

Trump administration finalizes plan to repeal Obama-era water protections

By MONICA SAMAYOA
Oregon Public Broadcasting

WASHINGTON — The Trump administration is finalizing plans to repeal an Obama-era water protections rule.

The Environmental Protection Agency's administrator, Andrew Wheeler, signed the repeal Thursday of the Waters of the United States rule — the first step in a two-step rule making process.

"Today, EPA and the Department of the Army finalized a rule to repeal the previous administration's overreach in the federal regulation of U.S. waters and recodify the longstanding and familiar regulatory text that previously existed," Wheeler said in a statement, referring to his own agency and the U.S. Army Corps of Engineers.

The next step allows the Trump administration to finalize a new definition for which bodies of water deserve federal protection by the end of the year.

Environmental advocates said removing regulations could potentially increase pollution in certain waters, while the agricultural industry praised the move as correcting an earlier overreach in regulation.

Columbia Riverkeeper's executive director Brett VandenHeuvel said President Donald Trump's attempt to lessen regulations are heading in the wrong direction.

"The Clean Water Act is a core part of our of nation's laws to pro-



An Oregon spotted frog. A federal judge has halted cattle grazing in the Fremont-Winema National Forest over concerns of impact to the Oregon spotted frog.

tect clean water. It's been in place since 1972," VandenHeuvel said. "It's done a lot of good and it's extremely popular with the American public. We want clean water."

In 2015, President Barack Obama signed the Waters of the United States rule to clarify governmental authority to regulate smaller tributaries and wetlands,

but the rule never went into effect — as it was challenged in a multi-state lawsuit led by Scott Pruitt, then the Oklahoma attorney general before he went on to be

Trump's first EPA administrator.

"This is not the end of this unfortunate and disastrous journey, this is just a midway point," Center for Biological Diversity's government affairs director Brett Hartl said. "So even if the consequences to the Northwest are not severe right now, in six months we're looking at massive losses of wetland protections."

Environmental advocates plan to file lawsuits to fight back against the repeal.

But not all are against the changes, as the Oregon Farm Bureau applauded the repeal and replacements of the Water of the United States rule.

The Oregon Farm Bureau issued a statement saying the state already has strong water quality and fill-and-removal regulations. The rule proposed by the previous administration would not add anything and it would only give litigious environmental groups the ability to bring citizen suits against farmers who are already working to improve and protect water quality.

With this final repeal, the agencies will implement the pre-2015 regulations, which are currently in place in more than half of the states, informed by applicable agency guidance documents and consistent with Supreme Court decisions and longstanding agency practice.

The final rule takes effect 60 days after publication in the Federal Register.

Ex-lawmaker files complaint against Brown's top lawyer

By HILLARY BORRUD
The Oregonian

SALEM — A former state lawmaker has asked the Oregon State Bar to investigate whether Gov. Kate Brown's top lawyer, Misha Isaak, violated professional rules for lawyers during a dispute over the independence of the state's public records advocate.

In a bar complaint filed Wednesday morning, Jeff Kropf asked the Oregon State Bar to investigate whether Isaak committed misconduct by allegedly pressuring Public Records Advocate Ginger McCall to stop pushing for certain public records reforms and instead secretly advance the governor's policy interests.

McCall cited that pressure, which she described as an "abuse of authority" by Isaak, in a letter to the governor Monday announcing she would resign effective Oct. 12.

Isaak is set to take a seat on the Oregon Court of Appeals on Nov. 1, a job to which the governor appointed him at the end of August.

Kropf, a former Republican representative who is also the executive director of the politically conservative nonprofit Oregon Capitol Watch Foundation, wrote in an email to the state bar that a rule against attorney misconduct "applies to this situation in which Isaak allegedly pressured another lawyer to mislead the public into believing that she is an independent officer while advocating secretly for his client, the governor."

Under the bar's rules of professional conduct, it is considered professional misconduct for a lawyer to "engage in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness to prac-



AP Photo/Andrew Selsky

Ginger McCall, Oregon's first public records advocate, poses for photos in her office in Salem. Faced with what she thought was undue interference and disrespect shown by Gov. Kate Brown's general counsel, McCall, whose job is aimed at making government more transparent, resigned. Her resignation has blown up into a debacle for the Democratic governor's office.



Isaak



Brown



Kropf

tice law."

Kropf cited a bar rule that lawyers must not "in the course of representing a client, knowingly intimidate or harass a person because of that person's race, color, national origin, religion, age, sex, gender identity, gender expression, sexual orientation, marital status, or disability."

"Ms. McCall claimed she was intimidated into misleading the public by Isaak while nine months pregnant which could be a violation of (this rule)," Kropf wrote.

In an interview on the OPB program Think Out Loud on Tuesday, McCall said that she was nine months pregnant when Isaak informed her during a January meeting that he believed he was her supervisor. According to notes

public records request, Isaak concluded the meeting by telling McCall he was concerned she would tell a specific reporter about the discussion.

"This conveyed to me that I was expected to keep this meeting, including the fact that the governor's office interpreted (state law) to mean that I report to them, a secret," McCall wrote in her contemporaneous memorandum.

McCall told Think Out Loud host Dave Miller on Tuesday that she felt she had to comply with Isaak's wishes. "I was at the time, nine months pregnant, I will note, and I had moved across the country for this job and I didn't have any other job in hand and I had bills to pay. So I was put in an impossible position," she said.

Woman given 6-plus years prison for fraud, theft

SALEM — A woman rescued from an oceanside cliff in 2017 and later arrested on 98 theft, fraud and criminal mistreatment charges has been sentenced to more than six years in prison.

The *Statesman Journal* reported Heather Mounce, formerly of Dallas, was sentenced Thursday after pleading guilty to two counts of aggravated theft, 12 counts of identity theft and two counts of theft.

Defense attorney Timothy Park said domestic violence and mental illness led her to steal more than \$40,000 from her former employers at a trucking company.

Prosecutors say Mounce took vacations, got massages, and went to nail and hair appointments with the money. Court documents say Mounce also created a GoFundMe account under another woman's name saying she was a domestic violence victim and tried to garner donations.

Mounce was rescued in August 2017 by the U.S. Coast Guard near Sea Lion Caves north of Florence, which made national news.

Man found guilty of sex abuse involving 3 girls

HILLSBORO — A jury has found a Hillsboro man guilty of 18 counts of child sex abuse involving three girls.

BRIEFLY

KOIN-TV reported the Washington County jury convicted Alvaro Noe Mendoza-Valencia on charges ranging from rape and sodomy to creating child porn and unlawful sexual penetration.

One of the girls reported the abuse to a relative in 2016. But an investigation wasn't launched until the relative later passed the story on to a victim advocate, who notified Hillsboro police.

Investigators learned from the girls that the abuse had been happening for several years.

They said Mendoza-Valencia threatened to hurt them or their loved ones if they told anyone.

Mendoza-Valencia will be sentenced later this month.

Cop cleared over friendly texts with group leader

PORTLAND — Portland Police Chief Danielle Outlaw and Mayor Ted Wheeler have announced that the bureau's former crowd control liaison was largely doing his job when he exchanged friendly texts with Patriot Prayer leader Joey Gibson to gather protest information.

The *Oregonian*/Oregon-Live reported Portland's Independent Police Review didn't find sufficient evidence to prove allegations against Lt. Jeff Niiya after reviewing over 11,000 of his cellphone text messages between May 2017 and February 2019.

Investigators considered allegations that Niiya

engaged in unprofessional behavior during his communications with Gibson, didn't maintain objectivity while communicating with Gibson and inappropriately disclosed information to Gibson to allow individuals to avoid arrest.

Chief Danielle Outlaw found all allegations "unfounded."

Man pleads not guilty to killing for gang status

PORTLAND — A man has pleaded not guilty to a federal murder in aid of racketeering charge in the fatal shooting of a 21-year-old man in Portland allegedly to increase his status in the Hoover gang.

The *Oregonian*/Oregon-Live reported 23-year-old Javier Fernando Hernandez entered the plea Thursday. He is also charged with using a firearm in a crime of violence in the death of Kyle Polk.

Polk was headed home from his job when he was shot and killed outside a convenience store Dec. 16, 2015.

The U.S. Attorney's Office says a four-week jury trial was tentatively set for November.

The federal indictment describes the Hoovers as a criminal street gang that started in Los Angeles in the 1960s, but established a presence in the 1980s. The indictment alleges the gang has been involved in murders, sex trafficking and drug distribution.

— Associated Press

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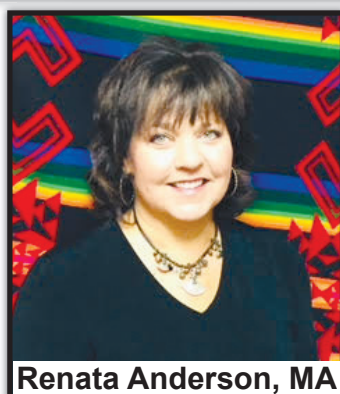
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