

Judge denies request to halt Dakota Access oil pipeline work

By SAM HANANEL and BLAKE NICHOLSON
Associated Press

WASHINGTON — A federal judge on Monday refused to stop construction on the last stretch of the Dakota Access pipeline, which is progressing much faster than expected and could be operational in as little as 30 days.

U.S. District Judge James Boasberg ruled after an hour-long hearing that as long as oil isn't flowing through the pipeline, there is no imminent harm to the Cheyenne River and Standing Rock Sioux tribes, which are suing to stop the project. But he said he'd consider the arguments more thoroughly at another hearing on Feb. 27.

That gives the tribes hope that they still might prevail, Cheyenne River Chairman Harold Frazier said.

"To put that pipeline in the ground would be irreparable harm for us in our culture," he said.

The tribes requested the temporary injunction last week after Texas-based Energy Transfer Partners got federal permission to lay pipe under a Missouri River reservoir in North Dakota. That's the last big section of the \$3.8 billion pipeline, which would carry oil from North Dakota to Illinois.

The tribes say the pipeline would endanger their cultural sites and water supply. They added a religious freedom component to their case last week by arguing that clean water is necessary to practice the Sioux religion.

"The mere presence of the oil in the pipeline renders the water spiritually impure," said Nicole Ducheneaux, lawyer for the Cheyenne River Sioux tribe.

But Boasberg said any immediate harm to the tribe "comes from when the spigots are turned on and the oil flows through the pipeline."

Despite the setback, American Indian activist Chase Iron Eyes said pipeline opponents will continue fighting the project in the courts and maintaining an on-the-ground presence in the drilling area, "in peaceful

prayer and in dignity as we assert our rights to protect our environment, our economy and our sovereignty."

ETP spokeswoman Vicki Granado said last week that the drilling work would take about two months and that the full pipeline system would be operational within three months. But David Debold, a lawyer for Dakota Access, said work is going more quickly and suggested the pipeline could be ready for oil in as soon as 30 days.

"We're not in a position where we can agree to any kind of stopping of the pipeline," Debold said.

Granado did not immediately respond to a request for details Monday on why the work is proceeding more quickly than expected.

Energy Transfer Partners received final approval from the Army last week to lay pipe under the reservoir and complete the 1,200-mile pipeline. Drilling work began immediately under Lake Oahe, which is the water source for both tribes.

The company's attorneys filed court documents early Monday urging Boasberg to reject the tribes' request, calling the new religious freedom argument "exceedingly tardy," "not construction-related" and a "last-minute delay tactic."

"Dakota Access has the greatest respect for the religious beliefs and traditions of (tribes). The emergency relief sought here simply is not necessary to protect the exercise of those beliefs or preserve those traditions," wrote William Scherman, a company attorney.

The Corps also filed court documents Monday arguing that a work stoppage isn't warranted, saying the tribes will have plenty of time to make their case before oil flows through the pipeline.

Work under Lake Oahe had been held up in the courts until President Donald Trump last month instructed the Army Corps of Engineers to advance construction. The Army is involved because its engineering branch manages the river and its system of hydroelectric dams, which is owned by the federal government.



AP Photo/Rich Pedroncelli

Erosion caused when overflow water cascaded down the emergency spillway is seen, bottom, as water continues to flow down the main spillway, top, of the Oroville Dam, Monday in Oroville, Calif. The water level dropped Monday at the nation's tallest dam, easing slightly the fears of a catastrophic spillway collapse that prompted authorities to order people to leave their homes downstream.

Calif. dam managers dismissed flood concern 12 years ago

By ELLEN KNICKMEYER and JUSTIN PRITCHARD
Associated Press

Environmental activists and local government officials warned more than a decade ago about the risk of catastrophic flooding below a major Northern California dam — the very scenario that threatened to unfold over the weekend, forcing the evacuation of nearly 200,000 people downstream.

State and federal regulators dismissed those fears at the time, saying they were confident the hillside that helps hold back billions of gallons of water was stable and did not need to be reinforced with concrete.

That decision has come under scrutiny now that the hillside — or emergency spillway, as officials call it — has been put to its first test in the Oroville Dam's nearly 50-year history.

Over the weekend, water from the storm-swollen reservoir behind the dam spilled down the unpaved slope, causing such heavy erosion that authorities feared a huge breach could open and send a 30-foot-high torrent down the Feather River, devastating thousands of homes. The dam is about 70 miles north of Sacramento.

The danger appeared to



Paul Kitagaki Jr./The Sacramento Bee via AP

Paula Gillock, 53, waits in line for breakfast at the Silver Dollar Fairground on Monday in Chico, Calif. She left her home in Gridley and slept in her car with her cat Mimi after residents were evacuated from the possible failure of the emergency spillway at the Oroville Dam.

ease slightly on Monday as the water level behind the dam dropped, but more rain was in the forecast, and residents as far as several dozen miles downriver in Yuba City were not allowed back into their homes.

In 2005, at the start of dam's still-unfinished relicensing process, environmental groups asked federal regulators to require that the California Department of Water Resources "armor" the hillside — or reinforce it, typically with concrete or boulders — to prevent potentially catastrophic erosion from water escaping around the side of the 770-foot-high dam.

The groups said soil,

rocks and other debris could be swept into the river below, damaging highway bridges and power plants. In a worst case, they warned, a major breach would unleash floods that could take lives and destroy property.

But the water resources department dismissed the need to fortify the natural earthen barrier and insisted the hillside would not be in danger if water flowed down it. In a final environmental impact report dated June 2008, state officials wrote that no "significant concerns" about the hillside's stability had been raised in any government or independent review.

The Federal Energy

Regulatory Commission, the agency that oversees the dam's relicensing and received the request for arming, agreed that paving was not needed.

On Monday, Bill Croyle, acting head of the Department of Water Resources, refused to comment on the 2005 concerns, saying he was not familiar with the warnings and would need to research the matter.

"I think that the warning that was given should have been taken with the utmost seriousness," Bob Wright, an attorney at Friends of the River, which raised the concern along with the Sierra Club and South Yuba River Citizens League, said Monday. "We're talking about the danger to life and property."

Starting last week, officials had been trying to relieve pressure on the dam by releasing a torrent of water through an adjacent, concrete-lined channel designed to handle heavy flows. When a section of that channel began to crumble, dam managers eased off those controlled releases. Water then began spilling down the hillside.

A FERC spokeswoman said the original, 50-year license for the dam expired in January 2007 but has been automatically renewed each year pending a full renewal.

Drivers see higher premiums after not-at-fault crashes

By JENNIFER C. KERR
Associated Press

WASHINGTON — Most drivers don't expect to be hit with a rate hike on their auto insurance after a car accident that wasn't their fault. But a consumer group says it happens, and it's a problem.

The Washington-based Consumer Federation of America says it found rate hikes on annual premiums as high as \$400, in some cases.

In the report released Monday, the group analyzed premium quotes in 10 cities, including New York and Chicago, from five of the nation's largest auto insurers. The researchers found that Progressive aggressively used a not-at-fault penalty, surcharging drivers in eight of the 10 selected cities. Rates in Oklahoma City and Los Angeles did not change. Oklahoma and California prohibit not-at-fault penalties.

The group said GEICO and Farmers raised rates in some states by 10 percent or more. Allstate had occasional penalties. State Farm was the exception, with no increases on premiums for not-at-fault accidents.

"Most people know that if they cause an accident or get a ticket they could face a premium increase, but they don't expect to be punished if a reckless driver careens into them," said Bob Hunter, CFA's director of insurance and the former insurance commissioner of Texas.

In response, the Insurance Information Institute said the underwriting of a new auto insurance policy requires

the collection of much more information beyond what CFA gathered from the auto insurers' websites.

Loretta Worters, vice president of communications at the industry trade group, says it also is rarely clear-cut as to who the at-fault party is after a collision. But she said one reason rates may rise for the not-at-fault driver is subrogation — when an insurer, after paying a loss, seeks to recover money from the at-fault driver's insurer.

Neil Alldredge, a senior vice president at the National Association of Mutual Insurance Companies, says the report "only underscores the fact that insurance rates can vary widely from company to company, based on how different companies may weigh the many different factors that are considered in determining rates."

Among the cities tested, drivers in New York City and Baltimore paid out the most for doing nothing wrong, the consumer group said. In Baltimore, premiums increased more than \$250 and in New York City, it was about \$400. In Chicago and Kansas City, the average increase was about \$100.

The federation's report found that people with moderate incomes often saw bigger premium increases than upper-income people. That seemed to mirror average premiums in the report even for people with clean driving records and no accidents, with middle-income people generally seeing higher premium rates than those people with bigger incomes.

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