduous legal journey most issues take before reaching Supreme Court review.

"Normally, we would have to wait for a case to come up from the trial court, through the Appeals Court. That could take a year, easy," she said.

Deputy Attorney General Tim Sylwester, who is part of a team preparing the state's case, said if the court were to wait for Measure 40 cases to wind their way through normal channels, anywhere from 50 to 200 criminal cases might have to be retried if the measure were overturned.

The American Civil Liberties Union of Oregon last month brought a lawsuit in Marion County Circuit Court attacking Measure 40 as unconstitutional on the grounds it violates the single-subject rule for ballot measures and is an illegal constitutional revision rather than an amendment.

Other potential legal questions about the initiative include a provision that some defendants remain in jail before trial unless they can prove they wouldn't commit another crime.

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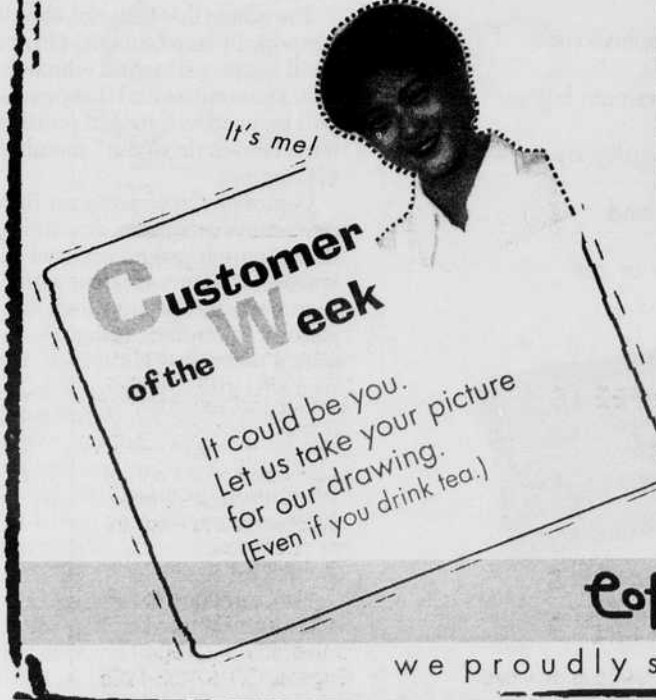
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