

Turkey hunters rescued after vehicle stuck in snow

Baker City Herald

Members of the Baker County Sheriff's Office's Search and Rescue team helped two turkey hunters from Pendleton after they spent the night in the Wallowa Mountains when their car got stuck in the snow earlier this week.

Curtis Davidson and Missy Hull were in good conditions when rescuers arrived Tuesday morning, April 19, according to a press release from the Sheriff's Office.

The pair had gone hunting on Monday, April 18, near Balm Creek Reservoir, several miles north of Keating Valley.

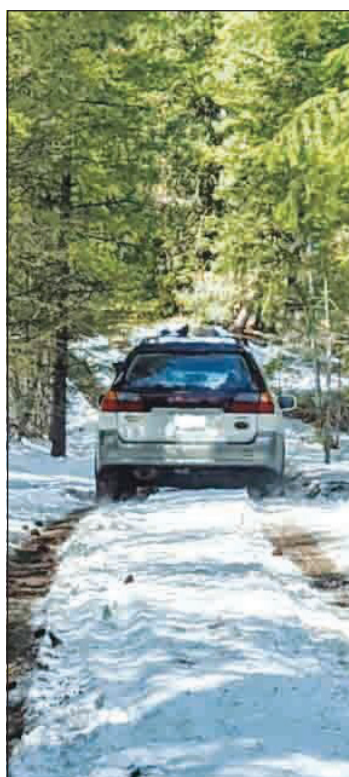
While driving, their Subaru became high-centered on snow. They sent a message to a friend, who contacted other friends but none was available to help.

Davidson and Hull had food and water and spent the night in their car.

On Tuesday morning their friend called police, and Davidson and Hull were able to call 911, allowing dispatchers to pinpoint their location via GPS.

Sheriff Travis Ash deployed Search and Rescue volunteers at about 8:27 a.m. on Tuesday. They drove a side-by-side ATV and helped Davidson and Hull extricate their vehicle and return to a main road.

The Sheriff's Office reminds hunters and other recreation-



Baker County Sheriff's Office/Contributed Photo
Members of the Baker County Sheriff's Office's Search and Rescue team helped two turkey hunters from Pendleton on Tuesday, April 19, 2022, after their car became stuck in snow near Balm Creek Reservoir.

ists to prepare for a wide range of weather and road conditions, and to notify others of where you're going and when you plan to return.

Hearing

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In September 2020 McCarty bought 1,560 acres in the Pine Creek canyon, the largest chunk of private land through which the road runs.

Soon after buying the property McCarty installed a metal gate across the road, with a lock, at his eastern property boundary, near the edge of Baker Valley.

On Sept. 30, 2020, county commissioners voted 3-0 to order workers from the county road department to remove the lock. That happened on Oct. 1, 2020.

After commissioners contended that the Pine Creek Road is a public route, including the section through McCarty's property, McCarty asked county officials to supply records documenting the road's status as public.

In the lawsuit he filed in April 2021, McCarty asks for either a declaration that the disputed section of the Pine Creek Road crossing his property is not a public right-of-way, or, if a jury concludes there is legal public access, that the limits of that access be defined and that the county pay him \$730,000 to compensate for the lost value of the land based on the legal public access and for other costs he has incurred as a result of the county's actions.

In his lawsuit, McCarty says that before buying the timbered property through which the Pine Creek Road runs, he reviewed the title report and other documents, none of which showed a public road through the land.

In June 2021, county commissioners, citing a state law that deals with the designation of public roads, passed a resolution "declaring the necessity for the legalization of Pine Creek Lane."

McCarty challenged the county, and on July 29, 2021, Senior Judge Stephen P. Forte granted McCarty a temporary restraining order that prohibited the county from continuing its effort to "legalize" the road through McCarty's property and secure access to the public.

The county contested that ruling, and on Nov. 5, 2021, Senior Judge Russell B. West dissolved the restraining order. West also ruled that the county can survey the portions of McCarty's property that the Pine Creek Road crosses.

The county had the road surveyed last fall.

Residents urge commissioners to ensure public access

Tuesday's public hearing was the next step in the county's effort to declare the road a public right-of-way.

Many of the people who spoke during the hearing live in the Pine Creek area, about 10 miles northwest of Baker City, and all told commissioners that they and their families have enjoyed spending time in the canyon.

Tom Lager, who with his wife, Betty, owns 11 parcels in the area, as well as the Timber Tiger Lodge rental cabin, called Pine Creek "the most beautiful canyon in Baker Valley."

The Lagers own property

that is accessed by the road behind the gate that McCarty installed, including the Timber Tiger Lodge.

"We love it — it's our backyard," Tom Lager said. "We enjoyed that country so much that we have purchased those parcels."

Lager said the gate has limited his family's ability to reach their own property.

He also said that since McCarty bought the 1,560 acres, Lager was unable, for the first time in 13 years, to bring to Pine Creek a young hunter who has a terminal illness for a guided hunt through the Hunt of a Lifetime program.

Lager accused McCarty of "greed" and of trying "to take it away from the public."

"They don't own the road," Lager said. "They own the 1,560 (acres) they purchased."

Lager said that although the road also passes through some of his property, he has never prevented or even discouraged people from using the road.

Betty Lager said she has traveled the Pine Creek Road on foot and snowshoe, and by ATV, pickup truck and snowmobile.

"It's just a wonderful place to be able to go and enjoy," she said.

Betty Lager said she and her family feel "like we're held hostage" due to the gate McCarty installed, and that since the gate went up the Lagers have used their own property about "one-tenth" as often as before.

Lager contended that the logging McCarty has done on his property has rendered sections of the Pine Creek Road a "big, wide, dusty mess."

She also claimed that she has had dogs "sicked" on her while behind the gate.

Carmen Nelson, who with her husband, Jeff, lives on Pine Creek Lane, said she tries to hike to Pine Creek Reservoir at least once every summer to enjoy the views.

"Everything you see is gorgeous," Carmen Nelson said. "Wildflowers, colors."

Nelson said she has visited Pine Creek since she was a child, including many trips with her father in a Willys Jeep.

She said the family used to camp at the reservoir, and no one ever questioned whether the road was public.

When McCarty installed the gate in September 2020, Nelson said she was "devastated."

"I could believe it," she told commissioners. "How could this happen?"

Jeff Nelson, who said he had his first hunting trip in the Pine Creek canyon, said he believes the road should remain open to the public.

"One person should not justify the damage they're doing to this community by putting up a gate," he said.

Robert Seymour, who owns the Baisley-Elkhorn Mine, which is near the North Fork of Pine Creek and accessed by the Pine Creek Road, told commissioners he believes "that road should be a county road."

Seymour said he believes the road predates the creation of the U.S. Forest Service in 1905, citing historical documents that reference

Responses on behalf of David McCarty

Joelleen Linstrom, who lives with David McCarty, the Pine Creek canyon landowner who filed a civil suit against Baker County last year, said she was "very shocked" and disappointed by some of the comments that residents made to county commissioners during a public hearing on Tuesday, April 19.

Linstrom said she believes some of the comments "placed David in a false light."

"There was a lot of personal attacks, not facts," Linstrom said. Many of the speakers talked about restrictions on public access due to the gate that McCarty installed when he bought the property in September 2020.

Linstrom said that gate is locked only at certain times, such as when the wildfire danger is high or when loggers are working.

She said a sign posted on the gate includes McCarty's phone number. She said people who want to hike or ride horses along the Pine Creek Road can call McCarty, and he has no objection to people traveling on that road on foot or by horse.

"David has tried to be neighborly," Linstrom said.

She said she couldn't speak about McCarty's intentions regarding allowing motor vehicles on the road.

In a letter dated April 15, 2022, from McCarty's attorneys, Janet K. Larsen and Charles F. Hudson of the Lane Powell firm in Portland, to Baker County commissioners, the lawyers write that "The risks he (McCarty) wishes to avoid — further trespass, camping, fires, and ATV use that can present safety and fire hazards given the nature of the terrain — are things that should concern the County as well, particularly if, as has proven true so far, the County is either unwilling or unable to devote resources to address these problems or the related risk of fire loss."

Larsen and Hudson suggest that rather than pursue the process under Oregon law to "legalize" the Pine Creek Road, the county should try to negotiate a settlement with McCarty.

"His goal from the beginning has been to work in good faith with the County to resolve any dispute, and he is frustrated that the County has treated him as an adversary and withheld or delayed providing information, even after receiving formal requests under the public records law," the attorneys wrote in the April 15 letter. "As a result, Mr. McCarty's public reputation has been damaged, his personal property has been vandalized, his business pursuits on the property unnecessarily impeded and delayed and he has been physically assaulted on his own property."

Linstrom said a mediation session in McCarty's lawsuit has been set for June 3.

— Jayson Jacoby

the developments at the Baisley-Elkhorn Mine years before 1905. That date can be a factor in determining whether a road qualifies as a public right-of-way under a 19th century federal law, RS 2477, that was superseded in the 1970s but is sometimes still cited for roads that predate the creation of the Forest Service or other significant federal actions.

Ken Helgerson, who lives near Pine Creek and served as Baker County roadmaster for 17 years as part of a 37-year career with Baker County, told commissioners he believes the Pine Creek Road does qualify for a public designation under RS 2477.

Helgerson said the county, more than a decade ago, installed signs along the Pine Creek Road at the boundaries of the land that McCarty now owns, the signs stating that the road passes through private property and that travelers should stay on the road.

James Sanders of Baker City said he first visited Pine Creek, along with Tom Lager, in 1975. Sanders said he bought a cabin near the Lagers' property in 2002. He said he has spoken with "hundreds" of people in the area since, and although he's reminded a few visitors about not camping on private property that adjoins the road for part of its length, he's never had any vandalism at his cabin or been harassed.

But that wasn't the case, Sanders said, after McCarty bought the property. He said acquaintances of McCarty followed him and his friends after they rode four-wheelers to his cabin.

"It's just crazy," Sanders said. "They have no right to

do what they're doing. Stop them."

Several speakers said they're disappointed by the effects of logging that McCarty has done since buying his property.

Mike Thompson, who said he first visited the Pine Creek canyon in 1963, when he was 13, mentioned the logging.

Thompson also said that the county had made repairs to a section of the road after it washed out several years ago.

"It's a real shame that someone comes in and says I own this, and to heck with the rest of the country," Thompson said. "That's not right. We need to do something to keep it open for everybody."

"You're shutting off recreation and enjoyment to many people in this town. We have a tendency to resent it."

Deon Strommer, who has lived on Pine Creek Lane since the mid 1980s, said annual hikes to Pine Creek Reservoir during the Memorial Day and Labor Day weekends are longstanding family traditions.

"I always understood (the road) was public access," Strommer said.

He said he respects private property, including the owner's right to keep their land closed.

But Strommer contends the road "should be left open for the public."

Mitch Grove, a Baker City real estate agent, said he helped Tom Lager sell one of his parcels. Grove said he had "firsthand experience" with what he called "intimidation" by representatives of McCarty's.

Grove said he's concerned that the situation could reduce the value of other private properties in the area.



Ian Crawford/Baker City Herald

Jane Barrett, left, and Carmen Ott of Best Friends of Baker, Inc. accepting \$500 from Becky Snyder.

Scouts

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The first recipient is the Rachel Center, a nonprofit volunteer program in Baker City that offers pre and post natal support to teenage mothers, including testing, ultrasounds, parental education classes and material needs for infants up to three years.

Rachel Center Director Vera Grove accepted the award.

The other \$500 donation went to Best Friends of Baker, Inc. operated by Carmen Ott and Jane Barrett, both former Girl Scouts.

Best Friends is a nonprofit that accepts strays and surrenders of dogs and cats, offering spay and neuter services and rehoming. Prior to Best Friends' creation in 1986, uncollared and unclaimed dogs caught in Baker City would be euthanized within 24 hours.

Becky and Penelope are working toward earning the top awards

in the Girl Scouts program.

In pursuit of the Silver Award, Becky conducted a dog food drive and is donating 50 hours of service to the community.

"Did you see the barrels set outside the grocery stores? That was all Becky," said Linda, who is Becky's mom.

Penelope, who is seeking the Gold Award, must fulfill 80 hours of community service and create a permanent public feature. She aims to have a splash pad, with an interactive play fountain, built at a Baker City park.

"I'll have to make a proposal to the city, and it will require funding," Penelope said.

With the Baker City troop's membership dropping substantially during the pandemic, Linda Snyder hopes to boost the numbers. Girls interested in getting involved with the Girl Scouts can learn more at GirlScouts.org.

"Before COVID, we had 22 Scouts," Linda said. "Today we only have five."

Firefighter

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"I love being a paramedic, and I love serving the community," Johnson, 31, said on Tuesday, April 19.

Nine days earlier Johnson worked that final shift with the Baker City Fire Department.

He left that job for his current position in Washington after learning that the Baker City Council had sent a notice to Baker County, which is responsible for choosing ambulance providers, that the city intended to cease ambulance service Sept. 30, 2022.

That, Johnson said, was a "big surprise."

He said he was certainly

aware of the city's financial challenges in operating ambulances — notably that the city doesn't come close to collecting through billing all the money it spends for the service.

But Johnson said he didn't expect that the city would set a six-month deadline for curtailing ambulance services.

Although he was disappointed at the prospect of having the paramedic part of the job end, that was hardly the biggest issue for him personally.

City Manager Jonathan Cannon said that without the revenue from ambulance bills — estimated at a little

more than \$1 million for the current fiscal year — the city would have to lay off about half of the 12 firefighter/paramedics who work shifts now.

Since Johnson, who was hired Jan. 8, 2018, had relatively little seniority in the firefighters union, he said his job would be one of those lost under that scenario.

That realization prompted him to immediately start searching for a job elsewhere.

Johnson said his top priority

is ensuring he can continue to provide for his daughter, who is six.

"I feel this is what is safe and responsible for myself and my family," he said.

Johnson said he was surprised, and gratified, to land the Washington job as quickly as he did.

But that didn't overcome his disappointing at leaving Baker City, where, he said, he was "pretty invested."

Hired thanks to federal grant

Johnson was one of three

firefighters Baker City hired in 2018 after accepting a three-year federal grant that paid about two-thirds of the personnel costs for the trio.

Johnson, who had worked on an ambulance and as a wildland firefighter, had a basic Emergency Medical Technician certification.

While working in Baker City, he said he decided, though it meant spending considerable time away from his daughter, to go through the extensive training to become a paramedic.

He believed he was solidify-

ing his career in Baker City.

He didn't anticipate that within four years he would be facing what he termed "a pretty drastic change for the department that has dramatic effects on the community."

Johnson said that although he doesn't speak for his former colleagues in Baker City, he thinks it's likely that other firefighter/paramedics, confronted either with the loss of the job, as he was, or with the elimination of the paramedic part of the work, will look for a job in any other city.

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