

Managing hatcheries by lawsuit

The federal hatcheries, along with others operated by the states, are mainly responsible for maintaining salmon runs now that the river system is dammed.

EDITORIAL
Voice of the Chieftain

A pending lawsuit by an environmental group is the latest challenge to federal salmon and steelhead hatcheries on the Columbia River, a decades-old system that also has faced some congressional scrutiny in recent years. Although salmon propagation practices do merit ongoing re-examination, defunding these Mitchell Act hatcheries would be a serious mistake.

The Wild Fish Conservancy, a small advocacy group based in Duvall, Wash., argues that the federal agencies that provide money for hatcheries haven’t coordinated their actions and aren’t in compliance with the Endangered Species Act. According to the WFC, federal hatcheries harm “ESA-listed species and their critical habits through a variety of mechanisms, including facility effects, fish removal activities, genetic and ecological interactions, harvest and monitoring and evaluation.”

The results of compromises hammered out between many parties, including Columbia River treaty tribes, mean hatcheries are a vital lifeline for the economies of many communities, as well as the fish runs they propagate and support.

“Carefully managed hatcheries play a critical role in Columbia Basin salmon recovery by rebuilding salmon populations while supporting fisheries,” said Paul Lumley, executive director of the Columbia River Inter-Tribal Fish Commission. “Lawsuits like these could hurt salmon recovery efforts and distract us from the bigger picture of working together to reform hatchery practices.”

Liz Hamilton, executive director of the Northwest Sportfishing Industry Association, pointed out that killing hatchery funding also would mean the loss of tens of millions of dollars earmarked for conservation and recovery.

The state of Washington’s separate move to designate some Columbia tributaries for wild steelhead also generates some concern in river communities, but is a far more deliberative plan than the wholesale withdrawal of funding WFC advocates for federal hatcheries.

Refinements in federal and state hatchery practices should be encouraged. However, fisheries management by lawsuit is never a good idea.

In case you hadn’t heard, similar “management by lawsuit” issues exist across Eastern Oregon, even above the waterline. Our forests, our wildlife and our communities should demand science and consensus-driven management decisions.



P.O. Box 338 • Enterprise, OR 97828
Office: 209 NW First St., Enterprise, Ore.
Phone: 541-426-4567 • Fax: 541-426-3921

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MEMBER OREGON NEWSPAPER PUBLISHERS ASSOCIATION

PUBLISHER **Marissa Williams**, marissa@bmeagle.com
EDITOR **Scot Heisel**, editor@wallowa.com
REPORTER **Stephen Tool**, stool@wallowa.com
REPORTER **Kathleen Ellyn**, kellyn@wallowa.com
NEWSROOM ASSISTANT **editor@wallowa.com**
AD SALES CONSULTANT **Jennifer Powell**, jpowell@wallowa.com
GRAPHIC DESIGNER **Robby Day**, rday@wallowa.com
OFFICE MANAGER **Cheryl Jenkins**, cjenkins@wallowa.com

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Cowboyin’ around on the road

Greetings from sunny Arizona, at last. I left Wallowa County just before the bad weather rolled in. However, the morning I left the road from Enterprise to Elgin was black ice all the way. I loaded my horse before dawn and was on my way. I was almost to Wallowa when I realized I had not latched the trailer hitch. I pulled over just past Ed Cox’s place and slipped on the ice as I got out to check. Sure enough, it was only the weight of the trailer keeping it on the ball. This senility is becoming a real nuisance.

Had another senior moment in Alamo, Nev., when I cleaned the trash out of my pickup and threw my car keys in the garbage can with the garbage. After 10 minutes of retracing my steps I finally dug through the garbage and located the keys. I looked pretty disheveled after sleeping in the trailer, not shaving and wearing yesterday’s clothes. Some people watching me suspected I was homeless and considered giving me some change, which I would have gratefully received.

The last part of the first day’s trip was in the dark and cold somewhere around Ely, Nev. — with everything from elk to



OPEN RANGE
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Barrie Qualle

burros apt to clutter up the road — going over a pass with an elevation of 7300 feet. How stupid is that? By the time I reached Las Vegas I was thoroughly sick of sagebrush. The sage grouse can have all of it. The first saguaro is a refreshing change.

On the good side, I never paid more than \$2.19 a gallon for diesel and filled up in Wickenburg, Ariz., for \$1.85. I may get a bigger fuel tank.

In Wickenburg the cowboy is king. I think I have found the horse trailer spawning ground and it is 25 acres of parking at Rancho Rio Arena.

The first day in Wickenburg was the way it was supposed to be with sunshine and 70-degree weather. The second day Dave Yost and I went over to Mel Coleman’s to rope and enjoyed the weather. Mel owns three feed stores and buys hay

wholesale. He was urging Mary to sell a beautiful, gentle, gray mare that I am sure she will regret losing when she sees someone else riding it at the National Finals Rodeo.

The weather was cold and windy with rain and snow the third day.

Dave and I visited Sherrick Grantham, a rancher friend of mine, and Sherrick gave us a tour of the ranch that is several hundred sections. The east boundary of the ranch is the top of a range of mountains and the ranch has at least two climate zones. We ended the tour in the saddle room, where there were 25 saddles and about \$100,000 worth of bits that are used every day. A lot of the bits were made by famous bit makers, many of whom are now gone.

Sherrick informed us that there is only 10 real ranchers left in Arizona and the rest are just dudes.

We start roping for money tomorrow and I think I will spend the rest of the evening figuring out what to buy my wife with the thousands I will surely win.

Columnist Barrie Qualle is a working cowboy in Wallowa County.

Vacation rental ban out of bounds

The City of Joseph’s proposed ban of vacation rentals runs afoul of Section 18 of Oregon’s Bill of Rights, which states that “[p]rivate property shall not be taken for public use ... without just compensation.” By banning vacation rentals, the City Council would be taking private property without any compensation. The “taking” would be of the right to use one’s property. The

Supreme Court of the United States (Dickman v. C.I.R., 465 U.S. 330, 336, 1984) stated:

“[o]f the aggregate rights associated with any property interest, the right of use of property is perhaps of the highest order. ... ‘Property is composed of constituent elements and of these elements the right to use the physical thing to the exclusion of others is the most essential and beneficial. Without this right all other elements would be of little value.’”

Residents of Joseph have the right to use their property by renting to vacationers and excluding locals or by renting to locals and excluding vacationers. The City Council has a constitutional duty to not take this essential property right, absent specific conditions, which are not present here. If private property rights are taken, it must be for “public use,” i.e., highways, public works, etc. A ban of vacation rentals would take

GUEST EDITORIAL
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private property rights without a public use. Granted, public purposes for banning vacation rentals may exist, such as preserving local neighborhoods, keeping rent affordable or ensuring that families with children may attend Joseph’s school. However, public purposes differ from actual public use.

Because the City Council lacks any public use for the rights taken, these property rights would be taken from Joseph landlords for the private use and benefit of potential tenants.

Section 18 of Oregon’s Bill of Rights also states that “nor particular services of any man be demanded, without just compensation.” A ban of vacation rentals would demand “particular services” from landlords who use (or could use) their homes as vacation rentals. Landlords would be forced to render the “particular services” of marketing and renting homes only to local tenants.

The City Council lacks the constitutional authority to demand that landlords provide “particular services” only to local tenants.

These constitutional problems need not exist. Joseph’s zoning ordinance allows residents of Joseph to apply for conditional-use permits to use their residences as “travelers’ accommodations,” renting out rooms or sleeping quarters “on a daily or weekly basis.” The conditional use for “travelers’ accommodations” has been applied to bed and breakfasts and should also apply to vacation rentals.

Joseph’s zoning ordinance simply does not preclude residents of Joseph from using their homes as “traveler’s accommodations” or vacation rentals during the tourist season.

If the City Council conditionally allowed vacation rentals, the permit process could possibly limit the number of non-residents buying second homes in Joseph only for use as vacation rentals, ensure local ownership and control of most vacation rentals in Joseph, and take into account the concerns of neighbors and the City Council as well.

But, if Joseph’s City Council bans vacation rentals and takes away the right to use property, that right will not vanish. Instead, the City Council will exercise that right for landowners by deciding how property will be used and whom should be excluded from that property.

Ben Boyd lives in Enterprise.

Spelling contest organizers needed

Once again, Wallowa County kids are not able to participate in the Oregon Statewide Spelling Championship. All that is needed is a few volunteers to organize spelling bees at local schools and districts.

Oregon Spellers, which runs the Oregon Statewide Spelling Championship, is looking for volunteers in Wallowa County to organize written spelling contests.

LETTERS to the EDITOR
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The top speller in each division (elementary, middle and high school) of the county level contest is invited to proceed to the Oregon Statewide Spelling Championship, which is held at the Oregon State Fair in Salem on Labor Day weekend.

Local contest organizers can be school administrators, teachers, parent volunteers or even community service organizations.

For more information about how to organize a spelling contest visit www.oregonspellers.org or contact Oregon Spellers at 541-401-9780 or oregonspellers@kaynor.net.

Kaynor Heineck
Lebanon

Where to write

Washington, D.C.

The White House, 1600 Pennsylvania Ave. N.W., Washington, D.C. 20500; Phone-comments: 202-456-1111; Switchboard: 202-456-1414.

U.S. Sen. Ron Wyden, D — 516 Hart Senate Office Building, Washington D.C. 20510. Phone: 202-224-5244. E-mail: wayne_kinney@wyden.senate.gov Web site: <http://wyden.senate.gov> Fax: 202-228-2717.

U.S. Sen. Jeff Merkley, D — 313 Hart Senate Office Building, Washington D.C. 20510. Phone: 202-224-3753. E-mail: senator@merkley.senate.gov. Fax: 202-228-3997.

Oregon offices include One World Trade Center, 121 S.W. Salmon St., Suite 1250, Portland, OR 97204; and 310 S.E. Second St., Suite 105, Pendleton, OR 97801. Phone: 503-326-3386; 541-278-1129. Fax: 503-326-2990.

U.S. Rep. Greg Walden, R — (Second District) 1404 Longworth Building, Washington D.C. 20515. Phone: 202-225-6730. No direct e-mail because of spam. Web site: www.walden.house.gov Fax: 202-225-5774. Medford office: 14 North Central, Suite 112, Medford, OR 97501. Phone: 541-776-4646. Fax: 541-779-0204.

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