

# Judge rejects challenge to E. Oregon transmission line

By MATEUSZ PERKOWSKI

Capital Press

PORTLAND — A federal judge has rejected arguments by opponents of a 300-mile transmission line in Eastern Oregon who sought to stop the project for allegedly violating environmental laws.

U.S. District Judge Michael Simon has determined the U.S. Bureau of Land Management approved a right-of-way across public land for the project in compliance with the National Environmental Policy Act and Federal Lands Policy Management Act.

The Stop B2H Coalition and other plaintiffs filed a complaint in 2019 claiming the transmission line between Boardman and the Hemingway substation in Idaho should have been more closely scrutinized for impacts to the greater sage grouse and other factors.

The proposal has also stirred controversy for taking farmland out of production and disrupting agricultural practices, such as aerial pesticide spraying.

Jim Kreider of La Grande, co-chair of the Stop B2H Coalition, said his group is meeting with attorneys



EO Media Group, File

A crew works on a transmission line tower outside Boardman. A federal judge has rejected a lawsuit seeking to invalidate the government's right-of-way for the Boardman-to-Hemingway transmission line across public land.

to consider what its next step will be in its effort to prevent the transmission line project from moving forward.

"Of course we don't agree with the judge's decision and the coalition is evaluating the opinion and assessing our next steps regarding an appeal," Kreider said.

The complaint filed by Stop B2H and other plaintiffs argued that BLM should have updated its environmental analysis of the project

— known as a final environmental impact statement or FEIS — with new information about sage grouse populations, which have plummeted from historic levels.

While studies completed after the project's approval provided new information about population counts and the effects of transmission lines, the judge said they're "not significant or seriously different" enough to warrant a supplementary analysis.

"The new information about the declining population of greater sage grouse is not significantly new or different circumstances from what is discussed in the FEIS," Simon said.

Likewise, news articles about the financial feasibility of burying transmission lines do not trigger the need for a supplementary environmental analysis because they don't "rise to the level of significant information," as would scientific studies, he said.

The judge dismissed claims that BLM relied on improper data about sage grouse numbers and that it was impermissibly vague and confusing in examining the risk of "extirpation" to a local population of the species.

"Although not a model of clarity, the discussion is not indecipherable," he said.

The agency wasn't "arbitrary and capricious" in analyzing the indirect effects on "leks," where sage grouse congregate during mating season, within 3 miles of the transmission line, rather than using a longer distance, Simon said.

The judge found that BLM's steps for mitigating the adverse impacts to the species were sufficient because "there can be no construction without

a detailed plan."

"This is not a case in which the action will commence before it can be determined whether mitigation will be effective," he said.

The judge said BLM "worked closely" with the Idaho Power utility company on the project and relied on "sufficient evidence" to decide against burying the line near an interpretive center for the Oregon Trail.

The agency wasn't required to update the FEIS regarding the environmental effects of alternative routes for the transmission line that it ultimately didn't choose, he said.

While the BLM wrongly failed to "consider grazing in the cumulative effects analysis" of the project, that "error was harmless" because it wouldn't have altered the agency's conclusions, the judge said.

"Plaintiffs do not show how allowing grazing to the cumulative effects analysis would have materially affected the substance of BLM's sage grouse mitigation decision or other decisions relating to sage grouse," Simon said.

— *The Observer reporter Dick Mason contributed to this report. This story has been updated.*

## States that had a grip on COVID now seeing a crush of cases

By JENNIFER SINCO KELLEHER and ANDREW SELSKY

Associated Press

The COVID-19 surge that is sending hospitalizations to all-time highs in parts of the South is also clobbering states like Hawaii and Oregon that were once seen as pandemic success stories.

After months in which they kept cases and hospitalizations at manageable levels, they are watching progress slip away as record numbers of patients overwhelm bone-tired health care workers.

Oregon — like Florida, Arkansas, Mississippi and Louisiana in recent days — has more people in the hospital with COVID-19 than at any other point in the pandemic. Hawaii is about to reach that mark, too.

This, despite both states having vaccination levels higher than the national average as of last week. Arkansas and Louisiana were significantly below average, while Florida was about even. Mississippi, meanwhile, ranks at the very bottom for vaccination rates.

"It's heartbreaking. People are exhausted. You can see it in their eyes," said Dr. Jason Kuhl, chief medical officer at Oregon's Providence Medford Medical Center, where patients are left on gurneys in hallways, their monitoring machines beeping away. Others needing treatment for cancer or heart disease are being turned away.

In other developments, the Food and Drug Administration is expected to authorize a third COVID-19 shot for certain people with weakened immune systems, such as cancer patients and organ transplant recipients, to give them an extra dose of protection.

The U.S. is seeing the virus storming back, driven by a combination of the highly contagious delta variant and lagging vaccination rates, especially in the South and other rural and conservative parts of the country.

New cases nationwide are averaging about 123,000 per day, a level last seen in early February, and deaths are running at over 500 a day, turning the clock back to May.

For the most part during the pandemic, Hawaii enjoyed one of the lowest infection and death rates in the nation. In recent days, though, it reported record highs of more than 600 new virus cases daily.

On its worst day in 2020, Hawaii had 291 patients hospitalized with the coronavirus. Officials expect to hit 300 by the end of this week.

Despite the promising demand for COVID-19 shots early on, it took three weeks — much longer than expected — to get from 50% to 60% of the vaccine-eligible population fully



Gillian Flaccus/Associated Press, File

In this May 21, 2021 file photo, a sign reminds customers to wear their masks at a bakery in Lake Oswego. Oregon Gov. Kate Brown on Tuesday, Aug. 10, 2021, announced a statewide indoor mask requirement due to the spike in COVID-19 hospitalizations and cases, warning that the state's health care system could be overwhelmed.

vaccinated. Vaccinations have since plateaued. Nationally, the rate is about 59%.

The biggest hospital on Hawaii's Big Island is feeling the pressure. Out of 128 acute beds, 116 were taken Wednesday at Hilo Medical Center, and the hospital's 11 intensive care unit beds are almost always full these days, spokeswoman Elena Cabatu said.

"If someone out there has a heart attack or a sepsis or gets into a bad accident that requires intensive care, we will have to hold that person in the emergency department," Cabatu said.

"I'm surprised we landed here," she lamented. "The hope during the mass vac clinics was just so high."

Hilton Raethel, president and CEO of the Healthcare Association of Hawaii, disputed any notion that the rebound in tourism in Hawaii is largely to blame.

"The tourists have been a source for infection, but they've never been the predominant source of infection," Raethel said. "There's a lot more concern about people from Hawaii, residents who go to the South, go to Vegas, to other places, and they come back and spread it."

In Oregon, a record number of COVID-19 hospitalizations — 670 — was reported for a third straight day Thursday. ICU beds across the state remain about 90% full with COVID-19 patients occupying 177 of them, the Oregon Health Authority said. The previous peak of 622 hospitalizations came during a November surge.

"Our doctors and nurses are exhausted and rightfully frustrated because this crisis is avoidable. It is like watching a train wreck coming and knowing that there's an opportunity to switch tracks, yet we feel helpless while we watch unnecessary loss of life," said David Zonies, associate chief medical officer at Portland's Oregon Health & Science University.

Public health officials in the southern part of the state said they fear the situation will only get worse as the delta variant spreads through a region where fewer than half the residents

have been fully vaccinated.

"I'm fearful that the darkest days of this pandemic may still be ahead of us," said Chris Pizzi, CEO of Providence Medical Center in Medford.

In a renewed effort to stop the spread, Gov. Kate Brown announced this week that nearly everyone will have to wear masks again in indoor public spaces, regardless of their vaccination status.

Throughout the pandemic, health officials have described Oregon as a success story, largely because of its tight restrictions, which were lifted at the end of June.

California, which is below the national vaccination rate, is also seeing alarming spikes in hospitalized COVID-19 patients. Los Angeles County, the nation's largest county, faced 1,573 hospitalizations as of Wednesday — the highest since the end of February. The city of Los Angeles is working out a possible vaccine requirement to enter indoor spaces.

Meanwhile, White House coronavirus coordinator Jeff Zients said more people are getting vaccinated in states with the highest infection rates, including Arkansas, Louisiana, Alabama and Mississippi.

"We're getting more shots in the arms in the places that need them in the most. That's what it's going to take to end this pandemic," he said.

Mississippi broke its single-day records of COVID-19 hospitalizations, intensive-care use and new coronavirus cases. The state Health Department said 1,490 people were hospitalized Wednesday and 388 were in the ICU because of COVID-19. It also confirmed 4,412 new cases. The state health officer, Dr. Thomas Dobbs, said a majority of the cases are in the unvaccinated.

In Florida, where Republican Gov. Ron DeSantis has steadfastly blocked mandatory mask-wearing, some emergency rooms are so overcrowded that doctors are sending patients home with oxygen and small, portable oxygen-monitoring devices to free up beds for sicker patients.

## Northwest Heatwave: Volunteers get water to the vulnerable

By GILLIAN FLACCUS

Associated Press

PORTLAND (AP) — Volunteers scrambled to hand out water, portable fans, popsicles and information about cooling shelters Thursday, Aug. 12, to homeless people living in isolated encampments on the outskirts of Portland, Oregon, as the Pacific Northwest sweated through a heat wave gripping the normally temperate region.

Authorities trying to provide relief to the vulnerable, including low-income older people and those living outdoors, are mindful of a record-shattering heat wave in late June that killed hundreds in Oregon, Washington and British Columbia when the thermometer went as high as 116 degrees Fahrenheit.

In Portland, temperatures reached 102 F by late afternoon, and more heat was expected Friday. It was hotter than Phoenix, where the high in the desert city was a below-normal 100 F. In Seattle, highs were in the 90s in a region where many don't have air conditioning. In Bellingham, Washington, on Thursday the high hit 100 F for the first time on record.

Scorching weather also hit other parts of the U.S. this week. The National Weather Service said heat advisories and warnings are in effect from the Midwest to the Northeast and mid-Atlantic through at least Friday. And in Michigan, heavy rains brought flooding, leaving nearly 1 million homes and businesses without power at one point Thursday in the hot weather.

In Portland, a nonprofit group that serves the homeless and those with mental illness used three large vans to transport water and other cooling items to homeless encampments along the Columbia River on the eastern outskirts of the city.

The effort was important because people experiencing homelessness are often reluctant to go to cooling centers, said Kim James, director of homeless and housing support for Cascadia Behavioral Healthcare.

Scott Zalitis, who was shirtless in the heat, gorged himself on lime-green popsicles handed out by the group and told volunteers that the temperature at his campsite reached 105 F the day before. A huge cooler full of food spoiled when all the ice melted and he couldn't find any more to buy.

"It's miserable. I can't handle the heat no matter what. So, I mean, it's hard to stand. Even in the shade it's too hot," said Zalitis,

who became homeless last year when the apartment where he subleased a room burned down in an electrical fire. "You want to stay somewhere that's cool, as cool as possible."

The encampment, where rusted-out cars and broken-down RVs mixed with tents and piles of garbage, was in sharp contrast to downtown Portland, where sweaty pedestrians cooled off by running through a large public fountain in a riverfront park.

Luna Abadia, 17, was out training with her cross country team from Lincoln High School in the morning when the group stopped for a few minutes at the fountain. The runners normally train at 4 p.m., but in recent weeks, they have had to shift it to 8 a.m. — and it's still oppressively hot, she said.

"It was very hot, lots of sweat. That's something we've noticed in the past week or so," Abadia said.

Oregon Gov. Kate Brown has declared a state of emergency and activated an emergency operations center, citing the potential for disruptions to the power grid and transportation. City and county governments have opened cooling centers, extended public library hours and waived bus fare for those headed to cooling centers. A 24-hour statewide help line will direct callers to the nearest cooling shelter and offer safety tips.

The back-to-back heat waves, coupled with a summer that's been exceptionally warm and dry overall, are pummeling a region where summer highs usually drift into the 70s or 80s. Intense heat waves and a historic drought in the American West reflect climate change that is making weather more extreme.

"For the heat wave, at this level, it is new territory," said Dan Douthit, spokesman for the Portland Bureau of Emergency Communications. "We're known for the potential for earthquakes, we have fires, floods — but it seems like heat waves are becoming a very serious emergency."

Abadia said changes brought on by climate change that she has noticed in her life prompted her to start a youth-run organization to get more young people involved in the issue.

"Climate change is everything I've been thinking about for the past weeks," she said. "This heat wave and the wildfires we faced here a year ago — and even now around the world — have really been a new reminder to what we're facing and, kind of, the immediate action that needs to be taken."



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