

Critics encouraged by 'ag gag' developments

Utah decides not to appeal decision; 10th Circuit issues ruling

By MATEUSZ PERKOWSKI
Capital Press



unlikely to withstand a court challenge," Gollan said.

The Utah Office of the Attorney General refused to comment on its reasons for not appealing the decision, as did an attorney for the Animal Agriculture Alliance, an industry group that defended Utah's statute in a "friend-of-the-court" brief.

While the Utah ruling is only binding within that state, the judge's reasoning can be referenced elsewhere, said Gollan. "I think this decision will be persuasive to other courts."

If the Utah ruling had been challenged and upheld by the 10th Circuit, it would have effectively been the law of the land in the six states under its jurisdiction.

"It may not be as strong in terms of precedential value, but we're still happy with the decision," Gollan said.

Also, the 10th Circuit's decision in the Wyoming lawsuit largely relies on the same legal principles that brought down Utah's "ag gag" law, he said.

Wyoming's statute dis-

allowed collecting resource data — including photographing wildlife and taking water samples — on public land if a person crossed private property to get there.

Environmental groups filed a complaint against the law, which was dismissed by a federal judge. The 10th Circuit has now reversed that decision, re-opening the case because the plaintiffs raised valid free speech issues.

The 10th Circuit noted that Wyoming already has laws against trespassing, but the data collection statute goes further by prohibiting the creation of speech, which is constitutionally protected.

Opponents of an "ag gag" law passed in Idaho also argue the Wyoming decision strengthens their case, which is currently under review before the 9th U.S. Circuit Court of Appeals after the statute was overturned by a federal judge in 2015.

The Animal Legal Defense Fund filed a court brief arguing the 10th Circuit agrees with its reasoning that interfering with speech creation runs afoul of the First Amendment.

Attorneys for Idaho also filed a brief claiming the Wyoming case isn't directly relevant because it pertains to public lands rather than private property.

ODFW Commission to hear wolf plan update

By ERIC MORTENSON
Capital Press

Oregon's wolf management plan is supposed to be updated this year but that hasn't happened yet. The Oregon Department of Fish and Wildlife Commission was to get a briefing on that process during its Sept. 15 meeting in Welches, Ore.



Russ Morgan



Courtesy Baker Aircraft and ODFW

The anticipated update of the Oregon wolf management plan has not yet happened. The pause in the process comes as ODFW has moved to kill five wolves for livestock attacks this summer and approved the shooting of a sixth.

highly critical of ODFW's actions, saying it shouldn't be killing wolves while the management plan review is pending. A coalition of 18 groups asked Gov. Kate Brown to intervene, so far without success.

Meanwhile, a significant

change is coming. Russ Morgan, ODFW's longtime wolf program coordinator, is retiring in October. Morgan said he had planned to retire when the management plan was approved, but decided not to wait.

Apple, pear pickers cope with wildfire smoke

By DAN WHEAT
Capital Press



Randy L. Rasmussen/Associated Press

Cascade Locks, Ore., nestled in tall fir trees alongside the Columbia River, is blanketed by smoke from the nearby Eagle Creek wildfire Wednesday. Smoke from wildfires in the Cascade Range has plagued apple and pear pickers in the Wenatchee Valley and elsewhere in northcentral Washington for many days.

Despite the smoke this year, growers are really happy with the weather, Smith said.

Nights are beginning to cool down more, which is needed for color and sugar development, he said.

"In the long run, it's helping keep temperatures down which is good because apples were cooking on the trees," Doug England, manager of Manson Fruit Cooperative, said of the smoke. Temperatures were too high, he said.

Smoke has been difficult on workers, said Harold Schell, director of field services at Chelan Fruit Cooperative in Chelan.

"A lot of people were wearing masks and doing what they could to get by because fruit still has to be harvested. Without a doubt work

days were shortened and I assume some skipped, too," Schell said.

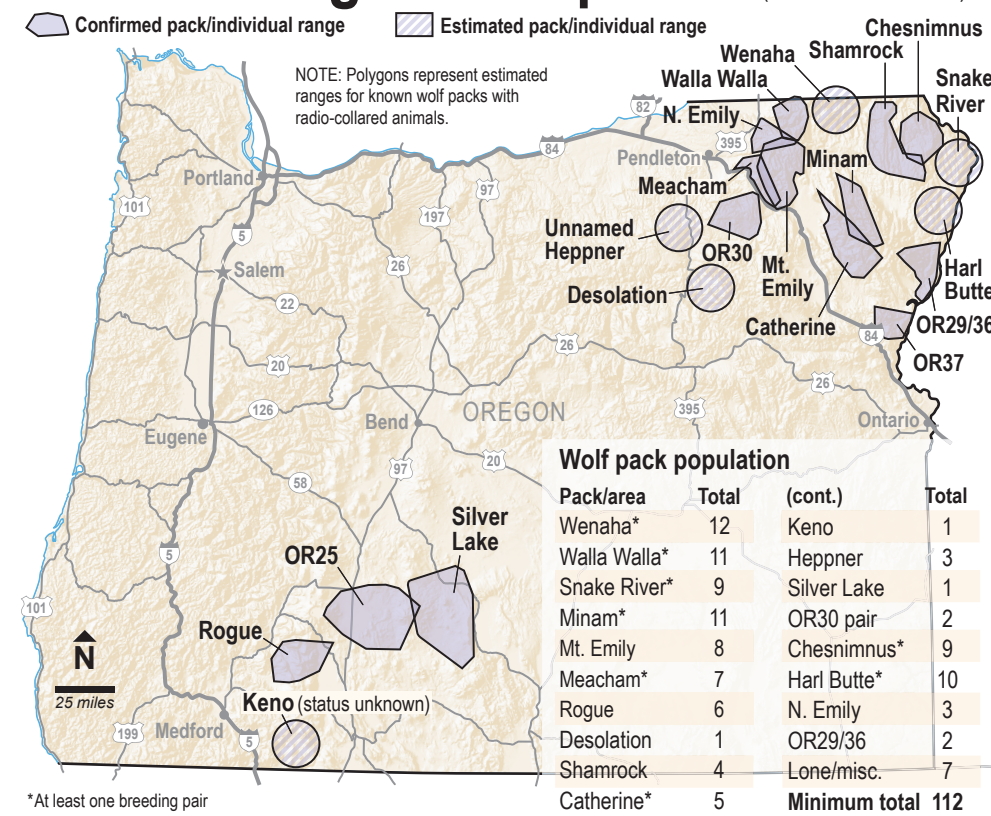
Greg Rains, horticulturist at Blue Star Growers in Cashmere, said not many pickers have been wearing masks in that area and that the smoke is not nearly as bad as in 2012.

Nemis Robles, a pear picker at Stone House Orchard near Cashmere, said smoke has been bad and some work days were shortened.

Pablo Avila, orchard manager at Independent Warehouse in Dryden, said workers weren't complaining or wearing masks.

Known Oregon wolf packs

(As of Dec. 31, 2016)



*At least one breeding pair

Alan Kenaga/Capital Press

Meacham Pack wolf fifth killed this year

By ERIC MORTENSON
Capital Press

The Oregon Department of Fish and Wildlife said a wolf from the Meacham Pack was legally shot to death Sept. 7 in Umatilla County, the fifth wolf killed in Oregon since August.

The wildlife agency authorized killing two adult wolves after depredation investigations confirmed the pack attacked cattle four times in August.

All of the attacks involved the same herd grazing on a 4,000-acre private, forested

pasture in the Sheep Creek area.

The lethal control permit allowed either ODFW staff or the producer or an employee to kill two adult wolves.

Department spokeswoman Michelle Denney said an adult, non-breeding female was shot by the livestock owner or an employee.

In August, ODFW killed four wolves from the Harl Butte Pack in Wallowa County, which had attacked livestock eight times in a year.

In issuing the Meacham Pack kill permit, ODFW said

the producer had taken proper action to deter attacks. The producer removed livestock carcasses the same day they were discovered, removed cattle that were weak and might be targeted by wolves, monitored and removed animals that were weak or could be a target of wolves and employed a range rider five days a week to monitor wolves and maintain a human presence.

The producer also delayed pasture turnout for 30 days so the calves grazing there would be bigger and perhaps better able to fend off wolves.

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