

Today is _____, _____ the _____. This is Ken Morgan's Northcoast Ag Report, our lead story is about _____ when we return

States Sue EPA to Prevent Insecticide Use

A coalition of states has filed a legal challenge to a Trump administration decision to keep a widely used pesticide on the market in spite of studies that show it can harm the development of children's brains. The coalition, led by New York, filed a motion to intervene in the legal battle over continued spraying of chlorpyrifos (Klor-peer'-uh-fahs). The coalition says Environmental Protection Agency Chief Scott Pruitt violated the law by ending his agency's efforts to ban the pesticide after federal scientists concluded it can interfere with brain development in fetuses and infants. Federal law requires EPA to make sure all food is safe for human consumption, especially children. Studies show that children are much more sensitive to potential effects from pesticides. Pruitt told Congress last month he made the decision based on meaningful data and science. Despite numerous requests from the Associated Press, the EPA hasn't provided any copies of the data they based the decision on. Chlorpyrifos is commonly sprayed on citrus fruits, apples, cherries, and other crops. Dow, the maker of the product, did not immediately respond to the news.

- [Actuality: Export Growth Numbers for Bulk Products](#)
Bryce Cooke, USDA economist, saying that U.S. bulk product exports during the first eight months of this fiscal year are far ahead of the same time frame last year.

House Subcommittee Limits USDA Cuts to 5 Percent

The House Agriculture Appropriations Subcommittee advanced the fiscal year 2018 spending bill for discretionary programs at USDA and other agencies at just over \$20 billion. That's a \$1.1 billion cut from last year's funding bill and 5.2 percent less than current funding levels. If those

numbers hold, USDA would get roughly \$876 million less in funding levels compared to the current year. However, that \$1.1 billion cut is actually \$3.7 billion less than President Trump's proposed cut to USDA alone. Republican Robert Aderholt of Alabama, the Subcommittee Chair, said he couldn't go along with the President's proposal to eliminate several rural development programs. A DTN report says the subcommittee bill also doesn't go along with the Trump proposal to eliminate as many as 17 USDA Ag Research Facilities across the country. Aderholt says a \$1.6 billion funding amount for areas such as the Farm Service Agency and conservation programs will ensure every county FSA office is fully manned.

From the National Association of Farm Broadcasting News Service.

Last Chance: Urge Trump Administration to Cut Back National Monuments in California

This Monday, July 10, is the deadline for ranchers to urge the Trump Administration to act to revoke or reduce national monument designations within California. Ranchers are encouraged to file comments by clicking the "Comment Now!" link [here](#).

On April 26, President Trump signed an Executive Order calling for review of National Monument designations made under the Antiquities Act since 1996 by presidents Bill Clinton, George W. Bush and Barack Obama.

In furtherance of the Executive Order, the Department of the Interior has issued a request for public comment seeking information about which National Monument designations should be reviewed and reconsidered. CCA has drafted extensive comments relating to nine national monuments within California, and will file them with the Department of the Interior before the Monday deadline.

While the Antiquities Act was originally intended to protect "historic landmarks, historic and prehistoric structures, [and] other objects of historic or scientific interest," recent presidents have instead used the Act to bypass Congress and local communities and to place heavy restrictions on massive areas of land. President Obama used the Antiquities Act more than any previous president—locking up 256 million acres of land and water in 30 separate designations.

CCA has long opposed such designations, because they often form a basis for removal or curtailment of livestock grazing.

For more information, contact Kirk Wilbur in the CCA office.

CDFW Collars Wolf, Confirms Lassen Pack

On Wednesday, the California Department of Fish and Wildlife (CDFW) announced that it had successfully collared a female wolf in Lassen County on June 30. The female is the first wolf residing in California to be radio-collared; though wolves radio-collared by the Oregon Department of Fish and Wildlife have previously ventured into California, such as OR-7 and OR-25, those wolves have ultimately returned to Oregon.

According to the CDFW, "The tracking collar...will collect data relative to her activity patterns, survival, reproduction and prey preferences."

Based on visual markers, CDFW believes the newly-collared wolf to be the female of the previously-identified Lassen Pair, though the Department will test DNA samples collected at the time it trapped and collared the wolf to confirm.

On July 1, CDFW sought to conduct a routine follow-up check on the female wolf. At that time, wildlife biologists encountered what appeared to be the tracks of wolf pups, and a number of photos captured on a nearby US Forest Service trail camera confirmed the presence of at least three pups belonging to what has now been dubbed the Lassen Pack.

According to a CDFW official contacted by CCA, the breeding male of the Lassen Pack has not been seen in approximately two weeks.

CCA is following up with CDFW to determine whether the agency intends to make use of radio-collar data to inform livestock producers (and if so, how), and CCA will also seek to ensure that the presence of wolves does not negatively impact grazing leases on the Lassen National Forest.

For more information, see the CDFW press release [here](#) or contact Kirk Wilbur in the CCA office.

EPA Moves to Rescind 2015 WOTUS Rule

On June 27, the Environmental Protection Agency (EPA) and Army Corps of Engineers (Corps) announced that they will rescind the 2015 Waters of the United States (WOTUS) Rule, which threatened to greatly extend the agencies' regulatory jurisdiction and impose burdensome regulatory requirements upon ranchers and other landowners.

The announcement comes on the heels of President Trump's February 28 Executive Order directing EPA Administrator Scott Pruitt to rescind the rule and replace it with a definition of "Waters of the United States" that conforms to the more limited interpretation outlined by late Supreme Court Justice Antonin Scalia in *Rapanos v. United States*. Rescinding the 2015 Rule is the first step in that process; once the 2015 Rule is repealed, the EPA will likely give notice of a proposed rulemaking

establishing a more limited interpretation of WOTUS.

CCA strongly supports the proposal to rescind the 2015 Rule, and will file formal comments to that effect with the EPA. Ranchers are encouraged to file comments supporting the 2015 Rule's withdrawal, as well, once it becomes available [here](#). (Search "EPA-HQ-OW-2017-0203" and click the "Comment Now!" button). Comments are due within 30 days of the proposed rule's publication in the *Federal Register* (as of press time, the rule has yet to be formally published, but CCA will update you on the deadline in future editions of *Legislative Bulletin*).

For more information, contact Kirk Wilbur in the CCA office.

Supreme Court Deals Blow to Property Rights in *Murr* Ruling

On June 23, the Supreme Court issued a 5-3 ruling in *Murr v. Wisconsin* that limited the rights of property owners by allowing states and local governments to avoid compensation liability under the Constitution's Takings Clause by treating multiple legally-distinct lots as a single parcel.

The case, argued by CCA ally the Pacific Legal Foundation (PLF), concerned whether government can take private property without just compensation merely because landowners own an adjacent lot. The Murrs were prohibited by Wisconsin regulators from selling or making productive use of a vacant riverfront lot, but regulators sought to avoid a compensable taking by treating the vacant lot and an adjacent lot- legally-distinct lots purchased at different times-as a single "parcel" for conducting their takings analysis.

In an opinion authored by Justice Kennedy, the Court established a multi-factor test to determine when multiple lots may be deemed a single parcel for takings analysis: "the treatment of the land under state and local law; the physical characteristics of the land; and the prospective value of the regulated land." Applying the test, the Court determined that both of the Murr's lots should be considered a single parcel and that no taking had occurred.

CCA is disappointed by the Supreme Court's decision in the case. In an effort to further protect private property rights, CCA, represented by Pullsbury Winthrop Shaw Pittman LLP, had submitted an *amicus curiae* (or "friend of the court") brief in support of the Murrs.

CCA will continue to fight alongside PLF and others to protect your private property rights. For more information on CCA's efforts in court, see the July/August edition of *California Cattleman*.