

Photo: John Bauguess



## Nature's Trust and the Race to Extinction

**F**or almost 20 years LandWatch Lane County has been fighting an uphill battle to protect Lane County's natural areas, its farms, its forests and its rural communities. Native forests continue to be clear-cut, wetlands filled, rivers and streams polluted and sucked dry, the air and soil poisoned by toxic chemicals, mountains blown up and crushed into sand and gravel and farms grow houses instead of food. These affronts to nature and communities are routinely permitted by political and administrative agencies to feed the endless growth economy, a worldwide epidemic of overpopulated, over-consumers in denial about their long-term survival on an overheated planet.

How we slouched and gouged our way to this precipice and what we must do to avoid falling over the edge are the

subject of *Nature's Trust, Environmental Law for a New Ecological Age* (2014), by UO environment law professor Mary Wood. Nature's voice has been muted, she says, by the initially well-intentioned transformation in the 1970s of environmental law principles into federal, state and local statutes, ordinances, codes and court decisions. Out of that era came the Clean Water Act, Clean Air Act, Endangered Species Act and a host of additional piecemeal measures intended to protect the environment. Nature was parceled into a multitude of agencies, with the public perception that they would exercise objective judgment for the common good.

Instead, agencies, such as Lane County's Land Management Division, use their discretion to determine how much harm they can permit rather than how much protection they must

provide. Their destructive policies and practices are validated by a regulatory system "self strangulating in its complexity . . . a foreign tongue of acronyms in a kingdom ruled by elite specialist lawyers, government bureaucrats and highly paid corporate lawyers" and land use consultants. Little wonder that it is incomprehensible and largely inaccessible to the average citizen. "Similarly to how an invasive plant species chokes out and conceals the presence of native vegetation," says Wood, "so these statutes and regulations obfuscate the public trust."

To escape suffocation, she says, requires the resurrection and litigation of "the public trust doctrine." This basic principle stems from Roman and common law, wherein and whereby governments and the public act as

*(Extinction, continued on page 2)*

*(Extinction, continued from page 1)*

trustees with a fiduciary obligation to protect “Nature’s Trust” — the commonweal of air, water and soil — for present and future generations.

According to a 1907 Supreme Court decision cited in the text, the state has always been vested in the public trust doctrine as a moral imperative “independent of and behind the titles of its citizens” that subjects these titles to “the underlying limits of public rights.” To those who claim that private property rights take precedence, Wood points out that “property has always been regulated for the benefit of society, and landowners have never been able to do whatever they please on their property.” The public trust doctrine, she adds, “would recognize and restore the balance of property law to protect both the commonwealth expectations in ecology and personal liberty in property.”

While her arguments are sometimes exhaustive to the point of repetition, the author, who has three children, side-steps any discussion of what many consider to be the root cause of ecological collapse: overpopulation. Moreover, she accepts large-scale, commercial solar and wind power as viable alternatives to fossil fuels extraction and pollution without acknowledging their own carbon footprint, the damage they wreak on the habitats they dominate and their distraction from causes rooted in our own behavior.

Attempts to rescue ourselves from ourselves sometimes go to humorous lengths — or depths. As one of a number of innovative waste-to-energy conversions proposed by others, Wood mentions the use of dirty diapers. Perhaps instead of worrying about too many babies we ought to be concerned about too few. More babies = more diapers = more energy.

By Wood’s own admission, the success of the public trust doctrine will depend on increasing numbers of enlightened officials, politicians,

administrators and common citizens. Most importantly it requires the conscience and courage of court judges willing to challenge statutory precedent and the status quo.

To that end, in May 2011 four teens, in the name of Our Children’s Trust, sued the governor and the State of Oregon for violations of their inalienable rights to clean water and to air containing no more than 350 parts per million of carbon dioxide.

The level in November 2014 exceeded 397 ppm (parts per million) and is accelerating. To effect a reversal the suit requires defendants to prepare a carbon emissions accounting plan annually and reduce carbon emissions by 6% each year, beginning in 2013, until at least 2050.

The trial court dismissed the case outright, claiming the court lacked “subject matter jurisdiction.” But on June 11, 2014, the Oregon Court of Appeals reversed the decision and remanded the case to the lower court for a judgment on its merits.

At the same time Oregon’s suit was filed the same case was filed in the other 49 states. To date most of these suits have been dismissed in the lower courts, either because they claimed they had no jurisdiction or that consideration would be better left to the legislative and executive branches of government. On September 3, 2014, Our Children’s Trust petitioned the US Supreme Court for a hearing.

Those of us worn down by our inability to effectively penetrate a closed and corrupt land use regulatory system that “regularly spews permissions that revolt the reasonable mind” want to believe that something like a public trust doctrine, a Nature’s Trust, will make restoring and protecting the commons and enforcing violations the first order of business and law. To that end the Oregon Court of Appeals reversal is encourag-

ing, and there are glimmers of hope in decisions in other states.

However, Wood acknowledges that a reduction in atmospheric carbon dioxide to 350ppm, an improbable prospect, will not be possible without worldwide reforestation, soil carbon sequestration and other restoration efforts. Certainly, it won’t happen without a timely reduction in the number of consumers and their production, consumption and waste.

Given the ideological bent of the US Supreme Court majority and the newly elected majorities in both houses of Congress, the Obama administration’s history of delaying and failing to strengthen environmental regulation, and the hunger of world leaders at the recent G-20 growth summit for a bigger helping of the Gross Domestic Product—not to mention a world-wide surfeit of religious zealotry and a deficit of education—a turnaround anytime soon doesn’t appear likely. Closer to home, the right wing majority on the Lane County Commission, the most powerful decision-making body in the county, recently denied any connection between land use and global warming.

Unfortunately, carbon dioxide is moving faster than we are.

Regardless of the outcome, though, it’s refreshing to see the rights of nature and future generations have their day in court.

**Robert Emmons**  
Fall Creek



Lauri Segel

## LandWatch Activities Update

This past summer I reported on LandWatch Lane County’s ongoing legal efforts to protect some of Oregon’s most productive farm lands located here in Lane County.

Since that time, LWLC filed a LUBA appeal challenging the county’s approval of a nonfarm dwelling on productive Exclusive Farm Use (EFU) zoned land. Unfortunately, LUBA’s decision did not go our way, and we subsequently dropped two additional pending local appeals approving other nonfarm dwellings. We face an uphill battle, because there are several state laws that appear to be loopholes meant to allow leniency for development not in conjunction with farm uses.

One of the loopholes is a relatively new state law that allows property owners to solicit their own personal site specific soils analysis. Soil consultants hired by property owners are permitted to review portions of a farm parcel and ultimately override the established Natural Resource Conservation Service (NRCS) data that establishes the soil classification and types relied on by local government agencies nationwide. The Department of Land Conservation and Development (DLCD) reviews it for completion, but does not scrutinize whether, for example, the analysis was done on a pile of excavated dirt or in areas where soils have been disturbed by spills, development, etc.

In the case we lost the subject property relied on a site-specific soil analysis, approved by DLCD, that overrode the NRCS data showing the property had predominantly Class II, prime agricultural, soils. The specific site, however, was a subsection of the original parcel created by internal, serial property line adjustments. By adjusting two old railroad right-of-ways the property owner made a three-acre parcel basically comprised of gravel and compacted right-of-way dirt and other poor soil types.

Farmland protection has been on a slippery slope since the adoption of SB100.

The second loophole is harder to explain and even harder to understand. In a nutshell, however, it allows recently property line adjusted parcels in Lane County to qualify for nonfarm related dwellings if the soils are “not productive”; this is contrary to what’s allowed in every county in Oregon, except Washington County.

LandWatch does not believe state legislators meant to create this loophole for Lane and Washington County, and we are continuing to research the 1993 legislative committee(s) history that amended statutes governing allowed uses on farm and forestland.

Finally, I’m happy to report that we received some good news recently regarding the status of LWLC’s “citizen petition for enforcement” against Lane County.

After asking repeatedly for the required Final Order for almost two years, I filed a public records request with DLCD, the agency responsible for issuing the Order. From that request I learned that State Department of Justice (DoJ) staff was holding up finalizing the document, and they refused to provide any information about when it would be completed.

Since the Order had been in the hands of the DoJ for 18 months, I contacted all our local state legislators, summarizing the problem and requesting they try to get information about a timeline from Justice staff on our behalf. The only legislator to respond, Rep. Nancy Nathanson, directed her aide to contact the Department.

As a likely consequence of her action, our plight finally ended up on the desk of the Deputy Chief Counsel of the General Counsel Division. Less than a week after this person learned about the holdup, a timeline has been established, and we’ve been promised that the Final Order will be completed and submitted to DLCD before the end of 2014. DLCD is then required to issue the long-delayed documentation to LandWatch.

All we want for Christmas this year (or shortly thereafter) is the Final Order we expected before Christmas last year.

**Lauri Segel**



Photo: John Bauguess



Photo: John Bauguess

## Interview With Charles Stewart

**Bio:** Charles Stewart is a Japanese-English translator with expertise in a wide range of fields including business, economics and diplomacy. He has extensive experience translating for Japan's leading corporations, media outlets, business organizations, universities and government organs. His property on the Oxley Slough is used by local farmers to produce certified organic fruits and vegetables, seeds, bamboo and honey. It is also used by schools and non-profits for education and training.

**LW:** You own an organic farm in the Seavey Loop area where the City of Springfield is proposing to expand its UGB and create an industrial zone. Is it just self-defense that's motivated you to lead neighbors in opposing the expansion?

**CS:** Of course, No Industrial Pisgah ([www.NoIndustrialPisgah.org](http://www.NoIndustrialPisgah.org)) began from self-defense. The proposed UGB expansion threatens our water, our farms, our health, our property and our way of life. But if this were just a local issue we would have lost long ago -- the industrial zone would already be under construction.

I've always been certain we will prevail because Seavey Loop is the sole urban entrance to a nearly 5,000-acre

green zone that is one of the largest metropolitan parks on Earth. The park receives half a million visits per year. There are 200,000 immediate stakeholders. They love Mt. Pisgah, they love Seavey Loop, and they intuitively know this area is important for the sustainable future of Springfield and Eugene.

**LW:** Have you been active in land use/political issues prior to the Seavey Loop threat?

**CS:** I've been in the peace, social justice, anti-nuclear and environmental movements ever since college, and I learned from wise and deeply committed activists. At Berkeley I took part in actions against the Livermore and Los Alamos nuclear weapons labs with Daniel Ellsberg and Father Daniel Berrigan. From June to November 1980, I walked across the U.S. with the American Indian Movement. I've arranged events for Friends of the Earth, the Japan Tropical Forest Action Network and the Rainforest Foundation in Japan, and for John Seed and the Rainforest Information Centre in Australia. It's been an amazing and colorful journey, since indigenous peoples are always involved. I've met Aborigines and Maoris, Dine and Lakota, Penan and Kayapo. In the end you cannot separate land issues from people.

**LW:** Tell us about some of the strategies you and your neighbors have employed to stop the Seavey UGB expansion.

**CS:** We began last June by researching the situation, consulting with many environmental groups, and seeking legal counsel whereby 37 farms and residents are now represented. In July we printed campaign literature, put up road signs, mailed a huge leaflet to the 638 homes and businesses here, and began leafleting in the park. We started sending letters to the mayor and city council, letters to the editor, and editorials.

Our strategy is to share the facts, build up support, form coalitions, put increasing pressure on the decision makers, frame the public debate, seize the initiative, and generally gain as much media coverage as possible. To those ends I have been arranging public events each month:

- In August 100 very concerned citizens hosted Sen. Lee Beyer and Rep. Phil Barnhart at the Arboretum. Our state officials learned about the local ecology and heard neighborhood experts explain numerous aspects of this issue with amazing depth and passion.
- In September 150 gathered at "Sing Unto Pisgah: Voices Save Seavey Loop" to record the Pisgah Antiphony. The program featured the Springfield Native Youth Center drum, the Eugene Peace Choir and the Raging Grannies, along with many local musicians.
- In October 80 of us marched on Springfield City hall with horses, tractors and pitchforks. The Veterans for Peace carried the flag all the way from Seavey Loop, and 350EUG endorsed and took part in the event.
- In November I fasted and chanted in front of Springfield City Hall for two days from sunrise to sunset with the Rev. Senji Kanaeda of the Nipponzan Myhoji Buddhist order to support the No Industrial Pisgah online petition hosted by MoveOn.org. I implore everyone reading this to immediately

sign this petition and share it with your friends if you have not already. ([http://petitions.moveon.org/sign/save-seavey-loop-and.fb47?source=c.fb&cr\\_by=11364735](http://petitions.moveon.org/sign/save-seavey-loop-and.fb47?source=c.fb&cr_by=11364735)) This fast was an exercise in satyagraha ("clinging to truth"), a technique developed by Gandhi whereby individuals voluntarily take on suffering with no anger or malice to redeem the situation and move the hearts of the authorities.

On the whole, I feel that these efforts have been reasonably successful. We have been steadily achieving our goals of gaining media coverage, public recognition and widespread support, and of influencing the policy process.

**LW:** What have you learned from your experience in this issue about neighbors, public officials, administrators and land use regulations?

**CS:** I've learned that some issues transcend all the boundaries that typically separate human beings from each other. No Industrial Pisgah is truly a non-partisan movement. Our core includes people with very different backgrounds and every possible political persuasion right here on Seavey Loop. And many public officials and administrators basically agree with what we are doing.

This is a big tent issue. We are being helped by environmental groups, starting with LandWatch Lane County, 1000 Friends of Oregon and Friends of Buford Park (which have come out against the UGB), but also by Native Americans, the climate action group 350EUG, the Willamette Farm and Food Coalition, peace, civil liberties and community rights organizations, and even the Eugene Natural History Society. Everyone understands the need to protect Seavey Loop.

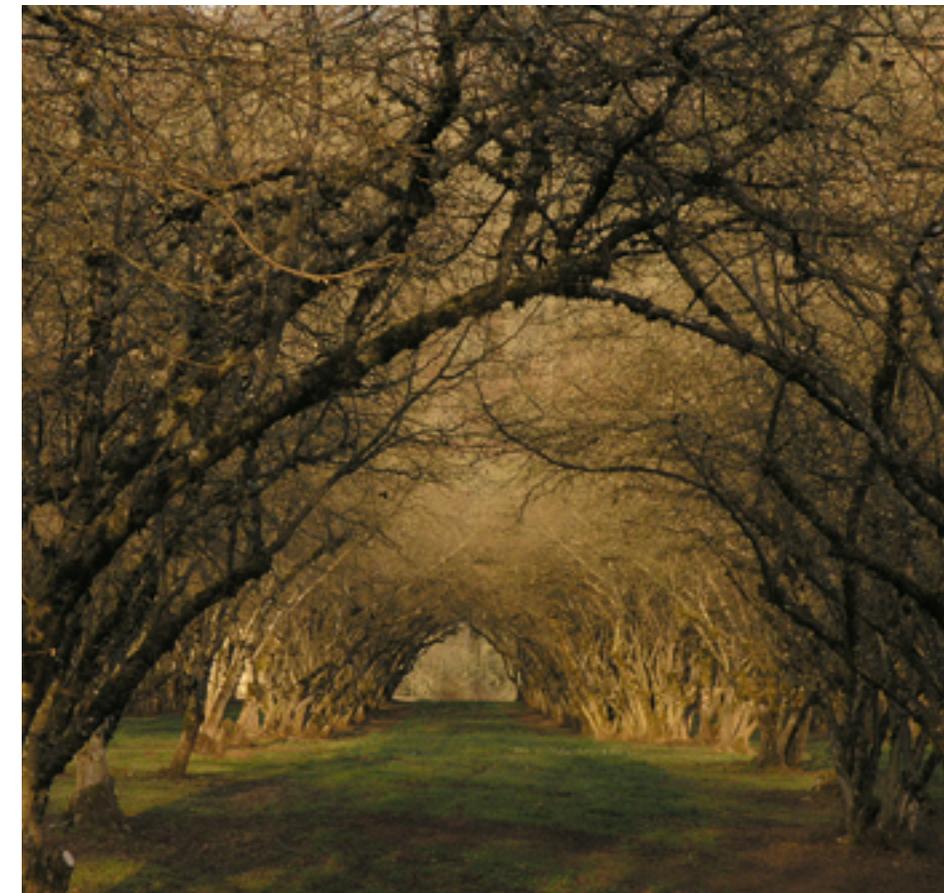
**LW:** Seavey Loop contains prime farmland, a world-class natural area, wetlands and the confluence of two rivers in an area under restoration by The Nature Conservancy. What do you think needs to be done to protect areas such as Seavey Loop and the communities that depend on them for employment, sustenance and peace of mind?

**CS:** In this case, we have been forced to exercise citizen's democracy on an urgent basis and arrange proper governance where government has failed.

Over the longer term, I believe the proper uses of Seavey Loop and the lands between here and LCC are already clear from the perspective of sound regional development and economic policy. The real value of local agriculture will soon be recognized as the Great Western Drought decimates farms,

ranches and dairies in California that provide half the nation's fruits and vegetables. Hiking connections linking Mt. Pisgah with the Ridgeline Trails and bicycle connections linking the park with the Riverbank Trail System and the Willamalane bicycle system will enable carbon-free recreation for tens of thousands of local residents.

Ultimately, I think the best way to protect Seavey Loop and the 5,000 acres of park and conservation lands will be by continuing the community-centered traditions and volunteer culture of the two non-profit organizations located in the park, and by encouraging active use and stewardship. I hope that No Industrial Pisgah is making everyone conscious of the connections linking Seavey Loop farms, the park lands, and the townspeople, and that these very ties are what will guarantee proper land use and sustainable employment into the future.



Filbert orchard on Seavey Loop. Photo: John Bauguess



*Pumpkins and Pisgah at J&M Farms on Seavey Loop*



*Entrance to the Seavey Loop farming community*



*Marching on Springfield City Hall to protest the Seavey Loop industrial zone*



*Rep. Barnhart and Sen. Beyer hear why they should oppose Seavey industrial zoning*



*Parading Seavey Loop community and commodities in downtown Springfield*

# Seavey Loop Community Opposes Springfield's Industrial Zoning

*Photos by John Bauguess*



*The old and the new on a Seavey Loop farm*



*Seavey produce are the only councillors in attendance at Springfield City Hall*



*Former 4th District Congressman Jim Weaver and wife Katie, Seavey Loop residents, attend the "Sing Unto Pisgah" event at Mount Pisgah*



## Premier Showing of All About Parvin

On November 6 over 200 people came to the First Christian Church in downtown Eugene to see a premier of the first five episodes of *All About Parvin: Voices from a Lost Valley* by Eugene videographer Tim Lewis. The video series provides insight into the anger, pain and helpless frustration experienced by people who live near Dexter, Oregon and Parvin Butte, a historic and prominent geologic feature that will be blasted and crushed into oblivion by a mining operation during the next 20 years. Before mining began the butte's elevation was 1,193 feet, standing about 600 feet higher than the rural community of Dexter that surrounds it and 511 feet higher than Eugene's Skinner Butte.

In the spring of 2013 LandWatch president Robert Emmons contacted Lewis about filming a documentary concerning the decimation of the butte, the regulatory system allowing it to happen and mining impacts on the local community. Locally, Tim is known for his cop-watch videos, for Pickaxe, an account of the Warner Creek tree sit, and for his footage used in the documentary *If a Tree Falls; a Story of the Earth Liberation Front*. In 2011 *If a Tree Falls* was one of the five Academy Award nominees for best documentary feature.

Already contemplating Parvin Butte as a possible project, Lewis saw the potential for a powerful story of neighbors and

supporters allied against environmental and social destruction and injustice. Lewis' five 15-minute episodes, the first of an on-going series in a largely interview format, expose the callous and rapacious policies and practices of Norm and Mel McDougal and Greg Demers, the owners of Parvin Butte.

The company they operate, Lost Creek Rock Products, shamelessly takes its name from the creek running below the butte and degraded by their operations. It's just one of the many shell corporations, usually with environmentally friendly names, that Demers and the McDougals use to scavenge resources in the entire western region of the U.S. Attendees at the premier also got a look at local county commissioners who, abetted by environmental laws they've helped weaken, have sacrificed Parvin Butte and its neighbors to capitalistic greed.

Possibly in response to considerable negative publicity about the destruction of the butte, the McDougal Brothers and Demers recently leased three years of mining rights to Aggregate Resource Industries, headquartered in Springfield. ARI's intent is to operate on the butte from as early as 6:30 am until evening, depending on market demand. This is nightmarish for people and their animals who live nearby and never know when deafening blasting and rock crushing will occur.

Episode 5 of the series takes a side trip to Pilot Rock, Oregon, where Demers has been part owner with King Estate winery owner Ed King of the Kinzua wood waste landfill. Up to nineteen times in the past four years fires have spontaneously erupted at this volatile 20-acre site. Pilot Butte townspeople, including teenagers at a football game, share their thoughts about a landfill where plumes of smoke rise like the breath of a dragon and strong winds can whip hot spots into raging grass fires. Even though hollow areas in the pit make cave-ins a hazard, there are no No

Trespassing or Danger signs posted on the property. To date Demers and King have failed to pay a \$790,000 fine for permit violations at the landfill.

Demers showed up at the premier threatening a lawsuit of his own. Prior to the event he'd sent the following message to the videographer and to *The Eugene Weekly*:

*Tim Lewis and Camilla Mortensen: I would like to offer to review your material before you publish it....This will help you avoid publishing anything that would be libel or defamatory and might damage me. If you publish inaccurate information, and I am damaged as a result, I will sue to recover those damages.*

Catered food and drink for the November 6th Parvin premier was provided by 100 Mile Bakery that uses mostly locally grown products in its menu offerings.

The five *All About Parvin; Voices from a Lost Valley* episodes will be released one at a time, every other week online at [www.allaboutparvin.com](http://www.allaboutparvin.com) They can also be accessed on Facebook at [www.facebook/allaboutparvin.com](http://www.facebook/allaboutparvin.com).

### Nena Lovinger

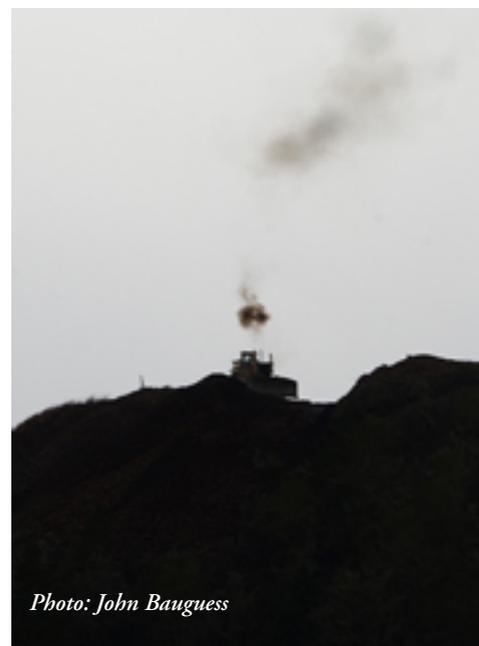


Photo: John Bauguess



## Evelyn (Eve) McConnaughey 1927-2014

In October when I learned Evelyn McConnaughey had died, I emailed a few friends with the news. Back came comments about her "great warmth, radiant smile, impressive determination and spirited red hair." My thoughts, too, but I also remembered Evelyn's strong commitment to numerous and diverse organizations and interests: church, natural history, land use, peace, coastal ecology, etc. She was always on the go, eager to participate and generous in donating to community causes.

These qualities and more were apparent in Evelyn's environmental and political activism. I first met her in the late 1990s when a friend nominated me to the board of a local land use organization, Friends of Eugene. Eve was Secretary of that board for many years. Her husband, Bayard, a well-known and respected University of Oregon Professor of Biology, was also on the Friends of Eugene Board until his death in 2002. I remember Evelyn and Bayard as a solid team, writing letters to the editor and attending City Council public comment sessions to testify on a myriad of issues, such as a Land Use Code Update (LUCU), the Sacred Heart "build up, not out" option

and the struggle to protect the Amazon Creek Headwaters. I can picture Evelyn wheeling Bayard down the City Council chamber aisle to testify when he was wheelchair bound as a result of advanced diabetes.

Both Evelyn and Bayard were active in Citizens for Public Accountability (CPA), an ad hoc group formed in the 90s to advocate for protection of the West Eugene wetlands at the Hyundai (now Hynix) site. After the Hyundai battle was largely lost, another struggle for wetland protection emerged across the street. The 140 acre Sadri property, known as the "Speedway piece," was being considered for more acres of wetland preservation than was originally designated. The following excerpts are from an article entitled Boggled Down by Sherri Buri (RG, 10/7/97). Evelyn and Bayard's commitment to and respect for the natural world are documented in this piece as they continued to voice concern over potential destruction of more wetlands.

*About 100 acres of Sadri's property, which fronts West 11th Avenue and Willow Creek Road, is a rare form of wetlands called "wet prairie" and that has sparked a complex, high-stakes dispute. Less than 1,000 acres of wet prairie remain in the Willamette Valley, down from 200,000 to 300,000 acres before white settlers came to the valley.*

*Sadri's representatives are fighting for permission to fill and develop much of the site. They favor keeping about 30 acres north of the speedway and along Willow Creek as wetlands, and being allowed to fill all the rest. That would result in destruction of about 70 acres of wetlands -- a huge amount by standards in Oregon. By contrast, federal and state regulators are letting Hyundai fill only about 10 acres of wetlands for the first two phases of its factory....*

*Eugene's wetlands are "the crown jewel, and they're being whittled away," complained Evelyn McConnaughey, president of the Eugene Natural History*

*Society. She and her husband, Bayard, professor emeritus of biology at the University of Oregon, both urged the city to designate all the wetlands on Sadri's site for protection.*

In 2001-2002 almost 80 acres of the Sadri wetlands were purchased for preservation by the Bureau of Land Management for \$4.6 million dollars.

Evelyn and Bayard's teamwork is apparent in a listing of Evelyn's publications. They are co-authors of a 1985 Audubon guide, *Pacific Coast: Guide to Birds, Plants, Seashore Creatures, Fishes, Whales, etc. of North America's Western Shore*. They also co-authored a Masters thesis in Anthropology and an article, *The Mesozoa*, printed in *Scientific Monthly* 3/1955. Evelyn's *Sea Vegetables* cookbooks are well known among a particular genre. Many guests have had the opportunity to sample a sea vegetable entrée at Evelyn and Bayard's dining table.

The McConnaughey legacy continues when we recall their integrity, their activism and their published works. As UO Professor Nathan Tublitz said in his eulogy to Bayard in 2002, the McConnaugheys were "kind, gentle, caring, principled, with a unique joy and respect for everything biological."

### Deborah Noble

## Cottage Grove Downtown Plan Lacks Community-wide Support

Over the past year, the City of Cottage Grove has worked on a renovation concept for its historic downtown, the Main Street Refinement Plan. The Planning Advisory Committee (PAC) met with a consultant team from Portland to develop a streetscape vision that would cost over 9 million dollars to complete.

The initial plan's options called for significant changes to downtown Main Street, including widening the sidewalks to 12'6" with a shared bike lane for traffic; a 1.7 million dollar renovation of All America City Square (best known as Opal Whiteley Park) that would remove all plantings and hardscape; and the removal of all the trees on Main Street.

The PAC conducted three comment sessions with business and building owners as well as other community members. Many residents and business owners felt the plan did not reflect the true character of Cottage Grove. This point was well-illustrated by the Portland-based design firm's conceptual drawing of the park showing doors cut into the iconic mural of Opal Whiteley. Also, many were concerned that most of the community still knew little or nothing about the plan.

A coalition of residents and business owners, Friends of Main Street, was formed to encourage community involvement and offer a different perspective. Since June, the group has held a series of community meetings focused on offering cost-effective alternatives that would maintain the unique character of downtown Cottage Grove and increase community awareness of the plan.

Friends of Main Street worked in cooperation with local business owners to conduct a practical demonstration of how the planned streetscape would affect downtown traffic. The demonstration revealed that the proposed space for traffic lanes was inadequate for larger commercial vehicles to share the lanes safely with other vehicles and cyclists. Large vehicles consistently crossed over the yellow lane divider, and delivery vans risked their side-view mirrors when passing each other. A local school bus and a fire truck could not make turns without entering the opposing traffic lane, and were forced onto the yellow divider to maintain a safe distance from parked vehicles. Motorists found access to their parked vehicles difficult and unsafe.

Friends of Main Street hired a certified arborist to conduct an in-depth assessment of the health of the trees on Main Street. His survey concurred with the arborist report contracted by the City, concluding that the majority of trees are healthy and not causing damage to the sidewalks.

Citizens also conducted a petition drive, gathering over 1,300 signatures. The petition demanded that the City leave Opal Whiteley Park as is and preserve the existing trees on downtown Main Street that are healthy and do not compromise structures. Further public comment appeared in the Cottage Grove Sentinel with over a dozen letters speaking out against aspects of the

Refinement Plan, including an editorial by Marston Morgan the architect who designed the current park. No supporting letters appeared.

The Cottage Grove Planning Commission recently approved a revised version of the Plan. Though not yet available for public inspection, changes to the proposal include discarding the option to permanently remove trees from Main Street and deferring the remodel of Opal Whiteley Park. However, the plan still includes the wider sidewalk, which means all of the current trees on Main Street would be removed.

The revised plan will be sent to the City Council, which will hold a public hearing and then meet to vote on the proposal before the grant deadline of January 30, 2015. Despite the mounting public demand not to make drastic changes to their downtown, there is concern the City Council will approve the final version of the Refinement Plan – due mainly to the probability that the City will have to refund the \$160,000 grant from the Oregon Department of Transportation if a plan is not produced.

Friends of Main Street can be contacted at [friendsofmainstreet.cg@gmail.com](mailto:friendsofmainstreet.cg@gmail.com) or through their Facebook page <https://www.facebook.com/pages/Friends-of-Main-Street/728262827231154>.

**Cristina Hubbard**  
Cottage Grove



*Conceptual plan would cut doors through the mural in Opal Whiteley Park*



*Photo taken near the source of Amazon Creek*

## Amazon Creek Headwaters Protected

Recently the Eugene City Council unanimously voted to commit \$1.1 million to the purchase and protection of 26 acres of Amazon Creek headwaters near Martin Street and West Amazon Drive. The Be Noble Foundation, established by Deborah and Peter Noble in honor of their son, Erin, will commit \$625,000 to purchase one of the three tax lots that comprise the acreage, while the Lane County Audubon Society contributed \$25,000. All of the acreage is for public use. Adjacent to the lot the Nobles are obtaining is a 5-acre piece they hope to add to the park.

Before his death in a plane crash in 2012, Erin often hiked in the headwaters area and told his parents that it should be protected.

