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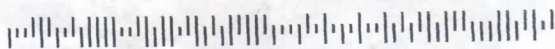
**TIDE GATES ON
PRIVATE LANDS**

**OCA WOLF
LITIGATION**

**NEWS FROM BREED
ASSOCIATIONS**

P-2 P17 2

*****3-DIGIT 971
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Periodical

THE LOSS OF COASTAL RANCH AND FARM LANDS

from the OCA Private Lands Committee

For producers on the western side of Oregon, a looming issue has reached the forefront of discussion. Tide gate replacement has the potential to have a substantial impact on farms and ranches of the Oregon Coast. Stakeholders have been involved with discussion to provide input and develop a plan moving forward.

Tide gates keep high river water out of fields and allow ditches to drain during periods of low water. It is a given that thousands of tide gates along the Oregon coast are failing or will soon fail. When they fail, pastures will be flooded with each high tide. Therefore, if sound judgement is not applied in their replacement, there may soon be a major loss of productive ranch and farm lands on the Oregon Coast.

So why don't the ranchers and farmers just replace their failed tide gates? Well, it all boils down to unreasonable government regulations. Regulations that have evolved over the past 25 years place an unreasonable burden on land owners. Regulations now require fish friendly tide gates. Fish friendly tide gates allow for fish passage and are extremely expensive, costing 25 to 50 times more than traditional non-fish friendly tide gates. While fish passage may be appropriate in some circumstances, it certainly is not necessary for every drainage ditch to have a fish friendly tide gate.

Commenting on fish passage OCA Private Lands Committee Chair Craig Herman, said, "There is no valid science that demonstrates replacement of every existing non-fish friendly tide gate with a fish friendly tide gate will dramatically save fish or is necessary for fish passage. The regulatory agencies need to determine which replacements are high priorities. Smaller tide gates should receive a no-cost waiver. Any tide gate replacement that requires the extremely expensive fish friendly type of tide gate should be fully paid for by the controlling government agencies. If the government is unwilling to pay for replacement, then the tide gate owner should receive a waiver from having to replace his tide gate with a fish friendly tide gate."

Now let's consider the millions and millions of dollars that have been spent to date on fish passage. There are two known bridges on Highway 38 that replace culverts to provide fish passage at a high expense. Obviously, there have been many more highway projects of a similar nature. There have also been a number of very expensive fish friendly tide gates constructed on coastal drainages. So how much fish passage is necessary and where does the fish passage requirement end?

Tide Gate Outreach meetings are being held in four

coastal communities (Coquille, Newport, Tillamook, and St. Helens) facilitated by the Oregon Association of Counties, Oregon Watershed Enhancement Board, Oregon Farm Bureau and Oregon Cattlemen's Association.

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Above is an example of a fish friendly tide gate. Its actual name is a muted tidal regulator. It allows fish passage and is only closed when the tides reach a predetermined level which prevents flooding of fields. It is extremely expensive to construct, install and maintain. They may have a place on critical streams and back waters where fish passage is truly needed.



Above is an example of a traditional top hinge tide gate the many ranchers and farmers have. They were originally installed over 100 years ago and have been maintained and replaced as needed over the years. They are economical to install and maintain.

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The purpose of the Tide Gate Outreach meetings is to find a reasonable and affordable solution to the pending crisis.

OCA Executive Director Jerome Rosa elaborated on the matter by saying, "Craig Herman brought this issue forward to OCA originally and since then we've included several collaborators to work out a solution. When we first began, the idea was to streamline the process for smaller tide gates to be repaired, which takes up to five government agencies to approve repair or replacement. Now the focus is to find ways to simplify the process and to provide additional engineering and manufacturing of tide gates. I think these meetings are accomplishing this very important goal."

The initial planning meetings were held in September with the first full meetings held in December. There was a significant amount of discussion at these meetings pertaining to the complexity of the permit process, the time involved, the cost of applying for permits, and the extremely expensive cost of fish friendly tide gates. There were no answers as to where the money would come from to implement what is now being required. A number of meeting attendees also express valid concerns about the related areas of maintaining drainage ditches or dikes and the challenges of obtaining

permits to perform routine maintenance.

Herman offers this perspective, "From reading of various regulations (Clean Water Act, Rivers and Harbors Act of 1899, Endangered Species Act and various Fish Passage Laws), I think they are being applied incorrectly. I do not see that the extremely complex and costly permit and approval process is justified. It would appear that the United States Army Corps of Engineers (USACE) has taken a one size fits all permitting approach which results in a rather time intensive, costly and daunting process. What is needed is a more reasonable interpretation of regulations, rules and requirements."

The engagement of local stakeholders has been and will continue to be crucial for a balanced solution to be determined. Factors of ecological resilience, economic reasoning and community values will need to be stable for an effective solution to be attained. Herman urged these final thoughts, "Given the broad scope of this problem and the challenges in trying to get various government agencies (United State Corps of Army Engineers, NOAA National Marine Fisheries Service, EPA and other agencies) to take a reasonable and balanced approach, I believe that legislative relief is needed. The clock is ticking, and when the farm and ranch lands are lost, they will never be reclaimed."

WOOD V BAR X RANCH

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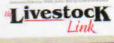
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For Subcutaneous Use in Beef Cattle, Non-Lactating Dairy Cattle and Swine Only.
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Brief Summary: Before using Enroflox[®] 100, consult the product insert, a summary of which follows.

CAUTION: Federal (U.S.A.) law restricts this drug to use by or on the order of a licensed veterinarian. Federal (U.S.A.) law prohibits the extra-label use of this drug in food-producing animals.

PRODUCT DESCRIPTION: Each mL of Enroflox 100 contains 100 mg of enrofloxacin. Excipients are L-arginine base 200 mg, n-butyl alcohol 30 mg, benzyl alcohol (as a preservative) 20 mg and water for injection q.s.

INDICATIONS:

Cattle - Single-Dose Therapy: Enroflox 100 is indicated for the treatment of bovine respiratory disease (BRD) associated with *Mannheimia haemolytica*, *Pasteurella multocida*, *Histophilus somni* and *Mycoplasma bovis* in beef and non-lactating dairy cattle; and for the control of BRD in beef and non-lactating dairy cattle at high risk of developing BRD associated with *M. haemolytica*, *P. multocida*, *H. somni* and *M. bovis*.

Cattle - Multiple-Day Therapy: Enroflox 100 is indicated for the treatment of bovine respiratory disease (BRD) associated with *Mannheimia haemolytica*, *Pasteurella multocida* and *Histophilus somni* in beef and non-lactating dairy cattle.

Swine: Enroflox 100 is indicated for the treatment and control of swine respiratory disease (SRD) associated with *Actinobacillus pleuropneumoniae*, *Pasteurella multocida*, *Haemophilus parasuis* and *Streptococcus suis*.

RESIDUE WARNINGS:

Cattle: Animals intended for human consumption must not be slaughtered within 28 days from the last treatment. This product is not approved for female dairy cattle 20 months of age or older, including dry dairy cows. Use in these cattle may cause drug residues in milk and/or in calves born to these cows. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal.

Swine: Animals intended for human consumption must not be slaughtered within 5 days of receiving a single-injection dose.

HUMAN WARNINGS: For use in animals only. Keep out of the reach of children. Avoid contact with eyes. In case of contact, immediately flush eyes with copious amounts of water for 15 minutes. In case of dermal contact, wash skin with soap and water. Consult a physician if irritation persists following ocular or dermal exposures. Individuals with a history of hypersensitivity to quinolones should avoid this product. In humans, there is a risk of user photosensitization within a few hours after excessive exposure to quinolones. If excessive accidental exposure occurs, avoid direct sunlight. For customer service, to obtain a copy of the Safety Data Sheet (SDS) or to report adverse reactions, call Norbrook at 1-866-591-5777.

PRECAUTIONS:

The effects of enrofloxacin on cattle or swine reproductive performance, pregnancy and lactation have not been adequately determined.

The long-term effects on articular joint cartilage have not been determined in pigs above market weight. Subcutaneous injection can cause a transient local tissue reaction that may result in trim loss of edible tissue at slaughter. Enroflox 100 contains different excipients than other enrofloxacin products. The safety and efficacy of this formulation in species other than cattle and swine have not been determined.

Quinolone-class drugs should be used with caution in animals with known or suspected Central Nervous System (CNS) disorders. In such animals, quinolones have, in rare instances, been associated with CNS stimulation which may lead to convulsive seizures. Quinolone-class drugs have been shown to produce erosions of cartilage of weight-bearing joints and other signs of arthropathy in immature animals of various species. See Animal Safety section for additional information.

ADVERSE REACTIONS: No adverse reactions were observed during clinical trials.

ANIMAL SAFETY:

In cattle safety studies, clinical signs of depression, incoordination and muscle fasciculation were observed in calves when doses of 15 or 25 mg/kg were administered for 10 to 15 days. Clinical signs of depression, inappetence and incoordination were observed when a dose of 50 mg/kg was administered for 3 days. An injection site study conducted in feeder calves demonstrated that the formulation may induce a transient reaction in the subcutaneous tissue and underlying muscle. In swine safety studies, incidental lameness of short duration was observed in all groups, including the saline-treated controls. Musculoskeletal stiffness was observed following the 15 and 25 mg/kg treatments with clinical signs appearing during the second week of treatment. Clinical signs of lameness improved after treatment ceased and most animals were clinically normal at necropsy. An injection site study conducted in pigs demonstrated that the formulation may induce a transient reaction in the subcutaneous tissue.

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ONE OF YOUR OWN

OCA hopeful to see Herman serve on Fish & Wildlife Commission

by Oregon Cattlemen's Association Communications Director Mary Jo Foley-Birrenkott

The policies and decisions of the Oregon Department of Fish and Wildlife (ODFW) have a significant impact on the everyday functions of ranchers in our state. Because of this, it is imperative that the perspectives of ranchers are voiced within the agency so that sound decisions can be made.

Most recently, Bobby Levy out of Eastern Oregon has served as the ranching representative on the ODFW Commission. Jerome Rosa, the Oregon Cattlemen's Association (OCA) Executive Director, issued these words about Levy's service on the Commission, "Bobby did a fine job representing Eastern Oregon farmers and ranchers during her many years on the ODFW Commission and we are extremely grateful for her time and efforts".

Following Levy's service, Jim Bittle, a recreational fishing enthusiast and sport boat manufacturer filled Levy's position on the Commission in Congressional District 2. The OCA lobbied hard to try to preserve the ranching position that had once been held, but ultimately was unsuccessful with the appointment of Bittle.

Recently, ODFW announced there would be an opening on the Commission in the Southern Oregon Coast region in Congressional District 4. Bob

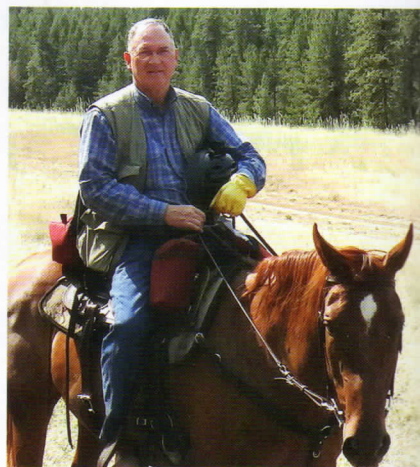
Webber, a hunting enthusiast and law firm partner out of Medford, who works part time on the south coast, currently holds the position.

OCA Private Lands Committee Chair Craig Herman has expressed interest in serving on the ODFW Commission. Herman has extensive experience and education concerning many of the critical issues that ODFW handles on a regular basis.

With the tensions high surrounding wolf predation, elk and deer damage, among other issues, the ranching community and the OCA is at a critical juncture to have their perspectives voiced on these dilemmas.

Herman owns a ranch in the Bandon area which has been in the family for over 100 years. He is a military veteran and retired Certified Public Accountant, splitting his time between his home in Canby, and his ranch in Bandon. Herman's brother owns a ranch adjoining his and they work together to manage their ranches collaboratively.

Herman's experience is also extensive within the OCA. While serving as the OCA Private Lands Committee Chair, he has been instrumental in fighting the transition of lands from private to public property, especially noted in Central Oregon. Further, Herman brought forward to the OCA,



issues involving Tide Gates, which greatly affects Western Oregon producers (see Tide Gate article on page 52).

In a vote of confidence towards Herman, Rosa said, "Craig is a pro-private lands fiscal conservative that would be a welcome perspective not currently on the ODFW Commission".

There have been several meetings with top officials within the ODFW and Governor's Office to introduce Herman.

With Herman's leadership and experience, the OCA and ranching community as a whole would be very fortunate to have him serving on the commission. Rosa urges OCA members and the public, "If you have any additional contacts at ODFW or with your legislators, please let them know that Craig would be an excellent candidate."