

# Official explains defense of Clean Water Act rules

## Opponents fear the new regulations will expand federal authority

By **MATEUSZ PERKOWSKI**  
Capital Press

SALEM — The State of Oregon is defending the federal government's new Clean Water Act regulations in court because they're expected to simplify the statute's administration, according to a top state official.

It's possible that the U.S. Environmental Protection Agency's new rules will allow state officials to issue Clean Water Act permits, which are

currently dispensed by the EPA and U.S. Army Corps of Engineers, said Richard Whitman, natural resources policy adviser for Oregon Gov. Kate Brown.

The regulations have met with controversy because opponents fear the new definition of "waters of the United States" will significantly increase the federal government's jurisdiction over waterways on private property. Multiple states have filed

lawsuits challenging the rules, while Oregon and several other states have intervened as defendants in support of the regulatory change.

"This is an issue that has frankly been politicized nationally," Whitman said before the House Committee on Rural Communities, Land Use and Water.

Oregon officials believe the amount of water under the federal government's purview will only increase by 3 to 5

percent under the new regulations, he said.

"As a technical and policy matter, we do not believe the rule is a major expansion of federal jurisdiction," Whitman said.

Congress decreed that "waters of the U.S." fall under Clean Water Act jurisdiction but did not define the term, leaving that problem to agencies and courts, he said.

The matter was the subject of three U.S. Supreme Court rulings, the most recent in 2006.

Because the justices dis-

agreed on how to determine whether a water body is regulated, the case established three conflicting standards, Whitman said.

"You have complete confusion in the lower courts about which of these three tests is the right one," he said.

The EPA's new rules are meant to clear up some of that confusion by reducing the number of waterways that must be examined on a case-by-case basis, Whitman said.

Most agricultural activities continue to be exempt from

Clean Water Act regulations, he said.

The Oregon Cattlemen's Association, which is involved in litigation against the rules, is disappointed that the State of Oregon intervened as a defendant without consulting with agricultural groups, said Jerome Rosa, the organization's executive director.

Rosa said he disagrees with Whitman's characterization of the regulations, which OCA thinks will be extremely detrimental to ranchers.

"We don't see it that way," he said.

# Western Washington wolf killed by vehicle had also been shot

By **DON JENKINS**  
Capital Press

The first gray wolf known to venture west of the Washington Cascades in decades was shot in the right rear leg several weeks before it was struck by a vehicle last spring on Interstate 90, the U.S. Fish and Wildlife Service said Sept. 25.

An examination of the carcass found that the gunshot wound was healing when the adult female was killed April 27 west of Snoqualmie Pass near North Bend, USFWS spokeswoman Ann Froshchauer said.

Details about the severity of the wound were unavailable. The wolf was apparently hit by a large vehicle, and the carcass was badly damaged, Froshchauer said.

Wolves are federally protected in the western two-thirds of Washington. Harming a federally endangered species can be punished by up to a year in jail and a \$100,000 fine. Froshchauer said the agency is closing its investigation.

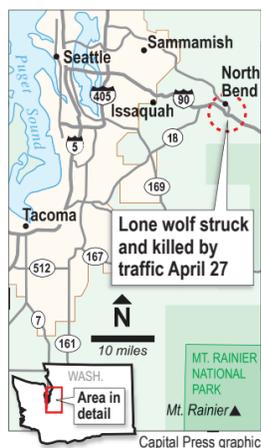
The wolf was killed about 30 miles east of Seattle and 50 miles west of the state's western-most pack, the Teanaway pack, which roams east of Snoqualmie Pass.

Washington Department of Fish and Wildlife officials said the wolf's black coat indicated it came from a different pack and could have come from northeast Washington or even the Rockies.

State officials said the wolf appeared to be about 2 years old, the prime age for wolves to disperse. USFWS did not provide an estimate of the wolf's age.

Although the wolf's journey ended in tragedy, conservation groups hailed it as a landmark, saying it showed that wolves will spread across Washington, a key goal of the state's recovery plan. Predator-control programs drove wolves from the West by the 1930s. Wolves were reintroduced beginning in 1995 in Wyoming and Idaho and have dispersed west.

Conservation Northwest Executive Director Mitch Friedman said he was disappointed the wolf had been shot. Environmental groups, including Conservation Northwest, are offering a \$20,000 reward for information leading to a conviction in the fatal shooting of a Teanaway pack female in October 2014.



Friedman said killing wolves will slow recovery and delay removing them from the state's protected species list.

"I wish people would stop shooting wolves. It doesn't do anybody any good," he said. "It doesn't surprise me people are shooting at wolves. There's plenty of that on the Internet. That attitude — shoot, shovel and shut up — is openly expressed, so it's not surprising, but it is disappointing."

Washington Cattlemen's Association Executive Vice President Jack Field said the wolf's death won't slow the spread of wolves, which is increasing the need to foster social acceptance. Tolerance can be increased with policies that assure ranchers and hunters that wolf populations will be controlled, he said.

"It's going to be an issue we have to deal with as we work toward recovery," Field said. "All stakeholders have to believe the plan will work."

The Teanaway pack has killed two cows this summer, according to wildlife officials, but neither USFWS nor WDFW has the authority to lethally remove wolves in Central or Western Washington. In the eastern one-third of Washington, where wolves have been taken off the federal endangered species list, WDFW can authorize shooting wolves to stop livestock depredations.

Wildlife officials immediately believed the animal hit on I-90 was a western gray wolf, but held off positively identifying the species pending a forensic investigation by the USFWS laboratory in Ashland, Ore. The agency says it completed the genetic analysis in September.

A motorist reported seeing the wolf in the highway median. By the time state wildlife officials arrived, the animal had been hit.



Harold Beckstead, left, and Blake Marsden, a junior at Shelley High School in Eastern Idaho, sort potatoes being loaded into storage at grower Merrill Hanny's farm. Hanny says students, who get a two-week harvest break from school, are essential for his operation.

# Harvest break aids Idaho spud farmers

By **JOHN O'CONNELL**  
Capital Press

SHELLEY, Idaho — Local grower Merrill Hanny isn't sure how he'd harvest his 500-acre potato crop without a labor pool made possible by Shelley High School's two-week fall harvest break.

For decades, Hanny has relied on high school students to provide seasonal help at harvest — driving spud trucks, sorting out defective tubers and ridding conveyors of dirt clods and vines.

He's among the many Eastern Idaho growers who believe the long-standing tradition of harvest breaks by some Eastern Idaho rural districts provides a vital community service.

"We have to have these kids to survive on our operation," Hanny said.

Hanny explained harvest breaks started back when workers dug spuds and filled sacks by hand. Larger school districts and many of the biggest farms — which are heavily mechanized and require less labor — have moved away from the tradition.

But there are also growers, such as Steve Christensen, of Shelley, who employ a harvest-time labor force entirely comprising high school students.

"I don't have any other help," said Christensen, who shares resources, including a labor force of a dozen high school students, with another grower at harvest. "We appreciate (harvest break) and try to make our gratitude known."

Christensen acknowledges he worries every year that the harvest break may disappear. Finding seasonal work-



Blake Marsden, a junior at Shelley High School in Eastern Idaho, works potato harvest for grower Merrill Hanny. Hanny says the students, who get a two-week harvest break from school, are essential for his operation.

ers willing to endure 12-hour shifts has become increasingly difficult, for the local growers.

"People just don't want to do any kind of manual labor," Hanny said. "We've moved to a technology-based society. A lot of people want a job, but they don't want to work, at least physically."

But Hanny does count a few adults among his seasonal staff — mostly people seeking to "reconnect with their roots" and "be close to the soil."

Harold Beckstead, an operator specialist with Thresher Wheat in Idaho Falls, uses vacation time to help Hanny at harvest. The extra income is nice, but he insists he does it because he enjoys the experience.

"I just enjoy working with the guys and working with potatoes," Beckstead said.

Shelley High junior Blake Marsden has been working harvest since eighth grade, saving for college and a mis-

derives a feeling of accomplishment from the hard work.

"It's given me a really great appreciation for farmers and what they do and what they go through," she said.

Duggan Grimes, a West Jefferson High School freshman also on a two-week harvest break, is earning money toward a car and dirt bike by working for a grower in Terreton, where he's moved irrigation pipes and cleaned equipment.

Grimes said the job should help him get in better shape for football, but admits after a 12-hour shift "it feels good to get home."

### LEGAL

#### SECRETARY OF STATE NOTICE OF PROPOSED RULEMAKING

Oregon Department of Agriculture, Natural Resource Program, Administrative Rules Chapter #603, Sue Gooch, Rules Coordinator, (503) 986-4583. Adopt: OAR 603-059-0060; Amend: OAR 603-059-0020, 603-059-0030, 603-059-0050, 603-059-0055, 603-059-0070, 603-059-0080.

**RULE SUMMARY:** The rules implement Enrolled HB 2443 that increase fertilizer, soil amendment, lime and compost product registration fees, implements an inspection fee on lime, increases the product evaluation fee and updates the Rule to conform with the American Association of Plant Food Control Officials Publication #68. Hearing date: October 16, 2015 at 2:00 p.m. Location: Oregon Department of Agriculture, Basement conference room D, 635 Capitol St NE, Salem, OR. Last day for public comment is October 23, 2015.

### LEGAL

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