

## Port director optimistic despite TPP, loss of container business

By MITCH LIES  
For the Capital Press

SALEM — Port of Portland Executive Director Bill Wyatt told participants at the 76th annual meeting of the Oregon Seed Growers League in Salem on Dec. 12 that he is disappointed by the failure of the Trans-Pacific Partnership, but is optimistic the new administration will be trade-friendly.



Bill Wyatt

“I am disappointed about the TPP, but I don’t think that is going to be the last chapter in that story,” Wyatt said. The TPP, a trade agreement among 12 Pacific Rim countries, has been all but abandoned in recent months after failing to generate congressional support. It also is opposed by President-elect Donald Trump.

Still, Wyatt said: “If you look at some of the folks who are going to be involved (in the Trump administration), these are thoughtful global players. I do have some optimism on that front.”

Wyatt’s presentation was a highlight of the first day of the two-day meeting that drew upwards of 500 participants.

In addition to talking about the potential effects of the Trump administration on trade and transportation, Wyatt touched on issues affecting the port’s abilities to attract a new container shipping company, and spoke on conditions that led to the demise of the South Korean shipping line Hanjin.

Hanjin, once the third biggest trans-Pacific shipper, and one of the last container shipping lines to call on Portland, filed for bankruptcy Aug. 31 and is now in liquidation.

Wyatt said much of Hanjin’s demise can be traced to an oversupply of container shippers competing for limited business, adding that at least some of the oversupply is a result of a reliance on ship building in countries such as China,

Japan and South Korea.

When ship orders expire, these countries tend to offer shipping companies huge discounts on new ships in an attempt to preserve jobs and income, Wyatt said, and many companies accept.

“We have had way too many ocean carriers, and they have done what happens in a world with unlimited supply and limited demand,” Wyatt said. “They have pretty much killed themselves.”

Wyatt also said ship builders are constructing container ships to handle huge volumes, and that the average container capacity today is 7,500 twenty-foot equivalent units, or 1,000 TEUs greater than the Port of Portland is equipped to handle, both because of crane size and the channel depth of the Columbia River.

That limitation, he noted, is part of the challenge of attracting a new shipping line to call on Portland.

“Having said all of that,” he said, “we have pretty good business in Portland. We have reasonable cargo available at a reasonable price.”

“I feel good, actually, about the quality of business that is available here,” he said.

Wyatt noted that Port of Portland officials are working daily on attracting new container service to Portland.

On another positive note, Wyatt said the new administration “seems focused on transportation infrastructure,” which could benefit efforts in Oregon to improve the state’s infrastructure.

“Let’s take advantage of the energy that I think we are going to be seeing in the nation’s capital to leverage that in the state of Oregon,” he said.

He said Washington, California and Idaho are spending considerable sums on transportation infrastructure, leaving Oregon alone among West Coast states not doing so.

“It has been a long time since we spent new money on transportation infrastructure here in this state,” Wyatt said, “and all of our neighbors are doing it, including Idaho.”

## Murrelet questions block logging project

### Judge issues preliminary injunction for private parcel

By MATEUSZ PERKOWSKI  
Capital Press

A federal judge has prohibited logging on private property owned by a timber company due to the possibility of harm to threatened marbled murrelets.

U.S. District Judge Ann Aiken has issued a preliminary injunction against the harvest of a 50-acre parcel owned by Roseburg Forest Products and its Scott Timber subsidiary.

The tract was part of Oregon’s Elliott State Forest until the timber companies bought the property in 2014, to the alarm of environmental groups.

Three nonprofits — Cascadia Wildlands, Center for Biological Diversity and the Audubon Society of Portland — filed a lawsuit seeking to block logging on the parcel, arguing it was occupied by marbled murrelets and harvest would violate the Endangered Species Act.

The property, known as the Benson Snake Unit, is important to the species for life-cycle behaviors beyond just nesting, said Dan Kruse, attorney for the environmental plaintiffs, during oral arguments last month.

“Fragmentation has significant impacts on marbled murrelets,” he said.

The timber companies countered that they’d hired an internationally known consulting firm to specifically pick a logging site that wasn’t occupied by the birds, which will be out to sea when the harvest occurs.

“They don’t have the facts or the evidence to show there will be death or



File Photo

A federal judge has issued a preliminary injunction against logging on a parcel of private land that was once part of the Elliott State Forest in Oregon. At issue is whether the logging would impact marbled murrelets, which are protected under the Endangered Species Act.

injury to the marbled murrelet,” said Dominic Carollo, attorney for the timber defendants.

In her ruling, Aiken said the two sides have offered competing versions of the facts.

“Since both plaintiffs and defendants make compelling arguments, the issue here, as with many environmental cases, boils down to which scientific approach is best,” she said.

While the timber companies relied on newer data to determine that marbled murrelets don’t occupy the site, the environmental groups’ protocol showing the

site is occupied is “widely accepted within the scientific community,” Aiken said.

At this point, though, Aiken said she doesn’t have to decide which method is better.

It’s enough that the environmental groups have raised serious questions about the presence of marbled murrelets and shown the bird would suffer irreparable injury from logging, she said.

“If the project proceeds, marbled murrelets will not be able to nest in the clear-cut parcel for nearly a century while the forest regrows,” said Aiken.

## Judge sides with R-CALF in checkoff suit against Montana Beef Council

By JOHN O’CONNELL  
Capital Press

GREAT FALLS, Mont. — A federal magistrate judge has issued a recommendation that the Montana Beef Council be barred from keeping beef checkoff dollars collected from unwilling ranchers, agreeing that the practice violates their constitutionally protected free speech.

The Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America brought the suit against USDA alleging the council is a private organization, and a campaign it conducted with the Wendy’s fast-food chain ran contrary to the interests of ranchers in the state, as the chain promotes North American beef rather than U.S. or Montana beef.

Because of a heavy caseload in the Montana federal court system, the case was heard by U.S. Magistrate Judge John Johnston. His Dec. 12 ruling must still be affirmed by a district judge. The federal government will have 14 days to file objections to the ruling, and R-CALF attorneys will be allowed additional time to address the government’s response, before the district judge will render a decision.

The council collects the \$1-per-head checkoff fee on state cattle sales, keeping 50 cents and sending the remainder to the government-controlled Cattlemen’s Beef Promotion Board. If the ruling is affirmed, Montana’s council will be required to obtain permission from ranchers to retain its portion of the fee, said David Muraskin of

the public interest law firm Public Justice who represents R-CALF. Muraskin hopes USDA would then change its fee collection policies.

“Our hope is the ruling in Montana will force the federal government to recognize it can’t just turn over money to private entities to finance multinational corporations’ speech,” Muraskin said.

The federal government established a provision for producers to opt out of paying fees to qualifying beef councils following the filing of R-CALF’s lawsuit. Muraskin argued the opt-out policy unduly places the onus on producers to make the request and is overly burdensome, forcing them to file the request every month, among other problems.

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