

Ecology asks Wash. court to reassess water ruling

Decision restricts DOE's power to rearrange rights

By DON JENKINS
Capital Press

OLYMPIA — The Washington Department of Ecology has asked the state Supreme Court to reconsider a ruling that rebuked the agency for rearranging water rights based on what it considered to be an overriding public interest.

DOE argues the 6-3 decision last month undermines its

ability to allocate scarce water to benefit the public. In this case, DOE authorized the city of Yelm in Western Washington to draw more groundwater to accommodate population growth.

The court scotched the plan because it would have put surrounding rivers and creeks at risk of occasionally falling below state-mandated minimum flows, a water right senior to Yelm's new right.

The Supreme Court has not decided whether to reconsider, a court official said Nov. 10.

A lawyer for Thurston County landowner Sara Fos-

ter, who sued to stop the water redistribution, said the court has not asked him to respond to DOE's written argument for reconsideration. "I think the decision was well reasoned and legally sound," attorney Patrick Williams said.

Although the decision did not directly involve an agricultural water right, the case sets an important precedent for farmers with senior water rights, said Toni Meacham, executive director of the Washington State Agricultural Legal Foundation.

DOE overreached and impaired a senior water right,

said Meacham, who is not representing any party in the case. "They went ahead and rationalized it with that concept of 'overriding considerations of public interest,'" she said.

DOE's appeal for reconsideration hinges on whether DOE can permanently redistribute water withdrawals in the public interest at the expense of stream flows. Minimum stream flows are meant to protect fish, wildlife, recreation, scenery, navigation and livestock watering.

The court's majority ruled that such withdrawals could

only be temporary, an interpretation that dissenting judges called "novel and unprecedented."

The suit did not challenge DOE's authority to temporarily transfer water rights in a drought emergency.

The court rejected DOE's contention that potential damage caused by low flows could be more than made up for with riverbank projects.

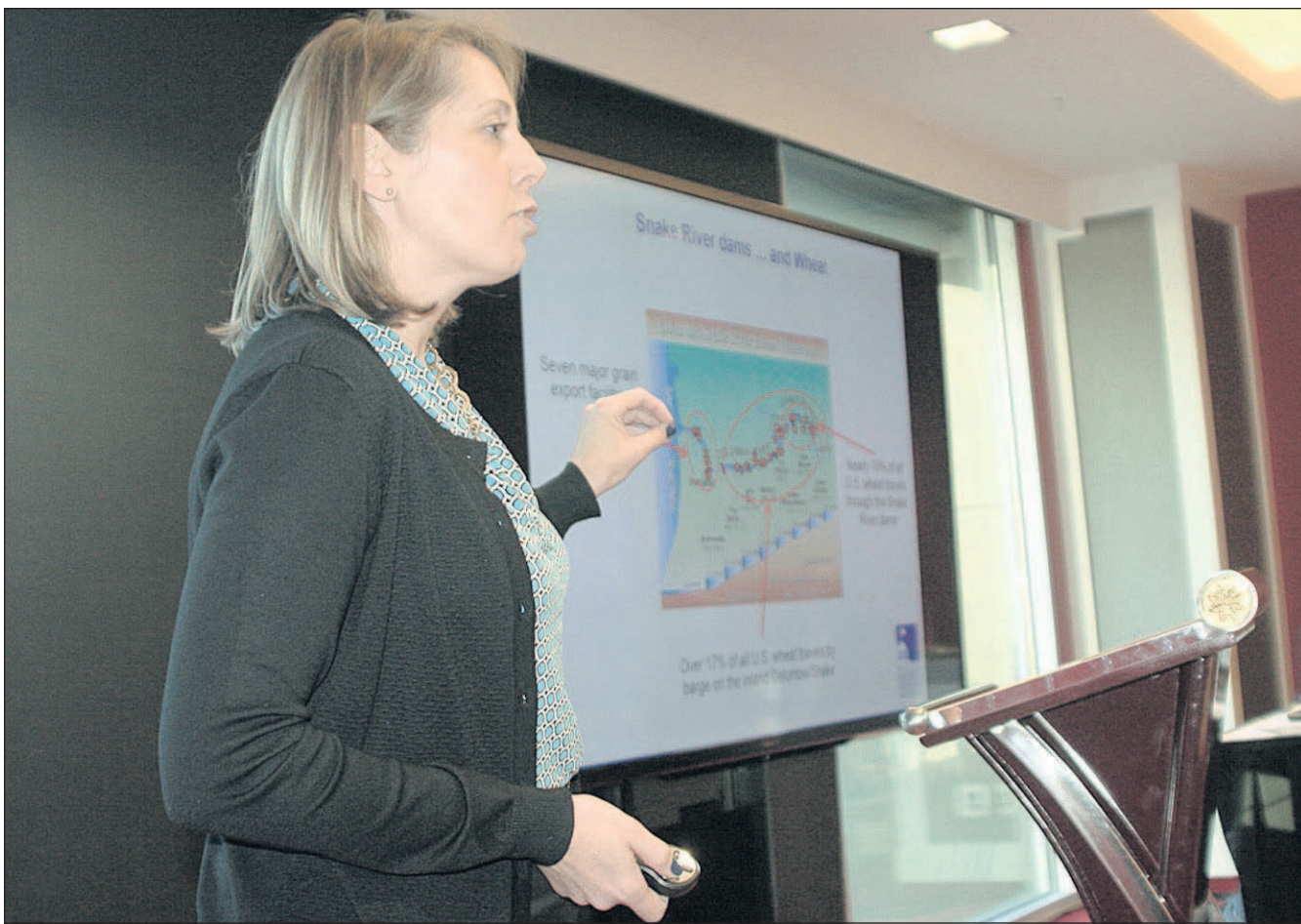
DOE and Yelm maintain that depriving the city of more water will encourage the proliferation of residential groundwater wells, spurring urban sprawl and sucking

more water from streams.

Foster received support from the Center for Environmental Law & Policy, which praised the ruling as an affirmation of DOE's obligation to protect in-stream flows.

Some Washington farmers last summer faced rare drought-driven irrigation water cutbacks because of minimum-flow rules.

In the Foster case, Meacham said DOE acted alone to reorder water rights. "That, to me, is a huge red flag," she said. "If agriculture needs more water, then ask for a change of law."



Matthew Weaver/Capital Press

Kristin Meira, executive director of the Pacific Northwest Waterways Association, outlines opponents' arguments for dam removal on the Snake River system to members of the Idaho, Oregon and Washington grain commissions during a tri-state commission meeting Nov. 11 in Spokane.

Grain commissions plan to combat dam 'misinformation'

Opponents claim breaching would benefit orcas

By MATTHEW WEAVER
Capital Press

SPOKANE — The Pacific Northwest agencies representing grain farmers will unite to take a proactive approach against what they say is misinformation about the value of dams.

The Idaho Wheat Commission, Oregon Wheat Commission and Washington Grain Commission made the decision Nov. 11 in Spokane during a tri-state commission

Online

<http://www.snakeriverdams.com/>

meeting.

Kristin Meira, executive director of the Pacific Northwest Waterways Association, outlined recent efforts by groups to revive arguments in favor of removing dams on the Snake River.

The outdoor clothing design company Patagonia is the reason the argument recently resurfaced, Meira said. The company's founder and CEO is in favor of dam breaching and produced a documentary, "Dam Nation," that's "filled with inaccuracies," Meira said. Protest flotillas in Seat-

tle, Portland and the Lower Granite Dam near Lewiston, Idaho were assisted by funding from Patagonia, Meira said.

The groups' arguments include the claim that removal of the dams will help save orcas in the Puget Sound, Meira said. Orcas eat large Chinook salmon from the Columbia-Snake river system.

"Then they make the leap to, 'If we just breach the four Snake River dams, they'll have a lot more Chinook to eat,'" Meira said. "The problem with that argument is, the

reason the orca populations were decimated 40 to 50 years ago is because until the mid-1970s, people were out there rounding up the orcas in nets and hauling them away to Sea Worlds around the country."

Orca populations have been slowly increasing since the 1970s.

There are also more fish in the river system than before Bonneville Dam was constructed in the 1930s, Meira said, citing information from the Bonneville Power Administration and U.S. Army Corps of Engineers. The Snake River system averages a juvenile fish survival rate of 97 percent as they move through the dam.

Soil professor addresses tith conference

Reganold calls for 'transformative' changes to ag

By MATTHEW WEAVER
Capital Press

SPOKANE — Farmers need to balance four basic goals to advance sustainable agriculture, which can be a tall order, says a Washington State University soil scientist.

Longtime WSU soil science professor John Reganold was the keynote speaker Nov. 14 during the Tith Producers of Washington annual conference in Spokane.

As a member of a National Academy of Sciences committee from 2007 to 2010, Reganold helped author a report in Science magazine making recommendations for sustainable agriculture.

"Now we need to increase crop production and at the same time, improve the environment, financial performance and social well-being," he said.

He called for farming that would use a combination of methods and technologies to balance all four goals.

"The thing about conventional ag, it does a great job with yield, but at the expense of the other three," Reganold said.

Reganold wants to see "transformative" practices and systems, which would go beyond incremental approaches. That would include mixed crop and livestock production, grass-fed livestock, organic agriculture, conservation agriculture and perennial grains.

Annual grains provide 70 percent of calories globally

and make up roughly 70 percent of the world's cropland, Reganold said. He said annual plants have smaller root systems and are less beneficial to soil than roots of perennial crops.

Perennial wheat is in the development stage, but currently has lower yield than conventional wheat, he said. A commercial perennial wheat is still roughly 10 years away, Reganold said.

Agriculture is slowly changing, but the biggest factors keeping farmers from making the changes are markets, policy and uneven distribution of scientific information, Reganold said.

"The farmer is sitting in the middle, and this is what is affecting the farmer's decision — it's overwhelming," he said.

Reganold acknowledged that the concept sounds "utopian," noting the difficulty of being profitable, giving employees a good financial plan, have a good yield, take care of the soil and be good for the environment. It would likely be harder with livestock compared to plants, he said.

"We're moving in that direction with crops and we should be moving in that direction with animals," he said.

Reganold ended his presentation showing a picture comparing two different types of soil, one handful from conventional farming that he said was light, without much structure, and a handful from perennial wheatgrass with deep roots and high organic matter.

Reganold wants agricultural systems to be like the second soil.

"Those innovative systems, the common theme is, they all build the soil," he said.

Organic 101 workshop set for Twin Falls Dec. 3

By CAROL RYAN DUMAS
Capital Press

Farmers interested in organic production can find helpful information about getting into the business at an Organic 101 workshop planned Dec. 3 in Twin Falls, Idaho.

The workshop will feature organic market opportunities, certification training, organic nutrient sources, and a farmer panel discussion on tips for organic transition and certification.

"We are seeing renewed interest in the state, especially after the opening of Amy's Kitchen and Clif Bar (under construction) in Southern Idaho," said Jennifer Miller, healthy food and farms program director with the Northwest Center for Alternatives to Pesticides.

The workshop is presented by NCAP in partnership with the Idaho State Department of Agriculture and University of Idaho to help farmers meet the demand of the growing organic sector of agriculture.

Johanna Phillips, organic program manager with the

ISDA, which now certifies 166 Idaho farms, said there's been a steady increase in the number of farmers wanting information on the certification process and those completing certification for the first time.

The workshop sessions include:

- Organic certification requirements by ISDA.
- Organic nutrient sources and composting by Amber Moore and Mario de Haro-Marti at the University of Idaho.
- Organic market opportunities panel with representatives from Seneca Foods and Kelley Bean Co. moderated by ISDA.
- Assessing barriers and opportunities in organic farming by Carlo Moreno at the University of Idaho.
- Crop insurance options for organic producers by Heber Loughmiller of Leavitt Group Crop Insurance.

The workshop will provide valuable training for beginning organic farmers and anyone considering transition. Plus, the refresher can be of value to all certified farmers, Miller said.

Group touts strawberries for lowering risk of diabetes and Alzheimer's

By TIM HEARDEN
Capital Press

WATSONVILLE, Calif. — As strawberries are set to adorn many a dessert this holiday season, a commodity group is touting their healthful qualities.

The California Strawberry Commission is highlighting separate studies linking strawberry consumption to a lower risk of developing diabetes and Alzheimer's disease during November, which is the awareness month for both ailments.

In one of the studies, the USDA's Human Nutrition Research Center on Aging at Tufts University near Boston found that supplementing older adults' diets with about two cups per day can improve cognition.

In the other, Harvard University researchers found that women who ate strawberries at least once a month had a lower risk for developing diabetes than those who didn't.

Unveiled this year, the studies were funded by the strawberry commission as part of its ongoing nutrition research program, spokeswoman Caro-



Tim Hearden/Capital Press

Strawberries from Watsonville, Calif.-based Driscoll's Strawberry Associates are ready to be enjoyed. The California Strawberry Commission is touting a pair of studies linking strawberries to prevention of diabetes and Alzheimer's disease.

lyn O'Donnell said.

Such studies have an impact on consumers' attitudes, asserts Chris Christian, the commission's senior vice president.

"I think it certainly could increase demand" for strawberries as people understand their health benefits, Christian said. "We're working to promote the results so consumers and health professionals will

be better educated about the benefits of strawberries in their daily diet."

The group's promotional efforts include special recipes on its website, messages on social media and work with a couple of registered dietitians, Christian said.

The commission's research grants typically range from \$75,000 to \$100,000 per year, with priority given to projects that involve cost-sharing with other agencies or third parties. The panel plans to fund as many as three new nutrition projects in 2016, and the awards will be announced in January.

Nutrition research is a key part of many commodity groups' mission, and many groups swear by its ability to affect consumer choices. For instance, tree nut groups tout perceived health benefits as a big reason for increased product demand in foreign markets such as China and India as well as domestically.

Indeed, in a 2011 U.S. market study, the California Walnut Commission found that 86 percent of consumers believed walnuts are healthful and 61 percent said they were buying

more than they were five years earlier.

About 29 million Americans are diabetic and about 5.3 million in the United States have Alzheimer's, according to federal statistics.

The Tufts study compared mobility and cognitive test results of groups of people ages 60-75 who ate or abstained from strawberries and found that the strawberry-eating group showed improvement in spatial memory and word recognition, although they did not show measurable improvements in mobility, according to the commission.

The Harvard study tracked 37,000 nondiabetic middle-aged women over a 14-year period and found that women who ate more strawberries were less likely to develop higher levels of hemoglobin A1c, a marker for diabetes.

"We found that eating even a modest amount of strawberries on a weekly basis was associated with a decreased risk of developing diabetes," Harvard researcher Howard Sesso said when he presented the results to the American Diabetes Association earlier this year.