

BLM defends decision to renew grazing permits for Hammonds

By Mateusz Perkowski
Capital Press

PORTLAND — The U.S. Bureau of Land Management is defending its renewal of grazing permits for two Oregon ranchers who received a presidential pardon after they were convicted of arson.

In 2018, President Donald Trump issued full pardons for Dwight and Steven Hammond, a father and son who raise cattle near Diamond, and who'd been found guilty of setting fire to rangeland.

After former Interior Secretary Ryan Zinke renewed their authorization to graze on public allotments earlier this year, several environmental groups filed a lawsuit challenging the decision and convinced a federal judge to restrict where the Hammonds' cattle can be released and how much forage they can consume.

The BLM is now arguing against a motion by the environmental plaintiffs to revoke the Hammonds' grazing

permits, claiming that Zinke properly considered the pardons in deciding to renew the ranchers' grazing authorization.

"The secretary did have the authority to make the decision he did," said Luther Hajek, an attorney representing the government, during Dec. 19 oral arguments in Portland.

For Zinke, the pardons were relevant when examining the ranchers' "record of performance" in regarding to maintaining rangeland health, including the seriousness of past noncompliance with the government's standards, according to the BLM.

The grazing decision was consistent with the BLM's regulations and did not violate the Federal Land Policy and Management Act, nor did the lack of a full environmental analysis run afoul of the National Environmental Policy Act, according to the government.

The BLM appropriately used a "categorical exclusion" to exempt the grazing permit renewals from such

an assessment because it's within the Interior secretary's discretion whether it's necessary based on the decision's environmental significance, the agency said.

Even if the judge does determine the grazing permit renewals violated a federal law, he should send the decision back to the BLM for reconsideration while allowing grazing to continue at current levels, according to the BLM.

Not revoking the grazing permits would reduce fire risk by keeping fuels in check, Hajek said. "If grazing is managed properly, it's healthy for the landscape."

Any legal errors committed in the case weren't serious, while the reduced grazing level currently in place is sufficient to allay the plaintiffs' environmental concerns about impacts on the sage grouse and redband trout, he said.

"It's not necessary to vacate the permit to maintain those environmental conditions," Hajek said.

OTEC applauds bill protecting tax-exempt status

By Jayson Jacoby
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Oregon Trail Electric Cooperative officials are celebrating Congress' passage of a bill this week that will protect OTEC's and other electric cooperatives' tax-exempt status.

Congress passed the RURAL Act, and President Donald Trump is expected to sign it into law.

The bill — the acronym stands for Revitalizing Underdeveloped Rural Areas and Lands — was prompted by what proponents say was an unintended effect of the 2017 federal tax cut law.

That law required member-owned cooperatives such as OTEC to count federal grants, such as they might receive to help with repairs following a natural disaster, as "nonmember income."

In the past, cooperatives could count federal grants as "member income."

The difference is crucial because cooperatives, to maintain the tax-exempt status that can save them substantial amounts of money, must receive at least 85% of their revenue from members.

The change in the 2017 tax cut law could have forced cooperatives to either accept federal grants following an emergency and potentially lose their tax-exempt status, or decline the federal aid and try to find another way to pay for expensive repairs.

This potential conundrum came to light earlier this year when a snowstorm caused major damage to power lines owned by Douglas Electric Cooperative in Western Oregon.

The cooperative faced a repair bill of \$9 million to \$10 million.

Douglas Electric was eligible for grants from the Federal Emergency Management Agency to cover part of the repair costs, but cooperative officials were leery of doing so due to the potential loss of its tax-exempt status.

Although a natural disaster brought to light the potential effect of the 2017 tax cut law, cooperatives could also have been affected if they were considering using federal money to expand broadband service or other community development projects, which is among OTEC's goals, said Joseph Hathaway, communications coordinator for the cooperative based in Baker City.

OBITUARIES

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Joan Petry
Baker City, 1939-2019

She also enjoyed going to the casinos and spending time with her children. Joan was particularly proud of all her 10 grandchildren and her 10 great-grandchildren. She will be dearly missed by all who

knew her, family members said.

Joan was preceded in death by her husband of 50 years, Durward H. Petry.

Survivors include her children, Cindy Marie and her husband, Steve McLean, Tammy Joanne and her husband

Darin Larson, Jeffery Durward and his wife, Carol Petry, and Kimberly Kaye and her husband Robert D. Browning; 10 grandchildren, Gregory, Hilary, and Peggy McLean, Ashley, Anthony and Alyson Rino, Jerame and Courtney Petry, Karissa and Kasey Knaus; and 10 great-grandchildren; three sisters, Fern Homan of Union, Eileen Holman of Beaverton, and Darlene Martin of Port

Orchard, Washington; brother-in-law, Larry, and his wife, Nita Petry, of Cle Elum, Washington.

The family suggests memorial contributions to Heart n' Home Hospice (Opal Foundation) through Tami's Pine Valley Funeral Home and Cremation Services, P.O. Box 543, Halfway, OR 97834. Online condolences may be made to www.tamispinevalleyfuneralhome.com

NEWS OF RECORD

DEATHS

Edythe "Eileen" Moreau: 87, of Baker City, died Dec. 18, 2019, at Meadowbrook Place in Baker City. A Mass of Christian Burial will be celebrated at The Dalles. The date and time will be announced later. Arrangements are under the direction of Tami's Pine Valley Funeral Home & Cremation Services. Online condolences may be made at www.tamispinevalleyfuneralhome.com

Marlene 'Joan' Fuji: 86, of Baker City, died Dec. 19, 2019, at Meadowbrook Place. Arrangements are under the direction of Tami's Pine Valley Funeral Home & Cremation Services. Online

condolences may be made at www.tamispinevalleyfuneralhome.com

Betty McClinton: 89, of Baker City, died Dec. 15, 2019, at Settler's Park Assisted Living Community. Disposition was entrusted to Gray's West & Co. Pioneer Chapel.

POLICE LOG

Baker City Police Arrests, citations

POSSESSION OF A STOLEN VEHICLE and POSSESSION OF BURGLARY TOOLS: Aaron Dale Duvall, 29, of 2210 Colorado Place, 4:48 a.m. Thursday, in the parking lot of the Nazarene Church at 1250 Hughes Lane;

jailed. Police Chief Ray Duman said Duvall's footprints showed he had been walking around the church before officer Rand Weaver arrived to investigate an unoccupied vehicle parked at the church. Weaver found Duvall hiding in the play structure on church grounds and took him into custody. The vehicle, a 1998 Subaru Forester reportedly stolen from Deschutes County on Tuesday, also was recovered, Duman said.

POSSESSION OF METHAMPHETAMINE and PROBATION VIOLATION (Parole and Probation detainer): Oren Shaile Moore, 21, of 240 Foothill Drive, 1:56 p.m. Thursday, in the 2400 block of

Broadway Street; jailed.

CARRYING A CONCEALED WEAPON and FELON IN POSSESSION OF A FIREARM: Joshua James Smith, 37, of Ontario; 1:56 p.m. Thursday, in the 2400 block of Broadway Street; jailed and later released on bail.

Baker County Sheriff's Office

ASSAULT IV DOMESTIC: Codie Aaron Rosiere, 24, of Huntington, 5:46 p.m. Thursday, at his home; jailed.

PARKS

Continued from Page 1A

"It's very concerning and I know there's just a few of us coming from Richland, but it's concerning for us that use the park all the time," Mitchell said.

Mitchell asked about buying yearly permits for the parks, and the uncertainty the county's financial issues might create among visitors.

Harvey said the county will continue to sell permits. "Apparently we're just in the same standard mode we've been in and we won't make that change until later down the road, if we change it," Harvey said. "Everything is still in place."

"But our effort is, number one, keep the park open," Harvey said.

In addition to the letter to Idaho Power, commissioners discussed other potential options for the parks department, including asking voters to approve a special taxing district to raise money.

Harvey said it would cost \$6,000 to \$7,000 to put a special district measure on the ballot in November 2020.

He said that if voters approved the idea the county would need to set a tax rate and appoint a board of directors.

Commissioner Mark Bennett said if there are interested individuals or a group that wants to help with the planning for a potential parks district, they can contact a commissioner.

Another option is to hire a contractor to run the parks and allow the contractor to keep camping fees and other revenue.

Harvey said that based on estimates, even if the county hired a contractor it

would still need to find about \$20,000 in revenue to balance the parks department's budget.

One possible source is renting the office space the department uses now in the former Sumpter Valley Railroad depot just north of Broadway Street near the railroad tracks. That could yield up to \$15,000 annually.

"I think we could get about six to maybe even ten years running on a contract services basis and not have to do a taxing district at this point," Harvey said.

In other business Wednesday, commissioners approved the road department spending \$217,000 for a machine that helps build up road shoulders.

Roadmaster Noodle Perkins said the machine would add rock to road shoulders that "have been greatly neglected for the last 30 years."

Perkins said the equipment the county has used in the past for that purpose was not cost-effective and

could be dangerous to operate.

Perkins said it will take an estimated five years for the county to bring road shoulders "up to snuff."

"It's for a safe place to pull over for traffic, plowing snow, or bicycles. That's a big one right there is pedestrians and bikes," Perkins said.

He said the county would use the machine on Hughes Lane, among other roads. He said Baker City officials have also expressed an interest in leasing the machine.

Harvey said the money for the equipment is not from the county's general fund, but from the county's share of the federal Secure Rural Schools (SRS) program.

A spending bill passed by Congress this week includes a two-year renewal of the SRS program, which started in 2000 and was designed to partially compensate counties that used to receive much larger payments annually from the sale of timber from federal land.

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