

‘Ag gag’ opponents point to free speech ruling

Influence of recent U.S. Supreme Court opinion debated

By **MATEUSZ PERKOWSKI**
Capital Press

Opponents of Idaho’s “ag gag” law, which prohibits secret recordings of farm operations, say a recent U.S. Supreme Court decision bolsters their legal case against the statute.

The Animal Legal Defense Fund and other plaintiffs are seeking to overturn the law, which also criminalizes obtaining farm employment under false pretenses.

U.S. District Judge Lynn Winnill has been deliberating over whether the statute violates free speech rights since oral arguments in the case were held in late April.

The plaintiffs recently submitted a court document pointing Winnill to the Su-

preme Court’s June 18 opinion in *Reed v. Town of Gilbert*, a lawsuit over the regulation of signs.

In that case, the nation’s highest court invalidated a city code that created different rules for categories of signs based on whether they’re ideological, political or directional.

According to the Animal Legal Defense Fund, the decision makes clear that a court can consider legislative intent in deciding if a law is content-based and

unconstitutionally limits free speech.

“As plaintiffs have previously emphasized, an improper legislative motive is a sufficient basis for treating a law as content-based,” the court brief said.

The plaintiffs argue that Idaho lawmakers were motivated by hostility toward animal rights activists — who they compared to “terrorists” and “marauding invaders” — when passing the law in 2014.

Idaho’s attorneys argue that

legal precedents preclude the court from “psychoanalyzing” motives of legislators, and that lawmakers were driven by a desire to protect agricultural operations from harm.

The statute was passed in reaction to the angry backlash against an Idaho dairy farm whose employees were secretly filmed abusing cattle.

As for the recent Supreme Court opinion, the defendants say that it “cuts no new trail and cannot lead the plaintiffs where

they wish to go.”

The circumstances and legal arguments in *Reed v. Town of Gilbert* are too different to shed light on the controversy over Idaho’s law, according to a response brief filed by the state’s attorneys.

Unlike posting a sign, recording a video is “not expressive conduct” but is merely an activity that employers can prohibit, so the Supreme Court decision “says nothing relevant on this score,” the document said.

Burns Airport adds fuel truck to aid firefighting flights

By **ERIC MORTENSON**
Capital Press

During fire season last summer in southeast Oregon, the Burns Municipal Airport ran out of fuel for firefighting airplanes nine times.

With drought expected to bring an even worse wildfire danger this year, airport Manager Jeff Cotton, community members and the Bureau of Land Management, which manages much of the range and forestland in the region, began looking for ways to avoid similar shortages and response delays. Having to halt flights until fuel was delivered interrupted the firefighting effort.

Cotton and the others learned a military surplus tanker truck was available at

Wright-Patterson Air Force Base in Dayton, Ohio, and federal General Services Administration approved the airport’s request. The tanker was free, and the BLM paid for two drivers and a low-boy hauling rig to go get it.

The tanker, a 1995 Volvo with only 300 miles on it, holds 6,000 gallons of fuel. Cotton said the rolling cache gives the airport about three days worth of fuel for the air tankers. He’d like more, but he’s glad to have it.

“We’ve got bigger fires, more fires and earlier fires,” Cotton said. The area saw two fires in June; the earliest last year didn’t happen until July 6.

Cotton said he hopes to obtain another tanker truck next fall or spring.

“We’re not out of the woods yet,” he said.



A 6,000 gallon fuel tanker donated as military surplus will help keep firefighting planes in the air over Southeast Oregon this summer.

Courtesy of Burns Municipal Airport

Study highlights investments in Columbia River ports

By **MATTHEW WEAVER**
Capital Press

Public agencies and private companies have invested more than \$1 billion in the lower Columbia River navigation channel and facilities since it was deepened five years ago, a new study says.

The Pacific Northwest Waterways Association and Port of Portland released a study outlining the \$1.08 billion in public and private investments. The U.S. Army Corps of Engineers spent \$180 million to deepen the 110-mile navigation channel from 40 to 43 feet. The dredging was finished in 2010.

The study also documented investments in grain export facilities, mineral bulk export facilities and rail and road infrastructure following completion of the channel deepening project.

“All of these projects were due, some totally, some in part, to the channel deepening project,” said Kristin Meira of the waterways as-



Capital Press file photo

The EGT grain terminal at the Port of Longview, Wash., is shown in this file photo. The terminal is one of several projects that have been built since the lower Columbia River was dredged five years ago.

sociation. “It made our river system more efficient and a better place to do business.”

The \$230 million Export Grain Terminal at Longview, Wash., was the first new grain export facility in North

America in roughly 25 years, she said.

Other projects cited in the study include \$228 million to expand rail freight infrastructure at the Port of Vancouver, \$100 million

that Temco LLC spent to increase grain capacity and \$140 million to improve potash exporter Canpotex’s shiploading efficiency at the Port of Portland.

About \$5.15 billion in

“This is not a river system that’s simply holding in place. Folks are making hundreds of millions of dollars of investments in their facilities. They are banking on the future of the Columbia-Snake river system.”

Kristin Meira of the Pacific Northwest Waterways Association

investments are proposed, according to the study, including a \$600 million coal terminal at the Port of Longview and a \$500 million propane export terminal at the Port of Portland.

Roughly 77 percent of the Portland port’s current business is related to movement of agricultural and mineral bulks, said Curtis Robinhold, deputy executive director of the port, in a press release.

“The deepening of the channel has led to an increase in volumes of bulks at our facilities since ships can travel more fully loaded,” Robinhold stated.

Meira said the study shows why the river is im-

portant to the region and the nation. Maintenance and targeted investment are crucial to ensure a competitive transportation system, she said.

The system is slated for a 14-week closure beginning in December 2016 for lock maintenance. Navigation channels require adequate financial support from the federal government to be maintained, Meira said.

“This is not a river system that’s simply holding in place,” she said. “Folks are making hundreds of millions of dollars of investments in their facilities. They are banking on the future of the Columbia-Snake river system.”

Have you seen this invasive plant?

Oriental Clematis is a deciduous vine that forms blankets of dense growth over existing plants.

Learn more at www.nwcb.wa.gov



Flowers are solitary or in clusters of 3 or more. Flowers have 4 yellow petal-like sepals that are 3/4" long.



Round clusters of hairy seeds remain on the plants for many months.



Infestations form a dense canopy over trees and other plants. It is primarily spreading in eastern Washington.



Leaves are arranged opposite each other on stems, divided into 3-7 leaflets and vary in shape and size.

Why is oriental clematis (*Clematis orientalis*) a noxious weed?

- It is an invasive vine found in the intermountain west and several infestations have recently been detected in Yakima County.
- Oriental clematis rapidly forms patches of dense growth that can smother native plants.

Where do you find oriental clematis?

- This clematis species is sometimes grown as a garden ornamental.
- It grows in a variety of habitats, including shrublands, riverbanks, streambanks, riparian areas, ditches, roadsides, rocky slopes, desert and semi-desert areas.

What can you do?

- Learn to identify this Class A noxious weed.
- Purchase *non-invasive* clematis species for your gardens.
- Contact your county weed board to learn how to remove it from your property.
- Report any sightings to your county noxious weed control board or to noxioussweeds@agr.wa.gov.

