

Washington

DOE rewriting rules for feedlot permits

Agency taking comments, but has no proposal

By DON JENKINS
Capital Press

The Washington Department of Ecology this year will rewrite the rules for managing manure from feedlots, a move that could increase the number of livestock producers required to obtain a state permit to con-

fine their animals.

Only 10 facilities statewide currently have Concentrated Animal Feeding Operation permits, which lay out steps they take to stop manure from running into surface water. In return, permit holders receive some protection from sanctions if a heavy storm overwhelms preventive measures.

DOE says it needs to update the regulations, which technically expired in 2011, to cover new or more operations. The agency has been meet-

ing with producers and environmentalists and will host two public "listening sessions" in Zillah and Bellingham next week.

DOE hopes to have a proposal out by the summer and finalize the rules by the end of the year. The outcome could dramatically increase the number of producers required to obtain a permit, Washington Cattlemen's Association Executive Vice President Jack Field said.

"I hope not, but it's a distinct possibility," he said. "I

know there's going to be significant push back from the livestock industry on that."

Generally, operations that confine animals for at least 45 days in any 12-month period and have discharged manure into a waterway need a CAFO permit.

DOE will discuss whether to extend the prohibition against discharge to groundwater and whether to require producers without a history of manure runoff to obtain a permit, said DOE official Jon

Jennings, a permit writer and administrator in the water quality program.

"We haven't made any decisions, so I can't say any direction we're going," Jennings said. "Right now, we're just listening to folks — what their issues and concerns are."

Dairies are regulated by a manure-management program overseen by the Washington State Department of Agriculture. DOE has the authority to regulate other livestock owners on a case-by-case basis.

"Our feeling is we need more structure, more accountability for producers. We do think the permits provide that," said environmental lobbyist Bruce Wishart, who serves on a committee that advises DOE on farm-related water-quality issues.

The listening sessions will be 6 p.m. April 21 at the Zillah Civic Center and 6 p.m. April 23 at the Syre Student Center Building Auditorium at Whatcom Community College in Bellingham.



Dan Wheat/Capital Press

West Mathison, left, listens as his father, Kyle, center, makes a point to Norm Gutzwiller, right, about proposed expansion of high elevation cherry orchard in Stemilt Basin south of Wenatchee, Wash., April 16. Elk and deer migration is an issue.

Orchard's potential growth irks hunters

By DAN WHEAT
Capital Press

WENATCHEE, Wash. — Agricultural versus wildlife use of public land in the Stemilt Basin south of Wenatchee continues to be discussed at one of the highest-elevation cherry orchards in the state.

Members of the Wenatchee Sportsmen's Association, the Mathison family, state Department of Natural Resources officials and a state Fish and Wildlife commissioner met on site at Kyle Mathison's Amigos Orchard at 3,500 feet elevation, April 16.

At issue is whether Kyle Mathison Orchards violated its lease agreement with DNR by developing draws and canyons into cherry orchard on Section 10 and putting up fencing that hampers elk and deer passage. Also at issue is whether the Mathisons, owners of Stemilt Growers Inc., Wenatchee, one of the largest tree fruit producers in the state, should be allowed to lease or trade for more DNR land to expand the orchard.

High elevation land pro-

duces the latest sweet cherries for the fresh market in August and sometimes September. They usually bring top dollar. The lease also generates jobs, taxes and revenue to the DNR for public schools, said West Mathison, president of Stemilt Growers.

His father, Kyle Mathison, vice president of Stemilt Growers, apologized to sportsmen and neighbors for erecting a six-mile fence without determining if an environmental impact statement was needed. The Mathisons said there are wildlife corridors and that they want to be good stewards of the land and wildlife.

"The orchard is encroaching too far into wildlife habitat and that's the concern all across the West," said Herb Troxel, member of the sportsmen's association. "We keep pushing into game country and we're losing it," he said.

"What part of 'no' don't you two understand?" Bill Stegeman, another sportsmen's association member, asked of the Mathisons.

Other sportsmen quizzed two DNR officials on why con-

ditions of the Section 10 lease haven't been enforced.

"I can't speak to what happened in the past. The lease language wasn't written very well," Todd Welker, a regional DNR manager, responded.

"It says draws and canyons shall be left undisturbed to allow for wildlife passage. That's pretty plain to me," said Gordon Goodwin, sportsmen's member.

The association has been pursuing the DNR for three years but getting little response, he said. "Is what's happening here in compliance with the agreement with you. That's a question," said David Graybill, a Fish and Wildlife commissioner.

The Mathisons own about 1,000 acres of orchard on Stemilt Hill and in the basin. Much of it is lower in elevation. They plan to expand the high orchard from Section 10 into in parts of Section 9 and 17 that they've bought.

They want to trade 218 acres of elk habitat on Section 21 for 218 acres of flatter terrain on the DNR's Section 16 to develop 134.5 acres of orchard.

Fertilizer dropped from oil train safety proposal

Short-line railroads still may see their tax bills increase

By DON JENKINS
Capital Press

OLYMPIA — The Senate and House have agreed that trains hauling nitrogen fertilizer won't have to add crew members, a proposal that farm lobbyists warned would have raised freight costs for growers.

"The Legislature took to heart our main concern and addressed it in a way that makes us happy," Washington Farm Bureau associate director of governmental relations Scott Dilley said.

Lawmakers continue to work on legislation motivated by the dramatic growth of Bakken crude oil traveling through the state by rail, vessel and pipeline.

As the wide-ranging bill has evolved, rail-dependent agricultural has been drawn into the debate over how to prevent and respond to train disasters.

The chambers still differ on whether short-line railroads, many of which haul primarily agricultural products, should pay higher taxes so that the Washington Utilities and Transportation Commission can hire more inspectors.

The Senate on Wednesday shielded short-line rail companies from a tax increase, which would still apply to Burlington Northern Santa Fe and Union Pacific. Meanwhile, the House on Tuesday elected to apply the tax hike to all railroads.

The tax on gross intrastate revenues would rise from 1.5 percent to 2.5 percent.

The Senate's move was encouraging, said Patrick Boss, a lobbyist for a coalition of short-distance railroads. "Hopefully, it will

get people to refocus on what the bill is all about," he said.

The short-line railroads argue that they don't haul oil cross-country and that their taxes shouldn't go up because of the Bakken boom.

"We're glad to see legislators waking up and see there's something wrong with that," Boss said. "The bill, for the most part, is about oil trains, and for the Washington Utilities and Transportation Commission to say it's about all kinds of rail-safety issues is discombobulating."

The WUTC says its rail inspectors are stretched too thin and that short-line railroads would benefit if there were more inspections, especially for crossings.

"While there's a lot of attention on the long-distance hauling of petroleum products, there are still safety needs both on long-distance and short-distance railroads," said Rep. Joe Fitzgibbon, D-Seattle. "Those (short-distance) railroads are benefiting from the work being done to improve the crossings. I believe it's appropriate they bear some portion of the cost."

Rep. Joe Schmick, R-Colfax, said farmers ultimately would bear the expense if freight rates rise in response to the tax increase.

"Any costs that are increased cannot be passed on. The grower pays them," he said.

Senate Republicans beat back a move by Sen. Steve Conway, D-South Tacoma, to renew his proposal to add at least one crew member to trains carrying "hazardous materials."

The extra crew member would be positioned to decouple rail cars in the case of an emergency, Conway said. Firefighters aren't qualified to do it, he said.

"It's important to have the right personnel on the trains themselves," Conway said.

Senate Majority Leader Mark Schoesler, R-Ritzville, said the requirement would apply to trains hauling anhydrous ammonia, which he said has been transported without incident in Washington since 1952 and should not get entangled in an oil safety bill.

He called anhydrous ammonia "the fundamental building block of agriculture" and Conway's amendment "an assault on agriculture."

"Every form of agriculture relies on nitrogen fertilizer — every crop," he said. "If you want to have (larger) crew sizes, take your collective bargaining and bargain for it with the carrier, but leave agriculture out of it."

Conway's amendment failed on a 26-21 vote.

Lawmakers from both parties say they want to pass an oil safety bill this year, but the Senate and House remain apart on many details. The regular session ends April 26.

Haystack arson investigated

Agencies urge farmers to be vigilant

By MATTHEW WEAVER
Capital Press

The Grant County Sheriff's Office and Grant County fire marshal are asking farmers to report suspicious activity to stop a string of intentionally set haystack fires near Quincy, Wash.

There have been five haystack fires caused by incendiary devices over the last month, the sheriff's office stated in a press release. The fires caused several hundred thousand dollars in losses. The total has yet to be tallied, according to the sheriff's office.

The actual type of device being used is unknown, said Kyle Foreman, public information officer for the sheriff's office. The cause of the fires has been ruled as incendiary based on evidence and the absence of other possible causes.

"Haystack vandalism is, unfortunately, not unusual and hay stack arson fires are not unusual, especially in a large rural area dependent on agribusiness, such as Grant County," Fore-

man said. "The motives for starting fires vary, and it is too early to know what the motive in these cases may be."

There can be a risk of fire extending to other haystacks, structures, vehicles, farmland or wildland, especially as outside temperatures increase and grasses and brush become drier, Foreman said.

The investigation is active

and underway, Foreman said. The sheriff's office's major crimes unit and fire marshal's investigators are partnering.

All fires were within Fire District 3 jurisdiction in the Quincy/Winchester area. All happened between 11 p.m. and 4 a.m. The fires happened on Martin Road Northwest, Road 6-Northwest, Road 11-Northwest and Road H.7-Northwest.