

Oregon

Investigation turns up dead, malnourished cattle in E. Oregon

Sheriff's office recommending animal neglect charges

By **GEORGE PLAVERN**
EO Media Group

HERMISTON, Ore. — Fourteen dead cattle were discovered Jan. 7 at a property on Columbia Lane and South Edwards Road in Hermiston, which the Umatilla County Sheriff's Office is investigating as a case of animal neglect.

Fifteen other cattle were so malnourished they could not be moved safely, according to Sheriff Terry Rowan. One calf was so weak it could not stand and had to be euthanized, Rowan said. None of

the sick animals appeared to have enough food or water.

Authorities are working with a special prosecutor from Benton County who specializes in animal neglect cases, and reports should be turned in to the Umatilla County district attorney soon.

Rowan said investigators will recommend pressing charges against the cattle owner, 55-year-old Michael Hockensmith of Hermiston.

For now, though, the cattle have technically been seized, but Rowan said the animals will be left in place due to their numbers and fragile health. Officers will be checking daily to make sure they receive proper care.

"We do not believe they can be transported without further loss," Rowan said. "From this point forward, we're just ensuring continued care."

The incident was first reported Jan. 5 by an anonymous caller who noticed seven dead cows that were clearly visible from across Columbia Lane. A search warrant was served Jan. 7, and Rowan said they found a total of 14 dead cattle — mostly yearling calves.

Fifteen more cows were badly malnourished, Rowan said, and separated from the rest of the herd where they were treated by veterinarians. During their investigation, officers found that a water trough for the sickest animals was frozen over with six inches of ice.

"They weren't able to get to water for a couple of days," Rowan said.

Some of the cattle were also very skinny, Rowan said, with their backbones and hip bones showing.

"These are Angus cattle that are typically well-rounded animals," he said. "Our evaluation and evidence would point to neglect or inadequate feed."

The carcasses of the dead animals had been left outside for several days, Rowan said, though state law requires carcasses be buried or burned within 15 hours.

Hockensmith, who did not return calls for comment, was apparently the only one caring for the animals. Rowan said Hockensmith seemed willing to work with the sheriff's office to care for the animals while they remain on his property.

"Hopefully, we can create a partnership there to where he is willing to provide adequate care," Rowan said. "We will just continue to monitor it."

Counties pressured to exit \$1.4 billion forest lawsuit

Class action seeks compensation for change in forest policy

By **MATEUSZ PERKOWSKI**
Capital Press

Fifteen Oregon counties must soon decide whether to opt out of a class action lawsuit seeking \$1.4 billion for allegedly insufficient logging in state forests.

As the Jan. 25 deadline approaches, a coalition of environmental and fishing groups is urging counties and the taxing entities within them — including school and fire districts — to exit the litigation.

The North Coast State Forest Coalition, which represents the seven organizations, hopes to send a message that counties and taxing districts see state forests as more than just "piggy banks," said Chris Smith, the coalition's coordinator.

Linn County is the lead plaintiff in the lawsuit but its boundaries contain far fewer acres of state forestland than Tillamook, Clatsop and Washington counties, he said.

"If some of the bigger counties opt out, the merits of the case are then suspect," said Smith.

John DiLorenzo, the attorney representing Linn County, said the groups within the coalition have nothing to lose with their request, but counties and tax districts will suffer remorse if they opt out.

"It's a half-baked strategy," DiLorenzo said.

The lawsuit simply aims to recoup revenues lost by the counties when the State of Oregon changed forest policies in 1998 to focus on the environment and recreation instead of maximizing logging, he said.

By making that decision, Oregon's government



Mateusz Perkowski/Capital Press

Fifteen counties and roughly 130 tax districts are being pressured by environmental and fishing groups to opt out of a \$1.4 billion lawsuit that accuses Oregon's government of insufficiently logging state forests.

breached its contract with counties, which turned over their forestlands in the early 20th Century in return for a portion of timber revenues, DiLorenzo said.

Counties and tax districts that exclude themselves from the lawsuit won't impact forest policy because the case is purely about financial damages, he said.

"Opting out is a useless gesture that amounts to turning down money," DiLorenzo said. "They will have a lot of explaining to do the next time they ask voters for more money."

Entities that exit the litigation also won't have any influence if Oregon does decide to enter settlement negotiations, he said. "You have to be at the table to have a judge listen to you."

Smith, of the North Coast State Forest Coalition, countered that counties and other entities that opt out of the case will reduce the state's possible liability and thus the pressure to settle.

"They haven't won the case yet and I'm not at all sure they will," he said.

Environmentalists win \$60,000 for blocking juniper removal

Ranchers worry the prohibition will impede sage grouse recovery

By **MATEUSZ PERKOWSKI**
Capital Press

An environmentalist group has won more than \$60,000 in attorney fees for blocking juniper removal with motorized vehicles on 80,000 acres in Eastern Oregon.

U.S. District Judge Garr King has awarded the Oregon Natural Desert Association nearly \$63,500 because the nonprofit prevailed in a lawsuit opposing the use of motorized vehicles in an 80,000-acre "wilderness study area" near Steens Mountain.

Ranchers and local officials worry the prohibition against motorized vehicles will im-



Eric Mortenson/Capital Press File

A mature Western Juniper was cut down as part of a removal project on private land near Prineville, Ore., in this 2015 photo.

pede juniper removal to the detriment of habitat for the sage grouse.

The bird's declining population has prompted restoration efforts in the arid West to forestall its designation as a threatened species, which would likely curtail cattle grazing on public land.

In 2015, King found that

the U.S. Bureau of Land Management had interpreted its authority too broadly in allowing for the "administrative" use of off-road motorized vehicles to cut and remove juniper trees, which crowd out sage brush and sap water.

Since then, ONDA has sought \$70,000 in attorney fees

from BLM under the Equal Access to Justice Act, which requires compensation for plaintiffs who successfully challenge government actions that aren't "substantially justified."

The BLM argued that ONDA doesn't qualify for attorney fees in this case because the agency was substantially justified in trying to reconcile one legal provision that requires juniper management with another that restricts off-road motorized vehicles.

The judge said that while he's "sympathetic" with the difficulty of removing juniper on a large scale without motorized vehicles, BLM's attempt to reconcile the two provisions was "simply not reasonable."

King also said the amount of time ONDA's attorneys spent on the case was "eminently reasonable" and found their hourly rates were justified "considering their experience, skill, and reputation."

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