Judge upholds Hells Canyon grazing permits

By JAYSON JACOBY
EO Media Group

BAKER CITY — A federal judge has upheld a magistrate's March order allowing cattle grazing to continue in a section of Hells Canyon despite an environmental group's contention that grazing imperils a threatened plant.

Judge Michael H. Simon adopted the findings of Magistrate Judge Patricia Sullivan, who in March recommended denial of a motion for summary judgment from the Greater Hells Canyon Council of La Grande, which sued the Forest Service in January 2018.

Sullivan recommended approving a motion for summary judgment by the Forest Service and two intervenors in the lawsuit — McClaran Ranch Inc., which has the permit to graze cattle in the contested area, and Wallowa County.

A summary judgment means the judge believes one side in a lawsuit should prevail without having to take the matter to trial.

Darilyn Parry Brown, the Greater Hells Canyon Council's executive director, said the plaintiffs will be meeting with their attorneys to discuss the lawsuit.

Kris Stein, who manages the Forest Service's Hells Canyon National Recreation Area and Eagle Cap Ranger District, said she was pleased that Simon upheld Sullivan's March ruling.

The Greater Hells Canyon Council's lawsuit named as defendants the U.S. Forest Service and Stein.

Greater Hells Canyon Council argues that cattle grazing along the lower Imnaha River endangers the Spalding's catchfly, a perennial species that the U.S. Fish and Wildlife Service listed as threatened in October 2001.

Spalding's catchfly grows on grassland prairies mainly in the Palouse region of Washington, as well as in parts of Oregon, Idaho and Montana, according to the Fish and Wildlife Service. Its name, "catchfly," refers to the dense, sticky hair that cover its leaves and stems and can trap insects and dust.

In September 2015 Stein signed a decision allowing grazing to continue on four allotments covering about 44,000 acres.

During an analysis that preceded Stein's decision, Forest Service employees found 948 Spalding's catchfly plants, distributed among 70 patches and three of the allotments, in that area.

Capital Press File Photo

A federal judge has upheld a magistrate's March order allowing cattle grazing to continue in a section of Hells Canyon despite an environmental group's contention that grazing imperils a threatened plant.

No plants were found in one of the allotments.

The plaintiff described the catchfly population in the grazing allotments as "vulnerably small."

There are much larger populations, of around 40,000 plants, on The Nature Conservancy's Zumwalt Preserve, also in Wallowa County, according to the Fish and Wildlife Service.

In the 2015 decision authorizing grazing to continue in areas with catchfly populations, Stein acknowledged that "there is uncertainty about the extent of the effects of cattle grazing on Spalding's catchfly or habitat."

However, she wrote that she picked the option that "provides the most complete range of options for protecting Spalding's catchfly habitat." That option, Stein wrote, "introduces additional management activities to protect the habitat and plants while monitoring changes to determine the effectiveness of those management changes."

One of those activities is changing the grazing rotation in some areas to reduce the risk that cattle will eat Spalding's catchfly plants or trample on the plants or its habitat.

Stein said cattle graze in the allotments from November through May.

Greater Hells Canyon Council did not seek an injunction to stop grazing while the lawsuit is in court.

Officials from Greater Hells Canyon Council point out that the Forest Service's 2003 management plan for the Hells Canyon National Recreation Area requires the agency to have a recovery plan for all threatened species, including Spalding's catchfly.

Sullivan wrote in her findings in March that "the Forest Service used the best available science to determine that its decision would benefit the catchfly. The Forest Service's choices of how to proceed with limited data and in the face of uncertainty were decisions within Forest Service's expertise that are entitled to deference."

Sullivan also concluded that the Forest Service complied with federal environmental laws in approving grazing plans for the four allotments, and that the agency had adequate information about the Spalding's catchfly to assess the potential effects of grazing on the plant.

Forecast for Pendleton Area

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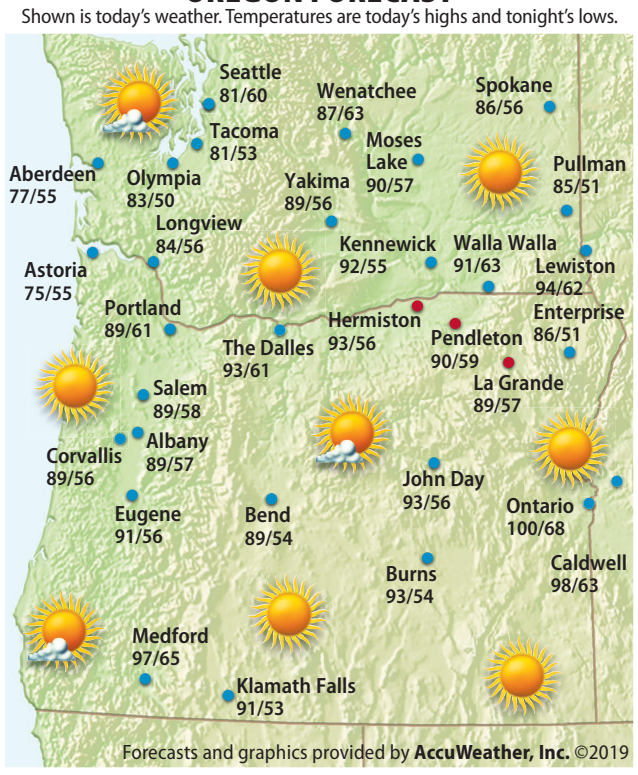
TODAY	SUNDAY	MONDAY	TUESDAY	WEDNESDAY
Sunny	Mostly sunny and hot	Mostly sunny and hot	Mostly sunny and hot	Partly sunny
PENDLETON TEMPERATURE FORECAST				
90° 59°	96° 61°	99° 64°	99° 66°	100° 63°
HERMISTON TEMPERATURE FORECAST				
93° 56°	99° 58°	102° 62°	101° 66°	100° 64°

OREGON FORECAST

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



Forecasts and graphics provided by **AccuWeather, Inc.** ©2019

ALMANAC

PENDLETON through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	89°	66°
Normals	90°	60°
Records	107° (1898)	40° (1897)

PRECIPITATION

24 hours ending 3 p.m.	0.00"
Month to date	0.00"
Normal month to date	0.02"
Year to date	9.61"
Last year to date	6.49"
Normal year to date	7.97"

HERMISTON through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	94°	69°
Normals	90°	59°
Records	104° (1965)	44° (1987)

PRECIPITATION

24 hours ending 3 p.m.	0.00"
Month to date	0.00"
Normal month to date	0.01"
Year to date	4.56"
Last year to date	5.10"
Normal year to date	5.93"

WINDS (in mph)

	Today	Sun.
Boardman	NNE 4-8	NNE 4-8
Pendleton	NNW 6-12	N 6-12

SUN AND MOON

Sunrise today	5:40 a.m.
Sunset tonight	8:22 p.m.
Moonrise today	8:47 a.m.
Moonset today	10:20 p.m.

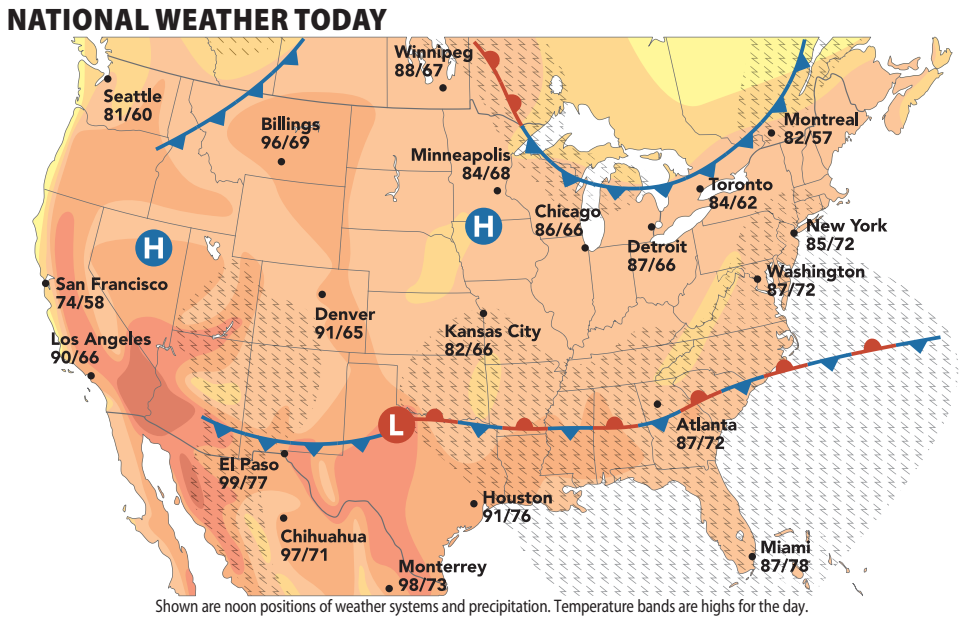
First	Full	Last	New
Aug 7	Aug 15	Aug 23	Aug 30

NATIONAL EXTREMES

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

High 116° in Thermal, Calif. **Low** 35° in Boca Reservoir, Calif.

NATIONAL WEATHER TODAY



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

-10s -0s 0s 10s 20s 30s 40s 50s 60s 70s 80s 90s 100s 110s

showers t-storms rain flurries snow ice cold front warm front stationary front high low

Transforming Oregon's public schools begins with one person

Tamara Dykeman charged with putting the Student Success Act into action

By CLAIRE WITHYCOMBE
Oregon Capital Bureau

SALEM — Oregon's ambitious and costly plan to transform its public schools begins with one person.

The first employee — one of dozens — charged with putting the Student Success Act into action joined the state's education department on Thursday.

Lawmakers voted in May to raise new tax dollars to boost the amount of money flowing toward Oregon's public schools by $1 billion every year.

It's a major effort to increase academic achievement, improve students' mental health, boost high school graduation rates and improve Oregon kids' long-term prospects.

That first employee, Tamara Dykeman, will coordinate, plan and put into action the programs paid for by the Student Success Act, according to the job description.

While she has a myriad of duties, much of the work will involve shepherding the agency through the landmark new program.

Dykeman, who previously worked as an analyst for the legislative policy and research office, is expected to work with multiple teams, offices and divisions of the education department and advise department leaders on how the agency can innovate, grow and improve.

She will report to the department's director and deputy superintendent of public instruction, Colt Gill.

Among her other duties, Dykeman is also supposed to foster relationships inside and outside the agency, bringing together students, teachers, school districts and other interested people and groups to make the legislation effective.

"It's one that we are diving into as quickly as possible, but as cautiously and thoughtfully as possible"

Colt Gill,
Department's director

The money raised by the new tax will support new and ongoing state efforts to renew Oregon's flagging public education system.

Those efforts range from increasing preschool slots to helping Latinx, Native American and Black students do better in school to cutting class sizes.

Over the next year, the department plans to hire about 70 new workers to make the expanded programs run, including grant managers and research analysts.

Lawmakers authorized $25 million to pay for those positions, contracts and "other costs necessary" to implement the law.

Legislators directed the department to improve education for Oregon students who aren't being adequately served by its public schools, Gill said.

For example, a good share of the money will go to school districts and charter schools for "student investment."

The state will apply the same formula the state normally uses to distribute money for schools, but with a key tweak.

The process will be weighted to account for poverty in a given school district to boost the education money available for poor students.

"I think that's a critical aspect," Gill said.

Districts have to have a plan for spending the money that has been approved by the education department to get the extra state money, according to legislative records.

Those positions will include auditors to check that all that new money is spent properly.

"The Legislature was really clear around designing the implementation of this process around two things," Gill said. "One is that we keep equity at the forefront, and the second is that we are accountable for the public dollars that we're spending."

Local school districts won't start seeing the new money until the 2020-21 school year.

Gill noted that the Student Success Act is the state's largest investment in education in at least three decades.

"It's one that we are diving into as quickly as possible, but as cautiously and thoughtfully as possible," Gill said.

Two other state agencies are expanding to brace for the expanded schools effort. The state Revenue Department got an extra $4 million to put in place the system to collect the new corporate tax and the state Justice Department received $460,000 to work on legal issues around the new tax.

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.

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