

Environmentalists seek reversal of Hammonds’ grazing permits

Plaintiffs previously won an injunction restricting grazing on federal land

By **MATEUSZ PERKOWSKI**
Capital Press

After winning a court order limiting grazing, environmentalists are now seeking to overturn the federal government’s grazing authorization for two Oregon ranchers convicted but later pardoned for arson.

Dwight and Steven Hammond, a father and son who own a ranch near Diamond, Ore., recovered their grazing permits in early 2019 after receiving a full pardon last year from President Donald Trump for setting fire to public rangelands.

Both were released from prison in July 2018 before completing their full 5-year mandatory minimum sentences but they were still prohibited from running cattle on four U.S. Bureau of Land Management allotments near their ranch.

Former Interior Secretary Ryan Zinke, who oversaw the BLM, decided to reinstate their grazing permits in January because the pardons “constitute unique and important changed circumstances” that warranted a reversal of the agency’s 2014 denial of their permit renewal request.

Several environmental groups — Western Watersheds Project, Center for Biological Diversity and Wildearth Guardian — filed a lawsuit earlier this year arguing that Zinke’s decision violated federal environmental laws.

In July, U.S. District Judge Michael Simon issued an injunction that reduced how much grass the Hammonds’ cattle can consume and restricting which areas they could graze.

The environmental plaintiffs have now filed a motion for summary judgment, asking the judge to vacate the Hammonds’ grazing permits because their presidential pardons “did not alter the conduct, acts and behavior” that led up to the denial of their grazing permits.

“BLM’s permit nonrenewal decision



Capital Press File

U.S. District Judge Michael Simon is considering a bid by environmental groups to overturn Dwight and Steven Hammond’s grazing permits.

did not rely upon the Hammonds’ arson convictions alone; it also relied upon conduct underlying the other counts for which the Hammonds did not meet the criminal standard of guilt but could be held civilly liable,” according to the environmentalists.

The plaintiffs argue that BLM’s reinstatement of the grazing permits violated the Federal Land Policy and Management Act, or FLPMA, which requires “satisfactory record of performance and substantial compliance with federal regulations” that the Hammonds lack.

The agency also violated the National Environmental Policy Act, or NEPA, by granting a “categorical exclusion” — known as a CX — that exempted the permit renewals from an environmental assessment or a more thorough environmental impact statement, according to the plaintiffs.

“The agency’s unsupported conclusion that there are no potentially significant impacts to ecologically significant areas cannot justify use of the CX,” the motion said.

The BLM should have analyzed the effects of renewed grazing on the greater sage grouse, rangeland health standards, invasive weeds and fire problems, the groups argue.

“Vacatur of an unlawful NEPA decision is vital because it forces the agency

to make a new decision, after a public comment process, properly informed by full disclosure of the environmental baseline and effects of the proposed action,” the motion said.

Capital Press was unable to reach Dwight or Steven Hammond, or the attorney representing the federal government in the lawsuit as of press time.

In 2012, a federal jury convicted both the ranchers of igniting a 2001 fire that burned about 140 acres, while Steven Hammond was also found guilty of setting a 2006 fire that spread onto an acre of federal property.

The federal judge overseeing the case determined that the mandatory minimum 5-year sentences for arson would be “grossly disproportionate to the severity of the offenses here” and ordered Steven Hammond to spend one year behind bars, while his father was sentenced to three months.

After the Hammonds had completed their prison terms, however, the 9th U.S. Circuit Court of Appeals ruled they should have been sentenced to the full 5-year minimum terms.

When the ranchers reported back to prison in January 2016, protests against the decision culminated in the occupation and standoff at the Malheur National Wildlife Refuge that attracted nationwide attention.



Dan Wheat/Capital Press File

Hop harvest at Wenas Hop Co., Selah, Wash., last year. Industry production continues to find a good balance with demand.

U.S. hop supply, demand balanced

By **DAN WHEAT**
Capital Press

YAKIMA, Wash. — A 2% increase in inventory of U.S. hops since last September shows continued reasonable balance between supply and demand despite a continuing but slowing acreage increase in recent years, a leading producer says.

Crop production in 2018 increased just 1% over 2017, “so a 2% increase in hop stocks 12 months later is relatively in line with the production increase,” says Pete Mahony, vice president of supply chain and purchasing for John I. Haas Inc. in Yakima. Haas is a leader in production, processing and research and development of hops.

Jaki Brophy, spokeswoman for Hop Growers of America and the Washington Hop Commission both in Yakima, agreed there is stability.

“Despite the fact that acreage went up again, production will be essentially level with last year,” Brophy said. “It will actually be a little less thanks to a lot of the new acreage coming from a new propagation technique that wasn’t ideal for the spring weather we had this year. Returning acreage looked, overall, above average.”

USDA’s National Agricultural Statistics Service released its Sept. 1 hop stock report on Sept. 18 showing hop inventory by growers, dealers and brewers at 115 million pounds, up 2% from the 113 million-pound inventory a year earlier.

Stocks held at dealer and grower locations totaled 78

million pounds and brewers held 37 million pounds.

The previous two Sept. 1 hop stock reports showed annual increases of about 15%, which was expected as production in those years increased at nearly the same rate, Mahony said.

In June, USDA NASS estimated 57,339 acres of hops for 2019, up 4% from the record high of 55,035 in 2018. Of that, 72% is in Washington, 15% in Idaho and 13% in Oregon.

For many years, hop growth has been fueled by the rapid increase of craft breweries, but their rate of growth is now slowing.

“While we’ve certainly seen some slowdown in the U.S. craft industry from the double-digit growth rates of only a few years ago, the industry still continues to grow although at a more moderate and hopefully sustainable rate,” Mahony said.

A positive sign is strong growth in the long tail of craft which are the smaller, more local craft brewers, he said. Growth has pushed the total U.S. brewery count beyond 7,000, he said.

Another positive sign is continued craft growth in overseas markets, which need U.S. hops to replicate popular beer styles of the U.S., Mahony said.

“So as the market conditions have been evolving and changing recently, it is reassuring to see how well the hop industry has been able to keep supply reasonably in balance with demand over the past year, as is evident in a hop stock increase of only 2%,” he said.

State wildlife managers target wolfpack in SE Washington

By **DON JENKINS**
Capital Press

Washington Fish and Wildlife will attempt to cull a southeast Washington wolfpack that has been attacking cattle, the department announced early Tuesday.

Fish and Wildlife Director Kelly Susewind authorized “incremental removal.” The department’s practice has been to shoot one or two wolves and pause to see whether the depredations on livestock stop.

By giving public notice shortly before 8 a.m., the department complies with a promise it made last year to give environmental groups a full day to challenge the order in court.

The Grouse Flats pack would be the first in southeast Washington to be culled by the department. The pack’s territory extends into Oregon. The pack had eight wolves at the end of last year, according to the department.

The pack has attacked four calves or cows in the past 10 months, just crossing the threshold for the department



John and Karen Hollingsworth/USFWS
A gray wolf.

to consider lethal removal. The pack has attacked cattle twice in the past 30 days and seven times since Aug. 23, 2018.

The pack crossed the three-attacks-in-one-month threshold in late August, but the department held off on using lethal control. The department said Tuesday that additional non-lethal efforts to deter the pack had not reduced the potential for more depredations.

In a written statement, the department presented its case for killing wolves.

The pack persisted in attacking cattle despite steps taken by four ranches to protect their herds, according to the department.

One rancher, with a permit to graze cattle in Fish and Wildlife’s 4-O Ranch Wildlife Area, maintained regular human presence. After a depredation, the producer hired two more people to watch the herd, installed lights and moved the cattle to a smaller fenced pasture.

The producer moved the cattle out of state on Aug. 10 when the lease expired, according to the department.

The other three ranchers, who graze cattle on private and Fish and Wildlife land, took similar preventive measures and increased herd monitoring in response to depredations. The response also included putting up more trail cameras to track wolves.

Wolves are not federally protected in the eastern one-third of Washington, giving Fish and Wildlife the option of shooting wolves to stop chronic attacks on livestock. Wolves are a federal endan-

gered species in the western two-thirds of Washington.

The department says its level of lethal removal won’t stop the population of wolves from growing and expanding in Washington.

Fish and Wildlife shot eight wolves in northeast Washington this year to eliminate a pack that had been attacking cattle on U.S. Forest Service grazing lands. The department also has a standing order to kill the two known wolves in the Togo pack, also in northeast Washington.

The department promised a Thurston County judge last year to give one-day notice before shooting wolves. Environmental groups have mostly been unsuccessful in seeking restraining orders, but lawsuits are pending in Thurston and King counties challenging the department’s use of lethal control against wolves.

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