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“At what point did (the EPA) become aware of the misuse of the EPA funds for the What’s Upstream campaign and what role did EPA have in reviewing that billboard and website?”
— Sen. Deb Fischer, R-Neb.



The Environmental Protection Agency was “distressed by the use of the money and the tone of that campaign.”
— Environmental Protection Agency Administrator Gina McCarthy



“I have never seen anything this bad. This is really amazing. To fund a program that tries to influence the state Legislature, that I find totally shocking.”
— Karen Budd-Falen, a Wyoming property-rights lawyer



“The truth hurts sometimes.”
— Puget Soundkeeper Executive Director Chris Wilke



“This is just a new low. It’s shocking to me our tax dollars went for that.”
— Washington state agriculture lawyer Toni Meacham



“I can’t believe two billboards got that much attention. We didn’t see that coming at all.”
— Swinomish tribal Chairman Brian Cladoosby

WHAT'S UP WITH 'WHAT'S UPSTREAM?'

EPA's involvement in anti-farm campaign ran deep, documents show

By DON JENKINS
Capital Press

A little more than a month ago, What’s Upstream was an obscure political advocacy campaign backed by Environmental Protection Agency money, a Washington state Indian tribe and a handful of environmental groups.

Today, the campaign has been condemned by one-third of the U.S. House as an attack on agriculture, and the inspector general of the EPA has promised to investigate whether it is a misuse of taxpayer money.

If it is, the Northwest Indian Fisheries Commission may have to repay the money and could be cut off from receiving future grants. The commission funneled the EPA money to the Swinomish tribe to fund an advertising and letter-writing campaign aimed at the Washington Legislature seeking mandatory 100-foot buffer zones between farms and rivers.

The website features a photograph — not taken in Washington — of cattle standing in a river and salmon that apparently had died after spawning, a natural occurrence. The implication was that farming in Washington state is not adequately regulated.

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This photograph from a stock agency appears on the What’s Upstream website. It shows dairy cattle standing in a stream. The photo was not taken in Washington state.
What’s Upstream.com

Grazing limits sought for unoccupied bull trout habitat

Environmentalists ask judge to invalidate grazing plans

By MATEUSZ PERKOWSKI
Capital Press

MEDFORD, Ore. — Environmentalists want to limit cattle grazing along Oregon’s Sprague and Sycan rivers to protect bull trout habitat that the threatened species doesn’t actually occupy.

Despite the fish’s absence, environmentalists have asked a federal judge to invalidate grazing plans for 10 federal land allotments because livestock unlawfully degrade its “critical habitat.”

“What we have here is unoccupied habitat and the rea-

son it’s unoccupied is because it’s not suitable for bull trout,” said Lauren Rule, attorney for the environmental groups during oral arguments April 26 in Medford, Ore.

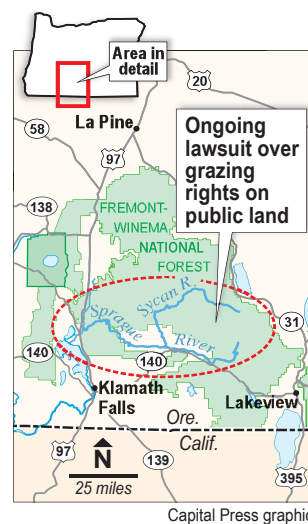
Oregon Wild, Friends of Living Oregon Waters and the Western Watersheds Project claim in a lawsuit that the U.S. Forest Service and U.S. Fish and Wildlife Service violated the Endangered Species Act by wrongly concluding that grazing won’t adversely affect the bull trout’s habitat.

That conclusion was “irrational” and ignored water

quality problems caused by cattle, such as higher water temperatures from denuded vegetation and trampled streams, the plaintiffs claim.

Any activity that occurs within the bull trout’s “critical habitat” — as designated by federal regulators — cannot slow the species’ recovery, Rule said. “It needs to expand to areas it’s not currently occupying.”

The plaintiffs argue that mitigation measures intended to reduce impacts from cattle are insufficiently enforced, so the federal agencies should



not have taken them into account in deciding that grazing

won’t hurt the species.

“They’re not certain to occur at any regular frequency,” Rule said.

The federal government is also accused of violating the Clean Water Act by failing to ensure that streams in the allotments met water quality standards for temperature. Environmentalists argue that cattle widen stream channels, raising temperatures to the detriment of fish.

Grazing was permitted despite numerous stream temperature “exceedances” across the landscape, said Elizabeth Zultoski, attorney for the plaintiffs.

“This is simply not an iso-

lated problem,” Zultoski said, adding that federal regulators largely ignored the problem when re-authorizing grazing. “This court cannot defer to a void.”

Several ranching families that rely on grazing allotments in Oregon’s Fremont-Winema National Forest have intervened in the case as defendants and joined the federal government in asking the judge to reject the environmentalist arguments.

“This is their livelihood,” said Scott Horngren, attorney for the ranchers. “They’re not out there year after year to get

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H-2A delays cause worker shortages in 20 states

By DAN WHEAT
Capital Press

Federal agency delays in processing visas for foreign guestworkers who tend and harvest America’s food crops are fast approaching crisis proportions, all but guaranteeing crops will rot in fields this year, the American Farm Bureau Federation says.

INSIDE

Study: Fewer farmworkers migrate, aggravating labor shortage PAGE 3

Delays are causing worker shortages in more than 20 states, Zippy Duvall, AFBF president, said in an April 21 press release.

“Many farmer members have called us and state Farm Bureaus asking for help. They

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H-2A workers from Mexico pick late blossoms off Lady Alice apple trees to control fire blight at Zirkle Fruit Co.’s GRO Orchard south of Rock Island, Wash., April 26.

Dan Wheat
Capital Press

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