

Local & State

Environmentalists want to reverse grazing permits for Hammonds

■ Groups earlier won an injunction limiting grazing by the family’s cattle near Burns

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 Watersheds 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



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.

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.

Fire season ends

LA GRANDE — Fire season ended at 12:01 a.m. today in Northeastern Oregon, the Oregon Department of Forestry announced.

This affects the Northeast District, which includes more than 2 million acres of private, state, county, municipal and tribal lands protected by Oregon Department of Forestry. The Northeast Oregon District includes lands in the following counties: Union, Baker, Umatilla, Wallowa and small portions of Grant, Morrow and Malheur counties.

The Northeast Oregon District has responded to a total of 67 fires this year on ODF-protected land. There have been 50 lightning fires that burned 49 acres. Another 17 fires were human caused and burned a total of 350 acres.

“While we have received a fair amount of precipitation around the region, there’s still a chance of fires burning well on dry and windy days,” said Matt Hoehna, Pendleton Unit forester for ODF.

With the termination of fire season, requirements for obtaining a burn permit for residential yard debris burning and burn barrels are no longer in effect. Terminating fire season does not relieve landowners or forest operators of lawful responsibilities concerning the safe burning of debris or slash piles.

“Landowners with large debris piles or slash to burn should exercise extreme caution,” Hoehna said. “It is still very early in the fall and there could be drier weather ahead of us. Waiting for more precipitation is a good way to mitigate the risk of an escaped burn.”

LOCAL BRIEFING

Local students on BMCC honors list

Several Baker City students earned academic honors for the summer term at Blue Mountain Community College. Honored were Ashley Coley, Tammy Fry, Elizabeth Madsen, Kaiza Rea, Dana Stone, Rachel Talbot and Jaedn Young.

Deputy Richard Kirby to graduate with parole and probation class today

SALEM — Deputy Richard Kirby of the Baker County Sheriff’s Office graduated today with the 80th Basic Parole and Probation Officer Class at the Oregon Public Safety Academy.

Community Choir rehearsals scheduled on Mondays at Baker High School

The Baker Community Choir is having rehearsals on Monday evenings for its Christmas performances. Rehearsals are scheduled for every Monday at 7 p.m. in the choir practice room at Baker High School, 2500 E St. No experience is necessary, and singers from high school age and up are welcome. Middle school students can join if accompanied by an adult. Cost is \$15 per person. Christmas concerts are set for Dec. 13, 14 and 15.

Blue Mountain Community College planning workshops in Baker City

The Blue Mountain Community College Small Business Development Center is planning a pair of workshops in October at the Baker City campus, 3275 Baker St.

The first workshop, set for Oct. 10 from 9 a.m. to noon, will be led by Michael Mettler of MCM Strategic + Communications and will focus on integrating Google Business into your communications arsenal.

The second workshop, Oct. 24 from 9 a.m. to noon, will also be led by Mettler and will focus on promoting and growing your business digitally, creating a voice for your business, creating two-way communication channels and calendaring your content.

Cost for each session is \$39, and includes light refreshments and a follow-up session several weeks later to evaluate progress.

Candidates can start filing for local offices on primary election ballot in May 2020

The candidate filing period for the May 19, 2020, primary election is now open, Baker County Clerk Stefanie Kirby said.

People who wish to file for open offices have until March 10, 2020, to do so.

Local offices set to be on the primary election ballot, and for which candidates will file with the Baker County Clerk’s Office, are County Assessor, County Surveyor, County Sheriff and County Commissioner, Position 1.

Candidates for Precinct Committee Person for both the Republican and Democratic parties will be able to file with the Baker County Clerk’s Office starting Sept. 30 due to a new law going into effect. More information is available by calling the Clerk’s Office at 541-523-8207.

Unity planning annual fall harvest bazaar Oct. 5 at Community Center

UNITY — Unity’s fall harvest bazaar is set for Saturday, Oct. 5 from 9 a.m. to 4 p.m. at the Community Hall in Unity, the Baker County town along Highway 26 about 50 miles south of Baker City.

Vendors will be offering artisan crafts, new clothing and jewelry. Door prizes will be awarded at 2 p.m. (must be present to win).

The Burnt River 4-H Club will be serving coffee, muffins, and biscuits and gravy in the morning while supplies last. Starting at 11 a.m. the Club will serve lunch for \$8 per person, with a menu including spaghetti with homemade sauce, a bowl of salad, a slice of garlic bread and a drink. Cookies and pies will also be for sale, by the whole pie or by the slice with ice cream. All proceeds will go to the 4-H Club.

Smart Driver class scheduled for Oct. 24

There will be an AARP “Smart Driver” class Thursday, Oct. 24, at the Baker City Senior Center, 2810 Cedar St. The class will run from 9 a.m. to 4 p.m. with an hour break for lunch. Cost is \$15 for AARP members and \$20 for nonmembers. People who complete the course might qualify for a discount on their auto insurance. To register, call the Center at 541-523-6591.

Autumn bazaar scheduled October 5 at Baker United Methodist Church

The Baker United Methodist Church has scheduled its annual autumn bazaar for Saturday, Oct. 5.

The event will be from 9 a.m. to 1 p.m. at the church at 1919 Second St.

The bazaar will offer houseplants, second-time-around items, baked goods and preserves, holiday gifts and decorations and several collectibles including Avon and railroad items.

A homemade cinnamon roll and coffee are \$2.

New At The Baker County Library

•2400 Resort St.

FICTION

- “Mistress of the Ritz,” Melanie Benjamin
- “Bad Man,” Dathan Auerbach
- “Flight of the Hawk: the River,” W. Michael Gear
- “The Which Way Tree,” Elizabeth Crook
- “Boomtown,” James A. Moore

NONFICTION

- “How to Hide an Empire,” Daniel Immerwahr
- “The Ghosts of Eden Park,” Karen Abbott
- “Out of the Silence,” Eduardo Strauch
- “Between the Dragon and His Wrath,” Mark Corbet
- “Renia’s Diary,” Renia Spiegel

DVDS

- Child’s Play” (Horror)
- “Country Music” (Documentary)
- “Gemini” (Drama)
- “North Face” (Action)
- “Yesterday” (Comedy)

HOURS

- Monday through Thursday, 9 a.m.-7 p.m.; Friday, 9 a.m.-6 p.m.; Saturday, 10 a.m.-4 p.m.; Sunday, noon-4 p.m.

Chain up permits offered

LA GRANDE — The Oregon Department of Transportation will issue permits for people interested in chaining up commercial vehicles during the winter along specific sections of Interstate 84 in Eastern Oregon.

• The District 13 office in La Grande will issue six permits for the I-84 Ladd Canyon area in Union County. To apply, call Lynn Elliott, 541-963-8407.

• The District 12 office in Pendleton will issue about a half-dozen permits (depending on the number of qualifying applicants) for I-84 in the Umatilla County area,

primarily between La Grande and Pendleton. To apply, call Tom Lapp, 541-278-3450.

• The District 14 office in Ontario will issue two permits for I-84 west of Ontario in Malheur County. To apply, call John Eden, 541-823-4016.

Interested parties need to contact ODOT between Oct. 1-31. Random drawings Nov. 1 at each ODOT office will determine who will be offered the permits.

Only those with chain-up permits will be allowed to help truck drivers in designated chain-up areas. The permits will be valid between Nov. 1, 2019, and April 1, 2020.

Ag Summit Oct. 15 at Hermiston

HERMISTON — Water rights and environmental due diligence in real estate transactions will be among the topics regional water experts and attorneys cover at Dunn Carney’s annual Eastern Oregon Ag Summit.

The event is scheduled from 7:30 a.m. to 12:30 p.m. Tuesday, Oct. 15, at the Maxwell Event Center, 145 N 1st Place, Hermiston.

The free, half-day conference will feature a range of speakers focusing on state and regional water, labor and intellectual property laws and issues in agriculture.

Tom Myrum, executive director of the Washington State Water Resources Association, will provide an update on the Columbia River Treaty Negotiations.

Dunn Carney’s Eastern Oregon Ag Summit includes panel discussions and presentations by industry leaders from around the region, as well as lawyers from law firm Dunn Carney’s Agriculture and Natural Resources Team.

A complimentary continental breakfast and lunch are included. To register for the event, visit dunncarney.com/EOAgSummit19.

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DOWNTON ABBEY PG

FRI: (4:10) 7:00 SAT & SUN: (1:30) 4:10, 7:00 MON-TH: 7:00

ABOMINABLE PG

FRI: (4:25) 7:15 SAT & SUN: (1:40) 4:25, 7:15 MON-TH: 7:15

BRITTANY RUNS A MARATHON R

FRI: (4:20) 7:10 SAT & SUN: (1:35) 4:20, 7:10 MON-TH: 7:10

()Bargain Matinee
Show Times: 541-523-2522
Office: 541-523-5439