



Courtesy of Art Swannack
The Washington Department of Fish and Wildlife has promised to notify environmental groups before culling wolfpacks after they kill livestock.

Washington to provide 1-day notice before wolf culling

By DON JENKINS
Capital Press

The Washington Department of Fish and Wildlife has promised to give a warning of one business day before culling a livestock-attacking wolf-pack to give environmental groups time to seek a restraining order.

The department made the pledge Friday as Thurston County Superior Court Judge Chris Lanese dismissed a lawsuit filed in 2017 challenging the department's decision to cull the Sherman pack.

The judge ruled the case was moot because the pack no longer exists. The department said it committed to the one-day notice at the judge's request.

The environmental groups that filed the suit, the Center for Biological Diversity and Cascadia Wildlands, said in a press release they expected that requests for restraining orders would be met sympathetically by courts.

"We don't like that a state endangered wolf was killed and a pack lost, but we're glad we're going to get our concerns with the department's wolf management heard," Cascadia Wildlands legal director Nick Cady said in a written statement.

Fish and Wildlife said in a written statement that it already gives the advance notice before killing wolves.

In the past, Fish and Wildlife has announced lethal-removal operations, though it has not committed to a waiting period between making the announcement and searching for wolves.

A restraining order delaying lethal removal while a judge sorts out the merits of a lawsuit would undermine a department policy adopted last year. The department decided to intervene sooner to kill one or two wolves in a pack to stop chronic depredations.

The department hoped to reduce livestock losses and reduce the number of wolves that have to be culled to change the pack's behavior. The department says the policy looked better than a previous one, which called for more depredations before the department considered lethal control.

The policy was developed with the department's Wolf Advisory Group. The panel includes representatives from farm groups and environmental organizations. The two groups that filed the lawsuit are not on the panel.

The department killed one member of the Sherman pack in Ferry County last year, leaving one survivor. The two environmental groups claimed Fish and Wildlife should have conducted a formal review of the environmental consequences of shooting a state-endangered species and give the public a chance to comment on the review.

"We're deeply saddened by the loss of the Sherman pack, but this new public notice agreement could save other Washington wolves," Center for Biological Diversity wolf advocate Amaroq Weiss said in a written statement.

The department's policy on lethal control of wolves was influenced by a study funded by the U.S. Fish and Wildlife Service that found partial pack removal was most effective in Montana, Idaho and Wyoming if done within seven days of a depredation.

Oregon lawmakers mull preventing 'too big to fail' livestock operations

Senate committee holds hearing on problems facing Lost Valley Farm near Boardman

By MATEUSZ PERKOWSKI
Capital Press

SALEM — The regulatory problems facing a controversial Oregon dairy have raised questions among lawmakers about avoiding "too big to fail" livestock operations in the future.

Negative publicity has continued to mount for Lost Valley Farm of Boardman, Ore., which in 2018 has faced a \$10,600 fine, a lawsuit filed by state farm regulators and financial troubles resulting in bankruptcy proceedings.

The 7,300-acre farm is home to nearly 14,000 head of cattle.

The Senate Interim Committee on Environment and Natural Resources summoned the state's top agriculture and water regulators for a hearing on May 21 to begin analyzing what went wrong.

The hearing was cut short after an hour because the full Senate was expected to convene, but Sen. Michael Dembrow, D-Portland, said the matter will likely be revisited during legislative committee days in September.

"I would like to see what we can do to prevent this from happening again," said Dembrow, the committee's chair.

The state government should be wary of confined animal feeding operations, or CAFOs, that are "too big to



E.J. Harris/EO Media Group

The Lost Valley Dairy outside Boardman, Ore. Regulatory problems at the controversial dairy prompted a recent legislative hearing.

fail" due to the large numbers of animals involved, he said.

In the case of Lost Valley Farm, the dairy's size has been used as an argument against its forced closure, since cows will continue generating milk and waste regardless of a court order.

"I think most of us will agree this is a story of failure," said Dembrow, adding that it's unclear whether it's a "failure of personalities or the whole CAFO program."

The testimony of Alexis Taylor, director of the Oregon Department of Agriculture, focused on the permitting required for dairies and how Lost Valley Farm navigated the process.

Dairies make up 206 of the 516 CAFOs inspected by the agency, which issues a civil penalty in fewer than 1 percent of the 880 inspections its employees conduct each year, Taylor said.

Lost Valley Farm is the most extensively monitored CAFO in Oregon, with groundwater from 11 wells being tested for pollutants, she said.

The ODA has acted

quickly in regard to the dairy's wastewater problems — within roughly a year, the agency has repeatedly notified the company of violations, issued a hefty civil penalty and sought a temporary restraining order that resulted in a settlement, Taylor said.

The court judgment, entered in March, provides an additional option for the agency: The dairy can be punished for contempt of court for violating the agreement, she said.

Such drastic measures are rarely necessary in regulating CAFOs, Taylor said. "It's really when an operator is unable or unwilling to be in compliance."

Weekly inspections of the Lost Valley Farm facility have continued since the settlement, but ODA is discussing further steps with attorneys from Oregon's Department of Justice, she said.

"I think we are at a point the operation is not able to comply with the permit," Taylor said.

Any regulatory action is separate from the company's

bankruptcy proceedings, she said.

The dairy's owner, Greg Te Velde, has filed for Chapter 11 bankruptcy protection in California, where he's asked a judge to allow the dairy, cattle and property to be sold together for more than \$100 million.

The company's largest creditor, Rabobank, instead wants the herd liquidated as soon as possible, arguing it's losing value.

Tom Byler, the director of the Oregon Water Resources Department, said the dairy was allowed to use groundwater under an exemption for livestock watering despite being located in a restricted groundwater area.

The operation's long-term potable water needs remain unresolved, since proposed water transfers have been blocked by administrative protests, Byler said.

However, a neighboring farm is foregoing groundwater withdrawals, alleviating immediate concerns about groundwater levels in the area, he said.

When asked by Dembrow

whether the stockwater exemption was "exceptional" or a "misuse" in this case, Byler said he's not sure what Oregon lawmakers envisioned when they created the exemption in the early 1900s.

There were no "mega dairies" back then, but that doesn't mean large livestock uses didn't exist, he said.

Chad Allen, president of the Oregon Dairy Farmers Association, drove to the hearing in Salem from his farm in Tillamook but was unable to testify.

Allen said he wanted legislators to understand Oregon is a "leader" in the arena of CAFO regulation and that ODA acted aggressively in reacting to problems at Lost Valley Farm.

"The system clearly works," he said.

The unforeseen circumstance of addiction played a major role in the dairy's dysfunction, which isn't likely to be a problem for other Oregon dairy operators, Allen said.

Te Velde, Lost Valley's owner, was arrested last year and charged with methamphetamine possession and patronizing a prostitute. He later pleaded guilty to a lesser charge. Rabobank has argued in court papers that his erratic behavior was caused by addiction, for which he's sought drug treatment.

While the state's CAFO regulations functioned properly, the case has certainly been a gift to critics of the dairy industry, Allen said.

"I think we'll be throwing water on this for a while in terms of getting it to cool down," he said.

Oregon wetland inventory raises regulatory concerns

By MATEUSZ PERKOWSKI
Capital Press

An inventory of Oregon's wetlands is intended as an "early warning system" to prevent regulatory conflicts but some lawmakers worry it effectively expands government jurisdiction over farmland.

The Oregon Department of State Lands is developing a statewide wetlands inventory map using multiple sources of information to show where wetlands are located.

The question is significant for farmers, who must obtain fill-removal permits from DSL before starting major ground-disturbing projects within wetlands.

However, current inventories maintained by the federal government and local governments are incomplete, raising the possibility that landowners may not know they're filling or removing material from a wetland.

A statewide wetland inventory would reduce the likelihood of such "false negatives," said Bill Ryan, deputy director of operations for DSL.

In 2016, for example, a Willamette Valley farmer began replacing hay barns destroyed in a fire with local government per-



MateuszPerkowski/Capital Press File

Jesse Bounds runs a straw-compressing facility in Junction City, Ore., that state regulators claim was rebuilt on a wetland after a fire. A statewide inventory of Oregon's wetlands has come under scrutiny for regulatory impacts to farmers and other landowners.

mission, only to have DSL claim he was building in a wetland.

One of the criteria to determine the existence of a wetland is whether the property contains hydric soils, which form when ground is regularly inundated with water for lengthy periods, Ryan said during a May 21 hearing before the House Agriculture Committee.

"The Willamette Valley in particular has a lot of

these hydric soils," he said.

Hydric soils will serve as a "wide net" for analyzing lands, but the agency will rely on the area's current hydrology and other technical factors to decide whether it's currently a wetland, Ryan said.

Rep. Brian Clem, D-Salem, said he was concerned about DSL going beyond what's currently considered a wetland by the federal government, particularly since

development on farmland is already restricted under Oregon's land use system.

The agency should be careful not to exceed the boundary of its statutory authority in developing the statewide wetland inventory, Clem, the committee's chair, said. "I would put this whole program under review."

Other committee members also expressed worries about the inventory.

While obtaining a fill removal permit in a designated wetland is possible through the purchase of mitigation credits, that's not always financially feasible, said Rep. Sherrie Sprenger, R-Scio.

"Being able to afford it is something totally different," she said.

Rep. David Brock Smith, R-Port Orford, said landowners may lack the personnel to deal with the permitting process, while Rep. Brad Witt, D-Clatskanie, requested an economic impact study of the statewide inventory and its effects.

While certain wetlands may be missing from the national inventory map maintained by the federal government, that doesn't mean that federal agencies don't have

authority over them, said Ryan of DSL.

Areas not on the federal map can still be regulated under the Clean Water Act and state officials would use the same parameters to decide whether property contains a wetland, he said.

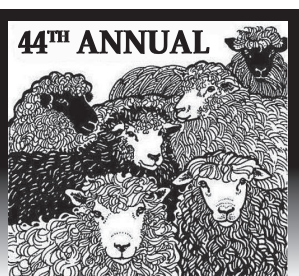
The goal of the statewide inventory is to show people where the agency has wetland authority so they don't unintentionally break the law, Ryan said.

"That is really what this inventory is for," he said. "We're not increasing our jurisdiction at all."

The Oregon Farm Bureau wouldn't necessarily oppose DSL's mapping project but it's concerned about how broadly the agency is defining wetlands, said Mary Anne Cooper, the group's public policy counsel.

The statewide inventory would presume many properties are wetlands until the landowner proves they're not, she said.

"We think they've taken a very expansive view of their jurisdiction and have not honored some of the carve-outs that legislators have made to reduce their jurisdiction," Cooper said.



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Weekly fieldwork report

	Ore.	Wash.	Idaho	Calif.
Item/description (Source: USDA, NASS; NOAA)				
• Days suitable for fieldwork (As of May 22)	6.2	5.1	5.3	7
• Topsoil moisture, surplus	1%	5%	20%	0
• Topsoil moisture, percent short	36%	9%	14%	75%
• Subsoil moisture, surplus	1%	5%	14%	0
• Subsoil moisture, percent short	38%	5%	17%	45%
• Precipitation probability (6-10 day outlook as of May 22)	33-50% below/Normal	33-50% below	Normal/33-40% above	Normal

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