

**OTHER VIEWS FROM
THE ALBANY DEMOCRAT-HERALD**

Special session? Sure, but keep it focused

Gov. Kate Brown says she's ready to call for a special legislative session to make sure that a new law limiting the use of the death penalty won't apply to old cases.

During a telephone call with reporters last week, Brown added some asterisks: She said she would call for the session if one of the law's key supporters, Sen. Floyd Prozanski, D-Eugene, is able to craft the language for what she called a "very narrow fix" for the bill and if there was enough support for the fix to pass in the Legislature. The likely time for such a session would be during the week of Sept. 16, when legislative committees are scheduled to meet anyway.

In general, it's wise for these special sessions to be tightly focused and very limited in their scope: This isn't the time, for example, for proponents of cap-and-trade carbon legislation to renew their case, even though some advocates are kicking around that possibility. (Besides, that effort should await efforts by the governor to reach out to the rural portions of Oregon where opposition to the cap-and-trade measure crystallized.)

In any event, Prozanski has his work cut out for him over the next couple of weeks: Even though this looks like it should be a relatively easy fix, the path to fixing the death penalty bill, Senate Bill 1013, faces a number of potential pitfalls — as we learned during the last days of this year's legislative session.

The bill in question was ingeniously structured to limit the crimes for which the death penalty can be invoked without referring the question to voters. Under Oregon law, only the crime of "aggravated murder" can be punished by death. Senate Bill 1013 reduces the number of crimes that qualify as aggravated murder. Under the terms of the bill, aggravated murder can only be charged in cases in which a defendant kills two or more people as an act of organized terrorism; kills a child younger than 14 intentionally and with premeditation; kills another person while incarcerated for a previous aggravated murder; or kills a law enforcement officer. Other crimes that used to be included on the list of aggravated murder are now classified as "first-degree murder," and the maximum penalty for those is life imprisonment without parole.

Most legislators and the governor, who signed the bill, believed that it wasn't intended to be retroactive; that is, it would not apply to the 30 inmates on Oregon's death row. But legal analysts determined that it could apply to death row cases which were returned to lower courts for retrial or new sentencing hearings — and that could affect those 30 cases, since not of them has exhausted their appeals.

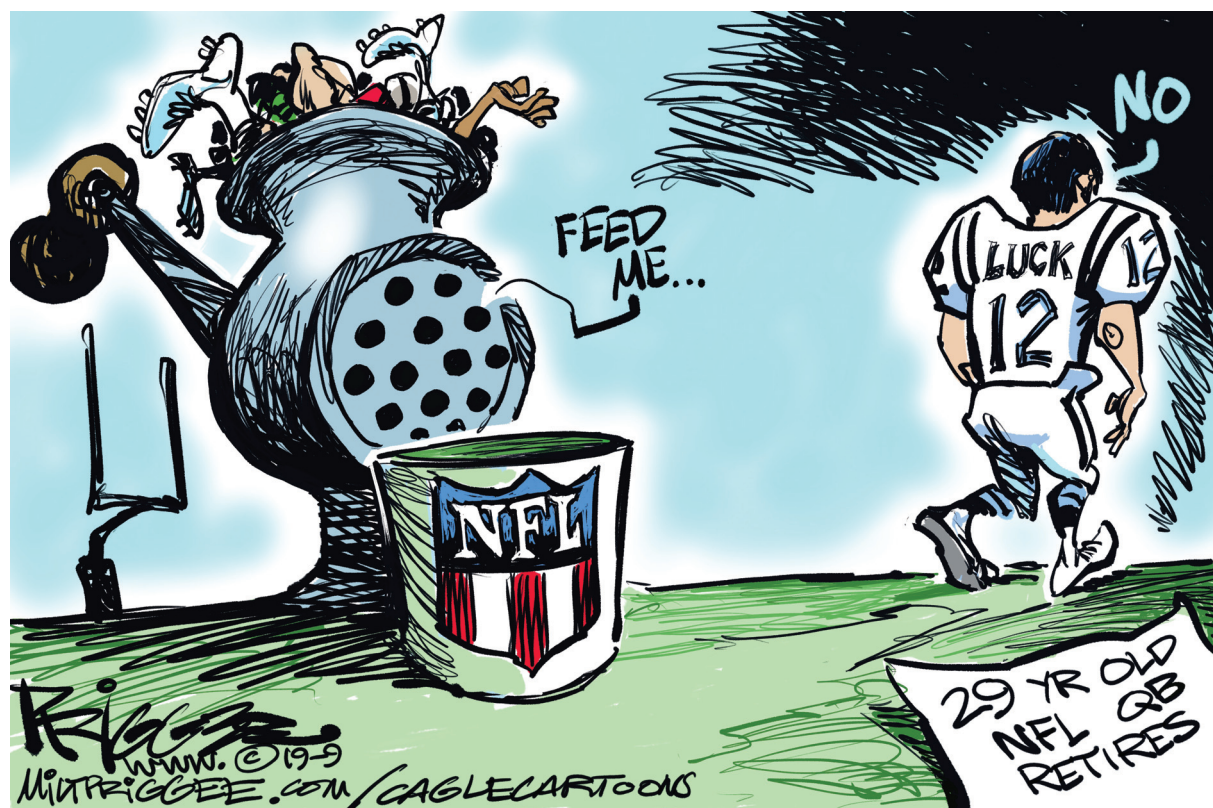
Prozanski said last week that he will press for the bill to apply only in cases when the crime is committed after Sept. 29 of this year, which would seem to be sufficient to clear up any misinterpretation.

Whether he can get the necessary votes to move the fix quickly through a special session, however, is not at all clear. Republican legislators last week were not encouraging. House Republican Leader Carl Wilson of Grants Pass said that rushing the bill through the Legislature in a "compressed process" is the "last thing we should do in this situation." Wilson said the best bet might be to repeal the bill.

But it seems doubtful that Republicans have the votes to do that, unless a sufficient number of Democrats are steamed about being misinformed about the retroactive nature of the bill.

The best course available to legislators now is to give Prozanski some running room to fix the bill. If he succeeds at that task on a very tight time frame, legislators should approve the fix.

But the discussion shouldn't end there: Legislators should work in next year's short session on referring the broader question to voters: Should Oregon do away with the death penalty entirely? It's time to let Oregon citizens join this vital debate.



B2H project faces strong opposition from Eastern Oregon

Stiff opposition led by the STOP B2H Coalition has directly challenged Idaho Power's quest to build the Boardman to Hemingway transmission line and condemn Eastern Oregon lands. The Oregon Department of Energy received about a thousand public comments on the B2H by the Aug. 22 deadline, according to the ODOE staff. This was the final deadline for the public, state agencies and local governments to file comments on the B2H within the state's permitting process.

STOP B2H's comments on this controversial 300-mile 250-foot-wide clear-cut through five Eastern Oregon counties cover a wide range of non-compliant issues and concerns, so many that the STOP B2H Coalition claims Oregon's state siting standards cannot be met; therefore the project is not permissible.

Idaho Power, and its partners, Pacific Corp and Bonneville Power Administration, stand to gain huge profits on the backs of rate-payers for at least 30 years. In addition to the guaranteed 6.7% rate of return on construction investments (\$1.2 billion), there is a profit incentive to overbuild the transmission line so additional fees can be charged to move surplus energy to the energy imbalance market for shareholder profit. Idaho Power might be able to justify its interest in 21% of the project, but the full B2H project does not meet the "need standard" under Oregon's statutes and administrative rules for a project of this nature. The state must deny the project.

A blanket exemption to the state noise standards is being requested by Idaho Power. Meanwhile 36 Oregonians' homes will exceed these standards if this line is ever built. Furthermore, corona noise modeling protocols were not followed correctly in at least 83 additional residences and two recreation areas. Threatened fish (like bull trout and Chinook salmon) and plants (like those in state Rare Plant program) went conveniently unnoticed or unstudied by Idaho Power and ODOE but are identified by STOP B2H in its comments.

The irreplaceable Oregon Trail Interpretive Center, Blue Mountain Crossing and Morgan Lake and Hilgard State Parks and campgrounds will be invaded by the sight and the noise of crackling transmission towers. And the beautiful Grande Ronde Valley viewshed could be transformed into an industrial eyesore. Portions of the route, on the west hills of the Grande Ronde Valley, would be built on a fault line with known landslides underneath towers violating geologic and soil standards. Blasting above known slides, the Grande Ronde Hospital, domestic wells and neighborhoods were some of the concerns raised by STOP B2H as well as many private residents in the area.

Fire risks are another big concern, particularly in La Grande, where the proposed route will come within half a mile of town, the hospital, grade schools and densely populated neighborhoods. Climate and drought-stressed forests coupled with images of Paradise, California, and electric transmission weigh heavy on the minds of the residents of these neighborhoods. STOP B2H contends that the Draft Fire Prevention and Suppression Plan is totally unacceptable.

If the B2H is ever built, the 1,200 towers could carry 500MW of energy, for which tariffs can be charged, raising the cost of renewable energy and adding to the company's profit. Towers will vary in height from 130 to 190 feet. More than 430 miles of new and substantially modified roads would be carved and bladed across the landscape on predominantly private lands. These new roads and the full 670 miles of access roads will create a weed infestation that will decimate native plant communities and cost farmers, private landowners, conservation properties and counties millions of dollars. After the first five years of weed monitoring, Idaho Power claims no further responsibility. The Noxious Weed Plan is inadequate. Counties are also demanding that the state require Idaho Power to maintain responsibility for weeds for the life of the project — just as it would be

My Voice

The STOP B2H Coalition has a stated purpose to "fight the proposed B2H transmission line through NE Oregon." My Voice columns should be 500 to 750 words. Submissions should include a portrait-type photograph of the author. Authors also should include their full name, age, occupation and relevant organizational memberships. Send columns to La Grande Observer, 1406 Fifth St., La Grande 97850, fax them to 541-963-7804 or email them to news@lagrandeobserver.com.

required of any property owner in the counties.

Weeds, increased vandalism and fire risks are not the only problem that would be caused by the extensive land disturbance. Carbon will be released with the cutting of mature timber and the disturbance of 5,704.5 acres of vegetative cover. This is a clear violation of Oregon's Climate Goals, and it is not even being measured or assessed. The release of carbon and loss of sequestration potential (from land disturbance, soil mitigations, timber and vegetative removal, slash burning, etc.) causing the long-term removal of "carbon sinks" from the environmental (ability of soils and plants to absorb more carbon than released as carbon dioxide) are not part of the current ODOE standards and they should be.

The full set of comments from the STOP B2H Coalition can be found at www.stopb2h.org. Idaho Power has 30 days to respond to the public's testimony and written comments (the hearing transcripts can be found on the ODOE-B2H website). The written public comments will be available soon, according to ODOE. First, they will publish a spreadsheet with a list of commenters. The commenting public should review this list to be sure that ODOE received your comments. If not, you are advised to contact ODOE immediately. As one can imagine with processing 1,000 comments, oversights are likely to occur.

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