

Third lawsuit over barred owl killings dismissed

Experiment intended to gauge impact on threatened spotted owls

By MATEUSZ PERKOWSKI
Capital Press

A federal judge has dismissed a third lawsuit challenging the U.S. Fish and Wildlife Service's experiment with killing barred owls to protect threatened spotted owls.

U.S. District Judge Ann Aiken has ruled that Friends of Animals, a nonprofit group, lacked the legal standing to file the complaint in federal court.

Barred owls are blamed for displacing the smaller and less aggressive spotted owls in their habitat and occasionally attacking them, contributing to the species' population decline.

While protections for the spotted owl under the Endangered Species Act have greatly restricted logging in federal forests, the bird has nonetheless continued to struggle.

In 2013, the U.S. Fish and Wildlife approved a controversial plan to experiment with shooting barred owls to see if their removal will aid the spotted owl's survival.

Friends of Animals has opposed the experiments,



A federal judge has dismissed the third lawsuit challenging the removal of barred owls, pictured here, to make way for spotted owls, which is listed as threatened under the Endangered Species Act.

but Aiken has found that the group and its members have not demonstrated sufficient "injury-in-fact" or "cognizable injury" to give them standing to legally challenge the federal action.

Jennifer Best, an attorney for the organization, said Friends of Animals plans to appeal the decision.

The ruling sets the bar for standing too high and bars interested members of the public from the federal government's decision-making process and the ability to challenge its actions, she said.

"We're disappointed in

the ruling, especially the fact it didn't even get to the merits of our case," Best said.

In its original lawsuit, Friends of Animals claimed the barred owl removal experiment violated the Migratory Bird Treaty Act, which aims to prevent the extinction of bird species. That case was dismissed in 2014 due to lack of standing.

The group's second lawsuit was dismissed earlier this year, when the 9th U.S. Circuit Court of Appeals ruled that the Migratory Bird Treaty Act is broad enough to allow for such experiments, particularly since the

impact to barred owl populations is minimal.

In the third lawsuit, the nonprofit group challenged the "safe harbor agreements" provided to private landowners who allowed the Fish and Wildlife Service to enter their property to kill barred owls.

Under the agreements, the landowners will be shielded from enhanced Endangered Species Act restrictions if spotted owls return to the areas from which their competitors were removed.

Friends of Animals claimed the safe harbor agreements would allow for unlawful "take," or harm, to the spotted owl and the loss of its habitat.

In dismissing the case, Aiken ruled that the organization won't suffer an "actual or imminent injury" because its claim involves "theoretical spotted owls" returning to areas that aren't currently occupied by the species.

Best, the group's attorney, said the ruling too narrowly focused on its interest in spotted owls, when it's also interested in the welfare of the barred owls.

That's disappointing because the government's scientists have determined the experiment has had "little measurable effect" on spotted owl recovery, Best said, citing a 2017 report.

NCAE not quitting on AEWWR relief

By DAN WHEAT
Capital Press

With the federal government caught up in a partial shutdown, chances of legislative or administrative action to freeze the H-2A-visa foreign guest-worker minimum wage at 2018 levels appear to be dead.

Michael Marsh, president and CEO of the National Council of Agricultural Employers, said he's not giving up and is considering other options.

"We're disappointed, but we're not about to quit," Marsh told Capital Press. "We've got to get relief for farmers and ranchers. We're looking at all options available to us to prevent the AEWWR hike."

The AEWWR is the Adverse Effect Wage Rate, a U.S. Department of Labor minimum wage for foreign agricultural workers working in the U.S.

DOL issued a pre-publication notice last week indicating it would publish the 2019 AEWWR rates on Dec. 26 to take effect on Jan. 9, Marsh said.

"We've had no response from the secretaries (of Labor and Agriculture) and with the pre-publication notice we assume our request will not be accepted," he said.

NCAE on Nov. 28



Dan Wheat/Capital Press File
H-2A workers from Mexico pick late blossoms off Lady Alice apple trees to control fire blight at Zirkle Fruit Co.'s CRO Orchard south of Rock Island, Wash., on April 26.

asked the secretaries to freeze AEWWR rates at the 2018, saying proposed increases were too high and would adversely affect farmers and ranchers. The department would be instructed to review methods used in setting the AEWWR.

Meanwhile, Sen. Thom Tillis, R-N.C., authored an amendment for any appropriation bills to freeze the AEWWR. The amendment was not included in a continuing budget resolution that passed the Senate Dec. 20, Marsh said. A resolution that passed the House Dec. 21 also did not contain Tillis' amendment but included funding for a U.S.-Mexico border wall, a point of budget contention.



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4-H Puts Archer on Track to Compete Against Best in the World



Arianna Santiago competes at the world championships in Cortina, Italy.

By Arianna Santiago

4-H has impacted my life in numerous ways, especially by introducing me to archery. This sport has become a huge part of my life. I am now pursuing and reaching my dreams of competing at the national and international levels.

I joined Flaming Arrows 4-H archery club. My leaders made sure we enjoyed ourselves and were getting a good grasp of basic form, technique, and skills. I didn't always score well, but I was always eager to come back and do better the following week. It was during these first few years of 4-H that I truly fell in love with archery.

I realized that I wanted to compete in archery. I finished in the Top 10 in my division at The Vegas Shoot — the largest archery competition in the world. I finished the season ranked 36th out of 240-plus other girls.

I continued to participate in 4-H archery during this time and qualified for Nationals and was able to represent Washington state at the 4-H Shooting Sports Nationals. During this competition, I grew in my ability to lean on others for support, and to ask them for help.

As you can see, I have taken archery to "the next level." My biggest goal for 2018 was to qualify for the World Archery Field Championships. In the weeks leading up to U.S. Team trials, I didn't have a lot of

confidence in myself. I told myself that regardless of how I felt, I'd put a lot of effort and could do well if I stayed focused. I qualified to represent Team USA at Worlds! This experience taught me the importance of not giving up before you start, and of keeping your head in the game.

My experience at the World Field Championships in Cortina, Italy, was, in a word, unforgettable. Everything about this tournament will be etched in my memory forever. There are several things I wish would have been better, but there is nothing I would change. Shooting wise, this tournament was the hardest one I have ever competed in. Unfortunately, I ended up losing after I was thrown off track by my nerves. Sometimes you win, sometimes you learn! In the end, it was truly an honor to be able to represent my country as an athlete. I will always remember cheering "U-S-A!" at the top of my lungs.

I owe a lot to 4-H. Thanks to hard work and encouragement of 4-H volunteers I fell in love with the sport and spurred my curiosity and passion. I will continue to grow as an archer and as a person, and always strive to further 4-H's mission to make the best better.

Arianna Santiago, age 18, of Kitsap County, Wash., learned archery as a 4-H member.

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