

Oregon drops several defenses in billion-dollar timber lawsuit

By MATEUSZ PERKOWSKI
Capital Bureau

ALBANY — The state has conceded that a class-action lawsuit seeking \$1.4 billion for insufficient timber harvests isn't blocked by the statute of limitations.

The state government has also dropped its argument that county governments and local taxing districts don't have legal standing to sue for alleged breach of contract.

Last year, Linn County filed a lawsuit accusing the state of violating contracts with 15 counties by reducing logging on about 650,000 acres of forestland the counties had donated to the state.

The lawsuit was certified as a class action by Linn County Circuit Judge Daniel Murphy, which means the 15 counties and roughly 150 taxing districts, such as schools and fire departments, were joined as plaintiffs in the case.

Since then, Clatsop County and a few smaller taxing districts have opted out of the lawsuit.

Attorneys for the plaintiffs had

asked the judge to eliminate 12 "affirmative defenses" intended to shield the state from the lawsuit.

During oral arguments on Thursday, Oregon's attorneys agreed to drop several of these defenses, including the expiration of the statute of limitations, the plaintiffs' lack of legal standing and the court's lack of jurisdiction over the case.

However, Oregon's attorneys also argued for the validity of remaining defenses, such as the claim that the federal Endangered Species Act and Clean Water Act preclude the level of logging sought by the plaintiffs.

Counties turned over the forestlands in the early 20th century in return for a share of timber revenues, but plaintiffs claim Oregon has curtailed logging due to environmental and recreational considerations.

Even if the Oregon's contract with the counties did require timber revenues to be maximized, that's no longer possible because federal laws effectively impose limits on logging, said Scott Kaplan, attorney for the state.

"That purpose, if there was such a

purpose, can't be satisfied," he said.

This defense isn't valid because the lawsuit only seeks to recover damages for lost revenues from lawfully harvested timber, argued John DiLorenzo, attorney for the plaintiffs.

Oregon's reduction in timber harvest goes beyond what's required by federal law, he said. "Honoring federal requirements is built into the calculation of damages."

Oregon's "greatest permanent value" rule for managing state forests, enacted in 1998, is blamed by plaintiffs for causing the harvest reductions.

Attorneys for the state government say the "greatest permanent value" rule conforms with Oregon law and the Oregon Department of Forestry is complying with the rule, which is a valid defense to the breach of contract claim.

DiLorenzo said the plaintiffs agree that the Department of Forestry is following the rule, but they simply want to recover damages resulting from that compliance.

"We're not seeking to void the rules," he said.



Mateusz Perkowski/Capital Bureau

Fourteen counties and roughly 130 tax districts are involved in a \$1.4 billion lawsuit that accuses Oregon's government of insufficiently logging state forests.

Washington state man arrested for kidnapping following chase

By JACK HEFFERNAN
The Daily Astorian

After leading police on a roughly 20-minute chase Wednesday from Seaside to Astoria with his girlfriend and daughter in the car, a Washington state man was arrested on charges of kidnapping and eluding police.

Seaside Police responded to a disturbance call at a residence on the 1300 block of Second Avenue at 8:15 p.m. When police arrived, the couple, with their young daughter in the back seat, were seen driving away from the area.

Police stopped the vehicle about a block away from the residence. The driver, Christopher Rogich, 24, of Roy, Washington, allegedly did not comply with officers' requests to exit the car and instructed his girlfriend to do the same. Rogich drove away from the scene moments later. His girlfriend asked him to pull over

and called 911 during the pursuit, Seaside Police Chief Dave Ham said.

The chase ended on the Youngs Bay Bridge near Astoria at 8:36 p.m., and Rogich was taken into custody. He is facing charges of second-degree kidnapping, attempt to elude police with

a vehicle, interfering with a peace officer, reckless driving and five counts of reckless endangering.

Rogich faces up to 22 years in prison if convicted on all charges. Circuit Court Judge Dawn McIntosh set bail at \$250,000 at a Thursday afternoon arraignment.



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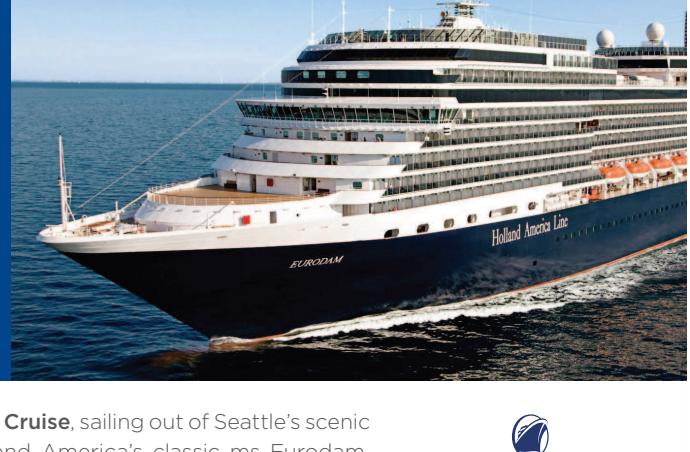
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