

- Eyes nationwide have been focused on Harney County this week, but Eugene's federal courthouse has some interesting ties to the band of **armed protesters** who have taken over a bird sanctuary in Eastern Oregon. The Malheur National Wildlife Refuge standoff began after ranchers Steve and Dwight Hammond were convicted and sentenced for arson on federal lands. The judge who sentenced them for less than the congressionally mandated minimums was Judge Michael Hogan here in Eugene's federal courthouse. According to the DOJ, the Hammonds "argued that the five-year mandatory minimum terms were unconstitutional and the trial court agreed and imposed sentences well below what the law required based upon the jury's verdict."

The transcript from that October 2012 hearing appears to show that Hogan sympathized with the Hammonds, saying things like, "Now, gentlemen, the decisions you made because you couldn't comply with requests from government agencies, whether they were justified in every instance or not, are going to result in grievous losses to you and your families."

The sentences were appealed to the 9th Circuit Court and Federal Judge Ann Aiken, who took over Hogan's position as chief district judge, was left to impose the mandated five-year sentences, also here in Eugene. One of the Hammond's attorneys, Larry Matasar, hails from Portland, but made Eugene headlines in 2010 when he defended Ashland arborist Pete Seda, whose Islamic charity was accused of smuggling money out of the country to help Chechen rebels fight Russian forces. Seda's conviction was later overturned after an appellate panel found that the now-retired Hogan did not properly follow the Classified Information Procedures Act in the trial.

- We see **Kaiser Permanente** is opening clinics in Eugene (see Biz Beat) and we had a crazy idea. How about encouraging Kaiser to build a high-rise hospital in downtown Eugene? PeaceHealth still maintains emergency and specialized medical services at its Sacred Heart Medical Center, University District, but PeaceHealth turned its focus away from Eugene when it built its regional medical center in north Springfield along the McKenzie. RiverBend has a scenic location, but the facility and its management get less than stellar reviews by physicians and nurses we've talked to. Plus, if you live in downtown Eugene, it takes 30 minutes by EmX to get to the RiverBend Emergency Department, 12 minutes by car (and expect long waits when you get there). If there's heavy traffic or you live in far west Eugene or the south hills, add another 10 minutes. Growing Eugene needs its own downtown medical center and training hospital.

- Curious how **Peg Morton** (see our cover story) managed to stay mostly upbeat, optimistic and motivated to action even as she contemplated humanity's outrageous violence and injustice. Good humor, song, faith, family and community were her most effective tools to avoid being overwhelmed by the troubles of the world. Fighting big battles by yourself gets lonely.

- **John Walsh** was an often-seen figure on the UO campus and known throughout the state for his activism on legalizing marijuana. "Although his home was in Eugene, Oregon, John Walsh traveled the state collecting signatures and registering Oregonians to vote like Johnny Appleseed planted trees," says a lengthy obituary on *Hemp News*. The UO *Daily Emerald* once called him a "campus legalization legend" and he was also known for his support of the Survival Center, Cascadia Forest Defenders and OSPIRG. Walsh died Jan. 3 after seeing his dream for legal cannabis come to fruition.

- Artists, arts advocates and concerned citizens will gather for "**A Community Conversation About the Jacobs Gallery Space**" from 5:30 to 7:30 pm Wednesday, Jan. 13, at the Hult Center Studio (next door to Jacobs Gallery); free. Expect an impassioned discussion and debate about the closing gallery, which many consider one of the few anchors remaining for the local art community. It seems more is still shaking out about this closure, e.g., the Jacobs Gallery board contacted Mayor Kitty Piercy for guidance and help in January 2015 about how to keep the space operating. Look for more coverage on the closing of Jacobs in *EW* in coming weeks.

- **Portland real estate** is booming and is not expected to diminish anytime soon, with record-setting commercial and multi-family residential sales, fast-rising rents and historically low vacancies. Are we next? The Eugene-Springfield metro area is just down the road and probably looking attractive to Northwest investors and developers, flush with cash, and of course looking for tax breaks and unsophisticated planning departments they can manipulate. Meanwhile, lower-income renters and prospective homebuyers are getting priced out of the market in Portland. Affordable housing, or even so-called "workforce housing" is already in short supply in Lane County and it could easily get much worse.

EUGENE TOXICS REPORTING LAW CHALLENGED AGAIN

A manufacturer is forming a lawsuit against Eugene's voter-approved Toxics Right-to-Know (TRK) program because he is upset about paying an annual \$2,000 fee. Advocates for the program say the community TRK law is a key element in making public health decisions.

Lisa Arkin of Beyond Toxics serves on the Eugene Toxics Board as a community advocate. She says people who breathe the air, drink the water around businesses and use products manufactured with hazardous substances have the right to know about the chemicals. She says when the U.S. first started looking into regulating chemicals and protecting human health, the first goal was to know what humans are being exposed to.

Arkin says Eugene's reporting program is more detailed than information collected by the federal government. Beyond Toxics used the TRK database in an environmental justice project showing, among other things, the proximity of west Eugene schools to companies emitting toxic chemicals.

However, Rich Lock of Mid-Valley Metals wants to overturn the city charter that allows fees to fund the TRK program. Lock's 40-employee sheet metal company relocated to Eugene last year from Springfield.

"I'm trying to get enough momentum to turn it over to an attorney," Lock says of his contention with the fee. "He's already said if we can get enough people, we will file a suit against the city and he'll take it from there."

The Eugene Toxics Right-to-Know program, started in 1996, has two categories of manufacturers: those within the city limits with 10 or more full-time employees using more than 2,640 pounds of hazardous substances per year and those that use less than 2,640 pounds of chemicals. Both categories must pay a fee, but only those using more than 2,640 pounds of chemicals are required to file reports with TRK.

Lock's Mid-Valley Metals is one of the companies not required to submit a report, but must still pay an annual fee, even if it uses no toxic chemicals in its manufacturing. If these companies do use hazardous substances, they do not report them. There are currently 33 reporting businesses and 51 non-reporting businesses.

TRK board member Christine Zeller-Powell says the program in the past year sent out a survey asking businesses if they use toxic chemicals in their manufacturing. Zeller-Powell says she suspects Lock filled out the survey indicating Mid-Valley Metals does use some toxic chemicals, which is why TRK's program manager added his company to the non-reporting list when he moved the company to Eugene last year. Lock says his company doesn't use toxic chemicals.

"I don't think he understands how the program works, and that's where his confusion is coming from," Zeller-Powell says.

Lock says he believes the city is charging manufacturing companies that don't use toxic chemicals because the fees from the 33 reporting companies aren't enough to cover the cost of the TRK program.

Arkin says of the fee structure, "I find that the original intent of the ordinance has been compromised by all the lawsuits filed against it by industry interests," adding that such suits make it "difficult to administer the law in a way true to the original intent and fair to manufacturers." Previous lawsuits by business interests altered the way TRK fees are assessed.

Lock, who spoke at City Council and the TRK board meeting in December, says he wants to know how many of the other 51 non-reporting businesses in Eugene are also not using hazardous chemicals in their manufacturing. He wants to call owners on the TRK list of 51 non-reporting businesses in Eugene and he hopes to unite with other business owners upset about fees.

"The people really paying the bill are the people who aren't doing anything," Lock says.

Other businesses on the non-reporting list that still pay fees include the *The Register-Guard*, Falling Sky Brewing, Ninkasi Brewing Co., Green Gear Cycling and Griffith Rubber Mills. — *Jeslyn Lemke*



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