

Cattlemen raise questions about River Democracy Act

Bill would designate 4,700 miles of Wild and Scenic Rivers

By **GEORGE PAVLEN**
Capital Press



Tom Sharp

Todd Nash

Eastern Oregon ranchers say they are wary of federal legislation that would add nearly 4,700 miles of wild and scenic rivers statewide, despite assurances the proposal will not affect existing private property or water rights.

U.S. Sens. Ron Wyden and Jeff Merkley, both Democrats from Oregon, introduced the River Democracy Act on Feb. 3, which calls for dramatically expanding wild and scenic river designations in all corners of the state to protect water quality, enhance outdoor recreation and mitigate wildfire risks.

Oregon has 2,173 miles of wild and scenic rivers. The act would roughly triple that number.

The bill also expands wild and scenic river corridors from a quarter-mile to a half-mile on both sides of the river. For 4,700 river miles, that amounts to slightly more than 3 million acres of protected land — an area about the size of Connecticut.

“It’s a huge, vast amount of land,” said Todd Nash, a Wallowa County commissioner and rancher. “That alone is of huge concern.”

The National Wild and Scenic Rivers System was created by Congress in 1968 to shield certain waterways from development. In 2019, Wyden invited members of the public to nominate new streams and rivers for protection, which led to the River Democracy Act.

Tom Sharp, president of the Oregon Cattlemen’s Association, said the bill caught him off guard.

Sharp, who ranches near Burns in southeast Oregon, said many producers in the region depend on federal grazing permits with agencies such as the Forest Service and Bureau of Land Management. More wild and scenic rivers could prompt greater restrictions, he said.

While the vast majority of streams and rivers identified in the River Democracy Act are on Forest Service or BLM land, some stretches do flow through private property.

Matt McElligott, a North Powder rancher and board member of the Public Lands Council, said the map of proposed wild and scenic rivers creates a “checkerboard pattern” of protected and non-protected areas that could make it more difficult for agencies to manage.

The bill’s authors have said they were careful to include plain language that explicitly preserves existing property rights.

If the bill is passed, agencies will have up to six years to write a comprehensive plan for the newly designated wild and scenic corridors. Specifically, the bill requires them to assess wildfire risks, and implement a plan to protect homes, businesses and clean up watersheds post-fire.

McElligott said ranchers appreciate the acknowledgment of wildfire risks, though the Public Lands Commission criticized the bill for not recognizing grazing as a potential management tool for reducing fuel loads.

Washington senator: Righting agriculture’s history won’t be ‘cheap’

By **DON JENKINS**
Capital Press



Washington State Sen. Rebecca Saldana

OLYMPIA — Exempting Washington farmers from paying overtime wages has a racist history and undoing its legacy won’t be “easy or cheap,” a Seattle senator said in an email to other senators Feb. 24.

The racism may not have been intentional, but the roots “cannot be denied,” wrote Sen. Rebecca Saldana, a Democrat on the Senate labor committee.

“Undoing historical structural racism in our politics and law is not easy or cheap, but it can be done,” she wrote.

Saldana’s assertion that denying farmworkers overtime pay was grounded in racism comes as lawmakers consider whether to intervene and shield agricultural employers from backpay lawsuits, suits that farm groups warn pose existential threats to some producers.

The lawsuits, more than 30, were filed after the state Supreme Court

ruled 5-4 in November that not paying dairy workers time-and-a-half for hours over 40 worked in a week was unconstitutional.

The decision nullified a 61-year-old state law modeled after the 1938 federal Fair Labor Standards Act. No other state has so abruptly discarded agriculture’s overtime exemption and exposed farmers to back-pay lawsuits.

The decision settled that going forward dairies, and likely other farms, will pay overtime. The court did not address whether the decision allowed workers to claim they had been underpaid for up to the previous three years.

The Washington State Dairy Federation estimates that the industry faces \$90 million to \$120 million in retroactive claims, unless lawmakers pass a bill this session barring the lawsuits.

As legislation stands now, it would be a victory for labor groups. The

court’s ruling would apply to all farms and employees would be due back pay for up to three years at 12% interest per year.

Saldana, a former farmworker union organizer, said in an email to the Capital Press that she supports the bill, which has been endorsed by the Senate Labor, Commerce and Tribal Affairs Committee.

“I do support retroactivity,” she said. “The bill would modernize our law to orient our economy towards moral standards rather than the minimal standards that are the legacy from the past,” she said.

“At the same time, I am engaging with my colleagues and the interested parties to explore possible compromises,” she said. “I’ve invited my colleagues to share their perspectives, thoughts, or questions to help facilitate finding solutions to this complex issue.”

Yakima Sen. Curtis King, a Republican who has taken the lead in negotiating a bill to shield farms from back-pay lawsuits, declined an interview.

California farm groups disappointed in COVID-19 emergency standards ruling

By **SIERRA DAWN McCLAIN**
Capital Press



George Plaven/Capital Press File

IRVINE, Calif. — A coalition of California agricultural groups and business employers say they are disappointed in the Superior Court’s decision not to grant them a preliminary injunction in a case centered on COVID-19 emergency standards.

In the case, filed in December, farm groups are challenging the state’s coronavirus protocols. The groups claim the emergency temporary standards, or ETS, imposed by the California Occupational Safety and Health Standards Board last year are “unnecessary” and “harmful.”

In the lawsuit, the coalition had requested a preliminary injunction that would have prevented state officials from enforcing the emergency standards until the court had made a final judgment.

In a decision last week, the Superior Court denied the motion, meaning farms must comply with the protocols while the case continues.

“The court’s decision only com-

Farm groups are challenging California’s emergency temporary standards, or ETS, which they say would, among other things, make it harder to house and transport H-2A guestworkers. These farm groups say they are disappointed in the Superior Court’s decision not to grant them a preliminary injunction as the case continues.


plicates the ongoing work by family farms and other essential businesses to maintain safe, plentiful food supplies in the wake of COVID-19,” the coalition said in a statement.

Plaintiffs include the California Association of Winegrape Growers, Western Growers Association, California Farm Bureau Federation, California Business Roundtable, Grower-Shipper Association of Central California and Ventura County Agricultural Association.

These groups say that the emergency standards, issued Nov. 30, create additional challenges for housing farmworkers, shift the burden of virus testing onto employers, complicate transportation logistics and impose other impractical requirements.

Industry experts say the standards also take away regulatory flexibility from Cal/OSHA, the state’s health and safety agency.

Because the court denied the preliminary injunction, farmers continue to work under the emergency standards, which require employers to provide expanded virus testing and additional time off, more spacing between beds, additional vehicles to transport employees and more.




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SOIL CONDITIONERS

WDFW: Check-in with governor before killing wolves just courtesy

By **DON JENKINS**
Capital Press

Washington Fish and Wildlife informs the governor’s office before killing wolves, a check-in the department calls a courtesy, but described in a court document as necessary before proceeding with lethal removal.

Fish and Wildlife’s decision-making process culminates in seeking the governor’s approval, according to wildlife sheriff’s dep-

uty Jeff Flood, who works closely with the department and ranchers in Ferry and Stevens counties, monitoring wolves and investigating depredations.

Flood’s declaration, rebutting claims that Fish and Wildlife shoots wolves too readily, was filed Feb. 26 in a lawsuit pending in the U.S. District Court for Eastern Washington.

The suit, brought by environmental groups, alleges the U.S. Forest Service and the Diamond M Ranch have failed to adapt to wolves in the Colville National Forest, leading the state to cull packs to save cattle.

Flood described the decision to remove wolves going up the chain of command and ending in the governor’s office.

OREGON TECHNICAL ADVISORY COMMITTEE MEETING (OTAC)

When: March 18, 2021 -9:00 am
The meeting will be held virtually and details on how to join will be available
<https://tinyurl.com/y55m4hns>
For more information, or to arrange special accommodations for meeting attendees, please contact Julie MacSwain at 503-414-3250 or email to: Julie.macswain@usda.gov

LEGAL Request for Proposals Fiscal Year July 1, 2021 – June 30, 2022

The Oregon Beef Council is Soliciting proposals for projects in the following areas:

- Positive Producer Image
- Studying Legislation
- Education related to beef
- Generic promotion of beef

Any individual or organization may propose projects in any of the categories listed above. Projects must meet the Beef Council’s mission of enhancing the beef industry’s image of profitability of Oregon’s beef industry. Approved projects must comply with the Beef Promotion and Research Act and O.R.S. 577.

To present a proposal you must complete and submit an Authorization Request Form by March 26, 2021 at 4:00 pm. Download an Authorization Request Form from orbeef.org or by contacting the Oregon Beef Council office 503-274-2333 or via email at Julie@orbeef.org.

LEGAL PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 03/15/2021. The sale will be held at 10:00am by COPART OF WASHINGTON INC 2885 NATIONAL WAY WOODBURN, OR 2018 KIA FORTE 4DR VIN = 3KPFK4A75JE220993
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Reputed owner(s)
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2nd - 1501 Hawthorne Ave NE Salem, Oregon
Kristen Blyeth, 2C03; Randall Jordan, 2A77; Joseph McAfee, RJ02; Kimberly Munz, Y217; Sharon Peiffer, Y213; Artemio Prado, 1C41; F-Son Ruben, 2D45; Surang A Salazar, 1B11; Phyllis Woodard, RD03