



EPA ditches Trump Navigable Waters Protection Rule

By CAROL RYAN DUMAS
Capital Press

The Biden administration has announced a proposed rule that would reinstate the pre-2015 definition of “waters of the United States” under the Clean Water Act, recinding President Trump’s Navigable Waters Protection Rule.

The Navigable Waters Protection Rule, or NWPR, reined in the Obama administration’s 2015

waters of the U.S. rule, known as WOTUS. It greatly expanded federal jurisdiction over bodies of water.

During the Trump administration, the Environmental Protection Agency and the U.S. Army Corps of Engineers repealed the 2015 WOTUS rule and re-instated the pre-2015 regulations.

In 2020, the agencies redefined the term “navigable waters” with the Navigable Waters Protection

Rule, categorically excluding certain features from the definition, including “ephemeral streams” — temporary streams resulting from precipitation.

In June, the agencies announced their intent to revise the definition of WOTUS, saying they had determined the NWPR significantly reduced clean water protections.

The new rule proposed Nov. 18 would support a stable implemen-

tation of “waters of the U.S.” while the agencies continue to consult with stakeholders on the implementation of WOTUS and future regulatory actions, the agencies said.

Agricultural groups, however, say the agencies’ action to replace the NWPR is a mistake.

The American Farm Bureau Federation said the EPA is returning to an overly complicated interim water rule.

“Overreaching regulations create major permit backlogs for the federal government and result in long delays for farmers and ranchers who are working to keep America fed,” said Zippy Duvall, AFBF president.

Farm Bureau is particularly concerned EPA is bringing back the “significant nexus” test. That test determines whether the

See Water, Page 7



George Plaven/Capital Press File
A portion of the 60-mile Lost River, which feeds Tule Lake, is dry because of drought in the Klamath Basin. Experts expect drought conditions in much of Oregon to persist despite recent rain.

Drought likely to persist despite recent rains, experts say

By MATEUSZ PERKOWSKI
Capital Press

SALEM — Recent autumn rains are helping Oregon’s water situation but the state is still experiencing a drought that may persist into next year, according to experts.

The drought that plagued the 2021 water year — which began last fall and ended with summer — was the state’s fourth most severe on record and is continuing despite the rain, said Larry O’Neill, the state climatologist.

While the drought has been intense, the state has experienced below-average precipitation for 16 years in the past two decades, O’Neill told the House Water Committee at a Nov. 17 hearing.

“If it seems like Oregon has been drier than normal, it certainly has been,” he said.

Aside from less rain in spring and summer, the drought was aggravated by high temperatures that caused evaporation, O’Neill said.

Evaporation further limited water supplies, which were already strained by an early melt-out of snowpacks across the state, he said.

“Our snowpack melted between one and three

See Drought, Page 7

LESSONS FROM DISASTER

What the Bootleg Fire reveals about forest management

By SIERRA DAWN McCLAIN
Capital Press

SPRAGUE RIVER, Ore. — Before disaster struck, cattle rancher Suzanne Gallagher said she didn’t like seeing thinning or controlled fire operations on the grazing land she leased from the U.S. Forest Service. She believed the work was good but found it disruptive.

“To be honest, I wanted them to leave,” she said.

Then, on July 6, a lightning strike nearby started the Bootleg Fire, a wildfire that would burn more than 400,000 acres of south-central Oregon’s Fremont-Winema National Forest and become the third-largest wildfire in state history.

The fire consumed hundreds of homes, killed thousands of animals, both livestock and wildlife, and destroyed valuable timberland.

Gallagher’s Whiskey Creek Ranch lost 25 cattle and forage to the fire, but they found that in the Black Hills around Spodue Mountain, their grazing allotment hadn’t all burned equally. Some patches were soot-black with scarcely a living thing in sight, while in other stands the ponderosa pines still boasted gingerbread-colored trunks and green needles.

The difference lay in how each stand had been managed before the wildfire. Areas where the Forest Service and Klamath Tribes had thinned the forest and set prescribed fires



Sierra Dawn McClain/Capital Press
Suzanne Gallagher, 63, with her son Jimmy Gallagher, 28, at Whiskey Creek Ranch.

survived best.

Now, Gallagher said, she’s grateful for the forestry work that saved the land she holds dear.

“I love that country,” she said, lifting her eyes to the hills.

The Bootleg Fire, though devastating, has

provided researchers with the opportunity to study how various forest management practices influenced wildfire behavior.

The Forest Service manages most of the Fremont-Winema National Forest. Most acres were untreated when the wildfire struck, but the Black Hills region, where Gallagher’s cattle graze, had received small-scale thinning and prescribed fire treatments.

One other area that received treatments before the Bootleg Fire hit was the Sycan Marsh Preserve in the upper Klamath Basin. Its 4,713 forested acres are owned and managed by The Nature Conservancy, or TNC, an environmental organization.

Before the wildfire, TNC managed different blocks of trees — called project areas — using different management techniques. The Bootleg Fire burned through all the stands, but the aftermath looks drastically different in each.

Untreated areas were incinerated. Areas that had been only thinned or treated with controlled fire survived relatively well. An area that received both thinning and prescribed fire survived best.

“It’s a living laboratory,” said Pete Caligiuri, TNC’s Oregon forest program manager and ecologist.

Although a quantitative assessment won’t be completed for 12 to 18 months, TNC staff released a qualitative assessment this month. Already, they say, the trees tell a story.

See Disaster, Page 7



Left: The Coyote Fuels Reduction Project, where both thinning and controlled burning took place before the Bootleg Fire. Right: The control area where no thinning or prescriptive burns took place.

Brady Holden/The Nature Conservancy

Founded in 1945
by Farmers
and Ranchers.

WE WISH EACH OF YOU
a Wonderful Season
of Thanksgiving!

CALDWELL ONTARIO
ALAN BULLARD JED MYERS
BECKY TEMPLE NIAL BRADSHAW
GAYE DOANATO
KENDRA BUTTERFIELD
LOGAN SCHLEICHER

Bank of Eastern Oregon

CALDWELL LOAN OFFICE 208-402-4887 / 422 S. 9TH ST.
ONTARIO LOAN OFFICE 541-889-4464 / 435 SW 24TH ST.

Member FDIC 5228625-1

