# 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 prioritizes management 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

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

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.

environmental Several 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 doublewalled 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, singlewalled 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 doublewalled 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 doublewalled 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 approve making to 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 Jason Patrick from jail,

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 pending trial. He had been in a Portland jail since his January

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.

### Corrections

The East Oregonian works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

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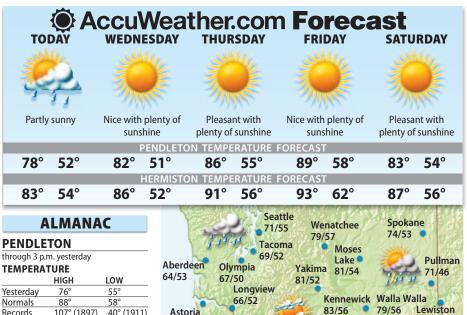
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<b>TEMPERA</b>								
	HIGH	LOW						
Yesterday	76°	55°						
Normals	88°	58°						
Records	107° (1897)	40° (1911)						
PRECIPITA	ATION							
24 hours ending 3 p.m. 0.00'								
Month to da	ate	0.73"						
Normal month to date 0.1								
Year to date	<u> </u>	7.25"						
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through 3 p.m. yesterday											
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	HIGH	LOW									
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Normals	88°	58°									
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PRECIPIT/	ATION										
24 hours en	iding 3 p.m.	0.00"									

0.29"

0.08 4.93

3.16'

5.81'

#### Last year to date Normal year to date **SUN AND MOON** Sunrise today 5:18 a.m.

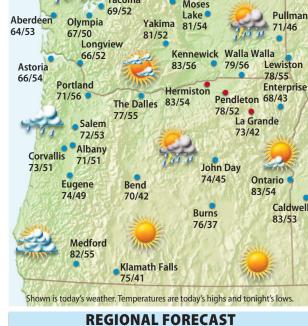
Month to date

Year to date

Normal month to date

Sunset to Moonrise			8:43 p.m. 2:01 p.m.	sunshine today; a couple of showers, but do in the south.
Moonset			2:39 a.m.	Eastern and Central Oregon: A shower in
Full	Last	New	First	the area today, but a thunderstorm in spots
1			1	in central parts.
				Western Washington: Rather cloudy
				today. A couple of showers; arriving in the

July 19 July 26 Aug 2 Aug 10



#### Coastal Oregon: Intervals of clouds and sunshine today; a couple of showers, but dry in the south

afternoon in central parts.

with a shower, except a thunderstorm in spots in the north. Cascades: Clouds and sun today with a shower during the afternoon; pleasant in the south.

Eastern Washington: Partly sunny today

Northern California: Low clouds followed by sunshine at the coast today; plenty of sunshine elsewhere.

## **REGIONAL CITIES**

IN CIT	444	<u> </u>	<b></b>	<u></u>	_		
	To Hi	oda Lo		Wed. Hi Lo \			
		_					
Astoria	66	54	sh	69	54	рс	
Baker City	71	39	t	78	39	S	
Bend	70	42	S	79	46	S	
Brookings	65	52	рс	69	54	S	
Burns	76	37	S	80	43	S	
nterprise	68	43	t	74	45	S	
ugene	74	49	sh	82	50	S	
Heppner	74	48	S	80	48	S	
Hermiston	83	54	S	86	52	S	
ohn Day	74	45	t	83	49	S	
(lamath Falls	75	41	S	84	46	S	
.a Grande	73	42	t	78	49	S	
Лeacham	69	41	t	74	41	S	
Лedford	82	55	рс	90	57	S	
Vewport	62	50	sh	65	50	S	
North Bend	66	53	sh	68	53	S	
Ontario	83	54	S	84	54	S	
asco	83	55	S	85	54	S	
endleton	78	52	рс	82	51	S	
Portland	71	56	sh	78	57	рс	
Redmond	73	40	S	82	44	S	
Salem	72	53	sh	81	53	рс	
pokane	74	53	рс	77	53	рс	
Jkiah	68	42	рс	76	43	S	
/ancouver	69	53	sh	77	55	рс	
Valla Walla	79	56	S	82	56	S	
⁄akima	81	52	рс	85	56	S	

### **WORLD CITIES**

	Т	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	рс
Paris	72	53	t	66	52	t
Rome	87	70	S	85	70	S
Seoul	87	72	r	88	72	C
Sydney	69	45	рс	58	44	sh
Tokyo	86	75	С	84	75	t

#### WINDS Wednesday (in mph) Today **Boardman** WSW 8-16 W 8-16 Pendleton

**UV INDEX TODAY** 4 6 6 6 5 2 8 a.m. 10 a.m. Noon 2 p.m. 4 p.m. 6 p.m.

3-5, Moderate

The higher the AccuWeather.com UV Index™ num-

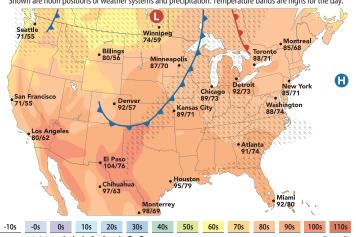
11+. Extreme

**0-2**, Low

8-10. Very High;

Forecasts and graphics provided by AccuWeather, Inc. ©2016

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



warm front stationary front 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													
		oda		-	Ved				oda		-	Ned	
	Hi	Lo		Hi	Lo	W		Hi	Lo		Hi	Lo	
Albuquerque	98	66	S	98		S	Louisville	85	73	t	93	77	рс
Atlanta	91	74	рс	92	74	рс	Memphis	94	78	t	95	78	S
Atlantic City	81		рс	83	74	S	Miami	92	80	рс	91	80	рс
Baltimore	87	70		84	73		Milwaukee	88	72	t	88	69	t
Billings	80	56		76	53		Minneapolis	87	70		86	64	
Birmingham	93	74		94	75		Nashville	87	73		94	75	
Boise	85	53	S	83	55		New Orleans	92	81	t	91	80	t
Boston	85		рс	88	68	S	New York City	85	71	S	86	72	S
Charleston, SC	96	78	t	97	78		Oklahoma City	93	74	S	95	75	S
Charleston, WV	85	69	t	87	72	рс	Omaha	90	72	рс	92	66	t
Chicago	89	73	t	88	72	-	Philadelphia	88	71	рс	87		рс
Cleveland	93		рс	93	74		Phoenix	109	85	S	110	86	
Dallas	96	77		97	79	-	Portland, ME	84	61	рс	85	66	
Denver	92	57	-	92	55	-	Providence	85	67	рс	85	68	
Detroit	92	73	S	90	72	t	Raleigh	86	72		89	72	
El Paso	104	76		105	76	-	Rapid City	87	53	-	81	52	-
Fairbanks	81	62		86		рс	Reno	90	55		94	59	
Fargo	84	61	-	76	57	sh	Sacramento	92	58		99	60	S
Honolulu	87	75	sh	87	75	S	St. Louis	94	77	-	94	76	рс
Houston	95	79	рс	95	79		Salt Lake City	90	63	S	90	64	
Indianapolis	87	73		89		рс	San Diego	73		рс	76	66	
Jacksonville	95	74	t	95	75	t	San Francisco	71	55	рс	73	55	рс
Kansas City	89	71	t	92	70	t	Seattle	71	55	sh	73	56	рс
Las Vegas	105	79		106	81	S	Tucson	105		S	105	79	S
Little Rock	94	77	-	96		S	Washington, DC	88	74	рс	86	76	-
Los Angeles	80	62	рс	83	62	S	Wichita	94	77	S	98	75	t
Weather (W): s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain,											n,		

sf-snow flurries, sn-snow, i-ice.