



Washington Department of Fish and Wildlife

Washington wildlife managers have killed another member of the Sherman wolfpack, which has been responsible for five attacks on livestock since June 12.

WDFW shoots Sherman wolfpack member

By DON JENKINS
Capital Press

Washington wildlife managers reported killing a wolf Sept. 1 in Ferry County, leaving one known member in the Sherman pack.

The dead wolf and the surviving wolf, both adults, were likely responsible for five attacks on cattle between June 12 and Aug. 28, Department of Fish and Wildlife wolf policy coordinator Donny Martorello said.

The most recent depredation, in the Colville National Forest, was confirmed three days after WDFW determined the pack had apparently dwindled to two wolves from five at the beginning of the year.

"Of the five depredations, we don't have evidence of more than two wolves," Martorello said.

WDFW said the pack apparently produced no pups. One wolf was hit and killed by a vehicle, while the other two are no longer with the pack for unknown reasons, according to WDFW.

The department said it likely will not target the surviving wolf, though it may if the animal attacks more livestock.

The department shot two wolves in the Smackout pack in Stevens County from July 20 to 30. WDFW reported Aug. 31 that it has not documented any more depredations by the pack since July 22.

The agency says it will consider killing more wolves if the pack resumes attacking cattle.

Cows and calves in the Smackout pack's territory are now in a fenced pasture, but will have to move soon to graze on unfenced portions of a federal grazing allotment. That

will be a better test of whether the pack has been warned off, according to WDFW.

"I guess we're in a wait-and-see approach," Cattle Producers of Washington President Scott Nielsen said.

"I don't believe the incremental approach is going to work," he said. "I don't think the wolf realizes he's been given a chance."

WDFW officials say they are withholding some details of lethal-removal operations to keep from inflaming the public and to protect department employees and ranchers from harassment. The department has declined to report where wolves are attacking livestock, except in broad terms.

Wolves began recolonizing Washington a decade ago, but have remained concentrated in four northeast counties. Wolfpacks there are overlapping. The Sherman pack formed in 2016 when a female from the Profanity Peak pack paired up with a male wolf, according to WDFW.

The department last summer shot seven wolves in the Profanity Peak pack. WDFW in June was initially unsure whether to blame the Sherman pack or the Profanity Peak pack for a dead calf. The department eventually marked the depredation down as a strike against the Sherman pack.

WDFW has gotten better recently at issuing regular updates, but the absence of information makes it hard to evaluate the extent of the conflicts between wolves and livestock, and the response by ranchers and WDFW, said Tim Coleman, executive director of the Kettle Range Conservation Group and member of the department's Wolf Advisory Group.

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Judge: Regulators properly shut down Klamath wells

By MATEUSZ PERKOWSKI
Capital Press

An Oregon judge has rejected claims by several Klamath Basin irrigators that state regulators wrongly shut down their groundwater wells based on faulty scientific analysis.

Marion County Circuit Court Judge Channing Bennett has ruled the Oregon Water Resources Department properly relied on "substantial evidence" to halt pumping from the four wells because they were interfering with surface water rights in the Sprague River.

Attorneys for the groundwater irrigators say the case is troubling because the OWRD's reasoning — which was approved by the judge — effectively expands the agency's jurisdiction over wells not only in the Klamath Basin but elsewhere in Oregon.

The dispute also pits groundwater irrigators against Klamath Basin farmers who use surface water and who support the actions of water regulators.

"We think this is the best result to protect senior water users," said Richard Deitchman, attorney for the Tulelake Irrigation District, which intervened in the case.

The four groundwater wells in question are within less than one mile of the Sprague River, which opens them up to regulatory scrutiny for potentially affecting surface water.

After OWRD ordered pumping from the wells to stop in 2015 and 2016, a lawsuit against the agency was brought by their owners, Stanley and Dolores Stonier and Larry and Joan Sees, as

well as Garrett and Cameron Duncan, who lease property from the Sees family.

The plaintiffs argued their wells were drilled into a confined aquifer that's separated from the Sprague River by layers of rock and clay, as well as a shallower alluvial aquifer.

Shutting down the wells isn't allowed because OWRD only has jurisdiction over wells drilled into an aquifer "adjacent" to the surface water, the plaintiffs argued.

However, the judge said he couldn't determine that those layers were of such low permeability as to hinder water flowing from the confined aquifer into the River.

Effectively, the decision accepts OWRD's argument that it can regulate a broader "aquifer system," even if a well isn't drilled into an aquifer directly adjacent to a river, said Laura Schroeder, an attorney representing the groundwater irrigators.

"There's nothing to stop Oregon Water Resources from regulating every aquifer in a basin (within a mile of surface waters) and calling it an aquifer system," she said.

EPA scrambled to contain What's Upstream fallout

By DON JENKINS
Capital Press

Environmental Protection Agency officials reacted to the wrath of federal lawmakers over What's Upstream by going into "damage-control mode," simultaneously saying they couldn't have controlled the anti-agriculture campaign but nevertheless promising to fix it, according to newly released EPA records.

The records, mostly emails between EPA employees, show an agency caught between looking impotent or complicit in an advertising and lobbying campaign waged at taxpayer expense by a Puget Sound tribe to mandate 100-foot buffers between farm fields and waterways in Washington.

In response to criticism from a U.S. senator, Liz Puchia, then EPA's head of communications, urged colleagues to "acknowledge" that "we are not associated with it."

"Anytime EPA and 'campaign' is used together it is not helpful," she wrote in an email April 5, 2016.

The email, made public Aug. 31, is among the final batch of records released by the EPA in response to a Freedom of Information Act request by Save Family Farming, a group formed to counter What's Upstream.

The group filed its FOIA

request 16 months ago and has received more than 1,000 documents detailing EPA's part in funding and monitoring the half-million-dollar lobbying campaign.

Since the group asked for the records, the EPA's inspector general, the Washington Public Disclosure Commission and state Attorney General Bob Ferguson have cleared the EPA, tribe and Northwest Indian Fisheries Commission of any illegal lobbying.

"Much has been accomplished by simply exposing this activity," Save Family Farming Executive Director Gerald Baron said Sept. 5. "It would have gone on. That's the lesson. If farmers don't stand up for themselves, they'll get run over."

Dennis McLerran, EPA Northwest's administrator during the five years the agency funded What's Upstream, said Sept. 5 that he tried to tone down the campaign, but didn't have the authority to dictate its contents.

"I do recall the lawyers at the very top level of the EPA didn't consider it lobbying and a violation of any federal requirement," he said. "Like I said all along, this is an unfortunate situation. I tried to get the tribe to take down the billboards and change the content of the website, but it was not something under EPA control."

Gov. Jay Inslee recently appointed McLerran to serve in an unpaid position on the Puget Sound Leadership Council, a state agency that coordinates environmental projects.

In response to criticism from U.S. Sen. Pat Roberts, R-Kan., about the campaign, McLerran wrote a statement April 4, 2016, that for the first time said EPA funds should not have used for What's Upstream. "We are in the process of correcting that," he wrote.

Purchia suggested editing the statement to say the campaign "was not approved by the agency." The statement was released saying the campaign didn't reflect EPA's views.

"Let's add the word 'outside' before 'campaign' and get this out," McLerran wrote April 5.

The statement didn't disclose that the tribe and its hired lobbying firm, Strategies 360, had regularly submitted written updates and yearly work plans for EPA's approval since 2011.

As criticism of the campaign increased, EPA adopted a policy of not answering questions.

McLerran, however, was sending emails to other public officials seeking to explain his side of the controversy. "We are clearly in damage-control mode," he wrote to Washington State Conservation Commission officials.

Said McLerran: "From my perspective, I wanted for them to know facts, as I knew them."

The newly released emails reinforce that the tribe's environmental director, Larry Wasserman, was forthright about his goal to pass a state law and eager to get approval to spend EPA money on billboards and radio ads to rally grass-roots support during the 2016 legislative session, capping years of preparation and collaboration with environmental groups.

"I am concerned that additional delays will make our effort less effective because we have a short legislative session and we are hoping for some impact while the legislators are in Olympia," Wasserman wrote Jan. 26, 2016, to a manager in the Puget Sound recovery program.

The records also affirm that mid-level EPA officials had misgivings about the campaign, but their concerns were rejected as having no legal grounding.

A few weeks before the agency disavowed the campaign under congressional criticism, EPA Puget Sound program specialist Gina Bonifacino wrote an email to a colleague referring to an EPA document prohibiting spending funds on political activities, including raising public support to introduce state-level legislation.

Ag DACA damage could be minimal

By DAN WHEAT
Capital Press

The Trump administration's decision to end the Deferred Action for Childhood Arrivals program in six months may have little impact on agriculture and "quite possibly may be a blessing in disguise," says a Pasco, Wash., immigration attorney.

Probably only 5 to 10 percent of the 800,000 people benefiting from DACA deportation deferrals work in agriculture and the rest are in other occupations, said Tom Roach, a Pasco attorney who has helped 440 people get DACA deferrals.

"Most of them are in their mid-20s and have been here since before they were 15 years old. They grew up here, speak English and a lot of them have finished college. Their parents urged them into other occupations. They are mainstream America," Roach said of DACA deferral recipients, also known as Dreamers.

The administration's action, announced by Attorney General Jeff Sessions on Sept. 5, may be a blessing because it may force Congress to save DACA, Roach said, noting that 80 percent of Americans favor DACA. It passed the Senate in 2013 as part of comprehensive immigration reform that failed in the House, he said.

DACA is a two-year renewable deferral of deportation with work authorization granted to children of illegal immigrants who came to the U.S. under 15 years of age. DACA was granted by executive order by President Barack Obama in 2012.

The executive order was an "unconstitutional exercise of authority" into congressional domain that contributed to a surge of children at the border, Sessions said.

The program will end March 5 which gives Congress six months to address the situation, he said.

Texas leads 10 states



Associated Press/Matt York

DACA supporters march to the Immigration and Customs Enforcement office in Phoenix to protest shortly after U.S. Attorney General Jeff Sessions announced Sept. 5 that the Deferred Action for Childhood Arrivals will be suspended with a six-month delay. The impact of the program's termination on agriculture is difficult to assess.



Tom Roach

threatening to sue if President Donald Trump doesn't end the program. New York and Washington state have threatened to sue if the program is ended.

In November 2014, Obama expanded DACA to more people and to their parents by executive order that was struck down in courts and rescinded by Trump in June.

Frank Gasperini Jr., executive vice president of the National Council for Agricultural Employers, told Capital Press he's never been able to get a good number on how many Dreamers are in agriculture. Any loss of ag workers in "this era of short ag labor supply is significant," he said.

Some Dreamers are in universities and technical and service jobs supportive of agriculture, he said.

Mace Thornton, American Farm Bureau Federation spokesman, said the bureau is not sure there is an accurate way to assess the impact of DACA on agricultural labor, but that the bureau does not view DACA as a significant ag labor issue in comparison

to legislation that specifically addresses labor needs of farmers and ranchers.

The bureau supports safe harbor provisions for employers hiring DACA recipients, he said.

United Farm Workers President Arturo S. Rodriguez issued a statement saying he "condemns this appalling and counterproductive action." He said Trump is "scapegoating immigrants" and that deporting Dreamers is "heartless and immoral."

Mike Gempler, executive director of Washington Growers League, Yakima, Wash., called the action "a blow to our rural communities" and said many are in school or in parts of rural society supporting agriculture. He said he's hopeful DACA legislation will have broad congressional support.

"It should be an easy decision to give legal status to

young people who grew up here, have been educated here and who are productive and want to stay and make their lives here. This is a matter of basic fairness. If any bill has a chance in Congress, this should be it," Gempler said.

Dan Fazio, executive director of the farm labor association WAFLA, said DACA has very little impact on labor-intensive agriculture. WAFLA doesn't have a position on DACA but generally supports any efforts to legalize workers with its priority being a workable guestworker program, he said.

Shortly after Sessions spoke, Rep. Cathy McMorris Rodgers, R-Wash. and third-ranking in House GOP leadership as conference chairman, issued a statement taking issue with how DACA was enacted but saying Congress needs to protect DACA recipients.

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