

Environmentalists seek reversal of Hammonds' grazing permits

By MATEUSZ PERKOWSKI
Capital Press

BURNS — After winning a court order limiting grazing, environmentalists are now seeking to overturn the federal government's grazing authorization for two Oregon ranchers convicted but later pardoned for arson.

Dwight and Steven Hammond, a father and son who own a ranch near Diamond, recovered their grazing permits in early 2019 after receiving a full pardon last year from President Donald Trump for setting fire to public rangelands.

Both were released from prison in July 2018 before completing their full 5-year mandatory minimum sentences, but they were still prohibited from running cattle on four U.S. Bureau of Land Management allotments near their ranch.

Former Interior Secretary Ryan Zinke, who oversaw the BLM, decided to reinstate their grazing permits in January because the pardons "constitute unique and important changed circumstances" that warranted a reversal of the agency's 2014 denial of their permit renewal request.

Several environmental groups — Western Water-



Capital Press Photo

U.S. District Judge Michael Simon is considering a bid by environmental groups to overturn Dwight and Stephen Hammond's grazing permits.

sheds Project, Center for Biological Diversity and Wildearth Guardian — filed a lawsuit earlier this year arguing that Zinke's decision violated federal environmental laws.

In July, U.S. District Judge Michael Simon issued an injunction that reduced how much grass the Hammonds' cattle can consume

and restricting which areas they could graze.

The environmental plaintiffs have now filed a motion for summary judgment, asking the judge to vacate the Hammonds' grazing permits because their presidential pardons "did not alter the conduct, acts and behavior" that led up to the denial of their

grazing permits.

"BLM's permit nonrenewal decision did not rely upon the Hammonds' arson convictions alone; it also relied upon conduct underlying the other counts for which the Hammonds did not meet the criminal standard of guilt but could be held civilly liable," according to the environmentalists.

The plaintiffs argue that BLM's reinstatement of the grazing permits violated the Federal Land Policy and Management Act, or FLPMA, which requires "satisfactory record of performance and substantial compliance with federal regulations" that the Hammonds lack.

The agency also violated the National Environmental Policy Act, or NEPA, by granting a "categorical exclusion" — known as a CX — that exempted the permit renewals from an environmental assessment or a more thorough environmental impact statement, according to the plaintiffs.

"The agency's unsupported conclusion that there are no potentially significant impacts to ecologically significant areas cannot justify use of the CX," the motion said.

The BLM should have analyzed the effects of renewed grazing on the greater sage grouse, rangeland health standards, invasive weeds and fire problems, the groups argue.

"Vacatur of an unlawful NEPA decision is vital because it forces the agency to make a new decision, after a public comment process, properly informed by full disclosure of the environmental baseline and

effects of the proposed action," the motion said.

Capital Press was unable to reach Dwight or Steven Hammond, or the attorney representing the federal government in the lawsuit.

In 2012, a federal jury convicted both the ranchers for igniting a 2001 fire that burned about 140 acres, while Steven Hammond was also found guilty of setting a 2006 fire that spread onto an acre of federal property.

The federal judge overseeing the case determined that the mandatory minimum 5-year sentences for arson would be "grossly disproportionate to the severity of the offenses here" and ordered Steven Hammond to spend one year behind bars, while his father was sentenced to three months.

After the Hammonds had completed their prison terms, however, the 9th U.S. Circuit Court of Appeals ruled they should have been sentenced to the full 5-year minimum terms.

When the ranchers reported back to prison in January 2016, protests against the decision culminated in the occupation and standoff at the Malheur National Wildlife Refuge that attracted nationwide attention.

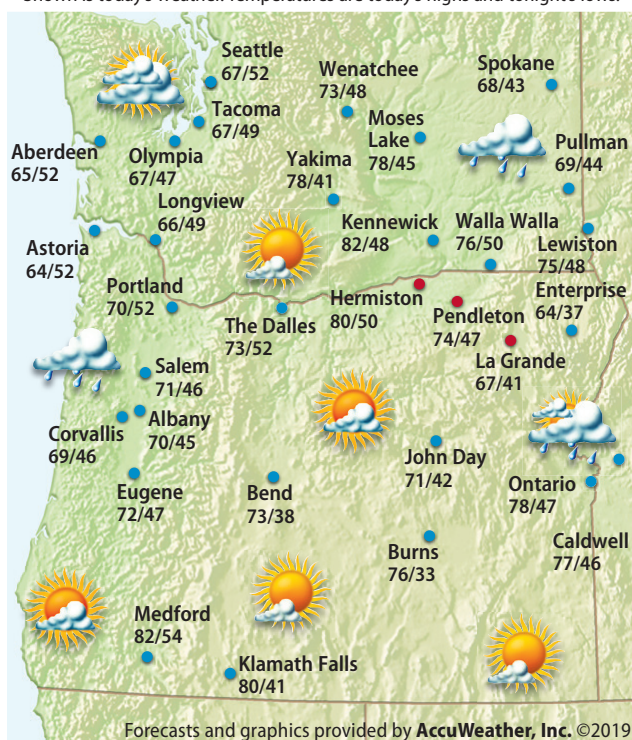
Forecast for Pendleton Area

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TODAY	FRIDAY	SATURDAY	SUNDAY	MONDAY
74° 47°	63° 41°	50° 38°	47° 33°	51° 32°
80° 50°	68° 44°	55° 42°	53° 37°	56° 32°

OREGON FORECAST

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



ALMANAC

PENDLETON through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	69°	45°
Normals	74°	47°
Records	99° (1952)	21° (1926)

PRECIPITATION
24 hours ending 3 p.m. 0.00"
Month to date 1.11"
Normal month to date 0.44"
Year to date 10.85"
Last year to date 6.52"
Normal year to date 8.82"

HERMISTON through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	74°	46°
Normals	75°	45°
Records	95° (1952)	26° (1934)

PRECIPITATION
24 hours ending 3 p.m. 0.00"
Month to date 0.15"
Normal month to date 0.35"
Year to date 4.76"
Last year to date 5.15"
Normal year to date 6.47"

WINDS (in mph)
Today Fri.
Boardman WSW 10-20 WSW 10-20
Pendleton W 10-20 WSW 10-20

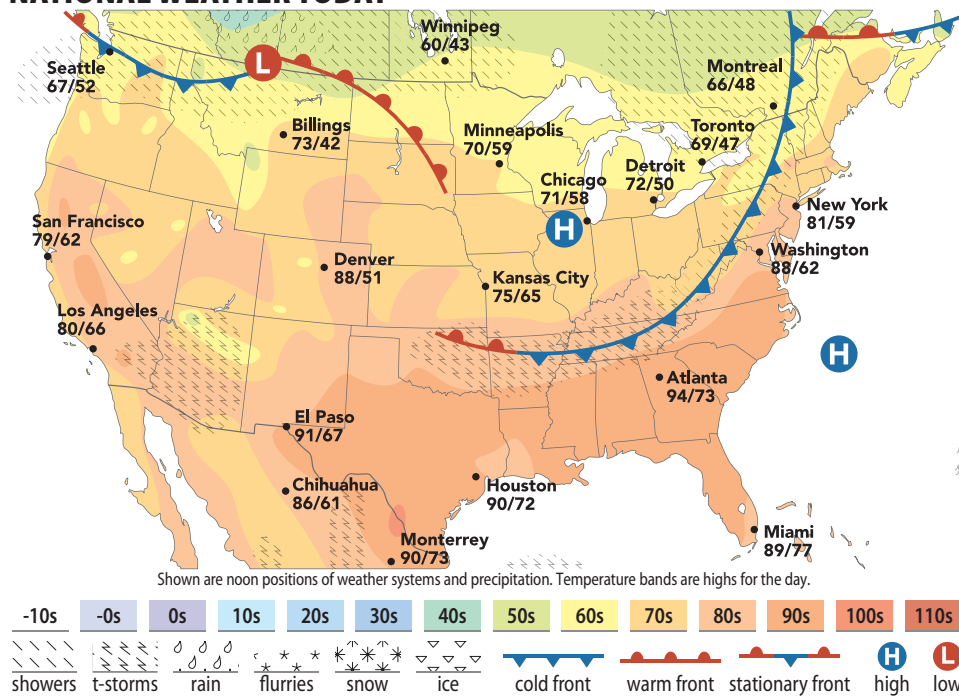
SUN AND MOON
Sunrise today 6:47 a.m.
Sunset tonight 6:46 p.m.
Moonrise today 3:45 a.m.
Moonset today 6:10 p.m.

MOON PHASES
New Sep 28, First Oct 5, Full Oct 13, Last Oct 21

NATIONAL EXTREMES

Yesterday's National Extremes: (for the 48 contiguous states)
High 103° in Santa Rosa, Calif. Low 25° in Bridgeport, Calif.

NATIONAL WEATHER TODAY



West Nile confirmed in Baker County

Six total confirmed cases in Oregon this summer

By JAYSON JACOBY
EO Media Group

BAKER CITY — Two Baker County residents have contracted the West Nile virus from mosquito bites, officials announced Tuesday.

The people were not identified. Nancy Staten at the Baker County Health Department declined to give the gender or age of the two people, or say what part of the county they live in. The health department also didn't disclose the condition of the two people and whether either had been hospitalized. The virus generally causes mild flu-like symptoms, but in rare cases it can be fatal.

The most recent confirmed human cases of West Nile virus in Baker County were in 2014, when two women who live at New Bridge, about 3 miles north of Richland, were infected.

Both women recovered.

There have been five other confirmed cases of Oregon residents contracting West Nile virus while in the state — 3 in Harney County and two in Malheur County.

Earlier this summer, four pools of mosquitoes trapped in Baker County tested positive for the virus. All of those mosquitoes were trapped in the Keating Valley, about 15 miles east of Baker City.

Health officials are advising people in Baker County to take precautions against mosquitoes to avoid the risk of infection, including preventing mosquito bites. West Nile Virus is transmitted by the bite of infected mosquitoes.

About 1 in 5 infected people may show signs of West Nile virus. People at risk of serious illness include individuals 50 and older, and people with immune-compromising conditions, such as diabetes and high blood pressure.

West Nile symptoms may include fever above

100 degrees and severe headache, stiff neck, mental confusion, muscle weakness, shaking, paralysis or rash. People should contact their health care provider if experiencing any of these symptoms.

The incubation period is usually two to 14 days. Rarely, infected individuals may develop an infection of the brain or spinal column that can be severe or may cause death. This is especially of concern to those who have a compromised immune system, or the elderly.

Dr. Emilio DeBess, veterinarian at the Oregon Health Authority's Public Health Division, recommends people and animals be protected against mosquito bites.

"It's very easy for people to prevent bites from mosquitoes that may carry West Nile virus," DeBess says. "Although the risk of contracting West Nile virus is low, people can take simple precautions to keep these insects at bay if they're headed outdoors."

BRIEFLY

Oregon, Washington to begin building I-5 bridge by 2025

PORTLAND — Federal highway officials have endorsed an accelerated timeline proposed by Oregon and Washington transportation officials that sets the two states on a fast track toward construction of a new Interstate 5 bridge by 2025.

The Oregonian/OregonLive reported that last month the two states requested a 10-year extension on their timeline to show progress on the bridge project or face repaying nearly \$140 million in planning costs tied to the Columbia River Crossing Project.

That request would've given the states until Sept. 30, 2029, to either start buying up right-of-way or begin construction on the I-5 project.

While seeking a decade delay, the states simultaneously suggested a series of aggressive milestones, including reinitiating an environmental review of a proposed project in spring 2020 and starting construction in the summer of 2025.

DHS announces new child welfare program director

SALEM — The Oregon Department of Human Services announced Wednesday that Rebecca Jones Gaston will be the new director for its Child Welfare Program.

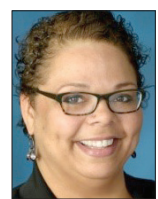
Jones Gaston is currently the executive director of the Social Services Administration in Maryland.

She's replacing Oregon's former child welfare director Marilyn Jones. She retired after a series of scandals including reports of Oregon foster care children who were sent to out-of-state facilities and never received visits from caseworkers.

This spring, Gov. Kate Brown created a new oversight board in an attempt to solve the state's child welfare crisis.

Jones Gaston will begin her new position Nov. 4. She's been working in human services and child welfare for more than 22 years.

— The Oregonian and Associated Press



Gaston

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