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Hage grazing conspiracy ruling overturned

By MATEUSZ PERKOWSKI
Capital Press

A ruling that faulted the federal government for conspiring against a Nevada rancher and his estate has been overturned by the 9th U.S. Circuit Court of Appeals.

In 2013, a federal judge ruled that the U.S. Forest Service and Bureau of Land Management deprived rancher Wayne Hage, who died in 2006, of his due process rights and water rights.

Hage's battle with the federal government is often seen as symbolic of the broader "Sagebrush Rebellion" among ranchers against federal land management.

Significantly for other Western ranchers, the 9th Circuit has now ruled that cattle can't incidentally graze on public lands when accessing a rancher's private water right on federal property.

This holding creates confusion among ranchers who also own water rights on public land, as the 9th Circuit reached the opposite conclusion from the U.S. Court of Federal Claims, said Brian Hodges, an attorney with the Pacific Legal Foundation, a nonprofit law firm that specializes in property rights and has tracked the Hage litigation.

"You're told by one court that you can do it, but by another one that you can't," Hodges said.

The 9th Circuit's finding reinforces the federal government's control over its property, said Hillary Hoffmann, an environmental law professor at Vermont Law School who filed a brief in the case on behalf of the Natural Resources Defense Council.

If ranchers want to access their water rights, they must get permission from federal agencies to build pipelines or bring livestock onto the land, she said. "The federal government holds the cards as far as allowing access."

Hage and his estate have seen major victories and defeats in their legal fights with the government, which have

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A CASUAL DISCONNECT

STANDOFF EXPOSES URBAN, RURAL DIVIDE



Western producers don't support the Malheur takeover, but hope urban dwellers take heed

By ERIC MORTENSON
Capital Press

PORTLAND — In the South Waterfront district, where new high-rises mark the convergence of Oregon Health and Science University's expanding presence and the \$1.5 billion Tilikum Crossing bridge and new MAX train Orange Line, the only juniper in sight is a mobile food cart at the base of the aerial tram that whisks riders to the top of "Pill Hill," as OHSU's main location is known.

The food cart Juniper — "100% gluten free," a sign promises — does a brisk business among the doctors, nurses, medical students, visitors and patients who converge here. With a name like Juniper, is there any connection to Eastern Oregon, where juniper trees rob the range and hillsides of scarce water, crowd out native grasses and bedevil ranchers?

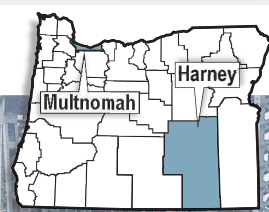
The cart operator, a cheerful young woman with a nose ring, says no. The owners once had a drink flavored with juniper berries, and enjoyed it so much they chose that for the business name.

Not to put too fine a point on it, but that illustrates the casual

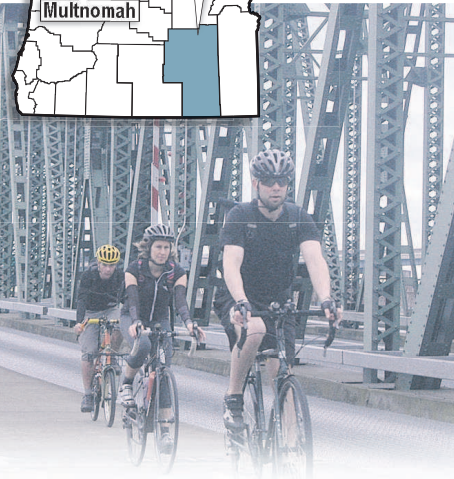
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PHOTO: A truck travels down a street Jan. 4 in Burns, the county seat of Harney County, Ore.

Rick Bowmer/The Associated Press



A tale of two counties



U.S. Census Bureau data from 2014 illustrates key differences between urban and rural Oregon.

Multnomah County	Item	Harney County
776,712	Population, 2014 (estimate)	7,126
735,332	Population, 2010 (April 1 estimate)	7,422
5.6%	Population, percent change (April 1, 2010-July 1, 2014)	-4%
39.9%	Bachelor's degree or higher (age 25 or greater, 2009-2013)	15.6%
\$271,600	Median value of owner-occupied homes (2009-2013)	\$112,300
\$52,511	Median household income (2009-2013)	\$38,113
431.3	Land area in square miles (2010)	10,133.2
1,704.9	Persons per square mile (2010)	0.7

Source: U.S. Census Bureau

Alan Kenaga/Capital Press

Grazing fee protest may have long-term impact

Material contract breach may disqualify ranchers from public land, expert says

By MATEUSZ PERKOWSKI
Capital Press

Harney County rancher Travis Williams says he's "riding the fence" on a recent anti-government proposal to stop paying fees for grazing on public lands.

Armed protesters occupying the Malheur National Wildlife Refuge headquarters in Southeast Oregon have urged local ranchers to tear up their grazing contracts with federal agencies to challenge the government's control over the area.

Williams said he doesn't support the protesters' actions, such as removing fences at the refuge, but thinks the grazing fee proposal may be a legitimate form of protest.

"If there's enough people involved, I think it would work," he said.

On the other hand, Wil-

liams is concerned about how violating grazing contracts with the federal government would affect his two sons and daughter, who hope to run the family ranch someday.

"My actions right now are going to play over to their future," he said.

The consequences of using federal grazing allotments without paying the required fees can be serious and long-lasting, said Scott Horngren, an attorney with the Western Resources Legal Center who has represented

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Capital Press file photo

Cattle graze in this file photo. Ranchers and legal experts worry that withholding government grazing fees could have a long-term impact on ranches.



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