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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINCOLN

REX CAPRI, WAKEFIELD FARMS, LLC,

Plaintiffs,

v.

DANA W. JENKINS, LINCOLN COUNTY,

Defendants.

Case No. 17CV23360

**DECLARATION OF BARBARA
DAVIS IN SUPPORT OF
MOTION TO INTERVENE
BY LINCOLN COUNTY
COMMUNITY RIGHTS**

1. I, Barbara Davis, make this declaration in support of the motion to intervene by Lincoln County Community Rights filed in the above-entitled case. I have personal knowledge of the facts set forth in this declaration.

AS AN INDIVIDUAL

2. I am Treasurer of the Board of Lincoln County Community Rights (LCCR). I am a volunteer. I serve in this capacity and engage in the work of LCCR because I believe in its purpose which is "to provide educational opportunities and leadership around issues of human and natural rights in Lincoln County and Oregon by raising consciousness about participating in a community-based democracy."

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1 3. Personally, I am one of the Chief Petitioners of the Freedom from Aerially Sprayed
2 Pesticides Ordinance of Lincoln County (the "Ordinance"). I gave my name to this initiative (now
3 the ordinance at issue in this case) because I have a significant interest in protecting the wellbeing of
4 the people and environment of Lincoln County. I believe that We the People of Lincoln County have
5 the right to recognize and protect our rights to health, safety and welfare. These rights include our
6 rights to be free from toxic trespass, to clean air, water, and soil, and to rural preservation.
7

8 4. Five-hundred-seventy-two thousand acres (90 Percent) of Lincoln County are
9 classified as forest zoning. The practice of aerial spraying of pesticides on Lincoln County's forests
10 is causing serious contamination of our county's people, air and watersheds. A large number of these
11 pesticides, among them 2,4-D, glyphosate, and Atrazine have been proven harmful to both humans
12 and the environment. The most populated communities in Lincoln County are located at the base of
13 these watersheds.
14

15 5. My interest in local control and decision-making to curtail the use of pesticides on
16 forests in Lincoln County is amplified by the fact that I live in one of the communities that sits at the
17 base of these watersheds. Being exposed to these ongoing harms without any prior knowledge or
18 consent has compelled me to promote a change to the current system of law.
19

20 6. This case could negatively impact my efforts to protect the guaranteed rights of all
21 people of Lincoln County to health and safety from harmful corporate activities. It also impacts my
22 right as an Oregon citizen to engage in the initiative process. By engaging in the initiative process, I
23 am exercising my rights to amend the law, as is guaranteed by both the United States and State of
24 Oregon Constitutions. As such, I have a strong interest in the proper administration of the initiative
25 process that complies with state law.
26

1 **CERTIFICATE OF SERVICE**

2 I certify that on June 24, 2017, I served the foregoing DECLARATION OF BARBARA
3 DAVIS IN SUPPORT OF MOTION TO INTERVENE BY LINCOLN COUNTY COMMUNITY

4 RIGHTS upon:

5 Gregory A. Chaimov
6 Davis Wright Tremaine LLP
7 1300 S. W. Fifth Avenue, Suite 2400
8 Portland, Oregon 97201-5610,

9 and

10 Wayne Belmont
11 Lincoln County Counsel
12 110 Lincoln County Courthouse
13 225 W Olive St
14 Newport, OR 97365

15 by E-serve.

16 DATED this 24th day of June, 2017.

17 s/ Ann B. Kneeland
18 Ann B. Kneeland, OSB #992977
19 Community Environmental Legal Defense Fund
20 P.O. Box 10294
Eugene, OR 97440
(541) 514-9720
ann@kneelandlaw.net

21 Attorney for Intervenor-Applicant