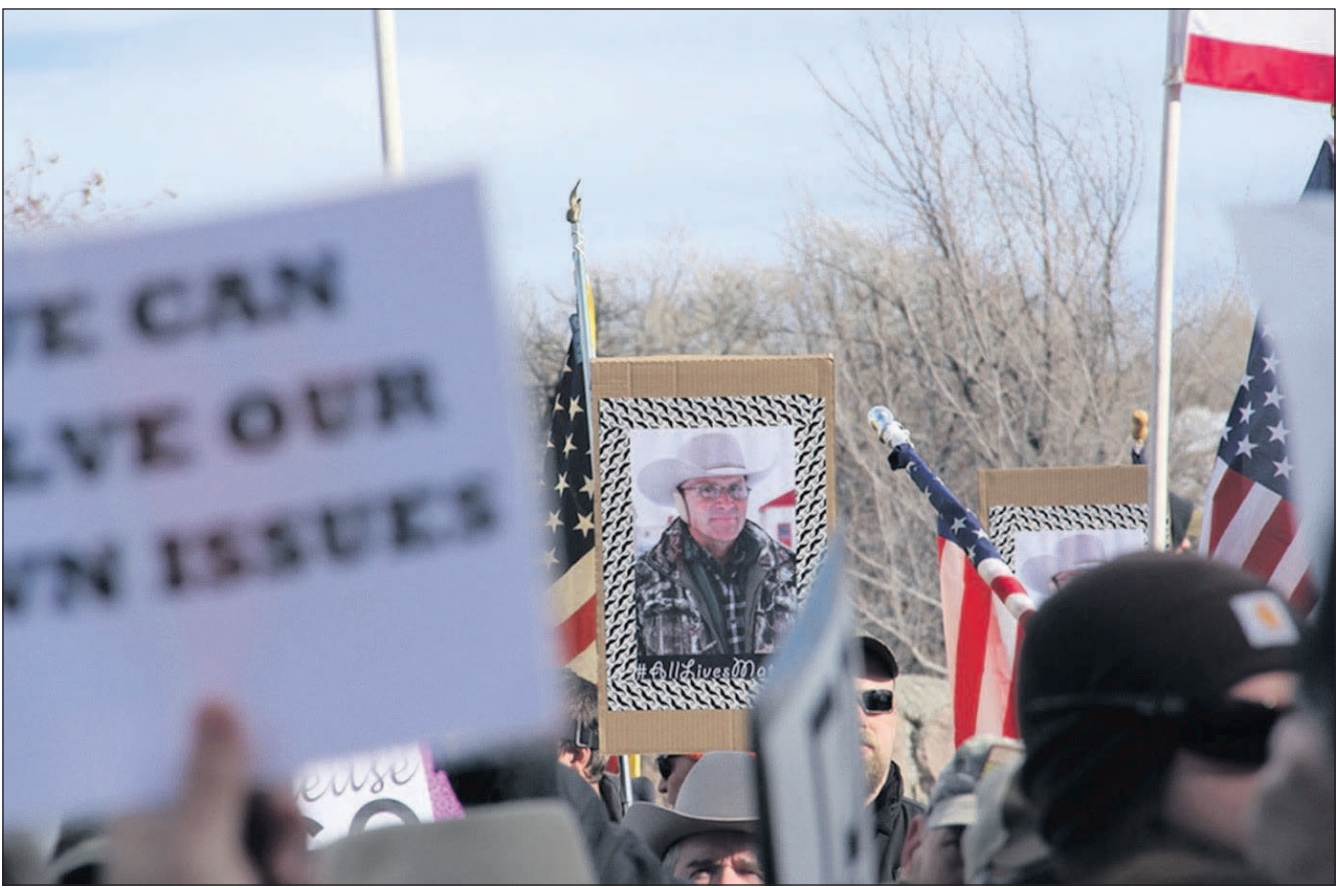


Acquitted, convicted, fined or free: After the Oregon standoff

By TAY WILES
High Country News

The final defendant in the court case stemming from the 2016 armed occupation of Oregon’s Malheur National Wildlife Refuge is set to be sentenced this June in Portland. Blaine Cooper of Arizona, who recruited militia members to join the takeover, pleaded guilty to conspiracy to impede federal officers in July 2016. Since then, 25 people have been acquitted, convicted or had their case dismissed for their parts in the refuge occupation.

The 26-person indictment came after Ammon and Ryan Bundy, sons of Nevada rancher Cliven Bundy, led a group of people to take over U.S. Fish and Wildlife buildings at the refuge near Burns, demanding the lands be handed over to local control. The Bundys described the action as a stand against federal tyranny and government mismanagement of natural resources. Dozens of people from across the country joined the occupation, which lasted 41 days. It ended on Feb. 11, 2016, when FBI agents forced the final four protesters to surrender. The occupation stemmed from the jailing of two local ranchers, Dwight and Steven Hammond, who had previously been convicted of arson on federal land. The ranchers had been in a long-standing dispute with the Bureau of Land Management over grazing rights. Inspired by the Hammonds’ plight, Ammon Bundy helped rally hundreds of people to march through the town of Burns in protest of a renewed jail sentence. Directly following the march, Bundy announced he was moving the protest to the nearby wildlife refuge, to “take a hard stand.” While most protesters took their leave at that point, a small group followed Bundy to the refuge. The occupation elicited harsh criticism from members of the Burns Paiute Tribe, whose ancestral lands include the refuge, other locals who disagreed with the Bundys’ armed tactics, and public lands advocates across the country. In October 2016, jurors acquitted Ammon and Ryan Bundy, alongside five others, of charges ranging from conspiracy to possession of firearms in federal

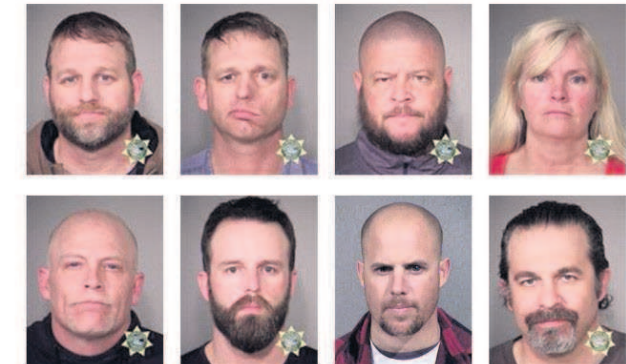


A sign is displayed with the picture of LaVoy Finicum as part of the demonstrations outside the Harney County Courthouse in Burns on in February 2016. Hundreds gathered to protest and support the armed occupation of a national wildlife preserve.

facilities and depredation of government property. One juror told The Oregonian that the prosecutors failed to prove conspiracy, the charge on which the others hinged. Once the jurors acquitted the defendants on conspiracy, the court’s instructions required them to acquit on firearms charges. Federal prosecutors honed their legal strategy and won convictions of four other occupiers in March 2017. Fourteen people have taken plea deals. One occupier, Pete Santilli, had charges dismissed in September 2016.

Meanwhile, FBI agent Joseph Astarita is being prosecuted in Oregon for lying about his involvement in the January 2016 roadside stop of several occupiers, which ended in the death of LaVoy Finicum of Arizona. Astarita has pleaded not guilty to obstruction of justice and making a false statement. Federal prosecutors contend the agent lied about the incident by saying he did not fire shots at Finicum, when in fact he did. Astarita’s trial is set to begin in Portland July 24.

Here’s a breakdown of consequences for the Malheur defendants:



Multnomah County Sheriff’s Office/Maricopa County Sheriff’s Office via AP
This combination of photos provided by the Multnomah County Sheriff’s Office and the Maricopa County Sheriff’s Office shows eight people involved in the occupation of the headquarters of the Malheur National Wildlife Refuge in Oregon in Jan. 2016, who were arrested on Jan. 26, 2016. Top row from left are Ammon Bundy, Ryan Bundy, Brian Cavalier and Shawna Cox. Bottom row from left are Joseph Donald O’Shaughnessy, Ryan Payne, Jon Eric Ritzheimer and Peter Santilli.

ACQUITTED: Ammon Bundy, Ryan Bundy, Shawna Cox, David Fry, Jeff Banta, Neil Wampler and Kenneth Medenbach.

CONVICTED AND SENTENCED:

Jason Patrick: Convicted of conspiracy to impede, trespass, tampering with vehicles and equipment, and destruction and removal of property. Sentenced to 21 months in prison, three years

supervision, and \$10,000 in restitution to Friends of the Malheur Refuge.

Duane Ehmer: Convicted of depredation of government property, trespass and tampering with vehicles and equipment. Sentenced to a year in prison, three years supervision, and \$10,000 in restitution to the Burns Paiute Tribe.

Jake Ryan: Convicted of depredation of government

property, trespass and tampering with vehicles and equipment. Sentenced to one year in prison, three years supervision, and \$10,000 in restitution to the Burns Paiute Tribe.

Darryl Thorn: Convicted of conspiracy to impede, possession of firearms in a federal facility, trespass and tampering with vehicles and equipment. Sentenced to 18 months imprisonment, three years of supervision, and \$5,000 in restitution to Friends of the Malheur Wildlife Refuge.

Ryan Payne: Pleased guilty to conspiracy. Sentenced to 37 months in prison, three years supervision, and \$10,000 in restitution to Friends of Malheur National Wildlife Refuge.

Jon Ritzheimer: Pleased guilty to conspiracy. Sentenced to a year in prison, three years of supervision, and \$10,000 in restitution to Friends of the Malheur National Wildlife Refuge.

Joe O’Shaughnessy: Pleased guilty to conspiracy. Sentenced to time served, two years of supervision, and \$7,000 in restitution to Friends of Malheur National Wildlife Refuge.

Brian Cavalier: Pleased

guilty to conspiracy to impede and possession of firearms in a federal facility. Sentenced to time served, three years of supervision and \$7,000 in restitution to the Friends of Malheur National Wildlife Refuge.

Dylan Anderson: Pleased guilty to trespass. Sentenced to a year of probation and \$1,000 in restitution to the U.S. Fish and Wildlife Service.

Sean Anderson: Pleased guilty to trespass. Sentenced to a year of probation and \$1,000 in restitution to the U.S. Fish and Wildlife Service.

Sandra Anderson: Pleased guilty to trespass. Sentenced to a year of probation and \$1,000 in restitution to the U.S. Fish and Wildlife Service.

Wesley Kjar: Pleased guilty to conspiracy. Sentenced to two years probation and \$3,000 in restitution to Friends of the Malheur National Wildlife Refuge.

Corey Lequieu: Pleased guilty to conspiracy. Sentenced to 30 months in prison, three years of supervision and \$7,000 to the Friends of Malheur National Wildlife Refuge

Jason Blomgren: Pleased guilty to conspiracy. Sentenced to two years probation and \$3,000 in restitution to Friends of Malheur National Wildlife Refuge.

Travis Cox: Pleased guilty to conspiracy. Sentenced to two years probation and \$3,000 to the Friends of Malheur National Wildlife Refuge.

Eric Lee Flores: Pleased guilty to conspiracy. Sentenced to two years probation and \$3,000 to the Friends of Malheur National Wildlife Refuge.

Geoffrey Stanek: Pleased guilty to conspiracy. Sentenced to two years probation and \$3,000 to the Friends of Malheur National Wildlife Refuge.

Blaine Cooper: Pleased guilty to conspiracy. Scheduled for sentencing in June and was already ordered to pay \$7,000 to the Friends of Malheur National Wildlife Refuge.

Note: This story has been updated to include additional information on restitution.

Tay Wiles is an associate editor for High Country News. taywiles@hcn.org

BRIEFLY

Southern Oregon anglers get 100-day chinook season

PORTLAND (AP) — Federal fish managers have delivered good news to anglers in southern Oregon. One year after a crash in Klamath River salmon returns sparked a full-scale closure to sport and commercial fishing, anglers in that part of the state will get an uninterrupted season from May 19 through Aug. 26. The Mail Tribune reports the framework was the most liberal option under consideration by the Pacific Fishery Management Council when its members set the seasons Tuesday during a meeting in Portland. Sport salmon fishing in the ocean off the Columbia River will open June 23 and is expected to run through Labor Day, unless salmon quotas are reached earlier.

Officials identify victim of fall at Smith Rock State Park

BEND (AP) — The Deschutes County Sheriff’s Office has identified a climber who fell about 200 feet to his death at Smith Rock State Park in central Oregon. Authorities on Wednesday identified the climber as 20-year-old Alexander Reed of Bend. Reed was on the popular Misery Ridge Trail on Tuesday morning when other hikers heard him yell before he fell. He was pronounced dead at the scene. Authorities say Reed was equipped with a climbing harness and rope but was not climbing at the time of the fall. The Bend Rock Gym posted a message on Facebook that expressed shock at Reed’s death and urged others in the community to stop by the gym to remember him.

Officials OK cut in sport chinook harvest off Washington

SEATTLE (AP) — Officials approve a measure that will sharply cut the sport chinook harvest off Washington’s coasts. The Seattle Times reports the move Tuesday by the Pacific Fishery Management Council will cap the overall harvest for recreational fishermen off Washington this year at 27,500 fish. That’s nearly a 40 percent drop from the past year. The chinook salmon are fewer than in years past because of climate conditions that have reduced their rate of survival. A rise in ocean temperatures off the Northwest coast in 2015 and 2016 knocked back the chinook’s prime food supplies and reduced their survival rates.

Elk culling an option for public safety

New pilot program offers a pathway

By R.J. MARX
EO Media Group

GEARHART — A new state pilot program intended to control the urban deer population could help cull the elk herds that roam the North Coast. Cities that declare deer a public nuisance can petition the state Department of Fish and Wildlife for help to reduce population levels starting next January.

“It’s not specifically about elk,” Doug Cottam, the state wildlife division administrator, said at a Gearhart City Council meeting last Wednesday. “It lays out a very good pathway for a community like this when considering something as controversial as lethally removing animals from an urban area.”

The state has to adopt rules for how deer would be taken, but the law that created the pilot program specifies that darts or lethal injection are prohibited. Any deer harvested would be shared to the extent feasible with local food banks or other charities.

“In this case, it’s designed to have the cities have their own agents kill the deer in their own way or manner to have the deer salvaged for charity so they don’t go to waste,” Cottam said.

City Attorney Peter Watts



John Dudley
Gearhart and other cities are concerned about elk. not-forsale

said the pilot program could be an “advocacy opportunity” for opponents or proponents of culling elk.

Department of Fish and Wildlife officials came to Gearhart last week at the city’s request amid growing concerns about elk.

“We want to get as much specific information as possible to continue to educate and mitigate some of these safety issues,” Mayor Matt Brown said.

Herman Biederbeck, a state wildlife biologist who manages the elk herds within the Saddle Mountain Wildlife Management Unit, said about 5,500 elk populate Clatsop County.

In Gearhart, there are about 75 animals, he added, a number that fluctuates as the herd ranges from the city limit with Seaside to Sunset Beach State Recreation Site.

Biederbeck urged a no-feeding policy for the elk and signs to alert residents

and tourists of elk concerns. He suggested having law enforcement or city employees intervene when people are improperly interacting with elk.

“Even a dog on a leash — if you get too close with a dog — elk do not like dogs,” he said. “Dogs are a lightning rod for elk.”

Hazing elk is permissible within city limits, after a homeowner acquires a permit from the state. Using a leaf blower, pots and pans or a broom to shoo away animals does not require a permit.

“That’s a totally different matter if you own a farm or golf course and you try to drive them off,” Biederbeck said. “That’s a classic situation where you would need a permit.”

Relocation of the herd was generally rejected by wildlife officials at the meeting. “Tracking and relocating elk has several challenges,” Biederbeck said.

Some of the challenges involve a lack of places to move the animals and the potential spread of disease. After trapping some elk, the remaining elk become “trap shy,” he said. Trapping efforts are also often sabotaged by residents who oppose the idea.

A disease called elk hoof rot has emerged in northern Oregon, Cottam said. “We do not want to move and spread this disease,” he said. “If there was any time to move elk, I believe that time is past.”