

Judge dismisses suit targeting sheep grazing in Washington

By DON JENKINS
Capital Press

A federal judge has ruled that sheep grazing can continue in the Okanogan-Wenatchee National Forest in north-central Washington while the U.S. Forest Service studies the impact on bighorn sheep.

U.S. District Judge Thomas O. Rice in Spokane dismissed a lawsuit by WildEarth Guardians and Western Watersheds Project claiming virus-carrying domestic sheep menace bighorn sheep.

The lawsuit sought to halt grazing on four allotments by S. Martinez Livestock until the Forest Service did an environmental review. The Forest Service plans finishing the review by May 2025.

In a written ruling Tuesday, Rice said that until the

review is done, the environmental groups have nothing to challenge. He said he didn't have the authority to order the Forest Service to speed up the study.

The ruling was the second recent court decision on grazing on federal lands in Washington that went against WildEarth Guardians.

U.S. District Judge Rosanna Malouf Peterson last September dismissed a suit claiming the Colville National in northeast Washington failed to study how cattle grazing by the Diamond M Ranch affects wolves.

WildEarth Guardians and two other environmental groups are appealing that decision to the 9th U.S. Circuit Court of Appeals.

Efforts to obtain comment from WildEarth on Wednesday about Rice's rul-



Nick Myatt/ODFW

A federal judge in Spokane on June 7 dismissed a lawsuit claiming domestic sheep in the Okanogan-Wenatchee National Forest pose a risk to bighorn sheep.

ing were unsuccessful.

Both suits claimed the Forest Service violated the National Forest Management Act and National Environmental Policy Act. Both suits targeted ranches that have

grazed on federal allotments for decades.

WildEarth failed to get a preliminary injunction to bar Martinez Livestock from turning out sheep in 2021, but continued to pursue a perma-

nent injunction.

Martinez Livestock has been grazing in the Wenatchee National Forest since the 1930s. The family ranch couldn't survive if driven off federal lands, according to Mark Martinez, whose grandfather started the operation.

The ranch argued that there has never been a documented case of domestic sheep on the allotments infecting bighorn sheep.

Driving sheep from the federal allotments would move them onto state and private lands that are closer to bighorn sheep herds, the ranch claimed.

According to the Forest Service, experienced sheepherders help keep flocks and bighorn herds apart.

The Okanogan-Wenatchee National Forest plans to

update its plan for balancing grazing and bighorn sheep survival.

Forest Supervisor Kristin Bail said in a court declaration that the update has been delayed by staff turnover. Employees also were tied up by the aftermath of destructive wildfires, she said.

The environmental groups complained the delay could drag on, imperiling the Clean Mountain and Umtanum herds.

Rice ruled that federal law lets the Forest Service schedule environmental reviews on its own time.

Rice inherited the case in May from Judge Salvador Mendoza Jr., who has been nominated to the 9th Circuit.

A hearing had been set for September, but Rice said he could rule based on the written arguments.

Environmental Protection Agency takes input on WOTUS rule

By CAROL RYAN DUMAS
Capital Press

Cattle producers and conservationists shared their perspectives on the implementation of a proposed rule on "waters of the U.S.," or WOTUS, under the Clean Water Act during an EPA roundtable in Kansas last week.

In the latest round of WOTUS ping-pong volleys, the Biden administration published a proposed rule to reinstate the pre-2015 definition of WOTUS, rescinding President Trump's Navigable

Waters Protection Rule.

The comment period on that proposed rule closed Feb. 7.

The Navigable Waters Protection Rule reined in the Obama administration's 2015 WOTUS rule, which greatly expanded federal jurisdiction over bodies of water — such as intermittent streams.

One of 10 EPA roundtables across the country, the virtual event this week was hosted by the Kansas Livestock Association.

The association supported the Navigable Waters Protection Rule, particu-

larly because it gave bright lines for producers to decide whether they need to talk to EPA or a state agency, said Aaron Popelka, vice president of the Kansas Livestock Association.

"And I think we have some concern about how broad things can grow...," he said.

Shawn Tiffany, president-elect of the association, said there is a misconception that confined animal feeding operations don't care about the environment.

"But that couldn't be further from the truth. The fact that my operation is large

only means that my stewardship mindset impacts more acres," he said.

While he has a great relationship with EPA, staff at the Kansas Department of Health and Environment are uniquely qualified to monitor environmental concerns at the local level, he said.

"Environment throughout the U.S. varies so widely there is no practical way that a federal agency can adequately regulate the myriad of environmental concerns at a local level," he said.

"Ultimately in my own operation, more regulation does not change our envi-

ronmental practices, but it does add to the amount of the administrative work we have to submit in order to report that we are staying in compliance," he said.

Dan Meyerhoff, executive director of Kansas Association of Conservation Districts, said working in a voluntary fashion with farmers and ranchers is the most effective way to address natural resource concerns on private lands.

"If we increase regulations and make things more stringent, it's going to hinder the voluntary conservation efforts that I think are

very successful in here," he said.

Gary Mason, former deputy secretary for environment with Kansas Department of Health and Environment, said Kansas does not regulate ephemeral streams but does have the authority to regulate discharges into ephemeral streams.

Several years ago, the agency assessed regulating those streams and found it would add 40,000 streams to its inventory and increase risk to the streams it does regulate by five-fold by diverting resources, he said.

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Paso Robles Chapter Serves Up Smoking Hot Service Project

By Jessica Mozo
National FFA Organization

Members of the Paso Robles FFA Chapter in Paso Robles, Calif., do barbecue big.

Paso Robles FFA members have been welding grills and barbecue pits since 2016, when a team of members competed at a Las Vegas welding competition called Welding Thunder.

"My student team built a double grill barbecue in 15 hours and won the high school division that year," says Justin Pickard, welding teacher and FFA advisor at Paso Robles High School. "To prepare for the competition, we established Bearcat BBQ Company."

Since 2016, Paso Robles FFA members have built a variety of barbecue pit styles ranging from small portable versions to trailers valued at more than \$10,000.

Due to their hybrid learning schedule during the COVID-19 pandemic in 2021, students did not have enough time to plan and weld individual projects. As a solution, they worked as a team to collectively design, fabricate and produce barbecue pits they could sell and then donate proceeds back to their community.

"The biggest challenge was the time constraint. We only had welding class for three hours a week and often used our personal time to come in and work," says Samantha Buie, a Paso Robles FFA member who co-lead the project. "We even had to continue the project through summer to meet our goals."

In total, 28 students in four welding classes worked on the barbecue pits in a production manufacturing process.

"We made 16 barbecue pits: 15 were built by students, and one was my guide for them to follow along with," Pickard says. "The guide pit was donated to the local chapter of the American Cancer Society for their fundraiser dinner in the fall of 2021."

The other 15 barbecue pits were auctioned at the Industrial Education Auction. Paso Robles FFA raised more than \$32,000 to donate to the James W. Brabek Youth Legacy Fund, which supports youth in agriculture. The proceeds purchased animals for youth to exhibit and then sell at the local Junior Livestock Auction. Those animals were later processed and donated as protein to the San Luis Obispo County Food Bank.

"The auction far exceeded our expectations," Pickard says. "As the price for each barbecue kept going higher and higher, there was such amazing energy in the arena. We were grateful to be able to make such a positive impact on our community."

Paso Robles FFA member Clayton Melendy, who co-lead the project, says even if a goal seems unattainable at first, hard work and persistence can make a difference in your community.

"At the beginning of this project, we estimated an outcome of about \$5,000 to donate to the James W. Brabek Youth Legacy Fund," Melendy says. "We were astounded by the support from our community. Our biggest lesson from this project was that even though we have the ability to make projects to sell that profit ourselves, we found much more value in using our skills to support our community."

Paso Robles FFA Chapter members with some of the barbecues they made.

Paso Robles FFA members welded barbecue pits to be auctioned. All proceeds were donated to the James W. Brabek Youth Legacy Fund, which supports youth in agriculture.

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