

Washington

Ecology backs spraying herbicide in bay

Studies show buffers adequate

By DON JENKINS
Capital Press

The Washington Department of Ecology proposed Wednesday to allow shellfish farmers to continue spraying an herbicide in Willapa Bay for at least two more years to kill non-native eelgrass that smothers commercial clam beds.

Studies have shown that a 10-meter buffer protects native eelgrass from the herbicide, according to Ecology.

The proposal represents a victory for shellfish growers in southwestern Washington. The growers have faced opposition from environmental groups over using chemicals in the bay to control Japanese eelgrass, also known as *Zostera japonica*.

The grass blocks food from reaching clams and slows water flows, allowing sediment to collect on clam beds.

Ecology issued a permit in 2014 to allow growers to spray imazamox. The permit called for spraying to end in May 2017, unless studies showed the herbicide would not damage the environment.

Ecology's only concern was whether imazamox sprayed into the bay would flow off-site and kill native



Zostera japonica, also known as Japanese eelgrass, covers clam beds in Willapa Bay in southwestern Washington in this 2014 photo. The Washington Department of Ecology proposes to let shellfish growers continue to spray an herbicide in the bay to kill the grass.

Don Jenkins/Capital Press

eelgrass, Ecology permit writer Nathan Lubliner said.

Imazamox is "practically non-toxic" to fish, birds and honeybees, according to an Environmental Protection Agency fact sheet.

"None of them should be

impacted by the chemical," Lubliner said.

University of Washington researchers studied three 5-acre plots in the bay. After reviewing the study, the National Oceanic and Atmospheric Administration

concurred with Ecology that 10-meter buffers were adequate to prevent harm to the native eelgrass.

The state Department of Natural Resources and Department of Fish and Wildlife suggested studying more

sites. Lubliner said Ecology may consider that suggestion when the permit is due to be reviewed in 2019.

Ecology will take public comment until Feb. 3 on its proposal to allow spraying to continue.

Ecology will hold public hearings 1 p.m. Jan. 24 at the department's headquarters in Lacey and at 10 a.m. Jan. 26 at the Willapa Harbor Community Center in South Bend.

Apple industry giant Bill Evans dies at 87



Courtesy of David Eddy/Western Fruit Grower Magazine
Bill and Jeannette Evans, owners of Evans Fruit Co. near Cowiche, Wash., in one of their apple orchards in 2014.

By DAN WHEAT
Capital Press

COWICHE, Wash. — A man who wasn't afraid to stand alone against government and even his own industry at times and who built one of the largest tree fruit companies in Washington, Bill Evans, died of natural causes Dec. 6 at 87 years old.

Evans and his wife, Jeannette, started farming on 10 acres in Naches Heights, near Yakima, in 1949. Over the ensuing decades they acquired more than 9,000 acres of orchards and packing sheds in Cowiche, Tieton and Yakima.

The company grows many apple varieties including a lot of Red Delicious exported to Mexico.

More than 30 years ago, Evans was among the first to plant large apple orchards in the Mat-tawa area, which had been considered too hot to grow apples.

Evans was very much a hands-on president of Evans Fruit Co. who considered the warehouse and orchard his office and could be found in either most days overseeing and lending a hand where needed.

"He was engaged in issues but didn't seek the limelight. To him the greatest virtue was hard work," said Brendan Monahan, Evans' Yakima attorney of 24 years.

"Bill had the courage of his convictions. He was absolute-

ly unafraid to stand alone. He didn't seek conflict but when it came to him he was more than willing to stand on principle even if it meant he was the last man standing," Monahan said.

"I can tell you everybody saw the bold and decisive leader that he was but not everybody had the opportunity to see what a humble and kind gentleman he was," Monahan said.

Christian Schlect, president of the Northwest Horticultural Council in Yakima, said Evans was "a highly respected grower and industry leader."

"He was a wonderful man and successful in building a business from essentially nothing into one of the largest privately owned apple orchards in the world," Schlect said.

"He and Jeannette were partners. You can't speak of him without speaking of her. They were hard workers. A lot of people admired what they did," Schlect said.

Schlect said the entire industry benefited when Evans Fruit pushed back against the Equal Opportunity Employment Commission and against other government agencies.

In 2010, the EEOC filed a civil lawsuit against Evans Fruit alleging numerous women farmworkers were sexually harassed over several years. The EEOC won a temporary restraining order and preliminary injunction against the company and its orchard manager for al-

legedly threatening and intimidating individuals who assisted in EEOC's investigation.

In 2011, EEOC filed another suit alleging retaliation against workers.

In 2013, a U.S. District Court jury found the EEOC failed to prove the allegations of sexual harassment in the first suit and a federal judge subsequently dismissed the second suit. EEOC appealed to the 9th U.S. Circuit Court of Appeals. Evans Fruit was confident it would prevail against the appeals but settled by agreeing to pay 20 claimants \$272,000 because it cost less than continuing litigation, Monahan said at that time.

The case was "a colossal failure" for EEOC and Northwest Justice Project, Monahan said at the time.

In another case, Evans successfully sued Washington state over a rule it imposed making it a misdemeanor to sell year-old apples. Evans won on constitutional grounds in Yakima County Superior Court and the state did not appeal.

In 2003, Evans Fruit, Borton & Sons and Washington Fruit & Produce Co. joined together against the rest of the industry as intervenors in a Washington Apple Commission lawsuit.

The constitutional validity of commodity commissions such as the Apple Commission to engage in domestic promotions was under attack in dif-

ferent cases across the nation. At issue was whether mandatory commodity commission assessments on growers violated their right to free speech. The commission filed a reverse class action suit against its own growers to establish case law that it had the right to make mandatory assessments. Evans, Borton and Washington Fruit and several organic growers intervened and prevailed in federal court.

It resulted in the Apple Commission shutting down domestic promotions, leaving only export promotions, and drastically reducing its size.

While Evans felt strongly about those cases and opposed government overreach, he more greatly enjoyed growing, packing and selling his fruit.

"He treated people correctly and put his heart and soul into his operation," Schlect said. "He will be missed."

Bill and Jeannette Evans were named apple growers of the year by American Fruit Grower and Western Fruit Grower magazines in 2014.

Evans is survived by his wife, Jeannette; children Vicki Loges, Julie Martinson and Jon Evans; four grandchildren and four great-grandchildren. He was preceded in death by two sons, Tim Evans and Greg Evans.

Jeannette and other family members will carry on the business.

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