



Mateusz Perkowski/Capital Bureau
Jesse Bounds runs a straw-compressing facility in Junction City that state regulators claim was rebuilt on a wetland after a fire.

Bills propose to dispel wetland uncertainties

Lawmakers consider exemptions to state fill-removal laws

By MATEUSZ PERKOWSKI
 Capital Bureau

SALEM — Oregon landowners don't have a simple, reliable method to find out whether their property is considered a wetland.

That's potentially a big problem if a structure is built on a parcel that state authorities later determine is a wetland, thus making the landowner liable for costly mitigation measures.

Jesse Bounds, a hay exporter near Junction City, Ore., learned that lesson the hard way.

Upon trying to rebuild two barns that had burned down last summer, Bounds was told by Oregon's Department of State Lands the construction was unlawful because he hadn't obtained a fill-removal permit. The permit is required when disturbing wetlands.

Bounds was shocked by the notification, since his 12-acre parcel wasn't identified as a wetland under the State Wetland Inventory and he'd obtained all necessary building permits without a hitch.

Oregon lawmakers are now contemplating two bills that would resolve the problem.

One is aimed specifically at Bounds' situation, while the other seeks to dispel the broader confusion over which properties fall under DSL's wetland jurisdiction.

House Bill 2785 takes the narrow approach, by exempting the replacement of a farm building "destroyed by fire or other act of God" from state fill-removal laws.

House Bill 2786 is more expansive, creating an exemption for any property that's not designated as a wetland under the State Wetland Inventory.

Much of the discussion during a Feb. 21 hearing before the House Agriculture Committee focused on the latter bill.

Proponents argue that landowners may believe their property isn't subject to fill-removal laws — based on the State Wetland Inventory — without realizing that DSL can nonetheless arrive at a different conclusion.

"They have no idea the map is not right," said Mary Anne Nash, public policy counsel for the Oregon Farm Bureau.

Landowners such as Bounds, who think they've followed all the applicable laws, may never hear from DSL unless a neighbor makes a complaint, said Dave Hunnicutt, executive director of the Oregonians in Action property rights group.

"Unfortunately, that's the way that DSL exercises its jurisdiction," Hunnicutt said.

While a housing developer may be able to afford wetland mitigation credits, that option is often too costly for farmers, he said.

Such credits, which effectively pay for the creation of wetlands elsewhere, cost about \$77,000 to \$81,000 per acre, according to DSL.

"Someone in Mr. Bounds' position, it puts him out of business," said Hunnicutt.

Opponents of HB 2786 claim the bill would jeopardize wetlands across Oregon because many aren't included in the State Wetland Inventory.

The State Wetland Inventory only includes a "small subset" of wetlands that are under both state and federal jurisdiction, said Tom Wolf, executive director of the Oregon Council of Trout Unlimited, a group that advocates for fish habitat.

"It's too broad a bill," Wolf said.

The League of Women Voters of Oregon believes the wetland designation process should be made clearer but worries HB 2786 sets a definition that's too limited, said Peggy Lynch, the group's natural resources coordinator.

"We need to have something more than the State Wetland Inventory to consider," she said.

Several members of the House Agriculture Committee said they sympathized with Bounds' predicament and the need to clarify wetland designations, including Rep. Brian Clem, D-Salem, the committee's chair.

Clem said he favored a simpler alternative to the current system of identifying wetlands, under which parcels are evaluated on a case-by-case basis.

"That to me sounds horribly tiresome and painful," he said.

Idaho irrigators back bills fighting Oregon fish plan

By JOHN O'CONNELL
 Capital Press

BOISE — Idaho irrigators are backing four bills in the state Legislature challenging the state of Oregon's attempt to reintroduce endangered fish into the Snake River watershed upstream of the Hells Canyon Complex of dams.

For decades, the Brownlee, Oxbow and Hells Canyon dams — which provide about 30 percent of Idaho Power Co.'s total energy — have blocked the migration of anadromous salmon and steelhead trout, which once spawned in the upstream channel and tributaries.

The original federal license to operate the complex expired in 2005. As part of the ongoing relicensing process, Oregon issued a draft Clean Water Act certification re-establishing the historic migration, in conflict with Idaho's draft certification.

In late December, the Federal Energy Regulatory Commission dismissed Idaho Power's petition requesting that it step in and settle the dispute between the states.

Four bills, drafted by the Idaho Water Users Association, were introduced Feb. 14 in the House Resources and

Conservation Committee concerning Oregon's plan. House Joint Memorial 002 would formally express the Legislature's opposition to re-introduction due to the "drastic impacts on irrigated agriculture, industry, water supply and electric generation." The joint memorial concludes Oregon's plan would impair Idaho's sovereignty over its water resources, thereby violating the State Water Plan.

"(HJM 002) will support the long-standing position of the Legislature, as well as the governor, that there will be no endangered fish above Hells Canyon. Not only no, but heck no," said Rep. Marc Gibbs, R-Grace, a farmer who heads the House committee. "It's an issue that Oregon wants and Idaho pays for."

On the same day, the committee also printed three bills clarifying Idaho code on forced reintroduction of an endangered species by another state. HB 169 would broaden a state law requiring the Idaho Legislature's blessing before the federal government or another state can forcibly introduce a species.

HB 170 clarifies that Idaho has primacy over its state waters and prohibits any species introduction that

could threaten that primacy, without state consent.

HB 171 grants the Hells Canyon Complex a special exemption to an Idaho law requiring infrastructure for fish passage past dams and other water obstructions.

Marilyn Fonseca, hydropower program coordinator with the Oregon Department of Environmental Quality, said her state has extended a public comment period on the draft Clean Water Act certification until Feb. 28. Oregon would like to introduce salmon and steelhead into Pine Creek — a tributary that originates in Oregon and connects with the main-stem Snake upstream of the dams — and expand to other tributaries based on the level of success. The plan would require Idaho Power to trap and transport trout to assist them on their migration back to the Pacific Ocean.

Fonseca explained her state considers fish passage to be integral in meeting its own EPA-approved water-quality standards.

"We're certainly aware that (Idaho) is not happy with the inclusion of fish passage, but we are continuing with that process," Fonseca said.

Thursday Morning

STATION	6 AM	6:30	7 AM	7:30	8 AM	8:30	9 AM	9:30	10 AM	10:30	11 AM	11:30	
FOX	11 KFFX	11 AgDay	Hot/ Cleve.	Good Day			Paid	Dog Town	Steve Harvey		Crime Watch Daily		
FOX	KPTV	3 Good Day Oregon at 6	Good Day Oregon				Good Day		The 700 Club		Rachael Ray (N)		
CBS	19 KEPR	2 News	News	CBS This Morning (N)			Harry		The Price Is Right		Young & Restless		
CBS	KOIN	19 KOIN 6 News at 6 a.m.	CBS This Morning (N)				Let's Make a Deal		The Price Is Right		Young & Restless		
NBC	25 KNDU	6 Wake Up Northwest	Today Show Ryan Eggold (N)				Today Show II (N)		Today Show III (N)		Million? Million?		
NBC	KGW	8 KGW News at Sunrise	Today Show Ryan Eggold (N)				Today Show II (N)		Today Show III (N)		Portland Today		
ABC	42 KVEW	4 Northwest	Northwest	Good Morning America (N)			Live! With Kelly (N)		The View		Paid	Middle	
ABC	KATU	5 KATU News Morning	Good Morning America (N)				AM Northwest		The View		Live! With Kelly (N)		
PBS	31 KTNW	Stretch	W.L. Yoga	Wild	Jet Go!	Nature	C.George	D.Tiger	Thomas	Sesame St.	Sesame St.	SplashB.	Sit and Fit
PBS	59 OPB	13 Sit and Fit	Jet Go!	Nature Cat	C.George	D.Tiger	D.Tiger	SplashB.	Sesame St.	DinoTrain	Peg + Cat	Super WHY	Bob Build

February 23, 2017

AFTERNOON

STATION	12 PM	12:30	1 PM	1:30	2 PM	2:30	3 PM	3:30	4 PM	4:30	5 PM	5:30	
FOX	11 KFFX	11 Paid	Pat. Court	Divorce	Divorce	Judge Mathis	The People's Court		2 1/2 Men	Mike&M.	Last Man	Last Man	
FOX	KPTV	3 12 O'Clock News	Wendy Williams			The Dr. Oz Show	TMZ Live!		Judy	Judge Judy	5 O'Clock News		
CBS	19 KEPR	2 NameG.	Bold & B.	The Talk (N)		Let's Make a Deal	Dr. Phil		Judy	Judge Judy	News	News	
CBS	KOIN	19 News	Bold & B.	The Talk (N)		The Doctors	Dr. Phil		KOIN 6 News at 4		News	News	
NBC	25 KNDU	6 TMZ	Paid	Days of Our Lives		Hot Bench	Hot Bench		Wendy Williams		Ellen DeGeneres (N)	News	
NBC	KGW	8 KGW New	Paid	Days of Our Lives		T.D. Jakes (N)			Ellen DeGeneres (N)		KGW News	News	
ABC	42 KVEW	4 The Chew		General Hospital		The Doctors			Rachael Ray (N)		Minute	Minute	
ABC	KATU	5 The Chew		General Hospital		Harry			Afternoon Live		KATU News @ 4	News	
PBS	31 KTNW	Charlie Rose		Lidia's Kit.	Knitting	Stretch	C.George	Speaks	WordGirl	Arthur	O. Squad	Wild Kratt	Business
PBS	59 OPB	13 Painting	Ming	Charlie Rose (N)		Cat	Thomas	Cat/ Hat	Jet Go!	Speaks	WordGirl	O. Squad	Wild Kratt

EVENING

STATION	6 PM	6:30	7 PM	7:30	8 PM	8:30	9 PM	9:30	10 PM	10:30	11 PM	11:30	
FOX	11 KFFX	11 Modern "When Good Kids Go Bad"	Modern Family "Phil on Wire"	2 Broke Girls	2 Broke Girls "And the Kilt Trap"	MasterChef Junior "Just Like Gordon" (N)	My Kitchen Rules "LA Rams Tackle the Final 3" (N)		FOX News First at Ten		:35 Law & Order: Criminal Intent "The Last Street in Manhattan"	:35 Anger Management	
FOX	KPTV	3 6 O'Clock News	Family Feud	Family Feud	MasterChef Junior "Just Like Gordon" (N)	My Kitchen "LA Rams Tackle the Final 3" (N)		10 O'Clock News			11 O'Clock News	2 Broke Girls	
CBS	19 KEPR	2 Action News at 6:00 p.m.	Inside Edition	The Big Bang "The Desperation"	The Simpsons "The Marge-ian Chronicles"	The Big Bang Theory	Indoor "Friends Like These" (N)	Mom (N)	Life in Pieces (N)	Training Day "Code of Honor" (N)	Action News at 11:00 p.m.	:35 Stephen Colbert	
CBS	KOIN	19 KOIN Local 6 at 6	Evening News	Extra	Ent. Tonight	Big Bang Theory	The Great Indoors	Mom (N)	Life in Pieces (N)	Training Day "Code of Honor" (N)	KOIN 6 News 11	:35 S. Colbert	
NBC	25 KNDU	6 Local News	Family Feud	Wheel of Fortune	Jeopardy!	Superstore "Wellness Fair" (N)	Powerless "Cold Season" (N)	The Blacklist "The Apothecary" (N)		The Blacklist: Redemption "Leland Bray" (P) (N)	Local News	:35 The Tonight Show	
NBC	KGW	8 KGW News at 6:00 p.m.		Live at 7	Inside Edition	Superstore (N)	Powerless (N)	The Blacklist "The Apothecary" (N)		Blacklist Redemption "Leland Bray" (P) (N)	KGW News	:35 Tonight	
ABC	42 KVEW	4 Extra	Local News at 6:30	Entertainment Tonight	The Insider	Grey's Anatomy "Back Where You Belong" (N)	How to Get Away With Murder "He Made a Terrible Mistake" (N)		How to Get Away With Murder "Wes" (SF) (N)		Local News at 11 :05 Jimmy Kimmel Live		
ABC	KATU	5 KATU News at 6	Jeopardy!	Wheel of Fortune	Grey's Anatomy "Back Where You Belong" (N)	Murder "He Made a Terrible Mistake" (N)		Get Away With Murder "Wes" (SF) (N)		KATU News	:35 Jimmy Kimmel		
PBS	31 KTNW	PBS NewsHour	BBC World News	Well Read	This Old House Hour (N)	Doc Martin	:45 Doc Martin "Ever After"		:45 Midsomer Murders "King's Crystal" 2/2		:35 DCI Banks "Bad Boy"		
PBS	59 OPB	13 Born to Explore	Business (N)	PBS NewsHour	Oregon Art Beat	Oregon Guide	Midsomer Murders		:45 Midsomer Murders "King's Crystal" 2/2		:35 DCI Banks "Bad Boy"		
A&E	52	The First 48 "Last Stop: Paradise/ Bad Blood"	The First 48 "Soldier Down/ Blood Vendetta"		60 Days in "Where Are They Now?" (N)	Nightwatch "EMTs Bare All, Part Two" (N)		Nightwatch "Needle in a Haystack" (N)		:05 The First 48			
AMC	60	Russell Crowe	Gladiator		*** Inception (10, Act) Joseph Gordon-Levitt. A skilled thief has a final job to redemption if he can execute his toughest job to date.	*** The Matrix (1999, Action) Laurence Fishburne, Carrie-Anne Moss, Keanu Reeves.							
ANPL	24	Wild Patagonia	Lone Star Law		Star Law "Gator Bait"	Lone Star Law		Lone Star Law		Lone Star Law			
CMT	43	Nashville (N)	Sun Records (N)		Nashville	Records "706 Union"		Roseanne	Roseanne	Roseanne	Roseanne		
CNBC	72	Shark Tank	Rich (N)	Super Rich	Super Rich	Super Rich	Super Rich	Super Rich	Super Rich	Super Rich	Paid	Paid	
CNN	68	CNN Special	History of Comedy (N)		CNN Tonight	CNN Tonight		The History of Comedy		The History of Comedy		CNN Tonight	
DISC	51	Diesel Brothers	Diesel "Truck Norris"		Moonshiners	Moonshiners		Moonshiners		Moonshiners		Moonshiners	
DISN	26	Bunk'd	Bizaard.	Underc.	Good Luck	StuckMid	Good Luck	Liv Maddie	Liv Maddie	Bunk'd	Bunk'd	Jessie	Jessie
ESPN	33	NCAA Basketball (L)			SportsCenter	SportsCenter		SportsCenter		SportsCenter		SportsCenter	
ESPN2	34	NCAA Basketball (L)			NFL Live			30 for 30 "This Magic Moment"				NFL Live	
FNC	66	TuckerCarlsonTonight	Hannity		The O'Reilly Factor	TuckerCarlsonTonight		Hannity				The First 100 Days	
FOOD	61	Chopped "My Way"	Chopped		Chopped	Chopped		BeatPlay	Beat Play	Beat Play	Beat Play	Beat Play	
FREE	32	Movie	*** Coming to America '88, Com	Eddie Murphy.	*** Bruce Almighty	Jim Carrey.						The 700 Club	
FX	65	*** Thor: The Dark World	Natalie Portman.	*** Grown Ups '10, Com	Adam Sandler.	Baskets	Baskets	Baskets	Baskets	Baskets	Baskets	Movie	
GOLF	88	PGA Golf The Honda Classic			PGA Golf The Honda Classic	LPGA Golf Honda Thailand Site: Siam Country Club (L)							
GSN	76	Divided (N)	Divided (N)	Idiotest (N)	Idiotest (N)	Fam. Feud	Fam. Feud	Divided	Divided	Idiotest	Idiotest	Baggage	Baggage
HALL	87	Last Man	Last Man	Last Man	Last Man	Last Man	Last Man	The Middle	The Middle	The Middle	The Middle	G. Girls	G. Girls
HGTV	62	FlipFlop	Flip or Flop	Flip or Flop	Flip or Flop	Flip or Flop	Flip or Flop	FlipFlop (N)	Flip or Flop	H.Hunt (N)	House (N)	FlipTX (N)	Flip or Flop
HIST	50	Swamp "Ten Most Dangerous Moments"		Swamp People: Blood "The Hunt Begins" (N)		Swamp People: Blood "Fresh Blood" (N)		Swamp People "Breakdown" (N)		:05 The Curse of Oak Island "Blood Is Thicker"			
LIFE	29	Project Runway: Junior	Project Runway: Junior		Project Runway Jr (N)	Project Runway Jr (N)		Runway "Finale, Part 2" (SF) (N)		Project Runway "Finale, Part 2" 2/2			
NICK	27	H.Danger	H.Danger	Thunder	Thunder	Ride	GShakers	Friends 1/2	Friends 2/2	Sun Records (N)		Nashville	
ROOT	37	In Depth	The Mark Few Show	NCAA Basketball Gonzaga at San Diego Site: Jenny Craig Pavilion -- San Diego, Calif. (L)		NCAA Basketball BYU at Portland Site: Chiles Center -- Portland, Ore.				NCAA Basketball		NCAA Basketball Gonzaga at San Diego	
SPIKE	42	*** 2 Fast 2 Furious '03, Act	Tyrese Gibson, Paul Walker.	*** The Fast & the Furious: Tokyo Drift	An American avoiding jail time gets drawn into the world of drift racing in Tokyo.	Lip Sync Battle	Caraoke (N)	*** Fast Five '11, Act	Vin Diesel.				
SYFY	67	*** Underworld: Rise of the Lycans		*** Avatar (2009, Fantasy)	Sam Worthington, Giovanni Ribisi, Zoe Saldana.	*** Movie							
TBS	59	Seinfeld	Seinf. "The Revenge"	Seinfeld "The Deal"	2 Broke Girls	2 Broke Girls	2 Broke Girls	Big Bang Theory	Big Bang Theory	Big Bang Theory	Big Bang Theory	Conan Adam Sandler, David Spade	
TCM	56	*** Seven Brides for Seven Brothers		*** The Seven-Per-Cent Solution '76, (Myst) Vanessa Redgrave, Alan Arkin.		*** Shaft (1971, Crime Story) Moses Gunn, Christopher St. John, Richard Roundtree.		*** Shall We Dance? Fred Astaire.					
TLC	49	600-lb "Amber's Story"		My 600-lb Life		600 Life: Supersized "Michael's Story" (N)		Extreme Weight Loss		:05 My 600-lb Life			
TNT	57	NBA Basketball N.Y./Cle. (L)		NBA Basketball L.A. Clippers vs Golden State (L)		Inside the NBA				Inside the NBA		NBA Basketball N.Y./Cle.	
UNI	21	Includo	Noticiero	Noche de Estrellas		Premio Lo Nuestro						Impacto	Noticie.
USA	58	SVU "Lowdown"		Law & Order: S.V.U.		Law & Order: S.V.U.		Law & Order: S.V.U.		Claxon (N)		SVU "Rhodium Nights"	
WE	118	L.A. Hair (N)		L.A. Hair		Braxton Family Values		Braxton Family Values		Braxton Family Values		Braxton Family Values	
WGN		Cops	Cops	Cops	Cops	Cops	Cops	Outsiders		Rules	Rules	Rules	Rules
STZ ENC	644	*** Patton		:10 *** Regarding Henry	Harrison Ford.	*** White Noise				:40 *** White Noise 2: The Light			
HBO	518	:20 Real Sports		Vice News		*** The Huntsman: Winter's War		Big Little Lies		Crashing	Movie		
HBO2	520	*** Matchstick Men	Nicolas Cage.			Girls	Unlocking the Cage (N)			:05 *** The Legend of Tarzan			
HBO3	521	Solitary: Red Onion		:10 *** Demolition	Jake Gyllenhaal.	*** The Blues Brothers	John Belushi.			:15 *** Blues Brother...			
MAX	549	:05 *** Panic Room '02, Thril	Jodie Foster.	*** Stir of Echoes		:40 *** Stir of Echoes: The Home...				:10 *** Enough			
SHOW	578	Movie	*** Bridge of Spies '15, Thril	Mark Rylance, Tom Hanks.		Billions		Homeland		Gigolos	Dark Net		
STARZ	621	*** 21 '08, Dra	Jim Sturgess.	:35 *** Get a Job	Anna Kendrick.	After Spring				:45 *** Fight Club	Brad Pitt.		

NIGHT OWL

STATION	12 AM
---------	-------