A View of the Summit

CRAG

SPRING 2017 NEWSLETTER

Resistance is Fertile
Here in the Pacific Northwest, we’ve long prided ourselves on being at the forefront of the environmental movement. We’ve built sustainable cities and preserved open space. We’ve protected farm and forestland and embraced clean sources of energy. So engrained is the environmental movement, this region has been dubbed “Cascadia,” a name that symbolizes our shared ecological values. Our work, however, is far from finished.

A new administration is set on reversing global climate action and depriving communities of basic environmental rights. Decision-making in Washington D.C. is intractable; any hopes for comprehensive change at the federal level tragically are on hold. We have our work cut out for us, but we have powerful tools at our disposal to effect meaningful change. We seek justice, and it starts with local, grassroots activism.

In this edition of *A View of the Summit*, you’ll read about Crag’s efforts to address global issues here at the local level, and about opportunities for you to get involved. Maura Fahey writes about climate action. She tells of Crag’s role in defending the City of Portland’s revolutionary restriction on fossil fuel storage facilities, and about our continuing legal battle on behalf of Oregon youth to spur the State of Oregon to protect Oregon’s public trust resources from the threats of climate change. Courtney Johnson describes the momentous plan to clean up the Portland Harbor Superfund Site on the Willamette River, in which community voices will be critical for shaping long-term success.

Emma Bruden—one of Crag’s newly minted attorneys—writes about the state-wide effort to develop a new framework for regulating toxic air pollution, Cleaner Air Oregon. Emma explains Crag’s role in the process: to ensure that environmental justice issues are at the forefront of the conversation. We’ll also introduce you to Crag’s newest attorney, Scott Hilgenberg, and tell you about our blossoming land use program that
seeks to educate, engage with, and empower rural Oregon communities to find solutions to meet their needs.

In the Pacific Northwest, local action is far from a new paradigm. **We’ve been proactive in initiating meaningful change, but we’ve also resisted when necessary to defend our rights to clean air, clean water, and livable communities.**

Most recently, fossil fuel export facilities have run into a brick wall of opposition. Since 2010, six proposals have suffered crushing defeats at the hands of local resistance. Through this work, the term “environmental movement” almost now seems passé. “Environmental resistance movement” is more apropos to the times, and representative of the battles ahead.

We are prepared to use our powerful local currency—passion, energy, and collective responsibility—to protect our shared values and do our part to bring about global change. **Will you stand with us?**

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**Cover photo:** Supporters rallied outside the Oregon Court of Appeals for the Youth Climate case. Photo by Robin Loznak.
Local Action for Our Global Climate

by Maura Fahey, Staff Attorney

As we all know, climate change is one of the most crucial problems facing Earth and the global population. Recent years have seen record temperatures around the globe, with each year breaking the record of the year before it. Here in the Pacific Northwest, we have experienced severe drought, increased summer wildfires, and warming oceans as a result of a changing climate. Combating these widespread and rapid changes often seems insurmountable from a local level. But with the federal administration now moving away from proactive climate change policies and instead pushing through fossil fuel developments, local action to reduce greenhouse gas emissions and reliance on fossil fuels is now more important than ever before. Despite the daunting task ahead, local communities and organizations are advocating for meaningful action on climate change.

Last year, the City of Portland stepped up to the plate. Spurred by widespread opposition to a proposed propane terminal, Portland passed a first-in-the-nation ordinance prohibiting new or expanded fossil fuel storage facilities. Over the past several years, the Pacific Northwest has been the target of numerous large-scale oil, gas, and coal export proposals. Policies aimed at limiting supplies are a crucial step in transitioning away from reliance on dirty fossil fuels. The ordinance is now under attack from the fossil fuel industry and Crag is representing a coalition of organizations...
In December, Staff Attorney Courtney Johnson (second from the left in photo below) argued the youth climate case before the Oregon Court of Appeals.

Youth plaintiff Kelsey (second from right) with her legal team at the Oregon Court of Appeals.

before the Land Use Board of Appeals to defend Portland’s landmark law. Portland’s fossil fuel ordinance sets the groundwork for proposing and supporting similar measures in other Pacific Northwest communities that are under threat from fossil fuel interests. Crag will support our clients and coalition partners to promote local solutions for combating climate change in other communities.

In addition to defending local action on climate change, Crag is working on behalf of Oregon youth to hold our state leaders accountable to ensuring a viable climate and protecting our shared natural resources for future generations. In late 2016, the Oregon Court of Appeals heard our case on behalf of two young women demanding that the State of Oregon step up its role in combating global climate change and fulfill its obligation to protect our public trust resources from climate change impacts. The young women seek a ruling that the State has an affirmative obligation to protect our air and water and a court order compelling Oregon to take science-based action to address the climate crisis and prevent irreversible impacts. We expect a decision from the Court in the coming months.

These cases show that we can make strides towards addressing the climate crisis at a state and local level. We are heartened by these efforts in our community and are committed to supporting local grassroots actions to protect our global climate.
The lower Willamette River between its confluence with the Columbia River and the Broadway Bridge in Portland has been heavily contaminated by over a century of industrial use and development. In 2000, The Environmental Protection Agency (EPA) listed this stretch of river as a “Superfund Site.” Over the past 16 years, EPA has led efforts to identify the types and extent of the contamination and the associated risks to human and ecological health. This January, the EPA released its long-awaited decision on the overall cleanup framework for the river. However, many details remain to be sorted out, and the community has an opportunity to help shape the process moving forward. Given the uncertainties over EPA’s budget and role in the new administration, state and local efforts to move this cleanup forward will be more important than ever.

The City of Portland and the State of Oregon have dual roles as both contributors to the contamination and regulators and stewards of the river. The City thus far has primarily participated to account for its potential liability at the site. Oregon Department of Environmental Quality has led efforts to control upland sources of contamination along the river. Both Oregon and the City are now balancing their roles by working to develop cost-effective solutions that will be protective of the community health and natural environment. Going forward, decisions will be made regarding the specific design of the cleanup in various locations along the river, workforce development and opportunities for community engagement.

**TAKE ACTION!**

**Make your voice heard:** You can make a difference by attending city council meetings and contacting your local officials.

**Get involved with the Portland Harbor Community Coalition:** The PHCC is developing a community benefit agreement to ensure that communities most disproportionately impacted by the harbor pollution experience tangible benefits from the cleanup and restoration process. They are also looking for people from impacted communities to share their stories. **Contact:** PDXHarborCommunityCoalition@gmail.com 503-816-4342. www.ourfutureriver.org.
This stretch of the river is in the heart of Portland. The river itself provides important habitat for many resident and migratory fish and wildlife. Several neighborhoods including Linnton, Cathedral Park, St. Johns, and University Park are adjacent to the river and industrial areas. Parks, public boat ramps, and docks provide direct access to the river and its beaches. People fish on the river, both from boats and from the shore. And many in the houseless community stay along the riverbanks.

Several groups representing these diverse interests are working to elevate the voices of our community and ensure that the public health and environment remain at the forefront of considerations through the next stages of the cleanup process. Since 2015, Crag has represented the Nez Perce Tribe in the cleanup and restoration of the river. The Nez Perce and other area Tribes continue to engage with the federal, state, and city governments. Willamette Riverkeeper and Portland Audubon are actively representing environmental interests. The Portland Harbor Community Coalition is a diverse coalition of individuals and groups including Wisdom of the Elders, Right 2 Survive, Iraqi Society of Portland, and the East European Coalition.

You can find out more about these groups’ efforts online, and engage directly with state and city representatives about moving this cleanup forward. Everyone who lives, recreates, or relies on the Willamette deserves to have their voice heard.
Since joining Crag as a legal fellow last fall, Emma Bruden has thrown herself into projects protecting our communities and wild places. Emma’s decision to apply her legal education to make a positive impact was shaped by lessons from her family and travels in developing countries where she witnessed disparate access to clean water, education, and opportunities.

Emma grew up in central Wisconsin, and she traces her motivations to the example set by her parents who taught her to aim high. While her father worked at a local prison, her mother ran the house caring for two kids and also served the community as the first female County Board Chair in Fond du Lac County history. Later, Emma’s mother went back to school to obtain a bachelor’s degree in teaching, and subsequently her masters. She taught and then became the principal of an elementary school. Emma credits her parents for providing a household not defined by gender, helping her to see her true potential.

Travel has also contributed to Emma’s sense of self. As a youngster, Emma took trips to Alaska to see her aunt in Anchorage and explore Denali National Park. As a third grader she was in awe of the grandeur and beauty of this wild place. Her reverence for this great green earth and the West flourished. As a young adult, Emma volunteered for a service program in the central highlands of Cusco, Peru. She immersed herself in the language and the people, but was struck by the degree of environmental contamination and degradation. The river that flowed through town was severely polluted and people did not have access to clean drinking water. These experiences and the knowledge she gained about imbalances of power that persist in our society led her to commit herself to making a better world.
Emma graduated from Lewis & Clark Law School last year. Before coming to Crag, Emma worked for Judge Michael Simon of the United States District Court for the District of Oregon, Earthrise Law Center, the Center for Biological Diversity, and Northwest Environmental Defense Center. In her free time, Emma restores furniture, a skill she picked up from her grandmother and mother. Refinishing furniture gives her time to think freely and the satisfaction of saving something from the landfill. Emma also enjoys riding her bike and running, and she recently took up archery. One day soon she hopes to write an environmentally themed children’s book.

Emma’s favorite place in Oregon is Blue Hole in the upper Willamette River watershed. The lush rainforest ecosystems found on the westside of the Cascades continue to amaze and inspire her. Emma is currently working on federal cases to protect the National Wildlife Refuges in the Klamath Basin and the Ochoco National Forest, as well as assisting with our efforts to reform Oregon’s air quality controls to better protect the health of all Oregonians. We are thrilled to have Emma on our team.
A little over a year ago, the city of Portland went into crisis mode when the Department of Environmental Quality (DEQ) released shocking data on toxic pollutants contaminating Portland’s air. Communities were in an uproar when they found out seniors, adults, and children were breathing arsenic and cadmium at concentrations tens—and even hundreds—of times above safe levels. After community groups united and called for action, Governor Kate Brown responded by demanding a state-wide, interagency program to protect air quality and public health, known as “Cleaner Air Oregon.”

As part of Cleaner Air Oregon, DEQ and the Oregon Health Authority (OHA) pledged to rewrite current industrial air toxics rules. Crag, representing Neighbors for Clean Air and Northwest Environmental Defense Center, has been actively involved in the regulatory reform process, working to hold the agencies accountable. Current rules are “technology driven” and restrict pollution by imposing technology-specific requirements on facilities without capping the total amount of air toxics a facility may release. Crag and its allies are working to promote a “health-based” air toxics program, one that sets allowable pollution levels based on human health, reflecting what the people of Oregon actually breath.

In March, the agencies released a framework for new rules, outlining their current vision for the program. The framework has some positive and negative aspects. On the bright side, the agencies are proposing to cover 660 different air toxics in the program, and they are actively working to involve impacted communities by tailoring public notification and engagement efforts to each affected community’s needs. Unfortunately, the framework does not set pollution levels based on public health, but instead sets levels based on an individual facility’s emissions. True public health standards would limit pollution based on all toxic emissions in the atmosphere, accounting for emissions from trucks, railyards, wood burners, and more.

Currently, we are participating in Advisory Committee meetings, where a diverse group of stakeholders—including the environmental health community, local governments, and the regulated industry—discuss what
Oregon needs in an air toxics program. At these meetings, we ensure that principles of environmental justice are at the forefront of every conversation, highlighting the importance of protecting the most vulnerable populations, which will in turn protect everyone. With your help in the regulatory reform process, we can ensure all Oregonians have clean, healthy air to breathe.

We will continue advocating for health-based pollution levels, and you can help! There are multiple opportunities for public involvement over the next year. An Advisory Committee meeting is scheduled for May 23, 2017, and it will involve the agencies explaining the draft rules. The final Advisory Committee meeting is scheduled for June 20, 2017, and Advisory Committee members will reflect on the draft rules and offer the agencies any final feedback. The public is invited to attend these meetings, and they typically have a public engagement and feedback period. The agencies intend to release the draft rules to the public in August 2017, and there will be a 2-month public comment period on the draft rules. DEQ and OHA will then respond to comments, revise the draft rules, and propose the final rules to the Environmental Quality Commission.

**TAKE ACTION!**

**May 23 (1-5PM)** Attend the Advisory Committee Meeting. Agencies will explain draft rules.

**June 20 (9AM-5PM)** Participate in the Public Comment period at the final Advisory Committee Meeting. Members will provide feedback on draft rules. Public comments likely begin at 1pm.

**August - October 2017**
Submit written public comments after draft rules are released to the public in mid-August.
For those of you who don’t remember your sixth grade state history curriculum, circuit riders (clergymen who traveled on horseback from church to church) were a vital connection for Oregon’s pioneers. In the 1800’s, circuit riders were friends, counselors, and preachers who acted as a source of news, community, and connections for early settlers. Two hundred years later, the role of the circuit rider has been renewed by 1000 Friends of Oregon, and Crag is pleased to announce the addition of its new Land Use Fellow to join that work.

Thanks to a generous grant provided by Meyer Memorial Trust, Crag recently hired Scott Hilgenberg as an attorney dedicated to listening to, connecting with, and educating Oregon’s rural communities on land use matters and management. The grant enables Crag to team with 1000 Friends in bringing communities together for conversations, strengthening the impromptu groups that form around land use issues and providing an avenue through which communities can find solutions to meet their needs.

As Crag’s Land Use Fellow, Scott helps community groups better understand and engage in Oregon’s Statewide Planning Goals and the overall land use program. 1000 Friend’s Circuit Rider Meriel Darzen focuses on land use issues affecting rural Oregonians, including the conservation of farm and forest lands. Together, Meriel and Scott will work to identify connections and partners from traditionally underserved communities to enable affected communities to participate in local planning and decision-making in the equitable manner envisioned by the architects of Oregon’s land use program.

Scott’s work primarily involves identifying land use issues that impact the public interest and environmental justice, empowering communities to engage in their local decision making processes, and, as needed, representing groups in select cases. Underpinning all of this work is the fundamental belief that outreach and education in the area of land use planning is critical to every rural Oregon community. We are grateful to the Meyer Memorial Trust for their financial support and like-minded concern for underserved and rural Oregon communities. We will be certain to keep you updated on Scott and Meriel’s work and the stories they share.
Scott Hilgenberg recently returned to Crag as a Land Use Fellow. Scott graduated from the University of Wisconsin, followed by law school at Lewis and Clark, where he spent his summers interning at Crag and the Oregon Land Use Board of Appeals. After graduating law school and volunteering for numerous environmental causes, Scott took a position with the Washington State Department of Natural Resources as an Aquatics Land Manager. In September 2014, Scott returned to the Oregon Land Use Board of Appeals in Salem as its Staff Attorney. Scott is an active member of the Oregon State Bar and serves on the executive committee for the Real Estate and Land Use Section.

Meriel Darzen joined 1000 Friends of Oregon in 2016 as the Circuit Rider Staff Attorney. Meriel has a law degree and a Masters in Forest Resources from the University of Washington and a Bachelor’s degree from Wesleyan University. Prior to joining 1000 Friends, she practiced law in Bend and volunteered with numerous organizations including Sierra Club and Oregon League of Conservation Voters. Before becoming an attorney Meriel served as a Peace Corps Volunteer in the Dominican Republic, where she helped build a USAID-funded fruit-tree nursery.
Braving the April showers, Crag staff teamed up to compete in the Pedal Pursuit - a bicycle scavenger hunt to raise funds for the Northwest Environmental Defense Center. L to R: Courtney Johnson, Ralph Bloemers, Emma Bruden, Suzanne Savell, and Scott Hilgenberg.

On March 19th, Crag partnered with the Portland EcoFilm Festival and the Mazamas to present a SOLD OUT program: Women Working for the Wild. The evening featured the premiere of Maiden of the Mountain, a documentary about the legendary conservationist Kate McCarthy. The film was co-produced and co-directed by Crag’s Ralph Bloemers and Balance Media’s Trip Jennings and Sara Quinn. Special thanks to the Mazamas, Bark and Friends of Mt. Hood for supporting the production of this film!

Crag Credits

Artists & Photographers
Photography – Robin Loznak, Eli Mangold, YoungWoo Joh
Graphic Design – Suzanne Savell

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Carrie Clore, Development Assistant
Karen Russell, Bookkeeper
Bella, Office Dog

Volunteers
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Linda Jue, Kady Tucker – Development
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Maura Fahey, Associate Attorney
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Emma Bruden, Legal Fellow
Scott Hilgenberg, Land Use Fellow

crag.org
What will you do to save the mountain?

For generations, people have fought to protect the wild places and communities that make our region a special place to live, work and play. For 15 years we have challenged powerful foes and won. Your gift will ensure Crag is here to help for generations to come.

What will your legacy be?

Leave a wild legacy with a planned or memorial gift to Crag.

Contact Suzanne Savell for more information about making a legacy gift to Crag.
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Special Thanks!

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