

## Above-average fire year ahead in Hawaii, Alaska, Southwest

By DAN ELLIOTT  
Associated Press

Hawaii, Alaska and the Southwest face an above-average threat of wildfires this summer, but most of the country should see normal or below-normal problems, forecasters said Sunday.

The National Interagency Fire Center's outlook for the spring and summer shows the potential for significant fires will be below average for much of Texas, the South and the southern Midwest. But some regions will face active fire seasons.

Here's a look at specific areas with increased danger this season:

### Hawaii

Hawaii could face a long, dry summer, with above-average wildfire potential from May through August after a drought intensified last month, the fire center said.

The islands are entering a typically dry time of year, so the drought will likely persist or even get worse, even with normal precipitation, the outlook said.

### Southwest

An increased threat of wildfires is expected in southern Arizona in May, expanding into southwestern New Mexico and southern Nevada and Utah in June.

By July and August, conditions will improve in Arizona and New Mexico, but a strip near the California coast from the San Francisco Bay to the Mexican border could see above-normal chances of fire.

California is vulnerable because much of the state remains in a drought, despite an El Nino weather system that

brought near-average snow and rain to the northern half of the state and its northern mountains.

Northwestern Nevada and southeastern Idaho could also see fire-prone conditions later in the summer.

### Alaska

South-central Alaska will be vulnerable in May after scant snow fell over the winter.

Conditions should improve by June, forecasters said, and wildfire potential is expected to be normal across Alaska for the rest of the summer.

Last year, fires burned nearly 8,000 square miles in Alaska, more than half the total nationwide.

### Overall outlook

U.S. Forest Service Chief Tom Tidwell discussed it with The Associated Press on Wednesday while in Denver for a conference on forest health.

"We anticipate the severity of the fire season will not be at the same level as last year, (but) we still expect to have some areas that will be really active," Tidwell said. "We're ready for it," he added.

The improved overall outlook is welcome news after the 2015 fire season, when a record 15,800 square miles burned nationwide. Alaska and the Pacific Northwest were particularly hard-hit.

The Forest Service — the nation's primary wildfire-fighting agency — spent more than \$1.7 billion fighting fires last year, and Congress approved an additional \$520 million for this season.

## IDWR approves city mitigation plan

By JOHN O'CONNELL  
Capital Press

BOISE — Cities should avoid curtailment this season under the Surface Water Coalition's delivery call, following the recent approval of a one-year municipal mitigation plan by the Idaho Department of Water Resources.

Furthermore, it appears likely the temporary city plan will result in additional water being injected into the aquifer to boost declining groundwater levels, called managed recharge.

The coalition filed its call more than a decade ago, arguing well use had depleted spring flows downstream from Blackfoot, injuring senior surface water rights. Until this year, Idaho Ground Water Appropriators had provided mitigation — the amount varying by seasonal conditions — on behalf of all well users, including cities.

IGWA and the coalition reached a settlement last summer, aiming to stabilize the aquifer and provide well users certainty during drought years. IGWA's settlement gives the coalition 50,000 acre-feet of annual mitigation water and requires participants to reduce their combined average annual consumption by 240,000 acre-feet.

IDWR planned to send notice after May 3 to any Eastern Snake Plain Aquifer irrigators with rights dating to 1989, based on current water conditions, who haven't opted into a mitigation plan.

The 16 participants in the short-term municipal plan — led by the Idaho Association of Cities, Pocatello and Idaho Falls — have agreed to provide the Surface Water Coalition 2,600 acre-feet of Upper Snake River storage water this year, buying them time to draft a long-term plan.

IGWA had filed an objection to the municipal plan, which it recently lifted after the coalition sent IDWR a letter vowing to use the water for recharge if it's not needed for irrigation this season.

"The direct delivery of storage water doesn't do anything to restore the aquifer," IGWA attorney Randy Budge said, explaining any long-term municipal mitigation plan should include recharge or reduction of groundwater use.

Brian Olmstead, general manager of Twin Falls Canal Co., said it's likely the cities' water won't be needed for irrigation this season and will be used for recharge in proximity to their borders.

"The real solution is to get the aquifer stabilized," Olmstead said.

# Oregon pesticide applicator fights license revocation

## Applebee Aviation accused of ignoring emergency order

By MATEUSZ PERKOWSKI  
Capital Press

TUALATIN, Ore. — An aerial pesticide applicator is fighting allegations of willful misconduct from Oregon farm regulators who want to revoke his spraying license for at least five years.

An administrative law judge heard the Oregon Department of Agriculture's case against Mike Applebee and his company, Applebee Aviation, which are accused of ignoring an emergency order to stop spraying last year.

Aside from license revocation, Applebee and his company could be subject to \$180,000 in civil penalties.

During the hearings, held in Tualatin, Ore., on April 26-28, the agency argued that Applebee Aviation had a pattern of safety violations leading up to the emergency suspension but continued pesticide treatments after the order was issued in late September 2015.

Applebee countered that he wasn't properly notified of the suspension and responded to it belatedly due to an out-of-state hunting trip from which he didn't return until the order had been already effective for several days.

The company also sprayed cheatgrass on U.S. Bureau of Land Management property in Eastern Oregon because ODA officials didn't clearly answer whether the suspension order prevented operations on federal land, according to Applebee.

Dale Mitchell, manager of ODA's pesticide program, said he could not comment on the pending litigation against Applebee but acknowledged such contested cases are rare.

Companies have only challenged roughly a dozen pesticide violation citations issued by ODA over the past quarter-century, and most of those did not involve license



Mateusz Perkowski/Capital Press

Applebee Aviation's airport is shown near Banks, Ore. The company is fighting the Oregon Department of Agriculture's revocation of its license to spray pesticides.

revocations, he said.

The Applebee dispute has erupted at a time of broader controversy over aerial pesticide applications in Oregon. A prospective ballot initiative filed for the 2016 election would seek to ban aerial spraying across the state.

Oregon lawmakers passed a bill that increased no-spray buffers and doubled fines for pesticide violations last year, but environmentalists argued the legislation didn't go far enough.

Applebee's case came to public attention when a former employee, Daryl Ivy, claimed to have been sprayed with herbicides and released videos allegedly depicting improper aerial operations.

The ODA couldn't substantiate that Ivy had actually been sprayed but found he possessed "credible evidence" of safety violations, such as insufficient "personal protective equipment," or PPE, according to court documents filed by the agency.

During the recent hearing, Applebee testified that he provided pilots with credit cards to ensure the company's

crews always had enough protection.

However, some employees didn't like using the equipment, such as thick gloves that made unscrewing chemical containers difficult, he said.

"The problem wasn't the PPE, it was getting people to wear the PPE. That was the problem," Applebee said.

Applebee's testimony was supported by some of his current and former pilots, who said personal protective equipment was made readily available.

"We always did things the safest way possible," testified David McDaniel, who flew for Applebee until December 2015.

That testimony was countered by witnesses called by ODA, including former batch truck driver Kevin Vanderlei, who said the company had a "minimal amount" of PPE and pressured employees to finish spray operations quickly.

Vanderlei said he was terminated in 2015 for complaining about leaking spray nozzles, but another Applebee

pilot said he was fired for insubordination and vandalizing a company truck.

Rob Ireland, the attorney for Applebee, said the company is currently challenging the ODA's original emergency suspension order in the Oregon Court of Appeals.

An administrative law judge found that the emergency order should be overturned, but the ODA later overrode that decision, Ireland said.

If the Court of Appeals agrees that the original suspension was invalid, it would undermine the agency's case for license revocation and fines, he said.

Applebee Aviation has been able to spray pesticides in Oregon again for the past six weeks because the company's license was reinstated while the litigation is pending, he said.

ODA and Applebee have until May 27 to submit their closing arguments in the administrative case on license revocation. Administrative Law Judge Jennifer Rackstraw said she would try to issue an order within 30 days of their submission.

## Despite drought, almond acreage rose 6 percent in 2015

By TIM HEARDEN  
Capital Press

SACRAMENTO — The drought has done little to slow the growth of almond acreage in California, as the more than 1.1 million overall acres in 2015 was 6 percent more than the previous year.

Of last year's total plantings, 890,000 acres were bearing and 220,000 acres were non-bearing, and preliminary bearing acreage for this year is estimated at 900,000 acres, the National Agricultural Statistics Service reports.

The increase came despite removals of about 45,000 acres of trees in 2015 — much of which occurred after harvest — and continues a trend in which acreage has doubled in the last 20 years, according to government and industry statistics.

However, the Almond Board of California downplays the trend's impact on water resources, citing studies that found most new acreage



Tim Hearden/Capital Press

A new almond orchard near Tracy, Calif., is in its first growing season. Overall almond acreage in California increased by 6 percent in 2015, according to the National Agricultural Statistics Service.

has replaced other irrigated crops and the total amount of water used by agriculture has held steady since 2000.

"Almonds take up about 14 percent of the state's irrigated farmland but use 9.5

percent of California's agricultural water — less than a proportionate share," board president and chief executive officer Richard Waycott said in a statement. "Because of the industry's commitment to research and efficiency, growers use 33 percent less water to grow a pound of almonds than they did two decades ago."

As lucrative prices have continued to encourage growers to switch to nuts from other crops, the almond board has fought diligently in the past couple of years to rebut critics who charge the indus-

try places too much of a burden on the environment. Last summer, the board set aside \$2.5 million in research into water efficiency, honeybee health and best practices for the current fiscal year.

The board argues that almond trees provide certain benefits to the environment, including groundwater recharge potential and carbon sequestration.

Even as drastic cutbacks in surface water during the drought have prompted some growers in the San Joaquin Valley to remove trees, Kern, Fresno, Stanislaus, Merced and Madera counties still led the state in 2015 in terms of acreage, combining for 73 percent of California's bearing orchards, according to NASS.

Nonpareils continued to be the leading variety with 310,646 total acres in 2015, followed by Monterey (102,299), Butte (86,152), Carmel (81,449) and Padre (55,493), the agency reported.

The estimates were based on a voluntary survey sent to about 6,000 almond growers as well as almond nursery sales and pesticide application data maintained by county agricultural commissioners and the state Department of Pesticide Regulation, NASS explained.

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