



Sierra Dawn McClain/Capital Press

Oregon farmland.

## Oregon receives \$6.7 million to protect high-value farmland from development

By SIERRA DAWN McCLAIN  
Capital Press

USDA's Natural Resources Conservation Service has awarded Oregon a record \$6.7 million to help protect working farmland from development or fragmentation.

"With this allocation, and hopefully future allocations, we'll be able to help protect (farmers') land, keep it in production and pass it on to future generations at a much larger scale than at any time in Oregon's history," said Nellie McAdams, executive director of the Oregon Agricultural Trust.

The money will go toward helping Oregon farmers create nearly 15,000 acres of working land conservation easements, which the Coalition of Oregon Land Trusts defines as "voluntary legal agreements that remove development rights and help protect soil health and water quality while keeping land in farming and ranching."

The general concept is that a farmer or rancher whose property is under threat — for example, on the brink of being pulled into an urban growth boundary for development — could potentially benefit from putting acres into a long-term working land easement instead of selling to a developer, allowing the farmer to benefit financially while keeping the land in agriculture. It also makes it easier for a farmer to retire and pass on farmland to the next generation.

The federal dollars will fund projects within the state's Agricultural Conservation Easement Program-Agricultural Land Easements, or ACEP-ALE.

The increase in funding from USDA's Natural Resources Conservation Service to ACEP-ALE this year is huge, land experts say. The agency upped its funding by 1,100%, from \$590,060 to \$6,765,000.

Kelley Beamer, executive director of the Coalition of Oregon Land Trusts,

called the spike in funding a "momentous investment."

McAdams, of the Oregon Agricultural Trust, said the increase in funding will be "an incredible boon" to rural and farming economies. Working land easements are a useful tool for landowners but are expensive to set up, she said, and this pool of funding will help with costs.

The funds come from the last farm bill, which Congress passed in 2018.

According to land experts, Oregon got more federal dollars this year for working land easements because NRCS Oregon requested additional funds when faced with high demand from landowners. The program received a record-breaking number of proposals for fiscal year 2022.

"The interest we've seen in the Agricultural Land Easements program so far this year reflects the growing number of landowners who want to protect their agricultural land for generations to come," said Ron Alvarado, NRCS Oregon state conservationist.

The increased federal investment was also likely tied to the newly funded Oregon Agricultural Heritage Program, designed to match the federal ACEP-ALE program. The Oregon Agricultural Heritage Program received \$5 million from the state Legislature this year, allowing the state to match federal dollars.

The \$6.7 million will help eight Oregon landowners in 2022 protect 14,917 acres of farms and ranches across the state. Although USDA has not yet released the landowners' names, McAdams said they come from around the state: from Clatsop County on the North Coast to South-Central Oregon's Lake County.

McAdams said she hopes to see more funding for working land conservation easements in the 2023 farm bill.

## Klamath Tribes sue federal government over water releases to protect suckers

By GEORGE PLAVERN  
Capital Press

KLAMATH FALLS, Ore. — The Klamath Tribes are suing the federal government under the Endangered Species Act to halt water diversions from Upper Klamath Lake for irrigated agriculture along the Oregon-California border.

The lawsuit, filed May 9 against the U.S. Fish and Wildlife Service and Bureau of Reclamation, seeks to protect two species of endangered sucker fish, C'waam and Koptu, that are endemic in the Upper Klamath River drainage.

C'waam and Koptu are culturally significant to the Klamath Tribes, used historically for food and ceremonial purposes. Both species were listed as endangered in 1988, and populations that once numbered in the tens of millions have since declined to fewer than 50,000 surviving fish, according to tribal estimates.

Reclamation operates the Klamath Project, delivering irrigation water from Upper Klamath Lake for 170,000 acres of farmland straddling Southern Oregon and Northern California. Farmers in the basin grow potatoes, onions, horseradish, garlic, mint and hay, among other crops.

As part of an environmental assessment with the USFWS — known as a Biological Opinion, or BiOp — Reclamation must maintain a minimum surface elevation of 4,142 feet in Upper Klamath Lake during April and



George Plaven/Capital Press

**A pair of C'waam, or Lost River suckers, swimming in captivity at the Klamath Tribes Research Station near Chiloquin, Ore.**

May for C'waam and Koptu to access shoreline spawning habitat.

However, with the basin suffering through its third consecutive year of extreme drought, the agencies acknowledged there is not enough water in the system to meet that objective.

Despite this, Reclamation announced in April it would release approximately 50,000 acre-feet of water for irrigators. That is just 15% of full demand.

Despite the limited allocation the Tribes argue the government is willingly violating the ESA while C'waam and Koptu slip closer to extinction.

In a statement, the Tribes claimed they "see no alternative" but to sue the federal agencies.

"When their own long-standing formula (driving

their own ecologically inadequate BiOp) showed that zero water could be safely taken from endangered fish for agriculture, (Reclamation) simply tossed it aside and made the cynical political calculation that they could ignore the ESA with impunity, allocate water to Project farmers and hasten the imminent extinction of fish that have lived here, and only here, in the homeland of the Klamath Tribes for thousands of years," the Tribes stated.

Clayton Dumont, a tribal councilman and chairman-elect, said the agencies "have proven repeatedly that we cannot trust them to do the right thing, follow the law, and do even the minimum necessary to sustain our treaty-protected fish."

The Tribes are asking a district judge in Medford, Ore. to suspend Reclamation's 2022

Operations Plan for the Klamath Project until it complies with the ESA.

This year's water supply for the Klamath Project is the second-lowest in history, ahead of only 2021, when irrigators received no allotment from Upper Klamath Lake.

The Klamath Water Users Association, which represents 1,200 family farms and ranches in the Project, has criticized the government for denying them adequate water, particularly when global food supplies are threatened overseas by Russia's invasion of Ukraine.

For context, the KWUA says the anticipated 50,000 acre-foot Project allotment represents no more than 5% of all the water that will be used this season from Upper Klamath Lake. About 40% will be sent down the Klamath River for ESA-listed salmon, 28% will be held in the lake for C'waam and Koptu and 27% will be lost to evaporation.

"Win, lose or draw, this lawsuit is not going to make any difference for the suckers, anyway," said Paul Simmons, the group's executive director.

Reclamation is providing \$20 million in immediate drought assistance to farmers, paying them to fallow land in exchange for reducing water demand. The Klamath Project Drought Response Agency, which administers the funds, is accepting applications through June 15.

For more information or questions about the program, contact [info@klamathwaterbank.com](mailto:info@klamathwaterbank.com) or 541-630-0752.

## Washington wolf rule seen as spur to lawsuits

By DON JENKINS  
Capital Press

A rule sought by wolf advocates would invite lawsuits over the Washington Department of Fish and Wildlife's use of lethal control, Fish and Wildlife Commission Chairwoman Barbara Baker warned Friday.

The department should continue reviewing case-by-case whether a rancher has done enough to prevent wolf attacks, rather than adopting regulations open to court challenges, Baker said at a commission meeting.

"I don't think that we need to craft a rule that would be enforceable. And 'enforceable' is code for being able to go to court and litigate these issues," said Baker, who referred to her past practice as a lawyer.

"What I did was sue the state, all the time," she said.

Commissioners plan to decide in July whether to replace non-binding guidance with a rule dictating when Fish and Wildlife Director Kelly Susewind authorizes lethal control to protect livestock in "chronic-conflict areas."

At the request of wolf advocates, Gov. Jay Inslee in 2020 ordered Fish and Wildlife to develop a rule. The



Sarah Bassing/University of Washington

**A gray wolf. Washington state's rules for managing the species remain controversial.**

department's staff has proposed enshrining in law current practices. As is the case now, ranchers plagued by wolves would have to cooperate with the department for the department to shoot wolves as a last resort.

The commission could amend the proposal, adding regulations proposed by wolf advocates, such as requiring ranchers in some cases to electronically track or move cattle. The commission also could decline to adopt any rule.

A rule would make the department more accountable, said Commissioner Melanie Rowland, a retired

environmental attorney appointed by Inslee to the commission in January.

"I believe that we owe that to the public. They are much larger players if there is a rule that, as Barbara said, they can go to court to enforce," Rowland said.

"The people who are saying, 'We don't need a rule,' are saying, 'Go away, governor,'" she said.

Environmental groups have gone to court to stop Fish and Wildlife from shooting wolves. In its defense, Fish and Wildlife has relied on its duty to manage dangerous wildlife, rather than trying to defend its applica-

tion of a wolf-livestock conflict rule.

The defense has been effective. In the most high-profile case, a King County judge said lethal removal was squarely within the department's expertise and was due deference.

Fish and Wildlife wolf policy coordinator Julia Smith told commissioners that she was worried about "very specific laws" that prevent wildlife managers from using their expertise.

"It may end up with your trained, professional staff making decisions that they feel are not the right decisions, whether that means to kill wolves, or not to kill wolves," Smith said.

Commissioners plan to discuss the rule in late June and may vote July 8. The department said it received more than 10,000 comments on the proposal.

When some commissioners talked about amending the rule at the meeting it was adopted, Susewind, the director, intervened, expressing alarm at "commissioners writing rule language and putting it on the table."

"We are getting into a really weird place right here, folks," he said. "Tell us what you want. Let us write it. We will do that."

## Applications open for ODA Disaster Assistance Program

By GEORGE PLAVERN  
Capital Press

SALEM — Oregon farmers have until June 3 to apply for bridge financing from the state Department of Agriculture to help cover damage caused by natural disasters in 2021.

The newly established Oregon Disaster Assistance Program provides \$40 million in forgivable loans to keep agricultural producers solvent while they wait for federal disaster relief through the USDA Farm Service Agency.

State lawmakers approved funding for the program during a special session in December as part of a larger drought relief package. Many farms and ranches endured significant crop

losses last year from extreme heat, drought, wildfires and a major ice storm that hit the Willamette Valley.

In February, older hazelnut orchards buckled under the weight of an ice storm that caused severe damage, in some cases splitting whole trees down to the trunk.

In June, an intense heat wave with temperatures as high as 117 degrees caused an estimated \$50 million in damage to the \$1.2 billion nursery industry and wiped out about half of all blackberries and raspberries.

The FSA offers a suite of disaster programs. The Oregon Disaster Assistance Program is intended to help producers pay their bills while they wait for federal aid to arrive.

The application period

opened May 9, and funds are administered by Umpqua Bank, Columbia Bank, Bank of Eastern Oregon and Old West Federal Credit Union.

Program loans are calculated based on lost farm income. Tax returns from 2017 to 2019 are used to calculate a three-year baseline for the operation, which is then compared to 2021 farm income to determine losses due to natural disasters.

Loans are capped at \$125,000, or 90% of the three-year baseline income.

However, farmers that meet the USDA definition of historically underserved producers — or those who generated less than \$350,000 in gross income — may qualify for a maximum loan of \$150,000, or 95% of the three-year baseline.

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