

Ranchers accuse federal government of burning \$9M in property

By MATEUSZ PERKOWSKI
Capital Press

Two ranches in Western Montana claim they're owed nearly \$9 million because the federal government burned their rangeland while trying to control a wildfire.

McDonough Family Land and Ingersoll Ranch of Wolf Creek, Mont., have filed a lawsuit accusing the U.S. Forest Service of intentionally igniting their property for "burnout and backfiring operations" to steer the spread of the 2017 Alice Creek Fire.

Such techniques allow firefighters to burn fuels to alter the wildfire's path and reduce its intensity along containment lines.

The wildfire was started by a lightning storm in late July 2017 and the Forest Service used these methods on the affected properties more than a month later, the complaint said.

If not for the agency's activities, "the ranches would have suffered no material or substantial damage as a result of the naturally ignited Alice Creek Fire," according to the lawsuit.



Associate Press File

Two ranches in Montana seek \$9 million from the federal government for allegedly burning their timber and rangeland.

Though the backfire and burnout operations were intended to affect the direction and rate of the wildfire's spread, the plaintiffs claim the Forest Service had "safe and effective alternatives" to suppress the fire.

"Instead it chose to manage the Alice Creek Fire with land management goals primarily in mind rather than fire suppression," the complaint alleges.

Specifically, the plaintiffs claim the federal agency wanted to reduce fuel loads while improving timber stand health, wildlife habitat and watershed quality in the 1.8 million-acre Helena-Lewis and Clark National Forest.

Damages from the loss of forage, timber, fences, water sources and other property came to \$7.5 million for McDonough Family Land and \$1.3 million for Ingersoll Ranch,

according to the lawsuit, which was filed in the U.S. Court of Federal Claims in Washington, D.C.

The ranches have a unique "history and legacy," as the current owners descend from the original homesteaders of the property, the complaint said. The lawsuit doesn't specify how many acres of the ranches were burned in the fire.

"The USFS actions appropriated a benefit to it at the expense of the ranches and pre-empted their right to enjoy their property for an extended period of time," the complaint said. "The taking also substantially diminished the fair market value of real property owned by the ranches and deprived them of its use."

The Forest Service's management activities forced financial burdens on the two ranches that "in all fairness and justice, should be borne by the public as a whole," amounting to a government taking or physical invasion of property that should be compensated, the complaint said.

Capital Press was unable to reach a representative of the Forest Service as

of press time.

The lawsuit illustrates the "complete double standard" applied to the government compared to private landowners, such as Steven and Dwight Hammond, two Oregon ranchers who served time in prison for setting fires to federal rangeland, said Brian Gregg, an attorney with the Mountain States Legal Foundation, which advocates for property rights.

"When the government does something worse, it gets away with it," Gregg said.

Suing the federal government for an unjust taking is an "uphill battle" and often requires showing the property was completely destroyed and forever unusable, he said.

While judges and lawyers have recently pushed for more government accountability, courts have traditionally given the government the benefit of the doubt — particularly in emergency situations, Gregg said.

"Over the course of two centuries, the definition of taking has become narrow," he said. "Courts are often more deferential to the government."

Republicans sue Inslee over virus shutdown

By DON JENKINS
Capital Press

OLYMPIA — Four Republican legislators sued Washington Gov. Jay Inslee on Tuesday over his stay-at-home proclamation, a court challenge the governor called "biologically ignorant and humanly heartless."

The suit was the second filed in U.S. District Court alleging that Inslee has exceeded his authority by shutting down businesses and banning social gatherings.

Last week, political activist Tim Eyman, Franklin County Commissioner Clint Didier and others accused Inslee of "unacceptable tyranny," claiming the governor has taken away constitutional liberties.



TVW

Washington Gov. Jay Inslee takes off a mask before speaking at a video conference April 29 in Olympia.

a crisis. I believe that position is biologically ignorant and humanly heartless," the governor said.

Inslee said the Republicans' position was "not compliant with science" and that a "vast majority" of residents are cooperating with the stay-at-home order.

"You have some politicians who have taken positions contrary to that. I vigorously disagree with them. I think they are not only shortsighted, but dangerous," he said.

Four other people joined the Republican lawmakers as plaintiffs in the suit. Each one described financial and personal hardships caused by the governor's ban on human interactions.

A 70-year-old woman stated that she has multiple sclerosis and has lost strength because she has been unable to exercise in a pool at a fitness center closed by Inslee's proclamation.

The other lawmakers joining the suit are Reps. Drew MacEwen of Mason County, Andrew Barkis of Thurston County and Brandon Vick of Clark County.

Eyman and Didier, chairman of the Franklin County Republican Party, were joined by a handful of other plaintiffs. The lawsuit said it also was filed on behalf of "other nonessential Washingtonians similarly situated."

WDFW to start trapping wolves NE Washington

By DON JENKINS
Capital Press

Washington Fish and Wildlife decided Friday to begin its spring trapping of wolves, an activity that had previously been considered non-essential under Gov. Jay Inslee's stay-at-home order.

The department now has training procedures and personal-protection equipment to trap wolves while staying in line with the governor's

order, Fish and Wildlife wolf policy leader Donny Martorello said.

"We are geared up to get back in the field," he said. "This is a very high priority for the agency."

Fish and Wildlife traps wolves and puts on radio collars in the spring when packs are staying close to dens. The collars transmit signals that indicate the area a pack frequents.

Fish and Wildlife has been

criticized by officials and ranchers for having too few collared wolves. The department says trapping wolves is difficult, with no guarantees of success.

The department had suspended trapping, along with other field work, to follow social-distancing requirements. Employees often work together in remote areas, according to the department.

Martorello said the depart-

ment was able to put together a plan to protect employees as the window to trap wolves opens. The department typically waits until temperatures increase so that wolves caught in traps don't freeze to death.

The department will start scouting wolf territories for opportunities to trap wolves, Martorello said. "We're going to be getting out and scouring the landscape," he said.

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