

## Lawyer: Forest bill allows tribes to grab county power

By DAN WHEAT  
Capital Press

YAKIMA, Wash. — While intended to improve forest management to reduce the threat of wildfires, the Resilient Federal Forests Act also allows the federal government to supplant the voice of counties with that of Indian tribes in managing some federal lands, a constitutional attorney says.

"It's a mystery to me why this passed out of the Republican House with this language intact," said George Wentz, a constitutional lawyer and former Reagan administration official. He spoke at the Washington Farm Bureau's annual meeting in Yakima on Nov. 15.



George Wentz

The act, HR 2936, which the House passed 232-188 on Nov. 1, includes a section allowing the secretary of the Interior or the secretary of Agriculture, at the request of a tribe, "to treat federal forest land as Indian forest land for purposes of planning and conducting forest land management" ... if it "is located within, or mostly within, a geographic area that presents a feature or involves circumstances principally relevant to that Indian Tribe."

This includes land ceded to the U.S. by treaty, federal land within a current or former reservation or land adjudicated to be tribal homelands. Authority is limited to planning and conducting management and "shall not be construed to designate federal forest land as Indian forest land," the bill states.

Currently, federal forest lands are under the dual jurisdiction of counties and the federal government, said Wentz, a partner in Davillier Law Group in New Orleans and Sandpoint, Idaho. The bill removes county jurisdiction and replaces it with tribal jurisdiction at the discretion of one of the department secretaries, he said.

"With regard to planning, this would make the tribe the dominant party interacting with the Forest Service on land rather than the county. Think of the impact on issues like harvesting timber and water rights," Wentz said.

"This could be used, along with the Antiquities Act, to tie up vast areas of the West," he said. "How does the federal government have the right or power to remove land within a county from the jurisdiction of the county and suddenly treat it as tribal land? People in the county have no voice in the decision to remove it."

Rep. Raul Labrador, R-Idaho, has said he will try to fix it in conference committee with the Senate, "but there's no certainty it can be fixed at that point and I can't understand why 17 Republicans put it in there," Wentz said.

The bill was sponsored by Rep. Bruce Westerman, R-Ark., and co-sponsored by 16 Republicans and two Democrats. Republicans include Reps. Cathy McMorris Rodgers and Dan Newhouse of Washington and Greg Walden of Oregon. Labrador, Newhouse and Walden did not respond to requests for comment.

A McMorris Rodgers aide pointed to a Seattle Times op-ed piece by McMorris Rodgers and Jim Boyd, chairman of the Colville Confederated Tribes, written in 2015 after the bill passed the House the first time.

They noted that summer's fires burned 15 homes and 250,000 acres of tribal lands and said the bill "would grant authority to tribes to treat surrounding land like they do their own" for better management to prevent fires.

# Industry leaders: Wheat crop one of the best

By SEAN ELLIS  
Capital Press

BOISE — Idaho's wheat growers this year produced what many people are calling one of the state's highest quality crops ever, if not the best ever.

"In the 15 years I've been here, this is, in terms of quality, the best wheat I've seen statewide," said Idaho Wheat Commission Executive Director Blaine Jacobson. "The whole state had a good crop."

That quality was excellent across the state is unique because growers in North and South Idaho grow different classes of wheat for different markets, said Cathy Wilson, director of research collaboration for the IWC.

"It was not the biggest crop but the quality was exceptional," she said. "There were very few discounts taken this year."

Idaho farmers produced



Courtesy of "Genesee" Joe Anderson

Hard red winter wheat is harvested on Joe Anderson's farm in the Lewiston, Idaho, area. State wheat officials report an exceptionally high quality crop this year.

90.7 million bushels of wheat in 2017, which is 12 percent less than last year's total of 102.8 million bushels.

A total of 1.1 million acres of wheat was harvested in the state this year, down slightly from 1.13 million acres last year. Yields averaged 82.2 bushels per acre

statewide in 2017, down from last year's record of 91.4 bushels.

What Idaho's wheat industry lacked in total production in 2017 was made up for in quality, industry leaders and growers said.

"Our harvest this year was generally pretty good. The quality was especially good,"

said Jerry Brown, a southeast Idaho farmer.

Yields were all over the board, but quality was superb, said "Genesee" Joe Anderson, a North Idaho grower. Problems in past years with quality such as falling number scores, test weights and protein levels were not an issue this year, he said.

"Everything we've had trouble with (in past years) is right where the customers want it this year," Anderson said.

Dennis Capson, a merchandiser for Scoular Co., a marketing company that specializes in grain, said, "Overall, especially the proteins of wheat in Idaho were fantastic this year."

During the IWC's regular quarterly meeting last week, Columbia Grain Manager Brian Lorentz stressed to the commission's grower board members how important it is for them to continue to grow a consistently high

quality crop.

"We have the markets we have and we're making the money we're making currently because we have good quality wheat," he said. "We're not growing junk varieties."

The quality of the entire Pacific Northwest soft white wheat crop was great this year, said Steven Wirsching, vice president of U.S. Wheat Associates' West Coast office.

"The soft white grain in the Pacific Northwest this year is really good quality," he said. "Overall, it's going to average a No. 1 grade."

Wirsching said the problems some wheat farmers in the Pacific Northwest have had in recent years with falling numbers scores didn't materialize this year.

"This year, falling numbers is not a problem," he said. "We just got good weather and good falling numbers to go with it."

## Idaho Potato Commission takes steps to address quality concerns

By JOHN O'CONNELL  
Capital Press

FORT HALL, Idaho — The Idaho Potato Commission is collaborating with researchers, major buyers, growers and shippers to address recent quality concerns about some of the state's fresh potato shipments.

Much of the discussion during IPC's Nov. 14 Big Idaho Potato Harvest Meeting, hosted at the Shoshone-Bannock Hotel and Event Center, focused on the need to reduce bruising and other imperfections in fresh shipments.

IPC President and CEO Frank Muir explained the commission is partnering with Walmart and a major food service buyer to learn more about the causes of quality problems,



Mike Thornton

in response to an increasing number of customer complaints since the 2015 harvest.

Muir said IPC also plans to conduct quality-improvement workshops for growers and shippers, is developing a handbook outlining best practices for handling potatoes and has commissioned University of Idaho potato researchers Nora Olsen and Mike Thornton to study the supply chain and determine causes of damage.

"When you have a premium brand, it has got to be backed up with premium quality," Muir said, after reading complaints from buyers left on

social media and IPC's voice mail. "We can't rest on our laurels. We have got to always be improving."

Muir cited statistics showing rapidly growing demand for Idaho potatoes. Last season the state shipped a record volume of fresh potatoes, up 12 percent from the prior year. He said he'd hate to see any perceived quality problems affect that growth trend.

Armand Lobato, IPC's food service and promotion director for the West, said he's most concerned about customers who aren't complaining but may simply shift their business.

"For the most part, we're pretty darned good, but if we're at all tempted to compromise that quality, that's letting our opponent back in the

game," Lobato said.

Olsen and Thornton started their special project for the commission in August. The researchers gathered data during potato harvest using a ball with sensors to simulate bruising. They've also studied reports from retailers who rejected Idaho potato shipments during 2016 to identify commonalities, and they have used their data to develop a list of 10 ways growers and shippers can reduce bruising. They advised the industry to take steps such as adding padding to harvesting equipment, reducing the height from which potatoes fall within equipment, harvesting when soil conditions are appropriate and paying close attention to humidity and temperature in storage.

The researchers plan to track several potato shipments from throughout the season, working closely with retailers and buyers and meeting shipments at their destinations to evaluate where problems may be occurring.

"As the 2017 crop is shipped, we will go to distribution centers and look at quality when it is shipped from Idaho and look at quality when it arrives," Thornton said.

Thornton believes extreme temperature fluctuations during recent harvests could be complicating matters. He also noted farms now harvest higher-yielding crops from far more acres.

"We're using bigger equipment," Thornton said. "We're pushing this crop harder and harder."

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