

Forest Service sticks up for Washington sheep rancher

By DON JENKINS
Capital Press

Environmentalists on Monday asked a judge in Spokane to bar a century-old Central Washington ranch from turning out more than 3,000 sheep this spring in the Okanogan-Wenatchee National Forest.

WildEarth Guardians and the Western Watersheds Project claim that S. Martinez Livestock's sheep threaten bighorn sheep with deadly *Mycoplasma ovipneumoniae*, a pathogen harmless to domestic sheep.

A government lawyer ridiculed the environmentalists' evaluation of the risk as "comically unscientific." The ranch says the suit poses an "existential crisis."

After the 2 1/2-hour video hearing, U.S. District Judge Rosanna Malouf Peterson said she would consider the arguments and issue a written ruling.

Martinez Livestock has been grazing sheep in the national forest since the 1930s, according to a declaration by Mark Martinez, whose shepherd grandfather immigrated to the U.S. in 1920.

He and his younger brother, Nick Martinez, say the ranch's grazing schedule has been developed over generations. The ranch is the last to graze sheep in the Okanogan-Wenatchee National Forest. The ranch hires seven Peruvian shepherders.

"To some extent, we represent the last of a unique kind of sheep producer in Washington state," Mark Martinez stated.

Historically, the ranch grazed 10,000 sheep in the forest, but that number has dwindled, largely to avoid bighorn sheep, according to court records. The ranch turned out 4,750 sheep on six allotments in 2020.

WildEarth and Western



Nick Myatt/ODFW

Two environmental groups are suing the U.S. Forest Service, claiming domestic sheep in the Okanogan-Wenatchee National Forest are a risk to bighorn sheep.

Watersheds want the court to close off four more allotments, which are within 10 miles of the Cleman Mountain herd. A bighorn sheep in the herd tested positive for the fatal bacteria in October. It's unknown how the animal was infected.

The environmentalists' expert consultant, retired U.S. Forest Service bighorn

biologist Tim Schommer, declared in a court document that the domestic sheep pose a "high risk" to bighorn herds.

He pointed to a "risk of contact" model, acknowledging that direct evidence of domestic sheep infecting bighorn sheep "does not often exist."

The only way to significantly reduce the danger was to keep sheep in the open and under close watch in "non-bighorn sheep habitat," Schommer stated.

"In my opinion, it is inappropriate to wait for a die-off of bighorns before deciding to increase effective separation," he said.

Assistant Attorney General John Drake, representing the U.S. Forest Service, said the "risk of contact" model assumes that every time a bighorn sheep steps onto an allotment, it's in danger.

The model doesn't consider the odds a bighorn sheep and domestic sheep will come into contact or for how long or whether the domestic sheep is infected, he said. "It's just essentially a shot in the dark."

Bighorn sheep are not a federal or state protected species. The environmentalists' attorney, Elizabeth Potter, said protecting the "iconic" bighorn sheep out-

weighs any interests the ranch has or inconvenience it will face.

The suit was filed against the Forest Service. Martinez Livestock intervened.

The ranch's attorney, Caroline Lobdell, said that finding another place to graze the sheep would be a "gigantic" economic and logistical problem.

"We're within spitting distance of when the sheep turn out, your honor," she said.

The Washington Department of Fish and Wildlife established the Cleman Mountain herd by introducing bighorn sheep into the area. The department has drawn from the herd to stock other areas.

In his declaration, Mark Martinez said the ranch has managed its sheep to avoid contact with the herd. He said he knew of no case of bighorn sheep mingling with his sheep on the allotments involved in the suit.

New battle brewing over Oregon trail proposal

By MATEUSZ PERKOWSKI
Capital Press

CANBY, Ore. — Before the barricade went up, neighbors were regularly aggravated by drinking and mayhem at a pair of bridges across Oregon's Molalla River.

Blockading an access road — and regular police intervention — eventually discouraged visitors from the longtime party spot in rural Clackamas County.

Now that the river crossing is proposed to become part of a recreational trail, though, neighbors fear the eventual re-opening will bring a return to the bad old days.

"That is a huge mistake. The county closed it because they couldn't control it," said Ken Baker, a neighboring hazelnut farmer.

Neighbors complain that problems with trespass, camping, shooting, dumping and illicit activities have already increased since a private landowner donated the 3-mile stretch of abandoned logging road to the City of Canby in 2017.

"It's frustrating that there's a complete disregard for private property," said Mitch Magenheimer, a neighboring landowner.

Apart from safety concerns, the proposed trail's critics argue that it would complicate spraying pesticides, moving farm machinery and other agricultural operations.

Hazelnuts are harvested from the ground and adjacent orchards would be prone to contamination by trespassers or their pets, which has regulatory implications, said Baker. "Good agricultural



From left, neighbors Georgia Baker, Jason Paolo and Ken Baker stand on an old bridge over the Molalla River that's long been an attractive nuisance. Critics worry about a proposal to turn the crossing into part of a recreational trail.

practices are a huge concern."

Critics argue that extending culverts and filling wetlands along portions of the trail, and then maintaining the corridor, will consume money that Canby could put to better use.

"I don't think they've been forthcoming with the people who are going to be paying for this. All they're talking about is rainbows and kittens," said Jason Paolo, president of a neighboring gun club.

A similar proposal in Oregon's Yamhill County — turning three miles of abandoned railroad into a recreational trail — was repeatedly blocked by the state's Land Use Board of Appeals.

In its two most recent rulings, LUBA ruled that Yamhill County had failed to fully analyze farm impacts from the project in granting a conditional use permit.

At this point, though, opponents of the Canby proj-

ect prefer to avoid the legal route and instead want to convince the city it's not a worthwhile investment.

"We hope that through dialogue we can take the steam out of this," Baker said.

The City of Canby is also seeking to strike a conciliatory tone with neighbors to solve potential problems with the trail, said Greg Parker, a city counselor and liaison to the bicycle and pedestrian committee that's steering the project.

"From the very beginning, I've said I want to do everything that we can to ensure the safety, privacy and sanctity of neighboring landowners," Parker said.

It's unlikely the abandoned logging road would become populated by homeless encampments, such as the infamous Springwater Corridor in Portland, since it's so far from an urban center, he said.

Washington state farm groups: Low-carbon fuel bill better, still bad

By DON JENKINS
Capital Press

OLYMPIA — The Senate moved closer last week to adopting a clean-fuels standard, amending legislation to back-up claims that phasing in biofuels would be a boon to farmers.

The Ways and Means Committee called for at least one-quarter of the feedstock for biofuels used in Washington to come from Washington. Farm groups sought the guarantee. Even with it, the groups remain opposed to the bill.

"We've been upfront about that. We're not going to support the bill," said lobbyist Mark Streuli, who represents the Washington Cattlemen's Association, and onion and potato growers.

"But we're also realistic and see the bill moving. So why shouldn't we be proactive and make it better?" he asked. "Farms are trying to survive out there. If the incentives are right and it's profitable, they will grow it."

A low-carbon fuel standard, already adopted by California and Oregon, would command a higher percentage of biofuels in on-road gasoline and diesel. Gov. Jay Inslee asked for the climate bill, and the House already has passed the legislation,

House Bill 1091.

Although forecasts are speculative, California and Oregon regulators agree that renewable fuels push pump prices up. Farm groups oppose the policy because it would increase transportation costs.

Proponents of the bill argue farmers could profit by growing crops such as canola and corn and capitalize on the government-created demand for biofuels.

"We kept hearing that, but we're not really hearing that from farmers," said Ben Buchholz, executive director of the Northwest Agricultural Cooperative Council.

"Finally a couple of us looked at each and said, 'If it's true, let's put it in the bill.'"

Senate agriculture committee chairman Kevin Van De Wege, D-Sequim, sponsored the amendment. If by 2026, one-quarter of the feedstock for biofuels isn't from Washington, the program will pause.

Environment and Energy Committee chairman Reuven Carlyle, D-Seattle, backed the amendment. "We do want to see active participation from the agricultural community," he said.

Washington Farm Bureau director of government relations Tom Davis said it was a case of "trying to make a bad bill a little less bad."

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