

Judge threatens jail for official over fire retardant

(AP) — A federal judge in Montana said Friday he's prepared to hold the U.S. Forest Service in contempt of court for a "duplicious" strategy of skirting the law so it can keep fighting wildfires with retardant that kills fish.

Judge Donald W. Molloy set a Feb. 26 hearing in U.S. District Court in Missoula to give the Forest Service a chance to convince him that Agriculture Undersecretary Mark Rey should not be put in jail and fire retardant drops from aircraft be stopped nationwide until the agency properly considers the dangers to the environment.

"The Forest Service, throughout these proceedings, evidenced a strategy of circumventing, rather than complying with," the National Environmental Policy Act and the Endangered Species Act, the judge wrote. "The apparent pattern suggests a strategy of looking for ways to avoid the law's mandate as opposed to looking for a means of complying with the law."

"In my view, the Forest Service is in contempt of the law and the prior orders of this court. Nonetheless, a hearing is appropriate before reaching a final conclusion on that issue."

Potential sanctions include sending Rey to jail, putting him under house arrest and banning the Forest Service from using any fire retardants but water in air tankers, Molloy wrote.

In an earlier order, Molloy wrote that Rey should appear in person. Rey oversees the Forest Service, a part of the Agriculture Department.

"We take very seriously our obligations to perform the environmental analysis required by law, and have made every effort to comply with the court's rulings in this case," Forest Service spokesman Joe Walsh said from Washington, D.C. "We expect to demonstrate the government's good faith in further proceedings before the court."

In 2005, Molloy ruled that the Forest Service violated the Endangered Species Act and the National Environmental Policy Act when it failed to go through a public process to analyze the potential harm from using ammonium phosphate, a fertilizer that kills fish, as the primary ingredient for retardant dropped on wildfires.

The ruling stemmed from a lawsuit brought by Forest Service Employees for Environmental Ethics after fire retardant dropped in Fall Creek in Cen-

tral Oregon in 2002 killed 20,000 fish.

Andy Stahl, executive director of the group, said the government's use of fire retardant is like the use of pesticides, polluting watersheds and killing fish and wildlife.

"The Forest Service view is, 'Whatever the harm to the environment, it's irrelevant, because we are fighting a war, and fire must be worse than anything we are doing to fight a fire,'" Stahl said from Eugene. "That's not true. Most of our western forests need fire to stay healthy. It's been the overzealous war on fire that's been the underlying cause of our forest health crisis."

Molloy wrote that the record in the case "shows the Forest Service had no real intention to comply with the law or the court's orders."

As evidence, he pointed to correspondence the Forest Service submitted with NOAA Fisheries, which oversees salmon protections, and the U.S. Fish and Wildlife Service.

The correspondence shows that the Forest Service did not begin trying to consult with the two agencies, as required by the Endangered Species Act, until more than a year after the court

order told them to, and just weeks before the deadline, Molloy wrote.

The Forest Service said it would provide NOAA Fisheries with an environmental analysis on fire retardant by Dec. 1, 2006, but did not actually produce it until July 2, 2007, five weeks before Molloy's deadline. The Forest Service request for formal consultation that came with it was a year and a half after Molloy's order.

NOAA Fisheries replied that the Forest Service had not complied with three of the six criteria necessary for starting formal consultation under the Endangered Species Act.

Kalmath salmon returns exceed goal

(AP) — After three straight lean years, 2007 returns of wild fall chinook salmon to the Klamath Basin have exceeded the minimums set by federal fisheries managers.

However, the numbers of young fish known as jacks returning to the basin so far indicate low returns of mature fish in fall 2008, unless preliminary counts improve.

Preliminary counts from fishing-counting stations and carcass surveys show about 50,000 salmon returning to the Klamath and Trinity rivers and their tributaries in Northern California to spawn, California Department of Fish and Game senior biologist Larry Hanson said Friday from Yreka, Calif. For unknown reasons, Klamath salmon returned three to five weeks later than normal, with some stragglers showing up as late as January, Hanson added.

The returns, which do not include fish from hatcheries, were particularly good in light of the high level of fishing allowed in the ocean and at the river's mouth this year, Hanson added.

The Klamath Basin once was the third-biggest salmon producer on the West Coast, but returns of fall chinook have been struggling for decades from loss of habitat to logging, mining and dams, and overfishing. Spring chinook are practically wiped out. Coho salmon are a threatened species.

Voc-Rehab to conduct orientation at Celilo

Warm Springs Vocational Rehabilitation will be conducting an orientation in Celilo.

The orientation will be

scheduled for Friday, Jan. 18.

The orientation will begin at 2 p.m.

The event will take place at the Celilo Longhouse.

For more information call the Warm Springs Vocational Rehabilitation Office at (541) 553-4952.

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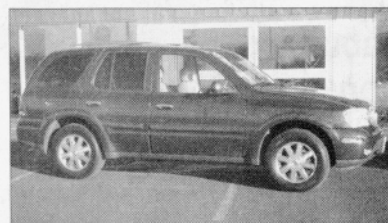
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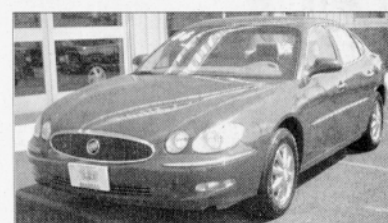
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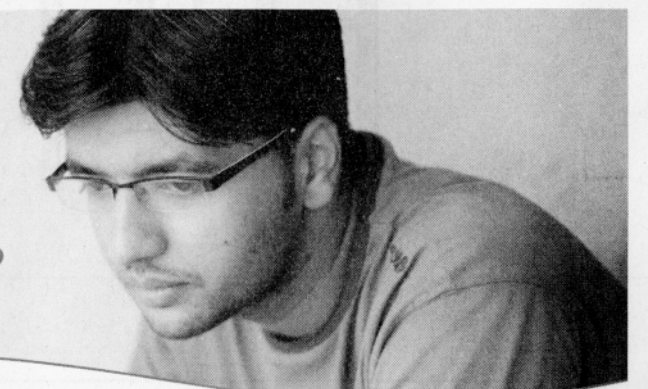
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The Oregon Department of Human Services has received federal approval to enroll approximately 10,000 new adults in OHP Standard, a health insurance program for low-income Oregonians.

Because there are not enough openings to meet everyone's needs, DHS is creating a list of people who would like to apply for OHP Standard. You must place your name on the reservation list during January 28 - February 29, 2008.

DHS will randomly select names monthly from the list starting in March. If your name is selected, DHS will mail you an OHP Standard application form. If you apply and qualify, you will be enrolled in OHP Standard.

DHS wants you to be independent, healthy and safe. The Oregon Health Plan can help make that possible.



GET STARTED

There are three ways to get on the reservation list:

FILL OUT A REQUEST ONLINE.

Visit the OHP Standard reservation list Web site at www.oregon.gov/DHS/open and enter your information electronically.

MAIL A REQUEST.

Complete the OHP Standard reservation request form. Forms are available at this location or any DHS office.

SIGN UP BY PHONE.

Call 800-699-9075 or 503-378-7800 (TTY) Monday through Friday, 7:00 a.m. to 7:00 p.m. If you cannot call during the hours listed, you can have anyone call for you — they just need your name, date of birth and mailing address.

REMEMBER

You **MUST** place your name on the reservation list during January 28 - February 29, 2008, if you want to apply for OHP Standard.