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# LandWatch



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## Genesis and Its Transcription



*Ivanpah Solar Facility in the Mojave Desert*

**I**n Genesis we're told that man was made "in the image of God" with "dominion over the earth." Ingeniously, this "God" provides justification for man "to be fruitful and multiply...and subdue the earth," a deus ex machina that ordains all the begetting, coveting, pillaging and smiting found in ensuing chapters.

With the rudiments of agriculture 10,000 years ago, as paleontologist Niles Eldredge posits in his book, *Dominion* (published in 1995 when world population was only 5.7 billion), homo sapiens began to transcribe that mythology on and in the ground and thereby commence the transition from living largely sustainably within local ecosystems to the ability to live outside them. This transformation worked when for thousands of years there was world enough and time. But when agricultural practices advanced and proliferated with the use of petroleum for fertilizers and ever more sophisticated machinery,

the fertile ground and opportunity for population growth, hitherto limited by the availability of local resources and periodically reduced by mass extinctions, exploded. The key difference in past mass extinctions and the present human dominated ecology, says Eldredge, "is that we are the irritant that doesn't go away."

Cultural innovations that continue to transform the planet and more of us living substantially apart from nature, Eldredge notes, have led to a state of ignorance or denial that the habitat we are destroying, the species we are losing and the planet we are warming don't matter, are not germane, to our survival. The illusion persists, like a genetic mutation, that technology will bail us out with no need for a change of perspective and behavior. Typically, however, these advances incite "an explosive expansion of population" whose impacts in turn seek relief by further technological innovation.

So it goes, this cyclical paradigm of terminal depletion, snake oil and snake oil salesmen, supported, even encouraged by, the complicity and willing suspension of disbelief of the general populace.

Recently released, sponsored by Michael Moore and free to the public on YouTube, film-maker Jeff Gibbs' *Planet of the Humans*, exposes and explores some fallacies and falsehoods propounded in the zeal to replace fossil fuels with "clean energy," and the hypocrisy and corruption of certain leaders espousing it as a panacea. The documentary calls out Bill McKibben, Al Gore and Michael Brune, Executive Director of the Sierra Club, and, by implication, others who have sought and depended on foundation grants and other sources of corporate money to support alternative energy technologies, such as wind, solar and biomass, and their promotional propaganda.

*(Genesis, continued on page 2)*

(Genesis, continued from page 1)

While these prominent figures and groups have been revered for their heroic and ostensibly selfless efforts, Gibbs' camera captures the trees being cut—by machinery running on fossil fuel—to supply the biomass plants and the pollution generated by them; the precious metals and other mined and processed materials, including petroleum, necessary to construct wind turbines and solar panels, and, as one of many examples of Oz wizardry, Earth Day celebration organizers who admit that the energy from solar panels promoted as running their show was, behind the curtain, largely supplied by fossil fuel-generated electricity.

There is footage of shuttered solar panel plants. Of the vast Ivanpah solar installation in the Mojave that has destroyed desert tortoise habitat, poisoned the earth with leakage and killed countless birds with the heated mirrored surfaces of its panels; depends on natural gas as a primer for its boiler

in early morning hours and during cloudy weather and has failed to meet production targets. Of defunct wind turbines, their propellers turning perfunctorily in the breeze, no longer generating electricity and, mercifully, no longer killing birds, but still out there occupying ground where animals roam and the wind freely blew.

Though pushed by the likes of McKibben and Gore and their corporate funders as viable and essential alternatives to fossil fuels, biomass, wind and solar are shown to depend on materials and siting whose environmental and economic costs are obfuscated by the fervor of their promotion as “clean energy” and whose contribution to the grid is typically negligible. Greenwashing defenders, upset by the film's skewering their icons and unsettling the underpinnings of their own beliefs have responded by debunking the messenger as biased, unfair and unappreciative.

Notwithstanding all the blame affixed to environmental sycophants, misplaced fixes and corporate opportunism and greed, however, Gibbs' and Moore's underlying, inescapable and abiding message echoes Malthus, Ehrlich, Eldredge and...Pogo: “We have met the enemy and he is us.” What these Cassandras clarify in words, imagery and prognostication is the desperate need for a different narrative, a new genesis, for life on earth that must acknowledge and promote population and consumption limits and mutual dependence not dominion—cultivating our gardens (and alternatives to fossil fuels) on a scale and in sync with the natural order—to avert a Hobbesian future likely to be “nasty, brutish and short.”

**Robert Emmons**  
*Fall Creek*



*Defunct wind turbines can remain on the land and in the water indefinitely*



## Regenerative Agriculture for Resilience and Mitigation

The COVID-19 crisis has given us all a “time out” from business as usual. Perhaps we should use this to reflect on the vulnerability of our global food supply. People have found empty shelves at the grocery stores here in Lane County and experienced for the first time what food insecurity feels like. With the climate crisis currently underway, protecting our farmlands and helping make them more resilient now and into the future should be a major focus.

Studies published late last year in the *Journal Nature Climate Change* found that simultaneous extreme heat events result in simultaneous decreases in food production of staple crops of wheat, maize and soybeans in major food producing areas thousands of miles apart. Depending on the jet stream pattern, this includes the breadbasket regions of western North America, western Europe, western Russia and west Asia. Another alarming article published 4/15/19 in *Nature, Ecology and Evolution* titled; “Synchronized Failure of Global Crop Production,” states that losses of rice, wheat, soybean and maize

is estimated to be between 17% and 34% due to climate change.

Already people are moving from farms to cities as water shortages and droughts make farming impossible, increasing the demand for food world-wide and creating conflicts over dwindling resources. Last August the United Nations released a report from over 100 scientists in 50 countries titled “Climate Change and Land Use Threatens the World's Food Supply.” French climatologist Valerie Masson-Delmotte, one of the authors of the report, was quoted by the Associated Press saying, “The way we use land is both part of the problem and part of the solution.” Approximately 500 million people are living on land that is becoming desert. Agriculture, forestry and human land use account for approximately 25% of greenhouse gas emissions.

Organic farming using regenerative practices gives us hope. The Rodale Institute published a document on their research titled, “Regenerative Organic Agriculture and Climate Change; A Down To Earth Solution to Global Warming,” that can lead the way to food security and helping mitigate the climate crisis.

Regenerative agriculture implements organic growing methods such as

mulching, compost, cover crops and perennial plantings, which could increase yields, be more drought resistant than conventional agriculture and, rather than emitting CO<sub>2</sub> into the atmosphere, sequester vast amount of carbon while improving soil health. According to Rodale, “We could sequester more than 100% of current annual CO<sub>2</sub> emissions with a switch to widely available and inexpensive organic management practices.”

Regenerative agriculture should be encouraged and incentivized here in Lane County. Phase two of the Lane County Climate Action Plan is currently being developed, and citizens are encouraged to submit comments to their Lane County Commissioners. Climatologists predict Oregon will have an increase in drought and extreme heat as the climate crisis intensifies, and it is up to all of us to help transition to resilient and low-impact practices.

The COVID-19 pandemic is a fresh example of how things can quickly fall apart when systems fail. The climate crisis is our greatest challenge. We here in Lane County need to quickly implement farming practices that ensure local food security and mitigate the crisis by protecting our farm and forest lands. Supporting local organic farms and urging legislators to make this a priority are important first steps.

**Pam Driscoll**  
*Dexter*



*Organic farmers regenerating a piece of Lane County. Photo: John Bauguess*



Molly Goulet

## Interview with Molly Goulet

*Molly Goulet is an arborist, parent, and life-long activist. She will begin law school at University of Oregon this fall. She loves to work with her orchard collective, ride her bicycle, make subversive cross stitch, and plan her next forest adventure.*

**LW:** “Arborist” is part of your email address. What were your duties as an arborist, and where did you work?

**MG:** I began working with trees at age 23 in Oakland, CA, and loved my work as an arborist. I mostly specialized in home orchards. I helped design a few semi-public and public orchards, and taught pruning for years with the Institute of Urban Homesteading (since relocated to Grants Pass). I found plant pathology exciting for all the sleuthing involved, whether it was construction or neglect or fungus or insect damage, but I also enjoyed

valuation for insurance and neighbor mediation. There are endless ways to specialize in arboriculture, but I never really picked. Now, I mainly teach pruning and recreational climbing and hope to keep up some time in the trees on my school breaks.

**LW:** What led you to change course and enroll in law school at UO in September of this year?

**MG:** I’ve found that my mental stamina is much more reliable than my physical stamina, especially now that I have two children. I wanted meaningful work that I can continue for thirty or more years, and I feel ready to broaden my impact from “one tree at a time” to “preserve as much of the good in this society and planet as possible” professionally. I studied mathematics in college—making my career in arboriculture a surprise to most who knew me—and law school is a continuation of that rigorous, analytic experience for me. The law is both a game and a puzzle, just like proofs, and while procedure can be tedious, the core of that exploration keeps me interested.

**LW:** Over the last year you’ve been assisting LandWatch research analyst, Lauri Segel, with assessments of county land use applications and preparation for appeals. Has that given you an appetite for land use law as a career? What have you learned from your experience so far?

**MG:** I have to say, I started working with LandWatch to see if law school was really something that I wanted to do, and I was nervous that I’d be scared out of it. Luckily, the work and the mentorship have been fabulous, and I’m really excited to get deeper into it. Lauri has taught me a lot of research skills, explained strategy, helped me redefine winning (to mean, did the right thing happen in the end?), encouraged me to use precise

language, and showed me how to bring issues to powerful allies. I am definitely committed to practicing public interest law, and I’ve felt really lucky to get this view of land use law. But I’m expecting that I’ll go through several redirects before I settle on an area of practice. The beauty of land use law, for me, is that it affects public policy and protects the commonwealth without requiring one to practice inside the government bureaucracy. I think that independence helps the LandWatch team keep a really strong ethical compass.

**LW:** From your exposure so far, do you think state statutes and Lane Code can effectively protect our rural lands? Are they? If not, what in your opinion, should be done to fulfill the promise of Oregon’s land use program, that at its conception served as a model for the nation?

**MG:** The statutes are clearly a compromise between the resource-extraction economy and the contingent looking to preserve Oregon’s natural resource wealth. Tax deferral systems can encourage landowners to keep forests standing, but the rules have been unevenly applied and barely enforced, at least in Lane County. Many properties in deferral do not have records of adequate surveys, and many small acre homesites that aren’t primarily forest or wildlife conservation are still getting these deferrals. I would love to see a requirement for management plans and periodic review by county to assure that the county is getting either the financial benefit of taxes from silviculture operations or the commonwealth benefit of conservation.

We should absolutely provide public stimulus for great forest management, but I think that the public education component for landowners is low, forest revenue is periodic (making most operations a sink for their first decades), and we don’t have the over-

sight to enforce the regulation already in existence. The reduction in logging taxes put a heavy toll on the state budget, especially but not only in education, and it’s heart-breaking to know that a lot of the problems would be addressed with adequate and knowledgeable staff.

**LW:** Do you think we should make a consideration of population, resource depletion and global warming an essential part of every land use application and approval? How do we ensure that the rights of nature aren’t buried under the arcana and complexities of land use regulations?

**MG:** I would love to see these questions incorporated in the land use and planning processes. So many extraneous desires fall away when we consider that the air and water we depend on are part of intricate global cycles. Rain falls mostly within 100 miles of forests; green cities use less air conditioning and make less smog; the oceans can only hold so much carbon. The planet we live on is a gift, with finite capacities. Land use law can preserve forest stands, encourage responsible city in-fill development, protect waterways, maintain migration corridors, and restrict development in fragile environments.

I think we can collectively decide to give everyone what they need (basic housing, food, education, healthcare) and safely steward natural resources by restricting lavish development, enacting more progressive taxation structures, and collectively deciding that a “good life” is physically adequate but socially rich. While American ambition can be lauded for its ingenuity, we rarely decide on a ceiling—for home size, income, resource use, etc.—and this insatiability drives a lot of the unsustainable practices in place, whether in policy or economics.



Lauri Segel

## Oregon’s Special Property Tax Deferral Program: Part I of II

It’s likely that few people are aware of the statewide cost of Oregon’s property tax deferral program, or what effect the Special Assessment program has on the state’s budget and its responsibility to provide services, including funding for schools, public safety, health care, infrastructure, etc. This article will focus on two of the three forest land property tax deferral programs, Designated Forest Land (DFL) and Small Tract Forest Land Option (STFO). The Special Assessment program includes more than half a dozen deferral options.

I began looking into the DFL and STFO programs after noticing that underlying, hidden lots the county recognizes as existing and legal, for which no taxes had ever been paid and that often are not stocked with trees, were being added to the property tax rolls with forest deferrals. The deferrals would often be noted even before properties were assessed for purposes of what are referred to as “ad valorem taxes.”

This action often followed on the heels of county approvals for legal lots and recording of deeds for serial property

line adjustments. If the parent property from which these new tax lot fragments were “discovered” was receiving either a DFL or STFO deferral, and regardless of whether or not the parent lot itself qualified for a deferral, the new underlying/hidden lots automatically received the same. No application or stocking survey was required.

According to the Department of Forestry, the special assessment programs are designed to keep forestland as forestland: “Most property in Oregon is valued and taxed based on real market value (RMV) – the price for which land would sell on the open market. As urban areas encroach on lands capable of growing valuable timber, the value of that timberland increases. This raises property taxes on the timberland, making it more expensive to hold while the timber is growing. Recognizing this, the Oregon Legislature has established several special assessment programs that reduce taxes for forestland owners who manage their property for the primary purpose of growing and harvesting timber.” – ODR 150-441-649

After months of research, I’ve discovered that while most owners of forest zoned land qualify for and receive one or both of the forestland related property tax deferrals, the laws that enable the property tax deferrals are antiquated and barely enforced. Rarely are the minimal stocking levels required to be verified with accurate data for purposes of qualifying land for one or both of the deferrals

Bad enough that there’s barely any oversight or review of the validity of the deferrals. Worse, the deferrals stay with the land, regardless of ownership changes, adequate stocking, or a developer’s scheme of dicing the property into smaller parcels with housing and infrastructure displacing trees.

Although the Oregon Department of Revenue requires all tax statements to

include the note “potential additional tax”, the County does not appear to report on how much ‘potential additional tax’ is deferred in any given year, or what the trends are. As a homeowner in Eugene paying \$4300/year in property taxes for an unrenovated 1953 era home on a .17 acre lot on a busy street, I’d like to know that my part in funding the deferral subsidy programs is worth it. It seems prudent and fair to expect the County and State to ensure that adequate stocking is being required to maintain these property tax deferrals.

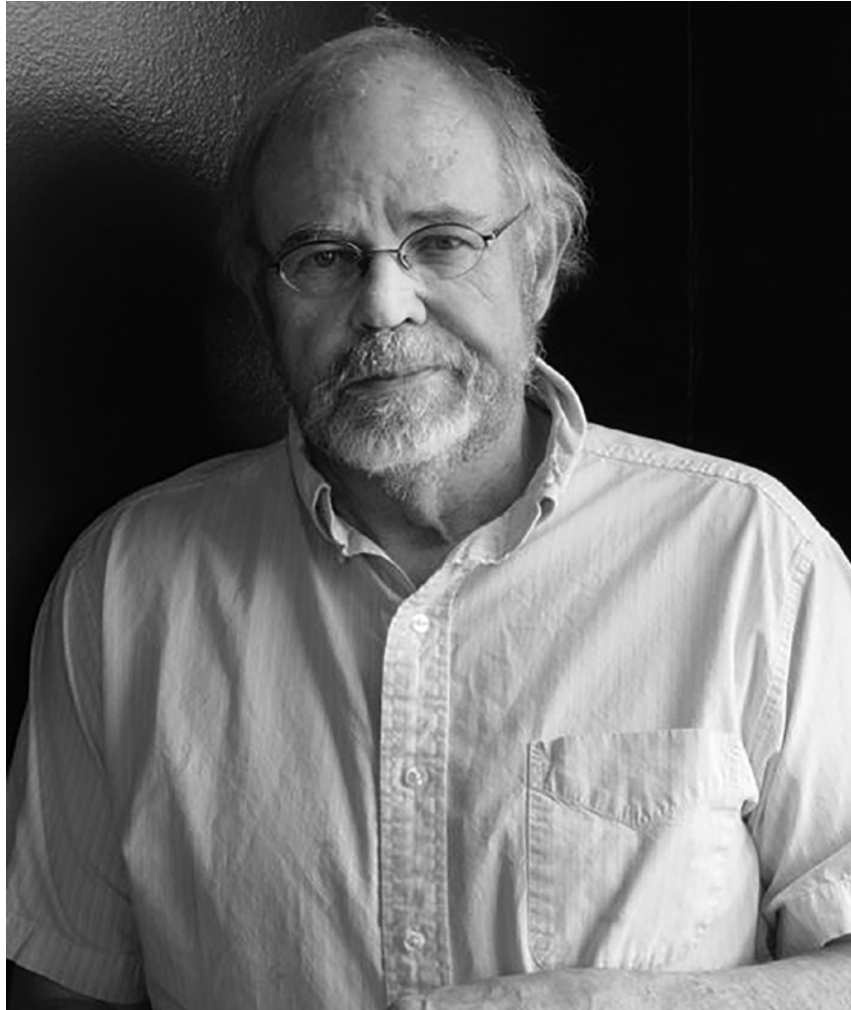
Property having a DFL deferral is valued at a fraction of the real market value (the value a property would be sold for). This is referred to as the Total Assessed Value (TAV), which is the value used by Assessment & Taxation to calculate the taxes owed.

Property having an STFO deferral is assigned a \$\$ per acre value based on productivity and is assessed at 20% of the TAV, which is related to the DFL value. The STFO deferral can be applied for only after an application for a DFL deferral has been approved. Property owners can then switch from the DFL to the STFO, which is much more generous in terms of the amount of deferral. I have also seen property having both a DFL and STFO deferral, although State law does not appear to allow that.

The DFL deferral requires a minimum of only two acres in what is known, and defined broadly, as “common ownership”, while the STFO deferral requires a minimum of only 10 acres. A reasonable person may question how 2 or even 10 acres, usually with a homesite and accessory development, can be “managed for the primary purpose of growing and harvesting timber” (ODR 150-441-649).

Part II of this article will include on-the-ground examples in Lane County of the misuse and abuse of the state’s deferral programs.

Lauri Segel



## In Memoriam: John Bauguess

Local photographer, journalist, teacher, environmental advocate and my friend for over 50 years, John Bauguess, died on Jan. 24 of pneumonia. Born in Eugene on Aug. 10, 1943, he lived most of his life in his family’s house in Dexter, 14 miles east of the city. His father grew up on the Osage Indian Reservation in Oklahoma, was a flume inspector for a local timber company and worked on a road crew for the Oregon Department of Transportation. His mother taught school in nearby Trent.

In the 1960s, John studied journalism and creative writing at the University

of Oregon and photography at San Francisco Art Institute.

Feeling the heat of the Vietnam draft, he joined the Coast Guard Reserve, and while stationed in Seattle, began taking street photos that characterize the interests and style of some of his later work. After leaving the Coast Guard he returned to his home state and was a reporter and photographer at the East Oregonian in Pendleton and the Klamath Herald and News in Klamath Falls.

Subsequently, he taught photography at Lane Community College.

His work has appeared in many newspapers and periodicals, and his intriguing photos of wolves in captivity are a seminal part of Barry

Lopez’ 1978 book *Of Wolves and Men*. Prints of his images have been exhibited in Washington, the Blue Sky Gallery in Portland, Grand Central Station in New York and various galleries in Eugene. A cross-section of his photographs resides in the University of Oregon archives.

Reflecting the influence of Henri Cartier-Bresson, Robert Frank, Walker Evans, his teacher Bernard Freemesser and others he admired in over 50 years of ambling and shooting, John captured the quirks, foibles and whimsy of man, woman, child and animal on city streets and country lanes. In photo documentaries such as his 1988 series on migrant workers in the Salem area and his images of the mining of Parvin Butte, near his home in Dexter, he portrayed the abject reality of social, cultural and environmental injustice and degradation and the dignity, resistance and persistence of those suffering from its impacts. Regardless of purpose or cause, John’s photographs shine as distinct, imaginative and skilled compositions in their own light.

Often his subjects resonate with poignant irony and humor. For every stark shot of a bulldozer carving Parvin or a mansion menacing a meadow, you may also find in his repertoire a wedding reception with participants formally attired and standing on the artificial turf of a private yard apparently oblivious to the barren remains of a recently intact Parvin Butte 50 yards behind them. Or you may encounter a family in 1970 savoring a doughnut in the window of Pope’s Donut Shop while the “urban renewal” that will consume the shop as well, takes place in the background.

In images that arrest, amuse and arouse, John’s photos find and define the edges of cultural and ecological incursions and threats that are often lost in the euphemisms of progress and growth. With or without a

camera in hand he was a stolid recorder and defender of landscapes and perspectives that he grew up in, partook of and loved.

He was for many years a LandWatch board member, and his photos were a generous and indispensable complement to our newsletter articles.

In high school at Pleasant Hill, John played baseball, and his interest in the game continued for the rest of his life. To the end his memory for games, players and statistics remained acute. And those in his later years who played against him in pick-up basketball games and handball remember him as a formidable competitor.

## Appreciation and Support

For close to 25 years LandWatch Lane County has worked with rural neighbors to protect farm and forestland, natural areas and open space. To do that we engage county codes and state statutes that often are the lowest common denominator after development interests and their legislative and administrative enablers have had their sway. What’s left is subject to often arcane, abstruse interpretation that is difficult for even experienced planners and land use attorneys to negotiate, let alone the general public.

By and large the superlative effort and accomplishment of our research analyst, Lauri Segel, and our lead attorney, Sean Malone, are invisible to our beneficiaries, but the effect of their success or failure on Lane County’s rural landscape is plain for any eye to see. Whether a lot or lot line adjustment is determined to be legal; whether a dwelling or accessory building or guest house or home occupation is allowed; or whether a variance is granted for development in already inadequate riparian buffers—approvals

As fitting for a man who spent so much time close to home and who gave so much to his community, his ashes were interred next to his parents in Pleasant Hill. Those of us who shared some of his past and those who follow are indebted to his sharp eye, his tender heart and a large body of work that helps define our sense of place and our place in it with intimacy and artistry.

“John here” is how he answered the phone. It could be his epitaph and his legacy.

Robert Emmons

for which we have frequently challenged and prevailed—can determine whether our hillsides and farms continue to grow trees and crops and our riparian areas and open space provide watershed protection instead of houses, utility poles, roads, driveways and revetments that little by little, lot by lot, are doing their part to pollute our air, soil and water, eradicate wildlife habitat and, by so doing, destroy our sense of place and our diminishing chances for survival on an overheated and rebellious planet.

Thanks to our legal team, to ardent, responsible and courageous neighbors and to our supporters LandWatch has been a successful deterrent to these ongoing threats to our ecological health and well-being. As the only land use watchdog in Lane County, we’re committed to the long haul. Because our work is expensive in both time and money, however, our own survival will depend on the yearly, monthly and legacy contributions of our allies.

For a healthier Lane County and a saner body politic,

Robert Emmons