

After 15 years, ranchers and government defeat Malheur Forest anti-grazing lawsuit

Judge dismisses environmental complaint filed 15 years ago

By MATEUSZ PERKOWSKI
EO Media Group

Ranchers and the federal government have defeated a 15-year-old environmental lawsuit that claimed grazing imperils threatened bull trout in Oregon's Malheur National Forest.

U.S. District Judge Michael Mosman has dismissed the complaint, which was originally filed by the Oregon Natural Desert Association and the Center for Biological Diversity in early 2003.

The environmental plaintiffs sought to prohibit livestock grazing on "units of concern" in seven allotments along the Malheur and North Fork rivers, arguing the waterways contain only 100 bull trout despite having

the capacity for 4,000 of the protected fish.

Last year, however, U.S. Magistrate Judge Paul Papak dealt the case a blow when he found that grazing authorizations hadn't likely caused the decline in bull trout populations, which have suffered from the introduction of non-native fish, dam-building and other factors.

Mosman has now agreed with the recommendation to throw out the lawsuit because the plaintiffs haven't established the U.S. Forest Service violated the National Forest Management Act and Wild and Scenic Rivers Act by approving grazing plans.

Jeff Hussey, a rancher affected by the lawsuit, said he's excited the judge took the time to look at the science and "sort through the mumbo-jumbo."

The ruling recognizes that ranchers in the area want to graze livestock in an ecologically and economically sustainable way, he said.

"We're not trying to take



U.S. Fish and Wildlife Service

A judge has dismissed a 15-year-old lawsuit over bull trout brought by environmentalists.

advantage of the system," Hussey said. "We just want to run our cows and run them right."

Elizabeth Howard, attorney for affected ranchers, said the ruling validates the Forest Service's methods for implementing grazing and monitoring its effects.

It also shows that plaintiffs overestimated the amount of paperwork that's necessary for the agency to comply with

conservation plans for fish, she said.

While the ruling is a victory, two ranches preferred to sell their grazing permits rather than continue with the lengthy litigation, Hussey said.

"That's how hard it's been on some of these guys. They just gave up," he said.

Mac Lacy, attorney for ONDA, said the group is still reviewing the decision but is

disappointed the "court failed to explain why it was reasonable for the Forest Service to collect, but then ignore" data regarding "riparian management objectives" under the agency's strategy for preserving inland fish.

Ranchers who rely on the grazing allotments, which span tens of thousands of acres, intervened in the case to defend the government's grazing authorizations.

A major point of contention in the case was whether the Forest Service was properly monitoring stream conditions to ensure grazing doesn't degrade the bull trout's habitat.

Lacy had argued the agency was relying on "proxy" data — such as grass stubble height and alteration to stream banks — that didn't reflect worsening conditions in the waterways.

"These failures, to the extent they're showing up in the record, are getting worse over time," Lacy said during oral arguments last year.

Egg nests laid by bull trout are trampled by cattle, which also raise water temperatures to unhealthy levels by widening streams and denuding vegetation, the plaintiffs claimed.

Stephen Odell, attorney for the Forest Service, countered that the environmental plaintiffs were "cherry-picking" data from problematic "hot spots" that don't represent broader conditions.

Forest Service scientists have determined streambank alteration and stubble height are useful measures of progress that show conditions are improving, he said.

"The record does not show ongoing negative effects from grazing," Odell said during last year's oral arguments.

Over the objections of the environmental groups, both judges overseeing the case agreed the Forest Service was permitted to analyze habitat health on the "watershed or landscape scale, rather than stream by stream."

State knew of abuse case against family before crash

PORTLAND (AP) — Oregon child welfare officials knew the family in an SUV that plunged off a California cliff had faced a child abuse investigation in another state when it looked into allegations in 2013, according to documents released Monday.

Oregon Child Protective Services obtained records from Minnesota prior to investigating Jennifer and Sarah Hart in July 2013, KOIN-TV in Portland reported Monday. But the agency closed the case with investigators concluding that they were "unable to determine" whether there was abuse in the home, despite some indications of abuse or neglect.

Records obtained by the TV station show the agency found "some indications of child abuse or neglect" but insufficient information to conclude that it occurred.

California authorities have determined that Jennifer Hart was drunk when she drove her large family off a Northern California

cliff last month and they suspect the crash was intentional. They are still trying to determine a motive.

Toxicology results showed Jennifer Hart's wife and several children had large amounts of a drug in their systems that can cause drowsiness.

The crash happened just days after authorities in Washington state — where the family moved last year from Oregon — opened an investigation following allegations the children were being neglected.

A neighbor of the Harts in Woodland, Washington, had filed a complaint with the state, saying the children were apparently being deprived of food as punishment. No one answered when social workers checking on the report knocked on the family's door March 23, days before their SUV was found off a cliff in Mendocino County north of San Francisco.

Long before the crash, Sarah Hart pleaded guilty in 2011 to a domestic assault charge in

Minnesota over what she said was a spanking given to one of her children.

Alexandra Argyropoulos previously told The Associated Press that she contacted Oregon child welfare officials in 2013. The former Hart family friend said she "witnessed what I felt to be controlling emotional abuse and cruel punishment" toward the six children.

Oregon child-welfare officials previously declined to disclose any information about the family, citing privacy laws. But records obtained by the TV station show state child-welfare investigators first tried to contact the family on July 19, 2013.

They didn't observe anyone at home and left a card asking the family to contact a caseworker. Three days later, Sarah Hart called the caseworker, saying the family was soon going out of town. She denied that the children were undernourished, KOIN-TV reported.

Google touts \$1.8B data center investment

PORTLAND (AP) — Google has issued a report highlighting the economic contributions of its six U.S. data centers, including its original facility in The Dalles.

The Silicon Valley company said Monday it has invested \$10.5 billion building data centers across the country since 2006, when it opened its Oregon location along the Columbia River. The company was the first of several large data hosting companies to capitalize on Oregon's relatively low power costs and uniquely advantageous tax structure.

Google opened its third data center in The Dalles in February and now employs 200 there, according to the report. It has invested \$1.8 billion altogether, mostly to buy thousands of pricey servers to host Gmail, photos, movies and untold terabytes of corporate data.

Oregon's big draw for data centers is the absence of a state sales tax, which

saves companies hundreds of millions of dollars on those servers, and a property tax exemption under Oregon's enterprise zone program that's worth even more. Apple, Facebook and Amazon all enjoy similar benefits in other parts of central and Eastern Oregon.

Wasco County estimates Google's property tax breaks were worth just shy of \$140 million to Google since 2006.

While Google's 200 local jobs don't amount to much on a statewide level, Oregon data centers do have a significant impact in the small communities where they operate. Wasco County has about 10,640 jobs altogether, according to the Oregon Employment Department.

And data centers' considerable electricity use — they often consume as much energy as entire small towns — generate local franchise fees that boost public budgets.

Corrections

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.

EAST OREGONIAN

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AccuWeather Forecast

TODAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Mostly sunny and warmer	Sunny and pleasantly warm	Very warm with sunshine	Variable cloudiness	Not as warm; a morning shower

AccuWeather

DOWNLOAD THE APP

PENDLETON TEMPERATURE FORECAST					
76°	45°	79°	45°	79°	50°
80°	41°	83°	46°	84°	51°

HERMISTON TEMPERATURE FORECAST					
77°	49°	77°	49°	77°	49°
83°	52°	83°	52°	83°	52°

ALMANAC

PENDLETON

through 3 p.m. yesterday

TEMPERATURE

HIGH	LOW
63°	32°
64°	40°
Normals	64°/40°
Records	89° (1910) 26° (2013)

PRECIPITATION

24 hours ending 3 p.m.	0.00"
Month to date	1.37"
Normal month to date	0.90"
Year to date	5.08"
Last year to date	7.55"
Normal year to date	4.86"

HERMISTON

through 3 p.m. yesterday

TEMPERATURE

HIGH	LOW
67°	30°
67°	41°
Records	86° (2012) 24° (2013)

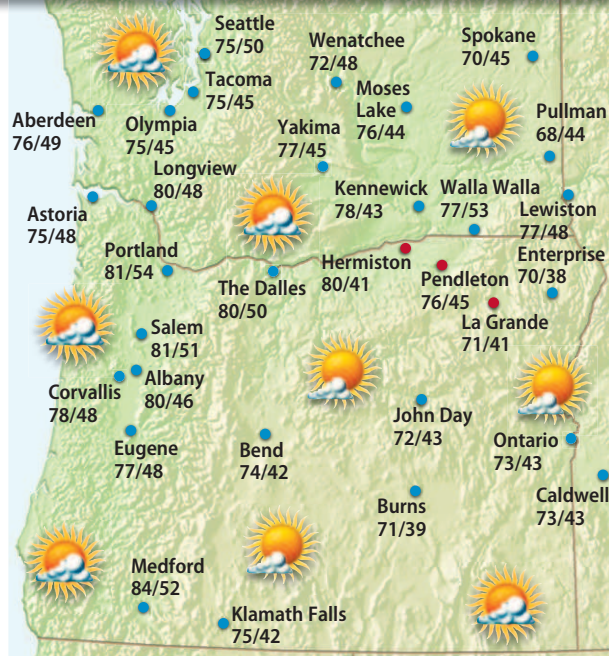
PRECIPITATION

24 hours ending 3 p.m.	0.00"
Month to date	1.55"
Normal month to date	0.64"
Year to date	3.93"
Last year to date	5.47"
Normal year to date	3.75"

SUN AND MOON

Sunrise today	5:54 a.m.
Sunset tonight	7:53 p.m.
Moonrise today	2:02 p.m.
Moonset today	3:34 a.m.

Full	Last	New	First
Apr 29	May 7	May 15	May 21



REGIONAL FORECAST

Coastal Oregon: Partial sunshine today. Partly cloudy tonight.

Eastern Washington: Mostly sunny today. Mostly clear tonight. Sunny tomorrow.

Eastern and Central Oregon: Mostly sunny and pleasant today. Mainly clear tonight. Mostly sunny tomorrow.

Cascades: Partly sunny today; pleasant. Mainly clear tonight. Partly sunny tomorrow.

Northern California: Partly sunny today. Partly cloudy tonight. Sunshine and patchy clouds tomorrow.

REGIONAL CITIES

	Today			Wed.		
	Hi	Lo	W	Hi	Lo	W
Astoria	75	48	pc	73	51	s
Baker City	80	37	s	77	41	s
Bend	74	42	pc	80	45	pc
Brookings	63	48	pc	63	48	s
Burns	71	39	s	78	45	s
Enterprise	70	38	s	73	41	s
Eugene	77	48	pc	79	49	pc
Heppner	74	46	s	77	43	s
Hermiston	80	41	s	83	46	s
John Day	72	43	s	79	46	s
Klamath Falls	75	42	s	80	43	s
La Grande	71	41	s	76	42	s
Meacham	69	40	s	74	40	s
Medford	84	52	pc	88	54	s
Newport	72	47	pc	65	49	pc
North Bend	69	48	pc	67	49	pc
Ontario	73	43	s	79	46	t
Pasco	78	44	s	83	46	t
Pendleton	76	45	s	79	45	s
Portland	81	54	pc	84	59	s
Redmond	77	39	pc	83	45	s
Salem	81	51	pc	82	53	pc
Spokane	70	45	s	72	47	s
Ukiah	70	37	s	75	38	s
Vancouver	79	51	pc	81	56	s
Walla Walla	77	53	s	79	51	s
Yakima	77	45	s	82	49	s

WORLD CITIES

	Today			Wed.		
	Hi	Lo	W	Hi	Lo	W
Beijing	75	49	pc	78	53	s
Hong Kong	80	72	t	79	73	pc
Jerusalem	77	57	s	67	53	t
London	58	46	r	58	44	t
Mexico City	75	57	pc	77	56	pc
Moscow	54	42	pc	55	43	r
Paris	69	52	pc	63	43	pc
Rome	73	55	pc	74	54	pc
Seoul	66	61	s	71	45	s
Sydney	73	62	s	76	63	pc
Tokyo	70	65	c	73	62	r

WINDS

(in mph)	Today	Wednesday
Boardman	NE 6-12	NE 4-8
Pendleton	E 4-8	N 6-12

UV INDEX TODAY

2	4	6	6	4	2
8 a.m.	10 a.m.	Noon	2 p.m.	4 p.m.	6 p.m.

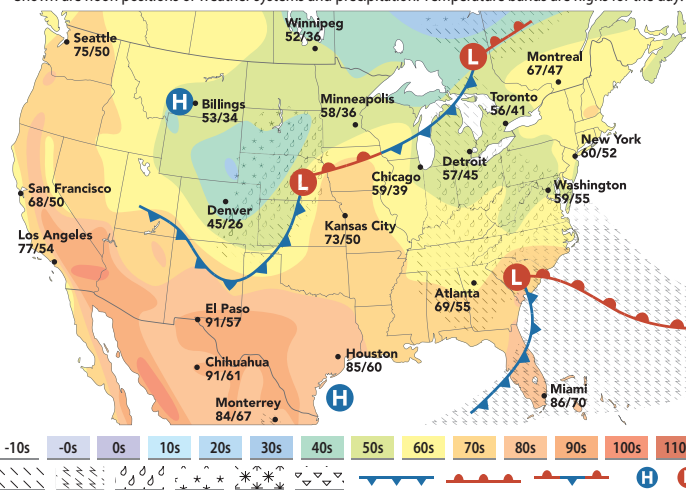
0-2, Low 3-5, Moderate 6-7, High; 8-10, Very High; 11+, Extreme

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 rainstorm will continue to advance northward in the Eastern states today. A batch of rain and wet snow will affect parts of the central and northern Plains. Warmth will build over much of the West.

Yesterday's National Extremes: (for the 48 contiguous states)

High 101° in Needles, Calif. **Low** 16° in Saranac Lake, N.Y.

NATIONAL CITIES

	Today			Wed.			Today			Wed.			
	Hi	Lo	W	Hi	Lo	W	Hi	Lo	W	Hi	Lo	W	
Albuquerque	82	47	pc	71	50	s	Louisville	63	54	r	67	44	c
Atlanta	69	55	c	70	54	pc	Memphis	70	53	pc	70	53	sh
Baltimore	59	52	r	59	51	r	Miami	86	70	pc	87	66	pc
Birmingham	70	55	pc	72	54	pc	Minneapolis	55	38	r	49	34	pc
Boise	72	47	s	77	48	s	Minneapolis	58	36	c	60	42	s
Boston	63	48	pc	55	49	r	Nashville	64	54	sh	67	51	c
Charleston, SC	78	60	c	79	58	pc	New Orleans	79	62	s	80	63	c
Chicago, IL	66	59	c	61	39	sh	New York City	60	52	pc	58	50	r
Cleveland	55	42	r	49	36	c	Oklahoma City	75	48	s	57	42	r
Dallas	82	58	s	69	47								