

# Legislation introduced to advance deal between timber and environmental interests

By Sam Stites  
Oregon Capital Bureau

The fate of the landmark deal signed between a coalition of timber companies and environmental groups depends on lawmakers acting on legislation that would reform certain Oregon logging practices.

The deal brokered by Gov. Kate Brown and announced earlier this month outlines a process for the two warring sides to set aside prospective ballot initiatives and related litigation in favor of working together. One of the provisions in that agreement says the deal hinges on passage of legislation to reform practices around aerial spraying of pesticides.

That legislation — House Bill 4168 — was introduced Thursday by the House Rules Committee where lawmakers got their first glimpse of what timber interests, conservationists and policy staff from the Brown's office have been working on.

The bill would require timber companies and small-woodland owners to notify nearby residents when they aerially spray pesticides following a harvest. It would spur the creation of new notification technology and establish an opt-in system for nearby residents to receive warnings in real-time when spraying takes place. It also adds a 300-foot no spray zone around schools and homes, as well as buffers for streams.

Lastly, the bill directs the state Board of Forestry to adopt rules regarding certain salmon species for the Rogue-Siskiyou region, which were adopted for the rest of the state in 2017.

The goal is to have both sides, which have been fighting in Oregon's forests and courtrooms for upward of two decades, come together to work on a habitat conservation plan that applies to state and private forestlands. The plan would give some certainty to timber owners moving forward and would meet long-term goals for protecting ecosystem and wildlife. Committee members heard from three people during the bill's first public hearing Thursday. That included Gina Zejdlik, the governor's deputy chief of staff; Bob Van Dyk, policy director for the Wild Salmon Center and representative of the environmental groups; and Greg Miller, representative of the coalition of timber companies.

"Over the years, we've been on the opposite side of major timber interests," Van Dyk said. "So today it's my pleasure to be on the same side of the table as Greg and asking you to support this legislation."

According to Miller, those responsible for aerial spraying of pesticides would be required to report to the Forest Activity Electronic Reporting and Notification System by 7 p.m. the day before. The system would then prompt an email to those who have registered with the program within one mile of the location where spraying is set to take place. They would have to report back on the comple-



Oregon Capital Bureau/Sam Stites  
**Rep. Sherrie Sprenger, R-Scio, addresses her colleagues on the House floor.**

tion of the spraying mission as well. A company or landowner failing to provide the necessary notice could be punished with anything from a warning up to a \$1,000 fine for repeated violations.

Anyone who deliberately interferes with a spraying operation could be fined up to \$1,000 for the first incident and \$5,000 fine for a second incident within a five-month period.

As legislators questioned Miller and Van Dyk, Rep. Sherrie Sprenger, R-Scio, had potentially the most pointed question of the hearing: With so much bad blood between the two sides, how can she and her colleagues expect the agreement and bill to work out in the long term?

"I believe that it's the right thing to do," Miller replied. "I also believe it's the right time to do it, and I believe that looking at the work we've done since we sat down (in January) ... we figured out there's something worth reaching for. There's a real commitment by these organizations to move forward."

Committee chair Rep. Paul Holvey, D-Eugene, said he sees this bill as a significant step toward improving the landscape for both forest practices and watershed protection.

"I'm hopeful this will bring better communication and outcomes for all stakeholders involved in these divisive issues," Holvey said. "While the House Committee on Rules is still evaluating these proposals, I sincerely hope that this is the positive path forward that Oregon needs."

Zejdlik told committee members Brown is committed to ensuring all stakeholders, including Oregon's tribes, can participate in the mediated process that will take place over the next 18 months if the bill should pass. But the backdrop of a looming walkout by Republicans could derail the legislation, setting up again a potential clash of forestry ballot initiatives on the November ballot.

"This agreement proves that the future is brighter for Oregonians if we work together with a willingness to compromise," Zejdlik said. "Healthy forests and a vibrant forest industry are not mutually exclusive, and Oregonians need both for prosperous and sustainable communities."

# A bill seeking to crack down on masked rioters draws concerns over free speech and privacy

By Jake Thomas  
Oregon Capital Bureau

Legislation targeting mask-wearing rioters has drawn criticism from a coalition of civil rights and community organizations that say it'll have a chilling effect on protests while setting the state back on its efforts to halt mass incarceration.

Speaking before the House Rules Committee on Thursday, Rep. Sherrie Sprenger, R-Scio, said she sponsored the bill in response to reports of protests in Oregon turning into riots with participants wearing masks to shield their identities.

She specifically mentioned an incident where people wearing masks blocked an intersection and confronted an older driver trying to get through. She also mentioned a planned rally by the KKK in Portland that was cancelled.

The current version of House Bill 4126 would increase the crime of rioting from a Class C to a Class B felony if a defendant wore a mask during a riot with the intent to conceal their identity. A Class C felony is punishable by five years in prison, while a Class B felony is punishable by up to 10 years in prison.

In response to concerns about the bill, Sprenger has proposed removing the increased penalties for rioting while wearing a mask. Instead, the bill would allow judges to impose stiffer penalties on someone who commits a crime if they wear a mask to avoid getting caught.

"This bill does not create a new crime," she said. "This bill does not infringe on First Amendment rights."

Courtney Helstein, lobbyist for the American Civil Liberties Union of Oregon, said while the amendment improved the legislation, her organization still opposed it.

She said there is wide surveillance of protests and there

are many "legitimate, constitutionally protected" reasons why someone would wear a mask to a protest, such as wearing a bandana in case police use tear gas. She said other reasons could include health reasons or fearing retaliation from a landlord or employer, as well as not wanting to be tracked by a domestic abuser.

Helstein said peaceful protestors could find themselves entangled in an escalating situation in a large crowd and be charged with rioting. While they could contest any resulting criminal charges, they would still face arrest, have to hire a lawyer and take time off work.

"It's kind of a fear of folks who could get caught up in something they never intended to be a part of," she said.

On Thursday, 10 groups including the ACLU, Oregon Criminal Defense Lawyers Association, the Latino Network, Native American Youth and Family Center and others presented the committee a letter opposing the bill.

The letter stated the legislation would have a "chilling effect" on activities protected by the First Amendment. It noted that protests are often monitored by police and immigration authorities, referencing a report of law enforcement spying on opponents of a pipeline in Coos County.

The letter also said the bill runs counter to Oregon's efforts to reduce mass incarceration.

"This bill will only serve to ramp up charges, frighten defendants into accepting plea agreements, and lead to longer prison sentences," the letter stated.

Aaron Knott, the legislative director for the Oregon Department of Justice, told the committee that agency didn't have constitutional concerns about the bill. He said, for the bill's penalties to

apply, someone would have to be convicted of a crime and a judge would have to find that they intentionally wore the mask to get away with it.

He also noted that the state constitution gives people the right to cover their faces for broad reasons.

"If my intent is to dress like Batman, not dress like Batman to avoid apprehension, then I should be fine," he said.

Zakir Khan, the board chair of the Oregon chapter of the Council on American-Islamic Relations, sharply criticized the bill as "prototypical of a fascist enterprise rather than a democratic state."

He mentioned anti-fascist, or "antifa" activists in Eugene and Portland, who have been known to wear masks, and how they rallied around the Muslim community after attacks. He said there is a fascist movement seeking to make the state less democratic and inclusive.

"This legislation is right up that ally," he said.

Sprenger pushed back on suggestions she supported fascism.

"I am none of that or any innuendo to that," she said.

The bill, which has already been considered by the House Judiciary Committee, is scheduled for a vote by the committee on Friday.

Earlier in the session, a different bill creating a new crime of threatening a church or school was scuttled by the House Judiciary Committee after concerns arose about adding penalties to state law and lack of community feedback.

However, Rep. Tawna Sanchez, a Portland Democrat who chairs the House Judiciary Committee, voted to advance the bill enhancing penalties for wearing a mask during a riot. Sanchez did return a request for comment.



# Solutions

## Certified Public Accountants

**For All Your Tax Preparation and Accounting Needs**

**Call today for an appointment with one of our tax specialists.**

**541-575-2717**

**Melissa, Barbara, Harmony, Mitch, Lauri, Baxter, Bob, Carli, Jeremy, Anna & Amy**



**Building value through service, knowledge, and integrity. Satisfaction guaranteed!**

**\* Tax Preparation \* Accounting \***  
**\* Bookkeeping \* Payroll \* QuickBooks \***

**Solutions Certified Public Accountants • (541) 575-2717**  
**101 NE 1st Avenue, John Day, OR 97845**