

DOCK: Port had already spent \$3.2M on project when Corps revoked its permits

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up in the Columbia Ridge Landfill south of Arlington. Columbia Ridge already handles about 2 million tons of garbage from Portland and Seattle every year, which arrives via trucks and trains. Landfill gas is collected on site and used to power 12,500 homes in Seattle.

After evaluating several proposed sites, the port decided to build its dock a quarter mile downriver from where Willow Creek enters the Columbia River. A project application was sent to the U.S. Army Corps of Engineers in 2006 and permits were issued in 2007.

That’s when the problems started. The Confederated Tribes of the Umatilla Indian Reservation raised objections that the dock would interfere with tribal fishing at Willow Creek and the Corps suspended permits pending further review.

Chuck Sams, CTUIR spokesman, said tribal members first noticed construction in the river while heading to a First Foods ceremony in Celilo Falls. The tribes had received public notices about the dock, Sams said, but were not properly consulted before the permits were approved.

In a letter sent to the port, Army Corps and Gilliam County on Nov. 2, 2007, the tribes claimed there was no possible mitigation for the project.

“The loss of a single fishing site is unacceptable to the CTUIR,” the letter reads.

Tribal members have been fishing for salmon at

Willow Creek throughout history, Sams said. The area is also within tribes’ ceded lands dating back to the Treaty of 1855, which gives access to all “usual and accustomed” fishing sites.

“We have a number of oral histories taken of tribal members who have continuously fished at Willow Creek,” Sams said. “The pilings would block the ability to put out nets there to catch fish.”

The Corps formally revoked its permits for the dock in April 2008. By then, the port had already spent \$3.2 million and driven more than 40 steel pilings into the river.

A spokeswoman for the Corps said the tribes’ concerns were not brought to the their attention until after the dock permits were granted. She said there were “breakdowns in communication” with the tribes, which have since been addressed.

The port appealed the decision all the way to U.S. District Court before voluntarily dropping the case in January 2015. Board Chairman Ron Wilson said they had simply exhausted their funds and their energy.

“We could see no daylight whatsoever,” Wilson said. “Every meeting we had was totally fruitless.”

Sen. Ron Wyden, D-Oregon, and former Sen. Gordon Smith, R-Oregon, authorized the Corps to reimburse the port in a federal spending bill, but the Corps determined it could only refund the port for direct construction costs.

Even before the permits were issued, the port had spent \$2 million on engineering plans and to erect a

bridge over railroad tracks in the dock area. Wilson said they are not optimistic about getting that money back.

Hank Stern, spokesman for Wyden, said the senator is disappointed by the Corps’ mishandling of the permit, but that he “has no doubt the port and community will roll up their sleeves and keep working at ways to bring economic growth and opportunity into the area.”

The Corps has told the port it can reapply to build the dock, but Wilson said they have no intention of starting the process over.

“There’s no point to it. We already tried it once, did everything right and got burned,” Wilson said.

Port officials have also expressed concern that this experience could lead to more conflicts between commercial developments and tribal fishing rights on the Columbia River. Only Congress can alter a treaty fishing site.

“It’s not good, really, for the tribes. And it’s not good for the rest of us,” Mitchell said. “The question becomes who owns the river.”

Sams said the tribes are not opposed to economic development, so long as proposals don’t interfere with their treaty rights. He said the rules for negotiating with tribes were put into place by the U.S. government, not the tribes, and all entities should be held to the same standard.

“We’re hoping all parties will learn from this lesson, and adhere to federal law and treaty law,” Sams said.

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EOTEC: Has raised \$1.64M of \$2M goal with April 1 deadline

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construction” be complete by March 2017.

That would have left plenty of time to host the fair later that summer.

Slone, who stepped into the Umatilla County Fair director role in February after previously directing the Harney County Fair, said it was his understanding that the fair staff need the entire week before the fair to set up.

He said planning entertainment for the fair starts more than a year in advance, and vendors like to know when all county fairs are scheduled so they can plan their route through the region and decide which events to skip, if some overlap.

On Friday the EOTEC board helped the schedule move along by awarding a \$284,534 bid for site lighting to Power Pro, Inc. The company was one of two that bid on the project, and Drier said the amount was below what Frew Development Group had projected.

The board also awarded the site paving contract to Granite Construction,

the sole bidder. Drier said the company made a convincing case that the parking lot needed to be paved, not chip sealed, to handle the amount of traffic expected on hot fair days. That means, however, that there is not enough money in the budget to pave the access drive from Ott Road, which will mostly be used by contestants during fair week.

The board agreed to hire RGU and Associates of the Tri-Cities to turn locally produced drawings for the rodeo arena into official architectural blueprints to be used for construction. Brookshier suggested that, given the millions of dollars at stake for completing the project in time for the 2017 fair and rodeo, the firm could be offered some sort of cash bonus for turning around the drawings more quickly than previously discussed.

The board also approved hiring a soil consultant for \$10,000. Board chair Byron Smith said the kind of soil naturally occurring at the EOTEC grounds wasn’t ideal for rodeo events. A soil consultant would help the EOTEC board bring in the

right mixture of dirt for the arena and barns that would hold moisture, reduce dust, keep portable pens upright and make it more difficult for horses to dig holes under their stalls.

David Bothum of the Farm-City Pro Rodeo board said a soil consultant had not been used for the current rodeo arena and the board had to drop its barrel racing event from 12 runs to 10 because the soil couldn’t hold up and horses were getting injured on late runs. He said competitors and people looking to hold events at the arena would see the improved soil as a plus.

“It’s going to be a good marketing tool,” he said.

Fundraising committee member Nate Rivera said the committee had raised \$1.64 million and was optimistic they could meet their \$2 million goal by April 1. Pendleton City Manager Robb Corbett said the EOTEC board will make a presentation to the Pendleton City Council at its Tuesday meeting.

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OSP: Militant group was reportedly planning to meet with Sheriff Palmer

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arrest leaders of the Malheur National Wildlife Refuge occupation. “I knew going into it that there was a sheriff in Grant County that was supporting the movement or the ideology behind what [the occupiers] were pushing,” Officer No. 1 told investigators. “I knew that there was a large amount of community members in Grant County that supported their beliefs ... for a very simple way to put it, they were not friendly to law enforcement conducting any enforcement actions, and mainly the Federal Bureau of Investigation and federal agencies,” the officer said.

The change of plan, which was coordinated by the FBI and OSP, is noteworthy because the militant group was reportedly planning to meet with Palmer. In video released this week, Finicum can be heard yelling out the window of his parked truck to OSP officers.

“I’m going over to meet with the sheriff in Grant County,” Finicum shouted. “You can come along with us and talk with us over there.”

“That day there was

discussions about a location which was actually in Grant County,” Officer No. 1 told investigators. “It was a large canyon that had tactically beneficial areas, and through the planning process, as you now know, we moved the location where we were going to conduct this traffic stop and arrest to — into Harney County.”

The arrest of the militant leaders, including Ammon Bundy, and the shooting of Finicum did eventually take place in Harney County along Highway 395. Sheriff Palmer has said that he met with some of the occupiers prior to the Jan. 26 incident but has denied that he was planning to meet with the militants that night. The state agency that licenses law enforcement officers has recommended the state Department of Justice investigate Palmer’s conduct. That’s after the agency received several formal complaints about Palmer’s communication with the occupiers. The DOJ has not yet announced whether it will pursue an investigation



Palmer

into Sheriff Palmer. Palmer did not return OPB’s requests for comment. On Thursday, the Deschutes County Sheriff’s Office released a redacted report of the investigation into the Jan. 26 officer-involved shooting death of Finicum, a leader of the occupation at the refuge. The 360-page report from the Central Oregon Major Incident Team is only part of the investigation.

The Deschutes County Sheriff’s Office said more documents would be made available as redactions are complete. Investigators said at a Tuesday press conference that eight shots were fired that day — six from the OSP and two by members of the FBI hostage rescue team. The two shots fired by FBI officials will be the subject of another investigation, because the agents did not initially disclose firing at Finicum. The interviews of the FBI Hostage Rescue Team are not included in Thursday’s release because they’re part of the ongoing investigation by the Federal Inspector General’s Office.

BOLI: About 31 percent of all civil rights investigations look into disability claims

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The labor bureau on March 2 dismissed all the complaints for lack of substantial evidence, the most common reason it offers for closing cases.

The *East Oregonian* requested civil rights complaints information and records from the bureau from 2011 through 2015. Those records show the state agency received 186 complaints from 163 people or organizations against 102 employers, housing providers or government agencies in Umatilla County. BOLI received 29 civil rights complaints in 2011, then 44 the next year. The numbers fell further to 27 in 2013, rose to 40 in 2014, and rose again last year.

The Oregon Department of Corrections, which operates two prisons in the county, topped the list with 13 complaints during that span. Keystone RV Inc., the Pendleton recreational vehicle maker, and Shearer’s Foods, which has a snack food processing plant outside Hermiston, each had eight complaints, the second most.

And coming in next during that period is the pizza restaurant, which had at least six employees.

Doug Reynolds said he and his wife owned Ron’s Pizza Place for eight months, and some of the employees were upset over the change in owners. Becky Reynolds said one employee convinced others that new ownership was loaded with cash, and that became a big factor leading to the restaurant’s demise. The couple said they fought to keep the business open as long as they could.

“We lost our dream,” Doug Reynolds said. “We lost a lot of money and closed the doors and moved on.”

The couple also said they might take at least one former employee to court.

River Point Farms Inc., of Hermiston, had the fifth most complaints with six, and Wal-Mart Stores Inc. had five. And the Union Pacific Railroad, Pendleton School District and Mj’s Labor Services, Hermiston, were among employers with

four.

Disability discrimination topped the list for basis of complaint, with 55. Charlie Burr, spokesperson for BOLI, said in an email that is about on par with the rest of Oregon.

“About 31 percent of all civil rights investigations look into disability claims each year, the highest percentage basis of complaint,” he said.

Age discrimination with 24, injuries with 17 and sex discrimination with 16 round out the top four basis of complaints, and there were 14 complaints each for whistle blowing — calling out illegal actions and being punished for it — or retaliation and racial discrimination.

“After we find substantial evidence of discrimination, we move into conciliation to see if the parties can reach a settlement,” Burr said.

Parties reached settlements in 18 cases, sometimes without the bureau’s facilitation. But if conciliation fails, Burr said, the case moves to the Administration Prosecution Unit. There, a “case presenter” reviews the case and decides if the evidence is strong enough to require an administrative hearing.

Administrative hearings are similar to court cases. The administrative law judge considers the evidence and what the sides have to say and hands down a ruling. If the complainant wins, the commissioner of the Bureau of Labor and Industries issues a final order and remedy.

The remedy will depend on the type of case. An unlawful firing from a job, for example, could mean the employer has to re-hire the worker and make good on back pay, while a housing case could result in a new lease and money for out-of-pocket expenses.

BOLI closes cases that do not meet standards for an administrative hearing and lets parties know they can file civil suits. The bureau also gives a right-to-sue notice to complainants one year from when they filed, even if the case remains under review. During the five-year span, 10 people sued in state or federal court.

For cases that fall under state and federal laws, BOLI files a complaint with the federal Equal Employment Opportunity Commission or the Department of Housing and Urban Development. Two dozen cases in Umatilla County went under the EOCC microscope and the federal agency closed on eight of those.

The labor bureau closed 108 cases — including the seven naming Douglas and Becky Reynolds — in the five years for lack of substantial evidence.

While the bureau has a year to investigate a case from the time it receives the complaint, Burr said it wraps up most cases in six months. Several from 2015 remain open, and two are under management review, meaning the claims could have real teeth. Both of those are against Courtyard Apartments, 140 S.W. Ninth St., Hermiston.

The Fair Housing Council of Oregon received a complaint in March alleging apartment manager Steven Wood discriminated against families with children. The Portland-based nonprofit that fights housing discrimination tested claims against Wood four times from the end March through the start of May, according to the report, and Wood told families that children of different genders could not share bedrooms, so they could only rent three-bedroom apartments.

Nothing in Oregon law requires separating children based on gender. Wood did not immediately return a voice mail requesting a comment.

Ron Jones ended up taking back the diner in May 2015. He renovated the interior and re-opened as Milton City Pizza Co. He said changing the name was a business decision to break with previous ownership, though old regulars still call it Ron’s Pizza Place.

“My customers flooded in,” he said. “It was very humbling. It makes you think you were here doing something right for 27 years.”

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