

Washington



Courtesy Tim Murray/Washington State University

Snow mold in a wheat field. Researchers say farmers whose wheat crop has been under a blanket of snow for 100 days or more need to wait three to four weeks to determine whether it will recover.

Wheat growers face waiting game on snow mold severity

Crop could recover if fungus doesn't kill crown

By **MATTHEW WEAVER**
Capital Press

Farmers worried about snow mold damage in their wheat fields need to wait three to four weeks to determine whether their crop will recover, a plant expert says.

Snow mold can look worse on the surface than it actually is, said Tim Murray, plant pathologist at Washington State University. The fungi that cause the disease occur all over the surface of the plant.

"The longer the snow cover, the more area it's going to cover and the worse it's going to look when the snow comes off," Murray said.

If the fungi get into the crown of a wheat plant and kill it, the plant doesn't recover, he said. Murray encourages farmers to dig up a wheat plant or two. If they can still see green tissue, farmers could put the plant in a pot at about 50 or 60 degrees Fahrenheit.

"If those plants are still alive, they should start to grow within a few days," Murray said. "That's one way you can estimate what's going on out there."

Snow mold is typical at higher elevations in Central and Eastern Washington. Some crops in those region have been under snow for more than 100 days, which is when snow mold damage concerns intensify.

"The snow is still there, they can't even see their wheat," said Ryan Higginbotham, director of WSU's cereal variety testing program. "They're probably more concerned than usual just because of the duration of the snowpack. It's been a while since we've had snow that lasted this long."

Near Pullman, Wash., fields were under snow cover for 60 days. Some northern slopes had longer snow cover, Murray said.

The only precaution for snow mold is applying fungicide in the fall. Farmers don't have options after snow mold occurs, Murray said.

"It has to be prophylactic, it's no good after the fact," he said.

"If I were a farmer, I'd rather have stripe rust than snow mold," Higginbotham said. "I can control stripe rust; I can't control snow mold."

Murray and WSU winter wheat breeder Arron Carter have a research project through the Idaho Wheat Commission and Washington Grain Commission to develop wheat with snow mold resistance.

Farm settles labor lawsuit for \$1.2 million

By **DAN WHEAT**
Capital Press

YAKIMA, Wash. — A large southern Washington farm has agreed to pay \$1.2 million to settle a class-action lawsuit involving 641 Yakima Valley farmworkers.

U.S. District Judge Stanley A. Bastian granted preliminary approval of the settlement on March 7.

Farmworkers Bacilio Ruiz Torres and Jose Amador, represented by Columbia Legal Services, filed a lawsuit in 2014 contending Mercer Canyons Inc. violated federal and state wage laws in 2013. The farm allegedly underpaid domestic workers for vineyard work and failed to inform them that they were entitled to higher pay of \$12 per hour that Mercer Canyons was paying H-2A-visa foreign guestworkers. Mercer Canyons has de-

nied it violated laws. Rob Mercer, co-owner, could not be reached for comment.

The remote family farm, more than 125 years old, is in the Horse Heaven Hills south of Prosser and north of the Columbia River town of Alderdale. The 12,000-acre farm includes vineyards and produces about 365 million pounds of fresh produce annually.

The lawsuit alleged the company failed to contact former vineyard employees and turned away hundreds of local farmworkers to hire foreign H-2A workers in violation of state and federal wage laws.

Mercer Canyons has said it was approved to hire 44 H-2A workers but hired only 19 after hiring 22 local workers for the jobs. All of them were paid the higher wage required by H-2A regulations,

Mercer Canyons said last August.

The judge appeared to rely upon plaintiffs' assertion that Mercer Canyons had to inform every farmworker it had contact with about the availability of H-2A work without pointing to any legal requirement to do so, the farm said.

On Aug. 31, a three-judge panel of the 9th U.S. Circuit Court of Appeals upheld Bastian's April 2015 ruling that the lawsuit could proceed as a class action.

The settlement precludes a two-week trial in April, saving money for both sides and the uncertainty and time a trial presents, said Lori Isley, a Columbia Legal Services attorney in Yakima.

Columbia Legal Services had two summary judgment motions pending, she said.

"We're thrilled with the settlement and that Judge Bastian has given preliminary

approval," Isley said, adding that farmworkers work hard and deserve respect and just compensation.

Mercer Canyon continues to deny any wrongdoing, and the settlement does not say they violated laws, but Columbia Legal Services still contends they did, Isley said.

Class members will be notified by mail, newspaper and radio ads and have until June 30 to file claims to receive up to \$1,500 in payments, which will be reduced pro rata if total claims exceed \$545,000. Original plaintiffs, Ruiz Torres and Amador, are to each receive \$7,500.

The remaining \$650,000 of the settlement goes to Columbia Legal Services and co-counsel Schroeter, Goldmark and Bender in Seattle, Isley said.

A final court order of resolution is expected in August.

Federal government OKs hemp seeds for Washington state

WSDA proposes rules for cannabis crop

By **DON JENKINS**
Capital Press

The Washington State Department of Agriculture has received approval from federal authorities to import hemp seeds, paving the way for farmers to experiment with the cannabis crop.

"It's a real, real possibility we'll have a spring planting of hemp," WSDA hemp coordinator Emily Febles said Wednesday.

WSDA has proposed rules for hemp and hopes to issue licenses to growers, seed dis-

tributors and processors as early as mid-May. The program, however, depended on receiving a permit from the Drug Enforcement Administration to allow privately purchased hemp seeds to enter the state under WSDA's supervision. Hemp seeds are a federally controlled substance.

Hemp advocate Joy Beckerman, who has advised lawmakers on staying within federal guidelines, said she was overwhelmed by the news of DEA's approval. "It is so thrilling and relieving," she said.

Beckerman said that she anticipated no shortage of hemp seeds from Canada, particularly because a small number of acres are likely to be planted in Washington this year.

Health Canada, a federal agency, lists 46 hemp cultivars approved for planting in that country.

Febles said Italy and the Ukraine also are potential sources for seeds.

Hemp is grown in other states, including Oregon, but DEA won't allow hemp seeds to cross state lines, Febles said.

WSDA will have to renew its DEA permit annually, though Febles said she did not expect renewing the permit will be as time-consuming as obtaining the permit. WSDA applied for the permit in August.

Washington joins several other states that have received DEA approval to import hemp seeds. Washington has tailored its program to remain within the 2014 Farm Bill, which authorized state agriculture departments and universities to oversee hemp programs.

Hemp will be a regulated



Courtesy of USDA

The U.S. Drug Enforcement Administration has given the Washington State Department of Agriculture permission to import hemp seeds, a federally controlled substance. The permit opens the way for private parties to buy and plant hemp seeds.

crop, with WSDA overseeing seed shipments.

Seeds could be sent directly to a farm or to a secure WSDA storage locker in Spokane. The seeds must be planted under WSDA's supervision within 24 hours of being received or picked up, Febles said.

Growers, seed distributors and processors will have to pay a \$450 application fee, plus \$300 a year for licenses. WSDA also will charge for field inspections and seed tests. People who have been convicted of a drug-relat-

ed felony within the past 10 years will be ineligible for licenses.

WSDA proposes to have unrestricted access to fields. Hemp can't be grown within 4 miles of a marijuana farm, according to WSDA's proposed rules.

WSDA will have two hearings on the hemp rules.

The hearings will be at 11 a.m. April 6 at WSDA, conference room 238, 21 North First Ave., Yakima; and 11 a.m. April 7 at WSDA, conference room 259, 1111 Washington St. SE, Olympia.

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11-4/16

Little Goose Dam navigation lock repairs delayed

Grain shippers await reopening of river system

By **MATTHEW WEAVER**
Capital Press

Reopening of a navigation lock at Little Goose Dam near Starbuck, Wash., has been delayed at least a week, according to the U.S. Army Corps of Engineers.

The lock was originally scheduled to reopen March 20.

According to the corps, reasons for the delay include difficulty removing a pin on the operating cylinder and jacking system placement in early January, the extreme winter weather and cracks that appeared on the gate structural members, requiring additional weld repairs.

"We understand the effect

this has on the navigation community," said Gina Baltrusch, corps spokeswoman in Walla Walla, Wash. "We know they need as early a decision as possible to make changes to their own plans. We're going to keep them informed as we continue to get more information. We are doing everything we can to minimize this delay."

Randy Olstad, general manager of Columbia Grain at Clarkston, Wash., said the delay has an effect on his company, but he understands the need to have the locks repaired so they will last for years to come.

Columbia Grain planned for the worst and hoped for the best in preparing for the closure, so no adjustments are yet needed, Olstad said.

He credited the corps with keeping stakeholders informed.

"Do I want to see another

delay?" he said. "No, but do I understand it? Yes."

If the delay is extended further, the company may have to make some adjustments, Olstad said.

Olstad said weather has slowed vessel loading in Portland, so he doesn't expect the delay to cause too much of a problem.

"The environment's always changing, so a week from now, I might be very upset, but as it stands today, I'm understanding and hoping they get it done as quickly as they can," he said.

The lock was taken out of service Dec. 12 as part of system-wide maintenance.

Bonneville lock and dam reopened Feb. 9 as scheduled. The Dalles, John Day, McNary, Ice Harbor, Lower Monumental and Lower Granite locks and dams are scheduled to return to service March 20, according to the corps.