

Farm seeks repayment for confiscated raisins

Volume control effort was ruled unconstitutional

By MATEUSZ PERKOWSKI
Capital Press

A California farm is demanding repayment for raisins confiscated by the USDA as part of a volume control program that's been declared unconstitutional.

Earlier this year, the U.S. Supreme Court invalidated an agency marketing order program that sought to stabilize prices in times of overproduction.

Under the program, a percentage of a farmer's raisins was diverted into a "reserve pool," which was sold by USDA in non-competing markets such as foreign countries.

Funds from these sales paid for the administration of the program, with any leftover money returned to growers. In some years, farmers did not receive any payment for the reserve pool raisins.

Marvin Horne, a California raisin producer, refused to participate in the program and claimed it was unconstitutional as a government taking without just compensation.

In June, the nation's

highest court agreed with Horne and ruled that he did not have to pay the USDA about \$200,000 in fines and \$480,000 for the raisins he didn't turn over.

Now, a major California raisin producer, Lion Farms, wants reimbursement for the market value of raisins taken by the government over several years.

The company claims it had to turn over 10-15 percent of its 2006, 2007, 2008 and 2009 crops, which were valued at \$1,210-\$1,343 per ton.

Tonnage amounts aren't disclosed in the complaint, but Lion Farms said it did not re-

ceive any money back for three of the four crops.

Capital Press was unable to reach the grower's attorney or a representative of USDA's Agricultural Marketing Service, which oversaw the program.

It appears Lion Farms' case will be complicated by the six-year statute of limitations on takings lawsuits against the federal government, said Jim Burling, an attorney with the Pacific Legal Foundation, a property rights group that has closely followed the Horne case.

The government will likely argue that the statute of limitations has run out for most of the crops in question, he said.



AP Photo/Gosia Wozniacka, File

In this 2013 file photo taken near Fresno, Calif., farmworkers pick paper trays of dried raisins off the ground and heaping them onto a trailer in the final step of raisin harvest. A farm is seeking repayment for the value of the raisins the USDA confiscated under a volume control program.

Legal action threatened over spotted frog habitat

By ERIC MORTENSON
Capital Press

When Mike Britton answers the phone at his North Unit Irrigation District office in Central Oregon these days, the conversations take a quick turn.

"The first three words are, 'I heard a rumor,...'" Britton said.

And so it goes. Environmental groups have warned they intend to file suit over Oregon spotted frog habitat, and patrons of multiple Deschutes River Basin irrigation districts worry the outcome will leave their land with less water and more restrictions.

Britton, the North Unit manager, scheduled a town hall meeting Aug. 26 in Madras, Ore.

Here's the background: The U.S. Fish & Wildlife Service in August 2014 listed the Oregon spotted frog as "threatened" under the federal Endangered Species Act. The listing wasn't a surprise; the frog has disappeared from an estimated 78 percent of its historic range, from Southwest British Columbia to Northern California.

Loss of its favored marsh habitat and introduction of predators such as bullfrogs are the primary reason for the frog's decline. Fish & Wildlife proposed 22,600 acres in the Deschutes River Basin as "critical habitat."

The Upper Deschutes in Central Oregon is one of the few places where the frogs can still be found, particularly in Crane Prairie and Wickiup Reservoirs and in the wetlands downstream from them and from Crescent Lake.

Irrigation districts, recognizing the potential impact of an Endangered Species Act listing, worked with Fish & Wildlife, the U.S. Bureau of Reclamation and other agencies and groups to develop a Habitat Conservation Plan for spotted frogs. Britton heads a group, the Deschutes Basin Board of Control, which represents eight irrigation districts in the process.

But this summer, the Center for Biological Diversity and WaterWatch of Oregon separately gave 60 days notice they would file suit against the Bureau of Reclamation, which built the Crane Prairie, Wickiup and Crescent Lake reservoirs, and against the North Unit, Central Oregon and Tumalo irrigation districts, which operate and manage the dams and reservoirs.

The lawsuits allege the bureau and districts have harmed spotted frogs. In a news release, WaterWatch said "managing the Deschutes more like an irrigation ditch than a river has caused significant damage to river health."



Courtesy of U.S. Fish and Wildlife Service
Central Oregon irrigation districts worry they'll be restricted by lawsuits over the Oregon spotted frog, which is listed as threatened under the federal Endangered Species Act.



John O'Connell/Capital Press

Workers with Pioneer Equipment in American Falls, Idaho, check to see how much quinoa is being missed by the harvester in a 35-acre field at Koopin Farms. Growers say their quinoa fields look good this season.

Eastern Idaho reports strong quinoa yields

By JOHN O'CONNELL
Capital Press

IDAHO FALLS, Idaho — Quinoa should pay dividends this season for Idaho Falls businessman Jeremiah Clark and 14 Eastern Idaho growers who gambled on raising the high-protein, gluten-free crop.

Last season's harvest confirmed the risk of experimenting with a sensitive crop that's new to the area. Sprout damage claimed most of the 20-acre field Clark commissioned in Grace, though he salvaged enough seed to plant 400 acres in small fields around the region this season.

Following the Aug. 25 harvest of the first of this season's quinoa fields, Clark, a seed-cleaning business owner, believes he's finally witnessed quinoa's potential.

Kamren Koopin, who raised 35 acres of irrigated quinoa for Clark, reported yields of 800 to 1,000 pounds per acre in American Falls. Clark pays quinoa growers \$1 per pound.

Clark said the weather was ideal for quinoa this season. High temperatures came in June, and the weather cooled to more ideal temperatures when the crop reached its critical flowering stage.

"This year might be the year we look back to for the next 20 years as far as (quinoa) yield because of the strong yield we've had," Clark said.

Eric Jellen, a Brigham Young University agricultural professor and a quinoa expert, was encouraged upon evaluating some of Clark's fields.

"The fields I saw near Soda Springs look terrific," Jellen said. "Quinoa is notorious for having seed-set problems when it is very hot at flowering time. However, I am cautiously optimistic."

Clark has launched a fundraising campaign on Kickstarter, selling quinoa directly to customers to buy a new color sorter. He's also had plans drawn to build a small facility to sort and pack quinoa for his own packaging or delivery to other interested customers such as ADM or Scoular, Co. He hopes to build on this season's success and use much of the seed to expand to 2,000 to 3,000 acres of quinoa in Eastern Idaho next season, selling the remainder of his bulk commercially.

He obtained his seed by sorting the white kernels from a mix-colored public variety from Colorado. He's also breeding his own white

quinoa variety, Kailey, which produces dwarf-sized plants, denser heads and larger kernels.

Koopin planted his quinoa in 36-inch rows, running a cultivator through the middle and sending in crews with hoes to control weeds in the absence of tested quinoa herbicides.

Koopin said quinoa required about half the water of barley or wheat, and even with the added labor, he considers it worth planting again. "If the market is there, I think it would be a pretty good long-term deal," Koopin said. "I don't think it's ever going to be widespread. It wouldn't take much to flood the market."

University of Idaho Extension weed specialist Pam Hutchinson started a quinoa trial in Aberdeen this season to evaluate herbicides. No initial scenarios were effective, but she anticipates having better results after adjusting application rates, and evaluating additional products formerly used in conventional sugar beet production.

Hutchinson assisted with hand weeding of trial plots planted by UI agronomist Xi Liang to evaluate quinoa in Eastern Idaho rotations.

Despite drought, Fresno County crop values set record

By TIM HEARDEN
Capital Press

Despite the crippling drought, the value of Fresno County's agricultural production set a record in 2014 at more than \$7.03 billion, the county's agricultural commissioner reports.

The total was a more than 9 percent increase from 2013's \$6.44 billion in receipts and was up nearly 7 percent from 2012's then-record \$6.58 billion, noted the county's annual crop report.

"This report is a testament to the resiliency and determination of the Fresno County agricultural industry," Agricultural Commissioner/Sealer of Weights and Measures Les Wright told county supervisors when he gave the report Aug. 25.

While officials credit Fresno County's diversity of crops — more than 400 are produced there — county Farm Bureau Executive Director Ryan Jacobsen said favorable commodity prices are saving many growers from taking losses, or suffering deeper ones.

"Without a doubt we're having challenges and struggles through this historic drought, but we've been fortunate," Jacobsen told the Capital Press. "We have an incredibly strong desire for California-grown products (among consumers), and that has really driven up the demand for what we're producing."

The county's \$1.3 billion

almond industry was by far the top-valued crop, increasing from \$1.1 billion in 2013 even though growers statewide struggled last fall to meet the 2013 production total of 2 billion meat pounds.

Though an estimated 10,000 acres of almond trees were bulldozed last year amid the drought, statewide totals were buoyed by a net gain of 20,000 acres to reach a historic high of 860,000 acres of productive almond trees, according to the National Agricultural Statistics Service.

Grapes, the No. 2 crop, took a hit in Fresno County last year, posting \$905 million in value after topping \$1 billion in 2013, Wright reported. But poultry (\$655 million), milk (\$636.5 million) and cattle and calves (\$575 million) rounded out the top five by posting gains, the report showed.

In all, Fresno County — the nation's top agricultural county — exported 183 commodities in over 20,000 shipments to 101 countries last year, Wright told the board. Field crops suffered mightily, declining by more than 36 percent as thousands of acres on the Westside were fallowed because of the lack of water.

Jacobsen cautions that the crop report only reflects gross values and doesn't take into account net income or losses to producers. He said values would have been even greater if 25 percent of the county's farmland hadn't been fallowed.



Tim Hearden/Capital Press

Mendota, Calif., area grower Mark Turmon, right, talks with Roger Isom, left, and Chris McGlothlin of the Western Agricultural Processors Association about his almond crop in April. Fresno County's \$1.3 billion almond crop helped the county set a record for crop value in 2014.

WDFW draws a line against Huckleberry wolf pack

After so many attacks, why another chance? rancher asks

By DON JENKINS
Capital Press

One more depredation by a troublesome pack in northeast Washington will lead to the lethal removal of wolves, a Washington Department of Fish and Wildlife official said Friday.

Seriously injuring a sheep dog this month in Stevens County will count as a strike against the Huckleberry pack, which killed at least 26 sheep last summer belonging to the dog's owner, rancher Dave Dashiell.

Donny Martorello, WDFW's wolf policy coordinator, said Dashiell has tried everything possible — lights, alarms, dogs, fences



Don Jenkins/Capital Press

Washington Department of Fish and Wildlife wolf policy coordinator Donny Martorello talks to the media Aug. 4 at the Teanaway Community Forest in Central Washington about wolf management. Martorello said Aug. 21 that WDFW will lethally remove wolves in the Huckleberry pack in northeastern Washington if the pack's northern group is responsible for another depredation.

and more human presence — to deter wolves.

"If we get a second depredation there will be a recognition that we have put those things on the landscape and that the depredations are continuing," Martorello

said.

Martorello and other WDFW officials outlined in a conference call with the department's wolf advisory group non-lethal efforts to protect livestock from the Huckleberry pack, which

has split into north and south groups.

The red line drawn by WDFW applies only to the north group, which was blamed for injuring the dog. If the south group attacks livestock or guard dogs, "I think we would take a pause and review everything we know," Martorello said in an interview.

Stevens County Cattlemen's Association President Justin Hedrick said WDFW was being too lenient, considering the pack's record.

Because of last summer's depredations, WDFW authorized shooting up to four wolves. One female wolf was killed before WDFW suspended the operation because the sheep were no longer in the pack's territory.

"I don't understand why there's a reset button," Hedrick said during the conference call. "Why would you wait for two (depredations) when this pack has already

been eligible for lethal removal?"

Martorello said WDFW was trying to apply its policies in a case that pushed the department into new territory. WDFW generally will consider lethal removal after four depredations involving a pack. The Huckleberry pack has been involved in more than four depredations, but the incidents were separated by months.

Shawn Cantrell, Defenders of Wildlife's Northwest director, said lethal removal may be the right move if there's another depredation, but WDFW should have waited to make that decision.

"I would like them to allow for more flexibility. The circumstances are hard to predict," he said. "I'm pleased the department is continuing to invest in non-lethal measures to prevent a second depredation. I think that's what everybody wants."