

Monarch butterfly protections could restrict GMOs

Federal officials say threatened status may be warranted

By MATEUSZ PERKOWSKI
Capital Press

Federal regulators think monarch butterflies may be a threatened species, which could eventually provide biotechnology critics with a new justification for restricting genetically engineered crops.

The U.S. Fish and Wildlife Service recently said the butterfly may warrant listing under the Endangered Species Act, finding that environmental groups have furnished “substantial” data that indicates federal protection for the insect may be necessary.

Environmentalists claim that widespread adoption of “Roundup Ready” biotech crops resistant to glyphosate herbicides has increased usage of these chemicals, depleting the monarch’s milkweed habitat and drastically reducing its populations.

The Endangered Species Act is a “very powerful” tool that environmentalists hope to use against glyphosate and, by

The Issue

Mateusz Perkowski



proxy, herbicide-tolerant biotech crops, said Jay Vroom, executive director of Croplife America, an agribusiness group.

“It’s a real concern, without a doubt,” he said. “To single out the GE resistance and glyphosate technology is suspect and does not comport with scientific trends.”

The petition to list monarch butterflies as threatened is a new tactic in a broader campaign to discourage the cultivation of genetically modified organisms, said Damien Schiff, an attorney specializing in property rights and environmental law.

In the past, pesticide opponents have successfully used the Endangered Species Act to require the federal government to increase its scrutiny of various chemicals and limit their uses, he said.

“This is an element of the same general strategy,” Schiff said.

If environmentalists succeed in obtaining a listing for the mon-



Courtesy of Elizabeth A. Sellers, USGS

The U.S. Fish and Wildlife Service recently said the monarch butterfly may warrant listing under the Endangered Species Act.

arch butterfly, it would impact the spraying of glyphosate and other herbicides on biotech crops across the large geographic area occupied by the species, Schiff said.

Monarch butterflies in the Midwest — where they’re most populous — overwinter in mountainous areas of Mexico, while those in the West overwinter on the California coast.

“That raises the possibility of a huge critical habitat designation,” Schiff said.

Biotech critics were dealt a major legal setback in 2013, when the 9th U.S. Circuit Court

of Appeals decided that the USDA lacked authority to regulate genetically engineered crops that are not plant pests.

That opinion undermined the effectiveness of lawsuits challenging USDA’s environmental analysis of transgenic crops. Such cases had previously hindered the commercialization of “Roundup Ready” alfalfa and sugar beets.

Biotech critics have since shifted their approach. Recent efforts, for example, have focused on encouraging states and local governments to label or restrict genetically engineered crops.

Environmental groups say their ESA listing petition is motivated by a desire to halt the steep decline in monarch populations rather than an anti-biotech agenda.

Over the past two decades, the number of monarchs has dropped from roughly 1 billion to less than 35 million, their petition claims.

Even so, the environmental groups believe the main hazard facing the insect is the loss of summer breeding habitat due to GMO-related glyphosate applications, said Tierra Curry, senior scientist with the Center for Biological Diversity, one of the petitioners.

“We think one of the largest threats right now is increased pesticide use,” she said.

Defenders of pesticides and biotechnology discount this argument, pointing out that farmers have removed milkweed from their fields prior to the advent of biotechnology or glyphosate.

“We’ve been controlling milkweed a lot longer than Roundup has been available,” said Vroom of Croplife America.

The petitioners argue that unlike older herbicides, glyphosate kills the perennial plant’s roots

and prevents it from regenerating. The chemical is also much more prevalent now that major commodity crops can withstand it, they say.

“We do see a very strong correlation,” said Sarina Jepsen, endangered species program director for the Xerces Society, another petitioner. “I just don’t think farmers were (previously) as effectively controlling milkweed.”

If the species is listed, a possible remedy could involve farmers setting aside reserves free of biotech crops resistant to glyphosate, allowing milkweed to recover, she said.

The USFWS is unlikely to take drastic measures, said Curry. “I don’t think the Service is going to come out and tell people they can’t grow Roundup Ready crops.”

Possible restrictions would also not be immediate — the agency probably won’t decide whether or not to list the monarch until 2016, and then require another year to finalize the rules, she said.

The pesticide industry does not believe a listing is justified and plans to oppose the listing petition, said Vroom. “This is another marathon journey.”

Idaho’s “ag gag” law faces constitutional test

By MATEUSZ PERKOWSKI
Capital Press

Opponents of an Idaho law that prohibits secret recordings of farm operations will argue the statute should be thrown out as unconstitutional next month.

A federal judge has scheduled a hearing about Idaho’s so-called “ag gag” law for Feb. 17 in Boise, with oral arguments centering on whether the statute violates free speech and equal protection rights.

Under the law, which Idaho enacted in 2014, it’s a crime to make undercover recordings or gain employment under false pretenses at a farm.

Lawmakers passed the statute in response to public backlash against a dairy company whose employees were filmed abusing cattle.

The Animal Legal Defense Fund and other opponents of the law claim that it violates the First Amendment of the U.S. Constitution by attempting to stop public discourse about animal abuse in agriculture.

“Quelling public debate can never qualify as a legitimate government interest, much less a compelling one,” the group said in a court brief.

For a limit on free speech to survive “strict scrutiny” in federal court, it must be the least obstructive way to achieve a legitimate government interest, such

as a ban on child pornography or defamation, the plaintiffs claim.

“Journalistic and whistle-blower speech hardly fall in any of these categories,” the brief said.

The law lacks a compelling government interest or “pressing public necessity” because it’s solely geared toward protecting the reputation of the animal agriculture industry, the plaintiffs claim.

Idaho officials cannot successfully argue the statute serves the same purpose as laws against defamation because it bans audiovisual recordings even if the events they portray are not false, according to ALDF.

“The sponsors and supporters of the ag gag law made no effort to hide the fact that a substantial motivation for the law was to prevent the agricultural industry from being tried ‘in the court of public opinion,’” the brief states, citing the state’s legislative record.

ALDF also alleges the Idaho statute violates the 14th Amendment, which provides people with equal protection under the law.

The Idaho law targets a “politically unpopular group” — animal rights activists — and is motivated by animosity, as evidenced by legislator statements that compared activists to “terrorists” and “marauding invaders,” the brief said.

Another wolf reported in S. Oregon

By TAM MOORE
For the Capital Press

CENTRAL POINT, Ore. — On the heels of last week’s official designation of an eighth wolf pack in Oregon, biologists believe yet another wandering wolf is prowling timberland just north of the California border.

Biologist Mark Vargas of the Oregon Department of Fish and Wildlife reported the probable wolf sighting near the community of Keno in Klamath County during a wolf update at the Jan. 10 annual meeting of the Jackson County Stockmen’s Association. Vargas said the sighting came while the known pack was in another location.

Evidence of at least one wolf was collected twice during December in the department’s Keno management area. The agency says it will formally designate the new area of wolf activity next week.

“Little is known of this new wolf ... and efforts to gather additional data will be made by both ODFW and the U.S. Fish and Wildlife Service,” said Michelle Dennehy, a spokesperson for the state agency.

ODFW and the U.S. Fish and Wildlife Service earlier designated as the “Rogue Pack” a group of wolves running with OR-7 and his mate.

The pack’s home turf, most of it national forest timberland, is southeastern Douglas Coun-



Courtesy of Oregon Department of Fish and Wildlife

ty, eastern Jackson County, western Klamath County and perhaps portions of far northern Siskiyou County in California.

“There could be more wolves, we don’t know yet,” Vargas said. The Oregon wolf census is currently in progress.

Several members of the stockmen’s association run cattle on public lands in the Cascade Mountains where the Rogue Pack apparently spends much of its time. Vargas told the cattlemen they need to deal with the reality.

“We have wolves, folks. They are not going away. I realize this is a lifestyle change,” Vargas said.

He urged cattlemen to look into forming the county advisory committee, which allows them to tap into state funds should confirmed livestock losses occur.

The Oregon Legislature in 2013 established a wolf predation loss compensation program. Funds were distributed to producers in eight Eastern Oregon counties in 2014. Neither Vargas nor Jackson County Commissioner Doug Breidenthal had details on the Oregon Department of Agriculture compensation program or county advisory committee duties.

Breidenthal, who followed Vargas on the stockmen’s program, said the Jackson County Board of Commissioners won’t form a wolf predation loss advisory committee without a

formal request. Stockmen indicated they will study the law and regulations with an eye toward making that request next month.

An informal show of hands indicated most folks at the meeting favor forming the committee. That’s the only legal way to tap the state compensation fund. Several stockmen had questions about how the county committee process might work.

The state law says confirmed losses will be paid at “fair market value,” with 90 percent coming from the newly established state trust fund and 10 percent from county funds. Jackson County has no item in the current budget for livestock loss compensation.

Honeycrisp apple prices improve

By DAN WHEAT
Capital Press

WENATCHEE, Wash. — While this continues to be a dismal season for wholesale apple prices in general, the price of the popular Honeycrisp variety is improving.

Mid-size Honeycrisp were \$37.50 per 40-pound box a couple of months ago but reached \$50 on Jan. 9, according to the USDA Market News.

Honeycrisp prices stabilized in December and now are climbing to last year’s levels. Washington controls the supply since the Midwest and East Coast have sold out, said Tim Evans, general sales manager of Chelan Fresh Marketing in Chelan.

It’s good news, but Honeycrisp is just 6.5 million boxes of the record 150 million-box 2014 crop.

There’s 46.4 million boxes of Red Delicious, 32 million boxes of Gala, 20 million boxes of Fuji, 17.5 million of Granny Smith, 12.6 million of Golden Delicious and more of other varieties, according to the industry’s Dec. 1 storage report.

Of the total 150 million boxes, 47.9 million had sold by Jan. 1.

Honeycrisp has been a top money-maker for the industry, sometimes garnering in the

range of \$57 or more per box. Like all other varieties, it took a hit this season because of the huge crop.

Total U.S. apple holdings were 16 percent above last year on Jan. 1, said Desmond O’Rourke, a private agricultural economist and consultant in Pullman.

Mid-size Red Delicious ap-

ples were \$14.50 per box on Jan. 9, Golden Delicious was \$17, Fuji \$19, Gala \$17 and Granny Smith \$18.50, O’Rourke said. Those are close to breakeven prices and about the same they’ve been for the past couple of months, he said.

That’s \$5 to \$6 per box below last year and the lowest

prices since 2006, he said.

The 2012 season was regarded as epic for huge supply and strong prices because of short supply in other apple producing regions of the nation and world.

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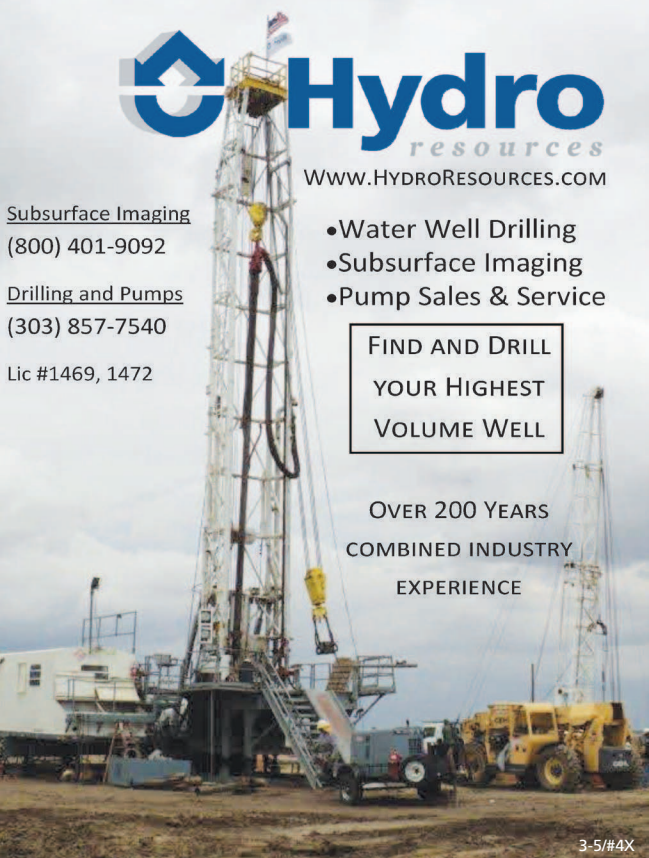
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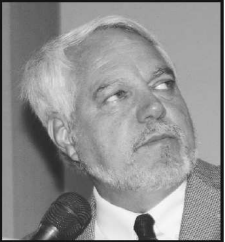
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