

Watchdog: What's Upstream apparently spent too little

PDC staff finds no violation of Washington law

By DON JENKINS
Capital Press

A Puget Sound tribe's six-figure Environmental Protection Agency-funded campaign to limit farming in Washington state didn't spend enough money on one key element to be seen as grass-roots lobbying, according to a Public Disclosure Commission staff report.

The report released Friday concludes that a "take action" link on the tribe's What's Upstream website "could have been considered a grass-roots lobbying expenditure."

But, according to the report, spending on the link apparently didn't exceed \$1,400, the threshold for triggering reporting requirements to the PDC.

The link was part of a six-year, \$655,000 campaign plotted by the Swinomish Indian Tribe to change state regulations, according to pre-



Don Jenkins/Capital Press File

A What's Upstream billboard shows cows in a stream as part of the group's campaign against Washington farmers. The Washington Public Disclosure Commission staff has decided against recommending that the full panel fine the Environmental Protection Agency-funded attacks.

viously released EPA records. The link facilitated a letter-writing campaign to legislators in 2016, making a pitch for 100-foot buffers between farms and waterways.

PDC Executive Director Evelyn Fielding Lopez said that regardless of how much was spent specifically on the link, the staff did not consider it a lobbying activity. The form letters generated by the link did not advocate for a

specific bill or ballot initiative, she said.

"It's not really a good policy that you would have to be registered with the state every time you're discussing ideas," Lopez said.

The website remains up. The "take action" link was active for about five months before and during the 2016 legislative session. The EPA asked the tribe to take down the link in April after some

federal lawmakers accused the EPA of financing illegal lobbying. The EPA's inspector general is auditing whether the tribe and Northwest Indian Fisheries Commission broke federal laws.

The PDC staff was to recommend Thursday that the agency's citizen commission clear the tribe, EPA and Seattle lobbying firm Strategies 360 of breaking state law by failing to register What's Upstream as a political committee or grass-roots lobbying organization. The PDC staff also will send the report to the state attorney general's office for review.

"I don't think it was grass-roots lobbying, and the staff doesn't think so, but there's always a little room for individual opinions," Lopez said.

The PDC investigated in response to a complaint by Save Family Farming. The group alleged What's Upstream tried to influence legislators and researched the chances of passing a ballot initiative. The tribe presented the idea of actually filing an initiative, but withdrew the plan after the EPA balked.

"Apparently, the (PDC) believes that spending \$600,000 of public money for the stated purpose of influencing legislators to pass very specific measures and to build public support for a citizen's initiative are not concrete steps," Save Family Farming director Gerald Baron said in an email. "We are left wondering, what is concrete?"

An EPA spokesman said the agency had no comment Friday.

The tribe's environmental policy director, Larry Wasserman, the campaign's lead organizer, and Strategies 360 Vice President of Communications Jeff Reading did not respond to requests for comment. Reading worked on the campaign and responded to the complaint.

Although it's unclear how much was spent directly on the "take action" link, previously released EPA records show that developing and promoting the website cost far more than \$1,400.

An original and a revised website cost more than \$34,000 to build. The tribe purchased more than \$60,000

worth of billboard space and radio advertising to promote the website in late 2015 and early 2016. The tribe spent an undisclosed amount of EPA funds to hire Strategies 360 to poll voters and develop advertising material over several years.

The PDC report describes Strategies 360 as "a vendor."

Save Family Farming's complaint specifically named former EPA Regional Administrator Dennis McLerran, but the investigation concluded that McLerran didn't authorize or engage in lobbying.

Investigators noted that the tribe hired an Olympia lobbyist, who registered with the PDC, to represent it during the 2016 session on a narrowly focused bill that would have required property owners enrolled in a voluntary farmland preservation program to leave riparian buffers.

The tribe and EPA had both argued that the state's PDC had no jurisdiction over them. Lopez said the staff cleared What's Upstream on other grounds. "From my perspective, that is still an open question," she said.



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(Above, Courtesy of Kathy Keatley Garvey/UC-Davis) The Tremont Countywide 4-H Service Learning Project delivered hand-made Christmas stockings to children at the Opportunity House homeless shelter. From left are 4-H'er Alaina Austin, Opportunity House residents Manuel Martinez, 11, and his sister, Itzel Martinez, 8; 4-H teen leaders Ryan Anenson and Erica Hull; and 4-H'er Allison Schroeder.

(Left, Courtesy of Kathy Keatley Garvey/UC-Davis) Bearing gifts, teen leader Ryan Anenson leads the Tremont Countywide 4-H Service Learning Project into the Opportunity House in Vacaville, Calif., to deliver hand-made Christmas stockings, filled with gifts, for homeless children. Behind him are Alaina Austin and teen leader Erica Lull. At far right is Allison Schroeder.

4-H MEMBERS SPREAD HOLIDAY CHEER

DIXON, Calif. — Some 4-H members in this Sacramento Valley community spent the holidays providing cheer for the homeless.

The Tremont Countywide 4-H Service Learning Project delivered hand-made Christmas stockings filled with gifts to the dozens of children in homeless shelters in nearby Vacaville and Fairfield.

Leaders, teen leaders and members showed up with stockings containing age-appropriate gifts along with bags filled with presents for children at the Opportunity House in Vacaville and Heather House in Fairfield.

"This year, we saw a need among the youth in our local shelters," said teen leader Ryan Anenson, a four-year member of the 4-H Service Learning Project.

"We designed patterns, received felt material donations and began sewing and decorating stockings — one for every child living at the Heather House and Opportunity House shelters," Anenson said in a news release.

The group used gift donations from club families and the community to fill the stockings generously, he said. Delivering the gifts was his favorite part of the project, he said.

"Helping others, especially other youth, has been a very rewarding and heart-warming experience," Anenson said.

The 4-H'ers attended a Wreaths Across America ceremony at the Sacramento Valley National Cemetery in Dixon before going to the shelters.

The younger homeless children received such gifts as barrettes, hair brushes, pony tail holders, toys, mittens, hats, scarves, puzzles, miniature cars, socks, slippers, chapstick and lip

gloss and small craft kits, according to the release.

The teen-agers received movie tickets, gift cards, jewelry kits, arts and crafts kits, and stationery and pens. All the stockings included candy.

The Christmas project is one of many humanitarian efforts the Tremont group has worked on throughout the year. The group has also participated in the Cuddle Me Close blanket project for nursing mothers, a hygiene kit project for Mission Solano and a gardening project for the Heather House.

The club is one of 11 4-H clubs in Solano County.



(Courtesy of Kathy Keatley Garvey/UC-Davis) Christmas stockings filled with gifts for homeless children were delivered to homeless shelters by the Tremont Countywide 4-H Service Learning Project in Dixon, Calif.

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