

# Groups spar over field burning changes

By SEAN ELLIS  
Capital Press

BOISE — Farm groups and public health advocates have a ways to go before reaching an agreement on proposed changes to Idaho's crop residue burning program.

The changes are being proposed by the Idaho Department of Environmental Quality as a way to avoid a large reduction in the number of allowable burn days for farmers.

Based on public comments submitted to the DEQ, the two sides are drifting farther apart on the proposal.

Farmers in Idaho burn between 40,000 and 50,000 acres most years and use field burning as a tool to eradicate and prevent pests and diseases and decrease chemical and diesel use and



Submitted photo

A farm field in Idaho is burned to eradicate and control pests and diseases in this undated Idaho Department of Environmental Quality file photo. DEQ has proposed changes to the state's crop residue burning program to avoid a scenario where allowable burn days in Idaho could be reduced by a third to half.

soil erosion.

DEQ officials can grant farmers permission to burn their fields only if ozone and small particulate matter levels aren't expected to exceed 75

percent of the national standard for those air pollutants during the burn day.

Because the federal ozone standard was tightened Oct. 1, the number of allowable

burn days in Idaho could be reduced by a third to half, according to DEQ.

DEQ has proposed raising Idaho's ozone standard to 90 percent of the federal standard to avoid that scenario. The department has also proposed lowering the state standard for small particulate matter — PM 2.5 — to 65 percent of the national standard.

DEQ officials say loosening the state's ozone standard while tightening the PM 2.5 standard will ensure public health is protected while continuing to allow farmers to burn their fields.

But environmental groups and public health advocates have asked DEQ to consider tightening the state's PM 2.5 standard even further, to 60 percent of the national level.

Farm groups oppose that and some disagree with tighten-

ing the PM 2.5 standard at all.

In comments submitted to DEQ, Justin McLeod, president of the Nezperce Prairie Grass Growers Association, said his group has great concern over the proposal to tighten the state's PM 2.5 standard.

The EPA has begun a review of the federal PM standard "and our concern lies primarily with the likelihood that this standard will" be tightened, he stated.

Public health advocates and environmental groups are pushing for an "equal" change in the state's PM and ozone standards.

PM 2.5 has been shown to have a greater effect on health than ozone, said Patti Gora-McRavin, who represents safe air advocates.

If the state's ozone standard is loosened by 15 percentage points, then the PM

2.5 standard should be tightened by that same amount to protect public health, she said.

"We're asking for an equitable give on growers' end for the 'get' that they would receive from this proposal by DEQ," she said.

Stacey Katseanes Satterlee, executive director of the Idaho Grain Producers Association, said the proposal to lower Idaho's PM 2.5 standard to 65 percent of the national standard is a reasonable trade-off for increasing the ozone standard.

But IGPA opposes lowering it further because of concern the federal standard for that pollutant will be tightened in the near future.

"The variable here is the federal government," she said. "They have shown a trend over time that they tighten those federal standards, not loosen them."

## WDFW's new policy on shooting wolves assigns field staff key role

Ranchers expected to consult with state

By DON JENKINS  
Capital Press



Courtesy of U.S. Fish and Wildlife Service  
The Washington Department of Fish and Wildlife has announced its new policy for deciding when to kill wolves that have been attacking livestock.

Washington's new wolf-control policy entrusts frontline state wildlife managers with deciding whether ranchers are doing enough to stop depredations.

"They are the agency experts," state Department of Fish and Wildlife wolf policy coordinator Donny Martorello said Monday. "I think the protocol really (recognizes) that expertise."

To protect livestock, WDFW shot wolves in 2012 and 2014 under a policy that the department acknowledged was not well understood and lacked popular support.

The revamped policy caps a yearlong effort by the department's Wolf Advisory Group, which includes ranchers and environmentalists. The 17-member group last month agreed to a new policy, which WDFW officials have now fleshed out in a five-page document.

The decision to shoot wolves will remain with WDFW Director Jim Unsworth. But the new protocol for pushing the issue up to Unsworth includes giving WDFW wildlife conflict specialists around the state "full discretion" to oversee non-lethal means of stopping depredations.

Washington Cattlemen's Association Executive Vice President Jack Field, an advisory group member, said he supported relying on the judgment of WDFW field employees.

"They know far better than Olympia what's going on and what needs to happen," he said. The policy applies to the eastern one-third of the state. Wolves are federally protected in the western two-thirds of Washington and immune from lethal removal.

The new protocol retains or elaborates on some of the main features of the old policy.

Four depredations in a year or six over two years qualifies members of a pack for lethal removal, but only if ranchers tried to keep away wolves with measures such as lights, alarms, ribbons, dogs and cowboys.

Martorello said the department wants to collaborate with rather than dictate to ranchers. "We want to have a relationship with producers," he said.

At a minimum, ranchers will be expected to remove or

bury cattle or sheep carcasses and bones to keep from attracting wolves, plus use one other deterrence measure with the concurrence of a WDFW wildlife conflict specialist.

If a depredation occurs, the new policy calls for all other feasible preventive measures to be employed. WDFW's policy had been to re-evaluate preventive measures after each depredation, a source of frustration for some ranchers.

So far this year, WDFW has confirmed that wolves killed a 8- to 9-month-old Holstein heifer in Stevens County in northeastern Washington and a calf in Asotin County in southeastern Washington. In some cases, ranchers suspect wolves of killing livestock, but WDFW investigators find the evidence inconclusive.

Stevens County rancher Scott Nielsen, vice president of the Cattle Producers of Washington, said ranchers already protect their livestock from predators without the state's involvement.

"I don't think the game department should be making operating decisions for me," he said. "If I had an issue (with wolves), I would bring in the sheriff. If the sheriff chose to collaborate with the department, so be it."

Most of the state's wolves are in northeastern Washington. Nielsen said withholding lethal removal because a rancher didn't collaborate with the state would be unpopular. "I think that won't fly in this area," he said.

Center for Biological Diversity wolf organizer Amaro Weiss said the new policy doesn't confront whether shooting wolves actually deters depredations.

## WDFW puzzles over which pack killed heifer

Steps taken to stop second depredation

By DON JENKINS  
Capital Press

Washington wildlife managers are trying to identify which wolf pack killed a heifer in northeastern Washington, hoping to keep an accurate tally that could lead to lethal removal if there are three more depredations, the state's wolf policy coordinator, Donny Martorello, said Tuesday.

The Department of Fish and Wildlife confirmed May 30 that the 8- to 9-month-old Holstein had been killed by wolves in a fenced field on private property in southern Stevens County.

The Huckleberry and Stranger packs overlap where the attack occurred. WDFW investigators hope the packs' future movements will reveal which one killed the heifer, Martorello said.

WDFW will consider shooting members of a pack responsible for four attacks on livestock or guard dogs in a year.

Whichever pack is held responsible, it will be only the first strike.

The Huckleberry pack mauled a sheep guard dog last year and killed at least 26 sheep in 2014, but has not yet been blamed for a depredation this year. One female member of the pack was shot in 2014 to deter the attacks on sheep. The shooting was the last time WDFW used lethal control to stop wolf depredations.



Courtesy of Washington Department of Fish and Wildlife

The state Department of Fish and Wildlife has refined its policy on when it will consider shooting wolves to protect livestock. However, in northeastern Washington, there are so many packs that managers sometimes have a hard time identifying which is responsible for a depredation.

The Stranger pack formed last year when two wolves split from the Huckleberry pack.

The attack on the heifer is the first test of WDFW's revamped policy on reacting to wolf depredations.

The owner moved the surviving 18 cows to a fenced field within sight of his home, Martorello said.

WDFW also supplied the landowner with eight flashing lights and the services of a range rider, he said.

The measures represent everything WDFW and the producer will do to stop a

second depredation, Martorello said.

In previous years, WDFW's policy called for non-lethal deterrence measures to be re-evaluated after every depredation.

WDFW acknowledged the protocol was confusing and frustrating to ranchers and wolf advocates, leading to uncertainty about the department's next move.

"We've already done the ramp-up in its entirety, after the first depredation," Martorello said. "We're doing the best we can to prevent another depredation."

WDFW recently adopted the new lethal-removal protocol, which was agreed to by the department's Wolf Advisory Group.

Conservationists in the group embraced the policy because it will require livestock owners to work with WDFW on preventing depredations. Representatives of producers hope the protocol will lead WDFW to being consistent about when it will use lethal control.

"If we get to that situation, we have to demonstrate that consistency," Martorello said.

## Oregon mulls change to noxious weed strategy

Legislative concept adds \$3.3 million to fight weeds

By MATEUSZ PERKOWSKI  
Capital Press

JOHN DAY, Ore. — Oregon's farm regulators want to overhaul their noxious weed control strategy to focus on invasives that haven't yet gained a strong foothold in the state.

The current weed control program at the Oregon Department of Agriculture obtains about 40 percent of its funding from federal agencies and thus focuses much of its attention on public lands.

This approach means that ODA's highly trained weed



Helmut Rogg

specialists are often battling lower-priority "B list" weeds that are already abundant in some regions, rather than "A list" weeds that can still

be eradicated, said Helmut Rogg, director of the agency's plant program area. The agency would prefer to put more emphasis on an "early detection rapid response" approach to economically damaging "A list" weeds while delegating the fight against "B list" weeds on public land to counties, Rogg said at the June 6 Oregon Board of Agriculture meeting.

"We're trying to figure out how to best use the limited

resources of state and federal funding," he said.

To make this change, ODA is contemplating a "legislative concept" to bring before Oregon lawmakers in 2017 that would increase funding for state and county noxious weed control programs by \$3.3 million.

ODA's current noxious weed budget of about \$2.2 million in the 2015-17 biennium would be increased by \$1.5 million, which would strengthen its "early detection rapid response" and biological control efforts, among other activities, and create a new aquatic weed specialist position.

The Oregon Watershed Enhancement Board is spending millions of dollars to improve water quality across the state but invasive weeds

can undermine those projects, Rogg said.

Weeds like flowering rush, newly discovered in Oregon in 2014, also pose a risk to irrigation canals, so an aquatic weed specialist is needed to concentrate on such threats, he said. "We need to save that investment."

Only 23 of Oregon's 36 counties have weed control districts dedicated to fighting invasives, so under the "legislative concept" \$1.8 million would fund such programs across the state.

Federal funding of \$1.2 million is needed to "keep the lights on" for the state noxious weed program, but under the ODA's proposal, some of that money would be sub-contracted to county programs as necessary, Rogg said.

## Oregon farmers win radish seed crop ownership lawsuit

By MATEUSZ PERKOWSKI  
Capital Press

Oregon farmers have prevailed in a legal dispute with a bank over the ownership of radish seed they'd grown but hadn't been paid for.

Multiple farms in Oregon's Willamette Valley grew the radish seed in 2014 for Cover Crop Solutions, a Pennsylvania company that became in-

solvent before taking delivery of the crop.

Last year, the company's creditor — Northwest Bank of Warren, Pa. — filed a lawsuit against the growers, claiming to own the radish seed they'd produced because it served as collateral for a \$7 million loan.

U.S. District Judge Michael Mosman has now dismissed Northwest Bank's arguments that growers relinquished

ownership of the seed when they delivered it to a cleaner.

The June 6 ruling effectively means they can sell the crop rather than turn it over to the bank.

"It was a total victory," said Paul Conable, attorney for the farms.

James Ray Streinz, attorney for Northwest Bank, said his client did not wish to comment on the ruling.

The bank had claimed that several seed cleaners effectively acted as "agents" of Cover Crop Solutions, so the radish seed they were storing was that company's inventory.

When Cover Crops Solutions became insolvent, the inventory became the bank's collateral because its liens on the crop were of a higher priority than liens taken out by farmers, according to North-

west Bank's attorneys.

Conable said Mosman's rejection of this claim shows he understands the functioning of the seed industry.

"It would have changed the seed business if by turning over seed to the cleaner to get cleaned, you were turning it over to the purchaser without getting paid," he said.

Before reaching a decision

on the question of whether seed cleaners were "agents" of Cover Crop Solutions, Mosman dismissed the bank's lawsuit against several growers who had retained possession of the seed.

In May, the CHS cooperative announced it would license the radish seed variety in question now that Cover Crop Solutions is being liquidated or dissolved.