

Washington raspberry growers see red, feel blue

Commission to hire legal help

By **DON JENKINS**
Capital Press

The Washington Red Raspberry Commission has committed \$150,000 to further investigate whether growers are the victims of unfair trade practices and if so what they can do.

The market has worsened since the commission retained a law firm last spring to undertake a preliminary probe, the commission's executive director, Henry Bierlink, said.

"The alarm bells started to ring last spring. We wanted to see what happened in the summer and fall. The answer is, it's turned in the wrong direction," he said. "There are more concerns rather than fewer."



Courtesy of Jayson Korhnius/Whatcom Family Farmers

Raspberries are harvested in Whatcom County, Wash. The Washington Red Raspberry Commission will hire a law firm to look into whether berry growers are being undercut by unfair trade practices.

Washington leads the U.S. in red raspberries grown for processing. The farmers, most of whom are in Whatcom County, compete for domestic customers with berries from many countries, including

Mexico, Serbia, Peru, China and Chile. Imported fruit makes up about half the processed red raspberries sold in the U.S., according to the National Processed Raspberry Council, a commodity check-

off program overseen by the USDA.

The average price of processed red raspberries dropped to 97 cents a pound in 2016 from \$1.45 the year before, according to the USDA. The value of a record harvest in Washington last year was less than the previous year's drought-diminished crop, according to the USDA. Figures aren't available for this year, though prices are reportedly below the cost of production.

Lynden farmer Marty Maberry, who's on the raspberry commission board, said U.S. growers have different labor costs, food-safety standards and environmental regulations than their foreign competitors. All are putting domestic farmers at a disadvantage, he said.

"The long-term potential could be shifting these la-

bor-intensive crops out of the country," he said. "We're trying to get a conversation going. Are we OK with that?"

The commission successfully petitioned for relief in 2002 and 1985 from berries being dumped into the U.S. and driving prices below production costs. Those cases, however, involved just one other country, Canada in 1985 and Chile in 2002. This time, red raspberries are coming into the U.S. from many countries, potentially complicating an anti-dumping claim.

The commission is also looking at the U.S. trade law that allows the president to impose tariffs to safeguard an industry threatened by an influx of imports. The law, however, has been rarely invoked, and for much larger industries.

The U.S. International

Trade Commission is currently reviewing petitions from manufacturers of washing machines and solar technology. President George W. Bush used the law in 2002 to protect the steel industry. The World Trade Organization overturned the president's order the following year.

The commission is looking at forming alliances with growers in other states, such as Florida tomato farmers, who also report suffering from a disparity in labor costs, especially compared to Mexico.

"The imports are gaining ground, and we're losing it. NAFTA is not helping," Bierlink said.

The red raspberry commission, a state body, must solicit proposals for legal services. Bierlink said he expects to have a firm retained by the middle of November.

Ruling reinstates 23,000 acres as wild horse territory

By **MATEUSZ PERKOWSKI**
Capital Press

A federal court ruling has effectively reinstated about 23,000 acres as wild horse territory in California's Modoc National Forest despite local ranchers' objections.

When the Devil's Garden Wild Horse Territory was originally created by the U.S. Forest Service in 1975, it consisted of 236,000 acres divided into two tracts.

However, in the 1980s, an agency map connected those two swaths of land with a 23,000-acre "middle section" that was later included in a forest management plan.

In 2013, the Forest Service decided that including the "middle section" in the map was an "administrative error" and excluded that area from the wild horse territory.

The American Wild Horse Preservation Campaign, a nonprofit group, filed a lawsuit alleging the change violated horse protection, forest management and environmental laws.

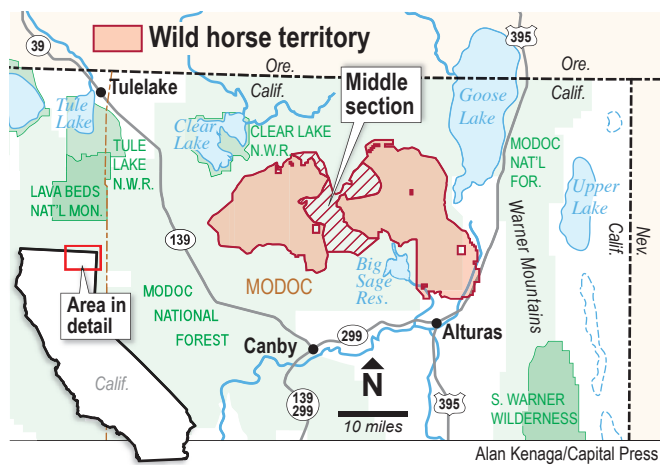
The California Cattlemen's Association and other groups intervened in the litigation on behalf of local ranchers who have grazing allotments in the area.

Rangeland in the "middle section" has been "rendered nearly unusable by wild horses," which overgraze vegetation, trample waterways,



Courtesy of Larisa Bogardus/BLM

An appeals court has reinstated 23,000 acres as wild horse territory in the Modoc National Forest.



Alan Kenagal/Capital Press

destroy fencing and migrate onto private property, the intervenors said.

A federal judge dismissed the case in 2015, ruling that the boundary correction wasn't "arbitrary and capricious" because the "middle section" was never formally

incorporated into the wild horse territory.

The U.S. Court of Appeals for the D.C. Circuit has now reversed that decision and overturned the Forest Service's exclusion of the 23,000 acres from the territory.

"A 23,000 acre tract of

land and two decades of agency management cannot be swept under the rug as a mere administrative mistake," the ruling said.

According to the appeals court, the Forest Service violated administrative law by failing to "adequately explain its change in policy" and not considering whether removing the "middle section" required a comprehensive environmental analysis.

The agency's defense that the 23,000 acres were never formally part of the wild horse territory is undermined by its forest management plan, official statements and two decades of agency practice, the court said.

"Blinders may work for horses, but they are no good for administrative agencies," the ruling said.



Nicolas Datiche/For the Capital Press

Jun Mokudai, left, director of Oregon's trade office, Oregon Gov. Kate Brown, center, and Director of Agriculture Alexis Taylor show off Oregon craft cider and beer ahead of a seminar on Japanese trade Oct. 13.

TPP rejection overshadows Oregon trade trip to Japan

By **RICHARD SMITH**
For the Capital Press

TOKYO — Gov. Kate Brown recently led an Oregon delegation to Japan focused on doing business with the state's top export market for agricultural products, but she said the Trump administration's rejection of the Trans-Pacific Partnership has put a damper on any new business.

Brown told the Capital Press the delegation of Oregon businesses had conversations about the TPP with the Japanese business leaders it met, as well as with the U.S. embassy.

"We are clearly right now in a no-person's-land, where there's a lack of clarity about federal policy," Brown said of the TPP. One of President Donald Trump's first acts after he entered office was to reject the TPP, a trade agreement among 12 Pacific Rim nations, including Japan and U.S. He said he intends to negotiate one-on-one treaties with the nations involved.

Brown said her role as Oregon governor is to make sure that exporters are continuing to build relationships to ensure that the state's

products find lucrative markets. But she said uncertainty over tariffs hinders trade on both sides.

"I certainly raised this issue when I was speaking to (U.S. ambassador to Japan William) Haggerty, letting him know that our agricultural products are very reliant on the markets in Asia, particularly in Japan, and that we need to make sure that we can get our products to market in a cost-efficient manner," Brown said.

Headed by Oregon Director of Agriculture Alexis Taylor, the contingent of eight food and beverage exporters included Willamette Valley Fruit Co. of Salem, OFD Foods of Albany, Northwest Hazelnut Co. of Hubbard, Ponzi Vineyards of Sherwood, 2 Towns Cider of Corvallis, Bossco Trading Co. of Tangent, Weaver Seed Processing of Scio and Pacific Seafood of Clackamas.

One of the things the agribusiness side of the tour focused on was helping companies build additional relationships with importers if they are already exporters, or helping introduce them to the market if they are first-time exporters here, Taylor said.

Reward in wolf poaching case jumps to \$15,000

By **ERIC MORTENSON**
Capital Press

A coalition of five conservation groups said it added \$10,500 to a reward offered for information about the shooting of a protected gray wolf in the Fremont-Wenema National Forest of Southern Oregon.

Combined with a \$5,000 reward previously offered by U.S. Fish and Wildlife Service, the fund now stands at \$15,500. The federal agency and Oregon State Police are investigating.

The carcass of a wolf designated OR-33 by Oregon Department of Fish and Wildlife was discovered in April 2017 and taken to a USFWS lab in Ashland, Ore., for a necropsy. The results were not announced until Oct. 11. The animal had one or more gunshot wounds, according to

USFWS. It's not clear when the wolf was shot.

Another wolf, OR-28, was found dead in the forest in October 2016. It also was examined at the Ashland lab, but the cause of death hasn't been disclosed.

Activist groups have warned that wolves are being poached in Oregon and have called upon state officials to take action to protect the animals. Oregon Wild, Defenders of Wildlife, Center for Biological Diversity, Klamath-Siskiyou Wildlands Center and Humane Society of the United States jointly announced the additional reward contribution.

According to ODFW reports, 2015 was particularly deadly for wolves. OR-13 ingested a chemical that is deadly to animals; OR-34 and OR-31 were shot and the investigations are open; OR-22 was

shot by a man who reported it to state police and said he'd been hunting coyotes; the Sled Springs pair were found dead of unknown cause. An uncollared sub-adult wolf was shot in 2016. Earlier in 2017, wolf OR-48 died when it bit a spring-loaded cyanide powder trap set by USDA Wildlife Services in an attempt to kill coyotes.

Gray wolves are listed as endangered in the western two-thirds of Oregon, and under the Endangered Species Act it is a crime to kill them.

Anyone with information about the cases should call U.S. Fish and Wildlife Service at 503-682-6131, or the Oregon State Police Tip Line at 800-452-7888. Callers may remain anonymous.

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