



## Puget Sound tribe's proposal alarms farmers

By DON JENKINS  
Capital Press

The Puget Sound tribe that led What's Upstream proposes to broaden its jurisdiction in the fertile Skagit Valley, alarming farmers wary of the tribe's goals.

The Swinomish Indian tribe announced Wednesday that its members have approved amending the tribe's constitution to erase references to reservation boundaries set in 1873. The tribe proposes that its jurisdiction extend beyond its 7,000-acre reservation to the "tribe's usual and accustomed fishing grounds and stations and all open and unclaimed lands."

The Bureau of Indian Affairs approved the wording of the constitutional change, which still must be approved by Interior Secretary Ryan Zinke. Skagit County commissioners, who say the tribe is apparently trying to extend political control over much of the county, have pledged to challenge the tribe all the way to the U.S. Supreme Court, if necessary.

Farmers say they're concerned that the tribe wants to curtail agriculture in a valley where the federal government has already breached dikes to turn farmland into fish habitat.

"A lot of it is the uncertainty. The tribe won't say what its intentions are. What is the goal?" said dairy farmer Jason Vander Kooy, director of Skagit Family Farmers.

The newly launched group stems from Save Family Farming, which formed last year to answer claims by What's Upstream. The media campaign, organized by the tribe and funded by the Environmental Protection Agency, accused farmers of polluting Puget Sound and advocated stricter limits on farming near water. The campaign angered some federal lawmakers, but was cleared of illegal lobbying by the EPA's inspector general.

Efforts to reach tribal officials were unsuccessful. The tribe has accused county officials of over-reacting in the past, saying the tribe must follow federal laws. The BIA told county commissioners in a recent letter that changing the tribe's constitution will not expand the reservation.

In an explanation posted on its website, the tribe said redefining its jurisdiction will position it to take advantage of congressional actions or court rulings. "By describing our jurisdiction broadly, the Tribe will ensure that its Constitution is a 'living, flexible' document that is able to change as federal law changes," according to the statement.

"It seems like the tribe's goal is to be in control of more land and water. If that happens, it's going to affect agriculture," Skagit County Farm Bureau President Bill Schmidt said. "It's hard to realize sometimes that it's incremental. ... I think it's a step progression, and the first step is to acquire more land and authority."

County commissioners sent a letter to Zinke last week urging him to deny the tribe's request and stating the county's relationship with the tribe has been marked by "constant litigation and pernicious conflict over land use, agriculture, water rights, taxation and many other issues."

# Critics claim liability bill would banish GMOs from Oregon

## Proposal would hold biotech patent holders liable for unwanted presence

By MATEUSZ PERKOWSKI  
Capital Press

SALEM — A bill imposing new financial liability on biotech patent holders in Oregon would effectively banish genetically engineered crops from the state, opponents claim.

Under House Bill 2739, biotech patent holders would be liable for triple the economic damages caused by the unwanted presence of genetically modified organisms, or GMOs.

The bill is now before the House Rules Committee, which is considering an amendment clarifying when landowners can file lawsuits over GMOs on their property and the defenses available to patent holders, among other provisions.



Sean Ellis/Capital Press File

Malheur County farmer Jerry Erstrom points out a genetically engineered creeping bentgrass plant June 14, 2016, on an irrigation ditch bank near Ontario, Ore. The grass, which was genetically modified by Scotts Miracle-Gro Co. to resist the Roundup weed killer, escaped from field trials in 2003 and has taken root in Malheur and Jefferson counties in Oregon and part of Canyon County in Idaho. Oregon lawmakers are considering a bill imposing legal liability on biotech patent holders for unwanted presence of genetically engineered crops.

The amendment would also ensure that patent holders cannot transfer liability to farmers who cultivate GMOs, though they could transfer liability to seed companies.

"It's putting the onus on the producers and people who sell these crops rather than grow them," said Amy van Saun, an attorney with the Center for Food Safety, a non-

profit that supports HB 2739.

By making patent holders liable for unwanted GMO presence — either through cross-pollination or seed dispersal — the bill reduces potential conflicts among farmers, said Elise Higley, executive director of the Our Family Farms Coalition, which supports HB 2739.

"We don't believe the GE farmer should be held responsible when they follow all the rules," Higley said during a May 23 legislative hearing.

Biotech crops have "tracer genes" to identify patent holders, eliminating confusion about the source of an unwanted GMO, she said. "There's no arguing about it. It's just black-and-white science."

Critics of HB 2739 believe the underlying goal of the proposal is to stop production of GMOs in Oregon.

For developers of genetically engineered crops, the risk of lawsuits would likely outweigh the benefits of licensing biotech traits to growers in the state, opponents say.

"If this bill passes, those seed companies may stop selling to Oregon completely," said Shelly Boshart-Davis, whose family plants genetically engineered alfalfa between rows of hazelnut trees.

Likewise, Oregon State University breeders would be reluctant to use new gene editing techniques due to the financial risks of licensing the resulting crop varieties, said Dan Arp, dean of OSU's College of Agricultural Sciences.

"As the patent holder, we would be liable for the judgment," Arp said.

The bill was subject to sharp questioning by several Republican lawmakers, but the committee's chairwoman, Jennifer Williamson, D-Portland, ended the hearing without any remarks about HB 2739's future, such as a possible work session.

In April, the House Judiciary Committee moved the bill without recommendation to the House Rules Committee, where it's not subject to the same legislative deadlines as in other committees.

# EO Media Group assumes management of Northwest Ag Show

EO Media Group, the parent company of the Capital Press, has assumed management of the Northwest Agricultural Show from Amy and Mike Patrick.

The Patricks, and Amy's parents, Jim and Shirley Heater, have guided the show for 48 years.

"It is with great confidence that Mike and I transition the event to EO Media Group," Amy Patrick said. "I believe they have a broad range of resources that can bolster and improve the show, taking it to its 50th anniversary and beyond."

Joe Beach, editor and publisher of the Capital Press, praised the family's management of the show.

"The Heater family built the Northwest Ag Show into an Oregon institution. In no small measure the family is the show," he said. "As a family business ourselves, we have a particular appreciation for the responsibility we have to maintain what they have created. We are happy that the Patricks and the Heaters are working with us on the 2018 show to ensure a smooth transition."

Amy Patrick has agreed to help EO Media Group through the transition period to maintain continuity. Jim Heater, show founder and longtime manager, will continue to work with the show and provide the move-in/move-out services for exhibitors.

The 49th annual Northwest Agricultural Show will



Courtesy of the Northwest Ag Show

Visitors check out the latest in agricultural equipment and implements at the Northwest Ag Show at the Portland Expo Center. EO Media Group, the parent company of the Capital Press, has assumed management of the Northwest Agricultural Show from Amy and Mike Patrick.

take place Jan. 30 through Feb. 1, 2018, at the Portland Expo Center.

Beach said the Capital Press has had close ties with both the show and its exhibitors for years, so when the show became available it seemed like a natural fit.

"We're new to the show business," Beach said, "but we bring a fair amount of promotional and management expertise to the venture, and have some exciting ideas about how we can build on the show's past successes."

Patrick reflected on her

long association with the show.

"It has been my pleasure to work with so many great exhibitors during my time as manager of the Northwest

Agricultural Show," she said. "The show holds a special place in my heart after growing up with the event and learning the ropes from my parents. As I move on to

other career ventures, I will continue to be supportive and interested in the event; the exhibitors truly became like an extended family to me."



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