

BRIEFLY



In this photo taken June 25, the Mississippi state is displayed at the Oregon State Capitol in Salem.

Lawmaker wants Mississippi flag to be changed or removed from Capitol

SALEM (AP) — An Oregon legislator wants to take down Mississippi’s state flag near the capitol if lawmakers in that state fail to remove the confederate battle emblem next legislative session.

The *Oregonian* reports Mississippi lawmakers meet for about four months starting Jan. 5. If they adjourn without amending the flag, Senate President Peter Courtney, D-Salem, wants Oregon to remove it from a park near the capitol. Courtney and House Speaker Tina Kotek are leading an administrative committee that could remove the flag.

Mississippi Sen. Willie Simmons says he and others are doing everything they can to get the legislation passed.

Courtney said he’s prepared to act sooner of Mississippi’s efforts fail before its legislative session ends May 8.

Wolf once thought dead shows up on hunter’s trail camera

SALEM (AP) — A collared wolf thought to be dead has been spotted on a hunter’s trail camera in the Southern Cascade Mountains.

The *Statesman Journal* reports the wolf collared as OR-3 showed up on the camera in northern Klamath County this summer near Crater Lake National Park.

Officials with the Oregon Department of Fish and Wildlife confirmed last week the wolf in the image is OR-3. They say little is known about the wolf from the Imnaha pack, but wildlife biologists will attempt to gather more information. The wolf was collared in 2010 and last tracked by state biologists in fall 2011 in the Ochoco Mountains.

Pesticide company may lose license after worker protection violations

PORTLAND (AP) — The Oregon Department of Agriculture is seeking to revoke the license of a company that conducts aerial pesticide spraying on private timberlands, after the company disregarded a previous license suspension.

According to an order issued this week, Applebee Aviation’s pesticide operator license would be revoked for one year. The company would also be fined \$40,000. Applebee can still appeal the order.

The state last month suspended the company’s license over worker protection violations.

Despite the suspension, Applebee Aviation performed several aerial applications. According to court documents, owner Mike Applebee told regulators his company continued spraying because he had a \$3 million dollar contract to complete.

Paraglider gets caught in power lines

BEND (AP) — A man flying a powered paraglider from Madras to Bend got caught up in some Tumalo power lines, leaving him hanging until help came to get him down.

KTVZ-TV reports that Deschutes County sheriff’s deputies and Bend Fire Department paramedics say witnesses helped 29-year-old Tobias Osborne, of London, down Thursday evening. He had been hanging from his parachute, tangled in the lines.

Deputies say Osborne was flying to the Bend Airport when he was forced to try to land in the Tumalo filed due to increased winds. As he began to land, he realized his altitude was too low to clear the power lines.

Seattle police arrest couple found with 400 pairs of jeans

SEATTLE (AP) — Seattle police have arrested a husband and wife they say have an “insatiable appetite for denim.”

Police said in a news release they arrested a 63-year-old man and 58-year-old woman after finding 400 pairs of jeans, perfume, purses and shoes at their Beacon Hill home.

Detectives believe the items were purchased from shoplifters downtown and that the couple placed orders for items they wanted. Police recovered nearly 1,600 items with a combined retail value from attached price tags of \$150,000.

The arrests come at the end of a larger investigation by Seattle Police and the FBI targeting drug dealers and thieves downtown.

Officials say boy expelled for bringing gun to bus stop

SPOKANE, Wash. (AP) — A 9-year-old boy was expelled from Logan Elementary school after officials said he brought a gun to the school bus stop.

The *Spokesman-Review* reports that Spokane Public School officials say the incident happened Wednesday.

Officials say the boy told other students that he found the gun in his backyard. Several children handled the gun before the 9-year-old brought it back to his house.

The gun wasn’t loaded. A resource officer arrested the boy. He was taken to juvenile detention and charged with possession of a firearm. Spokesman Kevin Morrison says the boy was released within an hour.

Morrison says there’s no indication that the boy planned to harm anyone. Officials plan to talk with the boy to make sure he understands the gravity of what he did.

Wash. judges hear challenge to dam fish passage ruling

By GENE JOHNSON
Associated Press

SEATTLE — In a case that could have implications for dams and development in the Northwest, federal appeals judges heard arguments Friday about whether Washington state should have to spend billions of dollars to replace large pipes that allow streams to pass under roadways — but which also block salmon from migrating upstream to their spawning grounds.

The lawsuit is the latest twist in more than 40 years of litigation between Washington and Native American tribes over fishing rights since a federal court decision guaranteed the tribes the right to half of Northwest salmon harvest. Washington’s tribes, backed by the U.S. Justice Department, sued the state in 2001, trying to force the state to replace the culverts with bridges or other structures that better allow fish to pass.

The crux of their argument is that based on mid-19th century treaties, they don’t just have a right to fish, but for there to be fish to catch — something that doesn’t happen when culverts block the salmon from spawning. In 2007, U.S. District Judge Ricardo S. Martinez agreed, and in an order years later, he demanded that the state replace hundreds of culverts.

The state agrees that replacing the old culverts is one important part of restoring salmon runs and notes that is has spent hundreds of millions of dollars to fix fish habitat. But Martinez’s 2013 order is far too sweeping and expensive, and would force the

state to focus on fixing culverts even when salmon-restoration dollars could be spent more effectively elsewhere, state Solicitor General Noah Purcell told the three-judge 9th Circuit Court of Appeals panel Friday.

The tribes do not have a treaty right to habitat restoration, Purcell said. If they did, he suggested, they could conceivably sue the state for virtually anything that impairs salmon, such as state or utility district-owned dams that block salmon passage — a topic the judges asked about repeatedly. The state’s court filings pointed to Boeing’s and the Port of Seattle’s activities on the Duwamish River as other potential targets of litigation.

Those arguments were echoed in a friend-of-the-court brief submitted by the state of Oregon.

“It goes far beyond the treaty language,” Purcell said. “This case has been going on for 45 years. Under the district court’s ruling, it’s going to be going on for 45 more.”

The state Legislature this year approved a 16-year transportation bill that includes \$300 million for fish passage — far more than in years past, but a far cry from the estimated \$2 billion it would take to comply with Martinez’s order. The state has said it would need to fix 30 to 40 culverts each year until 2030, spending \$155 million annually, to comply.

Some are beneath Interstate 5 and would require the highway’s closure to fix, Purcell said. Many of the culverts overseen by the state Department of Natural Resources or Fish and Wildlife have already been fixed.

But Martinez noted that at its

current pace of replacing culverts, it would take more than a century to fix them all, which he considered unacceptable.

The pipes, which were mostly installed decades ago, can block salmon in several ways. Their downstream ends are frequently elevated above the level of the stream, making it impossible for salmon to swim up. They were sometimes placed at a grade that accelerated the rush of the water, making it more difficult for the fish to fight the current.

The tribes acknowledged that they typically work closely with the state to restore salmon, but the sides had unable to reach agreement on how quickly to fix the culverts

Jim Peters, a habitat policy analyst with the Northwest Indian Fisheries Commission and former chairman of the Squaxin Island Tribe, noted that in south Puget Sound, there are many small creeks that might each only bear a few hundred salmon. Individually, he said, those waters might not be a priority for culvert repair, but collectively their fish are an important resource.

“When we signed these treaties our understanding was that there would actually be fish to harvest,” he said. “If you don’t have fish, you don’t have a treaty right.”

The state noted something of a cruel irony in the case: that the culverts at issue had been constructed to federal standards. The state sought in the lower court to require the feds to help pay for the culvert replacement if the state was ordered to fix them; that request was denied. Purcell asked the appeals judges to reconsider that.

Grand Ronde tribe buys former dog track

WOOD VILLAGE (AP) — The Grand Ronde tribal confederation has purchased a former greyhound racetrack in Wood Village, fueling new rumors about whether a casino will end up on the property.

‘Tribal officials announced the purchase of the Multnomah Greyhound Park on Thursday, saying they bought the property to ensure that no competing casino will be built there, the *Oregonian* reports.

The greyhound track closed in 2004 and the 31-acre site has since been eyed by developers as a private casino. The Confederated Tribes of the Grand Ronde effectively campaigned against those efforts.

“I wouldn’t say we would never do gaming there,” said Justin Martin, a Grand Ronde lobbyist, adding that the tribe could go in that direction if the “face of gaming changes in

Oregon.”

If they were to try to open a casino at the track they would face regulatory hurdles including a state policy that limits each tribe to one casino on reservation land. The Grand Ronde confederation operates Spirit Mountain Casino southwest of Portland.

“While we cannot rule anything out in terms of the future of gaming in Oregon,” tribal Chairman Reyn Leno was quoted as saying, “our priority at this time is to develop this property in a manner that diversifies our investment holdings.”

Wood Village City Manager Bill Peterson said he spoke with tribal officials about the site for the last several months and that he and other city officials believe a mixed-used development could be successful.

“We still do not know what the intended land-use purposes are,” he said.



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