



Oregon Cattlemen's Association  
A wolf or wolves injured three calves within a few days on a private pasture near Joseph Creek in Wallowa County, Ore. Oregon Department of Fish & Wildlife officials have issued a kill order for one wolf on the pasture and an adjacent public land allotment through July 10.

## Kill permit issued for NE Oregon wolf

### State could update management plan before year's end

By **GEORGE PLAVERN**  
Capital Press

State wildlife officials will allow a northeast Oregon rancher to kill one wolf on privately owned pasture near Joseph Creek in Wallowa County following a string of gruesome attacks on livestock.

The Oregon Department of Fish & Wildlife issued a kill permit June 21 for RL Cattle Company, based in Enterprise, Ore., after confirming the wolf depredations June 13 and 14.

According to the investigative reports, a wolf — or wolves — injured three calves in three days on the same private pasture within an area of known wolf activity in the Chesnimnus Unit.

ODFW counted three wolves in the area at the end of 2017. None are wearing a radio tracking collar. It is not certain whether the wolves are remnants of the Chesnimnus pack or new animals that have moved into the territory.

Under Phase III of the Wolf Conservation and Management Plan, ODFW may consider killing wolves in Eastern Oregon found to prey on livestock at least twice. The agency last issued a kill permit in April for two wolves from the Pine Creek pack in Baker County.

But first, ranchers must demonstrate they have tried using non-lethal deterrents and cannot leave bone piles or carcasses that would otherwise attract wolves. In this case, RL Cattle routinely monitored for wolves, maintained a human presence around cattle and removed injured livestock from the pasture.

In his letter to ODFW requesting a kill permit, owner Rod Childers said the impact to his business far exceeds injured or missing animals.

"This harassment of my cattle has caused a change in their demeanor making them more difficult to handle, nearly causing injury to myself while sorting," Childers wrote. "Additionally, these wolf problems are causing great problems in my ability to utilize my spring range effectively."

The permit issued by ODFW extends not only to the pasture, but also an adjacent public forest allotment. It expires July 10, when Childers plans to remove his cattle from the pasture.

The action has stirred debate about wolf management in Oregon at a time when ODFW is in the midst of updating its wolf plan, which was last updated in 2010. Since then, wolves were removed from the state endangered species list in 2015.

The species remains federally protected west of highways 395, 78 and 95.

George Rollins, a Baker County rancher and Eastern Oregon wolf committee chairman for the Oregon Cattlemen's Association, said the group is advocating wolf management zones with population targets, which would open the door to more lethal control and, possibly, hunting. "These management zones would be established, and with local decision making, the number of wolves can be managed so that we can reduce potential conflicts," Rollins said.

Environmental groups, however, oppose killing any wolves, arguing the overall population is still too small and fragile. Oregon had 124 officially documented wolves at the end of 2017 — an 11 percent increase over 2016.

Furthermore, Sean Stevens, executive director of Oregon Wild, said the next iteration of the wolf plan should have stronger requirements allowing non-lethal deterrents the chance to work before rushing to kill wolves.

# Waste permit revoked for controversial Oregon dairy

## Operation faced mounting legal, economic trouble

By **GEORGE PLAVERN**  
Capital Press

Oregon regulators announced Wednesday they are revoking the waste management permit for Lost Valley Farm, a controversial and off-troubled dairy producer that once sought to have 30,000 cows near Boardman.

The revocation comes just 15 months after the facility first received its permit from the Oregon Department of Agriculture and Department of Environmental Quality, which jointly manage the state's confined animal feeding operation, or CAFO, program. Lost Valley now has 60 days to shut down, move all its animals and clean all waste systems.

Among the issues with Lost Valley and its owner, Greg te Velde, the agencies claim the dairy repeatedly violated terms of its wastewater discharge permit, putting the environment and human health at risk. The facility also lacks the infrastructure to handle the amount of manure it generates, and has failed to keep accurate records, according to ODA and DEQ.

"Over the last year we have used every regulatory tool available including civil penalties to gain compliance," said ODA Director Alexis Taylor in a statement. "We believe the owner is not willing or unable to meet the conditions of his permit that helps protect human health and the environment."

Te Velde did not immediately return calls for comment. He may appeal the revocation within 60 days and request a contested case hearing before



The Lost Valley Dairy outside Boardman, Ore., has lost its state waste management permit.

an administrative judge.

Lost Valley was poised to become the second-largest dairy in Oregon, behind neighboring Threemile Canyon Farms. In 2002, te Velde established Willow Creek Dairy on land leased from Threemile Canyon, selling milk to Columbia River Processing, a subsidiary of Tillamook County Creamery Association at the Port of Morrow.

By 2015, te Velde was ready to strike out on his own, purchasing 7,288 acres of the former Boardman Tree Farm to start his new business. After a lengthy and contentious hearing process that garnered more than 4,200 public comments, ODA and DEQ granted Lost Valley a permit to handle roughly 187 million gallons of liquid manure each year.

Almost immediately, the dairy began racking up permit violations related to discharging liquid and solid waste. Lost Valley is within the Lower Umatilla Basin Groundwater Management Area, established in 1990 by DEQ due to elevated groundwater nitrates.

ODA sued to shut down Lost Valley in March, and while that case was ultimately settled, the state claims the dairy continued to defy its permit. The notice of revocation notes that the facility violated specific conditions related to waste storage at least

32 times from June 28, 2017, to May 9, 2018, along with a laundry list of other infractions related to maintenance and record-keeping.

"(Lost Valley's) numerous, repeated and serious permit violations have allowed wastewater and manure to be placed directly on the soil and land surfaces where they are likely to leach into groundwater," the document states. "The ODA has information that leads it to conclude that violation of the permit's terms, even absent an indication that nitrate levels in the groundwater have increased, pose a threat to human health or welfare."

Wym Matthews, who manages the Oregon CAFO program, said revocation is an extremely rare step for the agency to take. Of 509 facilities and 880 inspections in 2017, less than 1 percent resulted in violations that led to civil penalties or injunctive relief.

"It's an extremely low percentage of activities for us to get to this point," Matthews said.

Lauren Goldberg, staff attorney with the environmental group Columbia Riverkeeper, said the decision was a common-sense move to protect Oregonians' right to clean water.

"This facility never should have had the green light to operate in Oregon," Goldberg said. "Now is the time to step

back and learn lessons to make sure this public health and environmental disaster never happens again."

Losing its state permit is just the latest in a string of trouble for Lost Valley and te Velde.

Earlier this year, Rabobank, an agricultural lender, moved to auction the entire dairy herd as collateral, claiming te Velde owes \$67 million in loans and \$162 million in total debt. The sale was forestalled in April after te Velde declared Chapter 11 bankruptcy protection, allowing him to try to reorganize the dairy's finances.

Matthews said he cannot comment on how the revocation will affect the bankruptcy proceedings.

In a previous court filing, Rabobank claimed te Velde's "erratic" behavior was due to "habitual" use of methamphetamine. Te Velde was arrested and charged with possession of methamphetamine in Richland, Wash. in August 2017, though he has stated in court documents that he has since enrolled in a treatment program.

Te Velde is now trying to sell the dairy and his cattle, though Columbia River Processing is suing to terminate its milk buying contract, which Rabobank cited as a reason to lift bankruptcy protections and allow the cattle auction to move forward.

## Two more Oregon counties in drought

By **GEORGE PLAVERN**  
Capital Press

Two more Oregon counties are officially in drought as warm weather and the lack of snowmelt dries out much of the state.

Gov. Kate Brown declared drought emergencies June 18 in Baker and Douglas counties, which now makes six after drought was previously declared in Klamath, Grant, Harney and Lake counties.

"All signs point to another record-breaking drought and wildfire season for Oregon," Brown said. "That means we must continue our urgent work to build communities that are ready for the challenges of climate change. I have directed state agencies

stand ready to help and work with local communities to provide assistance."

Almost the entire state is experiencing some stage of drought, from "abnormally dry" to "severe" conditions, according to the latest U.S. Drought Monitor. The hardest-hit areas are in central and southeast Oregon, though Douglas County is the first area west of the Cascade Range to receive a drought declaration in Oregon.

Likewise, snowpack has all but disappeared across the state, with just trace amounts of snow remaining in the Willamette, Crooked and Upper Deschutes basins. Snow melted at a rapid rate in May — up to 2 1/2 times faster than usual at some higher elevation sites — and the USDA Natural Resources Conservation Service is advising irrigators to prepare for critically

low water supplies heading into summer.

Dry conditions not only impact farms, livestock, recreation and tourism, but also exacerbate the wildfire danger. Two new blazes have already erupted in central Oregon, including the massive 95,000-acre Boxcar fire burning south of Maupin, Ore.

As of Monday the lightning-caused Boxcar fire was 47 percent contained. Meanwhile, the Jack Knife fire, in nearby parts of Wasco and Sherman counties, grew to 14,772 acres and is 65 percent contained.

Finally, the 2,055-acre Graham fire is now 50 percent contained. It is burning primarily on private land protected by the Oregon Department of Forestry near Culver, Ore., four miles south of the Metolius River arm of Lake Billy Chinook.

## Environmentalists hope to revive 15-year-old grazing lawsuit

By **MATEUSZ PERKOWSKI**  
Capital Press

Environmentalists hope to resurrect a 15-year-old lawsuit over grazing impacts on bull trout in Oregon's Malheur National Forest by appealing a ruling that favored ranchers.

In April, U.S. District Judge Michael Mosman dismissed a complaint initially filed in 2003 by the Oregon Natural Desert Association and the Center for Biological Diversity, which claimed cattle harm the threatened fish species by trampling egg nests and raising water temperatures.

The two environmental groups are now challenging that decision before the 9th U.S. Circuit Court of Appeals, which takes about 15 months to resolve

such cases on average.

At this point, the plaintiffs have simply filed a notice of appeal, which doesn't lay out the arguments for why they believe the judge's opinion was wrong, said Elizabeth Howard, an attorney for ranchers who intervened in the case.

"It's hard to know what ONDA's plans are right now," Howard said, noting that substantive arguments will be made in the plaintiffs' opening brief.

Capital Press was unable to reach Mac Lacy, the attorney for the environmental groups, for comment.

"We seek to ensure that the Forest Service collects and appropriately responds to habitat data and makes every possible effort to protect bull trout habitat so this fish isn't wiped out

from these two rivers," said Dan Morse, ONDA's conservation director, in an email.

The environmental plaintiffs had argued that only 100 bull trout remain in the Malheur and North Fork Malheur rivers, which should each support 2,000 of the fish.

The U.S. Forest Service au-

thorized grazing on seven allotments spanning thousands of acres even though its own data showed that "riparian management objectives" along the two rivers weren't being attained, the plaintiffs argued.

By ignoring information showing continued degradation of bull trout habitat, such

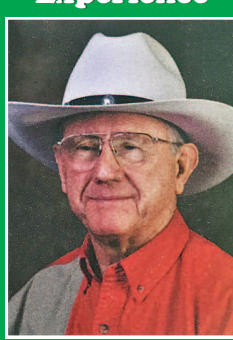
as bank stability and water temperature, the agency violated the National Forest Management Act, according to plaintiffs. The Forest Service countered that the groups were "cherry-picking" problematic "hot spots" even as broader conditions across the landscape were improving.

Mosman and U.S. Magistrate Judge Paul Papak, who oversaw aspects of the case, agreed with the government that bull trout habitat could be monitored on the "watershed," rather than "stream by stream," and that the plaintiffs hadn't proven grazing had caused the species' decline.

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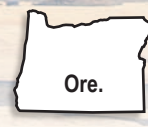


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## Weekly fieldwork report




Ore.



Wash.



Idaho



Calif.

Item/description (Source: USDA, NASS, NOAA)	Ore.	Wash.	Idaho	Calif.
• Days suitable for fieldwork (As of June 24)	6.6	6.2	5.8	6.9
• Topsoil moisture, surplus	1%	4%	13%	0
• Topsoil moisture, percent short	67%	19%	32%	75%
• Subsoil moisture, surplus	0	2%	12%	0
• Subsoil moisture, percent short	66%	16%	31%	75%
• Precipitation probability (6-10 day outlook as of June 26)	33-40% below	33% above/ 33% below	33-40% below	Normal

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