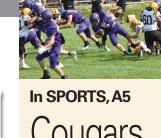
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September 7, 2021

Local • Home & Living • Sports

\$1.50



Cougars claw Bulldogs

QUICK HITS

IN THIS EDITION:

Good Day Wish To A Subscriber

A special good day to Herald subscriber Dave Richards of Baker City.

Local, A8

STARKEY - Rocky Mountain elk in Northeastern Oregon may fall prey to climate change.

U.S. Forest Service research biologist Mike Wisdom and Casey Brown, a research biologist with the Oregon Department of Fish and Wildlife, are among a growing number of people who are concerned about the role climate change is playing in nature. Wisdom and Brown are helping conduct a Starkey Project study aimed at determining if climate change will hurt Rocky Mountain elk reproduction.

BRIEFING

Haines Fire District board to meet on Sept. 13

The Haines Fire Protection District board will meet Sept. 13 at 7 p.m. at the main station, 616 Cole St. All residents of the district are welcome to attend. COVID-19 safety protocols will be in effect.

Red Cross plans blood drive in Baker City on Monday, Sept. 13

The American Red Cross has scheduled a blood drive for Monday, Sept. 13, 2021, at the Baker City Nazarene Church, 1250 Hughes Lane, from noor to 6 p.m. To schedule an appointment, call Myrna Evans at 541-523-5368, or go to redcrossblood.org.

WEATHER

Today

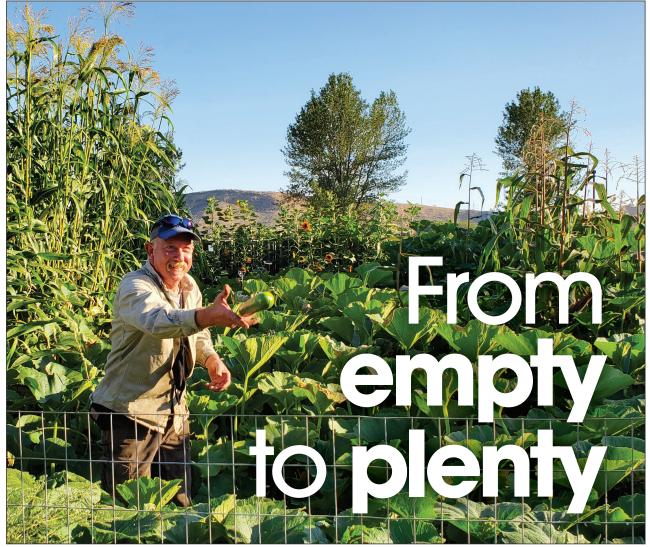
93 / 45 Sunny and hot

Wednesday

91 / 49

Mostly sunny





Lisa Britton/Baker City Herald

Donnie Tholen tosses a zucchini to his wife, Cheryl, from within their garden.

■ Baker City couple transforms empty field into a thriving garden

By LISA BRITTON lbritton@bakercityherald.com

Donnie Tholen wades through the sea of pumpkin vines, then looks up with a grin.

He just found a white

pumpkin — a big one. "Take a picture with your

phone!" his wife, Cheryl, calls from beyond the patch, where her work clothes are safe from the spiny vines.

"He won't go out there

unless he's in heavy clothes," she said on the evening of the first day of September.

After Donnie snaps a picture of the pumpkin, he leans down again and comes up with a zucchini. He tosses the veggie to Cheryl, then picks his way past the ornamental broomstick cornstalks waving high above his head.

This patch of earth hasn't always been a swath of green.

The Tholens bought this empty lot near their east Baker City home in

"There was nothing. Absolutely nothing," she said. "We called it 'the field.'

See, Garden/Page A3

City's water use drops



Goodrich Lake, shown here in 2020, is one of Baker City's two supplementary water sources.

By JAYSON JACOBY

ijacoby@bakercityherald.com There's likely more brown lawns than usual in these waning weeks of summer in Baker City, and Michelle Owen is grateful for those who sacrificed their usual lush turf.

Residents heeded the city's advice and cut back on their water use during August.

Their voluntary action has helped avoid what could have been a much more serious water supply

crisis, said Owen, the city's public works director.

"I'm so pleased with the way the community has pulled together to reduce their water consumption during this drought," Owen wrote in an email to the Herald on Sept. 2. "The reduction of irrigation use clearly made a difference this year."

Residents used 23% less water during August than they did during July, and 14% less than in June, according to city figures.

See, Water/Page A3

Harvey fined for ethics violations

By JAYSON JACOBY

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Baker County Commission Chairman Bill Harvey has agreed to pay a \$1,000 civil penalty to the Oregon

Government Ethics Commission for hiring his son to do work for the county in 2020 and for receiv-



ing reimbursements from the county for meals and fuel that exceed what's allowed by

county policy. Harvey signed a stipulated final order with the Ethics Commission in August.

The Ethics Commission is scheduled to approve the settlement during its meeting Wednesday, Sept. 8.

By signing the final order, Harvey waived his right to seek a judicial review of the Commission's preliminary finding, which it made on June 11 of this year, that Harvey violated state ethics laws.

"Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties," the stipulated final order reads.

The order states that the total fine is \$1,250, but the state will reduce the penalty to \$1,000 if Harvey "requests and completes online ethics training from the Commission's training staff prior to September 8, 2021."

Harvey said in a phone conversation on Monday, Sept. 6 that he did complete the online training to reduce his fine to \$1,000.

He said he wanted to defend himself in a formal hearing.

"They assume everything their investigator says is true," Harvey said. "You pay a fine and it doesn't matter whether you're guilty or not. They run the show."

The Ethics Commission contends, as part of the final order, that had the matter gone to a contested case hearing, with exhibits and testimony, the Commission

See, Harvey/Page A3

Landowner seeks dismissal of county's road lawsuit

By JAYSON JACOBY

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The attorney representing Baker County in its lawsuit seeking to force a landowner to open a gated road in the eastern part of the county has filed a motion to extend by one week a deadline to respond to the defendants' motion to dismiss the case.

Larry Sullivan, a Vale attorney, filed the lawsuit on the county's behalf more than two years ago, on Feb. 7, 2019.

On Monday, Aug. 30, Sullivan filed a motion in Baker County Circuit Court seeking to extend, from Sept. 8 to Sept. 15, a deadline for the county to respond to the defendants' motion for summary judgment — in effect, a request to dismiss the case.

The defendants — Timber Canyon Ranch LLC, Kennerly Ranches LLC and Forsea River Ranch LLC — are represented by Charles F. Hudson of Portland.

Hudson, of the Lane Powell firm, filed the motion for summary judgment on Aug. 19.

Sullivan, in his motion seeking an extension to respond, wrote that "The parties have continued settlement discussions since the settlement conference on August 6, 2021, and are making progress. Granting the requested extension will allow the parties to continue to pursue those discussions without spending time and attorney fees on a matter that may prove to be unnecessary. Defendants' attorney does not

oppose this motion."

The Aug. 6 settlement conference was closed to the public.

The Baker County Board of Commissioners decided in early 2019 to file the lawsuit.

The debate, though, dates to 2017.

That's when Todd Longgood and the Dennis Omer Hansen Revocable Living Trust bought the property, formerly known as the H Hook Ranch, east of Lookout Mountain, in the upper portion of the Connor Creek drainage.

Although a road that passes through that property, which connects the Connor Creek and Daly Creek roads, had been generally open to the public since the mid 1980s, according to Hudson's Aug.

19 motion, Longgood chose to install a locked gate on the road.

County officials objected to the road closure, and eventually chose to sue.

The county claims in its lawsuit that the road is a historic public route and that, based on a 19th century federal law, can't be closed to public access.

Alternatively, Sullivan argues in an amended version of the lawsuit, four other roads that also pass through the private property could be designated as public rightsof-way.

Hudson, though, in his motion for summary judgment, contends that "The uncontroverted evidence demonstrates that the portion of the road

designated by the County as the "Connor Creek Road" that crosses defendants' properties was created by private parties after the land had passed into private ownership." As a result, Hudson argues,

the section of the road through the Longgood property can't be legally designated as a public right-of-way.

The county's case revolves around a resolution that county commissioners approved in 2002.

That resolution was prompted by a different property owner who locked a gate several miles to the east, near the Connor Creek mine along the Connor Creek Road a mile or so from where it starts at

See, Road/Page A3







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Sports Turning BacksA2 Weather.