

## ARTICLES FOR 3-9-17 ROUNDUP

### **Court rules to lift federal protections for Wyoming wolves**

By MATT VOLZ and DAN ELLIOTT Associated Press

DAWN VILLELLA, ASSOCIATED PRESS

A U.S. appeals court on Friday ruled to lift protections that kept gray wolves an endangered species in Wyoming for years after federal officials removed packs in neighboring states from that list.

The ruling by the U.S. Court of Appeals for the District of Columbia doesn't take effect immediately, however. Environmental groups that want to keep the protections in place will have a chance to appeal.

Gray wolves were once hunted to the brink of extinction in the lower 48 states, but they recovered under Endangered Species Act protections and reintroduction programs. They now number around 5,500, including about 400 in Wyoming, according to the U.S. Fish and Wildlife Service.

Fish and Wildlife determined in 2011 that gray wolves were no longer a threatened species in Wyoming. State officials promised to maintain a population above the minimum 100 wolves, including 10 breeding pairs, outside of Yellowstone National Park and the Wind River Indian Reservation.

But U.S. District Judge Amy Berman Jackson sided with environmental groups in 2014, ruling that Wyoming's promise was unenforceable, and she rejected the state wolf management plan.

In its reversal, a three-judge panel of the appellate court said federal officials exercised proper judgment and adequately responded to concerns about Wyoming's management plan.

The environmental groups haven't decided whether to appeal, said Rebecca Riley, an attorney for one of the plaintiffs, the Natural Resources Defense Council.

But Riley added the decision is "a step backwards for wolf recovery in the West."

The Fish and Wildlife Service had no immediate comment Friday, spokesman Ryan Moehring said.

Wyoming state rules would establish wolf hunts, among other things.

"We're aware of the decision but don't have guidance yet on what it means in terms of wolf management," said Renny MacKay, a spokesman for the Wyoming Game and Fish Department.

Members of Congress from Wyoming, Michigan, Minnesota and Wisconsin have been pushing for federal legislation to remove gray wolves from the endangered list in their states before spring, when most cows and sheep give birth and are vulnerable to wolf attacks.

Republicans have long wanted to reduce the power of the Endangered Species Act, which can result in strict limits on land use. With Congress and the White House now under their control, Republicans plan to review the law this year.

Sen. John Barrasso, R-Wyo., chairman of Senate Committee on Environment and Public Works, said last month the law is not working.

Since the act was passed in 1973, 1,652 plant an animal species have been listed as endangered or threatened, but only 47 have recovered sufficiently to be taken off the list, he said.

Barrasso, Wyoming Sen. Mike Enzi and Rep. Liz Cheney, all Republicans, welcomed the appeals court ruling.

"Sound science, not the courts, should decide when a species is recovered," Cheney said. "This ruling will again put the process of managing the gray wolf back where it belongs — in Wyoming's capable hands."

Republican Gov. Matt Mead said he looks forward to a time when the state can officially take over management of the wolf population.

## **Alaska Seeks to Retain State Management of Cook Inlet Fishery**

(Anchorage, AK) – The State of Alaska today requested the U.S. Supreme Court to review and reverse a decision by the Ninth Circuit taking away state control of the salmon fishery in Cook Inlet. The State has managed this fishery since statehood, and the federal and state entities have all agreed that state management is better at preventing overfishing in this area.

"This is an area where the federal government recognizes the State's expertise and agrees that the State is better equipped to manage the fishery, even in federal waters," said Attorney General Jahna Lindemuth. "We hope the U.S. Supreme Court will review this important issue and reverse the Ninth Circuit's decision."

The United Cook Inlet Drift Association and the Cook Inlet Fishermen's Fund sued the National Marine Fisheries Service (NMFS) in 2013 challenging state management of the Cook Inlet salmon fishery in federal waters. Although the salmon fisheries occur partly in federal waters, NMFS agreed that the State's longstanding management of the fisheries better protected fish stocks. The State intervened to support NMFS' decision and retain state management authority.

The Alaska District Court granted summary judgment to NMFS and the State and found the State could continue managing the fisheries. On appeal, the Ninth Circuit reversed. The State is hoping the U.S. Supreme Court will preserve state management in the federal waters of lower Cook Inlet and other areas that may be impacted by the decision. If the decision stands, the State will no longer be able to manage these fisheries, and NMFS will have to create an entirely new management plan.

## **Hawaii sues to block Trump's revised travel ban**

Barnini Chakraborty By Barnini Chakraborty Published March 08, 2017 FoxNews.com

Hawaii to sue Trump administration over revised travel ban

Lawyers for the State of Hawaii on Wednesday asked a federal judge to temporarily block President Trump's revised executive order on immigration. The move could signal a wave of lawsuits expected to follow over the constitutionality of the proposal.

Hawaii's Attorney General Doug Chin, a Democrat, filed the legal challenge in federal district court in Hawaii. Lawyers for the state argued that "the new executive order is resulting in the establishment of religion in the State of Hawaii contrary to its state Constitution."

The filing also says the revised ban will damage Hawaii's "economy, educational institutions, and tourism industry; and it is subjecting a portion of the state's citizens to second-class treatment and discrimination, while denying all Hawaii residents the benefits of an inclusive and pluralistic society."

Lawyers for the state said they will move for a temporary restraining order on March 15, a day before the new executive order is supposed to take effect.

"This new executive order is nothing more than Muslim Ban 2.0," Chin said in a statement Monday. "Under the pretense of national security, it still targets immigrants and refugees. It leaves the door open for even further restrictions."

The new order bars new visas for people from six predominantly Muslim nations and temporarily shuts down America's refugee program, affecting would-be visitors and immigrants from Iran, Syria, Somalia, Sudan, Yemen and Libya.

Hawaii was among several states that took the Trump administration to court over the first ban that was rolled out hastily by the White House.

In all, more than two dozen lawsuits were filed to the original travel ban. One suit, filed in Washington state, succeeded in having the order suspended by arguing that it violated constitutional protections against religious discrimination.

After a federal appeals court upheld the Washington State Judge's nationwide restraining order early last month, the Federal District Court in Hawaii hit the pause button on its initial lawsuit. The same federal appeals court, the 9th Circuit, has jurisdiction over Hawaii and would handle any appeal stemming from a ruling there.

## **Hawaii launches first legal challenge to revised travel ban**

The Guardian

State files request to revise a lawsuit filed against the original travel ban, arguing new version remains incompatible with freedom of religion protections.

Donald Trump's newly revised travel ban faced its first legal challenge late Tuesday evening as the state of Hawaii filed a request in federal court to revise a lawsuit previously lodged against the president's first failed ban.

Trump's new executive order, signed on Monday, bars new visas for people from six Muslim majority countries and replaces an initial order issued on 27 January, which was chaotically rolled out and subsequently halted by a federal court following a barrage of legal challenges from states and advocate groups across the country.

The new order sought to alleviate some of these complaints by offering exemptions to lawful permanent US residents and current visa holders from the six countries, Yemen, Somalia, Sudan, Iran, Syria and Libya, as well as staggering the timeframe of implementation.

But the state of Hawaii argues in a proposed amended complaint that the new order remains incompatible with freedom of religion protections in both the state and federal constitutions, would harm the state's economy and educational institutions, and would prevent Hawaiians with family members in the six targeted countries from reuniting.

"Given that the new Executive Order began life as a 'Muslim ban', its implementation also means that the State will be forced to tolerate a policy that disfavors one religion and violates the Establishment Clauses of both the federal and state constitutions," the proposed complaint states.

Hawaii's lawsuit against the first travel ban had been placed on hold after another federal lawsuit filed by the state of Washington led to a national injunction upheld by the ninth circuit appeals court.

The new motion proposes a hearing on 15 March, a day before Trump's revised travel ban goes into full effect. It also states that government attorneys tasked with defending the ban had no position on the request for an amended lawsuit.

It remains unclear whether other states that challenged Trump's first ban will follow Hawaii's lead. The Washington state attorney general, Bob Ferguson, said on Monday he was "carefully reviewing" the new order. As of Wednesday morning Ferguson had filed no new motions in the case.

The New York state attorney general, Eric Schneiderman, also said on Monday he was "closely reviewing the new order" but has yet to announce any further action.

## **Attorney General Donovan And Immigration Task Force Release Guidance For Cities And Towns On Immigration Enforcement**

Attorney General Thomas J. Donovan Jr., today provided municipalities with a guide should they consider a response to recent changes in federal immigration policy and enforcement. The guide, which is a pamphlet produced by the Immigration Task Force and the Attorney General's Office, gives cities and towns an overview of current federal immigration policy and model policies for

municipalities. The purpose of the document is to promote public safety and ensure local law enforcement can protect vulnerable communities and persons, while complying with federal law.

Attorney General Donovan said: “The relationship of trust between local law enforcement and the communities they serve is an essential part of safe cities and towns. This document is meant to protect that relationship and provide information to Vermont cities and towns as they review federal immigration policy.”

## **AG FERGUSON’S STUDENT LOAN BILL OF RIGHTS PASSES THE HOUSE**

Legislation provides resources for student borrowers, standards for loan servicers

OLYMPIA — Attorney General Bob Ferguson’s Student Loan Bill of Rights legislation passed the Washington House of Representatives on Wednesday with bipartisan support.

House Bill 1440 establishes baseline standards for student loan servicers, in addition to creating a student loan ombuds to help resolve student complaints and to educate borrowers about student loans.

The Student Loan Bill of Rights cleared the House by a bipartisan vote of 71-27. It now heads to the Senate for consideration.

“My office has received hundreds of consumer complaints from student borrowers,” Ferguson said. “The resources this legislation provides will help thousands of Washingtonians who are overburdened with student debt. It also holds student loan servicers accountable to clear standards.”

Rep. Monica Stonier, D-Vancouver, sponsored the Student Loan Bill of Rights in the House.

“The basic servicer standards the Student Loan Bill of Rights creates are essential to protecting student borrowers,” said Rep. Stonier. “The bill will also protect students by ensuring that those servicers are held accountable if they fail to follow the rules.”

Sen. Marko Liias, D-Lynnwood, backed the companion bill Senate Bill 5210.

“As a 2003 grad who’s still repaying my student loans, I know what it’s like to wrestle with long-term debt. We need to give consumers basic protections against bad actors. Empowering our Attorney General’s Office and creating a new student loans ombuds will ensure that borrowers and families have advocates and assistance when they need it,” Sen. Liias said.

Connecticut and California, in addition to Washington, D.C., have enacted similar legislation.

The Student Loan Bill of Rights is one of two agency-request bills related to student borrowers that Ferguson has proposed this session. The Senate version of the Student Loan Transparency Act, SB 5022, passed the Senate unanimously on Wednesday. That legislation requires colleges

and other institutions of higher education to provide notices to students detailing their loan balances and estimated monthly payments within 30 days of the disbursement of the loan.

Attorney General Ferguson is committed to standing up for students by going after predatory for-profit colleges and making sure loan servicing companies play by the rules. He also has cracked down on debt adjustment companies that charge fees to help borrowers consolidate their federal student loans and enroll in income-driven repayment plans — tasks that borrowers' loan servicers can and should help them with for free. More information on the office's student loan work is available [here](#).

Anyone with questions about student loan servicers should read the Attorney General's new student loan guide.

## **Rutledge Unveils Easy-To-Use Consumer Tip Cards**

Covers automobiles, finances, homes, identity and technology

LITTLE ROCK – As part of National Consumer Protection Week and her ongoing efforts to educate Arkansans to protect them from scams, fraud and identity theft, Arkansas Attorney General Leslie Rutledge is making available new easy-to-use consumer tip cards, which are obtainable on the recently redesigned ArkansasAG.gov or for delivery by mail.

The cards, which are also available in Spanish, offer quick, easy-to-read tips with infographic artwork to help Arkansans make decisions when it comes to automobiles, finances, homes, identity and technology. The series of five cards include: Best Practices for Automobile Owners; Tips to Protect Your Credit and Finances; Recommendations for Homeowners, Landlords and Tenants; Ways to Avoid Identity Theft; and Safe and Smart Technology Tips.

“These new consumer tip cards are a great resource for Arkansans and will help them protect their finances and identity,” said Attorney General Rutledge. “The responsibilities of life seem to always have us moving faster and faster, but protection from criminals and con artists must remain a high priority.”

Tip cards can be ordered in English or Spanish by completing the short online form or emailing [community@ArkansasAG.gov](mailto:community@ArkansasAG.gov).

## **Timber Buyers Barred from “Abusive and Deceptive” Conduct in Iowa Tree Harvests**

Miller alleges Illinois and Iowa timber buying operations cheated and mistreated rural Iowa landowners, including elderly

DES MOINES – Two timber buying companies—one from Illinois and one from Iowa—must reform their business practices in Iowa, through a court-approved agreement with Attorney General Tom Miller. The agreement follows complaints from elderly rural property owners.

The agreement, through a consent judgment and injunction approved by Polk County District Court Judge Eliza Ovrom, resolves a consumer fraud investigation against Central Illinois

Hardwood Inc., of Green Valley, IL, and Harvest Hardwood Inc., of Oskaloosa, Iowa. The consent judgment also names David Nash of Green Valley, owner of both companies; Richard Nash of Ramsey, Illinois; and Matt Groenendyk of Lovilia, Iowa, doing business as Buck Creek Timber and Veneer.

“We alleged that the defendants repeatedly took advantage of elderly rural property owners by underpaying for valuable walnut trees and other hardwoods, taking more trees than they were authorized to harvest, and leaving properties damaged and scarred,” Miller said. “This agreement will reform how these timber buyers do business, and put an end to abusive and deceptive practices,” he added. “We want to make sure Iowa landowners are treated fairly.”

The consent judgment requires the defendants to comply with the Iowa Door-to-Door Sales Act, which provides a three-day right to cancel an agreement entered into at the consumer’s home, and requires clear written notification of that right. The defendants also must use a written contract that clearly sets forth which trees will be harvested, how long it will take, and exactly how much the landowner will be paid—with at least half that amount paid to the landowner upfront.

Miller said that in investigating this case, it became clear that rural landowners with valuable timber too often agreed to loose harvesting arrangements that led to exploitation. Miller urges landowners approached by timber buyers to go slow and to protect their interests through written agreements and contracts.

#### Landowner Resources and Legal Protections Available

Several state agencies, including the Iowa Department of Natural Resources (DNR) and the Iowa State University (ISU) Extension and Outreach, offer guidance to landowners who are considering selling timber:

An ISU Extension and Outreach web page, called “Marketing Forest Products,” provides free downloadable publications, including “Marketing Iowa Timber,” and timber sale notices and sale contracts.

An Iowa DNR web page provides general information about harvesting trees, including an overview of the Iowa Timber Buyers Law, a list of bonded tree buyers, and the “Top Ten Things Not to Do when Selling Timber.”

The Iowa Waste and Trespass law (§658.4) requires anyone who willfully injures another’s trees to pay “treble” damages -- three times the amount of the actual damage sustained.

#### Tips for Landowners Considering Selling Trees

Don’t act in haste. An unexpected and unsolicited offer of thousands of dollars for some trees may seem like a welcome windfall, but it may fall far short of the trees’ actual value. Take the time to get other estimates, and confer with friends, family members, or other trusted advisors.

Research best practices in selling timber. Carefully managed, periodic sales may be best for the timber stock, and may also maximize the landowner's return. Having hardwoods that can be harvested prudently over time has been compared to drawing on a retirement account.

Make sure someone wanting to buy your timber is properly bonded. Iowa law requires timber buyers to be bonded and file proof of the bond with the DNR's Forestry Bureau. But the maximum bond required is \$15,000, which might not cover all losses a landowner might suffer.

Seek the advice of a DNR district forester, private sector consulting forester, university extension services, and other experts. As noted above, a lot of their guidance is available online.

For more information or to file a complaint, contact the Consumer Protection Division through the Attorney General's website at [www.IowaAttorneyGeneral.gov](http://www.IowaAttorneyGeneral.gov) or email directly to consumer@iowa.gov. Consumers can also call the Consumer Protection Division at 515-281-5926, or outside the Des Moines area, toll free, at 888-777-4590.

## **Legal weed, Idaho customers breathe life into tiny Oregon town, irk Otter**

Joe Jaszewski [jjaszewski@idahostatesman.com](mailto:jjaszewski@idahostatesman.com)

BY SVEN BERG

[sberg@idahostatesman.com](mailto:sberg@idahostatesman.com)

Huntington has become a hot destination, even if most visitors only stay long enough to buy marijuana products from the dispensaries in town.

Not much more than a year ago, the city was fading, its population slowly diminishing, as has been the case in countless small towns across the American West. Businesses like the truck stop east of town closed, and the flow of visitors thinned after the freeway bypassed the city.

Then the "green gold" arrived, and Huntington underwent a mini-boom. On a busy day, the number of visitors arriving might outnumber the city's 435 citizens. Many of them come from Idaho, ready to spend their money on a drug that's illegal in their home state.

"A lot of times they have to hang around quite awhile," City Councilman Chuck Guerri said. "When (the dispensaries) are really busy, it's two, two-and-a-half hours before (customers) get their product. So they mingle and they go to the store. They sit and have a hamburger or something. And all that helps. Every little bit of it helps when you're a small town."

City Hall might reap enough tax money from marijuana and related sales to double the city's \$200,000 budget.

These benefits appear to have eased the concerns of some residents who opposed legalizing the drug, which the federal government ranks alongside heroin, bath salts, LSD and other bad-reputation substances.

“There are a few people that are still very much against it,” said Shellie Nash, Huntington’s deputy city recorder. “And we expect that that’s always going to be that way. But we have had people that were against it at first that have since seen the impact it is having on the town and have seen that it’s not bringing in riffraff and stuff like they originally expected.”

#### IDAHO CUSTOMERS

Drive 30 miles southeast of Huntington on Interstate 84 and you’ll cross the Snake River into Idaho, where marijuana is illegal and the Republican governor, Butch Otter, is sick of neighboring states flouting the federal government’s ban of the drug.

Otter recently challenged new President Donald Trump to reverse his predecessor’s failure to enforce federal marijuana laws.

With 660,000 people, the Treasure Valley, which starts somewhere around the border, is home to the biggest population center in the region. It’s no coincidence that a big chunk of Huntington marijuana dispensaries’ customers hail from the Treasure Valley. Shortly after 9 a.m. on Feb. 24, 12 of 14 cars parked at 420Ville, one of Huntington’s two dispensaries, had Idaho license plates.