

OWLS: Population has rebounded to 64 breeding pairs

Continued from 1A

the charge. The event will run through Wednesday afternoon, and Johnson said they are trying to get as much done as they can before nesting season begins next March or April.

“We’ve improved our design, so we’re trying to upgrade the burrows,” he said. “The depot is decent habitat. It’s just a problem with burrows.”

Burrowing owls, distinguished by their longer legs and bright eyes, used to be far more abundant on the depot, Johnson said. That began to change when pronghorn were first introduced to the property in 1959.

The herd grew quickly to 300 head before crashing dramatically, likely the result of inbreeding and outgrowing the limited range, Johnson said. To save their pronghorn, depot officials decided to trap coyotes, which prey on pronghorn calves. However, they also trapped and removed badgers, which burrowed the holes that the owls used to roost.

By 2008, Johnson said they surveyed the land and found only three or four breeding pairs of owls left on the depot. Since putting in the artificial burrows, the population has rebounded to 64 breeding pairs.

“It’s been very successful,” he said. “The goal is to develop a source population that feeds the Pacific Northwest.”

Burrowing owls are not endangered in the United States, though Johnson said the birds are losing their Northern range habitat at a rate of 1 to 1.5 percent annually. The birds are listed as endangered in Canada, and are threatened in Mexico.

Don Gillis, who worked as the natural and cultural resources manager at the



A burrowing owl stands on a man-made perch at the Umatilla Chemical Depot.

Staff photo by Kathy Aney

depot before retiring, said he initially noticed a decline in the number of owls on the property. At first, he couldn’t figure out why they were disappearing.

Gillis got in touch with Mike Gregg, a wildlife biologist with the U.S. Fish and Wildlife Service, and they reached out to Johnson, based in Alexandria, Virginia. The artificial burrows were designed by the Global Owl Project, and they recruited volunteers to help put them into place.

Gillis continues to volunteer with the project, and was back with the group on Tuesday. He doesn’t want to see the owls forced from the depot.

“That would be pretty tragic,” Gillis said.

There are now 87 burrow sites strategically placed about a quarter-mile apart

from each other across the northern portion of the depot, totaling 180 burrows. Johnson said they almost exactly mimic a badger hole, and are located in areas where coyotes and hawks can’t sneak up on the nests.

“It’s a dangerous world for a burrowing owl,” Johnson said. “Everything wants to eat you.”

The owls themselves eat snakes, mice and insects.

The burrow design uses 55-gallon juice barrels and 10 feet of corrugated plastic pipe, leading from the surface to a chamber about 30 inches underground. A mesh floor also helps to keep pocket gophers away from stealing owl eggs.

Johnson said he would eventually like to reintroduce badgers onto the depot at some point to once again start digging natural burrows, but

that proposal has been stalled. He said they will continue to run the man-made burrow project and place small bands onto the young to learn how many of the owlets eventually come back.

“This has become a significant source of research, education and techniques,” Johnson said.

As the Columbia Development works with the Army to obtain and redevelop the land, Johnson said they are also taking an active role in looking at what management practices could be most compatible for both the owls and the community.

“Our agenda is to try and keep them off the Endangered Species Act,” he said. “No one gains from that.”

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ODOR: Court of Appeals ruled that smell of marijuana not inherently offensive

Continued from 1A

One of those citations was solved through civil compromise when the offender installed filters to mitigate the smell of their marijuana grow.

The other citation is still in Pendleton Municipal Court and involves a downtown business owner and his neighbor.

Elite Guns & Bows owner Fred Bradbury said he and his son endured an extended stint where marijuana odor seeped into his business from next door at 225 S.E. Second Street, giving them severe headaches.

Bradbury signed a citation and the case went before municipal court Aug. 3, according to court records.

Municipal Court Judge Jeff Wallace ruled that the neighbor, Jacob Sierra, was guilty, but he also suspended the \$500 fine so the parties could reach a compromise and ordered them back in court Oct. 4 to give him an update.

Bradbury said his business has not had to deal with marijuana odor since the trial date and endorsed the city’s law.

“It’s definitely needed,” Bradbury said. “It’s a good ordinance.”

Sierra, who is of no relation to the writer, could not be reached for comment.

For Roberts, the ordinance is less about issuing citations and more about reaching compromise and resolution.

“Before the ordinance was created we fielded

“Music is not inherently offensive. But in an intensity that the public or neighbors are bothered by it, then it is offensive. The same is true of marijuana.”

— Nancy Kerns, Pendleton City Attorney

complaints, which the law did not address. Therefore, citizens were told there was not much that could be done beyond advising the offending party of the complaint,” Roberts wrote. “Frustrated by the described response, several threats were made to take matters into their own hands. Agree/disagree with the ordinance at least now we have a mechanism for both sides to plead their respective cases in front of an independent third party, versus becoming involved in emotionally charged verbal/physical altercations.”

Since the ordinance’s passage, the Oregon Court of Appeals ruled in a criminal case that the smell of marijuana is not an inherently offensive odor.

Although unfamiliar with the case, City Attorney Nancy Kerns wrote in an email that the city ordinance remains lawful.

“The issue is quantity or intensity,” she wrote. “Music is not inherently offensive. But in an intensity that the public or neighbors are bothered by it, then it is offensive. The same is true of marijuana.”

PALMER: Sheriff since 2000

Continued from 2A

considers himself a “constitutional sheriff” and vows to protect citizens from abusive government.

A central issue in the dispute is Palmer’s use of a personal email account to conduct his public business.

The news organization sought work-related emails dating back to November 2015. Palmer said in court filings his practice is to print out important emails from his personal account, file them and then delete them from his system.

Palmer used his right against self-incrimination and did not respond to questions when asked about whether the emails were public records, if copies existed in his office, where he would file printed versions and why they were not released to *The Oregonian*.

The Fifth Amendment right is intended at protecting witnesses from giving evidence that could be used against them in a possible criminal case.

Steven Salky, a Washington, D.C., criminal defense attorney who wrote a book on the Fifth Amendment published by the American Bar Association, said witnesses can use the right if they believe they are innocent of criminal conduct but concerned answering questions might lead to criminal charges.

Though the lawsuit filed against the sheriff is a civil case, the Oregon Department of Justice opened a criminal investigation of the sheriff over an allegation he tampered with government records in 2012. That investigation remains active.

Palmer has been sheriff since 2000 and is running for re-election.

PARKS: City is pursuing a disc golf course in the near future

Continued from 1A

restrooms,” he said.

The most prominent addition to a park by volunteers is the Funland playground at Butte Park. Volunteers conceived of, raised funds for and built the large wooden play structure not once but twice, after the original playground burned down in 2001 in a suspected arson.

“Funland Park wouldn’t be here if people hadn’t gotten together and said, ‘We want to do this,’” he said.

Fetter said the kiosks that have been popping up around parks, providing a space to post park rules, have all been recent Eagle Scout projects. Last year an Eagle Scout also put together the volunteer project that resulted in a bridge over the irrigation canal in Belt Park. He said the scouting program is a regular contributor to the parks system.

“Sometimes they come in with ideas and other times they just wander in and ask,

‘What do you need built?’” he said.

Service clubs like Altrusa International and Rotary International have been key in several park enhancements as well, including the arch over the entrance to the Oxbow Trail and the interpretive panels along the trail.

Many local businesses and church congregations like to do a service project around town each year, and often they turn to the parks department. Kara Taylor, branch manager at U.S. Bank, said usually a local nonprofit contacts them with a request for help, but this fall they were looking for ideas and called Fetter.

“We let him know we were willing to get our hands dirty,” she said.

Fetter took them at their word and said the railroad corridor between Highland Avenue and Elm Avenue had accumulated a collection of trash that needed to be picked up. So a couple of Sundays ago the staff and their families got to cleaning,

and Taylor said it was a fun experience despite the dirty nature of the work.

“Our team all want to contribute to the community somehow,” she said.

Fetter said projects like that, or one this spring when Calpine Corporation re-stained the fence at Riverfront Park, help take care of a labor-intensive activity that staff would have to take time out of their schedule to do otherwise. If a church or other organization wants to be especially proactive, they can officially adopt a park or section of park and do regular projects and cleanup there.

As for future projects, the Parks and Recreation Committee has been working with neighbors from around Greenwood Park to come up with plans to renovate the half-acre park at 80 W. Beech Street. Fetter said the Kiwanis Club has already expressed an interest in providing the labor and money for a few new features for the park, but there were

other opportunities there. He also said the city is currently renovating and expanding Sunset Park on Fourth Street, making it a great time to sponsor a new piece of playground equipment or come plant some shrubs.

The city is also pursuing a disc golf course in the near future, and would like to create a dog park somewhere in town. All of those things, Fetter said, will offer ample opportunities for service projects.

He said the city appreciates Hermiston’s rich legacy of volunteers.

“We have a real history of community groups rolling up their sleeves and doing these projects,” he said.

Contact Jade McDowell at jmcdowell@eastoregonian.com or 541-564-4536.

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