

Agencies put brakes on WOTUS

By CAROL RYAN DUMAS
Capital Press

The EPA and U.S. Department of the Army on Wednesday finalized a rule that would delay implementation of the controversial 2015 Clean Water Rule for two years while they work to come up with a replacement.

The rule, which sought to clarify the definition of “waters of the United States” regulated under the Clean Water Act, was strongly opposed by agriculture, states and businesses — which contend it greatly expands federal regulatory authority in violation of congressional intent.

The agencies’ action comes on the heels of a U.S. Supreme Court ruling that lifts a stay on implementation of the WOTUS rule. That court determined that the Sixth U.S. Circuit Court of Appeals does not have original jurisdiction in the lawsuits challenging the rule and therefore lacks authority to issue a stay on



File photo

Agricultural groups see the EPA and U.S. Department of the Army’s finalized rule that would delay implementation agencies’ action as a death knell on the controversial rule they contend greatly and unlawfully expanded federal authority under the Clean Water Act.

implementation.

The agencies issued a press release on Wednesday saying the Supreme Court’s action could result in confusion as to which definition of WOTUS applies nationwide.

“Given uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community

during the ongoing regulatory process,” they stated.

In June, the agencies proposed a rule to rescind the 2015 Clean Water Rule and are currently reviewing public comment on that proposal.

They are also reviewing input from state, local, and tribal governments and other stakeholders to develop a rule that would revise the definition of WOTUS.

The American Farm Bureau Federation, National Cattlemen’s Beef Association and Western Growers promptly issued statements applauding the agencies’ action.

The 2015 rule was hopelessly vague, expansively defining waters of the U.S., said Zippy Duvall, AFBF president.

“That rule would have put a stranglehold on ordinary farming and ranching by treating dry ditches, swales and low spots on farm fields just like flowing waters. Without today’s action, countless farmers and ranchers, as well as other landowners and businesses, would risk lawsuits and huge penalties for activities as common and harmless as plowing a field,” he said.

Delaying the rule is part of a measured process to provide regulatory certainty to farmers and ranchers while the agencies continue the important work of withdrawing and rewriting the unlawful rule, he said.

Scott Yager, NCBA’s chief environmental counsel, said the agencies’ two-year delay on implementation ensures the 2015 WOTUS rule never comes back.

“We thank Administrator Pruitt and his team for this prompt action, which protects agricultural producers across the country, and we look forward to the next steps — repeal and replace,” he said.

Dennis Nuxoll, Western Growers vice president of federal government affairs, said America’s food producers are the nation’s first and finest stewards of the land and its resources.

“Yet, the Obama-era clean water rule overextended the reach of the Clean Water Act, jeopardizing the livelihood of family farmers across the country,” he said.

“We applaud EPA and the Army Corps for hitting the pause button while we search for added clarity and certainty for America’s farmers,” he said.



Capital Press file photo

A Washington Senate panel has passed a bill to form a task force on alerting the public to pesticide applications.

Senate panel passes softened pesticide legislation

By DON JENKINS
Capital Press

OLYMPIA — The Senate Labor and Commerce Committee on Wednesday passed a Seattle Democrat’s proposal to form a task force to develop a plan for farms to notify the state before spaying pesticides.

The legislation forwarded to the Senate’s budget committee was a much-modified version of a bill that drew strong opposition from farm groups at a hearing last week. Senate Bill 6529 now calls for the task force to recommend a notification protocol for the 2019 Legislature to consider.

“We’ll come back with legislation that I hope you guys will consider next year,” said the bill’s sponsor, Sen. Rebecca Saldana, D-Seattle.

As introduced by Saldana, the bill would have required growers to inform the state Health Department four business days before each pesticide application. Health officials would have then been required to give residents and schools within a quarter-mile a two-hour notice.

Farmers said they don’t know that far in advance whether the weather will let them spray. Also, they said they need to react quickly to diseases and pests.

The bill also proposed requiring farmers and pesticide applicators to submit detailed spraying records to the Health Department each month.

The particulars of the bill have been removed. Instead, the bill assigns the task force, led by the Agriculture and Health departments, the job of recommending a “pesticide drift exposure notification system” by Nov. 1.

The task force also would be charged with making a recommendation on making pesticide application records available to the public.

The amended bill passed on a voice vote, though Sen. Michael Baumgartner, R-Spokane, said he was opposed.

“Obviously, there’s a lot of concern in the agricultural community about where this bill might lead,” he said.

The bill in its original, stronger, form was supported by labor, education and environmental groups, as well as Columbia Legal Services.

Farmers said they were concerned that making their pesticide records would expose them to lawsuits and harassment, as well as tip off competitors about their practices.

The task force would include legislators and representatives from Labor and Industries, the Department of Natural Resources, the Commission on Hispanic Affairs and the state schools office.

The agriculture director and health secretary would appoint 10 other members. They would draw from farmers, pesticide applicators, labor groups, environmental organizations, farmworker and children’s advocates, and the Washington State PTA.

Zinke backs moving BLM headquarters west

By DAN ELLIOTT
Associated Press

DENVER — From its headquarters in Washington, D.C., the U.S. Bureau of Land Management oversees some of the nation’s most prized natural resources: vast expanses of public lands rich in oil, gas, coal, grazing for livestock, habitat for wildlife, hunting ranges, fishing streams and hiking trails.

But more than 99 percent of that land is in 12 Western states, hundreds of miles from the nation’s capital. Some Western politicians — both Republicans and Democrats — are asking why the bureau’s headquarters isn’t in the West as well.

“You’re dealing with an agency that basically has no business in Washington, D.C.,” said Colorado Republican Sen. Cory Gardner, who introduced a bill to move the headquarters to any of those dozen states: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington or Wyoming. The Bureau of Land Management manages a combined 385,000 square miles in those states.

Colorado Republican Rep. Scott Tipton introduced a similar measure in the House, and three Democrats signed up as co-sponsors: Reps. Kyrsten Sinema of Arizona, Jared Polis of Colorado and Ed Perlmutter of Colorado.

Some Westerners have



Interior Secretary Ryan Zinke backs moving the Bureau of Land Management’s headquarters out of Washington, D.C., and into the West where it manages hundreds of thousands of square miles of property.

long argued federal land managers should be closer to the land they oversee, saying Washington doesn’t understand the region. Now they have a powerful ally in Interior Secretary Ryan Zinke, a Montanan who is leading President Donald Trump’s charge to roll back environmental regulations and encourage energy development on public land.

Zinke said in September he wants to move much of the Interior Department’s decision-making to the West, including the Bureau of Land Management, which is part of the agency.

The Washington Post reported last month Zinke’s plan includes dividing his department’s regions along river systems and other natural features instead of state borders,

and using them to restructure oversight.

A big part of the bureau’s job is to lease drilling, mining and grazing rights on public land to private companies and individuals. That puts it at the center of a heated national debate over how those lands should be managed, and by whom.

Some recent disputes:

- Much of Bears Ears National Monument in Utah, created by President Barack Obama and greatly reduced by Trump, is on Bureau of Land Management land.

- Rancher Cliven Bundy’s long battle against federal control of public land, which culminated in a 2014 armed standoff in Nevada, began on bureau acreage.

- More than 50,000 square miles of Bureau of Land Management land in the West is at the heart of a debate among conservationists, ranchers and energy companies over how much protection to give the shrinking population of the greater sage grouse, a ground-dwelling bird.

The bureau manages more public land than any other federal agency, ranging from about 1 square mile in Virginia to nearly 113,000 square miles in Alaska. That doesn’t include national parks or national forests, which are managed by other agencies.

It has about 9,000 employees, with fewer than 400 in Washington. The rest are scattered among 140 state, district

or field offices.

“The larger issue is that states and counties that are predominated by public lands are deeply affected by decisions made by BLM,” said Kathleen Sgamma, president of the Western Energy Alliance in Denver, which represents the oil and gas industry. “So it makes sense (for the headquarters) to be in a state where there are a high percentage of public lands.”

In Nevada, where the Bureau of Land Management manages 66 percent of the land — a bigger share than any other state — Republican U.S. Rep. Mark Amodei called the idea intriguing but stopped short of endorsing it.

“I’m excited about the fact that they’re looking at it,” he said.

Amodei said he has spoken with bureau officials in Washington who know so little about Nevada they thought the land under a highway interchange was wildlife habitat.

Few say moving the bureau’s headquarters would tilt its decision-making toward commercial use or preservation and recreation.

But some environmental groups question whether it would produce real benefits.

Aaron Weiss, media director for the Center for Western Priorities, said Zinke has been limiting opportunities for local comment on national monuments and BLM planning, and moving the headquarters West wouldn’t reverse that.

Oregon Fruit Products finds new home in former cannery

By GEORGE PLAVERN
Capital Press

After 83 years at its original West Salem location, Oregon Fruit Products has found a new home.

The company plans to move its headquarters and processing plant by the end of the year, though it won’t be going far. CEO Chris Sarles announced a deal Thursday to buy the former NORPAC canning facility in southeast Salem, near the city’s airport.

“We were pleased to share with our team that the company roots would remain firmly planted in Salem,” Sarles said in a statement. “We are look-



George Plavren/Capital Press

Oregon Fruit Products has announced a deal to buy the former NORPAC Foods vegetable canning plant in southeast Salem. The company will renovate the plant and move in later this year.

ing forward to growing our business and employment in the city where we were established.”

Oregon Fruit Products was

founded in 1935 by Max Gehlar. Today, the company sells a variety of canned, frozen and processed fruit including cherries, raspberries, blackberries and blueberries.

In recent years, Oregon Fruit has also expanded its fruit for fermentation business aimed at breweries and cider mills. With expansion has come the need to increase production capacity, Sarles said.

“We continue to grow very nicely,” Sarles told the Cap-

ital Press. “We’ve had some year-over-year growth that has pushed us to a place where we’ve had to both update our equipment, as well as give us some breathing room.”

Sarles, who was hired in 2014, said the company spent several years looking for a new facility either in Salem or elsewhere. In July 2017, NORPAC Foods sold its canning business to Seneca Foods Corp., which presented an opportunity for Oregon Fruit to take over the old vegetable canning plant on 22nd Street Southeast.

Working with the Salem City Council, Mayor Chuck Bennett and the nonprofit Strategic Economic Development Corp., Sarles said they were able to buy the 26-acre property. Terms of the sale were not disclosed.

“Everyone worked well together,” Sarles said. “To stay in Salem and keep our team in place is just great. We’re very excited.”

Oregon Fruit has 85 full-

time employees, plus roughly 100 seasonal workers during harvest season.

Renovation of the old NORPAC cannery will begin right away, and Sarles said company managers hope to finish moving operations by November or December. At 165,000 square feet, the building is larger than they need, but will allow them to grow into the space.

“We’re continuing to make significant investments in the building to really make it an updated facility over there,” he said.

Oregon Fruit remained in the Gehlar family for three generations before selling to Ed and Cyndy Maletis in 2011. Ed Maletis and his family also own several other Oregon-based businesses, including Portland Bottling Co. and HealthCo Information Systems.

Maletis said his goal is to preserve the legacy of Oregon Fruit as a local, family-owned business.

USDA United States Department of Agriculture
Natural Resources Conservation Service

USDA NATURAL RESOURCES CONSERVATION SERVICE

Local Work Group Meeting for Marion County
February 23rd, 2018
9:00am - 12:00pm
650 Hawthorne Ave SE, Suite 130, Salem, OR

For more information call:
Les Bachelor 503-399-5741 x4816

NRCS will hold their annual Local Work Group Meeting to gather input from farmers, ranchers, state and federal agencies, agriculture, energy, and conservation organizations regarding Farm Bill conservation priorities in Marion County.

Request accommodations for persons with disabilities should be made at least 48 hours before the meeting to Les Bachelor at 503-399-5741 x4816

6-1/106

LEGAL

PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 2/23/2018. The sale will be held at 10:00am by

COPART OF WASHINGTON
2885 NATIONAL WAY, WOODBURN, OR
2017 DODGE CHALLENGER 2DR
VIN = 2C3CD2B76H589161
Amount due on lien \$1,475.00
Reputed owner(s)
PHILIP C. ALLMER
CAPITAL ONE AUTO FINANCE

legal-6-2-3/999

LEGAL

PURSUANT TO ORS CHAPTER 819

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 2/16/2018. The sale will be held at 10:00am by

RANDY'S TOWING
925 WILCO RD., STAYTON, OR
2003 HYUNDAI SANTA FE UT
VIN = KM8S13E53U474791
Amount due on lien \$3,479.00
Reputed owner(s)
CORY M PETERSON & JEFFREY M JENDRO
OREGON COMMUNITY CU

legal-5-2-1/999

LEGAL

PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 2/16/2018. The sale will be held at 10:00am by

COPART OF WASHINGTON
2885 NATIONAL WAY, WOODBURN, OR
2016 TOYOTA COROLLA 4DR
VIN = 2T1BURHE5GC714109
Amount due on lien \$4,295.00
Reputed owner(s)
AIG

legal-5-2-1/999