

Legislature shuffles some ag-related committee assignments as session opens

Proposed changes to Oregon's 'Right to Farm' law would remove protections for pesticides

By MATEUSZ PERKOWSKI
Capital Press

SALEM — Lawmakers with strong track records of supporting pesticide restrictions are chairing two Senate committees that are positioned to affect Oregon agricultural policies in 2017.

Senate Bill 499 — a proposal to strip pesticide protections from Oregon's "Right to Farm" law — was introduced at the behest of the Senate Judiciary Committee, whose chairman is Floyd Prozanski, D-Eugene.

The "Right to Farm" law prohibits local ordinances restricting common farm practices as well as nuisance and trespass lawsuits against such farm and forest management practices.

People who lose such lawsuits are required to pay the opposing party's attorney fees, which has discouraged such cases against farm practices from being filed in Oregon.

Under SB 499, however, complaints alleging nuisance or trespass from pesticides are exempted from the "Right to Farm" law.

The bill's introduction at the request of the Senate Judiciary Committee bodes well for its chances for a vote before the full Senate, particularly since Prozanski



EO Media Group

Oregon legislators who back more restrictions on pesticide use have taken over as chairmen of key committees that could change the state's "Right to Farm" law.

has supported a harder line against pesticide usage.

In 2015, for example, Prozanski sponsored bills that would ban neonicotinoid insecticides and increase notification and reporting requirements for spraying pesticides.

All of those bills died in the Senate Committee on Environment and Natural Resources, which was then chaired by Sen. Chris Edwards, D-Eugene.

Edwards left the Legislature last year to take a job at the University of Oregon, so Sen. Michael Dembrow, D-Portland, will replace him as chairman.

Dembrow was a chief sponsor of legislation in 2015 — Senate Bill 613 — that would have increased notification requirements for aerial pesticide spraying of forestland, which died in committee.

The Oregon League of Conservation Voters gives Dembrow a 94 percent "lifetime score" based on his support of environmental bills.

Scott Dahlman, policy director of the Oregonians for Food and Shelter agribusiness group, said his organization hasn't always seen "eye to eye" with Dembrow.

Even so, Dembrow is known for having an "open door" policy and will hopefully keep an open mind on issues affecting agriculture,

Dahlman said.

Beyond Toxics, an environmental nonprofit, believes Dembrow is the right choice to chair the Senate Committee on the Environment and Natural Resources, though it's too early to say how he might influence legislation, said Lisa Arkin, the group's executive director.

Arkin said Oregon's approach to pesticides in farming and forestry is "outdated and unscientific" and the state's pesticide laws are overdue for reform.

In the House, the elimination of the Committee on Rural Communities, Land Use and Water has created some uncertainty for legislation that affects agriculture, said Dahlman.

Bills that would have previously been steered to that committee will now likely wind up before the House Agriculture and Natural Resources Committee and the House Energy and Environment Committee, he said.

The Agriculture Committee is chaired by Rep. Brian Clem, D-Salem, who is a part-owner of a farm and is familiar with agricultural issues, Dahlman said.

The Energy panel chairman, Rep. Ken Helm, D-Beaverton, isn't as familiar with natural resource issues but there's no reason to think he won't be receptive to industry concerns, he said.

LEGAL

SECRETARY OF STATE NOTICE OF TEMPORARY ADMINISTRATIVE RULE

Oregon Department of Agriculture, Market Access & Certification Program, Administrative Rules Chapter #603, Sue Hooch, Rules Coordinator (503) 986-4583. Amend: OAR 603-048-0700. RULE SUMMARY: The industrial hemp program (program) is financially insolvent. Current registration fees to do not generate funds sufficient to cover the cost to pay for administration of the program. The only mechanism available for financing the program under the current statute (ORS 571.300 to 571.315, as modified by Oregon Laws 2016, Chapter 71) is annual registration fees. The proposed fee change increases annual registration fees for industrial hemp as follows:

Industrial hemp grower registration increases from \$500 to \$1300;

Industrial hemp handler registration increases from \$500 to \$1300;

Agricultural hemp see producer registration increases from \$25 to \$120.

A delay in adopting these rules to increase fees would cause the program to go further in debt, impair the program's ability to register and regulate registrants, and ultimately seriously prejudice this new industry. It is therefore necessary to immediately adopt temporary rules.

5-1/#4

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Legal-5-2-1/#4



Don Jenkins/Capital Press

Mediator Francine Madden leads a meeting of the Washington Department of Fish and Wildlife Wolf Advisory Group March 14, 2016, in Tumwater. WDFW is looking to fill three vacancies on the panel.

State seeks nominations to fill three Wash. wolf advisory panel openings

By DON JENKINS
Capital Press

Washington state's Wolf Advisory Group, a panel with no legal authority but a high profile, has three vacancies, including two spots once held by representatives of cattle producers.

The state Department of Fish and Wildlife will take applications and nominations for the positions until 5 p.m. Feb. 17.

WDFW has staked time and money in hopes the 18-member group can soothe tensions and reconcile wolf recovery with livestock production. After presiding over several years of contentious meetings between ranchers and environmentalists, WDFW hired a mediator, Francine Madden, to lead the group's two-day conferences, awarding her a two-year, \$850,010 contract in 2015.

The group has found common ground, but has also been criticized by ranchers and environmentalists. Panel members representing conservation groups were criticized last summer for agreeing to a policy that led WDFW to shoot seven wolves to stop attacks on cattle in the Colville National Forest.

Outgoing Washington Cattlemen's Association Executive Vice President Jack Field recently resigned, creating a third vacancy. Previously, Stevens County sheep rancher Dave Dashiell of the Cattle Producers of Washington and Colville teacher Janey Howe, a part-time range rider, left the group.

The Cattle Producers pulled out in 2015, saying it was a cover for WDFW policies that allowed depredations to escalate into heavy losses for ranchers.

The Cattle Producers' president, Scott Nielsen, said Monday that he still would like to see the advisory group dissolved. But he didn't rule out entirely having a representative on the panel.

"I don't want to say 'absolutely not,'" Nielsen said. "Someone has to convince us it's productive. It's really difficult for me to say I want to join something if it isn't going to help us fix our problems."

Field has represented the Cattlemen's Association since the advisory group's inception. He said Monday that he resigned because he will soon become director of the Washington Cattle Feeders Association.

He said he expects several cattle producers to be interested in filling his position.

"I believe in the process," he said. "I honestly don't see any alternative to being there and battling our way through this."

WDFW says it will accept applications and nominations from Washington residents and organizations.

Submissions can be sent by email or mail to WDFW wolf policy leader Donny Martorello at Donny.martorello@dfw.wa.gov or Washington Department of Fish and Wildlife, 600 Capitol Way N., Olympia, WA 98501-1091.

Submissions must include the candidate's name, address, telephone number, email, relevant experience, organization affiliations and reasons for wanting to be on the advisory group. Candidates also should describe their familiarity with the state's wolf recovery plan and experience collaborating with people who have different views.

The group has at least four, two-day meetings each year around the state. The department's policy is that meetings are open to the public. Members are reimbursed for travel expenses.

Senate, House resolutions would overturn BLM Planning 2.0

By CAROL RYAN DUMAS
Capital Press

Concurrent resolutions in the U.S. Senate and House were introduced on Monday to disapprove of sweeping changes in how BLM develops resource management plans that opponents say shift planning away from states and other

stakeholders to bureaucrats in Washington, D.C.

The resolutions, introduced by Senate Energy and Natural Resources Chairwoman Lisa Murkowski, R-Alaska, and Rep. Liz Cheney, R-Wyo., address BLM's Planning 2.0 rule, which was finalized in December.

Western governors, local governments and numerous agricultural groups oppose the rule, including the Public Lands Council and National Cattlemen's Beef Association — which contend the rule represents a wholesale shift from BLM's mandate to manage for multiple use and eliminates stakeholder and local input.

BLM's stated purpose in the proposed rule, published in

February 2016, was to streamline the planning process, allow more public input and better respond to social and environmental change.

But PLC Executive Director Ethan Lane said the proposal failed on public comment, reducing it to as little as 30 days and not even mentioning stakeholders — including the 22,000 ranchers who hold grazing permits on federal lands. As for managing for social and environmental change, "that's not their mandate. Their mandate is to manage for multiple use and sustained yield," he said.

State and local governments also raised strong concerns the rule diminishes their roles and the input of BLM state directors and field office managers

and eliminated requirements for economic analysis.

Lane said the rule was incredibly problematic, received a lot of backlash and was the target of congressional hearings. Nonetheless, a final rule was rolled out quickly with several other "midnight regulations" under a directive from the outgoing administration, Lane said.

The final rule illustrates that BLM "heard our input and ignored it," he said.

While the final rule does at least mention stakeholders, it still fails to recognize the role of permittees — people who have contractual agreements with federal agencies and are directly impacted by land-management decisions, he said.

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