

# Man who killed John Day cop will be freed

By SEAN HART  
EO Media Group

The man who pleaded guilty to killing a John Day police officer in 1992 will soon be freed.

The Oregon Supreme Court denied a request Thursday to review an appeals court decision that reinstated Sidney Dean Porter's 2013 prison release date due to legal errors that year by the Board of Parole and Post-Prison Supervision.

Grant County District Attorney Jim Carpenter said the board will now begin putting together a release plan for Porter, who killed Officer Frank Ward on April 8, 1992.

"After all the hard work that my staff and I put in to ensure that Porter would remain incarcerated, the decision of the Supreme Court is disappointing, but not unexpected," Carpenter said.

Porter had pleaded guilty to aggravated murder. According to the appeals court opinion, Porter attacked Ward, who had

responded to a report of domestic violence at Porter's residence. Porter "bludgeoned Ward with his fists and a 10-pound piece of firewood," according to the opinion, and the autopsy revealed a skull fracture and contusions in Ward's brain.

After Carpenter's testimony before the parole board in 2015, the board ruled Porter was a danger to the community and ordered him to remain in custody until at least 2020. In September 2016, however, the Oregon Court of Appeals overturned the parole board's decision to postpone Porter's 2013 prison release date, stating the board lacked authority to rescind a release date "absent a timely hearing," according to the court opinion.

"A defining principle of our legal system is that both sides have the opportunity to be heard before decisions are made which affect them," Carpenter



Porter

said. "The Court of Appeals found that Porter was not given such an opportunity, and the Supreme Court apparently agrees."

The appeals court ruled the parole board should not have postponed the 2013 release date without a timely hearing. Carpenter, who was elected in 2014, said a June 2013 release date was issued after a former district attorney failed to present evidence at an exit interview earlier that year.

Although more evidence was provided after that interview, the parole board did not hold a hearing with Porter until September 2013, after postponing the June release date. The appeals court ruled evidence presented after the postponement of the release date could not be used to justify the postponement that already occurred.

In his appeal, Porter argued the parole board erred in

rescinding the planned release date, in postponing the release date and in reconvening an exit interview after the planned release date had passed.

In its opinion, the Court of Appeals agreed the board committed legal errors and reversed the board's determination, stating that Porter was entitled to a timely hearing on rescinding the release date, that the board did not provide a statutorily valid reason for postponing the planned release date and that the board could not rely on information received later to justify a prior postponement of the release date.

The appeals court opinion states Oregon law at the time required the imposition of a life sentence with a 30-year minimum period of incarceration. The law also required the board to hold a hearing after 20 years "to determine if the prisoner is likely to be rehabilitated within a reasonable period of time" if the prisoner requested it, which he did.

# Eastern Oregon job growth expected to trail behind state through 2024

By CLAIRE WITHYCOMBE  
Capital Bureau

SALEM — Job growth in Oregon's rural areas — particularly southeastern Oregon — is projected to trail behind the rest of the fast-growing state until 2024, according to the Oregon Employment Department.

Oregon's jobs are expected to grow 14 percent between 2014 and 2024, more than double the national expected rate for that period.

But in Harney and Malheur counties, the number of jobs is expected to increase merely 3 percent until 2024. That's compared to 6 and 7 percent in neighboring counties to the north and west, which is a rate on par with expected job growth nationally.

Counties near the central Columbia River Gorge, meanwhile, are expected to see 11 percent job growth until 2024.

The outlook comes in the broader context of the slow post-recession jobs recovery in rural areas of the state.

While Oregon as a whole has made up the jobs it lost during the Great Recession, that's not the case for many of the state's rural areas — such as Gilliam and Wheeler counties. But the future may be brighter for them: Both are projected to exceed the country's job growth rate until 2024.

Construction, health care and professional and business services jobs are expected to grow the fastest, according to a presentation employment department officials made to lawmakers on the state's workforce committee Thursday.

The high-tech sector is also expected to continue growing — a recent dip in jobs can be attributed to layoffs in the semiconductor industry, but the overall trend is upward, said Nick Belecicks, a state employment economist with the Oregon Employment Department.

Filling those new jobs may be a challenge in rural Oregon, too, though.

Some employers in rural areas say they struggle to attract and retain young talent, Melisa Druge, a business development officer for Business Oregon's Eastern region, told lawmakers.

There are a number of factors at work. For example, many millennials gravitate toward urban centers with cultural amenities.

And finding adequate housing for workers in communities such as Joseph in Wallowa County — where many homes are vacation properties — is a challenge, Druge said.

State Rep. Mark Johnson, R-Hood River, said some employers in the Columbia River Gorge are busing in workers from the Portland and Vancouver areas because they can't find or afford local housing.

"It really defeats the purpose of trying to create communities," Johnson said.

The East Oregonian works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

# Environmentalists sue over USDA's authority to kill wolves

By MATEUSZ PERKOWSKI  
Capital Press

Environmentalists claim the USDA's contract to kill wolves on behalf of Oregon wildlife officials is unlawful because the federal agency hasn't properly analyzed the environmental impacts.

The USDA, meanwhile, argues a lawsuit over the agreement is baseless because Oregon can kill problematic wolves even without federal assistance.

"This is predominantly a state program. The USDA is very much a bit player," said Sean Martin, attorney for the agency, during oral arguments on Feb. 16 in Eugene, Ore.

Wolves in Eastern Oregon are no longer listed as threatened under the federal Endangered Species Act but their population in that region is still managed under a state plan.

USDA's Wildlife Services division killed two wolves at Oregon's behest in 2009, which prompted environmental groups to sue the agency.

Under a settlement deal, USDA agreed to conduct an environmental assessment of its

lethal wolf removal agreement with the Oregon Department of Fish and Wildlife.

In 2014, the USDA's analysis concluded its wolf control activities didn't have significant environmental impacts, but five environmental groups — Cascadia Wildlands, Center for Biological Diversity, Wildearth Guardians, Predator Defense and Project Coyote — challenged that finding in federal court last year.

The plaintiffs asked U.S. District Judge Michael McShane to prohibit Wildlife Services from killing wolves in Oregon because USDA's environmental assessment of the contract violated the National Environmental Policy Act.

USDA failed to take a "hard look" at the impact of killing wolves on the species' population and ecosystem, said John Mellgren, attorney for the environmental groups.

Reducing predation on livestock by killing wolves hasn't conclusively shown to be effective over the long term, so the strategy requires a greater degree of scrutiny by USDA, he said.

"It's not settled science. There is controversy in the scientific community," Mellgren said.

USDA's analysis didn't sufficiently consider the disruption to pack structure from lethal removal and neglected actions against wolves taken in neighboring states, he said.

The plaintiffs also argued that Wildlife Services will dispatch wolves more efficiently than Oregon wildlife managers, which casts doubt on the USDA's claim that Oregon's lethal control activities will proceed without federal help.

Non-target animals can be also killed by traps intended for wolves, but the USDA didn't analyze those impacts as required, Mellgren said.

"We don't know that because it's not disclosed anywhere in the record," he said of the number non-target killings.

The cumulative effects of USDA's involvement in Oregon's wolf control program should have triggered a more comprehensive environmental impact statement, or EIS, he said.

The USDA countered that even if Wildlife Services was

ordered to desist from killing wolves, Oregon's lethal control efforts would continue.

"This isn't some brand new course of action," Martin said.

The lethal expertise offered by USDA doesn't trigger the need for an EIS because killing a few problem wolves has minimal consequences for the species, said Martin.

Lethal removal isn't meant to be a long-term strategy against livestock predation, but rather a response to an immediate problem, he said.

"We're talking about very limited removal of wolves under very circumscribed conditions," Martin said.

The USDA minimizes unintentional killing of non-target species by using devices that reduce the chances smaller animals, such as coyotes and foxes, are caught in traps.

Larger animals, such as cougars and bears, are unlikely to be caught in traps set for wolves anyway, the USDA said.

Even if some coyotes, foxes, cougars and bears are caught in the wolf traps, they're abundant enough in Oregon to render the environmental impact negligible, the agency said.

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## AccuWeather.com Forecast

**TODAY**

Chilly with clouds and sun

**SATURDAY**

Cloudy, showers around; chilly

**SUNDAY**

Mostly cloudy with a little rain

**MONDAY**

Clearing, a shower

**TUESDAY**

Rain, mixed with snow early

PENDLETON TEMPERATURE FORECAST				
45°	33°	41°	32°	44°
33°	41°	32°	44°	34°
HERMISTON TEMPERATURE FORECAST				
46°	36°	42°	31°	44°
36°	42°	31°	44°	33°

### ALMANAC

**PENDLETON**  
through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	57°	37°
Normals	47°	29°
Records	66° (1902)	-8° (1936)

**PRECIPITATION**  
24 hours ending 3 p.m. 0.34"  
Month to date 0.84"  
Normal month to date 0.66"  
Year to date 2.49"  
Last year to date 2.17"  
Normal year to date 2.04"

**HERMISTON**  
through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	39°	32°
Normals	48°	29°
Records	69° (1982)	-5° (1936)

**PRECIPITATION**  
24 hours ending 3 p.m. 0.22"  
Month to date 0.66"  
Normal month to date 0.55"  
Year to date 2.35"  
Last year to date 1.34"  
Normal year to date 1.83"

### SUN AND MOON

	Last	New	First	Full
	Feb 18	Feb 26	Mar 5	Mar 12

Shown is today's weather. Temperatures are today's highs and tonight's lows.

### REGIONAL FORECAST

<b>Coastal Oregon:</b> Mostly cloudy today; a little rain in the south.	<b>Eastern Washington:</b> Times of clouds and sun today.
<b>Eastern and Central Oregon:</b> Mostly cloudy today; however, some sun across the north; a shower near the Cascades.	<b>Cascades:</b> Cloudy today with a shower in places during the afternoon.
<b>Western Washington:</b> Mostly cloudy today; a brief shower or two at the coast.	<b>Northern California:</b> Cloudy today; rain, but a shower in the interior mountains.

### REGIONAL CITIES

	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Astoria	52	40	pc	50	38	sh
Baker City	42	30	pc	40	28	sn
Bend	44	30	c	39	30	c
Brookings	55	43	r	50	42	pc
Burns	38	30	c	39	25	c
Enterprise	43	29	pc	40	30	sn
Eugene	53	41	c	51	39	c
Heppner	46	33	c	42	30	c
Hermiston	46	36	pc	42	31	sh
John Day	44	32	pc	43	32	c
Klamath Falls	45	31	r	44	29	sn
La Grande	46	33	pc	44	33	sn
Meacham	43	31	c	40	29	sh
Medford	54	41	r	52	38	r
Newport	52	42	c	51	42	sh
North Bend	56	44	c	52	43	c
Ontario	41	33	c	41	29	sh
Pasco	45	33	pc	41	28	sh
Pendleton	45	33	pc	41	32	sh
Portland	52	39	c	49	37	sh
Redmond	48	33	c	44	30	c
Salem	54	41	c	52	38	sh
Spokane	43	29	pc	38	30	sn
Ukiah	45	31	c	42	29	c
Vancouver	53	40	c	51	37	sh
Walla Walla	49	33	pc	38	32	sh
Yakima	44	33	c	45	31	sn

### WORLD CITIES

	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Beijing	44	21	s	50	27	s
Hong Kong	74	63	pc	74	63	s
Jerusalem	46	33	s	50	35	s
London	52	41	pc	53	41	pc
Mexico City	73	43	pc	76	45	s
Moscow	31	29	sn	36	27	sf
Paris	52	36	pc	51	34	pc
Rome	59	49	pc	58	40	sh
Seoul	35	19	pc	36	24	s
Sydney	92	73	t	82	66	t
Tokyo	66	41	s	49	38	r

### WINDS

(in mph)	Today	Saturday
Boardman	NE 3-6	WNW 2-4
Pendleton	ENE 4-8	VAR 2-4

### UV INDEX TODAY

0	1	2	1	0	0
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8 a.m. 10 a.m. Noon 2 p.m. 4 p.m. 6 p.m.  
0-2, Low 3-5, Moderate 6-7, High; 8-10, Very High; 11+, Extreme  
The higher the AccuWeather.com UV Index™ number, the greater the need for eye and skin protection.

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### NATIONAL WEATHER TODAY

Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day.

**National Summary:** A storm will bring heavy rain and major flooding to California today. Showers will dampen parts of Texas and Louisiana. Warmth will build in the Midwest and Southeast as chill holds on over the Northeast.

**Yesterday's National Extremes:** (for the 48 contiguous states)  
High 80° in Tamiami, Fla. Low -9° in Champion, Mich.

### NATIONAL CITIES

	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Albuquerque	61	38	pc	61	41	c
Atlanta	68	48	s	63	49	c
Atlanta City	47	34	s	64	48	pc
Baltimore	49	31	s	64	46	pc
Billings	54	30	pc	52	36	pc
Birmingham	67	48	s	63	47	sh
Boston	50	40	s	50	38	sh
Boston	36	25	s	46	37	pc
Charleston, SC	71	47	s	75	53	c
Charleston, WV	61	42	pc	67	47	pc
Chicago	59	42	s	61	36	s
Cleveland	52	42	pc	61	39	s
Dallas	75	57	pc	78	58	pc
Denver	64	33	pc	65	37	pc
Detroit	47	39	pc	60	37	s
El Paso	66	47	pc	68	47	c
Fairbanks	19	-4	pc	14	-11	s
Fargo	50	34	pc	47	35	pc
Honolulu	83	69	pc	82	67	pc
Houston	71	58	sh	82	62	pc
Indianapolis	60	43	s	60	42	pc
Jacksonville	75	44	s	74	52	t
Kansas City	75	44	s	68	46	pc
Las Vegas	61	52	r	57	50	r
Little Rock	69	48	pc	66		