



# The Blue Mountain EAGLE

Grant County's newspaper since 1868

Wednesday, January 27, 2021

MyEagleNews.com

153rd Year • No. 4 • 16 Pages • \$1.50



File photo

With federal Endangered Species Act protections removed, Oregon will now manage its gray wolf populations.

## Environmental groups challenge federal wolf delisting

Oregon plan allows killing wolves caught in the act of biting, wounding, killing livestock

By Steven Mitchell  
Blue Mountain Eagle

Baker County saw a confirmed wolf kill Thursday as groups of environmentalists have challenged the Trump administration's decision to remove gray wolves from the list of endangered species in the lower 48 states.

The groups said that wolves have not sufficiently recovered in areas on the West Coast, and removing federal protections will inhibit their recovery.

John Mellgren, a lawyer with Western Environmental Law Center, one of the groups challenging the delisting, said the government essentially said there are enough wolves in the Great Lakes states to meet the Endangered Species Act's definition of recovery for the entire country.

"And so it doesn't matter what's going on in Washington, Oregon, and California or Colorado," Mellgren said. "Wolves occur across the entire country."

Mellgren said the Trump administration's decision impacts the western two-thirds of Washington, Oregon and California.



Wallowa County Commissioner Todd Nash

### Oregon's management of wolves

The Oregon Department Fish and Wildlife removed wolves from the state endangered species list in 2015, though the federal Endangered Species Act designation remained in the state's western two-thirds.

With wolves federally delisted, people may now shoot a wolf caught in the act of biting, wounding or killing livestock or working dogs in Oregon, provided they have not baited or taken actions to attract wolves, they preserve the scene and they contact ODFW 24 hours after the shooting.

The Oregon Wolf Conservation and Management Plan manages wolves according to phases. Currently, most of Eastern Oregon — east of Highway 395 at the southern border up to Highway 20 to Bend and then up to the northern border on Highway 97 — is under Phase III, where livestock producers can shoot wolves caught in the act of chasing livestock or working dogs if they meet the other three conditions above.

West of the highway 395-20-97 boundary is

under Phase I, where producers can only shoot wolves chasing livestock if they meet the three previous conditions, have already undertaken nonlethal actions and the taking occurs in an area during a time period in which ODFW has determined a situation of chronic depredation exists.

Chronic depredation in Phase I is defined as four depredations in a six-month period by the same wolves. The definition of chronic depredation changes in Phases II and III to two confirmed kills in nine months.

The plan also allows wildlife officials to consider killing wolves that habitually prey on livestock.

Wallowa County Commissioner Todd Nash said the wolf populations would continue to grow in Oregon. He said the state's wolf plan and the different phases are nearly as restrictive as those under the federal restrictions.

"This isn't about whether we have wolves or don't have wolves," he said. "Until you have significant changes within the Oregon plan, we will continue to have wolves, and we will continue to have ever-increasing numbers of wolves."

See Wolves, Page A16

## Changes coming to John Day Police Department

By Rudy Diaz  
Blue Mountain Eagle

John Day Police Department will look different later this year — but how different is yet to be determined.

Police Chief Mike Durr plans to retire at some point this year, and the city council is considering multiple options for the department after his departure.

John Day City Manager Nick Green said at a Jan. 19 city council work session one option is to hire a new chief, but the job posting would have to go out this month and the chief would likely be hired from outside the county.

Another option would be for the city to work with the Grant County Sheriff's Office to establish an alternative solution, which might look like the sheriff's office providing two officers to work in John Day that would use the equipment at the JDPD.

The city council asked Green to talk to Sheriff Todd McKinley to get a better idea of what working with the GCSO would look like. Green said, if the city were to make an agreement with the GCSO, it would be important to not lose the identity of the JDPD.

"I don't want to lose the identity or recognition of the police department, and I think at some point, if we're successful in adding 100 new people, we're going to need (the police department)," Green said.

A police agreement with GCSO could free up city funds to be used for other projects. The police department is the largest general fund expenditure the city has with their audit for 2020 showing police expenses at \$442,340.

Green said \$35,000 to \$40,000 a year is pulled from the city's utility account with another \$45,000 received from the agreement with the school district for the school resource officer.

"I think that money would go a long

See Police, Page A16



John Day Police Chief Mike Durr

## Fired deputy sues county for whistleblower retaliation, wrongful discharge

Smith claims in lawsuit Palmer, Mobleys 'orchestrated' plan to get him arrested, discharged from sheriff's office



Eagle file photo

Grant County Undersheriff Zach Mobley, left, and Sheriff Glenn Palmer sit in on a discussion on the recruitment of a new emergency management coordinator at a Grant County Court meeting May 27.

A sheriff's deputy who was fired before entering a plea on criminal charges is suing the county and several employees.

Former Grant County Sheriff's Office deputy Tyler Smith claims Grant County and its employees violated his constitutional rights under the First and Fourteenth Amendments, retaliated against him as a whistleblower and wrongfully discharged him from employment in a complaint filed Dec. 21 in U.S. District Court in Pendleton.

In addition to the county, the suit names former Sheriff Glenn Palmer, District Attorney Jim Carpenter, Undersheriff Zach Mobley and former Deputy Abigail Mobley as defendants and seeks damages for lost wages and distress as well as punitive damages and attorney fees.

Smith claims in the suit that Palmer and the Mobleys "orchestrated" a plan to get him arrested and removed from the sheriff's office.

County Judge Scott Myers said county policy prohibits discussing active litigation. Attempts to contact Palmer were unsuccessful, and the other defendants did not respond to questions from the Eagle.

Smith was fired Dec. 17, 2019, before he entered a plea on criminal charges against his spouse including attempted rape. A Sept. 27, 2019, grand jury indictment filed in Grant County Circuit Court accuses Smith of attempted first-degree rape, attempted first-degree sex abuse and fourth-degree assault in 2018. He pleaded not guilty April 30, 2020, and is awaiting trial.

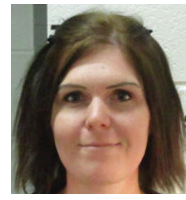
Smith claims in the lawsuit the defendants retaliated against him after he reported allegations that Abigail Mobley, who was still employed as a deputy at the time, had used illegal drugs and had a sexual relationship with an inmate who was incarcerated for drug crimes to the Oregon Department of Justice on July 31, 2019.

According to DOJ officials, they did not investigate the allegations of drug use but determined through dozens of recorded jail phone calls that Abigail Mobley was having sexual conversations with former inmate Darren Mortimore. DOJ officials concluded, however, there was not "a reasonable likelihood of proving beyond a reasonable doubt that Ms. Mobley committed the crime of custodial sexual misconduct."

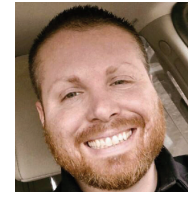
Grant County Human Resources Manager Laurie Cates said the reason Smith was terminated was conditionally exempt from public disclosure under an Oregon law shielding personnel discipline actions.

A court order prevents Smith from carrying firearms while he awaits trial, but he claims in the suit this was only an excuse to terminate him.

"Defendants claimed that the reason was because (Smith) could not carry a firearm pursuant to the conditions of his release," the suit states.



Abigail Mobley



Tyler Smith

"However, that reason was false both because there were duties he could perform without a firearm and because the past practice within the department was to keep persons on administrative leave during the pendency of criminal cases until the criminal cases were resolved."

Abigail Mobley was on paid administrative leave from March 18, 2019, until she resigned Dec. 26, 2020. During that time, her conduct was investigated by the Oregon Department of Justice and the Umatilla County Sheriff's Office, but they did not file criminal charges. She was also arrested for driving under the influence of intoxicants and pleaded guilty to enter a diversion program, but she was not ordered not to carry firearms.

### The phone extraction

Smith claims in the lawsuit he came to the conclusion Abigail Mobley was using drugs in 2018, the same year he separated from his spouse, who is a close friend of Zach and Abigail Mobley, and began a relationship with Haley Olson.

A transcript of messages from Olson's phone show she and Smith discussing his concerns about Mobley.

Idaho law enforcement extracted the contents of Olson's phone when she was arrested in January 2019, but the charges were dismissed. They also notified Palmer they found Smith's business card in Olson's vehicle.

Palmer asked Carpenter to request a copy of the phone extraction, according to a letter provided by Carpenter.

"The information, if applicable, will be used only for internal purposes, and will not be disseminated to any other agencies or third parties," Carpenter wrote in a Jan. 30, 2019, letter to the Jerome County, Idaho, prosecutor, who provided him a copy of the extraction.

In an April 10, 2019, letter to Palmer, Carpenter said the extraction contained images, videos and audio files.

"I have reviewed the phone dump to determine whether any actionable evidence exists which could possibly subject Deputy Tyler Smith to discipline or sanction," Carpenter said. "While no formal review for criminal activity took place, evidence of such is unlikely as the standard for any criminal action would be higher than the review undertaken. ... I have concluded my review and recommend that you take no action against Deputy

See Smith, Page A16