

Join Us!

LandWatch Board of Directors

Jim Babson
Garrick Balsly
Chris Berner, Vice-President
Alice Doyle
Robert Emmons, President
Nena Lovinger, Secretary
Deborah Noble, Treasurer

Newsletter Credits:

Editors
 Robert Emmons
 Nena Lovinger
 Layout & Design
 Chris Berner

To join LandWatch, please complete the form below and return it with your tax deductible contribution. Your contribution will help us preserve the rural character and special beauty of Lane County.

- Yes. I want to become a member of LandWatch Lane County.
 Yes. I want to contribute to LandWatch. Enclosed is my check.

Name _____
 Address _____
 City _____ State _____ Zip Code _____
 Phone _____ E-mail address _____
 Name of gift recipient _____

Enclosed is my contribution of \$ _____

LandWatch is a 501(c)3 tax exempt, non-profit organization.
 Thank you for your generous support.

Mail to:
 LandWatch Lane County
 P.O. Box 5347 • Eugene, OR 97405

To contact LandWatch
 Phone: 541.844.6914
 Email: hopsbran@aol.com



P.O. Box 5347 • Eugene, OR 97405

Printed on 100% post-consumer paper

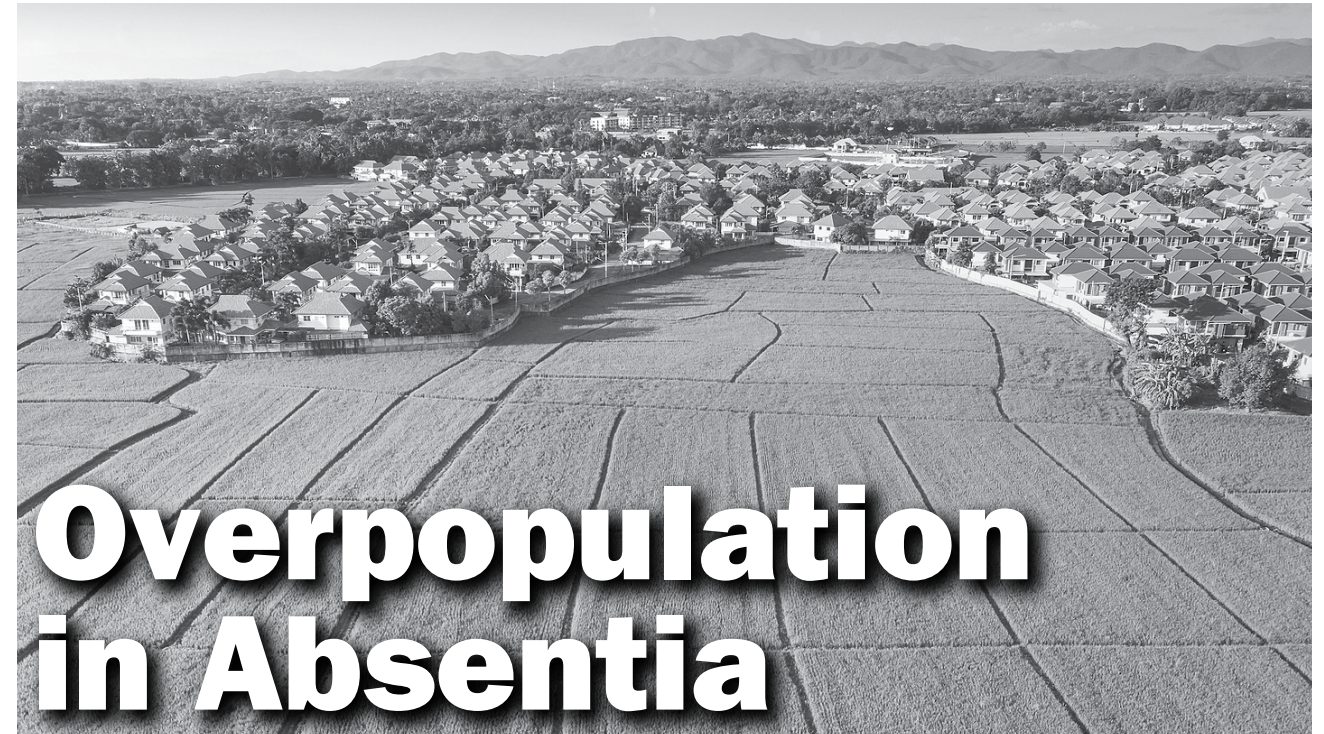
Place
 Stamp
 Here

LandWatch



Winter 2022

Volume 21, Number 1



Overpopulation in Absentia

As the climate conference in Glasgow sought agreement among nations to reduce the amount of carbon and methane in the atmosphere and in the oceans, conspicuously missing from their assortment of human created catastrophes — drought, fires, floods, ocean acidification, melting ice, thawing permafrost, famine, etc. — was the root cause of all of them: overpopulation. Also missing from this charade of empty promises and futile projections was China, a country with the world's largest population and one of the top CO₂ producers.

Any mention of the exponential number of us on the planet consistently gets a pass from city councils and county commissions, from state and federal legislators, from politicians of every stripe, and even environmental law conferences are gun-shy, largely because any talk of control and reduction is predictably met by accusations of racism, ethnocentrism, elitism, authoritarianism, sexism and sacrilege.

Lower birthrates have been a cause for alarm, for economies predicated on endless and inequitable growth depend on a reliable spawn of workers to fuel their superchargers, and falter with too many retirees living too long and feeding at the public trough.

And so we continue to teem like maggots and feed off carrion of our own making. Cities have nowhere to go but up, hogging the sun from those in the shadows. Or they expand beyond their boundaries where weak, corrupt or non-existent land use regulation little by little, lot by lot, helps transform forests, farms, natural areas and open space into lucrative real estate enterprises for ever more customers, many of them refugees from other wasted and risky habitats suffering the same degradation.

Shy of falling into the ism trap, many liberal thinkers object that it's not overpopulation but over-consumption that's responsible for most of our ills. To be sure developed nations, America chief among them, consume a majority

of the world's resources, most of which are controlled and enjoyed by a small percentage of their consumers. Moreover, "developing countries," that consume far less, are suffering most from the catastrophic impacts of those enjoying a grosser domestic product.

Clearly, the population-consumption argument isn't either/or but both/and. However, as the "tragedy of the commons" demonstrates, land has a carrying capacity whose quantity and quality erode according to the numbers and scale of the creatures dependent on it. The pursuit of infinite growth on a finite planet has been an illogical ecological, economical and ethical disaster.

In 1968, when Garrett Hardin introduced the "Tragedy of the Commons" paradigm, world population was 3.5 billion. In 2021, only half a century later, there are 7.9 billion people on earth and counting. It took

(Overpopulation, continued on page 2)

(Overpopulation, continued from page 1)

2,000,000 years of human history and prehistory to reach 1 billion people and only 200 years to reach 7.9 billion. Even if we eliminate economic inequities and reduce consumption, too many bodies remain needing and breeding with too little land and clean air and water to support them.

The pollution problem ultimately is a population problem, as Hardin has noted: “It didn’t much matter how a lonely frontiersman disposed of his waste. But as population became denser, the natural chemical and biological recycling processes became overloaded.”

Already, even as we continue and accelerate our untenable numbers, lifestyles and practices, many places are becoming uninhabitable and the world a melting pot of refugees with fewer places to run to.

Suffocating on air fouled by coal burning, as it has perennially in late fall, New Delhi is again facing an entire lockdown of operations, closing schools and businesses. Urban areas throughout India are facing the same conditions from ineffective control of industrial pollution, coal burning, car exhausts and the relentless needs of a country with the planet’s second largest population. Yet at the Glasgow climate conference, India demanded — and received — a last minute change in the final climate agreement from a “phase out” to a “phase down” of coal power.

As of this writing, massive amounts of consumer goods are stacked in ports (and accumulating fees) with too few people to load them onto ships waiting offshore or onto trucks and rail onshore. Blame for this distribution failure has ranged from the pandemic, to accounting errors, to old-fashioned greed, but what impresses is the monumental amount of stuff that has required precious material and energy resources to manufacture. And all of it wanting dispersal to untold numbers of customers.

While our numbers have increased and economies have grown beyond local to global scales to serve them, what was economical and in sync with the local commons and its natural ecology has morphed into Economy, whose functions and effects have become alien and diffuse and little understood, much less controlled, by those it ostensibly purports to serve. Economy has become King with a decidedly autonomous and autocratic bent and the natural environment and its inhabitants mere vassals subject to its dictates and whims.

For many the way out of the trap set by the industrial revolution and mass production is another revolution with renewables and “clean” energy leading the charge—or colonization of Mars or some other hapless planet boosted by a Musk or a Bezos. Yet why believe that what precipitated an exponential increase of our species will somehow rescue us from its cataclysmic consequences?

Glasgow’s focus on carbon and methane merely continued a chronic distraction from facing the real enemy, ourselves: the inordinate and insupportable number of us breeding and consuming too much for the planet to bear. Such conferences will highlight the futility of empty and unenforceable goals and commitments until they ignore the isms, eschew business as usual and recognize the primary importance and environmental toll of human numbers and scale.

Until then it’s just more “Blah, blah, blah,” as Greta Thunberg aptly declared — outside the convention doors.

Robert Emmons
Fall Creek

Deforestation at Home and Abroad

At the Glasgow Climate Conference worldwide deforestation was recognized as one of the major contributors to global warming. We need look no further than Lane County for officially ordained forest policies and practices that continue to devastate our landscape and heat the planet.

In the early 1900s, timber companies in Oregon obtained vast tracts of land for a pittance, and tree felling accelerated from one man with an axe to an operator sitting in a large harvester machine that does the work of six men with chainsaws. Forests comprised of a multitude of species have been replaced with monocultures of Douglas fir plantations harvested at ever shorter intervals, from 80-year rotations 60 years ago to 30 years today. Hybridization and cloning have further reduced genetic diversity.

In the wake of these “advances,” going and gone are the old growth ecosystem benefits that provide for a complex variety of wildlife habitats, cooler, moister, purer air, groundwater filtered through a natural purification network, and soil stabilization.

A recent agreement between a coalition of environmental/conservation groups and representatives of the timber industry to alter the Oregon Forest Practices Act, resulted in 110’ no-cut buffers on medium and large fish-bearing streams and 100’ on small streams; 75’ no-cut riparian setbacks for formally unprotected secondary streams and some reduction of cutting on steep slopes. While these new rules are an improvement over present practices, not addressed in the accord are clear-cutting itself, hybrid and clone monoculture plantings, harvest cycles and aerial spraying. These practices all contribute to the decline of environmental health and resiliency, and dangerous climate change trends.

Increasingly, timber corporations such as Weyerhaeuser have seen more profit and less hassle in growing houses instead of trees on some of their holdings, particularly on properties within a thirty-mile range of scattered communities. And, during the past two decades, Lane County’s Land Management Division has received and approved an accelerating number of development requests from rural landowners for the construction of dwellings in areas zoned F-2 (Impacted Forest). This zoning, sometimes including properties of only a few forested acres, occurs throughout Lane County from the valley floor to steep hillsides.

Before applying for a dwelling or dwellings, many private developers will have already clear-cut the entire property — or properties if one property contains numerous underlying lots. Grading, further clearing and excavation follow, reducing soil stability and erosion control. Once a dwelling has been approved, access to the site requires creation of a road, often with requisite turnouts to allow safe passage of emergency vehicles. Culverts and/or bridges might be needed, as well.

Utilities extended to the site require the cutting of trees and other vegetation, and a domestic water supply must be appropriated from a ground source already burdened by a prolonged drought and other wells. Septic systems that often leak further foul the forest site.

Once the dwelling site is determined, primary and secondary fuel breaks of 30’ and 100’, respectively, must be created and maintained in perpetuity. Building on slopes requires even wider buffers.

In forested areas where so-called template dwellings are permitted, these fuel breaks result in a considerable removal of trees, shrubs and other native vegetation that, combined with the development impacts noted above,

destroy the integrity and continuity of the forest ecosystem and do their part to release carbon and heat the planet.

Growing numbers of people arriving in Oregon from other afflicted regions have increased the number of applications for development in Lane County’s forested areas—and the number of legal appeals LandWatch has had to file to ensure that the county adheres to Oregon’s land use laws. Fortunately, LandWatch has kept trees on the ground and storing carbon by successfully challenging a significant number of development applications that would have replaced forested areas with structures and infrastructure.

The success of the Glasgow Climate Conference may be measured not just by a local and international effort to protect existing forests, but also by a commitment to plant new ones — and leave the standing trees to grow. These forests are not likely to be left alone, however, until there’s an international effort to reduce the numbers of people on the planet.

When he realized how much land worldwide was turning to desert by the removal of trees, Richard St. Barbe Baker (1889-1982), an English biologist and environmental activist considered

to be the first global conservationist, spent the rest of his life in efforts to stop deforestation and replant with appropriate species. In his book, *Dance of the Trees*, Baker recounts his meetings with presidents and tribal chieftains, administrators, politicians, scientists and others to instigate massive reforestation programs in devastated lands all over the world. In America, Baker toured the redwood groves on the West Coast and became involved in the Save the Redwoods campaign. During the late 1930s he worked with Franklin D. Roosevelt to establish the Civilian Conservation Corps (CCC). His seemingly tireless zeal led, among other significant accomplishments, to the founding of an organization called Men of the Trees, still active today as the International Tree Foundation.

Few of us will carry our environmental concerns and commitment to the length that Baker did, but each of us can do our part by planting native trees, shrubs and ground covers where land and opportunity converge. And we can support organizations dedicated to the protection of existing forests and the replanting and protection of new stands of trees.

Nena Lovinger
Fall Creek





Cynthia Lafferty

Interview with Cynthia Lafferty

LW: *When and how did you get started in the business of cultivating and selling native plants? Did you obtain your property on Marlow Rd near Lorane specifically for that purpose?*

CL: We settled in the Lorane area in 1994 intending to take care of our 60 acres, grow our own food and raise our family. After we had worked with my sister and her husband at Balance Restoration Nursery in Lorane, my brother-in-law suggested we start a containerized native plant nursery on our land.

With my passion for and background in plants and my former husband's great interest in growing them, we gave it a go. In 1996 Doak Creek Native Plant Nursery became a reality as we

dove in and learned about growing native plants and running a nursery with help from my sister and brother-in-law. We decided to focus on native plants, because we were very much aware of the huge ecological imbalance in our landscapes as the result of loss of native habitat.

Over the years we have grown to carry a large variety of trees, shrubs, flowers, ferns and ground covers native to the Northwest, as well as some California natives and figs and grapes that I have propagated from our own plants. We do not spray with herbicides or pesticides, and we use compost in our soil mix.

LW: *How have climate change and Oregon's prolonged drought affected the plant species you pot and sell? In that regard are you growing and selling more plants, such as sugar pine and black oak, that have been native to southern Oregon and northern California?*

CL: Climate change and prolonged drought have increased awareness of and interest in plants that are drought tolerant. I am growing more plant varieties that are from southern Oregon and northern California, such as Manzanita, Ceanothus, Coffeeberry, Black Oak and California Live Oak.

LW: *Have you supplied plantings for residential or commercial habitat restoration projects? Where? Have you received feedback as to their success?*

CL: Doak Creek Nursery sells both retail and wholesale. Following are a few of the organizations we have supplied plants to: McKenzie River Trust for the Green Island restoration, as well as some of their other conservation projects; McKenzie Watershed Council for plants for homeowners along the McKenzie; Long Tom and Siuslaw Watershed Councils for various restoration projects; City of Eugene for park restoration work; the UO campus for pollinator gardens; the native landscape at MLK Serbu Youth Center; native plant gardens at some Lane County schools; BLM in Douglas and Lane County for different restoration and pollinator projects; Oregon State Parks for planting campgrounds; Army Corps of Engineers for plantings at different dam sites and Cow Creek Conservation Group for plantings on the Cow Creek Casino land and nearby tribal lands. I just finished doing a native design and planting in front of the Veneta Library where a historical Oregon White Oak had been removed. There's an article on this project in the fall West Lane News. Allowing for some loss mainly due to

deer browsing and lack of water the first two years, success and feedback from these projects has been generally really good.

Consulting and landscaping has given me the opportunity to help people bring native plant communities into their yards. It's gratifying to hear that sometimes the first day after a planting bumblebees and butterflies have appeared where before they were nowhere to be seen. Doug Tallamay's book, *Nature's Best Hope*, is a great common sense resource for what natives to plant and why and how they help restore the health of our ecosystems.

It has been inspiring to see many people and neighborhood associations adopt adjacent city lots that are vacant and overrun with invasive plants restore the native habitat and create beautiful spaces often with paths for public access.

Doak Creek is a proud supporter of Cascadia Wildlands, as the work they do helps preserve and protect our wild ecosystems in the Northwest.

LW: *What do you regard as the biggest threats to your business and to the habitats for which you provide plantings?*

CL: One of the biggest threats to our restoration work are invaders such as English Ivy and Himalayan (or Armenian) blackberry. More of our city park trails and some of our older forests in state parks are suffering encroachment from invasive plants. If left to grow they smother native plantings. It takes regular weed

trimming and removal, preferably twice a year, for effective control.

LW: *From your perspective what are the root causes of global warming and climate change? What do you think needs to be done at the local, national and international levels to curb or eliminate their impacts?*

CL: The overuse of our natural resources has resulted in a huge ecological imbalance in our natural habitats and catastrophic global warming. Over 75% of the land in the U.S. is privately owned. The native habitat on these lands has been removed or seriously disturbed and planted with plants from other countries or, on industrial timber lands, genetically altered trees in a herbicide-maintained monoculture.

To address this gross imbalance Oregon land use law should mandate that a certain percentage of the land intended for development be left as natural habitat. This would ensure wildlife corridors for pollinators

and animals, birds and native plants that naturally occur in those settings to thrive and coexist with human development.

Individually we can make a big difference by supporting local farms and businesses, by planting native plants in our yards and communities, by using alternative energy sources, such as wind and solar, and by adopting a plant-based diet. Not least we must teach our children and community the importance of caring for our planet and each other as if our lives depend on it. They do.

LW: *What are your plans for succession? Have you considered putting a conservation easement on the property to protect both the land and your investment in it?*

CL: We plan to put the land the nursery is on in a Conservation Easement to protect it in perpetuity. Over the years we have been actively restoring it to oak woodland/savanna habitat.





Bad Day at Scuffle Rock

On December 14th many properties in the Jasper area were rocked by a dynamite blast emanating from atop a picturesque ridge overlooking the Middle Fork of the Willamette River. The blast shook items off walls, sent animals running and left many in the nearby residential neighborhoods fearful. No warning was given to nearby property owners.

The ridge, known to locals as Scuffle Rock, is a beautiful landmark near Wallace Creek, Hills Creek, Pleasant Hill and Fall Creek. Mining began on the ridge in the 1990s and was met with fierce opposition from the neighbors. The miners eventually abandoned their efforts, and the area was quiet again for several years. A new owner was granted a mining permit with many operating conditions in 2001. Little mining has occurred over the last 20 years since that permit was granted.

Scuffle Rock was recently acquired by the McDougal brothers, much to the chagrin of many neighbors. The McDougals, notorious for shunning rules and not letting fines get in their way, are operating the mine under

the conditions established over 20 years ago. Two of those conditions — providing ample warning before blasting and not pushing rock over a cliff facing the river — have already been violated.

The original 2001 permit did not require an Environmental Impact Study. With no environmental impact assessment, mining and blasting will produce dust, noise, pollution, and truck traffic without oversight. Wells in the area may be affected by blasting and other activities on the site.

The McDougals have received a permit that will allow them to clearcut the large watershed around Scuffle Rock.



When the trees are gone, shrubs and other vegetation are disturbed and destroyed and the ground is compacted by logging machinery, unfiltered and unrestrained water runoff will likely foul the nearby Middle Fork of the Willamette River, a Class 1 fish-bearing stream.

A neighborhood organization has formed, and is planning actions to oppose the destruction of a cherished landmark and its surrounds. The group can be reached at scufflerock@gmail.com

Friends of Scuffle Rock



Lauri Segel

Land Use Update: A Year in Review

When researching and commenting on land use applications on behalf of LandWatch Lane County (LWLC), I often reflect on the pros and cons and ups and downs of our ongoing effort to protect farm, forest and other resource lands for resource related uses. Is the effort worth the results? Does our involvement make a difference? Is the inherent animosity associated with the appeals process generally worth it?

In reviewing the results of our efforts, reflected in the outcomes of local and state-level appeals, I am reminded that success and disappointment cannot be measured solely by wins and losses. Our participation, whether it be through written comments, filing appeals, or defending County decisions in appeals filed by developers, provides an element of balance that is not only necessary, but was expected by the founders of Oregon's land use program fifty years ago.

I am pleased to report that LWLC has experienced some significant, and some unexpected, successes this past year, which should certainly send the message that, in fact, our participation is worth the effort.

A review of local appeals heard by the Hearings Official (HO) in 2021 indicates that LandWatch has never been busier. In 2021 LWLC participated in at least thirteen appeals filed by applicants in response to Planning Director (PD) denials. This was an unusual position for us to be in, as in the past most appeals have been filed by LWLC in response to PD approvals.

Unfortunately, PD denials are vulnerable to reversal by the HO if no party attempts to defend the denials; thus, LWLC's participation is essential. In the majority of the appeals of PD denials in which we participated, the Planning Director denials were affirmed by the Hearing Official.

LandWatch also filed at least thirteen of its own appeals this past year. Several appeals of one application had to be filed as two or more separate appeals. We were required to submit 11 individual appeals of one application — a McDougal Measure 49 (M49) ten-lot subdivision just north of the city of Florence. These appeals were of legal lot verification (LLV) and dwelling approvals on farm and forest zoned lands. Virtually all LLV approvals result in subsequent dwelling applications and approvals.

The overall outcome of our appeals was positive in that we prevailed in at least six of the dwelling appeals and two of our LLV appeals. We had one applicant withdraw, one put their application on hold (for over a year now), and we negotiated a settlement with another. In a fourth, a farm dwelling approval, the HO added a Condition of Approval (CoA) requiring four parcels to be legally combined into one.

The McDougal M49 approvals of 10 lots of 5 acres or less, affirmed by the Hearings Official, were the most problematic of our losses. This subdivision is accessed off Highway

101, across from Baker Beach road, using a several thousand-foot-long access easement road. The HO found that overlapping and substandard primary and secondary fuel breaks on steep slopes somehow did not pose a public health and safety risk — in a year with catastrophic fires across the state. Siuslaw Valley Fire and Rescue supported the subdivision.

Last year LWLC participated as “Intervenor-Respondent” before the Land Use Board Of Appeals (LUBA), defending County decisions, three times in 2021; two of the hearings involved multiple appeals. Three of those County denials were affirmed, and four appeals were dismissed by LUBA, who agreed with LWLC that the applicant missed the filing deadline by a day—an unexpected success.

We filed eight LUBA appeals of our own in 2021, five regarding applications for a dwelling and three for lot line verifications. We prevailed in three of our five dwelling application appeals, and, most importantly, were successful in arguing that Major and Peripheral Big Game protections must be considered in the review of dwelling applications.

Because Big Game zoning covers a wide range of territory in Lane County, this precedent-setting decision has put a major kink in development applications. And developers and their agents are doing everything in their power to subvert or overturn it.

As more people continue to pour into Lane County, we expect to see an ever-increasing number of applications threatening the health of our farm and forest lands, natural areas and open space. The good news is that LandWatch will be here to challenge them.

Lauri Segel
Research Analyst