

# EPA seeks delay in reporting manure gases

Environmental groups oppose reprieve

By DON JENKINS  
Capital Press

Unless a federal court grants a reprieve, beginning Nov. 15 some livestock producers will have to report that their cows, poultry or pigs are continuously releasing manure gases.

The rule, a product of a lawsuit against the Environmental Protection Agency, will affect producers whose animals give off more than 100 pounds of ammonia or hydrogen sulfide in 24 hours.

Washington State Dairy Federation policy director Jay Gordon said producers should get written confirmation from the EPA that they met the reporting requirement. "Put it in a lock box, give it to a lawyer, frame it on the wall, so you can say, 'I reported it,'" he said. "An environmental attorney wants to come after you, and if you don't report, that's a problem."

The reporting will be required under two federal laws intended to identify Super-



Don Jenkins/Capital Press

Cows at a Washington dairy. Some livestock producers will have to begin reporting Nov. 15 that their animals are releasing hazardous substances. The Environmental Protection Agency fought the rule, but environmental groups won the court battle.

fund cleanup sites and to help communities plan for chemical emergencies. The EPA has been arguing since 2008 that applying the laws to livestock manure would be impractical and useless.

The U.S. Circuit Court for the District Columbia disagreed. Last spring, it ruled in favor of a coalition of environmental groups led by the Waterkeeper Alliance, a New York-based organization founded by Robert F. Kennedy Jr.

The three-judge panel dismissed EPA's claim that it was

unlikely federal or local authorities would ever need to respond to gases from decomposing manure dispersing into the air. The court decided that pumping manure from pits can release hazardous gases and that local firefighters need the information on file to find sources of reported smells, especially at night in the dark.

The EPA filed a motion Monday asking the court to delay the reporting requirement until mid-January. The agency says it would use the two

months to develop a reporting form easier for farms to use.

There is no generally accepted way to estimate emission volumes, according to the EPA. "Estimating emissions is complex given the numerous variables involved, and a more user-friendly form for farms should help promote reporting," EPA's motion states.

The agency also said it would come up with a plan for handling a large number of calls to the National Response Center, the first step in meeting the reporting requirements. The U.S. Coast Guard staffs the center and takes emergency calls reporting chemical releases.

Waterkeeper Alliance opposes the two-month delay, according to court records, though it has yet to file a response to EPA's motion. Efforts to obtain additional comment from Waterkeeper were unsuccessful.

The EPA last week issued worksheets to help producers calculate whether they have enough animals to meet the reporting threshold. Gordon said that producers are coming up with widely different numbers, depending on which worksheet they use.



File photo

Oregon's Land Use Board of Appeals has reversed the approval of an 80-acre solar project in Jackson County.

# Ruling reverses solar project on farmland

County incorrectly approved exception to land use goal

By MATEUSZ PERKOWSKI  
Capital Press

A solar power project planned for 80 acres of high-value farmland in Oregon's Jackson County has been shut down by the state's Land Use Board of Appeals.

Earlier this year, Jackson County's board of commissioners approved the project by excepting it from Oregon's land use goal of preserving agricultural land.

Solar facilities on prime farmland must obtain such an exception if they're larger than 12 acres.

The county's decision was challenged by the 1,000 Friends of Oregon conservation group before LUBA, which has now agreed the project doesn't qualify for such an exception.

LUBA's ruling "re-establishes that these projects have to comply with statewide land use goals," said Meriel Darzen, attorney for 1,000 Friends of Oregon.

Darzen said 1,000 Friends of Oregon doesn't oppose solar energy but would prefer that sites are not developed on high-value farmland.

"I would still assume there are a lot of options," such as industrial areas within "urban growth boundaries" or marginal lands, she said. "Just as with any energy facility, we think the siting considerations are important and should not be bypassed."

Origis Energy, the project's developer, said it's too early to know if the ruling will have broader implications for solar energy siting in Oregon.

"The decision is certain-

ly disappointing and our team is currently discussing and vetting all options at our disposal. We will make a decision on how to proceed shortly," said Michael Chestone, a consultant for the company.

The project's developer claimed that Jackson County was obligated to promote renewable energy under another statewide land use goal.

LUBA rejected this argument, finding that Oregon's goal of energy conservation is not a requirement to build new renewable energy facilities.

Jackson County was also incorrect to approve the project due to its "comparative advantage" of being located in an area with adequate sunlight and topography near an electrical substation, the ruling said.

"That the subject property is flat, 80 acres in size and exposed to the sun does not render the property a 'unique resource'" under Oregon law use rules, according to LUBA.

The project's proximity to an electrical substation within the City of Medford's "urban growth boundary" also doesn't justify the land use goal exception, the ruling said.

It's typical for industrial sites such as the substation to be located on the outskirts of an urban growth boundary near farmland, LUBA said.

If proximity to these areas were a legitimate reason for converting farmland, such "exceptions would become commonplace given the strong economic incentives" for new development to occur near cities on inexpensive land, the ruling said.

Such an interpretation "could easily subvert one of the principal structures of the statewide land use program: the urban growth boundary," according to LUBA.

# California's first confirmed depredation ignites wolf debate

By TIM HEARDEN  
Capital Press

SUSANVILLE, Calif. — The first confirmed livestock depredation by a wolf in California has prompted criticism from the affected rancher and his allies over how state officials handled the situation.

The state Department of Fish and Wildlife posted on its website Oct. 20 a report that the Lassen Pack of wolves had killed a cow on private property in western Lassen County a week earlier.

Data from a GPS tracking device worn by the pack's breeding female — known as LAS01F — confirmed the wolf was at the site for at least six hours on Oct. 13, when the 600-pound yearling heifer was killed, according to the DFW.

The California Cattlemen's Association and California Farm Bureau Federation issued a news release Oct. 27 blasting state officials for not announcing the wolf kill, noting that it would have educated residents about the "full implications" of the gray wolf's return to California.

The groups also expressed



U.S. Forest Service/AP File

This June 29 remote camera image shows a female gray wolf and two of the three pups born this year in Lassen National Forest in Northern California. GPS data show the Lassen wolfpack's breeding female — known as LAS01F — was at the site Oct. 13, when a 600-pound yearling heifer was killed, according to the California Department of Fish and Wildlife.

frustration that state law allows for few resources for ranchers or even the DFW to prevent wolf-livestock conflicts.

"The short answer is nothing is going to happen" as a result of the depredation, CCA government affairs director Kirk Wilbur told the Capital Press. "While states like Washington and Oregon also have laws protecting wolves in those states, their wolf plans are markedly different from the California Endangered Species Act and Wolf Conservation Plan."

Wolves are listed as endangered in California, meaning the animal can't be killed or hunted even in cases of depredation.

"The California Endangered Species Act, when it was created, really didn't envision something like an apex predator requiring protection," Wilbur said. He added the law "doesn't provide any flexibility for the department" to manage wolves.

Wally Roney, whose land in the Clover Valley in western Shasta County was the site of the depredation, could not immediately be reached by the Capital Press for comment. He told the Lassen County Times he believes he's lost five cows, mostly yearlings, to wolf depredation and that he's mov-

ing all his livestock to lower ground earlier than usual as a result of the killings.

"I feel sorry for the citizens of Lassen County," Roney told the newspaper. "They're going (to) get what they want. Well, guess what? They're killing my cows. They've been killing them all summer. I now have the first verified kill in California. And I'll tell you this, it took a little bit to get it verified."

At an average market price of \$120 per hundredweight, a 600-pound heifer is worth about \$720.

State Fish and Wildlife spokeswoman Jordan Traverso responded that the state "made every effort" to provide information to affected landowners.

**LEGAL**

**IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MARION**

WILMINGTON SAVINGS FUND SOCIETY, FSB, DOING BUSINESS AS CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BRONZE CREEK TITLE TRUST 2014-NPL1, A Delaware Trust,

Plaintiff,

vs.

BRIAN D. GIBSON, an individual; TAMI K. GIBSON, an individual; OREGON DEPARTMENT OF REVENUE; and ALL OTHER UNKNOWN PARTIES CLAIMING ANY RIGHT, TITLE, LIEN OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 7990 HERON STREET, SALEM, OR 97305.

Defendants.

CASE NO.: 17CV29151

**SUMMONS FOR PUBLICATION**

To:

ALL OTHER UNKNOWN PARTIES CLAIMING ANY RIGHT, TITLE, LIEN OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 7990 HERON STREET, SALEM, OR 97305

**THE STATE OF OREGON TO THE DEFENDANT/RESPONDENT(S) ABOVE NAMED:**

You are hereby directed and required to appear in, and defend against, this legal action within 30 days after the first date of publication of summons, which is the 3rd day of November, 2017, and defend the above entitled action in the above entitled court, and answer the complaint of the plaintiff WILMINGTON SAVINGS FUND SOCIETY, FSB, DOING BUSINESS AS CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BRONZE CREEK TITLE TRUST 2014-NPL1, A DELAWARE TRUST and serve a copy of your answer upon the undersigned attorneys for plaintiff, ZIEVE BRODNAX & STEELE, LLP, at their office below stated; and in case of your failure so to do, judgment will be rendered against you according to the demand of the complaint, which has been filed with the clerk of said court. This is a Complaint for Judicial Foreclosure of Deed of Trust.

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 in the Portland metropolitan area.

DATED: October 26, 2017

ZIEVE BRODNAX & STEELE, LLP

By: /s/ Amy F. Harrington  
AMY F. HARRINGTON, OR Bar 123363  
Attorneys for Plaintiff  
WILMINGTON SAVINGS FUND SOCIETY, FSB, DOING BUSINESS AS CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BRONZE CREEK TITLE TRUST 2014-NPL1, A DELAWARE TRUST

**LEGAL**

**OREGON TECHNICAL ADVISORY COMMITTEE MEETING (OTAC)**

WHEN: November 9, 2017 @12:30pm-4:00pm  
WHERE: Oregon Department of Forestry

2600 State Street Bldg. C  
Salem, OR 97310  
Room: Tillamook Room  
For more information, or to arrange special accommodations for meeting attendees, please contact Cory Owens at 503-414-3261 or [cory.owens@or.usda.gov](mailto:cory.owens@or.usda.gov).

Legal-43-2-3/102

**LEGAL**

**PURSUANT TO ORS CHAPTER 98**

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 11/14/17. The sale will be held at 10:00am by

PARKING ENFORCEMENT SERVICES  
1768 13TH ST. SE SALEM, OR  
1995 TOYOTA LANDCRUISE  
VIN = JT3DJ81W350113027  
Amount due on lien \$1,062.00  
Reputed owner(s) JASON & FE FARRINGTON  
UNITED FINANCE

Legal-44-2-3/999

**LEGAL**

**PURSUANT TO ORS CHAPTER 98**

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 11/6/17. The sale will be held at 10:00am by

TRS OREGON INC  
1210 22ND ST. SE SALEM, OR  
1995 INTERNATIO 4700  
VIN = 1HTSCAANOSH671773  
Amount due on lien \$5,214.00  
Reputed owner(s) JESUS TOLENTO  
US BANK

Legal-43-2-3/999

# 110,000-plus acres of farmland will vanish, researchers say

By SEAN ELLIS  
Capital Press



Sean Ellis/Capital Press File

BOISE — An urban growth model created by a team of Boise State University researchers shows that a staggering amount of agricultural land in the Treasure Valley will disappear in the coming decades.

The model shows that between 110,000 and 240,000 acres of ag land in Ada and Canyon counties, Idaho's two most populous counties, will be lost to urban encroachment by the year 2100.

There is currently 365,600 acres of ag land in those counties.

Those projections came as a jolt to Nampa farmer Janie Burns, who is helping lead an effort to raise the issue of cropland loss in southwestern Idaho.

"Wow, that is shocking," she said. "That's a lot of acreage. The sheer amount of it is

really stunning." The data to project farmland losses by the decade are included in the data, although the team didn't calculate that in the report, said Jodi Brandt, who is part of the BSU team that developed it.

As a simple average,

the projected loss of farmland works out to 13,000 to 30,000 acres a decade. The report used nine different scenarios of population growth and density to project urban growth in the Treasure Valley through 2100. It projected that if the val-

ley's population, which is around 640,000 now, grows to 1.5 million by 2100 and population density remains the same as it is today, the amount of urban land will increase by 220,000 acres, while agricultural land will decrease by 190,000 acres.

In the worst-case scenario — the valley's population reaches 1.75 million and population density is unchanged — 240,000 acres of agricultural land will disappear.

Under the best-case scenario — the population reaches 1.25 million and population density increases as a result of so-called "smart" growth policies — 110,000 acres of ag land in the valley would be lost by 2100.

Burns said the report "certainly sends an urgent call to our leaders to take a hard look at what the future looks like" for the valley's farming industry. The research team used data from 2001 to 2011 to help develop their projections. During that time, urban land area in the valley increased by 10 percent and agricultural land decreased by 5 percent, according to the report.

"In summary," the report states, "the future of farmland ... in the Treasure Valley will be greatly influenced by how much population grows, as well as the decisions made about housing density."