

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

7	REX CAPRI, WAKEFIELD FARMS, LCC,)	Case No. 17CV23360
8	Plaintiffs,)	DECLARATION OF MARIA
9	v.)	SAUSE IN SUPPORT OF
10	DANA W. JENKINS, LINCOLN COUNTY,)	MOTION TO INTERVENE
11	Defendants.)	BY LINCOLN COUNTY
12)	COMMUNITY RIGHTS

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

AS AN INDIVIDUAL

2. I am Secretary 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.”

3. Personally, I am one of the Chief Petitioners of the Freedom from Aerially Sprayed Pesticides Ordinance of Lincoln County. I gave my name to this initiative (now the ordinance at issue in this case) because I have a significant interest in protecting the wellbeing of the people and

1 environment of Lincoln County. I believe that We the People of Lincoln County have the right to
2 recognize and protect our rights to health, safety and welfare. These rights include our rights to be
3 free from toxic trespass, to clean air, water, and soil, and to rural preservation.

4 4. Aerial spraying of pesticides contaminates the soil, air, and water. Pesticide is
5 poisonous to all forms of life on which it settles, drifts, or to which it is carried by wind, rain, run-
6 off, and water courses. Application of poisons to our ecosystems for profit by corporations is a
7 violation of our constitutionally guaranteed right to safety and should not be allowed by either the
8 county or the state for that reason. Lincoln County's main population centers are located at the base
9 of the watersheds where aerial spraying is taking place on a regular basis. Aerial spraying of
10 pesticides is making people, wildlife, whole ecosystems sick. This situation is untenable. I, therefore,
11 believe that it is in the interest of the population, wildlife, and ecosystems to bring this matter to a
12 vote by the people so that the harm being inflicted on us can be stopped.

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15 5. My interest in local control of the practice of aerial spraying of pesticides has grown
16 over the years as I see more and more people of my acquaintance becoming sick with cancer in our
17 county and dying from it. My personal doctor has told me that he has never seen so many cases of
18 cancer of the pancreas as he has encountered in his practice in Lincoln County anywhere else in his
19 whole professional career. It is not necessary to spray pesticides in order to grow a forest. Forests
20 have grown without them for millions of years.

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22 6. I have a strong interest in the proper administration of the initiative process because it
23 allows the voice of the people to speak. The Declaration of Independence intended our government
24 to be a government of the people, by the people, and for the people. Today, our government all too
25 often allows corporations to pursue their profits in violation of the will and well-being of the people.
26 It is the people, acting together, that must reassert their constitutional rights and seek redress of this

1 wrong. I believe that we have the right to do this based on our inherent right of local community
2 self-government.

3 **AS A MEMBER OF LINCOLN COUNTY COMMUNITY RIGHTS**

4 7. I have similar values, concerns, experiences and objectives as other members of
5 Lincoln County Community Rights, including those stated above. LCCR's members work together
6 to achieve the organization's purpose. Currently, there are approximately eight members, and others
7 more tangentially involved.

8 8. LCCR has had a significant and demonstrated interest in the Freedom from Aerially
9 Sprayed Pesticides Ordinance from the initial filing of the initiative to the day the initiative appeared
10 on the ballot and beyond. To support the initiative pre-election and to educate our community about
11 our rights to health, safety, welfare and local community self-government, LCCR has: convened
12 weekly organizational meetings and conference calls to coordinate our efforts; hosted film
13 screenings, radio interviews and public talks by our members and experts in fields related to the
14 initiative; organized letters to the editors, opinion articles, house parties, and tabling at public events;
15 and gathered signatures for the initiative.

16 9. The enactment of the Ordinance represents a significant gain for the core purpose of
17 the organization and results from LCCR's and its members' concerted efforts. LCCR, its board,
18 members and the voters who supported the Measure have an interest in the recognition of natural and
19 human rights and the right of local community self-government in Lincoln County. The
20 advancement of these rights is central to the purpose and mission of LCCR. LCCR intervenes on
21 behalf of its members and others who share these interests.

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1 **CERTIFICATE OF SERVICE**

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

4 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
21 Eugene, OR 97440
22 (541) 514-9720
23 ann@kneelandlaw.net

24 Attorney for Intervenor-Applicant