

# Cattlemen's groups join federal water rule fight

## Groups sue to overturn new Clean Water Act rules

By **MATEUSZ PERKOWSKI**  
Capital Press

Several livestock associations have joined the legal fight against the federal government's new rules for enforcing the Clean Water Act.

The growing field of plaintiffs claim that the U.S. Envi-

ronmental Protection Agency and U.S. Army Corps of Engineers have overstepped their authority in regulating water.

The fear is that federal regulators will begin imposing restrictions on ditches, ephemeral streams and other water bodies on agricultural lands that previously weren't subject to Clean Water Act permitting requirements.

Cattle and livestock groups from Washington, California and New Mexico have filed

the latest complaint against the agencies in Minnesota, while other agricultural groups and state governments have launched similar actions in Texas and North Dakota.

With multiple plaintiffs across several states, opponents face a better chance of establishing legal standing to sue the government, said Reed Hopper, an attorney with the Pacific Legal Foundation, a nonprofit group representing the livestock plaintiffs.

Filing complaints in mul-

tiples jurisdictions also provides opponents with a hedge against adverse court decisions, since it's likely that different federal circuit courts of appeal will come to varying conclusions regarding the new rules, Hopper said.

"If we get a split among the circuits, the Supreme Court is more likely to hear the case," he said.

The nation's highest court has already ruled in 2001 and 2006 that EPA and the Corps of Engineers are limited in

their jurisdiction over water bodies, but the agencies have thumbed their noses at those opinions, he said.

"That's the ultimate precedent," said Hopper.

Capital Press was unable to reach representatives of the federal agencies as of press time.

In response to earlier criticism, the agencies have said that farmers and ranchers won't be burdened by the new regulations, which are intended to clarify uncertainties

about federal CWA authority.

Litigation over the federal rules will likely be protracted — roughly a year before initial opinions are issued by federal judges, two years before appellate courts weigh in, and three years or longer before the Supreme Court potentially makes a decision, said Hopper.

However, it is possible that the rules could be blocked if a judge issues a preliminary injunction, as some plaintiffs have requested, he said.

## Washington's Inslee blames GOP for climate failures

By **PHUONG LE**  
Associated Press

SEATTLE (AP) — Washington Gov. Jay Inslee has gained national attention for rolling out some of the most ambitious climate initiatives in the country, signing pacts with other Western states and speaking at an international summit.

But during the legislative session that ended recently, Inslee failed in his own state to pass bold carbon-reduction proposals, including the centerpiece cap-and-trade plan to charge emissions from oil refineries, power plants and fuel suppliers.

The Democratic governor also conceded to a Republican provision that set back another climate initiative: He signed a \$16.1 billion transportation package that prevents any state agency from implementing a low carbon fuel standard for eight years.

Inslee, who has made climate change a key issue since taking office in 2013, blamed the Senate Republican majority, saying the party "is now in the stranglehold of the oil and gas industry."

"I have proposed many, many proposals to reduce carbon pollution in the state," the governor told reporters Friday. "The state Senate has acted on no meaningful carbon pollution."

Sen. Doug Ericksen, R-Ferndale, who chairs the committee dealing with environment issues, said Inslee's "remark disparaging Senate Republicans is misplaced."

He noted that the Democrat-controlled House failed to pass the governor's climate plan out of its own chamber.

"Unfortunately, the legislative agenda he pursued is more geared toward a national or international landscape than one small state with a low-carbon emission footprint," Ericksen said.

The governor knew it would be difficult, but it didn't dissuade him from trying, Inslee spokesman David Postman said. "He isn't going to make it easy for lawmakers to avoid the discussion and debate," he said.

Mark Stephan, associate professor of political science at Washington State University Vancouver, said Inslee is looking at the bigger picture.

"Yes, it's ambitious today, but he's setting the bar for what's happening a year from now or two years from now," Stephan said.

But his challenge became much harder when Republicans took control of the Senate after last November's election. That's



Don Jenkins/Capital Press

Washington Gov. Jay Inslee urges lawmakers April 22 to pass climate-change legislation during this year's special session. He says Republicans blocked many of his climate initiatives.

despite big money pouring in from California billionaire Tom Steyer's group to help a state environmental group unseat Republican senators.

"He put all his eggs into the election and when that failed, rather than change his policy, he double downed," said Todd Myers, environmental director at the Washington Policy Center. He called the cap-and-trade program the most bi-partisan and least popular one the governor could have pursued.

"I think he pretty much failed across the board," he said.

Inslee's cap-and-trade plan was the centerpiece of a broader carbon-reduction package this year. He pitched it as a way to raise more than \$1 billion a year for schools and other programs.

Republicans and some businesses balked, saying it would hurt consumers and raise gas prices.

Kerry McHugh, spokeswoman for Washington Environmental Council, blamed the influence of the oil industry, which lobbied against a low carbon fuel standard. "This is a disappointing session for anyone who supports action on climate change," she said.

"It wasn't a great year for climate," agreed Rep. Joe Fitzgibbon, D-Burien, prime sponsor of Inslee's cap-and-trade bill. "You'll see us continue to work on climate policy until we get it right. We'll keep working on it."

Fitzgibbon said he believed the House had enough votes to pass the cap-and-trade bill. But it was clear the Senate wasn't going to consider it, he said, so they did not want to ask members to take that vote when there were other "heavy lifts" this session.

Lawmakers did extend a sales tax break for electric vehicles, approved \$40 million for renewable energy technologies, and funded a number of energy efficiency and climate-related research programs. But they didn't take action on bills related to solar incentives, zero emissions vehicles and coal-fired electricity.

## Parent firm of Yogi Tea plans expansion

By **SHERRI BURI MCDONALD**  
The Register-Guard

EUGENE, Ore. (AP) — Fueled by growing demand for its lineup of hot teas, the maker of Yogi Tea plans to roughly double its space by building a \$12 million facility in west Eugene.

East West Tea Co., Yogi's parent company, plans to buy 13 acres of vacant land in the Westec Business Park off Highway 126, where it will build a plant and offices totaling 150,000 to 200,000 square feet, CEO Conrad Myers said.

"We have property in escrow," he said. "We're deciding whether to start with 150,000 square feet and later enlarge (it), or build out the whole thing at once."

The company, which has 103 U.S. employees — about 85 of them in the Eugene-Springfield area — plans to expand its workforce as it expands production, Myers said.

The company plans to add five employees in the U.S. by the end of the year, and forecasts adding 30 to 40 positions from 2016 to 2018, said Sat Bir Singh Khalsa, director of global community relations and HR development.

East West Tea Co. is owned by the Sikh Dharma religious community, which is based in Espanola, N.M., and was founded by the late Yogi Bhasan.

The tea company is what remains of Golden Temple of Oregon, a food and beverage company that was started by the local Sikh community in



AP Photo via Mary Jane Schulte/The Register-Guard

In this July 3 photo, Conrad Myers, CEO of Yogi, visits one of their manufacturing plants and sales office in Springfield, Ore. Fueled by growing demand for its lineup of hot teas, the maker of Yogi Tea plans to roughly double its space by building a facility in west Eugene.

the early 1970s and became a pillar of Lane County's natural food industry.

The investment in the new plant continues that longtime local presence, Myers said, adding, "we're here for the long haul."

East West Tea is the unnamed food company that The Register-Guard reported in late April was trying to decide whether to expand at the site in Westec or one farther west in Greenhill Technology Park.

The company ultimately chose Westec, Myers said, because "we think it's an easier site to build on."

"We think the soil conditions are better," he said. "There are some wetland remediation issues not yet complete on the other site, which lends some uncertainty."

East West Tea hopes to break ground next summer and to move into the new

building in mid-2017, Khalsa said.

However, the timeline will be determined by what the company discovers in its due diligence, Myers said. He said the company's lease for its International Way facility in Springfield expires in September 2018.

"We've given ourselves plenty of time to make good decisions and work with our landlord partners," Myers said.

The 13.3-acre Westec parcel is between Oregon Lox Co. and Lane Memorial Gardens & Funeral Home and is owned by developers John Hammer and Richard Hunsaker, according to Lane County property records.

It is in the west Eugene Enterprise Zone, which offers expanding companies three to five years of property tax waivers.

## Frozen custard disappears because of egg shortage

By **KATHY MATHESON**  
Associated Press

PHILADELPHIA (AP) — The latest casualty of bird flu? Frozen custard.

The summer treat made with eggs is being pulled from Rita's stores across the country due to an egg shortage and has been replaced by soft-serve ice cream.

"Until we can get enough eggs, we've replaced our custard with a high-quality, premium ice cream soft-serve product," Rita's President and CEO Jeff Moody said Thursday. "Many people don't really notice a big difference."

More than 48 million turkeys and chickens have died or were euthanized because of the H5N2 avian flu virus that hit Midwest farms this

spring. As a result, nationwide egg production in May dropped 5 percent from last year, according to the U.S. Department of Agriculture.

About two-thirds of Rita's 600 stores have switched from custard to the eggless soft-serve, Moody said, and the rest will follow once their custard stock is depleted. All menu items are still available, except they'll be made with ice cream instead of custard.

The change didn't faze customers at a Rita's stand in downtown Philadelphia on Thursday.

City resident Tracy Morton said she'd heard about the issue on the news but still wasn't sure if her favorite Rita's treat would be available to help her cool down on a muggy day. She was happy to



Katie Coyle/Iowa Egg Council via AP  
This undated photo provided by Katie Coyle shows eggs on a conveyor belt coming in from an Iowa chicken house. A third of the supply disappeared in recent weeks because of the H5N2 virus.

find she could still get a Gelati — Italian ice layered between dollops of soft-serve.

"I asked the young lady if they were still making Gelatis, and she said yes. Yay for me!" Morton said. "I don't taste the difference at all."

David Gounis said he didn't know anything about the shortage until he saw a sign posted at the ordering window — and it was welcome news.

"I never could get the custard here because I'm allergic to eggs, so that actually worked for me," Gounis said.

It's not clear when Rita's will be able to switch back to custard, Moody said.

The company is not alone in its egg difficulties. Texas-based chain Whataburger temporarily limited its breakfast-serving hours last month because of the shortage but has since rebuilt its egg supply.

## Research 'puts pencil' to water conservation

By **JOHN O'CONNELL**  
Capital Press

PICABO, Idaho — A collaborative project in south-central and eastern Idaho aims to quantify the effectiveness of water-conservation practices such as variable-rate irrigation under different commercial field conditions.

Partners in the research — including Miller-Coors, Thresher Artisan Wheat and The Nature Conservancy — plan to recruit additional grain growers soon to participate in next season's trials. They're seeking wheat, barley and corn growers with yield monitors.

The lead investigator, Utah crop researcher Bill Marek, said more than 100 Idaho pivots are currently enrolled in the project, which is also evaluating the economics of water-conservation improvements such as nozzle exchanges, end-gun removal and cover crops.

Marek installs special vari-

able-rate drives on pivots allowing growers to adjust rotation speeds for varying conditions every 6 degrees. Marek helps growers develop a prescription map based on topography and soil conditions, understanding that conventionally operated pivots must water to the driest portion of the field, which may lead to runoff and nutrient leaching in other areas.

Preliminary data in 2013, the project's first season, was promising. Participants averaged 8,000 kilowatt-hours in power savings and about 8 percent, or roughly 7 million gallons, in water savings. Marek believes this year will provide more robust data. He considers the timing to be good, given that groundwater users throughout Idaho's Eastern Snake Plain Aquifer will be expected to reduce irrigation beginning next season as part of an agreement to stabilize groundwater levels.

Marek said some fields lend

themselves well to variable-rate irrigation, but fields in which variation is "marbeled" throughout a pivot present a challenge.

"I know I can make a bad field good. I've done it repeatedly," Marek said, adding another key question pertains to the economics of making an already productive field better through variable-rate irrigation.

Picabo, Idaho, farmer Pat Purdy experimented with variable-rate irrigation on four challenging fields as part of the project last season and has added a few more fields this season. Purdy communicates frequently with Marek and routinely tweaks his field prescription.

"I think it has some great application where you have highly variable soil or terrain challenges," Purdy said. "I know we've been able to raise a more consistent crop."

Dayna Gross, conservation manager with the Nature Con-

servancy in Picabo, has helped recruit growers and pursued funding to pay their costs. Her organization prioritizes conserving water in the Upper Snake, Silver Creek and Big Wood River drainages.

Gross said the Nature Conservancy aided the Idaho Water Resource Board in securing \$1.1 million in USDA Natural Resources Conservation Service funds for Idaho water-conservation grants over the next two years, including \$80,000 per year specifically for variable-rate irrigation. NRCS will match up to 65 percent of grower contributions, and the application period is scheduled from Aug. 1 through Sept. 18.

The project furthers Thresher's goal of identifying ways for growers to reduce inputs while still increasing output, said Bradford Warner, vice president of marketing with Thresher's parent company, Agspring.

## Idaho Panhandle counties declared drought disaster areas

### Producers eligible for federal assistance

Five Idaho Panhandle counties have been declared federal disaster areas because of drought conditions, the U.S. Department of Agriculture announced today.

The five counties are Bonner, Benewah, Clearwater, Kootenai and Latah. The declaration qualifies producers to apply for federal drought relief programs administered by the USDA's Farm Service Agency.

Producers in five other Idaho counties and three in Washington also can apply

for assistance because their counties border the disaster area.

The five contiguous counties in Idaho are Boundary, Idaho, Lewis, Nez Perce and Shoshone.

The contiguous counties in Washington are Pend Oreille, Spokane and Whitman.

The declaration today was the latest involving Idaho counties dating back to early February.

Producers must apply for low-interest emergency loans within eight months of a declaration.