

ESA suit draws in farm groups, 32 states

By **DON JENKINS**
Capital Press

A battle over the Endangered Species Act involving 32 states and groups such as the Washington Cattlemen’s Association and American Farm Bureau is shaping up in an Oakland, Calif., courtroom.

The 19 states suing the Trump administration indicated they won’t oppose motions by 13 other states and a dozen organizations to join the suit to defend the administration’s revisions to the ESA.

A hearing on the motions to intervene is set for late February before U.S. District Court for Northern California Judge Jon Tigar in Oakland.

Tigar is also presiding over two other lawsuits filed by environmental groups. All of the suits allege the Trump administration has weakened protections for new threatened or endangered species.

The revisions do not change previous decisions by the U.S. Fish and Wildlife Service. U.S. attorneys have asked Tigar to dismiss all three lawsuits, arguing plaintiffs are only speculating about the harm the reforms might cause them.

The farm, forestry and other private parties seeking a seat in the courtroom say they can’t rely on U.S. attorneys to fully represent their interests.

Two new rules are particularly important to private landowners,

according to a brief filed by the Washington Cattlemen’s Association, Pacific Legal Foundation and a Kansas rancher.

One rule will require the USFWS to develop recovery plans for each new threatened species, rather than give the species the same blanket protection from “take” as an endangered species.

The new rule will encourage landowners to work with resource agencies to move threatened species farther from endangered status, according to the brief.

The other rule repealed a change by the Obama administration that made land unoccupied by a threatened or an endangered species more likely to be designated by the USFWS as critical habitat.

The reversal in policy is one reason private groups say they need to have a say in the lawsuit.

Future White House administrations could change again in a little more than a year. The private parties argue in court filings they can’t count on U.S. attorneys to stick with the case “given the vicissitudes of agency politics.”

Oregon, Washington and California are among the states challenging the ESA changes. The city of New York and the District of Columbia also joined the suit.

The other states are Colorado, Connecticut, Illinois, Massachusetts, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island,

Vermont and Wisconsin.

The 13 states defending the changes include Idaho. The other states are Alabama, Alaska, Arizona, Arkansas, Kansas, Missouri, Montana, Nebraska, North Dakota, Utah, West Virginia and Wyoming.

The groups and individuals seeking to intervene in the suit are the American Farm Bureau, American Forest Resource Council, American Petroleum Institute, Federal Forest Resource Coalition, National Alliance of Forest Owners, National Association of Home Builders, National Cattlemen’s Beef Association, Public Lands Council, Kansas bison rancher Kenneth Klemm, Beaver Creek Buffalo Co., Washington Cattlemen’s Association and the Pacific Legal Foundation.

SNOWPACK

Oregon snowpack well below normal heading into 2020

Owyhee Basin leads the state at 117% of normal conditions

By **GEORGE PLAVERN**
Capital Press

Early season snowfall is lagging again across Oregon, potentially foreshadowing another dry and difficult summer ahead for farmers and ranchers.

But as 2019 proved, things can turn around quickly, giving plenty of reason for hope.

According to the USDA Natural Resources Conservation Service, Oregon’s snow-water equivalent — the amount of water contained within snow — is just 45% of normal statewide. Every water basin is measuring below average for snow, with the exception of the Owyhee Basin in southeast Oregon, which is holding up at 117% of normal.

The lowest totals are in the Hood, Sandy and Lower Deschutes basins at 25% of normal, and the Willamette Basin at 26%.

Mountain snowpack is crucial for replenishing streams and reservoirs for farms and fish, especially in Eastern Oregon. As snow melts, it trickles down into creeks and rivers, sustaining healthy stream flows while providing irrigation water for crops and livestock.

Scott Oviatt, snow survey supervisor for NRCS Oregon, said the agency will release its first water supply outlook report by Jan. 10. Based on the current lack of snow, Oviatt said he anticipates lower water availability earlier in the spring, though there is still time to rebound.

“We’re not in panic mode yet,” Oviatt said. “It is early in the (water) year ... We can see some improvement, depending on conditions.”

The water year, as defined by hydrologists, begins on Oct. 1 and runs through Sept. 30 of the following calendar year. November and December are typically much cooler

Oregon snow water equivalent

(As of Dec. 30) *Average annual SWE, 1981-2010

