

Washington

Washington asks Supreme Court to OK Obama immigration plan

Oregon, California add their support

By DON JENKINS
Capital Press



Ferguson

Washington state Friday led a 15-state coalition in urging the U.S. Supreme Court to uphold President Barack Obama's plan to legalize some 4.4 million illegal immigrants, arguing that immigration reform will benefit states by increasing tax revenue, enhancing public safety and reducing the demand for social services.

"Each day that these reforms are delayed harms people who want nothing more than to come out of the shadows and live and work legally to support their families," Washington Attorney General Bob Ferguson said in a written statement. "This affects our friends, families, neighbors and our state as a whole."

The Supreme Court is expected to decide in mid-January whether to hear an appeal filed by the U.S. Justice Department after the 5th Cir-

cuit of Appeals in November blocked two immigration programs ordered by Obama.

One would allow illegal immigrants with children who have legal status to apply for lawful standing. The other would offer legal standing to children 16 and younger who entered the country illegally.

Oregon and California are among the states that signed the brief written by the Washington Attorney General's Office.

All three states have Democratic attorneys general and governors. Some 25 states, including the Republican-led Idaho, opposed the programs in a brief filed with the appeals court.

In Washington, approximately 105,000 illegal immigrants would be eligible for legal status, according to Ferguson's brief.

The brief cites an analysis by the Center for American Progress that assumes undocumented workers who gain

legal residency will earn more money. The additional income would increase Washington state tax collections by \$57 million over five years, according to the analysis.

The brief also argues that residents are more likely to cooperate with police if they aren't afraid contact with law enforcement will lead to deportation. Children in families split by deportation can end up in foster care, according to the brief.

A U.S. district court judge in Texas in February blocked the immigration reforms from taking effect pending a trial on the plan's legality.

Judge Andrew Hanen said the federal government likely violated the Administrative Procedures Act by not giving states a chance to comment before Obama issued the orders. States would be harmed by incurring the expense of issuing state-subsidized driver's licenses to newly legalized residents, he ruled.

Oregon voters in 2014 overturned a state law that would have allowed illegal immigrants to obtain a driver's license.

Washington, California and 10 other states allow undocumented residents to have a license, according to the National Conference of State Legislatures.

The New Orleans-based circuit court upheld Hanen's decision in a 2-1 ruling. If the programs were allowed to go forward, states would have a hard time returning to previous policies if the plan was ruled illegal at a trial, Judge Jerry Smith wrote.

Washington state submitted a brief to the circuit court, foreshadowing the arguments it has made to the Supreme Court.

The circuit court said lost tax revenue and public safety concerns were consequences of immigration laws and that it was up to Congress to debate those issues.

The other states joining Washington, Oregon and California are Connecticut, Delaware, Hawaii, Illinois, Iowa, Maryland, Massachusetts, New Mexico, New York, Rhode Island, Vermont and Virginia. The District of Columbia also signed the brief.



Dan Wheat/Capital Press

Construction workers wrap up work on new 200-bed Brender Creek migrant farmworker housing in Cashmere, Wash., last April 30 for the May opening. The Washington Growers League received a \$3 million state grant Dec. 3 to build a similar facility in Mattawa.

Farmworker housing moves forward in Central Washington

By DAN WHEAT
Capital Press

YAKIMA, Wash. — Several new public and private farmworker housing projects are in the works for Central Washington. Most are intended for seasonal workers, including H-2A visa foreign guestworkers, for the tree fruit industry.

On Dec. 3, the state Department of Commerce awarded a \$3 million grant to the Washington Growers League in Yakima for construction of a 120-bed migrant farmworker housing facility in Mattawa.

"We hope to break ground in a month or two and maybe have it ready for fall apple harvest," said Mike Gempler, the league's executive director.

The department also awarded \$2 million in a grant or loan to the Housing Authority of Pasco and Franklin County to build 50 farmworker homes in Connell.

Both awards were among \$50.1 million in funding the department announced for affordable housing for low-income people across the state.

Meanwhile, WAFLA, the West Coast's leading H-2A provider formerly known as the Washington Farm Labor Association, has signed a letter of intent with a commercial developer to provide 200 seasonal farmworker beds in Yakima.

WAFLA held a meeting for growers on Dec. 9 at Le Chateau, 15 N. Naches Ave., Yakima. Plans were explained to growers and WAFLA planned to gauge interest, Dan Fazio, the organization's director, said.

"So far we have interest from growers for 200 beds from small and medium-size growers who can't afford to build their own housing for H-2A workers," Fazio said.

WAFLA is trying to keep the project affordable at \$250 to \$300 per worker per month, he said. Growers would pay that cost and be responsible for providing transportation for workers between the facility and orchards, he said.

The commercial developer has offered to buy and renovate a building or build a new facility to WAFLA specifications. WAFLA plans to operate the facility for seasonal farmworkers from March 1 through Oct. 31 and is trying to plan usage and income for the other four months, Fazio said.

WAFLA opened the 96-bed Ringold Seasonal Farmworker Housing in Mesa in 2011, used mainly by asparagus and tree fruit workers. It was publicly and privately financed.

Fazio said there is need for all the housing projects and that WAFLA is talking with growers to arrange more privately funded housing in the Lower Yakima Valley and Okanogan County.

"There's a good argument that if farmworkers are paid enough they can afford housing. Seasonal workers have a harder time affording it so the government justifies involvement because there isn't a private market solution. We're the only ones trying it," Fazio said.

The Growers League hopes to expand the new Mattawa facility in the future and is talking to growers about building facilities in other areas of Central Washington, Gempler said.

The league opened the 200-bed Brender Creek migrant farmworker housing in Cashmere, west of Wenatchee, last May. The \$6 million facility and the league's 270-bed Sage Bluff migrant farmworker facility south of Wenatchee, built in 2010, were built with state and private funding.

"There really is a spectrum of need out there from people who are settling in and want a house in isolated areas to seasonal housing for farmworkers on their own out there looking for jobs," Gempler said.

About 50 percent of the league's occupancy is walk-in farmworkers and growers lease a lot for H-2A and non-H-2A workers, he said.

The league will keep its 300-tent, 1,500-cot rent-a-tent program going next year without a \$100,000 state subsidy, Gempler said. Money is being saved by allowing growers to store tents on their property in the off season, he said. That program is shrinking as other housing is built, which was the intent all along, he said.

A 380-bed migrant cherry-worker camp in Monitor, west of Wenatchee, will be kept going for another two years under an agreement signed Nov. 30 between the state Department of Commerce and Chelan County. The state will no longer lease it but will pay operational expenses. The county will assess the camp's future during the two years, said Keith Goehner, county commissioner.

Washington orchard accused of water theft

Farmer to appeal state fine

By DON JENKINS
Capital Press

A southeast Washington orchardist has been fined \$73,530 for illegally drawing from the Touchet River in Columbia County, the state Department of Ecology said Dec. 3.

Warren Orchards used an estimated 90 acre-feet of water to irrigate 100 acres after receiving a shut-off order July 9, according to DOE.

Dayton orchardist Bill Warren said he planned to hire a lawyer and appeal the penalty to the Pollution Control Hearings Board. He declined to comment further.

The orchard and 66 other irrigators with 1923 water rights to the Touchet were issued the notices because of low river flows.

DOE staff members reported seeing the orchard irrigating at night Aug. 18.

"We got a few complaints from other junior users, and we went to investigate it," DOE



Courtesy of Washington Department of Ecology

The 55-mile Touchet River, a tributary of the Walla Walla River, flows through southeast Washington. The state Department of Ecology has fined a Columbia County orchard, charging the orchard with illegally drawing from the river after DOE shut-off irrigators last summer because of the drought.

spokeswoman Brook Beeler said.

On Aug. 22, DOE ordered Warren to disconnect his pumps and provide water-meter records.

The records showed the orchard had used 174 acre-feet since May, Beeler said.

DOE estimated that the 55 acres of apples and 45 acres of pears would have needed about 83 acre-feet of water by July 9.

The DOE assumed the other

water was used during the 44 days from July 9 to Aug. 22.

The illegal water use reduced the flow for farmers with more senior rights and endangered fish, according to DOE.

DOE valued the water at \$817 an acre-foot and multiplied by 90 to calculate the penalty.

DOE based the water's worth on a precedent set in August when the department fined the Touchet Eastside Westside

Irrigation District.

The irrigation district also was accused of illegally using 90 acre-feet and fined \$73,530.

Although Warren Orchards is not in the irrigation district, it is in the same basin, Beeler said.

DOE alleges the Touchet irrigation district reneged on a deal to keep more water in the river for steelhead.

The district made the pledge in exchange for state money for irrigation pipes.

Based on the public's investment, DOE calculated the water that was used illegally was worth \$817 an acre-foot.

The district has said it had technical problems with meters, but that it has been meeting its overall obligation to forgo water and is committed to keeping its pledge.

The district has appealed to the Pollution Control Hearings Board. A hearing is set for April 25 at a location yet to be determined.

The Touchet River is a 55-mile tributary of the Walla Walla River.

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