

# Opinion

— EDITORIAL —

## Only in Baker City

When we post news on our Facebook feed, so often we read in response to the slow speed horse pursuits, the drug arrests, the assaults, “Only in Baker City,” or “What’s happening to this town?”

Wednesday we were able to browse through a police scrapbook that Chief Lohner offered up to us this week—a scrapbook filled with articles from the 1950s primarily.

Upon reading it, it’s safe to say that

Baker City’s newsworthy action is very similar to what it has always been. We saw old articles of City Council members resigning en masse. There was a shooting, a house fire, a few scuffles and lively arrests. If we re-dated the articles and changed the names, we could pass them off here and now in the present.

How quickly people and generations forget. How little the patterns of daily life change.

That scrapbook brought forth another thought: What a waste it is to live life worrying what others might think of our choices. Most likely they’ll notice for about a minute anyway.

In the words of Gandalf, “All we have to decide is what to do with the time that is given to us.”

And time, it passes too quickly anyway.

—*The Baker County Press Editorial Board*

— LETTERS TO THE EDITOR —

### Voting for Nichols

To the Editor:

I believe Bruce Nichols is well suited for the tasks of County Commissioner. His government and private business experience, coupled with fiscally conservative management, will serve the County well. Bruce views the Commissioner position as part of a team, a team striving to reach a common goal requiring thoughtful, researched discussion, evaluation of consequences and a long-term plan.

Bruce Nichols is fifth generation Baker Co. resident and a life-long Republican, who graduated from Baker High. After an honorable discharge from the Air Force, Bruce obtained a Bachelor degree in business and economics from Eastern Oregon State College, now Eastern Oregon University. In addition to the business and economics courses, Bruce included a variety of agri-business classes which nearly led to a degree in agri-business.

Bruce will be an asset to Baker County government because he is a Certified Public Accountant with over 35 years of experience in auditing, budgeting and managing.

Bruce is a strong supporter of the Constitution, the second amendment, a member of the National Rifle Association and Powder River Sportsman Club.

Bruce feels his years of experience working with government agencies and land owners have given him insight that agriculture, mining, timber and tourism are the backbone of Eastern Oregon’s fragile economy. Baker County needs to expand its opportunities with start-up, small business and mid-sized manufacturing business. He will encourage County and City officials to eliminate unnecessary fees and restrictions on business, to help keep and establish a stronger small business economy and partner more effectively with agriculture and timber industries.

He will strongly support continued partnering with regional high school and community college education programs that are necessary to build a foundation of employable individuals. The education of our work force is critical to Baker County businesses, industries and the well-being of the hard-working citizens of our county.

I encourage a vote for Bruce Nichols, a proven business man, to run the business of our county.

**Bob McKim**  
Baker City

### Open Letter from Forest Supervisors

To the Editor and Friends of the Blue Mountains:

We are writing to share an update on the revision of the Blue Mountains Forest Plans, which will guide the management of approximately 5 million acres of the Malheur, Umatilla, and Wallowa-Whitman National Forests. To begin, we want to acknowledge those who have been involved in this Forest Plan Revision process: We have been encouraged by how much you value your public lands, and we thank you for helping to shape how we manage these National Forests on behalf of the American people.

Over the past year, as part of a public re-engagement effort, we have visited with over 700 individuals in 24 public listening sessions held in communities across eastern Oregon, eastern Washington, and western Idaho. Although we have heard differences of opinion about how to best manage these spectacular landscapes and ecosystems of the Blue Mountains, most agree that these National Forests should continue to be managed for the many uses and benefits they provide, both now and into the future.

We found the input shared during the public re-engagement process to be very helpful, and we are using this input in a

variety of ways. For example, the public listening sessions have brought additional context to the 2014 formal comments and have given us a better understanding of how different Alternatives may affect our diverse publics. In response, we are currently crafting two new Alternatives, which we will analyze in detail in the Environmental Impact Statement (EIS):

The first Alternative will emphasize restoration and has been informed by formal public comments, re-engagement input, and revised recommendations by Forest Service resource specialists.

The second Alternative will build upon the first. This Alternative would considerably increase the pace of forest restoration during the plan period (15 years) by moving a larger portion of the forested landscape toward the Desired Conditions – i.e., thinning densely forested stands, reducing fire severity, and decreasing the risks posed by insects and diseases.

We will provide public updates with new information as we develop these additional Alternatives and continue with the analysis of other Alternatives within the EIS. While we seek to be responsive to all of our diverse publics, any Alternative we consider must be analyzed for compliance with federal laws, regulations, and policies governing National Forest management. Also keep in mind that the Forest Plan Revision is still a work in progress, and the deciding officer (the Regional Forester) has not made any final decisions.

What are the next steps? The final products of this Forest Plan Revision process will include three separate Forest Plans – one for each of the Malheur, Umatilla, and Wallowa-Whitman National Forests. Before these Forest Plans can be finalized, we will consult with federal agencies on the Endangered Species Act and continue our government-to-government consultation with appropriate American Indian Tribes. We will also continue to address questions and concerns from all of you who continue to be interested in the Blue Mountains Forest Plans. When the final EIS, three revised Forest Plans, and three draft Records of Decision are ready, these documents will be available for public review for 60 days during the objection period. Individuals and entities that submitted substantive formal comments (36 CFR 219.62) during the opportunities for public comment may file an objection (36 CFR 219.5) if they do not feel their issues were satisfactorily addressed. Once the objection process is finished, the Regional Forester will sign each Forest’s Record of Decision.

In closing, we would like to express our appreciation for your involvement in the stewardship of your National Forests. We are committed to using the information you have provided to shape the revised Forest Plans. Over the coming months, we will strive to keep the lines of communication open through the sharing of information via email, mail, phone, and the web. Please refer to [www.fs.usda.gov/goto/BlueMountainsPlanRevision](http://www.fs.usda.gov/goto/BlueMountainsPlanRevision) for the most up-to-date information, and if you have any questions, please email [bluemtn-planrevision@fs.fed.us](mailto:bluemtn-planrevision@fs.fed.us).

**Steve Beverlin**  
Forest Supervisor,  
Malheur National Forest

**Genevieve Master**  
Forest Supervisor,  
Umatilla National Forest

**Thomas Montoya**  
Forest Supervisor,  
Wallowa-Whitman National Forest

*Editor’s Note: Word count restrictions were waived in this case, in order to bring the public the full text of this letter.*

— GUEST OPINION —

## Pari material and federal agency coordination

By Bill Harvey  
Special to The Baker County Press

Professor Sutherland’s definitive work “Statutory Construction” states: “Statutes are considered ‘pari materia’ to pertain to the same subject-matter when they relate to the same person or thing, or the same class of persons or things, or have the same purpose and objective. They may be independent or amendatory in form, they may be complete enactments dealing with a single, limited subject matter or sections of Code or revision; or they may be a combination of these.” Sutherland, “Statutory Construction” Section 5202.

The Federal Land Policy Management Act (FLPMA) and the National Forest Management Act (NFMA) are statutes in ‘pari materia’ because they both set forth management processes, procedures and directives from Congress by which the Bureau of Land Management and the Forest Service must manage the public or federal lands, mostly rangelands for the BLM and Forests for the Forest Service. They represent enactments by the same Congress and they have the same “purpose and objective”, i.e., effective, efficient productive management of the federal lands.

Professor Sutherland and scores of supporting cases point out that when the legislature has defined a term, and then subsequently uses the term in another statute, it means the term to have the same



Submitted Photo

Bill Harvey of Haines is chair of the Baker County Board of Commissioners.

definition, unless it states specifically otherwise.

The United States Supreme Court has enunciated this principle on scores of occasions. Leading cases are cited as supporting authorities for the statement made by Professor Sutherland. Congress undertook revision of the Forest Management Statutes at the same time it took up development of the Federal Land Policy Management Act. FLPMA was passed with the “coordination” definition, NFMA’s provisions as to “coordination” were passed as part of the Sustainable Forest Act. There is nothing in the Sustainable Forest Act to indicate that Congress intended a different meaning for “coordinate” and/or “coordination” than what it provided in FLPMA.

Both statutes deal with management of federal lands and natural resources, and neither shows any indication that Congress intended to apply one” coordination process” for the BLM and a different one for the Forest Service. The Statutes are in ‘pari materia’ and must be read consistently.

In Short: Forest Service and BLM are under the same Rules.

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