



TIDE GATE TIME BOMB

A tide gate at a dairy near Nehalem, Ore., was installed in 2017 at a cost of \$460,000, improving drainage and complying with fish passage rules. Many tide gates are aging along Oregon's coast but their replacements must comply with fish passage rules.

SEE PAGE 9 FOR A GRAPHIC SHOWING HOW TIDE GATES WORK

Aging structures, regulatory mandates threaten coastal farmland

By MATEUSZ PERKOWSKI
Capital Press

Many of the tide gates that protect Oregon's coastal farmlands from being inundated with saltwater have become relics of a bygone era.

As these old tide gates deteriorate, the farmers who rely on them worry that their time may be running out as well.

"As soon as a tide gate goes out, you can't graze, you can't raise hay. You've lost your land, basically. It's not productive anymore," said Craig Herman, who raises cattle and hay between Coquille and Bandon in southwestern Oregon.

The aging tide gates block fish from swimming between the ocean and river estuaries, disrupting a crucial part of

their life cycle.

Though some tide gates still function despite being as much as a century old, they're considered outdated under modern regulatory standards.

New tide gates needed

"They're at the end of their lives, a lot of them, so the need to replace them is something we can anticipate will be happening," said Irma Lagomarsino, senior policy adviser with the National Marine Fisheries Service.

Innovative new tide gates don't obstruct fish but they're much more expensive, potentially costing hundreds of thousands or even millions of dollars, depending on their size and complexity.

"That's a lot of money for a small producer," Herman said.

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Steve Neahring, a dairy farmer near Nehalem, Ore., with cows in a pasture that's protected by a tide gate. In 2017, Neahring installed a new tide gate with the help of a grant to improve drainage and meet fish passage requirements.

Environmentalists attack farming, grazing, pesticides in Klamath refuges

By MATEUSZ PERKOWSKI
Capital Press

Environmental groups want to convince a federal appeals court that farmers and ranchers are overly favored in the management of Klamath Basin national wildlife refuges.

The 9th U.S. Circuit Court of Appeals is considering arguments by several environmental nonprofits that claim the U.S. Fish and Wildlife Service hasn't sufficiently scrutinized the impacts of livestock grazing, crop cultivation and pesticide spraying on the Klamath Basin National Wildlife Refuge Complex.

Last year, a federal judge dismissed lawsuits filed by the Audubon Society

of Portland, the Center for Biological Diversity and the Western Watersheds Project, ruling that the agency had complied with several laws that govern the 200,000-acre refuge complex.

Those three environmental groups have now challenged that decision before the 9th Circuit, which heard oral arguments in the case on Oct. 5.

The Audubon Society focused on water management in the refuge system, claiming the agency has unlawfully prioritized agriculture over the welfare of bird species.

Wetlands have gone dry and thousands of birds have died of disease outbreaks recently, said Maura Fahey, the nonprofit's attorney. "Meanwhile, commercial agricultural use has persisted."

The agency's plan for the refuge complex is "arbitrary" because it doesn't address the water shortages that are the most pressing problem for wildlife habitat, she said.

"Here, where the rest of the refuge is almost entirely failing to support waterfowl because there's no water for wetlands, it's not justifiable for the agency to continue 20,000 acres of commercial agriculture," Fahey said.

The Center for Biological Diversity opposed the agency's authorization of pesticide usage on farmed land in the refuge complex, arguing that alternative methods haven't been adequately considered.

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Standing grain is left for migrating birds in the Klamath Basin National Wildlife Refuge Complex. Environmental groups have appealed a judge's decision to dismiss their lawsuits against farm practices in the refuge complex.

Biden administration stays course on wolf lawsuits

By DON JENKINS
Capital Press

The Biden administration continues to defend the Trump administration's decision to remove wolves from the endangered species list, even as it evaluates whether hunting in Idaho and Montana are grounds for restoring and expanding protection.

In the first court filing since the administration said it will review the status of wolves, the Biden Justice Department on Oct. 8 asked a judge in California to dismiss law-



The Biden Justice Department continues to argue for the dismissal of lawsuits that seek to restore federal protection to wolves.

suits brought by environmental groups.

The suits claim the U.S. Fish

and Wildlife Service prematurely removed protection from wolves outside the northern Rocky Mountains in 2020, during the Trump administration.

Wolf advocates accuse the agency of "trying to get out of the wolf-protection business," according to one court filing.

The claim, according to the Justice Department, is "not grounded in fact."

As evidence, the department noted that the agency will evaluate "recent actions by Idaho and Montana that threaten to significantly

increase human-caused mortality."

The wildlife service, responding to petitions by environmental groups, announced the 12-month review on Sept. 15. The administration agreed that expanded hunting in Idaho and Montana could affect the species' status in the northern Rockies.

In court, the administration argues that based on information available in 2020, delisting wolves outside the northern Rockies was the right decision.

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