

Idaho irrigators back bills fighting Oregon fish plan

By JOHN O'CONNELL
Capital Press

BOISE — Idaho irrigators are backing four bills in the state Legislature challenging the State of Oregon's attempt to reintroduce endangered fish into the Snake River watershed upstream of the Hells Canyon Complex of dams.

For decades, the Brownlee, Oxbow and Hells Canyon dams — which provide about 30 percent of Idaho Power Co.'s total energy — have blocked the migration of anadromous salmon and steelhead trout, which once spawned in the upstream channel and tributaries.

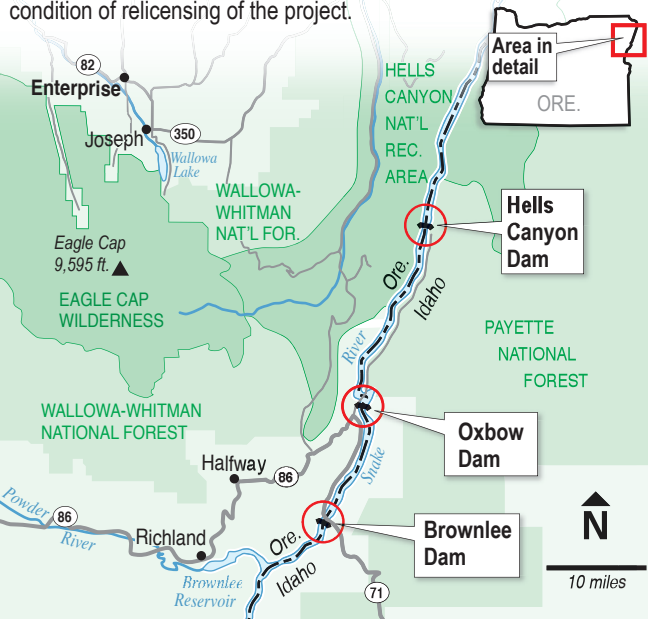
The original federal license to operate the complex expired in 2005. As part of the ongoing relicensing process, Oregon issued a draft Clean Water Act certification re-establishing the historic migration, in conflict with Idaho's draft certification.

In late December, the Federal Energy Regulatory Commission dismissed Idaho Power's petition requesting that it step in and settle the dispute between the states.

Four bills, drafted by the Idaho Water Users Association, were introduced Feb. 14 in the House Resources

Fish passage dispute

Idaho legislators are reacting to a case involving Oregon's demands that Idaho Power Co. take steps to allow endangered steelhead and salmon passage above the Hells Canyon Complex of dams as a condition of relicensing of the project.



Alan Kenaga/Capital Press

and Conservation Committee concerning Oregon's plan. House Joint Memorial 002 would formally express the Legislature's opposition to re-introduction due to the "drastic impacts on irrigated agriculture, industry, water supply and electric generation." The joint memorial concludes Oregon's plan

would impair Idaho's sovereignty over its water resources, thereby violating the State Water Plan.

"(HJM 002) will support the longstanding position of the Legislature, as well as the governor, that there will be no endangered fish above Hells Canyon. Not only no, but heck no," said Rep. Marc

Gibbs, R-Grace, a farmer who heads the House committee. "It's an issue that Oregon wants and Idaho pays for."

On the same day, the committee also printed three bills clarifying Idaho code on forced reintroduction of an endangered species by another state. HB 169 would broaden a state law requiring the Idaho Legislature's blessing before the federal government or another state can forcibly introduce a species.

HB 170 clarifies that Idaho has primacy over its state waters and prohibits any species introduction that could threaten that primacy, without state consent.

HB 171 grants the Hells Canyon Complex a special exemption to an Idaho law requiring infrastructure for fish passage past dams and other water obstructions.

Marilyn Fonseca, hydro-power program coordinator with the Oregon Department of Environmental Quality, said her state has extended a public comment period on the draft Clean Water Act certification until Feb. 28. Oregon would like to introduce salmon and steelhead into Pine Creek — a tributary that orig-

inates in Oregon and connects with the main-stem Snake upstream of the dams — and expand to other tributaries based on the level of success. The plan would require Idaho Power to trap and transport trout to assist them on their migration back to the Pacific Ocean.

Fonseca explained her state considers fish passage to be integral in meeting its own EPA-approved water-quality standards.

"We're certainly aware that (Idaho) is not happy with the inclusion of fish passage, but we are continuing with that process," Fonseca said.

She said Idaho, Oregon and Idaho Power officials are already collaborating on efforts to address water-quality impairment upstream of Hells Canyon, due largely to agricultural nutrients and sediment.

Idaho Power spokesman Brad Bowlin said his company supports the irrigators' bills, noting 95 percent of the company's customers are in Idaho.

"We really think this water quality certification process is not the appropriate place to introduce this passage and reintroduction issue," Bowlin said.

WDFW cites threats as reason to tighten release of wolf records

By DON JENKINS
Capital Press

OLYMPIA — Legislation to shield Washington wildlife managers and ranchers from death threats also could bar the public from learning where wolves are attacking livestock and what steps are being taken to prevent depredations.

The House State Government Committee has unanimously endorsed withholding public records that name ranchers who report and state employees who respond to depredations.

House Bill 1465 would bar releasing "any information regarding the location of the depredation" that "reasonably could be used" to identify any person. The names of ranchers who sign agreements to use non-lethal measures to deter depredations also would be exempt from disclosure.

The bill stems from unspecified threats last summer as the Department of Fish and Wildlife shot seven wolves in the Profanity Peak pack in the Colville National Forest. One producer told the Capital Press that the ranch was receiving daily death threats.

WDFW wolf policy coordinator Donny Martorello, whose name appeared frequently in the media as the agency's spokesman, told the committee at a hearing this month that he was so alarmed that he sent his family to a hotel.

In Ferry County, where the state shot wolves, Sheriff Ray Maycumber said in an interview that phone calls, emails, Internet postings and second-hand reports raised concerns. "We heard some pretty violent rhetoric," he said.

No arrests were made and no suspects were questioned, he said. "Nothing struck us as clear and present.

"If I had had something solid to go on, I would have spent money I don't have to put a deputy on a plane to fly somewhere and make an arrest to set an example," Maycumber said. "It would have been very beneficial to everybody if I'd been able to arrest someone."

Under current disclosure laws, WDFW limited the release of information last summer, providing sporadic updates on its search for wolves. WDFW didn't respond to a Washington State University researcher's claim that a rancher elected to release cattle "on top" of the pack's den.

Six days after the Seattle Times reported the claim, WSU released a statement calling the allegation against the rancher inaccurate.

Cattle Producers of Washington President Scott Nielsen, who ranches in adjoining Stevens County, said that during the operation in Ferry County "the crazies came out of the woodwork."

He said he couldn't support withholding information about damage-prevention agreements between the state and ranchers.

The agreements make ranchers eligible for compensation for lost livestock and added expenses, such as hiring more cowboys to guard herds.

"If you're going to take state dollars and give it to ranchers for any reason, you better not keep it secret from folks," Nielsen said. "I think the people have the right to know that."

Rowland Thompson, a lobbyist for two newspaper trade groups, likened the ranchers to crime victims.

State law already allows the names of crime victims to be withheld.

Thompson also said the organization is not concerned about disclosing where state employees live.

"We are concerned about the location of (the depredations), and we are concerned about what is done with these complaints," he said.

Washington farmers seek shield against agritourist lawsuits

Senate committee endorses immunity if warning signs are prominently posted

By DON JENKINS
Capital Press

OLYMPIA — Washington farmers with corn mazes, pumpkin patches and other visitor attractions are asking legislators to shield them from lawsuits by injured visitors who didn't heed warning signs.

Many states, including Oregon and Idaho, have granted agritourism operators immunity from claims arising from injuries and deaths, as long as visitors are alerted to farm hazards.

Several farmers told the Senate agriculture committee at a hearing Feb. 16 that they



Dan Wheat/Capital Press

Followed by his sister, wife and kids, Jake Chanley carries pumpkins to his car in October 2015 at Annie's Fun Farm in East Wenatchee, Wash. The state Legislature is considering granting agritourism operators immunity from lawsuits by customers injured on the farm.

warn customers about slippery ground, sharp-toothed animals and moving tractors.

But they still see cringe-inducing behavior and fear bankrupting lawsuits.

"To be frank, it is a dis-

heartening and sickening feeling to know my family is at risk," Ellensburg U-pick pumpkin farmer Hilary Huffman said.

Senate Bill 5808 has cleared the low hurdle of passing the agriculture committee, on a 6-3 vote. The committee's chairwoman, Moses Lake Republican Judy Warnick, sponsored the bill. The same legislation was introduced in the House, but was assigned to the House Judiciary Committee and did not receive a hearing.

A lobbyist for lawyers who represent plaintiffs in civil

"We're talking largely about kids, putting them around heavy machinery, putting them into activities that have a danger that may not be apparent to those kids."

Larry Shannon, of the Washington State Association for Justice

suits, Larry Shannon of the Washington State Association for Justice, said state law already provides some liability protection for landowners who open their property for recreation. He said farmers could also have visitors sign waivers.

Shannon said he was con-

cerned about the breadth of Warnick's proposal.

"We're talking largely about kids, putting them around heavy machinery, putting them into activities that have a danger that may not be apparent to those kids," he said.

Farmers said they do what they can to keep kids and adults safe, but sometimes it's not enough. "We've actually had to put signs up, telling people not to not to jump off our bridges, which are 12-foot-tall, in our corn maze," said Rob Rutledge of Rutledge Corn Maze in Olympia.

Olympia farmer Jeff Schilter said he recently settled a lawsuit filed by an 83-year-old man who slipped at a private event on the farm, injuring his leg so severely that it had to be amputated. Schilter said he had suggested the event be canceled because of rain.

"We can't put a sidewalk out in the middle of a field, just because of practicality, but also because of government regulations," he said.

Many farmers said their families have been in agriculture for generations. They said they turned to agritourism to stay profitable.

Washington Farm Bureau director of government relations Tom Davis said a Clark County farm with agritourist activities has seen its liability insurance rates increase by 400 percent in two years.

"There is a problem that we need to fix," he said. "There is a reason for this bill."

To gain protection from lawsuits, farmers would have to post a sign warning visitors that they are assuming the risk.

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Request for Proposals Fiscal Year

July 1, 2017 - June 30, 2018

The Oregon Beef Council is soliciting proposals for projects in the following areas:

- 1) Positive Producer Image
- 2) Studying Legislation
- 3) Education related to beef
- 4) Generic promotion of beef

Any individual or organization may propose projects in any of the categories listed above.

Projects must meet the Beef Council's mission of enhancing the beef industry's image of profitability of Oregon's beef industry. Approved projects must comply with the Beef Promotion and Research Act and O.R.S. 577

To present a proposal you must complete and submit an Authorization Request Form by March 17, 2017 at 4:00 p.m.

Download an Authorization Request Form from orbeef.org or by contacting the Oregon Beef Council office (503) 274-2333 or via e-mail at julie@orbeef.org. legal-8-2-4/#4

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Salem, Oregon

Sun., March 12, 2017 10AM

1501 Hawthorne Ave. NE

Carver, Montana Wayne,

1F05; Clonkey, Raymonde E,

1G17; Fernandez, Steven

2B09; Flores, Juan, 2C03; Fox,

Justin, 2D73; Fuller, Kierston,

2B55; Garcia Arrendondo

Serafin, 2B53; Gonzalez

Gamboa, Araceli, 2B61;

Greaves, Sean 2G03; Haus,

John H 1C40; Kelly, Bradley,

2D15; King McKeeever,

Heather L, 1D17; Kinnison,

Leslie, Y223; Lance, Brandi,

2D38; Mackey, Donald, 1G13;

Marks, Tracy, RJ20; Morgan,

Jacklyn, RJ17; Morris, Trista,

2C53; Morrison, Tonya L,

2C54; Munoz Cintora, Diana

2A08; Phylon, Hanson 1E34;

Priest, Carl J, 1C09; Villasenor,

Saul 1G19; Wargnier, Mike,

Y4-5; Willis, Shawna R 2B13;

Woodward, Timothy M, 1F16

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PUBLIC LIEN SALE U-STORE SELF STORAGE

Albany, Oregon

Sun, March 12, 2017 1PM

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Farias, H106; Craig

Connolly, Y007; Trent

Johnson, C005; Chelsey

LaMora, H021; Kerri Lux,

J049; Mike Roles, H051;

Karen South, H092;

David Strawn, G051

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