

Court reinstates wolf delisting challenge

By **GEORGE PLAVERN**
East Oregonian

The fight over Oregon's wolf protections is heading back to court.

The state Court of Appeals has reinstated a legal challenge filed by conservation groups Cascadia Wildlands, Oregon Wild and the Center for Biological Diversity, which argue wolves were prematurely removed from the Oregon Endangered Species List.

In their challenge, the groups assert the Oregon Department of Fish & Wildlife did not follow the best available science in its recommendation to delist wolves last year — nor was the evidence independently reviewed. The Oregon Fish and Wildlife Commission voted 4-2 in favor of delisting on Nov. 9.

The groups initially filed the challenge on Dec. 30. Earlier this year, the Oregon Legislature passed House Bill 4040 which ratified ODFW's decision. Gov. Kate Brown signed the bill on March 14, and the Appellate Commissioner dismissed any further judicial review as moot.

But in a new twist, the court reinstated the challenge on Tuesday, with Chief Judge Erika Hadlock describing the issues as "complex matters of public importance."

"Without deciding what,

if any, effect HB 4040 has on this judicial review, the court determines that the issues of possible mootness and the validity of HB 4040 are more appropriately decided by a department of the court following a full briefing," Hadlock wrote in the court's ruling.

The announcement was met with cheers from environmentalists and exasperation by Eastern Oregon ranchers. Nick Cady, legal director for Cascadia Wildlands, said they are confident in their case, with wolves currently occupying just 12 percent of their suitable habitat statewide.

"In no way should management of Oregon's small population of recovering wolves be dictated by the livestock industry and its anti-wolf allies in Salem," Cady said in a statement. "This ruling is a hopeful first step to ensure politics do not trump science when it comes to managing our treasured wildlife."

Steve Pedery, conservation director for Oregon Wild, said the passage of HB 4040 has only helped to turn the focus away from science and on to politics.

"Now this gets us into a constitutional issue in Oregon," Pedery said. "It's really just a mess."

The groups will have until Aug. 23 to file their opening brief with the court.

Ranchers, meanwhile, have long argued they need to be able to kill wolves that make a habit of preying on livestock in order to protect their operations. Since wolves were delisted under Phase II of the state's management and conservation plan, ODFW did follow through with shooting four wolves from the Imnaha Pack in Wallowa County.

Todd Nash, a rancher based in Enterprise, serves as chairman of the wolf committee for the Oregon Cattlemen's Association. He said ranchers breathed a sigh of relief over the spring, feeling like the wolf plan was finally working. Now facing another lawsuit, he said they're becoming exhausted.

"It just goes on and on," Nash said. "At some point, I hope everyone can see what these groups are doing, in that they're litigating because they can."

HB 4040 was championed by local Rep. Greg Barreto, R-Cove, in the House, and Sen. Bill Hansell, R-Athena, in the Senate. Cady, with Cascadia Wildlands, had also filed an ethics complaint in May against Barreto, claiming he knowingly misled the Legislature about the bill before it was passed.

In particular, the complaint alleged Barreto made false claims that the bill would not block a legal review of the wolf delisting in court. The

Oregon Government Ethics Commission dismissed the complaint on July 1.

Barreto said he was never really concerned about the complaint leading to an ethics investigation. He did not comment further on the newly reinstated legal challenge against HB 4040.

Hansell said the bill's primary purpose was never to dodge a lawsuit, but rather to go on record stating ODFW had followed the letter of the wolf plan. He said the department presented evidence showing the wolf population is on the rise, and met the recovery thresholds that were approved by all parties under Phase I of the plan.

"Everybody was at the table when we worked out the plan," Hansell said. "The plan is working. I just wanted to get on record that the Legislature, in fact, supports the decision."

Gov. Brown signed the bill and, in a letter to Secretary of State Jeanne Atkins, said, "The trajectory of wolf populations in Oregon remains strong, with available habitat and prey to support continued growth."

A representative of Brown's office said they would not comment on pending litigation.

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OLIVERA: Dropped out in the 10th grade

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he stood in the middle of his old office and breathed deep. A four-foot-long sign hanging above his desk proclaimed "Knowledge is Power." He said he will carry the sign to the new office along with his French press coffee pot and photos of his five children engaged in various sports.

This was the office where he counseled many fledgling first-generation college students as they tackled the intricacies of academic life.

"I invite students to let me walk through their fears with them," he said. "I work with students who are just like I was."

That student, the one struggling to keep it together — that was him. He drifted back in time to describe his own journey, saying his disillusionment with school started after his father died when Olivera was eight.

"It changed how I saw myself," he said. "I had this big void. I wasn't fully engaged. I didn't participate in sports. I disappeared into the back of the class."

He dropped out of school in 10th grade to take a job driving for a dental lab and later worked for 10 years in his uncle's construction company. After moving to Pendleton in 1992, he worked at Hill Meat Company, spending his days cutting, pickling, smoking and deboning meat. Liver failure knocked him flat in September of 2001. After the liver transplant, he awoke to the news that terrorists had crashed into the World Trade Center and the Pentagon. He went home with instructions from his doctors not to lift more than five pounds for at least six months. Sidelined from the work world and determined to get that elusive high school degree, he enrolled in BMCC's GED program.

Olivera shook his head as he remembered how uncomfortable and nervous he felt in the college environment. The TRIO office became his second home, he said. There, he found encouragement, along with tutoring and proofreading support.

"The people there wanted nothing but success out of their students," he said. "I had skills but I didn't know it. They brought a little bit out of me at a time."

He remembers the day he finally got brave enough to take the GED test, though he wavered until the final moment, fearing the math portion of the

exam. In the testing center, then-test administrator Shannon Elner gave him a pep talk.

"She said, 'Take the test. If you don't pass, take it again, but I think you're ready,'" Olivera recalled her saying.

After Elner informed him he had passed, "I practically went over the counter to give her a hug." He soon received a GED certificate signed by Camille Preus, current BMCC president and then-Commissioner of Community Colleges.

At that time, Preus personally signed piles of GED certificates instead of using a stamp.

"Each one represented a mountain of work," she said. "The least I could do was to sign them by hand." Getting his GED was huge for Olivera. He had caught the bug. He reveled in this paradigm shift.

"I fell in love with the academic world," he said. "I fell in love with education. I knew I could learn. My confidence started building."

Olivera started working toward an associated arts transfer degree at BMCC and later a bachelor's in multidisciplinary studies with an education minor from Eastern Oregon University. Between his bachelor's degree and master's, he substitute taught for the Pendleton School District and also tutored BMCC students. In 2012, he became a career coach at the college and, in 2014, a success coach at BMCC. The TRIO director job came open a couple of times over the years, but he lacked the required master's degree so he didn't apply. Finally, he enrolled in a master's management program at Colorado Technical University.

Preus marveled as Olivera worked full-time at BMCC while earning his master's degree online.

"He sets goals and has a clear eye for accomplishing those goals," she said.

The next time the TRIO director job came open, Olivera applied.

Allison Severin, a success coach with TRIO, said Olivera is a natural in the way he deals with students in transition.

"Severin said, 'He can talk to anybody. He brings a completely different perspective to non-traditional students,'" she said. "He went from a GED to a master's degree. He is why TRIO exists — for students like him."

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Staff photo by Jade McDowell

Partners in a new 16-bed acute psychiatric facility that Lifeways is building in Hermiston participate in a groundbreaking ceremony Wednesday.

LIFEWAYS: CFO says facility should create 35 family-wage jobs

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pursuing certification from the state to allow the facility to take Medicare patients, which has become crucial as Baby Boomers continue to retire.

The project's construction budget is expected to run to about \$4.3 million, with an annual operating cost of about \$2.8 million. Greater Oregon Behavioral Health and the Eastern Oregon Human Services Consortium contributed \$500,000 in seed money for the project.

Lifeways CFO Steve Jensen said the facility should create about 35

family-wage jobs when completed.

Greg Schneider, the former Lifeways CEO who helped get the project off the ground, said building a 16-bed facility in Hermiston to allow people in crisis to stay closer to home was a "no-brainer."

"I think this will be great for the community, and for Lifeways," he said.

The facility will be located at 1212 Linda Avenue and will be considered part of the Good Shepherd Health Care System campus. According to information handed out at the groundbreaking, Good Shepherd Medical Center

will collaborate with Lifeways to provide "general ancillary hospital services and restore the availability of community-based psychiatric hospital services for our community, lost with the closure of Blue Mountain Recovery Center as a hold facility and state hospital unit."

Financing of the project is being handled by Zions Bank, design by Pinnacle Architecture and construction by W.C. Construction and various local subcontractors.

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CARTY: PGE says it is up to 15 percent more efficient than other models

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energy plan to account for growing demand. Steve Corson, a spokesman for the utility, said the first firing of the plant affirms their goal to bring the plant online by July 31, but there's much work left to do before that happens.

"This is, without a doubt, a complex situation," Corson said.

The station, which is being built in the shadow of the Boardman Coal Plant on Tower Road, operates by burning natural gas to drive one turbine, and capturing excess heat to create steam that drives the second. This is known as a combined cycle system, which PGE says is up to 15 percent more efficient than other models.

Corson said they are working with subcontractors and vendors to settle liens found to be valid. If the plant is not up and running by July 31, PGE says it will work with the PUC to determine how and when rates will be affected moving forward.

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