

## Court: State can regulate waterways

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**Tags:** cow manure Department of Ecology Joseph Lemire Washington State Supreme Court water pollution

In a case involving a Dayton rancher, the Washington state Supreme Court has upheld state officials' authority to regulate cow pies in streams.

The case involved Joseph Lemire, who grazes cattle in a pasture bisected by Pataha Creek. In 2003, the Department of Ecology and the Columbia Conservation District identified Lemire's ranching practices as contributors to poor water quality in the creek, according to court documents.

Ecology officials tried to work with Lemire to improve his practices and later issued administrative orders for him to fence off the stream to prevent the cows from getting into Pataha Creek, court documents said. However, Ecology staff members said they continued to see cattle and manure in the creek, along with erosion from cows trampling the bank.

Lemire filed an appeal in Columbia County Superior Court, which ruled that Ecology officials failed to show that the cows were actually polluting the creek.

Thursday's ruling by the Supreme Court upheld the Ecology Department's ability to enforce pollution rules, saying the department staff has broad authority to regulate anyone discharging into waterways.

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