

# Dispute brewing over Oregon canal property

## Farmer, irrigation district both claim to own property

By MATEUSZ PERKOWSKI  
Capital Press

A dispute is brewing between an Oregon farmer and an irrigation district over the ownership of land underlying a canal.

Farmer Jim Gordon and his company, Kodiak Ventures, claimed ownership of the land beneath the canal through the

“quiet title” process, under which property ownership uncertainties are resolved.

The previous owners of the property deeded all the land to Gordon, but mistakenly excluded the land beneath the irrigation canal and laterals, said Paul Sumner, his attorney.

After Gordon issued a public notice of the legal action, the North Unit Irrigation District — which operates the canal — filed a motion to intervene in the case.

The irrigation district claims to actually own the

land beneath the canal, which it has operated since 1948, and has requested a state judge to reject Gordon’s claim.

Capital Press was unable to reach the NUID’s manager, Mike Britton, or its attorney, Alan Stewart, for comment as of press time.

Sumner said the implications of the NUID’s claim are “very troubling” because it would effectively mean that irrigation districts own the land beneath canals.

“If this argument is correct, it would be correct for every canal,” he said.

Sumner said the irrigation district simply has the right to operate the canal, but Gordon should have the right to own the underlying property.

Otherwise, he and other farmers could face land use restrictions based on parcel size or be denied access across property owned by irrigation districts, Sumner said.

It’s likely that NUID wants ownership of the property underlying the canal to build hydroelectric facilities without having to buy the land, he said.



Don Jenkins/Capital Press

A What’s Upstream billboard in Olympia, Wash., shows cows in a stream. The billboard since has come down, but a website remains. The Environmental Protection Agency funded the campaign over several years, but some officials in the agency worried that it would disrupt other efforts to clean up waterways, according to documents.

## EPA ‘appreciated’ What’s Upstream, but some in agency weren’t so sure

By DON JENKINS  
Capital Press

The Environmental Protection Agency “appreciated” a Washington tribe’s plan to employ a Seattle lobbying firm to advocate stricter regulations on agriculture, though some within the federal agency questioned as early as 2011 the tribe’s goals and approach, according to newly released EPA records.

The records confirm that the EPA offered guidance as the Swinomish Indian tribe used an EPA grant to contract with Strategies 360 to survey voter attitudes and “create media pieces” for the What’s Upstream advocacy campaign.

“We appreciate the (tribe’s) leadership in using the potentially powerful tool of outreach and education to advance Puget Sound protection and restoration in the Skagit watershed,” stated a 2013 EPA review of the tribe and lobbying firm’s plan.

The records were obtained by the Capital Press through a Freedom of Information Act request and represent a portion of the documents the EPA is expected to eventually release about its role in What’s Upstream.

The tribe and several environmental groups used the EPA-funded campaign as a vehicle to rally grass-roots support for mandatory 100-foot buffers between farm fields and waterways in Washington.

Some federal lawmakers have asserted the campaign violated laws against using federal funds to lobby. The EPA’s Office of Inspector General is auditing how the tribe and

Northwest Indian Fisheries Commission handled the grant.

The EPA had funded the campaign since 2011, but distanced itself from What’s Upstream when the agency’s role was publicized last spring, provoking criticism from farm groups and some federal lawmakers for portraying producers as unregulated polluters.

EPA Administrator Gina McCarthy told a Senate committee in April that her agency was “distressed” by the campaign’s tone and shifted responsibility to the tribe and fisheries commission.

The newly disclosed EPA records show the agency’s Northwest regional office was generally supportive of the tribe’s activities, but also had some concerns, though the records do not show that the EPA insisted its advice be followed.

The EPA declined to comment for this story.

While concluding the campaign would not violate lobbying laws, the EPA cautioned the tribe about public perception.

The EPA urged the tribe to align its campaign with the goals of federal, state and local plans to protect Puget Sound. Otherwise, the EPA warned, the tribe’s efforts could be seen as a tribe-initiated “grass-roots lobbying effort.”

Despite the warning, the What’s Upstream website included a link allowing people to send a form letter to their state legislators urging mandatory buffers.

The tribe outlined for the EPA in 2011 plans to spend \$665,755 over six years to raise “public awareness of regulatory and enforcement deficiencies.”

# Washington voters likely to decide minimum wage

## Farm Bureau joins I-1433 opposition

By DON JENKINS  
Capital Press

OLYMPIA — Advocates submitted signatures July 6 to put on the November ballot an initiative to raise the minimum wage to \$13.50 and require employers to provide paid sick leave, policies that business and farm groups warn will have unintended and adverse consequences for workers.

Raise Up Washington, the group behind I-1433, said it collected 360,000 signatures. At least 246,372 must be from registered voters. The Secretary of State’s Office recommends initiative sponsors collect at least 325,000 to provide a cushion for duplicate or invalid signatures.

The Washington Farm Bureau joined other business organizations in a statement criticizing I-1433, warning the measure will reduce the number of jobs, particularly for entry-level workers in rural areas.

Raising the pay floor will compress wage scales and discourage farmers from hiring inexperienced workers, Farm Bureau CEO John Stuhlmiller said.

“A law to increase the minimum wage without providing support for starting jobs, or those that get young adults their first work experience will hit farming operations, particularly smaller ones, and their employees hard,” he said.

I-1433 would raise Washington’s minimum wage to \$11 in 2017, \$11.50 in 2018, \$12 in 2019 and \$13.50 in 2020. The wage would then be adjusted annually by the rate of inflation, as is the case now. Washington’s minimum wage is currently \$9.47 an hour.

I-1433 also would man-



Courtesy of Washington Office of the Secretary of State

Initiative 1433 sponsor Ariana Davis speaks July 6 outside the Washington Office of the Secretary of State surrounded by supporters of raising the minimum wage and mandating paid sick leave. The I-1433 campaign turned in signatures to qualify to be on the November ballot.

date one hour of paid sick leave for every 40 hours worked. For seasonal workers, earned sick leave would carry over to the next year.

Workers could also use paid leave to care for a sick family member or address legal issues stemming from domestic violence involving the worker or a family member.

Presumptive Democratic presidential nominee Hillary Clinton tweeted her support for I-1433.

“We have to do more to raise wages & support paid leave for hardworking families. I stand with @RaiseUp\_WA in their work to do just that,” she tweeted.

In a tweet, Bernie Sanders congratulated Raising Up Washington “for taking the first step to a \$15/hr min. wage and paid leave.”

Raise Up Washington has reported raising \$1.6 mil-

lion and spending almost \$960,000 so far to support I-1433. Some \$500,000 has been contributed by Nick Hanauer, co-founder of the Seattle venture capital firm Second Avenue Partners. The United Food & Commercial Workers has contributed about \$105,000, according to the Public Disclosure Commission.

Stuhlmiller said he expects the Farm Bureau to contribute to a campaign to oppose I-1433. Business groups will be hard-pressed, however, to match Raise Up Washington’s campaign fund, he said. “Our advantage is we have good grass-roots associations,” he said.

Stuhlmiller also said opponents of I-1433 will be challenged to distill their message without appearing uncaring about workers.

The Farm Bureau main-

tains that any state pay floor that exceeds the federal minimum wage of \$7.25 puts Washington farmers at a competitive disadvantage.

To head off I-1433, other business groups publicly endorsed a more-modest increase in the minimum wage during this year’s legislative session.

Stuhlmiller said compromise proposals never advanced far enough to present them to the Farm Bureau’s board.

Scott Dilley, a lobbyist on labor issues for the Washington State Dairy Federation, said that if passed, I-1433 would immediately boost wage scales and pinch farmers.

“It makes profit margins that are already tight, with commodity prices the way they are, even tighter,” he said.

## Almond growers urged to reduce dust during harvest

By TIM HEARDEN  
Capital Press

ARBUCKLE, Calif. — Slowing harvesters down, keeping foliage on trees and maintaining a smooth orchard floor are a few ways nut growers can reduce dust during harvest, a university expert advises.

“Dust is a byproduct of what we do,” University of California Cooperative Extension adviser Franz Niederholzer told about two dozen growers during a July 8 workshop. “Nobody likes dust. Everybody just tolerates it.”

“There’s nothing good about dust,” he said, noting its impact on the cost of filters, fuel and equipment maintenance. “So anything that reduces dust is good for your farming operation as well as the environment.”

Niederholzer, a Yuba City, Calif.-based fruit and nut researcher, noted that trees filter dust, so growers should avoid shaking trees so vigorously that leaves fall along with the nuts.

A smooth orchard floor enables the sweepers and collec-

tors to work less and kick up less dust, and slowing ground speed — at least in sensitive areas near roads, schools or neighboring houses — creates less dust, he said.

“Let your employees know how important dust management is,” Niederholzer said.

Agricultural industries have placed a greater emphasis on dust management as the failure of much of California to meet federal ambient air quality standards has prompted increased scrutiny from regional air boards. The San Joaquin Valley has been federally classified as being in “serious non-attainment” for particulate matter and farm activities have been blamed for causing more than half of the emissions, according to a UC fact sheet on air quality and agriculture.

This year, the USDA’s Natural Resources Conservation Service is offering a new incentive option for almond and walnut farmers to use cleaner harvesting technology. Farmers can get up to \$10.32 an acre for three years to use harvesters certified as lowering particulate matter by at least 30 percent.



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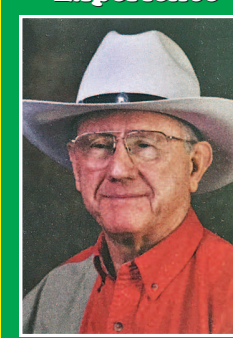
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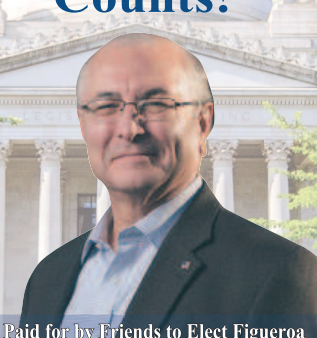
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