

Irrigators in Oregon's Harney Basin face uncertain path forward

By **MATEUSZ PERKOWSKI**
Capital Press

A community-based plan for curbing excessive groundwater pumping in Oregon's Harney Basin is nearly done, potentially offering an alternative to government-mandated irrigation shutdowns.

The recommendations are expected to be finished next year, concluding roughly six years of negotiations between water users, environmental advocates and government officials.

Whether the strategy amounts to anything more than a stack of papers remains unknown, though.

The fear is that the steps outlined in the "place-based" plan won't actually be implemented even if they're officially approved by the Oregon Water Resources Commission, said Rep. Mark Owens, R-Crane, an alfalfa farmer who's helped write the plan.

"Thanks for your six years of work. We'll put your plan on a shelf and talk to you later," Owens said of that possibility.

For several years, the "collaborative" group that's developed the plan has asked

Oregon water regulators whether they'll throw their weight behind the integrated strategy in lieu of a purely enforcement-based solution.

The question of what "state recognition" will actually mean for the plan arose during the commission's most recent meeting on June 17, but state officials did not have a certain answer.

"In concrete terms, we don't know either," said Meg Reeves, the commission's chair and a retired attorney for Oregon State University.

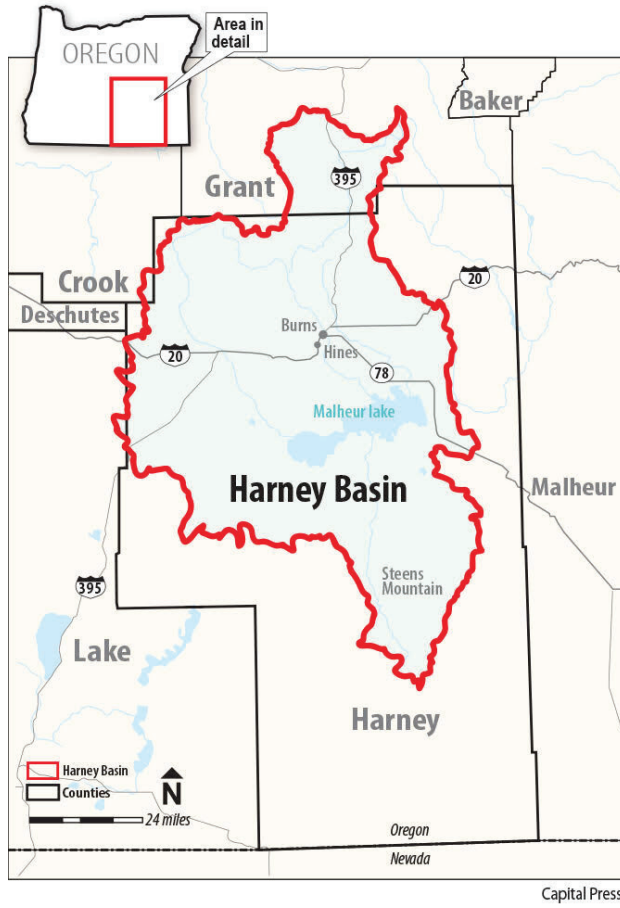
Hopefully, the commission will have more clarity by the time the plan is actually completed, she said.

The problem can't be blamed on indecisiveness by the commission or the state Water Resources Department, since it's the result of ambiguity in state law, said Owens.

"They're struggling with it, too," he said. "They don't know what it means."

The Harney Basin's plan was developed under the OWRD's authority to issue grants for "place-based" water resources strategies, which lawmakers originally created in 2015.

However, the statute doesn't explain the value of



these "place-based" plans or how they'll be implemented, Owens said.

"There was just no meat on the bones about what actually happened after the plan," he said.

Fleshing out those details

will require further action by the Legislature, which will have an opportunity to revisit the issue next year, Owens said. Unless agency's place-based planning authority is extended, it's set to expire in mid-2023.

As with any substantive change to water law, expanding the scope of place-based planning is easier said than done.

Instead of implementing the plan's recommendations, state water regulators may instead declare the Harney Basin a "critical groundwater area."

That will provide OWRD with the power to shut down previously-permitted groundwater pumping — a blunt regulatory tool that's raised concerns about serious damage to the irrigation-dependent local economy.

Even if the collaborative's approach is adopted, voluntary steps are likely to occur on a parallel track with enforcement actions under a critical groundwater area designation, Owens said.

"It's going to have to be the carrot and the stick," he said.

The integrated plan's strategy may prove controversial among the region's irrigators.

Those with senior water rights would be less likely to face immediate enforcement and some may not see the value in voluntary curtailments.

Whatever approach is

taken, it's virtually inevitable that irrigation will be decreased to stabilize the basin's over-appropriated groundwater levels, Owens said. "We're going to have to dry some water up. There's no doubt in my mind."

A strict regulatory approach could shut off 60-70% of the basin's irrigation water, which would have serious impacts to the community, he said.

The integrated plan, on the other hand, would decrease water use by helping farmers invest in more efficient irrigation equipment and to switch away from alfalfa to less thirsty crops, among other steps.

"We're going to have to get creative," Owens said.

While the collaborative group has been devising the plan, OWRD has worked with the U.S. Geological Survey on a comprehensive groundwater study of the basin, which was completed this year.

The research and analysis have given the agency a more detailed "water budget" of the basin's groundwater flows, and how they're affected by geology, said Justin Iverson, OWRD's groundwater section manager.

ODFW OKs killing more wolves from NE Oregon pack

By **GEORGE PLAVEN**
Capital Press

JOSEPH, Ore. — The Oregon Department of Fish and Wildlife has approved killing more wolves from the Chesnimnus pack in Wallowa County to curb attacks on livestock.

ODFW issued its second kill permit for Chesnimnus wolves on June 17 after two yearling males were already removed from the pack under a separate permit earlier this spring.

Since April 25, ODFW biologists have attributed five confirmed and two "probable" depredations of cattle to the pack in grazing pastures north of Joseph. The two most recent incidents were investigated June 4.

The agency issued its first permit April 29 to cull two wolves from the pack. One yearling male was shot May 3, and the second on June 10.

Four days later, ODFW again authorized lethal take — this time for four Chesnimnus wolves, citing an ongoing threat to livestock in the area. The permit runs through July 17.



ODFW

The breeding male of the Chesnimnus Pack caught on camera during the winter survey on U.S. Forest Service land in northern Wallowa County, Ore., in 2018.

The decision has again inflamed emotions among both ranchers and wildlife advocates who disagree sharply about how wolves should be managed. Oregon has at least 175 wolves statewide, though that is a minimum estimate based on verified evidence.

Sristi Kamal, senior Northwest representative for Defenders of Wildlife, said that if the latest permit is fully executed, it will jeopardize the survival of the Chesnimnus pack. The pack

had at least nine members by the end of 2021, according to ODFW's annual population survey.

"We are hoping that ODFW will not target helpless pups again but that means the permit will essentially wipe out most of the adult and yearling members," Kamal said in a statement. "Depending on which two (or) three wolves are left, the survival chances of the pups decreases significantly."

Kamal said the timing

of the permit was also concerning, since there were no further documented depredations between the two permits.

"This permit feels unjustified," she said.

Ranchers, meanwhile, have argued for killing the entire Chesnimnus pack, claiming that non-lethal deterrents such as patrolling cattle and adjusting grazing schedules are not working to prevent losses.

John Williams, wolf committee co-chairman for the Oregon Cattlemen's Association, said one heavily affected producer on Crow Creek has done everything humanly possible to keep wolves away from his herd.

"He's still getting harassed, cattle chased and run through fences," Williams said. "It's ongoing and it's continuing... The wolves that are there have decided to turn to livestock."

ODFW agreed, stating that while the rancher has increased human presence to scare off wolves and removed potential attractants such as bone piles and carcasses, attacks on cattle have continued.



Sarah Bassing/University of Washington

WDFW kills two wolves in Togo pack

By **DON JENKINS**
Capital Press

Two wolves in a pack that has been preying on calves in northeast Washington have been killed by the Washington Department of Fish and Wildlife.

The department removed an adult male June 17 in the Togo pack territory in Ferry County. A yearling female wolf was removed June 14.

The department said it does not plan to kill more wolves, though it may if the pack continues to attack cattle. The department counted seven wolves in the Togo pack at the end of 2021.

Fish and Wildlife Director Kelly Susewind on June 13 authorized removing up to two wolves. The department had documented four attacks on private grazing lands in the past month.

The last predation was confirmed June 11. According to the department, wildlife managers stand a better chance of changing a pack's habits if wolves are removed within two weeks of a predation.

The Togo pack has had a history of attacking cattle. Previously, the department had killed one wolf in five lethal-control orders dating back to 2018.

Fish and Wildlife designates the Togo pack territory a chronic-conflict zone, the only one in the state. With the designation has come heightened expectations for ranchers to employ range-riders and other non-lethal ways to protect livestock from wolves.

The department concluded that even with the non-lethal measures in place, the pack would continue to prey on cattle.

Ballot title certified for revived animal cruelty initiative

By **GEORGE PLAVEN**
Capital Press

SALEM — A controversial voter initiative in Oregon that would remove exemptions for farming and ranching under the state's animal cruelty laws is being revived for another run.

Proponents of Initiative Petition 3 — named the Abuse, Neglect and Assault Exemption Modification and Improvement Act — took another step toward qualifying for the 2024 general election after being issued a certified ballot title on June 13.

IP3 is essentially a reboot on Initiative Petition 13, which was filed last year for the 2022 election. It calls for amending Oregon's animal abuse and neglect statutes, abolishing longstanding exemptions for agriculture.

The result would make it a crime to slaughter livestock for food, while also banning common animal husbandry practices such as branding and dehorning cattle. Artificial insemination would furthermore be considered sexual assault of an animal, a Class C felony.

Exemptions for hunting, fishing, rodeos, pest control, scientific research and wildlife management would likewise be stripped away under the proposal.

According to the "Yes on IP3" campaign website, the laws would retain exemptions for killing or injuring



George Plaven/Capital Press

Holstein cows eat feed inside the dairy barn at Tilla-Bay Farms in Tillamook, on Oregon's North Coast.

animals in cases of self-defense and providing veterinary care.

David Michelson, a Portland-based animal rights activist and lead organizer for the campaign, said IP13 failed to garner enough signatures for the 2022 ballot because, "unlike the claims some have made that we receive funding from the likes of (George) Soros or (Bill) Gates, this is a very grassroots initiative that had started with very few team members."

"Since we started this process in November 2020, we have steadily grown in support and are hopeful of our chances for qualifying in 2024," Michelson said in response to questions emailed by the *Capital Press*.

Petitioners filed IP3 on

March 16. It is largely the same as IP13, but with two additions, Michelson said.

First, he said IP3 would remove additional exemptions for livestock and farmed animals under animal neglect statutes requiring they have access to "adequate bedding, adequate shelter and other minimum care provisions."

Second, the initiative would make it so that anyone convicted of animal cruelty could not own any animal for 5-15 years, depending on the severity of the crime.

While the attorney general did certify the ballot title for IP3, supporters are not yet approved to start circulating the petition. Those who commented on the draft ballot title for IP3 may appeal the certified title to the Oregon Supreme Court. Appeals are due June 28.

If approved, the campaign would need to collect 112,020 signatures to place IP3 on the 2024 ballot.

As it was with IP13, farming, ranching and hunting groups fiercely oppose the measure and are preparing to push back against it.

Tami Kerr, executive director of the Oregon Dairy Farmers Association, said IP3 would put dairies and cattle producers out of business, hurting rural communities statewide.

"I know how hard our producers work, my family included. It's personally offensive," Kerr said. "As

crazy as this is, and as negative as it would be to our rural communities, I would hope that a lot of our elected officials would speak out in opposition to it, our state senators included."

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