

Lawmakers exit Olympia with neither Hirst fix nor capital budget

Washington Farm Bureau a fan of playing hardball

By DON JENKINS
Capital Press

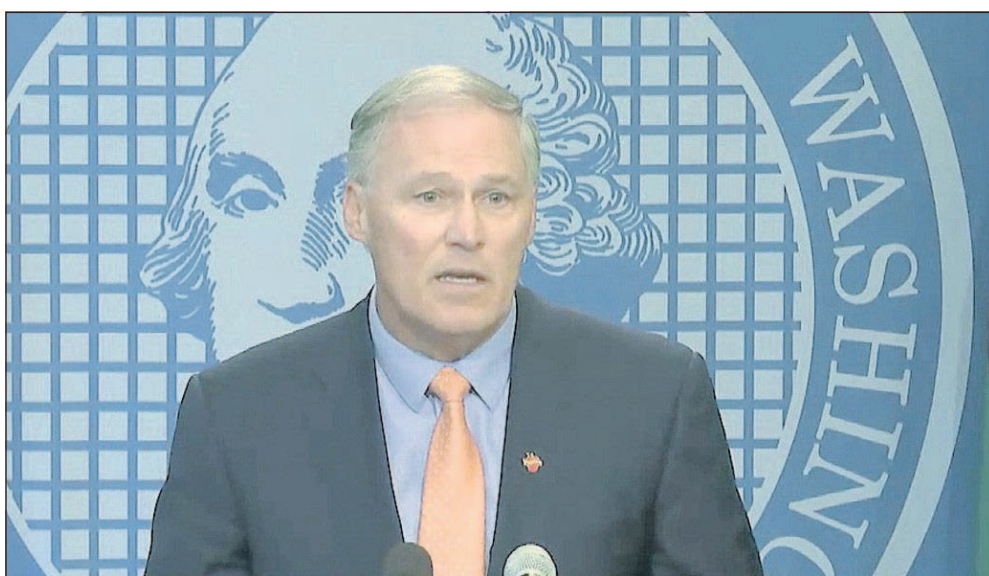
OLYMPIA — The Legislature adjourned indefinitely July 20 without a capital budget or a bill to reopen rural Washington to well drilling.

Senate Republicans made passing a \$4 billion capital budget contingent on countering the state Supreme Court's Hirst ruling, which will force landowners to prove their new household wells won't diminish stream flows.

Gov. Jay Inslee said late in the day that Republicans were being unreasonable, but GOP leaders said playing hardball was the only way to get Democrats to take the issue seriously.

The Washington Farm Bureau stood by the Republican stance, even though the capital budget includes funding for agriculture-related projects.

"We support their position 100 percent. This is import-



Courtesy TVW

Washington Gov. Jay Inslee speaks at a press conference July 21 in Olympia after the Legislature adjourned without passing a capital budget or a bill to reopen the drilling of household wells in rural areas. Inslee blamed the impasse on Republican hardball tactics.

ant," Farm Bureau associate director for government relations Evan Sheffels said. "A lot of folks miss the scope and significance of the issue."

The court's 6-3 Hirst ruling in October threatens to shut down rural homebuilding, reshaping not only water law but also rural economies, tax bases and who gets to control land.

For months, Senate lead-

ers have said lawmakers must "fix Hirst" this session.

Meanwhile, Inslee, a Democrat, said the issue shouldn't distract lawmakers from passing spending plans for the 2017-19 biennium.

In the end, House Democrats offered landowners a 24-month window to drill wells while lawmakers worked on a permanent policy. Senate Republicans said rural families and communities need more than a two-year reprieve and questioned whether a short-term fix was workable for property owners, counties and lenders.

Senate Agriculture Committee Chairwoman Judy Warnick said July 21 that Republicans had met the previous day and had no regrets about drawing a line. "We all decided what we did was the right thing," she said.

A Hirst bill acceptable to the House and Senate appeared to be within reach several weeks ago. Reps. David Taylor, R-Moxee, and Brian Blake, D-Aberdeen, proposed allowing wells, but while charging new drilling fees to raise money for stream-enhancement projects.

Warnick said the proposal was acceptable to her, but said House Democrats wanted to give tribes too much control over nixing mitigation projects, possibly

cornering the Department of Ecology into closing some watersheds to development.

"To give tribes veto power over our water resources was just not acceptable," Warnick said.

As originally proposed, the Taylor-Blake amendment called for Ecology to "consult" with tribes.

"That became the thing that blew it up in the House Democratic caucus — consult vs. consent," said Blake, chairman of the House Agriculture Committee. "That blew it up, and we didn't have majority support in the House Democratic caucus."

One of the House's leaders on the issue, Rep. Derek Stanford, D-Bothell, said Democrats want people to be able to drill wells, but Ecology must be made accountable for preventing in advance new wells from harming senior water rights.

"Obviously, having the tribes do that wasn't acceptable to the other side," he said. "We're open to ideas. If you don't want the tribes, fine. ... We're all ears."

While talks continue, Republicans should have accepted the 24-month delay to help landowners poised to build, Stanford said. "I think we have made it clear we're not going to be bullied by holding the capital budget hostage," he said.

U.S. House looks at ESA, wolf measures

By DAN WHEAT
Capital Press

Endangered Species Act reform, removing the gray wolf from the list of protected species and several other issues championed by U.S. Rep. Dan Newhouse have received recent congressional attention.

The Washington Republican testified July 19 before the House Natural Resources Committee on his bill, HR 1274, which would amend the ESA to require federal agencies to use the best available scientific and commercial data; include information from affected states, tribes and local governments; and disclose all data before any species is listed as threatened or endangered.

An earlier version of the bill passed the House in the last Congress.

Federal agencies are not now required to share data and too often overlook local conservation plans, Newhouse testified.

The National Park Service and U.S. Fish and Wildlife Service released a draft plan earlier this year to re-introduce grizzly bears to the North Cascades, claiming the bears will join an existing population even though the last confirmed sighting of a grizzly in the region was in 1996, Newhouse said.

People deserve to know what data the agencies are using, he said.

USFWS proposed removing the gray wolf from the list of protected species more than four years ago and the best scientific information supports that, yet the wolf remains listed, he said.

The House Appropriations Committee on July 18 approved an Interior Department appropriations bill including Newhouse measures:

- Encouraging USFWS to delist the gray wolf and prohibiting the agency from using any funds to continuing treating the wolf as endangered.

- Continuing funding for the Wolf-Livestock Loss Demonstration Program to assist producers using non-lethal means to reduce wolf predation.

- Reiterating prohibition of the Environmental Protection Agency funding for anti-agriculture "What's Upstream" lobbying.

- Requesting the U.S. Forest Service to increase transparency on how grazing is monitored.

- Directing the USFS to report on the needs of the North Cascades Smokejumper Base at Winthrop and other smokejumper bases and describe their economic and disaster preparedness effectiveness. USFS is considering closing the North Cascades base.

Also July 18, the House Appropriations Committee approved a Homeland Security appropriations bill including a Newhouse measure directing the Federal Emergency Management Agency to address an imbalance in public assistance to rural communities of states with large metropolitan areas.

The House unanimously approved HR 2828, a Newhouse bill extending a deadline for the start of construction of the Enloe Dam Hydroelectric Project by the Okanogan County Public Utility District. The dam, near the Canadian border and 3.5 miles northwest of Oroville, was constructed by Eugene Enloe in 1920 to generate electricity.

It was decommissioned in 1958 when a Bonneville Power Administration high-voltage transmission line provided less expensive electricity into the Okanogan Valley.



Courtesy Office of Rep. Newhouse

U.S. Rep. Dan Newhouse, R-Wash., testifies on his Endangered Species Act reform bill before the House Natural Resources Committee in Washington, D.C., on July 19.

LEGAL

Applications sought for the Oregon Forest Resources Institute (OFRI) Board of Directors.

Pursuant to OAR 629-065-0400, the purpose of this notice is to solicit applications for the Oregon Forest Resources Institute (OFRI) Board of Directors. Applicants meeting all the qualifications will be maintained on a list to be used by the State Forester for filling existing vacancies and to fill vacancies caused by expiration of an existing member's term. Each applicant must certify in the application that he/she meets the qualifications for the position.

Each "producer" applicant for the board of directors shall have the following qualifications: 1) be a citizen of the United States; 2) be a bona fide resident of this state; 3) be a "producer" in this state, an employee of such a producer or own between 100 and 2,000 acres of forestland in this state on which harvest taxes are paid, but have no direct financial interest in any forest products processing activity; 4) have been actively engaged in producing forest products for a period of at least five years; 5) derive a substantial portion of income from the production of forest products ("substantial portion of income" means that 50 percent or more of the gross income of a member of the board of directors is derived from timber or timber products ownership or affiliation); 6) have demonstrated, through membership in producers' organizations or organizations representing landowners who meet the requirements of ORS 526.610(4), a profound interest in the development of Oregon's forest products industry; 7) is available to fulfill the duties and responsibilities of the OFRI Board of Directors; and 8) meets the producer class eligibility requirements for the position to which nominated. Each "employee" applicant shall be: 1) a citizen of the United States; 2) a bona fide resident of this state; and 3) an hourly wage employee of a producer or a person who represents such employees.

The "producer" class eligibility requirements are:

Class 1 Producers having paid forest products harvest tax on 20 million board feet or less per year in the most recent year preceding the appointment.

Class 2 Producers having paid forest products harvest tax on more than 20 million board feet but less than 100 million board feet per year in the most recent year preceding the appointment.

Class 3 Producers having paid forest products harvest tax on 100 million board feet or more per year in the most recent year preceding the appointment.

Small Woodland Owner An owner of between 100 and 2,000 acres of forestland in this state on which harvest taxes were paid in at least one of the five years preceding the appointment, and who has no direct financial interest in any forest products processing activity.

Persons wanting to apply for the OFRI Board of Directors must request application materials from Kathy Storm at OFRI, storm@ofri.org or 971-673-2953. Send completed application packets to the State Forester: Attention Stacy Miller, 2600 State Street, Bldg. B, Salem, Oregon 97310, or via email at stacy.miller@oregon.gov. Applications must be received no later than 5:00 p.m. on August 31, 2017.

30-3/#4

LEGAL

The USDA Natural Resources Conservation Service (NRCS) announces a meeting for the Washington State Technical Advisory Committee (STAC) and Washington Tribal Advisory Council (WATAC) on Thursday, August 24, 2017. This meeting is from 9:30am - 3:30pm at 316 W. Boone Ave., Suite 450, Spokane NRCS Conference Room. Remote access is also available.

For future reference, the schedule has changed from six webinars a year, to two webinars and two face-to-face meetings a year. The next face-to-face is scheduled November 7, 2017, in the Spokane NRCS State Office. For more information, contact Bonda Habets, (509) 323-2961.

30-3/#4

DOL inspects Okanogan growers

By DAN WHEAT
Capital Press

OKANOGAN, Wash. — The U.S. Department of Labor conducted surprise inspections of at least four tree fruit growers in Okanogan County the week of July 9.

"It's a repeat of what occurred three to four years ago when DOL was inspecting farms and farm labor camps and wrote quite a few frivo-

lous citations and hefty fines," said Dan McCarthy, secretary of the Okanogan Horticultural Association and a Tonasket grower.

It's typical for DOL Wage and Hour Division comprehensive investigations to take up to two months and usually cover compliance with laws and regulations concerning wages and hours, housing, transportation, sanitation and worker rights, said Dan Fazio, director of WAFLA farm labor association in Olympia.

"If we know of four of them, there probably are eight," he said.

Wage and Hour investigators choose a different area of the state to inspect each year, he said. Last year it was Yakima and previously it's been the Columbia Basin, southwest Washington and Okanogan, he said.

All four growers being investigated are WAFLA members and are being advised by WAFLA, he said.

The growers are in Okanogan, Omak and Pateros, McCarthy said.

"In the last go-around, they would inspect and then all but threaten you to sign a statement saying you were in violation of some area but would not tell you what. Then later they would send you a notice of what you were in violation of and a fine. So there was no due process," McCarthy said.

"These tactics are not popular with growers," he said.

McCarthy said he has contacted U.S. Rep. Dan Newhouse, R-Wash., who represents the Okanogan, and hopes the new Trump administration changes things.

It's too soon to know if that will happen because the new

administration doesn't have its policy people in DOL yet except at the very top, Fazio said.

Fazio and McCarthy scheduled a meeting for growers in Okanogan to advise them on what to do and not do if contacted by DOL.

They invited DOL to the meeting.

Meanwhile, Ernie del Rosario, an Ellisforde grower, said DOL issued findings against him a couple of months ago from a 2013 audit and want him to pay \$186,000 in back wages he says he doesn't owe. DOL will not give his attorney the rationale for the findings, he said.

He said growers are angered by the new DOL investigations.

Leo Kay, DOL spokesman in San Francisco, would not say how many DOL inspections or investigations are occurring in Okanogan County. He said DOL does not discuss current investigations.

"Investigators strive to treat employers and workers alike with respect and fairness when looking into potential wage violations," he said.

In May 2016, DOL sought to distribute \$385,318 to more than 1,000 workers that it received in a court judgment against Blue Mountain Farms near Walla Walla for alleged violation of minimum wage and overtime laws in 2013.

In August 2015, a Mesa, Wash., grower said he felt manipulated and unfairly fined \$16,000 to lift a DOL seizure of his apples on allegations of children working in his orchard. The grower said he never tried to employ children but that sometime pickers can't find day care.

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