

# Judge clears barred owl removal study

## Experiment intended to gauge impacts on spotted owl

By MATEUSZ PERKOWSKI  
Capital Press

Killing barred owls to study the potential effects on threatened spotted owls does not violate federal environmental laws, according to a federal judge.

Populations of the northern spotted owl, which is protected under the Endangered Species Act, have continued to decline in recent decades despite strict limits on logging.

Federal scientists believe the problem is partly due to the barred owl, a rival species that's more adaptable, occupies similar habitats and competes for food.

In 2013, the U.S. Fish and Wildlife Service authorized an experiment to remove 3,600 barred owls over four years, typically by shooting them, to see if spotted owl recovery improves.

Friends of Animals and Predator Defense, two animal rights groups, filed a com-

plaint last year accusing the agency of violating the National Environmental Policy Act by failing to evaluate alternatives to lethal removal of barred owls.

They also claimed the Fish and Wildlife Service's study is contrary to the Migratory Bird Treaty Act, under which the U.S. and other countries agreed to protect migratory birds.

U.S. District Judge Ann Aiken has rejected these arguments, finding that the agency wasn't obligated to undertake other "recovery actions" for the spotted owl that didn't call for removal of barred owls.

The agency took a sufficiently "hard look" at the study's effects, including the possibility that it may disrupt an "equilibrium" between the two owl species in some areas, Aiken said.

The experiment also falls within an exception to the Migratory Bird Treaty Act which permits birds to be killed for "scientific research or educational purposes," she said.

From the Fish and Wildlife Service's perspective, the judge's opinion validates the significant amount of time



AP Photo/The Herald, Barton Glasser, File  
A barred owl is shown in this 2004 file photo. A federal judge has approved an experiment in which barred owls will be killed to allow the northern spotted owl population to recover.

and effort the agency spent studying the issue, said Robin Bown, biologist for the agency.

"I think we made our case," she said. "We feel we did very inclusive work on

this."

The plaintiffs are still undecided whether to challenge Aiken's ruling before the 9th U.S. Circuit Court of Appeals, said Michael Harris, director of Friends of Animals' wild-

life law program.

Habitat loss remains the primary culprit for the decline of spotted owls, he said. "The amount of old growth habitat hasn't increased."

Spending millions of dollars by shooting barred owls in the Northwest year after year isn't feasible but it is cruel to the birds, Harris said.

It's possible that the two owl species will find niches and coexist over time, he said.

Fish and Wildlife officials are rushing to judgment to blame barred owls to escape making tough decisions about forest management, Harris said. "You're just taking a shortcut by scapegoating the barred owl."

The U.S. Fish and Wildlife Service disagrees with this perspective.

Biologists initially hoped the two species would be able to occupy different habitats, but the barred owl has consistently invaded the spotted owl's territory since the 1970s, said Bown.

As soon as the barred owl took over riparian areas, it "began marching up the hillsides" to upland territory favored by the spotted owl, she

said.

"There is no evidence of any environment where spotted owls can outcompete barred owls," Bown said.

While the removal study costs \$1 million a year, that includes costs related to the scientific analysis, she said.

"When you're doing a study, it costs more than operational activities," she said.

If removal proves effective at protecting spotted owls, other less-costly methods of controlling the barred owl's population growth may become available in the future, Bown said.

Seventy-one barred owls were removed during the first year of the study and 54 were removed during the second year, both at a site in Northern California.

The Fish and Wildlife Service expects the removals to begin in at least two new sites in Oregon and Washington during the autumn of 2015.

Data collected during the first two removal periods is insufficient to indicate whether the removals are helping spotted owls, Bown said. "It's hard to look for a trend with only two points."

## WSDA levies maximum fine for pesticides drifting over schools

### Orchard workers failed to check weather conditions

By DON JENKINS  
Capital Press

An Eastern Washington man has been fined \$7,500 for failing to keep pesticides from drifting over a Grant County school campus last spring, sickening three school employees, according to the Washington State Department of Agriculture.

Ron Wyles, identified by WSDA as an orchard manager and a pesticide applicator for Ag Management Group of Yakima, also will have his applicator's license suspended for 90 days. The fine and length of suspension are the maximum penalties WSDA can levy.

The case merited the sanctions because the pesticides drifted a considerable distance and endangered students, teachers and other school employees, according to WSDA.

Wyles can appeal the penalty. Efforts to reach Wyles were unsuccessful. Ag Management Group declined to comment.

Although Wyles was not in the orchard when the spraying occurred, he was responsible for the crew, which didn't follow labeling directions to ensure wind and atmospheric conditions were favorable, according to WSDA.

According to the department's investigation, Wyles ordered a crew to start spraying at 4 a.m. March 19 in an apple orchard about 75 feet from the Wahluke School District campus in Mattawa. At 7 a.m., the smell on campus was strong, a school employee said.

The campus includes district offices, a high school, middle school and two elementary schools. That morning, 2,323 students and 281 teachers and staff members were on campus, according to WSDA.

A teacher walking between the buildings developed a headache and felt nauseous. At 8:30 a.m., school employees went to the orchard and were told "the pesticide application was almost complete."

At 9 a.m., a teacher outside with children smelled the odor and had "a reaction," according to the investigation. A school resource officer summoned fire and law enforcement officers to the orchard. By the time they arrived at around 10 a.m., the spraying was over. A fire official reported seeing "a cloud of spray over the top of the orchard."

The Washington Department of Health reported that three school employees suffered mild stomach and breathing problems.



John O'Connell/Capital Press  
Mink peer from their cage at an eastern Idaho farm. Following the recent break-in of a Burley, Idaho, mink facility, the national trade organization for mink producers is urging mink farmers to step up security. The FBI recently arrested two suspects related to attacks on mink operations.

## Arrests made in mink farm attacks

By JOHN O'CONNELL  
Capital Press

SAN DIEGO — The FBI has arrested two animal-rights activists in connection with a series of 2013 attacks on mink farms in several states, including Idaho.

Joseph Buddenberg, 31, and Nicole Kissane, 28, both of Oakland, Calif., were recently arrested on charges of conspiracy to violate the Animal Enterprise Terrorism Act, according to an FBI press release.

The maximum penalty under the act is up to 10 years in prison and a \$250,000 fine. They'll likely face trial in the Southern District of California, according to the press release.

The suspects allegedly targeted animal farms in Idaho, Iowa, Minnesota, Pennsylvania and Montana, typically releasing mink and destroying breeding records. In Montana, they released a bobcat, and in San Diego, they vandalized a retail furrier, Furs by Graf, and vandalized the Spring Valley and La Mesa residences and property of the current and former owners of the business.

They also allegedly sought

to flood the Wisconsin home of an employee with North American Fur Auctions.

Cindy Moyle and her family, owners of a Heyburn, Idaho-based mink farm that the suspects allegedly attacked, watched as coyotes came down from the hills and carried off mink, said Michael Whelan, executive director with Fur Commission USA in Medford, Ore. Whelan said several other mink released from the Moyle farm were struck by vehicles on the highway.

The suspects allegedly posted details of their actions on an animal-rights website.

Several FBI joint terrorism task forces throughout the country reportedly contributed to the arrests.

"Whatever your feelings about the fur industry, there are legal ways to make your opinions known," U.S. Attorney Laura Duffy said in the press release.

Whelan believes investigators increased their focus on the case after a U.S. district judge in Illinois upheld the Animal Enterprise Terrorism Act.

"Twenty years ago, they wouldn't have pursued it at all," Whelan said. "It goes to show we have the support of law enforcement, and people who commit crimes are going to have to pay for their crimes."

According to a July 24 report by USDA's National Agricultural Statistics Service, both domestic mink prices and production are on an upswing. Production of pelts raised in 2014 for sale this year increased by 6 percent to 3.76 million pelts. The average price per pelt, at \$57.70 was up \$1.40 from the prior year. Idaho was the No. 3 mink producing state, with 345,590 pelts, trailing Wisconsin and Utah and ranking ahead of Oregon, which produced 309,350 pelts.

## California navel orange production meets expectations

By TIM HEARDEN  
Capital Press

SACRAMENTO — As the season's last navel oranges have left packing houses, production came close to matching the 79 million cartons forecast by an agency here, an industry insider says.

Now growers are turning their attention to next season, for which the developing crop looks to be average or better, said Bob Blakely, vice president of the Exeter-based California Citrus Mutual.

"It depends on who you talk to," Blakely said. "Some growers are seeing a heavier crop and for some the crop is smaller."

The trees from which oranges were harvested earlier in the season tend to have a better fruit set, while trees that still have fruit on them during the bloom don't set as much because they're still carrying a crop, he said.

In any case, there's been very little fruit drop this summer, Blakely said.

"The fruit that's set seems to be holding, which would indicate it's probably an average to slightly better-than-average crop," he said.

Packing houses are still totaling production figures, but the National Agricultural Statistics Service in Sacramento reported in July that this season's navel production would end up at 79 million cartons, or 1.58 million tons.

That's down 1 percent from the agency's initial estimate of a nearly 81 million carton crop but up 2 percent from last year's production.

Growers maintained a fresh-utilization rate of more than 80 percent through most of the season before rates fell into the 70s near the end. Oranges not suitable for the fresh market are diverted to juice.

The navel season wrapped up as the harvest of Valencia oranges will continue through the summer. NASS now expects a 19 million carton crop, down 5 percent from its forecast earlier this year and down 11 percent from last year's utilization.

Valencia acreage has seen a precipitous decline in recent years as growers replace them with navels or other more lucrative citrus varieties. There are about 34,000 bearing acres of Valencias this year, down from 65,000 in 2001-02, according to NASS.



Tim Hearden/Capital Press  
Valencia orange slices are served on a plate on a summer afternoon. As the Valencia orange harvest proceeds, the season's last navel oranges have been shipped from packing houses.

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