

State urges dismissal of county's timber management lawsuit

Lawsuit says state's management has cost counties \$1.4B

By MATEUSZ PERKOWSKI
Capital Bureau

ALBANY, Ore. — The State of Oregon is urging the dismissal of a lawsuit that alleges state forest management prioritizes environmental concerns to the detriment of logging.

Earlier this year, Linn County filed a complaint against Oregon for allegedly depriving multiple counties of more than \$1.4 billion due to a forestry rule that emphasizes wildlife, water quality and recreation over timber harvest.

During oral arguments Monday in Albany, attorneys for Oregon said the case should be thrown out because the forests are meant to be managed for the greatest permanent value to the state, not to the counties.

This "greatest permanent value" is allowed to include many factors beyond timber production under laws that allowed counties to donate their burned and logged forests to the state government, said Sarah Weston, an attorney for the state.

"The statute does not require revenue maximization," she said. "The statutes

have always provided for multiple values and multiple uses."

Counties acquired these forest lands by foreclosing on property tax liens during the Great Depression but turned them over to state ownership in exchange for a portion of future logging revenues.

Oregon's attorneys claim that Linn County cannot sue the state to receive compensation for breach of contract, and that the county's challenge to the "greatest permanent value" rule can only be heard by the Oregon Court of Appeals, rather than in a county court.

Because the lawsuit seeks to recover damages for insufficient logging in the future, it clearly intends to alter the meaning of "greatest permanent value," said Scott Kaplan, another attorney for the state.

Either the state changes its definition or it's potentially liable for hundreds of millions of dollars, he said.

"This is absolutely a challenge of state policies of forest management," Kaplan said.

Linn County argued that contracts between the counties and the state government are enforceable.

"The counties gave up assets in exchange for promises," said John DiLorenzo, attorney for Linn County.

Counties would not have donated vast tracts of land if they'd known the state would change the terms of the deal at will, he said.

"We believe that's precisely what the state has done in this case," DiLorenzo said. "Counties must have a way to enforce their bargains."

More than 650,000 acres in Benton, Clackamas, Clatsop, Columbia, Coos, Douglas, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Polk, Tillamook, and Washington counties were given to Oregon based on "promises and assurances" on which the state government has since fallen short, the lawsuit claims.

The law that lays out Oregon's forest management obligations was written when the United States was preparing to enter World War II and must be understood in that context, DiLorenzo said.

At the time, the greatest value of the land was to produce a large amount of timber for the war effort, rather than to preserve wildlife habitat or aesthetic beauty, DiLorenzo said.

Legal precedents also indicate that Oregon was obligated to maximize revenue from those lands, he said.

Several environmental and fishing organizations claim this interpretation is erroneous.

The optimum management of state forests was bound to be contentious and so that question was left to the discretion of the Oregon Department of Forestry, said Ralph Bloemers, an attorney representing the groups.

"It's not up to the county, or the timber industry, or the conservation community, what that should be," he said.

There's also nothing in the law stating that revenues take priority over other uses, Bloemers said. "It continues to be a huge gaping hole in their complaint."

Linn County also argues the lawsuit should be certified as a class action, which would allow other counties to participate in the litigation.

There are numerous potential plaintiffs with common legal arguments that would be more efficiently resolved as part of a single case, Linn County claims.

The issue of class certification will be heard at another hearing that's scheduled for Aug. 17 in Albany.

Workers at some Hanford tanks stop in dispute over vapors

SPOKANE, Wash. (AP) — A coalition of labor unions on the Hanford Nuclear Reservation stopped work Monday at some of the radioactive waste tank farms because of health concerns over chemical vapors.

The Hanford Atomic Metal Trades Council issued a "stop work" order at the double-walled tanks that contain dangerous wastes from the past production of plutonium for nuclear weapons.

Dave Molnaa, president of the council, said workers are demanding that they be supplied with bottled air when they perform work at any of the tank farms. Currently, bottled air is required only when working among the older, single-walled underground tanks where most of the vapor episodes have occurred.

"I believe there is a safety risk to workers inside the tank farms," Molnaa told The Associated Press in a telephone interview from Richland, where Hanford is located.

Officials for Washington River Protection Solutions, the private contractor that operates the tank farms for the U.S. Department of Energy, confirmed the work stoppage at the double-walled tank farms. The company said it planned to issue a statement later.

Last week, WRPS proposed some changes for working in the tank farms. But the company said that requiring bottled air at the newer double-walled tank farms was unnecessary.

Hanford for decades made plutonium for

nuclear weapons, and 56 million gallons of the most dangerous waste from that work is stored in 177 giant underground tanks, most of them single-walled models. There are 28 double-walled tanks.

Workers for years have complained that chemical vapors from the tanks have made them ill.

More than 50 Hanford workers in recent months have sought medical examinations for possible exposure to chemical vapors. Some reported smelling suspicious odors and some experienced respiratory problems. Nearly all were cleared to return to work.

Molnaa said refusing to require bottled air at the double-walled tanks is "the same type of negligent rhetoric these workers have been hearing from the federal government for 20 years."

"I believe there is a safety risk to workers inside the tank farms," Molnaa added. HAMTC is a coalition of more than a dozen unions at the sprawling Hanford site, which is half the size of Rhode Island.

Although more than 8,000 people work at Hanford, only about 700 have regular tasks involving the tank farms.

Last week, WRPS proposed that employees who move tank farm waste perform their shifts on nights and weekends, when fewer people are working on the site. The contractor asked unions to approve making evenings, nights and weekends the standard shifts for employees who transport the waste and work close to waste tanks.

Judge allows Bundy brothers to be reunited at jail

By STEVEN DUBOIS
Associated Press

PORTLAND — Ammon and Ryan Bundy will be reunited at a downtown Portland jail as they prepare their defense on charges related to the armed occupation of an Oregon bird sanctuary, a judge ruled Monday.

The men were recently separated, with Ammon Bundy shipped to a jail in northeast Portland.

On Monday, U.S. District Court Judge Robert Jones granted Ryan Bundy's request to have the brothers housed in the same jail ahead of a September trial.

Jail officials prefer to have co-defendants separated, but the judge said this is "an exceptional case and an exceptional relationship." He did not elaborate on his decision.

Jones also let the brothers and a lawyer meet for a strategy session at the federal courthouse.

The rulings came during a hearing in which Ryan Bundy, who serves as his own attorney, asked the judge to forbid jailhouse deputies from opening his mail, monitoring his phone calls and otherwise dampening his ability to defend himself.

"The prosecution should have to prepare their offense

under the same conditions," Bundy insisted.

Carlo Calandriello, a Multnomah County attorney, said the jail followed established protocols meant to keep everyone safe, including the Bundys.

Ammon Bundy, meanwhile, complained that jail deputies stand too close to inmates when phone calls are made, and can relay trial strategy or other information to the government.

Jones ordered deputies not to listen to what's being said and not to reveal anything they might inadvertently overhear.

In another matter, Jones released standoff defendant

Jason Patrick from jail, pending trial. He had been in a Portland jail since his January arrest.

The Bundys and Patrick are among 26 people indicted on charges of conspiring to prevent Interior Department workers from doing their jobs at Malheur National Wildlife Refuge in January and early February.

The occupiers wanted the government to relinquish control of Western lands and free two ranchers who were re-sentenced to prison for starting fires. Neither goal was accomplished.

Seven of the 26 defendants have pleaded guilty.

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AccuWeather.com Forecast

| TODAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------------|------------------------------|----------------------------------|------------------------------|----------------------------------|
| | | | | |
| Partly sunny | Nice with plenty of sunshine | Pleasant with plenty of sunshine | Nice with plenty of sunshine | Pleasant with plenty of sunshine |

PENDLETON TEMPERATURE FORECAST

| | | | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 78° | 52° | 82° | 51° | 86° | 55° | 89° | 58° | 83° | 54° |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|

HERMISTON TEMPERATURE FORECAST

| | | | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 83° | 54° | 86° | 52° | 91° | 56° | 93° | 62° | 87° | 56° |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|

ALMANAC

PENDLETON
through 3 p.m. yesterday

| TEMPERATURE | |
|---------------------|------------|
| HIGH | LOW |
| Yesterday 76° | 55° |
| Normals 88° | 58° |
| Records 107° (1897) | 40° (1911) |

PRECIPITATION
24 hours ending 3 p.m. 0.00"
Month to date 0.73"
Normal month to date 0.11"
Year to date 7.25"
Last year to date 5.00"
Normal year to date 7.72"

HERMISTON
through 3 p.m. yesterday

| TEMPERATURE | |
|---------------------|------------|
| HIGH | LOW |
| Yesterday 80° | 59° |
| Normals 88° | 58° |
| Records 107° (2002) | 42° (2008) |

PRECIPITATION
24 hours ending 3 p.m. 0.00"
Month to date 0.29"
Normal month to date 0.08"
Year to date 4.93"
Last year to date 3.16"
Normal year to date 5.81"

SUN AND MOON

| | |
|----------------|------------|
| Sunrise today | 5:18 a.m. |
| Sunset tonight | 8:43 p.m. |
| Moonrise today | 2:01 p.m. |
| Moonset today | 12:39 a.m. |

Full

July 19

Last

July 26

New

Aug 2

First

Aug 10

REGIONAL CITIES

| | Today | | | Wed. | | |
|---------------|-------|----|----|------|----|----|
| | Hi | Lo | W | Hi | Lo | W |
| Astoria | 66 | 54 | sh | 69 | 54 | pc |
| Baker City | 71 | 39 | t | 78 | 39 | s |
| Bend | 70 | 42 | s | 79 | 46 | s |
| Brookings | 65 | 52 | pc | 69 | 54 | s |
| Burns | 76 | 37 | s | 80 | 43 | s |
| Enterprise | 68 | 43 | t | 74 | 45 | s |
| Eugene | 74 | 49 | sh | 82 | 50 | s |
| Heppner | 74 | 48 | s | 80 | 48 | s |
| Hermiston | 83 | 54 | s | 86 | 52 | s |
| John Day | 74 | 45 | t | 83 | 49 | s |
| Klamath Falls | 75 | 41 | s | 84 | 46 | s |
| La Grande | 73 | 42 | t | 78 | 49 | s |
| Meacham | 69 | 41 | t | 74 | 41 | s |
| Medford | 82 | 55 | pc | 90 | 57 | s |
| Newport | 62 | 50 | sh | 65 | 50 | s |
| North Bend | 66 | 53 | sh | 68 | 53 | s |
| Ontario | 83 | 54 | s | 84 | 54 | s |
| Pasco | 83 | 55 | s | 85 | 54 | s |
| Pendleton | 78 | 52 | pc | 82 | 51 | s |
| Portland | 71 | 56 | sh | 78 | 57 | pc |
| Redmond | 73 | 40 | s | 82 | 44 | s |
| Salem | 72 | 53 | sh | 81 | 53 | pc |
| Spokane | 74 | 53 | pc | 77 | 53 | pc |
| Ukiah | 68 | 42 | pc | 76 | 43 | s |
| Vancouver | 69 | 53 | sh | 77 | 55 | pc |
| Walla Walla | 79 | 56 | s | 82 | 56 | s |
| Yakima | 81 | 52 | pc | 85 | 56 | s |

WORLD CITIES

| | Today | | | Wed. | | |
|-------------|-------|----|----|------|----|----|
| | Hi | Lo | W | Hi | Lo | W |
| Beijing | 86 | 72 | sh | 97 | 74 | c |
| Hong Kong | 88 | 81 | t | 88 | 82 | sh |
| Jerusalem | 89 | 70 | s | 90 | 70 | s |
| London | 67 | 52 | t | 67 | 52 | sh |
| Mexico City | 69 | 54 | t | 74 | 53 | t |
| Moscow | 76 | 60 | r | 76 | 64 | pc |
| Paris | 72 | 53 | t | 66 | 52 | t |
| Rome | 87 | 70 | s | 85 | 70 | s |
| Seoul | 87 | 72 | r | 88 | 72 | c |
| Sydney | 69 | 45 | pc | 58 | 44 | sh |
| Tokyo | 86 | 75 | c | 84 | 75 | t |

WINDS

| (in mph) | Today | Wednesday |
|-----------|---------|-----------|
| Boardman | WS 8-16 | WSW 4-8 |
| Pendleton | W 8-16 | W 4-8 |

UV INDEX TODAY

| | | | | | |
|---|---|---|---|---|---|
| 2 | 4 | 6 | 6 | 5 | 2 |
|---|---|---|---|---|---|

8 a.m. 10 a.m. Noon 2 p.m. 4 p.m. 6 p.m.
0-2, Low 3-5, Moderate 6-7, High; 8-10, Very High; 11+, Extreme

The higher the AccuWeather.com UV Index™ number, the greater the need for eye and skin protection.

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NATIONAL WEATHER TODAY

Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day.

National Summary: Storms will dot the Southeast, Ohio Valley and northern tier states from North Dakota to Washington today. Storms can become severe at the local level from Michigan to Kansas. Most other areas will be dry.

Yesterday's National Extremes: (for the 48 contiguous states)
High 110° in Imperial, Calif. Low 28° in Boca Reservoir, Calif.

NATIONAL CITIES

| | Today | | | Wed. | | | Today | | | Wed. | | | |
|----------------|-------|----|----|------|----|----|----------------|-----|----|------|-----|----|----|
| | Hi | Lo | W | Hi | Lo | W | Hi | Lo | W | Hi | Lo | W | |
| Albuquerque | 98 | 66 | s | 98 | 66 | s | Louisville | 85 | 73 | t | 93 | 77 | pc |
| Atlanta | 91 | 74 | pc | 92 | 74 | pc | Memphis | 94 | 78 | t | 95 | 78 | s |
| Baltimore | 81 | 70 | pc | 83 | 74 | s | Miami | 92 | 80 | pc | 91 | 80 | pc |
| Birmingham | 80 | 56 | pc | 76 | 53 | t | Minneapolis | 87 | 72 | t | 88 | 69 | t |
| Boise | 85 | 53 | s | 83 | 55 | s | New Orleans | 92 | 81 | t | 91 | 80 | t |
| Boston | 85 | 67 | pc | 88 | 68 | s | New York City | 85 | 71 | s | 86 | 72 | s |
| Charleston, SC | 96 | 78 | t | 97 | 78 | t | Oklahoma City | 93 | 74 | s | 95 | 75 | s |
| Chicago | 85 | 69 | t | 87 | 72 | pc | Omaha | 90 | 72 | pc | 92 | 66 | t |
| Cleveland | 93 | 73 | pc | 93 | 74 | t | Philadelphia | 88 | 71 | pc | 87 | 74 | pc |
| Dallas | 96 | 77 | s | 97 | 79 | s | Phoenix | 109 | 85 | s | 110 | 86 | s |
| Denver | 92 | 57 | s | 92 | 55 | s | Portland, ME | 84 | 61 | pc | 85 | 66 | s |
| Detroit | 92 | 73 | s | 90 | 72 | t | Providence | 85 | 67 | pc | 85 | 68 | s |
| El Paso | 104 | 76 | s | 105 | 76 | s | Raleigh | 86 | 72 | t | 89 | 72 | s |
| Fairbanks | 81 | 62 | pc | 86 | 64 | pc | Rapid City | 87 | 53 | s | 81 | 52 | t |
| Fargo | 84 | 61 | s | 76 | 57 | sh | Reno | 90 | 55 | s | 94 | 59 | s |
| Honolulu | 87 | 75 | sh | 87 | 75 | sh | Sacramento | 92 | 58 | s | 99 | 60 | pc |
| Houston | 95 | 79 | pc | 95 | 79 | t | St. Louis | 94 | 77 | pc | 94 | 76 | pc |
| Indianapolis | 87 | 73 | pc | 89 | 74 | pc | Salt Lake City | 90 | 63 | s | 90 | 64 | s |
| Jacksonville | 95 | 74 | t | 95 | 7 | | | | | | | | |