

California court rules bumble bee is a fish with legal protections

By SIERRA DAWN McCLAIN
Capital Press

'A TERRESTRIAL INVERTEBRATE, LIKE EACH OF THE FOUR BUMBLE BEE SPECIES, MAY BE LISTED AS AN ENDANGERED OR THREATENED SPECIES UNDER THE ACT.'

Ronald Robie | California 3rd District
Court of Appeals associate justice

SACRAMENTO — A California appeals court has ruled that, under certain circumstances, bees are now legally considered fish and can be protected as such under the state's endangered species law.

The late May decision triggers protections for bumble bees and effectively prohibits actions that could kill, or "take," some species without a permit or authorization.

Supporters of the ruling call it a win for bumble bees; critics say it might make farming activities, including grazing, growing crops and applying pesticides, more difficult.

In the ruling, Almond Alliance of California v. Fish and Game Commission, the California 3rd District Court of Appeals reversed an earlier judgment that had found that bumble bees could not be considered fish under the California Endangered Species Act.

In 2018, the Defenders of Wildlife, Xerxes Society for Invertebrate Conservation and Center for Food Safety petitioned the California Fish and Game Commission to list four bumble bee species — the Crotch, Frank-

lin's, Suckley cuckoo and Western bumble bees — for state Endangered Species Act protection.

The state Endangered Species Act, however, only protects "native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant." Insects are notably missing from the list.

The conservation groups argued that the definition of fish should be reinterpreted. Section 45 of the state Endangered Species Act defines a fish as a "wild fish, mollusk, crustacean, invertebrate, amphibian or part, spawn or ovum of any of those animals." The groups argued that the word "invertebrate" should include all invertebrates, not just aquatic ones.

The California Fish and Game Commission responded by voting to begin the listing process in 2019 but was sued by seven agri-

cultural groups, including the Almond Alliance of California and the California Farm Bureau Federation.

The California Superior Court ruled in favor of the farm groups in 2020, but last month the 3rd District Court of Appeals reversed the decision, allowing bumble bees to be classified as fish.

"Although the term fish is colloquially and commonly understood to refer to aquatic species, the term of art employed by the Legislature in the definition of fish in section 45 is not so limited," 3rd District Court of Appeals Associate Justice Ronald Robie wrote for the three-judge panel. "...Accordingly, a terrestrial invertebrate, like each of the four bumble bee species, may be listed as an endangered or threatened species under the act."

Robie called the decision "a liberal interpretation of the

act."

"The court's decision allows California to protect some of its most endangered pollinators," Sarina Jepsen, Xerxes Society's director of endangered species, said in a statement.

The Xerxes Society said the decision could also pave the way for critical protections for other imperiled insects.

California Farm Bureau's senior counsel, Kari Fisher, said the organization is troubled by the appeals court's decision and is "evaluating potential next steps."

Andony Melathopoulos, Oregon State University Extension Service's pollinator health specialist and assistant professor, said that although the decision was intended to protect bumble bees, it may actually have some unintended negative consequences.

One downside of the ruling, he said, is that it could make it more difficult for scientists to study bumble bee populations because they'll need to apply for permits to take endangered pollinators.

"Before this ruling, entomologists in California could collect a lot of data on bumble bee distribution, and now, it will be more closely scrutinized through permits," he said.

Tourism: Most surveyed recognized the benefits

Continued from Page A1

this area and have learned to adjust to the busy conditions because a strong economy is necessary for the area to continue to grow and prosper."

It's great that the majority of residents surveyed recognize the positive impact of tourism on an economy, said Kevney Dugan, Visit Bend's CEO. In fact, the nonprofit marketing organization invests in research and partnerships, including one with Oregon State University-Cascades, to learn more about how the community views the visitor industry.

"We recognize change can be hard to work through and our current influx of new residents and visitors to the state has created a new normal for all of us," Dugan said. "(We want) to better understand the community sentiment ... while also working to reduce pain points that come with growth and change."

Just about half of those surveyed supported a tourist fee for peak seasons that



Hailey Hoffman/The Astorian

The Oregon Coast is among the state's most popular visitor destinations.

can be given to the affected communities. The survey showed that 51% believe tourism contributes funds to public services, 48% said it provided a high quality of life and 48% said it offered well-paying jobs.

Despite the criticism of tourism, most surveyed recognized the benefits to the state and foresee an increase in visitors this summer will be a positive for their community, according

to the survey.

About eight in 10 residents 75 and older say tourism contributes to a strong economy. But among the 18- to 29-year-olds that belief drops significantly to 58%, according to the survey.

"Some of the region's best-known businesses were started by former tourists who moved here," said Janet Stevens, a Deschutes County woman, wrote in an open-ended question. "That's done

wonders for the economy of a former timber town. Their impact goes beyond that, of course. More visitors mean more people to attend cultural events, which in turn help keep the latter in business."

More than half of those surveyed in the under 30 age group — 56% — believe tourism contributed to the lack of affordable housing, according to the survey. But about 34% to 50% in all other age groups surveyed believe tourism is a contributing factor to the lack of affordable housing, according to the survey.

Of note is that one-third of those surveyed in the under 30 age group say recreational marijuana is a tourist draw, according to the survey.

The survey was conducted online among Oregonians 18 and older from professionally maintained online panels. The polling group said its surveys are within the statistically valid margin of error.

Scooters: Pilot programs rejected in Astoria, Long Beach

Continued from Page A1

City Manager Bruce St. Denis said some companies have reached out to the city showing interest and asking for rules regarding electric scooter rentals.

He said there are some policies the city can choose to prohibit scooters, but he recommended making the rule as clean as possible, adding that it could always be reversed.

"Right now, we think the city would be in the best position, if you're not going to consider it, just to have an ordinance that prohibits," St. Denis said.

The city manager shared an ordinance adopted in Destin, Florida, which he said banned electric scooters after they became problematic.

City Councilor Robin Risley also raised concerns about Segway rentals.

"I just was driving in Seaside today, and somebody just went whipping through on the road and I thought, 'Wow, they can really go fast,'" Risley said.

St. Denis said he would include a generic term that covers Segway rentals in the draft ordinance.

Last year, Astoria was approached by electric scooter company Bird about a possible pilot program,

which the City Council unanimously rejected.

Electric scooters are not allowed on the Astoria Riverwalk or on sidewalks. If a company were to bring scooters to Astoria, they would have to work with the city to designate no-ride zones.

In April, the Long Beach City Council in Washington state rejected a trial offer from Bird to bring electric scooters to the city.

Disease: Early diagnosis, treatment can preserve muscle function

Continued from Page A1

gonna use the power that I've collected in this role over the last 20 years and I'm going to use one of my bingo cards for SMA newborn screening' because she knew it was important. I just can't express how grateful I am to her for that because that's really why this happened."

Citovic, the daughter of former Astoria Mayor Willis Van Dusen, is a co-owner of Van Dusen Beverages, the family's Pepsi distributorship in Astoria. The former mayor has endorsed Johnson's independent run for governor and Van Dusen Beverages has contributed \$25,000 to Johnson's campaign.

phy is a progressive disease, meaning early diagnosis and treatment can preserve muscle function.

"The good news is all these babies, who hopefully from now on will not have a single symptom when they start treatment, means that they will never have a symptom, hopefully," Citovic said. "They will just live a completely normal life with the knowledge of life, 'Yeah, my DNA test said I have this thing but I take my Evrysdi every day and I'm fine.'"

Recently, the Food and Drug Administration approved an at-home oral treatment called Evrysdi for newborns. The medication increases and sustains the production of the survival

motor neuron protein, which the disease inhibits.

Alina Citovic has been taking Evrysdi since 2020 and was the first patient at Oregon Health & Science University's Doernbecher Children's Hospital to do so. The once-a-day medication has replaced routine trips to Portland for spinal taps that gave Alina a fear of needles requiring therapy.

"Just because a scientist can explain how this works doesn't make it not magical to us," Citovic said. "It tastes like strawberries. I mean, if you were going to write your wish for how to handle this: 'I wish I could just have one sip of a magic potion that tastes like strawberries, every night and be better. And that's it.'"

The oral therapy is cheaper, too, costing their insurance \$365,000 a year instead of the \$1.25 million annual cost of hospital visits, she said.

Citovic has seen major progress in her daughter's movement since taking the medication. Alina, now 9, can hop on two feet and was able to get her COVID vaccine after working through her anxiety with needles.

"She's never going to be the fastest kid in the class, but she can still go out there. She loves playing freeze tag," she said. "That's one of her favorite things. So we just feel so blessed. We're like, 'How many kids with SMA have ever gotten to play freeze tag? At all? Probably very few.'"

COVID survey: 78% of parents said the pandemic has hurt their children's education

Continued from Page A1

The health department was also curious about parents' decision about whether to vaccinate their children against COVID-19.

Among parents of children 12 to 17 years old, almost 64% said their child had received at least one vaccine dose, while almost 32% said they're "definitely not getting" their child vaccinated.

Of the parents choosing not to vaccinate their 12- to 17-year-olds, 34% said they don't trust that the vaccines are safe, while 32% said they don't believe their child's age group is at risk.

Among parents of children ages 5 to 11, more than 61% said their child already had one or more

jobs. The group "definitely not getting" their young children vaccinated was almost 34%.

Of these parents, about 36% don't trust in the vaccines' safety, and more than 38% don't believe the age group is at risk.

For parents of children under 5, almost 49% said they're "definitely not" getting their child vaccinated.

On a question about their children's welfare, 78% of parents said the pandemic has hurt their children's education, and almost 77% said it has hurt their mental health.

That question had only 92 respondents. "But I bet if everyone completed the survey, it probably wouldn't change that much," Lulich said.

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Q: Does oral health affect overall health?

A: Although you probably understand that poor dental care can lead to cavities, did you know that other, more serious health problems can also result from poor oral care? The truth is that if you don't take proper care of your teeth, you could face far more serious consequences than a simple toothache or some unsightly stains. You could face cardiovascular disease, dementia, respiratory infection, diabetic complications and more.



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