

Efforts to block sage grouse protection could backfire

By **SCOTT SONNER**
Associated Press

RENO, Nev. (AP) — Attempts by rural Nevada counties, mining companies and others to block new U.S. policies intended to protect the greater sage grouse could backfire on the critics and ultimately force reconsideration of a recent decision to keep the bird off the list of endangered species, federal land managers warn.

Justice Department lawyers representing three U.S. agencies say it took an unprecedented effort by officials in 11 western states from California to the Dakotas to persuade the Fish and Wildlife Service last month to reverse its 2010 conclusion that protection of the grouse was warranted under the Endangered Species Act.

The new finding was based on assumptions that added protections in the land-planning amendments being challenged will be carried out to ensure the grouse no longer is threatened with extinction, they said in a brief filed Friday in U.S. District Court in Reno.

Any injunction blocking implementation would “diminish the protections for sage grouse ... undo four years of collaboration and could undermine FWS’ finding,” U.S. Attorney Daniel Bogden wrote.

U.S. District Judge Miranda Du has set a hearing for Nov. 12 in Reno to consider granting a preliminary injunction blocking the amendments.

Elko and Eureka counties and others filed the lawsuit on Sept. 23 — the day after Interior Secretary Sally Jewell announced the listing decision. The Wyoming Stock Growers Association also is suing in federal court there, and Idaho’s governor has signed onto a separate lawsuit filed in federal court in Washington, D.C.

The Nevada lawsuit says the plans could run mining companies and ranchers out of business, block construction of a wind energy project that could bring Elko County \$500 million and deny firefighters and law officers access to existing roads during emergencies.

Nevada Attorney General Paul Laxalt added his name to the lawsuit last week — over the objections of Gov. Brian Sandoval — along with Churchill, Humboldt, Lander, Lincoln, Pershing and Washoe counties in the state.

The government, in its first formal response, says the opponents misrepresent and exaggerate the potential effects. It says they have proven no irreparable harm and are challenging prematurely the planning-level amendments that offer guidelines but render no specific decisions on individual grazing, mining or other federal permits.

“They allege speculative injuries that will come to pass, if at all, only after future site-specific decisions are made,” Bogden wrote. He especially challenged claims the protections could restrict use of thousands of miles of existing roads and threaten to public safety by inhibiting travel of emergency responders.

“The amendments do not close any existing routes,” Bogden wrote. “But even if they did, the agencies’ regulations exempt emergency vehicles from OHV (off-highway vehicle) restrictions.”

The lawsuit accuses the government of “attempting a massive management change” for more than 20 million acres of public land in Nevada without proper environmental review — nearly 3 million acres where new mining claims are prohibited for at least two years and more than 16 million acres subject to what the lawsuit calls onerous travel restrictions.

The two-year freeze on some new mining claims was triggered by Jewell’s proposal last month to withdraw 10 million acres of public lands in Idaho, Montana, Nevada, Oregon, Utah and Wyoming under the 1872 Mining Law.

But Bogden said the proposed withdrawal is subject to “valid existing rights and has no immediate effect on mining operations.” It’s subject to public comment through Dec. 23.

Expert: Use buffer zones wisely

Management practices need to be economically feasible to ranchers

By **MATTHEW WEAVER**
Capital Press

FAIRFIELD, Wash. — Fencing or buffer strips to keep cattle out of streams shouldn’t be a first move, University of California-Davis rangeland watershed specialist Kenneth Tate said.

Tate spoke during a livestock water quality seminar Oct. 22 in Fairfield, Wash.

Best management practices include maintaining healthy cattle or placing salt away from streams to avoid contamination, he said.

“The absolute last place I would recommend a start is to consider fencing off creeks, because first and foremost, we don’t know that it’s required,” he said. “Start with the cheap stuff, the easy stuff, and build your way into it, just as you would with any business going into a new venture.”

Best management practices need to make economic sense to ranchers, Tate said.

“There’s a lot of things to think about before you start erecting hundreds of miles of fence,” he said.

Excessive fencing can harm wildlife, he said.

Tate also said narrow buffer zones are effective.

More than 90 percent of microbes in a pile of manure, or range cow fecal pat, never leave, Tate said. Depending on temperature or environmental conditions, they die very quickly. It removes a lot of the potential microbial pollutants, he said.

Most microbes are trapped roughly a yard around the pat. Microbes reduce by 70 to 90 percent for every additional yard they travel, such as in runoff during a storm.

The first step is deciding whether a buffer zone is needed, and how efficiently a location



Matthew Weaver/Capital Press

Kenneth Tate, professor and cooperative extension specialist in rangeland watershed sciences with the University of California-Davis, addresses ranchers Oct. 22 during the livestock water quality seminar in Fairfield, Wash.

Site-specific plans near streams called for

By **MATTHEW WEAVER**
Capital Press

FAIRFIELD, Wash. — A one-size-fits-all regulatory ban ignores the benefits of well-managed livestock grazing near streams, two rangeland experts say.

John Buckhouse, retired Oregon State University professor of rangeland ecology and management from Oregon State University, and Kenneth Tate, professor and cooperative extension specialist in rangeland watershed sciences at University of California-Davis, spoke during a livestock water quality seminar Oct. 22 in Fairfield, Wash.

Buckhouse and Tate both

stressed the need for decisions about livestock grazing to be based on site-specific conditions.

Buckhouse said riparian zones can be healed faster with livestock grazing than without it.

The cow becomes “a very marvelous tool” when properly used, he said.

Tate gave several examples of situations in California where water quality issues were originally thought to be caused by livestock grazing. Further research showed other factors were the primary problems, including past management activities on the land, nitrogen buildup in nearby rocks

and wildlife pollution.

“This science can be done here,” Tate said. “Maybe part of this process is, what are the questions you need answered? An important thing is to get those on the table, see what science we have to address it now and then determine what you need.”

Buckhouse called for increased education for both ranchers and regulators. Ranchers should also reach out to different community groups and civic clubs to share their perspective, he said.

The Washington State Department of Ecology prefers keeping cattle from streams and riparian areas.

traps pollutants, Tate said.

“It really comes down to site-specific conditions and the magnitude of the risk,” he said. “It’s not a one-size-all answer. Anybody who tells you (it) is oversimplifying our extremely complex world.”

Kelly Susewind, special assistant for the Washington De-

partment of Ecology director on water policy, said the agency doesn’t have defined buffer zones. Ranchers wishing to receive funding for participating in Ecology’s financial management program must typically keep buffers of 35 feet to 75 feet, he said.

“If we get to a position

where we work with somebody for years and have a problem, then we’ll specify for that site what we say is the minimum,” Susewind said. “At some point, we’ve got to say, ‘We’d like to work with you, flexibility is great, but we’ve got to get the job done and protect water quality.’”



AP Photo/Eric Risberg, File

In this Dec. 3, 2013, file photo, Hampton Creek Foods CEO Josh Tetrick holds a species of yellow pea used to make Just Mayo, a plant-based mayonnaise, in San Francisco. The president of the egg industry’s checkoff organization has retired early following the publication of a series of emails related to the fight with Hampton Creek.

Egg board CEO steps down after vegan mayo flap

By **CANDICE CHOI**
AP Food Industry Writer

NEW YORK (AP) — The CEO of the American Egg Board has stepped down earlier than planned, following the release of emails indicating she tried to stop the sale of a vegan mayonnaise at Whole Foods.

Joanne Ivy retired at the end of September. Before the release of the emails, the egg board said Ivy would retire Dec. 31.

Ivy and representatives of the egg board, which promotes the industry and is responsible for the “Incredible, Edible Egg” slogan, did not immediately respond to a request for comment. The U.S. Department of Agriculture, which oversees the board, confirmed Ivy’s retirement but declined to comment on the reason.

The early departure comes as the USDA investigates the egg board regarding its actions related to Hampton Creek, a San Francisco startup that makes the eggless mayonnaise alternative Just Mayo. On Sept. 2, The Associated Press reported on emails in which Ivy told a consultant that she would “like to accept your offer to make that phone call to keep Just Mayo off Whole Foods shelves.”

The request, made in 2013, was not successful, as Just Mayo is still sold at Whole Foods.

The communication nevertheless raised regulatory questions because the egg board is one of about 20 “checkoff” programs overseen by the USDA, making them quasi-governmental bodies. The programs, which include the National Pork Board and the Mushroom Council, are funded by producers and supposed to be promotional.

In a statement regarding its investigation, the USDA said it is “committed to establishing a level playing field that protects and promotes all appropriate agricultural endeavors.” It said it did not “condone any efforts to limit competing products in commerce” and that its administrative review would take “some time” to complete.

Other emails by egg board executives illustrated the alarm over the media attention being showered on Hampton Creek, which makes plant-based alternatives to eggs it says are better for the environment. Publicly, egg board executives have sought to play down the company and avoided referring to it by name. Internally, however, the board was getting advice from public relations agency Edelman on how to respond to Hampton Creek.

In one exchange, an Edelman employee alerted the board that Hampton Creek had just challenged it to a bakeoff on Twitter. The employee advised the board not to respond.

It’s not the first time checkoff programs have come under scrutiny. In 2012, the USDA’s inspector general issued a report saying departmental oversight should be improved.

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