

Railroad company finishes river work

OUT OF THE PAST

Compiled by Cheryl Jenkins

100 YEARS AGO May 4, 1922

The railroad company has finished its work on the channel of the river between Enterprise and Lostine. The stream was restored to its old channel in one place and a new channel was created in another, to protect the railroad grade from washing in high water.

Nina Warnock took her class of girls in the Methodist Sunday school on a picnic last Saturday, at the river west of town. W. P. Warnock went as chauffeur, and found room for a dozen small girls in his car.

A road grader has been grading and smoothing the dirt streets around town. In a few years these streets will be graveled and curbing will be put in. Improvements are being made this spring on many parkings and lawns. Every parking graded and seeded and planted to trees marks a forward step in the town.

75 YEARS AGO May 8, 1947

The grand jury has indicted Albert Matti, driver of the car in which George Zacharias was recently killed, with a charge of negligent homicide.

Extensive improvements are planned at the Edelweiss hall at Wallowa Lake. The upstairs will be made into several apartments for year-round occupancy, and several cabins will be erected.

At the special meeting of the membership of the Wallowa County Grain growers, capitalization of the organization was increased to \$150,000 of common stock and \$100,000 of preferred stock.

50 YEARS AGO May 4, 1972

Top individual honors at the Wallowa FFA Father-

Son Awards Banquet went to: Steve Woodward, John Reish, Brian Temple and Tom Makin.

The men's Thursday night bowling league closed out the season with their annual awards banquet. Those receiving trophies were: Wes Conrad for high game of 245; Alfred Zollman and Larry Jones for high series awards for a 608 series; Fred Carlson's high average of 171; and Terry Hulse, most improved bowler.

Betty Jennings Ward, formerly of Joseph was killed and Allyn Fisher of Wallowa was seriously injured when the cars they were driving crashed head-on at the top of Asotin hill about five miles south of Asotin.

25 YEARS AGO May 1, 1997

The annual Joseph Junior Rodeo featured action from 148 young cowboys and cowgirls from eastern Oregon counties. Zack McVay of Enterprise and Ethan Lowe of Imnaha tied as all-around pee wee boy.

The EHS golf team, coached by Dick Quinn, claimed its sixth consecutive Oregon Class 2A championship in the tournament at Pumpkin Ridge Country Club near Beaverton.

Record-breaking performances by Shannon Ables of Enterprise highlighted the Jo-Hi Invitational track meet held Saturday. Ables dominated sprint events, setting new meet records in the 100 and 200 meter runs.

Six women have formed a fiber arts cooperative, The UnCommon Thread, located on Main Street across from the courthouse. They are: Yasha Hollady, Loring Lamb, Julie Lamb, Sheri Adams, Sally Brandt and Marya Nowakowski.

Oregon Court of Appeals overturns \$1 billion timber verdict against state

By MATEUSZ PERKOWSKI
Capital Press

SALEM — The Oregon Court of Appeals on Wednesday, April 27, struck down a \$1 billion jury verdict that was intended to compensate 14 county governments for insufficient logging on state forestlands.

A law that requires Oregon to manage the forestland for the "greatest permanent value" does not create an "immutable promise" to maximize revenue for the counties, the appeals court ruled.

The appellate court said that "historically, 'value' has myriad definitions, some of which could relate to revenue production and others that do not relate to revenue production."

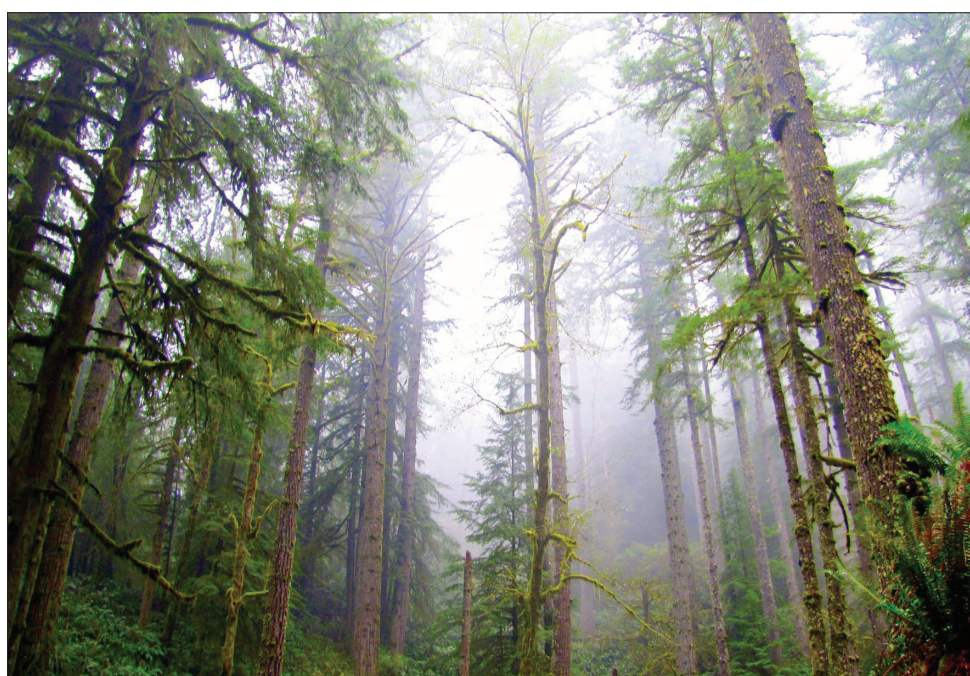
The statute also directs that forests be managed for the "greatest permanent value" to the state, rather than to the counties, which means the text falls short of the "clear and unmistakable intent" of making a contractual promise, the ruling said.

For that reason, a state judge in Linn County wrongly refused to dismiss the class action lawsuit against the state government, the ruling said.

John DiLorenzo, attorney for the counties, vowed to challenge the ruling before the Oregon Supreme Court because it "does not align with the law or the evidence we presented at trial."

The ruling doesn't take into account the economic and social damage that rural communities have suffered after the state government changed its logging policies without input from the counties, he said in an email.

Oregon's leaders have decided the timber economy is inconsistent with their "urban values," but



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The Oregon Court of Appeals has overturned a \$1 billion jury verdict against the state government that sought to compensate counties for insufficient logging on state forests.

the resulting problems must be addressed to bridge the urban-rural divide, DiLorenzo said.

"The lack of productive employment in these communities has led to substance abuse, violence, lack of educational opportunity and general hopelessness and despair," he said.

After a monthlong trial in 2019, a jury determined the state of Oregon violated a contract requiring it to maximize revenue from forestlands donated by the counties in the 1930s and '40s.

State forests must be managed for the "greatest permanent value" by law, but the 14 counties claimed the Oregon Department of Forestry impermissibly expanded that definition beyond its original intent.

Under language adopted in the late 1990s, the "greatest permanent value" was changed to include environmental and recreational considerations that restricted timber harvests, shortchanging the 14 counties and tax districts within

them of revenues, the plaintiffs claimed.

Attorneys for Oregon appealed the jury verdict on the grounds that the counties didn't have an enforceable contract that dictated how state forest officials must manage the nearly 700,000 acres of donated property.

The law governing state forestlands pertains to "matters of statewide concern" that cannot be challenged in court by the counties, state attorneys claimed. As political subdivisions of the Oregon government, the counties cannot sue over such state policies.

Federal environmental laws enacted since the property was donated, such as the Endangered Species Act, also effectively limit how much timber can be extracted from state forestlands, according to state attorneys.

The counties claimed that Oregon forestry officials weren't obligated to create habitat for federally protected species that

resulted in logging restrictions. In any case, the counties said the state government can alter forest management policies but must still pay them damages for breaching the contract.

Counties provide health care and other functions under contract with the state government, so they must be able to rely on such agreements being enforceable, the plaintiffs said. If the counties had known the state government could re-interpret the contract's terms at will, they'd never have donated such huge amounts of forestlands.

The appeals court ruling does nothing to alleviate the hardships that forest mismanagement created for rural communities, said Roger Nyquist, a commissioner for Linn County, the lead plaintiff.

Aside from economic issues, the state's forest management approach has caused these communities to live with the danger of deadly wildfires, Nyquist said in an email.

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We are hosting Veterans Appreciation Dinners in each town throughout May and June.

May 5, 6:00 - 7:30 PM
Imnaha Christain Fellowship

May 19, 6:00 - 7:30 PM
Troy School

June 2, 6:00 - 7:30 PM
Cloverleaf Hall in Enterprise

June 16, 6:00 - 7:30 PM
Senior Center in Wallowa

June 30, 6:00 - 7:30 PM
Joseph Community Center

Please RSVP to help us plan.

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