

# Farm group meets EPA's fee for What's Upstream records

Documents to cost \$2,000, agency says

By DON JENKINS  
Capital Press

A Washington state farm group last week assured the Environmental Protection Agency that it will pay \$2,000 for records related to the What's Upstream advocacy campaign.

Save Family Farming, whose members include Western Washington diaries under scrutiny by environmental groups, wants to know the depth of EPA's involvement and its motives for funding the campaign, the group's attorney, James Tupper, said.

The campaign to lobby state lawmakers to set mandatory buffers between farm fields and waterways was at odds with ongoing collaboration by government agencies and farmers to improve water quality, he said.

"It's really alarming that the EPA, outside that process, has apparently come up with



Don Jenkins/Capital Press

A Washington farm group has agreed to pay \$2,000 to the EPA for records related to its involvement in an advertising campaign lobbying for more strict regulations on farmers. The campaign included this billboard in Olympia, another in Bellingham and signs on buses.

its own solution," he said.

Beginning in 2011, EPA funded the What's Upstream campaign organized by the Swinomish Indian tribe, Seattle lobbying firm Strategies 360 and several environmental groups.

The partners include the Western Environmental Law Center, which has enlisted the pro bono services of University of Washington law students to research possible Clean Water

Act violations at concentrated animal feeding operations.

Save Family Farming was formed this year to respond to the threat lawsuits by the Western Environmental Law Center and to the What's Upstream campaign. The Freedom of Information Act allows agencies to charge for compiling and copying records. Tupper said Save Family Farming has asked the EPA to eventually waive the \$2,000 fee in the public interest. The group says it will widely publicize the information it receives.

The EPA abandoned What's Upstream in March after some federal lawmakers objected to the campaign's assertion that farmers are unregulated polluters and the apparent use of federal funds to lobby for a new state law.

The agency assured lawmakers it was ending the campaign, though the What's Upstream website and Facebook page remain online.

Already available public records show the EPA was kept informed and shared the organizers' goal of changing state law.

The records, however, do not form a complete picture, including exactly how much EPA invested in the project, though the agency apparently spent at least \$570,000.

The EPA in communications to Congress has shifted blame for the campaign to the Northwest Indian Fisheries Commission for failing to oversee the tribe's activities.

The tribe's chairman, Brian Cladoosby, told federal lawmakers in a letter that the EPA was "intimately involved" and provided "substantive guidance."

The EPA has adopted the position that it won't make any more comments about What's Upstream, pending an audit by the agency's inspector general on whether the campaign was a misuse of federal funds.

Tupper noted that the EPA funded surveys that were limited to likely Washington state voters and tested messages that could be used to build public support for mandatory buffers.

"The only reason you do this in a poll is if you're developing an initiative campaign," he said. "To have federal funds

spent to test messages for a new rule, that's something that should be pretty alarming."

Western Environmental Law Center attorney Andrea Rodgers Harris said Wednesday she has enlisted the pro bono services of UW law students for many projects.

"They have a responsibility to engage as lawyers to protect the public and protect our common public resources," she said. "We need more people working on this issue."

She declined to discuss what the students found or whether the law center will file new lawsuits.

Save Family Farming's director, Gerald Baron, said dairy farmers are confident that they're following regulations, but are nevertheless concerned about being sued, particularly after a federal judge in Eastern Washington ruled improperly handled cow manure could violate the Resource Conservation and Recovery Act.

"Anytime you're threatened with a lawsuit, you don't want to be in that position," Baron said. "Certainly, it causes sleepless nights."

# SW Idaho water outlook bright even as river flows decrease

By SEAN ELLIS  
Capital Press

BOISE — The southwestern Idaho water supply outlook is still good for 2016, but Boise River flow levels have dipped recently. That means some irrigation districts could have to start using water they have stored in reservoirs earlier than planned.

Pioneer Irrigation District has a full supply of reservoir storage water for its 5,800 patrons this year, said manager Mark Zirschky. But water flowing out of the reservoirs will start exceeding the amount flowing in within a few days.

That means the district will stop getting by on natural flow from the Boise River soon and will have to start using water stored in reservoirs about a month earlier than normal.

"Things will start tightening up and we'll start using storage water in the next couple of weeks," Zirschky said.

A string of warm days early in the season caused demand to surge quickly, he said.

"The Pioneer system is maxed right now," Zirschky said. "Demand is 100 percent now, which is odd for this time of year."

But an above-average snowpack year means the district started off with a good supply of water. Zirschky said 2016 is shaping up to be a lot like 2015, which was a normal water year. That means water flowed through the system until early October.

As long as the area doesn't have an extremely hot summer, "I think we should be as good as last year," he said. "If temperatures would be kind to us, that would help a lot."

Irrigators who depend on water from the Weiser River Basin face much better prospects in 2016 than they did in 2015, when the Weiser River system stopped delivering water at the end of August, well ahead of its normal mid-October shutoff date.

But snowpack in the basin was plentiful this year and there are still snowbanks on some of the lower mountain peaks, which is unusual, said Weiser River watermaster Brandi Horton.

# France bans U.S. cherries because of insecticide

By MATEUSZ PERKOWSKI  
Capital Press

France's decision to ban U.S. cherries won't have a big commercial impact on U.S. farmers but nonetheless raises troubling questions about trade, experts say.

The country is prohibiting cherry imports from any nation that allows growers to spray dimethoate, an insecticide the French suspect of threatening human health, according to USDA's Foreign Agricultural Service.

In terms of the impact on the U.S. cherry market, France's decision is largely irrelevant, said B.J. Thurlby, president of the Northwest Cherry Growers industry group.

"It's absolutely not something we're sitting here worried about," Thurlby said.

Last year, France bought less than \$500,000 worth of U.S. cherries, down from the most recent peak of \$2.7 million in 2011, according to USDA trade data.

To compare, Canada and South Korea — the largest buyers of U.S. cherries — each imported more than \$100 million worth of the crop in 2015.

"France is a very small



Dan Wheat/Capital Press

A worker dumps cherries from his picking bucket into a bin at a Washington orchard in this Capital Press file photo. France has banned U.S. cherries, which won't have major sales impacts but has troubling trade implications, experts say.

market for U.S. cherries, especially from the Pacific Northwest," said Mark Powers, executive vice president of the Northwest Horticultural Council.

Even so, the bigger concern is whether France's decision will have trade policy impacts, Powers said.

Under normal trade rules, countries establish maximum residue limits for pesticides and allow the importation of crops as long as they fall be-

low those thresholds, he said. In the case of dimethoate, Northwest cherry growers rarely use the insecticide and it wouldn't likely have residues on fruit headed to France, Powers said.

Nonetheless, France has prohibited all cherry imports from the U.S. simply because the insecticide can legally be used within its borders.

"France appears to have taken a very aggressive position in terms of banning

product even if our cherries don't have any residue of dimethoate," he said. "If there's no residue on the fruit, it still can't get into France, and that's a major concern."

The new approach is problematic because France may take the same unbending stance regarding other pesticides or crops, said Powers.

For example, the country bought more than \$137 million worth of tree nuts from the U.S. last year.

Another country may also emulate France's position regarding pesticide restrictions, which would also undermine normal trade rules, he said.

"Once countries start ignoring them, that's when you start seeing real problems," Powers said. "That's really the disturbing part, and trade policy implications are focused on that."

Though France's policy on the U.S. will be minimal, the USDA's Foreign Agricultural Service expects it could help countries that don't use dimethoate.

The insecticide is considered effective in killing the spotted wing drosophila, which invaded French orchards in 2010 and is expected to cause heavy losses this year, FAS reports. France had banned domestic use of dimethoate, prompting protests among its farmers who said the prohibition would benefit competitors from other nations.

Since French production of cherries will be reduced, the ban may indirectly help U.S. cherries penetrate markets where France traditionally exports its own crop, such as Britain and Germany, according to FAS.

# Growers happy with quality of early berry crops

By ERIC MORTENSON  
Capital Press

It's been a "very strange season," but Oregon's berries are doing quite well so far, crop consultant Tom Peerbolt said.

Record rain over the winter and unseasonable heat waves interspersed with stretches of cool days have posed some puzzles for Oregon growers as they harvest crops that have a combined annual farmgate value of nearly \$200 million. Berries, like many other

crops, are about two weeks earlier than usual due to the weather swings. In some cases, different types of berries are coming ready hard on the heels of other types.

"The earliness of everything has thrown everybody off center a bit," Peerbolt said. "It's hard on logistics when everything comes at once. It's hard for growers and processors to handle everything, but as long as it stays cool they can hold in the field longer."

Peerbolt is co-owner with his wife, Anna, of Peerbolt Crop Management in Portland. The company consults on strawberries, raspberries, blackberries and blueberries, primarily in Oregon but some in Washington as well.

As strawberry harvest wraps up, harvest of Duke, Bluecrop and Draper blueberries is underway and growers are about 10 days into raspberry harvest, Peerbolt said.

He said the traditional start of harvest for Marion blackberries, still Oregon's premier type 60 years after it was introduced, has always been the day after the Fourth of July holiday. This year, he expects harvest to begin two weeks earlier. Harvest of Black Diamond and Columbia Star blackberries, thornless cultivars that may gradually replace Marions, will begin sooner still.

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