

Ranchers shut out of ESA lawsuits over wolves

By DON JENKINS
Capital Press

A judge in California on Monday barred farmers, ranchers and timber companies from intervening in lawsuits that seek to restore Endangered Species Act protection to gray wolves.

U.S. District Judge Jeffrey White in Oakland already had granted intervenor status to the National Rifle Association and Safari Club International. The sportsmen will adequately represent the interests of the American Farm Bureau and other agricultural groups, according to White.

"This is surprising and disappointing," said Chase Adams, senior policy director for the American Sheep Industry Association. "It will take an important voice out of this lawsuit. Certainly, (the sportsmen) don't represent all the folks who could be harmed."

The U.S. Fish and Wild-

life Service took gray wolves off the federally protected list throughout the Lower 48 in November. Three separate lawsuits challenging that decision are pending in the U.S. District Court for Northern California. The three suits have merged into one case presided over by White.

The Farm Bureau, American Sheep, the National Cattlemen's Beef Association, American Forest Resources Council and the Public Lands Council filed a joint motion to intervene. Neither the Biden administration nor the environmental groups that filed the lawsuits objected to agricultural groups becoming a party to the suit.

The agricultural coalition argued the stakes were high for their members and that they couldn't rely on anyone else to represent their interests. They noted that President Biden, on his first day in office, ordered USFWS to



WDFW

A calf that was injured by wolves. A federal judge in Oakland, Calif., ruled June 21 that ranching and farming groups can't intervene in lawsuits seeking to restore Endangered Species Act protection to wolves.

review and possibly rescind the Trump administration's delisting of wolves.

White's decision to deny intervention was disappointing and confusing, Public Lands executive director Kaitlynn Glover said in a statement.

Ranchers, farmers, and forest owners have borne years of harm and invested in wolf recovery, said Glover, who's also the natural resources executive director for the cattlemen's association.

"We sought to inter-

vene in this case because we believe the agriculture community's unique experiences are worthy of representation in defense of the delisting rule," she said.

White wrote that while agricultural groups have different motives than hunters' organizations, both want wolves managed by states, rather than USFWS.

"Accordingly, the two groups share the same interest," he wrote. "The agricultural coalition has not shown that its perspective adds a 'necessary element' to the proceeding."

White said practical considerations also weighed in his decision. Environmental groups want a ruling before states open fall wolf hunting seasons and adding farm groups to the suits would potentially complicate the case, the judge wrote.

The agricultural groups can submit an amicus brief stating its opposition to restoring federal protection

to wolves, White said.

Adams said the coalition appreciates that chance, but added, "It is not a substitute for being able to intervene as a party."

"The importance of being an intervenor is it gives you more rights. If there's a settlement, you're at the table. If there's a decision, you have the possibility of appealing," he said.

White also denied intervenor status to groups representing hunters in the Great Lakes region. White said the membership of those groups overlapped with the NRA and Safari International.

Defenders of Wildlife, WildEarth Guardians and Natural Resources Defense Council are the lead plaintiffs in the three lawsuits. Many other environmental groups signed on as co-plaintiffs. So far, the USFWS has defended the action it took during the Trump administration.

Washington health officials don't know if farmworker housing rules effective

By DON JENKINS
Capital Press

OLYMPIA — The Washington Department of Health counted 146 COVID outbreaks on farms and packing warehouses last year, but can't say how many started in employer-provided housing, where a top health official claimed farmworkers were particularly vulnerable to the virus.

Health officials Thursday told a state advisory committee on farmworker issues that outbreaks in company housing were grouped with outbreaks among farmworkers who lived in the community.

Washington Growers League Executive Director Mike Gempler, a committee member, said he was baffled the health department didn't know where outbreaks originated.

"This has not prevented the department from making the statement that there's a higher level of COVID infec-

tion in congregate housing," he said.

In an interview after the meeting, Gempler said he was "stunned."

"People throw around these statements about what's happening in housing," he said. "If they don't have data, why do they do that?"

The Department of Health and Department of Labor and Industries last year set emergency rules to slow the pandemic among farmworkers in company housing.

The rules were contentious. Farm groups said parts were arbitrary, while farmworker advocates said they were insufficient.

It would be helpful to know if they worked, Washington State Tree Fruit Association President Jon DeVaney said.

"We'd like to know how effective everything we did at great effort and expense was, so we'd have lessons for future outbreaks," he said.



Courtesy of Gebbers Farms

Plastic barriers in a break room at Gebbers Farms in Okanogan County, Wash. Health officials can't say how effective emergency housing rules were.

State Epidemiologist Scott Lindquist declared in a court filing in mid-April that "farmworkers living in congregate settings are especially vulnerable to COVID."

Lindquist was responding to a lawsuit filed by the Washington Farm Bureau and Wafra, a labor supplier, challenging the emergency rules as excessive.

The health department

does not comment on litigation and can't comment on Lindquist's statement, a spokeswoman said in an email. The lawsuit technically remains open, though the rules have been relaxed to the farm groups' satisfaction.

While the emergency

rules have been modified, the state plans to write permanent farmworker housing rules for future pandemics.

"It would be extremely important to know how the emergency rules worked," Farm Bureau CEO John Stuhlmiller said Friday in an interview. "How can you

regulate it, if you don't care enough to keep data on it?"

Health officials made the presentation on COVID outbreaks to the Employment Security Department's Agricultural and Seasonal Workforce Services Advisory Committee.

Health officials said they were faced with incomplete and conflicting reports and were frustrated at not being able to pinpoint where outbreaks occurred.

"We want the information as badly as you do," said Michelle Holshue of the department's COVID response team.

"Ideally, we could understand all the hard work you guys (farmers) put into meeting the requirement of the emergency rule," she said. "It would be great to understand how effective that was."

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