

OREGON TO KILL WOLVES

The Oregon Department of Fish and Wildlife sent out a press release Friday evening announcing its intent to kill two more of Oregon's wolves, including the Imnaha pack's GPS collared alpha male. Conservationists say the timing of the press release prevented the news about the planned killing from getting out before wolf advocates could voice objections.

According to ODFW, "Data from the alpha male's GPS collar confirm he was at the scene where the calf was killed earlier this week." That same data will allow ODFW to find and kill the wolf quickly, says Rob Klavins of Oregon Wild. "We're pretty troubled about the whole idea," he says.

Klavins says, "I'm fan of *The West Wing* and they called it the Friday trash," and says that's when government agencies release news if they don't want people to know about it.

The owner of the spring calf that ODFW was killed and eaten is Todd Nash, "an outspoken anti-wolf activist," Klavins says.

Nash, president of the Wallowa County Stockgrowers, is one of the ranchers that have been issued a permit to kill wolves caught in the act of attacking livestock.

"The state of Oregon appears to be implementing a wolf kill plan, not a wolf recovery plan. Its mandate is to recover wolves in our great state, not to cave to the demands of the powerful livestock industry," says Josh Laughlin of Eugene-based Cascadia Wildlands. The group signed on to a letter with Oregon Wild, the Center for Biological Diversity and others, asking that the wolf kill order be suspended.

On Tuesday, Sept. 27, activists with the Animal Defense League locked themselves to the doors of the ODFW offices, blocking the entrances to protest the killing of the wolves.

Oregon's wolves are protected under the state Endangered Species Act and are managed by a wolf plan that allows wolves to be killed if they chronically attack

livestock. Recent state legislation compensates ranchers for any livestock killed by wolves and provides incentives for use of nonlethal deterrents for wolves.

The ODFW press release says, "Landowners in this area have been using numerous nonlethal measures to avoid wolf-livestock problems," however Nash was apparently not using controls like flagging and electric fencing. He had a range rider checking the cattle.

Four of Oregon's wolves have been killed for attacking livestock, one died while being collared and another was killed by poachers, Klavins says. If the alpha male and another younger male are killed, the formerly 16-member pack will be reduced to two wolves, the alpha female and a pup, and will no longer have a breeding pair. Two other packs in Oregon still remain; one of them, the Walla Walla pack, had puppies. If the pups survive through December, that pack will be considered to have a breeding pair.

Klavins says the public hunting seasons in other states like Montana and Idaho could hurt Oregon's wolf population as well. "Wolves don't recognize political boundaries and state lines and what happens in neighboring states affects what happens in Oregon," he says. Eugene-based Predator Defense has called for a boycott on travel to those states in protest of the wolf hunts. — *Camilla Mortensen*

SENECA FAILS AIR TEST

Seneca Sustainable Energy's biomass burning cogeneration plant has been controversial since it was first proposed. Social justice advocates such as Oregon Toxics Alliance have worried about the effects of increased air pollution in an area of Eugene already hit by toxics. Conservation groups have protested Seneca's logging practices. Now Seneca has been fined \$9,856 by Lane Regional Air Protection Agency for failing a portion of its pollution control test.

The plant burns wood from logging in order to generate steam and electricity. Eugene Water and Electric Board buys energy from the plant. According to LRAPA documents, stack testing at the plant, required under its LRAPA-issued permit, showed that when the selective non-



catalytic reduction (SNCR) equipment is running to control nitrogen oxide emissions (NOX) the amount of particulate matter released is outside the permit limits. The issue first arose in testing in April. The increase in particulate matter does not occur when the SCNR is not running.

When inhaled, particulate matter can affect the heart and lungs and cause serious health problems, according to the Environmental Protection Agency.

"They cannot guarantee that the level of air toxics coming from Seneca are safe. That's why they are called pollutants," says Lisa Arkin of OTA.

SCNR technology is shown to reduce nitrogen oxides from 20 to 60 percent. The more expensive selective catalytic reduction method that Seneca chose not to use could have reduced the smog-causing nitrogen oxides by 75 to 90 percent, according to data from the EPA. Smog is also damaging to the lungs. OTA criticized Seneca's choice of SCNR technology during the permitting process.

According to Oregon Toxics Alliance, neighborhoods in the west Eugene industrial corridor where the Seneca plant is burning its logging waste have higher percentages of Latino, disabled and poverty-level residents than other Eugene neighborhoods. Arkin says the group, in conjunction with Centro Latinoamericano, has just received two grants, one from the EPA, the other from Providence Health, to assist the residents of two nearby neighborhoods that have high rates of asthma among their children.

"Isn't that backwards that little OTA is trying to help the people and bring nurses in while LRAPA and Seneca are saying it's OK to pollute our airshed?" she asks.

LRAPA is requiring Seneca to submit a testing plan for approval by Sept. 28, complete the testing by Oct. 12 and provide LRAPA with a written report documenting the test results 45 days after the testing is completed. If Seneca is indeed violating emissions limits, it has three months to come up with a plan to fix the problem. The agency says emissions during this time period "are not expected to cause or contribute to any violations of the ambient air quality standards in the Eugene/Springfield area."

If Seneca's nitrogen oxides emissions exceed its annual permit limit, it faces additional fines from \$3,800 to \$15,200, according to LRAPA's stipulation and final order document.

According to LRAPA, "When enforcing environmental laws and regulations, LRAPA

has the authority to incorporate a SEP (Supplemental Environmental Protocol) into the settlement agreement that is separate from and in addition to correction of the violation." SEPs under the Oregon Department of Environmental Quality have been used to fund projects that improve the environment by nonprofit groups like OTA.

Seneca's biomass plant and its logging mill that generates the waste it burns have separate permits for criteria air pollutants like nitrogen oxides and particulate matter, but operate under one permit from LRAPA for hazardous air pollutants, an issue that OTA has called into question. If the facilities were considered the same source for particulate matter, it which would put Seneca over the 15 ton increase in fine particulate matter that would trigger a new source review from the EPA and significantly stricter standards. — *Camilla Mortensen*

MEETINGS LAW MAY GET REFINED

Former Lane County Commissioner Bill Fleenor was named in a timber industry-funded lawsuit against three commissioners last year, but he was the one commissioner exonerated in Judge Michael Gillespie's ruling. Now Fleenor wants to see Gillespie's ruling made moot by updating Oregon's Open Meetings Law and clarifying ambiguities. But such a bill might not see legislative light until 2013.

Fleenor has talked to Shannon Sivell, legislative policy counsel for Oregon Attorney General John Kroger, and has talked to State Rep. Phil Barnhart about sponsoring legislation to tweak the law.

"In his ruling, Gillespie created law from the bench," wrote Fleenor in an email to Sivell. "He established that four commissioners engaged in what he termed a 'serial deliberation' which is not defined or addressed in the current law." Gillespie found that Commissioner Faye Stewart and former commissioner Bill Dwyer also met inappropriately but the Seneca-Jones Timber funded lawsuit did not name them.

Fleenor also wrote that Gillespie "touched upon the use of email, and the possibility that a thread of email correspondence between three or more elected officials could be considered a violation of the Open Meetings Law. His interpretations have created serious ramifications and cast serious reservations

