

# Oregon wolf delisting bill draws questions in Senate committee

Bill would ratify removal of wolves from endangered species list

By MATEUSZ PERKOWSKI  
Capital Press

SALEM — A bill to ratify removing wolves from Oregon's endangered species list came under sharp questioning Tuesday in a key Senate committee.

House Bill 4040, which declares that Oregon wildlife regulators followed the law when delisting wolves last year, was approved 33-23 in the House on Feb. 12 and is now under consideration by the Senate Committee on Environment and Natural Resources.

Proponents of HB 4040 say it would buttress the credibility of the Oregon Fish and Wildlife Commission's decision, while critics say the bill is intended to derail an environmentalist lawsuit against the delisting.

During a Feb. 16 hearing, Sen. Michael Dembrow, D-Portland, and Floyd Prozanski, D-Eugene, expressed reservations about the purpose of the bill.

The delisting was part of a three-step process described



OR-3, a 3-year-old male wolf from the Imnaha pack, is seen in this image captured from video taken by an ODFW employee on May 10, 2011, in Wallowa County, Ore.

in Oregon's management plan for wolves, which does not require the Legislature to ratify the commission's decision, said Prozanski.

"Why are we doing that, if it was never part of the plan?" Prozanski asked Sen. Bill Hansell, R-Athena, who testified in support of HB 4040.

While the Legislature may not have previously ratified a delisting, it's not unprecedented for lawmakers to ratify decisions by the state's executive branch, Hansell replied.

The bill isn't intended to preclude the environmentalist lawsuit, which claims the wolf delisting was not based on the best available science,

he said. "If people want to sue, they'll have the ability to do that."

If the purpose of HB 4040 is simply to affirm that wildlife regulators have done a good job, then "it doesn't seem like an appropriate use of our time," Prozanski said.

Dembrow said he discussed the bill with the Office of Legislative Counsel, which advises lawmakers on legal issues, and was told HB 4040 would effectively force a judge to dismiss the environmentalist lawsuit.

Ratification by the Legislature would cure any legal deficiency in the delisting decision, which Dembrow said

he found troubling due to the scientific issues involved.

"Essentially, what we're being asked to do is say the science is right, the process is right," he said. "I don't know how many of us in the legislature can say that."

Dembrow also noted that he's proposed an amendment to the bill clarifying that the legislature ratifies the delisting as long as the decision is in compliance with the law and administrative rules, which would cause HB 4040 to have no legal effect.

If the bill's purpose isn't to void the lawsuit, then "perhaps this amendment would be in order," Dembrow said.

# Oregon farm wins radish seed dispute

Favorable decision may affect other growers in lawsuit with bank

By MATEUSZ PERKOWSKI  
Capital Press

A favorable ruling won by an Oregon farm in a legal dispute over radish seed may have positive consequences for other operations involved in the lawsuit.

Several farms in Oregon are fighting a legal complaint filed by Northwest Bank of Warren, Pa., that claims it has a security interest in radish seed they grew in 2014.

The bank claims the radish seed serves as collateral for a \$7 million loan taken out by Cover Crop Solutions, a seed company that contracted with Oregon growers to produce a proprietary variety.

Radish plants are used as a cover crop in the Midwest, but weather in 2014 reduced demand among farmers in that region and resulted in an over-supply.

Northwest Bank's lawsuit contends that its security interest in the radish seed has priority over that of the growers, but a federal judge in Portland has disagreed with that argument in regard to at least one farm.

U.S. Chief District Judge Michael Mosman has found that

Hawman Farms of Hermiston, Ore., agreed to grow roughly \$180,000 worth of seed and has a "possessory lien" on the crop that takes precedence over the security interest held by the bank.

Under a possessory lien, a party can retain possession of property until a debt has been paid.

Northwest Bank claimed the contract between Hawman Farms and Cover Crop Solutions invalidated all such liens, but Mosman decided that it only barred liens against the licensed radish cultivar — which was owned by another company — and not the physical seed crop.

Sanford Landress, attorney for Hawman Farms, said Mosman's opinion may also be consequential for other farms, which claim they have possessory liens on the seed.

Hawman Farms grew, cleaned and stored the radish seed, which puts the company in a different legal position than growers who had another firm clean and store the crop, Landress said.

"People with continuous possession of the seed, like Hawman, are going to beat the bank," he said.

Several other farms that also possessed the radish seed without interruption have filed similar motions citing the Hawman Farms ruling and asking the judge to declare that their possessory liens have priority.

# Relaxed Oregon hemp rules pass House

Bill would allow growers to use greenhouses, cuttings

By MATEUSZ PERKOWSKI  
Capital Press

SALEM — Oregon hemp growers would be free to propagate the crop from cuttings and grow it in greenhouses under a bill that's won the approval of the House.

Under current law, hemp can only be seeded directly outdoors in fields at least 2.5 acres in size, which was intended to facilitate industrial production but proved too inflexible for growers.

At the time Oregon lawmakers originally legalized hemp production in 2009, they enacted these restrictions with the expectation the crop



Capital Press file photo  
Hemp growing in Oregon's Willamette Valley in 2015. A bill in the Oregon Legislature would make indoor cultivation of hemp legal, and make other changes in rules regulating the crop.

would be used for oilseed and fiber instead of human consumption.

Since then, the Oregon Department of Agriculture found that many hemp producers were more interested in growing the crop for cannabidiol, a

compound used for medicinal purposes, than for such traditional products.

To this end, they wanted to use greenhouses, clone desirable plants and produce the crop on a smaller scale.

Under House Bill 4060, which was passed 54-4 by the House on Feb. 16, the minimum 2.5 acre field requirement would be scrapped and hemp farmers would be given the same flexibility in production and propagation methods as growers of other crops.

The Oregon Farm Bureau supports HB 4060 because it wants hemp treated like other crops.

The bill includes an amendment approved by the House Committee on Agriculture and Natural Resources that clarifies hemp would be subject to the same Oregon Department of Agriculture water and pesticide regulations as other crops.

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