

Attorney general won't defend secretary of state over forest measures

By **ROB DAVIS**
The Oregonian

Oregon Attorney General Ellen Rosenblum is refusing to defend Secretary of State Bev Clarno in litigation over Clarno's unprecedented rejection of three proposed ballot initiatives to tighten state forestry laws.

Rosenblum also challenged Clarno's legal basis for tossing the proposals, which Clarno said violated a state requirement that legislative measures stick to one subject. The rule applies equally to voter initiatives and bills in the Legislature.

"There is no question that, under current law, the legislature could pass a measure such as this one and it would be in full compliance with the 'single subject' requirement," Rosenblum told The Oregonian in a statement. "I do not believe there is any compelling reason to argue for a

change in the current law."

Rosenblum said she couldn't represent Clarno because the Oregon Legislature is also a client and she didn't want to make arguments that would impede its work. She said she authorized Clarno to find another lawyer due to the conflicting interests.

Clarno did not respond to a request for comment. Her deputy, Rich Vial, declined to answer questions.

The decision by Rosenblum, a Democrat, is unusual, pitting two of Oregon's top elected officials against one another.

Clarno, a Republican who has taken \$36,000 in donations from timber interests in her career, is not backing down in a suit brought by environmental advocates trying to ensure their original petitions advance.

She will instead be represented by Schwabe William-

son Wyatt, a Portland law firm that advertises itself as "one of the nation's top timber law practices" and says it is part of the fabric of the timber industry. The firm says on its website it is "involved" with the Oregon Forest & Industries Council, one of the leading opponents to the ballot measures.

Clarno on Sept. 24 rejected Initiative Petitions 35, 36 and 37. The measures are substantially the same, calling for tightening the state's aerial herbicide spraying laws. They propose more logging restrictions in steep, landslide-prone areas. They would prohibit conflicts of interest for state forestry board appointees.

Clarno rejected the initiatives proposed by environmental advocates, including the group Oregon Wild, saying each of the proposals covered more than one subject. The Oregon constitution says a ballot initiative



Beth Nakamura/The Oregonian

Oregon Attorney General Ellen Rosenblum, far right, with other top state officials during the swearing-in ceremony for Secretary of State Bev Clarno, second from left.

can only address a single policy topic. The same ballot initiative couldn't raise the minimum wage and ban the death penalty, for example.

No other ballot measure has ever been rejected by the Secretary of State on single-subject grounds, two election lawyers have said.

Vial, Clarno's deputy, is a former Republican lawmaker who took \$19,000 from timber interests in his career.

Vial would not say how the law firm retained by the secretary of state was being paid. He would not explain

why the secretary of state is litigating a case the state's lead attorney has opined has no legal justification.

Former Oregon Supreme Court Justice Michael "Mick" Gillette is representing Clarno's office for the Schwabe law firm. Gillette declined comment.

As a justice on the Ore-

gon Supreme Court, Gillette wrote the landmark 1997 ruling that eliminated Oregon's campaign contribution limits. The decision allowed Oregon to become one of the biggest money states in American politics, one where today the timber industry gives more than anywhere else in the nation.

Water vision plan seeks to build awareness for water challenges

By **MICHAEL KOHN**
Bend Bulletin

Oregon's statewide plan to update water infrastructure, address climate change challenges and conserve precious water resources are under public review, with potential impacts lasting well into the 22nd century.

The 100-Year Water Vision community conversations, a series of forums that will run until mid-November, made a stop in Bend on Friday to brief Central Oregonians on what's being done locally and statewide to improve the quality, usage, conservation and delivery of water.

The use of water by Oregonians has been a matter of dispute since the arrival of the first settlers in the mid-1800s and has only gotten more complicated over the years with the addition of each dam, canal, farm and other change on the landscape.

Kyle Gorman, south central region manager for the Oregon Water Resources Department, said drought, aging infrastructure and a changing population remain some of the many challenges in the region.

"The 100-Year Water Vision seeks to build awareness about our challenges, and to call for strategically investing in water so that we can have a future that we all want and that is supported by clean and abundant water," said Gorman on the sidelines of the Bend meeting.

The conversations are expected to help state leaders address the multitude of challenges with efficiency and cost effectiveness. The road map to water resource management is outlined in Oregon's Integrated Water Resources Strategy. The strategy contains more than 50 recommendations on how to improve the state's water systems.

In August, Gov. Kate Brown tasked state and local organizations to get together and discuss how to build awareness and develop investment strategies, a process now called The 100-Year Water Vision.

Meta Loftsgaarden, executive director of the Oregon Watershed Enhancement Board, said implementing water projects today requires substantial funding that is no longer available from the federal government.

In the 1970s, the federal government paid for about 60% of the water infrastructure in Oregon, but that percentage has dropped to just 10% today, Loftsgaarden said.

"It's a trend we are see-

ing nationally. Transportation infrastructure has stayed steady, but water investments have fallen off. Our hope is that through the 100-Year Vision we can tee up those investments — hopefully bringing in federal dollars and using state and local funds, as well," Loftsgaarden said.

Before committing taxpayer funds on projects, representatives of state and local water departments are meeting to understand water needs and opportunities for Oregonians.

"This is the beginning of the conversation, an outgrowth of our Integrated Water Resources Strategy, which talks about our (water) needs — and they are big. We have a lot to do," said Racquel Rancier, senior policy coordinator at the Oregon Water Resources Department.

"Once we take all this information and put it all together, we will talk to the governor's office about next steps."

There are a number of projects around the state that can be used as models for modernizing aging infrastructure, said Bobby Cochran from Willamette Partnership, a nonprofit that promotes the use of green infrastructure.

Cochran cited the Whychus Creek Canal project, an open canal that was piped and upgraded with

hydroelectric capabilities, as a good model for dealing with Oregon's leaky canals. The project has returned 30 cubic feet per second of water flowing into Whychus Creek.

"Farmers are actually generating energy. They are not having to use energy to pump water out of the river. Some 39 miles of salmon habitat have opened up, and there's a more reliable water supply for downstream communities — which is all really good stuff," Cochran said.

Meeting attendees reviewed the award-winning Crooked River Wetlands Project in Prineville, a cost-effective and environmentally-friendly wastewater treatment plan that averted the construction of a \$62 million mechanical plant. The 128-acre project lowers wastewater rates and created a new public hiking trail system.

"It used to cost a new homeowner \$9,000 to connect to the sewer. They restored a wetland to come up with a way to treat their wastewater and (the connection price) dropped to \$3,000. So how do we do that everywhere? This is the kind of water feature that Oregon needs," Cochran said.

The series of conversations continues with organizers visiting Ontario, La Grande and Albany. The final live meeting is scheduled for Thursday in Med-

ford and then a virtual meeting is planned for Nov. 13. The public is encouraged to comment on the draft vision document, at OregonWater-Vision.org.

Summaries of the eight conversations will be compiled into a report along with comments received through oregonwater-vision.org, as well as interviews with statewide water interests. The report will be presented to the governor and the Legislature in early 2020.



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