

Brown plans order to block drilling off coast

A shot at Trump

By DIRK VANDERHART
Oregon Public Broadcasting

PORTLAND — Drilling for oil and gas off the Oregon Coast has long been seen as a dicey proposition — filled with potential pitfalls, and without certainty that there's much to find in the first place.

That's not stopping Gov. Kate Brown from making it a campaign issue.

In an announcement short on details and long on promises to stand up to President Donald Trump, the governor said Monday that she's planning to sign an executive order in coming days that will "permanently ban offshore drilling along the Oregon Coast."

"The executive order will make it very clear to the oil and gas industries that Oregon is not for sale," Brown said during a press conference in downtown Portland.

The move is Brown's latest response to news earlier this year that Interior Secretary Ryan Zinke plans to open up federally controlled offshore areas around the country to oil and gas exploration. Following that announcement, Brown



AP Photo/Andrew Selsky

People gather with signs on the Capitol steps in Salem in February to protest against a federal proposal that would open up the nation's coastline, including all of Oregon's shores, to oil and gas drilling.

and other West Coast governors pressed Zinke for an exemption to potential drilling, something he extended to Florida.

Brown says she's still waiting for clarity.

"For the past nine months I've been calling on Secretary Zinke to rescind his expansion

on drilling for the Oregon Coast," she said. "Despite his promise to give our state certainty, nothing is happening. Time is up."

Specifics of what Brown has in mind weren't plentiful at the announcement. The state controls a band of water and land

extending 3 miles out from its coastline, and that area currently has a state-enforced moratorium on oil and gas drilling.

The federal government has say over the continental shelf beyond the 3-mile point. Asked how she intended to exert control over that area, Brown said

only that she'd "cover" the continental shelf with her executive order "and we will work to pass legislation to make that it's incorporated into state statute so that the next governor cannot just erase it with a pen."

A draft copy of the order is not available, Brown said.

Following the event, staff from the Oregon League of Conservation Voters and the governor's office clarified that the proposal actually targets infrastructure within the 3-mile zone Oregon controls. Brown is essentially planning to order state agencies not to issue permits for piers, pipelines and other structures that would be needed to support an offshore drilling rig. California passed similar legislation earlier this year.

The move is likely to appeal to some voters as Brown enters the final days of a highly competitive re-election bid against Republican state Rep. Knute Buehler. There's little evidence it's immediately necessary.

As Oregon Public Broadcasting has reported, no one has drilled off the Oregon Coast since 1964, when companies turned up very little. There are possibly 810 million barrels of "undiscovered technically

recoverable" oil and gas off the coast of the Pacific Northwest, but it's unclear how much of that would be feasible to collect.

Even Brown has suggested in the past that Zinke has little faith that drilling would occur off of Oregon. She told the Huffington Post in March that Zinke had told her "that the return on investment is not very lucrative for offshore drilling, off of Oregon and Washington coasts. The return on investment is not good. We know that."

Asked about that Monday, Brown said the lack of further clarity from federal officials forced her hand.

"There's no reason why they shouldn't have given us certainty when I asked for it nine months ago," she said. "We've been waiting and waiting and waiting (for them) to say no we're gonna exclude Oregon. They wouldn't give me that promise. That's why we're moving forward."

At the event, Brown appeared with officials with the Sierra Club and Oregon League of Conservation Voters, along with two members of the Confederated Tribes of Warm Springs.

Ballot measure would give grocers constitutional protections

Measure 103 would block taxes on grocers

By DIRK VANDERHART
Oregon Public Broadcasting

In an election year when Oregonians will make weighty decisions on abortion and immigration policy, the ballot measure attracting the most cash has to do with the humble grocery cart.

In what amounts to a pre-emptive strike at new taxes on grocery chains — and the farms and factories that supply them — large grocers are dumping millions of dollars into passing Measure 103.

"Keep our groceries tax free!" say ads blanketing the airwaves, plastered to websites, waiting at your grocery store's check stand. The messages are so pervasive, you might think there's a state-wide proposal to slap a tax on your supermarket.

There isn't.

Instead, Measure 103 would change the Oregon Constitution, prohibiting lawmakers from imposing a new "tax, fee, or other assessment" on the "sale or distribution" of groceries, if one is proposed in the future. In doing so, it would largely freeze in place the tax structure that grocers and their suppliers operate under today.

"There are really only two sides of this measure," says Joe Gilliam, president of the Northwest Grocery Association, the leading advocate for Measure 103. "Those who want to keep their groceries tax free and those that want to tax groceries and continue to

come up with proposals to tax your groceries."

In Oregon's long-standing debate over how to pay for public services, specifically taxing grocery sales isn't likely to gain any traction. Even states that have a sales tax — a concept Oregonians have repeatedly shot down — typically exempt groceries.

"We don't have a sales tax on groceries," says Katherine Driessen, a spokeswoman for advocacy group Our Oregon, which has pushed repeatedly for higher corporate taxes in the state. "Certainly nobody's proposing one. It's a complete nonstarter."

Yet Gilliam and his allies argue other recent proposals would have amounted to a tax on groceries. Most prominent is Measure 97, a 2016 ballot proposal to create a new 2.5 percent tax on corporate sales of more than \$25 million. Grocers played an outsized role in convincing voters to resoundingly reject that measure, claiming it was a sales tax in disguise.

Measure 103 backers also say proposals for taxes on sugary beverages — including an effort in Multnomah County that was delayed earlier this year — are a looming threat to Oregon grocers. Their proposal would make such taxes impossible.

"Most of the folks on the other side of the measure have kind of brought us to this point," Gilliam says.

Gilliam argues Measure 103 is a straight-forward way to make sure that food and beverages are kept out of future conversations about how to pay for public services. (The proposal does not cover sales of grocery store staples that aren't meant for consump-

tion, such as toilet paper. Alcohol, cannabis products and tobacco are also not included, though e-cigarettes aren't contemplated by the measure.)

'There are really only two sides of this measure. Those who want to keep their groceries tax free and those that want to tax groceries and continue to come up with proposals to tax your groceries.'

Joe Gilliam,
president of the Northwest Grocery Association

Complicated

But Measure 103's opponents say it's far more complicated than that. They say the measure would lock sloppy, confusing language into the state's constitution, where it will be difficult to fix or remove. And they say the measure could block big grocery chains from paying their fair share for state services in the future.

"The very idea that we would risk putting something legally ambiguous into Oregon's Constitution just doesn't make any sense at all," says Becca Uherbelau, executive director of Our Oregon.

As a chief opponent to Measure 103, Uherbelau helms a coalition that includes unions,

dozens of community and advocacy groups and a list of businesses that includes Nike. The same groups are opposing Measure 104, another anti-

bottle deposits in Oregon. It's not clear those arguments would hold legal weight. The Oregon Department of Justice has said that Measure 103 wouldn't impact an assessment on hospitals that voters passed in January to fund Medicaid, and wouldn't affect planned increases to the state's gas tax for trucking companies that haul groceries. The Oregon Beverage Recycling Cooperative, which facilitates the Oregon Bottle Bill, says deposits would remain untouched.

The measure's opponents say those opinions won't be enough to stop lawsuits if Measure 103 passes. Uherbelau believes companies will fight to win protections from taxes under the law.

"The fact that we're arguing over what it covers and what it doesn't means there will be industries out there that say, 'Oh it doesn't cover me,'" she says. "It'll cost the state of Oregon and local communities hundreds of millions of dollars to litigate these issues."

Restaurants

The best example of this confusion involves restaurants.

According to the Department of Justice, Oregon eat-

eries would be protected from new taxes under the law. Restaurants are even specifically included in the ballot language for the measure, a detail cheered by the Oregon Restaurant and Lodging Association.

"A meal at a restaurant or from takeout is a regular and increasing part of many Oregonians' busy schedules," the group said in a voters' pamphlet statement. "ORLA supports Measure 103 because it will ensure that such meals remain as affordable as possible without unnecessary and burdensome taxation."

Yet Gilliam insists most Oregon restaurants aren't included. He points out that a provision in the measure singles out businesses regulated by the Oregon Department of Agriculture, U.S. Food and Drug Administration, and several other agencies.

That list includes "take-and-bake" pizza places like Papa Murphy's, Gilliam says, but not most other restaurants. He can't say why the Department of Justice and others have reached different conclusions.

"We sent a request in to the DOJ saying, 'How did you get to your interpretation?' And we have never received a response," Gilliam says.

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