

Feds could fund water pipeline

By MICHAEL KOHN
The Bulletin

BEND — For more than a century the Pilot Butte Canal, an open waterway that funnels irrigation water from Bend to Redmond, has been a regular feature of the High Desert landscape. President Joe Biden's Infrastructure Investment and Jobs Act could change that.

Central Oregon Irrigation District, which maintains the canal, is preparing to tap into the infrastructure bill for funds to pipe the 22-mile long canal.

Craig Horrell, the general manager of the district, said if funds become available work could start next year.

Converting canals to modern pipelines helps irrigation districts achieve the water savings they need to stay in compliance with the Deschutes Basin Habitat Conservation Plan. The plan, finalized last year after 12 years of development, calls for districts to raise the level of the Deschutes River in winter to support Oregon spotted frog habitat. Horrell said the easiest way to do that is to pipe the canals, which are notorious for losing water into the porous Central Oregon soil.

Completion of an environmental impact statement is one of the steps that must be completed before the district can apply for funds, said Horrell.

"We feel like we are shovel ready in a year, so we do believe we will be able to capture some of that money for these piping projects," said Horrell. "But we have to complete the permitting process, which includes the EIS and public meetings."

The cost to pipe the Bend to Redmond section of the canal could reach \$250 million and will take seven to 10 years to complete, said Horrell.

Central Oregon Irrigation District is currently piping a 7.9-mile section of the Pilot Butte Canal between Redmond and Smith Rock. The \$30 million project, scheduled for completion in April, will save 30 cubic feet of water per second.

Piping the Bend to Redmond stretch will save an additional 156 cfs, said Horrell. The amount of water conserved annually by piping the Bend-to-Redmond segment will be over 90,000 acre-feet, which is almost half of Wickiup Reservoir.

Horrell anticipates that once the Pilot Butte Canal is fully piped, the irrigation districts can increase the release of water into



The Pilot Butte Canal is lined with homes near Northeast Empire Avenue and 18th Street in Bend.

Dean Guernsey/The Bulletin

the Deschutes River to 300 cfs, a significant jump from current winter releases of 105 cfs.

According to the U.S. Fish and Wildlife Service, higher winter flows in the Deschutes River inundate a greater area of the river channel, potentially shortening the distance that frogs travel to spring breeding areas. Flows greater than 300 cfs may also create additional overwintering areas for frogs.

The Habitat Conservation Plan requires that winter releases reach 300 cfs by 2028 and 400 cfs by 2033. Horrell said that increase can be achieved through on-farm water efficiency programs, such as converting farms from flood irrigation to pivot sprinkler systems.

"Once this thing is piped, pressurized water deliveries will really help us with that extra hundred," said Horrell.

Piping the canal is not without controversy. The canal runs behind more than 100 houses in northwest Bend, and some residents have tried in the past to prevent the canal from being piped in order to keep the waterway alive.

In 2016, action by residents prompted the National Park Service to list a 1.5-mile segment of the canal in Bend on the National Register of Historic Places. That means the canal can stay but doesn't require water has to run through it. Horrell explains that the pipe can be placed in the dry canal or can be rerouted along a different route. That would leave the

canal intact but without water.

Jeff Perreault, one of the homeowners whose property backs up to the canal, said he is not aware of any current legal action against the irrigation district, but all eyes are on its current piping plans.

"I'm confident that if COID attempted to violate the historic district then they'd have a fight on their hands," said Perreault. "It appears that they're taking the right approach, which would be to pipe around the district, and they should be applauded for that."

Organizations that have been critical of the main canal piping projects include the nonprofit Central Oregon LandWatch, which says the irrigation districts can get more bang for their buck by focusing their efforts on on-farm conservation and the piping of smaller ditches and laterals.

Tod Heisler, director of the rivers conservation program at Central Oregon LandWatch, says a major problem with the open laterals is that water often runs off the end of the ditch, but piping lateral ditches would prevent that from happening. It would also allow meters to be installed at each farm on the ditch.

"Then you can invest in more efficient irrigation, such as moving from flood to sprinklers, and have better control over the water for potential water marketing transactions," said Heisler. "Real progress can only be made when COID insists that patrons reduce water waste."

Judge blocks Oregon salvage logging

By MATEUSZ PERKOWSKI
Capital Press

EUGENE — A federal judge has issued a temporary restraining order against salvage logging in two areas within Oregon's Willamette National Forest affected by wildfires last year.

The two forest projects had been approved for tree thinning by the U.S. Forest Service before wildfires tore through the national forest in September 2020.

The Cascadia Wildlands and Oregon Wild environmental nonprofits claim the agency has unlawfully changed the projects to allow salvage logging without analyzing its effects under the National Environmental Policy Act.

"Salvage has substantially different impacts to the forest than thinning," Meriel Darzen, attorney for the plaintiffs, said during oral arguments Dec. 3.

The environmental organizations didn't initially oppose the Lang Dam Project, which involves 630 acres of commercial harvest, or the Highway 46 Project, under which nearly 2,000 would be logged.

However, the plaintiffs filed a lawsuit alleging the Forest Service had revised the projects "behind closed doors" to allow for salvage logging, which wasn't considered in the original NEPA analysis.

"That's problematic because it undermines the trust," Darzen said.

While the Forest Service has discounted the significance of the changes, there's a big difference between thinning living trees and removing substantially all the trees from a burned area, she said.

"I'm not sure how much less minor you can get," Darzen said.

Not only has the nature of the projects changed, but the environmental circumstances within their boundaries have as well — affecting spotted owl habitat,

stream flows and noxious weeds, she said.

"Even on the areas that are not burned, you're dealing with different baseline conditions," Darzen said.

Emma Hamilton, attorney for the federal government, said the project changes don't cause "irreparable harm" and don't justify the "extraordinary relief" of an injunction.

An injunction would most immediately affect about 345 acres slated for logging under the Highway 46 project, which are needed to meet the Forest Service's contractual obligations, she said.

"They need to be harvested right away because dead and dying trees deteriorate," Hamilton said.

The agency has scaled back the acreage approved for commercial logging under the revised plans, specifically dropping harvest units within riparian areas, she said.

Even with the changes, the Forest Service is adhering to the original goals of the projects, Hamilton said.

"Plaintiffs are not looking at the scale of these minor variations," she said. "This isn't a wholesale change. It certainly isn't a bait and switch."

At the conclusion of oral arguments, U.S. District Judge Ann Aiken in Eugene said she was disappointed the Forest Service didn't behave with more transparency in revising the projects.

The wildfires changed the conditions within the project boundaries in ways that couldn't have been foreseen when their environmental impacts were examined under NEPA, Aiken said.

Though the judge agreed to issue a temporary restraining order halting the projects, she urged the parties to consult with a federal magistrate judge on a potential settlement.

The parties should try to resolve the issue without litigation, Aiken said. "It behooves all of you to get to the table right now."

FTC looks into supply chain disruptions

Capital Press

WASHINGTON, D.C. — The Federal Trade Commission is ordering nine large retailers, wholesalers and consumer good suppliers to provide detailed information that will help shed light on the supply chain disruptions and how they are causing hardships for consumers and harming competition in the U.S. economy.

The orders were sent to Walmart, Amazon.com, Kroger, C&S Wholesale Grocers, Associated Wholesale Grocers, McLane Co., Procter & Gamble, Tyson Foods and Kraft Heinz. The companies will have 45 days to respond.

In addition to better understanding the reasons behind

the disruptions, the study will examine whether supply chain disruptions are leading to specific bottlenecks, shortages, anticompetitive practices or contributing to higher consumer prices.

The orders require the companies to detail the primary factors disrupting their ability to obtain, transport and distribute products; the impact these disruptions are having in terms of delayed and canceled orders, increased costs and prices; the products, suppliers and inputs most affected; the steps the companies are taking to alleviate disruptions; and how they allocate products among their stores when they are in short supply.

The FTC is also requiring

the companies to provide internal documents regarding the supply chain disruptions, including strategies related to supply chains; pricing; marketing and promotions; costs, profit margins and sales volumes; selection of suppliers and brands; and market shares.

In addition, the agency is soliciting comments from retailers, consumer goods suppliers, wholesalers, and consumers regarding their views on how supply chain issues are affecting competition in consumer goods markets.

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