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ENVIRONMENTAL LITIGATION

Lawsuits spiked in 2015

Critics say disproportionate cases in 9th Circuit

By MATEUSZ PERKOWSKI
Capital Press

The number of federal lawsuits filed over environmental issues increased more than 60 percent, to 862, across the U.S. in 2015 compared to the previous year.

While the environmental caseload in federal courts can swing wildly from year to year, that figure is also roughly 8 percent above the average number of complaints filed annually over the past decade.

A broad range of lawsuits can fall under the "environmental matters" category in the federal case filing system, so it's tough to point to any particular reason for a spike, said Karen Budd-Falen, an natural resources attorney in Cheyenne, Wyo.

However, Budd-Falen noticed a distinct increase in cases filed by environmental groups that commonly litigate in the West since the Obama administration came into office.

This finding may seem counterintuitive, given the environmentalist antagonism toward the Bush administration, but Budd-Falen said the upswing was caused by a reduced willingness to put up a fight by the Obama administration.

"Much of litigation is sue-and-settle," she said. "They're more likely to get a favorable settlement with the Obama administration."

Over the past decade, about 30 percent of the environmental lawsuits in the U.S. were filed within the jurisdiction of the 9th U.S. Circuit Court of Appeals, which covers eight Western states.

To compare, the 10th Circuit covers six Western states but only had an average of 43 environmental lawsuits filed per year over the past decade, or about 5 percent of the national average.

Budd-Falen said environmental groups file a disproportionate number of lawsuits in the 9th Circuit because its legal precedents are seen as more favorable to their cause.

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Experts: Refuge takeover undermines legitimate complaints

Most federal land conflicts occurring out of public eye

By MATEUSZ PERKOWSKI
Capital Press

Analysis

The recent spectacle at the Malheur National Wildlife Refuge in Oregon has cast a spotlight on federal land disputes, but it's not emblematic of the broader conflict.

Armed protesters taking over a federal building pro-

COMPLETE COVERAGE ON THE STANDOFF: PAGE 14

vide excellent fodder for the national media, but the actual fight between ranchers, environmentalists and federal agencies is occurring under the public's radar.

The real battles over federal land management often take place in courtrooms, and though they seldom receive much attention, these lawsuits have a meaningful impact on how ranchers do their business.

According to attorneys who represent natural resource industries, the recent

actions by self-proclaimed militia members have not helped in this ongoing struggle.

"It's only scratching the surface about what the ranchers' problems are," said Scott Horngren, an attorney with the Western Resources Legal Center.

Protesters at the Malheur National Wildlife Refuge have made grandiose demands for the divestment

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Mark Graves/The Oregonian via AP

A small group of militia in Burns, Ore., who were there to support a local ranching family, took over the federal office of the Malheur National Wildlife Refuge headquarters Jan. 3.

DOG OF THE WEST

By DAN WHEAT
Capital Press



Courtesy of C.D. Wall, USBCC

'A GOOD BORDER COLLIE EQUALS THREE OR FOUR PEOPLE ON HORSEBACK'



Courtesy of Satus Stockdogs Cable, at work loading cattle, was sold Dec. 9 at an auction in Fort Worth, Texas, for \$21,500. Former owner and trainer Randal Walker says Cable is the third highest dollar Border Collie ever sold.



Dan Wheat/Capital Press

Rancher Dave Billingsley stands with his Border Collies, Gus, 2, left, and Jade, 12, right.



Dan Wheat/Capital Press

Border Collie Gus races after another cow as Billingsley watches. Border Collies are smart, fast and have an instinct for herding.

A month or more ago, Randal Walker noticed an unusual posting on the online social media site Facebook.

A rancher near Vancouver, Wash., was asking for help rounding up three Scottish Highland cattle.

"I'd worked with some in the past that were slow and gentle, but these were pretty wild and mean," says Walker, 36, a rancher near Toppenish who also breeds, trains and sells Border Collies through his side business, Satus Stockdogs.

"The owner had been trying to catch them for three weeks with hay traps, horses and four-wheelers. They were on 900 acres of woods. I took my horse and two dogs over and had them penned in three hours," Walker says.

Walker, on his horse, found the cattle, then led the way in the direction he wanted them to go while his two Border Collies, Brute and Brick, brought the two cows and one bull along by "pressure and release," moving in and then backing off.

That's the instinct and drive underlying other attributes that make the Border Collie a top choice of ranchers herding cattle and sheep.

It makes the Border Collie the dog of the West.

Smart dogs

Border Collies are often rated among the smartest dog breeds based on their ability to understand and obey commands. Stanley Coren, a University of British Columbia neuropsychologist, focuses on train-ability as a marker of intelligence in his bestselling book, "The Intelligence of Dogs." He relied on the assessments of 110 breeds by more than 200 professional dog obedience judges.

The top dogs had learned commands in less than five repetitions and obeyed them at least 95 percent of the time. Border Collies ranked the brightest in understanding new commands.

In 2011, a Border Collie was reported to have learned 1,022 words and actions based on those words.

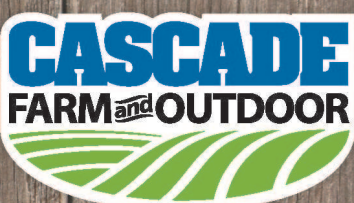
The American Kennel Club describes Border Collies as "workaholics," and the "world's premier sheep herder, prized for intelligence, extraordinary instinct and working ability."

The best Border Collies can "read temperament and anticipate movement, changing their attitude and approach depending on the class of livestock, its age, and demeanor," says the United States Border Collie Club.

They require daily physical exercise and mental stimulation. They are good with children but aren't meant for indoor living.

"The good thing is they want to work. The bad thing is they want to work all the time, even when there's nothing to do," says Nick Martinez, 41, a sheep rancher in Moxee, Wash., who has 20 dogs, mostly Border Collie-Australian Shepherd mix.

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